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PROCEEDINGS AND DEBATES OF THE 92^{d} CONGRESS, SECOND SESSION

SENATE—*Thursday, March 2, 1972*

The Senate met at 9:45 a.m. and was called to order by Hon. DAVID H. GAMBRELL, a Senator from the State of Georgia.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following **prayer:**

Almighty God, in whose providence we have been kept and brought to this new day, we beseech Thee to purify our lives and deepen our fidelity to Thee that the hard decision may become clearer and the difficult task less burdensome. Grant us inner lives of poise and power sufficient for the claims of daily duty. Put our minds in harmony with Thy mind and our spirits so in tune with our fellow workmen that the good life sought may be the life realized. May all that we think and say and do enhance the welfare of the Nation and advance that kingdom whose builder and maker is God. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 2, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. DAVID H. GAMBRELL, a Senator from the State of Georgia, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. GAMBRELL thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, March 1, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 644 and 646.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COL. CHARLES V. GREFFET

The Senate proceeded to consider the bill (S. 2094) for the relief of Col. Charles V. Greffet, which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 6, after the word "of", where it appears the second time, to strike out "$7,000" and insert "$7,436.14"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Colonel Charles V. Greffet (United States Air Force), of Tucson, Arizona, the sum of $7,436.14 in full settlement of all his claims for the value of personal property which was lost in a fire caused by an incendiary device set by terrorists on October 16, 1970, which destroyed the residence, owned by the United States and occupied by the said Colonel Charles V. Greffet, in connection with the performance of his duties as Defense/Air Attaché with the United States Embassy in Argentina.

SEC. 2. No part of any amount appropriated under this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Violation of this section is a misdemeanor punishable by a fine not to exceed $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–674), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, **as follows:**

PURPOSE

The purpose of the proposed legislation, as amended, is to pay Colonel Charles V. Greffet the sum of $7,436.14 in full settlement of all his claims for the value of his personal property lost in a fire in Buenos Aires, Argentina, where he was Defense/Air Attaché at the American Embassy.

PURPOSE OF THE AMENDMENT

The purpose of the amendment is to reflect the actual loss suffered by Colonel Greffet as computed by the Air Force in its report on the bill. The correct amount was not available to the sponsor when the legislation was introduced.

STATEMENT

The Department of the Air Force in its report to the committee on S. 2094 indicated that it would have no objection to the bill. The facts as contained in that report are as follows:

[Colonel Greffet's] personal property was destroyed in a fire of incendiary origin on October 16, 1970, at his assigned residence in Buenos Aires, which was owned by the United States. Colonel Greffet presented claims to the Air Force for a total sum of $43,834.06 for the loss of his personal property. The Air Force evaluated Colonel Greffet's claims and determined that the depreciated value of his property at the time of the loss was $27,436.14. The Air Force accordingly paid Colonel Greffet $10,000.00, the maximum payable under 31 U.S.C. 240–42. Colonel Greffet also received $10,000.00 from his private insurer, Armed Forces Cooperative Insuring Association, leaving, by Air Force evaluation, $7,436.14 of his loss uncompensated.

The sponsor of this legislation in a letter to the committee submitted the following additional observations:

According to the official report prepared by the chief fire inspector of the local government, the fire started at a window facing the street on the ground floor and its origin "must be classified as hypothetically intentional."

Based on the nature of the flash fire and in light of accounts by witnesses, U.S. Ambassador John Davis Lodge in Argentina reports "many people believe that the fire was started by an incendiary device set by a terrorist."

The unchallenged evidence conclusively establishes that Colonel Greffet has suffered the loss of valuable personal possessions as a direct result of the conduct of his official duties while serving as Defense/Air Attaché with the U.S. Embassy in Argentina. Not only did the loss occur at a U.S. Government owned residence in which Colonel Greffet and his family were required to live, but the weight of the evidence indicates the source of the fire was an act of sabotage by terrorists who intentionally attacked U.S. property known to be inhabited by a U.S. official.

In view of these extraordinary circumstances, the committee has concluded that in this case legislative relief is appropriate. The committee believes that S. 2094, as amended, is meritorious and recommends it favorably.

NATIONAL HUNTING AND FISHING DAY

The Senate proceeded to consider the joint resolution (S.J. Res. 117) asking the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day."

Mr. McINTYRE. Mr. President, I am pleased that the Senate is acting on National Hunting and Fishing Day, Senate Joint Resolution 117.

I commend the distinguished Senator from Arkansas (Mr. McCLELLAN) and the distinguished Senator from Nebraska (Mr. HRUSKA) who from the Federal Charters, Holidays, and Celebrations Subcommittee of the Judiciary Committee which handled this legislation and reported it to the Senate.

These distinguished Senators plus 35 other Members have joined in cosponsoring this resolution which will recognize the outdoorsmen of this country in a new and meaningful way.

The support here in the Senate has been matched by endorsement in the House of Representatives. This resolution has been introduced in the House by Congressman BOB SIKES, of Florida, and 44 other Congressmen have joined him in supporting the resolution.

Already a great national movement is underway to celebrate the fourth Saturday of September—September 23—as National Hunting and Fishing Day. Nearly 75 national groups representing wildlife enthusiasts, environmentalists, sportsmen, service clubs, labor organizations, foresters, and recreationalists are working to see that September 23 is a meaningful day.

A steering committee to conduct that national activities on September 23 has been set up. It is headed by Mr. Thomas L. Kimball, executive director of the National Wildlife Federation and Mr. Raymond C. Hubley, executive director of the Izaak Walton League of America. Mr. Charles Dickey, promotion director of the National Shooting Sports Foundation, who has worked long and diligently on this resolution is acting as secretary of the national effort.

The Governors of 23 States proclaimed State hunting and fishing days during 1971. Many activities occurred around the country in September of last year even though no national recognition had been given to the celebration at that time.

I would like to say as I have said since I introduced this resolution last year that the enormous and spontaneous support that has been given to National Hunting and Fishing Day indicates clearly that this kind of recognition of those who participate in the sports of hunting and fishing is due.

Too many months, too many years, too many decades have gone by without suitable expression of appreciation for the lasting contributions that the responsible outdoor sportsman has made to a better world, a cleaner world, a healthier world.

Again I say I am pleased to see that the Senate is moving ahead to provide this recognition.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution with its preamble reads as follows:

S.J. RES. 117

Whereas in the congestion and the complexities, the tensions and frustrations of today's life, the need for outdoor recreation—the opportunity to "get away from it all"—has become of crucial importance, and

Whereas there are few pursuits providing a better chance for healthy exercise, peaceful solitude, and appreciation of the great outdoors than hunting and fishing, and

Whereas this is evident in the fact that more than fifteen million hunting licenses and twenty-four million fishing licenses were issued in 1970, and

Whereas the purchase of these licenses brought nearly $200,000,000 into State and local government treasuries, and

Whereas this income provides a rich source of funds for fish and wildlife conservation and management and for the salvation, preservation, and propagation of vanishing species, and

Whereas hunters and anglers traditionally have led in the effort to preserve our natural resources, and

Whereas outdoor sportsmen also have led in the promotion of proper respect for private as well as public property, of courtesy in the field and forest, and in boating and firearm safety programs, and

Whereas there is no present national recognition of the many and worthwhile contributions of the American hunter and angler: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States declare the fourth Saturday of each September as "National Hunting and Fishing Day" to provide that deserved national recognition, to recognize the esthetic, health, and recreational virtues of hunting and fishing, to dramatize the continued need for gun and boat safety, and to rededicate ourselves to the conservation and respectful use of our wildlife and natural resources.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–676), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the joint resolution is to authorize the President to declare the fourth Saturday of each September as "National Hunting and Fishing Day," and which would recognize the esthetic, health, and recreational virtues of hunting and fishing.

STATEMENT

Americans get away from the asphalt jungles, from the jangling of the telephone, from the pressures of the daily struggle in rural areas and in cities by going to the countryside "out with nature." Some play golf, some hike in the forests and parks, some bird-watch, and increasing hundreds of thousands each year go hunting and fishing.

There are few recreations which provide a better chance to get exercise which all citizens need, to find solitude, to breathe some of the little remaining fresh air, and to forget daily cares than hunting and fishing.

As one indication of the enormous appeal of the sport of hunting and fishing, reports indicate that in 1970 more than 15 million hunting licenses and 24 million fishing licenses were purchased, an increase of 350,000 hunting licenses and 100,000 fishing licenses over the previous year.

For the privilege of hunting and fishing, the participants pay nearly $200 million each year for licenses, tags, permits, and stamps. This income provides a rich source of funds for fish and wildlife conservation and management. Many of the activities being undertaken today to protect wildlife threatened with extinction and to reestablish breeds and strains who are losing their battle for survival has come from hunting and fishing license funds.

It has been found that the true hunters and fishermen are among the leaders in trying to preserve our wildlife. Responsible hunters and fishermen are leaders in local and national efforts to rebuild the Everglades, to stop wanton destruction of threatened breeds of wildlife, to make sure that the pollution of our waters do not wipe out our fishlife.

In addition, responsible hunters and fishermen are among the leaders of those who promote safety in hunting and fishing. Many of the hunting and fishing safety laws in this country have been developed, brought to the attention of the legislatures, and eventually passed into law at the behest of those who are our hunters and fishermen.

It is time to give some national recognition to the responsible hunters and fishermen of the country by proposing that the President of the United States set aside the fourth Saturday of each September to recognize this form of recreation and sport in our country.

At the same time, we can use this day to assure that we rededicate our Nation to the adequate protection of the land and water wildlife of the Nation, and to promote again and redouble our efforts to see that hunting and fishing recreation is carried on at the highest level of safety for those who participate.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Illinois (Mr. PERCY) is to be recognized at this time for not to exceed 15 minutes.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that there may be a quorum call with the time not deducted from the time of the Senator from Illinois.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRIFFIN. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for a quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Illinois is to be recognized for not to exceed 15 minutes.

(The remarks Mr. PERCY made at this point are printed in the RECORD under Submission of Resolutions.)

THE NEW SOUTH

Mr. PERCY. Mr. President, I am going to ask unanimous consent to have printed in the RECORD a remarkable speech delivered recently by the distinguished Governor of Florida, Reubin Askew. I ask this because I feel that this speech typifies the new South. Those of us who have fought for civil rights for so long are very much encouraged by courageous stands such as that taken by Governor Askew.

I feel very deeply about Florida, because it is my native State, I was born In Pensacola, though I spent very little of my early life there.

I have watched with great interest the statements made by various public officials in the South, and I think this is one of the most distinguished statements that has yet been made. It is a statement of eminent good sense, reason, and moderation, and I wish to commend the distinguished Governor of Florida, Mr. Askew, for it, I ask unanimous consent that his speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Florida's Governor Takes a Stand on Busing

(Note.—On March 14, Florida voters will be asked on their primary ballot whether they favor an amendment to the U.S. Constitution outlawing "forced busing" of school children. Last week, in a speech at the opening of the Central Florida State Fair in Orlando, Governor Reubin Askew, a Democrat, urged voters to reject the proposal and to support a companion question on the ballot arming equal educational opportunity and rejecting a "return to the old dual school system." What follows are excerpts from that speech.)

I come before you today to say a few things with which you may disagree, a few things which are decidedly unpopular, but a few things which I feel must be said in the interest of Florida and her people—all of them . . .

I strongly oppose a constitutional amendment to outlaw busing—not because I particularly like it or think it's a panacea for our problems . . . Busing is an artificial and inadequate instrument of change. It should be abandoned just as soon as we can afford to do so . . .

Yet by the use of busing and other methods, we've made real progress in dismantling a dual system of public schools in Florida. And I submit that until we find alternative ways of providing an equal opportunity for quality education for all . . . until we can be sure that an end to busing won't lead to a return of segregated public schools . . . until we have those assurances, we must not unduly limit ourselves, and certainly not constitutionally.

We must not take the risk of seriously undermining the spirit of the Constitution, one of the noblest documents ever produced by man. And we must not take the risk of returning to the kind of segregation, fear and misunderstanding which produced the very problem that led to busing in the first place.

I certainly hope that the overwhelming majority of Floridans are committed to the goal which busing was designed to pursue. That goal is to put this divisive and self-defeating issue of race behind us once and for all . . .

I think we're well within reach of understanding one another, caring for one another and affirming our principles of justice and compassion which made this country what it is today. How sad it will be if we turn back now—not only for minority children—but for all of us.

Of course we don't want our children to suffer unnecessary hardships. That goes without saying. But neither do we want our children to grow up into a world of continuing racial discord, racial hatred and, finally, a world of racial violence . . .

It is my hope that we're moving beyond racial appeals here in Florida and in the rest of the South as well. I say it's time we told the rest of the nation that we aren't caught up in the mania to stop busing at any cost, that we're trying to mature politically down here, that we know the real issues when we see them, and that we no longer will be fooled, frightened and divided against ourselves . . .

I hope we can say to those who would keep us angry, confused and divided that we're more concerned about a problem of justice than about a problem of transportation, and that while we're determined to solve both, we're going to take justice.

It is not my intention to impose my will on anyone. But it is my intention to give the people of Florida cause for sober reflection, so that they're sure—very sure—before they encourage an amendment to the United States Constitution, one that for the very first time, I believe, would seek to reverse our efforts to make that great document a living testimony to the pursuit of liberty, freedom and justice—for all.

PROPOSED CONSUMER PROTECTION AGENCY UNFAIRLY ATTACKED BY CHAMBERS OF COMMERCE

Mr. PERCY. Mr. President, I should like to comment on the proposed Consumer Protection Agency that is under consideration by the Government Operations Committee of the Senate.

Mr. President, at the end of the 91st Congress, in December 1970, the Senate by a vote of 74 to 4 approved legislation to create an independent Consumer Protection Agency. Because of a tieup in the House Rules Committee, companion legislation which had been reported out of the Government Operations Committee never reached the floor of the House in that Congress.

In the 92d Congress, legislation to establish such an agency, H.R. 10835, has been overwhelmingly approved by the House of Representatives, 344 to 44, thanks largely to the outstanding efforts of Chairman Chet Holifield of the House Government Operations Committee who received bipartisan support from his committee members as well as the administration. Comparable legislation in the Senate, S. 1177, is currently before the Government Operations Committee of which Senator John McClellan is chairman and on which I am ranking minority member. The bill, precisely the same as that approved by the Senate in December 1970, does need revision in view of further facts brought out by the illuminating House debate. Appropriate revisions are now being made.

But—and this is the reason for my remarks today—our deliberations have been impeded by what I consider to be unwarranted and impassioned attacks on the legislation from segments of the business community which have, in the past, assisted our efforts in the consumer area through rational articulation of the issues and concrete suggestions for improvement. I vividly recall, for example, that in 1966 a wave of opposition built up within the business community to much needed proposed truth in lending legislation. But, through cooperative efforts with the business community, based on reason and not emotion, we in the Senate were able to work out a bill that protected borrowers, that made it more difficult for unscrupulous sharks to operate, and that was acceptable to legitimate and honorable business institutions that constitute the overwhelming majority of the business community. Four years experience have proven the value of this legislation.

But now, instead, my office and other Senate offices are being deluged with mail directly traceable to a blunderbuss blast at this Consumer Protection Agency legislation by local and State chambers of commerce, and by the U.S. Chamber of Commerce.

I say this, Mr. President, with some deep feeling, having been a member for over a quarter of a century in my own State chamber of commerce and having participated actively through the years with the U.S. Chamber of Commerce. But I feel that I would be negligent, having come from the business community, if I did not add my deep concern at this point as to the misguided actions they are taking on this very important issue.

Letters have come in charging that we are creating a "superagency" with "Gestapo-like powers." Others have chosen to refer to it as a kind of "Soviet KGB." Most of the letters, like the U.S. Chamber and Illinois Chamber circulars, call for outright opposition. Few go into the specifics of the legislation and, therefore, render impossible a reasoned discussion of the issues. Those that do treat of particulars understandably reflect misimpressions that cannot help being drawn from the Illinois Chamber letter.

I have chosen to respond, but not in kind, preferring instead to deal with the subject in objective terms by referring to specific issues raised by the legislation. I wrote last week to Mr. Lester Brann, president of the Illinois Chamber of Commerce, explaining—in the context of Mr. Brann's own letter, which I understand went out to some 9,000 members—the actual authorities and functions of the proposed Consumer Protection Agency as contained in S. 1177. Most important, I have alluded to some of the vital areas where a Consumer Protection Agency can, while representing the consumer interest, be of tremendous service to the huge preponderance of responsible business firms whose dealings with government are often marked by bureaucratic indifference, threat, or delay.

Since this important legislation will soon be before us, and since the charges contained in the Illinois Chamber letter and the anxieties generated thereby appear to have a decided similarity to expressions of concern received by my colleagues in the Senate, I have chosen to share the contents of my correspondence in this regard.

I, therefore, ask, Mr. President, unanimous consent that the letter of Mr. Lester Brann of February 3, 1972, and my response of February 22, 1972, be printed in the Record. This procedure has Mr. Brann's full concurrence.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Illinois State Chamber of Commerce,
Chicago, Ill., February 3, 1972.

YOUR ACTION IS NEEDED NOW

Your tax money will be spent to harass, regulate and intervene in your business to an extent unprecedented in this country's history unless you act now to stop S. 1177 and H.R. 10835 now pending in the U.S. Senate Government Operations Committee.

The Consumer Protection Organization Act of 1972 (dubbed the "Nader Enabling Act") would set up an independent federal bureaucracy (the Consumer Protection Agency) with full authority to act as a government backed adversary to:

Intervene in and be a party to any federal regulatory proceeding with any business on matters which the Agency feels affect the consumer.

Subpoena any information on your business under threat of court action.

Appeal actions in federal courts by a federal agency as to its decisions and/or rule making powers.

Request any governmental agency to investigate your business, and if they refuse, appeal the refusal to the federal courts.

Subsidize—through federal grants in aid—state and local governmental and *private* agencies to lobby for, and push enforcement of, so-called consumer protection laws.

No one would be exempt—retailers, manufacturers, farmers, suppliers, professions, service industries—all would fall under the act. If you sell or produce consumer goods or services, you would be subject to review.

Governmental agencies would have to check with the Consumer Protection Agency (CPA) to make certain CPA did not plan to bring a court action against a proposed decision or regulation before it could be finalized and put into effect. Government inspectors could be forced to allow a consumer advocate to accompany them in the examination of your premises or records.

One Congressman has called these bills "government by combat." Ralph Nader has been quoted as saying he would trade all current consumer bills for one such Consumer Protection Agency.

Your personal letters are needed now. These bills are in the *final drafting* stage with completion expected within the *next three weeks.* The Senate Government Operations Committee has already indicated they will approve the provisions of these acts *unless there is a grass-roots response indicating opposition. Illinois Congressmen and Senators need to hear from you now, particularly Senator Charles Percy, who favors the bills.*

The Senators can be reached at The *United States Senate, Washington, D.C. 20510,* and Congressmen at the *House of Representatives, Washington, D.C. 20515.*

Write today before your business becomes the subject of this new concept of "experimental law," by an agency which will have more independence and greater power than any existing federal, state or local agency. Would you please send copies of your correspondence to W. Paul Neal, Jr., our Legislative Department Manager, at State Chamber headquarters.

Sincerely,

LESTER W. BRANN, Jr.,
President.

U.S. SENATE,
Washington, D.C., February 22, 1972.

Mr. LESTER W. BRANN, Jr.,
President, Illinois State Chamber of Commerce, Chicago, Ill.

DEAR MR. BRANN: A disservice has been done to the citizenry and the business community of Illinois, and to my office. I refer to a widely-circulated letter over your signature, dated February 3, 1972, relating to the Consumer Protection Agency leigslation (S. 1177 and H.R. 10835) currently before the Senate Government Operations Committee.

Whether there should be a Consumer Protection Agency is not in issue, as your letter mistakenly implies. The Senate, during the 91st Congress and after due consideration, decided that issue when it overwhelmingly approved the concept by a 74-4 vote, in December 1970, at a time when consumer sentiment was not as high as it is today. The House, by an imposing margin of 344-44, resolved that issue by approving H.R. 10835 in October 1971. You imply that I am in a minority in the Illinois Congressional delegation in support of consumer legislation. Both Illinois Senators supported the earlier Senate version, and 20 of 24 Illinois Congressmen supported H.R. 10835 (only one voted against the measure; three did not vote). The Nixon Administration is committed to the idea of an independent consumer advocacy agency—which in many respects has powers tougher than those contained in S. 1177—as expressed in public testimony and in private discussions with me.

Once it is understood that the concept of an independent advocacy agency is widely accepted, and in my judgment should be, the key issue revolves around the authorites we vest in the agency to permit it to fulfill its intended functions. In this regard, your letter refers to five areas of authority, but does not properly reflect the important limitations in S. 1177 which are intended to assure that the legitimate interests of responsible businesses are protected. Following are verbatim assertions you made with respect to proposed Agency authority, and my own comments:

(i) Your statement: "Intervene in and be a party to any federal regulatory proceeding with any business on matters which the Agency feels affect the consumer."

This is an overstatement. The facts: The CPA would be able to intervene only in those proceedings where it finds, in its reasonable discretion, that the determination is likely to affect substantially the interest of consumers. (To intervene as a "party" does not even make sense, as the National Chamber has pointed out, in the context of less formal rulemaking proceedings.) Upon intervening, the CPA must do so in conformity with the rules of practice and procedure of the host agency. Most important, the CPA will have no power to decide the merits of *any* proceedings: it acts as an advocate or attorney only—not as judge nor jury—presenting relevant evidence and arguments.

(ii) Your statement: "Subpoena any information on your business under threat of court action."

This is completely misleading. The facts: The CPA's own compulsory information-getting process does not apply to matters subject to any rulemaking or adjudicatory proceedings. In those matters it may use the host agency's subpoena power only to the extent that any other party in interest could, including a business defendant. The CPA is vested with its own information-gathering power only in the context of conducting economic research, investigations, conferences, and surveys. By commonly accepted procedure backed by judicial interpretation, such requests for information are governed by provisions of the Federal Reports Acts (44 U.S.C. 3501 *et seq.*) and subject to review by business advisory committees set up under the auspices of the Office of Management and Budget. The safeguards against arbitrary or capricious use of this authority have proven satisfactory in the past and there is no reason to expect any change upon establishment of the CPA.

(iii) Your statement: "Appeal actions in the federal courts by a federal agency as to its decisions and/or rulemaking powers."

This is true, but fortunately not the whole truth. The facts: Under S. 1177, the CPA would be entitled to seek review of agency decisions only if it had participated in earlier proceedings at the agency level. Otherwise, its appearance would be at the discretion of the reviewing court. Such appeal, however, is limited by three conditions: (a) the right of appeal must be otherwise accorded by law; (b) the CPA must find that the other agency's action is likely to have a substantial adverse effect on consumers; and (c) the CPA position must be in whole or substantial part adverse to or different from the host agency.

(iv) Your statement: "Request any government agency to investigate your business and if they refuse, appeal the refusal to the federal courts."

This is incorrect. The facts: The CPA could, where there is good reason, request agency action, but there is no such right of appeal to the courts under S. 1177. H.R. 10835 would permit an appeal but only to the extent that a right of judicial review is otherwise accorded by law.

(v) Your statement: "Subsidize—through federal grants-in-aid—state and local governments and *private* agencies to lobby for, and push enforcement of so-called consumer protection laws."

Yes, but this is only part of the story. The facts: Private organizations must be *nonprofit* and only up to 15 percent of available funds may be allocated to them. Among potential recipients would be Chicago's Underwriters' Laboratories, whose outstanding work in the area of promoting consumer safety is recognized nationwide; universities; the Chicago Council of Lawyers Consumer Protection Committee; and many other distinguished groups. The purposes for which such grants would be awarded pursuant to Sec. 304 are, of course, considerably more extensive than you have indicated.

As to your reference to S. 1177 as the "Nader Enabling Act," I am at a loss as to why you have so named the bill. This is a slight to its sponsors and to the 74 Senators who voted for it. Together with other Senators, I gave considerable time and thought to its provisions. The bill reflected careful balancing of the recognized needs of the consumer with reasonable safeguards to prevent undue interference with industry and the orderly processes of government. Representatives of the business community, including the U.S. Chamber of Commerce, and representatives of the consumer, of whom Mr. Nader was only one among many, testified before the Committee. The end result was a well-considered bill which won overwhelming approval from the Senate because of its built-in equities. Actually Mr. Nader made many suggestions that were not accepted and he still has important reservations about both the Senate and House versions of the legislation.

We are not creating a superagency. The CPA will have absolutely no regulatory powers and will be able to make no final decisions of a substantive nature which impose penalties or forfeitures on any business or which grant or deny applications for a rate, route, license, or whatever. In terms of budget, S. 1177 called for a three-year authorization starting off at $7.5 million and increasing to $25 million (Funding contemplated by the House-passed H.R. 10835 is even less). Such funding, while not insignificant, would only in the last year even come close to that accorded a typical Federal regulatory agency. Indeed, such funding is dwarfed by amounts annually spent by large businesses on advertising alone.

With limited funds and a small staff, the CPA will have to focus on matters substantially affecting the consumer interest which involve priority concerns, as where there is a substantial risk to public health and safety from contaminated foods or unsafe products. My own quarter century tenure in the business community leads me to conclude that legitimate business interests can only stand to gain from the disclosure of those relatively few concerns which ignore health and safety considerations or are oblivious to consumer needs and cut corners in order to realize quick profits. Such concerns, as the Chamber has long recognized, cast a jaundiced pale on the overwhelming majority of reputable businesses in Illinois and across the country and, as a result deserve to be singled out for public censure.

Finally, it is terribly important to understand that what is good for the consumer can also be good for business. The structure and operation of a Consumer Protection Agency need not be hostile to business interests. I envision situations where the CPA would, in presenting the case for consumers, find itself advancing or defending a business practice. For example, antitrust law today often frustrates industry self-regulation even where health or safety considerations may be at stake. The television industry, alerted to a potential fire hazard in color TV's two years ago, responsibly assembled in Chicago to upgrade flammability standards only at the risk of possible antitrust suit by the Justice Department. The power lawnmower industry for years has been leery of using collective means to devise an alternative to the rotary blade, which each year is responsible for more than 140,000 injuries, some resulting in death, blinding, or severe disfigurement. The CPA might also help to expedite agency action, as for example in the case of a new drug application before the Food and Drug Administration, where more timely response could promote health or save lives. In these circumstances, the consumer interest in maximizing safety would clearly outweigh the consumer interest in seeing that the antitrust laws are enforced to the letter. Thus, the CPA would expectably intervene on behalf of the legitimate business interest which, in not a few cases, coincides with the legitimate consumer interest.

Had I, or my office been consulted prior to the circulation of your letter, these facts could have been pointed out. At no time during the year since this bill was reintroduced has any staff member of the Illinois Chamber contacted any member of my staff about the legislation. Instead, your letter, coming at this late date, has generated a huge volume of mail, mostly from small Illinois businessmen who are understandably upset and whose sentiments on this legislation understandably reflect or reiterate the mistaken inferences that are necessarily drawn from your letter.

I am confident, on the basis of the excellent relationship which we have enjoyed in the past, that you will endeavor to correct any misimpressions arising from your letter and otherwise assure a complete airing of this issue by seeing to it that my letter receives the same circulation as did your original.

Sincerely yours,

CHARLES H. PERCY,
U.S. Senator.

Mr. PERCY. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. Three minutes remain to the Senator from Illinois.

Mr. PERCY. Mr. President, then I will use that time to read a few excerpts from my letter to Mr. Brann.

A disservice has been done to the citizenry and the business community of Illinois, and to my office. I refer to a widely-circulated letter over your signature, dated February 3, 1972, relating to the Consumer Protection Agency legislation (S. 1177 and H.R. 10835) currently before the Senate Government Operations Committee.

* * * * *

Whether there should be a Consumer Protection Agency is not in issue, as your letter mistakenly implies. The Senate, during the 91st Congress and after due consideration, decided that issue when it overwhelmingly approved the concept by a 74–4 vote, in December 1970, at a time when consumer sentiment was not as high as it is today. The House, by an imposing margin of 344–44, resolved that issue by approving H.R. 10835 in October 1971. You imply that I am in a minority in the Illinois Congressional delegation in support of consumer legislation. Both Illinois Senators supported the earlier Senate version, and 20 of 24 Illinois Congressmen supported H.R. 10835 (only one voted against the measure; three did not vote). The Nixon Administration is committed to the idea of an independent consumer advocacy agency—which in many respects has powers tougher than those contained in S. 1177—as expressed in public testimony and in private discussions with me.

Mr. President, it is very interesting that this identical letter is now starting to come to me from other trade associations and agencies who take the identical letter and put it on their stationery and send it out and fan it all over the country. It is a total statement of misimpression, of fears that have no foundation in fact.

I take to the floor of the Senate to try to spread some light where enlightenment is needed. The business community has sent vituperative statements to me and threatening letters saying that I will never be reelected to the Senate. I defy such threats. The only apology I would give would be for the length of the letter, which is five pages. I do not like five-page letters, but I think they had it coming to them in this particular case.

Mr. President, I yield the floor.

TRANSACTION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. GAMBRELL) laid before the Senate the following letters, which were referred as indicated:

REPORT ON RESEARCH AND DEVELOPMENT FUNDS OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

A letter from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report on research and development funds of that Administration (with an accompanying report); to the Committee on Aeronautical and Space Sciences.

PROPOSED TRANSFER OF CERTAIN FRANCHISE FEES

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to authorize the Secretary of the Interior to transfer franchise fees received from certain concession operations at Glen Canyon Recreation Area, Ariz., and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

PROPOSED AUTHORIZATION OF CERTAIN POSITION IN THE JUDICIAL BRANCH

A lettter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to authorize the position of crier-clerk within the judicial branch of the Government of the United States, and for other purposes (with an accompanying paper); to the Committee on the Judiciary.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens (with accompanying papers); to the Committee on the Judiciary.

THIRD PREFERENCE AND SIXTH PREFERENCE FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports concerning third preference and sixth preference classification for certain aliens (with accompanying papers); to the Committee on the Judiciary.

REPORT ON CERTAIN PROSPECTUSES UNDER PUBLIC BUILDINGS ACT OF 1959

A letter from the Acting Administrator, General Services Administration, transmitting, pursuant to law, a report on certain prospectuses under the Public Buildings Act of 1959 (with accompanying papers); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. GAMBRELL):

A joint resolution of the General Assembly of Iowa; to the Committee on the Judiciary:

"IOWA HOUSE JOINT RESOLUTION 1

"(A joint resolution making application to the United States Congress to call a Convention for the purpose of proposing to the states a constitutional amendment providing that a portion of taxes levied on income by Congress shall be made available to state governments)

"Whereas, a resolution of our Nation's myriad and diverse problems is contingent upon a viable partnership between the Federal Government and strengthened state governments, and

"Whereas, the Federal Government, by its extensive reliance on the graduated income tax as a revenue source, has virtually preempted the use of this source from state and local governments, thereby creating a disabling fiscal imbalance between the Federal Government and the state and local governments, and

"Whereas, increasing demands upon state and local governments for essential public services have compelled the states to rely heavily on highly regressive and inelastic consumer taxes and property taxes, and

"Whereas, Federal revenues based predominantly on income taxes increase significantly faster than economic growth, while state and local revenues based heavily on sales and property taxes do not keep pace with economic growth, and

"Whereas, the fiscal crisis at state and local levels has become the overriding problem of intergovernmental relations and of continuing a viable Federal system, and

"Whereas, the evident solution to this problem is a meaningful sharing of Federal income tax resources, and

"Whereas, the United States Congress, despite the immediate and imperative need therefor, has failed to enact acceptable revenue sharing legislation, and

"Whereas, in the event of such Congressional inaction, article V of the Constitution of the United States grants to the states the right to initiate constitutional change by applications from the legislatures of two-thirds of the several states to the Congress, calling for a constitutional convention, and

"Whereas, the Congress of the United States is required by the constitution to call such a convention upon the receipt of applications from the legislatures of two-thirds of the several States, now therefore,

"Be it resolved by the General Assembly of the State of Iowa: That, pursuant to Article V of the Constitution of the United States, the General Assembly of the State of Iowa does hereby make application to the Congress of the United States to call a convention for the sole and exclusive purpose of proposing to the several states a constitutional amendment which shall provide that a portion of the taxes on income levied by Congress pursuant to the sixteenth amendment of the Constitution of the United States shall be made available each year to state governments and political subdivisions thereof, by means of direct allocation, tax credits, or both, without limiting directly or indirectly the use of such moneys for any purpose not inconsistent with any other provision of the Constitution of the United States, and

"Be it further resolved, That this application shall constitute a continuing application for such convention pursuant to Article V until the Legislatures of two-thirds of the states shall have made like applications and such convention shall have been called by the Congress of the Untied States unless previously rescinded by the General Assembly of the State of Iowa, and

"Be it further resolved, That certified copies of this resolution be presented by the Secretary of State forthwith to the President of the Senate and the Speaker of the House of Representatives of the United States and to the Legislatures of each of the several states attesting the adoption of this resolution by the General Assembly of the State of Iowa."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BURDICK, from the Committee on Interior and Insular Affairs, with an amendment:

S. 2408. A bill to extend the life of the Indian Claims Commission, and for other purposes (Rept. No. 92-682).

EQUAL EMPLOYMENT OPPORTUNITY ACT OF 1972—CONFERENCE REPORT (S. REPT. NO. 92-681)

Mr. WILLIAMS. Mr. President, I send to the desk a conference report on the bill (H.R. 1746) to further promote equal employment opportunities for American workers. I ask unanimous consent that it be printed as a Senate report.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. TALMADGE, from the Committee on Agriculture and Forestry:

Melvin E. Sims, of Illinois, and E. Riddell Lage, of Oregon, to be members of the Federal Farm Credit Board, Farm Credit Administration.

By Mr. EASTLAND, from the Committee on the Judiciary:

Louis C. Bechtle, of Pennsylvania, to be a U.S. district judge for the eastern district of Pennsylvania;

Robert Gottschalk, of New Jersey, to be Commissioner of Patents;

John A. Field III, of West Virginia, to be U.S. attorney for the southern district of West Virginia;

James L. Foreman, of Illinois, to be a U.S. district judge for the eastern district of Illinois;

Howard David Hermansdorfer, of Kentucky, to be a U.S. district judge for the eastern district of Kentucky; and

William K. Schaphorst, of Nebraska, to be U.S. attorney for the district of Nebraska.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. ALLOTT (for Mr. JACKSON and himself) (by request):

S. 3283. A bill to increase the authorization for appropriation for continuing work in the Upper Colorado River Basin by the Secretary of the Interior; and

S. 3284. A bill to increase the authorization for appropriation for completing work in the Missouri River Basin by the Secretary of the Interior. Referred to the Committee on Interior and Insular Affairs.

By Mr. GAMBRELL (for himself and Mr. CHILES):

S. 3285. A bill to provide an immediate and effective response to the needs of older Americans for suitable housing and related services. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. SPARKMAN:

S. 3286. A bill to amend title XVII of the Social Security Act to provide financial assistance to individuals suffering from chronic kidney disease who are unable to pay the costs of necessary treatment, and to authorize project grants to increase the availability and effectiveness of such treatment. Referred to the Committee on Finance.

By Mr. MOSS:

S. 3287. A bill to increase the authorization for appropriation for continuing work in the Upper Colorado River Basin by the Secretary of the Interior. Referred to the Committee on Interior and Insular Affairs.

By Mr. THURMOND:

S. 3288. A bill to amend title 10, United States Code, to authorize the President to furnish support services, under certain circumstances, to the Veterans of Foreign Wars of the United States at overseas military installations. Referred to the Committee on Veterans' Affairs.

By Mr. STEVENS (for himself and Mr. GRAVEL):

S. 3289. A bill creating an additional Federal district judgeship for the district of Alaska. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALLOTT (for Mr. JACKSON and himself) (by request):

S. 3283. A bill to increase the authorization for appropriation for continuing work in the Upper Colorado River Basin by the Secretary of the Interior. Referred to the Committee on Interior and Insular Affairs.

Mr. ALLOTT. Mr. President, by request, I send to the desk on behalf of myself and the Senator from Washington (Mr. JACKSON) a bill to increase the authorization for appropriation for continuing work in the Upper Colorado River Basin by the Secretary of the Interior.

Mr. President, this draft legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the executive communication accompanying the proposal from the Secretary of the Interior be printed in the RECORD at this point in my remarks.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., February 25, 1972.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill "To increase the authorization for appropriation for continuing work in the Upper Colorado River Basin by the Secretary of the Interior."

We recommend that the bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The bill would increase the present $760 million appropriation authorization to carry out work in the Upper Colorado River Basin by $610 million. This is the current estimate of the amount required to complete construction of the storage units of the Colorado River Storage project and the participating projects, with related power transmission facilities, which were initially authorized by the Act of April 11, 1956 (70 Stat. 105). The bill provides for increases or decreases in the authorization as may be required by reason of changes in construction cost indices.

The Act of April 11, 1956 authorized the Secretary of the Interior to construct, operate, and maintain the following initial units of the Colorado River Storage project: Curecanti, Flaming Gorge, Glen Canyon, and Navajo; and the following participating projects: Central Utah (initial phase), Emery County, Florida, Hammond, LaBarge, Lyman, Paonia, Pine River Extension, Seedskadee, Silt, and Smith Fork, with related power transmission facilities. It provided an initial authorization for appropriation of $760 million to carry out the purposes of the Act. By Act of September 30, 1968 (Public Law 90-537), the Pine River Extension participating project was deauthorized.

Appropriations received through fiscal year 1972 for units and projects covered by the initial authorization amount to $754.9 million, leaving about $5.1 million of authorized appropriations under present law. The current estimated total authorization for appropriations required is $1,369.4 million with a balance of $614.5 million appropriations required to complete construction of all units and projects covered by the initial authorization.

Since the current appropriation authorization will be exceeded in fiscal year 1973, the additional authorization provided by this bill will be required early in this session of Congress to support the Administration's request for appropriations for fiscal year 1973. Excluded from the additional appropriation authorization requested herein are the Animas-LaPlata, Bostwick Park, Dallas Creek, Dolores, Fruitland Mesa, Navajo Indian, San Juan-Chama, San Miguel, Savery-Pot Hook, and West Divide participating projects, which have been authorized with separate appropriation limitations.

The Office of Management and Budget has advised that there is no objection to the presentation of this proposed legislation from the standpoint of the Administration's program.

Sincerely yours,

JAMES R. SMITH,
Acting Secretary of the Interior.

DEPARTMENT OF THE INTERIOR

UPPER COLORADO RIVER STORAGE PROJECT AND PARTICIPATING PROJECTS

[Estimate of requirement for increase in authorization for appropriation to complete construction]

Project or activity	Appropriations		
	Total estimated requirement	Received through fiscal year 1972	Balance required to complete
Colorado River storage project:			
Curecanti unit	$129,356,000	$89,093,000	$40,263,000
Flaming Gorge unit	65,498,000	65,498,000	
Glen Canyon unit	245,873,000	243,798,000	2,075,000
Navajo unit	38,607,000	38,607,000	
Transmission division	219,553,000	125,629,000	93,924,000
Operation and maintenance	3,578,000	3,578,000	
Quality of water studies	499,000	499,000	
Participation projects:			
Central Utah (initial phase):			
Bonneville unit	420,346,000	64,465,000	355,881,000
Jensen unit	11,179,000	1,453,000	9,726,000
Upalco unit	21,850,000	1,111,000	20,739,000
Vernal unit	9,674,000	8,612,000	1,062,000
Emery County	14,777,000	13,158,000	1,619,000
Florida	11,160,000	11,160,000	
Hammond	6,825,000	5,526,000	1,299,000
LaBarge	136,000	136,000	
Lyman	15,355,000	10,661,000	4,694,000
Paonia	6,062,000	6,062,000	
Pine River extensions [1]	136,000	136,000	
Seedskadee	51,232,000	22,229,000	29,003,000
Participation projects—Continued			
Silt	$7,696,000	$7,310,000	$386,000
Smith Fork	4,465,000	4,465,000	
Subtotal	1,283,857,000	723,186,000	560,671,000
Recreation and fish and wildlife:			
National Park Service	49,916,000	20,288,000	29,628,000
Bureau of Sport Fisheries and Wildlife	26,949,000	9,979,000	16,970,000
Bureau of Indian Affairs	8,446,000	1,240,000	7,206,000
Subtotal	85,311,000	31,507,000	53,804,000
Payments to General Services Administration for office space	180,000	180,000	
Total, all activities	1,369,348,000	754,873,000	614,475,000
Appropriations authorized by sec. 12, act of Apr. 11, 1956 (Public Law 84–485)	760,000,000	760,000,000	
Balance of appropriation requirement			614,475,000
Balance of appropriation authorization		5,127,000	
Additional authorization required	609,348,000		
Rounded to	610,000,000		

[1] Deauthorized by act of Sept. 30, 1968 (Public Law 90–537).

By Mr. ALLOTT (for Mr. JACKSON and himself) (by request):

S. 3284. A bill to increase the authorization for appropriation for completing work in the Missouri River Basin by the Secretary of the Interior. Referred to the Committee on Interior and Insular Affairs.

Mr. ALLOTT. Mr. President, by request, I send to the desk on behalf of myself and the Senator from Washington (Mr. JACKSON) a bill to increase the authorization for appropriation for completing work in the Missouri River Basin by the Secretary of the Interior.

Mr. President, this draft legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the executive communication accompanying the proposal from the Secretary of the Interior be printed in the RECORD at this point in my remarks.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., February 25, 1972.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill "To increase the authorization for appropriation for completing work in the Missouri River Basin by the Secretary of the Interior."

We recommend that the bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The bill would increase by $114 million the appropriation authorization for the portion of the Pick-Sloan Missouri Basin program for which the Secretary of the Interior is responsible. This authorization is for appropriations to complete the comprehensive plan of development on the program and provides for increases or decreases in the authorization as may be required by reason of changes in construction cost indices.

The Pick-Sloan Missouri Basin program was begun with the passage of the Flood Control Act of 1944 (58 Stat. 887), section 9(e) of which authorized the appropriation of $200 million for partial accomplishment of the works to be undertaken. Subsequent acts, most recently the Act of March 25, 1970 (84 Stat. 75), which authorized appropriations of $32 million for fiscal years 1971 and 1972, have increased the funds authorized to be appropriated to carry out the comprehensive plan for the program. A table of these authorization acts is enclosed.

Since the current appropriation authorization will expire on June 30, 1972, the additional authorization provided by this bill will be required early in this session of Congress to support the Administration's request for appropriations for fiscal year 1973.

The bill continues the provision of previous Pick-Sloan Missouri Basin program appropriation authorization acts, beginning with the Act of August 14, 1964 (78 Stat. 446), that no new construction of any unit be initiated under this authorization. Excluded from the additional appropriation authorization provided in the bill are the Garrison Diversion unit, Narrows unit, Nebraska Mid-State division, Oahe unit, and the Riverton Extension unit of the Pick-Sloan Missouri Basin program, which have been authorized with separate appropriation limitations.

Work for which this bill would authorize appropriations will in some instances have significant environmental effects. In such cases, environmental impact statements have been, or are being, prepared in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969. Enclosed herewith is a table of such statements.

The Office of Management and Budget has advised that there is no objection to the presentation of this proposed legislation from the standpoint of the Administration's program.

Sincerely,

JAMES R. SMITH,
Assistant Secretary of the Interior.

DEPARTMENT OF THE INTERIOR, BUREAU OF RECLAMATION, PICK-SLOAN MISSOURI BASIN PROGRAM

[Estimate of requirement for increase in authorization for Appropriation to complete construction]

Project or activity (excludes completed projects)	Appropriations		
	Total estimated requirement	Received through fiscal year 1972	Balance required to complete
Pick-Sloan Missouri Basin program:			
Canyon Ferry dust abatement program	$5,100,000	$350,000	$4,750,000
Drainage and minor construction:			
Active divisions and units:			
Ainsworth	25,435,000	24,920,024	514,976
Bostwick	50,783,000	43,355,665	7,427,335
Cedar Bluff	18,057,000	17,889,813	167,187
East Bench	24,230,000	22,118,712	2,111,288
Farwell	36,377,000	33,110,345	3,266,655
Frenchman-Cambridge	81,649,000	81,174,052	474,948
Glen Elder	57,350,000	55,932,055	1,417,945
Helena Valley	15,600,000	15,212,524	387,476
Owl Creek	6,220,000	5,999,911	220,089
Yellowtail	90,800,000	88,157,479	2,642,521
Subtotal	406,501,000	387,870,580	18,630,420
Inactive units:			
Almena	$20,914,000	$20,700,843	$213,157
Angustura	15,460,000	15,237,092	222,908
Kirwin	19,707,000	19,131,844	575,156
Lower Marias	38,650,000	25,918,475	12,731,525
Sargent	7,024,000	6,640,025	383,975
Savage	534,000	521,926	12,074
Webster	17,404,000	17,012,807	391,193
Subtotal	119,693,000	105,163,012	14,529,988
Transmission division	374,403,000	298,747,325	75,655,675
Total, all activities (excludes completed project totals)	905,697,000	792,130,917	113,566,083
Additional authorization required to complete all work	113,566,083		
Rounded to	114,000,000		

DEPARTMENT OF THE INTERIOR, BUREAU OF RECLAMATION

PICK-SLOAN MISSOURI BASIN PROGRAM, STATUS OF ENVIRONMENTAL IMPACT STATEMENTS

[For projects or activities covered in the request for increase in appropriation authorization]

Project or activity covered by additional authorization	Status of project as of June 30, 1972 (percent complete)	Date environmental impact statement filed or scheduled	Remarks
Canyon Ferry unit (dust abatement)	7	Draft environmental statement filed with Council on Environmental Quality, Oct. 5, 1971; final scheduled February 1972.	Statement will cover total project program.
Transmission division:			
Going work:			
Fort Thompson-Grand Island 345 kilovolts transmission line and substations.	98	None required	Regional director, Billings, Mont., has determined that inasmuch as the work remaining represents completion of the Grand Island substation, there is no significant affect on the environment.
New work:			
Watertown-Brookings 115 kilovolts tramsmission line and terminal facilities.	0	Draft environmental statement scheduled for February 1972.	
Yellowtail-Wyodak 230 kilovolts transmission line and terminal facilities.	0	do	
Watertown-Sioux City-Neal 345 kilovolts transmission line	0	Draft environmental statement scheduled for September 1972.	
Additions and modifications to functionally completed transmission facilities.	74	None required	Determinations have been made in the Billings, Mont., and Denver Colo., regional offices, that inasmuch as the remaining work is for installations in existing facilities, there is no significant impact on the environment.
Future work	1	As required	Environmental statements will be prepared for each new feature as identified and as the need dictates.
Drainage and minor construction			Regional directors, Billings, Mont. and Denver, Colo., and the project managers for the individual units covered in the drainage and minor construction program, have determined that inasmuch as the remaining work consists of drainage work, bank stabilization, and completion of recreation facilities on projects which are essentially complete, there is no significant impact on the environment.
Remaining work on individual units is as follows:			
Ainsworth unit	98	None required	Subsurface drains in localized area.
Bostwick division	85	do	Do.
Cedar Bluff unit	99	do	Drainage work in localized area.
East Bench unit	91	do	Do.
Farwell unit	91	do	Subsurface drainage work and channel bank stabilization.
Frenchman-Cambridge division	99	do	Subsurface drainage work and channel clearing and bank stabilization.
Glen Elder unit	97	do	Construction completion of dam and reservoir facilities in service and for completion of remaining basic recreation facilities.
Helena Valley unit	98	do	Drainage work and canal and lateral lining.
Owl Creek unit	97	do	Earth blanketing at Anchor Reservoir.
Yellowtail unit	97	do	Completion work on Yellowtail facilities.

By Mr. SPARKMAN:

S. 3286. A bill to amend title XVII of the Social Security Act to provide financial assistance to individuals suffering from chronic kidney disease who are unable to pay the costs of necessary treatment, and to authorize project grants to increase the availability and effectiveness of such treatment. Referred to the Committee on Finance.

Mr. SPARKMAN. Mr. President, I introduce, for appropriate reference, a bill to amend title XVII of the Social Security Act to provide financial assistance to individuals suffernig from chronic kidney disease who are unable to pay the cost of necessary treatment, and to authorize project grants to increase the availability and effectiveness of such treatment. The purpose of my bill is to assure that any individual who suffers from chronic kidney disease will have available to him the necessary lifesaving care and treatment and will not be denied treatment because of his inability to pay for it.

There are 8,000,000 people in America with some form of kidney disease. Fortunately, only a small proportion of these individuals develop kidney disease which is irreversible and so serious that it becomes a threat to life. Just a few years ago all persons who had little or no kidney function as a result of irreversible kidney disease were doomed to die within a short time. The term which was used was "terminal renal failure" or "end-stage renal disease." Today between 6,000 and 7,000 people who have irreversible kidney failure are being kept alive and in reasonably good health by a miracle of modern medical science, the artificial kidney. Several additional thousands, after undergoing artificial kidney treatment for some time, have had kidney transplants and are being maintained in equally good health for increasing periods of time after such surgery. However, our health experts tell us that between 40,000 and 60,000 kidney disease victims need these life-sustaining treatments and are not getting them. What is happening to these people? Unfortunately, those with so-called end-stage kidney disease who do not receive artificial kidney treatment do not survive. They die.

It is a common public misconception that there are not enough artificial kidney machines to go around. This simply is not so. In fact, at the same time that people are dying because they cannot pay for the treatment, there are openings available in many existing artificial kidney centers in many major communities. Development of adequate artificial kidney services in other communities only awaits demand for the service and the ability of patients to pay for it. The problem, in plain terms, is not a shortage of machines; it is that most people just do not have the means to pay for the treatment. For those who cannot afford artificial kidney treatment, it is not just a matter of inconvenience or discomfort. It is a death sentence.

Artificial kidney treatment is very costly compared with more routine forms of medical treatment. However, it is not really more expensive than most other heroic lifesaving medical efforts. Treatment in a hospital or in an outpatient artificial kidney center costs from $15,000 to $30,000 a year. Treatment in the home—and more than half of the patients today have been trained to treat themselves in their own homes—costs from $3,500 to about $6,000 a year. The artificial kidney machine itself costs no more than a good used car. One kind of artificial kidney machine sells for less than $2,000. These machines are also available for rental at a small monthly charge.

The matter of the extensive treatments and the high cost has been called to my attention just recently by the fact that in my original hometown of some 8,000 population, two cases requiring regular treatment by the use of kidney machines have developed. In both cases, the families simply were not able to stand the expense. Accordingly, an appeal was made to the public in an effort to raise at least $10,000 in each case. I am proud to say that the people responded well, but the very existence of the cases, with their attendant high costs, demonstrates to me strongly the need for this legislation.

The major expenses of artificial kidney patients consist of the costs of medical care personnel and hospital or clinic charges for patients who are treated in medical institutions. For both these patients and those treated in their own homes, there is also the cost of consumable supplies which must be used with each treatment. In other words, the cost of buying or renting the artificial kidney machine itself constitutes only a small part of the cost of the treatment. Despite continuous progress by manufacturers and medical care personnel in reducing the costs of dialysis treatment, the cost remains substantial and most people cannot afford to sustain such expenses for very long.

Kidney transplantation is likewise rapidly becoming a lifesaving form of treatment for patients with previously fatal renal failure. Thousands of these kidney transplants have been done, and our medical people are learning better and better how to control the body's tendency to reject tissue transplanted from another person. Medical science has reached the stage now when a sizable proportion of patients who have had kidney transplants survive in reasonably good health for substantial periods of time, some for many years. The growing success of kidney transplants does not obviate the need for artificial kidney treatment. On the contrary, these patients still need the artificial kidney, at first to get them into shape for the transplant operation and while waiting for a donor kidney which will match their own cell characteristics as closely as possible. They need the artificial kidney after the transplant until the transplanted kidney takes over its normal function, or to sustain the lives of these patients in the event the kidney transplant fails and the patient rejects the foreign tissue. Even after the kidney transplant has been accomplished and all is well, the patient requires frequent and lifelong careful medical supervision and medication.

It is sad, but true, that very few people have sufficient personal resources to pay the cost of the treatment that is necessary, and that those Government programs which are available are wholly inadequate. I am introducing this measure because I believe that the Congress will agree with me that we can no longer permit people to die by reason of the fact that they cannot pay for the treatment which medical science has devised to sustain their lives. We have an obligation to provide all of the citizens with the benefits of research, not just the few who can afford it.

An intense public interest has accompanied the increased use of the artificial kidney as a medically accepted method of treatment. A number of public misconceptions and misunderstandings about the artificial kidney have developed, in consequence, and I fear that these misconceptions may hinder the ability of the Congress to address itself to the real problems which must be solved in order to see that this treatment is provided to all who need it. Therefore, to help provide the facts with respect to this matter, I ask unanimous consent to print in the RECORD immediately following and as part of this statement an article entitled, "Fact and Fiction About the Artificial Kidney Machine," by Virgil Smirnow of Virgil Smirnow Associates, Community Health Consultants, Washington, D.C., an organization that has been performing great service for 20 years or more. Incidentally, Mr. Smirnow is a graduate of the University of Alabama.

Mr. President, I also ask unanimous consent that the bill be printed in the RECORD following these remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3286

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the purpose of this Act to assure that any individual who suffers from chornic renal disease will have available to him the necessary life-saving care and treatment for such disease and will not be denied such treatment because of his inability to pay for it.

SEC. 2. Title XVII of the Social Security Act is amended to read as follows:

"TITLE XVII—GRANTS AND ASSISTANCE FOR CARE AND TREATMENT OF CHRONIC RENAL DISEASE

"SEC. 1701. For the purpose of—

"(1) providing financial assistance to individuals who suffer from chronic renal disease and require hemodialysis or other lifesaving care and treatment therefor, and

"(2) providing improvement in methods of treating chronic renal disease and increasing the availability of facilities for the treatment of such disease, there are authorized to be appropriated for each fiscal year such sum as may be necessary.

"ASSISTANCE TO INDIVIDUALS SUFFERING FROM CHRONIC RENAL DISEASE

"SEC. 1702. (a) In order to assure that individuals who suffer from chronic renal disease and require hemodialysis or other lifesaving care and treatment therefor, but who are unable to pay the costs of such care and treatment on a continuing basis, will not be denied such care and treatment because of their inability to pay such costs, the Secretary is authorized to establish and carry out, with funds available under section 1701(1), a program of assistance under which (subject to subsection (b)) payments will be made to or on behalf of such individuals for any part of such costs which they are unable to pay from funds otherwise available to them.

"(b) Payments from the program established pursuant to subsection (a)—

"(1) may be made only with respect to the care and treatment of individuals who are citizens of the United States or aliens lawfully admitted to the United States for permanent residence;

"(2) shall, in cases involving hemodialysis, be made only to the extent that they do not exceed, in the case of any individual receiving treatment, the cost of the least expensive form of dialysis which is available (in the area where such individual resides) and is determined by such individual's physician, medically sufficient to such individual's needs (such costs to be reduced in any such case by an amount equal to the portion of the costs actually incurred which such individual is able to pay without undue hardship to the individual): and

"(3) shall be subject to such terms and conditions as to eligibility and amount, and made in such manner and form and in accordance with such standards and procedures, as may be prescribed by the Secretary in regulations designed to assure that the purpose of this section is effectively carried out.

In cases where dialysis through the use of equipment, of the type which can be used in the patient's home, represents the least expensive form of dialysis available in the area in which an individual resides, payments from the program established pursuant to subsection (a) may be used for the purchase, lease or rental; operation; and maintenance, of such equipment.

"SPECIAL PROJECT GRANTS

"SEC. 1703. In order to promote the development of improved treatment methods and the increased availability of treatment facilities for individuals suffering from chronic renal disease, the Secretary is authorized to make grants, from sums made available under section 1701(2), to any State or local health agency, and to any other public or nonprofit private agency, institution, or organization, to pay up to the full cost of projects designed to assist in—

"(1) the development of new and improved methods of treatment, with emphasis on less costly methods, to aid individuals suffering from chronic renal disease;

"(2) the establishment of hemodialysis centers, but including only those centers which make home dialysis equipment available to those who require such equipment;

"(3) the training of personnel to operate and maintain dialysis equipment; and

"(4) the dissemination of information, and the conduct of educational programs, concerning the prevention of chronic renal disease.

Project grants under this subsection shall be subject to such terms and conditions as to eligibility and amount, and made in such manner and form and in accordance with such standards and procedures, as may be prescribed by the Secretary in regulations which shall be designed to assure that the purpose of this section is effectively carried out."

FACT AND FICTION ABOUT THE ARTIFICAL KIDNEY MACHINE[1]

FICTION

Artificial kidney machines are scarce and hard to get.

Contrary to popular belief, there is no shortage of artificial kidney machines. There is sufficient manufacturing capacity to produce any number which can be put to use.

FICTION

Artificial kidney machines are very expensive.

Artificial kidney machines cost no more than the average new or used car. The price range for different makes of commercially produced artificial kidney machines is from $1,800 to about $6,000. One of the "models" in common use costs less than $1,800.

FACT

Artificial kidney machines now can be rented.

Artificial kidney machines now are available for rental at a reasonable monthly charge.

FICTION

There is an artificial kidney machine being developed which is as small as a can of soup or a small radio.

Despite the newspaper stories which appear from time to time about a "minikidney" or a portable kidney, no can-of-soup size or portable artificial kidney has been developed. People sometimes refer to a part of the machine as "the artificial kidney", but complete artificial kidney machines are about the size of a home automatic washing machine.

FICTION

The artificial kidney functions precisely like a regular kidney.

Despite the fact that the artificial kidney is a medical miracle, it still is only a gross substitute for the normal human kidney, taking over only the kidneys' excretory function. The normal kidney not only cleanses the blood and produces urine, but serves as a primary regulator of blood pressure, produces a variety of important hormones, and even returns some chemicals and other substances to the blood stream.

FACT

The artificial kidney machine cleanses the patient's blood.

Using a surgically constructed connection of a vein and artery under the skin of the arm or leg or a teflon "U"shaped "shunt" connecting a vein and artery and coming out through the skin, the patient's blood stream is continuously channeled through the machine on one side of a special membrane. A dialyzing fluid on the other side of the membrane removes toxins by a process in which certain molecules pass through membranes in a predictable way.

FICTION

The artificial kidney machine is used only on patients whose kidneys have shut down permanently.

Although this is the most publicized use of this miraculous machine, it is also used following surgery to assist the patient's own kidneys; in poison and overdose cases to hasten the excretion of a damaging toxic substance; in severe burn cases and in many other medical emergencies. The machine is used during such emergencies for one or several treatments. Patients who have such temporary renal shut-down usually regain normal kidney function when the causative problem is resolved. In the meantime, however, they need the artificial kidney to pull them through the renal shut-down crisis.

FACT

Patients on the artificial kidney machine are treated three times each week.

Most patients on chronic dialysis treatment are treated three times each week and from four to twelve hours each time, depending upon the type of artificial kidney used. Some patients can be sustained on treatments once or twice a week, but most patients do better when treated at least three times a week.

FACT

Patients can sleep, read, watch television during treatment on the artificial kidney machine.

The patient is usually in a relaxing chair or in bed during treatment. Many use this time to catch up on sleep. Some read or conduct other activities of a sedentary nature.

FACT

Treatments on the artificial kidney machine are complicated and sometimes uncomfortable.

Treatment by means of this artificial organ is not simple. It involves sending the patient's entire blood supply through a machine over and over again for a number of hours, while maintaining proper blood pressure, blood temperature, and chemical balance. At times patients have uncomfortable side effects during treatment. The alternative, however, is death. A relaxed attitude on the part of the patient often means more comfortable and more effective treatment.

FICTION

Artificial kidney machines are delicate mechanisms which can get out of order easily.

Artificial kidney machines in general use today are more rugged than an automobile and can take a lot of punishment. Some artificial kidney machines have been in use for more than 15 years. They require no more servicing that the usual home television set. Most manufacturers provide service for the artificial kidney machines they sell although some are better equipped and staffed for this purpose.

FACT

Patients can be treated by the artificial kidney machine in their own homes.

About half of the patients on the artificial kidney are being treated in their own homes by their own relatives, following suitable training in a medically supervised dialysis center.

FACT

Less than 10% to 15% of the patients whose lives could be saved by the artificial kidney are receiving this treatment.

A cumulative total of 40,000 to 60,000 patients are suitable candidates to be kept alive on the artificial kidney. Fewer than 7,000 are being given this treatment. "The rest are simply left to die," in the words of the late Congressman John Fogarty.

FICTION

With kidney transplants becoming more successful, there soon will be no need for artificial kidney machines.

The growing success of kidney transplantation will increase the need for artificial kidney machines; to get the patients into good enough condition to withstand the surgery; to keep them alive while waiting for a donor kidney; to maintain life if the transplanted kidney should fail or be "rejected" after transplantation.

FICTION

Artificial kidney patients are invalids, incapable of living a normal life.

Although many patients go through periods when they are not well, especially during the early phase of their treatment, most can conduct generally normal lives once their condition becomes stabilized. They can get about, go to work, drive, travel, raise families, do housework, and pursue their usual activities.

FACT

There is a shortage of doctors and trained dialysis staff to treat patients with the artificial kidney machine.

Physicians who are willing to devote their time exclusively to the treatment of patients who need the artificial kidney machine are still in short supply. The same applies to trained dialysis supporting staff. Hospitals are reluctant to commit precious space to this long-term patient treatment modality. Home dialysis and ambulatory dialysis centers outside of hospitals are relieving the pressure, and other novel solutions are being developed. Organizations such as the Kidney Foundation are active in helping to devise innovative solutions to the dialysis manpower problem.

FICTION

Treatment on the artificial kidney machine is more expensive than other medical treatment.

Treatment on the artificial kidney machine varies in cost from $3,000 a year to $10,000 or $12,000, but can cost as much as $30,000 depending, in addition to other factors, upon whether the treatments are given at home, in a hospital or in an ambulatory dialysis center. At the lower end of the cost scale, this life-saving treatment is less expensive than psychiatric treatment, for example, or the cost of some surgical procedures. Financial help is available to many through medical insurance, state rehabilitation agencies, military dependents' insurance, VA, and other private or public sources.

FACT

The artificial kidney machine is now a recognized treatment method among doctors.

Although there was controversy over this unusual treatment some years ago, it is now accepted means of treating patients in chronic renal failure and in many acute situations where the kidneys need temporary help.

FICTION

Anyone buy an artificial kidney machine.

Artificial kidney machines require medical training and supervision. Only a doctor trained in dialysis is qualified to select the particular make of machine to match a patient's or an institution's needs and for this reason no equipment should be purchased for a patient or an institution without consulting a physician who is trained to evaluate the equipment needed. Rsponsible manufacturers consider these machines a "prescription item," and they are provided to patients only on doctors' orders.

FACT

Since many artificial kidney patients are being treated at home by their own relatives, life-threatening mistakes are possible.

As with driving an automobile, operator errors are possible both during home dialysis and when treatment is performed in a hospital. Some of these errors can be serious, even fatal. However, most of the artificial kidney machines used in home dialysis are protected against most operator errors through a number of fail-safe automatic shutdown devices and light-buzzer alarms. These safeguards, along with careful training, should prevent operator error.

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[1] Revised February, 1972.

FICTION

The highly publicized Community Patient Selection Committee is the best way to pick the patients who should be treated by the artificial kidney machines.

Optimally, treatment facilities should be adequate so that this life-saving procedure can be available to everyone who could benefit. Under such circumstances there would be no need for a community committee to "play God" by deciding who shall live and who shall die. Selection would become a purely medical decision as it should be. Few Patient Selection Committees are still in use. Most artificial kidney patients are being selected these days on the basis of medical criteria.

FICTION

Patients on the artificial kidney machine live only a short time.

Clyde Shields, the first chronic dialysis patient in this country, lived for more than 13 years after he began treatment, and died recently of a heart attack, apparently unrelated to his artificial kidney treatment. As treatment methods improve, a greater and greater number of artificial kidney patients are living for a long time. Many hemodialysis patients living today have been under treatment for years. However, as with any serious ailment, some of these patients do succumb, especially during the initial stages of treatment and before the end of the first year.

FACT

Patients can be given artificial kidney treatment outside of hospitals.

Less than half of the chronic dialysis patients are being treated in hospitals. The rest are being treated at home, with a family member trained to help, and in dialysis centers, most of which are associated with hospitals but are not located in the hospital. There are even mobile dialysis vans in several areas, bringing the treatment to the patient, but this is still somewhat experimental.

FACT

The artificial kidney machine does not cure kidney failure.

The artificial kidney is not a cure for kidney failure. It substitutes for kidney function but has no curative value. Once a patient's kidneys have ceased to function permanently, they will not resume their function, no matter how many artificial kidney treatments are given. (Remember that some patients' kidneys have stopped functioning only temporarily, and these patients may be given a few artificial kidney treatments to tide them over until their own kidneys start to function again.) Therefore, chronic artificial kidney patients must be given dialysis treatment for the rest of their lives, *unless* the patient receives a kidney transplant from a living or deceased human donor. However, only certain patients are suitable for such transplants, and donor kidneys are exceedingly rare. (For further information about kidney transplants, ask for "Fact and Fiction About Kidney Transplants.")

By Mr. THURMOND:

S. 3288. A bill to amend title 10, United States Code, to authorize the President to furnish support services, under certain circumstances, to the Veterans of Foreign Wars of the United States at overseas military installations. Referred to the Committee on Veterans' Affairs.

Mr. THURMOND. Mr. President, I introduce a bill to amend title 10, United States Code, to authorize the President to furnish support services, under certain circumstances, to the Veterans of Foreign Wars of the United States at overseas military installations.

This bill would allow the President the option to render overseas VFW posts support services presently being provided the American Red Cross, the United Seaman's Service, and the United Service Organization—USO.

Presently the VFW posts abroad provide numerous services to veterans and active duty American military personnel. These services encompass counseling activities, liaison with stateside VFW posts involving reemployment programs, and language classes for spouses of servicemen who married while overseas.

The VFW posts overseas also provide important charity type operation which the military services cannot provide under current regulations. This type operation would include sponsorship of Boy Scout troops and similar youth activity programs.

Mr. President, this bill is especially timely, because of the reversion of Okinawa to Japan on May 15, 1972. The VFW wishes to continue its active program in Okinawa where it presently owns and occupies a building valued at approximately $3 million and has an active membership of 23,000, less than 25 of whom are not members of the active military service.

This facility on Okinawa, and similar posts overseas, enables the VFW to render vital services to active duty personnel through many charitable and community type programs. These programs contribute significantly to the morale and comfort of our servicemen overseas.

The military governments where overseas VFW posts are located have cooperated with this excellent organization but that cooperation is necessarily limited. Under this legislation military commanders could expand this cooperation without any significant cost to the Government.

Mr. President, in these times of tight budgets and declining military strength levels, it should be noted that none of the provisions of this legislation can be extended without approval by the President. Thus, there is a built-in safeguard in that only those provisions in which the President and Secretary of Defense feel the national interest will be served may be extended under this legislation.

In a changing world environment it seems that closer ties between the military and charitable service organizations such as the Veterans of Foreign Wars should be expanded. It is with this view in mind that I have offered this legislation.

By Mr. STEVENS (for himself and Mr. GRAVEL):

S. 3289. A bill creating an additional Federal district judgeship for the district of Alaska. Referred to the Committee on the Judiciary.

Mr. STEVENS. Mr. President, today I am introducing legislation for myself and my colleague, Senator GRAVEL, which would authorize the President to create an additional Federal judgeship for the State of Alaska. The creation of an additional district judge will assist greatly in insuring the speedy administration of justice in Alaska. In recent years, there has occurred a great increase in the caseload handled by the present two U.S. district judges now in Alaska. In addition, the unusually large size of Alaska necessitates wide travel by the two judges in order to handle cases in other areas of the State.

That the judicial caseload handled by the two U.S. district judges in Alaska has increased greatly is portrayed most clearly by the great increase in the number of case filings in recent years. The overall criminal filings in the district increased from 101 in 1964 to 203 in 1971. The civil caseload has also increased accordingly, from 116 in 1964 to 219 in 1971. Total filings for the district, both civil and criminal, were 217 in 1964 and 422 in 1971. Thus, in only 7 years the number of total filings has nearly doubled, while the number of district judges has remained the same.

The same great increase in caseload has occurred in the Alaska State court system. However, the State of Alaska, realizing the heavy demands that the increased caseload made upon its judges, has increased the number of superior court judges in recent years. In 1960, there were eight superior court judges in Alaska; in 1971, the number stood at 16. This is an increase of 100 percent since 1960. Furthermore, because of increased judicial workload, the administrative director of the Alaska court system has advised me that the Alaska Judicial Council has requested of the 1972 Alaska State Legislature the creation of five additional superior court judgeships, which will bring the total to 21. New state court buildings are also presently under construction in Anchorage, Juneau, and Ketchikan.

Furthermore, with the presently increasing caseload, Alaska presents unusual geographic problems for the two present judges. Alaska is over one-fifth the size of all the other 49 States. At present, the area of the greatest caseload is Anchorage where both judges reside. However, in order to handle cases in other areas of the State, the judges must travel long distances to other cities. The judges must currently journey to the cities of Fairbanks, Juneau, Ketchikan, and Nome. Expected increases in the district's caseload will only further exacerbate the present difficult situation.

Current developments in Alaska promise to add heavily to the judicial workload of the present two U.S. judges. Only recently, President Nixon signed into law the long-awaited Alaska Native Claims Settlement Act. This bill provides for cash payments to 13 established Native corporations within the State of $965 million over a period of 10 years, and creates the procedures whereby the Native corporations may select 40 million acres of Federal land within the State for Native use. Consequently, the existing land delay imposed by the Secretary of the Interior will probably soon be lifted. It is anticipated that considerable litigation of a complex nature resulting from the Land Claims Act will be filed in the District of Alaska. Challenging questions are thus certain to arise concerning this complex legislation which will require careful judicial consideration and interpretation.

The disovery of huge oil reserves on Alaska's North Slope in 1968 is also bringing vast and rapid changes to the State. It is expected that the Secretary of the Interior will issue the permit for construction of the long-delayed trans-Alaska pipeline sometime in 1972. Construction costs alone in this project are estimated to be nearly $2 billion. As a result of this single event, both Anchorage and Fairbanks project large population increases at an unprecedented rate.

Finally, recent developments in the judicial field have increased the time demand upon individual judges. Although these problems are not unique to Alaska judges, they do contribute to the problems facing the present manpower of the Alaska district. Appellate decisions relating to the acceptance of pleas of guilty have established standards which require a judge to devote additional time thereto. The Bail Reform Act of 1966 also requires each judge to devote a substantial additional amount of time to hearings and orders relating to conditions of release or bail, and to the review thereof. Decisions of the Supreme Court have also resulted in changes which impose time-consuming requirements upon the judges. It is estimated that these and other changes have increased by 25 to 30 percent the time which an individual judge must personally devote to the proper performance of additional duties which have evolved upon him as a direct result of these changes.

In light of these probable developments, the present judges estimate that it is not now unrealistic to project case filing increases within the District of Alaska of a minimum of 10 percent per annum. Upon such a percentage increase, total yearly case filings for Alaska by 1975 would reach 617. This would be a threefold increase from 1964, only 11 years earlier.

In conclusion, I believe that this bill to authorize the creation of one additional U.S. district judge for Alaska is a carefully considered piece of legislation which will insure a rapid administration of justice in Alaska. Furthermore, an additional U.S. judge could assist other districts in the Ninth Circuit in handling their increased caseloads. Mr. President, I ask unanimous consent that this bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3289

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized, by and with the consent of the Senate, to appoint an additional district judge for the district of Alaska.

Sec. 2. The provisions of this Act shall become effective on the first day of the month following the date of enactment of the Act.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2063

At the request of Mr. Griffin, the Senator from Texas (Mr. Tower) was added as a cosponsor of S. 2063, to amend title 38, United States Code, in order to authorize the Administrator of Veterans Affairs to make advance educational assistance payments to veterans accepted for enrollment at colleges and universities, and for other purposes.

S. 2939

At the request of Mr. Brock, the Senator from Tennessee (Mr. Baker) was added as a cosponsor of S. 2939, to establish a National Commission on Corrections.

S. 2956

At the request of Mr. Stennis, the name of the Senator from Georgia (Mr. Talmadge) was added as a cosponsor of S. 2956, to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress.

S. 3025

At the request of Mr. Stevenson, the Senator from California (Mr. Cranston) was added as a cosponsor of S. 3025, to prohibit recorders of deeds from giving implicit recognition to racially restrictive covenants, and for other purposes.

S. 3046

At the request of Mr. Mondale, the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from South Carolina (Mr. Hollings), the Senator from Minnesota (Mr. Humphrey), the Senator from South Dakota (Mr. McGovern), the Senator from New Mexico (Mr. Montoya), and the Senator from Rhode Island (Mr. Pastore), were added as cosponsors of S. 3046, to provide for accelerated research, development training, and public education in the field of heart, lung, and blood disease.

S. 3092

At the request of Mr. Mondale, the Senator from Nevada (Mr. Bible) was added as a cosponsor of S. 3092, to amend and expand the Emergency Employment Act of 1971.

S. 3152

At the request of Mr. Chiles, the Senator from Maryland (Mr. Mathias) was added as a cosponsor of S. 3152, to amend the Internal Revenue Code of 1954 to provide that no interest shall be payable by a person to whom an erroneous refund is made if the erroneous refund is made due to error by an officer or employee of the United States.

S. 3229

At the request of Mr. Metcalf, the Senator from Indiana (Mr. Hartke) was added as a cosponsor of S. 3229, to protect the incomes of wheat and feed grain producers.

S. 3276

At the request of Mr. Dole, the Senator from North Dakota (Mr. Burdick) was added as a cosponsor of S. 3276, to enable wheat producers, processors, and end-product manufacturers of wheat foods to work together to establish, finance, and administer a coordinated program of research, education, and promotion to maintain and expand markets for wheat and wheat products for use as human foods within the United States.

SENATE JOINT RESOLUTION 191

At the request of Mr. Cranston, the Senator from Rhode Island (Mr. Pell), the Senator from California (Mr. Tunney), the Senator from Alaska (Mr. Stevens), the Senator from Utah (Mr. Moss), the Senator from Kansas (Mr. Pearson), and the Senator from Wisconsin (Mr. Nelson) were added as cosponsors of Senate Joint Resolution 191, designating the week of May 1–7, 1972, as "National Bikecology Week."

SENATE CONCURRENT RESOLUTION 66—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO THE PEACE CORPS

(Referred to the Committee on Foreign Relations.)

THE PEACE CORPS NEEDS IMMEDIATE HELP

Mr. PEARSON. Mr. President, today, the most popular and perhaps most effective program Americans have to assist people in poor nations is in serious jeopardy. The Peace Corps, which has carried the idealism and hopes of young Americans for over a decade, may have to withdraw a substantial proportion of its volunteers from their work in 52 underdeveloped countries. Peace Corps volunteers who now serve in the field may have to be withdrawn abruptly, leaving their vital work undone. They may have to return home because the Congress did not provide adequate resources to keep them on the job. I find it hard to understand how a body in which there is so much discussion about the need to reorder priorities, can permit such a high priority program to fall into disarray for the lack of a relatively small sum of money.

The legislation I submit today will not keep all volunteers in the field, nor will it prevent some reductions of force at the supervisory level, but it may well provide a way to keep a substantial number of these important American representatives working at their tasks. This concurrent resolution will accomplish that objective at no cost to the American taxpayers. It will utilize resources which have not previously been available to the Peace Corps to tide them over the next critical months until the new fiscal year begins.

The resolution states that it is the sense of the Congress that the Government of the United States enter into negotiations with governments which own local currencies generated as part of the sale of surplus American agricultural commodities. These currencies are normally used for economic development purposes in the recipient nations, and we shall ask that some funds be made available for use by the Peace Corps.

The nations in which Peace Corps Volunteers are working have already paid a substantial portion of the cost of their maintenance. We are asking the nations benefiting from the services of these dedicated Americans to bear a somewhat larger proportion of the burden for a very short period of time. I personally regret that we must make this request, but I would rather do this than see a most worthwhile program disrupted for the lack of a relatively small amount of money.

We must realize that the governments in possession of these currencies may not be happy about committing these funds and some of them may not agree to provide these moneys in time to aid the Peace Corps. We are not undertaking an easy task, but neither is the task of the Peace Corps volunteers easy.

We can act today to continue their important work. Unless we act promptly, Peace Corps volunteers and staff may have to be released in the next few days. Only swift action can give them an 11th hour reprieve. I urge immediate consideration of this legislation.

Because counterpart funds owned by foreign governments may need to be supplemented by those in the possession of the United States, I am also drafting a bill which would authorize the Peace Corps to use such currencies under the emergency circumstances outlined above. I have been in consultation with several of my colleagues, and find there is substantial interest in pursuing this course of action. Mr. President, I assure the Members of this body that I will pursue in every possible way a solution of the crisis faced by the Peace Corps.

The concurrent resolution reads as follows:

S. CON. RES. 66

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the United States should, at the earliest practicable date, enter into negotiations with each government for which currencies of such government have accrued in connection with its purchase of commodities under the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480), and which has a Peace Corps contingent present in its country, for the purpose of securing the agreement of that government to make such currencies available to defer all or part of the costs of maintaining such existing Peace Corps contingent within that country through June 30, 1972.

SENATE RESOLUTION 272—SUBMISSION OF A RESOLUTION EXPRESSING THE SENSE OF THE SENATE RELATING TO SUPPORT OF RADIO FREE EUROPE AND RADIO LIBERTY

Mr. PERCY. Mr. President, in recent weeks, differences between the House and Senate on the funding of Radio Free Europe and Radio Liberty have cast in doubt the future of these important radio stations which are the principal sources of free, uncensored, and relatively objective news in the countries of Eastern Europe.

However, a majority of the Members of both Houses are clearly committed to support of these radio stations, as indicated by the fact that both Houses have passed bills to this effect.

Today, in an effort to demonstrate the broad support for continued funding of Radio Free Europe and Radio Liberty, and to assure the 2,533 employees of these radio stations of our appreciation for the valuable work they perform, the distinguished Senator from Minnesota (Mr. HUMPHREY) and I are submitting a sense-of-the-Senate resolution which reads as follows:

S. RES. 272

Expressing the sense of the Senate with respect to the continued support of Radio Free Europe and Radio Liberty.

Whereas Radio Free Europe and Radio Liberty have provided an important service to the national interest in keeping open channels of information and opinion on matters of vital concern to the peoples of the eastern part of Europe;

Whereas the Senate has appropriately taken the initiative during the past year to establish open and public means of governmental support for these two organizations;

Whereas the Senate and the House of Representatives have both passed bills authorizing support of Radio Free Europe and Radio Liberty, and American editorial opinion overwhelmingly favors this support;

Whereas the Senate and the House of Representatives have not as yet agreed on the proper means of providing for the future operations of these two organizations; and

Whereas the resulting failure to establish a method of support has brought about a temporary cessation of support causing understandable concern to the personnel of the two radios: Now, therefore, be it

Resolved, That the Senate hereby expresses (1) its continued appreciation of the valuable work being performed by the personnel of Radio Free Europe and Radio Liberty and (2) its intention to provide adequate support to these two radios while the methods for future support are carefully examined within the framework of United States foreign policy objectives.

Mr. PERCY. Mr. President, already we have been joined in cosponsorship of this resolution by Senators GOLDWATER, STAFFORD, JAVITS, BROCK, GAMBRELL, BUCKLEY, PACKWOOD, DOLE, BAKER, BEALL, BROOKE, COTTON, DOMINICK, GRIFFIN, GURNEY, HANSEN, MILLER, ROTH, TOWER, EASTLAND, PASTORE, BENNETT, MCGEE, RIBICOFF, HRUSKA, SCHWEIKER, BOGGS, COOK, COOPER, FANNIN, FONG, HATFIELD, MATHIAS, STEVENS, JACKSON, BELLMON, MUSKIE, HART, SCOTT, BENTSEN, WILLIAMS, STEVENSON, MOSS, TAFT, BAYH, MCGOVERN, CURTIS, THURMOND, KENNEDY, MCINTYRE, HOLLINGS, and YOUNG.

I would like to take the occasion of the introduction of this resolution to say that the terms "cold war" and "Iron Curtain" rightly belong to an earlier period, because the processes of East-West negotiation, exchanges and trade have moderated the hostilities of the recent past. Consistent with the atmospheric change in East-West relationships, Radio Free Europe and Radio Liberty have moderated the tone of their broadcasts, and now it can be said that they are dedicated to presenting the news in an objective manner and to presenting commentary without vituperation or heavy handedness.

But whether the terms "cold war" and "Iron Curtain" have any great significance in international relations at this time, they still are valid in respect to the conditions of life for many millions of persons who live in the Soviet Union and in the other countries of Eastern Europe. While a limited number of intellectuals and officials have the opportunity to travel abroad, and have access to Western publications and "White Tass," which reprints topical reports from the foreign press, the vast majority of citizens have access only to that news permitted by the state to be printed or broadcast. Such control of the news media is not imposed for exercise; it is imposed for its impact on the thinking of the broad masses of people. Apparently even in these times of reduced tensions between East and West, the rulers of the nations of Eastern Europe are not sufficiently self-confident in their power and popularity to allow a free, uncensored presentation of news to be printed and broadcast for public consumption. The astonishing management and control of the media in the Soviet Union, for example, is seen in their media coverage during last week's visit of President Nixon to China. This event, with all its implications for the political future of Asia and its importance to the Soviet Union, received only half as much attention on Soviet radio as did the Greek-Cypriot issue which by any standard was hardly as significant. Moreover, Soviet radio spent twice as much time in adverse comment about China as it did on reportage of the Nixon visit to China.

Pravda devoted seven lines and Radio Moscow devoted 10 seconds to the announcement of President Nixon's arrival in China. Later, Radio Moscow expended its coverage to 22 seconds, but balanced this with 20 seconds of negative reaction to the trip by the American Communist Party. President Nixon's meeting with Mao Tse-tung was accorded 20 seconds by Radio Moscow.

Therefore, I believe it is fair to say that the cold war has not ended for the peoples of Eastern Europe, nor has the Iron Curtain been swept aside. The peoples of Eastern Europe still depend for hard news, for objective news, for total news on radio stations in the West.

BBC and Voice of America do an important job in this regard, but their credibility is affected by the acknowledged fact that they are government-operated. Radio Free Europe and Radio Liberty, while receiving funds from the West, are known to be independent in their operations and presentations. So long as Radio Free Europe and Radio Liberty are needed to inform Eastern Europeans of the news, they should be supported. It is a sad fact that a man in Leningrad may not know of a major news event in Kiev or Prague or Paris or New York unless Radio Free Europe or Radio Liberty informs him. For no news, foreign or domestic, is covered by the Soviet media unless it is officially approved for broadcast and print. State information policy is the determining factor in what the people are allowed to know.

An example of the importance of the independent radio stations which broadcast the news into Eastern Europe appeared in John P. Roche's column in the Washington Post of February 26, 1972. Mr. Roche reported the following story:

> A Soviet Jew signed a petition attacking the appalling Leningrad trials. Thirty years ago (said Roche) he would have dropped this pebble down a bottomless well, but now, the next morning at 2:30, Radio Liberty was on the air with the text of the petition and the names of the signatories. This man, now in Israel, recalls the sense of triumph as he heard the broadcast: "They (the KGB) can take us now, but our testimony will stand in history."

I am hopeful that the resolution which we submit today will be testimony to the determination of the U.S. Senate to support the free flow of information to the countries of Eastern Europe.

SENATE RESOLUTION 273—SUBMISSION OF A RESOLUTION RELATING TO EXTENSION OF THE NUCLEAR TEST BAN TREATY TO INCLUDE UNDERGROUND TESTING

(Referred to the Committee on Foreign Relations.)

Mr. HART. Mr. President, Senator MATHIAS and I are today submitting a resolution urging prompt negotiation of a comprehensive nuclear test ban treaty. It is our opinion that the United States can now safely change some of the conditions that it has previously insisted on during negotiations and thereby greatly improve chances of success.

An agreement banning nuclear tests has long been a goal of U.S. arms control policy. Since the Senate ratified the Limited Test Ban Treaty in 1963, a comprehensive test ban has been an item on the Agenda at the Geneva Conference of the Committee on Disarmament. It has been a subject of great concern to the United Nations and to the governments and peoples throughout the world. Recent advances in seismology now make possible a treaty whose earlier achievement was prevented by the United States-Soviet deadlock over the "on-site inspection" issue.

The most important accomplishment of a comprehensive test ban would be its contribution toward ending the wasteful and awesomely dangerous nuclear arms race. If the two nuclear superpowers finally renounced nuclear testing, it would give substance to the hope that the ever-ascending spiral of nuclear weapons development has come to an end, without the immeasurable disaster which could befall mankind were a nuclear war to erupt. Moreover, there are strong indications that the vital Nuclear Nonproliferation Treaty of 1968 may be endangered by the continued United States and Soviet testing. Some of the nations whose signatures are critically important to the stability of the treaty are declining to agree while the superpowers continue the testing which fuels the nuclear race between them.

We must bear in mind, too, the danger that continued weapons development will almost inevitably lead some day to the discovery of the "cheap A-bomb" that will put atomic weaponry within pocketbook range of dozens of nations. It does not take much imagination to visualize what that would do to world stability.

The Limited Test Ban Treaty of 1963 banned nuclear tests in the atmosphere. It was hoped that this measure would slow down the arms race, eliminate the most dangerous hazards to the environment and save vast sums that might be used for more constructive purposes. The past 10 years have proved that this has not been the case.

The United States has spent almost $3 billion on underground tests since 1963 without achieving any greater degree of national security. While the Limited Test Ban Treaty drastically reduced the annual global deposit of radioactive fallout from nuclear tests, it did not, as has been hoped, limit the development of nuclear weapons nor the rate of testing. On the contrary, according to the Stockholm International Peace Research Institute—SIPRI—while the annual average number of all tests by all nuclear powers before the 1963 treaty was 40, by 1970 it was 48 and increasing annually. According to SIPRI, the United States has been in the lead, staging 188 underground weapons tests between October 1963 and July 1970; 64 were recorded for the U.S.S.R.

As an aside, I might note that our Government has officially announced far fewer tests than are attributed to us by SIPRI. Likewise, our Government's estimates of the number of Soviet underground tests is lower than SIPRI's.

We must remember that both the United States and the Soviet Union have good reason for fogging up the number of tests they know about.

Let me quote from the SIPRI report of October 1971:

> If the United States announced all the Soviet tests it detected by seismic and other secret means, it would indicate to the Soviet Union and other countries the yield below which it was possible to avoid detection.
>
> And if the United States were to announce all its own tests, this would permit the Soviet Union to claim they had detected them all and hence that verification was no problem.

Consequently, all governmental estimates of the numbers of tests must be greeted skeptically.

SIPRI reports that about 20 of the U.S. explosions vented radiation. Clearly, this contamination affects the atmosphere. Up to now, there has been no thorough evaluation of whether contamination can also poison underground waters.

In addition to the radiation dangers, large underground tests present a threat of earthquakes and tidal waves. A special presidential panel investigating the safety of U.S. underground tests noted that tests detonated in areas of earthquake activity have resulted in many small tremors. This panel, which reported in 1968, has headed by Dr. Kenneth Kitzer, president of Stanford University and former Research Director of the Atomic Energy Commission.

The panel concluded that there is a risk of damaging earthquakes resulting from nuclear tests of over 1 megaton.

The overriding reason for banning nuclear tests, however, is that continued testing does not add to our national security, but, in fact, reduces it. The longer the arms race continues, the greater the risk of a nuclear holocaust.

Moreover, the doubtfulness of the contention that the United States must continue to test to stay even with the Soviets can be clearly demonstrated by the following figures: it is estimated that the United States possesses approximately 6,000 nuclear warheads fitted with delivery vehicles that could reach the U.S.S.R., and that the Soviets have 2,000 warheads which could strike at the United States. In our country there are 150 population centers with more than 100,000 residents, and in the U.S.S.R. there are 175 such centers. With present nuclear weapons the United States could destroy the Soviet centers 34 times over, and the Soviets could annihilate the U.S. cities 13 times. This overkill capacity eliminates any justification for further development of offensive nuclear weapons and for the underground test programs which fuel the race.

We must also recognize that an agreement between the United States and the U.S.S.R. is necessary if there is to be an end to the spread of nuclear weapons to other nations, which is the great promise of the Nuclear Nonproliferation Treaty. It should be recalled that the Senate expressed its nearly unanimous approbation for this treaty. It seems clear that the importance of bringing all nations into that treaty increases daily, yet some of the most important nations are withholding signatures because of the continued United States-Soviet testing activities.

Mr. President, the United States is bound by two treaties to work toward the comprehensive test ban agreement. The preamble of the Limited Test Ban Treaty—1963—states that the parties will seek "to achieve the discontinuance of all test explosions of nuclear weapons for all time" and will "continue negotiations to this end, and that they desire to put an end to the contamination of man's environment by radioactive substances." The Treaty on the Nonproliferation of Nuclear Weapons, ratified in 1968, repeats this commitment and states:

> Each of the parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date . . .

The nonnuclear and near-nuclear powers refused to support the Nonproliferation Treaty unless this provision was included. From the introduction of their first Joint Memorandum, in 1965, the nonnuclear powers insisted that the treaty "must be coupled with or followed by tangible steps to halt the nuclear arms race." Consistently, they have given priority to the comprehensive test ban as the one measure which could most successfully signify that the Nonproliferation Treaty is not an instrument of discrimination by the superpowers. Unless we soon conclude a comprehensive test ban treaty, thereby assuring the world that we are ready to renounce further nuclear weapons development, there is likelihood of a proliferation of nuclear powers in the near future—not just Japan, India, and Israel, which are often mentioned, but also other more politically instable nations.

The principal obstacle to a comprehensive test ban over the years has been the United States' insistence on effective verification measures through on-site inspection, a condition apparently still unacceptable to the Soviets—although at one point in 1962 the Soviets and the United States were close to agreemnt on a limited number of annual on-site inspections. Today there is substantial scientific evidence that on-site inspection is no longer necessary for effective enforcement of a treaty. Leading scientists have stated in the SIPRI report, and in the report of the Defense Department's conference of the Advanced Research Project Agency, and in recent testimony before the Senate Subcommittee on Arms Control and International Organization, that progress achieved in detection methods eliminates the necessity of on-site inspection. While they agreed that no detection system is absolutely foolproof, scientific evidence assures that underground test violations which could conceivably go undetected would be of a size so small as to have no material military significance. Thus it is the considered opinion of a growing number of scientists, government officials, and arms control experts, that the gains achievable by a comprehensive test ban without on-site inspection far outweigh the risks of possible undetected violations. I ask unanimous consent that there be inserted in the RECORD at the conclusion of my remarks the article by Henry R. Myers entitled, "Extending the Nuclear-Test Ban" from Scientific American of January 1972.

People across the land have increasingly demonstrated deep concern. The concern is most dramatically apparent among the young people. After the Second World War the fear injected by the nuclear arms race was one of the factors which disillusioned your youth. Every child learned that he lived in a world in which violence had become commonplace and which was now stocked with sufficient lethal power to wipe out human life. The widespread opposition to the recent Cannikin underground test in Alaska is proof that a large number of the American people, and, indeed, peoples around the world, want nuclear testing stopped. The United Nations General Assembly, by a vote of 112 to zero with only one abstention, called for a test ban and urged that tests be stopped no later than August 5, 1973, the tenth anniversary of the signing of the Limited Test Ban Treaty.

For these several vital reasons, Mr. President, I hope that all Members of the Senate will give serious and sympathetic consideration to this resolution. Early hearings on the Comprehensive Test Ban Treaty legislation by the Senate Foreign Relations Committee would, I am convinced, be in our national interest as well as in the interest of world peace.

I ask unanimous consent that the text of the resolution be printed in the RECORD at the conclusion of these remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. RES. 273

Whereas, prior to 1963 there were earnest efforts by the United States to achieve a total nuclear test ban treaty in the hope of curtailing the burdensome and dangerous arms race between our nation and the Soviet Union; and

Whereas, inability to achieve agreement on methods of verifying a ban on underground tests frustrated hopes for a comprehensive treaty, and resulted in acceptance in 1963 of a limited test ban; and

Whereas, the massive underground testing which has since continued on both sides has constantly fueled the burdensome nuclear arms race without promoting national or international security; and

Whereas, steady and continuing scientific progress in seismology now makes it possible, using national means alone, to monitor underground events down to levels so small that any remaining undetected or unidentified events would have no controlling military significance; and

Whereas, the early achievement of total nuclear test cessation would have many beneficial consequences: imposing finite limits on the nuclear arms race; releasing resources for peaceful uses; protecting our environment from growing testing dangers; creating a more favorable international arms control climate; helping to win acceptance by more nations of the crucial nuclear nonproliferation treaty; making more stable agreements it is hoped will result from the current SALT negotiations: Now, therefore, be it

Resolved, That in the interest of promoting negotiations for general cessation of the nuclear arms race and advancing international security, the Senate calls upon the President to propose to the Soviet Union and the other nuclear powers an extension of the limited test ban treaty to include testing underground and to strive for its prompt acceptance.

[From the Scientific American, Jan., 1972]

EXTENDING THE NUCLEAR-TEST BAN

(By Henry R. Myers)

(NOTE.—Charts and figures referred to are not printed in the RECORD.)

Treaties to ban the testing of nuclear weapons have been a subject of widespread interest since the middle 1950's. The history of the matter is marked by turgid international negotiations, conferences of scientific experts, acrimonious domestic debates, changes in position by one side or the other, a three-year informal moratorium on testing suddenly terminated by a series of Russian tests in the atmosphere, "breakthroughs" in the technology of detecting clandestine tests, supposed "breakthroughs" in the technology of conducting clandestine tests, proposals that were not so sincere, a limited treaty banning all but underground tests, accusations of minor violations of that treaty and—most recently—renewed talk of extending the limited treaty to cover underground tests, stimulated primarily by reports of significant new advances in seismic techniques for distinguishing underground explosions from earthquakes.

Advocates of a test ban have over the years pointed out that such a treaty would be a major step toward terminating the strategic-arms race, that it would bring an end to radioactive pollution by nuclear explosions, that it would make the proliferation of nuclear weapons less likely and that it would increase barriers against the use of nuclear weapons in warfare. Those opposed to a test ban have tended to argue that a treaty would address the symptoms rather than the disease, and that whatever advantages there might be were outweighed by certain military and political disadvantages.

Throughout this meandering history there has been little consensus on answers to a series of related questions: How important are the advantages of treaties that limit the testing of nuclear weapons? Is it really a good idea to accept such limitations even if there could be confidence that other countries had done the same? How much assurance could there be that others would live up to the agreements? What developments might stem from clandestine bomb-testing by others?

Questions related to the problem of detecting violations have dominated the test-ban dialogue out of all proportion to their significance. The reasons for this anomaly are interesting in themselves. One is that the verification question is the one aspect of an otherwise complex issue that appears amenable to quantitative analysis. (Actually it is much less so than appearances suggest.) A second reason is that there seems to be a widely held obsession with the *possibility* of violations rather than with their probability or their significance. A third is that opponents of limitations on nuclear testing have exploited this obsession by encouraging fears that have little basis in fact.

Following the established tradition, much of the present discussion will be concerned with the problem of detecting violations. This is done, however, not to emphasize that aspect of the matter but to place it in proper perspective, so that the political and military implications of continued nuclear testing or a complete cessation of it may receive the greater attention they deserve.

Some people have feared that the U.S. Government, in its eagerness to make arms-control agreements, has not been concerned enough about its ability to detect violations. Such fears have never been well founded. An often-stated pre-condition for the U.S. to enter into a treaty limiting underground nuclear testing has been that there be adequate assurance that the national security would not be placed in jeopardy by developments growing out of clandestine testing by other countries. Indeed, the failure to arrive at a ban on underground tests has in part reflected the inability to negotiate a treaty that provided the U.S. with the assurance of compliance with the terms of the treaty that many officials and citizens believe is necessary.

Such assurance can be derived from several sources: (1) seismological records, intelligence observations or on-site inspections indicating that particular events were earthquakes and not explosions; (2) awareness that any significant clandestine program would involve a large enough number of tests so that eventually a mistake would be made that would reveal the prohibited activity; (3) knowledge of the relative insensitivity of the balance of strategic power to further developments in nuclear-weapons technology; (4) the belief that a potential violator would probably find an excuse for withdrawing from a treaty rather than run the risks inherent in violating it.

On the last point Herbert Scoville, Jr., a former deputy director of the Central Intelligence Agency and assistant director of the Arms Control and Disarmament Agency, has suggested that consideration be given to the experience of the 1958–1961 moratorium on all nuclear testing. At that time the ability to acquire information concerning violations was much inferior to what it is today. In addition, nuclear-weapons technology was less advanced, and there was more incentive to cheat. Yet even then the U.S. was willing to rely for assurance on its own verification systems. The moratorium ended not because of mutual suspicions about cheating (although these did exist) but because of the initiation by the U.S.S.R. of a massive atmospheric-testing program.

In discussing the various interacting factors that influence assurance I shall begin with the area in which the significant new developments have emerged, namely seismology.

Both earthquakes and explosions cause elastic vibrations in the ground that propagate as seismic waves through the earth (body waves) and along its surface (surface waves). Seismometers are used to detect such waves, and the data obtained from a number of instruments, separated by hundreds or thousands of miles, can be used to determine where the event took place, to define its seismic magnitude and to learn something about the nature of the source mechanism.

Seismic magnitude is an approximate indication of the energy released by an earthquake or an explosion. It is a logarithmic quantity based on the average of measurements of the amplitude of certain portions of seismic waves. For some purposes magnitude is based on measurements of the body wave; in other circumstances it is based on the surface wave.

The largest earthquakes have a body-wave magnitude slightly in excess of 7 and a surface-wave magnitude slightly in excess of 8.5. On the average there are one or two such earthquakes a year. Underground explosions in the megaton range can have a body-wave magnitude of 6.5 to 7. Explosions in the low-kiloton range typically have a body-wave magnitude of 4. The seismic magnitude associated with underground explosions depends not only on the explosive yield but also on the material in which the detonation is set off.

Determining the location of seismic events eliminates the large majority of earthquakes from the "probably suspicious" category. For example, unless there are other grounds for suspicion, it is possible to immediately eliminate events under the ocean floor or in countries where there is no reason to believe a nuclear test might have been conducted.

If an event cannot be discarded on the basis of its location, analysts can exploit the fact that in terms of the spectral distribution and the partition of energy among wave modes the seismic signals generated by explosions are quite different from those generated by earthquakes. At distances within 1,000 kilometers of an event, explosions in excess of a few kilotons can easily be differentiated from earthquakes. The effects of the paths along which the waves travel, however, are such that as the waves propagate they increasingly assume a form that is determined more by the characteristics of the path than by the characteristics of the source. Moreover, the seismic wave is attenuated with distance, and diagnostic features contained in it (and for small events the entire signal) can be obscured at the point of detection by seismic noise generated by winds, nearby road traffic or distant ocean waves.

An enduring tenet of the test-bank dialogue has been that the negotiability and viability of a prohibition on underground testing were related to the amount of verification information that could be extracted from the seismological data. More specifically, such a ban was dependent on the ability to understand and reduce the effects of travel paths and seismic noise. As a result the U.S. undertook in 1959 to sponsor a research program intended to lead to improved capabilities for detecting seismic events, for determining their location and for establishing whether the events were earthquakes or explosions. The ultimate objective was to develop monitoring procedures that could provide sufficient assurance in a treaty situation while calling for a minimum of provisions that would be difficult to negotiate, namely on-site inspections or internationally supervised seismological observations inside the U.S.S.R.

Since 1959 more than $300 million has been spent on the U.S. seismological research effort. A lesser effort was mounted by the United Kingdom. As a result there has been a considerable advance in the understanding of earthquake mechanisms and of the structure of the earth. Other significant developments have come in instrumentation, in data-handling and analysis procedures, in the ability to separate signals from noise and in the ability to determine the location of events and to isolate information that might help in determining whether the event was an earthquake or an explosion. On the other hand, the rate at which this progress has been translated into a more negotiable position at the nuclear-test-ban discussions at Geneva has not been as great as might have been hoped. Nevertheless, there have been two notable advances that have led to a substantial improvement in the ability to collect and abstract useful information from the seismological data.

The first major "breakthrough," announced in 1962, amounted to a reduction in the annual number of earthquakes in the U.S.S.R. that might be confused with explosions. Part of the basis for this reduction was a thorough study of earthquake and explosion data that resolved the existing uncertainties about the rate at which earthquakes occur and the relation between earthquake magnitude and explosive yield. In addition, it was determined that the depth of seismic events could be better inferred from the data than had been believed. It became possible to conclude that many more events were too deep to be explosions and therefore were earthquakes. These results were the basis for dropping from the U.S. negotiating position the requirement that there be manned, internationally supervised seismological observatories in the territory of the U.S.S.R.

The second such major advance has emerged in the past few years from a series of studies initiated by Jack F. Evernden, a seismologist formerly employed by the Department of Defense and now working at the Arms Control and Disarmament Agency. The most significant result of this work, which has been carried on by groups at several universities, was to verify the hypothesis that for a given total release of seismic energy, explosions were much less efficient at generating long-period surface waves than small, shallow earthquakes were. Although there were indications before 1962 that this was a worthwhile line of investigation, the early analyses were based on limited data and were not pursued to the point where results would have had a strong impact on the U.S. position in the test-ban negotiations. Moreover, it had been suggested that as the total seismic energy released became smaller, the differences between explosions and earthquakes would tend to diminish to the point where they would not be observable.

It has now been demonstrated that the difference persists for the smallest events of any interest, and that the average ratio of surface-wave magnitude to body-wave magnitude for explosions is less than the average ratio for earthquakes at least as far down as a body-wave magnitude of 4, and probably lower. For the comparatively small number of events that cannot be eliminated on the basis of location, depth or surface-wave criteria there are other diagnostic methods that can be applied to the data. These criteria include the relative complexity of the seismic wave (earthquakes generally produce more complex signals than explosions do) and the ratio of compressional-wave energy to shear-wave energy (earthquakes usually produce larger shear waves than explosions do).

Other research has demonstrated that through the use of seismometer arrays, which have the effect of enhancing seismic signals with respect to the background noise, it is possible to detect both surface waves and body waves at distances of thousands of miles from events with a body-wave magnitude of 4.

As a result of these studies it is now known that it is possible to build a network of seismological observatories, located many thousands of miles from seismic sources of interest, that will acquire data that can be used to identify "virtually all" earthquakes in the U.S.S.R. having a body-wave magnitude in excess of 4. It also means that in the absence of active evasion procedures there would be a substantial probability of detecting and identifying explosions in the U.S.S.R. with yields greater than one or two kilotons. At such yields a nuclear-test program would have little significance. The significance of these conclusions of course depends on the meaning of "virtually all." Some seismologists suggest it means that each year there will be as many as 25 earthquakes in the U.S.S.R. with a body-wave magnitude above 4 that could not be differentiated from explosions on the basis of the seismic data. Others believe that the number will be 10 or less. These estimates are to be compared with the average expected number of unidentified events, ranging from 75 to 150 events above a body-wave magnitude of 4, that would have been anticipated before the surfacewave techniques were developed.

The spread in present and past estimates is partly a reflection of natural fluctuations in the rate of occurrence of earthquakes. Mostly, however, it results from different interpretations of the data and different estimates of the likely outcome of ongoing studies. The data themselves are sometimes subject to diverse interpretations because the great variability in the source mechanisms and the transmission properties of the earth creates a corresponding variability in the observations; therefore questions are sometimes raised concerning the validity of conclusions based on a particular set of measurements. Also contributing to the diversity in estimates is the fact that there are very different views concerning the elaborateness of the seismological network that might exist at some future time. This uncertainty is important because the degree of differentiation that is possible depends directly on the number, distribution and quality of the seismometer stations providing the raw data.

The residual number of events that cannot be identified on the basis of the seismic data would be further reduced by the analysis of data supplied by intelligence systems. In particular it has been hypothesized that satellite photography should be capable of providing information that might alleviate doubts about specific occurrences. For example, a seismic event might be detected and its location determined on the basis of seismological data but without there being enough information to provide confidence that the event was an earthquake. Photography from space might indicate that in the area where the event took place there was no sign of activity of the kind associated with a nuclear test. On the other hand, if the photography were to reveal activity such as mining, it would not serve to decrease suspicion. It is therefore probable that satellite photography would serve much more to reduce suspicions about earthquakes than to provide evidence that a prohibited explosion had occurred.

Nevertheless, a country deciding to undertake clandestine tests would be constrained to do so in a way that would not be susceptible to observation. The possibility that violations might be observed from space would thus have the effect of imposing substantial restrictions on a potential violator. This would tend to deter attempts to carry out secret tests.

On-site inspections have been another omnipresent element in the test-ban dialogue. In the beginning there was a generally held belief that seismological data would be much less useful and inspections more useful than either are now known to be. By supplementing information provided by seismic instruments and intelligence systems, inspections were considered a mechanism that would make a substantial contribution to the verification process. As a result of the recent developments in seismology, inspections would apply only to the very small number of events that are large enough to be detected but that produce signals of insufficient signal-to-noise ratio to allow the application of seismic identification techniques. As usually envisioned, inspections would be conducted after the presentation of ambiguous seismic data and under the auspices of an international body. They would involve visits to the area of origin of seismic events that could not be identified after analysis of the seismic and intelligence data. The inspection area would extend over some several hundred square kilometers, an area reflecting the expected error in determining the point at which the seismic event had occurred.

The procedure for deciding that a seismic event could not be identified, and therefore should be subject to an inspection, is not easily articulated. As a practical matter it would be exceedingly difficult to specify in a treaty, in a manner that would be acceptable to all parties, the data that would need to be provided in substantation of a claim that an inspection was necessary.

The ability of on-site inspections to uncover evidence of clandestine testing, should there be such testing, would depend on a chain of probabilities: the probability that an explosion would be selected as a candidate for inspection, the probability that the inspection area would encompass the point of detonation and the probability that the inspectors would actually uncover positive evidence should the inspection area include the shot point. The foregoing factors would in turn depend on the quality of the evidence on which the inspection decision was based, the number of inspections that might be conducted in a given time period, the accuracy of locating the source point of seismic events, the size of the area covered by an inspection the duration of the inspection, the number and training of the inspectors and the elaborateness of the inspection procedures.

Since a country that had violated the treaty would be unlikely to allow access to inspectors who might uncover the clandestine activity, inspections would probably be undertaken only in areas where earthquakes had actually occurred. Because the seismic data would be adequate for identifying large earthquakes, inspections would be directed toward smaller events that typically would produce no ground effects that might be found by inspectors. Moreover, Defense Department experts now say their research has indicated that careful planning and execution of a clandestine test would preclude the existence of surface manifestations that might be found by inspectors. Therefore on-site inspections could not be expected to turn up any evidence of either explosions or earthquakes. Finally, if an evader should be successful in employing active evasion techniques, there would be no seismic evidence on which a request for an inspection might be based.

If this is the case, do inspections serve any purpose even in theory? Yes, according to some. The lack of evidence of an explosion would supposedly provide a limited amount of assurance (skeptics say false assurance) that there had been no explosion. In addition, the prospect of an on-site inspection and the possibility that one might miscalculate or make a mistake would be at least a slight deterrent to a potential violator.

Whatever the theoretical utility of inspections, it is questionable that a treaty that provided for meaningful inspections was ever a realistic possibility. The Russians have always had a negative attitude toward inspections on the grounds that they are not needed and would be used as a pretext for espionage. During periods when the Russians did seem willing to consider the possibility of some small number of inspections (allegedly for the purpose of diminishing some American domestic opposition to a treaty), it was not clear that the nature of these inspections was even close to the elaborate procedures envisioned by the U.S.

With the recent advances in seismological research, doubts concerning the usefulness of inspections have been intensified. To continue to maintain that a ban on underground tests is important but that inspections are still necessary implies the acceptance of the following dubious propositions: (1) that significant tests might escape the various monitoring systems operated by the U.S., (2) that inspections would play a substantial role in deterring violations or in alleviating suspicions that might arise and (3) that the Russians would agree to inspection procedures of the kind that would be required if they were to serve their purpose.

To put the matter in perspective it should be noted that new ground would not be broken if the demand for inspections were dropped because they were deemed unnecessary. The U.S. is already a party to a series of arms-control agreements that contain either no provision for inspections or provision only for inspections of a kind that would yield virtually no assurance in addition to the assurance acquired by other means. These agreements include the ban on nuclear explosions in the atmosphere or outer space, the ban on placing nuclear weapons in orbit around the earth, on the moon or on other celestial bodies, the ban on placing weapons of mass destruction on the ocean bottom and the ban on nuclear weapons in the Antarctic. In each case unilateral means are considered adequate to provide the necessary confidence that the impact of possible undetected violations would be so minuscule as to make them not worth worrying about.

In effect the data provided by seismological and intelligence systems and, to a much lesser extent, by on-site inspections would serve to reduce the background "noise" against which the "signal," or positive evidence, of clandestine test activity would be detected. This "noise" is a factor that a potential violator would take into account in making a decision about conducting a clandestine test. Would he assume that his activity would be lost in the "noise," that it would be discounted as a spurious earthquake in the residuum of unidentified seismic events? Or would he believe that he should play a more active role in attempting to conceal his tests?

Since a complete test ban became a serious possibility several such active schemes for clandestine evasions have been proposed. These include the muffling of the explosion so that the resulting seismic signals would be unlikely to be detected, modification of the character of the seismic waves so that even though they might be detected they would not be characteristic of waves associated with explosions, and testing in the aftermath of a large earthquake so that the explosion signals would be concealed by the ground motion caused by the earthquake.

The muffling of seismic signals might be achieved by conducting the test in an underground material where a comparatively small fraction of the energy of the explosion would appear in a propagating seismic wave. For example, a 20-kiloton explosion in a dry desert alluvial deposit might produce a seismic signal as small as the one produced by a one-kiloton explosion in hard rock. If a country were to seek to test in such an alluvial deposit, it would first be confronted by the fact that a deposit deep enough and dry enough is very uncommon. There is, in fact, reason to believe these deposits do not exist in the U.S.S.R. in depths that would allow tests of more than one or two kilotons. Since dry alluvial deposits, or other dry materials that might be useful for the same purpose, are usually found in areas that are relatively free of clouds and lacking in human activity, any attempt to conduct clandestine tests in these circumstances would be particularly vulnerable to observation from space. Further restrictions arise from the fact that the alluvium must be deep enough not only to contain the immediate effects of the explosion but also to make it possible to set off the explosion at a depth that would not leave a collapse crater. This is an indirect effect in which the cavity produced by the nuclear explosion fills with material from above. The result is a propagating void that ultimately appears at the surface as a characteristic subsidence crater. Such craters are common at the U.S. testing ground in Nevada. If such a crater were to be observed from space, it would be telltale evidence of a nuclear explosion.

A more elaborate muffling technique calls for detonating the nuclear device in a spherical cavity. It is predicted that with a cavity of the right size the seismic signal would be about 100 times weaker than it would be without the cavity. The diameter of the required cavity increases with the cube root of the explosive yield. A 10-kiloton explosion would call for a cavity 300 feet in diameter 3,000 feet below the surface. It is questionable whether the cost of excavating such a cavity would be commensurate with the gains that might be made from a clandestine nuclear test conducted in it.

For a time it seemed that such muffling, or decoupling, schemes had fallen out of the domain of plausible evasion possibilities. In recent Congressional testimony, however, decoupling was resurrected by Defense Department experts, who implied that decoupled detonations with yields of 50 to 100 kilotons were feasible and could be carried out at costs that were within reasonable bounds. The assertion raised the question of why, if the possibility of decoupling was considered to be significant enough to bring up, there had been only one small experiment to check out the predictions. This test had involved a 300-ton shot in a cavity created by a 5,000-ton nuclear explosion in a salt deposit in Mississippi. Because the observed decoupling was less by a factor of two than had been forecast, and because there are serious questions concerning the validity of extrapolating the results of this experiment from a yield of 300 tons to one of 50,000 or 100,000 tons, it would seem important to have conducted experiments with much larger explosions. The willingness to extrapolate results here (where the extrapolated conclusion is consistent with the desires of many Defense Department experts to avoid a complete ban on nuclear-weapons tests) conflicts with the Defense Department's usual position on nuclear-weapons development. For example, the five-megaton Cannikin test conducted on Amchitka in November was supposed to be necessary because it was not possible to base conclusions on data obtained from a one-megaton explosion.

At various times it has been suggested that a series of nuclear detonations, appropriately located and timed, would produce a composite seismic signal that was more typical of earthquakes than explosions. Although this procedure might generate waves that in some respects were similar to waves made by earthquakes, it would be difficult for a treaty violator to be confident that the similarity was sufficient to avoid creating suspicion.

A violator might also try to conceal illicit test activity by setting off an explosion almost immediately after an earthquake. If this were done properly, the seismic signals associated with the explosion would be masked by those generated by the earthquake. One disadvantage of testing in this fashion would be the need to maintain the nuclear device and the apparatus associated with the experiment in a constant state of readiness for a period that would range from months to years, depending on the size of the test detonation. It would also be necessary to determine rather quickly that the earthquake was suitable for purposes of masking. That would require an interconnected network of seismometers from which data would be fed to a computer. The computer would immediately calculate the location and size of the earthquake, and it would give a "go" signal when the earthquake met the preset conditions. As with other imagined evasion techniques, the practicality of this method would be depend on how badly a country wanted to test, on the size of the test and on how the country evaluated its chances of being caught.

The usefulness of on-site inspections in deterring such efforts would be contingent on procedures that had been established for submitting requests to conduct an inspection. If it were necessary to base the request on specific kinds of seismic data indicating that an unidentified event had occurred, there would be much less deterrent value than if it were possible to base the request on unrevealed intelligence information with only scant reference to publicly available seismic data.

Scoville notes that an easy, although seldom discussed, way for a country to cheat a weapons-test ban would be for it to mount a program of setting off nuclear devices for peaceful purposes, such as the U.S. Plowshare program. One part of Plowshare is the development of nuclear explosive devices for use in nonmilitary projects. Since these devices are in many ways identical with weapons, it would be virtually impossible to determine the kind of development activity being undertaken without being given access to the experimental apparatus. Such access is not likely to be granted by either the Russians or ourselves. Therefore if there is going to be a complete ban on nuclear-weapons tests, it will be necessary either to live with the possibility of some weapons development under the shelter of Plowshare-like programs or to forgo the yet to be established economic benefits of this type of activity.

A further consideration affecting a country's assurance that it could detect clandestine tests (or evade detection) is the possibility that there might be a mistake or an accident in such a test. An unexpected collapsed crater or the venting of radioactive debris could lead to the discovery of prohibited activities. There is a significant chance of unintentional venting and a significant probability that such venting, if it occurs, will be detected. In the past radioactive debris has been unintentionally emitted from underground explosions conducted by both the U.S. and the U.S.S.R. The possibility of such accidents would tend to deter violations.

A useful device for summarizing the concepts that enter into evaluations of the likelihood of detecting clandestine test activity or of escaping detection is represented by the graph on the opposite page. The abscissa represents the product of the annual number of tests and their average yield; for instance, a value of 10 could means 10 tests with an average yield of one kiloton or two tests with an average yield of five kilotons. The ordinate is a measure of the confidence that a test or series of tests with the specified yield-number product would be detected.

The "deterrence" curve represents the situation as it might be viewed by a country undertaking a clandestine test program. The "assurance" curve represents the situation as it might be perceived by countries concerned about their ability to detect violations by others. The deterrence curve invariably lies to the left of the assurance curve because the country concerned about violations by others will, in comparison with the evaluations of the potential violator who presumably places a high premium on not being caught, tend to underestimate the chances of a violation's being detected.

For example, the great variability in seismic data may cause a violator to "play it safe." He would assume, as actually happens, that his explosions would produce at some observation points seismic signals substantially greater than the signals suggested by the average implied by the curves in the top illustration on the opposite page. The violator would have to conservatively evaluate his chances of being observed from space or having an accident that resulted in the venting of radioactive debris. On the other hand, countries seeking assurance might well assume that explosions would produce seismic signals of an average size implied by the average curve, that the violator would make sure that there was no substantial deviation from the average, that there would be no basis for counting on anomalously large signals to reveal a clandestine test, and that the tests would be conducted in a manner so as not to produce a collapse crater or other evidence that might be collected by intelligence systems.

Such curves or their conceptual equivalent are an aid in evaluating the risks associated with a nuclear-test ban even though they are necessarily imprecise because of the large number of intangibles and uncertainties they encompass. The inability of anyone to develop more quantitative estimates has caused consternation among presidents, members of Congress and interested citizens. Adding to the uncertainty is the fact that the detection of clandestine tests must be considered an integral part of the broader question of how significant undetected violations would actually be.

It is fortunate that the recent advances in verification technology have simplified the issue. Many informed observers now conclude that the U.S. need no longer be concerned about developments that might result from clandestine nuclear-test activities, since such developments would not affect the strategic position of the U.S. with respect to its adversaries. It is thus possible to focus on the role of any nuclear tests at the present juncture of the arms-development cycle.

In discussing nuclear testing it is necessary to consider global questions, including what the intentions of adversaries are, how nuclear testing would influence the probability of a nuclear war's starting and what effect nuclear testing would have on the outcome of the war if it should start. It is clear that such complex questions cannot be answered conclusively, but certain facts, opinions and speculations can be stated, and inferences can be drawn from them.

The public record contains very few details of the U.S. nuclear-weapons program. Information about what goes on in the U.S.S.R. is even scantier. Nevertheless, it is possible to get an idea of both the objectives and the costs of U.S. activities from official testimony before committees of Congress and from committee reports based on that testimony. From these sources it appears that during each of the past six years the U.S. has spent approximately $450 million on the development and testing of nuclear weapons. The objectives are to develop weapons that have greater explosive yield for a fixed weight, to develop weapons in which certain nuclear effects are either increased or decreased with respect to other effects, to verify that the performance of existing weapons does not decline with the passage of time and to gain confidence in safety against accidental nuclear detonations. Some nuclear explosions are used as sources of radiation and blast in experiments to determine their effects on weapons systems and their components.

Nuclear detonations for these purposes can be justified to some extent on the grounds that in the long run they will make it possible to save money. For example, it may be that a missile warhead with a certain explosive power and a specified weight could be developed only through nuclear testing. If tests were not allowed, the same destructive power would have to be put into, say, three missiles instead of two, thus preventing a saving in the cost of producing a given amount of damage.

Similarly, there could be uncertainties about the performance of stockpiled weapons or the effect of nuclear explosions on military hardware that could be resolved only by subjecting the hardware to the effects of a nuclear explosion. If such uncertainties could not be eliminated by nuclear tests, it would be necessary to eliminate them through the more costly route of conservative design. In "National Security and the Nuclear-Test Ban," an article that appeared in the October 1964 issue of *Scientific American*, Jerome B. Wiesner and Herbert F. York addressed the uncertainty question at some length. They pointed out that whatever uncertainties might be resolved by nuclear testing would be very small compared with those that abound in military planning. The fact that some of these uncertainties might be removed by nuclear tests would, in their view, "contribute virtually nothing more to management of the real military and political problems, even though it would produce neater graphs."

Some have argued that nuclear testing must continue because of the possibility of surprise findings: either findings that lead to important new developments or, what is more likely, findings that expose a problem where none had been expected. Others argue that tests are necessary to help ensure that the Russians do not acquire knowledge not in the possession of American experts. It is of course not possible to demonstrate that surprise results will not be obtained. Nor is it possible to prove that the Russians do not know things of which American experts are unaware. As for the likelihood of there being a surprise of the kind that suggests a new line of weapons, one may take note of York's belief that the rapid technological advances of recent decades are neither typical of the past nor predictive of the future.

It is sometimes suggested that the U.S. could not forgo testing as long as China or France was continuing its tests. This contention has little validity. For the indefinite future whatever dangers might arise from the fact of Chinese or French nuclear-weapons developments are most unlikely to be ameliorated by the products of U.S. tests. Such dangers must be countered by other means.

More generally, the need for continued testing should be considered in the light of the fact that in this 27th year of the nuclear age some thousands of nuclear weapons of proved design are fully deployed. No foreseeable weapons developments based on further nuclear tests, conducted either openly in the absence of a complete test ban or clandestinely in the presence of one, would affect the ability of either the U.S. or the U.S.S.R to deliver a substantial portion of its strategic stockpile to an opponent's cities. McGeorge Bundy has remarked on the implications of even a small fraction of these weapons being detonated over urban targets: "In the real world of real political leaders—whether here or in the Soviet Union—a decision that would bring even one hydrogen bomb on one city of one's own country would be recognized in advance as a catastrophic blunder; 10 bombs on 10 cities would be a disaster beyond history, and 100 bombs on 100 cities unthinkable."

In brief, the advanced status of nuclear-weapons development, the existence of very large weapons stockpiles and the deterrent value of the ability to destroy even one city suggest that neither the continuation of nuclear-weapons tests nor the cessation of such tests will affect the strategic position of one superpower with respect to the other. If this is the case, it should mean that continued testing need not necessarily be a source of international tension and a motive force in the arms race.

Yet in spite of the decline of the substantive importance of nuclear tests, testing has developed a life of its own and, as was evident in the Cannikin episode, does exacerbate international discord. If only because there are such strong feelings concerning the need for either an indefinite continuation of testing or its elimination, the matter retains a large symbolic importance. Accordingly there is much to be said for a treaty that removes nuclear testing as an issue that obscures the real problem: how to avoid nuclear war.

The ban on atmospheric testing grew out of the fears generated by the Cuban missile crisis of 1962 and the increasing radiation levels caused by fallout. The superficial reason the treaty did not encompass underground tests was the inability of the signatories to reach agreement on verification procedures. Underlying the omission of such tests was the opposition of persons in and out of the U.S. Government who believed it was essential that this country continue its test activities. At the same time the importance of a prohibition on underground tests was recognized in the preamble of the Limited Test-Ban Treaty of 1963 and later in the Non-proliferation Treaty of 1970, both of which incorporated a commitment to continue negotiations toward a ban on all nuclear-weapons tests.

Not only has little been done to fulfill this commitment but also it is debatable that the amospheric ban has had much effect on the development of nuclear weapons. In order to secure the endorsement of the U.S. Joint Chiefs of Staff for the Limited Test-Ban Treaty the Kennedy Administration agreed to implement a program of safeguards that included "the conduct of comprehensive, aggressive and continued nuclear-test programs designed to add to our knowledge and improve our weapons in all areas of significance to our military posture for the future." This was to counter the Joint Chiefs' concern that the treaty might presage a "euphoria in the West which will eventually reduce our vigilance and willingness of our country and of our allies to expend continued effort on our collective security." The result of these safeguards has been what many believe is a nuclear-weapons development effort that is indistinguishable in scope—if it is not even larger—from the one that had been under way before the treaty.

Since 1963 there has been little serious discussion of extending the Limited Test-Ban Treaty to include underground tests. The ostensible obstacle remains: the U.S.S.R. continues to maintain that on-site inspections are not needed; the U.S. asserts the contrary. The verification issue is still a pretext for not achieving agreement. As the foregoing discussion suggests, however, the plausibility of the pretext has dwindled to the vanishing point.

The failure to prohibit underground tests plays into the hands of those in the nonnuclear nations who press for the acquisition of nuclear forces; it tends to reinforce the contention that the statements of the superpowers are not matched by actions, and it undermines the credibility of the U.S. Government, which has maintained for more than a decade that unresolved verification problems are the obstacle to a ban to underground tests.

The attainment of a treaty banning underground tests would demonstrate to the non-nuclear countries that the major nuclear powers would accept substantial restrictions on their own nuclear activities, a demonstration that would strengthen arguments against the acquisition of nuclear weapons by other countries. As a result of its symbolic value, a cessation of underground testing, particularly in the absence of a major agreement at the Strategic Arms Limitation Talks, would more than any other likely step signify an almost irrevocable commitment to seek security through arms-control agreements rather than through the never ending cycle of weapons and counterweapons that has characterized the period since World War II.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 232

At the request of Mr. CHILES, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of Senate Resolution 232, expressing the sense of the Senate that the remainder of the amount appropriated for the rural electrification program for fiscal 1972 be immediately released by the Office of Management and Budget.

TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT—AMENDMENT

AMENDMENT NO. 984

(Ordered to be printed and to lie on the table.)

Mr. BYRD of West Virginia (for Mr. HARRIS and Mr. EAGLETON) submitted an amendment, intended to be proposed by them jointly, to the bill (H.R. 12910) to provide for a temporary increase in the public debt limit.

SOCIAL SECURITY AMENDMENTS OF 1971—AMENDMENTS

AMENDMENT NO. 985

(Ordered to be printed and referred to the Committee on Finance.)

AN AMENDMENT TO H.R. 1, LIBERALIZING THE SOCIAL SECURITY "OUTSIDE EARNINGS" TEST

Mr. MOSS. Mr. President, recently I asked the Finance Committee to consider my amendment to H.R. 1 to further liberalize the "outside earning test" now imposed on social security recipients. I believe such action is necessary if we are to afford our senior citizens their basic right to seek a moderate standard of living.

Today I am submitting the amendment for referral to the committee. It proposes, specifically, that the retirement test be modified to allow semiretired Americans "outside earnings" of $210 per month without suffering penalties. This would permit the average couple receiving social security benefits to supplement their incomes up to the level which the Department of Labor calls an "intermediate" standard.

Few of my colleagues would deny the overwhelming desire of our senior citizens for economic self reliance. More than any other group in our society they want the chance to "pay their own way"—to gain the maximum level of independence that their circumstances will permit.

Yet, at the same time, our social security laws, even as modified in H.R. 1, will permit recipients to earn only $2,000 a year without suffering the penalty of lost benefits. To most couples, this amount is hardly sufficient for the maintenance of their living standards.

Today the average monthly social security check received by a couple comes to about $219. Adding this basic annual income of $2,628 to the $2,000 permitted under the H.R. 1 "earnings test," the average couple would still not have reached an amount consistent with a moderate standard of living.

According to the recent consumer price information and Bureau of Labor Statistics reports on the cost of living, an elderly couple living in an urban area requires approximately $4,800 to maintain an "intermediate" living standard. So even with the full $2,000 added to their benefits the average elderly couple cannot reach the intermediate level.

Mr. President, I have long been a consistent advocate of liberalizing the "earnings test" which limits the amount of income which social security recipients are allowed to earn free of penalty. Two years ago, the Senate moved in this direction by raising the "retirement test" to $2,400. Unfortunately, the Social Security Amendments Act of 1970 never reached conference and recipients continue to suffer under what I consider to be an outdated and unreasonable "outside earnings" limitation.

Today, more than ever before, I am convinced that further liberalization of the "earnings test" is the right course. As a member of the Senate Special Committee on Aging, I have had ample opportunities to sense the great desire of our senior citizens for economic self reliance. There is also a continual need on the part of Congress to allow elderly Americans to maintain their standards of living in the face of a persistent inflation.

For this reason, I urge the Senate Finance Committee to raise the "earnings test" to $2,520 per year. I believe that this amount is a just and reasonable level. It recognizes both the economic situation and also the desires of our senior citizens for personal independence. I believe that the "outside earnings" level proposed in H.R. 1 continues to ignore these realities. It denies to our elderly citizens their full opportunity to maintain their hard-earned standard of living.

I believe, that our semiretired citizens should be given the opportunity to earn at least enough to guarantee themselves a moderate standard of living. I, therefore, urge that the Finance Committee reconsider their decision to limit the "earnings test" to $2,000 a year—which amounts to a step backward from earlier Senate decisions.

We must recognize the growing need for more liberal retirement standards. With so many Americans now beginning second careers at midage, it would be counterproductive to penalize couples who want to go on working after the traditional retirement age. Congress should recognize these citizens' willingness and ability to be of productive service to our society.

Congress should also appreciate the specter of poverty that haunts even the moderately well-to-do elderly citizen. With taxes and consumer prices rising persistently, older Americans are determined not to be caught on fixed incomes which appear to offer an ever-declining purchasing power.

In 1962, for example, the average income of a family headed by a senior citizen could count on 50 percent of the average income of a family with a head of household less than 65. Today, the family with a senior citizen as the head of household can expect about 43 percent of the average income of his younger counterpart.

All the social security benefit increases passed by the Congress have been only stopgap measures designed to keep the elderly "even" with the rest of the population. I urge that the committee grant those senior citizens an opportunity to earn the stronger measure of economic security which these times require.

AMENDMENTS NOS. 986 THROUGH 988

(Ordered to be printed and referred to the Committee on Finance.)

Mr. EAGLETON. Mr. President, I am submitting today three amendments to H.R. 1, the Social Security Amendments of 1972. These amendments would expand and improve the protection available to wives and widows of insured individuals.

The current law provides no protection for disabled wives of social security beneficiaries. It provides inadequate protection for disabled widows.

At present, the wife of a man who is receiving retirement or disability benefits cannot receive a wife's benefit until age 62, unless she has a child in her care, even though she is disabled and unable to work and supplement the family's income.

The 1971 Advisory Council on Social Security has recommended that disabled wives and dependent husbands of social security beneficiaries, without regard to their age, receive the same benefit provided aged wives and dependent husbands at age 65. My first amendment would carry out this recommendation.

The Social Security Amendments of 1967 provided benefits for disabled widows and dependent widowers beginning at age 50. However, these benefits are sharply reduced so that a disabled widow whose benefits begin at age 50 receives only 50 percent of the amount her husband would have received. Benefits payable to 50-year-old disabled widows coming on the rolls in January 1971 averaged only $68.

The Advisory Council on Social Security has recommended that disabled widows and dependent widowers be made eligible for benefits without regard to their age and that the benefits not be reduced from what they would be entitled to at age 65. My second amendmend would carry out this recommendation.

Earlier this year, I introduced a bill S. 2861) to reduce from 20 to 10 the number of years a divorced wife or surviving wife must have been married in order to receive benefits on the earnings record of her former husband.

Under present law, a wife becomes entitled to benefits on her husband's earning record after 1 year of marriage. She becomes entitled to a widow's benefit after only 9 months of marriage. I believe it is inequitable to deny benefits to a divorced woman whose marriage lasted at least 10 years and who has not remarried.

This proposal has been endorsed by the National Council of Senior Citizens, and I am submitting it today as an amendment to H.R. 1.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 870

At the request of Mr. Nelson, the Senator from Massachusetts (Mr. Kennedy) was added as a cosponsor of amendment No. 870, intended to be proposed to H.R. 1, the Social Security Amendments of 1972.

AMENDMENT NO. 955

At the request of Mr. Stevenson, the Senator from Indiana (Mr. Hartke) and the Senator from Hawaii (Mr. Inouye) were added as cosponsors of amendment No. 955, intended to be proposed to H.R. 1, the Social Security Amendments of 1972.

NOTICE OF HEARING ON NUTRITION AND HUMAN NEEDS

Mr. HART. Mr. President, I wish to announce a hearing of the Senate Select Committee on Nutrition and Human Needs at 10 a.m. on Tuesday, March 7, in room 318 of the Old Senate Office Building. The hearing will deal with the question of expansion in the school breakfast program.

ADDITIONAL STATEMENTS

THE TRIP TO PEKING

Mr. SCOTT. Mr. President, James Reston, the prestigious reporter, columnist, and vice president of the New York Times, has written an editorial column about the President's recent trip to China.

The country is well served by men of Mr. Reston's thoughtful perspicacity and his forthright willingness to go on record with what he believes to be the way things ought to be. I believe that every Senator is aware of his accomplishments and has from time to time been influenced by what he has to say.

It was with great interest, therefore, that I read his recent column entitled "The President Is To Be Applauded," as it appeared in the Washington Evening Star for Wednesday, March 1. As Mr. Reston says,

> (The President) has shown foresight, courage and negotiating skill. He has changed his directions, his policy, and the tone of his diplomacy, and there are few people in this caiptal today who don't welcome the change.

Mr. President, James Reston's comments on the Tokyo trip are so apropos and so well considered that I ask unanimous consent that the entire text of the article be printed in the Record.

Mr. SAXBE. Mr. President, one of the finest editorials I have read in some time is the analysis of President Nixon's visit to China, written by James Reston, of the New York Times. Mr. Reston, who visited China recently, calls it Mr. Nixon's finest hour. Specifically, he states that the President:

> Has shown foresight, courage, and negotiating skill. He has changed his direction, his policy, and the tone of his diplomacy, and there are few people in this caiptal today who do not welcome the change.

I join the distinguished Senator from Pennsylvania (Mr. Scott) in asking unanimous consent that Mr. Reston's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The President Is To Be Applauded

(By James Reston)

When the history of the Nixon administration is finally written, the chances are that the President's China policy will stand out as a model of common sense and good diplomacy.

For the moment, he is being criticized for giving away too much on Taiwan, for troubling the Japanese and the Soviets, and for playing politics with the great issues of war and peace, but in the larger perspective of history, these are likely to be seen as secondary issues.

The main thing is that he personally identified one of the great problems of American foreign policy—the isolation and hostility of China—and by more than three years of patient effort, brought it to an end.

He has not settled anything with China, and he has undoubtedly unsettled a lot of things in Tokyo and Moscow along the way, but he will be going to Moscow in late May and undoubtedly to Tokyo later in the summer and, if he handles his problems there as well as he did in Peking, the atmosphere of world politics should be a little better by the end of the year.

If you assume that the cold war is a permanent condition of life—as many intelligent and sincere men and women do—it is easy to condemn Nixon's opening in China and West German Chancellor Willy Brandt's opening to the Soviet Union, but Nixon and Brandt are trying to dismantle the cold war and go on from there to a more dependable world order.

Moscow is suspicious of the President's China trip, for the Peking mission has dramatized China's emergence on the World scene and suggests that the United States is playing the old British game of throwing its influence, if not its power, on the side of the weaker nation—specifically on the side of China, Moscow's ideological adversary.

If this is what the men in the Kremlin think, they probably are right, for Nixon undoubtedly is playing balance of power politics in Asia as his predecessors since the last war did in Europe.

He is arguing against the domination of the Pacific basin by any nation, the United States and the Soviet Union included, and to create a new order in Asia, he needs at a minimum, not only the absence of war, but the cooperation of all the major Asian powers, the Soviet Union, Japan and China.

It is going to take a lot of time even to explore the possibilities of such a Pacific system, and he has completed only the first phase of his journey. In fairness, he has to visit both Tokyo and Moscow before his purpose is made clear, and the Japanese, of all people, owe him a little patience before deciding that he is acting against their interest.

No doubt he has made some tactical blunders en route to Peking. By sending Dr. Henry A. Kissinger to China last summer and autumn he virtually assured the expulsion of Nationalist China from the United Nations. By worrying too much about "leaks," he kept that mission secret from Japan and embarrassed the Sato government.

But, on its postwar record of aid to Japan, which is surely unprecedented in the relations between victorious and defeated nations, the United States is entitled to have a little more time and confidence from Japan while it tries to work out some accommodation with Peking, which is essential to any new order in the Pacific, and with Taiwan, which is not.

Nixon's report on the China trip from the planeside when he returned to Washington tried to put these questions in some perspective. He dropped the exaggerated talk about the "week that changed the world," and talked common sense to the American people for a change.

There was no pretense this time that anything fundamental had been settled in China. The differences were conceded and defined. The deadlocks on Taiwan and Vietnam, and the ideological conflicts over aggression and liberty were stated clearly and accurately, and the difficulties ahead were acknowledged.

Nixon even admitted that such candor at the summit of world politics was "unique." "This communique," he said, "was unique in honestly setting forth differences rather than trying to cover them up with diplomatic double-talk."

If the Peking trip did nothing more than reopen communication and introduce some plain and civil talk between Washington and Peking, it would have been worthwhile. But it did more than that.

It cut away some of the illusions of the past generation, which have contributed to both the Korean and Vietnam wars. It cast at least some doubt on the Chinese conviction that the American armies in Korea and Vietnam were aiming at the destruction of the Peking regime, and on the American fear that China was embarked on a campaign to expand its authority all over East Asia and Southeast Asia.

It did not remove the Chinese anxiety over the rising military power of the Soviet Union and the expanding economic power of Japan, but it must have reduced the fear that the United States was planning to detach Taiwan from China and use it as an American military base of operations on China's southern flank.

None of this would have happened without Nixon's personal initiative in reaching out to China over the last three years, despite his own anti-Communist record and the opposition of powerful elements within his own party.

He has shown foresight, courage and negotiating skill. He has changed his directions, his policy, and the tone of his diplomacy, and there are few people in this capital today who don't welcome the change.

THE CONSUMER AND THE PRICE COMMISSION

Mr. McINTYRE. Mr. President, yesterday I received by mail the latest Price Commission pamphlet designed to help the consumer know how the Commission's authority and regulations affect his daily activities and the price he pays for consumer goods and rent. I applaud the Commission's effort to inform the public in this manner.

While I still find that some of the explanations in this document may not be entirely clear to the reader, it is a distinct improvement over previously available publications. I hope that the public will be able to use this pamphlet in helping to police consumer pricing and in avoiding overpayment for the goods that they purchase.

I ask unanimous consent that the text of the document be printed in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

PRICE CONTROLS AND YOU

INTRODUCTION

On August 15, 1971, President Nixon announced a 90-day freeze on wages, prices and rents. The purpose of the freeze was to halt inflation while providing the Government with time to develop a long-range program to stabilize the economy. The freeze was very successful in terms of curbing inflation, but it did create hardships in many sectors of the economy. It was recognized that a more flexible system of controls would be needed to achieve long-term stability.

The freeze ended on November 13, 1971, and Phase II of the President's program began.

The Cost of Living Council was authorized to establish the broad economic goals for Phase II, and the Price Commission and the Pay Board were established to control price increases and wage increases, respectively. The Internal Revenue Service was given the responsibility for monitoring the program and responding to public inquiries.

The Price Commission's policies are designed to reduce the rate of inflation by holding average price increases across the economy to a rate of no more than 2.5 percent per year. Some price increases may be above 2.5 percent; others will be below, but the average of all price increases should be no greater than 2.5 percent by the end of 1972.

To achieve this goal, the Price Commission is emphasizing three objectives: firmness; price fairness; and public acceptance. Price firmness means limiting price increases to the minimum amount that is need to cover cost increases. Price fairness means that even though prices are controlled, the Commission will not disrupt normal business practices. To gain public acceptance, however, the Commission must not only demonstrate price firmness and fairness, but must also see that the public understands the goals and provisions of the program.

The purpose of this pamphlet is to explain to you how the Price Commission is controlling prices and rents and to tell you what you can do to help. Your support is essential for it is only through voluntary cooperation that the fight against inflation can be won. It *must* be won.

GENERAL RULES

Base price

The base price provides you with a point of comparison between the price that could be charged during the freeze and the current ceiling price.

The base price for any product or service is the higher of:

1. The price permitted to be charged for the product or service during the freeze (August 16, 1971–November 13, 1971), or

2. The freeze base price as adjusted under Price Commission regulations.

Prices of products and services may not be increased above the base price unless the seller meets the requirements described in this pamphlet.

Classification

In order to monitor and control price increases, the Cost of Living Council has divided the economy into three sectors:

Tier I.—Firms with annual revenues of $100 million or more. They are called *prenotification* firms. Prenotifiers must submit a form requesting the approval of the Price Commission for any price increase above the base price or any adjustments of the base price. The firm may not charge the increased price until it has received Price Commission approval. Prenotifiers must also submit quarterly reports on prices, costs, and profits.

Tier II.—Firms with annual revenues between $50 and $100 million. Tier I and Tier II firms are called *reporting firms*. They must submit quarterly reports to the Price Commission on prices, costs and profits.

Tier III—Firms with annual revenues of less than $50 million. They are called *monitored* firms. They are not subject to prenotification or reporting requirements, but must comply with the Price Commission's regulations and will be monitored by the Internal Revenue Service.

Exemptions

Controls are inappropriate in some instances. Therefore, some items have been exempted by the Cost of Living Council because they do not contribute to the inflationary cycle. Others, such as raw agricultural products, are exempted because controls might create serious shortages if supply, because of bad weather or other adverse conditions, were not sufficient to fulfill demands at the controlled price. In addition, the agricultural industry is made up of a large number of small producers who have no control over the prices or the total supply of agricultural products. Consequently, there is no way in which individual producers can make a deliberate decision to raise prices in order to pass on increase in costs.

Among the items exempted from price control by the Cost of Living Council are:

1. Raw agricultural products.
2. Raw seafood products.
3. Certain custom-made products and services.
4. Exports, imports and international shipping rates.
5. Damaged or used products.
6. Tuition and other charges by public and private nonprofit organizations.
7. The sale of government property.
8. The sale of certain real estate.
9. The sale of securities, commercial paper and commodity futures, and certain brokerage fees.
10. The following rentals:
    (a) Industrial, farm and nonresidential commercial property.
    (b) Rental units on which construction is completed after August 15, 1971, offered for rent for the first time after that date.
    (c) Certain rehabilitated property offered for rent in the rehabilitated condition for the first time after August 15, 1971.
    (d) Units with monthly rentals of $500 or more.
    (e) Owner-occupied dwellings of no more than four units rented on a longer than month-to-month basis.
    (f) Single family dwellings rented on a longer than month-to-month basis where the owner owns no more than four such dwellings.
11. Retailers and restaurants with annual sales of less than $100,000.
12. Life insurance, reinsurance and ocean marine insurance.
13. Miscellaneous:
    (a) Dues paid to nonprofit organizations.
    (b) Antiques.
    (c) Art objects.
    (d) Coins and stamps.
    (e) Precious stones.
    (f) Rock and stone specimens.
    (g) Handicraft objects.
14. Prices charged by Federal, State or local governments for services, except health and utility services provided by a state or local government.

MANUFACTURERS AND SERVICE ORGANIZATIONS

Manufacturers and service organizations may increase a price over the base price only if the cost of making the product or performing the service has increased. The price increase must be no more than the extra costs, plus the usual percentage markup (the percentage applied to the cost of a product in order to calulate the selling price) for the particular product or service. However, the price increase is not allowed if it results in an overall rate of profit that is greater than the rate of profit the company realized in two of the last three fiscal years.

For example, a manufacturer produced a tie at a cost of $1.00, and he has sold it for $1.05 since the time of his last price increase on June 30, 1971. His markup on each tie is five percent. The cost of making the tie is now $1.20. He may apply his five percent markup to the current cost of $1.20 and add that amount to the cost.

He may now charge $1.26 for the tie. The increase is cost-justified: costs increased 20 percent; the selling price may increase 20 percent.

RETAILERS

General Rule

Retailers may not increase the price of a product above the base price unless there is an increase in invoice cost to the retailer. While prices of individual products may fluctuate due to increases in cost, prices in the aggregate are controlled by markups (the percentage the retailer applies to the cost of a product in order to calculate the selling price). This means that the retailer's markup rate may not be greater than the rate applied to a particular product or product line before November 14, 1971. For example, if the invoice cost of a can of peas was $1.00, and the retailer sold the peas for $1.10, his markup was 10 percent. The cost now increases to $1.20. The retailer may apply his 10 percent markup to the current cost and sell the peas for $1.32.

The retailer *may not* increase his percentage markup to cover any increases in overhead costs (labor, rent, etc.). These costs he must absorb himself. In addition, the retailer *may not* increase a price if it results in an overall rate of profit that is greater than the company's rate of profit for two of the company's last three fiscal years.

Exemptions

All raw agricultural products are exempt from price controls, so prices of foods such as lettuce and fresh carrots may fluctuate. However, these products are included in the retailer's overall profit margin, which cannot be increased. Prices charged by retailers with annual sales of less than $100,000 also are exempt.

Posting

All retailers with annual sales of $200,000 or more are required to post a list of base prices prominently. Base prices for food and nonfood poducts customarily sold in a retail food store may be posted and displayed in a central location in the store. Retailers of nonfood products must post the base prices for the 40 items in each department which had the highest dollar sales volume in the last fiscal year or those items which accounted for at least 50 percent of total dollar sales in each department, whichever is less. In addition, retailers must provide, on request, base price information for all items not posted. Base prices for items that are exempt, such as raw agricultural products, do not have to be posted.

What you can do to help

The following is a list of things you, the consumer, can do to promote compliance and to help fight inflation.

1. Although prices are not frozen at the base price and can be increased if the costs increase, you can compare the base price and selling prices at different stores and buy where selling prices are lower.

2. You can actively utilize the base price listing by not purchasing those products whose selling prices have greatly exceeded the base price.

3. If a selling price seems disproportionately higher than the base price, you should question the retailer on the difference. In cases where a satisfactory answer is not given, and you suspect a violation of the regulations, you should notify the local office of the Internal Revenue Service.

RENT

The rent regulations which became effective on December 29, 1971 state that the landlord must first determine the base rent for a particular rental unit. He may then increase the base rent by:

1. An annual increment of 2.5 percent.
2. The amount of increase in state and local property taxes, government fees and levies, and municipal service charges incurred for 1972.
3. The amount of cost for capital improvements, with certain limitations.

Base rent

The base rent for a unit subject to a month-to-month (or less) lease before the freeze is the last rent paid for that unit before the freeze.

If you were on a lease for more than month-to-month on August 14, 1971, your base rent depends upon when you took possession under that lease.

If you took possession between May 16, 1971, and August 14, 1971, your base rent is the rent you paid under that lease on August 14, 1971.

If you took possession on or before May 15, 1971, the base rent is the rent under that lease plus the average percentage rent increase charged by the landlord for other units having new leases signed between May 16, 1971, and August 14, 1971. If no new leases were signed on any units during the 90-day period, the base rent is the May 25, 1970 rent on the unit plus 5 percent.

This procedure was designed to operate equitably for both tenants and landlords.

If you are on lease, your rent may not be increased until the current lease expires.

Increases above the base rent

Two and One-half Percent: To cover increased operating costs, the landlord may automatically add an annual increase of 2.5 percent to the base rent. No matter how much your landlord's operating costs increase, he may still only charge you a 2.5 percent increase. Operating costs include labor, electricity, gas, interest, etc.

Taxes and Charges: Your landlord may pass through increases in state and local property taxes, government fees and levies, and municipal service charges. These must be taxes allocable to 1972, and the increase may only begin the month the taxes are due.

Capital Improvements: If your landlord has made capital improvements after August 15, 1971, he may increase your rent to cover these costs. The increase in monthly rent cannot be greater than 1.5 percent of the cost of the improvement. Your landlord must get approval from the Internal Revenue Service if your rent increase is greater than 10 percent.

Notification: Your landlord must give you a proper written notification 30 days before a rent increase is due. The notice of increase must contain the amount of the monthly rent before and after the proposed increase, the percent and dollar amount of the increase and the date it became effective. The landlord must show the units involved, and a sample computation of the base rent along with an explanation of how he determined the base rent.

He must itemize his increased costs and show how he prorated them to your unit. He must also fully describe capital improvements and his method of proration.

In addition, he must list the hours he is available to explain the increase to you if you do not understand it. Finally, he must offer documentation supporting the increase upon your request.

If, after talking to your landlord, you do not believe the increase is justifiable, contact your local Internal Revenue Service office for assistance.

Exemptions: The following rental property is exempt under these regulations:

1. Industrial, farm, nonresidential, commercial property.
2. New construction offered for rent for the first time after August 15, 1971.
3. Rehabilitated dwellings (where the cost of rehabilitation is more than one-third of the total value of the rehabilitated property) rented for the first time after August 15, 1971.
4. Single family dwellings rented on a greater than month-to-month lease where the owner owns no more than four such dwellings.
5. Owner-occupied rental dwellings of four units or less rented on a longer than month-to-month basis.
6. Units renting for $500 a month or more.

This is a general summary of how rent increases are determined. For answers to specific questions, contact your local Internal Revenue Service office.

HEALTH SERVICES

Inflation in the health services sector of the economy has been particularly acute for the past several years. For this reason, the Price Commission, with the advice and recommendation of the Health Services Industry Committee—an advisory group to the Cost of Living Council—has given special attention to the health service field.

The Price Commission's goal is to halve the rate of inflation in health services by placing limits on the amount of costs that the health provided can pass through to the patient in the form of price increases.

There are two general kinds of health providers: institutional, such as hospitals; and noninstitutional, such as physicians and dentists. Different rules apply to each group.

Institutional providers may increase prices to cover certain increased costs for labor, supplies and technology. A hospital can raise its price without notification by no more than an annual average of 2.5 percent to reflect these costs. If annual price increases average between 2.5 and 6 percent, the institution must notify the Internal Revenue Service and the appropriate Medicare intermediary before making the adjustment.

To raise the average of prices by more than 6 percent, an institution must apply for an exception. The application first goes to the State Advisory Board for approval or disapproval; then, the application is filed with the Internal Revenue Services; and the final decision is made by the Price Commission.

Noninstitutional providers can raise prices only by an average of 2.5 percent, which must be cost justified. Above that limit, they must apply for an exception with the Internal Revenue Service which forwards the application to the Price Commission for approval.

All providers, in adjusting prices, cannot exceed their rate of profit for the average of two of the last three fiscal years. In addition, they must have available to the public, a price schedule of principal services and must post a sign indicating availability of such a list.

With your help, and the help of the Health Service Industry, we can reduce the rate of inflation in these areas while maintaining a high quality of health care.

INSURANCE

In formulating its policy concerning insurance not exempted from controls by the Cost of Living Council; the Price Commission worked with several goals in mind. These were:

(1) To hold down insurance premium increases in a manner consistent with the overall goal of curtailing the rate of inflation;

(2) To maintain a high level of availability of insurance coverage; and

(3) To work with existing regulatory authorities whenever possible.

With these goals in mind, and recognizing that insurance rate increases generally are reflections of inflation, rather than causes of inflation, special regulations governing insurance were developed. Limitations were placed on three portions of the normal insurance rate-making formula.

That portion of the formula used to measure the impact of continued inflation on future payouts was reduced to five-eighths of its normal level. That portion of the formula allocated to cover company controlled operating expenses has been limited so that it may increase by only 2.5 percent of the actual dollar amount previously allocated. The 2.5 percent limitation on increases also has been applied to the so-called profit portion of the formula.

The overall result is that while rates may increase on the basis of changed conditions of risk, as evidenced by increased numbers of accidents or hospitalizations, etc., increases attributable to inflation will be cut by approximately 40 percent of what they would have been in the absence of the Economic Stabilization Program.

ANNOUNCEMENT OF POSITION ON VOTE

Mr. GRIFFIN. Mr. President, the Senator from Vermont (Mr. STAFFORD) was absent from the Senate yesterday dur-

ing consideration of the Dole amendment to S. 659, due to an illness of a temporary nature. Had he been present on vote No. 79, he would have voted "nay" on the amendment.

IN SUPPORT FOR RADIO FREE EUROPE AND RADIO LIBERTY

Mr. DOLE. Mr. President, I rise to support the resolution introduced by the Senators from Illinois and Minnesota and urge that the Senate carefully consider the implications of terminating U.S. support for Radio Free Europe and Radio Liberty.

These radios are the most effective and appreciated sources of fact and information available to the peoples caught in the Soviet Union's grip in Eastern Europe. Yet, we have heard these radios called "relics of the cold war," "inexcusable wastes of money," and "inconsistent with our desire for agreement—at SALT."

IN THE INTEREST OF FREEDOM

It has been suggested that the existence of these radios might jeopardize the President's diplomatic efforts in the Far East, and that, somehow, the existence of these semi-autonomous radios reduces the credibility of the U.S. Government—both with its own people and with the governments of the Soviet Union and China. The Senator from Kansas cannot accept these assertions; rather, he would suggest that in fact, these radios serve the best interests of our Nation and the cause of freedom in Europe and around the world.

Radio Liberty and Radio Free Europe beam informative broadcasts into the Soviet Union and the eastern European nations. They are staffed by uniquely dedicated and personally committed individuals who in many cases have devoted virtually their entire lives to the cause of freedom in Europe. United States and NATO propaganda is not contained in their programs, for their purpose is to inform an isolated and shutoff world of events within its borders.

These radios cut through blankets of censorship and news control to provide the peoples of Eastern and Central Europe an awareness of current affairs about which they hear only distortions or silence. It is hoped that such awareness will enhance the desire of these people to participate in guiding their own destinies and result in a gradually strengthened force of nationalism in Eastern Europe, which will lend itself to detente with the West and increased trade and communications with all of the outside world.

It has been suggested that proof of these radios' ineffectiveness lies in the fact that our NATO allies do not fund them. But the absence of Western European funding may be one of the radios' strong points. We must take into account the sensitivity which Eastern Europeans might have toward broadcasts beamed at them in the name of NATO or its European member nations, most of which have had historic—and not always benign—interests in the countries to the East. These broadcasts are free from any influence that could be construed as selfishly promoting the past or future ambitions of any neighboring country and thus gain the strength that comes from objectivity and freedom from vested interest.

CONSISTENT WITH PRESIDENT'S POLICY

The Senator from Kansas cannot find himself in accord with rationale suggesting that while President Nixon was in China these radios should have been permanently silenced to be consistent with the President's foreign policy. Such an assertion indicates that if we are to build bridges to the peoples of China we must abandon the peoples of Eastern Europe. Nothing could be further from the thrust and underlying philosophy of President Nixon's view of global or harmony. The United States seeks contact and concord with all nations, but it does not seek to foster greater contact with one nation or group of nations at the expense of any other.

DANGEROUS IMPLICATIONS

In light of the continuing efforts of the United States to negotiate a meaningful limitation on strategic arms we should consider the likelihood that termination of RFE and Radio Liberty would weaken America's position in the tough give and take of those bargaining sessions. A primary effect would be to undercut the position of our Government by giving the Soviets and their leaders in Eastern Europe a valuable concession with absolutely nothing in return.

The Russians could hardly interpret such a move as an indication of America's determination to bring about arms control. Instead, they would surely see it as evidence of American weakness and vulnerability to the willfulness of a determined few who would quench the credibility of the United States as a source of hope for the oppressed peoples of Eastern Europe.

Those who attack these radios suggest that they are ineffective because they require funding from the U.S. Government. They imply that, because these funds once came from the Central Intelligence Agency, the radios must be hopelessly tainted. But are the peoples of Eastern Europe not the best qualified judges of Radio Free Europe and Radio Liberty? And does their devotion to and dependence upon their broadcasts not stand as the firmest testimony to the value and importance of Radio Free Europe and Radio Liberty?

I, for one, believe it does and that these broadcasts should continue.

SUSTAIN HOPE AND VISION

Mr. President, the United States must not cut off our friends in Eastern Europe. We believe and hope that one day in the not too distant future they will, once again, manage their affairs and freely pursue their destinies as they, themselves, view them. Radio Free Europe and Radio Liberty will be remembered by the people whose vision and hope was sustained by their broadcasts over the years.

The quality and effectiveness of these radios has been carefully documented in the Library of Congress research report. If these radios are disliked by the leaders of Eastern Europe it is because their broadcasts have moved the people there to demand more freedom and greater expression of their individual and national identities. These radios merit the support of this Nation. They have received it in the past, and they shall in the future.

BREAK CONFERENCE IMPASSE

I was pleased to join as a cosponsor of the resolution introduced by the Senator from Illinois (Mr. PERCY) and the Senator from Minnesota (Mr. HUMPHREY). It expresses the overwhelming sentiment of Congress—as reflected in previous votes authorizing support for Radio Free Europe and Radio Liberty—and it surely reflects the views of the American people. It would be my hope that this resolution will make the will of the Senate clear and unmistakable—and that the conference committee can resolve its impasse without further unnecessary delay.

THE GENOCIDE CONVENTION: EQUAL JUSTICE FOR SOVEREIGN AND SOLDIER

Mr. PROXMIRE. Mr. President, there has been some question in the past concerning article IV of the Genocide Convention concerning the relative responsibility of constituted rulers and private individuals. Could hereditary rulers or duly elected leaders be held accountable for acts of genocide committed in the course of administering the affairs of state?

According to the Convention the answer is an irrefutable "Yes." The crime of genocide is punishable under the treaty whether it is committed by the mightiest of sovereign or the lowliest of soldiers. In the words of the international declaration:

> Persons committing genocide or any of the other acts enumerated . . . shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

Mr. President, I believe this equality under the law of the treaty to be a most healthy inclusion. For too many years great crimes have been committed by bureaucracies or by demagoges in the name of national security or the affairs of state. Acts which were deemed an atrocity when committed on a small scale were somehow accepted when executed en masse by the state. Under the treaty a more realistic and responsible approach is demanded.

Perhaps one of the most revealing and devastating portrayals of soldiers being used as pawns by insensitive rulers was the classic novel by Eric Maria Remarque, "All Quiet on the Western Front." In a state of war weary desperation both British and German soldiers struggled for survival in their barbaric trenches. Each man searched in frustration to understand why he must kill and why the Kaiser or Prime Minister had started the hellish war at all. It was their war. A war for the glory of rulers and the vanity of generals, but it was not the way of life for the simple and just men who lost their lives.

The portrait of war which Remarque painted was a tragic masterpiece, but greater tragedies continue to be played in the real theater of the world. Little has been done to put an end to violence, but the Genocide Convention represents a most positive first step. Therefore, I strongly urge my colleagues to join with me in ratification of this humanitarian treaty.

DON ELLINGER

Mr. MONTOYA. Mr. President, a short time ago, many of us were shocked and bereaved by the sudden death of Don Ellinger. I knew Don for many years as friend and labor leader. His compassion and concern for the rights and well being of the working man and woman transcended practically everything else in life. He led an existence that most people would envy and many would do well to emulate.

Not often is a man such as this encountered. His candor and ability were exceeded only by his drive and dynamism. In a hundred different ways he exhibited a knowledge of the national political scene, with a strong emphasis on the Southwest. It is so very hard to do justice to his memory, but the eulogies delivered by John McCully and Gordon H. Cole at the funeral are worth presenting to the Senate. I ask unanimous consent that they be printed in the Record.

There being no objection, the eulogies were ordered to be printed in the Record, as follows:

Eulogy by John McCully

For 20 years in Texas and other southwestern—states—but primarily in Texas which was his home base—Don was deeply involved in every—liberal political activity of any moment. He was a superb political strategist and analyst. He was a political pragmatist but not to the extent that his pragmatism got in the way of his liberal idealism or his loyalty to the labor movement. I know former Senator Ralph Yarborough spoke the thoughts—of many Texans in a telegram to the Ellinger family yesterday when he said: "For 20 years we have worked as brothers for better government for all Americans. Don was noble in thoughts, words and deeds. His accomplishments will aid all American life for generations." That testimonial was echoed this past weekend in the many calls and telegrams from the Texans who knew him well and who still considered him one of their own despite his Missouri birth and his move to Washington. As a national political worker, he still kept his hand in—and rightfully so—when things were happening in Texas. This was demonstrated only recently when he was informed that Senator Yarborough was going to run for his old seat in the Senate. Don's immediate reply was: "We'll be there with him." Now Don, in person, won't be there to help, but he will be there in plans heretofore made and in the spirit of dedication and of work which he has passed along to others.

Although Don Ellinger spent his political years with labor and liberals in the higher echelons, he was no stranger to the drudgery and difficulties down where it finally counts—at the local level. He put in his years as an organizer and in the precincts. He walked the picket line. He was on the receiving end of beatings by anti-union thugs. Don Ellinger—was a union man through and through, just as he was a political man through and through.

But above all, Don was a family man, and his nine children and lovely wife are testimony to that. They didn't always agree themselves—what eleven people, however close, do agree? But they argued their respective positions in calmness and without rancor, without lasting bitterness, albeit heatedly and with determination. He was a fierce competitor, a persuasive proponent of what he believed to be the right path to take—and he seldom, if ever, lost an argument . . . or at least admitted to losing.

Family man, political realist, union advocate—these things Don Ellinger was, but, most of all, he was a warm, loving human being with love and sympathy and understanding of his fellow humans.

Eulogy by Gordon H. Cole

Don Ellinger was an important part of the Machinists Union Family for the last six years. He taught us a great deal and we came to think of him as one of the better things that has happened to our union. Under his direction, the Machinists Non-Partisan Political League matured and grew. No organization is more effective in its field.

He was creative and energetic. He had courage—whether it was starting us on a campaign to rewrite Federal tax laws or arguing with the International President over an adequate budget for MNPL. He took pride in his professionalism, in being the IAM's "pol"—as he called himself. And he was the best.

He was known far and wide and, to this day, I have never heard anyone speak of him in anger or resentment. His love for other human beings was boundless. He had already sent his check for the relief of the Bangladesh.

Don would have been a star on any trade union staff. He was our star.

Yet, I think most of us will miss him for more personal reason: For being such a convivial drinking partner and traveling companion; for his store of machinist-type jokes that assured him the attention of any audience, for his good parties and his gamesmanship—whether it was those damned word games or his chess.

We'll remember Don as the man who talked so affectionately of his wife and nine children.

And we'll remember him for the plain and simple fact that he was one of the nicest guys to be with, such good company wherever he was.

Don developed the plans for this year's campaign—the Big One. We better win it—for his sake—and our own.

SHEIKH MUJIBUR RAHMANS VISIT TO THE SOVIET UNION

Mr. SAXBE. Mr. President, I am disturbed about recent press accounts concerning Sheikh Mujibur Rahman's "good will" trip to the Soviet Union. Sheikh Mujibur has publicly thanked the Soviets for their moral and diplomatic assistance last December. Moscow has also quickly established air and sea links with Bangladesh.

Everyone who has followed the course of events in South Asia over the last year knows that I have been critical of our Government's handling of the crisis that precipitated the India-Pakistan war. The Senator from Idaho (Mr. Church) and I offered an amendment to the Foreign Aid bill withholding assistance from Pakistan until conditions in Bangladesh returned to normal and the 10 million Bengali refugees who fled to India were permitted to return home. On January 25 of this year the Senator from South Carolina (Mr. Hollings) and I submitted Senate Concurrent Resolution 55 urging immediate recognition of Bangladesh. I intend to testify before the Foreign Relations Committee on Tuesday, March 7, in favor of our resolution.

Nevertheless, in spite of our slowness to react to the new reality of Bangladesh, let the leaders of that nation not forget who has been picking up the check for humanitarian assistance to date. I have contacted the State Department for its latest figures and should like to invite the attention of the Senate to them.

IN PREWAR PAKISTAN

In support of the United Nations Secretary General's appeal—UNSYG—in June 1971 for humanitarian relief in East Pakistan, the U.S. Government under the United Nations East Pakistan Relief Organization—UNEPRO—offered a total of $141 million of which about $127 million was in food and $14 million in cash and other commodities. In addition, an offer of $13.5 million worth of rupees was made. Other governments offered a total of about $30 million. Therefore, the U.S. contributions represented approximately 83 percent of all governmental commitments. Allowing for the variations due to the interruption caused by the war, we still supplied 75 percent of all governmental assistance to East Pakistan prior to the war.

PREWAR INDIA

In support of the United Nations High Commissioner for Refugees—UNHCR—efforts for refugees in India, the U.S. Government contributed a total of $55 million in food and $36 million in cash and other commodities for a total of $91 million. All governments contributed a total of $245 million. Our contribution, therefore, was approximately 37 percent of the total. Beyond that, voluntary agencies, international organizations and others contributed $68.5 million and of this total, private U.S. agencies contributed $11.4 million. Therefore, the U.S. share of the total contributions both governmental and voluntary represents 33 percent.

POSTWAR

Since the February appeal by the United Nations Secretary General for humanitarian relief in Bangladesh under the United Nations Relief Organization Dacca—UNROD—we have just recently announced a contribution of $25 million. India's commitments for its own refugees total $125 million. India's efforts are to be applauded. There have also been small initial Soviet contributions approximating $5 million. Contributions from other countries to date have totaled about $30 million. Our contributions, therefore, are approximately 14 percent of the known worldwide contributions.

Therefore, I repeat, let Sheikh Mujibur Rahman not forget our tremendous efforts in humanitarian assistance for his people while he is dining with the Soviet leaders. I do not resent our humanitarian efforts; I applaud them. But if the Soviets feel that they can win the friendship of Bangladesh by sending them military assistance as they have done with India while we helped feed her people, they must be proven wrong. Let us hope that Sheikh Mujibur can see through this fiction—his country needs bread not bullets.

I ask unanimous consent to have printed in the Record certain press accounts of Sheikh Mujibur's visit to the Soviet Union.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 1, 1972]

Mujib Flies to Soviet for a 5-Day Visit

DACCA, BANGLADESH, Feb. 29.—Sheik Mujibur Rahman, Prime Minister of Bangladesh, flew to Moscow today for a five-day visit of "goodwill and gratitude" for Russian support in the struggle for independence from Pakistan.

The Press Trust of India news agency said Sheik Mujib, who was accompanied by 18 aides, would also discuss barter and aid arrangements with Soviet officials.

Sheik Mujib and his party, including Foreign Minister Abdus Samad Azad and Nurul Islam, deputy of the Bangladesh Planning Committee, flew aboard a special Soviet airliner. Also aboard was an 11-member Soviet trade delegation that had been touring Bangladesh.

The Soviet Union was one of the first nations to grant diplomatic recognition to the Bengali regime in Dacca after the Indian-Pakistani war ended in December.

U.S. OFFICE RENAMED

As Sheik Mujib departed, the highest ranking American diplomat in Dacca, Herbert D. Spivack announced that the name of the United States consulate general here had been changed to the mission of the United States of America. Washington has not recognized Bangladesh. Mr. Spivack, who was formerly consul general, said henceforth he would be chief of the mission.

"The consulate is such by virtue of some accreditation to some government," Mr. Spivack said. "The Bangladesh Government objected to the use of consulate general since the only government to which it could refer is Pakistan."

He said: "It is only a name—it does not affect the question of recognition. It is a mission in the country which gives us permission to be here."

An official announcement said Sheik Mujib went to Moscow "to express the goodwill and gratitude of an emancipated Bangladesh to the people of the Soviet Union for their magnificent help and support."

Reports from Moscow said he would meet with the Communist party secretary, Leonid I. Brezhnev, Prime Minister Aleksei N. Kosygin and President Nikolai V. Podgorny tomorrow and Thursday.

He is scheduled to return to Dacca Sunday.

[From the Washington Post, Mar. 2, 1972]

Mujib Starts Aid Talks with Soviets

Moscow, March 1.—Prime Minister Sheikh Mujibur Rahman of Bangladesh arrived here today for talks with Soviet leaders keyed to restoration of his nation's war-torn economy.

It was his first journey outside the Subcontinent since he took office in January. The Soviets rolled out a warm welcome and Mujib was met at the Vnukovo airport by Premier Alexei Kosygin and other Soviet officials.

A short while later, Mujib and Kosygin began a three-hour review covering economic, political and military matters.

Bangladesh sources here said that Bangladesh would examine the possibility of Soviet aid in restoring its shattered economy. But they also stressed that these first talks were purely exploratory and were not likely to lead to agreements at this stage.

The presence of Defense Minister Marshal Andrei Grechko at the talks suggests that Bangladesh will also sound out Russia on the possibility of arms supplies. Bangladesh sources here stressed, however, that their newly created country will not be drawn into any bloc, and will shop around for arms supplies without any political strings attached.

Boris Ponomaryov, a Central Committee Secretary, also attended today's meeting, indicating that the Soviet Communist party is exploring the possibility of ties with Mujib's Socialist Awami League. Ponomaryov is the party official in charge of relations with Communist and Socialist parties outside the Soviet bloc.

Speaking at a banquet in Mujib's honor tonight, Kosygin expressed the hope his visit would mark the beginning of direct contacts between leaders of the two countries. Soviet party leader Leonid Brezhnev and President Nikolai Podgorny also attended the banquet.

The Soviet Union, which gave India and Bangladesh considerable moral and diplomatic support during the Indo-Pakistani war last December, was the first major power to establish relations with the new state.

Moscow also quickly established air and sea links with Bangladesh, apparently anxious to develop influence with an Asian state in conflict with its Communist rival China.

[From the New York Times, March 2, 1972]

Sheik Mujib, in Moscow, Opens Talks With Kosygin

(By Theodore Shabad)

Moscow, March 1.—Shiek Mujibur Rahman, Prime Minister of Bangladesh, arrived here by air today at the head of a political and economic delegation and promptly plunged into talks with Premier Aleksei N. Kosygin on future relations between the two countries.

Mr. Kosygin and some of his economic ministers were at the airport to welcome the Bengali leader, who is making his first official journey outside the Indian subcontinent since he took office in January.

At a dinner in the Kremlin the Soviet Premier expressed the hope that Sheik Mujib's visit "will lay the foundation on which to build good traditions of firm friendship and cooperation" between the two countries.

In reply, the Bangladesh leader, paid tribute to the "great revolutionary tradition that from the very beginning placed the Soviet Government and the Soviet people on the side of our struggle for justice and freedom."

Sheik Mujib and other Bangladesh officials have publicly stated their gratitude for Soviet moral and diplomatic assistance last December when India helped Bangladesh gain independence from Pakistan, and the present four-day visit to Moscow is partly intended as an expression of thanks.

But the Prime Minister is also expected to impress Soviet officials with his country's need for emergency aid to recover from the war, in which the economy was ravaged and at least three million people are said to have died.

Sheik Mujib in his public statements has stressed the need for food, medicine, transport equipment and emergency housing materials to replace the millions of destroyed homes.

The Soviet Union has a highly developed prefabricated-housing industry, but it remains to be seen how much of its capacity the Russians are willing to divert from domestic needs to help Bangladesh.

The Russians may also be asked to give technical aid in the reconstruction of bridges. Bangladesh is situated in the delta of the Brahmaputra and Ganges rivers, and its transport system is heavily dependent on bridges.

Semyon A. Skachkov, who as chairman of the Soviet Union's State Committee for Foreign Economic Relations is the principal foreign aid official, was among the ministers who welcombed Sheik Mujib.

The Prime Minister has indicated his interest in economic discussions by including in his delegation Dr. Nurul Islam, deputy chairman of the Planning Commission of Bangladesh, and high financial and trade officials.

Long-term economic relations with the Soviet Union are also likely to be discussed. The Soviet Union is already importing jute and tea, two of the principal exports of Bangladesh, under a limited accord.

On the political level, Sheik Mujib is expected to affirm his policy of nonalignment and to assure the Soviet leaders that Bangladesh's pending application to join the Commonwealth would not signify adherence to any bloc opposed to Soviet interests.

[From the Washington Post, Mar. 1, 1972]

Bangladesh Food Outlook Grim

(By Lee Lescaze)

DACCA.—Agricultural production has increased about 2 per cent a year in Bangladesh, and the population has grown more than 3 per cent a year during the last decade.

As a result, despite annual grain imports that reached 1.5 million tons in 1971, it is generally agreed by the dozens of experts who have studied this region that nutritional standards have declined, the average person eating less each day in 1972 than he did ten years ago.

Statistics in Bangladesh are imprecise and unrealiable, but the ones in this article are those the government and foreign relief workers believe are the best they have.

One long-time goal of planners in Dacca has been to raise the persent daily per capita food consumption of 15.4 ounces by one ounce.

It is an impossible goal for the present, planners admit, for in the aftermath of the war for independence, normal problems of feeding this enormous, 85 per cent rural population have increased.

Some reports of small communities facing imminent starvation have reached Dacca, but there is no sign in the countryside now of widespread starvation. However, government food stocks are low and are largely concentrated in the ports, rather than in district warehouses from which they could more easily be distributed.

MONEY SHORTAGE

It is not a shortage of food alone that presents dangers here, however, but also a universal shortage of money in Bangladesh's villages.

Almost all markets have reasonable quantities of food to sell, but prices have increased and the nine months of war have impoverished millions.

Rice is roughly one-third more expensive in Bangladesh now than at the same time last year. Other products and cooking fuels have increased by more, according to surveys of the countryside.

Government planners predict that they will be able to make Bangladesh self-sufficient in food in two years. They recognize that very little land can be added to the 22.5 million acres already under cultivation, but they believe that production will rise dramatically with the introduction of high-yield seeds, pesticides and fertilizers.

To many outside the government, this prediction seems unrealistically optimistic.

BOTTLENECK AT PORTS

Most immediately, importation of seeds, pesticides and fertilizers will be competing for priority within the nation's limited capacity of imports against food-grains, badly needed housing materials and the raw materials needed to restart industries and consumer goods.

The bottleneck at Bangladesh's ports is the controlling factor and will present the government with difficult decisions.

U.N. experts estimate the minimum need will be 700,000 tons of imports of all sorts in each of the next six months. (The government has set its minimum need more than 50 per cent higher.)

However, Chittagong and Chalna, Bangladesh's two ports, handled only 200,000 tons per month before the war. Even with foreign-donated ships and trucks helping move goods away from the ports and an additional, perhaps unrealistically high, 140,000 tons being brought into Bangladesh from Calcutta's port, the maximum monthly capacity will be roughly 400,000 tons.

GRIM ALTERNATIVES

Thus, planners here believe, not much more than half of the minimum requirements for food, reconstruction and industrial revival will be available, and Prime Minister Sheikh Mujibur Rahman's government will have to choose from several grim alternatives.

Food imports can be cut running the risk of starvation in some districts, in favor of importing building materials.

Millions of people can be left with no better shelter than the woven bamboo and straw matting available locally, in favor of trying to feed everyone. Or food and building materials can be sacrificed in order to bring in the raw materials which industry must have if it is to operate and the present large-scale unemployment is to be reduced.

Bangladesh's most uncertain statistic, its population plays a large role in calculating how to apportion the available tonnage of imports.

The nation's annual production of rice is about 10.6 million tons. If the population is 70 million, imports of 107,500 tons a month would be needed to maintain per capita consumption at 15.4 ounces daily.

If the population is 75 million (the figure the government uses), 125,000 tons of grain a month would be needed for the same average daily consumption.

HALF NATION'S CAPACITY

If the population is 79 million, the required imports would be 237,000 tons per month—over half the nation's capacity for imports.

The housing needs are equally vague. One government report estimated that 10 million homes were destroyed during the war. That figure is clearly exaggerated. It would mean that 60 to 70 million people are homeless, and visits to any part of Bangladesh show that more people have housing than do not.

The United Nations mission in Dacca estimates that 1.56 million homes have been destroyed. To supply corrugated iron sheets and wooden corner posts for that number of homes would require 600,000 tons of imports.

On the industrial side, the most critical need for imports is for Bangladesh's textile industry. About 900,000 weavers and 100,000 other workers such as dyers earn their livings working at cottage industry handlooms. Each worker in Bangladesh is estimated to have five dependents, so the handlooms support about 6 million people.

Whatever imports Bangladesh is able to get this year will be almost entirely from foreign aid. The country has no foreign exchange, and before it can earn hard currency it will need to restart industries and keep it people fed.

AID MOSTLY FROM U.N.

Most aid to Bangladesh is being given through the United Nations, and as of Feb. 3, $95 million had been pledged. However, $76.5 million of this aid is in kind rather than in cash.

Sheikh Mujibur Rahman, Bangladesh's prime minister, appealed for 1 million blankets to help his homeless people during the short winter here. He got almost 3 million through the United Nations and private voluntary agencies.

For weeks, the country was being bombarded with blankets dropped in bundles by low-flying transport planes.

Medicines, baby food, high protein food powders and other commodities that have been rushed to disasters all over the world, whether they be earthquakes, floods or wars, have been given to Bangladesh in generous quantities.

However, the problems of Bangladesh go beyond the normal disaster. This is a country almost flat on its back with a desperate need to rebuild wrecked communications and find jobs and food for its people on a long-term basis.

Donations of blankets and baby food may avert suffering temporarily. But if Bangladesh is going to get back on its feet, it will need money to pay workers on reconstruction projects and to develop industries as well as food to keep its people alive.

NATIONAL WEIGHTS AND MEASURES WEEK

Mr. SPONG. Mr. President, March 1 to 7 is being observed as National Weights and Measures Week. The Nation's first Weights and Measures Week was signed into law March 2, 1799. I am pleased that this year a citizen of the State of Virginia, Mr. J. C. Stewart of Virginia's Department of Agriculture and Commerce, has the honor of serving as national chairman of the 15th annual observance of National Weights and Measures Week.

The strict supervision of weights and measures is important to every person who makes a purchase, and those engaged in this work are performing a valuable service.

When John Quincy Adams was Secretary of State, he made an interesting report to the Senate on February 22, 1821, on weights and measures in which he said:

> Weights and Measures may be ranked among the necessaries of life to every individual of human society. They enter into the economical arrangements and daily concerns of every family. They are necessary to every occupation of human industry; to the distribution and security of every species of property; to the every transaction of trade and commerce; to the labors of the husbandman; to the ingenuity of the artificer; to the studies of the philosopher; to the researches of the antiquarian; to the navigation of the mariner, and the marches of the soldier; to all the exchanges of peace, and all the operations of war. The knowledge of them, as in established use, is among the first elements of education, and is often learned by those who learn nothing else, not even to read or write. This knowledge is riveted in the memory by the habitual application of it to the employments of men throughout life.

NATIONAL POISON PREVENTION WEEK

Mr. MOSS. Mr. President, it was with some curiosity that I read in the Federal Register for Friday, February 18, 1972, a proclamation by the President of the United States declaring that the week beginning March 19, 1972, would be National Poison Prevention Week. To my mind every day of the year should be National Poison Prevention Day. For that very reason Congress passed the Poison Prevention Packaging Act of 1970.

The President recognized the passage of this act with his statement:

> Our progress should intensify with the special packaging required under the provisions of the Poison Prevention Packaging Act of 1970.

Unfortunately this is not the case. Today, some 14 months after passage of the act, there is no special packaging on the market for products which have subjected our young people to accidental poisonings.

Thus it would seem to me to be a fine tribute and appropriate recognition of National Poison Prevention Week were the Food and Drug Administration to promulgate the final packaging standards for those poisons which are still being marketed in containers which entice young people to consume these toxic substances.

I ask unanimous consent that the President's proclamation be printed in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

PROCLAMATION 4109—NATIONAL POISON PREVENTION WEEK, 1972

(By the President of the United States of America)

> A Proclamation: Despite substantial educational and labeling efforts, the problem of accidental poisoning—particularly among children—still remains a matter of public concern.
>
> Efforts by private and public groups, and voluntary actions on the part of manufacturers, have contributed to a continuing and encouraging decrease in accidental poisoning tragedies.
>
> Our progress should intensify with the special packaging required under the provisions of the Poison Prevention Packaging Act of 1970.
>
> But, as of today, the incidents of accidental poisonings are still higher than any advanced society should permit. The natural curiosity of children, and their inclination to taste whatever they can reach, is not easily circumvented by safety measures.
>
> The general dangers involved were recognized by a joint resolution approved September 26, 1961 (75 Stat. 681), in which the Congress requested the President to issue annually a proclamation designating the third week in March as National Poison Prevention Week.
>
> Now, therefore, I, Richard Nixon, President of the United States of America, do hereby designate the week beginning March 19, 1972 as National Poison Prevention Week.
>
> I direct all appropriate agencies of the Federal Government to participate actively on programs designed to promote maximum protection of our people against accidental poisonings—particularly our children. Further, I invite all State and local governments and private organizations and individuals to share in this national effort.
>
> In witness whereof, I have hereunto set my hand this sixteenth day of February, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.
>
> RICHARD NIXON.

SURFACE TRANSPORTATION ACT OF 1971—MEMORIAL OF NEW MEXICO LEGISLATURE

Mr. ANDERSON. Mr. President, the Legislature of the State of New Mexico, in the second session of its 30th assembly, passed Senate memorial 3 petitioning the President and the Congress of the United States to enact the Surface Transportation Act of 1971.

I ask unanimous consent that the memorial be printed in the Record.

There being no objection, the memorial was ordered to be printed in the Record, as follows:

A Memorial Requesting the President and Congress of the United States To Enact the Surface Transportation Act of 1971

Whereas, Senator Vance Hartke and Representative Brock Adams have introduced legislation in the Congress of the United States known as the Surface Transportation Act of 1971; and

Whereas, this bill combines the results of studies of various segments of transportation as to what would really help to give the public a strengthened and improved common carrier freight transportation system; and

Whereas, this revitalizing of the nation's surface transportation system is necessary for a healthy interstate commerce between New Mexico and her sister states:

Now, therefore, be it resolved by the Legislature of the State of New Mexico that it requests the President and Congress of the United States to enact the Surface Transportation Act of 1971; and

Be it further resolved that copies of this memorial be transmitted to the president of the United States and to each senator and representative from New Mexico in the congress of the United States.

Signed and Sealed at The Capitol, in the City of Santa Fe.

Robert A. Mondragon,
President,
New Mexico Senate.

Juanita Pino,
Chief Clerk,
New Mexico Senate.

THE EQUAL EMPLOYMENT OPPORTUNITY ENFORCEMENT ACT

Mr. PERCY. Mr. President, over the course of the last 5 weeks of debate on the Equal Employment Opportunity Enforcement Act in the Senate, numerous articles and editorials have appeared in the press. Perhaps the best comment on why the EEOC legislation is necessary is contained in an article entitled "At Last a Weapon for the Commission" by David E. Rosenbaum which appeared in the New York Times, February 27, 1972. I ask unanimous consent that this excellent article be printed in its entirety in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Equal Employment: At Last a Weapon for the Commission

(By David E. Rosenbaum)

Washington.—In 1965, Earl Johnson, a porter on the Seaboard Air Line Railroad, applied for a job as a conductor. Even at that late date, the railroad had no black conductors; he was refused the job.

Mr. Johnson, in frustration, brought his case to Washington—to the Equal Employment Opportunity Commission, an agency created by the Civil Rights Act of 1964 to oversee the act's prohibition against job discrimination on the basis of color or sex.

The commission tried to persuade the railroad to promote Mr. Johnson; the railroad refused, and the commission had no power to do anything more. For, as part of the compromise that broke a Southern filibuster in the Senate and led to passage of the Civil Rights Act, the commission had been given no authority to enforce its findings of discrimination. It could meet privately with companies and unions and urge them to comply with the civil rights law, and in hundreds of cases these efforts have been successful. But this kind of conciliation has often failed, and, when it has, the commission had no further weapons in its arsenal.

Mr. Johnson, of course, had the right to sue the company under the Civil Rights Act and to ask the court to force the railroad to give him the job he wanted. But it is expensive to go to court, and Mr. Johnson could not afford it. Four years later, a law firm did agree to take the case without charge—but Mr. Johnson died before the case could be settled, without ever getting his promotion.

Ever since the 1964 law was enacted, civil rights groups and women's organizations have been pressing Congress to give the Equal Employment Opportunity Commission the power to act on behalf of people like Earl Johnson. Last week, the Senate voted to do just that. It wasn't all the civil rights and women's groups wanted, since, just as in 1964, a compromise was necessary to get past the Southerners' delaying tactics. But the bill gives the commission a pretty good set to teeth to use against employers and unions that continue to discriminate.

Under the legislation, the commission could take a case like Earl Johnson's to Federal Court, using its own money and lawyers to try to persuade the court to order a company to stop discriminating in its hiring and promotion policy. If the commission found the case to be in "the general public interest," it could ask the Federal District Court to appoint a special three-judge panel to hear the case, with appeal directly to the Supreme Court be settled within a year.

According to civil rights lawyers, a straight-forward case without novel issues of law involved could probably be settled within a year.

The Senate bill now goes to a conference with the House, which passed a similar measure last year. Since both bills give the commission the authority to pursue discrimination cases in Federal court and since the measures have President Nixon's support, it is almost certain that before long the commission will have this power to move against job discrimination.

The lobbyists for the various civil rights and women's organizations had hoped Congress would give the commission even more power—the authority to order employers and unions to stop discriminating. But with this provision in the bill, the Senate could not muster the two-thirds majority necessary to overcome a filibuster of Southern Senators who wanted to keep the commission without enforcement powers.

The leading civil rights lobbyist on the bill, Clarence Mitchell, the head of the Washington office of the National Association for the Advancement of Colored People, said after the vote that he was completely satisfied with the outcome. He was especially pleased with the part of the legislation that places the 10 million employes of state and local governments within the commission's purview.

The commission will thus be empowered to move against police forces and fire departments that don't hire enough black people and school boards that fail to promote women as readily as men into supervisory positions.

JIM FARLEY'S 1972 PREDICTION

Mr. EAGLETON. Mr. President, one of the country's finest newspapers, the Kansas City Star, has published an interview with a man known and respected by Democrats and Republicans alike. James A. Farley, former Postmaster General and life-long Democrat, is also famous for his powers of prophecy.

It was Jim Farley who correctly forecast that the Republican party in 1936 would carry only two States.

Though Mr. Farley is retired from political life, his ability to prognosticate is still intact. He says he has never missed correctly calling the result of a presidential election.

Since this is an election year, I am sure my Democratic colleagues would be interested in knowing how Jim Farley views things.

I ask unanimous consent that the interview with James A. Farley, published in the Kansas City Star, February 10, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Advice for Democrats From an Old Pro

(By John Mosedale)

New York.—James A. Farley, who's been right in his day, thinks President Nixon can be defeated in his re-election bid.

The 83-year-old former Democratic national chairman and so-called "kingmaker" of the Roosevelt administration, sees the nation's unsettled economic state as the President's vulnerable point. But he warns against any split in the Democratic Party, such as the one following the Chicago convention debacle of 1968.

His credentials are burnished by one of history's astonishing political prophecies. He confounded observers in 1936 by correctly predicting that Alfred M. Landon, the Republican presidential candidate, would carry only two states.

A framed copy of that prediction, written for newspaper reporters, hangs at the entrance to the Madison Avenue offices where Farley serves as board chairman of the Coca-Cola Export Corporation.

He says he has never missed calling the result of a presidential election.

"In my judgment," says Farley, speaking carefully as befits a man who believes, "the only thing a politician has to offer is his word.

"The President is going to be on the defensive, defending his campaign promise to balance the budget. He's wound up with three large budget deficits the Democratic leaders won't let him forget. There's not any doubt that there is a sort of unrest nationally.

"We've been through a depression although a lot of people wouldn't refer to it that way. Along with the high cost of living there's been an increase in all kinds of taxes. Here in New York, the sales tax is 7 per cent. Some citizens moved to Florida to live on pensions or Social Securty. Some don't have enough income to carry on, due to the increased cost of living.

"Take the West Coast, with Lockheed and Boeing difficulties affecting thousands in California and Washington. Now people out of work and trying to support a family are not overly concerned about China. Unless we have a relapse in Vietnam it looks as though we're on the way out. Otherwise that's not a matter of concern—it's the cost of living that affects them."

All of this means "Nixon can be defeated and will be defeated." But Farley sounds a caveat: "If the Democrats come out of the convention without serious differences. A repetition of Chicago would be tragic, but there's no reason why there should be. All the candidates have a chance to make their positions known."

He expresses little sympathy with those who reject the will of the party "if they don't have their own way." Early in his relationship with Franklin D. Roosevelt he refused to follow Roosevelt's lead in supporting a maverick for state office. "I stuck with the organization choice because I was a party man, strongly opposed to rebels."

Similarly he takes a dim view of the reforms initiated by the McGovern Commission, aimed at assuring an open convention. "As one who played a vital role in the Democratic Party for years I don't feel the reforms could add anything to the final result. Many think they're necessary, but I don't happen to be one of them."

Should President Nixon be re-elected, Farley does not see his effectiveness limited by the 22nd Amendment, barring Presidents from serving more than two terms. It is a matter close to heart: In one of the most celebrated splits in political history Farley broke with Roosevelt over the third-term issue in 1940. Today he believes that F.D.R. served his last years "not in good physical shape. I feel certain that affected his decisions."

In spite of the bitterness of the break, Farley regards F.D.R. as the most impressive President he has known, although "the greatest man and the one who had the most influence on me was Pope Pius XII.

Farley believes that he himself would have been history's first Catholic president if nominated. Celebrated as "Genial Jim," a man who could connect thousands of names and faces from coast to coast, he served eight years as Roosevelt's postmaster general. "I was by far the best-known member of the cabinet, including (the secretary of state) Cordell Hull, and I say to you very humbly, that I was one of the few men who was legendary in his own lifetime."

Circumstances for young people entering politics are totally different today, but Farley would remind them to "work hard and always tell the truth."

"May I say to you very humbly that I never lied to anyone in my life. Across the country, you can never find anyone I lied to. My mother said, 'Jimmy, always tell the truth. It saves a lot of embarrassment because you don't have to remember what you said.' That's as true now as it was a thousand years ago."

THE SPACE SHUTTLE

Mr. ANDERSON. Mr. President, on January 5, 1972, the President said he had decided that the United States should proceed at once with the development of a space shuttle system. The space shuttle is a transportation system that will carry payloads—both men and materials—from the surface of the earth to low earth orbits on a routine basis. The President said:

> It will take the astronomical cost out of astronautics.

There has been broad support for the President's decision to move ahead with shuttle development, and on February 18, 1972, the executive council of the AFL–CIO passed a resolution in Miami, Fla., adding their voice to this support. In their resolution the council says:

> We can no more ignore space than we can ignore the oceans or the continents.

And they say:

> We cannot envision a secure technologically advanced Western world without technologies that allow us the freedom of space as well.

The executive council of the AFL–CIO urges the Congress to support the development of the shuttle.

Mr. President, I ask unanimous consent that the resolution passed by the executive council of the AFL–CIO in Miami, Fla., on February 18, be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

SPACE SHUTTLE

The United States space program is reaching another milestone. At the peak of the Apollo project, the space program employed 400,000 Americans—about half of whom have since been laid off. This year will see the end of Apollo.

In Apollo, American science, engineering and craftsmanship made possible the fulfillment of one of man's oldest dreams—to walk on the moon. In so doing we unlocked vast technologies, strengthened our national security and reinforced America's world position.

Next year, the Skylab project will put nine astronauts into orbit to live and work for periods of from four to eight weeks, learning more about our world and the space around it.

The next logical step for the United States space program is the development of a space shuttle, which will provide economical transportation from earth to space and back. It will make space as accessible as the airplane has made the other continents.

The shuttle will assist us in exploration, in science and technology, in civil life and, if necessary, even in defense and provide 50,000 jobs in the United States. Without the shuttle we cannot develop our scientific and technological investments that already have given us space communications, weather satellites and geodetic programs.

The benefits of next generation space applications in such fields as the management of our natural resources, monitoring of pollution, weather modification and climate control, television distribution, earthquake prediction and health and safety will not be fully realized unless we can reduce costs, raise efficiency and acquire a flexibility of action not yet possible. That is what the space shuttle is for. Without it, we will lose many valuable programs.

International relations today involve space. We can no more ignore space than we can ignore the oceans or the continents. We would not have the free world without ships, without aircraft or without land mobility. We cannot envision a secure technologically advanced western world without technologies that allow us the freedom of space as well.

For those reasons, we urge Congress to vote funds for the development of a space shuttle.

DOCK STRIKES DAMAGE WHEAT EXPORTS

Mr. DOLE. Mr. President, few citizens of the United States have not been affected by the recent dock strikes. The farmers of this Nation will continue to be affected by these strikes for a long time. The wheat farmers have particularly suffered from these strikes not only in the loss of current sales, but in the permanent loss of customers for wheat that must find more reliable sources for their grain.

This all serves to point out the urgent need for passage of permanent legislation as S. 560, and which was amended and improved in S. 3232, which provides for the settlement of transportation strikes that endanger the economy of the Nation or a region.

A most accurate summation of the damage these dock strikes have caused our wheat farmers is contained in the testimony of Mr. Joe Halow, executive vice president of Great Plains Wheat, Inc., before the Labor Subcommittee of the Senate Committee on Labor and Public Welfare. I ask unanimous consent that his excellent testimony be printed in the RECORD for wider distribution, to call attention to the need for this legislation.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF JOSEPH HALOW, GREAT PLAINS WHEAT, INC., ON TRANSPORTATION CRISIS PREVENTION ACT, BEFORE THE LABOR SUBCOMMITTEE OF THE COMMITTEE ON LABOR AND PUBLIC WELFARE, U.S. SENATE, FEBRUARY 29, 1972

My name is Joseph Halow, and I am Executive Vice President of Great Plains Wheat, a non-profit regional market development organization representing approximately 400,000 wheat producers in the major wheat producing states in the Mid-West. Our organization was founded and is directed by wheat producers, who decided some thirteen years ago that their responsibility in the wheat industry did not end with wheat production. They decided they might then help a depressed wheat industry by becoming active in export market development. They recognized the fact that domestic demand for wheat remains fairly constant year after year and the most important variable disappearance factor is the export market. They felt they could best help themselves by attempting to develop new foreign outlets and expand existing overseas markets for U.S. wheat.

The efforts have proved to be successful, and during the 12 years of Great Plains Wheat's existence we have seen a very healthy expansion of wheat exports. It is true that there are other factors which have contributed to this expansion, and we cannot nor do we attempt to take credit for all of it, but we are proud to have been a part of this expansion. Prior to Great Plains Wheat's existence U.S. wheat exports had rarely exceeded 500 million bushels annually. In 1966/67 wheat exports reached the peak figure of 867.4 million bushels, and in the 1970/71 marketing year wheat exports totaled 739 million bushels, also a satisfactory figure. Not all the years are this good, however, and in this marketing year wheat exports are now forecast at no more than 575 million bushels, a reduction of 25 million from the previous forecast. Again there are various factors which contribute to this decline in our exports, but one of the most glaring and frustrating has been the dock strike which on the West Coast has run for more than 130 days, exclusive of the 80-odd days cooling-off period as a result of the Taft-Hartley injunction. The effects of the strike on Asian wheat exports are borne out by the following figures:

U.S. WHEAT EXPORTS,[1] JULY 1 THROUGH JAN. 31
[In thousand bushels]

Region	1970–71	1971–72	Percent change
Asia	184,715	128,676	−30.3
Africa and Near East	56,917	63,864	+12.2
Europe	105,142	44,909	−57.3
Latin America	55,532	67,884	+22.2
Total	402,306	305,315	−24.1

[1] Inspections for export, USDA "Grain Market News."

The reduction in sales to the European markets is the result of a much larger than usual grain crop in 1971, greatly reducing Europe's import needs. There were increases in exports to Latin America, Africa and the Middle East, all served from Eastern or Gulf ports, which were closed for nearly 60 days before a Taft-Hartley injunction caused the ports to be opened again. Wheat sales to the Far Eastern markets, serviced from the Pacific Coast, registered a drop of a little over 23% in the first six months of the 1971/72 marketing year, that is, from July 1, 1971 through December 31, 1971 as compared to sales for the same period of time the preceding year. By the end of January, after another month of closed ports on the Pacific Coast, this percentage loss had dropped to over 30%. Our sales performance to this area would have been even worse had not some wheat moved to the Far East from Gulf ports, a longer and more expensive procedure.

The Far Eastern countries have no significant wheat production of their own, and their consumption has been increasing annually. This year they have taken a larger than usual share of their requirements from other wheat exporting countries. These lost sales are irretrievable, and, in themselves, represent a substantial loss to the wheat producer. Of even greater consequence, however, is the foreign buyers' loss of confidence in the United States as a dependable supplier. It is unreasonable to expect that a foreign mill must stop milling wheat and foreign consumers will stop eating wheat products merely because the U.S. is unable to deliver. They look to other sources of supply, and if their experience with the new supplier is good, will undoubtedly continue to buy from these other sources.

There is no shortage of wheat in the world, and other wheat exporting countries would be both willing and able to supply the needs of importers whom we are not able to service. Canada is easily able to supply much larger quantities of the high protein bread wheats and durum, and Australia is able to supply an entire range of wheat qualities, from high protein wheats to their Fair Average Quality, a semi-hard wheat. Both countries have greatly increased their share of the Far Eastern markets during the West Coast strike.

We have learned early in the game that advertising, without adequate distribution, is of no value and can actually be detrimental. Market promotion is, therefore, of little value unless we can be assured that the merchandise can move to its destination when the demand has been created for it. Our work—indeed, the livelihood of U.S. wheat producers—is dependent on a freely moving transportation system. Strikes which tie up transportation means and the ports through which merchandise must move are highly prejudicial to the agricultural producer. Mr. Harry Bridges, president of the International Longshoremen and Warehousemen's Union on the West Coast, himself stated in testimony recently presented before the House and Senate Labor Committees that agricultural interests were prejudiced as a result of the strike.

The West Coast dock strike is now considered to be ended, following the longshoremen's ratification of the agreement reached between the Union and the Pacific Maritime Association. The strike lasted for 134 days, the longest strike of its kind in U.S. history. The disputants finally reached an agreement under the shadow of legislation passed by both the House and the Senate, requiring only the President's signature, to impose an end to the strike. Public pressure had also built up to the extent that the disputants must have been keenly aware of the fact that some form of action would be taken if they did not arrive at a solution themselves.

This was only the second strike in the Pacific Coast ports in 26 years. The East Coast and Gulf ports have been closed by strikes every two or three years, each time the contracts come up for renewal. The East Coast and Gulf Ports strike began this year on October 1, 1971. The Taft-Hartley injunction was invoked on November 27, 1971. It was due to expire on February 14, 1972, but was extended voluntarily for another 30 days by the International Longshoremen's Association, on the verge of a solution which could not have been completed by that time, and under public and Congressional pressure.

The last strike of the East Coast and Gulf ports longshoremen began September 30, 1968. The strike lasted 113 days from the time it began until the last of the ports was reopened on April 13, 1969, exclusive of the 80-day Taft-Hartley injunction which was invoked shortly after the strike began. Wheat exports to areas serviced from these ports registered a drop of over 20% in the 1968/69 marketing year as compared to export figures for the preceding year.

This drop in sales is shown in the following chart, wtih export figures for the 1967/68 and 1968/69 marketing years:

U.S. WHEAT EXPORTS,[1] (ASIAN MARKETS EXCLUDED)

[In thousand bushels]

	Africa and Near East	Latin America	Europe	Total
1967–68	60, 507	112, 917	80, 203	253, 627
1968–69	37, 883	89, 634	72, 632	200, 149
Difference				−53, 478
Percent decline				−21. 1

[1] Inspections for export, USDA "Grain Market News."

Unless something happens to change the pattern, we can look forward to the strong possibility of another strike when the contracts now being negotiated on the East Coast and Gulf ports expire in two or three years, depending on the length of time for which the contracts are written. The wheat producer cannot afford this. He is seeing his own efforts and the efforts of all the others who have worked to build up foreign markets negated by transportation tie-ups which prohibit delivery of the merchandise he is trying to place on the world markets. The wheat producer is exerting great efforts and spending large sums of his own money trying to build up these markets, and anything which impedes the free flow of merchandise is a costly frustration.

When he returned recently from a trip into the major wheat importing countries as part of a five-man group, Great Plains Wheat President Dean Parsons reported that the major marketing problem they encountered was the dock strike. He stated that throughout the trip they noted over and over again the buyers' reluctance to purchase U.S. wheats during the dock strike crisis. "In each country we visited wheat buyers told us they were forced to look to other sources because they did not have sufficient storage capacity to carry them while the U.S. worked out its labor problems," Mr. Parsons reported. He added that some of the flour mills have only enough storage to operate for 20 days and must be assured of a steady flow of supplies. The long dock tie-up has severely shaken their confidence in the U.S. as a dependable supplier.

The wheat producer remains very sympathetic to the desire of the longshoremen to improve their own situation, and their right to strike is a freedom which he too has felt should not be denied them. There should, however, be protection for other sectors of the economy, when their freedom and economic interests are prejudiced through no action or fault of their own.

Legislation covering mediation of strikes would provide such protection. It should also provide a means by which the striking factions themselves can arrive at a solution when other means fail, in instances when solutions cannot be reached within a reasonable period of time. It will also free them of the responsibility of maintaining an action which in the long run can be of benefit to no one. For in the end, when strikes are extended as long as the current West Coast strike, everyone loses.

This latter point has been vividly brought out by statements recently made by the AFL–CIO maritime unions, pointing out that the unions have themselves suffered as a result of the strikes. They point out that part of the problem of the loss of business by American-flag ships to foreign carriers is labor instability. This then represents a real loss also to labor. These unions are suggesting voluntarily to end strikes. Certainly legislation would help in future instances to buttress this argument, for it can serve as an instrument which the union leaders may themselves use when all else fails. The authority of such legislation would provide a means to which no one would have to resort when the union leaders deal as responsibly as they apparently wish.

A NEW STUDY SHEDS FRESH LIGHT ON THE ROLE OF THE MULTINATIONAL CORPORATION IN THE U.S. ECONOMY

Mr. PERCY. Mr. President, I invite the attention of Senators to a new, two-volume study "The Role of the Multinational Corporation in the United States and World Economies," issued last week by the Emergency Committee for American Trade—ECAT. At a time when there is so much discussion about the multinational corporation as a factor in U.S. trade and employment, I recommend to my colleagues that they examine some of the conclusions contained in the following summaries. The study itself is worth thorough examination and is available from ECAT's Washington office. It is based on an analysis of the domestic and international activities of 74 U.S. corporations. It is a distinct contribution to a more rational discussion based on the facts about such emotional issues as "exported" jobs, and "exported" capital and technology.

Donald M. Kendall, Chairman of the Emergency Committee for American Trade and chairman and chief executive officer of Pepsi Co., Inc., said in releasing the study:

> The facts were hard to come by, but we have them now. The returns are in. We have firmly established that the attack on the multinational company is a case of mistaken identity. These companies don't export jobs. They out-perform other companies in making jobs. In general, they make better jobs with better pay and backed by higher investment than other companies.
>
> What they import is a small fraction of what they export from America. Their foreign affiliates outside Canada exported only about 2 percent of their total sales to the United States during the 1960's. All of their imports including raw materials from non-Canadian affiliates amounted to only 0.7 percent of their American production in 1970. At the same time, these multinational companies were making huge contributions to the American balances of trade and payments.

ECAT is to be commended for its initiative in undertaking this study. The member companies of ECAT, and other companies, were required to submit extensive data. Based on a quarter century experience in business I look upon this study as an objective and valuable insight into a most misunderstood segment of American industry. Because of the importance of this study of the multinational corporation and its implications for U.S. foreign economic policy and legislation, I ask unanimous consent that the following summary materials, prepared by ECAT, be printed in the RECORD.

The being no objection, the materials were ordered to be printed in the RECORD, as follows:

ECAT STUDY ON "THE ROLE OF THE MULTINATIONAL CORPORATION IN THE UNITED STATES AND WORLD ECONOMIES"

The members of the Emergency Committee for American Trade requested that this study be undertaken knowing that related studies have been conducted by other groups and that the United States Government is engaged in thorough research on the subject. ECAT decided to act because of the great importance of trade and investment to its members and because of the pressing need for comprehensive and objective data.

The purpose of the study was to obtain detailed information on the actual operations of American multinational corporations during the 1960's so that the issues raised by these activities could be dealt with on the basis of fact rather than theory. This was made possible by the cooperation of a sufficient number of respondents to a very demanding survey.

In its introduction to the study, ECAT notes:

"Multinational corporations have made a major contribtuion to the expansion of world trade and investment. They have done so in accord with an American foreign economic policy that by word and deed has supported the postwar movement towards a more open international economy.

"Peter Drucker has called this movement the greatest achievement of the postwar period. It replaced an era of protectionism (which Paul Samuelson said does not provide protection but succeeds only in 'making the world less productive').

"As the result of the new movement, the world became more productive. Trade grew rapidly, outpacing the rate of economic growth of most nations. And then investment grew even faster, eventually surpassing trade as the chief economic link between the United States and the rest of the world.

"For a few nations whose economies were highly protected by trade barriers and for those highly protected sectors in industry or agriculture that exist in every nation, the movement towards a more open international economy has produced problems. But, overall, it has meant more wealth for each nation and more harmony among nations.

"While contributing to the growth of the world economy, multinational companies have also grown in number and size. American companies responsible for a substantial amount of production abroad have existed since the beginning of the century. They are not an American phenomenon. Similar international production by companies based in other industrialized nations as a group has been proceeding in rough conformity to the ratio of their gross national product to that of the United States. Most other industrialized countries make a higher percentage of their investments abroad than the United States.

"The international activities of multinational corporations increased markedly in the 1960's and interest and controversy have risen as a result."

The ECAT study is based on a detailed survey of the domestic and international operations of 74 of the largest American multinational corporations. It was conducted by a group of 12 business economists, who said: "We believe the survey accurately reflects the economic impact of multinational corporations on the world economy. . . . For industries where survey coverage does not assure an adequate measure of foreign affiliate activity, analysis of supplementary data from other sources tends to corroborate survey results."

In the period between 1960 and 1970, the companies covered in the survey increased their domestic employment at a rate of 75 percent greater than that of all other manufacturing firms. Their domestic sales also increased faster than those of other companies. The increase in the sales of their domestic facilities was twice as much as the increase of sales of their facilities abroad. Their ratio of exports to domestic production reached 10.8 percent in 1970, double that of the average manufacturing firm.

Those companies that are covered in the survey, by themselves, increased exports from the United States from $4.3 billion in 1960 to $12.2 billion in 1970. During the same period, they increased their annual net balance of payments inflows from $2.9 billion to $7.3 billion.

With reference to specific charges of U.S. plants being displaced by overseas facilities of American companies, the report states: "The conclusions from the ECAT survey about the operations of multinational companies are based on sound statistics. If they clash with the judgments derived from a combination of isolated incidents and intuition, they can stand their ground. Undoubtedly, further research by others, particularly the United States Government, will improve on these findings and further raise the level of public understanding and discussion."

The report confirms the view that foreign investments are made primarily for markets that could not be served by exports from the U.S. In this connection, Mr. Kendall said:

"The public must realize that the earnings of overseas operations would be severely diminished—even lost—if measures like the Burke/Hartke bill were enacted and that nothing would take the place of these earnings. Foreign companies would take over the markets, and the lost earnings of American companies would not go to American investors, would not be spent here in America, would not create new American jobs, but would simply enrich others at the expense of the American economy."

Mr. Kendall reported that in addition to the recommendations of the committee of business economists, ECAT had approved recommendations from other business experts in labor relations and public affairs.

"As a result of wide-ranging, but specific recommendations, we are now committed to a set of policies and a program of action that will render obsolete retrograde concepts like those embodied in the Burke/Hartke bill."

Among the proposals adopted by ECAT, Mr. Kendall emphasized the importance of a commitment to a program of "industrial adaptation."

"It takes no great imagination," Mr. Kendall said, "to realize that international competition causes hardships for some workers in some industries in the United States. The real problem, however, is much greater. In our changing economy, a young person can spend years learning a skill only to find out 10 years later that there is no need for it. Because the economy has passed his or her skill by is no reason for the person to be passed by. We must look forward to a time when retraining and relocation are a way of life, a way to a better life, to an upgrading of a person's competence and satisfaction in his or her career. It is inexcusable that instead of a national program of industrial adaptation that would allow the worker to retain pension and other rights, our economy offers only inadequate training or the dole. It is easy to understand why labor leaders call the present system of adjustment assistance 'burial insurance.' "

Mr. Kendall recommended that as a first step toward a program of industrial adaptation, the government initiate a study of all existing programs. "I think we will find," he said, "that the United States is already far along the road to such a program, but we are moving by means of overlapping, lopsided, and even conflicting programs spread casually among dozens of federal, state, and industry actions."

Pending the achievement of a national program of industrial adaptation, the ECAT recommendations call for multinational companies to become "more sensitive to labor's and the government's concern over plant closures" and to "attempt to improve communications with the labor movement so that labor might better understand its stake in the freer flow of goods and capital internationally."

In the field of public affairs, Mr. Kendall reported that ECAT had adopted a three-pronged program. The members of ECAT have agreed to increase their personal contact with Senators and Congressmen and to enlarge their commitment of resources to government relations efforts.

A second initiative calls for use of their "corporate media" to fully inform employees, shareholders, suppliers, and communities where company facilities exist of the importance of international trade and investment to continuing operations and to their orderly expansion.

Finally, the companies will work individually through their trade and other associations and through ECAT to bring home to as large a public as possible the facts about the contribution of multinational companies to the United States economy.

SUMMARY OF FINDINGS

The data from the 74 multinational corporations covered in this survey reveal that in the years between 1960 and 1970 when these companies were increasing their overseas operations, they also:

Increased the number of their domestic employees by nearly 900 thousand from 2,452 thousand to 3,348 thousand,

Increased the book value of their fixed assets in U.S. manufacturing facilities from $15.3 billion to $34.1 billion, a gain of $18.8 billion,

Increased their sales from American facilities from $58 billion to $113 billion, a gain of $55 billion,

Increased their exports from the United States to the rest of the world from $4.3 billion to $12.2 billion, a gain of $7.9 billion,

Increased their net surplus of exports over imports from $3.2 billion to $6.6 billion, a gain of $3.4 billion,

Increased the balance-of-payment inflows attributable to their foreign investments—dividends, earnings, interest, royalties and fees—from $.5 billion to $2.4 billion, a gain of $1.9 billion,

Increased their annual net balance-of-payments inflows from $2.9 billion to $7.3 billion, a gain of $4.4 billion.

Our survey has further documented:

That the industries which account for a large and growing share of foreign direct investments (e.g., non-electrical machinery, chemicals, and instruments and related products) account for the preponderant part of the U.S. merchandise trade surplus in manufacturing products.

That these same industries have been among the most rapidly growing manufacturing industries in the United States, and

That the international investment activities of the respondents played an important role in their rapid export growth and consequently made a major positive contribution to their domestic sales, investment, and employment growth.

Contrary to the popular misconception that foreign subsidiaries of American firms have been created for the purpose of serving the U.S. market, our survey has revealed:

That foreign investments are made primarily to meet market demands that cannot be served by exports from the United States.

That exports from non-Canadian foreign affiliates to the United States amounted to only about 2 percent of their total sales during he 1960's.

That a substantial proportion of that 2 percent consisted of unprocessed raw materials, and

That the total imports, including raw materials, from non-Canadian foreign affiliates were equivalent to only 0.7 percent of the respondents' production in the United States in 1970.

The companies covered by the survey are broadly representative of large American multinational corporations. These findings further establish that during the 10 year period covered by the survey, American multinational companies have:

Increased their domestic employment (exclusive of employment gains through acquisition) more rapidly than the average manufacturing firm. Their rate of new job creation was about 75 percent greater than that of all other manufacturing firms,

Increased their investment in domestic plant and equipment more rapidly than other U.S. manufacturing firms and more rapidly than their foreign investments.

Increased their domestic sales more rapidly than the typical U.S. manufacturing firm.

Increased their sales from domestic facilities twice as much as from their overseas operations.

Exported a growing proportion of their domestic production. Their ratio of exports to domestic production in 1970—10.8 percent—was double that of the average U.S. manufacturing firm.

Accounted for a small and (except for U.S.-Canadian automobile trade) declining proportion of total U.S. imports.

PERSECUTION OF JEWISH CITIZENS OF SOVIET UNION

Mr. PELL. Mr. President, the General Assembly of the State of Rhode Island recently adopted a resolution expressing the concern of the people of my State over the persecution of Jewish citizens of the Soviet Union.

The resolution requests the President of the United States, during his visit to the Soviet Union, to express on behalf of Americans of all faiths their concern that the religious liberties proclaimed in the United Nations Declaration of Human Rights be extended fully to members of the Jewish faith.

Mr. President, I have expressed here in the Senate before my own deep concern over the persecution of Soviet Jews. I am delighted that the general assembly of my State has adopted this resolution and ask unaninmous consent that it be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

STATE OF RHODE ISLAND

SENATE RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE CONGRESS TO ASK THE GOVERNMENT OF THE SOVIET UNION TO PERMIT THE FREE EXERCISE OF RELIGION TO ALL ITS CITIZENS

Whereas, In the Soviet Union men and women are denied freedoms recognized as basic by all civilized countries of the world and, indeed, by the Soviet Constitution; and

Whereas, People of the Jewish faith and other religious minorities in the Soviet Union are being denied the means to exercise their religion and sustain their identity; and

Whereas, The government of the Soviet Union is persecuting Jewish citizens by denying them the same rights and privileges accorded other recognized religions in the Soviet Union and by discriminating against Jews in cultural activities and access to higher education; and

Whereas, The right to emigrate freely which is a right affirmed by the United Nations Declaration of Human Rights, adopted unanimously by the General Assembly of the United Nations, is denied Soviet Jews who seek to maintain their identity by moving elsewhere; and

Whereas, These infringements of human rights are an obstacle to the development of better understanding and better relations between the people of the United States and the people of the Soviet Union; now therefore be it

Resolved, That the President of the United States when he visits the Soviet Union be respectfully requested to call upon the Soviet government to permit the free exercise of religion by all its citizens in accordance with the Soviet Constitution to end discrimination against religious minorities, and to permit its citizens to emigrate from the Soviet Union to the countries of their choice as affirmed by the United Nations Declaration of Human Rights; and be it further

Resolved, That the secretary of state be and he hereby is respectfully requested and directed to transmit duly certified copies of this resolution to the President of the United States and to the Rhode Island delegation in Congress.

PRIMO IACOBUCCI,
First Deputy Secretary of State.

SECRETARY BUTZ SUPPORTS HIGHER FOOD PRICES

Mr. BELLMON. Mr. President, on February 17, the Chicago Tribune published an editorial praising Secretary of Agriculture Earl Butz for his candor in publicly proclaiming his support for higher food prices.

As the newspaper pointed out, in these days of inflation no one likes to hear that the price of food or anything else is going higher, but it is a rare and refreshing display of candor to hear such talk from a high administration official in an election year.

Secretary Butz was quoted from a speech he delivered in Fargo, N. Dak., in which he said he and the Nixon administration are trying to push food prices higher as a means of increasing the level of farm income which has been below national average income for two decades.

Mr. President, not only is this a refreshing bit of candor; it is refreshingly different to have a Secretary of Agriculture who fully understands the plight of the American farmer, a Secretary who has the courage to tell the farmer's story the way it is, a Secretary who tackles farm problems with vigorous, realistic solutions.

The American farmer is the most efficient food producer in the world. One farmer produces enough food and fiber for nearly 50 persons. But in spite of his efficiency and his tremendous gains in productivity, the farmer receives a smaller reward for his investment and his labors than any other segment of American business, partially because he is the only producer who has no control over what he gets for his product and partially because in past administrations the Secretary of Agriculture has acted like it was his job to hold or force farm prices down.

Farm assets in America total $307 billion, two-thirds the value of all U.S. corporations. The typical American farmer has an individual investment of more than $150,000, but he shows a net cash return on his investment and labor of less than $10,000. Few other industries today would remain in business with that kind of profit picture.

Subsidies to farmers are broadly misunderstood and frequently condemned, often by the same people who support subsidies for other industries and approve of guaranteed profits on investments in utility industries. It is rationalized that utility company guaranteed profits are acceptable because the product is vital to everyday life. Is food any less vital? Is it fair to hold down farm prices while production costs continually rise; to ask a farmer to invest $1 in growing food and offer him only 90 cents in return?

Certainly not, but this is exactly what we have done. As a result, 7 million persons have been forced off the farms and out of rural communities in the last 20 years. The countryside has been robbed of its most valuable resource—its people—and left with the highest incidence of poverty, the highest rate of inadequate housing, the lowest per capita income, the least adequate medical care, the worst educational facilities, and the poorest utility and transportation services. There are symptoms of an industry that is overworked and underpaid. It is time farmers got a break before they go broke.

These are not just problems for rural America. They are problems of all America, because those who leave the countryside simply take their problems with them, intensifying them in overcrowded urban areas. The country's present urban crisis has its roots in a deeper rural crisis. Today's problems in American cities began on the farm years ago.

The answer to many of our urban problems can be found in a revitalized rural America. That means building a strong agricultural economy—an economy that gives the farmer a fair price for his products. Higher prices are the only way to improve farm income, and the best way to keep farm families in the country where they prefer to stay.

The thought of higher prices is not popular among housewives, but many of them fail to understand what a bargain they are getting with food. Few also realize that most of the dollars paid for food do not go to the farmer, but instead to the food handler. If farmers gave away their wheat, free of charge, the price of bread would drop only 2 cents a loaf.

The typical American family spends only 16½ percent of its disposable income for food. This compares to 39 percent in Japan and Western Europe, 60 percent in East India, and 65 percent in Russia. Food is a much better bargain today than it was just 15 years ago, largely because food prices have not risen nearly as fast as wages. An hour's work today will buy 20 percent more beef, 25 percent more pork, 25 percent more peas, and 40 percent more eggs than it would in the late 1950's.

Even when food prices do rise, the farmer does not share fully in the higher price, and his percentage of the retail price of food has grown steadily smaller. The farmer receives only 38 percent of the consumer food dollar, so an increase in farm prices need not mean noticeably higher retail food prices.

This is the story that American consumers must be told. It is the story that Secretary Butz knows well and is candidly and effectively telling to the American people. Farm prices must go up if farmers are to share in the prosperity of our Nation and if our people are to continue to be the best fed Nation in the world.

Secretary Butz is doing everything possible to see that farm prices do go up, and he is winning a reputation as the farmer's friend. Equally important, he has proven himself to be the farmer's voice to the American people.

Mr. President, I ask unanimous consent that the Chicago Tribune editorial praising Secretary Butz be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, Feb. 17, 1972]

RARE CANDOR

Speaking at a meeting of farmers and industry representatives at Fargo, N.D., the other day, Secretary of Agriculture Butz said the price of food can be expected to go up, not down. He said he and the Nixon administration are striving to increase the level of farm income.

"We are trying to get food prices up and you haven't seen anything yet," said Dr. Butz. "If we're to save America we'll have to save those people whose feet are implanted in the soil."

One way the administration hopes to increase farm prices and income is by paying farmers to cut back substantially on feed grain and wheat acreage after last year's record crops. This will require nearly $1 billion in additional subsidies, which will likely boost total cash payments to farmers from the federal treasury to a record high of more than $4 billion. These payments may amount to close to 25 per cent of net farm income this year.

It is worth recalling that when President Nixon was campaigning for office in 1968 he was critical of federal farm subsidies, which at that time comprised 21 per cent of farmers' net income. "It means that those who control the purse have the power to control farmers," he said. He called for new policies to insure fair returns to farmers while reducing "this dangerous level of dependency on arbitrary political power."

Farm income has lagged for several years because prices farmers get for their products have not kept up with rising production costs. Retail food prices, held down partly by farm subsidies, have not increased as much as prices of most other consumer goods and services. It is in this context and against a background of rising rural discontent that the administration seeks to improve farm income.

In these days of inflation, no one likes to hear that the price of food or anything else is going still higher. Still it is a rare and refreshing display of candor to hear such talk from a high administration official in an election year. If Sen. Humphrey, Sen. McGovern, and other Democratic critics of Dr. Butz's appointment are equally candid they will admit that they were wrong in saying he would not champion the farmer.

It would also be refreshing to hear the White House explain candidly what happened to those new policies Mr. Nixon said were needed to prevent the farmer from being dangerously dependent on the arbitrary political power of the purse.

HEALTH SCIENCE AND SOCIETY

Mr. MONDALE. Mr. President, on December 2, 1971, the Senate passed the National Advisory Commission on Health Science and Society Resolution, Senate Joint Resolution 75, which provides for a study and evaluation of the ethical, social, and legal implications of advances in biomedical research and technology. This resolution is now pending before the House Committee on Interstate and Foreign Commerce.

An editorial in the Mankato Free Press supports the goals of this resolution and raises some pertinent questions confronting our society. One phase of the Commission's work will be to review questions such as these. I hope that our colleagues in the House will be able to consider these important issues and the resolution at an early date.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Mankato Free Press,
Dec. 10, 1971]

LIFE-DEATH STUDY—TRULY

A cursory glance might lead the reader to say, "Not still another advisory commission!"

Yes, another another advisory commission—this one on health, science and society.

And a very timely and worthy inquiry it is to make—two years of investigation into the ethnical, social and legal implications of advances in biomedical research and technology.

The 15-member commission was first proposed in 1968 by Sen. Walter Mondale, D-Minn., and 16 co-sponsors and had generated gradual support until it had mounted sufficient votes for passage earlier this month.

It is true that apsects of health, science and society seems to have been studied to literal death in the last decade. But an event on Dec. 3, 1967, the first attempted transplant of a human heart, injected an entirely new and imposing challenge to laws and customs as opposed to the implications of such a vast technological advance.

The issue goes well beyond medical efficacy; they concern the basic questions of how far doctors should be allowed to go in taking and giving human organs and how far they should go in prolonging a doomed life.

In the past, cessation of heartbeat has been the universally recognized sign of death. But doctors today can keep a heart beating by artificial means when other evidence of death has occurred. And the question of time of death is of particular importance in organ transplantation because the donated organ must be removed as soon as possible.

Legal as well as ethical disputes have also arisen about the right to dispose of a deceased person's body parts, as well as the right of a doctor to prolong mechanical life solely to acquire a viable organ for another person.

Thus the awful and critical decisions: What is life and what is death . . . who shall live and who shall die . . . how long shall life be preserved.

Mondale and his group fortunately stuck by their political guns for three years in an effort to develop a plausible rationale over these and other complex human questions that the medical breakthroughs of the future are sure to present.

DAMAGE CAUSED BY FOREIGN FISHING FLEETS

Mr. PELL. Mr. President, earlier in this session of the Congress, I brought to the attention of the Senate the harassment and damages suffered by fishermen of the State of Rhode Island through the operations of foreign fishing fleets in the traditional New England fishing waters.

At that itme, I urged the Coast Guard to increase its protective patrols to protect the legitimate rights of the Rhode Island fishermen, and asked the assistance also of the State Department in obtaining restitution from the Government of the Soviet Union for damages suffered by our fishermen. Both the Coast Guard and the State Department have responded positively within the limits of their capabilities.

Mr. President, the general assembly of the State of Rhode Island recently adopted a resolution noting that the State is constitutionally denied the right to maintain a naval force and urgently requesting the President of the United States to provide adequate protection for Rhode Island fishermen. I hope very much that this appeal will be heeded.

I ask unanimous consent that the resolution of the General Assembly of Rhode Island be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

SENATE RESOLUTION 3119

Memorializing the President of the United States to provide American fishermen protection the constitutional lack of a naval force denies Rhode Island

Whereas, The rights of our offshore fishermen who with courage and ability bring food to our state are being wantonly and successfully violated by foreign vessels; now therefore be it

Resolved, That this senate urgently request the President of the United States that the United States provide us the protection the constitutional lack of a naval force denies Rhode Island; and be it further

Resolved, That the secretary of state be and he hereby is authorize and directed to transmit duly certified copies of this resolution to the President and to the members of the Rhode Island delegation in Congress.

INVASION OF PRIVACY

Mr. GRAVEL. Mr. President, in a recent column in the Washington Post of February 27, 1972, entitled "The Revolution in Law Enforcement Technology Has Produced an Information Monster That Threatens Our Privacy," Roger Wilkins calls our attention to a serious problem confronting Americans today. Mr. Wilkins points out that the Law Enforcement Assistance Administration has dispensed more than $46 million throughout the Nation for projects enabling police agencies to computerize their data. This burgeoning computer file poses a grave threat to American citizens' right to privacy. While data on crime were originally stored at the State level, 20 States who participated in sharing their data through an LEAA-funded project called Project Search lost a bruising battle with the Justice Department to maintain control and establish standards for the use of their data. Project Search was transferred to the FBI and in 1971 the Senate gave the FBI authority to share its information with banks, State agencies for employment and licensing purposes, thus increasing the threat of surveillance to a greater number of citizens.

At this time no standards have been established for types of data to be collected and for use of this information. While the original concept was to keep records of serious criminal offenses such as murder and assault, individual States vary as to the type of information they store; some keep records of student demonstrators, outstanding parking tickets, and other activities of private citizens unrelated to criminal activity. These information systems within States may later be plugged into the Federal data bank. The fear and distrust this type of activity must inspire in the American people will surely lead to political timidity, conformity, and a general loss of cherished freedom.

While some storage of data on criminal activity may be necessary at the State level, and I am not convinced of this, I find the growth of the Federal data bank under the FBI totally unacceptable in terms of our civil liberties. I urge that the Senate Subcommittee on Constitutional Rights suggest appropriate legislation that will enable the Congress to deal effectively with the current unconscionable invasion of privacy.

In his book, "Future Shock," Alvin Toffler quotes scientist Ralph Lapp as saying:

> No one—not even the most brilliant scientist alive today—really knows where science is taking us. . . . We are aboard a train which is gathering speed, racing down a track on which there are an unknown number of switches leading to unknown destinations. No single scientist is in the engine cab and there may be demons at the switch. Most of society is in the caboose looking backward.

Toffler goes on to say:

> Many social ills are less the consequence of oppressive control than oppressive lack of control. The horrifying truth is that, so far as much technology is concerned, no one is in charge.

Let this Congress not be accused of oppressive lack of control. We must respond to the challenge of technology run rampant, subject the current computerized surveillance to the most glaring public scrutiny and thoughtful congressional debate in order to preserve that free spirit that makes our American way of life so dear to us.

I ask unanimous consent that Mr. Wilkins' column be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

An Information Monster That Threatens Our Privacy

A silent creeping—one might even say creepy—revolution is taking place in the technology of law enforcement data collection and dissemination. The computers have entered the field and their potential for severely denting—if not destroying—the individual's right to privacy is growing by leaps and bounds.

Last year in a privacy case in the U.S. District Court in the District of Columbia, Judge Gerhard Gesell wrote:

"A heavy burden is placed on all branches of government to maintain a proper equilibrium between the acquisition of information and the necessity to safeguard privacy. Systematic recordation and dissemination of information about individual citizens is a form of surveillance and control which may easily inhibit freedom to speak, to work, and to move about in this land. If information available to government is misused to publicize past incidents in the lives of its citizens the pressures for conformity will be irresistible. Initiative and individuality can be suffocated and a resulting dullness of mind and conduct will become the norm."

Judge Gesell went on to decide that while the arrest record of a person who had been convicted of no crime could be maintained for federal employment and "strictly law enforcement purposes," the FBI is "without authority to disseminate arrest records outside the federal government for employment, licensing or related purposes."

Unfortunately, this lucid principle is being eroded by a voracious computer industry, two powerful and competing federal bureaucracies, hardware-loving police departments around the country and by a Congress which seems not to have the sensitivity, the will or the capacity to do anything to arrest or reverse the trend.

Late in the 60s, the first tendrils of what is fast becoming a patchwork—but nonetheless enveloping—information giant were beginning to emerge in the form of the FBI's National Crime Information Center system (NCIC). That system was designed to provide simple computerized information to law enforcement people on wanted persons, and identifiable stolen property such as license plates, securities, boats and guns. At the same time, from 1966 through 1968, the Justice Department's Office of Law Enforcement Assistance was providing various police jurisdictions about one million dollars a year to develop electronic data retrieval systems.

Then came the deluge. Since 1968, the Law Enforcement Assistance Administration, the much better funded successor to OLEA, has dispensed more than $46 million for a variety of such projects all over the nation. Some went to states for development of a greater organized crime intelligence collection capacity. Other states began using LEAA funds to develop systems related to civil disorders. Whereas earlier efforts had been fairly clearly directed toward information useful in crime detection and prevention, the guidelines began to become murky in the civil disorders field. One state, for example, indicated in its grant application that it would collect the names and information about people who "actively pursue their constitutional rights."

The most significant of the LEAA funded projects, however, was Project Search, which began as a cooperative effort among six states to standardize and computerize personal criminal history records and tie them into a central index and switching center in order to provide each participating state with quick and easy access to the relevant records of each of the others. By the summer of 1971, the number of states in the project had grown to 20 and the problems had grown proportionately.

The first strains emerged when Project Search's Committee on Security and Privacy issued a study which attempted to formulate procedural guidelines safeguarding the public. Among the committee's recommendations were limitations on the type of data to be collected, periodic re-evaluation of the data in order to ensure accuracy, the development of procedures for an individual to have access to his file and stringent security precautions to prevent unauthorized individuals from obtaining access to the stored information. The head of the FBI's NCIC system argued that if such guidelines were needed at all, Project Search was the wrong organization to develop them and that in any event, it was too early to conduct such studies.

Shortly thereafter, it became clear that the FBI hoped that Search would be controlled, not by the states, but by the FBI and that its electronic systems would be tied to the Bureau's National Crime Information Center System. LEAA and the states balked. They argued that the original concept of Search was a bulky central index of criminal activity—like a telephone book—with the basic records being retained in the states rather than the creation of a federally controlled national criminal information and information and intelligence data bank.

As the dispute raged, Search oozed beyond its original confines into areas never envisaged by the original concept. Under the rules developed by LEAA, such charges as juvenile and public order offenses, drunkenness and vagrancy would be excluded, but serious crimes would be recorded. Those might include bigamy, cruelty to animals, failure to provide support to one's family and adultery as well as the traditionally serious crimes of murder, assault, burglary and robbery.

Meanwhile, the FBI won its fierce bureaucratic battle within the Department of Justice with LEAA. On Dec. 10, 1970, the Attorney General transferred Search to the FBI. A year later, the Senate included in the FBI's appropriations bill language which appeared to restore to the FBI authority to share its information with certain classes of banks and also, in appropriate circumstances, with state agencies for employment and licensing purposes. In all the flurry and growth, the model codes for protection of citizens' privacy and the code of ethics drawn up by Project Search's Committee on Security and Privacy got buried.

At this point the situation remains cloudy, but ominous. LEAA still makes the grants for the acquisition of computers and is pressing for expansion of the system. The FBI is tightening its control while also pressing for ever greater membership. The states, having warned the Attorney General prior to the transfer of Project Search to the FBI that "no matter what the Feds do, the states will continue to develop their own system or systems," are presumably doing just that. And any state or locality may, on its own initiative, store additional information in a system that later may be "interfaced," to use a term of the trade, with the federal data bank. For example, the Kansas City, Mo., police department has stored, among other things, information on outstanding parking tickets, college students known to have participated in disturbances and "area dignitaries."

While this information-gathering monster grows and spreads, there is really no effective federal or state regulation of the whole system. Senator Ervin's Constitutional Rights Subcommittee heard some testimony on the subject both from administration proponents and from concerned and freightened citizens. Senator Mathias slipped an amendment into Title I of the Omnibus Crime and Safe Streets Act requiring LEAA to develop legislation regulating the activity. In response in September, 1971, Senator Hruska introduced the Criminal Justice Information Systems Security and Privacy Act of 1971. To date, no hearings have been held on the Hruska bill.

Without debating the details of the Hruska bill, it is fair to say that it assumes that computerized dossiers collected by state and federal police organizations are part of our national life, that they are useful and that they are here to stay. And that is just the point. We apparently are off on another technological toot that leads God knows where without giving it a second thought. Nobody knew when Henry Ford rolled out his first Model A that the internal combustion engine would someday foul our cities. But now we ought to be sophisticated enough to know that a ride on the tiger's back is sure to cost at least a healthy nip on the nose, if not a great deal more.

The issues raised require urgent analysis and broad national debate before the information monster entirely devours our privacy. Because of the complex interstate nature of the system and the federal government's deep involvement in its development, there is only one place where the debate can appropriately take place—in the Congress of the United States. And the first question that needs to be taken up is whether the public wants or needs this system. If Congress' answer is yes, then there is a pressing need for it to define a citizen's right of privacy and the limits which must be placed on the machines' almost unlimited capacity to pry, to store and to regurgitate indiscriminately, mindlessly and on command.

Right now only the Lawyer's Committee for Civil Rights under Law, aided by the National Urban Coalition, is monitoring the growth of the beast and, laudable as that effort may be, it is not enough.

ATTORNEY GENERAL MITCHELL'S RECORD

Mr. DOLE. Mr. President, John Mitchell has left the Department of Justice, where he served this administration and this country with great dedication, a profound personal commitment and a high sense of purpose. For more than 3 years, he devoted his considerable energies and talents to fulfilling the charge bestowed in 1968 upon President Nixon to make the Federal law enforcement system more effective, more fair and more deserving of the American people's respect and confidence.

In this effort, of course, he had the full support and backing of the President, but in addition he possessed a rare degree of personal vision and capability which enabled him to lead the Department of Justice and direct its energies toward solutions to problems which, left unchecked, would threaten the basic strength of our Nation. Civil disorder, drug abuse, organized crime, denial of civil rights and an overall increase in crime and decline in the strength and morale of crime prevention forces—these and other problems hung over this Nation like an ominous, dark cloud 3 years ago. But in an unparalleled exercise of executive leadership and administrative skill John Mitchell instituted within the Department of Justice a series of initiatives, reforms and innovations that have had a truly remarkable impact on those problems which only 38 months ago loomed so hopeless.

This is not to say that solutions have been found for every problem and answers for every question. But I believe it is fair to say that the tide is being turned and the momentum is reversing. We are seeing positive and concrete developments on the broad front of Federal law enforcement. And to John Mitchell must go a major portion of the credit.

John Mitchell is a modest man and one who has not sought personal adulation or attention for his efforts, but I believe that the American people owe him their thanks and gratitude for his service as Attorney General. His presence within Government will be missed, but the legacy of his leadership will endure for many years to come.

The remarkable record of his accomplishments merits the close scrutiny of the Senate.

I ask unanimous consent to have printed in the RECORD a statement by Attorney General Mitchell reviewing his 3 years in the Department of Justice.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ATTORNEY GENERAL MITCHELL'S RECORD

Attorney General John N. Mitchell issued the followed statement today in a review of his three years as head of the Department of Justice:

When President Nixon took office 38 months ago, Americans were clearly dissatisfied with Federal law enforcement efforts.

Crime had been rising sharply and there were no indications of it tapering off.

Spiraling street crime and lawlessness in the Nation's Capital made it a symbol of the breakdown of police protection in America.

Citizens were alarmed by the major civil disorders which were erupting in large cities and on college campuses.

Drug abuse among the young was increasing at an alarming rate.

Organized crime seemed able to thrive and expand its influence.

There was growing discontent among blacks and other minorities.

Authorities appeared unable to move forcefully against those who damaged the environment.

Local and state officials were losing their fight with the growing problems of crime and drug abuse.

President Nixon made it clear to me that he expected the Department of Justice to move effectively and promptly to mobilize Federal resources to attack all those problems.

Here is what we have done in three years to carry out the mandate the voters gave to the President:

RISING CRIME

We realized that crime was basically a state and local problem, and our effort was to improve state and local ability to meet it. That is why we greatly expanded the role of the Law Enforcement Assistance Administration, from a level of $63 million in Federal assistance in fiscal 1969 to the current level of $700 million.

We knew that crime was not simply a police problem, but that court delay and miserable prison conditions also were contributing factors, so an increasing amount of Federal law enforcement assistance was channeled into court improvement and prison reform.

We did not shirk our Federal responsibility. We moved across a broad front to exercise unused authority and to seek new legislation, appropriations and manpower where necessary. In our first two years we submitted a total of 39 pieces of legislation to the Congress, of which 27 were enacted. The Department's appropriations were tripled—from $437 million in 1968 to $1.5 billion in 1972—and manpower was also increased, from 34,800 to more than 45,000 including 1,000 new agents for the FBI.

CIVIL DISORDERS

We made sure that part of our assistance to state and local police agencies was earmarked for community relations, because we knew that one of the major sources of civil disorders was lack of communication between urban minority groups and law enforcement officials.

We also funded training programs for state and local officials on prevention and control of civil disorders, with the emphasis on prevention. Our control programs were aimed at keeping violence to a minimum, and minimizing the possibility of overreaction.

Finally, we urged minority groups to watch what we do, not what we say. That was based upon our firm conviction that one source of unrest was the extravagant promises which could not be met—and left disadvantaged citizens angry and bitter.

DRUG ABUSE

Until recently the Bureau of Narcotics and Dangerous Drugs had been the only major Justice Department program aimed solely at the drug problem. BNDD agents were increased from 600 in 1968 to more than 1,200 at present. Appropriations were raised from $14.4 million to $65.1 million in that same period.

Recently President Nixon created a new program—the Office of Drug Abuse Law Enforcement—headed by Special Assistant Attorney General Myles J. Ambrose. The aim of this program is to mount a coordinated attack against street-level heroin pushers in every major city in the country where this problem exists. Just as BNDD efforts are aimed at major suppliers, and attempt to roll supply networks down from the top, this new program will attempt to roll them up from the bottom.

Legislatively, we sought and obtained the Comprehensive Drug Abuse, Prevention and Control Act of 1970, which provided stiffer penalties for suppliers and more lenient treatment for addicts, particularly young people charged with first-offense possession.

Finally, we moved in several areas to establish cooperation with other nations to reduce the amount of narcotics and other illicit drugs coming in over our borders.

ORGANIZED CRIME

Although the previous administration had the authority to use court-authorized wiretapping against organized crime, it did not do so. It is considered the most effective single weapon to penetrate these well-entrenched criminal groups and we have used it to bring about record numbers of indictments and convictions.

We proposed and saw passed the Organized Crime Control Act of 1970, which provided additional authority for obtaining and preserving testimony, protecting witnesses, destroying large-scale intrastate gambling operations, prosecuting corrupt public officials and their corrupters, and disrupting the criminal infiltration of legtimate business.

President Nixon created the National Council on Organized Crime, which the Attorney General chairs, to give strategic planning and leadership to the overall fight against organized crime.

Federal organized crime strike forces, made up of lawyers, investigators, and experts from other agencies such as the Internal Revenue Service, were increased from seven in 1969 to 18 today.

The number of attorneys in the Organized Crime and Racketeering Section of the Criminal Division was increased from 70 in 1968 to 134 today, and the number of assistant U.S. Attorneys around the country was increased by 40 percent.

CIVIL RIGHTS

The Civil Rights Division was reorganized to give a national, rather than a regional approach to civil rights laws. Attorney manpower in the division was increased from 206 at the end of 1968 to 304 today, a 50-percent increase. A deliberate effort was made to avoid extravagant rhetoric and promises, and to substitute action for words. The goal of the school integration effort was to assure maximum reduction in discrimination in a manner that preserved peace in the communities undergoing this social change.

In addition, the Civil Rights Division increased its efforts in several areas, particularly with regard to eliminating discrimination in housing, employment and voting.

ENVIRONMENTAL PROTECTION

The Justice Department moved aggressively against polluters, establishing for the first time a Pollution Control Section in the Division of Land and Natural Resources. We stepped up criminal prosecutions against polluters and, for the first time, used civil injuctions to speed a halt to their activities. These civil actions often proved more effective than criminal prosecution, because we were able to effectively prohibit future action, and also to force polluters to make significant—and often expensive—efforts to restore the environment to its natural state by removing refuse already dumped.

LOCAL AND STATE HELP

Our efforts, through LEAA grants and other means, to help state and local officials improve their law enforcement effectiveness, have reached into almost every community in the country. We mounted, for the first time, a high-impact crime program to set a target for crime reduction in selected cities, and to learn what programs contribute most to its achievement. We realized that in large cities particularly, narcotics can be a major source of crime, and our program against heroin pushers will, in each instance, work closely with local and state law enforcement authorities. We made a particular effort to improve juvenile corrections programs, because we know that young people account for half of the serious crime in the nation, and one of the best ways to reduce crime is to prevent juveniles from becoming adult criminals. Finally, we established for the first time and on a national basis, an adequately funded planning system to assist criminal justice agencies in every state to upgrade the entire criminal justice system—police, courts and corrections.

Here are the results of our efforts:

RISING CRIME

I wish I could tell you that the tide of rising crime in America has been reversed, but I would be exceeding the facts to say that.

I can say without a doubt however, that the increase has been slowed. I can say further that we are encouraged to note that actual decreases are being registered in greater frequency in our major cities. I can also say that the full result of our efforts—both in enforcement and assistance—has yet to be felt. I am confident that in the months and years ahead, it will be slowed still further.

Finally, I can say that it is my firm conviction that if we continue to devote an appropriate level of manpower and resources to this problem, we can look forward to the day when the crime rise has been halted and will begin its downward turn.

Against that background, the latest FBI Uniform Crime Report, covering the first nine months of last year, reported:

The smallest percentage increase in serious crime in the nation in five years, 6 percent, compared to a 19 percent increase for the same period in 1968.

52 of the major cities in the nation showed crime reduction, compared to 23 the year before.

DISTRICT OF COLUMBIA

Washington, D.C. showed a 14 percent reduction in serious crime, compared to a 2 percent rise for the same period the year before.

We are particularly proud of the results that have been achieved in the District of Columbia to reverse the crime rate. Through court reform, increased police manpower, LEAA grants, and other measures, we have helped officials of the District to bring about an actual, and continuing, decrease in crime.

CIVIL DISORDERS

Civil disorders also have decreased markedly. Last year we had 10 major civil disorders, with 10 persons killed. In 1968 we had 26 major disorders and 83 persons killed. Violent demonstrations on college campuses also decreased last year, down 60 percent from 1970.

DRUG ABUSE

Narcotics enforcement showed substantial gains:

A total of $920 million in narcotics and dangerous drugs were removed from the worldwide illicit market in 1971, compared to $740 million the year before, the first time the amount was calculated.

BNDD arrests totalled 3,488 in 1971 compared to 1,926 in 1969.

Cooperative arrests with state and local authorities totalled 2,612 in 1971 compared to 982 in 1969.

Cooperative arrests with foreign governments totalled 394 in 1971 compared to 191 in 1969.

An agreement was signed between the United States and France to formalize their joint activities in the fight against the international narcotics traffic.

Turkey agreed to discontinue growing opium as of June 1972.

A closer working relationship was developed with Mexico to destroy substantial amounts of drugs at their source and to police the U.S.-Mexican border against narcotics smugglers.

ORGANIZED CRIME

We have struck particularly hard against organized crime. For instance:

In the last two years we indicted 196 high-echelon members of organized crime syndicates, compared to 133 for the previous two years.

In the last two years we obtained convictions of 85 high-echelon members, compared to 46 for the previous two years.

In the last three years we indicted 4,934 organized crime defendants, an increase of 60 percent compared to the previous three years and we convicted 1,755 individuals, an increase of 25 percent.

CIVIL RIGHTS

Quiet, but substantial, gains were recorded in the field of civil rights. In 1969, only 6 percent of all black children in the South attended legally desegregated school systems. By the 1971–72 school year, this figure had risen to 95 percent. The Justice Department filed its first suit against racial discrimination in zoning and land-use practices by local governments. A total of 205 people were prosecuted on criminal charges of violating the civil rights of others, compared to 94 for the total of the previous three-year period. Finally, 15 suits were filed under the Voting Rights Act of 1965, compared to 12 in the previous three-year-period.

ENVIRONMENTAL PROTECTION

The number of criminal prosecutions for pollution of the nation's waterways increased from an average of 43 per year before 1969 to more than 190 in 1971.

Since March, 1970, when the first civil suits were filed under the 1899 Refuse Act, a total of 85 suits have been filed. As a result of Justice Department actions, a number of major industries have undertaken multi-million-dollar construction programs to eliminate water pollution.

The first case under the emergency provision of the Clean Air Act was brought and 23 industries in Birmingham, Alabama, were enjoined from polluting the air.

The Justice Department secured an antitrust consent decree with the "big four" auto manufacturers to insure competition in the development of air pollution control devices for motor vehicles.

STATE AND LOCAL HELP

In the three years fiscal—1970 through 1972—we will have put almost $1.5 billion into a nationwide effort to assist state and local governments to improve their police, court and corrections systems. That compares to a total of $21 million in the three fiscal years of 1966–68.

The result has been the creation of a statewide criminal justice planning agency operating, fully staffed and fully funded, in every state in the nation. In addition, there are approximately 500 regional planning units.

This means that for the first time, Federal funds have made possible a total, coordinated, planned attack on all the problems in the criminal justice system from coast to coast and from border to border.

These agencies are run and staffed by state and local representatives, and they decide—not Washington—how their state's allocation of funds will be distributed within their states.

When the day comes that crime in America finally stops rising and starts falling, I believe that this program, more than any other, will be the reason. The responsibility to curb crime rests with state and local governments, and now, for the first time, we are giving them the resources to do something about it.

BELOIT: ALL AMERICAN CITY

Mr. NELSON. Mr. President, Beloit, Wis., was one of nine cities across the United States to be honored as an all American city by the Saturday Evening Post in cosponsorship with the National Municipal League.

What impressed the awards committee was that Beloit is making a community wide effort involving all differing groups with the idea that "people as problem solvers in Beloit."

For the southeastern Wisconsin city of 32,256, success of the involvement has been impressive. There are 55 citizen groups involved in community betterment, having a total membership of 1,800 members.

Beloit's honor does not surprise me. I have always been impressed by the community spirit I had seen there and the dedication the city leaders have shown for civil improvements. Now that same pride has been transferred to citizens involvement and nothing meaningful can be accomplished without.

I am pleased to have this opportunity to join in extending by congratulations to Beloit for its well-deserved recognition. Wisconsin can be truly proud of Beloit and the example it offers for dealing with the perplexing problems that beset all urban areas.

I ask unanimous consent that a portion of the Saturday Evening Post spring 1972 article on the All American Cities Award be printed in the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

The Saturday Evening Post in Cosponsorship With the National Municipal League Proudly Announces the Winners of the All America Cities Awards

Marshall McLuhan, one of the liveliest seers of our time, is also one of our most gifted phrasemakers. He has the happy knack of paring down a fresh thought to its barest essentials. Thus, to twit the advertising fraternity, he advises them that the original medium of mass communication was a road. The wheel, he avers, is merely an extension of the foot. The book, an extension of the eye.

In the spirit of a McLuhanism, therefore, we might say that Joshua was the founder of the modern city. In one heroic blast, he blew down the walls of Jericho, simultaneously changing it from a fortress into an open center of commerce, and also becoming the father of noise pollution.

But the time could well be here to reerect some walls, at least some symbolic ones, which will keep the best things of the modern city—including its middle classes—from leaving its inner structure and abandoning its heart to the very rich and the very poor. It is the effort to erect such walls—walls of thought and action and inspiration—which is at the heart of the All-America Awards idea.

The American city was at first a creature of water. The age of exploration put it at the mouths of rivers and bays, on the Hudson and the Delaware, the Chesapeake and the Narragansett; the age of expansion placed our cities on the water routes of the Great Lakes, the Ohio and the Mississippi, and the Pacific Ocean.

But then the city became a thing of steel, as the railroad and the factory took over the right of domain on every Main Street in America.

Until what had made our cities great suddenly began to make them sick. The Hudson River, glorious rival to the Rhine, became an open sewer. "The Great Wall of China," the hideous embankment of the Pennsy Railroad, humbled the city of Philadelphia by cutting its heart in two. Pittsburgh was one huge blast furnace, and the rain of soot blackened its reputation as well as its streets.

The city was devouring its own people. Walter J. Hickel, formerly the Governor of Alaska, as well as Secretary of the Interior, describes the situation succinctly in his book, Who Owns America?

The whole issue of urban environment fascinates me because it is in the urban areas that 85 percent of America lives. Some people have wrongly imagined that the battle to improve our environment involves simply ocean front and forest, or mountain range and meadow. In reality, the environment means the surroundings in which a person may live. It could be a junkyard across the street. For this reason, the urban environment is a top priority in America.

The urban problem has as its central core the fact that people need to live with reasonable access to their work but still crave the open spaces of country living. The inner-city problem is created when we force a man to come into a metropolitan area for his economic survival—and live there unhappily.

The battle has already been joined, of course. The waters of the Hudson are growing cleaner—the sturgeon are returning to the river and recently a seal swam from the ocean 150 miles up to Albany to have a look at the capitol. Philadelphia has razed the Great Wall and beautified its inner city. Pittsburgh has cleared the air and shined up its murky image. But megalopolis strikes at every city in the United States with different problems. And the answers are not always so easy to find. Hickel is right when he says, "The solution goes far beyond man's environment. It lies in the environment of the heart, the mind and the soul. If we solve the problems of the inner man, we will solve the problems of the inner city."

The inner man.

That is what Shakespeare was saying, too: "The people are the city."

And that in a nutshell is what the All-America Cities Awards are all about.

It all started in 1894, when the National Municipal League was founded as a nonpartisan organization to promote good government. A long line of distinguished members motivated it. The idea of the Awards was conceived twenty-three years ago. Today, the League, headed by former Governor William W. Scranton of Pennsylvania, sees the cities program as more important than ever before. "Each year, the awards have honored citizens for outstanding initiative in perceiving the particular challenges—human, physical, and fiscal—to their communities, and for taking informed, purposeful action in solving their problems. Yet, despite change, the basic criteria of the awards have not changed. . . . A city need not be a model community to win. Successful action, not perfection, is the criterion. . . . A community must show major achievement of benefit to it as a whole. It must give evidence that these achievements resulted from effectively representative 'citizen action'—that is, the initiative and effort of a substantial number of citizens acting to improve their community. The specific actions, whenever started, should be at least approaching successful conclusion this year. If it is a continuous program in an area such as human or race relations, evidence of constructive results this year must be shown. . . . Population and resources are fully taken into account in the judging."

And well that population and resources are taken into account—consider, for example, the disparate size and urban characteristics of last year's winners (1970): Ardmore, Oklahoma, 20,696. Birmingham, Alabama, 297,364. Dallas, Texas 836,121. Enfield, Connecticut, 44,682. Fitchburg, Massachusetts, 42,906. Gainesville, Florida, 41,146. Indianapolis, Indiana, 742,613. Lakeland, Florida, 41,146. Lumberton, North Carolina, 16,495. Shelby, North Carolina, 16,904.

This year's winner offer the same contrast in size:

[1971]

Beloit, Wisconsin	35, 256
Carbondale, Illinois	22, 582
Chickasha, Oklahoma	14, 327
Jamaica, New York	273, 000
Lowell, Massachusetts	92, 929
North Branford, Connecticut	10, 645
Placentia, California	22, 009
Santa Fe Springs, California	14, 874
Twin Cities of Minnesota	1, 874, 380

It all comes about this way. A maximum of twenty-two cities were chosen as finalists by an impartial screening committee of the League, and invited to send spokesmen to the National Conference of Government held in Atlanta, Georgia, November 14 to 17, 1971. The city delegates were spread out over a schedule of several days to address the All-America Cities Jury of twelve distinguished leaders in government, business, education and civic affairs. The jury foreman is Dr. George H. Gallup, Director of the American Institute of Public Opinion, and Chairman of the Council of the National Municipal League.

The city delegates arrived girded for battle. Some of them were armed to the teeth with impressive visual exhibits dramatizing their city and their program as comprehensively as a major manufacturer might set up his pet product at an important business convention. Some brought color slides and movies to accompany their verbal presentation: others relied only on the spoken word. But all came on with a bang and a whoosh. These people love their cities and they don't mind saying so. The delegates included mayors, college presidents, firemen and policemen, teachers, doctors, lawyers, students, businessmen, houeswives, and just plain people. Sometimes their speech was by a single member, at other times they spoke in relays. Each team was allotted the same period of time, followed by a searching volley of questions from the jury, also under a time limit.

But what verve, what competitive instinct, what conviction they all displayed! These people could better be called cheering sections than delegates. They sat on the edges of their chairs during the presentations, eyes glistening with pride as pictures of their cities floated across the screen, each a veritable Athens, at least in *their* view! They searched the expressions of the jury for the slightest sign of response, as if their lives hung in the balance over the verdict. And when the question period opened up, the cheering section for each city would often send two people to their feet at once to answer the same question. It was entertaining, instructive and often very touching. "Home" indeed is a word with a myriad of meanings. One wished that all of the finalists could win: they deserved to, at least on the basis of their presentations.

So now the winners are announced. Nine cities with perhaps only two things in common. They have problems and they are inspired to overcome them. But beyond that they are scarcely alike at all, even if their problems seem for the moment to be similar. Take, for example, both Beloit and Placentia—both worrying about the opportunities and the quality of life offered to their minorities. But the minority is black in Beloit; in Placentia it is Chicano. The actual problems, and the successes, of the two cities are as different as their climates. Another two of the winners are equally opposites: Jamaica, and The Twin Cities. One, Jamaica, is an ancient community dating back to the seventeenth century, with the Dutch and British settlers striving to control it for themselves. But today it is geographically a part of New York City, and its problem is how to create a separate community which can act independently of the giant mother city, itself strangled in the entanglement of massive problems and spilling them over into the smaller community without any way, or thought, of helping. The Twin Cities, on the other hand, are historically separates—Minneapolis and St. Paul traditional rivals, glowering at one another over the years, each jealous of its own sovereignty and independence. And yet suddenly they have recognized themselves as the hub of a huge Minnesota community that has regional problems which can only be solved by regional action. The Twin Cities got out the pipe of peace and smoked it together: their answer had to be in the exact opposite direction to Jamaica's. The word was union, rather than separatism.

It would be fruitless to try to summarize the entire situation in each of these nine admirable communities and attempt to detail the answers these vigorous and concerned citizens found to their particular problems. Because most cities have certain problems in common, and since these in so many ways are all typical American cities—in spite of their dissimilarity—their inner conflicts interlap one with the other and solutions must joust on the side with various adversaries as well as go forward at the same time with the main thrust. Students of urban problems in 1972 could do worse than to inquire—of the powers that be and the citizens *ex officio* that be, in these nine award cities—as to how they managed to lift themselves up by their bootstraps in such heroic fashion. Their answers may not be the ones for your community, but their methods might well be. In this article we can only spotlight the action in the center of the stage. Behind the scenes in each case are months and even years of sacrifice, dedication, and frequent frustration. But the flags are out in each of these communities, and the victory has been well earned.

Beloit points to "what citizen involvement can do for a community," and states that "People are problem solvers in Beloit. Working through an interlocking system of action groups, Beloiters have found that no community mission is impossible so long as it is understood that people who are part of a problem must be part of the solution."

Beloiters mean what they say. Three leaders in Beloit were Robert Gilliam, a fire fighter whose quietly dynamic influence as Coordinator, Black Resource Personnel, has persuaded black Beloiters to become active participants in problem solving; Miller Upton, President of Beloit College; and Harry Moore, President of the Beloit Corporation.

"We approach our problems by talking across the table, straight from the shoulder. That way we understand each other. Our leaders are not figureheads: they are shirt-sleeve participants. They are personally and deeply involved in the human dynamism that distinguishes Beloit—we have some fifty-five citizen groups involved in community betterment, having a total membership of about 1,800 people . . . every one of our key committees includes women members." The Beloit presentation in Atlanta bore all this out. It was a team effort. In addition to Messrs. Gilliam and Upton, the participants included the general manager of radio station WOEL, the president of the Beloit State Bank, the director of the audio-visual department of Beloit College, the director of the Beloit League of Women Voters, the executive editor and a staff photographer of the Beloit Daily News, the pastor of the First Presbyterian Church of Beloit, and a host of others. The main thrusts of their community efforts included renewal involving community participation and minority employment. But one of the most successful Beloit projects has been a grass-roots renaissance of the arts. This was a different way of bringing its citizens together.

The Affiliate Artist Program was begun more than four years ago to support young artists in the development of their careers—in a training center for artists. Last year, for example, more than thirty artists spent a week moving through Beloit, giving concerts—or "Non-certs" as they're called by the citizens—in churches, playgrounds, fire stations, banks, shopping centers—even in a foundry. The week was brought to a climax with the Beloit Festival, which drew 5,000 listeners. For a community of 36,000, an audience of 5,000 is a remarkable crowd. Then the artists fanned out over the entire country to continue their exciting task of bringing music to where the people are in the communities of America.

RULES OF SELECT COMMITTEE ON SMALL BUSINESS

Mr. BIBLE. Mr. President, pursuant to section 133(b) of the Legislative Reorganization Act of 1946, as amended, I submit the rules of the Select Committee on Small Business and ask unanimous consent that they be printed in the Record.

There being no objection, the rules were ordered to be printed in the Record, as follows:

Standing Rules of the Senate Small Business Committee

1. GENERAL

All applicable provisions of the Standing Rules of the Senate and of the Legislative Reorganization Act of 1946, as amended, shall govern the Committee and its Subcommittees. The Rules of the Committee shall be the Rules of any Subcommittee of the Committee.

2. MEETINGS AND QUORUMS

(a) The Committee will meet at the call of the Chairman. If at least three Members of the Committee desire the Chairman to call a special meeting, they may file in the office of the Committee a written request therefor, addressed to the Chairman. Immediately thereafter, the Clerk of the Committee shall notify the Chairman of such request. If, within three calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within seven calendar days after the filing of such request, a majority of the Committee Members may file in the office of the Committee their written notice that a special Committee meeting will be held, specifying the date, hour and place thereof, and the Committee shall meet at that time and place. Immediately upon the filing of such notice, the Clerk of the Committee shall notify all Committee Members that such special meeting will be held and inform them of its date, hour and place. If the Chairman is not present at any regular, additional or special meeting, the ranking majority Member present shall preside.

(b) In executive sessions, a quorum for the transaction of business shall consist of a majority of the Members of the Committee.

(c) In hearings, whether in public or executive session, a quorum for the taking of testimony not under oath shall be one Member of the Committee. A quorum for the taking of sworn testimony shall be two Members of the Committee, unless the witness voluntarily waives this requirement.

(d) Proxies will be permitted in voting upon the business of the Committee by Members who are unable to be present. To be valid, proxies must be signed and assign the right to vote to one of the Members who will be present. Proxies shall in no case be counted for establishing a quorum.

3. HEARING

(a) The Chairman of the Committee may initiate a hearing on his own authority or at the request of any Member of the Committee. Written notice of all hearings shall be given to respective Committee or Subcommittee Members. Notice shall be given as far in advance as practicable. No hearings of the Committee shall be scheduled outside of the District of Columbia except by a majority vote of the Committee.

(b) Any Member of the Committee shall be empowered to administer the oath to any witness testifying as to fact, if a quorum be present as specified in Rule 2(c).

(c) Subpoenas shall be issued only when authorized by a majority vote of the Committee. When so authorized, subpoenas may be issued by the Chairman or by any other Member of the Committee designated by him. A subpoena for the attendance of a witness shall state briefly the purpose of the hearing and the matter or matters to which the witness is expected to testify. A subpoena for the production of documents, memoranda, records, etc. shall state briefly the purpose of the hearing and shall identify the papers required to be produced with as much particularity as is practicable.

(d) Any witness summoned to a public or executive hearing may be accompanied by counsel of his own choosing, who shall be permitted while the witness is testifying to advise him of his legal rights.

(e) No confidential testimony taken or confidential material presented in an executive hearing of the Committee or any report of the proceedings of such an executive hearing shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the Members of the Committee.

THE PRESIDENT'S CHINA TRIP AND TAIWAN

Mr. SCOTT. Mr. President, much has been written about how the President's China trip affects Taiwan. Unfortunately, many in the news media have taken an incorrect approach, leaving the impression that Taiwan has been betrayed by the United States. This is far from the truth. The United States has not given any concession and has not broken faith with its treaty commitments.

Mr. President, the Los Angeles Times today contains an excellent editorial entitled "Taiwan Isn't Being Betrayed." I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Taiwan Is Not Being Betrayed

Some conservative critics are accusing President Nixon of having betrayed Taiwan during his discussions in China, the implication being that he agreed the United States would not interfere in any Communist attempt to take control of the island. As evidence, the critics cite the Nixon-Chou communique of Feb. 27, in which the United States accepted the view that Taiwan is a part of China, and announced its "ultimate objective" of withdrawing all U.S. forces from the island.

The wording of the communique is clear enough. How much one may accurately infer from that wording is a different matter. Mr. Nixon's critics go immediately to questions of intent in regard to U.S. policy on Taiwan's future, and then provide their own gloomy and unequivocal answers with scant reference either to facts or, it seems to us, realistic assessments of the probable course of events. Before the argument gets further distorted it would be a good idea to look, first, at what has become demonstrably evident in America's China policy and then at how the situation may evolve.

Both Peking and Taipei agree that there is only one China, of which Taiwan is a province. What Mr. Nixon has said is that the United States agrees with the Chinese about this. He has further said that the status of Taiwan, which presumably means how and by whom it will eventually be governed, is something for the Chinese themselves to work out. As he said in his foreign policy report of Feb. 9, it is not a matter for this country to decide. The United States, in other words, is taking itself out of China's civil war.

But not entirely out, just yet. The withdrawal of U.S. forces on the island is conditional. Mr. Nixon told congressional leaders this week that 6,000 of the 8,000 Americans on the island would be pulled out once their mission—providing support for the Vietnam war—is obviated by the war's end. The remaining 2,000 troops, he said, would stay until the Nationalists and the Communists settle the Taiwan question.

It is easy to make too much or too little of this residual force. For Peking it will be too much: it sees foreign troops on Chinese soil as an infringement of sovereignty. For Mr. Nixon's critics, it will be too little, a sign of a greatly weakened commitment to defend Taiwan. That view is overstated.

The Americans on Taiwan are not directly involved with island's defense, nor are they essential to U.S. strategic policy in the western Pacific. Whether they are there or not, the 1954 defense treaty with Taiwan remains in force, and the United States remains pledged to act in the event of an armed attack on Taiwan. But is such an attack likely? The Pentagon has concluded that the Communists have not now, nor will they have in the foreseeable future, the means to mount a credible assault on the well fortified island, even if—and it is a big if—they decided that was the only way Taiwan could come under their control.

Significantly, Chou En-lai made no mention of the defense treaty in the communique he issued with the President. U.S.-China differences are made clear, but it also seems clear from other developments that the two countries agreed to work around, not through, the Taiwan issue. Peking may be confident that the Taiwan question eventually will be settled to its satisfaction, and it is probably right. But that settlement almost certainly will be by political evolution rather than force of arms. For the United States to accept this is, certainly, a change from the policy of the past 20 years; but it cannot fairly be called betrayal.

THE RESERVE OFFICERS' TRAINING CORPS

Mr. THURMOND. Mr. President, it is a pleasure to bring to the attention of my colleagues a most commendable undertaking of the Reserve Officers Association. Under the chairmanship of Army Reserve Lt. Col. Wil Ebel, the National ROTC Committee of ROA brought 300 ROTC students to Washington last week. These campus leaders came from colleges and universities throughout the United States.

South Carolina's institutions of higher learning were represented by the following outstanding young men: Army Cadet Joseph F. Anderson, Clemson University; Army Cadet Harry L. Mitchell, South Carolina State College; Army Cadet Terrance M. Potter, The Citadel; Army Cadet George White, Wofford College; Navy Midshipman Richard H. Hitpas, University of South Carolina; Air Force Cadet John W. Baltzegar, Baptist College at Charleston; and Air Force Cadet Robert G. Trayham, Newberry College.

Mr. President, these future military leaders spent a full day at a Pentagon seminar, meeting with Secretary of Defense Melvin Laird, Assistant Secretary of Defense Roger Kelley, and other top Defense Department officials. On Friday morning, it was my privilege to address the group at a breakfast meeting in the New Senate Office Building. Following the breakfast, the ROTC students held a wreath-laying ceremony at the Tomb of the Unknown Soldier in Arlington National Cemetery.

The group also participated in the 50th anniversary midwinter conference of ROA. The ROTC students were present at the ROA banquet when Speaker of the House CARL ALBERT was presented ROA's Minute Man of the Year award.

Mr. President, the ROTC is absolutely vital to our freedom and national security. The Defense Department and the Reserve Officers Association are to be congratulated for focusing national attention on the Reserve Officers' Training Corps.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

HOUSING AND URBAN DEVELOPMENT ACT OF 1972

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the unfinished business, S. 3248, which the clerk will report.

The assistant legislative clerk read as follows:

Calendar No. 614, S. 3248, a bill to consolidate, simplify, and improve laws relative to housing and housing assistance, to provide Federal assistance to local governments in support of community development activities, and for other purposes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. TOWER. Mr. President, the Housing and Urban Development Act of 1972 (S. 3248) represents a concerted effort by the membership of the Committee on Banking, Housing and Urban Affairs to address many of the problems currently confronting our Nation's communities. Urban ills are often times quite easy to recognize and identify, however, once the determination is made to correct those ills and insure prevention of their reoccurrence, difficulties become apparent.

The issues we dealt with during committee consideration of this legislation were complicated, indeed. On numerous occasions opinions were strongly divided. Nevertheless, the committee has reflected its recognition of the critical nature of urban development by reporting an omnibus bill of considerable breadth, a bill encompassing not only the field of housing, but extending to community development, urban mass transportation, comprehensive planning, and a multitude of related subjects.

I am pleased that the committee has adopted and included within this legislation the "Housing Consolidation and Simplification Act" proposed by the administration and jointly introduced by the distinguished chairman and myself. On more than one occasion during the past 2 years, Secretary Romney of the Department of Housing and Urban Development has appeared before our Housing subcommittee to urge that Congress consolidate the multiplicity of housing programs which have found their way into the statute books during recent decades.

The Revised National Housing Act, chapter 1 of this bill, carries forward the most productive of the existing programs, but drastically simplifies what is currently a confusing patchwork of special programs. The consolidation is essential, for many current provisions of the housing law defy comprehension by participant and beneficiary alike. Enactment will make the programs more efficient producers of housing, more responsive to the needs of local communities, and more equitable in the treatment of the families which are served.

Mr. President, one of the more significant provisions of chapter 1 is the proposal to replace the statutory dollar limits on mortgage amounts with administratively determined limits based on prototype cost estimates. This approach should add increased equity to the FHA programs by permitting the setting of mortgage limits by geographic areas on the basis of prevailing cost levels in each such area. In this way, without statutory restrictions, there could be timely updating of the limits on the basis of changes in land or construction costs. With this flexibility, the Department of Housing and Urban Development could not only accommodate the very high cost areas where nationwide statutory limits have tended to be too low, but could also assure that cost limits are not unnecessarily and wastefully high in other areas.

Without question, the Revised Housing Act will be a substantial improvement over existing law. However, I fear that two matters, which have caused me considerable concern in recent months, will be continued in the new legislation: the long-run costs inherent in our housing subsidy programs, and the inequity involved in giving housing assistance to some low- and moderate-income families while not providing it to those who find themselves in the same circumstances.

Chapter III of the proposed act would provide a vastly improved system of Federal assistance for local community development activities. Almost 1 year ago, on March 5, 1971, President Nixon sent to the Congress a message on special revenue sharing for urban community development. Shortly thereafter, I joined in introducing legislation which incorporated his sharing plan. I am most pleased that the committee has determined to synthesize the revenue-sharing approach with an alternative block-grant—proposal introduced by the distinguished chairman, the senior Senator from Alabama. As he indicated in his remarks on yesterday in this Chamber when introducing the bill, this community development proposal is the first of the President's special revenue-sharing plans to be considered on the floor of the Senate. Certainly it is an important one, and one of most critical and timely nature, given the fiscal plight many of our communities find themselves in today.

The current categorical grant approach to Federal assistance has proven itself to be outdated and heavily laden with the weight of administrative requirements and procedures. The committee proposes to cut away much of the burdensome red tape, allowing the locally elected officials, who best know the developmental needs of their communities, to request block grant funds for such purposes. Rather than being required to submit individual applications for programs such as urban renewal, neighborhood development, water and sewer, neighborhood facilities, and open space, as is currently required, the community would consolidate these into a single development program, with a single, annual application. The benefits would accrue not only to the applicant, but to HUD as well, as the "shuffle of paper" would decrease appreciably.

Mr. President, I am pleased that the committee has decided to base the determination of a community's annual funding on a current "needs" basis rather than solely on past activity. The factors to be considered in determining the "needs" allocation are size of population, extent of housing overcrowding, extent of poverty, and the level of recent program experience.

The approach to Federal assistance provided in this chapter should prove to be a significant forward step in alleviating both the fiscal and planning problems facing State and local governments. With an increased Federal commitment of funds through reduced sharing requirements and insured stable funding for community development purposes, local general purpose governing bodies should be provided with sufficient resources to coordinate and execute their community development efforts.

Chapter V of the bill contains several provisions relative to rural housing. I am especially pleased that the committee included within this chapter legislation introduced by me which extends the veteran's preference provision of the Farmer's Home Administration's program for homeownership to veterans of the Vietnam conflict.

Chapter VI causes me some concern. The committee has decided to authorize the Department of Transportation to subsidize operating losses for urban mass transportation systems. I recognize well the fiscal problems facing transit systems throughout this country, and I underscore my support for mass transportation services. Just 2 years ago, I coauthored the Urban Mass Transportation Act of 1970 which established a program of capital funding for transit systems. It is first, the proposal to open these capital funds for use as operating subsidies that I oppose. And second, a program of operating subsidies would require extensive Federal review of the local transit system's management in order to insure that the taxpayer would not, in fact, be subsidizing inefficient managerial practices.

The bill provides for an increase in the Federal share of capital grants to 90 percent of the project cost, I support this change. Such a provision should contribute significantly toward reducing the current financial burdens which weigh so heavily on transportation systems.

Mr. President, during committee consideration of this legislation, there was discussion of my proposal to eliminate all provisions of the Davis-Bacon Act from the Revised Housing Act. It is my firm conviction that prevailing wage determinations by the Department of Labor for FHA-insured housing have all too often resulted in required wage rates for such housing, which are higher than those actually prevailing in the area. Obviously, such inaccurate determinations boost the cost of our federally assisted housing programs—an increase in cost which must be passed directly to the taxpayer.

The Housing Subcommittee, I am glad to report, has determined that hearings on Davis-Bacon and the effect of its implementation on our Federal programs should be held in the near future. The problem is an important one, and one demanding the attention of the Congress.

In brief summation, then, Mr. President, I should reiterate my strong support for this legislation which the Committee on Banking, Housing, and Urban Affairs has prepared for Senate consideration. Its provisions are many and far-reaching and of a most vital nature to the future vitality of Federal assistance for community development.

Mr. President, I ask unanimous consent that I may suggest the absence of a quorum without the time consumed being charged to either side.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. JAVITS. Mr. President, I ask unanimous consent that during the consideration of the several amendments which I have to the bill the following members of my staff may be on the floor, but not more than two at one time: Mr. Warren, Mr. Young, and Mr. Allee.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 983

Mr. JAVITS. Mr. President, I call up my amendment No. 983, which I offer for myself and the Senator from New Jersey (Mr. WILLIAMS), and ask that it be stated.

The ACTING PRESIDENT pro tempore. The clerk will state the amendment.

The assistant legislative clerk proceeded to read the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that further reading of the amendment may be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Amendment No. 983 is as follows:

On page 189, after line 12, insert the following:

(c) Section 4(c) of such Act is amended—

(1) by inserting "(1)" after "(c)";

(2) by striking out "sections 3, 7(b), and 9" and inserting in lieu thereof "section 3 (except subsection (f), and sections 7(b) and 9";

(3) by striking out "this subsection" wherever it appears and inserting in lieu thereof "this paragraph"; and

(4) by adding at the end thereof a new paragraph as follows:

"(2) To finance grants and loans under section 3(f) of this Act, the Secretary is authorized to incur obligations on behalf of the United States in the form of grant agreements or otherwise in amounts aggregating not to exceed $800,000,000. This amount shall become available for obligation upon the date of enactment of the Housing and Urban Development Act of 1972 and shall remain available until obligated. There are authorized to be appropriated for liquidation of the obligations incurred under this paragraph not to exceed $400,000,000 prior to July 1, 1973, which amount may be increased to not to exceed an aggregate of $800,000,000 prior to July 1, 1974. Sums so appropriated shall remain available until expended."

The ACTING PRESIDENT pro tempore. The Chair understands that this is the amendment upon which the 3-hour limitation applies.

Mr. JAVITS. That is correct.

Mr. President, I ask unanimous consent that I may call for a quorum without the time being charged to either side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Who yields time?

Mr. JAVITS. Mr. President, I yield to the Senator from Colorado.

PRIVILEGE OF THE FLOOR

Mr. ALLOTT. Mr. President, I ask unanimous consent that during the Senate consideration of the Javits and Allott amendments and the votes thereon, I be permitted to have present in the chamber two members of my staff, Jim Sanderson and Paul Weyrich.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I yield myself 30 seconds.

I ask unanimous consent that a member of the staff of the Senator from Tennessee (Mr. BROCK), Mr. Lyle Ryter, be permitted to be present on the floor during the consideration of this measure (S. 3248).

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, I yield myself 10 minutes.

The amendment which I have called up is an amendment to do something which I know the committee considered very seriously—to provide a sum of money authorization for the purpose of paying a part of the operating expenses incurred by mass transit systems under the urban mass transportation part of this bill, which is chapter 6.

Mr. President, I would like to say first that I am very cognizant of the fact that this is a good bill. The committee is one on which I have served, and I have very profound regard for Senator SPARKMAN Senator TOWER, and the other members of the committee. It is really one of the finest committees in the Senate, and has been most constructive. This is a magnificent bill; I want to make that very, very clear.

Second, Mr. President, I acknowledge the position of the Senator from Colorado (Mr. ALLOTT), who is going to move to strike everything that I wish to supplement. My action in calling up this amendment this morning was not in any way designed to permit me to come first, before him, except that I would have had to perfect his amendment, as I wish to increase something which he was going to eliminate; and considering I had rather ample time on my amendment, and would have had but 40 minutes on a perfecting amendment, I am sure he will understand the need that I have for getting on with the 3-hour limitation.

I yield to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I have no objection to the way we are proceeding, but I might say this: In all probability, before we determine this matter, since the two amendments are completely different, I may offer, as we proceed, my amendment as a substitute for his.

May I inquire, Mr. President, would that give me 40 minutes? Is that correct, or half an hour on a side, on my amendment?

The ACTING PRESIDENT pro tempore. Under the unanimous-consent agreement, there are 40 minutes allotted for amendments to amendments, 20 minutes to each side.

Mr. ALLOTT. What about substitutes for amendments? Is that the same?

The ACTING PRESIDENT pro tempore. Those are amendments to amendments.

Mr. TOWER. Mr. President, I shall be glad to yield the Senator time on the bill if that is not sufficient.

Mr. ALLOTT. I thank the Senator from Texas very much.

Mr. JAVITS. Mr. President, I ask unanimous consent that the amendments which I have offered may be considered en bloc, as technically they may be somewhat separate.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. JAVITS. I ask unanimous consent that, in addition to the Senator from New Jersey (Mr. WILLIAMS), the chairman of the Committee on Labor and Public Welfare, who is a cosponsor of my amendment, the name of the Senator from New Jersey (Mr. CASE) also be added as a cosponsor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, will the Senator yield for a question?

Mr. JAVITS. I yield.

Mr. SPARKMAN. I want to get clear on this: Is the Senator from New York referring only to amendment No. 983?

Mr. JAVITS. I am referring to the pending amendment, 983.

Mr. SPARKMAN. The Senator said "en bloc." He has two or three amendments.

Mr. JAVITS. Oh, no, just this amendment.

Mr. SPARKMAN. Just this amendment.

Mr. JAVITS. This is the only one that is called up.

Mr. President, the issue is briefly this—and how the issue is joined will be determined by whether Senator ALLOTT decides to offer his amendment as a substitute, or how he decides to proceed: The important point, Mr. President, is that the committee has now provided, as shown at page 187 of the bill, that the Secretary, on such terms and conditions as he may prescribe, is authorized "to pay operating expenses incurred as a result of providing such service"—"such service" meaning a mass transportation service in an urban area. This is an extension of the existing Federal mass transit program which authorizes capital grant and loan assistance primarily to develop and improve our mass transit systems and the committee should be commended for including this provision in the bill.

However, the committee provided no money. It has adopted, in short, the principle but no funds to implement it. The place it says we will get the money is if we loosen the President's hold on the amount of the appropriations which have been impounded for that part of the urban mass transit program which was in effect up to now—to wit, the capital grant provisions, dealing with trackage, equipment, and so forth. There, the President has impounded $200 million in fiscal 1971, $300 million in fiscal 1972. What the committee says is, "Let's pry that loose; and when we pry it loose, we will have money for these operating expense subsidies."

The difficulty with that, for people who are as badly pressed and for those representing great metropolitan areas, such as myself, is twofold:

One, it takes two to do this—the President and we. The President has shown no disposition to turn loose this money. Indeed, the opposition of the Secretary of Transportation—of which Senator ALLOTT has been kind enough to inform us by distributing a copy of a letter on each Senator's desk—to the basic expansion of the law to include assistance for operating expenses, clearly indicates that the President is going to turn no money loose for any such purpose.

Two, the money which is to be turned loose is money which comes out of the capital grant authorization, and the capital grant authorization is hundreds of millions of dollars—indeed, allegedly a couple of billion dollars—short of pending applications.

It would then become just a matter of the operating expenses fighting the capital grants, or vice versa. Considering the urgency, considering the fact that well over 70 percent of the American people live in the very metropolitan areas which are affected by mass transportation, we feel—my cosponsors and I, and we hope many other Senators— that there should not be this competition as between these 2 funds for quite different purposes.

Therefore, my amendment seeks to set up, and that is the principal core of it, a sum of money—to wit, $400 million in fiscal year 1973 and $400 million in fiscal year 1974—in contract obligation authority—for that purpose. This figure represents the operating deficits estimated to exist this coming year and which the fiscally strapped States and local governments now must finance.

That states the issue so far as we are concerned and states why we offered this amendment and states what the amendment provides. The issue of mass transportation and whether or not we should help in respect of it has been decided by Congress, because we have now a capital grant program.

The only question is, Shall we go to the operating subsidy program? There is no question about the fact that not only should we but also that we must. The committee report shows that. Having accepted the principle that mass transit systems are entitled to help from the Federal Government, the committee should also do what is required in order to keep them operating.

Let us remember that municipalities have had to take over their mass transit systems precisely because operating deficits have made it literally impossible for anybody but municipalities to operate these systems.

The number of municipalities which were forced to initiate programs of aid for operating assistance increased by 400 percent in the decade 1961 to 1971. The revenue expense situation of the *mass* transit systems is likely to deteriorate even further, and the committee report gives a very vivid analysis of that. It says:

> As developed in testimony during the 1972 hearings, the 108 systems which are currently subsidized will almost certainly increase to the point where every large city transit system will be public owned and heavily subsidized. At the present time 35 cities are facing the issue of initiating local subsidies for transit operations.

It goes on to say that the major purpose of this new provision to which I have referred, the provision without money—

> Is to assist in revitalizing the Nation's mass transportation system by allowing States and localities to determine which systems in their jurisdiction are in need of operating assistance and, on this basis, to submit to the Secretary of Transportation a comprehensive mass transportation service improvement program to improve such service and to place mass transportation operations on a sound financial basis.

As one of my aides put it in writing my remarks, it is like a new car without gas; it just will not go—and that is exactly what it comes down to.

The committee goes on to say in its report:

> There is no intent to make operating subsidy requirements compete with requirements for equipment and facilities to the detriment of the existing capital grant program.

This is precisely the reason for setting up a separate authorization—otherwise the very promise of their report cannot be made good.

So, if the committee is going to do what it intends, it will have to provide a separate authorization. Otherwise, it is not doing it. That is why we have offered this amendment.

As it stands now, there is nowhere near enough in the capital fund to deal with the $4.2 billion in grant applications now pending at the Department of Transportation. That is quite apart from the fact that the administration has impounded $300 million, to which I have already referred.

Thirty-eight Senators have written to the administration and sharply criticized the reduction of the fund which was available this year—of $900 million, now cut by a third by this impounding action—$600 million is left to take care of $4.1 billion in grant applications. It is a perfectly ridiculous situation. So, we think it is absolutely clear that the committee must provide the additional funds for operating subsidies.

Our amendment effectively will set up a separate fund to allow the Secretary of Transportation to incur obligations by grant agreement, contracts or otherwise up to $400 million for each of the next 2 fiscal years to mover the estimated operating deficits. In this way moneys authorized for capital grants would not be jeopardized, nor for that matter would there be a risk that funds provided for the operating expenses would be absorbed by the pending grant applications. The integrity of each program would be maintained.

Mr. President, the basic reasoning why we are seeking this is because we are faced with an emergency situation. May I point out that $400 million is only one-seventh—not an excessive subsidy—of the 1971 gross costs of $2.5 billion for operating public bus, rail, and commuter transportation.

The Department of Transportation, on November 22, 1971, submitted a report pursuant to law—one of the housing acts which we had passed before—on the "Feasibility of Federal Assistance for Urban Mass Transit Operating Costs."

It is a matter of great disappointment to me and to Senators from other States with big cities that they rejected the idea that the Federal Government should subsidize operating costs. Rather, the report of the Secretary of Transportation recommended that Congress pass the President's revenue sharing principle.

The ACTING PRESIDENT pro tempore (Mr. GAMBRELL). The 10 minutes of the Senator from New York have expired.

Mr. JAVITS. I yield myself 5 more minutes.

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized for 5 additional minutes.

Mr. JAVITS. Now, Mr. President, we are told that insofar as operating subsidies are concerned, the Department of Transportation is preparing alternatives. I ask unanimous consent to have printed in the RECORD an article to that effect, published in the New York Times on February 2, 1972.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNITED STATES IS CONSIDERING MASS-TRANSIT AID—PLANS ARE BEING WORKED OUT FOR VOLPE, OFFICIAL SAYS

(By Robert Lindsey)

A Department of Transportation official disclosed yesterday that the Nixon Administration was taking a new look at the possibility of subsidizing day-to-day losses on the nation's mass-transit systems. It has consistently opposed such subsidies in the past.

Carlos C. Villarreal, who heads the Urban Mass Transportation Administration, said he planned within the month to send to Transportation Secretary John A. Volpe a set of alternative proposals for establishing the nation's first Federal operating subsidies for mass transportation.

The statement was the first indication by the Administration that it was considering a specific plan for Federal transit subsidies.

Mr. Villarreal said that the details of the proposal were still being worked out, but that it would probably be based on a system of "incentives" that, for example, would provide subsidies, to cities that improve their transit system and increased patronage, improved the operating efficiency of the lines, or perhaps took such steps as banning automobiles in certain sections or raising parking fees to discourage congestion.

Mr. Villarreal said it was impossible to say now exactly how much money would be needed to finance the program, but noted that the American Transit Association, a trade organization of transit operators, estimates its industry had a collective deficit of $300-million last year. About half of the deficit was in New York City.

Subsidies would come from general tax revenues and be available to private urban bus companies as well as public transit systems.

If Mr. Volpe endorses the proposal—it is being drafted at his direction—and it is subsequently accepted by President Nixon, it would have to be approved by Congress, where its fate in an election year is uncertain. In the past, the Senate has been sympathetic to Federal transit operating subsidies, but the House has not.

The Nixon Administration last week asked Congress to approve $1-billion (up from $600-million this fiscal year) to help cities buy buses, build subways and meet other capital costs during the fiscal year starting July 1.

Under existing Federal law, Washington cannot help cities pay day-to-day operating bills. There is mounting pressure in both houses of Congress from representatives of the big cities for a new program to meet operating deficits.

ADDRESS CONFERENCE

Mr. Villarreal discussed the proposal in an interview before addressing a conference of the Transportation Association of America at the Americana Hotel.

He said he and other Transportation Department officials had met in January with representatives of the transit industry, the United States Conference of Mayors, the National Governors Conference, the National League of Cities and other groups to "identity alternatives for implementing a program of transit assistance (We don't call them "operating subsidies," he said with a smile.) based on incentives."

He said his department was drafting a proposal outlining "different alternatives" for subsidies that will be sent to Mr. Volpe this month.

"He will make the determination whether it would be possible to implement them," added Mr. Villarreal, who was a California aerospace executive before assuming his present job.

He stressed that there was still considerable reluctance within the Administration to starting of a Federal subsidy program of local transit deficits.

"The big question," he said, "is will operating subsidies really improve public transportation?"

He noted that Mr. Volpe's past opposition to the subsidies had been influenced by his experience as Governor of Massachusetts, where a local subsidy to the Massachusetts Bay Transportation Authority "started at $4-million a year two decades ago and is now more than $60-million."

"For a government subsidy to really improve transit, it has to be implemented in such a way that it improved service," Mr. Villarreal said, and that is why the Administration is seeking to devise a plan that would tie the Federal aid to improvement of service and emphasis on efficient operations.

There are many complexities to the problem, the Government official said, including, for example, the difficulty of defining "efficient" operations and the fact that accounting practices and operating procedures vary widely among transit operators. Some uniformity would have to be imposed in order to establish proper subsidy levels, he said.

One Department of Transportation official familiar with the studies said:

"One thing we're very concerned with is the transit unions. We don't want to set up Federal subsidies that they can use as a blank check, coming back year after year for more because they think subsidies are unlimited. It's one of the biggest problems, and that's why we want to have incentives for efficiency."

Mr. Villarreal said that whether the program reaches the legislative stage will depend on the specific proposal, that he and his staff develop.

"If John Volpe likes it and he thinks it's a program he can sell, it will be out in less than a month," he said.

Mr. JAVITS. Mr. President, but, we cannot afford to wait for that while these systems are going busted. They are being taken over by municipalities, most of whose backs are already broken right now by problems which they are facing in respect to many other municipal services. We cannot wait while the Department of Transportation is going to think up other alternatives.

In this finding, I am joined by the committee which says it is not going to wait, that it cannot wait under the circumstances that we face. The committee says so very clearly in its report. I join the committee in that.

But where does that leave us, Mr. President, if we have authority to subsidize operating subsidies, but such authority must compete, as it does in this bill, with the capital grant program which is tremendously underfinanced. This bill gives us the vain hope that we might conceivably—after jumping two hurdles; one, the tremendous amount needed for the capital grant program might be funded by the municipalities and, two, the President's impounding—get something for operating subsidies. But, that hope is so vain and the problems of the municipalities so dire that we simply must come in with this amendment and set up a specific authorization for the purpose of dealing with operating subsidies for mass transit systems.

This committee deals not only with housing but also with authorizations which have now been expanded to deal with urban affairs. On urban affairs, aside from housing and security—that is, fire and police—there is nothing more urgent than transportation.

The Senate has heard time and again comparisons of how many automobiles are crowding the ribbons of road, on which we spend billions and billions of dollars, and how difficult it is to get a few hundred million dollars for mass transit though it serves the major taxpaying sources of the country, the big cities. With 70 percent to 80 percent of the population of the United States living in the metropolitan areas which are covered by the urban mass transit bill, it is absolutely indispensable for the Nation that they be sustained because "you ain't seen nothin' yet" when it comes to traffic jams all around the country if more systems should go by the board.

The history of deterioration is alarming. On a strict cost-benefit basis, the building of roads costs anywhere I believe from $1 million to $5 million per mile and buttresses existing mass transit systems.

There is simply no question that the

infinitely better break for the United States and the American taxpayer is in the mass transit field.

The deterioration is simply unbelievable. In 1950 there were 17 billion annual riders on mass transit systems.

The PRESIDING OFFICER (Mr. BENTSEN). The time of the Senator from New York has expired.

Mr. JAVITS. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 additional minutes.

Mr. JAVITS. The fare was a dime. That was when the population was around 180 million.

Today we have a population in excess of 210 million—according to the latest estimate.

Today the fare averages 29 cents and ridership has fallen to 7.3 billion—that is, per year.

In 1945 the transit industry was making $148 million a year. Last year, it lost $332 million. The estimate for fiscal 1973 is approximately $400 million—the exact amount authorized by one amendment for the operating subsidy.

The physical condition of these services, Mr. President, is shocking. The cost of their debt servicing continues to grow. So it is in the direct interest of over 70 percent of the American population to reverse this trend and in the direct interest of the Nation.

I refer again to the cost-benefit ratio of the inevitable pressure to build more roads that cost from $1 million to $5 million per mile as contrasted with an aggregate maximum cost of $400 million in operating subsidies that this amendment would provide for the mass transit systems already in place and able to function for the convenience and benefit of all the American people.

On a cost-benefit ratio, there is no question of the attractiveness of this buy.

Mr. President, we are subsidizing airlines, we are subsidizing ships, we are subsidizing housing, and we are subsidizing lots of other things on a long list, but I know of no subsidization more indispensable to the life of the increasingly city-dwelling American people than this kind of buttressing which is called for by this amendment.

We have to remember what builds up this country, that we are spending $85 billion for defense purposes. That is one-third of the budget, however we figure it—administrative, cash, or any other way.

To earn that kind of money for such a nonproductive effort, we need a productive and motivated people. I know of few things which can make our people more productive and give them a sense of convenience and cooperation by the Federal Government, in view of the tremendous backbreaking financial situation which faces every municipality today, than to buttress the mass transit systems in this way.

Mr. President, the committee agrees with that and has so stated. It is not going to wait for the Secretary of Transportation, however long he may take to come around to "alternatives" while our transit systems deteriorate and die. These operating subsidies are needed to keep our urban mass transit systems running, to take these crippled systems off the critical list. But they have not provided any money in order to do that. We have therefore introduced this amendment upon which I hope the Senate will act favorably.

Mr. President, I reserve the remainder of my time.

Mr. ALLOTT. Mr. President, the situation is that I would prefer not to take the floor at this time until I have had an opportunity to present my own amendment.

Mr. SPARKMAN. Does the Senator mean that he does not want to take time now?

Mr. ALLOTT. That is correct.

Mr. SPARKMAN. Very well.

Mr. President, I yield such time as he may need to the distinguished Senator from Texas (Mr. TOWER).

Mr. TOWER. Mr. President, I think that we are all concerned with the plight of the mass transit systems in the cities these days. Certainly I am in sympathy with what the Senator from New York proposes to do. I would prefer to follow the administration's proposals in trying to meet this need through the revenue sharing vehicle.

I should like to read from a Department of Transportation study on the feasibility of Federal assistance for urban mass transportation operating costs, which was published in November of last year.

This is the recommendation that they make:

> That Congress enact the President's recommended Transportation Special Revenue Sharing proposal. This proposal is premised on a commitment to local autonomy and flexibility in the use of Federal assistance being provided for transportation purposes. It would eliminate the separate categorical assistance programs (with their differing terms and conditions, matching ratios, and funding variations) and allocate the funds to States and metropolitan areas for use in accordance with local concepts of need and priority. Enactment of this proposal would allow Federal funds to be used for transit operating subsidies where States and local communities find this a pressing need. Enactment of the President's proposed General Revenue Sharing, as well, would provide *additional Federal funds* for States and local governments to use for transit operating subsidies or any other purpose *unconditionally.*

Mr. President, I support the basic administration recommendation, and would prefer to wait until the administration's mass transportation's revenue-sharing proposals can be acted upon.

Currently, I believe that this administration's proposals are pending before the Commerce Committee, before the Banking, Housing and Urban Affairs Committee, as well as before the Public Works Committee. These three committees will have the opportunity to deliberate on, to hold hearings, and to act on this legislation. That would be a far more orderly approach.

I confess that I see some merit in the proposal of the Senator from New York (Mr. JAVITS). I think it is probably more sound than the proposal contained in our bill because our bill has one common fund from which the administration would give grants for capital improvements and grants for subsidies in operating deficits.

I am concerned that perhaps we might spend too much on operating subsidies and not enough on capital improvements. I think there is as much of a crying need for capital improvements as for operating subsidies. My concern would be that with the bill, as presently configured, a lot of money that would go for capital improvements could go for operating subsidies.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS. Mr. President, how much time remains?

The PRESIDING OFFICER. Sixty-nine minutes remain to the Senator from New York (Mr. JAVITS). Eighty-five minutes remain to the Senator from Alabama (Mr. SPARKMAN).

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. JAVITS. I yield 10 minutes to the Senator from New Jersey.

Mr. WILLIAMS. Mr. President, I appreciate the time granted to me by the Senator from New York.

The provision dealing with operating assistance for mass transit contained in S. 3248 was offered by me in commitee. This is not the first year in which I have offered such an amendment. Just 2 years ago, I suggested a similar approach at the committee level. It was accepted by the committee, then came to the Senate for consideration, and was accepted by the Senate. This was a separate program that differed with the program we are considering only in the source of Federal money that would be applied to assuming a portion of the operating deficits of mass transit companies.

That approach, which the Senate adopted did not survive in the conference with the House. This year the same approach was first suggested and however, we in the committee felt that the reservoir of unused, appropriated moneys for the capital grant program offered a fund in being that could be used for the emergency situations that we know exist across the country in mass transportation.

Within the last 6 years, the necessity of a State or local government to contribute to the operating cost of mass transit has increased 400 percent.

Then there were 27 systems receiving a local governmental subsidy. Now there are 108 systems throughout the country. In committee we had hearings on this matter for 4 days. We had testimony from representative communities throughout the country. This is not exclusively the problem of Chicago, Detroit, or New York. The problem of dying transit exists wherever there is public mass transportation.

Some of our most eloquent statements on conditions and needs came from Alabama, and from Ohio. We heard from the mayor of Cincinnati and from the Missouri authority which serves much of that State. And this situation will not be corrected by our current national program which is basically for improving transportation by capital matching grants. In addition the capital grant program is not being used up to the level of appropriations. The administration has refused to spend $500 million of the funds which we in the Congress have appropriated. Therefore we felt that the proper place to draw the operating moneys from was from the capital grant program. And that is what is contained in the bill.

I agreed with the Senator from Texas (Mr. TOWER) and the Senator from Ohio (Mr. TAFT) when in committee they said this is not the proper way to fund a program of operating assistance. However, in this imperfect world, we were then doing what I thought was best.

I think at this point the Senator from New York (Mr. JAVITS) offers us an opportunity to do better. Therefore, our amendment which is to the section that I offered in committee, is an improvement. It creates its own capital fund for operating support in an area of transportation that is so desperately needed.

Mr. President, the Nation needs a greater balance in its transportation. We are told this from all corners and all quarters, and most importantly from the President of the United States who said that this period of the seventies should be focused on mass transportation in a manner equal to our efforts in highway transportation of the late fifties and the sixties.

If we are going to have a capital program of assistance to mass transportation which will excite people to use this means of transportation and get them out of the awful and wasteful and dangerous traffic jams, we have to keep our present systems operating. We cannot continue to say there is a decline in transportation without doing anything about it. We all know that millions of people in this country must have a mass transit opportunity. If not when they are old, they become prisoners in their homes. If they are poor, they are going to get poorer, because they cannot get to work. If they are young people and do not have a bus to ride, they will become a generation of hitchhikers.

So, for all of these reasons, I am prepared with enthusiasm to vote for a better way than that contained in our committee bill, and that is the way offered by the Senator from New York.

Mr. JAVITS. Mr. President, I thank the Senator very much for his support.

Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 minute.

Mr. JAVITS. I wish to make it clear that some questions have been raised by the staff as to the technicalities of the bill in my amendment.

The purpose of my amendment, should it be agreed to in Congress, is that the $800 million is basically for the operating subsidies. Operating subsidies money is not to be used in place of capital grant money. The capital grant money is not to be used for operating subsidies.

There is a condition either way that crosses over into either fund, and the $800 million would be absolutely and strictly devoted to the purpose of operating subsidies now called for by the new subsection (f), and for no other purpose, and conversely, none of the grant money is commited to operating subsidies in the bill or to be used for operating subsidies if my amendment carries.

I wish to accomplish both purposes. Again, I say that is the intention of the author and the cosponsors of the amendment.

Mr. President, I yield 10 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. WEICKER. Mr. President, I thank the Senator from New York. I commend both the Senator from New York and the Senator from New Jersey on the concepts they fought for in committee and on the floor of the Senate.

I think it important to point out at this juncture that the concept of mass transportation still popularly held throughout the country is that we are talking about a few commuters from New Jersey or Connecticut, or Westchester County going to Wall Street. Such, of course, is not the case.

We are talking about an issue no longer confined to the metropolitan area but an issue that reaches all over the country. For example, during the quest for the Senate seat I now hold, many people in Connecticut would say, "Congressman WEICKER represents the Fourth District of Connecticut and his interests are tied up in mass transportation which does not relate to the whole State." Then, almost simultaneously we had a Federal highway, I–291, that threatened the suburbs of Hartford, Conn. Suddenly people were seeking alternatives to highways. They said, "Why can't we have mass transit to take us into the city center rather than more highways?" Mass transit then had become an issue not just for southwest Connecticut but for all of my State.

Mr. President, for those who cannot think in terms of mass transportation, Washington is a classic example of a system that was not planned years ago. Now, the city is faced with metro at great inconvenience to its residents and a cost many times that of a while back. What I repeat is that the issue of mass transportation is not related only to commuters but to all Americans.

I hope many growing cities will not fall into the same trap we succombed to in the Northeast when we did not create adequate transportation. On the basis of moving people, the issue belongs to all people everywhere.

Now, let us get to the business of subsidies and capital grants. I have gone through this exercise before with the Committee on Commerce in connection with Amtrak. In that particular case the administration came in with a proposal for $170 million to be spent on Amtrak in the form of subsidies for operating deficits. I stated at those hearings that the only way to get Amtrak off the operating deficits in which it was continually involved would be to give them money to develop new equipment and new ways to run a railroad. This because if they ran the same trains, the same equipment, over the same roadbeds, in the same way they would end up with the same deficits only this time with Government's name on the debt rather than that of private enterprise.

The only way we have to break away from deficits in transportation is by making our investment in research and development and capital improvements.

I am absolutely appalled, unless we expect the American taxpayer to go shell out money to cover operating deficits ad infinitum, with respect to the proposition set forth in the committee bill. This runs directly in the face of good business practice or good Government practice.

It reads as a favor to the highway lobby because we know that the American people will get fed up with paying subsidies to our railroads and abandon them altogether. Such would be a shortsighted view.

The senior Senator from New York takes the long-range view. What is needed now in mass transportation and railroad transportation is new equipment, new roadbeds, and new ways to run railroads.

Mr. President, we are confronted today with an imbalance in our transportation system, and it is no mystery. All one has to do is take a look at the billions of dollars spent on highways as a form of transportation and the millons of dollars spent on rail and mass transportation and it is readily understood why the imbalance exists.

If the object of the Senate's work is to reinforce old theories rather than to move people then allocate a pittance to mass transit and a pile to highways. That is why the American people cannot move any faster today than they did 20 years ago in spite of billions spent on endless ribbons of concrete.

Therefore, when the Senator from New York requests $800 million over the next 2 years let us understand that in the same period of time, and I have to reach back from memory for this, we will spend roughly $10 billion on highways. If the results coming from that expenditure of money moved Americans better we would all commend such an allocation of funds. But the fact is it does not and will not.

I speak strongly in behalf of this amendment in the hope that we do not doom mass transportation, rail transportation, in the United States, to failure before we start. I think it is time for Congress and the American people to realize that no other form of transportation takes so many people over so small a piece of real estate. I think Americans are fed up with a toll of 55,000 people who die on our highways each year. I think people are fed up with asphalt and concrete all over the countryside and bumper-to-bumper traffic. I think people are fed up with being stacked up over airports. They want a balanced transportation system, and concentration on that portion of the transportation system which has received less attention from the Senate, the House, this administration, and previous administrations, that is mass transit and rail transportation. So please do not deny the only way out, which is to make capital type investments which can get transportation out of its deficit circle.

Again, I have to reach back in memory, but as I recall when Amtrak was set up there was about $100 million in bonding authority, which I think everybody assumed would go for capital improvements. If I am not mistaken, hearings before Commerce showed that the $170 million for operating deficits until July 1973, would have to be supplemented by that $100 million in bonding authority.

I pleaded with that committee and I plead with the entire Senate now to get to the business of building a decent mass transit system throughout the United States.

I at times have commented on the position of the American Automobile Association which says all highway related taxes such as gasoline levies go to highways. I pay those taxes. I drive my car.

And frankly, I want those taxes to go to transportation, to my being able to move. I think the average person throughout the country feels the same way. Here is one of the opening opportunities—and I think there are going to be many more in this session of Congress—to get America moving again.

I wholeheartedly commend the Senator from New York and the Senator from New Jersey, who presented the idea in committee, on their effort to give mass transit a chance, because the committee version of the bill dooms mass transportation to a repetition of what has been going on for the past 50 years—specifically, no service, and deficits.

If we are going to construct a goal now in the field of transportation that will gain the confidence of the American public and be self-sustaining, we have to make an investment, not in operating subsidies, but in capital grants. This is what the amendment of the Senator from New York does. It keeps this money where it belongs—specifically in making the types of improvements that will give to all the towns and cities of this country decent transportation.

Mr. JAVITS. Mr. President, I yield myself 1 minute.

I thank the Senator very much for his very fine statement.

I ask unanimous consent that a very important analysis of the facts and figures showing the urgent necessity for the program covered by our amendment, made before the committee by the president of the Nashville Transit Co., speaking in behalf of the American Transit Association, Mr. Carmack Cochran, be made a part of my remarks; similarly, a very fine statement by an extremely gifted New Yorker, Dr. William J. Ronan, chairman of the Metropolitan Transit Authority of New York, running the transit systems in and around metropolitan New York, and also the president of the Institution for Rapid Transit, may be made a part of my remarks.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT IN BEHALF OF THE AMERICAN TRANSIT ASSOCIATION BY MR. CARMACK COCHRAN

Mr. Chairman, I am Carmack Cochran, Vice President of the American Transit Association and Chairman of the Association's Legislative Committee. The members of the Association carry over 85% of the transit passenger traffic throughout the country and encompass both rail and bus modes of urban transportation.

With me this morning are five representatives from the transit industry and I would like to introduce them. On my far left is Mr. Gerard A. Anderson, Jr., Chairman of the Board of the Cleveland Transit System. Next to Mr. Anderson is Mr. John C. Baine, Chief Executive Officer of the Bi-State Transit System based in St. Louis, Missouri. Seated to my immediate left is Mr. Alan L. Bingham, General Manager of AC Transit in Oakland, California. To my right is Mr. Jack R. Gilstrap, General Manager of the Southern California Rapid Transit District, and next to Mr. Gilstrap is Mr. William P. Maynard, President and General Manager of the Atlanta Transit System.

With the Committee's indulgence, Mr. Chairman, Mr. Anderson, Mr. Baine and Mr. Gilstrap also have prepared testimony which they would like to submit in the record and have included in the official transcript of this hearing.

Throughout the United States, transit operations are in financial stress. The transit operators at this table represent an industry that last year suffered a collective deficit of 332 million dollars.

And that deficit is on the rise. Our projections show that the transit industry can expect to add another 8½ per cent—or 28 million dollars—to the 1971 sea of red ink.

Something must be done to preserve America's transit to keep the buses and rail transit cars running to carry the over 7 billion passengers that rely on us, to recover lost riders who are using automobiles and to try to win new riders.

Help is needed. We commend Senators Williams and Percy for introducing the legislation on which we testify today. They realize that public transportation is vital and will continue to play a major role in moving people throughout the cities of our land.

The mayors have testified that they no longer have the resources to provide public services, including transportation, necessary to transform today's teeming cities into the lively, mobile urban centers they envision.

Federal fare and service stabilization payments and debt retirement relief to transit can go a long way toward helping the mayors arrest the growing immobility in our cities.

And, Mr. Chairman and members of the committee, a transit system, properly utilized, does much more than provide alternative transportation to paying customers. It also satisfies the mobility needs of the young, the aged, the poor and the infirm, and the essential movement to and from the rapidly developing suburban areas. These are welfare functions. They stimulate urban development. This is an economic function.

Until now, we have expected most communities to finance all of these services out of the fare box. This can no longer be done. We do not expect them to construct their highways, roads, dams and harbor facilities necessary to their own individual use. We must stop trying to finance public transportation solely to direct user charges when it benefits users and non-users alike.

There is ample precedent for Federal subsidy programs. In addition to the numerous public works construction and maintenance functions, there are subsidies for air transportation and merchant marine service. The Federal farm subsidy is currently at the level of 3.8 billion dollars a year.

Each of these subsidies is granted in recognition of the economic benefit derived therein by the entire country. Airline subsidies are perhaps most directly comparable to the needs of the transit industry, because they are granted to stimulate the development of travel on routes which do not economically justify unsubsidized service, at the present, but may grow to reduce the need for such subsidy in the future.

The transit industry will probably never again pay its own way in a narrow sense. But it can more than pay for its subsidies in increased real estates taxes, in urban land devoted to more productive use than servicing automobiles, and in savings for financing more expensive alternative forms of moving people. And, it's people that matter. What is to happen to the over 7 billion passengers who now rely on public transportation?

We frequently hear of transit systems announcing abandonment plans, thereby stranding some cities without needed public transportation. Certainly some of us are getting help from the Federal government for capital expenditures which we need urgently. But there is no help for the "red ink plague." In today's axis of rising costs, spiraling wages, higher fares, and lost riders, we drastically need operating grants—or—if I may rephrase that—fare and service stabilization payments. We must have money to keep operating, to keep fares at a reasonable level and to hold our existing riders—and to provide service designed to build up new ridership patterns.

What brought us to our present plight?

Apparently our troubles started after World War II. In 1945, twenty-three billion mass transit passengers were moved in the United States. Today we are carrying 7.3 billion. We have lost 68 per cent of our business!

It is absolutely clear just what has happened. The automobiles raided our passengers and opened up suburbia, further compounding our losses. From 1959 to 1969, the number of automobiles increased from 69 million to 87 million—that's an average of 26 per cent in one decade. It resulted in a greater percentage increase in many metropolitan areas such as: 35 per cent in Boston, 99 per cent in Atlanta, 44 per cent in Chicago, 50 per cent in Minneapolis, 54 per cent in St. Louis, 67 per cent in San Diego, 47 per cent in San Francisco, and 67 per cent in Seattle.

Yet we fight on to provide efficient and frequent service for those who do not drive. Long haul transit trips further compound our problems. The U.S. Bureau of the Census reveals that there were 30 million suburbanites in 1955. By 1965 there were 60 million. Now there are 76 million—and still rising. To serve suburbia, our costs rise drastically.

Even with the added mileage required to serve such extended routes, our revenue miles have dropped 13.2 per cent in the last decade. We are operating further distances, but providing less service because of the passenger decline. As a result of these facts, we have witnessed 100 transit systems withering and dying since 1963. And more are threatened with the curtailment of service almost weekly. Some companies were taken over by public agencies or authorities. Seven years ago there were 71 publicly owned transit operations—and this rose to 114 to 1968. Now there are 141. In fact, there are only eight privately-owned systems remaining in the nation's top 25 cities.

Now let's take a look at the remaining 1,079 major transit systems today. In 1950, transit's operating revenue totalled 1.4 billion dollars. In 1960 it was still 1.4 billion dollars. In 1970, it had reached 1.7 billion dollars. Obviously, the increases in the last decade reflect the higher fares being paid by our customers—fare boosts necessary to keep up with soaring costs. Back in 1950, the average fare was a dime, and there were 17 billion annual riders. In 1969, the fare was 18 cents, and riders were pegged at 9 billion. Today fares average 29 cents across the nation, and riding has fallen to 7.3 billion.

Let's also examine labor costs as transit has tried to keep up with rising wages. In 1945, the transit industry had 242,000 employees averaging $2,612 annually. Total payroll amounted to 632 million dollars. In 1960, there were 156,000 employees bringing home an average of $5,481 each—and the total pay roll was 857 million dollars. Today, there are 138,000 employees with an average wage of $9,230. And the total payroll is at an all-time high—1 billion and 274 million dollars.

All operating expenses keep climbing sharply. In 1950, total operating costs for all transit systems was 1.3 billion dollars. In 1960, it remained the same as a result of cost-cutting which included the abandonment of routes and wholesale service curtailments. In spite of these facts, operating expenses increased to about 1.9 billion in 1970. That's over 30 per cent increase in 10 years.

Now let's turn our attention to the subject of profits in the transit industry today. Years ago everybody thought that the stock of street railway companies was a sound investment. But times have changed. In 1945, the transit industry rolled up an all-time high in profits—148 million dollars. It was a period when automobiles were scarce and practically everybody rode transit. In 1950, transit's profits were 66 million dollars as automobiles poured onto our streets and the suburban exodus began. In 1960, by cutting costs and pushing up fares, there was a respectable 30 million dollars in the black column.

In 1963, transit lost $880,000—and the trend to red ink began. The losses went like this: in 1964—12 million dollars; in 1965—10 million dollars; in 1966—37 million dollars; in 1967—66 million dollars; in 1968—we're now over the 100-million dollar mark—161 million dollars; and in 1969—220 million dollars. And last year—the figure was 332 million dollars. It is obvious that our industry can no longer hold its own. We once complained about taxes. Today, if we paid no taxes at all, and we still do, we would have lost 228 million in 1970.

Instead of getting tax relief, our taxes have risen every year since 1964—accelerating from 77 million dollars to 103 million dollars. There was a 332-million dollar loss last year on a vital public service and it's going up all the time.

Twenty-four per cent of the deficit has been accrued by cities having only bus systems. The other 76 per cent has been built up by the large cities, such as New York, Boston, Chicago and Philadelphia. These are the cities with rail systems. This does not include, I might add, any deficit of commuter railroads. Last year's Urban Mass Transportation Assistance Act promises to go a long way in upgrading industry's capital improvement. Prior to the 1970 Act many transit systems had been forced to incur debt to secure desperately needed new equipment. This debt hangs over them now. It is as much of a burden for these systems as an obsolete fleet would be. Nevertheless, funds available under the transit aid bill cannot be used to retire such debt.

In effect, we have created a situation which works to the disadvantage of those systems which showed initiative and courage by purchasing new equipment without the promise or a commitment of federal financial assistance. Section 6 of S-870 would at least start to correct this inequity.

To get a handle on the scope of this problem, the American Transit Association undertook a survey to learn the extent of the industry's obligations. We queried the top 50 transit systems, by population served. We received replies from 23 of the 50. They report aggregate indebtedness of 1.5 billion dollars.

With your permission, Mr. Chairman, I have submitted for the record a list of those systems and the debt load they carry. I should add that our survey counted only that debt which is charged against operations. We assume that S-870 would cover all such debt, in whatever form. We have not included substantial debt loads carried by many cities in the form of general obligation bonds, even though much of this capital is needed for transit improvements.

With 23 such systems accounting for 1.5 billion dollars in capital debt, we would conservatively estimate the total industry obligations to be well in excess of 2 billion dollars. If we assume a rate of interest of 6 per cent and a 10-year amortization period, for purposes of illustration, the debt-service charges against the industry operations would amount to 278 million dollars per year.

Section 6 of S-870 presently provides a total of 375 million dollars over a five-year period. Though this figure must be substantially increased to totally liquidate the transit industry's debts, we applaud Senate Bill S-870's intention to at least make inroads into the problem.

In light of our testimony, though, we respectfully suggest that the Committee reconsider the levels of authorizations contained in Senate Bill 870.

Now, with your permission, I would like to defer to my colleague from Cleveland, Mr. Gerard Anderson.

Bonded debt of 23 U.S. cities

Transit system	*Total bonded debt*
Chicago Transit Authority (Illinois)	$73,278,000
A.C. Transit (Oakland, Calif.)	11,000,000
Columbus Transit Co. (Columbus, Ohio)	2,000,000
Indianapolis Transit (Indiana)	1,756,267
Massachusetts Bay Transportation Authority (Boston, Mass.)	230,764,632
Southern California Rapid Transit District (Los Angeles, Calif.)	31,385,000
Southeastern Pennsylvania Transportation Authority (Philadelphia, Pa.)	79,500,000
Department of Street Railways (city of Detroit)	7,480,000
San Antonio Transit System (Texas)	1,660,000
Atlanta Transit (Georgia)	5,000,000
New York City Transit Authority (Brooklyn, N.Y.)	75,000,000
Milwaukee & Suburban Transport Corp. (Wisconsin)	3,649,658
New Orleans Public Service (Louisiana)	5,912,000
Memphis Transit Authority (Tennessee)	2,100,000
Cleveland Transit System (Ohio)	13,877,000
Bi-State Transit System (St. Louis, Mo.)	25,294,328
Port Authority of Allegheny County (Pittsburgh, Pa.)	50,000,000
Metro Dade County Transit Authority (Miami, Fla.)	6,252,653
Regional Transit Service Rochester, N.Y.)	750,000
Akron Metro Transit (Ohio)	63,700
Dallas Transit System (Texas)	7,300,000
Fort Worth Transit (Texas)	208,700
Washington Metropolitan Area Transit Authority (Washington, D.C.)	880,000,000
Total	1,514,231,938

STATEMENT OF DR. WILLIAM J. RONAN, CHAIRMAN, METROPOLITAN TRANSIT AUTHORITY, NEW YORK, N.Y.

Dr. RONAN. Mr. Chairman and members of the Senate Subcommittee on Housing and Urban Affairs:

My name is William J. Ronan, I am chairman of the Metropolitan Transportation Authority of New York and president of the Institute for Rapid Transit. I speak here on behalf of both organizations.

I have appeared before this subcommittee, as well as other committees of the Senate and House, several times in recent years in an effort to overcome the financial problems and the crisis that confronts public transportation services and systems which serve our urban and suburban areas.

In particular, the institute was among the most active supporters of the Urban Mass Transportation Assistance Act of 1970, signed into law by the President on October 15, 1970. We are gratified by the personal leadership of Secretary Volpe in advancing the urban transit programs. We are also pleased that President Nixon in his recent budget message recommended full funding of the program.

I appreciate this opportunity to appear before this subcommittee and submit testimony, and in so doing I would like to commend again the chairman of the subcommittee for the pioneering effort that he has shown, his continuing interest, and indeed his persistence, so that Federal assistance can be given in increasing amounts to the urgent needs of urban mass tranportation.

I note with pleaure that S. 870 was introduced by Senators Williams and Percy, both of whom have long been leaders in efforts to have the Congress deal with the problems of urban public transportation.

The Institute for Rapid Transit includes among its members the public agencies which operate every rail rapid transit system existing in the United States, Canada, and Mexico, as well as representatives of metropolitan areas that are planning rail rapid transit systems. Agencies that are members of the institute also operate the Nation's largest urban bus systems. These rail and bus systems serve areas having a population of some 55 million.

The Metropolitan Transportation Authority, for which I also speak, is the parent board of the New York City Transit Authority and the Manhattan and Bronx Surface Transit Operating Authority, which together carry within the city of New York over 6.5 million passengers on every average weekday. Through a subsidiary corporation we also operate the Staten Island Rapid Transit Operating Authority; we now also operate the Staten Island Rapid Transit Railway.

The MTA is also the parent board of the Long Island Railroad, which carries about 255,000 passengers each weekday. We also have the responsibility for the commuter service on the New York portion of the former New Haven Railroad and carry about 55,000 passengers a day on that line. MTA also controls the Triborough Bridge and Tunnel Authority, which operates nine toll bridges and tunnels in the city of New York. In addition, MTA operates Republic Airport and Stewart Airport. In all some 58,000 persons are employed by MTA and its affiliated authorities and every working day its facilities are used by somewhere between 8 and 9 million people.

When the New York City Transit Authority was created in 1953 the State legislature mandated that its operations, except for capital cost, be on a self-sustaining basis. Subsidy was prohibited.

In that year the fare was increased from 10 cents to 15 cents. The 15-cent fare remained in effect for 13 years.

The next fare increase of 5 cents was put into effect in July 1966. The 20-cent fare lasted 3½ years.

In January 1970 the fare was increased by 10 cents to 30 cents a ride, 50 percent above the prior fare. Two years later, January 1972, we were to again increase the fare, this time to 35 cents.

Thus the 1953 increase of 5 cents lasted 13 years. The 1966 increase of 5 cents lasted 3½ years. The 1970 increase of 10 cents was kept in effect for only 2 years.

In the fall of 1971 we faced a very serious problem in New York. The projected deficit of the New York City Transit Authority for 1972 and 1973 in its combined bus and rail operations was about $440 million. Without subsidy or other support fares on the subway would have had to be increased once again by 50 percent to 45 cents and fares on the suburban railroad lines also would have had to be increased 50 percent.

All public officials recognized that the consequences of a 50-percent fare increase to the city and suburbs—the impact on the people and its economy was intolerable. The mayor, the comptroller, the leaders of the city council, and I, formed a committee which, through the cooperation of the Governor and the legislature of the State of New York, brought into being a program which enabled us to keep the fare increase on the subways to 5 cents and on the Long Island Railroad to about 16⅔ percent.

This program embodies two precedent-setting features:

(1) Tolls on vehicles using Triborough's bridges and tunnels were approximately doubled, thus producing an additional $50 million a year, $25 million for subways, in addition to the $24 million already being provided, and $25 million for commuter railroads. To my knowledge this is the first time the tolls have been raised on motor vehicle facilities specifically in order to provide additional moneys for mass transportation.

(2) The city will subsidize the New York City Transit Authority operations to the extent of $200 million during the next 2 years, the current 1972 and upcoming 1973 calendar years. This subsidy was necessary to keep the fare increase to 5 cents a ride. The decision to subsidize was made by the city despite the fact that the city is facing an acute financial crisis and does not have funds available in its operating budget for such purposes. The city will be required to use temporarily $100 million out of its sinking funds, and the State has agreed to lend the city $100 million in 1973.

The dogma that public transportation facilities must be self-sustaining does not meet present needs. On the contrary, without outside financial assistance, public transit cannot provide its full potential benefit to the public and, indeed, in the long run without such aid it cannot survive.

This has been recognized in New York by statutes now specifically authorizing municipalities to devote public funds to the payment of transit operating expenses. More important it has been recognized by affirmative action. As I mentioned, tolls levied on automobiles have been doubled to provide $50 million additional for transportation, and New York City is going in debt to the extent of $200 million in order to prevent fares from skyrocketing further.

The continued operation of public transportation services in our cities, towns, and suburban areas is vital. To have a healthy economy, our workers must be able to get to their jobs and back home again. Poverty pockets must have access to employment opportunities. Our children must be able to get to school and people of all ages—whether they drive or not—must have a means of getting about.

In simple terms, the continuation of public transportation services is essential for the survival of our cities and metropolitan region. And of all the urban problems, maintaining and improving public transportation services is perhaps the most tangible one which can be be solved here and now.

Congress recognized this and moved our Nation a great step forward with the enactment, by very large majorities in each house, of the Urban Mass Transportation Assistance Act of 1970. We have committed ourselves in principle to a partnership between the Federal Government on one hand and the States and local communities on the other for a program of renewing, improving, and expanding the physical plant and equipment of our Nation's urban public transportation system. Our goal was to provide our people with the facilities that would once again make it attractive to ride a train or bus. This attention, however, was devoted almost exclusively to the capital dollars side of the ledger.

Now we must attend to the revenue and expense side in order to assure the continued operation of the existing systems. A pattern has emerged in which increased operating costs are causing mounting deficits or urban public transportation systems that are reaching beyond the amount which the States and local communities can absorb alone.

Experience in New York and elsewhere throughout the country has taught us that fare increases are counterproductive, resulting invariably in reduced patronage and less utilization of costly facilities which nevertheless remain vital to the community. Cutting back on the quality and frequence of service and deferring maintenance—short-term expedients so frequently used in the past to ward off bankruptcy—also have been proven to be illusory.

In addition to transporting people, we know that urban public transportation systems reduce the economic and social cost of congestion and pollution.

Clearly, the time has come when the Federal Government must shoulder a portion of the operating costs of our Nation's urban and suburban rail and bus systems. There is growing support evident for such action throughout the country.

One by one, particularly in the 1960's, several of our great States and some of our cities, counties, and metropolitan areas set up their own local programs for financial assistance. The public saw quite clearly that such financial assistance meant a way of stabilizing fares and avoiding further deterioration in transit service and facilities. Though much has been done on the local level, the needs for such assistance now exceed the resources of the States and the local communities. The only remaining course of action is to seek the participation of the Federal Government in overcoming this financial crisis.

Besides representing the Metropolitan Transportation Authority and the Institute for Rapid Transit, I am here today also at the request of others. At public hearings held this month in connection with fare increases on the Long Island Railroad and on the New Haven line, many elected public officials of cities and counties and representatives of civic and transit organizations, and indeed straphangers, commuters themselves, requested repeatedly that I make their views known in Washington. They were unanimous in their urging that Congress be informed about how they felt with regard to the obligation of the Federal Government to support the operations of urban mass transportation systems.

The recent report of the Secretary of Transportation in response to the request of Congress for an analysis of the feasibility of a program of Federal assistance to meet transit operating costs gave major recognition to the urban transportation crisis and the dollar needs. The report left for further evaluation the question of how to meet this problem, how it could be eased by future specific program initiatives.

We believe that Federal assistance in the order of magnitude of $400 million a year is required if fares and services are to be reasonably stabilized and existing transit systems survive. Assistance at such a level of funding would represent only about one-seventh of the estimated 1971 gross costs of $2.5 billion for urban public transportation including bus, rail, and commuter rail. We believe that such a proportionate Federal expenditure is entirely appropriate, on almost any basis of comparison, because of the Federal interest in supporting urban mobility for this Nation's citizens.

More than 70 percent of this Nation's people presently live and work in urban areas; the proportion is expected to rise to 80 percent in a decade. Easing congestion in urban areas is a major national concern affecting the economy, the quality of life, and virtually all of the vital aspects of the Nation's well-being.

We note that in a staff study prepared for the Joint Economic Committee of the Congress entitled "The Economics of Federal Subsidy Programs," and dated January 11, 1972, it is estimated that the cost of Federal subsidies to various segments of the economy is in the magnitude of $63 billion per year. Among the subsidies are funds for the farm program, maintenance of inland waterways, and traffic control for the aviation industry.

I would like to quote directly from page 179 of the staff study:

"On the other hand, the users of inland waterways pay no user charges to cover the costs of the facilities and services provided to them free. Instead, general taxpayers support the inland waterways in excess of $250 million annually. We have in this case a special benefit that is provided free—or one could say subsidized 100 percent—to those who operate the 20,000 towboats and barges that use this waterway system."

The Federal farm subsidy program which costs about $5.5 billion a year is designed to grant financial assistance to a relatively small number of people as compared to the number who will benefit directly by the program we propose today, and at a cost of less than one-tenth of the farm program.

We think that there are various mechanisms possible for channeling Federal financial aid to transit operators so as to assist in the survival and stabilization of existing systems.

One such method, which would deliver money where it is needed and which would be relatively simple to administer, would be a formula designed to equate to the productivity of the system in carrying passengers. Thus the basis of assistance would be a per passenger contribution. The basic purpose of public transportation is transporting people, hence it would seem entirely appropriate that a formula for Federal assistance could recognize and relate to that fact.

Such a formula avoids the "bottomless pit" argument which is made trying to equate the Federal payment to the service performed by carrying passengers; it avoids any measure of the extent of deficit incurred or relative efficiencies of operations.

Parenthetically, with respect to the efficiency of the rapid transit operations, I would like to bring to the attention of the committee that the rail rapid transit systems of this country in the year just concluded carried 1,600 million passengers, and the number of accidents per million carmiles was 0.11131. Clearly, in terms of this, on a comparative basis, this phenomenal accident ratio, this is an efficient operation or an efficient way of carrying people.

The New York City subway and bus operations with which I have a daily connection carry 6.5 million people every day, 2 billion people a year. This system has been operating for 70 years, 24 hours a day, 7 days a week, the only interruptions occurring on work stoppages and very infrequently there indeed.

Clearly, if one is going to compare efficiencies, one should compare efficiencies with respect to other forms of transportation, and one should look very carefully at the so-called bottomless pit argument.

To return from the parentheses, there are other ways in which the Federal Government could base allocations of funds to systems. For example, the Federal Government does maintain the safe airways. The Federal Government builds the highways. It certainly should have a stake in the rights-of-way of urban transit. So on this theory, the Federal interest in transit could be represented by bearing the costs of maintaining the rights-of-way of rail systems.

Turning to the bills at hand, we applaud the effort to deal with the urban transportation crisis contained in S. 870 and its approach to providing emergency relief. We understand that this bill was meant to serve as a stopgap measure. While laudatory in its basic objective, in its present form this bill does not go far enough in scope to meet the crisis which we face today or the long term solution.

I spoke earlier of the growing support for increased Federal aid to local transit service throughout the country. A recent syndicated newspaper report indicated just how far we have come as a nation in this regard; it was headlined "Auto Makers Support Gas Tax for Transit."

In this case, the chairmen of General Motors, Ford, Chrysler, and American Motors—the leaders of the auto industry—were supporting the concept of imposing a higher tax on gasoline in the State of Michigan to support and develop public mass transportation in the State's major cities. A few days previously, Henry Ford II stated that he favors the diversion of some of the moneys in the highway trust funds for mass transportation.

We have come a long way to gain the support of those who heretofore were considered to have a vested interest in highways. To me, their changed outlook is a dramatic symptom of the extent and range of support for the idea that the Federal financial assistance from general revenues for transit operating expenses is a political reality as well as a factual necessity. Thank you.

Again my appreciation to you, Mr. Chairman, and the members of the committee for the opportunity to make a brief statement.

Mr. SPARKMAN. Mr. President, while the Senator from New York is on his feet, I wonder if I might ask both him and the Senator from New Jersey a question or two. Does he have time available?

Mr. JAVITS. I do.

First, Mr. President, I ask unanimous consent that the Senator from Connecticut (Mr. WEICKER) may be made a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I yield myself time to answer.

Mr. SPARKMAN. Mr. President, I believe both Senators know that I have supported urban mass transit from the beginning. In fact, I believe I was the one who put the first bill the Senator from New Jersey (Mr. WILLIAMS) sponsored into a housing bill as a separate title. This passed in the Senate. The program has been moving along, not too fast, but at least it has kept going every since.

I have considerable sympathy for the present proposal, but I want to ask this question. The Senator from Texas referred to the fact that there is a bill pending now that seeks to incorporate the mass transit operations into the President's revenue sharing program through block grants. That bill, I believe, has been referred—or parts of it at least—to our committee, the Committee on Banking, Housing, and Urban Affairs, to the Commerce Committee, and to the Public Works Committee. I am just wondering why we should hurry this up instead of waiting for action on that bill.

I do not know what the other two committees will do, but I feel quite certain that our committee will give attention to that bill this year. It might be the better part of wisdom to try to go under the revenue sharing program, block grants, rather than through this method of funding.

I just wanted the comments of the two Senators with reference to that.

Mr. JAVITS. Mr. President, it seems to me the answer is contained in the committee report, apart from my own advocacy, as well as what the Senator has just said. The Senator has just said it has been referred to three committees. It is in the revenue sharing bill. We all know there will be no action on revenue sharing this year——

Mr. SPARKMAN. Mr. President, will the Senator hold on that just a minute?

Mr. JAVITS. Yes.

Mr. SPARKMAN. I want to call attention to the fact that the first program of revenue sharing is included in this bill.

Mr. JAVITS. I agree with that, in housing, but I am talking now about——

Mr. SPARKMAN. I think I can assure the Senator there will be some revenue sharing legislation, because the first of it is included in the bill that is before us now.

Mr. JAVITS. It is my judgment that the block grants revenue sharing referred to the three committees is not going to get anywhere this year. I am very much for general revenue sharing, and that will have direct impact on this kind of operating subsidy.

Second, the urgency of the situation is made very clear by the committee itself. The committee, on page 57 of its report, stated:

> The Committee rejected the administration's suggestion for further study. Accordingly, hearings on "Emergency Urban Mass Transit Legislation," were conducted January 31–February 2, 1972.

Then the committee says, at page 62 of the report:

> On the basis of such evidence, reports and testimony, it has become evident to the Committee that increasingly passenger revenues cannot meet operating expenses; that the problem is national in its dimensions; and that if mass transit is to perform an essential public service, Federal support for operating expenses is a prerequisite.

I therefore answer that, one, action is unlikely on this matter this year; two, the situation cannot wait. More and more transit systems will be shut down. There will be more and more crowding on the roads. There will be more and more fatalities and accidents on the roads. There will be more and more inconvenience to the American people. There will be more and more economic loss. All this will happen because we are not looking after the very fact that we can effectively and efficiently address the problem in congested metropolitan areas in this manner.

Mr. SPARKMAN. I appreciate the statement.

Does the Senator from New Jersey wish to concur?

Mr. WILLIAMS. Mr. President, I appreciate the opportunity of replying. I think that the Senator is making an evaluation of what the impact of multicommittee consideration of revenue sharing in this area should be on the bill now before us.

First of all, I can say for myself that when revenue sharing in transportation was first suggested by the administration, I went to the White House to determine whether under this special revenue sharing, money would be made available for operating assistance. My first round of inquiries were inconclusive. And the administration still has not made it precisely clear whether or not revenue sharing would be available.

What we are dealing with is a specific situation—operating losses and the need to bolster present systems. It seems to me, I must say to my chairman, who has certainly been sensitive to the national needs of mass transportation for a decade that here we have a proposal that has been fully tested in hearings, it is before us here and now, and we know exactly what it is, the amount, and how it would be directed across the land. We do not know just when or how this opportunity will arrive through revenue sharing over the other road of three committees.

It seems to me that we should enact this proposal. Then if revenue sharing should come before us, certainly the talent is here to weave this program into that which we may later enact without creating inconsistencies.

Mr. SPARKMAN. That is a very fine statement. I am glad to have it, and I thank both Senators.

Mr. JAVITS. Mr. President, I yield 5 minutes to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I appreciate the Senator from New York's yielding to me, particularly since he knows that I am not going to support his amendment.

I think there are two or three thoughts that ought to be put on the record before this measure is brought to a vote.

I was very appreciative, on appearing before the subcommittee headed by the distinguished Senator from New Jersey, that they did adopt one of my recommendations and incorporate it in the bill and in the report: to increase the capital investments subsidy to a 90–10 basis. I feel that is the best way to approach this matter, for the reason that under the bill which has been reported to the Senate and upon which the Senator from New York hangs his financial hat, there are no criteria or guidelines at all for how these operating subsidies would be disbursed.

For example, on page 188 of the bill—or starting on page 187, subparagraph (f)—and this is a part of the area which I shall move to strike later—it says:

> The Secretary is also authorized. . . . to make grants or loans to any State or local public body.

Then, over on the next page, it says:

> No financial assistance shall be provided under this subsection unless. . . . the applicant State or public body has submitted to the Secretary a comprehensive mass transportation service improvement plan which is approved by him and which sets forth a program, meeting criteria established by the Secretary, for capital or service improvements to be undertaken for the purpose of providing more efficient, economical, and convenient mass transportation service.

Mr. President, perhaps I should say first of all that I do not think there is a Senator who has devoted himself more thoroughly to mass transportation than the Senator from Colorado has for quite a few years now. It happens to fall within the purview of my own committee assignments. As an example, I spent 3½ hours yesterday on mass transportation problems in two different sections, neither of which were concerned with the contents of this bill.

So I have a great deal of sympathy for what the Senator from Connecticut says and what the Senator from New York says. I think the Senator from Connecticut has shown a rare degree of knowledge and insight. I will say he has shown a great degree of perspicuity, which is more than knowledge or insight, in the remarks he has made on the Senate floor recently, because he sees something that very few of us have seen so far, and that is that there is a danger that the development of mass transportation, as we are talking about it here and as we understand it, may never come to pass. There are influences that work in the Senate which are working to throttle the concepts which I know I espouse, and I know his ideas are fairly close to mine, as I am sure those of the Senator from New York are, which is that we embrace within the mass transportation system not only vast rail systems and buses where necessary but also any new technology, whether it be magnetic suspension, air cushion, or whatever it may be—even monorail which comes down the road and which can be proved to be economical.

The first objection I see to the amendment of the Senator from New York, which hangs its hat on subsection (f), is that Congress has established no guidelines for the Secretary.

Second, how do you offer an operating subsidy in this country, with such diverse geographical, social, and economic places as New York and Lamar, Colo., Longmont, Colo., Boise, Idaho, or Salt Lake City? How can you draw a formula?

The truth of the matter is that Congress has again avoided its responsibility of setting definite guidelines for disbursement of the fund which is sought to be implemented here.

Third, I should like to take note of a letter I received yesterday from Secretary Volpe. I want to say at this point that there is no person whom I respect more greatly than he, because of the efforts he has put forth in this field. He is one of the most capable of Government administrators.

I ask unanimous consent that the letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., March 1, 1972.

Hon. GORDON ALLOTT,
U.S. Senate,
Washington, D.C.

DEAR GORDON: I have noted the action taken by the Subcommittee of the Senate Banking, Housing and Urban Affairs Committee to amend Section 3 of the Urban Mass Transportation Assistance Act of 1964 to authorize grants or loans for mass transit operating expenses.

As you know, when we submitted our report to the Congress on "Feasibility of Federal Assistance for Urban Mass Transportation Operating Costs" in November 1971, we stated that from our analyses it was difficult to advocate with confidence that financial assistance alone for operating costs would meet the fundamental transit industry problems of increasing costs and decreasing ridership. We also indicated that any program of assistance for mass transit should have as a primary objective provisions for providing incentives to improve service and operating efficiency. Many fundamental questions beyond financial aid also should be addressed—such as regulatory changes, new marketing techniques to improve ridership, new uses of off-peak capacity and other steps to induce commuters to leave their cars. Many of these factors are, of course, a matter of local responsibility.

In my opinion, the program proposed by the Subcommittee would not accomplish these essential objectives. Therefore, I would have to oppose this proposal.

I would be most appreciative if you could persuade the Senate to disapprove this particular amendment.

Sincerely,

JOHN VOLPE.

Mr. ALLOTT. In the letter he said:

> We also indicated that any program of assistance for mass transit should have as a primary objective provisions for providing incentives to improve service and operating efficiency. Many fundamental questions beyond financial aid also should be addressed—such as regulatory changes, new marketing techniques to improve ridership, new uses of off-peak capacity and other steps to induce commuters to leave their cars. Many of these factors are, of course, a matter of local responsibility.

I omitted one sentence just preceding this, in which he said:

> As you know, when we submitted our report to the Congress on "Feasibility of Federal Assistance for Urban Mass Transportation Operation Costs" in November 1971, we stated that from our analyses it was difficult to advocate with confidence that financial assistance alone for operating costs would meet the fundamental transit industry problems of increasing costs and decreasing ridership.

As a matter of fact, Mr. President, as the Senator from New York and the Senator from Connecticut have both pointed out, one of the major problems here is not just operating costs alone; it is that those operating costs arise from inadequate, antiquated machinery and equipment, which simply will not attract riders to it.

The authorization language is weak. The Javits amendment would add $800 million—almost a billion dollars—at a time when I must say the budget is in very, very bad balance, and I do not honestly believe it would materially improve the money that would go into mass transportation.

But most of all, Congress exhibited here an absolute failure to provide the guidelines which must be put in if the various portions of our country are to receive equitable treatment under such a proposal.

Mr. JAVITS. Mr. President, I yield 3 minutes to the Senator from Connecticut.

Mr. WEICKER. Mr. President, I thank the Senator from New York and also the Senator from Colorado, whose interest in transportation is of long standing.

Let me make one thing clear, however. The amendment of the Senator from New York—and he may correct me if I am mistaken—is specifically in the nature of trying to avoid operating subsidies, ad infinitum, into the future. If someone had, 2 or 3 years ago, made the necessary investment in capital improvements and in research and development such as we now have money set aside for, then this amendment would be unnecessary, and mass transit would be self-sustaining. It might even be earning a profit. But unfortunately, no one made that investment; in fact this amendment provides for a subsidy that is really not a subsidy. The Senator from New York is trying to protect capital funds from becoming operating subsidy funds.

I commend the Senator from Alabama, the chairman of the committee. It is his committee that is progressive; it is his leadership that looks ahead. That is why we come to him at the present time. We all know of many measures—not only revenue sharing—that are intended to bring some balance to our transportation system, but I think it highly unlikely that they will see the light of day. This is the opportunity, and this is why we stand before the Senate with the proposal of the Senator from New York and the Senator from New Jersey.

It might be interesting to note that just yesterday, the State of Connecticut was awarded $15.1 million for the New Haven Line. Unfortunately, much as anyone likes to receive $15 million, the request of the State of Connecticut was for $25 million. I am pleased that we received what we did, but it shows the tight budget under which transportation has to maneuver. And mind you, the New Haven service is a total disgrace.

In 1968, the Governor of the State of New York—I believe the Senator from New York will recall this—and the Governor of the State of Connecticut, then John Dempsey, got together in Greenwich, Conn., to announce the purchase of 144 cars. Here it is 1972, 4 years later. This was the minimum number of cars to enable the service to continue, and still we are a year away from their delivery. Five years of delay. Now I realize that we might get some form of assistance that would help us in our mass transportation problems.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The time of the Senator has expired.

Mr. WEICKER. I ask for 1 additional minute.

Mr. JAVITS. I yield 1 additional minute to the Senator.

Mr. WEICKER. But when we have 5-year delays, and are producing the minimum of service with respect to mass transportation, then clearly the need to act is now.

That is my explanation as to why we come to the Senator from Alabama and to his committee with this request.

Mr. SPARKMAN. Mr. President, I am ready to yield back the remainder of my time.

Mr. JAVITS. I yield myself 2 minutes.

Mr. President, I thank Senator WEICKER for a really gifted explanation of our position. It shows how deeply impacted he is in his State and how thoughtful he has been about it. I thank Senator WILLIAMS, the chairman of my own Committee on Labor and Public Welfare, for a similarly gifted presentation.

I wish to make two brief points:

First, I think that what commends this instead of detracts from it is exactly what Senator ALLOTT finds unsatisfactory—to wit, the ability of the Secretary to work out the subsidies on such terms and conditions as he may prescribe. That gives it the very flexibility which the heterogeneous systems of the country require.

To show that this is not thoughtless and that we are not without ideas, Dr. Ronan, of New York, who is the head of our Metropolitan Transit Authority and president of the Institute for Rapid Transit, gave an instance of how he thought it might be done. He thought that an operating subsidy ought to be on a per passenger contribution—that is, per passenger travel—and that would avoid what he calls the "bottomless pit" argument—that is, that the payment would have some relationship to operating expenses, labor costs, and so forth. On the contrary, he said, you strike that out and you deal with the number of passengers carried.

Mass transit is completely old-fashioned, obsolescent, way behind the times. In this day, we ought to be traveling on automated belts, with automatic vehicles which need no people to attend to them, and in the most modern concept. Yet, even old-fashioned as it is, its accident ratio is ridiculously small when you look at automobiles. It is under 1 percent—about one-tenth of 1 percent—in terms of passengers carried. Again, another reason why we have been so derelict in not buttressing these systems.

I am all for the research and development, and that ought to be backed. I would much rather come down here on the train in 2 hours, if it could be done, or get into New York from Greenwich, Conn., in 30 or 35 minutes, reading the newspaper. Anybody would. But that is not the case. One faces broken windows and broken down transportation and late trains and drafty and cold trains.

We all know what the problems are. Yet, when it comes to dealing with them in such a way that is not inflationary—by buttressing the real resources of the country and people and business, because we want to move from place to place efficiently—we become "chintzy" about it.

I hope that this amendment, which is desirable and constructive, will be adopted. I am grateful to the Senators who have joined me in carrying the argument.

I yield back the remainder of my time.

Mr. SPARKMAN. I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SPARKMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT—APPROVAL OF JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on February 21, 1972, the President had approved and signed the joint resolution (S.J. Res. 197) to provide a procedure for settlement of the dispute on the Pacific coast between certain shippers and associated employers and certain employees.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. METCALF) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of Senate proceedings.)

HOUSING AND URBAN DEVELOPMENT ACT OF 1972

The Senate continued with the consideration of the bill (S. 3248) to consolidate, simplify, and improve laws relative to housing and housing assistance, to provide Federal assistance to local governments in support of community development activities, and for other purposes.

Mr. SPONG. Mr. President, the Senator from Colorado, who wishes to offer an amendment, has very kindly yielded to me in order that I might engage in a brief colloquy with the floor manager of the bill. I ask unanimous consent that at the end of this colloquy, the Senator from Colorado be recognized for the purpose of offering his amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

How is the time to be charged?

Mr. SPARKMAN. I yield the Senator from Virginia 5 minutes, or so much of that time as he may require.

Mr. SPONG. I thank the Senator from Alabama.

Yesterday, the Senator from Alabama noted in his floor statement the committee's intent to give maximum flexibility to local governments in deciding how they want to carry out this program. There are many situations where it may be difficult for reasons of debt limitation or other considerations for local governments to actually enter into a contract. Did he mean by his statement yesterday that where such limitations exist or where a community simply feels it more appropriate or desirable that they can designate a local public agency to enter into contracts directly with the Federal Government for all or a portion of this program?

Mr. SPARKMAN. Yes; I did. I mean just that.

I have discussed this matter with Senator TOWER, since the Senator told me of his desire to propound this question and he agrees.

I said yesterday that we intended that where it was necessary or appropriate, the unit of general government could designate an agency to undertake part or all of the program, and to make the necessary commitments that are required to execute the program. We did this in order to give localities the flexibility they need and desire to carry out community development activities.

I should like to emphasize again our intention to give localities maximum flexibility in how they will carry out the community development program which is included in this bill.

Mr. SPONG. I thank the Senator from Alabama. I have one more question.

When the Senator talks about loans, temporary financing, and so forth, I take it he means that in addition to taking any direct loan from the Federal Government, as is presently the case under the urban renewal program, the designated local public agency would be able to borrow money for short periods of time in the private market, with such loans backed by contractual guarantees from the Federal Government.

Mr. SPARKMAN. Again, the answer is in the affirmative. We intended that the locality—meaning either the unit of general government or its designated development agency—would be able to receive loans directly or borrow market for short periods in the private market, with such loans being backed by contractual guarantees from the Federal Government.

Mr. SPONG. I thank the Senator from Alabama.

The ACTING PRESIDENT pro tempore (Mr. METCALF). Under the previous order, the distinguished Senator from Colorado (Mr. ALLOTT) is now recognized.

AMENDMENT NO. 977

Mr. ALLOTT. Mr. President, I call up my amendment No. 977 and ask that it be stated.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk read the amendment as follows:

> On page 187, line 3, strike "(a)", and also on page 187 strike lines 14 through 24, on page 188, strike lines 1 through 25, on page 189 strike lines 1 through 12.

Mr. ALLOTT. Mr. President, I send to the desk an amendment to my amendment and ask that it be modified accordingly.

The ACTING PRESIDENT pro tempore. The Senator has that right and the clerk will report the amendment to the amendment.

The assistant legislative clerk read as follows:

> On page 187, line 3, strike "(a)", and also on page 187 strike lines 14 through 24, on page 188, strike lines 1 through 25, on page 189 strike all up to line 13.

The ACTING PRESIDENT pro tempore. The amendment is modified accordingly. How much time does the Senator yield himself?

Mr. ALLOTT. Mr. President, I yield myself such time as I may need.

It is my intention by this amendment to move to strike out section 601(b) of the omnibus housing bill, which would authorize subsidies for mass transit operating expenses. The effect of the amendment as it is now formulated would also strike out that portion of paragraph (f) and if the Javits amendment is adopted, it would also strike that portion out.

Mr. President, Senators know that I have been interested and active in the field of mass transit for many years. I have fought vigorously and consistently during both the Johnson and Nixon administrations for cities, large and small, to have sufficient funds readily available for capital equipment.

I believe that when the Department of Transportation and HUD bureaucrats and the Office of Management and Budget have permitted the capital grant program to function as Congress intended, it has been one of our best Federal programs. Funding capital equipment is a function which is able to be administered equitably to all types of systems in all parts of the Nation. Capital requests are not open ended. They can be predicted with reasonable accuracy. Even funds for a large rapid transit system—such as the one about to begin in Atlanta—can be projected and spread over several years in a reasonable and equitable system.

The complaints about the Urban Mass Transportation Administration's capital grant program which have been heard in Congress and the industry and the cities have not been directed toward the substance of the program. These complaints have been directed toward certain aspects of the administration of the program such as planning certification and bias of mode. Basically, Congress set up a good program and with some necessary changes, which Congress will insist upon, the program should be allowed to continue as is.

Now, Mr. President, I began my statement directed against the committee's action on operating subsidies with a direct reference to the capital grant program because I believe it is necessary to underscore the differences between the two types of funds.

The committee's action is regrettable, in my opinion, because it gets the Federal Government involved in operating subsidies for urban transit systems, while at the same time necessarily cutting down on the amount of funds available for worthwhile programs such as capital grants. I will have more to say on this point later in my remarks.

It is now apparent in the discussions which took place this morning on the Javits amendment, particularly from the remarks of the Senator from New Jersey, the chairman of the subcommittee, the Senator from Connecticut, and the Senator from New York, that while they talk about picking up capital costs—the recommended operating subsidies—the real problem they face is by way of capital equipment.

When this matter was before the subcommittee—and I want to express my appreciation to the Senator from New Jersey—I offered an amendment, as a means of securing equitable distribution of our mass transit funds, that the capital grants be made upon a 90–10 basis, although the net effect is that while we put the money out or leave it to the whim or the will of the Secretary of Transportation under the amendment which has just been passed under capital grants, we are able to determine exactly what is needed, what equipment needs to be replaced; and so, in effect, we do give an operating subsidy because we free up the local community's money to finance the operations of that particular system.

Since we do it at the local level, we will probably have a greater economy than we could have in any other way. As the bill came out, it not only adopted the amendment which I have suggested—a 90-to-10 basis for capital grants—but also came out for subsection (f) upon which the Javits' amendment is based.

I am opposed to this amendment on several grounds. First of all, the committee would leave the subsidy regulation to the Secretary of Transportation.

Everyone knows that I have the greatest respect for the Secretary of Transportation. John Volpe is one of the most able public servants in Government. So my comments should not be understood as being directed against the Secretary personally.

I believe, however, that Congress and not the Secretary of Transportation, no matter who he be, should determine formulas of this kind, if we must have them. He should not be determining formulas which are the responsibility of and which belong to Congress.

Once again, we are giving up power and responsibility which belongs in the Congress. We have heard in the Senate many times in the past few months that Congress is giving up too much power to the executive branch. I wonder how many of these Senators today, on this amendment, will stand up and be counted where we are giving a grant of $800 million to the Secretary of Transportation with no guidelines whatever for its expenditure except that it will be a transportation service improvement plan which is approved by him and which sets forth a program meeting criteria established by the Secretary.

I think some Members of this body like to talk of curbing the power of the executive branch when it comes to foreign policy, where the President and not the Congress has clear responsibilities. On matters of this sort, when there is a clear opportunity for Congress to exercise its powers—and even a duty, Mr. President, to do it—and live up to its responsibilities—which also means facing the consequences—many of the Senators from whom we hear the most on the subject of executive encroachments, will vote to give the power of Congress away wholesale. I hope this is not another example of this paradox.

I am opposed to this action on other grounds as well. I believe that if Congress were to retain its proper jurisdiction, a formula could be established for granting subsidy moneys to urban systems.

A few moments ago, the Senator from New York suggested that it might be on a rider basis. Mr. President, I do not know whether that would work out to be completely equitable or not, but I do know that there is not even that much of a criterion in the bill. It would not be an equitable formula. I believe that no Federal formula can be devised—and I fully believe this—which would treat all areas of the country—the President's own area, for example, and my own—on a fair basis vis-a-vis the large cities. There is just no way to write a formula which treats all these areas the same way.

Transit fares range from 15 to 50 cents in the United States. Some systems give free transfers, others charge 10 cents. Some operations use four or five passenger buses operating on hourly headways on just a few routes; others use eight car rapid transit trains operating on 2 minute headways over complex routes. Some operations are strictly urban, others are 90-percent suburban, with a few local stops. Some bus drivers in small towns still earn $2.50 an hour. In large cities, drivers on the same kind of buses may earn $6 or $7 an hour. Some transit systems have school and tourist contracts and others do not. School and tourist operations may lessen or eliminate a deficit, so one system in a city of 50,000 with the school service may make a profit, while another system in a city of 50,000 which actually carries more actual transit riders may have a large deficit. All of these factors and many, many more combine to make it impossible for a really equitable formula to be devised.

Now there are all sorts of formulas which can be applied, but because they will not be equitable and because of the nature of the Federal Government and because of inevitable political pressure, the Federal Government will begin dictating to local communities how to operate their transit systems.

The Federal Government, if it once gets into the subsidy business, will be telling New Orleans to raise its fare, or Chicago to lower its fare. It will be telling BARTD to operate more service on weekends or the Denver Metro Transit not to operate so many buses on Colfax Avenue. One has only to look at the trends in other Federal programs to realize the inevitability of such a situation. Indeed, the Federal Government is already trying to tell cities that buses on expressways should be built instead of rail rapid transit or systems employing new technology. That is being done within the limited scope of the capital grants program, so one could only imagine what would happen if the Government gets into operating subsidies.

Mr. President, I am also against a Federal subsidy because it encourages the worst systems to continue their bad practices. New York's subway fare has always been kept artificially low for political reasons. This bill, if it becomes law, will amount to a reelection fund for the incumbent mayor or some other mayor.

Boston's deficits are due in part to political patronage. Now if the local citizens want to subsidize such practices that is their prerogative, but I do not believe it is fair to ask citizens throughout the Nation to pick up the bill.

Mr. President, there are many other reasons why a national urban transit fare subsidy would not be desirable. It is an issue, I might add, which is intrinsically different from feeder airline and even Amtrak subsidies which have been voted by Congress. I believe the best argument against a national subsidy is the diversification of local systems, a problem which is very poorly understood even in the Department of Transportation.

Even if I were for a national subsidy, which I know is advocated by a number of my colleagues in the sincere belief that it will alleviate a difficult situation on the local scene, I would be against the committee's method of funding it.

Mr. President, the committee, despite their denials, will be taking the money out of existing funds for capital grants. I must point out that of the $3.1 billion authorized for capital grants approximately $1 billion will have been utilized through fiscal year 1972. This leaves approximately $2.2 billion remaining to be spent in fiscal years 1973, 1974, and 1975. The President has requested that $1 billion be appropriated for this purpose in fiscal year 1973, leaving $1.2 billion for the remaining 2 fiscal years. The thought of taking any of these funds for fare subsidy purposes when capital grant applications are piling up and there are insufficient funds available for those grants astounds me.

Many Members of Congress do not like it, but it is a fact of life that OMB exercises a great deal of control over the flow of appropriated funds. The committee points out that money which Congress authorized under contract authority was not released by OMB. I am very familiar with the problem. I joined many other Senators in protesting the situation.

Our protest was in vain. The additional money was not released. I see no change in the future. So, in reality, the money for operating subsidies will be coming out of the funds now available for capital grants.

The pressure will be on the administration to act swiftly on requests for operating subsidies. An operating deficit in a particular city may mean the transit payroll is in trouble. That is quite different than a capital program which can be postponed or stretched out. So, in practical terms, even though the committee would have otherwise, the operating subsidies will be competing directly with existing funds, made available by OMB, for capital grants. I believe in view of the large numbers of applications for extremely worthwhile capital grant programs, particularly in view of the situation cities such as Atlanta and Baltimore will be facing, where a steady Federal share of money will be necessary to guarantee construction of their rapid transit systems, it is very improper and grossly unfair to the cities to handle the operating subsidy matter without an additional authorization. I would vote against a separate authorization if offered, but at least that would be a far preferable way of handling this matter. The committee says it will ask for a separate authorization in reviewing contract authority for fiscal years 1976 and 1977. If the committee thinks it is a good idea for a separate authorization a few years from now, it ought to come forth with the proposal now so that our great capital grant program is not jeopardized.

I think the situation amounts to this: Were the committee to suggest such a new authorization, that authorization would not pass both Houses of Congress. The committee may believe therefore that by getting the principle of a national subsidy established with no additional fund authorization, it will be able to have both funds in a few years. Well, Mr. President, either the capital grants program will be ground to a halt or the committee will be in here next year asking for a separate authorization because this is an unworkable bill.

When I testified before the committee on January 31, I recommended that the committee adopt a 90–10 Federal-local funding ratio for the capital grant program. Happily the committee did so. As I pointed out at that time, the cities where operating deficits are the biggest problem are also the cities with the largest capital programs. The change in the formula can save these cities millions of dollars a year.

While it is true that local operating subsidies and local capital equipment bonds are handled differently, the committee could have devised a formula which would have allowed the Federal Government to return a portion of the one-third local share fund to the local communities to be used for operating purposes. The money returned could have been the difference between the present one-third local share and the committee's suggested 10-percent local share. The committee did not consider such an approach and, in a move which I regard as contradictory, increased the Federal share of capital grant projects while at the same time making money for operating subsidies available out of the same fund. There simply is not enough money to do both under the present authorization. As bad off as most cities and States are financially, I believe local subsidies where necessary are far preferable to the controlled mess this action will lead us into.

So, Mr. President, I believe the committee action should be viewed for what it is, namely, a means to get the national fare subsidy foot in the door. The committee will be back for a separate authorization later, and meanwhile the committee may well foul up the plans of countless communities which need capital funds.

There is no other adequate way that I can see. I have spent many hours in studying this matter and I have had experts spend many hours studying it to see if a formula could be provided which does not result in complete inequity to many other areas.

For all these reasons, Mr. President, I urge the adoption of my amendment to strike this ill-advised section of the bill.

Mr. President, I would like now to read into the RECORD a letter I received yesterday from the Secretary of Transportation in this matter. I believe that the words of the Secretary of Transportation should be heeded.

> I have noted the action taken by the Subcommittee of the Senate Banking, Housing and Urban Affairs Committee to amend Section 3 of the Urban Mass Transportation Assistance Act of 1964 to authorize grants or loans for mass transit operating expenses.
>
> As you know, when we submitted our report to the Congress on "Feasibility of Federal Assistance for Urban Mass Transportation Operating Costs" in November 1971, we stated that from our analyses it was difficult to advocate with confidence that financial assistance alone for operating costs would meet the fundamental transit industry problems of increasing costs and decreasing ridership. We also indicated that any program of assistance for mass transit should have as a primary objective provisions for providing incentives to improve service and operating efficiency. Many fundamental questions beyond financial aid also should be addressed—such as regulatory changes, new marketing techniques to improve ridership, new uses of off-peak capacity and other steps to induce commuters to leave their cars. Many of these factors are, of course, a matter of local responsibility.
>
> In my opinion, the program proposed by the Subcommittee would not accomplish these essential objectives. Therefore, I would have to oppose this proposal.
>
> I would be most appreciative if you could persuade the Senate to disapprove this particular amendment.

Mr. President, there are two things in that letter that I want to comment on. The Secretary states:

> . . . we stated that from our analyses it was difficult to advocate with confidence that financial assistance alone for operating costs would meet the fundamental transit industry problems of increasing costs and decreasing ridership.

Mr. President, that is entirely true, because the fundamental transit system problems really deal with about 90 percent, although that may be high, but certainly to a great degree with capital investment problems. They deal with trackage, with operating procedures, and techniques of operation. They deal with new cars, new trains, and everything else, including increasing the quality of the ride.

The Secretary then says that if we put in an operating subsidy, all we do is stimulate the conditon of continuing deficit or inefficient operation.

These two things appear to me to have great merit and great weight.

Mr. President, I reserve the remainder of my time.

Mr. TOWER. Mr. President, as the manager's designee, I yield 4 minutes on the amendment to the Senator from Connecticut.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized for 4 minutes.

Mr. WEICKER. Mr. President, I rise to oppose the amendment of the Senator from Colorado reluctantly, knowing of his great interest in transportation, mass and otherwise, over the years. Just to refresh our minds, I would like to refer to the very letter that the Senator from Colorado read a moment ago where Secretary Volpe said:

> We stated that from our analyses it was difficult to advocate with confidence that financial assistance alone for opertaing costs would meet the fundamental transit industry

problems of increasing costs and decreasing ridership.

Mr. President, that is the whole argument of the amendment of the Senator from New York. Admittedly, financial assistance for operating costs is not the answer to our transportation problems today, just as the Secretary stated in his letter. However, unless the committee bill and the amendment of the Senator from New York passes, then, we have no way to get rid of operating deficits.

What is required is new ideas along with new money. At best, what the amendment of the Senator from New York would do is buy time.

The Senator from Colorado indicated his authorship and support of the portion of the bill that allocates a 90–10 funding for mass transit projects. I commend him on that. I commend the committee for including it in the bill. But there is the explanation for our National mass transit deficiency.

For years a Governor or a local official could get 90–10 funding for a highway project, while he could get only one-third–two-thirds funding for mass transit projects. Obviously, everyone used the program which involved as little State and local money as possible. Everyone opted for highways, whether or not the solution called for was a mass transit solution.

The net result has been that we have all the highways in the world but no mass transit facilities. That is the reason we come before Congress, as we have Congresses before and shall in Congresses after, with a desperate plea to make the necessary financial commitment to create a transportation system, a balanced transportation system, a system that works.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. TOWER. I yield the Senator 2 additional minutes.

Mr. WEICKER. Mr. President, I repeat, because I think the two go hand in hand, that the present formula for the financing of Amtrak is unacceptable to this Senator for the very same reason I am criticizing the amendment of the Senator from Colorado.

The way Amtrak is set up at the present time all we are doing is covering operating deficits.

Even the bonding authority which was to be devoted for capital improvements is going to operating subsidies.

Now I will not support unlimited subsidies that involve operating deficits for if we are to get out of the cycle we are in, the only way I know to do so is with new equipment and new methods. Given that infusion there would be no necessity to come back to Congress for the money encompassed in the amendment of the Senator from New York. But we have been cut short for so many years we need limited assistance until the capital improvement programs can take hold.

Mr. TOWER. Mr. President, I yield to the Senator from Illinois.

Mr. PERCY. Mr. President, I appreciate very much the courtesy extended to me. I am hosting a luncheon in a few minutes and I will be as brief as possible.

Mr. President, I rise to oppose the amendment of the Senator from Colorado. I applaud everything he is doing to have fiscal responsibility. I trust we will have an opportunity to vote very shortly on an absolute ceiling on Federal expenditures, so that if we add funds any place in the budget beyond the budget request of the administration we will have to take it from some other place. But I feel strongly that urban mass transit is not the place from which to take it.

I feel the long-range solution that is best is to have a transportation trust fund. It is ridiculous to have an unused surplus of $2.5 billion in the highway trust fund when we are starving for money in the mass transit area. I think the highway user would very well better be served by having more money put into mass transit to keep the highways clear so he can be able to navigate on the roads.

I am pleased that my friend and business colleague, Henry Ford, saw fit, even though he is in the automobile industry, to take a position moving away from the highway trust fund and having a broad overall policy on the matter of transportation.

I am pleased that the distinguished president of the UAW, Mr. Leonard Woodcock, earlier this week while testifying before the Joint Economic Committee and in replying to a question which I put to him said that he and his union support a heavier emphasis on transportation systems for all types of transportation, and not just the automotive; and they support a transportation trust fund.

Mr. President, chapter VI of the bill before us today, which amends the Urban Mass Transportation Act of 1964, represents a major step forward in improving mass transportation systems in this country and comes closer to a balance between mass transportation systems and alternative modes of transportation.

This legislation today will help to correct the great imbalance in the allocation of our resources to various modes of transportation. In the postwar years, the Federal Government has spent nearly $80 billion for domestic transportation. Almost three-quarters of these funds have gone for highways; 16 percent has gone for aviation; about 8 percent has been expended on waterways, and the remainder—about 1 percent—has gone for urban mass transit or high-speed ground transportation.

For years Congress has pumped billions of dollars into highway construction while starving our mass transit systems. The result was predictable—decline of mass transit, clogged roads, and increased air pollution.

As Mr. Leonard Woodcock reminded me the other day, we are not just talking about mass transit with the large urban areas, although we desperately need that; we are talking about mass transit for the smaller communities in my State. The cities of Rockford, Joliet, and Peoria have had failing bus systems. What happens when a bus system fails? We all know the result. For the elderly it means total isolation in the home because they cannot afford to own private cars or to take taxicabs. This is intolerable.

Paid passenger fares have declined from 1.1 billion in 1947 to under 400 million. Mass transportation continues to decline in quality and service. Passengers continue to desert the systems. The air grows more foul. Lower income persons are being forced to dig deeper into lean budgets for higher fares they can ill afford. Means must be found to help reverse the trend away from the decay of mass transportation systems.

The problems of mass transit have become a national problem. More and more municipalities are running transit systems at a deficit. Deficits are currently running at $360 million a year. There is an increasing pattern of rising fares, increasing operating expenses, declining ridership.

In the future we should move toward the creation of an overall transportation trust fund to fund all modes of transportation on a balanced basis. However, at the moment emergency help is required by mass transportation systems.

Chapter VI of this bill does provide that help.

It amends section 3 of the Urban Mass Transportation Act of 1964 by authorizing assistance to defray operating expenses of mass transportation systems to prevent reduction of essential transportation services in the Nation's urban centers.

Under terms of this bill, grants or loans would be provided in order to assist any mass transportation system which maintains transportation service in an urban area to pay operating expenses incurred as a result of providing such services. Included within the terms of such assistance are grants to State and local public bodies for debt servicing for mass transit investments.

For the first time, grants and loans would be allowed for operating expenses and debt servicing as well as capital costs. This section is not intended to reduce the funds available for capital grants but to complement them.

Such funds under this section would not be automatic, but would have to be based on a determination of the Secretary of the Department of Transportation that:

First, the services provided by the system involved are essential; and

Second, the applicant public body has submitted a plan for improving transportation service and placing operations on a sound financial basis.

Grants or loans under this bill would be provided on a two-thirds to one-third basis. State or local sources must put up one-third of the total. There must be at least one-third local contribution.

Another section of the bill would revise the Federal share of mass transit project from two-thirds to 90 percent of net project cost for capital assistance. Placing the Federal share for mass transit capital assistance at 90 percent means that mass transit is placed on a par with highway investments by the Federal government. This is essential if transit investment is to become an attractive alternative to highway programs, which have long been funded on a 90 to 10 basis for interstate construction. This will help equalize funding of transit and highway projects.

These provisions are especially welcome to me as they represent in large part legislation I have introduced in the 91st and 92d Congresses.

In 1970 I introduced S. 3499 to provide emergency financial assistance for urban mass transit systems. This was included as part of the Housing Act of 1970, but was deleted in conference with the House.

I introduced this provision again in the 92d Congress as S. 870 and later in modified form as part of S. 1343 and am just delighted to see emergency financial assistance as provided for in those bills included as part of chapter VI in the bill before us today.

Also in early 1971, I introduced S. 1341 to raise the Federal share of mass transit grants to 90 percent from the current level of two-thirds. I am delighted also that the bill today raises the Federal share of mass transit grants to 90 percent. This is essential if mass transit investment is to be put on a par with highway programs.

Mr. President, I think we still have a long way to go. Our ultimate goal should be to create a unified overall transportation trust fund for funding all modes of transportation on a balanced basis and allowing States and communities to plan their transportation programs in a comprehensive fashion. I plan to testify on March 16 before the Senate Commerce on my bill S. 1344 to create a National Transportation Trust Fund.

However, prior to the creation of such a trust fund, we must do all we can to improve and finance better mass transportation systems throughout our country.

The bill before us today goes a long way toward meeting the needs of mass transit systems throughout our country and I sincerely hope it is enacted into law in the very near future.

Mr. TOWER. Mr. President, I yield 10 minutes on the amendment of the Senator from New Jersey.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. ALLOTT. Mr. President, would the Senator yield to me for the purpose of asking for the yeas and nays?

Mr. WILLIAMS. I yield.

Mr. ALLOTT. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TOWER. Mr. President, I ask unanimous consent that the time consumed for the request not be subtracted from our time.

The PRESIDING OFFICER (Mr. SPONG). Without objection, it is so ordered.

Mr. WILLIAMS. Mr. President, our Nation's mass transportation systems—both bus and rail, in communities of all sizes throughout the country—are in a state of crisis.

More and more commuter lines are on the verge of bankruptcy.

Systems in cities of all sizes are staggering under ever-increasing deficits and must either raise their fares or curtail services.

From Florida to California, from Massachusetts to Texas, in Tennessee, Ohio, Michigan, Maine, and in my home State of New Jersey—in fact in a majority of States in the Union—operating deficits have become a serious handicap to providing viable mass transportation.

During the 10 short years from 1961 to 1971, the number of municipalities which were forced to initiate local programs of operating assistance to transit systems increased by nearly 400 percent.

Deficits are currently running at the rate of $360 million a year.

These deficits are not a big city phenomena.

For example, systems in Biloxi, Miss., Waterloo, Iowa, Altoona, Pa., and Manchester, N.H., are now operating in the red and are being subsidized cut of local funds.

Mr. President, so that all members of this body may know the full extent of this problem, I ask unanimous consent that a chart listing the cities now subsidizing their transit systems be included in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WILLIAMS. Today's situation is grave and is getting worse.

At our committee hearings held 3 short weeks ago, the National League of Cities U.S. Conference of Mayors testified on the future of urban mass transportation.

Patrick Healy, the League's executive vice president, drawing on the extensive research and documentation which his organization has in the past developed for the Department of Transportation, described the prospects as follows:

> At present rates, all vestiges of private enterprise will disappear, thus greatly increasing the public cost due to takeovers and depleting the funds of the capital grants program. Costs, fares, and deficits will continue to rise, and, as the pattern goes, ridership and services will continue to shrink.
>
> The 108 systems which are at present subsidized—in 1965 the figure was 27—will almost certainly increase to the point where every large city transit system will be publicly owned and heavily subsidized.

The committee also heard compelling testimony on the impact of transit's financial decline at the grassroots level.

The vice president of the Birmingham Transit Corp. which operates local and suburban transit systems in a score of metropolitan areas around the country, made this sobering report:

> During 1969, we were compelled to discontinue, after 28 years of successful transit operation, service in Cape Girardeau, Missouri; after 15 years, Paducah, Kentucky; and after 19 years, transit service in Pensacola and Escambia County, Florida.
>
> More recently, we have been forced by substantial losses to discontinue local operations in Port Arthur, Texas; Danville, Illinois; the Hammond-East Chicago-Whiting, Indiana area; Gulfport and Biloxi, Mississippi area; and in Pontiac, Michigan.
>
> We have notified Shreveport, Louisiana, and Hattiesburg, Mississippi, that we cannot renew franchises which expire within one year.
>
> Birmingham, Alabama; Texarkana, Texas and Arkansas; and LaSalle-Peru, Illinois, have also been notified that local transit service will soon have to be discontinued.

Mr. President, the experience of the Birmingham Transit Corp. is not unique.

In Cincinnati, Ohio, the situation is equally grave.

Mayor Luken told our committee that if it were not for the temporary relief provided by Price Commission regulations, Cincinnati bus riders would be paying a fare higher than the current 50 cents.

As the mayor eloquently stated:

> Ridership in Cincinnati has declined severely because of the fares, at least in large part because of the fares. Loss of ridership has meant loss of revenues and necessitated cutbacks in transit service.
>
> At one time Cincinnati Transit Co. had passengers of approximately 132 million, back in the late 1940's per year. This year it will be less than 20 million. It got down to about 21 million last year and the estimates are for a continuing decline of about 14 percent or so per year.
>
> So the transit system which covers the Ohio part of the metropolitan area has in fact been dying a slow death and there seems to be precious little time left. One thing is certain, and that is that the transit system cannot continue to be operated from revenues derived from the farebox. This has meant one round after another of fare increases and service cutbacks.

If immediate remedial action is not taken, the eventual outcome in numerous cities may well parallel the gloomy forecast made by an executive officials of the Bi-State Transit System in St. Louis, Mo.

He informed the committee that—

> The seriousness of the situation is indicated by the fact that our board of commissioners has warned the community that if outside financial assistance is not forthcoming by the end of the summer, our bus system will grind to a halt.

Mr. President, the need for revitalization and expansion of our Nation's mass transit systems as highlighted in such examples and in hundreds of other cases is persuasive and overwhelming.

S. 3248, the Housing and Urban Development Act of 1972, is designed to meet that need.

It is designed to aid our States and localities so that more and more mass transit systems will not be forced to raise fares to intolerable levels, to curtail essential service, and to eventually grind to a halt.

The bill is an explicit affirmation of the President's state of the Union plea to make mass transit the top transportation priority and the great success story in the 1970's that highway building was in the 1950's and 1960's.

It recognizes that transportation is the lifeblood of an urbanized society and that a program of capital assistance cannot, by itself, alleviate the financial distress of both the transit industry and the increasing number of municipalities which own and operate transit systems.

The transit portion of S. 3248 is similar to provisions which the Senate passed as part of last year's Housing Act.

Unfortunately, the House bill did not contain a comparable measure and the operating assistance provision was deleted from the final version of the act.

A substitute provision calling for the Department of Transportation to conduct a study of the feasibility of operating assistance and to report back to the Congress within a year was inserted in place of the initial operating assistance program.

In November 1971, the Department of Transportation forwarded to the Congress its report on operating assistance.

The report contains extensive documentation of the critical state of the transit industry and detailed review of State and local actions to aid transit operations.

But the report's conclusion—unbelievably after 15 months of study—called for still further study and consideration.

The PRESIDING OFFICER. The 10 minutes yielded to the Senator have expired.

Mr. SPARKMAN. Mr. President, how much time does the Senator need?

Mr. WILLIAMS. Three minutes.

Mr. SPARKMAN. I yield the Senator 3 minutes.

Mr. WILLIAMS. Mr. President, since the time that study was authorized the transit situation has become more critical and there is a greater need for definitive Federal action today than there was even one short year ago.

Let me now sketch briefly how S. 3248 would alleviate the transit emergency.

It would amend section 3 of the Urban Mass Transportation Act of 1964 to prevent reduction of essential transportation services by authorizing assistance to defray operating expenses.

Grants, on a two-thirds Federal, one-third local matching basis, would be provided to State or local public bodies in order to assist any mass transportation system maintaining service in an urban area and to pay operating expenses incurred as a result of providing this service.

Included within the terms of such assistance are grants for debt servicing for mass transit investments.

As a prerequisite for obtaining a grant for operating expenses, the States and localities would have to determine which systems in their jurisdiction were in need of such aid and then submit to the Secretary of Transportation a comprehensive mass transportation program to improve such service and to place mass transportation operations on a sound financial basis.

The bill's provisions are geared to fulfilling three prime objectives: maintenance of service to the public; stimulation of further ridership, especially in the commuter peak-hour category; and assistance to communities in meeting their overall development aims.

Federal operating assistance will be an immense and immediate benefit to local communities.

It will give them the option to plan and implement the mix of transportation services most responsive to their own needs and their own goals for orderly community growth and development.

It will provide local governments with the resources to determine their own transportation policy.

And, it will bring a new measure of flexibility and balance to the planning and implementation of urban transportation programs.

By authorizing assistance for operating expenses we are not jeopardizing the existing capital grant program.

We are merely supplementing capital grants with provisions for operating assistance, thereby increasing the total Federal support for mass transit.

And to turn down the desperately needed operating aid for mass transit on the ill-founded grounds that it would detract from the capital assistance program would be an insult to the intelligence of the American people.

Therefore, I joined with the senior Senator from New York (Mr. JAVITS) in cosponsoring the amendment to S. 3248 which authorized $400 million a year over the next 2 years for the new operating assistance program.

This is a realistic figure of actual needs and is fully supported by the chart which I had previously asked to have inserted in the RECORD.

Mr. President, in the past the Federal Government has not hesitated to aid in the development of a variety of forms of transportation.

From the construction of the transcontinental railroads—to the promotion of the maritime and aviation industries—and, most recently, to the near completion of our system of Interstate highways, a national interest has been recognized and Federal dollars have been provided.

Today there is a great national stake in increasing and improving our public transit systems.

The Housing and Urban Development Act of 1972 reflects this stake and authorizes commitment of Federal resources to meet the No. 1 transportation challenge of the 1970's.

The posture we are in now is that the committee proposal has been amended by the suggestions of the Senator from New York, which received overwhelming support. I was glad, as the author of the original proposal, to have sponsored the improvement.

Now the amendment of the Senator from Colorado would strike from the bill the transit section relating to operating expenses which was favorably reported by our committee. It is as clear and precise as that.

For all the reasons given by all the speakers we have heard from and with whom I associate, let me say that if we are going to reverse the decline and fall of transportation alternatives and not adversely effect the millions of people who use mass transit, we must keep our present systems alive. We must then turn them around and improve their services. Above all we must not reduce their services. If we do this, fares can be stabilized and not increased at a self-defeating rate, as we see in so many communities.

EXHIBIT I

TABLE III-3.—LOCAL TRANSIT OPERATING SUBSIDY PROGRAMS

Transit property (by State)	Ownership		Fleet size	Operating deficit (thousands)		Operator receives State assistance	Source of local assistance				
	Public	Private		1969	1970		Year began	General revenue	Gas/electric rate	Property tax	Other
Alabama [1]											
Alaska [1]											
Arizona:											
Phoenix Transit Corp		×	95	None	$60		1970	×			Private operator under city control; guaranteed profit of $15,000.
Tucson Transit Corp		×	25	$86	74		1969	×			
Arkansas [1]											
California:											
Bakersfield Municipal Transit System.	×		21	90	94			×			
Chula Vista (Aztec Bus Lines)		×	5	None	80		1970	×			Private operator under city contract; subsidy is $50/day/bus.
Fresno Transit	×		44	291	363		1961	×			
Gardena Municipal Bus Lines	×		28	30	57		1969	×			
Long Beach Public Transportation Co.	×		135	56	306		1963			3.75¢/$100	Subsidy produces $400,000/year for operating and capital costs.
Los Angeles-Southern California Rapid Transit district.	×		1,482	2,972	5,103		1970				Subsidy from 6 months sales tax levied 1969 will cover losses through 1971; relief from property tax.
Oakland A. C. Transit	×		699	4,485	4,790		1960			29.1¢/$100	Transit district has no ceiling on designated tax rate.
Oxnard Municipal Transit System	×		13	52	72		1959			5¢/$100	
Palo Alto (Peninsula Transit Lines, Inc.).		×	11	114	126		1963				Private operator under contract to city; per mile basis is used to calculate subsidy.
Sacramento Transit Authority	×		118	574	735		1962	×			

Footnotes at end of table.

Transit property (by State)	Ownership		Fleet size	Operating deficit (thousands)		Operator receives State assistance	Source of local assistance				
	Public	Private		1969	1970		Year began	General revenue	Gas/electric rate	Property tax	Other
San Bernardino Municipal Transit System.	X		34	$100	$180		1963	X			
San Buena Ventura Citizens Transit Lines.	X		8	41	46		1958	X			
San Diego	X		210	441	Unknown		1967			10¢/$100	
San Francisco Municipal Railway	X		1,121	16,906	15,374		1911	X			
San Jose City Lines		X	54	25	162		1970	X			
Santa Barbara Metropolitan Transit district.	X		12	157	162		1965			5¢/$100	
Santa Rosa Municipal Transit		X	6	16	23		1958	X			Receives 50 percent of revenues from fare box; city pays all costs except driver wages and benefits.
Stockton Metropolitan Transit district.	X		46	130	251		1963			10¢/100	
Torrance Municipal Bus Lines	X		22	135	116		1952	X			
Vallejo Citizens Transit Lines		X	10	26	27		1966	X			Subsidy covers part of wages and cost of special route operation.
Colorado:											
Denver Metro Transit		X	211	None	Unknown		1971				Private operator under contract to city; $2 head tax on employers and employees.
Pueblo Transportation Co	X		22	120	106		1969	X			
Connecticut:											
Connecticut Railway Corp		X	132	2	201		1969		X		
Delaware [1]											
Florida:											
(Tallahassee) Cities Transit, Inc		X	19	39	50	X	1971	X			
Georgia [1]											
Idaho [1]											
Illinois:											
Champaign-Urbana City Lines	X		40	None	170	X	1970			X	
Chicago Transit Authority	X		4,313	2,781	Unknown	X	1965				
Greater Peoria Mass Transit District	X		61	Unknown	Unknown	X	1970			X	$250,000 earmarked property tax.
Rockford Transit Corp		X	56	Unknown	Unknown	X	1970				
Springfield	X			129	155	X	1968			1/2¢/$100	
Indiana:											
Fort Wayne Public Transportation	X		60	127	761		1968			X	
Greater Lafayette Bus Co	X		15	15	Unknown		1970	X			
Michigan City Municipal Coach Service.		X	10	76	91		1945	X			Private operator under contract; small contribution from 4 surrounding communities.
Muncie City Lines		X	31	19	15		1969	X			Private cperator under contract; guaranteed operating ratio of 94 percent; maximum payment of $30,000.
South Bend Public Transportation	X		52	524	492		1968			X	
Terre Haute	X		12	40	69		1965	X			
Iowa:											
Burlington Transit Lines		X	9	15	30		1970	X			City pays $1,000 month; owns garage and leases for $1/year.
Cedar Rapids Regional Transit Corp., Inc.	X		26	30	175		1969			X	
Sioux City Lines	X		28	159	78		1969			X	
Waterloo-Cedar Falls Transit Co		X	30	46	58		1969	X			City owns buses; private operator is non-profit corporation.
Kansas: Wichita Metropolitan Transit Authority.	X		49	150	165		1967			X	
Kentucky [1]											
Louisiana:											
Baton Rouge Bus Co	X		40	None	78		1970				Subsidy from dedicated parking meter revenues in excess of $300,000.
Lafayette Municipal Transit system	X		15	23	50		1965	X			
Monroe	X		20	76	80		1961	X			
New Orleans Public	X		494	5,727	3,844				X		Owned by publlic utility.
Maine: Portland-Union Street Railway		X	52	23	52		1969				Reduced rent or city owned garage; no taxes paid; 5 cents per school ride.
Massachusetts:											
Boston MBTA	X		1,983	31,325	51,659	X	1969				Detailed in extt.
Brockton-Union Street Railway		X	18			X	1970				City guaranteed $.92 per mile up to $102,000; reimburses ½ of senior citizen fares.
Lowell	X		14	None	167	X	1970	X			
New Bedford-Union Street Railway		X	56	None	34	X	1970				Reimburses ½ school fare.
Springfield Street Railway		X	171	32	30	X	1968				Reimburses for reduced school fares.
Michigan:											
Ann Arbor Transportation Authority	X		22	280	205	X	1969	X			
Detroit Street Railways	X		1,177	606	5,865	X	1970	X			General revenue meets about $1,500,000; remainder comes from deferring payments to pension fund (as of June 30, 1970 DSR owed $9,400,000 with additional $7,000,000 in fiscal year 1971).
Flint Transportation Authority	X		91	666	637	X	1966	X			
Grand Rapids Transit	X		55	200	409	X	1965	X			
Kalamazoo-Metro Transit	X		60	200	240	X	1967	X			
Muskegon City Transit	X		10	41	59	X	1968	X			
Minnesota:											
Duluth Transit Authority	X		78	None	183		1971			X	
Twin City Area Metropolitan Transit Commission	X		635	None	None		1971			X	7-county property tax.
Mississippi: (Biloxi-Gulfport) Municipal Transit Lines		X	25	16	20		1971				Deficit covered by Mississippi Coast Transit Authority.
Missouri:											
(Columbia) Municipal Lines	X		12	87	100	X	1967	X			
Kansas City Area Transit Authority	X		349	725	749	X					½ percent sales tax earmarked for transit.
Springfield City Utilities	X		66	311	395	X	1951		X		
Montana: Bus lines of Billings	X		3	12	12		1970	X			Leased to private operator.
Nebraska [1]											
Nevada [1]											
New Hampshire: Manchester Transit Union Street Railway		X	Unknown	None	59		1970				Subsidy through school contracts and reimbursements.

Footnotes at end of table.

EXHIBIT I—Continued

TABLE III-3.—LOCAL TRANSIT OPERATING SUBSIDY PROGRAMS—Continued

Transit property (by State)	Ownership		Fleet size	Operating deficit (thousands)		Operator receives State assistance	Source of local assistance				
	Public	Private		1969	1970		Year began	General revenue	Gas/electric rate	Property tax	Other
New Jersey:											
Atlantic City Transportation Co		×	66	$185	$232	×	1970	×			State subsidizes 75 percent of loss and local match 25 percent is met from general revenues.
Clifton-Community Bus Lines		×	36	109	120	×	1970	×			
Coast City Coaches		×	37	None	112	×	1970	×			
Newark-Public Service Coordinated Transport		×	2,508	1,003	3,823	×	1970	×			
Paterson-Inter City Transportation Co		×	214	304	549	×	1970	×			
Trenton-Mercer-Metro	×		100	None	327	×	1970	×			
New Mexico: Albuquerque Transit System	×		58	377	428		1966	×			
New York:											
(Albany) Capital Area Transportation	×		250	370	500	×	1971				Subsidy from 25¢ override in State mortgage transfer tax.
(Binghamton) Broome County Transit	×		31	225	300	×	1968	×			
Utica Transit	×		46	None	120	×	1970	×			
Metropolitan Transit Authority and subsidiaries	×		9,728	97,228	61,200	×					See Appendix.
North Carolina: Duke Power Co		×	44	80	119				×		
North Dakota: Holiday Transportation (Fargo)		×	3	None	26		1970	×			City subsidizes up to $1,600/month.
Ohio:											
Akron Metropolitan Regional Transit Authority	×		60	51	167		1970	×			Akron pays 80 percent and 5 surrounding communities pay residual based on route mile formula.
Springfield Bus Lines		×	10	34	1		1970	×			City subsidizes up to $2,000/month for 9 months, $2,600/month for 3 months.
(Toledo) Regional Transit Authority	×		155	115	500		1971			1 mil/$100	
Oklahoma:											
Central Oklahoma Transportation & Parking Authority	×		60	119	149		1967	×			
Tulsa Transit Co	×		45	60	65		1968	×			
Oregon:											
(Eugene) Lane County Mass Transit District	×		20	Unknown	593		1971				0.3 percent payroll tax; will produce $700,000 1st year.
Portland-Tri County Metropolitan District Authority	×		234	210	2,495		1969				0.5 percent payroll tax; produced $82,000,000 for 1970.
Salem Transit	×		17	100	97		1966			×	Limited to $1000,00 annually.
Pennsylvania:											
Altoona and Logan Twp. Bus Authority.	×			55	75	×	1969	×			State provides 2/3; local 1/3 from general revenue.
Erie Metropolitan Authority	×		58	150	220	×	1967	×			Do.
New Castle Transit Authority	×		21	70	124	×	1968	×			Do.
Pittsburgh-Port Authority of Allegheny County.	×		1,050	6,080	7,865	×		×			State provides 2/3; local 1/3 from general revenue; county also has senior citizen reduced fare reimbursement.
SEPTA	×		2,706	278	8,188	×					
Rhode Island: Rhode Island Transit Authority.	×		170	317	423	×	1971				Program financed from State general fund.
South Carolina: (Columbia) S. Carolina Electric and Gas Co.		×	86	389	570				×		
South Dakota: Sioux Transit, Inc		×	54	3	15		1969	×			
Tennessee:											
Chattanooga-Southern Coach Lines		×	81	None	29		1969	×			
Memphis Transit Authority	×		300	591	518	×	1961				Subsidy from loan of $3.5 million (bond issue); $155,000 remaining.
Texas:											
Abilene Transit	×		16	35	55		1967			×	
Amarillo Bus Co	×		25	100	100		1967	×			
Austin Transit		×	62	Unknown	Unknown		1970	×			City guarantees operating ratio of 92; paying approximately $20,000 month.
(Corpus Christi) City Transit System	×		46	176	204		1968	×			
Lubbock Transit Corp	×		33	3	11		1971	×			
San Angelo Transit System	×		18	70	74			×			
Utah: Salt Lake City-Utah Transit	×		67	None	92	×	1970	×			Surrounding communities contribute based on number of route miles; exempt from all city taxes except payroll taxes.
Vermont [1]											
Virginia [1]											
Washington:											
Seattle Transit System	×			2,547	3,988	×	1968	×			State authorized "transit tax."
Spokane Transit	×		66	491	565	×					Private operator under contract; "transit tax."
Tacoma Transit	×		110	824	919	×					"Transit tax".
West Virginia [1]											
Wisconsin:											
(Appleton) Fox River Bus Lines		×	41	13	Unknown		1969	×			Temporary subsidy only.
(Green Bay, Wisconsin) Public Service Corp.		×	18	169	200		1951		×		
(Kenosha) Pathfinder City Transit		×		27	Unknown		1969				City parking commission subsidizes at $2,500/month rate.
Madison Bus Co	×		86	252	400		1970	×			
Oshkosh City Transit Lines		×	25	6	12		1970	×			Limit to $12,000/year.
Wyoming [1]											

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[1] Indicates absence of any State or local assistance.

Source: National League of Cities/U.S. Conference of Mayors, Profiles of Existing Programs to Assist Urban Mass Transit, unpublished working paper prepared for Department of Transportation (June 1971).

Mr. SPARKMAN. Mr. President, does the Senator from Ohio seek time?

Mr. TAFT. I would like about 3 minutes.

Mr. SPARKMAN. I yield 3 minutes to the Senator from Ohio.

Mr. TAFT. I thank the chairman.

I wish at this time to subscribe to the statement of the Senator from Connecticut on this subject. I think he hit the nail right on the head, because it is basically an emergency situation, and one in which we need to do a far more comprehensive job than merely opening up the capital funds we have made available, or at least authorized, for mass transit to use for operating services.

In my individual views which appear in the committee report, I stated, in part:

> It is ludicrous and deceptive to address the situation by making money for operating subsidies available from a fund which is not nearly sufficient to fulfill its original purpose. The capital grant fund consists of 3.1 billion dollars. There is a backlog of capital grant applications which totals over 4 billion dollars. The Committee's action sets the precedent for Federal subsidization of mass transit operating costs, but fails to provide any additional money for this purpose. The money to subsidize operating costs will have to be diverted from the fund-starved capital grant program. Such a measure can provide little relief.

Then I went on to say:

> It should not be allowed to turn our attention from legislation such as Transportation Revenue Sharing, which would seek a lasting solution for the mass transportation problem in the context of our efforts to develop a national transportation system.

I feel that the amendment of the Senator from New York, authorizing separate funding of up to $800 million for operating grants at this time, or operating loans—and there probably will be more loans than grants—is a temporary expedience in order to keep some of these companies operating at all at the immediate moment, to give us time to move on the revenue-sharing approach toward the mass transportation problem, and to give us time to work out new alternatives and at the same time proceed with new research the Senator from Connecticut has talked about to provide more viable and effective means of solving this problem.

I do not relish the prospect of going into large operating subsidies provided companies which are already clearly going down in their revenues and ridership and do not seem to have any solution for the problem. Putting this bait out ahead of them, however, with a possible operating fund subsidy, based on which they would come before the Department of Housing and Urban Development and say, "What our people would like to do is this or that," or, "We need this money in order to get time to put our new plan into operation," seems to me to make great sense.

Therefore, I support the Javits amendment and oppose the amendment which would strike this provision from the bill. I thank the Senator for yielding.

I thank the chairman for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. SPARKMAN. Mr. President, I yield 3 minutes to the Senator from Connecticut.

Mr. WEICKER. Mr. President, I commend the Senator from Ohio for his analysis of the situation. I should like to sum it up this way to my colleagues:

In a nation where we are bumper to bumper, where we get hung up over airports, where we are enveloped by pollution that comes from automobiles, it is amazing to me that we can get all steamed up over the SST, the ICBM's, Vietnam, and Earth Day, and yet, curiously, we take all of the aforementioned again and again and again.

I wondered why, and I came to the conclusion that it is because as far as transportation in the United States is concerned, it has been a creeping rather than an instantaneous catastrophe.

I say to my colleagues that we are not talking about a problem just of the Senators from New Jersey, New York, Connecticut, and Illinois. We are talking about any city that has lost a piece of its park because an express highway is going through the middle of town. And that is children.

We are talking about elderly people dying of respiratory diseases because the air is all gunked up. We are talking about our children and our friends who suddenly become statistics when they join the nearly 55,000 fatalities on our highways each year. We are talking about the couple who used to own the corner drugstore, newsstand, or candy store before it was torn down to make room for another expressway. And we are talking about you and me, every time we get into one of these traffic jams and cannot move, whether from the Maryland suburbs into Washington or from Connecticut into New York.

We are talking about Colorado and the other beautiful open spaces of this country which still have their beauty. And we are talking, if we vote this program, of no more deficits, but rather of a transportation system that would be self-sustaining.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WEICKER. I ask for 1 more minute.

Mr. JAVITS. I yield the Senator an additional minute.

Mr. WEICKER. We are speaking of being able to supply decent, balanced transportation to those areas that are now crowded; of making sure that the open spaces of the United States do not fall into the same difficulties of urban America; and of making sure that, whether it is from an environmental point of view, a safety point of view, a travel point of view, or a health point of view, we will have a system that is compatible with the best interest of the travelers of this country. And that is all of us.

The PRESIDING OFFICER. Who yields time?

Mr. ALLOTT. Mr. President, I yield 2 minutes to the Senator from Texas.

Mr. TOWER. Mr. President, I first want to make it very clear that I support our mass transit program. I was a coauthor, together with the distinguished Senator from New Jersey, (Mr. WILLIAMS) of the Mass Transportation Act of 1970.

I still, however, have serious reservations about our plunging into operating subsidies at this time. I do not believe that sufficient guidelines have been specified, either in the basic bill or in the Javits amendment, to the extent that we are protected against subsidizing inefficient management. I am afraid in many instances that that is what we are going to be doing, subsidizing inefficient management, which raises the question of what kind of Federal controls on local transit systems will be necessary to insure that these funds are not wasted through inefficiency.

I think we would be very well advised to wait until the revenue-sharing proposals of the administration have gone through the committee process, until we have held hearings on them and had deliberations on them, and then try to come up with a solution.

I do not say I am opposed to operating subsidies. I do say I am opposed to plunging into operating subsidies without adequate guidelines and without adequate assurance of efficient management.

At this time, therefore, I shall support the amendment of the Senator from Colorado.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, may I have 3 minutes on the bill?

Mr. TOWER. The Senator may have 3 minutes on the amendment.

Mr. JAVITS. Mr. President, we have been discussing a provision in the bill which the amendment of the Senator from Colorado would, in effect, seek to strike, relating to the authorization of funds for operating subsidies. I shall not reargue what we have argued; but the main point, Mr. President, is that this is not just another subsidizing program. We have subsidized many things which involve much less. This is a program involving the interests of 70 percent of the people of this country. It is a program to keep mass transit going. With the additional capital investment which is being put into it and because of modern technology, it will again reattract the riders that it has lost, so that it can become self-sustaining.

Right now, before we can get to that stage, we are simply going to have to shut down the systems, or further break the financial backs of municipalities with their backs already broken by other causes, which will be put in the position of having to carry the systems.

The problem is that the number of riders, in spite of the population increase and the growth of the cities, has shrunk in two decades, from about 16 or 17 billion per year to as little as 7.3 billion per year, and that many municipalities have had to take over their systems; 108 systems are currently being subsidized municipally. They simply cannot do it; and to wait for revenue sharing—that is, a special revenue sharing which will apply to this kind of expenditure—would mean that most of them will be dead by then, or wind up with an even greater strain upon the body politic, with the attendant inconvenience and accidents on the roads, and so on, and the further cost to the Federal Government, which is absolutely committed to the highway program, where we are dealing with infinitely greater sums.

For all those reasons, Mr. President, the amendment of the Senator from Colorado would be regressive, and would be deeply and seriously adverse to the interests of over 70 percent of the population of this country which is in the cities.

The administration so far gives us nothing but delay, and the committee itself, I repeat again, rejected delay and said, in its report, that the problem simply cannot and will not wait:

> The committee rejected the administration's suggestion for further study.

This is the time. This is when it can do some good, when it can still save the system. For the very same reason that the Senate has put in a provision authorizing subsidies, it should now reject completely the Allott amendment.

The PRESIDING OFFICER. Who yields time?

Mr. ALLOTT. Mr. President, I yield myself such time as I may require.

Much of what has been said on the floor today I can agree with wholeheartedly. When we talk about loading down our highways with more assistance, there is no argument about that. There is no argument about the deaths on the highways. But those arguments are wholly aside from what we are talking about here.

What we are talking about is this: By this act and by the amendment which I first offered, we have increased the capital contribution of the Federal Government from 50 percent or 66⅔ percent, depending upon the state of planning, to 90 percent. This, for the first time, puts the cities of this country, the urban areas, upon a basis where they can say that they are getting essentially the treatment that the highways in this country are receiving.

What is the effect of that? If this is done, then we are freeing hundreds of millions of dollars of local funds which the cities can then use for operating expenses, or subsidies, if we wish to call it that.

This is the real gist of the matter. This is the real argument here, when we get away from the emotionalism that tends to surround the issue. It is not solely, I must say, a question of capital investment. Secretary Volpe very carefully pointed that out in his letter which I put in the RECORD earlier.

For example, in 1970, the deficit in the Boston Transit System was $51 million. In 1971, although they had invested several hundred million dollars in transit investments, the deficit immediately jumped up to $70 million.

Mr. President, the argument has been made here that we just have to do this at this time. I do not for one minute believe that if the amendment of the Senator from New York which was adopted earlier, with a handful of Senators on the floor, is passed today and my amendment is rejected, we have seen the end of this. While his amendment does have a definite conclusion—there is no question about that—of two years, $400 million a year, I have no doubt that he or others will be back in 2 years, asking for money for the same kind of operating subsidy.

This afternoon, we will have before us a bill to raise the debt limit, and this also has been discussed this morning. An overall expenditure limitation will be offered to that bill. We have learned that this is not a total method of controlling expenditures of the Federal Government. But let everyone in the Senate understand that if that is passed, and I am sure it will be passed this afternoon—the debt limit and the limitation on governmental expenditures—and the $800 million stays in the bill, just as sure as we are on the floor this morning, Senators will have to do some hard soul searching to decide from where they are going to cut the $800 million—from education, from the National Institutes of Health, from the National Science Foundation, from research programs going on in their States, from many other worthy social causes. So it is not free.

It is not a question of this against highways. I agree completely with everything that has been said here about highways, and in this respect, at least, the Senator from Connecticut and I look at it alike.

Finally, I invite the attention of the Senate to this: What we do by this is to subsidize the worst systems, the worst management, the worst operation, the worst overloading of personnel—everything that is bad about the operation of any system. For example, I think the figures in the hearings show that the cities of Philadelphia, Boston, Newark, Detroit, Pittsburgh, and San Francisco constitute at least two-thirds of the deficit which the Senator from New York spoke of this morning. I hope the other Senators will consider how much of a chance they are going to have to get some money out of these operating subsidies when these five big cities take two-thirds. With the figures that accrued last year as to deficits, which I do not have at this time, I fully believe that 80 percent of the deficits of these operating systems will come from these five cities.

So there is no point in any Senator believing that his State is going to be taken care of out of this sum, when so much of it will have to go to these few places.

Mr. President, if no other Senator wishes to speak, I am willing to yield back the remainder of my time.

Mr. JAVITS. I should like 2 minutes to answer the arguments of the Senator from Colorado.

Mr. TOWER. Only 1 minute remains on the amendment. I will also yield 1 minute on the bill.

Mr. JAVITS. Mr. President, the Senator made two points.

First, he says we are making it 90–10 instead of the previous provision. But 90–10 out of what? There are $4.1 billion in applications and $600 million in resources in these capital funds. The President is hanging onto $300 million of the $900 million that would be available, so there is only $600 million. So it is out of what? Ninety percent of nothing is still nothing, and that is what these operating subsidies are going to get if this amendment is adopted.

Second, the Senator says we are going to subsidize six badly run systems. Mr. President, one cannot have it both ways. One cannot say there are no guidelines. Senator WEICKER, Senator WILLIAMS, and I say that the Secretary should be given the flexibility to use this carrot to make the systems more efficient and to squeeze out the water. The Senator does not have the confidence in the Secretary of Transportation that he would be able to administer this wisely, yet he wants us to take his word for the fact that he does not need it. One cannot have it both ways.

I believe that we have made far the better case and that the Senate ought to go with us.

Mr. ALLOTT. I yield myself such time as I may require.

Mr. President, the Senator talks about the withholding of funds by the President, which has been done since the year 1, almost. The Senator faces exactly the same problem with respect to funds he has placed in the bill for operating subsidies.

Also, in his enthusiasm, he is comparing apples and oranges. It is true that there are $4 billion worth of applications but those are spread over more than 1 year and for expenditure in more than 1 year, and $600 million is for 1 year only.

Therefore, Mr. President, I think we have made a good case. I do not yield to anyone in my interest and in my full belief that we in America have to face up to the question of rapid transit. But, subsidizing the most inefficient operating systems in this country is not going to solve the problem. If the bill remains as it is, without the adoption of the pending amendment, that is exactly what we will be doing.

OPERATING SUPPORT NECESSARY TO FUTURE PUBLIC TRANSPORTATION

Mr. SYMINGTON. Mr. President, we in Congress know that public transit companies throughout the country are on the edge of bankruptcy. Transit services in most metropolitan areas are losing several millions of dollars a year. Others raise fares or cut back services in order to stay in the black.

Although we view with some reservation a program that involves the Federal Government in the support of operating expenses for public transportation systems, there would appear no other feasible alternative which would insure that public transportation survives in many of the cities of our Nation.

For this reason I support the provision in the committee bill as now amended.

Public mass transit systems in Missouri's two largest metropolitan areas, St. Louis and Kansas City, have experienced the financial problems which face so many of our transit systems today.

As an example, in St. Louis, where the Bi-State Transit System operates public transportation, transit officials have projected an operating deficit of $2.5 million for the current fiscal year which ended in February; and they predict it could climb even higher because of a steady decline in revenues.

Although faced with an increased deficit, plus the threat of bankruptcy, it is reported that Bi-State has decided not to either raise fares or cut services, in order to maintain, as best they can, adequate public transportation in the area.

Transit officials indicate, however, that if State or local subsidies are not made available, and current funds are exhausted without the prospect of any financial help, the bus system will not be able to continue.

A bill currently before the Missouri Legislature would provide a much needed $1.9 million subsidy to help forestall the failure of the St. Louis transit system.

The Kansas City Area Transportation Authority also faces grave financial problems. After the KCATA was near bankruptcy last July, the Missouri Legislature authorized Kansas City to levy a one-half cent sales tax. This tax has temporarily averted a financial collapse. Revenue from said tax is expected to provide Kansas City with $6 million of additional funds, to help offset losses, improve services, and lower fares.

Prior to passage of the tax, the KCATA was forced to raise its basic fare to 50 cents—highest in the Nation—so as to maintain its present bus operations; but now that part of the sales tax revenue is available, the transportation authority has reduced the fare from 50 to 40 cents.

Unfortunately, the KCATA may have to discontinue some money-losing suburban lines if they are to maintain an adequate level of service for the metropolitan area.

Other Missouri public transportation companies also recorded losses during past fiscal years.

At the end of their fiscal year in April, the transit system in Springfield will have a deficit of approximately $490,000. Columbia's Municipal Bus Lines ended their fiscal year in October with a deficit of $130,000.

The plight of many of our transit systems is underscored by the steady deterioration of vehicles and facilities. Transit companies bought fewer buses last year than at any time since World War II; and while existing facilities get steadily older, aging facilities are a factor which causes passengers to abandon public transportation.

Burdened by increased operating costs and the need to revitalize their transit systems, local transit agencies can only look to the Federal Government for assistance. They know that State and local governments alone can no longer bear this financial burden.

Recognizing the transportation needs in my own State of Missouri as well as throughout the Nation, it has become abundantly clear to me that if the critical need for improved and expanded transit services in our urban areas is to be met, the authority provided in S. 3248 for funds for operating costs is essential.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment of the Senator from Colorado. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Idaho (Mr. Church), the Senator from Arkansas (Mr. Fulbright), the Senator from Oklahoma (Mr. Harris), the Senator from Michigan (Mr. Hart), the Senator from Indiana (Mr. Hartke), the Senator from Minnesota (Mr. Humphrey), the Senator from Hawaii (Mr. Inouye), the Senator from Washington (Mr. Jackson), the Senator from Massachusetts (Mr. Kennedy), the Senator from Arkansas (Mr. McClellan), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), and the Senator from Maine (Mr. Muskie) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. Ribicoff), is absent because of illness in family.

I further announce that, if present and voting, the Senator from Washington (Mr. Jackson), the Senator from Minnesota (Mr. Humphrey), the Senator from South Dakota (Mr. McGovern), and the Senator from Connecticut (Mr. Ribicoff) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. Cook), the Senator from Arizona (Mr. Goldwater), the Senator from Wyoming (Mr. Hansen), the Senator from Oregon (Mr. Hatfield), and the Senator from Vermont (Mr. Stafford) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Tennessee (Mr. Baker) is absent on official business.

The result was announced—yeas 26, nays 53, as follows:

[No. 82 Leg.]

YEAS—26

Allott
Anderson
Bellmon
Bible
Brock
Buckley
Byrd, Va.
Cannon
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Gurney
Hruska
Jordan, Idaho
Miller
Montoya
Proxmire
Stennis
Thurmond
Tower
Young

NAYS—53

Aiken
Allen
Bayh
Beall
Bennett
Bentsen
Boggs
Brooke
Burdick
Byrd, W. Va.
Case
Chiles
Cooper
Cranston
Eagleton
Fong
Gambrell
Gravel
Griffin
Hollings
Hughes
Javits
Jordan, N.C.
Long
Magnuson
Mansfield
Mathias
McIntyre
Metcalf
Mondale
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Randolph
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stevens
Stevenson
Symington
Taft
Talmadge
Tunney
Weicker
Williams

NOT VOTING—21

Baker
Church
Cook
Fulbright
Goldwater
Hansen
Harris
Hart
Hartke
Hatfield
Humphrey
Inouye
Jackson
Kennedy
McClellan
McGee
McGovern
Mundt
Muskie
Ribicoff
Stafford

So Mr. Allott's amendment (No. 977) was rejected.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. SPARKMAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MONDALE. Mr. President, I send an amendment to the desk which is now in the hands of the distinguished manager of the bill, the Senator from Alabama (Mr. Sparkman), and ask unanimous consent that its reading be dispensed with.

The PRESIDING OFFICER (Mr. Gambrell). Without objection, it is so ordered; and the amendment will be printed in the Record.

The amendment reads as follows:

On page 45, line 21, beginning with "income," strike out all through the period in line 24 and insert the following: "income. In no case shall such rental payment be reduced below an amount equal to utility costs attributable to the unit occupied by the tenant, unless the Secretary determines that the application of this requirement in any area would result in undue hardship because of unusually high utility costs prevailing seasonally or otherwise in such area."

On page 97, strike out lines 16 and 17, and insert the following: "tary. In no case shall the rental for any dwelling unit be less than an amount equal to the utility costs attributable to the dwelling unit, unless the Secretary determines that the application of this requirement in any area would result in undue hardship because of unusually high utility costs prevailing seasonally or otherwise in such area."

Mr. MONDALE. Mr. President, in working on this new housing legislation the Housing and Urban Affairs Subcommittee agreed to establish a minimum rent for all Government subsidized units. This minimum rent was to be the cost of utilities that were attributable to each unit. I did not oppose this matter in committee, but after the bill was reported, I learned from HUD personnel in Minnesota, and I think this is also true in many other States, that this could be a real hardship on some of the tenants in public housing.

In the northern part of Minnesota I was told that the utility costs for each unit can average between $40 and $65 a month on an annual basis. I believe that when the members of the subcommittee agreed to this provision, we were not fully aware of the possibilities of such a wide variation of utility costs.

Mr. President, to correct this situation I offer this amendment that would give the Secretary of Housing and Urban Development the authority to adjust the minimum in rent in hardship cases and if he desires to make adjustments based on a regional basis. This would allow for an equitable system through the United States and would not unduly burden tenants residing in the northern tier of States where utility costs can be very high.

I understand that our staffs have been discussing this matter and that it may be acceptable to the distinguished ranking minority member of the committee and the manager of the bill as well, although I do not know what the situation is. I do understand that the Department of HUD does not oppose the amendment.

Mr. SPARKMAN. Mr. President, I was going to say that the amendment seems to me to be significant. I have mentioned it to the Senator from Texas. As far as I am concerned, I am willing to accept the amendment.

Mr. TOWER. Mr. President, as far as

the minority is concerned, I am willing to accept it also.

Mr. SPARKMAN. Mr. President, I yield back the remainder of my time.

Mr. MONDALE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Minnesota.

The amendment was agreed to.

Mr. MONDALE. Mr. President, I thank the distinguished manager of the bill.

Mr. SPARKMAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MONDALE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MONDALE. Mr. President, I ask unanimous consent that a statement by the distinguished Senator from Connecticut (Mr. RIBICOFF) be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR RIBICOFF

The Banking, Housing and Urban Affairs Committee, under the distinguished leadership of the Senator from Alabama (Mr. SPARKMAN) has taken a significant step forward bridging the gap between the suburbs and central cities of this country. Section 307 of Chapter Three of the Committee's bill, S. 3248, accepts the principle embodied in my Government Facilities Location Act, S. 1282, that a community which benefits from the location or expansion of a government facility should ensure that decent housing is available for the low- and moderate-income employees of that facility.

We have debated the problem of school integration at length this week. But, as has long been apparent, the racial isolation in our schools only reflects the underlying segregation of our society along racial and economic lines.

The 1970 census validated the warnings that our country—North and South—is dividing into increasingly black central cities and white surburbs. In the last 10 years central cities lost 2½ million whites and gained 3 million blacks. At the same time, suburbs in the 66 largest metropolitan areas gained 12.5 million whites and only 800,000 blacks. The suburbs generally are 95 percent or more white while the cities become blacker and blacker each year.

Equally disturbing are the figures showing that the suburbs are being foreclosed to working class whites as well as blacks. In many suburbs, housing prices begin at $40,000, well above the amount the average worker can afford. Numerous suburbs are now discovering that they have even priced their teachers, firemen, policemen and other municipal employees out of their own cities.

The problem is aggravated by the fact that 80% of all new jobs in the last 20 years were located in the suburbs. The Suburban Action Institute found that the 40 largest metropolitan areas gained 5.1 million jobs in manufacturing, wholesale trade, retail trade and related services in the last five business-census years. The suburbs gained 4,370,000 or 85% of these jobs. An analysis of nonresidential building permits reveals that in the last five years approximately 70% of all metropolitan industrial buildings were constructed outside the central cities.

The result is that suburban communities across this country have been able to seek and attract new industries while at the same time excluding many of the employees of these new facilities. Our present federal housing policies have tolerated if not actually encouraged this development.

The situation is indefensible when Federal agencies are allowed to locate facilities in communities where the lack of adequate housing turns their workers into either long distance commuters or names on an unemployment compensation list. And yet this is what has happened time after time across this country.

In the Washington, D.C. area, for example, many government agencies including the National Bureau of Standards, the Atomic Energy Commission, the U.S. Public Health Service and the Geological Survey have recently moved or plan to move into the suburbs. Inevitably, the absence of available housing near these new locations has forced hundreds of dedicated low- and moderate-income black and white workers to give up their jobs.

My bill, which is cosponsored by Senators Brooke, Cranston, Gravel, and Mondale would have attacked this problem by preventing both the Federal government and Federal contractors from locating new facilities or enlarging existing ones in communities which do not provide an adequate supply of low- and moderate-income housing.

While the committee did not accept both facets of my proposal, it has taken a positive first step by making community development grants contingent upon the development of acceptable plans to house the low- and moderate-income workers of government facilities. I support this action.

Once we have gained experience about the impact of this provision, I would hope that coverage would be expanded to include government contractors as well. Just as we should not subsidize communities anxious to obtain the benefits of a federal facility without assuming any responsibility for its workers, so we should avoid allowing government contractors to locate in areas unwilling to house their employees.

If we can begin to end the economic and racial segregation we find in housing patterns across this country, we will have eliminated much of the need for lengthy debates over neighborhood schools, federal court orders and busing. This section of the Committee's bill is a welcome step toward that goal.

Mr. EAGLETON. Mr. President, the Housing and Urban Development Act of 1972, which the Senate considers today, contains a provision I am pleased to have sponsored along with the senior Senator from Missouri (Mr. SYMINGTON) and the senior Senator from Indiana (Mr. HARTKE).

The provision would permit cities whose population has dropped below 50,000 by 5 percent or more—as shown by the most recent census—to convert their ongoing urban renewal activities from a two-thirds Federal, one-third local share to a three-fourths, one-fourth formula.

University City, Mo.; East Chicago, Ind.; Wheeling, W. Va.; Bay City, Mich.; and Atlantic City, N.J., would be the cities affected by the bill. Its purpose would be to help these cities to complete ongoing projects and finance future developments.

This would be accomplished by amending section 103(b) of the Housing Act of 1949 and increasing the authorization for urban renewal programs by $650 million in fiscal year 1973 and $300 million in fiscal year 1974.

In Missouri, University City has experienced a decline in population from 51,249 in 1960 to 45,902 in 1970. During that decade the city began work on three projects. The Eastgate-Westgate, Delmar Loop, and Cunningham Park projects were all financed under the two-thirds, one-third formula.

The bill we consider today would allow the city to apply $750,964 in pooled credit from these projects to the new University Courts project and other future projects in University City.

MESSAGE FROM THE PRESIDENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a message from the President of the United States on health, received today, be jointly referred to the Committee on Labor and Public Welfare and the Committee on Finance.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message from the President is as follows:

To the Congress of the United States:

An all-directions reform of our health care system—so that every citizen will be able to get quality health care at reasonable cost regardless of income and regardless of area of residence—remains an item of highest priority on my unfinished agenda for America in the 1970s.

In the ultimate sense, the general good health of our people is the foundation of our national strength, as well as being the truest wealth that individuals can possess.

Nothing should impede us from doing whatever is necessary to bring the best possible health care to those who do not now have it—while improving health care quality for everyone—at the earliest possible time.

In 1971, I submitted to the Congress my new National Health Strategy which would produce the kind of health care Americans desire and deserve, at costs we all can afford.

Since that time, a great national debate over health care has taken place. And both branches of the Congress have conducted searching examinations of our health needs, receiving and studying testimony from all segments of our society.

The Congress has acted on measures advancing certain parts of my National Health Strategy:

—The Comprehensive Health Manpower Training Act of 1971 and the Nurse Training Act of 1971, which I signed last November, will spur the greatest effort in our history to expand the supply of health personnel. Additionally and importantly, it will attract them to the areas of health care shortages, helping to close one of the most glaring gaps in our present system.

—The Congress also passed the National Cancer Act which I proposed last year. This action opens the way for a high-intensity effort to defeat the No. 2 killer and disabler of our time, an effort fueled by an additional $10 million in the last year. A total of $430 million is budgeted for cancer programs in fiscal year 1973, compared to $185 million in fiscal year 1969.

—The Congress responded to my statement of early 1970 on needed improvements in veterans medical care by authorizing increased funds in 1971 and 1972, increases which have brought the VA hospital-to-patient ratios to an all-time high and have provided many additional specialty and medical services, including increased medical manpower training.

—The Congress also created a National Health Service Corps of young professionals to serve the many rural areas and inner city neighborhoods which are critically short on health care. By mid-summer, more than 100 communities around the Nation will be benefiting from these teams.

These are important steps, without doubt, but we still must lay the bedrock foundations for a new national health care system for all our people.

The need for action is critical for far too many of our citizens.

The time for action is now.

I therefore again urge the Congress to act on the many parts of my health care program which are still pending so that we can end—at the earliest possible time—the individual anguishes, the needless neglects and the family financial fears caused by the gaps, inequities and maldistributions of the present system.

The United States now spends more than $75 billion annually on health care—and for most people, relatively good service results.

Yet, despite this huge annual national outlay, millions of citizens do not have adequate access to health care. Our record in this field does not live up to our national potential.

That sobering fact should summon us to prompt but effective action to reform and reorganize health care practices, while simultaneously resisting the relentless inflation of health care costs.

MORE THAN MONEY IS NEEDED

When the subject of health care improvements is mentioned, as is the case with so many other problems, too many people and too many institutions think first and solely of money—bills, payments, premiums, coverages, grants, subsidies and appropriations.

But far more than money is involved in our current health care crisis.

More money is important—but any attempted health care solution based primarily on money is simply not going to do the job.

In health care as in so many other areas, the most expensive remedy is not necessarily the most effective one.

One basic shortcoming of a solution to health care problems which depends entirely on spending more money, can be seen in the Medicare and Medicaid programs. Medicare and Medicaid did deliver needed dollars to the health care problems of the elderly and the poor. But at the same time, little was done to alter the existing supply and distribution of doctors, nurses, hospitals and other health resources. Our health care supply, in short, remained largely the same while massive new demands were loaded onto it.

The predictable result was an acute price inflation, one basic cause of our health economic quandary of the past 11 years.

In this period, national health expenditures rose by 188 percent, from $26 billion in fiscal 1960 to $75 billion in fiscal 1971. But a large part of this enormous increase in the Nation's health expenditure went, not for more and better health care, but merely to meet price inflation.

If we do not lessen this trend, all other reform efforts may be in vain.

That is why my National Health Strategy was designed with built-in incentives to encourage sensible economies—in the use of health facilities, in direct cost-control procedures, and through more efficient ways to bring health care to people at the community level. That is also why we have given careful attention to medical prices in Phase II of the Economic Stabilization Program.

Several months ago, the Price Commission ruled that increases in physician fees must be kept to within 2½ percent. Rules also were issued to hold down runaway price increases among hospitals, nursing homes and other health care institutions. All of these efforts were directed toward our goal of reducing the previous 7.7 percent annual price increase in total health care costs to half of that level, 3.85 percent this year.

These actions should buy us some time. But they are, at best, a temporary tourniquet on health care price inflation.

We must now direct our energies, attentions and action to the long-range factors affecting the cost, the quality and the availability of medical care.

My overall program, of course, is one that would improve health care for everyone. But it is worthy of special note that these recommendations have a particular importance and a high value for older Americans, whose health care needs usually rise just as their incomes are declining.

WE SHOULD BUILD ON PRESENT STRENGTHS

When we examine the status of health care in America, we always must be careful to recognize its strengths. For most Americans, more care of higher quality has been the result of our rising national investment in health, both governmental and private.

We lead the world in medical science, research and development. We have obliterated some major diseases and drastically reduced the incidence of others. New institutions, new treatments and new drugs abound. There has been a marked and steady gain in the number of people covered by some form of health insurance to 84 percent of those under 65, and coverages have been expanding. Life expectancy has risen by 3.4 percent since 1950 and the maternal death rate has declined 66 percent. Days lost from work in the same period are down 3.5 percent and days lost from school have declined 7.5 percent—both excellent measures of the general good state of our health.

All of this is progress—real progress.

It would be folly to raze the structure that produced this progress—and start from scratch on some entirely new basis—in order to repair shortcomings and redirect and revitalize the thrust of our health system.

To nationalize health care as some have proposed, and thus federalize medical personnel, institutions and procedures—eventually if not at the start—also would amount to a stunning new financial burden for every American taxpayer.

The average household would pay more than $1,000 a year as its share of the required new Federal expenditure of more than $80 billion each and every year. Such a massive new Federal budget item would run counter to the temper of the American taxpayer.

Also, such a massive new Federal budget item would run counter to the efforts of this administration to decentralize programs and revenues, rather than bring new responsibilities to Washington.

And, finally, such a massive new Federal budget requirement would dim our efforts to bring needed Federal actions in many new areas—some of which bear directly on health, such as environmental protection.

Clearly we must find a better answer to the deficiencies in our health care system. Unfortunately, such deficiencies are not difficult to identify:

—In inner cities and in many rural areas, there is an acute shortage of physicians. Health screening under various government programs has found that appalling percentages of young people, mostly from deprived areas, have not seen a doctor since early childhood, have never seen a dentist and have never received any preventive care.

—General practitioners are scarce in many areas and many people, regardless of income or location, have difficulty obtaining needed medical attention on short notice.

—Our medical schools must turn away qualified applicants.

—While we emphasize preventive maintenance for our automobiles and appliances, we do not do the same for our bodies. The private health insurance system, good as it is, operates largely as standby emergency equipment, not coming into use until we are stricken and admitted to the most expensive facility, a hospital.

—Relative affluence is no ultimate protection against health care costs. A single catastrophic illness can wipe out the financial security of almost any family under most present health insurance policies.

To remedy these problems, however, will require far more than the efforts of the Federal Government—although the Federal role is vital and will be met by this Administration.

It is going to take the complementing efforts of many other units, of government at the State and local levels; of educational and health organizations and institutions of all kinds; of physicians and other medical personnel of all varieties; of private enterprise and of individual citizens.

My National Health Strategy is designed to enlist all those creative talents into a truly national effort, coordinated but not regimented by four guiding principles:

Capitalizing on existing strengths: We resolve to preserve the best in our existing health care system, building upon those strong elements the new programs needed to correct existing deficiencies.

Equal access for all to health care: We must do all we can to end any racial, economic, social or geographical barriers which may prevent any citizen from obtaining adequate health protection.

Balanced supply and demand: It makes little sense to expand the demand for health care without also making certain that proper increases take place in the numbers of available physicians and other medical personnel, in hospitals and in other kinds of medical facilities.

Efficient organization: We must bring basic reorganizations to our health care system so that we can cease reinforcing inequities and relying on inefficiencies. The exact same system which has failed us in many cases in the past certainly will not be able to serve properly the increased demands of the future.

MAJOR ACTIONS AWAITED

Three major programs, now awaiting action in the Congress after substantial hearings and study, would give life to these principles.

—The National Health Insurance Partnership Act,

—The Health Maintenance Organization Assistance Act,

—and H.R. 1, my welfare reform bill which also would amend Medicare and Medicaid in several significant ways.

THE NATIONAL HEALTH INSURANCE PARTNERSHIP ACT

This proposal for a comprehensive national health insurance program, in which the public and private sector would join, would guarantee that no American family would have to forego needed medical attention because of inability to pay.

My plan would fill gaps in our present health insurance coverage. But, beyond that, it would redirect our entire system to better and more efficient ways of bringing health care to our people.

There are two critical parts of this Act:

1. *The National Health Insurance Standards Act* would require employers to provide adequate health insurance for their employees, who would share in underwriting its costs. This approach follows precedents of long-standing under which personal security—and thus national economic progress—has been enhanced by requiring employers to provide minimum wages and disability and retirement benefits and to observe occupational health and safety standards.

Required coverages would include not less than $50,000 protection against catastrophic costs for each family member; hospital services; physician services both in and out of a hospital; maternity care; well-baby care (including immunizations); laboratory expenses and certain other costs.

The proposed package would include certain deductibles and coinsurance features, which would help keep costs down by encouraging the use of more efficient health care procedures.

It would permit many workers, as an alternative to paying separate fees for services, to purchase instead memberships in a Health Maintenance Organization. The fact that workers and unions would have a direct economic stake in the program would serve as an additional built-in incentive for avoiding unnecessary costs and yet maintaining high quality.

The national standards prescribed, moreover, would necessarily limit the range within which benefits could vary. This provision would serve to sharpen competition and cost-consciousness among insurance companies seeking to provide coverage at the lowest overall cost.

Any time the Federal Government, in effect, prescribes and guarantees certain things it must take the necessary follow-through steps to assure that the interests of consumers and taxpayers are fully protected.

Accordingly, legislative proposals have been submitted to the Congress within recent weeks for regulating private health insurance companies, in order to assure that they can and will do the job, and that insurance will be offered at reasonable rates. In addition, States would be required to provide group-rate coverage for people such as the self-employed and special groups who do not qualify for other plans.

2. Another vital step in my proposed program is the *Family Health Insurance Plan (FHIP)* which would meet the needs of poor families not covered by the National Health Insurance Standards Act because they are headed by unemployed or self-employed persons whose income is below certain levels. For a family of four, the ceiling for eligibility would be an annual income of $5,000. FHIP would replace that portion of Medicaid designed to help such families. Medicaid would remain for the aged poor, the blind, the disabled and some children.

HEALTH MAINTENANCE ORGANIZATIONS

Beyond filling gaps in insurance coverage, we must also turn our attention to how the money thus provided will be spent—on what kind of services and in what kind of institutions. This is why the Health Maintenance Organization concept is such a central feature of my National Health Strategy.

The HMO is a method for financing and providing health care that has won growing respect. It brings together into a single organization the physician, the hospital, the laboratory and the clinic, so that patients can get the right care at the right moment.

HMO's utilize a method of payment that encourages the prevention of illness and promotes the efficient use of doctors and hospitals. Unlike traditional fee-for-service billing, the HMO contracts to provide its comprehensive care for a fixed annual sum that is determined in advance.

Under this financial arrangement, the doctors' and hospitals' incomes are determined not by how much the patient is sick, but by how much he is well. HMO's thus have the strongest possible incentive for keeping well members from becoming ill and for curing sick members as quickly as possible.

I do not believe that HMO's should or will entirely replace fee-for-service financing. But I do believe that they ought to be everywhere available so that families will have a choice between these methods. The HMO is no mere drawing-board concept—more than 7 million Americans are now HMO subscribers and that number is growing.

Several pieces of major legislation now before the Congress would give powerful stimulus to the development of HMO's:

1. *The Health Maintenance Organization Assistance Act* would provide technical and financial aid to help new HMO's get started, and would spell out standards of operation;

2. *The National Health Insurance Partnership Act* described above requires that individuals be given a choice between fee-for-service or HMO payment plans;

3. H.R. 1 contains one provision allowing HMO-type reimbursement for Medicare patients and another that would increase the Federal share of payments made to HMO's under State Medicaid programs.

I urge that the Congress give early consideration to these three measures, in order to hasten the development of this efficient method for low-cost, one-stop health service. Meantime, the Administration has moved forward in this area on its own under existing legislative authorities.

Last year, while HMO legislation was being prepared, I directed the Department of Health, Education, and Welfare to focus existing funds and staff on an early HMO development effort. This effort has already achieved payoffs:

To date, 110 planning and development grants and contracts have been let to potential HMO sponsors and some 200,000 Medicaid patients are now enrolled in HMO-type plans. Also, in a few months, 10 family health centers will be operating with federally-supported funds to provide prepaid health care to persons living in underserved areas. Each of these centers can develop into a full-service HMO. I have requested funds in 1973 to expand this support.

To keep this momentum going, I have included in the fiscal year 1972 supplemental budget $27 million for HMO development, and requested $60 million for this purpose in fiscal year 1973.

I will also propose amendments to the pending HMO Assistance Act that would authorize the establishment of an HMO loan fund.

THE NATIONAL NEED FOR H.R. 1

One of the greatest hazards to life and health is poverty. Death and illness rates among the poor are many times those for the rest of the Nation. The steady elimination of poverty would in itself improve the health of millions of Americans.

H.R. 1's main purpose is to help people lift themselves free of poverty's grip by providing them with jobs, job training, income supplements for the working poor and child care centers for mothers seeking work.

For this reason alone, enactment of H.R. 1 must be considered centerpiece legislation in the building of a National Health Strategy.

But H.R. 1 also includes the following measures to extend health care to more

Americans—especially older Americans—and to control costs:

Additional Persons Covered

—Persons eligible for Part A of Medicare (hospital care) would be automatically enrolled in Part B (physician's care).

—Medicare (both Parts A and B) would be extended to many disabled persons not now covered.

Additional Persons Covered:

H.R. 1 as it now stands, however, would still require monthly premium payments to cover the costs of Part B. I have recommended that the Congress eliminate this $5.80 monthly premium payment and finance Medicare coverage of physician services through the social security payroll tax. This can be done within the Medicare tax rate now included in H.R. 1. If enacted, this change would save $1.5 billion annually for older Americans and would be equivalent to a 5 percent increase in social security cash benefits.

Cost Control Features:

—Medicare and Medicaid reimbursement would be denied any hospital or other institution for interest, depreciation and service charges on any construction disapproved by local or regional health planning agencies. Moreover, to strengthen local and regional health planning agencies, my fiscal year 1973 budget would increase the Federal matching share. In addition, grants to establish 100 new local and 20 new State planning agencies would bring health planning to more than 80 percent of the Nation's population.

—Reviews of claim samples and utilization patterns, which have saved much money in the Medicare program, would be applied to Medicaid.

—The efficiency of Medicaid hospitals and health facilities would be improved by testing various alternative methods of reimbursing them.

—Cost sharing would be introduced after 30 days of hospitalization under Medicare.

—Federal Medicaid matching rates would decline one-third after the first 60 days of care.

—Federal Medicaid matching rates would be increased 25 percent for services for which the States contract with HMO's or other comprehensive health care facilities.

These latter three revisions are aimed at minimizing inefficient institutional care and encouraging more effective modes of treatment.

RESEARCH AND PREVENTION PROGRAMS

My overall health program encompasses actions on three levels: 1) improving protection against health care costs; 2) improving the health care system itself; and 3) working creatively on research and prevention efforts, to eradicate health menaces and to hold down the incidence of illnesses.

A truly effective national health strategy requires that a significant share of Federal research funds be concentrated on major health threats, particularly when research advances indicate the possibility of breakthrough progress.

Potentially high payoff health research and prevention programs include:

HEART DISEASE

If current rates of incidence continue, some 12 million Americans will suffer heart attacks in the next 10 years.

I shortly will assign a panel of distinguished professional experts to guide us in determining why heart disease is so prevalent and what we should be doing to combat it. In the meantime, the fiscal year 1973 budget provides funds for exploring:

—the development of new medical devices to assist blood circulation and improved instruments for the early detection of heart disease; and

—tests to explore the relationship of such high-risk factors as smoking, high blood pressure and high blood fats to the onset and progression of heart disease.

CANCER

The National Cancer Act I signed into law December 23, 1971, creates the authority for organizing an all-out attack on this dread disease. The new cancer program it creates will be directly responsive to the President's direction.

This new program's work will be given further momentum by my decision last October to convert the former biological warfare facility at Fort Detrick, Maryland, into a cancer research center.

To finance this all-out research effort, I have requested that an additional $93 million be allocated for cancer research in fiscal year 1973, bringing the total funding available that year to $430 million.

In the past two and one-half years, we have more than doubled the funding for cancer research, reflecting this Administration's strong commitment to defeat this dread killer as soon as humanly possible.

ALCOHOLISM

One tragic and costly illness which touches every community in our land is alcoholism. There are more than 9 million alcoholics and alcohol abusers in our Nation.

The human cost of this condition is incalculable—broken homes, broken lives and the tragedy of 28,000 victims of alcohol-related highway deaths every year.

The recently established National Institute of Alcohol Abuse and Alcoholism will soon launch an intensive public education program through television and radio and will continue to support model treatment projects from which States and communities will be able to pattern programs to fight this enemy.

Meanwhile, the Department of Health, Education, and Welfare and the Department of Transportation are funding projects in 35 States to demonstrate the value of highway safety, enforcement and education efforts among drinking drivers. The Veterans Administration will increase the number of its Alcohol Dependence Treatment Units by more than one-third, to 56 units in fiscal year 1973.

DRUG ABUSE

Drug abuse now constitutes a national emergency.

In response to this threat and to the need for coordination of Federal programs aimed at drug abuse, I established the Special Action Office for Drug Abuse Prevention within the Executive Office of the President. Its special areas of action are programs for treating and rehabilitating the drug abuser and for alerting our young people to the dangers of drug abuse.

I have proposed legislation to the Congress which would extend and clarify the authority of this Office. I am hopeful that Senate and House conferees will soon be able to resolve differences in the versions passed by the two branches and emerge with a single bill responsive to the Nation's needs.

The new Special Action Office, however, has not been idly awaiting this legislation. It has been vigorously setting about the task of identifying the areas of greatest need and channeling Federal resources into these areas.

The Department of Defense, for example, working in close coordination with the Special Action Office, has instituted drug abuse identification, education, and treatment programs which effectively combatted last year's heroin problem among our troops in South Vietnam. Indications are that the corner has been turned on this threat and that the incidence of drug dependence among our troops is declining.

The Veterans' Administration, again in coordination with the Special Action Office, has accomplished more than a sixfold increase in the number of drug dependency treatment centers in fiscal year 1972, with an increase to 44 centers proposed in fiscal year 1973.

In fiscal year 1972, I have increased funds available for the prevention of drug abuse by more than 130 percent. For fiscal year 1973, I have requested over $365 million to treat the drug abuser and prevent the spread of the affliction of drug abuse.

This is more than eight times as much as was being spent for this purpose when this Administration took office.

SICKLE CELL DISEASE

About one out of every 500 black infants falls victim to the painful, life-shortening disease called sickle cell anemia. This inherited disease trait is carried by about 2 million black Americans.

In fiscal year 1972, $10 million was allocated to attack this problem and an advisory committee of prominent black leaders was organized to help direct the effort. This committee's recommendations are in hand and an aggressive action program is ready to start.

To underwrite this effort, I am proposing to increase the new budget for sickle cell disease from $10 million in fiscal 1972 to $15 million in fiscal 1973.

The Veterans Administration's medical care system also can be counted on to make an important contribution to the fight against sickle cell anemia.

Eight separate research projects concerning sickle cell anemia are underway in VA hospitals and more will be started this year. All 166 VA hospitals will launch a broad screening, treatment and educational effort to combat this disease.

On any given day, about 17,000 black veterans are in VA hospitals and some 116,000 are treated annually.

All these expanded efforts will lead to a better and longer life for thousands of black Americans.

FAMILY PLANNING SERVICES

Nearly three years ago, I called for a program that would provide family planning services to all who wanted them but could not afford their cost. The timetable for achieving this goal was five years.

To meet that schedule, funding for services administered by the National Center for Family Planning for this program has been steadily increased from $39 million in fiscal year 1971 to $91 million in fiscal year 1972. I am requesting $139 million for this Center in fiscal year 1973.

Total Federal support for family planning services and research in fiscal 1973 will rise to $240 million, a threefold increase since fiscal year 1969.

VENEREAL DISEASE

Last year, more than 2.5 million venereal disease cases were detected in the United States. Two-thirds of the victims were under 25.

A concentrated program to find persons with infectious cases and treat them is needed to bring this disease under control. I am, therefore, recommending that $31 million be allocated for this purpose in fiscal year 1973, more than two and one-half times the level of support for VD programs in 1971.

HEALTH EDUCATION

Aside from formal treatment programs, public and private, the general health of individuals depends very much on their own informed actions and practices.

Last year, I proposed that a National Health Education Foundation be established to coordinate a nationwide program to alert people on ways in which they could protect their own health. Since that time, a number of public meetings have been held by a committee I established then to gather views on all aspects of health education. The report of this committee will be sent to me this year.

The committee hopes to define more explicitly the Nation's need for health education programs and to determine ways of rallying all the resources of our society to meet this need.

CONSUMER SAFETY

More than a half century has passed since basic legislation was enacted to insure the safety of the foods and drugs which Americans consume. Since then, industrial and agricultural revolutions have generated an endless variety of new products, food additives, industrial compounds, cosmetics, synthetic fabrics and other materials which are employed to feed, clothe, medicate and adorn the American consumer.

These revolutions created an entirely new man-made environment—and we must make absolutely certain that this new environment does not bring harmful side-effects which outweigh its evident benefits.

The only way to ensure that goal is met is to give the agency charged with that responsibility the resources it needs to meet the challenge.

My budget request for the Food and Drug Administration for fiscal year 1973 represents the largest single-year expansion in the history of this agency—70 percent. I believe this expansion is amply justified by the magnitude of the task this agency faces.

In the past year, the foundations for a modern program of consumer protection have been laid. The FDA has begun a detailed review of the thousands of nonprescription drug products now marketed. The pharmaceutical industry has been asked to cooperate in compiling a complete inventory of every drug available to the consumer.

Meanwhile, I have proposed the following legislation to ensure more effective protection for consumers:

—A wholesome fish and fish products bill which provides for the expansion of inspections of fish handlers and greater authority to assure the safety of fish products.

—A Consumer Product Safety bill which would authorize the Federal Government to establish and enforce new standards for product safety.

—Medical device legislation which would not only authorize the establishment of safety standards for these products, but would also provide for premarketing scientific review when warranted.

—A drug identification bill now before the Congress would provide a method for quickly and accurately identifying any pill or tablet. This provision would reduce the risk of error in taking medicines and allow prompt treatment following accidental ingestion.

—The Toxic Substances Control Act that I proposed last year also awaits action by the Congress. This legislation would require any company developing a new chemical that may see widespread use to test it thoroughly beforehand for possible toxic effects.

NURSING HOMES

If there is one place to begin upgrading the quality of health care, it is in the nursing homes that care for older Americans. Many homes provide excellent care and concern, but far too many others are callous, understaffed, unsanitary and downright dangerous.

Last August I announced an eight-point program to upgrade the quality of life and the standards of care in American nursing homes. The Federal interest and responsibility in this field is clear, since Federal programs including Medicare and Medicaid provide some 40 percent of total nursing home income nationally.

That HEW effort is well underway now:

Federal field teams have surveyed every State nursing home inspection program, and as a result 38 of 39 States found to have deficiencies have corrected them. The 39th is acting to meet Federal standards. To help States upgrade nursing homes, I have proposed legislation to pay 100 percent of the costs of inspecting these facilities.

Meanwhile, at my direction, a Federally-funded program to train 2,000 State nursing home inspectors and to train 41,000 nursing home employees is also underway. The Federal field force for assisting nursing homes is being augmented and fire, safety and health codes have been strengthened.

One way to measure the results of these efforts is to learn how patients in nursing homes feel about the care they are given. We have therefore also begun a program to monitor the complaints and suggestions of nursing home residents.

APPLYING SCIENCE AND TECHNOLOGY

In my State of the Union message, I proposed a new Federal partnership with the private sector to stimulate civilian technological research and development. One of the most vital areas where we can focus this partnership—perhaps utilizing engineers and scientists displaced from other jobs—is in improving human health. Opportunities in this field include:

1. *Emergency Medical Services:* By using new technologies to improve emergency care systems and by using more and better trained people to run those systems, we can save the lives of many heart attack victims and many victims of auto accidents every year. The loss to the Nation represented by these unnecessary deaths cannot be calculated. I have already allocated $8 million in fiscal year 1972 to develop model systems and training programs and my budget proposes that $15 million be invested for additional demonstrations in fiscal year 1973.

2. *Blood:* Blood is a unique national resource. An adequate system for collecting and delivering blood at its time and place of need can save many lives. Yet we do not have a nationwide system to meet this need and we need to draw upon the skills of modern management and technology to develop one. I have therefore directed the Department of Health, Education, and Welfare to make an intensive study and to recommend to me as soon as possible a plan for developing a safe, fast and efficient nationwide blood collection and distribution system.

3. *Health Information Systems:* Each physician, hospital and clinic today is virtually an information island unto itself. Records and billings are not kept on the same basis everywhere, laboratory tests are often needlessly repeated and vital patient data can get lost. All of these problems have been accentuated because our population is so constantly on the move. The technology exists to end this chaos and improve the quality of care. I have therefore asked the Secretary of Health, Education, and Welfare to plan a series of projects to demonstrate the feasibility of developing integrated and uniform systems of health information.

4. *Handicapping Conditions:* In America today there are half a million blind, 850,000 deaf and 15 million suffering paralysis and loss of limbs. So far, the major responses to their need to gain self-sufficiency, have been vocational rehabilitation and welfare programs. Now the skills that took us to the moon and back need to be put to work developing

devices to help the blind see, the deaf hear and the crippled move.

TOWARD A BETTER HEALTH CARE SYSTEM

Working together, this Administration and the Congress already have taken some significant strides in our mutual determination to provide the best, and the most widely available, health care system the world has ever known.

The time now has come to take the final steps to reorganize, to revitalize and to redirect American health care—to build on its historic accomplishments, to close its gaps and to provide it with the incentives and sustenance to move toward a more perfect mission of human compassion.

I believe that the health care resources of America in 1972, if strengthened and expanded as I have proposed in this Message, will be more than sufficient to move us significantly toward that great goal.

If the Administration and the Congress continue to act together—and act on the major proposals this year, as I strongly again urge—then the 1970s will be remembered as an era in which the United States took the historic step of making the health of the entire population not only a great goal but a practical objective.

RICHARD NIXON.

THE WHITE HOUSE, *March 2, 1972.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 2423) to amend the Federal Aviation Act of 1958 to provide for the suspension and rejection of rates and practices of air carriers and foreign air carriers in foreign air transportation, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 748. An act to authorize payment and appropriation of the second and third installments of the United States contributions to the Fund for Special Operations of the Inter-American Development Bank;

S. 749. An act to authorize United States contributions to the Special Funds of the Asian Development Bank; and

S. 2010. An act to provide for increased participation by the United States in the International Development Association.

The PRESIDENT pro tempore subsequently signed the enrolled bills.

HOUSING AND URBAN DEVELOPMENT ACT OF 1972

The Senate continued with the consideration of the bill (S. 3248) to consolidate, simplify, and improve laws relative to housing and housing assistance, to provide Federal assistance to local governments in support of community development activities, and for other purposes.

The PRESIDING OFFICER. The bill is open to further amendment. Who yields time? Is the Senate ready for third reading? Are there further amendments?

Mr. MOSS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 978

Mr. TOWER. Mr. President, I call up amendment No. 978.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

On page 209, strike paragraph (1) on lines 7 and 8, and renumber succeeding paragraphs accordingly.

Mr. TOWER. Mr. President, all this amendment would do would be to delete the requirement for a hearing. The Department of Housing and Urban Development will print proposed maximum standard closing costs in the Federal Register and invite comment.

HUD feels that if a thorough job is done, with full opportunities to all concerned to comment on proposed maximums, there will be no need for public hearings in each and every case. Such formal hearings would serve no additional purpose and would cause needless delay.

However, HUD has assured that they would hold such hearings if they are deemed to be helpful in particular cases, after evaluation of all written comments.

This is a result of testimony offered yesterday by the Secretary, and I believe the chairman is in agreement.

The PRESIDING OFFICER. Who yields time?

Mr. SPARKMAN. Mr. President, I think this is a good provision. The Secretary of HUD in testimony before us said the procedure he would like to follow would be to publish his proposed regulations, and then give an opportunity for a hearing to get opinions. We had it written that hearings would be held before publishing. He said he preferred the other procedure, and that is alright.

Mr. TOWER. I think it is probably a less cumbersome process.

Mr. SPARKMAN. I do, too. I yield back the remainder of my time.

Mr. TOWER. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment.

The amendment (No. 978) was agreed to.

Mr. SPARKMAN. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 123, line 15, delete "SEC. 207", and substitute therefor "SEC. 207(a)". After line 18, add: "(b) Section 606(c)(1) of such Act is amended by adding before the period at the end thereof the following: ", or, with the Secretary's approval, used to finance the repair or rehabilitation of a project or part thereof conveyed to the public housing agency under this section"

Mr. SPARKMAN. Mr. President, in explanation of the amendment, down in Chickasaw, Ala., the housing authority had some of the old Lanham Act housing built during World War II. They sold that housing, and they have approximately $235,000 on hand. They want authority to spend this money on another housing program which is underway. That is what this amendment would accomplish.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. I have no objection.

Mr. SPARKMAN. I yield back the remainder of my time.

Mr. TOWER. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Alabama.

The amendment was agreed to.

Mr. SPARKMAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. TOWER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TOWER. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 150, lines 7 and 8, strike: "outside a standard metropolitan statistical area".

On page 150, line 10, insert after "Census," the words: "which is located either (i) outside a standard metropolitan statistical area or (ii) inside such an area but outside an 'urbanized area' as defined by the Bureau of the Census (or as such definition is modified by the Secretary for purposes of this chapter)."

Mr. TOWER. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. TOWER. Mr. President, section 307(b) of the bill provides that the Secretary can waive all or part of the application requirements if the application for community development assistance is made on behalf of a locality outside an SMSA and having a population of less than 25,000. The committee adopted this waiver out of its concern that small communities which frequently do not have adequate staff support and often seek assistance only for a single development project would be inhibited by the planning and application requirements set forth in the act.

I am concerned that several of the SMSA's in my State are quite large and numerous localities of less than 25,000 population are located within the SMSA but outside of an urbanized area surrounding the central cities of 50,000 population.

My amendment would extend the waiver authority of the Secretary to allow him to waive the application requirement for these small cities inside SMSA's but outside of urbanized areas as defined by the Bureau of the Census.

Mr. President, I have discussed this amendment with the distinguished Senator from Alabama. It is my understanding he will accept the amendment.

Mr. SPARKMAN. Mr. President, as I understand it, it is discretionary with the Secretary.

Mr. TOWER. It is, and we found we might be punishing some of the small cities that are inside of SMSA's but are not contiguous to an urbanized area.

Mr. SPARKMAN. That may apply to some areas in my State. I think it is a good amendment. I am willing to accept it.

I yield back the remainder of my time.

Mr. TOWER. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Texas.

The amendment was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SPARKMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TUNNEY. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 36, line 20, strike out "and".

On page 36, line 22, strike out the period and insert "; and".

On page 36, after line 22, insert the following:

"(7) an amount equal to the sums received by the head of the household or his spouse from, or under the direction of, any public or private nonprofit child placing agency for the care and maintenance of one or more persons who are under 18 years of age and were placed in the household by such agency."

On page 52, line 24, strike out "and".

On page 52, line 26, strike out the period and insert "; and".

On page 52, after line 26, insert the following:

"(7) an amount equal to the sums received by the head of the household or his spouse from, or under the direction of, any public or private nonprofit child placing agency for the care and maintenance of one or more persons who are under 18 years of age and were placed in the household by such agency."

On page 98, line 24, strike out "and".

On page 99, line 2, strike out the period and insert "; and".

On page 99, after line 2, insert the following:

"(G) an amount equal to the sums received by the head of the household or his spouse from, or under the direction of, any public or private nonprofit child placing agency for the care and maintenance of one or more persons who are under 18 years of age and were placed in the household by such agency."

Mr. TUNNEY. Mr. President, this amendment would change the treatment of payments received by the head of a household or his spouse for the foster care of disadvantaged children in the determination of eligibility for public housing and mortgage assistance programs.

At present, such payments are counted in full in the adjusted family income which is the basis for determining eligibility for these programs.

The strictness of this provision has led to personal financial hardship in families which have undertaken foster care—particularly the foster care of teenage children. It has imposed an unwarranted financial burden on people who are performing a valuable service for the community and for its disadvantaged children. And it has made the task of those agencies which are trying to arrange suitable foster care for these children even more difficult.

The payments which are made to families providing foster care are payments for the support of the foster children. They are intended to provide the means to meet the children's needs for food, clothing, education, transportation, recreation, and so forth. In effect, they have the character of reimbursements. Particularly in the case of teenage children, the payments are often not even sufficient to cover the costs of maintaining the child as a member of the family. The foster parents suffer a net financial loss as a result.

These payments are not income in the true meaning of that term. There is no profit involved here. And in fact both Federal and State taxing authorities have recognized this fact. The Internal Revenue Service excludes such payments from taxable income, as does the California Franchise Tax Board, which administers the California State income tax.

The effect of including these payments in adjusted income for the purposes of the public housing and mortgage subsidy provisions of this act has been to deal a severe blow to those who have generously taken on the responsibility of providing a foster home.

In one particular case which has come to my attention in San Diego, a couple of very modest income was paying $81 a month on their mortgage. Because they qualified for assistance under current law, the other $81 of their payment was subsidized by payments provided through HUD.

When this couple undertook the responsibility of caring for two teenage boys, and were given foster care payments to support them, they were informed by the mortgage company holding their mortgage that these payments eliminate their eligibility for most of the subsidy and that it would be necessary for them to pay an extra $69 a month for that same mortgage. This was in spite of the fact that those payments did not even meet the expenses of the boys' needs.

A further disturbing effect of the present HUD policy is that families contemplating offering foster care are forced to think twice when they realize that their efforts may result in a direct financial loss, in some cases making it impossible to continue making payments on their house.

Not only could the foster care itself involve them in extra expenses from their own income, it could penalize them substantially in the increased cost of mortgages.

The impact of this situation could be considerable. In San Diego, for example, there are approximately 2,300 children in foster homes already—about 6 percent of California's total of some 380,000. Many of these children are teenagers, particularly difficult to place and particularly difficult to care for. Every month there is a list of about 60 of these teenagers waiting until opportunities become available for foster care.

They are disadvantaged, victims of circumstances beyond their control. They generally lack a parent or guardian capable of providing for them as a result of death, desertion, imprisonment, or mental illness. They are typically wards of a State or local jurisdiction. Their situations are difficult enough, and the prospects for finding them a warm, considerate family environment to live in are limited enough without throwing up this extra obstacle on the path.

My amendment is straightforward. It simply specifies that payments for the care and maintenance of foster children shall be classified as excluded income for the purposes of determining eligibility for public housing and mortgage assistance programs.

I believe it will correct an anomalous situation which is having a truly unfortunate and I am sure unintended effect. By clarifying the law, my amendment will restore to any family who is generous enough to open their home to a foster child the opportunity to do so without penalty.

I might add that it includes payments made by any public or private nonprofit child-placing agency, regardless of the source of those funds. In other words, it covers situations where a local public agency is spending public funds for such foster care payments as well as situations where it is applying funds from some other source. For example, where children are left with an estate, but there is no relative or guardian who can care for them and administer those funds.

I have discussed this amendment with a number of local officials and child welfare professionals and they heartily endorse this measure. I hope that we can now adopt it and put an end to the discrimination against foster parents and foster children.

Mr. SPARKMAN. Mr. President, let me ask the Senator just one question to make certain that I understand it correctly, and that it is clear for purposes of the record. The payments to foster parents for child care, which the Senator would exclude from being counted as income with reference to setting rents are payments which are not counted as income by the Internal Revenue Service. Is that correct?

Mr. TUNNEY. That is correct. They are not counted as income, and the payments come from the State and county public agencies or local nonprofit private child placement agencies.

Mr. SPARKMAN. Mr. President, for my part, I am willing to accept the amendment.

Mr. TOWER. Mr. President, I am informed that the Department of Housing and Urban Development has no objection to the amendment of the Senator from California, and I am prepared to accept it.

Mr. SPARKMAN. Mr. President, I yield back my time.

Mr. TUNNEY. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment having been yielded back, the question is on agreeing to the amendment of the Senator from California.

The amendment was agreed to.

Mr. SPARKMAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. TUNNEY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 979

Mr. TOWER. Mr. President, I call up my amendment No. 979 and ask the clerk to state it.

The PRESIDING OFFICER. The amendment will be read.

The legislative clerk read the amendment, as follows:

> On page 209, strike subsection (d) on lines 14 through 17 and renumber succeeding subsection (e) as subsection (d).

Mr. TOWER. Mr. President, this again is an amendment that I offer in pursuance to the testimony by the Secretary yesterday.

HUD has found in their study of settlement costs, that individual items of settlement costs vary widely not only from State to State, but also from locality to locality within a single State, and within single localities. Since HUD intends to set maximums on an item-by-item basis for different localities, the occasion should not arise for expressly and formally exempting an entire State. Individual abuses may well arise on particular items in particular localities, even in a State where settlement costs are generally very low.

It is my understanding that the chairman of the committee has no objection to this amendment.

Mr. SPARKMAN. Mr. President, the Senator is right. May I say, I believe the Department would like to see this amendment adopted.

Mr. TOWER. Yes. As I said, this comes as a result of Secretary Romney's testimony yesterday.

Mr. SPARKMAN. Mr. President, I yield back my time.

Mr. TOWER. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment having been yielded back, the question is on agreeing to the amendment of the Senator from Texas.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. SPARKMAN. Mr. President, there are several amendments lying on the desk. I suppose they will be offered, but I suggest the absence of a quorum.

Mr. TOWER. Mr. President, will the Senator withhold that request?

Mr. SPARKMAN. I withhold it.

Mr. TOWER. Mr. President, I yield myself such time as I may require.

I would hope that Members of the Senate who have an interest in amendments could be alerted that we are prepared to consider those amendments. I think Senators who are interested should be informed that they should be on the floor and should be ready to offer their amendments.

Mr. SPARKMAN. They should be informed that we are approaching third reading.

Mr. TOWER. We do not want to be waiting for third reading unless amendments are to be offered. I think Senators should be advised that if they have amendments to offer, they should do so.

Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time consumed be equally divided between the Senator from Alabama and myself.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 975

Mr. PERCY. Mr. President, I call up my amendment No. 975, to create a full Assistant Secretary of Housing for the Elderly, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 196, strike out lines 10 through 15 and insert in lieu thereof the following:
>
> (b)(1) The first sentence of section 4(a) of the Department of Housing and Urban Development Act is amended by striking out "six" and inserting in lieu thereof "seven."
>
> (2) Section 4(b) of such Act is amended by inserting "(1)" after "(b)" and by adding at the end thereof a new paragraph as follows:
>
> "(2) One of the Assistant Secretaries provided for in subsection (a) shall be designated Assistant Secretary for Housing for the Elderly. All of the programs administered by the Department to provide aid or assistance in behalf of the elderly shall be administered by and through the Assistant Secretary so designated. In the exercise of this authority, the Assistant Secretary shall—
>
> "(A) make maximum use of the loan program under section 202 of the Housing Act of 1959 in providing housing and related facilities for the elderly;
>
> "(B) be regularly consulted with respect to all other programs of the Department to the extent that they provide or otherwise involve housing for the elderly;
>
> "(C) provide a central source and clearinghouse of information with respect to housing for the elderly;
>
> "(D) coordinate housing programs for the elderly and seek ways to consolidate programs which overlap; and
>
> "(E) carry out studies and make recommendations for such administrative or legislative action as may be appropriate to meet the housing needs of the elderly in rural areas, including emergency grants where necessary for the repair of rehabilitation of dwelling units."

Mr. PERCY. Mr. President, I yield myself such time as I may require.

Under my amendment, all of the programs administered by the Department of Housing and Urban Development to provide assistance to the elderly shall be administered by and through the Assistant Secretary for Housing for the Elderly. The Assistant Secretary shall:

Make maximum use of the loan program under section 202 of the Housing Act of 1959 in providing housing and related facilities for the elderly;

Be regularly consulted with respect to all other programs of the Department to the extent that they provide or otherwise involve housing for the elderly;

Provide a central source and clearinghouse of information with respect to housing for the elderly;

Coordinate housing programs for the elderly and seek ways to consolidate programs which overlap; and

Carry out studies and make recommendations for such administrative and/or legislative action as may be appropriate to meet the housing needs of the elderly in rural areas, including emergency grants where necessary for the repair or rehabilitation of dwelling units.

Let me quote from the report of the delegates to the White House Conference on Aging:

> A national policy on housing for the elderly worthy of this Nation must enjoy a high priority and must embrace not only shelter but needed services of quality that extend the span of independent living in comfort and dignity, in and outside of institutions, as a right wherever they live or choose to live.

And one of the recommendations made by the Section on Housing at the White House Conference was that—

> Congressional action shall be taken to establish within the Department of Housing and Urban Development an Office of Assistant Secretary and adequate funding to provide overall direction toward the implementation of a National Policy and the production of housing for the elderly.

The Bureau of Labor Statistics tells us that household costs—shelter, utilities, and repair—constitute the most expensive budget item for the aged: Approximately 34 percent of the retired couple's budget goes for housing.

In its 1970 report on Developments in Aging, the Senate Aging Committee estimates that 30 percent of the elderly—or about 6 million people—live in housing which is dilapidated, deteriorating, or deficient in certain facilities.

Even without these reports and statistics, we know by looking around us that the elderly must often live in dying, unsafe neighborhoods, where the buildings are cheerless or falling apart, and ill-suited architecturally to them. We know that our overall neglect of the elderly extends into the area of housing.

Housing deficiencies are bad for everyone, but they have special consequences for the elderly. A malfunctioning elevator which runs only on certain days can present extraordinary difficulties for a 79-year-old widow suffering from severe arthritis who must carry a heavy sack of groceries up to her fifth floor apartment. The lack of good security measures in a building located in a deteriorating neighborhood can result in an elderly person's living in fright. And housing built away from adequate transportation facilities can mean an existence of almost total isolation for the elderly tenant.

We need someone in HUD who is aware of and sensitive to these problems, and someone who is also high enough up in the bureaucracy to be able to cut through the redtape and bring the needs of the elderly to the attention of the Secretary. We need someone in HUD whose responsibilities focus exclusively on the housing problems and needs of the elderly.

As the chief sponsor of the administration's proposals to reorganize and streamline the executive branch. I am aware of what could be looked upon as an inconsistency in my position of advocating streamlined government on the one hand, and an office for another Assistance Secretary on the other.

"Executive Reorganization" implies that we cannot create special offices for every special interest group. Such a policy would clearly be unworkable if carried out ad infinitum, and I would not advocate it.

We must ask ourselves, however, whether the elderly are a "special interest" group. At this particular time in history, the elderly—defined as persons over age 65—number 20 million, or one out of every 10 Americans. Yet we are all aging. We all grow old.

We are talking, therefore, about a "very special" group of Americans which now numbers 20 million but which will include all of us who reach age 65 in the future.

As one witness who testified before the Senate Special Committee on Aging, said:

> If you don't die young, you are liable to get old; and if you get old, you had better think about what is going to happen to you.

Another question to ask is: On what grounds can one reasonably make an exception to the principles inherent in executive reorganization—which I accept.

Our Government always has and probably always will appoint special people and create special offices, to focus on problems which cannot be corrected without unusual, concentrated efforts. It is in the nature of men and their governments to devote special attention to those problems which are clearly far more serious than others.

We have in the elderly a group which has been shamefully neglected in recent years, and which needs special assistance in order to reach a level equal to other, more favored groups.

In its executive sessions, the Senate Banking, Housing and Urban Affairs Committee obviously discussed the need for focusing special attention on the housing problems of the elderly, as it included a provision in S. 3268 which calls for a Deputy Assistant Secretary for Housing Production and Mortgage Credit for the Elderly. It is my understanding that the committee felt establishing two "production units" would be unwise, and would result in a dissipation—and perhaps duplication—of efforts.

While there is some validity in this argument, I think it misses the point that more than "production" is at stake here. We are looking not merely for the production of more units at a lower cost, we are searching for a commitment to the total housing needs of the aging individual. This commitment involves a willingness to see their needs as something beyond the need for a roof over their heads. If we discount the tremendous social and psychological problems which accompany aging in a blatantly youth-oriented society, and look at housing only in terms of economics and production, then we cannot let the committee language stand.

The housing needs of the elderly are unique. But, much more than with other groups, we must think about such things as architectural barriers, access to meals and social activities, and transportation availability. We must look carefully at the type of the sponsorship of housing. To what extent do we want to encourage profit versus nonprofit sponsorship of elderly housing projects? Are there legitimate reasons to feel wary of profit-oriented sponsors of housing for the elderly in view of recent history?

In this connection, I direct the attention of my colleagues to the findings of the Special Committee on Aging with respect to nursing homes. We went into the field to see what kind of long-term care housing is being provided for the elderly who are indigent, which we have a right and a responsibility to do. But when we first took our committee out into the field, there was a reaction from municipal and State officials: "Why are you poking your nose into our business?" We have the responsibility to license and to supervise the Federal projects for the elderly—that is, nursing homes for the elderly. It is about time we did put our nose into their business. With $2.5 billion put into 25,000 nursing homes, $1.8 billion comes from the Federal Treasury.

We went into the field and found very quickly, in my own State, overlapping jurisdictions between the city of Chicago, the county of Cook, and the State of Illinois. One agency did not seem to know what the other was doing. There were all kinds of examples of laxity in the area of enforcing the regulations that actually exist.

Then we found a very interesting thing. Unlike the hospitals of this country that are mainly set up on a nonprofit basis, we found that some 95 percent of all the nursing homes for the elderly are set up on a profit basis.

I would be the last one in the world to say that there is not a position and a place in our enterprise system for profit. But I am wondering, at what cost, and how do you make a profit on the elderly? In fact, the slogan goes in New York, where there are syndicates that buy stock into nursing homes, "There is money to be made on the elderly, particularly the poor elderly."

Any one who read the hair-curling transcripts of the testimony taken from witnesses we brought before us and the records we subpened would see that no one has been looking at the problems of the aging. They are left in warehouses to die. Who has been looking after them? All this money is being poured into nursing homes, and people are making 30 percent, 40 percent, and 45 percent profit, compounded, year after year, on Federal funds. Are the State or the local communities doing this? Obviously not.

I have never seen the President of the United States as angry as when he left Chicago after attending a Conference on the Elderly out there, when he realized what was going on in the nursing homes. President Nixon has since taken very stiff and prompt action, by Executive order, to upgrade the care given in nursing homes. The substance of one of the bills I introduced last year on standards was adopted by Executive order. I agree 100 percent that it is better to do it through Executive order rather than wait for the Congress to pass bills.

This amendment fits into that category. Somebody has to "ride herd," at a high level, on the housing needs for the elderly.

We are not just talking about production. We are not just talking about building new housing units. We are talking about 20 million people, a very high proportion of whom are very poorly handled in housing today, and we are talking about high tax rates on housing.

How many elderly people are losing their homes? How many are bearing the cost of educating the children in the community, when all their own children have long since left the school and are raising their own children? They are left alone in the house, paying 50 to 60 percent of the educational costs of their community, and they are losing their houses, because the taxes are going up. Who is looking at that? Is a deputy assistant secretary for production going to look at that problem? No. He has one responsibility—mortgage credit and building more units. He is not going to look at the problems of the aging. Will the Deputy Assistant Secretary for Aging take a look at the nursing homes? That is not in his province; that is not his responsibility. We need one top man whose life work is to see that we are taking care of the aging and their housing needs.

Another aspect that I feel should be brought out is that HUD is not just a housing department. It is a Department of Housing and Urban Development. It is to look at the total needs of the community, and all the more so now because under our Executive Reorganization Act we are moving into community development.

So let us have this post and take a look at the whole community of the elderly—not just bricks and mortar, but all the things that go along with it. What happens to the health needs and other things involved in housing? How do they get transportation from their housing units? That is another element of this bill that should be dealt with decisively in this area. Shall a Deputy Assistant Secretary for Production take care of those kinds of needs? Transportation is one of the needs of the elderly, who are the most immobile minority group in America today. A Deputy Assistant Secretary could not and would not be addressing himself to those problems.

Mr. SPARKMAN. Mr. President, will the Senator yield for a question?

Mr. PERCY. I yield.

Mr. SPARKMAN. Would the Senator be willing to settle—I have not discussed this with the Senator from Texas, except in a general way—for an amendment that would include just the four lines of his amendment, if he will look at the printed amendment?

Mr. PERCY. The first four lines?

Mr. SPARKMAN. On the first page.

Mr. TOWER. In effect, an additional assistant secretary, without specifying in the legislation that he be an assistant secretary for the elderly, but making legislative history to the extent that this is what we intend him to be.

The simple reason for this is to give the Department a little flexibility, because there are some programs in which the elderly are included that raise some administrative problems, and we would have to allow HUD to decide which assistant secretary in those circumstances actually would be the manager.

Mr. SPARKMAN. We will agree on the Senate floor that the main purpose in adding this additional assistant secretary is to make it possible for elderly persons to have better service and more attention. In other words, we do not want to put it in the legislation; but, as the Senator from Texas has said, we want to make the legislative history right here that is our intent. If the Senator will do that, we can settle this right away.

Mr. PERCY. I would be very anxious to settle it right away, provided I knew it was settled. That is the problem, of course.

Mr. SPARKMAN. It will be settled so far as we are concerned, and we certainly will do our best in conference to see that it is settled all the way through.

Mr. PERCY. I am conversant and very familiar with what the distinguished chairman and the ranking minority member of my previous committee have in mind. I realize that this would provide some additional flexibility. I have discussed this with the department, and I should like to make it perfectly clear that the department is opposed to my amendment. They also have registered very strong objections to an additional assistant secretary.

Mr. SPARKMAN. We have taken care of that.

Mr. TOWER. That has been somewhat mitigated and ameliorated.

Mr. SPARKMAN. Anyway, we will promise that.

Mr. TOWER. That is right.

Mr. PERCY. I will say this: I am now simply speaking as an advocate for 20 million people. Every major retired persons' organization I know of—all the principal ones—want this. They feel that it absolutely must be a statutory item, because, as they pointed out to me when I carried back to them the counterproposal that is, an assistant secretary created by statute, but designated by Executive order, that had been discussed with me, administrations come and go. Senators seem to stay on, but administrations change. The intention of, say, one administration to have this assistant secretary designated strictly for the elderly might change with the next administration. They might change it to something else. So an Executive order would be transitory and not permanent.

I would say that if we have a commitment from the distinguished chairman and the distinguished ranking minority member of this committee that they would look upon this assistant secretary as devoting himself exclusively and full-time to the housing needs for the elderly, in the broadest sense of that term, and if we could set this amendment aside for a long enough time to assure ourselves that we would have an executive order from the executive branch of Government to this effect, and that a letter would be sent to me or to the chairman or to the ranking minority member from the Secretary of HUD, indicating that he would interpret this job, this additional assistant secretaryship, to be exclusively and solely devoted to the aging, and he would assure us that he would give us such a letter, I would certainly accede to the suggestion that has been made and would withdraw my amendment.

Mr. TOWER. Mr. President, may I explain why I advocate this position. The reported bill provides at least 15 percent but not more than 25 percent assistance payments. Under the 50 percent to be earmarked for elderly projects, and within the total allocation for elderly housing, not less than 30 percent of assistance payments would have to be used for the construction of units and integrated projects, not less than 10 percent or more than 50 percent of the units occupied by the elderly. It is difficult to determine what Assistant Secretary would administer that, because if we have an integrated project they would have to give the Department some flexibility for the Assistant Secretary to administer it. But I think certainly we are making clear by this legislative history it is the intent that the Assistant Secretary be solely for housing for the aged.

Mr. SPARKMAN. So far as making this permanent is concerned, I think that the Senator from Texas (Mr. TOWER) would join me in seeing if both of us are sent back here next year and we will try to do our best to maintain——

[Laughter.]

Mr. PERCY. I will go halfway on that, right now, without even thinking about it. But I would like to discuss this further.

But I certainly know, and I do not wish in any way to imply that the Senate Banking Committee has not given a tremendous amount of emphasis to housing for the elderly; but by simply putting in the production unit, I merely wish to point out to my friends in HUD that they are not at all grasping or catching the nuances and the essentials of the pleas made by the elderly, who are not just talking production, who are not just talking about 15 percent or 100 percent of new construction, they are talking about the total needs of the elderly person and all their other problems.

They want someone who can take all their problems into account and coordinate transportation, the community centers that may be redeveloped, and the nutrition programs now being set up. That has to be coordinated. So there has to be a broad-gaged man whose total life work will be watching out for the housing needs of the elderly.

If it is felt that we could have that assurance from the administration before we go to final passage on this bill, and that we can get a letter from the Secretary to the effect that he will issue an executive order promising to designate the Assistant Secretary as one for the Elderly, then I would certainly feel that I have fulfilled my responsibility to the elderly citizens of this country.

Mr. TOWER. Then would the Senator, under the circumstances, be willing to modify his amendment, as suggested by the Senator from Alabama?

Mr. PERCY. I would so do, conditioned upon receiving assurance that an executive order would be issued and that any one of the three of us would receive a letter from the Secretary of HUD showing that his intention would be to do just that.

Mr. TOWER. One of my staff members has already left the Chamber, seeking such assurance.

Mr. PERCY. I thank my distinguished colleagues very much.

Mr. President, just to conclude my prepared remarks, I should like to comment generally on Government organization.

The need for flexible organization of units of Government to serve special needs was recognized in the Report of the President's Advisory Council on Executive Organization, called the Ash Council. The Ash Council report underlies the President's Executive Reorganization program and the bills proposing four major new Government departments. The report recognizes that special needs may arise requiring a flexible organizational response, and that appropriate organization changes should be made to accommodate such needs.

We in the Senate—and all other elected officials—know that there has never been more criticism of government by our citizens. Badly organized government, unresponsive government, government that generates a life of its own, which it serves to the exclusion of the society's interests, is a root cause of popular distrust in our institutions.

All organizations must serve purposes and needs. Government organizations must be flexible and responsive to people's needs. The case for the elderly is compelling: They are a group with special needs and with problems especially difficult to solve. We must be willing to shape our government structure to make it quickly responsive to those needs.

I have a copy of a memorandum prepared by the OMB, at my request in July 1971, explaining the relationship between the Executive Reorganization program and the special drug and cancer organizations. This OMB memorandum effectively makes the case for a deviation from the management principle in the reorganization program and the Ash report.

Mr. President, I ask unanimous consent to have printed in the RECORD the statement of the Office of Management and Budget on the "Relation of Proposed Drug and Cancer Agencies to the President's Departmental Reorganization Program."

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

RELATION OF PROPOSED DRUG AND CANCER AGENCIES TO THE PRESIDENT'S DEPARTMENTAL REORGANIZATION PROGRAM

A question has been raised as to whether the creation of the proposed agencies for prevention of drug abuse and for cancer research runs counter to the principle of organization by major purposes.

The President's Departmental Reorganization Program (PDRP) was never intended to foreclose the creation of specialized agencies when conditions warrant, even if the new departments were in existence. For example, the proposed Special Action Office for Drug Abuse Prevention reflects the President's determination to launch a broad ranging and concerted program to deal with a deepening crisis. The Director of the Office through his control of funds, and organizational position in the Executive Office can be the "man in charge," answerable only to the President. The proposed new Office would be temporary in character, on the assumption that when the Office operating out of the Executive Office succeeds in welding together an integrated program it will then be possible to place direction of the overall program or its separate elements into one or more of the existing agencies for continuing operation.

The full range of drug programs contemplated for the proposed agency would in no event be encompassed by the Department of Human Resources. For example, the Veterans Administration and the Department of Justice, which support drug programs, would not be affected by the PDRP.

One of the primary objectives of the President's Departmental Reorganization plan is to enable the day-to-day coordination of established programs to occur at the departmental level so as to enable the President to give attention to those urgent problems of high national priority. The intent is to have the Cancer-Cure Program administered in an agency (NIH) which is to be transferred, under PDRP, to the new Department of Human Resources. Because of the critical impact of cancer programs on this nation's well-being however the President will appoint the Director and provide him with the necessary guidance and resources needed.

As in the case of drug abuse, the proposed organization for cancer research represents an effort by the President to provide direction to an area of priority medical and social concern. The Director would have authority over the cancer programs of HEW and be responsible for advising the President on the utilization of the Federal resources engaged in cancer research. Such an arrangement may be temporary but is needed at this point in time to assure that cancer activities are united in a truly national effort.

In summary the organization proposals for both drug abuse and cancer research demonstrate that (a) emerging social needs and opportunities my require new organizations tailored to the specific area, (b) the President can selectively use his authority to direct programs cutting across agency lines, and (c) the PDRP would not always obviate the need for specialized agencies some of which would be temporary in character. This last point reflects the fact that a number of agencies not included within the PDRP will play important roles in special efforts such as the curtailment of drug abuse. When new specialized agencies have achieved their integrative purpose, every effort should be made to place them within the appropriate major purpose department. For example the Department of Human Resources with its medical, education, and manpower components would offer much more promise as a location for drug rehabilitation responsibilities than would either the present HEW or Labor.

Now, Mr. President, I would ask, what is the parliamentary situation?

Mr. TOWER. The Senator can withdraw his amendment temporarily.

Mr. SPARKMAN. Mr. President, I ask unanimous consent to lay aside temporarily the pending amendment, and if it becomes necessary, as I hope and believe it will not, then we will take it up again, and that the time be counted——

Mr. TOWER. It will have to be taken up again to consider the modification.

Mr. SPARKMAN. Yes. And, Mr. President, that the time stands as it is now.

The PRESIDING OFFICER (Mr. WEICKER). Without objection, it is so ordered, and the pending amendment will temporarily be laid aside, as requested.

Mr. PROXMIRE. Mr. President, I send to the desk an amendment which has been discussed and will be agreed to, as the Senator from New York (Mr. JAVITS) has very graciously permitted me to go ahead of him.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 208, line 7, after "HOUSING" insert a semicolon and the following: "PROHIBITION OF CERTAIN FEES".

On page 209, line 21, strike out the quotation marks.

On page 209, between lines 21 and 22, insert the following:

"(f) Any person who accepts or furnishes any thing of value pursuant to any agreement, oral or otherwise, that business incident to or a part of any real estate settlement shall be referred to any person shall be fined not more than $10,000 or imprisoned for not more than one year, or both, except that this subsection shall apply only in the case of a real estate settlement in connection with housing referred to in subsection (a)."

Mr. PROXMIRE. Mr. President, before I discuss the pending amendment, let me say that I had intended to offer two other amendments but because hearings are now going on and many members of the committee would prefer to have some time to examine those amendments, I will wait and perhaps they will be called up in conference.

One of the amendments would broaden the title insurance provisions of the bill. In the bill, we provide the authority for HUD to limit the closing costs to include conventional mortgages, but this is controversial to some Senators who feel that it is a constitutional matter; so, for that reason, we will wait to bring that up.

The other amendment, Mr. President, is one which I shall not discuss in detail at this time.

Mr. President, the pending amendment would prohibit kickbacks during real estate closings.

Everyone seems to be for this provision. Secretary Romney of HUD testified before the Senate Banking Committee against such kickbacks. The American Land Title Association's code of ethics prohibits such kickbacks. The American Bar Association's Canons of Legal Ethics prohibit lawyers from receiving such kickbacks.

Yet, despite such private rules and opinions these kickbacks do occur—no question about it. A quick perusal of Ron Kessler's series on closing costs in the Washington Post shows that such kickback arrangements are all too common in the Washington metropolitan area. I think, if they are common here, it is clear they occur elsewhere in the country.

We must provide legal penalties to prohibit such kickbacks. This amendment does just that. It makes unlawful the giving or accepting of any forwarding fee, commission, or other thing of value for the purpose of directing to a particular person any business arising out of real estate settlement on residential property. Such business includes legal services, surveying, title searching, title insurance and related matters.

The effect of such a provision will be to prevent inflated settlement costs from hidden kickbacks.

We must act to protect the homebuyer. Everyone is against kickbacks. Let us show we mean it by making such practices illegal.

Mr. President, I reserve the remainder of my time.

Mr. SPARKMAN. Mr. President, I have indicated to the Senator from Wisconsin that, for my part, I would be willing to accept the amendment.

Mr. TOWER. Mr. President, I favor the amendment to prohibit the practice of any type of "kickback" to lawyers or anyone else for referring business to title insurance, abstract, or real estate companies. Lawyers are entitled to direct fees for work they may perform in connection with real estate transactions, and their fee may appropriately be charged in connection with the settlement process. However, there is no legitimate reason for lawyers to receive fees for referring business to the other real estate transaction participants; these other firms each provide a particular service to the homebuyer, who should have to pay only for that service, and should not have to pay any extra amount in order for one or more of those firms to "payoff" a referrer of business. This is unfair to the homebuyer and is not an economically justifiable charge in connection with such real estate transactions.

I am therefore very willing to accept this amendment to our omnibus housing bill. I understand that my staff has checked with both the general counsel and the minority counsel of the Criminal Laws Subcommittee in regard to the Criminal penalties prescribed under this amendment, who indicate that such penalties are typical of antikickback and similar provisions of Federal law, and hence I find no reason to suggest alteration of the penalty provisions of the bill.

Mr. SPARKMAN. Mr. President, I yield back the remainder of my time.

Mr. PROXMIRE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. WEICKER). All time on the amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Wisconsin (Mr. PROXMIRE).

The amendment was agreed to.

Mr. PROXMIRE. I want to thank the distinguished Senator from New York (Mr. JAVITS) once again for so graciously permitting me to present my amendment now.

AMENDMENT NO. 982

Mr. JAVITS. Mr. President, I call up my amendment No. 982 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD.

The text of the amendment is as follows:

On page 93, between lines 13 and 14, insert the following:

TITLE VIII—NEIGHBORHOOD CONSERVATION

PURPOSE

SEC. 801. The purposes of this title is to encourage the preservation of older neighborhoods which are threatened with blight and housing abandonment and to stimulate the broad-scale conservation and upgrading of existing low- and moderate-income housing by establishing a program of neighborhood conservation grants and a new program of mortgage insurance designed to generate private capital for housing repairs, maintenance, and rehabilitation.

GRANTS OF NEIGHBORHOOD CONSERVATION AREAS

SEC. 802. For the purpose of this title, the term "neighborhood conservation area" means any area in which (1) the predominant residential area is housing for low- and middle-income families, and (2) such housing, though basically sound, is threatened with decay and abandonment or is in need of repair, maintenance, rehabilitation, or refinancing.

PROGRAM AUTHORITY

SEC. 803. (a) The Secretary of Housing and Urban Development (hereafter referred to as the "Secretary") is authorized to make, and to contract to make, grants under this section to cities, municipalities, counties, and other general purpose units of local government to assist them in carrying out designated neighborhood conservation area programs designed to improve basic community facilities and services and bring about such other changes as may be necessary or appropriate to eliminate the threat of housing abandonment or decay in such areas and to restore and maintain such areas as suitable and stable living environments.

(b) Grants under this section may cover a period of not to exceed five years and may provide 100 per centum of the cost of any of the following types of activities within the neighborhood conservation area:

(1) The repair of streets, sidewalks, playgrounds, schoolyards, paths, street lights, traffic signs and signals, publicly owned utilities, or public buildings which have an impact on the quality of life in the neighborhood.

(2) The improvement of private properties to eliminate dangers to the public health and safety.

(3) The demolition of structures determined to be structurally unsound or unfit for occupancy.

(4) The establishment of temporary or permanent public playground or parks within the area to serve residents of the neighborhood.

(5) Other similar neighborhood-oriented activities and improvements calculated to aid significantly in achieving the objectives of this section.

(6) Assistance to qualified neighborhood-based nonprofit organizations in carrying out development activities under other provisions of this Act or in carrying out management training, maintenance, or tenant education programs.

(c) To be eligible for assistance under this section, a locality acting through its chief executive authority, shall designate a specific area and prepare and submit to the Secretary a plan specificying—

(1) the improvements in basic community facilities and services to be made in such area over the five-year period in which such improvements will be made;

(2) the programs to be introduced to improve the quality of housing in the area; and

(3) the public and private resources which will be marshaled to carry out such improvements and programs.

(d) Grants under this section shall be made, or shall continue to be in effect, with respect to any neighborhood conservation area if the Secretary finds that—

(1) the five-year plan submitted by the locality involved is workable and will provide an effective means of carrying out the purposes of this Act in such areas;

(2) the locality has the necessary resources to carry out in a timely fashion all of the improvements and programs set forth in the plan;

(3) the locality continues to make significant progress toward achieving its objectives it established for itself in the plan during the term of the grant; and

(4) the locality satisfies such other conditions and requirements as the Secretary may prescribe to insure that the purpose of this title will be achieved.

(e) There are authorized to be appropriated for grants under this section not to exceed $100,000,000 for the fiscal year ending June 30, 1973, not to exceed $150,000,000 for fiscal year ending June 30, 1974, and not to exceed $220,000,000 for the fiscal year ending June 30, 1975. Any amount so appropriated shall remain available until expended, and any amount authorized for any fiscal year under this subsection which is not appropriated may be appropriated for any succeeding fiscal year commencing prior to July 1, 1975.

(f) The Secretary is authorized to designate an area which meets the requirements of this section as a neighborhood conservation area notwithstanding the unavailability of funds for grants under this section. Upon such designation, the Secretary may furnish other assistance (including assistance under any mortgage insurance or related housing maintenance program) to such area.

FEDERAL MORTGAGE INSURANCE TO FACILITATE SALE OR REFINANCING OF HOUSING IN NEIGHBORHOOD CONSERVATION AREAS

SEC. 804. (a) Title II of the National Housing Act is amended by adding at the end thereof the following new section:

"MORTGAGE INSURANCE IN NEIGHBORHOOD CONSERVATION AREAS

"SEC. 244. (a) The purpose of this section is to help preserve and upgrade the quality of housing in designated neighborhood conservation areas by facilitating the rehabilitation refinancing of such housing or its transfer to tenant- or neighborhood-based corporate ownership.

"(b) The Secretary is authorized to insure any mortgage in accordance with the provisions of this section and to make commitments for such insurance prior to the date of the execution of the mortgage or disbursement thereon upon such terms and conditions as he may prescribe.

"(c) In order to carry out the purpose of this section, the Secretary is authorized to insure any mortgage which covers residential property located in a neighborhood conservation area approved for assistance under section 4 of the Neighborhood Conservation Act or any area designated as a neighborhood conservation area under section 4(e) of such Act, subject to the following conditions:

"(1) The mortgage shall cover a multifamily rental property, or a cooperative or condominium property which is basically sound or capable of being placed in standard condition without substantial rehabilitation and which contains—

"(A) more than one but less than seven dwelling units if the mortgagor is an individual or entity described in paragraph (2) of this subsection; or

"(B) seven or more dwelling units if the mortgagor is an organization described in paragraph (3) of this subsection.

"(2) The mortgage covering property referred to in paragraph (1)(A) of this subsection shall be executed by—

"(A) an individual who owns the property and occupies the property and is refinancing outstanding indebtedness related to the property, or who is purchasing the property and will occupy one or more of the units in the property after its purchase;

"(B) a cooperative or condominium organization which consists of a majority of the residential units on the property; or

"(C) a private nonprofit organization which is based in the neighborhood in which the property is located and which is approved by the Secretary.

"(3) The mortgage on a property referred to in paragraph (1)(B) of this subsection shall be executed by—

"(A) a cooperative or condominium organized which consists of or includes a majority of the occupants of the property;

"(B) a private nonprofit organization or association approved by the Secretary; or

"(C) a limited dividend ownership entity (as defined by the Secretary) including, but not limited to, corporations, general or limited partnerships, trusts, associations, and single proprietorships.

"(4) In the case of a mortgage involving a mortgagor referred to in paragraph (2)(A), (2)(B), and (3)(A) the mortgage shall include a principal obligation, including such initial services charges, discounts, appraisal, inspection, and other fees, as the Secretary shall approve in an amount not to exceed the sum of 97 per centum of the Secretary's estimate of the value of the property before any repairs or improvements deemed necessary by the Secretary to help restore or maintain the area in which the property is situated as a stable and suitable living environment, except that in no case involving refinancing shall such principal amount exceed such estimated cost of repairs and improvements and the amount (as determined by the Secretary) required to refinance existing indebtedness secured on the property.

"(5) In the case of a mortgage involving a mortgagor referred to in paragraph (2)(C) or (3)(B), the mortgage shall include a principal obligation, including such initial services charges, discounts, appraisal, inspection, and other fees, as the Secretary shall approve in an amount not to exceed the sum of 100 per centum of the Secretary's estimate of the value of the property before any repairs or improvements deemed necessary by the Secretary to help restore or maintain the area in which the property is situated as a stable and suitable living environment, except that in no case involving refinancing shall such principal amount exceed such estimated cost of repairs and improvements and the amount (as determined by the Secretary) required to refinance existing indebtedness secured in the property.

"(6) In the case of a mortgage involving a mortgagor referred to in paragraph (3)(C), the mortgage shall include a principal obligation, including such initial services charges, discounts, appraisal, inspection, and other fees, as the Secretary shall approve in an amount not to exceed the sum of 90 per centum of the Secretary's estimate of the value of the property before any repairs or improvements deemed necessary by the Secretary to help restore or maintain the area in which the property is situated as a stable and suitable living environment, except that in no case involving refinancing shall such principal amount exceed such estimated cost of repairs and improvements and the amount (as determined by the Secretary) required to refinance existing indebtedness secured on the property.

"(7) The mortgage shall—

"(A) provide for complete amortization by periodic payments within such term (not exceeding forty years) as the Secretary shall prescribe, except that in the case of a property referred to in paragraph (1)(A) such term shall not exceed twenty years;

"(B) bear interest (exclusive of premium charges for insurance and service charges, if any) on the amount of the principal obligation outstanding at any time at not to exceed such per centum per annum as the Secretary finds necessary to meet the mortgage market.

"(8) The Secretary shall not insure any mortgage under this section unless he has received satisfactory and enforceable assurances from the mortgage or that the refinancing or sale of the property (and any improvements thereto) will not result, directly or indirectly, in any increase in the rentals or other charges for dwelling units in the property for a period of at least one year from the date of final endorsement for mortgage insurance, or in any increases in such rentals thereafter in excess of such increases as the Secretary finds justified and approves on the basis of increased operating expenses. In addition, the Secretary may place such further restrictions on the mortgagor as to sales, charges, capital structure, rate of return, and methods of operation as, in the opinion of the Secretary, will best effectuate the purpose of this section.

"(d)(1) For the purpose of maintaining or reducing rentals or other charges for properties insured under this section, the Secretary is authorized to make, and to contract to make periodic interest reduction payments on behalf of the owners of the properties but for the benefit of the residents, which shall be accomplished through payments to mortgagees holding mortgages meeting the special requirements of this subsection.

"(2) Interest reduction payments with respect to a property shall only be made during such time as the property is operated as a rental housing and is subject to a mortgage which meets the requirements of, and is insured under, this section.

"(3) The interest reduction payments to a mortgagee by the Secretary on behalf of a property shall be in an amount not exceeding the difference between the monthly payment for principal, interest, and mortgage insurance premium which the property owner as a mortgagor is obligated to pay under the mortgage and the monthly payment for principal and interest such property owner would be obligated to pay if the mortgage were to bear interest at the rate of 4 per centum per annum.

"(4) The Secretary may include in the payment to the mortgagee such amounts, in addition to the amount computed under this subsection as he deems appropriate to reimburse the mortgagee for its expenses in handling the mortgage.

"(5) As a condition for receiving the benefits of interest reduction payments, the owner shall operate the project in accordance with such requirements with respect to tenant eligibility and rents as the Secretary may prescribe.

"(e) The Secretary may consent to the release of a part or parts of the mortgaged property from the lien of any mortgage insured under this section upon such terms and conditions as he may prescribe.

"(f) Prior to insuring any mortgage under this section, the Secretary shall obtain satisfactory and enforceable assurances from the mortgagor that all repairs and improvements necessary to place the underlying property in standard condition have been or will be made and that such property will be continuously maintained in standard condition.

"(g) The Secretary shall cooperate with the Secretary of Labor and the Secretary of Health, Education, and Welfare, to insure that, to the greatest extent feasible, funds appropriated under the Manpower Development and Training Act of 1962, as amended, shall be made available on a priority basis for training and employment support use in connection with improvements financed by mortgages insured under this section. The Secretary shall cooperate with the Director of the Office of Minority Business Enterprises, the Director of the Educational Development Agency, and the Administrator of the Small Business Administration, to insure maximum utilization of minority and small business contractors in connection with improvements financed by mortgages insured under this section.

"(h) In administering the program established by this section, the Secretary shall use his best efforts to enlist the support and actual cooperation of State and local governments in establishing State or local mortgage lending funds, in providing adequate municipal services in low- and moderate-income areas, particularly in areas threatened by building abandonment, and in insuring, to the maximum extent feasible, the administration of laws and ordinances relating to existing housing stock, including building codes, housing codes, health and safety codes, zoning laws, and property tax laws, in such manner as will encourage maximum utilization of this program in accordance with the purposes herein expressed.

"(i) The Secretary shall develop and maintain full information and statistics regarding the utilization of and experiences incurred under this program, which shall include, but not be limited to, information and statistics concerning—

"(1) financial market conditions, including the interest rates, payback periods, and other terms and conditions affecting housing eligible to be financed hereunder;

"(2) the character, extent, and actual costs of repairs, renovations, and moderate housing rehabilitation undertaken hereunder;

"(3) factors affecting and statistics showing the extent of actual and potential utilization of this program;

"(4) factors affecting the processing time of applications submitted hereunder and statistics showing processing times actually experienced;

"(5) mortgage arrearages and defaults on mortgage loans insured hereunder;

"(6) abuses of the program, actual or potential, and remedial or punitive actions taken in connection therewith; and

"(7) the costs of administering this mortgage-insurance program, provided by this section.

The Secretary shall submit each year to the Congress and to the President an annual report summarizing such information. Such report shall include his analysis of the effectiveness and scope of the program and his recommendations for its improvement and greater utilization.

"(j) If the Secretary determines that the unavailability of property insurance coverage is hindering the widespread utilization of this program, he shall take all practicable steps to insure that the protections and benefits of the Urban Property Protection and Reinsurance Act of 1968 are utilized to provide adequate property insurance coverage for mortgagors and mortgagees under this program.

"(k) If the Secretary determines that widespread utilization of this program is hindered by the charging of points or discounts by mortgagees, he shall take steps to implement the Government National Mortgage Association's authority under section 305(j) of this Act to purchase and make commitments to purchase mortgages insured under this section, at a price equal to the unpaid principal amount thereof at the time of purchase, with adjustments for interest and any comparable items, and to sell such mortgages at any time at a price within the range of market prices for the particular class of mortgages involved at the time of sale as determined by the Association.

"(l) If the Secretary determines that widespread utilization of this program is hindered by delays in processing and approval of projects, he shall establish procedures to ensure, to the maximum extent feasible, the expeditious processing and approval of applications for insurance hereunder, including, where necessary and appropriate, the use of procedures and practices similar to those under title I—Home Improvement Loans.

"(m) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, including such sums as may be necessary to make interest reduction payments under contracts entered into by the Secretary under this section. The aggregate amount of outstanding contracts to make such payments shall not exceed amounts approved in appropriation Acts and payments pursuant to such contracts shall not exceed $50,000,000 per annum prior to July 1, 1973, which maximum dollar amount shall be increased by $100,000,000 on July 1, 1974, by $150,000,000 on July 1, 1975."

The PRESIDING OFFICER (Mr. WEICKER). The Chair would inquire of the Senator from New York whether this amendment is the one that carries the 2-hour limitation.

Mr. JAVITS. It is, Mr. President. I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 10 minutes.

Mr. JAVITS. Mr. President, this amendment was the subject of legislation introduced in the Senate on February 7 of this year and has been under consideration by the committee.

The effect of the amendment would be to make special provisions in the bill to deal with the problem of city blight in the major cities—and they are all involved, not just in New York City alone. It relates to the encouragement and preservation of older neighborhoods which are threatened with blight and housing abandonment and seeks to stimulate on a broad scale, the conservation and upgrading of existing low and moderate income housing.

Now for these purposes—and I will discuss in detail what is to be done—the authorizations we seek are $100 million for 1973, $150 million for 1974, and $220 million for 1975, which will go to grants essentially for community facilities; that is, for sidewalks and other improvements, to deal with conditions in older neighborhoods.

The other part of the authorizations in my amendment relates to shallow subsidy supports at 4 percent interest rate, for the purpose of encouraging rehabilitation of the structures in older neighborhoods. For these purposes the authorizations are $50 million in fiscal 1973, $100 million in 1974, and $150 million in 1975.

Mr. President, these, then, are the two purposes to be accomplished. First, to deal with the community facilities in such neighborhoods, and second, to deal with the individual housing rehabilitation required in such neighborhoods.

I would like to call the attention of the Senate to the fact that to some extent this whole question is dealt with in the committee bill, and in the report it is found at page 22, under the heading "Refinancing in Respect to Older Existing Properties."

Mr. President, the measure which I am offering here as an amendment represents really a dramatic and far-reaching shift whose policy and strategy says that putting the main emphasis on rebuilding the most depressed areas alone, has not worked. Our depressed areas are proliferating rather than contracting. Therefore, attention must be given to strengthening and preserving the urban neighborhoods which are still viable but which show signs of rapid deterioration.

I might point out that this involves hundreds of thousands of housing units in the City of New York and millions throughout the country.

Mr. President, to give an example of how serious the problem is with respect to transitional neighborhoods, I would like to point out that an area of Manhattan called Washington Heights and large areas of Brooklyn, notably Crown Heights, East Crown Heights, and Bushwick, and large areas of the Bronx, generally known as the Tremont area, are today relatively viable, moderate income communities. Tomorrow we know, and we are sure, that they will be depressed areas and will resemble the Harlems, the Bedford-Stuyvesants, the South Bronxes and the Brownsvilles, our worst areas in the city.

Thus it is important that we have new initiatives to preserve and upgrade our existing housing stock while we continue to establish and to produce new housing.

The strategy of this amendment means not only that there must be vigorous assistance for the poor, through public and other subsidized housing, but also that we must provide the tools that will keep the middle and lower income families from fleeing the cities. We recognize that the battleground for housing is in the conventional neighborhoods and if attention is not devoted to them, they will be the devastated areas tomorrow.

If Federal tools can be established that will help the preservation and stabilization of these traditional neighborhoods, this will kindle a fire in the financial institutions which serve them as mortgage sources, and the economic mix which presently prevails will be retained in residences in such neighborhoods, thereby stemming the flight of lower- and middle-income families from our urban areas.

Mr. President, as I said a moment ago, the committee paid some attention to this problem in a series of measures introduced into the bill by my friends, the Senator from Ohio (Mr. TAFT), and the Senator from California (Mr. CRANSTON) and which I cosponsored and in the revised subsidy programs under sections 401 and 402 and sections 501 and 502 in the bill.

The difficulty is that not enough was done. In the first place in the sections providing for refinancing in neighborhood preservation areas there was no separate allocation of resources for the purpose of providing some form of interest subsidy to hold down rentals.

Second, a rather strange thing to us was that there would not be enough funds available for the purposes of rehabilitation of multifamily housing in the committee bill. There was a 10-percent setaside for rehabilitation in the funds that would be provided for section 402 subsidies. That is the homeownership subsidies. However, there was no setaside for what really involves many cities deeply, which is section 402 subsidies going to multihousing.

Another point that made for weakness in the provisions dealing with refinancing in older existing areas adopted by the committee was a requirement that the housing which was to receive mortgage insurance had to be owned by the applicant owner for 3 years prior to the application for the mortgage.

All that does is that at one fell swoop it eliminates any infusion of fresh blood and fresh resources into those critically important rehabilitation areas of our older neighborhoods.

For example, Mr. President, it excludes special nonprofit corporations organized by established business interests. In my case, I happen to be working with the mutual savings banks and also with the commercial banks to take over a lot of this property and rehabilitate it and rehabilitate the neighborhood in which it is located. It omits tenant cooperatives, for example, a cooperative movement. It omits limited dividend corporations. In my State, for example, a great deal of the housing is carried on by corporations which may only get a 6-percent return on their investment, plus 2-percent amortization. This 3-year requirement without any qualification results in materially restricting the opportunity to actually do something with what the committee has provided.

Finally, we find one very grave deficiency in the committee's formula as it relates to people who cannot afford to pay much more rent than they are paying, if any more, while they do not come within the lower classification for public housing or moderate-income housing. Yet under the section 502 program we find that if there is rehabilitation in a building, the rent for an existing tenant who does not meet the 502 eligibility standard immediately is forced up and this may result in an absolutely sensational rise in many cases.

This will happen in a significant number of cases in spite of the fact that the committee somewhat ameliorated the limitation by adopting a new standard in section 502 of 90 percent of median income in an area instead of 135 percent of public housing limits which was heretofore the rule.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I yield myself an additional 10 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for an additional 10 minutes.

Mr. JAVITS. Thus, we find grave deficiencies in certain of the arrangements made by the committee in this particular measure at is deal with transitional areas. In this field of refinancing and rehabilitation to save the old neighborhoods, it has no subsidy at all. And yet in our own experience in the great cities, we know that we cannot bring about the rehabilitation of housing that we wish to bring about without having some subsidy, even if a shallow one, and the 4-percent subsidy in my amendment is certainly shallow enough.

Mr. President, there are other problems, such as the fact that even under section 502, where there is no 10-percent set-aside, there is not enough money to rehabilitate the number of units which need to be done. In addition, the community development part of the bill—which would provide money for community facilities—has so many claims on it now that it is highly doubtful that any resources could be allocated to such a program such as this from the resources available for all eight current programs which will be rolled into chapter III, Community Development.

So for all those reasons we believe the adoption of an overall plan to deal with neighborhood conservation is far preferable to the plan which the committee has brought before us, which as far as it goes is certainly admirable, but it does not go nearly far enough to deal with what the committee calls neighborhood preservation.

I have given the specifics of where it falls short. Now, to describe very briefly my amendment. First, it would provide for areas to be designated as neighborhood conservation areas. These areas would then be eligible for grants for streets, sidewalks, playgrounds, schoolyards, paths, street lights, traffic signs and signals, the improvement of private properties to eliminate dangers to public health and safety, and other similar activities and improvements.

In order to receive grants, each locality would have to submit a 5-year plan and demonstrate at the end of each year that significant progress was being made.

The second part of the legislation provides for a new mortgage insurance program covering residential property located in these conservation areas. All of these units would be multifamily rental properties which are basically sound or capable of being placed in standard condition without substantial rehabilitation. This is not gut rehabilitation; this is rehabilitation that comes from painting, limited repairs, perhaps installation of modern sanitation facilities.

These are properties which contain more than one but less than seven dwelling units if the mortgagor is an individual, cooperative or condominium or nonprofit entity; or seven or more dwelling units if the mortgagor is a cooperative or condominium, nonprofit entity, or limited profit entity.

The mortgage could cover up to 97 percent of the value of the property before any repairs or improvements deemed necessary by the Secretary to help restore and maintain the property, or it could be up to 100 percent of the value for nonprofits, and 90 percent of the value for limited dividend entities. However, only owners living on the property would be allowed to secure mortgages under this legislation if there were less than seven units. This would serve to see to it that repairs are made on small units without great administrative burdens.

The third aspect of the legislation is that it provides that rentals on properties which receive mortgage insurance shall not be increased for at least a year from the date of issuance of the mortgage insurance and may not be increased thereafter unless the increase is justified on the basis of increased operating costs. For the purpose of maintaining or reducing these rentals or other charges for properties insured under this section the Secretary is authorized to make and to contract to make periodic interest reduction payments on behalf of the owners of the properties but for the benefit of the resident. This subsidy could go down to 4-percent interest.

Finally, the Secretary of HUD is authorized to accelerate the procedures for processing applications under the program.

This is the plan which we are offering and which we respectfully submit can be of enormous advantage and benefit and can go further than the committee bill because of the specific changes which I have described.

Now, Mr. President, before further discussing my amendment, I would like to ask the manager of the bill a question with regard to one part of the bill here involved. I have a question with respect to a particular aspect of the neighborhood preservation section of the bill which we would like to address to the chairman of the committee. It occurs on page 42 of the bill, if the Senator will follow me, at lines 1 through 5, where it states:

> During the mortgage term no rental increases shall be made except those which are necessary to offset actual and reasonable operating expense increases or debt service payment increases due to any loan provided under paragraph (4).

We understand perfectly what debt service payment increases mean. We are left in doubt whether operating expense increases include or exclude taxes and if so what kind of taxes.

Mr. SPARKMAN. Yes, taxes are included in the term "reasonable operating expense."

Mr. JAVITS. And that would include all taxes?

Mr. SPARKMAN. All taxes insofar as the property is concerned.

Mr. JAVITS. Property taxes?

Mr. SPARKMAN. Yes.

Mr. JAVITS. Any taxes?

Mr. SPARKMAN. Yes.

Mr. JAVITS. They are included in operating expense?

Mr. SPARKMAN. Yes.

Mr. JAVITS. Mr. President, I submit to the Senate the case for our amendment both on philosophic grounds, as I described them, and on the grounds that the only way we can begin to press in upon these seriously deteriorating neighborhoods which, notwithstanding our very best efforts, seem to be spreading.

The strategy in this amendment is the strategy which we believe has the best hope now of saving the cities and bringing back the critical population, the departure of which has caused such grave social problems in the United States. I hope the amendment may have the favorable consideration of the Senate and the sympathetic consideration of the manager of the bill.

I reserve the remainder of my time.

Mr. SPARKMAN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SPARKMAN. Mr. President, I want to say to the Senator from New York that we took up in committee the various proposals he had before us. As he knows we write a great part of them into the bill as reported to the Senate. For instance, we set up and accepted the Senator's National Institute of Building Science. Furthermore, in this rehabilitation property we took up the Senator's proposal along with the proposals that were made by the Senator from California (Mr. CRANSTON), the Senator from Minnesota (Mr. MONDALE), and the Senator from Ohio (Mr. TAFT). The entire committee was interested in this problem and we recognized that New York City is one of the principal areas in the United States in which this is a problem.

It is a problem in many areas, but I understand it is an acute and massive problem in New York City. We had that in mind and we wrote out just about the best provisions, I feel, that we could.

Now let me say the Senator has suggested a couple or three things that I think we could accept in addition to this. One of them is the 10 percent set aside on multifamily homes. The Senator suggested that as being left out. Another one would be the one relating to the requirement of 3 years' residence. Actually, that was an amendment put into the bill by the Senator from Ohio (Mr. TAFT). I think the Senator from California (Mr. CRANSTON) had a 2-year provision. I am told they were together. They jointly sponsored the 3-year idea.

The Senator recognizes the reason for having some requirement there for prior occupancy or prior ownership. It is to prevent speculation such as has taken place, we know, in some areas under a rehabilitation program which we hoped would render a lot of good. I remember we had a bit of trouble in some areas with reference to that 2 or 3 years ago.

I have not discussed this matter with the Senator from Texas, but I would be perfectly willing to incorporate those two additional items. There is much overlapping between what the Senator presents and what we have in the bill, and I want to stress the fact that what we have in the bill was worked on most carefully by the committee. The bill was not hurriedly thrown together. We had many, many executive sessions in working it out, and I feel that we have worked out a very fine piece of legislation.

I think we are making great progress in the field of housing. We have a long way to go yet, but I think we are going further and further each year. I think we have presented a good bill here, and I would very much wish that the Senator from New York would be willing to let us work out these two particular items I have mentioned, and not insist on the rest of it.

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

I appreciate very much the attitude of the Senator from Alabama. He is generally supportive, with the Senator from Texas, in trying to work these matters out. I am much minded to move along the lines the Senator has suggested.

I do have one problem, which I would like to submit to both the Senator from Alabama and the Senator from Texas. Knowing me as they do, they know I will submit the pros and cons. It so happens that the one who runs my New York office is present here, Mr. Dennis Allee. He tells me, from the people who work, actually work on these problems, that one of the real problems in many neighborhoods which use the subsidy program is that when it comes to utilizing the tools which the bill would provide, is that there often is great difficulty in retaining the traditional tennants, neighborhood people of good standing in the community, in housing which receives subsidy payments. We have drafted an amendment enabling them to stay, notwithstanding mandatory increases which result from the committee bill.

I would greatly appreciate it—and I do it with my eyes wide open—if the committee would take this matter to conference—so an opportunity may be had to confer with the Department of Housing and Urban Development and perhaps to check back into the local communities to see whether the merit of this amendment could be shown. If the committee decides that nothing should be done about it, I will rest on their judgment, but as we know the practice, unless it is taken to conference, nothing will happen, even if it is highly deserving.

On that amendment, I would greatly appreciate it if the committee would give us another chance to get this matter considered through conference, to determine whether, in equity and fairness, something ought to be done about the older tenants who have income levels perhaps higher than would enable them in order to qualify for subsidized rents, but who should not have to go to the so-called market rents.

I would understand, in respect of that particular amendment, that the committee would just be taking it to conference really for the purpose of looking into the question to determine whether or not, in justice, something ought to be done.

Mr. SPARKMAN. Mr. President, I want to say that is the gist of amendment No. 981.

Mr. JAVITS. Yes, 981. As a matter of fact, we have revised it. I guess we talked it over technically to try to get some further light on it. I believe they will find out when they check back with the local HUD office in New York that they are faced with this problem.

Mr. SPARKMAN. I am looking at

amendment No. 981. That is one the Senator had on the table. It provides that in the case of a project involving the rehabilitation of an existing structure or structures, tenants in possession, regardless of income, shall have the right to continue in occupancy after completion of the rehabilitation, provided that they pay the fair market rental value or 25 per centum of their income, whichever is less.

Mr. JAVITS. For myself, it really does not matter what the form is. We have revised the form, but the way we are submitting it to the committee, it is not the form that counts, just the idea.

Mr. SPARKMAN. I was going to suggest, suppose a person living on that property now has an income of, we will say, $16,000.

Mr. JAVITS. Then he can pay the market rent.

Mr. SPARKMAN. That is not necessarily what the amendment says. It says the fair market rental value or one-fourth of his income, whichever is less.

Mr. JAVITS. I agree with the Senator that the amendment should contain a limit and we will revise it.

Mr. SPARKMAN. We do not want to be in the position of subsidizing high-income people.

Mr. JAVITS. Of course.

Mr. SPARKMAN. I said earlier in talking about it, that I thought the Senator had a point there, that persons who are already there ought to be allowed to stay; but I do not believe they ought to be allowed to continue with a subsidy, if they have incomes above the eligibility levels.

Mr. JAVITS. I perfectly agree with the Senator. We will revise it.

Mr. SPARKMAN. If the Senator will let the two staffs work on it, it will be acceptable.

Mr. TOWER. There are no income limits, as I can detect.

Mr. JAVITS. We will work that out with the staffs.

Mr. President, in order to clear the record, because I value so much the understanding and the cooperation of the managers of the bill, I withdraw my amendment No. 982.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. JAVITS. Mr. President, I send an amendment to the desk and ask to have it stated.

The PRESIDING OFFICER. The amendment will be read.

The assistant legislative clerk read the amendment, as follows:

> On page 49, between lines 2 and 3, insert the following:
>
> "(3) Not less than 10 per centum of the total amount of contracts for assistance payments authorized by appropriation Acts to be made after June 30, 1971, shall be available for use only with respect to dwellings, or dwelling units in projects, which are approved by the Secretary prior to rehabilitation."

Mr. SPARKMAN. Mr. President, does that bring in the multifamily units?

Mr. JAVITS. That has to do with rehabilitation in multifamily units under section 502 of the bill.

Mr. SPARKMAN. That is one of the propositions I have said we will take?

Mr. JAVITS. That is right.

Mr. SPARKMAN. I have not studied it with the Senator from Texas——

Mr. TOWER. Mr. President, I have studied it, and for the minority I can say we will accept it as well. I might note that HUD has no objection.

Mr. JAVITS. Mr. President, I yield back my time.

Mr. SPARKMAN. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the question arises on the amendment of the Senator from New York.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I send another amendment to the desk, and ask to have it stated.

The PRESIDING OFFICER. The amendment will be read.

The assistant legislative clerk read the amendment, as follows:

> On page 30, line 16 and on page 41, line 19, insert the following at the end of the word "refinancing": "unless the mortgagor shall be a nonprofit, limited profit or cooperative entity certified by the Secretary as being eligible to participate in the refinancing program in neighborhood preservation areas under criteria established by the Secretary."

Mr. JAVITS. Mr. President, again, this is an amendment we have discussed. I might explain that, of the three categories which I set forth, two of them—that is, cooperatives and nonprofits—are not controversial. The limited-dividend entity is used in many States, and there is a possibility of abuse; that is why I have protected the section by saying it shall be pursuant to criteria established by the Secretary, so that there would be no fear that any speculation could take place under the guise of a limited-dividend corporation.

Mr. SPARKMAN. Mr. President, I think the amendment is reasonable, and for my part I am willing to accept it.

Mr. TOWER. Mr. President, for my part, I am willing to accept the amendment. And I might note that HUD has no exception.

Mr. JAVITS. Mr. President, I yield back the remainder of my time.

Mr. SPARKMAN. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from New York (Mr. JAVITS).

The amendment was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the votes by which both amendments were agreed to.

Mr. TOWER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. Mr. President, with the indulgence of the manager of the bill, we will wait until the other amendment is redrafted before we proceed.

Mr. SPARKMAN. Mr. President, I yield myself 1 minute. I would like to suggest to the Senator from New York that he do that as quickly as possible, because we are just about out of grace.

Mr. JAVITS. We will do it immediately.

Mr. President, I suggest the absence of a quorum.

Mr. TOWER. Mr. President, I ask unanimous consent that the time for the quorum call not be charged to either side.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 216, line 17, strike out "The first sentence of section" and insert in lieu thereof "Section".
>
> On page 217, line 18, strike out "Section", and insert in lieu thereof "Except with respect to any person receiving an annuity on the date of enactment hereof, section".

Mr. TOWER. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, the amendments have been accepted by the chairman of the committee. These are merely technical amendments regarding the provisions in the bill relative to the Federal National Mortgage Association.

Mr. SPARKMAN. Mr. President, I am perfectly willing to accept the amendments.

The PRESIDING OFFICER. Is all time yielded back?

Mr. TOWER. Yes.

Mr. SPARKMAN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendments of the Senator from Texas.

The amendments were agreed to.

Mr. TOWER. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On line one (1) of page 209 insert before the semicolon as follows: "unless the Secretary or the Administrator, as the case may be, determines that any excess or nonallowable charge has been repaid".

Mr. TOWER. Mr. President, this amendment would permit the insurance of a FHA mortgage or the guarantee of a VA mortgage in those cases where FHA or VA determines that an excess or nonallowable charge has been levied as part of the closing cost incurred in connection with the closing of the loan. Cases may arise where a charge is inadvertently levied as part of the closing cost which FHA or VA subsequently determines to be excessive or nonallowable.

As now written, section 712 of S. 3248 would make that mortgage ineligible for FHA insurance or VA guarantee. This would work an undue hardship on the home purchaser who would then have to obtain other financing for his home through no fault of his own. Permitting the insurance or guarantee to be given in such cases when an excessive or a nonallowable charge has been repaid would satisfy the intent of section 712, while at the same time not jeopardizing the home purchaser's ability to complete the purchase of his home.

Mr. President, it is my understanding that the distinguished chairman of the committee is in concurrence with this amendment.

Mr. SPARKMAN. That is right.

The PRESIDING OFFICER. Is all time yielded back?

Mr. TOWER. Yes.

Mr. SPARKMAN. I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Texas.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 45, between lines 12 and 13, insert the following:

(2) In the case of a project involving the rehabilitation of an existing structure or structures, tenants in possession, regardless of income, shall have the right to continue in occupancy after completion of rehabilitation: *Provided*, That they pay the fair market rental charge or 25 per centum of their income, whichever is less: *Provided, further*, that such income does not exceed $10,000 per annum, with suitable adjustments upward as determined by the Secretary based on family size and local cost of living.

Mr. JAVITS. Mr. President, this is the amendment 981 as revised and which we discussed a moment ago, and I am prepared to yield back my time.

Mr. SPARKMAN. I am willing to accept it, Mr. President.

Mr. TOWER. I, too, Mr. President.

Mr. JAVITS. Mr. President, I thank both of my colleagues. I think it is extraordinary that there are some committees with which it is possible, without heat, to work things out, depending upon the exigencies, depending on the way one makes a substantive case. It is commendable.

I know of no committee more congenial in that regard than the Committee on Banking, Housing, and Urban Affairs; and I know it is heavily attributable to the personalities involved, although they have very diverse views in many things with each other and with me. I know of no two men who are more sensitive to an intellectual appeal than the Senator from Alabama and the Senator from Texas, and I thank them very much.

Mr. TOWER. I thank the Senator for his remarks.

Mr. SPARKMAN. I appreciate the remarks of the Senator from New York.

The Senator used to be a member of this committee, and I believe he knows that we are quite objective in the committee, and I say that for every member of the committee, on both sides. We do try to work up good programs.

Housing is something that does not remain static—in legislation or in programs. We are trying to learn by experience and to improve from year to year. The Senator from New York has always been actively concerned in the housing problem. As a matter of fact, I believe that the most acute and largest problems in the United States in regard to housing lie in the State of New York.

Mr. JAVITS. That is correct.

Mr. SPARKMAN. I appreciate his willingness always to work things out.

The PRESIDING OFFICER. Is all time yielded back?

Mr. JAVITS. I yield back the remainder of my time.

Mr. SPARKMAN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

AMENDMENT NO. 976

Mr. BROCK. Mr. President, I call up my amendment No. 976 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

At the end of the bill add the following new section:

UTILIZATION OF IMPROVED TECHNOLOGY

SEC. 726. (a) Any provision or requirement in any building code or other local law or ordinance, or any contract or agreement, or any practice or other restraint which interferes with or restricts the use of new or improved techniques, methods, or materials or the use of preassembled products in connection with any development, construction, rehabilitation, or maintenance activity assisted under any program administered by the Secretary of Housing and Urban Development shall be unlawful with respect to such activity except where such provision, requirement, practice, or restraint is determined to be necessary to assure safe and healthful working or living conditions, except that any such technique, method, material, or product that conforms to appropriate standards adopted by any nationally recognized testing agency (1) approved by the Secretary of Housing and Urban Development, and (2) qualified and equipped to perform suitable tests or evaluations, shall, in the absence of clear and convincing contrary evidence, be presumed to have no adverse effect on such working or living conditions.

(b) Any person who is aggrieved because of any provision or requirement in any building code or other local law or ordinance, or because of any contract, agreement, practice, or other restraint unlawful under subsection (a) of this section may bring a civil action in any appropriate United States district court notwithstanding any other provision of law and without regard to the amount in controversy, or in any appropriate State or local court of general jurisdiction to obtain equitable or preventive relief for violations of this section, or for appropriate damages, and may request such relief, or enter a claim for such damages, in any court whenever relevant in connection with a defense to, or counterclaim in, any suit or action brought against such person in that court, except that damages shall not be awarded where the person bringing the action under this section is aggrieved by reason of any provision or requirement in any building code or other local law or ordinance.

Mr. BROCK. Mr. President, I ask unanimous consent that the names of the following Senators be listed as cosponsors of this amendment: The Senator from Texas (Mr. TOWER), the Senator from Florida (Mr. GURNEY), the Senator from Arizona (Mr. FANNIN), the Senator from Colorado (Mr. DOMINICK), the Senator from Ohio (Mr. TAFT), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Kansas (Mr. DOLE).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROCK. Mr. President, a summary of this amendment is included in my individual views at page 125 of the committee report.

The Secretary of Housing and Urban Development has set as a goal the construction of 26 million new housing units during the decade ending in 1978. We need to meet this goal and to insure that most are within the reach of our low- and middle-income citizens. We have another responsibility which is to the taxpayer who must bear the tax burden of these federally financed and assisted housing programs. To him it is simple arithmetic: The higher cost per unit, the more he must pay and the fewer units can be built.

As a result, we must find a way to stop the exorbitant increases in construction costs that continue to go on and on. We need to encourage every effort that will slow down these increases. It is an obvious fact that no one can overlook that many of these cost increases are due to higher and higher wage rates. The Housing Affairs Letter of December 3, 1971, reported that building trades union wage scales in cities of over 100,000 for the year ending October 31, 1971, were up to 145.2 percent of the 1967 base. The Douglas Commission pointed out the discrepancy between wage and construction material increases. During the period 1957–59 to May 1968, the hourly earnings of construction workers increased 53 percent, while the price of all construction materials increased only 10.2 percent.

CISC may help; but, even so, we must live with the current high level of construction wage rates. These rates must increase housing costs, but the only way we can hold down the impact is to assure that productivity is increased. And the best way to increase productivity in construction is to encourage the use of prefabricated and industrialized building techniques.

We all know that the two often interrelated factors have blocked the use of the new technology—restrictive work practices and local building codes. When one is brought up, many will claim the other is the real culprit. For example, some say, because the homebuilding industry is not heavily unionized, work practices are not significant there. I know of too many cases to buy this. In Tennessee, a contractor devised a method of assembling cast iron pipe in a jig for installation in a prefabricated bathroom, but the plumbers refused to install the pipe. The cost: $25 per bathroom for the preassembled pipe, versus over $100 per bathroom by hand-assembled method. In Montana, local unions refused to install prebuilt houses and pressured contractors not to send more workers to the site. This points out how many contractors must acquiesce to unreasonable demands without a fight.

Moreover, not all federally assisted housing programs aim at construction of single-family housing. Many of our section 236 projects are high-rise buildings where the building trades are stronger and restrictive work practices more prevalent. A typical instance is in the use of "window walls," a prefabricated wall with the windows installed. In the factory. Manufacturers of these products, which are widely and successfully used in single-family dwellings, have been frozen out of the high-rise market because union glaziers refuse to do the necessary finishing work on the site. This is true in most major cities. The window walls comply fully with local building codes and tests by nationally recognized testing agencies. They are kept off the market to provide more work for highly paid glaziers at the expense of the lower and moderate income users of low-cost housing.

Even the New York Times complained, in a July 1, 1969, editorial, that construction costs were already so high that unsubsidized apartments could be built only for the rich. Who must pay for the subsidy?

What innovations restrictive work rules will not stop, local codes will. The effect of the codes was ably described by the distinguished Senator from Wisconsin (Mr. PROXMIRE) in the 1969 debate on the Tower amendment. The refusal of local governments to update their codes has led to what can be called the great building code battle. HUD, through its workable program approvals, is "convincing" cities to withdraw prohibitions on the use of various products. The anguished cry of "Federal dictatorship" can be heard from Los Angeles, San Francisco, Denver, Chicago, and Miami.

Mr. President, I ask unanimous consent to have printed in the RECORD an article published in the Los Angeles Times, entitled "Building Code Battle Breaks Out," citing this particular problem, published February 6, 1972; also an article written by Ron E. Warthen of the McGraw-Hill World News in San Francisco, relating to the San Francisco battle with the Department of Housing.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Feb. 6, 1972]

UNITED STATES WANTS CITIES TO CONFORM: BUILDING CODE BATTLE BREAKS OUT

(By Doug Shuit)

Across the United States there is a bewildering array of local building codes, described for years ar archaic, conflicting or contradictory. Now they are making headlines in an often bitter tug-of-war between federal and local governments.

The federal government is moving to standardize the codes and is holding the threat of the loss of millions of dollars over the heads of uncooperative cities.

Many cities are crying foul, claiming the government is using economic blackmail to rustle one of their favorite sacred cows and is endangering the public by doing so.

At issue is whether the cities themselves will have the say in writing the codes.

FOCUS OF ARGUMENT

The ultimate answer, and it appears the federal government will win, is of critical importance to everyone because it is the codes that largely determine how safe and how expensive housing will be by imposing standards for wiring, plumbing and roof and wall strength, among other things.

Most of the controversy is centered on the refusal by some cities—New York, Los Angeles and Chicago, to name the largest—to permit the use of either nonmetallic electrical or plumbing materials.

Specifically, the argument focuses on the use of Romex, or plastic sheathed electrical cable, and plastic plumbing pipe.

The pressure on the cities is coming from the U.S. Department of Housing and Urban Development, supported by the leadership of HUD Secretary George Romney.

Quite simply, HUD is telling cities that unless they withdraw their prohibitions on the use of various materials, especially the plastics, they will lose funds supplied under the department's Workable Program for Community Development.

At stake is millions of dollars that the cities can't afford to lose.

The imbroglio has been developing over the last two years and, so far, numerous cities across the country have changed their codes after pressure from Washington, most recently San Francisco (in December) and Denver (last month).

Los Angeles, too, has received its ultimatum, but unlike San Francisco and Denver—which were faced with the immediate cutoff of funds—Los Angeles does not have an imminent deadline and therefore has put off making a final decision.

The stake in Los Angeles is the potential cutoff of $28.9 million in urban renewal and redevelopment funds.

NOVEMBER DEFEAT

A vote that would have permitted the use of plastic-sheathed electrical cable in wood frame residential structures (most cities allow its use) was beaten back in November by angry city councilmen, among them Louis R. Nowell.

"The use of that kind of material (plastic) would be a reduction in the safety standards we've set for ourselves. It all boils down to local control versus federal dictatorship," said Nowell, echoing sentiments expressed in several city halls during a recent survey by The Times.

"We definitely think Romex, in unlimited use, is a fire hazard. We're chagrined we had to recommend a policy we don't believe in," said a building official in Denver, shortly after his city voted to permit its use. "I think the whole thing may backfire."

Said a federal official: "We just want to bring them into the 20th century."

What are building codes?

Codes have been long considered a "sacred" right of local governments, governing, as they do, any construction in the city, from the height of a ceiling to specifications on the type and quality of building materials.

The overriding need for codes is the protection of the public from unscrupulous builders. With codes, people can sleep at night knowing their roofs won't collapse under the weight of snow or rainwater, or they can sign 30-year mortgages knowing that what they are buying has been inspected for safety and durability.

Local concerns are very much in evidence. Los Angeles, for example, has written into its codes guards to protect against earthquakes, while other areas are more concerned with solid underpinnings to protect against hurricanes and tornadoes.

The crucial point to the present problem is just that: since each city can write its own codes, there has been a proliferation of building rules and regulations often varying from city to city.

In Los Angeles County, for example, a contractor can build a home using plastic sheathed electrical cable (Romex) while across the street, within the city of Los Angeles, he must use the more costly metallic conduit.

Like many other cities, Los Angeles has been charged with being "over engineered," that is, it requires more safety than is necessary, often at the expense of homebuyers.

Builders call the codes unnecessarily restrictive and an obstacle standing in the way of mass-produced, low-cost housing systems, and for these reasons federal pressure is being put on cities to adopt uniform codes, which might vary from region to region, but not from city to city.

BLAME ON ROMNEY

Behind it all is Romney, who, almost from the moment he became secretary of the Department of Housing and Urban Development in 1969, has been working vigorously toward lowering the cost of housing by making possible the use of mass-produced, industrialized housing systems, as well as promoting the introduction of man-made, jet-age building materials.

Romney believes that only with the utilization of industrialized housing techniques can the United States beat a current housing shortage and bring the cost of homes back within the range of the average worker.

Experts believe uniform codes are essential to the success of industrialized building systems, which utilize factory assembly methods either in whole or in part, because with uniformity a builder can build one kind of house and sell it in many cities—saving money all the way down the line, from planning to materials to labor.

Some critics have called local regulations capricious claiming they are not drawn up so much because of public safety, but to satisfy a private interest.

PROBLEM DISCUSSED

A spokesman for ITT-Levitt and Sons, one of the nation's largest builders, recently discussed the problem of varying codes:

"A builder goes from one community to the other and finds that what is acceptable in one place is not acceptable in another. The machinery necessary to change a code is steeped in bureaucracy, so before we go into a community, we check the code to see if their city allows our kind of system. We avoid places that have burdensome problems.

"For example, in one state, you must have an 8-inch masonry wall between townhouse living units, even though there are other materials that will do the job. Some areas require masonry chimneys, others a brick facade; some demand cast iron pipe, others permit plastic."

Most of the controversy over codes has surfaced over the use of plastic for plumbing and electrical systems.

Proponents say plastic is cheaper (about half the cost of metallic systems), lightweight and easier to install; opponents say it is untested and a serious threat to public safety.

Lines are drawn between builders and HUD on one side and unions and local officials on the other.

Electrical and plumbing unions, highly vocal opponents, cite most often in their criticism danger to the public, but there are other concerns. Plastic materials can be installed by semi-skilled workmen, and it takes less time to install plastic systems, so there is the potential loss of jobs. Some have expressed the opinion that Romney is out to "wreck the building trades unions."

Both sides make good arguments in the debate over materials, which sometimes tends toward the dramatic.

When the Los Angeles City Council was considering the use of Romex, opponents showed slides and pictures of fire gutted buildings and told of dire consequences that occur when nails are driven through the plastic cable and into hot wires.

The chief criticism of the plastic wiring is that it is a potential fire hazard. The chief criticism of the plastic pipe is that it is unstable when exposed to extremely hot liquids.

COUNTER ARGUMENTS

These arguments are countered by the fact that both plastic plumbing and electrical systems have been used in many communities for years without problems. It is estimated that 75–80% of the newer apartments in Los Angeles are hooked up, in part, with plastic pipe. Los Angeles County has been allowing Romex electric cable in single family homes since 1933.

Supporters of the plastic systems argue that there are restrictions on the use of plastic pipe in the uniform codes, and that there are just as many fires caused by faulty metal electrical conduit as there are caused by plastic.

(The Los Angeles Fire Department takes no stand either way on the plastic wiring system, claiming there is not enough data available to support either argument.)

Uniform building, plumbing, electrical and mechanical codes, which HUD is boosting, have been around for years and have been adopted by the majority of smaller cities.

Large cities have set their own standards believing, with some justification, that their high population concentrations require more protection.

The uniform codes—the National Electric Code, the National Model Code, the Uniform Building Code and others—are drawn up by panels including contractors, labor representatives, materials manufacturers and government building and safety officials.

Critics charge that the codes, because of the diversity of membership on the panels, are arrived at through compromise and therefore set minimum standards.

They argue these minimum standards are fine for many cities without the resources to write their own codes, but that cities with large population concentrations need maximum, not minimum, standards.

"It would appear that the federal government in its zeal to meet a deadline or a commitment for the construction of single family residences wants to bring Los Angeles standards down to so-called national standards," said Councilman Nowell. "Our standards are better and safer as far as Los Angeles is concerned than those they advocate."

The ultimatum from HUD to the cities, stated in part:

"After December 31, 1971, no Workable Program will be certified or recertified unless the community has adopted nationally recognized model codes without revision or has revised its codes to incorporate nationally recognized standards governing the use of materials and methods of installation and construction."

The ultimatum drew almost universal criticism among city and county officials in San Francisco, who waged a bitter fight before giving in to federal economic pressure. The San Francisco County Board of Supervisors passed a resolution calling for a congressional investigation of the matter.

Denver is equally upset, and a similar motion is in the works.

"We were forced to revise our codes to allow for plastic pipe and Romex. We were willing to allow the use of Romex in wood frame buildings, but they forced us to allow it in all buildings, commercial and residential," said Alfred Goldberg, superintendent of San Francisco's Bureau of Building Inspection.

"Every person I've talked to—engineers, architects, and unions—can't conceive of this ruling by HUD because of the problems involved. I've repeatedly tried to talk to them (HUD), but they just won't listen," he continued.

Goldberg's position is generally supported by other building officials, who, above HUD's intrusion on their territory, criticize the government for failing to meet them halfway.

Explaining HUD's position, Daniel Taylor, a HUD specialist on codes based in Washington, says:

"The proliferation of building codes severely increases the cost of construction. We are attempting to secure uniformity regionally to provide for the introduction of new materials and to eliminate arbitrary and capricious use of the local codes.

"The proliferation of codes puts the burden of higher costs on the builder, who in turn passes the costs onto the homebuyer."

Local codes usually set up specification standards; that is, they declare what kind of material should be used. The codes HUD is pushing set performance standards and give the same weight to all materials as long as they meet minimum standards.

If a wall is made of paper but tests out as strong and dependable as wood, plaster or particle board, why not use it? HUD asks.

CAN HUD FORCE PLASTIC PIPE INTO SAN FRANCISCO? IT'S NO LEAD-PIPE CINCH

(By Ron E. Warthen)

A building code dispute has given San Francisco the option of supporting its craft unions or losing $19 million in housing funds, but politicians seem reluctant to make the choice.

The U.S. Department of Housing and Urban Development (HUD) demands that the city revise its codes to permit use of plastic-coated wire and plastic drain, waste, and vent pipes.

Plastic will reduce house-building costs and so permit more shelter for the poor, HUD said. And it told Mayor Joseph Alioto on September 27 that San Francisco's request for the $19 million in HUD funds would not even be considered until the codes were modified.

POLITICS

The powerful electricians' and plumbers' unions oppose any change. Their sinew, applied when the mayor and five members of the board of supervisors were up for reelection, was a match for HUD's money.

San Francisco is one of the first large cities faced with an actual cutoff of HUD funds if it doesn't modify its codes.

The alternative—change codes or lose funds—was presented to Alioto, a Democrat, by a Republican administration when he was running against 10 challengers.

"HUD is using this thing as a political club," said Alioto's development deputy, John Tolan, at the time. "That's the only reason they're doing it."

IMPASSE

And so, even with the election behind and Alioto returned for a second term, officials are moving only slowly to meet HUD's demands.

LAB TESTS

Al Goldberg, superintendent of building inspection, admits that HUD is winning the fight for non-metallic covered wiring, but the pipe controversy still rages.

"There's no politics involved in the pipe issue," he insists. "That's a ludicrous thought. We've asked the plastics people to provide test data that would show how plastic would stand up under use. They won't."

But Ray Durazo, director of the Plastic Pipe Institute in New York City, claims the industry has "test data on practically every conceivable normal application of the material." And he says the data has been offered to San Francisco.

"Mr. Goldberg has asked—really demanded—that the industry run tests at independent laboratories to prove to him various performance characteristics of plastic pipe," Durazo says. "Much of what he is asking has already been done in the laboratories. But Mr. Goldberg is unwilling to accept any of this data and it would cost $100,000 to have these tests run again."

Durazo adds that 1,500 to 2,000 cities and counties are using plastic pipe.

PERFORMANCE

Several cities and counties surrounding San Francisco say they're getting satisfactory results from the lightweight pipes, quickly installed. In San Jose, 50 miles south, plastic pipe has been in use nearly five years.

"It goes in much faster and saves a lot of money," says Ernie Tershuren, assistant plumbing inspector for the city.

Tom Murphy, director of technical services for the Associated Home Builders of Greater East Bay, polled building and plumbing officials in 30 cities and counties within the state who have been using the plastics. He says results show the product is proving reliable.

Two hundred and twenty-eight California cities and counties now use plastic pipe.

And throughout San Francisco proper, employees of the city water department continue to lay plastic pipe—as they have done for seven years.

Mr. BROCK. Mr. President, my amendment is a workable solution to these difficult problems and one which recognizes the need to protect health and safety and local differences while still providing the needed boost in productivity in the construction industry. It is a logical extension of the breakthrough amendment offered by the Senator from Wisconsin in the 1968 Housing Act as strengthened by the 1969 Tower amendment. These, however, were limited to breakthrough programs and included no enforcement provisions. Last session the distinguished Senator from Arizona (Mr. FANNIN) a cosponsor of my amendment, introduced S. 1691 aimed at meeting these needs. Testimony by the distinguished Senator from Arizona and statements by a number of concerned citizens are included in the committee hearings.

My amendment applies to all housing programs administered by the Secretary of Housing and Urban Development. It provides a private right of enforcement without the involvement of a State or Federal agency on a case by case basis. Each case will be tried by the local, State, or Federal court. Thus, there can be no charge of "Federal dictatorship."

If the work practice or code is necessary to protect healthful and safe living or working conditions, the remedy would not apply. Since certain nationally recognized testing agencies such as Underwriters Laboratories and the American Society for Testing and Materials have set standards in this area for products, a product meeting such a standard will be presumed to be safe or healthful. This is, however, a rebuttable presumption that can be overcome by evidence at the trial.

As a result of a question raised during subcommittee consideration of the amendment, it now requires that the testing agencies be approved by the Secretary of Housing and Urban Development. This will insure that they indeed have adequate facilities to develop the necessary standards.

If no standard has been established by such an agency, the only result is that no presumption runs in favor of the product meeting the health and safety standards. The plaintiff in the action will have the burden of proving this element.

A person bringing the action may recover damages as well as have injunctive relief. Damages are not allowed against a local government because of soverign immunity.

As noted in my individual views, the amendment lost in subcommittee by a small margin and, indeed, was initially accepted. The distinguished chairman was kind enough to offer hearings in May on the amendment. I am sure that such hearings will confirm the need for my amendment.

However, Mr. President, every Member of this Chamber knows the truth of what I have just said. No one can deny that the cost of housing has skyrocketed in the past few years. No one can deny that wage rates for building trades have also increased tremendously. Prefabricated components for housing can be made more cheaply in a factory on a production basis than handcrafted on a construction site. It is plainly unfair to the million of Americans desperately in need of low-cost housing for them to wait for months and years while we go through hearings to prove the obvious. Adoption of my amendment will give these benefits to those who need housing now. Rejection of this amendment will add more pressure to the spiraling building trades wage rates at the expense of those who can least afford it, the users of low-cost housing.

Mr. TOWER. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Texas is recognized for 3 minutes.

Mr. TOWER. Mr. President, I think this is a good amendment and I commend the Senator from Tennessee for offering it.

I have long been an advocate of a breakthrough in housing through improved technology and the revision of archaic and anachronistic building codes, including work rules, which only add to the cost of housing projects.

I believe it is high time that we acted in this country. Too often we have been, perhaps, more concerned with how organized labor might react than we have been concerned with getting the costs of housing down within the reach of low-income families.

In the original breakthrough proposition, I remember it was supported by Walter Reuther, then the president of the United Auto Workers. He testified before the committeee that the big problem is that the American people are getting Chevrolet homes at Cadillac prices. I concur with that remark. I think that now is the time for this country to use the technology it has, and the production methods it has, to bring housing within the reach of the low-income family without exorbitant cost.

Thus, Mr. President, I commend the distinguished Senator from Tennessee for his amendment. I support it, and I am delighted to be a cosponsor of it.

Mr. BROCK. I thank the Senator from Texas for his support.

Mr. SPARKMAN. Mr. President, will the Senator from Tennessee yield to me, or I can use my own time, either one?

Mr. BROCK. I yield.

Mr. SPARKMAN. Mr. President, our committee has been concerned with this problem of the high cost of low-income housing. We have worked over the years to try to make certain that progress would be made. Progress has been made. I can remember, not many years ago, that we had difficulty, so far as labor was concerned, in agreeing on such things as modular housing and using different techniques and different improved materials, as well as new materials.

Back about 1962 or 1963, we wrote a provision into the bill directing the Secretary to do all he could toward using new materials, new techniques, and new skills, in the promotion of housing. Much has been done. Labor today cooperates in modular housing.

Mr. President, about 2 years ago, I had the privilege of going down to Corinth, Miss., to see a trainload of modular housing, coming 1,000 miles from up in Avon, N.Y. They were bringing housing down there where a tornado had come through and devastated the area. I went down with officials from HUD. They also had high officials from the unions connected with the construction of the housing. These unions have agreed to this.

I saw a piece of ground which, I was told, was filled with rubble the day before.

It had been cleaned off. The ground had been leveled and a concrete base had been prepared. The train came in from 1,000 miles away, bringing the units. I saw one unit lifted by crane from a flatcar that was especially built for the purpose, put on a trailer, and brought and set up on the site. I saw a second and a third unit brought and set up on the site. I believe that there were four units to a house. They were all put in place there within a few hours. The waterpipes and the electricity were connected. Everything was finished, and they had a complete house within 48 hours. It was an unbelievable thing.

The ceremony was participated in by the highest officials of the construction trades. Later, while in Avon, N.Y., I saw the houses that were built there. The manufacturers told me, that before they started, they had worked out a complete agreement with the unions and so far as I know, there has been good cooperation ever since.

This does not mean that we have completed the breakthrough to which the Senator refers. The Senator knows that we discussed the matter quite fully in the committee. We reached a decision that we ought to have hearings, not just on this one feature, but also on everything pertaining to the obstacles which must be removed if we are to make further advances in housing, and to secure better housing at lower prices for more people.

Mr. TOWER. Mr. President, I believe that included the Davis-Bacon, as well.

Mr. SPARKMAN. It did. And it included anything else that affects this subject.

The committee agreed that we would not take this up at this time, but that we would hold hearings on the entire subject matter. We do plan to hold those hearings.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield to the Senator from Ohio.

Mr. TAFT. Mr. President, I thank the Senator for yielding. I will certainly welcome the hearings to which the Senator has referred. I share the conviction of the Senator from Tennessee that while some progress has been made, the amount of progress has been entirely unsatisfactory insofar as I can see. For that reason I have cosponsored the amendment.

I believe there are still a good many restrictions in this area in the local building codes, and even in the State buildings codes as well, that will have the effect of holding up what progress might be had so that we might do something about this matter of solving our housing problems.

I think that some additional flexibility should be had. I think that some legislation is indicated at the Federal level. Without some action taken at the Federal level, we will see a continuation of the foot dragging that has gone on in the past and the lack of any meaningful progress in this respect.

Mr. SPARKMAN. Mr. President, may I say further that a few months ago I went to the office of one of the large construction unions—the name of which escapes me at the moment—where an agreement was signed between that union and a very large producer of modular housing in the United States.

I point to these things to show that we have been making headway. I want to point out that Secretary Romney announced a policy not long after he came into office that is called Operation Breakthrough. I will not say that he has achieved everything in that operation that he desires. However, he has gone a long way toward solving some of these problems of getting Operation Breakthrough successfully at work.

In view of the things I have said, I am hopeful that the Senator will not insist on his amendment at this time but will wait until after the hearings have been held.

Mr. BROCK. Mr. President, I very much appreciate the assurances both in committee and on the Senate floor from the chairman of the committee that we will have full and adequate hearings on this matter. I know that the Senator from Alabama supports lower costs in housing for every American family. There is no question about his sincerity. Nor is there any question in my mind about some of the examples such as the one he cited in Mississippi. We have had some in the State of Tennessee when a tornado has hit. The Senator spoke of the recent signing of the agreement in Washington. There is not any question that some of these things will happen.

My question, however, is whether enough things are happening. The tornado of high prices have affected every American family, and I question whether the building codes and restrictive work agreements are being relaxed to truly respond to the needs.

I know that labor has done a magnificently responsive job in crisis situations such as tornadoes. I am most grateful for their sense of public responsibility. However, I also know what happens at the local level when we try to get plastic pipe approved in San Francisco or plastic electrical conduits approved in Los Angeles. I know that it is almost impossible to do because of the political pressures that exist to maintain the status quo. And the status quo is the 19th century construction techniques which impede the construction of housing for every family in the country.

I think it is an absolute tragedy that because of politics this Congress has allowed a situation to develop which has priced most housing out of the reach of most families today in America.

The very bill we are debating would raise the Federal subsidy up to an amount that would cover families with earnings of $11,000 a year. The very fact that we have the pending bill before us indicates that something is fundamentally wrong with this industry. I think it is up to Congress to address this problem and to address it now.

Mr. BEALL. Mr. President, I congratulate the Senator from Tennessee for offering his amendment which I support.

We are all aware of the fact that housing costs are rising at a dramatic rate. Adequate housing from all of our citizens is an important national goal. We know that housing costs have risen dramatically with the result that some estimates indicate that housing costs have reached a level that places unsubsidized housing beyond the reach of 70 percent of the American families. Whether this number is too high or not, I am not certain. But it does illustrate that many Americans are priced out of the housing market. This is particularly true of those individuals whose income is just above the level for subsidized housing assistance.

With the great housing needs of the Nation, it is clear to me that we must take advantage of cost reductions that may be possible through the use of new materials, new technology, and mass-production methods. Plastic pipes, fiberglass fixtures, plastic baseboards, preassembled plumbing, and electronic systems are examples according to housing experts that offer potential for increased output and a reduction in the cost of housing.

Mr. President, Operation Breakthrough represented an effort by the administration and the Federal Government to encourage the use of modern technology in housing construction. Under this program a number of communities have accepted prototype housing design to demonstrate new construction methods.

As important as Operation Breakthrough's approach is, there are obvious limitations. In the meantime, housing costs continue to rise, pricing more Americans out of the home market. I believe that the use of modern technology is important for all Americans, but it is particularly important for those living in the central cities who may desire to move to suburban communities. Cost saving steps would naturally improve this possibility. But it also should be emphasized that cost savings are equally important to moderate income families. In some counties in America, for example, the average cost of a new home is in excess of $40,000.

As a result, many of our young scientists, policemen, teachers, and others desiring to live in these areas often have trouble locating. This amendment would provide an opportunity to challenge codes in local courts that prevent the use of economical methods and materials that are proven as safe and acceptable.

I believe action such as this is necessary if we are to bring about an evolution of building technology and the needed revolution in housing to meet the demands of today's and tomorrow's citizens.

I support the amendment of the Senator from Tennessee and I hope the Senate agrees to it.

Mr. BROCK. Mr. President, I thank the Senator for his statement and for his support.

I think the substance of what we are trying to say today is if we are going to help people in this country by offering them the opportunity to own their own homes. The Senator from Alabama and all members of the committee have had that goal for a long time. If they are going to have that opportunity, we have to keep costs within their range and ability to pay.

When costs rise from 10 percent to 15 percent a year, there is no way that we in Washington can increase subsidies to keep up with those costs. Even with subsidies the average family is being priced out of the opportunity to own its own home. I cannot think of a greater tragedy in a free society.

I am grateful to the Senator from Alabama for allowing us the full opportunity to have hearings on this subject that is admittedly a complex and difficult subject, but it must be faced up to by Congress. I appreciate his willingness to open this to the public and to allow people to come in and express themselves on finding a means to improve the situation.

Mr. President, with that, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. SPARKMAN. Mr. President, I yield myself 5 minutes under the bill.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SPARKMAN. Mr. President, I appreciate what the Senator from Tennessee has done. I do want to say this to clear up any misunderstanding that might result from what I have said. I mentioned Corinth, Miss., and the area leveled by a tornado; but this program is not limited to such areas. They are placing those houses all over the United States. Many different modular housing producers are doing it. It is not limited to disaster areas.

One other thing I would like to say, talking about the high cost of housing. I remember 2 or 3 years ago during the course of our hearings we had testimony on the question of rising costs. The figures, as I remember them, showed that the increase in the cost of land was the highest of any of the figures. I believe the increase in materials, lumber and things of that kind that go into houses, probably came next. All of those costs exceed the labor part of it and we cannot separate them. We have many obstacles to overcome.

Mr. BROCK. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. BROCK. I am not so much criticizing construction wages. I think some of those are catching up where they needed to catch up. I am not being broadly critical of wages as I am of patterns. I think there is a fine distinction between increasing a man's pay for increased activity which results in reduced wages.

Mr. SPARKMAN. I recognize those factors but I want to bring out the fact that the increase in costs are due to many factors.

Mr. BROCK. The Senator is correct.

Mr. SPARKMAN. I appreciate the Senator's action in agreeing to wait in connection with this matter.

Mr. TAFT. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 26, line 4, insert after the word "rehabilitation" the following: ", or refinancing which involves rehabilitation,"

Mr. TAFT. Mr. President, this is a technical amendment. The purpose of the amendment is to clarify further the provision already in the bill relating to rehabilitation property under FHA guarantees which would extend the life of existing loans, to provide funds for rehabilitation purposes in accordance with the act.

It stems also out of misinterpretation of language in the committee report.

I am proposing the amendment, because it makes it clear that in the case of the refinancing of a home mortgage which involves rehabilitation, the mortgage amount eligible for FHA insurance will be based on the appraised value of the property before rehabilitation plus the estimated cost of rehabilitation.

This is a technical amendment which insures that loan-to-value ratios will be applied to refinanced mortgages involving rehabilitation in the same way as they are applied to other mortgages involving rehabilitation. The amendment is necessitated by an erroneous statement in the committee report, which reads:

> Where the mortgage would also refinance existing indebtedness, it (the mortgage amount) would be further limited to the

(loan-to-value) ratios as applied to the cost of rehabilitation plus the amount required to refinance the outstanding indebtedness.

The effect of basing the maximum mortgage amount on the outstanding indebtedness rather than the appraised value of the property before rehabilitation would be to force homeowners who are refinancing their mortages in order to obtain money for rehabilitation to put up an increased amount of their own equity in order to be eligible for refinancing, even though they have already been making payments on the property for 3 years. One of the main advantages which the committee saw in the refinancing provision was that unlike home improvement loans which force homeowners to assume second mortgages, refinancing of the first mortgage over a longer period of time would make money available for rehabilitation without forcing an increase in the homeowners' monthly payments. This should be a great advantage to owners who would like to rehabilitate, but just cannot afford to increase their monthly payments. The committee report language would to some degree counteract this advantage by eliminating homeowners who could not come up with the additional equity required at the time of refinancing.

I hope that the Senate will move quickly to adopt this technical amendment.

Mr. SPARKMAN. Mr. President, I yield myself 3 minutes.

I have read the amendment and I believe it is a very good amendment. For my part I am willing to accept it. I believe the Senator from Texas likewise is in accord with that statement. He will speak for himself in just a moment. If he is willing to accept the amendment, I am willing to accept it.

Mr. TOWER. Mr. President, I concur with the chairman. I am in perfect agreement with the amendment offered by the Senator from Ohio.

Mr. TAFT. I yield back the remainder of my time.

Mr. SPARKMAN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Ohio.

The amendment was agreed to.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, March 2, 1972, he presented to the President of the United States the following enrolled bills:

S. 748. An act to authorize payment and appropriation of the second and third installments of the U.S. contributions to the Fund for Special Operations of the Inter-American Development Bank;

S. 749. An act to authorize U.S. contributions to the Special Funds of the Asian Development Bank; and

S. 2010. An act to provide for increased participation by the United States in the International Development Association.

HOUSING AND URBAN DEVELOPMENT ACT OF 1972

The Senate continued with the consideration of the bill (S. 3248) to consolidate, simplify, and improve laws relative to housing and housing assistance, to provide Federal assistance to local governments in support of community development activities, and for other purposes.

Mr. SPARKMAN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 74 minutes remaining.

Mr. SPARKMAN. Mr. President, I did not know I had that much time to start with. I will not use the entire 74 minutes.

I want to take this occasion to read a letter I have received from the Chamber of Commerce of the United States. The letter is addressed to me, and it is from R. Hilton Davis, legislative general manager of the U.S. Chamber of Commerce. A copy of the letter was sent to the Senator from Texas. The letter reads:

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, D.C., March 2, 1972.

Hon. JOHN J. SPARKMAN,
U.S. Senate.

From: R. Hilton Davis, Legislative General Manager.

This is to request that, in Senate consideration of S. 3248, you offer floor comment or colloquy making the following two points with regard to Sec. 711, National Institute of Building Sciences:

(1) That the National Institute of Building Sciences is to be a recognized, prestigious leadership and coordinating center—and *not* a competitor to the American National Standards Institute, National Bureau of Standards, American Society for Testing and Materials and other existing agencies and groups that are performing worthwhile building codes and standards work.

(2) That the National Academy of Sciences—National Academy of Engineering—National Research Council, in advising and assisting in the establishment of the Institute, are expected to provide the long-established building science and technology expertise of their Building Research Advisory Board, which is composed of men from government, business, labor and the academic community.

There are solid reasons for this request. I find that some executives are reading the words" . . . to the maximum extent possible . . ." on page 204, line 6, of the bill as opening the door for NIBS to decide against delegation of responsibility to existing agencies and to set up its own competing activities. I find, too, that some executives believe that the in-place capabilities of the Building Research Advisory Board of the National Academies-Research Council are being overlooked in this legislation and might not be utilized in the establishment of the National Institute of Building Sciences.

These requested expressions are necessary, I am convinced, to maintaining the united and strong support of industry and public groups for this legislation.

I have received a similar letter from the American Iron and Steel Institute, which I shall not read but will offer for the RECORD, and also a letter has just been delivered to me at my desk along the same lines from the National Forest Products Association, in which they suggest certain amendments. Of course, we have already passed that point in the bill, but their suggested amendments and suggestions are very much in accord with the two letters I have already referred to.

Mr. President, I ask unanimous consent that the two letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN IRON AND STEEL INSTITUTE,
Washington, D.C., March 2, 1972.

Hon. JOHN SPARKMAN,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR SPARKMAN: You and members of your committee are already aware of the construction industry's as well as American Iron and Steel Institute's strong support for the establishment of he National Institute of Building Sciences with amendments as cited in the testimony before your committee.

Mr. John D. Kirkwood, Chairman of AISI's Subcommittee on Federal Construction Affairs urges that in the Senate deliberations on Section 711 of the Housing Bill that the following points be emphasized: 1) that the National Institute of Building Sciences is a coordinating agency and will not compete directly or indirectly with established organizations such as the American National Standards Institute, American Society for Testing and Materials, National Fire Protection Association and the National Bureau of Standards of the Department of Commerce; 2) the National Academies of Sciences and Engineering and the National Research Council are particularly well qualified to aid in the establishment of the National Institute of Building Sciences because in their Building Research Advisory Board they have already brought together construction experts from business, labor, government and the academic community.

Clarification on these two points on the floor of the Senate is essential for continued strong support of this legislation.

Very truly yours,
W. G. KIRKLAND.

NATIONAL FOREST PRODUCTS ASSOCIATION,
Washington, D.C., March 2, 1972.

Hon. JOHN SPARKMAN,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: We simply cannot support the provisions in S. 3248 which would create a National Institute of Building Sciences unless it is made clear that the Institute would carry out *all* of its functions through competent public and private organizations already in existence.

The way the bill now reads, the authority vested in the Institute is so broad that its activities could undermine the programs and effectiveness of existing standards-writing organizations and model code groups. We cannot support the Institute as it would evolve, as we think it could under the language of the pending bill, into a major building standards research outfit in direct competition with the National Bureau of Standards.

The controversy centers on a very few words in the bill, which if deleted, would fix it up fine. The changes we think should be made are as follows:

(a) On page 203 at lines 11–12, delete the words "relating to building regulation";

(b) On page 203 at lines 16–17, delete the words "suitable for adoption by building regulating jurisdictions and agencies"; and

(c) On page 204 at line 6, strike the words "to the maximum extent possible,".

Our view is that if the Institute is to develop standards, it will disrupt and duplicate the programs of many competent oragnizations which now develop standards under the national consensus approach. Also, if the Institute is itself to perform the functions for which it is responsible, a large staff and a major research facility will be necessary. We think this is a mistake. The Institute should be kept as a supervisory organization, with the actual work done by already established public and private oragnizations. If this is done, the concept of the Institute is wholly meritorious and has the support of a wide spectrum of private industry.

Sincerely,

JOSEPH B. MCGRATH,
Vice President, Government Affairs.

HOUSING FOR THE ELDERLY

Mr. MOSS. Mr. President, I wish to compliment members of the Committee on Banking, Housing and Urban Affairs for bringing before the Senate a housing bill containing language on housing for the elderly which meets several of the recommendations of the White House Committee on Aging in this field.

I served as chairman of the Subcommittee on Housing for the Elderly of the Senate Special Committee on Aging from 1965 through 1970, when I stepped aside in favor of the former chairman of the full committee, the distinguished Senator from New Jersey (Mr. WILLIAMS).

Through the years, Senator WILLIAMS and I have been allies in the struggle to provide decent housing for America's 20 million older Americans. These housing problems are particularly acute at the present time for several reasons.

First and foremost is the failure of the Government to recognize the special housing needs of the elderly. This can be seen in the fact that for the last 10 years we have produced only 336,000 units for the elderly. Last year only 41,000 units were built for the elderly while everyone agrees the minimum need is 120,000 units a year.

It should be no surprise then that 6 million elderly—30 percent of all older Americans, continue to live in substandard or inadequate housing.

At the same time, housing remains the largest single expense for the elderly, accounting for 33 percent of total income. This problem is amplified by the fact that 1 out of 4 seniors has income placing him below the established poverty line.

Most of these seniors did not become poor until they became old and generally speaking, the lower their income, the more decent housing has become a problem to them. Among old-age assistance recipients, for example, some 45 to 70 percent live in deficient housing; 15 percent have no running water; and 30 percent no flush toilets. Forty percent of the housing has one or more other major defects.

To make matters worse, failing health and decreased mobility, which often come with age, limit the ability of these oldsters to rehabilitate or maintain housing or to shop around and compete for rental housing.

The relative unavailability of housing is a great drawback for the elderly but the icing on this less than palatable cake is escalating property taxes which in some cases have been found to take up as much as 50 percent of their total income.

This compounds a desperate picture indeed. It is the picture which confronted the delegates to the White House Conference on Aging who called for strong measures by way of solution.

In part, the delegates to the White House conference called for:

First. Construction of 120,000 units a year for the elderly.

Second. Relief from escalating property taxes.

Third. The resurrection of the section 202 direct loan program.

Fourth. The incorporation of architectural and design standards with more housing being designed for the special needs of the elderly.

Fifth. An increase in the rent supplements program.

Sixth. The development of physical and environmental security standards to protect the elderly in housing projects from crime.

Seventh. The promulgation of new programs to assist families to care for their elderly in their own homes.

Eighth. Establishment of the office of Assistant Secretary of Housing for the Elderly within the Department of Housing and Urban Development.

As I noted earlier, the administration's housing consolidation bill as brought to the floor of the Senate today does contain provisions to deal with several of these recommendations. I should like to discuss them briefly.

First, the housing bill provides an additional $100 million in authorizations for the section 202 direct loan program which was without doubt the most successful program in our history. I can only hope that the Appropriations Committee of the Senate will provide adequate funding for this program. If funds are provided, the administration will have a clear mandate from the Congress and the White House conference to continue this program which has been dormant and phased out in favor of section 236.

Second, assuming that the interest subsidy program will be the only vehicle to provide housing for low and moderate income families—I would hope otherwise—then at least this program should provide some housing for the elderly. S. 2049 contains the command that 15 to 25 percent of all 236 units built in the future be for the elderly. Under the bill, HUD must issue guidelines for elderly housing projects within 90 days after the enactment of this legislation. The intent is obviously to provide housing designed for the needs of seniors.

Third, under the bill some 60 percent of 236 units would be eligible for rent supplements instead of the current 20 percent provided by law.

Fourth, the bill provides for a Deputy Assistant Secretary of Housing for the Elderly in HUD. The Deputy would be a highly visible advocate of the elderly who would administer and coordinate housing programs for older Americans. He would serve as a clearinghouse for information and would formulate an appropriate response to the housing needs of older Americans.

I would point out that Senator WILLIAMS and I originated the idea of an Assistant Secretary of Housing for the Elderly and introduced S. 4246 to this effect in the last Congress. I will, therefore, support Senators WILLIAMS, PERCY, and CRANSTON if they seek floor amendments providing for a full Assistant Secretary in HUD instead of a Deputy Assistant Secretary. Certainly, a Deputy Assistant is an important first step, but the full Assistant Secretary would be in a much better position to provide a housing response to the needs of seniors.

Proposals that are not included in this year's housing bill, but which I will seek to implement in the future, include relief from property taxes, the subject of my bill, S. 3088, and a program to provide "campuses for the elderly," which would tackle the broad spectrum of housing needs of seniors from nursing home to housing for the ambulatory in a campus setting. Campuses for the elderly are the subject of my bill, S. 2935. This is an idea that I have been struggling to refine for some time, and I welcome the interest of Senator PERCY and Senator WILLIAMS, who have introduced similar legislation. Working together, I am hopeful that we can enact these positive housing measures.

Once again, I compliment the members of the Committee on Banking, Housing and Urban Affairs for adopting several items which will benefit the elderly, who have been so long neglected by Government programs.

I am especially grateful to Senator WILLIAMS, the Senator from California (Mr. CRANSTON), and the Senator from Minnesota (Mr. MONDALE) for their work on this bill in behalf of the elderly. Senator MONDALE offered amendments to S. 2049 which incorporated my bill S. 2923. That bill has been long sought after by providers of services to the elderly. It provides FHA-insured loans to nursing homes that desire to purchase fire safety equipment, including sprinkling, smoke detection, and alarm systems. The enactment of this measure will go a long way toward improving the safety of our Nation's 23,000 nursing homes.

Mr. SPARKMAN. Mr. President, now I ask that we return to the Percy amendment.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 975

Mr. PERCY. Mr. President, amendment No. 975, to which I addressed myself previously, has been temporarily set aside, and I call up the amendment again.

The PRESIDING OFFICER. The amendment will be read.

The legislative clerk read amendment 975, as follows:

On page 196, strike out lines 10 through 15 and insert in lieu thereof the following:

(b)(1) The first sentence of section 4(a) of the Department of Housing and Urban Development Act is amended by striking out "six" and inserting in lieu thereof "seven".

(2) Section 4(b) of such Act is amended by inserting "(1)" after "(b)" and by adding at the end thereof a new paragraph as follows:

"(2) One of the Assistant Secretaries provided for in subsection (a) shall be designated Assistant Secretary for Housing for the Elderly. All of the programs administered by the Department to provide aid or assistance in behalf of the elderly shall be administered by and through the Assistant Secretary so designated. In the exercise of this authority, the Assistant Secretary shall—

"(A) make maximum use of the loan program under section 202 of the Housing Act of 1959 in providing housing and related facilities for the elderly;

"(B) be regularly consulted with respect to all other programs of the Department to the extent that they provide or otherwise involve housing for the elderly;

"(C) provide a central source and clearinghouse of information with respect to housing for the elderly;

"(D) coordinate housing programs for the elderly and seeks ways to consolidate programs which overlap; and

"(E) carry out studies and make recommendations for such administrative or legislative action as may be appropriate to meet the housing needs of the elderly in rural areas, including emergency grants where necessary for the repair or rehabilitation of dwelling units."

Mr. PERCY. Mr. President, I yield to my colleague from Texas.

Mr. TOWER. Mr. President, I may say to the Senator from Illinois that, pursuant to our earlier colloquy, I was unable to obtain from HUD the assurances the Senator asked for. Therefore, I shall not insist on the modification of his amendment, and I shall not oppose it.

Mr. PERCY. Mr. President, on the basis that the distinguished ranking Republican member of the committee does not oppose the amendment, I wonder if it would be a fair question to ask the distinguished chairman of the Committee on Banking, Housing and Urban Affairs what his own position might be, so that we might determine whether this could be handled expeditiously here by a voice vote. If we cannot have assurance that it would carry by a voice vote, then, of course, I would want to have a rollcall vote on it.

Mr. SPARKMAN. Mr. President, I hope the Senator will not insist on a rollcall vote and that we can take the amendment up on a voice vote. I feel pretty certain, although I have not talked with all my colleagues, that the Senator would be successful in putting across his amendment.

I regret that we were not able to complete the arrangement the Senator had suggested, but at least this would be taking it to conference, and in the meantime, if something like what he has suggested can be worked out, that will remove the necessity of any difficulty there.

Mr. PERCY. Mr. President, I have great confidence in the persuasive powers of my distinguished colleagues from Alabama and Texas. I know of their own devotion to the elderly. I know that they also, as I do, wish to have clean organization and clean organization charts, but sometimes you have to adopt a modification when you see an injustice. We have had certain groups in this country who have been subject to injustices, and adjustments have been made to take that into account.

I know I was asked by the administration to carry the load on the Senate side for all the executive reorganization bills. One of the principal arguments made was that they would cut down the number of people reporting back to the President. When the drug abuse bill was sent down and I was asked to sponsor it, it provided for a special assistant to the President reporting to the President. This went against the grain of those who had wanted executive reorganization. When the war-on-cancer program came along, the White House and the administration supported a director of this program to report back directly to the President, and the President himself announced that he would be the head of this ambitious program.

So, we have to be flexible and we have to be reasonable. We realize that we sometimes set down rigid rules and then have to make exceptions to those rules. So, when we make exceptions to organization charts in this area, it will be understood by people across the country, and by young and old alike, and by rich and poor alike, that we will have one man to deal with the problem of the aged and that will be his sole job.

I would like to yield now to my colleague from Tennessee, who has been a stalwart advocate of the elderly and who has a rapport with young people that is exceeded by no Member of this body. At the same time he has maintained his interest in the problems of the aged, and I feel he would be highly qualified to comment at this point.

Mr. BROCK. Mr. President, I thank the Senator for his gracious remarks.

I would like to associate myself in support of his amendment. I think the point really is that the problems of the aged are problems that are so comprehensive and are so complex that they really deserve the undivided attention of a major element of this particular agency. I supported the President's reorganization plan. I supported it aggressively and vigorously. I think really what the reorganization plan is all about is to allow us to place emphasis where emphasis has flagged and has spread about. The emphasis on the problems of the aged has been particularly fragmented in this and other agencies. The problems that relate to this particular problem are not just those of a particular shelter, but of shelter that must be of a particular kind which must encompass social and emotional as well as physical needs.

I very much hope that we can have some agreement on the part of the agency involved, the Department of Housing and Urban Development, that they will place and put emphasis on the kind of comprehensive response to this problem that it so richly deserves.

I think that the Senator is perfectly correct in pressing for this measure, because we have not had, in my opinion, a definite assurance from the agency that this kind of attention should be devoted to this terribly complex and complicated problem. This is not a problem of small magnitude. There are more than 20 million Americans whose lives are affected directly and personally by the programs of this Government, and it seems to me imperative that we act to see that those programs are complementary to and not competitive with the other programs designed to enable people to live their golden years in a period of tranquillity and communication with their neighbors and fellow man.

I support the Senator in his efforts, and I commend him for making this proposal.

Mr. PERCY. Mr. President, I thank my distinguished colleague from Tennessee for his very pertinent comments.

At this time, I shall be delighted in a moment to yield to the distinguished senior Senator from California, but first I yield to the Senator from Alabama.

Mr. SPARKMAN. Mr. President, very briefly, just let me say this: The Senator from Texas and I are not going to oppose the Senator's amendment. We were simply trying to work out some kind of understanding that would be consistent both to what the Senator is trying to do and to what HUD is trying to accomplish.

I want to say this: I believe there is more in this bill for the elderly than in any bill we have ever had before us, and most of it was put in through the amendment offered by the Senator from California, and, now, the amendment of the Senator from Illinois.

Mr. PERCY. I thank my distinguished colleague from Alabama and I concur with him in that Senator Cranston put in a great deal for the elderly within the committee. As I have said before, by putting this amendment in, in no way do I wish to detract from the great job that the committee has done to help the elderly. No bill has had more in it for housing for the elderly than this particular bill, which is all the more reason that we should wrap it up with this organizational change, which will, I think without any question, place the problem of housing for the aging at the proper administrative level.

With every piece of legislation I bring forward, I try always to give an opportunity to the administration to support and sponsor it, and make it their own if they wish; and I just wish that time had permitted us to work it out with the administration. But I think it can be resolved.

At this time, I yield to my distinguished colleague who has been a member of this great committee for several years, the Senator from California (Mr. CRANSTON), who has distinguished himself by his deep concern for the elderly, of whom there are many in his great State of California.

Mr. CRANSTON. Mr. President, I congratulate the Senator from Illinois for his wisdom in offering this amendment, and for his determination and great skill in keeping the amendment alive. It is a very important amendment. It is one of the key recommendations of the White House Conference on Aging, a conference called by the President. It is a key recommendation also of the National Conference of Senior Citizens, which has 2 million members or more in our country.

It is true that the bill does have perhaps more provisions affecting senior citizens than any bill in a long time in the field of housing. I am delighted that many of them are provisions which I offered. So, even more important because of the other provisions already in the bill, is the amendment setting up the Assistant Secretary, to insure that there will be more focus than heretofore on the problems of the aging in housing, both those areas which focus on the problems of aging and those which help to assure that senior citizens will have an opportunity to live with younger citizens, which I think is very important. I congratulate and thank the senior Senator from Illinois, and also the Senator from Alabama for his leadership and his recognition of the importance of what the Senator from Illinois is doing with this amendment, and the importance of what they and the committee have done on the other amendments.

Mr. PERCY. I thank my distinguished colleague.

Mr. President, before concluding, I simply wish to acknowledge the leadership provided by the Senator from New Jersey (Mr. Williams) in this field. Senator Williams is not only a member of the Banking, Housing and Urban Affairs Committee, but he is also the past chairman of the Senate Special Committee on Aging, and the present chairman of the Aging Committee's Subcommittee on Housing. He has taken a leadership position in this area, and I know the other members of the Senate Aging Committee share this view.

Mr. WILLIAMS. Mr. President, as one of the sponsors of this amendment, I urge its prompt adoption.

At the recent White House Conference on Aging, delegates from every State in the Union made a ringing call for "a national policy on housing for the elderly." Quite clearly, a high level spokesman at HUD is absolutely essential if this national housing policy is to crystallize.

As things stand now, housing for the elderly is likely to encounter two major obstacles. First, there is the difficulty of dealing with a large bureaucracy which oftentimes is unaware of the special needs of the aged. Second, project sponsors frequently must cut through tangles of redtape to have their applications considered.

As a consequence, the elderly's housing problems do not receive the full degree of attention which is so urgently needed.

To rectify this, they need a high level and articulate spokesman—an Assistant Secretary at HUD—to assure that their needs are appropriately considered. They also need in a very special way someone who will be interested in them and in their participation all across the board in new and existing housing programs.

As chairman of the Subcommittee on Housing of the Elderly of the Committee on Aging, I am well aware that there is an exceptionally qualified and devoted unit for housing for the elderly at HUD. But this small staff must handle thousands of inquiries each year and perform numerous other duties as well. Establishment of an Assistant Secretary, it seems to me, would help assure that more personnel would be available to focus on the elderly's unique and growing housing needs.

Additionally, it would also create a visible advocate for the aged—someone who will make sure that they are part of the action.

For these reasons, I again urge approval of this proposal.

Mr. PERCY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. Weicker). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Illinois (Mr. Percy).

The amendment was agreed to.

Mr. TAFT. Mr. President, I have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 229, line 25, insert the following:
>
> "Section 305(a)(1) of the Emergency Home Finance Act of 1970 is amended by—
>
> "(1) inserting a period in lieu of the comma following the words 'United States' deleting the words 'and to', and inserting immediately after 'United States' the following: 'The Corporation may';
>
> "(2) inserting a comma in lieu of the period following the word 'therein' and inserting immediately thereafter the following: 'and the servicing on any such mortgage may be performed by the seller or by any Federal Housing Administration approved mortgagee.'"

Mr. TOWER. Mr. President, will the Senator yield?

Mr. TAFT. I am glad to yield to the Senator from Texas.

Mr. TOWER. Mr. President, I ask unanimous consent that debate on the amendment of the Senator from Ohio be limited to 30 minutes, to be equally divided between the proposer of the amendment (Mr. Taft) and the Senator from Alabama (Mr. Sparkman), the manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TAFT. Mr. President, I bring up this amendment with a degree of reluctance, but I feel in good conscience that it ought to be brought up at this time. It relates to one of the most difficult issues that came before the Housing Committee when we were considering this legislation. There is no coverage of it in the language of the committee report. It does seem entirely possible, however, that the House Committee on Banking, which is presently considering the housing bill in executive session, may in the bill that it reports include a provision relating to the area to which this amendment relates. If so, I think the Senate should have at least the benefit of having presented to it the proposal contained in this amendment.

This proposal really relates to the question as to whether or not mortgage banking institutions are to be permitted to service FHA mortgages. The situation in this regard is that prior to the Emergency Home Finance Act of 1970, this was possible and was done. However, since the passage of that act, the Federal Home Loan Bank Board has interpreted section 305(a)(1) of the Emergency Home Finance Act of 1970 to mean that the Federal Home Loan Mortgage Corporation may "deal with" insured institutions only. Its reasoning is as follows: Since it may "deal with" only mortgages sold to it by insured institutions, it may "deal with" only insured institutions. Accordingly, the FHLMC has not permitted originating mortgage companies to service mortgages sold by the originator to an insured financial institution and, subsequently, sold by the insured institution to the FHLMC.

Possibly the reason that this issue was not faced up to in the committee, or commented on in the committee report, is that it is a highly controversial political provision; and I would like to make clear to the Senate that I probably have in my State per capita, and perhaps even in my own home county per capita, more savings and loan institutions than any other Member of the Senate. The operators of many of them are my good friends. It should be said in their behalf—although generalizing on behalf of such a multiple institution is very difficult—that they do oppose a provision such as this amendment, which would permit mortgage bankers to service FHA mortgages in the way they previously did.

The arguments that are made are, indeed, on the surface, quite persuasive that the mortgage banking institutions should not be allowed to do this servicing. My initial decision was in that direction. However, the more I studied the matter, the more I became convinced that in the long run, the broader the category of institution allowed to work in this field, the more likely we are to provide adequate financing.

The argument that is made against this position is that it is the judgment of FHLMC's Board of Directors and its management that requiring that servicing be done directly by financial institutions with whom it is authorized to deal assists in the accomplishment of the Corporation's objectives. It is said that this judgment is based on FHLMC's belief that greater direct involvements by financial institutions in originating and servicing loans in their communities will add to the availability of housing credit and the broadening of the mortgage market. It is also said that if FHLMC simply allows financial institutions to act as conduits through which others pass mortgages, the sum total of mortgage originators would not be increased.

From a pure business standpoint, having two parties in a transaction where only one is necessary adds to cost unnecessarily. Additionally, if servicers and sellers are separate parties, this is likely to lead to poor quality loans and poorer servicing, the result of which is greater cost of operations.

These arguments do deserve some consideration and some weight, but it seems to me that they do not necessarily follow at all. It seems to me that, actually, there may be many savings institutions which will not want to get into this field and will not get into it unless they do have somebody who is going to service these mortgages.

In this regard, I should like to read briefly from the testimony of Mr. Philip C. Jackson, who testified before the committee. He is the president of the Mortgage Bankers Association of America. I think his reply to this was quite pertinent. He said:

> The consequence of the FHLMC decision is two-fold:
>
> 1. Those S&L's which do not have a staff or do not wish to absorb the expense of developing a staff experienced in servicing FHA and VA mortgages do not sell mortgages to the FHLMC;
>
> 2. The mortgages sold by S&L's to the FHLMC are only those on properties located

within a narrow geographic area which permits the selling S&L to service the mortgages.

The first point is evidence of a backward step in S&L involvement with FHA-VA mortgages. The public can ill-afford this result.

Mr. President, I realize also—I have gone into the figures somewhat—that there may be some figures that, initially at least, belie the conclusion to which I have come. The figures in this regard indicate that savings and loan participation on FHA and VA mortgages has increased drastically during the last year. The ruling took effect in October 1970. In the period from January to August 1971, savings and loan institutions acquired 164 percent more of such mortgages, originated 134 percent more of such mortgages, and were handling a dollar volume of such mortgages 34 percent larger than in the same months of 1970.

I think there are other causes that relate to this. The FHA interest ceiling may well be one of those causes. I think, also, that the initial effect of this may have been to represent to savings and loan institutions, many of whom perhaps had not gone into the field before and were large enough to provide their own effective servicing, that here was a very fruitful field of business into which they ought to move. Such savings and loan institutions can provide and would continue to provide effective servicing even if this amendment should be adopted.

As we overcome the initial favorable effect of keeping the limitation we presently have in the law, I believe that rather than helping provide additional mortgage credit for our housing program, it would tend to cut it back.

I do not like to see what I have called over many years "fence bills." We see them in legislative bodies, and I am sure that all Members of the Senate are familiar with them. You go into a field and find a necessity for Federal or State legislation. The members of the industry may first oppose that legislation. Later they come to learn to live with the legislation and accept it, and find often that its purposes are good and helpful rather than harmful to their business. But the next type of legislation that comes along in this regard is an attempt to use the legislative approach to fence in and protect from competition certain areas of business which are regulated. I feel that this provision, as interpreted—and I am not sure that Congress originally intended the interpretation given to it—falls in the category of a "fence bill."

This obviously is a very controversial and difficult measure that I am placing before the Senate at this time. It is one that I realize is hard for one who has not worked on the matter to understand fully. Yet, I feel that it should be brought up, and I think it is likely to come up in the conference report, in any event. If it does, I feel that the Senate should have the benefit of having had it discussed here fully. Because it is so complicated and because I am hopeful that we will see favorable action on the House side—and if not, that the Senate committee will consider the entire matter further at a later date—I am not going to press for adoption of the amendment at this time. Before taking a step that I expect to take in asking unanimous consent to have the amendment withdrawn, I would welcome any comments of any other Senator with regard to the proposed amendment.

Mr. SPARKMAN. Mr. President, I yield myself 5 minutes.

I say to the Senator from Ohio that I have considerable sympathy with the hopes he has expressed. However, as he recognizes, there are problems in connection with it.

I may say that I had a conference with the president of the Mortgage Bankers of America, Philip C. Jackson, of Birmingham, Ala., a very good friend of mine, who I have known for a long time. I sat in a conference with him and Dr. Preston Martin, who is head of the Federal Home Loan Bank Board. I stated at that time that I always favored making the mortgage market as broad as we could make it, because when we do that, it gives the home buyer a better opportunity to get a better price for his home, knowing that it will be taken care of on the market. However, Dr. Martin pointed out some difficulties. I think they can be worked out, but I think it is going to take a little time and a little effort.

There is a problem between selling and servicing, and other factors are involved. It may be that the House will work it out. Certainly, I would be receptive to the idea of our giving it serious consideration in our committee if it is not worked out on the other side, and available to us in conference.

I appreciate the presentation of the able Senator from Ohio. I do not want to miss this opportunity to call attention to the fact that, as everyone knows, he is a most active and valuable member of our committee, a committee on which his distinguished father served.

We were talking a few moments ago to Senator ELLENDER about some matters in this bill on which he wanted to question us, and I reminded him that a great deal of this was based upon the Housing Act of 1949, which is the basic act for postwar housing legislation. That bill, in large part, was the handiwork of the father of the Senator from Ohio, along with the Senator from Louisiana and the late Senator Wagner of New York.

I always give great credit to those three distinguished men for the tremendous job they did in working out the bill—it took 3 or 4 years—the bill that eventually became the Housing Act of 1949. We are always glad to have the contributions of the present distinguished Senator from Ohio (Mr. TAFT).

Mr. TAFT. Mr. President, I thank the Senator for his kind remarks.

May I say that it indeed has been a privilege and a pleasure to work with him on the committee which he chairs in a way which is of tremendous value to the entire Nation. Indeed, I would say that his own work in the housing field means that he has more than filled the shoes of those three Senators in the housing field, and has contributed greatly to the initial concept of that time.

We still have many challenges before us, and I am delighted to hear his concurrence in the fact that the issue I have raised in this amendment is one of the challenges we will have to face and over which we will have to continue to exercise a great deal of oversight.

I thank the Senator and would ask unanimous consent to withdraw my amendment at this time.

The PRESIDING OFFICER. The amendment is withdrawn, as requested.

Mr. TOWER. Mr. President, I call up my amendment at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. TOWER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD at this point.

The text of the amendment is as follows:

SAVINGS AND LOAN LEGISLATION

On page 229, line 25, insert the following:

SEC. 726. Section 5(c) of the Home Owners' Loan Act of 1933 is amended—

(a) in the twelfth sentence thereof (1) by striking out "in subsection (a) of section 110 of the Housing Act of 1949" and substituting therefor "by the Board"; and (2) by striking out the figure "5" and inserting in lieu thereof the figure "10".

(b) in the fourth and sixth sentences thereof by substituting "$10,000" for "$5,000";

(c) by adding at the end thereof the following new sentence:

"Without regard to any other provisions of this subsection, any such association whose general reserves, surplus and undivided profits aggregate a sum in excess of 5 per centum of its withdrawable accounts is authorized to invest in, to lend to, or to commit itself to lend to any State housing corporation incorporated in the State in which the head office of such association is situated, in the same manner and to the same extent as the statutes of such State authorize a savings and loan association organized under the laws of said State to invest in, to lend to, or commit itself to lend to such State housing corporation, but the aggregate amount of such investments, loans and commitments of any such association outstanding at any time shall not exceed 1 per centum of the total outstanding loans made or purchased by such association, or $500,000, whichever is the lesser."

(d) by adding at the end thereof as a new paragraph the following:

"Subject to such prohibitions, limitations and conditions as the Board may prescribe, any such association may invest in loans and advances of credit and interests therein upon the security of or respecting real property or interests therein used for farming, church or primarily residential purposes (all of which may be defined by the Board) that do not comply with the limitations and restrictions in this subsection, but no investment shall be made by an association under this sentence if its aggregate outstanding investment under this sentence, determined as prescribed by the Board, exclusive of any investment which is or at the time of its making was otherwise authorized, would thereupon exceed 5 per centum of its assets."

Mr. TOWER. Mr. President, the purpose of this amendment is to improve the Federal savings and loan lending ability to meet some of the urgent demands for home financing.

For example, the amendment would increase from 5 percent of assets to 10 percent of assets the amount that a savings and loan could invest in an urban renewal area.

Another part of the amendment would increase the dollar amount of possible property improvement loans from $5,000 to $10,000. The $5,000 ceiling has been in the law for a number of years and it needs to be increased to take into consideration the higher cost of construction and repairs.

Subsection (c) would amend the Home Owners' Loan Act of 1933 to authorize Federal savings and loan associations to invest in or make loans and loan commitments to State-chartered State housing corporations on conditions similar to their present authority to perform these functions with reference to State-chartered business development credit corporations. An example of the type of State housing corporation that could benefit from the provisions of this amendment is one contemplated under a legislative proposal now being considered in the Florida Legislature. Aimed at producing housing for primarily low- and moderate-income families, the initial capital would be supplied by stock purchases by financial institutions in the State.

Under the amendment, only Federal savings and loan associations having general reserves, surplus and undivided profits in excess of 5 percent of their savings accounts would be permitted to make use of this investment and loan authority. The limit on their investment and loans in all such corporations would be the lower of $500,000 or 1 percent of their assets.

Adoption of this amendment should provide one more tool for tackling the problems of adequate housing by pooling the resources of private financial institutions. To the extent that this method of financing is used, it decreases the call for direct expenditures for housing purposes by government.

Subsection (d) of my amendment would broaden the lending powers of savings and loans institutions in the field of residential real estate loans. This increased flexibility will enable the insured institutions to expand their lending operations so that they could make loans for varying purposes not now permitted by existing law or in some cases permitted only in a limited way. This would include farm loans, loans for churches, and additional loans for residential purposes other than 1 to 4 family mortgages as the Board may permit by regulations.

Mr. President, I ask unanimous consent that the name of the distinguished Senator from Tennessee (Mr. BROCK) be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I believe that my colleague, the distinguished chairman of the committee, is prepared to accept the amendment.

Mr. SPARKMAN. Mr. President, the amendment is a good one as offered and for my part I am willing to accept it.

Mr. President, will the Senator from Texas add me as a cosponsor of his amendment?

Mr. TOWER. I am very glad to do that and, Mr. President, I ask unanimous consent that the name of the Senator from Alabama (Mr. SPARKMAN) be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, I yield back my time.

Mr. TOWER. I yield back my time.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the amendment of the Senator from Texas (Mr. TOWER).

The amendment was agreed to.

Mr. SPARKMAN. Mr. President, I believe that concludes the amendments, and after third reading I would want to make a brief comment or two.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. BUCKLEY. Mr. President, I want to commend the distinguished senior Senator from Alabama and his committee for this highly constructive piece of legislation we have before us. In a broad and far-reaching bill, the committee has taken a giant step toward the ultimate disentanglement of the Federal bureaucracy from local community development matters; namely, revenue sharing. By consolidating and simplifying the many overlapping and unnecessarily complex existing programs, the committee has clearly indicated its desire to provide States and municipalities with more flexibility to solve their own particular problems, and to allow State and local authorities to respond to the mandates of their particular constituencies.

While I support the bill as a whole, I am nevertheless a bit dismayed at the provision in section 502 that calls for reservation of 20 percent of the units of each new project for very low-income tenants, without regard to the particular income distribution pattern of the area in which the project is to be built.

I believe this is precisely the type of inflexible requirement that we ought to be avoiding. Such hard and fast rules carry the implicit suggestion that local authorities are not equipped to handle their local housing needs in a sensible and humane manner. The proper approach, it seems to me, would merely be to make sure that any project which is funded properly reflects the total needs of the community within which it is connected. So long as the project is not discriminatory, there is no reason why Washington should try to second guess the local determination of priorities and needs.

I do not object to economic integration. However, I think it is unwise for Washington to lay down a flat requirement that x percentage of every new project must be reserved for a particular income group regardless of the conditions, or even the existence of that group, in the particular community. Presumably, under this section, a middle-income community which had no very low-income residents would have to import them if it were to build a housing project under this section. This would amount to a national policy of family busing in certain cases in order to achieve what Washington feels is a socially desirable goal.

Mr. President, I repeat my earlier assessment that this bill is, on the whole, an excellent and farsighted piece of legislation. Yet I would hope that future housing legislation would not impose arbitrary and inflexible tenant requirements which would deny to local authorities the latitude they need to effectively deal with their own particular housing problems.

Mr. ALLOTT. Mr. President, recently, citizens of the Denver metropolitan area have called to my attention a federally assisted program called FACE, which is really federally assisted code enforcement and is intended to aid cities in their housing code enforcement. Often used in conjunction with urban renewal projects and other community improvement programs, FACE assists cities in improving older peripheral areas.

The problem which has been called to my attention is that these areas are often inhabited by a large number of elderly persons living on fixed incomes. Their homes are perhaps older and perhaps have outmoded facilities but are still, by and large, clean and very livable. FACE provides a $3,000 grant to low-income individuals in order that they may contract to bring their homes up to minimum housing code standards. The difficulty arises when, after the homeowner has agreed to the improvement work, the cost thereof exceeds the grant level. Although a federally subsidized interest rate is available, lowering the percentage rate to 3 percent, it is still often impossible for our older citizens living on a fixed income to meet these payments. Nothing disturbs me more than Government programs which nominally attempt to improve neighborhoods while, in fact, deprive our older citizens of their residences.

After examining the committee bill, I am most pleased to learn that on page 152 thereof, section 308(c) increases the $3,000 grant level to $4,000. In addition, it is my understanding that there are changes in the grant formulas for rehabilitated loans and certain other 100-percent grants in this program whereby the inequities I have previously referred to can be avoided.

I have been corresponding with Secretary Romney on this subject and am hereby putting the Department on notice that I intend to monitor the operation of this new program keeping these previous problems in mind.

I do not want some federally stimulated program which admittedly has a good objective to serve to deprive older citizens of their homes.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. SPARKMAN. Mr. President, I yield myself 5 minutes on the bill.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 5 minutes.

Mr. SPARKMAN. Mr. President, I wish to express my appreciation and that of the committee to the Government Printing Office for the splendid job they did in printing the Housing bill, that is, S. 3248, and the report accompanying it.

May I say that it went to them late and we had to get permission to file it by midnight but they returned it promptly. Both the bill and the report were large printing orders and the Government Printing Office handled the matter with efficiency and dispatch.

Our editor, a member of our staff, Ed Dicks, also should be complimented on the fine job he did on this printing order.

While I am about it, Mr. President, I wish to compliment the subcommittee staff—Carl Coan, Elwin Skiles, Mike Simpson, Robert Malakoff, Dorrie Thomas, Pella Pompier, and Jacquie Gammage—for the excellent work they did on this legislation. We have a fine subcommittee staff.

Let me go a little bit further and say that we have a fine staff on the full committee as well. They all are entitled to great praise for their very fine work in connection with this legislation.

The bill was a complex one but we worked it out and I appreciate the manner and the dispatch all the members showed in handling the legislation.

Of course, I want to compliment every member of the committee for the excellent job and the fine cooperation they gave.

I have said before on the floor of the Senate, and I want to say again, that I believe our committee comes as near as any other committee in Congress to being nonpartisan. Practically every bill that comes out, comes out by a unanimous vote. We may sometimes have one or two differences. I believe this bill was reported unanimously, as was the gold bill—as most of our bills are.

I therefore want to pay my compliments to every member of the committee for the fine work that they did.

Mr. TOWER. Mr. President, I should like to say that it has been a great pleasure to work with our distinguished chairman. He has done an extremely skillful job in carrying out the complex, the significant, the important and sweeping piece of legislation now pending in the Senate.

This is landmark legislation. It is an important step toward sharing resources with the States, now that they have reached the limits of their fiscal abilities. I think it is a significant step that we have taken.

Our distinguished chairman is due a great debt of gratitude from all of us.

I should also like to echo his comments about the staff on the committee. The staff has performed admirably well and with great expertise, and I am deeply grateful to them.

Mr. BROCK. Mr. President, will the Senator from Texas yield?

Mr. TOWER. I yield.

Mr. BROCK. I should like to join in the remarks the Senator from Texas has just made and pay my respects to the chairman of the committee for the work he has done.

Mr. President, for 8 years in the House I served on the Banking and Currency Committee, each year considering anew the problems of housing. Needless to say, I am fortunate to have a comparable privilege in this body, particularly under the chairmanship of the distinguished Senator from Alabama. Yet these 9 years have also been years of increasing frustration.

Annually the experts come before the committee with answers as to why their solutions of the previous year had failed, and with ever more expansive, and expensive, solutions for the current year. Annually the Congress has broadened Federal involvement in housing, deepened Federal subsidies to individuals and groups, and hugely increased Federal expenditures of the people's money. It is not fair to ask, Why then are our housing problems worse each year?

Today the average family finds it virtually impossible to own its own home without public subsidy. This very bill recognizes that condition and provides a Federal subsidy for every family whose income is at or below the median income. What an incredible situation. The bulk of our Federal revenue comes from this same average family. Yet now we must turn around and support with their own tax dollars those who desire to acquire shelter.

Is it possible that our programs have created more problems than they have solved? Is it possible that we have forced the price of housing beyond the capability of most Americans? Is it possible that in trying to respond to this circumstance we are in danger of making a majority of our citizenry dependent upon the State? Is it possible that perhaps we need something more than a demonstrated concern coupled with access to the taxpayer's bank account to resolve this dilemma?

I vote "No" today not so much in disagreement of those of my colleagues who support this bill because they see no present alternative, but in dismay with our inability to seek those alternatives.

Ours is a fine committee of dedicated men supported by a competent staff. I hope at some time in the not too distant future we may focus these talents on the more fundamental questions which are apparent today.

Mr. SPARKMAN. Mr. President, I compliment, of course, every member of the staff. However, I want to pay special compliment to the ranking minority member of the committee, the Senator from Texas (Mr. TOWER). I have had the pleasure of working with several ranking members on the Committee on Banking, Housing and Urban Affairs. I have had the finest of cooperation from them all. However, none has rendered more cooperation, has been more helpful, and exhibited more willingness to work with legislation than has the Senator from Texas.

I do express my appreciation.

ORDER FOR PRINTING OF 500 COPIES OF THE BILL

Mr. SPARKMAN. Mr. President, I ask unanimous consent that 500 copies of S. 3248 as it will pass the Senate be printed and made available to the committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR SECRETARY OF SENATE TO MAKE CLERICAL AND TECHNICAL CHANGES IN ENGROSSMENT OF S. 3248

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized and directed to make any necessary clerical and technical changes in the engrossing of S. 3248.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. CURTIS. Mr. President, is there anything in the pending proposal or in the existing law that requires a community, in order to get favorable approval of an application for housing for the elderly to build a certain amount of family dwellings? This is a particular problem in the rural areas. Many of the small towns and cities in Nebraska have a need for housing for the elderly. They make an application and it is not approved. They receive word back that, "We have to set aside our resources for family dwellings."

I have one letter on my desk received within the last week. It is from a small town that has made an application for, I think, 60 units of housing for the elderly. It was finally granted, but they were informed that a sizable portion of the units could not be devoted to the elderly but must be devoted to family housing. A survey of that community shows clearly that there is no such need at all. Yet, housing for the elderly is virtually at a standstill in Nebraska because they are trying to force upon these communities something that they do not need or want.

Mr. TOWER. Mr. President, nothing in this bill requires the kind of proscription referred to by the Senator, the requirement that there be a certain amount of family housing in order to have housing for the elderly. As a matter of fact, we revised the 202 program to make housing available for the elderly.

Mr. CURTIS. Mr. President, does anything in the existing law require HUD to take such an attitude and deliberately force communities to build family housing when they have no need for it and to hold up applications for housing for the elderly?

Mr. SPARKMAN. Nothing requires them to do that. In my opinion, they ought not to do it. I know the problem. We have it in all rural and semirural areas.

We did write in a provision that sought to mix young and elderly people in order that they might live in the same neighborhood instead of having the elderly in a high-rise apartment house and the young people living off somewhere in a suburb. It is possible. The Senator knows that there is a great deal of leeway in the administration of the act.

Mr. CURTIS. I understand that. I thank the distinguished chairman of the committee very much; and I thank the distinguished Senator from Texas.

Mr. SPARKMAN. Mr. President, I yield back the remainder of my time.

Mr. TOWER. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time

has been yielded back The bill having been read the third time, the question is, Shall the bill pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Arkansas (Mr. Fulbright), the Senator from Oklahoma (Mr. Harris), the Senator from Indiana (Mr. Hartke), the Senator from Minnesota (Mr. Humphrey), the Senator from Hawaii (Mr. Inouye), the Senator from Washington (Mr. Jackson), the Senator from North Carolina (Mr. Jordan), the Senator from Arkansas (Mr. McClellan), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), and the Senator from Maine (Mr. Muskie) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. Ribicoff) is absent because of illness in family.

I further announce that, if present and voting, the Senator from Arkansas (Mr. Fulbright), the Senator from Minnesota (Mr. Humphrey), the Senator from Washington (Mr. Jackson), the Senator from North Carolina (Mr. Jordan), the Senator from South Dakota (Mr. McGovern), and the Senator from Connecticut (Mr. Ribicoff) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Arizona (Mr. Goldwater), the Senator from Michigan (Mr. Griffin), the Senator from Wyoming (Mr. Hansen), the Senator from Oregon (Mr. Hatfield), the Senator from Ohio (Mr. Saxbe), and the Senator from Vermont (Mr. Stafford) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Oregon (Mr. Hatfield) would vote "yea."

The result was announced—yeas 80, nays 1, as follows:

[No. 83 Leg.]

YEAS—80

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Gambrell
Gravel
Gurney
Hart
Hollings
Hruska
Hughes
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Roth
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—1

Brock

NOT VOTING—19

Fulbright
Goldwater
Griffin
Hansen
Harris
Hartke
Hatfield
Humphrey
Inouye
Jackson
Jordan, N.C.
McClellan
McGee
McGovern
Mundt
Muskie
Ribicoff
Saxbe
Stafford

So the bill (S. 3248), as amended, was passed, as follows:

S. 3248

An act to consolidate, simplify, and improve laws relative to housing and housing assistance, to provide Federal assistance to local governments in support of community development activities, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Housing and Urban Development Act of 1972".

Chapter I—MORTGAGE CREDIT ASSISTANCE

CONSOLIDATION AND REVISION OF PROVISIONS OF LAW RELATING TO MORTGAGE INSURANCE

Sec. 101. The provisions of this section which follow shall be effective as provided in section 102 and may be cited as the "Revised National Housing Act".

TITLE I—GENERAL AUTHORITY

DEFINITIONS

Section 1. As used in this Act—

(a) The term "first mortgage" means such classes of first liens as are commonly given to secure advances on, or the unpaid purchase price of, real estate, under the laws of the State in which the real estate is located, together with the credit instruments, if any, secured thereby.

(b) The term "mortgage" means a first mortgage on real estate in fee simple, or on a leasehold (1) under a lease not less than ninety-nine years which is renewable or (2) under a lease having a period of not less than fifty years to run from the date the mortgage was executed.

(c) The term "mortgagee" includes the original lender under a mortgage, and its successors and assigns approved by the Secretary.

(d) The term "mortgagor" includes the original borrower under a mortgage, and its successors and assigns.

(e) The term "home mortgage" means a mortgage involving a one- to four-family residence or a one-family unit in a condominium, including a mortgage to cover a dwelling located outside built-up urban areas and a dwelling not designed for year-round occupancy.

(f) The term "project mortgage" means a mortgage involving multifamily housing, a land development project, or a health facility.

(g) The term "maturity date" means the date on which the mortgage indebtedness would be extinguished if paid in accordance with the payments provided for in the mortgage.

(h) The term "condominium" means a multiunit housing project which is subject to a plan of family unit ownership acceptable to the Secretary under which each dwelling unit is individually owned and each such owner holds an undivided interest in the common areas and facilities which serve the project.

(i) The term "cooperative" means any nonprofit corporation or nonprofit housing trust which has consumer-oriented sponsorship with no identity of interest with the builder, which is organized for the purpose of construction, rehabilitation, or acquisition of housing and related facilities which meet one of the following requirements:

(1) The permanent occupancy of the dwelling units will be restricted to members of the cooperative; or

(2) The individual dwelling units, upon completion of the construction or rehabilitation of the project, are to be sold to purchasers eligible for mortgage insurance or assistance under the provisions of section 401 or 402 of this Act, with the cooperative continuing to provide community facilities for the owners of such dwelling units.

(j) The term "experimental property" means property which involves the utilization and testing of advanced technology in property design, materials, or construction, or experimental property standards for neighborhood design which will provide data or experience which the Secretary deems to be significant in reducing building costs or improving building standards, quality, livability, or durability, or improving neighborhood design.

(k) The term "advances" means insured mortgage proceeds advanced during construction or rehabilitation. In addition to being made for the purpose of financing improvements to the property and the purchase of materials and building components delivered to the property, such insured proceeds may, with the approval of the Secretary and with such security as the Secretary requires, be advanced for the purpose of providing funds to cover the cost of building components where title to such components has passed to the purchaser and they have been assembled and specifically identified for incorporation into the mortgaged property, but which are located at a site other than the mortgaged property.

(l) The term "State" includes the several States and Puerto Rico, the District of Columbia, Guam, and the Virgin Islands. Such term may also include American Samoa, the Canal Zone, Midway Island, and the Trust Territory of the Pacific Islands where the Secretary determines the use of particular mortgage insurance programs is feasible and desirable.

(m) The term "Secretary" means the Secretary of Housing and Urban Development.

(n) The term "neighborhood preservation area" means an area determined by the Secretary to be threatened by housing deterioration or abandonment but which is reasonably stable and contains sufficient public facilities and services to be reasonably capable of supporting long-term values or which is to be improved through community programs of neighborhood preservation or rehabilitation.

(o) The term "sound condition" means a condition that meets all State and local requirements relating to housing condition, exclusive of building code requirements.

GENERAL INSURANCE AUTHORITY

Sec. 2. (a) To be eligible for insurance under this Act a mortgage or loan shall have been made by, and be held by, a mortgagee or lender approved by the Secretary as responsible and able to service the mortgage or loan properly.

(b) The Secretary is authorized, upon application by the mortgagee or lender, to insure mortgages and loans, upon such terms and conditions as he may prescribe, in accordance with the provisions of this Act, and to make commitments for the insuring of such mortgages and loans prior to the date of their execution or disbursement thereon. At any time prior to final endorsement for insurance, the Secretary may amend, extend, or increase the amount of any commitment, but the mortgage or loan as finally endorsed for insurance must be eligible for insurance under the provisions of this Act in effect at the time of such final endorsement.

(c) To be eligible for insurance under this Act, the mortgage transaction shall be determined by the Secretary to be an insurable risk, except that the Secretary may accept for insurance as a special risk a mortgage transaction involving assistance payments, experimental property, property located in an older and declining area where there is a reasonable prospect for revitalization, or single-family housing for employees of research and development installations where it is established to the satisfaction of the Secretary that there is a special need for such housing.

FLEXIBLE MORTGAGE AMOUNTS

Sec. 3. (a) The Secretary shall not insure a mortgage covering property in any area which exceeds, for that part of the property attributable to dwelling use, the appropriate prototype cost for the area (1) by more than

20 per centum in the case of a mortgage insured under section 402 or section 502, or (2) by more than 100 per centum, or such lower per centum in any area as the Secretary determines to be appropriate to prevent the diversion of mortgage credit from moderate cost housing, in the case of a mortgage insured under section 401 or section 501.

(b) The Secretary shall determine prototype costs at least annually on the basis of (1) his estimate of the construction costs of new dwelling units (including units designed for elderly and handicapped families) of various types and sizes and in the area suitable for occupancy by persons assisted under sections 402 and 502, and (2) his estimate of reasonable allowances for the cost of land and site improvements. In making his determination the Secretary shall take into account (A) the extra durability required for economical maintenance of such housing, (B) the provision of amenities designed to guarantee a safe and healthy family life and neighborhood environment, (C) the application of good design as an essential component of such housing and maintenance of quality in architecture to reflect the standards of the neighborhood and community, (D) the effectiveness of existing mortgage limits in the area, and (E) the advice and recommendations of local housing producers. The prototype costs for any area shall become effective upon the date of publication in the Federal Register.

(c) As used in this section the term "construction costs" means those cost items which are normally reflected in the amount of a home mortgage or multifamily mortgage insured under section 402 or section 502, except the costs of land and site improvements.

INTEREST RATES

SEC. 4. The Secretary shall from time to time prescribe the maximum interest rates which mortgages or loans eligible for insurance under this Act may bear. The rates prescribed shall be those rates which the Secretary finds necessary to meet the mortgage or loan market.

WATER AND SEWER FACILITIES

SEC. 5. No mortgage which covers new construction shall be approved for insurance under this Act if the mortgaged property includes housing which is not served by a public or adequate private community water and sewerage system, unless the property is situated in an area where the establishment of such a system is determined by the Secretary not to be economically feasible and where the Secretary determines that the absence of such a system will not create a significant environmental hazard. The economic feasibility of establishing such public or adequate private community water and sewerage systems shall be determined without regard to whether such establishment is authorized by law or is subject to approval by one or more local governments or public bodies.

APPROVAL OF TECHNICALLY SUITABLE MATERIALS

SEC. 6. The Secretary shall adopt a uniform procedure for the acceptance of materials and products to be used in structures approved for mortgages or loans insured under this Act. Under such procedure any material or product which the Secretary finds is technically suitable for the use proposed shall be accepted. Acceptance of a material or product as technically suitable shall not be deemed to restrict the discretion of the Secretary to determine that a structure, with respect to which a mortgage is executed, is an insurable or special risk.

INSURANCE CONTRACT INCONTESTABILITY

SEC. 7. Any contract of insurance executed by the Secretary under the provisions of titles IV and V shall be conclusive evidence of the eligibility of the loan or mortgage for insurance. The validity of any contract of insurance so executed shall be incontestable in the hands of an approved financial institution or approved mortgagee from the date of the execution of such contract, except for fraud or misrepresentation on the part of such financial institution or mortgagee.

ADMINISTRATION

SEC. 8. In carrying out the provisions of this Act, the Secretary is authorized to (1) make such expenditures as may be necessary, (2) sue and be sued, (3) make such rules and regulations as may be necessary, and (4) provide or obtain technical assistance in the planning for and construction of projects to be covered by mortgages insured under this Act.

TITLE II—INSURANCE FUNDS, PREMIUMS AND CHARGES

INSURANCE FUNDS

SEC. 201. (a) The General Insurance Fund, created pursuant to section 519 of the National Housing Act, shall be used by the Secretary as a revolving fund for carrying out both his obligations incurred pursuant to the National Housing Act and, except as otherwise provided in this section, his obligations with respect to—

(1) property improvement, historic structure preservation, and mobile home loans under title III;

(2) home mortgages insured under section 401;

(3) project mortgages insured under sections 501, 503, and 505; and

(4) supplemental project loans insured under section 504.

(b) The Special Risk Insurance Fund, created pursuant to section 238(b) of the National Housing Act, shall be used by the Secretary as a revolving fund for carrying out both his obligations incurred pursuant to the National Housing Act and his obligations with respect to—

(1) home mortgages insured under section 402;

(2) home mortgages insured under section 401 where the mortgage involves experimental property, property in an older and declining area, or housing for employees of research and development installations;

(3) project mortgages insured under section 502;

(4) project mortgages insured under sections 501 and 503 where the mortgage involves exeperimental property or property in an older and declining area; and

(5) supplemental project loans insured under section 504, where the Special Risk Insurance Fund is obligated for the insurance of the original project mortgage.

(c) The Cooperative Management Housing Insurance Fund, created pursuant to section 213(k) of the National Housing Act, shall be used by the Secretary as a revolving fund for carrying out both his obligations incurred pursuant to the National Housing Act and his obligations with respect to—

(1) project mortgages insured under section 501 where the mortgagor is a cooperative; and

(2) supplemental project loans insured under section 504, where the Cooperative Management Housing Insurance Fund is obligated for the insurance of the original project or where the original project mortgage covering a cooperative housing project is uninsured.

(d) All premiums, fees, charges, and other income received by the Secretary in connection with the insurance of mortgages or loans shall be credited to the fund obligated for such insurance. All payments made pursuant to claims of mortgagees, cash adjustments, the principal of and interest paid on debentures, expenses incurred in connection with the acquisition and disposal of property, nonadministrative and administrative expenses, and all other authorized expenditures incurred pursuant to this Act and the National Housing Act shall be paid out of the fund obligated for such insurance.

(e) The Secretary is authorized to borrow from the Treasury from time to time such amounts as the Secretary shall determine are necessary to pay insurance claims in cash, in lieu of issuing debentures. Notes or other obligations issued by the Secretary for amounts borrowed under this subsection shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such notes or other obligations.

(f) Moneys in an insurance fund not needed for current operations of the fund shall be deposited with the Treasurer of the United States to the credit of the fund or invested in bonds or other obligations of, or in bonds or other obligations guaranteed by, the United States or any agency of the United States. The Secretary, with the approval of the Secretary of the Treasury, may purchase in the open market debentures which are the obligation of the fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtained from other investments authorized by this subsection. Debentures so purchased shall be canceled and not reissued.

(g) The Secretary is authorized to advance from one insurance fund to another such amounts as he considers necessary for the administration of the funds. Such advances shall be repayable at such times and at such rates of interest as the Secretary deems appropriate.

(h) There are authorized to be appropriated such sums as may be needed from time to time to cover losses sustained by the General Insurance Fund or the Special Risk Insurance Fund.

INSURANCE PREMIUMS AND CHARGES

SEC. 202. (a) The Secretary is authorized to fix an insurance premium for the insurance of mortgages and loans under this Act. Insurance premiums for the insurance of mortgages under this Act (except under section 505) shall not exceed an amount equivalent to 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any one time. The Secretary may require the payment of the insurance premium on an advance or a deferred basis, except that with respect to any mortgage or loan insured under title V or with respect to any loan under title III, such insurance premium shall be payable annually in advance by the mortgagee or lender.

(b) In the event that the principal obligation of any mortgage or loan insured under title IV or title V is paid in full prior to the maturity date, the Secretary is authorized in his discretion to require the payment by the mortgagee or the lender of an adjusted premium charge in such amount as the Secretary determines to be equitable, but not in excess of the aggregate amount of the insurance premium that the mortgagee or lender would otherwise have been required to pay if the mortgage or loan had continued to be insured until such maturity date. Where such prepayment occurs, the Secretary is authorized to refund to the mortgagee or the lender for the account of the mortgagor or the borrower all, or such portion as he shall determine to be equitable, of the current unearned insurance premium theretofore paid.

(c) The Secretary is authorized to terminate any insurance contract upon request by the mortgagor or borrower and the mortgagee or lender. As a condition to terminating the insurance, the Secretary is authorized in his discretion to require the payment of a termination charge computed in the same manner as the adjusted premium charge.

(d) The payments specified in subsections (a), (b), and (c) shall be payable by the mortgagee or the lender either in cash or in debentures issued by the Secretary, except that the insurance premium for loans under title III shall be paid only in cash. The debentures presented for such payment shall represent obligations of the particular insurance fund to which such insurance premium is to be credited.

(c)(1) In the case of a mortgage insured under section 401 covering a single-family dwelling or a one-family unit in a condominium where the mortgagor is a serviceman who at the time of insurance or assumption of the mortgage is the owner of the property and either occupies the property or certifies that his failure to do so is the result of his service assignment, the mortgage insurance premiums fixed by the Secretary shall not be payable by the mortgagee during the period of ownership of the property involved. Such premiums shall be paid not less frequently than once a year, upon request of the Secretary, by the Secretary of Defense, the Secretary of Transportation, or the Secretary of Commerce, as the case may be, from the respective appropriations available for pay and allowances of servicemen.

(2) As used in this subsection—

(A) The term "serviceman" means a person to whom the Secretary of Defense, the Secretary of Transportation, or the Secretary of Commerce, as the case may be, has issued a certificate indicating that such person requires housing, is serving on active duty in the Armed Forces of the United States or in the United States National Oceanic and Atmospheric Administration and has served on active duty for more than two years, but a certificate shall not be issued to any person ordered to active duty for training purposes only. The Secretary of Defense, the Secretary of Transportation, or the Secretary of Commerce, respectively, are authorized to prescribe rules and regulations governing the issuance of such certificate and may withhold issuance of more than one such certificate to a serviceman whenever in his discretion issuance is not justified due to circumstances resulting from his service assignment.

(B) The term "period of ownership" means the period, for which mortgage insurance premiums are fixed, prior to the date that the Secretary of Defense, the Secretary of Transportation, or the Secretary of Commerce, as the case may be, furnishes the Secretary with a certification that such ownership (as defined by the Secretary) has terminated.

(3) Where a serviceman dies while on active duty in the Armed Forces of the United States or in the United States National Oceanic and Atmospheric Administration leaving a surviving widow as owner of the property, the period of ownership shall extend for two years beyond the date of the serviceman's death or until the date the widow disposes of the property, whichever date occurs first. The Secretary of Defense, the Secretary of Transportation, or the Secretary of Commerce, as the case may be, shall notify such widow promptly following the serviceman's death of the additional costs to be borne by the mortgagor following termination of the two-year period.

PROCESSING FEES AND SERVICES CHARGES

SEC. 203. (a) The Secretary is authorized to charge and collect from the mortgagee or lender such amounts as he may deem reasonable for the processing of a mortgage or loan insurance application and for the appraisal and inspection of the property or project to be covered by the mortgage to be insured or for other services performed by the Secretary, except that charges for appraisal and inspection with respect to multifamily housing shall not aggregate more than 1 per centum of the original principal face amount of the mortgage. All amounts received under this section shall be payable by the mortgagee or lender in cash at such times as the Secretary may require.

(b) The Secretary is authorized to include in any mortgage or loan insured under this Act or in any loan made payable to the Secretary a provision requiring the mortgagor or borrower to pay a service charge to the Secretary in the event the mortgage or loan is held by the Secretary. The service charge shall not exceed the amount prescribed by the Secretary for insurance premiums applicable to such mortgage or loan.

TITLE III—INSURANCE FOR PROPERTY IMPROVEMENT, HISTORIC STRUCTURE PRESERVATION, AND MOBILE HOME LOANS

TYPES OF LOANS

SEC. 301. (a) The Secretary is authorized to insure financial institutions against losses which they may sustain as a result of making, advancing credit in connection with, or purchasing property improvement loans, historic structure preservation loans, and mobile home loans meeting the requirements of this title.

(b) The property improvement loan shall be for the purpose of financing alterations, repairs, and improvements upon or in connection with existing structures, and the building of new structures, upon urban, suburban, or rural real property (including the restoration, rehabilitation, rebuilding, and replacement of such improvements which have been damaged or destroyed by earthquake, conflagration, tornado, hurricane, cyclone, flood, or other catastrophe), by the owners thereof or by the lessees of such real property under a lease expiring not less than six months after the maturity of the loan or advance of credit. Alterations, repairs, and improvements upon, or in connection with, existing structures may include the provision of fire safety equipment. As used in this title, the term "fire safety equipment" means any device or facility which is designed to reduce the risk of personal injury or property damage resulting from fire and is in conformity with such criteria and standards as shall be prescribed by the Secretary.

(c) The mobile home loan shall be for the purpose of financing the purchase of a mobile home to be used by the owner as his principal residence, and may include an amount to finance the acquisition of a lot on which to place such home and to pay expenses reasonably necessary for the appropriate preparation of such lot, including, but not limited to, the installation of utility connections, sanitary facilities and paving, and the construction of a suitable pad.

(d) The historic structure preservation loan shall be for the purpose of financing the preservation of historic structures. As used in this title, the term "historic structures" means residential structures which are registered in the National Register of Historic Places or which are certified by the Secretary of the Interior to conform to National Register criteria; and the term "preservation" means restoration or rehabilitation undertaken for such purposes as are approved by the Secretary in regulations issued by him, after consulting with the Secretary of the Interior.

LOAN TERMS

SEC. 302. (a) Except as otherwise provided in this subsection, a loan financing property improvements shall—

(1) involve an amount not exceeding $6,500, except that, if the loan is made for the purpose of financing the alteration, repair, improvement, or conversion of an existing structure used or to be used as an apartment house or a dwelling for two or more families, the loan shall not exceed $15,000 nor an average amount of $3,500 per family unit; and

(2) have a maturity not exceeding seven years and thirty-two days, except that such maturity limitation shall not apply if the loan is for the purpose of financing the construction of a new structure for use in whole or in part for agricultural purposes.

Notwithstanding the foregoing limitations, any loan to finance fire safety equipment for a nursing home or other comparable health care facility may involve an amount not exceeding $10,000 and have a maturity not exceeding twelve years and thirty-two days.

(b)(1) A loan financing the purchase of a mobile home only shall—

(A) involve an amount not exceeding (i) $10,000 ($15,000 in the case of a mobile home composed of two or more modules), and (ii) such additional amount as the Secretary shall by regulation prescribe as appropriate to cover the cost of necessary site preparation for the lot on which the home is to be placed; and

(B) have a maturity not exceeding twelve years and thirty-two days (fifteen years and thirty-two days in the case of a mobile home composed of two or more modules).

(2) A loan financing the purchase of a mobile home and an undeveloped lot on which to place the home shall—

(A) involve an amount not exceeding (i) the maximum amount under paragraph (1) (A) of this subsection, and (ii) such amount not to exceed $5,000 as may be necessary to cover the cost of purchasing the lot; and

(B) have a maturity not exceeding fifteen years and thirty-two days (twenty years and thirty-two days in the case of a mobile home composed of two or more modules).

(3) A loan financing the purchase of a mobile home and a suitably developed lot on which to place the home shall—

(A) involve an amount not exceeding (i) the maximum amount under paragraph (1) (A)(i) of this subsection, and (ii) such amount not to exceed $7,500 as may be necessary to cover the cost of purchasing the lot; and

(B) have a maturity not exceeding fifteen years and thirty-two days (twenty years and thirty-two days in the case of a mobile home composed of two or more modules).

(c) A loan financing the preservation of a historic structure shall—

(1) involve an amount not exceeding $15,000 per family unit; and

(2) have a maturity not exceeding fifteen years and thirty-two days.

REFINANCING

SEC. 303. Any loan with respect to which insurance is granted under this title may be refinanced and the maturity extended in accordance with such terms and conditions as the Secretary may prescribe, but in no event for an additional amount or term in excess of the maximum provided for in section 302.

PROHIBITIONS

SEC. 304. The Secretary is authorized to prevent the use of any financial assistance under this title—

(1) which would, through multiple loans, result in an outstanding aggregate loan balance with respect to the same property or mobile home exceeding the dollar amount limitation prescribed in this title for the type of loan involved; or

(2) which involves new residential structures (other than mobile homes) that have not been completed and occupied for at least six months, except where such requirement is waived by the Secretary.

PROPERTY STANDARDS

SEC. 305. (a) The Secretary may from time to time declare ineligible for financing under this title any item, product, alteration, repair, improvement, or class thereof, which he determines would not substantially protect or improve the basic livability or utility of properties which are to be improved by financing provided under this title. He may also declare ineligible for financing under this title any items which he determines is especially subject to selling abuses.

(b) The Secretary shall, with respect to mobile homes to be financed under this title—

(1) prescribe minimum property standards to assure the livability and durability of the mobile home and the suitability of the site on which the mobile home is to be located; and

(2) obtain assurances from the borrower that the mobile home will be placed on a site which complies with the standards prescribed by the Secretary and with local zoning and other applicable local requirements.

CONTRACT PROVISIONS

SEC. 306. (a) The insurance granted by the Secretary to any financial institution on loans, advances of credit, and purchases made by such financial institution shall not exceed either—

(1) 10 per centum of the total amount of such loans, advances of credit, and purchases made under and reported for insurance under this title and under section 2 of the National Housing Act after July 1, 1939; or

(2) 90 per centum of the amount of loss on any individual loan, advance of credit, or purchase.

(b) Any payment for loss made to an approved financial institution under this title shall be final and incontestable after two years from the date the claim was certified for payment by the Secretary, in the absence of fraud or misrepresentation on the part of such institution, unless a demand for repurchase of the obligation shall have been made on behalf of the United States prior to the expiration of such two-year period.

WAIVER OF REQUIREMENTS

SEC. 307. The Secretary is authorized to waive compliance with any regulations issued by him pursuant to this title, if the enforcement of such regulations would impose an injustice upon an insured financial institution that has substantially complied with the requirements of such regulations and has acted in good faith. Such waiver shall only be exercised where it does not involve an increase in the obligation of the Secretary beyond the obligation which would have been involved if the regulation had been fully complied with.

TRANSFER OF INSURANCE

SEC. 308. The Secretary is authorized to transfer to any approved financial institution the insurance in connection with any loan which is sold to it by another approved financial institution.

TITLE IV—HOME MORTGAGE INSURANCE

BASIC INSURANCE PROGRAM

SEC. 401. (a) The Secretary is authorized to insure a home mortgage (including open-end advances) meeting the requirements of this section.

(b) The mortgage shall—

(1) involve a principal obligation not to exceed an amount equal to the sum of (i) 100 per centum of $20,000 of the Secretary's appraised value of the property as of the date the mortgage is accepted for insurance, (ii) 90 per centum of such value in excess of $20,000 but not in excess of $30,000, (iii) 80 per centum of such value in excess of $30,000 but not in excess of $40,000, and (iv) 70 per centum of such value in excess of $40,000; except that in the case of rehabilitation, or refinancing which involves rehabilitation, the foregoing limitations upon the amount of the mortgage may, in the discretion of the Secretary, be based upon the sum of the estimated cost of rehabilitation and the Secretary's estimate of the value of the property before rehabilitation, rather than upon the appraised value of the property;

(2) contain complete amortization provisions satisfactory to the Secretary requiring payments by the mortgagor not in excess of his reasonable ability to pay as determined by the Secretary and within such term as the Secretary shall prescribe; and

(3) be executed by a mortgagor who shall have paid in cash or its equivalent, on account of the property, at least an amount equivalent to the greater of the closing costs (exclusive of prepaid expenses) or 3 per centum of the Secretary's estimate of the cost of acquisition.

(c) Where the mortgage involves a one-family unit in a condominium, the Secretary shall establish such requirements as he deems appropriate for the protection of the consumer. The mortgage covering the condominium unit shall contain such provisions as the Secretary determines to be necessary for the maintenance of the common areas and facilities and the condominium project. The Secretary may require that the rights and obligations of the mortgagor and the owners of the condominium units in the project shall be subject to such controls as he determines to be necessary and feasible to promote and protect individual owners, the condominium project, and its occupants.

(d) The mortgage shall have a principal obligation not in excess of an amount equal to 85 per centum of the amount computed under the provisions of subsection (b)(1) if the mortgage involves—

(1) a newly constructed dwelling which the Secretary determines has been completed within twelve months of the sale being financed with a mortgage insured under this section but which has not been approved by the Secretary for mortgage insurance or approved by the Administrator of Veterans' Affairs for guaranty, insurance, or direct loan under chapter 37 of title 38, United States Code, prior to the beginning of construction; or

(2) a mortgagor who is not the occupant of the property, except that this requirement for a reduction in the principal obligation of the mortgage shall not be applicable where—

(A) the mortgagor is in the military service and his failure to occupy the property is by reason of his service assignment;

(B) the mortgagor and mortgagee assume responsibility, in a manner satisfactory to the Secretary, for the reduction of the outstanding principal amount of the mortgage, in the event the mortgaged property is not (prior to the date of the eighteenth amortization payment of the mortgage) sold to a purchaser acceptable to the Secretary who is the occupant of the property and who assumes and agrees to pay the mortgage indebtedness; or

(C) the mortgage covers experimental property and the Secretary approves the waiver of such requirement.

(e) The seller, builder, or such other person as the Secretary may designate, shall deliver to the mortgagor (prior to the completion of the sale) a written statement setting forth the amount of the appraised value of the property, as determined by the Secretary. Where the property is to be rehabilitated by the owner thereof and the amount of the mortgage is not based on the appraised value of the property, the Secretary shall furnish such owner a statement of the Secretary's estimate of the appraised value of the property after the proposed improvements are completed.

(f)(1) Where the mortgage involves a dwelling which is approved for mortgage insurance prior to the beginning of construction, the seller or such other person as may be required by the Secretary, shall deliver to the mortgagor a warranty that the dwelling is constructed in substantial conformity with the plans and specifications (including any amendments thereof, or changes or variations therein approved in writing by the Secretary) on which the Secretary based his valuation of the dwelling. This warranty shall apply only with respect to such instances of substantial noncomformity to the plans and specifications approved by the Secretary as to which the mortgagor has given written notice to the warrantor within one year from the date of conveyance of title to, or initial occupancy of, the dwelling, whichever first occurs.

(2) The warranty required by this subsection shall be in addition to, and not in derogation of, all other rights and privileges which the mortgagor may have under any other law or instrument. The Secretary is directed to permit copies of the plans and specifications (including any amendments or variations approved in writing by the Secretary) for the dwellings covered by warranties under this subsection to be made available in the appropriate local offices for inspection or for copying by any mortgagor or warrantor during such periods of time as the Secretary deems reasonable.

(g)(1) The Secretary is authorized to insure under this section a home mortgage covering property located in a neighborhood preservation area, and executed to refinance existing indebtedness secured by the property and to finance any needed repairs and improvements to the property.

(2) The Secretary shall prescribe such terms and conditions as he deems necessary to assure that—

(A) refinancing pursuant to this subsection results in the making of any repairs to the property that are necessary to place it in a sound condition or results in the refinancing of a mortgage containing a balloon payment provision, and is not used primarily to reduce the monthly debt service payable by the mortgagor except in hardship cases as determined by the Secretary; and

(B) the mortgagor or a member of his immediate family shall have owned the property for a period of not less than three years prior to such refinancing unless the mortgagor shall be a nonprofit, limited profit or cooperative certified by the Secretary as being eligible to participate in the refinancing program in neighborhood preservation areas under criteria established by the Secretary.

(3) A mortgage insured under this subsection may include such service charges, and appraisal, inspection, or other fees as the Secretary may approve.

(4) In any case where a mortgage insured under this subsection covers property which is generating rental income, the Secretary may, in his discretion, require the mortgagor to meet the additional requirements of section 501(k)(2).

HOMEOWNERSHIP ASSISTANCE

SEC. 402. (a) For the purpose of assisting lower income families in acquiring or maintaining homeownership, the Secretary is authorized to make, and to contract to make, periodic assistance payments on behalf of such homeowners. The assistance shall be accomplished through payments to mortgagees holding mortgages which meet the requirements of, and are insured under, this section.

(b) The assistance payments to a mortgagee by the Secretary on behalf of a mortgagor shall be made during such time as the mortgagor shall continue to occupy the property which secures the mortgage. Such payments may also be made on behalf of a homeowner who assumes a mortgage insured under this section with respect to which assistance payments have been made on behalf of the previous owner, if the new homeowner is approved by the Secretary as eligible for receiving such assistance. The Secretary is also authorized to continue making assistance payments where the mortgage has been assigned to the Secretary.

(c) The assistance payment shall be in an amount not exceeding the lesser of—

(1) the balance of the monthly payment for principal, interest, taxes, insurance, and

mortgage insurance premium due under the mortgage remaining unpaid after applying 20 per centum of the mortgagor's income; or

(2) the difference between the monthly payment for principal, interest, and mortgage insurance premium which the mortgagor is obligated to pay under the mortgage and the monthly payment for principal and interest which the mortgagor would be obligated to pay if the mortgage were to bear interest at the rate of 1 per centum per annum.

(d) The Secretary may include in the payment to the mortgagee such amount, in addition to the amount computed under subsection (c), as he deems appropriate to reimburse the mortgagee for its additional expenses in handling the mortgage.

(e) Procedures shall be adopted by the Secretary for recertifications of the mortgagor's income at intervals of two years (or at shorter intervals where the Secretary deems it desirable) for the purpose of adjusting the amount of the assistance payments within the limits of the formula described in subsection (c).

(f) The Secretary shall take such steps as he deems necessary to assure that the sales price of, or other consideration paid in connection with, the property with respect to which assistance payments are to be made is not inflated or excessive.

(g) (1) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, including such sums as may be necessary to make the assistance payments under contracts entered into under this section. The aggregate amount of outstanding contracts to make such payments shall not exceed amounts approved in appropriation Acts, and payments pursuant to such contracts (and any contracts entered into under section 235 of the National Housing Act) shall not exceed $75,000,000 per annum prior to July 1, 1969, which maximum dollar amount shall be increased by $125,000,000 on July 1, 1969, by $150,000,000 on July 1, 1970, by $200,000,000 on July 1, 1971, by $115,000,000 on July 1, 1972, and by $170,000,000 on July 1, 1973.

(2) Not more than 30 per centum of the total amount of contracts for assistance payments authorized by appropriation Acts may be made with respect to existing dwellings or dwelling units in existing projects, including property described in subsection (h) (1) (B), as defined by the Secretary.

(3) Not less than 10 per centum of the total amount of contracts for assistance payments authorized by appropriation Acts to be made after June 30, 1971, shall be available for use only with respect to dwellings, or dwelling units in projects, which are approved by the Secretary prior to substantial rehabilitation.

(h) The Secretary is authorized to insure a home mortgage (including advances with respect to property constructed or rehabilitated pursuant to a self-help program) which meets the requirements of section 401, except as such requirements are modified by this section. The mortgage shall—

(1) involve (A) a single-family dwelling, or a one-family unit in a condominium, or a one-family unit sold by a cooperative, or (B) a single family dwelling where the mortgage is executed by the owner-occupant to finance the rehabilitation of such dwelling; and

(2) have a principal obligation not to exceed the appraised value of the property as of the date the mortgage is accepted for insurance or, in the case of rehabilitation, the sum of the estimated cost of rehabilitation and the Secretary's estimate of the value of the property before rehabilitation (in the case of rehabilitation by the owner-occupant, the principal obligation shall not exceed the sum of the estimated cost of rehabilitation and the amount, as determined by the Secretary, required to refinance existing indebtedness secured by the property) plus such amount to cover closing costs and prepaid expenses, as the Secretary shall approve, but not to exceed the full amount of such costs less $200.

(i) No assistance payments shall be made under this section with respect to any mortgage securing a loan to finance the rehabilitation of any owner-occupied property, unless—

(1) the property is located in a neighborhood which is sufficiently stable to support long-term values or in which the community is carrying out or planning to carry out a program for neighborhood preservation, conservation, or rehabilitation;

(2) the property, without rehabilitation, does not conform to public standards for decent, safe, and sanitary housing as required by applicable codes; and

(3) the improvements to be undertaken in connection with such rehabilitation are reasonably required to provide decent, safe, and sanitary housing in accordance with criteria and standards prescribed by the Secretary.

(j) As used in this section the term "lower income families" means those families whose incomes do not exceed 90 per centum of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 90 per centum of the median for the area on the basis of his findings that such variations are necessary because of prevailing levels of construction costs, unusually high- or low-median family incomes, or other factors.

(k) In determining the income of any family for the purpose of this section, the Secretary shall consider income from all sources of each member of the family residing in the household, except that there shall be excluded—

(1) the income of any family member (other than the head of the household or his spouse) who is under eighteen years of age or is a full-time student;

(2) the first $300 of the income of a secondary wage earner who is the spouse of the head of the household;

(3) an amount equal to 5 per centum of the income of the head of the household and his spouse (or, in the case of an elderly family, 10 per centum of such income);

(4) an amount equal to $300 for each member of the family residing in the household (other than the head of the household or his spouse) who is under eighteen years of age or who is eighteen years of age or older but has no income included in family income for purposes of this section;

(5) nonrecurring income, as determined by the Secretary;

(6) extraordinary medical or other expenses as the Secretary approves for exclusion; and

(7) an amount equal to the sums received by the head of the household or his spouse from, or under the direction of, any public or private nonprofit child placing agency for the care and maintenance of one or more persons who are under eighteen years of age and were placed in the household by such agency.

(l) The Secretary shall from time to time allocate and transfer to the Secretary of Agriculture, for use (in accordance with the terms and conditions of this section) in rural areas and small towns, a reasonable portion of the total authority to contract to make assistance payments as approved in appropriation Acts under subsection (g).

TITLE V—PROJECT MORTGAGE INSURANCE

MULTIFAMILY HOUSING

SEC. 501. (a) For the purposes of this section—

(1) The term "multifamily housing" means (i) housing or a housing project in which the occupancy of the dwelling units is permitted by the owner thereof in consideration of the payment of agreed rental charges; (ii) housing or a housing project which is owned by a cooperative or which is constructed or rehabilitated by an investor-sponsor who meets such requirements as the Secretary may impose to assure that the consumer interest is protected, and who has an agreement for the sale of the project to a cooperative eligible for mortgage insurance under the provisions of this title; (iii) housing or a housing project in which the individual dwelling units are to be sold, on a condominium basis, by a cooperative, or otherwise, to purchasers eligible for mortgage insurance under the provisions of title IV; and (iv) a mobile home court.

(2) The term "replacement cost" means the Secretary's estimate of the value of the land, the cost of the proposed physical improvements, utilities within the boundaries of the property or project, architect's fees, taxes and interest during construction, other miscellaneous charges incident to construction and the initial operation or disposition of the project as may be approved by the Secretary, and a builder's and sponsor's profit and risk allowance of 10 percentum of all of the foregoing items except the land, or such lower percentage as the Secretary deems to be reasonable and prescribes by regulation, with respect to all or to particular categories of projects. In the case of a cooperative or nonprofit mortgagor, the foregoing profit and risk allowance shall be paid exclusively to the builder in lieu of any other fee.

(b) The Secretary is authorized to insure a mortgage (including advances) which covers property including a multifamily housing project. The mortgage shall be executed by a mortgagor approved by the Secretary. The Secretary may require any such mortgagor to be regulated or restricted as to rents or sales, charges, capital structure, rate of return, and methods of operation. Such regulation and restriction shall remain in effect until the termination of all obligations of the Secretary under the mortgage insurance and during such further period of time as the Secretary shall be the owner, holder, or reinsurer of the mortgage.

(c) The mortgage may involve the financing of new construction, the rehabilitation of an existing structure or structures, or the purchase or refinancing of an existing project (as defined by the Secretary) which meets such standards as may be prescribed by the Secretary.

(d) If new construction is involved, the mortgage shall have a principal obligation not in excess of 90 per centum (98 per centum in the case of a cooperative mortgagor) of the estimated replacement cost of the property or project when the proposed improvements are completed.

(e) If rehabilitation is involved, the mortgage shall have a principal obligation not in excess of 90 per centum (98 per centum in the case of a cooperative mortgagor) of the sum of (i) the Secretary's estimate of the cost of the rehabilitation plus (ii) the Secretary's estimate of the value of the property before the rehabilitation.

(f) If the purchase or refinancing of an existing property without rehabilitation is involved, the mortgage shall have a principal obligation not in excess of 90 per centum (98 per centum in the case of a cooperative mortgagor) of the purchase price of or the existing indebtedness on the property, whichever is applicable, or the Secretary's estimate of the fair market value as of the date the mortgage is accepted for insurance, whichever is less.

(g) In the case of a cooperative or nonprofit mortgagor the percentages otherwise applicable under subsection (d), (e), or (f) shall be increased to 100 per centum if the principal obligation of the mortgage does not exceed the amount which could be insured with respect to the project under section 502.

(h) If the dwelling units in a project are to be sold to individual purchasers, the principal obligation of the blanket mortgage shall be further limited to the sum of the individual mortgage amounts which could be insured for owner-occupants of the proposed individual dwellings or condominium units under title IV.

(i) The mortgage shall provide for complete amortization by periodic payments within such term as the Secretary shall prescribe.

(j) The property or project shall include five or more dwelling units (which, with the approval of the Secretary need not be self-contained living units) or five or more spaces in a mobile home court, and may include such nondwelling facilities as the Secretary deems adequate and appropriate to serve the occupants and the surrounding neighborhood, except that the project shall be predominantly residential. A nondwelling facility to be included in the project shall be found by the Secretary to contribute to the economic feasibility of the project (and the Secretary shall give due consideration to the possible effect of the project on other business enterprises in the community). In the case of a project designed primarily for the elderly or handicapped, the project may include cafeterias, dining halls, workshops, infirmaries, or other inpatient or outpatient facilities, and other essential service facilities.

(k) (1) The Secretary is authorized to insure a mortgage under this section covering property located in a neighborhood preservation area and executed to refinance existing indebtedness secured by the property and to finance any needed repairs and improvements to the property.

(2) The Secretary shall prescribe such terms and conditions as he deems necessary to assure that—

(A) refinancing pursuant to this subsection results in the making of any repairs to the property that are necessary to place it in a sound condition or results in the refinancing of a mortgage containing a balloon payment provision, and is not used primarily to reduce the monthly debt service payable by the mortgagor except in hardship cases as determined by the Secretary;

(B) the mortgagor or a member of his immediate family shall have owned the property for a period of not less than three years prior to such refinancing unless the mortgagor shall be a nonprofit, limited profit or cooperative certified by the Secretary as being eligible to participate in the refinancing program in neighborhood preservation areas under criteria established by the Secretary;

(C) the property will be continuously maintained in a sound condition for the period of the loan, and the mortgagor shall commit to maintenance expenditures not less than that percentage of his annual rental income which the Secretary deems necessary or appropriate to maintain the building in such condition;

(D) during the mortgage term no rental increases shall be made except those which are necessary to offset actual and reasonable operating expense increases or debt service payment increases due to any loan provided under paragraph (4);

(E) before any rental increase takes effect, tenants shall be afforded reasonable notice of the proposed increase and a sufficient opportunity to present written objections to the Secretary and to be heard thereon; and

(F) no excessive rent increase has been made in anticipation of participation in the benefits provided by this subsection.

(3) A mortgage insured pursuant to this subsection may include such service charges, and appraisal, inspection, or other fees as the Secretary shall approve.

(4) If during the mortgage term, the mortgagor is required to make major repairs which were not anticipated at the time the original mortgage was executed, the Secretary may in his discretion insure a supplemental project loan for that purpose, as authorized under section 504.

MULTIFAMILY HOUSING ASSISTANCE

SEC. 502. (a) For the purpose of reducing rentals for lower income tenants, the Secretary is authorized to make, and to contract to make, periodic assistance payments on behalf of the owner of a multifamily housing project, which shall be accomplished through payments to mortgagees holding mortgages meeting the requirements specified in this section. Nothing in this section prohibits the making of such payments, with respect to any such project which is designed for and occupied exclusively by elderly families.

(b) Assistance payments with respect to a project shall only be made by the Secretary during such time as the project is operated as a multifamily housing project and (1) is subject to a mortgage which is insured under subsection (i), or in the case of a project for which the Secretary has issued a commitment to insure upon completion, payments may be made at the time of endorsement for insurance to cover the period between the time the project was ready for occupancy and the time of such endorsement; (2) is subject to a mortgage which has been assigned to the Secretary; or (3) is owned by a private nonprofit corporation or other private nonprofit entity, a limited distribution corporation or other limited distribution entity, or a cooperative, and is financed under a State or local program providing assistance through loans, loan insurance, or tax abatements, and which prior to the completion of construction or rehabilitation is approved for receiving the benefits of this section with respect to all or a part of the project.

(c) The assistance payment to a mortgagee by the Secretary on behalf of a project owner shall be in an amount not exceeding the difference between the monthly payment for principal, interest, and mortgage insurance premium (or other comparable charges approved by the Secretary) which the project owner as a mortgagor is obligated to pay under the mortgage and the monthly payment for principal and interest such project owner would be obligated to pay if the mortgage were to bear interest at the rate of 1 per centum per annum.

(d) The Secretary may include in the payment to the mortgagee such amount, in addition to the amount computed under subsection (c), as he deems appropriate to reimburse the mortgagee for its additional expenses in handling the mortgage.

(e) As a condition for receiving the benefits of assistance payments, the projects owner shall operate the project in accordance with such requirements with respect to tenant eligibility and rents as the Secretary may prescribe. In prescribing such requirements the Secretary shall seek to assure, insofar as is practicable, that in each assisted project there is a reasonable range in the income levels of tenants. Procedures shall be adopted by the Secretary for review of tenant incomes at intervals of two years (or at shorter intervals where the Secretary deems it desirable).

(f) (1) For each dwelling unit there shall be established with the approval of the Secretary (i) a basic rental charge determined on the basis of operating the project with payments of principal and interest due under a mortgage bearing interest at the rate of 1 per centum per annum; and (ii) a fair market rental charge determined on the basis of operating the project with payments of principal, interest, and mortgage insurance premium (or other comparable charges approved by the Secretary) which the mortgagor is obligated to pay under the mortgage covering the project. The rental for each dwelling unit shall be at the basic rental charge or such greater amount, not exceeding the fair market rental charge, as represents 25 per centum of the tenant's income.

(2) In the case of a project involving the rehabilitation of an existing structure or structures, tenants in possession, regardless of income, shall have the right to continue in occupancy after completion of rehabilitation: *Provided*, That they pay the fair market rental charge or 25 per centum of their income, whichever is less: *Provided further*, That such income does not exceed $10,000 per annum, with suitable adjustments upward as determined by the Secretary based on family size and local cost of living.

(3) With respect to 20 per centum of the dwelling units in any project, the Secretary is authorized to make, and contract to make, additional assistance payments to the project owner on behalf of tenants whose incomes are too low for them to afford the basic rentals with 25 per centum of their income. The additional assistance payments authorized by this paragraph with respect to any dwelling unit shall be the amount required to reduce the rental payment by the tenant to 25 per centum of the tenant's income. In no case shall such rental payment be reduced below an amount equal to utility costs attributable to the unit occupied by the tenant, unless the Secretary determines that the application of this requirement in any area would result in undue hardship because of unusually high utility costs prevailing seasonally or otherwise in such area.

(A) reduce such 20 per centum requirement in the case of any project if he determines that such action is necessary to assure the economic viability of the project;

(B) increase such 20 per centum requirement in the case of any project if he determines that such action is necessary and feasible having regard to the objective stated in subsection (c); and

(C) make such payments with respect to not more than 60 per centum of the units in any project in which all or substantially all of the dwelling units are occupied by elderly families.

Not less than one-half of the units with respect to which assistance payments are made under this paragraph shall be occupied by very low income tenants.

(4) For each project there shall be established an initial operating expense level, which shall be the sum of the cost of utilities, maintenance, and local property taxes payable by the project owner at the time the Secretary determines the property to be fully occupied, taking into account anticipated and customary vacancy rates. At any time subsequent to the establishment of an initial operating expense level, the Secretary is authorized to make, and contract to make, additional assistance payments to the project owner in an amount not to exceed either (A) the amount by which the sum of the cost of utilities, maintenance, and local property taxes exceeds the initial operating expense level, or (B) the amount required to maintain the basic rentals of any units at levels not in excess of 30 per centum of the income of tenants occupying such units. Any contract to make additional assistance payments may be amended periodically to provide for appropriate adjustments in the amount of the assistance payments. Additional assistance payments shall be made pursuant to this paragraph only if the Secretary finds that the increase in the cost of utilities, maintenance, or local property taxes, is reasonable and is comparable to cost increases affecting other rental projects in the community.

(g) The project owner shall, as required by the Secretary, accumulate, safeguard, and periodically pay to the Secretary all rental charges collected in excess of the basic rental charges. Such excess charges shall be credited to the appropriation authorized by subsection (h) and shall be available until the end of the next fiscal year for the purpose of making assistance payments with respect to rental housing projects receiving assistance under this section.

(h) (1) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, including such sums as may be necessary to make assistance payments under contracts entered into by the Secretary under this section. The aggregate amount of outstanding contracts to make such payments shall not exceed amounts approved in appropriation Acts, and payments pursuant to such contracts (and any contracts entered into under section 236 of the National Housing Act) shall not exceed $75,000,000 per annum prior to July 1, 1969, which maximum dollar amount shall be increased by $125,000,000 on July 1, 1969, by $150,000,000 on July 1, 1970, by $200,000,000 on July 1, 1971, by $225,000,000 on July 1, 1972, and by $300,000,000 on July 1, 1973.

(2) Not less than 15 per centum nor more than 25 per centum of the total amount of contracts for assistance payments authorized in appropriation Acts to be made after June 30, 1973, shall be available for use only with respect to projects which are planned in whole or in part for occupancy by elderly families. Not less than 30 per centum of the amount of contracts available for the use described in the preceding sentence shall be available for use only with respect to integrated projects, except that such 30 per centum requirement may be reduced to not less than 15 per centum if the Secretary determines that it is necessary to assure the viability of the housing for the elderly program. As used in this paragraph, the term "integrated projects" means any project in which not less than 10 per centum nor more than 50 per centum of the dwelling units are planned for occupancy by elderly families.

(3) Not less than 10 per centum of the total amount of contracts for assistance payments authorized by appropriation Acts to be made after June 30, 1971, shall be available for use only with respect to dwellings, or dwelling units in projects, which are approved by the Secretary prior to rehabilitation.

(i) (1) The Secretary is authorized to insure a mortgage (which meets the requirements of section 501, except as such requirements are modified by this section) upon a multifamily housing project to be occupied primarily by those who are lower income tenants at the time of initial occupancy.

(2) If the mortgage is executed by a mortgagor which is a cooperative, a private nonprofit corporation or association, or a builder-seller, as defined by the Secretary, the principal obligation of the mortgage shall not exceed—

(A) in the case of new construction, the Secretary's estimate of the replacement cost of the property or project when the proposed improvements are completed; or

(B) in the case of rehabilitation, the sum of the Secretary's estimate of the cost of rehabilitation plus the Secretary's estimate of the value of the property before rehabilitation.

(3) If the mortgage is executed by a limited distribution corporation or other limited distribution entity, as defined by the Secretary, or by an investor-sponsor who agrees to sell the project to a cooperative, and who meets such requirements as the Secretary may prescribe to assure that the consumer interest is protected, the amount of the mortgage shall not exceed 90 per centum of the amount otherwise authorized under this section.

(4) In the case of a project financed with a mortgage insured under this subsection or under section 236 of the National Housing Act, which involves a mortgagor other than a cooperative or a private nonprofit corporation or association, and which is sold to a cooperative or a nonprofit corporation or association, the Secretary is further authorized to insure under this subsection a mortgage given by such purchaser in an amount not exceeding the appraised value of the property at the time of purchase, which value shall be based upon a mortgage amount on which the debt service can be met from the income of the property when operated on a nonprofit basis, after payment of all operating expenses, taxes, and required reserves.

(j) As used in this section—

(1) The term "tenant" includes a member of a cooperative and the terms "rental" and "rental charge" mean, with respect to members of a cooperative, the charges under the occupancy agreements between such members and the cooperative; and

(2) The term "lower income tenants" means those tenants whose incomes do not exceed 90 per centum of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 90 per centum of the median for the area on the basis of his findings that such variations are necessary because of prevailing levels of constructions costs, unusually high or low family incomes, or other factors.

(3) The term "very low income tenants" means those tenants whose incomes do not exceed 50 per centum of the median income for the area, as determined by the Secretary with adjustments for smaller and larger larger families.

(4) The term "elderly families" means families which consist of two or more persons the head of which (or his spouse) is sixty-two years of age or over. Such term also means a single person who is sixty-two years of age, and includes families consisting of two or more persons, the head of which (or his spouse) is handicapped. A person shall be considered handicapped if such person is determined, pursuant to regulations issued by the Secretary, to have a physical impairment which (A) is expected to be of long-continued and indefinite duration, (B) substantially impedes his ability to live independently, and (C) is of such a nature that such ability could be improved by more suitable housing conditions.

(k) In determining the income of any family for the purpose of this section, the Secretary shall consider income from all sources of each member of the family residing in the household, except that there shall be excluded—

(1) the income of any family member (other than the head of the household or his spouse) who is under eighteen years of age or is a full-time student;

(2) the first $300 of the income of a secondary wage earner who is the spouse of the head of the household;

(3) an amount equal to 5 per centum of the income of the head of the household and his spouse (or, in the case of an elderly family, 10 per centum of such income);

(4) an amount equal to $300 for each member of the family residing in the household (other than the head of the household or his spouse) who is under eighteen years of age or who is eighteen years of age or older but has no income included in family income for purposes of this section;

(5) nonrecurring income, as determined by the Secretary;

(6) extraordinary medical or other expenses as the Secretary approves for exclusion; and

(7) an amount equal to the sums received by the head of the household or his spouse from, or under the direction of, any public or private nonprofit childplacing agency for the care and maintenance of one or more persons who are under eighteen years of age and were placed in the household by such agency.

(l) The Secretary is authorized to enter into agreements with any State or agency thereof under which such State or agency thereof contracts to make assistance payments, subject to the terms and conditions specified in this section and in rules, regulations, and procedures adopted by the Secretary under this section, with respect to a project which has been approved by the Secretary prior to the beginning of construction or rehabilitation. Any funds provided by a State or agency thereof for the purpose of making assistance payments shall be administered, disbursed, and accounted for by the Secretary in accordance with the agreements entered into by the Secretary with the State or agency thereof and for such fees as shall be specified therein. Before entering into any agreements pursuant to this subsection the Secretary shall require assurances satisfactory to him that the State or agency thereof is able to provide sufficient funds for the making of assistance payments for the full period specified in the assistance payment contract, and the Secretary shall undertake no obligation to make such assistance payments as surety, guarantor, or in any other similar capacity.

MORTGAGE INSURANCE FOR HEALTH FACILITIES

SEC. 503. (a) For the purposes of this section—

(1) The term "hospital" means a proprietary facility, or facility of a private nonprofit corporation or association, which provides community service for inpatient medical care of the sick or injured (including obstetrical care).

(2) The term "nursing home" means a proprietary facility, or facility of a private nonprofit corporation or association, for the accommodation of convalescents or other persons who are not acutely ill and not in need of hospital care but who require skilled nursing care and related medical services, in which such nursing care and medical services are prescribed by, or are performed under the general direction of, persons licensed to provide such care or services in accordance with the laws of the State where the facility is located.

(3) The term "intermediate care facility" means a proprietary facility, or facility of a private nonprofit corporation or association, for the accommodation of persons who require minimum but continuous care but are not in need of continuous medical or nursing services.

(4) The term "group practice facility" means a proprietary facility, or a facility of a private nonprofit corporation or association, for the provision of preventive, diagnostic, and treatment services to ambulatory patients in which patient care is under the professional supervision of persons licensed to practice medicine in the State or, in the case of optometric care or treatment, is under the professional supervision of persons licensed to practice optometry in the State or, in the case of dental diagnosis or treatment , is under the professional supervision of persons licensed to practice dentistry in the State or, in the case of podiatric care or treatment, is under the professional supervision of persons licensed to practice podiatry in the State.

(5) The term "medical practice facility" means an adequately equipped facility in which one or more (not to exceed four) persons licensed to practice medicine in the State where the facility is located can provide, as may be appropriate, preventive, diagnostic, and treatment services, and which is situated in a rural area or small town, or in a low-income section of an urban area, in which there exists, as determined by the Secretary, a critical shortage of physicians. As used in this paragraph, the term "small town" means any town, village, or city having a population of

not more than 10,000 inhabitants according to the most recent available data compiled by the Bureau of the Census; and the term "low-income section of an urban area" means a section of a larger urban area in which the median family income is substantially lower, as determined by the Secretary, than the median family income for the area as a whole.

(6) The term "replacement cost" means the Secretary's estimate of the value of the land, the cost of the proposed physical improvements, major equipment to be installed and used in the operation of the health facility, utilities within the boundaries of the property, architect's and builder's fees, taxes and interest during construction, and other miscellaneous charges incident to construction and the initial operation of the project which are approved by the Secretary.

(b) (1) The Secretary is authorized to insure a mortgage (including advances) which covers a new or rehabilitated project designed for use as a hospital, nursing home, intermediate care facility, group practice facility, or medical practice facility (or any combination of the foregoing). The mortgage shall be executed by a mortgagor approved by the Secretary. The Secretary may require any such mortgagor to be regulated or restricted as to charges and methods of financing, and in addition thereto, if the mortgagor is a corporate entity, as to capital structure and rate of return.

(2) The mortgage shall involve a principal obligation in an amount not to exceed in the case of new construction, 90 per centum of the estimated replacement cost of the property or project when the proposed improvements are completed and the equipment installed; or, in the case of rehabilitation, 90 per centum of the sum of the estimated cost of rehabilitation (including the cost of any equipment to be installed or rehabilitated) and the Secretary's estimate of the value of the property before rehabilitation.

(3) The mortgage shall provide for complete amortization by periodic payments within such term as the Secretary shall prescribe.

(c) The Secretary shall not insure a mortgage under this section unless—

(1) with respect to a hospital (A) the hospital shall be planned and operated so that not more than 50 per centum of the total patient days during any year shall customarily be assigned to the categories of chronic convalescent and rest, drug and alcoholic, epileptic, mentally deficient, mental, nervous and mental, and tuberculosis; and (B) the Secretary shall have received from the State agency designated in accordance with section 604(a) (1) of the Public Health Service Act for the State in which the hospital would be located (i) a certification that there is a need for such hospital, and there are in force in such State or the political subdivision of the State in which the hospital would be located reasonable minimum standards for licensing and for methods of operation for hospitals and (ii) such assurance as he may deem satisfactory from the State agency that such standards will be applied and enforced with respect to any hospital located in the State for which mortgage insurance is provided under this section; and

(2) with respect to a nursing home or intermediate care facility (A) the Secretary shall have received from the State agency designated in accordance with section 604 (a) (1) of the Public Health Service Act for the State in which the nursing home or intermediate care facility would be located, a certification that there is a need for such nursing home, or facility, and there are in force in such State or the political subdivision of the State in which the nursing home or intermediate care facility would be located reasonable minimum standards for licensing and for methods of operation for nursing homes or intermediate care facilities; and (B) the Secretary has received such assurance as he may deem satisfactory from the State agency that such standards will be applied and enforced with respect to any nursing home or intermediate care facility located in the State for which mortgage insurance is provided under this section.

(d) The Secretary shall prescribe such regulations as may be necessary to carry out this section, after consulting with the Secretary of Health, Education, and Welfare with respect to any health or medical aspects of the program under this section which may be involved in such regulations.

(e) The activities and functions provided for in this section with respect to the insurance of mortgages covering hospitals shall be carried out by the agencies involved so as to encourage programs that undertake responsibility to provide comprehensive health care, including outpatient and preventive care, as well as hospitalization, to a defined population.

SUPPLEMENTAL PROJECT LOANS

SEC. 504. (a) The Secretary is authorized to insure a supplemental project loan (including advances) with respect to a multifamily project or health facility covered by a mortgage insured under this title or under the National Housing Act, or covered by a mortgage held by the Secretary, or with respect to a cooperative housing project purchased from the Federal Government by a nonprofit corporation or trust if the property is covered by an uninsured mortgage representing a part of the purchase price. Such loan may be made—

(1) to cover operating losses, where the Secretary determines that the taxes, interest on the original mortgage debt covering the project, mortgage insurance premiums, hazard insurance premiums, and the expense of maintenance and operation of the project during the first two years following competion of the project exceed the income of such project;

(2) to finance repairs, improvements, or additions to such project and, where a health facility is involved, to finance the purchase, installation, or repair of major equipment to be used in the operation of the facility; and

(3) to finance purchases and resales of cooperative memberships, but such loan shall be made on the condition and agreement of the mortgagor of the cooperative housing project that on resales of membership, the down-payments by the new members shall not be proportionately less than those made on the original sales of such memberships.

(b) A loan covering operating losses shall—

(1) be limited to a term not exceeding the unexpired term of the original mortgage; and

(2) be in an amount not exceeding the operating loss, as determined by the Secretary.

(c) A loan financing repairs, improvements, additions, or equipment shall—

(1) be limited to 90 per centum (98 per centum in the case of a cooperative mortgagor) of the Secretary's estimate of the cost of such repairs, improvements, additions, and equipment; except that where the project is covered by an insured mortgage, such amount when added to the outstanding balance of the mortgage covering the project, shall not exceed the maximum mortgage amount prescribed under the section of this title providing mortgage insurance for the type of project involved; and

(2) have a maturity satisfactory to the Secretary but not to exceed the remaining term of the mortgage, except that in the case of a cooperative housing project covered by an uninsured mortgage the loan may, in the discretion of the Secretary, have a maturity date up to ten years in excess of the remaining term of the uninsured mortgage.

(d) A loan to a cooperative to finance the purchase and resale of memberships shall—

(1) be limited to an amount which when added to the outstanding balance of the mortgage covering the project does not exceed the maximum mortgage amount prescribed under the section of this title providing mortgage insurance for the type of project involved; and

(2) have a maturity satisfactory to the Secretary, but not to exceed the remaining term of the mortgage.

(e) A loan insured under this section shall—

(1) be secured in such manner as the Secretary may require; and

(2) contain such other terms, conditions, and restrictions as the Secretary may prescribe.

(f) (1) The Secretary is authorized to insure a supplemental improvement loan (including advances) with respect to any multifamily project which is receiving assistance under section 502 and in which all or substantially all of the dwelling units are occupied by elderly families to finance such additions to or improvements of such project as may be necessary or appropriate to expand the nondwelling or common facilities of the project to enable elderly families which, while not residing in the project, are so situated in relation to its location as to be able to derive substantial benefits from such facilities. The Secretary shall by regulation establish criteria and standards in accordance with which it can be determined for any multifamily project eligible for assistance under this subsection the area (hereinafter referred to as the "outreach area") which can reasonably be served by the expansion of the nondwelling or common facilities of the project.

(2) For any project with respect to which a loan is insured pursuant to this subsection, the Secretary shall determine a subsidy factor for the project. In determining such factor the Secretary shall consider the cost of providing the expanded facilities and the charges which can fairly and equitably be assessed for the use thereof having regard to the incomes of the families in the outreach area which can be expected to use such facilities.

(3) The Secretary is authorized to make, and to contract to make, periodic assistance payments on behalf of the owner of any project assisted under this subsection. Such payments shall be made under such rules and regulations as the Secretary shall prescribe and shall be based on the subsidy factor established for the project under paragraph (2). The aggregate amount of contracts to make such payments shall not exceed amounts approved in appropriation Acts, and payments pursuant to such contracts shall not exceed $10,000,000 per annum.

(4) Elderly families residing in the outreach area of a project who utilize additional facilities provided in connection with such project shall pay reasonable charges for the use thereof. Such charges shall be fixed with a view to assuring that the income derived therefrom will be sufficient, when added to the assistance payments made pursuant to paragraph (3), to pay interest, principal, and related charges accruing on the loan to provide such facilities.

(5) As used in this subsection, the term "elderly families" has the same meaning as in section 502(j).

MORTGAGE INSURANCE FOR LAND DEVELOPMENT

SEC. 505. (a) For the purposes of this section—

(1) The term "land development" means the process of making, installing, or constructing improvements.

(2) The term "improvements" means waterlines and water supply installations, sew-

erlines and sewage disposal installations, steam, gas, and electric lines and installations, roads, streets, curbs, gutters, sidewalks, storm drainage facilities, and other installations or work, whether on or off the site, which the Secretary deems necessary or desirable to prepare land primarily for residential and related uses or to provide facilities for public or common use. Related uses may include industrial and commercial uses, with sites for such uses to be in proper proportion to the size and scope of the development. The term "improvements" shall not include any building unless it is (i) a building which is needed in connection with a water supply or sewage disposal installation or a steam, gas, or electric line or installation, or (ii) a building, other than a school, which is to be owned and maintained jointly by the property owners.

(b) The Secretary is authorized to insure a mortgage (including advances) which shall—

(1) cover the land to be developed and the improvements to be made, except facilities intended for public use and in public ownership;

(2) be executed by a mortgagor, other than a public body, approved by the Secretary;

(3) contain repayment provisions satisfactory to the Secretary within such term as the Secretary shall prescribe; and

(4) contain such terms and provisions with respect to protection of the security, payment of taxes, delinquency charges, prepayment, additional and secondary liens, and other matters as the Secretary may in his discretion prescribe.

(c) The principal obligation of the mortgage shall not exceed the sum of 80 per centum of the Secretary's estimate of the value of the land before development and 90 per centum of his estimate of the cost of such development.

(d) The land development shall involve improvements that comply with all applicable State and local governmental requirements and with minimum standards approved by the Secretary and shall be undertaken—

(1) pursuant to a schedule, conforming to such requirements and procedures as the Secretary may prescribe, that will assure the use of the land for the purposes for which it is to be developed within the shortest reasonable period consistent with the objectives of sound and economic community growth or urban development; and

(2) in accordance with an overall development plan which (i) has received all governmental approvals required by State or local law or by the Secretary, (ii) is acceptable to the Secretary as providing reasonable assurance that the land development will contribute to good living conditions in the area being developed, and (iii) is consistent with a comprehensive plan which covers, or with comprehensive planning being carried on for, the area in which the land is situated, and which meets criteria established by the Secretary for such plans or planning.

(e) The Secretary shall adopt such requirements as he deems necessary in connection with the land development to encourage the maintenance of a diversified local homebuilding industry, broad participation by builders, including small builders, and the inclusion of a proper balance of housing for families of moderate or low income.

(f) Ater development of the land, it shall be served by public or private systems for water and sewerage which are consistent with other existing or prospective systems within the area and which are approved by the Secretary.

(g) The Secretary may consent to the release or subordination of a part or parts of the mortgaged property from the lien of the mortgage.

(h) The Secretary shall adopt such requirements as he determines to be necessary to assure, at reasonable intervals of time during land development, that the amount of the mortgage loan outstanding at each such interval does not exceed with respect to that portion of the land remaining under the lien of the mortgage (1) 80 per centum of the Secretary's estimate of the value of such remaining land before development, plus (2) 90 per centum of the actual costs of the development allocated by the Secretary to such remaining land. As used in this section, the term "actual costs" means the cost (exclusive of rebates or discounts) to the mortgagor of the improvements involved. These costs include amounts paid for labor, materials, construction contracts, land planning engineers' and architect's fees, surveys, taxes, and interest during development, organizational, and legal expenses, such allocation of general overhead expenses as are acceptable to the Secretary, and other items of expense incidental to development which may be approved by the Secretary. If the Secretary determines there is an identity of interest between the mortgagor and the contractor, there may be included an allowance for the contractor's profit in an amount deemed reasonable by the Secretary.

COST CERTIFICATION

SEC. 506. (a) The Secretary shall adopt such requirements as he determines necessary to assure that the amount of any mortgage or loan finally endorsed for insurance under this Act which involves multifamily housing or a health facility does not exceed the approved percentage of (1) the Secretary's approved actual cost of such construction or rehabilitation and (2) the amount of the allowances for the following:

(A) The Secretary's estimate of the value of the land or property prior to the beginning of construction; or in case the land included in the property or project is held by the mortgagor under a leasehold or other interest less than a fee, such amount as the mortgagor paid for the acquisition of such leasehold or other interest but in no event in excess of the Secretary's estimate of the fair market value of such leasehold or other interest exclusive of the proposed improvements; or in the case of rehabilitation where the land and improvements are to be acquired by the mortgagor and the purchase price thereof is to be financed with part of the proceeds of the mortgage, the purchase price of such land and improvements prior to such repair or rehabilitation; or in case the land and improvements are owned by the mortgagor subject to an outstanding indebtedness to be refinanced with part of the proceeds of the mortgage, the amount of such outstanding indebtedness secured by such land and improvements.

(B) An amount for profit and risk as prescribed pursuant to section 501(a)(2), and an amount representing such allocation of general overhead items as are determined by the Secretary to be acceptable and reasonable (except where the amount for profit and risk and general overhead is included in a construction contract with a lump-sum price).

Where a factory manufactured house or major housing components are furnished by a subcontractor or supplier having an identity of interest with the mortgagor or builder, an amount representing the Secretary's estimate of the market value of such factory manufactured house or major housing components shall be included for purposes of clause (1) of this subsection in lieu of the actual cost of such factory manufactured house or major components.

(b) The Secretary shall require that the mortgagor certify as to the actual cost to the mortgagor of construction or rehabilitation, and may require such additional certifications of actual cost by such other parties as he may consider necessary to carry out the intent of this section. The Secretary may exempt from the requirements of this section mortgagors under a mortgage on a property or project designed principally for residential use for twelve or fewer families or where the mortgage amount to be insured is less than $250,000. Certifications required pursuant to this section shall be accompanied by such data and records as the Secretary shall prescribe. Upon approval by the Secretary, the certification required by this section shall be final and incontestable, except for fraud or material misrepresentation on the part of the mortgagor.

(c) As used in this section—

(1) The term "approved percentage" means the percentage figure which, under applicable provisions of this Act, the Secretary is authorized to apply to his estimate of value, cost, or replacement cost, as the case may be, of the property or project to determine the maximum insurable mortgage amount.

(2) The term "actual cost" means the costs (exclusive of rebates or discounts) to the martgagor of the improvements involved. These costs may include amounts paid for labor, materials, construction contracts, engineer's and architects' fees, offsite public streets, organizational and legal expenses, taxes and interest during construction, and other items of expense approved by the Secretary.

LABOR STANDARDS

SEC. 507. (a) The Secretary shall not insure any mortgage or loans under this title, except a mortgage covering multifamily housing designed for use by less than twelve families, unless the principal contractor provides adequate assurances to the Secretary that all laborers and mechanics employed by contractors or subcontractors in the construction of the project or facility have been paid wages at not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5) prior to the beginning of construction and after the date of filing of the application for insurance. The Secretary of Labor shall have, with respect to the labor standards specified in this section, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267), and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

(b) The Secretary may waive compliance with this section in any case where prospective owners of the dwellings involved, or other persons, voluntarily donate their services without compensation or where laborers or mechanics, not otherwise employed at any time on the project, voluntarily donate their services without full compensation for the purpose of lowering the costs of construction or rehabilitation, and the Secretary determines that any amounts thereby saved are fully credited to the mortgagor undertaking the construction or rehabilitation.

TITLE VI—INSURANCE CLAIMS

HOME MORTGAGE INSURANCE CLAIM SETTLEMENT

SEC. 601. (a) To be entitled to receive the benefits of the insurance, where there has been a default in mortgage payments by the mortgagor, a mortgagee holding a home mortgage insured under one of the sections of title IV shall either foreclose the mortgage and take possession of the property within a period of time prescribed by the Secretary and in accordance with regulations issued by the Secretary or (with the consent of the Secretary) otherwise acquire title and possession of such property. Upon acquisition of the property, the mortgagee shall (1) promptly convey to the Secretary title to the property which meets the requirements of rules and regulations of the Secretary in force at the time the mortgage was insured, and which is evidenced in the manner prescribed by such rules and regulations, and (2) assign to him all claims of the mortgagee against the mortgagor or others, arising out of the mortgage transaction or foreclosure proceedings, except such claims as may have been released with the consent of the Secretary. In lieu of obtaining title and conveying title to the Secretary, the mortgagee may (with the approval of the Secretary) tender title and transfer possession directly from the mortgagor or other appropriate grantor. The Secretary shall pay the mortgagee's insurance claim in an amount equal to the value of the mortgage.

(b) For the purposes of this section, the value of the mortgage shall be determined (in accordance with rules and regulations prescribed by the Secretary) by adding to and deducting from the original principal obligation of the mortgage which was unpaid on the date of the institution of foreclosure proceedings, or on the date of the acquisition of the property after default other than by foreclosure, certain items specified in subsections (c) through (e).

(c) There shall be added to such unpaid principal all payments which have been made by the mortgagee for—

(1) taxes, ground rents, and water rates, which are liens prior to the mortgage;

(2) special assessments which are noted on the application for commitment or which become liens after the insurance of the mortgage;

(3) charges for the administration, operation, maintenance, and repair of community-owned property or the maintenance and repair of the mortgaged property, the obligation for which arises out of a covenant filed for record and approved by the Secretary prior to the insurance of the mortgage;

(4) insurance on the property;

(5) mortgage insurance premium;

(6) foreclosure, acquisition, and conveyance costs approved by the Secretary, including payments made by the mortgage for the cost of acquiring the property and conveying and evidencing title to the property to the Secretary;

(7) the protection, operation, or preservation of the property (and the Secretary has approved such payments); and

(8) any taxes imposed upon any deed or any instrument by which the property was acquired by the mortgage and transferred or conveyed to the Secretary.

(d) There shall be deducted from such unpaid principal any amounts received by the mortgage, after the institution of foreclosure (or after the acquisition of the property by means other than foreclosure) which—

(1) were paid on account of the mortgage; or

(2) were collected as rental or other income from the property, less reasonable expenses incurred in handling the property.

(e) With respect to mortgages to which the provisions of sections 302 and 306 of the Soldiers' and Sailors' Civil Relief Act of 1940 apply, there shall be included in the insurance settlement an amount which the Secretary finds to be sufficient to compensate the mortgagee for any loss which it may have sustained on account of interest on debentures by reason of its having postponed the institution of foreclosure proceedings or the acquisition of the property by other means during any part or all of the period of military service and three months thereafter.

(f) Insurance claims shall be paid by the Secretary, in his discretion, with cash or debentures or by a combination of cash and debentures.

(g) Where the claim is paid in cash, it shall be in an amount equivalent to the face value of the debentures that would otherwise be issued plus an amount equivalent to the interest which the debentures would have earned, computed to the date to be established pursuant to regulations issued by the Secretary.

FOREBEARANCE OF PAYMENTS

SEC. 602. With respect to a home mortgage, if the Secretary finds, after notice of default, that the default was due to circumstances beyond the control of the mortgagor, he may—

(1) approve the request of the mortgage for an extension of the time for the curing of the default and of the time for commencing foreclosure proceedings or for otherwise acquiring title to the mortgaged property to such time as the Secretary may determine is necessary and desirable to enable the mortgagor to complete the mortgage payments. Such extension of time may be beyond the stated maturity of the mortgage. Where there has been an extension of time and there is a subsequent foreclosure (or acquisition of the property by other means), the Secretary is authorized to include in the insurance settlement an amount equal to any unpaid mortgage interest; or

(2) approve a modification of the terms of the mortgage for the purpose of changing the amortization provisions by recasting, over the remaining term of the mortgage or over such longer period as may be approved by the Secretary, the total unpaid amount then due, as determined by the Secretary. Such modification may become effective currently or become effective upon the termination of an agreed-upon extension of the period for curing the default. The principal amount of the mortgage, as modified, shall be considered to be the "original principal obligation of the mortgage" as the term is used in section 601 for the purpose of computing the total face value of the debentures to be issued or the cash payment to be made by the Secretary to a mortgagee.

ACQUISITION OF HOME MORTGAGES TO AVOID FORECLOSURE

SEC. 603. (a) Upon receiving notice of the default of a home mortgage, the Secretary (in his discretion and for the purpose of avoiding foreclosure of the mortgage) may consent to the assignment of the defaulted mortgage. Where such an assignment occurs, the mortgagee shall be entitled to receive (in lieu of the insurance benefits prescribed in section 601) an insurance payment in an amount equal to the unpaid principal balance of the mortgage plus—

(1) any unpaid mortgage interest;

(2) reimbursement for such costs and attorney's fees as the Secretary finds were properly incurred in connection with the defaulted mortgage and its assignment to the Secretary; and

(3) any proper advances of funds made by the mortgagee under the provisions of the mortgage.

(b) After acquisition of the mortgage by the Secretary, the mortgagee shall have no further rights, liabilities, or obligations with respect to the mortgage.

PROJECT MORTGAGE INSURANCE CLAIM SETTLEMENT

SEC. 604. (a) The failure of the mortgagor to make any payment due under or provided to be paid by the terms of a project mortgage or loan insurance any section of title V shall be considered a default under such mortgage and, if such default continues for a period of thirty days, the mortgagee shall be entitled to receive the benefits of the insurance as hereinafter provided upon assignment, transfer, and delivery to the Secretary within a period and in accordance with rules and regulations to be prescribed by the Secretary of—

(1) all rights and interests arising under the mortgage so in default;

(2) all claims of the mortgagee against the mortgagor or others, arising out of the mortgage transaction;

(3) all policies of title or other insurance or surety bonds or other guaranties and any and all claims thereunder;

(4) any balance of the mortgage loan not advanced to or for the account of the mortgagor;

(5) any cash or property held by the mortgagee, or to which it is entitled, as deposits made for the account of the mortgagor and which have not been applied in reduction of the principal of the mortgage indebtedness; and

(6) all records, documents, books, papers, and accounts relating to the mortgage transaction.

(b) Insurance claims shall be settled by the Secretary (1) by a payment to the mortgagee which, at the option of the Secretary, shall be in cash or debentures or a combination of cash and debentures having a total face value equal to the value of the mortgage and (2) by the issuance to the mortgagee of a certificate of claim as provided in subsection (e). Where the claim is paid in cash, it shall be in an amount equivalent to the face value of the debentures that would otherwise be issued plus an amount equivalent to the interest which the debentures would have earned, computed to a date to be established pursuant to regulations issued by the Secretary. For the purposes of this section, the value of the mortgage shall be determined by adding and deducting the items specified herein from the original principal face amount of the mortgage as follows:

(1) Items to be deducted from the original principle face amount of the mortgage shall be the sum of—

(A) that part of the original principal obligation that has been repaid;

(B) 1 per centum of the unpaid balance of the original principal obligation, except that the Secretary may waive all or a part of the 1 per centum deduction, where the assignment is made at his request in lieu of foreclosure of the mortgage;

(C) net income received by the mortgagee from the property; and

(D) any balance of the mortgage loan not advanced to or for the account of the mortgagor and which is not delivered to the Secretary.

(2) Items to be added to the original principal face amount of the mortgage shall be the sum of such amounts as the mortgagee may have paid for—

(A) taxes, special assessments, and water rates, which are liens prior to the mortgage;

(B) insurance on the property;

(C) reasonable expenses for the completion and preservation of the property; and

(D) mortgage insurance premium.

(c) At the option of the mortgagee, in the event of a default under the mortgage, and in a period to be established by regulations of the Secretary, the mortgagee may foreclose on and obtain possession of or otherwise acquire the mortgaged property and convey title to the property to the Secretary. The mortgagee shall also assign to him all claims of the mortgagee against the mortgagor or others, arising out of the mortgage transaction or foreclosure proceedings, except such claims that may have been released with the consent of the Secretary. Upon such conveyance and assignment, the mortgagee shall be entitled to receive the benefits of the insurance as provided in subsection (b), except that the 1 per centum deduction, set out in subsection (b)(1)(B), shall not apply.

(d) In lieu of the amount of insurance benefits computed pursuant to subsection (b), the Secretary, in his discretion, may (with respect to a mortgage loan acquired by him) compute and pay insurance benefits to the mortgagee in a total amount equal to the unpaid principal balance of the loan plus any accrued interests and any advances approved by the Secretary and made previously by the mortgagee under the provisions of the mortgage.

(e) The certificate of claim issued under this section shall be for an amount which the Secretary determines to be sufficient, when added to the face value of the debentures issued and the cash paid to the mortgagee, to equal the amount which the mortgagee would have received if, on the date of the assignment, transfer and delivery to the Secretary provided for in subsection (a), or conveyance as provided for in subsection (c), the mortgagor had extinguished the mortgage indebtedness by payment in full of all obligations under the mortgage and a reasonable amount for necessary expenses incurred by the mortgagee in connection with the foreclosure proceedings (or the acquisition of the mortgaged property otherwise) and the conveyance thereof to the Secretary or incurred by the mortgagee in connection with the assignment of the mortgage to the Secretary. Each such certificate of claim shall provide that there shall accrue to the holder of such certificate with respect to the face amount of such certificate, an increment at the rate of 3 per centum per annum which shall not be compounded. If the net amount realized from the final liquidation of the mortgage, and all claims in connection therewith, so assigned, transferred, and delivered, and from the property covered by such mortgage and all claims in connection with such property and from any mortgage taken in the sale of such property (after deducting all expenses incurred by the Secretary in handling, dealing with, acquiring title to, and disposing of such mortgage and property and in collecting such claims) exceeds the face value of the debentures issued and the cash adjustment paid to the mortgagee plus all interest paid on such debentures, such excess shall be divided as follows:

(1) If such excess is greater than the total amount payable under the certificate of claim issued in connection with such property, the Secretary shall pay to the holder of such certificate the full amount so payable, and any excess remaining thereafter shall be retained by the Secretary and credited to the appropriate insurance fund.

(2) If such excess is equal to or less than the total amount payable under such certificate of claim, the Secretary shall pay to the holder of such certificate the full amount of such excess.

MODIFICATIONS IN TERMS OF PROJECT MORTGAGES

SEC. 605. (a) The Secretary shall not consent to any request for an extension of the time for curing a default under any insured project mortgage or project mortgage held by him or for a modification of the terms of such mortgage, except in conformity with regulations prescribed by the Secretary in accordance with the provisions of this section. Such regulations shall require, as a condition to the granting of any such request, that, during the period of such extension or modification, any part of the rents or other funds derived by the mortgagor from the property covered by the mortgage which is not required to meet actual and necessary expenses arising in connection with the operation of such property, including amortization charges under the mortgage, be held in trust by the mortgagor and distributed only with the consent of the Secretary; except that the Secretary may provide for the granting of consent to any request for an extension of the time for curing a default under any project mortgage or for a modification of the terms of such mortgage, without regard to the foregoing requirement, where an exemption from such requirement does not (as determined by the Secretary) jeopardize the interest of the United States.

(b) Whoever, as an owner of a property which is security for a mortgage described in subsection (a), or as a stockholder of a corporation owning such property, or as a beneficial owner under any business organization owning such property, or as an officer, director, or agent of any such owner, (1) willfully uses or authorizes the use of any part of the rents or other funds derived from property covered by such mortgage in violation of a regulation prescribed by the Secretary under subsection (a), or (2) if such mortgage is determined, as provided in subsection (a), to be exempt from the requirements of any such regulation or is not otherwise covered by such regulation, willfully uses or authorizes the use, while such mortgage is in default, of any part of the rents or other funds derived from the property covered by such mortgage for any purpose other than to meet actual and necessary expenses arising in connection with such property (including amortization charges under the mortgage), shall be fined not more than $5,000 or imprisoned not more than three years, or both.

SETTLEMENT OF INSURANCE CLAIMS WITH DEBENTURES

SEC. 606. (a) The debentures issued by the Secretary in settlement of insurance claims shall be in registered form and in denominations which are multiples of $50, shall be subject to such terms and conditions, and shall include such provisions for Secretary with the approval of the Secretary of the Treasury.

(b) The debentures shall be issued in the name of the applicable insurance fund carrying the insurance obligations with respect to the mortgage or loan. They shall be signed by the Secretary using either his written or engraved signature, and shall be negotiable.

(c) The debentures shall be dated as of the date of default or as of such later date as the Secretary, in his discretion, may establish by regulation.

(d) Debentures shall bear interest at the rate in effect on the date the commitment to insure the mortgage or loan was issued, or the date the mortgage or loan was endorsed for insurance, or (when there are two or more insurance endorsements) the date the mortgage or loan was initially endorsed for insurance, whichever rate is the highest.

(e) The interest rate to be used in debentures shall be established by the Secretary, from time to time, in an amount not in excess of an annual rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such debentures.

(f) The interest on debentures shall be payable semiannually on the 1st day of January and the 1st day of July of each year. They shall mature twenty years after the issuance date, except that debentures issued to pay claims under section 505 may, in the discretion of the Secretary, mature ten years after the issuance date.

(g) The principal and interest of the debentures shall be exempt from all taxation (except surtaxes, estate, inheritance, and gift taxes) now or hereafter imposed by any territory, dependency, or possession of the United States, or by any State, county, municipality, or local taxing authority.

(h) The debentures shall be redeemed and paid out of the insurance fund under which they are issued and such fund shall be primarily liable for such payment. They shall be fully and unconditionally guaranteed as to principal and interest by the United States, and such guaranty shall be expressed on the face of the debentures. In the event payment of principal or interest due on any debenture is not made, upon demand, from the obligated insurance fund, the Secretary of the Treasury shall pay the holders the amount thereof. Such amount is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, and thereupon, to the extent of the amount so paid, the Secretary of the Treasury shall succeed to all the rights of the holders of such debentures.

TITLE VII—MISCELLANEOUS

GENERAL AUTHORIZATION FOR DEALING WITH AND DISPOSING OF PROPERTY

SEC. 701. (a) The Secretary shall have the power, under regulations to be prescribed by him and approved by the Secretary of the Treasury—

(1) to assign or sell at public or private sale, or otherwise dispose of, any evidence of debt, contract, claim, personal property, or security held by him pursuant to the provisions of this Act; and

(2) to collect or compromise all obligations assigned to or held by him and all legal or equitable rights accruing to him pursuant to the provisions of this Act until such time as such obligations may be referred to the Attorney General for suit or collection.

(b) The Secretary shall have the power to deal with, complete, rent, renovate, modernize, insure, or sell for cash or credit, in his discretion, any properties conveyed to him under the provisions of this Act. Section 3709 of the Revised Statutes shall not be construed to apply to any contract for hazard insurance, or to any purchase or contract for services or supplies on account of such property if the amount thereof does not exceed $2,500.

(c) The power to convey and to execute in the name of the Secretary deeds of conveyance, deeds of release, assignments and satisfactions of mortgages, and any other written instrument relating to real or personal property or any interest therein acquired by the Secretary pursuant to the provisions of this Act, may be exercised by an officer appointed by the Secretary, without the execution of any express delegation of power or power of attorney. The Secretary may delegate such power by order or by power of attorney, in his discretion, to any officer, agent, or employee he may appoint. A conveyance or transfer of title to real or personal property or an interest therein to the Secretary, his successors and assigns (without identifying the Secretary therein) shall be deemed a proper conveyance or transfer to the same extent and of like effect as if the Secretary were personally named in such conveyance or transfer.

(d) Nothing contained in this Act shall be construed to exempt any real property acquired and held by the Secretary under this Act from taxation by any State or political subdivision thereof, to the same extent, according to its value, as other real property is taxed.

ACQUISITION OF TITLE BY THE SECRETARY

SEC. 702. The Secretary is authorized, with respect to any property covered by a mortgage held by him or security for a loan held by him, either (1) to acquire possession and title by voluntary conveyance in extinguishment of loan indebtedness, or (2) to institute proceedings for foreclosure and prosecute such proceedings to conclusion. The Secretary at any sale under foreclosure may, in his discretion for the protection of the appropriate insurance fund, bid any sum up to but not in excess of the total unpaid indebtedness secured by the mortgage or security, plus taxes, insurance, foreclosure costs, fees and other expenses, and may become the purchaser of the property at such sale. Pending such acquisition by voluntary conveyance or by foreclosure, the Secretary is authorized, with respect to any mortgage or security assigned to him to exercise all the rights of a mortgagee or lender under such mortgage or security, including the right to sell such mortgage or security, and to take such action and advance such sums as may be necessary to preserve or protect the lien of such mortgage or security.

INSURANCE FOR MORTGAGES SOLD OR EXECUTED IN CONNECTION WITH THE SALE OF PROPERTY BY THE SECRETARY

SEC. 703. The Secretary is authorized to insure under any section of this Act any mortgage assigned to him in connection with payment under a contract of insurance which he subsequently sells or any mortgage executed in connection with the sale by him of any property acquired under any section of this Act or under any section or title of the National Housing Act. This authority may be exercised without regard to any limitations or requirements contained in this Act upon the eligibility of the mortgage for insurance, upon the payment of insurance premiums, or upon the terms and conditions of insurance settlement and the benefits of the insurance to be included in such settlement.

EXPENDITURES TO CORRECT OR COMPENSATE FOR STRUCTURAL DEFECTS IN MORTGAGED HOMES AND EXPERIMENTAL PROPERTY

SEC. 704. (a) The Secretary is authorized to correct structural defects, or to pay the claim of the owner of the property arising from such defects, or to acquire title to the property in which such defects exist, if—

(1) the property is improved by a one- to four-family dwelling covered by a mortgage insured under title IV;

(2) the property involves a dwelling approved by the Secretary for mortgage insurance or approved by the Administrator of Veterans' Affairs for guaranty, insurance, of direct loan under chapter 37 of title 38, United States Code, prior to the beginning of construction, which was inspected by the Secretary or the Administrator during construction; and

(3) the owner of the property requests assistance from the Secretary not later than four years (or within such shorter period as the Secretary may prescribe) after the insurance of the mortgage.

(b) The Secretary is also authorized to make expenditures, for any of the purposes specified in subsection (a), with respect to structural or other defects which seriously affect the use and livability of any single-family dwelling which is covered by a mortgage insured under section 402 or is located in an older and declining area, and is more than one year old on the date of the issuance of the insurance commitment, if (1) the owner requests assistance from the Secretary not later than one year after the insurance of the mortgage, and (2) the defect is one that existed on the date of the issuance of the insurance commitment and is one that a proper inspection could reasonably be expected to disclose. The Secretary may require from the seller of any such dwelling an agreement to reimburse him for any payments made pursuant to this subsection with respect to such dwelling.

(c) The Secretary is also authorized to expend available funds to correct defects or failures (when he determines it necessary to protect the occupants) with respect to experimental property covered by a mortgage insured under this Act, at any time subsequent to insurance of the mortgage, where he finds that the defects are caused by or related to the advanced technology utilized.

(d) The Secretary shall by regulations prescribe the terms and conditions upon which expenditures and payments may be made under the provisions of this section. His decisons regarding such expenditures or payments, and the term and conditions under which the expenditures and payments are approved or disapproved, shall be final and conclusive and shall not be subject to judicial review.

PENALTIES

SEC. 705. (a) The Secretary is authorized to refuse the benefits of participation (either directly as an insured lender or as a borrower, or indirectly as a builder, contractor or dealer, or salesman or sales agent for a builder, contractor or dealer) under any of the provisions of this Act to any person or firm (including but not limited to any individual, partnership, association, trust, or corporation) if the Secretary has determined that such person or firm—

(1) has knowingly or willfully violated any provisions of this Act, of the National Housing Act, or of title III of the Servicemen's Readjustment Act of 1944, or of chapter 37 of title 38, United States Code, or of any regulation issued by the Secretary under this Act or under the National Housing Act, or by the Administrator of Veterans' Affairs under said title III, or chapter 37; or

(2) has, in connection with any construction, alteration, repair or improvement work financed with assistance under this Act or under the National Housing Act, or under said title III, or chapter 37, or in connection with contracts or financing relating to such work, violated any Federal or State penal statute; or

(3) has failed materially to properly carry out contractual obligations with respect to the completion of construction, alteration, repair, or improvement work financed with assistance under this Act or under the National Housing Act, or under title III of the Servicemen's Readjustment Act of 1944, or chapter 37 of title 38, United States Code.

(b) Before the determination prescribed in subsection (a) is made, any person or firm with respect to which a determination is proposed shall be notified in writing by the Secretary and shall be entitled (upon making a written request to the Secretary) to—

(1) a written notice specifying charges in reasonable detail; and

(2) an opportunity to be heard and to be represented by counsel.

(c) Any person aggrieved by a determination of the Secretary pursuant to this section may, within sixty days after notice of such determination, file a petition of review in the court of appeals for the circuit in which the property involved is located. Judicial review shall be confined to the record made in the hearing before the Secretary and the Secretary's findings of fact shall be conclusive if supported by the preponderance of the evidence.

(d) For the purposes of compliance with this section, the Secretary's notice of a proposed determination or a determination under this section shall be considered to have been received by the interested person or firm if the notice is properly mailed to the last known address of such person or firm.

TRANSITION BETWEEN THE NATIONAL HOUSING ACT AND THE REVISED NATIONAL HOUSING ACT

SEC. 102. The provisions of this chapter shall be effective, in whole or in part, at such date or dates as the Secretary of Housing and Urban Development shall prescribe, and the Secretary shall establish procedures for the orderly transfer of mortgage insurance operations from the authority of the National Housing Act to the authority of the Revised National Housing Act in order to assure continuity of efficient program activity and to provide adequate opportunity for necessary administrative and legislative revisions.

EXPERIMENTAL DUAL INTEREST RATE SYSTEM

SEC. 103. (a) Notwithstanding any maximum interest rate established by the Secretary of Housing and Urban Development pursuant to section 4 of the Revised National Housing Act, the Secretary is authorized, pursuant to commitments issued prior to July 1, 1974, to insure mortgages, under any provisions of such Act he deems appropriate, at whatever interest rate may be agreed upon by the mortgagor and mortgagee if the mortgagee establishes to the satisfaction of the Secretary that it has made no charges, either directly or indirectly, in the nature of discounts or points in connection with the mortgage transaction.

(b) The Secretary shall take appropriate steps to assure that prospective mortgagors have adequate information as to the alternative methods for establishing interest rates pursuant to this section and section 4 of the Revised National Housing Act.

CONFORMING AND TECHNICAL AMENDMENTS

SEC. 104. (a) Any reference in any Federal, State, or local law to the National Housing Act shall be construed to refer also to the Revised National Housing Act and any reference in such Federal, State, or local law to a particular provision of the National Housing Act shall be construed to refer also to the provision of the Revised National Housing Act which corresponds in purpose and function to such provision of the National Housing Act.

(b) Section 2(a) of the National Housing Act is amended by inserting "or under title III of the Revised National Housing Act" immediately after "under this section" in the second sentence of the first paragraph.

(c) Section 213(1) of the National Housing Act is amended by inserting "or under section 501 of the Revised National Housing Act where the mortgagor is a cooperative" immediately after "under this section" in the third sentence thereof.

(d) Section 312(c)(4)(A) of the Housing Act of 1964 is amended to read as follows:

"(A) in the case of residential property, the lesser of (i) the appropriate prototype cost for the area as determined under section 3 of the Revised National Housing Act; or (ii) the estimated cost of rehabilitation plus, where the Secretary approves refinancing, the amount (as determined by the Secretary) required to refinance existing indebtedness secured by the property: *Provided*, That the amount of the loan for rehabilitation shall be limited to an amount which when added to any outstanding indebtedness related to the property, creates a total outstanding indebtedness which does not exceed (i) in the case of owner-occupied property (1) 97 per centum of $15,000 of the sum of the estimated cost of rehabilitation and the Secretary's estimate of the value of the property before rehabilitation, and (2) 90 per centum of such sum in excess of $15,000; and (ii) in the case of property which is not owner-occupied, 90 per centum of the sum of the estimated cost of rehabilitation and the Secretary's estimate of the value of the property before rehabilitation; and".

Chapter II—PUBLIC HOUSING ASSISTANCE PROGRAM

SEC. 201. The United States Housing Act of 1937 is amended to read as follows:

"SHORT TITLE

"SECTION 1. This Act may be cited as the 'United States Housing Act of 1937'.

"DECLARATION OF POLICY

"SEC. 2. It is the policy of the United States to promote the general welfare of the Nation by employing its funds and credit, as provided in this Act, to assist the several States and their political subdivisions to remedy the unsafe and unsanitary housing conditions and the acute shortage of decent, safe, and sanitary dwellings for families of low income and, consistent with the objectives of this Act, to vest in local public housing agencies the maximum amount of responsibility in the administration of their housing programs. It is the sense of the Congress that no person should be barred from serving on the board of directors or similar governing body of a local public housing agency because of his tenancy in a low-income housing project.

"DEFINITIONS

"SEC. 3. When used in this Act—

"(1) The term 'low-income housing' means decent, safe, and sanitary dwellings within the financial reach of families of low income, and embraces all necessary appurtenances thereto. Except as otherwise provided in sections 8 and 9 of this Act, income limits for occupancy and rents shall be fixed by the public housing agency and approved by the Secretary. The rental for any dwelling unit shall not exceed one-fourth of the family's income as defined by the Secretary. In no case shall the rental of any dwelling unit be less than an amount equal to the utility costs attributable to the dwelling unit, unless the Secretary determines that the application of this requirement in any area would result in undue hardship because of unusually high utility costs prevailing seasonally or otherwise in such area. The occupancy of any project shall be limited to families who at the time of entry into the project are low-income families, except that to the maximum extent possible, in each project there shall be a reasonable cross section of income levels of tenants within the low-income range. At best 20 per centum of the dwelling units in any project placed under annual contributions contracts in any fiscal year after the effective date of this section shall be occupied by very low-income families. In defining the income of any family for the purpose of this Act, the Secretary shall consider income from all sources of each member of the family residing in the household, except that there shall be excluded—

"(A) the income of any family member (other than the head of the household or his spouse) who is under eighteen years of age or is a full-time student;

"(B) the first $300 of the income of a secondary wage earner who is the spouse of the head of the household;

"(C) an amount equal to 5 per centum of the income of the head of the household and his spouse (or, in the case of an elderly family, 10 per centum of such income);

"(D) an amount equal to $300 for each member of the family residing in the household (other than the head of the household or his spouse) who is under eighteen years of age or who is eighteen years of age or older but has no income included in family income for purposes of this section:

"(E) nonrecurring income, as determined by the Secretary;

"(F) extraordinary medical or other expenses as the Secretary approves for exclusion; and

"(G) an amount equal to the sums received by the head of the household or his spouse from, or under the direction of, any public or private nonprofit child placing agency for the care and maintenance of one or more persons who are under eighteen years of age and were placed in the household by such agency.

"(2) The term 'low-income families' means families of low income who cannot afford to pay enough to cause private enterprise in their locality or metropolitan area to build an adequate supply of decent, safe, and sanitary dwellings for their use. The term 'very low-income families' means families in the lowest income group, as determined by the Secretary. The term 'families' includes families consisting of a single person in the case of elderly families and displaced families, and includes the remaining member of a tenant family. The term 'elderly families' means families whose heads (or their spouses), or whose sole members, are at least fifty years of age, or are under a disability as defined in section 223 of the Social Security Act, or are handicapped. A person shall be considered handicapped if such person is determined, pursuant to regulations issued by the Secretary, to have a physical impairment which (A) is expected to be of long-continued and indefinite duration, (B) substantially impedes his ability to live independently, and (C) is of such a nature that such ability could be improved by more suitable housing conditions. The term 'displaced families' means families displaced by governmental action, or families whose present or former dwellings are situated in areas determined by the Small Business Administration, subsequent to April 1, 1965, to have been affected by a natural disaster, and which have been extensively damaged or destroyed as the result of such disaster.

"(3) The term 'development' means any or all undertakings necessary for planning, land acquisition, demolition, construction, or equipment, in connection with a low-income housing project. The term 'development cost' shall comprise the cost incurred by a public housing agency in such undertakings and their necessary financing (including the payment of carrying charges), and in otherwise carrying out the development of such project. Construction activity in connection with a low-income housing project may be confined to the reconstruction, remodeling, or repair of existing buildings.

"(4) The term 'operation' means any or all undertakings appropriate for management, operation, services, maintenance, or financing in connection with a low-income housing project. The term also means the financing of tenant programs and services for families residing in low-income housing projects, particularly where there is maximum feasible participation of the tenants in the development and operation of such tenant programs and services. As used in this paragraph, the term 'tenant programs and services' includes the development and maintenance of tenant organizations which participate in the management of low-income housing projects; the training of tenants to manage and operate such projects and the utilization of their services in project management and operation; counseling on household management, housekeeping, budgeting, money management, child care, and similar matters; advice as to resources for job training and placement, education, welfare, health, and other community services; services which are directly related to meeting tenant needs and providing a wholesome living environment; and referral to appropriate agencies when necessary for the provision of such services. To the maximum extent available and appropriate, existing public and private agencies in the community shall be used for the provision of such services.

"(5) The term 'acquisition cost' means the amount prudently required to be expended by a public housing agency in acquiring a low-income housing project.

"(6) The term 'public housing agency' means any State, county, municipality, or other governmental entity or public body (or agency or instrumentality thereof) which is authorized to engage in or assist in the development or operation of low-income housing.

"(7) The term 'State' includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the territories and possessions of the United States, the Trust Territory of the Pacific Islands, and Indian tribes, bands, groups, and Nations, including Alaska Indians, Aleuts, and Eskimos, of the United States.

"(8) The term 'Secretary' means the Secretary of Housing and Urban Development.

"(9) The terms 'low-income housing project' or 'project' mean (A) any low-income housing developed, acquired, or assisted by a public housing agency under this Act, and (B) the improvement of any such housing.

"LOANS FOR LOW-INCOME HOUSING PROJECTS

"SEC. 4. (a) The Secretary may make loans or commitments to make loans to public housing agencies to help finance or refinance the development, acquisition, or operation of low-income housing projects by such agencies. Any contract for such loans and any amendment to a contract for such loans shall provide that such loans shall bear interest at a rate specified by the Secretary which shall not be less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, plus one-eighth of 1 per centum. Such loans shall be secured in such manner and shall be repaid within such period not exceeding forty years or not exceeding forty years from the date of the bonds evidencing the loan, as the Secretary may determine. The Secretary may require loans or commitments to make loans under this section to be pledged as security for obligations issued by a public housing agency in connection with a low-income housing project.

"(b) The Secretary may issue and have outstanding at any one time notes and other obligations for purchase by the Secretary of the Treasury in an amount which shall not, unless authorized by the President, exceed $1,500,000,000. For the purpose of determining obligations incurred to make loans pursuant to this Act against any limitation otherwise applicable with respect to such loans, the Secretary shall estimate the maximum amount to be loaned at any one time pursuant to loan agreements, then outstanding, with public housing agencies. Such notes or other obligations shall be in such forms and denominations and shall be subject to such terms and conditions as may be prescribed by the Secretary with the approval of the Secretary of the Treasury. The notes or other obligations issued under this subsection shall have such maturities and bear such rate or rates of interest as shall be determined by the Secretary of the Treasury. The Secretary of the Treasury is authorized and directed to purchase any notes or other obligations of the Secretary issued hereunder and for such purpose is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such Act, as amended, are extended to include any purchases of such obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

"ANNUAL CONTRIBUTIONS FOR LOW-INCOME HOUSING PROJECTS

"SEC. 5. (a) The Secretary may make annual contributions to public housing agencies to assist in achieving and maintaining the low-income character of their projects. The Secretary shall embody the provisions for such annual contributions in a contract guaranteeing their payment. The contribution payable annually under this section shall in no case exceed a sum equal to the annual amount of principal and interest payable on obligations issued by the public housing agency to finance the development or acquisition cost of the low-income project involved. The amount of annual contributions which would be established for a newly constructed project by a public housing agency designed to accommodate a number of families of a given size and kind may be established under this section for a project by such public housing agency which would provide housing for the comparable number, sizes, and kinds of families through the acquisition and rehabilitation, or use under lease of structures which are suitable for low-income housing use and obtained in the local market. Annual contributions payable under this section shall be pledged, if the Secretary so requires, as security for obligations issued by a public housing agency to assist the development or acquisition of the project to which annual contributions relate and shall be paid over a period not to exceed forty years.

"(b) The Secretary may prescribe regulations fixing the maximum contributions available under different circumstances, giving consideration to cost, location, size, rent-paying ability of prospective tenants, or other factors bearing upon the amounts and periods of assistance needed to achieve and maintain low rentals. Such regulations may provide for rates of contribution based upon development, acquisition, or operation costs, number of dwelling units, number of persons housed, interest charges, or other appropriate factors.

"(c) The Secretary is authorized to enter into contracts for annual contributions aggregating not more than $1,199,000,000 per annum, which limit shall be increased by $225,000,000 on July 1, 1971, by $300,000,000 on July 1, 1972, and by $300,000,000 on July 1, 1973. At least 30 per centum of the dwelling units placed under annual contributions contracts in any fiscal year after the effective date of this section shall be units of low-rent housing in private accommodations provided under section 8 of this Act. Of the aggregate amount of contracts for annual contributions authorized in this subsection, the Secretary is authorized to enter into contracts for annual contributions with respect to the modernization of low-income housing projects in an amount aggregating not more than $100,000,000 per annum. The Secretary shall enter into only such new contracts for preliminary loans as are consistent with the number of dwelling units for which contracts for annual contributions may be entered into. In administering the authority provided under this section, the Secretary shall assure that public housing agencies have complied with the requirements of section 8(a)(1) concerning the provision of low-income housing in private accommodations. The faith of the United States is solemnly pledged to the payment of all annual contributions contracted for pursuant to this section, and there are hereby authorized to be appropriated in each fiscal year, out of any money in the Treasury not otherwise appropriated, the amounts necessary to provide for such payments. All payments of annual contributions pursuant to this section shall be made out of any funds available for purposes of this Act when such payments are due, except that funds obtained through the issuance of obligations pursuant to section 4(b) (including repayments or other realizations of the principal of loans made out of such funds) shall not be available for the payment of such annual contributions.

"(d) Any contract for loans or annual contributions, or both, entered into by the Secretary with a public housing agency, may cover one or more than one low-income housing project owned by said public housing agency; in the event such contract covers two or more projects, such projects may, for any of the purposes of this Act and of such contract (including, but not limited to, the determination of the amount of the loan, annual contributions, or payments in lieu of taxes, specified in such contract), be treated collectively as one project.

"(e) In recognition that there should be local determination of the need for low-income housing to meet needs not being adequately met by private enterprise—

"(1) the Secretary shall not make any contract with a public housing agency for preliminary loans (all of which shall be repaid out of any moneys which become available to such agency for the development of the projects involved) for surveys and planning in respect to any low-income housing projects (i) unless the governing body of the locality involved has by resolution approved the application of the public housing agency for such preliminary loan; and (ii) unless the public housing agency has demonstrated to the satisfaction of the Secretary that there is a need for such low-income housing which is not being met by private enterprise; and

"(2) the Secretary shall not make any contract for loans (other than preliminary loans) or for annual contributions pursuant to this Act unless the governing body of the locality involved has entered into an agreement with the public housing agency providing for the local cooperation required by the Secretary pursuant to this Act.

"(f) Subject to the specific limitations or standards in this Act governing the terms of sales, rentals, leases, loans, contracts for annual contributions, or other agreements, the Secretary may, whenever he deems it necessary or desirable in the fulfillment of the purposes of this Act, consent to the modification, with respect to rate of interest, time of payment of any installment of principal or interest, security, amount of annual contribution, or any other term, of any contract or agreement of any kind to which the Secretary is a party. When the Secretary finds that it would promote economy or be in the financial interest of the Federal Government or is necessary to assure or maintain the low-income character of the project or projects involved, any contract heretofore or hereafter made for annual contributions loans, or both, may be amended or superseded by a contract of the Secretary. Contracts may not be amended or superseded in a manner which would impair the rights of the holders of any outstanding obligations of the public housing agency involved for which annual contributions have been pledged. Any rule of law contrary to this provision shall be deemed inapplicable.

"CONTRACT PROVISIONS AND REQUIREMENTS

"SEC. 6. (a) The Secretary may include in any contract for loans, annual contributions, sale, lease, mortgage, or any other agreement or instrument made pursuant to this Act, such covenants, conditions, or provisions as he may deem necessary in order to insure the low-income character of the project involved. Any such contract may contain a condition requiring the maintenance of an open space or playground in connection with the housing project involved if deemed necessary by the Secretary for the safety or health of children. Any such contract shall require that, except in the case of housing predominantly for the elderly, high-rise elevator projects shall not be provided for families with children unless the Secretary makes a determination that there is no practical alternative.

"(b) Every contract made pursuant to this Act for loans (other than preliminary loans) and annual contributions shall provide that the cost for construction and equipment of the project (excluding land, demolition, and nondwelling facilities) on which the computation of any annual contributions under this Act may be based shall not exceed by more than 10 per centum the appropriate prototype cost for the area. The prototype costs shall be determined at least annually by the Secretary on the basis of his estimate of the construction costs of new dwelling units of various types and sizes in the area suitable for occupancy by persons assisted under this Act. In making his determination the Secretary shall take into account (1) the extra durability required for economical maintenance of such housing, (2) the provision of amenities designed to guarantee a safe and healthy family life and neighborhood environment, (3) the application of good design as an essential component of such housing and maintenance of quality in architecture to reflect the standards of the neighborhood and community, (4) the effectiveness of existing cost limits in the area, and (5) the advice and recommendations of local housing producers. The prototype costs for any area shall become effective upon the date of publication in the Federal Register.

"(c) Every contract for annual contributions shall provide that—

"(1) the Secretary may require the public housing agency to review and revise its maximum income limits if the Secretary determines that changed conditions in the locality make such revisions necessary in achieving the purposes of the Act;

"(2) the public housing agency shall determine, and so certify to the Secretary, that each family in the project was admitted in accordance with duly adopted regulations and approved income limits; and that the public housing agency shall review the incomes of families living in the project at intervals of two years (or at shorter intervals where the Secretary deems it desirable); and

"(3) the public housing agency shall promptly notify (i) any applicant determined to be ineligible for admission to the project of the basis for such determination and provide the applicant upon request, within a reasonable time after the determination is made, with an opportunity for an informal hearing on such determination and (ii) any applicant determined to be eligible for admission to the project of the approximate date of occupancy insofar as such date can be reasonably determined.

"(d)(1) Every contract for annual contributions shall provide that no annual contributions by the Secretary shall be made available for any project unless such project (exclusive of any part thereof conveyed pursuant to section 10 of this Act, and exclusive of any portion thereof which is not assisted by annual contributions under this Act) is exempt from all real and personal property taxes levied or imposed by the State, city, county, or other political subdivision, and such contract shall require the public housing agency to make payments in lieu of taxes. In the case of a project placed under an annual contribution contract after the effective date of this section, such contract shall provide for payments which shall be equal to the amount of taxes which would be paid except for the exemption provided for in the preceding sentence. Any contract covering an existing project shall provide that payments by an agency with respect to such project shall be increased during the twenty years following the effective date of this section until such payments are equal to the amount of the taxes which would be imposed on the project except for such exemption. In no case shall any payment in lieu of taxes under this subsection exceed an amount which the Secretary determines is comparable to the taxes imposed on other residential property in the community in which the project is located.

"(2) The Secretary shall cause outstanding contracts for annual contributions to be amended in conformity with the provisions of this subsection. Estimates for the amounts by which such provisions require an increase in the annual contributions payable to any public housing agency shall be submitted to the Secretary by such agency not later than six months after the effective date of this section.

"(e) Every contract for annual contributions shall provide that whenever in any year the receipts of a public housing agency in connection with a low-income project exceed its expenditures (including debt service, operation, maintenance, establishment of reserves, and other costs and charges), an amount equal to such excess shall be applied, or set aside for application, to purposes which, in the determination of the Secretary, will effect a reduction in the amount of subsequent annual contributions.

"(f) Every contract for annual contributions (including contracts which amend or supersede contracts previously made) may provide that—

"(1) upon the occurrence of a substantial default in respect to the covenants or conditions to which the public housing agency is subject (as such substantial default shall be defined in such contract), the public housing agency shall be obligated at the option of the Secretary, either to convey title in any case where, in the determination of the Secretary (which determination shall be final and conclusive), such conveyance of title is necessary to achieve the purposes of this Act, or to deliver possession to the Secretary of the project, as then constituted, to which such contract relates;

"(2) the Secretary shall be obligated to reconvey or to redeliver possession of the project, as constituted at the time of reconveyance or redelivery, to such public housing agency or to its successor (if such public housing agency or a successor exists) upon such terms as shall be prescribed in such contract and as soon as practicable: (i) after the Secretary shall be satisfied that all defaults with respect to the project have been cured, and that the project will, in order to fulfill the purposes of this Act, thereafter be operated in accordance with the terms of such contract; or (ii) after the termination of the obligation to make annual contributions available unless there are any obligations or covenants of the public housing agency to the Secretary which are then in default. Any prior conveyances and reconveyances, deliveries and redeliveries of possession shall not exhaust the right to require a conveyance or delivery of possession of the project to the Secretary pursuant to subparagraph (1), upon the subsequent occurrence of a substantial default.

Whenever such contract for annual contributions shall include provisions which the Secretary in said contract determines are in accordance with this subsection, and the portion of annual contributions payable for debt service requirements, pursuant to such contract, have been pledged by the public housing agency as security for the payment of the principal and interest on any of its obligations, the Secretary (notwithstanding any other provisions of this Act) shall continue to make such annual contributions available for the project so long as any of such obligations remain outstanding, and may covenant in such contract that in any event such annual contributions shall in each year be at least equal to an amount which, together with such income or other funds as are actually available from the project for the purpose at the time such annual contribution is made, will suffice for the payment of all installments, falling due within the next succeeding twelve months, of principal and interest on the obligations for which the annual contributions provided for in the contract shall have been pledged as security. In no case shall such annual contributions be in excess of the maximum sum specified in the contract involved, nor for longer than the remainder of the maximum period fixed by the contract.

"CONGREGATE HOUSING

"SEC. 7. The Secretary shall encourage public housing agencies, in providing housing predominantly for displaced, elderly, or handicapped families, to design, develop, or otherwise acquire such housing to meet the special needs of the occupants and, wherever practicable, for use in whole or in part as congregate housing: *Provided*, That not more than 10 per centum of the total amount of contracts for annual contributions entered into in any fiscal year pursuant to the new authority granted under section 202 of the Housing and Urban Development Act of 1970 or under any law subsequently enacted shall be entered into with respect to units in congregate housing. As used in this paragraph the term 'congregate housing' means low-income housing (A) in which some or all of the dwelling units do not have kitchen facilities, and (B) connected with which there is a central dining facility to provide wholesome and economical meals for elderly and displaced families under terms and conditions prescribed by the public housing agency to permit a generally self-supporting operation. Expenditures incurred by a public agency in the operation of a central dining facility in connection with congregate housing (other than the cost of providing food and service) shall be considered one of the costs of operation of the project.

"LOW-INCOME HOUSING IN PRIVATE ACCOMMODATIONS

"SEC. 8. (a) (1) For the purpose of providing a supplementary form of low-income housing which will aid in assuring a decent place to live for every citizen and promote efficiency and economy in the program under this Act by taking full advantage of vacancies in the private housing market, each public housing agency shall, to the maximum extent consistent with the achievement of the objectives of this Act, provide low-income housing under this Act in the form of low-income housing in private accommodations in accordance with this section where such housing in private accommodations can be provided at a cost not greater than housing in projects assisted under other provisions of this Act.

"(2) The provisions of this section shall not apply to any locality unless the governing body of the locality has by resolution approved the application of such provisions to such locality.

"(3) As used in this section, the term 'low-income housing in private accommodations' means dwelling units, leased from a private owner, which provide decent, safe, and sanitary dwelling accommodations and related facilities effectively supplementing the accommodations and facilities in low-income housing assisted under the other provisions of this Act in a manner calculated to meet the total housing needs of the community in which they are located; and the term 'owner' means any person or entity having the legal right to lease or sublease property containing one or more dwelling units as described in this section.

"(b) Each public housing agency, by notification to the owners of housing suitable for use as low-income housing in private accommodations, or by publication or advertisement, or otherwise, shall from time to time make known to the public in the community or communities under its jurisdiction the anticipated need for dwelling units in such community or communities to be used as low-income housing in private accommodations under this section, inviting the owners of such dwelling units to make available for purposes of this section one or more of such units (not exceeding 10 per centum of the units in any single structure except to the extent that the agency, because of the limited number of units in the structure or for any other reason, determines that such limit should not be applied). The public housing agency shall conduct appropriate inspections of the units offered to be made available in any residential structure by the owner thereof in response to such invitation, and if—

"(1) it finds that such units are, or may be made, suitable for use as low-income housing in private accommodations within the meaning of subsection (a) (3); and

"(2) the rentals to be charged for such units, as negotiated and agreed to by the agency and the owner of the structure in a manner consistent with subsection (c) (2), are within the financial range of families of low income, such agency may approve such units for use as low-income housing in private accommodations in accordance with (and subject to the applicable limitations contained in) this section. Each public housing agency shall maintain and keep current a list of units approved by it under this subsection, including such information with respect to each such unit as it may consider necessary or appropriate.

"(c) To the extent of contracts for annual contributions entered into by the Secretary with a public housing agency under this Act, such agency may enter into contracts with the owners of structures containing dwelling units approved under subsection (b) for the use of such units in accordance with this section (and no limitation not specifically provided for in this section shall be imposed by regulations of the Secretary on the types or categories of structures or dwelling units, qualifying under subsection (a) (3) and approved under subsection (b), which may be so used in any community). Each such contract with an owner shall provide (with respect to any unit) that—

"(1) the selection of tenants of such unit shall be the function of the owner, subject to the provisions of the contract between the Secretary and the agency;

"(2) the rental and other charges to be received by the owner shall be negotiated and agreed to by the agency and the owner, and the rental and other charges to be paid by the tenant shall be determined in accordance with the standards applicable to units in low-income housing projects assisted under the other provisions of this Act;

"(3) the agency shall have the sole right to give notice to vacate, with the owner having the right to make representations to the agency for termination of a tenancy;

"(4) maintenance and replacement (including redecoration) shall be in accordance with the standard practice for the building concerned as established by the owner and agreed to by them.

Each contract between a public housing agency and an owner entered into under this subsection shall be for a term of not less than twelve months nor more than one hundred and twenty months, and shall be renewable by such agency and owner at the expiration of such term: *Provided*, That no renewal of such a contract shall result in a total term exceeding two hundred and forty months (or one hundred and eighty months in the case of an existing structure).

"(d) The period over which payments will be made to a public housing agency for a project of low-income housing in private accommodations under this section, and the aggregate amount of such payments, under a contract for annual contributions, shall be determined on the basis of the number of units in the community or communities under the jurisdiction of such agency which are in use (or can reasonably be expected to be placed in use) as low-income housing in private accommodations under this section, taking into account the terms of the leases under which such units are (or will be) so used. In addition, contracts for financial assistance entered into by the Secretary with a public housing agency pursuant to this section shall provide for reimbursement of reasonable and necessary expenses incurred by such agency in conducting inspections described in subsection (b).

"(e) The provisions of sections 5(e) and 6(d) of this Act shall not apply to (1) low-income housing in private accommodations provided under this section, or (2) housing purchased (or in the process of purchase) by the public agency for resale to tenants as provided in subsection (f).

"(f) To the extent authorized in contracts entered into by the Secretary with a public housing agency, such agency may purchase any structure containing one or more dwelling units leased to provide low-income housing in private accommodations under this section for the purpose of reselling the structure to the tenant or tenants of the structure or to a group of such tenants occupying units aggregating in value at least 80 per centum of the structure's total value. Any such resale may be made on the terms and conditions set forth in section 10 of this Act.

"ANNUAL CONTRIBUTIONS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

"SEC. 9. (a) In addition to the contributions authorized to be made for the purposes specified in section 5 of this Act, the Secretary may make annual contributions to public housing agencies for the operation of low-income housing projects. The contribution payable annually under this section shall not exceed the amounts which the Secretary determines are required (1) to assure the low-income character of the projects involved, and (2) to achieve and maintain adequate operating services and reserve funds. The Secretary may embody the provisions for such annual contributions in a contract guaranteeing their payment and including such terms and conditions as he determines are necessary to carry out the purposes of this Act.

"(b) The aggregate rentals required to be paid in any year by families residing in the dwelling units administered by a public housing agency receiving annual contributions under this section shall be not less than an amount equal to one-fifth of the sum of the incomes of all such families.

"(c) From the amounts authorized in section 5(c) of this Act, the Secretary is authorized to enter into contracts for annual contributions under this section aggregating not more than $335,000,000 per annum.

"HOMEOWNERSHIP FOR LOW-INCOME FAMILIES

"SEC. 10. (a) For the purpose of assisting families of low income in acquiring homeownership or in acquiring membership in a cooperative or other association operating a housing project, a public housing agency is authorized to develop, acquire, or lease low-income housing for subsequent resale to low-income housing tenants and families eligible for low-income housing under the terms and conditions contained in this section. The provisions of this section also apply to the sale of rental housing owned by the public housing agency.

"(b) To finance the purchase of low-income housing under this section, a mortgage or other obligations shall—

"(1) be given to the public housing agency by a family of low income eligible for low-income housing, a tenant family in low-income housing, or a qualified entity approved by the Secretary;

"(2) be secured by the property which is to be purchased;

"(3) be in a principal amount of not more than the sale price plus closing costs and prepaid expenses;

"(4) bear interest at the maximum rate then applicable to mortgages insured under section 402 of the Revised National Housing Act, or the rate on the public housing agency's principal debt on the project, whichever is greater;

"(5) provide for a maturity satisfactory to the Secretary, but not to exceed forty years;

"(6) provide that the purchaser's income contribution to monthly homeownership expense shall be an amount equal to one-fifth of the purchaser's income, but in no case shall the purchaser's income contribution be less than the amount of 'monthly homeownership expense' excluding payment for principal and interest;

"(7) provide that the income contribution to monthly homeownership expense for a purchaser which is a qualified entity shall be determined by using an aggregate amount based on the contribution that would be required under paragraph (6) of each family who occupies a dwelling unit in the purchased property;

"(8) provide that the purchaser shall make monthly payments for any services furnished by the public housing agency to the purchaser; and

"(9) include other terms and conditions which the Secretary determines are required to carry out the purposes of this section.

"(c) As used in this section, the term 'monthly homeownership expense' shall include monthly amounts for principal and interest under the amortization provisions of the mortgage or other obligation, amounts for insurance and taxes, and an amount attributable to the cost of utilities as determined by the Secretary on the basis of estimated costs for utilities in the area. The term 'sale price' means (1) in the case of housing newly developed, acquired, or leased for subsequent resale under this section, the portion of the unpaid balance on the public housing agency's principal debt on the project at the time of sale which is allocable to the dwelling unit or units involved, (2) in the case of low-income rental housing, the appraised value of the property at the tme of sale, or (3) in cases where participants in mutual-help projects or homebuyers in homeownership opportunity projects voluntarily elect to purchase their low-income housing units under the terms of this section, the purchase price provided for under their lease with option to purchase type of contracts with the public housing agencies involved.

"(d) Notwithstanding any other provision of this Act, the sale of a project or dwelling unit in a project shall not affect the Secretary's commitment to pay annual contributions with respect to such project, but such contributions shall not exceed the maximum contributions authorized under section 5(a) of this Act.

"(e) Subject to the approval of the Secretary, any conveyance, contract, or agreement heretofore executed by a public housing agency for the sale or lease of low-income housing to low-income families or public housing tenants may be amended to include any of the terms and conditions of this section.

"(f) Notwithstanding any other provision of this section, in the case of a sale of a housing project to a cooperative which will operate on a nonprofit basis and restrict permanent occupancy of its dwellings to members, the mortgage or other obligation may be in a principal amount equal to the sum of (1) the unpaid balance on the public housing agency's outstanding obligations relating to the project including the additional obligations issued pursuant to the modernization program (to obtain funds to be expended or advanced by the public housing agency for necessary repairs and improvements to make the housing suitable for cooperative ownership), and (2) the amount of prepaid expenses and costs involved in achieving cooperative ownership. The mortgage shall bear interest at the rate or rates applicable to the public housing agency's outstanding obligations relating to the project, and the Secretary shall make additional annual contributions, pursuant to a contract guaranteeing their payment, to the public housing agency to cover the debt service on such additional obligations issued by it. After the sale of a project to a cooperative, the annual contributions paid by the Secretary to the public housing agency shall continue to be utilized for the purpose of assisting in achieving and maintaining the low-income character of the project.

"GENERAL PROVISIONS

"SEC. 11. (a) In the performance of, and with respect to, the functions, powers, and duties vested in him by this Act, the Secretary notwithstanding the provisions of any other law, shall—

"(1) prepare annually and submit a budget program as provided for wholly owned Government corporations by the Government Corporation Control Act, as amended; and

"(2) maintain an integral set of accounts which shall be audited annually by the General Accounting Office in accordance with the principles and procedures applicable to commercial transactions as provided by the Government Corporation Control Act, as amended, and no other audit shall be required.

"(b) All receipts and assets of the Secretary under this Act shall be available for the purposes of this Act until expended.

"(c) The Federal Reserve banks are authorized and directed to act as depositories, custodians, and fiscal agents for the Secretary in the general exercise of his power under this Act, and the Secretary may reimburse any such bank for its services in such manner as may be agreed upon.

"FINANCING LOW-INCOME HOUSING PROJECTS

"SEC. 12. (a) Obligations issued by a public housing agency in connection with low-income housing projects which (1) are secured (A) by a pledge of a loan under any agreement between such public housing agency and the Secretary, and (B) by a pledge of annual contributions under an annual contributions contract between such public housing agency and the Secretary, or (C) by a pledge of both annual contributions under an annual contributions contract and a loan under an agreement between such public housing agency and the Secretary, and (2) bear, or are accompanied by, a certificate of the Secretary that such obligations are so secured, shall be incontestable in the hands of a bearer and the full faith and credit of the United States is pledged to the payment of all amounts agreed to be paid by the Secretary as security for such obligations.

"(b) Obligations, including interest thereon, issued by public housing agencies in connection with low-income housing projects shall be exempt from all taxation now or hereafter imposed by the United States whether paid by such agencies or by the Secretary. The income derived by such agencies from such projects shall be exempt from all taxation now or hereafter imposed by the United States.

"LABOR STANDARDS

"SEC. 13. Any contract for loans, annual contributions, sale, or lease pursuant to this Act shall contain a provision requiring that not less than the wages prevailing in the locality, as determined or adopted (subsequent to a determination under applicable State or local law) by the Secretary, shall be paid to all architects, technical engineers, draftsmen, and technicians employed in the development and to all maintenance laborers and mechanics employed in the operation of the low-income housing project involved; and shall also contain a provision that not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act (49 Stat. 1011), shall be paid to all laborers and mechanics employed in the development of the project involved (including a project for the use of privately built housing in any case, other than under the authority of section 8 of this Act, where the public housing agency and the builder or sponsor enter into an agreement for such use before construction or rehabilitation is commenced), and the Secretary shall require certification as to compliance with the provisions of this section prior to making any payment under such contract."

APPLICABILITY OF RENTAL REQUIREMENTS

SEC. 202. If a contract for annual contributions entered into pursuant to section 9 of the United States Housing Act of 1937 would require the establishment of an increased rental charge for a family which occupies a low-income housing dwelling unit as of the effective date of such contract, the required adjustment in the family's rent will be accomplished as follows:

(1) when the public agency makes the first review of the family's income pursuant to section 6(c)(2) of the Act which occurs at least one year after the effective date of entering into such contract, the family's monthly rent will be increased by an amount

equal to one-half the additional amount of rent which would then be required pursuant to section 9; and

(2) the family's monthly rental charge will be increased to the full amount of the rental charge required under section 9 when the public housing agency makes its next review of the family's income.

Increases in rentals for such families will be effective the first day of the month immediately following the month in which the public housing agency makes the review of family income.

EXEMPTION OF CERTAIN PROJECTS FROM RENTAL FORMULA

SEC. 203. The rental or income contribution provisions of the United States Housing Act of 1937, as amended by section 201 of this Act, shall not preclude (1) the use of special schedules of required payments as approved by the Secretary for participants in mutual help housing projects who contribute labor, land or materials to the development of such projects, or (2) the continued use of special schedules of required payments as approved by the Secretary for home-buyers in occupancy in homeownership opportunity projects under lease-purchase type contracts on the effective date of chapter II of the Housing and Urban Development Act of 1972.

REPEAL OF SPECIFICATION REQUIREMENTS IN CONSTRUCTION CONTRACTS

SEC. 204. Section 815 of the Housing Act of 1954 is repealed.

RETROACTIVE EFFECT OF REPEAL OF SECTION 10(j)

SEC. 205. Section 206(c) of the Housing Act of 1961 (Public Law 87-70, approved June 30, 1961, 75 Stat. 165) is amended by adding at the end thereof the following sentence: "The Secretary of Housing and Urban Development is authorized to agree with a public housing agency to the amendment of any annual contributions contract containing the provision prescribed in section 10 (j), so as to delete such provision and waive any rights of the United States accrued or that may accrue under such provision."

AMENDMENT TO NATIONAL BANK ACT

SEC. 206. The sixth sentence of paragraph "Seventh" of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24), is amended—

(1) by striking out wherever it appears therein "1421a(b) of title 42" and inserting in lieu thereof "6(f) of the United States Housing Act of 1937";

(2) by deleting before clause (1) the word "either";

(3) by deleting in clause (1) the parenthetical phrase "(which obligations shall have a maturity of not more than eighteen months)";

(4) by deleting before clause (2) the word "or"; and

(5) by inserting before the colon before the first proviso the following: ", or (3) by a pledge of both annual contributions under an annual contributions contract containing the covenant by the Secretary which is authorized by section 6(f) of the United States Housing Act of 1937, and a loan under an agreement between the local public housing agency and the Secretary in which the public housing agency agrees to borrow from the Secretary, and the Secretary agrees to lend to the public housing agency, prior to the maturity of such obligations monies in an amount which (together with any other monies irrevocably committed under the annual contributions contract to the payment of principal and interest on such obligations) will suffice to provide for the payment when due of all installments of principal and interest on such obligations, which monies under the terms of said agreement are required to be used for the purpose of paying the principal and interest on such obligations at their maturity".

AMENDMENT TO LANHAM ACT

SEC. 207. (a) Section 606 of the Act of October 14, 1940, as amended (42 U.S.C. 1586), is amended by deleting in subsection (b) that part of the first sentence which follows the parenthetical phrase and all of the second sentence.

(b) Section 606(c)(1) of such Act is amended by adding before the period at the end thereof the following: ", or, with the Secretary's approval, used to finance the repair or rehabilitation of a project or part thereof conveyed to the public housing agency under this section."

EFFECTIVE DATE OF CHAPTER II

SEC. 208. The provisions of this chapter shall be effective at such date or dates as the Secretary of Housing and Urban Development shall prescribe, but not later than six months after enactment thereof.

CHAPTER III—COMMUNITY DEVELOPMENT

SHORT TITLE

SEC. 301. This chapter may be cited as the "Community Development Assistance Act of 1972".

FINDINGS AND PURPOSE

SEC. 302. (a)(1) The Congress finds and declares that the Nation's cities, towns, and smaller urban communities face critical social, economic, and environmental problems arising from, in significant measure—

(A) the growth of population in metropolitan and other urban areas, and the concentration of persons of lower income in central cities; and

(B) inadequate public and private investment and reinvestment in housing and other physical facilities, and related public and social services, resulting in the growth and persistence of urban slums and blight, and the marked deterioration of the quality of the urban environment.

(2) The Congress further finds and declares that the future welfare of the Nation and the well-being of its citizens depend on the establishment and maintenance of viable urban communities as social, economic, and political entities, and requires—

(A) systematic and sustained action by local governments to eliminate blight, to conserve and renew older urban areas, and to develop new centers of population growth and economic activity;

(B) substantial expansion of the scope and level of Federal assistance and increased continuity of programs in support of community development activities; and

(C) continuing effort at all levels of government to streamline program procedures and improve the functioning of agencies responsible for planning, implementing, and evaluating community development efforts.

(b) The purpose of this Act is to meet the requirements referred to in subsection (a) by improving the present system of Federal assistance for community development. Improvement is to be accomplished chiefly through—

(1) simplifying and consolidating various existing categorical programs, replacing them with a single, more comprehensive community development assistance program; and

(2) authorizing a new financial assistance program which is intended to assure greater continuity of Federal support and to increase public and private investment in community development.

The improved program of Federal assistance provided in this Act is designed to support community development activities which are directed toward—

(A) conserving and expanding the Nation's housing stock in order to provide a decent home and a suitable living environment for every American;

(B) eliminating slums and preventing the deterioration of property and facilities which significantly affect the general welfare of the community;

(C) achieving more rational utilization of land and other natural resources, and the better arrangement of residential, commercial, industrial, recreational, and other needed activity centers;

(D) expanding and improving the quantity and quality of community services which are essential for sound community development and for the development of viable urban communities;

(E) restoring and preserving urban properties of special value for historic, architectural, or esthetic reasons; and

(F) eliminating conditions which are detrimental to health, safety, and public welfare, through code enforcement, demolition, interim rehabilitation assistance, and related activities.

DEFINITIONS

SEC. 303. As used in this Act—

(1) The term "Secretary" means the Secretary of Housing and Urban Development.

(2) The term "community development agency" means any State or unit of general local government.

(3) The term "State" means any State of the United States; the Commonwealth of Puerto Rico; the Trust Territory of the Pacific Islands; the territories and possessions of the United States; and Indian tribes, bands, groups, and nations, including Alaska Indians, Aleuts, and Eskimos, of the United States.

(4) The term "unit of general local government" means any city, municipality, county, town, township, parish, village, or other general purpose political subdivision of a State; a consortium of such political subdivisions recognized by the Secretary; and the District of Columbia. One or more public agencies, including existing local public agencies, may be designated by a unit of general local government to undertake the community development program in whole or in part.

(5) The term "metropolitan areas" means the standard metropolitan statistical areas, as established by the Office of Management and Budget.

(6) The term "metropolitan city" means a city within a metropolitan area which is the central city of such metropolitan area, as defined by the Office of Management and Budget, or which is a city having a population of fifty thousand or more.

(7) The term "population" means the total resident population based on data compiled by the Bureau of the Census and referable to the same point or period in time.

(8) The term "extent of poverty" means the number of persons (or alternatively, the number of families and unrelated individuals) whose incomes are below the poverty level, as determined pursuant to criteria provided by the Office of Management and Budget, and based on data referable to the same point or period in time.

(9) The term "extent of housing overcrowding" means the number of housing units with 1.01 or more persons per room based on data compiled by the Bureau of the Census and referable to the same point or period in time.

(10) The term "extent of program experience" means the sum of the average, during the five fiscal years preceding the date of enactment of this chapter, of (A) loans pursuant to title II of the Housing Amendments of 1955, (B) grants pursuant to title VII of the Housing Act of 1961, (C) advances pursuant to section 702 of the Housing Act of 1954, (D) grants pursuant to title VII of the Housing and Urban Development Act of 1965, and (E) grants pursuant to title I of the Housing Act of 1949.

COMMUNITY DEVELOPMENT ACTIVITIES ELIGIBLE FOR ASSISTANCE

SEC. 304. Community development activities assisted under this chapter shall further the purposes set forth in section 302 and may include—

(1) acquisition in whole or in part by purchase, lease, donation, or otherwise, of real property (including air rights, and other interests therein) which is necessary to achieve the objectives set forth in the community development program and is (i) blighted, deteriorated, deteriorating, undeveloped, or inappropriately developed from the standpoint of sound community development and growth, (ii) determined to be appropriate for rehabilitation or conservation activities, (iii) necessary for the preservation or restoration of historic sites, the beautification of urban land, the conservation of open spaces, natural resources and scenic areas, the provision of recreational opportunities, or the guidance of urban development, (iv) to be used for the provision of public works, facilities, and improvements eligible for assistance under this chapter, or (v) to be used for other public purposes, including the conversion of land to other uses where necessary or appropriate to a community development program;

(2) disposition (through sale, lease, donation, or otherwise) at its fair value for uses in accordance with the community development program of any real property in whole or in part acquired pursuant to this chapter, or its retention for public purposes;

(3) clearance, demolition, and removal of buildings and improvements in whole or in part;

(4) acquisition, construction, reconstruction, or installation of, community facilities and site or other improvements necessary to achieve the objectives of the community development program, including water and sewer facilities, neighborhood facilities, fire-protection services and facilities, historic properties and beautification areas, streets, utilities, street lights, foundations and platforms for air right sites, pedestrian malls and walkways, parks, playgrounds and recreation facilities, and other similar and necessary improvements required for the execution of a community development program;

(5) designing and providing interim financing for the construction of public facilities, other than facilities encompassed within the provisions of paragraph (4), which are necessary or appropriate to a community development program;

(6) relocation payments and assistance for individuals, families, businesses, nonprofit organizations, and farm operations displaced or temporarily dislocated by community development activities;

(7) conservation and rehabilitation of existing properties and facilities through code enforcement, interim assistance, or other programs of rehabilitation; or the elimination of slums and harmful physical conditions which constitute a danger to public health and safety through demolition or other activities;

(8) development or redevelopment of surplus real property within the meaning of the Federal Property and Administrative Services Act of 1949 acquired pursuant to section 414 of the Housing and Urban Development Act of 1969, or otherwise;

(9) provision of technical or financial assistance to persons or organizations providing necessary or appropriate services, including advisory services, to the planning and execution of a community development program;

(10) provision, where necessary or appropriate to the execution of a community development program, of grants or loans for the rehabilitation and conservation of properties;

(11) provision of necessary or appropriate additional public services when not otherwise available which are directed toward (i) improving the community's public services and facilities, including those concerned with the employment, health, drug abuse, education, welfare, or recreation needs of persons residing in areas in which community development activities are being carried out, and (ii) coordinating public and private development programs;

(12) payment of administrative costs and carrying charges related to the planning, execution, and evaluation of community development programs;

(13) payment of financial incentives (not to exceed 15 per centum of the total Federal contribution to the cost of the facilities involved) to encourage the timely construction of public facilities, such as schools and libraries, which are not otherwise eligible and are required for the execution of a community development program:

(14) carrying out unspecified local-option activities, necessary or appropriate to the conduct of a community development program, in an amount not to exceed 10 per centum of the total annual grant authorized for a locality under this chapter; and

(15) payment of the Federal share of the cost of completing a project funded under title I of the House Act of 1949.

AUTHORIZATIONS

SEC. 305. (a) To finance grants under this Chapter, the Secretary is authorized to incur obligations on behalf of the United States in the form of grant agreements or otherwise in amounts aggregating such sum not exceeding $5,900,000,000 as is approved in an appropriation Act. The amount so approved shall become available for obligation on July 1, 1973, and shall remain available until obligated. There are authorized to be appropriated for liquidation of the obligation incurred under this section not to exceed $2,700,000,000 prior to July 1, 1974, which amount may be increased to not to exceed an aggregate of $5,900,000,000 prior to July 1, 1975. Sums so appropriated shall remain available until expended.

(b) The Secretary shall report annually to the Congress with respect to outstanding grants or other contractual agreements executed pursuant to subsection (a). To assure program continuity and orderly planning, the Secretary shall submit to the Congress timely requests for increased authorizations for the fiscal years commencing after June 30, 1975, and concurrently with those authorization requests he shall submit his recommendations for any necessary adjustments in the schedule for liquidation of obligations.

ALLOCATION OF FUNDS; BASIC GRANT ENTITLEMENT; REPORT

SEC. 306. (a) Of the amount approved in an appropriation Act pursuant to section 305 and available for obligation, 75 per centum shall be allocated by the Secretary to metropolitan areas. Except as provided in subsection (d), each metropolitan city shall be eligible for annual grants in an aggregate amount at least equal to the greater of its basic grant entitlement amount computed pursuant to subsection (b), or its hold-harmless amount computed pursuant to subsection (c).

(b)(1) The Secretary shall allocate for each metropolitan area an amount which bears the same ratio to the allocation for all metropolitan areas as the average of the ratios between—

(A) the population of the metropolitan area and that of all metropolitan areas;

(B) the extent of poverty in the metropolitan area and that in all metropolitan areas;

(C) the extent of housing overcrowding in the metropolitan area and that in all metropolitan areas; and

(D) the extent of program experience in the metropolitan area and that in all metropolitan areas.

(2) From the amount allocated to each metropolitan area, the Secretary shall determine for each metropolitan city therein a basic grant entitlement amount for that city which shall equal an amount which bears the same ratio to the allocation for the metropolitan area as the average of the ratios between—

(A) the population of the metropolitan city and that of the metropolitan area;

(B) the extent of poverty in the metropolitan city and that in the metropolitan area;

(C) the extent of housing overcrowding in the metropolitan city, and that in the metropolitan area; and

(D) the extent of program experience in the metropolitan city and that in the metropolitan area.

(3) In determining the average of ratios under paragraph (1) or paragraph (2), the ratio involving the extent of poverty shall be counted twice.

(c) The Secretary shall determine the hold-harmless amount for each metropolitan city, which shall be an amount equal to the sum of (1) the sum of the average, during the five fiscal years preceding the date of enactment of this chapter, of (A) loans pursuant to title II of the Housing Amendments of 1955, (B) grants pursuant to title VII of the Housing Act of 1961, (C) advances pursuant to section 702 of the Housing Act of 1954, (D) grants pursuant to title VII of the Housing and Urban Development Act of 1965, and (E) grants pursuant to part A of title I of the Housing Act of 1949; and (2) the average annual grant made in accordance with part B of title I of the Housing Act of 1949.

(d) Whenever the Secretary determines that a metropolitan city would have except for the provisions of this subsection a basic grant entitlement for the first year in an amount exceeding 135 per centum of the city's hold-harmless amount, as determined under subsection (c), he shall adjust the amount of such basic grant entitlement over a period not exceeding three years, so that the city's basic grant entitlement will be increased, by such steps as the Secretary determines to be equitable and feasible, from the hold-harmless amount up to the full basic grant entitlement of the city. Any amounts not used by virtue of the operation of the preceding sentence shall be available for use by the Secretary pursuant to subsection (g)(3).

(e) The remainder of the allocation for each metropolitan area shall be allocated by the Secretary to community development agencies within that metropolitan area, taking into consideration such factors as population, extent of poverty, extent of overcrowding, extent of program experience, and other social and fiscal conditions prevailing in the metropolitan area. Any portion of the remainder of the allocation for each metropolitan area unused at the end of the fiscal year for which it was allocated shall be available for use within metropolitan areas.

(f) Any unit of general local government which is not a metropolitan city shall be eligible for annual grants in an aggregate amount at least equal to the hold-harmless amount for that locality as computed under the provisions of subsection (c), if, during the five years preceding the date of enactment of this chapter, one or more urban renewal projects or neighborhood development programs were being carried out in such locality and assisted (or with respect to which commitments for assistance have been entered into) under title I of the Housing Act of 1949.

(g) Amounts which are not allocated under subsection (a), or which are allocated but rejected by the recipient or disapproved by the Secretary under section 307, shall be allocated by the Secretary in aid of community development activities to be undertaken by community development agencies in—

(1) localities outside metropolitan areas

where such use of funds is necessary to comply with subsection (f);

(2) other localities outside metropolitan areas; and

(3) localities within metropolitan areas where such use of funds is necessary to comply with subsection (a) or (f).

(h) If at the time the Secretary computes the amount of any allocation or the amount of any annual grants to which a community development agency is entitled under this chapter, the full amount of funds authorized to be appropriated are not available for obligation as prescribed in section 305(a), the Secretary may (notwithstanding any other provision of this chapter) make such adjustment in that computation as he deems desirable to maintain a distribution of funds consistent with the objectives of this chapter.

(i) Not later than September 1, 1974, the Secretary shall make a report to the Congress setting forth such recommendations as he deems advisable, in furtherance of the purposes and policy of this chapter, for modifying or expanding the provisions of this chapter relating to the method and level of funding and the allocation of funds, and the determination of the basic grant entitlement and for the application of such provisions in the future distribution of funds under this chapter.

GENERAL REQUIREMENTS APPLICABLE TO THE GRANTING OF FINANCIAL ASSISTANCE

SEC. 307. (a) Financial assistance shall be granted under this chapter only upon the basis of an annual application by a community development agency. Each application shall contain the following:

(1) An outline of community development needs and objectives, and the actions to be taken during the next three-year period—

(A) to meet the housing needs and needs arising from the installation or relocation of Government facilities, including replacement and relocation needs, of families who may reasonably be expected to seek housing in the community, particularly those families with low or moderate incomes;

(B) to prevent and eliminate slums and blight, and upgrade neighborhood environments through renewal, code enforcement, and other community improvement programs; and

(C) to improve and upgrade community services and facilities to meet the social needs of residents in areas affected by community development activities.

(2) A description of the activities to be undertaken over the next two-year period which are designed to meet community development objectives and their estimated costs, the general location of these activities, and any requirements for federally assisted housing units and rehabilitation loans.

(3) A certification that the applicant—

(A) has determined that activities to be carried out under the community development program are consistent with local and areawide comprehensive development plans and national growth policies;

(B) has afforded or will afford an adequate opportunity for public hearings prior to any acquisition of private land included in the proposed development activities pursuant to reasonable prior notice; and

(C) has afforded adequate opportunity for citizen participation in the development of the annual application and has provided for the meaningful involvement of the residents of areas in which community development activities are to be concentrated in the planning and execution of these activities, including the provision of adequate information and resources.

(4) A report concerning the community development activities which were carried out during the previous calendar year and their costs, including an assessment of such activities in relation to the community's development objectives.

(b) The Secretary may waive all or part of the requirements contained in subsection (a), if (1) the application for assistance is in behalf of a locality having a population of less than 25,000 according to the most recent data compiled by the Bureau of the Census, which is located either (i) outside a standard metropolitan statistical area, or (ii) inside such an area but outside an "urbanized area" as defined by the Bureau of Census (or as such definition is modified by the Secretary for purposes of this chapter), (2) the application relates to the first community development activity to be carried out by such locality with assistance under this chapter, (3) the assistance requested is for a single development activity under this chapter of a type eligible for assistance under the provisions of law referred to in clauses (1) through (4) of section 315(b), and (4) the Secretary determines that, having regard to the nature of the activity to be carried out, such waiver is not inconsistent with the purposes of this chapter.

(c) (1) The Secretary shall make his determination with respect to any application and give written notice of his approval or disapproval within ninety days after submission of the application. Each application providing for continuation or revision of an on-going community development program shall be deemed approved by the Secretary within ninety days after submission, unless the Secretary notifies the applicant in writing of his disapproval of the application, or any part thereof, setting forth the reasons therefor with respect to performance by the community development agency or the eligibility of proposed activities.

(2) Except as otherwise specifically provided, no application for financial assistance under this chapter shall be approved by the Secretary unless he has concluded that the community has (A) set forth a meaningful program to meet its urgent development needs and to achieve the purposes of this chapter, and (B) carried out its contractual commitments pursuant to any previous applications.

(3) Upon approval of any application, the Secretary shall reserve funds, to the extent he deems it to be necessary and feasible, to meet the housing requirements specified in the application.

GRANTS

SEC. 308. (a) The Secretary is authorized to make grants to assist community development agencies in carrying out community development activities. Such grants shall be made pursuant to contracts providing for payments with respect to activities to be carried out over a period of two years. Except as otherwise herein provided, the amount of any such grant to any such agency shall not exceed 90 per centum of the total net program cost as determined by the Secretary. In any case where the execution of a community development program involves the making of rehabilitation grants or relocation payments, any grant made to any such agency may be increased, notwithstanding any other provision of law but subject to the limitations prescribed in section 306, to include the full costs of making such rehabilitation grants and, in the case of relocation payments, the full costs of making such payments but not to exceed $25,000 for any displaced person as such term is defined in section 101(6) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The Secretary shall require that any part of the total net program cost which is to be provided by local or other non-Federal sources shall consist of cash grants, the cash value of donated property, or public improvements or services at their costs, contributed by such sources in furtherance and as part of the community development program for which Federal assistance is made available under this chapter.

(b) In determining the total cost of carrying out any community development activity there shall be excluded that part of such cost as is payable under any other Federal grant program.

(c) As used in subsection (a), the term "rehabilitation grant" means a grant not exceeding $4,000 made to a low-income individual or family who owns and occupies real property and only for the purpose of covering the cost of repairs and improvements necessary to make such real property conform to public standards for decent, safe, and sanitary housing as required by applicable codes or requirements of the community development program.

LOANS

SEC. 309. (a) (1) After June 30, 1973, the Secretary is authorized to make loans to community development agencies to provide financing for planning and operating activities pending the receipt by such agencies of grant assistance under section 308 and to provide interim financing for activities authorized under section 304(5).

(2) Loans under this subsection shall bear interest at such rates (not less than the applicable going Federal rate, as defined in section 110(g) of the Housing Act of 1949), and shall be secured in such manner and be repaid within such period of time as the Secretary shall prescribe.

(3) (A) To obtain funds for advances and loan disbursements under this subsection, the Secretary may issue and have outstanding at any one time notes or other obligations for purchase by the Secretary of the Treasury in an amount which shall not, unless authorized by the President, exceed $1,500,000,000. For the purpose of establishing unpaid obligations as of a given date against the authorization contained in the preceding sentence, the Secretary shall estimate the maximum amount to be required to be borrowed from the Treasury and outstanding at any one time with respect to loan commitments in effect on such date.

(B) Notes or other obligations issued by the Secretary under this paragraph (3) shall be in such forms and denominations, have such maturities, and be subject to such terms and conditions as may be prescribed by the Secretary, with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average rate on outstanding marketable obligations of the United States as of the last day of the month preceding the issuance of such notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations of the Secretary issued under this paragraph (3) and for such purpose is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such Act, as amended, are extended to include any purchases of such notes and other obligations. The Secretary of the Treasury may at any time sell any of such notes or other obligations so acquired. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

(b) Section 312(a)(1) of the Housing Act of 1964 is amended—

(1) by striking out the colon at the end of subparagraph (C) and inserting in lieu thereof "; or"; and

(2) by adding at the end thereof a new subparagraph as follows:

"(D) the property is determined to require rehabilitation, and such rehabilitation is necessary or appropriate to the execution of an approved community development program under the Community Development Assistance Act of 1972;".

CONSULTATION

SEC. 310. In carrying out the provisions of this chapter, including the issuance of regulations, the Secretary shall consult with other Federal departments and agencies administering Federal grant-in-aid programs.

TECHNICAL ASSISTANCE

SEC. 311. (a) The Secretary is authorized to undertake such activities as he determines to be desirable to provide technical assistance to smaller communities to assist such communities in planning, developing, and administering community development programs. Such assistance may be furnished either directly or by contracts or other arrangements, including contracts or arrangements with rural development and area planning agencies. The Secretary may utilize for demonstration purposes smaller communities carrying out meritorious programs involving community development, or comprehensive city demonstration programs under title I of the Demonstration Cities and Metropolitan Development Act of 1966.

(b) Not later than one hundred and eighty days after the date of enactment of this chapter, the Secretary shall make a report to the Congress setting forth his findings and recommendations with respect to—

(1) existing and recommended Federal, State, and local programs relating to community development in smaller communities;

(2) the significance of such programs in assisting the larger urban areas to solve their acute problems by reducing population density;

(3) the need for unified Federal agency coordination, control, or direction of such programs;

(4) the extent to which the Department of Housing and Urban Development should participate in such coordination, control, or direction, and the manner and method of achieving that participation; and

(5) the appropriate allocation of Federal funds for community development in smaller communities and in the larger urban areas.

(c) As used in this section, the term "smaller communities" means any municipality or other political subdivision having a population of fifty thousand or less according to the most recent census.

LABOR STANDARDS

SEC. 312. The provisions of section 109 of the Housing Act of 1949 shall be applicable in the administration of the authority conferred by this chapter.

UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

SEC. 313. Section 217 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is amended—

(1) by striking out "or" after "Housing Act of 1949, as amended," and

(2) by adding after "Demonstration Cities and Metropolitan Development Act of 1966" the following: ", or as a direct result of any community development activity assisted under the Community Development Assistance Act of 1972".

INTERSTATE AGREEMENTS

SEC. 314. The consent of the Congress is hereby given to any two or more States to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative effort and mutual assistance in support of community development planning and programs carried out under this chapter as they pertain to interestate areas and to localities within such States, and to establish such agencies, joint or otherwise, as they may deem desirable for making such agreements and compacts effective.

EFFECTIVE DATE; TRANSITIONAL TERMINATION OF EXISTING PROGRAMS

SEC. 315. (a) This chapter takes effect on the date of its enactment.

(b) After June 30, 1973, no new grants or loans shall be made (except with respect to projects or programs for which funds have been committed on or before that date) pursuant to—

(1) title II of the Housing Amendments of 1955;

(2) title VII of the Housing Act of 1961;

(3) section 702 of the Housing Act of 1954;

(4) title VII of the Housing and Urban Development Act of 1965; and

(5) title I of the Housing Act of 1949.

(c) Section 3689 of the Revised Statutes, as amended (31 U.S.C. 711), is amended by adding at the end thereof a new paragraph as follows:

"(22) For payments required from time to time under contracts entered into pursuant to section 103(b) of the Housing Act of 1949 with respect to projects or programs for which funds have been committed on or before June 30, 1973, and for which funds have not previously been appropriated."

(d) The Secretary is authorized to transfer the assets and liabilities of any superseded or nonactive program of housing or urban development to the revolving fund for liquidating programs established pursuant to title II of the Independent Offices Appropriation Act of 1955 (Public Law 81-428; 68 Stat. 272, 295).

CHAPTER IV—COMPREHENSIVE PLANNING AND RELATED PROGRAMS

COMPREHENSIVE PLANNING

SEC. 401. (a) Section 701(a) of the Housing Act of 1954 is amended as follows:

(1) By striking out the part which precedes paragraph (1) and inserting in lieu thereof the following:

"SEC. 701. (a) In order to assist general purpose units of government and regional combinations thereof at the State and local level in solving planning problems and developing the management capacity to implement plans to solve these problems, including those resulting from an increasing concentration of population in metropolitan and other urban areas and the outmigration from and lack of coordinated development of resources and services in rural areas; to facilitate the comprehensive planning process for urban and rural developments; to encourage the development by such governments of a more rational process for setting policy objectives, designing, and overseeing programs for meeting these objectives, and evaluating the progress of such programs toward these objectives; and to help such governments to establish and improve the professional capabilities of staffs charged with carrying out activities permitted under this section and to engage private consultants where their professional services are deemed appropriate by the assisted governments, the Secretary, upon application and in accordance with the requirements of this section, is authorized to make grants to—".

(2) By striking out "State planning agencies" in paragraph (1) and inserting in lieu thereof "States".

(3) By striking out the numbered paragraphs following paragraph (1) and inserting in lieu thereof the following:

"(2) States for State and interstate activities which may be assisted under this section;

"(3) Cities (including the District of Columbia) having populations of fifty thousand or more according to the latest decennial census for local activities which may be assisted under this section;

"(4) The areawide organization in any metropolitan area, or in any region or district, which is formally charged with carrying out the provisions of section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 and section 401 of the Intergovernmental Cooperation Act of 1968, and in the case of any area or district of a State which is not a metropolitan area and does not have an organization which is charged with carrying out the provisions of section 401 of the Intergovernmental Cooperation Act of 1968, that agency authorized by the Governor of the State to carry out comprehensive planning for the area, region, or district: *Provided*, That any such areawide organization, and any such agency to the extent practicable, shall (A) be composed of or responsible to the elected officials of the unit or units of general local government for the jurisdictions of which they are empowered to carry out the provisions of the Acts referred to above, or (B) be composed of persons elected by the citizens of such jurisdictions;

"(5) Indian tribal groups or bodies; and

"(6) Other governmental units or agencies having special planning needs related to the purposes of this section, including interstate regional planning commissions, and units or agencies for disaster areas, federally impacted areas, and local development districts, to the extent these needs cannot otherwise be adequately met."

(4) By striking out the part which follows the numbered paragraphs and inserting in lieu thereof the following:

"Activities assisted under this section, shall, to the maximum extent feasible, cover entire areas having common or related development problems. The Secretary shall encourage cooperation in preparing and carrying out plans among all interested municipalities, political subdivisions, public agencies, and other parties in order to achieve coordinated development of entire areas. To the maximum extent feasible, pertinent plans and studies already made for areas shall be utilized so as to avoid unnecessary repetition of effort and expense. Activities assisted under this section shall be subject to the provisions of section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 and section 401 of the Intergovernmental Cooperation Act of 1968."

(b) Section 101 of such Act is further amended by striking out all that follows subsection (a) and inserting in lieu thereof the following:

"(b) Activities which may be assisted under this section include those necessary (1) to develop and carry out a comprehensive plan as part of an ongoing planning process, (2) to develop and improve the management capability directly necessary to implement such plan or part thereof, and (3) to develop a policy-planning-evaluation capacity so that the recipient may more rationally (A) determine its needs, (B) set long-term goals and short-term objectives, (C) devise programs and activities to meet these goals and objectives, and (D) evaluate the progress of such programs in accomplishing those goals and objectives. Activities assisted under this section shall be carried out by professionally competent persons. Procedures, guidelines, and regulations to implement this section shall be consistent with provisions of the Intergovernmental Cooperation Act of 1968.

"(c) Each recipient of assistance under this section shall carry out an ongoing comprehensive planning process which shall make provision for public hearings and the active participation of citizen groups. The process shall involve the development of a comprehensive plan which shall be reviewed at least biennially for necessary or desirable amendments. The review of any such plan shall include public hearings. Any such plan shall include, as a minimum, each of the following elements:

"(1) A housing element which shall take into account all available evidence of the assumptions and statistical bases upon which the projection of zoning, community facilities, and population growth is based, so that the housing needs of both the region and the local communities studied in the planning will be adequately covered in terms of existing and prospective population growth. The development and formulation of State and local goals pursuant to title XVI of the Housing and Urban Development Act of 1968 shall be a part of such a housing element.

"(2) A five-year-capital-programming element, including the scheduling of public facilities and capital improvements consistent with other elements of the plan, and based on a determination of relative urgency.

"(3) A land-use element which shall include (A) studies, criteria, standards, and implementing procedures necessary for effectively guiding and controlling major decisions as to where growth shall take place within the recipient's boundaries, and (B) as a guide for governmental policies and activities, general plans with respect to the pattern and intensity of land use for residential, commercial, industrial, and other activities. Each of the elements set forth above shall specify (i) broad goals and annual objectives (in measurable terms wherever possible), (ii) programs designed to accomplish these objectives, and (iii) procedures, including criteria set forth in advance, for evaluating programs and activities to determine whether they are meeting objectives. Such elements shall be consistent with each other and consistent with stated national growth policy.

"(d) After an initial application for assistance under this section has been approved, the Secretary may make grants on an annual basis, if—

"(1) the applicant submits to the Secretary annually a description of its work program designed to meet objectives for the next succeeding one-year period and setting forth any changes the applicant intends to undertake to achieve better progress; and

"(2) the applicant submits to the Secretary biennially (A) an evaluation of the progress made by it during the previous two years in meeting objectives set forth in its plan, and (B) a description of any changes in the plan's goals or objectives.

The Secretary shall make no grant—

"(i) to any applicant which has not made a good faith effort to implement its goals and objectives as set forth in its comprehensive plan; and

"(ii) after three years from the date of enactment of the Housing and Urban Development Act of 1972, to any applicant (other than an applicant which is a county described in the proviso to paragraph (1) of subsection (a), or an applicant described in paragraph (5) or (6) of subsection (a)), unless the Secretary is satisfied that the comprehensive planning being carried out by the applicant includes the elements specified in paragraphs (1)–(3) of subsection (c).

"(c) A grant made under this section shall not exceed 80 per centum of the estimated cost of the work for which the grant is made. There are authorized to be appropriated for the purposes of this section not to exceed $265,000,000 prior to July 1, 1969, not to exceed $470,000,000 prior to July 1, 1972, not to exceed $607,000,00 prior to July 1, 1973, and not to exceed $807,000,000 prior to July 1, 1974. Of the sums appropriated for any fiscal year commencing after June 30, 1972, there shall be available solely for grants to applicants described in paragraph (4) of subsection (a) an amount equal to (1) 30 per centum of any sums so appropriated which do not exceed $125,000,000 in the aggregate, and (2) 25 per centum of any sums so appropriated which are in excess of such $125,000,000. Of any sums appropriated under this section, not to exceed an aggregate of $10,000,000 plus 5 per centum of the funds so appropriated may be used by the Secretary for studies, research, and demonstration projects, undertaken independently or by contract, for the development and improvement of techniques and methods for comprehensive planning and for the advancement of the purposes of this section, and for grants to assist in the conduct of studies and research relating to needed revisions in State statutes which create, govern, or control local governments and local governmental operations. Any amounts appropriated under this section shall remain available until expended and amounts authorized but not appropriated for any fiscal year shall be available for appropriation for any subsequent fiscal year ending on or before June 30, 1974.

"(f) It is the further intent of this section to encourage comprehensive planning on a unified basis for States, cities, counties, metropolitan areas, districts, regions, and Indian reservations and the establishment and development of the organizational units needed therefor. In extending financial assistance under this section, the Secretary may require such assurances as he deems adequate that the appropriate State and local agencies are making reasonable progress in the development of the elements of comprehensive planning. The Secretary is authorized by contract, grant, or otherwise to provide technical assistance to State and local governments, and interstate and regional combinations thereof, to Indian tribal bodies, and to governmental units or agencies described in subsection (a) (6), undertaking such planning and, by contract or otherwise, to make studies and publish information on related problems.

"(g) The consent of the Congress is hereby given to any two or more States to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative effort and mutual assistance in the comprehensive planning for the growth and development of interstate, metropolitan, or other urban areas, and to establish such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and compacts.

"(h) In addition to the planning grants authorized by subsection (a), the Secretary is further authorized to make grants to organizations composed of public officials representative of the political jurisdictions within the metropolitan area, region, or district for the purpose of assisting such organizations to undertake studies, collect data, develop metropolitan, regional, and district plans and programs, and engage in such other activities, including implementation of such plans, as the Secretary finds necessary or desirable for the solution of the metropolitan, regional, or district problems in such areas, regions, or districts. To the maximum extent feasible, all grants under this subsection shall be for activities relating to all the developmental aspects of the total metropolitan area, region, or district including, but not limited to, land use, transportation, housing, economic development, natural resources development, community facilities, and the general improvement of living environments. A grant under this subsection shall not exceed 80 per centum of the estimated cost of the work for which the grant is made.

"(i) In addition to the other grants authorized by this section, the Secretary is authorized to make grants to assist any city, other municipality, or county in making a survey of, or in acquiring, the structures and sites in such locality which are determined by its appropriate authorities to be of historic or architectural value. Any such survey shall be designed to identify the historic structures and sites in the locality, determine the cost of their rehabilitation or restoration, and provide such other information as may be necessary or appropriate to serve as a foundation for a balanced and effective program of historic preservation in such locality. The aspects of any such survey which relate to the identification of historic and architectural values shall be conducted in accordance with criteria found by the Secretary to be comparable to those used in establishing the national register maintained by the Secretary of the Interior under other provisions of law; and the results of each such survey shall be made available to the Secretary of the Interior. A grant under this subsection shall not exceed 80 per centum of the cost of the survey or acquisition for which it is made, and shall be made to the appropriate agency or entity specified in paragraphs (1) through (6) of subsection (a) or, if there is no such agency or entity which is qualified and willing to receive the grant and provide for its utilization in accordance with this subsection, directly to the city, other municipality, or county involved.

"(j) Grants made under this section may be used, subject to regulations and conditions prescribed by the Secretary, for any activities made eligible by the provisions of this section; but such regulations shall provide that grant assistance shall not be used to defray the cost of the acquisition (other than historic structures and sites as provided in subsection (i)), construction, repair, or rehabilitation of, or the preparation of engineering drawings or similar detailed specifications for, specific housing, capital facilities, or public works projects.

"(k) The Secretary shall consult with the heads of other Federal departments and agencies having responsibilities related to the purposes of this section, including responsbilities connected with the economic development of rural and depressed areas, and the protection and enhancement of the Nation's natural environment, with respect to (1) general standards, policies, and procedures to be followed in the administration of this section, and (2) particular grant actions or approvals which the Secretary believes to be of special interest or concern to one or more of such departments and agencies.

"(l) Funds made available under any Federal assistance program for projects or activities, approved as part of or in furtherance of a planning program assisted under this section, may be used jointly with funds made available for such projects or activities under any other Federal assistance program, subject to regulations prescribed by the President. Such regulations may include provisions for common technical or administrative requirements, where varying or conflicting provisions of law or regulations would otherwise apply, for establishing joint management funds and common non-Federal shares, and for special agreements or delegations of authority, among different Federal agencies in connection with the supervision or administration of assistance. Such regulations shall in any case include appropriate criteria and procedures to assure that any special authorities conferred, which are not otherwise provided for by law, shall be employed only as necessary to promote effective and efficient administration and in a manner consistent with the protection of the Federal interest and program purposes or statutory requirements of a substantive nature. For purposes of this subsection, the term Federal assistance program' has the same meaning as in the Intergovernmental Cooperation Act of 1968.

"(m) The Secretary may, as necessary or appropriate and with the approval of the President, delegate any of his powers under this section to the heads of other Federal agencies and authorize the redelegation thereof, subject to such conditions or provisions as may be appropriate to assure effective coordination between the powers so delegated and other powers or functions retained by the Secretary.

"(n) As used in this section—

"(1) The term 'metropolitan area' means a standard metropolitan statistical area, as established by the Office of Management and

Budget, subject, however, to such modifications or extensions as the Secretary deems to be appropriate for the purposes of this section.

"(2) The term 'region' includes (A) all or part of the area of jurisdiction of one or more units of general local government, and (B) one or more metropolitan areas.

"(3) The term 'district' includes all or part of the area of jurisdiction of (A) one or more counties, and (B) one or more other units of general local government, but does not include any portion of a metropolitan area.

"(4) The term 'comprehensive planning' includes the following:

"(A) preparation, as a guide for governmental policies and action, of general plans with respect to (i) the pattern and intensity of land use, (ii) the provision of public facilities (including transportation facilities) and other government services, and (iii) the effective development and utilization of human and natural resources;

"(B) identification and evaluation of area needs (including housing, employment, education, and health) and formulation of specific programs for meeting the needs so identified;

"(C) surveys of structures and sites which are determined by the appropriate authorities to be of historic or architectural value;

"(D) long-range physical and fiscal plans for such action;

"(E) programing of capital improvements and other major expenditures, based on a determination of relative urgency, together with definite financing plans for such expenditures in the earlier years of the program;

"(F) coordination of all related plans and activities of the State and local governments and agencies concerned; and

"(G) preparation of regulatory and administrative measures in support of the foregoing.

Comprehensive planning for the purpose of districts shall not include planning for or assistance to establishments in relocating from one area to another or subcontractors whose purpose is to divest, or whose economic success is dependent upon divesting, other contractors or subcontractors of contracts theretofore customarily performed by them. The limitation set forth in the preceding sentence shall not be construed to prohibit assistance for the expansion of an existing business entity through the establishment of a new branch, affiliate, or subsidiary of such entity, if the Secretary finds that the establishment of such branch, affiliate, or subsidiary will not result in an increase in unemployment in the area of original location or in any other area where such entity conducts business operations, unless the Secretary has reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operations.

"(o) In carrying out the provisions of this section relating to planning for States, regions, or other multijurisdictional areas whose development has significance for purposes of national growth and urban development objectives, the Secretary shall encourage the formulation of plans and programs which will include the studies, criteria, standards and implementing procedures necessary for effectively guiding and controlling major decisions as to where growth should take place within such States, regions, or areas. Such plans and programs shall take account of the availability of and need for conserving land and other irreplaceable natural resources; of projected changes in size, movement, and composition of population; of the necessity for expanding housing and employment opportunities; of the opportunities, requirements, and possible locations for, new communities and large-scale projects for expanding or revitalizing existing communities; and of the need for methods of achieving modernization, simplification, and improvements in governmental structures, systems, and procedures related to growth objectives. If the Secretary determines that activities otherwise eligible for assistance under this section are necessary to the development or implementation of such plans and programs, he may make grants in support of such activities to any governmental agency or organization of public officials which he determines is capable of carrying out the planning work involved in an effective and efficient manner and may make such grants in an amount equal to not more than 80 per centum of the cost of such activities."

COORDINATION OF FEDERAL AIDS IN METROPOLITAN AREAS

SEC. 402. (a) Section 204(a) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended to read as follows:

"SEC. 204. (a) All applications for Federal loans or grants to assist in carrying out open-space land projects or comprehensive planning activities or for the planning and construction of hospitals, airports, libraries, water supply and distribution facilities, sewerage facilities and waste treatment works, highways, transportation facilities, law enforcement facilities, water development and land conservation projects, and other community development activities within any metropolitan area shall be submitted for review—

"(1) to an areawide agency which has prepared or is in the process of preparing a metropolitan or regional plan for the area within which the assistance is to be used and which is (i) predominantly composed of or responsible to the elected officials of a unit of areawide government or of the units of general local government within the jurisdiction of which such agency is authorized to engage in such planning, or (ii) directly responsible to citizens of that area; except that if State laws do not provide for the establishment of agencies of the type described in clause (i) or (ii), the review herein required may be made by an areawide agency or other entity established under applicable State law which is, to the greatest extent practicable, composed of or responsible to the elected officials referred to in clause (i); and

"(2) if made by a special purpose unit of local government, to the unit or units of general local government with authority to operate in the area within which the project is to be located."

(b) Section 204 of such Act is further amended by adding at the end thereof a new subsection as follows:

"(d) Federal agencies administering programs referred to in subsection (a), or specified in rules and regulations issued under subsection (c) of this section or section 401 of the Intergovernmental Cooperation Act of 1968, shall make a report to the Congress, not later than July 1, 1973, concerning their administration of this section and title IV of the Intergovernmental Cooperation Act. The report of any such agency shall include the agency's procedures for administering its responsibilities under rules and regulations so issued, and for each type of applicant—

"(1) the number of applications received by the agency which are subject to such rules and regulations;

"(2) the number (A) of such applications accompanied by comments from State, areawide, or regional agencies, (B) of such applications accompanied by certification under subsection (b)(2), and (C) of such applications which are not accompanied by either comments or such certifications; and

"(3) the number of applications referred to in each of the clauses (A), (B), and (C) of paragraph (2) with respect to which (i) generally favorable comments, and (ii) generally adverse comments, were received from such agencies, and the number of such applications which were (A) approved, (B) disapproved, (C) returned to the applicant for further information or revision, and (D) not acted upon.

The report of any such agency shall also indicate the approximate length of time after the approval or disapproval of an application before the agency gives the required notice to the State, areawide, or regional agency making comments with respect to such application. Such report shall contain an evaluation by the reporting agency with respect to the effect of this section, and of rules and regulations prescribed pursuant to subsection (c), on its operations, together with recommendations for improvement."

TRAINING AND FELLOWSHIP PROGRAMS

SEC. 403. (a) Section 801(b) of the Housing and Urban Development Act of 1964 is amended to read as follows:

"(b) It is the purpose of this title to provide fellowships for the graduate training of professional city and regional planning, and management, and housing specialists, and professionally trained personnel with a general capacity in urban affairs and problems; to make grants to and contracts with institutions of higher education (or combinations of such institutions) to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the preparation of graduate or professional students to enter the public service; and to assist and encourage the States and localities, in cooperation with public and private universities and colleges and urban centers and with business firms and associations, labor unions, and other interested associations and organizations, to (1) organize, initiate, develop, and expand programs which will provide special training in skills needed for economic and efficient community development to those technical, professional, and other persons with the capacity to master and employ such skills who are, or are training to be, employed by a governmental or public body which has responsibility for community development, or by a private nonprofit organization which is conducting or has responsibility for housing and community development programs, and (2) support State and local research that is needed in connection with housing programs and needs, public improvement programing, code problems, efficient land use, urban transportation, and similar community development problems."

(b) Section 802(a) of such Act is amended to read as follows:

"SEC. 802. (a) The Secretary is authorized to provide fellowships for the graduate training of professional city planning, management, and housing specialists, and other persons who wish to develop a general capacity in urban affairs and problems as herein provided. Persons shall be selected for such fellowships solely on the basis of ability and upon the recommendation of the Urban Studies Fellowship Advisory Board established pursuant to subsection (b). Fellowships shall be solely for training in public and private nonprofit institutions of higher education having programs of graduate study in the field of city planning or in related fields (including architecture, civil engineering, economics, municipal finance, public administration, urban affairs, and sociology) which programs are oriented to training for careers in city and regional planning, housing, urban renewal, and community development."

(c) Title VIII of such Act is further amended (1) by redesignating sections 804–807 as sections 805–808, respectively, and (2) by adding after section 803 a new section as follows:

"PROJECT GRANTS AND CONTRACTS

"SEC. 804. (a) The Secretary is authorized to make grants to or contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects (i) for the preparation of graduate or professional students in the fields of city and regional planning and management, housing, and urban affairs, or (ii) for research into, or development or demonstration of, improved methods of education for these professions. Such grants or contracts may include payment of all or part of the cost of programs or projects.

"(b) (1) A grant or contract authorized by this section shall be made only upon application to the Secretary at such time or times and containing such information as he may prescribe, except that no such application shall be approved unless it—

"(A) sets forth programs, activities, research, or development for which a grant is authorized under this section;

"(B) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this subsection; and

"(C) provides for making such reports, in such form and containing such information, as the Secretary may require to carry out his functions under this subsection, and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

"(2) Payments under this section may be used, in accordance with regulations of the Secretary, and subject to the terms and conditions set forth in an application approved under paragraph (1) to pay part of the compensation of students employed in professions referred to in subsection (a)(1), except students employed in any branch of the Government of the United States, as part of a program for which a grant has been approved pursuant to this subsection."

(d) Section 807 of such Act (as redesignated by subsection (c) of this section) is amended by striking out "$30,000,000" and inserting in lieu thereof "$45,000,000".

CHAPTER VI—RURAL HOUSING

PREPAYMENT OF TAXES AND INSURANCE

SEC. 501. Title V of the Housing Act of 1949 is amended by—

(1) inserting before the period at the end of the second sentence of section 502(a) the following: ", and on the borrower prepaying, to the Secretary as escrow agent on terms and conditions prescribed by him, such taxes and insurance as the Secretary may require";

(2) striking out "as it becomes due" in the first sentence of section 517(d); and

(3) in section 517(j)(1), (A) striking out "prepayment" and inserting in lieu thereof "payment", (B) striking out "prepayments" both places it appears and inserting in lieu thereof "payments", and (C) inserting after "until due" at the end thereof the following: "or until the next agreed annual or semiannual remittance date".

USE OF APPRAISERS AND INSPECTORS

SEC. 502. (a) The second sentence of section 506(a) of the Housing Act of 1949 is amended by striking out ", as may be required by the Secretary, by competent employees of the Secretary" and inserting in lieu thereof "as required by the Secretary".

(b) Section 517(j)(3) of such Act is amended by inserting after "borrowers" the following: "and other services customary in the industry (including construction inspections, commercial appraisals, servicing of loans, and other related program services and expenses)".

VIETNAM ERA VETERANS PREFERENCE

SEC. 503. (a) Section 507 of the Housing Act of 1949 is amended by inserting after "concurrent resolution of Congress" each time it appears therein the following: "or during the period beginning after January 31, 1955, and ending on August 4, 1964, or during the Vietnam era (as defined in section 101(29) of title 38, United States Code)".

(b) The third sentence of such section is amended by inserting before the period at the end thereof the following: "or era".

LEGAL SERVICES

SEC. 504. Section 510 of the Housing Act of 1949 is amended—

(1) by inserting "(a)" after "SEC. 510.";

(2) by redesignating paragraphs (a)-(g) as paragraphs (1)-(7) respectively;

(3) by redesignating subparagraphs (1) and (2) of paragraph (3) (as hereinabove redesignated) as subparagraphs (A) and (B) respectively; and

(4) by adding at the end thereof a new subsection as follows:

"(b) The Secretary shall accord to all qaulified attorneys an equal opportunity to participate in providing such title, closing, or other legal services as may be required by persons receiving direct or insured loans under this title."

ASSISTANCE AUTHORIZATION

SEC. 505. (a) Section 513(c) of the Housing Act of 1949 is amended to read as follows: "(c) not to exceed $150,000,000 for financial assistance pursuant to section 516 prior to June 30, 1974, except that sums appropriated pursuant to this clause (c) shall not exceed $100,000,000 prior to October 1, 1973;".

(b) Section 513(f) of such Act is amended by inserting before the period at the end thereof the following: "Or the provisions of sections 402 and 502 of the Revised National Housing Act".

MOBILE HOMES

SEC. 506. Title V of the Housing Act of 1949 is amended by adding at the end thereof a new section as follows:

"MOBILE HOMES

"SEC. 525. (a) As used in this title, the term 'housing' shall, notwithstanding any other provision of this title and to the extent deemed practicable by the Secretary, include mobile homes and sites.

"(b) Loans under this title to finance mobile homes and sites shall be on the same terms and conditions as are applicable under sections 4, 301, and 302 of the Revised National Housing Act to loans to finance mobile homes and sites in lieu of comparable provisions required or authorized in this title; and the Secretary shall have the same authority and resopnsibilities under this section as are conferred on the Secretary of Housing and Urban Development with respect to mobile homes by sections 304 and 305 of such Act."

ASSISTANCE PAYMENTS FOR LOW-INCOME TENANTS

SEC. 507. (a) Section 521 of the Housing Act of 1949 is amended—

(1) by inserting "(1)" after "SEC. 521. (a)"; and

(2) by adding at the end of subsection (a) a new paragraph as follows:

"(2) The Secretary may make and insure loans under this section and sections 515 and 517 to provide rental or cooperative housing and related facilities for persons and families of low income, and may make, and contract to make, assistance payments to the owner of such housing in order to make available to low income occupants benefits comparable to benefits authorized in section 502 of the Revised National Housing Act."

(b) Subsection (c) of such section is amended to read as follows:

"(c) There shall be reimbursed to the Rural Housing Insurance Fund by annual appropriations (1) the amounts by which payments made from the fund during each fiscal year to the holders of insured loans described in subsection (a) exceed payments due from the borrowers, and (2) the amounts of assistance payments made under paragraph (2) of subsection (a), during such year. The Secretary from time to time may issue notes to the Secretary of the Treasury under section 517(h) to obtain amounts equal to such unreimbursed payments, pending the annual reimbursement by appropriation."

(c) Section 517(j) of such Act is amended—

(1) by striking out "and" at the end of clause (2);

(2) by striking out the period at the end of clause (3) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new clause:

"(4) to make assistance payments authorized by section 521(a)(2)."

CHAPTER VI—URBAN MASS TRANSPORTATION

URBAN MASS TRANSPORTATION ACT OF 1964

SEC. 601. (a) The Urban Mass Transportation Act of 1964 is amended—

(1) by striking out "two-thirds" in the fifth sentence of section 4(a) and inserting in lieu thereof "90 per centum";

(2) by striking out "one-sixth" in the proviso to the second sentence of section 5 and inserting in lieu thereof "40 per centum"; and

(3) by striking out "two-thirds" in the last sentence of section 9 and inserting in lieu thereof "90 per centum".

(b) (1) Section 3 of such Act is amended—

(A) by striking out "No" in the fifth sentence of subsection (a) and inserting in lieu thereof "Except as provided in subsection (f), no"; and

(B) by adding at the end thereof a new subsection as follows:

"(f) The Secretary is also authorized, on such terms and conditions as he may prescribe, to make grants or loans to any State or local public body to enable it to assist any mass transportation system which maintains mass transportation service in an urban area to pay operating expenses incurred as a result of providing such service. No financial assistance shall be provided under this subsection unless (1) the Secretary determines that the mass transportation services provided by the system involved are needed to carry out a program referred to in section 4(a), and (2) the applicant State or public body has submitted to the Secretary a comprehensive mass transportation service improvement plan which is approved by him and which sets forth a program, meeting criteria established by the Secretary for capital or service improvements to be undertaken for the purpose of providing more efficient, economical, and convenient mass transportation service in an urban area, and for placing the mass transportation operations of such system on a sound financial basis. The amount of any grant under this subsection to a State or local public body to enable it to assist any mass transportation system to pay operating expenses shall not exceed twice the amount of financial assistance provided from State or local sources for that purpose. The Secretary shall issue such regulations as he deems necessary to administer this subsection in an equitable manner. Such regulations shall include appropriate definitions of (A) operating expenses, and (B) the sources or types of State or local financial assistance which may be considered in computing the maximum allowable Federal grant."

(2) The fourth sentence of section 4(a) of such Act is amended by striking out "section 3" and inserting in lieu thereof "section 3 (other than subsection (f))".

(3) Section 12(c) is amended—

(A) by striking out "and" at the end of paragraph (4);

(B) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and";

(C) by adding after paragraph (5) a new paragraph as follows:

"(6) the term 'mass transportation system' means any private company or public authority or agency providing mass transportation service."

(c) Section 4(c) of such Act is amended—

(1) by inserting "(1)" after "(c)".

(2) by striking out "sections 3, 7(b), and 9" and inserting in lieu thereof "section 3 (except subsection (f)), and sections 7(b) and 9";

(3) by striking out "this subsection" wherever it appears and inserting in lieu thereof "this paragraph"; and

(4) by adding at the end thereof a new paragraph as follows:

"(2) To finance grants and loans under section 3(f) of this Act, the Secretary is authorized to incur obligations on behalf of the United States in the form of grant agreements or otherwise in amounts aggregating not to exceed $800,000,000. This amount shall become available for obligation upon the date of enactment of the Housing and Urban Development Act of 1972 and shall remain available until obligated. There are authorized to be appropriated for liquidation of the obligations incurred under this paragraph not to exceed $400,000,000 prior to July 1, 1973, which amount may be increased to not to exceed an aggregate of $800,000,000 prior to July 1, 1974. Sums so appropriated shall remain available until expended."

CHAPTER VII—MISCELLANEOUS

MODEL CITIES PROGRAM

SEC. 701. (a) Section 105(c) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended—

(1) by inserting a period in the first sentence after the words "city demonstration agency" and striking out the remainder of that sentence; and

(2) by striking out the last sentence.

(b) Section 111(b) of such Act is amended—

(1) by striking out "and not to exceed $200,000,000 for the fiscal year ending June 30, 1972" in the first sentence and inserting in lieu thereof the following: "not to exceed $200,000,000 for the fiscal year ending June 30, 1972, and not to exceed $400,000,000 for the fiscal year ending June 30, 1974"; and

(2) by striking out all after the words "less than 100,000" in the second sentence and inserting in lieu thereof a period.

(c) Section 111(c) of such Act is amended by striking out "July 1, 1972" and inserting in lieu thereof "July 1, 1974".

(d) It is the sense of the Congress that the Model Cities Program should be used, to the maximum extent feasible, to employ the talents of unemployed aerospace individuals whose occupational skills can help modernize city governments by placing such individuals in vacant positions in such governments. It is further the sense of the Congress that the Government should cooperate at all levels to achieve this objective.

LABOR STANDARDS EXCEPTION

SEC. 702. Section 1 of the Davis-Bacon Act, as amended (49 Stat. 1011), is amended by inserting before the period at the end thereof the following: ": *Provided*, That the provisions of this section shall not apply to a contract for the repair of a one- to four-family residence acquired by the Secretary of Housing and Urban Development under a contract of mortgage insurance if the aggregate amount of such repair contract is not in excess of $5,000".

NEW COMMUNITY DEVELOPMENT CORPORATION

SEC. 703. Title VII of the Housing and Urban Development Act of 1970 is amended by striking out "Community Development Corporation" wherever it occurs in that title and inserting in lieu thereof "New Community Development Corporation".

INTERSTATE LAND SALES

SEC. 704. (a) Section 1402 of the Housing and Urban Development Act of 1968 is amended—

(1) by inserting after "land" where it first appears in paragraph (3) a comma and the following: "located in any State or in a foreign country,"; and

(2) by inserting before the semicolon at the end of paragraph (7) "or between any foreign country and any State".

(b) Section 1403 of such Act is amended by adding at the end thereof the following new subsection:

"(c) The Secretary may from time to time, pursuant to rules and regulations issued by him, exempt from any provision of this title any person who holds in his name as a fiduciary the legal title to land with respect to which a statement of record is required to be filed by this title where the Secretary finds that the enforcement of this title with respect to such person is not necessary in the public interest or for the protection of purchasers."

(c) The second sentence of section 1404 (b) of such Act is amended—

(1) by striking out "forty-eight hours" where it first appears and inserting in lieu thereof "seventy-two hours (excluding Saturdays, Sundays, and any holidays recognized in the jurisdiction where the contract or agreement is signed by the purchaser)"; and

(2) by striking out all after "provide" and inserting in lieu thereof a period.

AMENDMENTS TO NATIONAL FLOOD INSURANCE ACT OF 1968

SEC. 705. (a) Section 1319 of the National Flood Insurance Act of 1968 is amended by inserting after the figure "$2,500,000,000" the following: "prior to July 1, 1972, which sum shall be increased to $4,000,000,000 on July 1, 1972".

(b) Section 1334 of such Act is amended by striking out subsection (b) and by redesignating subsection "(c)" as subsection "(b)".

COLLEGE HOUSING PROGRAM

SEC. 706. (a) Section 401(d) of the Housing Act of 1950 is amended by striking out the second proviso before the period in paragraph (1).

(b) Section 401(f)(2) of such Act is amended my striking out "and by $12,000,000 on July 1, 1971" and inserting in lieu thereof a comma and the following: "by $12,000,000 on July 1, 1971, by $4,300,000 on July 1, 1972, and by $10,000,000 on July 1, 1973".

SURPLUS PROPERTY

SEC. 707. Section 414 of the Housing and Urban Development Act of 1969 is amended to read as follows:

"SALE OF LAND FOR HOUSING

"SEC. 414. (a) Notwithstanding the provisions of the Federal Property and Administrative Services Act of 1949, any surplus real property within the meaning of such Act may, in the discretion of the Administrator of General Services, be made available at the request of the Secretary of Housing and Urban Development for disposition in accordance with a plan approved by him (1) for land development which is in furtherance of a new community development or a major development or redevelopment program having community-wide impact, or (2) for the provision of housing and related public, commercial, and industrial facilities. Property which is to be used for the provision of housing is authorized to be assigned to the Secretary for sale or lease by him at its market value or, in the case of property to be used in the provision of housing to be occupied by families or individuals of low or moderate income, at its fair value for use in the provision for such housing. Property which is to be used for other purposes approved in the plan may be disposed of by the Administrator in accordance with applicable law governing the disposition of surplus real property.

"(b) As a condition to any sale or lease by the Secretary of surplus land under this section at less than market value, the Secretary shall obtain such undertakings or impose such restrictions for such period of time as he may consider appropriate to assure that the property will be used for the purposes, and in the manner, contemplated by the approved plan: *Provided*, That prior to any such sale or lease to a purchaser or lessee other than a public body, the Secretary shall notify the governing body of the locality where the land is located of the proposed sale or lease and no such sale or lease shall be made if the local governing body, within ninety days of such notification, formally advises the Secretary that it objects to the proposed sale or lease. The Secretary shall notify the Committee on Banking, Housing and Urban Affairs of the Senate, the Committee on Banking and Currency of the House of Representatives, and the Committees on Government Operations of the Senate and House of Representatives whenever any surplus land is sold or leased by him pursuant to the authority of this section."

FLEXIBLE INTEREST RATE AUTHORITY

SEC. 708. Section 3(a) of Public Law 90–301, approved May 7, 1968, as amended (12 U.S.C. 1709–1), is amended by striking out "June 30, 1972" and inserting in lieu thereof "June 30, 1974".

URBAN RENEWAL

SEC. 709. (a) Clause (i) of section 103(a) (2)(B) of the Housing Act of 1949 is amended to read as follows: "(i) a municipality having, at the time the contract or contracts involved are entered into, a population of fifty thousand or less according to the most recent decennial census, and a municipality, the population of which is in excess of fifty thousand at the time the contract or contracts are entered into, having a population at any time prior to the time the final grant payment is made pursuant to such contract or contracts which is substantially less than fifty thousand according to such census,".

(b) This first sentence of section 103(b) of such Act is amended by striking out "and by $1,500,000,000 on July 1, 1971" and inserting in lieu thereof "by $1,500,000,000 on July 1, 1971" and inserting in lieu thereof "by $1,500,000,000 on July 1, 1971, by $650,000,000 on July 1, 1972, and by $300,000,000 on July 1, 1973".

(c) The amendment made by subsection (a) shall apply to contracts entered into under title I of the Housing Act of 1949 on or after the date of the enactment of this Act, and to any contract entered into under such title before such date if the final grant payment has not been made pursuant thereto before such date.

HOUSING FOR THE ELDERLY OR HANDICAPPED; DEPUTY ASSISTANT SECRETARY FOR ELDERLY HOUSING

SEC. 710. (a) Section 202(a)(4) of the Housing Act of 1959 is amended by striking out the first sentence thereof and inserting the following: "There is authorized to be appropriated for the purposes of this section not to exceed $750,000,000."

(b)(1) The first sentence of section 4(a) of the Department of Housing and Urban Development Act is amended by striking out "six" and inserting in lieu thereof "seven".

(2) Section 4(b) of such Act is amended by inserting "(1)" after "(b)" and by adding at the end thereof a new paragraph as follows:

"(2) One of the Assistant Secretaries provided for in subsection (a) shall be designated Assistant Secretary for Housing for the Elderly. All of the programs administered by the Department to provide aid or assistance in behalf of the elderly shall be administered by and through the Assistant Secretary so designated. In the exercise of this authority, the Assistant Secretary shall—

"(A) make maximum use of the loan program under section 202 of the Housing Act of 1959 in providing housing and related facilities for the elderly;

"(B) be regularly consulted with respect to all other programs of the Department to the extent that they provide or otherwise involve housing for the elderly;

"(C) provide a central source and clearinghouse of information with respect to housing for the elderly;

"(D) coordinate housing programs for the elderly and seek ways to consolidate programs which overlap; and

"(E) carry out studies and make recommendations for such administrative or legislative action as may be appropriate to meet the housing needs of the elderly in rural areas, including emergency grants where necessary for the repair or rehabilitation of dwelling units."

NATIONAL INSTITUTE OF BUILDING SCIENCES

SEC. 711. (a) (1) The Congress finds (A) that the lack of an authoritative national source to make findings and to advise both the public and private sectors of the economy with respect to the use of building science and technology in achieving nationally acceptable standards and other technical provision for use in Federal, State, and local housing and building regulations is an obstacle to efforts by and imposes severe burdens upon all those who procure, design, construct, use, operate, maintain, and retire physical facilities, and frequently results in the failure to take full advantage of new and useful developments in technology which could improve our living environment; (B) that the establishment of model building codes or of a single national building code will not completely resolve the problem because of the difficulty at all levels of government in updating their housing and building regulations to reflect new developments in technology, as well as the irregularities and inconsistencies which arise in applying such requirements to particular localities or special local conditions. (C) that the lack of uniform housing and building regulatory provisions increase the costs of construction and thereby reduces the amount of housing, and other community facilities which can be provided; and (D) that the existence of a single authoritative nationally recognized institution to provide for the evaluation of new technology for the purpose of updating housing and building regulatory provisions could facilitate introduction of such innovations and their acceptance at the Federal, State, and local levels.

(2) The Congress further finds, however, that while an authoritative source of technical findings is needed, various private organizations and institutions, private industry, labor, and Federal and other governmental agencies and entities are presently engaged in building research, technology development, testing, and evaluation, standards and model code development and promulgation, and information dissemination. These existing activities should be encouraged and these capabilities effectively utilized wherever possible and appropriate to the purposes of this section.

(3) The Congress declares that an authoritative nongovernmental instrument needs to be created to address the problems and issues described in paragraph (1), that the creation of such an instrument should be initiated by the Government, with the advice and assistance of the National Academy of Sciences-National Academy of Engineering-National Research Council (hereinafter referred to as the "Academies-Research Council") and of the various sectors of the building community, including labor and management, technical experts in building science and technology, and the various levels of government.

(b) (1) There is authorized to be established, for the purposes described in subsection (a) (3), an appropriate nonprofit, nongovernmental instrument to be known as the "National Institute of Building Sciences" (hereinafter referred to as the "Institute"), which shall not be an agency or establishment of the United States Government. The Institute shall be subject to the provisions of this section and, to the extent consistent with this section, to a charter of the Congress if such a charter is requested and issued or to the District of Columbia Nonprofit Corporation Act if that is deemed preferable.

(2) The Academies-Research Council, along with other agencies and organizations which are knowledgeable in the field of building technology, shall advise and assist in (A) the establishment of the Institute; (B) the development of an organizational framework to encourage and provide for the maximum feasible participation of public and private scientific, technical, and financial organizations, institutions, and agencies now engaged in activities pertinent to the development, promulgation, and maintenance of performance criteria, standards, and other technical provisions for building codes and other regulations; and (C) the promulgation of appropriate organizational rules and procedures including those for the selection and operation of a technical staff, such rules and procedures to be based upon the primary object of promoting the public interest and insuring that the widest possible variety of interests and experience essential to the functions of the Institute are represented in the Institute's operations. Recommendations of the Academies-Research Council shall be based upon consultations with and recommendations from various private organizations and institutions, labor, private industry, and governmental agencies and entities operating in the field, and the Consultative Council as provided for under subsection (c) (8).

(3) Nothing in this section shall be construed as expressing the intent of the Congress that the Academies-Research Council itself be required to assume any function or operation vested in the Institute by or under this section.

(c) (1) The Institute shall have a Board of Directors (hereinafter referred to as the "Board") consisting of not less than 15 nor more than 21 members, appointed during its first five years of operation by the President of the United States by and with the advice and consent of the Senate, and thereafter as provided for by its charter. Insofar as is practicable, the Board shall be reasonably representative of the various regions of the country, of the various segments of the building community including private industry and labor, of all levels of Government, of consumer interests, and of the various types of experience which are appropriate to the functions and responsibilities of the Institute.

(2) The members of the initial Board shall serve as incorporators and shall take whatever actions are necessary to establish the Institute as provided for under subsection (b) (1).

(3) The term of office of each member of the initial and succeeding Boards shall be three years; except that (A) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and (B) the terms of office of members first taking office shall begin on the date of incorporation and shall expire, as designated at the time of their appointment, one-third at the end of one year, one-third at the end of two years, and one-third at the end of three years. No member shall be eligible to serve in excess of three consecutive terms of three years each. Notwithstanding the preceding provisions of this subsection, a member whose term has expired may serve until his successor has qualified.

(4) Any vacancy in the initial and succeeding Boards shall not affect its power, but shall be filled in the manner in which the original appointments were made, or, after the first five years of operation, as provided for by the organizational rules and procedures of the Institute.

(5) The President shall designate one of the members appointed to the initial Board as Chairman; thereafter, the members of the initial and succeeding Boards shall annually elect one of their number as Chairman. The members of the Board shall also elect one or more of their number as Vice Chairman. Terms of the Chairman and Vice Chairman shall be for one year and no individual shall serve as Chairman or Vice Chairman for more than two consecutive terms.

(6) The members of the initial or succeeding Boards shall not, by reason of such membership, be deemed to be employees of the United States Government. They shall, while attending meetings of the Board or while engaged in duties related to such meetings or in other activities of the Board pursuant to this title, be entitled to receive compensation at the rate of $100 per day including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, equal to that authorized under section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(7) The Institute shall have a President and such other executive officers and employees as may be appointed by the Board at rates of compensation fixed by the Board. No such executive officer or employee may receive any salary or other compensation from any source other than the Institute during the period of his employment by the Institute.

(8) The Institute shall establish, with the advice and assistance of the Academies-Research Council and other agencies and organizations which are knowledgeable in the field of building technology, a Consultative Council, membership in which shall be available to representatives of all appropriate private trade, professional, and labor organizations, private and public standards, code, and testing bodies, public regulatory agencies, and consumer groups, so as to ensure a direct line of communication between such groups and the Institute and a vehicle for representative hearings on matters before the Institute.

(d) (1) The Institute shall have no power to issue any shares of stock, or to declare or pay any dividends.

(2) No part of the income or assets of the Institute shall inure to the benefit of any Director, officer, employee, or any other individual except as salary or reasonable compensation for services.

(3) The Institute shall not contribute to or otherwise support any political party or candidate for elective public office.

(e) (1) The Institute shall exercise its functions and responsibilities in four general areas relating to building regulation, as follows:

(A) Development, promulgation, and maintenance of nationally recognized performance criteria, standards, and other technical provisions for maintenance of life, safety, health and public welfare suitable for adoption by building regulating jurisdictions and agencies, including test methods and other evaluative techniques relating to building systems, subsystems, components, products, and materials.

(B) Evaluation and prequalification of existing and new building technology in accordance with paragraph (A).

(C) Conduct of needed investigations in direct support of paragraphs (A) and (B).

(D) Assembly, storage, and dissemination of technical data and other information directly related to paragraphs (A), (B), and (C).

(2) The Institute in exercising its functions and responsibilities described in paragraph (1) shall assign and delegate, to the maximum extent possible, responsibility for conducting each of the needed activities described in paragraph (1) to one or more of the private organizations, institutions, agencies, and Federal and other governmental entities with a capacity to exercise or contribute to the exercise of such responsibility, monitor the performance achieved through assignment and delegation, and, when deemed necessary, reassign and delegate such responsibility.

(3) The Institute in exercising its functions and responsibilities under paragraphs (1) and (2) shall (A) give particular attention to the development of methods for encouraging all sectors of the economy to cooperate with the Institute and to accept and use its technical findings, and to accept and use the nationally recognized performance criteria, standards, and other technical provisions developed for use in Federal, State, and local building codes and other regulations which result from the program of the Institute; (B) seek to assure that its actions are coordinated with related requirements which are imposed in connection with community and environmental development generally; and (C) consult with the Department of Justice and other agencies of government to the extent necessary to ensure that the national interest is protected and promoted in the exercise of its functions and responsibilities.

(f) (1) The Institute is authorized to accept contracts and grants from Federal, State, and local governmental agencies and other entities, and grants and donations from private organizations, institutions, and individuals.

(2) The Institute may, in accordance with rates and schedules established with guidance as provided under subsection (b) (2), establish fees and other charges for services provided by the Institute or under its authorization.

(3) Amounts received by the Institute under this section shall be in addition to any amounts which may be appropriated to provide its initial operating capital under subsection (h).

(g) (1) Every department, agency, and establishment of the Federal Government, in carrying out any building or construction, of any building- or construction-related program, which involves direct expenditures, and in developing technical requirements for any building or construction, shall be encouraged to accept the technical findings of the Institute, or any nationally recognized performance criteria, standards, and other technical provisions for building regulations brought about by the Institute, which may be applicable.

(2) All projects and programs involving Federal assistance in the form of loans, grants, guarantees, insurance, or technical aid, or in any other form, shall be encouraged to accept, use, and comply with any of the technical findings of the Institute, or any nationally recognized performance criteria, standards, and other technical provisions for building codes and other regulations brought about by the Institute, which may be applicable to the purposes for which the assistance is to be used.

(3) Every department, agency, and establishment of the Federal Government having responsibility for building or construction, or for building- or construction-related programs, is authorized and encouraged to request authorization and appropriations for grants to the Institute for its general support, and is authorized to contract with and accept contracts from the Institute for specific services where deemed appropriate by the responsible Federal official involved.

(4) The Institute shall establish and carry on a specific and continuing program of cooperation with the States and their political subdivisions designed to encourage their acceptance and its technical findings and of nationally recognized performance criteria, standards, and other technical provisions for building regulations brought about by the Institute. Such program shall include (A) efforts to encourage any changes in existing State and local law to utilize or embody such findings and regulatory provisions; and (B) assistance to States in the development of in-service training programs for building officials, and in the establishment of fully staffed and qualified State technical agencies to advise local officials on questions of technical interpretation.

(h) There is authorized to be appropriated to the Institute, over the first five fiscal years which end after the date of the enactment of this section, the sum of $5,000,000 for each of the first two such fiscal years, the sum of $3,000,000 for each of the next two such fiscal years, and the sum of $2,000,000 for the last such fiscal year (with each appropriation to be available until expended or until six years shall have passed), to provide the Institute with initial capital adequate for the exercise of its functions and responsibilities during such years; and thereafter the Institute shall be financially self-sustaining through the means described in subsection (f).

(i) The Institute shall submit an annual report for the preceding fiscal year to the President for transmittal to the Congress within sixty days of its receipt. The report shall include a comprehensive and detailed report of the Institute's operations, activities, financial condition, and accomplishments under this section and may include such recommendations as the Institute deems appropriate.

CLOSING COSTS

SEC. 712. (a) Section 701 of the Emergency Home Finance Act of 1970 is amended to read as follows:

"ALLOWABLE CLOSING COSTS IN THE FINANCING OF CERTAIN HOUSING; PROHIBITION OF CERTAIN FEES

"SEC. 701. (a) The Secretary of Housing and Urban Development shall, after consultation with the Administrator of Veterans' Affairs, publish standards governing the amounts of closing costs allowable to be paid by buyers and sellers in connection with the financing of housing designed principally for the occupancy of from one to four families and—

"(1) which is built, rehabilitated, or purchased with assistance provided under the Revised National Housing Act, the National Housing Act, or chapter 37 of title 38, United States Code; or

"(2) which is covered by a mortgage purchased by the Federal National Mortgage Association of the Federal Home Loan Mortgage Corporation.

"(b) Unless the closing costs charged in connection with the financing of such housing are allowable under standards published under subsection (a) of this section at the time of such financing—

"(1) no mortgage covering such housing shall be insured or guaranteed under any such Act or chapter unless the Secretary or the Administrator, as the case may be, determines that any excess or nonallowable charge has been repaid; and

"(2) no mortgage covering such housing shall be purchased by such Association or Corporation.

"(c) Standards published under subsection (a) of this section shall—

"(1) be consistent in any area for housing described in subsection (a) of this section; and

"(2) be based on the Secretary's estimates of the reasonable charges for necessary services involved in closings for particular classes of mortgages and loans.

"(d) The Secretary shall from time to time make such recommendations to the Congress as he deems appropriate for legislation to reduce closing costs and to standardize such costs for all geographic areas.

"(e) Any person who accepts or furnishes any thing of value pursuant to any agreement, oral or otherwise, that business incident to or a part of any real estate settlement shall be referred to any person shall be fined not more than $10,000 or imprisoned for not more than one year, or both, except that this subsection shall apply only in the case of a real estate settlement in connection with housing referred to in subsection (a)."

(b) The standards referred to in the amendment made by subsection (a) of this section shall be published not later than one hundred and eighty days after the date of enactment of this Act.

HOUSING GOALS AND ANNUAL REPORT

SEC. 713. (a) Section 1601 of the Housing and Urban Development Act of 1968 is amended—

(1) by striking out the section heading and inserting in lieu thereof the following:

"REAFFIRMATION OF NATIONAL GOAL; DEVELOPMENT OF STATE AND LOCAL GOALS";

(2) by inserting "(a)" after "SEC. 1601."; and

(3) by adding at the end thereof the following new subsections:

"(b) The Congress further finds that the achievement of the national housing goal will require a more efficient use of the Nation's existing housing stock through such measures as preservation, rehabilitation, and improvements in management and maintenance policies, in order that losses to the housing stock may be minimized and the current level of housing services improved.

"(c) In order to facilitate the achievement of the national housing goal and provide a more precise basis for determining national housing requirements, the Secretary of Housing and Urban Development shall encourage (through the provision of planning assistance and otherwise) the formulation of State and local housing goals covering major housing market areas. State and local housing goals so developed and formulated may include both the housing production requirements of the areas involved and the actions needed to preserve the existing housing stock in such areas, including—

"(1) the numbers and types of subsidized housing units which are needed annually to serve various income groups and are necessary for relocation or replacement housing resulting from community development programs;

"(2) the Federal, State, and local programs which might or should be utilized to meet the goals established, and the adequacy of private financing resources in meeting these goals;

"(3) the identification of impediments to meeting these goals, such as unrealistic or obsolete building codes and zoning regulations, and any recommendations or proposals for eliminating such impediments; and

"(4) plans for the general location of low- and moderate-income housing so as to provide the residents thereof with greater access to employment opportunities."

(b) Section 1602 of such Act is amended—

(1) by inserting "(a)" after "SEC. 1602."; and

(2) by adding at the end thereof a new subsection as follows:

"(b) The President shall from time to time report to the Congress such changes in the plan submitted pursuant to subsection (a) as he determines to be necessary or appropriate for the realization of the goal referred to in section 1601. Revisions so reported shall take into account (1) State and local housing goals which have been developed and formulated as prescribed in section 1601(c), and (2) community development needs pursuant to the Community Development Assistance Act of 1972. Requests to the Congress for appropriations or new authorizations to carry out federally assisted housing programs shall be in three-year increments and shall be accompanied by explanatory material indicating the manner in which the requests will further the realization of the goal referred to in section 1601."

(c) (1) Section 1603 of such Act is amended by redesignating paragraphs (5) and (6) as paragraphs (8) and (9), respectively and by inserting after paragraph (4) the following new paragraphs:

"(5) include a contingency plan for the provision of required mortgage credit, setting forth proposed governmental actions to be carried out in the event of adverse mortgage credit conditions;

"(6) provide an analysis of changes affecting housing costs borne by occupants, together with recommended actions to reduce the cost of any inflationary elements;

"(7) provide an analysis of annual changes in the number and conditions of units in the national housing inventory;".

(2) Such section is further amended by adding at the end thereof the following: "As an aid in the preparation of such periodic reports, the Bureau of the Census shall make such annual surveys as the President deems necessary to obtain current information on the national housing inventory."

COMMUNITY DEVELOPMENT GUARANTEES

SEC. 714. Section 713(c) of the Housing and Urban Development Act of 1970 is amended by striking out "$500,000,000" and inserting in lieu thereof "the sum of $500,000,000 prior to July 1, 1972, which sum shall be increased to $558,000,000 on July 1, 1972, and to $858,000,000 on July 1, 1973".

NEIGHBORHOOD FACILITIES GRANTS

SEC. 715. (a) The last sentence of section 708(a) of the Housing and Urban Development Act of 1965 is amended by inserting after the figure "$50,000,000" the following: "and for the fiscal year commencing July 1, 1972, not to exceed $14,000,000,".

(b) Section 708(b) of such Act is amended by striking out "July 1, 1972" and inserting in lieu thereof "July 1, 1973".

INTERIM AUTHORIZATIONS FOR LOW-INCOME HOUSING ASSISTANCE

SEC. 716. (a) The second sentence of section 235(h)(1) of the National Housing Act is amended by striking out "and by $200,000,000 on July 1, 1971" and inserting in lieu thereof the following: "by $200,000,000 on July 1, 1971, and by $115,000,000 on July 1, 1972".

(b) The second sentence of section 236(i) (1) of the National Housing Act is amended by striking out "and by $200,000,000 on July 1, 1971" and inserting in lieu thereof the following: "by $200,000,000 on July 1, 1971, and by $225,000,000 on July 1, 1972".

ASSISTANCE TO NONPROFIT SPONSORS OF LOW- AND MODERATE-INCOME HOUSING

SEC. 717. (a) Section 106(a)(2) of the Housing and Urban Development Act of 1968 is amended by striking out the second sentence and inserting in lieu thereof the following: "In addition there are authorized to be appropriated not to exceed $25,000,000 for the fiscal year ending June 30, 1973, and not to exceed $30,000,000 for the fiscal year ending June 30, 1974. Any amounts so appropriated shall remain available until expended, and any amounts authorized for any fiscal year under this paragraph but not appropriated may be appropriated for any succeeding fiscal year."

(b) The first sentence of section 106(b)(3) of such Act is amended by striking out "and not to exceed $10,000,000 for the fiscal year ending June 30, 1970" and inserting in lieu thereof "not to exceed $10,000,000 for the fiscal year ending June 30, 1970, not to exceed $10,000,000 for the fiscal year ending June 30, 1973, and not to exceed $15,000,000 for the fiscal year ending June 30, 1974".

INTERIM AUTHORIZATION FOR PUBLIC HOUSING

SEC. 718. The first sentence of section 10(e) of the United States Housing Act of 1937, as in effect prior to the effective date of chapter II of the Housing and Urban Development Act of 1972, is amended by striking out "and $225,000,000 on July 1, 1971" and inserting in lieu thereof the following: "$225,000,000 in July 1, 1971, and $300,000,000 on July 1, 1972".

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

SEC. 719. Clause (3) of the proviso to the first sentence of section 302(b)(1) of the National Housing Act is amended by striking out "$22,000" and inserting in lieu thereof "$26,000".

FEDERAL NATIONAL MORTGAGE ASSOCIATION

SEC. 720. (a) Section 302(a)(2) of the National Housing Act is amended by striking out "the effective date established pursuant to section 808 of the Housing and Urban Development Act of 1968" and inserting in lieu thereof "September, 1968", and by striking out "effective in subparagraphs (A) and (B) thereof.

(b) The third sentence of section 302(a) (2)(B) of such Act is amended by inserting "or the metropolitan area thereof" immediately following "District of Columbia", and by striking out "thereof" immediately before before the period and inserting in lieu thereof "of the District of Columbia".

(c) Clause (C) of the second sentence of section 302(b)(2) of such Act is amended by striking out "private".

(d) The last sentence of section 302(b)(2) of such Act is amended by striking out "which would be applicable if the mortgage were insured by the Secretary of Housing and Urban Development under section 203 (b) or 207 of the National Housing Act" and inserting in lieu thereof "of the first proviso to the first sentence of section 5(cv) of the Home Owners Loan Act of 1933".

(e) Section 303(a) of such Act is amended—

(1) by striking out "; and initially shall also have nonvoting preferred stock, with a par value of $100 per share, to which the Secretary of the Treasury shall subscribe as provided in subsections (d) and (e) of this section"; and

(2) by striking out everything after the second sentence thereof.

(f) Section 303(c) of such Act is amended—

(1) by striking out "the effective date established pursuant to section 808 of the Housing and Urban Development Act of 1968" and inserting in lieu thereof "September 1, 1968"; and

(2) by striking out ": *Provided*, That pending the retirement of all the outstanding preferred stock of the corporation such percentage with respect to any one fiscal year shall not exceed the percentage rate of the cumulative dividend applicable to the preferred stock of the corporation for that fiscal year".

(g) Subsections (d) and (e) of section 303 of such Act are repealed.

(h) Section 304(a)(1) of such Act is amended by striking out "section 502 of the Emergency Home Finance Act of 1970" and inserting in lieu thereof "section 243 of the National Housing Act".

(i) Except with respect to any person receiving an annuity on the date of enactment hereof, section 309(d)(2) of such Act is amended—

(1) by striking out "the termination of the transitional period referred to in section 810 (b) of the Housing and Urban Development Act of 1968" and inserting in lieu thereof "January 31, 1972"; and

(2) by inserting "positions listed" immediately prior to "in section 5312".

(j) Subsections (b) and (c) of section 810 of the Housing and Urban Development Act of 1968 are repealed.

EXPENDITURES TO CORRECT OR COMPENSATE FOR SUBSTANTIAL DEFECTS IN MORTGAGED HOMES

SEC. 721. Section 518(b) of the National Housing Act is amended to read as follows:

"(b) The Secretary is authorized to make expenditures to correct, or to compensate the owner for, structural or other defects which seriously affect the use and livability of any single-family dwelling which—

"(1) is covered by a mortgage insured under section 235 of this Act and is more than one year old on the date of the issuance of the insurance commitment, if (A) the owner requests assistance from the Secretary not later than six months after the date of enactment of the Housing and Urban Development Act of 1972, and (B) the defect is one that existed on the date of the issuance of the insurance commitment and is one that a proper inspection could reasonably be expected to disclose; or

"(2) is covered by a mortgage which was insured under section 221(d)(2) of this Act not more than two years prior to the date of enactment of the Housing and Urban Development Act of 1972, if (A) the owner requests assistance from the Secretary not later than one year after the date of enactment of the Housing and Urban Development Act of 1972, and (B) the defect is one that existed on the date of the issuance of the insurance commitment and is one that a proper inspection could reasonably be expected to disclose.

The Secretary may require from the seller of any such dwelling an agreement to reimburse him for any payments made pursuant to this subsection with respect to such dwelling."

FEDERAL RESERVE ACT

SEC. 722. Section 24 of the Federal Reserve Act is amended to read as follows:

"REAL ESTATE LOANS BY NATIONAL BANKS

"SEC. 24. (a) (1) Any national banking association may make real estate loans secured by liens upon unimproved real estate, upon improved real estate, including improved farmland and improved business and residential properties, and upon real estate to be improved by a building or buildings to be constructed or in the process of construction, in an amount which when added to the amount unpaid upon prior mortgages, liens and encumbrances, if any, upon such real estate does not exceed the respective proportions of appraised value as provided in this section. A loan secured by real estate within the meaning of this section shall be in the form of an obligation or obligations secured by a mortgage, trust deed, or other instrument which shall constitute a lien on real estate in fee or, under such rules and regulations as may be prescribed by the Comptroller of the Currency, on a leasehold under a lease which does not expire for at least 10 years beyond the maturity date of the loan, and any national banking association may purchase or sell any obligations so secured in whole or in part. The amount of any such loan hereafter made shall not exceed 66⅔ per centum of the appraised value if such real estate is unimproved, 75 per centum of the appraised value if such real estate is improved by off-site improvements such as streets, water, sewers or other utilities, 75 per centum of the appraised value if such real estate is in the process of being improved by a building or building to be constructed or in the process of construction, or 90 per centum of the appraised value if such real estate is improved by a building or buildings. If any such loan exceeds 75 per centum of the appraised value of the real estate or if the real estate is improved with a one to four family dwelling, installment payments shall be required which are sufficient to amortize tlhe entire principal of the loan within a period of not more than thirty years.

"(2) The limitations and restrictions set forth in paragraph (1) shall not prevent the renewal or extension of loans heretofore made and shall not apply to real estate loans (A) which are insured under the provisions of the National Housing Act, (B) which are insured by the Secretary of Agriculture pursuant to title I of the Bankhead-Jones Farm Tenant Act, or the Act of August 28, 1937, as amended, or title V of the Housing Act of 1949, as amended, or (C) which are guaranteed by the Secretary of Housing and Urban Development for the payment of the obligations of which the full faith and credit of the United States is pledged, and such limitations and restrictions shall not apply to real estate loans which are fully guaranteed or insured by a State, or any agency or instrumentality thereof, or by a State authority for the payment of the obligations of which the faith and credit of the State is pledged, if under the terms of the guaranty or insurance agreement the association will be assured of repayment in accordance with the terms of the loan, or to any loan at last 20 per centum of which is guaranteed under chapter 37 of title 38, United States Code.

"(3) Loans which are guaranteed or insured as described in paragraph (2) shall not be taken into account in determining the amount of real estate loans which a national banking association may make in relation to its capital and surplus or its time and savings deposits or in determining the amount of real estate loans secured by other than first liens. Where the collateral for any loan consists partly of real estate security and partly of other security, including a guaranty or endorsement by or an obligation or commitment of a person other than the borrower, only the amount by which the loan exceeds the value as collateral of such other security shall be considered a loan upon the security of real estate, and in no event shall a loan be considered as a real estate loan where there is a valid and binding agreement entered into by a financially responsible lender or other party either directly with the association or which is for the benefit of or has been assigned to the association and pursuant to which agreement the lender or other party is required to advance to the association within sixty months from the date of the making of said loan the full amount of the loan to be made by the association upon the security of real estate. Except as otherwise provided, no such association shall make real estate loans in an aggregate sum in excess of the amount of the capital stock of such association paid in and unimpaired plus the amount of its unimpaired surplus fund, or in excess of 70 per centum of the amount of its time and savings deposits, whichever is greater: *Provided*, That the amount unpaid upon real estate loans secured by other than first liens when added to the amount unpaid upon prior mortgages, liens, and encumbrances shall not exceed in an aggregate sum 20 per centum of the amount of the capital stock of such association paid in and unimpaired plus 20 per centum of the amount of its unimpaired surplus fund.

"(b) Any national banking association may make real estate loans secured by liens upon forest tracts which are properly managed in all respects. Such loans shall be in the form of an obligation or obligations secured by mortgage, trust deed, or other such instrument; and any national banking association may purchase or sell any obligations so secured in whole or in part. The amount of any such loan, when added to the amount unpaid upon prior mortgagers, liens, and encumbrances, if any, shall not exceed 66⅔ per centum of the appraise fair market value of the growing timber, lands, and improvements thereon offered as security and the loan shall be made upon such terms and conditions as to assure that at no time shall the loan balance, when added to the amount unpaid upon prior mortgages, liens, and encumbrances, if any, exceed 66⅔ per centum of the original appraised total value of the property then remaining. No such loan shall be made for a longer term than three years; except that any such loan may be made for a term not longer tha fifteen years if the loan is secured by an amortized mortgage, deed of trust, or other such instrument under the terms of which the installment payments are sufficient to amortize the principal of the loan within a period of not more than fifteen years and at a rate of at least 6⅔ per centum per annum. All such loans secured by liens upon forest tracts shall be included in the permissible aggregate of all real estate loans and, when secured by other than first liens, in the permissible aggregate of all real estate loans secured by other than first liens, prescribed in subsection (a), but no national banking association shall make forest-tract loans in an aggregate sum in excess of 50 per centum of its capital stock paid in and unimpaired plus 50 per centum of its unimpaired surplus fund.

"(c) Loans made to finance the construction of a building or buildings and having maturities of not to exceed sixty months where there is a valid and binding agreement entered into by a financially responsible lender or other party to advance the full amount of the bank's loan upon completion of the building or buildings, and loans made to finance the construction of residential or farm buildings and having maturities of not to exceed sixty months, may be considered as real estate loans if the loans qualify under this section, or such loans may be classed as commercial loans whether or not secured by a mortgage or similar lien on the real estate upon which the building or buildings are being constructed at the option of each national banking association that may have an interest in such loans: *Provided*, That no national banking association shall invest in, or be liable on, any such loans classed as commercial loans under this subsection in an aggregate amount in excess of 100 per centum of its actually paid-in and unimpaired capital plus 100 per centum of its unimpaired surplus fund.

"(d) Notes representing loans made under this section to finance the construction of residential or farm buildings and having maturities of not to exceed nine months shall be eligible for discount as commercial paper within the terms of the second paragraph of section 13 of this Act if accompanied by a valid and binding agreement to advance the full amount of the loan upon the completion of the building entered into by an individual, partnership, association, or corporation acceptable to the discounting bank.

"(c) Loans made to any borrower (i) where the association looks for repayment by relying primarily on the borrower's general credit standing and forecast of income, with or without other security, or (ii) secured by an assignment of rents under a lease, and where, in either case described in clause (i) or (ii) above, the association wishes to take a mortgage, deed of trust, or other instrument upon real estate (whether or not constituting a first lieu) as a precaution against contingencies, and loans in which the Small Business Administration cooperates through agreements to participate on an immediate or deferred or guaranteed basis under the Small Business Act shall not be considered as real estate loans within the meaning of this section but shall be classed as commercial loans.

"(f) Any national banking association may make loans upon the security of real estate that do not comply with the limitations and restrictions in this section, if the total unpaid amount loaned, exclusive of loans which subsequently comply with such limitations and restrictions, does not exceed 10 per centum of the amount that a national banking association may invest in real estate loans. The total unpaid amount so loaned shall be included in the aggregate sum that such association may invest in real estate loans.

"(g) Loans made pursuant to this section shall be subject to such conditions and limitations as the Comptroller of the Currency may prescribe by rule or regulation."

EXPANSION OF EXPERIMENTAL HOUSING ALLOWANCE PROGRAM

SEC. 723. (a) Section 504(a) of the Housing and Urban Development Act of 1970 is amended to read as follows:

"(a) In carrying out activities under section 501 the Secretary shall undertake on an experimental basis a program to demonstrate the feasibility of providing families of low income with housing allowances to assist them in obtaining housing of their choice. For this purpose, the Secretary is authorized to make, subject to the limitations contained in section 501, monthly housing allowances to such families in localities determined by the Secretary as having an adequate supply of appropriate housing units."

(b) Section 504(b) of such Act is amended to read as follows:

"(b) The program undertaken pursuant to this section shall include the development and utilization of different types of housing allowances, and different techniques for providing such allowances to families of low income, in order that a wide variety of potentially effective types of and techniques for providing housing allowances may be tested and evaluated. Particular attention shall be given (1) to the impact of such allowances on rent levels for housing units of comparable size throughout the housing market and the extent to which any increased rent levels reflect improved housing services, and (2) to areas where no eligible housing sponsors (public or private) are providing housing assistance and in which there is a need for such housing assistance."

(c) Section 504(d) of such Act is amended by striking out "not to exceed $10,000,000 in each of the fiscal years 1972 and 1973" and inserting in lieu thereof "not to exceed $25,000,000 in each of the fiscal years 1972, 1973, and 1974".

(d) Section 504(e) of such Act is amended by striking out "1972 and 1973" and inserting in lieu thereof "1972, 1973, and 1974".

(e) Section 504(g) of such Act is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1974".

EXTENSION OF CERTAIN PROGRAMS

SEC. 724. (a) (1) Section 2(a) of the National Housing Act is amended by striking out "October 1, 1972" and inserting in lieu thereof "January 1, 1973".

(2) Section 235(m) of such Act is amended

by striking out "October 1, 1972" and inserting in lieu thereof "January 1, 1973".

(3) Section 236(n) of such Act is amended by striking out "October 1, 1972" and inserting in lieu thereof "January 1, 1973".

(4) Section 809(f) of such Act is amended by striking out "October 1, 1972" and inserting in lieu thereof "January 1, 1973".

(5) Section 810(k) of such Act is amended by striking out "October 1, 1972" and inserting in lieu thereof "January 1, 1973".

(6) Section 1002(a) of such Act is amended by striking out "October 1, 1972" and inserting in lieu thereof "January 1, 1973".

(7) Section 1101(a) of such Act is amended by striking out "October 1, 1972" and inserting in lieu thereof "January 1, 1973".

(b) Section 217 of the National Housing Act is amended—

(1) by inserting "section 243," after "section 236,"; and

(2) by striking out "October 1, 1972" and inserting in lieu thereof "January 1, 1973".

(c) Section 221(f) of the National Housing Act is amended by striking out "No mortgage shall be insured under this section after October 1, 1972" and inserting in lieu thereof "No mortgage shall be insured under this section (other than subsections (i) and (j) after January 1, 1973".

(d) Section 243(h)(2) of the National Housing Act is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1974".

(e) Section 708 of the Housing Act of 1961 is amended by striking out "July 1, 1972" and inserting in lieu thereof "July 1, 1974".

REHABILITATION LOANS

SEC. 725. Section 312(h) of the Housing Act of 1964 is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1974".

SEC. 726. (a) Section 5(c) of the Home Owners' Loan Act of 1933 is amended as follows:

(1) In the twelfth sentence (A) strike out "in subsection (a) of section 110 of the Housing Act of 1949" and insert "by the Board"; and (B) strike out "5" and insert in lieu thereof "10".

(2) In the fourth and sixth sentences strike out "$5,000" and insert in lieu thereof "$10,000".

(3) At the end thereof insert the following new sentence: "Without regard to any other provisions of this subsection, any such association whose general reserves, surplus and undivided profit aggregate a sum in excess of 5 per centum of its withdrawable accounts in authorized to invest in, to lend to, or to commit itself to lend to any State housing corporation incorporated in the State in which the head office of such association is situated, in the same manner and to the same extent as the statutes of such State authorize a savings and loan association organized under the laws of said State to invest in, to lend to, or commit itself to lend to such State housing corporation, but the aggregate amount of such investments, loans and commitments of any such association outstanding at any time shall not exceed 1 per centum of the total outstanding loans made or purchased by such association, or $500,000, whichever is the lesser."

(b) Section 5(c) of the Home Owners' Loan Act of 1933 is further amended by adding at the end thereof a new paragraph as follows:

"Subject to such prohibitions, limitations and conditions as the Board may prescribe, any such association may invest in loans and advances of credit and interests therein upon the security of or respecting real property or interests therein used for farming, church or primarily residential purposes (all of which may be defined by the Board) that do not comply with the limitations and restrictions in this subsection, but no investment shall be made by an association under this sentence if its aggregate outstanding investment under this sentence, determined as prescribed by the Board, exclusive of any investment which is or at the time of its making was otherwise authorized, would thereupon exceed 5 per centum of its assets."

Mr. TOWER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SPARKMAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, it is with the greatest pleasure that I rise to commend the distinguished senior Senator from Alabama (Mr. SPARKMAN). As the chairman of the Committee on Banking, Housing and Urban Affairs, he has once again demonstrated his unsurpassed legislative skill and ability. In this body and throughout the Nation, JOHN SPARKMAN has become known as "Mr. Housing." It is a title that is richly deserved. No individual has done more to improve housing opportunities for all Americans than the distinguished Senator from Alabama. Today's success adds another major achievement to his already overabundant record.

I wish also to commend the distinguished Senator from Texas (Mr. TOWER) the ranking minority member of the committee. His splendid cooperation and assistance were indispensable to this achievement. It is at this time too that special tribute should be accorded the distinguished Senator from New York (Mr. JAVITS), because he has shown legislative stamina that is unsurpassed. First, he had a great part to play in the equal opportunities bill, next he devoted his energies fully to the Higher Education Act, and today he added his immense expertise to this Housing bill.

Senator JAVITS has been participating in this Chamber every day, to my knowledge, engaging fully in the debates, and I want him to know that I appreciate his technical skill, his ability, his perseverance, his stamina, and his intellectual capacity. I compliment him on the very fine job that I think he has done ever since the Senate returned to the session on January 18 last. These efforts are most appreciated.

Once again, to Senator SPARKMAN, to Senator TOWER, to Senator JAVITS and to all those who contributed so much to this outstanding achievement today goes the deepest gratitude of the leadership.

Mr. JAVITS. Mr. President, I want to express my appreciation to the distinguished majority leader.

There are not many gratifications we are able to get in life except of the kind the distinguished majority leader has just uttered, and I am very, very grateful.

Mr. MANSFIELD. It is true.

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS, 1972—CONFERENCE REPORT

Mr. PROXMIRE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12067) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1972.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of February 23, 1972, at p. 5231.)

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on the pending conference report there be a time limitation of 30 minutes, to be equally divided between the manager of the conference report (Mr. PROXMIRE) and the Senator from Hawaii (Mr. FONG).

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the conference report.

The yeas and nays were ordered.

Mr. MAGNUSON. Mr. President, will the Senator yield me a minute?

Mr. PROXMIRE. Mr. President, I yield 1 minute to the Senator from Washington.

Mr. MAGNUSON. In the Senate version of the bill there was language allowing the Secretary of the Treasury to lend money to the Department of Labor to pay unemployment benefits pursuant to the law we passed with reference to the extension of 13 weeks. It was in that bill because it was the first appropriation bill that came along, and it was the only place we knew to handle that emergency.

Was it the understanding of the distinguished chairman, as it was mine and that of the Senator from Hawaii, that the House Members and the Senate Members and the two chairmen who were present, the Senator from Louisiana (Mr. ELLENDER) and Representative MAHON, agreed with us that they would have a special resolution taking care of the 13-week unemployment which applied not only to those who had exhausted their benefits but to ex-servicemen and Federal employees?

Mr. PROXMIRE. Mr. President, I yield myself 1 minute to respond to the Senator from Washington. The Senator is right. I am reading from the report:

> Supplemental fiscal 1972 budget estimates for these purposes, contained in the President's 1973 Budget, are now pending consideration in the Congress. The urgency of these items, as well as other unemployment compensation funding requirements mandated by basic legislation, is such that a special supplemental will need to be considered shortly. The conferees have dropped the provisions from the pending bill on the firm assurance that such a supplemental resolution will be presented for consideration in the two Houses within the next three weeks.

Mr. MAGNUSON. I thank the Senator.

Mr. FONG. Mr. President, I yield myself 1 minute to make a statement. I agree with the statement made by the distinguished Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, let me say about the conference report that it is a matter of very real regret to me that I must bring back to the Senate a conference report on H.R. 19072, the Foreign Assistance and Related Programs Appropriation bill, that bears but a slight resemblance to the bill enacted by the Senate on February 4. Considering the history of this year's Foreign Assistance authorization and appropriation bills, it is procedurally possible but a strange twist of circumstances that produces a bill in conference that is well over $100 million above the bill that passed either House—$185,976,000 more than the House passed bill and $112,902,000 over the Senate passed bill. To be more specific, the bill which we now have before us is—$150 million over the amount appropriated in the Senate bill for military assistance; $150 million over the amount appropriated in the Senate bill for supporting assistance; $50 million more for worldwide development assistance—This, although an additional $280.2 million in repayments and carryovers are reappropriated in the bill but not reflected in the table of new obligational authority; $50 million less for humanitarian assistance to Bangladesh refugees.

Less than $5,200,000 the Senate included for the Peace Corps—a bitter personal disappointment to me because the Congress was warned in advance that such a cut would necessitate the return of volunteers.

Mr. Blatchford has advised me this morning that, because of this precipitous and unwarranted action, it will be necessary to return approximately 2,000 volunteers. This amounts to approximately 25 percent of those now in countries to which their services have been committed and prior to expiration of their tour of duty. In addition, it will also be necessary for the Peace Corps to eliminate practically all new programs and drastically curtail those that are ongoing; $50 million less than was included in the Senate bill for the Inter-American Development Bank; $123,050,000 less than was provided by the Senate for the International Bank for Reconstruction and Development; loss of the Senate amendment barring funds for continuing the Agency for International Development's Public Safety program outside Southeast Asia. It will be recalled that this amendment was proposed on the Senate floor by Senator FULBRIGHT and supported by a rollcall vote.

In short, the final result as reflected in the conference report perpetuates the continuation of an eroded and outdated program of bilateral development loans which has not accomplished its goals in the past and will not in the future.

In so doing and in reducing the amount appropriated for the capital accounts of the World Bank—unquestionably the best development loan program in the world today—we have unnecessarily brought into question our commitment to development being channeled through multinational institutions. This redirection of development loans through the International development banks is a goal strongly supported by the administration and the respective legislative committees of both Houses.

Conference action ties the $300 million of military credit sales to an aggregate program of $550 million. The total program in this instance is financed through a combination of appropriated funds and guaranteed private loans. I initially questioned this because Senate action had earmarked $300 million in credit sales for Israel out of $400 million in new obligational authority appropriated in the bill. I have, however, been assured as late as this morning that no less than $300 million of the 1972 program will be available for credit sales to Israel.

It should be said, however, that conference action allowed $87 million for the United Nations development program previously denied by the House and the full amount of the revised budget estimate of $139 million for Cuban refugees.

It should also be noted that there was full and free discussion in the conference which was well attended with the majority of conferees on each side agreeing to the compromises which were made. I have no reasons to believe my views or my disappointment is shared by other conferees and my remarks should not be considered as other than my personal views.

Because I was outvoted consistently by my own conferees in the conference, and therefore it is as chairman of the conference and as chairman of the Senate Foreign Operations Subcommittee that I have presented to the Senate the conference report agreed to by the majority of the conferees. Mr. President, I did not feel in good conscience that I could sign the conference report, nor can I support its adoption by the Senate.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. CRANSTON. I do not know how the other conferees feel, but I thoroughly agree with the position of the Senator from Wisconsin now presenting the conference report to us, and I shall follow his leadership in voting against it.

Mr. PROXMIRE. I thank the Senator.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. JAVITS. Mr. President, I have been going over this report, and would like to state my deep feelings about the Peace Corps, which I think fell between two stools; and I am just wondering whether or not the administration might not feel deeply enough, in its own mind, to find some way of at least allowing an interval during which we can test out the question again on the supplemental.

Mr. PROXMIRE. That is an excellent point. We had the Peace Corps before us in hearings yesterday. I discussed this with Mr. Blatchford this morning, and he said they do not see any way that they can avoid recalling about 2,000 of their volunteers, which is 25 percent of the volunteers they have.

As the Senator knows, however, a supplemental takes a long time. To expect Congress to act again on the Peace Corps within 3 or 4 months, I believe, is unrealistic.

Mr. JAVITS. The President has a contingency fund of $5 million. It is not very much, but if there were some beginning of the appearance of a view both here and in the House of Representatives which would enable the administration to feel it is a fairly sure thing that we do not want to do this, but agree to the conference report only because of the larger issues involved, it might make a difference. I would certainly make inquiry.

I only raise this question because it might stimulate among other Senators a similar interest, which might be communicated to the President.

Mr. PROXMIRE. Fine. I would be glad to sign a letter or use any other means to communicate my feelings to the President, and I am sure other Senators will as well.

Mr. FONG. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. FONG. Mr. President, I yield myself 2 minutes.

In response to the statement of the Senator from New York, I believe there is a feeling among the conferees that if this amount is found to be insufficient, and that it would result in recalling any people, we feel that no people should be recalled, and that we should have a supplemental, and I believe at this time we should request the President to use his contingency fund to keep those people overseas. I would join the distinguished Senator from New York in that request.

Mr. JAVITS. I thank the Senator. Perhaps if a number of us would join, it might happen. I shall be glad to look into it.

I have one further question, but if the Senator wishes to——

Mr. CRANSTON. Mr. President, I would like to say, on this point, that the surest way to achieve what the Senator from New York wishes to achieve, or any other Senator wishes to achieve, with respect to this and other matters with which they may disagree, is to reject the conference report and send it back.

Mr. JAVITS. I understand that, but I believe it is unlikely that it will be rejected. We could do that, to carry out our personal wishes, but I do not think we should, because there is much more here than that. But I think, from a practical point of view, maybe we can accomplish something. With the way that both the managers apparently feel, there might be something to this point.

I should like to address one other question to the Senator from Wisconsin. That is that I notice that a $50 million earmarking for supporting assistance which we had provided for Israel was dropped from the conference bill. May we have some idea as to what considerations entered into that?

Mr. PROXMIRE. Yes. As I understand it, we were absolutely assured by everyone present that it was redundant and unnecessary, since the earmarking had already occurred in the authorizing legislation. But all the conferees on both sides agreed that it is, should be, and will be earmarked for that purpose.

Mr. JAVITS. I thank the Senator.

Mr. FONG. Mr. President, I yield myself 5 minutes.

The measure now before us provides appropriation for various foreign assistance programs totaling $3,189,437,000, a reduction of $1,153,198,000—or nearly 27 percent—from the President's budget request for this fiscal year. It is $437,437,000 under the authorization.

This bill comes before us after 8 months of this fiscal year have elapsed. Many of the reductions in the bill are still too drastic. As I said when the Senate began consideration of this bill on February 1, such delays make it impossible to run these important programs on a reasonable and sensible basis. I agree with my chairman that we must improve this record during this session.

This bill is the primary piece of legislation considered by the Congress which contains virtually all of our foreign assistance activities. Thus, it affords us an opportunity to look at the major aspects of our foreign assistance efforts. I am convinced, and I am sure that many of my colleagues agree with me, that the United States must maintain a strong bilateral foreign assistance program. The United States is uniquely qualified to provide assistance in fields of agriculture, education, and population, among others. I regret that the levels of assistance provided in this bill for bilateral programs are not higher. This is especially true with regard to our activities in technical assistance.

I am pleased, however, that the Senate was able to prevail in the conference in two important instances—support for population programs and relief and reconstruction assistance in South Asia. Each of these programs is of a high priority and expresses our concern for the welfare of the people in the less developed countries.

While I believe it is essential that we maintain a strong bilateral development assistance program, we must continue to support the growth of the major international financial institutions, such as the World Bank and the Inter-American Development Bank, for which funds are provided in this bill. The reduction in funds for each of these institutions in the conference was unfortunate. I am hopeful that the administration will continue its support for these institutions and that the Congress will, in the future, provide the funds requested. However, even if we make significant increases in our contributions to international financial institutions, such notable studies as the Pearson Commission report indicate that at least 80 percent of development assistance will continue to flow through bilateral channels for at least another decade.

Reductions were also made in other development assistance accounts such as our contribution to U.N.-related organizations and the U.S. grant contribution to the Indus Basin Development Fund.

The conferees agreed that the U.S. voluntary contribution to the United Nations Development program should not exceed $86 million this year. This was a necessary compromise in the conference. However, I am confident that Mr. Rudolph Peterson, the recently appointed head of the UNDP, will continue the far-reaching improvements in the administration of this program started by his predecessor, Mr. Paul Hoffman, and that a substantial increase in our contribution to the UNDP will be possible during fiscal year 1973. We also reduced the grant contribution to the Indus Basin Development Fund to $10 million, largely because of the uncertainties resulting from disruptions in the international development efforts in India and Pakistan. I am hopeful that AID will be able to meet the requirement with other funds available in this bill should the need arise.

The primary area of difference in this bill is the area of security assistance. At a time when the President has undertaken an historic initiative for peace, Congress has cut funds for security assistance programs by over $527 million. Continuation of such assistance is imperative if we are to support actively our national objectives and continue the progress the President has achieved to date.

While the conferees dropped the restriction on the funding of public safety programs contained in the Senate bill, we agreed, as stated in the conference report, to examine the public safety program carefully during our hearings this year in an effort to reassess its priority in the context of AID's overall assistance effort. I think this is a reasonable approach to this controversial issue.

I, too, am especially concerned about the fate of the Peace Corps. I remain hopeful that some means will be found to insure continuation of volunteer activities overseas without a forced return of many volunteers.

Again, Mr. President, I commend my subcommittee chairman for his efforts on this bill, which is always a difficult piece of legislation. Rarely do we find everyone agreeing on any piece of legislation. This is especially true in this instance. Nevertheless, I continue to believe that the United States has a basic interest in continuation of its support to the developing countries, and I urge the support of Senators for this conference report.

NO, ON FOREIGN AID APPROPRIATIONS

Mr. CHURCH. Mr. President, the foreign aid appropriations conference report, containing $113 million more than the Senate approved and $186 million more than the House allowed, significantly increases the funding for military assistance programs. The compromise, in my judgment, not only adds money in the wrong places, but also subtracts money in the wrong places, thus tempering still further the modest change in direction that had been achieved in the authorization bill.

I do not blame the distinguished Senator from Wisconsin (Mr. PROXMIRE) the chairman of the Senate conferees for refusing to sign the conference report. I intend to join with him in voting no on final passage.

Even that faithful proforeign aid chronicle, the New York Times, calls this bill a fiasco. In a lead editorial, it points out to its readers that:

> The conferees who upped the military-related ante have amply demonstrated . . . that they conceive of the foreign aid program as an opportunity, not to help people in poor countries, but to export that familiar American product—the military-and-civilian contractor's pork barrel.

I ask unanimous consent that the New York Times editorial entitled "Foreign Aid Fiasco" plus Milton Viorst's astute commentary entitled "Foreign Aid's a Big Boondoggle" from the February 17 Washington Evening Star be inserted here in the RECORD.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 24, 1972]

FOREIGN AID FIASCO

Representative Otto Passman, Democrat of Louisiana, in his long career as chairman of the House Appropriations subcommittee dealing with foreign aid, has steadfastly pretended to be the enemy of waste and the champion of the taxpayer. The compromise reached this week by House-Senate conferees on the foreign aid bill demonstrates the fraudulence of his claim.

After the Senate temporarily killed the entire program last October in a surprise vote, it set to work to shift the pattern of foreign aid spending. The Senate objectives were to invest more in economic development and less in military aid and to diminish American bilateral arrangements in favor of an increased role for international organizations such as the World Bank.

Although the Senate was more tight-fisted with the needy countries than is becoming to the world's richest nation, its efforts to restructure the program were clearly headed in the right direction Unfortunately, those efforts did not fare very well in the conference committee

Under the adamant leadership of Mr Passman, the House conferees insisted on pushing up the spending for military assistance from $350 million to $500 million. Similarly, the so-called "supporting assistance" which goes to countries like South Korea and South Vietnam to help them sustain their military burden went up from the $400 million which the Senate had voted to $550 million. Is this what Mr. Passman means by economizing?

The House appropriated nothing for the American contribution to the World Bank and the derisive sum of $13-million to the Inter-American Bank. These contributions are periodically made by member countries and form the financial back-up for the bonds which these international banks sell to finance their lending. The conference committee split the difference between nothing and adequacy.

The same kind of simple-minded arithmetic prevailed with regard to the Peace Corps, which received $72 million, halfway between the higher Senate and the lower House figures. Trivial cuts—trivial except that people may die because of them—were made in humanitarian programs such as aid to the Bangladesh refugees.

The Senate conferees did not lose on every issue. They did succeed in restoring money for the United Nations Development Fund which the House had eliminated entirely. But, on balance, the conference was a fiasco.

Senator William Proxmire, Democrat of Wisconsin, chairman of the Senate conferees, is right in refusing to sign the conference report. Mr. Passman and his House colleagues have amply demonstrated once again that they conceive of the foreign aid program as an opportunity not to help people in poor countries but to export that familiar American product—the military-and-civilian contractor's pork barrel.

[From the Washington Evening Star, Feb. 17, 1972]

Foreign Aid's a Big Boondoggle

(By Milton Viorst)

It's frequently been said that foreign aid has no constituency, which is why it's always in trouble on Capitol Hill. In fact, I may have said it once or twice myself—contributing thereby to the perpetuation of a Washington myth.

After all, year after year, foreign aid does get approved by Congress and, though the Senate inflicted a dramatic defeat on it in October, Congress then proceeded quietly to reconsider and, by the end of the session, had passed new legislation, much like the original bill, by a comfortable margin.

What's more, the bill passed with substantial support from conservatives—the kind of fellows who watch out for American business, inveigh against heavy taxes and big budgets, and waste no compassion on foreigners, especially the little brown ones to whom foreign aid is directed.

That should have been the tip-off. Indeed, since Sen. Frank Church made what I consider a monumental speech last fall explaining why he had switched from a liberal friend to a liberal foe of foreign aid, the realization has grown that this program has a bigger—and fatter—constituency than most of us astute observers once thought.

There was a hint of it, for example, in a story from India last weekend which described how the New Delhi government is managing since the Nixon administration—in a fit of pique over the Pakistan war—cut off a $500 million aid allotment.

Apparently, India is not $500 million poorer at all. It's most serious loss consists of 300,000 tons of fertilizer which were scheduled to arrive from America this year. Now it will get the fertilizer elsewhere, mostly from domestic sources.

The big losers are the American chemical companies who make the stuff. They've been cut out of some big sales. That's why I suspect that, after a brief face-saving delay, the administration will restore India's foreign aid credits.

My curiosity having been aroused, I turned to a recent report on foreign aid prepared by James W. Howe of the Overseas Development Council, a nonprofit organization funded largely by foundations and business groups.

The report showed that, in fiscal 1970, the foreign aid budget consisted of $1 billion for the purchase of American farm products and at least that much for the purchase of arms.

Then there was the $1.1 billion referred to as "development and humanitarian aid," which is considered the special province of the liberals, bleeding hearts, softies and other charitable folk.

Let's see how that money broke down: $337 million for American raw chemicals, steel and plastics; $362 million for American industrial equipment; $99 million for American fertilizers and feeds. Also, $189 million in technical and scientific services from 120 American universities.

As the report put it, "None (of the foreign aid) is given in cash to foreigners to spend." Of course not. All but a fraction of it goes straight into American pockets.

Furthermore, the report states, "since we have a high rate of unemployment and large unused productive capacity, . . . (foreign aid) meant more jobs, more use of our capacity."

Additionally, the report points out, though $198 million was spent in "humanitarian" aid outside the country, $221 million was repaid by foreign governments in previous aid loans in fact, foreign aid loans have become so lucrative, the report said, that "since 1964 the banks have earned about $2.5 billion for the U.S. balance of payments."

No wonder, then, that foreign aid has a quiet but powerful constituency—of businessmen, defense contractors, farmers, university administrators, labor leaders and bankers. Why not? It's a great American boon-doggle.

Now, don't misunderstand me: I am not opposed to foreign aid, as such. I can see more utility to the export of goods and services for economic development than for wars in Vietnam. There are worse ways to spend our money than helping India grow.

The danger, of course, is that foreign aid's objectives become distorted in the competition among the domestic beneficiaries of the subsidies it pays. I wonder, for example, whether India ever needed all that fertilizer we had promised to send.

In theory, foreign aid is a decent thing to do. In practice, I'm not sure. But the next time someone tells you it's a national hardship, tell him politely to look again.

SELF-HELP AND FOREIGN ASSISTANCE

Mr. EAGLETON. Mr. President, as the Senate prepares to consider the Foreign Assistance Act of 1972, I would like to discuss an aspect of foreign aid which seems to be most appealing to Americans as we seek to reexamine our commitments to the rest of the world.

Last week Mr. B. C. "Bud" Barker, a constituent of mine, was a visitor to my office. Mr. Barker came in to discuss his contribution to a self-help project in Peru as a Volunteer Development Corps volunteer.

Mr. Barker, a retired savings and loan expert from Missouri, assisted the Peruvian credit union movement by suggesting a data gathering system for their use. In a developing country such as Peru it is vital that all segments of the economy have investment capital available at low-interest rates. Mr. Barker has clearly helped Peru help itself.

The contribution of the American taxpayer to programs such as VDC is minimal—a fraction of 1 percent of last year's aid appropriation—and the benefits, in terms of economic development and stability are significant.

If the administration continues to insist upon huge investments to increase the defense capabilities of dictatorial governments whose most common threat comes from within, I will refuse to support aid appropriations bills.

I was dismayed to see that the conference committee on H.R. 12067 restored $150 million to the Senate bill for military assistance after the Senate Appropriations Subcommittee on Foreign Assistance, under the leadership of Senator Proxmire, had cut that program to a reasonable level.

The American taxpayer wants a low investment with a high yield and more programs of a self-help nature.

As a nation, we have been conscious of the developing world for over a decade now. If we have learned anything in that time it is that stability is derived from commitment to the development of human and material resources within these countries, and not from ever-increasing stockpiles of destructive weapons.

Mr. TUNNEY. Mr. President, I am quite disturbed by the action of the Senate-House conferees on foreign aid appropriation for fiscal 1972. By raising the appropriation for military supporting assistance from the $400 million suggested by the Senate to $550 million, the conferees have almost totally disregarded the unpleasant and tangled history of this legislation.

By its action on October 29, 1971, when the Senate repudiated the foreign aid package with which it was presented, and by its continued careful scrutiny of the foreign aid program, the Senate made it quite clear that it was unwilling to continue to acquiesce in the funding of the questionable military program to the extent that it had in the past. Many aspects of that program are reprehensible. They have helped entangle the United States ever deeper in the military morass of Indochina. And they have hindered our effort to remove ourselves from that jungle.

I am tempted, therefore, to vote against the foreign aid appropriation. If the appropriation contained only the military supporting assistance program. I would oppose it. I can see no justification for increasing the supporting assistance appropriation by 37.5 percent over the Senate's recommendation, particularly in light of the history of this legislation.

Unfortunately, however, this bill contains additional an equally vital provisions. It contains $300 million in credit sales to Israel; $200 million for Bangladesh refugee relief, $160 million for general technical assistance and $230 million for the Alliance for Progress. These programs must be supported.

With great reluctance, therefore, I shall vote in favor of this bill. But I shall work this year to secure a separation of these programs so that they can be voted upon by the Congress as individual packages in the future. There is no excuse for using one advisable program as a hostage for completely inadvisable expenditures. We should not need to support an outrageous military expenditure simply because other justifiable programs will be killed by voting against a mixed package.

Mr. President, the Peace Corps, the Bangladesh refugees and displaced persons, the Alliance for Progress, the State of Israel, and the World Bank, among other things deserve and require our support. For that reason, I must vote for this appropriation bill.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record a statement by the distinguished Senator from Wyoming (Mr. McGee).

The PRESIDING OFFICER. Without objection, it is so ordered.

Statement by Senator McGee

Mr. President, while I am not pleased with the Conference Report that is pending, I feel that it represents the best possible bill that could have been obtained, under the circumstances. Needless to say, I firmly believe in the Foreign Aid Program and I feel our Nation can well afford to allocate a much greater portion of its resources to this important program than it presently does. I believe that instead of cutting back on Foreign Aid, we should be increasing the funds we make available, so that, in the next five years we may approach an allocation equal to about one percent of our Gross National Product. Of course, the pending measure does not come near that figure. On the contrary, the appropriation we are now considering is approximately one-third of one percent of our Nation's 1971 Gross National Product.

The House bill contained funds totaling $3,003,461,000, the Senate bill aggregated $3,076,535,000, and the Conferees agreed on a figure of $3,189,437,000. This sum is $1,153,198,000 below the budget estimate and represents one of the largest reductions that has ever been made in a Foreign Assistance Appropriation Bill. The amount is also $622,820,000 below the amount that was appropriated for fiscal year 1971.

As we consider this Conference Report, two-thirds of fiscal year 1972 has passed. Consequently, it has been necessary for the Agency for International Development and the related agencies involved in the Foreign Assistance Appropriation Bill to function under a series of Continuing Resolutions for the first eight months of this fiscal year. During this period, the rates of operation were continually scaled downward as the fiscal year progressed, and the latest Continuing Resolution, which covered the period December 9, 1971, through February 22, 1972, called for a rate of operation that was lower than the rate of operation which prevailed in any of the previous Continuing Resolutions passed since July 1, 1971.

As a result of this deplorable situation, the bargaining power of the Senate Conferees, in many respects, was considerably reduced because so much of the fiscal year had transpired. The Senate figures for Military Assistance and Security Supporting Assistance were $350 million and $400 million respectively. These amounts compared with House allowances for these two appropriations totaling $552 million and $575 million respectively. In normal circumstances, it would be expected that there would be a split in these amounts by a Conference Committee. However, the agencies had legally obligated—based on Continuing Resolutions—a total of $499.4 million for Military Aid and $431.5 million for Security Assistance, not including $50 million of Security Assistance which has been specifically earmarked for Israel. Since these obligations were a *fait accompli*, there was very little the Senate Conferees could do to maintain the Senate's position for Military Assistance and Security Assistance. Consequently, the Conferees agreed on the $500 million appropriation for Military Assistance and a $550 million appropriation for Security Assistance—which sums exceeded the total Senate allowance by $300 million.

Nevertheless, Mr. President, in most of the other items in Title I of the bill the Senate Conferees were most successful in maintaining the Senate position. For the population programs, the Senate had provided a total of $125 million and the Conference Committee agreed to the Senate figure.

For International Organizations and Programs, the Senate had recommended the sum of $138 million, as compared with the House figure of $41 million, and the Committee on Conference accepted the amount of $127 million—including the earmarking of $15 million for the UN Childrens' Fund, which had been adopted by the Senate.

For the Alliance for Progress Technical Assistance Program, the Senate had recommended a figure of $80 million and the Conferees adopted the Senate amount.

For Worldwide Technical Assistance, the Senate had recommended the sum of $165 million, the House allowance was $150 million, and the Conferees agreed to $160 million.

Of course, all Conferences are a matter of give-and-take, and this particular one was no exception. The Senate Conferees fought strenuously to maintain the Senate position on multilateral assistance. Nonetheless, the success obtained was not commensurate with the accomplishment of the Senate Conferees in the bilateral aid area.

For the Inter-American Development Bank, a total of $211,760,000 was made available, which included all the funds requested except the $50 million for the so-called "soft loan" window of the Bank, the Fund for Special Operations.

For the World Bank, the Senate had recommended the full appropriation of $246,100,000, the House allowance for this item was zero, and the Conference Committee agreed on a straight split of $123,050,000.

For most of the other items in Title III, the Senate Conferees were able to stand fast for the amounts recommended by the Senate—with the exception of the Peace Corps. For this item, the House had recommended an amount of $68 million, compared to the Senate sum of $77.2 million, which was the full amount of the authorization. The Conferees agreed to the sum of $72 million, only after it was obvious that the House had taken an adamant position.

As I indicated at the outset, Mr. President, I am not pleased with the performance of the Congress, as a whole, in making appropriations for Foreign Assistance in fiscal year 1972, but, all things considered, I believe this Conference Report represents an acceptable compromise and I urge that it be adopted.

Mr. **KENNEDY**. Mr. President, I am deeply concerned about the failures of the conference to adequately respond to the Nation's need for a balanced foreign assistance program.

First, I believe it is tragic to require the Peace Corps to make a 37-percent cutback in its operations this late in the year. It will mean a disruption that could have critical consequences for the entire program, forcing postponement of training sessions, unwise restrictions of programs in most nations, and perhaps even the return of up to 2,000 volunteers.

Second, there has been a continued emphasis on raising the military portions of this program so that economic and humanitarian assistance seem afterthoughts. The conference report shows substantial increases in the Senate-approved figures for military assistance and military credit sales as well as for supporting assistance.

Finally, the Senate's position on funneling more of our assistance into multilateral institutions has been substantially weakened by the reductions in funding levels for the Inter-American Development Bank.

However, the conference did succeed in retaining the Senate-approved provisions for United Nations assistance and for a substantial commitment to population planning and education.

Perhaps most unfortunate is the recognition that what we have before us once more is a bill that contains levels of commitments which too often reflect the wrong priorities and the wrong concerns.

Hopefully, we can change that in the coming months through a thorough reexamination of the proper basis for a renewed and intelligent foreign assistance program whose emphasis is on humanitarian and development needs.

Mr. President, I am deeply dismayed at the decision of the conferees on the foreign aid appropriations bill which will result in a sudden and demoralizing cutback at the Peace Corps.

Because of the lateness in the year—barely 4½ months remain until the end of this fiscal year—the $6 million budget cut is expected to have the following truly disastrous results:

Approximately 2,000 volunteers might have to be terminated;

Programs in some 50 countries are to be disrupted;

Almost all of the training programs will be disrupted and some will be canceled or postponed; and

Already, 850 invitations scheduled to go to approved applicants have been held up.

The result of the cutback from $77.2 million to $72 million will mean a total 37 percent slice in Peace Corps funding. This occurs because the full impact of the $5 million cut cannot be spread back across the entire year but must be absorbed between now and June 30.

What is even more unfortunate is that this has occurred in direct and glaring contradiction to the wishes of the Senate. The Senate Appropriations Committee reported out full funding of $77.2 million and that level was approved by the Senate without opposition. In fact, many Senators emphasized their belief that the committee had acted wisely and prudently in providing full funding.

Now the House conferees, acting I believe without true regard for the majority opinion of the House Members on this subject, insisted on slicing $5 million from the appropriations, despite their awareness of the tragic consequences this would have on the Peace Corps program.

And it should be emphasized that not only are we breaking our word to volunteers and to young men and women who have offered to become volunteers; but we also are breaking our word to a thousand agencies in the 55 countries where Peace Corps programs now exist.

These are the results of our decision. And they occur while the same conference is adding hundreds of millions of dollars for the same discredited programs of military assistance and internal security assistance that has corrupted our aid programs for the past 2½ decades.

I would urge that we reconsider this matter and recognize that for all of the questions that many of us have about the effort to reduce the identity of the Peace Corps by submerging it in the new conglomerate of action, and for all of the questions we may have for the new directions of Mr. Blatchford, Peace Corps remains one of the truly vital programs connecting American youth and American skills with the opportunity for work with the peoples in the developing nations of the world.

After more than a decade, the Peace Corps has succeeded not only in justifying President Kennedy's faith in the young people of this country but in inspiring similar efforts in other nations. Some day all of these programs may operate best by operating together under the aegis of the U.N. Perhaps that should be the direction of the Peace Corps. But the way to accomplish it is not to gut the present program.

The 50,000 returned volunteers in the United States today understand what underdevelopment means. They understand that underdevelopment is not just measured in GNP statistics. For them, it is measured in the misery of the men and women who populate the favelas and barridas of the world. They understand also that the Nation can no more close its eyes to the conditions of those people than it can close its eyes to the misery of the 25.5 million poor in this country.

Part of the drive for achieving social change here at home has come from those young men and women who saw poverty first abroad. Perhaps one part of the tragedy is the realization that we are setting in motion a reversal of the process by which young Americans become awakened to the reality of life in the nonaffluent countries of the globe.

I would urge the Senate to reconsider this decision. Or at the very least, I would urge that an emergency supplemental appropriations measure be considered by both Appropriations Committees immediately.

President Kennedy said of the Peace Corps:

> In the end, the crucial effort is one of purpose, requiring not only the fuel of finance but the torch of idealism. And nothing carries the spirit of American idealism more effectively to the far corners of the earth than the Peace Corps.

I would rather not think that at a time when the "Torch of Idealism" is being expressed more ways by more young Americans, that the Government failed in providing the "fuel of finance."

Mr. PROXMIRE. Mr. President, I yield five minutes to the distinguished Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, this is a most unusual conference report. It brings to the Senate a figure greater than the amount appropriated by the House and a figure greater than the amount appropriated by the Senate. It is a very strange and unusual conference report.

The figure to be appropriated for foreign aid is $3,189,437,000, which is $112 million more than the Senate approved just recently, and it is almost $200 million more than the House approved.

Mr. President, on October 29, the Senate defeated a foreign aid bill totaling $2.9 billion. Having done that, in January it approved a foreign aid bill of $3.1 billion. Now the conference report has come back with a total of $3.189 billion.

So, while the Senate marched up the hill on October 29 and, I think, created a great deal of interest in the country and a great deal of enthusiasm in the country that at last the Senate was beginning to take a hard look at the Government's financial problems, now it has completely reversed itself and has gone above the figure of $2.9 billion.

I think the Senate would be justified in rejecting this conference report. I intend to vote against it.

Mr. President, it was just yesterday, only 24 hours ago, that the Senate voted $2 billion in authorizations for the international financial institutions. We come here today with appropriations of more than $3 billion for foreign aid. So, in a matter of 24 hours—perhaps it is even less than 24 hours—the Senate has either authorized or appropriated more than $5 billion for foreign aid, including the international financial institutions.

I shall vote against this conference report.

Mr. PROXMIRE. Mr. President, I yield back the remainder of my time.

Mr. FONG. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the conference report. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. RIBICOFF), is absent because of illness in the family.

On this vote, the Senator from Arkansas (Mr. FULBRIGHT) is paired with the Senator from Minnesota (Mr. HUMPHREY). If present and voting, the Senator from Arkansas would vote "nay" and the Senator from Minnesota would vote "yea."

On this vote, the Senator from North Carolina (Mr. JORDAN) is paired with the Senator from Connecticut (Mr. RIBICOFF). If present and voting, the Senator from North Carolina would vote "nay" and the Senator from Connecticut would vote "yea."

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "yea."

Mr. SCOTT. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Wyoming (Mr. HANSEN), the Senator from Oregon (Mr. HATFIELD), the Senator from Ohio (Mr. SAXBE), and the Senator from Vermont (Mr. STAFFORD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "nay."

The result was announced—yeas 45, nays 36, as follows:

[No. 84 Leg.]

YEAS—45

Aiken
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Boggs
Brooke
Buckley
Case
Cooper
Dole
Dominick
Fong
Hart
Javits
Kennedy
Magnuson
Mathias
McIntyre
Metcalf
Miller
Moss
Packwood
Pastore
Pearson
Percy
Randolph
Roth
Schweiker
Scott
Smith
Sparkman
Stennis
Stevens
Stevenson
Taft
Tower
Tunney
Weicker
Williams
Young

NAYS—36

Allen
Bible
Brock
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Church
Cook
Cotton
Cranston
Curtis
Eagleton
Eastland
Ellender
Ervin
Fannin
Gambrell
Gravel
Gurney
Hollings
Hruska
Hughes
Jordan, Idaho
Long
Mansfield
Mondale
Montoya
Nelson
Pell
Proxmire
Spong
Symington
Talmadge
Thurmond

NOT VOTING—19

Fulbright
Goldwater
Griffin
Hansen
Harris
Hartke
Hatfield
Humphrey
Inouye
Jackson
Jordan, N.C.
McClellan
McGee
McGovern
Mundt
Muskie
Ribicoff
Saxbe
Stafford

So the conference report was agreed to.

Mr. FONG. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. SCOTT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The clerk will report the amendments in disagreement.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 5 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter proposed, insert:

"It is the sense of the Congress that the total United States contribution to the International Atomic Energy Agency be negotiated by the State Department with the members of the IAEA in order to bring our contribution down to a per centum not to exceed 31.5. Progress made on these negotiations shall be reported to the Foreign Relations and Appropriations Committees of the Senate and the Foreign Affairs and Appropriations Committees of the House of Representatives by September 30, 1972."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 23 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter inserted, insert:

"INTER-AMERICAN FOUNDATION

"The Inter-American Foundation is authorized to make such expenditures within the limits of funds available to it and in accordance with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 849), as may be necessary in carrying out its authorized programs during the current fiscal year: *Provided*, That not to exceed $10,000,000 shall be available to carry out the authorized programs during the current fiscal year."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 27 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter stricken, insert:

"SEC. 113. No part of any appropriations contained in this Act may be used to provide assistance to Ecuador, unless the President determines that the furnishing of such assistance is important to the national interest of the United States."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 40 to the aforesaid bill, and concur therein with an amendment, as follows:

Add the following at the end of said amendment: "All obligations incurred during the period beginning February 23, 1972 and ending on the date of approval of this Act, for projects or activities for which provision is made in this Act are hereby ratified and confirmed if otherwise in accord with the applicable provisions of this Act."

Mr. PROXMIRE. Mr. President, I move that the Senate agree to the amendments of the House to the amendments of the Senate numbered 5, 23, 27, and 40.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the rule requiring the printing of the conference report as a report of the Senate be waived inasmuch as it has previously been printed by the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that there be printed at this point in the RECORD a tabulation on this bill, reflecting the amounts in the budget estimates for each item, the amounts agreed to in the House, the amounts agreed to in the Senate, and the final conference figure.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATION BILL, FISCAL YEAR 1972—CONFERENCE SUMMARY TABLE

[Note—All amounts are in the form of "appropriations" unless otherwise indicated]

Item	New budget (obligational) authority, fiscal year 1971 (includes supps.)	Budget estimates of new (obligational) authority, fiscal year 1972	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended by conference action	Conference action compared with—			
						New budget (obligational) authority, fiscal year 1971 (includes supps.)	Budget estimates of new (obligational) authority, fiscal year 1972	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE I—FOREIGN ASSISTANCE ACTIVITIES									
Funds Appropriated to the President									
Economic assistance:									
Worldwide, technical assistance	$166,750,000	[1] $232,929,000	$150,000,000	$165,000,000	$160,000,000	−$6,750,000	−$72,929,000	+$10,000,000	−$5,000,000
Alliance for Progress, technical assistance	82,875,000	[2] 129,745,000	75,000,000	80,000,000	80,000,000	−2,875,000	−49,745,000	+5,000,000	
International organizations and programs	103,810,000	[3] 141,000,000	41,000,000	138,000,000	127,000,000	+23,190,000	14,000,000	+86,000,000	−11,000,000
Programs relating to population growth	([4])	([5])	50,000,000	125,000,000	125,000,000	+125,000,000	+125,000,000	+75,000,000	
American schools and hospitals abroad	12,895,000	10,175,000	17,200,000	20,000,000	20,000,000	+7,105,000	+9,825,000	+2,800,000	
Indus Basin Development fund, grants	4,925,000	15,000,000	7,500,000	15,000,000	10,000,000	+5,075,000	−5,000,000	+2,500,000	−5,000,000
Indus Basin Development Fund, loans	6,980,000	12,000,000	6,000,000	12,000,000	12,000,000	+5,020,000		+6,000,000	
United Nations Relief and Works Agency (Arab refugees)	1,000,000					−1,000,000			
Contingency fund	22,500,000	100,000,000	30,000,000	30,000,000	30,000,000	+7,500,000	−70,000,000		
Refugee relief assistance (East Pakistan)		[6] 250,000,000	175,000,000	250,000,000	200,000,000	+ 200,000,000	−50,000,000	+25,000,000	−50,000,000
Alliance for Progress, development loans	287,500,000	235,000,000	150,000,000	150,000,000	150,000,000	−137,500,000	−85,000,000		
Development loans	420,000,000	400,000,000	250,000,000	150,000,000	200,000,000	−220,000,000	−200,000,000	−50,000,000	+50,000,000
Administration expenses:									
AID	51,000,000	[7] 60,200,000	54,600,000	50,000,000	50,000,000	−1,000,000	−10,200,000	−4,600,000	
State	4,100,000	[8] 4,555,000	4,255,000	4,221,000	4,221,000	+121,000	−334,000	−34,000	
Subtotal, economic assistance	1,164,335,000	1,590,604,000	1,010,555,000	1,189,221,000	1,168,221,000	+3,886,000	−422,383,000	+157,666,000	−21,000,000
Military and security supporting assistance:									
Military assistance	690,000,000	705,000,000	552,000,000	350,000,000	500,000,000	−190,000,000	−205,000,000	−52,000,000	+150,000,000
Security supporting assistance	569,600,000	[9] 764,614,000	575,000,000	[22] 400,000,000	[22] 550,000,000	−19,600,000	−214,614,000	−25,000,000	+150,000,000
Subtotal	2,423,935,000	3,060,218,000	2,137,555,000	1,939,221,000	2,218,221,000	−205,714,000	−841,997,000	+80,666,000	+279,000,000
Other:									
Overseas Private Investment Corporation, reserves	18,750,000	25,000,000	25,000,000		12,500,000	−6,250,000	−12,500,000	−12,500,000	+12,500,000
Inter-American Social Development Institute (limitation on obligations)	(10,000,000)	(11,000,000)		(11,000,000)	(10,000,000)		(−1,000,000)	(+10,000,000)	(−1,000,000)
Total, title I, new budget (obligational) authority, Foreign Assistance Act Activities	[10] 2,442,685,000	[11] 3,085,218,000	[12] 2,162,555,000	1,939,221,000	2,230,721,000	−211,964,000	−854,497,000	+68,166,000	+291,500,000
TITLE II—FOREIGN MILITARY CREDIT SALES									
Foreign military credit sales	200,000,000	510,000,000	510,000,000	400,000,000	400,000,000	+200,000,000	−110,000,000	−110,000,000	
Military credit sales to Israel	500,000,000					−500,000,000			
Total, title II, new budget (obligational) authority, Foreign military credit sales	700,000,000	510,000,000	510,000,000	400,000,000	400,000,000	−300,000,000	−110,000,000	−110,000,000	
TITLE III—FOREIGN ASSISTANCE (OTHER)									
Funds appropriated to the President									
Peace Corps	99,000,000	[13] 82,200,000	68,000,000	77,200,000	72,000,000	−18,000,000	−10,200,000	+4,000,000	−5,200,000
Limitation on administrative expenses	(31,400,000)	(28,400,000)	(24,000,000)	(24,500,000)	(24,250,000)	(−7,150,000)	(−4,150,000)	(+250,000)	(−250,000)
Department of the Army—Civil Functions									
Ryukyu Islands, Army, Administration	6,736,000	[14] 4,564,000	4,216,000	4,564,000	4,216,000	−2,520,000	−348,000		−348,000
Department of Health, Education, and Welfare									
Assistance to refugees in the United States (Cuban program)	112,130,000	[15] 144,103,000	100,000,000	139,000,000	139,000,000	+26,870,000	−5,103,000	+39,000,000	

Item	New budget (obligational) authority, fiscal year 1971 (includes supps.)	Budget estimates of new (obligational) authority, fiscal year 1972	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended by conference action	Conference action compared with—			
						New budget (obligational) authority, fiscal year 1971 (includes supps.)	Budget estimates of new (obligational) authority, fiscal year 1972	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Department of State									
Migration and refugee assistance	$5,706,000	[16] $8,690,000	$8,690,000	$8,690,000	$8,690,000	+$2,984,000			
Funds Appropriated to the President									
International Financial Institutions									
Asian Development Bank (paid-in capital)	20,000,000					−20,000,000			
Inter-American Development Bank:									
Paid-in capital	25,000,000	75,000,000	13,240,000	75,000,000	75,000,000	+50,000,000		+$61,760,000	
Callable capital	200,000,000	136,760,000	136,760,000	136,760,000	136,760,000	−63,240,000			
Fund for special operations	50,000,000	50,000,000		50,000,000		−50,000,000	−$50,000,000		−$50,000,000
Subtotal, IDB	275,000,000	[17] 261,760,000	150,000,000	261,760,000	211,760,000	−63,240,000	−50,000,000	+61,760,000	−50,000,000
International Bank for Reconstruction and Development:									
Paid-in capital		24,610,000		24,610,000	12,305,000	+12,305,000	−12,305,000	+12,305,000	−12,305,000
Callable capital		221,490,000		221,490,000	110,745,000	+110,745,000	−110,745,000	+110,745,000	−110,745,000
Subtotal, IBRD		[18] 246,100,000		246,100,000	123,050,000	+123,050,000	−123,050,000	+123,050,000	−123,050,000
International Development Association	160,000,000					−160,000,000			
International Monetary Fund (Quota increase)	(1,540,000,000)					(−1,540,000,000)			
Total, title III, new budget (obligational) authority, Foreign Assistance (other)	669,572,000	747,417,000	330,906,000	737,314,000	558,716,000	−110,856,000	−188,701,000	+227,810,000	−178,598,000
TITLE IV—EXPORT-IMPORT BANK OF THE UNITED STATES									
Limitation on program activity	(4,075,483,000)	[19] (7,323,675,000)	(7,323,675,000)	(7,323,675,000)	(7,323,675,000)	(+3,248,192,000)			
Limitation on administrative expense	(7,048,000)	[20] (8,072,000)	(8,072,000)	(8,072,000)	(8,072,000)	(+1,024,000)			
Total, title IV, Export-Import Bank of the United States, limitations on use of corporate funds	(4,082,531,000)	(7,331,747,000)	(7,331,747,000)	(7,331,747,000)	(7,331,747,000)	(+3,249,216,000)			
TITLE V—DEPARTMENT OF LABOR UNEMPLOYMENT TRUST FUND									
Department of Labor Unemployment Trust Fund				(21)					
RECAPITULATION									
Grand total, new budget (obligational) authority, titles I, II, and III	3,812,257,000	4,342,635,000	3,003,461,000	3,076,535,000	3,189,437,000	−622,820,000	−1,153,198,000	+185,976,000	+112,902,000
Reappropriation of unobligated balances:									
(a) Economic assistance	(26,503,000)	(25,149,000)	(25,149,000)	(25,149,000)	(25,149,000)	(−1,354,000)			
(b) Military assistance	(6,300,000)	(4,000,000)	(4,000,000)	(4,000,000)	(4,000,000)	(−2,300,000)			
(c) Security supporting assistance	(768,000)	(2,721,000)	(2,271,000)	(2,721,000)	(2,721,000)	(+1,953,000)			

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[1] Includes an increase of $1,654,000 contained in H. Doc. 92–93.

[2] Includes an increase of $745,000 contained in H. Doc. 92–93.

[3] Includes $13,300,000 for UNRWA which was funded in fiscal year 1971 from "Supporting assistance."

[4] In fiscal year 1971, this program was funded at a level of $100,000,000 mostly from the "Development loan" accounts.

[5] In the fiscal year 1972 budget, this program was proposed to be funded at a level of $100,000,000 mostly from the "Technical assistance" accounts.

[6] Submitted as a budget amendment in H. Doc. 92–166.

[7] Includes an increase of $2,600,000 contained in H. Doc. 92–93.

[8] Includes an increase of $155,000 contained in H. Doc. 92–93.

[9] Includes an increase of $2,064,000 contained in H. Doc. 92–93.

[10] Unobligated balances as of June 30, 1970, reappropriated.

[11] Unobligated balances as of June 30, 1971, requested to be reappropriated.

[12] Unobligated balances reappropriated.

[13] Includes an increase of $11,000,000 contained in H. Docs. 92–93 ($1,100,000) and 91–122 ($9,900,000).

[14] Includes an increase of $114,000 contained in H. Doc. 92–93.

[15] Includes an increase of $103,000 contained in H. Doc. 92–93.

[16] Includes an increase of $40,000 contained in H. Doc. 92–93.

[17] Includes an increase of $211,760,000 contained in H. Doc. 92–149.

[18] Submitted as a budget amendment in H. Doc. 92–149.

[19] Includes an increase in limitation of $3,690,735,000 contained in H. Doc. 92–175.

[20] Includes an increase in limitation of $373,000 contained in H. Doc. 92–93.

[21] Indefinite.

[22] Includes $50,000,000 earmarked for Israel.

TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 649, H.R. 12910. I do this so that the bill may be the pending business.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 12910) to provide for a temporary increase in the public debt limit.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The Senate proceeded to consider the bill.

PROGRAM

Mr. SCOTT. Mr. President, I rise to ask the distinguished majority leader the order of business for tomorrow and early next week. I assume that there will be no more rollcall votes tonight.

Mr. MANSFIELD. The distinguished minority leader is correct. There will be no more rollcall votes tonight. Mr. President, it is my understanding that an amendment will be offered by the distinguished Senator from Delaware (Mr. ROTH), the distinguished Senator from Virginia (Mr. BYRD), the distinguished Senator from Wisconsin (Mr. PROXMIRE), and others having to do with locking in the total amount of expenditures. I would anticipate that there will be a rollcall vote on that amendment.

I would hope that rollcall vote would be disposed of tomorrow so that it would be possible to dispose of this bill by tomorrow, a bill which the administration needs and wants very badly, a bill about which a great deal of pressure has been exerted by the administration on the joint leadership to have this situation faced up to.

There will be quite a few Senators here. If there are any absentees, I am pretty sure they will be pretty equally divided. I point out that if we do not dispose of this bill tomorrow, we will not be able to take it up on Monday on the basis of the promise of the joint leadership that on Monday we will take up appropriations for various committees that are highly important for these committees.

On Tuesday it is anticipated that we will start on the Voter Registration Act, which is a highly contentious piece of legislation.

Following that we will take up the equal rights for women amendment which is also contentious.

Following that, we will take up H.R. 1, which is just as contentious as the preceding proposals called to the attention of the Senate.

I remind the Senate again that we have not too much time this year in which to do our business. We have a Republican Convention, a Democratic Convention, and an election in November.

So, I would hope that all Members would cooperate with the joint leadership in the expediting of legislation after a reasonable and equitable amount of discussion.

It is my understanding at the present time that there are a number of amendments at the desk which the distinguished minority leader intends to call up.

Mr. PROXMIRE. Mr. President, will the distinguished majority leader yield on that point?

Mr. MANSFIELD. I yield.

Mr. PROXMIRE. Mr. President, it is my understanding that there will be absentees, and a number of absentees who would very much wish to vote on the Roth amendment. Would it be possible for us to vote at a time certain on Tuesday? There would be no debate on the Roth amendment then. It would only take 15 minutes to vote, and that would be it.

Mr. MANSFIELD. Mr. President, the Senator from Wisconsin has been aware of the fact that the joint leadership has said time and time and time again that this legislation should not be held up because Senators are not present. What the Senator is doing in effect is highlighting the absence of Senators who will not be here Tuesday any more than they will be here tomorrow.

I say again what I have said several times before. This is not a Tuesday-to-Thursday club. The Senate operates on at least a 5-day week basis and, if need be, we should be prepared to operate on a 6-day week basis.

If the Senator wishes to push it, there is nothing the joint leadership can do, because there are ways and means to drag out the debate and in that way obviating the need for the presence of Senators. I would anticipate that we would have about that many tomorrow. However, if the Senators wish, they could make the leadership back down. However, the leadership will not back down unless it has to. We will back down only because of tactics adopted by Senators to forestall a vote to a day certain or an hour certain. I will not be a party to that kind of procedure any more.

Mr. SCOTT. Mr. President, I read an editorial from a well-informed editorialist who said that the Senate never meets any more on Wednesday and Friday. I hope that he knows more about his business than he does about this matter.

We must get on to our business. I was wondering if it might be possible to have a unanimous-consent agreement on the time that we might finish the vote on the bill or on the amendments, say at 4 o'clock on tomorrow, or some other time so as to accommodate Senators to the degree to which we can reasonably accommodate them. In that way we will have a better chance to have them present. That is a simple fact of life.

Mr. MANSFIELD. Mr. President, we will come in at 10 in the morning. I cannot make any kind of commitments, because the chairman of the committee has left the Chamber, as has the ranking minority member. I would not want to do anything without their express approval.

Mr. SCOTT. Mr. President, I hear a lot of murmuring about it. Could we then have an indication of the time if at all possible, and with the agreement of the chairman of the committee and the ranking minority member, on tomorrow so that we can expedite the bill and seek to arrive at final passage as early as possible?

Mr. MANSFIELD. Yes, indeed. We ought to be able to start in at about 10:30 tomorrow morning. I do not think the debate on the increase in the public debt limit will take too long. As far as the joint leadership is concerned, we will do everything in our power to expedite the consideration of this amendment and the bill which I had supposed originally could be disposed of by tomorrow night.

Mr. SCOTT. Mr. President, I thank the distinguished Senator.

EXECUTIVE SESSION

Mr. SCOTT. Mr. President, I ask unanimous consent that the Senate go into executive session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, I ask unanimous consent that certain nominations reported earlier today by the Committee on the Judiciary and which are now at the desk be stated.

The PRESIDING OFFICER. The clerk will report the nominations.

U. S. PATENT OFFICE

The legislative clerk read the nomination of Robert Gottschalk, of New Jersey, to be Commissioner of Patents.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

U.S. ATTORNEYS

The legislative clerk read the nomination of William K. Schaphorst, of Nebraska, to be U.S. attorney for the district of Nebraska.

The PRESIDING OFFICER. Without objection, the nomination will be confirmed.

The legislative clerk read the nomination of John A. Field III, of West Virginia, to be U.S. attorney for the southern district of West Virginia.

The PRESIDING OFFICER. Without objection, the nomination will be confirmed.

U.S. DISTRICT JUDGE

The legislative clerk read the nomination of Louis C. Bechtle, of Pennsylvania, to be a U.S. district judge for the eastern district of Pennsylvania.

The PRESIDING OFFICER. Without objection, the nomination will be confirmed.

U.S. DISTRICT JUDGE

The legislative clerk read the nomination of James L. Foreman, of Illinois, to be a U.S. district judge for the eastern district of Illinois.

The PRESIDING OFFICER. Without objection, the nomination will be confirmed.

U.S. DISTRICT JUDGE

The legislative clerk read the nomination of Howard David Hermansdorfer, of Kentucky, to be a U.S. district judge for the eastern district of Kentucky.

The PRESIDING OFFICER. Without objection, the nomination will be confirmed.

Mr. COOPER. Mr. President, I am very glad that the Senate has approved the nomination of H. David Hermansdorfer to be a judge of the U.S. District Court for the eastern district of Kentucky. Judge Hermansdorfer is a graduate of Princeton University and of the University of Virginia Law School. He has had extensive practice in State and Federal courts and he is highly regarded by the people in his community, Ashland, Ky., for his character and fine citizenship. He has been a member of the outstanding law firm of Dietrich and Hermansdorfer, of Ashland, Ky.

Mr. SCOTT. Mr. President, I ask that the President be notified of the confirmation of the nominations.

The PRESIDING OFFICER. The President will be notified.

LEGISLATIVE SESSION

Mr. SCOTT. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

EQUAL RIGHTS CONSTITUTIONAL AMENDMENT — UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, I am about to propound a unanimous-consent request. The joint leadership thinks this has been cleared all around. We may be mistaken, but we tried to touch every base possible.

Mr. President, I ask unanimous consent that it be in order at this time to ask unanimous consent that when the equal rights amendment is brought before the Senate there be a time limitation of 16 hours on the resolution, the time to be equally divided between the Senator from Indiana (Mr. BAYH) and the minority leader or whomever they may designate; that there be 2 hours on each amendment; and that there be 30 minutes on motions, appeals, and so forth in the usual form.

The PRESIDING OFFICER. Is there objection?

Mr. COOK. Reserving the right to object, it is my understanding that this has been agreed to by all parties concerned. I do not believe there is any further question about it.

Mr. MANSFIELD. I appreciate that because along with the Senator from Indiana (Mr. BAYH), the Senator from Kentucky has been one of the real sponsors and initiators of that resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The unanimous-consent agreement is as follows:

Ordered, That during the consideration of the joint resolution (H.J. Res. 208) proposing an amendment to the Constitution relative to equal rights for men and women, debate on any amendment shall be limited to 2 hours to be equally divided and controlled by the mover of any such amendment and the Senator from Indiana (Mr. BAYH). Debate on any debatable motions or appeals shall be limited to 30 minutes to be equally divided and controlled under the same conditions set forth above. *Provided*, That in the event the Senator from Indiana (Mr. BAYH) is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the Majority Leader or some Senator designated by him.

Ordered further, That on the question of the final passage of the said bill, debate shall be limited to 16 hours, to be equally divided and controlled, respectively, by the Senator from Indiana (Mr. BAYH) and the Minority Leader, or his designee. *Provided*, That they may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I assume this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS AND FOR UNFINISHED BUSINESS TO BE LAID BEFORE THE SENATE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the remarks by the distinguished Senator from Maryland (Mr. BEALL) tomorrow there be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PENDING BUSINESS

Mr. BYRD of West Virginia. Mr. President, for the RECORD, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is H.R. 12910.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 o'clock a.m. After the two leaders have been recognized under the standing order, the distinguished Senator from Maryland (Mr. BEALL) will be recognized for not to exceed 15 minutes.

At the conclusion of his remarks, there will be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

At the conclusion thereof, the Chair will lay before the Senate the unfinished business, which is H.R. 12910, an act to provide for a temporary increase in the public debt limit. As the distinguished majority leader indicated, there is expected to be at least one rollcall vote tomorrow on an amendment by Senators BYRD, ROTH, PROXMIRE, and other Senators, and there may be other amendments.

It is hoped that final passage of the bill will occur tomorrow, and that would involve a rollcall vote. Therefore, Senators are alerted to the fact that rollcall votes may be expected tomorrow.

Mr. President, the Senate will proceed on Monday to consider the various committee funding resolutions. If past experience is to be a lamp unto our feet we can be sure that rollcall votes will occur on Monday next.

ADJOURNMENT UNTIL 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and at 5:28 p.m. the Senate adjourned until tomorrow, Friday, March 3, 1972, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate March 2, 1972:

IN THE ARMY

The following-named officer for appointment in the Regular Army of the United States to the grade indicated, under the provisions of title 10, United States Code, sections 3284 and 3306:

To be brigadier general, Veterinary Corps

Col. Charles Van Loan Elia, [redacted], Veterinary Corps, U.S. Army.

IN THE NAVY

Vice Adm. David C. Richardson, U.S. Navy, for appointment to the grade of vice admiral on the retired list pursuant to title 10, United States Code, section 5233.

Rear Adm. George C. Talley, Jr., U.S. Navy, having been designated for commands and other duties of great importance and responsibility determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

IN THE AIR FORCE

The following persons for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with dates of rank to be determined by the Secretary of the Air Force:

To be major (Dental)

Carlson, John R., [redacted].

To be captain (Dental)

Cooley, Robert L., [redacted].
Wampler, Henry W., [redacted].

To be captain (Medical)

Copek, Arthur P., [redacted].
Koskinen, Kenneth R., [redacted].

To be first lieutenant (Chaplain)

O'Toole, James P., [redacted].

The following officers for appointment in the Reserve of the Air Force, in the grade of lieutenant colonel, under the provisions of section 593, title 10, United States Code, and Public Law 92–129, with effective dates to be determined by the Secretary of the Air Force:

Ellsworth, John E., [redacted].
Grandy, Lloyd G., [redacted].
Moore, John H., [redacted].

Subject to medical qualification and subject to designation as distinguished graduates, the following students of the Air Force Reserve Officers' Training Corps for appointment in the Regular Air Force, in the grade of second lieutenant, under the provisions of chapter 103, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

Baldwin, Gary T., [redacted].
Banghart, David A., [redacted].
Behler, Robert F., [redacted].

Clayton, Charles B., [redacted].
Edwards, Wayne C., [redacted].
Flemens, Norman R., [redacted].
Girdharry, Reginald E., [redacted].
Jacocks, Henry L., [redacted].
Lillis, John R., [redacted].
Sharadin, Ellis W., [redacted].

The following officers for promotion in the Air Force Reserve, under the provisions of section 8376, title 10, United States Code and Public Law 92–129.

LIEUTENANT COLONEL TO COLONEL

Nurse Corps

Cichetti, Ann M., [redacted].

MAJOR TO LIEUTENANT COLONEL

Line of the Air Force

Adair, Kenneth R., [redacted].
Baker, James J., [redacted].
Balderree, Robert G., [redacted].
Baumann, Edward G., [redacted].
Bell, Lowell L., [redacted].
Bennison, James S., [redacted].
Brand, Alfred B., [redacted].
Brigman, Walter M., Jr., [redacted].
Carrier, William L., [redacted].
Chun, Tai W., [redacted].
Clark, Elverton E., Jr., [redacted].
Coble, Robert N., [redacted].
Console, Russell, [redacted].
Conway, Michael J., [redacted].
Corcoran, Arthur L., Jr., [redacted].
Crupper, Jerry A., [redacted].
Davies, Richard E., [redacted].
Delaney, Robert F., [redacted].
Deschaine, Francis J., Jr., [redacted].
Doran, James P., [redacted].
Dudley, Ronald E., [redacted].
Gessner, Paul D., [redacted].
Gilson, Robert W., [redacted].
Golik, Gail A., [redacted].
Grapes, Elton J., [redacted].
Gregory, Rice E., Jr., [redacted].
Gunnell, James E., [redacted].
Hallum, Earl E., [redacted].
Hanson, Robert A., [redacted].
Harrington, James M., Jr., [redacted].
Haughey, Lawrence R., [redacted].
Henery, Gerald T., [redacted].
Hughes, Daniel F., [redacted].
Julian, Robert R., [redacted].
Karabela, Raymond E., [redacted].
Kennedy, Maurice W., [redacted].
Kettell, Clarence G., Jr., [redacted].
King, Earl W., [redacted].
King, Noel R., [redacted].
Kropiewnicki, Matthew P., [redacted].
Lee, Harvey P., [redacted].
Loosier, Odis B., [redacted].
Marks, Glenn M., [redacted].
McElligott, Lawrence J., [redacted].
Meyer, Joe L., [redacted].
Mills, Ronald E., [redacted].
Moretti, Pasquale R., [redacted].
Owen, Richard W., [redacted].
Patterson, Alan M., [redacted].
Ray, Maurice E., [redacted].
Sherwood, Stanley J., Jr., [redacted].
Shivers, James E., [redacted].
Siekirski, Zenon J., [redacted].
Sokoloski, Walter A., [redacted].
Spencer, Richard W., [redacted].
Steinke, Duane B., [redacted].
Still, Edward E., [redacted].
Tsubaki, Donald M., [redacted].
Walter, Donald H., [redacted].
White, Joseph W., [redacted].
Wilma, Douglas C., [redacted].
Yow, Bobby G., [redacted].
Zappe, John A., [redacted].

Medical Corps

Worrell, Aubrey M., Jr., [redacted].

Nurse Corps

Simon, Lea B., [redacted].

The following Air Force officers for appointment in the Regular Air Force, in the grade of major, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

Abrams, Irwin B., [redacted].
Adkins, Eldon G., [redacted].
Afflerbach, Robert F., [redacted].
Allinson, David J., [redacted].
Andersen, Louis M., [redacted].
Anderson, John A., Jr., [redacted].
Ashenberger, Richard H., [redacted].
Atchley, Jimmie O., [redacted].
Ayers, Richard L., [redacted].
Ballantyne, Wayne L., [redacted].
Bass, Gerry W., [redacted].
Biediger, Larry W., [redacted].
Blakely, Robert A., [redacted].
Blum, Fred M., [redacted].
Bowline, Jerry D., [redacted].
Brandt, Joseph P., [redacted].
Breid, Jack L., [redacted].
Brewer, Alton P. H., Jr., [redacted].
Brooks, William L., [redacted].
Bryant, Warren A., [redacted].
Burkart, Charles W., Jr., [redacted].
Burris, Darrel G., [redacted].
Bush, Lawrence P., [redacted].
Bushey, Robert M., [redacted].
Cameron, Douglas C., [redacted].
Cameron Edward E., [redacted].
Capling, Elwyn R., [redacted].
Carpenter, James B., [redacted].
Carroll, Oscar L., [redacted].
Chubner, James F., [redacted].
Cirillo, Eugene E., [redacted].
Claxton, Charles P., [redacted].
Combs, Charles D., [redacted].
Conklin, Bernard, [redacted].
Corcoran, Arthur L., Jr., [redacted].
Correll, Charles A., [redacted].
Costen, Constantin, Jr., [redacted].
Cozzi, Martin A., [redacted].
Crupper, Jerry A., [redacted].
Dattolico, Christino, [redacted].
Dereska, Stanley P., [redacted].
DeSoto Ernest L., [redacted].
Dugas, Arthur L., [redacted].
Duplessis, Paul E., [redacted].
Durham, Archer L., [redacted].
Eastman, William D., Jr., [redacted].
Eaton, Melville E., Jr., [redacted].
Elliff, John J., [redacted].
Evans, John L., [redacted].
Evans, Richard P., [redacted].
Fanning, Dennis R., [redacted].
Ferons, Daniel D., [redacted].
Forby, Willis E., [redacted].
Fowler, Bruce L., [redacted].
Frias, Reynaldo, [redacted].
Galloway, James R., [redacted].
Gillespie, Wallace D., [redacted].
Goforth, Charles L., III, [redacted].
Golberg, Lawrence H., [redacted].
Grant, Thomas A., [redacted].
Griesbach, Duane M., [redacted].
Grubb, Wilmer N., [redacted].
Heanue, Festus E., Jr., [redacted].
Heiniger, Keith D., [redacted].
Hennessey, Robert E., [redacted].
Henninger, Howard W., [redacted].
Hoelscher, William F., [redacted].
Hohenberger, Raymond H., [redacted].
Hopkins, Raymond D., [redacted].
Horner, Karl F., [redacted].
Howe, Arlen M., [redacted].
Howell, Harry G., Jr., [redacted].
Hutnick, Kenneth P., [redacted].
James, Lewis E., [redacted].
Johns, Paul F., [redacted].
Johnston, Dale A., [redacted].
Jones, Robert L., [redacted].
Jones, William H., [redacted].
Karabela, Raymond E., [redacted].
Kater, James E., [redacted].
Keck, Charles H., [redacted].
Keirn, Richard P., [redacted].
King, Billy R., [redacted].
Kirkland, Bennie H., [redacted].
Kirkpatrick, Stewart R., [redacted].
Kivisto, Lawrence E., [redacted].
Klein, Alan M., [redacted].
Kryszak, Theodore E., [redacted].
Kumpf, James F., [redacted].
Lassiter, Billy R., [redacted].
Lawler, Wayne E., [redacted].
Leaptrot, Brinson N., [redacted].
Lewis, James W., [redacted].
Livers, Francis D., Jr., [redacted].
Love, Warren G., [redacted].
Lynam, Edmond O., [redacted].
Malone, George R., [redacted].
Martin, John M., [redacted].
Marzano, Ronald J., [redacted].
McDowell, John W., [redacted].
McElhanon, Michael O., [redacted].
McKeown, Donald F., [redacted].
McLaughlin, Marcellus R., [redacted].
McNamara, Thomas D., [redacted].
Meyers, Leslie J., [redacted].
Milanovich, Nicholas G., [redacted].
Miller, David L., [redacted].
Mortensen, Gilbert R., [redacted].
Musgrove, Frank W., [redacted].
Myers, Lewis A., Jr., [redacted].
Nelle Kenneth E., [redacted].
Nelson, Eugene D., [redacted].
Neubauer, John A., [redacted].
Nicolos, Peter K., [redacted].
Norton, Fred I., Jr., [redacted].
O'Brien, Stephen B., [redacted].
Olson, Donald C., [redacted].
Page, Robert E., [redacted].
Parker, Gilbert E., [redacted].
Patton, Lawrence W., [redacted].
Peach, Matthew H., [redacted].
Peeke, Cleveland S., [redacted].
Pepe, Robert J., [redacted].
Poell, Claude M., [redacted].
Porter, Richard E., [redacted].
Prentiss, Richard C., [redacted].
Reisenwitz, Robert J., [redacted].
Rhodes, Duane L., [redacted].
Robinson, Lynn F., [redacted].
Roe, Roland H., [redacted].
Rogers, William C., [redacted].
Rose, Peter F., [redacted].
Rutkauskas, John E., [redacted].
Sachs, Sumner S., [redacted].
Sapatis Peter J., [redacted].
Satterfield, Richard N., [redacted].
Scheloske, John J., [redacted].
Schenning, Walter J., [redacted].
Sey, James, [redacted].
Sharpe, Richard R., [redacted].
Sheffield, Richard E., [redacted].
Sima, Thomas W., [redacted].
Smith, Harold V., [redacted].
Smith, Mark A., Jr., [redacted].
Smith, William P., [redacted].
Snoreck, Harry P., [redacted].
Spencer, Robert C., [redacted].
Stanislav, Rudolph J., [redacted].
Starkman, Russell A., [redacted].
Stephensen, Mark L., [redacted].
Stone, Robert E., [redacted].
Tackett, Howard M., [redacted].
Terrell, Irby D., Jr., [redacted].
Teske, Clarence E., [redacted].
Thompson, William J., [redacted].
Tokita, Shokichi, [redacted].
Toole, Clarence J., Jr., [redacted].
Tsubaki, Donald M., [redacted].
Vautrinot, Theodore A., [redacted].
Walter, Donald H., [redacted].
Watson, Ronald E., [redacted].
Wayne, Lloyd G., [redacted].
Wellman, Joseph D., [redacted].
Wickers, Alonzo B., [redacted].
Williams, John W., Jr., [redacted].
Williams, Thomas E., [redacted].
Wilma, Douglas C., [redacted].
Windels, Frederick G., [redacted].
Wright, Paul J., Jr., [redacted].
Yow, Bobby G., [redacted].
Zimmerman, Ralph, [redacted].

IN THE ARMY

The following-named persons for reappointment in the active list of the Regular

Army of the United States with grades as indicated, from the temporary disability retired list, under the provisions of title 10, United States Code, sections 1211 and 3447:

To be colonel, Regular Army, and colonel, Army of the United States

McShea, Royal E., [redacted].

To be major, Regular Army, and major, Army of the United States

Petrik, Vernon F., [redacted].

The following-named persons for appointment in the Regular Army, by transfer in the grade specified, under the provisions of title 10, United States Code, sections 3283 and 3294:

To be major

Crites, William R., [redacted].

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be major

Butler, Roosevelt D., [redacted].
Cook, Marvin L., [redacted].
Covington, William, [redacted].
Deshields, Charles E., [redacted].
Herbert, Bentley J., [redacted].

To be captain

Arnold, Jimmy R., [redacted].
Ashurst, Turpin C., [redacted].
Black, Clinton J., [redacted].
Blair, William J., [redacted].
Bridgeman, William R., [redacted].
Brooks, Billy T., [redacted].
Covington, Robert R. Jr., [redacted].
Edwards, Jack L., [redacted].
Flynn, Brian, [redacted].
Fridlund, Karen E., [redacted].
Gram, Wallace D., [redacted].
Griffis, Jimmy E., [redacted].
Harper, John Jr., [redacted].
Irzyk, Andrew L., [redacted].
Jones, Stanton W., [redacted].
Kashporenko, Daniel M., [redacted].
Konynenbelt, Marvin, [redacted].
Laehu, Joseph, Jr., [redacted].
Lo Presti, Vincent A., [redacted].
Mansfield, Lyndon E., [redacted].
Peterson, David P., [redacted].
Pierce, Harold D., [redacted].
Quesenberry, John R., [redacted].
Ricketts, Thomas L., [redacted].
Schuyler, Donald F., [redacted].
Singer, Mary J., [redacted].
Sisler, Gary L., [redacted].
Southwell, Robert E., [redacted].
Wamble, James B., [redacted].
Wicker, Wayne M., [redacted].

To be first lieutenant

Abersold, Dale W., [redacted].
Adams, Nancy R., [redacted].
Almeroth, David M., [redacted].
Alvord, Harold F., [redacted].
Anderson, Larry D., [redacted].
Aswad, Madeline N., [redacted].
Baker, Marvin H., [redacted].
Beatson, Ronald B., [redacted].
Berg, David B., [redacted].
Bolz, Farrell P., [redacted].
Bounell Jeffrey R., [redacted].
Brown, Clyde G., [redacted].
Bowles, Edward S., [redacted].
Bryan, Roy A., Jr., [redacted].
Burdette, Robert J., [redacted].
Christiansen, Edward T., [redacted].
Cooper, Robert L., [redacted].
Cox, Janice M., [redacted].
Darnold, Jana L., [redacted].
De Mars, Gary A., [redacted].
Draude, John F., Jr., [redacted].
Duncan, Jimmy L., [redacted].
Edmondson, Gilbert H., [redacted].
Edwards, Kenneth P., [redacted].
Evans, Melvin R., [redacted].
Frost, Billy W., [redacted].
Fuqua, James W., [redacted].
Gibbs, Terry G., [redacted].
Gleeson, Roberta L., [redacted].
Gordon, Francis G., [redacted].
Green, Robert C., [redacted].
Grose, Tony B., [redacted].
Gruenewald, Armie K., [redacted].
Hagler, Ralph L., Jr., [redacted].
Hennigan, Mac K., [redacted].
Hill, James T., [redacted].
Hoffman, John P., Jr., [redacted].
Hughes, Donald J., [redacted].
Huppmann, Charles M., [redacted].
Jenkins, Gilbert K., [redacted].
Kelly, James M., [redacted].
Klein, Leland W., [redacted].
Kovac, George Jr., [redacted].
Lewis, Thomas E. G., [redacted].
Linton, Judith S., [redacted].
Lovo, John T., [redacted].
Martin, Wilkes T., [redacted].
Mathis, Roy N., [redacted].
McAfee, James L., [redacted].
McDivitt, Richard L., [redacted].
Metcalfe, Jerry F., [redacted].
Muck, Leon G., [redacted].
Niendorf, David F., [redacted].
Norris, John W., [redacted].
Parker, Murray H., [redacted].
Petrosky, Daniel S., [redacted].
Phillips, Paul W., [redacted].
Pierce, William C., [redacted].
Price, Warren L., [redacted].
Raudy, John H., [redacted].
Ray, Lewis D., [redacted].
Raymond, James G., Jr., [redacted].
Rearden, Robert S., Jr., [redacted].
Reid, William H., Jr., [redacted].
Rich, Bobby G., [redacted].
Roberts, Gary B., [redacted].
Rogers, Judson F., [redacted].
Roland, Clarence H., [redacted].
Sambol, Joseph E., [redacted].
Suarez, Margarita M., [redacted].
Sawtelle, Matthew T., [redacted].
Schaffer, Ronald E., [redacted].
Schuman, Richard R., [redacted].
Seetin, Samuel E., Jr., [redacted].
Shimmick, Jay H., [redacted].
Shoults, William E., Jr., [redacted].
Smith, Kenneth W., [redacted].
Smith, William E., [redacted].
Sutherland, Bryan A., [redacted].
Vinson, Mark, [redacted].
Volkmann, Heiko W., [redacted].
Watson, Floyd E., [redacted].
Weathers, Stanley J., [redacted].
Williams, Christopher T., [redacted].
Williams, Harry F., [redacted].
Williamson, David D., [redacted].
Yeager, Robert W., [redacted].
Zitek, Lyle E., [redacted].

To be second lieutenant

Arment, Raymond F., III, [redacted].
Brenner, Philip J., [redacted].
Cline, Dennis C., [redacted].
Dethlefsen, Clayton H., [redacted].
Gentemann, Michor M., [redacted].
Goltry, Richard E., Jr., [redacted].
Hamel, Gerard J., [redacted].
Heffernan, John F., [redacted].
Heritage, Melvin L., [redacted].
Hess, Montie T. S., [redacted].
Houseworth, Ronald I., [redacted].
Jaracz, Thad V., [redacted].
Ketner, Lin E., [redacted].
Madison, Thomas R., [redacted].
Malone, Danny R., [redacted].
McKenna, Carol J., [redacted].
McKinley, Thomas M., Jr., [redacted].
Monoski, Stephen W., Jr., [redacted].
O'Dell, Gary W., [redacted].
Ramsey, Barbara J., [redacted].
Reed, Worley L., [redacted].
Reeh, Ernst A., [redacted].
Runestrand, Warren G., [redacted].
Samuels, Thomas A., [redacted].
Schreck, Richard C., [redacted].
Seibly, Robert L., [redacted].
Skipper, Donald B., [redacted].
Stubits, Thomas G., [redacted].

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Toynes, Larry E., [redacted].

The following-named scholarship students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2107, 3283, 3284, 3286, 3287, 3288, and 3290:

Hostetter, Henry C., [redacted].
Keapproth, Thomas A., [redacted].
Melton, Glenn M., [redacted].

IN THE NAVY

The following named (Naval Reserve Officers' Training Corps candidates) to be permanent ensigns in the line or staff corps of the Navy, subject to the qualification therefor as provided by law:

Kevin M. Alaspa
Thomas J. Baasch
Ralph M. Bard
Ralph C. Bartlett
William D. Benton
James C. Boyer
Carradean L. Brown
James E. Campbell
James R. Cooper
Patrick W. Cummings
Thomas Curtin
David E. Dabritz
Randall A. Diener
*Donald R. Dreyer
David A. Dunn
Robert T. Eckels
*Ronald B. Farmer
Erik S. Gregory
David J. Haas
John R. Hall
Ralph M. Hall
David L. Hambrock
David L. Hanback
David M. Hardy
John L. Hocking
Andrew J. Jackson
Walter L. Jacobsen
Robert R. Jauernig
Edmund K. John
Joseph J. Krygiel
George T. Lee
William "H" Lewis, Jr.
Daniel C. Libera
Paul D. Longo
Frederick N. McOmber
James J. MacDonald
Richard T. Macon
Kenneth J. Marra
Kenneth J. Marszalek
David A. Miller, Jr.
Gregory P. Miller
Richard J. Miller
Robert F. Miller
Walter L. Mills
Arthur D. Moeller
Michael R. Montee
David R. Mortensen
Charles M. Moss
Peter L. Nemeth
Thomas W. Ostrander
David B. Palmer
Page F. K. Read
Philip C. Ruhl
Allen E. Sneed
William H. Spinks
Alexander C. Stephens
Stephen F. St. Thomas
Steven A. Tarnoff
George W. Thielemann
John A. Thomas
John W. Waddell
David K. Wehe
Allen G. Wesley
Jeffrey S. Wilburn
Richard G. Yard

The following named (naval enlisted scientific education program candidates) to be permanent ensigns in the line or staff corps of the Navy, subject to the qualification therefor as provided by law.

Cary D. Poston
Donald W. Wolgast

The following named (Naval Reserve officers) to be permanent lieutenants and temporary lieutenant commanders in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

*Dennis R. Ahl
*John E. Anderson

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

Robert A. Giere
*Michael T. Hanst
*Thomas M. Hubbard
*William E. Madden
*James S. Soteres
*Geza T. Terezhalmy

The following named (civilian college graduates) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualifications therefor as provided by law:

*Mason O. Cox
*Thomas W. Creed
*Larry W. Pampel
*Gregory R. Parr
*Millard B. Smith
*Dennis S. Stosak
*Joseph M. Werrell
*David S. Williams

*Lawrence A. Aubry (civilian college graduate) to be a permanent lieutenant and a temporary lieutenant commander in the Dental Corps of the Navy, subject to the qualification therefor as provided by law.

The following named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to the qualification therefor as provided by law:

*Edward F. Anderson
*Emanuel D. Ascarelli
*Thomas J. Humphries
*Phillip F. Mac
*Robert P. Randolph
*Gerald D. Taylor
*Raymond F. Taylor
*Billy R. Toms

*Manuel L. Escoto (Naval Reserve officer) to be a permanent lieutenant commander and a temporary commander in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

Adib H. Barsoum, U.S. Navy officer, to be a permanent commander and a temporary captain in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

The following-named U.S. Navy officers to be temporary commanders in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

Wayne E. Frazier
Robert L. Fulwyler
Benjamin F. Gibbs, Jr.
Joseph Honigman
David H. Lewis
James G. Luehrs
John S. Romine
Wayne H. Wolfe
Stanley B. Young

Thomas B. Duff, Jr., U.S. Coast Guard Reserve, to be a permanent commander in the Judge Advocate General's Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

Alton C. Lawton, Jr., to be a permanent commander and a temporary captain in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

David L. Walker, to be a permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

Mahlon S. Miller, to be a temporary commander in the Dental Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

Ralph E. Reed, to be a temporary commander in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

Benjamin B. Cabell, to be a temporary commander in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

*Willa R. Wahlstrom, U.S. Navy retired officer, to be reappointed from the temporary disability retired list as a permanent lieutenant commander in the Nurse Corps of the Navy, subject to the qualification therefor as provided by law.

The following-named temporary chief warrant officers to be permanent chief warrant officers (W-2) and temporary chief warrant officers (W-3) in the Navy, subject to the qualification therefor as provided by law.

George E. Duckworth
Milton Hines
Richard E. Kinner
Charles R. Poynter

The following-named temporary chief warrant officers to be permanent chief warrant officers (W-2) in the Navy, subject to the qualification therefor as provided by law.

Aguilar, Antonio C., Jr
Akley, Larry D.
Alabado, Gregory P.
Alvarez, Honorio B.
Anderson, James C.
Award, David P.
Baker, Donald D.
Barber, R. D.
Barton, Hershel V.
Baynes, Robert T.
Blevins, Toney
Brewer, Clayton R.
Brigman, William M.
Burton, John C., Jr.
Byrd, Alwyn M.
Catts, Ross E.
Clark, Robert E.
Connors, Daniel
Conti, Charles W.
Day, Raymond F.
Dixon, James A.
Dodds, Robert L.
Dorso, John M.
Dryfka, John E.
Dubose, Roy H.
Dunn, Dickie D.
Edwards, Kenneth P.
Esquibel, Umberto C.
Files, Douglas D.
Foreman, John E.
Frederick, David L.
Frederick, Virgil E.
Freeman, Stanford L.
Fuller, Carroll A.
Garcellano, Rudolfo L.
Gillum, Jerry L.
Goard, Owen D.
Godwin, Jackie E.
Grampp, Gordon D.
Graves, Charles R.
Grue, Merlin C.
Hamilton, Robert E., Jr.
Hanson, Clark R.
Harris, Donald E.
Hausauer, Donald L.
Henry, James III.
Hickam, Curtis J.
Highlands, William H.
Hogan, Tommy E.
Holliday, Donald A.
Hunley, Paul D.
Jeffrey, James D.
Jewah, Joseph H.
Johnson, Donald A.
Kadlecik, Ronald M.
Kaufman, Leonard.
Kelley, Thomas F.
Kilmer, Harold B., Jr.
Kirkey, Floyd R.
Knall, Daniel J.
Kostich, Michael E.
Lacava, Louis R., Jr.
Langmaid, Robert V., Jr.
Lankford, Roger L.
Lawson, Carroll L.
Lesperance, Robert F.
Love, Odell G.
Love, Thomas J.
Lowen, Kenneth J.
Maggard, Andrew J.
Mahar, Joseph C.
Marshall, Guy A.
Massengale, Thomas I.
Mauro, Richard F.
Mcvay, Curtis C.
Milne, Marion K.
Morin, John E.
Murphy, John T.
Muse, Paul R.
Pepper, Liston D.
Pitts, James P.
Ranguette, John A.
Ratte, Richard A.
Raymond, James B.
Reece, William P.
Reese, Robert W.
Riedel, Charles N.
Riegger, Robert R.
Ritz, Richard C.
Rogers, Frank L.
Rongey, Gerry L.
Salinas, Amando S.
Saye, William A.
Schad, Roderick F.
Schroeder, William.
Sherry, Ronald E.
Shierling, Johnnie W.
Simpson, Neal L.
Sliger, Ronald W.
Slover, David F.
Smith, Darrel O.
Smith, David L.
Sockell, Edward J.
Spencer Richard A.
Stansell, Walter T.
Stephens, Hugh L.
Stepp, Robert L.
Stevens, William D.
Stikeleather, Thomas G.
Sturm, Jackie L.
Tevis, John.
Thomas, Larry R.
Thompson, Frank L.
Trammell, William J.
Vickery, Gwynn A.
Villanueva, Anastacio L.
Walsh, Jon A.
Ward, Bobby J.
Welch, Gerald F.
Wesley, Philip, C. M.
West, Frank, Jr.
Wickliffe, Charles D.
Willecke, Waldo L.
Wilson, Herman T., Jr.
Wilson, William C.
Wolfe, Stephen F.
Woods, Thomas R.
Wyatt, William D.
Zeman, David A.
Zimmerman, James H.
Zion, Elgie D.
Zonkel, Joseph P.

Franklin E. Minyard, U.S. Navy officer, to be a permanent commander and a temporary captain in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

*Stephen C. Bryd (civilian college graduate) to be a permanent lieutenant and a temporary lieutenant commander in the Dental Corps of the Navy, subject to the qualification therefor as provided by law.

*Ferris P. Thompson (Naval Reserve officer) to be a permanent lieutenant commander and a temporary commander in the Dental Corps of the Navy, subject to the qualification therefor as provided by law.

The following-named (Naval reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

*Lawrence D. Culpepper
*Michael W. Patterson.

IN THE NAVY

The following-named officers of the Reserve of the U.S. Navy for temporary promotion to the grade of captain in the line, subject to qualification therefor as provided by law:

Abel, Robert W.
Abraham, George
Aine, Harry E.
Allen, Glenn L., Jr.
Ames, Fred F., Jr.
Anderson, Bruce E.
Austin, Amory E., Jr.
Ayars, Charles O.
Baker, Carlos P., Jr.
Barrons, John C.
Bauer, Lynton G.
Beck, Alan E.
Behr, Byron C.
Bixby, Ezra L.
Blank, Billy D.
Bolt, Leland E.
Bolte, Carl E., Jr.
Boroody, Joseph
Bouchey, Stuart H., Jr.
Bowman, James E.
Boyd, Lon V.
Brewer, Robert M.
Broadaway, Richard S.
Brown, Harry E., Jr.
Burris, Lloyd E.
Burton, Marion B.
Butler, Robert E.
Butz, Clarence E.
Byouk, Mark L.
Caldwell, William P.
Canter, Herbert M.
Carey, Jack A.
Carylon, William H.
Carpenter, Edwin B.
Carter, Robert C.
Casad, Richard D.
Chandler, Leroy
Chevallay, Leon C., Jr.
Clayton, John W.
Corrigan, Donald T.
Cragon, Stephen D.
Crawford, John D.
Crawley, Stanley W.
Criez, Louis R.
Dashefsky, Murray H.
Davis, Walter M., Jr.
Debaun, Gerald B.
Decarlo, Michael A.
Demeo, Julian, Jr.
Demming, Raymond E., Jr.
Deveau, Thomas A.
Dicken, Wesley C., Jr.
Dillan, Johan A., Jr.
Donoho, Cecil C.
Duane, Rodman F.
Dyer, Dewey A.
Elliott, Richard G.
Ervin, Harry C., Jr.
Eynatten, Robert J.
Falt, Gordon H., Jr.
Farnsworth, Harry N.
Fitzgerald, James G.
Floyd, William B.
Fowler, William M.
Fox, Charles D., III
Francis, Ernest C., Jr.
Francis, James A.
Frankenberger, William
Froiland, Rudolf G.
Fugate, Glenn
Gafford, Gerald A.
Gallagher, Thomas E.
Gamble, Francis T.
Garrison, Charles P., Jr
Garvin, Robert G.
Gaugh, Rexford D.
Gawrys, Joseph A.
Gearhart, Donald C.
Gilbert, Charles R.
Gillespie, Robert W.
Gilliland, Frank M., Jr.
Gleason, Thomas A.
Goodman, Vernon L.
Goodwin, Jack C.
Gray, Richard T.
Grayson, Ellison C.
Green, Rex R.
Green, Robert L.
Green, Roland B.
Green, Samuel G., Jr.
Griswold, Lyman W.
Hamilton, Kenneth M.
Hannan, William T.
Harper, Rollin H., Jr.
Harra, Joseph S.
Hartung, Francis C., Jr
Hays, Thomas M., Jr.
Helleis, John G.
Henson, William N.
Herder, Louis B.
Hero, George A., III
Hofferbert, Louis E., Jr.
Holman, Bud G.
Holst, William P., Jr.
Howe, John W.
Hoyer, Carl I.
Huey, William E., Jr.
Husmann, Donald
Ingle, Hugh C. Jr.
Isaacson, Leroy V.
Jackson, Brian R.
Jacobs, Stuart K.
Jakimier, Beverly G.
Johnson, Daren W.
Johnson, Milton E., Jr.
Johnson, William A.
Johnston, Albert
Johnston, Donald B.
Joiner, Wyatt E.
Jones, Arthur V.
Jorgensen, Robert W.
Joslin, Robert S.
Kahler, John H., III
Kakol, Stanley J.
Karstrom, John O., Jr.
Kaunelis, Edward A.
Kendall, Jackson W., Jr.
Kerr, David J.
Killian, Michael J.
Kimball, Lewis E., Jr.
Kinghorn, Allen M.
Kittler, James P.
Knight, Robert K.
Koehler, Henry C.
Kudlacek, Robert B.
Lacey, Alfred G.
Larson, Ralph W.
Laulor, Richard J.
Lauritsen, Ron
Leonard, Colvin T., Jr.
Liberato, Frank A.
Libhart, Wayne P.
Lillegraven, Benjamin T.
Lindsey, John M.
Linton, James A.
Loesel, Richard O.
Lowe, Beverley J.
Lucci, Pasquale R.
Luce, Edgar A.
Mahoney, "J" Edward
Mahoney, John W.
Maneatis, George A.
Manter, John R.
Martin, Richard G.
Mathews, Jerome L.
McCarthy, John J.
McInnis, Malcolm A.
Meyer, John D.
Miller, Jerry J.
Miller, Raleigh, Jr.
Miller, Thomas R., Jr.
Miller, William C.
Minor, David M.
Mitchell, John C.
Montanaro, Luciano P.
Moody, Sharon C.
Mufatti, William F.
Murphy, John L., Jr.
Nabors, Thomas D., Jr.
Nelson, Rolland G.
Nemchick, Michael P.
Newman, James L.

O'Connell, Charles F., Jr.
O'Malley, Charles A.
Outland, George F.
Papas, James P.
Paul, Richard L.
Prucha, James T., Jr.
Prusiecki, John J.
Pusch, Robert A.
Raybourn, Lee F.
Read, William G., Jr.
Reade, Richard S., Jr.
Reinertsen, Stephen P.
Revenaugh, John J.
Rippee, Earl F.
Rising, Richard P.
Roehl, Frank E.
Rohlfing, Frederick W.
Rosenberger, John E.
Schaded, Edmond W.
Schmidt, Jurgen B.
Schollian, James J.
Schuerch, Richard W.
Secord, William J.
Sheppard, Harry L., Jr.
Shirley, Thomas W.
Smith, Barnaby F.
Smith, Douglas J.
Smith, Edmund A., Jr.
Smith, Thomas P.
Sorenson, Glenn P.
Spence, Floyd D.
Stamm, William J.
Stombler, Eugene H.
Study, Kenneth L.
Stupar, Branko
Suter, Vane E.
Swan, David E.
Swank, Paul B.
Swenson, Craig J.
Thomas, Svend E.
Thornton, Thomas P.
Tinsman, Stewart H. W.
Underwood, George D., Jr.
Walters, Charles
Wells, Raymond A.
Wenning, James O.
Wilbur, Edward T.
Wilkins, George O.
Williams, James E.
Wilson, Harold E.
Wilson, Raymond G.
Yardley, John L. M., Jr.

The following-named women officers of the Reserve of the U.S. Navy for permanent promotion to the grade of captain in the line, subject to qualification therefor as provided by law:

Blostan, Dolores I.
Dougherty, Margaret E.
Clark, Ethel B.

Lt. Comdr. Johanna L. H. Young, for permanent promotion to the grade of commander in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law.

In the Navy

The following-named lieutenant commanders of the line and staff corps of the Navy for temporary promotion to the grade of commander pursuant to title 10, United States Code, section 5787, while serving in, or ordered to, billets for which the grade of commander is authorized and for unrestricted appointment to the grade of commander when eligible pursuant to law and regulation subject to qualification therefor as provided by law:

LINE

Chapman, Frederick W.
Derr, Allen J.
Port, Joseph C.
De Loach, Jesse H.
McInvale, Joe B.

SUPPLY CORPS

Dempsey, Edward J.
Greenhalgh, John E.
Geary, Richard S.

In the Marine Corps

The following-named officers of the Marine Corps Reserve for permanent appointment to the grade of colonel:

Dorsey J. Bartlett
John W. Beck
Robert H. Berkshire
Donald D. Beurman
Richard M. Buchanan
Edward L. Butler
Paul A. Cauchon
Horace A. Chenoweth
James C. Corman
Ronnie W. Cunningham
Wilbur R. Dameron, Jr.
Elmer D. Davies, Jr.
Lucius O. Davis
Wilford D. Douglass
Roy P. Doyle
Joseph D. Eddlemon
Dale W. Evans
George W. Finney
William E. Forrest
Walter A. Gathman
Thomas I. Gerard
Jerre E. Gratz
Otha L. Grisham
James G. Hamill
Kenneth Harrell
John H. Hart
Robert H. Hill
John Hollingshaus
Albert H. Holloway
Ira C. Houck, Jr.
Allan B. Hughes
Theodore G. Jenkins
John M. Kelleher
Henry B. Kemp, Jr.
George F. Keyes
John D. Koutsandreas
Stanley Knowlton
Richard C. Kriegel, Jr.
Edward L. Lieland, Jr.
William R. Locklear
Calvin G. Lowe
Nolan Lushington
Carl K. Mahakian
James M. Mitchell, Jr.
Carl E. Moore
Jonathan P. Naylor
Peter G. Paraskos
Harold L. Peterson
Robert S. Raisch
Claude L. Reynolds
James L. Ridgill, Jr.
Harvey F. Robbins
William J. Rodgers, Jr.
Robert C. Schlaudt
David E. Schwulst
Robert J. Scully
Richard S. Stark
Collis P. Suderman, Jr.
Bernt T. Sween
George M. Vansant
John M. Verdi
Maynard C. Warwick, Jr.
Carl E. Wedekind
Joseph F. Wozniak

The following-named officers of the Marine Corps Reserve for permanent appointment to the grade of lieutenant colonel:

Robert T. Abernathy III
James W. Anslow
Edward J. Benak
Charles A. Block
William R. Bosley, Jr.
Alan J. Bowie
Robert E. Coolidge
Andrew W. Danielson
Clarke Dewaters
Gerald A. Dickerson
Lloyd D. Dixon
Joseph A. Doglio
William D. Donovan
Hugh L. Dougherty, Jr.
Jay D. Douglas
Russell E. Dyer
John F. Enders, Jr.
Kenneth J. Erdman
Robert L. Fletcher
Kenneth D. Fuller
Edward D. Haley
Charles G. Hoffman
Egbert Horton, Jr.
Richard M. Irgens
Walter J. Kalita
Gerald M. Kirby
Paul R. Koenen
James M. Mackenzie
Robert W. Mackey
James F. Malone
Frank L. Marangon
Floyd F. Marshall, Jr.
John J. McConnell
John P. McGill
Charles H. Meyer
Robert F. Mitrione
George S. Morita
Rollie Oatley, Jr.
Peter J. Ohagan, Jr.
Julius B. Pierce
Joseph A. Presutto
Edmond W. Pridgen
Middleton P. Ray
Frank J. Sauer
John Simich
William C. Singletary
Howard C. Sweet, Jr.
James R. Tull
John C. Vernon, Jr.
Lars R. Warn
Robert W. Wentz, Jr.
Frank W. Ziegler, Jr.

The following-named officers of the Marine Corps Reserve for temporary appointment to the grade of colonel:

Donald H. Ahern
George W. Allen
Thornton J. Anderson, Jr.
Frederick M. Bates
Stephen D. Beck
Eugene C. Benbow
Phillip J. Boogaerts
Billie H. Brister
Frank O. Burge, Jr.
Robert R. Carson
Charles C. Caudle
June M. Dantin
Vaughn L. Deboever
Donald L. Dillon
Edward R. Dispersio
Charles F. Donohue
Raymond M. Erwin
Lawrence P. Flynn
Jett T. Ford, Jr.
Louis W. Futrell
Roger E. Galliher
John A. Gose
Theodore E. Guglin
James W. Hammond, Jr.
James W. Harris
John B. Hirt
John S. Hobbs
John E. Jackson
Louis C. Johanson
Kenneth R. Johnson
J. E. Kaish
James S. Kelly
Robert A. Kimbrough III
Vito B. Lasala
Nicholas M. Laslavic, Jr.
William R. Leonard
John R. Lilley II
Howard A. Looney
Thomas E. Lucas
Blair L. Mackenzie
William F. Maughan
Jerry J. Mitchell
Joseph A. Molitoris
James F. Molloy, Jr.
Walter F. Murphy, Jr.
William K. Nicrosi, Jr.
John J. O'Donnell, Jr.
Gerard P. O'Keefe
Benjamin C. Pratt
Richard S. Reed
Thomas P. Reid
Lavern Rice
Robert F. Rick
Robert W. Rust
Joseph B. Ruth, Jr.
Kenneth A. Seal
Angelo M. Semenza
Milton Shaw
Richard B. Sheridan
James R. Smith
Keith A. Smith
Charles E. Smitherman
Neil O. Snepp
Richard F. Staar
Richard W. Stone
William H. Stroman
Fred Stutler
Jerome B. Tinling
Arch F. Trimble
George A. VanHoomissen
Wilcomb E. Washburn
Jerry H. Weiss
Hunter B. Whitesell
Russell H. Whitla, Jr.
John F. Williams, Jr.
William L. Williams
Stanley B. Wilson
Blair D. Woolsey
Thomas E. Workman, Jr.
Barkley B. Yarborough

The following-named officers of the Marine Corps Reserve for temporary appointment to the grade of lieutenant colonel:

William P. Albaugh
Kenneth R. Allen
Louis W. Alter, Jr.
Vincent P. Andaloro
Phillip T. Backer
Douglas B. Barfield
Harry F. Barnes
Lloyd J. Barnes
Bobby A. Barringer
Gerard J. Baxter
Donald J. Berryman
Richard K. Best
Virgil W. Binkley
Charles S. Bishop, Jr.
Claude Black
Robert E. Black
Joseph L. Blasingame
Allan E. Bloom
James C. Boggs, Jr.
Ronald J. Bordenaro
Francis E. Bowen, Jr.
John T. Brassfield
William F. Braucher
Clayton P. Brennan
Peter J. Briggeman
Richard S. Brooks
William J. Brooks
Anthony J. Brosco
Irvin C. Brown
Robert J. Buice
Thomas F. Burke
Junior L. Bybee
Robert B. Calamari
Paul T. Campbell
Donald J. Capinas
Joseph A. Caprara
Kevin H. Cassedy
Cipriano Castillo, Jr.
Michael W. Cervenak
Herbert F. Chabysek, Jr.
Charles T. Chapman
William G. Cheadle
Edward A. Clark
Edward A. Clark III
Richard O. Clark
Robert M. Clark
Francis L. Cleland, Jr.
George F. Coleman
Joseph M. Coman
Wiley E. Conder
Richard M. Condrey
Arthur B. Conlon
John H. Coram
Robert B. Crawford
Thomas J. Cribbs
Robert M. Croll
Marvin L. Crowdis
George Cutsogeorge
Wayne B. Daniels
Louis Datillo
Allan D. Davis
Thomas F. Deacher
Johnny O. Dean
William Delorenzo, Jr.
Nova E. Demoney, Jr.
Raymond Depwe
William L. Dickens
Dwight R. Dickey
Russell E. Dolan
Sheldon C. Downes
Anthony J. Dunleavy
Thomas L. Dunton
Randall E. Egertson
John R. Enright
Charles E. Ensley
Edmund R. Euler
Ralph D. Fagge, Jr.
Louis E. Farrell
Peter G. Fenlon
Roland B. Field
Peter J. Finley
Robert E. Finney
Travis G. Fitts
Barclay W. Fitzpatrick
Raymond J. Flannery, Jr.
Patrick J. Foley
Ronald L. Fraser
Stephen A. Fritz
Richard G. Frohnen
Francis R. Frola
John E. Gallagher
Gordon Gannon, Jr.
Charles R. Gardiner
Howard C. Gentile
Reginald N. Germany, Jr.
Theodore L. Gey, Jr.
Perry L. Glancy
Alvin H. Goeser, Jr.
Henry J. Goffi
Thomas J. Golden, Jr.
William L. Golemon
William H. Gossell
Ed W. Graham
Donald H. Green
Jean B. Green
John J. Griffin
Harlan H. Grooms, Jr.
Stephen Grozinski
Francis D. Hadden
Herbert C. Haight
Ralph D. Hankins
Nolan V. Hansen
Marshall B. Haraden Jr.
Bernard J. Harmon
Michael H. Harrington
Robert A. Harrison
David M. Hatfield
Albert W. Hecht, Jr.
James A. Heckman
James C. Heigham
Karl Heyer III
Travis N. Hines
Theodore T. Hogan, Jr.
Gordon W. Holm
Lee B. Holmes
Francis M. Horn
Edmund L. Hudson
Eugene L. Hughes
Bobby G. Hunter
George M. Hutchins
Robert E. Jacobs
Lester C. Jacobson, Jr.
Ernest F. Janney, Jr.
Marvin H. Janson
Warren I. Jaycox
Frederick R. Jerrett
Gordon E. Johnson III
Eugene D. Johnson
Kenneth W. Johnson
Dennis K. Joyce
David P. Karcher
Owen Keavney
Douglas F. Keith
Thomas F. Kelaher
Roy A. Kelley
Thomas C. Kerr
Roger G. Kidston
George Kiraly, Jr.
Patrick G. Kirby
Douglas J. Kirchner
Charles E. Knettles
Fred W. Koehler, Jr.
Tom L. Kornegay
John E. Kussmann, Jr.
Carmen T. Labianca
James H. Lane, Jr.
Alexander J. Lapinski, Jr.
Thomas R. Larson
John E. Laurent
Dewitt B. Lawrenson, Jr.
Albert M. Leahy
Hillary M. Leclaire, Jr.
John K. Ledeauo
Edward C. Lelouis, Jr.

Ronald R. Lethin
Ernest P. Lewis, Jr.
Arthur J. Liedel
Harold A. Lipska
Candido H. Lucero
Charles F. Lundy
Peter J. Lynch
Peter H. Lyons
Joseph D. Mankawich
Richard S. Manley
David S. Manuel
Harry A. Marmion
Bruce A. Martin
James V. Martin, Jr.
Robert S. Martin
Robert S. Masters
Gerald S. Mayer
Wililam F. McCaffrey
James G. McClave
Vincent J. McGarry, Jr.
William F. McGinn
Daniel V. McLaughlin
Walter C. McLaughlin
Jimmie L. McWhirt, Sr.
Gilbert D. Meeker
John R. Merrill
William F. Messerli
Bardell D. Miller
Francis X. Moakley
Alwin L. Moeller, Jr.
Albert J. Molesphini
Robert A. Monfort
Hubert G. Much
Domenick Muffi
John A. Mulcahy
John R. Mullin
Timothy C. Murphy
Frank G. Nelson
Margaret L. Nelson
William O. Nelson, Jr.
Robert E. Neumann
Clynch Newsome, Jr.
William L. Nicolls
Robert D. Nolan
Kenneth W. Northwick
Kermeth W. Northwick
Joseph G. Norton
Donald F. Oatis
Thomas J. O'Donnell, Jr.
Philip F. Oestricher
Thomas W. Ohanlon
Salvatore L. Olivieri
Frank P. Orlando
Paul J. Otis
Paul J. Pardy
Joseph M. Parker, Jr.
Kenton L. Pate
Arthur S. Patron
James D. Pauly
Ronald E. Peduzzi
Stephen Percy
Leland E. Person
James W. Persons
Michael J. Phelan
William Piper
Leonard E. Porter
John R. Powers
Paul E. Pruett
Luigi Ragosta
Robert W. Rauch
Thomas P. Redden, Jr.
Ronald C. Reed
George P. Reilly
Thomas M. Reis
Stephen L. Reveal
Steve E. Richardson
James F. Riley, Jr.
Harold W. Robbins
Frederick C. Robinson, II
Edward H. Roemer
John P. Roos
John K. Roschlau
Merle R. Rose
William W. Rose, Jr.
Russell A. Rourke
Robert F. Ruan, II
Frederick H. Russell
William H. Sackett
Ronald W. Salmon
Gordon A. Samuel
David W. Santee
William D. Saylor
William E. Scarbrough
James H. Schell
Robert D. Scherer
John F. Schmitt
William L. Seay
Richard T. Secrest
David L. Shane
David F. Sheehan
Robert H. Shortsleeve
Charles A. Skelton
John D. Slack
Earl F. Sprong
Clarence L. Smith
Elbert G. Smith
Raymond L. Smith
John P. Stayton
George B. Stebbins, Jr.
Carmon L. Stewart
Robert A. Stiglitz
Leonard B. Stolba
Rodney L. Stone
George E. Strickland
Ray U. Tanner
Paul E. Thomsen
Romaine D. Thorfinnson
James R. Tickle
Tommy A. Tinker
Frank T. Tobin
Howard Troxell
Fred Tschopp, Jr.
Paul D. Tucker
Gerald H. Turley
Foster G. Ulrich, Jr.
Emil L. Veer
Carl R. Venditto
Jerry T. Verkler
Richard D. Wagner
Robert T. Waters
Ben F. Weaver
Larry M. Wheeler
Robert E. Wheeler
John R. Whelan
Robert J. Wiedemann
Alexander P. White, Jr
James R. White
David Workman
Joel A. Yarboro
William E. Yeager

The following-named officers of the Marine Corps for temporary appointment to the grade of lieutenant colonel:

Harlan P. Chapman
Richard W. Hawthorne
Luther A. Lono
Jerry W. Marvel
James W. McGarvey
Albert Pitt

CENTRAL INTELLIGENCE AGENCY

The following-named officer under the provisions of title 50, United States Code, section 403, for appointment as Deputy Director, Central Intelligence Agency, a position of importance and responsibility designated by the President under the provisions of title 10, United States Code, subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Vernon Anthony Walters, [redacted], U.S. Army.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 2, 1972:

PATENT OFFICE

Robert Gottschalk, of New Jersey, to be Commissioner of Patents.

U.S. DISTRICT COURTS

Louis C. Bechtle, of Pennsylvania, to be a U.S. district judge for the eastern district of Pennsylvania.

James L. Foreman, of Illinois, to be a U.S. district judge for the eastern district of Illinois.

Howard David Hermansdorfer, of Kentucky, to be a U.S. district judge for the eastern district of Kentucky.

DEPARTMENT OF JUSTICE

William K. Schaphorst, of Nebraska, to be U.S. attorney for the district of Nebraska for the term of 4 years.

John A. Field III, of West Virginia, to be U.S. attorney for the southern district of West Virginia for the term of 4 years.

HOUSE OF REPRESENTATIVES—*Thursday, March 2, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The heavens declare the glory of God and the firmament showeth His handiwork.—Psalm 19:1.

Almighty and eternal God, immortal and invisible, our yearning hearts turn to Thee but in our feeble faith we fail to find Thee. The heavens declare Thy glory and yet so often we do not see it. The earth showeth Thy handiwork, yet so seldom do we realize it. The universe is filled with the sound of music calling us to live life to the full, yet we will not listen. But once in a while in the quiet of the morning, or the calm of a noonday moment, or in the silence of the evening, Thy still, small voice breaks through and we know Thou art with us. As we respond there comes to us anew the peace of the presence and the strength of Thy spirit.

May this be our experience today as we set out to do our work for the good of our country and the peace of our world.

In the spirit of Him who always listened to Thee, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1682. An act to provide for deferment of construction charges payable by Westlands Water District attributable to lands of the Naval Air Station, Lemoore, Calif., included in said district, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House with an amendment to a bill of the Senate of the following title:

S. 659. An act to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act (creating a National Foundation for Postsecondary Education and a National Institute of Education), the Elementary and Secondary Education Act of 1965, Public Law 874, 81st Congress, and related acts, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 748) entitled "An act to authorize payment and appropriation of the second and third installments of the United States contributions to the Fund for Special Operations of the Inter-American Development Bank."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 749) entitled "An act to authorize United States contributions to the Special Funds of the Asian Development Bank."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2010) entitled "An act to provide for increased participation by the United States in the International Development Association."

The message also announced that the Senate had passed a bill and concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 3244. An act to amend the Military Construction Authorization Act, 1970, to authorize additional funds for the conduct of an international aeronautical exposition;

S. Con. Res. 60. Concurrent resolution to print additional copies of hearings on the "Environmental Protection Act of 1971"; and

S. Con. Res. 62. Concurrent resolution authorizing the printing of additional copies of Senate Document Numbered 56, entitled "State Utility Commissions—Summary and Tabulation of Information Submitted by the Commissions."

PROVIDING ADDITIONAL COMPENSATION FOR SERVICES PERFORMED BY EMPLOYEES IN HOUSE PUBLICATION DISTRIBUTION SERVICES

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 835 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 835

Resolved, That, notwithstanding any other provisions of law, there is authorized to be paid out of the contingent fund of the House of Representatives such sums as may be necessary to pay compensation to each employee of the Publications Distribution Service of the House of Representatives for all services performed by such employee in excess of the normal workday where such services are authorized by the Committee on House Administration. Such compensation shall be paid on an hourly basis at a rate equal to the rate of compensation otherwise paid to such employees.

This resolution shall take effect on its adoption and payments made under this resolution shall be terminated as the Committee on House Administration determines necessary.

Mr. HAYS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HAYS. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPRESENTATIVES UDALL AND PREYER OF NORTH CAROLINA INTRODUCE NATIONAL EDUCATIONAL OPPORTUNITIES ACT

(Mr. PREYER of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PREYER of North Carolina. Mr. Speaker, today Congressman UDALL, of Arizona, and I have introduced the National Educational Opportunities Act. The purpose of this bill is to establish a legislative school policy as an alternative to a court-ordered policy.

Mr. Speaker, the Congress has the responsibility to speak now on what our national educational policy should be before it is too late, before that policy is set by the court alone without any guidance from the Congress.

Mr. Speaker, it is not enough to say, "No busing." We must say, "Here is a better way to accomplish our goals, a better alternative than busing."

Mr. Speaker, the principal draftsman of this bill is Alexander Bickel, professor of constitutional law and legal history at Yale University, and a recognized authority in this field.

I hope Congress will take this bill and use it as a base for developing legislation that can provide the better answers that we need in this country on education.

Mr. Speaker, I invite the support of all the Members of the House in support of this legislation.

I will include a further explanation and a copy of the bill at a later point in the RECORD today.

AIR-TO-AIR MESSAGE TO THE PENTAGON

(Mr. MOORHEAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOORHEAD. Mr. Speaker, I have just been informed that the United States has now agreed to supply Venezuela with 100 air-to-air Sidewinder missiles costing a classified amount. I think we have reached the point of complete idiocy. Venezuela needs air-to-air missiles as much as you and I need the bubonic plague. I wonder what imaginary enemy these Sidewinder missiles will sidewind against.

I think we all ought to write President Nixon a letter asking him to conduct a few sanity tests on those administration bureaucrats responsible for this magnificent plan to escalate the arms race in South America.

If any American citizen who supports foreign aid as I do wonders why many Members of Congress vote against it, this is one of the reasons.

I know I cannot justify this Sidewinder caper which is escalating the arms race in Latin America to my constituents so I think the Pentagon decisionmakers should come out to Pittsburgh and try to do it. I can assure you they would be booed off the platform.

A VIETNAM CEASE-FIRE IN RETURN FOR WITHDRAWING TROOPS FROM TAIWAN?

(Mr. STRATTON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. STRATTON. Mr. Speaker, like other Members of this House, and the Senate, I have been disturbed by the communique out of Peking as it suggests that perhaps there has been some diminution in our defense commitment to Taiwan.

I have listened these past 2 days to Members of the House who were briefed on these meetings at the White House. They point out that our commitment to withdraw our forces from Taiwan was "when the tension diminishes," and that we have the say over just when that shall be. So, they say, we have not really given away too much in our statements about Taiwan.

Of course, the current "tension" in the Pacific area is the war in Vietnam. Personally I am inclined to believe—and I have already seen some reports of this—that there was some sort of secret understanding in Peking that we would actually withdraw all our forces from Taiwan only when the Chinese had succeeded in getting the North Vietnamese to agree to a cease-fire in Vietnam, and to come to the conference table for meaningful negotiations. I hope that such a secret agreement with Peking exists. If so, then we have made a good arrangement.

If not, I would urge the President to make it clear to the Chinese that we will not begin any withdrawal until they do something to bring the Vietnam war to an honorable conclusion.

I shall discuss these comments in greater detail in this Chamber, Mr. Speaker, later today.

PERSONAL ANNOUNCEMENT

(Mr. DANIELSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIELSON. Mr. Speaker, I was absent from the floor on Wednesday and Thursday, February 23 and 24, 1972, pursuant to leave of absence of the House, due to official business for the Committee on Veterans' Affairs.

During my absence three record votes were taken. Had I been present, I would have voted as follows:

Rollcall No. 49—I would have voted "aye" on an amendment to H.R. 12931, the Rural Development Act of 1972, that sought to prevent private organizations or profitmaking corporations which were being punished for creating pollution from receiving Federal subsidies for pollution abatement. This amendment was rejected by a record teller vote of 151 ayes to 224 noes;

Rollcall No. 51—I would have voted "yea" on the conference report on H.R. 12067, making appropriations for foreign aid for fiscal year 1972. The conference report was agreed to by a record vote of 213 yeas and 167 nays.

Rollcall No. 52—I would have voted "nay" on the motion that the House recede and concur with amendment to Senate amendment 27 regarding assistance to Ecuador. The motion was agreed to by a record vote of 230 yeas to 138 nays.

ECONOMIC INDICATORS SHOW THE EXPANSION WILL CONTINUE

(Mr. RHODES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RHODES. Mr. Speaker, one of the most significant signposts for evaluating economic outlook is to look at the index of leading economic indicators. Leading economic indicators are measures of various economic activities which have over the years shown a marked relationship to subsequent business conditions. They provide significant clues to the general direction of the economy over the near future.

The Commerce Department recently published the composite index of eight leading economic indicators for January. This index, which includes measures of employment, capital investment and prices, soared 2.3 percent over the previous month, the largest single monthly gain since October 1968. The rise in January was the fifth consecutive monthly increase in this index. Moreover, the trend in these indicators since last spring has been unmistakably strong. This experience foreshadows sound economic gains for the future.

The leading indicators series is not an infallible guide to future economic developments. However, when combined with other favorable evidence, such as anticipated business investment and new housing starts, it makes a strong case for economic expansion over the coming months.

Were there only one or two economic indicators rising, there would be little cause for optimism. But the number of indicators currently advancing demonstrate that the economy is embarked on a strong sustainable upward advance.

REVENUE SHARING

(Mr. PEYSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, yesterday afternoon on the floor of the House I filed with great reluctance a discharge petition. I filed this petition because we, in the House, have been discussing for the past 13 or 14 months the tremendous problems that have been faced by our cities and States in this country.

One of the pressing needs we have all recognized and spoken of is the need for financial aid to those areas and financial aid now. We have had repeated assurances that this aid would be forthcoming in the form of a revenue-sharing bill from the Committee on Ways and Means. I have great confidence in the chairman of the Committee on Ways and Means, the gentleman from Arkansas (Mr. MILLS) in drawing up an excellent bill on revenue sharing.

It is for this reason that I have introduced the discharge petition calling for Chairman MILLS' own bill on revenue sharing so that the House will have a chance to act its will.

BUSING DISCHARGE PETITION

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute.)

Mr. THOMPSON of Georgia. Mr. Speaker, at the expiration of that time I will have a unanimous-consent request concerning an amendment to the rules of the House.

POINT OF ORDER OF NO QUORUM

Mr. WYDLER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Does the gentleman wish to make the point of order at this time or wait until after the 1-minute speeches are concluded?

Mr. WYDLER. I wish to make the point of order now, Mr. Speaker.

The SPEAKER. The gentleman from New York makes the point of order that a quorum is not present.

The Chair will count.

Mr. WYDLER. Mr. Speaker, I withdraw the point of order of no quorum.

The SPEAKER. The gentleman from Georgia (Mr. THOMPSON) is recognized.

Mr. THOMPSON of Georgia. Mr. Speaker, we have heard a cry from the public for freedom of information about legislative dealings. The cry extends all the way from committee meetings being open to the public to allowing radio and proceedings.

One of the demands I am experiencing from the public I represent is a demand to know who have introduced what bills concerning antibusing measures in the public schools. This, of course, is readily available information.

There is also a demand from the public, Mr. Speaker, to know the names of those Congressmen who signed a discharge petition on antibusing constitutional amendments. But this is prohibited information.

For this reason, Mr. Speaker, I ask unanimous consent at this time that the rules of the House be amended and that the Clerk be instructed to make available to the members of the press the names of the persons who have signed the petition.

Mr. WAGGONNER. Mr. Speaker, I object to the unanimous-consent request.

The SPEAKER. The Chair is not going to recognize the gentleman for that purpose. Therefore, there is no reason for objecting to it.

Speaker Garner ruled a long time ago and subsequent Speakers have followed the practice on this ruling which is to be found in volume VII of Cannon's Precedents, section 1008, and which is as follows:

> Signatures to a motion to discharge committees are not made public until the requisite number have signed and the motion appears in the Journal and RECORD.

Therefore, the Chair will not recognize the gentleman for the purpose for which he made his unanimous-consent request.

AIRPORT NOISE: THE DIVERSION OF JET TRAFFIC FROM FRIENDSHIP TO NATIONAL AS A RESULT OF FAA'S "MISMANAGEMENT" OF THE LATTER

(Mr. GUDE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUDE. Mr. Speaker, the recent House debate over amendments to the Noise Control Act of 1972 brought to the fore several serious questions relative to the management of Washington National Airport and Dulles International by the Federal Aviation Administration. At that time, I pointed out that although the FAA had imposed a curfew on jet traffic at National, it permitted violations of its own curfew. So distressed are many area residents, Virginians and Marylanders, that they have brought suit to ban all jet traffic at National after 11. A U.S. district judge recently denied motions to dismiss the suit, affirmed the citizens' right to defend their own health and safety, and set a trial date of May 8, 1972.

Because of this mismanagement, I have sponsored legislation to provide for a eventual regional takeover with local control of the three area airports in an effort to work out a distribution of traffic among the area airports to the benefit of all area residents. Senator SPONG is a sponsor and is pushing for passage in the Senate.

Gentlemen, it is apparent from recent passenger figures that the FAA is determined to shoehorn as many passengers as possible into National Airport. In 1971, Friendship Airport, Maryland's excellent jet facility, experienced a loss of well over 200,000 passengers from their 1970 traffic, and concern has been voiced that further decreases may well be in the offing. Dulles International lost 20,000 passengers. Shockingly, National Airport, already overflowing with humanity and jet traffic, increased its passenger handle by 500,000. These figures reflect a net increase in area passengers of 280,000.

This upsetting loss of Friendship and Dulles airports can be directly related to the continual use of the 727-200 stretch jets at National.

And the use of these stretch jets at National is the direct responsibility of FAA. The clear intent of the FAA agency is to continue to expand Washington National Airport at the expense of the other area facilities, as well as at the expense of area residents.

POINT OF ORDER

Mr. RYAN. Mr. Speaker, I make a point of order that a quorum is not present.

The SPEAKER. Will the gentleman from New York withhold his point of order?

Mr. RYAN. Mr. Speaker, I withdraw the point of order.

TOWARD A BETTER HEALTH CARE SYSTEM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-261)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

The message referred to the Committee of the Whole House on the State of the Union:

To the Congress of the United States:

An all-directions reform of our health care system—so that every citizen will be able to get quality health care at reasonable cost regardless of income and regardless of area of residence—remains an item of highest priority on my unfinished agenda for America in the 1970s.

In the ultimate sense, the general good health of our people is the foundation of our national strength, as well as being the truest wealth that individuals can possess.

Nothing should impede us from doing whatever is necessary to bring the best possible health care to those who do not now have it—while improving health care quality for everyone—at the earliest possible time.

In 1971, I submitted to the Congress my new National Health Strategy which would produce the kind of health care Americans desire and deserve, at costs we all can afford.

Since that time, a great national debate over health care has taken place. And both branches of the Congress have conducted searching examinations of our health needs, receiving and studying testimony from all segments of our society.

The Congress has acted on measures advancing certain parts of my National Health Strategy:

—The Comprehensive Health Manpower Training Act of 1971 and the Nurse Training Act of 1971, which I signed last November, will spur the greatest effort in our history to expand the supply of health personnel. Additionally and importantly, it will attract them to the areas of health care shortages, helping to close one of the most glaring gaps in our present system.

—The Congress also passed the National Cancer Act which I proposed last year. This action opens the way for a high-intensity effort to defeat the No. 2 killer and disabler of our time, an effort fueled by an additional $100 million in the last year. A total of $430 million is budgeted for cancer programs in fiscal year 1973, compared to $185 million in fiscal year 1969.

—The Congress responded to my statement of early 1970 on needed improvements in veterans medical care by authorizing increased funds in 1971 and 1972, increases which have brought the VA hospital-to-patient ratios to an all-time high and have provided many additional specialty and medical services, including increased medical manpower training.

—The Congress also created a National Health Service Corps of young professionals to serve the many rural areas and inner city neighborhoods which are critically short on health care. By mid-summer, more than 100 communities around the Nation will be benefiting from these teams.

These are important steps, without doubt, but we still must lay the bedrock foundations for a new national health care system for all our people.

The need for action is critical for far too many of our citizens.

The time for action is now.

I therefore again urge the Congress to act on the many parts of my health care program which are still pending so that we can end—at the earliest possible time—the individual anguishes, the needless neglects and the family financial fears caused by the gaps, inequities and maldistributions of the present system.

The United States now spends more than $75 billion annually on health care—and for most people, relatively good service results.

Yet, despite this huge annual national outlay, millions of citizens do not have adequate access to health care. Our record in this field does not live up to our national potential.

That sobering fact should summon us to prompt but effective action to reform and reorganize health care practices, while simultaneously resisting the relentless inflation of health care costs.

MORE THAN MONEY IS NEEDED

When the subject of health care improvements is mentioned, as is the case with so many other problems, too many people and too many institutions think first and solely of money—bills, payments, premiums, coverages, grants, subsidies and appropriations.

But far more than money is involved in our current health care crisis.

More money is important—but any attempted health care solution based primarily on money is simply not going to do the job.

In health care as in so many other areas, the most expensive remedy is not necessarily the most effective one.

One basic shortcoming of a solution to health care problems which depends entirely on spending more money, can be seen in the Medicare and Medicaid programs. Medicare and Medicaid did deliver needed dollars to the health care problems of the elderly and the poor. But at the same time, little was done to alter the existing supply and distribution of doctors, nurses, hospitals and other health resources. Our health care supply, in short, remained largely the same while massive new demands were loaded onto it.

The predictable result was an acute price inflation, one basic cause of our health economic quandary of the past 11 years.

In this period, national health expenditures rose by 188 percent, from $26 billion in fiscal 1960 to $75 billion in fiscal 1971. But a large part of this enormous increase in the Nation's health expenditure went, not for more and better health care, but merely to meet price inflation.

If we do not lessen this trend, all other reform efforts may be in vain.

That is why my National Health Strategy was designed with built-in incentives to encourage sensible economies—in the use of health facilities, in direct cost-control procedures, and through more efficient ways to bring health care to people at the community level. That is also why we have given careful attention to medical prices in Phase II of the Economic Stabilization Program.

Several months ago, the Price Commission ruled that increases in physician fees must be kept to within 2½ percent. Rules also were issued to hold down runaway price increases among hospitals, nursing homes and other health care institutions. All of these efforts were directed toward our goal of reducing the previous 7.7 percent annual price increase in total health care costs to half of that level, 3.85 percent this year.

These actions should buy us some time. But they are, at best, a temporary tourniquet on health care price inflation.

We must now direct our energies, attentions and action to the long-range factors affecting the cost, the quality and the availability of medical care.

My overall program, of course, is one that would improve health care for everyone. But it is worthy of special note that these recommendations have a particular importance and a high value for older Americans, whose health care needs usually rise just as their incomes are declining.

WE SHOULD BUILD ON PRESENT STRENGTHS

When we examine the status of health care in America, we always must be careful to recognize its strengths. For most Americans, more care of higher quality has been the result of our rising national investment in health, both governmental and private.

We lead the world in medical science, research and development. We have obliterated some major diseases and drastically reduced the incidence of others. New institutions, new treatments and new drugs abound. There has been a marked and steady gain in the number of people covered by some form of health insurance to 84 percent of those under 65, and coverages have been expanding. Life expectancy has risen by 3.4 percent since 1950 and the maternal death rate has declined 66 percent. Days lost from work in the same period are down 3.5 percent and days lost from school have declined 7.5 percent—both excellent measures of the general good state of our health.

All of this is progress—real progress.

It would be folly to raze the structure that produced this progress—and start from scratch on some entirely new basis—in order to repair shortcomings and redirect and revitalize the thrust of our health system.

To nationalize health care as some have proposed, and thus federalize medical personnel, institutions and procedures—eventually if not at the start—also would amount to a stunning new financial burden for every American taxpayer.

The average household would pay more than $1,000 a year as its share of the required new Federal expenditure of more than $80 billion each and every year. Such a massive new Federal budget item would run counter to the temper of the American taxpayer.

Also, such a massive new Federal budget item would run counter to the efforts of this Administration to decentralize programs and revenues, rather than bring new responsibilities to Washington.

And, finally, such a massive new Federal budget requirement would dim our efforts to bring needed Federal actions in many new areas—some of which bear directly on health, such as environmental protection.

Clearly we must find a better answer to the deficiencies in our health care system. Unfortunately, such deficiencies are not difficult to identify:

—In inner cities and in many rural areas, there is an acute shortage of physicians. Health screening under various government programs has found that appalling percentages of young people, mostly from deprived areas, have not seen a doctor since early childhood, have never seen a dentist and have never received any preventive care.

—General practitioners are scarce in many areas and many people, regardless of income or location, have difficulty obtaining needed medical attention on short notice.

—Our medical schools must turn away qualified applicants.

—While we emphasize preventive maintenance for our automobiles and appliances, we do not do the same for our bodies. The private health insurance system, good as it is, operates largely as standby emergency equipment, not coming into use until we are stricken and admitted to the most expensive facility, a hospital.

—Relative affluence is no ultimate protection against health care costs. A single catastrophic illness can wipe out the financial security of almost any family under most present health insurance policies.

To remedy these problems, however, will require far more than the efforts of the Federal Government—although the Federal role is vital and will be met by this Administration.

It is going to take the complementing efforts of many other units, of government at the State and local levels; of educational and health organizations and institutions of all kinds; of physicians and other medical personnel of all varieties; of private enterprise and of individual citizens.

My National Health Strategy is designed to enlist all those creative talents into a truly national effort, coordinated but not regimented by four guiding principles:

Capitalizing on existing strengths: We resolve to preserve the best in our existing health care system, building upon those strong elements the new programs needed to correct existing deficiencies.

Equal access for all to health care: We must do all we can to end any racial, economic, social or geographical barriers which may prevent any citizen from obtaining adequate health protection.

Balanced supply and demand: It makes little sense to expand the demand for health care without also making certain that proper increases take place in the numbers of available physicians and other medical personnel, in hospitals and in other kinds of medical facilities.

Efficient organization: We must bring basic reorganizations to our health care system so that we can cease reinforcing inequities and relying on inefficiencies. The exact same system which has failed us in many cases in the past certainly will not be able to serve properly the increased demands of the future.

MAJOR ACTIONS AWAITED

Three major programs, now awaiting action in the Congress after substantial hearings and study, would give life to these principles.

—The National Health Insurance Partnership Act,

—The Health Maintenance Organization Assistance Act,

—and H.R. 1, my welfare reform bill which also would amend Medicare and Medicaid in several significant ways.

THE NATIONAL HEALTH INSURANCE PARTNERSHIP ACT

This proposal for a comprehensive national health insurance program, in which the public and private sector would join, would guarantee that no American family would have to forego needed medical attention because of inability to pay. My plan would fill gaps in our present health insurance coverage. But, beyond that, it would redirect our entire system to better and more efficient ways of bringing health care to our people.

There are two critical parts of this Act:

1. *The National Health Insurance Standards Act* would require employers to provide adequate health insurance for their employees, who would share in underwriting its costs. This approach follows precedents of long-standing under which personal security—and thus national economic progress—has been enhanced by requiring employers to provide minimum wages and disability and retirement benefits and to observe occupational health and safety standards.

Required coverages would include not less than $50,000 protection against catastrophic costs for each family member; hospital services; physician services both in and out of a hospital; maternity care; well-baby care (including immunizations); laboratory expenses and certain other costs.

The proposed package would include certain deductibles and coinsurance features, which would help keep costs down by encouraging the use of more efficient health care procedures.

It would permit many workers, as an alternative to paying separate fees for services, to purchase instead memberships in a Health Maintenance Organization. The fact that workers and unions would have a direct economic stake in the program would serve as an additional built-in incentive for avoiding unnecessary costs and yet maintaining high quality.

The national standards prescribed, moreover, would necessarily limit the range within which benefits could vary. This provision would serve to sharpen competition and cost-consciousness among insurance companies seeking to provide coverage at the lowest overall cost.

Any time the Federal Government, in effect, prescribes and guarantees certain things it must take the necessary follow-through steps to assure that the interests of consumers and taxpayers are fully protected.

Accordingly, legislative proposals have been submitted to the Congress within recent weeks for regulating private health insurance companies, in order to assure that they can and will do the job, and that insurance will be offered at reasonable rates. In addition, States would be required to provide group-rate coverage for people such as the self-employed and special groups who do not qualify for other plans.

2. Another vital step in my proposed program is the *Family Health Insurance Plan (FHIP)* which would meet the needs of poor families not covered by the National Health Insurance Standards Act because they are headed by unemployed or self-employed persons whose income is below certain levels. For a family of four, the ceiling for eligibility would be an annual income of $5,000. FHIP would replace that portion of Medicaid designed to help such families. Medicaid would remain for the aged poor, the blind, the disabled and some children.

HEALTH MAINTENANCE ORGANIZATIONS

Beyond filling gaps in insurance coverage, we must also turn our attention to how the money thus provided will be spent—on what kind of services and in what kind of institutions. This is why the Health Maintenance Organization concept is such a central feature of my National Health Strategy.

The HMO is a method for financing and providing health care that has won growing respect. It brings together into a single organization the physician, the hospital, the laboratory and the clinic, so that patients can get the right care at the right moment.

HMO's utilize a method of payment that encourages the prevention of illness and promotes the efficient use of doctors and hospitals. Unlike traditional fee-for-service billing, the HMO contracts to provide its comprehensive care for a fixed annual sum that is determined in advance.

Under this financial arrangement, the doctors' and hospitals' incomes are determined not by how much the patient is sick, but by how much he is well. HMO's thus have the strongest possible incentive for keeping well members from becoming ill and for curing sick members as quickly as possible.

I do not believe that HMO's should or will entirely replace fee-for-service financing. But I do believe that they ought to be everywhere available so that families will have a choice between these methods. The HMO is no mere drawing-board concept—more than 7 million Americans are now HMO subscribers and that number is growing.

Several pieces of major legislation now before the Congress would give powerful stimulus to the development of HMO's:

1. *The Health Maintenance Organization Assistance Act* would provide technical and financial aid to help new HMO's get started, and would spell out standards of operation;

2. *The National Health Insurance Partnership Act* described above requires that individuals be given a choice between fee-for-service or HMO payment plans;

3. H.R. 1 contains one provision allowing HMO-type reimbursement for Medicare patients and another that would increase the Federal share of payments made to HMO's under State medicaid programs.

I urge that the Congress give early consideration to these three measures, in order to hasten the development of this efficient method for low-cost, one-stop health service. Meantime, the administration has moved forward in this area on its own under existing legislative authorities.

Last year, while HMO legislation was being prepared, I directed the Department of Health, Education, and Welfare to focus existing funds and staff on an early HMO development effort. This effort has already achieved payoffs:

To date, 110 planning and development grants and contracts have been let to potential HMO sponsors and some 200,000 medicaid patients are now enrolled in HMO-type plans. Also, in a few months, 10 Family Health Centers will be operating with federally-supported funds to provide prepaid health care to persons living in underserved areas. Each of these Centers can develop into a full-service HMO. I have requested funds in 1973 to expand this support.

To keep this momentum going, I have included in the fiscal year 1972 supplemental budget $27 million for HMO development, and requested $60 million for this purpose in fiscal year 1973.

I will also propose amendments to the pending HMO Assistance Act that would authorize the establishment of an HMO loan fund.

THE NATIONAL NEED FOR H.R. 1

One of the greatest hazards to life and health is poverty. Death and illness rates among the poor are many times those for the rest of the Nation. The steady elimination of poverty would in itself improve the health of millions of Americans.

H.R. 1's main purpose is to help people lift themselves free of poverty's grip by providing them with jobs, job training, income supplements for the working poor and child care centers for mothers seeking work.

For this reason alone, enactment of H.R. 1 must be considered centerpiece legislation in the building of a National Health Strategy.

But H.R. 1 also includes the following measures to extend health care to more Americans—especially older Americans—and to control costs:

Additional Persons Covered:

—Persons eligible for Part A of Medicare (hospital care) would be automatically enrolled in Part B (physician's care).

—Medicare (both Parts A and B) would be extended to many disabled persons not now covered.

H.R. 1 as it now stands, however, would still require monthly premium payments to cover the costs of Part B. I have recommended that the Congress eliminate this $5.80 monthly premium payment and finance Medicare coverage of physician services through the social security payroll tax. This can be done within the Medicare tax rate now included in H.R. 1. If enacted, this change would save $1.5 billion annually for older Americans and would be equivalent to a 5 percent increase in social security cash benefits.

Cost Control Features:

—Medicare and Medicaid reimbursement would be denied any hospital or other institution for interest, depreciation and service charges on any construction disapproved by local or regional health planning agencies. Moreover, to strengthen local and regional health planning agencies, my fiscal year 1973 budget would increase the Federal matching share. In addition, grants to establish 100 new local and 20 new State planning agencies would bring health planning to more than 80 percent of the Nation's population.

—Reviews of claim samples and utilization patterns, which have saved much money in the Medicare program, would be applied to Medicaid.

—The efficiency of Medicaid hospitals and health facilities would be improved by testing various alternative methods of reimbursing them.

—Cost sharing would be introduced after 30 days of hospitalization under Medicare.

—Federal Medicaid matching rates would decline one-third after the first 60 days of care.

—Federal Medicaid matching rates would be increased 25 percent for services for which the States contract with HMO's or other comprehensive health care facilities.

These latter three revisions are aimed at minimizing inefficient institutional care and encouraging more effective modes of treatment.

RESEARCH AND PREVENTION PROGRAMS

My overall health program encompasses actions on three levels: (1) improving protection against health care costs; (2) improving the health care system itself; and (3) working creatively on research and prevention efforts, to eradicate health menaces and to hold down the incidence of illnesses.

A truly effective national health strategy requires that a significant share of Federal research funds be concentrated on major health threats, particularly when research advances indicate the possibility of breakthrough progress.

Potentially high payoff health research and prevention programs include:

HEART DISEASE

If current rates of incidence continue, some 12 million Americans will suffer heart attacks in the next 10 years.

I shortly will assign a panel of distinguished professional experts to guide us in determining why heart disease is so prevalent and what we should be doing to combat it. In the meantime, the fiscal year 1973 budget provides funds for exploring:

—the development of new medical devices to assist blood circulation and improved instruments for the early detection of heart disease; and

—tests to explore the relationship of such high-risk factors as smoking, high blood pressure and high blood fats to the onset and progression of heart disease.

CANCER

The National Cancer Act I signed into law December 23, 1971, creates the authority for organizing an all-out attack on this dread disease. The new cancer program it creates will be directly responsive to the President's direction.

This new program's work will be given further momentum by my decision last October to convert the former biological warfare facility at Fort Detrick, Maryland into a cancer research center.

To finance this all-out research effort, I have requested that an additional $93 million be allocated for cancer research in fiscal year 1973, bringing the total funding available that year to $430 million.

In the past two and one-half years, we have more than doubled the funding for cancer research, reflecting this Administration's strong commitment to defeat this dread killer as soon as humanly possible.

ALCOHOLISM

One tragic and costly illness which touches every community in our land is alcoholism. There are more than 9 million alcoholics and alcohol abusers in our Nation.

The human cost of this condition is incalculable—broken homes, broken lives and the tragedy of 28,000 victims of alcohol-related highway deaths every year.

The recently established National Institute of Alcohol Abuse and Alcoholism will soon launch an intensive public education program through television and radio and will continue to support model treatment projects from which States and communities will be able to pattern programs to fight this enemy.

Meanwhile, the Department of Health, Education, and Welfare and the Department of Transportation are funding projects in 35 States to demonstrate the value of highway safety, enforcement and education efforts among drinking drivers. The Veterans Administration will increase the number of its Alcohol Dependence Treatment Units by more than one-third, to 56 units in fiscal year 1973.

DRUG ABUSE

Drug abuse now constitutes a national emergency.

In response to this threat and to the need for coordination of Federal programs aimed at drug abuse, I established the Special Action Office for Drug Abuse Prevention within the Executive Office of the President. Its special areas of action are programs for treating and rehabilitating the drug abuser and for alerting our young people to the dangers of drug abuse.

I have proposed legislation to the Congress which would extend and clarify the authority of this Office. I am hopeful that Senate and House conferees will soon be able to resolve differences in the versions passed by the two branches and emerge with a single bill responsive to the Nation's needs.

The new Special Action Office, however, has not been idly awaiting this legislation. It has been vigorously setting about the task of identifying the areas of greatest need and channelling Federal resources into these areas.

The Department of Defense, for example, working in close coordination with the Special Action Office, has instituted drug abuse identification, education, and treatment programs which effectively combatted last year's heroin problem among our troops in South Vietnam. Indications are that the corner has been turned on this threat and that the incidence of drug dependence among our troops is declining.

The Veterans Administration, again in coordination with the Special Action Office, has accomplished more than a sixfold increase in the number of drug dependency treatment centers in fiscal year 1972, with an increase to 44 centers proposed in fiscal year 1973.

In fiscal year 1972, I have increased funds available for the prevention of drug abuse by more than 130 percent. For fiscal year 1973, I have requested over $365 million to treat the drug abuser and prevent the spread of the affliction of drug abuse.

This is more than eight times as much as was being spent for this purpose when this Administration took office.

SICKLE CELL DISEASE

About one out of every 500 black infants falls victim to the painful, life-shortening disease called sickle cell anemia. This inherited disease trait is carried by about two million black Americans.

In fiscal year 1972, $10 million was allocated to attack this problem and an advisory committee of prominent black leaders was organized to help direct the effort. This committee's recommendations are in hand and an aggressive action program is ready to start.

To underwrite this effort, I am proposing to increase the new budget for sickle cell disease from $10 million in fiscal 1972 to $15 million in fiscal 1973.

The Veteran's Administration's medical care system also can be counted on to make an important contribution to the fight against sickle cell anemia.

Eight separate research projects concerning sickle cell anemia are underway in VA hospitals and more will be started this year. All 166 VA hospitals will launch a broad screening, treatment and educational effort to combat this disease.

On any given day, about 17,000 black veterans are in VA hospitals and some 116,000 are treated annually.

All these expanded efforts will lead to a better and longer life for thousands of black Americans.

FAMILY PLANNING SERVICES

Nearly 3 years ago, I called for a program that would provide family planning services to all who wanted them but could not afford their cost. The timetable for achieving this goal was 5 years.

To meet that schedule, funding for services administered by the National Center for Family Planning for this program has been steadily increased from $39 million in fiscal year 1971 to $91 million in fiscal year 1972. I am requesting $139 million for this Center in fiscal year 1973.

Total Federal support for family planning services and research in fiscal 1973 will rise to $240 million, a threefold increase since fiscal year 1969.

VENEREAL DISEASE

Last year, more than 2.5 million venereal disease cases were detected in the United States. Two-thirds of the victims were under 25.

A concentrated program to find persons with infectious cases and treat them is needed to bring this disease under control. I am therefore, recommending that $31 million be allocated for this purpose in fiscal year 1973, more than two and one-half times the level of support for VD programs in 1971.

HEALTH EDUCATION

Aside from formal treatment programs, public and private, the general health of individuals depends very much on their own informed actions and practices.

Last year, I proposed that a National Health Education Foundation be established to coordinate a nationwide program to alert people on ways in which they could protect their own health. Since that time, a number of public meetings have been held by a committee I established then to gather views on all aspects of health education. The report of this committee will be sent to me this year.

The committee hopes to define more explicitly the Nation's need for health education programs and to determine ways of rallying all the resources of our society to meet this need.

CONSUMER SAFETY

More than a half century has passed since basic legislation was enacted to ensure the safety of the foods and drugs which Americans consume. Since then, industrial and agricultural revolutions have generated an endless variety of new products, food additives, industrial compounds, cosmetics, synthetic fabrics and other materials which are employed to feed, clothe, medicate and adorn the American consumer.

These revolutions created an entirely new man-made environment—and we must make absolutely certain that this new environment does not bring harmful side-effects which outweigh its evident benefits.

The only way to ensure that goal is met is to give the agency charged with that responsibility the resources it needs to meet the challenge.

My budget request for the Food and Drug Administration for fiscal year 1973 represents the largest single-year expansion in the history of this agency—70 percent. I believe this expansion is amply justified by the magnitude of the task this agency faces.

In the past year, the foundations for a modern program of consumer protection have been laid. The FDA has begun a detailed review of the thousands of non-prescription drug products now marketed. The pharmaceutical industry has been asked to cooperate in compiling a complete inventory of every drug available to the consumer.

Meanwhile, I have proposed the following legislation to ensure more effective protection for consumers:

—A wholesome fish and fish products bill which provides for the expansion of inspections of fish handlers and greater authority to assure the safety of fish products.

—A Consumer Product Safety bill which would authorize the Federal Government to establish and enforce new standards for product safety.

—Medical device legislation which would not only authorize the establishment of safety standards for these products, but would also provide for premarketing scientific review when warranted.

—A drug identification bill now before the Congress would provide a method for quickly and accurately identifying any pill or tablet. This provision would reduce the risk of error in taking medicines and allow prompt treatment following accidental ingestion.

—The Toxic Substances Control Act that I proposed last year also awaits action by the Congress. This legislation would require any company developing a new chemical that may see widespread use to test it thoroughly beforehand for possible toxic effects.

NURSING HOMES

If there is one place to begin upgrading the quality of health care, it is in the nursing homes that care for older Americans. Many homes provide excellent care and concern, but far too many others are callous, understaffed, unsanitary and downright dangerous.

Last August I announced an eight-point program to upgrade the quality of life and the standards of care in American nursing homes. The Federal interest and responsibility in this field is clear, since Federal programs including medicare and medicaid provide some 40 percent of total nursing home income nationally.

That HEW effort is well underway now.

Federal field teams have surveyed every State nursing home inspection program, and as a result 38 of 39 States found to have deficiencies have corrected them. The 39th is acting to meet Federal standards. To help States upgrade nursing homes, I have proposed legislation to pay 100 percent of the costs of inspecting these facilities.

Meanwhile, at my direction, a federally funded program to train 2,000 State nursing home inspectors and to train 41,000 nursing home employees is also underway. The Federal field force for assisting nursing homes is being augmented and fire, safety and health codes have been strengthened.

One way to measure the results of these efforts is to learn how patients in nursing homes feel about the care they are given. We have therefore also begun a program to monitor the complaints and suggestions of nursing home residents.

APPLYING SCIENCE AND TECHNOLOGY

In my State of the Union message, I proposed a new Federal partnership with the private sector to stimulate civilian technological research and development. One of the most vital areas where we can focus this partnership—perhaps utilizing engineers and scientists displaced from other jobs—is in improving human health. Opportunities in this field include:

1. *Emergency Medical Services:* By using new technologies to improve emergency care systems and by using more and better trained people to run those systems, we can save the lives of many heart attack victims and many victims of auto accidents every year. The loss to the Nation represented by these unnecessary deaths cannot be calculated. I have already allocated $8 million in fiscal year 1972 to develop model systems and training programs and my budget proposes

that $15 million be invested for additional demonstrations in fiscal year 1973.

2. *Blood:* Blood is a unique national resource. An adequate system for collecting and delivering blood at its time and place of need can save many lives. Yet we do not have a nationwide system to meet this need and we need to draw upon the skills of modern management and technology to develop one. I have therefore directed the Department of Health, Education, and Welfare to make an intensive study and to recommend to me as soon as possible a plan for developing a safe, fast and efficient nationwide blood collection and distribution system.

3. *Health Information Systems:* Each physician, hospital and clinic today is virtually an information island unto itself. Records and billings are not kept on the same basis everywhere, laboratory tests are often needlessly repeated and vital patient data can get lost. All of these problems have been accentuated because our population is so constantly on the move. The technology exists to end this chaos and improve the quality of care. I have therefore asked the Secretary of Health, Education, and Welfare to plan a series of projects to demonstrate the feasibility of developing integrated and uniform systems of health information.

4. *Handicapping Conditions:* In America today there are half a million blind, 850,000 deaf and 15 million suffering paralysis and loss of limbs. So far, the major responses to their need to gain self-sufficiency have been vocational rehabilitation and welfare programs. Now the skills that took us to the moon and back need to be put to work developing devices to help the blind see, the deaf hear and the crippled move.

TOWARD A BETTER HEALTH CARE SYSTEM

Working together, this Administration and the Congress already have taken some significant strides in our mutual determination to provide the best, and the most widely available, health care system the world has ever known.

The time now has come to take the final steps to reorganize, to revitalize and to redirect American health care—to build on its historic accomplishments, to close its gaps and to provide it with the incentives and sustenance to move toward a more perfect mission of human compassion.

I believe that the health care resources of America in 1972, if strengthened and expanded as I have proposed in this Message, will be more than sufficient to move us signficantly toward that great goal.

If the Administration and the Congress continue to act together—and act on the major proposals this year, as I strongly again urge—then the 1970's will be remembered as an era in which the United States took the historic step of making the health of the entire population not only a great goal but a practical objective.

RICHARD NIXON.

THE WHITE HOUSE, *March 2, 1972.*

PRESIDENT'S MESSAGE ON HEALTH CARE

Mr. GERALD R. FORD. Mr. Speaker, every Member of the House should carefully read the message on health care sent to us by the President. It is a most comprehensive message, spelling out what the executive branch and the Congress have done to deal with our health-care problems and detailing what remains to be done.

I agree with the President that solving our health-care problems is one of the most challenging tasks facing the Congress and the American people.

I further agree with the President that we should build on our present health-care delivery system, not tear down what we have and start from scratch simply because we are plagued by some deficiencies. My party's position is sound. We should meet our health-care problems by improving the present system, not by scrapping it and erecting a horrendously costly Federal bureaucratic structure in its place.

The President's message lists the major actions we should take to improve our health-care delivery system and also emphasizes the need for enactment of H.R. 1 as the centerpiece of the revamped program. The President has afforded us a detailed explanation of how the medicare and medicaid provisions in H.R. 1 would benefit older Americans and help to control escalating health-care costs.

The President's message is also important for its emphasis on programs related to the central problem of health-care delivery. I wish to commend him for the progress he has made on these various programs and I further wish to urge congressional action to implement these programs where recommended by the President.

Mr. Speaker, the Congress would do well to treat the President's message with the urgency it deserves and to make good use of the short time remaining in this session for action on health-care needs.

CALL OF THE HOUSE

Mr. WYDLER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 59]

Abourezk
Anderson, Tenn.
Andrews
Annunzio
Ashbrook
Baring
Bell
Blatnik
Camp
Celler
Chisholm
Clark
Clay
Collins, Ill.
Davis, Wis.
Dellums
Dwyer
Eckhardt
Edwards, Calif.
Edwards, La.
Esch
Frey
Galifianakis
Gallagher
Goldwater
Grasso
Gray
Hébert
Heinz
Hogan
Hunt
Karth
Kluczynski
Kyros
Landrum
Latta
Leggett
Long, La.
Long, Md.
McCloskey
McCulloch
McMillan
Macdonald, Mass.
Martin
Metcalfe
Mitchell
Morgan
Nichols
O'Neill
Pelly
Pike
Poage
Powell
Pryor, Ark.
Pucinski
Purcell
Riegle
Rosenthal
Rostenkowski
Saylor
Scheuer
Shipley
Shoup
Steed
Stubblefield
Teague, Calif.
Teague, Tex.
Tiernan
Vanik
Wilson, Bob
Wilson, Charles H.

The SPEAKER. On this rollcall 360 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

REQUEST TO APPOINT CONFEREES ON S. 659, EDUCATION AMENDMENTS OF 1972

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act—creating a National Foundation for Postsecondary Education and a National Institute of Education—the Elementary and Secondary Education Act of 1965, Public Law 874, 81st Congress, and related acts, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. WAGGONNER. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

HIGH-SPEED GROUND TRANSPORTATION EXTENSION

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 850 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 850

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11384) to extend the Act of September 30, 1965, relating to high-speed ground transportation, by enlarging the authority of the Secretary to undertake research and development, removing the termination date thereof, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and all points of order against said substitute for failure to comply with the provisions of clause 7, rule XVI and clause 4, rule XI are hereby waived. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 11384, the Committee on Interstate and Foreign Commerce shall be discharged from the further consideration of the bill S. 979, and it shall then

> be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 11384 as passed by the House.

The **SPEAKER.** The gentleman from Hawaii is recognized for 1 hour.

Mr. **MATSUNAGA.** Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN) pending which I yield myself such time as I may consume.

Mr. Speaker, one of the most amazing things about man is that he never ceases to learn. When he ceases to learn, of course, he ceases to grow, and when he ceases to grow, it is time for him to go.

I am not sure whether there is any lesson to be gained from what one of my good friends from Taiwan told me only 2 days ago, but this is what he had to say: That Mao Tse-tung and Chou En-lai proved once again that the Chinese are the shrewdest traders in the world—for two black and white pandas they acquired two musk oxen and Taiwan to boot.

Mr. **HALL.** Point of order, Mr. Speaker. Is the gentleman speaking out of order?

Mr. **MATSUNAGA.** No, Mr. Speaker.

Mr. **HALL.** Has the gentleman made a unanimous-consent request to speak out of order?

Mr. **MATSUNAGA.** Those are just introductory remarks, I will tell the gentleman from Missouri.

Mr. **HALL.** They are exceedingly strange, I will say to the gentleman from Hawaii.

Mr. **MATSUNAGA.** If the gentleman from Missouri will permit me, he will see the connection.

One thing we Americans have indeed learned is that our mass ground transportation certainly can stand improvement.

Mr. Speaker, House Resolution 850 provides for consideration of H.R. 11384, which bill, as reported by our Committee on Interstate and Foreign Commerce, would extend the High-Speed Ground Transportation Act of 1965 for 3 more years, expand the scope of that act in certain particulars, and authorize appropriations totaling $315.2 million for the 3-year period. The resolution provides an open rule with 1 hour of general debate, after which the bill shall be read for amendment under the 5-minute rule. The resolution further provides that it shall be in order to consider the committee substitute as an original bill for the purpose of amendment and points of order are waived against the substitute for failure to comply with the provisions of clause 7 of rule XVI, and clause 4 of rule XXI. The waiver is necessary because the committee amendment, in the form of a substitute, contains provisions which are not germane to the subject matter of the original legislation, and funds provided under existing law which remain available until expended, are made available for door-to-door transportation under this new bill. House Resolution 850 also provides that after consideration of H.R. 11384, the Committee on Interstate and Foreign Commerce shall be discharged from further consideration of S. 979, and it shall be in order to move to strike all after the enacting clause of the Senate bill and amend it with the House-passed language.

Mr. Speaker, in enacting the High-Speed Ground Transportation Act in 1965, Congress recognized the urgent need to improve the Nation's surface transportation systems, particularly our rail transportation network, and generally to make them safe, adequate, economical and efficient. An intensive program of research and development under the 1965 act resulted in several major accomplishments, among which is one that is very familiar to all of us. The Metroliner demonstration which has shown that there is a very real demand for improved rail passenger service.

H.R. 11384 is designed to sustain and broaden the impetus which has been provided by the 1965 law. The Secretary of Transportation would be authorized not only to undertake research and development in rail transportation systems, but also to research into door-to-door transportation systems and their coordination with other modes of high-speed ground transportation. Hopefully, success in this area will contribute greatly toward reducing air pollution by lessening the number of polluting commuter automobiles on our cities' streets and highways.

Mr. Speaker, an added desirable feature of H.R. 11384 is that the Secretary of Transportation would be required to consider areas of high unemployment in entering into contracts under the program.

The bill would also authorize appropriations in the amount of $97 million for fiscal year 1973, $126 million for fiscal year 1974, and $92.2 million for fiscal year 1975.

Mr. Speaker, I had the delightful experience almost 7 years ago of traveling from Tokyo to Kyoto in Japan, on the world-famous Tokaido train. It was as if I were traveling aboard a jetplane, zooming along the countryside at 125 miles per hour, with no sideway sway, no backward jerk, no clacking of the tracks.

It occurred to me at that moment, Mr. Speaker, that with all of the resources we Americans have we ought to be able to do better. The adoption of this resolution and the passage of the bill H.R. 11384, today will be a strong indication that we are indeed determined to do better.

I reserve the balance of my time.

Mr. **QUILLEN.** Mr. Speaker, I yield myself as much time as I may use.

Mr. Speaker, the rule, House Resolution 850, provides for a 1-hour open rule and makes it in order to consider the committee substitute as an original bill for the purpose of amendment. In addition, the rule includes two waivers of points of order. First, the rule waives all points of order against the bill for failure to comply with the provisions of clause 7, rule XVI, dealing with germaneness. This waiver is necessary because the Interstate and Foreign Commerce Committee added a provision extending from 15 to 25 years the maximum terms of loans guaranteed to railroads under the Interstate Commerce Act. This provision is not germane to the basic bill dealing with high-speed ground transportation. Second, the rule waives all points of order for failure to comply with clause 4, rule XXI, covering transfers of funds. This waiver is necessary because the bill includes a number of new programs and some funds already appropriated may be used on these new programs.

In addition, the rule makes it in order to strike all after the enacting clause of the Senate bill, S. 979, and insert the House-passed language.

The primary purpose of H.R. 11384 is to extend the High-Speed Ground Transportation Act, and to authorize additional funds for 3 years.

The bill removes the termination provision from the act, but not the annual authorizations, and provides new authorizations for fiscal years 1973, 1974, and 1975. Important provisions contained in this extension will enable the Secretary of Transportation to coordinate the interlocking of transportation modes in research, development, and demonstrations under this act, and will require him to consider areas of high unemployment in entering into contracts under those programs. For example, two of the major programs under this bill will be, first, reworking the Metroliners running between Washington and New York, and second, development and testing of a tracked air-cushion research vehicle. In addition, the bill extends from 15 to 25 years the maximum terms of loans to railroads guaranteed under the act.

The cost authorized in this bill would be $97 million for fiscal year 1973, $126 million for fiscal year 1974, and $92.2 million for fiscal 1975. Previous appropriations under the High-Speed Ground Transportation Act were $18,250,000 in 1966, $22 million in 1967, $11,750,000 in 1968, $13 million in 1969, $11 million in 1970, $18 million in 1971, and $25 million in 1972.

The report of the Committee on Interstate and Foreign Commerce contains two letters from the Department of Transportation supporting the enactment of this type of legislation. However, with regard to the provisions requiring the Secretary to consider areas of high unemployment in entering into contracts, the Department notes that:

> It is more appropriate to consider the labor surplus areas issue as part of our overall economic strategy and not in the context of this particular bill. This is the approach which this administration is taking.

Mr. **MATSUNAGA.** Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. **STAGGERS.** Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11384) to extend the act of September 30, 1965, relating to high-speed ground transportation, by enlarging the authority of the Secretary to undertake research and development removing the termination date thereof, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11384 with Mr. ST GERMAIN in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 30 minutes and the gentleman from Minnesota (Mr. NELSEN) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I yield myself whatever time I may use.

In 1965 Congress enacted the High Speed Ground Transportation Act. Under the act the Secretary of Transportation, consistent with the objective of promoting a safe, adequate, economical, and efficient national transportation system was authorized to undertake research and development and demonstrations in high speed ground transportation, including but not limited to components, such as materials, aerodynamics, vehicle propulsion, vehicle control, communications, and guideways. In enacting this legislation, the Congress recognized the need for the development of a balanced transportation system for this Nation and a need for updating and improving our surface transportation and in particular our Nation's railroads. However, the authority for this program terminates at the end of the fiscal year 1972. In addition, H.R. 11384 would authorize appropriations for fiscal years 1973, 1974, and 1975 to fund the further development and implementation of this program. This program of research and development and demonstrations in high speed ground transportation is a major effort to advance this Nation's technical capability to transport people and material to meet the growing needs of our society.

With improvements possible in existing systems, we should be able to achieve safe and comfortable passenger travel at speeds of 150 miles per hour. The movement of freight with greater efficiency and speed and with scheduled regularity should also be attained with attendant economies to the public. The programs conducted by the Federal Railroad Administration provide a basis for increasing the use of currently underutilized elements of our transportation system and provide for substantial growth capability, lessening the congestion on our roads and airways and with less environmental impact.

The technology developed in many of these programs is generally appropriate to intercity and urban rapid transit. The specific application of the technology will, of course, vary, taking into account the particular requirements and economies of the case.

This program is the Nation's principal effort to make advances in a balanced fashion in the performance of existing ground transportation systems as well as provide the basis for major advances in transportation technology. It is the belief of your committee that continued efforts are needed in this area to insure the vitality of the system.

Briefly, the bill as reported by the committee would do the following:

Section 1(a) would amend the High Speed Ground Transportation Act to authorize the Secretary of Transportation to undertake a coordinated program of research and development in door-to-door ground transportation as well as high speed ground transportation. Additionally, section 1(b) would amend the act to authorize the Secretary to contract for demonstrations of interlocking door-to-door and high speed ground demonstrations to determine their contributions to a more efficient, safe, and economical intercity transportation system.

Section 2(a) would amend the act to require the Secretary of Transportation to give consideration to proposed contracts which will increase employment in labor areas with a high unemployment rate. This requirement would apply to those labor areas as defined by the Secretary of Labor in title 41 of the Code of Federal Regulations which are experiencing a rate of unemployment of 9 percent or more of the area's work force, or a rate of unemployment of 150 percent or more of the federally determined unemployment rate for the entire United States, or which have experienced a 1-percent increase in unemployment as determined by the Secretary of Labor of the available work force as a result of a termination of federally financed or supported programs.

Section 3 would amend the act to authorize appropriations of not to exceed $97 million for fiscal year 1973; $125 million for fiscal year 1974; and $92,200,000 for fiscal year 1975. Substantial portions of these funds are for the development and testing of prototypes of advanced concepts of rail transportation.

Section 4 repeals section 12 of the High Speed Ground Transportation Act and thereby removes the termination date presently contained in the act.

Section 5 would amend sections 504 and 505 of the Interstate Commerce Act to extend the maximum terms of loans guaranteed by the Interstate Commerce Commission under part V of the Interstate Commerce Act from 15 years to 25 years. In making these amendments to the Interstate Commerce Act, your committee recognizes that several railroads which have received loan guarantees pursuant to this act are faced in the very near future with sizable payments on these loans and are not financially able to meet these payments. If these railroads are not able to extend the maturity dates of these loans, a default would result and require the Federal Government to make good on its guarantee. Accordingly, your committee believes that the extension of the maturity period for an additional 10 years will be in the best interests of the Government.

Section 6 would add a new section 510 to part V of the Interstate Commerce Act.

Subsection (a) of the new section would authorize the Comptroller General to audit financial transactions of railroads which have received loan guarantees under this section, in any case where the loan is still outstanding, or where payment has been made by the United States as a result of the guarantee. The Comptroller General is to have access to all books and papers necessary to make an audit.

Subsection (b) of the new section requires the Comptroller General to report to Congress, with a copy to the ICC, of the results of each audit made, showing the financial condition of the railroad, and any expenditures of the railroad or other financial transaction which may lessen the protection afforded the United States at the time the guarantee was made.

Mr. RYAN. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I would be happy to yield to the gentleman from New York.

Mr. RYAN. Mr. Chairman, section 2 of the basic act authorizes the Secretary to contract for demonstrations. It further provides that such demonstrations shall be designed to measure and evaluate certain factors. Among the factors now contained in that provision of the law is "variation in fares." That language is now in the law.

I have been very much concerned, as I know other Members have, about the hardship on the elderly, who are living on fixed incomes, in paying the fares. There have been projects carried on in some parts of the country, New York City for instance, to provide that senior citizens may travel on mass transit at a reduced fare or half fare.

I am asking the Chairman, the gentleman from West Virginia, if it is his understanding that the Secretary should evaluate the question of reduced fares for the elderly in conducting demonstration projects. As I pointed out, the present law lists variations in fares as a factor to be evaluated.

Mr. STAGGERS. I would say that there is a bill which is coming up next week, possibly, that this would fit into appropriately, but I agree with the gentleman from New York that what he proposes could certainly be carried out by the Secretary of Transportation under section 2 of the High Speed Ground Transportation Act.

Mr. RYAN. I would appreciate the support of the gentleman to accomplish this objective on the bill next week.

Mr. STAGGERS. When that time comes we will certainly take a look at what the gentleman is suggesting. I know what the gentleman is trying to do is worthwhile.

Mr. NELSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there are six points that this bill would cover, and they are as follows:

First. The bill provides a 3-year extension with authorizations of $97 million for the fiscal year 1973, $125 million for the fiscal year 1974, and $92.2 million for the fiscal year 1975. Total authorizations are $315.2 million.

Second. The purpose of the act, first passed in 1965, is to carry out research in new methods of surface transportation and to carry out demonstration projects.

Third. The termination date for the research activity is removed but the money is still held to 3 years.

Fourth. Projects are to include efforts to tie together interstate and local transportation systems—referred to as door-to-door research.

Fifth. Areas of high unemployment will be considered for projects.

Sixth. Unrelated to the other provisions the bill extends maximum payment time for title V loans from 15 to 25 years.

Mr. Chairman, I might point out further that we have received a memorandum from the Department of Transportation that points out the following:

> The electrified Metroliners running between Washington and New York carried nearly three and one-half million passengers between April of 1969 and December of 1971. And the TurboTrain between Boston to New York not only has good ridership but has shown us that aerospace technology can be put to very practical use on the ground.
>
> The need for this type of facility is, I believe, only too obvious if you look at some of the staggering predictions of transportation problems for the next twenty years. By 1990 America's population will be closer to 300 million than the some 200 million we now have. By then eighty-five percent of our population will live in urban areas. By then our highways will have more than 170 million vehicles on them compared to 100 million today, and airplanes will be discharging enormous crowds of people at our airports at a much faster rate than they do now.

So it would appear, Mr. Chairman, that this bill is something that we need to look at because sometimes we refrain from taking into account what will happen in the future, and are not prepared for such events.

I believe this is a necessary piece of legislation. It was supported unanimously in our committee.

Further, Mr. Chairman, the purpose of this legislation is to extend the act of 1965 relating to high speed ground transportation; to enlarge the authority of the Secretary of Transportation to undertake research and development and to authorize additional appropriations for a 3-year period.

The High Speed Ground Transportation Act is now 6 years old. Appropriations totaling $119 million have been made for its purpose to date. Unless the act is extended, it will terminate on June 30, 1972.

The Interstate and Foreign Commerce Committee and the Congress recognized in 1965 the urgent need for technological advancements in surface transportation to meet the requirements of densely populated areas of our country.

During the short span of years the program has been in existence the Federal Railroad Administration and the Department of Transportation have recorded several major accomplishments. Among the more dramatic is the introduction and continued operation of the Metroliners, the success of which dates from the first day of operation and which has shown there is a real demand for improved rail passenger service. The turbotrains which operate mostly between New York and Boston using an aeroplane type of engine also contributed to improved rail passenger technology. Perhaps of greatest importance are the joint projects in railroad technology providing for the first time cooperation between industry and government in railroad research and development.

It is this joint venture which will eventually develop the system which can best meet the requirements of other heavily populated corridors in various parts of our country and improve those presently in operation.

The Metroliner program has shown that even modest improvement in rail passenger equipment and service can attract substantial increased traffic. It is not unreasonable to believe that technology and systems being developed by the Federal Railroad Administration will in the future make even greater improvements and will increasingly meet the passenger transportation needs of the future.

Our committee bill also requires the Secretary in awarding contracts for design or manufacture of equipment and for the construction of facilities to give consideration to proposed contracts which will provide jobs in labor areas experiencing persistently high rates of unemployment.

The reported legislation also repeals the termination date of the act and authorizes annual appropriations as follows: not to exceed $97 million for the fiscal year ending June 30, 1973; not to exceed $126 million for the fiscal year ending June 30, 1974; and not to exceed $92,200,000 for the fiscal year ending June 30, 1975.

Our Nation's surface passenger transportation systems have been operating with but few technological changes during the last 50 years. We should be encouraged by the technological successes of the last 6 years and look forward to meeting our future needs. I recommend passage of this legislation.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma (Mr. JARMAN), the chairman of the subcommittee.

Mr. JARMAN. Mr. Chairman, as congestion around airports and on the highways increased, as noise and air pollution caused growing concern, and as the requirement for proper land use became evident, the need for ground transportation to play its full role in a balanced national transportation system became evident. In answer to these needs, Congress in 1965 passed the High Speed Ground Transportation Act—Public Law 89-220—to authorize research, development, and demonstrations of improved railroad technology and to explore the potential of new technologies. In the 6 years that this program has been in existence, there have been many major accomplishments. While much research and development has been accomplished, there still remains a need to develop the hardware necessary to implement the results of this research and development, and to test the new concepts. That is why the program is being made permanent and why a 3-year authorization is being provided. That is also why the authorizations are substantially greater than in the past. The hardware phase is far more costly than the initial research efforts.

Many of the Members of the House are familiar with the favorable results of the Metroliner and turbotrain demonstrations which have shown that there is a real demand for improved rail service in the country. Another major accomplishment is the completion of a study of the transportation requirements in the Northeast Corridor of the United States. The High Speed Ground Test Center at Pueblo, Colo., has been put into initial operation for advanced high-speed intercity ground transportation and rail transit testing. Completion of the testing contemplated at the Pueblo center will result in increased safety in freight and passenger rail transportation. In this connection railroad track measuring instrumentation systems have been developed which will make possible improved understanding of the wheel/rail interreactions. Similarly, an obstacle detection system is under development which has already had major technology spinoffs in the field of safety. In terms of advanced concepts, tunneling research and development has been undertaken to explore new approaches to reducing the cost of tunnel construction. Substantial developments have been made in the area of tracked air-cushion technology to the point where the early British and French lead is rapidly disappearing. The first large-scale linear induction motor has been built and preliminary testing completed to verify theoretical analysis. This project has provided the propulsion systems for the urban tracked air-cushion vehicle developments and may well be the propulsion system of the 1980's.

While the accomplishments to date in the high-speed ground transportation are substantial, it is evident that much more needs to be done. What is necessary is the testing of these advanced concepts. In this connection, the Federal Railroad Administration—FRA—program for the next 3 years includes the completion of the wheel rail dynamics laboratory, and the development of improved track test cars which should have important payoffs in terms of improved rail safety. Most importantly, FRA plans to test its tracked air-cushion vehicle and the linear induction motor system. We are now at the time where these advanced concepts are leaving the drawing board and becoming prototypes to be tested and evaluated. This testing and implementation is the critical juncture in the research efforts undertaken to date.

The continuation of this program will bring into use a number of the foregoing research efforts and provide for the initial phases of development and testing of these projects. The next few years should afford a sufficient amount of experience to determine which of the advanced systems considered are practical and economically feasible. Only the testing of these systems will give this experience.

In addition, the legislation authorizes the Secretary of Transportation to coordinate high speed ground and door-to-door transportation, R. & D. and demonstration programs. I believe the need for such coordination is evident to any traveling by air or rail. In overall terms, what is accomplished by speeding a traveler from New York to Washington on the Metroliner at 90 or 100 miles an hour if he spends almost as much time getting from Union Station to his home in the suburbs? I should emphasize, Mr. Chairman, that it is not our intention through this amendment to get into the field of urban mass transportation. That falls within the jurisdiction of the Banking and Currency Committee. Our purpose is to see that the intercity high speed ground transportation program under Public Law 89–220 is coordinated with the activities being carried on under the urban mass transportation program.

The bill also amends part V of the Interstate Commerce Act which was a program which terminated in 1963 under which the Interstate Commerce Commission guaranteed loans to certain railroads. The maximum period for repayment of such loans was 15 years. Payments are now falling due and some railroads are not able to make them. Section 5 of the bill would extend the maximum period for repayment of those loans to 25 years. It is hoped that this will permit those railroads to renegotiate these loans, stretch out their payments, and make good on their obligations and thus avoid throwing those railroads into bankruptcy which would require the United States to pay off the amount of default on these guaranteed loans.

Mr. Chairman, I believe that this legislation serves the public interest and hope that it will be passed by the House.

Mr. NELSEN. Mr. Chairman, I yield such time as he may desire to the gentleman from Tennessee (Mr. Kuykendall).

Mr. KUYKENDALL. Mr. Chairman, first I wish to congratulate the chairman and the ranking members of the committee and of the subcommittee for the extension of this very worthwhile legislation.

In January I had the opportunity of visiting the test site in Pueblo, Colo., for quite some time. And I can say with all conviction that I have never seen a more dedicated group of people making Federal dollars stretch so far and do so much.

The 3½ million riders that Mr. Nelsen spoke of who have already used the Metroliner are people who, were it not for high-speed ground transportation, would be in the air and on the highways between here and New York and California and around the country.

When most of us hear of high-speed ground transportation these days, we think of the Tokaido in Japan or the Metroliner. But the people at Peublo are doing something else. They are experimenting with everything, even the newest subway cars in New York City that get out there immediately after they come off the production line and are tested even before they go into service. And the Department of Transportation, in conjunction with private industry, has already functioning the prototype locomotive that will produce speeds up to 300 miles an hour on the ground with no pollution and no noise.

These are the things that will be commonplace by 1990 or 2000.

Before this year is over, we will see demonstrated in Pueblo the tracked air cushion research vehicle which uses the revolutionary linear induction motor. These are the vehicles that will relieve the pressure on our airways and highways and will enable people to travel on the ground between cities at a speed well over 200 miles an hour.

This sort of work not only is practical for today—look at the success of the Metroliner or the Turbotrain for example—but they are looking forward to producing high-speed transportation on the ground in comfort, with no noise, no pollution, in the neighborhood of 300 miles an hour. That technology will be on demonstration in Pueblo before this year is over.

I do not recommend this particular site as a tourist attraction. There is some beautiful scenery in Colorado a few miles from there, but the test site is on desert land that is not needed or good for anything else—and I am glad they did not buy a lot of high-priced real estate—but I urge any Member of the Congress to go and see what they are doing at this site, and to get a look at the high-speed transportation problems and solutions of the future.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. Pickle).

Mr. PICKLE. Mr. Chairman, when the Office of High Speed Ground Transportation was created, I was privileged to serve on the subcommittee which worked out this original legislation. And I was a member of the conference committee which drafted the bill in its final form.

Naturally, I feel very much a part of this program.

Naturally, I have followed its progress with more than passing interest.

And, quite naturally, I join today in support of this legislation.

I have tried to translate my interest into action. For example, I have visited the Pueblo test site; I have walked the ground and talked with the engineers. And I have come away impressed with this limited beginning. Two years ago, I tried to get $15 million additional funds for the Office of High Speed Ground Transportation. However, my amendment which was offered on the floor of the House was defeated by representatives of this administration.

Through the years, I have watched this program develop from only a concept to actual construction. And, as a result, I cannot help but regret that at times it seems that redtape is traveling faster than the program we created. Always we have been underfinanced, with the predictable result: the project moves too slow.

I endorse the committee bill today because it combines money with more muscle for the Office of High Speed.

Particularly, I support the provision which authorizes the Secretary to implement the interlocking of transportation modes in research and development and demonstrations in door-to-door and high-speed ground transportation, to determine the contributions that they could make to a more efficient, safe, and economical intercity transportation system.

Mr. Chairman, this coordination obviously is needed.

It is needed not only in the Office of High Speed Ground Transportation, but throughout the whole of DOT operations.

I recognize that I am switching subjects, but this subject of coordination cannot be taken too lightly. For this reason, six members of the Transportation and Aeronautics Subcommittee and I have introduced legislation which would provide coordination for all the research and development, all planning and all demonstration done by DOT.

This legislation, called the Transportation Development Act of 1972, would place under one central administration within DOT all the research and development, planning, and demonstration projects. This agency would be on an equal footing with the Federal Highway Administration, the Federal Aviation Administration, and other individual agencies within the DOT.

This would be done, Mr. Chairman, in the firm conviction that we have passed the point in time whereby we can just go out and build a new highway or airport—independent of other modes of transportation. Now—and no later than now—we must consider the impact that each system has on the other.

Although there is a sincere effort within the DOT to develop and coordinate these various agencies, there is no clear coordination, no real authority, no real muscle. There is no substantial national transportation policy.

I do not mean to criticize the work these separate agencies have done. Some of their work has great significance. Some of their work directly affects the other agencies.

I criticize what they have not done. They have not coordinated enough. I complain not about the people—but about the system.

I repeat my earlier support of the Office of High Speed Ground Transportation. However, as its name implies, it is dealing with high speed ground transportation only. And most of this is with rail type vehicles.

This is good. But this in itself and by itself is not enough. We must begin to think in terms of integrated transportation systems, each complementing the other while still competing with the other.

Under H.R. 13135, a new Transportation Development Administration would be set up within the DOT to function at the same level in the "pecking order" with such current agencies as the Federal Aviation Administration, Federal Railroad Administration, and Urban Mass Transit Administration.

The Administrator of this proposed new agency would be responsible for all research, development, planning, and demonstration—except by the Maritime Administration.

The plan envisioned in this bill makes no attempt to change the present operation of the highway trust fund or the airport trust fund. The other existing Administrations would be in charge of their own actual operations and would continue to administer capital grant programs.

What the proposed TDA would do would be to coordinate all such activities and to provide a sense of direction toward the development of a clear national transportation system.

To insure future coordination, 2 years after the effective enactment of this bill, the Secretary of Transportation shall not approve studies pertaining to technological assessment and forecasting, transportation priorities, regional or carrier development, feasibility or technological development—nor shall the Secretary approve research, development projects involving the study, design, construction, trials, acceptance, and introduction of new or improved transportation systems unless they have been coordinated through the Transportation Development Administration.

This plan would not mean a reduction in spending for transportation development activities, but would actually call for greater appropriations. Moreover, through coordination, we will get more value from the money we are now spending or will spend in the future.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Michigan.

Mr. DINGELL. The gentleman from Texas is a valuable member of the Committee on Interstate and Foreign Commerce, and was a most valuable member of the Transportation Subcommittee. We miss him there very much. I must say that the point which he has made at this particular time is one which merits the most careful consideration of the Congress. I wish to agree with the gentleman, support what he is doing, and associate myself with his remarks.

Mr. PICKLE. I thank the gentleman from Michigan.

If we are going to find new ways to move goods and people, we must start at a beginning, namely, putting all research and development under one agency. I call upon the Department of Transportation to give us their support on this new proposed legislation. We in effect will be giving them the muscle and the power to bring all types of research and development together. Until that time, a great deal of the money we are spending on Amtrak and other projects is simply holding the line and keeping those things together rather than finding the real answer that we must have. The answer can be found in the establishment of a Transportation Development Administrative within the Department of Transportation. I call on the Members to give this forthcoming measure their full support.

Mr. FRENZEL. Mr. Chairman, there is much that needs to be done by this Congress if we are to lay the foundation for more adequate urban transit systems. Extension of the High Speed Ground Transportation Act represents a modest, but important step in the right direction. While intercity transit is the most direct beneficiary, some of the testing of new transit technologies authorized by this act should be applied to the types of new systems which we need in our cities. This extension will also permit us for the first time to explore means of interlocking urban transit systems with the new intercity systems under development.

A total of $119 million has been appropriated for this program since its adoption in 1965. This extension will authorize additional appropriations totaling $315,200,000 over the next 3-year period. I hope we will fully fund this program. We cannot permit the glow of good feeling which surrounds the passage of this bill blind us to the need to actually make the funds available when the time comes.

Mr. SPRINGER. Mr. Chairman, a great deal of attention has been focused on railroad passenger service in the last few years. Its prospects and its future development have taken on the aspects of a national debate. The removal of passenger service from the regular railroad carriers to the newly formed corporation now known as Amtrak changed the nature of the debate, but hardly settled it. The prognosis for passenger service is at best guarded and the reasons why are varied.

One thing about the future of railroad passenger service is pretty well agreed upon. Unless we are able to find new and better equipment and revolutionary systems of propulsion, there is no hope. If new, fast, comfortable and economical service systems can be discovered and used, some passenger service will not only survive, but may prosper. This was a recognizable fact before Amtrak was invented and it still is a fact. And that is really the story of what the high-speed ground transportation legislation has been about since 1965, when it was first enacted.

This is a research effort coupled with authority for demonstrating new technology. The Metroliner and the Turbotrain are examples of demonstration activities which are in progress and from which much is being learned. Those projects are trying to make the most out of what technology is readily available. They are not ultimate answers. Much better systems are necessary.

Since the beginnings in 1965 much has been accomplished and much information has been developed. There is a test facility in Pueblo, Colo., where revolutionary types of propulsion are under test. Without trying to explain the technical side of these issues and ideas, because I cannot, let me just mention them. The tracked air-cushioned vehicle may very well resolve some of the problems caused by deteriorating roadbeds without the very high cost of complete rebuilding of the right-of-way. Linear induction motors may be able to pull these vehicles around at high speed with little fuss and great comfort. These and other innovations in surface transportation are well along and could revolutionize the passenger business within a few years.

To carry out this research the bill provides for a total of $315.2 million over the next 3 years. Although the money is limited to this period of time, the authority to proceed with the activities is not so limited and it is expected that it shall continue until results are obtained.

I recommend that the House approve this bill.

Mr. BOLAND. Mr. Chairman, I rise in support of this legislation. Extending the life of the High Speed Ground Transportation Act for 3 years and strengthening its budget, the bill would carry forward a score of research and demonstration projects aimed at balancing the country's transportation system. The bill calls for an authorization of $97 million during fiscal 1973, more than four times the fiscal 1972 budget—indeed, more than 80 percent of the total $119 million spent under the High Speed Ground Transportation Act since it went into effect in 1968. The authorization for fiscal 1974 would reach $126 million, and, for fiscal 1975—when research experts anticipate a less pressing need for funds—$92.2 million.

The need for a renewed commitment to this program is obvious. The country's surface transportation systems—its rail systems, in particular—have lagged for behind the technological advances in other fields. In fact, as the Interstate and Foreign Commerce Committee points out in its report, the systems have been mired in the same drearily familiar patterns for the past half century. At a time when space travel has become almost routine, our modes of surface transportation are still relics of the horse-and-buggy era. Everyone is familiar with the railway problem: the capricious schedules, the grimy and airless cars, the sullen ticket agents, the abandoned routes. Driving a car in the inner city—indeed, even on many highways—is equally harrowing. Traffic jams grow more frequent and more infuriating year by year.

What we need, Mr. Chairman, is a roundly balanced transportation system—one that smoothly integrates the modes of air, rail, car and bus travel.

Swift and efficient means of ground transportation, both intercity and intracity, are among our highest priorities in working for that balance.

The High Speed Ground Transportation Act has already led to some heartening breakthroughs:

First. A completion of a study of transportation requirements in the Northeast Corridor of the United States.

Second. A Metroliner demonstration which has shown a real demand for improved rail passenger service.

Third. A Turbotrain demonstration which has demonstrated improved rail passenger technology.

Fourth. A High Speed Ground Test Center at Pueblo, Colo., has been put into initial operation for advanced high speed intercity ground transportation and rail transit testing.

Fifth. Tunneling research and development has been undertaken to explore new approaches to reducing the cost of tunnel construction.

Sixth. A railroad track measuring instrumentation system has been developed which will make possible improved understanding of the wheel in rail interactions and could lead to improvements to the entire national rail network trackage.

Seventh. An obstacle detection system is under development which has already had a major technology spinoff in the field of security.

Eighth. Tracked air cushion technology has been advanced to the point where the early British and French lead is rapidly disappearing.

Ninth. A network control system is under development which appears to be the most promising control system for a number of ground systems, including the dual mode vehicle for urban application.

Tenth. The first large-scale linear electric motor has been built and preliminary testing completed to verify theoretical analysis. This project has provided the propulsion system for the urban TACV developments and may well be the propulsion system of the 1980's.

Eleventh. There are joint projects in railroad technology under way providing for the first time industry/Government cooperation in railroad research and development.

The bill now before us would continue these projects and give rise to new ones.

One provision of the bill, Mr. Chairman, deserves special note here. It directs the Secretary of Transportation to give every consideration to areas of high unemployment in awarding contracts for the manufacture of equipment or the construction of facilities. Chairman STAGGERS has pointed out that cutbacks in Federal spending have caused sudden and dramatic unemployment in many areas of the country, leaving millions of highly skilled and highly motivated people without jobs. In my own congressional district—largely within the Springfield-Holyoke-Chicopee metropolitan area—these cutbacks have played a major role in driving the unemployment rate up to nearly 9 percent.

This is a sound bill, recognizing the country's economic plight as well as its transportation plight.

I urge its passage.

Mr. MONAGAN. Mr. Chairman, I support H.R. 11384, to extend the High Speed Ground Transportation Act for 3 years with a total additional authorization of $315,200,000.

First enacted in 1965, this legislation mandated the Secretary of Transportation with undertaking research, development, and demonstrations in high-speed surface transportation, and it has proved to be a keystone in meeting our transportation needs for the future.

In the New England area, for example, it has made possible a thorough Department of Transportation study of transportation requirements in the northeast corridor. It has also made possible the successful Turbotrain run between Boston and New York, and the popular Metroliner between New York and Washington. These two lines have not only demonstrated improved high-speed technology, but have revealed the demand for this mode of passenger travel.

In the area of research and development, the High Speed Ground Transportation Act has funded such valuable projects as a test center, an obstacle detection system, and tracked air cushion technology research. In addition, the first large scale linear electric motor, a potential propulsion system of the 1980's, has been built through the funds authorized under this act.

The legislation before us today would permit the continuation of this essential research for 3 more years, and allow DOT to further develop our ability to meet future transportation needs. To carry out this goal, H.R. 11384 authorizes $97,000,000 for fiscal 1973, $126,000,000 for fiscal 1974, and $92,200,000 for fiscal 1975.

Included in this authorization is a total of $1.5 million for the Turbotrain demonstration run. It is clear that the Turbotrain between Boston and New York needs more funds than this for improvements in roadbeds and other areas, and I hoped that the Turbo would receive considerably more funding. The Metroliner by comparison is authorized $17,200,000 under this legislation, for instance. At the same time, the $1.5 million provided for the Turbotrain will at least allow DOT to continue its work on this demonstration, to improve cars and other equipment. I therefore support this section, but with the hope that considerable additional funds, essential to the future of the Turbotrain run, will be provided at some later date.

H.R. 11384 contains two unique sections which were not in the earlier High-Speed Ground Transportation Act passed by Congress. The first of these requires that the Secretary of Transportation, in awarding contracts in connection with research, development, and demonstration projects, give consideration to proposed contracts from labor areas which have substantial unemployment. This clause is by no means binding. However, it does call attention to the need for creating jobs in those areas in States like Connecticut, which have been particularly hard hit by unemployment.

The second section authorizes the Secretary of Transportation to explore the so-called door-to-door aspects of rail transportation, that is the relationship of urban transportation systems with intercity transportation systems such as the Turbotrain run. The long range goal is to improve the ease of transfer between urban and intercity transportation. The Department of Transportation has already begun some tentative studies in this area. It is hoped that this legislation will further encourage research in this direction.

Mr. DONOHUE. Mr. Chairman, coming from a large urban community, I, like a great many other members here, have firsthand knowledge of the very vexing transportation problems afflicting every population center in the country, so I most earnestly urge and hope that this bill, H.R. 11384, designed to extend and enlarge the 1965 High Speed Ground Transportation Act, will be overwhelmingly approved here this afternoon.

My home city of Worcester, Mass., the third largest in New England, is increasingly plagued by inadequate transportation service and, as the pollution danger and traffic congestion daily grows, our population is made more acutely aware of the vital need to provide a safe, economic and balanced transportation system.

Indeed some limited but encouraging headway toward this objective was made under the provisions of the 1965 act. The Department of Transportation completed its northeast corridor transportation study and its developed impact could be made very helpful to the people of our area. Transportation Secretary John Volpe hailed the study as one of the most comprehensive analytical efforts ever undertaken in the challenging field of transportation. The Metroliner and Turbotrain demonstrations that were initiated between Boston, New York, and Washington very clearly indicated that there is a great public desire as well as a near desperate need for improved rail passenger service, and there is no question that the availability of such improved rail passenger service along the more densely-populated inland route from Boston, Framingham, Worcester, Springfield, New Haven and New York would inspire such a nearly universal use of these more modern rail passenger facilities that a profitable operation would be practically guaranteed.

This is the type of improved service and advanced rail technology that was projected when the research and development provisions of the 1965 act were accepted here. This measure before us now holds out an even greater hope for accelerated accomplishment of our eventual objective. For example, the substantial costs of upgrading railroad beds and track was cited as a reason for many national areas, including my own, not being given high speed rail transportation service. Under the provisions of this current proposal, the Department of Transportation's high speed ground test center in Colorado will conduct more exhaustive safety and economic efficiency studies on conventional railroad track and there is every reasonable expectation that these studies will be substantially more effective in bringing our improved service anticipations closer to reality.

Another appealing aspect of the bill before us is the esteemed Interstate and Foreign Commerce Committee's recognition of the very urgent need for more efficient door-to-door service. In effect, the question has been posed and answered, of what benefit would be high-speed rail passenger service between, say, Boston and New York if the travel time saved between those stations is practically cancelled out by the delaying difficulties of getting to and from such stations, from the point of home origin to our final pleasure or business destination. Although the Department of Transportation made a good effort to deal with this question under the provisions of the previous act, I think we should commend and accept the new language and more complete answer the committee has inserted in this measure, which clarifies and strengthens the Secretary's authority to completely link together intermodal transportation programs and demonstrations.

Last, but by no means least, this bill will provide some assistance in helping to solve the paramount problem of unemployment that so severely affects my district and a great number of other areas throughout the Nation. Under the terms of this bill, the Transportation Secretary will be required to give real consideration, in contract placement and awards, to the people and businesses in those areas that are experiencing an unfortunately high rate of unemployment. There are several very efficient businesses in my district and area, and I am sure in many, many others throughout the country, that are engaged in research and development of personalized rapid transit modes and methods and it is hoped that a good number of them can be given the opportunity, under this legislation, to help alleviate not only the great inconveniences associated with congested transportation, but also some of the cruel and discouraging hardships of wide unemployment.

Because I believe that this legislative proposal is unquestionably in the great national interest, that it is designed to meet a top priority need, and is a most prudent investment for the present as well as the future, I hope that it will be accepted and adopted by a very great majority of this House.

Mr. STAGGERS. Mr. Chairman, we have no further requests for time.

Mr. NELSEN. Mr. Chairman, we have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will read the committee amendment in the nature of a substitute as an original bill for the purpose of amendment.

The Clerk read as follows:

H.R. 11384

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first section of the Act entitled "An Act to authorize the Secretary of Commerce to undertake research and development in high-speed ground transportation, and for other purposes", approved September 30, 1965 (49 U.S.C. 1631), is amended by inserting "and door-to-door ground transportation" immediately after "high-speed ground transportation".

(b) The first sentence of section 2 of such Act (49 U.S.C. 1632) is amended to read as follows: "The Secretary is authorized to contract for demonstrations to determine the contributions that high-speed ground transportation and door-to-door ground transportation could make to more efficient, safe, and economical intercity transportation systems.".

SEC. 2. (a) Section 8(a) of such Act (49 U.S.C. 1638(a)) is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting immediately after paragraph (1) the following new paragraph:

(2) In awarding contracts for the design or manufacture of equipment, or for the construction of facilities, in connection with research and development and demonstration projects under this Act, the Secretary shall give consideration to proposed contracts which will increase employment in labor areas (as those areas are described by the Secretary of Labor in title 41 of the Code of Federal Regulations)—

"(A) which are experiencing a rate of unemployment of 9 per centum or more of the area's work force, or a rate of unemployment of 150 per centum or more of the federally determined unemployment rate for the entire United States; or

"(B) which have experienced a 1 per centum increase in unemployment, as determined by the Secretary of Labor, of the available work force as a result of the termination or reduction of a federally financed or supported program and such increase in unemployment continues to exist.

Nothing in this paragraph shall be construed to require that any contract awarded under this Act must be wholly performed in any one labor area.".

(b) Paragraph (3), as so redesignated by subsection (a) of this section, is amended to read as follows:

"(3) Except as provided in paragraph (2) of this subsection, the private agencies, institutions, organizations, corporations, and individuals with which the Secretary enters into agreements or contracts to carry out research and development under this Act shall, to the maximum extent practicable, be geographically distributed throughout the United States.".

SEC. 3. The first sentence of section 11 of such Act (49 U.S.C. 1641) is amended by striking out "and" and by striking out the period at the end thereof and inserting in lieu thereof a semicolon and the following: "$97,000,000 for the fiscal year ending June 30, 1973; $126,000,000 for the fiscal year ending June 30, 1974; and $92,200,000 for the fiscal year ending June 30, 1975.".

SEC. 4. Section 12 of such Act (49 U.S.C. 1642) is repealed.

SEC. 5. (a) Section 504(a)(3) of the Interstate Commerce Act (49 U.S.C. 1234(a)(3)) is amended by striking out "fifteen years after the date thereof" and inserting in lieu thereof "twenty-five years after the date thereof".

(b) Section 505 of the Interstate Commerce Act (49 U.S.C. 1235) is amended by inserting immediately after "renewal or extension of any such guaranty" the following: "for any period of time not exceeding twenty-five years from the date of the original guaranty".

SEC. 6. Part V of the Interstate Commerce Act (49 U.S.C. 1231 et seq.) is amended by renumbering section 510 as section 511 and by inserting immediately after section 509 the following new section:

"AUDIT BY COMPTROLLER GENERAL

"SEC. 510. (a) In any case in which—

"(1) there is outstanding any guaranty by the Commission made under this part; or

"(2) the Secretary of the Treasury is required to make any payment as a consequence of any guaranty by the Commission made under this part;

the financial transactions of the common carrier by railroad subject to this Act with respect to which such guaranty was made may be audited by the Comptroller General of the United States under such rules and regulations as he may prescribe. The representatives of the Comptroller General shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by such common carrier by railroad pertaining to its financial transactions and necessary to facilitate the audit, and such representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians.

"(b) A report of each such audit shall be made by the Comptroller General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General may deem necessary to inform the Congress of the financial operations and condition of the common carrier by railroad involved in such audit, together with such recommendations with respect thereto as he may deem advisable. The report shall also show specifically any program, expenditure, or other financial transaction, or undertaking observed in the course of the audit, which, in the opinion of the Comptroller General, adversely affects the financial operations or condition of the common carrier by railroad involved in such audit or lessens the protection afforded the United States at the time the original guaranty was made. A copy of each report shall be furnished to the Commission at the time it is submitted to the Congress.".

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I should like to ask somebody sponsoring this bill where it is proposed to get the money to continue to provide experiments of this kind. What are you out to do today with a $315 million continuance of this program? Are you out to provide more comfortable and faster transportation to the bankruptcy courts and the poorhouse?

Mr. DINGELL. Mr. Chairman, will the gentleman yield? I will be glad to answer.

Mr. GROSS. In view of the fact that we are facing a $40 billion deficit this fiscal year ending June 30, and are told that we will start with a $25.5 billion written in, planned and admitted deficit in the budget for next fiscal year beginning July 1, where is it proposed to get the $315 million for this purpose? I yield to the gentleman from Michigan.

Mr. DINGELL. The answer to my good friend is that the taxpayers will be stuck with the bill.

Mr. GROSS. The taxpayers?

Mr. DINGELL. That is right.

Mr. GROSS. The gentleman knows the taxpayers are already burdened to the breaking point with taxes. The money is going to be borrowed or printed. The gentleman knows that.

Mr. DINGELL. I do not propose to rise in denunciation of this administration and its fiscal policies, but I will be glad to listen while the gentleman is discussing those matters.

I am sure he will do an adequate job of it. But I do think the gentleman ought to recognize that this country has a major transportation crisis and unless we plan ahead to eliminate some of the transportation problems with which we are afflicted, the whole country will suffer.

Mr. GROSS. This country also has a first-class financial crisis staring it right in the face.

Mr. DINGELL. And if we do not cure the transportation crisis, we will not have the means for curing the financial crisis. That is the purpose of this bill.

Mr. GROSS. Moreover, this bill apparently puts a premium on unemployment. In other words, certain sections and areas of the country, where unemployment has become a way of life, will get the production to be financed by this bill. Even though other areas conduct their business properly and tax their people in order to hold down unemployment, they are practically written out of the benefits of this legislation.

And I am getting fed up with this business of chairmen of committees coming in with bills without the slightest evidence as to where it is expected to get the money to finance them. I would be glad to hear from the chairman of the committee if he can tell me where it is expected to get this $315 million, except by running the printing presses.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I think the gentleman is making an important overall contribution to the problems of the Nation. I think most people recognize we are in difficulties financially. This is recognized. But this is an administration bill, and they set the figures in the bill themselves. We have brought that in. They have said if we can improve the transportation systems of America, then we can improve our economic systems also. I believe this. I believe the time has come when we must look ahead and try to do this in a businesslike way.

I would agree with the gentleman that this being in debt is bad for the country, but we cannot stop progress.

Mr. GROSS. We cannot stop what?

Mr. STAGGERS. Progress. This bill is to put into effect some progress.

Mr. GROSS. Is it progress to arrive at the poorhouse in a faster and more comfortable vehicle? Is that progress?

Mr. STAGGERS. The gentleman from Iowa is speaking in hypothetical terms.

Mr. GROSS. I am not speaking in hypothetical terms, and the gentleman knows it.

Mr. STAGGERS. I have said I agree with the gentleman that the situation is serious, and I do agree with him on that.

Mr. GROSS. Does the gentleman agree with me that the bill puts a premium on areas of unemployment?

Mr. STAGGERS. No.

We say they "would be considered," but we say it should be administered in this way. We say it shall be distributed geographically as evenly as it can be among the States.

Mr. GROSS. How long is it proposed to "consider" and continue the high-speed "demonstration" project between Washington and New York and Boston and New York? Does the gentleman have any idea how much longer that will go on?

Mr. STAGGERS. This is beyond the demonstration stage. This is put into actual use. We have most of the research done. That is what we want to do with most of the other modes. As I say, that is to be done with the air cushion on the track. If we can get that, we will have a modern system of transportation in America.

Mr. GROSS. We will never get any of this money back. It will be gone where the woodbine twineth, and the whangdoodle whangeth, and the gentleman knows it.

Let me ask the gentleman what the bill means by "door-to-door ground transportation." Will citizens be transported door to door in Iowa?

Mr. STAGGERS. No.

Mr. GROSS. Of course not, because we have no passenger trains left out there. We will get the back of your hand out of this bill in Iowa. But what is door to door transportation? Do they pick up everybody door to door and transport them to other doors? What is the meaning of it?

Mr. STAGGERS. Well, it is explained in the report. I might say to the gentleman that what we are trying to do is have interlocking door to door. We do not just mean door to door; we mean into the streets of the areas where the transportation goes. For instance, when one comes into the Washington terminal, we mean that there will be transportation which will be acceptable and will take the person to different points of the city, that one can get to and get out of.

Mr. GROSS. It is not going to be door to door in West Virginia or Iowa, is it?

Mr. STAGGERS. No, sir.

Mr. GROSS. You bet your life it is not.

Mr. STAGGERS. No, sir.

Mr. GROSS. But we will get the opportunity to help put up the money if it is possible to dig it out of the taxpayers. They will put it up in West Virginia and Iowa, but the benefited areas will be where they make the equipment and where the trains will run after the equipment is put on the rails.

Mr. STAGGERS. I agree with the gentleman.

Mr. GROSS. Just count me out on this kind of business.

The **CHAIRMAN.** Are there any amendments to be proposed to the committee amendment in the nature of a substitute? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The **CHAIRMAN.** Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. St Germain, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 11384) to extend the act of September 30, 1965, relating to high-speed ground transportation, by enlarging the authority of the Secretary to undertake research and development, removing the termination date thereof, and for other purposes, pursuant to House Resolution 850, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The **SPEAKER.** Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The **SPEAKER.** The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The **SPEAKER.** The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER.** Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 361, nays 14, not voting 56, as follows:

[Roll No. 60]

YEAS—361

Abbitt
Abernethy
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Archer
Arends
Ashley
Aspin
Aspinall
Badillo
Baker
Barrett
Begich
Belcher
Bell
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Boggs
Boland
Bolling
Bow
Brademas
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Dowdy
Downing
Drinan
Dulski
du Pont
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Fulton
Fuqua
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Hagan
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Koch
Kuykendall
Kyl
Landrum
Leggett
Lennon
Lent
Link
Lloyd
Long, La.
Lujan
McClory
McClure
McCollister
McCormack
McCulloch
McDade
McEwen
McFall
McKay
McKevitt
McKinney
Mahon
Mailliard
Mallary
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Konski
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Podell
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.

Quie
Quillen
Railsback
Randall
Rangel
Rees
Reid
Reuss
Rhodes
Roberts
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roush
Rousselot
Roy
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Snyder
Smith, N.Y.
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stratton
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Udall
Ullman
Van Deerlin
Vander Jagt
Vigorito
Waggonner
Waldie
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—14

Bennett
Crane
de la Garza
Duncan
Findley
Flynt
Gross
Hall
Mathis, Ga.
Nichols
Rarick
Robinson, Va.
Runnels
Schmitz

NOT VOTING—56

Anderson, Tenn.
Andrews
Annunzio
Ashbrook
Baring
Blatnik
Brasco
Camp
Carey, N.Y.
Chisholm
Clay
Collins, Ill.
Dwyer
Eckhardt
Edwards, La.
Frey
Galifianakis
Goldwater
Grasso
Hébert
Jonas
Kluczynski
Kyros
Landgrebe
Latta
Long, Md.
McCloskey
McDonald, Mich.
McMillan
Macdonald, Mass.
Madden
Mann
Martin
Metcalfe
Mitchell
Morgan
O'Hara
O'Neill
Poage
Powell
Pryor, Ark.
Pucinski
Purcell
Riegle
Rostenkowski
Shipley
Shoup
Springer
Stephens
Stokes
Stubblefield
Tiernan
Vanik
Veysey
Wampler
Wilson, Bob

So the bill was passed.

The Clerk announced the following pairs:

Mr. O'Neill with Mr. Andrews.
Mr. Stokes with Mr. Blatnik.
Mr. Annunzio with Mr. Bob Wilson.
Mr. Brasco with Mr. Goldwater.
Mr. Rostenkowski with Mr. McDonald of Michigan.
Mr. Hébert with Mr. Martin.
Mr. Carey of New York with Mr. Clay.
Mr. Kluczynski with Mr. Springer.
Mr. Collins of Illinois with Mr. Kyros.
Mr. Stubblefield with Mr. Ashbrook.
Mr. Tiernan with Mr. Camp.
Mr. O'Hara with Mrs. Chisholm.
Mr. Long of Maryland with Mr. Metcalfe.
Mr. Shipley with Mr. Frey.
Mr. Stephens with Mr. Landgrebe.
Mr. Anderson of Tennessee with Mr. Latta.
Mr. Eckhardt with Mr. McCloskey.
Mr. Purcell with Mr. Riegle.
Mrs. Grasso with Mrs. Dwyer.
Mr. Vanik with Mr. Powell.
Mr. Hébert with Mr. Martin.
Mr. Mitchell with Mr. Baring.
Mr. Pucinski with Mr. Shoup.
Mr. Madden with Mr. Veysey.
Mr. Morgan with Mr. Wampler.
Mr. McMillan with Mr. Galifianakis.

Mr. CONYERS changed his vote from "nay" to "yea."

The title was amended so as to read: "A bill to amend the Act of September 30, 1965, relating to high-speed ground transportation, to enlarge the authority of the Secretary to undertake research and development, to remove the termination date thereof, and for other purposes."

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 850, the Committee on Interstate and Foreign Commerce is discharged from further consideration of the bill S. 979.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STAGGERS moves to strike out all after the enacting clause of the bill S. 979 and to insert in lieu thereof the provisions of H.R. 11384, as passed.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to amend the Act of September 30, 1965, relating to high-speed ground transportation, to enlarge the authority of the Secretary to undertake research and development, to remove the termination date thereof, and for other purposes.".

A motion to reconsider was laid on the table.

A similar House bill (H.R. 11384) was laid on the table.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the remainder of the week, if any, and the schedule for next week.

Mr. BOGGS. Mr. Speaker, will the distinguished gentleman yield?

Mr. GERALD R. FORD. I yield to the distinguished gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, in reply to the distinguished minority leader, this completes the program for this week, and I shall ask unanimous consent to go over until Monday after adjournment today.

The program for next week is as follows:

Monday there will be a call of the Consent Calendar, to be followed by consideration of nine suspensions, as follows:

S. 1975, minimum age for Federal court jurors;

H.R. 2589, jury qualification form change;

Senate Joint Resolution 190, Commission on the Bankruptcy Laws Terms Extension;

H.R. 12828, veterans' education and training amendments;

S. 860, Trust Territory of the Pacific Islands;

H.R. 12749, saline water conversion program;

H.R. 10390, Indian Claims Commission;

H.R. 8763, Oregon Dunes National Recreation Area; and

H.R. 10834, authorizing Alaska to operate a ferry.

Tuesday there will be a call of the Private Calendar, and also a motion to send to conference S. 659, the Omnibus Education Amendments of 1972, with Senate amendment thereto.

For Wednesday and the balance of the week there will be consideration of the following:

H.R. 11624, Transpo 72 at Dulles Airport, authorization, subject to a rule being granted;

H.R. 1746, Equal Employment Opportunities Act, a conference report; and

H.R. 10420, Marine Mammal Protection Act, subject to a rule being granted.

Conference reports, of course, may be called up at any time, and any further program will be announced later.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

What is the future for that long list of Member bills which were killed off yesterday or the day before yesterday, whichever it was?

Mr. BOGGS. I am unable to answer the gentleman's inquiry. I have not discussed the matter with the distinguished chairman of the Ways and Means Committee. I would think that the gentleman would be free to call them up again under unanimous consent, or, if necessary, to obtain rules.

I would not want to slow down any presidential candidate's campaign, but it might be helpful to know as soon as possible when we are going to be faced with that bunch of bills.

The gentleman might notice they are not called up for next Tuesday, at any rate.

ADJOURNMENT OVER TO MONDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business in order under the calendar Wednesday rule be dispensed with on Wednesday of next week, March 8.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

CONFERENCE REPORT ON H.R. 1746, EQUAL EMPLOYMENT OPPORTUNITY ACT OF 1972

Mr. PERKINS submitted the following conference report and statement on the bill (H.R. 1746) to further promote equal employment opportunities for American workers:

CONFERENCE REPORT (H. REPT. NO. 92-899)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1746). An Act to further promote equal employment opportunities for American workers, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Equal Employment Opportunity Act of 1972".

SEC. 2. Section 701 of the Civil Rights Act of 1964 (78 Stat. 253; 42 U.S.C. 2000e) is amended as follows:

(1) In subsection (a) insert "governments, governmental agencies, political subdivisions," after the word "individuals".

(2) Subsection (b) is amended to read as follows:

"(b) The term 'employer' means a person engaged in an industry affecting commerce who has fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, and any agent of such a person, but such term does not include (1) the United States, a corporation wholly owned by the Government of the United States, an Indian tribe, or any department or agency of the District of Columbia subject by statute to procedures of the competitive service (as defined in section 2102 of title 5 of the United States Code), or (2) a bona fide private membership club (other than a labor organization) which is exempt from taxation under section 501(c) of the Internal Revenue Code of 1954, except that during the first year after the date of enactment of the Equal Employment Opportunity Act of 1972, persons having fewer than twenty-five employees (and their agents) shall not be considered employers."

(3) In subsection (c) beginning with the semicolon strike out through the word "assistance".

(4) In subsection (e) strike out between "(A)" and "and such labor organization", and insert in lieu thereof "twenty-five or more during the first year after the date of enactment of the Equal Employment Opportunity Act of 1972, or (B) fifteen or more thereafter,".

(5) In subsection (f), insert before the period a comma and the following: "except that the term 'employee' shall not include any person elected to public office in any State or political subdivision of any State by the qualified voters thereof, or any person chosen by such officer to be on such officer's personal staff, or an appointee on the policy making level or an immediate adviser with respect to the exercise of the constitutional or legal powers of the office. The exemption set forth in the preceding sentence shall not include employees subject to the civil service laws of a State government, governmental agency or political subdivision."

(6) At the end of subsection (h) insert before the period a comma and the following: "and further includes any governmental industry, business, or activity".

(7) After subsection (i) insert the following new subsection (j):

"(j) The term 'religion' includes all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he is unable to reasonably accommodate to an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business."

SEC. 3. Section 702 of the Civil Rights Act of 1964 (78 Stat. 255; 42 U.S.C. 2000e-1) is amended to read as follows:

"EXEMPTION

"SEC. 702. This title shall not apply to an employer with respect to the employment of aliens outside any State, or to a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities."

SEC. 4. (a) Subsections (a) through (g) of section 706 of the Civil Rights Act of 1964 (78 Stat. 259; 42 U.S.C. 2000e-5(a)-(g)) are amended to read as follows:

"SEC. 705. (a) The Commission is empowered, as hereinafter provided, to prevent any person from engaging in any unlawful employment practice as set forth in section 703 or 704 of this title.

"(b) Whenever a charge is filed by or on behalf of a person claiming to be aggrieved, or by a member of the Commission, alleging that an employer employment agency, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, has engaged in an unlawful employment practice, the Commission shall serve a notice of the charge (including the date, place and circumstances of the alleged unlawful employment practice) on such employer, employment agency, labor organization, or joint labor-management committee (hereinafter referred to as the 'respondent') within ten days, and shall make an investigation thereof. Charges shall be in writing under oath or affirmation and shall contain such information and be in such form as the Commission requires. Charges shall not be made public by the Commission. If the Commission determines after such investigation that there is not reasonable cause to believe that the charge is true, it shall dismiss the charge and promptly notify the person claiming to be aggrieved and the respondent of its action. In determining whether reasonable cause exists, the Commission shall accord substantial weight to final findings and orders made by State or local authorities in proceedings commenced under State or local law pursuant to the requirements of subsections (c) and (d). If the Commission determines after such investigation that there is reasonable cause to believe that the charge is true, the Commission shall endeavor to eliminate any such alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during and as a part of such informal endeavor may be made public by the Commission, its officers or employees, or used as evidence in a subsequent proceeding without the written consent of the persons concerned. Any person who makes public information in violation of this subsection shall be fined not more than $1,000 or imprisoned for not more than one year, or both. The Commission shall make its determination on reasonable cause as promptly as possible and, so far as practicable, not later than one hundred and twenty days from the filing of the charge or, where applicable under subsection (c) or (d), from the date upon which the Commission is authorized to take action with respect to the charge.

"(c) In the case of an alleged unlawful employment practice occurring in a State, or political subdivision of a State, which has a State or local law prohibiting the unlawful employment practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, no charge may be filed under subsection (a) by the person aggrieved before the expiration of sixty days after proceedings have been commenced under the State or local law, unless such proceedings have been earlier terminated, provided that such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective date of such State or local law. If any requirement for the commencement of such proceedings is imposed by a State or local authority other than a requirement of the filing of a written and signed statement of the facts upon which the proceeding is based, the proceeding shall be deemed to have been commenced for the purposes of this subsection at the time such statement is sent by registered mail to the appropriate State or local authority.

"(d) In the case of any charge filed by a member of the Commission alleging an unlawful employment practice occurring in a State or political subdivision of a State which has a State or local law prohibiting the practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, the Commission shall, before taking any action with respect to such charge, notify the appropriate State or local officials and, upon request, afford them a reasonable time, but not less than sixty days (provided that such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective day of such State or local law), unless a shorter period is requested, to act under such State or local law to remedy the practice alleged.

"(e) A charge under this section shall be filed within one hundred and eighty days after the alleged unlawful employment practice occurred and notice of the charge (including the date, place and circumstances of the alleged unlawful employment practice) shall be served upon the person against whom such charge is made within ten days thereafter, except that in a case of an unlawful employment practice with respect to which the person aggrieved has initially instituted proceedings with a State or local agency with authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, such charge shall be filed by or on behalf of the person aggrieved within three hundred days after the alleged unlawful employment practice occurred, or within thirty days after receiving notice that the State or local agency has terminated the proceedings under the State or local law, whichever is earlier, and a copy of such charge shall be filed by the Commission with the State or local agency.

"(f) (1) If within thirty days after a charge is filed with the Commission or within thirty days after expiration of any period of reference under subsection (c) or (d), the Commission has been unable to secure from the respondent a conciliation agreement acceptable to the Commission, the Commission may bring a civil action against any respondent not a government, governmental agency, or political subdivision named in the charge. In the case of a respondent which is a government, governmental agency, or political subdivision, if the Commission has been unable to secure from the respondent a conciliation agreement acceptable to the Commission, the Commission shall take no further action and shall refer the case to the Attorney General who may bring a civil action against such respondent in the appropriate United States district court. The person or persons aggrieved shall have the right to intervene in a civil action brought by the Commission or the Attorney General in a case involving a government, governmental agency, or political subdivision. If a charge filed with the Commission pursuant to subsection (b) is dismissed by the Commission, or if within one hundred and eighty days from the filing of such charge or the expiration of any period of reference under subsection (c) or (d), whichever is later, the Commission has not filed a civil action under this section or the Attorney General has not filed a civil action in a case involving a government, governmental agency, or political subdivision, or the Commission has not entered into a conciliation agreement to which the person aggrieved is a party, the Commission, or the Attorney General in a case involving a government, governmental agency, or political subdivision, shall so notify the person aggrieved and within ninety days after the giving of such notice a civil action may be brought against the respondent named in the charge (A) by the person claiming to be aggrieved or (B) if such charge was filed by a member of the Commission, by any person whom the charge alleges was aggrieved by the alleged unlawful employment practice. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the action without the payment of fees, costs, or security. Upon timely application, the court may, in its discretion, permit the Commission, or the Attorney General in a case involving a government, governmental agency, or political subdivision, to intervene in such civil action upon certification that the case is of general public importance. Upon request, the court may, in its discretion, stay further proceedings for not more than sixty days pending the termination of State or local proceedings described in subsections (c) or (d) of this section or further efforts of the Commission to obtain voluntary compliance.

"(2) Whenever a charge is filed with the Commission and the Commission concludes on the basis of a preliminary investigation that prompt judicial action is necessary to carry out the purposes of this Act, the Commission, or the Attorney General in a case involving a government, governmental agency, or political subdivision, may bring an action for appropriate temporary or preliminary relief pending final disposition of such charge. Any temporary restraining order or other order granting preliminary or temporary relief shall be issued in accordance with rule 65 of the Federal Rules of Civil Procedure. It shall be the duty of a court having jurisdiction over proceedings under this section to assign cases for hearing at the earliest practicable date and to cause such cases to be in every way expedited.

"(3) Each United States district court and each United States court of a place subject to the jurisdiction of the United States shall have jurisdiction of actions brought under this title. Such an action may be brought in any judicial district in the State in which the unlawful employment practice is alleged to have been committed, in the judicial district in which the employment records relevant to such practice are maintained and administered, or in the judicial district in which the aggrieved person would have worked but for the alleged unlawful employment practice, but if the respondent is not found within any such district, such an action may be brought within the judicial district in which the respondent has his principal office. For purposes of section 1404 and 1406 of title 28 of the United States Code, the judicial district in which the respondent has his principal office shall in all cases be considered a district in which the action might have been brought.

"(4) It shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case is pending immediately to designate a judge in such district to hear and determine the case. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or in his absence, the acting chief judge) who shall then designate a district or circuit judge of the circuit to hear and determine the case.

"(5) It shall be the duty of the judge designated pursuant to this subsection to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited. If such judge has not scheduled the case for trial within one hundred and twenty days after issue has been joined, that judge may appoint a master pursuant to rule 53 of the Federal Rules of Civil Procedure.

"(g) If the court finds that the respondent has intentionally engaged in or is intentionally engaging in an unlawful employment practice charged in the complaint, the court may enjoin the respondent from engaging in such unlawful employment practice, and order such affirmative action as may be appropriate, which may include, but is not limited to, reinstatement or hiring of employees, with or without back pay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the unlawful employment practice), or any other equitable relief as the court deems appropriate. Back pay liability shall not accrue from a date more than two years prior to the filing of a charge with the Commission. Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable. No order of the court shall require the admission or reinstatement of an individual as a member of a union, or the hiring, reinstatement, or promotion of an individual as an employee, or the payment to him of any back pay, if such individual was refused admission, suspended, or expelled, or was refused employment or advancement or was suspended or discharged for any reason other than discrimination on account of race, color, religion, sex, or national origin or in violation of section 704(a)."

(b)(1) Subsection (i) of section 706 of such Act is amended by striking out "subsection (e)" and inserting in lieu thereof "this section".

(2) Subsection (j) of such section is amended by striking out "subsection (e)" and inserting in lieu thereof "this section".

SEC. 5. Section 707 of the Civil Rights Act of 1964 is amended by adding at the end thereof the following new subsection:

"(c) Effective two years after the date of enactment of the Equal Employment Opportunity Act of 1972, the functions of the Attorney General under this section shall be transferred to the Commission, together with such personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with such functions unless the President submits, and neither House of Congress vetoes, a reorganization plan pursuant to chapter 9 of title 5, United States Code, inconsistent with the provisions of this subsection. The Commission shall carry out such functions in accordance with subsection (d) and (e) of this section.

"(d) Upon the transfer of functions provided for in subsection (c) of this section in all suits commenced pursuant to this section prior to the date of such transfer, proceedings shall continue without abatement, all court orders and decrees shall remain in effect, and the Commission shall be substituted as a party for the United States of America, the Attorney General, or the Acting Attorney General, as appropriate.

"(e) Subsequent to the date of enactment of the Equal Employment Opportunity Act of 1972, the Commission shall have authority to investigate and act on a charge of a pattern or practice of discrimination, whether filed by or on behalf of a person claiming to be aggrieved or by a member of the Commission. All such actions shall be conducted in accordance with the procedures set forth in section 706 of this Act."

SEC. 6. Subsections (b), (c), and (d) of section 709 of the Civil Rights Act of 1964 (78 Stat. 263; 42 U.S.C. 2000e–8(b)–(d)) are amended to read as follows:

"(b) The Commission may cooperate with State and local agencies charged with the administration of State fair employment practices laws and, with the consent of such agencies, may, for the purpose of carrying out its functions and duties under this title and within the limitation of funds appropriated specifically for such purpose, engage in and contribute to the cost of research and other projects of mutual interest undertaken by such agencies, and utilize the services of such agencies and their employees, and, notwithstanding any other provision of law, pay by advance or reimbursement such agencies and their employees for services rendered to assist the Commission in carrying out this title. In furtherance of such cooperative efforts, the Commission may enter into written agreements with such State or local agencies and such agreements may include provisions under which the Commission shall refrain from processing a charge in any cases or class of cases specified in such agreements or under which the Commission shall relieve any person or class of persons in such State or locality from requirements imposed under this section. The Commission shall rescind any such agreement whenever it determines that the agreement no longer serves the interest of effective enforcement of this title.

"(c) Every employer, employment agency, and labor organization subject to this title shall (1) make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed, (2) preserve such records for such periods, and (3) make such reports therefrom as the Commission shall prescribe by regulation or order, after public hearing, as reasonable, necessary, or appropriate for the enforcement of this title or the regulations or orders thereunder. The Commission shall, by regulation, require each employer, labor organization, and joint labor-management committee subject to this title which controls an apprenticeship or other training program to maintain such records as are reasonably necessary to carry out the purposes of this title, including, but not limited to, a list of applicants who wish to participate in such program, including the chronological order in which applications were received, and to furnish to the Commission upon request, a detailed description of the manner in which persons are selected to participate in the apprenticeship or other training program. Any employer, employment agency, labor organization, or joint labor-management committee which believes that the application to it of any regulation or order issued under this section would result in undue hardship may apply to the Commission for an exemption from the application of such regulation or order, and, if such application for an exemption is denied, bring a civil action in the United States district court for the district where such records are kept. If the Commission or the court, as the case may be, finds that the application of the regulation or order to the employer, employment agency, or labor organization in question would impose an undue hardship, the Commission or the court, as the case may be, may grant appropriate relief. If any person required to comply with the provisions of this subsection fails or refuses to do so, the United States district court for the district in which such person is found, resides, or transacts business, shall, upon application of the Commission, or the Attorney General in a case involving a government, governmental agency or political subdivision, have jurisdiction to issue to such person an order requiring him to comply.

"(d) In prescribing requirements pursuant to subsection (c) of this section, the Commission shall consult with other interested State and Federal agencies and shall endeavor to coordinate its requirements with those adopted by such agencies. The Commission shall furnish upon request and without cost to any State or local agency charged with the administration of a fair employment practice law information obtained pursuant to subsection (c) of this section from any employer, employment agency, labor organization, or joint labor-management committee subject to the jurisdiction of such agency. Such information shall be furnished on condition that it not be made public by the recipient agency prior to the institution of a proceeding under State or local law involving such information. If this condition is violated by a recipient agency, the Commission may decline to honor subsequent requests pursuant to this subsection."

SEC. 7. Section 710 of the Civil Rights Act of 1964 (78 Stat. 264; 42 U.S.C. 2000e–9) is amended to read as follows:

"INVESTIGATORY POWERS

"SEC. 710. For the purpose of all hearings and investigations conducted by the Commission or its duly authorized agents or agencies, section 11 of the National Labor Relations Act (49 Stat. 455; 29 U.S.C. 161) shall apply."

SEC. 8. (a) Section 703(a)(2) of the Civil Rights Act of 1964 (78 Stat. 255; 42 U.S.C. 2000-e–2(a)(2)) is amended by inserting the words "or applicants for employment" after the words "his employees."

(b) Section 703(c)(2) of such Act is amended by inserting the words "or applicants for membership" after the word "membership".

(c)(1) Section 704(a) of such Act is amended by inserting a comma and the following: "or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs," after "employment agency".

(2) Section 704(b) of such Act is amended by (A) striking out "or employment agency" and inserting in lieu thereof "employment agency, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs,", and (B) inserting a comma and the words "or relating to admission to, or employment in, any program established to provide apprenticeship or other training by such a joint labor-management committee" before the word "indicating".

(d) Section 705(a) of the Civil Rights Act of 1964 (78 Stat. 253; 42 U.S.C. 2000e–4(a)) is amended to read as follows:

"SEC. 705. (a) There is hereby created a Commission to be known as the Equal Employment Opportunity Commission, which shall be composed of five members, not more than three of whom shall be members of the same political party. Members of the Commission shall be appointed by the President by and with the advice and consent of the Senate for a term of five years. Any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed, and all members of the Commission shall continue to serve until their successors are appointed and qualified, except that no such member of the Commission shall continue to serve (1) for more than sixty days when the Congress is in session unless a nomination to fill such vacancy shall have been submitted to the Senate, or (2) after the adjournment sine die of the session of the Senate in which such nomination was submitted. The President shall designate one member to serve as Chairman of the Commission, and one member to serve as Vice Chairman. The Chairman shall be responsible on behalf of the Commission for the administrative operations of the Commission, and, except as provided in subsection (b), shall appoint, in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, such officers, agents, attorneys, hearing examiners, and employees as he deems necessary to assist it in the performance of its functions and to fix their compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates: *Provided*, That assignment, removal, and compensation of hearing examiners shall be in accordance with sections 3105, 3344, 5362, and 7521 of title 5, United States Code."

(e)(1) Section 705 of such Act is amended by inserting after subsection (a) the following new subsection (b):

"(b)(1) There shall be a General Counsel of the Commission appointed by the President, by and with the advice and consent of the Senate, for a term of four years. The General Counsel shall have responsibility for the conduct of litigation as provided in sections 706 and 707 of this title. The General Counsel shall have such other duties as the Commission may prescribe or as may be provided by law and shall concur with the Chairman of the Commission on the appointment and supervision of regional attorneys. The General Counsel of the Commission on the effective date of this Act shall continue in such position and perform the functions specified in this subsection until a successor is appointed and qualified.

"(2) Attorneys appointed under this section may, at the direction of the Commission, appear for and represent the Commission in any case in court, provided that the Attorney General shall conduct all litigation to which the Commission is a party in the Supreme Court pursuant to this title."

(2) Subsections (e) and (h) of such section 705 are repealed.

(3) Subsections (b), (c), (d), (i), and (j) of such section 705, and all references thereto, are redesignated as subsections (c), (d), (e), (h), and (i), respectively.

(f) Section 705(g)(6) of such Act, is amended to read as follows:

"(6) to intervene in a civil action brought under section 706 by an aggrieved party against a respondent other than a government, governmental agency or political subdivision."

(g) Section 714 of such Act is amended to read as follows:

"FORCIBLY RESISTING THE COMMISSION OR ITS REPRESENTATIVES

"SEC. 714. The provisions of sections 111 and 1114, title 18, United States Code, shall apply to officers, agents, and employees of the Commission in the performance of their official duties. Notwithstanding the provisions of sections 111 and 1114 of title 18, United States Code, whoever in violation of the provisions of section 1114 of such title kills a person while engaged in or on account of the performance of his official functions under this Act shall be punished by imprisonment for any term of years or for life."

SEC. 9. (a) Section 5314 of title 5 of the United States Code is amended by adding at the end thereof the following new clause:

"(58) Chairman, Equal Employment Opportunity Commission."

(b) Clause (72) of section 5315 of such title is amended to read as follows:

"(72) Members, Equal Employment Opportunity Commission (4)."

(c) Clause (111) of section 5316 of such title is repealed.

(d) Section 5316 of such title is amended by adding at the end thereof the following new clause:

"(131) General Counsel of the Equal Employment Opportunity Commission."

SEC. 10. Section 715 of the Civil Rights Act of 1964 is amended to read as follows:

"EQUAL EMPLOYMENT OPPORTUNITY COORDINATING COUNCIL

"SEC. 715. There shall be established an Equal Employment Opportunity Coordinating Council (hereinafter referred to in this section as the Council) composed of the Secretary of Labor, the Chairman of the Equal Employment Opportunity Commission, the Attorney General, the Chairman of the United States Civil Service Commission, and the Chairman of the United States Civil Rights Commission, or their respective delegates. The Council shall have the responsibility for developing and implementing agreements, policies and practices designed to maximize effort, promote efficiency, and eliminate conflict, competition, duplication and inconsistency among the operations, functions and jurisdictions of the various departments, agencies and branches of the Federal Government responsible for the implementation and enforcement of equal employment opportunity legislation, orders, and policies. On or before July 1 of each year, the Council shall transmit to the President and to the Congress a report of its activities, together with such recommendations for legislative or administrative changes as it concludes are desirable to further promote the purposes of this section."

SEC. 11. Title VII of the Civil Rights Act of 1964 (78 Stat. 253; 42 U.S.C. 2000e et seq.) is amended by adding at the end thereof the following new section:

"NONDISCRIMINATION IN FEDERAL GOVERNMENT EMPLOYMENT

"SEC. 717. (a) All personnel actions affecting employees or applicants for employment (except with regard to aliens employed outside the limits of the United States) in military departments as defined in section 102 of title 5, United States Code, in executive agencies (other than the General Accounting Office) as defined in section 105 of title 5, United States Code (including employees and applicants for employment who are paid from nonappropriated funds), in the United States Postal Service and the Postal Rate Commission, in those units of the government of the District of Columbia having positions in the competitive service, and in those units of the legislative and judicial branches of the Federal Government having positions in the competitive service, and in the Library of Congress shall be made free from any discrimination based on race, color, religion, sex, or national origin.

"(b) Except as otherwise provided in this subsection, the Civil Service Commission shall have authority to enforce the provisions of subsection (a) through appropriate remedies, including reinstatement or hiring of employees with or without back pay, as will effectuate the policies of this section, and shall issue such rules, regulations, orders and instructions as it deems necessary and appropriate to carry out its responsibilities under this section. The Civil Service Commission shall—

"(1) be responsible for the annual review and approval of a national and regional equal employment opportunity plan which each department and agency and each appropriate unit referred to in subsection (a) of this section shall submit in order to maintain an affirmative program of equal employment opportunity for all such employees and applicants for employment;

"(2) be responsible for the review and evaluation of the operation of all agency equal employment opportunity programs, periodically obtaining and publishing (on at least a semiannual basis) progress reports from each such department, agency, or unit; and

"(3) consult with and solicit the recommendations of interested individuals, groups, and organizations relating to equal employment opportunity.

The head of each such department, agency, or unit shall comply with such rules, regulations, orders, and instructions which shall include a provision that an employee or applicant for employment shall be notified of any final action taken on any complaint of discrimination filed by him thereunder. The plan submitted by each department, agency, and unit shall include, but not be limited to—

"(1) provisions for the establishment of training and education programs designed to provide a maximum opportunity for employees to advance so as to perform at their highest potential; and

"(2) a description of the qualifications in terms of training and experience relating to equal employment opportunity for the principal and operating officials of each such department, agency, or unit responsible for carrying out the equal employment opportunity program and of the allocation of personnel and resources proposed by such department, agency, or unit to carry out its equal employment opportunity program.

With respect to employment in the Library of Congress, authorities granted in this subsection to the Civil Service Commission shall be exercised by the Librarian of Congress.

"(c) Within thirty days of receipt of notice of final action taken by a department, agency, or unit referred to in subsection 717(a), or by the Civil Service Commission upon an appeal from a decision or order of such department, agency, or unit on a complaint of discrimination based on race, color, religion, sex or national origin, brought pursuant to subsection (a) of this section, Executive Order 11478 or any succeeding Executive orders, or after one hundred and eighty days from the filing of the initial charge with the department, agency, or unit or with the Civil Service Commission on appeal from a decision or order of such department, agency, or unit until such time as final action may be taken by a department, agency, or unit, an employee or applicant for employment, if aggrieved by the final disposition of his complaint, or by the failure to take final action on his complaint, may file a civil action as provided in section 706, in which civil action the head of the department, agency, or unit, as appropriate, shall be the defendant.

"(d) The provisions of section 706 (f) through (k), as applicable, shall govern civil actions brought hereunder.

"(e) Nothing contained in this Act shall relieve any Government agency or official of its or his primary responsibility to assure nondiscrimination in employment as required by the Constitution and statutes or of its or his responsibilities under Executive Order 11478 relating to equal employment opportunity in the Federal Government."

SEC. 12. Section 5108(c) of title 5, United States Code, is amended by—

(1) striking out the word "and" at the end of paragraph (9);

(2) striking out the period at the end of paragraph (10) and inserting in lieu thereof a semicolon and the word "and"; and

(3) by adding immediately after paragraph (10) the last time it appears therein in the following new paragraph:

"(11) the Chairman of the Equal Employment Opportunity Commission, subject to the standards and procedures prescribed by this chapter, may place an additional ten positions in the Equal Employment Opportunity Commission in GS–16, GS–17, and GS–18 for the purposes of carrying out title VII of the Civil Rights Act of 1964."

SEC. 13. Title VII of the Civil Rights Act of 1964 (78 Stat. 253; 42 U.S.C. 2000e et seq.) is further amended by adding at the end thereof the following new section:

"SPECIAL PROVISION WITH RESPECT TO DENIAL, TERMINATION, AND SUSPENSION OF GOVERNMENT CONTRACTS

"SEC. 718. No Government contract, or portion thereof, with any employer, shall be denied, withheld, terminated, or suspended, by any agency or officer of the United States under any equal employment opportunity law or order, where such employer has an affirmative action plan which has previously been accepted by the Government for the same facility within the past twelve months without first according such employer full hearing and adjudication under the provisions of title 5, United States Code, section 554, and the following pertinent sections: *Provided,* That if such employer has deviated substantially from such previously agreed to affirmative action plan, this section shall not apply; *Provided further,* That for the purposes of this section an affirmative action plan shall be deemed to have been accepted by the Government at the time the appropriate compliance agency has accepted such plan unless within forty-five days thereafter the Office of Federal Contract Compliance has disapproved such plan."

SEC. 14. The amendments made by this Act to section 706 of the Civil Rights Act of 1964 shall be applicable with respect to charges pending with the Commission on the date of enactment of this Act and all charges filed thereafter.

And the Senate agree to the same.

CARL D. PERKINS,
JOHN H. DENT,
AUGUSTUS F. HAWKINS,
PATSY T. MINK,
PHILLIP BURTON,
WM. L. (BILL) CLAY,
JOSEPH M. GAYDOS,
WILLIAM D. FORD,
MARIO BIAGGI,
ROMANO L. MAZZOLI,
ROMAN C. PUCINSKI,
JOHN BRADEMAS,
ALBERT H. QUIE,
JOHN N. ERLENBORN,
ALPHONZO BELL,
MARVIN L. ESCH,
EARL F. LANDGREBE,
ORVAL HANSEN,
WILLIAM A. STEIGER,
JACK KEMP,
Managers on the Part of the House.

HARRISON A. WILLIAMS,
JENNINGS RANDOLPH,
CLAIBORNE PELL,
GAYLORD NELSON,
THOMAS F. EAGLETON,
ADLAI E. STEVENSON,
HAROLD E. HUGHES,
JACOB K. JAVITS,
RICHARD S. SCHWEIKER,
BOB PACKWOOD,
ROBERT TAFT, JR.,
ROBERT T. STAFFORD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF MANAGERS AT THE CONFERENCE ON H.R. 1746 TO FURTHER PROMOTE EQUAL EMPLOYMENT OPPORTUNITIES FOR AMERICAN WORKERS

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1746) an Act to further promote equal employment opportunities for American workers, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The points in disagreement and the conference resolution of them are as follows:

The House bill provided the short title "Equal Employment Opportunity Act of 1971". The Senate amendment provided the short title "Equal Employment Opportunities Enforcement Act of 1972". The Senate receded with an amendment changing the date in the House provision to 1972.

Under the House bill, there was no provision for an expansion of coverage of Title VII.

The Senate amendment expanded coverage to include:

(1) State and local governments, governmental agencies, political subdivisions (except for elected officials, their personal assistants and immediate advisors) and the District of Columbia departments and agencies (except where such are subject by law to the Federal competitive service). State agencies previously covered by reference to the United States Employment Service continue to be covered; and

(2) employers who employ 15 or more full-time employees and labor organizations with 15 or more members beginning one year after enactment.

In addition, the Senate amendment included a new definition of "religion" to include all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he is unable to reasonably accommodate to an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business.

The House receded with an amendment exempting, in addition to State and local government elected officials, persons chosen by such officials to be on their personal staffs, appointees of such officials on a policymaking level or immediate advisors of such elected officials. The exemption does not include civil service employees.

It is the intention of the conferees to exempt elected officials and members of their personal staffs, and persons appointed by such elected officials as advisors or to policymaking positions at the highest levels of the departments or agencies of State or local governments, such as cabinet officers, and persons with comparable responsibilities at the local level. It is the conferees intent that this exemption shall be construed narrowly. Also, all employees subject to State or local civil service laws are not exempted.

The Senate amendment eliminated the present exemption from Title VII for educational institutions. Also, the Senate provision expanded the exemption for religious organizations from coverage under this title with respect to the employment of individuals of a particular religion in all their activities instead of the present limitation to religious activities. The House bill did not change the existing exemptions. The House receded.

Both the House bill and Senate amendment contained procedures for filing of charges. The Senate amendment provided for charges to be filed by or on behalf of a person claiming to be aggrieved, or by an officer or employee of the Commission upon request of any person claiming to be aggrieved. Charges were to be in writing under oath or affirmation and in the specific form required by the Commission. The Senate amendment further provided that the Commission serve a notice of the charge including the date, place and circumstances of the alleged unlawful employment practice on the respondent within 10 days. Under the Senate amendment, the Commission would dismiss the charge if it determined after investigation that there was not reasonable cause to believe the charge was true and would be required to accord substantial weight to the decision of state and local authorities under state and local equal employment opportunity laws in making such reasonable cause determination. The Senate amendment also required the Commission to make its determination so far as practicable not later than 120 days from the date the Commission was authorized to act on the charge.

The House bill provided for charges to be filed by the person claiming to be aggrieved or by a member of the Commission if he had reasonable cause to believe a violation occurred. The Commissioner's charge had to set forth the facts upon which it was based and the person or persons aggrieved. The House bill also provided that the Commission furnish the respondent with a copy of the charge within five days. Both the House bill and the Senate amendment prohibited disclosure of anything said or done during informal conciliation efforts without the consent of the parties.

The Senate receded with an amendment providing that charges be filed by or on behalf of the person claiming to be aggrieved or by a member of the Commission, alleging that an unlawful employment practice occurred. Charges are to be in writing under oath for affirmation and in such form as the Commission requires. A notice of a charge including the date, place and circumstances of the alleged unlawful employment practice is to be served on the respondent within 10 days. If the Commission determines after investigation that there is not reasonable cause to believe the charge is true, it shall dismiss the charge and notify the parties. The Commission is required to accord substantial weight to the decision of the state or local authorities under state or local equal employment opportunity laws and to make the determination on reasonable cause as promptly as possible and so far as practicable not later than 120 days from the date the Commission was authorized to act on the charge. If the Commission determines that there is reasonable cause to believe the charge is true, it shall attempt conciliation in conformity with the requirements of existing law. Nothing said or done during conciliation may be disclosed without the consent of the parties.

The Senate amendment contained two provisions allowing the Commission to defer to state and local equal employment opportunity agencies. It deleted the language of existing law providing that no charge may be filed during the 60-day period allowed for the deferral and substituted a provision prohibiting the Commission from acting on such a charge until the expiration of the 60-day period .The House bill made no change in existing law. The Senate receded with an amendment that would re-state the existing law on the deferral of charges to state agencies. The conferees left existing law intact with the understanding that the decision in *Love's* v. *Pullman,—U.S.*—(February 17, 1972) interpreting the existing law to allow the Commission to receive a charge (but not act on it) during such deferral period is controlling.

Both the House bill and the Senate amendment provided that charges be filed within 180 days. The Senate allowed an additional 120 days if a charge is deferred to a state agency and the House allowed only 30 additional days. The Senate amendment required that notice of the charge be served in 10 days. The House bill provided that charges under Title VII are the exclusive remedy for unlawful employment practices. The House receded.

Both the House bill and the Senate amendment authorized the bringing of civil actions in Federal district courts in cases involving unlawful employment practices.

The Senate amendment provided that the Attorney General bring actions against state and local governments. As to other respondents, suits were to be brought by the Commission. The Senate amendment permitted suits by the Commission or the Attorney General if the Commission was unable to secure from the respondent "a conciliation agreement acceptable to the Commission" while the House bill permitted the Commission to sue if it is unable to obtain "voluntary compliance." The Senate amendment permitted aggrieved persons to intervene in suits and allowed a private action if no case is brought by the Commission or Attorney General within 150 days. The House bill permitted a private action after 180 days. The Senate amendment allowed the General Counsel or Attorney General to intervene in private actions; the House bill permitted only the Attorney General to intervene. The Senate amendment permitted a private action in a case where the Commission entered into a conciliation agreement to which the aggrieved person was not a party (i.e. a signatory).

The conferees adopted a provision allowing the Commission, or the Attorney General in a case against a state or local government agency, to bring an action in Federal district courts if the Commission is unable to secure from the respondent "a conciliation agreement aceptable to the Commission." Aggrieved parties are permitted to intervene. They may bring a private action if the Commission or Attorney General has not brought suit within 180 days or the Commission has entered into a conciliation agreement to which such aggrieved party is not a signatory. The Commission, or the Attorney General in a case involving state and local governments, may intervene in such private action.

The Senate amendment provided for the appointment of a three judge district court in cases certified to be of general public importance, provided for the immediate designation of a single judge if no three judge court was requested, and required cases to be assigned for hearing at the earliest practicable date and to be expedited in every way. The House bill contained no such provision. The Senate receded with an amendment which provides that the chief judge of the district in which a case is filed designate the judge to hear the case which is to be assigned for hearing at the earliest practicable date and expedited in every way. The amendment deleted the provision for the three judge district court. Such a court is now provided for in "pattern or practice" cases.

The Senate amendment authorized the Commission or the Attorney General to seek preliminary injunctive relief. The House bill authorized the Commission to seek preliminary relief and required a showing that substantial and irreparable injury to the aggrieved party would be unavoidable. The Senate receded with an amendment that authorizes the Commission or the Attorney General to seek preliminary injunctive relief and a provision that Rule 65 of the Federal Rules of Civil Procedure should govern all actions brought under this subsection.

The Senate amendment restated existing law as to venue for civil actions except that the term "aggrieved person" was substituted for the word "plaintiff." The House bill left existing law intact. The House receded.

The House bill and the Senate amendment provided for the scope of relief that could be granted by the district courts. The differences were as follows:

1. The Senate amendment required a finding that the respondent engaged in an unlawful employment practice and the House bill required a finding that respondent "intentionally" engaged in such unlawful employment practice.

2. The Senate amendment added the phrase "or any other equitable relief that the court deems appropriate" to the description of the relief available from the court.

3. The Senate amendment limited back pay liability to that which accrues from a date not more than two years prior to the filing of a charge with the Commission; the House bill limited back pay liability to that which accrues not more than two years before the filing of a complaint with the court. Both the House bill and the Senate amendment provided that interim earnings shall operate to reduce the back pay otherwise allowable.

4. The House bill restated the provisions of existing law prohibiting court-ordered remedies based on any adverse action except unlawful employment practices prohibited under Title VII.

5. The House bill prohibited class action lawsuits.

The Senate receded with an amendment that provides the following:

1. A finding that the respondent has intionally engaged or is intentionally engaging in an unlawful employment practice, as the language of the current law reads.

2. Authority for the court to enjoin the respondent from such practices, order such affirmative action as may be appropriate and any other equitable relief that the court deems appropriate.

3. The court is authorized to award back pay except that such back pay liability is limited to that which accrues from the date not more than two years prior to the filing of a charge with the Commission. Interim earnings shall operate to reduce the back pay otherwise allowable.

4. The provisions of existing law prohibiting court ordered remedies based on any adverse action except unlawful employment practices under Title VII are retained.

The Senate amendment permitted payment of costs and counsel fees to small employers or labor organizations if they prevailed in actions brought against them by the Commission or the United States. An employer or union with 25 or fewer employees or members would have been entitled to up to $5000, and an employer or labor organization with from 25 to 100 employees or members whose average income from such employment was less than $7500, would have been entitled to one-half the cost of its defense up to $2500. The House bill had no comparable provisions. The Senate receded.

The Senate amendment authorized the courts to appoint a special master if the district court had not assigned a case for trial within 120 days after issue had been joined. There was no comparable House provision. The House receded.

The Senate amendment provided for a transfer of the Attorney General's "pattern or practice" jurisdiction to the Commission two years after enactment. In the interim period there would be concurrent jurisdiction. The transfer would be subject to change in accordance with a presidential reorganization plan if not vetoed by Congress. The House bill left pattern or practice jurisdiction with the Attorney General. The House receded.

The Senate amendment revised the Commission's procedures for cooperating with State and local agencies and in its record keeping requirements and provided procedures for compelling compliance with such requirements. The House bill did not amend the provisions of the current law. The House receded.

The Senate amendment simplified procedures for subpoenaing witnesses or records by providing the same investigative authority as is contained in the National Labor Relations Act. The House bill made no changes in existing authority. The House receded.

The Senate amendment provided for the appointment, with the advice and consent of the Senate, of up to four new commission members at any time after one year from the effective date of the act. The proportion of commissioners of one political party to another would remain the same. Regional Directors were to be appointed by the Chairman of the Commission with the concurrence of the General Counsel. The Senate amendment also placed a limit on the time that a Commissioner may serve after the appointment expires and the Senate has not acted. The House bill contained no such provisions. The Senate receded with an amendment limiting the time that a Commissioner may serve after the appointment expires and the Senate has not acted.

The Senate amendment established the office of General Counsel to be appointed by the President for a term of four years with the advice and consent of the Senate. The General Counsel was given the responsibility for filing complaints and the conduct of all litigation for the Commission. Also the General Counsel was given authority to appoint regional attorneys, with the concurrence of the Chairman, and other necessary employees. The House bill did not establish a General Counsel, and required that the Attorney General conduct all litigation to which the Commission is a party in the Supreme Court or in the United States Court of Appeals. All other litigation in which the Commission was a party was to be conducted by the Commission. The Senate receded with an amendment establishing the Office of General Counsel to be appointed by the President for a term of four years with the advice and consent of the Senate giving the General Counsel responsibility for litigation and concurrence with the Chairman in the appointment and supervision of regional attorneys but reserving to the Attorney General the conduct of all litigation to which the Commission is a party in the Supreme Court.

The Senate amendment permitted the Commission to accept uncompensated services for the limited purpose of publicizing in the media the Commission and its activities. The House bill did not provide such authority. The Senate receded.

The Senate amendment permitted the Commission to delegate certain functions, except for rulemaking and the power to make agreements with States. The House bill did not contain such a provision. The Senate receded.

The Senate amendment afforded additional protection to officers and employees of the Commission in the performance of their official duties by including them within section 1114 of Title 18, U.S.C. The House bill contained no such provision. The Senate receded with an amendment affording this new protection but excluding capital punishment for offenders.

The Senate amendment raised the level of the position of the Chairman and members of the Commission and established the position of General Counsel in the executive pay scale. The House bill made no provision for such change. The House receded.

The Senate amendment established an Equal Employment Opportunity Coordinating Council. The House bill had no such provision. The House receded.

The Committee of Conference believes that there are instances in which more than one agency may have legitimate interests in the employment standards applicable to a number of employees. So for example, the merit system standards of the Civil Service Commission should be considered by the Coordinating Council in relation to their effect on the conciliation and enforcement efforts of the Equal Employment Opportunity Commission and the Attorney General with respect to employees of governments, governmental agencies or political subdivisions.

The Senate amendment provided that all personnel actions involving Federal employees be free from discrimination. This policy was to be enforced by the United States Civil Service Commission. Each agency of the Federal Government would be responsible for establishing an internal grievance procedure and programs to train personnel so as to enable them to advance under the supervision of the Civil Service Commission. If final action had been taken by an agency or the Civil Service Commission, an aggrieved party could bring a civil action under the provisions of section 706. The House bill did not cover Federal employees. The House receded. In providing the statutory basis for such appeal or court access, it is not the intent of the Committee to subordinate any discretionary authority or final judgment now reposed in agency heads by, or under, statute for national security reasons in the interests of the United States.

The Senate amendment required consultation among the Executive branch agencies on Equal Employment matters. The House bill had no similar provision. The Senate receded in light of the action of the Conferees in establishing the Equal Employment Opportunity Coordinating Council.

The Senate amendment provided the Commission with authorization for an additional 10 positions at GS-16, GS-17, and GS-18 level. The House bill had no such provision. The House receded.

The Senate amendment provided that the new enforcement provisions of section 706 apply to charges pending before the Commission on enactment. The House bill was silent. The House receded.

The Senate amendment provided that no Government contract, whether subject to Executive Order 11246 or any other equal employment opportunity law such as section 3 of the Housing and Urban Development Act of 1968, as amended, could be terminated, denied, or withheld without a full hearing, where the employer had an affirmative action plan previously accepted within the past twelve months. The House bill had no such provision. The House receded.

Carl D. Perkins,
John H. Dent,
Augustus F. Hawkins,
Patsy T. Mink,
Phillip Burton,
Wm. L. (Bill) Clay,
Joseph M. Gaydos,
William D. Ford,
Mario Biaggi,
Romano L. Mazzoli,
Roman C. Pucinski,
John Brademas,
Albert H. Quie,
John N. Erlenborn,
Alphonzo Bell,
Marvin L. Esch,
Earl F. Landgrebe,
Orval Hansen,
William A. Steiger,
Jack Kemp,
Managers on the Part of the House.

Harrison A. Williams,
Jennings Randolph,
Claiborne Pell,
Gaylord Nelson,
Thomas F. Eagleton,
Adlai E. Stevenson,
Harold E. Hughes,
Jacob K. Javits,
Richard S. Schweiker,
Bob Packwood,
Robert Taft, Jr.,
Robert T. Stafford,
Managers on the Part of the Senate.

CONSUMERS NEED PROTECTION FROM DIRTY MEAT—NOT MORE OF IT

(Mr. MELCHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, in my household we have stopped the use of any meat except American-produced domestic meat which we can examine, as cuts, before they are cooked and consumed.

My wife does not put on our breakfast, dinner, or supper tables any prepared meats, hamburger, meat soups, or other products which may contain imported meat.

As a veterinarian, I have no confidence that many kinds of imported meat can be trusted to be wholesome, healthful and fit for human consumption.

I know that in 1970 we admitted 11 million pounds of meat into the United States from just seven Australian plants which were found unfit to ship to the United States after the determination of unfitness had been made. I know there were hundreds more foreign plants found to be dirty and not fit to export to us but that many times the 11 million pounds were admitted from such substandard plants abroad before they were delisted, or cleaned up, because our review officers inspect only about once a year. Our review staff is inadequate to get around more often than that.

The practice in my home of using American meat only is going to continue until this country cleans up imported meats by establishing an imported meat inspection system which provides consumer protection instead of a sort of diplomatic immunity from strictly enforced U.S. inspection requirements. That inspection is going to have to include testing for chemical residues which might be injurious to health. Our State Department is shielding the exporting countries from a requirement to set standards equal to ours concerning the use of pesticides and other chemicals that are hazards to human health.

The House Agriculture Committee knuckled under to overwhelming administration pressure from State and Agriculture Departments to delete from a bill equal standards for domestic and foreign food producers in the use of chemicals which leave residues injurious to the health of consumers. The miniscule residue sampling we do on foreign meat imports shows alarming increase of chlorinated hydrocarbon residues such as DDT and benzene hexachloride which are banned in this country for us on livestock.

It is quite shocking to me, Mr. Speaker, that this country is considering increasing meat import allowances to roll back the price of our domestic product, instead of talking with exporting countries about the cleanliness and healthfulness of what we are already getting.

The Comptroller General of the United States has recently supplied this Congress with a report on inspection of foreign packing plants and meat imports—both fresh, chilled, cooked, and canned—that should cause Members to demand suspension of all imports until their wholesomeness and healthfulness can be guaranteed, and we can be assured every pound of it was produced in plants that meet American inspection standards under the eyes of reliable inspectors, and not a corps of people overawed by diplomatic niceties. The report to me is like a rerun of a bad dream because I cited to the House early in 1970 the glaring shortcomings of inspection of foreign meats.

Let me call the House's attention to the sort of thing that is going on in the meatpacking plants that ship to the United States, and what our inspectors, who visit those plants about once a year, and doing about it, as reported by the General Accounting Office.

The GAO sent investigators along with our foreign review officers on visits to 80 plants in four countries that export to the United States.

In Australia, the source of 505 million pounds of imported beef and veal and 25 million pounds of mutton in 1971, they visited 35 plants—10 of them or nearly 30 percent so bad that they had to be delisted and denied the right to ship to the United States, but the meat they had already shipped us was not intercepted. Until the delisting was officially cleared in Washington and transmitted to the foreign government some 6 weeks later the plants continued to unload their unfit meat on us. One other plant was found not in compliance with our U.S. sanitation and health requirements, but not so bad that it was delisted. You can judge what the conditions must have been in the "delisted" plants by the description of the one allowed to continue in operation.

The GAO tells us:

> The (U.S.) Consumer and Marketing Service foreign programs officer reported that the (Australian) inspectors at this plant—
>
> Did not require that grossly contaminated carcasses be trimmed before going to the coolers or boning rooms.
>
> Did not require that carcasses be dressed in a sanitary manner.
>
> In performing examinations on beef heads, passed heads even though there were big balls of ingesta in the mouths.
>
> Failed to detect a diseased head which should have been condemned and should have served as the basis for a more complete inspection of the carcass. When the foreign programs officer pointed out the condition to the Australian inspection officials, the carcass was inspected further and the carcass and parts were condemned.
>
> The foreign programs officer reported also that the preoperative sanitation inspection of the plant showed that almost all equipment looked at was dirty and that the filth on some equipment was obviously of many days duration. He stated that the Australian inspector inspected some of the same equipment but took no action to have the equipment cleaned before operations started. The foreign programs officer reported further that he found slaughtering operations in process about 1 hour after the preoperative inspection, that he rechecked some of the equipment and found it to be still dirty and that the Australian inspector permitted the slaughtering operations to continue.
>
> Despite the above-cited deficiencies, and the fact that no action was taken at the time of the review, C&MS gave Australian inspection officials the option of correcting the deficiencies or delisting the plants. C&MS officials told us they did not require the plant to be delisted because the deficiencies pertained mainly to improper inspection by Australian inspectors and could be readily corrected.
>
> A C&MS foreign programs officer's review of the plant about 2½ months later, in July, 1970, showed that deficiencies still existed. The plant was delisted at that time, and as of November, 1972 it had not been recertified for exporting to the United States. Until it was delisted, the plant remained eligible to export meat products to the United States even though it was not in compliance with U.S. requirements.
>
> C&MS records relating to plants in Australia showed that C&MS had not always required inspection officials to correct promptly certain deficiencies in the Australian inspection system or in approved plants.

This episode, which means that American consumers ate dirty and possibly unhealthy meat from a dirty packing plant in Australia for months after our people knew about it, in addition to 10 plants they did not know about for months prior to inspection, is only one of scores of known and unknown cases of this kind, and it is only one of a series of instances of official negligence, resulting in dirty and unwholesome meat reaching our consumers, which reach right here into this House of Representatives.

This House of Representatives has had the laxity of meat inspection called to its attention in the past. I have a bill before it, passed once by the Senate, to require piece-by-piece inspection of meat after it reaches our shores, but it has not been passed, although the evidence piles up that the meat products we are getting from abroad include up to 30 percent from plants which do not meet our inspection standards.

If the filth and carelessness in the Australian plant, which was not delisted, was mainly the result of lax inspection, why did not our inspectors crack down on the Australian inspection system, which our law says must be equivalent to ours? Why was no action taken against the Australian inspector who allowed the practices described? Why did we not notify the Australian Government to get its inspection in compliance with our requirement at once?

And when the Congress of the United States knows that this sort of lax inspection of foreign plants is going on, why do we not crack down on the whole business and take the steps necessary to stop it?

We can get out and pass the bill within days to require piece by piece examination of imported meat after it reaches the United States. The Department of Agriculture has opposed it, both at Senate hearings, and at House hearings.

The Senate proceeded to pass the bill, nonetheless.

The House did not act on it, and it died. Some of my colleagues felt that the introduction of the bill, the hearings and the attention given the subject then would cause necessary reform exporting; that action which might offend the governments of the countries exporting dirty meat was unnecessary, and it might cause retaliation against U.S. products.

As one industry apologist put it: "Yes, we have to eat their dirty meat so they will eat our dirty stuff."

In order to frighten me, he mentioned rat droppings in wheat.

In other words, our consumers must eat filthy products so that handlers, processors, and exploiters both here or abroad would not be required to live up to strict standards.

If the United States is allowing products to be exported from our shores that are dirty, or substandard, we should stop it immediately.

And if the standards we have set to reassure our consumers that the food products they are buying and eating are clean, wholesome, and healthful are being ignored abroad, we should crack down without fear, favor, or any further tolerance of officials who seem to think that a little ingesta, a little manure, a few cysts and lesions, a quantity of dirt and trash, and some blood clots, hair, and bones ought to be tolerated, and that JOHN MELCHER and Senator ABE RIBICOFF who has repeatedly protested in the Senate ought to keep their mouths shut.

Much of this traffic in dirty foreign meat is frozen boneless beef which many consumer groups believe to be sold here at greatly reduced prices to cut the average housewife's grocery bill. Not so. The Provisioner's February 10, 1972, quotation for American produced and graded boneless beef was 69¾ cents as compared to imported bull meat at 66 cents a pound and imported cow meat at 63½ cents a pound, none of which is graded and less than 1 percent of which is actually U.S. inspected.

I have been told that I should be not only content but proud of the reform that my efforts to reform imported meat inspection have brought about. Three or four additional foreign review officers have been employed. Several have been stationed abroad to reduce the 22 weeks a year they were spending traveling and in the United States while all were stationd here. All Australian mutton plants were delisted, and they are being certified to export to us on an individual basis. Inspection facilities at our docks are being cleaned up a little.

But the foreign meat continues to pour in, with less than 1 percent actually examined by our inspectors at the docks here, from foreign plants that are seen by our inspectors on an average only about every 10 months—and from plants that are found out of compliance with U.S. standards even after that finding.

The current report from the General Accounting Office is only one of a series on meat and poultry inspection about which the Congress has done little or nothing.

In September 1969, the GAO reported that the Consumer and Marketing Service needed to strengthen inspection at federally inspected poultry plants. In June 1970, the GAO reported need to strengthen enforcement procedures at domestic meat plants. In November 1971, the GAO gave us a second report on poultry plants and told us it continued to be weak, including startling information about unsanitary conditions and laxity in enforcement against at least one of the "big shots" in the broiler business.

We have only noted these reports here in Congress.

This most current report, dated February 18, 1972, concerns the first General Accounting Office examination into the adequacy and effectiveness of Consumer and Marketing Service inspection of meat imported into the United States from plants abroad and, although the GAO reports that products are being shipped into our country from plants that have been delisted "for conditions that could render the products unsound, unhealthful, unwholesome, and otherwise unfit as human food"—and I have quoted the GAO verbatim—it appears right now as if our Government's only reaction is going to be another suspension of the import quota law to let another 100 million pounds in on our consumers.

The current report is based on visits made to 80 plants in four foreign countries—Australia, Argentina, Canada, and Denmark—by GAO investigators accompanying Consumer and Marketing Administration foreign program officers.

I am personally disappointed that the GAO did not get to more countries; it seems to me they visited four where packing procedures should be highly sophisticated compared to some of the others. We get a good deal of meat from Haiti, Panama, Costa Rica, Honduras, Mexico, Nicaragua, Guatemala, the Dominican Republic, Poland, Yugoslavia, New Zealand, Ireland, Brazil, and other countries.

Our laws require that inspection in every exporting country be equal to inspection in the United States. Our Department of Agriculture examines the basic inspection laws and the inspection systems in countries which want to export to us, and if they find that the national criteria and design for inspection meets our standards, the country is approved and provides us with a list of plants qualified to export to us, and they can start shipping.

Our own foreign program officers then schedule visits to the plants. They get around to them about once a year on the average although some of the larger exporters are checked two, three, and occasionally four times a year.

Our foreign review officers, who are veterinarians, are authorized to withdraw the certification of plants when they feel justified because of lack of sanitation, proper procedures, proper inspection, or other situations which might result in unsound, unsanitary, unhealthful, or otherwise unfit meat reaching the United States. This withdrawal can lead to delisting, which stops further export to us.

Although a foreign meat plan may be delisted, its meat products produced prior to its delistment are eligible for importation unless Consumer and Marketing Service has determined and notified its inspectors at ports of entry that the deficiencies causing the plant's delistment create a health hazard.

At the beginning of 1971 Consumer and Marketing Service had approved the inspection systems of 42 countries and all but five of these countries had meat plants certified to export to the United States. On October 31, 1971, 36 countries had a total of 967 meat plants certified to export to the United States.

During the year 1970, 327 foreign meat plants were delisted. Of those, 68 were recertified during the year. During the first 10 months of 1971, 139 plants were delisted, and of those 15 were later recertified. At the beginning of 1972 there were 948 certified foreign meat plants.

As of May 18, 1971, 60 Consumer and Marketing Service inspectors in this country were assigned full time to inspecting foreign meat imports and 88 meat inspectors were assigned on a part-time basis to inspecting foreign meat at various points in the United States. During fiscal year 1971, 1.7 billion pounds of foreign meat products were accepted and 1.5 percent of the total quantity of meat products imported or 25.2 million pounds were rejected. This is a very small amount considering the number of plants delisted.

Foreign programs officers visit the nearly 1,000 certified plants about once a year. Consumer and Marketing Service does not require mandatory delistments of plants that fail to meet U.S. sanitation requirements. It permits some plants failing to meet U.S. requirements to remain eligible to export meat and meat products to the United States on a promise to "shape up." Deficiencies reported for these plants by the foreign programs officers include a variety of unsanitary conditions, inadequate antemortem and postmortem inspections, contamination of products during processing, and inadequate control over contaminated carcasses or products.

Consumer and Marketing Service permits plans that have been delisted to export meat products to the United States processed prior to the date of delistment unless the plants have been declared health hazards. During 1970 an average of 45 days elapsed between the time a Consumer and Marketing Service foreign program officer found a meat plant not in compliance with the U.S. requirements and the date of its delistment. Even then, meat shipped prior to delistment was allowed to come into the United States.

During 1970 an average of 10 months elapsed between a foreign program officer's review of a plant that showed it met U.S. requirements and the review that resulted in its delistment. Thus some plants probably operated under conditions requiring delistments for extended periods.

The Government Accounting Office has recommended to us, as a result of its review, that the following steps should be taken:

First. Require the delisting of foreign meat plants that do not meet basic U.S. requirements;

Second. Eliminate the time lapse between the date a plant is found to be objectionable and the date of its delistment;

Third. Prohibit importation of any meat products produced by a delisted plant effective on the date of its delistment because of the conditions found which might cause it to be unwholesome, unhealthful, or otherwise unfit as human food; and

Fourth. Increase the frequency of inspections of foreign plants by foreign review officers to insure compliance with U.S. requirements.

By countries inspected by Government Accounting Office, the following results were found:

Of 35 Australian plants reviewed, 10 were delisted. An additional plan did not comply with many U.S. requirements. Australian inspection officials promised to have the deficiencies in this particular plant corrected, and it was allowed to continue to operate. I have already discussed the flagrant violations of standards involved in that case.

Despite reports from its foreign review officers to Consumer and Marketing Service that some Australian plants did not require their inspectors to maintain full control over condemned products until the products were destroyed as unfit for human purposes, and despite the warning by its foreign programs officers that the postmortem inspection in many Australian plants was not effective in preventing inclusion in food for human consumption, mutton, which under our requirements should have been condemned, Consumer and Marketing Service did not follow through with delisting of these plants for many months. Finally, in May of 1970, Consumer and Marketing imposed on embargo on the importation of all mutton produced in Australia. Consumer and Marketing Service has busied itself since recertifying the mutton plants in Australia on a plant by plant basis as they correct their deficiencies.

ARGENTINA

Ten Argentine plants were reviewed. We got 88 million pounds of beef from the country in 1971. Only cooked meat either wrapped or canned is allowed to be imported from countries where there is hoof and mouth disease such as Argentina. None of the 10 plants reviewed was delisted although nine of them showed some deficiencies and were cited as follows:

> Argentine inspectors were not giving sufficient emphasis to product cleanliness at time of slaughter and to carcass reinspection prior to boning.
>
> Argentine inspectors were not exerting effective control to eliminate steam on kill floors and condensation in coolers and were not always sufficiently aggressive in seizing unclean products and suspending operation of unsanitary equipment and departments.

While Argentine inspectors at one of these 10 plants condemned large numbers of organs because of tuberculosis, few carcasses of the animals with diseased organs were condemned. The meat of tubercular animals was thus being processed.

One of the Argentine plants made it a common practice to slaughter animals on weekends when there were no inspectors present. This practice supposedly ceased when a foreign review officer complained.

CANADA

Eighteen plants were inspected in this country, which sent us 80 million pounds of beef and 69 million pounds of pork in 1971. Canadian inspection officials suspended operations of 11 of them for varying periods of time and four plants were delisted because of unsanitary conditions or product contamination.

The records showed that in some cases our inspection service permitted plants to remain on the list of plants certified to export products to the United States even though the plants were not in compliance with U.S. requirements and previously reported deficiencies had not been corrected as promised by Canadian inspection officials.

GAO cited an example in detail where a foreign program officer reported that his March 1970 review of the plant showed deficiencies. The chronology of events following this was:

April 1970 Consumer and Marketing Service requested Canadian inspection officials to have the plant immediately correct the deficiencies.

June 1970 Canadian officials told Consumer and Marketing Service that they were giving the plant special attention.

July 1970 Consumer and Marketing Service again requested Canadian officials to correct the deficiencies.

October 1970 Consumer and Marketing Service foreign programs officer in review of the plant reported that sanitation of the plant had been improved but that sanitary handling of products and the conditions of some of the facilities and equipment was still not satisfactory.

He recommended that the plant be delisted. Consumer and Marketing Service then advised Canadian inspection officials that the remedial measures taken at the plant were not adequate and requested that the plant be delisted. Canadian inspection officials were not prepared to delist the plant because some improvement had been made and that further improvements would be made.

December 1970 a Consumer and Marketing Service foreign programs officer again reviewed the plant and noted further improvements but stated that more were still needed. The GAO said:

> Although the plant eventually made most of the improvements, C&MS requests for correction of deficiencies or delistment of the plant were not implemented for a ten month period during which the plant was permitted to export meat products into the U.S.

DENMARK

Seventeen Danish plants were reviewed. Some plants met most of the U.S. requirements, but others failed to meet certain basic requirements. None was delisted.

An analysis of the deficiencies noted in these plants indicated that Danish inspection needed to be improved to strengthen its enforcement capability and to provide more training for inspectors in the area of sanitation and sanitary control.

Denmark exported over 128,000,000 pounds of pork and pork products to the United States in 1971, mostly cooked and canned.

Records showed that in July 1969 a Consumer and Marketing Service inspector reported that at approved plants in Denmark carcasses were being contaminated with a mixture of water and fecal matter during slaughtering. He recommended that restrictions be placed on the use of certain parts of the carcass in the production of luncheon meats for export to the United States, but Consumer and Marketing Service did not follow through.

There had been complaint, GAO reports, that Danish inspectors do not exercise full control over condemned products—a basic requirement of U.S. inspection—to assure they are not used in human food. Despite the complaints, no plants were delisted. As late as the inspections in which GAO was present, the foreign review officer complained that while controls had improved at some plants, at others the Danish inspectors still did not exercise adequate control over inedible and condemned products.

TIME LAGS IN DELISTMENTS

The General Accounting Office found that it takes weeks between a foreign review officer's inspection of a foreign plant and its final delistment, averaging 45 days in 1970.

It adds:

> Meat products processed in the plants in the interim are eligible to export to the United States . . .

Unless a plant is classified as a health hazard, and there have been only two so classified in 1968 and two in 1970, the recommendation for delistment must clear the Department of Agriculture Foreign Agricultural Service and the State Department before the request for delistment can be transmitted to the foreign country. Meantime, its meat is eligible to be sent to the United States.

The General Accounting Office comments:

> Unless a plant is delisted as a health hazard, C&MS permits meat products certified by foreign officials as being produced prior to the effective date of a plant's delistment to be presented for entry and, if they pass inspection at the ports of entry, to be imported into the United States. Because the conditions at a plant causing its delistment generally have been identified several weeks earlier and may have existed for some time before being identified, we believe that the continued importation of products produced prior to delistment from plants delisted for conditions that could render the products unsound, unhealthful, unwholesome, or otherwise unfit as human food is not in the best interest of U.S. consumers.

In explanation of this, the GAO says:

> The deficiencies cited by C&MS in its requests for delistment of the nine plants delisted during May and the number of plants in which the deficiencies existed follow.
>
> (1) Unacceptable sanitation as evidenced by unclean floors, chutes, overhead structures, and equipment; excessive condensation; flaking paint; rusty pipes, broken plumbing; ineffective insect control; poor housekeeping in general; and the lack of a comprehensive sanitation inspection program, including an effective daily preoperative sanitation inspection—eight plants.
>
> Facilities and equipment not in compliance with U.S. requirements as evidenced by unscreened building openings; insufficient or inoperative sterilizers and lavatories; facilities and equipment incapable of being cleaned; congested operating areas; and broken driveways, walls drains and floors—five plants.
>
> (3) Inspectors passing carcasses which would be condemned in the United States—four plants.
>
> (4) Inspectors permitting heavily contaminated carcasses in coolers—nine plants. (An additional plant, making a total of 10 were delisted after our foreign review officers cited serious deficiencies and went through the delisting procedures.)
>
> About 11 million pounds of meat products produced by seven of the ten delisted plants were imported into the United States after the C&MS foreign programs officer had made the plant review.
>
> Because of the length of time between foreign programs officers' reviews of foreign meat plants or the time that elapses between January 1 of each year when most plants are automatically recertified and the dates of their subsequent reviews, some plants probably have operated for extended periods under conditions which did not meet U.S. requirements.

INFREQUENT INSPECTIONS

In a section on infrequency of inspection, the GAO tells us:

> To more adequately safeguard U.S. consumers, C&MS needs to increase the frequency of its foreign programs officers' reviews of plants to detect unacceptable plants more promptly and thus reduce the potential for importing products into the United States that are not produced in accordance with U.S. requirements.
>
> C&MS records on the 327 plants delisted during calendar year 1970 . . . show that many of the plants may have operated under unsatisfactory conditions for long periods of time. (A table of time which elapsed between a C&MS review which showed plants operating in accordance with requirements and the date of subsequent review when plant was found not operating in accordance with requirements varied up to 25 months and averaged over seven months.)
>
> RECOMMENDATIONS
>
> To ensure that only meat and meat products produced in plants meeting U.S. requirements are permitted entry into the United States for domestic consumption, C&MS should:
>
> Authorize its foreign programs officers to provisionally delist those plants that do not meet basic U.S. requirements until corrections are made;
>
> Prohibit the importation from delisted plants of all meat products produced prior to the date of the plant's delistment when the conditions causing delistment are such that prior products may have been rendered if injurious to health or, for any reason, may be unsound, unhealthful, unwholesome, or otherwise unfit as human food;
>
> Station additional foreign programs officers in those foreign countries where necessary to meet plant-review frequency objectives.

Further comments of the GAO report include the following:

> The Department agreed that C&MS had been too lenient with the inspection systems of some foreign countries in the past and that C&MS should be more aggressive in insisting upon the immediate correction of defects.
>
> The Department stated that our proposal made in a draft of this report that meat products produced by a plant prior to the date of its delistment be prohibited from entering the U.S. was the practice followed with plants classified as health hazards but that such a policy should not be instituted for delistments irrespective of cause. The Department stated that this would go far beyond C&MS' rules for domestic plants and would be grossly unfair if delistment were required for reasons either unrelated or only indirectly related to wholesomeness.
>
> On the other hand, we believe that prohibiting the entry of products only from plants classified by C&MS as health hazards may not be fair to U.S. consumers or to competing plants, both domestic and foreign. C&MS records showed that, of the 1,545 plants

delisted during calendar years 1968 through 1971, only four were officially classified as health hazards, two in 1968 and two in 1970.

On the basis of our review of C&MS records of plants delisted in 1970, which showed apparently serious deficiencies in some plants not classified as health hazards, we believe that the Department may need to broaden its criteria for determining when products from delisted plants, produced prior to delistment, should be prohibited from entering the United States. Under these broadened criteria we believe that such determinations should be made by the foreign programs officers at the time they provisionally delist plants.

CANNED AND PACKAGED MEATS

To ensure that all imported meat and meat products are suitable for domestic consumption, C&MS needs to (1) improve its program for inspecting processed canned and packaged meat products presented for import at ports of entry or other destination points, (2) ensure greater uniformity in the application of inspection procedures, and (3) develop an effective program for training import inspectors.

In a review at 12 ports of entry a C&MS team reported deficiencies in inspection activities. The team reported that, in general, a variance existed among locations in following C&MS-established procedures and practices for inspecting imported manufacturing meats. The team reported that (1) prescribed inspection procedures were not always followed, (2) inspection facilities generally were not equipped properly for effective inspections, and (3) some inspectors misunderstood the inspection standards.

Mr. Speaker, I want to make one point in concluding these remarks and this report to the House.

We are dealing here with the quality of products allowed to enter this country and to be sold to American consumers—not with quantity.

There is a divergence of opinion on whether we should let more imported meat into the United States to put a lid on meat prices, or tighten up quantity restrictions some by imposing quarterly quotas, and separate quotas on beef, mutton, and lamb. I think we need a more explicit quota law, and one the President cannot suspend year after year.

But certainly there can be no disagreement that we should be completely certain that every pound of meat that enters this country to go to consumers under a "U.S. Inspected and Passed" label is clean, wholesome, healthful, and fit for human food.

That is not the case today, and this is no time to think about letting more questionable products into this country.

It is a time to think about restricting the flow of imports to products which can be marketed under the "U.S. Inspected and Passed" label with complete confidence, and doing that promptly.

MINIMUM WAGE INCREASE ENDORSED BY DEMOCRATIC STEERING COMMITTEE

(Mr. MADDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MADDEN. Mr. Speaker, on yesterday afternoon the Democratic Steering Committee met and unanimously passed the following resolution:

Whereas it has been six years since Congress acted to increase the minimum wage or broaden its coverage, and whereas the cost of living has increased 16 percent since the Nixon Administration took office, and whereas the present minimum wage results in family income below the poverty line, and whereas raising the minimum wage and broadening its coverage will, by increasing consumer purchasing power, bolster the national economy without promoting inflation, be it resolved by the Democratic Steering Committee that all Democratic Members of the House are urged to support and vote for H.R. 7130, The Fair Labor Standards Amendments of 1971.

The above Resolution adopted unanimously by House Democratic Steering Committee yesterday.

CHAIRMAN

Ray J. Madden, Indiana.

SECRETARY

Spark M. Matsunaga, Hawaii.

EX OFFICIO

Carl Albert, Oklahoma.
Hale Boggs, Louisiana.
Thomas P. O'Neill, Jr., Massachusetts.
Olin E. Teague, Texas.
Leonor K. Sullivan, Missouri.
John Brademas, Indiana.
John J. McFall, California.

ZONE MEMBERS

John S. Monagan, Connecticut.
Bertram L. Podell, New York.
John H. Dent, Pennsylvania.
Peter W. Rodino, Jr., New Jersey.
Watkins M. Abbitt, Virginia.
W. J. Bryan Dorn, South Carolina.
Joseph E. Karth, Minneapolis.
Ray J. Madden, Indiana.
Thomas L. Ashley, Ohio.
Bill Alexander, Arkansas.
Joe D. Waggonner, Jr., Louisiana.
Paul G. Rogers, Florida.
Neal Smith, Iowa.
Melvin Price, Illinois.
Wright Patman, Texas.
Spark M. Matsunaga, Hawaii.
Teno Roncalio, Wyoming.
Julia Butler Hansen, Washington.
Chet Holifield, California.

MINIMUM WAGE INCREASE A MUST IN THIS SESSION OF THE CONGRESS

Mr. Speaker, the House Democratic Steering Committee meeting yesterday afternoon unanimously approved a resolution urging immediate action on H.R. 7130, a bill calling for an increase in minimum wage to $2 per hour in some business categories and a more moderate increase on certain farm labor operations. Over the last 3 years the cost of living has gone up on the average of approximately 16 percent. The minimum wage increase legislation has practically remained dormant during this long period of time and the Congress and the administration have completely ignored the frantic economic condition of millions of wage earners throughout the land.

Every time we have tried to increase the minimum wage rate to barely relate to the economic realities of the moment, we hear the antiquated predictions of the widespread unemployment and inflation it will create.

May I remind my business-oriented friends on the other side that in this fourth, and hopefully final, year of the Nixon economic caper, we have already been adequately visited by unemployment and inflation; and to a greater extent than I care to recall. The chief victims of this economic catastrophe have been the lowest paid of our working people. They are not the contributors, as my Republican friends suggest; indeed they are carrying its greatest burden.

Our country learned a lesson back in the 1920's when the Government neglected the wage and salary earners of America and unemployment became rampant because of low wages and lack of buying power. This led to the closing of factories, businesses, and the devastating depression of the early 1930's.

The Congress, under Franklin D. Roosevelt, initiated a great program to restore employment, increase wages, and buying power. Prosperity was eventually restored and remained up until the Eisenhower-Nixon administrations under the leadership of that great industrialist, George M. Humphrey of Ohio, as Secretary of the Treasury. He immediately restored high interest rates, increased profits, and conglomerates and the economy suffered three depressions in 8 years.

In January 1969, at the beginning of this administration the same economic blue-print was reinstated under the Nixon administration that brought us economic reverses and a depression.

Unemployment and lack of buying power exists over the Nation today by reason of low wages and millions of salaried and wage earners and continued rising prices which brings exhorbitant profits and the old Republican trickle-down theory is rampant today in our national industrial and rural economy.

This minimum wage bill which was reported out of the House Education and Labor Committee months ago still languishes in the Rules Committee for action. The bill would enable a nonfarm minimum wage worker to earn approximately $4,160 in 1973 by working full time for each of the 52 weeks in the year.

Mr. Speaker, that figure does not even attain the minimum poverty standard for a family of four now, in March of 1972, and the annual income for an agricultural minimum wage earner would be significantly less. Is it repugnant to some of our colleagues that a full-time worker should fall short of providing the most basic of life's necessities for his family?

Now Mr. Speaker, who are the people that this bill affects the most? They are the working poor. They are proud people who want to work and are willing to work if given the opportunity. I ask you how equitable is it when people are willing to go out and work for the minimum wage rate while others can look forward to receiving more by working less.

Now, about inflation. We have all been told that increasing the minimum wage causes inflation. There is no foundation to this argument. Even the U.S. Chamber of Commerce, which is not exactly renowned for its compassion for social legislation, has given up on this argument. It has proved so foundless.

Apparently, however, some of their elected representatives here have yet to get the message. Even the Nixon-appointed Pay Board has concluded that wage increases below $2.20 an hour should be exempt from its consideration because such wages could not conceivably have an inflationary impact. This is not an inflationary piece of legislation.

It is not insignificant that today's minimum wage of $1.60 buys less than the $1.25 minimum wage bought in 1966; or that if a cost-of-living increase mechanism had been incorporated into the 1966 amendments, today's minimum wage rate would exceed the proposed $2 an hour figure.

With respect to creating unemployment, Mr. Speaker, all I can say is that the Department of Labor has a mandate to relate minimum wage increases and unemployment. The Department has not, since 1938, ever been able to associate the two as a cause-effect relationship. In fact, the following excerpt from the Department's 1971 report not only supports this fact but begs for the immediate passage of H.R. 7130:

> The relationship between the minimum wage and average hourly earnings or average hourly compensation varies, depending upon whether account is taken of changes in coverage. Although the minimum wage has been increased substantially, its ratio to earnings has been largely eroded by gains in average hourly earnings between the periods of increases in the minimum wage. Consequently, the ratio of the minimum wage to average hourly earnings or to average hourly compensation per man hour is now lower than it was in 1950, when the 1949 amendments went into effect.

So much for unemployment and inflation.

Mr. Speaker, there are obviously no rational reasons for opposing this $2 per hour minimum wage legislation. This bill is moderate in every respect. The Education and Labor Committee was endless in its pursuit of legislation that would meet all legitimate concerns, without sacrificing the integrity of those it sought to assist. They accomplished that delicate resolution, but we continue to find ourselves in a quagmire of immobility caused by those whose uncompromising and unconscionable attitude toward their fellow man will never change.

Mr. Speaker, the extent to which we further delay consideration of this vital wage legislation is the extent to which the economic disparity between the haves and have-nots becomes enlarged.

This is not the time to submit to that stagnant, archaic Republican philosophy of human timidity and trickle-down economy. The consequences are too great and too heartrending. We, as Democrats, must join with those of our more reasoned Republican friends to insure at least a modicum standard of living for our working poor. To do less would be to abrogate the trust and tradition which has been passed on to the Congress.

I hope this moderate increase in minimum wages is enacted into law without further delay.

PRESIDENT'S CHINA TRIP

(Mr. DEVINE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DEVINE. Mr. Speaker, there has been a big rush to pronounce judgment on the results of President Nixon's China trip. Much of it is erroneous rhetoric, and meaningless carping. Some of the critics have fallen into the trap of making emotional "profound" pronouncements without bothering to read or study the joint communique. In fact, jumping to conclusions they apparently wanted to reach without supporting facts or evidence certainly will be embarrassing to many at a later date, yet do a disservice to the President and the country in the meantime.

It is just too bad this is an election year with a whole stable full of presidential candidates stumbling over themselves seeking headlines and attention, hopeful for political advantages.

First, let us put things in proper perspective:

First. The communism of Red China is considerably different than the communism of the Soviet Union, which is in its third and fourth generations of oppressive bureaucracy. The oriental mind is considerably different and the Chinese have a real ideological fervor amounting to a reincarnation of imperialism, or a different brand of fanaticism.

Second. When the President arrived in Peking on February 23, no Chinese had ever even seen a picture of President Nixon or photographs of any of the Chinese officials with any of our officials, and it was indeed a great breakthrough when the controlled press of China suddenly bloomed forth with all the photographs and coverage the following day.

Third. Relative to the communique, it is necessary to try to understand oriental thinking. The Chinese statements in the communique were soft by their standards, although considered tough by American standards. The communique was published and broadcast in all radios and publications in China.

Fourth. Relative to Taiwan, we affirmed our treaty commitment to them—in Shanghai on February 27. We reaffirmed our interest in a peaceful solution to the Taiwan situation, and agreed to reduce forces as the tensions diminish, which includes the whole western Pacific. There are 8,200 American forces in Taiwan, 6,500 of which are Southeast Asia related and mostly Air Force. They were not there prior to the Vietnamese situation, and certainly will not be necessary when that is resolved. Of the remaining 1,700, all except 200 are communications and intelligent related. We have no present plan to reduce our forces.

Fifth. Last year ping-pong was considered front page news. Now the two Nations have agreed to foster exchanges, expand trade, and create a formal point of diplomatic contact. This is of great significance after a 20-some-year wall of silence, particularly since there was an agreement to settle disputes without the use of force.

Sixth. No foreign aid from United States to China was asked, nor even considered. The Chinese are compulsively self-sufficient, and no such assistance is even anticipated.

Seventh. The President has assured the American people that there are no secret deals of any kind, and we are not giving up any of our commitments to any country and our general policy over the years has been to withdraw troops as tensions reduce, not only here, but "overseas."

It is hoped not only all of the presidential candidates, on both tickets, but others, in and out of government, including the media, will act responsibly and not make more wild, reckless, unfounded statements about the China trip. Sensationalism and political expediency have no place in this historic breakthrough in foreign relations. They should welcome this clear demonstration of the success of the Nixon doctrine in practice.

MEMORIAL DAY AND VETERANS DAY

(Mr. QUILLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUILLEN. Mr. Speaker, Tuesday, I introduced H.R. 13455 to amend title 5, United States Code, with respect to the observance of Memorial Day and Veterans Day. Several Members joined me in cosponsoring this measure to change the law in order to celebrate Veterans Day on November 11 and Memorial Day on May 30.

In retrospect our diminution of the tradition and sanctity of both Memorial Day and Veterans Day, commemorative dates existing for one century and half a century respectively, is something foreign to our American heritage. In sacrificing dates held dear by so many for merely the self-indulgence of additional long weekends indicates we may have momentarily heard a different drummer than the one that made our Nation great and strong.

Memorial Day was originally established by Gen. John A. Logan, Commander, Grand Army of the Republic, on May 30, 1868, to honor the dead servicemen of the Civil War. Subsequently, May 30 has been observed to commemorate those who made the supreme sacrifice in all wars.

Veterans Day, originally Armistice Day, commemorated the end of World War I on November 11, 1918. At that time President Wilson urged our Nation to observe with solemn pride and gratitude this date.

The Congress of the United States requested the President to proclaim national observance of Armistice Day in 1926 and in 1938, November 11 was made a national holiday. Congress changed the designation of November 11 to Veterans Day in 1954 to commemorate the ensuing peace and freedom preserved by our several wars.

In 1968 the Congress passed the Monday Holiday Act which has been observed this past year for the first time and arbitrarily vested more meaning in 3-day weekends than the history, tradition and sanctity of these special days.

Mr. Speaker, the Congress in its wisdom has often seen fit to amend legislation the test of time has proven inadequate or inappropriate for the intended purpose. My constituency desires passage of the legislation I have introduced, and so do the veterans organizations. In particular, the Veterans of Foreign Wars of the United States whose 1,800,000 members are all combat veterans adopted a resolution at its national convention last

August in support of changing these dates.

Therefore, it is my sincere hope the Judiciary Committee will take timely action on my bill in the near future and return Veterans Day and Memorial Day to their proper dates.

FAIR LABOR STANDARDS ACT—MINIMUM WAGE

(Mr. DENT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DENT. Mr. Speaker, the Fair Labor Standards Act, more than any other piece of social legislation, is in desperate need of updating. Its benefits and protections, absolutely essential to millions of America's working poor, have been seriously eroded by the economic policies of the administration.

The buying power of the $1.60 minimum wage adopted in 1966 has been all but destroyed. Since that time, living costs have risen more than 25 percent.

The minimum wage, which was an acceptable floor in 1966, no longer even approaches the federally defined poverty level for a family of four.

There must be immediate, affirmative congressional action to keep American families from being destroyed.

The House congressional hearings, which demonstrated the truth of these contentions, produced H.R. 7130. The Senate committee has not completed executive action on its bill—S. 1861. We urge the Senate to promptly report a bill.

The House Rules Committee is stalling on reporting H.R. 7130. We commend the Speaker of the House for his effort to get the bill reported and urge the Rules Committee to act immediately.

The House bill would immediately raise the minimum wage for most covered employees to $2 and would extend coverage to about 5 million more workers. Its immediate adoption would be a valuable forward step.

However, as the Ninth Constitutional Convention of the AFL–CIO stated, labor's goals for the Fair Labor Standards Act continue to be:

A minimum wage of at least $2.50 an hour.

Full minimum wage and maximum hours coverage for all workers engaged in interstate commerce, the production of goods for commerce or affecting commerce.

Equal minimum wage, maximum hours and child labor protection for farm workers, as for other workers.

A single minimum wage and maximum hours standard for all workers, regardless of age, sex, color, or creed.

These goals have been the ultimate achievement Congress has been seeking for 34 years.

While the Congress is considering modest improvements, the administration is recommending a measure that that would undermine the minimum wage, by establishing a special subminimum rate for youth. My proposal gives a reasonable percentage lower rate for bonafide student youths.

In his economic report to the Congress on January 27, 1972, the President proposed "revision of the minimum wage system to remove obstacles to the employment of young and inexperienced workers." What the President failed to report is that a subminimum rate for youth would not create any new jobs for young people. We recognize the need for youth jobs, but more compelling, we recognize the need for employment at reasonable wages for adult workers.

Obviously, some employers would fire older workers, including heads of families, and substitute for them the cheapest labor available—the youths the President would condemn to subminimum wages. That would not increase employment; it would merely rearrange the statistics of unemployment.

The AFL–CIO makes a plea for immediate action, favorably on H.R. 7130, the Dent bill. The latest release from labor states:

> In the name of simple dignity and common sense, we demand the Congress update the Fair Labor Standards Act without further delay and send to the President a measure that meets the test of the times.

Congress should remember that the workers who benefit from raised wage rates under the Dent bill are not as a rule protected by union contracts.

The U.S. Congress is charged with the responsibility of keeping minimum wages for about 7 percent of the work force in line with the Cost Of Living index.

We have failed to do this. We have completely ignored this great group of workers since we have not negotiated by law an increase for the bulk of these workers since 1967. We placed a ceiling of $1.60 an hour on millions of workers in 1967. If they had received the same raises granted by Congress to all civil employees since 1967 based upon the Cost of Living Index figures, these millions of workers would today be getting $2.38 an hour.

I, personally, feel that the $2 asked for by my committee is still below the minimum requirements of a worker.

Any further delay by the Rules Committee will increase the gap between the needs of the workers and their earnings under the minimum wage. I am seriously considering asking for the discharge of the Rules Committee from consideration of H.R. 7130. I have been waiting patiently for action, but apparently certain members of the Rules Committee are not favorably disposed to such action.

Along with increasing wages of civil workers, Congress has a moral and legal obligation to raise the minimum wage schedule in keeping with the cost-of-living increases under the provisions of the U.S. Fair Labor Standards Act.

To do less, to arbitrarily refuse to allow the House to fulfill its obligations to millions of people working at poverty wages, is an indictment of the procedures of the Rules Committee.

Any further delay may cause the Congress to reevaluate the House rules that allow any committee to delay or pigeonhole any bill approved by a duly constituted House committee.

THE FAA DICTATES—PART I

(Mr. KARTH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KARTH. Mr. Speaker, I am beginning today what will be a series of remarks and reports to you and our colleagues concerning the interference by the FAA Administrator, Mr. John H. Shaffer, in what he himself called, an essentially State and local matter concerning the Minneapolis-St. Paul area. From the start, Mr. Speaker, I point out that this series of reports is not being placed on the record in an attempt to embarrass this particular Washington bureaucrat. As a matter of fact, this action I am taking should come as no surprise to him since I advised the Administrator over a year ago of my intention to place a full story of his involvement on the record. I did not do so at that time because at a subsequent meeting Mr. Shaffer promised he would not participate further in pressuring local authorities on matters concerning an airport site location.

Fortunately, his judgment on the site of his choice has since been rejected by local officials. Fortunately, in arriving at their decision they took into consideration social, environmental and economic issues as well as aeronautical needs. Because his dictates were not acceptable he is now interfering again.

Therefore, I believe his actions demand that they be brought to the attention of our colleagues as a warning of what one may expect if a substantial part of the community, elected officials, a planning agency, and a Federal and State agency disagree with the views of Mr. Shaffer.

I want to make it clear that I accept and encourage the right of the Administrator to hold and express an opinion on aviation matters. But I believe, as my reports will show, that he has overstepped both his authority and the bounds of propriety when he repeatedly interjects his personal opinion, devoid of social, environmental and economic factors, resorts to intimidation of local officials, questions the motives of elected officials, makes disdainful and petty remarks concerning elected officials, judgment, and deals in contradictions—telling the press one thing and elected officials another.

Typically and in accord with this display of bureaucratic arrogance his latest intemperate remarks are directed to those who argue that the Twin Cities do not need two major airports or if they do, that all factors be considered.

His attitude is summed up well by the first paragraph of a story that appeared in the February 1, 1972, edition of the Minneapolis Star:

> If Minneapolis and St. Paul don't feel they need a new airport, they can "be just the way they are, fat, dumb and happy, and be without modern air transportation," John A. Shaffer, head of the Federal Aviation Administration (FAA) said Monday.

Incredibly Mr. Shaffer goes on to say, in complete contradiction of his actions and of the very statements he made during the course of the interview the Star is reporting, the following:

> There is not going to be any federal pressure to get the Twin Cities area to build a new airport, Shaffer said in a telephone interview from his Washington office.
>
> If they don't want progress and don't want to grow and expand, that is their decision, he said.

Mr. Shaffer continued the unusual tone of his remarks concerning those who say a second airport might not be needed with the following:

> Shaffer said those who argue the Twin Cities area does not need two major airports are "myopic," "archaic" and have their heads in the sand.
>
> "I hate to rail and rant, but it just fries me to hear such argument," Shaffer said.

This, Mr. Speaker, is a report of Mr. Shaffer's latest remarks on the subject. In my next report I shall further background his involvement and dictatorial attitude toward this subject.

As a matter of record for those members who are interested, a complete copy of the article I refer to today—as well as copies of articles and letters I will refer to in future reports—are on file in my office.

STATEMENT OF AFL–CIO EXECUTIVE COUNCIL ON THE SPACE SHUTTLE

(Mr. ADAMS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ADAMS. Mr. Speaker, the AFL–CIO Executive Council, in its recent meeting at Bal Harbour, Fla., issued a well-reasoned and persuasive statement on the importance of the development and funding of the space shuttle. As that statement points out so well, development of the space shuttle "will make space as accessible as the airplane has made the other continents." The program, in addition, will assist us in exploration, science, and technology and will provide approximately 50,000 jobs throughout the United States. I highly recommend that my colleagues in the House read and analyze this statement, and I ask that it be printed at this point in the RECORD.

> STATEMENT BY THE AFL–CIO EXECUTIVE COUNCIL ON SPACE SHUTTLE, BAL HARBOUR, FLA., FEBRUARY 18, 1972
>
> The United States space program is reaching another milestone. At the peak of the Apollo project, the space program employed 400,000 Americans—about half of whom have since been laid off. This year will see the end of Apollo.
>
> In Apollo, American science, engineering and craftsmanship made possible the fulfillment of one of man's oldest dreams—to walk on the moon. In so doing, we unlocked vast new technologies, strengthened our national security and reinforced America's world position.
>
> Next year, the Skylab project will put nine astronauts into orbit to live and work for periods of from four to eight weeks, learning more about our world and the space around it.
>
> The next logical step for the United States space program is the development of a space shuttle which will provide economical transportation from earth to space and back. It will make space as accessible as the airplane has made the other continents. The shuttle will assist us in exploration, in science and technology and, if necessary, in defense and provide 50,000 jobs in the United States. Without the shuttle we cannot develop our scientific and technological investments that already have given us space communications, weather satellites and geodetic programs.
>
> The benefits of next generation space applications in such fields as the management of our natural resources, monitoring of pollution, weather modification and climate control, television distribution, earthquake prediction, and public health and safety will not be fully realized unless we can reduce costs, raise efficiency and acquire a flexibility of action not yet possible. That is what the space shuttle is for. Without it, we will lose many valuable programs.
>
> International relations today involve space. We can no more ignore space than we can ignore the oceans or the continents. We would not have the free world without ships, without aircraft or without land mobility. We cannot envision a secure, technologically advanced western world without technologies that allow us the freedom of space as well.
>
> For these reasons, we urge Congress to vote funds for the development of a space shuttle.

UNEMPLOYED VIETNAM VETERAN APPLIES FOR JOB AS STAGEHAND AT KENNEDY CENTER

(Mr. GROSS asked and was given permission to address the House for 1 minute.)

Mr. GROSS. Mr. Speaker, I received a letter today that I wish to share with other Members. It reads, in part, as follows:

> As an unemployed Vietnam veteran desperately in need of a job, I am appealing to you for help.
>
> After reading your weekly newsletter, I was wondering how I might go about applying for a job as a stagehand at the Kennedy Center for $1,500 per week.
>
> Any information you can give me would be deeply appreciated.

Mr. Speaker, I hope that Roger Stevens and other "friends" of this so-called culture palace read the CONGRESSIONAL RECORD. Their devotion to padded salaries and culture for the jet set at a time when Vietnam veterans cannot find jobs is indeed touching.

OMNIBUS HIGHWAY SAFETY ACT OF 1972

(Mr. HARSHA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HARSHA. Mr. Speaker, according to National Safety Council figures, in 1971 over 50,000 people died, 2 million people were injured, and $14 million in property damages were sustained as a result of traffic accidents on the Nation's highways.

Throughout the decade of the sixties, almost half a million men, women, and children were killed, over 17 million were injured, and $90 billion in economic damages were sustained.

Since the beginning of the automobile age in 1900, almost 2 million people lost their lives in highway accidents, and untold billions of dollars in lost wages and productive resources were sustained.

The deep sense of personal loss to families, relatives, friends, and associates from these accidents was incalculable. And the horrendous toll continues. Every 10 minutes of every day, two persons are killed and an additional 200 were injured. The cost of such accidents for each 10-minute period runs to over half a million dollars.

This is an appalling squandering of lives and treasure. The gravity of the situation can be illustrated by the fact that highway deaths outnumbered combat losses in Vietnam over the period of the war by a factor approaching 10 to 1.

I hold intense feelings concerning the issue of highway safety. I believe the carnage on our highways is man's grossest inhumanity to himself. We can ill afford its continuance.

Back in 1966, the Congress passed the Highway Safety Act. Its aim was to provide the legislative wherewithal for mounting a nationwide campaign to arrest, and, if possible, reverse the escalating mayhem on our highways. Unfortunately, from the beginning, the highway safety program has been severely hampered by a shortage of funds. This has meant that much-needed research, development, and demonstration programs have been slighted, and methods and techniques found to be effective in reducing accidents have not been implemented on a nationwide basis.

Members of the Committee on Public Works, upon which I serve as ranking minority member, are deeply concerned over the highway safety problem. On February 17, 1972, we began hearings looking to the developmnt of new plans and programs for reducing the highway accident and injury toll. There is a consensus on the committee that we must develop new safety programs of a magnitude never before conceived. We are agreed that the problems of deaths, injuries, and economic waste will not be substantially reduced without a substantial increase in Federal expenditures and a dedicated marshaling of the best available talent in a safety crusade.

To suggest this does not mean that there has been no progress to date. Since the 1966 act was passed, sizable steps have been taken toward dealing with highway safety problems. But we have not yet succeeded in reversing the tide.

I believe the time has come for major new initiatives in the highway safety field. If, through such initiatives, we can reduce by one-tenth the accidents and injuries on our highways, then the real-life and real-dollar savings that we will make will more than pay for the effort and will yield a handsome dividend besides.

Accordingly, I am introducing today an omnibus highway safety bill which I believe will do that and more. Joining with me in cosponsoring this measure are all 37 members of the Committee on Public Works, including Chairman BLAT-

NIK. This splendid bipartisan showing of unanimity by the members of the committee indicates their dedication and commitment to the cause of highway safety. It is through such dedication and commitment that we can hopefully, at long last come effectively to grips with and solve the problem of deaths and injuries on the Nation's highways.

To fund this bill will require an investment of approximately $850 million annually for fiscal years 1974 and 1975. Two-thirds of this sum will be authorized from the highway trust fund, and one-third from the general fund.

If the moneys authorized are provided for fully implementing the provisions of this measure, I predict that upwards of 10,000 Americans will be alive to enjoy the Nation's bicentennial celebration who otherwise would have died in highway mishaps.

A summary of the provisions of the Omnibus Highway Safety Act of 1972 follows:

Omnibus Highway Safety Act of 1972—Summary of Provisions

(1) *Special Pavement Marking Program*—A $200 million two-year program to stripe all roads of the Nation which are presently poorly striped or not marked at all. This program would be specifically targeted at State and county secondary roads in rural areas where an inordinate number of highway fatalities occur.

(2) *Pavement Marking Research and Demonstration*—A national striping program would be extremely beneficial and save a great many lives. But the benefits of pavement marking all but disappear during bad weather conditions. In order to get a handle on this problem, a strong research effort in the field of wet and bad weather marking is urgently needed. Complemented by follow-on demonstration projects, new techniques and technology could be developed for solving the bad weather marking problem. $30 million would be provided for this purpose.

(3) *White House Conference on Highway Safety*—Last September, I proposed that a White House Conference be held to focus national attention on the safety problem. The enthusiastic response that proposal received convinces me that such a Conference should be held in 1973—the year that Emperor Haile Selassie has suggested be designated as "International Highway Safety Year".

(4) *Drug Use and Driver Behavior Highway Safety Research*—While money is presently being spent on basic research in the alcohol field, very litle work has been done insofar as drugs are concerned. Nor is the area of accident-prone drivers receiving the attention it deserves. We cannot continue to virtually ignore these latter two problem areas and expect to effectively cope with the highway safety problem. An adequate research foundation must be built. A basic research program should be funded at a $25 million annual level to mobilize basic research capabilities at all levels of government and in the private sector.

(5) *Projects for High Hazard Locations (Spot Improvements)*—As you know, the spot improvements program was deleted from the Highway Act of 1970. This much-needed program for dealing with high hazard locations should be reestablished. A $100 million annual program divided ⅔ for high hazard locations on the Federal-aid highway system and ⅓ for those off the system, would save a great many lives.

(6) *Program for Elimination of Roadside Obstacles*—Investigations by the Oversight Subcommittee confirm that roadside obstacles are a major cause of accidents, injuries and deaths on the Nation's highways. By funding a long-range program to eliminate such obstacles, replacing them with breakaway signs, etc., a principal cause of needless deaths and injuries could be eliminated in this decade $100 million annually would be provided for this effort.

(7) *Highway Safety Educational Programming and Study*—Realistically, the best way to educate and involve the general public is through wide-spread use of mass media. Present media efforts are confined to 30 or 60-second radio and TV spots. Thus far, at least, these have failed to alert, educate or involve the American driving public. We need to study and develop new media methods and techniques for educating and informing the general public in the field of highway safety. To that end, $1,000,000 is authorized for a study and assessment of current media efforts and the formulation of recommendations for future programming. An additional $4,000,000 is authorized for the development of highway safety pilot television messages of varying length for future use to educate and inform the general public.

(8) *Citizen Participation Study*—If a safety crusade is to succeed, wide citizen involvement is absolutely essential. Ways and means for encouraging greater citizen participation in the traffic enforcement process must be developed. Citizen involvement could take any of several forms. A Citizen's Traffic Reserve Corps, which would serve as an adjunct of professional law enforcement organizations, as well as other alternatives, would be considered. $1 million would be authorized for this study.

(9) *Feasibility Study—National Center for Statistical Analysis of Highway Operations*—One of the greatest weaknesses of the present highway safety effort is the lack of specific, up-to-date, comprehensive data to support action programs. Consideration should be given to establishing a national system for uniform reporting of all accidents nationwide. Such a system would provide Federal, State and local authorities with continuous oversight over highway performance. Ultimately, it should be possible to get a clear picture of what is happening on the Nation's highways on a day-to-day basis. A study looking to the feasibility of a National Center for Statistical Analysis of Highway Operations, the cost of setting up and maintaining it, as well as problems associated with such an undertaking, could prove extremely useful. $5 million would be authorized for the conduct of this study.

(10) *Highway Safety Research and Development (Section 403)*— At the present time, 35 Alcoholic Safety Action Programs (ASAP's) to demonstrate new safety techniques are in operation around the country. The National Highway Traffic Safety Administration would like to increase this figure to 52 (one for each State, D.C. and Puerto Rico). The aim would be to have a program focus within every jurisdiction throughout the country. To accomplish this purpose, NHTSA Section 403 funding would be boosted by an additional $100 million annually. The total 403 authorization for NHTSA programs would thus be $235 million annually for fiscal years 1974 and 1975. In addition, Sections 307(a) and 403 monies for the Federal Highway Administration would be doubled to $20 million annually.

(11) *Highway Safety Program (Section 402)*—NHTSA is concerned about what will replace ASAP programs when they come to an end. The agency would like to be able to transform 403 demonstration programs which prove successful into permanent State (402) types of programs. To provide for their evolution, an additional $100 million annually would be authorized for the next two fiscal years. Funding for Section 402 program administered by the Federal Highway Administration would be doubled to $60 million annually for the same period.

(12) *Safety Standards and Inspection of Motor Vehicles in Use*—The question of establishing diagnostic inspection, registration, and titling standards for motor vehicles in use is one that has not received the attention it deserves. Just how far the Congress can and should go in this area, the means and methods which should be used, and the costs for supporting such a program, must be studied and determined on a cost/benefit basis. Inclusion in the Omnibus bill will enable the Committee on Public Works to address itself to these questions.

* * * * *

The amount of money needed to carry out the foregoing safety action programs will amount to $835 million for each of fiscal years 1974 and 1975, two-thirds of such sums coming from the Highway Trust Fund, and one-third from the general fund.

An additional $13 million to carry out the studies proposed would be authorized exclusively from the Highway Trust Fund.

Total cost for the two fiscal years to implement the Omnibus Highway Safety Act of 1972 would come to $1,683 billion—a small price to pay for the lives likely to be saved, the injuries avoided and property damage prevented.

The provisions of the Omnibus bill follow:

H.R. 13539

A bill to authorize appropriations for certain highway safety projects, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Omnibus Highway Safety Act of 1972".

PAVEMENT MARKING PROGRAM

SEC. 2. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 145. Special pavement marking program

"(a) Congress hereby finds and declares it to be in the vital interest of the Nation that a special pavement marking program be established to enable the several States to improve the pavement marking of all highways to provide for greater vehicle and pedestrian safety.

"(b) Notwithstanding the provisions of the last sentence of subsection (a) of section 105 of this title, the Secretary may approve under this section such pavement marking projects on any highway whether or not on any Federal-aid system, but not included in the Interstate System, as he may find necessary to bring such highway to the pavement marking standards issued or endorsed by the Federal Highway Administrator.

"(c) In approving projects under this section, the Secretary shall give priority to those projects which are located in rural areas and which are either on the Federal-aid secondary system or are not included in any Federal-aid system.

"(d) The entire cost of projects approved under subsections (b) and (f) of this section shall be paid from sums authorized to carry out this section.

"(e) For the purpose of carrying out the provisions of this section by the Federal Highway Administration, there is hereby authorized to be appropriated for each of the fiscal years ending June 30, 1974, and June 30, 1975, the sum of $100,000,000, to be available until expended, except that two-thirds of all funds authorized and expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust Fund. Such sums shall be available for obligation at the beginning of the fiscal year for which authorized in the same manner and to the same extent as if such funds were apportioned under this chapter. Such funds shall be apportioned on the same basis as is provided in paragraph (2) of section 104(b) of this title.

"(f) Funds apportioned to a State but not required by it for pavement marking projects authorized by this section may be released by the Secretary to such State for expenditure for projects to eliminate or reduce the hazards to safety at specific locations or sections of highways which are not located on any Federal-aid system and which have high accident experiences or high accident potentials. Funds may be released by the Secretary under this subsection only if the Secretary has received satisfactory assurances from the State highway department that all non-urban area highways within the State are marked in accordance with the pavement marking standards issued or endorsed by the Federal Highway Administrator.

"(g) Each State shall report to the Secretary in January 1975, and in each January thereafter for three years following completion within that State of the special pavement marking program authorized by this section, with respect to the effectiveness of the pavement marking improvements accomplished since commencement of the program. The report shall include an analysis and evaluation with respect to the number, rate, and severity of accidents at improved locations, and the cost-benefit ratio of such improvements, comparing a period of one year prior to completion of improvements to annual periods subsequent to completion of such improvements. The Secretary shall submit a report to Congress not later than June 30, 1975, and not later than June 30 of each year thereafter until completion of the special pavement marking program authorized by this section, with respect to the effectiveness of the pavement marking improvements accomplished by the several States under this section."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"—. Special pavement marking program."

PAVEMENT MARKING RESEARCH AND DEMONSTRATION PROGRAM

SEC. 3. (a) In addition to the research authorized by section 307(a) of title 23, United States Code, the Secretary of Transportation is authorized to conduct research and demonstration programs with respect to the effectiveness of various types of pavement markings under inclement weather and nighttime conditions.

(b) There is authorized to be appropriated to carry out this section by the Federal Highway Administration, for each of the fiscal years ending June 30, 1974, and June 30, 1975, the sum of $25,000,000, to be available until expended, except that two-thirds of all funds authorized and expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust Fund.

WHITE HOUSE CONFERENCE ON HIGHWAY SAFETY

SEC. 4. (a) Within one year of the enactment of this section, the President shall convene a White House Conference on Highway Safety, hereinafter referred to as the "Conference".

(b) The Conference shall bring together all elements of our society concerned with promoting safety on our highways. It shall include, but not be limited to, highway engineers, contractors, users, safety experts, representatives of the insurance, automobile, communications, and other affected industries and organizations, and such interested citizens as may be designated by the President to attend.

(c) The purpose of the Conference shall be to (1) encourage more vigorous State and local highway safety programs; (2) stimulate the efforts of non-governmental agencies, organizations, institutions, businesses, and individuals in the field of highway safety; (3) encourage more effective communication between public and private institutions concerned with highway safety; (4) seek to identify specific highway problems for priority attention; (5) study methods of financing and possible sources of Federal funds to carry out new avenues of research, development, and demonstration programs; and (6) recommend such modifications or additions to existing laws, regulations, policies, and practices as will, in the judgment of the Conference, achieve workable and effective highway safety programs.

(d) Participants in the Conference shall receive no compensation, other than expense allowances, from the United States Government by reason of their participation in the Conference.

(e) Each department and agency of the United States shall, to the extent permitted by law and within the limits of available funds, furnish such information and assistance to the Conference as may be necessary to carry out its functions.

(f) The President shall transmit to the Congress, not later than July 1, 1973, a report on the Conference, together with his recommendations, if any.

(g) There is hereby authorized to be appropriated from the Highway Trust Fund the sum of $2,000,000 to carry out the provisions of this section.

DRUG USE AND DRIVER BEHAVIOR HIGHWAY SAFETY RESEARCH

SEC. 5. (a) Section 403 of title 23, United States Code, is amended by inserting "(a)" immediately before the first sentence thereof, and by striking out "this section" each place it appears and inserting in lieu thereof "this subsection", and by adding at the end thereof the following new subsections:

"(b) In addition to the research authorized by subsection (a) of this section, the Secretary, in consultation with such other government and private agencies as may be necessary, is authorized to carry out safety research on the following:

"(1) The relationship between the consumption and use of drugs and their effect upon highway safety and drivers of motor vehicles, in consultation with such other government and private agencies as may be necessary.

"(2) Driver behavior research, including the characteristics of driver performance, the relationships of mental and physical abilities to the driving task, and the relationship of frequency of driver accident involvement to highway safety.

"(c) The research authorized by subsection (b) of this section may be conducted by the Secretary through grants and contracts with public and private agencies, institutions, and individuals."

(b) There is authorized to be appropriated to carry out this section by the National Highway Traffic Safety Administration the sum of $25,000,000 for the fiscal year ending June 30, 1974, and $25,000,000 for the fiscal year ending June 30, 1975, except that two-thirds of all funds authorized and expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust Fund.

PROJECTS FOR HIGH HAZARD LOCATIONS (SPOT IMPROVEMENTS)

SEC. 6. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof (after the section added by section 2 of this Act) the following new section:

"§ 146. Projects for high hazard locations

"(a) for projects to eliminate or reduce the hazards at specific locations or sections of highways which have high accident experiences or high accident potentials, by the Federal Highway Administration, there is hereby authorized to be appropriated for each of the fiscal years ending June 30, 1974, and June 30, 1975, the sum of $100,000,000, to be available until expended, except that two-thirds of all funds authorized and expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust Fund. Such sums shall be available for obligation for one year in advance of the fiscal year for which authorized and shall remain available for obligation for a period of two years after the close of the fiscal year for which authorized.

"(b) Funds authorized by this section shall be available for expenditure as follows:

"(1) Two-thirds for projects on the Federal-aid primary and secondary systems and their extensions within urban areas; and

"(2) One-third for projects on highways not included on any Federal-aid system.

"(c) Funds made available in accordance with paragraph (1) of subsection (b) shall be apportioned to the States in the same manner as sums authorized to be appropriated under paragraph (1) of section 105 of the Federal-Aid Highway Act of 1970. Funds made available in accordance with paragraph (2) of subsection (b) shall be apportioned to the States in the same manner as is provided in section 402(c) of this title, and the Federal share payable on account of any such project shall not exceed 90 per centum of the cost thereof."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"§ 146. Projects for high hazard locations."

PROGRAMS FOR THE ELIMINATION OF ROADSIDE OBSTACLES

SEC. 7. (a) Paragraph (1) of section 402 (b) of title 23, United States Code, is amended by adding at the end thereof the following new subparagraph:

"(F) provide for a comprehensive program for the elimination of roadside hazards, including, but not limited to, the following minimum requirements: (i) each State shall conduct a survey of all expressways, major streets and highways, and through streets for the identification of roadside obstacles which may constitute a hazard to an out-of-control vehicle, assign priorities, and establish and implement a schedule for correction of hazards; (ii) the schedule of improvements referred to in clause (i) of this subparagraph shall provide for the replacement, to the extent appropriate, for existing sign and light supports which are not designed to yield or break away upon impact; and (iii) yielding or breakaway sign and light supports shall be used, to the extent appropriate, on all new construction or reconstruction of highways referred to in clause (i) of this subparagraph."

(b) Commencing in 1974, the Secretary of Transportation shall, in the report to Congress required to be submitted by section 202 of the Highway Safety Act of 1966 (80 Stat. 731; Public Law 89-564), include an analysis and evaluation of the progress made by the several States during the preceding calendar year in implementing improvements for the elimination of roadside obstacles. The report shall indicate the action taken by the Secretary, if any, as authorized by section 402(c) of title 23, United States Code, with respect to any State found not to be in substantial compliance with its schedule of improvements required by section 402(b) (1) (F) of title 23, United States Code.

(c) Subsection (g) of section 402 of title

23, United States Code, is amended by striking out the period at the end thereof and inserting in lieu thereof a semicolon and the following: "except that funds authorized to be appropriated to carry out this section may be used for the elimination of roadside hazards on highways not included in any Federal-aid system, as part of a State's comprehensive program as required by subparagraph (F) of subsection (b)(1) of this section."

(d) In addition to sums otherwise authorized by section 12(b) of this Act, there is hereby authorized to be appropriated for carrying out projects for the elimination of roadside obstacles authorized by this section for each of the fiscal years ending June 30, 1974, and June 30, 1975, the sum of $100,000,000 to be available until expended, except that two-thirds of all funds authorized and expended under authority of this subsection in any fiscal year shall be appropriated out of the Highway Trust Fund. Such sums shall be available for obligation at the beginning of the fiscal year for which authorized in the same name, and to the same extent as if such sums were apportioned under chapter 4 of title 23, United States Code.

HIGHWAY SAFETY EDUCATIONAL PROGRAMING AND STUDY

SEC. 8. (a) The Secretary of Transportation, in cooperation with interested government and non-government authorities, agencies, organizations, institutions, businesses, and individuals, shall conduct a full and complete investigation and study of the use of mass media and other techniques for informing the public of means and methods for reducing the number and severity of highway accidents. Such a study shall include, but not be limited to, ways and means for encouraging the participation and cooperation of television and radio station licensees, for measuring audience reactions to current educational programs, for evaluating the effectiveness of such programs, and for developing future programs for the promotion of highway safety. The Secretary shall report to the Congress his findings and recommendations by January 1, 1974.

(b) For the purpose of carrying out subsection (a) of this section, there is hereby authorized to be appropriated the sum of $1,000,000 out of the Highway Trust Fund.

(c) The Secretary of Transportation shall develop highway safety pilot television messages of varying length, up to and including five minutes, for use in accordance with the provisions of the Communications Act of 1934.

(d) For the purpose of carrying out subsection (c) of this section, there is hereby authorized to be appropriated the sum of $4,000,000 out of the Highway Trust Fund.

CITIZEN PARTICIPATION STUDY

SEC. 9. (a) The Secretary of Transportation, in cooperation with State and local traffic safety authorities, shall conduct a full and complete investigation and study of ways and means for encouraging greater citizen participation and involvement in the traffic enforcement process, including, but not limited to, the creation of citizen adjuncts to assist professional traffic enforcement agencies in the performance of their duties. The Secretary shall report to the Congress his findings and recommendations by January 1, 1974.

(b) For the purposes of carrying out this section, there is hereby authorized to be appropriated the sum of $1,000,000 out of the Highway Trust Fund.

FEASIBILITY STUDY—NATIONAL CENTER FOR STATISTICAL ANALYSIS OF HIGHWAY OPERATIONS

SEC. 10. (a) The Secretary of Transportation shall make a thorough study of the feasibility of establishing a National Center for Statistical Analysis of Highway Operations designed to acquire, store, and retrieve highway accident data and standardize the information and procedures for reporting accidents on a nationwide basis. Such study should include an estimate of the cost of establishing and maintaining such a center. The Secretary shall report to the Congress his findings and recommendations not later than June 30, 1973.

(b) For the purpose of carrying out this section, there is authorized to be appropriated the sum of $5,000,000 out of the Highway Trust Fund.

HIGHWAY SAFETY RESEARCH AND DEVELOPMENT

SEC. 11. (a) For carrying out section 403 of title 23, United States Code (relating to highway safety research and development), by the National Highway Traffic Safety Administration, there is hereby authorized to be appropriated for each of the fiscal years ending June 30, 1974, and June 30, 1975, the sum of $215,000,000, except that two-thirds of all funds authorized and expended under authority of this subsection for such section 403 in any fiscal year shall be appropriated out of the Highway Trust Fund.

(b) For carrying out sections 307(a) and 403 of title 23, United States Code (relating to highway safety research and development), by the Federal Highway Administration, there is hereby authorized to be appropriated for each of the fiscal years ending June 30, 1974, and June 30, 1975, the sum of $20,000,000, except that two-thirds of all funds authorized and expended under authority of this subsection for such sections 307(a) and 403 in any fiscal year shall be appropriated out of the Highway Trust Fund.

HIGHWAY SAFETY PROGRAMS

SEC. 12. (a) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the National Highway Traffic Safety Administration, there is hereby authorized to be appropriated for each of the fiscal years ending June 30, 1974, and June 30, 1975, the sum of $200,000,000, except that two-thirds of all funds authorized and expended under authority of this subsection for such section 402 in any fiscal year shall be appropriated out of the Highway Trust Fund.

(b) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the Federal Highway Administration, there is hereby authorized to be appropriated for each of the fiscal years ending June 30, 1974, and June 30, 1975, the sum of $60,000,000, except that two-thirds of all funds authorized and expended under authority of this subsection for such section 402 in any fiscal year shall be appropriated out of the Highway Trust Fund.

SAFETY STANDARDS AND INSPECTION OF MOTOR VEHICLES IN USE

SEC. 13. (a) Congress hereby finds and declares it to be in the vital interest of the Nation that a coordinated Federal, State, and local program be established and implemented to improve the safety qualities of motor vehicles now in use. Section 108(b)(1) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 USC 1397(b)(1)) required the Secretary of Transportation to conduct a study pertaining to the safety of motor vehicles in use and to report to the Congress not later than September 9, 1967, the results of such study. It was further required that the Secretary establish, no later than one year from the date of submission of such report, uniform Federal motor vehicle safety standards applicable to all used vehicles. The report called for by section 108(b)(1) of such Act was submitted to the Congress on June 24, 1968. Highway safety program standard number 1, issued June 27, 1967, under the provisions of section 402(a) of title 23, United States Code, requires each State to have programs for periodic inspection of all registered vehicles.

(b) After December 31, 1973, no funds may be expended to discharge the functions of the Secretary with respect to traffic and highway safety programs administered by the National Highway Traffic Safety Administration, until such time as the Secretary establishes uniform Federal motor vehicle safety standards applicable to all used vehicles as required by section 108(b)(1) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 USC 1397(b)(1)).

(c) The Secretary shall, not later than January 1, 1973, amend highway safety program standard numbered 1, relating to periodic motor vehicle inspection, issued June 27, 1967, under the provisions of section 402(a) of title 23, United States Code, to include the following additional provisions:

(1) The standard shall require inspection of a motor vehicle whenever the title to the motor vehicle is transferred for purposes other than resale, and whenever the motor vehicle sustains damage if any safety-related mechanism, subsystem, or functional nonoperational part, as defined by the Secretary, is damaged.

(2) The standard shall require that a certificate of safe operating condition shall be delivered by the seller of a motor vehicle to the purchaser at the time of sale. The certificate shall be prepared and signed by an inspector trained to perform this duty. The inspector shall be certified by the State in accordance with provisions established by the Secretary. No motor vehicle inspector may be certified by any State if he owns or receives any benefit in or from a business or enterprise engaged in the repair or sale of motor vehicles, automotive repair parts, or accessories: *Provided*, That, upon approval of the Secretary, a State may certify a motor vehicle inspector receiving such benefit where the vehicle population to be served is insufficient to make independent motor vehicle inspectors feasible and such State makes provision for protecting the public from any conflict of interest resulting from such certification.

(3) The standard shall be expressed in terms of motor vehicle safety performance applicable to new or used motor vehicles.

(d) The Secretary shall, not later than January 1, 1973, amend highway safety program standard numbered 2, relating to motor vehicle registration, issued on June 27, 1967, under the provisions of section 402(a) of title 23, United States Code, to include requirements for a State motor vehicle registration and uniform certificate of title program similar to the registration and title program contemplated by the Uniform Motor Vehicle Code and Model Traffic Ordinance, chapter 3, "Certificates of Title and Registration of Vehicles," revised in 1968 and published by the National Committee on Uniform Traffic Laws and Ordinances, Washington, District of Columbia.

(e) The Secretary shall report to the President and Congress by January 1, 1973, the extent to which the States have implemented programs in accordance with the provisions of highway safety program standards numbered 1 and 2, relating to periodic motor vehicle inspection and motor vehicle registration, respectively, as issued on June 27, 1967, and make legislative recommendations for Federal financial and other assistance, as he deems necessary in order to facilitate full compliance by the States.

(f) The Secretary shall report to the President and Congress by January 1, 1974, the extent to which the States have implemented programs in accordance with the provisions of this section, and make legislative recommendations, for Federal financial and other assistance, as he deems necessary to facilitate full compliance by the States.

AMERICAN JEWISH CONGRESS NAMES NAOMI BRONHEIM LEVINE AS EXECUTIVE DIRECTOR

(Mrs. ABZUG asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. ABZUG. Mr. Speaker, the American Jewish Congress has chosen as its new executive director one of this country's outstanding women, a good friend of mine for many years. Naomi Bronheim Levine today becomes the first woman to lead a major Jewish organization of both men and women, and her appointment is another indication of the progress women are making in every field. I am especially pleased at this timely announcement since Mrs. Levine is a colleague and very dear friend of mine from Hunter College and Columbia Law School. I can vouch for her competence, energy, and enthusiasm in everything she undertakes, and I congratulate the American Jewish Congress for its excellent choice. I have here an article on the appointment from today's New York Times and I include it at this point in the RECORD:

NEW JEWISH LEADER: NAOMI BRONHEIM LEVINE

When Naomi Bronheim Levine was growing up in the Bronx she had a lisp and later, after college, it kept her from becoming a schoolteacher.

But it was a challenge to overcome, as she was to overcome the challenge of combining a career with family. She succeeded with both, and yesterday Mrs. Levine, wife and mother, was appointed executive director of the American Jewish Congress, the first woman to head the staff of a major Jewish organization of both men and women.

Her appointment was, she said, "a complete surprise," but the job itself, directing the work of about 75,000 members scattered throughout 18 regional offices and 300 chapters, was something she was sure she could handle. "I'm not a particularly modest person," Mrs. Levine said.

Mrs. Levine is tough but feminine, able and articulate, yet she is afraid to go into politics, which attracts her, because, she said, a politician cannot say what he or she thinks and be successful. And, she acknowledged, she does went to be successful.

RESPONSIBILITY FOR FAMILY

Philosophically, she bridges the time when women first became seriously career-minded and today's "women's liberation" movement.

"Women's lib is probably correct, but it's not my style," she said.

"I still feel somewhat guilty when I spend too much time away from home and if my daughter got sick I would stay home and care for her—I wouldn't expect my husband to. The young girls today think differently and they're right."

Nonetheless, because she is a successful career woman—not despite the fact—she has had to work harder than most perhaps at her marriage of 23 years to Leonard Levine, an accountant.

"There have been problems, but we share many things at home, and we've never had to discuss my working much," she says. "We just do and help each other."

"He lets me handle the social problems of the world and he makes the money," Mrs. Levine says of her husband. "What I do is very important to me, and I could have life no other way."

The couple have a daughter, Joan, 23, a recent graduate of New York University, who has an apartment in Greenwich Village. Miss Levine, who plans to become a teacher, said yesterday that she could not recall having ever suffered from having a successful mother.

"I always looked up to her and thought of her as a brilliant woman," she continued. "It's hard for me to imagine a woman who didn't have a career. She made me look to a career. There are a lot of men frightened of such a woman, but my father is obviously not one of them."

Naomi Bronheim was born on April 15, 1923, the daughter of Mr. and Mrs. Nat Bronheim. Her younger brother, David, was director of the Alliance for Progress under President John F. Kennedy and was a director of the Center of Inter-American Affairs.

Mrs. Levine attended Hunter College High School, one of the most difficult in the city to get into, and then Hunter College, from which she graduated in 1940, intending to become a public school teacher. "I passed the written exam, but failed the oral because of my lisp," she recalled.

A teacher suggested that she go to law school instead, and so she enrolled at Columbia. She graduated in 1944 and was an editor of the Law Review.

Only for a short period of time did she engage in private law practice. "But there, you see, I felt guilty about the time I was taking away from my family so I quit."

Mrs. Levine, who has been at the American-Jewish Congress for 21 years, succeeds Will Maslow as executive director. Mr. Maslow served in the post for 12 years and will continue as general counsel.

PROFESSOR AT JOHN JAY

Mrs. Levine's only major regret about her new job, she said, is that she will have to give up her professorship at the John Jay College of Criminal Justice where, for four years, she has been teaching policemen about law and race relations and the American judicial system.

Her minor regret is the prospect of flying, which she hates. As executive director of an organization with an annual budget of $2.5-million she will, in her new job, have to do a lot of traveling to speak and raise funds.

Mrs. Levine and her husband live in a seven-room apartment on West End Avenue and 85th Street.

Her hobbies are reading and going to the theater. Recently she hired two young scholars at Yeshiva University to give her private tutoring in Jewish history, all of which proves, her husband says, is that she is extravagant."

UNFOUNDED CRITICISM OF PRESIDENT NIXON

The SPEAKER pro tempore (Mr. MAZZOLI). Under a previous order of the House the gentleman from New Hampshire (Mr. WYMAN) is recognized for 60 minutes.

Mr. WYMAN. Mr. Speaker, like much other criticism of President Nixon during the "silly season" the charges of a sellout of Taiwan arising from the President's visit to mainland China are unfounded. It is extremely unfortunate that Republican colleagues in the course of a primary campaign should see fit to make such unjustifiable charges, implying a dishonorable course of action to an honorable and distinguished President of their own political party.

Now, what are the facts? First, on February 9, 1972, in a message to the Congress President Nixon said concerning the relationship between his pending visit to mainland China and its effect on American commitment to Taiwan, I quote:

> What are the implications for our longstanding ties to the Republic of China? In my address announcing my trip to Peking, and since, then, I have emphasized that our new dialogue with the PRC would not be at the expense of friends. Nevertheless, we recognize that this process cannot help but be painful for our old friend on Taiwan, the Republic of China. Our position is clear. We exerted the maximum diplomatic efforts to retain its seat in the United Nations. We regret the decision of the General Assembly to deprive the Republic of China of its representation although we welcomed the admission of the People's Republic of China. With the Republic of China, we shall maintain our friendship, our diplomatic ties, and our defense commitment. The ultimate relationship between Taiwan and the mainland is not a matter for the United States to decide. A peaceful resolution of this problem by the parties would do much to reduce tension in the Far East. We are not, however, urging either party to follow any particular course.

Now, what are the existing treaty provisions with Taiwan?

A mutual defense treaty between the United States of America and the Republic of China was entered into on December 13, 1954.

This treaty provides as follows:

Mutual Defense Treaty Between the United States of America and the Republic of China:

The Parties to this Treaty,

Reaffirming their faith in the purposes and principles of the Charter of the United Nations and their desire to live in peace with all peoples and all Governments, and desiring to strengthen the fabric of peace in the West Pacific Area,

Recalling with mutual pride the relationship which brought their two peoples together in a common bond of sympathy and mutual ideals to fight side by side against imperialist aggression during the last war,

Desiring to declare publicly and formally their sense of unity and their common determination to defend themselves against external armed attack, so that no potential aggressor could be under the illusion that either of them stands alone in the West Pacific Area, and

Desiring further to strengthen their present efforts for collective defense for the preservation of peace and security pending the development of a more comprehensive system of regional security in the West Pacific Area,

Have agreed as follows:

ARTICLE I

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international dispute in which they may be involved by peaceful means in such a manner that international peace, security and justice are not endangered and to refrain in their international relations from the threat or use of force in any manner consistent with the purposes of the United Nations.

ARTICLE II

In order more effectively to achieve the objective of this Treaty, the Parties separately and jointly by self-help and mutual aid will maintain and develop their individual and collective capacity to resist armed attack and Communist subversive activities directed from without against their territorial integrity and political stability.

ARTICLE III

The Parties undertake to strengthen their free institutions and to cooperate with each other in the development of economic progress and social well-being and to further their individual and collective efforts toward these ends.

ARTICLE IV

The Parties, through their Foreign Ministers or their deputies, will consult together from time to time regarding the implementation of this Treaty.

ARTICLE V

Each Party recognizes that an armed attack in the West Pacific Area directed against the territories of either of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

ARTICLE VI

For the purposes of Articles II and V, the terms "territorial" and "territories" shall mean in respect of the Republic of China, Taiwan and the Pescadores; and in respect of the United States of America the island territories in the West Pacific under its jurisdiction. The provisions of Articles II and V will be applicable to such other territories as may be determined by mutual agreement.

ARTICLE VII

The Government of the Republic of China grants, and the Government of the United States of America accepts, the right to dispose such United States land, air and sea forces in and about Taiwan and the Pescadores as may be required for their defense, as determined by mutual agreement.

ARTICLE VIII

This Treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of the Parties under the Charter of the United Nations or the responsibility of the United Nations for the maintenance of international peace and security.

ARTICLE IX

This Treaty shall be ratified by the United States of America and the Republic of China in accordance with their respective constitutional processes and will come into force when instruments of ratification thereof have been exchanged by them at Taipei.

ARTICLE X

This Treaty shall remain in force indefinitely. Either Party may terminate it one year after notice has been given to the other Party.

In witness whereof—

And so forth.

This treaty is still in force.

On February 27, 1972, 3 days ago, or 4 days ago now, Dr. Henry Kissinger, speaking on the record at a formal press conference in Shanghai, China, at the Industrial Exhibition Center Banquet Hall, responded to a question on this subject as follows, and I quote from the formal text of the conference:

Question: Why did not the United States Government affirm its treaty commitment to Taiwan, as the President and you have done on numerous occasions?

Referring to the joint communiqué:

Dr. Kissinger. Let me take this occasion to deal with that particular aspect, and let me deal with it once, and not answer it in innumerable elliptical forms in which it will be presented.

The particular issue which Mr. Kraslow raised is, of course, an extraordinarily difficult one to discuss on the territory of a country with which we do not maintain formal diplomatic relations and for which this particular issue is a matter of profound principle.

Let me, therefore, state in response to this and any related question—and let me do it once and not repeat it—we stated our basic position with respect to this issue in the President's World Report in which we say that this treaty will be maintained. Nothing has changed on that position.

But I would appreciate it if that would be all that I would be asked to say about it in these circumstances. But the position of the World Report stands and has been unaltered.

Now, if that was not enough, when President Nixon arrived back from China at Andrews Air Force Base on February 28 at 9:30 in the evening, he said again on the subject of Taiwan, and I quote:

With respect to Taiwan, we stated our established policy that our forces overseas will be reduced gradually as tensions ease, and that our ultimate objective is to withdraw our forces as a peaceful settlement is achieved.

We have agreed that we will not negotiate the fate of other nations behind their backs, and we did not do so in Peking. There were no secret deals of any kind. We have done all this without giving up any United States commitment to any other country.

Mr. Speaker, the Nixon doctrine announced by the President years ago calls for increasing contributions to their own defense on the part of various countries of the world. Of approximately 8,200 U.S. servicemen stationed on Formosa, at this time, more than 6,000 relate exclusively to operations in Vietnam. As those operations are wound down, which President Nixon is massively undertaking, the withdrawal of these troops has nothing to do with support of Taiwan or treaty obligations with Nationalist China. The remaining troops on the island include some 1,500 communications and intelligence-related personnel and 200 advisers and technicians assisting in training Nationalist Chinese forces.

The 7th Fleet remains where it is. The statement that the ultimate resolution of the status of Taiwan in relation to mainland China is for determination by the Chinese, including the Nationalist Government on Taiwan, is merely a reaffirmation of the fact. It is not for the United States to resolve, it is for the Chinese to resolve.

Likewise, U.S. reaffirmation of its interest in a peaceful resolution of this situation is only commonsense and good judgment and nothing new.

Mr. Speaker, it is only if and when a peaceful solution is obtained, which obviously means and includes to the satisfaction of Taiwan, that the U.S. Forces, including fleet operations, will be withdrawn.

Few, if any, Members of Congress have longer been sympathetic and friendly to the cause and frustrations of the Chinese Nationalist Government than myself. I can take that back 25 years when I was secretary to the late distinguished great Senator Styles Bridges in the Senate. I assure you I would be the first to protect any diminution or abrogation of our commitments to Taiwan by any President. These are not only in our interest. They are a matter of our national honor and are so regarded by the rest of the world.

I did not like the prospect of President Nixon's proposed visit to Communist China. I was concerned by the risks involved, not the least of which extended to the implication that the visit in some manner indicated empathy with a longstanding hostile government at the expense of a government of longstanding friendliness to the United States.

However, I must admit that the President's visit and the manner in which it was conducted and reported, both within and without mainland China, reflected great credit on the President of the United States and the First Lady. The warmth and charm exhibited to tens of millions of peoples can only diminish the propagandized image that heretofore had prevailed in that land of the American President as a devil incarnate. The agreements between Mainland China and the United States resulting from the meeting meaningfully helped to lessen world tensions, all without in any way lessening our commitment to the Nationalist Government on Taiwan. Specifically, the agreement to foster exchanges, to begin and expand a certain amount of trade and to establish a formal point of contact without diplomatic relations reflects the earnest dedication of our American President to seeking a broader basis of understanding between potential aggressors and particularly between the peoples of the world's major hostile powers, and the people of the United States of America.

The repetition of unfounded charges of a sellout of our dependable and valued ally, the Government of Taiwan, only furnishes a basis for further public misunderstanding and helps demagogues in the political stable by lending credence to unfounded accusations of dishonorable conduct on the part of the President of the United States.

I regret and deeply resent that these charges should have been made by a Republican colleague or by anyone else. It is well to remember that throughout all these developments, that President Nixon is also keeping our military guard up and has asked Congress for $6.3 billion additional for defense procurement in the coming fiscal year.

On the facts, therefore, the charges of a sellout of Taiwan by the President of the United States are totally unjustified.

Mr. GUBSER. Mr. Speaker, will the gentleman yield?

Mr. WYMAN. I yield to the gentleman from California.

Mr. GUBSER. I would like to associate myself with the gentleman's remarks and compliment him for the very thorough manner in which he has documented the true facts with respect to our relationship to Taiwan. I am one who is pleased with the President's visit to China. I think it is a great step forward in international relations when for once we are at least speaking to people whose very existence we have ignored over the past 22 years. I also consider myself as a stanch friend of the Republic of China on Taiwan.

I think it is important, that the President has in no way taken sides with Nationalist China or mainland China with respect to jurisdiction over Taiwan. He has quite rightly stated that this is a matter for these two nations to settle.

I think it is important to note, too, that the communique renounced force as a means of settling any international issue, and I assume that includes this issue.

I am particularly interested, as a member of the Armed Services Committee who follows military matters very closely, with the allegation, or perhaps it is only an implication, by some people who would rather have an argument and an issue than to have a concrete step toward peace, that this is a sell-out of Taiwan and that we have endangered their military posture.

As the gentleman has so rightly stated, more than 80 percent of American military personnel stationed on the island of Taiwan are directly associated with the U.S. effort in Southeast Asia and will be withdrawn as that effort diminishes. Now, of the remaining 1,700, I would venture my personal opinion that there are not 200 military personnel who are directly associated in an advisory capacity or in any other manner with the military defense of Taiwan. I would go further and state that if all military personnel, were withdrawn tomorrow, the defense of Taiwan would not be degraded by one-tenth of one percent.

Mr. WYMAN. The gentleman is quite right when he speaks about 200 troops over there being actively engaged in training the Nationalist Chinese on Taiwan.

The trouble here, as is so often the case, derives in part from the screaming headlines which appeared in one of the Washington newspapers indicating that the President had committed himself to mainland China and intends to pull American troops out of Taiwan. There is no basis for such headlines.

Mr. GUBSER. Mr. Speaker, will the gentleman yield further?

Mr. WYMAN. I yield to the gentleman from California.

Mr. GUBSER. Is that not the same newspaper that screams in headlines almost daily about the necessity of our immediately withdrawing 100,000 troops from Southeast Asia who are there for an announced purpose and which at the same time screams against the withdrawal of maybe a couple of hundred men who might be assisting in an advisory capacity in the defense of Taiwan? I think it is about the grossest inconsistency and about the greater example of journalistic hypocrisy that I have ever witnessed, and I have seen some pretty good ones.

Mr. WYMAN. I thank the gentleman for his very kind remarks. The gentleman is a member of the Armed Services Committee. I am a member of the Defense Appropriations Subcommittee. It is these frames of reference to which the gentleman has alluded. The distortions are not unique to Washington, but since they now occur in so many places around the country, such distortion tends to cause confusion. I believe it is for those of us who serve on the military committees to try to see not only that the defenses of our Nation are maintained, but also prudently so, and that the people understand this is being done.

Mr. HANSEN of Idaho. Mr. Speaker, will the gentleman yield?

Mr. WYMAN. I yield to the gentleman from Idaho.

Mr. HANSEN of Idaho. I thank the gentleman for yielding. I would also like to associate myself with the very direct and forthright statement of the gentleman from New Hampshire, and to state my own conviction that the recent statement by the President prior to his departure from China and upon his arrival in this country does not reflect any sellout of Taiwan and it does not reflect any change in the U.S. policy. As a matter of fact, that statement is entirely consistent with the U.S. policy with respect to Taiwan and our commitments elsewhere around the globe.

The real change in policy was announced on Guam in 1969 when the so-called Nixon doctrine was announced to the world. Prior to that time the pledge had been made by another President that this country would bear any burden, would pay any price, would endure any hardship, would support any friend, and oppose any foe in assuring the survival of liberty.

Pursuant to that policy we tried to become the world's policemen, and we were overcommitted around the world. That policy was changed in the shift announced by the President now known as the Nixon doctrine, and from that time on, the trend has been toward reducing our commitments overseas. The most dramatic evidence of that shift has been in Southeast Asia where the prior escalation of troop commitments has been sharply reversed, and we have seen a steady decline in the level of U.S. forces in Southeast Asia.

The President, with respect to Taiwan, has indicated this will, in effect, continue. Other countries are expected to share the burden of their own defense and assume a greater responsibility for their own defense and development. Our troops will be withdrawn not only from Taiwan, but also from other places in the world as we achieve the peace and stability and reduction of tensions in those parts of the world.

It seems to me this is not only a realistic but also a sensible policy on the part of the President, and he has demonstrated great wisdom and courage and responsibility in announcing it.

Mr. WYMAN. It has to be done. We cannot assume the burden of defense of the free world unilaterally, nor can we avoid our share in it.

Mr. Speaker, I do not like it when people attack the integrity of the President of the United States, be he Republican or Democrat. I particularly find it distasteful when this is done by Republican Members of Congress in the course of a Republican primary campaign.

Such criticism further erodes public confidence in government without just cause. In the same context as charges of a deliberate sellout of Taiwan are charges by another Republican candidate of political deceit by the President. This candidate has published and circulated in New Hampshire at least a paperback book allegedly concerned with truth, the cover of which refers to "political deceit in America", the implications being that in some manner the President is a fraud and a party to deliberate deception of the American people.

When this comes from one who calls himself a Republican it can only be interpreted as a part of a broader effort, not just to win a political primary or register a protest vote, but rather to furnish ammunition with which to defeat an incumbent Republican President. A close examination of the allegations indicates their baselessness, but the cumulative effect of innuendo and implications of dishonesty adds to the credibility gap, especially with younger people who are inclined to take such charges at face value. It also, of course, plays into the hands of whomever may be President Nixon's democratic opponent next fall.

Our American President is dedicated to the cause of a generation of peace. I would assume, Mr. Speaker, that on this cause there are no Republicans and no Democrats in this chamber—just Americans. Our President is a devout Quaker. He is a humble man. He is perhaps the most knowledgeable, experienced and capable Chief Executive to hold our highest office in American history. He is not a crook, he is not a fraud, and he does not wilfully misrepresent or deceive the American people.

That he is also Commander in Chief of the Armed Forces under the American Constitution, forces that have been engaged in a war to which his Democratic predecessors committed American forces without a declaration of war from the Congress, includes the prospect that occasionally classification procedures must limit access to information that, if publicized might imperil the lives of men in combat or in the process of withdrawal. This is nothing new. Nor is it deception of the American people. This President is taking us massively out of the tragic involvement in South Vietnam. In so doing, he is living up to his commitment to the American people, but he is not doing it in disarray and he is not doing it with dishonor.

President Nixon has already accomplished much that can lead to a better understanding between nations and a lessening of the possibility of another world war in the nuclear era.

And he is doing this from the vantage point of an individual background that has been demonstrably anti-Communist for decades. He is aware that the resolution of sharply conflicting political philosophies cannot be accomplished over night, and he has cautioned repeatedly against expecting too much from his visit to China or his forthcoming visit to Moscow.

Nevertheless, his efforts at better international understanding, all while keeping America's military guard up and improving our defense capabilities, undeniably reflects the wishes of a majority of concerned American citizens.

President Nixon is no Neville Chamberlain returning from an accommodation with Hitler to proclaim peace in our time. Far from it. His goal, rather, is to dispel in avoidance of confrontation in war, misunderstandings that can lead to war, one of which might well be that the United States lacks the will to respond to military aggression.

The American people should be profoundly grateful that their President is dedicated to the cause of peace through strength and that he is committed to these major efforts at arriving at working understandings with nations with great military power and vast populations who, if left unattended, might combine to set the stage for a horrible force of aggression upon the United States.

And in the meantime I sincerely hope that throughout the remainder of this year's campaign Republicans, at least, will refrain from continuing or initiating the types of malicious and unfounded criticism of President Nixon that furnish ammunition to whoever may be his opponent in the fall. Deliberate distortions ascribing willful misrepresentation and deceit to the President do precisely this. Perhaps even more unfortunate is the fact that when this course of action appears in printed form it is apparent to all that it is a designed result.

PEACE IN VIETNAM MUST PRECEDE ANY SETTLEMENT OF THE TAIWAN QUESTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. STRATTON) is recognized for 10 minutes.

Mr. STRATTON. Mr. Speaker, I want to discuss here in somewhat greater detail a point I made this noon in this Chamber in a 1-minute speech with reference to the recent visit of President Nixon to the People's Republic of China.

As a long-time believer in a free China I have been concerned, as have many other Members of Congress, about the full implications of the President's visit and the communique issued at the end of that trip as they bear on the future of the Nationalist Chinese Government on Taiwan.

Like many others I had the initial impression that the communique pulled the rug out from under Taiwan and impaired our existing treaty commitment to work jointly with the Republic of China "to resist armed attack and Communist subversive activities directed from without against their territorial integrity."

In the past few days I have had the opportunity to study the text of the communique and have listened to reports of those who were privately briefed at the White House by the President and Dr. Kissinger after they returned. I have noted the emphatic denials that anything said or done during those meetings has impaired in any way our existing commitments to the Republic of China.

Some of these comments have helped to ease my mind, Mr. Speaker, but not completely. What continues to disturb me after all the explanations and denials are in is that the communique puts us on record as accepting both the principle that "there is but one China and that Taiwan is a part of China," and also one of Mao Tse-tung's five principles of coexistence calling for "nonintervention in the internal affairs of other states."

Obviously, Mr. Speaker, if Taiwan is recognized as a part of China any armed attack or subversive action directed against Taiwan from the mainland would be a strictly "internal" matter, and in accordance with Mao's principle of nonintervention we would be prevented from carrying out our existing commitment under the terms of the defense treaty.

It is true, as administration spokesmen have repeatedly emphasized in recent days, that the commitment about withdrawing troops is highly ambiguous.

All we have really agreed to, they point out, is the withdrawal of "all U.S. forces and military installations from Taiwan" as an "ultimate objective." In the meantime we will reduce our forces and installations on Taiwan only "as the tension in the area diminishes." But a determination of how rapidly the "tension in the area" has diminished lies with us, so we can withdraw our troops, or drag our feet in withdrawing them, in line with any schedule that suits our basic interests.

Of course the most obvious current "tension" in the Pacific area is the war in Vietnam. Most U.S. forces now in Taiwan are not tied to the defense of the Republic of China; they have some pretty sharp forces of their own available for that purpose. Instead, most of our forces are there as part of our supply line to Vietnam. When the Vietnam war ends we will be withdrawing them anyway.

So what we are really saying in the communique, it seems to me, is that if the People's Republic of China wants us to withdraw our forces from Taiwan they had better do something to bring the Vietnam war to an end.

Here, Mr. Speaker, is the quid pro quo that is lacking elsewhere in the communique. Some reports already published have suggested that just such a "secret" agreement exists. I have no inside information of course, but it does make good sense, and could well be the case. And I certainly hope so.

Not only would such an agreement make our new initiative in Peking much more relevant to the current situation, but a Chinese People's Republic that had effectively brought about, let us say, a cease-fire and an Asian peace conference on Vietnam would clearly represent far less a threat to the security of the people on Taiwan.

If such a "secret" agreement does not in fact exist, then I believe it should be our Nation's policy to make clear to Chairman Mao in any future communications we intend to have with his representatives that we will not withdraw all our forces from Taiwan until there has been some such honorable settlement of the Vietnam war. And I would urge the President to make this point completely clear to all the Chinese leaders.

Maybe Mao and Chou cannot pull this off entirely by themselves. But they can do a lot to help. And if they were to do just that we would indeed have moved a whole lot closer toward real peace in the Pacific.

OBSERVANCE OF 100TH ANNIVERSARY OF THE NATIONAL PARK SERVICE: REMARKS OF THE HONORABLE ROGERS C. B. MORTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr SAYLOR) is recognized for 10 minutes.

Mr. SAYLOR. Mr. Speaker, last night at a dinner in honor of the 100th anniversary of the National Park Service, the Honorable Rogers C. B. Morton, a former colleague of ours and presently Secretary of the Interior, delivered a stirring address which recaptured for all of us the meaning and importance of the national parks to the population of the United States.

In that address, Secretary Morton reviewed the history of the formation of the Service, but more important I believe, he painted a picture of a Federal agency and a Federal program which has kept up with the times and promises to do so in the future. My good friend the Secretary noted that our park system has grown as the Nation has evolved from a rural society to that of an urban-oriented society. He correctly and quite properly pointed out that the Park Service has had to evolve a management-of-park-visitor philosophy to compliment its natural management-of-natural-resources philosophy. The growth of our society with its attendant problems are felt directly in the Nation's parks: pollution and litter, traffic congestion, and naturally, overcrowding of the visitor population. Secretary Morton did not say that the problems had been licked but that a good beginning had been made.

The Secretary pointed out with justifiable pride the record of this administration in the expansion and improvements in the National Park System. It is an impressive record. There are many of us in the Congress and citizen's throughout the country who wish the record could be even more impressive, but I sincerely believe that, working within the budgetary and priority constraints laid down by the Office of Management and Budget and the Congress itself, the National Park Service is doing a more-than-credible job in keeping up with the growing desire of the population to visit the vast natural and scenic wonderlands that abound throughout this land.

Secretary Morton lauded the founders of our national park system and particularly the personnel who keep our parks visitable. There were and are many people who deserve special credit for our system, but the thrust of the Secretary's speech was a confident and progressive look into the future where he predicted we would, at last, be able to harmonize nature and man.

I heartily recommend the full text of Secretary Morton's speech before the National Park Service centennial dinner. It is a hopeful but realistic apprisal of the past, present, and future of the U.S. Park Service.

The full text follows:

REMARKS OF SECRETARY OF THE INTERIOR THE HONORABLE ROGERS C. B. MORTON—NATIONAL PARK SERVICE CENTENNIAL DINNER, MARCH 1, 1972

On March 1, 1872 President Grant signed an act of Congress setting aside a tract of land in the Territory of Wyoming as a public park. In the words of that act Yellowstone was established for . . . and I quote . . . "The benefit and enjoyment of the people." It was the first national park . . . not only in America . . . but in the world. Of all the ideas that other nations have copied from us, the most universal has been the emulation of our system of national parks.

In the 100 years since Yellowstone, our park system has grown from one location to more than 280. Its 30 million acres stretch from Alaska to the Virgin Islands. And it offers a rich diversity of experience to millions. . . . The pristine splendor of forest and mountains . . . rivers and deserts . . . in our national parks and national monuments . . . a sense of history and the glory of our past in national shrines like Independence Hall, the Lincoln Memorial and Gettysburg.

The national seashores and lakeshores and other recreation areas offer pleasure and relaxation in surroundings of great natural beauty. And now, a new kind of park . . . Wolf Trap Farm Park, here in greater Washington . . . brings the performing arts to the great outdoors.

As our parks have grown and as our Nation has evolved from a rural society to that of urban metropolitans, population growth and changes in lifestyle have begun to affect the parks. Until recently, the major problems of the parks involved only the management of natural resources. . . . Now they involve management for people . . . and many of them.

During the last decade, park visits have increased many fold to over 200 million annually . . . and they are still going up. This multitude of visitors has brought the same problems to the parks that exist in the cities. . . . Pollution and litter, too many automobiles, over-crowding and the so-called "generation gap" between young people and those in authority.

It is clear to me . . . and to Nat Reed and George Hartzog . . . that the time has come for creative action and bold initiative. I am proud to say that we have made a good beginning.

To solve the problem of the automobile and its pollution, we experimented at Yosemite. The east end of the valley was closed to private automobiles. A free shuttle bus was substituted. In another area of Yosemite, the great Mariposa grove, tourmobiles have replaced private cars.

With the success of the Yosemite experiment, these concepts are being expanded . . . to the Everglades National Park where in the next few weeks the Shark Valley Loop Road will be closed and a tramtrain system will be installed . . . and to Grand Canyon where free shuttle bus services will be inaugurated this summer.

To deal with over-crowding in the back country, we are beginning a new experiment which I have just announced today. We are going to restrict entry to the back country areas of three national parks . . . Rocky Mountain in Colorado, Sequoia-Kings Canyon in California and Great Smoky Mountains in North Carolina and Tennessee. Through a system of permits, we will limit usage of these primitive areas to numbers the fragile environment can accommodate.

To deal with another area of overcrowding . . . in the national park camp grounds . . . we are looking at a computer reservation system for campsites. Such a system would make it easier to limit usage to designed capacity . . . and hopefully it would reduce the number of disappointed campers turned away from full camp grounds on holiday weekends.

Among the crowds that come to the parks today are many more teenagers and young adults than ever came before. They come in search of answers to fundamental questions about their identity and their purpose in life. . . . They seek that special kind of freedom that can be found only in the solitude of the back country. . . . They seek the stability found in nature . . . a stability that is often missing in our rootless, restless urban society.

To give young people a better experience in the parks, we are taking steps to communicate more effectively with them and to develop facilities and programs for their needs. We are establishing better rapport by adding more young rangers to our staffs . . . by making law enforcement more compatible with the park tradition and less visible . . . and providing simple . . . even primitive . . . low cost campsites to meet the demands of young people who want to spurn creature comforts, rock music, rap sessions, ecology talks and walks are now a part of our park programs.

In addition to all of these recent innovations, the park system must be expanded to meet the demand it will experience in its second century. Under the leadership of the President Nixon, we have embarked on an aggressive program to increase the number of parks and to bring them closer to the people.

Through the President, innovative legacy of parks program, some 83 surplus Federal properties have been turned over to State and local governments in 31 States for their own local park and recreation purposes. Grants for new additional national, State, county, and municipal parks are being made available by full funding of the land and water conservation fund at $300 million annually compared with $164 million of 4 years ago.

To bring parks within easy reach of millions of inner city people who seldom have the opportunity to visit a national Park, legislation creating two new national recreation areas has been sent to the Congress by President Nixon. They are Gateway East in the New York City-New Jersey Harbor area and Golden Gateway National Recreation Area encompassing the entrance to San Francisco Bay.

(Pause).

As long ago as 1898, the great naturalist, John Muir, eloquently described the need of urban man to experience nature. He said and I quote, "Thousands of tired, nerve-shaken, over-civilized people are beginning to find out that going to the mountains is going home; that wilderness is a necessity; and that mountain parks and reservations are useful, not only as fountains of timber and irrigating rivers, but as fountains of life."

To preserve these "Fountains of life" the President and I are strongly committed to conserving our wilderness and primitive areas. The President has recommended 36 new wilderness areas . . . totalling 3.9 million acres . . . for additions to the wilderness system created by the Wilderness Act of 1964. These are under consideration by the Congress.

We have also requested authority to purchase 547,000 acres of the Big Cypress Swamp in Florida—an area larger than Rhode Island. This will create a fresh water reserve which will protect the water supply of Southwest Florida and preserve the unique and irreplaceable values of the Everglades National Park.

Future generations will probably remember us more for actions like big Cypress than for many of our technical achievements. At this time in our history, we have a rare conservation opportunity in Alaska. I feel especially fortunate and privileged to be Secretary of the Interior at a time when my office is invested with authority from Congress to preserve a substantial and unique part of America for future generations.

I refer to the authority given me by the Alaska native claims act to set aside up to 80 million acres in this great state. . . . One of the finest natural areas of the world. . . . to set aside this acreage for parks, and forests . . . for wilderness and wildlife refuges. . . . and for wild and scenic rivers. This opportunity to set aside and preserve some of our most precious natural resources is an opportunity that I will not pass by. . . . I promise you that.

The impact of America's great wonderland on the American spirit was beautifully expressed by *Connie Wirth*, immediate past director of the National Park Service when he spoke at the first world conference on National Parks.

He said, "Jefferson saw the qualities of perseverance, independence, and initiative being developed and refined, as the American character was shaped on vast stretches of virgin prairie, beside rolling rivers and in lonely mountain passes. It is in the National Parks that these influences on the United States can be maintained and kept pure, so that this and future generations may know and feel—and benefit from—the same wonderous exposure that our forefathers experienced."

It was this kind of wonderous exposure that motivated Cornelius Hedges when he first explored the territory along the Yellowstone and Firehole Rivers. Cornelius Hedges . . . a man few of us can identify . . . but a man all of us should honor . . . was a judge in the Montana Territory in the late 1800's.

In the fall of 1870, he spent five weeks exploring the Majestic Mountains and picturesque streams of the Wyoming wilderness. And one evening close to the end of his journey . . . sitting around the flickering campfire with his friends . . . amidst tall trees and looming shadows . . . with the rushing sounds of the Firehole River in the background . . . he suggested to his companions that Yellowstone should belong to all Americans. His idealism and his energy fathered the National Park system . . . but he did more than that.

Cornelius Hedges laid the foundation that will help build a second America during the second century of the National Parks and the third century of our Nation.

Today we stand on a new threshold . . . we have the opportunity to build an America in which there is a well-ordered civilization . . . in which there is a balance between the works of man . . . and nature.

In a second America we will no longer allow the environment to pay the price of material progress. We will no longer allow architecture and economics to develop our land like topsy . . . without consideration for the quality of our air and water and the beauty of nature itself.

This simple suggestion by Cornelius Hedges to preserve Yellowstone laid the foundation for a powerful force that after 100 years is spreading through the land. He sowed the seeds of a philosophy whose time has come only now. . . . In the second century of parks. That force and that philosophy is our environmental ethic.

We should all be grateful to Cornelius Hedges for his awareness and his foresight. But we must also be eternally grateful to the many civic minded Americans who have contributed so much to the park service and to the parks themselves.

The high morale and devotion to duty of the men and women of the National Park Service has been inspired by these civic-thinking generous-minded citizens who gave their time and of themselves to the national parks. It has also been inspired by the millions who have visited the parks. All of them love the parks. The people of the park service have been motivated by the magnificence of their trusteeship—They are locked in a bond of noble purpose.

For me it is a high privilege to serve with them at the beginning of this the 2nd century of our national parks.

All of these people gave us more than they realized. . . . They gave us the spirit which will enable us at last to harmonize nature and man.

I thank you.

FOREIGN AID: BILLIONS IN SEARCH OF A MANDATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 30 minutes.

Mr. HAMILTON. Mr. Speaker, foreign aid is in crisis.

The average American would, if he could, cut foreign aid funds before any other item in the Federal budget. The Congress agonizes over the aid legislation every year and ends up passing it by a handful of votes. Liberals tell us aid will only lead to more Vietnams and conservatives cry about waste and corruption. Study commissions pour forth volumes on what is wrong with the aid program and what should be done to make it work better. Even its supporters put forward an apologetic defense. Confusion, uncertainty and disagreement are the certain hallmarks of any discussion of foreign aid.

And so, the strangest thing of all about aid is that it endures. Since 1947 it has been supported by every President, passed by every Congress, and it has been an important instrument in the foreign policy arsenal of the United States. Aid is always attacked, but always enacted.

A. THE GATHERING STORM

The causes of the current crisis in foreign aid are not hard to perceive. Some have thought aid was a magical cure for the ills of the developing world. Some are frustrated that the vast outpouring of resources by the United States since the end of World War II has not had more tangible results. Some have expected instant development or been misled by the extraordinary success of the Marshall Plan in rebuilding postwar Europe.

Others have been disappointed in the management of the aid programs, pointing to the waste and corruption, or in the failure of the recipient countries to give the United States eternal gratitude and unstinted political support in the arena of world politics. Some are disconcerted because the aid was used merely as a device to promote exports, or gain short term political advantages, or led to greater involvement in the quicksands of the political and economic life of developing nations. Many persons are simply persuaded that serious problems at home deserve more resources.

It is not surprising, then, that the average American sees little value in the large aid program. The total aid package since 1947 has been a staggering $150 billion worldwide effort, two-thirds of which was economic aid and one-third military, an amazing outpouring of resources from one nation to others.

The storm over aid is apparent from several aspects:

1. DECLINE IN AID LEVELS

The many doubts about the aid program are reflected in sharp reductions in aid appropriations in recent years. In the past 3 years, the U.S. aid program has been cut from $3.5 billion to $3.189 billion in fiscal year 1972, while 13 other western states have increased their aid contribution. Thus, the United States, the former leader of donor nations, now ranks at least 12th among world donors on two scales: Aid as a percentage of gross national product and percentage of aid given through multilateral agencies. Aid represents 0.3 percent of our gross national product and only 13 percent of U.S. aid is channeled through multilateral institutions.

2. NARROW MARGINS IN CONGRESS

Another symptom of the aid crisis has been the narrow margins on aid votes in Congress. In the last year, aid has survived on margins of less than five votes in the Senate and not more than fifteen in the House. The increasingly close votes culminated with the November 1971 vote in the Senate to kill foreign aid. Although subsequent action retrieved the program, this symbolic act of discontent with the program should be a catalyst for reform of the program. If the warning is not heeded, even rougher roads may be ahead for aid.

3. ON THE LEFT

The criticism of liberals was articulated by Senator FRANK CHURCH in his October 1971 speech "Farewell to Foreign Aid: A Liberal Takes Leave." In an exaggerated tone, he emphasized that the poor countries were getting poorer, that aid was not aiding and the whole program had become a political instrument to support certain foreign regimes. The liberals' particular gripe has been that so much aid has been military. They contend that economic supporting assistance to unstable, pro-West regimes, particularly in Southeast Asia, led to no real development and only to growing commitments which they now want to reduce. The essence of the liberal critique is that the wrong kind of aid has been going to the wrong kind of government for the wrong kind of reasons. They point to many examples, including Greece, Pakistan, Morocco, Southeast Asia, Ethiopia, and Brazil.

4. ON THE RIGHT

Conservatives also find many evils in the aid program. Aid is seen as a boondoggle, a giveaway by Uncle Santa Claus, a waste, a fraud, and a sham. They see no new friends as a result of aid; indeed, they see only new enemies and increasing ingratitude of recipients. Cuts in foreign aid represent their pique at the world for how they see the world treating the United States. They point to large deficits and the growing debt of this country, and contend that no matter how worthy we simply cannot afford it. They rail against the mushrooming bureaucracy of the Agency for International Development (AID), the multipurposed parent organization that now administers much of foreign aid. With 6,296 employees, this agency is criticized for both bureaucratic ineptness and inertia.

5. VIETNAM

Vietnam is also responsible for the part of the malaise concerning aid on both the right and left. Senator J. WILLIAM FULBRIGHT notes former Secretary of State Dean Rusk as saying that:

> One of the reasons justifying our involvement in Vietnam was the aid program; . . the aid bill indicated Congress approved of the climate of intervention in that country.

In the late 1960's, aid became tightly intertwined with Vietnam, and indeed, it is difficult to argue otherwise in light of the Nixon administration coupling of Vietnamization and foreign aid. In aid requests for fiscal year 1972, $762.2 million of the worldwide $847 million security supporting assistance program was earmarked for Southeast Asia. Speaking through his Press Secretary, Ronald L. Ziegler, Mr. Nixon publicly contended that his main argument for restoration of the foreign aid program after the November 1971 Senate vote was that without it he could not withdraw from Vietnam as quickly as everyone wished—Christian Science Monitor, November 3, 1971.

Vietnam has, in short, been anything but a typical economic development situation, but it is responsible, more than any other issue, for the crisis in confidence in foreign aid in this country and in our overseas commitments. A lesser recognized tragedy of Vietnam is that successive administrations attempted to use a program designed to assist developing countries achieve orderly growth for conducting a war

6. GENERAL PUBLIC

The mood of the American people toward foreign aid ranges from apathy to ignorance, to hostility and, in a few cases, to mild support. Few politicians would doubt that it deserves the title of the Government's most unpopular program. Polls in many constituencies show as many as 35 percent opposed to all aid. Such polls also indicate that aid is a low priority item for almost everyone.

7. EXPERTS RESPOND

The search for new directions for aid has been intense partially because the feeling persists that such assistance is at the cross roads: It must either improve or it will cease. Aid is undoubtedly a contender for the most studied program in Government.

The recent decline of both aid and AID, the omnibus agency that has administered many of the foreign aid programs, has come at a time when an increasing number of special commissions with Presidential or international sponsorship have recommended that aid needs to be increased. Internationally, there was the Pearson Commission on International Development, sponsored by the World Bank, a report by the U.N. Committee for Development Planning working toward guidelines for the second U.N. development decade, and the Sir Robert Jackson study of the U.N. Development System.

In the United States, the President's Advisory Committee on Foreign Assistance Problems, chaired by James A. Perkins, the Peterson Presidential Task Force on International Development, which examined a new U.S. approach to aid for the seventies, and the Rockefeller Presidential Mission for the Western Hemisphere are all officially sponsored attempts to grope with the problem of the future of foreign aid. Several excellent independent studies, especially those of the National Planning Association, usefully add to the U.S. examination of the subject.

The gap between the eager development experts who labored long hours on these prestigious commissions and the doubtful legislators and the apathetic public, however, continues to grow all across the political spectrum. Despite the efforts of many foresighted aid supervisors, the aid crisis is likely to continue and, indeed, increase in intensity unless the program is given a new mandate.

B. WHY AID IS IN OUR NATIONAL INTEREST

With all of this behind us, it is perhaps presumptuous for a single Member of Congress, especially one from rural Indiana, to try to explain why he supports aid. But if the program is to continue and improve, then some of us who vote for it should, amidst all the confusion of purpose about aid, make it plain why we think the Nation is better off with it than without it. I should advise my colleagues that they will find nothing new or fresh in all this, but merely an effort to pull together reasons to support and suggestions to improve the aid program.

I believe that aid is in the national interest because, if properly used, it can encourage the emergence of a community of nations more compatible with our world view of a community of free, independent, and developing nations. Since so much confusion surrounds aid's purpose, it is also important to state that aid cannot be expected to buy votes in the United Nations, to win political support, or to gain gratitude. If these were our purposes, we would have, and should have, abandoned aid long ago.

I contend that the prospects for the kind of world we want—orderly, stable, cooperative, prosperous and democratic—are better if the United States, the richest country, is solidly behind these goals with a share of its resources, than if the United States refuses to help.

Foreign aid serves as an important instrument of foreign policy. Aid advances the definable economic, security, cultural and social interests, and the moral concerns that the United States has for the welfare of all men. These interests can come together and be advanced by the right kinds of policies toward those countries and peoples who want to develop. Aid, properly conceived, can perform an important function.

There are many important elements in the answers to the persistent question—Foreign Aid: Why? The Pearson Commission groped with this question and concluded that—

> The simplest answer . . . is the moral one: that it is only right for those who have to share with those who have not.

Beyond this moral imperative, we do have definable economic, security, and political reasons of national interest for giving aid, as well as definite self-interest motives. Foreign aid has a beneficial impact, both domestically and internationally, and both in security and economic terms. But in delineating important rationales for aid and beneficial objectives of it, we must also seek a realistic program that serves those aims.

These rationales for aid and the objectives they promote need amplification:

1. MORAL REASONS FOR AID

The United States has important moral reasons for giving aid. In brief, we cannot live on an island of affluence in a sea of poverty. We seek to treat the problems of our poor through income redistribution, welfare, progressive taxation and education, and we must be committed to these same issues abroad. The obligation to alleviate suffering exceeds any obstacles of race, creed, or nationality. John Hannah, the Administrator for AID, stresses the U.S. moral role as "the leader in providing assistance." We cannot accept so stark a contrast between the future we ask for ourselves and the future to which others aspire.

By the world's standards, Americans, all of them, are wealthy. Any American of conscience must count himself favored among men for his affluence and feel some obligation to help those less fortunate than he. If he realizes that the average per capita annual income in the United States is over $3,700, and in the new nation of Bangladesh the equivalent figure is $75, then he surely feels some responsibility to help. The foreign aid program, with all its problems, is simply an elaboration of that basic and decent impulse.

The West is wealthy and much of its potential production is untouched. The developing countries are poor and, as depressed areas, they cannot develop without help.

The moral impulse of the individual becomes the political imperative for the Government. Since the moral imperative is indivisible, it cannot be applied at home and ignored abroad.

Today, there is broad acceptance of this principle, particularly in West Europe where aid levels are proportionately higher than in the United States.

2. SECURITY INTEREST IN AID

The United States has a security interest in giving aid and in helping channel the modernization and development process away from violence and disruption and toward orderly and constructive change. We have general security interests in reducing tension and conflict anywhere in the world because there is always the danger that violence, even internal disorders, will spill over into international confrontations. As Robert McNamara has demonstrated, there is an indisputable relationship between violence in the world and economic backwardness.

The increasing economic and technological gap between the industrialized and prosperous Northern Hemisphere of "haves" and the largely agricultural and poor Southern Hemisphere of "have nots" will never solve itself without the north seeing a security interest in helping the south. In an interdependent world the United States has a compelling interest in the emergence of a compatible and congenial environment of increasingly modernized states. If the countries of the south, where two-thirds of all the peoples of the world live, do not make progress, the chances of disruption and violence will escalate with ominous consequences for all nations.

This security interest is both long run and short run, and it is continuous. While giving aid to particular countries will not necessarily increase the number of our friends in the short run, not giving help when these nations need it will certainly increase open hostility toward the United States. The examples of Egypt and Cuba are cases in point: Were aid given to each at a crucial time, our current relations with each country might be more congenial today. If a developing nation, struggling to survive, knows that the United States is for it, and wants it to succeed, and is willing to encourage it to develop toward self-sufficiency and freedom, that nation will feel more kindly toward the United States, and certainly would be less inclined to act against us. The more nations that possess that kind of an attitude toward the United States, the more secure the United States and the world will be.

The security interest of the United States in assistance should not be exaggerated. Even if the developing countries become frustrated and angry, they pose no threat to the physical security of the United States. But with no foreign aid, these countries could, in the long run, become isolated and hostile which would take the world in the opposite direction of an open and interdependent world and would deny the opportunity for improvement and development to millions of people.

3. MUTUAL ECONOMIC INTEREST IN AID

The United States has a definite stake in the modernization and development processes in poor countries. The alternative to development in these countries is chaos, violence and anarchy.

The development process is underway and it is in our interest to align ourselves with the forces of constructive development around the world. We should assist the process because it is happening. Every developing country has as a major policy goal economic development. The United States is either going to help them make it or ignore them. They will go toward their goal no matter what the United States chooses to do, but they will not forget who helped and who did not when they needed it.

Without economic development of the poor countries of the world, festering tensions between the "haves" and the "have nots" could explode before the end of this century. While the modernization process will not assure a country free from social and political tensions in developing countries, it will enhance political stability and decrease the possibility of hostility.

Foreign aid is also in the economic self-interest of the United States, and prosperity abroad can promote the same here and vice versa. Thus, the impact of aid can have real mutual benefits for donor and recipient. In using aid to purchase goods and services from United

States private companies and institutions, the program not only promotes economic development and creates markets abroad, but it directly serves U.S. enterprises. Surplus agricultural products distributed abroad helps the hard-pressed American farmer. Moreover, the United States is increasingly dependent upon raw materials from the developing world, for example, oil. Although the United States cannot expect many immediate trade opportunities, if economic development is achieved in the developing country, our trade would benefit. The explosive growth of Japan suggests many possibilities for the future.

The benefits accrued to the United States by purchases of American equipment, goods and services by developing countries are impressive:

Aid meant, in 1971, about $1 billion annual sales for U.S. business;

Between 1964 and 1969, aid money financed between 22 and 30 percent of all cargo shipped on U.S. flag vessels;

Of all aid funds 98 percent for purchase of industrial goods and agricultural commodities is spent in the United States;

Aid meant a net gain of $300 million on the balance of payment sheet from the investment of $1.4 billion granted as economic aid last year;

On another level, manufacturers in Indiana received AID-financed orders totaling $8.7 million between July and December of 1969 and institutions and individuals in Indiana held technical service contracts totaling $7.4 million as of June 30, 1969.

Aid can promote other United States interests. The United States has many oversea responsibilities which can be helped by constructive aid programs. South Korea is such a special responsibility, and in Africa, Zaire might be another special case. Other self-interest and charitable concerns can be and are served by aid.

In part, because of the above economic interests in aid, the real costs of an aid program are less than the apparent costs, especially when there is substantial excess capacity and unemployment here. Aid, then, not only promotes U.S. security interests, and meets our moral concerns but, because it advances our economic interests, too, its costs are not as great as initially appears.

The utility of aid for the United States can be even greater if it is used as an attribute of the world system of power. Big, important developing countries, rich in resources, and with a tendency for world role-playing can be a useful place for United States concessions in the form of aid, investment or trade. Nigeria, Ghana, India, Indonesia, and Iran are good examples.

4. INTEREST IN SOCIAL AND POLITICAL DEVELOPMENT

The United States also has an important interest in seeing that common people in all developing countries come into fuller participation in the private and public decisionmaking processes of their countries. Since we believe in democracy, we want the ideals of democracy to spread. We believe the world will be safer and a better place to live if people have a voice in the decisions that affect the quality of their lives, and an opportunity to participate in the development of their country and its resources, and if they see and share in the benefits of that development.

The foreign aid program, then, becomes, at best, an instrument for the spread of fundamental conditions which enhance the development of all men. The world will look more kindly upon us if we share in man's struggle for these conditions.

C. AID PROBLEMS

The compelling arguments for AID that can be marshaled today should not detract from the many problems of the entire program. The fact that there are several good rationales for AID and that AID serves domestic and international objectives of the United States should not prevent us from acknowledging the problem areas of the AID programs and seeking remedies to them.

1. EFFECTIVENESS

Perhaps the most telling criticism of AID is that it has not been effective. Although AID represents only a small portion of the total income of developing countries, it has supplied the critical margin of investment and import financing so important to development. It has also improved the infrastructure for development in scores of countries; with machinery, parts, harbors, railways, roads, and communications. It has financed the "green revolution," contributed to the transfer of technology, encouraged planning, increased school enrollment, improved public health, and stimulated change.

Although there are not certain measurements on this, the mixed results of development during the 1960's suggest, according to the Pearson Commission, that the correlation between aid and growth is weak. According to the commission, the average rate of increase in the gross national product of developing countries in the 1960's was a respectable 5 percent per annum, but the high rate of population growth held down rates of increase in income per head to about 2.5 percent per year. Global contrasts are equally revealing, so some aid successes stand besides vast areas of economic, social, and political stagnation. All serious students of developmental aid agree that assistance can make a difference between stagnation and growth for a developing country. Nonetheless, there are problem areas, and we must try to solve them.

While the many panels convened to discuss aid vary in focus and emphasis, they all acknowledge some world progress because of aid but see the need for a lot more. They stress the magnitude of the problems of development and sustaining growth, the interaction of economic, political, and social change and the disparities of achievement and performance. The thought-provoking criticisms of all reports do raise serious questions concerning the whole aid program, but it is significant that all their talk is not about cutting aid or withdrawing from aid ventures but about recasting, reorganizing, and revitalizing it.

2. WASTE AND INEFFICIENCY

Many of aid's detractors point to the waste of the program. For every success story, as in South Korea, Taiwan, or Iran and programs like the Rice Institute in the Philippines, there is a horror story: A 21st century airport in Kandahar, Afghanistan, with one incoming flight a day or a museum of birth control devices in a small Asian country or a softwood mill in Iran supplied with hardwood cutting equipment from the United States.

Without doubt, there has been some waste in the program. In an enterprise so vast, with 15 or more countries transferring over $6 billion in goods and sources to over 80 developing countries in the undeveloped techniques of developmental assistance, mistakes are bound to happen. The inherent difficulties of development, the bureaucratic inertia and ineptness, corruption, all contribute to the problems of waste.

Waste and inefficiency not only infect many programs in developing countries and feast on clashes between AID and officials in recipient countries, but they exist in the lending agency itself. A frequent and justifiable complaint concerns the overstaffing of aid overseas despite recent progress. In one African country, for instance, there are two AID administrators for every three men in the field, while one Scandinavian country with a similar program in the same country has one administrator for nine men in the field. Brazil was once an often cited sham in AID overstaffing. In addition, some AID personnel is of poor quality. Many inflexible technicians have difficulty relating to the aspirations and needs of citizens in recipient countries.

Procedure must be constantly monitored to reduce waste, but the view of the many auditors who have examined the program is that the waste is not excessive, and certainly not high enough to make the aid effort not worthwhile. Recognition of the waste, however, should not detract at all from the AID successes that have been free of large-scale waste. We must expect some waste because developing countries, by definition, have limited trained manpower and mistakes are going to be made. The charge that aid is wasted recklessly simply is not warranted in view of the record.

3. AID SAVES STATUS QUO OR REPRESSIVE REGIMES?

Another problem confronting the program has been the criticism that aid often entrenches a government opposed to fundamental reform, and enhances the power of autocratic and repressive governments. Precisely because some supporters of aid want the program designed to help create a compatible and congenial world, they oppose large amounts of aid for countries who have leaders who rule by denying basic liberties, who revere the status quo or who have no real commitment to economic, political, and social development or free institutions. Countries where army officers clubs become parliaments and politics smacks of musical chair generals are not places where the leadership seeks to transform the status quo or to introduce effective, participatory institutions. Greece and Brazil are two examples cited despite economic growth in those two countries in recent years.

Strong, repressive governments which equate debate or challenge with treason are not likely to promote the kind of development we seek. Aid for these governments is likely to be counterproductive in the long run. It may "shore up" some supposedly friendly state for the short run, but it is unlikely to promote any long-run growth or stability, and it certainly does not contribute to the kind of world order we seek.

4. AID AND OVERSEAS COMMITMENTS?

Another problem of the aid program is that it sometimes leads to commitments. It is easy to initiate programs and hard to end them, easy to take on commitments and hard to dispose of them.

Aid to a country can become a reason for itself, and for protecting our investments. In many cases, large aid projects to a particular country do lead to important commitments, and once the commitment exists, members of the executive argue that the economic cost of continuing the commitment is far less than the political costs of ending it. The fact that only a handful of countries have become aid graduates once the program commenced—Taiwan, Korea, and Iran, to name a few—reinforces the theory that aid makes and strengthens overseas commitments.

Vietnam and Southeast Asia have become symbolic of the U.S. aid-commitment trinity. The growth of a vaguely conceived, small aid program that mushroomed into a fighting force of well over half a million men is part of the agony of Vietnam.

5. CONTINUITY OF PROGRAM

Since World War II, there have been many changes in the concepts and execution of aid projects. The leadership of the various agencies who have administered aid, most recently AID, has changed so much that the program has lacked any sense of continuity. John Montgomery has summarized the history of the past two decades in the International Development Review:

> Most foreign aid doctrines in the past have been the result of waves of sentiment, fads in economics and social science, and accidents of leadership. Point Four programs reflected as much the personality of Henry Garland Bennett as they did post-war economics or the needs of the less-developed countries. Later phases have concentrated on bankers' approaches, or led to domination of programs by auditors and accountants, or turned to multilateralism as an escape from politics, or invented institution-building as an approach to technical assistance, or discovered macroeconomics as a means of justifying resource allocations. Some of these phases represent flashy new ideas, official discoveries of appealing old ones, or Congressional pressures for reforms. One of the great tragedies . . . has been the lack of continuity in programs and theories, coupled with a failure to place foremost a thoughtful examination of the processes and the results of foreign aid activities.

Congress has also affected the continuity of the aid program. With its understandable desire to keep an eye on aid programs, Congress, in fact, complicates the aid effort by demanding yearly authorizations.

D. TOWARD AN EFFECTIVE AID PROGRAM

The current debate over foreign aid, the plethora of literature on the topic, and the many calls for reform must be seen in some perspective. Foreign aid is only one useful instrument of foreign policy and it can accomplish only limited results. Through military aid, loans and grants, food for peace, technical assistance, population control aid, trade, private investment, humanitarian and refugee relief programs, cultural exchanges, information programs, and education, health and agricultural aid, some of the goals of the United States can be pursued. For foreign aid to be effective, all these programs should be orchestrated to achieve maximum impact.

The United States has a limited capability to affect significantly the development of other countries. At best, foreign assistance can only supply a critical margin of developmental assistance. The crucial factor, not under United States control, is the determination of the developing country to work toward development.

The U.S. interest in aid should not be overstated. Short run economic and political benefits of aid are normally modest and while long run material gains from aid may be important, they are also uncertain. Foreign aid as a tool of policy may contribute to this Nation's commercial and political interests, but aid offers no panacea for the world's problems.

Recognition of the limited, tangible benefits of aid puts the whole program in perspective and leads to a more serious and realistic debate over what aid can and cannot accomplish.

The aid program will never automatically yield votes in the United Nations, or easily create friends, or encourage others to adopt U.S. institutions, practices or culture, or really insure political stability.

A realistic perspective on the value of aid also includes recognition that an appropriate time frame for the success of development aid is not a year or two, but a decade or two. Development is no sport for the shortwinded. Program continuity is essential to make the aid effort effective.

Such a perspective also includes an appreciation, if not an understanding, of the complexities of the developmental process. Few tasks are more difficult than nation building.

Several modifications in the aid program are necessary to deal with the specific problems with the program, already discussed, and will help produce an effective aid effort by the United States.

1. EMERGENCY AID

The United States should have a strong, separate emergency aid program, designed to deal quickly and effectively in providing humanitarian and disaster relief in the quake of crises. World crises cannot wait for appropriations. Through a separate emergency program, the United States would be better able to support the pressing immediate needs of the world's 20 million refugees and those who suffer from war, disease, and disaster.

2. TECHNICAL ASSISTANCE

A major thrust of our assistance should be technical assistance, including individual experts and also the creation of institutions to support them. The United States must not be indifferent to the population explosion and its effect on development. Population problems must be given the highest priority in planning for effective aid programs. Agriculture, education, and health should also receive strong emphasis in our assistance programs.

3. BILATERAL AID

Bilateral aid should be used for specific foreign policy objectives in selected countries. The United States will always have a special interest in the economic development of specific countries and the bilateral aid program should serve that purpose. Colombia, Zaire, and Thailand might be examples. It should be used as a relatively precise foreign policy tool, separately considered from the United States' broad interest in the economic development of all countries, and separately administered by the Department of State. Many of the traditional supporters of aid have rejected bilateral aid in favor of multilateral aid. But bilateral aid has its uses, and the choice between bilateral and multilateral aid need not be mutually exclusive. A small bilateral aid program, tightly constructed and selective in approach will make aid more effective.

4. PREREQUISITES OF AID

The United States might, in its bilateral aid program, usefully focus on a limited number of countries which meet certain prerequisites. First, this aid should focus on countries which place highest priority on economic development, the spreading of political power, and the sharing of benefits with all the people of the country. If countries are not interested in these goals, then, with the possibility of only a few exceptions, U.S. aid should not be extended. In such a bilateral program, we would greatly reduce the amount of aid going to status quo oriented government, often known for repressive tactics, thereby meeting one major criticism of the current aid program

Other prerequisites of aid might be:

The economic performance of a country and the commitment of its leadership to economic and social change and development;

The security relevance of the recipient country to the United States;

The extent, of and commitments to, diversified decisionmaking processes and participatory institutions in the political system;

The global importance of the country to receive aid; and

The existence of a historical or cultural tie to the United States.

The United States, thus, must pay closer attention to the kinds of countries receiving aid. If there ought to be requirements of aid recipients, they should make aid contingent on local willingness and ability to use aid effectively and on a commitment to modernization and social and political development. These tough requirements can correct many of the criticisms of the aid program.

Economic development and growth take time, painstaking work and sacrifice with few measurable results in a short time reference. Thus, the limited, but valuable, contribution that aid can make to development must be evaluated along with the strength of the commitment of a poor country to economic development. A realization of both can, in many countries, permit aid to promote real development. In the final analysis, the real test of aid is whether countries are enlarging their own resources, relying less on grants and loans and more on self-help, thereby reducing, over the long run, the U.S. commitments overseas.

The United States should not hesitate to use its aid to promote its objectives. We believe that our democratic institutions have validity for others as well as for ourselves. We want to promote diversity and pluralism in societies and aid should be used to promote these objectives. To accomplish this objective, a strong private sector with indigenous roots needs to be a major concern of aid, and it should be used to develop unions, cooperatives, independent academic institutions and professional groups.

5. MULTILATERAL AID

Along with the bilateral aid program should be a mulitlateral aid program used to promote economic development throughout the developing world. It should be a major goal of the United States to strengthen the multilateral aid organizations.

Multilateral aid has many benefits: It can avoid foreign commitments for the United States; self-help requirements of aid can be applied better; it insulates the United States from domestic entanglements in the recipient country; it gives recipient countries a greater flexibility of operations; it encourages more central planning and gives the aid effort continuity; and it can help a country diversify its development strategy. Multilateral aid can both increase the effectiveness of aid and decrease its waste and inefficiency.

International agencies could usefully be the conveyor of a larger share of U.S. general economic aid to the majority of developing countries with differing economic problems and in need of differing development strategies. These agencies, in particular the increased number of international banks, are better equipped to deal with the general development needs of a Chad and Mauritius or an Indonesia and Morocco. Such multilateral aid should emphasize agricultural development, population planning and technical assistance. The Peterson Commission called for doubling the current level of U.S. multilateral aid to $1 billion. Such a goal is realistic for the present.

The U.S. relationship to these multilateral aid agencies should be spelled out. The United States should not try to dominate such international organizations, and it must be careful not to contribute such a large share of the budget that such organizations lose their international character. Rather, the United States should coordinate our aid approach carefully with all multinational institutions, and through these organizations encourage more research about the development process.

6. LEVEL OF AID

Many experts focus on the level of aid as an important question to resolve. Some argue that the present aid level of an average of 0.39 percent of GNP in donor countries is woefully inadequate, and others argue for aid levels representing 1 percent of GNP. The U.S. percentage has decreased from 2 percent of GNP in 1949 to half of 1 percent in 1968–69. The Pearson Commission urged a 0.70-percent annual level by 1975.

But a far more relevant question than the gross amount or volume of aid is a consideration of the ability of specific countries to use the aid effectively.

7. ENCOURAGING PRIVATE INVESTMENT

The United States should also encourage the use of more private investment to help develop pluralism in countries undergoing modernization. Such private investment has too many mutual economic benefits for developing countries and the United States not to be encouraged.

Private foreign investment is now encouraged through organizations like the Overseas Private Investment Corporation—OPIC. But more must be done than to try to insure U.S. companies against the risks of nationalization and expropriation. With the right labor policies in developing countries and with the companies' willingness to dovetail with recipient countries' planning strategy, there is much more room for private investment designed to help countries develop their resources.

The developing countries have the primary responsibility to create a climate conducive to private investment, but the United States could also do more to strengthen the chances of investment, including investment tax credits, guaranties, investment surveys, and distribution of information on investment opportunities.

As important as private aid is, it will not serve as a substitute for public aid programs. Public aid for schools, hospitals, roads, and the entire infrastructure of a nation is necessary to attract private assistance.

8. REDUCING THE COSTS OF AID TO RECIPIENT COUNTRIES

One of the common features of developing countries is mounting debts. Debt servicing should be a recognized type of aid. Debt rearrangements are often necessary, and the United States should also take into full account this debt servicing problem when the terms of development loans are made.

Because so much of aid given is tied to the use and purchase of American goods and services—now over 90 percent of the total—the real benefits of aid to some countries are reduced by the requirement to purchase more expensive goods.

The United States should proceed with the progressive untying of aid and look elsewhere for ways to solve our balance of payments problems. For example, other policy changes, particularly in the area of trade and encouragement of private investment, might promote the very growth and development sought.

9. MILITARY AID

Military and security supporting assistance must be separated from development assistance, and administered by the Department of Defense. Programs with separate purposes can best be administered separately. To improve the military security in a few selected countries is an important objective of the United States, but the continued confusing of supporting assistance to the economies of nations for military objectives with aid for strict economic development is detrimental to the whole aid effort. Economic supporting assistance has not been nearly as effective as technical economic assistance in promoting growth. The separation of the two will aid the achievement of the objectives of both.

10. FOCUS OF SECURITY ASSISTANCE

Like the bilateral program, security assistance should focus on only select countries where the United States has security interests. Since the Marshall Plan, military security has been the primary public justification for U.S. foreign aid but our military security does not in the sense of every attack or conquest, depend, in any large sense, on what happens or does not happen in developing countries.

A limited program of security assistance to select developing countries would focus on countries where there was an eagerness for and a commitment to economic development that was seriously threatened by external forces. If the United States has a fundamental interest in a congenial and compatible world, it has a commitment to those nations which are committed to the same goals, which want to help themselves, and which occupy advanced positions.

11. PROGRAM REORGANIZATION

The U.S. aid program needs organizational reform. Along with the dire need for a revitalization of the overall aid program, a clear aid strategy and a recasting of the programs' images, there is a need for reorganization. The subtle shift in emphasis in the 1960's from the Agency for International Development to aid, from bilateral to multilateral aid efforts, from AID implementation of security assistance to its being handled by other institutions, confirms a decline in the importance of the omnibus Foreign Assistance Act and the multipurposed economic assistance agency. The very diversification of U.S. goals in world politics and the increase in the variety of means available for achieving aims suggests the end of AID is near. Thus, in some respects, the abolition of the omnibus agency, is only reflecting realities in the same way reform and changes in the international financial rules of the game.

Samuel Huntington, a Harvard University professor of political science, suggests that the abolition of AID and the existing Foreign Assistance Act would serve as a useful first step in the disaggregation of aid, a process which would help identify what goals aid may serve and to what extent these goals can be justified. I suggest the creation of a new aid process which would try to focus attention on the goals of policy rather than one means of policy implementation—foreign aid.

In this way, goals can be delineated, priorities ordered, responsibilities vested, and appropriate means determined. Four goals have been mentioned: the strengthening of the military security of select countries; the economic development of the poor countries of the third world; the promotion of development in specific countries where the United States has special interests; and the encouragement of the emergence of pluralistic societies and social development.

Aid has been difficult to administer partly because it has had so many purposes. Disaggregation should give it clearer purposes, clearer organizational lines and greater coherence and continuity. The awkward procedures of aid programs are legendary, and stand in the way of effective programs. These procedural obstacles should be identified and removed.

The organizational reforms must recognize the necessity of extending aid in close cooperation with the host country and with full coordination with other donors. Coordinated country programs is required for maximum developmental impact with limited resources.

12. NEED FOR CONTINUITY AND CLEAR STRATEGY

Finally, along with the need for the reorganization of the aid program, there is related need for the program to have both continuity and a clear strategy, so that the program transcends administrations and administrators. The major objective of aid should be economic development. While there is no common approach to aid and development, greater coordination with international groups and planning of our own aid program will definitely give more continuity and purpose to aid efforts, and such continuity will, in turn, produce a more effective aid program. To help achieve continuity, the appropriation period should be extended. If recipient countries do not have assurance of approximate aid levels for several years at a time, planning and effective implementation are impossible.

TOWARD POPULAR ACCEPTANCE

Improving the aid program in the manner suggested here is the best way to gain support for our aid program. Such a reorganized, selective effort depending on certain standards of performance by recipient countries and with assurances that the program will eventually be phased out will go far to eliminate many of the existing aid problems—lack of effectiveness, waste, inefficiency, increasing overseas commitments, and support of unpopular and undemocratic governments.

However, popular acceptance of a foreign aid project will be dependent on more than a clear strategy and better organization and continuity. There is no magic formula on the horizon, and it is not likely that one will emerge. As both President Nixon and the Congress have rightfully made clear in recent months, the United States urgently needs a new approach to the developing countries, one more suited to the realities of the 1970's than the tensions of the cold war.

In the first instance, popular acceptance of foreign aid in the 1970's will depend on a strong leadership which can sell the program to a doubting Congress and an apathetic public. This means several things: Most important, it demands a forceful Presidential leadership and the enunciation of a clear strategy by the Secretary of State. President Nixon is a moderate on aid, reflecting the thinking of many Members of Congress, but too often in the last 4 years, his aid program has come across as an appeal to save his Vietnamization policy. If the President focuses on aid, he can sell it to the Congress and the general public.

In the second instance, it will depend on a Congress which accepts that Presidential challenge. John F. Kennedy once observed that no politician ever lost an election because he or she voted for foreign aid. That may be true, but it is also true that most Members of Congress find it more convenient in most any assembly to talk about something other than foreign aid. Congress shares with the President an objective to provide leadership in support of aid.

In the third instance, popular acceptance of aid will depend on a private sector committed to this foreign policy instrument and desirous of a role in it. There are now a few private groups supporting aid, but with strong Presidential and congressional backing, many leaders in the private sector can make substantial contributions to the development of a broader understanding of why aid is in this country's national interest.

This Nation has an important stake in the realization of free, independent, and developing nations. The average American understands that stake and he will be willing to support an effective program of moderate size to help achieve it.

If a program is developed with the general characteristics suggested here, the chances for the realization of a more compatible and congenial world order will be enhanced.

ASPIN REQUESTS BOMBING STATISTICS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, Representative MICHAEL HARRINGTON and I have called upon Secretary of Defense Melvin Laird to provide the public with more useful and comprehensive information about American bombing in Indochina.

As members of the Armed Services Committee and Members of the Congress, we have both a right and obligation to explain to our constituents and the American people what our Government's policy is. It is impossible to evaluate the Vietnamization program adequately and relate our evaluation to the American people without full public disclosure of the bombing in Indochina. Reports should be provided on a weekly or biweekly basis giving tonnage rates and sortie rates over each individual country in Southeast Asia. Information differentiating bombing tonnage and sorties over Northern Laos and the Ho Chi Minh trail should also be provided.

The truth about the nature and extent of bombing in Indochina is consciously being hidden from the American people by the Pentagon. The indiscriminate use of air power in Indochina has cost countless lives and ecological disruption throughout Indochina. The American people have a right to the truth, so that they can properly study and evaluate the success or failure of the Vietnamization process.

Pentagon spokesmen have told the media that the information that we seek is too difficult to compile. That is absurd, if the Pentagon can afford to mount a massive bombing campaign in Southeast Asia, it can afford to accurately inform the American people about the results of those policies.

For months, in the press, there have been warnings of an impending offensive in Vietnam that never seems to materialize. So far, Pentagon spokesmen claim that American bombing has successfully quelled, at least for the moment, the projected offensive by the Vietcong and North Vietnamese. Without complete information, neither Members of Congress nor the public can judge whether our continued massive bombing crushed the enemy's much-publicized offensive or not.

The days of whitewashing must stop. The days of truth in government should begin. An excellent place to start would be providing Members of Congress and the public complete, accurate, and comprehensive information about the bombing of Indochina. Our letter to Secretary of Defense Laird follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C.

Mr. MELVIN LAIRD,
Secretary of Defense, Pentagon, Washington, D.C.

DEAR MR. SECRETARY: As members of the House Armed Services Committee charged with the responsibility of voting on the military budget, we are writing to ask you for information which is essential to the effective performance of our duties.

The major burden of the American military effort in Southeast Asia is the air war in South and North Vietnam, Laos, and Cambodia. By any standard, the massive bombing conducted by American forces in these countries represents a major military effort. Yet we are unable to obtain useful, comprehensive information about this activity.

Bombing figures released to the public consist solely of a monthly total for all four countries, and that total is not released until more than forty days after the close of the month which it covers. This is wholly inadequate for any rational purpose. To permit intelligent analysis, bomb totals must be made available on a weekly or at most a bi-weekly basis, broken down according to the country involved. And the figure must include not merely the tonnage of bombs dropped, but the number of sorties flown.

The rationale for American policy in southeast Asia depends heavily on the claims made for the bombing policy. While we are vigorously opposed to that policy, and believe strongly that a date should be set immediately for prompt, secure withdrawal of all military forces from Indochina, we are none the less interested in evaluating vietnamization on its own terms. And that is simply impossible to do with the current restrictive information policy.

For example, no clear estimate can be formulated of the chancs of success of the Cambodian or Laotian Governments in their current military activities without knowledge of the range of bombing activity in which we are engaging in these countries. Have recent military reverses for these governments been accompanied by an increase in American support bombing? If so, are we then committed to an increased military role in Cambodia and Laos as long as their own military forces continue to suffer defeats?

Similar questions apply in Vietnam. Are casualty rates closely correlated to our bombing activity? Do decreases in American bombing result in increases in North Vietnamese and Viet Cong military actions?

If so, does this further indicate that our commitment to an escalated military role is open-ended, and that the North Vietnamese and Viet Cong forces have the ability to trigger future American military action as they see fit?

Moreover, as members of Congress, we have a direct interest in the financial aspects of this policy. The air war is clearly one of the major items in the military budget at present, involving multibillion dollar expenditures. Yet we cannot find out where the bombs are falling, at what rate, and to what purpose. In these circumstances it is impossible to make reasoned choices among competing budgetary requests.

We recognize that security considerations are involved, and while we oppose the policy of continued bombing, in no way would we want to do anything that would endanger any of our servicemen. But since we are not asking to be informed about prospective bombing missions, but only for cumulative totals of missions that have already taken place, we see no basis whatever for invoking security as a reason for denying our request. Presumably, once bombs have been dropped, it is no longer a secret to the people who have been bombed, and we find it unthinkable that the American people should know less about past military activity of their government than the victims of that activity.

We have read newspaper accounts of DOD spokesmen arguing that the information we seek is impossible to compile, but we cannot accept this as a justification for refusing our request. If it is true that the Defense Department and the individual services do not in fact know the extent of bombing activity in which they have engaged in a given country in a given week, that is surely a condition which must immediately be corrected. It is certainly hard to square such professions of ignorance with claims that the air war is being carefully and scientifically controlled to produce maximum military results with minimum loss of life. How can you know the effects of your bombing activity if you do not know with any clarity how many bombs you dropped, and on what country you have dropped them?

We hope you will agree that full information for Congress and the public is an important goal.

Very truly yours,
MICHAEL J. HARRINGTON.
LES ASPIN.

CHAIRMAN MILLS DISCUSSES TAX REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 10 minutes.

Mr. REUSS. Mr. Speaker, this week's issue of Business Week magazine contains an interesting interview with the distinguished chairman of the Ways and Means Committee, WILBUR MILLS.

Chairman MILLS' review of the complex and demanding issues facing his committee this session contains abundant good sense. I was especially impressed by his remarks on capital gains and estate and gift taxes.

Of capital gains, Chairman MILLS said:

> It's pretty hard to justify treating a capital gain differently from ordinary income. I've never felt there is anything more sacrosanct about the profit from the sale of an asset than from the sweat of your brow.

He also discussed some of the problem areas in the estate and gift tax system:

> One thing that disturbs people is the relationship between the rates on gift and estate taxes. Another is whether we should continue to let an individual give away everything he has at death and avoid taxes on any of it.

I commend Chairman MILLS' remarks to our colleagues:

CANDIDATE MILLS TALKS TAXES

No one in Washington has more influence over taxes, trade, Social Security, health care, or welfare than Wilbur D. Mills, 62-year-old chairman of the House Ways & Means Committee. He is used to being courted by Presidents who are pushing legislation in these areas. Now, undaunted by low poll readings and a large field of rivals, Mills is seeking the Presidency himself.

In a Business Week interview, Mills spoke of a variety of major economic issues. Most important perhaps, Candidate Mills gave some insights into the thinking of Chairman Mills on future tax legislation.

Q. Do you see a "taxpayers' revolt" brewing against the property tax?

MILLS. Yes, I think one might describe it as the beginning of a revolt. I've been to a number of states and found the assessments to vary all over the lot. In some states the charges are excessively high.

I was told in Newark, N.J., that one would pay almost $1,900 a year property tax on a $20,000 home. That's a pretty severe jolt, especially to someone who's retired. I'm told some people are just turning their homes over to the mayor—just leaving the keys. Local governments feel they've reached the breaking point on the property tax.

Q. Would you agree with President Nixon that this is "one of the most oppressive and discriminatory of all taxes"?

Well, there's nothing more regressive than property taxes. Sales taxes are probably second. I don't know what he means by discriminatory unless he means the different treatment accorded the tax in difficult states.

Should the federal government take the lead in trying to cut this tax?

The state governments can't do it, apparently. I don't know whether the federal government can, but it's the only place the property owner can look to for relief.

What is the possibility of Washington doing something about it?

I think if the Supreme Court sustains these school financing cases like the one in California, it might be necessary for the federal government to get into the costs of education to a much greater extent to eliminate discrimination in payments per child.

NEW SOURCES OF REVENUE

Since the property tax raises about $20-billion just for support of schools, must we turn to new revenues, such as the value-added tax?

It might be. I have not been an advocate of VAT at any time. I've said all along it's a regressive tax, nothing more than an ordinary sales tax, except it pyramids where a sales tax doesn't.

Wouldn't this just be swapping one regressive tax for another?

No question about it. But I'm not ready to say yet that one is worse than the other. If you have a lot of exemptions and rebates, then the first thing you know you've got to have an exceedingly high tax rate in order to develop the kind of revenues you want. If VAT were used to reduce property taxes, then I'd have to back off from my initial and basic opposition to it. I'd have to weigh which is the more onerous, the more regressive.

Do you think VAT can get through Congress if the President proposes it?

I have no idea. It won't be proposed this year in all probability. Perhaps next year.

Are there any alternatives for helping property owners, other than VAT?

The income tax itself could be raised, but you'd have as much objection to that as to VAT. Probably more.

What about closing loopholes?

That's an exaggerated problem. Take the recent disclosure that some people with $200,000 income weren't paying any taxes. In many instances, on further audit of their returns they'll be assesssed a tax. It looks to us that in some cases they've overlooked the 10% minimum tax on income not subject to regular rates.

Might you move in the future to increase that minimum tax?

There's always the possibility any time you levy a tax that it will go up.

DEGREES OF PREFERENCE

What's the next big loophole we ought to close?

I frankly don't know. Everybody talks about the depletion allowance. But historically the Congress has felt that some degree of preference is necessary if we don't want to be dependent on the production of oil, gas, and other minerals outside the U.S. Some people want to end the preferences altogether, but what would that do to these industries? That's the question. I'd like to see an income tax law where all income is treated alike, regardless of the source. But that's utopia.

How about capital gains taxes?

It's pretty hard to justify treating a capital gain differently from ordinary income. I've never felt there is anything more sacrosanct about the profit from the sale of an asset than from the sweat of your brow. But if people had to pay regular tax rates on capital gains, they'd never sell. You'd freeze them in their present assets.

Payroll taxes have been rising pretty rapidly—250% since 1965. Can you send them much higher?

Actually, the Social Security taxes may develop far more revenue over the next years through this century than it would be advisable for us to raise—and beyond our needs. Some predictions of the revenue in the trust fund lead me to believe that we may have those taxes higher than they should be. We might be able to increase benefits and reduce taxes at the same time. [At midweek, Mills introduced legislation to increase benefits 20% across the board, instead of the 5% called for in a bill now before the Senate Finance Committee].

Would you dip into general revenues some day for Social Security?

No, I don't want to do that. We're already putting some general funds into Social Security for medicaid and medicare. But once you tap the Treasury for Social Security benefits, it becomes too easy to keep doing it. I don't think the general funds could bear that burden.

As it is, we don't have any room out there for new programs. If you look down the road, the $246-billion we're paying in fiscal 1973 for federal government services will be costing us $300-billion in a very short time.

Will it be necessary to raise income taxes in the next year or two?

I don't know. First thing I would do if I were running this show would be to find out if we could not hold the cost of government to much lower levels of increase than take place now. The spending increases are exceeding the revenue increases by far.

How can you, as a fiscal conservative, go along with huge deficits?

I can't go along with deficits of the current size. But I couldn't argue for a balanced budget; it would be too much of a depressant.

Can Congress cut spending?

Congress won't do it; it has lost control. There's so much already in the pipeline, and the President decides how much will actually be spent.

If we do keep increasing aid for education, mass transit, and the rest, won't we have to turn to new revenue sources? Where would you turn?

The income tax is where you would turn if you needed more revenue. But what I'm saying is that I hope we can avoid that by holding the line on spending. We required President Johnson to reduce the budget early in his Administration, you remember.

ON REVENUE SHARING

Do you expect to get some revenue sharing legislation out this year?

Yes, I expect to get something out in March. Now let me make it quite clear. The bill I introduced is not my bill in the sense that I developed it. It was developed by the technicians working with our staff, the league of cities, governors' staffs. I asked them to get together, get a bill that eliminated the objections I had to the President's revenue sharing proposal. I said I would introduce the bill, though some amendments might be made.

I'm going to offer some. One will be to establish priorities for the $1.8-billion we give the states just as we do for the $305-billion that goes to the cities. The other would change the provision that denies assistance to any state that doesn't have an income tax law. I'm too much of a states-righter to do that. Nevertheless, the way it works out, a state with an income tax would still get a bigger share of the federal money.

Do you expect to pass a health insurance program this year?

The committee will go into executive session on health care right after we finish with revenue sharing. That would be mid-March at the earliest.

Do you expect to write a comprehensive health care bill or just something on catastrophic illness?

I would like to write a comprehensive program this year, but only time will tell whether we can. There are a lot of problems to be studied.

What do you think of the President's proposals for requiring vesting of pension rights and increasing the tax deduction for purchase of private retirement plans from $2,500 to $7,500?

I would favor vesting of these rights, and at an earlier date. As for the $2,500 deduction for an individual's own retirement plan, that's entirely inadequate. I'm not saying $7,500 is ideal, but $2,500 is too low.

Is this something Ways & Means might get at this year?

I doubt we'll get a bill from the President this year, and on a matter of this sort we ought to wait until we get the benefit of the thinking at the Treasury. Our own staff people have not completed their work on it yet.

Is something on estate and gift taxes possible this year?

It's not likely, but we know where the problem areas are. One thing that disturbs people is the relationship between the rates on gift and estate taxes. Another is whether we should continue to let an individual give away everything he has at death and avoid taxes on any of it. At the same time, I think we ought to look at these excessively heavy estate tax rates that encourage people to find ways around them.

TRADE AND QUOTAS

Will we have a trade bill this year?

I doubt we'll have it this year. But next year I expect we will.

Can any trade bill get through Congress without becoming protectionist?

It must get through. We must do this: We must open up avenues for those industries and employees who are affected adversely by imports to get relief in an orderly way that is within the purview of the General Agreement on Tariffs & Trade. We should not take these unilateral actions except as a last resort. There are people who want us to have quotas on practically everything, but if we go down that road, we head into a very costly trade war.

I have said that some commodities require quotas in order to restrain the heavy increases in imports to this country. The way to do it is to sit down as friends with the countries involved and let them know what we will have to do ultimately if we don't get their cooperation. But if you legislate quotas, they will retaliate. That way you begin to sterilize the world and bring it back to the days of the Hawley-Smoot tariff.

Which commodities do you think need quotas?

Primarily textiles, because that production is very susceptible to the low wages paid in developing countries. It's very easy to teach people the work in a textile plant. Same with a shoe plant. I think there's an equally great problem in some areas of electronics, and no effort has been made yet that I know of to get anyone abroad to limit shipments to us.

Are you considering adjustment aid?

No, I think adjustment assistance is a temporary thing, like unemployment compensation. It's not a solution.

Will you be able to keep the protectionists sentiment under control?

I hope so, because we can have protection in the sense that I'm talking about just as easily and do less harm.

How do you feel about labor's claim that American jobs are being exported by American companies' setting up foreign subsidiaries?

I'm not saying they're not. Labor has a point. But perhaps the companies that are doing this would not be able to sell the same article abroad if it were made in the U.S.

MARKS FOR PHASE II

What marks do you give the Administration for its handling of international economic policies since Aug. 15, when we devalued and imposed controls?

Oh, you have to give them some mark. I don't know whether it would be a C or a D. It had to be done. But the methods used have made us enemies unnecessarily.

What marks do you give Phase II?

It's still a little early to say finally how successful Phase II will be. It doesn't look as successful on prices as I had hoped. I don't know how successful it is going to be on holding down wages because all I read about in the papers are exceptions to the guidelines initially laid down. If the exceptions become the general rule, we'll have as much inflation as we ever had. This doesn't mean this kind of incomes policy cannot work. It would if we let it.

Speaking of national concerns, why does the most powerful man on Capitol Hill want to be President?

I've said repeatedly that I don't really want the job in the sense of some of my compatriots, who seem to be obsessed with the idea of having it. It's the most onerous job in the world, the most lonesome position a man can be in. I know all of this, but I do have a very deep and abiding interest in the future of my country and I'm not at all satisfied with the course we're on now. I think it leads to chaos.

Frankly, I'd much rather someone else have the nomination. But here I am, saying that I'm not only available but I'm going to go to the convention working hard to get delegates in the hope that, whether I get it or not, we come out with a candidate who can win and with a program that can win. I am very fearful about where we'll go with four more years of the kind of policies we've been following.

What's behind the sense of chaos you note, and what can the President do?

The President has to instill in the minds of people a greater degree of confidence than President Nixon has—about himself, his program, his management of the affairs of state, and his decision making. The American people have grown tired of being taken by surprise every time a decision is made.

I think they wonder also about the order of priorities this Administration will establish on spending. They wonder why it is that in the first four years President Nixon prepares the budget the government has to borrow $123-billion, more debt than we ran up in the 23 years after World War II.

Is this deficit getting us enough economic return? Is the budget as stimulative as it looks?

It would be extremely stimulative at this amount ordinarily. What the Administration has done should have eliminated unemployment by now. But when you throw the question of confidence into the basket with these budgetary and monetary stimulants, the lack of confidence is the overpowering force and offsets any action we take.

If unemployment is still high this summer, would you back proposals for more public employment or public works?

It may be necessary. I'm not necessarily against these ideas. I would have to evaluate them then.

Should the Administration have moved much more quickly toward stimulation and anti-inflation measures?

It's more basic than that. I think the Administration missed the boat in not attacking this problem of credibility and confidence and getting people in the frame of mind that will permit stimulatives to be effective.

EYE ON THE WHITE HOUSE

Does this mean replacing Republicans in the White House with Democrats?

If this President can't restore the necessary confidence by election time, the voters will take care of that.

If you could go into the convention with a strong block of delegates, what policies would you hope to bring about?

I'm definitely not interested, as some editorials have implied, in being a king maker. I just have in mind the desire to get people elected who are dedicated to changing the course we're following.

Other than the Presidency, is there any other job that might appeal to you?

No, I have no interest in the Vice-Presidency or a Cabinet position. I think I probably could have had a Cabinet position long ago, but I don't have any interest in it. Never have wanted to be anything except chairman of the Ways & Means Committee.

CONGRESSIONAL REVIEW OF FOREIGN AND MILITARY POLICIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 10 minutes.

Mr. FRASER. Mr. Speaker, there is an urgent need for improved congressional review of U.S. external policies. The Senate has demonstrated some ability to engage the executive branch in external policy debate. The House of Representatives has not. These comments focus upon the external policy role of this latter body in which I serve.

The disastrous policy pursued by President Nixon in South Asia reveals the futility of congressional intervention in foreign policy crises. Before the India-Pakistan war, Congress spoke its mind by voting to terminate aid to Pakistan. The President instead threatened India with termination of aid while haltingly slowing aid to Pakistan. When war broke out, he quickly announced that aid to India was stopped and ordered a carrier task force into the Bay of Bengal, clearly an anti-Indian move. Congress proposed, the President disposed.

Unless we are to tie the hands of the President, we must focus congressional attention—not on immediate crises—but on the more important long-term issues which determine the external policies of the United States.

Congress might serve as an intermediary between the President and the people. In this role, Congress gives the President the widest possible support and latitude while placating or fending off those in the public-at-large who disagree with the President's policies. For most of my 9 years in the House, this has been the role of the House. The House establishment either agreed with or deferred to the President on every major foreign or military policy issue. Typically, the Armed Services Committee and the House Foreign Affairs Committee heard only administration witnesses. The House questioning of administration witnesses rarely uncovered the alternatives debated before the administration closed ranks around the final decision. We were unaware that options existed.

Administration witnesses grew confident and intellectually lazy. It was simple to "con" the Congress, or at least the House. Strategies and objectives could be simply defended by labeling them "vital interests" or "in the national interest" or "essential to national security."

The loss, of course, was to the nation. Where policies were in error or where fundamental assumptions were wrong, the last chance for change was lost. This compounded the chances for error because fundamental reexamination of established policy in the executive branch seldom occurred.

Can Congress, including the House, more effectively review policy assumptions and judgments? The difficulties are formidable.

The House Committee tend not only to guard jealously their jurisdiction they also frequently are overly protective of the agency with which they coexist. When the President, too, is supportive of that agency's policy, change is enormously difficult. For example, on a major antiwar vote, only seven—about 20 percent—of the 37 current members of the House Armed Services Committee voted the antiwar position. Not one of the seven was a Republican. The House itself voted roughly 50 percent in favor of this antiwar proposition.

The same pattern was repeated a few months ago except the antiwar vote among the members of the Armed Services Commitee dropped to six.

Similarly, on the appropriations subcommittee dealing with the Armed Forces, only one of the 10 members voted for these antiwar amendments. The one dissenter to the Republican President's policy was a Democrat. Even today there is little antiwar sentiment in the key committees controlling the funding of the war in Southeast Asia.

Another major difficulty is the failure of the House to challenge its own views. On important matters it is rare, indeed, that hearings or debates lead directly to opinon changes in the House. If these hearings and debates have any influence, it is on the outside world which then, in turn, makes its views known to Congress. When Members seek to influence their colleagues, their efforts are usually directed to the media in the belief that changing the climate outside the House will lead most directly to changes within the House.

Part of our problem in the House is that we focus on too many details. When the underlying premises is faulty, details are meaningless. The Armed Services Committee wrestles with the nuts and bolts of individual weapons systems. The House Foreign Affairs Committee listens to endless testimony on details of foreign aid. Both listen to administration witnesses who, it seems, need only change the date on last year's testimony.

The need is to move to the larger issues—to ask hard questions and probe deeply into options. Such activity may not impress other Members of the House but it will have an impact within the executive branch. Moreover, by deliberately seeking qualified witnesses from professional and academic groups critical of administration policies and programs, a wider dialog will be stimulated. If this process is pursued vigorously, the public may never find that it must take to the streets to get the attention of the Congress or to change an erroneous policy.

A multitude of issues beg for deep exploration. One remarkable feature of this administration, for example, is its insensitivity to the fate of the oppressed people of the world. Whether it be the lonely plaints of the disfranchised members of the Greek Parliament, the black Africans in Rhodesia who see their birthright being sold out by the developed white world, the slaughtered thousands in Bangladesh, or the young Americans now in Canada who are refugees from an immoral war, this administration appears indifferent. And this indifference raises fundamental questions about the basic purposes of existing U.S. policies.

There are other issues requiring the close attention of Congress.

The arms race and the increased military budget deserve careful review. To my knowledge, not a single recommendation of the Department of Defense concerning strategic weaponry has ever been refused or modified by the House Armed Services Committee. Yet the United States held a commanding lead over the Soviet Union in this area all through the 1960's as we built sophisticated strategic systems which destabilized the balance of terror.

Each feature of our military posture needs to be examined for its impact on the arms race. Some military forces are not as likely to generate an arms race as others. The strategic arms race has a dynamism of its own. And, not only is it inordinately costly, it also leads to progressively less security for all participants.

One effect of intransigence by those who push military budgets ever higher is that critics of military spending tend to become increasingly hostile to a military establishment which appears indifferent to or incapable of engaging in a sensible exchange of views. An approach that defines the Indian Ocean as vital to the security of the United States leaves little room for reasonable dialog.

Congress must equip itself with competent advisers if it is to subject the administration's policies to the critical review that our national welfare requires. We have the resources, both in money and talent. What is lacking is the political will. The congressional establishment is largely content to let the administration have its way. Those outside Congress should express themselves in the strongest possible way when they disagree. This helps create pressure to bring change to the Congress. That is the way the system works. In every possible way, they should ask that Congress play the role it can perform best—to publicly air and critically scrutinize our military and external policies.

The need is urgent. In 1964 and early 1965, except for two foresighted men in the Senate, Members of the House and Senate failed to foresee the implications of measures we were then approving. I wonder which policies we uncritically accept today will turn out to be destructive of the welfare of this country and of its fundamental instinct to be decent. All citizens must participate in the abrasive process which can test our own and our Government's beliefs. In this way our Nation may safely and wisely make its way through the turbulence of world affairs.

NATIONAL CONFERENCE ON REAL ESTATE, FHA, MORTGAGE, AND INSURANCE ABUSES TO BE HELD IN CHICAGO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI) is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, in a few weeks, the city of Chicago will be the host for a very unusual and hopefully highly productive meeting. The meeting: the "National Conference on Real Estate, FHA, Mortgage, and Insurance Abuses" is sponsored by the West Side Coalition, a neighborhood organization which is based in my congressional district.

The West Side Coalition is a growing organization which represents nine church and community groups on the west side of Chicago, who have banded together in an attempt to solve the real estate and housing problems which have come to plague their community.

They feel that only by uniting can they effectively counter what they see as the three major causes of economic decline in their communities: fraudulent and unethical real estate practices by unscrupulous realtors; banks and mortgage companies who fail to show their confidence in the neighborhoods by refusing to lend conventional money for mortgages; and finally discriminatory practices by insurance companies which results in entire neighborhoods being written off as bad risks without consideration of individual cases involved.

This national conference is an attempt to establish lines of communication between groups in the various cities in this country which are faced with similar problems of unfair realty practices. It is the hope of the coordinators of this conference, Gale Cincotta and Edward Stefaniak of the West Side Coalition, that the 3 days of meetings will provide the participants with insight into possible action programs that will help them deal with problems in their own neighborhoods there by allowing them to extend their programs to other communities with similar problems.

Mr. Speaker, the necessity of a national conference of this type demonstrates the seriousness of the problem of real estate abuse in this country. It has become one of the prime reasons our center cities have been rapidly deteriorating. Various mortgages abuses, combined with "blockbusting" have served to destroy the elements of pride and unity in our neighborhood structures. It has reached the point that it now costs our center city dweller more and more to remain poor. For insurance cancellation, coupled with the lack of availability of conventional mortgage money, has forced people to either move out of their traditional neighborhoods, or if they wish to remain, pay more through FHA.

The National Conference on Real Estate, FHA, Mortgage, and Insurance Abuses will be held at Saint Sylvester's Schwinn Auditorium in Chicago on March 18, 19, and 20. At present the sponsors anticipate that more than 1,000 persons will come to Chicago to discuss this important matter. To date they have commitments from at least two presidential candidates and some national experts in the field of housing.

Mr. Speaker, I earnestly hope that this gathering will be successful in focusing national attention on the growing problem of real estate abuse in this country. As a lifelong resident of the northwest side of Chicago, and as a man who is very proud of the community in which I was born and still live, I believe that the preservation of the traditional neighborhoods in our urban areas is a must if we are ever to achieve the quality of life in our cities which we so ardently seek.

A TRIBUTE TO DON ELLINGER FROM HIS SON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. Roy) is recognized for 5 minutes.

Mr. ROY. Mr. Speaker, through his son, Jeff, who is on my congressional staff, I was privileged to know Don Ellinger, the national director of the Machinists Non-Partisan League, who passed away suddenly on February 12, 1972.

Don was a man of courage and conviction whose involvement and accomplishments in political and social action were widely recognized and praised.

Don was a family man, and his greatest legacy to us are his wife and children who carry his commitment and theirs to equality and justice for all people.

I can think of no greater testimony to the meaning and significance of Don Ellinger's life than the respect, admiration, and love of a son. Mr. Speaker, following is an eloquent tribute to Don Ellinger written by his son, Jeff:

> My father, despite all of his accomplishments, despite his immense enjoyment of the present and despite the way he always looked towards the future, would have been more suited to the Republic of Rome, perhaps, or to Twelfth Century England during the Crusades. He would have been at home any place or time that ideals and love of God and Man were the prevailing attitudes. Don was in the business of forcing (by political means) recalcitrant politicians to follow a course that, if taken voluntarily, would have been very noble. His main regret was that anyone had to be coerced into nobility.
>
> Don always said that the main problem in solving a problem was deciding exactly how to go about it. His attitude regarding the present trend towards "getting priorities in order" was to ignore that part of the problem. By cutting down on the enormous waste in America (Vietnam, mainly, and the arms race), he believed we could free enough money to deal with all of the pressing needs and have enough left over to continue our part in Man's upward climb.
>
> "Why," he asked me, "do people say we've got to either build the SST or feed poor people? Why does it have to be either going to the moon or caring for the sick? We can do all of these things. We are the richest nation on the face of the earth; why can't we be remembered by history as the one that not only insured health for its people, but took a few more steps upwards?"
>
> One of the few things Don disliked about the present was the absence, in the modern American family, of traditions. He tried to make his own home the place for learning about life and how to interact properly with society that he thought every home should be. There were nights the roof rang with debate, and he rarely lost. But he never got angry or resentful, and he never closed the subject just because he felt he wasn't getting the better end of the discussion. He felt that traditions were a major part of our home.
>
> "Traditions prevent anyone from feeling completely alone, with no way to draw strength from history or family. A society composed of complete individuals will fall apart from loneliness."
>
> He called us a tribe, and he made us into one. When the news of his death reached the members of the tribe away from home, everyone stopped and just got on board the first plane they could find. From Sausalito, California; from Berkeley, California; from Austin, Texas; from New York; from Pennsylvania; from Cleveland; from St. Louis; everyone came home. He would have been enormously pleased.
>
> He was noble, but practical; idealistic, yet pragmatic; sometimes a tyrant, but it was a benign tyranny. We respected him tremendously; we loved him even more.

POLICE COMMUNITY RELATIONS PROJECT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Addabbo) is recognized for 20 minutes.

Mr. ADDABBO. Mr. Speaker, last year I brought to the attention of my colleagues in the House of Representatives a most interesting project in the field of police community relations. That project was instituted by two able and energetic men who serve the 106th precinct, New York City Police Department, in Ozone Park, Queens, N.Y. I have been particularly interested in the progress of this program because it began in my home community, and I am pleased to report that the project has achieved great success.

The two men responsible for this community effort are Sgt. Edward Doyle and Patrolman George D. Olivet. They dedicated their efforts to bringing to the public a better understanding of law enforcement officers, their problems, and the constitutional rights of our citizens, and the interplay between these two important areas of police community relations.

The lectures which these men give at community meetings have played a major role in improving police community relations. The official publication of the International Association of Chiefs of Police, Inc., is the Police Chief and the program begun by Sergeant Doyle and Patrolman Olivet is featured in the March 1972 issue of that magazine.

I would like to place in the Record at this point for the information of my colleagues the text of the article, entitled "An Invitation to Understanding—The Citizen and His Constitutional Rights," as it appears in the March 1972 edition of Police Chief:

An Invitation To Understanding

(By Edward Doyle and George D. Olivet)

> Many Americans are firmly convinced that they have sufficient knowledge of the law; even enough to say, "I know my rights!" Theoretically this may be true, but the practical application of their knowledge indicates otherwise. Unless we are involved on a personal or professional basis with the elements of "constitutional rights" most of us tend to be apathetic and take them for granted. The problem generated between the police and the community due to these careless attitudes are serious enough for professional consideration.
>
> When the U.S. Constitution was enacted, Americans were possibly more aware of their rights; prior to that time their rights were ignored or violated. Presently, the dignity of all individuals, even those who violate the law, is recognized and protected under the Constitution.
>
> Ideally, all citizens should be given the opportunity to obtain more personal knowledge about their rights under the law. This increased knowledge can bridge the gap between the public and their police, bring about a better understanding of associated police problems, and produce a more cohesive police/community relationship.
>
> A brief survey of educational institutions by the authors disclosed a broad-based lack of instruction on Constitutional Law; even in the basic need to know one's rights. In the elementary and secondary levels of education there is little if any attempt to instruct students on this subject. A child could possibly recite the "Bill of Rights" and never understand the purpose for which it was written;

this is also true of many adult members of society. Unless an individual receives a college-level education it is probable that no proper course of instruction in one's Constitutional Rights will be made available to him.

Law enforcement officers in their sensitive position in the criminal justice system *must* be cognizant of citizen's rights as granted in the U.S. Constitution and as defined by court interpretations, particularly by the United States Supreme Court. Those who are entrusted with the protection of society's rights must have knowledge of, as well as thoroughly understand the principles of, the Constitution as it applies to the duties of law enforcement.

The New York City Police Department is presently issuing Legal Division bulletins which define the legal requirements of local and federal laws to insure that all department personnel are adequately informed. Measures also are being taken in other agencies to add professional instruction to police courses across the nation.

The general lack of knowledge about the law often causes improper demands for police service—even to the extent that some demands may violate the constitutional rights of other citizens. Complaints have been received charging that policemen failed to take proper action in certain instances and subsequent investigation showed that if the policemen had taken the demanded action it would have resulted in the outright denial of another's civil rights. Yielding to these demands would have meant a gross violation of the public trust placed in law enforcement, and therefore must be denied.

In February, 1970, the authors polled the community on its knowledge of "Constitutional Law" and the associated law enforcement problems. The results indicated an overwhelming need for a clearer understanding by the community on this vital subject.

Aware of the need, the team launched Phase Two of its *Invitation to Understanding* program[1] involving a series of lectures on the Constitutional Law titled, "What The Constitution Means To You!" The team members believe that law enforcement must take the initiative in answering the need, hoping that other professions will eventually make their own contribution to the public education effort.

"What The Constitution Means To You!" was structured so as to be acceptable and easily understood by those not versed in the law. The first of many presentations was well received in July, 1970, by a large audience representative of the community. Public interest, community participation and enthusiasm have encouraged the authors to continue the presentations of this lecture series.

LECTURE MATERIAL

A brief description of the lecture material is given below for those desiring to use it as a model. All of the "Definitions, Amendments, and Case Studies" are uniformly applicable in the fifty states, but any local "Case Studies" relevant to a particular lecture can also be used if their addition will add clarification.

Lecture 1—Law of arrest

Definitions: Arrest, Crime, Probable Cause, Reasonable Grounds, Use of Force.

Amendments: Fourth (secure in their persons) and Fourteenth (due process).

Case Studies: Henry v. U.S., 361 U.S. 98 (1959).

Ker v. California, 374 U.S. 23 (1963).

Aquilar v. Texas, 378 U.S. 108 (1964).

U.S. v. Ventresca, 380 U.S. 102 (1965).

The utilization of pertinent case studies gives a practical application of the U.S. Constitution to matters of criminal law and hence a better understanding of the guarantees it affords the citizen with regard to the individual's rights. The complexities under which law enforcement must function are inherent in each case described.

Lecture 2—Custodial interrogation

Definitions: Custody, Questioning, Confession, Coercion, Duress, Line-up.

Amendments: Fifth (self-incrimination), Sixth (right to counsel), and Fourteenth (due process).

Case Studies: Payne v. State, 356 U.S. 560 (1958).

Mallory v. U.S., 354 U.S. 449 (1957).

Miranda v. Arizona, 384 U.S. 436 (1966).

Escobedo v. Illinois, 378 U.S. 478 (1964).

A clear understanding of "custody" and when it begins is mandatory for the audience to understand the other procedures which govern law enforcement in the area of questioning and confessions.

Lecture 3—Stop and frisk

Definitions: Reasonable Suspicion, Frisk, Search, and Authority for Stops.

Amendments: Fourth (secure in their persons) and Fourteenth (due process).

Case Studies: Mitchell v. U.S. 179 F.Supp. 636 (1969).

People v. Rivera, 201 (1964).

Murphy v. State, 378 Su(24) 73 (1964).

Intent of this lecture is to achieve a clearer understanding of normal and standard police procedure.

Lecture 4—Search and seizure

Definitions: Exclusionary Rule, Evidence, Silver Platter Doctrine, Search Warrant, and Necessary Force.

Amendments: Fourth (secure in their persons) and Fourteenth (due process).

Case Studies: Weeks v. U.S., 232 U.S. 383 (1914).

Mapp v. Ohio, 367 U.S. 643 (1961).

Jackson v. U.S. 354 (1965).

This clarifies the complex procedures governing the performance of law enforcement.

Lecture 5—Citizen's rights if arrested

Amendments: Fourth (unreasonable search and seizure), Fifth (double jeopary and self-incrimination), Sixth (right to counsel, speedy trial), Eighth (bail, cruel and unusual punishment), and Fourteenth (due process).

The general scope of the criminal justice system and its procedures from the initial arrest to eventual prosecution and the privileges guaranteed to citizens under the Constitution are included in this lecture.

Lecture 6—Civil dissent

Definitions: Petition, Trespass, Public Order, Riot, Anarchy Inflammatory.

Amendments: First (free speech and right to assemble).

Case Studies: Cox v. Louisiana, 379 U.S. 536 (1965).

Fiener v. New York, 340 U.S. 315 (1951).

The position and purpose of law enforcement officers at scenes of demonstrations, parades, strikes, etc., are to maintain order and prevent a breach of the peace, not to interfere with the rights of citizens to participate. Often the police become the target because they are the visible arm of government. This unenviable position and its resulting problems are clearly projected to the audience.

PRESENTATION TECHNIQUES

The Constitutional Law Lectures were initially presented prior to the monthly meetings of the 106th Precinct Community Council.[2] This series took six months to complete. Since then, they have been presented to other community organizations on a weekly and bimonthly basis.

The authors found that one hour was sufficient time for presentation of a lecture, including a question-and-answer period at the end of each session which was planned as an integral part of the program to help the audience become participants through involvement. This dialogue at the end of each session is possibly the most significant part of the hour, for citizens at last had the opportunity to ask their police officials, "What do the landmark decisions given by the Supreme Court, such as Miranda, Mapp, etc., mean to me as an individual?"

To maximize dialogue, and minimize friction, a set of ground rules was established by the lecturers which included the following:

1. *No questions or comments are to be made during the lecture period.* (Index cards were distributed to all for taking notes and recording questions which were held for the appropriate time.)
2. *Debate is to be minimized, but pertinent remarks are solicited.* (Digression from the evening's topic was discouraged.)
3. *Those people needing further explanation should see lecturers at the close of the program.* (It was also suggested that anyone wishing to ask further questions could do so by postcard or letter, and they would receive an answer.)

Several booklets on the "U.S. Constitution" and "Civil Rights" were distributed to the participants with the request that they be brought to each session for reference and home study assignments. A list of recommended texts was also distributed for those wishing to involve themselves further in the subject. (*See Bibliography.*)

A newsclip file of current newspaper articles on lecture topics was maintained by the lecturers and some of the participants themselves submitted articles. From this material the authors geared the dialogue to pertinent current issues.

To dramatize particular points of difficulty involving law enforcement in its role as protector of "citizens' rights," the authors introduced "role playing" into the presentation. Short playlets were structured and presented by members of the community showing the practical application of the mandated procedures that must be adhered to by policemen. This technique emphasized the sensitive position of policemen who as enforcers of the law must insure that citizens' rights be protected and demonstrated the application of "rights" to both the "law abiding" and the "law violator." The reading of the Miranda Warning to a supposed criminal, in front of a community audience, demonstrated the problems facing policemen as well as the rights to which each individual is entitled.

The material presented to members of the community enabled them to understand better the role of law enforcement, their own rights under the law, and the equal guarantees under the U.S. Constitution to which all citizens are entitled.

EVALUATION

Participants in the lecture series have indicated to the authors that the instruction did not fall on deaf ears. Many individuals have stated that it is now clear to them that policemen must function under the law, and not outside it; arrests on mere suspicion, intensive interrogation, illegal searches, and unlawful incarceration are "police-state" tactics certainly unwanted in America!

Community leaders, members of the legal profession, clergymen, teachers, and average citizens have all given their praise and encouragement to this program as well as their enthusiastic participation in it. There has been an increased number of requests for presentation of the lecture series.

Shortly after the project began, it became obvious that there was a positive response to this new educational activity. Community requests for police service were more realistic and valid, perhaps due to the public's increased knowledge of necessary police procedures. Complaints from the members of the community also have been relevant and in keeping with the guidelines defined in the constitutional lectures. An informed public is a great asset to law enforcement.

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[1] William McGarry, Doyle and Olivet, "An Invitation to Understanding," The Police Chief, Vol. 38 (June, 1971), pp. 20–27.

[2] A police/community organization of concerned citizens and local police officials who meet on a monthly basis seeking solutions to community problems through mutual planning. The Executive Committee of the Community Council includes four elected community members, and the precinct's Commanding Officer.

It is a fair evaluation to say that the program is meaningful to the public, a valuable source of education, and a unique police service to society as well as to law enforcement. The clarification of citizens' rights and the police role in society lends itself to a more cohesive and responsible police community relationship.

We are convinced by our participation in Phase Two of *Invitation to Understanding* that more public education is needed in Constitutional Law. First, the police must have abundant knowledge concerning the constitutional guarantees afforded the citizen; second, the citizen must be made cognizant of his rights and develop an awareness that they are precious possessions; and, third, the obvious need for other professionals and public officials to make a contribution in overcoming ignorance and apathy in the area of "rights" must be realized.

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NADER RECRUITS RETIREE RAIDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. PRYOR) is recognized for 5 minutes.

Mr. PRYOR of Arkansas. Mr. Speaker, many of my colleagues and I are deeply concerned about the problems that face the aging citizens of this Nation. We have a desire and responsibility to assist them in living out their lives in the tradition to which they are most accustomed.

Our more senior citizens are many times unable to control the forces that attack their happiness and well-being. Disease, very limited finances, and inadequate health care and facilities are a few of the enemies that confront our aging Americans.

The Federal Government has an obligation to care for those who have cared for us and have taught us and have supported us.

But I am pleased to note that the Government is not the only resort to assistance that our senior Americans have. Mr. Ralph Nader, who is a true crusader for a better today and a brighter tomorrow in the United States, is turning to the retired ranks of Americans to help him in confronting the evils that threaten the aged of this country.

In the February 28, 1972, edition of the Washington Post there appeared an article by Judith Martin concerning Mr. Nader's plan to use retirees to focus on problems of the aged by using their vast experience and talent that would normally have gone to waste after their professional careers had ended.

Mr. Nader can not only perhaps bring more attention and suggestions for solutions to the plight of the aging, but he will instill in those he employs a feeling of worthfulness and usefulness that is too often absent from the thoughts of a retired American.

I wish him every success and cooperation in his efforts, and I thank him for what he has done and will continue to do on behalf of the American public.

I include at this point a copy of Mrs. Martin's article in the RECORD so that my interested and concerned colleagues will be aware of another service that Mr. Nader is initiating on behalf of us all:

NADER RECRUITS RETIREE RAIDERS

(By Judith Martin)

Ralph Nader is recruiting among the retired.

His newest group of Raiders is not characterized by the flying ties or free-swinging hair of the bright young law graduates he usually attracts. The men wear tie clips, and the women have their hair "done."

With respectability, experience—and time—to offer the consumer cause, retired people represent a vast reservoir of educated, volunteer labor. Nader hopes to tap that reservoir through Public Citizen, Inc., his citizen participation organization.

His first Retired Professional Action Group consists of 10 people in their 50s and 60s who work out of a small Dupont Circle office suite on problems of health care, transportation, taxes, nursing homes, veteran's benefits, public transportation and age discrimination in employment.

Formation of the group, intended to be augmented by many such task forces around the country, was announced only yesterday. But it is already involved in a suit to stop D.C. Transit from raising fares.

While the groups will focus on problems of the aged, Nader said he can see them utilizing their technical skills to work on any aspect of the society they feel needs change.

He said that he also sees the idea as a solution for skilled people whose talents would ordinarily go to waste after their professional careers have ended.

"This will be an expression for thousands of people who are getting tired of playing shuffleboard and bridge day in and day out, and who want to develop real citizen power," he said.

Old people in the United States are treated with "a combination of condescension, contempt and ridicule," he said, and are often made erroneously to believe that they are, in fact, incapable of contributing to society.

"They can no longer rely on reverence for their wisdom. In a fast-changing society, experience means less and less. Nor can they rely on filial piety, because our mobility and housing mean that families are separated. It's got to be something new.

"By beginning to involve themselves in the problems of the society, they can command the respect of the rest of the population. We're never going to resurrect the idea of wisdom, but they can have power and relevance."

The Nader organization has had volunteers ranging from military personnel who retire in their 40s to people in their 70s. They are looking for accountants, financial analysts, physicians, lawyers, engineers, scientists, statisticians and writers, among others, but emphasize that it is technical skills, rather than degrees, which are needed.

The Washington group includes an expert on mass transportation, an accountant who is investigating Medicare and Medicaid overpayments, a lawyer specializing in veterans' affairs, and an expert on the problems of aging. They are retired and work as volunteers in the office, which receives a $40,000 budget from Public Citizen, Inc.

Nader believes not only that the contacts, experience and availability of these people will be of special use for citizen advocacy, but that they have a peculiar freedom to act idealistically.

"They're as free as they ever will be from the restraints of jobs, bosses and the bureaucratic hierarchy," he said.

Inquiries regarding the work of the group should be addressed to the Retired Professional Action Group, Suite 711, 2000 P St. NW, Washington, D.C. 20036. Telephone (202) 785-3266.

ATTENDED CONFERENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STOKES) is recognized for 10 minutes.

Mr. STOKES. Mr. Speaker, from January 17 through January 21, 1972, I attended the Conference of African and American Representatives in Lusaka, Zambia. The conference was hosted by the President of the Republic of Zambia, the Honorable Dr. Kenneth D. Kaunda.

Twelve members of the U.S. Senate and House of Representatives traveled to Africa to meet with ministers, parliamentarians, and government officials from 15 African countries. Our discussions revolved around the questions of economic aid to Africa, and American and African policy in regard to Southern African issues.

The meeting was an historic and important one for many reasons. It was, for example, the first time that four black Members of the House of Representatives stood on African soil at the same time.

It was also a significant encounter, because in-depth discussions uncovered the hypocrisies in American foreign policy as it relates to Africa. We learned that our Government grants tax breaks to American businesses which are working within, and thus condoning, the ignominious system of apartheid.

I speak of two American mining firms, American Metal Climax and Newmont Mining Corp., which are perpetuating the deplorable contract labor situation in Namibia, a country which is being occupied illegally by the South African Government.

Pursuant to the conference, the members of the Congressional Black Caucus who had participated called upon the administration to revoke the tax credit now enjoyed by those two companies. In 1970 alone, tax credits resulted in a benefit to the two companies of $9.58 million.

As the situation stands now, not only is our Government permitting these two companies to insure the continuation of apartheid—we are paying them to do it.

In his opening remarks before the conference on January 17, 1972, President Kaunda called for an end to hypocritical practices by our Government. He issued a plea for mutual understanding and respect between the peoples of Africa and America. He articulated the goals, not only of his own nation, but of all the independent African countries. He spoke of the affinity that exists between Africans and black Americans. He said:

> We in Zambia are prepared to co-operate with every nation in the world that is ready to treat us on the basis of equality and respect. There is every reason why we should increase our co-operation with the United States. Our ties are deeply rooted in history, through the presence in that continent of millions of the descendants of Africans with whom we have unbreakable bonds of affinity.

Zambia and the other independent African countries are, without question, the nations of the future. If my colleague read the entirety of Dr. Kaunda's remarks, they will have a better understanding of why that is so. The address follows:

ADDRESS BY HIS EXCELLENCY DR. K. D. KAUNDA

It is a pleasure for me to be able to open this Conference of African and American representatives. I extend to you all, on behalf of the Party, Government and the people of Zambia, cordial greetings. It is our hope that your stay in Zambia will be both enjoyable and fruitful.

We in Zambia welcome meetings like this one which afford us the opportunity to exchange information and views on matters which are of vital interest to us. The endeavours which are being made through frank discussions give expression to the new and growing interest among the American people in matters relating to Africa and her problems; in the welfare of the people of this continent.

I, therefore, wish to pay tribute to the organizers of the Conference. We cannot expect dramatic achievements in these efforts; these are often intangible. The amount of effort being made to create a better understanding between Africans and Americans underlines the major hurdle in the improvement of human relations, as they affect the people of America and the people of Africa, as well as the entire world community.

Relations between the people of America and Africa are in many ways natural. They are a natural consequence of human development. America is largely a Nation of people descended from many continents. The majority of them are descendants of the people of Europe and Africa. America's relationship with Europe cannot escape the influence of history. America is Europe-oriented.

The interests of the people of America in Europe's future were forged by history even though time may be driving the two continents apart. There are good reasons why America should have been Africa-oriented. Africa's relationship with America could have been stronger than it is today except for the factor of race. The ties that bind America and Africa are deeply rooted in the history of the African-American community in the continent. These ties had been buried under the debris of the much decimated African image by colonialism; but now they have been brought back to life. Africans in Africa feel a sense of growing affinity with Africans in America. The first decade of African independence has given more than a hope in the continent's future. Despite immense problems, our initial achievements have given a new realisation of the growing potential of the African people to contribute to peace and the well-being of mankind as a whole.

We in Africa, therefore, deserve to be understood. We deserve the assistance of other continents in order to be able to join them effectively in the defence of peace and in building progress and security for all.

The value of this Conference must, therefore, lie in the greater understanding it must help create among the people of America and the world about the problems of Africa, the desires and aspirations of the African people and their determination to work out a future which will guarantee a decent life and a life full of promise. The task of all of us is more than improving relations between Governments. It is much more fundamental than that. It involves improving the understanding of Africans by the Americans and of the Americans by the Africans. In this way increased co-operation will be possible. In this way we will be able to achieve the goals of peace and development.

It is the paradox of our era that having achieved so much in the field of science and technology to improve the human condition, we have done so little to improve Man's understanding of himself; to improve the relations amongst the people of the world. This is the greatest weakness in Man's material success. However, Man's success in science and technology must slowly drive us towards greater interdependence and one world community. Therefore, we can no longer merely be concerned with achievements in material progress. We must succeed in building better human relations.

It is in this realisation, that we in Zambia, a non-racial State, are always ready to play host to visitors from any parts of the world.

In our conduct we are guided by the knowledge that Africa stands midway between the continents of the East and the continents of the West. We share the problems of the Pacific Ocean which on the other side of the globe divides the Americas from the continent of Asia.

The Pacific Ocean is an international waterway for competing ideologies; but the continent of Africa consists of independent States. We, on this continent, cannot allow our countries to be the battleground for competing ideologies. We have only one ideology—the ideology of peace and development.

We know our primary responsibilities. We know the responsibilities which are beyond our competence to discharge alone and which must be shared with other members of the international community. We know that today's activities create our tomorrow, and our present lives determine the bridge on which we must enter the next life. In today's activities, it is our primary task to provide the basic needs of the people. They need among others water, food and shelter. These must be improved both in quality and quantity. We have already declared an all out war on poverty, ignorance and disease, a war we must win. We must improve the image of Africa by the decency of the people, the stability and prosperity of independent African States. To achieve these goals, *we need the means:* namely, professional and technical skills and equipment with which to exploit the resources to solve the immediate, short and long term economic and social problems. We know that peace and stability are vital prerequisites to our success. We will continue to strengthen them.

We know our needs to be pressing and our resources to be limited. We know peace and development to be expensive while the world conditions are generally cruel.

Our policies are formulated in the context of our understanding of these problems. Some of our economic policies must certainly be baffling to Americans, just as we are equally baffled by the poverty which manifests itself in many ways in an affluent America able to support expensive space programmes. We never call these prestige projects. Americans say that we Africans have our priorities wrong; we in turn point to ghettoes in America's flourishing cities vis-a-vis space research programmes and say Americans have their priorities upside down.

In the circumstances, we in Africa can only ask you people in America to understand that our continent is a late comer in a race for prosperity. We are in a hurry to get to a higher level of advancement. All our resources that supported the European industry during the colonial period must be devoted to our development efforts to give substance to national hopes; to the task of matching the aspirations of the people of this continent.

We do welcome foreign investment. We want it. We need it. We would like to expand trade with all nations of the world that offer us fair terms. If we should succeed in expanding trade, this will greatly add to the number of ties that now bind our various nations in an interdependent world community. We are necessarily sensitive, but not hypersensitive, about exploitation of our resources at our expense. We have been dominated in the past; we have been exploited. The history of European and African contact did not favour the interests of the majority of the people. We, therefore, are striving to ensure that the benefits of industrial and technological revolution in Africa accrue to the people of Africa. This is why we would like greater participation of the African people in building their economies while leaving vast room for foreign investors. We ask for no more than fair play in the relations between men and nations, particularly in the exploitation of the resources of our countries.

We cannot genuinely say that private investment alone will achieve for us *social justice* and yet in order to strengthen democracy, every investment must, in the final analysis, add to the contentment of the people. It must help us solve economic and social problems directly or indirectly.

While we in independent Africa are working out our own future participation in shaping our destiny, there are millions in Southern Africa who are still denied this God-given right. You will be discussing this problem. It is an important factor in African-American relations.

There are many reasons why Southern African crisis deserves the attention of the United States. First, it is a moral issue which continues to prick the moral conscience of the world.

Secondly, America is a super-power with great responsibilities. When an area is a threat to international peace and security, members of the United Nations and major powers in particular, cannot continue to turn a blind eye to dangerous developments. Thirdly, America has large investments in Southern Africa and has a treaty with Portugal which is one of the major factors responsible for the crisis in this area. It is a matter of decision whether or not the interests of the United States in Portugal weigh more heavily than the interest of building peace on a more stable basis in Southern Africa. Treaty obligations with Portugal, to which Congressman Charles Whalen Jr. referred in his opening remarks, stand in the way of the United States' active participation in the removal of colonialism on the African continent. Indeed the future of the African-American relations will be greatly determined by the United States policy in matters relating to self-determination in Southern Africa. No major power genuinely committed to peace and the welfare of mankind can ignore the unfolding crisis in this part of the world.

Africa need not repeat the assurance given to the white community in Southern Africa about their future. For nowhere on this continent has an independent African country chosen deliberately to practice reverse racialism after independence. The manifesto on Southern Africa is still on the table. It is not a document of confrontation. It is a challenge to minority regimes and their supporters to work out a just and lasting solution on the basis of equality. We in Zambia hope that the same realization, courage and conviction which have led President Nixon to take concrete steps toward nationalisation of relations with China will inspire America to adopt a more realistic and positive policy towards Africa in general and Southern Africa in particular.

Our task is to build democracy. Our systems of Government may differ because we are all looking for the best solution to problems. Look at the instability which plague Governments which operate under multiparty political systems. A multi-party system is not necessarily the best form of Democratic Government. Let us, therefore, give due weight to the enjoyment of full rights for all law-abiding citizens, but let us not be misled into thinking that this is possible only under one form of democracy. Democracy takes many forms. We therefore need the sympathy and understanding of the American people and the people of the world in our search for the best road to economic and social advancement.

We are partners in building peace and security in the world. The partnership involving a 200 year old America, rich and full of experience, with a ten year old continent of Africa, no doubt demands a lot from the older. But this is natural in many African customs. For in many of our villages, the strong must always help defend the weak. Similarly in our world community, the strong, the well endowed, must be ready to assist the weak in order that the entire community can move forward, matching its aspirations on every turning in peace and freedom.

I am glad that the Agenda of this Conference will cover these issues.

We in Zambia are prepared to co-operate with every nation in the world that is ready to treat us on the basis of equality and respect. There is every reason why we should increase our co-operation with the United States. Our ties are deeply rooted in history, through the presence in that continent of millions of the descendants of Africans with whom we have unbreakable bonds of affinity.

It is my sincere hope that this Conference will make an historic contribution to the American understanding of African problems. We welcome declarations of goodwill and good intentions, of commitment to principles and anti-racialism and to self-determination for the oppressed peoples. Now we need to give concrete expression to our intentions, to our commitments by positive policies.

Let us give substance to the hopes of millions desiring to join the great march to prosperity in freedom. This is the challenge of the United States, Africa and the world. I, therefore, wish the Conference every success in its deliberations.

PROPOSED INCREASE IN SOCIAL SECURITY BENEFITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BOLAND) is recognized for 10 minutes.

Mr. BOLAND. Mr. Speaker, I am today introducing legislation calling for a 20-percent increase in social security benefits. My bill—its provisions are substantively identical to the ones sought by Congressman WILBUR MILLS, chairman of the Ways and Means Committee, in his bill H.R. 13320—recognizes the plight of America's elderly.

Every time the cost of living inches upward, millions of the elderly are driven deeper into poverty. Nearly 25 percent of them, 5 million people, now exist on incomes that fall below what the Census Bureau terms the "poverty line"—$2,328 for a family, $1,953 for a person living alone. More than 20 percent live on incomes that just barely edge above the poverty line. And virtually all of them must live more frugally than at any time in recent memory.

H.R. 1, the social security and welfare reform bill that passed the House last year but still awaits action in the Senate, seeks only a trifling 5-percent increase in benefits. Granted, Mr. Speaker, H.R. 1 would carry out needed reforms in the administration of social security—increasing benefits for widows, broadening medicare coverage, making possible general increases in benefits every time inflation pushes up the cost of living.

But the 5-percent immediate increase sought in H.R. 1, a modest increase when it was first considered a year ago, now hardly constitutes any increase at all: it would merely make social security benefits commensurate with the price increases that have taken place since January 1971, the effective date of the last increase in benefits.

My bill proposes a full 20-percent increase effective June 1972, raising the minimum monthly social security check from $70.40 to $84.50.

Chairman MILLS estimates that this legislation would increase average benefits from $133 to $162 for retired workers, from $222 to $269 for aged couples, from $114 to $153 for aged widows.

The best actuarial data now available, Chairman MILLS points out, indicates that these increases can be financed without any upward change in the current 4.6-percent contribution rate for employees and employers. Indeed, the contribution rates may even be lowered.

Our commitment to the elderly—and to the millions of widows, children, and disabled now sheltered by social security—must be honored.

I hope my colleagues will join me in urging the earliest possible action on this bill.

A NATIONAL RESEARCH PROGRAM TO COMBAT HEROIN ADDICTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. PEPPER) is recognized for 5 minutes.

Mr. PEPPER. Mr. Speaker, yesterday House and Senate conferees met for the first time to consider what could well be one of the most important pieces of legislation to come before this Congress now or in the near future. The legislation to create the Special Action Office for Drug Abuse Prevention was passed unanimously by both the Senate and the House of Representatives. Now the conferees will work out the differences between H.R. 12089 and S. 2097 to assure that a central, comprehensive, and coordinated Federal effort will be directed at combating the national drug abuse problem.

The Select Committee on Crime has long maintained an interest in combating drug addiction. In November 1971 we presented to the Congress the committee's fourth report dealing with this subject. The report, "A National Research Program To Combat the Heroin Addiction Crisis" contained a proposal, later cosponsored by 106 Members of Congress, calling for emergency funds of up to $50 million for scientific research to create a drug that would effectively treat, prevent, or cure heroin addiction.

Response from Governors, mayors, and other government officials, pharmaceutical companies, and the scientific community overwhelmingly supports such an all-out research effort.

We recognize, as do some of those who have written us, that fighting drug abuse requires a comprehensive approach that includes everything from the need for full employment to basic research into the psychological and physiological causes of addiction, to community-based treatment and rehabilitation programs. Our goal is to give those in the field more tools, that is to say, a greater variety of approaches in preventing, treating, and curing heroin addiction.

Below are reprinted some of the letters we have received from Governors. In the days to come we will submit additional letters from others who have expressed interest in our efforts:

ALBANY, N.Y.
February 10, 1972.

Hon. CLAUDE PEPPER,
Chairman, Select Committee on Crime,
Washington, D.C.

DEAR CLAUDE: Thank you for your recent letter concerning the Select Committee's proposal for a special fund of $50 million to conduct emergency scientific research to find and develop a non-addictive, safe, long-lasting drug to combat heroin addiction.

I was pleased to note that the Committee's excellent report recorded public urging that such research have the same priority as the Manhattan Project. I have said repeatedly, in a December article for the New York Law Journal, and most recently in my Annual Message to the Legislature, that the answer to drug abuse lies in summoning the total commitment America has always demonstrated in times of national crisis, and it, too, called for commitment on the scale of the Manhattan Project.

New York State experts have long agreed that our traditional reliance on the host of psychotherapeutic, social re-integration, etc., programs must be augmented by new and expanded usage of chemical therapeutic agents. It is for this reason that the state has supported pioneering research in Methadone, and work on antagonists and blocking agents such as that being done by Drs. Alfred Freedman and Max Fink at New York Medical College. In addition, the New York State Narcotic Addiction Control Commission is currently engaged in research on the bio-chemical mechanisms that emerge in response to drug abuse.

Unfortunately, as your Committee documented so appropriately, these notable efforts are severely restricted by a lack of funds, a lack of government support, and by the limited capacity to conduct clinical research. Dr. John Adams has noted that this has been especially true at the Lexington facility with respect to the new drugs that can be tested.

There is no question in my mind, after reviewing the responses of the drug industry to your questionnaire, that our private drug industry has the requisite capacity and expertise and, importantly, the willingness to conduct this vital research.

The missing ingredient is sponsorship, and I agree with you this must be assumed, without reservation or hesitation, by the federal government and on the scale you propose.

Sincerely,

NELSON A. ROCKEFELLER.

LANSING, MICH.,
January 24, 1972.

Hon. CLAUDE PEPPER,
Chairman, Select Committee on Crime, Washington, D.C.

DEAR CONGRESSMAN PEPPER: Thank you for the opportunity to review and comment on the report of your Select Committee on Crime regarding the research program to combat heroin addiction.

In our efforts to combat drug abuse in Michigan, we have placed special emphasis on the need for intensive research. The Lafayette Clinic of Detroit, a state operated research and service facility, has been deeply involved in a wide range of studies related to the problem of opiate addiction. The clinic is currently undertaking a major study on narcotic antagonists. We feel that the effectiveness of such research would be greatly enhanced by the involvement of the drug industry. Therefore, I strongly support the recommendations of the Select Committee on Crime for federal funding of such research by the drug industry.

I would like to suggest, however, that consideration be given to requests developed jointly by private drug firms and facilities such as Lafayette Clinic. I feel that the combined capacity and expertise resulting from such a joint undertaking would greatly increase the probability of success.

I have sent a copy of your committee's report to Dr. J. S. Gottlieb, Director, Lafayette Clinic, with instructions to forward to you any comments or suggestions he may have.

Kind personal regards.

Sincerely,

WILLIAM G. MILLIKEN,
Governor.

ATLANTA, GA.,
February 8, 1972.

Congressman CLAUDE PEPPER,
Chairman, Select Committee on Crime, Washington, D.C.

DEAR CONGRESSMAN PEPPER: Thank you for providing me with a copy of the report and recommendations of the Select Committee on Crime entitled "A National Research Program to Combat the Heroin Addiction Crisis." As you know, I have been vitally concerned about this problem, and in the last few months I have moved in Georgia to develop a statewide treatment program to combat heroin addiction which appears to be beginning to have some impact. I am enclosing a description of this program.

While we have found the use of methadone effective in arresting the personal and social deterioration which heroin addiction causes, I agree with the findings of the committee that a diligent and adequately financed search must continue for improved pharmacological antagonists to heroin. I am pleased to be able to tell you that fundamental research in this area is currently being conducted here in Atlanta by Dr. Stephen Holtzman, Assistant Professor, Department of Pharmacology, Emory University Medical School. Dr. Holtzman's work has been funded by the National Institute of Mental Health; however, the continuation and expansion of his very significant research is dependent on continuing federal support, including a pending grant application (MH 21699).

Although I feel that this basic research is essential to our eventual victory over the drug abuse problem, I feel we should not lose sight of the social and psychological factors which not only contribute to the development of addiction, but must be dealt with in any effective treatment program. The need for jobs, adequate living facilities and counseling will exist no matter how effective a chemical treatment we obtain. It is apparent that those methadone programs which provide only the drug without the supportive services have only limited success.

I would like to commend the efforts of the Select Committee on Crime, which I believe have been instrumental in focusing national attention in this critical area.

Sincerely,

JIMMY CARTER.

LITTLE ROCK, ARK.,
January 18, 1972.

Hon. CLAUDE PEPPER,
Chairman, Select Committee on Crime, Washington, D.C.

DEAR CONGRESSMAN PEPPER: Thank you for your letter of December 29, 1971, and the copy of the report entitled "The National Research Program to Combat the Heroin Addiction Crisis", prepared by the Select Committee on Crime. I have reviewed the report and feel that it is an excellent compilation of information on heroin addiction.

Even though the drug problem in Arkansas, especially as related to heroin addiction, has not reached alarming proportions, we recognize the need for increased research aimed toward the development of more effective ways to prevent and treat heroin addiction. We will support your efforts in the introduction of legislation to reach these objectives.

We do not have any accurate or reliable statewide statistics on drug abuse. We are in the process of developing a Plan for a State Drug Abuse Program at this time. One of the Program's objectives will be to gather information related to the nature and extent of the drug abuse problem, inclusive of heroin addiction. I will certainly pass on the information you sent to me with regard to current legislation on heroin addiction to the coordinator of the State Drug Abuse Program, as soon as such a person is named.

We will appreciate your keeping us informed on current developments of the Select Committee on Crime and its activities. We are intensely interested in solving the drug abuse problem not only in our own State, but in the entire nation.

Best wishes to you in your work with this Committee. If we can be of further assistance, do not hestitate to let me konw.

Sincerely,

DALE BUMPERS.

AUGUSTA, MAINE,
January 7, 1972.

Hon. CLAUDE PEPPER,
Chairman, Select Committee on Crime, Washington, D.C.

DEAR CONGRESSMAN PEPPER: This is in reply to your letter dated December 29, 1971 requesting comments concerning the report and recommended legislation for a national research program to combat heroin addiction. I agree that we must come up with expanded research efforts to combat the serious problem of heroin addiction. The promise of securing a successful antagonist which will suppress the action of heroin and other opiates in the human body is certainly deserving of financial support.

I believe that the draft legislation, Appendix I to House Report No. 92–678, deserves this serious consideration.

Thank you for sharing this proposal with me. My best wishes to you.

Sincerely,

KENNETH M. CURTIS,
Governor.

JEFFERSON CITY, MO.,
January 12, 1972.

Hon. CLAUDE PEPPER,
Member of Congress, House Office Building, Washington, D.C.

DEAR CONGRESSMAN PEPPER: I acknowledge receipt of the report of The Select Committee on Crime (House Report No. 92–678) and have read it with great interest. The situation your Committee has uncovered concerning the primitive state of development of specific pharmacologic approaches to the prevention and treatment of heroin dependence is dismaying and I commend the Committee for the constructive recommendations it has made to remedy this grave deficiency.

The Mallinckrodt Company of St. Louis, Missouri, has long been a leader in the commercial production of narcotics, the opium alkaloids, and methadone, and I am sure possesses the expertise and interest to participate in the research your Committee projects.

The ubiquity of narcotic dependence has not spared the great cities of Missouri, and I am pleased to endorse the implementation of the programs proposed in your Committee's recommendation. A bill to promote research and development of drugs or chemical compounds for use in the cure, prevention or treatment of heroin addiction as appended to the Committee report should be enacted by Congress. The sum of $50,000,000 recommended is indeed a minuscule amount to combat this national emergency.

Sincerely yours,

WARREN E. HEARNES.

DOVER, DEL.,
January 17, 1972.

Hon. CLAUDE PEPPER,
Chairman, Select Committee on Crime, Washington, D.C.

DEAR MR. PEPPER: Thank you for your letter of December 29, 1971, concerning the report and recommended legislation on heroin addiction adopted by your Committee.

We in Delaware are, indeed, critically aware of the tremendous magnitude of the heroin addiction problem. The report of your Committee was extremely thorough and thoughtful. I concur with your findings that research in this field is most primitive. The fact that no exhaustive, sustained research effort has taken place bears testimony to the need for such research. Enlisting the aid of private industry utilizing their expertise, equipment, and personnel will broaden the scope of research in a most exciting manner. I am very much in favor of this approach and feel that this could lead to a major breakthrough in the area of heroin addiction control.

Additionally the proposed legislation provides a necessary incentive which, as you note, is lacking in the present research structure.

Sincerely,

RUSSELL W. PETERSON,
Governor.

FRANKFORT, KY.,
February 7, 1972.

Hon. CLAUDE PEPPER,
Chairman, Select Committee on Crime, House Office Building, Washington, D.C.

DEAR CONGRESSMAN PEPPER: I have reviewed the recommendations for legislation which the Select Committee on Crime has made for initiating a $50 million emergency research program to find an effective heroin antagonist. Since I am in complete agreement with the degree of emergency that now exists in this Nation with respect to the abuse of narcotics, and the resultant criminal activity. I will support the recommendations of the Select Committee on Crime.

I agree that the utilization of the private sector and their massive resources for drug research as a primary agent to accomplish this emergency search is an excellent idea. Surely a nation and an industry which have developed so many lifesaving medications can rise to the occasion through development of an agent to end the tragedy of heroin addiction.

Kentucky, as the home state of the federal government's addiction research center, will be pleased to support the expansion of this fine clinical testing facility that is needed and deserved. It is our hope that it, too, may add a significant contribution.

I am certain that the facilities of the University of Kentucky and of the Kentucky Department of Mental Health could be made available to assist in any way possible. Many fine researchers, formerly staff members of the federal addiction research center, have remained in Kentucky and would be potentially available to work in such efforts.

There is clearly a need to break this increasing menace of heroin addiction, and I feel that the Committee and the Federal Congress have proposed the most propitious mechanism for rapidly seeking out an answer to the problem.

Sincerely,

WENDELL H. FORD.

CARSON CITY, NEV.,
February 1, 1972.

Hon. CLAUDE PEPPER,
Chairman, Select Committee on Crime,
Washington, D.C.

DEAR CONGRESSMAN PEPPER: This will respond to your recent letter in which you outlined the critical drug problem which is facing our nation.

With you, I share a deep concern in the ability of our nation and its states to bring this problem under control. I have no doubt that a great social problem exists in America today which is directly associated with the evils of heroin. It appears that the fifty million dollar proposed support for the program detailed by the Select Committee on Crime should be adequate to produce an effective anti-heroin drug. A massive effort must be mounted to deter the use of heroin, and I feel the proposed legislation is worth supporting.

I am also very concerned that an equal amount of effort is not being put forth to support a strong educational preventative drug abuse program throughout the country. I understand that one million dollars would provide the development costs for a good preventative educational package that could be implemented in each state at the elementary and junior high levels. I believe very strongly in the advantage of preventative strategy over rehabilitation strategy.

While your proposed legislation is necessary because too little attention has been difected toward perventative strategy for potential heroin users. I would urge you to consider an equal effort on the part of educational programs.

Thank you for asking me to express my views on this important piece of proposed legislation.

Sincerely,

MIKE O'CALLAGHAN,
Governor of Nevada.

COLUMBUS, OHIO,
February 3, 1972.

Hon. CLAUDE PEPPER,
Chairman, Select Committee on Crime,
Washington, D.C.

DEAR CONGRESSMAN PEPPER: I am privileged to have the opportunity to reply to your inquiry of December 29, 1971, regarding the needs of research into treatment programs capable of controlling and terminating heroin addiction. I offer to you the following suggestions pertinent to the topic under consideration by your committee.

(1) There exists a continuing need for long-term successful, truly rehabilitative treatment of heroin addiction. Such research should include intensive evaluation of the various social and psychiatric rehabilitative efforts which will allow a person to remain drug-free throughout the remainder of his lifetime. Coupled with this is a need for additional research to develop stabilization methods in addition to Methadone maintenance. Recently efforts have been expended toward a long-term "Methadone-like" substance which could be injected intramuscularly and will hold a person for several days, thus not requiring repetitive daily doses of Methadone. Such a drug in injectable form would also reduce the probability of Methadone reaching the black market. In general, there is a need for additional chemical substances which would serve as antagonists to heroin or would specifically remove the "craving" associated with heroin usage. Such drugs alone are not likely to prove a long-term answer to heroin addiction, but may be important in the stabilization phase pending the successful treatment and rehabilitation of the addict as suggested in the first portion of this letter.

(2) There remains a need for continued careful investigative study into the nature of heroin addiction and the determining factors which bear upon the ultimate variables pertinent to an individual addict. Social, interpersonal, cultural, racial and other variables should be intensively studied with a view toward early identification of the potential addict in order that preventive measures might be applied and/or such appropriate social, medical, or psychological programs as might be useful in preventing persons from reaching the stage of addiction as such.

(3) There is a continuing need for a resolution of the conflict over the relationship between Cannabis and the ultimate addiction to morphine derivatives. We believe that research directed toward this fundamental question would be of immense value and should receive high priority. The investigation of the long-term effects of Cannabis upon the individual in and of its own right also is deserving of considerably enhanced investigative activity. I am aware that Congress, through the National Institute of Mental Health has made funds available for this research, but every evaluation of the extent of the direction of such research programs would be appropriate.

Items 1 and 2 have been addressed in part by already authorized research. I believe substantial additional research must be conducted. The proposal by the Select Committee on Crime to allocate an additional 50 million dollars to fund research for pharmaceutical research on the treatment and cure of heroin addiction is commendable. In addition, I urge research into the other two problem areas cited above.

The people of the State of Ohio are deeply concerned about the inroads of addiction in our state. We estimate there may be between 30,000 and 40,000 addicts within the confines of Ohio. The Department of Mental Hygiene and Correction will be moving rapidly to establish additional treatment and rehabilitation programs, but I fear that we can offer but modest claims for the success of such program. I have recently appointed a Governor's Coordinating Council on Drug Abuse to develop basic policy recommendations for the Governor's Office relating to the prevention, treatment, and rehabilitation of drug offenders and the enforcement of appropriate legal sanctions against the drug abuser and/or the trafficer in drugs. This Committee will also attempt to integrate the education-information programs in the public schools and that presented to the public at large with the other efforts of Ohio to stem the rising tide of drug abuse.

You may be assured of my continued interest in the field of drug abuse. If I, my staff, or staff members of the various departments of State government in Ohio can be of any assistance to the Committee, you most assuredly may call upon us for any help we may be able to offer.

Sincerely yours,

JOHN J. GILLIGAN.

HONOLULU, HAWAII,
January 13, 1972.

Hon. CLAUDE PEPPER,
Chairman, Select Committee on Crime,
Washington, D.C.

DEAR REPRESENTATIVE PEPPER: This is in reply to your letter of December 29, 1971, forwarding the report of the Select Committee on Crime regarding a national research program to combat the heroin addiction crisis.

We in Hawaii share your concern about this difficult problem. The State of Hawaii has a methadone blockade program which is being operated by the local John Howard Association with partial support from State funds contracted for through our State Department of Health. The material presented in your Committee's report is in consonance with the views of our Department of Health physicians and other personnel who have been concerned with developing approaches to the problem of heroin addiction in Hawaii.

I would agree that present approaches to dealing with this problem are inadequate and that research along the lines your Committee has suggested is very much in order. I feel that your proposal to recommend federal funding in support of such research is most appropriate.

Aloha, and may the Almighty be with you and yours.

Sincerely,

JOHN A. BURNS.

SALT LAKE CITY, UTAH,
January 14, 1972.

Hon. CLAUDE PEPPER,
Chairman, Select Committee on Crime,
Washington, D.C.

DEAR CHAIRMAN PEPPER: The "National Research Program to Combat the Heroin Addiction Crisis" would receive support from our state. We have methadone programs in the state and realize the need for further research and experimentation in this important area.

We also feel that broader, more comprehensive research into the basic causes of heroin addiction and other drug abuse problems should be encouraged by the Federal government. This research would be aimed primarily at identifying sociological and psychological causes of our national crisis in drug addiction.

We would also support research into other drug free treatment approaches with heroin addiction, such as, therapeutic communities and new forms of therapeutic intervention.

We appreciate the opportunity to respond to your committee on this most important national problem and commend your committee for its interest in obtaining input from the states.

Sincerely yours,

CALVIN L. RAMPTON,
Governor.

BOISE, IDAHO,
January 5, 1972.

Hon. CLAUDE PEPPER,
Select Committee on Crime,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN PEPPER: I would like to take this opportunity to thank you for allowing me to comment upon your Select Committee on Crime program to combat the heroin addiction crisis.

I realize, as do others in my state, that there is an ever increasing problem of drug addiction across our land and I find the need for a new drug to combat the disease of heroin addiction most urgent.

I have found that in Idaho the problem

of heroin addiction is not as common as in other states. However, I consider any case of additition as being detrimental not only to the individual involved, but also to his local, state, and national government.

We are concerned, and would appreciate being kept up-to-date on further developments.

Sincerely,

Cecil D. Andrus,
Governor.

Columbia, S.C.,
January 24, 1972.

Hon. Claude Pepper,
Chairman, Select Committee on Crime,
Washington, D.C.

Dear Congressman Pepper: I am responding to your letter dated December 29th asking for my evaluation of your Committee's proposal for long range research geared toward developing alternatives to our present drug treatment programs. The heroin addiction problem has been given considerable attention in South Carolina, and we realize the need for such activity.

We have recently discussed and are continuing to develop a program which will allow our State to exercise strict control over the use of the drug methadone. I, personally, believe that methadone has a place at the present time in the treatment of heroin addiction. However, the possibility of indiscriminate prescription greatly concerns me, and we are prepared to address ourselves to this problem.

I have read your report and strongly endorse the proposed program. If we may be of any further assistance to you please do not hesitate to let us know.

Sincerely,

John C. West,
Governor.

Annapolis, Md.,
January 17, 1972.

Hon. Claude Pepper,
Chairman, Select Committee on Crime,
Washington, D.C.

Dear Chairman Pepper: Thank you for sending me a copy of your Committee's report on heroin addiction research.

I heartily concur in your recommendation to step up funding for research in this area. The problem is one of frightening dimensions and we desperately need solutions.

Since my expertise in this field is limited, I have asked the State Drug Abuse Administration to examine your report and forward to you their conclusions.

With kindest regards.

Sincerely,

Marvin Mandel,
Governor.

Richmond, Va.,
February 14, 1972.

Hon. Claude Pepper,
House of Representatives,
Washington, D.C.

Dear Senator Pepper: I support any worthwhile approach to alleviating drug addiction, and I have recommended legislation similar to that of your Committee which would authorize the necessary medical research to help in the treatment programs to control heroin addiction in Virginia.

As you are aware the most prevalent treatment now available to heroin addicts is methadone, a substitute drug but one which is also addictive and consequently subject to abuse. The problems of methadone abuse and/or addiction were recently called to my attention by the Virginia Council on Narcotics and Drug Abuse Control and we feel we have found ways to control many of them.

In Richmond, for example, a methadone program which is a pilot project, has operated for twenty consecutive months without incident of death or overdose. This project has had over 600 patients and keeps an active patient load of approximately 300 people. We use very close controls and some new innovative approaches in the dispensing of substitute drugs and in working with drug abusers. The legislation I have recommended to the General Assembly in the 1972 biennium would enact these controls on a statewide basis for all drug substitution programs and would give the Commonwealth adequate funding to expand these programs to offer their services throughout Virginia.

I have also recommended the expenditure of substantial State funds to assist in combatting drug abuse not only in the area of addiction, but also through education and the criminal justice system. I believe our drug abuse program must be broadly based, and it must touch all areas of need.

Best wishes.

Cordially,

Linwood Holton.

Cheyenne, Wyo.,
January 20, 1972.

Hon. Claude Pepper,
House of Representatives,
Washington, D.C.

Dear Congressman Pepper: Thank you for your letter of December 29, 1971 and the accompanying report of your Committee on the National Research Program to Combat the Heroin Addiction Crises.

The overall problem of drug addiction is a very real concern to me. The Wyoming Legislature recently passed a Uniform Controlled Substances Act which is being administered by the Wyoming Attorney General. Our State Health Department is working on the rehabilitative side of the program and our State Education Department is spearheading a preventive education program.

I don't believe that any of us have the answer to the drug problem but we are working on a coordinated approach and program of prevention thorugh law enforcement and education and rehabilitation of those who have already become victims of drug addiction.

We in Wyoming support your efforts to establish a National Research Program to Combat Heroin Addiction. With best wishes, I am

Sincerely yours,

Stan Hathaway.

MATZOH MAIL-IN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. Minish) is recognized for 5 minutes.

Mr. MINISH. Mr. Speaker, I rise to invite—nay, urge—our colleagues in the Congress to participate in a unique project sponsored by the New Jersey Anti-Defamation League of B'nai B'rith. It is a truly worthy cause and one in which Americans of all faiths and races should join, evoking as it does our national aspirations of life, liberty, and the pursuit of happiness for mankind.

The project conceived by the league calls for the mailing of 1-pound boxes of matzoh to the Soviet Ambassador in Washington on March 17. The matzoh mailing on March 17 will insure that arrival of all the boxes will be at approximately the same date, in advance of Passover, March 29. Mailing labels will be gladly supplied by Mr. Robert C. Kohler, regional director of the New Jersey regional office, Anti-Defamation League of B'nai B'rith, 24 Commerce Street, Newark, N.J. 07102; Market 3-6241. The label bears the inscription:

> This matzoh, the symbol of freedom for 3,200 years, now symbolizes hope for 3-million Jews of the Soviet Union, and reminds you that freedom-loving Americans stand with them in their struggle. Free the Prisoners—Let My People Go.

The project, which is described in detail in the following articles, is a symbolic protest against the harassment—and worse—of Soviet Jews. "Free the prisoners—let my people go"—is no idle slogan. The participation of Americans of all races and creeds in the project will not go unheeded by the Soviet authorities.

I should like to insert at this point in the Record two stories, dated February 3 and February 9, 1972, from the Newark Star Ledger, and an editorial from the Bergen-Record of February 7:

Matzoh "Mail-In" Proposed To Support Jews in Soviet Union

(By Ellice Gilmour)

New Jersey's Anti-Defamation League of B'nai B'rith has a dream.

It begins with thousands of boxes of matzoh piled up in Washington's Soviet embassy and culminates in an end to "the tyranny of imprisonment of 3 million Jews" in the USSR.

Yesterday the league took the first step towards realization of that dream as officials issued a plea to Jerseyans to mail one-pound boxes of matzoh—unleavened bread, the symbol of freedom to Jewish people—to Soviet Ambassador Anatoly Dobrynin in Washington.

"We are urging all Jews and non-Jews to join us in this symbolic protest to remind the Soviets that our brethren are not forgotten by us," said New Jersey Regional Director Robert C. Kohler in issuing the plea.

The group is asking residents to mail the matzoh on March 17 so that arrival of all the boxes will be at approximately the same date. Expected arrival would be sometime before Passover, March 29.

Passover commemorates the Jews' flight from Egyptian bondage some 3,200 years ago. Matzoh was the unleavened bread the people ate as they fled their oppressors.

The league is issuing suggested labels that read:

"This matzoh, the symbol of freedom for 3,200 years, now symbolizes hope for 3 million Jews of the Soviet Union, and reminds you that freedom-loving Americans stand with them in their struggle.

They have requested all boxes be marked with the slogan "Free the Prisoners—Let My People Go."

The league said they expect full cooperation from Jerseyans because "we know people sympathize with the plight of Soviet Jews, but they do not know how to express this. Not many people will march at the Russian embassy, but they will spend 50 cents for a box of matzoh."

"Our far-reaching goals are to free Jewish prisoners who have been incarcerated on trumped-up chargse and see that Jews are free to leave the Soviet Union for Israel," said Joseph Katz, vice chairman, "But immediately we want to effect an outpouring of American sentiment so that when Nixon visits the Soviet Union they will know this is top priority."

Kohler did not feel this action would promote additional harassment of Soviet Jews, but, he said, that was always a chance.

"An ostrich never got anywhere," he commented. "We must act."

In making the plea, the league issued formal denunciation of militant action for the cause of Soviet Jewry, specifically singling out the Jewish Defense League.

The league will request the matzoh be forwarded to Soviet Union for distribution and, if the embassy will not supply the flight, the league will.

"If the plane is supplied by us, it will carry the slogan 'Free the Prisoners—Let My People Go'," Katz said.

The possibility that the matzohs will not be accepted by the embassy remains.

In the event this happens the league has arranged for trucks to pick up the boxes for distribution to hospitals, old-age homes and charities in the Washington area.

The mailing address for the boxes is:

Ambassador Anatoly Dobrynin, Embassy of the U.S.S.R., 1706 18th Street NW., Washington, D.C. 20009.

CHURCH COUNCIL IN JERSEY JOINS MATZOH "MAIL-IN"

(By Ellice Gilmour)

The New Jersey Council of Churches, which has a membership of 3,000 congregations representing 11 denominations, has joined its "Jewish brothers and sisters in behalf of all the world's oppressed people" in the recently launched "Matzoh of Hope" project.

Sponsored by New Jersey's Anti-Defamation League of B'nai B'rith, the campaign asks persons of all faiths to mail boxes of matzoh, marked clearly with the words "Free the Prisoners—Let My People Go," to the Soviet ambassador in Washington on March 17.

The idea is to flood the embassy office with the unleavened bread—the symbol of freedom to Jewish people—during the week which precedes both Passover and the Christian holy week.

The project was launched with the ultimate goal of freeing Jewish prisoners now held in Soviet prisons on "trumped-up charges" and to see that Jews are free to leave the country to live in Israel, or in the country of their choice.

In endorsing the project and announcing plans to send leaflets explaning it to its 3,000 members, Rev. Paul Staag, president of the council, said he hoped the membership would pick up the drive on the local level by holding matzoh wrapping sessions and joining synagogues in marches to post offices to mail the boxes.

"We're glad to join in this rather creative opportunity to cry out against oppression, which we deplore whether it be against the black or hispanic people of this country or the Jewish people of the Soviet Union," Staag said.

The sponsors have timed the project so that arrival will come in time for Passover. Mar. 29, which commemorates the Hebrews' flight from Egyptian bondage.

The league is issuing labels that read:

"This matzoh, the symbol of freedom for 3,200 years, now symbolizes hope for 3 million Jews of the Soviet Union and reminds you that freedom-loving Americans stand with them in their struggle."

The league plans to request the matzoh be forwarded to Jews in the Soviet Union and, if the embassy will not provide transportation, they say they will get their own planes.

"If we fly them in, the plane will carry the slogan "Free the Prisoners—Let My People Go," a league representative said in making the announcement.

The possibility the embassy will not accept delivery has been considered and the league has volunteer trucks standing by to deliver the matzoh to orphanages, old age homes, hospitals and charities in the Washington area if need be.

The mailing address for the boxes is:

Ambassador Anatoly Dobrynin, Embassy of the U.S.S.R., 1706 18th St., N.W., Washington, DC 20009

MATZOH TO MR. DOBRYNIN

An ingenious gadget for applying political pressure has been invented in New Jersey, mother of so many technological breakthroughs, by the Anti-Defamation League of B'nai B'rith. It has appealed to Jerseymen to mail one-pound boxes of matzoh—the unleavened bread of the Passover and the exodus to freedom—to the Soviet Russian ambassador in Washington. The league is distributing labels that will explain to Ambassador Dobrynin:

"This matzoh, the symbol of freedom for 3,200 years, now symbolizes hope for three million Jews of the Soviet Union and reminds you that freedom-loving Americans stand with them in their struggle."

"Free the Prisoners—Let My People Go!" is another legend ADL organizers ask Jews and non-Jews to affix to the packages.

The ADL is laboring under no delusion that the people in the Kremlin, staggered on learning that folks in New Jersey feel so strongly about post-Czar anti-Semitism, will reconsider their imprisonment of Jews in state prisons or in the prison that is Russia itself. The pressure is not on Brezhnev and Kosygin. It is on President Nixon, who will understand the meaning of the matzoh though Dobrynin doesn't—and who in due time will have a chance to mention the subject to his opposite numbers at summit No. 2.

No harm can be done. If Dobrynin won't fly the matzoh to Russia for distribution, the ADL, will offer its own plane. If it can't get clearance for its plane it will distribute the matzoth to hospitals, old-age homes, and charities in and around Washington. The Kremlin may little note or long remember. United States officials in the White House and the Department of State might be impressed if the product is impressive. Ambassador Anatoly Dobrynin's mailing address is the Embassy of the U.S.S.R., 1706 18th St. NW., Washington, D.C., 20009.

CENTENNIAL CELEBRATION OF HOLBROOK, MASS.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 5 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, I want to share with my colleagues in the House some of the press reports of the 100th anniversary celebration of the town of Holbrook, Mass., on February 29. Also, because of the importance of the town as the original shoe city of Massachusetts and the various changes in fortune which have befallen it since then, I thought the Members of the House would find particularly interesting my comments delivered on that occasion as they relate to the situation currently prevailing in the Greater Brockton area. The future prosperity of hundreds of areas such as this throughout the country depend upon what action Congress will take in reforming its current trade policies.

The reports follow:

REMARKS OF CONGRESSMAN JAMES A. BURKE BEFORE THE TOWN OF HOLBROOK ON THE OCCASION OF THE TOWN'S 100TH CENTENNIAL CELEBRATION

Members of the board of selectmen, distinguished members of the School Committee, reverend clergy, ladies and gentlemen, my good friends of Holbrook. I do not think there is anything which quite pleases a public official as much as the thought that he is playing a role in history, a part of history in the making. Now, historic occasions are not all that easy to come by. Consequently, I was most honored and deeply touched when I received the invitation from the chairman of your board of selectmen to be the principal speaker on this most festive occasion. The banquet celebrating the 100th anniversary of the town of Holbrook. Today, exactly 100 years ago, the governor of the commonwealth signed into law the bill creating the town of Holbrook after an intensive and oftentimes disappointing campaign by the residents of what then was East Randolph to have an identity of their own.

Countless individuals contributed no small amount of energy into making Holbrook the great town that it is today, the overwhelming majority of whom were not powerful, rich, or famous, but rather hardworking, earnest citizens endowed with a tremendous pride in their community. Probably the most famous man associated with the town in its history is the gentleman whose name the town bears; and yet, if I may make the suggestion, it probably was the town which made his name so well known rather than the other way around. Elisha Holbrook, in his civic-mindedness, in his willingness to part with fortune and risk his reputation demonstrated the sort of total commitment to a cause which more and more today we are coming to appreciate: a dedication to civic betterment, a commitment to government at the local level with active community participation and a willingness to part with some of one's resources in order to make the local community a better place in which to work and live. Holbrook never lived to see his dream come true. As a matter of fact, even before the town was given its charter, rumors circulated to the effect that Holbrook's generous offer of $50,000 to get the town started on its way was predicated on the town being named after him. Historians, however, then and since have denied this was the cause, but I mention it because I think it so well illustrates the risks anyone getting involved in community affairs is running. There will always be rumors and those who see nothing but selfishness and ambition in even the most civic-minded gestures and dedication to the public good. That has been one of the prices men have paid since time immemorial for taking an active role in the body politic. Holbrook apparently was no exception.

The feeling of history in the making may possibly have been underscored at the time of the town's inception by the fact that one, John Adams, the grand nephew of the great John Adams, played an important role in the fight which led to incorporation and served on the town's first board of selectmen in 1872. His participation served to underscore the continuing tradition of involvement in local affairs by members of the Adams family in these here parts. His grandfather, John Adams' brother, Captain Elihu Adams commanded a company of Minutemen from here and in fact, was one of those who gave their lives for the colonies during the seige of Boston by the British. I, myself, as Holbrook's Congressman in Washington occupy the seat represented on several occasions by one Adams or another, at one stage of Holbrook's history or another.

However, aside from one or two families such as Holbrook or Adams, this speech is not going to be too much of a "let us praise famous men" speech. The fact is that the town has grown and prospered over the past 100 years because of the efforts of many too numerous to mention and too humble to be famous. One or two people cannot take all the credit in the case of this town, and that is probably the way it should be anyway. In any event, this suits my purposes very well this evening. One-hundreth anniversaries are tailormade opportunities for reflecting on the accomplishments of the past and gaining inspirations for the future. As I see it, the town of Holbrook in common with the rest of the 11th Congressional District and indeed Massachusetts and New England is at a crossroad in history which requires our full attention. In particular, Holbrook and the 11th District and Massachusetts and New England are at an important crossroad in the area's economic history, testing whether this town or this area or this region of the Nation can continue to engage in productive employment. In reviewing the past of Holbrook in an effort to get ideas for the future, I discovered that to some extent the problems we face today are familiar ones to this town. You have been living with some of the problems affecting the surrounding communities almost from your inception, 100 years ago. I found that this town is no stranger to unemployment and what can happen when plants close down and workers lose their jobs. During the Civil War, four major establishments were engaged in turning out thousands of pairs of shoes for the U.S. Government. Business continued to prosper long after the war was finished. By 1878, after you were incorporated, 18 firms were engaged in this business; by 1883 total boot and shoe shipments from Holbrook amounted to 75,826 cases—no small accomplishment for that time. This was then for the first decade of its existence, a prosperous thriving community with plenty of work for everyone and a nationwide market for its handiwork. In fact, you could say that the town was born under the most auspicious of circumstances—almost with a silver spoon in its mouth. And then, troubles began to appear on the horizon as competition from another town appeared—ironically with a major assist from a native of this town, a Micah Faxon, who bears the dubious honor as far as Holbrook is concerned, as the first person to set up a manufacturing shop in the city of Brockton.

By 1910, according to the town's historian, Holbrook's great era of industrial activity ceased to exist. Aside from taking perhaps some satisfaction in giving birth to one of the great industries in New England, the leather and footwear industry, there was little else left for Holbrook to do as workers looked to Brockton for employment and increasingly the town became little more than a bedroom community for industry in surrounding cities and towns.

Now, I spend time dwelling on this aspect of the town's history not because I wanted to bring up such unpleasant subjects on such a happy occasion, but because there are important warnings for all of us in what happened to Holbrook in the past. Fortunately for this town it made the adjustment to the loss of industry. After some time and as transportation improved, its residents were able to find work elsewhere. But, make no mistake about it, this process was not without its painful readjustment and the town was lucky in that Brockton was reasonably close and could use for a long time its skills in shoe manufacturing. But today, what happened in your town over 50 years ago is already underway with a vengeance in other communities close by. The city of Brockton, which took over from this town and went on to become the shoe capital of the country, and a vital source of much of the economic health in this area, has been going through a difficult period of late, with numerous shoe plants closing their doors, workers increasingly unemployed, exhausting their unemployment benefits and turning to welfare. New industries which were supposed to be the salvation of the future which sprang up around Boston after the last war and during the Korean conflict, too, have fallen on hard times. The electronics industry, the data processing and computer industries, whether defense, N.A.S.A. or privately oriented, have all experienced days of famine. The result is that route 128, in former times pointed to with pride as Massachusetts' showcase of the future, is now a disaster area, in many respects, of high unemployment which cuts across the board, affecting as it does not only the blue collar workers but high salaried, highly educated white collar workers as well.

To some extent, some of the difficulties we are experiencing lately result from the general economic slow down affecting our whole economy from coast to coast. Thousands of workers are out of jobs in every state in the union. However, if that were the case the solution to our problem might not be too long in coming. Eventually everyone knows the national economy will have to recover and experience an upturn. What bothers me and many others familiar with the situation in Massachusetts—in Brockton, in Avon, in Randolph, in Holbrook, in Boston—is that we were in trouble before the rest of the economy and our trouble seems to be more deep-rooted than the general economic slow-down the whole country is experiencing. I know this town will understand what I am saying when I say that New England is probably the oldest region in the country and was the first to experience the industrial revolution. This town does not have to look to the textile mills of John Slater in Rhode Island to know what an industrial revolution is all about. Around 1800 one of your townsmen erected the first shop in America for the manufacture of machine made nails.

In 1838, another one of your townsmen, Captain Ezra Thayer, was the first in the nation to manufacture leather shoe strings. It was in this town that boots were first machine stitched, one of the first commercial applications of the then new sewing machine. Advances like this played a vital role in giving New England a head start in this country's industrialization. As this town so well knows, however, being in on the ground floor sometimes can turn out to be a disadvantage as other cities and towns come along with newer plants, more modern equipment, and, in the case of the south, lower taxes and little in the way of labor legislation.

What we are confronted with today in New England and in the Nation increasingly, is not, however, just competition from the city down the road, like Brockton or Randolph, in days of old. In fact, New England's big problem is no longer competition from cheap southern labor and hardly any taxes down south. Today our problem is coming from overseas. It is foreign factories which are flooding our domestic markets with shoes produced at unbelievably low wages, with textiles produced at even lower wages and with electrical and technical equipment produced at practically slave wages. Whether these foreign manufacturers are American owned or foreign owned, the point remains that plant after plant in this country is discovering it just cannot compete with such wages. What is happening, therefore, is that this area with such a heavy stake in the textile, leather goods, and electrical industries is being confronted with a continuing national trend toward increased imports and reduced exports. Unlike the situation this town experienced and Massachusetts experienced when the textile mills moved to the south, we cannot even take comfort in the fact that at least some other section of the country is prospering and raising their standard of living which in turn will make us a healthier national economy. What we are witnessing is the loss of jobs overseas. All of us, I am sure, knew of textile workers and shoe workers who went out west or down south in search of jobs when things got tough after the war, but these people cannot go to Europe or Asia in search of these jobs. That is why I have said all along that the economists that advocate that this country should do nothing to protect its workers, spend time to encourage new industries to take the place of old ones are victims of an attitude that made sense perhaps 20 or 30 years ago, but no longer has much relevance to what is going on today. It is all well and good to tell someone across the street to wait and some other job might turn up in the future. It is a different story when your job has been phased out and your plant is closed down. What industries are we waiting for to take the place of the ones closed down? The electronics industry was supposed to be the new hope for Massachusetts and the Nation, the newest industry to come along in years.

In a matter of years, the orientals have proven that they can catch up very quickly, especially when Americans companies are willing to report the necessary machinery and capital goods and money to get them started. What they have and we will never have, of course, is cheap foreign labor and I mean cheap. We are not talking about a 25¢ wage difference, we are talking about child labor, women working seven days a week, wages of 15 to 20¢ an hour. Why, you would have to repeal the child labor law, return to the sweat shop and the 8 day work week in this country. In other words, wipe out the achievements of the past 50 years in order to meet this kind of competition. I do not think any American manufacturer or worker who seriously examines the competitive situation today can help but conclude that something must be done and done soon to change this Nation's whole trade policy.

Now, I did not come up here tonight to use the occasion of your 100th anniversary to push for any piece legislation. All I am trying to do in filing my bill is to get the attention of the administration, the Commerce Department, and the Tariff Commission and the multinational corporations who act as if there are no problems at home and that they can look forward to years of free trade and business as usual. The longer it takes for these people to realize that we do not have free trade today, that what we have today is a one-way street with all the foreign imports coming this way and the only thing being sold overseas machinery and heavy equipment to get new factories started up overseas to compete with ours. The sooner they realize the tremendous maize of restrictions and barriers to our exports in practically every foreign country we do business in—the sooner they realize that this country just cannot afford to become a totally service-oriented economy, selling life insurance policies to each other, then the sooner something will be done and the medicine will not have to be as strong as it will be if we wait much longer. I am a free trader by nature and by training, but I am also a realist who senses that something is seriously wrong with our economy today. I am also the Congressman who is representing the 11th Congressional District from Massachusetts which includes towns like Holbrook, Randolph, Avon, Whitman and Abington, as well as cities like Quincy, Brockton, and Boston, all of whom have been hard hit by increasing unemployment and closing down of plants. I cannot ignore my mail and the agonizing pleas of the unemployed shoe workers, electronics workers, technical workers, textile workers—none of whom have much confidence in the future if things are allowed to continue as they are. I think it is time we spend more money on updating plants in this country, instead of overseas and attempt to regulate the avalanche of imports pouring into our economy, before many more months of balance of trade deficits go by. It is all well and good to be a residential community and Holbrook has prospered in this role for much of its past, but all residential communities, when you come right down to it, depend on a healthy area economy. Right now, we are at a turning point which will determine how prosperous our next 100 years will be. When you read, then, of some of the statements in the papers, in the weeks and months ahead about this trade controversy, I hope that you will remember some of the past of your own town and some of what I have told you tonight. If I were not alive to the problems we are facing and doing my part to call the Nation's attention to them, then I would not want to be this town's representative in

Washington as you begin your second century as a community.

HOLBROOK'S 25TH BIRTHDAY SWINGS HUNDREDFOLD

Holbrook is a Leap Year baby and like all babies born on Feb. 29, it only gets a chance to celebrate its birthdate every four years.

So, when 500 residents gathered at the high school last night for the town's 100th anniversary—and simultaneous 25th birthday party—they did it with four times the enthusiasm.

How does a town feel about being "born" on Leap Year Day? Maybe the same way Holbrook-born Mrs. Charlotte Miles feels.

"As a child I resented being born on Feb. 29, but now I don't feel so old," said Mrs. Miles. She celebrated her 12th birthday last night.

Holbrook was incorporated in 1872 but citizens have only been able to throw 25 parties. Because of this, however, residents have learned to make the most of them.

"We really whooped it up," said Frank McGaughey, chairman of the Board of Selectmen. "The people of Holbrook are proud of their town and they show it."

Town historian Wesley Cote traced the town's history from the days when it was a part of Braintree and Randolph and a shoetown to its present status as a "fine residential community" and suburb of Boston.

Festively clad citizens swapped "Happy Birthday" greetings as young and old gathered to toast. A roast beef dinner was complete from fresh fruit slices to the assorted ice cream.

Guest speaker for the anniversary was U.S. Rep. James A. Burke of the 11th Congressional District.

HOLBROOK HAS 100TH BIRTHDAY PARTY

Holbrook . . . A gala banquet was held here last evening to celebrate its 100th anniversary.

Over 500 residents and invited guests were present at the high school to honor the town on this festive occasion.

Much of the credit for the outstanding dinner and entertainment must go to centennial chairman Charlotte Stanley and her chairman for this event, Mr. and Mrs. Arthur Moran.

The guest speaker was James Burke, Congressman for the town.

He offered congratulations and urged continual vigilance in continuing to make Holbrook a great town, in the face of many problems which the town has overcome in the past and might continue to bear in the future.

Many other dignitaries at the banquet included State Senator Arthur Tobin, D-Quincy, State Representative, Donald Laing, R-Braintree, who brought greetings from Gov. Sargent, Representative William Dignan, D-Braintree, who offered the congratulations of the General Court.

Barry Hannon, Register of Deeds; Bennett McLaughlin, Register of Probate and resident of the town; Mr. and Mrs. Frederick Lutz, Sen. Alan MacKinnon D-Weymouth; and representing Republican Senator Edward Brooke was Atty. Andrew Card. John Weaver of Holbrook read greetings from Sen. Edward Kennedy.

Wesley Cole, the town historian, gave a brief history of the town from its earliest settlers to its final incorporation.

The official opening for the banquet was given by Selectman John Spillane.

Father Charles B. Murphy of St. Joseph's Church gave the invocation and Rev. E. Robert Dickson the benediction.

Entertainment was supplied by Charles Dornan, a former Holbrook resident, who regaled townspeople with reminiscences of Holbrook as it was.

A rousing rendition of the Charles Sumner "fight song" was sung by the many graduates of that school.

References to movies at the town hall, trips to the Metropoltian Theatre, "Woofie" McPherson and his haircuts, trips home from Boston on the old train brought back fond memories of Holbrook "a few years back."

The creative art work, which transformed old postcards of a by-gone era, into giant-sized posters, was done by the art students of Robert Kindelan of the high school. Students who contributed special talents were Lynn Anastasio, Robert Peter, William Wash, Diane Persampieri, Rhonda Brownell, William Calhoun, Ruth Hayes, Claudia Koeppel, Marie Land, Terry Moores, and Joyce Maloney.

The decorations were supervised by Edith Bowers and Marie Baker.

The centennial week celebration will continue with three balls on Saturday evening. At that time a centennial queen will be chosen to reign over upcoming events.

MISSISSIPPI'S THIRD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. GRIFFIN) is recognized for 10 minutes.

Mr. GRIFFIN. Mr. Speaker, it has been my honor and privilege to serve as U.S. Representative from Mississippi's Third Congressional District for nearly 4 years. During that time, I have supported programs and policies, within the framework of our Constitution, that I felt to be beneficial to my district, State, and Nation.

The Third Congressional District of Mississippi is one of the most diversified in the United States. We are bounded on the west by the Mississippi River and on the east by the Pearl River with the exception of a portion of Walthall County, on the north by Madison, Yazoo, and Issaquena Counties; and on the south by the Louisiana line.

We have oil and gas production, dairy production, poultry, vegetables, grain, and cotton. We have delta, hills, and prairie. Forestry and forest products are prime industries. Financial and commercial services employ thousands.

In the 12 counties, we have plantations, family farms, ranches, and the largest urban center in Mississippi. Jackson, the State capital, is in our district.

The Third District has had a prominent place in the history of Mississippi and the South.

Adams County was the first Mississippi County to organize in the Mississippi Territory, in 1798, and was named for President John Adams.

Amite County was first organized in the Mississippi Territory in 1809, and was named for the Indian word which means "Friendly River."

Claiborne County was organized as a territorial county in 1802 and is named for William C. C. Claiborne, Territorial Governor of Mississippi.

Copiah County was formed in 1823, 6 years after Mississippi was admitted to the Union. It is named for the Indian name meaning "Calling Panther."

Franklin County was organized as a territorial county in 1809 and is named for Benjamin Franklin.

Hinds County was formed in 1821 and is named for Gen. Thomas Hinds, hero of the Battle of New Orleans.

Jefferson County, named for President Thomas Jefferson, was first organized in the Mississippi Territory in 1802.

Lincoln County was formed in 1870 and was named for Abraham Lincoln, our 16th President of the United States.

Pike County was organized in 1815 in the Mississippi Territory and was named for Gen. Zebulon Pike, an Army commander and explorer.

Walthall County is the youngest county in our district, having been formed in 1910. It is named for Edward C. Walthall, a Mississippi soldier and statesman.

Warren County was first organized in the Mississippi Territory in 1809. It is named for Joseph Warren, hero of the Revolutionary War.

Wilkinson County was first organized in the Mississippi Territory in 1802 and is named for Gen. James Wilkinson.

In these 12 counties in southwest Mississippi live many people whose ancestors settled in Mississippi during colonial times. Many others were born elsewhere, but have chosen to make their home and their life in this section of the great State of Mississippi. The 1970 census revealed that 444,704 persons live in the Third District. At this point in the RECORD, Mr. Speaker, I insert a population table by county, sex, race, and age.

1970 POPULATION CHARACTERISTICS, 3D CONGRESSIONAL DISTRICT, MISSISSIPPI [1]

County	Total	White		Negro		Both races	
		Male	Female	Male	Female	Age 18 and over	Median age
Adams	37,293	9,262	10,104	8,149	9,716	22,459	25.4
Amite	13,763	3,371	3,443	3,383	3,559	8,234	26.2
Claiborne	10,086	1,240	1,296	3,417	4,105	6,295	22.8
Copiah	24,749	5,900	6,398	5,899	6,538	15,367	26.4
Franklin	8,011	2,385	2,512	1,489	1,620	5,169	31.3
Hinds	214,973	61,915	68,677	39,204	44,860	134,984	24.9
Jefferson	9,295	1,106	1,190	3,341	3,655	5,320	22.5
Lincoln	26,198	8,789	9,349	3,793	4,242	16,690	28.0
Pike	31,756	8,492	9,411	6,581	7,246	19,410	28.4
Walthall	12,500	3,634	3,769	2,421	2,667	7,765	27.7
Warren	44,981	12,729	13,745	8,361	9,994	27,719	26.7
Wilkinson	11,099	1,748	1,840	3,602	3,897	6,499	24.1

[1] Sum of columns do not equal total column because races other than white and Negro are excluded.

The Census Bureau has classified our district's population as being 58.4 percent urban.

According to census figures, approximately 25,000 young persons 18 to 21 will be eligible to vote for the first time in this year's elections in the Third District. I am confident that these young people will exercise mature judgment in the voting booth after full study of the candidates and issues.

Mr. Speaker, at this point, I insert a table prepared by the Bureau of Census which reflects population, housing, and election statistics of the entire State of Mississippi and the Third Congressional District:

MISSISSIPPI—CONGRESSIONAL DISTRICT DATA, 92D CONGRESS

Item	State total	3d
POPULATION, 1970		
Total	2, 216, 912	444, 704
Percent change, 1960–70	1. 8	3. 8
Percent of State total	100. 0	20. 1
Per square mile	46. 8	62. 9
White	1, 393, 283	252, 305
Negro	815, 770	191, 739
Other	7, 859	660
Percent Negro and other	37. 2	43. 3
Male	1, 074, 217	210, 519
Female	1, 142, 695	234, 185
Urban	986, 642	259, 618
Percent of total	44. 5	58. 4
Rural	1, 230, 270	185, 086
Metropolitan	393, 488	214, 973
Inside central cities	243, 245	153, 968
Outside central cities	150, 243	61, 005
Nonmetropolitan	1, 823, 424	229, 731
Under 5 years	209, 606	40, 162
5 to 13 years	439, 255	88, 567
14 to 17 years	194, 906	39, 364
18 to 20 years	130, 180	25, 569
21 years and over	1, 242, 965	251, 042
21 to 24 years	132, 161	25, 496
25 to 34 years	242, 646	49, 463
35 to 44 years	223, 597	46, 965
45 to 64 years	422, 241	86, 204
65 years and over	222, 320	42, 914
Median age:		
Total population (years)	25. 1	25. 6
Voting age population (years)	46. 1	45. 8
Population in group quarters	57, 692	9, 114
Inmates of institutions	16, 307	2, 277
HOUSING, 1970		
All housing units	699, 150	141, 257
All year-round housing units [1]	697, 094	141, 152
Owner occupied	421, 900	86, 136
Percent of all occupied	66. 3	65. 9
Renter occupied	214, 824	44, 606
Lacking some or all plumbing facilities	169, 362	25, 299
Units with 1.01 or more persons per room	96, 344	18, 842
Value—owner occupied units:		
Less than $5,000	45, 808	7, 778
$5,000 to $9,999	78, 572	16, 806
$10,000 to $14,999	72, 873	18, 127
$15,000 to $19,999	45, 201	10, 757
$20,000 to $24,999	21, 547	5, 789
$25,000 to $34,999	16, 153	4, 722
$35,000 to $49,999	6, 624	1, 909
$50,000 or more	3, 311	1, 031
Median value	$11, 400	$12, 400
Contract rent—renter occupied units:		
Less than $60 per month	92, 379	21, 742
$60 to 99	32, 190	9, 160
$100 to $149	12, 748	3, 260
$150 to $199	3, 398	1, 451
$200 to $299	558	290
$300 or more	81	22
Median rent	(2)	(2)
ELECTIONS		
Vote cast for Representative, 1970	312, 357	79, 374
Democratic	269, 193	50, 527
Republican	28, 847	28, 847
Percent for party with most votes	86. 2	63. 7
Vote cast for Representative, 1968	448, 704	82, 896
Democratic	415, 021	82, 896
Republican	33, 683	0
Vote cast for Representative, 1966	382, 547	86, 595
Democratic	282, 574	71, 377
Republican	61, 514	0
Vote cast for Representative, 1964	361, 227	[3] 79, 798
Democratic	325, 950	[3] 79, 798
Republican	35, 277	0
Vote cast for President, 1968	654, 509	140, 979
Democratic	150, 644	41, 696
Republican	88, 516	22, 236
American independent	415, 349	77, 047
Percent for party with most votes	63. 5	54. 7
Vote for President, 1964	409, 146	89, 343
Democratic	52, 618	9, 605
Republican	356, 528	79, 738

[1] Includes vacant units intended for year-round occupancy.

[2] Less than $60.

[3] Data reflect party vote only: not comparable as vote cast for individual candidates. See test.

On November 19, 1971, I notified the residents of the Third District that I would not seek reelection in 1972. I arrived at the decision most reluctantly because I have always felt compelled by a sense of public duty.

In January of 1973, I shall return to Mississippi's Third Congressional District and expect to live there the remainder of my life.

We have an abundance of natural resources in our area. Our future is bright because the people of the Third District is its strongest resource. They live in mutual harmony and respect. They are hard-working, thrifty people—ever conscious of their precious heritage and ever desiring to make our world a better place to live.

While I admit prejudice, nonetheless I feel that the quality of life in Mississippi is unexcelled anywhere. We still enjoy a pollution-free environment, less crime than 48 other States in the Nation, and a rather leisurely pace of living.

In Mississippi, we also have social and economic problems which we are striving to solve. We will solve those problems so long as we maintain spiritual ideals and a determination to make progress together.

THE NATIONAL EDUCATIONAL OPPORTUNITIES ACT

(Mr. PREYER of North Carolina asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PREYER of North Carolina. Mr. Speaker, today, the distinguished gentleman from Arizona (Mr. UDALL) is joining with me in introducing the National Educational Opportunities Act.

The principal draftsman of this bill is Alexander Bickel, chancellor, Kent Professor of Law and Legal History at Yale University. Dr. Bickel has studied deeply and written widely on school problems.

The present bill should not be confused with an earlier bill, H.R. 16484, introduced in the 91st Congress. I also collaborated with Dr. Bickel on this bill. If H.R. 16484 had been enacted it may have defused some of our present school troubles. But the approach of H.R. 16484 has now been ruled out by the Swann case.

The present bill sets out a national legislative policy to improve and equalize the results of primary and secondary education and to encourage the elimination of racial isolation—the fundamental issues in education.

The time is now for Congress to speak out on what our national educational policy should be.

We are late in doing so. Walter Lippman has pointed out that the Brown decision in 1954 was right. But we went wrong when the President and Congress then left the problem with the courts, whereas that was when the President and Congress should have brought in a national program headed by the President and ratified by Congress for integration according to a certain plan. The idea of throwing everybody together in integrated schools without any idea of how it would work out, and who should do it except the courts, was "a very crude and irresponsible proceeding."

Congress has missed earlier opportunities to express legislatively a national education policy. But we now have what may be the most timely opportunity—and perhaps our last opportunity—to speak out on this subject. The time is at hand when substantially all school systems will, in compliance with the Constitution, have become unitary. All sections of the country are now on substantially the same footing as far as integrated schooling goes, the South as well as the North and West, and will be treated alike. We are now all in the same boat. We have moved from the issue in de jure cases of obedience to the Constitution as defined by the Court, to the issue in de facto cases of what our national policy should be, and whether the courts or the legislature should make it.

The desegregation of our school system—the elimination of all legal barriers to integrated schools—did not result automatically in integrated schools. The question facing us is how much further we should push to bring about integration in schools. The Supreme Court will soon rule on its first de facto case. No one knows what kind of national school policy it will announce until it speaks. Congress has a responsibility to speak now to express its views on such a national education policy before it is too late—before that national school policy is set by the Court alone.

Also affecting the timeliness of congressional action are the discussions of new approaches to school financing and substandard schools, with the likelihood of greatly increased Federal funding and more equalized spending among school districts. A legislative framework, a coordinated policy, is needed for this effort.

This, then, is the time for Congress to take the lead in setting out a national education policy. But at present, Congress is in disarray. We are approaching the problem in bits and pieces—by constitutional amendments, or by "antibusing" add-ons to education legislation. The object of most of these piecemeal efforts is to delay, restrain, reverse, or modify court action, rather than offering an alternative to court action.

It is not enough for Congress to express its anger at the courts; we must offer a better policy. We cannot just say, "We will stop busing." We must say, "Here is a better answer than busing." Most parents are against busing. Black parents have as strong a sense of neighborhood schools as whites. But many blacks feel that busing at the moment is the most effective way of providing minority groups with equal opportunities in education. The rationale for busing plans is, simply, that busing is alleged to be better than any alternative. We must offer the better alternative. One reason the courts have been so active in the educational field is that Congress has been so inactive. If we as a Congress and as a people do nothing, we virtually force the courts to order maximum racial balance—which means massive busing—as the final rule for the Nation.

The Supreme Court's present choice of an educational policy is maximum racial balance. In some areas—particularly in smaller towns with a relatively small minority population, and in rural areas—it may be the most effective way to provide minority and low income groups with equal opportunities in education. But certainly it should not be the only way permitted throughout the Nation, and usually it is not the most effective way. Racial balance per se does not necessarily improve anyone's education. The Coleman report is our only nationwide evidence on this point, and it carefully sets out the conditions necessary to make racial balance educationally effective. The hard fact is that the conditions of balance set out in the Coleman report are simply unobtainable in many areas of the country—specifically the large cities.

In other areas it is problematical if a proper racial balance can be achieved because of factors over which the courts have no control: As long as private schools are legal and residential mobility is permitted, the ideal racial balance keeps breaking down through resegregation. So that racial balance fails often to achieve its goals even after all the social costs are borne—the loss of the sense of community, the drain on political and administrative energies and funds. Rather than banging our heads against this rock of reality, and continually trying to attain the unattainable, should not we spend more resources and energy on alternative approaches? Neither Congress, the courts, nor anyone else know how to improve the education of black children and low income children. But we ought to try to find ways. The slender evidence of the Coleman report is not enough to justify our putting all our eggs in the one basket of racial balance, especially when we consider that: First, national racial balance is impossible, and second, there are other values conflicting with it. Many of our schools attended by low income and minority groups are inexclusably deprived—but the Coleman report is not enough evidence that racial balance is the only thing to do about it.

Rather than locking our school systems into a monolithic solution—racial balance—we should give society its head; we will work out some ways. We must allow the development of innovative and creative educational solutions to the problems of equal educational opportunities for minorities and low income groups. We must give black America a full range of choices, not cut off all options. For example, some blacks might prefer community controlled schools rather than being dispersed as a powerless percentage among all of the schools of a district. Why should not they have that choice?

The present bill provides no one final answer to our educational problems, but it provides for movement toward the answers.

The aim of this bill is to get a dialog going in this country as to the wisest choice of alternative means to reach the goal of a desegregated school system. It aims to reach the goal as far as possible through natural means and not contorted artificial means. It would be inducive and not coercive—though it would use both the stick and the carrot. It relies on the principle of voluntarism and citizen participation rather than having the Federal courts running our schools and imposing solutions. The hope inspiring it is that we can release the energies of local communities throughout this country to begin a series of innovative educational experiments directed at a common goal, so that when the Supreme Court addresses its fateful question of what a nationwide school policy should be it can say, in effect, "This is what we wanted you to do all along. We now declare victory. Go to it. You are on your own." This means that local communities must demonstrate good faith by a willingness to take meaningful steps. We must stop inviting by our own intransigence, such repugnant measures as busing. Only in this way can we put the divisive issue of race behind us once and for all, and redirect our energies to the real question—equal educational opportunities for all children.

The principal vehicle the bill uses to bring this about is a statewide federally sanctioned plan. Each State must within 2 years submit a plan aimed at carrying out the objectives of the act—basically, to improve and equalize educational results throughout the Nation; and to alleviate racial isolation. Federal financial assistance would vary not only in accordance with the population of a State, but in accordance with the number of minority families. Plans would be reviewable annually and would be geared to achieve their objectives in 10 years. Acceptable plans would include one or more of such features as magnet schools; educational parks; programs involving the joint participation of minority group and nonminority group children attending different schools, public or private, including extracurricular activities, and cooperative exchanges, etc.

Failure to produce a plan or to develop it annually in approved fashion would result in cutoff of title I and title III funds, and all other educational enrichment or desegregation assistance programs. It would not result in the cutoff of all Federal funds—such as school lunch programs, et cetera—but only of those funds specifically directed at educational enrichment or desegregation assistance.

Once plans have been approved, new Federal funds may be regularly appropriated for their implementation as they mature. In addition, all sums appropriated under the Elementary and Secondary Education Act of 1965, and all other Federal funds appropriated for educational enrichment or for desegregation assistance will be allotted to implement the approved plan. Thus, the present array of Federal programs scattered throughout various titles, would be coordinated through a systematic statewide plan.

Each plan is to be developed in consultation with local educational agencies—and the local advisory committee including parents of students—and the State advisory council.

A National Advisory Council, appointed by the President, would advise with the Secretary of Health, Education, and Welfare with respect to the development of criteria for the approval of plans, and review the operation of the plans.

The inducements for the States to submit an approved plan are: First, obtaining Federal funds, and second, ending court control of local schools.

The bill also includes:

First. A "majority transfer" provision which gives a student a right at the beginning of the school year to transfer from a school in which his race is in a majority to a school in which his race is in a minority, with transportation furnished. This is a first step and would result in siphoning off some students from inner city schools to the suburbs, thus relieving racial isolation. Experience indicates, however, that it would not result in any mass exodus.

Second. An "equalization of resources" provision which directs local educational agencies to eliminate disparities in educational practices between schools which result in unequal educational opportunities. Eight examples of such disparities are listed, such as comparative overcrowding of facilities, higher pupil-teacher ratios, provision of less student services, inadequate buildings, and so forth. This provision can be easily locked into any new tax law to provide a structure through which new financing plans for schools can be channeled to provide equal educational opportunities. Rather than the hit-or-miss system of each school district applying for grants, it would provide for a coordinated statewide program for the use of such funds.

In the long view of history it will be judged that our country has made a valiant and extraordinary effort in recent years to upgrade the education of the black man, to reduce racial isolation, and to integrate the black into our school system.

But the effort in its present form is failing. It is resulting, in our larger cities, in more segregated schools rather than less. It is causing a serious erosion of public support for our schools. Rather than moving us toward one society, it is condemning our children to insistent race consciousness and damaging our social fabric. Our school system is not working. It is increasingly alienated from parents who feel they are no longer in control of their children's education. The school situation is a major part of the general alienation of people from their institutions which is moving to the point where it can conceivably endanger our Republic.

The effort will succeed in the long run. America will not desert the goal of bringing the black man into the mainstream of our society. But we must, and I am convinced we will, find some alternative ways of doing it that are less destructive to education and our social fabric than our present system of racial balance carried out by massive busing. This bill offers an alternative to that system. The bill follows:

H.R. 13552

A bill to provide for affording equal educational opportunities for students in the Nation's elementary and secondary schools

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Educational Opportunities Act."

STATEMENT OF FINDINGS

SEC. 2. The Congress finds that—

(a) The time is at hand when substantially all school systems administered or directed by local educational agencies will, in compliance with the Constitution, have become unitary.

(b) As the demography of the Nation continues to change, local educational agencies are not required by the Constitution to make year-by-year adjustments of the racial composition of student bodies, once the affirmative duty to desegregate has been fulfilled and racial discrimination through official action in public schools has been eliminated. In the absence of a showing that either a local educational agency or another agency of a State has deliberately attempted to fix or alter demographic patterns to affect the racial composition of the schools, further Federal intervention to secure performance of the affirmative Constitutional duty to desegregate is not called for.

(c) Throughout the Nation inequality in education opportunity persists for children from minority groups and from low-income families, and the educational results achieved with such children are often below the results achieved with children from other racial and socio-economic backgrounds.

(d) Throughout the Nation minority group children and children from low-income families are often concentrated in schools in which they form a majority of the student population.

PURPOSE

SEC. 3. It is the purpose of this Act:

(a) To improve and to equalize the results achieved by elementary and secondary education throughout the Nation.

(b) To encourage, where possible consistently with the objectives stated in subsection (a) of this section, the elimination of the concentration of children from minority groups and low-income families in certain schools.

(c) To prevent, when possible consistently with the objectives stated in subsection (a) of this section, the resegregation of schools after desegregation has been achieved.

(d) To eliminate any educational ill effects resulting from the concentration of children from minority groups and from low-income families in schools where such concentration persists.

TITLE I—LOCAL RIGHTS AND RESPONSIBILITIES

RIGHT TO TRANSFER

SEC. 101. (a) (1) Subject to paragraph (2), any student in any public school shall have the right, at the beginning of any school year, to transfer from a school to which he has been assigned or would in the regular course be assigned and in which his race is in a majority to a school in which his race is in a minority, if the school to which transfer is requested offers education in the grade equivalent to that from which the student transfers.

(2) A local educational agency may postpone a student's privilege to exercise the right granted by subsection (a) for a reasonable period of time while the most rapid feasible effective measures are taken to alleviate conditions of overcrowding in the school to which transfer is requested.

(b) Transportation which may be required to effectuate the right of transfer under this section shall be provided by the local educational agency.

(c) Any person or persons alleging that the right established in subsections (a) and (b) of this section has beeen denied to him or her individually or to a class of which he or she is a member, or the Attorney General, if he has reasonable cause to believe that any person or class of persons have been denied such right, may bring a civil action in the appropriate district court of the United States for equitable relief, including an application for a permanent or temporary injunction, or other order.

(d) In any action commenced under this section, the court may allow the moving party or parties, other than the United States, a reasonable attorney's fee as part of the costs, if such party or parties prevail in the action. Where the prevailing party is the defendant, the court may allow such prevailing party a reasonable attorney's fee as part of the cost upon a finding that the proceedings were unnecessary to bring about compliance.

EQUAL EDUCATIONAL OPPORTUNITIES

SEC. 102. (a) Where children from minority groups are concentrated in certain schools, local educational agencies shall insure that these students are not denied equal educational opportunities by practices which are less favorable for educational advancement than the practices at schools attended primarily by students of any other race, color, or national origin. Examples of disparities between such schools which may constitute a denial of equal educational opportunities include—

(1) comparative overcrowding of classes, facilities, and activities;

(2) assignment of fewer or less qualified teachers and other professional staff;

(3) provision of less adequate curriculums and extra-curricular activities or less adequate opportunities to take advantage of the available activities and services;

(4) provision of less adequate student services such as guidance and counseling, job placement, vocational training, medical services, remedial work;

(5) assigning heavier teaching and other professional assignments to school staff;

(6) maintenance of higher pupil-teacher ratios;

(7) provision of facilities (classrooms, libraries, laboratories, cafeterias, athletic, and extra-curricular facilities), instructional equipment and supplies, and textbooks in a comparatively insufficent quantity.

(8) provision of building, facilities, instructional equipment and supplies, and textbooks which, comparatively, are poorly maintained, outdated, temporary, or otherwise inadequate.

(b) No local educational agency shall adopt any policy or measure which is intended to achieve the separation of children on the basis of race, and has that effect.

(c) The Secretary shall issue regulations further setting forth measures to be taken by local educational agencies to come into compliance with this section.

LAWSUITS

SEC. 103 (a) Any person or persons alleging, or the Attorney General if he has reasonable cause to believe, that any policy or measure of a local educational agency violates section 102 of this Act, may bring a civil action in the appropriate United States district court for equitable relief, including an application for a permanent or temporary injunction, or other order. If the court finds that such policy or measure exists, it shall order the rescinding of such policy or measure, and shall order affirmative action to be taken to cure present effects caused by such policy or measure.

(b) In any action commenced under this section, the court may allow the moving party, other than the United States, a reasonable attorney's fee as part of the costs, if such party or parties prevail in the action. Where the prevailing party is the defendant, the court may allow such prevailing party a reasonable attorney's fee as part of the cost upon a finding that the proceedings were unnecessary to bring about compliance.

(c) Any policy or measure which violates section 102 shall also be deemed to constitute a violation of section 601 of the Civil Rights Act of 1964, whether or not a civil action with respect to such violation has been brought under this section.

TITLE II—STATE RESPONSIBILITIES

STATE PLAN

SEC. 201. (a) Each State shall prepare and submit to the Secretary for his approval, in accordance with regulations issued by him a plan to carry out the purpose of this Act as stated in section 3.

(b) The plans of Virginia and Maryland shall take account of the areas of the District of Columbia nearest to each and shall be worked out in consultation with the local educational agency of the District of Columbia.

ADVISORY COUNCILS AND COMMITTEES

SEC. 202. The plan submitted by each State shall provide for—

(a) the establishment of a State Advisory council which shall be appointed by the Governor and which shall—

(1) include as members businessmen, educators, parents, and representatives of the general public, and shall be so constituted that parents of children attending public schools constitute at least a majority of such membership, and that parents of children from minority groups are represented in an approximately proportionate number to the number of minority group children in the school age population of the State;

(2) advise the State educational agency on the development of and policy matters arising in the administration of the State plan submitted pursuant to this title; and

(3) prepare and submit through the State educational agency to the Secretary an annual evaluation report accompanied by such additional comments of the State agency as is deems appropriate, which evaluates the progress made in that year by the State in achieving the purpose of this Act; and

(b) the establishment of local advisory committees which shall—

(1) include as members parents of children attending public schools, and shall be so constituted that parents of children from minority groups are represented in an approximately proportionate number to the number of minority group children in the school age population of the local educational agency; and

(2) advise the local educational agency on its participation in the State plan.

PROVISIONS OF THE PLAN

SEC. 203. The plan submitted by each State shall—

(a) be submitted to the Secretary by June 30, 1973;

(b) be developed in consultation with local educational agencies and the State advisory council;

(a)(1) define goals consistent with the purpose of this Act as set forth in Section 3 and provide for attaining such goals by a date approved by the Secretary, but in no event later than August 30, 1983;

(2) include specific means for attaining such goals, which means may include such features as:

(A) drawing children from the core city into outlying suburban schools;

(B) redrawing zone boundaries, pairing and clustering schools, establishing educational parks and magnet schools;

(C) providing professional and paraprofessional staff for guidance, counseling and special services to minority group children in new environments to which they may be assigned or may have transferred;

(D) expanding or altering facilities to accommodate students transferred to new schools;

(E) public education efforts and other community activities in support of new plans, programs, or projects:

(F) work study programs for junior high school and high school children in need of financial assistance to complete their education;

(G) developing and implementing interracial education programs and projects involving the joint participation of minority group and non-minority group children attending different schools, public or private, including extracurricular activities and cooperative exchanges or other arrangements between schools within the same or different school districts;

(H) remedial and other services to meet the special needs of underachieving children, including development and employment of new instructional techniques and materials.

(I) decentralization and diversification of clusters of public schools under community control, but only upon decision by majority vote in the community, and only if the principle of voluntarism is observed so that communities are self-defining, and families that do not wish to form part of a community control system are supported in transferring their children out;

(J) tuition voucher projects for use in public and private non-profit schools.

(d) assure that in each year of operation of the plan substantial progress will be made toward meeting the purpose of the Act;

(e) specify how additional State financial assistance will be made available to local educational agencies undergoing desegregation pursuant to a court order, a plan approved in accordance with title VI of the Civil Rights Act of 1964, or an order issued by a State agency or official of competent jurisdiction;

(f) specify how programs now funded under the Elementary and Secondary Education Act of 1965, or any other Federally funded program for educational enrichment or desegregation assistance, are fitted into and coordinated with operation of the plan.

(g) specify the procedures to be used by the State educational agency in coordinating the efforts of the local educational agencies desegregating (as specified in subsection (e) or voluntarily integrating).

(h) specify what procedures will be used by the State educational agency to assume control (after proper notice and an administrative hearing) of local educational agencies where the State agency finds a clear and systematic pattern of the downgrading of public education by the local educational agency.

(i) specify what procedures will be used by the State educational agency for involving on an equitable basis children enrolled in private nonprofit schools in the programs funded under this Act to the extent that their participation will assist in achieving the purpose of the Act; and

(j) assure that the State educational agency will require each local educational agency to report to it annually on its implementation of the State plan, and that the State agency will report annually to the Secretary on the State's overall implementation of its plan.

GRANTS

SEC. 204. (a)(1) There are authorized to be appropriated for carrying out this title not in excess of $100,000,000 for fiscal year 1973, and not in excess of $500,000,000 for fiscal year 1974, and each fiscal year thereafter.

(2) The Secretary shall allot 80 per centum of the sums appropriated under paragraph (1) for a fiscal year among the States so that the amount allotted to each State bears the same ratio to such 80 per centum of such sums as the aggregate number of minority group children aged 5–17, inclusive, in such State bears to the aggregate number of such children in all the States.

(b) From the sum allotted to each State for fiscal year 1973, the Secretary may make a planning grant to the State educational agency and supplementary planning grants to other public and private agencies assisting the State agency, to enable such State to prepare, and prepare for carrying out, its State plan.

(c) From the sum allotted to each State for fiscal year 1974, and each succeeding fiscal year, the Secretary may make grants to the State educational agency for programs to implement the approved State plan.

(d) All sums appropriated under the Elementary and Secondary Education Act of 1965, and all other Federal funds appropriated under programs for educational enrichment or for desegregation assistance shall be allotted to implement the approved plan.

(e) From the 20 per centum of the appropriations under subsection (a)(1) not allotted among the States pursuant to subsection (a)(2) for a fiscal year, the Secretary may make grants to, or contracts with, any public or private agencies which may assist in achieving the purpose of this Act.

(f) No funds granted under this title may be used to supplant State or local educational funds being expended, or that would have been expended, absent the grant, in or for public schools or to assist any private school directly.

ADMINISTRATION OF GRANTS

SEC. 205. (a) The Secretary shall approve any State plan which meets the requirements of section 203, and shall not finally disapprove any such plan without first affording the agency administering the plan reasonable notice and an opportunity for a hearing.

(b) Whenever the Secretary, after reasonable notice and opportunity for a hearing—

(1) Disapproves a plan pursuant to subsection (a) or,

(2) Finds:

(i) that no plan has been submitted by a State

(ii) that a State plan approved under subsection (a) has been so changed that it no longer complies with the requirements of section 203.

(iii) that in the administration of such a plan there is a failure to comply substantially with any such provisions, or

(iv) that a grantee is in violation of section 204(f), the Secretary shall notify the grantee that further payments will not be made to the grantee under this title, under title I of the Elementary and Secondary Education Act of 1965, or under title III of the Elementary and Secondary Education Act of 1965 or any other educational enrichment or desegregation assistance program (or, in his discretion, that further payments will be limited to grantees or programs not affected by the failure) until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, the Secretary shall make no further payments under such titles (or shall limit payments to grantees or programs not affected by the failure).

JUDICIAL REVIEW

SEC. 206. (a) If any State is dissatisfied with the Secretary's final action with respect to the approval of its State plan under section 205(a) or with his final action under section 205(b), such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(b) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

TITLE III—GENERAL PROVISIONS

DEFINITIONS

SEC. 301. For purposes of this Act—

(a) The term "minority group" means Negroes, American Indians, Spanish-surnamed Americans, and Orientals.

(b) The term "low-income family" means a family with an annual income of less than $3,000.

(c) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control, or direction, of public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, or a combination of local educational agencies.

(d) The term "nonprofit" as applied to an agency, organization, or institution means an agency, organization, or institution owned or operated by one or more nonprofit corporations or associations contributions to which are deductible under section 170(b)(1)(A)(ii) of the Internal Revenue Code and no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(e) The term "school" means a school which provides elementary or secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

(f) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(g) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the States supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law for this purpose.

(h) The term "State" means one of the fifty states or the District of Columbia.

EVALUATION

Sec. 302. Such portion as the Secretary may determine, but not more than 1 per centum, of any appropriation under this Act for any fiscal year shall be available to him under section 204(e) for evaluation (directly or by grant or contract) of the programs, activities, and projects authorized by this Act.

NATIONAL ADVISORY COUNCIL

Sec. 303. (a) There is hereby established a National Advisory Council on Educational Opportunities, consisting of fifteen members appointed by the President, which shall—

(1) advise the Secretary with respect to the operation of the plans authorized and required by this title, including the preparation of regulations and the development of criteria for the approval of applications; and

(2) review the operation of the plans.

(b) The Secretary shall submit an estimate under the authority of section 401(c) and part C of the General Education Provisions Act to the Congress for the appropriations necessary for the Council created by subsection (a) to carry out its functions.

SENATOR HUMPHREY'S 1968 STAND ON THE VIETNAM WAR

(Mr. HOLIFIELD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HOLIFIELD. Mr. Speaker, the passage of time tends to obscure facts which existed even in the recent past. Unfortunately, those who compose political rhetoric take advantage of our short memories. Recently, an article in the February 3, 1972, New York Times was brought to my attention. The article, "Mr. Humphrey and the Bombing" by Chester L. Cooper, very clearly explains Senator Hubert H. Humphrey's 1968 stand on a bombing halt, a cease-fire, and withdrawal. I commend the article to my colleagues, and ask permission to insert it in the Record.

The article follows:

[From the New York Times, Feb. 3, 1972]

Mr. Humphrey and the Bombing

(By Chester L. Cooper)

Washington.—Hubert Humphrey's recent reference to his stance on Vietnam during the 1968 Presidential campaign ("I pledged an end to the bombing, a cease-fire and an immediate troop withdrawal") has, not surprisingly, brought forth some pointed reminders of his much more ambivalent position at the time. Tom Wicker rightly recalls that Humphrey's actual statement on the Vietnam issue made in late September 1968 was weak in its substance and tardy in its timing. Mr. Wicker takes on the painful task of going back into recent history as part of the press' duty to "keep the record straight." But there is more to the record and this is as good a time as any to reveal it.

In June 1968 Mr. Humphrey had a speech in hand which advocated an immediate, total bombing halt and, as I remember, a cease-fire. He was anxious to deliver this in advance of the Democratic platform-drafting committee's meeting scheduled for late July. Such a speech would, of course, mark a break with the President on Vietnam and would fly in the face of Johnson's insistence that the drafting committee ride along with the Administration's current partial bombing policy.

Humphrey, I was told, was ready to stand up to L.B.J. on this issue as a personal declaration of independence providing he could be assured that his advocacy of a bombing halt would not rock the boat in Paris where Averell Harriman and Cyrus Vance were then meeting with Hanoi's representatives.

Despite the rhetoric, then and since, about the Vice President being kept "closely informed" of what was transpiring in Paris, he was actually told very little about the course of the talks. He decided to keep the halt-the-bombing speech on ice until he could get a better sense of the effect it would have on the American negotiating position.

Prior to my departure for Paris in early July (I was then a consultant to Governor Harriman on the negotiations), Robert Nathan, Humphrey's chief adviser on domestic and foreign issues, went over the Vice President's speech and outlined his concern. At Nathan's request, I agreed to press Harriman and Vance as to whether Humphrey's advocacy of a bombing halt would jeopardize their efforts. But that was only part of the problem, both Nathan and I agreed. Since Johnson, in his mood at the time, would be quite likely to claim that Humphrey had thrown away a trump negotiations card, the American delegation would surely be queried on this point by the press. Even if the two American negotiators felt that Humphrey's speech would not hurt the American position in Paris would, indeed could, Harriman and Vance publicly say so?

Soon after I arrived in Paris I put the question to Harriman and Vance, close friends and political backers of Humphrey. Although they were in favor of an immediate bombing halt and cease-fire and were becoming increasingly impatient with Washington's rigid stance, they were reluctant to embarrass the President by what, in effect, would be a public endorsement of Humphrey's position. But the real snag was their feeling that there was still some hope that L.B.J. might accept a proposition then being prepared for Washington which involved an early, complete bombing halt. Humphrey's speech might serve only to stiffen Johnson's adamant stand. And so neither Harriman nor Vance felt he could take Humphrey off the hook. It wasn't an easy decision.

I returned to Washington a few days later and met with Larry O'Brien who was managing Humphrey's campaign (Nathan was out of town). The platform committee was already forming up for a battle royal over the bombing question. Humphrey's speech would clear the air, would put the Vice President on the side of those whom he respected and whose support he wanted, and would demonstrate that Humphrey intended to be his own master. It was a long, agitated session, but the basic issue was decided in the first few minutes: If, in Harriman's and Vance's judgment, Humphrey's call for a bombing halt would hurt the American negotiating position, the speech should and would be shelved.

America has been blessed with few statesmen during the last several decades, but on occasion a politician makes a genuinely statesmanlike move. This is rare enough, God knows, especially when it is done gracefully and quietly. In hindsight, Humphrey's speech would probably not have made any difference in Paris (L.B.J. turned the Harriman-Vance recommendation of mid-July down cold) and his waffling on the bombing issue hurt his chances, possibly critically. But in July 1968 H.H.H. did what he thought was right.

AMERICAN LEGION DAY

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, I want to take this opportunity today to pay tribute to the American Legion, which has been meeting in Washington these past few days, for its very many contributions to our country and our way of life.

Since its founding in 1919, the American Legion has grown to almost one-half million members in 16,000 posts, composed of men and women who, having served their country in uniform, now wish to continue to contribute to their Nation's well-being as civilians, as well as look out for the welfare of the veteran.

As a member of Post 21 in Schenectady, N.Y., for over 25 years, I am well aware of the fine work done by legion posts across the country as the largest spokesman for the American veteran. All Americans are indebted to the legion for its successes in aiding returning American veterans and in helping widows and children of servicemen to obtain the benefits they deserve. Some 70,000 Vietnam veterans have already been placed by the Legion's Jobs for Veterans program. I might also point out that thousands of communities have benefited from the sponsorship by various posts of forward-looking youth groups and civic programs.

Mr. Speaker, millions of Americans I am sure would want to join with me in expressing our gratitude to the patriotic men and women of the American Legion for the contributions they have made to our Nation, in congratulating the legion on its 53d anniversary and in wishing the best of success to all these fine legion posts around the country in all their endeavors.

EMERGENCY MASS TRANSPORTATION PASSENGER ACT OF 1972 COSPONSORED BY 61

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I am reintroducing, with 61 cosponsors, the Emergency Mass Transportation Passenger Act of 1972, H.R. 13362, to provide Federal operating subsidies for public and private mass transit systems. I am pleased and grateful that so many of our colleagues have joined in cosponsoring this legislation that would provide our transit systems so desperately in need of help with $400 million annually for the next 5 years. There is little dispute that today mass transportation faces severe problems affecting both transit operators and transit riders. Operating costs are outreaching revenues collected from the fare box, too often resulting in reductions in service and fare increases. Today many States and localities are having to help finance the operation of public transportation. The time has come for the Federal Government to do its share. Federal assistance would go a long way in placing transit systems on a sound financial basis and in breaking the cycle of deteriorating service and loss in ridership now plaguing mass transit.

The unique quality of the Emergency Mass Transportation Passenger Act of 1972 is that it cuts through the redtape of ordinary grant programs by providing a formula for the automatic allocation of funds to transit systems on the basis of passengers serviced. This means that every bus, subway, and commuter railroad system in the country would receive funds in proportion to its share of the country's total mass transit ridership. To receive its share, a State agency or local public body would only have to file a request for payment and provide assurances that the Federal funds it received under this program would be used to assist in defraying operating costs of the transit systems in its jurisdiction.

Mr. Speaker, it is noteworthy that today the Senate passed S. 3248, the Housing and Urban Development Act of 1972, that included a provision for Federal mass transit operating subsidies to be funded annually at $400 million for the next 2 years. The distinguished Senators from New York (Mr. JAVITS) and New Jersey (Mr. WILLIAMS) are to be commended for their leadership in securing the Senate's approval of this assistance for mass transit.

It is my hope that the House can pass a comparable measure soon, providing for an immediate allocation of funds—to meet today's transit crisis—on a per passenger basis.

Mr. Speaker, the following are the Members of the House who have joined in sponsoring the Emergency Mass Transportation Passenger Act of 1972:

LIST OF SPONSORS

Bella S. Abzug, Brock Adams, Joseph Addabbo, Herman Badillo, Edward P. Boland, Frank Brasco, James Burke, Phillip Burton, Hugh Carey, Shirley Chisholm, Frank M. Clark, William Clay, Jorge L. Córdova, John H. Dent, John D. Dingell, Harold D. Donohue, Don Edwards, Joshua Eilberg, Dante Fascel.

Hamilton Fish, Jr., Edwin B. Forsythe, Donald M. Fraser, Cornelius E. Gallagher, Joseph M. Gaydos, Seymour Halpern, Michael J. Harrington, Augustus F. Hawkins, Henry Helstoski, Louise Day Hicks, Robert L. Leggett, Joseph M. McDade, Stewart B. McKinney, Ray J. Madden, Abner Mikva, George Miller, Bradford Morse, Robert N. C. Nix, Thomas P. O'Neill, Jr., Claude Pepper.

Melvin Price, Charles Rangel, Thomas Rees, Peter Rodino, Fred B. Rooney, Benjamin S. Rosenthal, William F. Ryan, Paul S. Sarbanes, James H. Scheuer, John F. Seiberling, Louis Stokes, Samuel S. Stratton, Leonor Sullivan, James Symington, Frank Thompson, Jr., Robert Tiernan, Lionel Van Deerlin, Jerome R. Waldie, Lawrence Williams, Charles Wilson, Lester Wolff, Gus Yatron.

GUARANTEED JOBS AND FULL EMPLOYMENT—A NATIONAL POLICY

(Mr. BADILLO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BADILLO. Mr. Speaker, the right to a job is a basic human right and it is incumbent upon the Federal Government to provide every man and woman who wants work with a job.

This great country must adopt as a national policy—as a national commitment—the goal of full employment. We must dedicate ourselves to assuring employment for all those who are willing and able to work. It is imperative that we adopt those policies and programs necessary to achieve this objective.

Last year the unemployment rate was at or above 6 percent for 8 of the 12 months and, in the other 4 months, it never fell lower than 2 percentage points. These figures do not tell the full story, however. They do not indicate those who are only working part-time or who are underemployed even though on the job 8 hours. These statistics fail to include those who have despaired of finding employment and who have forsaken the search for a job. I am certain that if these countless unfortunate persons were included in the unemployment statistics—as they should be—we would have a jobless rate which would boggle the imagination and which would create a national scandal.

When the Congress passed the Employment Act of 1946 more than a quarter of a century ago, we supposedly established a national goal of assuring an opportunity for a gainful and productive job to every American who seeks work. As yet, the elusive goal of full employment has not been reached. We have not even come close to it. The lowest unemployment rate in the last decade, for example, was during the fourth quarter of 1968 at which time the overall unemployment rate was at 3.4 percent.

Further investigation reveals that the rate for white adult males in that period was only 1.8 percent. However, it is important to note that the rate for women was 4.5 percent; for blacks, 6.6 percent; for white youth, 10.8 percent; and for black youths, 25.3 percent. This last figure indicates that one out of every four black youths was unemployed and this is certainly nothing of which we can be proud, even though the overall low unemployment rate was hailed, at the time, as a significant accomplishment.

It is an especially sad commentary that, among the 5.4 million persons currently seeking work but unable to find jobs, there are hundreds of thousands of highly educated and experienced men and women. These people, most of whom are in their late 30's, 40's, and early 50's, are well-trained scientists and engineers with advanced degrees and years of practical applications of their skills. However, because of our grossly misdirected and ill-conceived priorities, they are now unemployed and are not able to find meaningful employment. Their current predicament is the result of policies which have permitted an estimated 63 percent of our Nation's technical and scientific talent to be devoted to developing more efficient means of death and destruction rather than to maintaining and improving commercial productivity and working to solve the many and varied domestic problems in health, housing, environmental protection and other pressing areas.

The plight of these people is particularly tragic in that the bottom has fallen out just at the point where they had become established. Now their homes have had to be mortgaged and, in some cases, they have been lost. Their children's educational plans have had to be severely restricted or scrapped. They have been forced to swallow their pride and accept welfare. In some areas of the Northwest they have even received foreign aid from Japan in the form of food. Stop-gap relief measures have been implemented but are quickly running dry and no permanent solution is in sight. Whereas they were making anywhere from $16,000 to $35,000 a year ago, many have been unemployed for close to a year and are no longer contributing to the economy through taxes and overall buying power.

Early last summer the Congress passed the Emergency Employment Act of 1971. This $2.25 billion piece of legislation is aimed at providing public service employment for some 130,000 persons. However, this well-intentioned but severely limited measures hardly scratches the surface and much more must be done. Nevertheless, if you consider the speed with which these jobs were filled and the short time in which funds were utilized, the Emergency Employment Act program clearly demonstrates the efficacy and importance of public service employment and shows that these jobs can be filled. This program was originally intended to be limited in scope and its authors considered it to be a stop-gap measure. Because of the success in filling these various public service positions, however, I view this program as an important pilot project. This experience certainly obviates the need for any additional studies into the subject.

Full employment is an economic and social imperative. In our society people need work. Persons who are employed are able to maintain their pride and self-respect by supporting their dependents and themselves. Wage earners have a spirit of independence which is impossible to achieve when one is receiving welfare. Working people are contributing to the economy and are not looked upon as economic parasites.

When I speak of full employment, I do not mean, as many economists and others do, that unemployment is at a level of 4.0, 3.5, 2.5, 2.0 percent or whatever. I mean that every able-bodied person who wants a job is employed, earning a living and paying his own way. There is no acceptable rate of unemployment as far as I am concerned and the only possible definition of full employment must be zero percent unemployed.

The ill-conceived and misguided policies of the past are no longer acceptable and are clearly outmoded. New initiatives and more dynamic action must be taken if we are going to effectively grapple with the unemployment crisis.

The only logical answer to assist those who remain unemployed or seriously underemployed is a federally financed full employment program—a program of guaranteed jobs. I believe experience has demonstrated that the private sector is unable to expand to provide jobs for those millions of able-bodied unemployed, particularly without creating an inflationary situation at the same time. The solution rests in the creation of new public sector jobs financed by the Federal Government and provided at the local, State, and Federal levels. Such a program would go far beyond the current Emergency Employment Act program.

It is equally clear that the Congress must take the initiative as the present administration has utterly failed to properly respond to the unemployment crisis. Instead of taking prompt and effective action to propose meaningful solutions to the problem, this administration chooses to study the issue—even though we have been experiencing spiraling unemployment conditions for well over a year. Earlier this month, we were informed that an urgent study, directed by Treasury Secretary Connally, has been launched to uncover the reasons for persistently high unemployment and to recommend ways of attacking the problem. This seems to be standard operating procedure—when you really do not want to cope with a problem—study it. However, we simply cannot afford the time or luxury of any studies or bureaucratic inquiries into this critical situation. As I mentioned, we already have had experience with a pilot project in the form of the Emergency Employment Act. Also, this administration has made its attitude rather clear by vetoing the accelerated public works bill in the last Congress—a measure aimed at beginning to tackle the unemployment problem—and only begrudgingly accepting the Emergency Employment Act last year. The outmoded Nixon approaches to this problem are clearly inappropriate and ineffective and the Congress must obviously take the leadership in resolving the unemployment crisis.

Accordingly, I intend to introduce legislation establishing a program to assist States and local communities in providing needed public services and providing for employment to all unemployed and underemployed persons. Under this measure, any person who is unable to find work in the private sector will be guaranteed a job in a municipal, county, State or Federal agency. Such jobs will be neither transitional nor make work. Rather, the employment will be such that the social concerns of Government will be translated into concrete action. At the same time they will be jobs in which the workers will be able to take pride in their accomplishments and in their ability to be self-sufficient. My legislation is consistent with and fulfills the recommendations of the National Commission on Technology, Automation and Economic Progress which, 6 years ago, urged that the Federal Government commit itself as the employer of last resort by guaranteeing useful employment opportunities to those not absorbed by more orthodox private and public employment.

The Guaranteed Employment Act of 1972 provides that the Federal Government will encourage and assist States and local communities to develop and implement comprehensive programs for the employment of persons in such badly needed public service areas as hospitals, schools, parks, recreation centers, public health, sanitation and countless other municipal and State services. It further provides, however, that if such plans are not formulated by the States and cities, the Secretary of Labor will then take the necessary steps to create necessary and appropriate employment programs.

My bill will also provide for job training and guidance where necessary. An integral part will be the establishment of a national employment bank which will not only provide for job training for the unskilled and semiskilled but will also assist these persons to locate suitable and meaningful employment wherever it might exist throughout the country. This job bank would locate potential employment in areas which may not have sufficient or qualified manpower and would help a prospective worker and his family to relocate, including assistance in locating housing and providing financial assistance to become resettled.

The job training will not be limited to only the traditional manpower instruction but, where needed and requested, will furnish basic educational skills in English, arithmetic and so on. It will aim at enhancing the educational level of the student/worker as well as providing him with basic occupational proficiencies. By providing this often-needed training and guidance, the full employment program enables the workers to move into regular employment on a par with his coworkers.

I frankly anticipate that a hue and cry will be raised by some of my colleagues in my submitting this measure guaranteeing a job to anyone who wants one. However, for the 14 months I have been in Congress I have heard all too frequently that the people on welfare should work and get off the public doal. Well, I am now giving my colleagues the opportunity to put into effect what they have been talking about for these past many months and years. By providing meaningful employment to those now receiving unemployment insurance and public assistance, we will be sharply reordering our priorities and will be permitting the able-bodied unemployed to contribute to the economy. By shifting Federal financial resources from the endless drain of welfare payments and unemployment compensation to socially useful and economically productive endeavors, we will be helping to stabilize and invigorate the economy.

If we are to fulfill commitments made to protect and develop our physical environment and to carry forward essential social service programs, the personnel must be supported by Federal assistance. In 1965, for example, the Office of Economic Opportunity reported that 4.3 million new jobs could be filled in public service if the Government were to fulfill its obligations in just the two aforementioned areas. These are not make work or "leaf-raking" jobs but urgently needed programs aimed at assisting States and local communities to meet the need for basic and improved public services. Persons otherwise straining the welfare and unemployment rolls can serve in such areas as sanitation, educational and nurses aides, practical nurses, parks and recreation employees, just to name a few of the countless positions. I also anticipate the development of paraprofessionals in many occupational areas. These persons free professional workers to work at the top of their skills and, at the same time, perform useful work, particularly in improving the delivery of human services.

We have already had some experience with public service employment programs funded by Federal, State and city governments. Generally, I believe these various programs have been successful and demonstrate the efficacy of expanding such efforts into a more comprehensive undertaking. These programs show that it is far more desirable to have purer air and water, more livable cities, improved social services rather than a vast pool of unproductive, unused manpower. The Federal Government must take the initiative as, regardless of how well intentioned, private employers are making little more than a dent in the ranks of the hard-core unemployed. As the AFL–CIO observed a few years ago,

> Massive job creation must derive mainly from the public sector.

The millions who are today unemployed and underemployed are the tragic byproducts of our economic problems and distorted national priorities. We can no longer ignore their plight and we must take affirmative action. It should be perfectly clear that private enterprise is not going to solve these problems and we simply cannot afford to wait for the private sector to act. If we are going to properly address ourselves to the problems of the poor and unemployed, the Federal Government must take the initiative.

I believe the full employment program—a program of guaranteed jobs for every able-bodied man and woman—is a solution to this national tragedy and that it will not only bring a halt to the spiraling unemployment rate, but will also contribute needed services to our cities and States. Further, if the poor are able to secure gainful employment, they will then be able to acquire their own housing, provide education for their children and take care of their own health needs. Thus, by providing guaranteed jobs and an income to the poor, we will, in turn, be resolving these and other pressing domestic problems.

The measure I am introducing will give new hope to millions of Americans and will assure full and equal participation in the economic and social life of this country by all citizens. It will not only resolve one of our most pressing crises—unemployment—but will also lead to early solutions to other ills affecting our Nation.

THE EMERGENCY MEDICAL SERVICES ACT

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, it is difficult to estimate exactly how many deaths and injuries occur because of a lack of adequate ambulance facilities.

The chairman of the American Heart Association's Committee on Cardiopulmonary Resuscitation, Dr. Archer Gordon, has estimated that, if the public were educated to be able to recognize the symptoms of heart attack and, if ambulance attendants could administer prophylactic treatment, at least 30 percent of cardiac deaths could be prevented. The Ambulance Association of America has estimated that 25,000 persons are permanently injured or disabled every year by untrained ambulance attendants and rescue workers.

But whatever the precise figures are, certainly the need for new approaches in this field is very great.

The National Highway Safety Bureau, in promulgating its Standard II dealing with Emergency Medical Services, has observed:

> Few areas of the U.S. now have adequate emergency services. In most areas, there has been inadequate planning of emergency logistics, communications, and transportation facilities, and present services are inadequately managed.

The Bureau goes on to point out that ambulance drivers and attendants are not generally required to be expert in first aid, and in most parts of the country they are not required to carry adequate equipment.

Such an inadequate state of emergency health care delivery is truly unacceptable, particularly in light of the fact that accidents are the fourth leading cause of death for all Americans, and the first for those aged 1 to 37. According to Dr. Oscar P. Hampton Jr., assistant director for trauma activities of the American College of Surgeons, in 1968 trauma resulted in more than 100,000 deaths, 10 million cases of temporary disability, and 400,000 cases of permanent disability at a cost of $18 billion. Trauma patients in that year used 22 million hospital days—more than four times as many as all cancer patients.

Better emergency medical service does not require new scientific breakthroughs; it simply requires the application of well-known techniques. With respect to the treatment of trauma, Dr. William Fitts, Jr., professor of surgery at the University of Pennsylvania, has said:

> The gap between what could be done and what is being done is wider than for any other disease.

It is absolutely essential that the Congress move to meet this crisis in emergency medical transportation. Therefore, I have cosponsored the Emergency Medical Services Act, H.R. 12787—13447 with cosponsors—which was introduced by the gentleman from West Virginia (Mr. MOLLOHAN) and the gentleman from New York (Mr. ROBISON).

This bill would establish a means to set standards and regulations on ambulance services, as well as provide financial assistance to qualified communities for the operation of ambulance corps. It authorizes $375 million during the fiscal years 1973 through 1976 for matching grants to ambulance services operated by or under the control of local governments.

This legislation would improve ambulance service throughout the country, and make it possible for emergency treatment to be provided more effectively, thus saving untold numbers of lives.

NDEA LOAN DEFERRALS FOR CONSCIENTIOUS OBJECTORS

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, I was recently made aware of a serious inequity in the national defense loan program that prevents the suspension of a student's repayment obligations while he is participating in an alternate service under the terms of the Military Selective Service Act. I have introduced legislation, H.R. 13344, to amend the National Defense Education Act of 1958, that would correct this situation.

Each year the National Defense Loan program allows some 500,000 young people to obtain the necessary financial aid for the completion of their college education. Under this program a student may borrow up to $1,000 each year to a total of $5,000 for undergraduate study and up to $2,500 each year for graduate or professional study, to a combined total of $10,000 for both undergraduate and graduate work. The program allows the recipient to repay the loan at 3-percent interest, extending over a 10-year period. The program also allows a repayment deferral for those individuals who have chosen to serve this country through their participation in the Armed Forces, the Peace Corps, and the Vista programs. Participants in these programs are granted as much as 3 years before they must begin repayment of the loan or have any interest charged.

My bill, H.R. 13344, would provide the same 3-year deferral for those individuals who are found, under the provision of the Selective Service Act, by their respective draft boards to be conscientiously opposed to war and are participating in an approved alternate service. It is often the case that these particular individuals receive as little money for as much hard work as those who participate in the Armed Forces, Peace Corps, and Vista and are unable to begin the repayment of their loan at the required time. This amendment will merely correct the oversight that has denied conscientious objectors the same privilege of loan deferral that has previously been afforded other individuals who participate in Federal programs of national service.

Congress should be proud of the educational opportunities and benefits the National Defense Loan program has provided, and I feel that Congress should correct this inequity so that alternate service for conscientious objectors will be treated equally with the other national service programs under the National Defense Education Act.

"CANAL ZONE SOVEREIGNTY": COMMENTARY BY GEORGE PUTNAM

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HALL. Mr. Speaker, on September 22 and 23, 1971, the House Subcommittee on Inter-American Affairs held public hearings on pending Panama Canal sovereignty resolutions when seven Members of Congress testified and 29 submitted statements. These hearings, printed for use of the Committee on Foreign Affairs, and widely distributed over the Nation, supply authentic information on Panama Canal history and problems. But the committee has not yet made its report.

In reading these hearings special attention is invited to the testimony of Representative DANIEL J. FLOOD of Pennsylvania, one of the most distinguished authorities on interoceanic canal history and problems ever to serve in the Congress, and particularly to his commentary refuting the statement of a Member of the other body from California.

Two important papers quoted by Representative FLOOD are a memorial to the Congress on "Panama Canal sovereignty and modernization" and the notable 1971 Panama Canal Resolution adopted by the 53d National Convention of the American Legion, which merit careful reading by all who wish to understand the canal problem in its stark realities.

The efforts in the Congress to alert the people in our Nation about the Panama Canal has made a rapidly widening impact, as evidenced by the number of informed broadcasts by news commentators, among them George Putnam. In his last commentary on Canal Zone sovereignty, he shows the relation between what is occurring as regards the Panama Canal and Soviet policy. He describes the real issue, as U.S. control versus Communist control of the canal.

To give his statement wider circulation, I quote it as part of my remarks:

CANAL ZONE SOVEREIGNTY

(By George Putnam)

> It is this reporter's opinion that within the next thirty to ninety days, a desperate attempt is going to be made to transfer sovereignty over the Panama Canal Zone to Panama and to deliver control and the defense of the Canal to Panama.
>
> Now this means that any arrangements for us to share in the control of the defense of the Canal would be subject to unilateral cancellation by Panama. It would mean that Panama could denounce any treaty and then negotiate with the Soviet Union or Red China to assist in operation and defense of the Panama Canal.
>
> It also means the United States would be forced to make a choice—between war or withdrawal. And if it resorted to force to preserve the vital waterway, we would then be acting in violation of international law, because we had already surrendered sovereignty.
>
> First, it was abandonment of the Monroe Doctrine on the part of our government—and this led to a takeover of Cuba and Chile by the Communists. The next step appears to be abandonment of the Panama Canal. And these are shocking—*shocking* examples of a backstepping United States wherever world opinion seems to challenge our very presence.
>
> Fifty-seven years ago, United States engineers completed construction of the Canal,

and the first ocean steamer passed through the fifty mile ditch August third of 1914.

Building of the Canal, converting one of the worst pest holes on earth into a modern engineering feat, cost the United States 375 million dollars.

The United States, in addition to that figure, paid twenty-five million dollars to Colombia to compensate her for her loss of Panama. And a concession was made to Panama in 1936 when we increased the annual payments from 250 thousand to 430 thousand dollars. And then, in 1955, we signed a new treaty with Panama, in which the amount paid to Panama annually rose to almost two million dollars. But that isn't all. We also gave Panama twenty-four million dollars worth of real estate and buildings, together with a twenty million dollar ferry bridge.

But apparently none of this is enough. And each year since 1964, Panama has demanded the entire Canal Zone, including the Panama Canal. Each year Panama has demanded that we get out, that we give her the Canal Zone, or internationalize it and give special rights to Panama. The United States has lived up to its part of the bargain, but apparently this is not enough.

Now it is this reporter's opinion that behind the scenes, lurks the grasping claw of the Kremlin, represented by Fidel Castro. Over the years, Castro Communists have been deeply involved in riots in Panama. The Communists have fanned the flames of anti-U.S. sentiment all the way from Havana to Moscow and Peking, urging Panama on to greater demands.

Quite bluntly, to relinquish U.S. sovereignty of the Panama Canal would rupture the jugular of our hemispheric defense. It would speed Soviet Russia toward its goal of controlling the vital waterways of the world. And the nation that controls the waterways of the world, also controls the world.

Eighty percent of Peru's and Chile's imports and exports pass through the Panama Canal.

Fidel Castro is moving guerilla fighters and weapons of war into Panama from La Colma, Cuba, which is Soviet occupied. Panama borders on chaotic Costa Rica and Colombia. Red guerillas have infiltrated El Salvador, and there are red instigated eruptions in Guatemala and Honduras. Except for Nicaragua, the U.S. ten mile wide Canal Zone is the only area of stability in that entire region.

So the real question is not the surrender of U.S. control of the Canal, the real question tonight remains—U.S. control versus Communist control of the Panama Canal. The President and the Congress, and every citizen of the United States, should make this our very top concern.

THE FIGHT FOR PURE FOOD

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, in January, I introduced the first version of the Pure Food Act of 1972. Today, joined by 17 of my House colleagues, I am pleased to introduce a perfected version of that bill which would greatly enhance the power of the Food and Drug Administration to regulate the food industry by requiring all food processors to be registered with the FDA and be licensed to do business according to Federal standards. The bill would also call for frequent inspections of food plants and would establish emergency health hazard powers in the FDA, including recall and embargo authority. The cosponsors of the bill include Mrs. Abzug, Mr. Badillo, Mr. Brasco, Mrs. Chisholm, Mr. Dellums, Mr. Drinan, Mr. Dow, Mr. Halpern, Mr. Harrington, Mr. Helstoski, Mr. Hechler of West Virginia, Mr. Mollohan, Mr. O'Hara, Mr. Podell, Mr. Rosenthal, Mr. Ryan, and Mr. St Germain.

The day before the initial introduction of the Pure Food Act, Charles C. Edwards, Commissioner of the FDA, addressed the opening session of the Annual Convention of the National Canners Association. In his remarks, the text of which appears below, the Commissioner spoke of the importance of restoring the confidence of the American consumer in the food he buys. In particular, Dr. Edwards proposed that the FDA meet its regulatory obligations by:

First. Shifting emphasis from inspection of food processing to inspection of management of food processing—quality control—and permitting processors with acceptable quality control systems to enter the Self-Certification program and quality for minimal FDA attention.

Second. Requiring FDA inspectors and certain processing employees to receive special training as part of this quality control system.

Third. Forming a special committee to review the sterlizing processes used for canned foods.

I agree with the Commissioner that the time is ripe for new Government initiative in the area of food safety. His last two recommendations have great merit and I would support their immediate implementation. In fact, I hope that the FDA would prepare guidelines for all food industries, not just canners, concerning sterilizing processes and equipment essential for the processing and distribution of pure and wholesome food.

Further, I concur with the Commissioner that inspection of quality control systems and records would encourage more meaningful analysis of the nature of food processing in this country. However, as proposed by the Commissioner, this reform promises to be very limited. The FDA has no authority to compel food manufacturers to present quality control information. Under the self-certification program, a company voluntarily agrees to provide FDA inspectors with quality control information in exchange for greater independence in the operation of its plant and minimal FDA supervision. Presently, the program is very small, involving fewer than 20 firms of the more than 60,000 food plants known to the FDA. Commissioner Edwards does not elaborate any new incentives which he believes would encourage more food companies to join this program. Many companies, it appears, see no need to provide the FDA with any more information than the law requires. As the FDA cannot compel quality control information, companies prefer to live under the current minimal FDA attention—with the average plant being federally inspected only once every 6 years.

I interpret the Commissioner's proposal and his reliance on voluntary arrangements as an expression of the inherent weakness in the FDA's regulatory scheme. The FDA lacks the manpower and legal authority to regulate the food industry effectively. In the absence of power, the FDA has decided to bargain for cooperation with food companies. But unless the Congress first strengthens the food laws, there can be no meaningful reform of Federal food regulation.

Further, by bargaining without real power, the FDA runs the risk of becoming the tool of the industry it is designed to regulate and perpetuates the sham of adequate Federal control. The Congress and the Nation must not countenance this deception.

The decisive ingredient which is missing from the FDA's armory is strong regulatory authority such as provided in my proposal, the Pure Food Act. While I would encourage the FDA to take whatever steps it can under its present authority to improve its food safety operations, including fostering responsible actions by members of the industry, meaningful reform will not be achieved until the legal muscle of the FDA is strengthened.

With that in mind, I have today written my colleague from Florida, Paul G. Rogers, asking him as chairman of the House Subcommittee on Public Health, to investigate the nature of the food industry and Federal regulation with a view toward reforming Federal laws. I believe that the Congress must not be deterred from carefully reviewing the situation in the food industry so as to assure the production and distribution of pure and wholesome food.

The following is the text of FDA Commissioner Edwards' remarks:

THE NEED FOR MORE REGULATIONS

(By Charles C. Edwards, M.D.)

I am certain that we could all agree that 1971 has seen a number of unprecedented experiences in your industry, and these experiences have created major problems both for you and for the Federal Government. However, I am hopeful that we have all learned from these experiences, and that they will be uppermost in your minds as you chart your course for the coming years.

If the past is in fact the prologue, then it seems clear that 1972 will bring even greater consumer demands for food products. At the same time, I believe that never before have we—both government and industry—had the ability, the awareness, the concern and the willingness to respond as we have today. If I am correct, then I believe there is reason for very real optimism.

In my judgment a first priority must be the restitution of consumer confidence, not through talk, but through actions that deserve his confidence. Direct action is needed to treat those problems which have shaken consumer confidence in the foods he buys; and not one of us here today can afford the false comfort of believing that his confidence has not been sorely shaken. Neither can the buck be passed to consumer "spokesmen" with the excuse that they are primarily responsible for the vast increase in public uncertainty; for I believe we all know that these spokesmen would not be particularly effective without some very real problems on which to build their case.

The fact is that consumers know more today—and they demand more—this applies not only to good quality food, but to protection from poor quality, and the consumer is increasingly organized to make his demands heard.

Add to this, a constantly increasing ability of industry to provide new and more complex forms of foods and food packaging; add then to this a rapid growth in technology to measure quality or lack of quality—new methods to identify and measure the chemistry and total content of formulated foods—add all these factors together and one conclusion is unavoidable:

The days and years ahead are going to be more demanding on your industry than ever before. And it is the FDA's responsibility to the American consumer to see to it that these expectations are in fact achieved. This we intend to do.

Having said this—and believing it without question—I think it follows that the greatest benefit for all concerned—for the public, for the food industry, for the government regulation—can only come through enlightened leadership on all sides.

And enlightened leadership—to me at least—means maximum and mutual effort.

Adequate regulation cannot be made in a vacuum. Government regulation for example can never compete with industry's capacity to gather facts and to conceive and prove new methodologies so vital to realistic and reasonable regulation.

I think the leadership of your Association is very much aware of the realities, and in my judgment it has demonstrated commendable leadership in recent proposals to upgrade quality controls for all of the food processing industry. I am hopeful that this attitude and willingness to cooperate prevails throughout your membership.

As you know, the policy proposal by your association has been published for comment in the *Federal Register*. We in FDA are studying the proposal and will review the comments we have received to ensure that all steps essential to public safety are included.

The NCA proposals and FDA's plans to evaluate and to expand those proposals are, in principle, an important and specific elaboration of a proposed general reorientation of FDA field operations. This effort involves a shift of emphasis from the inspection of food processing to the inspection of the management of food processing, or more specifically, quality control. If we inspect the processing, we determine only if the operators are in compliance with the law on the day of inspection. On the other hand, if we inspect for quality control, we obtain information about what is likely to be happening on the days when our inspector is not present.

Obviously, it is impossible to inspect for quality control without also inspecting the operation, but it is quite possible to inspect the operation without inspecting for quality control. We are proposing to do both. If the processor has a good quality control system, he can be encouraged to go into the Self-Certification Program and qualify for minimal FDA attention.

On the other hand, if deficiencies in a processor's control are identified, they can be called to his attention and preventive action taken. And I am certain we all appreciate the value of preventive action.

As a part of this quality control system, both the FDA inspectors and certain of your own employees will be required to receive special training. We propose to establish special schools in several areas of the country, accredited, and in some cases sponsored by the FDA, to certify every retort room supervisor and can seam inspector in the industry; every person in these positions will be required to complete these brief courses within one year after the schools are opened. This will be a continuing program of certification. It will be patterned somewhat after the certification program in California, the only State to have such an extensive plan.

At the same time that these schools will be opening, we will also establish courses for our own food inspectors, in an effort to better prepare them for their role in the quality control program.

It is clear that the spring of 1972 will be a time of considerable importance in the relationship of the FDA and the food canning industry. Aside from the establishment of these instructional programs, the spring should also see a committee formed of FDA officials, industry representatives, and members of the academic community to review the sterilization processes used for canned foods. Your cooperation toward this program has been commendable and your continued help is essential.

These then cover the new steps we in FDA are taking in the area of quality of operational procedures affecting food safety.

(Commissioner Edwards remarks on nutritional labeling omitted.)

Following is text of letter to Chairman ROGERS:

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 2, 1972.

Hon. PAUL G. ROGERS,
Chairman, Subcommittee on Public Health, Interstate and Commerce Committee, Rayburn House Office Building, Washington, D.C.

DEAR CHAIRMAN ROGERS: In January, 1972, Dr. Charles C. Edwards, Commissioner of the Food and Drug Administration, spoke to the opening session of the National Canners Association's Annual Convention and heralded a reorientation of the FDA's food inspection program. Among other things, the Commissioner indicated that the FDA would shift emphasis from plant inspection to inspection of the management of food processing (or quality control) and place greater reliance on the FDA's Self-Certification Program. This program is a voluntary arrangement which enables food processors to qualify for minimal FDA attention if they provide it with certain quality control information and meet minimum processing standards. To date, this voluntary program has been poorly received by the food industry, with fewer than 20 firms of the more than 60,000 known food plants participating. These companies, it appears, see no need to provide the FDA with any more information than the law requires. As the FDA cannot compel quality control information, companies prefer to live under the current minimal FDA attention—with the average plant being Federally inspected only once every six years.

As I interpret Mr. Edwards' proposal and reliance on voluntary arrangements, it is an expression of the inherent weakness in the FDA's regulatory scheme. The FDA lacks the manpower and legal authority to regulate the food industry effectively. In the absence of power, it has decided to bargain for cooperation with food companies. But unless the Congress first strengthens the food laws, there can be no meaningful reform of the Federal food regulation. Further, by bargaining without real power, the FDA runs the risk of becoming the tool of the industry it is designed to regulate and perpetuate the sham of adequate Federal control over the food industry. The Congress must not countenance this deception.

In the aftermath of recent incidents involving the sale of tainted foods, consumer confidence has been seriously undermined. Recognizing that consumer faith must be restored and that the legal authority of the FDA is seriously deficient and in need of a major overhaul, I introduced the Pure Food Act of 1972, H.R. 12478. Today, I have introduced a perfected version of that bill cosponsored by 17 of our House colleagues.

I believe it is incumbent on the Congress to develop and pass a proposal, like the Pure Food Act, which would remedy the flaws of the Federal law and assure that the American public buys only pure and wholesome food.

Mr. Chairman, I know of the great interest your subcommittee has taken in the health problems of the American consumer over the past years. In particular, your leadership has been instrumental in the achieving many of the recent reforms which have improved the health laws of this nation. It is now most important that you concentrate your efforts on the issue of effective food regulation. I urge you, Mr. Chairman, to undertake a full investigation of the nature of the food industry and Federal regulation and move forward in the necessary strengthening of the Federal food laws.

With warmest regards,
Sincerely,
JONATHAN B. BINGHAM.

The following is a section-by-section analysis of the Pure Food Act of 1972:

TITLE

Sec. 2. Findings and Purpose.

Sec. 3 (a) Amends Section 44 of the Federal Food, Drug and Cosmetic Act as follows:

Registration and licensing of food producing plants

Sec. 404. (a) and (b) requires any person engaged in the manufacture, processing or packing of any class of food distributed in interstate commerce to *register* with the Secretary of HEW his name, place of business, location of every plant and any other information required by the Secretary, and notify him when business permanently ceases.

(c) Requires that *every registrant be licensed* in order to do business in interstate commerce and prohibits doing business unless licensed. Initially, all registrants will receive a *temporary license* for one year. Thereafter licenses must be renewed every two years.

(d) Outlines the *general conditions of the license.*

(e) Sets forth three *specific conditions for granting a license* or its renewal, including the applicant's (1) providing the Secretary with a complete list of all food handled by his establishment, (2) informing the Secretary of the processes used in the preparation of food and the controls to ensure the production of wholesome and safe food and (3) permitting an inspection according to other provisions of this act.

(f) *Requires* a license (1) to process any food in containers as required by the Secretary, (2) to retain processing records on all foods for five years, (3) to set aside any food which has been improperly prepared and evaluate it as to any potential public health hazard and report to the Secretary any findings at least seven days prior to distribution, (4) to report to the Secretary all instances of production which may pose a potential public health hazard where the food is already in the stream of commerce, (5) to open all records to inspection and to permit the taking of photographs in connection with such inspection, (6) to include as standard equipment sterilizers, temperature and time control devices and any other equipment the Secretary deems necessary, and (7) to meet any employee educational requirements set by the Secretary, (8) to establish a scheme of insurance itself against losses due to improper production techniques, as required by the Secretary, (8) to follow any regulation promulgated by the Secretary.

(g) *Permits* the Secretary to *revoke a license for cause* after notice and a hearing.

(h) *Requires the Secretary to coordinate* his activities in carrying out this Act with the appropriate state agencies.

(i) *Permits the Secretary to charge fees* for registering and licensing.

(b) Effective Date:

Sec. 4 and Sec. 5. Amend Sections 703 and

704 of the Federal Food, Drug and Cosmetic Act by expanding the inspection authority of federal food inspectors to cover such things as performance records and quality controls.

Sec. 6. Amends the Federal Food, Drug and Cosmetic Act by creating a new section.

Emergency health hazard authority

Sec. 708. (a) *Requires* the Secretary upon notification or reasonable belief that there is food in interstate commerce which is misbranded or adulterated to (1) *undertake an investigation* within 48 hours to determine if a potential public health hazard exists, (2) in the Secretary's discretion, *embargo* any food suspected of contamination pending the outcome of the investigation and (3) upon determination of a significant potential public health hazard, *make public the results*.

(b) *Permits* the Secretary when a significant potential public health hazard exists (1) *to order the recall* of any or all of the shipment which creates the hazard, (2) *to embargo any food* produced by such licensee including food not yet within the stream of interstate commerce, or (3) *to suspend the license* of the person responsible.

Sec. 7. *Creates new civil penalties* of up to $10,000 for each violation of the Federal Food Drug and Cosmetic Act and stiffens existing criminal penalties.

Sec. 8 and Sec. 9. Conform other parts of the Act to this new legislation.

STRIP MINING IN OHIO—THE LATEST OUTRAGE

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, strip mining for coal is a growing industry in southeastern Ohio. It is a quick way of extracting the coal. As far as the strip mining companies are concerned, it is cheap. Profits are handsome.

But that is where the benefits stop.

All of the tragic side effects of strip mining are dramatically visible in southeastern Ohio, where 280,000 acres have already been ravaged by the big shovels. The land, once green and productive has become a semi-desert, devoid of vegetation and wildlife. Lakes, streams, and underground water-course are poisoned. Whole towns have disappeared from the face of the earth. Many public roads have been closed. The population is falling off drastically. Many of the people who remain live in fear and danger.

The scope of this tragedy is almost too much for the mind to absorb. And the frightening part is that strip mining is increasing at a rapid rate all over the country. I commend to my colleagues a study entitled "Stripping the Land for Coal—Only the Beginning," prepared by the Coalition Against Strip Mining and Friends of the Earth, to get an idea of the impact strip mining will have in the years to come.

The obvious question is why a process so devastating to the State has not been banned, or at least regulated to prevent damage to the land and to the people.

The answer is simple: the power of the coal companies.

In 1948, Ohio passed its first strip mining law. Like those to follow, it was weak and ineffective.

The real battle came in 1965 when, encouraged by passage of a strong law in neighboring Pennsylvania, conservationists geared up to push for passage of a similar law in Ohio. They failed.

The bill was emasculated in committee, and according to one of the committee members, many of the weakening amendments were drafted by the Ohio Reclamation Association, the coal industry's lobby.

As one State Senator said later:

> It was a case of "little people" fighting a big economic block.

Operating under the 1965 law, thousands of acres have since been stripped, and thousands of acres have been left unreclaimed. Yet, according to the executive director of the Ohio Reclamation Association, the 1965 law "is a doggone good law, working out beautifully."

This year, the whole issue is once again before the Ohio State Legislature. Backed by Gov. John Gilligan, the Ohio House of Representatives last October passed a moderate but meaningful strip mining bill, similar in many ways to the Pennsylvania law.

That bill is now before a Ohio Senate committee, with key votes expected this week.

It began to look as if Ohio would finally get a workable tool with which to deal with strip mining. Then, last Sunday.

Ralph Hatch, president of Hanna Coal Co., a subsidiary of Consolidation Coal, and one of the largest coal strippers in Ohio, called his 1,000 employees and their families together, and threatened that Hanna Coal Co. would be forced to close down its operations in Ohio the day the bill became law.

He urged his employees to contact their Senators and Representatives:

> Tell them you will be watching how they vote and remember it at the next election. With your job at stake, you will remember how they vote as long as you live.

It is interesting to note that Hanna Coal Co.'s parent company, Consolidation Coal, continues to operate successfully in Pennsylvania under what is an even more stringent law than that proposed in Ohio.

It is also interesting to note that no such threat was made by Hanna in any testimony before the State legislature. It was timed to affect the vote in the Senate.

Governor Gilligan responded to Mr. Hatch's threat, calling on Members of the Senate to:

> Reject the brazen and brutal attempts of the president of a giant coal company to blackmail this government by threatening the livelihood of hundreds of miners and their families.

I would like to have the Governor's full statement reprinted in the Record at the conclusion of my remarks.

This is, Mr. Speaker, just one more example of the need for stringent Federal regulation.

In the continuing absence of strong Federal control, this kind of game will continue, with coal companies playing off one State against another, using the threat of lost jobs to win their way.

Governor Gilligan's statement follows:

> I would add that I further hope that the members of the Senate will resist and reject the brazen and brutal attempts of the president of a giant coal company to blackmail this government by threatening the livelihood of hundreds of miners and their families. His complaints about the bill are dishonest. His threats against the orderly processes of government and against the people of this state are an outrage, that I for one do not propose to tolerate or condone.
>
> To say that legislation which passed the house unanimously is a threat to the coal industry of eastern Ohio is a direct affront to every single member of the House of Representatives who studied that bill, discussed, debated and passed it. And at this late hour for him to surface for arguments like that and with threats to his own employes is reprehensible in the extreme.

ADDRESS BY HON. LESLIE C. ARENDS, MINORITY WHIP, TO AMERICAN LEGION 12TH ANNUAL CONGRESSIONAL BANQUET

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, Wednesday night, March 1, our beloved colleague, Leslie C. Arends, was honored by the American Legion with its Distinguished Public Service Award. I commend the American Legion for having made the best possible selection of a recipient of this coveted honor. I was present at the banquet at which the Legion made its award presentation, and I heard the speech which Les Arends made last night. Mr. Speaker, every Member of the House should be made aware of the sage comments on national security made at the Legion dinner by Mr. Arends, the ranking Republican member of the House Armed Services Committee. Accordingly, I insert Mr. Arends' address in the Record at this point:

Remarks by Hon. Leslie C. Arends

I cannot possibly convey to you how proud I am to have been selected by such an outstanding organization as The American Legion for this coveted distinguished public service award.

When I consider the national stature and prestige of The American Legion, and the contribution you have made for the preservation and promotion of our American ideals of liberty and justice—

And, when I consider the nature and extent of the services rendered by those previously honored with this award—I am made humble in my pride. I would I could be as worthy.

To have my name inscribed in this manner on the public service "honor roll" of The American Legion is much more meaningful to me personally than you realize. What makes it so meaningful is that I would not have become a Member of Congress, much less be standing here this evening, had it not been for the vigorous, tireless support I received from Legionnaires and the Ladies of the Auxiliaries when I first ran for Congress.

As a World War I veteran I had been active in Legion affairs and was privileged to serve as the District Commander in my area. In the 1934 Congressional election it was suggested that I become a candidate for the Republican nomination for the seat in Congress then held by a Democrat.

I had never been a candidate for public office. I was young and inexperienced and had meagre financial resources. My home was in one of the smallest towns in the smallest county in the District. Relatively few, except for my Legion comrades, thought I had much of a chance.

But we took that chance! And, thanks to the tireless efforts of the Legionnaires and thanks to the persistent efforts of their Ladies, I won the Republican and nomination by the slim margin of less than 500 votes and went on to win a seat in Congress.

The honor you bestow upon me this evening thus has special significance to me. It was my friends in The American Legion of the 17th District of Illinois who launched me on my Congressional career. Receiving this award means to me that I have not betrayed the confidence they first placed in me as a fellow Legionnaire many years ago.

I must say that I have had no regrets to have made service in the Congress my life work. It has for me been a rewarding experience, and by that I do not mean financially. While the demands are great, I can think of nothing more stimulating and more satisfying than being a spokesman for the people you represent and having a voice, however small, in your country's destiny.

But service in the Congress is not without its frustrations and disappointments, and I suspect I have had more than most Members. You will know what I mean—and I hope sympathetically—when I remind you that during my ninteen consecutive terms since 1935 only two of them have been in Republican controlled Congresses.

Needless to say, over the years I have been well acquainted with the legislative programs of The American Legion as they evolved, year by year, to meet changing conditions and circumstances, and presented to the respective Congresses. No one could be more aware of the long continual fight you have waged, and continue to wage, for the welfare of our deserving veterans and their dependents.

Nor can anyone be more appreciative than I of all that you have accomplished.

The accomplishments of The American Legion go beyond making certain that we, as a Nation of free people, discharge our obligation to those who sacrificed in defense of our freedom. Through various programs, particularly at the local community level, you have done much for a better understanding and a deeper appreciation of what it means to be an American.

To be an American is not a right, either by birth or by acquisition. It is a privilege. It is more than that. It is a life-long obligation to an ideal, with duties and responsibilities. To wear the uniform of the United States is an honor.

This is the doctrine which The American Legion has enunciated since its inception 53 years ago. And this will be the doctrine upon which I will evaluate any proposal of amnesty for those who evaded military service. When our distinguished American Legion Commander testified this morning on amnesty legislation before the Kennedy Subcommitte on the Senate Judiciary Committee he expressed my views, and I am sure yours, when he said that this is not the time to be considering amnesty for draft evaders when our American boys are held as prisoners-of-war and when our boys are still fighting in Vietnam and there is no peace.

And to those who persist in pointing out what is wrong with America, ignoring all that is right with America, I would say: of course, America is not perfect. Perfection means completed, and we have only begun. We will always be striving for a better tomorrow for all Americans.

What of this better tomorrow for which we are striving. It would not be worth the living—however well-fed, well-clothed, well-housed, and well-educated we all may be—if we are not safe and secure in our freedom. As President Nixon stated in his recent "State of the Union" address: "There could be no more misguided priorities than one which would tempt others by weakening America, and thereby endanger the peace of the world."

It is written in the Good Book, "What is a man profited, if he shall gain the whole world, and lose his own soul." We might ask our liberal friends who complain so vigorously about defense expenditures when there are so many social needs, "What would the American people have profited if every social need is met, and we lose our own freedom."

We recognize there are many social needs to be met and there are budgetary limitations on what the Federal Government can do to meet these needs. We are realistic enough to recognize that expenditures for social programs have much more popular appeal than expenditures for national defense.

And, I might add, we also understand the realities of politics, particularly in an election year.

This may explain, but it does not justify, the attacks some of our social planners—in and out of Congress—have been making on our defense budget. It would be no exaggeration to say that some of them would have us disarm unilaterally to make more funds available for social purposes. I have yet to hear any of them advocate an increase in taxes to meet what they consider to be neglected needs.

All of us recognize there are these social needs. I have supported programs to meet those needs.

All that I ask—and all that The American Legion has ever advocated—is that a sufficient portion of our national resources—a sufficient portion, no more and no less—be committed to our national defense to assure our freedom.

Let us take a look for a moment at this defense budget that they consider so excessive.

The fact is, for the first time in 20 years defense spending has been brought below the level of human resource spending.

The fact is, the new budget for next fiscal year allocates, for the first time, more money to the Department of Health, Education and Welfare than to the Department of Defense.

The fact is, our defense spending in the current fiscal year has fallen to 7 percent of our gross national product and will be down to 6.4 in fiscal year 1973, compared to 9.5 percent in 1968.

The fact is, there has already been a reordering of the priorities, and there should be no higher priority than our country's safety and security.

Those are the facts, and yet the social planners complain. They try to create the impression that we are under the insidious influence of a military-industrial complex, whatever that is. The mere fact that 60 percent of our defense budget represents personnel costs belies any influence by a mythical military-industrial complex for unnecessary weapons procurement.

In considering the size of our defense budget it should be borne in mind that we have entered upon a costly program for phasing out the draft and the establishment of an all-volunteer force. A recruit, for example, with less than one year of service received $78 a month in July of 1963. As of January of this year his pay became $288 a month, and this does not include numerous fringe benefits.

Our program for the establishment of an all-volunteer force is expensive. But it is what the American people want, and the American people must be prepared to pay the price.

It may be that in raising the level of pay of recruits and young servicemen to comparability with private employment we will still not get an all-volunteer force. Even if we do not, to pay comparable salaries to our servicemen is, in my judgment, the only fair and equitable thing to do. It is something we should have done a long time ago. If we are going to be in a position of requiring some men to be subject to a draft, we do not want to be also in a position of forcing them to accept unjustly low pay because of that draft.

It should also be borne in mind that inflation has had a tremendous impact on the size of the defense budget in terms of dollars.

Like everything else, a gun, a ship, an airplane, a tank and all other weapons, cost more than three or four years ago. In terms of constant dollars—that is, making allowance for inflation—our defense budget is 30 percent less than for fiscal year 1968, which was a wartime peak and 8 percent less than the 1964 prewar level.

There is no denying that a defense budget of $83.5 billion is a tremendous sum. But I am confident the vast majority of the American taxpayers are willing to bear this burden as long as it is necessary for our country's security, and provided we get a dollar's worth of defense for each dollar expended.

In a "State of the World Report" President Nixon said: "It is essential that the United States maintain a military force sufficient to protect our interests and meet our commitments."

The measure of sufficiency is not the number of dollars we spend annually on our defense establishment. The measure is whether it is sufficient to ensure the continued safety and security of our country and to maintain peace. Our objective is not to make war, but to deter war.

In keeping with this objective, the size and nature of our national defense is necessarily dictated by the nature of the world in which we live, by the threat and potential threats we face.

The size and nature of our national defense is also dictated by our treaty commitments and by what our allies contribute to our mutual security.

I am constrained to add parenthetically that in my opinion our allies have been contributing all too little and we have been overcommitted.

It is on these premises—not what the military might like to have, be it Army, Navy or Air Force; nor what industry might want, be it aerospace or shipbuilding; nor what any of the Presidential aspirants may advocate, be he hawk or dove—it is on a basis of actual need that our Committee on Armed Services make its evaluation of our defense posture and a determination of what should be authorized.

Our Committee is currently engaged in making such an inquiry into our defense needs. And in this connection I should like for you to know that I have always been proud of the non-partisan manner in which our Committee has dealt with all matters pertaining to our national defense.

This has been, and continues to be, our Committee policy, whoever is President and whatever the political complexion of the Congress.

It is hardly necessary to tell you that Soviet Russia continues to be the principal threat to our national security and to the maintenance of peace. But I do not believe the American people are fully aware how grave that threat has become. In the field of nuclear arms Soviet Russia has caught up with us. Their development and deployment of strategic nuclear weapons has been faster than we anticipated.

In testifying before our Committee a couple of weeks ago, Secretary of Defense Laird said something to which I am sure we would all subscribe:

"The American people may perhaps be willing to accept parity in regard to the deployment of strategic nuclear weapons; but, in my view, they will never accept a position of inferiority."

As we all have known, Soviet Russia is far ahead of us in total number of submarines and has been engaged for several years in a large ship-construction program. We however, have placed great reliance on our lead in a ballistic-missile type submarine, such as the Polaris. Last year we estimated that the Soviet ballistic-missile submarine force will probably not equal ours until 1974. We now find that they will equal our ballistic-missile submarine force next year and by the end of the year could have a force larger than ours.

We are building no new ballistic-missile submarines.

We cannot permit Soviet Russia to gain control of the seas and to have such nuclear strategic superiority as to be able to blackmail us. It is imperative that we maintain a strategic sufficiency as a deterrent to this growing threat. And above all, it is imperative that we maintain a technological superiority.

Many of the weapons systems Soviet Russia is now producing are the product of its stepped up research and development efforts. As Defense Secretary Laird stated before our Committee, "The USSR has now reached a position where—unless we take appropriate action—there could be new surprises and new 'sputniks'."

You will recall how shocked we were and how panicky we became when Russia launched its "Sputnik" in 1957.

It is because of this threat that the President has recommended an increase in defense spending, with the emphasis on research and development that we can maintain technological superiority. We are determined to have now, and in the future, a national defense of such size and nature that no one dare risk an attack on us. To be safe and secure in our freedom and maintain peace is our sole objective. Our military strength is our guardian.

But we all recognize that a peace based solely on the off-setting military might of great powers is an uncertain one, and a costly one. We seek a peace founded on better understandings, mutual respect and mutual trust and an end to the cold war.

That was the purpose of our President's historic trip to China where, after more than 20 years of isolation and hostility, he has brought about better understandings between two peoples of different ideologies. He has paved the way for future accords.

We pray that his forthcoming trip to Russia will be as successful a journey for peace.

For my part I am proud of our President. Mark you that I say our President, for he is the President of all of us, he has given new direction to our foreign policy. He is bringing an honorable end to the war in Vietnam that the sacrifices made there will not have been entirely in vain. He has emphasized in 1969 that while we will honor our treaty commitments, we cannot and will not undertake *all* the defense of the free nations of the world. We do not intend to police the world.

These past three years have been years of transition: from an era of containment and confrontation to an era of conciliation and negotiation.

Our defense plans depend upon our foreign policy. One implements and supplements the other. Both relate to our national security. The President is also Commander-in-Chief of all our armed forces.

With this separation of powers, as between the President and the Congress, it logically follows that it is imperative there be maximum cooperation between the two, whoever is the President and whatever the political complexion of the Congress. It is my view that politics should stop at the water's edge. And it is my view that at no time should partisan considerations enter into our decisions with respect to foreign policy or with respect to our national defense.

If we are to achieve a generation of peace for which we aspire, it is essential that we give our President the maximum cooperation and support. And it is essential that we make certain that we have a national defense second to none. As President Nixon said in his "State of the Union" Address, "Strong military defenses are not the enemy of peace. They are the guaradians of peace."

Let the world know that while the American people love peace, want peace and will work tirelessly for peace, we love freedom even more. I commend you. The American Legion, for your own tireless efforts in behalf of the peace we love and the freedom we cherish even more. In receiving this award at your hands I am both proud and humble. I pledge my best efforts to prove myself worthy.

ONE YEAR AFTER BOMBING

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, 1 year ago March 1 the people of this Nation were shocked when a bomb exploded in this building. The damage that resulted is with us today. True, much of the physical damage has been repaired; but damage remains. Because of the bombing, the traditional free access by the public to this historic building has been circumscribed. And the hundreds of people who work in the Capitol remain concerned, if not fearful, that another tragic incident might mar the symbol of our Nation, and cause personal injury as well.

The anniversary of this tragic event is a reminder that much remains to be done if we are to insure the safety of the Capitol and the legislative branch of the Government is to be secure. Although stopgap measures have been taken—tighter security at the entrances, and discussion of electronic surveillance—what is required is a systems analysis approach to Capitol security.

On October 26 of last year, I introduced H.R. 11476, which is a bill to establish the Office of Congressional Security. We need more than a mere expansion of the Capitol Police Force, more than intermittent sweeps of the buildings in search of electronic surveillance devices, and more than additional security measures at points of entry. In brief, a comprehensive rather than a patchwork approach is what is demanded.

Three principal elements of the congressional establishment—its facilities, personnel and information—are subject to risks and threats against which there are presently no protections or safeguards. And it is imperative that the people we serve have access to their Capitol facilities and to their representatives. To insure this, a single focal point for all security functions is mandatory.

I urge my colleagues to join in support of my bill and insure quick passage. We cannot wait indefinitely to insure the security of our Capitol and the people who use it.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Stratton, for 10 minutes, today.

(The following Members (at the request of Mr. Baker), to revise and extend their remarks and to include extraneous matter:)

Mr. Harvey, on March 15, 1972, for 1 hour.

Mr. Saylor, today, for 10 minutes.

(The following Members (at the request of Mr. Denholm), and to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, today, for 10 minutes.

Mr. Hamilton, today, for 30 minutes.

Mr. Aspin, today, for 10 minutes.

Mr. Reuss, today, for 10 minutes.

Mr. Fraser, today, for 10 minutes.

Mr. Rostenkowski, today, for 5 minutes.

Mr. Roy, today, for 5 minutes.

Mr. Addabbo, today, for 20 minutes.

Mr. Pryor of Arkansas, today, for 5 minutes.

Mr. Stokes, today, for 10 minutes.

Mr. Boland, today, for 10 minutes.

Mr. Pepper, today, for 5 minutes.

Mr. Minish, today, for 5 minutes.

Mr. Burke of Massachusetts, today, for 5 minutes.

Mr. Griffin, today, for 10 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Baker), and to include extraneous matter:)

Mr. Lent in 10 instances.

Mr. Crane in five instances.

Mr. Thompson of Georgia.

Mr. Wydler in two instances.

Mr. Hosmer in three instances.

Mr. Anderson of Illinois.

Mr. Derwinski in two instances.

Mr. Price of Texas in two instances.

Mr. Wyman in two instances.

Mr. Thone.

Mr. Whalen.

Mr. Arends.

Mr. Shriver.

Mr. Brown of Michigan.

Mr. Hansen of Idaho.

Mr. Del Clawson.

(The following Members (at the request of Mr. Denholm), and to include extraneous matter:)

Mr. Gonzalez in three instances.

Mr. Rarick in three instances.

Mr. Rogers in five instances.

Mr. Mazzoli in two instances.

Mr. Hamilton.

Mr. Badillo in five instances.

Mr. de la Garza in 10 instances.

Mrs. Hicks of Massachusetts.

Mr. Mitchell in two instances.

Mr. Aspin.

Mr. Kluczynski in five instances.

Mr. Fountain in three instances.

Mr. Teague of Texas in six instances.

Mr. Edwards of California.

Mr. Boggs.

Mr. Anderson of California in four instances.

Mr. Bolling.

Mr. Dingell.

Mr. Monagan.

Mr. Curlin.

Mr. BRASCO.
Mr. WALDIE in two instances.
Mr. PEPPER in five instances.
Mr. WOLFF in three instances.
Mr. BINGHAM.
Mr. O'NEILL.

SENATE CONCURRENT RESOLUTIONS REFERRED

Concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 60. Concurrent resolution to print additional copies of hearings on the "Environmental Protection Act of 1971"; to the Committee on House Administration.

S. Con. Res. 62. Concurrent resolution authorizing the printing of additional copies of Senate Document Numbered 56, entitled "State Utility Commissions—Summary and Tabulation of Information Submitted by the Commissions"; to the Committee on House Administration.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 748. An act to authorize payment and appropriation of the second and third installments of the United States contributions to the Fund for Special Operations of the Inter-American Development Bank;

S. 749. An act to authorize United States contributions to the Special Funds of the Asian Development Bank; and

S. 2010. An act to provide for increased participation by the United States in the International Development Association.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on March 1, 1972, present to the President, for his approval, bills of the House of the following titles:

H.R. 1824. An act for the relief of Clinton M. Hoose;

H.R. 2828. An act for the relief of Mrs. Rose Scanio;

H.R. 2846. An act for the relief of Roy E. Carroll;

H.R. 4497. An act for the relief of Lloyd B. Earle;

H.R. 4779. An act for the relief of Nina Daniel;

H.R. 6291. An act to provide for the disposition of funds arising from judgments in Indian Claims Commission dockets numbered 178 and 179, in favor of the Confederated Tribes XX of the Colville Reservation, and for other purposes;

H.R. 6998. An act for the relief of Salman M. Hilmy; and

H.R. 7871. An act for the relief of Robert J. Beas.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 55 minutes p.m.), under its previous order, the House adjourned until Monday, March 6, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1681. A letter from the Secretary of Defense, transmitting the military manpower requirements report for fiscal year 1973, pursuant to Public Law 92–129; to the Committee on Armed Services.

1682. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting the reports of the military departments and applicable defense agencies on design, construction, supervision and overhead fees charged with military construction projects completed in fiscal year 1971, pursuant to section 604 of Public Law 91–511; to the Committee on Armed Services.

1683. A letter from the Secretary of Commerce, transmitting the 98th quarterly report on export control, covering the fourth quarter of 1971, pursuant to the Export Administration Act of 1969; to the Committee on Banking and Currency.

1684. A letter from the Assistant Secretary of State for Congressional Relations, transmitting copies of the determination of the President No. 72–11 waiving the restriction on assistance to Greece, pursuant to section 620(v) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1685. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to authorize the Secretary of the Interior to transfer franchise fees received from certain concession operations at Glen Canyon Recreation Area, and for other purposes; to the Committee on Interior and Insular Affairs.

1686. A letter from the Chairman, Securities and Exchange Commission, transmitting the 37th annual report of the Commission, covering fiscal year 1971; to the Committee on Interstate and Foreign Commerce.

1687. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to authorize the position of crier-clerk within the judicial branch of the Government of the United States, and for other purpose; to the Committee on the Judiciary.

1688. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to provide for a within-grade salary increase plan for secretaries to circuit and district judges of the courts of the United States; to the Committee on the Judiciary.

1689. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according to certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1690. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1691. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(2) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1692. A letter from the Acting Administrator of General Services, transmitting prospectuses for the proposed construction and alteration of various facilities, pursuant to section 7(a) of the Public Buildings Act of 1959, as amended; to the Committee on Public Works.

1693. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on the proposed use of research and development funds appropriated to NASA for the construction and equipping of a lunar laser ranging station in Hawaii, pursuant to section 1(d) of the NASA Authorization Act, 1972; to the Committee on Science and Astronautics.

RECEIVED FROM THE COMPTROLLER GENERAL

1694. A letter from the Comptroller General of the United States, transmitting a report that the effectiveness of the Smithsonian Institution's Science Information Exchange is hampered by the lack of complete and current research information; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 10834. A bill authorizing the State of Alaska to operate a ferry vessel of foreign registry between ports in southeastern Alaska, and between ports in Alaska and ports in the State of Washington, for a limited period of time; with amendments (Rept. No. 92–897). Referred to the Committee of the Whole House on the State of the Union.

Mr. DULSKI: Committee on Post Office and Civil Service. Report on adequacy and management of services furnished to scholars and researchers by Presidential libraries; (Rept. No. 92–898). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee of conference. Conference report on H.R. 1746. with amendment (Rept. 92–899). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPIN:

H.R. 13529. A bill to allow a credit against Federal income tax or payment from the U.S. Treasury for State and local real property taxes or an equivalent portion of rent paid on their residences by individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. BINGHAM (for himself, Mr. HAYS, Mr. STRATTON, Mr. REUSS, Mr. ROONEY of Pennsylvania, and Mr. VANIK):

H.R. 13530. A bill to authorize the Secretary of State to furnish assistance for the resettlement of Soviet Jewish refugees in Israel; to the Committee on Foreign Affairs.

By Mr. BINGHAM (for himself and Mrs. ABZUG, Mr. BADILLO, Mr. BRASCO, Mrs. CHISHOLM, Mr. DRINAN, Mr. DELLUMS, Mr. DOW, Mr. HALPERN, Mr. HARRINGTON, Mr. HELSTOSKI, Mr. HECHLER of West Virginia, Mr. MOLLOHAN, Mr. O'HARA, Mr. PODELL, Mr. ROSENTHAL, Mr. RYAN, and Mr. ST GERMAIN):

H.R. 13531. A bill to amend the Federal Food, Drug, and Cosmetic Act to prvoide for the registration and licensing of food manufacturers and processors, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BOLAND:

H.R. 13532. A bill to amend title II of the Social Security Act to provide a 20-percent across-the-board increase in benefits thereunder, to increase the amount of earnings counted for benefit and tax purposes, and to make appropriate adjustments in social security tax rates; to the Committee on Ways and Means.

By Mr. CABELL (for himself, Mr. Abernethy, and Mr. Gude):

H.R. 13533. A bill to amend the District of Columbia Redevelopment Act of 1945 to provide for the reimbursement of public utilities in the District of Columbia for certain costs resulting from urban renewal; to provide for reimbursement of public utilities in the District of Columbia for certain costs resulting from Federal-aid system programs; and to amend section 5 of the act approved June 11, 1878 (providing a permanent government of the Distirct of Columbia), and for other purposes; to the Committee on District of Columbia.

By Mr. DINGELL (for himself and Mr. O'Hara):

H.R. 13534. A bill to amend the Judicial Code with respect to orders of Federal courts intended to desegregate public schools as required by the U.S. Constitution; to the Committee on the Judiciary.

By Mr. DULSKI:

H.R. 13535. A bill to authorize the Secretary of State to furnish assistance for the resettlement of Soviet Jewish refugees in Israel; to the Committee on Foreign Affairs.

By Mr. GARMATZ (for himself, Mr. Clark, Mr. Pelly, and Mr. Keith):

H.R. 13536. A bill to authorize a Coast Guard appropriation for alteration of bridges over the navigable waters; to the Committee on Merchant Marine and Fisheries.

By Mr. HALL:

H.R. 13537. A bill to amend the Occupational Safety and Health Act of 1970, with respect to its application to small employers; to the Committee on Education and Labor.

By Mr. HARSHA (for himself, Mr. Blatnik, Mr. Jones of Alabama, Mr. Grover, Mr. Kluczynski, Mr. Cleveland, Mr. Wright, Mr. Don H. Clausen, Mr. Gray, Mr. Schwengel, Mr. Clark, Mr. Snyder, Mr. Edmondson, Mr. Zion, Mr. Johnson of California, Mr. McDonald of Michigan, Mr. Dorn, Mr. Hammerschmidt, Mr. Henderson, Mr. Miller of Ohio, Mr. Roberts, Mr. Mizell, Mr. Kee, Mr. Terry, and Mr. Howard):

H.R. 13538. A bill to authorize appropriations for certain highway safety projects, and for other purposes; to the Committee on Public Works.

By Mr. HARSHA (for himself, Mr. Anderson of California, Mr. Thone, Mr. Caffery, Mr. Baker, Mr. Roe, Mr. Collins of Illinois, Mr. Roncalio, Mr. Begich, Mr. McCormack, Mr. Rangel, Mr. James V. Stanton, and Mrs. Abzug):

H.R. 13539. A bill to authorize appropriations for certain highway safety projects, and for other purposes; to the Committee on Public Works.

By Mr. HASTINGS:

H.R. 13540. A bill to provide for the establishment of projects for the dental health of children, to increase the number of dental auxiliaries, to increase the availability of dental care through efficient use of dental personnel, to the Committee on Interstate and Foreign Commerce.

By Mr. HOLIFIELD:

H.R. 13541. A bill to require that an additional $4 per month (reflecting post-1970 across-the-board increases in social security and railroad retirement benefits) be passed along to public assistance recipients, either by disregarding such amount in determining their need or otherwise; to the Committee on Ways and Means.

By Mr. KEMP (for himself, Mr. Brown of Michigan, Mr. Cleveland, Mr. Collier, Mr. Downing, Mr. Esch, Mr. Frelinghuysen, Mr. Hunt, Mr. McCollister, Mr. Montgomery, Mr. Runnels, Mr. Sarbanes, and Mr. Sebelius):

H.R. 13542. A bill to amend title 10 of the United States Code to permit the appointment by the President of certain additional persons to the service academies; to the Committee on Armed Services.

By Mr. KEMP:

H.R. 13543. A bill to provide financial assistance for the construction and operation of senior citizens' community centers, and for other purposes; to the Committee on Education and Labor.

By Mr. KOCH:

H.R. 13544. A bill to amend the Urban Mass Transportation Act of 1964 to authorize grants and loans to private nonprofit organizations to assist them in providing transportation service meeting the special needs of elderly and handicapped persons; to the Committee on Banking and Currency.

By Mr. KOCH (for himself, Mrs. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Boland, Mr. Brasco, Mr. Burke of Massachusetts, Mr. Burton, Mr. Carey of New York, Mrs. Chisholm, Mr. Clark, Mr. Clay, Mr. Córdova, Mr. Dent, Mr. Dingell, Mr. Donohue, Mr. Edwards of California, Mr. Eilberg, Mr. Fascell, Mr. Fish, Mr. Forsythe, Mr. Fraser, Mr. Gallagher, Mr. Gaydos, and Mr. Halpern):

H.R. 13545. A bill to amend the Urban Mass Transportation Act of 1964 to provide emergency grants for operating subsidies to urban mass transportation systems on the basis of passengers serviced; to the Committee on Banking and Currency.

By Mr. KOCH (for himself, Mr. Adams, Mr. Stokes, Mr. Stratton, Mrs. Sullivan, Mr. Symington, Mr. Thompson of New Jersey, Mr. Tiernan, Mr. Van Deerlin, Mr. Waldie, Mr. Williams, Mr. Charles H. Wilson, Mr. Wolff, and Mr. Yatron):

H.R. 13546. A bill to amend the Urban Mass Transportation Act of 1964 to provide emergency grants for operating subsidies to urban mass transportation systems on the basis of passengers serviced; to the Committee on Banking and Currency.

By Mr. KOCH (for himself, Mr. Harrington, Mr. Hawkins, Mr. Helstoski, Mrs. Hicks of Massachusetts, Mr. Leggett, Mr. McDade, Mr. McKinney, Mr. Madden, Mr. Mikva, Mr. Miller of California, Mr. Morse, Mr. Nix, Mr. O'Neill, Mr. Pepper, Mr. Price of Illinois, Mr. Rangel, Mr. Rees, Mr. Rodino, Mr. Rooney of Pennsylvania, Mr. Rosenthal, Mr. Ryan, Mr. Sarbanes, Mr. Scheuer, and Mr. Seiberling):

H.R. 13547. A bill to amend the Urban Mass Transportation Act of 1964 to provide emergency grants for operating subsidies to urban mass transportation systems on the basis of passengers serviced; to the Committee on Banking and Currency.

By Mr. KOCH:

H.R. 13548. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to eliminate certain requirements respecting contributions of State and local governments; to the Committee on the Judiciary.

By Mr. KOCH (for himself, Mr. Badillo, Mr. Dellums, Mr. Mikva, Mr. Mitchell, Mr. Bell, Mr. Bingham, Mr. Burton, Mrs. Chisholm, Mr. Clay, Mr. Collins of Illinois, Mr. Conyers, Mr. Edwards of California, Mr. Fraser, Mr. Halpern, Mr. Harrington, Mr. Rangel, Mr. Rosenthal, Mr. Seiberling, and Mr. Stokes):

H.R. 13549. A bill to provide for family visitation furloughs for Federal prisoners; to the Committee on the Judiciary.

By Mr. LLOYD:

H.R. 13550. A bill to establish the Glen Canyon National Recreation Area in the States of Utah and Arizona and the Canyon Country National Conservation Area in the State of Utah; to the Committee on Interior and Insular Affairs.

By Mr. LONG of Louisiana:

H.R. 13551. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. PREYER of North Carolina (for himself and Mr. Udall):

H.R. 13552. A bill to provide for affording equal educational opportunities for students in the Nation's elementary and secondary schools; to the Committee on Education and Labor.

By Mr. QUIE:

H.R. 13553. A bill to require that an additional $4 per month (reflecting post-1970 across-the-board increases in social security and railroad retirement benefits) be passed along to public assistance recipients, either by disregarding such amount in determining their need or otherwise; to the Committee on Ways and Means.

By Mr. RANDALL:

H.R. 13554. A bill to amend the Occupational Safety and Health Act of 1970 to exempt any nonmanufacturing business, or any business having 25 or less employees, in States having laws regulating safety in such businesses, from the Federal standards created under such act; to the Committee on Education and Labor.

By Mr. RONCALIO:

H.R. 13555. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets Nos. 142, and 359–363, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 13556. A bill to provide for the distribution to the Sisseton and Wahpeton Tribes of Sioux Indians of their portion of the funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets Nos. 142 and 359, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ST GERMAIN (for himself and Mr. Tiernan):

H.R. 13557. A bill to amend the Food Stamp Act of 1964, to allow State agencies to have discretion with respect to the establishment of procedures for coupon allotment deduction and distribution, and for other purposes; to the Committee on Agriculture.

By Mr. SATTERFIELD:

H.R. 13558. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. STEIGER of Wisconsin:

H.R. 13559. A bill to amend the act of August 13, 1946, relating to Federal participation in the cost of protecting the shores of the United States, its territories, and possessions, to include privately owned property; to the Committee on Public Works.

By Mrs. SULLIVAN:

H.R. 13560. A bill to provide for the striking of medals in commemoration of the First U.S. International Transportation Exposition; to the Committee on Banking and Currency.

By Mr. THOMSON of Wisconsin:

H.R. 13561. A bill to provide that lending institutions must pay interest on escrow tax and insurance accounts which they maintain with respect to loans secured by residential real property; to the Committee on Banking and Currency.

By Mr. THONE:

H.R. 13562. A bill to amend the Occupational Safety and Health Act of 1970 to provide that where violations are corrected within the prescribed abatement period no penalty shall be assessed; to the Committee on Education and Labor.

By Mr. UDALL:

H.R. 13563. A bill to require the Secretary of Agriculture to compensate permittees where permits for recreational-type dwellings on national forest lands are terminated, and for other purposes; to the Committee on Agriculture.

By Mr. WAGGONNER:

H.R. 13564. A bill to amend title 23, United States Code, to authorize the Secretary of Transportation to reimburse States for the Federal share of the costs of future construction of toll roads, and for other purposes; to the Committee on Public Works.

H.R. 13565. A bill to amend the Highway Revenue Act of 1956, and for other purposes; to the Committee on Ways and Means.

By Mr. ZWACH:

H.R. 13566. A bill to provide price support for milk at not less than 90 percent of the parity price thereof; to the Committee on Agriculture.

H.R. 13567. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform and relief for small businessmen; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.J. Res. 1089. Joint resolution authorizing and requesting the President to proclaim April 24 through 29, 1972, as "National Auctioneers Week"; to the Committee on the Judiciary.

By Mr. DINGELL:

H. Con. Res. 551. Concurrent resolution expressing the concern of the Congress with respect to the present situation in Northern Ireland; to the Committee on Foreign Affairs.

By Mr. ABOUREZK (for himself, Mr. Bergland, Mr. Hamilton, Mr. Alexander, Mr. Helstoski, Mr. Sarbanes, Mr. Waldie, Mr. Dellums, Mr. Stuckey, Mr. Roy, Mr. Begich, Mr. Hathaway, Mr. Roush, Mr. Davis of Georgia, Mr. Denholm, Mr. Mathis of Georgia, Mr. Roe, Mr. Nichols, Mr. Sisk, Mr. William D. Ford, Mr. Brinkley, Mr. Obey, Mr. Fuqua, Mr. Smith of Iowa, and Mr. Hastings):

H. Res. 858. Resolution expressing the sense of the House that the full amount appropriated for fiscal year 1972 for the Farmers Home Administration's farm operating loan program and waste facility grant program authorized by the Consolidated Farmers Home Administration Act of 1961, be released and made available by the Administration to carry out the objectives of these programs; to the Committee on Appropriations.

By Mr. BERGLAND (for himself, Mr. Abourezk, Mr. Jones of North Carolina, Mr. Hanley, Mr. Zwach, Mr. Randall, Mr. Horton, Mr. Edwards of Louisiana, Mr. Thompson of New Jersey, Mr. Schwengel, Mr. Howard, Mr. Andrews of North Dakota, Mr. Bevill, Mr. Link, Mr. Hechler of West Virginia, Mr. McKay, Mrs. Chisholm, Mr. Ullman, Mr. Byron, Mr. Pryor of Arkansas, Mr. McCormack, Mr. Adams, Mr. Melcher, Mr. Davis of Georgia, and Mr. Halpern):

H. Res. 859. Resolution expressing the sense of the House of Representatives that the full amount appropriated for fiscal year 1972 for the Farmers Home Administration's farm operating loan program and waste facility grant program authorized by the Consolidated Farmers Home Administration Act of 1961, be released and made available by the Administration to carry out the objectives of these programs; to the Committee on Appropriations.

By Mr. BERGLAND (for himself, Mr. Abourezk, Mr. Roncalio, and Mr. Dow):

H. Res. 860. Resolution expressing the sense of the House of Representatives that the full amount appropriated for fiscal year 1972 for the Farmers Home Administration's farm operating loan program and waste facility grant program authorized by the Consolidated Farmers Home Administration Act of 1961, be released and made available by the Administration to carry out the objectives of these programs; to the Committee on Appropriations.

By Mr. CORMAN:

H. Res. 861. Resolution expressing the sense of the House that the United States should recognize Bangladesh; to the Committee on Foreign Affairs.

By Mr. HAYS:

H. Res. 862. Resolution authorizing the Committee on House Administration to incur expenses in making certain improvements in the House Restaurant and related facilities in the Longworth House Office Building; to the Committee on House Administration.

By Mr. WOLFF (for himself and Mr. Murphy of Illinois):

H. Res. 863. Resolution expressing the sense of the House of Representatives that the President should suspend, in accordance with section 481 of the Foreign Assistance Act of 1961, economic and military assistance and certain sales to Thailand for its failure to take adequate steps to control the illegal traffic of opium through its borders; to the Committee on Foreign Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII,

197. The SPEAKER presented a petition of the mayor and Council of the Borough of Norwood, N.J., relative to the Federal Water Pollution Control Act, which was referred to the Committee on Public Works.

EXTENSIONS OF REMARKS

WHAT IF THE FARMER WENT ON STRIKE?

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. ZWACH. Mr. Speaker, I am dwelling continually on the low prices our producers receive for their food products. I may sound like a broken record.

But this is a very important matter in our rural district. Our Minnesota Sixth Congressional District editors echo my concern in this area.

A good example of this concern is an editorial written by Dave Gallagher in the Montevideo American of February 24.

Mr. Speaker, I insert this editorial in the Congressional Record and I urge my colleagues to give it their close attention.

What would happen if our American farmers went on strike?

The article follows:

A Raise for Whom?

Example: A farmer north of Montevideo did some serious figuring after he had harvested his last crop. He listed, on one side of his paper, the cost of seed, fertilizer, weed killer; the cost of operating his tractor and combine. He did not include a cent for labor.

On the other side of his paper, he noted the price his crop brought at the market. Somehow, the two figures didn't jibe: the farmer was operating at a loss. Taking the same amount of acreage he'd put to seed, he calculated what he could have made had he planted nothing and put those acres aside as diverted.

No matter how he did his arithmetic, the answer was the same. Had he planted nothing at all, he would have made over $50 per acre more by diverting his land. So, why did he plant anything at all? Because he is a farmer, because he is an inherent gambler, because he has faith in the system.

And, before you draw any wrong conclusions, the farmer is not getting rich on his diverted acreage. That program is not what is haywire. The price the farmer is receiving for his crop is where the problem lies, and there is no foreseeable improvement in the situation.

It has been announced that the consumer can expect food prices to rise four to six percent in the next year. Now who is going to receive that four to six percent? Has anyone heard of the farmers going on strike? Are they pushing for high wages? Better working conditions? More vacations? Better fringe benefits? A guaranteed contract?

Not at all. At present, depending upon which figures one uses, the farmer is receiving approximately thirty-five cents of every food dollar. Now consider the expenses. Few farmers, individually, can deal on a volume basis, and few can hold onto their crop until the market rises. There are too many subsistance farmers to make that effective.

The farmer must sell his product after the harvest. The processors and distributors do deal in volume and they are taking the lion's share of the profits. When food prices continue to climb, the consumer cannot point an accusing finger at the farmer and wonder how his food dollar is being spent. The finger must be pointed at those who are demanding exorbitant salaries, shorter hours and more fringe benefits for handling what the farmer stakes his economic life on growing.

The finger must be pointed at those who do nothing to halt the flow of foreign foodstuffs into our nation, making our own farmers compete with farmers from other nations; competition they cannot come away from in a healthy financial state.

This writer cannot help but wonder what could happen if the American farmer went on strike. The coal workers in England are striking now. The nation is literally without power. Businesses must close early. Lights are turned off early at night for lack of electricity. Commuter trains no longer run. And in spite of the inconvenience, Englanders are, for the most part, supporting the coal miners.

Would Americans, if there were no food to be purchased, support the American farmer in his quest for a fair living wage, a fair price for the products he grows so that Americans can continue to be the best fed nation on earth?

This is a big week for agriculture in Montevideo. The city is to host the Corn-Soybean Clinic here today (Thursday) and this has also been proclaimed Future Farmers of America Week.

Agriculture has been, and always will be, the very backbone of our nation; for a nation in want, a nation without food is not truly a nation at all—but merely a conglomeration of people attempting to eke out an existence.

We can help the farmers. We can support the FFA, we can attend Corn-Soybean Clinics and we can see to it that the four to six percent rise in food prices finds its way to the farmer's pocketbook. Until we do, the processors will continue to feast off the farmer, and he, in turn, will be forced to quit. Justice, fair play and just rewards have nothing to do with it; America's future is at stake and that's important enough.—Dave Gallagher.

H.R. 9900—TAX EXEMPTIONS FOR POW'S/MIA'S

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. BOB WILSON. Mr. Speaker, I was extremely pleased to see the unanimous passage of H.R. 9900 yesterday, to exclude from Federal income taxes the full pay of all members of the Armed Forces or civilian employees of the U.S. Government who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict.

Present law exempts the entire amount of taxable income derived from military service for enlisted personnel and warrant officers, and the first $500 of taxable income for commissioned officers serving in a combat zone. Since many of the known American prisoners of war are pilots and, therefore, officers whose monthly incomes exceed $500, I feel that such tax relief is more than justified in their cases. This small financial gain cannot in any measure compensate the servicemen involved or their families for the physical hardships and mental anguish they are suffering. Though we have deep sympathy for their plight, it is hard for anyone not directly involved to comprehend the horrible uncertainty, despair, and loneliness which many of their families have had to endure for a period of time longer than the total U.S. involvement in World War II.

It was well that the House Ways and Means Committee adopted the amendment to my bill as suggested by the Department of Defense to include civilian employees of the Government who are prisoners of war or missing in action, as a result of their service in a support capacity to our military operations in Southeast Asia. Although their number is small, these men are an integral part of our military effort in Vietnam. Civilian employees captured by the enemy in Vietnam are suffering many of the same hardships as our military men and simple equity compels that they receive similar tax treatment.

The legislation will have little financial effect on the Government, but it is the very least we can do for these brave men and their families. I urge my colleagues' favorable consideration.

ENERGY AND THE QUALITY OF LIFE

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. HANSEN of Idaho. Mr. Speaker, we hear a great deal about the quality of life as a major national social goal. We are also being made increasingly aware of a growing energy crisis. There is, in part, a direct relationship between quality of life and the availability of energy.

Henry G. Curtis, general manager of the Northwest Public Power Association, and a long-time and valued personal friend, is one of the most respected authorities on this subject. I want to bring to the attention of my colleagues some timely and perceptive comments by Mr. Curtis on man's dependence on energy to assure quality of life.

The article follows:

MAN'S QUALITY OF LIFE IS PROPORTIONATE TO THE EFFICIENCY OF THE ENERGY HE USES

(Comments by Henry G. Curtis, General Manager, Northwest Public Power Association, to the Washington Ecological Commission, December 8, 1971, Seattle, Wash.)

"Since mankind arrived on this planet he has survived by consumption of energy. The quality of his life throughout these eons has depended largely on whether he *was* the energy form or consumed other energy . . . and the quantity of energy he had to be or to use.

"Life was grim for those first prehistoric men who had only their own body energy to supplement heat from the sun, to provide locomotion, and to do the work necessary to survive. When he found that fire could be used, early man became an outside power consumer. For the first time (unless slavery predates fire use) man had something besides his personal energy input with which to heat his domestic environment, sharpen his spear, and create his bronze and iron tools.

"In his evolution and progress since then he has used quantities of firewood, slaves of various kinds, work animals, wind, falling water, coal petroleum, natural gas, geothermal steam and the atom. It was the discovery and use of these energy producers, especially the inanimate energy forms, which made it possible for man to live on this earth today . . . to exist in the numbers he does and with the relatively good life he has. Whether or not we should be here in these numbers is a moot point for us now. We *are here,* and nothing short of mass suicide will change that situation.

"I have recited this brief story of man's evolution of energy use for one purpose only—to point out that *never* has man survided without energy consumption. He *still* cannot survive without it. His only choice involves the mix of the energy he will use . . . of forms from personal exertion and slavery as the basest forms, to electricity as the highest and most efficient form. Man's parameters of choice, even in this mix, are limited by the ability of the environment to produce enough of each type of energy resource, and the environment's ability to recover from the impact of utilization of each. The comparative costs of energy forms have, until now, however, determined which energy forms we use.

"Mankind is a shrewd beast and, probably since time began, has tried to accumulate as much as he can of the good things in life at the minimum economic cost to himself. Cost competition between energy forms has spurred efficiency gains, through technology, for most of the energies we use. It is the inherent efficiency of electricity at its point of use that has brought such fantastic growth in the production and use of kilowatt hours. It is this same efficiency which has brought us so much more of what are, mostly, the *better* things in life with a far lesser increase in all energy consumption.

"Each unit of gross national product in 1965 was produced with 37 percent less energy than a GNP unit of 1920. Even more amazing to me is the fact that in 1955, the per capita consumption of energy for residential use was only the equivalent of 1.9 tons of coal . . . compared with an 1880 per capita consumption equal to 2.4 tons in the home. When you stop to think that the 1955 home had central heating, good lights, a refrigerator, a modern range, television, radio, a hot water tank, and perhaps a washer, dryer, dishwasher and many other gadgets—contrasted to just fireplaces, a wood range and kerosene lamps in the 1880 home—and we see technology has helped our quality of life . . . while conserving energy too.

"This matter of energy consumption is something which has been misunderstood. Too often someone will quote the spectacular growth of electricity usage since 1900 and indicate that we are on an energy binge. Or they will point to the aggregate growth of kilowatt hour, coal, oil and gas use . . . and say that we're much greedier than at the turn of the century. They forget that fuelwood still served much of our energy needs of 1900. If wood use is added to the 1900 energy base, then per capita energy consumption only doubled from 1900 to 1960. And its mere doubling produced a many fold increase in per capital wealth . . . and the better life which goes with that breakout from personal poverty.

"Let us assume that the higher energy forms of gas and electricity had not replaced fuelwood as the basic form of domestic energy in this nation, and that today's population lived as those in 1850. Would there be an environmental impact?

"Our small U.S. population in 1879 burned 146 million cords of wood. It was at about that time that continued cutting of fuelwood had removed the forests so far from the cities that the populace had to turn to coal. What forests would we have left today if we had, for the past 100 years, used firewood like our ancestors did? Today our air pollution control people tell us we cannot burn the prunings from our shrubs because that makes the air too thick. What would the atmosphere be like if all the homes in the Pacific Northwest were burning our forests for heat?

"The point I am making is that each householder today uses less energy for a much better domestic life than he did in the days of yore. And I believe that our hydroelectricity of the great Northwest has been more environmentally kind than would have been the fuelwood economy which once we had.

"Any energy production carries with it an environmental impact, whether that production be the cutting of a cord of wood, the drilling of an oil or a geothermal well, the mining of coal, the building of a dam, or the breaking of an atom. That impact can at times be beneficial, and often it is adverse. The values of benefits . . . and the costs of adversities . . . of course, should be considered in the choice of what energy form a person should use . . . and the quantity he should have. How much is a value, or how much a cost, of *anything* we do? There is some value to a beautiful landscape, no matter how common it may be. There is some value to a unique landscape, no matter how ugly it may be. There is *value* in a prosperous economy beyond the payrolls of the jobs involved. There is a *cost* to the *loss* of these things. There is a *cost* to depletion of resources. That cost is a terrible one for later generations.

"One of the frustrations to us in the power business is that some people think we can, and that we should, achieve various and sundry goals by our own cost or price manipulation. The problem is that the public itself cannot agree on what the social goals should be . . . nor what the prices should be. And it would be a far cry from democracy if your friendly monopolistic electric company made your social choices for you.

"An electric supplier exists to supply electricity to an area . . . without discrimination . . . at the lowest possible cost consistent with sound business principles . . . and for the general public good as it has been outlined by proper public policy. Although rate making as such is admittedly an art as well as a science, the basis of any rates can only be that the cost of service . . . including investment in facilities . . . must be covered. Any utility must pay its overhead costs, remit its taxes, retire its debt. All rates, for each and every class of service are regulated . . . either by the votes of consumer-owners or by regulatory commissions.

"One suggestion which I have been hearing lately is that the electric industry should arbitrarily increase its rates as a means to force reductions in energy consumption. That's a nonsensical idea for two different reasons. Even if it would reduce *electric* consumption, people would just switch to fossil fuels for the energy they need . . . and the environment would suffer. Secondly, it probably wouldn't even reduce electric consumption.

"In different parts of the country, where economic factors have forced increases in rates of up to 20 per cent, consumption has not been affected at all.

"There have been suggestions that we, again, arbitrarily, establish an inverse rate schedule in which a consumer would pay a higher and higher rate for the more and more kilowatt hours he uses. Again the only economic and environmental effects, if any, would be to weight the mix of energy toward direct consumption of fossil fuels. Socially we would make it much harder for the very poor to rise toward a better way of life . . . by pricing their increasing use of electricity—a use which directly reflects standard of living—out of their growing reach. Only those who are most affluent could enjoy full access to this highest and best of all forms of energy for the tasks which it does best.

"Another demand by some is that we price power for commerce and industry at higher levels to curtail consumption and production. Can the public really want, in this democracy, an institution like the utility to decide that great numbers of people shall be unemployed, that certain products shall not be made, or that prices for such products should be beyond economic justification.

"There is a place for industry, within our power markets, to the benefit of the residential power user. For your power supply to be reliable there must be a reserve of generating capacity over and above the expected peaks of usage. Generators do break down, and there must be a standby means of some supply. That standby costs fantastic amounts of money, and it is expensive to the public if idle and unproductive. Industries, which can use interruptible power, are a means of money making for your reserve. Much of industry, therefore, pays its way . . . not to the utility as such . . . but to you the other power user.

"The utility philosophy must be to market its power as efficiently as it can . . . and on the basis of economics alone. To manipulate rates for social whims, in a field as basic as energy, is to become a dictatorship. It is far better philosophically that the power supplier respond to the consumption demands established by the public wants.

"If you don't want energy consumed to produce any certain product, then just quit using that product. We already have had one Northwest aluminum plant shut down because too much aluminum has been produced. It did not take an arbitrary rate decision by the power industry to abolish the jobs of those who worked in that plant. If the public's product *tastes* cannot determine energy consumption patterns . . . and you still feel there is waste . . . then go to your legislatures for production bans or rations. The power industry cannot . . . and most of all *should not* . . . determine public policy.

"The electric industry is accused of promoting demand and consumption of electricity and, therefore, the necessities for new power projects and environmental adversities. With few exceptions, however, (at least in public power) the promotion of markets is for *efficiency of use* of these energy systems created to fulfill the wants of the people themselves. In the Pacific Northwest, with its hydro power base, electricity is by far the *most efficient* of *all* energy forms . . . and meeting the people's needs with the highest efficiency has meant the least environmental impact. The progressive transition to more thermal power in this region, in future years, may cause some change in efficiencies of total energy use . . . and, if so, I am confident our marketing methods will reflect that change. But *always* there must be *marketing* for efficient utilization of electric plant. And efficiency of utilization is the epitome of conservation.

"As a conclusion to these remarks I merely want to summarize the points I have tried to make:

"Man has *always* consumed energy resources for survival. In modern times our technology has provided increasingly efficient forms of energy, mainly electricity. This has brought us tremendously greater outputs of energy relative to the energy input . . . and it has produced goods and services for a better life . . . with minimal impact on the world and its resources.

"Energy consumption . . . and the quality of life proportional to it . . . has both benefits and costs, tangible and intangible, and we need to measure these as we plan our progress.

"The electric industry is not the proper institution in a democracy to create rates for social goals . . . and I doubt that any other institution should. The people, through their patterns of consumption . . . and only as a last resort their legislative bodies . . . must determine the energy demands and the public policies which affect such demands. A utility *should* and *must* operate only on economics.

"The very basis of conservation is efficient utilization of resources . . . without undue waste. Marketing is necessary for efficient utilization . . . and it is to the environmental good as long as it is for efficiency and not for profit goals. Most electric market promotion *is* for efficiency, since even profit comes from there.

"We must recognize that energy is life. Even if we curtailed energy and thus life, to the point of poverty for our people . . . we still would need new electric power plants. Only electricity, displacing less efficient and depleted energy forms can preserve the environment for the population which is here and coming.

"Therefore we now must build the best and most efficient plants we can . . . and diligently work to discover better and more efficient energy sources for our future.

"We want you to understand the energy problems as we see them . . . because you will be recommending the policies and the actions by which we shall solve those problems together.

"It has been an honor and a pleasure for me to be with you at this meeting. Thank you for inviting me."

SAVANNAH TRANSIT LOWERS BUS FARE FOR THE AGING

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. HAGAN. Mr. Speaker, The aging have multifold problems, one of which is too little money to care for essentials. It is always noteworthy when someone other than the Government steps in to aid the older citizens. The Savannah Transit Co. now sells five bus tokens for a dollar which is a 10-cent reduction on the regular 30-cent bus fare.

This consideration allows the aging to ride the buses between the hours of 9:30 a.m. and 3:30 p.m. and attend to their essential errands. This leaves the bus space for the morning and afternoon commuters, which seems to be a good thing for all.

The Savannah Transit Co. is to be commended for making possible this lower fare.

A news account of the action was carried in the Savannah Press of February 9, 1972, as follows:

TOKENS FOR SENIOR CITIZENS SELLING LIKE HOT CAKES

(By Kathy Haeberle)

More than 45,000 bus tokens were sold to senior citizens during the first month of a new cut-rate plan and Alderman H. C. Morrison, who spearheaded the reduced fares, called the response "fantastic."

Morrison said the 45,000 total was between Jan. 3 when the tokens first went on sale and about Feb. 2.

The alderman said Savannah Transit Co. officials have told him that the response has been "beyond any of their expectations."

Sales in the first few weeks were averaging between $700 and $800 a day, Morrison said. The sales slacked off to between $150 and $300 a day later, but have picked up considerably since Monday with the mailing of Social Security checks, he said.

HOSPITAL VISITS UP

"Even Memorial Hospital reported that more people are coming to the hospital to visit than before," because of the lower bus fares. Morrison said.

"I still believe that the transit authority could have made the tokens one-half price at 15 cents and still come out on top," Morrison said.

Morrison said he plans to "wait and see" how token sales continue and then consider going to the Savannah Transit Authority again to negotiate for further reduction of fares.

The tokens now are sold at five for one dollar. They are available for persons 65 years old and older at Senior Citizens headquarters, the Model Cities Senior Citizens office and at Golden Age Clubs in the community.

The tokens are good between the hours of 9:30 a.m. and 3:30 p.m. Morrison said he has received few complaints about the restrictions on the hours.

"It's really proven a great success," Morrison said of the project.

On another new Senior Citizens project, the alderman said a bus purchased with federal funds to begin a transportation system for older residents has "picked up momentum" and is in use most of the time.

Morrison said first priority is given to health deeds and beyond that the bus is available for "most any reason" from grocery shopping to beauty shop appointments for senior citizens who need a ride.

CAPITOL EVACUATION STILL SECRET

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. KEATING. Mr. Speaker, today marks the anniversary of a very unfortunate moment in our Nation's history, the first anniversary of the Capitol bombing.

After this terrible incident a member of my staff tried to find out if an evacuation plan existed for the Capitol and the office buildings. The reply was an incredible "yes, but it's a secret."

Today the plan still remains secret.

To remedy this problem I introduced a bill, House Resolution 294, directing the House Administration Committee to look into the problem and inform the Members of the House, their staffs, employees of the House and visitors of the evacuation procedures in case of an emergency.

To date no action has been taken.

If one looks at the bell system, we know what to do for a quorum call or a civil defense warning signaling an attack. But for something in between, a fire or a serious bomb threat, there is no warning system. There is no fire alarm that I have ever heard tested in my year and 2 months in the Congress.

In private industry it is standard procedure to inform the employees of emergency procedures. We in the House are busy passing legislation protecting the public yet we do not have adequate procedures for emergency evacuation here.

I suppose that until we have a fatality nothing will be done. There will always be those who say that it can never happen here.

On February 18 of this year, a bomb ripped through the State office building in St. Paul, Minn.

Recently, in my district, there was a tragic fire that swept through a nursing home killing 10 people. This caused immediate action. Must we see a similar tragedy here before we act?

I urge that my resolution be taken seriously by the House leadership. If fire would break out in these buildings, whether caused by a bomb or some other reason, the visitors and employees would have no way of knowing what to do and panic may ensue. Let us take this opportunity to act.

SBA'S MINORITY BUSINESS DEVELOPMENT PROGRAM HAS A SOLID LEGAL BASIS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. CONTE. Mr. Speaker, as senior minority member of the House Small Business Subcommittee, I have long been a strong supporter of minority business development. No one in this Chamber can question the compelling need to change drastically the present situation in which 17 percent of the Nation's population that is made up of minorities own barely 3 percent of the Nation's 8 million small businesses.

The Small Business Administration, under the able leadership of Administrator Thomas S. Kleppe, has been in the forefront of this effort to redress this shameful imbalance.

Unfortunately, but understandably, questions have been raised about the legal basis for Government support of the minority enterprise program. In order to dispel some of that concern I would like to call the attention of my colleagues to an excellent law review article, "Legal Basis for SBA's Minority Enterprise Program" in the fall issue of the Federal Bar Journal—volume 30, No. 4—by John A. Knebel, Esq., SBA's General Counsel.

As Mr. Knebel points out, the fundamental reason why legal challenges to the minority enterprise program are unfounded is that the program is not in fact restricted to racial minorities, but is in fact open to all socially or economically disadvantaged persons. Of course, one would have to be myopic indeed not to recognize that most of the 30 million disadvantaged Americans happen to be members of racial or ethnic minorities. But there are undoubtedly white Americans as well who qualify for such assistance.

Once all of us appreciate this fact, I am hopeful that this badly needed program will receive the united support it so richly deserves.

The article referred to follows:

LEGAL BASIS FOR SBA'S MINORITY ENTERPRISE PROGRAM*

(By John A. Knebel**)

INTRODUCTION

The Federal Government has assumed for itself a substantial responsibility for developing a national minority enterprise program. The Congress and the Executive have both been active participants, adding to the large efforts being made by the private sector.[1] The Small Business Administration has had a pioneering and particularly significant role inasmuch as minority enterprise is for the most part small business.

Success depends upon aggressive and more effectively coordinated support on the part of all sectors of the national economy. For the problems, the needs of the minorities, are too great for any isolated effort to do much more than grope for solutions.

While the need for a minority enterprise program may be obvious, the magnitude of this need may not be so obvious. The SBA's 1970 Annual Report estimates that it would require some 600,000 new enterprises, worth $40 billion, to bring the minority sector of the business population to the level of its share of total population and to change the distribution, location, and size of businesses to conform to the characteristics of the total business community.[2]

Compare the 600,000 new enterprise figure with the approximately 322,000 minority business enterprises found in the only comprehensive survey of its kind, one recently completed by the U.S. Bureau of the Census.[3] Receipts for this segment of the business community, totaling $10.6 billion, accounted for less than one percent of total receipts and the 322,000 minority-owned businesses represented four percent of the total number of enterprises.[4]

Becoming a businessman in this country is difficult enough for most people. The usual difficulties, however, become unusual, or greatly magnified, when we consider the capital and managerial deficiencies, the lack of a business tradition, the communications and other barriers confronting the minorities.

It is hardly surprising, then, to find that the minority enterprise problem has been recognized by the President in an Executive Order;[5] that a special Subcommittee on Minority Small Business Enterprise has been established by the House Select Committee on Small Business;[6] and that an Office of Minority Business Enterprise has been established in the Executive Branch of Government.

WHY LEGAL JUSTIFICATION IS NECESSARY

Given all these high-level sanctions for a minority enterprise program, it seems incongruous to think that it would even be necessary to justify it from a legal standpoint. However, there has been a stress on race and national origin. Some might even say there has been an *undue* stress on these factors, although this is not being suggested here.

SBA has stressed the same terms. It has an Assistant Administrator for Minority Enterprise. It covers minority enterprise separately in its Annual Report, as indicated above. And the Agency has given an innovative twist to its small business investment company program (SBIC) by formulating the concept of the minority enterprise small business investment company (MESBIC).

Political candidates have traditionally sought the votes of ethnic blocs. President Nixon and others spoke of "Black Capitalism" in the last Presidential campaign.

And, unfortunately, SBA has been challenged directly in court in several cases questioning its legal authority to channel to minority business enterprises Government contracts on which SBA is the prime contractor.[7] These court challenges have been based on several grounds. Some are substantially technical in nature and are not pertinent to this discussion. The others are:

That SBA programs authorized under the Small Business Act[8] and the Small Business Investment Act of 1958,[9] the principal statutes under which SBA programs are conducted, are aimed at *small business* assistance, *not* minority small business enterprise.

That minority enterprise programs of a Federal Agency are unconstitutional because motivated solely on the basis of race, color, or ethnic origin.

That minority enterprise programs violate Title VI of the Civil Rights Act of 1964[10] because they exclude others from their benefits on the ground of race, color, or national origin.

Footnotes at end of article.

Moreover, there has been some sentiment in Congress that the minority enterprise emphasis given by SBA in its various small business programs might possibly result in discrimination in reverse, an implication, certainly, that what SBA has been doing is illegal.[11] Rather than calling SBA action reverse discrimination, another Congressional report has phrased its objections in terms of an inequitable balance created for the non-minority small businessman by SBA's loan programs [12] and expressed serious reservations about whether the 8(a) program as conducted by SBA is not in violation of Title VI of the Civil Rights Act of 1964 and possibly in violation of constitutional guarantees.[13]

TANTALIZING HINT OF A PER SE RULE

Despite the criticism and the challenges, we have speculated on the possible legality of a *per se* rule (like those so convenient in the field of antitrust regulation) i.e., Blacks, Mexican-Americans, American Indians and other minorities have in the past been subject to such extensive discrimination—socially and economically—that they may, without more, be the beneficiaries of Federal programs established exclusively to compensate them for such past, and in many cases, probably continuing discrimination. To put it another way, there is nothing illegal about making equal members of minority racial groups made unequal through discrimination. "There is, after all, no greater inequality than the equal treatment of unequals," as one Judge put it.[14]

Compare this dictum in an urban renewal case where the plan was alleged not to assure equal relocation benefits for minorities as it did for whites:

"What we have said may require classification by race. That is something which the Constitution usually forbids, not because it is inevitably an impermissible classification, but because it is one which usually, to our national shame, has been drawn for the purpose of achieving equality it will be allowed, and to the extent it is necessary to avoid unequal treatment by race, it will be required." [15]

The Philadelphia Plan requiring contractors in Federally-assisted construction contracts to have acceptable affirmative action programs which include specific goals for utilization of minority workers has been extensively publicized. Again, this is in some respects Federal support—or a requirement, if you will—for a benefit (i.e., employment) to be extended to individuals on racial grounds. The plan has been upheld against challenges of unconstitutionality and as violative of the Civil Rights Act of 1964.[16]

Indeed, the Court of Appeals said "Clearly the Philadelphia Plan is color-conscious."

Thus, the courts do accept as constitutional and legal racial classification in certain circumstances. What I am suggesting is that, if properly and astutely articulated, arguments contending that Federal minority enterprise programs are legal, even though the only eligibles are members of minority groups having a long history of social and economic discrimination, might well be upheld.

As intriguing and challenging an approach as this is, it is an unnecessary one. The legal justification for SBA's minority enterprise activities rests on an entirely different ground.

LEGAL BASIS FOR PROGRAM

We approach the problem in two steps. The first step is to determine the meaning of "minority" in the term "minority enterprise." There surely cannot be any more authoritative source of this meaning than the head of the Small Business Administration.

Testifying before the Subcommittee on Minority Small Business Enterprise of the House Select Committee on Small Business on July 27, 1971, SBA Administrator Thomas S. Kleppe said that when the Agency uses the term "minority person" it refers to those Americans who are socially or economically disadvantaged. The term "minority" is, in Kleppe's words, "a short form for the phrase "socially or economically disadvantaged," a euphemism, if you will.

In the context of SBA programs, therefore, no American is either excluded or included from the concept of being socially or economically disadvantaged on the basis of race, color, or creed. That is, no American is included or excluded from any SBA programs because of a classification based strictly on race, color, or creed.

But who are the disadvantaged in this country? The Administrator testified that it is clear to him, and surely obvious to members of the Committee, that most of the 30 million disadvantaged Americans in this country happen to be Black Americans or Mexican-Americans or Puerto Ricans or Cuban Americans or Indians or Eskimos.

Nevertheless, he acknowledged that there are also millions of Anglo-Americans who, because of background, or chronic economic circumstances, are disadvantaged. These are also objects of SBA programs which have been designed to help minorities move into the mainstream of the American economy, to insure their participation in the benefits of our free enterprise system.

But as indicated above, the stress, by SBA as well as others, has been on minorities rather than the disadvantaged. There is a very simple explanation for this. To put it in terms currently popular, there has been a "credibility gap" problem.

Hence the question has been how to convince Blacks, Mexican-Americans, Puerto Ricans, Indians, and other minority group members who have been put down all their lives, that there is in fact a business assistance program for them. They might have desire and ambition; they might even be aware of the existence of a Small Business Administration. But SBA had been in existence for eleven years before it began, in 1964, taking notice of the large deprived segment of the Nation's population and formulating positive steps to reach that segment. Because of this neglect we can understand why many disadvantaged—already hampered by fear, confusion, lack of business sophistication—would consider applying for a small business loan a futile gesture.

It has been often told that the Boston Irish of several years ago confronted signs in employment offices which told them that they need not apply. Members of other racial or religious groups have had similar experiences, perhaps more subtle in certain cases, but surely experiences which tend to discourage such persons from seeking benefits or jobs.

In short, the programs have been labelled "minority enterprise" programs to convince the minorities that they are indeed available to them; that there is no good reason why they should not apply, to the contrary of what the Irish of earlier years were told.

In other words, we have stressed and publicized "minorities" to make sure that those persons who make up the largest part of the Nation's socially and economically disadvantaged will "get the word," so to speak, and have cause to believe in the sincerity of that word.

But, as a matter of fact, *all* disadvantaged persons are eligible to apply. "Disadvantaged" is a color-blind criterion for purposes of legal justification. Thus the net result of the first step in our two-step legal process has been in effect to equate "minorities" with "socially or economically disadvantaged."

The second step is to move from "disadvantaged" to the authority SBA has under the Small Business Act [17] and the Small Business Investment Act of 1958.[18]

Let me initially put aside SBA's authority under Title IV of the Economic Opportunity Act of 1964.[19] Under this legislation SBA is empowered to make 15 year loans up to $25,000 and to provide management assistance, with particular attention to small businesses located in areas having high proportions of unemployed or low-income individuals, and to small businesses owned by low-income individuals. Thus the SBA authority under the Economic Opportunity Act is *expressly* directed at the disadvantaged.

This is not the case under the Small Business Act and the Small Business Investment Act under which SBA's other substantial programs are conducted. There is a legal question—and this has essentially been the point made by critics such as certain members of the House Select Committee on Small Business—because the Small Business Act and the Small Business Investment Act are aimed at assisting *small-business* concern, without any other qualifying criteria pertinent here.

Under the Small Business Act, it is the "declared policy of the Congress that the Government should aid, counsel, assist, and protect, insofar as is possible, the interests of small-business concern." [20] To that end, SBA is authorized to make 15 year, $350,000 loans, to "enable small-business concerns to finance plant construction" and other business needs;[21] to take contracts from other Government agencies, and "to arrange for the performance of such contracts by negotiating or otherwise letting subcontracts to small-business concerns;" [22] and to "provide technical and managerial aids to small-business concerns." [23]

Other programs under the Small Business Act are similarly intended for small-business concerns (except for certain disaster loan making authority outside the scope of this paper).[24] These include, among others, assisting small businesses in obtaining Government contracts by certifying to contracting officers their capacity and credit to perform them (COC program), and jointly determining with Government procurement and disposal agencies contracts and sales suitable for exclusive, or partially-exclusive, bidding by small businesses (set-aside program).

For its part, the Small Business Investment Act is designed to "stimulate and supplement the flow of private equity capital and long-term loan funds which small-business concerns need for the sound financing of their business operations" among other things.[25]

Several programs are authorized under this Act. There is the SBIC program under which small business investment companies licensed, regulated and partially financed by SBA, in turn provide equity capital and long-term loans to small businesses.[26] While it is not expressly provided for in the Act, the Agency has adapted the SBIC program to include MESBIC's, small business investment companies which concentrate their attention and resources on minority small business enterprise.

There is the lease guaranteed program through which SBA may guarantee the payment of rentals "under leases of commercial and industrial property entered into by small-business concerns." [27] There is also the surety bond guarantee program which provides guarantees against losses resulting from the breach of bid, payment, or performance bonds by small-business concerns.[28]

And, finally, there is the program through which SBA indirectly finances small businesses by direct financing of an intermediary State or local development company.[29]

Thus virtually every SBA program is by law a *small-business concern* program. And to a considerable degree virtually very SBA small business program is utilized in the minority enterprise program. Therefore, the critics of our legal authority are not without justification—at first glance anyway.

However, we live in a complex world. We

Footnotes at end of article.

are part of a complex Government. The legislative process has become more and more complicated. For these reasons those who question the legal basis for minority enterprise programs are not necessarily arbitrary or unreasonable.

One of the frustrations of Government lawyers today is knowing what, and the extent to which, laws apply to one's own agency. Persons not directly and continuously concerned with the day-to-day operations of a given agency cannot always be expected to know all the fine points and bits and pieces of far-ranging enactments which bear on those operations. Yet it is precisely these kinds of enactments which have bridged the gap between small business legislation and SBA programs of assistance to disadvantaged minorities.

There are several bridges to accomplish this connection. One bridge, it is submitted, legally supports the use of *all SBA small-business* programs in advancing minority enterprise.

Section 633 of the Economic Opportunity Act of 1964 provides that "Federal agencies administering programs related to this Act shall . . . carry out their programs and exercise their functions so as to assist in carrying out the purposes of the Act, to the fullest extent permitted by other applicable law."[30] The term "Programs related to this Act" is defined by section 638 to include Federal "programs . . . which have objectives which are, in whole or substantial part, complementary to the purposes of this Act, or which may provide resources which may be used in combination with resources under this Act to assist in achieving any of the purposes of this Act."[31]

The next step in this bridging process is briefly to compare the purposes of the Economic Opportunity Act with those of the small business laws administered by SBA. The Economic Opportunity Act was based upon a Congressional finding that the United States can achieve its full economic and social potential as a Nation only if every individual has the opportunity to contribute to the full extent of his capabilities and to participate in the workings of our society.[32] The corresponding purpose of the Act is to eliminate the paradox of poverty in the midst of plenty in this Nation by opening to everyone the opportunity for education and training, the opportunity to work, and the opportunity to live in decency and dignity.[33] Even more pointed is the purpose of Title IV—to assist in the establishment, preservation, and strengthening of small-business concerns with special attention to those located in areas with high proportions of unemployed or low-income individuals or owned by low-income individuals.[34]

On the other hand, the Small Business Act states that the security and well-being of the Nation cannot be realized unless the actual and potential capacity of small business is encouraged and developed.[35] It also speaks of maintaining and strengthening the overall economy of the Nation,[36] as does the Small Business Investment Act in slightly different terms.[37]

Given all these broad purposes, it seems reasonable to conclude that all these programs are related or complementary of one another and that therefore special emphasis to disadvantaged minorities in SBA programs is legally supportable. The language in these enactments is surely broad enough to be a comfort and joy even to those managers of Federal programs who tend to fret about whether they have statutory authority to act.

But in addition to this overall bridge, there are two smaller bridges which connect the broad purposes of the Economic Opportunity Act with *specific* SBA programs.

One is Section 4(d) of the Small Business Act which places upon the Administrator the responsibility of coordinating SBA's financial assistance programs with other activities and policies of the Federal Government.[38] This responsibility extends to financing activities authorized by the Small Business Investment Act as well, by virtue of section 308(f) thereof.[39]

The other specific bridge is Section 407 of the Economic Opportunity Act which requires the SBA Administrator to take such steps as may be necessary or appropriate, in coordination with the heads of other Federal departments and agencies, so that contracts and subcontracts (as well as deposits) made by the Government are placed in such a way as to further the purposes of the Act.[40] This, of course, triggered the use of Section 8(a) of the Small Business Act under which SBA may serve as the prime contractor for contracts of other agencies and subcontract them to small-business concerns.[41]

SUMMARY

Since this may appear to be a meandering review of the legal authorities upon which the minority enterprise efforts of the Small Business Administration are based, a summary of the main points should help to put the matter in better focus.

There is a great need for a minority enterprise program, a need recently confirmed by a Bureau of the Census report showing the small share that minorities have in this Nation's business population; a need also recognized by Executive Order and the establishment of a Congressional subcommittee.

There has been much confusion and speculation about how a minority enterprise program seemingly based upon racial considerations can be constitutionally justified. But although the minority aspects have been stressed, the term in actual practice is a euphemism for socially or economically disadvantaged persons, most of whom happen to be members of minority groups. This being so there is broad authority in the Economic Opportunity Act of 1964 for agencies of the Government—the Small Business Administration particularly—to use their related programs in a way to complement and advance the purposes of this Act—helping the disadvantaged. This category often includes, but is *not* restricted to, Black Americans, American Indians, Spanish Americans, Oriental Americans, Eskimos and Aleuts. *It is not limited to any particular racial group.*[42]

FOOTNOTES

*Based substantially upon an address given by the author in connection with the Small Business Committee's Program on the Minority Contractor, Federal Bar Association Annual Convention, New Orleans, Louisiana, September 8, 1971.

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[1] For examples of private sector participation see *Directory of Private Programs for Minority Enterprise* (Community Relations Service, U.S. Department of Justice), 1969. See also *Hearing on the Organization and Operation of the Small Business Administration*, House Select Committee on Business, 91st Cong., 1st Sess. (1969).

[2] Small Business Administration, *1970 Annual Report*, U.S. Government Printing Office, Washington, D.C. 1971, p. 35. The Report states that minorities represent 17 percent of the U.S. population and owned around 4.5 percent of all businesses at the end of 1970.

[3] U.S. Bureau of the Census, *Minority-Owned Businesses:* 1969, *MBI*, U.S. Government Printing Office, Washington, D.C. 1971, p. 1.

[4] *Id.*, p. 1. The Census Bureau population figures are for 1969 and the receipts are for 1967. According to the Report, it is believed that approximately the same relationship as to receipts existed in 1969 between minority-owned firms and total firms.

[5] Executive Order 11458, promulgated by President Nixon on March 5, 1969 (34 Fed. Reg. 4937), is entitled "Prescribing Arrangements for Developing and Coordinating a National Program for Minority Business Enterprise." Superseded subsequent to the author's remarks at the FBA convention by Executive Order 11625 on October 13, 1971 (36 Fed. Reg. 19967).

[6] CONGRESSIONAL RECORD, volume 117, part 5, page 6296.

[7] None of these cases had reached a decision on the merits at the time of the author's remarks at the FBA convention. Subsequently, Federal District Judge Wyzanski held that competitive bidding is not required under Section 8(a) and that the program does not violate the Fifth Amendment because the class of person eligible is not defined racially but by social or economic disadvantage. *Kleen-Rite Janitorial Services, Inc.* v. *Laird*, Civil No. 71-1968-W, D. Mass., September 21, 1971.

This prime contracting program is popularly known as the 8(a) program because it was authorized under Section 8(a) of the Small Business Act.

In *Ray Baillie Trash Hauling, Inc.* v. *Kleppe*, Civil No. 71-1030-JLK, S.D. Fla., October 29, 1971, the court concluded that "it is the general policy of Congress that Government contracts, unless specifically excepted, shall be awarded by means of the maximum competitive bidding practicable, whether formal advertising or negotiation is used" and that "Section 8(a) of the Small Business Act does not create an exception to the statutes requiring the maximum competitive bidding practicable." The court said also that "the legislative and regulatory history of the enactment and implementation of Section 8(a) of the Small Business Act demonstrates that Congress did not authorize by its provisions a program . . . for the benefit of 'socially or economically disadvantaged persons.' " (It is not evident from the opinion what consideration the court gave to Sections 407 and 633 of the Economic Opportunity Act of 1964 which, the article submits, provide bridges of authority between the purposes and programs of the Small Business Act and those of the Economic Opportunity Act.) The court also concludes, among other things, that the "primary criterion for eligibility under the 8(a) program is race, color or ethnic origin;" that whites "are not eligible for the program benefits, except on a token basis;" and that this represents invidious discrimination against them." At press time, an appeal of this decision was under consideration.

[8] 15 U.S.C. 631 *et seq.*

[9] 15 U.S.C. 661 *et seq.*

[10] 42 U.S.C. 2000d.

[11] See H.R. Rep. No. 1979, 90th Cong., 2nd Sess., pp. 49-56 (1968), a Report of the House Select Committee on Small Business on the Organization and Operation of the Small Business Administration.

[12] H.R. Rep. No. 91-1753, pp. 8, 26 (1970), a Report of the House Select Committee on Small Business on the Organization and Operation of the Small Business Administration (1969-70).

[13] *Id.*, p. 15. These sentiments were not unanimous. The Report contains the "Separate and Additional Views" of Congressmen Conte, J. T. Broyhill, Horton, Burton, Stanton, and Button, which express the belief that a number of the statements contained in the Report do not fairly reflect the status of minority enterprise loan programs at SBA (p. 33); and that the 8(a) program is not

limited to minorities (p. 38). Compare also the statement of the Senate Committee on Labor and Public Welfare that "an important priority of the antipoverty effort (of SBA) must be to expand the opportunities for a stake in community economic life for low-income persons and minority group members. . . ." S. Rep. No. 563, 90th Cong., 1st Sess., p. 65 (1967).

[14] Attributed to Chief Judge David L. Bazelon of the U.S. Court of Appeals, Washington, D.C., in a speech before Legal Services Programs Lawyers, May 10, 1968.

[15] *Norwalk CORE* v. *Norwalk Redevelopment Agency,* 395 F. 2d 920, 931 (2nd Cir. 1968).

[16] Opinion of the Attorney General of the United States, September 22, 1969; *Contractors Assoc. of Eastern Pa.* v. *Secretary of Labor,* 311 F. Supp. 1002 (E.D. Pa. 1970) *aff'd* 442 F. 2d 159 (3rd Cir. 1971), *cert. denied,* 40 U.S.L. Week 3165 (U.S. October 12, 1971). *Contra:* Opinion of the Comptroller General of the United States, August 5, 1969. The opinions of both the Attorney General and Comptroller General are set out at 115 Cong. Rec. 40018–40025 (1969).

The General Services Administration has amended the Federal Procurement Regulations, effective October 18, 1971, to require a "Utilization of Minority Business Enterprise" clause in contracts offering subcontracting opportunities. Under the clause contractors would be required to provide minority business enterprises with equitable opportunities to compete as subcontractors and suppliers (36 Fed. Reg. 17509, September 1, 1971).

[17] 15 U.S.C. 631 *et seq.*

[18] 15 U.S.C. 661 *et seq.*

[19] 41 U.S.C. 2901 *et seq.*

[20] Section 2(a) of the Small Business Act, 15 U.S.C. 631.

[21] Section 7(a) of the Small Business Act, 15 U.S.C. 636.

[22] Section 8(a) of the Small Business Act, 15 U.S.C. 637.

[23] Section 8(b) of the Small Business Act, 15 U.S.C. 637.

[24] For SBA's disaster loan authority, see Section 7(b) of the Small Business Act, 15 U.S.C. 636(b) and sections 231, 234, and 237 of the Disaster Relief Act of 1970, 42 U.S.C. 4451, 4453, 4456.

[25] Section 102 of the Small Business Investment Act of 1958, 15 U.S.C. 661.

[26] Title III of the Small Business Investment Act of 1958, 15 U.S.C. 681 *et seq.*

[27] Title IV, Part A of the Small Business Investment Act of 1958, 15 U.S.C. 692 *et seq.*

[28] Title IV, Part B of the Small Business Investment Act of 1958, 15 U.S.C. 694a *et seq.*

[29] Title V of the Small Business Investment Act of 1958, 15 U.S.C. 695 et seq.

[30] 42 U.S.C. 2975.

[31] 42 U.S.C. 2980.

[32] 42 U.S.C. 2701.

[33] *Id.*

[34] 42 U.S.C. 2901.

[35] 15 U.S.C. 631.

[36] *Id.*

[37] 15 U.S.C. 661.

[38] 15 U.S.C. 633(d). This responsibility initially rested with the Loan Policy Board established by this section and composed of the SBA Administrator as Chairman, the Secretary of the Treasury, and the Secretary of Commerce. The Board was abolished by Reorganization Plan No. 4 of 1965 and its functions transferred to the Administrator, effective July 27, 1965 (30 Fed. Reg. 9353).

[39] 15 U.S.C. 687(f).

[40] 42 U.S.C. 2906c.

[41] 15 U.S.C. 637(a). This prime contracting authority was contained in Section 207(c) of the Small Business Act of 1953 (67 Stat. 236) at the time SBA was first established but it was not utilized until 1968.

[42] Executive Order 11625 referred to in note 5, *supra,* includes a definition of "minority business enterprise" which substantially follows the SBA approach; i.e., socially or economically, disadvantaged persons are found in the main to include members of minority groups. Executive Order 11458 which was superseded by E.O. 11625 contained no definition of the term.

THE NEW COLLABORATIONISTS—CAPITALISM AND COMMUNISM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. RARICK. Mr. Speaker, some insight into the reciprocal wooing of capitalists by Communists and vice versa may be gained by recent news reports.

As the Communist leadership around the world admit the failures of their economic and technological systems, capitalists show interest in the promise of huge profits offered to them by collaboration with Communists.

In the United States we learn that our big corporations have already organized for a counterattack against legislation that would cut the foreign profits, limit their overseas investments, and put quotas on the imports generally.

The industrialist organization calls itself the Emergency Committee for American Trade and is chaired by Donald Kendall, board chairman of Pepsi-Cola, Inc. Its membership consists of some 74 "multinational companies."

We also learn from Geneva, Switzerland that the International Federation of Chemical and General Workers Union will attempt to organize workers in the multinational companies. The new collaboration of capitalists and Communists is rapidly ushering in the new international age.

Informed Americans already realize that the huge profits which capitalists take out of foreign countries without giving the foreign people a fair share of their natural resources or a share in the profits are responsible for a growing anti-American sentiment labeled as exploitation even in countries friendly to the United States.

I insert related newsclippings.

[From the Washington Daily News, Feb. 28, 1972]

Russian Powers Need Capital

(By Virginia Prewett)

President Nixon's Peking visit, with all that it may imply, has ironic overtones for Latin America.

Geopoliticians agree that what communist China want from the U.S., eventually, is a strong injection of capital and technology. This is needed not only to improve the desperately low living standards of the mainland Chinese people, but also so that Peking can meet on more equal terms the rising power of the mighty political and economic empire that is the Soviet bloc.

Since Mr. Nixon announced his China visit last August, we have also seen significant developments in the U.S.-Soviet relations. When the then Secretary of Commerce Maurice Stans last fall went to Russia to talk trade, he heard of the Soviet's desire to import U.S. capital and technology for Russia's internal development.

Be sure that both communist giants will pay attractive profits to any U.S. interests that collaborate with them. Or there will be no such collaboration.

In Latin America, in sharp contrast with attitudes emerging in communist world centers, extremists allied with both camps have for decades energetically sought to root out all vestiges of U.S. capital. What Latin American leftists have been told is extremely bad for their countries now proves to be exactly what Russia and communist China need.

A striking example of this concerns copper in Chile, where "Yankee Get Out" is a traditional communist slogan. When Chile's Marxist-Leninist President, Dr. Salvador Allende, took over big U.S.-owned copper operations, he invited in a team of Soviet engineers to check them over, possibly hoping to catch the Yankees in some technological misdeed.

The Soviet experts were so dazzled by what they saw that Russia not long after made overtures to U.S. capitalists, and their engineers, to come to Russia and help develop huge untapped Soviet copper deposits. If the U.S. should do this, what will become of Chile's copper exports, already competing in a price-depressed market?

Similarly, a few years ago when communist groups in the Middle East were agitating strongly for Arab countries to seize U.S. and European-owned oil properties that supply Europe's market—a step that would have cut off Middle Eastern oil to Europe—the Soviets made advances to Europe to buy Soviet oil.

Since Castro seized U.S. developed chrome production in Cuba, the U.S. has been buying chrome from the Soviets. This is nice work and Moscow got it.

In the longterm maneuvering of communist China and Russia there is a great deal more than immediately meets the ideological eye. But one thing ought to start coming clear to Latin America fairly soon.

It is that as their extreme leftists kick out U.S. capital and technology-transferring U.S. industries—and make it ever harder in some countries for U.S. capital to come in—the communist "mother countries" directed from Peking and Moscow are readying lower bars. There should be a lesson in this, somewhere.

[From the Washington Post, Feb. 25, 1972]

U.S. Firms Owning Foreign Plants Hit Import-Quota Bill

(By Peter Milius)

Big American corporations that have plants abroad began a counterattack yesterday against a piece of legislation that would cut their foreign profits, limit their overseas investment and put quotas on imports generally.

The bill, called the Burke-Hartke bill, has been introduced in both houses of Congress, and has heavy support from organized labor. The unions say the bill would save American jobs. They charge that the setting up of foreign factories by American companies amounts to the export of U.S. jobs.

The industry counteroffensive will come from a group called the Emergency Committee for American Trade.

Its chairman, Donald M. Kendall, board chairman of PepsiCo., Inc., made public a study of 74 "multi-national companies" yesterday.

The study, he said, "firmly established that the attack on the multi-national company is a case of mistaken identity. These companies don't export jobs; they out-perform other companies in making jobs."

The study says that from 1960 to 1970 the 74 companies increased their totals of domestic employees much faster than most manufacturing firms, and increased their domestic investments and sales at faster rates as well.

It also says they increased their exports and their net surplus of exports over imports.

The study asserts that "foreign investments are made primarily to meet market demands that cannot be served by exports from the United States."

It also declared in rebuttal to a labor charge, that "low wages are not a major factor in the majority of foreign investment decisions."

[From the Evening Star, Feb. 29, 1972]

UNION IN GENEVA SET TO ORGANIZE MULTINATIONALS

GENEVA (DJ).—The International Federation of Chemical and General Workers Union here intends to attempt to organize within the next 18 months the workers of at least 15 multinational unions in the paper, tire and chemical fields, Charles Levinson, secretary general of the federation, told Dow Jones.

"We find that the best way to develop countervailing power to the multinationals (companies) is to organize internationally along company lines." Levinson said.

The federation already has what it calls permanent world councils for such multinational companies as Michelin, Saint Gobin, Rhone Roulenc, Kimberley Clark and the Royal Dutch-Shell Group.

REGISTRATION BY MAIL

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. DUNCAN. Mr. Speaker, I read an interesting statement recently on the proposal to register voters by mail, and I think the highlight of this is "it would intrude on the right of States and counties to set up their own election registration procedures."

The editorial is as follows:

[From the Knoxville (Tenn.) News-Sentinel, Feb. 23, 1972]

REGISTRATION BY MAIL

Quick and easy as it sounds, the proposed use of postcards to register voters for Federal elections should be rejected.

It would intrude on the right of states and counties to set up their own election registration procedures.

It would create a new opportunity for fraudulent voting in presidential and congressional elections.

And it would require local election officials to keep two sets of registration books—one for voting in Federal elections, the other for voting in state and municipal elections.

Yet the postcard proposal, sponsored by Sen. Gale W. McKee of Wyoming, has strong backing in Congress, especially among Democrats, who figure most of the new votes would come their way.

The Senate will vote on the McGee bill in the near future, and the House is expected to begin committee hearings soon.

The proposed setup, to be operated by the Census Bureau, would enable a voter to register for Federal elections simply by filling out a postcard (delivered by the mailman) and sending it to the county elections office.

This requires little or no effort by the voter, which may be a weakness of the plan rather than a strength.

A better way to widen the voting base (29 million eligible voters weren't even registered in 1968) would be to bring the registers to the public—in schools and shopping centers, at night and on weekends if necessary.

New 18-year-old voters, for example, could be registered in their high schools, a procedure already being used here and in other communities.

It is not unreasonable to ask that every citizen register to vote in person. If a voter isn't willing to do that, he isn't likely to show up at the polls on election day anyway.

Registering to vote should be a sign of interest in the political process, not an offhand exercise to be carried out by merely scrawling a few lines on the back of a postcard.

DAR VISION—PAST, PRESENT, AND FUTURE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. BOB WILSON. Mr. Speaker, Mrs. Donald Spicer, president-general of the Daughters of the American Revolution, has her home in Coronado, Calif., and is a resident of my district.

I have known her for many years and regard her very highly. She comes from a service family. She married a marine officer; was the daughter of a marine lieutenant and her three sons were officers in the services.

A direct descendant of Betty Washington, George Washington's only sister, she has been very active in the DAR for years. Recently, my attention was called to a speech she made to a number of DAR chapters in Dover, Del., on the night of February 18, 1972. Its title is "Vision—Past, Present, and Future," and in it Mrs. Spicer tells some things about her organization that are not generally known. At this point in my remarks, I insert Mrs. Spicer's speech in the RECORD:

DAR VISION—PAST, PRESENT, AND FUTURE

From the beginning the founders of the National Society of the Daughters of the American Revolution epitomized vision—a vision which has been, is being and will be fulfilled. Vision was shown in the objectives chosen—historic preservation, promotion of education and patriotic endeavor—objectives which remain constant.

Vision is shown in our Resolutions too, and our concepts produced policies have endured, which still endure, often years ahead of their time. The very first was for proper respect for the flag, a symbol of the Society's basic principles and objectives.

Many resolutions have been adopted since then relating to patriotism in all its phases; symbolic of DAR goals. Specifically, a strong national defense and adequate military establishment has been sought by the Daughters. We have backed the FBI and police. We have asked that we fight to win in Vietnam. We have worked for the return of our prisoners of war in Indochina. We have staunchly opposed Communism and always have insisted on constitutional government.

We live in uneasy times. Many of the values we have cherished have been questioned and discarded by some elements of our society, the DAR has tried, and is trying, to have some influence upon events and to preserve certain ideals and objectives which we value deeply and believe they must prevail if this Nation is to remain free and great.

Let us discuss briefly one of these ideals already mentioned—patriotism. The National Society of the Daughters of the American Revolution has been, and shall continue to be, unashamedly patriotic. We revere and show our respect for the American Flag as a symbol of spiritual values which are hard to put into words. We thrill to the playing of the "Star Spangled Banner" and rise as it sounds with a feeling of exultation. We pay tribute to the great men who have led us in the past—and there were giants among them—as an example of what our leaders of the present and future can and should be.

To some, such ideas and principles sound pretentious and sentimental. Many sneer at patriotism and judge it, and almost everything else with the question: "So what?"

Yet, only a little reflection will convince any reasonable person that without patriotism, our democratic form of government is doomed, without patriotism, we have no defense against aggression from the outside, or from upheavals, subversion and revolution within. If the majority of Americans are not willing to defend their form of government in every way, its time is at hand. We shall no longer be free, or some other nation will so intimidate us that it will reap the benefits of our achievements over many generations.

Without patriotism, there will be no freedom in the United States, including freedom of the press. Now, some use that freedom to decry patriotism and other traditional virtues. They attack the military establishment and the need for adequate national defense. Basically, it comes down to those who feel that military preparedness is absolutely vital to our survival, and to those who sniff at the idea that Communist nations will take advantage of us if they secure the upper hand.

The record is plain for all who wish to see. Not too long ago there was a great outcry in this country because Russian troops had moved into Czechoslovakia where they brutally crushed a movement toward freedom. We have heard similar outcries in the past—over Hungary, over East Germany, over the Berlin Wall—the story can be told and retold, but there are those who forget quickly and too readily. Some tell us we can trust the Communist nations and that we should maintain good relations with them. We want to maintain the best of relations but when they begin to expand their overall military and political power, as they have in the past several years, there is cause for concern.

This controversy over defense is very much alive and the outcome is still in doubt. In the past, the DAR, through our Resolutions, has consistently supported the premise that this country must be so strong that no power will dare to launch an all-out attack upon us. We feel that events of the past 25 years have vindicated this point of view, so we continue to hold and insist upon it.

Internal problems cannot be neglected, however, if we are going to have the time and the means to deal with them, the capability to repel outside aggression must be maintained.

Insofar as our defense establishment is concerned, more needs to be done than to appropriate the necessary funds for personnel and materiel. There must be a well trained and adequate Army, Navy and Air Force. The morale of these forces has to be good, and that depends not only on funds but on public support and confidence.

Many feel it was a mistake to have engaged in a ground war in Southeast Asia in the first place but once entered into why was not sufficient force used in order to win?

The DAR has gone on record several times urging that our country fight for victory, why wasn't that done? Our leaders have never discussed this question in detail. The public has been led to believe that decisive action was held back for fear that we would bring on World War III. Either Russia, or Red China, it was said, would attack if the necessary force was used to bring an end to North Vietnamese aggression. Our young men have fought and died under restrictions which made outright victory impossible. Yet, defeat would give Communist aggression the go-ahead all over the world. The victorious Communists would have their revenge on the South Vietnamese. This has been the aftermath where Communists have seized power by force, as is known all too well.

There are other factors to be considered such as the assaults upon the defense establishment and our system which go far beyond trying to correct defects. Nothing is right. Everything is wrong. In consequence, the signs of deterioration are all around. Crime has become a threat to almost every citizen. During the past several years many campuses and streets have become battlegrounds. Behind these is seen a familiar pattern. Some teachers in many of our schools—and this is baffling—put this great Nation's shortcomings under a microscope and held them up for the pupils to see. Lately a great deal of the uproar on the campuses has declined. Basically, we have a fine group of young men and women and they have thought a good many things out for themselves as, apparently, have many of their teachers. It is hoped they will become more objective in their analyses of our faults and our virtues. Or to put it another way, they may become a bit more patriotic. In the DAR Resolutions on education, students and teachers have been urged to learn more about our system and contrast it with other forms of government. Democracy is not perfect but it looks very good indeed in comparison to Communism, Fascism, Socialism or any form of Totalitarianism.

The DAR has urged effective law enforcement at all levels as the remedy for crime for years. Obviously, no informed citizens are going to disagree. Crime records have risen annually on a national basis for two decades and, from all indications, 1971 was no exception. There are estimates that crime costs the country around $35 billion annually. Other estimates put the figure much higher.

The decay of central cities testifies to the prevalence of crime. Almost every large city has a program for urban renewal involving hundreds of millions of dollars. Most of these programs will fail unless control in the downtown areas is achieved. Order, security and stability depend upon that control.

Punishment for crime should be swift and certain and the principal concern in a criminal trial is guilt or innocence. If a person is guilty, a penalty should be forthcoming.

The view that guilt or innocence is secondary is bewildering. An elaborate system of rules now surrounds criminal proceedings, giving the accused the benefit of technicality after technicality, of delay after delay. The victim of crime is largely forgotten, some insist that society is responsible for lawlessness and that, consequently, society itself must go on trial in almost every criminal case. This attitude has dominated the courts and even some law enforcement agencies until this Nation is approaching a disaster.

The Daughters have consistently supported the broad and highly important national movement to protect our environment and repair the damage done over the years. In 1970, however, a Resolution was approved which said in substance that, in our zeal, extremes should be avoided. We were highly criticized, even by some of our members, but time has shown us to have been right. Some of the proposals made in support of the ecology movement simply are not practicable, either from the standpoint of the time or the immense sums involved. Efforts to clean up the air, land and water will continue to be backed but it must be done realistically; the procedures controlled and carried out after expert planning and consideration of all factors involved.

Another illustration, is the DAR stand on the United Nations, long before the majority of people realized that this body is almost valueless insofar as its basic objectives are concerned. Reliance on it was warned against as well as the danger of giving it any control over our domestic affairs. Now, there is general disillusionment about the UN and resentment over the fact that the American people are paying about 30 percent of the cost of this body, but with only one vote. Many new nations come in with equal status but little responsibility. In this connection, Red China, is now a member of the UN and the United States is seeking closer relations with the Communist giant. We have consistently opposed the entry of Red China into the UN. One wonders what will come of the efforts at a better understanding with the most populous country on earth.

The Society has always been aware of the fundamental problems of the poverty-stricken and the minorities. Our Daughters worked for underprivileged children for many years and in many ways. In Appalachia two schools for mountain children were established; a station on Ellis Island was maintained while it was in existence, as a passageway for millions of immigrants; the families coming into this country were helped in many ways, including helping care for the children; booklets were printed in 17 languages to aid those coming to our shores to meet and surmount the difficulties and complexities confronting them, including becoming citizens.

It is unfortunate that our critics do not know more about our work with American Indians and, in particular, Indian children. We have learned quite a bit about this proud people, the first Americans. The two Indian schools supported by the DAR are St. Mary's School for Indian Girls in Springfield, South Dakota, and Bacone College in Bacone, Oklahoma.

This talk has been an effort to tell you something, something highly important. The DAR has been right on most of the great issues of our day. We have had vision; vision which has been ahead of the times. There is no reason to be defensive; quite the contrary. For we have many reasons to be proud of our organization and its objectives. We should continue to be active and work unstintingly for those ideals upon which this great country of ours were established. The Daughters have not been living in the past but have used it as a guide to the present and the future too, realizing that there is great hope and much to do.

In discussing past Resolutions and the vision that inspired them, compared to present circumstances, the brightest picture is not painted. Gradually, however, that picture is improving and there is much hope for the future, especially through our work with the youth of our great country.

Visiting 38 state meetings and conferences all over the country in the last three years, has brought deep confidence in the resurgence of Godliness and patriotism and the essential goodness of the majority of our youth.

We heard them singing of their faith in God and love of America. They are part of our "Silent Majority," but silent only in the sense that most of the rest of us can't or won't hear. (Isn't there a theory that a sound is not a sound unless heard?)

What are they trying to tell us though we pay little attention? What do they ask even without realizing that they have and express a need? How do we answer? Conversely, how do we make them listen?

Let us also look for the good in what some term the "Jesus Freaks" and their "Groovy God." Granted that this sudden concentration on religion shown by the way-ouft cults in their new music seems to many to be blasphemous. Isn't it meaningful and encouraging that they are acknowledging God, acknowledging a power outside of themselves. Even though they do it in a manner which is different and horrifies many of us—that again we are being told something we need to know. Something we should consider and encourage.

We have called on these young people to serve their country in many ways and while they are very young. Now we have given them the added responsibility of the franchise. Have we given them what they need to be ready for either?

In an advertisement appearing in a magazine some time ago was a picture of a sign on the side of a bank building which said "Due to Lack of Interest, Tomorrow Has Been Cancelled." In shutting our eyes to the needs of our youth, turning away from them when they do not agree with us, we are, in effect, trying to do what cannot be done—"To Cancel Tomorrow." These people, questioning and rebellious, inquiring for guidance to meet their needs, represent tomorrow. It is up to us, their parents and grandparents, to help the world meet tomorrow. To make tomorrow as it was meant to be.

I would like to mention now something in which I have, along with other members, a keen personal interest. We are submitting to the Continental Congress in April of this year a project which should be completed in 1974 as part of the celebration of the Bicentennial. Specifically, the DAR would underwrite the cost of furnishing two rooms on the second floor of Independence Hall in Philadelphia. The rooms are the Governor's Council Chamber and the Assembly Committee Room. All structural work has already been done, and beautifully, on the restoration of this shrine of our Nation. Every other room in the building has been completed with government and other funds, except these two rooms. If the membership approves this project, we shall term it our "Gift to the Nation" on its 200th birthday, a gift to be presented in honor of the founding of our country. This project will become a lasting memorial to the DAR and to our deep regard for the United States of America.

No, the charges of indifference, complacency, and the standpatism leveled against us simply are not true. But what is true is that we have not been effective in presenting our story to the general public. This is a task which must be undertaken and in which we shall succeed.

HEART DISEASE PREVENTION CENTERS

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. DUNCAN. Mr. Speaker, today I am introducing a bill which will be a major step forward in this Nation's attack on our No. 1 killer—heart disease.

Americans have worked hard to build the most productive society in the history of the world. Heart disease has also worked with extra effort to rob Americans of the fruits of this society. Over 1 million Americans die each year as a result of heart disease. This bill will establish centers throughout the United States to aid Americans in their struggle against this indiscriminate killer.

The three major provisions of this will include the establishment of heart disease prevention centers throughout the Nation:

First, arteriosclerosis centers particularly aimed at identifying those in the younger age groups afflicted with this disease;

Second, cardiovascular centers to provide early diagnosis and preventive care for high-risk individuals; and

Third, an Office of Health Education within the National Heart and Lung Institute created to serve as a clearinghouse for information on arteriosclerosis.

These preventative information centers will be especially helpful to those Americans possessing high heart attack risk factors such as problems of diet, obesity, hypertension, and chronic cigarette smoking.

This clinical approach adds a new dimension to our battle against heart disease. Now each American will have an opportunity to have his life style professionally diagnosed in order to identify those patterns which lead to heart disease and early death.

It is my hope that this bill will further our efforts to guarantee America the full benefit of her greatest resource—her people. Our people in turn will benefit from the Heart Disease Prevention Act of 1972 by living longer to enjoy the fruits of a full productive life.

CONGRESSMAN LESLIE ARENDS TO RECEIVE THE AMERICAN LEGION AWARD FOR DISTINGUISHED PUBLIC SERVICE

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. COLLIER. Mr. Speaker, under leave to extend my remarks in the Record, I wish to include the text of a news release announcing the fact that Congressman Leslie Arends is to receive the American Legion Distinguished Public Service Award.

I can think of no other American who deserves this award more than Congressman Arends. He has served the Nation with ability and fidelity for 28 years as a Member of the U.S. House of Representatives.

The news release follows:

Washington, D.C., January 27, 1972.—The American Legion National Commander John H. Geiger, of Des Plaines, Illinois, today announced the selection of Representative Leslie C. Arends, of Illinois, as the 1972 recipient of the Legion's Distinguished Public Service Award.

The award, last presented in 1968 to the former Speaker of the House of Representatives, John W. McCormack, is presented, as deemed appropriate, to an individual in public life considered to have made an exceptionally outstanding contribution to the Nation.

Congressman Arends will officially receive the award on Wednesday evening, March 1, 1972, during the American Legion National Commander's Banquet for Members of Congress at the Sheraton-Park Hotel. The Banquet marks the highlight of week-long activities surrounding the Legion's annual Washington Conference of executives and officials, and will be attended by some 2000 members of congress, Legionnaires and their wives.

Arends, now in his 19th consecutive term in the House, is the Republican Whip; the ranking minority member of the House Armed Services Committee, and consistent supporter of veterans legislation. He is a Navy veteran, and a long time member of the American Legion.

THE NEIGHBORHOOD SCHOOL CONCEPT

HON. EARLE CABELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. CABELL. Mr. Speaker, on Tuesday, February 29, 1972, I submitted testimony to the Judiciary Committee on the busing situation. I insert my testimony in the Record at this time:

Testimony of Congressman Earle Cabell

Across the bottom third of Sunday's Dallas Morning News, a six-column banner headline reported: "Classroom Battle Turning Physical, Teachers Say." While it is inaccurate to blame the 18 reported altercations since school opened on busing alone, there is no doubt the tensions that exist in my district today at school and at home are a result of intrusion of our federal courts into our educative processes. This was even carried to the unheard of extreme of a decision by the Dallas Court to divest the Superintendent and the Board of the Dallas Independent School District of all authority in the operation of the School System and placing such authority in the hands of a Tri-Ethnic Committee appointed by the Court. After all, there is no way to count the attacks and the verbal threats that go unreported.

While the hearings of this committee, Mr. Chairman, are to be confined to proposals for curbing the busing of school children to secure racial balance, an even more important matter is the question of improving minority schools, updating facilities where they have been allowed to deteriorate, and making certain that our strongest, our finest and our best teachers are assigned to areas of greatest need.

Busing itself is an historic method of transporting children to school. The transporting of school children from thinly populated suburban or rural areas is essential to make available adequate facilities to these children. This is not the case in urban areas where the population density is sufficient to provide schools for the individual neighborhoods convenient to them. Today's chaos is the result of adding the element of force and of making its purpose "to achieve racial balance," regardless of the distances involved.

The result has unleased a political force so powerful that it has already unsettled the experts in the White House and has brought powerful anti-busing majorities to the fore in both Houses of Congress.

Do not underestimate the power of the neighborhood school concept, its effect upon public opinion, and its ability to change the minds of politicians as a threat to it develops in their home districts.

Another Dallas newspaper, The Dallas Times Herald, expressed it best in a lead editorial Sunday, pointing out "That while this nation earnestly seeks equal educational opportunities for blacks and whites alike, it is not likely to stand for schemes that detract from the learning process and even heighten those racial tensions we would all like to be done with."

[From the Dallas Morning News, Feb. 27, 1972]

Classroom Battle Turning Physical, Teachers Say

(By Leo Donosky)

A lot of teachers always thought they were fighting a battle against ignorance, but lately, some say they just feel they are fighting a battle.

In some Dallas schools, discipline problems have been serious enough to initiate military strategy.

At one junior high school last year, a teacher reported, a voice occasionally would come over the public address system announcing "Operation Little Lamb, Operation Little Lamb."

"That," the teacher explained, "was a signal for us to clear the restrooms and halls and move the kids down to the first floor for a shakedown."

The School's principal would then have each student empty his or her pockets. All "weapons" would be confiscated and the principal would paddle the students who had brought them.

But several teachers, who asked not to be identified, said they are now ready to mount a campaign of their own.

"Conditions have gotten so much worse, teachers have become more militant. Things have got to change even if it takes a strike," one said.

Since the opening of school this year, 18 incidents have been reported of students physically attacking teachers.

While most such attacks take place in inner city schools, a teacher at a junior high school where four attacks have taken place this year said the increase is not just a result of faculty desegregation. Attacks have taken place against blacks as well as white teachers, he said.

"Of course, it doesn't help that the youngest, most inexperienced teachers were transferred into the most difficult situations," he said.

Dealing with problems and frustrations physically is more a socio-economic factor than a racial one, another said.

Teacher morale is a little better, though, in schools with students from middle and upper-middle class backgrounds.

"There's an atmosphere of intimidation," said a woman teaching at a predominantly white junior high school.

Because of recent court rulings extending student rights, "I'll tell a student to stop something and he'll say 'touch me and I'll sue you.' And he can," she said.

Teachers said they saw the breakdown in authority in schools moving across the nation like a thunderstorm.

School Supt. Nolan Estes said, "We saw it start several years ago on the West and East Coast, move into the Midwest and head South."

Anne Schuessler, a teacher at Skyline Center, said she is glad student rights have been upheld by the courts. "It's time we started treating them like people. Some teachers have equated respect with making students scared to death."

"For so long we had to enforce ridiculous rules like dress codes," said another teacher. But now there has been an "overreaction" among students with their new rights. "They are pushing to see how far they can go."

"You couldn't count all the verbal and physical threats that go unreported," he said.

Some teachers say they shy away from reporting too many problems for fear of looking bad at "teacher evaluation time."

Jewell Howard, president of the 6,500-member Classroom Teachers of Dallas (CTD), said, "This is going to be the big issue this year. We're not going to allow teachers to be afraid in the schools or feel like it's their fault."

Some teachers say they feel forgotten in the hue and cry of parents for tighter discipline in the schools.

"Most of the problems happen outside the classroom. When you're acting like a policeman, doing hall patrol and lunchroom duty, kids react to you like a policeman," said one teacher.

"I wasn't trained for that and don't want to do it. But we're the ones who have to enforce the rules," he said.

School district policy warns teachers against making "initial" contact with a student or an outsider causing a disruption, to keep physical injuries to teachers to a minimum and prevent lawsuits.

Herb Cooke, director of CID, said the association is mounting a campaign to inform teachers of their rights. Most, he said, don't know it is up to them to press charges against a student who assaults a teacher.

CTD, he said, is going to help teachers press criminal charges that stick and "do everything we can to get students convicted."

Cooke said CTD's attorney has also advised pressing civic damage suits against parents in hopes they will take greater responsibility for their children's actions.

"Our teachers have been going the third mile, not just the second," Estes said. "But they need our help and support."

Dr. Estes said newly issued directives to principals instruct them to remove perpetual troublemakers from the schools."

Estes said the school district has alternate programs for students such as instruction in the home.

He said the cost would be "prohibitive" to free teachers altogether from non-teaching duties such as hall patrols.

Estes said he wants more administrative and management personnel in the schools to free principals and counselors from paper work.

One young teacher said, "It's going to take changing the entire school atmosphere. School has got to be a place where learning is exciting.

"That's going to take a lot of money and time," he said.

"I guess I'm just crazy enough to wait around for it to change," he said. "It has to."

[From the Dallas Times Herald, Feb. 27, 1972]

BUSING REVOLT

Who would have thought it?

Only a year ago, most Northern congressmen and senators appeared dead-set against affording the South any relief from the anguish of racial-balance busing.

Now the Senate has voted, 43–40, to take away from the federal courts the power they've used—and abused—to order busing.

Sens. Mansfield and Scott, the Democratic and Republican floor leaders, respectively, had hoped that by offering meaningless antibusing legislation they could take steam out of the drive for a constitutional amendment to outlaw pupil assignment on the basis of race. It wasn't a bad strategem. The Senate last Thursday went along with Mansfield and Scott, voting useless and futile strictures against busing that too seriously inconveniences children.

But the leadership may have underestimated the nationwide abhorrence that busing these days calls forth. For the very next day, the senators tacked onto a higher education bill Michigan Sen. Robert Griffin's amendment to halt busing orders altogether.

All we can say is, "Hallelujah!"

Here is the rationale for Griffin's amendment: The Constitution gives Congress the power to regulate the jurisdiction of the federal courts. What Griffin proposes, then, is all very open and above-board--to strip federal judges, at whatever level, of their power to mandate desegregation plans based on busing. This is the action for which both of Texas' senators, Lloyd Bentsen and John Tower, had called in no unmistakable terms. After all, it is the federal judiciary which is most responsible for the present busing crisis.

The legislation goes ultimately to the House of Representatives, where in our opinion, it will receive even a warmer welcome than in the Senate. For in the lower chamber, with its close ties to grass-roots America, one discerns massive sentiment against these ukases prescribing massive busing. Thus we would predict that the Griffin amendment will ultimately find its way into the statute books.

A word of caution: As John Tower points out, an amendment to the U.S. Constitution is "the only approach that is 100 per cent certain" to do away with busing. For such an amendment would be absolutely immune from being overturned in court. Hearings on the question open Wednesday in the House of Representatives, and the Griffin legislation notwithstanding, we think the amendatory process ought fully to be pursued.

Even so, the Griffin amendment's adoption is heartening for reasons other than the altogether salutary effects it should have. In selling 43 United States senators on his proposal, Sen. Griffin has demonstrated plainly as day that the American people are weary of social engineering schemes devised by nonelected judges; that while this nation earnestly seeks equal educational opportunities for blacks and whites alike, it is not likely to stand for schemes that detract from the learning process and even heighten those racial tensions we would all like to be done with. This much the Senate has shown. And it is with the utmost relief that we note it.

THE THREAT FROM CUBA

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. SCHMITZ. Mr. Speaker, during special hearings before the House Armed Services Committee in December, it was revealed that despite a steadily increasing threat posed by submarine-launched missiles and newly developed long-range Soviet bombers, our detection and intercept capabilities have rapidly deteriorated to the point that the existing U.S. air defense is virtually useless.

Delving into the strange intrusion of a Russian-built AN–24 aircraft which landed at New Orleans Moisant International Airport on the morning of October 26, 1971, the committee found that the flight, originating in Havana and carrying a contingent of 22 Cuban Communists en route to "attend an international sugarcane technological conference," had actually passed undetected through the U.S. aircraft defense identification zone—ADIZ—flying at an altitude of 4,000 feet. The "Cubana 877" had not even been noticed by either civilian or military officials until the pilot radioed the control tower requesting landing instructions.

This unusual incident was reminiscent of an earlier flight in October 1969 when a Cuban Air Force defector flew an armed Soviet-built Mig–17 from Red Cuba into Homestead Air Force Base near Miami, Fla., at a time when the President's personal plane, Air Force One, was parked on the field. Like the Cubana 877, the Mig–17's flight had been virtually undetected until it flew past the control tower at the airbase. Fortunately, that pilot was on our side.

How could aircraft from a Communist-held country just 90 miles from our shores violate our sovereign air space without being detected or alerting our own defenses? This was one of the vital questions asked a select group of defense experts in executive session before the Committee on Armed Services. Their candid answers, while heavily censored before publication by the Defense Department, nevertheless revealed the chilling fact that the entire southern flank of the United States is almost undefended and wide open to enemy attack from unfriendly nations to the south of us, especially Red Cuba. In fact, while the hearings were taking place in Washington a fleet of Russian ships—the seventh visiting Cuba since July 1969—were dropping anchor in Havana, and Soviet TU–95 aircraft were landing with still more Communist cadres to bolster the growing force of more than 30,000 Soviet Army personnel already stationed in Cuba.

As the committee pointed out in its lengthy report, in the name of "economy" Secretary of Defense Robert McNamara in early 1963 had "announced a phase-out of a large number of detection radars" the impact of which "was to further weaken radar detection in the southeast and to open a new gap across Texas, New Mexico, and Arizona." Air defense forces on the North American Continent were reduced by approximately 60 percent. While forces were concentrated in positions in the northern portion of the continent and along the northern Atlantic and Pacific coasts to provide a perimeter defense for all U.S. borders, our southern border was completely ignored. Since the aircraft defense identification zone extends almost 200 miles into the Gulf of Mexico, and any aircraft flying at an altitude of less than 2,000 feet cannot be detected by radar until it gets within 25 miles of the radar station, FAA radar capabilities are obviously inadequate to meet all contingencies.

Therefore, continued the report, control and surveillance of foreign aircraft in that air defense zone are solely dependent on the cooperation of the approaching pilot in reporting his intent and aircraft position. Needless to say, an armed squadron of offensive Soviet aircraft from any of the numerous bases in Cuba, or a battery of long-range Soviet nuclear ballistic missiles launched from a score of Komar-type guided missile ships or atomic submarines patrolling our coastline from their heavily fortified sub base at Cienfuegos, would hardly file a flight plan before committing an aggressive action.

With all these grim factors in mind, the House Armed Services Committee concluded that—

1. The existing United States air defense is virtually useless—it is more of a concept than an actuality;

2. Because of the failure to maintain a viable U.S. air defense system, sovereign U.S. air space cannot be effectively protected from intrusions of foreign aircraft, civil or military;

3. There is a 1500 mile opening in our air defense on the southern U.S. perimeter between Florida and California. The area is virtually devoid of military surveillance and air defense command and control; and

4. The Cuban plane incidents at Homestead Air Force Base and at New Orleans demonstrate that any foreign power can, at will, violate the southern U.S. air space without detection or interception.

Not too long ago, if confronted with such a clear and present danger right on our own doorstep, we would have immediately invoked the Monroe Doctrine. There never was any good reason for backing away from the Monroe Doctrine, and the facts brought out by the House Armed Services Committee give us every good reason for reestablishing it.

ESTABLISHMENT OF AN OFFICIAL RESIDENCE FOR THE VICE PRESIDENT

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. HOGAN. Mr. Speaker, on February 22 I introduced a bill to establish an official residence for the Vice President of the United States at Oxon Hill Manor in Prince Georges County, Md., my home district.

At the same time, an identical bill was being introduced in the other body by Senators MATHIAS, BEALL, CHURCH, and HUMPHREY.

Oxon Hill Manor is ideally suited to the dignity and responsibility of the office of Vice President because of its extraordinary beauty and size, as well as its convenient location—only minutes away from the White House, the Capitol, and Andrews Air Force Base, the base used for vice presidential aircraft.

The Washington Post featured an article last week describing Oxon Hill Manor in detail, and I now insert that article into the RECORD:

MANOR FOR THE VEEP?

(By Maxine Cheshire)

Oxon Hill Manor, a classical Georgian mansion overlooking the Potomac and less than 10 minutes from Capitol Hill, will be proposed to Congress next week as an official vice-presidential residence.

Maryland's Sens. Charles McC. Mathias and J. Glenn Beall will introduce legislation "to provide for the acquisition" of the historic Prince George's County estate as a home for the nation's No. 2 officeholder.

At the same time on the House side, Rep. Lawrence J. Hogan (R-Md.), will introduce a companion bill.

The property, once the home of Under Secretary of State Sumner Welles in the New Deal days, has special significance for many historians and scholars.

The grounds, almost within sight of Mount Vernon, are believed to be the burial place of John Hanson, who preceded George Washington as the first President of the United States under the Articles of Confederation.

Mathias and Beall, who have been quietly lobbying in advance for their proposal, are thus far encouraged by the favorable response of their Senate colleagues and key members of the Nixon administration.

Vice President Spiro T. Agnew, also from Maryland, does not wish to appear to be house-hunting for himself. But he has indicated that he would not stand in the way of those who consider the place appropriate for others who come after him.

Former Vice President Hubert Humphrey, whose own staff once coveted Oxon Hill Manor when the Government first started looking for an official residence in the 1960s, is enthusiastically behind the bill.

Further support has come also from still another Marylander, Interior Secretary Rogers Morton. He was so impressed with Oxon Hill Manor's suitability that he had the National Park Service work up an evaluation that Congress should find very persuasive.

The National Park Service's Office of Archeology and Historic Preservation has concluded in a two-volume report that Oxon Hill Manor is something "very special" and "meets all the requirements necessary for the official residence of a high official such as the Vice President of the United States of America."

The report concedes that there may be those who feel that the Vice President's home should be located inside the District of Columbia. But all other features of site and location are regarded as "highly desirable."

Deer roam the woods, yet Oxon Hill Manor is only 7.4 miles from the White House and 6.4 miles from Andrews Air Force Base, which is used by vice-presidential aircraft.

There is enough acreage (55 to 158 acres) available to satisfy the Secret Service's security requirements and permit both a helicopter landing pad and anchorage for a boat on the river frontage.

Oxon Hill Manor has been occupied since 1952 by Fred N. Maloof, a self-made millionaire of Lebanese ancestry who got rich in oil and land speculation. He bought the property from Welles.

A connoisseur of art and antiques and historic memorabilia, Maloof maintains his unusual collection for visitors as "The John Hanson Memorial Museum."

But he hasn't owned the property since 1967, when he sold it to Johnson administration insider Howard Burris, who tried unsuccessfully to develop an educational Disneyland there.

International Capital Corp. and Financial Realty Corp. now hold title to the main 55 acres and the house. The remaining 92 acres are owned by shopping center developers from Hampton, Va.

Congress has long been in favor of some kind of vice-presidential residence, but no one has ever been able to come up with a suggestion with enough support to get money from the Appropriations Committee.

In 1966, Congress passed a bill authorizing $750,000 for "planning, design, construction, furnishing and maintenance."

But that official vice-presidential house was supposed to be built on the Naval Observatory grounds on Massachusetts Avenue, and certain admirals were just as happy that no one on the Hill ever cared enough to follow up on that idea.

Mathias' and Beall's upcoming bill was drafted in the form of an amendment to the earlier legislation.

The new proposal would merely change the wording of what is already on the books as Public Law 89-386 and will read:

". . . the Administrator of the General Services is authorized and directed to acquire, by purchase or otherwise, the property known as Oxon Hill Manor . . . together with a suitable portion of the grounds surrounding it."

The new bill asks for an appropriation of $1.5 million to the General Services Administration "for the acquisition and initial repair and improvement . . . including the cost of initial furnishings."

If there is any opposition to the amendment, money will probably be the issue. Some members of Congress may object to the Maryland location, but more are apt to be stingy about an expenditure that not everyone considers vital.

Oxon Hill Manor can be bought with varying amounts of acreage. The minimum recommended in the National Park Service's report is a 55-acre parcel that contains a 49-room mansion, formal boxwood gardens, a swimming pool, stables, a five-car garage, a greenhouse and a six-room manager's cottage.

The asking price for that portion is a negotiable $1 million.

The Park Service, however, is hoping that Congress will consider purchasing an additional 92.73 acres next door as a "buffer" that could also be available for "limited recreational use" and "public access to the waterfront."

The history of Oxon Hill Manor dates to 1685, when a member of Maryland's prominent Addison family acquired the land from Lord Baltimore.

The first Oxon Hill Manor house, built in 1710, survived until it was destroyed by fire in 1895.

It was in this early house that John Hanson, a visitor, died in 1783. Many written records indicate that he was buried there, either in the family cemetery or in the remains of what appears to be a mausoleum.

Hanson has a cult of followers among history buffs who feel he has been overlooked among our founding fathers and would like to see the present-day Oxon Hill Manor become a memorial to him.

The brick house that stands there today was built for Sumner Welles in 1929 by Washington architect Jules H. de Sibour, who also designed the Chevy Chase Country Club.

The style is an 18th-century English country house, with elegant rooms grandly scaled for formal entertaining.

A 26-by-31-foot entrance hall is floored with black-and-white marble. A 26-by-45-foot drawing room and a paneled Charles Dickens library open into each other and out onto verandas with a view of the Potomac.

The dining room will seat 24 at one long table, and perhaps three times that many at smaller tables.

The antique Regency wallpaper has a history which researchers may or may not be able to confirm. Supposedly, an emperor of China gave the eight large panels to Queen Victoria as a gift.

The main part of the house has six large "bed chambers," each with its own bathroom and fireplace.

The service wing is three stories high, 79 feet long and contains a wine cellar, incinerator, sewing rooms, linen closets, silver safe, a flower room, eight rooms for female servants and four rooms for male servants.

The place is not air conditioned, but the steel-beam, slate-roof construction is "first-class" and the condition is "sound."

"Refurbishing," according to the Park Service, "would involve more cleaning and painting than repairs."

Even the swimming pool (25-by-75 feet) is in good condition, but it needs a filtering system.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks:

"How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

WALTER AND MARVIN MIRISCH

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. REES. Mr. Speaker, we are all aware of the enormous influence the communications media has on the minds of the public. Audiences respond readily to what they read in the press or to what they see on film. Thus, it behooves those members of the various media to weigh carefully their responsibilities to the people when they prepare material that will eventually reach the eyes and ears of the public.

I can think of no better example of people in the communications field who have proved their responsibility to their audience than Walter and Marvin Mirisch, whose motion picture production company, Mirisch Productions, Inc., has, since its inception, taken great pains to produce only films that are suitable material for vast general audiences.

I am reminded of Walter and Marvin Mirisch at this time because, with the release of their motion picture version of the great musical hit, "Fiddler on the Roof," they have entered the 15th anniversary of the beginning of their company. True to the tradition of the Mirisches, "Fiddler on the Roof" opened with many charity premiers across the country, raising much-needed money for hospitals and other worthy organizations. For instance, the film was presented in Los Angeles by the Women's Guild of Cedars-Sinai, which has raised almost half a million dollars through premieres of three Mirisch-produced motion pictures.

In the 15-year span of Mirisch films, which began with the highly entertaining comedy, "Some Like It Hot," Mirisch pictures have won 23 Academy Awards, including the "Best Picture" award for such fine films as "The Apartment," "West Side Story," and "In the Heat of the Night," the latter personally produced by Walter Mirisch.

Only this year, the Mirisch brothers' fine record was cited by the ABC-Interstate Theatre Chain, which presented them with its prestigious 1971 Gold Star Award for "their outstanding contributions to the motion picture art." The chain's president, William E. Mitchell, stressed the company "has been responsible for consistent quality film making which has brought outstanding returns for theater men throughout the world and added prestige and distinction to the entire motion picture industry."

Typical of the philanthropic nature of the Mirisches through the years, the brothers themselves are celebrating their 15th anniversary by establishing a fellowship at the University of California at Los Angeles. An annual award will be made to provide sufficient funds for a UCLA graduate student to make his thesis film and, under separate arrangements, the Mirisches will see that the film is distributed, to enable the student to make a firm entry into the motion picture business.

I am proud to have the Mirisches as a part of one of California's great industries—the motion picture industry. And I am proud that they represent our State and our country so well. They and their pictures have, in many ways, become ambassadors of entertainment to audiences, not only in this country, but in many countries abroad.

I congratulate the Mirisch brothers on their 15th anniversary and wish them continued success in the future.

THE DANGER OF COMMUNISM

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. BOB WILSON. Mr. Speaker, the danger of communism has not disappeared. While we can witness new relations between China and the United States, the danger of Soviet communism and communism in Europe has rather increased. This is due to the fact that the Soviet Union has developed a hard and purposeful policy which tends to divide European countries, to push the United States out of Western Europe, to reach the recognition of the Communist domination over central and Eastern Europe, and to bring about a neutral and socialistic status to the countries of Western Europe. This can be called the Soviet Western policy. At the same time we can see the Eastern policy, or the Ostpolitik of the present Socialist-Liberal Government of Western Germany.

Being friends of the German people and of the Federal Republic of Germany since the days of the great Chancellor Dr. Konrad Adenauer, who was a sincere friend of the United States, it seems to me that in the Ostpolitik which the present German Government has carried out on its own, out of its own initiative, the Germans have made a bad deal with the Communist States, especially with the Soviet Union and Poland. This could also be a bad deal for the German people. If we enumerate the long list of the Soviet wishes which the West Germans have fulfilled in their treaties with Moscow and Warsaw—including the debasing obligation that they would help to bring their unfree Communist half as a second German State into the United Nations and to an international recognition which seems to be a kind of humiliation which no other nation would voluntarily take upon itself—we are painfully surprised when we look for the Soviet counterconcessions and find none.

Whether we meant to criticize the German Ostpolitik or whether we desire to remain neutral and aloof, is not important. It is important that we realize the situation and that we find out how to divert more such deals and how to undo past deals damaging not only Germany, but Western Europe and the Western alliance as a whole.

The Soviets do not make their political offensive, which is closely followed by an economic offensive, only against West Germany. They undertake this offensive against the entire free world, by every possible means, and therefore it is damaging to all if any free world nations give up positions, no matter what kind. We agree with the words of warning which the chairman of the Christian Social Union in Germany, member of the Bundestag, and former Federal Minister Dr. Franz Josef Strauss stated. On December 10, 1969, in the newspaper Stimme der Freiheit, he said:

> Maybe the danger of the new German Ostpolitik does not lie so much in the fact that this Ostpolitik makes peace more insecure and questionable. It lies rather in the fact that the Ostpolitik, slowly but surely changes the balance, which has been kept up by such toilsome efforts and formed by so many factors, to our disadvantage. In no case can a policy of mere concessions and one-sided resignations be helpful to our security.

AMERICAN LITHUANIANS ADOPT RESOLUTION

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. DERWINSKI. Mr. Speaker, American Lithuanians recently held a mass meeting at the Auditorium Theatre under the auspices of the Lithuanian Council of Chicago at which time they adopted a resolution which I am pleased to insert into the RECORD.

Certainly, groups in the free world like the Lithuanian Council are the true spokesmen for the people of Lithuania, rather than the stooges imposed on that country by the Soviet Union.

The resolution follows:

RESOLUTION

We, Lithuanian Americans of Chicago, Illinois, assembled this 20th day of February, 1972, at the Auditorium Theatre to commemorate the 54th Anniversary of the Declaration of Independence of Lithuania, unanimously adopted the following Resolution:

Whereas, On February 16, 1918, the Lithuanian nation proclaimed its independence, exercising the right of self-determination to be free and independent for all time; and

Whereas, By the Peace Treaty of July 12, 1920, Soviet Russia recognized Lithuania as a self-governing and completely independent State, and by the Non-Aggression Pact signed September 28, 1926, undertook to respect the sovereignty, territorial integrity and inviolability of Lithuania under all circumstances; and

Whereas, In total disregard of its treaties and pledges the Soviet Union in June 1940 seized Lithuania by armed force and illegally incorporated the country into the Soviet Union, in violation of international law, the Atlantic Charter and the Charter of the United Nations; and

Whereas, The Soviets deprived the free and proud people of Lithuania of their basic human and civil rights, converted the prospering country into a pauperized vassal of the

Soviet empire, and these conditions continue to this day;

Now, therefore, be it resolved, That we again express our sincerest gratitude to the Government of the United States of America for its steadfast non-recognition of the Soviet seizure and incorporation of Lithuania and trust that this policy will be continued until Lithuania and the other Baltic States are again free and independent; Be it also

Resolved, That the leaders of the free world are urgently implored to uphold their morally correct position and avoid any maneuvers which might lead to condoning the Soviet Russian crime of the enslavement of Lithuania and the other Baltic States; Be it also

Resolved, That we request the President of the United States to raise the issue of Lithuania's liberation at the forthcoming and all other negotiations with the Soviet rulers in Moscow; Be it also

Resolved, That we request that the foreign policy of the United States Government include the liberation of the Baltic States as an integral factor in its European security program; Be it also

Resolved, That this Resolution be sent to the President of the United States, to the Secretary of State of the United States, to the Senators and Congressmen from our State, to the Secretary General of the United Nations, and to the Press.

CHICAGO LITHUANIAN COUNCIL,
JULIUS PAHALHO, *Chairman.*
ALDONA INDREIKA, *Secretary.*

CONSUMERISM—EXCITING TREND OR EXAGGERATED PROBLEM: ADDRESS BY QUENTIN REYNOLDS OF SAFEWAY STORES, INC.

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. DELLUMS. Mr. Speaker, recently Mr. Quentin Reynolds, chairman of the board and chief executive officer of Safeway Stores, Inc., spoke before an executive symposium held at St. Mary's College in Oakland, Calif.

In his presentation, Mr. Reynolds gave what I consider to be a frank and forward appraisal of the growing consumer movement in this country. I find it heartening that a representative of one of this Nation's largest firms takes such a positive attitude on this important issue.

I think that my colleagues would benefit from reading Mr. Reynold's speech, and therefore, I am inserting it into the RECORD at this point:

CONSUMERISM—EXCITING TREND OR EXAGGERATED PROBLEM

(By Quentin Reynolds)

Thank you, Mr. Chairman. Good morning, Consumers. "Consumerism—Exciting Trend or Exaggerated Problem." I think that title is most appropriate for this symposium since the subject, "Consumerism", touches everyone and has become the focus of attention over the past several years.

In the few minutes allotted to me, I hope to define consumerism, which I think is with us to stay. I would also like to add my voice to the argument that the private sector, or business, must respond to the activities of consumer groups to the mutual advantage of everyone concerned.

Consumerism is represented by a vivacious lady from the White House in Washington D.C. . . . and may I join others in welcoming you to this Seminar and to California once again, Mrs. Knauer.

Consumerism is many things to many people. It is "buyer beware" or "seller beware". It is unemployment, women's lib, product safety, discrimination, unit pricing and open dating, food additives, packaging, monopolies, interest rates, installment credit, pollution litter, solid waste, truth in advertising, obsolescence, automation, skilled and unskilled workers, birth control, labor contracts, pesticide, crime, 18-year old vote, drug culture, welfare, slums, profits, space exploration, peace and war.

Consumerism is Congress, the Federal Trade Commission, the Food and Drug Administration, the General Services Administration, the U.S. Departments of Agriculture and Commerce, Consumers' Publications, over fifty organized state consumers' groups; also, Nader, Furness, Meyerson, Nelson, Choat; plus many more.

It is you and I. It is formal and informal organizations and the unidentified.

It is the Chairman of the Board of a major automobile company appearing before a Senate investigating committee, apologizing to a then comparatively unknown attorney for the actions of his company which had hired investigators to look into the lawyer's personal life, allegedly to discredit him.

It is the president of a major chemical company undertaking a series of speaking engagements at campuses throughout the country, attempting to bridge the gap between the students and business.

It is a national news magazine which normally reports discontent and discrimination on its pages, discovering itself is the target of demonstrations by its own female employees.

It is a major utility company forced to postpone plans for a nuclear power plant due to objections from conservation groups who feared extermination of fish in the adjacent rivers.

It is a major oil company which as a result of an oil leak in one of its offshore wells became enmeshed in a public relations battle with the citizens of a West Coast city.

Consumerism is a confused housewife who is first told not to use phosphate detergents because they are harmful to the environment. . . . then told that the substitute for phosphates, called NTA, was also harmful. . . . then advised it is all right to return to the use of phosphates since they may be less harmful than any available substitute.

Consumerism is being told that the consumption of fish is dangerous to the health due to its high mercury content. . . . and then being informed that investigation reveals that prehistoric fish contained an even higher level of mercury.

Consumerism is being warned that soft drinks containing cyclamates are dangerous to the health.

Consumerism is a Japanese automobile manufacturer developing a car that first sniffs a driver's breath before agreeing to transport him . . . a small intake in the center of the steering wheel contains a "sensor" which can detect changes in the alcoholic content of the breath and when the sensor becomes suspicious, the car won't start.

The retail industry, of which I am a part, has experienced more intensive consumer pressures than most other types of business. I think this is because the retailer is in a position of high visibility and public exposure. His transactions with individual consumers may number hundreds of thousands per day, millions per year.

He becomes familiar with the pressures that build up in their minds. They ask for and demand reforms in the market place.

The store manager of yesterday had simply to open his doors, maintain a clean store and, hopefully, be competitive with his fellow merchants across the street. The store manager of today has much broader responsibilities. He is now being asked what his company is doing about waste disposal or the recycling of soft drink containers. He is perhaps being picketed by an anti-war group. He is suddenly asked to make decisions and participate in discussions far beyond the problems within the four walls of his store.

Consumerism is international in scope. It has surfaced in many countries as it has in the United States. Canada established a Department of Consumer Affairs well ahead of the U.S. Sweden has long had an Institute for Informative Labeling which promotes the use of standardized, informative labels by consumer goods manufacturers. Great Britain restricted the advertising of cigarettes long before the U.S. did.

The first wave of consumerism centered in the 1900's when Upton Sinclair wrote "The Jungle". This generated political pressures which resulted in the Food and Drug Act of 1906, the Federal Trade Commission Act and the Clayton Act passed in 1914.

The second wave of consumer interest, activated in the 1930's resulted in the National Recovery Act of 1933, creating consumer advisory boards and gained federal recognition.

It has been claimed that the current consumer movement will soon subside. I do not think this is true.

I think that in an age of increasing technology, more affluent buyers and a growing, deep concern for the quality of life, the interest in consumerism will accelerate. The consumer today wants better information, demands better performance from business and is highly critical of impersonal and unresponsive companies.

As a result of such activities, the recent session of Congress had more than five hundred legislative proposals designed to protect the consumer. Those are in addition to a multitude of State, county and municipal laws and legislative proposals of similar nature.

There are those who say that only government can solve the needs of consumerism. There are others who say that the business community, or private sector, can satisfy these wants. Others advocate a business-government-consumer team to cope with such problems. I favor the latter. I do not believe that government alone is willing or equipped to resolve the consumer problems of the individual in our society today. I think that the future now dictates that government, business and the consumer must work collectively toward eliminating the deficiencies in the market place.

David Rockefeller, Board Chairman of the Chase Manhattan Bank, in a recent speech before the Advertising Council in New York City said:

"Considering the seriousness and growing prevalence in some quarters of this attitude, it seems to me that businessmen have no choice but to repond by becoming reformers themselves, making a determined effort to adapt the operation of the market system to our changing social, political and technological environment.

"The question really comes down to this: Will business leaders seize the initiative to make necessary changes and to take on new responsibilities voluntarily, or will they wait until these are thrust upon them by law?"

I think we all agree that there is a recognition on the part of business and government of the need for change and for the necessity to take on these new responsibilities.

On August 5, 1971, President Nixon, by Executive Order, established the National Business Council for Consumer Affairs. This Council, on which I serve, is comprised of over 100 chief executive officers of business enterprises of all sizes. The Council will encourage and assist in the establishment of voluntary programs for industry action to anticipate and resolve consumer problems. The Council will advise the President, the Office of Consumer Affairs, the Federal Trade Commission, the Department of Justice, and other government agencies, through the Secretary of Commerce.

When appropriate, the Council will make recommendations concerning legislation or executive action on:

Advertising and promotions.
Packaging and labeling.
Warranties and guarantees.
Credit and related terms of sale.
Performance and service.
Product and safety.
Complaints and remedies.

Business operates in any community only with the approval and permission of the public. It has become more and more evident that corporations and companies structured and designed to generate profit must also generate "social profits". It is quite apparent that in the 70's demands will be made upon many companies to commit financial resources and executives' time toward solving social problems in the community. I feel that this trend will accelerate.

I think that those corporations and companies which identify with this trend will not only generate more social profits but also be rewarded by consumers with more dollar profits for their stockholders and investors. Corporate headquarters are being visited by more and more security analysts who are not only asking for earnings reports but also records of social profits. In my estimation, companies and corporations in the 70's will compete aggressively in this area as they do today for dollar profits.

C. W. Cook, Chairman, General Foods Corporation, acknowledging that our business system today is dangerously threatened, stated recently:

"When you realize the power of consumer protest—especially when voiced by certain well-known activitists—could close your company down, you know you are going to have to face it, come to grips with it, and not dismiss it as the work of radicals and crackpots, or hide behind the rule of caveat emptor."

I believe that the private sector is equipped to meet this challenge and that it will make new track records in the 70's. But I do not think that corporate profits must be sacrificed to achieve the goal of responsibility. For the good of our society as a whole, corporate profits and social responsibilities must go hand in hand.

I feel that if they do not, the system which has generated the highest living standard in the world will be called to task for nonperformance. The penalties for non-performance would not be easy to take.

I don't believe it will come to that. It is my conviction we can have both: profit, on which our free system with all its benefits depends, and progress toward solution of our social problems.

Let me cite an example from my own company in the retail food business. You may have noticed the unusual-looking price tags on the shelves at Safeway. These tags are printed by computer, and show the price per unit (ounce, pound, or whatever) for each size and product displayed, for easy comparison of quantity values.

This, as you know, is unit pricing. It was undertaken as a consumer service, and initially there was concern lest it prove a costly drain on already hard-pressed profits.

These fears proved groundless. In fact, we now feel that the system of computer-printed price tags, which unit pricing brought about, may now be making an overall contribution to profit.

We find that customers appreciate the unit price information.

We also find operating efficiencies resulting from the system such as fewer out-of-stocks, less labor for reordering, less labor for producing price tags and tagging shelves, and more accurate pricing.

This may be an unusually pat example. But I think it shows the possibilities, and supports my thesis that the profit needs of business and the best interests of consumers can go hand in hand. If either is to be realized both must be.

I believe a growing number of businesses today share this view and are either acting on it or looking for ways to do so. The call now is to widen and increase these efforts.

Thank you, for your kind attention.

FEDERAL DIET CONTROL

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. SCHMITZ. Mr. Speaker, effective January 28, the Food and Drug Administration—FDA—has removed saccharin from the list of substances "generally recognized as safe" and has limited its use, with the specifically stated prospect that future action may "include the withdrawal of approval for use of saccharin in food." This has been done on the basis of a single study finding that when saccharin was consumed as 5 percent of the entire daily diet of rats—"a level roughly equivalent in humans to 875 bottles of a typical diet soft drink per day"—quoted from the FDA statement—some rats "developed bladder tumors" which might be cancerous.

At first glance this may seem merely a new height of bureaucratic absurdity—for surely a man who consumed the saccharin equivalent of 875 bottles of diet soft drinks in a single day would be dead long before he had time to get cancer. But when we learn that this particular study was conducted for the Sugar Research Foundation, it is hard not to suspect some involvement by saccharin's market competitor.

Some "natural foods" enthusiasts who hailed the ban 2 years ago on cyclamates, another kind of artificial sweetener, may also rejoice over a possible prohibition on saccharin. If so, they are making a very serious mistake. Our country might well be healthier if more natural foods were eaten. But their advocates ought to remember that they too could be subject to Federal prohibitions. For some years action has been pending to restrict the use of harmless vitamins on the ground that they do no good. If saccharin is disposed of, and the principle of Federal diet control increasingly accepted, will the next target of "sugar research foundations" be honey? Will some rat consuming the equivalent of 875 bottles of honey in a day also develop a tumor which might be cancerous?

Then on February 7, the bill (S. 1163) passed the House, providing for a whole new Federal program to supervise the diet of older Americans thought not to be well nourished, and to try to get them to change their eating habits, even to the extent of bringing new and allegedly more desirable foods into their own homes. We may be coming closer than most Americans would now believe possible to rigorous Federal control of what our people eat. This is not to deny the need for action where real danger of medical harm from the use of a particular food product is clearly established. But these new restrictions and programs go far beyond that. We cannot afford to ignore the possibility of government invasion of the dining room in a Nation where one already gains status in certain circles by advocating Government invasion of the bedroom for the sake of population control.

MORE TRAINS THE ANSWER TO "FLYING GETS WORSE"

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. HAGAN. Mr. Speaker, many Americans have been seriously handicapped because of the drastic curtailment of rail passenger traffic. Elderly people, especially, find it difficult to get about and visit relatives. The abandonment of most train service in America is a backward reality, unbecoming a great country with vast resources. The situation should never have occurred. The quicker we overcome this problem and restore additional trains, the better for all.

The solution may not be so apparent, but the facts are that Japan and the European countries still enjoy excellent passenger train service, and time schedules are being shortened constantly. We have shied away from Government control, and there can be problems when the Government operates the trains. However, this may be one possibility. We need the service even if it means drastically different operational supports and controls.

For a time we thought that airplanes would serve to make trains obsolete. This is not true at all for the vast majority of people. In many places plane service has been reduced from a few years ago. The airlines are in deep financial trouble even with Government mail subsidies. The airlines have never presumed to serve the people away from the large urban centers.

Sydney Harris, nationally circulated columnist, said in his February 22, 1972, column which appeared in the Savannah Morning News and other papers, that "Whatever is needed, we're not getting it." His article entitled "Flying Gets Worse," follows:

FLYING GETS WORSE

(By Sydney Harris)

One of the sad paradoxes about the airplane is that non-urban America, or about half the country, has worse transportation now than it did when the railroads were still running.

Friends who live in northern New England, for instance, complain bitterly that they are forced to use private autos now more than ever, spending hours on the highways to reach the closest commercial airports.

From New York to that area. direct air

service is practically impossible; and even from Boston, there is only marginal service. And in the Middle West, which I travel a good deal, it is far harder now to reach many towns and college communities than it was 20 years ago.

Ironically, the airplane was supposed to bring people together, to set up a network of transportation, to ease the sense of geographic isolation in many parts of the country. Except for the big urban centers, quite the contrary has happened.

Hundreds of towns are now cut off, except by auto or bus. The trains have stopped running, and it doesn't pay the airlines to maintain regular service—or any service at all—if traffic is light. What we laughingly call "public convenience and necessity" doesn't even take a back seat; it gets no seat at all.

Worst of all, nobody seems to be working on a sensible, realistic answer. Do we need more competition among airlines, or less? More government help, or none? Fewer and bigger airlines, and more and smaller shuttle services? Vertical Landing Craft? Helicopters? Magic carpets?

All the special interests fuss and sputter in Washington, and, as usual, everybody has a vociferous lobby except the long-suffering public. Nobody, so far as I know, has bothered to ask the traveler what he would like, how he would like it, and how much he is willing to pay for it.

Trains are nationalized in some European countries, and so are many of the airlines. They get nationalized, in some cases, because private enterprise becomes too private and not enterprising enough. I wouldn't like to see it happen here—our government doesn't have a splendid record of running things—but it surely will if the needs and conveniences of enough travelers are ignored long enough.

At present, there is no genuine competition among the airlines, in price or in basic service. Maybe it should be tried, before we turn over all our public transportation to the government. Maybe an extra olive in the martini or a piano in the lounge is not the right way to attract and hold more passengers. Whatever is needed, we're not getting it.

DETERMINED TEXAN

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. WRIGHT. Mr. Speaker, I offer for the attention of Members of the House a story by Mr. E. Edward Stephens, which appeared in the Washington, D.C., Evening Star on November 19, 1971.

This story describes the determined effort of Mr. Eddie L. Carter, of Fort Worth, Tex., to cause to be set aside an unfair ruling of the Internal Revenue Service. Mr. Carter's successful court battle on dependency exemptions will be of benefit to many small taxpayers in the future.

The story follows:

WINS CASE FOR THE LITTLE GUY

(By E. Edward Stephens)

Does the Internal Revenue Service ever admit that it has misinterpreted the law?

Yes. It did on Oct. 26, for instance, when it revoked a 12-year-old ruling.

This new development helps legions of taxpayers who support their parents, grandparents and other aged relatives. Now they'll get dependency exemptions that formerly they would have been obliged to fight for in court.

The 1959 ruling was a national tragedy. During its 12-year life, countless small taxpayers lost exemptions to which they clearly were entitled under the internal revenue code. They paid up, primarily because there wasn't enough tax money involved in each case to justify retaining a lawyer to fight for them.

But lack of funds didn't stop Eddie L. Carter. He fought singlehanded, and vanquished the mighty IRS.

Carter was supporting his 82-year-old grandmother, who lived with him in Fort Worth, Tex. When he claimed an exemption for her in his tax return, IRS threw it out on the ground that Carter hadn't furnished more than half her support for the year.

Carter proved that he had spent $915 to support her, and he showed that this was more than half the total amount actually spent for this purpose. But IRS said, "No."

The service contended that the total cost of grandmother's support must be "considered" to be $1,927; therefore, Carter's $915 contribution was less than half.

Standing on the 1959 ruling, IRS reasoned this way: Grandma had received old age assistance from the state of Texas totaling $1,012 for the year. This entire amount must be "considered" to have been spent for her support even though Carter had proved that: only part of it actually had been used for this purpose. Why? Because the $1,012 figure was based upon the state government's determination of grandmother's need for support.

Carter couldn't afford to retain counsel. So he handled the case himself, and carried the day in the tax court.

Judge Samuel B. Sterrett held that IRS must be guided by what actually happened—and the true fact was that Carter had paid more than half the actual cost of Grandma's support. Therefore, Carter must be allowed his exemption.

Surprisingly, IRS stood pat for more than a year after this rebuke, although Sterrett had noted that the 1959 ruling was contrary to its own regulations, and also conflicted with some of its other rulings. But on Oct. 26, IRS finally announced that it now "acquiesces"—agrees with the result—in the Carter decision. At the same time, IRS revoked the discredited ruling.

Taxpayers owe a great deal to Eddie L. Carter and others like him. They stand firm for justice, heedless of the time and expense involved.

TWO ATTAIN RANK OF EAGLE SCOUT

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. DUNCAN. Mr. Speaker, recently I paid tribute to some outstanding Boy Scouts from my district who had attained the rank of Eagle Scout. Their names appeared in the RECORD.

Today I would like to add two more names of accomplished Scouts. Certainly deserving the rank of Eagle Scout are Douglas T. Coile, son of Mr. and Mrs. Harry F. Coile, Jr., and John A. Fee, son of Mr. and Mrs. Harold D. Fee, both of Knoxville, Tenn.

I congratulate these two young men and wish them continued success in Scouting.

LIQUIDATION OF U.S. BUSINESS INTERESTS IN APARTHEID AND REPRESSIVE AFRICAN COUNTRIES: THE CONTEXT OF AMERICAN FOREIGN POLICY TOWARD SOUTHERN AFRICA

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. DELLUMS. Mr. Speaker, on February 16, I introduced H.R. 13147 on behalf of the Congressional Black Caucus. This landmark proposal would force U.S. business concerns to liquidate their holdings in the Republic of South Africa, South-West Africa, Rhodesia and African territories under Portuguese control—or, in essence, those nations which practice unmitigated and totalitarian apartheid policies and practices against the majority inhabitants within their boundaries.

Over the coming months, I shall insert into the RECORD research material detailing public and private relationships of this Nation to the governments and policies of the Republic, Southwest Africa, Rhodesia and the Portuguese territories. Included will be many firsthand reports.

As an initial step, I would like to insert a new, and extremely important, study just completed by Dr. Ronald W. Walters, chairman of the political science department of Howard University.

I find this study to be an excellent introduction to the type of problems we must deal with if we are to end the absurd support from the United States for apartheid and other racist policies.

The study follows:

THE GLOBAL CONTEXT OF U.S. FOREIGN POLICY TOWARD SOUTHERN AFRICA

(By Ronald W. Walters, Ph. D.)

INTRODUCTION

In this background paper, the writer will attempt what is assuredly a difficult task in the least, and impossible at most, which is to give the reader a comprehensive summary of the global responsibilities of the U.S. in relation to South Africa. To assist in the pruning process, the writer will use two concepts to discipline the wide range of variables which one has to consider in approaching this subject; one such perspective relates to the interest of the global powers in South Africa, while the other perspective deals with the bilateral relationships between the U.S. and South Africa which have global significance. Before utilizing these concepts, however, it will be necessary to make statement about the overall policy environment within which U.S. African policy operates.

NIXONISM

From all accounts, the Nixon Administration seems to be dedicated to following a course of action not only designed to reduce American involvement in the Vietnamese war, but which also reduces American activity generally in foreign affairs. It is a policy which seems deliberately tailored to conform to the lessons of the Eisenhower period which successfully halted American involvement in another Asian war and returned national priorities to the domestic scene. President Nixon himself, time and again has said this was a "low profile" policy designed to reduce American prominence in international conflict, while at the same time, reinforcing essential ties to close allies in order to ensure the maintainance of strong national security in the continuing conflict with communism. For example, in the recent testimony before the House Appropriations Committee with regard to FY 1972 expenditures, although the Secretary of State's statement assessing the international political situation was completely off the record, the Secretary of Defense spelled out in some detail elements of the Nixon Doctrine as it applied to DoD priorities. The Secretary listed them as follows:

1. A concept of strategic sufficiency which is based on specific criteria for the design of our strategic capabilities;

2. A strong conventional capability buttressed by increased burden sharing and improved defense capabilities of other free world nations;

3. Adequate peacetime general purpose forces for simultaneously meeting a major communist attack in either Europe or Asia, assisting allies against non-Chinese threats in Asia, and contending with a contingency elsewhere;

4. Smaller U.S. active forces, with great emphasis to be given to their readiness and effectiveness, including modernization;

5. Re-emphasis on maintaining and using our technological superiority;

6. Increased international security assistance for the defense needs and roles of other Free World Nations.[1]

One can see from the above concepts that the Nixon Doctrine attempts to balance strength (essential) with retrenchment to a point of flexible response to necessary commitments. The problem, of course, with any policy lies in its translation to actual usage, and recently political analysts have detected some misunderstandings of this policy between the U.S. and its European allies. Louis-Francois Duchene, head of the Institute for Strategic Studies, feels that the U.S. is trying to create a series of regional power centers; which would allow either indigeneous powers or NATO allies to share in the burden of international peace keeping. Failing to clearly establish such centers as autonomous functioning units under the wing of a Western alliance, Nixon has given to establishing a rapproachment directly with previously antagonistic nations such as China, and the Soviet Union (through the SALT talks).[2] The danger in such a policy is that it has been interpreted by some European leaders as the incipient stages of a wholesale American withdrawal from Europe. Some thinkers such as Duchene think that the prospect of an American pull out or drastic reduction in American obligations toward Europe would be basis enough for Europe to begin joint strategic planning.

However, others feel that such an American withdrawal would leave Europe seriously vulnerable to Soviet pressures due to the infantile state of the development of European common institutions, and their traditional reliance on the U.S. for such security matters.[3] It will, therefore, not be difficult to see that, quite frankly, under the pressures of such European centered concerns problems of southern Africa could seem very distant.

Some Europeans argue that it is not too important for their nations to agree on problems like the Middle East, Vietnam, and South Africa. What counts, it is said, is that they agree on their own European affairs.[4]

Nevertheless, as will be illustrated, just as the U.S. has not been able to ignore or retrench its vital interests in Southern Africa, similarly European states, whether by design or not, have continued to follow policy which shows a pattern of increasing concern and activity in that area of the world. Indeed while it may have been possible for the Nixon Administration to have followed a low-profile approach to the problems of the rest of Africa, the dynamics of the Nixon Doctrine may call for reinforcement of such basic interest as those in South Africa.

INTEREST OF THE GLOBAL POWERS

If one defines "global powers" as those states which possess the resources to pursue global interests, then one clearly has in mind the more affluent, primarily western European states with the inclusion of Japan, China, the Soviet Union, and the United States. In a broad sense the objectives of all states and certainly the substance of the foreign politics of the above states center on such areas as political stability, cultural harmony, military security and economic viability. All of these concerns have most consistently involved the interests of the U.S. and other global powers in interaction with South Africa.

THE CLOSED SYSTEM

In a recent study of the global powers in Africa, one writer characterized the state of affairs between them as a "closed system":[5] in actuality he was describing the wishes of U.S. policy makers who have slowly realized that although former colonial powers maintained maternal relationships with their newly independent African territories, the size of the economic (and in some cases the political) commitment was steadily deteriorating. This is not to say that all economic and political relationships were dissolving, to the contrary, they were changing from overt to covert techniques of exploitation and control of the lives of African peoples.

In any case, there has been a question about the extent to which the U.S. could play a role in Africa and take up some of those responsibilities which the colonial powers were laying down. The approach to this problem has depended basically on which administration was in office and what the predisposition of the President happened to have been. Africa was bewildering to President Eisenhower and he managed African concerns conservatively or not at all, while President Kennedy took a more activists posture toward Africa and African problems, viewing his tenure as an opportunity to make allies out of the newly independent nations within a Cold War context. In many ways President Nixon has returned to the Eisenhower era with his "low profile" approach to Africa, preferring the showmanship of concern to the substantive fulfillment of that concern. It is also interesting to note that there exists an almost perfect inverse relationship in the attitude of administrations in their treatment of black Africa and the whites in control of Southern Africa. That is to say, the American regimes that were most inactive toward black Africa have been the most conciliatory toward White Southern Africa and vice versa.

At least this element seems to blunt the notion of a "closed system" of relations existing in Africa outside of the influence of the U.S. The situation in some respects is similar in Britain to the U.S. if one notices that the control of the government by the Conservative party in the 50s, to Labor in the 60s back to the Conservatives in the 70s roughly parallels what has happened in this country to the Republicans and Democrats, and though the tenure of these parties may have been accidental, the attitudes which they collectively held toward Southern Africa were not. Clearly the political attitudes of the U.S. toward Southern Africa have been important and although it is difficult to say if they were pivotal within the Western alliance, one can say that the combined effect of those attitudes and political activities have produced roughly the same status quo results. The point here is that it would be impossible for any closed system to exist between Europe and Africa not only because of the impact of the U.S. upon European political affairs, but also because of the substantial interests which the U.S. has maintained in the affairs of the African continent. The writer is aware of the position that Africa should be a zone of deference to Europe because it has superior experience and interests there, and that this concept is sometimes conveniently made the basis for U.S. policy. It must be noted, however, that because of the strong identity of interests between the U.S. and Europe, their approach to problems of the African continent, including those of Southern Africa, have seldom been divergent, and where they have differed, the U.S. pursued its own policies independently.

STRATEGIC INTEREST

The military interests of the U.S. are expressed today as they have been since World War II in the embodiment of Security Pacts such as NATO, SEATO, etc., which are designed to act as a counterpoise to the conventional and nuclear threat potentialities of the Communists global powers. It is well known that the military weapons which are shared among NATO countries often are utilized by colonial countries such as Portugal in suppressing the protracted revolution in its African territories. What must be further speculated on is the extent to which South Africa itself has became part of NATO functionally but unofficially. Several pieces of evidence could easily lead to such a conclusion, among them are (1) the similarity of political postures toward Communism, (2) military and economic assistance from NATO countries (including trade), (3) and South Africa's membership in the White Alliance System.

The South African response to the cold war has always been to maintain a vigilant posture toward the elimination of Communism. Such vigorous anti-communism over the last two decades may seem puzzling in view of the fact that by all analysis communists have traditionally made only a few gains in Southern Africa. This leads one to believe that perhaps there are serious contradictions to this anti-communism since in fact black revolutionary activity has often been labeled as "communist inspired" both in South Africa and in other Western countries. But the question should also be put, if South Africa truly perceives facism, statism, and other aspects of social control as inherent in Communism and inimical to its way of life, why then would it sanction the entrance of former Nazis as residents, both in South Africa itself and in Namibia during the post war period and use such facist tactics on its powerless black inhabitants.

Could it be that such a posture toward Communism has in fact little to do with "Communism" as such and much more to do with the fact that the post war period has been synonymous with the increase of African Nationalism and the fruition of independence in most of the former colonial territories? In any case, it is clear that in the absence of sizeable numbers of real communists, South Africa fought a symbolic Cold War against what it conceived to be Communism which was thoroughly congruent to the Western stand on the same issue.

The United States, Great Britain, France, and West Germany, have been first-line contributors to the economies in Southern Africa. (See Appendix I) In South Africa the French have found an easy market for the sale of weapons because of the international boycott by the U.N. in which the U.S. participates, and, of course, the U.K., the U.S., West Germany and Japan are major trading partners. These countries are attracted to South Africa not only by its extremely healthy economy but by the position of South Africa in the international financial market. The financial health of the dollar is tied to the U.S. promises to exchange it for gold at $35 per ounce. South Africa, of

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course, enjoys a negative trade balance with the U.S. which is compensated for by the fact that the U.S. buys most of its gold from South Africa. This compensatory relationship may be illustrated in another way.

GOLD

The U.S. purchases of South African gold have been fueled by the poor state of U.S. balance of payments which have provoked gold outflows.[6] U.S. attempts to correct domestic inflation and its balance of payments problem recently by devaluation resulted in a modest (12.28) devaluation of the Rand which is keyed directly to the value of the dollar.[7] This devaluation, however, was a spur to gold prices which rose 14% in official price in South Africa from 22 Rand to 28.50 Rand a fine ounce. In fact, the decision of the U.S. revalue has touched off a flurry of market activity in Johannesburg; gold remained steady, as mining, financial, diamonds, and industrial issues all rose, and the future outlook for gold is even better as a result.

John West, an economist specializing in gold (at the U.S. Bureau of Mines) said that the increase of the government price for gold from $35 to $38 an ounce could encourage a further rise in open market prices and investments could be attracted to South Africa to take advantage of this situation.[8]

This revaluation of the U.S. dollar does not automatically mean that gold purchases from South Africa will slow up, to the contrary, commercial activity (both increased gold purchases and trade) could be induced from other countries. None other than the International Monetary Fund itself has had an agreement with South Africa to purchase gold since at least 1970*. Reports indicate that in 1970 the IMF purchased $640 million in gold from South Africa and $70 million more in June of 1971.[9] Thus, the fact that South Africa produces 74% of the total supply of the world gold stocks gives a global importance to the country beyond its size.[10]

RHODESIA

A recent agreement on November 30 between Rhodesia and the British Government resumed open British support of the rebel regime at the sacrifice of the rights of the African majority, but one must not be naive enough to dismiss the possibility that aid for Rhodesia had been coming from Britain all along via South Africa, and the Portuguese. Portugal receives some support from other global powers through NATO, recent example is the grant of nearly half a billion dollars from the U.S., December 9, in exchange for its rights to use the Azores military facility through 1974. Portugal has committed nearly 40% of her troops to suppressing the African revolution in the territories she controls, and such assistance enables her to continue the resistance to African independence.

WHITE ALLIANCE SYSTEM

One recent conceptualization of the problem between Europe and Africa casts the white Southern African states as members of a racial alliance system.

The centripetal white dominance system is best characterized by its value assumptions which are messianic and ethnocentric. Virtue is assumed to exist primarily in what is white and Western, and evil is equated with blackness and the assumed irreligious ways of non-white societies. These values, which blend color and culture, have explicitly justified slavery, the color bars of the Southern U.S., apartheid in South Africa, and even the discriminatory laws regulating Indian lands and non-white immigration.[11]

This assumption that there is an identity, a cultural unanimity beyond politics and economics that is the basis for shared feelings between the states of Southern Africa and the global powers of the West, should give pause to those who have felt it possible to isolate these states. In fact, it is reported that on one occasion when Prime Minister Vorster of South Africa returned from Europe, he reported, "we are not as isolated as our enemies try to make out." [12] This is all the more important to reveal because it is not only the assumed isolation of South Africa that is the basis for the attribution of all sorts of national psychoses, but it is also the basis for the urging of potentially unworkable political strategies as well. Finally, another observer links white culture to strategy as he suggests the following:

> There is the recurring idea of a SATO alliance, a South Atlantic Treaty Alliance. There is the idea of a "white" Oceanic Association of Brazil, Argentina, South Africa, Australia and New Zealand.[13]

It is sometimes forgotten that the population of Southern Africa (particularly South Africa and Rhodesia) reflects that of Europe, and that the records of the U.S. Immigration and Naturalization Service indicate a long, virtually uninterrupted flow of immigrants specifically between the U.S. and South Africa since at least the end of the 19th century.

OIL STRATEGY

Within South Africa in particular, the suppression of the wages of black workers and their exclusion from the ranks of skilled labor in large numbers has created a highly profitable economy which serves as a favorable investment climate for foreign capital, and has also stimulated trade between them. For example, in the U.S. country, some of the most ardent lobbyists for the extention of the South African sugar quota were representatives from industries with subsidiaries functioning there. Western countries also purchase mainly agricultural products from Portuguese held Angola and Mozambique, and with increasing frequency in the last five years, drilling rights have been sold to Western oil companies. The nationalization of foreign oil companies by Northern African countries in recent years has put increased pressure on the Western states to seek alternatives in friendly states farther south (such as Nigeria) and into the white-held redoubt.

The question of oil also points up the strategic significance of shipping routes. Before the closure of the Suez Canal early in 1967 the main routes of oil flow to Europe was by way of the Mediterranean Sea. After that period, however, shipping routes were forced to traverse the Cape of Good Hope around the southern tip of Africa, up along the west African coast, and then to Europe. South African ports which are known to be excellent deep water facilities, therefore, serve as vital links in the need for natural resources for the West. This fact raises an additional problem for the West. What if the Indian Ocean were under the control of naval flag ships unfriendly to the West?

There is little question that as far as the U.S. is concerned, the maintenance of both U.S. and allied access to sources of oil in the Persian Gulf is a continuing and vital basis for involvement in the Indian Ocean area. Testifying on this subject before the House Subcommittee on National Security Policy and Scientific Developments, Ronald I. Spiers, Director of the State Department's Bureau of Politico-Military Affairs, said:

> The oil of the Persian Gulf is vital to our allies and of considerable direct interest to us. About 30 of the 126 members of the U.N. belong to the Indian Ocean region and one-third of the world's population is there. Several of the states—India, Pakistan, Indonesia, Iran, the UAR, and in certain respects, South Africa—play a significant international role.[14]

At the same Hearings, Robert Pranger, Deputy Assistant Secretary of Defense for Policy Plans and National Security Council Affairs, supported Spier by the following statement:

> The United States also has a major strategic interest in the Persian Gulf oil supply to Western Europe and Japan. Interdiction of the flow of Persian Gulf oil supply to Western Europe could cripple those economies in a very short period of time (security deletion). Although the United States has imported less than 3 percent of its oil from the Eastern Hemisphere in the past, the United States is expected to become increasingly dependent on these sources.
>
> The United States would not want to see the oil, population, territory, and other resources of the region fall under the control of any adversary or combination of adversaries able to threaten the United States.[15]

THE INDIAN OCEAN

This question of the strategic importance of the Indian Ocean territories to Southern Africa should also be assessed in light of the increasing Soviet naval buildup in that area.[16] One may date the beginning of this intensified effort on the part of Russia from the British announcement to begin significant military withdrawals east of the Suez Canal in 1968, and many Western countries have become worried that the vacuum would be filled by the Soviets or by the Chinese who have maintained a significant presence in Tanzania since the early 1960's. In any event, the Indian Ocean has been the subject of strategic planning among the global powers in recent years in response to the small but increasing presence of the Soviets and the impact they are having on the politics of those states which ring the Indian Ocean littoral.

Concrete evidence of such planning has resulted in the decision by the U.S. and Britain to build a jointly managed $19 million Naval communications facility at Diego Garcia Island in the British Indian Ocean Territories. There will be a runway and limited means to service naval vessels of the U.S., the U.K. and its other allies. This event means, of course, that NATO now has an important foothold in the Indian Ocean with which to direct its counter-thrust against the Russians and Chinese. This should not be surprising to those who understand that although member states in NATO are limited to the application of its power to defend only European territories by treaty that, in fact, the interests of NATO are global and, therefore, its power is often used by member states to bring its prestige to bear on various problems in places other than in Europe. Representative Findley raised this question with Mr. Spiers in the Hearings on the Indian Ocean.

> *Mr. Findley.* The British, French, Dutch, and Belgians all have major economic if not territorial interests in the Indian Ocean area. They have been brought together in the North Atlantic Treaty which, by its text, is confined to the territories of the treaty states. In view of he broad common interests of these countries in the Indian Ocean area, would it not make sense for these member states of NATO to try to coordinate warship activities in this region?
>
> *Mr. Spiers.* The subject of the Indian Ocean, the question of the collective interests of the Western countries in that area, is a good subject for discussion in the North Atlantic Council.[17]

If we recall Spier's earlier comment to the effect that South Africa is among those countries which play a significant international role with regard to this area, we are left with the distinct impression that an increasing role for South Africa in this area is directly in line with the "essential but low-profile" policy of Nixon and the withdrawal desires of Great Britain. With respect to Britain, the increasing role of South Africa can be most clearly demonstrated by the security

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*Appendix II.

arrangement it has with South Africa exemplified by the Simondstown agreement.

The Simondstown Naval hase located at False Bay near Cape Town, originally under the control of the British since 1794, was constituted as a joint U.K.-South African base in 1955. The Agreement provided for an expansion of the South African Navy and provided that the base would be available for use by the Royal Navy in time of war "and by the navies of allies of Britain in any war in which Britain was involved." [18] At that time the base was managed by the British Commander in Chief, South Atlantic, but in April 1967, as part of the British Government's withdrawal plans, the Chief of the South African Navy was given command of the base and greater responsibilities for the South Atlantic in time of war, although the rights of Britain and its allies to Simondstown remain in full force.

It appears, therefore, that South Africa may have already reached the point where it functions as a Western proxy nation in the South Atlantic region as an unofficial arm of NATO. It is clear that South Africa has a conventional capability adequate to cover many military situations in the area which might arise, what is less than obvious is the extent to which it is prepared to function as a full fledged member of NATO by developing her own nuclear weapons. This question will be discussed in greater detail later, but the other one concerns the contingency which would cause South Africa to involve the nuclear deterrent of the NATO powers and specifically the United States.

These eventualities have been the basis for an African thrust to create "nuclear free zones" for the continent, and a demilitarized status for the contiguous waters. One governmental official says that the reason why proposals which would create such Zones in Africa or in the Indian Ocean relates to the sense in which the problem is not urgent.

> As far as the U.S. Government position is concerned, I suppose all I can say that we really have not faced the problem at a high enough level yet to make any such decision. (security deletion) [19]

Nevertheless, the real reason for inaction here reflects the general disagreement between the Soviet Union and the U.S. with respect to nuclear matters. Spier says, for example,

> I do not quite know how you would get an effective agreement (on Nuclear Free Zones) without the form of comprehensive inspection that the Soviets particularly have been resistent to.[20]

But, the "hardest" statement on this situation has come from Professor Mason Willrich, Director of the Center for Science and Technology at the University of Virginia, who says,

> Preliminary steps have been taken by the Organization of African Unity to establish a nuclear-free zone in Black Africa. The Soviet bloc has for years urged the creation of a nuclear-free zone in Central Europe, which, if implemented, would result in the removal of U.S. nuclear forces from West Germany. As might be expected, all such proposals have been given short shrift in NATO thus far.[21]

It is, therefore, fairly clear that the effect of creating a nuclear-free zone would (following the Soviet definition) be to remove strategic Western defenses from the African and Indian Ocean areas, and, in the minds of Western officials, create power vacuums which the Russians would be eager to fill.

Finally, one cannot escape, in any discussion of the interests of the global powers in Southern Africa, the special relationship they bear to the policies of those regimes. One writer has characterized South African interests in particular as a "Southern Strategy" which is aimed at the northern black African nations.[22] In this regard, it seems only logical that if the global powers have substantially supported the Southern African white regimes economically, then despite qualifications to the contrary, they support the domestic and international policies of these countries as well.

This must be true despite protestations to the contrary. For example, while selling arms to South Africa, reputedly for external defense under the terms of the Simondstown Agreement, British Officials abhorred Apartheid and said the weapons were not to be used internally for the repression of the native population.[23] In fact, when a nation perceives its vital internal security to be at stake, can there be, has there ever been, a distinction made between the weapons it uses for external defense and those for internal defense? Reference is made to the post-riot situation in the United States wherein the U.S. Army has set up domestic tactical operations plans, and where one may see the most sophisticated plans being laid to use weapons which were last seen on the battle fields of Europe in defense against Nazi Germany. In view of such support for South Africa, British references to its anti-Apartheid position are at most meaningless!

A similar state of affairs applies to the Rhodesians. On one hand, the British have mounted support for the principles of majority (black) rule in Zimbabwe, while on the other making deals with the Rhodesians which negate all chances for such an eventuality. The outcome of recent talks in Zimbabwe between representatives of the British and Rhodesian Governments was an agreement for a new basis of independence for the Rhodesians. While a detailed analysis of the entrenched provisions for the new Constitution is outside the scope of this paper, the totality of this Agreement must be seen for what it is—a thorough sellout to the idea of Zimbabwe independence under black African rule. And the implications of this act are as Dennis Healy (Leeds, East) Labour member in the House of Commons, said during the debate on this issue;

> Let us face the global implications of this issue. Rhodesia is one of the three main islands of white racialist rule on the continent of Africa, along with South Africa and the Portugese colonies. It is a small territory in which Africans outnumber the Europeans by more than 20 to one, and of the 250 thousand Europeans, only just over half were born there. The big question we must ask ourselves, if we are conscious of these global issues is this: do we want to hand over our remaining vestigial responsibilities in this territory in such a way as to involve ourselves in a long-standing collaboration with a racialist regime? [24]

The U.S. and U.K. in this, have had a special relationship to these Southern African regimes, but France, Japan, and West Germany are fast becoming major factors in their economies. The end result is, therefore, that while hiding behind the moral neutrality implied in the functioning of the capitalistic system, it is to the interest of the global powers to maintain a strong bulwark of white regimes in Southern Africa for economic benefits, but also a check to the exercise of "extreme" nationalism by the black African countries to the North, and Communist designs in the Indian Ocean.

THE GLOBAL EFFECT OF UNITED STATES-SOUTHERN AFRICAN RELATIONS

Because of South Africa's geographical position and the benefits it derives from exploitative economic and political policies, bilateral U.S. relations between these two countries have global significance. The U.S. relations with the Portugese in Angola and Mozambique, and with Zimbabwe and Namibia have lesser though important impact as well.

SOUTH AFRICA

Obviously in such a brief discussion one cannot deal with very many aspects of such relations, and so the writer will comment only on those which seem to have global significance. The presence of over 230 American companies within South Africa, however, is important and shows something of the magnitude of U.S. private commitment which translates into Governmental evasion and vascillation with respect to some aspect of South Africa policy.[25] The economic relations between the U.S. and South Africa, however, are well known and have been the subject of much analysis.[26] Less well known, however, is the panoramic view of basic cooperation between the U.S. and South Africa described in an article by D. S. Greenberg,[27] as he probes into the field of research and the activities of NASA cooperation in electronics; the Universities of Minnesota and California in Mineralogy and Metallurgical Engineering together with the U.S. Army Corps of Engineers in mining; the Educational Testing Service at Princeton, New Jersey in "classifying the annual turnover of 222,000 Africans who work in the mines; the U.S. Atomic Energy Commission's Oak Ridge National Laboratory in the development of the South African reactor; and the National Institutes of Health. This last project with NIH included a joint program with the U.S. Food and Drug Administration which used Africans as "human experimental subjects" to perform drug research. Greenberg went on to say about this one project, that although many Africans come to South African hospitals seeking help, few of them are "clinical material" and,

> "* * * attuned to the nuances that underlie 'consent.' One long-term South African NIH grantee said, 'Of course, we have to be as ethical as possible.' But how am I to tell a wild and woolly African that he is to be a guinea pig?" [28]

In view of the time spent by those involved and concerned with the nature of U.S. activities in South Africa, it seems patently clear that they will have to widen their theatre of operation and the elements examined to include more than just economic relations.

Nevertheless, the importance of the healthy South African economy to the U.S. should not be overestimated because (1) the multinational corporations which do business there are allowed to channel quick profits from South African enterprises into subsidiaries in other countries, and (2) South Africa is one of the few countries which makes a *positive* contribution to the chronically serious U.S. balance of payments problem.

In addition, the value of South Africa to U.S. security interests is increasing. Since at least 1957, there has been cooperation between the U.S. and South African Governments in developing space tracking facilities. As U.S. requirements in this area have grown it has reached the point of utilizing three such stations inside South Africa, the Minitrack Radio tracking station located at Esselen Park, the Baker-nun optical tracking station located at Olifantsfontein, and the Project Syncom deep space probe tracking station recently completed at Hartebeesthoek farm in Krugersdorf district. The latter is the largest and most sophisticated of the NASA stations and operated jointly by American and South African personnel, under the rules and regulations of Apartheid.[29]

Although enthusiasm for space exploration has subsided under the current administration, there is little doubt that it will continue and even become vital to U.S. security. Even now, many of the satellites which circle the globe can be presumed to be observing much more than the weather patterns, and it is South Africa's facilitation of these efforts which makes her important to the U.S.

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South Africa's strategic importance was also discovered during the course of the Viet Nam war, when its ports served as regular refueling stops for U.S. Naval vessels. The problems began when it was discovered that these troops on integrated American ships had to conform to the rules of Apartheid when they went ashore. One such stop-over with the U.S.S. Franklin Delano Roosevelt in 1967 was brought to the attention of Government Officials by Congressman Charles Diggs (Democrat-Michigan) and members of the American Negro Leadership Conference on Africa which resulted in the prohibition of such visitations by U.S. military vessels.

Lastly, in writing about the concept of nuclear dispersion or "proliferation" it has been interesting to note that Leonard Beaton and other writers have not included South Africa in the list of countries which are "about to be" or "could go" nuclear if they so desired. The determination of such a status has been based primarily on the capibility of the nation's nuclear technology, combined with other rough indicators such as its level of GNP, and its overall state of technological sophistication. By these factors such countries as Egypt, India, and West Germany are potential members of the nuclear club, but it must be said that the South African GNP compares favorably with other nations on the list of possible nuclear countries. However, it is interesting that of one list of 13 nations which had reactors in operation in 1967, South Africa was not listed,[30] and this view is supported by the Atomic Energy Commission which in 1968 placed South Africa in a second-level group of states where the development of nuclear weapons would take more than ten years from the date of the decision.[31]

Nevertheless, we do not know when South Africa might have made the decision to "go nuclear" and recent articles appearing in the newspaper Mohammed Speaks (supposedly taken from the South African Press) indicate that a great deal of attention is being paid to the possibility of nuclear weapons development within South Africa recently.

Since at least 1947, there has been cooperation between the U.S. and the South African Government which began by the U.S. extracting uranium as a by product of gold mining operations, and moved to the grant of a reactor under the Johnson Administration when the first nuclear power plant was erected at Pelindaba. This means that if one dates a theoretical decision of South Africa to go nuclear from the time world attention began to be focused hotly on Apartheid in the mid-1960's, it would mean that South Africa might have a fully operational program of nuclear weapons development (according to the AEC standards) by around 1980.

Thus, just as many writers have worried about the effect of Communist China having become a nuclear power at a time when it was also xenophobic and highly nationalistic, it seems that South Africa might also pose just as serious a threat to international peace. One must assume that South Africa conceives of itself to be beseiged by the force of international public opinion and by activities of hostile black African states as well. There is the real possibility that if such opposition to its racist policies grows, the immediate effect will be to increase the virulence of Afrikanner nationalism, and if the "Laager mentality" is what it is purported to be, then the possession of nuclear weapons makes the situation all the more dangerous for the future.

On the other hand, it would be difficult to escape the implication that such development has been carefully calculated to insure the survival of the white regimes in southern Africa, in full knowledge of the fact that it will be decades before the black nations to the north will have the resources to match South African nuclear technology. If, therefore, South Africa does develop or is given nuclear weapons, there is even the possibility that she may be in a position to determine the fate not only of the politics of southern Africa but of a good bit of the entire continent. The duplicity of the global powers in this respect, then, must be squarely called into question. Why would they further the development of nuclear weapons in South Africa while pleading that weapons must be kept out of the rest of Africa to avoid costly arms races and localized wars. To repeat, the inconsistency suggests calculation, and in view of the previous suggestion about the confluence of strategic interest between South Africa and the Global powers, it seems highly plausible that the "White Western Proxy" notion is not only applicable to the Indian Ocean but to the whole of Africa in the long run as well.

PORTUGAL

For the last two years, the U.S. and Portugal have been negotiating the renewal of the U.S. rights to continue to use the Portugese base in the Azores as a military installation. The negotiations were completed on this December 9, and it was announced by the two governments that the U.S. would have use of the base until 1974.[32] In exchange for that privilege, the U.S. Government promised to give to the Portuguese Government $15 million per year worth of PL 480 surplus foods, a $400 million loan from the Export-Import Bank for various modernization projects, an oceanographic vessel, $1 million for educational development (unearmarked), and $5 million to purchase U.S. "non-military" excess equipment. This deal provides assurances to the U.S. that at least until 1974, it will have logistical support for its NATO operations in the southern theatre of the Atlantic, in view of the fact that the revolution in Libya resulted in the closing of the massive Wheelus U.S. air base.[33]

As previously stated, such aid gives life to the Portuguese repression of the incipient revolutions in its African holdings, but this assistance also ensures protection for a number of western companies (Shell, Mobil, and Gulf Oil among the largest) to continue their off-shore exploitation of the oil resources of Mozambique, South Africa Angola, and Namibia. Few remember that in a capitalist country it is the *duty* of the government to provide both the opportunities and the protection for private companies to exploit whatever possibilities for profitmaking they find. This fact can be attested to quite easily in the following exchange between Representative Rooney and Assistant Secretary of State for African Affairs, Newsom, at a House Appropriations Committee Hearing.

Mr. Newsom. The $100,000 is for the support costs of the reopened consulate in eastern Nigeria. In addition to the $100,000 of support costs we will be allocating five American positions and six local positions which will be obtained as a result of reprogramming within our present ceiling.

Mr. Rooney. That is quite a few people to start off with in a place called Port Harcourt with only 700 Americans in the consulate area—or is oil the most important thing?

Mr. Newsom. The growing oil production is the most important thing. There are seven American companies that are operating. Some now have production, and I think most expected to have production within the next few years. Nigeria is rapidly becoming one of the world's major oil producers and this is in the principal oil-producing area of Nigeria.[34]

Although this example is drawn from Nigeria, the reader can be certain that the concept explored above represents a consistent rationale for U.S. Policy as one moves a few hundred miles down the western coast where other oil discoveries have been made by American firms.

In the United Nations the U.S. has supported the charge by the Portuguese that the African territories are a valid extension of Portugal, that full rights (including those of citizenship) are available to African peoples or "assimilados" and that, therefore, Portugal's activities in Africa do not lend themselves to as close scrutiny as would those of the ordinary colonialist country. This simple concept, in all of its illogicity has been shattered before when the revolutions in former French African territories destroyed the concept of "France outre-mer" and even now when the revolutions in Mozambique, Angola, and Guinea-Bissau which are succeeding, except for the assistance which Portugal receives from the U.S. and the rest of Europe, threaten to destroy the concept of a "metropolitan Portugal."

The global implications of U.S.-Portuguese relations in this regard are clear; the structure of U.S. (NATO) security is maintained by a simple quid pro quo, and in doing so the U.S. flagrantly abuses its prior support for such principles as the right to self-determination for all peoples. One might ask, at this point, what the real importance of the Azores base is to U.S. strategic security in view of the fact that in the renegotiations with Portugal the extensions of base rights only last until 1974. It may be that one answer makes the five year period of the renewed lease indicative of the time-table for American withdrawal from major NATO responsibility for Europe. Yet if this concept does fall squarely within the precepts of the Nixon doctrine, then there is an inevitable tension at this point, between the desires of the Nixon strategists and the dynamic imperatives of world politics. Some of those "imperatives" are as follows.

First, instability in southern Europe is beginning to take on realistic proportions. If one adds to the intransigence of the French toward NATO, the proposition that within five or ten years there may well be a freely elected Communist controlled regime in Italy (which would most surely opt out of the NATO alliance), and a maturation of the high tide of anti-U.S. feelings in Spain, the future of the NATO alliance seems uncertain at best. The U.S. then, may not be able to count on those respective bases for logistic and other necessary NATO functions.

Secondly, the U.S. seems to be building a communications network which stretches across Africa and which connects the newly begun station at Diego Garcia, with the Kagnew Military Communications facility in Ethiopia, with the Azores facility as the Western terminus of the system. One must include in such a system, at the southward extremity, the stations in South Africa, which gives to the U.S. a great facility to track satellites and shipping movements not only in the Mediterranean and Red Sea areas, but in the Indian Ocean and Southern Atlantic as well.

Thirdly, there has been a reversal of power along the Mediteranean littoral, which has seen a rise of Soviet Naval power in the last decade, and a decrease in the American base capability in that area.[35] The U.S., therefore, must not withdraw from the Mediterranean too swiftly, so as to leave those states vulnerable to the influence of the Soivet Union.[36]

The U.S., then, no doubt, feels it must maintain its facility at the Azores for the present and endure supporting Portugal which such a policy requires. It seems that the U.S. and Portugal will only give up the fiction of a metropolitan relationship with African territories when it becomes too costly to keep up the charade. The strategic questions here are, whether or not the revolutions in Mozambique and Angola will be sustained for another five year period or even be vic-

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tories, and if not, will the U.S. provide Portugal with another lease on these territories by another $500 million loan.

NAMIBIA

In 1967 when the International Court of Justice decided against deciding on the merits of the South West African case, the U.S. had pledged itself to uphold the ICJ opinion and its pledge was thereby rendered defunct. If at that time there had been ample opportunity for the U.S. to carry out its pledge, the global significance of that action would have been to give the force of law to the decision of the International Court, and in addition would have settled the question of Namibia's international status in relation to South Africa. Recently, however, South Africa not only maintains that it has a legal right to administer Namibia, but is in the process of extending the system of Apartheid into that territory.[37]

As a consequence of these actions by South Africa, the U.N. General Assembly declared South African administration of South-West Africa terminated, renamed it "Namibia" and set up a governing council for the territory. It is added evidence to the points raised earlier about collusion between the global powers and the white Southern African regimes that the U.S. and other European countries declined to sit on the Council. Surely here again there is an opportunity for the U.S. to join the Council and by so doing to give the force of law to an action of the General Assembly, but the absence of these states on the Council merely points up the over-riding considerations of their private interests.

Zimbabwe

When the Rhodesians declared their Unilateral Declaration of Independence in December of 1965, the United States issued a strong statement of disapproval and became a party to international sanction invoked through the United Nations under the leadership of Great Britain. Since that time, the British and Rhodesians have been able to get together again due chiefly to the conditions put forth by the British Government in 1966 aboard the HMS Tiger. The conditions basically assured independence for Zimbabwe under a "one-man-one-vote principle" and legal (eventual majority) rule for the Zimbabwes. In a recent agreement, however, the principle of one-man-one vote has been abrogated as a realistic electoral principle, and the question of majority rule by the Zimbabwes has been extended into the indefinite future by a set of complex political and economic qualifications for voting and holding office. The only act which might have won independence for Zimbabwe was not taken at the time of UDI and that was the use of force by Britain which had a legal right to do so. What is left is the hollow promise of independence built upon the back of the reticence of the Western powers to wrest power away from the illegal, racists and exploitative Rhodesian regime by force.

Part of that reticence to sanction the use of assured restorative measures rest squarely on the shoulders of the U.S., a member of the Security Council. Indeed every member of the Security Council had such an obligation, but failing that they should have at least gone along with the sanctions voted by the General Assembly. The U.S., however, threatens to fail also in this by allowing itself to purchase Rhodesian chromium ore in clear violation of the sanctions. One must hasten to add, however, that sanctions against the Rhodesians were never very effective; in July 1971 Assistant Secretary Newsom had judged U.S. sanctions only partially effective because of so many violations by others.[38] But, for the U.S. to destroy the remaining symbolism that there is some collective action against the Rhodesians gives them a mantle of legitimacy. And further, clearly demonstrates the limits of effective action within the United Nations given such issues.

From the U.S. standpoint, however, one notices again in the action of the U.S. Congress which voted to amend the U.N. participation treaty so that American companies could have access to Rhodesian chromium, added evidence that in a capitalist society it is the function of foreign policy to create opportunities for the exploitation of foreign markets. If it is not, then why didn't the President issue an Executive Order upholding the validity of the U.S. participation in the Rhodesian boycott, since it was clearly within his Constitutionally defined power to direct the foreign policy of the country. This point has been made often enough when Presidential policies in other geographical areas of the world were pursued contrary to the interests of Congress, in this matter, however, it may be to the advantage of the Nixon Doctrine to appear impotent.

CONCLUSION

The opportunity to address some of these issues was not so much to re-recite the massive documentation which exists on the Southern African political situation, but to focus narrowly on a few critical issues and making some calculated judgments. The record of U.S. political and economic behavior together with that of the other global powers and the white proxy states in Southern Africa strongly suggest a collusion of interests so powerful as to represent a closed system of international politics.[39] Certainly the place of the U.S. in such a system has been supportive of the policies of the major powers as well as those of the white Southern African countries. The U.S. must be aware that the day is over when it is able to have credibility for its foreign policy toward Southern Africa based on statements against Apartheid and other such protestations alone. There must be concrete and positive actions to support the view that the U.S. stands with those countries which oppose illegal and racists regimes in Africa. The hard evidence of U.S. support for South Africa, Portugal and the Rhodesians, however, makes it a ring leader in maintaining the existence of such regimes in Africa.

This conclusion about the role of the U.S. in Southern African international relations does not, however, summarize the basis for that relationship. Indeed, the two concepts juxtaposed in this study (the interests of the global powers in Africa, and the bilateral U.S. relationships in Southern Africa which have global significance) gave this writer a convenient device for determining the degree of variance between the approach of the global (primarily European) powers toward Southern Africa and the specific case of the U.S. approach. In fact, if we had substituted almost any one of the NATO powers for the U.S. we would have reached nearly the same conclusion about the basis for its involvement in Southern African affairs. Perhaps here the writer should list those factors which he considers the basis of that relationship.

1. An extension of "Cold War" rivalries into the Indian Ocean area by an increased presence of the Soviet Navy and a responsive extension of the NATO defense perimeter into the Indian and South Atlantic area.

2. The means of NATO extension include direct development of strategic facilities and the use of white Western proxy nations of Southern Africa.

3. The material objectives pursued as a part of the NATO defensive strategy include:

a. the maintenance and extension of worldwide communications network into the Indian Ocean and South Atlantic.

b. building bases of supply and access to existing air and naval facilities in the Southern African area.

4. A major economic objective which is at once related to basic military strategy in conventional terms is the protection of the flow of oil from the Persian Gulf to Europe and the U.S., and the development of alternative sources of oil production in Southern Africa.

5. Maintenance of an unarmed black population in Southern Africa is necessary to the continuation of white domination, as is the support of NATO power for the suppression of revolutionary movements there.

6. The extension of economic competition among the global powers into Southern Africa in the search for markets. To this end we note the increasing role of West Germany and Japan in Southern African trade as well as the role of France in supplying military equipment to the white regimes.

7. Southern Africa has become a viable linkage point in the chain of multi-national corporations, fully represented by the dominant economic interest in Europe and America, these capitalists have a great influence in the strategic and economic policies which their home countries pursue with regard to Southern Africa.

8. Because of the importance of gold in international exchange rates and the problem of balancing the payments between countries, South African production of 74% of the world supply is of global significance. Her ties, in this respect, extend not only to the countries of Western Europe but to important international economic organizations such as the International Monetary Fund.

9. The Southern African basic role in world economy, aside from South Africa, is still to serve as an area for the exploitation of raw materials for the benefit of other world economies.

10. The political cost of "image maintaining" has produced in most global powers a dichotomous policy toward the Southern African white regimes. On the one hand, they denounce racism, and on the other, they vigorously support the governments which practice racism.

11. Africa has always been low on the priority agenda of the U.S. because of the absence of sustained, substantial big power conflict in the area. It has always been a high priority issue that Africa and its resources should remain in the hands of the West when that status was threatened. Nevertheless, Southern Africa has a higher priority in the affairs of the global powers than the rest of the black African countries because of its strategic geographic position, and its control over the vast resources of that region of Africa.

12. The foreign policy of the global powers, regardless of appearances, is to serve fundamentally as shelter for those activities which the government deems essential whether it be military or commercial.

13. The basic approach of the global powers and the white Southern Africans to the political independence of the Southern African territories has been to deny those territories such freedom under the rule of the majority black African populations. This fear of black rule must be related to unreliability of such regimes where the interests of white Western powers are concerned.

14. Evidence of Western European and American collaboration with South Africa across a broad front of research necessary to its survival indicates the fundamental identity of interests involved and illustrates the viability of South Africa's role in a "white Alliance System" upon which such cultural cooperation is founded.

A FOREIGN POLICY FOR BLACK PEOPLE

Given such a diagnosis of the nature of forces arrayed against the interests of Afri-

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Footnotes at end of article.

can peoples in Zimbabwe, in Angola and Mozambique, in Namibia, in Lesotho and Swaziland, and in South Africa, this writer would like to suggest three grand strategies in view of the knowledge that other papers will deal forthrightly with questions of strategy in each of these areas of concern.

One grand strategy falls squarely within the obligation of African peoples in various of the European countries cited to operationalize Pan-African nationalism and build a system of "linkages" concerning these issues throughout. For example, when the Polaroid Movement was actively challenging the efficacy of the company's policies in South Africa and London and elsewhere to let people know they were to boycott Polaroid products. Each of the European nations mentioned have sizeable black populations at least in some of the major cities and in addition to the issues they struggle with daily, they might be willing to take on a Pan-African issue provided the linkages are viable and the strategies sound. The Polaroid Movement provides to date the only concrete proof that such a movement can be partially successful; one of the weaknesses of the Political action taken against Polaroid was its status as a multinational corporation with minor holdings in South Africa. But if the multinational Pan-African world were working in concert, it is at least plausible that the returns would have been greater, that is, Polaroid might have been forced to leave South Africa because of other losses, or it might have been forced to increase the size of the benefits to African workers it eventually granted.[40]

Another grand strategy is also within the realm of Pan-African activity but is more directly focused on the continent of Africa itself. Because of the geo-political significance of Southern Africa to the global powers African states themselves must take the initiative to see that there is no "power vacuum" in areas such as the Indian Ocean. The great powers define a situation as having a power vacuum when one of their representatives either from the Eastern or Western bloc is not active. But what would happen if three or four African states near the eastern coast formed a naval consortium for the purpose of controlling the valuable water ways below the Mediterranean, or in fact inviting nations of their choice to patrol these waters by treaty.

A third strategy would be to develop coalitions of "third world peoples" around some of the issues involved in the exploitation and subjugation of Southern Africa. For example, the concerted foreign policies of Nigeria, Libya, (a free) Mozambique and Angola, together with Saudi Arabia and Kuwait could virtually control industrial production in the developed countries because they would control the major current and future sources of oil. (Other sources of energy at the present time being too costly to develop into full scale production.) The implication of this is that our diplomacy must be broadened to include certainly the Arab states but India as well. Those actors who have the obligation to guide a "black foreign policy" must begin to define some of these international issues as Pan-African and non-western where it is strategically propitious to do so.

Finally, African states must not be deterred from gaining the most modern and sophisticated weapons available as their development allows. Currently in many of the African states their former metropoles still exercise great influence over the military forces and over crisis situations in which the country may be involved which would require the commitment of armed troops. But this is a dangerous state of affairs, and it is always tenuous, given the interests of the "protectors", whose interests they are actually pursuing in the guise of protection. African countries must not let South Africa put them in a state of nuclear blackmail. One counter to this state of affairs would be a decision by Egypt to go nuclear and provide defense guarantees (in effect provide an African defensive umbrella) to nuclear threat from South Africa. In the long run, the Organization of African Unity should be able to protect the continent with whatever weapons are needed.

All of us in the African world must do better at supporting the liberation movements which currently exist in each of the white proxy areas of Southern Africa. Ultimately, as one revolutionary from Guinea-Bissau said, "what matters most is what we do in Africa." It is to the success of these movements that we must increasingly address grand, as well as specific strategies. The global powers are resourceful and it could be that in the short-run Southern Africa belongs to them, but there are limits to money and to patience, and if there is consistent enough danger to their continued stay in Africa, then in the long run Africa will indeed belong once again to African peoples.

FOOTNOTES

[1] *Department of Defense Appropriations for 1972, House of Representatives, Subcommittee on Appropriations, Hearings, Part 1,* Government Printing Office, Washington, D.C., 1971, pp. 18–19.

[2] Fankel, Max, "U.S. at Era's End: As Powers Change Alignments, America Must Find Its Place," *The New York Times,* December 22, 1971, p. 16.

[3] Shub, Anatol, foreign editor, Harpers; see his "Supermarket or Superpower," *Harpers Magazine,* January 1972, p. 59.

[4] *Ibid.*

[5] Nielson, Waldemar, *The Great Powers and Africa,* Praeger, New York, 1969, pp. 337–348.

[6] 1971 was the first negative net trade year for the U.S. since the latter end of the 19th century.

[7] *New York Times,* December 22, 1971.

[8] *Washington Post,* December 24, 1971, p. 2.

[9] *New York Times,* January 8, 1971, p. 47.

[10] *New York Times,* July 6, 1971, p. 47.

[11] LeMelle, Tilden J. and Shepherd, Jr., George W., "Race in the Future of International Relations," *Journal of Internal Affairs,* Vol. XXV, Number 2, 1971, p. 304.

[12] Greenberg, D. S., "South Africa," *Science,* Vol. 169, July 10, 1970, p. 157.

[13] Testimony of Dr. Gary Gappert, "The Indian Ocean: Political and Strategic Future", Committee on Foreign Affairs, House of Representatives, Subcommittee on National Security Policy and Scientific Developments, Hearings, July 20, 22, U.S. Government Printing Office, Washington, 1971, p. 129.

[14] "The Indian Ocean: Political and Strategic Future", op. cit., p. 164.

[15] *Ibid.,* p. 171.

[16] See the testimony of Admiral Zumwalt before the House Appropriations Committee on the Department of Defense Budget for FY 1972. (Appendix 3)

[17] "The Indian Ocean: Political and Strategic Future," op. cit., p. 175.

[18] *Survey of British and Commonwealth Affairs,* "The Supply of Arms to South Africa," August 14, 1970, Vol. 4, Number 17, p. 730.

[19] "The Indian Ocean:" op. cit., p. 173.

[20] "The Indian Ocean:" op. cit. p. 176.

[21] "Strategy and Science:" op. cit., p. 176.

[22] Bowman, Larry W., "South Africa's Southern Strategy and its Implications for the United States," International Affairs, Vol. 47, Number 1, January 1971.

[23] "The Supply of Arms to South Africa," op. cit., p. 726.

[24] Vol. 827, Number 22, November 25, 1971, p. 499.

[25] One recalls the absent-minded manner in which the U.S. FAA recently granted a license to South African Airways to operate from the U.S.

[26] See, for example, previous testimony before the House of Representatives, Subcommittee on Africa in March, April and May, 1966; March, 1969; and in seven months of 1970. Also, the Africa Research Group has published two useful studies, "The Powers Behind Apartheid," by G. Fasulo; and "Race to Power: The Struggle for Southern Africa."

[27] Greenberg, D. S., "South Africa", *Science,* Vol. 169, July 10, 1970, pp. 157–163.

[28] *Ibid,* p. 161.

[29] "United States-South African Relations", House of Representatives, Subcommittee on Africa, Hearings, 86th, Part 1, March 8, 1966, pp. 115–126.

[30] Cockcroft, Sir John, "The Perils of Nuclear Proliferation", in Nigel Calder Ed., *Unless Peace Comes,* Viking, New York, p. 33.

[31] "Non-proliferation Treaty", Senate, Committee on Foreign Relations, Hearings, 90th, July, 1968, U. S. Government Printing Office, Washington, D.C., 1968, p. 31.

[32] "Extention Azores Agreement", *State Department Press Release,* Number 290, December 9, 1971.

[33] Also, recently the British base at Malta in the Mediterranean has been closed to NATO forces by the Maltese Government's decision to ask the British to vacate the base immediately.

[34] Department of State Appropriations for 1972, House Appropriations Committee Hearings, p. 148.

[35] See "The Changing Strategic Naval Balance: U.S.S.R. vs. U.S.A.", Committee on Armed Services, House of Representatives, 90th, December, 1968, U.S. Government Printing Office, Washington, D.C., 1968. Also, Remarks by Assistant Secretary David Newsome at Princeton University, November 18. 1971, "The US and North Africa", State Department Press Release Number 268, November 18, 1971.

[36] "Supermarket or Superpower", op. cit , p. 63. Shub reports that American Officials in Europe express this same sentiment.

[37] Apparently some aspects of the new policy are not working and are being resisted by the Ovambo population, as press reports indicate large-scale work stoppages recently. *New York Times,* December 19, 1971, p. 13.

[38] Statement of Assistant Secretary for African Affairs, David Newsom, before the Subcommittee on Africa of the Senate Foreign Relations Committee, July 7, 1971, pp. 5–6.

[39] This usage of "closed system" further refines the concept suggested by former Undersecretary of State, George Ball of a Europe-Africa union to a primary union between primarily Western European states and the European regimes of Southern Africa.

[40] The Polaroid organization counterattacked the Movement by undertaking a costly publicity campaign some of which appeared in black publications like Black Times and Ebony, but also in more costly white sheets and on television. In view of the magnitude of this effort and the cost involved, one can guage another aspect of the hidden success of the Movement.

[From International Financial News Survey, Jan. 16, 1970]

ARRANGEMENTS FOR SOUTH AFRICAN GOLD SALES TO FUND

In view of public interest in details of the recently announced arrangements relating to sales of gold by South Africa to the International Monetary Fund (see this *News Survey,* Vol. XXII, p. 2), the South African and U.S. authorities have requested the Fund to publish the following correspondence.

MINISTRY OF FINANCE,
Pretoria, December 23, 1969.

DEAR MR. SCHWEITZER: As you know, for some time the Republic of South Africa has been discussing with the United States, with other members, and with you procedures for the orderly sale of newly-mined gold in the market and the sale of gold to the International Monetary Fund. I wish to inform you that as a result of these discussions, the South African authorities have adopted a policy with respect to gold sales and I would like to request that the Fund confirm that it will be prepared in the light of this statement of policy to buy gold from South Africa in the circumstances and under the conditions set forth below.

The following are the intentions of the South African authorities as to the handling of newly-mined gold and reserves.

(1) Without prejudice to the determination of the legal position under the Articles of Agreement of the Fund, the South African authorities may offer to sell gold to the Fund for the currencies of other members at the price of 35 Dollars per ounce, less a handling charge, as follows:

(*a*) During periods when the market price of gold falls to 35 Dollars per ounce or below, at which times offers to sell gold to the Fund under this paragraph (*a*) would be limited to amounts required to meet current foreign exchange needs, and

(*b*) regardless of the price in the private market, up to the extent that South Africa experiences needs for foreign exchange over semi-annual periods beyond those which can be satisfied by the sale of all current new gold production on the private market or by sales to the Fund under paragraph (1) (*a*) above.

(2) (*a*) The South African authorities intend to sell current production of newly-mined gold in an orderly manner on the private market to the full extent of current payments needs. It is anticipated that new production in excess of those needs during a semi-annual period may be added to reserves.

(*b*) When selling gold other than in the private market, the South African authorities intend in practice normally to offer such gold to the Fund.

(*c*) The South African authorities may use gold in normal Fund transactions, e.g. in repurchase of appropriate drawings from the Fund, and to cover the gold portion of any South African quota increase, and to obtain currency convertible in fact to exchange against special drawing rights for which South Africa is designated by the Fund. Rand drawn from the Fund by other members would generally be converted into gold when Rand are included in drawings under normal Fund procedures. These Fund-related transactions, which may take place without regard to the market price of gold, will be reflected by changes in the composition of South Africa's reserves but will not affect the volume of sales of newly-mined gold in the market.

(3) Notwithstanding paragraphs (1) (*b*) and (2) (*a*) above, the amount of gold held by South Africa on March 17, 1968, reduced by sales by South Africa to monetary authorities (including Fund-related transactions) after that date and further reduced by such future sales to monetary authorities as may be made to finance deficits or as a result of Fund-related transactions, will be available for such additional monetary sales as the South African authorities may determine, up to 35 million Dollars quarterly beginning January 1, 1970. It is also contemplated that an implementation of this understanding, the Fund would agree to purchase the amount of gold offered to it by South Africa in May 1968.

In order to determine whether South Africa has balance of payments surpluses or deficits as well as to indicate other operational and procedural points with respect to this policy, I enclose a memorandum which clarifies these particular matters.

It would be appreciated if, in the light of these policy intentions, the Fund were able to decide that it would purchase gold from South Africa in the circumstances outlined above. I would expect that the Fund would review the situation at any time if there were a major change in circumstances and in any event after five years.

The South African authorities will work out with the Managing Director consultation procedures on the currencies to be purchased from the Fund with gold.

I hope that this announced policy, the implementation of which I believe will be a contribution to the stability of the International Monetary System, and my suggestion meet with the concurrence of the Fund. A copy of this letter has been sent to the Secretary of the Treasury of the United States.

Yours sincerely,

/S/ N. DIEDERICHS,
Minister of Finance,
Republic of South Africa.

THE SECRETARY OF THE TREASURY,
Washington, D.C., December 24, 1969.

Mr. PIERRE-PAUL SCHWEITZER,
Managing Director, International Monetary Fund, Washington, D.C.

DEAR MR. SCHWEITZER: I have received a copy of the letter dated December 23, 1969, sent to you by Mr. Diederichs in which he sets forth the intentions which South Africa proposes to follow with respect to the handling of its newly-mined gold and reserves. This matter bears importantly on the continued effective functioning of the two-tier gold market which was initiated at a meeting on March 16–17, 1968, which you attended.

In view of the intentions of South Africa, and in view of discussions we have had with other Fund members, I should like to inform you that I have instructed the U.S. Executive Director to take the following position. The United States is prepared to support decisions of the International Monetary Fund to purchase gold offered for sale by South Africa in the circumstances and under the conditions described in that letter, assuming that there is an understanding among Fund members generally that they do not intend to initiate official gold purchases directly from South Africa. With this understanding, I believe that the policies to be followed will be consistent with the stability and proper functioning of the international monetary system.

Sincerely yours,

PAUL A. VOLCKER,
Acting Secretary.

TABLE I.—SOUTH AFRICAN TRADE (RAND)[1]

	1964	1965	1966	1967	1969		1964	1965	1966	1967	1969
IMPORTS						EXPORTS					
Australia	16,076	18,805	22,095	31,200	10,801,047	France	56,412	37,209	39,115	30,800	42,955,209
Belgium	17,585	26,912	18,399	23,600	23,952,156	West Germany	58,113	55,677	68,911	90,900	102,274,059
France	41,221	46,870	41,200	53,800	61,167,545	Japan	84,587	76,078	82,802	174,900	
West Germany	165,382	191,360	175,986	231,780	292,865,637	United Kingdom	342,275	357,795	403,555	410,300	510,309,743
United Kingdom	437,288	494,511	148,934	497,100	499,430,706	United States	88,668	99,796	99,796	107,300	
United States	271,985	330,985	291,299	322,600							

[1] Source: The Europe Yearbook, 1969, vol. II, pp. 1295-6.

TABLE II.—AUSTRALIA, NEW ZEALAND, AND SOUTH AFRICA TRADE[1]

PERCENT CHANGE OF EXPORT VALUES IN CURRENT PRICES OVER PREVIOUS YEAR

	West Europe	East Europe	World
1968	4	23	4
1969	13	2	18

[1] Australia, New Zealand, South Africa. total exports to world markets declining: 1969—28 (1,000 shares)

Source: U.N. Economic Bulletin for Europe, vol. 22, No. 1, 1971, p. 119. Also, U.S. Department of Commerce, Bureau of African Affairs, South Africa Desk.

SOVIET PRESENCE IN INDIAN OCEAN

Mr. SIKES. The Indian Ocean is, of course, a very important part of the world. Shipping lanes in the Indian Ocean are vital to the free world, yet our presence there historically has been very limited and continues to be very limited.

The British have been withdrawing at a rather rapid rate from the area, and apparently that is to continue.

Are you in a position to discuss the extent of U.S.S.R. presence in the Indian Ocean, the areas where they have port agreements, and the extent of those port agreements?

(Off the record.)

Mr. SIKES. I appreciate your frankness in discussing this matter. It is a serious matter, one that I fear is all too often overlooked in this country.

The Soviets have made considerable penetration throughout most of the Indian Ocean area. This is certainly a matter which could result in increasing problems for us in the years ahead.

It is strange to me that the protests which always seem to be provoked in foreign countries when the United States seeks to establish base rights or otherwise to conduct essential operations for our security and that of the free world never seem to accompany penetration by the Soviets. Were there any objections by the Indian Government and the press of India, or other countries, about Soviet intrusions into the Indian Ocean areas comparable to the objections raised to our very limited operation on Diego Garcia?

Admiral ZUMWALT. I am unaware of any, sir.

I would be able to discuss it in general terms, and would like to provide a more dealled answer for the record.

Mr. SIKES. Provide the detail for the record, if you will.

(The information follows:)

"In response to your questions on the extent of the U.S.S.R. presence in the Indian Ocean, I shall preface my answer with a general comment in order that you may appreciate how the Soviets view that region.

"Since 1954, the U.S.S.R. has offered some ——— in economic and military aid to 15 Indian Ocean littoral countries. This is approximately 65 percent of the Soviet Union's total aid to free world nations.

"Focusing now on Soviet naval operations; they began in earnest in March 1968 shortly after the United Kingdom announcement of its planned withdrawal from East of Suez. Since then the Soviet navy has maintained an almost continuous presence in the Indian

Ocean with an average of 3-4 naval combatants deployed at any given time. Soviet ships have made about 150 visits to 26 ports in 16 bordering countries including Ceylon, Ethiopia, India, Iran, Iraq, Kenya, Kuwait, Maldives, Mauritius, Pakistan, Somalia, South Yemen, Sudan, Tanzania, UAR, and Yemen. Soviet naval ship operating days in the Indian Ocean have risen from approximately 1,900 in 1968 to about 3,400 in 1970.

"The Soviets have not yet secured base rights in the area, but make extensive use of anchorages———The U.S.S.R. has assisted in the development of port facilities———. The present Soviet Indian Ocean fleet consists of a cruiser, destroyer, mine sweeper, an LST with naval infantry, a repair ship and several other auxiliaries."

Mr. Sikes. I find it difficult to understand that, but it is a fact of life.

Mr. Rhodes, have you a question?

Mr. Rhodes. Just a statement, really, along the lines of the chairman's questioning.

Source: Department of Defense Appropriations for 1972, Part 1, p. 998.

GEORGIA AND SAVANNAH CELEBRATE 239TH BIRTHDAY

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. HAGAN. Mr. Speaker, there are not many American cities or States that can celebrate their 239th birthday. Among these are the State of Georgia and the city of Savannah, established in 1733 when Gen. James E. Oglethorpe landed his English colonists at Yamacraw Bluff and signed a peace treaty with Indian Chief Tomochichi.

The State of Georgia held a week of festivities during the second week of February, concluded on February 12 with a pageant reenacting Oglethorpe's landing. Over the State the celebration was known as "Georgia Week."

Georgia was one of the Original 13 States and has come to be known as the "Empire State of the South." From the mountains to the sea are found almost the entire range of climate conditions in this country. Atlanta, the capital city, now has on the drawing boards two 70-story towers, one of which will be the world's tallest hotel. The airport is one of the six busiest in the country and rapidly expanding. Diversified agriculture and livestock raising offer a good balance to an ever increasing manufacturing industry.

The Georgia of today has come a long way from the landing of Oglethorpe in 1733.

An account of some of the activities of "Georgia Week" was carried in the Savannah Morning News of February 14, 1972, as follows:

State's 239th Birthday—Oglethorpe Landing Highlights "Week"

(By Ron Cannon)

Gen. James E. Oglethorpe, founder of Georgia, Saturday was brought to life in the reenactment of his landing at Yamacraw Bluff during the annual pageant highlighting Georgia Week activities.

Following a script revised by director John Suchower, the pageant compressed into less than 30 minutes of action events which occurred over a period of several days.

The pageant depicted in pantomime the 1733 landing of Oglethorpe and colonists from England, the signing of the treaty between Oglethorpe and Tomochichi and the settling of Savannah.

MOVED INDOORS

Traditionally the pageant is performed outdoors, but for the first time the show was staged indoors. Suchower, drama professor and director of the "Masquers" at Armstrong State College, was commissioned by the foundation to stage the pageant in the Civic Center Arena.

Based on historical fact, the pageant in past years has followed a script which is revised and altered each year. In the past the pageant opened with a narrative summation of the events to take place followed by the pantomime.

However, with this staging some of the audience could not see the pantomime while others could not hear the opening summation, said Suchower. Consequently, he revised the script so that the narrative dialogue followed the re-enactment of events throughout the pageant.

"We had great success using this new method of presenting the pageant," Suchower said.

The 13 principal characters and some supporting participants began rehearsing for the pageant several weeks ago.

REUSABLE SETTING

The elaborate and colorful costumes used in the show are passed along from year to year, but for the first time the setting was constructed so that it, too, could be stored and used again.

Wardrobe supervisor was Mrs. Thomas Clay, and Suchower designed the sets. He was aided in building the setting by persons from the Savannah Little Theater and the Armstrong State "Masquers."

Businessman Sam Morgan portrayed Oglethorpe and attorney Robert Duffy appeared as Tomochichi. Curt Avery was narrator for the program.

The colonists were portrayed by members of the local Daughters of the American Revolution and Children of the American Revolution. The Indians were members of the Order of the Arrow and the British troops were students from Benedictine Military School.

Several hundred persons were present for the pageant and other Georgia Week activities in observation of the state's 239th birthday.

The day began with cooking exhibitions and displays of "spinning, spindle and wheel," and several lectures on life in Colonial Georgia.

SHOW FOR YOUNG

Activities arranged especially with the young in mind got off to a big start with a puppet show, "Coming to Georgia" presented by the Community Children's Theatre.

HAVES E. STREETER, MODEL CITIZEN

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. EDWARDS of California. Mr. Speaker, I would like to pause here for a moment to take note of a man whose dedication to youngsters and efforts to better his community have just recently come to my attention.

Mr. Haves E. Streeter, a young engineer from San Jose, is the kind of person our country needs if we are ever to bring hope to those who have been so far excluded from the fulfillment of the American dream. Among his many efforts are the establishment of a boy's club in East San Jose to help fatherless boys develop in manhood, scholarship, and perseverance, providing assistance in transportation, funds, and food to send 30 underprivileged boys to camp last summer, raising $600 for the capitol building program at Nairobi College in East Palo Alto, raising $350 for the San Jose State College education opportunity program to provide scholarships for minority students and in raising funds to send 25 underprivileged children from San Jose to visit Marine World in Redwood City, Calif. In addition, he has been active as the chairman of the sickle cell anemia drive in San Jose and he is also a "big brother" to an 11-year-old boy under the Big Brothers program. He regularly accompanies groups of fatherless boys to sports events around the bay area. Of his efforts Streeter says:

> I believe every youngster should be encouraged to reach his highest ambitions. But if a child can't see opportunity, if he has no example of accomplishment as a model, he can't set ambitions and goals for himself.

Haves Streeter is doing all that he can to change that situation where youngsters are left without hope. He is to be commended and we all might well use his efforts as a model for our own.

THE COUNCIL ON ENVIRONMENTAL QUALITY'S 102 MONITOR REPORT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. DINGELL. Mr. Speaker, I insert the text of the February 1972 issue of the Council on Environmental Quality's 102 Monitor at this point in the Congressional Record:

[From 102 Monitor, February 1972]

NRDC v. Morton: Significant New Appellate Decision on Section 102 of NEPA

On January 13 the U.S. Court of Appeals for the District of Columbia Circuit handed down an opinion which represents the first appellate review of the NEPA requirement that agencies discuss alternatives in their 102 statements. The decision is *Natural Resources Defense Council v. Morton* (No. 71-2031, Jan. 13, 1972), the text of which is reproduced in full in this issue of the *102 Monitor*.

The case involved a proposed sale of offshore oil and gas leases by the Department of the Interior. The sale was enjoined by the lower court on the grounds that the impact statement did not adequately discuss "(iii) alternatives to the proposed action" as required by Section 102(2)(C) of NEPA. In upholding the injunction, the Court of Appeals provided an illuminating discussion of the range of "alternatives" which this section of NEPA was designed to encompass. In particular, agencies may not limit consideration only to alternatives which could be adopted and put into effect by the official or agency issuing the statement. All "reasonable" alternatives must be discussed, including those which depend for implementation on legislative or executive action outside of the direct control of the agency. This is because: [t]he impact statement is not only for the exposition of the thinking of the agency, but also for the guidance of those ultimate decision-makers, and must provide them with the environmental effects of both the proposal and the alternatives, for their consideration along with the various other elements of the public interest.

The opinion sets forth the specific alternative possibilities for meeting the energy crisis—other than offshore gas and oil drilling—which should have been discussed in the 102 statement in this case. In response, the Department of the Interior has since withdrawn the proposed sale for further consideration.

[U.S. Court of Appeals for the District of Columbia Circuit—No. 71-2031]

NATURAL RESOURCES DEFENSE COUNCIL, INC., ET AL., APPELLEES

v.

ROGERS C. B. MORTON, IN HIS OFFICIAL CAPACITY AS SECRETARY OF THE DEPARTMENT OF INTERIOR, ET AL., APPELLANTS

Appeal from the United States District Court for the District of Columbia.

On Appellants' Motion for Summary Reversal.

Decided January 13, 1972.

Mr. Edmund B. Clark, Attorney for the Department of Justice, with whom *Messrs. Shiro Kashiwa,* Assistant Attorney General, and *Thomas L. McKevitt,* Attorney, Department of Justice, were on the pleadings for appellants.

Mr. Thomas B. Stoel, Jr., for appellees.

Mr. John H. Pickering, Attorney for Chevron Oil Company, by special leave of Court was permitted to file a suggestion as amicus curiae.

Before TAMM, LEVENTHAL and MACKINNON, *Circuit Judges.*

Opinion for the Court filed by LEVENTHAL, *Circuit Judge.*

Opinion filed by MACKINNON, *Circuit Judge,* concurring in part and dissenting in part, at p. 22.

LEVENTHAL, *Circuit Judge:* This appeal raises a question as to the scope of the requirement of the National Environmental Policy Act (NEPA)[1] that environmental impact statements contain a discussion of alternatives. Before us is the Environmental Impact Statement filed October 28, 1971, by the Department of Interior with respect to its proposal, under § 8 of the Outer Continental Shelf Lands Act,[2] for the oil and gas general lease sale, of leases to some 80 tracts of submerged lands, primarily off eastern Louisiana. The proposal was finally structured so as to embrace almost 380,000 acres, about 10% of the offshore acreage presently under Federal lease. Opening of bids for the leases was scheduled for December 21, 1971, and three conservation groups[3] brought this action on November 1, to enjoin the proposed sale. On December 16, the District Court held a hearing and granted a preliminary injunction enjoining the sale of these leases pending compliance with NEPA. The Government appealed, and filed a motion in this court for summary reversal and immediate hearing. We granted the immediate hearing, and on December 20, heard the presentations and issued an order permitting the bids to be received on condition they remain unopened pending further order of the court. As to the motion for summary reversal, we conclude that this must be denied.

I. BACKGROUND

A. Chronology and impact statements

On June 15, 1971, Secretary of Interior Rogers Morton, a defendant in this litigation, announced that a general oil and gas lease sale of tracts on the Outer Continental Shelf (OCS) off eastern Louisiana would take place in December, 1971. This was responsive to the directive in President Nixon's June 4, 1971, Message on Supply of Energy and Clean Air.[4] On July 31, 1971, Mr. Burton W. Silcock, Director of the Bureau of Land Management, also a defendant, promulgated and circulated for comment a "Draft Environmental Impact Statement" pursuant to § 102(2)(C) of NEPA and § 10(b) of the Guidelines of the Council on Environmental Quality.[5] Plaintiffs submitted comments on this draft statement. Hearings were held in September 1971 in New Orleans, at which oral testimony was presented. On October 28, 1971, Mr. Silcock promulgated the "Final Environmental Impact Statement," (hereafter Statement), 36 Fed. Reg. 20707 (1971). On November 20, 1971, the Interior Department announced that the proposed lease sale would take place, that 80 tracts would be offered for leasing, and that sealed bids would be received until December 21.

B. Statement—Adverse environmental impact disclosed

While the Statement presents questions, subsequently delineated, this document—67 pages in length, exclusive of appendices—is not challenged on the ground of failure to disclose the problems of environmental impact of the proposed sale. On the contrary, these problems are set forth in considerable range and detail. Indeed, the complaint voiced by the Audubon Society's witness in testimony was that the draft Statement gives a green light for the sale while its contents seem to cry out for the opposite conclusion. Without purporting to summarize, we identify some of the Statement's highlights:

Adjacent to the proposed lease area is the greatest estuarine coastal marsh complex in the United States, some 7.9 million acres, providing food, nursery habitat and spawning ground vital to fish, shellfish and wildlife, as well as food and shelter for migratory waterfowl, wading birds and fur-bearing animals. This complex provides rich nutrient systems which make the Gulf of Mexico, blessed also with warm waters and shallow depths, the most productive fishing region of the country. It yielded $71 million of fish and shellfish to Louisiana and Mississippi commercial fishermen in 1970, and some 9 million man-days of sport fishing.

The coastal regions of Louisiana and Mississippi contain millions of acres suitable for outdoor recreation, with a number of state and federal recreation areas, and extensive beach shorelines (397 miles for Louisiana, and 100 miles for Mississippi). These serve millions—not only the residents of the seven-state region (23 million in all; 10 million within 250 miles of the coast), but visitors attracted to the beaches in increasing numbers (estimated at 3.5 millions within five years and ultimately 10 millions).

As to probable impact of issuance of leases on the environment the Statement did not anticipate continuation of debris from drilling operations, in view of recent regulations prohibiting dumping of debris on the OCS. The Statement acknowledged some impact from construction of platforms, pipelines and other structures. A concluding section (III D) on "Unavoidable Adverse Environmental Effects" particularly noted the destruction of marsh and of marine species and plants from dredging incident to pipeline installation, and the effect of pipeline canals in *e.g.,* increasing ratio of water to wetlands and increasing salt water intrusion.

Oil pollution is the problem most extensively discussed in the Statement and its exposition of unavoidable adverse environmental effects. The Statement acknowledges that both short and long term effects on the environment can be expected from spillage, including in that term major spills (like that in the (Santa Barbara Channel in 1969); minor spills from operations and unidentified sources; and discharge of waste water contaminated with oil.

These adverse effects relate both to the damage to the coastal region—beaches, water areas and historic sites; and the forecast that oil pollution "may seriously damage the marine biological community"—both direct damage to the larger organisms, visible more easily and sooner, and to smaller life stages which would lead one step removed to damage later in the food chain.

The Statement noted the diverse conclusions and comments in existing reports on oil spills, some minimizing damage done, others stressing that oil spillage has effects beyond the period of visible evidence; that oil may mix with water, especially in a turbulent sea, and disperse downward into the sea; that emulsifiers used to remove surface oil may have toxic consequences, etc.

The Statement asserted that while past major spills in the Gulf resulted in minimal damage, this was due to a fortunate combination of offshore winds and surface currents. The Statement rates blocks in the sale on an estimated probability of impact basis, calculated principally on proximity to high value/critically vulnerable area.

C. Statement—Discussion of alternatives

Section IV of the Statement, containing its discussion of Alternatives, is attached as an Appendix. Subsection A deals with possible modifications to delete tracts with higher environmental risks. Government counsel advises that, in order to lessen environmental risk, the acreage covered by the proposed sale was reduced from that originally contemplated, with the withdrawal of eight of the tracts most nearly located to the Delta Migratory Waterfowl Refuge.

Subsection IV B ("Withdraw Sale"), containing the material principally involved in this case, will be discussed subsequently in this opinion.

D. Ruling of district court

The District Court recognized both that there is a profound national energy crisis and that the Outer Continental Shelf has been a prolific source of oil and gas. But it further noted that the Shelf, in President Nixon's words, "has been the source of troublesome oil spills in recent years." The Court found that the Statement failed to provide the "detailed statement" required by NEPA of environmental impact and alternatives. The Court stated:

The Court finds that the defendants failed to comply with NEPA by failing to discuss some alternatives at all, such as meeting energy demands by federal legislation or administrative action freeing current onshore and state-controlled offshore production from state market demand prorationing or a change in the Federal Power Commission's natural gas pricing policies. In addition the defendants only superficially discussed the alternatives listed in their Final Impact Statement, and they failed to discuss in detail the environmental impacts of the alternatives they listed in the statement. The Court does not wish to give the impression that it believes the alternatives are better than the proposed lease sale, but it believes that these alternatives must be explored and discussed thoroughly in order to comport with the intent and requirements of Section 4332(2)(C) of NEPA.

E. Scope of appellate consideration

We pause before our discussion of the meaning of NEPA to take note of plaintiff's contention that the Government's motion should be denied because the granting or denial of a preliminary injunction calls for the exercise of judicial discretion, and is not to be disturbed on appeal except on a finding of abuse or improvident exercise of judicial dicretion.[6] And a party moving in an appellate court for a summary reversal—

Footnotes at end of article.

i.e., on motion papers, without usual briefs and full argument—has a "heavy burden of demonstrating both that his remedy is proper and that the merits of his claim so clearly warrant relief as to justify expeditious action." [7]

However, a greater amplitude of judicial review is called for when the appeal presents a substantial issue that the action of the trial judge was based on a premise as to the pertinent rule of law that was erroneous. Not only the avowed forecast as to probability of success on the merits, but also the analysis of injury to either or both parties, the public interest, and the balancing of interests, may well come to depend on an assumption of underlying legal premise. When this can be identified, the appellate court furthers the interest of justice by providing a ruling on the merits to the extent that the matter is ripe, though technically the case is only at the stage of application for preliminary injunction.[8] And a reversal based on a disagreement with the underlying legal premise of the trial court is not based on, or to be construed as, a determination of arbitrary abuse of judicial discretion.[9]

Similarly this court's function extends to disposition on motion for summary reversal—when the critical issue in cases of public moment, and the appraisal of the possibility of irreparable harm to the public interest, depend on the applicable legal premise. This conception of the motion for summary reversal does not require that the case be free of troublesome issues, but is rather based on the approach that there is a public interest in expedition in extraordinary cases, whether the appeal is brought by the Government or others, and that the case is ripe for decisions, *e.g.*, is unlikely to turn significantly on fact findings or further legal researches, as in legislative history.

Although the case is not presented on customary printed briefs the court has the benefit of the legal researches and positions of the parties. While it is typical for oral argument on such motions to be scheduled initially at 15 minutes per side, it is also typical for time to be extended in accordance with the needs of counsel and the court and the complexity of the issues.

The present case is one of public moment, where expedition should be provided if possible. While the application was for a preliminary injunction, the District Court properly made its determination on the basis of underlying legal assumptions. We think it appropriate to give full consideration to the Government's motion for summary reversal, and to the issue, insofar as ripe for determination, of the rightful scope of NEPA's requirement as to alternatives.

II. DISCUSSION OF REQUIREMENT OF NEPA AS TO ALTERNATIVES

The pertinent instruction of Congress appears in § 102 of NEPA, 42 U.S.C. § 4332:

> The Congress authorizes and directs that, to the fullest extent possible:
>
> * * * * *
>
> (2) all agencies of the Federal Government shall—
>
> * * * * *
>
> (C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—
>
> (i) the environmental impact of the proposed action,
>
> (ii) any adverse environmental effects which canont be avoided should the proposal be implemented,
>
> (iii) alternatives to the proposed action,
>
> (iv) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and
>
> (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.
>
> * * * * *
>
> (D) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternatives uses of available resources.

Paragraph (iii) of § 102(2)(C) is a terse notation for: "The alternative ways of accomplishing the objectives of the proposed action and the results of not accomplishing the proposed action." [10]

Congress contemplated that the Impact Statement would constitute the environmental source material for the information of the Congress as well as the Executive, in, connection with the making of relevant decisions, and would be available to enhance enlightenment of—and by— the public.[11] The impact statement provides a basis for (a) evaluation of the benefits of the proposed project in light of its environmental risks, and (b) comparison of the net balance for the proposed project with the environmental risks presented by alternative courses of action.[12]

Need to discuss environmental consequences of alternatives

We reject the implication of one of the Government's submissions which began by stating that while the Act requires a detailed statement of alternatives, it "does not require a discussion of the environmental consequences of the suggested alternative." [13] A sound construction of NEPA, which takes into account both the legislative history and contemporaneous executive construction (see notes 10 and 12), requires a presentation of the environmental risks incident to reasonable alternative courses of action. The agency may limit its discussion of environmental impact to a brief statement, when that is the case, that the alternative course involves no effect on the environment, or that their effect, briefly described, is simply not significant. A rule of reason is implicit in this aspect of the law, as it is in the requirement that the agency provide a statement concerning those opposing views that are responsible.[14]

Alternative as to oil import quotas

We think the Secretary's Statement erred in stating that the alternative of elimination of oil import quotas was entirely outside its cognizance. Assuming, as the Statement puts it, that this alternative "involves complex factors and concepts, including national security, which are beyond the scope of this statement," it does not follow that the Statement should not present the environmental effects of that alternative. While the consideration of pertinent alternatives requires a weighing of numerous matters, such as economics, foreign relations, national security, the fact remains that, as to the ingredient of possible adverse environmental impact, it is the essence and thrust of NEPA that the pertinent Statement serve to gather in one place a discussion of the relative environmental impact of alternatives.

The Government also contends that the only "alternatives" required for discussion under NEPA are those which can be adopted and put into effect by the official or agency issuing the statement. The Government seeks to distinguish the kind of impact statement required for a major Federal action from that required with a legislative proposal.[15] And it stresses that the objective of the Secretary's action was to carry out the directive in the President's clean energy message of June 4, 1971.

While we agree with so much of the Government's presentation as rests on the assumption that the alternatives required for discussion are those reasonably available, we do not agree that this requires a limitation to measures the agency or official can adopt. This approach would be particularly inapposite for the lease sale of offshore oil lands hastened by Secretary Morton in response to the directive which President Nixon set forth in his message to Congress on the Supply of Energy and Clean Air, as part of an overall program of development to provide an accommodation of the energy requirements of our country with the growing recognition of the necessity to protect the environment. The scope of this project is far broader than that of other proposed Federal actions discussed in impact statements, such as a single canal or dam.[16] The Executive's proposed solution to a national problem, or a set of inter-related problems, may call for each of several departments or agencies to take a specific action; this cannot mean that the only discussion of alternatives required in the ensuing environmental impact statements would be the discussion by each department of the particular actions it could take as an alternative to the proposal underlying its impact statement.

When the proposed action is an integral part of a coordinated plan to deal with a broad problem,[17] the range of alternatives that must be evaluated is broadened. While the Department of the Interior does not have the authority to eliminate or reduce oil import quotas such action is within the purview of both Congress and the President, to whom the impact statement goes. The impact statement is not only for the exposition of the thinking of the agency, but also for the guidance of these ultimate decision-makers, and must provide them with the environmental effects of both the proposal and the alternatives, for their consideration along with the various other elements of the public interest.

An evaluation of the environmental effects of all the alternatives in the area of the energy crisis might have been provided by an impact statement issued by an officer or agency with broad responsibility, This could have been done in June 1971 when the President abstained from exercising his authority to invoke a change in import quota administration and issued the Message that included the directive as to offshore leasing. This course would have been in furtherance of the NEPA objective of securing impact statements in case of a "major Federal action significantly affecting the quality of the human environment," though we do not suggest it was improper to defer the impact statement from the time of programmatic directive to the time of the implementing specific actions. The impact statement function could have been assigned to the group designated by the President to coordinate and analyze overall energy questions for the executive branch—the Energy Subcommittee of the Domestic Council.[18] In the absence of assignment of the impact statement function to an agency with broader responsibility, the implementation of the statutory requirement of the environmental review mandated by NEPA fell on the Interior Department when it took the first step in carrying out the broader energy program.

In defense of the Statement as written Government counsel suggest that nothing else was required because it was apparently assumed that there would be no adverse environmental impact from increased imports. This was not stated—and, for all we know, a contrary implication may have been intended by the Statement (at p. 37) when it referred to the problem of spillage from drilling as not even approaching the pollution from routine discharges of tankers and other vessels. As to this contention—like another statement of counsel, unsupported in the record, that offshore drilling has less adverse environmental impact that onshore drilling because the oil produced has lower sulfur content—our comment is simply this: The subject of environmental impact is too important to relegate either to implication or to subsequent justification by counsel.[19]

Footnotes at end of article.

The Statement must set forth the material contemplated by Congress in form suitable for the enlightenment of the others concerned.

The need for continuing review of environmental impact of alternatives under NEPA cannot be put to one side on the ground of past determinations by Congress or the President. We are aware that the 1953 Outer Continental Shelf Lands Act contains a finding of an urgent need for OCS development and authorization of leasing. Similarly we are aware that the oil imports quota program was instituted by the President on a mandatory basis in 1959, following earlier voluntary programs, and that the President's authority, based on national security considerations, is contained in legislation derived from a 1955 enactment and subsequent amendments, 19 U.S.C. § 1862. But these enactments are not dispositive. As to both programs Congress contemplated continuing review. The OCS leasing was specifically made subject to executive authority to withdraw unleased lands from disposition from time to time, 43 U.S.C. § 1341(a). Import controls were from the outset dependent on continuing Presidential findings as to the nature and duration of controls deemed necessary. A Cabinet Task Force on Oil Import Control was created in March 1969 to conduct a review of mandatory oil import restriction and its report, in February 1970, recommended a substantial change in the method and direction of import controls.

What NEPA infused into the decision-making process in 1969 was a directive as to environmental impact statements that was meant to implement the Congressional objectives of Government coordination, a comprehensive approach to environmental management, and a determination to face problems of pollution "while they are still of manageable proportions and while alternative solutions are still available" rather than persist in environmental decision-making wherein "policy is established by default and inaction" and environmental decisions "continue to be made in small but steady increments" that perpetuate the mistakes of the past without being dealt with until "they reach crisis proportions." S. Rep. No. 91–296, 91st Cong., 1st Sess. (1969) p. 5.

We reiterate that the discussion of environmental effects of alternatives need not be exhaustive. What is required is information sufficient to permit a reasoned choice of alternatives so far as environmental aspects are concerned. As to alternatives not within the scope of authority of the responsible official, reference may of course be made to studies of other agencies—including other impact statements. Nor is it appropriate, as Government counsel argues, to disregard alternatives merely because they do not offer a complete solution to the problem. If an alternative would result in supplying only part of the energy that the lease sale would yield, then its use might possibly reduce the scope of the lease sale program and thus alleviate a significant portion of the environmental harm attendant on offshore drilling.

Other "alternatives"

The foregoing establishes that we cannot grant the Government's motion for summary reversal. We discuss other aspects of the case in anticipation that the Secretary may choose to supplement or modify the Statement—perhaps even, assuming approval by the District Court, in an effort to open the sealed bids without a new offering.

We think there is merit to the Government's position insofar as it contends that no additional discussion was requisite for such "alternatives" as the development of oil shale, desulfurization of coal, coal liquefaction and gasification, tar sands and geothermal resources.

The Statement sets forth (see Appendix) that while these possibilities hold great promise for the future, their impact on the energy supply will not likely be felt until after 1980, and will be dependent on environmental safeguards and technological developments. Since the Statement also sets forth that the agency's proposal was put forward to meet a near-term requirement, imposed by an energy short-fall projected for the mid-1970's, the possibility of the environmental impact of long-term solutions requires no additional discussion at this juncture. We say "at this juncture" for the problem requires continuing review, in the nature of things, and these alternatives and their environmental consequences may be more germane to subsequent proposals for OCS leases, in the light of changes in technology or in the variables of energy requirements and supply.

Furthermore, the requirement in NEPA of discussion as to reasonable alternatives does not require "crystal ball" inquiry. Mere administrative difficulty does not interpose such flexibility into the requirements of NEPA as to undercut the duty of compliance "to the fullest extent possible." [20] But if this requirement is not rubber, neither is it iron. The statute must be construed in the light of reason if it is not to demand what is, fairly speaking, not meaningfully possible, given the obvious, that the resources of energy and research—and time—available to meet the Nation's needs are not infinite.

Still different considerations are presented by the "alternatives" of increasing nuclear energy development, listed in the Statement, and the possibilities, identified by the District Court as a critical omission, of federal legislation or administrative action freeing current offshore and state-controlled offshore production from state market demand prorationing, or changing the Federal Power Commission's natural gas pricing policies.

The mere fact that an alternative requires legislative implementation does not automatically establish it as beyond the domain of what is required for discussion, particularly since NEPA was intended to provide a basis for consideration and choice by the decision-makers in the legislative as well as the executive branch. But the need for an overhaul of basic legislation certainly bears on the requirements of the Act. We do not suppose Congress intended an agency to devote itself to extended discussion of the environmental impact of alternatives so remote from reality as to depend on, say, the repeal of the antitrust laws.

In the last analysis, the requirement as to alternatives is subject to a construction of reasonableness, and we say this with full awareness that this approach necessarily has both strengths and weaknesses. Where the environmental aspects of alternatives are readily identifiable by the agency, it is reasonable to state them—for ready reference by those concerned with the consequences of the decision and its alternatives. As already noted, the agency may make references to studies already made by other agencies (including impact statements) or appearing in responsible journals.

There is reason for concluding that NEPA was not meant to require detailed discussion of the environmental effects of "alternatives" put forward in comments when these effects cannot be readily ascertained and the alternatives are deemed only remote and speculative possibilities, in view of basic changes required in statutes and policies of other agencies—making them available, if at all, only after protracted debate and litigation not meaningfully compatible with the time-frame of the needs to which the underlying proposal is addressed.

A final word. In this as in other areas, the functions of courts and agencies, rightly understood, are not in opposition but in collaboration, toward achievement of the end prescribed by Congress.[21] So long as the officials and agencies have taken the "hard look" [22] at environmental consequences mandated by Congress, the court does not seek to impose unreasonable extremes or to interject itself within the area of discretion of the executive as to the choice of the action to be taken.[23]

Informed by our judgment that discussion of alternatives may be required even though the action required lies outside the Interior Department, the Secretary will, we have no doubt, be able without undue delay to provide the kind of reasonable discussion of alternatives and their environmental consequences that Congress contemplated.

Motion denied.

APPENDIX

Excerpt from Final Environmental Impact Statement on Proposed 1971 Outer Continental Shelf Oil and Gas General Lease Sale Offshore Eastern Louisiana Prepared by the Department of the Interior

IV. Alternatives to the proposed action

A. Hold the sale in modified form

The proposed sale could be held offering only those tracts determined to have a lower potential for environmental risks. Those tracts believed to have high environmental risks could be deleted from the sale and considered for offering at a later date, should improved technology or other circumstances warrant.

This alternative could also allow for special stipulations of any proposed tract where additional requirements might be necessary to protect the environment or to minimize or eliminate possible conflicts with or potential damage to other resource values or commercial uses of the Gulf of Mexico and the adjacent land areas.

B. Withdraw sale

The proposed sale could be withdrawn from consideration for leasing on the basis of possible environmental impacts. If such a decision were made, new domestic sources of clean energy would need to be developed. In the long run, new technology must be made available to produce clean energy at a cost to help offset the critical need for oil and gas; in the short run, few alternatives exist and the ones that do exist are of questionable practicability. The following possible sources of energy for short-run needs are "alternatives" [24] to offshore oil and gas.

Many of these alternatives have their individual environmental effects which must be considered: however, analysis of these impacts is beyond the scope of this statement.

1. Eliminations of import quotas.
2. Increase onshore exploration and development.
3. Development of oil shale.
4. Increase nuclear energy development.
5. Increase use of low sulfur coal and/or desulfurization of coal.
6. Development of coal liquification [*sic*] and gasification.
7. Development of geothermal resources.
8. Development of tar sands.

While the elimination of oil import quotas could be an alternative to continued development of offshore oil and gas, such a determination involves complex factors and concepts, including national security, which are beyond the scope of this statement. The remaining alternative energy sources should best be considered as supplements, not true alternatives, in the short run (e.g. 5 to 15 years). While the development of oil shale, nuclear energy, desulfurization of coal, coal liquification, [*sic*] coal gasification, tar sands and geothermal resources hold great promise for the future, their impact on the energy supply will not likely be felt until after 1980, and will be dependent on environmental safeguards and technological developments. Until recently, the petroleum industry has been able to satisfy domestic demand for oil and gas from the onshore areas. With the exception of Alaska, however, current seismic exploration techniques have not been able to identify sufficient numbers of new prospective oil and gas bear-

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Footnotes at end of article.

ing geologic structures onshore that are suitable for further exploration or development investments. This has been reflected by a significant decline in both onshore drilling and proved reserves. In contrast, however, the geologic structures in the relatively unexplored or virgin areas are more easily identifiable using current seismic technology.

C. Delay Sale Until New Technology Is Available To Provide Increased Environmental Protection

Since basically safe technology is available provided its application and use are properly regulated and controlled, there appears to be no advantage in the postponement of the proposed sale for this specific reason.

As new technology relating to safety and environmental protection is developed, it can be incorporated with the existing requirements and applied to all OCS leases so that bringing on additional production now will not generally preclude adaptation of new advances to the prospective leases.

Delay of the proposed sale could result in retarded developing of energy resources.

MACKINNON, *Circuit Judge, concurring in part and dissenting in part:* The District Court enjoined the sale of oil leases involving in excess of $500 million based upon an alleged failure of the Government to discuss certain alternatives in its Final Environmental Impact Statement (hereafter the Impact Statement). The critical language in the court's finding in this respect reads as follows:

> The Court finds that the defendants failed to comply with NEPA by failing to discuss some alternatives at all, such as meeting energy demands by federal legislation or administrative action freeing current onshore and state-controlled offshore production from state market demand prorationing or a change in the Federal Power Commission's natural gas pricing policies. In addition the defendants only superficially discussed the alternatives listed in their Final Impact Statement, and they failed to discuss in detail the environmental impacts of the alternatives they listed in the statement. The Court . . . believes that these alternatives must be explored and discussed thoroughly in order to comport with the intent and requirements of Section 4332 (2) (C) of NEPA.

* * * * *

> [T]he Court suggests that the defendants reassess their position as to alternative sources of energy other than the lease sale of the tracts on the Outer Continental Shelf and the environmental impact of such alternatives.

When this general language is translated to the facts of this case it requires the Impact Statement to discuss the environmental impact of: (1) meeting energy demands by federal legislation or administrative action freeing current domestic production from state restrictions on production; (2) changing the Federal Power Commission's policy with respect to the pricing of natural gas; (3) elimination of import quotas; (4) increasing onshore exploration and development; (5) development of oil shale; (6) increasing nuclear energy development; (7) increasing use of low sulfur coal and/or desulfurization of coal; (8) development of coal liquefaction and gasification; (9) development of geothermal resources, and (10) development of tar sands.

As I interpret the majority opinion it clearly holds that there is no need to discuss (5), (7), (8), (9), or (10). Obviously these are not reasonably to be considered as present alternatives. I concur in such conclusions. Whether the majority opinion requires a discussion in the Impact Statement of (1), (2) and (6) is not clear in view of its statement that there is no need to discuss "remote and speculative possibilities in view of basic changes required in statutes and policies of other agencies." I assume however that the opinion intended to require these three to be covered and so I will discuss these later together with (3) and (4).

(1) General principles

It is my view that the range of alternatives that must be discussed in an Impact Statement is generally limited to realistic alternatives that will be reasonably available within the time the "decisionmaking"[25] official intends to act.

In this connection I would not normally consider alternatives to executive action under existing laws to be realistic if they would require substantial changes in existing laws or in long established patterns of production and consumption of industrial products that could not reasonably be expected to be changed within the time available. When the subject action is a legislative proposal addressed to Congress the Impact Statement must of course cover a wider range, *i.e.*, it should cover alternatives that are reasonably available to Congress and would include legislative alternatives.

I thus take issue with that portion of the majority opinion that treats every Impact Statement as being addressed to Congress and the President and which would always require the discussion particularly of so-called legislative alternatives. A *copy* of the Impact Statement is made "available to the President," but that does not require *every* Impact Statement to discuss alternatives (and also their environmental impact) which might be alleged to be open to the President. In my view, the congressional committee report, quoted below, insofar as it refers to "subsequent reviewers and decisionmakers" generally refers only to those officials who are within the "existing agency review process" and generally only requires the discussion of alternatives within the power of Congress or the President when Congress or the President may be the decisionmaker. (There may be some exceptions). The committee report states:

> The agency shall develop information and provide descriptions of the *alternatives* in adequate detail for *subsequent reviewers and decisionmakers*, both within the executive branch and the Congress, to consider the alternatives along with the principal recommendations.

S. REP. No. 296, 91st Cong., 1st Sess. 21 (1969) (emphasis added). This ties into the provision of 42 U.S.C. § 4332 which provides that:

> The Congress authorizes and directs that, to the fullest extent possible: . . . (2) all agencies of the Federal Government shall— . . . (C) include in every recommendation or report on proposals for *legislation* and *other major Federal actions* significantly affecting the quality of the human environment, a detailed statement by the responsible official. . . . (emphasis added)

The plain intent of Congress in the Committee Report, when read in conjunction with this statute, is to call for information concerning legislative alternatives to be addressed to Congress when the report contains "proposals for legislation" but not in all cases when the recommendation proposes "other major Federal actions" by the executive branch. While it could not be stated categorically that no action by an executive official would require the discussion of legislative alternatives, existing laws and reason dictate that it would not be required here or in all cases. As the congressional committee report indicates, *the Impact Statement is addressed primarily to the "subsequent reviewers and decisionmakers"* and this stops short of Congress and proposals for legislative changes in statutes where the decisionmaker is carrying out programs established by pre-existing laws enacted by Congress. It would be unreasonable to hold that Congress intended to require *every* Impact Statement under NEPA addressed to an *executive official* to discuss all possible *legislative* alternatives together with the possible environmental impact of all such alternatives. Such construction of the act would result in extending Impact Statements to limitless proportions. The act deserves to be given a liberal interpretation to the fullest extent possible to acomplish a substantial change in our treatment of matters affecting our environment, but while no absolute rule can be laid down for all cases, I see no evidence in the statute that Congress intended to require a discussion of remote or speculative alternatives, or alternatives that were not presently available.

(2) Elimination of import quotas on foreign oil

The conclusion that it is necessary to discuss the elimination of import quotas on foreign oil in the Impact Statement rests upon the claim that it is an alternative to the present sale of offshore leases. Technically such suggestion does seem to have some aspects of being a partial alternative but I do not consider that it is a realistic alternative. In the event that all import quotas were removed and all the oil production of our Outer Continental Shelf could be replaced by foreign oil, it is common knowledge that such course would not be adopted because the United States would then be wholly dependent upon foreign oil. We would be powerless as a nation to resist exorbitant prices for that oil, and we would be powerless to defend ourselves in a national emergency. It is thus essential to our national survival that we develop our own national production. It seems plain to me that that is precisely the policy that Congress declared on August 7, 1953 when it passed the act authorizing the Secretary of the Interior, as a matter of national policy, to lease the lands of the Outer Continental Shelf for oil exploration. At that time there were no restrictions on the importation of foreign oil so I fail to see how the return to conditions which existed at the time Congress originally passed the OCS (by the removal of the subsequently imposed import restrictions) would cause Congress to change its mind and terminate the development of our offshore oil. Under such circumstances the suggestion that import quotas be removed is not a realistic alternative. In passing the Outer Continental Shelf Lands Act in 1953, Congress recognized the *"urgent need"* for developing our offshore oil.

> SEC. 8. LEASING OF OUTER CONTINENTAL SHELF.—(a) In order to meet the *urgent need for further exploration and development of the oil and gas deposits of the submerged lands of the outer Continental Shelf*, the Secretary is authorized to grant to the highest responsible qualified bidder by competitive bidding under regulations promulgated in advance, oil and gas leases on submerged lands of the outer Continental Shelf which are not covered by leases meeting the requirements of subsection (a) of section 6 of this Act.

Outer Continental Shelf Lands Act of 1953, § 8, ch. 345, § 8, 67 Stat. 468, *codified at* 43 U.S.C. § 1337 (1970) (emphasis added).

The national needs behind this congressional declaration of policy were also referred to in the committee reports which accompanied the bill for the Outer Continental Shelf Lands Act. These stated that the development and operation of such lands through leases for oil and gas operations are vital to our national economy and security:

> Representatives of the Federal departments, the States, and the off-shore operators all urged the importance and necessity for the enactment of legislation enabling the Federal Government to lease for oil and gas operations the vast areas of the Continental Shelf outside of State boundaries. They were

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Footnotes at end of article.

> unanimously of the opinion, in which this committee agrees, that no law now exists whereby the Federal Government can lease those submerged lands, *the development and operation of which are vital to our national economy and security*. It is, therefore, the duty of the Congress to enact promptly a leasing policy for the purpose of encouraging the discovery and development of the oil potential of the Continental Shelf.

H.R. Rep. No. 413, 83d Cong., 1st Sess. 2-3, 1953 U.S. Code Cong. & Ad. News 2178 (emphasis added).

Congress has thus officially committed our government officials by statute to a policy of developing our offshore oil resources. The wisdom of that decision, having been made by Congress and being still in effect, in my opinion, need not be reargued every time some additional action is taken to carry out the declared policy of the statute. To my mind to so hold is an unreasonable interpretation of the statute. In reaching this conclusion I do not minimize the obligation of the Impact Statement to discuss to the fullest extent possible the environmental impact of the proposed action and all reasonable present alternatives to the immediate action being taken that materially affect the environment. But *the Impact Statement here has done that very thoroughly* and I consider that to be adequate compliance with the statute.

(3) Meeting energy demands by Federal legislation or administrative action freeing current production from State restrictions on production

Plaintiffs also contend that the Impact Statement should discuss the possibility of meeting energy demands by federal legislation or administrative action with respect to state restrictions on domestic production. Again it seems to me that this is not realistically a present alternative since the matter is for Congress and the President. Moreover, the overall considerations implicit in such alleged alternatives were considered and found wanting by the Congress when it made the findings and passed the legislation authorizing the Secretary of the Interior to lease the lands of the Outer Continental Shelf. Congress was certainly mindful of the domestic oil production situation at that time, as illustrated by their finding an urgent need for other oil and gas. Congress passed the Connally Hot Oil Act in 1935 (49 Stat. 30 *et seq.*) and since Congress has left that act unamended and the President has not found that the statutory conditions exist for declaring its provisions inoperative,[26] the Act remains part of the general national policy that here exists.

I thus consider that the existence of the national policy declared in the Outer Continental Shelf Act, the silence of Congress in not repealing or amending the Connally Hot Oil Act, and the fact that the statutory standards of the Act do not authorize the President to lift the restrictions of the Connally Hot Oil Act for the purpose plaintiffs suggest, indicate that our national policy provides for the leasing, exploration and development of the offshore oil and gas lands and that as long as the Secretary of the Interior is carrying out such policy, the possibility that Congress might change this national policy is not an alternative that must be discussed in the Impact Statement here involved.

(4) The President's message

We next come to the President's June 4, 1971 Energy Message to Congress which comprehensively discussed the energy needs of the Nation. The full statement appears in the Congressional Record, volume 117, part 14, pages 18049-18053. This message contained six sentences relating to offshore oil and gas leases:

> Leasing on the Outer Continental Shelf—An Accelerated Program
>
> The Outer Continental Shelf has proved to be a prolific source of oil and gas, but it has also been the source of troublesome oil spills in recent years. Our ability to tap the great potential of offshore areas has been seriously hampered by these environmental problems.
>
> The Department of the Interior has significantly strengthened the environmental protection requirements controlling offshore drilling and we will continue to enforce these requirements very strictly. As a prerequisite to Federal lease sales, environmental assessments will be made in accordance with section 102 of the National Environmental Policy Act of 1969.
>
> Within these clear limits, we will accelerate our efforts to utilize this rich source of fuel. In order to expand productive possibilities as rapidly as possible, the accelerated program should include the sale of new leases not only in the highly productive Gulf of Mexico, but also some other promising areas. I am therefore directing the Secretary of the Interior to increase the offerings of oil and gas leases and to publish a schedule for lease offerings on the Outer Continental Shelf during the next five years, beginning with a general lease sale and a drainage sale this year.

The foregoing statements are seized upon by the majority opinion as announcing some new program, but in my view that is not supported. All that the President has done here is provide for a mild acceleration in an existing program that was first authorized twenty years ago. He has not changed any leasing procedures and, insofar as oil and gas lands in the Gulf of Mexico are concerned he has not added any new areas to the scheduled leasing program. He has merely accelerated by less than three months[27] the leasing of lands already scheduled to be leased. *This minimal acceleration does not involve any impact on the environment that would not have been caused by existing policy when the same lands were leased for the same purpose a few months hence on the normal schedule.* (In fact the delay caused by this lawsuit has practically eliminated any effect whatsoever.)

There is nothing in NEPA to indicate that Congress intended to require Impact Statements for the continuation of existing laws and programs. The statute merely required a policy review of "present statutory authority" to be made and reported to the President by July 1, 1971.[28] Such review does not require Impact Statements.

I thus find nothing in the President's message, or in the acts of the Secretary of the Interior which followed said message, that imposes any threat to the environment that was not already present in existing programs being carried on pursuant to previously existing laws which were required to be fully reviewed prior to July 1, 1971. When the majority here require the subject Impact Statement to discuss alternatives to existing laws *which it is not proposed to change*, and also to discuss the environmental impact of such indefinite alternatives, I consider that the opinion is not soundly based in law.

I also find nothing in the Act to support the assertion of the majority opinion that because the President did not issue an Impact Statement in connection with his Energy Message to Congress that a duty to do so fell upon the Secretary of the Interior when he acted to carry out a minor part of the program. By such holding the majority opinion would require the Secretary of the Interior to support the entire Energy Message in an Impact Statement which is only required because he is implementing a microscopic portion of it. To merely state this result is sufficient to indicate its unsoundness. If such were the law subordinate officials would be required to promulgate Impact Statements far beyond the relevant act of decisionmaking. While the relevant authority of the decisionmaker may not constitute an absolute limit on the scope of subjects required to be covered by an Impact Statement, his decisionmaking authority with respect to the proposed action is certainly the most important consideration in determining the limits of that document and constitutes the principal frame of reference to which the statement should be addressed.

(5) Nuclear energy, increasing onshore exploration and FPC pricing policy on natural gas

As to nuclear energy, increasing onshore exploration and changing the pricing policy on natural gas by the Federal Power Commission, these all involve actions by other agencies and individuals not realistically within the scope of the decisionmaking authority here involved. Many of the principals involved are not controlled by the United States Government. Whether any of these proposals individually or collectively would constitute a partial or adequate present alternative to the action here proposed is highly problematical. Actually all of them are being pursued to some extent. They also have their own environmental problems.

Certainly we consider we are proceeding with research and development of nuclear energy with all deliberate speed. The present state of our research and development is on the borderline of producing equipment that has practical value of commercial uses. *See Cities of Statesville, et al.* v. *Atomic Energy Commission*, —— *U.S.App.D.C.* ——, 441 F.2d 962 (*en banc*, 1969). But atomic energy is not a present alternative to the oil needed to supply our internal combustion engines and meet our other fuel demands.

Certainly if any person knew where to explore for more onshore oil or gas in substantial quantities in the United States, he would not want for support. Moreover, the Impact Statement did discuss this suggestion and pointed out that it had been weighed and found to be inadequate:

> Until recently, the petroleum industry has been able to satisfy domestic demand for oil and gas from the onshore areas. With the exception of Alaska, however, current seismic exploration techniques have not been able to identify sufficient numbers of new prospective oil and gas bearing geologic structures onshore that are suitable for further exploration or development investments. This has been reflected by a significant decline in both onshore drilling and proved reserves. In contrast, however, the geologic structures in the relatively unexplored or virgin areas are more easily identifiable using current seismic technology.

Final Environmental Impact Statement 52-53. I see no reasonable necessity to discuss the environmental impact of a suggested alternative that has been rejected because it is not a practicable alternative.

The majority opinion is not specific as to whether in its treatment of increasing onshore exploration and development it requires the Impact Statement to discuss the alternative of substituting oil from the North Slope of Alaska for this Gulf oil and to discuss the environmental impact of that alleged alternative. If such discussion is so required, I would take judicial notice of those facts of common knowledge that the production and transportation facilities necessary for North Slope oil to constitute a realistic present alternative to this proposal are presently non-existent. The North Slope field also has its own well known environmental problems. To the extent that plaintiffs or the majority opinion may contend that this Impact Statement needs to discuss the effect on the environment of the North Slope alternative it is to my mind, presently an unreasonable suggestion.

Notice is also taken of our own decision upholding the Federal Power Commission in altering its pricing policies on natural gas

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Footnotes at end of article.

to stimulate the domestic production of natural gas. *City of Chicago* v. *Federal Power Commission*, —— U.S.App.D.C. ——, —— F.2d —— (No. 23740, Dec. 2, 1971, slip op. 11–12).

So, much of what is suggested by these so-called alternatives is already being done and is a matter of common knowledge. Some of the suggested alternatives would require immediate changes in existing federal laws and decisions of independent federal agencies; some are impractical because they would require officials to act in a manner they have indicated is contrary to their declared intent; some suggest alternatives involving uncertain results, highly speculative probabilities or experimental uncertainties; some suggest as alternatives proposals that would not satisfy the same need; some would only be partial alternatives; and some involve ideas that are years away, if ever, from fruition. *None can be said to be realistic present alternatives.* Because of these circumstances, and others referred to in the Impact Statement, I do not find any of the suggestions to be alternatives within the meaning of the Act. I would thus not enjoin the sale here to require their discussion in the Impact Statement. To do so would make delay the only victor.

I am not unmindful of the ease with which some of the required additional discussion can be inserted in the Impact Statement. I just do not consider that the law requires, or that reason dictates, the discussion of unrealistic alternatives or their environmental impact. In so requiring it is my view that the majority opinion extends the law to extreme and impractical ends. I would confine the interpretation of NEPA to call for full discussion of reasonably practical present alternatives rather than lay down requirements for the exposition of every hopeful project and legislative change that may be said to be even remotely related to the subject. To my mind, the former rule would better serve the environment. To this extent I dissent from the views of the majority opinion.

In my opinion the motion for summary reversal should be granted upon the ground that the decision of the trial court was based upon an erroneous legal premise, *i.e.*, that NEPA required the Impact Statement to discuss alternatives that were highly speculative and remote and which are not realistic present alternatives.

FOOTNOTES

[1] *See, e.g.*, Calvert Cliffs' Coordinating Committee, Inc. v. Atomic Energy Commission, 449 F.2d 1109, (D.C. Cir. 1971); Committee for Nuclear Responsibility, Inc. v. Seaborg, No. 71–1732, October 5, 1971.

[2] 43 U.S.C. § 1337 (1970). This Act, P.L. 83–212, appears at 43 U.S.C. § 1331 *et seq.*

[3] Natural Resources Defense Council, Inc., Friends of the Earth, Inc., Sierra Club, Inc.

[4] The text of this Message appears in the CONGRESSIONAL RECORD, volume 117, part 14, pages 18200–18204.

[5] *See* 36 F.R. 7724 (1971) for the Council's Guidelines for the preparation of Statements on Proposed Federal Actions Affecting the Environment.

[6] *See* Meccano, Ltd. v. Wanamaker, 253 U.S. 136, 141 (1920); A Quaker Action Group v. Hickel, 137 U.S.App.D.C. 176, 180, 421 F.2d 1111, 1115 (1969).

[7] United States v. Allen, 133 U.S.App.D.C. 84, 85, 408 F.2d 1287, 1288 (1969).

[8] *See* Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 584–85 (1952).

[9] *See* Delaware and Hudson Ry. Co. v. United Transportation Unit, — U.S.A. App. D.C. ——, —— F. 2d —— (March 31, 1972).

[10] This is the language of the Section-by-Section Analysis presented by Senator Jackson, in charge of the legislation and chairman of the Senate Interior Committee, in explaining and recommending approval of the bill as agreed in conference. 115 CONG. REC. 40420 (Dec. 20, 1969).

[11] *See* Committee for Nuclear Responsibility, Inc. v. Seaborg, No. 71–1732, October 5, 1971, slip opin., p. 7; No. 71–1854, October 28, 1971, slip opin., pp. 2, 12.

[12] The legislative history indicates the importance of this source of environmental input into the decision making process. *See* S. Rep. No. 91–296, 91st Cong., 1st Sess., 21:

> . . . the agency shall develop information and provide descriptions of the alternatives in adequate detail for subsequent reviewers and decision makers, both within the executive branch and the Congress, to consider the alternatives along with the principle recommendations.

That the impact statement is the proper instrument to provide this focus is recognized by the guidelines promulgated by the Council on Environmental Quality:

> A rigorous exploration and objective evaluation of alternative actions that might avoid some or all of the adverse effects is essential. Sufficient analysis of such alternatives and their costs and impact on the environment should accompany the proposed action through the agency review process in order not to foreclose prematurely options which might have less detrimental effects.

36 F.R. 7724, 7725 (1971).

[13] Defendants' Memorandum of Points and Authorities, Dec. 8, 1971, p. 7.

[14] Committee for Nuclear Responsibility, Inc. v. Seaborg, October 5, 1971, slip opin., p. 7.

[15] *See* Defendants' Memorandum, Dec. 8, 1971, at 11:

> When proposing legislation the responsible official may properly be expected to consider alternative methods of achieving the same goal which require legislation, because his impact statement is to assist the Congress in determining how it should act and the Congress is able to enact any legislation within the scope of the Constitution. When the responsible official is considering a major Federal action which he is to take himself, he is properly concerned only with those alternatives which he himself has discretion to adopt.

[16] *See, e.g.*, Environmental Defense Fund, Inc. v. Corps of Engineers, 325 F. Supp. 749 (E.D. Ark. 1971) (dam), Environmental Defense Fund v. Corps of Engineers, 2 E.R.C. 1173 (D.D.C. 1971) (canal).

[17] The President's message set out eleven areas of research and development toward the goal of clean energy; three areas of making available the energy resources of federal lands, including the leasing of offshore oil lands; and further discussed six other aspects of the overall problem.

[18] In his message to Congress, the President designated the Energy Subcommittee as the body with the power to make overall policy in the field until his proposed Department of Natural Resources comes into being. 112 CONG. REC. 8317.

[19] *Cf.*, Burlington Truck Lines, Inc. v. United States, 371 U.S. 156, 168–169 (1962); Braniff Airways, Inc. v. CAB, 126 U.S. App. D.C. 399, 411, 379 F.2d 453, 465 (1967); National Air Carrier Assn. v. CAB, 141 U.S. App. D.C. 31, 41, 436 F.2d 185, 195 (1970). While these cases relate to fact findings, this aspect—the need for agency statement, as opposed to counsel's rationalization—is a requirement that applies to environmental impact statements.

[20] *See* NEPA § 102, quoted above.

[21] *Cf.*, United States v. Morgan, 307 U.S. 183, 191 (1939); Niagara Mohawk Power Corp. v. FPC, 126 U.S. App. D.C. 376, 383, 379, F. 2d 153, 160 (1967); Greater Boston TV Corp. v. FCC, 444 F. 2d 841, 851 (D.C. Cir. 1970), *cert. denied* 35 U.S.L.W. 3549, June 14, 1971.

[22] *Cf.*, WAIT Radio v. FCC, 135 U.S. App. D.C. 317, 418, F. 2d 1153 (1969); Greater Boston TV Corp. v. FCC, *supra*, 444 F. 2d at 851.

[23] *See* Calvert Cliff's Coordinating Committee, Inc., *supra*, note 1, 449 F. 2d at 1115.

[24] In many cases, they are not necessarily alternatives, but are supplemental to other sources. The national energy requirement exceeds the potential of any one "alternative."

[25] 42 U.S.C. § 4332(2) (A).

[26] 15 U.S.C. § 715c (49 Stat. 31).

[27] The Secretary of the Interior's announcement of the sale in the Federal Register reported:

> This sale was originally planned for February 1972 and has been advanced to December 1971, in accordance with the President's June 4, 1971, energy message to Congress.

36 FED. REG. 11604 (June 16, 1971).

42 U.S.C. § 4333 provides:

> All agencies of the Federal Government shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which probihit full compliance with the purposes and provisions of this chapter and shall propose to the President not later than July 1, 1971, such measures as may be necessary to bring their authority and policies into conformity with the intent, purposes, and procedures set forth in this chapter.

National Environmental Policy Act of 1969, § 103, Pub. L. No. 91–190, 83 Stat. 854.

[28] Insofar as the majority opinion requires Impact Statements under NEPA to cover alternatives to the 1953 Outer Continental Shelf Lands Act and the Oil Import Quota Program of 1959, it overlooks the fact that NEPA required such existing programs to be reviewed and proposals reported to the President for such measures as may be necessary to bring their policies into conformity with the intent of NEPA. The fact that Congress dealt with existing programs in this manner in NEPA is a clear indication that it did not intend in NEPA to require Impact Statements to cover the same ground.

Sources for Environmental Impact Statements

In order to receive more efficient and prompt service, requestors are urged to order draft and final impact statements from the Department of Commerce's National Technical Information Service (NTIS) rather than the preparing agency. Each statement will be assigned an order number that will appear in the *102 Monitor* (at the end of the summary of each statement) and also in the NTIS semi-monthly Announcement Series No. 68, "Environmental Pollution and Control." (An annual subscription costs $5.00 and can be ordered from the NTIS, U.S. Department of Commerce, Springfield, Virginia 22151.)

Final statements will be available in microfiche as well as paper copy. A paper copy of any statement can be obtained by writing NTIS at the above address and enclosing $3.00 and the order number. A microfiche costs $0.95. (Paper copies of documents that are over 300 pages are $6.00.)

NTIS is also offering a special "package" in which the subscriber receives all statements in microfiche for $0.35 per statement.

Statements will still be available for public scrutiny in the document rooms of the various agencies. However, only limited copies will be available for distribution.

Yet another possible source of statements is from the Environmental Law Institute, 1346 Connecticut Avenue, N.W., Washington, D.C. 20036. To order a document, please indicate the Department, date, and ELR Order # (given at the end of each summary). The Institute charges $0.10 per page, and as you will note the number of pages is also given at the end of the summaries. Please enclose the correct amount of money with your order and mark the envelope to the attention of the 'Document Service."

SOURCE FOR BACK ISSUES OF THE 102 MONITOR

Because the supply of past issues of the 102 Monitor is not sufficient to meet all requests, a list is provided below indicating where the various issues of the 102 Monitor appeared in the Congressional Record. You may wish to order these Congressional Records from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 ($.25 per copy).

Vol. 1, Nos. 1, 2 and 3, Congressional Record (page E3607)—April 28, 1971.

Vol. 1, No. 4, Congressional Record (page E5151)—May 27, 1971.

Vol. 1, No. 5, Congressional Record (page E6023)—June 16, 1971.

Vol. 1, No. 6, Congressional Record (page E8458)—July 28, 1971.

Vol. 1, No. 7, Congressional Record (page E9483)—September 13, 1971.

Vol. 1, No. 8, Congressional Record (page E10002)—September 24, 1971.

Vol. 1, No. 9, Congressional Record (page E11596)—November 1, 1971.

Vol. 1, No. 10, Congressional Record (page E12213)—November 15, 1971.

Vol. 1, No. 11, Congressional Record (page E13322)—December 11, 1971.

Vol. 1, No. 12, Congressional Record (page E76)—January 18, 1972.

On the following pages are environmental impact statements received by the Council from January 1 through January 31, 1972.

NOTE.—At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, (202) 388-7803.

Agricultural Research Service

Draft

Imported fire ant cooperative federal-state control and regulatory program. Aerial application of Mirex to 20 million acres in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Texas. (ELR Order No. 1555, 48 pages) (NTIS Order No. PB-205 344-D) December 28.

Forest Service

Draft

Federal-State cooperative 1972 Gypsy Moth suppression program. Treatment of 300,000 acres in Alabama, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia and Wisconsin with carbaryl. Will temporarily reduce certain beneficial insects and arthropods. (ELR Order No. 1579, 104 pages) (NTIS Order No. PB-205 589-D), December 13.

Transfer of 2,240 acres of Lincoln National Forest, New Mexico, to the Department of the Interior to be held in trust for the Mescalero Apache Tribe. Operating the Sierra Blanca Ski area under a special-use permit from the Forest Service, the Tribe has requested the transfer on the premise that obtaining title to the land would facilitate obtaining financing for further expansion and development of the Area. (ELR Order No. 1560, 24 pages) (NTIS Order No. PB-205 450-D), January 4.

Mt. Bailey winter sports site, Douglas County, Oregon. Construction of a major regional winter sports complex on Mt. Bailey to include base area, aerial lifts, 11 miles of ski runs and trails and an access road to base area. Will affect 1,300 acres. (ELR Order No. 1571, 8 pages) (NTIS Order No. PB-205 454-D), January 6.

Poverty Creek Unit, Blacksburg Ranger District, Jefferson National Forest, Montgomery County, Virginia. Management plan, including primary use for environmental learning, improvement of creek and timber management. (ELR Order No. 1645, 105 pages) (NTIS Order No. PB-205 931-D) January 19.

Federal-state cooperative spruce budworm suppression project—1972, Aroostock and Penobscot Counties, Maine. Chemical treatment of 500,000 acres of state and private commercial woodland with Zectran. (ELR Order No. 1683, 84 pages) (NTIS Order No. PB-206 057-D), January 21.

Rural Electric Administration

Draft

Title, description, and date

Dixon, Missouri, to Kansas state line transmission line, Pulaski, Laclede, Dallas, Polk, Dade and Jasper Counties, Missouri. Loan to Associated Electric Cooperative, Inc., for construction of 160-mile, 345 kv transmission line from Dixon to 10 miles south of Pittsburg, Kansas, including a new substation at Franks. (ELR Order No. 1526, 111 pages) (NTIS Order No. PB-205 330-D), December 22.

Soil Conservation Service

Final

Title, description, and date

Winnebago-Bean Creek Watershed, Richardson County, Nebraska. Conservation land treatment of 3,100 acres over a 5-year period and construction of 16 grade stabilization structures. Will inundate 6 miles of intermittent stream channels and periodically inundate 90 acres in the detention pools. Comments made by Army, EPA, HEW, DOI, Neb. Game and Parks Commission and Neb. Soil and Water Conservation Commission. (ELR Order No. 1586, 32 pages) (NTIS Order No. PB-201 254-F), January 5.

Eighteen Mile Creek Watershed, Pickens and Anderson Counties, South Carolina, work plan, involving conservation land treatment on 7,845 acres, construction of 2 floodwater retarding structures and 1 multi-purpose structure for flood prevention and water supply, 1.9 miles of channel improvement and 650 acres of critical area stabilization. Will eliminate 3 miles of stream fishery, inundate 225 acres and periodically inundate 500 acres. Comments made by Army, EPA, HEW, DOI, Appalachian Regional Commission and 2 state offices. (ELR Order No. 1631, 31 pages) (NTIS Order No. PB-198 973-F), January 14.

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters: Joseph J. DiNunno, Director, Office of Environmental Affairs, Washington, D.C. 29545, (202) 973-5391. For Regulatory Matters: Christopher L. Henderson, Assistant Director of Regulation for Administration, Washington, D.C. 20545, (202) 973-7531.

Draft

Title, description, and date

Midland Plant Units 1 and 2, Midland, Michigan. Application for construction permit and operating license by Consumers Power Co. for 2 pressurized water reactors (1300 mgw); 4,050,000 lbs. per hour of stream will be delivered to Dow Chemical Co. Will affect downstream flow of Tittabawassee River. Docket 50-329 and 50-330. (ELR Order No. 1580, 134 pages) (NTIS Order No. PB-205 573-D), January 7.

Rio Blanco gas stimulation project, Rio Blanco County, Colorado. Experimental project involving simultaneous detonation of three 30-kiloton nuclear explosives 5000-7000′ below the surface in a natural gas-bearing geologic formation to gather data on the feasibility of using nuclear explosions to stimulate natural gas production from low-permeability reservoirs. Will result in release of radioactivity to atmosphere and entrapment of radioactive materials in the natural gas formations. (ELR Order No. 1601, 84 pages) (NTIS Order No. PB-205 782-D), January 12.

Rover fuels processing facility, National Reactor Testing Station, Bingham, Bonneville, Butte, Clarke and Jefferson Counties, Idaho. Modification of a portion of the Idaho Chemical Processing Plant to store and reclaim usable enriched uranium from fuels used in testing nuclear rocket engines (ELR Order No. 1609, 147 pages) (NTIS Order No. PB-205 780-D), January 12.

Plutonium-238 fuel fabrication facility, Savannah River Plant, Aiken and Barnwell Counties, South Carolina. The ^{238}Pu isotope has been processed to the oxide form for shipment to other AEC sites for further processing into a stable fuel form followed by encapsulation into heat sources. AEC proposes to transfer the fuel form fabrication processing operations to the Savannah River Plant. (ELR Order No. 1610, 33 pages) (NTIS Order No. PB-205 779-D), January 12.

Bedrock waste storage exploration, Savannah River Plant, Aiken and Barnwell Counties, South Carolina. Exploration by sinking a shaft into the bedrock and excavating lateral tunnels to study the rock formation to determine the feasibility of a full-scale storage vault, with the ultimate goal of transferring the large quantity of radioactive waste from existing storage tanks at the Savannah River Plant. (ELR Order No. 1622, 94 pages) (NTIS Order No. PB-205 781-D), January 14.

Solid radioactive waste volume reduction facility, Los Alamos Scientific Laboratory, Los Alamos County, New Mexico. Construction and operation of the facility as part of an experimental program to develop safe and effective sorting, compaction and incineration procedures for low-level plutonium contaminated wastes. (ELR Order No. 1620, 42 pages) (NTIS Order No. PB-206 080-D), January 14.

Rocky Flats plant, Boulder County, Colorado, acquisition of 4,640 acres. (ELR Order No. 1688, 21 pages) (NTIS Order No. PB-206 081-D), January 25.

Wagon wheel gas stimulation experimental project, Sublette County, Wyoming. Sequential detonation of five 100-kiloton nuclear explosives 9,000-12,750′ below the surface in a natural gas bearing geologic formation to gather data on the feasibility of using nuclear explosions to stimulate natural gas production from low-permeability reservoirs. Will cause ground motion and resultant architectural damage, release radioactivity to the atmosphere and entrap in the natural gas formation radioactive materials at or near the points at which the nuclear explosives are detonated. (ELR Order No. 1689, 50 pages) (NTIS Order No. PB-206 082-D), January 25.

Radioactive waste evaporator and auxiliaries, Richland, Washington. Addition of a large-scale radioactive waste evaporator and auxiliaries to the smaller evaporators at the AEC Hanford Plant, doubling the evaporative capacity of the system and accelerating reduction of the liquid wastes stored in underground steel-lined tanks to a solid-cake form. (ELR Order No. 1690, 64 pages) (NTIS Order No. PB-206 083-D), January 25.

Contaminated soil removal facility, Richland, Washington. A part of the waste disposal system at the AEC Hanford plant. Soil containing significant quantities of plutonium will be removed from a covered trench and reprocessed for recovery of the plutonium and ultimate final disposal of the remaining radioactive material. (ELR Order No. 1691, 53 pages) (NTIS Order No. PB-206 084-D), January 25.

Final

Title, description, and date

National Accelerator Laboratory, Batavia, Illinois. Construction 60% complete on high energy physics laboratory centered around a 200-500 billion electron volt energy proton synchrotron on a 6,800-acre site. (ELR Order No. 1549, 44 pages) (NTIS Order No. PB-205 359-F), December 30.

Reactor testing during FY 1972 at the Nuclear Rocket Development Station, Nevada. (Statement issued jointly by AEC and NASA.) Testing of a new type of reactor, the Nuclear Furnace, which permits individual fuel element testing at one-fortieth of the power of a full scale reactor. Comments made by USDA, DOC, EPA, HEW, DOI, DOT, Ariz. Dept. of Economic Planning and Development, Colo. Dept. of Health, Idaho State Planning and Community Affairs Agency, Idaho Dept. of Health and Office of the Governor of Oregon. (ELR Order No. 1550, 61 pages) (NTIS Order No. PB–200 539–F), December 30.

Los Alamos Scientific Laboratory, Los Alamos County, New Mexico. Construction to replace existing facility to meet recent requirements to upgrade safety characteristics of buildings and equipment for plutonium operations. R&D activities include plutonium metal, alloys and compounds. Comments made by USDA, DOC, EPA, HEW, DOI, DOT and state of New Mexico. (ELR Order No. 1687, 50 pages) (NTIS Order No. PB–198 710–F), January 25.

Plutonium recovery facility, Rocky Flats Plant, Jefferson County, Colorado. Replacement of facility to be used to recover plutonium from scrap generated in operations of plant which fabricates plutonium components for nuclear weapons. Comments made by USDA, DOC, EPA, HEW, DOI, DOT, and state of Colorado. (ELR Order No. 1692, 55 pages) (NTIS Order No. PB–198 762–F), January 25.

DEPARTMENT OF DEFENSE

Department of Air Force

Contact: Col. Cliff M. Whitehead, Room 5E 425, Pentagon, Washington, D.C. 20330, (202) OX–5–2889.

Draft

Title, description, and date

Disposition of Orange herbicide (a defoliant) by commercial incineration at Deer Park, Harris County, Texas, and at Sauget, Illinois. The empty drums will be decontaminated, crushed and buried in a landfill pit. Involves discharge of 44.68 million lbs. of CO_2 into the atmosphere, and the liquid water-salt effluent from the HCl acid scrubbing action will discharge 12.4 million lbs. of NaCl into a public stream. (ELR Order No. 1672, 46 pages) (NTIS Order No. PB–206 061–D), January 20.

Department of Navy

Contact: Joseph A. Grimes, Jr., Special Civilian Assistant to the Secretary of Navy, Washington, D.C. 20350, (202) 697–0892.

Draft

Title, description, and date

Relocation of target facilities to Cross Cay, Atlantic Fleet Weapons Range, Puerto Rico. To relocate necessitates clearing a shallow draft boat channel, preparing an access roadway, constructing a helicopter landing pad and preparing the target area. (ELR Order No. 1680, 35 pages) (NTIS Order No. PB–206 051–D), January 19.

Corps of Engineers

Contact: Francis X. Kelly, Assistant for Conservation Liaison, Public Affairs Office, Office, Chief of Engineers, 1000 Independence Avenue, S.W., Washington, D.C. 20314 (202) 693–6346 or 6329.

For the reader's convenience we have listed the numerous statements from COE by State in alphabetical order.

Draft

Title, description and date

Corte Madera Creek, Marin County, California. Flood control by dredging and channel excavation (completed), rectangular concrete channel on Tamalpais Creek (completed), rectangular concrete channel with stilling basin from earth channel to 600′ below Lagunitas Rd. Bridge (under construction) and rectangular concrete channel upstream to Sir Francis Drake Blvd. Involves loss of marshland and riparian woodland associations. (ELR Order No. 1570, 38 pages) (NTIS Order No. PB–205 455–D), January 6.

Mullet Key Beach erosion control, Pinellas County, Florida. Nourishment of beach and fronting protective beach, construction of a 420′ anchor groin and construction of a 1,150′ revetment. About 325,000 cu. yds. of sand will be dredged, destroying benthic invertebrates and covering those in the beach area. (ELR Order No. 1686, 53 pages) (NTIS Order No. PB–206 052–D), January 24.

Perico Island, Manatee County, Florida. Application of Curtiss-Wright Corp. for a permit to dredge and fill to produce 370 acres of upland and 92.4 acres of canals from the former upland for development. A total of 43.9 acres of submerged grass flats, 9.0 acres of mud flats, and 8.6 acres of intertidal flats and associated fauna will be covered by dredged material. Dredging will remove another 67.4 acres of submerged grass flats, 15.5 acres of mud flats, 516 acres of intertidal flats and 0.4 acre of coon oyster beds. (ELR Order No. 1710, 22 pages) (NTIS Order No. PB–206 105–D), January 26.

Long Hollow Creek channel clearing, Nez Perce, Lewis County, Idaho. Clearing and reshaping of a 5,000′ reach to provide capacity for a maximum flow of 700 cfs for flood protection. (ELR Order No. 1621, 17 pages) (NTIS Order No. PB–205 676–D), January 12.

Diked disposal area, Ontonagon Harbor, Ontonagon, Michigan. Diking of 20 acres of land area for containment of polluted dredge spoils previously deposited in open waters of Lake Superior. Will produce some noxious odors. (ELR Order No. 1588, 15 pages) (NTIS Order No. PB–205 587–D), January 5.

Levee Unit No. L–246, Missouri River levee system, Chariton County, Missouri. Flood control project consisting of a system of levees, interior drainage structures, channel (Palmer Creek) relocation (2–6 miles) and modification (5 miles). Will alter wildlife habitat and stream biota. (ELR Order No. 1539, 26 pages) (NTIS Order No. PB–205 338–D), December 30.

Newark Bay, Hackensack and Passaic Rivers, New Jersey. Maintenance dredging for navigation, with dredged material to be disposed of at sea 7 miles east of Sandy Hook. (ELR Order No. 1540, 14 pages) (NTIS Order No. PB–205 337–D), December 29.

South Branch, Rahway River, Rahway, New Jersey. Flood protection by channel improvement and construction of levees, walls, roadway bridge, drainage facilities, and land filling. Levees and filling, occupying about 15 acres, will eliminate tidal mud flats along banks of the river. (ELR Order No. 1538, 5 pages) (NTIS Order No. PB–205 339–D), January 3.

B. L. England Generating Station, Unit No. 3, Great Egg Harbor Bay, Beesley's Point, Cape May County, New Jersey. Application of Atlantic City Electric Co. for a permit to construct and dredge a cooling water intake channel and to lay a discharge pipe in the Bay in connection with proposed expansion of the Generating Station. (ELR Order No. 1618, 17 pages) (NTIS Order No. PB–202 671–D), January 12.

Hudson River Channel, New York. Maintenance dredging, with spoil disposal in Atlantic Ocean 7 miles off Sandy Hook. (ELR Order No. 1536, 8 pages) (NTIS Order No. PB–205 335–D), December 29.

Rochester Harbor, Monroe County, New York. Maintenance by dredging approximately 360,000 cu. yds. of sediment annually, dumping the material in Lake Ontario and occasional work on breakwaters. (ELR Order No. 1638, 7 pages) (NTIS Order No. PB–205 796–D), January 14.

Black Rock Channel and Tonawanda Harbor, Erie and Niagara Counties, New York. Operation and maintenance of the ship lock and maintenance of the channels by dredging 100,000 cu. yds. of sediment annually, with disposal of 70% of sediment in an enclosed disposal area and the remainder in Lake Erie. (ELR Order No. 1637, 7 pages) (NTIS Order No. PB–205 792–D), January 17.

Little River, Inlet, North Carolina and South Carolina, navigation project, including a 3200′ entrance channel, a 9100′ inner channel, a 3200′ jetty, a 3000′ jetty and transition dikes connecting the jetties to the shore. Approximately 1,141,000 cu. yds. of sandy material will be dredged; it will be used in building the dikes. (ELR Order No. 1697, 23 pages) (NTIS Order No. PB–206 056–D), January 20.

Cleveland Harbor, Ohio. Maintenance of breakwaters and maintenance dredging of 1,125,000 cu. yds. of sediment annually, with 55% placed in enclosed area and the remainder dumped in Lake Erie. (ELR Order No. 1648, 7 pages) (NTIS Order No. PB–205 930–D), January 14.

Fairport Harbor, Lake County, Ohio. Maintenance of channel by dredging 400,000 cu. yds. of sediment and dumping the material in Lake Erie. (ELR Order No. 1636, 10 pages) (NTIS Order No. PB–205 791–D), January 14.

Sandusky Harbor, Erie County, Ohio. Maintenance of channels by dredging about 6,000,000 cu. yds. of sediment annually and dumping the material in Lake Erie. (ELR Order No. 1635, 6 pages) (NTIS Order No. PB–205 795–D), January 14.

Lorain Harbor, Ohio: Annual maintenance dredging of 300,000 cu. yds. of sediment and maintenance of breakwaters. The dredge spoils, some of which are polluted, are dumped in Lake Erie 4 miles offshore. (ELR Order No. 1628, 6 pages) (NTIS Order No. PB–205 787–D), January 14.

Kingstree Branch flood control project, Black River Basin, Kingstree, South Carolina. Enlargement of channel from confluence of Kingstree Branch and Black River upstream 1.83 miles to the city limits. (ELR Order No. 1715, 35 pages) (NTIS Order No. PB–206 109–D), January 19.

Houston Ship Channel, Texas. Maintenance dredging of channels and basins, with spoil disposal in land and open bay areas used for disposition of dredged materials for many years. (ELR Order No. 1537, 11 pages) (NTIS Order No. PB–205 336–D), December 29.

Diked disposal area, Ashland Harbor, Ashland, Wisconsin. Diking of 6 acres of land area for containment of polluted dredge spoils previously deposited in open waters of Lake Superior. Will produce some noxious odors. (ELR Order No. 1587, 18 pages) (NTIS Order No. PB–205 586–D), January 5.

Final

Title, description, and date

Gillham Lake, Cossatot River, Howard, Polk and Sevier Counties, Arkansas. Completion of lake, involving completion of embankment, modification of outlet works, clearing the reservoir area and constructing recreation facilities, for flood control, water supply, water quality control. Comments made by USDA, DOC, EPA, EPC, HEW, DOI, State, DOT, 7 Ark. agencies, 1 Okla. agency, 7 local offices, 35 conservation organizations, 91 individuals and 4,289 individuals who signed petitions. (ELR Order No. 1578, 1839 pages) (fiinal, NTIS Order No. PB–202 134–F. $3; Appendix I, Correspondence, No. PB–202 134–F–1, $6; Appendix I. Public Meeting Transcripts, No. PB–202 134–F–2, $3; Appendix II, Photographs, and Appendix III, Environmental Elements, No. PB–202 134–F–3, $3; Appendix IV, Literature Cited, Appendix V, Court Proceedings, and Appendix VI, Qualifications of Personnel, No. PB–202 134–F–4, $6; Appendix III–F Annex, Hydrographs and Duration Curves, No. PB–202 134–F–5, $6), April 10.

Revised final statement (April 15). Trumbull Lake, Pequonnock River, Connecticut. Flood protection by construction of concrete dam and storage reservoir extending 2.5 miles up the Pequonnock River. Will inundate 200 acres of land, involve loss of a valley with pools and rapids, result in loss of stream fishing and cause relocation of 30 families. Comments made by EPA, DOI, 5 state agencies and the town of Trumbull. (ELR Order No. 1704, 37 pages) (NTIS Order No. PB–206 104–F), January 27.

Anacostia River and Tributaries, Prince Georges County, Maryland. Flood control by widening, deepening and realigning 20,410′ of channels in the Northwest and Northeast Branches and Indian Creek. Comments made by USDA, EPA, HEW, DOI, DOT, 4 state agencies, Prince Georges and Montgomery Counties, Washington Suburban Sanitary Commission, Metropolitan Washington Council of Governments, Ntl. Capital Planning Commission and Md.-Ntl. Capital Park and Planning Commission. (ELR Order No. 1547, 64 pages) (NTIS Order No. PB-200 797-F), January 3.

Great Lakes connecting channels, St. Marys River, Michigan. First of three phases of widening 6 bend areas in the river, the first phase involving dredging and blasting 3 bends in the Middle Neebish Channel area. Spoils to be deposited off Neebish Island. Comments made by DOC, EPA, FPC, DOI, DOT, 2 state agencies, 6 conservation organizations, Lake Carriers Assn. of Cleveland and Chippewa County Commissioner. (ELR Order No. 1557, 86 pages) (NTIS Order No. PB-199 855-FB, January 3.

Long Branch Lake, East Fork, Little Chariton River, Macon County, Missouri. Floor protection by construction of an earthfill dam and lake. Will inundate 2,430 acres of land and eliminate 14 miles of the East Fork and associated habitat. Comments made by USDA, EPA, DOI, 4 state agencies, American Fisheries Society and Wildlife Society. (ELR Order No. 1721, 33 pages) (NTIS Order No. PB-201 518-F), January 27.

Aquatic plant control program, Hudson and Mohawk Rivers, New York. Control and progressive eradication of waterchestnut in and from the waters within the two rivers by spraying with 2,4-D. Comments made by USDA, EPA, N.Y. Dept. of Environmental Conservation and N.Y. Dept. of Health. (ELR Order No. 1707, 18 pages) (NTIS Order No. PB-200 003-F), January 27.

Battery Park City Authority bulkhead and fill project, Hudson River, Borough of Manhattan, New York. Bulkhead and fill to be placed in Hudson River between the Battery and Reade St., extending 600-950′ offshore to create 90.8 acres of land. Involves demolition of old structures and dredging. Comments made by USDA, DOC, EPA, DOI, DOT, N.Y. State Dept. of Environmental Conservation and 3 city agencies. (ELR Order No. 1562, 35 pages) (NTIS Order No. PB-202 086-F), January 4.

Wallisville Lake, Trinity River, Chambers and Liberty Counties, Texas. Construction of a low dam, a navigation channel and lock, recreational areas, various ancillary facilities and minor bend easings in the channel. Involves loss of 7,200 acres of estuarine nursery area, destruction of archeological sites and inundation of others. Comments made by USDA, EPA, DOI, 6 state agencies, Trinity River Authority of Texas, Chambers-Liberty Counties Navigation District, City of Houston, Sierra Club, Environmental Protection Fund, Inc., Citizens' Environmental Coalition, Outdoor Nature Club, Houston Sportsmen's Club, Help Eliminate Pollution, Inc. and interested citizens. (ELR Order No. 1676, 275 pages) (NTIS Order No. PB-206 058-F, $6).

ENVIRONMENTAL PROTECTION AGENCY

Contract: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630, Waterside Mall, Washington, D.C. 20460.

Draft

Title, description, and date

Palm Beach County, Florida, sewerage improvement program. A regional system connecting to one waste water treatment facility. Four projects: new and expanded secondary waste water treatment and disposal facilities owned and operated by West Palm Beach to serve coastal region of the county and interceptor sewers, major sewage pumping stations and force mains to connect with the facilities, part to be owned and operated by the County. Projects WPC-FLA-328, -329, -330, and -331. (ELR Order No. 1589, 176 pages (NTIS Order No. PB-205 588-D), January 4.

Application of Richland, Washington, for financial assistance to modify sewage treatment plant, install alarm reporting systems to all lift stations and construct a 21" gravity and 10" pressure sewer and life station to serve the Badger Mountain area. Principal concern involves Richland development of Badger Mountain area into residential area and the project's impact on wildlife and land use. Project WPC-WN-419. (ELR Order No. 1619, 15 pages) (NTIS Order No. PB-205 672-D), January 11.

Application for assistance for construction of wastewater facilities, Pittsburg, Camp County, *Texas*, to include additions to Sparks Branch wastewater treatment plant, construction of a new wastewater treatment plant on Dry Creek and construction of interceptor sewers to the proposed plant. Project WPC-TEX-722. (ELR Order No. 1666, 57 pages) (NTIS Order No. PB-205 921-D), January 21.

FEDERAL POWER COMMISSION

Contact: Frederick H. Warren, Advisor on Environmental Quality, 441 G Street, NW., Washington, D.C. 20426, (202) 386-6084.

Draft

Title, description, and date

Application by Niagara Mohawk Power Corp. for a new license for the Green Island Project No. 13, Albany County, New York. Project consists of a forebay downstream and at the west end of the U.S.-owned dam and bulkhead; a powerhouse containing 4 turbines, each directly connected to a 1500 kw generator; and a tailrace channel. (ELR Order No. 1643, 22 pages) (NTIS Order No. PB-206 050-D), January 17.

El Paso Natural Gas Co., proposed tariff revisions under Section 4 of the Natural Gas Act, relative to a natural gas curtailment plan. Establishment of criteria by which curtailments will be effected in the event of a natural gas shortage or insufficient available capacity. Establishment of priorities of service applicable to all El Paso's Southern Division Mainline System customers. Docket No. RP72-6. (ELR Order No. 1677, 140 pages) (NTIS Order No. PB-206 066-D), January 21.

Application by the Susquehanna Power Co. and Philadelphia Electric Power Co. for amendment of license to provide additional recreational facilities at the constructed Conowingo Project No. 405, Harford and Cecil Counties, Maryland, and York, Lancaster, Chester, and Montgomery Counties, Pennsylvania. (ELR Order No. 1693, 7 pages) (NTIS Order No. PB-206 053-D), January 26.

GENERAL SERVICES ADMINISTRATION

Contact: Rod Kreger, Acting Administrator, GSA-AD, Washington, D.C. 20405, (202) 343-6077.

Alternate Contact: Aaron Woloshin, Director, Office of Environmental Affairs, GSA-AD, Washington, D.C. 20405, (202) 343-4161.

Draft

Title, description, and date

Disposal of 198 acres of Fort Des Moines, Des Moines, Iowa, by assigning 95 acres to HEW for conveyance to Des Moines for educational use and 103 acres to BOR for conveyance to Polk County for park and recreational use. (ELR Order No. 1568, 12 pages) (NTIS Order No. PB-205 446-D), January 7.

Disposal of the Naval Supply Center, Puget Sound, Seattle Division (Pier 90/91), Seattle, Washington by negotiated sale of 185.8 acres to the Port of Seattle, by transferring 2.5 acres to the U.S. Postal Service for construction of a postal station and by assigning 4.12 acres to HEW for transfer for use for the area handicapped. (ELR Order No. 1671, 11 pages) (NTIS Order No. PB-205 926-D), January 18.

Final

Title, description, and date

Disposal of Caven Point Army Reserve Center, Jersey City, Hudson County, New Jersey by negotiated sale to Jersey City. Comments made by Army COE, CEQ, EPA, Tri-State Regional Planning Commission and 3 state agencies. (ELR Order No. 1545, 18 pages) (NTIS Order No. PB-201 255-F), January 3.

Disposal of Don-Ce-Sar Building and the 5.43-acre site, St. Petersburg Beach, Florida, by negotiated sale to the city. Comments made by EPA, HUD, DOI, 2 state offices and City of St. Petersburg Beach. (ELR Order No. 1630, 22 pages) (NTIS Order No. PB-205 783-F), January 14.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Richard H. Broun, Director, Environmental & Land Use Planning Division, Washington, D.C. 20410, (202) 755-6186.

Draft

Title, description, and date

Broomfield Water Transmission Line, Broomfield, Colorado. Construction of a pipeline, a 25 mgd pump station and a 2 mg storage reservoir to serve areas generally north and west of Denver to be funded in part by HUD. Project WSP CO-08-00-01100. (ELR Order No. 1529, 50 pages) (NTIS Order No. PB-205 349-D), December 23.

Low-Rent Public Housing Project, Borough of Queens, New York, New York. Ongoing construction of 840 units in three 24-story residential buildings in a neighborhood of low-medium and high-medium residential densities. Project NY 5-108. (ELR Order No. 1626, 33 pages) (NTIS Order No. PB-205 670-D), January 14.

Final

Title, description, and date

HUD Project Selection Criteria or Subsidized Housing. Establishment of criteria for evaluating priority ranking of applications under 4 programs: § 235(i) Interest Supplements on Home Mortgages, § 236 Interest Supplements on Home Mortgages, § 236 Interest Supplements on Rental and Cooperative Housing Mortgages, Low-Rent Public Housing (including Leased Public Housing), and Rent Supplement. Comments made by USDA, Army COE, AEC, EPA, GSA, HEW, DOI, DOT, Appalachian Regional Commission and National Capital Planning Commission. (ELR Order No. 1548, 35 pages) (NTIS Order No. PB-202 596-F), December 30.

Pike Plaza redevelopment project, Seattle, Washington. The City of Seattle is requesting a loan and grant contract for clearance and redevelopment of 22.81 acres except for the Public Market, about 7 acres, to include shops, markets, apartments, office buildings, etc. Comments made by EPA, HEW, DOT, Wash. Planning and Community Affairs Agency, Advisory Council on Historic Preservation and Puget Sound Governmental Conference. (ELR Order No. 1553, 30 pages) (NTIS Order No. PB-201 252-F), January 7.

Portland Student Services, Inc., Portland, Oregon. Application for a loan of $3,193,000 to construct a 16-story apartment building in the Goose Hollow area in order to provide moderately priced student housing. Comments made by EPA, HEW, OEO, DOT, 2 state offices, 2 city offices and the Goose Hollow Foothills League. (ELR Order No. 1633, 62 pages) (NTIS Order No. PB-204 014-F), January 17.

San Antonio Ranch New Community, Bexar County, Texas. Proposed offer of commitment to guarantee up to $18 million over a 30-year period for development of a new community located on 9,318 acres about 20 miles from downtown San Antonio with an ultimate population of 87,972 residents in 28,676 housing units. Comments made by

USDA, Army COE, AEC, EPA, FPC, HUD, DOI, 4 state offices, Alamo Area Council of Governments, San Antonio River Authority, City of San Antonio, Citizens for a Better Environments and Sierra Club. (ELR Order No. 1679, 154 pages) (NTIS Order No. PB–202 588–F), January 20.

DEPARTMENT OF INTERIOR

Contact: Office of Comunications, Room 7214, Washington, D.C. 20240, (202) 343–6416.

National Park Service

Draft

Title, description, and date

Legislative proposal for designation as wilderness 6,925 acres of Chiricahua National Monument, Cochise County, Arizona. (ELR Order No. 1681, 20 pages) (NTIS Order No. PB–206 055–D), January 24.

Bureau of Reclamation

Draft

Title, description, and date

East Greenacres Unit, Prairie Division, Rathdrum Prairie project, Kootenai County, Idaho. Construction of deep wells and pumps, pipe distribution systems and public recreation areas to supply irrigation, domestic, municipal and industrial water. (ELR Order No. 1530, 18 pages) (NTIS Order No. PB–205 351–D), December 22.

China Meadows Dam and Reservoir, Lyman Project, Utah. Construction of an earthfill dam and dike on the East Fork of Smiths Fork. Inundation of 372 acres of meadow and forest will result in loss of 2 miles of trout stream, 205 acres of timber, grazing for 24 cows, forage for wildlife and 13 family campground units. (ELR Order No. 1606, 73 pages) (NTIS Order No. PB–205 581–D), January 6.

South Gila Valley, Colorado River front work and levee system, Yuma County, Arizona. Concrete lining of main outlet drain (8 miles long) to prevent seepage of saline water into the Gila River Pilot Channel and the groundwater table of the valley. (ELR Order No. 1706, 25 pages) (NTIS Order No. PB–206 102–D), January 26.

Correction to the November 1971 issue of the *Monitor* (Vol. 1, No. 10), P. 26 Gila Gravity Main Canal: Yuma County, Arizona. NTIS Order number should read No. PB–203 228–D.

Palmetto Bend Dam, Navidad River, Jackson County, Texas. Construction of an earthfill dam with a concrete spillway. Will inundate 11,300 acres, change 40 miles of the river and tributaries to impounded and regulated streams, change the fresh water inflow to Matagorda Estuary and displace 9 families. (ELR Order No. 1719, 27 pages) (NTIS Order No. PB–206 113–D), January 26

Bureau of Sport Fisheries and Wildlife

Draft

Title, description, and date

Legislative proposal to designate as wilderness 3,000 acres of the Blackbeard Island National Wildlife Refuge, offshore from McIntosh County, Georgia. (ELR Order No. 1714, 21 pages) (NTIS Order No. PB–206 111–D), January 26.

Legislative proposal to designate as wilderness 4,218 acres of the Wolf Island National Wildlife Refuge offshore from Darien, McIntosh County, Georgia. (ELR Order No. 1717, 18 pages) (NTIS Order No. PB–206 109–D), January 26.

Legislative proposal to designate as wilderness 5,577 acres of the Lostwood National Wildlife Refuge, Burke and Mountrail Counties, North Dakota. (ELR Order No. 1705, 18 pages) (NTIS Order No. PB–206 103–D), January 26.

Legislative proposal to designate as wilderness 4,155 acres of the Chase Lake National Wildlife Refuge, Stutsman County, North Dakota. (ELR Order No. 1708, 18 pages) (NTIS Order No. PB–206 112–D), January 26.

Legislative proposal to designate as wilderness 7 islands of the San Juan Archipelago, San Juan and Skagit Counties, Washington. (ELR Order No. 1709, 15 pages) (NTIS Order No. PB–206 110–D), January 26.

Bureau of Outdoor Recreation

Draft

Title, description, and date

Legislative proposal for establishment of the Potomac Heritage National Scenic Trail, generally following the Potomac River shore and passing through the District of Columbia, Maryland, Pennsylvania, Virginia and West Virginia (874 miles) (ELR Order No. 1612, 25 pages) (NTIS Order No. PB–205 577–D), January 10.

Bureau of Land Management

Final

Title, description, and date

Supplement to final (10/21), Proposed Oil and Gas Lease Sale, Outer Continental Shelf, Gulf of Mexico, offshore eastern Louisiana. (ELR Order No. 1058, supplement—112 pages) (final, NTIS Order No. PB–201 517–F; supplement, NTIS Order No. PB–205 677), January 15.

Bureau of Mines

Draft

Title, description, and date

Synthane coal gasification pilot plant, Bruceton, Allegheny County, Pennsylvania, for evaluating the feasibility of commercial conversion of coal to sulfur-free substitute natural gas (SNG). (ELR Order No. 1684, 16 pages) (NTIS Order No. PB–206 048–D), January 24.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Contact: Ralph E. Cushman, Special Assistant, Office of Administration, Washington, D.C. 20546, (202) 962–8107.

Final

Title, description, and date

Pioneer F/G Program to conduct exploration beyond the orbit of Mars of the interplanetary medium, the nature of the Asteroid Belt and the planet Jupiter. Comments made by AEC, SEQ, EPA and the Attorney General of Massachusetts. (ELR Order No. 1585, 37 pages) (NTIS Order No. PB–202 085–F), January 10.

Goddard Space Flight Center, Greenbelt, Maryland. The environmental background by which Goddard was established, the environmental considerations in planning and operating the facilities and the role and mission of the Center as it pertains to the surrounding environment. (ELR Order No. 1673, 47 pages) (NTIS Order No. PB–206 049–F), January 21.

DEPARTMENT OF TRANSPORTATION

Contact: Martin Convisser,* Director, Office of Program Co-Ordination, 400 7th Street, S.W., Washington, D.C. 20951, (202) 462–4355.

For the reader's convenience we have listed the numerous statements from DOT by State in alphabetical order.

Federal Aviation Administration

Draft

Title, description, and date

Aniak Airport, Aniak, Alaska. Reconstruction of runway safety area; extension of runway and lighting system; and construction of taxiway, apron and access road. (ELR Order No. 1533, 11 pages) (NTIS Order No. PB–205 332–D), December 30.

Dade County Airport, Trenton, Georgia. Construction of a basic utility airport adequate for 95% of propeller-driven aircraft weighing less than 12,500 pounds. (ELR Order No. 1611, 23 pages) (NTIS Order No. PB–205 578–D), January 10.

Effingham County Memorial Airport, Effingham, Illinios. Construction of a crosswind runway with medium intensity lights. (ELR Order No. 1632, 21 pages) (NTIS Order No. PB–205 790–D), January 12.

Macomb Municipal Airport, McDonough County, Illinois. Reimbursement for land purchased in 1967 and for construction, marking and lighting of runway extension. (ELR Order No. 1644, 19 pages) (NTIS Order No. PB–205 794–D), January 18.

Schoolcraft County Airport, Michigan. Expansion by construction of runway, taxiway and apron; runway extension; relocation of road; relocation of beacon and lighting controls; etc. (ELR Order No. 1711, 32 pages) (NTIS Order No. PB–206 106–D), January 25.

Springfield Municipal Airport, Brown County, Minnesota. Development of a new airport, including construction of a runway, connecting taxiway, apron and tie-down area. (ELR Order No. 1718, 15 pages) (NTIS Order No. PB–206 107–D), January 25.

Medford Municipal Airport, Medford, Grant County, Oklahoma. Acquisition of land for clear zone; construction of runway, taxiway and apron; installation of lighting, beacon, wind cone and fencing. (ELR Order No. 1669, 18 pages) (NTIS Order No. PB–205 924–D), January 18.

Goldsby Airport, Norman, McClain County, Oklahoma. Reconstruction, realignment and extension of runway and installation of lighting system, rotating beacon and tower, segmented circle and lighted wind cone. (ELR Order No. 1720, 30 pages) (NTIS Order No. PB–206 108–D), January 25.

Tri-State Airport (Walker Long Field), Wayne County, West Virginia. Extension of runway, runway grooving, construction of a graded overrun area, relocation of glide slope facility and approach lighting system, and strengthening of pavements. (ELR Order No. 1534, 21 pages) (NTIS Order No. PB–205 333–D), December 30.

Door County-Cherryland Airport, Sturgeon Bay, Wisconsin. Construction of a runway extension and parallel taxiway; overlay of runway, taxiway, apron and turnaround; installation of medium-intensity lighting system and acquisition of land to accommodate turbojet aircraft. (ELR Order No. 1641, 18 pages) (NTIS Order No. PB–205 793–D, January 18.

John F. Kennedy Memorial Airport, Ashland, Wisconsin. Extension of runway, acquisition of land for development and clear zones, burial of power line, installation of lights and perimeter fencing to accommodate general aviation turbojet aircraft. (ELR Order No. 1670, 19 pages) (NTIS Order No. PB–205 925–D), January 18.

Final

Title, description, and date

Dillingham Airport, Dillingham, Alaska. Land acquisition, extending and widening runway, constructing an apron and base course, resurfacing of runway, installing a new lighting system and relocating a road. Comments made by Army COE, DOC, EPA, HEW and DOI. (ELR Order No. 1664, 25 pages) (NTIS Order No. PB–201 523–F), January 19.

Fleming-Mason Airport, Flemingsburg, Kentucky, land acquisition, construction and lighting of runway and taxiway, and construction of turn-around apron and entrance road to provide a 24-hour landing capability. Comments made by USDA, KY. Program Development Office and Buffalo Trace Area Development District. (ELR Order No. 1663, 14 pages) (NTIS Order No. PB–203 604–F), January 19.

Lafayette Airport, Lafayette, Louisiana Construction of runway, associated taxiways, parallel taxiway and crash, fire and rescue facility; extension of runway; relocation of communication towers; and installation of homer beacon for runway. Comments made by USDA, Army COE, EPA, HEW, DOI, and DOT. (ELR Order No. 1546, 41 pages) (NTIS Order No. PB–201 577–F), December 23.

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*Mr. Convisser's office will refer you to the correct regional office from which the statement originated. In the case of the Federal Highway Administration, a separate page is included in this Monitor giving the names of the Regional Administrators (see page 68).

Pittsfield Municipal Airport, Pittsfield, Massachusetts. Installation of a medium intensity lighting system on one runway and relocation of existing system to another runway. Comments made by DOI, DOT, Mass. Office of Planning and Program Coordination, Berkshire County Regional Planning Commission and Pittsfield Conservation Commission. (ELR Order No. 1569, 25 pages) (NTIS Order No. PB–203 471–F), January 5.

Manchester Municipal Airport, Manchester, New Hampshire. Acquisition of easements and removal of trees and poles obstructing runway approaches. Comments made by EPA, FPC, HEW, HUD, DOI, DOT and 10 state offices. (ELR Order No. 1607, 29 pages) (NTIS Order No. PB–203 226–F), January 12.

Lincolnton-Cherryville Airport, North Carolina. Construction of new airport south of juncture of NC–182 and SR–1187 adequate for 95% of propeller-driven aircraft of less than 12,500 pounds and some light twin engine propeller-driven aircraft. Comments made by USDA, EPA, DOI, 5 state agencies and Central Piedmont Regional Council of Local Governments. (ELR Order No. 1713, 19 pages) (NTIS Order No. PB–204 024–F), January 25.

University Park Airport, University Park, Pennsylvania. Construction of runway and taxiway and extension of runway. Comments made by USDA, Army COE, EPA, HUD, DOI, DOT, 4 state agencies, 3 Pa. State Univ. Offices, Phillipsburg Area Chamber of Commerce and 5 businesses. (ELR Order No. 1574, 45 pages) (NTIS Order No. PB–202 798–F), January 5.

Shively Field, Saratoga, Wyoming. Extension and paving runway, construction of taxiway and enlargement of apron. Comments made by USDA, Army COE and EPA. (ELR Order No. 1561, 34 pages) (NTIS Order No. PB–203 475–F), January 5.

Federal Highway Administration

Draft

Title, description, and date

US–80: Dallas County, Alabama. Improvement to 4 lanes from near Browns to Ala–14 intersection (17.6 miles). Involves acquisition of 320 acres of rural land and dislocation of 3 individuals, 30 families, 7 business owners and 2 tenants, and 5 farm owners. Project S–335–I. (ELR Order No. 1532, 8 pages) (NTIS Order No. PB–205 348–D), December 29.

FAS Route 2218: Garden City, Cullman County, Alabama. Construction from US–31 to the Mulberry Fork of the Black Warrior River. Project S–457–C. (ELR Order No. 1554, 9 pages) (NTIS Order No. PB–205 343–D), January 3.

FAP–95, Gastineau Channel bridge: Juneau, Alaska. Construction of bridge to Douglas Island (.5–1.0 mile). (ELR Order No. 1649, 39 pages) (NTIS Order No. PB–205 955–D), January 18.

SR–189 (Nogales Truck Compound Rd. Section of the Nogales Primary Connection): Santa Cruz County, Arizona. Construction from Nogales south to the border (2.8 miles). Project F–032–1–301. (ELR Order No. 1556, 22 pages) (NTIS Order No. PB–205 345–D), January 4.

SR–95, Lake Havasu City—I–40 Hwy.: Mohave County, Arizona. Construction from south boundary of Lake Havasu City north to 1 mile south of I–40. Projects S–405–601 (R/W) and S–405–602 (R/W). (ELR Order No. 1566, 13 pages) (NTIS Order No. PB–205 449–D), January 5.

Route 86: Riverside County, California. Freeway construction between the Imperial County line and Indio (21 miles). Will displace 69 people. Project 11–Riv.–86, 11 201–094111, –094121, –094131, –094141. (ELR Order No. 1600, 13 pages) (NTIS Order No. PB–205 580–D), January 7.

Supplement to draft (5/21), 4(f) information relating to 1.6 acres of Windsor Meadow Management Resource Area. I–291 Windsor to Manchester, Connecticut, connection between I–91 and I–86. Project I–291–5(1). (ELR Order No. 1575, supplement 50 pages) (draft, NTIS Order No. PB–199 252–D; supplement, NTIS Order No. PB–205 572), January 5.

Supplement to draft (8/26), 4(f) information relating to 1 acre of land abutting Talcottville Pond and a length of the Tankerhoosen River. I–86, Manchester, South Windsor and Vernon, Connecticut. Project I–86–1(31)8, 76–89. (ELR Order No. 1696, 12 pages) (NTIS Order No. PB–202 182–D), January 25.

US–202 (Concord Pike): Brandywine Hundred, New Castle County, Delaware. Construction from I–95 interchange north to the Pennsylvania state line (5.3 miles). Will displace 40 families and 30 businesses. Contract 68–01–007. (ELR Order No. 1625, 31 pages) (NTIS Order No. PB–205 673–D), January 14.

Wilson Bridge and approaches: Wahiawa, Oahu, Hawaii. Replacement of bridge and widening of Kamehameha Hwy. to Kilani Ave. (2,500′). Will displace residences and businesses. Project F–080–1(3) (ELR Order No. 1577, 40 pages) (NTIS Order No. PB–205 453–D), January 6.

Illinois Route 21 (Milwaukee Ave.): Cook County, Illinois. Improvement to four lanes from West Lake Ave. to the Chicago and Northwestern Rwy. Project F–238 ( ), I.D. 05–11–72–1. (ELR Order No. 1629, 37 pages) (NTIS Order No. PB–205 788–D), January 12.

FA Route 430 (Fox Valley Freeway): Cook, Kane, DuPage and Will Counties, Illinois. Construction from the Elgin O'Hare Freeway southwest of Elgin to the general vicinity of Ill.–53. 4(f) determination required for crossing the Illinois Prairie Path. (ELR Order No. 1528, 186 pages) (NTIS Order No. PB–205 346–D), December 17.

FA Route 412 Corridor: Winnebago, Ogle, Lee, Bureau, LaSalle, DeKalb, McLean, Woodford, Livingston and Marshal Counties, Illinois. Construction of 4-lane freeway from near Rockford to a point just south of Bloomington (130 miles). 4(f) determination required for use of parks and forest preserve lands. (ELR Order No. 1678, 190 pages) (NTIS Order No. PB–206 059–D), January 18.

F.A. Route 7 Spur, Franklin St. Connector: Chicago, Illinois. Construction from the Dan Ryan and Stevenson Expressway interchange to Lower Wacker Dr. (ELR Order No. 1657, 31 pages) (NTIS Order No. PB–205 933–D), January 19.

Ill. Route 23: LaSalle County, Illinois. Widening and partial relocation, including widening bridge and replacing 4 others, from Livingston Rd. in Streator to the west limits of Cornell (12.1 miles). Involves displacement of 17 families, 6 farm units and 2 businesses. (ELR Order No. 1694, 15 pages) (NTIS Order No. PB–206 060–D), January 24.

SR–37: Perry County, Indiana. Relocation from Tell City to SR–62/I–64 interchange north of St. Croix (20.8 miles). 4(f) determination required for use of 72 acres of Hoosier National Forest for right-of-way. Project F–19(3)A–D. (ELR Order No. 1563, 25 pages) (NTIS Order No. PB–205 451–D), January 3.

SR–107: Jefferson County, Indiana. Widening from intersection with old US–421 to intersection with SR–62 (2.86 miles). (ELR Order No. 1665, 21 pages) (NTIS Order No. PB–205 922–D), January 13.

Project 24–44, F 072–1(19): Jefferson County, Kansas. Grading and surfacing from the end of the 4-lane pavement near Grantville east to Newman Corner and the proposed junction of K–237 (4.2 miles) (ELR Order No. 1716, 16 pages) (NTIS Order No. PB–206 100–D), January 26.

Project U 117 (27)—SP 56–993–1L: Louisville, Jefferson County, Kentucky. Improvement from Dutchmans Lane/Taylorsville Rd. (KY–155) intersection, along Dutchmans Lane to Cannons Lane (KY–2048), along Cannons Lane to Lexington Rd. (US–60) (2.07 miles). (ELR Order No. 1559, 44 pages) (NTIS Order No. PB–205 341–D), January 3.

US–31–E: Allen County, Kentucky. Construction from just south of US–231 1.5 miles west of Scottsville to a point south of Jefferson School Rd. (4.55 miles) Will displace 11 families and 1 business. Project F 28 (17), SP 2–95–9L (sec. 1). (ERL Order No. 1613, 20 pages) (NTIS Order No. PB–205 576–D), January 10.

KY–10: Mason County, Kentucky. Upgrading from Fernleaf east to US–68 (5.5 miles). Will displace 7 families and 1 business. (ERL Order No. 1467, 8 pages) (NTIS Order No. PB–205 928–D), January 17.

US–1A: Harrington, Washington County, Maine. Reconstruction and/or relocation from West Harrington to north end of the town center (3.5 miles). Four alternatives are being considered. Project F–044–1(11). (ERL Order No. 1623, 47 pages) (NTIS No. PB–205 674–D), January 14.

I–69: Clinton County, Michigan. Construction from I–96 to US–27 (8.5 miles). Will remove 11–15 homes. Project I69–3(2)83. (ELR Order No. 1558, 36 pages) (NTIS Order No. PB–205 342–D), January 4.

FAS Route 297 (County Rd. 531) and Cisco-Lindsley Bridge: Gogebic County, Michigan. Relocation from FAS Rte. 1043 (C.R. 535) to FAS Rte. 295 and construction of a bridge and approaches connecting Cisco and Lindsley Lakes on relocated route. Project S 297( ). (ELR Order No. 1572, 30 pages). (NTIS Order No. PB–205 457–D), January 6.

C.S.A.H.–39: Norman County, Minnesota. Reconstruction from 6.4 miles east of Borup to TH–32/TH–113 junction at Syre. 4(f) determination required for use of 609.5 acres within a Wildlife Management Area. Project S.P. 54–639–10, S6598(9). (ELR Order No. 1531, 18 pages) (NTIS Order No. PB–205 347–D), December 28.

I–394: Minneapolis, Minnesota. Freeway construction from 250′ west of 30th St. N. and Hawthorne Ave. northeast to 3rd Ave. N./Washington Ave. N. junction (0.91 mile). Involves acquisition of 82 business and 82 dwelling units. Project 2789–01 (T.H. 394), I–394–6. (ELR Order No. 1535, 25 pages) (NTIS Order PB–205 334–D), December 29.

US–2 (Arrowhead Bridge and approaches): Duluth, Minnesota and Superior, Wisconsin. Relocation of bridge over St. Louis River. Minn. project F 170001–4( ); Wis. project F 08–5, I.D. 8680–0–00. (ELR Order No. 1576, 25 pages) (NTIS Order No. PB–205 452–D), January 3.

TH–23 and TH–274: Lyon, Yellow Medicine, Renville and Chippewa Counties, Minnesota. Improvement and rerouting of TH–23, bypassing Cottonwood, Hanley Falls, Maynard and Clara City (32.8 miles). A 0.5-mile section of TH–274 will connect with TH–23. Requires removal of 4 homes, a town hall and several other buildings and involves severance of farmsteads. Projects F 023–1, F 023–2, S 4025; 4203, 8701, 6505, 1204, 1205, and 8714. (ELR Order No. 1667, 22 pages) (NTIS Order No. PB–205–929–D), January 20.

Route AC: Buchanan County, Missouri. Construction from Rte. 6 south to Rte. YY (1.9 miles). Will displace 24 people. Job 1–S–AC–36. (ELR Order 1551, 8 pages) (NTIS Order No. PB–205 350–D), January 3.

US–65: Greene County, Missouri. Construction from Rte. AF south to Rte. I–44 (12.5 miles), requiring 3 bridges. Involves destruction of some wildlife habitat, severance of farms and removal of 20 houses and 2 commercial buildings. Job 8–P–65–20. (ELR Order No. 1627, 8 pages) (NTIS Order No. PB–205 786–D), January 13.

US 73–75 and Neb.–1 (Murray intersection and Murray East): Cass County, Nebraska. Improvement of intersection of US 73-75/N-1 intersection, improvement on US 73-75 (0.9 mile) and rebuilding of N-1 from intersection to Murray (1.1 miles). Requires removal of service station, mobile homes, a dwelling and various other buildings. Projects F-28(10) and S-534(11). (ELR Order No. 1573, 10 pages) (NTIS Order No. PB-205 456-D), January 6.

I-80, Brownson Interchange; I-80, West Sidney Interchange; Brownson connecting link road; and West Sidney connecting link road, Cheyenne County, Nebraska. The first two projects, construction from Brownson to Sidney (10.68 miles); the third, construction from I-80 interchange southwest of Brownson northeast to US-30/Ordville Spur Rd. intersection (1.69 miles); and the fourth, construction from I-80 interchange 2 miles southwest of Sidney north to US-30 intersection (1.68 miles). Projects I-80-1(11) and (12), S-259(4) and S-620-A. (ELR Order No. 1685, 16 pages) (NTIS Order No. PB-206 065-D), January 24.

Passaic St. Bridge and approaches: New Providence Borough, Union County, and Chatham Township, Morris County, New Jersey. Replacement of bridge over the Passaic River from Commonwealth Ave. to River Rd. (ELR Order No. 1624, 8 pages) (NTIS Order No. PB-205 675-D), January 6.

I-25, Las Vegas Bypass: Las Vegas, New Mexico. Construction of a 4-lane divided highway from south of Las Vegas north to US-85 (4.7 miles). Requires relocation of families. Project I-IG-025-5(18)342. (ELR Order No. 1639, 62 pages) (NTIS Order No. PB-205 784-D), January 17.

US-74: Columbus County, North Carolina. Relocation from Hallsboro to Bolton. Will displace 12 families and affect wildlife in cutting through Friar Swamp. Project 6.801570. (ELR Order No. 1602, 16 pages) (NTIS Order No. PB-205 584-D), January 11.

I-95 (Fayetteville Bypass): Cumberland County, North Carolina. Construction from 6.6 miles south of Fayetteville to 4.8 miles north of Fayetteville (15.2 miles). Will displace 29 families. Project 8.1347401, FA I-95-2(24)32. (ELR Order No. 1603, 30 pages) (NTIS Order No. PB-205 583-D), January 11.

SR-1216 and SR-1201: Carteret County, North Carolina. Improvement from the new Bogue Sound Bridge to Atlantic Beach (17.3 miles). Project 9.8025201 (ELR Order No. 1605, 21 pages) (NTIS Order No. PB-205 582-D), January 11.

SR-2000-2180: Kannapolis, Cabarrus County, North Carolina. Widening Lane St. from I-85 west to Cannon Blvd. Project 6.803080. (ELR Order No. 1614, 14 pages) (NTIS Order No. PB-205 574-D), January 11.

SR-29: Auglaize and Shelby Counties, Ohio. Relocation and improvement from US-33 to SR-274. Project AUG/SHE-29-4.67/0.00. (ELR Order No. 1527, 20 pages) (NTIS Order No. PB-205 331-D), December 23.

US-50A and SR-7: Marietta, Washington County, Ohio. Relocation from near southerly junction of routes to I-77 interchange east of Marietta (2.3 miles) including a bridge over the Muskingum River. Involves taking of 202 residences and 40 businesses. Project WAS-50A-22.00, WAS-7-21.80. (ELR Order No. 1552, 28 pages) (NTIS Order No. PB-205 340-D), December 30.

SR-16 and SR-76: Coshocton County, Ohio. Improvement of alignment of SR-16 from Township Rd. 285 east to County Rd. 6 and construction of interchange at SR-16/SR-76 intersection. Will affect 26 families, 2 farms and 2 businesses. Project COS-16/76-4.42/8.82. (ELR Order No. 1565, 11 pages) (NTIS Order No. PB-205 448-D), January 3.

I-505 (Industrial Freeway): Northwest Portland, Multnomah County, Oregon. Freeway construction from I-405 west to St. Helens Rd. (US-30). Will displace residents and commercial/industrial units. (ELR Order No. 1608, 28 pages) (NTIS Order No. PB-205 579-D), January 10.

US-30 (Columbia River Hwy.): Columbia County, Oregon. Improvement to 4 lanes from Scappoose to Warren (4.6 miles). Will dislocate 29 residential units and 10 businesses. (ELR Order No. 1615, 8 pages) (NTIS Order No. PB-205 575-D), January 11.

Junction City-Eugene Hwy., Santa Clara-Eugene Section: Lane County, Oregon. Improvement to 4 lanes (3 miles). Will displace 2 family units and 4 businesses. (ELR Order No. 1668, 13 pages) (NTIS Order No. PB-205 923-D), January 20.

L.R. 1052, Section 1 Cross Valley Expressway: Luzerne County, Pennsylvania. Construction of a 2.5-mile, 4-lane, limited access highway through Courtdale, Pringle, Luzerne, Kingston and Forty Fort. 4(f) information relates to use of 3.6 acres of Connolly Field, 5.1 acres of Scandlon Field and .6 acre of Park Place. Will displace 226 families. (ELR Order No. 1640, 93 pages) (NTIS Order No. PB-205 785-D), January 19.

SH-40: Pennington County, South Dakota. Grading and surfacing from 1 mile east of Scenic southeast to county line (30 miles). 4(f) determination required for traversing the Bad Lands National Monument. Project S 1041 CN 52932, 52928, and 52939. (ELR Order No. 1646, 22 pages) (NTIS Order No. PB-205 927-D), January 18.

Codington County, South Dakota. Construction of 2-lane facility beginning 4.75 miles east of Wallace east 3.5 miles and then northeast 3.5 miles to intersection with US-81 and SH-20. Probable designation as SH-20. Project SA 9963. 4(f) determination required for use of 2.4 acres of U.S. Fish and Wildlife area. (ELR Order No. 1675, 17 pages) (NTIS Order No. PB-206 085-D), January 21.

SR-60 Bypass: Bradley County, Tennessee. Construction of last link of bypass around central Cleveland (2.2 miles). Will displace 16 residences and 3 businesses. Project F-086-1( ), 06069-5207-04 (ELR Order No. 1567, 16 pages) (NTIS Order No. PB-205 447-D), January 7.

SH-288: Brazoria County, Texas. Construction on new location from north of Angleton to SH-322 in Lake Jackson and along SH-332 from Oyster Creek Drive to SH-288 in Clute (20 miles). Involves taking of 21 single-family residences, 2 two-family duplexes and 4 mobile homes. Special efforts will be made regarding an inactive bald eagle nest. 4(f) determination required for use of 30 acres of proposed T. J. Dunbar (formerly Thumb) Park. (ELR Order No. 1698, 23 pages) (NTIS Order No. PB-206 064-D), January 24

US-87 (designated I-27): Lubbock and Hale Counties, Texas. Construction from 1.5 miles north of Monroe Overpass in Lubbock County to 0.2 mile northeast of the north city limits of Hale Center (25 miles). Involves taking of 10 homes and 1 business. (ELR Order No. 1695, 9 pages) (NTIS Order No. 206 062-4), January 25

Route 258: Smithfield, Isle of Wight County, Virginia. Construction of a bridge over Cypress Creek to replace a drawbridge (0.478 mile). (ELR Order No. 1634, 18 pages) (NTIS Order No. PB-205 789-D), January 17.

West Seattle Freeway, 36 Ave. S.W. to I-5: Seattle, Washington. Construction of a limited access highway in the Spokane St. corridor, including a bridge over the Duwamish River (3.2 miles). Will displace 20 families and 50 businesses. (ELR Order No. 1674, 300 pages) (NTIS Order No. PB-206 086-D), January 21.

County route 40/8 (Wheeling hospital access road): Wheeling Ohio County, West Virginia. Upgrading and extension of Mt. De Chantel Rd. from Washington Ave. southeast to the new hospital site (0.83 mile). Project APL-9422(001). (ELR Order No. 1604, 40 pages) (NTIS Order No. PB-205 585-D), January 11.

Final

Title, description, and date

US-43: Fayette County, Alabama. Relocation and upgrading from Bobo to Whites Chapel Church, including a concrete bridge over Sipsey River (7 miles). Project S-2904 (101). Comments made by USDA, DOC, DOD, EPA, HUD, DOI DOT, Ala. Development Office and Coosa Valley Planning Agency. (ELR Order No. 1520, 42 pages) (NTIS Order No. PB-205 355-F), December 30.

US-82: Bibb County, Alabama. Widening to 4-lane divided facility from the Tuscaloosa-Bibb County line to a point about 0.8 mile west of Eoline (5.5 miles). Project F-397(1), S-320-I. Comments made by USDA, DOD, DOI, EPA, HUD, DOT, and Ala. Dept. of Conservatxion. (ELR Order No. 1661, 35 pages (NTIS Order No. PB-201 381-F) January 19.

Winfield Bypass: Fayette and Marion Counties, Alabama. Construction of 2-lane bypass (1.93 miles). Project S-1726-A, F-437. Comments made by USDA, Army COE, DOC, DOD, EPA, HUD, DOI, DOT, Ala. Historical Commission, Ala. Development Office and Ala. Dept. of Conservation. (ELR Order No. 1655, 51 pages) (NTIS Order No. PB-205 934-F), January 19.

I-40 (Topock-Kinsman Hwy.) McConnico Section: Mohave County, Arizona. Construction from Shingle Canyon Wash northeast to near Kingman city limits (6.29 miles). Project I-IG-40-1(27). Comments made by DOI, Ariz. Health Dept. and Santa Fe R.R. (ELR Order No. 1521, 19 pages) (NTIS Order No. PB-202 912-F), December 30.

I-10, FAS-274 (Willcox-Fort Grant Hwy.): Cochise County, Arizona. Construction from Willcox just north of I-10 along Fort Grant Rd. (9 miles). Projects S-272 (2) and (5). Comments made by DOI, Ariz. Game and Fish Dept. and City of Willcox. (ELR Order No. 1522, 22 pages) (NTIS Order No. PB-202 641-F), December 30.

Batesville Topics, Broad St. grade separation: Independence County, Arkansas. Construction of an overpass across the Missouri Pacific R.R. and Polk Bayou to connect Broad St. with Bayou St. (1500'). Project T-8020(3), Job 5613 (5622). Comments made by DOI, 6 state agencies and White River Planning and Development District. (ELR Order No. 1598, 19 pages) (NTIS Order No. PB-200 209-F), January 6.

I-15: Riverside and San Bernardino Counties, California. Construction of 6- and 8- lane freeway between the San Diego County line and Devore along SR-71, SR-31 (70 miles). Will displace 144 living units, 1 church and 16 businesses. 4(f) information relates to use of Rivertrails Park. Comments made by DOI, DOT, Army COE, USDA, Corona City Council, Ontario City Council, Riverside, San Bernardino, March AFB, Calif. Public Health, W. San Bernardino Co. Water Dist., Univ. of California, Chambers of Commerce of Riverside and Grand Terrace, Riverside Co. Medical Assn., Calif. Roadside Council, Norco Property Owners Assn. and L. A. Bur. of Airport Comm. (ELR Order No. 1642, 75 pages) (NTIS Order No. PB-198 962-F), January 17.

SH-101: Mendocino County, California. Widening highway from 2 to 4 lanes on new location between Sonoma County line and Hopland Overhead (8.9 miles). Project 01-Men-101-0.0/8.9 (F-001). Comments made by EPA, HEW, DOI, DOT, 3 state agencies, Univ. of California and the Northcoast Environmental Center. (ELR Order No. 1650, 35 pages) (NTIS Order No. PB-199 856-F), January 19.

Delaware Route 14, Rehobeth Bypass and New Savannah Road Bridge: Sussex County, Delaware. Construction of additional 2 lanes from near Rte. 14A/Rte. 14 intersection to Dewey Beach (1.42 miles) and of twin bridges over the Lewes and Rehobeth Canal.

Comments made by USDA, Army COE, EPA, HUD, Delaware River Basin Commission and State Planning Office. (ELR Order No. 1700, 17 pages) (NTIS Order No. PB-202 096-F), January 26.

SR-24: Alachua County, Florida. Upgrading from Sperry Plant in Gainesville to Waldo (9.3 miles). Job 26050-1506, F-008-1(9). Comments made by USDA, EPA, DOI, North Central Fla. Regional Planning Council and 4 state agencies. (ELR Order No. 1617, 35 pages) (NTIS Order No. PB-202 171-F), January 12.

SR-424 (Edgewater Dr.): Orlando, Orange County, Florida. Upgrading from 2 to 4 lanes from Par Ave. to Lee Rd. (1.9 miles). Jobs 75260-1501 and -1502, U.S. 432 (2) and (3). Comments made by EPA, HUD, DOI and Fla. Game and Fresh Water Fish Commission. (ELR Order No. 1659, 33 pages) (NTIS Order No. PB-201 089-F), January 19.

SR-400 (I-4): Seminole County, Florida. Construction of 2 rest areas 0.8 mile north of SR-424. Comments made by USDA, DOC, EPA and DOI. Project I-4-2(53)113, Job 77160-1410. (ELR Order No. 1712, 33 pages) (NTIS Order No. PB-202 140-F), January 26.

US-441; US-319, SR-31: Laurens County, Georgia. Construction from 850′ northeast of I-16/SR-31 intersection northeast for 2.3 miles. Project F-042-1(3). Comments made by USDA, EPA, and Bureau of State Planning and Community Affairs. (ELR Order No. 1525, 25 pages) (NTIS Order No. PB-205 353-F), December 30.

Lula Lake Road: Walker County, Georgia. Construction to connect SR-170 and SR-157 (5.3 miles). Project S-1350(1). Comments made by USDA, Army COE, HUD, DOI and State Clearinghouse. (ELR Order No. 1543, 20 pages) (NTIS Order No. PB-205 357-F), December 30.

FAS-2700: Appling County, Georgia. Construction of a 2-lane rural highway from the end of "Poor Robin Road" southeast to SR-121 near Memorial Church (9 miles). Project PR-505-A (S-2700). Comments made by USDA, EPA, DOI, Bureau of State Planning and Community Affairs and Altamaha Area Planning and Development Commission. (ELR Order No. 1702, 15 pages) (NTIS Order No. PB-206 114-F), January 26.

Pearl Harbor Interchange to Middle St: Oahu, Hawaii. Construction of 2.65 miles of freeway to supplant existing Kamehameha and Nimitz Highways. Attached 4(f) statement regards use of 0.11 acre from the Pacific War Memorial. Project I-HI-1(10). Comments made by USDA, AEC, DOC, DOD, EPA, FPC, HEW, HUD, DOI, DOT, 5 state agencies, University of Hawaii, Chamber of Commerce of Hawaii, City and County of Hawaii and the Outdoor Circle. (ELR Order No. 1544, 150 pages) (NTIS Order No. PB-205 356-F), December 27.

I-H-I, Nimitiz Spur: Oahu, Hawaii. Completion of the remaining portion between the Pearl Harbor Interchange and connections to the Military reservations. Comments made by USDA, Army COE, DOC, DOD, DOI, DOT, 6 state agencies and 4 offices of City and County of Honolulu. (ELR Order No. 1590, 62 pages) (NTIS Order No. PB-201 571-F), January 6.

US-31: Miami, Fulton and Marshall Counties, Indiana. Widening and upgrading highway, partially on new location, from north of Peru to south of Plymouth (32.5 miles) with the exception of 10.4 miles (from 1 mile south of SR-25 to south of SR-110). Projects F-85 (27), (29), (23), and (31). Comments made by USDA, EPA, HUD and DOI. (ELR Order No. 1656, 30 pages) (NTIS Order No. PB-201 230-F), January 19.

Freeway 518, Southwest Bypass: Johnson County, Iowa. Construction to bypass Iowa City from US-218 interchange to near an I-80/I-38 interchange (7.3 miles). Project 518-4. Comments made by USDA, EPA, HUD, DOI, Iowa Water Pollution Control Commission, Iowa Office for Planning and Programming and Johnson County Regional Planning Commission (ELR Order No. 1703, 18 pages) (NTIS Order No. PB-206 099-F), January 26.

US-460, Salyersville-Paintsville Rd., Section II: Johnson County, Kentucky. Widening and realigning highway to connect the Mountain Parkway with the new US-23 at Paintsville (7.5 miles). Project SP 58-97-4L F 75(4). Comments made by DOC, HUD, DOI, DOT and Ky. Dept. of Natural Resources. (ELR Order No. 1652, 32 pages) (NTIS Order No. PB-201 998-F), January 19.

LA-21 (Bush-Sun Hwy.): St. Tammany Parish, Louisiana. Widening from 1 mile south of the Bogue Chitto River Bridge north to its junction with LA-16 at Sun (2 miles). Involves replacement of bridge with twin structures. Project 30-02-12, 30-02-17, BR-F-F-244(10), F-244(11). Comments made by Advisory Council on Historic Preservation, USDA, Army COE, EPA, GSA, HEW, DOI, La. Bureau of Outdoor Recreation, La. State Univ., and Regional Planning Commission. (ELR Order No. 1591, 24 pages) (NTIS Order No. PB-202 324-F), January 5.

M-81: Saginaw, Michigan. Replacement of bridge over Saginaw River. Project U-17-1( ). Comments made by USDA, Army COE, HUD, DOI, DOT, Saginaw County Planning Office and City of Saginaw. (ELR Order No. 1518, 29 pages) (NTIS Order No. PB-205 354-F), December 30.

Red Lake River Bridge and approaches: Polk County, Minnesota. Construction between TH-220 and TH-2 1.5 miles south of East Grand Forks. Project SP 60-663-01 (C.S.A.H. 63) ER 69(11). Comments made by USDA, Army COE, EPA, DOC, FPC, HUD, DOI, OCD, DOT, Minn. Soil Conservation Service, Minn. Planning Agency, Polk County Planning Commission and City of East Grand Forks. (ELR Order No. 1582, 40 pages) (NTIS Order No. PB-203 217-F), January 5.

Route 63: Phelps County, Missouri. Relocation and widening from Maries County line north of Rolla south 5.6 miles. Job 8-P-63-1. Comments made by USDA, EPA, DOI, DOT, State Clearinghouse and Meramec Regional Planning Commission. (ELR Order No. 1519, 17 pages) (NTIS Order No. PB-200 936-F), December 30.

Route 71: Andrew County, Missouri. Construction from Rte. 59 at Savannah south to I-29 and I-229 (5.6 miles). Job 1-P-71-29, Project F-FG-71-7(1). Comments made by USDA, EPA, HUD, DOI, DOT, State Clearinghouse and Northwest Mo. Regional Planning Commission. (ELR Order No. 1523, 18 pages) (NTIS Order No. PB-199 866-F), December 30.

Route 13 (Crane Bypass): Stone County, Missouri. Construction from its junction with Rte. 248 in Galena, in part on a new location, to about 1.2 miles south of Bailey Creek. Job 8-P-13-4, F-FG-13-1(2). Comments made by USDA, Army COE, EPA, HUD, DOI, DOT, State Clearinghouse and Lakes Country Regional Planning Commission. (ELR Order No. 1599, 21 pages) (NTIS Order No. PB-199 858-F), January 6.

I-44: Pulaski County, Missouri. Replacement of substandard road with dual lane highway (4.7 miles). Project I-44-2(32). Comments made by USDA, EPA, HUD, DOT, State Clearinghouse and Lake Ozarks Regional Planning Commission. (ELR Order No. 1658, 21 pages) (NTIS Order No. PB-205 932-F), January 19.

I-80 and Dix Spur: Kimball and Cheyenne Counties, Nebraska. Involves 3 projects, the first 2 on I-80 from southeast of Kimball to Potter (14.5 miles); the third between old US-30 in Dix and I-80 (1 mile). Requires 400 acres of right of way. Project I-80-1(8), I-80-1(9) and S-590-B. Comments made by USDA, Army COE, EPA and DOI. (ELR Order No. 1541, 33 pages) (NTIS Order No. PB-201 856-F), December 30.

US-3: Northumberland, Coos County, New Hampshire. Rerouting of US-3 from a section on Maine and State Sts. to Church Street (0.2 mile). Project F-035-2(6); P-1636. Comments made by USDA, EPA, HUD, DOT and State Office of Planning. (ELR Order No. 1584, 37 pages) (NTIS Order No. PB-202 179-F), January 5.

Routes 347 (Hauppauge-Port Jefferson, SH-9376) and 25 (Smithtown Branch-Coram, SH-8268), Smithtown and Brookhaven, Suffolk County, New York. Upgrading to expressway standards of Rte. 347 between Browns Rd. and Rte. 25A (8 miles) and reconstruction of Rte. 25 from Sunny Rd. to Hawkins Rd. (2 miles). Projects PIN 0041.00 and PIN 0054.01. Comments made by HUD, N.Y. Dept. of Environmental Conservation, Nassau-Suffolk Regional Planning Board and Suffolk County Council on Environmental Quality (ELR Order No. 1581, 27 pages) (NTIS Order No. PB-200 530-F), January 5.

North Carolina 24: Onslow County, North Carolina. Widening from 2 to 4 lanes from Camp Lejeune at Hubert to Swansboro (7 miles). Project 6.801743, Part II. Comments made by USDA, EPA, FPC, GSA, HUD, DOI, OEO, State Clearinghouse and Neuse River Regional Planning and Development Council. (ELR Order No. 1594, 33 pages) (NTIS Order No. PB-200 782-F), January 8.

US-50: Vinton County, Ohio. Relocation of 4.16 miles, construction of 5 new bridges and relocation of 2000′ of Middle Fork Creek. Project VIN-50-4.65. Comments made by Army COE, DOI and Ohio Planning and Development. (ELR Order No. 1542, 21 pages) (NTIS Order No. PB-205 358-F), December 30.

Pine and Cincinnati Sts. intersection: Tulsa, Oklahoma. Reconstruction of intersection. Project T 8390(202). Comments made by HEW, DOI, Tulsa Metropolitan Area Planning Commission, Model City and State Clearinghouse. (ELR Order No. 1596, 43 pages) (NTIS Order No. PB-202 656-F), January 6.

Ore.-38, Umpqua Hwy.: Douglas County, Oregon. Construction of 11 passing bays between Wells Creek and Jack Creek. Comments made by Army COE, EPA, DOI, DOT, Ore. Game Commission and Umpqua Regional Council of Governments. (ELR Order No. 1654, 22 pages) (NTIS Order No. PB-201 377-F), January 19.

I-80N, West Pendleton interchange: Umatilla County, Oregon. Reconstruction to accommodate the proposed county road that will connect Rieth Rd. (FAS 470) with the interchange. Project S-578(-). Comments made by Army COE, EPA, DOI, DOT, Ore. State Univ. Research and Extension Center, Ore. Executive Dept. and Ore. A-95 review. (ELR Order No. 1651, 19 pages) (NTIS Order No. PB-201 847-F), January 19.

Shaniko-Fossil Highway, Clarno-Porcupine Butte Section: Wasco and Wheeler Counties, Oregon. Reconstruction of unpaved mountain road and construction of a bridge over the John Day River on new location at Clarno. Project S-295( ). Comments made by Army COE, EPA, HUD, DOI, 4 state offices, Mid-Columbia Economic Development District, East Central Ore. Assn. of Counties and Ore. Environmental Council. (ELR Order No. 1699, 16 pages) (NTIS Order No. PB-201 096-F), January 26.

US-20, Santiam Highway, Vail Creek-Sweet Home Section: Linn County, Oregon. Reconstruction from 2 to 4 lanes between Vail Creek and Sweet Home (9.6 miles). Involves relocation of 20 homes, 5 mobile homes and 5 businesses. Comments made by Army COE, DOC, HUD, EPA, DOI, DOT, Ore. District 4 Council of Governments and Local Government Relations Division. (ELR Order No. 1701, 34 pages) (NTIS Order No. PB-203. 510-F), January 26.

LR-50 Spurs S, Section A10, Pa. Route 950: Jefferson County, Pennsylvania. Relocation of 0.6 mile to accommodate expansion of the Crescent Brick Plant. Comments made by USDA and 12 state agencies. (ELR Order No. 1592, 35 pages) (NTIS Order No. PB-202 299-F), January 5.

Portion of L.R. 1045 (I-78): Lehigh and Northampton Counties, Pennsylvania. Construction of 6-lane limited access facility (15.7 miles). Will displace 223 individuals and families and 26 businesses. 4 (f) determination required for use of Saucon Park Land. Comments made by USDA, Army COE, EPA, DOI, DOT, 13 state offices, Lehigh and Northampton Conservation Districts and Lehigh-Northampton County Joint Planning Commission. (ELR Order No. 1662, 58 pages) (NTIS Order No. PB-201 994-F), January 19.

LR-18, Section 23T, Harris Place Connection: Williamsport, Lycoming County, Pennsylvania. Construction of free access highway between Washington Blvd. and High St. and modification of the Market St.-Hepburn St.-Rural Ave. Intersection. Project T-9010(1). Comments made by 3 state offices. (ELR Order No. 1660, 52 pages) (NTIS Order No. PB-202 139-F), January 19.

US-52: Moncks Corner, Berkeley County, South Carolina. Widening to 4 lanes from US-52 relocation north to US-17A and S.C.-402 (3.1 miles). Comments made by HUD and DOT. (ELR Order No. 1583, 15 pages) (NTIS Order No. PB-198 848-F), January 6.

SH-50: Yankton and Clay Counties, South Dakota. Widening and upgrading between Yankton and Vermillion (24 miles), including 3 bridges across the Vermillion and James Rivers. Project F 012-3 and F 012-4. Comments made by USDA, Army COE, EPA, DOI, and Vermillion Chamber of Commerce. (ELR Order No. 1653, 17 pages) (NTIS Order No. PB-203 314-F), January 19.

SR-62: Knoxville, Tennessee. Construction of expressway from Hinton Rd. west of the proposed I-640 interchange to the Oldham Ave./I-75 interchange (3.05 miles). Will displace businesses and residences. Project U-083-2( ). Comments made by USDA, FAA, HUD, DOI, TVA, Tenn. Office of Urban and Federal Affairs and 8 state agencies, East Tenn. Economic Development District, Knox County Judge, Knoxville-Knox County Metropolitan Planning Commission and Knoxville Housing Authority. (ELR Order No. 1595, 66 pages) (NTIS Order No. PB-205 594-F), January 6.

US-277 and US-240 spur: Eagle Pass, Maverick County, Texas. Relocation of US-277 from Second St. to west of Municipal Airport and of US-240 from International Bridge to a connection with proposed US-277. Comments made by EPA, HEW, and OEO. (ELR Order No. 1524, 51 pages) (NTIS Order No. PB-205 352-F), December 30.

Vermont Route 195: Lamoille County, Vermont. Upgrading from intersection with Town Highway 8 in Belvidere Center to its intersection with Vt. Rte. 118 and Town Hwy. 8 (3.7 miles). Project S 0282(2). Comments made by EPA and State Clearinghouse. (ELR Order No. 1597, 22 pages) (NTIS Order No. PB-202 590-F), January 6.

US-18 and US-151: Iowa and Dane Counties, Wisconsin. Relocation between Dodgeville and Mount Horeb (21 miles). Project I.D. 1203-0-00, .ID. 1666-1-00, F 017 ( ), F 017-2( ), F 012-1( ). Comments made by USDA, EPA, HUD, DOI, DOT, Wis. Dept. of Natural Resources and Dane County Regional Planning Commission. (ELR Order No. 1517, 15 pages) (NTIS Order No. PB-200 938-F), December 30.

STH-27: (Westby-Melvina Rd.) Monroe Co., Wisconsin. Relocation from STH-33 intersection west of Cashton to 1.5 miles north of Cashton. Project ID-5143-2-00. Comments made by USDA, DOI, DOT, and Wis. Dept. of Natural Resources. (ELR Order No. 1516, 15 pages) (NTIS Order No. PB-199 255-F), December 30.

STH-78 (Gratiot-Argyle Rd.): Lafayette County, Wisconsin. Grading and surfacing of roadway and relocation of two sections (4.4 miles). Project S 0252(6), I.D. 5591-1-00. Comments made by USDA, EPA, HUD, DOI, DOT and Wis. Dept. of Natural Resources. (ELR Order No. 1593, 13 pages) (NTIS Order No. PB-201 250-F), January 6.

FHWA 4(f) Statements:

The following are not 102 statements. They are explanations of the Secretary of Transportation's approval of projects to be implemented under Section 4(f) of the Department of Transportation Act. 49, U.S.C. Section 1653(f). (Statements cannot be ordered through NTIS.)

Project APD-032-3(11), Hamblen County, Tennessee, requiring use of fringe areas of Cherokee Park. (Order through ELR by title, date and Department—5 pages), December 27.

VETERANS' ADMINISTRATION

Contact: William H. Bowen 001-A, Staff Assistant to the Deputy Administrator, Veterans Administration Central Office, 810 Vermont Avenue, N.W., Washington, D.C. 20420, (202) 389-2830.

Draft

Title, description, and date

Veterans Administration Hospital, Loma Linda, San Bernardino County, California. Construction of a 630-bed hospital to replace the beds destroyed by the February 1971 earthquake at the San Fernando VA Hospital. (ELR Order No. 1682, 6 pages) (NTIS Order No. PB-206 063-D), one/25.

Regional Federal Highway Administrators

Region 1*

(Conn., Me., Mass., N.H., R.I., Vt., N.J., N.Y., Puerto Rico)

Administrator: G. D. Love, 4 Normanskill Blvd., Delmar, N.Y. 12054.

Region 3

(Del., D.C., Md., Pa., Va., W. Va.).

Administrator: August Schofer, 31 Hopkins Plaza, Baltimore, Md. 21201.

Region 4

(Ala., Fla., Ga., Ky., Miss., N.C., S.C., Tenn.).

Administrator: H. E. Stark, 1720 Peachtree Rd., N.W., Atlanta, Ga. 30309.

Region 5

(Ill., Ind., Mich., Minn., Ohio, Wis.).

Administrator: F. B. Farrell, 18209 Dixie Hwy., Homewood, Ill. 60430.

Region 6

(Ark., La., N.M., Okla., Texas).

Administrator: J. W. White, 819 Taylor St., Fort Worth, Texas 76102.

Region 7

(Iowa, Kansas, Mo., Nebr.).

Administrator: J. B. Kemp, P. O. Box 7186, Country Club Station, Kansas City, Mo. 64113.

Region 8

(Colo., Montana, N.D., S.D., Utah, Wyoming).

Administrator: W. H. Baugh (Acting), Rm. 242, Bldg. 40, Denver Federal Center, Denver, Colo. 80225.

Region 9

(Arizona, Calif., Hawaii, Nev.).

Administrator: S. E. Farin, 450 Golden Gate Ave., San Francisco, Calif. 94102.

Region 10

(Alaska, Idaho, Oregon, Wash.).

Administrator: R. M. Phillips, 222 Southwest Morrison St., Portland, Oreg. 97204.

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*Conforms to Standard Federal Regions 1 & 2.

SUMMARY OF 102 STATEMENTS FILED WITH THE CEQ THROUGH JAN. 31, 1972 (BY AGENCY)

Agency	Draft 102's for actions on which no final 102's have yet been received	Final 102's on legislation and actions	Total actions on which final or draft 102 statements for Federal actions have been received
Agriculture, Department of	51	97	148
Appalachian Regional Commission	1	0	1
Atomic Energy Commission	36	28	64
Commerce, Department of	1	7	8
Defense, Department of	3	2	5
Air Force	2	3	5
Army	6	7	13
Army Corps of Engineers	182	273	455
Navy	7	4	11
Delaware River Basin Commission	3	0	3
Environmental Protection Agency	10	9	19
Federal Power Commission	18	5	23
General Services Administration	15	24	39
HEW, Department of	0	1	1
HUD, Department of	13	15	28
Interior, Department of	59	36	95
International Boundary and Water Commission—United States and Mexico	1	4	5
National Aeronautics and Space Administration	14	8	22
National Science Foundation	1	1	2
Office of Science and Technology	0	1	1
Tennessee Valley Authority	10	4	14
Transportation, Department of	846	570	1,416
Treasury, Department of	1	3	4
U.S. Water Resources Council	5	0	5
Veterans Administration	1	0	1
Total	1,286	1,102	2,388

SUMMARY OF 102 STATEMENTS FILED WITH THE CEQ THROUGH JAN. 31, 1972 (BY PROJECT TYPE)

	Draft statements for actions on which no final statements have yet been filed	Final statements on legislation and actions	Total actions on which final or draft statements for federal actions have been taken
AEC nuclear development	9	11	20
Aircraft, ships and vehicles	0	5	5
Airports	34	133	167
Buildings	1	5	6
Bridge permits	10	8	18
Defense systems	2	2	4
Forestry	2	4	6
Housing, urban problems, new communities	8	10	18
International boundary	4	2	6
Land acquisition, disposal	13	29	42
Mass transit	2	2	4
Mining	4	2	6
Military installations	14	4	18
Natural gas and oil:			
Drilling and exploration	3	5	8
Transportation, pipeline	5	3	8
Parks, wildlife refuges, recreation facilities	20	16	36
Pesticides, herbicides	10	11	21
Power:			
Hydroelectric	19	5	24
Nuclear	26	16	42
Other	16	1	17
Transmission	7	7	14
Railroads	0	1	1
Roads	665	397	1,062
Plus roads through parks	126	27	153
Space programs	4	4	8
Waste disposal:			
Detoxification of toxic substances	6	2	8
Munition disposal	2	3	5
Radioactive waste disposal	5	1	6
Sewage facilities	9	5	14
Solid wastes	1	0	1
Water:			
Beach erosion, hurricane protection	5	20	25
Irrigation	17	9	26
Navigation	53	97	150
Municipal and industrial supply	7	1	8
Permit (Refuse Act, dredge and fill)	9	1	10
Watershed protection and flood control	128	229	357
Weather modification	7	4	11
Research and development	14	6	20
Miscellaneous	19	14	33
Total	1,286	1,102	2,388

SOCIAL SECURITY: A CHANGE FOR THE BETTER

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. BYRON. Mr. Speaker, in a recent questionnaire sent to my district I asked constituents the following question:

> **The present social security law establishes an income limitation of $1,680 a year. If a retiree earns more than $1,680 a year his retirement benefits are reduced. Do you favor raising the income limitation to $2,400 a year?**

A random sampling of the first 3,000 questionnaires shows that 85 percent of the respondents are in favor of increasing the income limitation.

The Blade-Times of Brunswick, Md. has crusaded in prior editorials for the rights of senior citizens—"Our Wasted Asset", CONGRESSIONAL RECORD, July 19, 1971—and the elimination of this social security rule is no exception. I reprint Mr. Richard Cox piece because I am sure it reflects the thinking of the majority of Americans everywhere and I hope that it may help to serve as an enlightening incentive for future legislation in this area.

THE SILLIEST RULE OF ALL

Our society is engulfed with unnecessary rules and regulations which need to be changed. Some of them are downright silly and one wonders just what kind of thinking brought about the rule in the first place.

The one we really have reference to is the rule dreamed up by Social Security which puts a limit on the amount of money which can be earned by a senior citizen while drawing Social Security.

This rule puts a dampener on the things that the United States stands for . . . the free spirit of enterprise. In other words, if a senior citizen feels like going out and working to bring extra income in to the household, the government says, "Fine, but you can only make so much money or we take away your Social Security."

Just why the government has the right to say anything about a person's right to work is beyond my wildest ideas. It is the right of any American citizen to be allowed to work if he or she is capable and has the desire. A citizen is supposed to be allowed to earn money at anything legal so as to sustain his or her body and soul and to help to bring the staple of life to the table. Yet here is a part of Uncle Sam which says, you will be punished if you work too much.

And this taking away of a person's Social Security as a punishment for working too much is downright ridiculous! The senior citizen who is on the starvation-prone allotment of Social Security is there because he or she paid his or her money into the fund. This is their money that the government has collected and on which it has received interest throughout their pre-retirement years. They have a right to this money without any silly rules which state that they cannot work too much, or they will not receive it.

Yes, this is one rule we should get rid of promptly. We should get rid of it and hide it quickly like dirt under the rug so that future generations will not be able to see how stupid we sometimes are in our legislative actions.

INFORMATION MONSTER THREATENS PRIVACY

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. McDONALD of Michigan. Mr. Speaker, we are in the midst of a technological explosion regarding the use of the computer. These fantastic machines are capable of doing great good for humanity, particularly where their use frees man so that he can utilize his imagination and leisure time to greater advantage.

But behind this blessing, there lies hidden a grim spectre; one which strikes fear into my heart. That spectre is the threat to our privacy.

I have already suggested legislation which would make it illegal for the Federal Government to make available to private business any of the various lists which, through Federal licensing requirements, are compiled annually. But the threat to our privacy goes much deeper than furnishing mailing lists to private business.

Man, by his very nature, is forgiving. Redemption is part and parcel of our moral life, and our judicial system. But alas, computers do not forget, or forgive, as men do.

Mr. Roger Wilkins has approached this subject in an outstanding newspaper article which appeared recently in the Washington Post. There is presently a vicious bureaucratic battle being waged between the various State, Federal, and local law enforcement agencies as to who will, or will not, monitor the people of this country. Mr. Wilkins has articulated the dangers of this battle to not only our redemptive nature, but to the freedom guaranteed us under the Constitution. I commend Mr. Wilkins for his erudite article, and recommend its reading by my colleagues.

The article follows:

THE REVOLUTION IN LAW ENFORCEMENT TECHOLOGY HAS PRODUCED . . . AN INFORMATION MONSTER THAT THREATENS OUR PRIVACY

(By Roger Wilkins)

A silent creeping—one might even say creepy—revolution is taking place in the technology of law enforcement data collection and dissemination. The computers have entered the field and their potential for severely denting—if not destroying—the individual's right to privacy is growing by leaps and bounds.

Last year in a privacy case in the U.S. District Court in the District of Columbia, Judge Gerhard Gesell wrote:

"A heavy burden is placed on all branches of government to maintain a proper equilibrium between the acquisition of information and the necessity to safeguard privacy. Systematic recordation and dissemination of information about individual citizens is a form of surveillance and control which may easily inhibit freedom to speak, to work, and to move about in this land. If information available to government is misused to publicize past incidents in the lives of its citizens the pressures for conformity will be irresistible. Initiative and individuality can be suffocated and a resulting dullness of mind and conduct will become the norm."

Judge Gesell went on to decide that while the arrest record of a person who had been convicted of no crime could be maintained for federal employment and "strictly law enforcement purposes," the FBI is "without authority to disseminate arrest records outside the federal government for employment, licensing or related purposes."

Unfortunately, this lucid principle is being eroded by a voracious computer industry, two powerful and competing federal bureaucracies, hardware-loving police departments around the country and by a Congress which seems not to have the sensitivity, the will or the capacity to do anything to arrest or reverse the trend.

Late in the 60s, the first tendrils of what is fast becoming a patchwork—but nonetheless enveloping—information giant were beginning to emerge in the form of the FBI's National Crime Information Center system (NCIC). That system was designed to provide simple computerized information to law enforcement people on wanted persons, and identifiable stolen property such as license plates, securities, boats and guns. At the same time, from 1966 through 1968, the Justice Department's Office of Law Enforcement Assistance was providing various police jurisdictions about one million dollars a year to develop electronic data retrieval systems.

Then came the deluge. Since 1968, the Law Enforcement Assistance Administration, the much better funded successor to OLEA, has dispensed more than $46 million for a variety of such projects all over the nation. Some went to states for development of a greater organized crime intelligence collection capacity. Other states began using LEAA funds to develop systems related to civil disorders. Whereas earlier efforts had been fairly clearly directed toward information useful in crime detection and prevention, the guidelines began to become murky in the civil disorders field. One state, for example, indicated in its grant application that it would collect the names and information about people who "actively pursue their constitutional rights."

The most significant of the LEAA funded projects, however, was Project Search, which began as a cooperative effort among six states to standardize and computerize personal criminal history records and tie them into a central index and switching center in order to provide each participating state with quick and easy access to the relevant records of each of the others. By the summer of 1971, the number of states in the project had grown to 20 and the problems had grown proportionately.

The first strains emerged when Project Search's Committee on Security and Privacy issued a study which attempted to formulate procedural guidelines safeguarding the public. Among the committee's recommendations were limitations on the type of data to be collected, periodic re-evaluation of the data in order to ensure accuracy, the development of procedures for an individual to have access to his file and stringent security precautions to prevent unauthorized individuals from obtaining access to the stored information. The head of the FBI's NCIC system argued that if such guidelines were needed at all, Project Search was the wrong organization to develop them and that in any event, it was too early to conduct such studies.

Shortly thereafter, it became clear that the FBI hoped that Search would be controlled, not by the states, but by the FBI and that its electronic systems would be tied to the Bureau's National Crime Information Center System. LEAA and the states balked. They argued that the original concept of Search was a bulky central index of criminal activity—like a telephone book—with the basic records being retained in the states rather than the creation of a federally controlled national criminal information and intelligence data bank.

As the dispute raged, Search oozed beyond its original confines into areas never envisaged by the original concept. Under the rules developed by LEAA, such charges as juvenile and public order offenses, drunkenness and vagrancy would be excluded, but serious crimes would be recorded. Those might include bigamy, cruelty to animals, failure to provide support to one's family and adultery as well as the traditionally serious crimes of murder, assault, burglary and robbery.

Meanwhile, the FBI won its fierce bureaucratic battle within the Department of Justice with LEAA. On Dec. 10, 1970, the Attorney General transferred Search to the FBI. A year later, the Senate included in the FBI's appropriations bill language which appeared to restore to the FBI authority to share its information with certain classes of banks and also, in appropriate circumstances, with state agencies for employment and licensing purposes. In all the flurry and growth, the model codes for protection of citizens' privacy and the code of ethics drawn up by Project Search's Committee on Security and Privacy got buried.

At this point the situation remains cloudy, but ominous. LEAA still makes the grants for the acquisition of computers and is pressing for expansion of the system. The FBI is tightening its control while also pressing for ever greater membership. The states, having warned the Attorney General prior to the transfer of Project Search to the FBI that "no matter what the Feds do, the states will continue to develop their own system or systems," are presumably doing just that. And any state or locality may, on its own initiative, store additional information in a system that later may be "interfaced," to use a term of the trade, with the federal data bank. For example, the Kansas City, Mo., police department has stored, among other things, information on outstanding parking tickets, college students known to have participated in disturbances and "area dignitaries."

While this information-gathering monster grows and spreads, there is really no effective federal or state regulation of the whole system. Senator Ervin's Constitutional Rights Subcommittee heard some testimony on the subject both from administration proponents and from concerned and frightened citizens. Senator Mathias slipped an amendment into Title I of the Omnibus Crime and Safe Streets Act requiring LEAA to develop legislation regulating the activity. In response in September, 1971, Senator Hruska introduced the Criminal Justice Information Systems Security and Privacy Act of 1971. To date, no hearings have been held on the Hruska bill.

Without debating the details of the Hruska bill, it is fair to say that it assumes that computerized dossiers collected by state and federal police organizations are part of our national life, that they are useful and that they are here to stay. And that is just the point. We apparently are off on another technological toot that leads God knows where without giving it a second thought. Nobody knew when Henry Ford rolled out his first Model A that the internal combustion engine would someday foul our cities. But now we ought to be sophisticated enough to know that a ride on the tiger's back is sure to cost at least a healthy nip on the nose, if not a great deal more.

The issues raised require urgent analysis and broad national debate before the information monster entirely devours our privacy. Because of the complex interstate nature of the system and the federal government's deep involvement in its development, there is only one place where the debate can appropriately take place—in the Congress of the United States. And the first question that needs to be taken up is whether the public wants or needs this system. If Congress' answer is yes, then there is a pressing need for it to define a citizen's right of privacy and the limits which must be placed on the machines' almost unlimited capacity to pry, to store and to regurgitate indiscriminately, mindlessly and on command.

Right now only the Lawyer's Committee for Civil Rights under Law, aided by the National Urban Coalition, is monitoring the growth of the beast and, laudable as that effort may be, it is not enough.

YELLOWSTONE CENTENNIAL

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. RONCALIO. Mr. Speaker, today is the 100th anniversary of Yellowstone Park. For the millions of people who visit this gorgeous spectacle of nature every year, it is my pleasure today to commemorate its centennial with a little history and a splendid original poem by a well known Rocky Mountain poet.

The area known as Yellowstone Park has been inhabited by man for some 8,500 years. Its original inhabitants were nomadic tribes who never acquired the aggressive hunting culture of the Indians of the lower plains, the Crow and Blackfeet. Instead, they quietly tracked the elusive mountain sheep and subsisted on roots and berries during the all but intolerable winters.

Lewis and Clark did not enter the area on their famous expedition, but one of their party, John Colter, did so by himself on the way back. In the winter of 1807–1808, Colter ventured upon Yellowstone Lake and was stunned to witness spouting geysers, boiling springs, and erupting mud pots. He spoke far and wide of what he had seen when he returned to civilization, but people did not believe these fanciful tales and, instead, referred to the region as "Colter's Hell"

The next mountain man to visit the area was Jim Bridger, the famous trapper and explorer for whom Bridger, Mont., is named; a picturesque little village that nestles halfway between Powell, Wyo., and Billings, Mont. His stories were not believed, either; so that it was not until a 19-man expedition toured the region in 1870 that Yellowstone became a reality in the national mind.

One March 1, 1872, 3 years before the Battle of the Little Big Horn, Congress established Yellowstone Park for "the benefit and enjoyment of the people." Mr. Speaker, millions testify, by their presence in Yellowstone every year, that it is one of the wisest moves Congress ever made. To the harried, city-bound people of our contemporary age, Yellowstone Park offers a reprieve in the wilderness. Mainly situated in my native State of Wyoming, with borders overlapping into Idaho and Montana, it is one of the most gorgeous spots to be found in all the nations of the world.

Prose will not satisfy the breath-taking impressions with which Yellowstone greets its year-round pilgrims. Only poetry will suffice, and for that reason I am happy to insert into the Record an original poem by Milford E. Shields, Poet Laureate of the State of Colorado, to commemorate the centennial of this splendid, nationally significant wilderness as it should be.

The poem follows:

Yellowstone National Park Centennial, March 1, 1972

(By Milford E. Shields)

The eons and the ages took their time,
Gave to the Yellowstone its pristine prime;
The mountains and the canyons formed they there,
The geysers and the rivers flowing fair;
The forests and the wildlife were a joy
They fashioned in the fondness of employ;
This was the finest Eden of them all,
Primeval spirits felt their own clear call.

True spirits and strong men in virgin West
Discovered then this Eden, this first best,
Translated from its pristine purity
Its value free unto its nation free;
In solemn covenant and purpose high
They sealed it as it was beneath the sky . . .
First nature's glory all the world is shown,
This Foremost Park, this Living Yellowstone.

INSTITUTIONAL RACISM IN THE MILITARY

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. DELLUMS. Mr. Speaker, last November, along with my colleague from New York (Mrs. Chisholm), I chaired a series of hearings sponsored by the Congressional Black Caucus dealing with racism in the Armed Forces.

During those hearings, Mr. Joe Hall appeared and promised to send us material concerning inequities in educational and postenlistment opportunities for minority servicemen.

A former Army lieutenant, Mr. Hall had extensive contact with problems of racism in the military, and I insert it in the Record at this point:

Institutional Racism

My name is Joe H. Hall, I was formerly a lieutenant in the U.S. Army from September, 1969 to July, 1971, stationed with the U.S. Army Electronics Command at Ft. Monmouth, New Jersey. During the time at Ft. Monmouth, I was assigned as a Training Officer, but my primary responsibilities, about 90% of the time, was to administer Ft. Monmouth's Project Transition Program. This is a Department of Defense-wide program which provides predischarge training and counseling to enlisted personnel about to separate from the Army. The aim of the program is to provide training which eases the movement from military to civilian employment. It was in this program that I saw what is so often talked about as "institutional racism". In my own words, as a white, this no doubt has a more academic meaning than to a black person, but my anger developed when it prevented me from doing what I considered a fair job in Project Transition.

The background can be explained by the military training system which all too frequently assigns Blacks, Chicanos, and Puerto Ricans to truck driving, supply work, cooking, in short the jobs nobody else wants. The problems then develop that to qualify for Project Transition, one must receive permission of his commanding officer. In the case of cooks, truck drivers, and others, at Ft. Monmouth, and at other posts, I suspect there is constant shortage of these personnel, since nobody wants these "dead end jobs". The commander, then, in many cases denies these personnel the opportunities to take time to participate in Project Transition because he is unable to find replacements. Thus, the irony develops that the very people who have "top priority" for Project Transition are denied the opportunities to participate.

This is not a small problem because as it becomes obvious, the system is rigged against participation by blacks and others holding "dead end jobs" and many soon don't even bother to seek Transition training. The institutional blocks are then aided by apathy to discourage black participation.

This perhaps, explains in part why there are so many Blacks, Chicanos, and Puerto Ricans unemployed veterans when compared to white veterans. Despite what the armed forces calls it's "numerous opportunities for self improvement and training," it unfortunately, still to a large measure, applies primarily to whites, even new programs such as Project Transition.

Another problem I found in Project Transition was that of communicating and reaching blacks. After a number of months on my job, it became apparent I, as a white, wouldn't be able to reach a large number of the younger G.I.'s. Luckily, for a short while, I was able to get part-time help from a black personnel clerk, Sp5 Cyrus Jones. While Sp5 Jones was working with me the visits by Blacks, Puerto Ricans, and Chicanos increased tremendously. Perhaps for the first time the program was fulfilling the much needed "Human Goals" of the Department of Defense. Unfortunately, I was unable to retain the help of Sp5 Jones and the programs' affectiveness suffered accordingly.

There also exists a special problem for the Spanish-speaking service personnel. All too often Puerto Ricans or Chicanos were sent to my office in the Education Center because nobody knew where someone speaking Spanish could be found. All too often people assumed that the Spanish-speaking personnel would take care of themselves. What resulted, is frequently, a Spanish-speaking soldier wouldn't have this "brother" help available and I have seen many unfortunate results occur: No pay for 3 or 4 months, AWOL charges because of Puerto Rican out of Advanced Individual Training couldn't figure out how to find Ft. Monmouth, and more. Yes, many people do try to help in these cases, but the institution is so organized at Ft. Monmouth, for instance, that in places such as the Post Chapel or I.G. office nobody speaks Spanish, so where can a Spanish-speaking soldier turn for "official assistance?".

For no other reason sometime than sheer stubborness, I mentioned these problems to many different people. In Senator Alan Cranston's office, they referred the matter to the Department of Army, at a Project Transition meeting held in Washington, D.C. during the Fall of 1970. Unfortunately, everybody listens but nothing is done!

So to you the Black caucus, I suggest you take the following action on the above problems:

1. *Demand* Project Transition, Education Offices, and other service oriented offices in the Armed Forces have more than a token-staffing by Black, Puerto Ricans and Chicanos. And these be *active interested* people and not last minute transfers from other offices to meet the need for minority participation.

2. *Demand* that for all enlisted personnel in the military, the last two months in the service be guaranteed for retraining, special training, or other assistance to help the return to civilian life. This is especially needed in a time of high unemployment as today.

3. *Demand* at least one office on every military post have available Spanish-speaking personnel to assist the Chicano or Puerto Rican soldiers in solving pay problems or complex administrative problems.

4. *Demand* the Army, Air Force and Navy revamp their Educational Services offered to military personnel. Too often remedial work is geared solely to pass the GED High School Equivalency Test and with little more available to assist prior to taking college work. The General Education Development and the New College Prep Programs, are on record as being "active", but ask any black soldier what he has heard or thinks about the programs' effectiveness or reach.

5. *Establish* English as a second language courses at *all* military posts.

6. *Demand* an explanation from the Veterans Administration as to why the G.I. bill assistance takes 2-4 months to reach a veteran after he enrolls in college or job training. As you can imagine a Black veteran who has only small savings from his time in the service, needs this help immediately.

7. *Examine* the efforts of President Nixon's Jobs for Veterans Programs and the Veterans Administration's Job Fairs, perhaps you will find as one Black G.I. told me, they all seem like jobs for White Programs.

Before ending my testimony, I would like to mention the second involvement I had in the race problems of the Army. This occurred in the Summer of 1970. It was at this time I was assigned to organize an "Equal Opportunity Seminar-Military Personnel" at Ft. Monmouth. I was given one month to organize the seminar and write a report of the results. This, you see, was ordered by higher headquarters, see Appendix A, and was occurring throughout the Army. To show the general conduct of seminar and its suggestions, I have enclosed the two reports of the seminar. One of general race problems and one problems specifically pertaining to Ft. Monmouth. The response was unfortunately familiar—none. Another report was forwarded back to our command from higher headquarters summarizing the results for the whole Army Material Command and then *silence* until I got out in July, 1971.

The report we wrote was criticized by many Black participants as being too mild, and yet to work, the Lt. Col. and I who wrote it thought a milder summary would serve as an easy first step. Instead, no steps were taken, at least that I ever heard of. The Lt. Col. who actually ran the seminar was totally frustrated, but yet as a career officer his hands were tied. In short, in this instance, communication was turned off and on, by the "numbers." It produced one unhappy Black Lt. Col., who I thought of highly as an intelligent and hardworking person and one interested lieutenant.

As a result, I have followed the matter until I reached you at this hearing. From time to time I wrote letters on the matter, even once to Mr. Ralph Brown, one of President Nixon's special assistants. I only wish I was diligent enough to keep the letters, because again I got pleasant nothings.

What now worries me more than anything is how long the gap between Blacks and Whites can continue in the Army? People have told me from time to time that it has been for 100 years and will be for the next 100 years, but what worries me is that the generals and colonels believe this and what exists is more a *crisis*. Today the 19 year old draft may be the single most dangerous personnel policy started by the Armed Forces.

As service personnel my age can tell you, frequently, the 24 and 25 year old soldier draftee, acted as a buffer between the 19 year old and career sergeant and officer. The 24 and 25 year old draftee knew the system and kept things moving. Now due to a desire by the Army to decrease the "24 year old rocking the boat" and Congress to stop the pressure from the college age draftees and other middle class draftees, the emphasis has changed to the 19 year old, who they hoped, would be easier to train and would adjust faster. Instead the current 19 year olds have less patience and interest in waiting and this is true of both blacks and whites. Maybe it is the "permissive society" or whatever, but when I left the Army last summer, I saw the beginnings of the 19 year old reaction in drugs and I fear that before long the race problem in the Army will become even more serious because of this very same 19 year old draft. How will you explain the race problem in the Army to a 19 year old black and say wait? His very youth will cause him to rebel if nothing else does. And this, I very deeply fear, will scare further the Army and more important America.

From my conversations on race relations in the Army, I have come away with the idea if you can't solve them in the Army where else can you. So to you, the Black Caucus, here is what I suggest:

1. The Black Caucus should initiate the idea that the General Accounting Office explore not only financial dealing in the military, but report on race relations and assist Congressmen and Senators in handling complaints on this matter.

2. The Black Caucus should ask why if race relations is an important issue in the Armed Forces the newly created Defense Race Relations Institute is headed by a Colonel? In the military there is a saying if you want something done, get a General.

3. The Black Caucus should inquire in the case of the Army Maternal Command Regulation, CI, USAMC Supplement to AR-600–21, to see if it is being complied with. The race relations problems of the Army can't even begin to be solved if current regulations are being ignored.

4. The Black Caucus should inquire of the Defense Department on how wide is Black, Puerto Rican, and Chicano participation and assignment to technical trades.

5. A last hope is you maintain contact with the service personnel who spoke with you, because an intelligent and articulate person who tries to protest the race problems in the military may need a strong protection at a later date. I ask don't turn on and off these people, as is so often the case.

The opinions and material I have used in this testimony are solely mine and reflect the assistance of no other person.

I thank you,

JOE H. HALL.

APPENDIX A

EQUAL OPPORTUNITY SEMINARS—MILITARY PERSONNEL

Following clarification of instructions contained in reference letter is provided in response to numerous questions received in this headquarters:

A. Regarding the requirement to conduct a quote series unquote of equal opportunity seminars, it is expected that commanders will conduct as many seminars as they deem necessary to accomplish the objective at their installation/activity/command. In some instances one seminar may be adequate; in others a number of seminars may be necessary to achieve the desirable amount of coverage. It is a local command decision.

B. Seminars are research and discussion groups, studying the problem and developing proposed solutions, both locally and Army-wide. It is not intended that the seminars be an assembly of all the personnel of an installation passively listening to a training program.

C. Paragraph 5 of reference letter is not to be interpreted as requiring all personnel in each category to participate in seminars, rather, the seminars are to be composed of representatives of all such groups. In the case of civilians, it is expected that they will be supervisors of military personnel, have responsibilities concerned with the military personnel program, or have some pertinent relationship to the military personnel program.

D. This particular seminar program is concerned with equal opportunity of military personnel. There are other programs related to civilians. It was therefore not intended that the equal opportunity officer automatically be delegated responsibility for the program. It is possible that some local situations may make the EEO the appropriate action officer, but in most cases it is considered desirable that a senior army officer or civilian military personnel manager, thoroughly familiar with military personnel problems, be designated responsibility for the program. The expertise of the EEO, however, should be fully taken advantage of in an assisting role.

E. It is recognized that capabilities are quite limited in the case of installations with only a handful of military personnel, however, such seminar as can be held can make a contribution through discussion based upon the overall experience of the participants.

2. Two items are forthcoming which should prove of assistance in the conduct of these seminars. A briefing on the overall problem, adapted by CONARC from one presented to the Army Chief of Staff by DCSPER, is currently being reproduced and distributed. Copies of the report to DCSPER on the seminars conducted by CONARC will be disseminated shortly.

GENERAL PROBLEMS

SEMINAR REPORT—FORT MONMOUTH, N.J.

JUNE 30–JULY 2, 1970

1. *Conduct of the Seminar:* The seminar covered a period of two and one-half days. The general structure of the seminar and observations are outlined here for the informational purposes of installations planning future seminars. Difficulty was experienced in attempting to plan for conduct of the seminar. How structured should it be? How will the seminar participants be divided for discussions? Should groups be comprised of a mix of ages and ranks? Will the wearing of military uniforms inhibit discussion? Should each group discuss only one topic, or should each group discuss any and all topics? The approach used at Fort Monmouth is discussed in the succeeding paragraphs.

(a) Seminar Steering Committee—A steering committee was formed to coordinate the activities of the seminar and to prepare the report for the Commanding General. This committee consisted of officers, EM and civilians.

(b) Participants—Military participants consisted of approximately eighty personnel of all races, ranks and ages. The various organizations on the post were tasked to provide a quota of personnel to the seminar. Personnel attending appeared to be extremely well qualified to participate. Many had college education. To this extent the seminar was not composed of the typical personnel with whom most problems are generated. At a high level seminar of this nature, organizations may tend to select individuals who present the best unit image. Two civilian managers from within the post environment also participated. A group of civilians from the surrounding communities were invited to present a panel discussion on community affairs as apply to civil rights. Participants were representing a state civil rights organization, county civil rights groups, a county real estate agency, a local minister, and a federal agency dealing with the underprivileged. The panel presentation took place on the first day. It is noted here that considerable discussion evolved over whether the group should address the seminar at the beginning or end of the session. Opponents of having them participate at the beginning felt that these community experts might tend to structure the thinking of participants. This would tend to inhibit free thinking and expression during the seminar. It was finally decided that the panelist would be first, and this turned out to be a correct decision, as it tended to stimulate personnel for the sessions to follow.

(c) Topics and Group Discussions—Several topics were selected as a basis for discussion. Some of these were housing, off post entertainment, race relations in barracks, minority group identity and heritage and standards of appearance and military discipline. Participants were divided into groups of 10–13 personnel of all races, ranks and ages. It was decided that each group would discuss any of the above subjects or other subjects as desired. These groups eventually reported back to the entire body. The key to the seminar was informality. To the maximum extent, every phase of the seminar was unstructured. For example, it was decided to let the individual group leaders evolve rather than make appointments.

(d) Publicity—The seminar was publicized through the post newspaper, daily bulletin and notices on bulletin boards in such places as the library, service club, etc. Some participants attended as a result of this publicity; however, it was generally stated that the publicity was not of sufficient coverage. Additionally, it appears to be rather widely felt that the term "Equal Opportunity" does not appropriately cover the seminar contents. Comments on the seminar appear to indicate that the following type subject would be more appropriate—"Racial Tension", or "Minority Group Problems". Whatever term is used must relate to the young soldier. The term equal opportunity is a bit sophisticated and tends towards the DOD or federal programs already in existence in the area of equal employment opportunities.

(e) Conclusions—

(1) The seminar held at the installation level or higher headquarters level has a more selected group of participants. Consequently, it is believed that the overall conduct and possible problem areas discussed may be different than programs at unit level, where the selective process does not occur.

(2) The unstructured program produces the better result, as participants tend to interact more freely. Group discussions, however, must be under the control of a leader who is able to keep the discussion flowing in a meaningful direction. A number of participants stated that was the first time they had an honest discussion with a black man and felt somewhat a better person as a result.

(3) To the extent possible, publicity of all such conferences must be complete and descriptive of exact nature of conference. Although attendance may be restricted, publicity must indicate specifically how the conference will affect the total environment. The basis premise for this statement is that the information program on all aspects of this program must be complete and continuous.

f. Summary—The statements contained in this portion as stated at the outset, are designed to pass on observations about the conduct of the Fort Monmouth Seminar. Discussion and recommendations on specific areas are contained in the succeeding paragraphs.

2. *Topic Discussions and Recommendations:*

(a) Off-Post Housing—Minority groups of

all ranks have experienced difficulty in obtaining off-post housing. The problem is aggravated by the critical shortage of housing on-post. The fact that discrimination exists in the community was substantiated by the civilian panelists. Several cases were cited where charges have been brought against landlords. Seldom, however, do military personnel complain because of the urgency involved in obtaining housing. Attitudes of landlords to minorities seeking housing varied from subtle tactics, to general indifferences or outright hostility. Participants cited cases where minorities are grouped together in particular segments of apartment complexes. Puerto Ricans reported several cases which they felt were directly related to their race. One such case was that of an EM being required to pay $6.50 per day for guests, even though the guests were his parents visiting for a weekend. The civil rights group panelists expressed a desire and willingness to cooperate with the military in identifying and correcting practices of discrimination.

(b) Recommendation—Military installations and community civil rights organizations establish a program of coordination and cooperation to insure that military personnel are not subjected to practices of discrimination in off-post housing. Military personnel should be made aware of those agencies at their disposal to handle housing discrimination problems.

(c) Off-Post Facilities—

(1) The problem of the nonavailability of off-post facilities for the military was of considerable concern to the conferees. This subject was of interest beyond the area of racial tensions. The general attitude was that the community profits greatly as a result of financial expenditures of the military. Consequently, the community should establish facilities for the benefit of the soldier. It was pointed out that no where in the Monmouth County area is there a USO facility or other outlets in which the military man can seek relaxation. It was pointed out that the local community provides passes to military personnel, whereby they can participate in beach activities at reduced prices. Even this program was not publicized to the extent that all military personnel were aware of it. Military personnel of minority groups expressed concern that if, and when such programs are established in the community that they will apply equally to all personnel. Minority personnel tended to express the feeling, as will be highlighted later, that entertainment programs at such facilities must be diverse in nature, acknowledging the likes and dislikes of all ethnic groups.

(2) Recommendation—Military installations and local community organizations should establish liaison to insure that off-post facilities are keyed to acceptance and integration of the serviceman into the community.

(d) Off-Post Job Opportunities—

(1) Because of the general area of job discrimination in the country, the citing of one such case which involved the dependent of a member of the military personnel reinforced the idea that discrimination does exist in the Fort Monmouth civilian community. The civilian rights panelists also cited cases within the community against non-military personnel. The wife of one of the participants had applied for a job, passed the necessary tests, and was told to wait at home until contacted. When the contact was not established within a reasonable amount of time, the individual visited the office, only to be told that the office had been unable to contact her. Consequently, someone had been placed in the job. It was evident to the conferees that this type tactic has been used often in the past to deny the hiring of members of minority groups. A discussion was also held on Project Referral, the new DOD Program designed to match military retirees with job openings in civilian industry. The form used in this program calls for the applicants' race and provides this information to civilian employers, thus giving employers the option of not even considering minority group members, if they so desire.

(2) Recommendation—As in the programs cited above, military installations must become actively engaged with the communities to insure equal job opportunities. Further, forms used in Project Referral should be evaluated as pertains to their intended purpose and potential usage. Military personnel should be made aware of those agencies at their disposal to handle job opportunities discriminatory practices.

(e) Military Police Relationship with Minorities—

(1) The seminar members discussed the overall relationship of the technique employed by the military police when dealing with soldiers. However, the MP—black/minority relationship dominated the discussion. The concensus of the group was that when a group of white soldiers assemble, the purpose is to have a discussion. However, when a group of blacks assemble, it is for the purpose of plotting. Cases were cited to substantiate this. Nevertheless, whether these situations are real or imagined, effective programs must be established to eliminate them.

(2) Recommendation—MP programs must be continued, and, where not in effect, established to deal with the sensitive subject of law and order as pertains to blacks/minorities.

(f) On Post Entertainment Facilities—

(1) The consensus of the group was that there is no "common extracurricular atmosphere of understanding." Polarization of the races evidences itself in officer clubs, EM clubs and service clubs. The basic problem stems from a lack of diverse programs, and a basic lack of understanding of and appreciation for heritage, and cultural satisfaction. It is commonly felt that these facilities, particularly the EM club, the service clubs, and officers club do not relate to the black soldier. The mix of live music and records, for example, must be more balanced, i.e., soul versus country-western and hard rock. Additionally, it was felt that the service club could play a very important role by creating an educational atmosphere through the presentation of informal discussions of current problems, and showing of films on black/minority history. The group agreed that the blacks are sufficiently educated on the history of whites in the making of the country. Most whites were enthusiastic about such informal discussion and the chance to learn more about black history. As was the case in other areas, it was felt that some of the potential black apprehensions about such facilities would disappear with better overall management which relates to the "individual soldier as a human being", as opposed to being managed as a "thing".

(2) Recommendation—Military entertainment facilities must reevaluate their programs to insure that they relate to the individuals and issues of today. More efforts should be made to insure that EM and NCO clubs are publicized to inform post personnel of what is occurring.

(g) Post Exchanges and Book Stores—

(1) In the weeks just prior to the seminar, a group of black soldiers from the USASCS, School Brigade had met with post personnel concerning the lack of products in the PX for blacks. An investigation revealed that the complaints were valid. The items requested have since been placed in stock. This particular subject was addressed in the seminar. The blacks were satisfied with the action taken but addressed the overall subject of black/minority awareness to all concerned. The essence of the basic question was "Do we have to continuously attack each individual situation in order to achieve results?" Book stores similarly do not appear to stock items to satisfy all ethnic groups. In addition, there was a general attitude the book stores did not cater to all intellectual levels. Unit dayrooms possibly offer an additional source for books on topical subjects of current interest.

(2) Recommendations — Post exchanges, book stores and other similar facilities must develop a sense of awareness of the customers they serve and conduct business accordingly. The unit commander should seek suggestions from members of his command as to literature which will be purchased through the unit fund.

(h) Regulations on Appearance—

(1) The members of the seminar vigorously addressed the problem of standardization in the implementation of Army regulations. There was hardly any discussion about whether the regulations allowed soldiers to wear Afro-style haircuts. The discussion centered around the fact that the policy should be easily understood and that subordinate commanders should not have the authority to deviate from the Army regulations. Most felt that for example, if the regulation says "no more than three inches long and neatly trimmed around the ears", the unit commander should not have the authority to direct ". . . no more than two inches long on top and closely cut on the sides . . .". Another situation at Fort Monmouth appears to develop from the heterogeneous nature of the two primary activities on post. Whereas ECOM has relatively few military EM in comparison with civilians, the composition is just opposite, particularly when considering the School Brigade. Personnel within the School Brigade feel that they are required to accept certain standards of appearance at the risk of punitive actions, whereas ECOM EM are allowed wide latitudes in standards of appearance. This incident is cited because it would probably apply in most cases where there are military organizations with different makeups of personnel and responsibilities. The blacks related this very easily to standards for the Afro-style haircut.

(2) Recommendation—Subordinate commanders should not be allowed to modify military regulations as apply to standards of military appearance. Standards should be more widely publicized.

(i) Lack of Communication with Unit Leaders—

(1) The black/minority soldier feels that he has no communication link with his platoon sergeants, ISG and unit commander. He considers that the white NCO's and officers do not understand his black problems and the black NCO's and officers will not interact with him for fear of censorship with the organization. For example, he cites the case to bring black items into the PX as being one fought by PVT's and SP4's. Another case was highlighted where a group of PVT's and SP4's established a group to educate their "soul brothers" from the South about his interactions in the integrated society. The purpose of the group was to attempt to remove some of the fears and frustrations held by the black soldier born and raised in the tradition of southern segregation. All attempts to get black NCO's and officers interested failed for the reason cited above. It was generally felt that all involved can and must be educated, and that such education must be on the unit level, with participation by all unit personnel. The attendees expressed complete dissatisfaction with present command information programs. They reject the unimaginative lectures on Russian missiles, the American Fighting Man, etc. They unanimously felt the need for dynamic, imaginative programs addressing racial tension and other relevant issues of our times. They want to participate and they want their leaders to participate with them. One battalion of the School Brigade was cited as having already established a council which consists

of Officers, to include the Bn CO, NCO's and lower ranking EM. EM with problems are permitted to discuss their problems without having made prior appointments. The council operates very informally. EM stated that this arrangement had done much to alleviate EM frustrations.

(2) Recommendation — Battalion and lower level units should establish seminars and other discussions on relevant issues, particularly on the racial issue. All personnel, officers, NCO's etc should be required to participate. They should be established on a continuous basis. Additionally, all unit supervisors should be required to attend command information training programs.

(j) Black/Minority Educational Preparedness for Military Schooling—

(1) Personnel attending the seminar associated with the School environment felt that more attention need be given to the black/minority student. These students have not had the strong educational background as have their white peers. Consequently, more counseling is needed to achieve the same level of competence while attending military schools. The program appears to be extremely valuable in order to offset cases of improper selection/placement by the recruiting program and induction centers. This problem was highlighted by the fact that although the percentage of black/minorities vs white attending school is considerably small, the percentage of both seeking assistance in education centers is about equal. Conferees tended to think that one area of frustration is the dual responsibility of the students to their academic studies and to their parent organizations for administrative requirements. An individual from the mental hygiene clinic pointed out that frustrations are evident by the total number of students visiting the mental hygiene clinic. He went on to highlight, however, that the number of blacks/minorities is disproportionately small in comparison to the total population visiting the clinic. When they do, their problems have reached such a complex stage that it is difficult to assist them. The problems of whites are identified and treated while they are manageable.

(2) Recommendation — Military educational institutions should investigate the requirement for more complete counseling of blacks/minorities. Clinical programs should be more widely publicized.

(k) Information/Communication Gap—

(1) All participants stated a lack of confidence in the Inspector General system. They did admit, however, that they were not quite sure as to his assigned responsibilities. Participants expressed varying degrees of levels of command which one had to go before being able to see the IG. By the time they saw him the emergent problem in many cases no longer existed. One participant put it this way—"How long is the chain?" There was a concensus that information about such policies as pertains to the IG must be widely disseminated. One participant suggested that if the soldier were given complete and good information in a palatable manner, the number of congressional inquiries would be drastically reduced. The information which is believed to exist may relate to the wide spread feeling that the individual solider is being mismanaged and his NCO's are not competent. He basically sees his immediate superiors as just wanting to get in his time for twenty years. One of the most vocal members of the seminar, who also participated in the PX situation cited above, stated that ". . . the Army can do so much to make the military a better thing for the soldier . . .. All that we are asking for is discipline with understanding . . . ."

(2) Recommendation—Officers and NCO's must be made aware of how to relate to their EM, and must keep the channels of communication and information open at all times. Officers and NCO's should receive training in group dynamics and human relations. (Obeservation: It is evident that the soldier of today will not, as the soldier of yesterday, respond simply because—"Now do it because I told you.")

(l) Army Education Program—

(1) A number of participants stressed the role of education in minority group betterment. They had a general idea of the Army Education Program, but knew few specifics. One person directly associated with this area stated a desire to develop new programs, however, in further discussion, it became evident the participants felt there was a lack of direct command interest in education. "Everybody talks about it, but nobody is doing anything." Programs of interest to the participants were Project Transition, on-post college courses and the GED and college counseling programs. Many participants stated that the higher command was unaware of the GI's view of how these programs were implemented, i.e., Command is more reports oriented than people oriented. Black EM stressed the need for some type of on-post college courses in black history and minority group identity. This, they felt, would be of benefit to both whites and blacks.

(2) Recomemndations—Proper funding, more creativity, and wider publicity be given to the Army Education Program. Programs and courses be established in the area of black history and minority group identity. Direct contact on a quarterly basis, as a minimum, between education counselors and Command-Staff personnel. This would end the relative isolation of the "actual counselor" from the Command-Staff personnel who dictate his programs.

(m) The Black/Minority Myth—

(1) The black/minority soldier is convinced that the white man considers him as being inferior. This attitude is probably generated by the traditional role of blacks/minorities in such areas as past unequal educational training with the lack of black/minority physical appearance in positions of status. Two examples were cited in the seminar which tend to substantiate such attitudes. The black officer told of a normal conversation with a white—the two met during a bus trip. The black was asked about his educational background. Whereupon, he stated that he had been awarded a Bachelors and a Masters Degree. The white's comment to this was, in essence, that he had only a high school education, but that the two of them were on an equal level and could converse on the same plane. The white further stated that he had difficulties with black/minorities with less education. Another participant told of having been called to a military hospital to give blood to a white pregnant woman. His blood type obviously matched and the pathologist performed all other tests. Upon discovering that he was black, the pathologist directed him to the woman's husband who queried the soldier as to disease, family mental background, etc. The consensus of the group was that such stigmas must be removed from our society.

(2) Recommendation—As was the case so often, it was felt that communications programs between the races at all levels must be made paramount in order to eliminate degrading and mythical attitudes towards blacks/minorities.

SPECIFIC PROBLEMS

REPORT ON REDUCTION IN RACIAL TENSION—FORT MONMOUTH

1. By DF at Inclosure 2, the Military Equal Opportunity Committee reported results of the 30 June–2 July 1970 Seminar on Racial Tension. The seminar report was used to satisfy USAECOM and USASCS requirements to AMC and First US Army, respectively.

2. Inclosure 2 further stated that a report dealing with Fort Monmouth, specifically, would be furnished NLT 1 Aug 1970. This report is attached as Inclosure 1.

3. Although the basic task involved an investigation into racial tension at Fort Monmouth, some of the areas addressed may not appear to relate directly to the basic subject. The Committee considered it imperative to report these areas for the following reasons:

(a) The investigation revealed that many areas of "imagined discrimination" by blacks/minorities would disappear if there were an overall improvement in various post operations.

(b) Approximately one-half of the seminar participants were white. Consequently, it was not considered a prudent action to disregard post activities which appear to contribute to their inhibitions and frustrations.

4. The Committee considered solution of type problems falling under para. 3b, above, to be essential to establishment or betterment of an atmosphere on Fort Monmouth which would contribute significantly to effective programs of communications/talk/discussion between the races. If this assumption proves to be fact, then each area addressed in Inclosure 1 does relate directly to racial tension. If it proves not to be related, the seminar and subsequent investigation will have produced many positive suggestions which certainly should not be overlooked by command.

5. As stated in your letters to AMC and First US Army, the keynotes to the success of the program to reduce racial tension are:

(a) Complete and continued coordination and cooperation between commands.

(b) Swift implementation of approved programs.

(c) Wide dissemination of information on implemented actions.

MILITARY EQUAL OPPORTUNITY REPORT—FORT MONMOUTH, N.J., AUGUST 1, 1970

1. *Conduct of Investigation:* The 30 June–2 July 1970 Seminar Report was used as the basis for investigating probable causes and possible recommendation for establishing corrective and preventive programs to reduce racial tension at Fort Monmouth. The approach used is as follows:

(a) Steering Committee—Select members of the Equal Opportunity Steering Committee contacted responsible Fort Monmouth activities concerning areas discussed in the Seminar Report. Discussion centered around:

(1) Validation and expansion of information highlighted at the seminar.

(2) Development of programs and policies necessary to correct valid complaints and prevent future occurrences.

(3) Information programs designed to inform EM of command actions, post activities and other current events in order to minimize imaginative problems.

(b) Participation by seminar attendees—Information gathered during above cited visits was brought for discussion before those personnel of the seminar who desired to participate in the follow-on report. A group of approximately twenty personnel (all ranks, races and ages) consistently returned to the Education Center for these discussions. Emphasis was continually placed on the role of the individual soldier to cooperate with command in establishing and executing required programs. The Chairman was impressed with the apparent sense of responsibility and concern exhibited by the young soldier participants.

(c) Conclusions—

(1) The recently held seminar and this follow-on report constitute a methodical approach and firm basis upon which Fort Monmouth can establish appropriate corrective and preventive programs aimed at minimizing racial tension.

(2) Actions to date have been imple-

mented outside of normal command structure and/or at an organizational level too low for proper exercise of command emphasis.

(d) Recommendation — Responsibilities must be fixed at a level in the organization which has ease of direct access to the commander for implementation and monitorship of the programs recommended in this report. This may be accomplished within present organizational arrangements by the appointment of a field grade officer in both USAECOM and USASCS as command advisors on matters relating to treatment of blacks/minorities, racial tension and general race relations. This officer would work closely with the Inspector Generals and the Equal Opportunity Officer/Community Relations Specialist in handling the problems of military personnel. Black/minority soldiers should have the option of discussing alleged cases of discrimination with this officer. Inasmuch as blacks/minorities tend presently to discuss racial problems more freely with one of their similar social background, it is recommended that this officer be a member of the black/minority group.

2. *Discussions and Recommendations on Topics Investigated:*

(a) Off-Post Housing—

(1) The investigation into alleged discrimination in off-post housing centered around determining the role Fort Monmouth plays in assisting military personnel locate housing and identifying possible cases of discrimination. All responsibilities in this area are vested in the Fort Monmouth Family Housing Office (FMHO). This office maintains a housing referral list of rentals available in the Monmouth area. This list is obtained by personal contact with local real estate agencies, and, occasionally, by individual home owners calling FMHO. In accordance with regulations, FMHO deals only with agencies that do not practice discrimination. The office has never received a discrimination complaint from military personnel assisted in finding off-post housing. This is explained, however, by the fact that agencies are informed that their houses will not be listed at Fort Monmouth, if discrimination is practiced. FMHO takes no action when such an agency is identified. The result is that when the housing referral list is exhausted, the soldier finds himself dealing with the agency which practices discrimination. Specific cases in the Fort Monmouth area were discovered where minorities are grouped together in segments of apartment complexes. Officers were located who experienced difficulty in obtaining housing in predominately white neighborhoods. Attitudes of landlords varied from subtle tactics to general indifference to outright hostility. In order to provide maximum protection for and assistance to the soldier, FMHO must become more active in identifying and reporting to proper authorities, agencies which practice discrimination. It is understood that the Inspector General and ESC have recently initiated some changes in FMHO operations. The New Jersey Division of Civil Rights and Shore Citizens for Better Human Relations have expressed a desire and willingness to cooperate with Fort Monmouth in the area of housing discrimination.

(2) Recommendations—

(a) Fort Monmouth should establish an active program of coordination and cooperation with appropriate civil rights groups to assist in reducing housing discriminatory practices.

(b) Fort Monmouth should play an active role in identifying and reporting agencies practicing discrimination to the proper authorities.

(c) FMHO should serve as the focal point for reports of all alleged practices of discrimination against Fort Monmouth soldiers. All soldiers should be made aware of the function, and should be encouraged to report acts of discrimination.

(d) Although impractical to place off limits, an annual survey should be established to determine the number of military personnel living in housing units identified as practicing discrimination. This data could be used to evaluate the effectiveness of actions to reduce discriminatory practices.

(b) Off-Post Facilities—

(1) Discussions in this area evolved around the provision of off-post facilities to the soldier at Fort Monmouth. As stated in the seminar, a considerable amount of expenditures by military personnel at Fort Monmouth contribute to the economic base of the local economy. Therefore, it is felt that the local community can satisfy some of the entertainment requirements of the military personnel. The basic problem involved here is the relatively low pay scale of the military man who desires to participate in the off-post activities. Communications channels between Fort Monmouth and the local community shoud be opened in an attempt to provide maximum benefits to the Fort Monmouth soldier. Attempts should be made to effect the same type arrangements with local merchants for the soldier, as apply to students. This could relate specifically to student rates at theaters, reductions in prices at beach facilities in Asbury Park and other local beach facilities and the possibility of providing free or reduced price tickets to such activities as the Garden State Art Center. These are but a few examples of the types of things which would cause the soldier to feel that the local community relates to him. One factor in favor of such negotiations with appropriate representatives of the local community is that the soldier at Fort Monmouth is here year-round, as opposed to simply catering to services provided during the summer season. Another subject which is closely related to those just discussed is that of public transportation for post personnel. Bus service presently serves the post by making stops at the east and west gates. It is felt that the interest of the military personnel could be better served with little disadvantage to the public transportation service, by having the buses which presently stop at the east and west gates, utilize a central location on the post. This becomes particularly critical when considering weekend bus service, whereby the individual has to walk from either the east or west gate to his quarters on post. The types of services indicated in this discussion would, in fact, alleviate what appears to be some of the major complaints of the Fort Monmouth soldier as pertains to his relationship with the local community.

(2) Recommendations—

(a) Fort Monmouth should establish active channels of communication with appropriate local authorities in an attempt to enhance the community-military relationship as cited above.

(b) A survey should be conducted to determine weekend requirements for bus services to places of interest. This survey could be used as the basis for negotiating a central post location for public buses.

(c) On Post Entertainment Facilities—

(1) The primary area of interest here pertained to the Service Club and its relationship to the EM, in general, and specifically to the black/minority soldier. A basic conclusion is that the Service Club is the potential one area on the post which might provide a "common extracurricular atmosphere of understanding". It is believed that the soldiers participating in this investigation expressed a widely shared attitude that the EM on Fort Monmouth would voluntarily participate in improving the Service Club environment and making its activities reflect current interests. At one time in the past, there was a voluntary EM advisory council which assisted in establishing programs, decorating, etc. Such a council, if reestablished, could be of immeasurable value to enhancing the operations of the Service Club. It should, under no circumstances, be established on a mandatory basis. Programs within the service should also be more widely publicized in order to keep soldiers informed of what is being offered. Although one of the most popular activities of the Service Club is the scheduled dance which brings girls in from the local communities, there is a lack of participation by black girls. An investigation into this problem revealed that the post must pursue more actively its program to interest the black community in participating in these affairs. Finally, it is recognized that the Service Club is oriented primarily towards recreation and entertainment. Nonetheless, it is believed that the environment does provide the best atmosphere for the so-called "common atmosphere of understanding". It is, therefore, considered appropriate that scheduled informal seminar type discussions on racial tension be held in the Service Club, to include films on black history. The Education Center was considered, but was ruled out because of its possible connotation of intellectual pursuit, as opposed to an informal chatting session among interested persons. A common feeling was expressed that the "new soldier" was as interested in discussions of current problems as participating in recreation.

(2) Recommendations—

(a) A voluntary EM advisory council should be established to work with the Service Club for advice on program development and publicity.

(b) Fort Monmouth should initiate contact with the local community to interest black/minority girls in participating in Service Club activities.

(c) The Service Club should initiate informal discussions on racial tensions and provide for educational films on black/minority history. The Post Education Officer might be of assistance in establishing this program.

(d) Post Exchange—

(1) A discussion of the Post Exchange is included in this report primarily to reflect an area where positive actions are being taken to relate to blacks/minorities. The PX officer is completely aware of the problem and has initiated programs for testing products not heretofore carried in the PX. This matter is a point of discussion at nationwide conferences of PX managers.

(2) Recommendation. The PX programs should be monitored to determine their value in other areas such as book stores and possibly the commissary.

(e) Standards of Appearance—

(1) There appears to be a lack of publicity throughout the post on standards of appearance, particularly, as applies to Afro-haircuts. Wide publicity is needed in order to insure that the regulations are interpreted in a standard manner by all concerned. Levels of appearance should be as equally applied to post personnel as is humanly possible. This includes the wear of civilian attire.

(2) Recommendation—Standards of appearance should conform to a set policy, equally enforced by all post activities and publicized widely.

(f) Communications Gap—

(1) Fort Monmouth, as the rest of the Army, basically has sufficient regulations to insure fair treatment of all personnel. The area which must be exploited is that of communications between races. This communications problem must be attacked vigorously on a broad front by commanders at all levels, with particular emphasis at the unit level where interaction can take place between all races and ranks. At least one battalion within the School Brigade has begun such a program on a limited scale.

This program, however, is aimed more at individual problems as opposed to group dynamics specifically keyed to interactions on racial tension. Investigation paths led to the one single conclusion that people must talk/discuss/communicate, with the primary goal of understanding each other. For example, the general feeling that the military police were hostile to black groups could not be found to be attributable to the MP in the performance of duties as an enforcer of the law. The basic issue related to the MP as a white individual and how he perceives members of other races. The same is true in the present tension ridden environment of a black MP and his possible reaction to a white group. The investigation, therefore, reached the conclusion that racial tension is not associated with MP's, EM, NCO's, or officers as groups, but rather each as an individual. It is believed that each of these individuals can contribute to reducing racial tension by participation in frank and open discussions at the unit level. Additionally, here at Fort Monmouth, there is an opportunity to reach many junior officers who will be required to cope with this problem in their future assignments. These are those officers attending the Signal Officers Advance Course. CONARC is planning to include future courses on racial issue in the curriculum. However, within the authority of the Commanding General, action should be initiated locally to include members of the Advance Course in discussions on racial tension. Due to the small percentage of black/minority officers in the Advance Course, it would be beneficial to have black/minority officers from other post activities participate. For the purpose of future benefits, it would also be extremely valuable to have collaboration between the Advance Course and the School Brigade. Such a program would allow interactions between officers and enlisted personnel. These programs, however, should be conducted so as not to interfere with the free time of personnel.

(2) Recommendations—

(a) One battalion of the School Brigade should be selected to establish a racial tension seminar on a test basis. The seminar should be conducted during the command information hour, and should run for a period of approximately two months. Future programs should be initiated, based on the test results.

(b) Racial tension seminars should be initiated in the Signal Officers Advance Course. This program should be executed in conjunction with the School Brigade for EM participation. Black/minority officers from other post activities should be required to cooperate in order to bring balance to participating officers.

g. Black/Minority Military Schooling—

(1) Six black EM participants in the seminar expressed the belief that many instructors were treating blacks/minorities in a prejudicial manner. Educational counselling was minimal, thus causing blacks/minorities to phase back and be released from school. The general consensus was that blacks/minorities tend to do well on practical exercises but poorly on written tests One probable cause for the poor performance is that blacks/minorities, particularly those from segregated school systems, are not believed to have the same educational background as their white peers. Under this assumption, performance in school would correlate more with educational foundation, as opposed to tests scores for entrance into school. Blacks/minorities would, therefore, require more counselling in order to achieve the same level of academic achievement. Phase backs and personnel withdrawals could not be studied according to race, for no such statistics have been maintained. USASCS has agreed to initiate compilation of this data.

(2) No attempts were made to further find students who alleged discrimination. One case, however, is cited to give an indication of type complaints. Black Sp4 "X" stated that he reenlisted for six years for a technical course. He had decided to make the Army a career and wanted to move out of his basic infantry MOS to a course which would give him satisfaction in the military and prepare him for later civilian life. He alleged discrimination and little assistance on the part of the course instructor. This might have been attributed to the instructor's statement that Sp "X" was only the third black student to attend that particular course. He was phased out of the course due to poor performance and was subsequently counselled to enter another. He agreed only to find out later that the new area terminates promotion-wise at the grade of E–4. His feeling, whether right or wrong, is that this was a deliberately planned act to hold him back because he is black. It is this type case where the black field grade advisor, recommended above, could be of vital assistance to the individual and to the command.

(3) There was also a feeling that a disproportionately small number of black/minority soldiers visited the mental hygiene clinic for early treatment of frustrations incurred in the academic environment. Here again, the hospital has not maintained such records, but will initiate records maintenance.

(4) Recommendation—

(a) Very close monitorship of data on student failures and attendance at mental hygiene clinic should be initiated to insure follow-up action, as required, in accordance with data results.

(b) Information maintained on students' performance should also be expanded to include instructor trainees.

3. *Summary*—This report is not intended to represent a "cure all" for the problem at hand. It represents a start which has to be monitored closely. Lessons learned must be applied to expanded future programs. Not everyone agrees that this is a subject for discussion. These individuals believe that discussion will only reinforce existing prejudices and hard feelings. The investigation revealed that such opinions were in an extreme minority. There are also those who feel that discussion is necessary, but that it must be controlled closely, less tempers and emotions may become overactive. The involvement of the committee to date does not substantiate this belief. The subject itself is an emotional one, dealing with deep-seated attitudes and feelings. The vent must be opened completely in order to enhance free and honest communications. To this end, it is felt that the Equal Opportunity Committee has provided the basis for a program on racial tension, which can be brought to a successful conclusion through the processes of direct command emphasis.

In conclusion, it should be highlighted that the basic problem will be solved only through the long range program of communications. The blacks/minorities understand this, but are interested in positive action to reduce racial discrimination in the "now" timeframe. For this reason, the Committee feels strongly that the immediate establishment of the black/minority military advisors is a mandatory requirement. It will provide an effective channel for top level Commanders to be kept appraised of this sensitive and potentially explosive problem.

EQUAL OPPORTUNITY SEMINAR—MILITARY PERSONNEL

DEPARTMENT OF THE ARMY,
Washington, D.C., September 21, 1970.

1. Reference is made to letter, this headquarters, 10 March 1970, subject as above, which directed that a series of Equal Opportunity Seminars for military personnel be conducted throughout this command (Incl 1). These seminars were most successful in instilling an interest at all levels for developing measures whereby racial problems could be reduced or eliminated. The fine spirit of cooperation on the part of commanders, officers, civilian supervisors, non-commissioned officers, and other enlisted personnel was commendable.

2. Attached for your information and appropriate action is the report made to DA of the results of these seminars (Incl 2). US AMC commanders are requested to give this matter their personal attention and in the future continue to hold seminars periodically.

For the commander:

ROBERT C. FORBES,
Major General, U.S. Army, Director of Personnel, Training and Force Development.

EQUAL OPPORTUNITY SEMINARS—MILITARY PERSONNEL

DEPARTMENT OF THE ARMY,
Washington, D.C., March 10, 1970.

1. References:

(a) AR 600–21.

(b) Message, this headquarters, dated 3 October 1969, subject: Equal Opportunity and Treatment of Military Personnel.

(c) Message, this headquarters, dated 17 October 1969, subject: Equal Opportunity and Treatment of Military Personnel.

(d) Letter, this headquarters, dated 9 January 1970, subject: Equal Opportunity and Treatment of Military Personnel.

2. Equal opportunity within the Army Materiel Command requires close and constant attention by each of us at all times. Problems in this regard continue to occur. For this reason, each commander must take preventive action to avoid occurrence of the problem and rapid action if the problem actually occurs. We must take action to meet the challenge of equal opportunity.

3. The Secretary of the Army, in an address to the Annual Meeting of the Association of the United States Army in October 1969, had this to say about Equal Opportunity: "At no level can commanders afford to assume that all is well with their troops because there is silence on racial matters. It is not enough to wait for complaints."

4. The Department of the Army has instituted a number of measures to assist in improving racial relations. Among these are Equal Opportunity Seminars. These seminars have been conducted by the Continental Army Command and are being planned at other major commands. Accordingly, you are directed to conduct a series of Equal Opportunity Seminars. Their purpose is to develop positive measures to promote equal opportunity, to improve understanding of Department of the Army policies and regulations pertaining to equal opportunity, and to recommend additional techniques for contributing to the Army-wide program.

5. The following guidance is provided:

(a) Seminars will be conducted at your installation or activity.

(b) Military personnel of all grades and minority groups will participate in all seminars.

(c) Civilian supervisory personnel will also participate in all seminars.

(d) The series will be conducted not later than 31 May 1970. Major subordinate commanders will conduct seminars during June 1970.

(e) The results of the above seminars will be furnished this headquarters not later than 15 July 1970, by each commander reporting directly to this headquarters. This report should include an assessment of specific problems of equal opportunity, lessons learned from the seminars, and recommendations for promoting communication among all personnel and for promoting equal opportunity. This headquarters will evaluate the reports and conduct a command seminar in August 1970. The results of the command seminar will be disseminated to all commanders.

(f) Installations with more than one unit or activity will conduct a combined seminar. Units or activities located on installations other than those controlled by the Army Material Command will request the host command to be included.

6. Assistance and information you may request should be addressed to the Directorate of Personnel and Training, this headquarters.

F. J. CHESAREK,
General, U.S. Army, Commanding.

USAMC EQUAL OPPORTUNITY SEMINARS—MILITARY PERSONNEL

SUMMARY REPORT

1. Equal Opportunity Program.

(a) Command emphasis is essential to continuing success of such a program, but the support of an equal opportunity program must become a project of each person in the Army. Military personnel should never pass the opportunity to defend the program the same as one loyally defends other Army actions, philosophies, and traditions. All personnel are leaders in the handling and treating of equal opportunity matters.

(b) The seminar approach to easing racial problems and the suggested solutions derived may be misleading and could give faulty conclusions. Direct involvement by the participants and the awareness of the seriousness of the problem is necessary. Problems such as the communication and generation gaps are much deeper than at first realized. These two problems are compounded by cultural mores and the reluctance of a portion of our society to changing the "status quo".

(c) Commanders must indicate openly where they stand on racial matters. Misunderstood orders and directives, and indecisiveness, help create an unfavorable racial atmosphere. At every opportunity, a commander must express to his men that he fully supports the program. His actions must attest to his words.

(d) While the plight of the minority group soldier is recognized and appreciated, extreme caution is suggested in plans developed to ease racial tension in the Army. Plans must be applicable to all minority groups and not develop into black versus white, which might eventually lead to further polarization. It is important that all soldiers of all ranks be imbued with the idea that they are soldiers first and that equal opportunity will be accorded them without regard to race, religion or national origin.

(e) A film should be made and distributed which shows the Army's progress in race relations.

(f) Periodic briefings of military personnel and supervisors should be held. Such briefings could be held before a seminar, for example, and a survey taken of those present who might be willing to participate in a later discussion.

(g) Interaction with leaders and businessmen of the local civilian community should be encouraged on a continuing basis as a means of positively affecting attitudes and improving the Army's image.

(h) The goal of equal opportunity in the Armed Forces can be advanced by building a positive attitude through frequent and public declarations of policy by commanders that equal opportunity based solely on ability does exist for all military personnel. If majority and minority groups can be convinced that opportunity is not based on race, creed, or national origin, then much will have been done to eliminate unrest and accusations of discrimination.

(i) Programs must include a discussion of community problems since prejudices learned in a community do not automatically disappear inside an installation's gate. Minority groups in many cases do not wish to be set aside for special favors or attention, but are seeking equal opportunity only.

2. Seminars.

(a) Seminars should be held periodically and at the lowest level possible. Adequate pre-seminar publicity can be made to the entire command so that many ideas, comments, and problem areas may be presented for open, frank discussion. The seminar is a positive preventative measure which can deal with racial problems and situations.

(b) Groups of 10–20 personnel are considered workable. A well balanced representation of rank, race, supervisors and nonsupervisors should be obtained.

(c) An unstructured program produces freer interaction and more discussion. Group discussions, however, must be under the control of a leader who is able to keep the discussion flowing.

(d) The consensus of many units is that the Army has the regulations to forbid and discourage discrimination at all levels. However, regulations and directives cannot alone change social patterns and behaviors. The Army is not a separate, isolated, abstract entity from the mainstream of American society. On the contrary, it is very much a part of that society which directly or indirectly influences nearly every segment of American life. The Army continues to make tremendous advances in the areas of education, integration, technology and human development. But the problems discussed in the seminars are personal and need a personal commitment on the part of every soldier affected. If nothing else is learned from the seminars, it is that there are no easy ready made solutions to solving the problems of racial and ethnic discrimination, and that a change in attitudes is necessary to deal with all members of the Army as equals.

(e) Skillful stimulation by moderators, speakers, conference leaders and seminar sponsors is essential to obtain meaningful group participation and a free and open exchange of ideas. Once this is done, the seminar comes to life and the misunderstandings, attitudes, emotions and stereotyped thinking that may lead to discriminatory practices are subjected to open discussion. Equal Opportunity Seminars can be useful and effective tools for easing racial tension and promoting understanding, only if the key participants or organizers of such conferences fully understand and fulfill their individual roles of moderators, discussion leaders, and group spokesmen. There should be as broad a racial or ethnic "mix" as possible of seminar participants, speakers, and discussion leaders. If women are present, seminar sponsors should be prepared to add an extra dimension to the discussion. Greater participation is obtained when seminars are conducted in a relaxed, informal atmosphere.

(f) Individual written critiques by seminar members provide a good way of determining the effectiveness of seminars.

(g) One unit used, with good results, comoderators of equal rank, one white and one black. This provided an atmosphere of equality during the discussions. The moderators outlined the reason for the seminar, DA and AMC policy, and how command and IG channels may be used for handling complaints.

3. Communication.

(a) The identification of the problems and presentation of the facts is essential to good communication. Too often an incident is allowed to be reported in a distorted manner simply because the facts are not made known to those concerned. An informed person is a more satisfied person. The elimination of misconceptions and mythical attitudes will result from an informed group.

(b) Direct, oral announcements to personnel of important items can do much toward improving the communication gap than simply publishing an item in written form. A combination of oral and written announcements is preferred and will assure that personnel are properly informed.

(c) Social events held after duty hours should be encouraged as a means for bringing together personnel of all races who work together. In many garrison situations, personnel leave their job areas at the end of a day and go their separate ways. As a result, these personnel know little or nothing of their fellow worker's living conditions, social life, and problems.

(d) More publicity must be made as to ways and means for the soldier to get assistance from the IG, SJA, and other agencies. Orientation talks by the IG to commanders and troops should be considered.

(e) Military personnel appreciate being talked "with" as opposed to being talked "down to". Communication is facilitated when personnel are told directly about a matter with the opportunity for dialogue.

(f) When a group of white soldiers assemble, the concensus of most onlookers is that they are going to have a discussion. When black soldiers assemble, the concensus is that they are doing it for no good reason. These notions must be dispelled by an effective education program and training.

(g) Service clubs can play a very important role by fostering informal discussions on current problems and minority group history. Officer and NCO clubs should provide balanced programs of entertainment relating to all groups.

(h) Command information programs should be reviewed to insure that they are relevant to the issues of the day. Participation by soldiers should be allowed through this program or through a council. Unit supervisors should take a command information training program.

(i) Education counselers must have direct contact with commanders. More publicity can be given to the program so that all personnel are aware of the opportunities for continued education.

(j) Military personnel who speak a common language tend to socialize together because of difficulties with the English language. The banding together by these soldiers, for example, is often misunderstood and has resulted in group confrontations.

(k) The so-called generation gap contributes to mistrust and lack of understanding. Youth is more aggressive, vocal and demanding. Young people want to discuss their beliefs and attitudes, and are eager to "talk with the establishment". Young enlisted men have welcomed the meaningful dialogue or forum of discussion between command and racial groups. In addition, the young belonging to a minority group want to be informed by their commander where that commander stands on racial matters. By word and deed a commander must demonstrate where he stands on racial matters in order to eliminate mistrust in a particular minority group.

(l) Personnel identify and interpret symbols and their meanings in different ways. For example, the use of the Confederate flag is accepted in general by the white society and yet, knowingly, its use in many cases is utilized to express racist opinions and is usually seen by minority groups, particularly blacks, as a symbol of racism. The "Black Power" symbol of the clinched fist may be either a means of expressing greetings in a search for identity as a people, brotherhood, solidarity, or a means of expressing defiance toward policies, persons, or agencies, i.e. Army. Its use at official events or formations may be classed as defiance, but when used as a greeting between friends it should not be interpreted as an indication of militancy.

(m) More emphasis can be placed on the examples of the reality of racial harmony and compatibility. Good acts need publicity as well as bad.

(n) Communication between a junior officer (or NCO) and his subordinates is often hindered by the lack of experience and maturity. Many individual problems have simple solutions; the troubled soldier often needs assistance from his superior.

(o) Channels of communication are not always open or responsive due to an alleged or real credibility gap and lack of trust by minority group members. Situations of this nature are often aggravated by the aversion of the majority to directly address racial problems which may be distasteful or unpopular in their minds.

(p) Due to the nature of many duty assignments, there is a continual problem of keeping all people informed. Action must be taken to insure that enlisted as well as officer personnel meet together periodically to keep abreast of current situations. A junior may be hesitant to relay topics to his senior for numerous reasons. Also, information coming from the top of an organization often becomes distorted as it passes through each level of command. Periodic meetings can help solve this problem. Communications and counseling training should be given during all phases of military training. With constant emphasis on communicating, many problems with minority groups can be eliminated.

(q) Supervisors and others should be cautioned against using such phrases as "boy", "you people", etc. Pronunciation of words such as Negro should be correctly made as its mis-pronunciation, deliberate or otherwise, can be offensive. Minority group personnel want to be classed with all other contemporaries regardless of race, creed, or color.

(r) Promotion regulations, assignment practices, and other aspects of the Army's personnel system should be explained and clarified by periodic classes to enlisted personnel.

(s) Senior officers must maintain contact with personnel under their jurisdiction by making personal visits to their work and living areas. An awareness and sensitivity to racial problems will then follow. Unconcern and indifferences breeds hostility and contempt.

(t) Minority groups emphasize increased representation of their members in managerial positions to "improve communications" and generally enhance their progress. Promotion of either civilian or military minority members must be made on qualifications, however.

* * * * *

(b) Concessions to normal military appearance, bearing, and respect must be eliminated. Some of these concessions are terms as reverse discrimination. The normal practices of soldiering and the reasons therefore should be explained during early training of the new soldier.

6. Assignment policies.

(a) Minority group personnel are concerned that more of their own groups are not in leadership positions. Minority group officers and NCO's should not be used as a crutch for solving a commander's racial problems, however. Each commander must face his responsibility by the use of training, education, and counsel from available sources.

(b) In many USAMC units, the small number of military personnel assigned does not present the "critical mass" requirements often observed to initiate inflammable disorders. The minority representation, when at a lower percentage than that of the Army as a whole or even that of the nation, is no cause for pride and may even reflect some form of discrimination. It does reduce the opportunities for racial tension to develop, however.

7. Training.

(a) A discussion of racial relations should be made a part of supervisory development and communication courses offered to both military and civilian employees. In addition, new arrivals to a command should read AR 600-21 and other pertinent regulations to make them familiar with DA objectives.

(b) Commanders at the unit level should be provided instructions and reading materials designed to promote understanding of minority group heritage, social, and economic backgrounds. Emphasis must continue to be placed on training soldiers of limited educational background and others in programs such as TRANSITION.

8. The individual soldier.

(a) It was the opinion of some that the minority group soldier suffers a much greater insult from patronization than from discrimination. This form of hypocrisy can be more harmful than overt bigotry. The commander, who bends over backward in an attempt not to hurt the minority soldier's feelings, promotes two negative responses. He insults the minority individual who feels no need for special help to get along, and his action encourages a strong backlash reaction from the other soldiers who are quick to recognize a condescending attitude.

(b) Another major problem arises from the search for a "color-blind" attitude. The minority group individual is different, and often possesses different sets of values, experiences, and educational opportunities. It is the function of command to recognize these differences, but not to automatically consider these factors coincidental with inferiority. The commander is responsible for seeking a common channel of communication with minority individuals so that untapped potential can be realized.

PERSONNEL—GENERAL: EQUAL OPPORTUNITY AND TREATMENT OF MILITARY PERSONNEL

USAMC Supplement 1, 27 March 1970, to AR 600-21, is changed as follows:

Page 5, paragraph 15 (Added) Equal Opportunity Seminars (as amended by Suppl 1) is superseded as follows:

"Page 5, paragraph 15 (Added) Equal Opportunity Seminars. Seminars will *be held no less than once annually.* The following guidance is provided:

"(a) Seminars will be conducted at installation or activity level.

"(b) A representative group of military personnel of all grades and groups will participate in all seminars.

"(c) A representative group of civilian supervisors will also participate in all seminars. Such personnel will be supervisors of military personnel, have responsibilities concerned with the military personnel program, or have some pertinent relationship to the military personnel program.

"(d) Seminars are research and discussion groups, studying the problems and developing proposed solutions, both locally and Army-wide. It is not intended that the seminars be an assembly of all personnel of an installation or activity passively listening to a training program.

"(e) Results of the seminars will be documented and furnished through channels to the Commanding General, AMC, ATTN: AMCPT-MS, as soon as possible after conclusion. These results should include an assessment of specific problems of equal opportunity, lessons learned from the seminars, and recommendations for promoting communication among all personnel and for promoting equal opportunity.

"(f) Installations with more than one unit or activity will conduct combined seminars. Units or activities located on installations, other than those controlled by AMC, will request the host command to be included in their seminars.

"(g) Activity Equal Employment Opportunity Officers may be asked to attend since problems in the military program frequently have their basis in the civilian and private sector."

CHARLES T. HORNER, Jr.,
Major General, U.S. Army,
Chief of Staff.

PERSONNEL—GENERAL: EQUAL OPPORTUNITY AND TREATMENT OF MILITARY PERSONNEL

AR 600-21, 18 May 1965, is supplemented as follows:

Page 1, paragraph 2, Applicability. This supplement applies to Headquarters, U.S. Army Materiel Command (AMC); AMC major subordinate commands (including subordinate installations and activities): project/product managers; and separate installations and activities reporting directly to Headquarters, AMC.

Page 1, paragraph 3, Policy. It is the policy of this command that equal opportunity and treatment of military personnel will receive the personal attention of each commander, officer, civilian supervisor, and noncommissioned officer.

Page 1, paragraph 4, Responsibility. Each AMC commander and each AMC project/product manager is responsible for:

(a) Making an earnest effort to recognize situations, which could develop into matters with far-reaching implications.

(b) Taking aggressive action to insure that everyone under his control is aware of the command's concern regarding equal opportunity and treatment.

(c) Insuring that lines of communication are open, and that all personnel have the opportunity to be heard.

(d) Knowing what the personnel under his control are thinking, and being concerned for their welfare.

(e) Instilling in each officer, civilian supervisor, and noncommissioned officer the objective of equal opportunity, treatment, and justice for all men with a respectful recognition of their differences.

(f) Establishing Equal Opportunity Seminars to improve communication between racial groups, to develop positive measures to promote equal opportunity, to improve understanding of Department of the Army policies and regulations pertaining to equal opportunity, and to recommend additional techniques for contributing to the Army-wide program.

Page 5, paragraph 15 (Added) Equal Opportunity Seminars. Seminars will be held periodically as directed by Headquarters, AMC, by separate directive, or as often as desired by each commander. The following guidance is provided:

(a) Seminars will be conducted at installations or activity level.

(b) Military personnel of all grades and minority groups will participate in all seminars.

(c) Civilian supervisory personnel will also participate in all seminars.

(d) Results of the seminars will be documented and furnished through channels to the Commanding General, AMC, ATTN: AMCPT-MS, as soon as possible after conclusion. These results should include an assessment of specific problems of equal opportunity, lessons learned from the seminars, and recommendations for promoting communication among all personnel and for promoting equal opportunity.

(e) Installations with more than one unit or activity will conduct combined seminars. Units or activities located on installations, other than those controlled by AMC, will request the host command to be included in their seminars.

Local limited supplementation of this supplement is permitted but is not required. If supplements are issued, commands, installations, and activities, and project/product managers will each furnish one copy to the Commanding General, AMC, ATTN: AMCPT-MS.

For the Commander:

LEO B. JONES,
Major General, U.S. Army,
Chief of Staff.

RECORDKEEPING, SURVEILLANCE, AND THE FBI

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. HARRINGTON. Mr. Speaker, over the last week I have talked twice of a freedom of association which stands in jeopardy because of government surveillance and dossier activity. In a complex society such as our own, the ability to gather, store, and retrieve massive amounts of information about citizens provides a strong basis for overt government intimidation and coercion—intimidation and coercion which are showing their hands today. The issue is more than the right to privacy—a right which has been cast aside by an administration concerned only with national security and preventive law enforcement to the exclusion of other important interests. It is an issue that goes beyond the dubious credibility of much of the dossier information. Certainly the most basic of democratic freedoms—the right to participate actively in political affairs of the nation—is threatened.

A Supreme Court decision this spring in the case of Tatum against Laird should provide a bulwark against those investigatory violations of basic civil liberties that have been going on since the Army started its civilian surveillance. I congratulate our colleague Senator SAM ERVIN for filing an amicus curiae brief with the Court. And though congressional pressure should continue on the Army and the President, it must be expanded in its scope. For all indications are that the Army did not act alone in its intelligence activities, nor did they refuse to share their information with other government agencies engaged in much the same activity. Congressional hearings have demonstrated how many such agencies exist, the most disturbing of which, Mr. Speaker, is the Federal Bureau of Investigation.

There is clearly a mandate for congressional action on the protection of civil liberties from incorrect, misused, confidential, or illegally obtained information, especially as it relates to the Bureau and its computerization of this data. Action is mandated, first, by the total absence within the Bureau of a point of view which places protection of civil liberties on an equal level with crime prevention. The National Criminal Information Center, for example, is staffed by agents trained in computer operation, and the FBI Director absolutely refuses to allow nonagents more expert in either the law or the computer to engage in its daily operation. It is not insignificant that the civil rights of these agents have themselves been washed away under a flood of Bureau regulations. Are these the men we want in control of this massive surveillance information system?

Action, too, is mandated by the Courts. Judge Gerhard Gesell, in the case of Menard against Mitchell, concluded that questions of who keeps what information and who can see it, are neither judicial nor executive ones. The matter, he wrote, is one for Congress to resolve, for only the Congress can legitimate the burden of exception to civil liberties which the executive branch has thus far mandated on its own. "The overwhelming power of the Federal Government to expose," concluded the judge, "must be kept in proper check." Surveillance and recordkeeping are the essential elements of that power.

Finally, Mr. Speaker, I think action by this body is mandated by the vast amount of time and effort put into the problem by members of the Senate and their staffs. Senators ERVIN and BURDICK are to be loudly applauded for their efforts on behalf of political activists, ex-convicts, and those arrested without conviction. The best applause we could offer would be a show of similar interest in the House. Civil liberties are not the exclusive purview of the other Chamber.

Later this month, our colleague from California (Mr. EDWARDS) will hold subcommittee hearings on H.R. 13315, a bill to limit in a small way the recordkeeping activities of the Bureau and others. Hopefully that hearing will provide a platform for a discussion on what criminal record information we need to keep, for how long, and who should have access to it. Those hearings will not deal with criminal surveillance information, however, which has been the subject of surprisingly little proposed legislation. In the absence of such, I hope that this body will this session give careful scrutiny to the budgets of all Federal agencies engaged in surveillance and dossier activity, including the FBI. We have all paid too much for our civil liberties to have them lightly dismissed by a heavy handed administration.

Mr. Speaker, I would ask that the following informative article by Roger Wilkins on FBI recordkeeping and surveillance, which appeared last Sunday in the Washington Post, be placed in the RECORD.

The article follows:

THE REVOLUTION IN LAW ENFORCEMENT TECHNOLOGY HAS PRODUCED AN INFORMATION MONSTER THAT THREATENS OUR PRIVACY

(By Roger Wilkins)

A silent creeping—one might even say creepy—revolution is taking place in the technology of law enforcement data collection and dissemination. The computers have entered the field and their potential for severely denting—if not destroying—the individual's right to privacy is growing by leaps and bounds.

Last year in a privacy case in the U.S. District Court in the District of Columbia, Judge Gerhard Gesell wrote:

"A heavy burden is placed on all branches of government to maintain a proper equilibrium between the acquisition of information and the necessity to safeguard privacy. Systematic recordation and dissemination of information about individual citizens is a form of surveillance and control which may easily inhibit freedom to speak, to work, and to move about in this land. If information available to government is misued to publicize past incidents in the lives of its citizens the pressures for conformity will be irresistible. Initiative and individuality can be suffocated and a resulting dullness of mind and conduct will become the norm."

Judge Gesell went on to decide that while the arrest record of a person who had been convicted of no crime could be maintained for federal employment and "strictly law enforcement purposes," the FBI is "without authority to disseminate arrest records outside the federal government for employment, licensing or related purposes."

Unfortunately, this lucid principle is being eroded by a voracious computer industry, two powerful and competing federal bureaucracies, hardware-loving police departments around the country and by a Congress which seems not to have the sensitivity, the will or the capacity to do anything to arrest or reverse the trend.

Late in the 60s, the first tendrils of what is fast becoming a patchwork—but nonetheless enveloping—information giant were beginning to emerge in the form of the FBI's National Crime Information Center system (NCIC). That system was designed to provide simple computerized information to law enforcement people on wanted persons, and identifiable stolen property such as license plates, securities, boats and guns. At the same time, from 1966 through 1968, the Justice Department's Office of Law Enforcement Assistance was providing various police jurisdictions about one million dollars a year to develop electronic data retrieval systems.

Then came the deluge. Since 1968, the Law Enforcement Assistance Administration, the much better funded successor to OLEA, has dispensed more than $46 million for a variety of such projects all over the nation. Some went to states for development of a greater organized crime intelligence collection capacity. Other states began using LEAA funds to develop systems related to civil disorders. Whereas earlier efforts had been fairly clearly directed toward information useful in crime detection and prevention, the guidelines began to become murky in the civil disorders field. One state, for example, indicated in its grant application that it would collect the names and information about people who "actively pursue their constitutional rights."

The most significant of the LEAA funded projects, however, was Project Search, which began as a cooperative effort among six states to standardize and computerize personal criminal history records and tie them into a central index and switching center in order to provide each participating state with quick and easy access to the relevant records of each of the others. By the summer of 1971, the number of states in the project had grown to 20 and the problems had grown proportionately.

The first strains emerged when Project Search's Committee on Security and Privacy issued a study which attempted to formulate procedural guidelines safeguarding the public. Among the committee's recommendations were limitations on the type of data to be collected, periodic re-evaluation of the data in order to ensure accuracy, the development of procedures for an individual to have access to his file and stringent security precautions to prevent unauthorized individuals from obtaining access to the stored information. The head of the FBI's NCIC system argued that if such guidelines were needed at all, Project Search was the wrong organization to develop them and that in any event, it was too early to conduct such studies.

Shortly thereafter, it became clear that the FBI hoped that Search would be controlled, not by the states, but by the FBI and that its electronic systems would be tied to the Bureau's National Crime Information Center System. LEAA and the states balked. They argued that the original concept of Search was a bulky central index of criminal activity—like a telephone book—with the basic records being retained in the states rather than the creation of a federally controlled national criminal information and intelligence data bank.

As the dispute raged, Search oozed beyond its original confines into areas never envisaged by the original concept. Under the rules developed by LEAA, such charges as juvenile and public order offenses, drunkenness and vagrancy would be excluded, but serious crimes would be recorded. Those might include bigamy, cruelty to animals, failure to provide support to one's family and adultery as well as the traditionally serious crimes of murder, assault, burglary and robbery.

Meanwhile, the FBI won its fierce bureaucratic battle within the Department of Justice with LEAA. On Dec. 10, 1970, the Attorney General transferred Search to the FBI. A year later, the Senate included in the FBI's appropriations bill language which appeared to restore to the FBI authority to share its information with certain classes of banks and also, in appropriate circumstances, with state agencies for employment and licensing purposes. In all the flurry and growth, the model codes for protection of citizens' privacy and the code of ethics drawn up by Project Search's Committee on Security and Privacy got buried.

At this point the situation remains cloudy, but ominous. LEAA still makes the grants for the acquisition of computers and is pressing for expansion of the system. The FBI is tightening its control while also pressing for ever greater membership. The states, having warned the Attorney General prior to the transfer of Project Search to the FBI that "no matter what the Feds do, the states will continue to develop their own system or systems," are presumably doing just that. And any state or locality may, on its own initiative, store additional information in a system that later may be "interfaced," to use a term of the trade, with the federal data bank. For example, the Kansas City, Mo., police department has stored, among other things, information on outstanding parking tickets, college students known to have participated in disturbances and "area dignitaries."

While this information-gathering monster grows and spreads, there is really no effective federal or state regulation of the whole system. Senator Ervin's Constitutional Rights Subcommittee heard some testimony on the subject both from administration proponents and from concerned and frightened citizens. Senator Mathias slipped an amendment into Title 1 of the Omnibus Crime and Safe Streets Act requiring LEAA to develop legislation regulating the activity. In response in September, 1971, Senator Hruska introduced the Criminal Justice Information Systems Security and Privacy Act of 1971. To date, no hearings have been held on the Hruska bill.

Without debating the details of the Hruska bill, it is fair to say that it assumes that computerized dossiers collected by state and federal police organizations are part of our national life, that they are useful and that they are here to stay. And that is just the point. We apparently are off on another technological toot that leads God knows where without giving it a second thought. Nobody knew when Henry Ford rolled out his first Model A that the internal combustion engine would someday foul our cities. But now we ought to be sophisticated enough to know that a ride on the tiger's back is sure to cost at least a healthy nip on the nose, if not a great deal more.

The issues raised require urgent analysis and broad national debate before the information monster entirely devours our privacy. Because of the complex interstate nature of the system and the federal government's deep involvement in its development, there is only one place where the debate can appropriately take place—in the Congress of the United States. And the first question that needs to be taken up is whether the public wants or needs this system. If Congress' answer is yes, then there is a pressing need for it to define a citizen's right of privacy and the limits which must be placed on the machines' almost unlimited capacity to pry, to store and to *regurgitate indiscriminately,* mindlessly and on command.

Right now only the Lawyer's Committee for Civil Rights under Law, aided by the National Urban Coalition, is monitoring the growth of the beast and, laudable as that effort may be, it is not enough.

BUREN H. McCORMACK OF THE WALL STREET JOURNAL

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. SPRINGER. Mr. Speaker, it was with great regret that I learned of the death of Buren H. McCormack, formerly managing editor of the Wall Street Journal. My association with "Mac" goes back to our college days at DePauw University where he was 1 year ahead of me and at that time displaying some of the outstanding ability which so forcefully surfaced later in his career in the newspaper field.

At that time, Bernard Kilgore was a senior at the university and running the DePauw newspaper. His protege was Buren McCormack, a promising young sophomore reporter, a campus leader and much interested in Sigma Delta Chi, the professional journalistic society.

When Barney Kilgore moved on to the Wall Street Journal it was in bad shape. Barney put new life into it and when Mac graduated, he took his former protege with him in the Wall Street Journal and they have been there ever since. He was not only widely respected in the newspaper field but was a thoroughly outstanding citizen of America. I knew both him and his wife since both were campus companions in college. Mac will be missed not just by those on the Wall Street Journal but also by his many other friends which he made at every level of society.

It seems like only yesterday that I sat in the audience when DePauw honored him with a honorary doctor of literature degree, and on May 21 when I am back on the campus I certainly will remember Buren McCormack—not only of the great interest he took in the university but the wide influence he had upon that institution, its faculty, its student body and its alumni for such a long time.

An editorial with reference to Buren H. McCormack is herewith appended and I am sure his many friends will be interested in reading it:

[From the Wall Street Journal, Feb. 29, 1972]

BUREN H. MCCORMACK

Those of us long associated with The Wall Street Journal well remember the homely, daily scene: "Mac"—Buren H. McCormack—shirt-sleeved, at his desk on the news floor, carefully going over copy with a young reporter.

That was when he was managing editor, and a most meticulous one he was; fair, reasonable, cool and collected and withal demanding. He was himself an advocate and practitioner of clear, clean news writing, and it is not surprising he asked of his staff the highest standards of accuracy and balanced reporting. Many a newsman, ourselves included, owes a great deal to the knowledge and insights Mr. McCormack was able to impart.

But that was only one facet of this remarkable man's 40-year career with The Wall Street Journal and its parent Dow Jones. Mac could, it seemed, do anything and everything involved in putting out a newspaper.

Starting as a reporter, he rose to positions of successively greater responsibility in the field of editing. Then he moved into management—not an easy kind of gear-shifting—and brought his talents especially to bear on the devising of a production organization capable of making this a truly national newspaper. At his death he was second in command of Dow Jones.

Perhaps Mr. McCormack's most outstanding achievement was in the days of the transformation of the Journal from an essentially financial publication into a broad-based business newspaper. Along with the present president of Dow Jones, William F. Kerby, and the late board chairman Bernard Kilgore, Mr. McCormack effected that transformation, proving in the process that business news need not be dully written and edited. In large part, the modern Journal is Mac's testament.

A big, friendly man, with a ready smile and handshake, Mac had wide-ranging interests. He was devoted to good journalism not only for Dow Jones but for all publications, and he served a term as president of Sigma Delta Chi, the professional journalistic society. Hardly less intense was his concern with improving education. Besides all that, he was prominent in church circles and belonged to a number of clubs.

Mac's strong convictions, particularly with regard to newspaper standards, will be with us for a long time to come. His many friends and business associates mourn his passing—but remember him with fondness.

SOVIET JEWISH REFUGEE ASSISTANCE ACT OF 1972

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. PUCINSKI. Mr. Speaker, I have introduced today the Soviet Jewish Refugee Assistance Act of 1972. It directs the Secretary of State to spend $85 million for fiscal year 1973 to house, clothe, feed and train Jewish refugees from the Soviet Union who take up residence in Israel.

Anyone who has observed the plight of the Soviet Jews must be filled with compassion, concern and even sorrow. Russia's Jewish people are struggling against enormous odds to preserve their ancient religious and cultural ties. We must continue our efforts to form world opinion so that the Soviet Union will permit its Jews to practice their religion.

However, in recent months more and more Soviet Jews have been permitted to leave. The last month of 1971 saw three times the number which emigrated in all of 1970. It is generally anticipated that about 50,000 Soviet Jews will leave the country this year. Most of these emigrees will go to Israel with its current population of 3 million.

We, in the United States, have never turned our back on the plight of any refugee movement. Since World War II, we have contributed almost $3 billion to refugee assistance, including $600 million to Cuban refugees, $237 million to the International Refugee Organization, $85 million to help Korean refugees, and more than $500 million for Arab refugees.

In addition to our concern in assisting refugees, we have fought for religious freedom and against religious persecution.

This is why we played a major role in the creation of Israel and why we have been a firm defender of her existence.

Mr. Speaker, the interest of the United States will be best served by passage of this legislation. I have long expressed the belief that the continued existence of Israel as a free state is absolutely necessary to maintain the present world balance of power.

Israel could well be done in by economic disaster if she is forced to assume the entire costs of these masses of Soviet Jewish refugees. What her enemies and their armies could not do on the battlefield—destroy Israel—our inaction could.

Mr. Speaker, I am hopeful that this legislation in the interest of religious freedom, in the interest of human dignity and, yes, in the best interests of our own country will be favorably considered by this Congress.

We must not let this wave of Soviet Jews to Israel upset the Israeli economy to the point where Israel's ability to maintain her defense establishment will suffer. Right now, Israel spends 87 cents of every tax dollar collected on national defense. Israel needs our help to resettle the Soviet refugees who are pouring into Israel. That is why I urgently ask this legislation be approved and funded. We must not let Israel falter in this, her finest hour, when she has opened her gates to Russia's Jewish refugees.

Israel is our most trusted ally in the common struggle against Soviet imperialism. We must help her now.

Mr. Speaker, the text of the bill follows:

H.R. 13454

A bill to authorize the Secretary of State to furnish assistance for the resettlement of Soviet Jewish refugees in Israel.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State is authorized to furnish, on terms and conditions he considers appropriate, assistance to Israel, including assistance for housing, clothes, food, medical care, education, and training, for the resettlement in Israel of Jewish refugees from the Union of Soviet Socialist Republics. There are authorized to be appropriated to the Secretary not to exceed $85,000,000 to carry out the provisions of this Act.

JOHN W. McCORMACK AWARD PRESENTED TO TURNER ROBERTSON

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. EVINS of Tennessee. Mr. Speaker, I am pleased to note that Turner N. Robertson, who recently retired as Chief of Pages, has been presented the John W. McCormack Award for outstanding public service rendered as an employee of the House of Representatives.

Mr. Robertson, a native of North Carolina, served with effectiveness and distinction as Chief of Pages. I recently commended him for his record of service in the House and I want to again commend and congratulate Turner on the occasion of his receiving the esteemed John W. McCormack Award—an impressive tribute in honor of a great Speaker of the House.

WHAT'S GOING ON IN OUR FOOD?

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. BINGHAM. Mr. Speaker, last week, I introduced a bill which would ban the synthetic hormone diethystilbestrol—DES—an approved food additives which enables certain animals to grow faster and thereby increase their meat yield, but which has induced cancer in test mice. The Food and Drug Administration and the Department of Agriculture have thus far refused to withdraw the product from its list of approved additives. Yet, in recent memorandums within FDA's Office of Pharmaceutical Research and Testing, it was revealed that DES is so powerful a carcinogenic that it is unsafe in the smallest quantity which the FDA can presently test. This information is disclosed in a recent issue of Rodale's Health Bulletin, February 19, 1972, which appears below.

Further, in the same issue of Health Bulletin, consumers are alerted to yet another serious food problem. In this instance, the FDA and USDA have confirmed reports that sodium nitrate, which is added to preserve and color foods, combines with other chemicals in food to create nitrosamines, a carcinogenic compound. The claim that sodium nitrite is an essential ingredient in meat to protect it against botulism is challenged by the fact that other countries have already banned the additive while a number of food processors in our country use other safer additives to check botulism.

There are presently a number of consumer actions pending to curtail or end the use of sodium nitrite. In one case, a petition was filed in February with the USDA by representatives of Ralph Nader's Center for Science in the Public Interest. The petition raises some very serious problems concerning the use of sodium nitrite which the USDA must answer forthrightly and without delay.

Following is Health Bulletin article on DES:

No Way To Assure "Safe" Level of DES in Meat, Says Government Expert

The idea that meat is safe because the government's most careful tests cannot find any residue of a carcinogenic hormone in it is sheer folly. So says a man who should know about such things. He is Dr. M. Adrian Gross, head of the Office of Pharmaceutical Research and Testing within the Food and Drug Administration. It is Dr. Gross' staff which is charged with refining and improving those tests which are supposed to guarantee the absence from meat of the synthetic hormone diethystilbestrol (DES).

Other officials in the FDA disagree with Gross, and insist that it is possible to safely control or even eliminate DES in meat. But Gross, in a series of interoffice memos, was quite precise in his arguments. In a certain strain of mice, he said, the ability of DES to trigger cancerous tumors is so powerful that the safe level of the hormone in their feed is "a miniscule fraction of 1 part per billion." Inasmuch as the best current tests are only able to detect the presence of DES when it constitutes at least 2 parts per billion of the sample, it is clear that no food can be declared "safe." What's more, the reseacher said, it is "extremely unlikely, if not well-nigh impossible" that the tests for detecting DES will be able to be refined to the point where they can guarantee purity.

Gross even predicted that the government will not be able to mount a very convincing argument when it goes to court to answer charges by the Natural Resources Defense Council that DES should be banned.

Meanwhile, the Federation of Homemakers has started a letter-writing campaign with the object of forcing stores to identify which cuts of meat they're selling are from animals which have been treated with DES.

Following is Health Bulletin article on sodium nitrite:

Government 'Fesses Up on Sodium Nitrite: It Builds Carcinogenic Nitrosamine

In the wake of a lawsuit demanding that the government open its files on the food additive sodium nitrite, the FDA and USDA have admitted that a cancer-causing compound has been found in meats processed with the additive.

That compound is nitrosamine, and some nitrosamines are well-known as carcinogens in test animals. In 48 samples of food, the scientists said, they discovered two dried beef products and one cured pork product that contained "small amounts" of nitrosamine.

The government says it does not understand the significance of these findings, and at a meeting in Washington, told reporters that sodium nitrite "has been used for hundreds of years" to protect meat from botulism.

They did not tell the press that in some countries, this suspected carcinogen has been banned completely, and that its real purpose is not to protect consumers but to extend the shelf life of products like hot dogs and to develop and fix a desirable pinkish color in sausage products to which great amounts of water and fat have been added.

Suing the FDA and USDA is the Environmental Defense Fund, Inc., which filed in federal district court in San Francisco. The group demands that all the information about sodium nitrite should be made public, so that the public can decide for itself what risk it is taking in eating treated products. If the suit is not withdrawn as a result of the disclosure, a hearing will be held in San Francisco on February 28.

The following is the text of the petition filed with the USDA:

[Before the U.S. Department of Agriculture]

Harrison Wellford, Marcy Schuck, on Behalf of Herself and Her Infant Child, Christopher, and Center for Science in the Public Interest, Petitioners, to Honorable Earl Butz, Secretary of Agriculture

PETITION REQUESTING THE AMENDMENT OF SECTION 318.7(C) OF THE DEPARTMENT'S MEAT INSPECTION REGULATIONS TO RESTRICT THE ADDITION OF SODIUM NITRATE OR SODIUM NITRITE TO MEAT OR MEAT FOOD PRODUCTS, AND OTHER RELIEF

Petitioners request the Secretary of Agriculture to exercise his authority under Section 5, Section 21, and other sections of the Wholesome Meat Act, 81 Stat. 584 et seq., as amended, 21 U.S.C. Sections 601 et seq. (hereinafter "the Act"), to take the following actions:

1. Immediately prohibit (a) the use of sodium nitrite (hereinafter "nitrite") in meat or meat food products (hereinafter "meat products") for the uses now approved under Section 318.7(c) of the Meat Inspection Regulations, as amended June 15, 1971 (hereinafter "the Regulations"), i.e., "to fix color," and (b) the use of sodium nitrite (hereinafter "nitrate") as a source of nitrite to the extent that such nitrite is used "to fix color."

2. Immediately prohibit the use of nitrate and nitrite in bacon products, and in meat products intended for babies. Because baby foods have a slow turnover and may remain on supermarket shelves for months, USDA should initiate seizure or recall actions for baby food products to which nitrite or nitrate has been added.

3. With respect to meat products not mentioned in (2), immediately convene a scientific panel of distinguished scientists to determine (a) the efficacy of nitrites in the prevention of botulism under ordinary meat processing conditions; (b) if efficacious, whether the use of nitrite as an anti-botulism agent in meat products is necessary, taking into account the availability of equally efficacious, less hazardous substitute additives or processes; and (c) if no such substitute exists, the smallest quantity of nitrate and nitrite that must be added to meat products in order to achieve the necessary anti-botulism effect in each such product.

4. With respect to meat products not mentioned in (2), require that all uses of nitrate and nitrite in meat products terminate as of September 1, 1972, unless such scientific panel determines that nitrite is efficacious in the prevention of botulism under ordinary meat processing conditions, and that no equally efficacious, less hazardous substitute additive or process is, or within a reasonable length of time can be made, available. In the event of such a determination, the Secretary shall immediately require that meat products not mentioned in (2) thereafter contain no more than the smallest quantity of nitrate and nitrite found by such panel to be necessary to prevent botulism in each such product.

5. To the extent that nitrate and nitrite are permitted for use in meat products, require (under Section 7 and other sections of the Act, and under Part 317 of the Regulations) that all meat products containing nitrate or nitrite bear an appropriate label designating the presence in the meat product of nitrate or nitrite.

A steadily accumulating body of scientific and other evidence establishes a number of propositions, which together constitute reasonable grounds for granting this petition. These propositions include the following:

(1) Nitrite, and nitrate, after reduction to nitrite, may combine with hemoglobin in the blood of children and certain susceptible adults to form methemoglobin, destroying the oxygen-carrying capacity of the blood.

(2) Nitrite, and nitrate, after reduction to nitrite, may cause the formation of nitrosamines through interaction with secondary and tertiary amines.

(3) Nitrosamines cause cancer in a wide variety of test animals, and there is a strong presumption that they are carcinogenic for man.

(4) Nitrosamines have been detected in hotdogs (up to 80 ppb), bacon (up to 106 ppb), dried beef, smoked fish, cured pork, and other meat products.

(5) Nitrosamine formation has been observed *in vivo* in some mammalian species, and there is a strong presumption that such formation can occur in man.

(6) The addition of nitrite and nitrate to meat products is responsible for the presence of nitrosamines in such products.

(7) No safe level of carcinogenic nitrosamines in meat products has been determined.

(8) Nitrites and nitrates in bacon and baby food meat products are used for cosmetic purposes only, i.e., to fix a red color in the product. There is no botulism danger from ingestion of these products and thus no justification for permitting the use therein of such dangerous substances.

(9) The United States Department of Agriculture (hereinafter "USDA") has failed to determine whether the levels of nitrite and nitrate added to meat products other than bacon and baby food meat products are in excess of amounts necessary to protect against botulism.

(10) Any benefits from the cosmetic uses of nitrite are greatly outweighed by the potential hazards of nitrosamine formation caused by nitrite.

(11) USDA's failure to identify nitrate and nitrite as ingredients of meat products on the product label violates both the Act and USDA's own Regulations thereunder.

Taken altogether, the evidence summarized herein in support of these propositions requires that USDA act promptly to grant the relief requested above.

I. *Petitioners*

Petitioner Harrison Wellford is a resident of Washington, D.C. and is a consumer of meat products. As a consultant to the Center for Study of Responsive Law, a nonprofit, tax-exempt organization engaged in public interest research, petitioner Wellford directed a task force studying USDA and has authored a book and several articles concerned with the activities and policies of USDA. Pursuant to these concerns, petitioner Wellford has also initiated several actions and proceedings within and against USDA.

Petitioner Marcy Schuck is a resident of Washington, D.C. and is a consumer of meat products. She is the mother of an infant son, Christopher Schuck, who is also a resident of Washington, D.C. and is a consumer of baby food meat products.

Petitioner Center for Science in the Public Interest is a non-profit, tax-exempt organization in Washington, D.C. engaged in public interest research on consumer and environmental problems.

II. *Authority for petition*

Petitioners are authorized to submit this petition and obtain a final order with respect thereto by Section 4(d) of the Administrative Procedures Act (5 U.S.C. Section 553 (e)), and 7 C.F.R. Section 1.28, which authorize an interested party to petition the Department for "the issuance, amendment or repeal of a rule."

III. *Other relevant proceedings*

A. The Petition to the Secretary of Health, Education and Welfare Concerning the Use of Nitrate and Nitrite in Foods and Drugs.

Soon after the filing of this petition, petitioners expect to file a petition (hereinafter "the HEW petition") with the Secretary of Health, Education and Welfare pursuant to Section 409(h) of the Food, Drug, and Cosmetic Act (21 U.S.C. Section 348(h)) and 21 C.F.R. Section 121.74, which authorize petitions for the amendment or repeal of food additive regulations issued pursuant to Section 409 of that Act.

The HEW petition will request that the Secretary of HEW restrict the use of nitrate and nitrite in food and drugs. The HEW petition will request that the use of nitrate or nitrite in food products be permitted only if and to the extent that (a) such substances are demonstrated to be actually necessary to prevent botulism contamination of such products, and (b) no equally efficacious, less hazardous substitute additive or process is, or within a reasonable time can be made, available.

B. Request for Information from USDA Relating to the Use of Nitrate and Nitrite in Meat Products.

On January 21, 1972, petitioner Wellford wrote to Dr. William J. Minor, Chief of the Products Standards Branch, Consumer and Marketing Science, USDA, requesting various information pertaining to the issues raised by this petition. No response has yet been received from USDA.

C. Recent Action Against Nitrate and Nitrite in Norway.

In November, 1971, the National Health Department of Norway banned the use of nitrate and nitrite as coloring agents in meat after experiments showed that small doses, when combined with other ingredients, can cause cancer in animal organs. The ban will not take effect until January 1, 1973, unless the meat industry by that time can establish that nitrite is necessary to prevent botulism. Norway, therefore, places the burden of proof as to the safety of nitrites on the meat industry.

IV. *Applicable laws*

Section 1(m)(1) of the Act defines an "adulterated" meat product as one which, *inter alia*, "bears or contains any poisonous or deleterious substance which may render it injurious to health; . . ." Under the Act, a product that is "adulterated" is, by reason of that fact, "misbranded" as well. (Section 1(n)(1)). Various other provisions of the Act (e.g., Sections 3, 5, 21), prohibit the introduction into interstate commerce of adulterated meat products, and require the Secretary of Agriculture to issue rules and regulations to prevent such introduction.

Section 318.7 of the Regulations authorizes the addition to cured meat products of 500 parts per million (ppm) of nitrate as a source of nitrite, and 200 ppm of nitrite in the finished product, to fix color. These are the only direct food additives uses of nitrate and nitrite authorized under the Act.

The Food, Drug and Cosmetic Act, 21 U.S.C. Section 301 et seq., is administered by HEW and regulates exclusively use of all food additives, including nitrate and nitrite, the only relevant exception being "any substance used in accordance with a sanction or approval granted prior to September 6, 1958 pursuant to . . . the Meat Inspection Act of March 4, 1907, as amended and extended." (Section 201(s)(4) of the Food, Drug & Cosmetic Act). Thus, any direct food additive use in meat products (a) of nitrate other than as a source of nitrite, and (b) of nitrite other than to fix color, cannot be authorized by USDA; such uses were not and are not sanctioned under the Meat Inspection Act, as amended and extended.

Section 1(n)(11) of the Act provides that a meat food product is "misbranded . . . if it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact: *Provided*, That, to the extent that compliance with the requirements of this subparagraph (11) is impracticable, exemptions shall be established by regulations promulgated by the Secretary." Various other provisions of the Act prohibit the introduction into interstate commerce of misbranded meat products, and require the Secretary to issue rules and regulations to prevent such introduction.

Section 301.2(ii)(11) of the Regulations similarly requires the labeling of artificial flavoring, artificial coloring, or chemical preservatives. And Section 317.2(j)(12) provides that "containers of other products packed in, bearing, or containing any chemical preservative shall bear a label stating that fact."

V. *The dangers to man of nitrate and nitrite*

The scientific evidence concerning the human health hazards associated with the use of nitrate and nitrite in the food supply is abundant and, for the most part, not controversial. This evidence clearly demonstrates that nitrate and nitrite have no place in the human food supply unless and only to the extent that they can be shown to be indispensable for the prevention of botulism.

A. Acute Effects.

Nitrates are relatively non-toxic to living systems (*Regulation of Food Additives and Medicated Animal Feeds:* Hearings Before Intergovernmental Relations Subcommittee of the House Committee on Government Operations, 92nd Congress, 1st Session, March 1971 (hereinafter "Fountain Subcommittee Hearings"), p. 12). They are of concern chiefly because they are a source of nitrites through conversion by means of bacteriological action in foods and in the human body. The following discussion, then, will be confined almost wholly to nitrites.

In the human body, nitrites react with hemoglobin to produce methemoglobin, a pigment suppressing the ability of red blood cells to carry oxygen. Theoretically, one gram of nitrite can convert up to approximately 1855 grams of hemoglobin to methemoglobin (*Fountain Subcommittee Hearings*, p. 212). Infants seem to be especially prone to this type of poisoning, and several deaths have been reported over the years from this source (*Fountain Subcommittee Hearings*, p. 12). In addition, there are many cases on record of death and serious acute effects from the misuse of nitrite in food. Dr. A. J. Lehman, former Director of FDA's Division of Pharmacology and Toxicology, has warned that "only a small margin of safety exists between the amount of nitrite that is safe and that which may be dangerous. The margin of safety is even more reduced when the smaller blood volume and the corresponding small quantity of hemoglobin in children is taken into account." (Dr. A. J. Lehman, "Nitrates and Nitrites in Meat Products," Association of Food and Drug Officials of the United States, Vol. XXII, No. 3, July, 1958) Dr. Lehman's statement was prompted by over a dozen cases of nitrite poisoning of children in 1955 and 1956.

The danger of methemoglobin formation from nitrite, while principally a health hazard to children, may also constitute a hazard to persons suffering from anemia and to fetuses during the latter stages of pregnancy when the fetal blood system has been established. (*Fountain Subcommittee Hearings*, pp. 145–146)

Baby food manufacturers insist that these chemicals are added to infant foods *only* to impart a red color to infant meat products. In a letter of January 11, 1971 to petitioner Jacobson, for example, Dr. Robert A. Stewart, Director of Research of Gerber's Baby Foods, stated:

"To reiterate, nitrite and nitrate are not food preservatives. They are not used for the purpose of destroying or controlling bacteria. They do cure meat by producing chemical changes resulting in the characteristic color and flavor of cured ham, bacon, etc."

In a letter of January 13, 1971 to petitioner Jacobson, Dr. I. J. Hutchings, General Manager of Research and Development for the Heinz Company, stated that Heinz does not add *any* nitrate or nitrite to baby foods:

"The Heinz Company does not add either sodium nitrate or nitrite to infant foods; and to the best of my knowledge, it is added to only limited items by other baby food manufacturers.

"When sodium nitrate and nitrite are added to infant foods, they are not used in the true sense of preservatives (i.e. to prevent bacteriological growth), but are present to preserve the color of certain meat varieties."

And in a letter of February 3, 1971 to petitioner Jacobson, Beech-Nut, Inc. indicated that it adds to its baby foods amounts of nitrate and nitrite too small to serve any purpose other than as a color fixative.

Under the circumstances, then, it is irresponsible for USDA to permit *any* nitrate or nitrite in baby foods. According to the Joint FAO/WHO Expert Committee on Food Additives, "Nitrate should on no account be added to baby foods" and "Food for babies should not contain added nitrite." (WHO Technical Report, Series No. 228, pp. 72, 75) Given the danger to fetuses, children, and others from methemoglobin formation, and given the danger from nitrosamine formation discussed below, the addition of nitrate or nitrite to such foods is clearly an "adulteration" within the meaning of the Act. Cosmetic considerations cannot be permitted to outweigh the human health hazards associated with the use of these substances in such foods.

B. Chronic Effects.

The danger of methemoglobin formation from nitrite ingestion is a hazard peculiar to infants and others with oxygen-carrying deficiencies in their blood. In addition, however, nitrites present serious chronic health hazards to *all* humans who eat meat products cured with nitrites or nitrates.

The scientific community is in universal agreement that nitrites under certain conditions, interact with secondary amines to form nitrosamines. (FDA, *Review on the Chemistry and Toxicology of Nitrates, and Nitroso Compounds (Nitrosamines) as of August 28, 1970*, reprinted in *Fountain Subcommittee Hearings*, p. 604). And it is equally undisputed that most nitrosamines tested are carcinogenic, and some highly so, to a wide variety of mammalian and non-mammalian species. According to Dr. William Lijinsky, a leading cancer researcher, nitrosamines "are among the most potent carcinogens we know and are certainly the most widely acting group of carcinogens." (*Fountain Subcommittee Hearings*, p. 132)

Nitrosamines cause cancer in a wide variety of species, including the rat, hamster, mouse, guinea pig, dog, and monkey. (P. N. Magee, "Toxicity of Nitrosamines: Their Possible Human Health Hazards," *Ed. Cosmet. Toxicol.*, vol. 9 (1971))

There appears to be no published report of any animal species that is resistant to carcinogenesis by these agents. (Magee, p. 215) Experiments with rats show that nitrosamines attack many different organs of the animals, including the lungs, liver, esophagus, and other sites. (Lijinsky and Epstein, "Nitrosamines as Environmental Carcinogens," *Nature*, vol. 225, No. 5227 (1970)) Recent studies on the toxicity of nitrosamines have concluded that they are a threat to human beings. Dr. P. N. Magee of England's Courtault Institute of Biochemistry warns that the nitroso compounds have "many of the properties that might be predicted for an environmental carcinogen to which man would be susceptible." (Magee, p. 215) A cancer researcher at Oak Ridge National Laboratory, Dr. William Lijinsky, and Dr. Samuel Epstein, Swetland Professor of Environmental Health and Human Ecology at Case Western Reserve Medical School, conclude that "nitrosamines seem to be a major candidate class of carcinogens that are likely to be casually related to human cancer in industrialized society." (Lijinsky & Epstein, p. 223) An FDA Status Report on the toxicology of nitrites and nitrosamines states that since nitrosamines "can induce tumors in a wide spectrum of experimental animals, including the non-human primate, these compounds may have a high potential for induction of neoplasia in man" (Reprinted at *Fountain Subcommittee Hearings*, p. 608)

Danger from human exposure to nitrosamines derives from two sources—their presence in human food and their formation in the body.

Nitrosamines have recently been found in many food products, including frankfurters in amounts up to 80 ppb, in bacon (*after* frying) up to 106 ppb, in dried beef and cured pork products up to 48 ppb, in ham up to 5 ppb, and in fish up to 26 ppb. (Memo to file of September 13, 1971 by Dr. Harry Mussman, Director of Laboratory Services, USDA; Joint USDA-HEW press release of February 5, 1972; *Fountain Subcommittee Hearings*, p. 619). Since a limited sampling program for nitrosamines has only recently been inaugurated by USDA, these findings are suggestive of significant contamination of the food supply with highly carcinogenic nitrosamines.

In addition to exposure from the formation of nitrosamines in food, there is also the distinct possibility of human exposure from the formation of nitrosamines in the human stomach. Nitrosamine formation from the interaction of nitrites and secondary amines is favored by the acid conditions of the mammalian stomach. (Magee, p. 214) This reaction has been established *in vitro* in cats, rabbits, dogs, and man, and it has been established *in vivo* in cats and rabbits, species whose gastric juices are similar in pH to man. (Magee, p. 214) The presence of nitrosodiphenylamine was found in the stomachs of 31 human subjects given a combination of nitrate and a secondary amine. (Magee, p. 215)

The pervasiveness of secondary amines in foods, alcohol, tobacco smoke and other common substances, and the possibility of their interaction with nitrite added to food under pH conditions prevailing in the human stomach, have caused Drs. Lijinsky and Epstein to conclude: "*In vivo* formation of nitrosamines from ingested nitrite and certain secondary amines is potentially a serious problem, especially because nitrosamines are possibly more significant in human cancer in industrialized society than are polynuclear compounds, azo dyes or aflatoxins." (Lijinsky & Epstein, p. 23)

The great weight of scientific opinion holds that chronic exposure to carcinogens such as nitrosamines, even in the amounts to which humans are likely to be exposed, constitutes a grave risk to human health. (Report to the Surgeon General, USPHS, April 22, 1970 by Ad Hoc Committee on the Evaluation of Low Levels of Environmental Chemical Carcinogens, National Cancer Institute; Lijinsky and Epstein)

According to Dr. Lijinsky, "Nitrosamines . . . seem to be most effective in eliciting tumors when they are applied as small doses over a long period, rather than as large single doses. These are precisely the conditions under which we would be exposed to nitrosamines if they are, indeed, formed by interaction of amines with nitrites in our diet." (*Fountain Subcommittee Hearings*, p. 132)

Nitrosamines produce cancer of the liver in rats at dietary levels as low as 2 parts per million, the lowest levels tested. The FDA Status Report noted that "because of these multiple observations on carcinogenicity in experimental animals and since low levels (2 ppm) of dimethylnitrosamine produced malignant aumors in the rat, a 'no effect' level for this formed compound has not been established." (*Fountain Subcommittee Hearings*, p. 608)

The Food, Drug and Cosmetic Act, including the Food Additive Amendment of 1958, 21 U.S.C. Section 348, not only places the burden of proof of food additive safety on the food manufacturers, but provides in the Delaney Clause that no additive shall be deemed to be safe if it is found to induce cancer in man or animal. (Section 348(c)(c)(3)(A))

It is only because of a quirk in the law—namely, that USDA approved nitrate and nitrite as curing agents under the Meat Inspection Act prior to the passage of the 1958 Amendments—that their use in meat is not subject to the Food, Drug and Cosmetic Act, including the Delaney Clause. The same standard of safety, however, should apply.

Under the standard imposed by the Delaney Clause, the use of nitrate and nitrite in meat or meat food products would clearly be prohibited. Dr. Virgil Wodicka, Director of FDA's Bureau of Foods, recognized this fact in testimony before the Fountain Subcommittee at a time when nitrosamines had not yet been found in foods:

"If it were demonstrated that the nitrites added to meat or fish produced nitrosamines in the meat or fish and those nitrosamines were then consumed, this could not be permitted under the Delaney amendment. (p. 540)

"We could not permit the use of nitrites if it led to the formation of nitrosamines in food. (p. 541)"

And another FDA official, Dr. Ramsey, stated in 1971 that in view of the suspected hazards from nitrosamine formation, it would be "impossible" for FDA to approve the present level of nitrite if the compound had just been discovered (cited in *Chemicals and the Future of Man:* Hearings Before the Subcommittee on Executive Reorganization and Government Research of the Senate Committee on Government Operations, 92nd Congress, 1st Session, April 1971 (hereinafter "Ribicoff Subcommittee Hearings"), p. 54)

While no cases of human cancer have definitely been traced to exposure to nitrosamines, cancer researchers stress that this is *not* a basis for assuming that there is no such danger, particularly in view of the crudity and lack of specificity of epidemiological data. Indeed, there is wide agreement among such scientists that *any* unnecessary exposure to a carcinogen constitutes a health risk for man. A National Cancer Institute Committee recently reported to the Surgeon General that "any substance which is shown conclusively to cause tumors in animals should be considered carcinogenic and therefore a potential cancer hazard for man. . . . It is essential to recognize that no level of exposure to a carcinogenic substance, however low it may be, can be considered to be a 'safe' level for man." For these reasons, some scientists predict that "reduction of human exposure to nitrites and certain secondary amines, particularly in foods, may result in a decrease in the incidence of human cancer." (Lijinsky & Epstein, p. 23)

It is clear, then, that the human health dangers from nitrate and nitrite use in meat products, while not quantifiable, are significant and perhaps irreversible. Apart from the cosmetic efficacy of nitrate and nitrite, however, only one benefit from such use has even been suggested—the prevention of botulism—and the anti-botulism effects of these chemicals with respect to most cured meat products are either non-existent or highly questionable.

The Botulism Hazard

There is evidence that in meat products the botulism danger is limited to hermetically sealed, shelf-stable, cured meat products which do not require further cooking before eating. The spores of *Clostridium botulinum* are extremely rare in meat. (R. Greenberg *et al., Appl. Microbiol.*, 14:789, 1966; *Fountain Subcommittee Hearings*, p. 236) In the rare event that they are present, the following conditions help determine whether they produce the toxins which cause human illness:

(1) there must be an anerobic (oxygen-free) environment in or around the meat product for the spores to exist and multiply.

(2) cooking meat at temperatures above 250 degrees F. for 2.7 minutes killls the spores, and cooking at temperatures above 176 degrees F. for 15 minutes or less kills the toxins produced by the spores. (G. M. Dack, *Food Poisoning*, 3rd ed., Univ. of Chicago Press, 1956, pp. 102–103) At boiling temperature (212 degrees F.), the toxins would be killed even sooner.

(3) Types A and B botulism, the types commonly found in meat, will not multiply and produce toxins when meat is refrigerated at temperatures below 40 degrees F.

The following meat products carry no botulism hazard and therefore can be immediately cleansed of nitrate without increasing the risks of food poisoning:

(1) *bacon:* USDA officials have stated publicly that bacon poses no botulism hazard whatsoever. According to Mr. R. Paul Elliott, Chief of USDA's Chemistry and Microbiology Branch, "Bacon . . . which is always heated thoroughly, could not, under any circumstances become a hazard from botulism." (*Fountain Subcommittee Hearings*, p. 262) Nevertheless, nitrite is added to bacon to fix its red color and enhance flavor without any identification on the product label. Highly carcinogenic nitrosamines have recently been found in bacon in amounts up to 106 ppb *after* it had been fried. Since botulism poses no hazard in bacon, the use of nitrate and nitrite in bacon should be suspended immediately.

(2) *baby foods containing cured meat products:* Baby foods are sterilized by heat processing above 250 degrees in hermetically sealed containers. This process kills any *botulinum* spores and toxins which may be present. According to statements from Gerber, Swift, Beech-Nut and Heinz officials, nitrites are used in baby foods to fix their color and enhance their taste, not to destroy or control bacteria. Because there is no botulism danger, the Heinz Company felt no need to add *any* nitrite or nitrate to its infant foods. Gerber, Beech-Nut, and Swift, on the other hand, added nitrites to some of their baby food meat products, but for cosmetic purposes only. Since botulism does not exist as a hazard in these products and since any added nitrite or nitrate increase the risks of carcinogenic nitrosamine formation, the use of nitrite and nitrate in these products should be suspended immediately.

The extent, if any, of the botulism hazard in frankfurters has not been definitely determined, but the available evidence strongly suggests that no such hazard exists. There is some doubt whether the permeable skinned frankfurter possesses the anerobic environment necesary for the survival of *Clostridium botulinum*. Second, since frankfurters are refrigerated, any spores of botulism present would be unlikely to multiply and produce toxins. Third, since frankfurters are cooked before eating, any toxins present would almost certainly be killed before consumption. USDA officials have publicly stated that "any food that must be cooked [before eating] will not be a hazard from botulism from any toxin formed before cooking, because the toxin is easily destroyed by heat." (*Fountain Subcommittee Hearings*, p. 262).

Fourth, at least one company already markets a frankfurter devoid of nitrate, nitrite, or any other chemical preservative. The Maple Crest Sausage Company of Rochester, New York has sold a frozen nitrite-free, preservative-free frankfurter for several years. Consumers Cooperative is planning to market a similar product soon in the Washington, D.C. area. And Giant Foods, a large retail chain, plans to market a non-frozen frankfurter free of chemical preservatives.

It is noteworthy that USDA imposes no *minimum* nitrate or nitrite level requirement on frankfurters or other meat products. If nitrate or nitrite were necessary to prevent botulism, USDA would have to insure that sufficient levels of these substances were present. In testimony before the Fountain Subcommittee in 1971, the following exchange occurred between Dr. Goldhammer of the Subcommittee staff and Mr. Elliott of USDA (*Fountain Subcommittee Hearings*, p. 237):

Mr. GOLDHAMMER. The question I asked was, do you not have a minimum nitrite content declared in your regulation, because below that minimum you may not have preservation? Just as the FDA had to do in connection with the chubs.

Mr. ELLIOTT. You are quite right. It is a very good point.

The absence of such minima, the absence of even a single reported outbreak of botulism since at least 1950 attributable to meat or poultry to which nitrites were not added (*Fountain Subcommittee Hearings*, pp. 383–88), together with the nitrite-related human health hazards documented above, require that a heavy burden of proving the existence of an anti-botulism effect from nitrite rest on those seeking to justify its use.

It therefore appears that the botulism risk in frankfurters, if it exists at all, is exceedingly remote, and that alternative processing methods to prevent botulism are available. The frankfurter is the nation's most popular processed meat product; billions are consumed each year. It is a special favorite of children. Any addition of nitrate or nitrite which is not necessary to protect against botulism creates particularly high risks in these products. Therefore, the use of nitrites in frankfurters should be suspended, unless scientific data is produced within six months (a reasonable period for the development of such data) demonstrating that there is a botulism hazard in frankfurters and that nitrite, in strictly specified amounts, is necessary to protect against it.

VI. Prayer for Relief

For the reasons set forth above, petitioners request that the Secretary grant the relief set forth on pages 1 and 2 of this Petition.

Respectfully submitted,

PETER H. SCHUCK,
Attorney for Petitioners.

February 9, 1972.

THE BUSING OF SCHOOLCHILDREN

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. CORMAN. Mr. Speaker, the busing of children to school as a means to carry out the Supreme Court's decision that segregated schools are unconstitutional has become the subject of great debate. Various legislative proposals are being offered in Congress. Some would take the country back to the appalling days of the "separate but equal" principle. Some would have the Congress offer to the States for ratification a constitutional amendment that would destroy the past 17 years' efforts—admittedly a slow pace—to fully make the "equal protection" clause of the 14th amendment a right for all our citizens, our black schoolchildren included.

The debate has become highly controversial, both in Congress and throughout the country. It has, in one instance, become the overriding issue in the Florida presidential primary where an antibusing referendum is included on the March 14 ballot. It has, in another instance, caused a black citizen—and others like him, I am sure—the pain of looking back on his own school experience, and of looking ahead as to what may be in store for his children.

Mr. Speaker, two articles, which touched me deeply, appeared in the Washington Post of yesterday and today, and I ask that they be reprinted at this point in the RECORD In one, Governor Askew of Florida reflects on the need for sober thought in the matter of the referendum. In the other, Roger Wilkins, a Washington attorney and nephew of Roy Wilkins, reflects about the choices offered to his children. His very telling conclusion, that "People do not learn to function very well in multiracial societies when they do all their learning in uniracial schools," is serious food for thought.

I comment these two articles to my colleagues with the hope that the messages they contain will not be lost in the heat of the ongoing debate.

The articles follow:

[From the Washington Post, March 1, 1972]

Unhappy Memory and a Hopeful Present: A Black Parent Looks in Two Directions at Busing

(By Roger Wilkins)

Blacks who can remember being bused for the maintenance of segregation find the current heated debate over busing both bemusing and infuriating. We feel the same way about politicians and pundits who seem sure they know that black parents don't want busing any more than white parents do. It puts one in mind of the old white Southerners who used to assure Northerners that, "our darkies are happy down here," and would then trot one out to prove it.

Well, this one's not very happy about the whole busing debate. My first educational experience was in a one room segregated school in Kansas City, Mo., where I was allowed to come and sit in the back of the room at the age of four because all my older friends were there. The next year, that school was closed and my friends and I were bused many miles to a black school in a blacker part of town. Apart from a keen daily sense that the whites were terribly selfish for hogging the newer and prettier school near our homes, I remember the bus rides as generally convivial and sometimes pretty hilarious. My next stop was Harlem where you learned a lot if you were in an upper track and paid for it with lumps dealt out in the school yard or in the street by resentful lower trackers.

And then on to high school in a midwestern city. If I wasn't the first black in the school, I was the only "one" there then and my family and I were the only "ones" in the neighborhood. In the classroom it was fine with the algebra and the English, but on the street it was tougher than Harlem. Somebody always seemed to have had to clear a clogged throat right on the furry cover of my bicycle seat. Rather than face the humiliation of cleaning it off in view of the passing crowds thronging out of the school, I would often ride home standing up and sometimes through a gantlet of stones, apple cores and teen-age racial epithets.

But it turned out all right. I learned enough in that school to get into college. And I learned some other things too. Things I couldn't have learned in my Kansas City schools nor in my Harlem schools. They were things about white people and things about myself. I learned that whites are not the superior people they were made out to be. Some of them were smarter than I and some not as smart. Some could pump in baskets from the corner better than I and some couldn't make the team at all. And eventually, over time, I came to learn that they and I could deal in human terms across racial lines. And they learned things from me, too, about blacks that they could never have learned in an all white school. Yesterday's coon turned out to be a contemporary kid and tomorrow's man. Though it hurt me a lot in the beginning, it was worth it—for all of us. People don't learn to function very well in multiracial societies when they do all their learning in uniracial schools.

My mother's judgments about my education were based partially on the circumstances of her life and partially on her desire that her child receive the best education her resources could provide. She did not seek an all white high school for me, but she was certainly not displeased that the one I attended was the best school in town. She knew to a moral certainty that she didn't want her son to be an illiterate or an emotional cripple hobbling through the last five or six decades of his life. She figured that knowing how to read was essential, but that learning something about white people was useful too. Inadvertently, I suspect, her decision helped a lot of white kids too.

The choice, then, is not to bus or not to bus, but to teach children to read and to live among the wide variety of people with whom they will spend their lives. We can either integrate—sometimes using buses as a tool—or we can choose to create a future generation of cripples, savages and bigots.

Years after my mother had made her choices for me, I had to begin thinking about the same kind of choices for my own children. When it became clear by my daughter's fourth year in a largely black school that she was reading at least two years below grade level, my wife and I took her out of her neighborhood school, and put her on a bus headed for a much better school ten miles from home, which also happened to be integrated. When my son became five, he joined his sister on that same bus headed for the same integrated school where they could learn in a gentler way than I had two decades earlier how to live in an integrated world. They both began to read. And that was the essential point.

[From the Washington Post, Feb. 29, 1972]

For the Record—Florida's Governor Takes a Stand on Busing

On March 14, Florida voters will be asked on their primary ballot whether they favor an amendment to the U.S. Constitution outlawing "forced busing" of school children. Last week, in a speech at the opening of the Central Florida State Fair in Orlando, Governor Reubin Askew, a Democrat, urged voters to reject the proposal and to support a companion question on the ballot affirming equal educational opportunity and rejecting a "return to the old dual school system." What follows are excerpts from that speech:

I come before you today to say a few things with which you may disagree, a few things which are decidedly unpopular, but a few things which I feel must be said in the interest of Florida and her people—all of them . . .

I strongly oppose a constitutional amendment to outlaw busing—not because I particularly like it or think it's a panacea for our problems . . . Busing is an artificial and inadequate instrument of change. It should be abandoned just as soon as we can afford to do so . . .

Yet by the use of busing and other methods, we've made real progress in dismantling a dual system of public schools in Florida. And I submit that until we find alternative ways of providing an equal opportunity for quality education for all . . . until we can be sure that an end to busing won't lead to a return of segregated public schools . . . until we have those assurances, we must not unduly limit ourselves, and certainly not constitutionally.

We must not take the risk of seriously undermining the spirit of the Constitution, one of the noblest documents ever produced by man. And we must not take the risk of returning to the kind of segregation, fear and misunderstanding which produced the very problem that led to busing in the first place.

I certainly hope that the overwhelming majority of Floridians are committed to the goal which busing was designed to pursue. That goal is to put this divisive and self-defeating issue of race behind us once and for all . . .

I think we're well within reach of understanding one another, caring for one another and affirming our principles of justice and compassion which made this country what it is today. How sad it will be if we turn back now—not only for minority children—but for all of us.

Of course we don't want our children to suffer unnecessary hardships. That goes without saying. But neither do we want our children to grow up into a world of continuing racial discord, racial hatred and, finally, a world of racial violence . . .

It is my hope that we're moving beyond racial appeals here in Florida and in the rest of the South as well. I say it's time we told the rest of the nation that we aren't caught up in the mania to stop busing at any cost, that we're trying to mature politically down here, that we know the real issues when we see them, and that we no longer will be fooled, frightened and divided against ourselves . . .

I hope we can say to those who would keep us angry, confused and divided that we're more concerned about a problem of justice than about a problem of transportation, and that while we're determined to solve both, we're going to take justice.

It is not my intention to impose my will on anyone. But it is my intention to give the people of Florida cause for sober reflection, so that they're sure—very sure—before they encourage an amendment to the United States Constitution, one that for the very first time, I believe, would seek to reverse our efforts to make that great document a living testimony to the pursuit of liberty, freedom and justice—for all.

HOW TO GROW A PATRIOT

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. GAYDOS. Mr. Speaker, I came upon an advertisement in the February 21 issue of Industry Week magazine which I think should be of interest to my colleagues and to all Americans.

It was placed in the magazine by Davi-Callihan, Inc., an advertising-public relations-marketing communications firm in New York. Nothing more need be said about the ad—it is self-explanatory, but I offer my congratulations to Davi-Callihan, Inc. for calling attention to something our country needs most desperately.

American patriotism is one thing which absolutely cannot be manufactured abroad and imported here. We must produce it ourselves.

How To Grow a Patriot

A patriot is a person who loves his country, supports his country, and defends his country.

Patriots are great to have around when the going gets rough.

So let's all go out and find some patriots.

Unfortunately, it's not that easy.

You can't take a pill and become a patriot.

You can't stamp patriots out of an assembly line, like tanks, or planes or guns.

You can't legislate patriotism, it turns the kids off.

You also can't expect our schools, or our churches, or the government itself to mold our patriots.

At least it isn't working out that way.

Patriotism, it seems to us, is something that needs to be passed along from one generation to the next.

In the home.

By the folks who are in the best position to do the job.

The Mothers, and the Fathers, and the next of kin.

Unfortunately, this isn't what's been happening.

Those of us who fall into this category have relegated the job of growing our patriots to people who aren't getting the job done.

And time is running out.

So maybe the time has come, to put some patriotism into our parenthood.

First, find a young American, someone about 8 or 10, your son, or grandson, or the boy next door will do.

Next, clear up any misconceptions he might have about demanding his freedom without working for it.

Make sure he learns why it was that Great Grandpa came over here in the first place.

What he had to do to survive once he cleared Ellis Island.

And how he felt about America the day his paper came through.

Let him know how you feel when the flag goes by.

Why you didn't skip town when the chips were down, in 42, 51 or 63.

And why you wouldn't now, even though you might not always agree with your Uncle Sam.

Let him be aware of how we've had to earn our freedom over and over again.

And, while we might not relish the task, why we will likely have to do the job more than once again in the years ahead.

You might suggest to him the things you believe made America great.

Things like pride and ambition, the willingness to work hard and run lean.

Encourage him not to be afraid to compete.

To be resourceful and inventive.

And to turn in an honest day's work for a fair day's pay.

And then remind him why we can't let mobs or men with dishonest intentions run our country, and why his special talents will be needed more than ever before.

If we are to win the peace that follows the war, and keep America number one.

Why do these things?

Well, the Ben Franklins and the Tom Paines, and the Nathan Hales frankly don't always come along exactly when we seem to need them the most.

Sometimes patriots are in short supply.

So maybe we ought to help show our young people the way.

The way to get fired up about the country we live in.

The United States of America.

And if we do the showing, who knows?

Maybe someday, somewhere in this world, when your young man is asked where he comes from, or what he stands for, he won't fumble for an answer, or hang his head in shame.

He'll stand firm, hold his head high, and say, "I'm an American."

"From the land of the free, and the home of the brave."

SICKLE CELL AND COOLEY'S ANEMIAS

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. GIAIMO. Mr. Speaker, this Congress is about to embark on a program authorizing Federal funds for medical research and screening programs intended to assist the victims of sickle cell anemia, their parents and the millions of as yet unborn children who may have the disease. This important legislation has my support.

The Congress should be aware, however, that sickle cell anemia is only one of two major genetic blood disorders which are common in America. The other one is known as Cooley's anemia, and although Cooley's bears a categorical resemblance to sickle cell—in that they are both disorders of the blood's hemoglobin, transmitted genetically—there are also distinct differences.

It is certain that most Members of the Congress have heard of sickle cell anemia, and equally certain that they have not heard of Cooley's anemia. That is only natural, given the enormous public education that has taken place concerning sickle cell anemia during the past few years. It is only recently, moreover, that a national voluntary self-help organization, the Cooley's Anemia Blood and Research Foundation, has begun to bring together patients with that disease in an effort to help them and their parents cope with its many consequences.

Unfortunately, this lack of information extends even into the Government. During subcommittee consideration of the sickle cell anemia bill—to cite one example of that lack of information—the subcommittee was led to believe that these two diseases are identical, and that funds authorized for screening and research programs in sickle cell anemia would also be used to investigate Cooley's anemia. This, of course, is not true, and subsequently HEW spokesmen notified the subcommittee that Cooley's anemia was, indeed, a distinct disease.

The damage was done through that misunderstanding, and this Congress may soon be considering a bill that goes only half way toward providing research and screening funds for a particular class of diseases—the common genetically transmitted hemoglobin disorders.

So that Members of this body will have appropriate information available during consideration of that bill, I have constructed a series of questions and answers comparing and contrasting sickle cell and Cooley's anemias. Information for this series of questions comes both from material supplied by the Cooley's Anemia Blood and Research Foundation, and from the standard text of physicians, Harrison's "Principles of Internal Medicine," fifth edition.

Question 1. What groups are affected by these diseases?

Answer. In both diseases there are so-called major and minor forms, depending on whether the individual has inherited half or all of the genetic "code" for defective hemoglobin synthesis.

The severe form of sickle cell is found in one of every 600 black Americans, according to Harrison. Widespread screening programs have detected the genetic trait—one half of the genetic compliment, leading to a far less serious illness if any, in nine percent of U.S. blacks.

Cooley's anemia—the severe form, also known as Thalassemia or Mediterranean anemia—is found in one of every 1,000 American children born of parents whose ancestors were natives of countries surrounding the Mediterreanean Sea. Those children are of predominantly Greek and Italian origin, but because of widespread intermarriage the severe disease is also encountered among children of Irish, Scandinavian, Jewish, Oriental, and Turkish descent. Widespread screening programs have not been performed because, in contrast of sickle cell anemia, inexpensive methods for detection of the Cooley's genetic trait are only now being developed. In tests using the older, more expensive screening method, however, some Italian-American communities showed existence of the genetic trait in as many as 20 percent of the children.

Question 2. What is the treatment of this disease?

Answer. In both inherited blood disorders, the only known treatment is what physicians refer to as "supportive therapy," that is, attempting to alleviate the suffering that comes from pathologic side effects of the basic disease. Cooley's children, from the first year of life, receive frequent blood transfusions to correct their anemia, and suffer in addition malformed bone development leading to brittle, easily broken bones and alterations in facial appearance. In both cases, there is no known treatment for the basic disease process—it is palliative, as in the care of terminal cancer patients.

Question 3. What is the outlook for children with this disease?

Answer. In both diseases, the severe form—with both defective genetic components inherited—can be fatal, and is invariably so, in Cooley's anemia. Cooley's anemia patients are now living longer, but not as long as most sickle cell patients.

It is evident from this material that there is much in common suffered by patients with the severe forms of both sickle cell anemia and Cooley's anemia. Most importantly, there is a need in both diseases—since they are the two commonly found inherited hemoglobin disorders in the United States—for public and Federal support for medical research and for screening programs to detect those parents whose children may have the disease.

We should not, as a Congress, isolate one particular kind of genetic blood disorder for that Federal attention when there are only two—not tens or hundreds—such severe diseases commonly found in this country. To do so would be equivalent to instructing the National Cancer Institute to investigate one kind of cancer without investigating the other, with, in the case of sickle cell and Cooley's anemia, the added overtone that one kind of disease occurs in one ethnic group, and the second in another, although both are found across the nation.

I have provided this information in preparation for congressional consideration of the sickle cell bill, with hopes that both sickle cell sufferers and patients with Cooley's anemia—as well as the millions of unborn children who will have one or the other disease, and their parents who suffer protracted heartache and medical bills—may look to the Federal Government to provide the research and detection funds which are a legitimate public expense.

THE STAKE IN FARMING

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. OBEY. Mr. Speaker, Senator GAYLORD NELSON, my Wisconsin colleague has sponsored the Family Farm Act of 1972. Congressman JAMES ABOUREZK, of South Dakota, has coauthored the same legislation in the House and I have joined him in his efforts.

The act is designed to protect the family farm in America by restoring competition to the agriculture industry. Not many urban-oriented newspapers really pay much attention today to what is happening on our farms and that is why I was especially pleased to see in last Saturday's Washington Post a noteworthy article by Clayton Fritchey.

I commend it to my colleagues, and I commend Senator NELSON and Congressman ABOUREZK for their leadership in this little publicized effort of national importance.

The article follows:

THE STAKE IN FARMING

(By Clayton Fritchey)

Generally speaking, farm news and farm legislation are of little interest to urban dwellers, but there is a new agricultural bill in Congress that everybody has a stake in, for it concerns the protection of small business, the overcrowding of cities, enlarged welfare rolls and the pocketbooks of all consumers.

It is the family farm bill of 1972, a proposal which finally puts it up to the people of this country, through their Congress, to make a conscious decision on whether to save the small family farm or let it be wiped out altogether.

The new legislation, sponsored jointly by Sen. Gaylord Nelson (D-Wis.) and Rep. James Abourezk (D-S.D.), is not just another farm bill involving subsidies, price supports, acreage allotment and so forth. Instead, it is addressed to the entire country. It would make it "national policy to restore competition to the agricultural industry and to provide for the continuance of the family farm." If this policy is adopted, it will be only in the nick of time. Since World War II, the number of farms in America has declined from 5.9 million to 2.9 million. If the trend is not arrested, the total will drop below 2 million in a few more years, for every week over 2,000 farms are being sold to large owners, who now control 24 percent of the market and gross an average $270,000 annually.

The new Secretary of Agriculture, Earl Butz, is himself an apostle of big farming, but over the years politics has not been much of a factor in the trend. During the Eisenhower years the number of farms dwindled by 28 per cent. Under Presidents Kennedy and Johnson there was a further drop of 33 per cent. So far, under President Nixon, there has been another reduction of 10 per cent.

Last year, 226,000 large farms, comprising only 8 percent of the total number, received 55 percent of the cash receipts from farm marketings. In California alone nearly half of the agricultural land—3.7 million acres—is owned by corporate firms.

"Farmer Jones and farmer Smith," says Sen. Adlai Stevenson III (D-Ill.), "are being displaced all over America by newcomers to the farms with names like Tenneco, Gulf and Western, Goodyear, Monsanto, Union Carbide, Kaiser, Boeing and Dow Chemical."

It's the invasion of the corporate conglomerates that has spurred Sen. Nelson and Rep. Abourezk to action. Their bill would force corporations owning more than $3 million in nonfarm enterprises to divest themselves of any lands used for agriculture. It's not a complete panacea but it's a big first step.

Nothing is more frustrating, says Rep. Abourezk, "than watching hard-working farm and ranch people forced off the land to add to the problems of congestion and unemployment in the cities." Moreover, he adds:

"Not only do conglomerates threaten the existence of small-unit farmers and ranchers who produce food solely for a living, but if they are allowed to become a significant factor in food production nationally, they will certainly adversely affect consumer prices. It's in the interest of people living in New York City as well as in South Dakota to keep family farms economically healthy."

Secretary Butz seems to think the trend toward ever larger farms, along with more corporate ownership, is inevitable and associated with progress. Nevertheless, it has been pointed out that the rapid mechanization of Southern agriculture, for instance, did not release thousands of marginal farmers and sharecroppers to do more useful work, as claimed, but simply lift them to idle on welfare rolls in urban slums or to half starve in rural slums.

It's the rural poor, like the urban poor, who feel the pinch. Last year the Department of Agriculture reported that 23 big farm operators got federal subsidies of $500,000 or more in 1970. Nine got $1 million or more, and one operator got over $4 million. On the other hand, a million low-income farmers averaged less than $400 a year in subsidies.

Small towns which live by serving farmers are also suffering. It is estimated that one small-town businessman has gone under for every six farmers who abandon farming. Don Paarlberg, the top economist for the Agriculture Department, sums up the dilemma this way:

"We now supply ourselves with food—the best diet ever, anywhere—with something less than 17 percent of our income. If we stay with the family farm and improve its efficiency, the percentage of income spent for food will go still lower. . . . Should we sacrifice a form of agricultural production that has served us well, that has produced good people as well as good crops? I believe this to be the major farm policy issue of the decade ahead.

MIZELL CALLS FOR QUALITY EDUCATION WITHOUT "THE MADNESS OF BUSING"

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. MIZELL. Mr. Speaker, on Monday of this week, I was privileged to appear as one of the first witnesses testifying in the House Judiciary Committee's hearings on antibusing legislation.

As my colleagues know, I have taken an active part in this issue since almost the first day I entered this Chamber 3 years ago.

I first introduced a Nondiscriminatory Education Act designed to preserve the neighborhood-school concept, but a succession of Federal court decisions convinced me some 10 months ago that only a constitutional amendment could restore reason to public education in America by prohibiting the assignment of students to public schools on the basis of race and thus eliminating the need for massive crosstown busing.

That amendment, introduced last April 29, states:

> No public school student shall, because of his race, creed or color, be assigned to or required to attend a particular school.

This week, before the House Judiciary Subcommittee conducting these hearings, I explained my reasons for having introduced this amendment and urged the committee to act favorably and quickly on this measure, bringing it to the floor for a vote by the full membership of the House.

I believe my colleagues will be interested in the testimony I gave the Judiciary Subcommittee, Mr. Speaker, and I include the text of my remarks in the RECORD at this time:

TESTIMONY OF HONORABLE WILMER MIZELL

Mr. Chairman, I am very grateful to you and the members of this committee for this opportunity to testify on the first day of the committee's hearings on legislation related to the busing of school children to achieve racial balance.

The issue of busing is one that has raised the passions of the American people to feverish levels in the past several months, and it stands today as perhaps the single most controversial and hotly-debated issue in American political and social life.

I fervently hope that these hearings which begin today will be conducted in a spirit of rationality, objectivity and genuine concern. For my part, since I am among the first witnesses to testify, I will try to help set a general tone of calmness, reason and accuracy which hopefully will characterize the entirety of these hearings.

Let me say at the outset that the vast majority of us who speak in opposition to cross-busing do not speak as the echoes of past voices preaching "segregation forever" or "white supremacy" or other slogans of racial hatred and prejudice. Thank goodness, we as a Nation and as a people have come farther than that.

Certainly, these strident voices can still be heard, but they are not to be heeded by reasonable men and women. We have heard them before, and no doubt we shall hear them again, but I don't believe those voices that would divide us have any influence on the great majority of Americans today.

Discrimination has no place in our society, and its presence in the educational process, and its impact on our pursuit of quality education for all our children, are of great concern to me, and to this committee, and to millions of Americans today.

Let us first try to agree on what would constitute the absence of discrimination in our public school systems.

The foundation for this concept would be a commitment to provide the best possible education for every American child, whether his skin is black, white, brown, yellow or red.

That basic commitment would entail an additional commitment to open door policies in our schools, allowing parents to send their children to the schools of their choice.

Experience and common sense tell us that most parents, and their children, would prefer the neighborhood school, where the opportunity is greatest for a rewarding educational experience.

The closeness to home, the association with friends, the familiar surroundings of one's own neighborhood—any educator would certainly agree that these conditions are conducive to learning, especially where grade school age children are concerned.

But commitment to the neighborhood school concept is not enough, either. A further commitment is required, insuring that every school in every neighborhood, whether in the inner city, or in the suburb, or in the countryside, is adequately equipped, that the facilities are kept in good repair, that the teachers are adequately paid and fully qualified, that an equitable amount of public funds is spent on each child, regardless of his race, and that each child is given every possible opportunity to learn as much and as rapidly as he can.

I think we can agree that the fulfillment of these commitments would constitute the absence of discrimination, and just as important, would greatly contribute to quality education.

What, then, would work to the detriment of quality education?

First, a discriminatory policy which prevents children of one race or several races from enjoying the same educational opportunities as those enjoyed by children of another race. The courts have correctly struck down such policies.

But there is another policy; just as detrimental, that has gained great favor in the eyes of the courts, and that is the policy of establishing arbitrary racial balance for pupil assignment. This policy is based on the assumption that until these balances are reached, educational quality will be impaired or impossible, regardless of any other consideration.

But to say that a black child cannot learn unless he is in the company of a white child, or to say that a white teacher is automatically better qualified than a black teacher is the most profound kind of racism there is, and it is the kind the courts are perpetuating today.

This policy of racial assignment almost always involves a program of massive transportation designed specifically to enable a school system to achieve those arbitrary balances.

In Winston-Salem, North Carolina, this program involves putting a grade school child on a bus for more than an hour, and taking him 15 to 20 miles away from his home to go to a school where he has no friends, in a neighborhood completely foreign to him.

And in Winston-Salem, the problems of disruption are compounded by a system, just imposed this year, providing for a change of school every two years after the fourth grade, eliminating any hope of stability and any concept of school pride so important to a young person.

Mr. Chairman, I cannot conceive of a plan any less conducive to quality education or more discriminating against all children than the one I have just described. But in the past several months, Federal Courts throughout America have demanded that just such plans be implemented in the name of quality education and nondiscrimination.

Citing again the case of Winston-Salem, the largest city in the fifth district of North Carolina, which I am proud to represent, 32,220 of the school system's 44,000 students are riding buses this year. About two-thirds of them are being bused because they live beyond walking distance of a school, but more than one-third—more than 11,000 children—are being bused solely to achieve court-required racial balance.

One hundred fifty-seven new buses were required to implement that order. Each of those buses cost $6,300 to buy, and it costs $1,600 a year to maintain them, without mentioning the additional costs in bus drivers' salaries. The superintendent of schools there has told me that this massive busing program now requires an operating budget, of $1.4 million. That figure represents almost exactly a 100 percent increase in transportation costs over last year.

In Charlotte, North Carolina, the city directly involved in the Supreme Court busing decision of last April, the busing program costs almost $800,000 to run. The superintendent of schools in that system reported recently that the first year of busing resulted in a school budget deficit of almost $650,000.

But North Carolina has not borne the brunt of unreasonable court decisions alone, nor has the South.

The school systems serving San Francisco, California, Boston, Massachusetts, Pontiac, Michigan, and many other non-southern cities are also now under court order to bus their pupils for racial balance, and all of these cities are undergoing the same financial strains we have experienced in Winston-Salem.

The Los Angeles, California, school system is now under court order, subject to appeal, to transport 240,000 children up to 25 miles to attend school. U.S. News and World Report recently reported that the cost of this massive program has been estimated by school officials at $180 million over the next eight years.

And there are numerous other examples and figures one could cite, demonstrating the destructive drain on public finances that these massive transportation programs cause.

But I believe my point has already been made. Financial burdens already threaten to quite literally destroy hundreds of school systems throughout the country. The Dayton, Ohio, school system has already fallen under the weight of budgetary pressures, and others are sure to follow unless something is done to relieve those pressures.

We read of teachers in many cities striking for higher pay, of school buildings crumbling in disrepair, and of acute shortages in so many kinds of educational equipment.

When funds for these pressing needs cannot be supplied even now, how shall the cause of quality education be served by imposing overwhelming additional costs for purchasing and maintaining fleets of new buses?

In our admirable desire to provide a quality education for all, will we make it impossible to provide a quality education for any? This need not—it must not—be the case.

The American people are known throughout the world for their common sense, and I think it's highly significant that, according to a recent Gallup poll, almost 90 percent of the American people oppose busing to achieve racial balance.

A full 93 percent of my constituents responding to my latest questionnaire expressed opposition to busing, and every colleague in the Congress that I have spoken with has told me that a similar level of opposition exists in his district.

Mr. Chairman, I believe that the people's will should count for something in a democracy, and the people's will has been trampled down along with congressional statutes in the Federal Court's zeal to achieve racial balances in our schools.

The Congress has declared on many occasions that the cost of busing solely for racial balance is an unwarranted and illegal expense.

Section 407 of the Civil Rights Act of 1964 provides that "nothing herein shall empower any official or court of the United States to issue an order to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another to achieve balance or otherwise enlarge the existing power of the court to insure compliance with constitutional standards."

The United States Supreme Court ignored that provision of the law in its Charlotte decision, and the Federal Court in Richmond, Virginia, made an absolute mockery of it in its decision requiring the merger of three different school systems to achieve a greater racial balance.

Thus, I believe we have no recourse other than to amend the constitution to prohibit the assignment of students to schools on the basis of race, because it seems obvious to me that if the Supreme Court could overrule the anti-busing provision of the 1964 Civil Rights Act, it can overrule any other anti-busing provision the Congress might pass, short of a Constitutional Amendment.

That is the reason I announced last April 20 my intention to introduce a constitutional amendment which states that "no public school student shall, because of his race, creed or color, be assigned to or required to attend a particular school."

The language of that amendment is no doubt familiar to the members of this committee, since it is the language of the amendment which has received the greatest amount of publicity and earned the greatest degree of congressional interest, with more than 140 Members of Congress already calling for action on this amendment.

As I said on introducing the amendment ten months ago, "offering an amendment to so honored and cherished and complete a document as our Constitution is not a step to be taken lightly, or in haste, or without very good cause."

I believe that very deeply, Mr. Chairman, but I also believe that if passing a constitutional amendment is the only way we can insure quality education for all of our children, then we should not hesitate to pass a constitutional amendment.

The amendment I have proposed is as simple and forthright as I could possibly make it. The people can understand it, and so can the distinguished men of the United States Supreme Court.

In conclusion, Mr. Chairman, I would like to quote from a column that appeared in the Washington Post of February 16. The column was entitled "Massive Busing: A Waste." The writer is William Raspberry, a liberal man and a black man.

He wrote: "It is both evil and illegal to say to a child: You cannot attend this school because it is a white school. But how much better it is to say: You must attend this school because it is integrated and we need you for racial balance.

"This is no brief for a return to the lie of separate but equal," Mr. Raspberry continued. "It is an appeal for rational priorities, a plea that we make the test of a school whether it does what schools are supposed to do—educate our children.

"The ideal is a situation in which race is irrelevant to assignment. Preoccupation with mathematical precision . . . is not the way to achieve that ideal."

The amendment I have offered is intended to achieve the ideal of quality education that Mr. Raspberry shares with me and with millions of other Americans.

The strong opposition to cross-busing transcends political, racial, ethnic, liberal or conservative lines—the only issue remaining is how best to eliminate cross-busing from public education in America.

This committee has the opportunity and the responsibility to help set aright the course of public education in America. It can seize that opportunity and meet that responsibility by acting favorably on the amendment I have proposed.

The American people are looking to this committee and this Congress to show that we are responsive to their will, that their strong voice of protest can be heard where it counts, and that popular sovereignty still rules this country.

So let us begin today to chart a clear course that will preserve public education in America and provide new and improved educational opportunties for all our children, without the madness of cross-busing.

This is the people's will and the Congress's mandate. Let us act accordingly, and let us act now.

THE CASE OF FRANK BRUMBAUGH: A QUESTION OF JUDICIAL MALPRACTICE

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. DELLUMS. Mr. Speaker, last fall I received a communication from Mr. J. Frank Brumbaugh, an inmate in the Atlanta Federal Penitentiary. His letter presents some interesting views of conditions within the Federal prison system, but I am not as concerned with those aspects of his letter as I am with the reasons for his actually being in prison.

If the facts Mr. Brumbaugh relates are true—and I would hope some efforts are made to either prove or disprove them—then the only reason he is incarcerated in Atlanta is because of gross judicial folly.

I am shocked at the cavalier way in which the Federal Government moved to prosecute his case. Although I admit to no outright surprise that such an event could occur in 20th century America, I am still outraged at the recounting of such a tale.

Therefore, I am now inserting Mr. Brumbaugh's letter to me in the RECORD as a specific case in point of "justice" in America.

The letter follows:

ATLANTA, GA., *September 9, 1971.*

Congressman RONALD V. DELLUMS,
Office Building,
Washington, D.C.

DEAR SIR: It has come to my attention that you are currently making an investigation into the Federal Prison System, hence this letter. While I have had insufficient contact with this system to discuss it in detail, there are a couple points which seem unfair and unusual.

Inmates are allowed to write to Federal Courts and Government officials and these *outgoing* letters are—presumably—mailed unopened. However, all *incoming* mail from Courts, Government officials and, of course, Congressmen, are *opened* before being delivered to the inmate to whom they are addressed. Since it is unlikely that such incoming letters could contain contraband, no logical reason for such conduct is apparent. However, as a former Counter-intelligence Agent for the Army, I realize that such opening of letters from Courts and Government officials does keep the administration informed of which inmates are voicing grievances to officials, and this information *could* be used to the detriment of the inmates involved. Be assured that *your* reply to my letter will be opened by prison personnel before it reaches me.

Of course, the concept of privileged communication between attorney and client is ignored by prison officials. All such letters, incoming and outgoing, are opened by these officials, obviating any possibility of imparting confidential information between attorney and client. In fact, *all* incoming and outgoing mail is opened, except for that mentioned in the preceding paragraph. This hardly seems necessary, especially with outgoing mail, unless officials feel they have something to hide.

Mailing privileges are restricted abnormally; we cannot write to whomever we wish when we wish, but only to those few correspondents on the approved list. This is an undue restriction of our rights under the First Amendment.

I happen to be a professional writer/editor. It is Bureau of Prisons policy that any inmate must secure permission from the Warden to start work on any *manuscript*. Subject matter of manuscripts is also restricted, though in a minor area. A professional writer *is not allowed* to contact agents and publishers regarding his manuscript, nor is he allowed to market his work. Nonprofessional writers apparently are allowed to do so. This discrimination is most unfair. Too, we are not allowed to use a typewriter in preparation of manuscripts, a prerequisite to selling and the *only* way a manuscript can be completed while in prison. Nor is there any way a writer can buy bond paper or carbon paper for his work. There is much lip service given to "rehabilitation" but little else. What better rehabilitation could there be than, for instance, to allow a professional writer to write and sell his stories, articles and books while otherwise wasting time in prison? And to allow him to prepare his work for marketing in a true professional manner?

While the foregoing is the main substance of my complaints regarding prison policy, there is another area of unnecessary inconvenience foisted upon us in the personal purchase of books. Transactions which in civilian life can be completed in one to two weeks by mailing a check with the order for a book take many months between placing the order and actually receiving the book. As an example, in March I placed an order for "American Practical Navigator" through the library here, to be purchased from U.S. Naval Oceanographic Office in Washington, D.C. The order was mailed to Washington on April 19. The book was shipped April 28. I did not receive the book until July 13. Another book, "Piloting, Seamanship and Small Boat Handling" which I ordered on June 6 has not yet been received. This particular book is an annual, always on the shelf, and outside of prison I have always received it less than two weeks after I placed my order. This amount of unnecessary delay is unconscionable.

Please bear with me through the remainder of this letter. Although it bears not on the prison system per se, it does illustrate the flagrant violation of individual rights to which I have recently been subjected, and indicates the ridiculous ease with which an innocent man can be imprisoned, without any provocation and despite the solid evidence of innocence. Our system of justice is a mockery when one man, intimately involved in the drowning death of a young woman, a man who, with his family, has considerable financial and political clout, is given a suspended traffic ticket, while another man—myself—was kidnapped by an armed, psychopathic bank robber, and subsequently convicted of bank robbery by a jury that had been tampered by the Government. The case was handled by 6th Circuit Court in Cleveland, Ohio, No. CR-70-424. I hope that you have interest enough to read the transcript of this incredible traversty on justice. My trial could have been held in Russia or China without changing a word of the script!

Before discussing this bizarre affair, allow me to give you a brief résumé of my background to better enable you to grasp the magnitude of the injustice involved. I am 50, white, citizen by birth. I have over 12 years active service, Army and Air Force, volunteered June 12, 1940, and have 4 Honorable Discharges. I fought in Europe during WWII as a parachutist. I jumped behind enemy lines in Normandy before the start of the invasion, and later deep behind German lines in Holland. I have numerous campaign ribbons and medals, include the Bronze Star, Croix de Guerre with Palm (two times), Belgian Fourregare, the Military Order of Wilhelm, Knight of the 4th Class, etc. I have held a Security Clearance of SECRET most of the time since 1942. In 1949, as counterintelligence agent, I worked with the FBI, investigating a young American soldier of Russian extraction. In 1960 I was a member of the Board of Directors of the Fraternal Order of Police Associates, Tampa, Fla. Lodge No. 27. In the mid-1950's I patented two electronic circuits used in missile guidance and command equipment and immediately assigned them to the U.S. Government without any remuneration. In 1962 I received a U.S. Civil Service Rating of GS-12 in Writing and Editing Positions, Technical and Nontechnical. From 1952 to 1961 I was initially an electronic technician, later becoming an electronic engineer after my patents were issued. In this period most of my work was on classified electronic and missile systems. In 1962 I became self-employed as a technical writer/editor working on contract for such Government suppliers as IBM, Bendix, General Dynamics, etc. I believe myself to have been instrumental in assuring the schedule of the Apollo launch program. During this period I worked primarily on classified missile and spacecraft, the C-5A aircraft, and on proposals for the Navy's FDLS, LHA and DD-963 Series Ship Systems, maintaining my SECRET clearance throughout.

My *entire* police "record" consists of 3 traffic tickets, 2 in 1960 and 1 in 1961, this in over 30 years of driving. At the time of my arrest I was an honorary member of the Florida Sheriffs Association.

That gives you a brief picture of my background, Mr. Dellums. Now to the point at hand.

About mid May, 1970, I met casually a man (Wm. Hewlett) in Bradenton, Fla. (where I live and owned property). He was a Teamster Union truckdriver, disgruntled, and offered to give me data on Teamster strike violence during the 1969 strike if I would drive him to Ohio. This seemed an excellent chance to do a valuable magazine article (I have been published in national magazines since 1955) that would enhance my professional prestige and net me several thousand dollars. Shortly after arriving, he stuck a loaded gun in my ribs, took over my car and forced me to enter a small bank he apparently decided to rob. I had no choice but to obey him to keep from being shot. I believed he had suddenly snapped mentally, and was not sane at the time. I still believe so.

The bank was the Polk State Bank, Polk, Ohio. He got about $2300 according to later testimony. When I eventually escaped from Hewlett in Las Vegas, I immediately returned home to Bradenton, Fla. by air, my car being in Ohio. I was immediately arrested by the FBI, charged with bank robbery.

Without benefit of counsel I was interrogated several days by the FBI. I cooperated fully, of course, telling them all I knew of Hewlett and all events except inside the bank, since I had not yet spoken with my attorney, though I told them "You have good movies of what went on inside the bank." (I had seen the teller turn on the camera and send the silent alarm. Fortunately, Hewlett was unaware, although the police didn't arrive, and the number of pictures indicates we were in the bank about 15 minutes.) Also without counsel I was forced by the FBI to appear before the U.S. Commissioner for a bond hearing. I asked that my attorney be present, but the FBI said I didn't need an attorney for the hearing. Bond was set at $25,000.00, an exhorbitant amount which I did not have and which was never lowered. (My entire life savings at that time was about $12,000.00 in the bank, plus my car and houseboat, both fully paid for. The houseboat was my home in Bradenton. I had sold the rental property I owned there.) I was refused release on my own recognizance or on a personal bond.

My attorney was refused permission to see me by jail personnel the day after my arrest. I did not see him until the FBI had finished questioning me, 4 days from arrest. We (attorney & I) were not given privacy, but were surrounded by police in uniform and plain clothes. The next day I was moved to jail in Tampa, where I saw my attorney once. Then moved to Stark County Jail, Canton, Ohio. There mail to and from my attorney was delayed and much disappeared, never being delivered. All our mail was censored; there was no possibility for confidential communication, no adherence to the concept of privileged communication between attorney and client.

Here is what I *think* happened. Whoever investigated the robbery apparently was satisfied with circumstantial evidence (pictures inside bank during robbery, my car with papers in the glove compartment, a perfect trail to Cleveland area by my normal use of my Diners Club, BankAmericard and Master Charge credit cards, etc.) and used this to secure a warrant without any apparent attempt to determine why I was in Ohio or why I was in the bank with an armed man. *After* my arrest, I assume a complete investigation *was* made, and that it proved, or at least definitely indicated my innocence, but to save face for what seems to be most inept handling of the initial investigation, it appears a decision was made to use me as a patsy, railroad me to prison and thus protect the job and reputation of those involved in the start of the case. In letters to the President, Senator Chiles, Senator McGovern and J. Edgar Hoover, I stated by deductions. A short time ago two FBI agents from Atlanta asked for a statement regarding my allegations which I provided. They seemed more interested in the mail mishandling (attorney-client mail) than anything else, but mentioned I should include those instances in which I felt my rights had been violated. I did so. They said the statement would go to the Justice Dept. for investigation, but that I might never hear any results. *If* my deductions are correct and can be proven, I not only need the proof to prove my innocence and get out of prison, but as grounds for a civil suit for damages before the statute of limitations expires.

At the trial (Nov. 9–20, 1970) the prosecution introduced 19 "witnesses", including Hewlett, who had pled guilty Nov. 3–5. The 4 bank employees testimony and mine was essentially identical. Most of the other "witnesses" were apparently there only to overwhelm the jury by weight of numbers in lieu of concrete evidence against me. Hewlett, of course, was the "star" witness for the Government. His testimony included statements: that "we" had planned the robbery in Florida (my testimony and that of all 4 bank employees showed that, when the phone rang during the robbery, Hewlett asked "what's the name of this bank?" One would assume that had "we" or even Hewlett *planned* a robbery he would at least know the name of the bank he intended to rob.); that "we" planned to rob the bank on a Wednesday but found it closed (a Government witness, a bar maid, testified that Hewlett tried to pick her up *twice* on this same Wednesday, at 10:30 am and 1:30 pm, hardly a thing he would do if a robbery was planned that day.); that he (Hewlett) had *never* told anyone he had a "deal" (he told a dormitory of 14 men about his deal in loud tones and repeatedly over a period of time, as testified by me and one other man I had brought in to testify after Hewlett told this particular lie.); many other lies, most of which were refuted by testimony of other *Government* witnesses.

Hewlett has a lengthy history of mental abberation, was discharged from the Army as mentally unfit for service; and was confined in (St. Joseph's?) mental hospital a short time earlier where he was treated for "depression", including five *electroshock treatments!* Although this information would have aided the jury in determining the credibility of Hewlett's testimony, Judge Thomas refused to let the jury hear it, and thereby allowed the jury to assume Hewlett was perfectly sane.

While in the bank—and this is proven by photographs entered in evidence—Hewlett's gun was pointing at me, not at the bank employees; I saw the Teller start the camera and send the silent alarm (which I would not have allowed to happen had I been robbing a bank); that I stood for *over four minutes* in one spot while Hewlett and other bank employees were doing something behind me; that only Hewlett touched any money or was armed, etc.

After this farcical, anything-but-fair trial was over, the jury was out *a week*!! approximately. Finally, on Nov. 20, a Government employee, the bailiff of Judge Thomas' Court, tampered with the jury, engaging Juror No. 7 in conversation in the hall, overheard by my attorney. After this jury returned a "Guilty" verdict, my attorney charged jury tampering. The judge questioned Juror No. 7 under oath on the stand, and he repeated the conversation with the bailiff. The bailiff—under oath, of course—lied and denied the conversation. The judge ruled that the conversation *did* take place, that the jury *had* been tampered with by the government, and told the bailiff "I've warned you about this before."

Defense moved to declare a mistrial. The judge denied the motion. On Feb. 1 defense filed a new motion to overturn the verdict, declare a mistrial and set a date for a new trial, supported by a brief detailing tampering with the jury by the government, the withholding of evidence of Hewlett's mental instability from the jury, and three other legal points I do not recall. Naturally, the judge denied this motion and sentenced me to eight years in prison.

I mentioned earlier that mail between my attorney and myself was held up, delayed, and never delivered. Specifically during Sept. 1970, five letters I wrote to him and three he wrote to me *were never delivered!* At the same time, mail to and from casual friends in the same town as my attorney were delivered on time without any problems. I have not heard from my attorney since Feb. 26, 1971, though I have written repeatedly, including one Certified letter I know at least reached his secretary. I had paid this man $5000.00 in cash, too. A mutual friend in Bradenton assures me the attorney has written several times. *I have not received any letters.* One of the main reasons I need to hear from him is to secure personal legal papers I may need for appeal, as well as to find out whether he has stored my manuscripts and personal effects. After so long a time, I consider my boat and car total losses. Too, in an—apparently—misguided attempt to attract the attention of the FBI after the robbery so Hewlett would be caught and I could escape from him, I ran up bills of about $2000.00 on my credit cards. I have been trying to get this attorney—*for the last year*—to let me pay these bills, which draw 18% interest which is compounded every 30 days. They are still piling up interest and growing larger, and I have no way to get hold of my savings and check book and bills so I can pay them. The attorney is: David A. Rhodes, 3119 Manatee Ave. West, Bradenton, Florida 33505, in case you might write him.

This same attorney sent—without my knowledge and without permission, and in violation of the attorney-client confidential relationship, illegally and unethically—part of a personal letter I wrote to him in which I implied that because of my debts and losses and the small remains of my life savings, I could not afford to pay for an appeal, to the 6th Circuit Appeals Court in Cincinnati. The court used this confidential, illegally submitted document, as a basis to *deny my right to appeal!!* I have filed a motion for reinstatement of appeal in forma pauperis.

This has been violently opposed by the Government, probably because they don't want the appeals court to learn of the withheld evidence and jury tampering which secured my conviction. I have filed a traverse answering the Government opposition. I have had no word from the court since.

Admittedly, after the experience I have already had with organized injustice and persecution by the government through its courts, I have little expectation of relief. This is evident since my parole was denied and I must wait until Feb. 1973 to again apply. No reason was given, of course. My case worker, Mr. Bishop, implied—perhaps I had better say I inferred from what he said—that parole was denied probably because I refused to lie and pretend I was guilty and that the government was right. In re paroles, I have it from a usually reliable source that Hewlett, who denied his "deal" on the stand has been out of prison for the past 3–4 months. He was initially in Lewisburg.

Mr. Dellums, for 49 years I have been efficiently brainwashed by government propoganda, and I actually was naive enough to *believe* that an innocent man could not be convicted in an American court!! Well, I know *much* better now. I am ashamed to be an American, to be a part of a system of injustice that can twist circumstances so that the victim of a henious crime can easily be convicted of another, without motive unless to protect the inept. I am a citizen by accident of birth, not through conscious choice, and I shall remedy this situation just as soon as I can secure citizenship papers from any other country. For the first 49 years of my life I was a loyal, patriotic citizen of the United States. The government, by its high-handed actions in ruining me personally, professionally and economically without any logical reason and in defiance of my rights to just treatment as a citizen, declared itself my enemy. I had already decided in 1969 to leave the country permanently, to emigrate to Australia. Now, although by my illegal conviction and the depletion of my savings I can no longer live in Australia, I have the strongest reasons to leave the United States, never to return. My personal and professional ethics are the highest, and I could not retain my self respect were I to remain in the United States after what it has done to me.

I sincerely hope, Mr. Dellums, that you will be interested enough in the gross miscarriage of justice which has befallen me to see that it receives the publicity it deserves, that those in a position to rectify this error are made aware of its existence, and that those responsible for ruining and imprisoning an innocent man are promptly and properly punished—hopefully by more than a suspended traffic ticket.

Respectfully and hopefully,
J. FRANK BRUMBAUGH, 94787–131.

CONFIRMATION OF U.S. POLICY TOWARD THE REPUBLIC OF CHINA

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. GALLAGHER. Mr. Speaker, some of the language in the joint communique issued from Shanghai has raised serious questions about the enduring quality of the U.S. commitment to the Republic of China.

I refer specifically to these words:

> The U.S. side * * * reaffirms its interest in a peaceful settlement of the Taiwan question by the Chinese themselves. With this prospect in mind, it affirms the ultimate objective of the withdrawal of all U.S. forces and military installations from Taiwan. In the meantime, it will progressively reduce its forces and military installations on Taiwan as the tension in the area diminishes.

Some persons have seized upon this language to suggest that the United States is somehow stating a new policy toward the Republic of China, and one that represents a retreat from our existing commitments and understandings with the Chiang Kai-shek government. I believe that this interpretation is incorrect. Rather, a close examination of the language of the communique placed in context by Dr. Kissinger's press conference shows that there has been no retreat by the United States whatsoever.

First, the language of the Communique. The Communique does not in any way address the 1954 Mutual Security Treaty between the United States and the Republic of China, which of course remains in effect. Instead, it focuses upon the 8,000 or so American troops who are in the Republic of China both to assist the Republic of China forces and as logistical backup for Vietnam. There is no promise to remove these troops. Rather, their removal is stated as an "ultimate objective" which depends upon "a peaceful settlement of the Taiwan question by the Chinese themselves." And any removal of these troops and United States installations is also premised on a reduction of "tension in the area."

These are the words of diplomacy. I repeat that the President has not promised any removal of troops or installations as a unilateral undertaking. Instead, he has couched his words in terms of "ultimate objective" which could occur many months or years down the pike, or indeed never. He has promised such withdrawal on "peaceful settlement" which may or may not take place. Also he has promised such withdrawal on a reduction of "tension in the area" which also may or may not take place.

Dr. Kissinger, in his press conference, has stated for the record that the communique does not presage any retreat from U.S. commitments and understandings with the Republic of China.

Dr. Kissinger put his finger on the basis for the misunderstanding that has arisen in pointing out that this communique was not signed in Washington, D.C., or Kansas City but rather in Shanghai. Said Kissinger:

> The question is, of course, an extraordinarily difficult one to discuss on the territory of a country with which we do not maintain formal diplomatic relations and for which this particular issue is a matter of profound principle. . . . We stated our basic position with respect to this issue in the President's World Report in which we say that this treaty will be maintained. Nothing has changed on that position . . . The position of the World Report stands and has been unaltered.

Which brings us to the language of the World Report which Dr. Kissinger happily affirms as stating U.S. policy toward the Republic of China for yesterday, today, and the foreseeable future. In the World Report the President pledges that—and I quote—

> With the Republic of China, we shall maintain our friendship, our diplomatic ties, and our defense commitment.

So the President is on record—and this has been affirmed by his Special Assistant for National Security Dr. Henry Kissinger—that we intend to maintain our diplomatic relationship with the Republic of China and that the Mutual Defense Treaty of 1954 is as binding upon this country today as the day it was entered into.

I believe that this misunderstanding was perhaps inevitable given the hard fact that his communique—as Dr. Kissinger points out—was issued from the People's Republic of China, and the President was being diplomatic to his hosts. It is nonetheless exceedingly regrettable that this misunderstanding has arisen.

As I noted on this floor on the eve of the President's departure to Peking:

> The whole world will be watching and waiting to see whether the United States lives up to its commitments to the Republic of China. You might say that the Republic of China is today a kind of international weathervane recording American willingness to live by its word.

Clearly, some persons—and countries—felt that we were going back on our word. Fortunately, this was a limited reaction. For instance, the two Washington dailies—the Washington Post and the Evening Star—pointed out in editorials appearing yesterday that the communique did not represent a change in policy toward the Republic of China.

The Star said:

> The inference . . . that his language represents a significant shift in American policy or a major concession to the Communist Chinese strikes us as at least highly premature. The simple fact is that both the Nationalists and the Communists have always insisted firmly that Taiwan is indeed Chinese territory and that there is only one China. The thesis that the dispute between the two rival regimes should be peacefully settled between the Chinese themselves has long been the position of the United States Government. The 8,800 American servicemen stationed on Taiwan are in no way essential to the security of the island and no one has ever proposed to keep them there forever. Their gradual withdrawal is tied to an eventual solution of the conflict and is set in no specific time-frame. There is nothing in the communique that implies a weakening of the American commitment to Taiwan under the terms of the existing mutual security treaty and, indeed, presidential advisor Henry Kissinger made it clear to newsmen that the commitment still stands.

The Post reached the same conclusion, saying editorially:

> In all, we see no substantial grounds for any charge that Mr. Nixon is abandoning Taiwan. The striking fact is that China was willing to receive him *without* securing a firm American pledge on Withdrawal; this lapse we attribute chiefly to Peking's wish to warm relations with Washington in order to stand off far harsher pressures from Moscow. If anyone is to suffer politically for the Communique's statements on Taiwan, we suspect it will be Chou En-lai.

When both Washington dailies agree so emphatically on something, I am inclined to go along with them.

However, I personally am pleased that the President—understanding that our friends in the Pacific will want to learn at once that no deals have been struck behind their backs—has dispatched Marshall Green, Assistant Secretary of State for East Asian and Pacific Affairs, and a senior member of Dr. Kissinger's National Security staff to counsel with the leaders of 11 Asian countries, including Republic of China and Japan. I am hopeful that the Green mission will have the effect of reassuring our friends in the Far East and also of bringing back to the United States the views of these leaders about the future of the Pacific region.

The Subcommittee on Asian and Pacific Affairs will be holding hearings on the future of the Pacific, and we will be calling upon Assistant Secretary Green and other knowledgeable experts within and outside of Government to give testimony on this vitally important subject.

APOLLO SAGA IS LONG ON SUSPENSE, COURAGE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. TEAGUE of Texas. Mr. Speaker, in the Fort Worth Star-Telegram of Tuesday, February 22, an excellent editorial summarizes the outstanding personal achievements in the Apollo program. This brief but significant editorial recounts how some of America's finest men have dedicated their lives to space exploration. While establishing new horizons our Apollo astronauts have set new standards for all of us in this country and throughout the world. I commend this editorial to your reading:

APOLLO SAGA IS LONG ON SUSPENSE, COURAGE

For millions of Americans, Christmas Eve in 1968 was unlike any other they ever spent, or ever will again. It was the day—and night—that man first reached the moon.

It was a time when the nation, even the world, figuratively held its breath waiting to see if space technology really had made it possible for a manned vehicle to go completely around the moon and then settle into a stable orbit.

For sheer, intense suspense, the few minutes when the voices of Frank Borman, James Lovell and William Anders were blacked out as they passed on the far side of the moon—and the seconds ticked away until they were due to be heard again—perhaps were unequaled in the history of manned flight. Many a Santa Claus had a more sleepless Christmas Eve night than ever before, awaiting the outcome.

Just six months later (in July 1969) the same kind of suspense was to build again as the world awaited man's first descent to the moon surface by Neil Armstrong and Edwin Aldrin Jr., while Michael Collins orbited overhead.

The Apollo program is scheduled to end next December with the flight of Apollo 17, carrying astronauts Eugene Cernan, Ronald Evans and Harrison Schmitt. But before that mission, conceivably the last time man goes to the moon, for many decades, there will be one more—Apollo 16 which is set to leave earth on April 16 carrying astronauts John Young, Charles Duke and Thomas Mattingly.

It is impossible for us who are living in the age of Apollo to guess what kind of evaluation future historians will put on it, but it most certainly will be a high one.

Marked early by tragedy, when the Apollo 1 crew of Virgil Grissom, Edward White and Roger Chaffee were killed by a launching-pad fire while in their space capsule on Jan. 27, 1967, the Apollo saga in its brief half-dozen years has caught and held the attention of all mankind.

And it couldn't miss doing so: One after another in fairly regular sequence we have witnessed incredible feats of scientific and human enterprise, awesome displays of courage, instant human resourcefulness under instant pressure, and a perfect blend of intelligence, dedication, wit and articulateness in the 23 astronauts who have so far flown on the moon missions.

Of those 23, only two never made it all the way. They were rookie astronauts Fred Haise Jr. and John Swigert Jr., who with veteran James Lovell set out on Apollo 13 but were forced by a capsule explosion to cancel their lunar landing and head for earth prematurely.

World anxiety reached an incalculable level as the crippled spaceship headed back for its hastily arranged splashdown in the Pacific on April 17, 1970. For more than three days nobody knew if the ingenuity of the astronauts and their back-up experts and the prayers of people all over the world could effect a successful end to an ill-starred mission. It was a relieved and grateful world that watched the safe splashdown on television.

The ten manned moon missions will have taken just four years, but already they have provided the opening pages in the history of a great new era of human achievement—and courage as well.

SEEKS ASSISTANCE FOR IRISH

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. GREEN of Pennsylvania. Mr. Speaker, when John Kennedy departed Ireland at the end of his 1963 trip there, he made the following statement:

> This is not the land of my birth, but it is the land for which I hold the greatest affection.

This statement is true for many Americans. According to the last census, there are over 13,200,000 persons of Irish descent in the United States, and this figure probably does not take into account second, third, and fourth generation Irish. There are many Irishmen in my own congressional district. I am of Irish descent myself.

Many of these Americans have very strong ties to people in their homeland. Because of these ties, they are heartsick at the situation there.

They see that the struggle in Northern Ireland is a struggle for human rights.

They see that it is a fight by an oppressed people to eliminate the effects of a law—The Special Powers Act—which permits arrest without warrant, imprisonment without charge, bail, trial, or recourse to habeas corpus, forcible entry and search of homes, punishment by flogging, and arrest for criticism of the government, and which prohibits peaceful assembly and the printing of newspapers offensive to the Stormont Government.

They see also that it is a struggle for decent housing, educational, and employment opportunities.

They were encouraged when Great Britain first appeared to seek a solution to the situation in August of 1969.

However, their hopes have been thwarted. The violence has not stopped. Since the arrival of British troops, over 250 people have been killed or injured in Northern Ireland, including the 13 deaths that resulted from the onslaught by British troops on January 30—"Bloody Sunday."

There are now 15,000 British troops in Northern Ireland, and yet the violence continues daily. Just this past Monday, two buildings used by Catholics in Belfast as community relations and social centers were destroyed by fire. Bomb explosions destroyed two Catholic-owned pubs.

Thus, the British troops have not been useful in stopping the violence. The reason for this is quite simple. The British Government has steadfastly refused to take control and seek a solution to the situation. The British troops have been taking their orders from the Stormont Government, the same government that, in the past, prolonged the weighted voting system for property owners and recruited the hated B-Specials on a sectarian basis to ruthlessly enforce the Special Powers Act.

Nor has the injustice ceased. The British Army has interned over 740 Irishmen since its arrival, despite Britain's own time-honored principle of habeas corpus.

And so the Irish people have begun to look elsewhere for a solution. One of the places they have looked is the United States. Many Americans are also looking to the United States for a solution to the problems in this troubled land. It is quite natural that they should look to this country for help, since this country has always promoted struggles for freedom all around the world.

It has been almost 2 years now since 104 Members of Congress, including myself, sent a letter to President Nixon urging him to use the moral powers of the United States to persuade Great Britain to guarantee the rights of all Irishmen. It has been a month since the Honorable Patrick Hillery, Irish Foreign Minister, met with Secretary of State Rogers and urged that this Government provide its "good offices" and "good advice" to England.

Unfortunately, this administration has apparently failed to grasp the gravity of the situation in Northern Ireland, the extent of injustice prevalent there, and the extent to which this country can have an influence, and it has, therefore, taken the position that an attempt to do so would be "counterproductive." It is ironic that this administration is, in the name of political freedom, so anxious to continue its destructive involvement in the disaster in South Vietnam, yet so reluctant to get constructively involved in the human rights cause in Northern Ireland.

The American people are concerned. They are concerned because they are concerned for human rights and justice.

Because of the administration's failure, it has been left to the Congress to reflect the concern of the American people, and that can be done by passing this resolution, House Resolution 653, expressing the House's deepest concern and calling upon the Executive to urge the following measures to eliminate the violence, injustice, and terror in Northern Ireland:

First. Elimination of internment;

Second. Full respect for civil rights;

Third. Implementation of the reforms promised by England in 1968;

Fourth. Dissolution of the Stormont Parliament;

Fifth. Withdrawal of British forces; and

Sixth. Convening of all parties for the purpose of reunification.

That the United States can have this influence and bring about this result is evidenced by the fact that England, Ireland, and America have been the closest of allies for many centuries. We have solved many difficult situations together. We can solve this one together, too.

FIFTY-THIRD ANNIVERSARY OF THE AMERICAN LEGION

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 1972

Mr. DOWNING. Mr. Speaker, today marks the observance of the 53d anniversary of the American Legion. This great and influential fraternity of veterans, dedicated to service to the veteran and to the community, celebrates 53 years of patriotic achievements and comradeship this week in our Nation's Capital.

The Legion today stands before the U.S. Congress to receive recognition for the past 53 years of dedication to the ideals of America—justice, freedom, democracy and loyalty.

The major concern during the formulation of the American Legion was the plight of the returning veteran, and that concern continues today as many veterans return from Vietnam after having served honorably in the Armed Forces of their country. The Legion is concerned with the complete well-being of the returning Vietnam veteran, but one of the most critical problems facing the new veteran is the matter of suitable employment.

This concern led to the beginning of the Jobs for Veterans program, where the Legion conducts job fairs or job marts in order to bring prospective employers and the veteran together.

The Legion has fought long and hard for veterans' benefits, and the possible enactment of a National Health Insurance Plan, which threatens the continuation of VA hospitals, led to the appointment of the American Legion Special Committee on Veterans Medical Care. This committee will recommend a plan of action to combat any scheme that would restrict, reduce or weaken the VA Medical Care program. This is how the Legion works to serve the older veteran while taking positive action to care for the new veteran.

"The Amazing American Legion—An Organization with REACH" has adapted its goals and its service to the needs of today's young veterans, and maintained the values and ideals of the basic blueprint drawn up in Paris in 1919.

The doughboys of the American Expeditionary Force brought with them to the Paris caucus a strong desire to create an organization based upon firm comradeship, born of war service and dedicated to equitable treatment for all veterans, particularly the disabled, their widows and their orphans. This framework of service to God and country remains today.

The Legion today is deeply concerned with the plight of the prisoners of war and their families, and the fate of those missing in action in Southeast Asia. Immediate efforts to focus the attention of the American people and other people of the world on the need for humane treatment of these prisoners and the speedy return to their families is a major goal of today's American Legionnaires.

The American Legion is a hometown organization, and many of the important things the American Legion do are being accomplished in the local community. Programs such as the American Legion Baseball, Boy Scout sponsorship, American Legion Boys State and High School Oratorical Contests instill our young Americans with patriotism and trust in our great country.

Offers of friendship and compassion to the returning Vietnam veteran in his own home town help ease his difficult adjustment to community life. Extended hands from Legionnaires to the sick and disabled veteran give him and his family strength and assistance in every possible way.

American Legionnaires are pledged to promote peace and good will on earth and to consecrate their endeavors by their devotion to mutual helpfulness. As a Legionnaire, I am proud to honor the American Legion in its 53d year of patriotic service.

U.S. FOREST SERVICE

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Thursday, March 2, 1972

Mr. METCALF. Mr. President, in the last 2 weeks the Senator from Utah (Mr. Moss) has made two speeches in which he pays tribute to the U.S. Forest Service for the contributions the Service as a whole, and many of its members individually, have made to the Nation—with special emphasis on what they have done in the field of ecology.

He points out that our foresters were among our first practicing ecologists and environmentalists and "are still among our best."

He said:

> A whole corps of trained and dedicated men have been working quietly for years to spare our forests from the ecological blunders we were making elsewhere.

In a February 22 speech in Provo, Utah, celebrating the Diamond Jubilee of the Uinta National Forest, the Senator discussed what a productive forest means to the local economy, to recreation, to the protection of water resources, and credits the Forest Service with "saving America's wilderness resource."

In a speech before the Intermountain Society of American Foresters in Salt Lake City the Senator thanked its members for their work in conservation and urged them to continue to give the Nation their advice and counsel in saving our environment, calling their "calm, quiet pool of expertise a valuable natural resource in itself." He then discussed proposals before Congress to establish a Department of Natural Resources, one of which is a Moss bill, and of which I am a cosponsor.

I ask unanimous consent that the two speeches be printed in the RECORD.

There being no objection, the speeches were ordered to be printed in the RECORD, as follows:

FORESTS ARE FOR THE PEOPLE

(By Senator FRANK E. MOSS)

We join here today to celebrate a notable event—the 75th anniversary of the Uinta National Forest. This is the diamond jubilee of the *first* forest reserve established in Utah, and one of the *first* in the West.

The Uinta National Forest provides a magnificent backdrop for this great university where we are gathered. The mountains which tower above us rival the Swiss Alps in beauty and allure. It is little wonder that thousands of people come to the Uinta's cool and leafy depths each year to enjoy camping, skiing, fishing, hunting and just plain enjoyment of the out-of-doors.

The people here in Provo and Utah County know all too well the history of the Uinta National Forest, because you have loved and appreciated it ever since it was established. Time and again down through the years civic groups have been organized to work with the long line of dedicated forest supervisors to improve and enlarge the forest and to solve the flood problems along this part of the Wasatch range. Once in 1933 you asked Congress to put into the forest, and under the good management practices of the Forest Service, areas of private land to the east of Provo which had become so badly denuded from overgrazing or burning, that they posed a threat of floods to this peaceful valley. Congress complied and Congressman J. Will Robinson and Senator William H. King did the work on the bill. Seven years ago you came to congress again, this time to ask that some of the city's watershed lands—both hillside and bottom lands—be incorporated into the forest to protect your water supply, and this time it was my privilege to pilot the bill through the Congress which added the new areas.

The CCC boys were here in the Uinta in the early thirties, and they performed on these lands some of the first erosion and flood control work done in Utah. Extensive road work has from time to time opened new scenic areas and skilled treatment of high mountain slopes, gully plugging and reseeding of denuded areas by the Forest Service is continual hard work against ever threatening flooding and erosion.

I wish there were time to mention the names of all of those who have participated in these undertakings and events which helped deal wisely with the Uinta's resources—I mention a few at the risk of leaving out many who were important—but we should certainly pay tribute to the thirty years of service of BYU's Revered Dr. Vasco Tanner as chairman of the forest and flood committee of the Provo Chamber of Commerce, to Hal V. Hoyt and L. L. Bunnell of the Kiwanis Club, and to R. E. Allen, secretary of the Knight Investment Company, to Provo's Mark Anderson, who served as superintendent of the Hobble Creek CCC Camp and to Dr. Reed Bailey of the Intermountain Forest and Range Experiment Station. I know through my own experience about the contributions some of these men made, as well as about the work done here in Utah County by Mayor Verl G. Dixon, and the other members of the Provo City Commission and the Utah County Commission when my own Uinta National Forest bill was before Congress.

And, of course, none of these accomplishments would have been possible without the sustained services of the many fine supervisors of the Uinta National Forest, of whom the present one, Clarence Thornock is a worthy successor.

But though we are here to pay tribute to the Uinta National Forest, and those responsible for its progress over the years—I would like to widen our horizons and discuss our national forest system as a whole. The Uinta is a part—an exceptional part, I grant—of something the entire Nation can applaud. Our national forests are one of our greatest assets—because our forests are for the people.

There are 154 other national forests throughout the country. And, allowing for slight differences, they are all as well-cared for and as productive as the Uinta. Taken together, they contain some of the most beautiful and productive land in the country. They improve the quality of life enjoyed by all Americans.

Of course, we who live in the West or near a forest such as the Uinta, have some idea of what a productive forest means to the local economy. We know how many jobs are made by timber coming from the forest. We know about the grazing lands that provide forage for our sheep and cattle. And we know many dollars are left behind by tourists who come to the forest to enjoy it. But seldom do we stop to think about what the National Forest System *as a whole*—all 187 million acres of it, means to the Nation *as a whole* and to the social and economic well-being of every American citizen.

For example, the national forests play an enormous role in meeting the voracious requirements of the Nation for lumber. Almost one-fifth of the commercial forest lands of the United States are within national forest lands. Last year these forests produced 10.3 billion board feet of timber. That's a lot of homes!

In 1971, timber sales, grazing fees, recreation fees, mineral leases and permits, and other uses in national forests turned over a total of $234 billion to the Treasury, one-fourth of which is being returned to the States to be used for county roads and schools.

But the major impact is reflected in jobs and industries. Think of all the forest-related industries and the countless wood-using industries throughout the country that depend on these forest resources—home-builders, carpenters, realtors, furniture salesmen, publishers, and so on. All of these in turn affect other occupations and influence the economy.

I don't have to tell Utahns that outdoor recreation is a tremendously fast-growing industry. How we love to get close to nature! The development of major recreation facilities in a national forest, like some of those upcoming through the central Utah project, can not only give us great pleasure, but can revitalize an entire rural community.

Or consider water resources. Here in the West, we know the value of good, available water supply. National forests, which comprise only 21 percent of the total land area in the West, produce over 50 percent of the total water run-off. Two-thirds of the irrigated farm lands, hundreds of waterpower developments, and numerous communities depend directly upon the national forests as a source of water for all or most of their needs.

But it is not only in economic benefits that our forests give us unending benefits. There are many other amenity values we receive from them—open space, scenic beauty, homes for wildlife, clean air and water, a quality environment—all of those things we have come particularly to cherish and seek in the past few years.

Has it ever occurred to you, during this past decade as America has become more and more aware of the rape of our environment—more and more concerned about the extent to which we have fouled our water and our air and our land—that the forester has been far ahead of all of us—that a whole corps of trained and dedicated men have been working quietly for years to spare our forests from the ecological blunders we were making elsewhere.

Our foresters were among our first practicing ecologists and environmentalists. They are still among our best. If they and a few others hadn't become concerned about saving the Nation's natural resources 75 years ago, we wouldn't be here celebrating this anniversary.

It was the wise and gifted predecessors of the men serving the Forest Service today who influenced Presidents Harrison, Cleveland and Theodore Roosevelt to save for the future certain of the most desirable portions of the Nation's public domain. And it was men such as Gifford Pinchot, the first Chief of the Forest Service, who helped guide the Nation to an environmental philosophy and developed the idea of conservation of the Nation's natural resources.

It was Pinchot, the Nations' first native-born trained forester, who was the first to use the word "conservation" in the context we use it today—the wise utilization and renewal of forests, waters, and lands for the greatest good of the greatest number in the long run.

It was this idea of conservation which was developed by the Forest Service into the principle of multiple use and sustained yield—the management policy which for almost 70 years now has permitted Americans to enjoy the productivity of the national forests with the assurance that these resources would be renewed and would still be available for the benefit of future generations.

It was the foresight of these first environmentalists that led to what may well be one of the Forest Service's most significant achievements—the saving of America's wilderness resource.

Today we recognize wilderness as a priceless American heritage that has shaped the character of our country. But in earlier times, wilderness was something Americans wanted to conquer which meant to destroy. Long before there was any significant public outcry for saving the wilderness, Forest Service men like Aldo Leopold and Robert Marshall were persuading the Forest Service to "think wilderness."

Thus, it was the forest service that first developed a concept of wilderness land management and designated wilderness areas to be managed and maintained for just this value. The first such wilderness area, the Gila Wilderness in New Mexico, was set aside by the forest service in 1924. And from that year until the passage of the Wilderness Act in 1964, the forest service continued to set aside administratively portions of the national forests for wilderness protection.

Thus, the original components of the national wilderness preservation system, established under the Wilderness Act, were 54 national forest wildernesses—9 million acres worth. Since that time, the wilderness system has grown to over ten million acres, all but 2 million acres in national forests. Just this month, the President submitted to Congress proposals for 1.3 million additional acres of wilderness, of which 1.2 million are in national forests.

How much "wilderness" do you think we would have today if the forest service had not taken the leadership 50 years ago?

Or how productive of timber, and good grazing lands, and recreation sites would our forests be today, if these early forest service environmentalists had not properly managed our forest lands?

Now, what of the future? In what ways can the forest service best serve the American public in the years ahead?

One thing is certain. The needs of the public today are not what they were 10 years ago. And, undoubtedly, they will be different still, 10 years from today. For what the public likes and seeks are changes at an ever increasing pace, and the forest service and other land management agencies are constantly challenged to meet the pace.

Since the days of Gifford Pinchot and those first environmentalists, the forest service has endeavored to catch and hold public interest in the conservation and management of the national forests. Now, at last, the public has this interest. We all know now environmental quality affects every person, that our renewable resources must be conserved, and that some resources, in fact, are non-renewable. We all know now that we must fight for and achieve a cleaner, purer, less ravished environment if America is to continue to be a good place to live.

But most Americans were born and have been brought up in cities and towns and don't have much familiarity with the land or any practical knowledge of conservation. Consequently, some of us follow so-called environmentalists on each new crusade without knowing what is sound and what is not; what to accept as valid and what to reject.

Clear cutting is an example. How many of us who agonize over a clear-cut area have any real knowledge of the facts concerning clear-cutting? How many understand the long-term consequences of a clear-cutting ban? Many emotionally "follow the leader" because they don't know the facts.

Foresters advise that based on extensive research, clear-cutting has proved a desirable way to harvest certain species of trees, and if practiced properly it can result in better regeneration of new trees and more rapid creation of a new forest.

Let me conclude these remarks here today by talking a little about the ecological crusade which has gripped the nation, and which has, for some of our young people, supplanted the Vietnam issue as a new super cause.

There is no doubt that the American environment is in a ghastly state. We have poisoned our streams. We have polluted our atmosphere. We have brutalized our ecology. We have devoured our natural resources at a crippling rate. We are in danger of being engulfed by our solid wastes. We have been careless, irresponsible, short-sighted, criminally negligent. We are in deep, deep trouble.

But most of us know that fact. We accept our plight. We have started facing up to the problem. We are trying desperately to develop the technologies and spend the money necessary to save us. During the last ten years, the Congress has put on the statute books much of the federal legislation needed to help regions, states and municipalities handle their pollution problems. We are now passing other legislation to help us do the rest of the job. We have enormous support from the American people.

Industry is beginning to face up to its responsibilities in cleaning up our environment. They are swinging into vast programs to control the polluted emissions from their factories, and to recycle their wastes. They are not yet doing enough, nor are they moving fast enough. And, of course, there are some stubborn backsliders.

But what we don't need at this time is doomsday environmentalism. We don't need the type of ecological radical who insists the only way we can save ourselves is to give up our standard of living and stop all progress and turn our backs on our democratic institutions.

What we must do is balance our needs against our resources, and find out how we can have what we need without squandering these resources and defiling land, waters and our atmosphere.

Take our energy requirements, for example. We must have energy—great quantities of it—to keep the American show on the road. What we must do is assess our energy needs, and then find out how we can produce enough energy *without* seriously damaging our environment.

Or take transportation. We can't stop moving about this great country. We must decide what type of transportation our people require to get them where they have to go—and then find out how we can provide it with the least amount of detriment to our land, water and air.

Or take housing. We must continue to build houses for our people. Our problem is how to construct them—and where—so that they will not ravish our environment.

What we do need is sane, thoughtful cooperation from all of our people. What we need are people who have *environmental equilibrium.*

The forest service has always been the service of environmental equilibrium. It was directed to achieve a balance in resource use, conservation, and protection which will permit a high standard of living, a wide-sharing of life's amenities, and the regeneration of renewable resources—all in harmony with the environment. And it has carried out its mission admiracly.

America's national forests *are* for the people.

So, today, as we hail the 75th anniversary of the establishment of the Uinta National Forest, and hail the men who worked down the years to combine use of these forest lands with their preservation. Let us also give a bow in the direction of the U.S. Forest Service as a whole, and the men and women who are part of it. It is a dynamic and vital organization not only in step with the times—but ahead of them.

Department of Natural Resources

It is a privilege to address the Intermountain section of the Society of American Foresters. It allows me to thank you personally for the work you have been doing for years to conserve one of our greatest natural resources—our forests.

You chose as your life's profession what has now become part of a national crusade; to preserve our national heritage and our common life with nature. Quietly and without fanfare you have been managing and protecting our national, State and private forest lands in a way which has prevented some of the ecological blunders which are so dismaying us elsewhere.

I am sure it is a satisfaction to have been ahead of the pack—far ahead.

But knowledge and skill and experience also have their frustrations. I am sure you sometimes feel like handing out a "teething ring" as you hear recently-converted conservationists mouth proposals which you have known about and supported for years, or perhaps have tried and discarded.

But I say to you most earnestly, in the jargon of the day, "Hang in there" with us through these days of stress and smog and pollution and noise. We need your advice and counsel. You professional foresters represent a calm, quiet pool of expertise—a valuable natural resource in itself.

In my time, I've felt like a "teething ring", too.

Seven years ago I proposed the establishment of a department of natural resources and environment. It was my good fortune to choose as my first field of legislative activity in the Senate, the field of natural resources.

It soon became clear to me that we had to concern ourselves with the total environment—that we had to establish overall policies for the development and management of all of our natural resources, as a coordinated whole.

It furthermore became clear that if the great tasks in this field were to be performed efficiently and effectively, we had to reorganize the Federal structure which deals with natural resources. Out of this conviction grew a bill which I introduced first in the 89th Congress, and have reintroduced, adjusted and improved, but essentially the same in structure, in every Congress since.

This session, the establishment of such a department has become a principal goal of the Nixon administration.

The Moss bill and the Nixon proposal have been the subject of hearings in both the Senate government operations and the Senate interior committees.

Even in the seven years that I have been actively advocating the establishment of such a department, the idea has acquired enormous momentum. Technological changes which have revolutionized our views on environment, has made reorganization of the machinery which manages, conserves, and protects our natural resources not only desirable, but, in my opinion, *truly essential.*

The most significant difference between my proposal and the administration proposal is indicated by the difference in name—my Department of Natural Resources and Environment would include the components of the environmental protection agency—the water quality office, solid waste office, air pollution control office, pesticides office, and radiation office. The administration proposal retains EPA as a separate agency.

In other words, the basic thrust of the Moss bill is the placement—within the same department—of functions governing protection or preservation of natural resources as well as those governing development or exploitation of natural resources.

The second major difference is that the Moss proposal places the Bureau of Indian Affairs and the Office of Territories in the Department of Health, Education, and Welfare; the administration proposals place both in Natural Resources.

And there are several other, less important, variations which I will not take the time to detail here.

But, to begin, let me discuss briefly the fundamental reasons for the establishment of a Federal resources department.

First, perhaps is the terrible toll American progress has exacted from the natural environment.

You have heard all too often the grim recital of fouled rivers, smoky skies, scarred hillsides, crowded national parks, disappearing wetlands, and endangered species. You understand better than most of us that time is running out on this recently virgin land.

A second fundamental reason for the placement of principal resources responsibility in one department is the structure of nature itself.

Robert Frost said that what makes a nation in the beginning is "a good piece of geography." A piece of geography is a unit: land, water, atmosphere, forests—all are part of the same system. For thousands of years, man's activities left nature relatively unscarred. But as we have put more and more pressure on the environment, a "multiplier" effect has come into play.

The numerous and complex responsibilities of the Federal Government in the resources field offer numerous other reasons for the establishment of a DNR. These responsibilities include not only resources management, but also construction of public works; establishment of resources policy, dissemination of a vast range of information; and the conduct of many kinds of research and development.

Fulfilling such responsibilities for a Nation expanding rapidly both in population and production of goods has led to the establishment of vast and numerous programs. Particularly in the last 15 years. Congress has enacted a long list of resource development and conservation laws. But most have applied to a single resource, or area of the country, or agency, or project. We have shied away from giving one head to our resource management effort.

WATER

Primary water resources responsibility is still divided among three Federal departments. These are the Department of the Army, the Department of Agriculture, and the Department of the Interior. At one time, there was a fourth—Health, Education and Welfare—but in 1967 President Johnson, under his reorganization of part of our public lands, transferred the water pollution control administration from HEW to Interior. Now there are again four. As President Nixon has moved WCPA to the new Environmental Protection Agency and renamed it the Water Quality Office.

Congress did not set out to confuse water resource responsibilities. The Federal water management agencies were created years ago to solve specific problems and were placed in departments which were deemed appropriate then.

The Corps of Engineers was born in the 1920's with an appropriation of $75,000 and an assignment to remove sandbars and "sawyers, planters and snags" in the Mississippi and Ohio Rivers to aid navigation.

The Bureau of Reclamation—in the Department of the Interior—was created in 1902 to "reclaim" for agriculture land in 17 western States.

In 1954 a watershed protection operation which was assigned to the soil conservation service put the Department of Agriculture into the water resources picture in a big way.

Thus we came to have three major dam-building agencies.

All three also engage in River Basin planning. In addition, an important independent agency—the Federal Power Commission—likewise does River Basin planning because with it rests the authority to license the dams built by investor-owned power companies.

A higher degree of coordination in water resource planning and management has, of course, been advocated for a long, long time.

But it was only in 1965 that Congress enacted a Water Resources Planning Act. It provided, essentially, a committee of Cabinet officials—assisted by a very competent staff—to coordinate the programs of the great departments in the water field and to make a biennial assessment of the adequacy of the Nation's water supply.

The act was a step forward; but the weakness of the program it established is evident.

First, it places responsibility in a committee rather than in an individual.

Second, it involves Cabinet Secretaries who have more than full time jobs managing their own departments, and who already serve on several other high level committees. Such an arrangement might have worked 30 years ago, but it is clearly inadequate today.

LAND

Administration of public lands is another resource area which suffers from dispersed management responsibility.

At present, the Bureau of Land Management in the Department of the Interior is responsible for the administration of our public lands, while forest lands, as you all know, are administered by the Forest Service in the Department of Agriculture.

These two agencies now operate under several conflicting policies and procedures which might well be coordinated in the interest of good resource management as well as for the convenience of the public. In the area of the 1872 mining law alone, there are steps which should be taken to protect mining activities and access. River Basin drainage and geography do not take into account where the Forest Service boundary ends and the BLM jurisdiction over public domain begins.

I recognize that there would be many problems for both Forest Service and BLM personnel in blending the two bureaus into the same department. Several Forest Service people I know have been eloquent in expressing their opposition, both vocally and in writing. I would want all of the problems thoroughly aired in hearings before any final action was taken, of course.

RECREATION

The management of outdoor recreation resources is also divided up among major departments. Citizens are frequently surprised to learn that the Army serves more recreation "customers" than any other department. This, of course, results from the millions of visits made each year to the reservoirs built and managed by the Corps of Engineers.

Next in recreation volume is the Department of Agriculture which manages the national forests. Behind Army and Agriculture trails the Department of the Interior, even though it contains the National Park Service and the Bureau of Outdoor Recreation.

OCEANS

The problems of two other resources—the oceans and the estuaries—should also be mentioned.

The sea is a somewhat new frontier in the resource field. In my view, coordinated natural resources programs cannot be set up without recognizing the rich resources of the oceans and the fact that—in management—it is difficult to separate the sea from the land or the ocean from the river which flows into it.

The need for an oceanography program has been well demonstrated. The only question that remains is which department can operate it most efficiently. I believe it fits into a Department of Natural Resources, and I am pleased to support Mr. Nixon's efforts to place it there.

Also the need for a policy to preserve, develop and restore the estuaries of the United States coastal and estuarine zone is well known, and the development and management of such a policy should obviously be directed by a department concerned with ocean and other water resource management.

MOSS BILL

I wish there were time to discuss here in more detail what I think a Department of Natural Resources and Environment should do—and what functions should be assigned to it.

But there is not.

I do want to pursue, however, my thought on why I feel our resource development programs must be coordinated with our resource regulation programs—and therefore placed in one department as I recommend, rather than in an agency and a department, as the Nixon administration recommends.

The best reason is—it's more sensible.

Let me use just one specific example.

A number of coal-fired electric generating plants are in various stages of development in the four corners area of the Southwest. These are designed to utilize the plentiful coal of the region and water from the Colorado River system.

Some plants may be built on Federal lands, and power directed to population centers. The transmission lines must cross large stretches of public land. Therefore, easements for land use and contracts for water use would have to be negotiated with the Department of Natural Resources as they now must be with the Department of the Interior.

Numerous environmental problems are arising including: impact of plant construction on sites; discharge of pollutants into the air; disposal of coal waste; location of powerlines—frequently the least expensive route renders a scenic area unsightly; and often the return of water to the river system at a temperature higher than that at which it came out is involved.

Should not these questions be considered and resolved by the same department that grants permission for the use of public property? My answer is "yes."

Again, consider what it would be possible to do to properly manage and develop the nation's streams if we had a Department of Natural Resources. The streams would be looked upon not only as locations for dams or objects of pollution abatement, but also as parts of a national system of waterways and water supply and scenic beauty—a public treasure to be preserved and enhanced.

Consider the land. The responsibility of the Secretary of Natural Resources would include evaluating its use on a national basis. For instance, how much more land can we afford to devote to subdivisions or to super highways and how much must be retained open and free?

Consider energy. How much will be required in the years ahead? How much pollution can we afford in this generation? What fuels and what quantities need to be burned in its production?

Creation of a department of natural resources should also focus and make more efficient all research programs relating to resources. And it should mean that areas mostly neglected in the past—estuaries for example—now will be fully considered as part of resource planning.

I am concerned about the interaction between protection and development because I recognize that both are essential. In this matter, our Nation is cast on the horns of a dilemma. Like a hero of Greek tragedy, we find only two courses of action open, either of which could be fatal. If we put the brakes on production, we face a sinking standard of living; if we press full steam ahead on production willynilly we may—through pollution—destroy the life-giving environment.

Somehow the technological and political genius of the American people must be harnessed to give us both development and conservation. Otherwise, American society as we have known it must pass into oblivion.

To accomplish this dual task, I believe we need a Department of Natural Resources and Environment exercising comprehensive authority. It must have the responsibility and the capability of keeping the environment clean and of developing sufficient resources to maintain an acceptable standard of living. It must lead the nation into the new paths that must be found and marked—paths that will permit an advanced industrial society to grow and still survive.

If ever there were an idea whose time had come, it is a Department of Natural Resources and Environment. It would for the first time make a member of the President's cabinet responsible for formulating and augmenting a program to care for all of the nation's natural resources.

I realize that no one who works in a Federal bureau or department likes to be reorganized—there are always unknown pitfalls ahead—and the status quo is always easier to take—but I honestly believe that until we do put all of our natural resource developments and regulating agencies in one department—until the right hand knows at all times what the left one is doing—we will never be able to control the total environment.

Thank you.

WILLOWBROOK—THE INESCAPABLE SHAME

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. BRASCO. Mr. Speaker, this Nation is busily involved in pouring money into a variety of foreign aid programs abroad. We support innumerable petty dictators, propping up their regimes with dollars. We pursue the war in Southeast Asia at a staggering cost of billions of dollars. We pour cash into weapons projects which rarely prove out to be workable. We lever subsidies in the billions of dollars down the throats of fat cats of our Nation. But our prisons and mental institutions, even in supposedly advanced jurisdictions, are both the shame and disgrace of America. Such an instance has been exposed at the Willowbrook Hospital for the mentally retarded. Children there have been found to be existing in the most indescribable conditions. Buildings and facilities by themselves are not as bad as the lack of adequate personnel. There is a shortage of workers in an age of devastating joblessness.

As the State of New York cut its budgets, Willowbrook and some other similar-type hospitals were left with a minimum of attendants.

Just as shocking was the revelation that money to remedy the worst aspects of this appalling situation was there all the time. Governor Rockefeller released $5 million for these hospitals immediately. Another $20 million is supposed to come at a later date. Now, it was said, some of the empty buildings there will be put to the use they were originally intended for. More help would be available to adequately feed and clothe these children. Rather than overcrowded rooms, which were revealed to our entire State's shame, there would be an additional amount of space for each child.

In an effort to see for myself, I joined a Federal investigating team, headed by Dr. Brown and Senator JAVITS, in a visit to Willowbrook on Monday, February 28.

What I found was that the problem is a rather complex one—that the patients of Willowbrook break down into two categories, those severely retarded and those with limited retardation. For those with limited retardation, skills can be taught, enabling them to be reintroduced into society. For those who are severely retarded, the answer was custodial care, which meant complete and constant supervision over every aspect of their lives, for their mentality would not increase beyond the age of 3 to 5 years, and they had no control over their body functions.

It was obvious that where the additional funds were spent, the buildings were cheerful, staffing adequate, and programs for motivation existed. In those areas, one of which was a building constructed partially with Federal moneys, children were sitting at tables with crayons, coloring books, toys, puzzles; older children were learning how to sew clothes and cook their own meals. The answer is additional moneys.

Overall, the lack of funds was the immediately obvious culprit. All parties agree that financially we must have assistance in order to meet our obligations.

In the process, we must rethink our entire concept of the retarded or handicapped child. Why do we always try to hide them away from sight? Out of sight; out of mind, seems to be our motto. Isolating them from family and society is no solution.

There are alternatives for families of such children, who often are not told there is a choice. The Association for the Help of Retarded Children runs a series of day schools, specializing in treatment of such children. In each case there is home life as well as an effective teacher-student ratio allowing for significant attention to be accorded each pupil.

It is recorded that it costs the State of New York only $2,000 annually to keep a child of this type in such a day school. This is compared to an average annual cost of $5,000 for a child to be maintained in institutions such as Willowbrook.

Some retarded children must be institutionalized. But most can be trained usefully in such day schools. A revamping of how New York State trains its retarded and handicapped children is very much in order, involving easing of the institutional approach, which in many ways has been proven totally bankrupt.

And what of the other children around our State, crippled and blind and deaf? What is the situation in their facilities? Is the same state of affairs to be encountered there? What further horror stories are to be revealed and told? Why not primary application of resources to this last of our priorities? Has there been a published census of the handicapped children of our State? Certainly one is required.

There is absolutely no excuse under the sun for the neglect of a single child in New York. Handicapped children can rarely speak for themselves, as the recent exposé has shown. It is for responsible public officials and the media to do the job.

What conclusions can we draw from these firsthand observations? It is obvious that we must have a bill of rights for those in our society who are handicapped. In that regard, I will join in sponsoring legislation in the House similar to that being introduced in the Senate by Senator JAVITS, which would call for both adequate personnel and adequate funding to meet the needs of these children. Congress must, before this session concludes, pass meaningful legislation in this area, and a big boost toward our goals would be approval of the revenue-sharing bill. I pledge myself to these efforts.

As a society we confess our failure by such exposés of the Willowbrooks. Is this all we can offer in this day and age? Certainly a more activist approach is required. It should have leadership from the top, funds and a willingness to try new ideas. All of this has been lacking up to now. We have reached a point of choice, a juncture where we must do something better.

THE EQUAL RIGHTS AMENDMENT AND THE DRAFT

HON. MARGARET CHASE SMITH

OF MAINE

IN THE SENATE OF THE UNITED STATES

Thursday, March 2, 1972

Mrs. SMITH. Mr. President, Carol Burris, task force chairman for the National Organization for Women, has requested that I place in the CONGRESSIONAL RECORD a statement of the George Washington University Women's Liberation made on November 13, 1970. In response to that request, I ask unanimous consent that the statement be printed in the Extension of Remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE EQUAL RIGHTS AMENDMENT AND THE DRAFT

We, as draft-age women, deplore the proposition implied by certain senators that if we demand equality of rights, we deserve the punishment of the draft. The question that is being asked of women in an attempt to dampen their desire for equality of rights under the law is this: How many women do you know who want to be drafted? If these senators seriously consider this question worthy of an answer, it is this: Just as many as the number of men who want to be drafted.

Perhaps the obvious must be pointed out: No poll was taken before the passage of the Selective Service Act to find out how many men wanted to be drafted. The draft is now being used to intimidate women in their efforts to gain recognition of rights that are inherent in the principles of a democratic society. Senators who pose the threat of conscription are obscuring the issue of our equality. Serving in the armed forces has never been a prerequisite to equality under the law.

In addition, we have heard President Nixon propose elimination of the draft and the creation of a volunteer army. We question the members of Congress who use the issue of the draft to impede passage of the Equal Rights Amendment at the same time they are considering abolishment of the draft. We must question the credibility of a government that talks of an end to the draft and at the same time uses that hammer to nail women to the wall.

If it is their intent to have us believe that the draft is a permanent institution, then we again attest to our equality and demand equal application of the Selective Service Law. Sex exemption from the draft is a negation of our ability to face the most onerous self-determination question of our time. We are not asking to be spared from making critical decisions. If the passage of the Equal Rights Amendment means that both men and women will be subject to involuntary induction, we claim the right to answer for ourselves.

For long enough we have been given an easy out solely because we are females. We did not ask for this easy out, and we will accept it no longer. Neither will we have our credibility diminished, our need for equal rights demeaned by senators who seek to deny us this equality with the tactic of fear.

No, we do not want to die in Viet Nam. But neither do we want to be told that our place is one of servitude to the male power structure, that our only role in life should be as mothers and housewives, that we should be so limited in our choices and denied our freedom to assume the degree and kind of responsibility we deserve.

We are not asking to be protected. The kind of protection that the Ervin Rider imposes invalidates the concept of equality for which the Equal Rights Amendment stands. Ervin's brand of protection, by denying us our total equality with men perpetrates the insidious discrimination based on sex that now exists in every area of our lives. We are not asking for protection that implies an elitist sexist attitude of the superior capability and intelligence of men in setting national policy. We are asking for protection of our right to become directly involved in these issues and to determine for ourselves the kind and quality of lives we will lead. Whether to accept or resist induction is one of these issues. Where conscience dictates, when and if it becomes necessary, we will resist the draft.

As women we are dedicated to the belief in a more humane society, a constructive society, one which allows all of its people the full realization of their abilities, creativity and intelligence, where human resources are not limited by law. We stand for a better world for all humankind. The Equal Rights Amendment is a means to that end.

MEMORY OF DR. EPHRAIM McDOWELL

HON. WILLIAM P. CURLIN, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. CURLIN. Mr. Speaker, tomorrow marks the 43d anniversary of the date on which Kentucky dedicated the two statues which represent our noble State in the U.S. Capitol.

Indicative of Kentucky's great humanitarian spirit, the two men chosen were Henry Clay, who worked unceasingly for peace, and Dr. Ephraim McDowell whose medical achievements and discoveries relieved suffering and agony, and extended the lives of many persons.

At this time I insert the very inspiring statement made at the dedication of Dr. Ephraim McDowell's statue by the Honorable Ralph Gilbert on March 3, 1929, reprinted in the CONGRESSIONAL RECORD today to help remind us of our great heritage and encourage us to emulate these men's lives and their contributions to their fellow men.

I am very pleased that the widow of the late Representative Ralph Gilbert, Victoria V. Gilbert, who in this spirit leads a very active life on behalf of worthy causes while pursuing a legal career, brought this august occasion to my attention so that we may again honor this event.

The statement follows:

UNVEILING OF THE STATUE OF DR. EPHRAIM McDOWELL

Mr. GILBERT. Mr. Speaker, under leave granted to extend my remarks in the RECORD, I insert the remarks I made at the unveiling of the statue of Dr. Ephraim McDowell in the Capitol on Sunday, March 3, 1929, at 2 p.m.

The matter referred to is as follows:

Mr. President: Reverently, in the presence of these mighty shades, we, commissioned by the proud Commonwealth of Kentucky, consign to this Hall of Fame two of her sons worthy to be placed here among the immortals.

From the selections here we are persuaded that a partiality exists among men for those who have distinguished themselves in combat either on battle field or in legislative forum.

Kentucky bows to none in the prowess of her warriors. "The dark and bloody ground" was both a description and a prophecy. Chivalry and romance brighten every page and tragedy darkens every chapter of her history. The adventures of Boone, Kenton, Harrod, and Logan are the inspiration of every American boy. The daring of Clark at Vincennes, Shelby at Kings Mountain, Johnson at Tippecanoe, Taylor at Monterey, and Morgan on his raids thrill all who love men of blood and iron, valor and action.

Kentucky's statesmen have been as able in peace as her soldiers have been mighty in war, Menifee, Wickliffe, Crittenden, Beck, Carlisle, Breckinridge, and Clay assumed commanding influence in the councils of the Nation. After Clay, of whom you have just been so eloquently told, had, with one hand on the shoulder of the southern slaveholder and the other on the shoulder of the northern abolitionist, averted the Civil War for a generation, it was Kentucky that, in those dark days of fratricidal strife, gave unsparingly and impartially of her sons to both sides and gave Abraham Lincoln to the North and Jefferson Davis to the South, each to guide the destinies of a separated nation. Pennsylvanians fought side by side for the North; Tennesseans fought side by side for the South; Kentuckians fought face to face, some for the North, some for the South.

Kentucky's list of eminent divines includes Bascom, the greatest Methodist orator; Broadus, the greatest Baptist scholar; Breckinridge, the greatest Presbyterian theologian; Campbell, the great founder of the Disciples; and Spalding, the greatest of Catholic historians.

As these great statesmen and preachers swayed the Nation with their eloquence, Prentice and Watterson lashed it with the power of their editorials.

Kentucky's jurists have been as outstanding as her statesmen. The learned and classical opinions of Robertson, Miller, and Harlan have been read and followed in the courts of the world. Kentucky today leads the States in the number of justices of the Supreme Court of the United States. She has two, which is more than have 42 States combined.

What giants in the court room were Davies, Marshall, Hardin, Goebel, and O'Dougherty!

Did poets ever sing more sweetly than her sons, Stanton in the Moneyless Man and O'Hara in the Bivouac of the Dead?

Her painter was the matchless Jouett, her sculptor the incomparable Hart.

Oh, Kentucky, the mother of genius, had your sons dwelt elsewhere their parise would have been heralded by a thousand messengers. As the name America is an injustice to Columbus, so in this very hall has your own son lost the credit that was his through your modesty. Why have you not sung of your doctors? In your starry heaven of achievement here is your brightest constellation.

When the tread of the warrior has passed on, the hurrahs and shouts are hushed, the strains of martial music have died away, can be heard the sob of the widow, the wail of the orphan, the groan of the dying as pestilence and famine stalk through the land.

What a relief to leave the scene and enter with the doctors into a field of human service, aiding to rise, not to fall; helping to live, not to die. In this field have your sons surpassed all the rest. You have had five presidents of the American Medical Society, which is many more than any other State. What soldiers of daring, what masters of skill, what giants of brain were these men of mercy.

This is a fitting time to mention a few of your greatest—Brashear, McDowell, Dudley, Drake, Yandell, Gross, Blackburn, Sayre, McMurtry, Matthews, Gilbert, McCormack, and Abell. Two of these performed successfully feats never before accomplished in all the world. Doctor Brashear was the first surgeon in the world to have the courage and the skill to amputate the leg at the hip joint. Doctor McDowell was the first surgeon in all the world to cut into the abdominal cavity and remove an ovarian tumor. He is the father of ovariotomy and the pioneer in abdominal surgery. Doctor Brashear's feat was performed in 1806, Doctor McDowell's on December 13, 1809, both in the backwoods of Kentucky. I have never held proximity to brick and mortar necessary to greatness.

"What though on common fare they dined,
Were hodden grey and a' that.
Give fools their silks
And knaves their wine;
A man is a man for a' that."

Doctor McDowell was born November 11, 1771, in Rockbridge County, Va., son of Samuel and Mary McClung McDowell. He was married to Sarah Shelby, daughter of Gov. Isaac Shelby. He was the ninth of 12 children. His ancestry were Scotch on both sides. Though a Virginian by birth, he was Kentuckian from childhood, having moved to Danville when only 13 years of age. Kentucky was then a wilderness and that now splendid city of Danville was a pioneer village of 300 people, nestled in the forests of oak and poplar. His father, Samuel McDowell, was judge of Kentucky's famous land court, and of sufficient affluence to educate Ephraim in the universities of America and Scotland. Edinburgh was then the medical center of the world, and to the great university there young McDowell was sent. His inspiration, however, was received at the feet of a private tutor who fired his imagination with the possibilities of removing diseased female organs from the vital cavities of the human body. This was Dr. John Bell, of Edinburgh, who dreamed of, but never attempted, these operations.

Perhaps it was the backwoods setting, the heroic environment, the very necessity of the thing, that gave Doctor McDowell, then recognized as the leading physician and surgeon of the South and West, that undefinable resignation of mind and soul that precedes an entry into the unknown. Columbus was the most skillful navigator of his time; he had studied deductions from all the known facts; he was inspired by a resigned faith. McDowell possessed the same qualities of mind and soul, and as Columbus sailed into the unknown secrets of a human life.

The circumstances were these: Jane Crawford, a woman in the prime of life who lived in Greene County, Ky., was suffering what were supposed to be the pains of childbirth. As time and suffering went on without apparent progress, Doctor McDowell was called into the case and rode horseback 60 miles through the wilderness to her bedside. A thorough diagnosis, an explanation to the attending physicians preceded the ordeal of telling the unhappy woman of her fate. It was fully explained to her that those pains, similar to labor pains, came from an ovarian tumor, that they would increase until death, shortly, would relieve her of her agony. Such then was the unhappy state of suffering womanhood.

Doctor McDowell in that crucial situation rose to sublime heights. Here was the problem whose solution Bell had dreamed of, McDowell was called up to meet. Had he been in Philadelphia, then the medical center of the United States, learned doctors would have cautioned against his rashness; would have explained that the woman would in all probability not survive the operation; that he, having caused her death in a foolhardy attempt to do that which never before had been attempted, would naturally be censured as a man and probably disgraced as a physician, and he having shifted responsibility might have faltered.

Who will contend that the backwoods did not play a part in this achievement; that a kind Providence, who tempers the wind to the shorn lamb, did not arrange that this woman should be the bravest of her race to meet the most daring and skillful surgeon of the age.

Doctor McDowell told her that he would, if she desired, remove the diseased parts with the knife; that it had never been done before; that death would follow failure; that she must come to Danville and submit to the ordeal without even a local anesthetic, for even morphia was then unknown.

In a few days she came on horseback, 60 miles, every step an agony. Do you daughters, with the comforts and luxuries of today realize and appreciate the hardihood, bravery, and sacrifice of your mothers? Are you proud of this great heroine of the backwoods? The operation was performed, success crowned the effort, and 40 years were added to the life of this one woman. It has been calculated that to now at least 30,000 years of pain have been in this way saved suffering womanhood.

O Napoleon, where are your achievements? Every year of life you took from man this physician has added to woman. Oh, victories of war, how much greater tower the victories of peace!

Some would give to Jane Crawford an equal part of glory in this event. Surely in courage she bears the greater part, but McDowell added to courage knowledge and skill.

When the intelligence of this great accomplishment reached the universities of Philadelphia and Europe it was sarcastically dismissed as untrue and impossible, but three repetitions by this wonderful physician prior to 1820 brought apologies and recognition.

Doctor McDowell was unassuming and kindly, always interested in the smallest concern of his associates. He was criticized for lack of dignity and reserve by those who know not that simplicity is the companion of greatness.

McBeath's masterpiece of fame—

"Do dreams of fame thy restless soul engage?
With sword or pen thou canst inscribe thy name
Upon the brow of Envious Time himself
And bid defiance to his blighting breath;
But thou must find, round thy human heart
An adamantine wall, impregnable alike
To love's sweet smile or pity's tear,
On the altar of thy purposes lay
Freedom and ease and rest and calm content
The joys of home, hope, happiness, and heaven;
And when thou'st reached the lonely mountain top
And stand at sunset by the glittering thing
For which thou'st left the peaceful vale below,
Thou'lt find the brightness that had lured thee on
Above the dear companionship of men
Was but a mocking gleam of chilling light
Reflected from some bleak and icy cliff
That frowns above eternal fields of snow"—

never applied to him.

Greatness must ever be accorded men, measured by their supreme accomplishment—Poe not by his intemperance but by his Raven; Bunyan not by his dissoluteness but by his Pilgrim's Progress; Clark not by his sullenness but by his capture of Vincennes; and McDowell not by his indifference but by his ovariotomy.

These great accomplishments measure the capacity of the man—

"Like some tall cliff that lifts its awful form,
Swells from the dale and midway leaves the storm,
Though rolling clouds around its breast are spread,
Eternal sunshine settles on its head."

May I add my humble judgment to that of the able committee who selected Henry Clay and Dr. Ephraim McDowell and in that of the Kentucky Legislature who approved their finding that among all Kentucky's noble sons and daughters these should represent her here and these statues, like their lives, both remind us—

"We can make our lives sublime,
And departing leave behind us
Footprints on the sands of time."

ENVIRONMENT, ANTITRUST, AND ELECTRIC POWER

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Thursday, March 2, 1972

Mr. METCALF. Mr. President, on February 9 I spoke to the Missouri Basin Systems Group in Denver, Colo. Some 200 representatives of local power systems met there to review the major issues facing them as they try to fulfill the growing demands for more electricity economically, and with the least environmental impact possible.

They were particularly concerned about the problems which arise when the planning and construction of power generation facilities encounter opposition of citizens concerned about damage to air, water, land and scenic views. They were equally concerned over coordination of power systems and the difficulty in dealing for wholesale power supply with large investor-owned systems.

Two scholarly papers on these points were presented to the group. One was delivered by Phineas Indritz, chief counsel of the Conservation and Natural Resources Subcommittee of the House Committee on Government Operations. His speech deals with the relationship between the National Environmental Policy Act and the electric power industry. The other speech, on coordination and the antitrust laws, was presented by Wallace Edward Brand, an attorney in the Antitrust Division of the Justice Department who previously was on the legal staff of the Federal Power Commission.

I believe that the remarks of Mr. Indritz and Mr. Brand help to provide an understanding of these important issues. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the speeches were ordered to be printed in the RECORD, as follows:

SPEECH OF PHINEAS INDRITZ

Until recently, the public generally welcomed construction of power facilities. They provided employment, increased the community tax base, improved standards of living, and brought the convenience and economy of electricity to home, farm and factory.

However, the huge growth of the electric power industry, which as you know, doubles about every 8 years, has created mounting concern about the harmful effects which proliferating bulk power facilities have on our air, water, land, scenic view and wildlife.

Power generating plants and transmission lines already occupy millions of acres, and are visible from many more millions of acres, including areas used for recreation, parks, historic sites, residences, wildlife sanctuaries, and other non-industrial purposes.

Fossil fuel plants spew vast tonnages of sulfur dioxide, nitrogen oxide, and particulates into the atmosphere.

Widespread fears are expressed about the possibility of catastrophic accidents and the emission of radioactivity from nuclear plants.

Both nuclear and fossil fuel generating plants dissipate enormous amounts of heat into both the air and the waters of America.

Even hydroelectric plants, which do not pollute air and water, require dams, and involve drawdown practices, which change river flow, topography and ecology, and effect fish and wildlife.

As the national concern about contamination of the environment continues to grow, more and more people are asking—what will the electric industry do, 20 years hence when it is 5 times larger, to our air, water, land use, esthetics, fish and wildlife, and the quality of human life?

This challenge to the electric industry is very real. For example:

Environmental concern killed the Nez Perce dam project on the Snake River because it would have blocked fish returning to spawn in the Salmon River.

It stopped the Marble Canyon dam project because it would have backed water into the Grand Canyon National Monument.

The Cornwall "Storm King" pumped storage peaking plant has been involved in years of litigation by citizens who oppose its scenic impact on the palisades of the Hudson River.

The City of Woodside, California, blocked construction of a transmission line needed by the Atomic Energy Commission until Congress stepped in to work out a compromise leading to a less visually intrusive line.

The U.S. Court of Appeals in its recent *Calvert Cliffs* decision[1] required the Atomic Energy Commission to revise its procedures for licensing nuclear power plants and to consider all relevant environmental effects of the proposed plants.

The State of Minnesota went to court to compel the Monticello nuclear plant to conform to much more rigid requirements on radioactive discharges than those specified by the Atomic Energy Commission.

Even the Interior Department, which has several power marketing agencies and knows the importance of expediting the construction of more power facilities, instituted legal action to stop the Florida Power and Light Company from discharging waste heat from its nuclear plant into Biscayne Bay.

The electric utility industry can no longer plan its construction of generating plants and transmission lines solely on the basis of engineering feasibility and economics. It must now consider the impact of every new facility on the environment. Will it pollute the air? Will it overheat the water? Will it intrude on historic and recreational sites? Will it uglify and scar the landscape? Will the public view the harm to the environment as more serious than the threat of brownouts?

This rising tide of environmental concern about bulk power facilities began to accelerate about six years ago in the *Scenic Hudson* and *High Mountain Sheep* cases.[2]

In the first case, the U.S. Court of Appeals for the Second Circuit stressed "as a basic concern the preservation of natural beauty and of national historic shrines, keeping in mind that, in our affluent society, the cost of a project is only one of several factors to be considered." (at p. 624).

In the High Mountain Sheep case, the Supreme Court admonished the Federal Power Commission and the electric industry (at p. 450) that:

"The test is whether the project will be in the public interest. And that determination can be made only after an exploration of all issues relevant to the 'public interest', including future power demand and supply, alternate sources of power, the public interest in preserving reaches of wild rivers and wilderness areas, the preservation of anadromous fish for commercial and recreational purposes, and the protection of wildlife."

In both cases, the projects were sent back for restudy and reconsideration of their environmental impacts.

The *Scenic Hudson* case is also significant for its substantial expansion of the judicial doctrine of "standing" to sue. It ruled that citizens concerned about the environment—about aesthetic, conservational and recreational matters—have legal standing to file suits challenging the action of a governmental agency's ruling, such as the FPC's licensing of a hydropower project. This principle has been further expanded in the past 2 or 3 years, so that now it is pretty clear that almost any person or group can establish the requisite legal standing needed to institute legal action against all sorts of conduct, whether by government agencies or by corporations, which may affect aesthetic, conservational, or recreational values.[3]

There is a wide variety of legislation now being enacted as a result of concern about the environment which complicates the life of the power executive. Not only Congress, but also many state and local legislative bodies as well as administrative agencies, at both Federal and State levels, are adopting laws and regulations and policy statements intended to increase environmental protection against possible adverse effects of constructing new power facilities, or of operating existing power facilities.

The most significant of these new laws is the National Environmental Policy Act of 1969.[4] It commands Federal agencies to administer all their activities with a keener eye toward their environmental effects. The Act established a statutory Council on Environmental Quality to give high level guidance to the Nation on dealing with environmental problems. In addition, the Act directs that "all agencies of the Federal Government shall" develop procedures which will "insure that presently unquantified environmental amenities and values" be given "appropriate consideration in decision-making along with economic and technical considerations".

The Act also requires "all agencies of the Federal Government" to prepare a "detailed statement" to be included in "every recommendation or report" concerning "Federal actions significantly affecting the quality of the human environment." That detailed statement must cover each of the following matters:

(i) The environment impact of the proposed action;

(ii) Any adverse environmental effects which cannot be avoided should the proposal be implemented;

(iii) Alternatives to the proposed action;

(iv) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

(v) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

The Act also requires the Federal official, before making the detailed statement, to first "consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved". Copies of such statement and comments "shall be made available to the President, the Council on Environmental Quality, and to the public . . . and shall accompany the proposal through the existing agency review processes." (Sec. 102.)

In addition, the President's Executive Order 11514 issued on March 5, 1970 (35 F.R. 4247) directs all Federal agencies to establish procedures for public hearings on their plans and programs which affect the quality of the environment, and to "provide the public with relevant information, including information on alternative courses of action".

The electric bulk power industry has been accustomed to some of these requirements. For example, public hearings are held by the AEC on applications to construct nuclear power plants, and by the FPC on applications for hydropower licenses. Both the FPC and the AEC consult with other agencies concerned with environmental effects, such as the Interior Department with its Fish and Wildlife Service and Geological Survey, the Corps of Engineers, and others. But the National Environmental Policy Act went much further. It has required revisions of agency procedures which are enabling conservation and environmental groups to have a more substantial input into agency decisions. It has broadened the opportunities of Federal, State and local agencies to express their views on the environmental effects of Government actions, such as the licensing of nuclear power plants and plants which reprocess fuel discharged by nuclear reactors. It requires the operators of such plants to comply with environmental standards, including controlling the thermal effects of releasing their heated waters.

The requirements of the National Environmental Policy Act have had a tremendous impact. Agencies have begun to give greater attention to the environmental effects of their proposed actions. A considerable number of projects, which otherwise might have been carried forward, have already been revised or deferred as a result of such review.

The requirement that agencies make environmental impact statements has, furthermore, given a new legal weapon to citizens concerned about environmental damage resulting from government action or projects. They have sought, and obtained, injunctions against many major projects because the agency failed to file an environmental impact statement, or because its environmental statement was deemed inadequate.

Among the well-known projects which were deferred, or stoppeed, until an adequate environmental impact statement is filed are:

The Trans-Alaska pipeline (*Wilderness Society v. Hickel,* 1 ERC 1335, D.D.C. 1970).

The numerous highways through parks, cities, etc.

Timber cutting in the Monongahela National Forest (*West Virginia Highlands Conservancy v. Island Creek Coal Co.,* 2 ERC 1442 (4th Circ. 1971).

Further construction of both the Cross-Florida Barge Canal and the Gillham Dam in Arkansas were enjoined even though both projects had been authorized and partly constructed prior to the enactment of NEPA (*Environmental Defense Fund* v. *Corps of Engineers* 2 ERC 1173, D., DC. 1971); (*Environmental Defense Fund v. Corps of Engineers,* 2 ERC 1260, E.D. Ark. 1971).

The Secretary of the Interior was enjoined from cancelling Federal contracts for purchase of helium (*National Helium Corp. v. Morton,* 326 F. Supp. 151, 1971).

Channel clearing on the Gila River (*Sierra Club v. Laird,* 1 ELR 20085, D. Ariz. 1970).

In *Natural Resources Defense Council v. Morton,* —— F 2d ——, —— App. D.C. —— (Jan. 13, 1972), the Interior Secretary was enjoined from leasing oil lands on the continental shelf, not because of failure to file a NEPA environmental impact statement, but because the statement did not adequaely discuss some possible alternatives for meeting energy demands, including some alternatives beyond the Secretary's authority to adopt, such as the possibility of eliminating oil import quotas. The Court emphasized the importance of having Federal agencies develop information about, and discuss in adequate detail, the alternatives as well as the proposed action, so that not only the agency but also the Congress and the public could weigh them and decide on the best course of action compatible with protecting the environment.

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[1] *Calvert Cliffs Coordinating Committee* v. *Atomic Energy Commission* 449 F.2d 1109, 2 Env. Rep. 1779 (C.A., D.C. July 23, 1971).

[2] *Scenic Hudson Preservation Conference* v. *Federal Power Commission* 354 F.2d 608 (C.A. 2, 1965), *cert. den.* 384 U.S. 941 (1966); *Udall* v. *Federal Power Commission,* 387 U.S. 428 (1967).

[3] *E.g. Data Processing Service* v. *Camp,* 397 U.S. 150 (1970); *Citizens Committee for the Hudson Valley* v. *Volpe,* 425 F. 2d 97 (C.A. 2d, 1970); *Environmental Defense Fund* v. *Corps of Engineers,* 2 ERC 1260 (1971).

[4] Act of January 1, 1970 (Public Law 91-190; 83 Stat. 852; 42 U.S.C. 4321).

The U.S. Court of Appeals for the District of Columbia ruled in *Calvert Cliffs Coordinating Comm. v. Atomic Energy Comm.*, 449 F 2d 1109 (DC Circ 1971) that the AEC must itself examine the environmental aspects of the projects it approves, including their impact on water quality, rather than merely accept the certificate of a State or other agency.

In *Kalur* v. *Resor*, 3 ERC 1458 (D., D.C. Dec. 22, 1971), the Corps of Engineers was enjoined from issuing any Refuse Act discharge permits until the Corps revised its regulations to require environmental impact statements before issuance of a permit.

More recently, the Atomic Energy Commission was enjoined from issuing a license to enable 50 percent operation of the Quad Cities nuclear power plant until it prepared an environmental impact statement as required by NEPA, because the heated water would have exceeded Illinois state water temperature limitations for the Mississippi River. (*Izaak Walton League* v. *Schlesinger*, 3 ERC 1453, D., D.C. Dec. 13, 1971).

And less than a month ago, the Tennessee Valley Authority was enjoined from doing further construction work on the Tellico Dam and Reservoir Project, even though the project had been initially approved and funds appropriated as long ago as 1966 and the concrete part of the dam completed early in 1969; and even though TVA had already prepared a draft environmental statement and was working on the final statement. (*Environmental Defense Fund* v. *TVA*, 3 ERC 1553, D.C. Tenn. E.D., N.D. Jan. 11, 1972). The court examined the draft statement and ruled that it "consists almost entirely of unsupported conclusions" and showed "lack of careful research and planning".

Why did Congress require the agencies to prepare environmental impact statements, under section 102(2) (C) of the National Environmental Policy Act? The answers are quite evident. Congress intended such statements as the mechanism to implement Government coordination and to help agencies make a comprehensive approach to environmental management. Making these impact statements would require the agencies to face the problems of pollution while they are still of manageable proportions and while alternative solutions are still available, rather than to persist in environmental decision-making wherein policy is established by default and inaction, the environment continues to be degraded in small but steady increments, and the mistakes of the past are perpetuated and not dealt with until they reach crisis proportions.

Furthermore, the environmental impact statement provides at least some evidence that the agency has given consideration to environmental factors, and enables the public to evaluate and weigh them also. The Act and the environmental impact statements thus make the decision-making more responsive and more responsible.

The importance of such coordination has recently become very clear to the 130 rural cooperative, public power and Federal systems which participate in the Missouri Basins Systems Group and utilize its joint transmission system. You know that the Black Hills Power Company has been seeking to construct a 230 KV transmission line across the Black Hills National Forest. Such line, if used exclusively by the company, would soon have to be duplicated with another line to serve members of your Group. It is apparent that coordination is needed to minimize the potentially adverse impact of duplicate lines on the national forest.

Our Subcommittee has been following the progress of the studies being made by the Bureau of Reclamation and the Forest Service concerning this matter. We trust that these studies will result in an environmental impact statement which examines all alternatives and selects the one that will maximize the benefits for all persons and minimize unnecessary intrusion upon the environment of the forest.

NEPA and its requirement for environmental impact statements are now under attack. Last week, the Chairman of the Council on Environmental Quality and the Administrator of the Environmental Protection Agency sent a joint letter to Congress urging that NEPA be amended in several respects:

First, that the Act shall not apply to any matter involving water quality considerations in connection with any Federal license or permit "for the conduct of any activity which may result in any discharge into navigable waters" if a State certifies that the discharge will comply with applicable water quality standards, or if the activity receives a permit from EPA or the Corps of Engineers.

Second, that the Act shall not apply, so far as concerns environmental impact statements or other procedural matters, to any regulatory actions since Jan. 1, 1970 by EPA "or by other Federal agencies . . . under any . . . Federal statute presently in effect or hereafter enacted, as may be . . . identified by . . . the Council on Environmental Quality. . . ."

On Feb. 7, 1972, just two days ago, both Congressman John Dingell chairman of the House Subcommittee which held the hearings on the enactment of NEPA, and Congressman Henry Reuss, Chairman of the House Conservation and Natural Resources Subcommittee, stated on the Floor of the House, that they intended to oppose those Administration amendments (Cong. Rec. pp. H 802, H 805).

Another area of conflict affecting the coordination of the electric power industry and the environment will come when the House Interstate and Foreign Commerce Committee takes up the Macdonald bill (H.R. 11066) which, according to its title, is "designed to balance reasonable power needs and reasonable environmental factors in planning and authorizing the construction and operation of bulk electric power facilities."

It would extend my talk far beyond the limits of your patience, and your hospitality, if I were now to launch into a detailed exposition of this bill. I do suggest, however, that at least one provision has an Orwellian appearance, and ought not to be enacted. I refer to section 412(c), on pages 25–26 of H.R. 11066, which states that when an *ad hoc* panel of three members approves an electric utility's proposal, the utility can proceed under that proposal to construct and operate a bulk power facility, and use Federal lands for that purpose, without regard to any provisions of Federal or State law relating to "questions of siting, land-use, air or water quality, or other environmental factors, or to public convenience and necessity and other aspects of regulation of electric utilities". (The only exceptions would pertain to Atomic Energy Act provisions relating to radiological safety, and the laws of States which have a siting agency).

I suggest that such elevation of electric power over environmental protection is not in the best interest of our country.

The bill is important, it is receiving serious consideration by the House Interstate and Foreign Commerce Committee, and it ought to be studied in detail by you so that you can express your views to the Congress.

Thank you for listening.

COORDINATION AND THE ANTITRUST LAWS—REMARKS OF WALLACE EDWARD BRAND

In any industrial economy there are three important kinds of decisions to be made. They are: What is to be produced? How shall it be produced? and Who shall benefit from the production?[1] In our economy we rely primarily upon the force of competition acting through the market to make these decisions. This is what Adam Smith, the eighteenth century economist, called the "invisible hand," a hand which controls the correct answers to these three questions, what to produce, how to produce it and who is to benefit, in the simplest most efficient way.

Most economists recognize that Adam Smith's invisible hand is not operative in at least two cases. One of these is the case of "external diseconomies."[2] Another is the case of monopoly.[3] I think it is interesting that these two areas where the "invisible hand" doesn't work, are among the most troublesome in the electric utility business today. The first, of course, is at the root of the environmental problems facing the industry, and I'm sure anyone trying to secure a license for a power plant contested by environmentalists will agree that we are far from a satisfactory *method* of handling these problems. The second, which I believe we are much farther along in solving, has been dealt with through direct regulation and the application of the antitrust laws.

Today, I'm going to discuss this latter aspect—the application of the antitrust laws to the electrical utility business. I'm going to divide my talk into three parts—First a little technological history of electric power supply, second some legal history and third some recent developments. Afterwards, I'd be happy to answer any questions you may have.

HISTORY

In the early days, the 1920s and before, the key to success in the electric power business was often control over the low cost water power sites. Firms having such control weren't concerned with alternative sellers of electric power being a source of competition especially any competition from isolated steam generation with its high costs of reserves and fuel.[4]

In the decade from 1910–1920, when the technology of high voltage transmission began to permit the tying together of remote generating stations, both steam and hydro, into large statewide and regional systems and tying together growing loads to be served by these systems, the economics of power supply changed very drastically. After 1920, access to various kinds of coordination over high voltage transmission was the necessary prerequisite to installation of large units and the resulting low cost competitive power.[5] Before 1920 in several areas of the country some interests bought up much of the low cost water power to gain control over the electric power market and one of the evils the conservationists under the leadership of Pinchot clamored against, was such monopoly of water power.[6] After 1920, a number of operators seeing substantial profits to be made, started buying up isolated distribution properties served by isolated thermal or hydro generation for the purpose of tieing them into large integrated systems, or when that was not possible, using them for trading purposes.

The technique used was to purchase a property for more than value based on present earnings having in mind the greatly increased earnings which could be realized from the savings from an integrated power supply.

Footnotes at end of article.

LEGAL DEVELOPMENTS IN ELECTRIC POWER

Predictably, the laws reflected some awareness of the economics of bulk power supply and of its technology.

From the time of Theodore Roosevelt, the Reclamation laws declared a preference to smaller public and non-profit systems in the sale of surplus hydroelectric power making available an independent supply of bulk power to many small distribution systems. This policy was continued to several later acts including the Bonneville Act and the Flood Control Act of 1944.

The 1920 Water Power Act[7] reflected a concern over monopolization of water power sites in many sections of the country. It was intended to give preference to non-profit systems in the licensing of water power sites and Section 10(h) provided that the license could be revoked if the licensee restrained trade in the sale of electric power. However, I am not aware of any case where that section was successfully invoked.

The 1935 Public Utilities Act[8] had a drastic effect on the integrating and coordinating patterns that were emerging.

In Title I, the Holding Company Act,[9] holding company acquisitions of isolated properties were limited to those which could be integrated into a single system and which would not lead to an undue "concentration of control". Presently owned properties that could not be integrated were required to be divested as were other non-electric utility properties.

These isolated properties could under Section 9 of the Holding Company Act[10] or Section 203 of the Federal Power Act,[11] be built back into holding company or operating company systems. Or, under Section 202(b) of the Federal Power Act[12] they could get access to a limited amount of the physical and economic benefits of integration by compulsory coordination. It is interesting to note that while this alternative was present from 1935 on, it wasn't until the middle 1960s that any independent systems attempted to utilize it, and even then publicly owned systems had to run the gauntlet of judicial determinations that they were "persons" within the meaning of the Federal Power Act which would entitle them to claim the benefits of compulsory coordination.

A recent beneficiary of that line of decisions confirming FPC's right to compel coordination was the City of Gainesville whose reserve sharing arrangement with Florida Power Corporation as ordered by the FPC was by the Supreme Court last year.[13]

Integration rather than coordination was often the choice of the privately owned systems. Even now the Justice Department is participating in the SEC proceeding on American Electric Power's proposal to acquire Columbus & Southern Ohio Electric Co. Witnesses have testified that the acquisition may unnecessarily destroy the three-party power pooling arrangements between Columbus & Southern, Dayton and Cincinnati G. & E.[14]

In 1954 during the debates on the Atomic Energy Act, national attention again became focused on the electric power monopoly question—this time the focus was on nuclear electric power. A central theme was that nuclear technology was the result of heavy federal expenditures and that it would be wrong to have the economic benefits of that technology captured by a few giant corporations.

Up through 1970 the antitrust review built into that 1954 atomic licensing act[15] hadn't been applied because all reactors were licensed under a section dealing with experimental and medical therapy reactors. The 1970 amendment[16] changed the law so that almost all reactors owned by public utilities would require antitrust review.

On each license application the Department now advises AEC whether any antitrust problems are present. If there appear to be antitrust problems and the Department recommends a hearing, the AEC must schedule a hearing to determine whether the activities proposed under the license would "create or maintain a situation inconsistent with the antitrust laws." The Commission has broad authority to impose license conditions to alleviate any monopoly problem which it finds.

For a good exposition of the nature of our antitrust review I'd like to refer you to a talk made recently by Mr. Milton Grossman, Assistant Chief of the Public Counsel and Legislative Section in the Antitrust Division which was covered fairly thoroughly in the December 1971 edition of Nuclear Industry. I also have some copies available here and I will be glad to answer any questions regarding our procedures and our criteria.

A brief word or two about the antitrust statutes—Sherman Act Section 1 generally prohibits arrangements between two or more companies if they unreasonably restrain trade. The kinds of such restraints of trade that most people have heard of are combinations or contracts to fix prices or to divide markets—practices that have a direct effect on consumers by raising prices. These kinds of arrangements are so pernicious that the courts call them *per se* violations and usually refuse to accept any evidence by the parties to such arrangements proffering special reasons as to the reasonableness of their particular agreement. It also deals with such things as collective arrangements between companies which advantage the companies to the arrangements but exclude and prejudice other commercial entities—a principle that we have applied to coordinating arrangements in electric power. It also covers tying one product or service to another, certain agreements limiting end use of products sold, and so forth. Section 2 of the Sherman Act is also a general and flexible prohibition; it outlaws monopolizing and attempts to monopolize.

The two elements of a Section 2 violation are (1) "market power" and (2) some conduct responsible for the development or maintenance of that "market power"—conduct that really wasn't necessary to attain any legitimate business purpose. The court has described these as efforts not "honestly industrial."

In our electric power supply context, "market power" could be the power to grant or deny access to coordination which stems from a strategic dominance in transmission.

Clayton Act Section 7 is often referred to as the antimerger statute. The Clayton Act was passed in 1914. One major purpose of the 1914 legislation was to stop incipient Sherman Act violations.

The Sherman Act became law in 1890 at the very birth of the electric power industry.

Until fairly recently there has not been much antitrust litigation in the electric power industry and the Courts have not been presented with the necessity of reconciling the competitive price and regulated monopoly statutory schemes.[17] In the field of regulated industries generally, a number of recent cases have held that the policies of the antitrust laws must be applied by the regulatory agencies unless there is some public purpose contemplated in the regulatory statute which can be served only by ignoring anticompetitive impact.[18] In addition the courts have consistently held that the Sherman Act is directly applicable to regulated industries in the absence of specific exemptions. In early cases the Act was applied even to railroads where an extensive scheme of regulation had been enacted shortly before the Sherman Act.[19]

RECENT DEVELOPMENTS

In the last several years the Department has filed two complaints under the Sherman Act against electric utilities, one in a District Court in Florida, the other in Minnesota.

In the Florida case, the City of Bartow, a distribution system, found it could get a better price on bulk power supply by having the ability to turn to an alternative supplier. But its supplier, Florida Power Corporation, had signed a territorial agreement with Tampa Electric Co. and Tampa refused to negotiate with Bartow. Despite the lack of state statutory authorization for this type of agreement, it had been approved by the State regulatory commission. Similarly, the City of Sebring had difficulty in negotiating a reserve sharing arrangement with Florida Power Corporation and found Tampa would not deal with it because of the same agreement.

The Department filed a complaint under Section 1 of the Sherman Act and after extensive briefing and discovery the case was settled by consent decree in August, 1971.[20] Tampa Electric Co. and Florida Power Corp. were prohibited from allocating customers or territory for electric bulk power supply with any other utility. Electric bulk power supply was defined to include coordinating power and energy. The decree was also effective against any such agreements which the two defendants had with all other utilities in Florida.

The second case involved Otter Tail Power Company which is the dominant power supplier in portions of Minnesota, North and South Dakota. It had a franchise with the Village of Elbow Lake that was due to expire and some friction developed when the Village officials tried to get improved street lighting fixtures for the mainstreet as quid pro quo for granting a new franchise. Elbow Lake decided it would put its own distribution system into operation and attempted to get a bulk power supply. It had to overbuild Otter Tail's system because Otter Tail refused to sell its distribution facilities to the Village. Otter Tail also refused to sell power in bulk and further refused to wheel a Bureau of Reclamation allocation of power. Meanwhile Elbow Lake was virtually foreclosed from access to other power sources because Otter Tail had contracts with other bulk power suppliers in the area prohibiting them from dealing with third parties in its service area. Otter Tail also refused to share reserves with Elbow Lake.

At trial the Department of Justice showed all this in its direct case, as well as establishing a pattern of vexatious litigation employed by Otter Tail to retain its monopoly.

In September 1971 the Court held that Otter Tail's market power stemmed from its strategic dominance over transmission and found that its conduct had violated Section 2 of the Sherman Act.[21] So at the present time the Department is in the position of having filed two and won two, although I must add that a notice of appeal in the *Otter Tail* case has been filed in the Supreme Court.

In general, we have found that control over, or access to, high voltage and e.h.v. transmission tends to be the key factor in present day competition in the electric power industry, although control over low cost hydro or pumped storage sites can also play an important part.

In the *Otter Trail* case the Court found that Otter Tail's control over the subtransmission gave it the market power to commit the violation of Section 2 of the Sherman Act in that case.

Now let me turn to particular facts, acts or episodes which may be relevant to a determination whether a violation of Sherman Act Sections 1 and 2 were present. These matters may also be relevant to a recommendation to the Atomic Energy Commission concerning its antitrust review.

MARKET STRUCTURE

Probably the most significant questions are:

1. What are the market shares of the various competitors in a bulk power supply market? Usual antitrust principles will be relied on to define the market. Frequently

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Footnotes at end of article.

a state will be found to be the appropriate market area although many factors could change this.

2. Who owns the transmission in the area?

CONDUCT

1. If there is monopoly control over transmission, do these monopoly systems refuse to let others use their transmission on fair terms if there is no economically feasible alternative?

2. On the other hand, do they insist on others using their transmission when it is economically feasible to build additional transmission?

3. Are monopoly systems unwilling to interconnect and share reserves on reasonable terms with other thermal systems in their area having no other potential coordinating partners?

4. Are monopoly systems unwilling to engage in programs of coordinated development with others in their area having no other potential coordinating partners?

5. If there are two smaller entities or groups of entities in the area of monopoly systems that could coordinate with one another, does a monopoly systems discriminate by coordinating with one and excluding others?

6. In bulk power supply contracts with full requirements customers, are there dual rates, limitations on large resales, or price squeezes?

7. Have the monopoly systems engaged in vexatious litigation [22] or financed third party litigation with the effect of delaying a competitor's bulk power supply program?

8. Do large bulk power supply systems have any bulk power supply territorial allocations?

9. Do bulk power suppliers exact retail or wholesale territorial or customer conditions as a price for coordination or bulk power supply?

This is not an all inclusive list but these are some of the things that I would look for. To these facts would be applied an analysis based on classic antitrust principles confirmed over the years by the courts in a number of cases.[23]

In the minds of many, competition is the antithesis of the regulated monopoly so that the antitrust laws can not or should not be applied to regulated industries. I think it is fair to say that neither competition nor regulation is an end in itself but they are only a means to the end of the proper solution to the questions "What is to be produced"?; "How"?; and "For whom"? In our context this means the right amount and quality of electric power at the cheapest possible cost with the benefits of this activity properly allocated among the members of our economic society.[24] In a very few cases, including some aspects of electric power, Congress has decided that regulated monopoly is a necessary solution to the "How" problem and that "What" and "For Whom" can be achieved by regulation.

But, even in those cases, one has to be careful to insure that regulation is comprehensive. If there is only partial regulation, the public is not completely protected against the monopoly results on "What" and "For Whom" and so the antitrust laws can provide such relief.[25]

Having now returned to the three questions with which we started, this seems like a good stopping point.

Thank you very much for asking me to be here today. Are there any questions?

FOOTNOTES

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[1] Samuelson, *Economics*, McGraw-Hill, New York 6th Ed. 1965, p. 40.

[2] Samuelson at 466.

[3] Samuelson at 484, 485.

[4] Kerwin, *Federal Water Power Legislation*, Columbia University Press, New York 1926, pp. 44–57, 118; Van Hise, *The Conservation of Natural Resources in the United States*, New York, McMillan Co. 1911, p. 136.

[5] Murray, *Superpower*, McGraw Hill (1925) *Report of the Giant Power Survey Board of Pennsylvania* (1925); Keller, *The Power Situation During the War* (1921); U.S. Geological Survey, *A Superpower System for the Region Between Boston and Washington*, Professional Paper No. 123 (1921); *Report of the Northeastern Superpower Committee*, Herbert Hoover (Secretary of Commerce) Committee Chairman (1924); *Fourth Annual Report of the Power Authority of the State of New York* (1934); *Report of the Mississippi Valley Committee* (1934).

[6] U.S. Bureau of Corporations, *Report of the Commissioner of Corporations on Water Power Development in the United States*, U.S. Government Printing Office, Washington, D.C., 1912, pp. 7–31, 95–189. See also, e.g., *Water Power Proceedings of the Fifth National Conservation Congress*, Washington, D.C., Nov. 18, 19, 20 (1913), Testimony of Clifford Pinchot and O. C. Merrill in 63rd Cong., 28d Sess. *Hearings before the Senate Committee on Public Lands on H.R. 16673*, p. 132 et seq., p. 382 et seq. (1914).

[7] 41 Stat. 1063 June 10, 1920.

[8] P.L. 74–333, 49 Stat. 803, 15 U.S.C 79a et seq. 16 U.S.C. 791a–825r.

[9] 15 U.S.C. 79a et seq. Title II of the 1935 Public Utilities Act is Part II of the Federal Power Act.

[10] 15 U.S.C. 79i.

[11] 16 U.S.C 824b.

[12] 16 U.S.C 824a(b)

[13] 40 FPC 1227, 425 Fed. 1196 (CA 5, 1970) *Gainesville Utilities Dep. et al.* v. *Florida Power Corp.*, 402 U.S. 515 (1971).

[14] *Columbus & Southern Ohio Electric Co. acquisition by American Electric Power Co.*, SEC Adm. Proc. No. 3–1476.

[15] Section 105, 68 Stat. 919, 42 U.S.C. 2135.

[16] 84 Stat. 1472, 42 U.S.C. 2132 et seq.

[17] *Penn Water* v. *F.P.C.*, 343 U.S. 416 (1944); *Penn Water* v. *Consol. Gas, Electric Light & Power Co., 184* F. 2d 552, 568 (CA 4, 1950) cert. den., 340 U.S. 906 (1950). See also related decisions in 186 F. 2d 934 (CA 4, 1951); 97 F. Supp. 952; 194 F. 2d 89 (CA 4, 1952); 209 F. 2d 131 (CA 4, 1953) cert. den. 347 U.S. 960 (1954).

[18] *F.M.C.* v. *Aktiebologet Svenska Amerika Linien* (Swedish American Line) 390 U.S. 238, 242–246 (1968); *U.S.* v. *El Paso Natural Gas Co.*, 376 U.S. 651 (1964); *Marine Space Enclosures, Inc.* v. *F.M.C.*, 420 F. 2d 577, 585 (1969); *Mass. Municipals* v. *SEC*, 413 F. 2d 1052 (1969); *Northern Natural Gas Co.* v. *F.P.C.*, 399 F. 2d 1953, 959 (1968); *Denver & Rio Grande W.* v. *U.S.*, 387 U.S. 485 (1967).

[19] *U.S.* v. *Trans-Missouri Freight Assn.*, 166 U.S. 317 (1897), *U.S.* v. *Joint Traffic Assn.*, 171 U.S. 505 (1898), Ripley, *Trusts Pools and Corporations*, Ginn and Co., New York (1905), pp. 484–505.

[20] *U.S.* v. *Florida Power Corp.*, et al., 68–297, Civ. T. 1971 Trade Cases ¶ 73,637 (Mid. Fla.-Tampa Div., August 19, 1971).

[21] *U.S.* v. *Otter Tail Power Co.*, 6–69–Civ.–139, 1971 Trade Cases ¶ 73,692 (D. Minn., Sept. 9, 1971).

[22] *California Motor Transport Co.* v. *Trucking Unlimited*, 432 F. 2d 755 (CA 9, 1970) affd. No. 70–92, Jan. 13, 1972—U.S.—

[23] *U.S.* v. *United Shoe Machinery Corp.*, 110 F. Supp. 295, 344, 345 (D. Mass., 1953) aff'd per curiam, 347 U.S. 521; *U.S.* v. *Grinnell Corp.*, 236 F. Supp. 244 (D.R.C., 1964), 105 (1948); *U.S.* v. *Terminal R.R. Assn.*, 224 U.S. 383 (1912); *Silver* v. *N.Y. Stock Exchange*, 373 U.S. 341 (1963); *Associated Press* v. *U.S.*, 326 U.S. 1 (1945); *U.S.* v. *Colgate & Co.*, 250 U.S. 300, 307 (1919); *Gamco, Inc.* v. *Providence Fruit & Produce Bldg.*, 194 F. 2d 484 (CA 1, 1952) cert. den., 344 U.S. 817 (1952); *American Fed. of Tobacco Growers* v. *Neal*, 183 F. 2d 869 (CA 4, 1950); *U.S.* v. *New England Fish Exchange*, 258 F. 732 (D. Mass, 1919); *U.S.* v. *Tarpon Sponge Exchange*, 142 F. 2d 125 (CA 5, 1944); cf. *Anderson* v. *U.S.*, 171 U.S. 604, 618–619 (1898).

[24] *Northern Natural Gas* v. *F.P.C.*, 399 F. 2d 953, 959 (1968).

[25] *Hecht* v. *Pro-Football, et al.*—F. 2d—(D.C. Cir. 1971), AT RR No. 511, pp. ¶–1, D–1 cert. den. — U.S. ——— Jan. 13, 1972.

CLEAR-CUT CAVE IN

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. WALDIE. Mr. Speaker, when President Nixon sent to Congress his proposals to protect the environment, he claimed to offer a plan through which the needs of productivity could be coherently and rationally weighed with the needs of protecting our resources and our wilderness areas.

President Nixon has foresaken his own intentions by acquiescing to the demands of the lumber industry and permitting the clear-cutting of U.S. forest lands.

The industry claims that it can maximize profits by using clear-cut methods. It is the responsibility of the Government to remind this industry that if it succeeds in devastating these lands it will also destroy that resource upon which it depends. Moreover, the inevitable result will be the permanent loss of the wilderness and recreational areas needed by a growing society and rightfully the property of the citizens of the future.

Our environment and our natural resources cannot be lost in the quest for votes or the quest for temporary profits.

A recent editorial in the Evening Star elaborates on this principle and offers a judgment about the administration's performance in this area.

The editorial follows:

CLEAR-CUT CAVE IN

Let us all hope that the latest White House decision on clear-cutting U.S. forest lands does not truly represent the administration's courage under fire in the arena of environmental protection. Otherwise, the nation is in for a bad time.

The issue is one that has been building up for years. The timber industry has found that it can maximize production and profits through clear-cutting, which means cutting down all the trees in an area rather than selectively cutting only the trees that have matured. Gradually, the U.S. Forest Service has acceded to the practice. And it continues to lean toward industry's position despite the accumulation of public protest and plenty of evidence of abuse—widespread devastation of forest land with consequent bad effects on wildlife, soil stability and scenery.

The President's Council on Environmental Quality had drafted a set of restraints in the form of an executive order it hoped President Nixon would include in his 1972 environment message. But the timber industry's lobbyists reacted quickly. After meeting with CEQ Chairman Train, Agriculture Secretary Butz (the Forest Service is part of Agriculture), and Interior Secretary Morton, they got their way. The executive order was shelved.

Although the administration now is arguing that Agriculture and Interior have adequate safeguards coming along, what happened seems fairly clear. The administration caved in primarily because of the political influence the timber companies can bring to bear in the states of the Far West. This is, if nothing else, a very political year.

In saying all this, we do not put ourselves on the side of the wilderness purists who would lock the forest industry out of the public forests. Logging these forests is essential if the nation's needs for wood products, largely in the home building industry, are to be met. Moreover, in some kinds of forests, notably the Douglas fir, there is even a case to be made for judicious clear-cutting.

At the same time, the timber industry's constant cry of timber famine would go down a lot better if it did not also insist on exporting its products or if it had not compiled such a dreary record of mismanagement in so many public and private forests, down through the years.

The public forests are there for use, including commercial use, but only at a level that will never result in their being used up. The Forest Service, and eventually the White House, bear the burden of protecting those lands for the benefit of all Americans. At this point, it appears it would use more backbone.

SURFACE MINE LAND RESTORATION IN GERMANY

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Thursday, March 2, 1972

Mr. METCALF. Mr. President, the January-February 1972 issue of Environment contains an excellent account of surface mine land restoration in the coal fields of West Germany. The article was written by E. A. Nephew, a research staff member at the Oak Ridge National Laboratory who is currently engaged in a National Science Foundation program, "The Environment and Technology Assessment," which includes an investigation of the environmental impacts of electricity production and use.

I believe that all of us who are charged with responsibility for legislation in this area should become familiar with the West German experience. I ask unanimous consent that Mr. Nephew's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HEALING WOUNDS

(By E. A. Nephew)

(NOTE.—Figures referred to are not printed in the RECORD.)

Present surface-mining practices in the United States are devastating large areas of land and are producing great environmental damage. The growing national concern over this problem is evidenced by the number of different surface-mining regulation bills that are currently before Congress. Some of these bills would only slightly alter present strip-mining practices, while others would require a substantially greater degree of land reclamation after completion of the mining, and at least one bill would prohibit future coal stripping altogether.

A program ensuring the full restoration of all lands disturbed by surface mining could be an environmentally acceptable alternative to banning the practice completely. This option has been adopted by the Federal Republic of Germany (West Germany) and several other European countries. To assess the feasibility of this approach to the problem, we visited the Rhineland brown-coal fields of West Germany and studied the land restoration methods employed to reclaim the huge, open-pit lignite (brown coal) mines of that region. Here, we were particularly interested in the German reclamation laws and how well they are enforced. In general, we found that the German land restoration program is highly successful. Many features of the planning, technological, and regulatory procedures used in West Germany to ameliorate the adverse environmental consequences of large-scale surface mining are applicable to strip-mining problems in the United States.

The nature and extent of environmental damage from surface mining in the United States have been documented in several excellent reports.[1] Essentially, two basic factors have contributed to the magnitude of the problem we face today: the rapid development of strip-mining of coal since the beginning of World War II and the greatly increased consumption of coal for electric power generation. Coal consumption for electric power generation increased from 51,474,000 tons in 1940 to 310,312,000 tons in 1969 and, during the same period, the amount of coal that had been either strip-mined or augered (mined by boring into the mountainside) rose from 43,167,000 tons to 213,373,000 tons.[2]

In coal surface mining, the overburden (the earth and rocks lying above the coal seam) is first removed, and the exposed coal is then extracted. Surface mining conducted in relatively flat terrain is commonly called area stripping. The surface of the land is first scalped of trees, and a deep trench is then cut through the overburden to expose a long strip of the coal bed. The earth, clay, and rock overburden is deposited adjacent to the trench to form a long "spoil" bank. After the coal is removed, a second trench is cut parallel to the first, and the overburden is dumped into the first trench. The process is repeated until all of the coal has been extracted, resulting in a series of parallel, adjacent spoil ridges, which give the mined land the appearance of having been worked over by a giant plow. The final cut produces an open trench bounded by a steep wall called a highwall.

Contour stripping in hilly regions progresses in the same manner except that the process is halted sooner—as the thickness of the overburden becomes too great. Starting at the outcrop of coal along the hillside, a slice of overburden is removed and dumped on the downslope side. The coal is then removed and a second cut is made through the overburden to expose more coal. Finally, when the overburden is too thick for further economical stripping operations, augers as large as seven feet in diameter may be used to drill horizontally some several hundred feet into the mountain to bring out additional coal. Using this combination of stripping and augering, the mining operations proceed along the hillside, leaving a twisting trail of churned earth in their wake. On one side the bench (or shelf) is bounded by a steep, nearly vertical highwall, and on the outside by the mass of spoil material precariously balanced on the downslope of the mountain.

To our knowledge, an accurate survey of the total land area disturbed by the surface mining of coal has never been made. On the basis of data reported by coal producers, Paul Averitt has estimated that, as of January 1, 1970, the cumulative past production of 4.4 billion tons of stripmined coal resulted in 2,450 square miles of disturbed land in the U.S.[3] He further estimates that the mining of the remaining 128 billion tons of strippable coal in the 0 to 150-foot-thick overburden category would create an area of disturbed land comprising 71,000 square miles. At present coal strip-mining rates, roughly 100 square miles of additional disturbed land are being created each year. We must consider that advanced earth-moving machinery and changing economic conditions will probably make deeper deposits accessible to surface-mining methods. This would expand the strippable coal reserves and the total amount of future land damage.

The damage often extends well beyond the boundaries of the actual mining areas. Where mountains are scarred by contour mining, the whole landscape is rendered ugly even though only a small fraction of the land is disfigured. The distruction of watersheds (catchment areas from which stream waters are drawn) by sedimentation and acid water runoff also extends the harmful effects of strip-mining. (Acid water is water containing high levels of sulfuric or other acids.) According to a recent study,[4] contamination caused by both deep and surface mining has substantially altered the water quality of some 10,500 miles of streams in Appalachia. Acid drainage seriously pollutes about 5,700 miles of streams, reducing or eliminating aquatic life. A recent study by the U.S. Department of the Interior on the environmental effects of strip-mining in Cane Branch Basin, McCreary County, Kentucky, showed a market decrease in the variety and abundance of invertebrate bottom fauna in Cane Branch and in Hughes Fork downstream from the strip-mined areas.[5] This was caused by alternate deposition and erosion of sediment and the killing of aquatic vegetation by acid water, effectively destroying the stream habitat. Annual erosion losses from freshly strip-mined areas in Appalachia are as high as 27,000 tons per square mile, or up to 1,000 times greater than for undisturbed lands.

Strip-mining is only now beginning on a large scale in the western states, so the extent of damage is not yet clearly defined for climates and terrain different from Appalachia. In addition to increasing the susceptibility of these lands to wind and water erosion, surface mining in the semidesert regions of the Southwest poses the danger of exposing highly saline material to the surface.[6] This overburden material, enriched in salts by the process of percolation of surface water, if brought to the surface, would make it difficult to establish and maintain even sparse vegetation on the disturbed land. Before the environmental impact of surface mining in arid regions can be fully assessed, revegetation methods effective in areas of low average rainfall must be developed, soil conditions must be investigated, and groundwater movements must be determined. (Groundwater is the water beneath the earth's surface, between soil and rock, that supplies wells and springs.) Much work remains to be done. However, it is already clear that strip-mining, whether it is conducted in Appalachia, in the arid regions of the Southwest, or in the harsh climate of the northern coalfields, can seriously affect the natural ecological balance of the region.

COSTS OF SURFACE MINING IN THE UNITED STATES

The true economic and social costs associated with the surface mining of coal have not yet been adequately assessed. Coal can be strip-mined at an average cost of about $1.50 per ton less than deep-mined coal, largely because a number of important externalities,[7] such as the cost of adequate land reclamation work, are not included in the production costs. For a coal density of 1,800 tons per acre-foot and a recovery factor of 80 percent, the yield of a typical three-foot-thick seam is about 4,300 tons per acre. This means that some $6,000 per acre could be spent on land restoration without destroying the competitive position of strip-mined coal with respect to deep-mined coal. In West Germany, the actual costs of restoring mined-out lands to full agricultural productivity range from $3,000 to $4,500 per acre. To the extent that strip-mining is carried out without subsequent restoration of the land, a portion of the true production costs of strip-mined coal is being imposed on neighboring communities and on posterity.

It is easy to find evidence that the burden

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of external costs associated with strip-mined coal is not fairly borne by the consumer. In some regions of Appalachia, approximately 40 per cent of the maintenance budgets for state and county roads is used to repair damage caused by heavy coal-truck traffic.[8] Land made worthless by strip-mining operations no longer serves as a tax base to provide needed revenues for local community development. Floods and landslides resulting directly from conditions created by coal surface mining destroy both public and private property. Funds that could otherwise provide needed local services are thereby diverted to repair the damages. Poverty, apathy, and blighted social development all too often characterize our coal-producing regions.

The consumption of coal for electric power generation is expected to increase greatly during the coming decades. Perry has estimated that the use of coal for this purpose alone will reach some one billion tons by the year 2000.[9] This would represent nearly a threefold increase over present coal consumption rates for electric power generation. More and larger strip mines may be expected. The problem of meeting the ever-growing energy demands of society without needlessly destroying land, water, and forest resources must somehow be resolved.

In view of the extensive environmental damage already inflicted by coal surface mining, and the anticipated future growth of the industry, *the adoption of sound mining and land restoration practices is urgently needed*. The environmental effects of coal surface mining are clearly regional in nature, extending across state boundaries, so that it is difficult for the individual states to deal with them effectively. For this reason, federal mining and land restoration standards that would apply equally to all of the coal-producing states seem highly desirable.

MINING AND RESTORATION IN WEST GERMANY

The land restoration policies adopted in the Rhineland brown-coal (lignite) fields of West Germany represent one possible way of supplying the energy needed by society while also preserving the environment. The German program for dealing with the social and environmental effects of surface mining affords a valuable reference point in considering the relative merits of various surface-mining control options that have been proposed in the United States. General descriptions of the land restoration practices of the German state of North-Rhine Westphalia are available in the public literature.[10] We have supplemented this information by making an on-site visit to the Rhineland brown-coal fields to gain a firsthand impression of the effectiveness of the land reclamation techniques employed and to obtain a more detailed insight into the regulatory process. The Germans appear to have developed an exemplary process for exploiting the mineral resources of a region without permanently impairing the quality of its environment.

The total West German production of brown coal in 1970 amounted to 108 million tons, of which some 81 millions tons were burned in thermal power stations to produce 60 billion kilowatt-hours of electricity. (A kilowatt is equivalent to 1,000 watts; the kilowatt-hour, a common unit of electric power consumption, is the total energy developed by a power of one kilowatt acting for one hour.) This represents 38 percent of all the power generated in the nation's thermal electric power plants in 1970. The importance of brown coal to West German industry, therefore, can hardly be overemphasized. The very existence of such an important domestic energy source exerts a strong stabilizing influence on the economy of the nation, which nevertheless was forced to import 55 per cent of its primary energy during the past year. Thus, it is not possible in West Germany to consider seriously the luxury of banning the surface mining of brown coal. Instead, methods of mining and land restoration had to be developed which would permit continued production of brown coal without incurring serious environmental damage.

Brown-coal mining

The Rhineland brown-coal fields lie in flat plains country in the triangle formed by the cities of Aachen, Cologne, and Düsseldorf. Surface mining of brown coal currently encounters overburden thicknesses of up to 550 feet when mining coal from beds 50 to 350 feet thick. The coal bed lies on a slightly inclined plane, near the ground surface in the vicinity of Cologne, but is buried under several hundred yards of overburden near Düsseldorf. For this reason, mining began in the southern portion of the coalfield during the latter half of the nineteenth century and has moved steadily northward, becoming progressively more difficult. The final depth of open-pit mines currently being worked is as much as 900 feet. Such mining requires the development of giant wheel excavators and a complex transportation system of conveyor belts and trains to haul away the spoil material and lignite. In 1970, some 243 million cubic yards of spoil were excavated and transported to worked-out mines for use as fill material. In addition to necessitating the moving of earth, each ton of brown coal produced requires pumping about fourteen tons of water out of deep wells to lower the groundwater level. Nearly 2,000 such deep wells have been drilled near the mine pits for this purpose.

The problems of economically moving such massive amounts of material have been solved by introducing largescale, automated equipment, which increases worker productivity. Excluding maintenance personnel, only two men are needed to operate a 7,400-ton wheel excavator, which has a digging capacity of 130,000 cubic yards per day. Larger machines, weighing 13,000 tons and having a capacity of 260,000 cubic yards per day, have already been ordered and are scheduled to begin operation in late 1975. A 70-mile-long network of conveyor belts moving at speeds up to 12 miles per hour delivers the coal and spoil material to trains to be hauled away. The trains move on some 300 miles of special heavy-duty track, and the locomotives are controlled remotely by radio signal during loading and unloading. These measures have increased the average worker productivity to 64 tons of brown coal per man-day. The productivity at the largest, most modern mine, located at Garsdorf, amounts to 81 tons per man-day, or to a heat equivalent of 22 tons of bituminous coal. The average productivity in U.S. bituminous coal strip mines is 35 tons per man-day.

Land restoration

Because of the steady northward progression of mining operations during the past 50 years, the various stages of the land restoration process are open to view, spread out in sequential order. At the active mines in the northern and central portions of the brown-coal field, the huge wheel excavators selectively strip off and save the top layer of loess (an extremely fertile type of loam—a soil consisting of a mixture of clay, silt, and sand); remove the remaining sand, gravel, and clay overburden; and extract the loose, black layers of exposed lignite. Immediately to the south, mammoth spreader machines fill the overburden back into mined-out pits while bulldozers level it out in preparation for applying the top layer of loess. Still further southward, the leveled areas are subdivided into five- to ten-acre tracts by loam dikes. These will be filled with loess slurry (a watery mixture) which dries out after several months, leaving behind a three- to six-foot thick top layer of loess. Near Berrenrath, fields of grain and hay are already thriving on land that was restored less than five years ago. The sequence in the forested areas is similar: To the north are newly planted stands of young trees less than five years old, and in the south are recreational and forested areas reclaimed in the 1920s. The latter are nearly indistinguishable from natural forests and are superior to the stands of scrub timber which originally grew there.

Different conditions

Brown-coal mining in West Germany differs greatly from Appalachian strip-mining in the topography, the type of technology employed, and the degree of government regulation imposed upon the mining industry. In the German lignite fields, excavation is easier because the coal beds are not covered with rock strata as in Appalachia. The terrain is relatively flat, and sulfur-bearing minerals, which produce acid wastes, are not present. Furthermore, the lignite fields are located in a rich agricultural area, providing a strong incentive for restoration of the land after mining is completed. In addition, almost all of the brown-coal resources are located within a single state. This makes it easier for the state to impose adequate land reclamation requirements because significant competition from neighboring states does not exist. As a consequence, nearly all government control of brown-coal surface mining is by the state of North-Rhine Westphalia rather than by the German federal government. Federal laws affecting surface mining in West Germany are general in nature; for example, water quality regulations apply to other industries as well.

Comprehensive approach

The German land restoration program begins long before the first shovel of brown coal is mined. It begins with detailed plans for the evacuation and relocation of populated settlements and for the restoration of land after the mining operations have ceased. Thus, land-use patterns are proposed and approved far in advance, and the new landscape is planned accordingly—the topography, the water drainage system, lakes, and the designation of areas to be restored for forestry and for agriculture. Such comprehensive early planning allows the mining operations to be tailored to fit the land restoration work which will follow. Modern principles of city planning are used in designing new towns for the displaced people; Residential areas are removed from the main flow of traffic; green areas for recreation are provided; and the towns are more compact than the former unplanned settlements. The basic costs for land reclamation and population resettlement are borne by the mining company. Local and state governments provide supplementary funds to cover the incremental costs of providing better schools, sewer systems, and other community services than existed at the former town site.

This comprehensive approach is based upon an acceptance of the fact that brown-coal mining moves not only coal, but also trees, buildings, people, and the land itself. In most cases, conditions are vastly altered. The state of North-Rhine Westphalia and the lignite mining industry have accepted the responsibility of finding feasible solutions to the entire set of social and environmental problems created by brown-coal surface mining. This approach makes it possible to treat the overall problem as an integral whole rather than dealing with single problems on a piece-meal basis. This approach represents a major change in the philosophy of what constitutes mining. The old concept, which appears to be prevalent in the United States, holds that mining consists merely of extracting minerals from the ground in the quickest, most "economical" manner possible. The new concept includes the qualification that this must be done in a way consistent with the needs of society as a whole. The planning and enforcement methods used

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in West Germany to assure that this latter goal will be achieved are thus of great interest and relevance.

GOVERNMENT REGULATION OF SURFACE MINING

Historical development

The present form of the brown-coal industry and the adoption of enlightened land restoration practices in Germany emerged gradually over the past several decades. Prior to 1960, four large mining companies dominated the lignite mining industry. In 1960, economic pressures, arising partly from the need to automate the mines, forced the four companies to merge into a single firm, the Rheinische Braunkohlenwerke A.G. mining company. Even before this economic regrouping of the industry, the public became concerned about the large tracts of unreclaimed land left over from World War II. This concern was particularly evident in Cologne, where the proximity of the mining areas made the disturbed lands highly visible to great numbers of people. As a result, new surface-mining control legislation was enacted in 1950 to assure orderly, well-planned mining practices.

On March 11, 1950, the state legislature of North-Rhine Westphalia passed West Germany's first Regional Planning Law. This law, later modified in May 1962, established a Land Planning Commission charged with the responsibility of developing overall guidelines for land use within the region. The main purpose of the commission is to coordinate the diverse social, economic, and industrial activities of the region. With this aim, the commission designates land areas for agriculture, forestry, and industry, and specifies the boundaries of population settlements. It develops long-range plans for transportation networks, the preservation of historic sites, and the construction of recreational facilities to serve the entire region. Later in the same year, on April 4, 1950, the state legislature enacted two additional laws applying specifically to the brown-coal-producing areas of the region. These were The Law for Overall Planning in the Rhineland Brown-Coal Area and another law establishing a community fund to finance land restoration. The first of these laws formed the Brown-Coal Committee, which develops detailed plans for exploiting the lignite resources of the state within the framework of the overall regional planning law.

The basic objective of the Brown-Coal Committee is to ensure that land areas temporarily used for brown-coal mining will not become permanently devalued and made unsuitable for more lasting uses. This means that it is not sufficient merely to prevent the creation of moonscapes by requiring that the land be restored for forestry or agriculture. Rather, in light of the general objectives of the overall regional planning, the land must be restored so that it will harmonize with the social, cultural, and industrial interests of the rest of the region. The Brown-Coal Committee is composed of 27 members especially selected to represent the interest groups affected by mining operations. This broad base provides a coordination of the various conflicting interests long before actual mining activities begin. The committee formulates land restoration requirements based on the future use of the land as defined in the regional planning program.

The Brown-Coal committee

The composition of the Brown-Coal Committee, as fixed by law, is shown in Figure 1. The primary function of the committee is to review and consider proposals for extending mining operations to new land areas and to make appropriate recommendations to the minister-president of North-Rhine Westphalia. As can be expected in view of the composition of the Brown-Coal Committee, the final recommendation to the state government is based on considerations of overall land use, conflicting local issues, and national energy requirements. The Brown-Coal Committee has gradually emerged as a powerful force defining the conditions under which the brown-coal industry must operate. Its existence subjects the brown-coal industry to public scrutiny and has been instrumental in bringing about the conservation practices of the industry. The Brown-Coal Committee serves as a quasi-public forum where the divergent interests of society can be considered before mining commences. Public hearings and the signature of the state chief executive are required before the recommendations of the committee become legally binding.

The introduction of requirements that a certain portion of the land disturbed by the surface mining of brown coal be restored to agricultural productivity illustrates the importance of such a planning and review body. Although reforestation of disturbed lands has been carried out since the early 1920s, a coalition of agricultural groups within the Brown-Coal Committee became concerned over the destruction of fertile farmland by the mining operations. In the late 1950s, this coalition of agricultural interests, known as the "green front," successfully introduced requirements that the valuable top layer of loess, often fifteen to twenty feet thick, be saved, and that a portion of the land disturbed by surface mining be restored to agricultural productivity.

A break-even point has recently been reached in West Germany because of rising land prices and lowered reclamation costs brought about by the development of more efficient land restoration methods. In the United States, the costs of full land restoration would in most cases greatly exceed the value of the restored land. However, it is interesting to note that reclamation was required in Germany long before it became marginally profitable. Because of land restoration requirements, the rich, thick layer of loess is selectively saved and is now regarded as an important and valuable mineral in its own right. Similarly, commercial exploitation of the sand and gravel contained in the over-burden has begun. Thus, the extraction of brown coal is becoming a total mining operation. Of the 53,000 acres of land that have been disturbed by brown-coal surface mining, 33,000 acres have already been restored for forestry, agriculture, and recreational uses. The costs of restoring mined-out lands to full agricultural productivity range from $3,000 to $4,500 per acre.

Interaction between planning and enforcement

The key to the German success in land restoration lies in detailed advance planning based on the needs of the region as a whole. When it is deemed necessary to extend mining operations to new, unopened land areas, the brown-coal mining company submits a proposal containing comprehensive mining and land restoration plans to the Brown-Coal Committee. The committee examines the proposal with respect to regional planning guidelines and hears testimony from technical experts, representatives from the enforcement agency and the land planning commission. Following committee discussion and review, the original plan may be accepted, modified, or rejected. When final committee approval has been obtained, public hearings are held and the plan is then sent to the titular head of the state land planning commission for adoption.

After the plan has been finally adopted, the state enforcement agency assumes the responsibility of supervising its implementation and assuring that the mining and land restoration activities are carried out in accordance with its stipulated provisions. The mining company is required by law to submit all information which the state enforcement agency needs to carry out its regulatory function. For example, the brown-coal mining company routinely submits aerial survey photographs of its mining and land restoration progress every six months. The planning and enforcement process, with participation of nonmining interests, affords flexibility in resolving the social and environmental problems posed by surface mining. The recommendations of the Brown-Coal Committee function as a living law which changes and adapts to the requirements of specific situations. Since the deliberations are made well in advance of actual mining, sufficient lead time is available for a full consideration of all of the issues and problems.

Application to U.S. strip-mining problems

Some elements of the German surface mining and land reclamation techniques are applicable to U.S. strip-mining in spite of important differences in the climate, terrain, and geological features of the mining regions. Wheel excavators of the type used in the Rhineland have already found limited use in North Dakota and Illinois, where they are used to remove soft and unconsolidated overburden. These machines provide continuous operation and can deliver the broken-down overburden by conveyor belt to any point desired. They are especially suitable for separating the fertile layer of topsoil from the remaining overburden and saving it to be used later for land reclamation purposes. The slurry technique of applying topsoil to graded areas being recultivated can almost certainly be applied in some areas of the United States. The considerable amount of basic research which has been performed in West Germany to determine the most suitable trees and plants for revegetation, and the factors affecting their growth rates, may be helpful in our own country. Of primary interest, however, are the institutional arrangements that have been worked out to provide adequate regulation of surface mining and full restoration of the affected lands.

In devising a policy for the United States, consideration should be given to the German experience. The German program has been in effect for some twenty years and has been highly successful in minimizing social dislocations and environmental damage from brown-coal surface mining. The German program embodies four main principles that have contributed greatly to its success. First, the regulation of surface mining is incorporated within an overall regional development plan. Second, a planning body composed of diverse public interests participates in formulating detailed requirements for mining and land restoration long before the actual mining begins. Third, the recommendations of the planning body are reviewed in public hearings. Fourth, an enforcement agency is provided with the necessary powers to enforce the approved plan. The German program offers visible evidence that, with detailed advance planning, striking successes can be achieved in reducing environmental damage from strip-mining at a price easily borne by the consumer.

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PHASE II'S GLOW DIMS

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. BOGGS. Mr. Speaker, in recent days we have been repeatedly told that the leading economic indicators are now a cause for relief, if not rejoicing.

We are told, for example, to "watch the doughnut and not the hole," which means that a record number of our citizens were working during 1971.

That may be true, but it does not really tell us anything. Dr. Arthur Okun told the Joint Economic Committee recently that, while we had a record number of nonheroin addicts last year, it was small consolation in view of the growing problem of heroin addiction.

My point is that it does no good to kid ourselves that unemployment does not exist, or that it does not really matter. We must look at the problem realistically, and understand that the basic problem with unemployment is that the economy is not growing fast enough.

Hobart Rowen took a realistic look at the state of the economy in this morning's Washington Post. I am inserting his column in the RECORD and calling it to the attention of my colleagues:

PHASE II'S GLOW DIMS

(By Hobart Rowen)

To return to Jack Kennedy's phrase, the country urgently needs to "get moving again," and nobody—not President Nixon nor the passel of Democratic candidates—has come up with a way of doing it.

The sense of euphoria that swept over the nation after last August's wage-price freeze, and again after the December agreement on devaluation of the dollar has all but disappeared.

Instead, there are doubts about the Phase II mechanism that supplanted the freeze, and concern in Europe that the December deal on currency rates will come unglued.

It is just as well, as Federal Reserve Board Chairman Arthur F. Burns said on Capitol Hill the other day, to bring these worries into the open instead of sweeping them under the rug.

The U.S. economy is showing the deep distortions of the long Vietnam war, which drained its wealth, created a costly inflation at home, led to balance of payments and trade deficits, and ultimately devaluation of the dollar. William McChesney Martin, former chairman of the Fed, correctly observed in New York the other day that the devaluation—while clearly a necessity—is a confession of failure of economic policy.

Burns, and his associates in the Nixon administration, have been making regular appearances before congressional committees to report that there are evidences of "improvement" on the economic scene.

The usually-mentioned brighter spots include a lessening of the pace of inflation; a decline in interest rates; a rising stock markets; improved demand by business and consumer for materials and products; and an acceleration of industrial expansion plans.

But there are enough other signs of sluggishness to create an uneasy feeling. Industrial production is flat; consumer savings are too high; and a serious trade deficit persists. Governmental expenditures have ballooned so high that taxes are sure to be raised in 1973. In this political year, however, discussion of this will be muted.

Much is often made in some administration circles (but not in the most sophisticated) of the gain in the so-called "leading indicators." The problem with this index is that it often fails to indicate the turning points in a business cycle. Moreover; it is based in part on preliminary data, and the revisions make the use of the "leading indicators" all but useless except for political purposes.

The biggest problems are continued high unemployment and the fear that enormous budget deficits will have an unsettling effect at home and abroad. In helping to finance the huge debt, the Federal Reserve is following an aggressively easy money policy. That will help to keep interest rates low, a policy required for recovery at home.

But low interest rates also make it almost certain not only that dollars will not flow back to the U.S., but that increasing amounts will flow out, again seeking a better return in Europe.

Thus, we will have to live with an enormous balance of payments deficit for a further undetermined period. This creates the potential for a brand-new dollar crisis even before the last one has been resolved. Curiously enough, part of the current dollar outflow, many economists suspect, can be traced to the restored 7 per cent investment credit. Instead of stimulating heavy new expenditures at home, boosting the GNP and jobs here, the credit has helped American corporations build up a fat "cash flow"—and the natural place for corporation treasurers to invest the excess money when interest rates are low here is in foreign money centers.

Little wonder that the administration has begun to emphasize that the pay-off from its New Economic Policy, if any, may be two years in coming. Last August, its tendency was to promise too much too quickly in the extravagant manner that has been Mr. Nixon's hallmark.

Now, we are warned, it takes time for exports to expand in response to better-priced merchandise; it takes time to take care of legitimate wage catch-ups, and to enforce the 5.5 per cent guideline.

Privately, high administration officials are starting to refer to the inflation goal of Phase II as "3 per cent or under," a delicate refinement of purpose that abandons all mention of 2 per cent as a possibility.

The Democrats should be able to make plenty of political capital out of all of this. They expect to do it, without offering alternative programs. To quote Senator Muskie in his interview with The Washington Post last Sunday, "If the incumbent breaks an egg, you know, and scrambles it, the challenger's hardly in a position to unscramble it and start all over again."

WHY GIVE UP RADIO FREE EUROPE?

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. DERWINSKI. Mr. Speaker, there is growing realization of the damage being done to our country and the efforts of the free world to continue to reach the captive peoples of communism as the chairman of the Senate Foreign Relations Committee continues his deliberate scuttling of Radio Free Europe and Radio Liberty. That there is, in fact, mounting concern in the country over the issue is evidenced by the attention it is being given in editorial commentaries and by prominent columnists.

I insert into the RECORD the article by David Lawrence which appeared in the Wednesday, March 1, issue of the Evening Star.

The article follows:

WHY GIVE UP RADIO FREE EUROPE?

(By David Lawrence)

A controversy of an unusual nature—to suppress free speech—has arisen as a result of an effort by some members of the Senate Foreign Relations Committee to cause the American government to discontinue its support for the broadcasting news services known as Radio Free Europe and Radio Liberty. These have won great praise for their daily operations in informing the population of areas which otherwise would not get the truth about news events.

Rep. Robert Steele, R-Conn., declares that the Senate Foreign Relations Committee has received two favorable reports on the radio stations but has refused to make them public, and that a Senate bill to finance the project and a House bill authorizing creation of a semi-governmental commission to oversee a similar service have been stalemated.

Steele says he has requested Chairman J. William Fulbright D-Ark., to publish the reports made to the Senate committee and has asked Congress to keep the radio service alive pending a study of the findings in the reports.

Meanwhile, the European press is disturbed over the possibility that Radio Free Europe might be discontinued. The London Times a few days ago said in an editorial that the American station "provides a calmer and more factual news service than is very widely heard in Eastern Europe." The editorial added:

It is not always perfect but it clearly meets a very deeply felt need among its listeners, as any traveller in Eastern Europe can testify. It gives them news about the world and about their own domestic affairs that is not available from their own controlled press.

Naturally Radio Free Europe is a thorn in the flesh of East European governments because it breaks their monopoly of information. For them, truth in any form is an enemy agent. It can therefore be said to undermine their system, but only so long as people want to listen to it . . .

"Meanwhile, whether its activities can be regarded as improper interference depends on what you mean by detente. As the Communists themselves never tire of pointing out, detente does not mean ending the peaceful competition between two systems. What it should mean is codifying the rules on a fair and equal basis.

"There is no reason why these rules should exclude peaceful and equal competition between ideas. Indeed, this is one of the basic values of the Western world which should be most vigorously defended.

"Nor can anyone say that the Communists do not have an equal chance. They have free access for their ideas in Western markets. They can work through legal publications and legal Communist parties. They can broadcast as much as they wish, and as their programmes on Ulster have shown they can win all the prizes for vicious inaccuracy.

"The West has far fewer means at its disposal. To give up Radio Free Europe would be a gratuitous act of appeasement that would unbalance things even more and would be a very severe blow to the millions of people in Eastern Europe who still look to the West not only for information but for the defense of values in which they believe, and which even many progressive Communists regard as vital for the salvation of their system."

Congress has not debated the question thoroughly, and presumably hasn't studied the facts contained in the special reports which the Senate Foreign Relations Committee has had prepared. If these were made public, the nation would learn of the importance of Radio Free Europe and Radio Liberty.

The United States has performed no greater act of information distribution than has been accomplished by radio stations that tell what is happening all over the world, including events of international significance. This news reaching into Communist countries has been useful in contradicting propaganda misrepresentations.

Many members of Congress are puzzled that any effort should be made to abolish Radio Free Europe and Radio Liberty, which have rendered so valuable a service to the world.

SENATE—*Friday, March 3, 1972*

The Senate met at 10 a.m. and was called to order by Hon. James B. Allen, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Dear Lord and Father of mankind, as the hearts of man everywhere are uplifted to Thee on this World Day of Prayer, we beseech Thee to teach us to pray without ceasing. As prayers ascend in many languages, may the nations learn anew the oneness of the human race. Lift the hearts of men everywhere to the loyalty and love which transcends all earthly loyalties and love—the love of God our Creator and Redeemer. By drawing closer to Thee, may the peoples of the world be drawn closer to one another. Hear the prayers which are spoken and those deeper prayers which are never said. We ask it in His name who taught us to pray "Thy kingdom come, Thy will be done on earth as it is in heaven." Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Ellender).

The assistant legislative clerk read the following letter.

U.S. Senate,
President pro tempore,
Washington, D.C., March 3, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. James B. Allen, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

Allen J. Ellender,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, March 2, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NARCOTIC ADDICTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 645, S. 2713.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

S. 2713, to amend title 18 of the United States Code to authorize the Attorney General to provide care for narcotic addicts who are placed on probation, released on parole, or mandatorily released.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary with amendments, on page 1, line 7, after the word "title", insert a comma and "or a drug dependent person within the meaning of section 2(q) of the Public Health Service Act, as amended (42 U.S.C. 201),"; on page 2, line 18, after the word "title", insert a comma and "or a drug dependent person within the meaning of section 2(q) of the Public Health Service Act, as amended (42 U.S.C. 201),"; and, on page 3, after line 7, insert a new section, as follows:

Sec. 3. Subsection 343(b) of part E of title III of the Public Health Service Act is repealed.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3651 of title 18 of the United States Code is amended by inserting the following paragraph before the last one:

"The court may require a person who is an addict within the meaning of section 4251 (a) of this title, or a drug dependent person within the meaning of section 2(q) of the Public Health Service Act, as amended (42 U.S.C. 201), as a condition of probation, to participate in the comunity supervision programs authorized by section 4255 of this title for all or part of the period of probation: *Provided,* That the Attorney General certifies a suitable program is available. If the Attorney General determines that the person's participation in the program should be terminated, because the person can derive no further significant benefits from participation or because his participation adversely affects the rehabilitation of other participants, he shall so notify the court, which shall thereupon, by order, make such other provision with respect to the person on probation as it deems appropriate."

Sec. 2. Section (a) of section 4203 of such title is amended by inserting the following paragraph between the third and fourth:

"The Board may require a parolee, or a prisoner released pursuant to section 4164 of this title, who is an addict within the meaning of section 4251(a) of this title, or a drug dependent person within the meaning of section 2(q) of the Public Health Service Act, as amended (42 U.S.C. 201), as a condition of parole or release to participate in the community supervision programs authorized by section 4255 of this title for all or part of the period of parole: *Provided,* That the Attorney General certifies a suitable program is available. If the Attorney General determines that the person's participation in the program should be terminated, because the person can derive no further significant benefits from participation or because his participation adversely affects the rehabilitation of other participants, he shall so notify the Board of Parole, which shall thereupon make such other provision with respect to the person as it deems appropriate."

Sec. 3. Subsection 343(b) of part E of title III of the Public Health Service Act is repealed.

Mr. BURDICK. Mr. President, I urge that the Senate act favorably on S. 2713, a bill providing for narcotic addicts who are placed on probation, released on parole, or mandatorily released.

This legislation is necessary to fulfill an unmet need for treatment of narcotic addicts and other drug abusers who are sentenced to confinement by the Federal courts. At present, only a small portion of prisoners with histories of drug and narcotic abuse qualify for sentencing under the Narcotic Addict Rehabilitation Act, and the legislation before us today will go a long step toward filling this gap for those individuals who recognize a need for treatment.

The institutional phase of the treatment program is authorized under general authority to provide for the treatment, care, rehabilitation, and reformation of offenders, but this legislation would provide the supervisory aftercare essential to effective treatment.

This legislation has been carefully considered by the Subcommittee on National Penitentiaries and the Committee on the Judiciary, which recommend its adoption.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calender, under New Report.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar, under New Report, will be stated.

FARM CREDIT ADMINISTRATION

The second assistant legislative clerk read the nominations in the Farm Credit Administration as follows:

Melvin E. Sims, of Illinois, to be a member of the Federal Farm Credit Board, Farm Credit Administration, for a term expiring March 31, 1978.

E. Riddell Lage, of Oregon, to be a member of the Federal Farm Credit Board, Farm Credit Administration, for a term expiring March 31, 1978.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the distinguished acting minority leader, the Senator from Florida (Mr. GURNEY), desire recognition at this time?

Mr. GURNEY. No, Mr. President.

The ACTING PRESIDENT pro tempore. At this time, then, in accordance with the previous order, the Chair recognizes the distinguished Senator from Maryland (Mr. BEALL) for not to exceed 15 minutes.

(The remarks Mr. BEALL made at this point on the introduction of S. 3290 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, there will be a period for the transaction of routine morning business for not to exceed 15 minutes, with speeches by Senators limited to 3 minutes.

Is there routine morning business to be transacted at this time?

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letters, which were referred as indicated:

REPORT ON EXPORT CONTROL

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on export control, for the fourth quarter of 1971 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD of West Virginia (for Mr. CHILES), from the Committee on Agriculture and Forestry, without amendment:

S. 1058. A bill to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, so as to authorize certain grapefruit marketing orders which provide for an assessment against handlers for the purpose of financing a marketing promotion program to also provide for a credit against such assessment in the case of handlers who expend directly for marketing promotion (Rept. 92-683).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BEALL:

S. 3290. A bill to amend certain provisions of title 18, United States Code, relating to youth offenders. Referred to the Committee on the Judiciary.

By Mr. CHURCH:

S.J. Res. 212. A joint resolution to authorize the President to call a series of four White House Issue-Oriented Subconferences on Aging. Referred to the Committee on Labor and Public Welfare.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BEALL:

S. 3290. A bill to amend certain provisions of title 18, United States Code, relating to youth offenders. Referred to the Committee on the Judiciary.

Mr. BEALL. Mr. President, recent court decisions construing the Youth Corrections Act in the District of Columbia should be of great concern to the Congress.

This act, originally considered and approved in 1950 was designed to provide to the sentencing judge an alternative to incarceration in adult institutions for young people between the ages of 16 and 22. The legislative history of the act clearly indicates that its provisions were not contemplated for use in every instance where possible but instead that the provisions were added as tools which the court could use as it determined to be appropriate.

I am certainly in accord with the provisions which would allow emphasis on rehabilitation in cases where a young person is likely to avail himself of the opportunity to turn to constructive behavior. A young person who steals a car, develops a drug habit or shoplifts from the corner market can more than likely be made aware of the mistakes he has made and turned in a different direction to become a productive member of our society. We have an obligation to assist these youngsters and help them where possible. I believe these same thoughts were in the minds of the Members of Congress who approved the original Youth Corrections Act in 1950.

A reading of the legislative history seems clearly to indicate that the Congress wanted to provide an alternative to incarceration in an adult institution where the sentencing judge felt such an alternative appropriate. Thus the House Committee on Judiciary commented at the time of enactment that—

> The proposed legislation is designed to make available for the discretionary use of the Federal judges a system for the sentencing and treatment of persons under the age 22 years . . .

Nowhere in the committee reports, at the committee hearings or in the debates on the floor is there any indication that a judge is precluded from imposing a regular adult sentence unless he first finds that an eligible defendant will not receive any benefit from the Youth Act sentence.

However, decisions by the Court of Appeals for the District of Columbia have interpreted the law in quite a different light, and, I am afraid, have perverted the use of this legislation in a way that is detrimental to the citizens of the District of Columbia and its environs.

In both of the cases involved (*United States* v. *Ward,* A.C. Cir. Nos. 71-1654 and 71-1677 and *U.S.* v. *Waters* 141 U.S. App. D.C. 289) the court suggested that the Congress intended the Federal Youth Corrections Act to receive priority over a sentence under the regular adult sentencing provisions, no matter how serious the offense.

Thus in the Waters case the court of appeals decided that the trial court must find affirmatively that a youthful offender will not benefit from sentencing under the Youth Corrections Act before the court can sentence under regular adult statutes. To find that an offender cannot benefit from the youth corrections provisions would seem to be almost impossible since it is unlikely that any trial judge can make such a finding with any degree of assurance. In essence it requires the court to find the offender beyond hope and requires the proof of a negative fact about which no one can be certain.

The result of this trend has been the sentencing, under the Youth Offenders Act, of defendants guilty of murder and other violent crimes with the real possibility that they will be walking the streets again in a matter of months. An article in the Evening Star of November 13 gives two excellent examples of the problem.

Two young men, both under 22, were sentenced under the provisions of the act.

One had been convicted by a jury of the murder of a grocery store owner during a robbery last January. The jury came in with a recommendation of life imprisonment. The trial judge, wary no doubt of the higher court rulings, sent the man to the Youth Center at Lorton, although the U.S. attorney's office pointed out that this would probably mean he would be released within a matter of months.

In a second case, a defendant was committed for killing an elderly landlord who had discovered him selling dope to a teenager. The victim was murdered when the defendant beat and strangled him and shoved a Coke bottle down his throat in what the trial judge described as "the most brutal murder I have ever seen." Yet, he too was sentenced under the Youth Corrections Act even though the average period of incarceration under the act is now less than 12 months.

From cases such as these, I think it is obvious that the offenders we are talking about here are ones who have committed serious and violent offenses. They are individuals who in past years would have been incarcerated only to be released when the parole board decided that they were not a danger to society and were sufficiently rehabilitated to take their place with other citizens.

Figures that are a matter of court record point out the seriousness of the present problem. Judge Gerhard Gesell of the Federal district court alluded to some of the facts that are of great concern in the Alsbrook case. He stated there, in his findings of facts, that under the Youth Corrections Act—

> Robbery, rape and homicide commitments in 1967 averaged 32 months from sentence to parole. By 1970, the figure was down to approximately 11 months and in 1971, at the most eight to ten months. Analysis of information submitted by the U.S. Attorney based on Police Department data received in turn from the correction authorities shows numerous cases of serious offenders committed under the Youth Act for armed robbery, rape, murder or aggravated assaults who spent periods in the Youth Center substantially less than six months, having been sentenced to periods of six, eight, ten or fifteen years, and in some cases such defendants were in the Youth Center only for a period of two or three months.

Originally, the Youthful Offenders Act contemplated the incarceration of these young people until it was possible to release them under proper conditions. Records such as those above indicate that in the beginning this plan was followed and offenders were only released when ready. Today, however, this is not the case. Today offenders are released because of the overcrowded conditions of the institutions where they are sent for treatment. The criteria for release, therefore, seems to no longer be the condition of the individual, but rather the condition of the institution; something that certainly was not contemplated by the Congress. In fact, section 5012 of the act expressly indicates to the contrary for it says:

> No youth offender shall be committed to the Attorney General under this chapter until the Director shall certify that proper and adequate treatment facilities have been provided.

While this no doubt was meant to apply to the period immediately following enactment, it does give some indication of Congress intent that normal sentencing be followed except where proper facilities are available.

I believe it is obvious that proper and adequate facilities are no longer available in the District of Columbia and believe that until they are, the courts must take this into consideration as they act to protect the citizens of this area.

To deal with this situation, Congress should enact legislation that will leave no doubt in the court's mind that the use of the Youth Corrections Act is intended to be discretionary and not virtually mandatory. While it is possible that the court of appeals will alter its previous ruling to take care of the problem, I believe that this corrective measure is needed to leave no doubt as to our intention in such cases.

I am, therefore, submitting a bill that would amend section 5010(d) of the act to make clear the discretion available to the trial court.

In the same legislation, I am amending section 5017 of the act which would establish a new process for the release of violent offenders sentenced under the act. Under the new wording, a violent youthful offender would not be released before his term is up unless the court which sentenced him determines that he does not endanger the public and authorizes his release. Violent offenses for which such a proceeding must be used are defined as murder, manslaughter, rape, kidnapping, maiming, robbery and assault with a deadly weapon—or an attempt to commit any of the aforementioned.

Mr. President, I feel strongly that such a measure needs enactment at the earliest possible date for the protection of our citizens. If we are going to allow the court to sentence a violent offender under the Youth Corrections Act, I believe it only fair to require the same court to decide when the offender should be released to mingle with the public.

We must do our best to rehabilitate young people who run afoul of the law—but we cannot condone a corrections procedure which imposes the present burden on lawful citizens. Their rights and their protection must come first.

Mr. President, I also realize that these measures, if enacted, would necessitate additional facilities and personnel to run a true rehabilitation program. In fact, these facilities are needed now even without the changes I have proposed.

Judge Gesell in the Alsbrook case directed the Attorney General to join with the city and Federal Bureau of Prisons to develop a plan that would take care of the prison population sentenced under the Youthful Offenders Act. I am today notifying the Attorney General of my interest in assisting him in securing the necessary approval from the Congress for additional funds for this purpose. I firmly believe that our citizens are willing to pay for new facilities if it will help to keep violent hoodlums off the streets and hopefully rehabilitate those who can be rehabilitated.

Mr. President, I ask unanimous consent to have printed in the RECORD materials bearing on the need for this legislation. I am submitting for the perusal of my colleagues some of the pleadings and findings from the Alsbrook case; an article from the Evening Star of November 13; a supplementary memorandum of the United States in the case United States of America against Carl M. Reed; and a copy of a letter on this subject which I received from the U.S. attorney of the District of Columbia, Mr. Harold H. Titus. I also ask unanimous consent to have printed in the RECORD the text of the bill which I am today introducing.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 3290

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5010(b) of title 18, United States Code, is amended to read as follows:

"(d) Nothing in this chapter shall be construed to preclude the court, in any case, from sentencing a youth offender under any other applicable penalty provision."

SEC. 2. Section 5017 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) (1) Notwithstanding any other provision of this section, no youth offender committed under subsection (b) or (c) of section 5010 of this title on the basis of a conviction of any crime of violence shall be released conditionally or unconditionally pursuant to this chapter until the court, which sentenced such offender pursuant to such conviction determines that his release would not endanger the public. Such a determination by the court is to be made only after consideration of the reports of the Director and the Division and other data available to the court bearing on the advisability of release. No youth offender shall be released until the court so rules as above or the maximum sentence imposed on the offender expires, whichever first occurs.

"(2) As used in this subsection, the term 'crime of violence' includes murder, manslaughter, rape, kidnaping, maiming, robbery and assaults with deadly weapons and an attempt to commit any of the aforementioned."

[U.S. District Court for the District of Columbia]

UNITED STATES OF AMERICA *v.* JAMES A. ALSBROOK

(Criminal Case Nos. 1065–71, 1473–71)

The experience of the Office of the United States Attorney has engendered the fear that crimes of violence committed upon the citizenry of the District of Columbia have been perpetrated by many individuals who have had previous experience as convicted defendants in the criminal justice system. The problem of repeating offenders makes it imperative that the criminal justice system re-examine the philosophy, operation and function of the corrections system in the District of Columbia. The instant case creates the opportunity to examine one major area of the corrections system, namely, the Youth Corrections Act.

The attached exhibits comprise statistics compiled with the assistance of the Metropolitan Police Department which purport to represent the following:

A. The total number of offenders convicted of rape, robbery, and homicide who were parolees and/or residents of Community Treatment Centers (half-way houses) as of November 2, 1971.[1]

B. The total number of youth offenders charged with rape, robbery and homicide who have been rearrested between the months of March through October, 1971.

C. Excerpt, Third Quarterly Report of the Major Violators Branch, Criminal Investigation Division, Metropolitan Police Department.

1. The average time of commitment for rape, robbery and homicide to the Youth Corrections Center at Lorton from sentence date to parole has been:

	Months
1967	32.09
1968	22.78
1969	17.03
1970	10.95
1971	-----

2. No distinction whatsoever is made between commitments under 18 U.S.C. § 5010 (b) and under 18 U.S.C. § 5010(c) in terms of commitment time.

3. The dramatic yearly decrease in the average commitment time would indicate release procedures are used to control the inmate population rather than to rehabilitate.

4. The large number of violent youth offenders rearrested after release in the community creates the presumption that rehabilitation is not being achieved under the Youth Correction Act as presently implemented.

5. In our survey and within our personal experience in the judicial system, it appears that virtually no violent youthful offender submitted for examination under 18 U.S.C. § 5010(e) is rejected for sentence under the Youth Correction Act. Therefore, we conclude that no meaningful standards exist whereby it can be determined which youthful offenders can be rehabilitated under the Youth Corrections Act.

6. Our statistics lack information concerning the time an offender is released to a Community Treatment Center prior to parole. The information contained in Exhibit C, the Third Quarterly Report of the Major Violators Unit, highlights the need to know this salient fact. The random examples cited in Exhibit C also create the need to know the nature, extent, quality, and date concerning antidrug abuse procedures. It would appear that although urine surveillance is employed, a failure to pass urinalysis has no effect whatsoever on the offender's inexorable march to parole within the previously computed period of time. Moreover, it seems clear that the failure to pass urinalysis carried with it no sanction such as the obvious one, viz. to withdraw the offender from the Community Treatment Center.

7. Our inquiry, therefore, is twofold:

a. Does the underlying data concerning the actual operation of the Youth Corrections Act support the contention that rehabilitation is being achieved?

b. What is the impact of this operation and implementation of this Act upon the safety of the public of the District of Columbia.

Wherefore, to assist the Court in its continuing inquiry, we respectfully move the Court to order production of the following information:

1. The monthly urine surveillance reports on all youthful offenders committed under 18 U.S.C. §§ 5010(b) and 5010(c) since the inception of the urine surveillance procedure.

2. A list of youthful felons in community control centers who have been rearrested since January 1, 1967.

3. A list of all furloughs authorized for youthful felons since January 1, 1967, and the number of rearrests while on furlough.

4. The urinalysis reports of all furlough returnees since the inception of the furlough program.

5. A list of persons since January 1, 1967, committed to the Youth Center under the Youth Corrections Act who were sentenced there despite a contrary recommendation by the Department of Corrections.

6. The dates on which all youth offenders listed on the attached exhibits were transferred to a half-way house facility.

7. A list of youthful offenders rejected in the past four years for treatment under the Youth Corrections Act by the Department of Corrections.

Respectfully submitted,

THOMAS A. FLANNERY,
U.S. Attorney.
RICHARD A. HIBEY,
Assistant U.S. Attorney.
ROBERT A. SHUKER,
Assistant U.S. Attorney.

D.C.D.C. No.	Offense	Sentence years	Sentence date	Date in center	Date of parole	Date of escape	Date of rearrest	Charge	Served
155047	Robbery	6	July 31, 1967		Aug. 29, 1969				23 months.
147487	Manslaughter	6	Jan. 7, 1967		Feb. 31, 1971				49 months.
156607	Robbery	15	Dec. 20, 1967	Apr. 31, 1971					40 months.
148405	do	12	Sept. 15, 1967	Apr. 1, 1971					43 months to center.
158185	do	6	Dac. 24, 1967	Apr. 31, 1971					40 months.
152153	Rape	6	Oct. 13, 1967		Mar. 18, 1970				29 months.
155577	Robbery	7	Sept. 11, 1967		Mar. 27, 1969				18 months.
156818	do	6	July 7, 1967		Apr. 9, 1969				21 months.
154747	do	8	Jan. 9, 1967		Mar. 13, 1970				39 months.
154460	Murder 2	6	June 23, 1967		Dec. 23, 1968				18 months.
157683	Robbery	6	Oct. 23, 1967		Aug. 1, 1969				22 months.
152552	do	6	Nov. 15, 1967		Nov. 7, 1969				24 months
152705	Rape	6	Oct. 31, 1967		July 6, 1971				46 months.
156138	Robbery	6	Oct. 27, 1967		Apr. 2, 1970				30 months.
147732	do	8	Nov. 15, 1967		May 27, 1969				18 months.
155728	do	6	Dec. 8, 1967		Sept. 25, 1969				22 months.
154854	do	8	Nov. 7, 1967		Aug. 1, 1967				21 months.
156806	do	6	May 6, 1967		Apr. 16, 1971				46 months.
155989	Att. robbery	6	Feb. 27, 1967		Mar. 23, 1970				37 months.
155195	Robbery	8	May 15, 1967	Jan. 26, 1971					43 months.
072575	do	9	July 31, 1967	Apr. 31, 1971					45 months.
1968									
157073	Robbery	6	May 7, 1968		Aug. 22, 1969				15 months.
158803	AWIC, att. robbery	6	Sept. 20, 1968		Oct. 8, 1969				13 months.
157444	Robbery	6	June 5, 1968		June 17, 1970				24 months.
158244	do	6	Oct. 8, 1965		Apr. 10, 1970				18 months.
151604	Rape	6	Sept. 9, 1968		June 17, 1970				21 months.
153052	Robbery	6	Dec. 23, 1968		Apr. 16, 1971				28 months.
159147	Rape	6	Apr. 12, 1968		Oct. 29, 1971				38 months.
157629	Robbery	8	June 21, 1968		Nov. 13, 1970				29 months.
153267	do	6	June 28, 1968		Apr. 23, 1970				22 months.
155473	do	9	Jan. 8, 1968		Nov. 17, 1969				23 months.
154667	do	6	June 7, 1968		Nov. 28, 1969				17 months.
151838	AWIC, rape	6	Oct. 4, 1968		Mar. 17, 1970				17 months to center.
157289	Att. robbery	9	Dec. 2, 1968	UNCD Apr. 14, 1971					28 months.
146103	Robbery	8	Aug. 21, 1968		June 10, 1970				22 months to center.
157511	do	6	Apr. 22, 1968	Apr. 16, 1971					36 months.
158279	do	12	July 26, 1968		Dec. 11, 1970				29 months.
159471	do	6	May 17, 1968		July 15, 1970				14 months.
147745	Att. robbery	6	Oct. 4, 1968		Feb. —, 1971				28 months.
158747	Armed and plain robbery (2)	8	Sept. 13, 1968		Feb. 13, 1970				17 months.
156133	Robbery	10	Sept. 9, 1968		May 20, 1970				20 months.
155995	do	6	Mar. 27, 1968		July 3, 1969				16 months.
155773	Armed robbery	8	June 25, 1968		Feb. 26, 1970				20 months.
156964	Rape	6	Aug. 30, 1968		Oct. 8, 1969				14 months.
158528	Armed robbery	7	Nov. 15, 1968		Apr. 16, 1971				29 months.
151469	AWIC robbery	8	Aug. 23, 1968		Mar. 23, 1970		July 20, 1971	PPW, shotgun	19 months.
154647	Robbery	6	June 21, 1968		Apr. 3, 1970		Aug. 25, 1971	C.S.A.	20 months.
158335	do	8	June 28, 1968		July 26, 1971		Sept. 29, 1971	do	36 months.
162039	do	10	Nov. 17, 1969		Apr. 16, 1971				17 months.

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[1] In each of the exhibits the length of sentence is either six years or a figure in excess of six years. Wherever six years is indicated, it means that the defendant was sentenced under 18 U.S.C. § 5010(b); where the period of sentence is greater than six years it means that the defendant was sentenced under 18 U.S.C. § 5010(c).

D.C.D.C. No.	Offense	Sentence years	Sentence date	Date in center	Date of parole	Date of escape	Date of rearrest	Charge	Served
158611	Robbery	6	Feb. 25, 1969		Apr. 16, 1971				26 months.
160786	Armed robbery	10	Dec. 19, 1969		Apr. 20, 1971				16 months.
158345	Rape	8	Apr. 25, 1969		July 22, 1970				15 months.
160726	Robbery	7	Dec. 4, 1969		Mar. 23, 1971				Do.
162099	do	10	Aug. 1, 1969		February 1971				18 months.
160519	Armed robbery	6	Aug. 8, 1969		Feb. 26, 1970				6 months.
16104	do	6	do		Dec. 4, 1970				16 months.
157481	Robbery	6	Jan. 10, 1969		Sept. 16, 1970				21 months.
158619	Armed robbery	15	May 9, 1969		Sept. 11, 1970				16 months.
160798	do	6	May 28, 1969		Oct. 22, 1971				29 months to center.
161049	Robbery	9	Jan. 4, 1969	Aug. 10, 1971					32 months.
158273	Armed robbery	10	July 25, 1969		Jan. 18, 1971				17 months.
163775	Robbery	6	Dec. 17, 1969		February 1971				14 months.
161116	Armed robbery	6	June 13, 1969		Mar. 27, 1970				9 months.
161609	do	6	Aug. 8, 1969		February 1971				18 months to center.
151618	Robbery	6	Dec. 5, 1969	Sept. 8, 1971					22 months.
161299	do	6	June 27, 1969		Aug. 14, 1971				26 months.
161117	Armed robbery	8	Aug. 8, 1969		Mar. 27, 1970				7 months.
162425	Robbery	6	Oct. 22, 1969		Dec. 31, 1969				2 months.
155542	do	8	Feb. 28, 1969		Sept. 1, 1970				19 months.
163266	Armed robbery	10	Oct. 31, 1969		Feb. 26, 1971				16 months.
160822	Robbery	6	Mar. 14, 1969		June 8, 1970				15 months.
159216	do	10	Nov. 21, 1969		Apr. 16, 1971				17 months.
159118	Fel. murd. and ADW msightr	6	Oct. 19, 1969		Jan. 13, 1971				14 months.
161939	Robbery	6	July 8, 1969		Feb. 31, 1971				20 months.
162667	Armed robbery	6	July 18, 1969		Dec. 31, 1969				5 months.
161625	Robbery	10	Dec. 1, 1969		Aug. 13, 1971				21 months.
161013	do	6	May 29, 1969		Apr. 16, 1971				23 months.
161218	do	6	Aug. 28, 1969		Jan. 2, 1970				3 months.
158334	AWIC robbery	10	Feb. 14, 1969		June 10, 1971				28 months.
161893	Armed robbery	6	May 19, 1969		July 31, 1970				14 months.
162217	Robbery	7	Sept. 5, 1969		Apr. 16, 1971				19 months.
165244	do	10	Dec. 5, 1969		June 28, 1971				19 months.
162622	Armed robbery	10	Nov. 20, 1969		Apr. 28, 1971				17 months.
159489	Bank robbery	6	May 9, 1959		July 22, 1970				14 months.
162500	Assault rape (armed)	6	Apr. 18, 1969		Feb. 2, 1970				10 months.
161102	Armed robbery	10	July 11, 1969		Feb. 31, 1971				19 months.
162317	ADW and robbery	6	Oct. 10, 1960		do				16 months.
162157	Robbery	6	Nov. 25, 1969		Apr. 16, 1971				17 months.
162698	Assault, att. robbery	6	do		June 17, 1971				19 months.
161831	Armed robbery	6	Oct. 24, 1969		Apr. 16, 1971				18 months.
158753	Robbery	6	May 23, 1971		Sept. 22, 1970				16 months.
161861	do	6	July 25, 1969		Aug. 13, 1971				26 months.
162279	do	6	Aug. 1, 1969		Feb. 31, 1971				18 months.
162019	Armed robbery	8	Aug. 15, 1969		do				18 months.
160492	Robbery	6	May 29, 1969		Dec. 9, 1969				7 months.
160813	do	6	Aug. 27, 1969		Aug. 18, 1970				12 months.
160535	Armed and plain robbery	8	Apr. 18, 1969		Apr. 16, 1971				24 months.
158327	Rape	6	Jan. 17, 1969		Aug. 18, 1970				18 months.
	Armed robbery	6	Oct. 24, 1969		Jan. 22, 1971		Apr. 12, 1971	Robbery	15 months.
	do	15	Mar. 14, 1969		Mar. 22, 1971		Apr. 7, 1971	Armed robbery	24 months.
	Robbery	8	July 29, 1969		Feb. 18, 1971		May 30, 1971	CSA	19 months.
161917	Armed robbery	6	May 16, 1969		Oct. 29, 1969		Sept. 3, 1971	CDW gun	5 months.
	do	12	Jan. 12, 1969		July 9, 1971				19 months.
	Robbery	10	June 13, 1969		July 28, 1971				25 months.
157616	do	6	Oct. 31, 1969		Apr. 16, 1971		July 13, 1971	PL	18 months.
162763	do	10	Dec. 3, 1969		Jan. 22, 1971		May 16, 1971	2d degree murder	13 months.
163136	do	6	Nov. 25, 1969		Oct. 6, 1970		May 22, 1971	Homicide	11 months.
152457	do	6	Mar. 13, 1969		Feb. 4, 1971		July 14, 1971	UNA, PIC	23 months.
143490	do	6	May 16, 1969		Oct. 1, 1971		Oct. 21, 1971	Robbery	17 months.
158756	CDW gun and armed robbery	6	July 18, 1969			July 11, 1971	Aug. 24, 1971	Armed robbery	24 months.
1970									
162104	Robery	6	Jan. 13, 1970		Jan. 27, 1971				12 months.
167942	(Armed) robbery and ADW	6	Sept. 17, 1970		Apr. 12, 1971				7 months.
157653	Robbery	7	July 24, 1970	Oct. 6, 1971					15 months to center.
157107	do	10	Oct. 9, 1970		Apr. 16, 1971				6 months.
165363	Armed robbery	10	Mar. 5, 1970		do				13 months.
164176	do	14	Mar. 13, 1970						
148912	Robbery	8	May 27, 1970		June 5, 1970				8 days.
162414	Assault sup. of jury	6	Feb. 19, 1970		May 7, 1971				15 months.
163082	Att. robbery w/armed (Murder 1)	10	Mar. 5, 1970		Sept. 28, 1970				6 months.
165292	Armed robbery	15	July 23, 1970		Oct. 25, 1971				15 months.
165369	do	6	May 1, 1970		Aug. 19, 1970				3 months.
164541	Robbery	6	May 14, 1970		May 7, 1971				12 months.
163333	do	10	May 18, 1970		May 10, 1971				12 months.
165912	Armed robbery	10							
	2 att. robbery	(2) 6	July 17, 1970		Oct. 5, 1971				13 months.
163728	(Armed) robbery	6	Feb. 11, 1970		May 7, 1971				15 months.
158318	do	8	May 22, 1970		June 1, 1971				13 months.
163994	do	6	Apr. 1, 1970		Apr. 16, 1971				12 months.
150097	2nd degree murder, manslaughter	10	Mar. 11, 1970	Oct. 15, 1971					19 months.
164879	(Armed) robbery	6	May 4, 1970		Sept. 11, 1970				4 months.
165144	do	8	Aug. 27, 1970		Aug. 14, 1971				12 months.
161049	2d M and AWI robbery (Murder 1)	15	Aug. 19, 1970	June 15, 1971					10 months.
162713	Robbery	8	Mar. 4, 1970		Feb. 2, 1971				11 months.
164710	do	6	Oct. 13, 1970		Sept. 8, 1971				Do.
164174	do	6	Dec. 4, 1970	July 27, 1971					7 months.
165214	2d degree murder	10	Sept. 1, 1970		July 10, 1971				10 months.
164769	(Armed) robbery	8	May 14, 1970		July 6, 9171				14 months.
165772	do	10	Sept. 22, 1970		May 20, 1971				8 months.
161722	do	6	Apr. 27, 1970		July 10, 1971				14 months.
163522	do	6	Oct. 2, 1970		May 15, 1971				5 months.
164612	do	6	July 9, 1970		July 14, 1971				12 months.
158286	Robbery	8	Aug 12, 1970		May 4, 1971				9 months.
163300	(Armed) robbery	6	June 12, 1970		Nov. 5, 1970				5 months.
160537	Robbery	8	Feb. 25, 1970		June 17, 1971				16 months.
160654	do	6	June 25, 1970		July 27, 1971				13 months.
163073	(Murder 1) attempt, armed robbery	10	Mar. 2, 1970		May 5, 1971				14 months.
165307	(Armed) robbery	6	June 19, 1970	July 13, 1971					13 months.
164351	Armed robbery	6	Nov. 2, 1970		June 8, 1971				7 months.
165483	(Armed) Carnal knowledge	6	Dec. 23, 1970	Oct. 15, 1971					10 months.

D.C.D.C. No.	Offense	Sentence years	Sentence date	Date in center	Date of parole	Date of escape	Date of rearrest	Charge	Served
165545	Armed robbery	6	July 30, 1970		June 5, 1971				11 months.
156819	(Armed) robbery	9	Feb. 24, 1970	Sept. 13, 1971					8 months.
165331	(Armed) and armed robbery	8	July 15, 1970	Oct 21, 1971					15 months.
163104	Robbery	6	May 12, 1970		Apr. 27, 1971				11 months.
164937	Armed robbery	6	July 27, 1970		May 7, 1971				10 months.
166001	Robbery	14	July 10, 1970	Sept. 21, 1970					14 months.
163648	Armed robbery	10	May 21, 1970		Apr. 9, 1971				11 months.
166993	do	12	July 30, 1970		Aug. 30, 1971				13 months.
161048	do	12	Apr. 30, 1970		do				16 months.
158933	Bank robbery	6	May 22, 1970		June 17, 1971				13 months.
166569	Armed robbery	10	Oct. 23, 1970		July 9, 1971				9 months.
165448	do	10	Aug. 19, 1970		Nov. 1, 1971				15 months.
162390	Att. robbery w/armed	6	Nov. 18, 1970		Mar. 18, 1971				4 months.
165001	(Armed) robbery	6	Aug. 11, 1970		July 13, 1971				11 months.
163946	Robbery	6	Sept. 15, 1970		June 17, 1971				9 months.
162447	Armed robbery	10	Feb. 11, 1970		Apr. 22, 1971				14 months.
162943	AWI robbery (Armed)	6	Apr. 30, 1970		Aug. 23, 1970				4 months.
163571	(Mrdr 1-Fel. M) Mansl., Armed robbery	6	Sept. 28, 1970		July 28, 1971				10 months.
164612	(Armed) rob	6	July 9, 1970		July 14, 1971				12 months.
164964	(Armed) rob	6	May 22, 1970		Apr. 16, 1971				11 months.
165642	Robbery	8	Nov. 3, 1970	July 27, 1971					8 months.
160562	(Armed robbery) AWIR	6	June 8, 1970		Apr. 16, 1971				10 months.
168044	Armed robb	6	Sept. 22, 1970		June 22, 1971				9 months.
160459	Armed robbery	10	Mar. 12, 1970		Apr. 28, 1971				13 months.
153007	Manslaughter	12	Feb. 19, 1970	June 18, 1971					16 months.
163339	Armed and att robbery	10	Jan. 12, 1970		Jan. 27, 1971				12 months.
163189	Robbery	6	Mar. 26, 1970		do				16 months.
160700	(ADW) and robbery	6	Jan. 13, 1970		Apr. 16, 1971				16 months.
166457	Robbery	6	Nov. 18, 1970		May 20, 1971				6 months.
162992	2 cases (rob. and att. rob.)	6	Dec. 10, 1970		June 21, 1971				6 months.
167433	(Armed) rob	8	July 31, 1970		May 7, 1971				10 months.
164878	(Armed) rob	10	May 4, 1970		July 7, 1971				14 months.
163389	Armed robbery	6	May 4, 1970		June 25, 1971				13 months.
151680	Mis. escape robbery	6	Sept. 23, 1970	Oct. 21, 1971					Do.
165037	(Armed) rob	6	July 29, 1970		Aug. 13, 1971				Do.
161714	Armed robbery	12	Jan. 12, 1970		July 9, 1971				19 months.
162941	Armed robbery	10	Apr. 30, 1970		May 5, 1971				13 months.
158402	Robbery	10	July 31, 1970	June 24, 1971					11 months.
159695	AWIR/armed	10	June 26, 1970		Apr. 16, 1971				10 months.
	Robbery	10	Oct. 22, 1969						18 months.
150953	do	6	May 7, 1970		Apr. 16, 1971				11 months.
164719	do	10	June 16, 1970	Sept. 9, 1971					15 months.
165012	Armed robbery	6	Aug. 11, 1970		Aug. 13, 1971				12 months.
165419	do	6	Nov. 16, 1970		July 19, 1971				8 months.
165728	Robbery	6	Sept. 4, 1970	Feb. 3, 1971					5 months.
163262	AWI rob, att robbery	7	Jan. 5, 1970	Aug. 27, 1970					20 months.
	Att robbery	6	June 12, 1970		Feb. 4, 1971		Mar. 3, 1971	UUV, PIC, PPW, PK	7 months.
	2 armed robbery	8	Mar. 16, 1970		Jan. 22, 1971		Mar. 30, 1970	CDW gun	10 months.
	Armed robbery	6	May 12, 1970		Oct. 6, 1970		Apr. 5, 1971	HNA	5 months.
162946	Robbery	9	Apr. 21, 1970		Mar. 4, 1971		June 14, 1971	Burgl 2	11 months.
	do	6	June 1, 1970				Sept. 8, 1971	Armed robbery	
	2d D. murder, 1st D. murder	15	Sept. 11, 1970	Aug. 3, 1971			Oct. 21, 1971	do	11 months.
165219	Rape	6	Apr. 22, 1970		Oct. 6, 1970		May 4, 1971	Rape	6 months.
164456	Armed robbery	6	May 21, 1970	Mar. 16, 1971			May 12, 1971	PL	10 months.
162176	do	10	June 8, 1970		Apr. 16, 1971		June 16, 1971	CSA CDW gun	10 months.
64755	Armed robbery	10	May 28, 1971	May 27, 1971			July 27, 1971	Armed robbery	12 months.
63268	AWIC robbery, armed	10	Apr. 6, 1971	Mar. 27, 1971			July 6, 1971	do	11 months.
62235	Rape and robbery	8	Jan. 9, 1970	Jan. 22, 1971			do	Sodomy	13 months.
60401	Armed robbery	6	Sept. 16, 1970	May 27, 1971			Aug. 14, 1971	P.L	11 months.
16327	2 armed robberies	10	Dec. 16, 1970	July 15, 1971			Aug. 5, 1971	do	7 months.
	Armed robbery	6	Oct. 16, 1970	June 15, 1971		July 2, 1971	Sept. 22, 1971	57 counts burglary	8 months.
166041	do	6	Nov. 6, 1970			Apr. 16, 1971	Sept. 2, 1971	Burg. 1, armed robbery.	6 months.
165149	do	15	Oct. 16, 1970		Aug. 4, 1971		Sept. 5, 1971	UUV	10 months.
159357	Rape	15	July 1, 1970	Aug. 5, 1971			Oct. 13, 1971	Burg. 1	13 months.
162862	Armed robbery	9	Oct. 7, 1970				May 9, 1971	822–71	7 months.
161680	Rape	6	May 22, 1970		Oct. 6, 1970		Aug. 27, 1971	Burg. 2	5 months.
165549	Armed robbery	8	July 30, 1970		June 26, 1971		Aug. 29, 1971	Armed robbery	11 months.
165668	Robbery	6	July 18, 1969			July 11, 1971	Aug. 24, 1971	do	12 months
164944	Armed robbery	10	May 20, 1970		June 18, 1971		Aug. 19, 1971	do	13 months.
165532	do	6	June 18, 1970		June 21, 1971		Aug. 24, 1971	do	12 months.
1971									
166214	2 armed robberies	15	Jan. 13, 1971	July 22, 1971					6 months.
167722	Armed robbery	10	Feb. 26, 1971		Sept. 25, 1971				7 months.
166353	do	10	Feb. 19, 1971	Oct. 19, 1971					8 months.
165778	Robbery	6	June 30, 1971	Oct 5, 1971					3 months.
166124	Murder 1 (Armed robbery)	6	Jan. 28, 1971	Feb. 3, 1971					5 days to center.
165539	Robbery	6	Mar. 19, 1971	Oct. 12, 1971					7 months.
159486	do	6	Jan. 15, 1971		Sept. 13, 1971				8 months.
171017	AWIC robbery	6	Oct. 27, 1971	Oct. 28, 1971					1 day.
169466	Armed robbery	8	Mar. 31, 1971	Aug. 3, 1971					4 months.
165444	Robbery	5	Jan. 7, 1971	June 30, 1971					7 months.
167791	Armed robbery	6	July 30, 1971	Aug. 31, 1971					1 month.
166397	do	10	Apr. 8, 1971	June 3, 1971					2 months.
170195	Att. robbery	6	May 12, 1971	Aug. 7, 1971					3 months.
166787	(Armed) robbery	8	Oct. 8, 1971	Oct. 8, 1971					0.
170196	(Robbery) Att robbery	6	May 12, 1971		Sept. 21, 1971				4 months.
163288	do	6	Aug. 13, 1971		Oct. 29, 1971				2 months.
158741	Armed robbery	15	June 28, 1971	Aug. 17, 1971					2 months.
168208	do	6	Feb. 23, 1971	Oct. 19, 1971					8 months.
167343	do	6	June 25, 1971		Oct. 22, 1971				4 months.
166383	do	6	Apr. 30, 1971	Sept. 28, 1971					5 months.
168784	(2d murder) mnslghtr	6	Jan. 8, 1971		Apr. 29, 1971				Do.
167032	Armed robbery	12	Feb. 12, 1971	Oct. 19, 1971					8 months.
166195	(Robbery) att. robbery	6	Jan. 27, 1971	Sept. 28, 1971					Do.
165367	(Armed) robbery	6	Feb. 19, 1971	July 22, 1971					5 months.
166919	do	10	May 12, 1971	Aug. 31, 1971					3 months.
166381	Robbery	6	June 4, 1971	Sept. 21, 1971					Do.
166403	(Manslautr) 2d murder	7	Apr. 7, 1971		Oct. 16, 1971				6 months.

D.C.D.C. No.	Offense	Sentence years	Sentence date	Date in center	Date of parole	Date of escape	Date of rearrest	Charge	Served
170400	Weived ind. att. robbery	6	June 9, 1971	Aug. 31, 1971					3 months.
168961	Murder 2	6	Jan. 28, 1971		Sept. 23, 1971				8 months.
170502	Robbery	6	June 22, 1971	Oct. 28, 1971					4 months.
167385	do	6	May 12, 1971	Aug. 17, 1971					3 months.
168500	AWIC w/armed and robbery	6	Aug. 24, 1971	Oct. 28, 1971					2 months.
167576	Armed robbery	6	Feb. 23, 1971		May 27, 1971		May 31, 1971	CDW	3 months.
218468	do	6	Jan. 25, 1971	May 27, 1971			July 27, 1971	Armed robbery	4 months.
	do	10	Jan. 14, 1971			July 19, 1971	Oct. 18, 1971	do	6 months.

EXHIBIT B

YOUTH ACT PAROLEES' ARRESTS—MARCH-OCTOBER, 1971

DCDC No.	Offense	Sentence years	Sentence date	Date in center	Date of parole	Date of escape	Date of rearrest	Charge
165144	Armed robbery	8	Aug. 27, 1970		Aug. 14, 1971		Mar. 29, 1971	ADW. gun.
165976	Robbery	6	Feb. 28, 1969				Mar. 4, 1971	Disorderly jostling.
	Att. robbery	6	Dec. 30, 1969		Apr. 16, 1971		Mar. 31, 1971	Burglary 2.
	do	6	June 12, 1970		Feb. 4, 1971		Mar. 31, 1971	UUV, PIC, PPW, PIC.
	Robbery				Mar. 3, 1970, Feb. 4, 1971.		Mar. 11, 1971	Rape while armed.
	Armed and armed robbery	8	Mar. 16, 1970		Jan. 22, 1971		Mar. 30, 1971	CDW gun.
	Armed robbery	6	Oct. 24, 1969		do		Apr. 12, 1971	Robbery.
	Robbery				Feb. 4, 1971		Apr. 8, 1971	Armed robbery gun.
159118	Mnslgtr. and ADW. homicide	6	Oct. 10, 1969		Oct. 6, 1970, Jan.13, 1971.		Apr. 5, 1971	Rape.
159142	Armed robbery	15	Mar. 14, 1969		Mar. 22, 1971		Apr. 7, 1971	Armed robbery.
165563	do	6	May 12, 1970		Oct. 6, 1970		Apr. 5, 1971	H.N.A.
158611	Robbery	4	Feb. 25, 1969		Apr. 16, 1971		May 25, 1971	Burglary 2.
164032	do	8	July 29, 1969		Feb. 18, 1971		May 30, 1971	CSA distribution.
156219	Rape	6	Aprl 22, 1970		Oct. 6, 1970		May 4, 1971	Asslt. with int. to rape.
161939	Robbery	6	July 8, 1969		do Feb. 13, 1971		May 20, 1971	CDW gun.
163136	do	6	Nov. 25, 1969		Oct. 6, 1970		May 22, 1971	Homicide.
166333	do				Mar. 10, 1971		May 19, 1971	Armed robbery.
162763	do	10	Dec. 3, 1969		Jan. 22, 1971		May 16, 1971	2d degrea murder.
164456	Armed att robbery	6	May 21, 1970	Mar 16, 1971			May 12, 1971	Petit larc.
167576	Armed robbery	6	Feb. 23, 1971		May 27, 1971		May 31, 1971	CDW gun.
162946	Robbery	9	Apr. 21, 1970		Mar. 4, 1971		June 14, 1971	Burglary 2.
162176	Armed robbery	10	June 8, 1970		Apr. 16, 1971		June 16, 1971	CSA, CDW.
155464	ADW	10	Jan. 31, 1968		Apr. 26, 1971		June 24, 1971	Armed robbery.
157616	Robbery	6	Oct. 31, 1969		Apr. 16, 1971		July 13, 1971	Petit larceny.
151318	AWIC robbery	8	Aug. 23, 1968		Mar. 23, 1970		July 20, 1971	PPW shotgun.
164755	Armed robbery	10	May 28, 1970	Mar. 23, 1971 May 27, 1971			Mar. 23, 1971 July 27, 1971	Armed robbery.
218468	do	6	Jan. 25, 1971				July 22, 1971	Homicide.
163268	AWIC armed robbery	10	Apr. 6, 1970	Mar. 9, 1971 May 27, 1971			July 16, 1971	Armed robb. (shotgun).
158279	Robbery	12	July 26, 1968		Dec. 11, 1970		July 28, 1971	Armed robbery.
162235	AWIC, rape and robbery	8	Jan. 9, 970		Mar. 9, 1971 Jan. 22, 1971		July 6, 1971	Oral sodomy forced.
152457	Robbery	6	Mar. 13, 1969		Apr. 18, 1970		July 14, 1971	U.N.A., PIC.
143173	do				Feb. 14, 1971		July 6, 1971	Murder.
164437	do				May 28, 1971		Aug. 4, 1971	Larceny.
162862	Armed robbery	9	Oct. 7, 1970			May 9, 1971	Aug. 22, 1971	First degree murder.
161680	S.A. (rape and sodomy)	6	May 22, 1970		Oct. 6, 1970		Aug. 27, 1971	Burglary 2.
160798	Armed robbery	6	May 29, 1969		June 23, 1970		Aug. 19, 1971	Armed robbery.
165549	do	8	July 30, 1970		June 26, 1971 FU-25		Aug. 24, 1971	Burg. 1, robb. Hold-up.
165668	Robbery	6	Sept. 4, 1970		June 17, 1971		Aug. 29, 1971	Armed robbery.
154848	do						Aug. 2, 1971	Robbery.
158756	2 cases: CDW and armed robbery	6	July 18, 1969			July 11, 1971	Aug. 24, 1971	Robbery, holdup gun.
154647	Robbery	6	June 21, 1968		Apr. 23, 1970		Aug. 25, 1971	CSA distribution sch. II.
163189	do	6	Mar. 28, 1970		Mar. 18, 1971		Aug. 25, 1971	UNA.
168961	2d degree (homicide)	6	Jan. 28, 1971		Sept. 23, 1971		Aug. 16, 1971	Burglary.
164944	Armed robbery	10	May 20, 1970		June 18, 1971		Aug. 19, 1971	Armed robbery.
165532	Armed robbery	6	Oct. 18, 1970				Aug. 24, 1971	Armed robbery.
166457	Robbery	6	Nov. 18, 1970		May 20, 1971		Aug. 28, 1971	Robb. holdup gun.
160401	Armed robbery	6	Sept. 16, 1970				Aug. 14, 1971	Petit larceny.
163527	2 cases: Armed and robbery	10	Dec. 16, 1970				Aug. 5, 1971	Do.
164170	Robbery	6	Oct. 13, 1970		Sept. 8, 1971		Sept. 16, 1971	CSA.
155755	Att. robbery				June 25, 1971		Sept. 21, 1971	P.I.C.
	Armed robbery	6	Oct. 16, 1970	June 15, 1971		July 2, 1971	Sept. 22, 1971	57 counts burglary.
166041	do	6	Nov. 6, 1970			Apr. 16, 1971	Sept. 2, 1971	Burglary 1, robbery.
168208	do	6	Feb. 23, 1971		Aug. 25, 1971		Sept. 6, 1971	Armed robbery.
158335	Robbery	8	June 16, 1971		July 26, 1971		Sept. 29, 1971	CSA.
161917	do	6	Dec. 13, 1968		Oct. 29, 1969		Sept. 3, 1971	CWD gun.
165149	Armed robbery	15	Oct. 16, 1970		Aug. 4, 1971		Sept. 5, 1971	U.U.V.
158695	Robbery 2d and burglary				Mar. 10, 1971		Sept. 11, 1971	CDW gun.
158747	2 one armed robbery	8	Sept. 13, 1968		Feb. 13, 1970 Oct. 6, 1970		Sept. 27, 1971	Petit larceny.
	Robbery	6	June 1, 1970				Sept. 8, 1971	Armed robbery.
156806	do	6	June 6, 1967		Oct. 27, 1969		Sept. 18, 1971	Murder.
143490	P.L. and robbery	6	May 16, 1969		Oct. 1, 1970		Oct. 21, 1971	Robbery.
159357	Rape	15	July 1, 1970	Aug. 5, 1971			Oct. 13, 1971	Burglary 1.
163295	2d degree murder	15	Sept. 11, 1970	Aug. 3, 1971			Oct. 21, 1971	Armed robbery.
158747	2 robbery	8	Sept. 13, 1968	Feb. 13, 1970	Feb. 13, 1970		Oct. 6, 1971	Att. UUV.
	Armed robbery	6	Mar. 19, 1971	Jan. 12, 1971			Oct. 24, 1971	Rape.
168138	do	10	Jan. 14, 1971			July 19, 1971	Oct. 18, 1971	Armed robbery.

EXHIBIT C

The following is an excerpt from the Third Quarterly Report of the Major Violators Branch, Criminal Investigation Division, Metropolitan Police Department. The excerpt deals specifically with youthful offenders.

D. Narcotics/Community Correctional Centers:

In July, 1971, the Major Violators Branch was furnished a copy of the D.C. Department of Corrections Narcotic Testing Report for June, 1971. An examination of this report revealed that a number of individuals who had three or more positive urinalysis examinations (demonstrating narcotic usage other than methadone) were being paroled within a short time after such positive examinations. It was also noted that some of the individuals had escaped after failing several urinalysis examinations. The following cases are examples of what happened to individuals with three or more positive urine examinations in June. A positive reaction to methadone was not counted as having a positive Narcotic examination.

Louis Cain—This subject had four positive quinine tests in June, 1971. He was paroled on June 26, 1971, and rearrested for Armed Robbery on August 24, 1971.

Donnie Free—This subject had eight positive quinine and morphine exams in June, 1971, and was paroled on July 28, 1971.

Lewis Hartwell—This subject had five positive quinine and morphine exams in June, 1971, and escaped on July 11, 1971. He was rearrested for Armed Robbery on August 24, 1971.

Zachary Jones—This subject had 3 positive quinine and morphine exams in June, 1971, and was paroled on June 28, 1971.

Terry Stroman—This subject had 3 positive quinine and morphine exams in June, 1971, and was granted an Extended Furlough on June 21, 1971. He was rearrested for Armed Robbery on August 24, 1971.

Vincent Turner—This subject had four positive quinine exams in June, 1971, and was paroled on July 9, 1971.

James Marshall—This subject had four positive quinine and morphine exams in June, 1971, and was paroled on July 14, 1971.

In August, 1971, a copy of the July, 1971 D.C. Department of Corrections Narcotic Testing Report was furnished to the Major Violators Branch. Two hours later a representative from Corrections came to this Branch and asked that the report be returned as it had been furnished by mistake. The report was returned as requested and we have not been furnished any other such reports.

E. Rearrests of Persons on Parole:

In July, August, and September, 1971, this Branch documented the rearrest of 113 individuals who were on either Adult or Youth Parole, under the supervision of the D.C. Department of Corrections, at the time of their rearrest. Felony charges accounted for 77 or 65.4% of the rearrest.

The following persons were on . . . Youth Parole when they were rearrested for Robbery.

Name	Previous offense	Date paroled	New arrest	
			Offense	Date
Louis Cain	Robbery	June 26, 1971	Armed robbery	Aug. 14, 1971
Walter A. Covert	do	Aug. 4, 1971	do	Aug. 29, 1971
William H. Covington	do	Oct. 6, 1970	do	Aug. 19, 1971
James L. Edwards	do	May 25, 1971	Robbery	Aug. 2, 1971
Curtis L. Foster	do	May 27, 1971	Armed robbery	July 6, 1971
Larry E. Jones	do	Dec. 11, 1970	do	July 28, 1971
Watson L. Mills	do	Aug. 18, 1970	do	Aug. 24, 1971
Dandre H. Shorter	do	May 20, 1971	do	Aug. 28, 1971
Paul M. Strohman	do	Aug. 4, 1971	do	Aug. 19, 1971
Terry Stroman	do	do	do	Aug. 24, 1971

The following cases are among those documented by this Branch involving the rearrest of individuals on parole under the supervision of the D.C. Department of Corrections.

Virgil Ronald Minor, age 23 years:

On January 9, 1970, this subject was committed to jail after being convicted of Assault with Intent to Rape and Burglary I. He was sentenced under the Federal Youth Corrections Act, Section 5010(b), not to exceed six years.

This conviction was the result of Minor entering an apartment at 2:00 a.m., with a stocking mask on and attempting to rape the female occupant.

On January 29, 1971, Minor was placed on Youth Parole.

On June 29, 1971, about midnight, Minor approached a lone female who was getting into her auto after leaving work. He pointed a pistol at her and also entered the auto. Minor forced the complainant to drive into an alley and then made her commit oral sodomy on him.

On July 6, 1971, after being identified in the case, Minor was arrested on a warrant charging Oral Sodomy and ADW (Pistol). He is now confined to the D.C. Jail pending trial on the new charge.

D'Andre Henry Shorter, age 10 years:

On November 18, 1970, this subject was sentenced under the Federal Youth Corrections Act, Section 5010(B), not to exceed six years, after being convicted of Robbery. The conviction resulted after Shorter knocked a male and female to the ground and robbed them.

On May 20, 1971, the defendant was placed on Youth Parole. On August 28, 1971, Shorter was arrested for Armed Robbery on a warrant charging that on August 18, 1971, he held up a citizen at gunpoint and robbed him of $300.

Shorter was released by the court on his Personal Recognizance following his last arrest under the supervision of the D.C. Bail Agency. His parole has not been revoked and he is free in the community as of the date of this report.

E. Rearrest of Individuals under supervision by D.C. Department of Corrections for Homicide:

William Edward Hawkins, age 20 years:

Henry Halvor Jones, age 26 years:

On November 25, 1969, William Edward Hawkins was sentenced under the Federal Youth Corrections Act, Section 5010(B), not to exceed six years, after being convicted of Armed Robbery. He was paroled on November 12, 1970.

On October 3, 1968, Henry H. Jones was convicted of Attempt Burglary II and Destroying Private Property in Superior Court. He was placed on probation from October 3, 1968 until October 2, 1969.

On June 1, 1969, Jones was rearrested for Larceny from the D.C. Government and Burglary II. He was convicted and on June 19, 1970, he was sentenced to serve one to three years in jail.

On November 26, 1970, Jones escaped from the Lorton Complex and remained at large until February 10, 1971. In spite of the escape, Jones was paroled on April 26, 1971.

On May 21, 1971, Hawkins and Jones assaulted a 15 year old male and stabbed him three times in the chest. The victim died on the scene and Hawkins and Jones fled the scene.

Both subjects were arrested on May 22, 1971, and Henry H. Jones is now confined to the D.C. Jail. William Edward Hawkins was released on his Personal Recognizance by the court, under the supervision of the D.C. Bail Agency, and is at large in the community still on parole.

Investigation of this offense by Homicide Investigators revealed that the 15 year old who was killed was mistakenly identified by Hawkins and Jones for another person they were angry at.

Henry David Johnson, Jr., age 22 years:

On December 3, 1969, this subject was sentenced under the Federal Youth Corrections Act, Section 5010(C), not to exceed 10 years, after being convicted of Armed Robbery and ADW (Gun).

On January 22, 1971, Johnson was placed on Youth Parole.

On April 12, 1971, Johnson fatally shot a 30 year old male in the head during an altercation inside the victim's home. Johnson fled the scene following the homicide.

On May 16, 1971, Johnson was arrested after breaking into an apartment in Northwest. He was arrested hiding under a bed. He was also charged with Second Degree Murder on a warrant at the time of the Burglary arrest.

Henry D. Johnson, Jr. is now confined in the Lorton Complex.

Robert Watson, age 22 years:

On June 5, 1967, this subject was arrested for Armed Robbery after holding up a laundry truck driver. At the time of his arrest he was armed with a handgun. Watson was later identified in other Armed Robberies of delivery truck drivers and was indicted by the Grand Jury in five Armed Robbery cases.

Watson entered a plea of guilty to one count of Armed Robbery and was sentenced under the Federal Youth Corrections Act, Section 5010(B), not to exceed six years, on February 2, 1968. On October 27, 1969, Watson was paroled.

On Friday, September 17, 1971, Watson was arrested in Montgomery County, Maryland, after he followed the female resident of a high-rise apartment from a laundry room to her apartment. Once in the apartment he sexually assaulted the victim and then stabbed her to death.

Watson is now held in the Montgomery County Jail charged with First Degree Murder.

[In the U.S. District Court for the District of Columbia]

UNITED STATES OF AMERICA VERSUS JAMES A. ALSBROOK, CRIMINAL NO. 1065–71

APPEARANCES

John Z. Noyes, Esquire, Counsel for Defendant.

Daniel A. Rezneck, Esquire, Of, Arnold & Porter, Amicus Curiae appointed by the Court.

Robert A. Shuker, Esquire, Richard A. Hibey, Esquire, Assistant United States Attorneys.

John A. Earnest, Esquire, Shane Stark, Esquire, Assistant Corporation Counsel.

John Perazich, Esquire, Paul Chernoff, Esquire, Public Defender Service.

FINDINGS OF FACT AND CONCLUSIONS OF LAW ON ANCILLARY HEARING

The Lorton Youth Center and the D.C. Board of Parole, while finding defendant Alsbrook amenable to rehabilitative treatment under the Federal Youth Corrections Act,[1] recommended that he be sentenced as an adult on the ground that "meaningful treatment cannot be provided due to overcrowding and inadequate facilities." Because of this development and other recent indications that there has been a local breakdown in the administration of the Youth Corrections Act, this Court noticed an ancillary factfinding hearing in aid of sentencing which was held on November 19.[2]

For reasons set out below, the Court has concluded that immediate steps must be taken both by correction authorities and the Court so that the Court's sentencing functions can be carried out in this jurisdiction in a manner consistent with the Act and implementing decisions of the United States Court of Appeals for the District of Columbia.

The Youth Corrections Act was originally enacted in 1950. Later, in 1952, Congress provided that D.C. Code youth offenders would also be eligible for Youth Act commitment. The Act was amended accordingly and funds were subsequently provided for the present Youth facility situated at Lorton, Virginia.

The Act contemplates that offenders convicted prior to reaching age 22 may be considered for commitment under indeterminate sentences to an appropriate youth facility, there to receive treatment and rehabilitation. Typically, educational, vocational and

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Footnotes at end of article.

therapeutic assistance are provided at such a Youth Center. Offenders committed under the Act are released by the correction authorities when considered ready to re-enter civilian life, regardless of the length of interminate sentence imposed by the Court. Often release is to a half-way house or other transitional community center for a short period of one or two months in order that adjustment to civilian life may occur under a degree of supervision.

The Act represents a humane and deliberate effort to assist young offenders by coupling an adequate degree of punishment with supervised treatment in the hope of salvaging many among the increasing number of young adult offenders involved in serious criminal conduct. Similar institutions have been created by some states and many of these programs have, generally speaking, been quite successful. The basic theory of the Act is rehabilitative, a consideration to be given priority unless the sentencing judge is convinced a youth is incorrigible and unable to derive help from the program as provided.[3]

Two types of commitments are available under the Act: a 5010(b) commitment which involves an indeterminate sentence up to six years; and a 5010(c) commitment which involves an indeterminate sentence for a greater number of years as may be specified by the sentencing judge. It is also provided in 5010(e) that an offender may be committed preliminarily for a period of approximately 60 days for the purpose of obtaining a full background report indicating the amenability of the offender to the Youth program in view of his needs and the type and degree of supervision required. Following such study, the Court may impose sentence on the basis of the study report and other information available.

Here in the District of Columbia, many young felony offenders eligible under the Youth Corrections Act have been committed by the United States District Court to the Lorton Youth Center. Judges have made frequent use of the 5010(e) type of preliminary study in order to aid in imposing the ultimate sentence. For reasons that will appear, the Court is not receiving the type of thorough, knowledgeable report which the Court requires to exercise its responsibilities under the Act. Yet in recent months the necessity of an adequate 5010(e) study preliminary to final commitment has become more apparent in view of the decision of the United States Court of Appeals in *Waters* which requires the sentencing judge to enunciate affirmatively on the record his reasons for believing rehabilitation is not feasible under the Act in any instance where an otherwise eligible youthful offender receives an adult commitment. This usually involves a specified minimum and maximum term at an adult prison.

The Youth Center at Lorton, constructed in 1966, was designed for a capacity of 300 inmates. Single dormitory rooms are provided. The complex has minimal vocational, educational and therapeutic accommodations geared to a 300-inmate capacity as designed. A special unit was constructed at the Center to accommodate individuals committed preliminarily for purposes of a 5010(e) study.

Because of the rising incidence of crime among young adults, more effective law enforcement, and other factors, this Lorton Youth facility is now completely inadequate to handle commitments by the United States District Court under the Act. This would still be the case even if the heavy commitments to the facility from the Superior Court of felony and misdemeanor offenders were totally ignored.

The Center now has a census of approximately 385 inmates and has on a number of recent occasions had over 400. Correction authorities are unable to handle more than 340 or 350 inmates at the Center and still provide that minimum degree of treatment and rehabilitative service required by the Act.

The special unit at the Center designed for 5010(e) studies has been used to house offenders finally committed under the Act and as a result there are 85 in this unit originally built for 40. The authorities are, against their better judgment, utilizing the D.C. Jail for study purposes in most instances where offenders are initially committed for study under 5010(e). At present, there are 133 defendants undergoing 5010(e) studies at the Jail. Correction authorities generally acknowledged that when such studies are conducted at the Jail they are inadequate, inappropriate and undesirable,[4] and the Court finds that the Jail is not an "appropriate classification center or agency" under 5010(e). This situation is caused solely by the seriously overcrowded conditions at the Lorton Youth Center.

The Mayor-Commissioner advised the Court at the hearing that the Center will refuse to accept more than 350, a number well below current census. This is a frank recognition that the facility cannot now or in the future meet the requirements of the Courts in this community under the Act.[5]

Since September, 1971, 43 defendants believed to be amenable to rehabilitation have, like Alsbrook, been recommended for adult incarceration due entirely to overcrowding and indeed there have been 64 offenders in this category since the first of January. When the authorities limit the level at the Center to 350, a substantially greater number will have to be regularly recommended for adult commitment. There is no legal authority for diverting otherwise eligible youths to adult institutions due solely to lack of space.

These extremely critical overcrowded conditions must be viewed in the light of expected immediate future developments. In the next twelve months the Center expects to receive approximately 1200 commitments, assuming the present procedure which results in committing all parole violators to adult institutions is continued.[6] Thus the immediate requirements which the Courts are expected to place on the Center exceed by well over 100 percent the capacity which the Center when stretched to its outermost limits can or will accept. This conclusion does not reflect any change in the present rate of turnover which is all too rapid.

The pressures from overcrowding result in a complete frustration of the Youth Corrections Act program. Not only are the correction authorities and the sentencing judges required to reach commitment determinations upon inadequate 5010(e) studies; the rehabilitation program of the Center itself is stultified. Vocational, educational and therapeutic facilities are increasingly less effective to handle the numbers presented within the time periods available. The volume of new offenders is such that the Center has been forced to release inmates at all too early a date. Often individuals are sent to half-way houses or other community facilities before they are ready. Such premature release defeats treatment objectives and encourages recidivism. The report submitted by the Mayor-Commissioner states that the Department of Corrections considers the number of persons in the half-way houses or community treatment centers as far too many and that "roughly half that number ought not to be in that center [i.e., the community treatment center] but ought to be in the Youth Center."

About 80 percent of offenders committed to the Center have a drug problem in some degree and yet neither the Center nor the community centers have personnel or facilities that are devoted to the prevention of drug use. Indeed there was evidence at the hearing that continued drug usage by an offender does not even prevent release into the community from half-way houses.[7]

While there have undoubtedly been some advances made at the Youth Center in terms of shortening the program of treatment and rehabilitation, the significant reduction in time spent, particularly by sophisticated defendants committed under the Youth Corrections Act, illustrates the pressures of overcrowding and the consequent lack of adequate rehabilitation care. Robbery, rape and homicide commitments in 1967 averaged 32 months from sentence to parole. By 1970, the figure was down to approximately 11 months and in 1971, at the most eight to ten months. Analysis of information submitted by the U.S. Attorney based on Police Department data received in turn from the correction authorities shows numerous cases of serious offenders committed under the Youth Act for armed robbery, rape, murder or aggravated assaults who spent periods in the Youth Center substantially less than six months, having been sentenced to periods of six, eight, ten or fifteen years, and in some cases such defendants were in the Youth Center only for a period of two or three months.

The Center's operations also suffer from the fact that there has been undue intermingling of highly sophisticated, hardened defendants with defendants who have committed non-violent offenses and have not an experience of frequent incarceration in juvenile or other youth facilities.[8] In spite of the overcrowding the Center has rarely rejected an offender because of his criminal activities. Nor has there been any effort to be highly selective when recommending youthful offenders for incarceration. While some comingling of the sophisticated and unsophisticated defendant may always occur, the present program is made far more difficult and less effective as the numbers in both categories increase and inmates are crowded more and more on top of each other under conditions which minimize the possibility of individualized treatment or control. This situation presently totally defeats efforts of sentencing judges to isolate for special handling defendants whose age or background indicates special rehabilitative needs.

In contrast, the Federal Youth Corrections Act system has established several facilities and can differentiate among types of offenders by age and offense. This desirable flexibility is not available in the District of Columbia. While other Youth Centers operated throughout the country under the Director of the Federal Bureau of Prisons are full, there is much less overdrowding, the number of violent and sophisticated offenders committed is minimal and yet the period of incarceration is substantially longer.[9] It is also significant that these other institutions, unlike the Lorton Youth Center, recognize a clear distinction between 5010 (b) and 5010(c) commitments, holding 5010 (c) committees a longer period of time.[10] At the Lorton Youth Center there is no consideration whatsoever given by the authorities to the fact that individuals committed under 5010(c) sentences have been judicially determined to require longer treatment. Moreover, in the federal institutions, no individual is released to the community without the approval of the Board of Parole,[11] while here the Center does not always consult the Board of Parole and the Court's experience indicates it may act contrary to the Board's wishes in releasing to half-way houses after brief incarceration.

The local correction authorities believe that in order to meet the needs of the Youth Corrections Act in this community it will be necessary to construct one and possibly two additional facilities, each with a projected inmate census of 500. Requests to the Congress for funds to establish the first addi-

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Footnotes at end of article.

tional facility have been rejected. No construction of additional facilities is authorized or in progress. The Director of the Federal Bureau of Prisons has no available facilities to take any of the load from the District of Columbia.

All persons sentenced under the Act are committed to the custody of the Attorney General and it is the ultimate responsibility of the Federal and City authorities to furnish the necessary facilities. This responsibility falls jointly upon the Director of the Federal Bureau of Prisons and the Mayor-Commissioner of this City.[12]

The proper administration of justice, the requirements of the statute and the interests of this community demand that adequate facilities promptly be made available. The shortage of proper accommodations cannot be tolerated any longer. There is need of both an interim and a long-term solution.

The Court accordingly directs the Attorney General, the Director of the Federal Bureau of Prisons and the Mayor-Commissioner jointly to submit in writing within two weeks an interim plan for alleviating the present congestion consistent with the requirements of the Act. The interim plan should specify what steps will be taken and the date by which each phase of the plan will be accomplished. The plan should at the very least accomplish the following:

(a) Create additional temporary facilities for at least 300 male inmates by April 1, 1972.

(b) Provide facilities also sufficient to enable authorities to conduct all 5101(e) studies at a suitable location or locations other than the D.C. Jail by January 1, 1972.

These new facilities may be minimum security facilities if sufficient to accommodate non-violent offenders, including the bulk of offenders in the age group 16–18.

In directing that an interim plan for creation of additional facilities be submitted, the Court has carefully considered elaborate materials presented for the record on behalf of the Mayor-Commissioner. It appears that a detailed analysis of the available capacity of correctional facilities and institutions has already been made by a special task force. On the basis of this analysis, after projecting expected caseloads, the decision has been made administratively that the present facilities at Occoquan could be turned into an additional Youth facility by transferring individuals in the alcoholic rehabilitation program. This and related adjustments would provide a Youth Center facility capable of increasing the present total capacity to 625. This would be sufficient to handle the projected 1972 Youth Center population, although, of course, would not take care of the long-term need. Whether this plan or some variable of this plan is chosen is, however, entirely a matter for consideration of the appropriate authorities.

Since any interim solution which will be proposed will not fully alleviate the situation, it appears necessary that this Court take some emergency steps consistent with the realities of the problem which will improve administration under the Act. The following has been recommended for consideration of the full Court.[13] Where the individual United States District Court Judge concludes that a defendant may be amenable for final commitment under the Youth Corrections Act, the following should occur:

(1) No defendant shall be so committed under the Youth Corrections Act without a 5010(e) study.

(2) In the event the study indicates that the correction authorities consider the defendant amenable to final commitment under the Youth Corrections Act, the Court shall require as part of the 5010(e) report a precise statement by the correction authorities of the plan of treatment and the approximate period of time it is contemplated the defendant will be in custody before release to a half-way house, including goals that will be set for him prior to release.

(3) No defendant shall be committed under the Youth Corrections Act unless the Attorney General certifies in advance as to each defendant that a facility is available to provide the type of program and adequate period of treatment contemplated in the particular 5010(e) report.

(4) Under appropriate circumstances, the Court shall commit all offenders under U.S. Code offenses for 5010(e) studies and ultimate incarceration at other Youth Centers around the country.

The Court recognizes that if these emergency steps are taken by the Court as a whole and an interim plan is put into effect promptly to alleviate the immediate overcrowding crisis, that further action must still be taken to provide adequate facilities. The Court urges that energetic and immediate action be taken by the Attorney General and the Federal Bureau of Prisons and the Mayor-Commissioner to obtain necessary construction and supportive funds from the Congress so that facilities and personnel can be provided on an expedited basis through emergency appropriations within the shortest possible period of time and without awaiting the implementation of the interim steps to be covered by the plan.

A full discussion of the Court's authority to place an interim plan into effect, to announce emergency procedures, and to take whatever further steps may be necessary to make the Youth Corrections Act viable is not required at this stage. Suffice it to note that as an Article III Court under the Constitution this Court is vested with "the judicial power of the United States." This is a grant of an inherent authority to direct action which is found essential to the continued effective functioning of the Federal Courts. The Court's supervisory powers must be exercised to this end. Unless adequate facilities are made available, the Court's role in sentencing becomes merely advisory and it losses the "judicial power" to enforce its orders of commitment under the Act. Moreover, the mandatory requirements of Sections 5011 to 5014, inclusive, and 5025(c) which direct the Mayor-Commissioner and the Director of the Federal Bureau of Prisons to provide treatment facilities, must be enforced in accordance with the express directions of the Congress. Given comparable constitutional and statutory authority, Courts have in the past ordered executive action without regard to the availability of earmarked funds.[14]

This is such a case—a case where it has become abundantly clear that immediate action by the Court is required to assure the fair and proper administration of justice under a statute enacted by the Congress.

There are many offenders below the age of 22 who come before this Court who can be and have been rehabilitated through the Youth Corrections Act program. Congress has wisely put such a program into effect and experience has emphasized and re-emphasized the validity of this approach to many young offenders in a community such as Washington, D.C. The breakdown that has occurred is a tragedy for this city. Not only are defendants denied the treatment and training Congress requires, but premature release is placing citizens unnecessarily at hazard and it cannot be disputed that a correctional system that ignores the clear intendment of the Court's sentences leads the public to question the very integrity of our judicial process. This Court cannot stand idly by and permit these conditions, whatever the cause, to continue. The Court is entitled to have facilities provided sufficient to make the Act effective and the Court must insist that its sentencing orders are implemented in the interests of the fair and proper administration of justice.

A hearing to consider placing an appropriate interim plan into effect is hereby set for December 23, 1971, at 9:30 a.m.

GERHARD A. GESELL,
U.S. District Judge.

DECEMBER 1, 1971.

FOOTNOTES

[1] 18 U.S.C. 5005 *et seq.*

[2] Chief Judge John J. Sirica sat with the Court as an observer at the hearing. The following appeared as witnesses: Robert C. Whitaker, Superintendent of the Youth Center at Lorton; Allen M. Schuman, Superintendent of Youth Services of the D.C. Department of Corrections; Kenneth L. Hardy, Director of the D.C. Department of Corrections; and Richard J. Heaney, Deputy Director of the Federal Bureau of Prisons.

[3] United States v. Waters, 141 U.S. App. D.C. 289, 437 F. 2d 722 (1970). H.R. Rep. No. 2979, 81st Cong., 2d Sess. (1950). S. Rep. No. 1180, 81st Cong., 1st Sess. (1949).

[4] For example, the Superintendent of the Youth Center at Lorton stated:

[T]o effectively make a recommendation to the Court, on our observation on this man, it is unrealistic to think if we house a man in a jail cell, and we send our C. and P., our diagnostic team up there to call him out of the jail cell to talk to him, and he goes back in the jail cell, who is observing the man, other than the three officers who are in the cell block? There really is no observation. The observation takes place when the man goes up and gives the social history, the background history, school, his work, and so on, and so forth. But it is unrealistic to think we can provide an intelligent observation of the man. (Tr. p. 15.)

I see it as not really being able to effectively observe the man, his behavior, his attitude, what his remorse is about the crime he committed, and so forth.

The ideal—when the Youth Center was constructed some years ago, the man was at the Youth Center, he went about attending classes, being seen by the psychologist on a kind of regular basis, being seen by the classification and social worker, being introduced to vocational and academic programs at the Youth Center, seeing him among the population, as to how he is going to react to institutional life, whether that kind of setting is best for the man. We don't have that kind of situation right now. (Tr. p. 16).

[5] Mr. Whitaker stated the conclusion bluntly:

Without the tools and without the facilities, we can't do a job. It is unrealistic to think that we have a magic wand, that we can cope with those kinds of population figures and do an effective job in rehabilitating a man. (Tr. p. 22).

[6] "It is anticipated that there will be approximately 900 commitments under 5010(e) and 240 direct commitments under 5010(b) and 5010(c) in the next twelve months. Parole violators presently number approximately 16 per month or 192 in the next twelve months. The anticipated increase totalling 1,256 is of course in addition to our present youth population of 609. This does not include approximately 150 16 and 17 year olds expected in the next twelve months." Letter from Kenneth I. Hardy to Judge Gesell, November 18, 1971, p. 5.

[7] Mr. Schuman estimated that 20 percent presently in half-way houses are drug users. Tr. p. 67.

[8] ". . . Insofar as practical, . . . youth offenders shall be segregated from other offenders, and classes of committed youth offenders shall be segregated according to their needs for treatment." 18 U.S.C. § 5011.

[9] Tr. pp. 161, 154 and 156 (Testimony of Richard J. Heaney, Deputy Director of the Federal Bureau of Prisons).

[10] According to Mr. Heaney's testimony, in 1970, the average commitment under 5010(b) was 21.5 months whereas the average com-

mitment under 5010(c) was 33.6 months. Tr. p. 156.

[11] Tr. p. 173.

[12] The legislative history of what is now 13 U.S.C. § 5025 is sparse. Nevertheless, it indicates that Congress's primary purpose was to transfer supervision of youths convicted of violations in the District from the U.S. Bureau of Prisons and the Youth Corrections Division of the U.S. Board of Parole to the District of Columbia Mayor-Commissioner. There is no indication from the legislative history of this statute that Congress wanted to relieve authorities of the Department of Justice and the Bureau of Prisons from their statutory obligations in Sections 5011 and 5012 to provide treatment in proper and adequate treatment facilities. H. Rep. No. 387, 90th Cong., 1st Sess.; S. Rep. No. 912, 90h Cong., 1st Sess.; Report of the President's Commission on Crime in the District of Columbia on Omnibus Anticrime Bills, 90th. Cong., 1st Sess., p. 63; Hearings before the Subcommittee on the Judiciary of the Senate Committee on the District of Columbia, 90th Cong., 1st Sess., p. 75, 133–138, 250.

[13] The Superior Court faces comparable problems in dealing with both felony and misdemeanor cases and obviously that Court can assist in the present difficult circumstances if comparable emergency steps are taken to prevent gross overcrowding and encourage more knowledgeable commitments where the Act is employed.

[14] Increasingly in the area of jail and prison reform, courts are directing changes that perforce will entail additional expenditures. In the Matter of Savoy and Toney Hazel (Docket D.C. Superior Court; Landman v. Royster, Civil Action No. 170–69–R (E.D. Va., Oct. 30, 1971); Holt v. Sarver, 309 F. Supp. 362 (E.D. Ark. 1970), *affirmed,* 442 F.2. 304 (8th Cir. 1971); Jones v. Wittenberg, 323 F. Supp. 93 and 330 F. Supp. 707 (N.D. Ohio 1971); McCray v. Maryland, Misc. Pet. 4363–4430 (Cir. Ct. Montgomery Cty, Md., Nov. 11, 1971; State ex rel Ray v. South, 176 Oh. St. 241, 198 N.E. 2d 919 (1964). Also in the area of school desegregation, courts have required certain changes which necessitated additional expenditures. Swann v. Charlotte-Mecklenburg Board of Education, 402 U.S. 1 and Hobson v. Hansen, 269 F. Supp. 401 (D.D.C. 1967), modified, 132 U.S. App. D.C. 372, 408 F.2d 175 (1969).

KILLER SENT TO YOUTH CENTER

(By Winston Groom)

A federal judge here sent a 19-year-old youth convicted of murder to the Youth Center at Lorton yesterday even though the U.S. attorney's office pointed out that he may be released within a few months.

Earlier, U.S. District Judge Aubrey Robinson angrily rejected a prosecution request that he tell the jurors the youth might receive lenient treatment under the Youth Corrections Act if they did not call for the death penalty in the case.

Although the act sets a four-year maximum limit on the time an offender has to spend in actual custody, District Corrections officials have said most inmates are released within a few months.

The youth before Robinson, Richard D. Leake, was given life imprisonment by the jury for the fatal shooting of a 30-year-old grocery store owner in January during a robbery to get money for narcotics.

Before the verdict, Asst. U.S. Atty. Warren L. Miller told Robinson that a failure to explain to the jury that with a sentence of life imprisonment, Leake could be set free quickly under the Youth Act amounted to "not being truthful" to the panel.

The judge, however, said he would not issue any such explanation because it might appear that he was advocating the death penalty.

The prosecution request came on the heels of a case last week in which U.S. District Judge Joseph C. Waddy sent a 20-year-old defendant to the youth center for study after a jury convicted him of what Miller "the most brutal murder I have ever seen."

In that case the defendant, Dennis T. Butler, was found guilty of killing an elderly landlord who discovered him selling dope to a teen-ager in a vacant apartment. According to court testimony, Butler bound and gagged Jesse K. Mears, 75, then beat and strangled him and rammed a soft drink bottle filled with water down his throat.

Officials in the U.S. attorney's office have become increasingly concerned over the upsurge in Youth Act sentences following a series of rulings by the U.S. Court of Appeals beginning early this year.

Under the rulings, District judges are practically obligated to sentence every defendant 22 years old or younger under the act. A letter from Department of Corrections officials to a District judge last year stated that the average stay for inmates at the youth center was 12 months, but the U.S. attorney's office said that figure has dropped even further to seven or eight months.

The youth center came under increased judicial scrutiny earlier this week when U.S. District Judge Gerhard Gesell ordered a hearing to determine the way the Youth Act is being administered there.

Gesell and Chief Judge John Sirica will conduct the inquiry Friday into the center's recommendation that Gesell sentence a 19-year-old defendant as an adult because of overcrowding at the Lorton facility.

Sirica and Gesell have said the hearing will extend far beyond the overcrowding problem at the center and will delve into areas such as how the center determines when a youth is "rehabilitated," guidelines under which inmates are released into halfway houses and given furloughs and the rate of re-arrests among those released.

The appeals court rulings have instructed District judges that they must sentence youths under the Youth Act if they can derive "any" benefit whatever from it.

The rulings also have said that judges must specifically state their reasons for not sentencing offenders under the act.

U.S. DEPARTMENT OF JUSTICE,
Washington, D.C., December 29, 1971.

Hon. J. GLENN BEALL, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BEALL: This is in response to your letter to Mr. Flannery, dated December 16, 1971, inquiring about the implementation in the District of Columbia of the Federal Youth Corrections Act, 18 U.S. Code § 5005 *et seq*. Since receipt of your letter, Mr. Flannery has been sworn in as a United States District Judge and I have been appointed by the court as his successor. Mr. Flannery, now Judge Flannery, has requested me to reply to your letter.

As you correctly point out in your letter, recent decisions of the United States Court of Appeals for the District of Columbia Circuit construing the Youth Corrections Act make it extremely difficult for trial judges not to sentence young offenders under the Youth Act. These decisions are *United States* vs. *Ward,* Nos. 71–1654 and 71–1677, decided October 29, 1971, and *United States* vs. *Waters,* 437 F. 2d 722 (1970). This is of particular concern to my office because our research demonstrates that the average period of confinement for the many youthful offenders convicted of the most violent crimes of murder, rape, and robbery and sentenced under the Youth Act is only about ten months. For your information I am enclosing a copy of a pleading filed by my office in the District Court in *United States* vs. *Alsbrook,* Criminal Case Nos. 1065–71 and 1473–71, in which we have set forth the results of our research concerning implementation of the Youth Act in the District.

To remedy this situation, my office is doing the following. First, we have requested the Court of Appeals, sitting *en banc,* to reconsider its decisions of *Ward* and *Waters* in light of the legislative history of the Youth Act, legislative history which, in our view, makes it explicitly clear that the Youth Act was intended to provide no more than an optional sentencing alternative for trial judges to be used in their discretion. We also provided the Court with statistics showing that, contrary to the practice in the District of Columbia, the Youth Act has been used by federal judges throughout the country primarily for persons convicted of non-violent crimes. Enclosed for your information is a copy of the memorandum our office filed with the Court of Appeals setting forth its position. The case has been argued, but the Court has not rendered its decision.

The second step taken by our office is to bring this matter to the attention of the Department of Justice. Since what is involved is federal legislation applying throughout the country, it would be the Department which would recommend to the Congress any specific amending legislation. In this regard, I have brought your letter to the attention of the Department. Should any legislation be recommended by the Department, I shall advise you of this fact promptly.

I appreciate your expression of interest in what is for my office a matter of the utmost concern. For, should our request to the Court of Appeals to reconsider its prior decisions not be successful, corrective legislation will, in my view, be necessary. If I can be of any further assistance, please do not hesitate to contact me.

Sincerely,

HAROLD H. TITUS, Jr.,
U.S. Attorney.

SUPPLEMENTARY MEMORANDUM OF APPELLEE

[United States Court of Appeals for the District of Columbia Circuit, No. 23,044 (Cr. No. 545–68)]

(United States of America, Appellee, v. Carl M. Reed, Appellant)

The above-captioned case came on for oral argument on February 25, 1971. Since that time this Court has issued its Order on Appellant's Motion for Summary Reversal and Remand in *United States* v. *Ward,* D.C. Cir. Nos. 71–1654 and 71–1677, decided October 29, 1971 in which *United States* v. *Waters,* 141 U.S. App. D.C. 289, 437 F. 2d 722 (1970) was further considered. In both cases this Court suggested that Congress intended the Federal Youth Corrections Act, 18 U.S.C. § 5005 et seq., to receive priority over a sentence under the regular adult statutory provision. *United States* v. *Ward; supra,* slip op. at 4, *United States* v. *Waters,* supra, 141 U.S. App. D.C. at 293, 437 F. 2d at 726.

Appellee submits that the legislative history does not manifest an intent to install the Youth Act as a required primary sentencing consideration, but rather as a discretionary alternative to the regular penalty provision, for the judge in imposing sentence on the eighteen to twenty-two year old offender. As the Senate Committee on the Judiciary stated in reporting favorably on the proposed Act, "while the bill would not deprive the court of any of its present functions as to sentencing, it provides that, upon consideration, the court may place the youth offender on probation, proceed under the Juvenile Delinquency Act, or sentence under any applicable law relating to the offense." S. Rep. No. 1180, 81st Cong., 1st Sess. 1 (1949). That announcement of the bill's (S. 2609) intention is corroborated by the House Committee on the Judiciary's statement that, "the proposed legislation is designed to make available for the discretionary use of the Federal judges a system for the sentencing and treatment of persons under the age of 22 years. . . ." (emphasis supplied), H. Rep. No. 2979, 81st Cong. 2 Sess. 1 (1950).

A letter from Peyton Ford, Deputy Attorney General, dated June 21, 1950, to the Honorable Emanuel Celler states:

"The measure would define a youth offender as a person under the age of 22 years who has been convicted of an offense against the United States. While it would not deprive the court of any of its present functions as to sentencing, the bill would provide that, upon conviction, the court may place the youth offender on probation, proceed under the Juvenile delinquency act, or sentence under any applicable provision of law relating to the offender. The court would be authorized, however, in lieu of any penalty of imprisonment otherwise provided by law, to sentence a youth offender to the custody of the Attorney General for treatment and supervision." S. Rep. No. 1180, 11–12.

Nowhere in the Senate or the House Committee Reports, the committee hearings, or in the Congressional debates is there any indication that a judge is precluded from imposing a regular adult sentence unless he first finds that an eligible defendant will not receive any benefit from the Youth Act sentence. Indeed the legislative history is completely to the contrary. When asked for an explanation of the bill (S. 2609) Senator Harley Kilgore of West Virginia, the bill's chief sponsor and chairman of the Senate subcommittee which held the hearings on this legislation stated "The bill does not take away from the court any of its powers but does give to the judges, in cases involving Federal offenses, the right to refer an offender under the age of 24 years to the Department of Justice for a period of 4 years, during which time the Parole Board of the Department of Justice would place the offender in a federal institution for careful examination and study to determine whether or not he could be reformed, and if possible to reform him." S. Rep. No. 1180, 81st Cong., 1st Sess. 1 (1949). On February 1, 1950, in the Congressional Record, Senate page 1312, Senator Kilgore explained that "The bill would not be compulsory in any sense of the word; but it will give the judges of trial jurisdiction the right to refer the case of any prisoner under 24 years of age, who is not a habitual offender, to the Department of Justice . . . to determine whether a person is a criminal or whether the situation in his or her case is an incurable one, before sentence is passed."

On June 8, 1950, Senator Kilgore stated, "The judges say that the bill will give them an additional facility although use of the system provided by the bill will not be mandatory." Speaking of the imposition of an appropriate sentence, he continued, "However, when there is a case about which a judge is in doubt, if the accused is under the age of 22, the judge may refer the case to the Youth Correction Division." 1950, Cong. Record, Senate, p. 8383.

The optional nature of the Youth Corrections Act as a sentencing vehicle is clearly and repeatedly demonstrated by the testimony at the hearings on this legislation, particularly that of Federal judges who are participated in the drafting of the Youth Act. Significantly, the legislation as proposed contained subsection 5010(d), the principal subsection relied on by this Court on both *Waters* and *Ward*. The Honorable Bolitha J. Laws, Chief Judge United States District Court for the District of Columbia, after noting that he was one of seven Federal judges appointed to study the subject of sentencing youth offenders stated:

"As to sentencing of youth offenders, in addition to the judge's present power to place on probation or to sentence under existing statutes, the bill gives him three new alternatives in handling offenders under 24.

"First, the judge may commit a youth offender of diagnosis and treatment under this act for an unspecified period up to 6 years, with provision that he be tried on conditional release within 4 years.

"Secondly, if the judge feels that a youth offender convicted of an offense calling for a long term under existing statutes might not respond to treatment within 6 years or that so short a term might have an adverse effect on enforcement of the law, he may set any maximum authorized by law but still give the offender the benefits of treatment under this act.

"Third, if the judge wants more information on a youth offender before sentencing him, he may order a thorough pre-sentence diagnosis at a classification center set up by the Bureau of Prisons.

"It should be noted that the bill in no way reduces the authority or interferes with the sentencing power of the judges."

He went on to say:

"Now, there is one very important thing I would like to develop. I will put it simply, Senator, I have already told you that this law is purely an optional situation. A judge who feels that the present system is in all respects perfect and who does not want to use the new provisions, except perhaps rarely, does not have to use them. He still may do one of two things. He may admit the man to probation, or he may send to an institution exactly as he does now. However, with regard to those of us who are constantly puzzled and concerned and who do not know the solution, it is possible for us to adapt ourselves to this system and use it." *Hearings*, p. 15.

Judge Laws recollected that in his advocacy of the bill he had met opposition to its passage from some Federal judges.

"There is one thing I would like to say in conclusion, Senator, I have spoken on this subject before judicial conferences—I think five different ones in the United States. I have never explained it fully and completely, but what we did not get was a response from the judges that was favorable. Most of the judges who object to it have not studied it carefully.

"I regret to say that, but there are a great many objections that come when the judges have not comprehended and studied the subject very carefully. When they get the presentation fully made to them, and once they realize *it is entirely optional* and that some of us are not the types of experts that can look across a table into a man's eyes and know what sentence to give him, they say under those circumstances that they do not mind, for those of us who are frail, having the study made for us as long as they themselves are not restricted. . . .

"The way I want to argue this with my brethren who oppose it is: let me do it and let them go on in the way they do.

"When I put that up to them, they say, 'All right, Judge, as long as you do not harass me." I will say to them that my prophecy is that at the end of 10 years they will all be doing it, and perhaps they will be doing it at the end of 5 years." *Hearings*, pp. 20–21.

In a dialogue between Senator Kilgore and James V. Bennett, Director, Bureau of Prisons, the motivation for making the application of the bill entirely discretionary is plainly seen.

"Mr. BENNETT. Senator, if you will permit, and for your future reference, I would like to introduce some case histories into the record that will support this viewpoint of yours and mine. They may be helpful to you at a later date. I would like to carry forward a little bit further and re-emphasize more than Judge Laws has done, that this bill is discretionary whereas the other bill which you had before did not provide that same discretion. The judge under this bill can now place the man on probation, he can sentence him, as a youth offender for a maximum of 6 years or he can sentence him as a youth offender for whatever maximum the statute will permit.

"Thus, you see it is very difficult for me to conceive of anybody who could rightfully object to the bill because they can use it or not, as they see fit, and yet it gives them all of these additional services and alternatives.

"Senator KILGORE. Mr. Bennett, to be perfectly frank with you, I still personally approve of the mandatory feature rather than the discretionary feature and I will tell you why. I think it will protect the judge from a tremendous lot of annoyance if he can say, 'Here, I am going through these steps. The law provides it and I am going according to the law. I am not going to have this group over here insisting that I jack up the penitentiary, set up a prop under the corner of it. I am not going to have this group saying that I just turn him loose willy-nilly.'

"I believe that it would save a lot of the judge's time and a tremendous amount of extra work if it had been mandatory. But, I am willing to go along on the discretionary feature in the hope that eventually we can get the bill through." *Hearings*, p. 25.

The Honorable John Parker, United States Circuit Judge, Fourth Circuit concurred in the idea that the Youth Act left the power of the sentencing judge as it had been before the passage of the Act.

"In the first place the act deals only with offenders under 24 years of age. In the second place, it does not interfere with the power of the judge even with respect to those offenders, but gives him merely an alternative method of treatment of those people. That is to say, under this bill the judge may still admit the youthful offender to probation. There is nothing in the bill that prevents that. He may still give the youthful offender the punishment prescribed by existing statutes, there is nothing in the bill that prevents that. All that the bill does is to provide that if in his judgment and discretion, he thinks that the offender before the court is one that can be treated with advantage under this bill, he can sentence him under this bill instead of under the existing law." *Hearings*, p. 43.

Senator Kilgore, in discussing objections to the bill voiced by Federal judges, noted, "Two objected to taking sentencing away from the court and giving it to an executive agency. But that has been answered in S. 2609 because it takes nothing away."

"That is correct; it is purely optional," responded the Honorable Orie L. Phillips, United States Circuit Judge, Tenth Circuit. *Hearings*, p. 69.

Furthermore, that it was not necessarily the intention of this bill to sentence a majority of the younger offenders pursuant to its provisions as indicated in the following colloquy between Senator Kilgore and James E. Palmer, Jr., President of the Federal Bar Association.

Senator KILGORE. "You are going to have a certain number that you will have to deal with, but if in some way we can cure 20 percent or 30 percent, or 40 percent, or 50 percent, at the source, we have done to society in this country a great service and we have saved the taxpayers a tremendous amount of money. Is not that your idea?"

Mr. PALMER. "Indeed, I agree very heartily, sir. May I make just one further brief statement?"

Senator KILGORE. "We will be glad to hear it."

Mr. PALMER. "I can hardly see how there can be intelligent opposition to a measure of this nature. Of course, I am too much of a prosecutor to want to approve anything that would result in placing the stamp of approval on youths who go out and commit serious crimes and then the Government of the United States gets the public reputation of patting them on the back and treating them not as criminals, when they should be treated as criminals.

"But that, in this bill, turns upon the caliber and efficiency of our judges, and also on the ability of the men in charge of the program set up under the bill.

"I have enough confidence in the discretion of our judges to feel that they are not going to abuse this statute, and certainly that those who are charged with the direction of these people are not going to abuse it to the extent that it will ever redound that we are here trying to set up a structure that will give the Government a reputation of dealing too lightly with those who should be dealt with properly." *Hearings*, p. 82.

It is clear, therefore, that the framers of the bill considered that its provisions would be applied solely in the discretion of the trial judge. Nowhere is it stated that a finding of fact must be made before the sentencing judge could employ a sentence under any other applicable penalty provision.

Both the legislative history as outlined above and the implementation of the Youth Act from 1959 to 1970 by the federal judiciary clearly show that it is not only the exceptional case in which an eligible offender would not receive a Youth Act sentence. To the contrary, it was anticipated that the Youth Act would be applied only to federal offenders who had not become crime-hardened and who had not committed a crime of violence. The typical youth offender was expected by Mr. Bennett to be a Dyer Act offender.

Mr. BENNETT. "Senator, apropos of the savings which would occur under this bill, may I say, as I am sure you realize, that far and away the largest number of young offenders who could come to us under the bill are automobile theft cases—1,227 last year were committed to us for automobile thefts.

"Now most of these boys have stolen a car in some city and gone a junket. The problem in many cases is to be able to get them back home. If we could get them home under parental control they would not need to go to prison. Under present circumstances the judge has no way to cope with the problem." *Hearings*, p. 29.

This expectation was borne out by the actual use of the Youth Act.

An analysis of statistics released by the Federal Bureau of Prisons reveals that in no year between 1959 and 1970, inclusive, did commitments under the Youth Act exceed 47.4% of the total of eligible offenders from eighteen to twenty-two years old.[1]

TABLE I

Fiscal year	YCA/adult percent	Total 18 to 22	YCA
1970	39.6	1,997	790
1969	41.7	2,250	938
1968	37.1	2,284	848
1967	40.3	2,305	928
1966	42.9	2,029	871
1965	42.9	2,007	862
1964	44.0	2,070	910
1963	47.4	2,066	979
1962	44.7	2,047	915
1961	47.1	2,149	1,012
1960	46.5	2,112	983
1959	46.4	2,124	986

Thus, it is apparent that employment of the Youth Act Commitment procedures is less common than adult commitment for the eighteen to twenty-two year age group.

TABLE II

Fiscal year	YCA/adult percent	Total YCA commitments[2]	Number of YCA Dyer commitments[3]
1970	38.2	1,160	443
1969	42.0	1,318	554
1968	53.3	1,138	607
1967	58.0	1,264	733
1966	57.7	1,132	653
1965	60.6	1,131	686
1964	63.1	1,149	725
1963	61.4	1,237	759
1962	62.4	1,182	737
1961	63.8	1,324	845
1960	56.7	1,326	752
1959	60.7	1,291	784

Additionally, auto theft was by far the offense for which the Youth Act commitments were most often imposed in the period from 1959 to 1970.

From the above tables and their underlying statistical bases it may be seen that the Youth Act was not the ordinary means of commitment used by Federal judges for eligible offenders and the most common offense for which the Youth Act was invoked was the non-violent crime of auto theft.

Finally, that section 5010(d) is not generally conceived of as requiring a finding before the penalty authorized under the applicable statute is imposed may be seen in Mr. Gottshall's article on youth sentences. He notes that:

"Section 5010(d) confers no benefits under the Act. It is generally regarded as nothing more than an affirmative statement that the court, convinced that treatment under 5010(b) or 5010(c) would accomplish no good, has resort to the penalty authorized for the substantive offense. Actually, inquiry among several who assisted in the drafting of the Act confirmed the view that the subsection was included to assure the courts that the regular sentencing provisions were available when they felt that correctional treatment under the Act was inappropriate." *Federal Probation Quarterly, supra.*

This view of the use of section 5010(d) is supported by an article on suggested sentencing procedures. That article, "Forms of Adjudication for Use in Sentencing," James M. Carter, Judge, United States Court of Appeals, Ninth Circuit and Fred Kunzel, Chief Judge, United States District Court, Southern District of California, 44 F.R.D. 197 (1968), which sets out model forms for imposing sentences was first presented to the Ninth Circuit Judicial Conference in 1960. There were three subsequent revisions; the first in 1962 was unpublished and the second, was published in 35 F.R.D. 404 (1964) as part of the papers used at the Institute on Sentencing for United States District Judges held at Denver, Colorado, in January 1964, and the third was in 1968. As the authors' commented, "Many appeals involve a sloppy sentence. In each instance the trial judge knew what he wanted to do with the defendant; in certain instances he used the wrong language." 44 F.R.D. at 198–199.

It is significant that there is no form for a sentence under an adult penalty provision for an offender between the ages of eighteen and twenty-two. The two forms (attached as Appendix C) which cover Youth Act commitments and regular sentences are Forms No. 6 and No. 17. Both forms simply state the order and judgment of imprisonment and make no mention of a finding of lack of benfit derivable from a Youth Act commitment.[4]

Since these forms were carefully developed and undoubtedly in widespread use, it must be assumed that there is scant likelihood that Federal judges included a formal finding pursuant to section 5010(d) as suggested by *Waters*.[5]

The legislative history, as outlined above, contains no indication that an articulated finding is required before an adult sentence may be imposed. In fact, it is clear that the framers intended the Youth Act to be no more than an additional sentencing alternative to be employed in the discretion of the trial judge. Any contention that the words in subsection 5010(d), "shall find," import the requirement that a judge must make an explicit finding on lack of benefit before he can sentence under the regular adult provisions flies in the face of the legislative intent. This is particularly clear in light of the fact that subsection 5010(d) was, as we have pointed out, *supra*, p. 12, included in its present form as part of the proposed legislation which, as the hearings unequivocally show, its framers intended only to point to the options available to the sentencing judge. Even should this Court construe the literal wording of subsection 5010(d) to require such a finding, without regard to the clearly discretionary language of subsections 5010(d) and (c), it has been recognized that, "The literal wording of the statute is a primary index but not the sole index to legislative intent. It cannot prevail over strong contrary indications in the legislative history or so as to command an absurd result. *Lange* v. *United States*, — U.S. App. D.C. —, 443 F.2d 720, 722–23 (1971). See also *United States* v. *Public Utilities Comm'n.*, 345 U.S. 295, 315 (1953) and 2 J. Sutherland, *Statutory Construction*, § 4706 at 339–40 (3d ed. 1943). We agree with Mr. Gottshall that the only purpose of subsection 5010(d) was to assure that judges could utilize the regular adult sentencing provisions.

The likely impact of this procedure on the administration of justice will be interminable hearings and the probable defeat of the purposes of the Youth Act. This result seems foreshadowed by the direction of the *dicta* in *United States* v. *Ward, supra*, and Appellant's Supplemental Memorandum in Support of the Motion for Summary Reversal in that case filed subsequent to the remand order. Appellant therein contends (Supplemental Memorandum, pp. 12–13). "First, the Youth Act is not to be limited to those who are most 'desirable' for Youth Act commitments. Although an individual might not benefit as much as others from a Youth Act sentence, unless the Court can make a finding that he will receive no benefit whatsoever, he cannot be denied a Youth Act sentence." Since it is inconceivable that even the most hardened criminal would not derive *some* benefit from treatment under the Youth Act, even if only more pleasant surroundings, the purpose of the Youth Act to rehabilitate suitable candidates while isolating them from crime-hardened individuals would inevitably be vitiated, as is readily apparent.

Speaking of the resort of the sentencing judge to the Youth Act is a misdemeanor case, this Court determined that, "[The Youth Act sentence] was to carry out the congressional purpose represented by the Act—to serve the interests of society and of *selected* youth offenders in preference to the statutory sentence for the misdemeanor." *Harvin* v. *United States*, D.C. Cir. No. 22,317, decided May 7, 1971, (*en banc*), slip op. at 7. (emphasis added). This selection process, which is vital to the survival of the Youth Act as a rehabilitative vehicle, necessarily envisages the culling of those individuals deemed suitable for the Youth Act program and rejecting those who would detriment it. To adopt a standard requiring that priority be given to eligible individuals, so long as they would derive *any* benefit from the Act, would result in the very integration of hard-

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Footnotes at end of article.

ened and non-hardened criminals that the Youth Act sought to prevent.

That underlying legislative intent not to require findings is fully supported by the well-accepted procedures for sentence imposition suggested by Judges Carter and Kunzel (*supra*, p. 13). The adoption of those procedures by the Ninth Circuit Judicial Conference and the Institute on Sentencing in 1964, certainly give incontrovertible legitimacy to the legislative intent which militates against the imposition of formal findings.

The absence of a requirement imposed by Congress of formal findings in imposing sentence under the Youth Act is consistent with its traditional approach to sentencing. That has always been to leave sentencing to the discretion of the trial judges. Under this approach by Congress, "If the sentence is within the latitude granted by statute and is imposed in a procedurally correct manner, the court has a well-nigh unreviewable discretion. The heavy burden on the court is a reflection of the importance of the sentence to the public interest as well as to the defendant who is most directly affected." *United States* v. *Bryant*, — U.S. App. D.C. —, —, 422 F.2d 775, 772 (1971).

It is axiomatic that where the imposition of a sentence falls within the statutory limits, the severity of such a sentence does not warrant interference by an appellate court. *Blockburger* v. *United States*, 233 U.S. 299 (1932); *Wilson* v. *United States*, 233 U.S. 299, 335 F. 2d 988 (1963). In *Wilson* this Court recognized that "the imposition of a sentence is in the sound discretion of the District Judge. The sentence seems to us unduly harsh but circumstances not disclosed by the record may justify it. 118 U.S. App. D.C. at 320, 335 F. 2d at 983.

Recently the Supreme Court grappled with a similar problem involving the establishment of standards by which a jury could arrive at its sentencing decision. While the case dealt with the imposition of the death penalty, its approach is quite instructive on the general matter of setting up criteria for sentencing. The Court stated,

"Those who have come to grips with the hard task of actually attempting to draft means of channeling capital sentencing discretion have confirmed the lesson taught by the history recounted above. To identify before the fact those characteristics of criminal homicides and their perpetrators which call for the death penalty, and to express these characteristics in language which can be fairly understood and applied by the sentencing authority, appear to be tasks which are beyond human ability." *McGautha* v. *California*, 402 U.S. 183, 204 (1971).

The Court concluded that,

"In light of history, experience, and the present limitations of human knowledge, we find it quite impossible to say that committing to the untrammelled discretion of the jury the power to pronounce life or death in capital cases is offensive to anything in the Constitution. The States are entitled to assume that jurors confronted with the truly awesome responsibility of decreeing death for a fellow human will act with due regard for the consequences of their decision and will consider a variety of factors, many of which will have been suggested by the evidence or by the arguments of defense counsel. For a court to attempt to catalog the appropriate factors in this elusive area could inhibit rather than expand the scope of consideration, for no list of circumstances would ever be really complete. The infinite variety of cases and facets to each case would make general standards either meaningless 'boiler-plate' or a statement of the obvious that no jury would need." 402 U.S. at 207–8 (footnotes omitted).

The exercise of that sound discretion would be obstructed if a requirement of findings were imposed on the trial judge. In order to make such findings properly, a hearing would have to be held. The burden such a procedure would entail was recognized by the Supreme Court in a case involving the disclosure of a pre-sentence report. The Court remarked, "The type and extent of this information [the probation report] make totally impractical if not impossible open court testimony with cross examination. Such a procedure could endlessly delay criminal administration in a retrial of collateral issues." *Williams* v. *New York*, 337 U.S. 241, 250 (1949). Compare, *Specht* v. *Patterson*, 386 U.S. 605 (1967).

In *Waters*, as well as *Ward*, the sentencing procedure found erroneous was a sentence under the regular penalty provision plus a recommendation for confinement in a youth institution. The Court concluded that the recommendation was an implicit finding of benefit from treatment under the Youth Act. It was then held that, "The statutory scheme does not envisage this particular combination of rehabilitation and deterrence." *United States* v. *Waters*, 141 U.S. App. D.C at 293, 437 F.2d at 726.

In the instant case, there was no improper combination of rehabilitation and deterrence as was found to be present in *Waters*.

Since the imposition of sentence under the Youth Act is optional with the judge without a requirement of formal findings, since there was no ambivalent sentence as in *Waters* and *Ward*, since the District Judge fully complied with the proper sentencing procedures, and since there is no indication of an abuse of discretion, appellee submits that the judgment should be affirmed.[6]

THOMAS A. FLANNERY,
United States Attorney.
JOHN A. TERRY,
Assistant United States Attorney.
EARL J. SILBERT,
Assistant United States Attorney.
CHARLES H. ROISTACHER,
Assistant United States Attorney.
BRIAN W. SHAUGHNESSY,
Assistant United States Attorney.

FOOTNOTES

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[1] The tables from which these analyses are extracted are attached hereto as Appendices A and B.

[2] YCA commitments include offenders from 18 to 26.

[3] Denominated as "Theft of Motor Vehicle" from 1959 to 1964.

[4] Form No. 17, which is for a sentence after a § 5010(e) study subsumes the requisite finding for imposition of a Youth Act sentence previously made by Form No. 16, commitment for the section 5010(e) study.

[5] Cf. *Mordecai* v. *United States*, 137 U.S. App. D.C. 198, 204, 421 F. 2d 1133, 1139 (1969); *Cox* v. *United States*, C.A. No. 1206–71 (E.D.N.C., Feb. 18, 1971) (Memorandum Opinion).

[6] Appellee respectfully directs the Court's attention to appellee's *Response to Supplementary Memoranda* filed in this case on January 21, 1971, wherein the issues of the applicability of *North Carolina* v. *Pearce*, 395 U.S. 711 (1969), and the possible retroactivity of *Pearce* and *Waters* are discussed.

By Mr. CHURCH:

S.J. Res. 212. A joint resolution to authorize the President to call a series of four White House Issue-Oriented Subconferences on Aging. Referred to the Committee on Labor and Public Welfare.

MINI-WHITE HOUSE CONFERENCES ON AGING

Mr. CHURCH. Mr. President, late last year 3,400 delegates from every State in the Union met in Washington to develop solutions for the difficulties confronting aged and aging Americans.

A comprehensive report calling for action on several fronts—including income, health, housing, nutrition, transportation, and others—has already been issued. And this document provides an excellent operating framework which merits the close and careful attention of every Federal lawmaker. It also takes on added dimension now because 1972 will be a crucial year in determining whether this far-reaching national policy on aging will, in fact, become a reality.

Welcome as the report may be, there is an urgent need to establish a continuing mechanism for developing and implementing this national policy. It is for these reasons that I introduce legislation today to call for periodic conferences on Aging—in effect mini-White House Conferences on Aging—to provide this working arrangement.

The advantages of this undertaking, I believe, are many. First, these periodic conferences would provide a solid foundation for assessing the effectiveness of our Nation's efforts in implementing the proposals advanced at the 1971 White House conference. They would also help provide the vitally needed followup activity to assure that the recommendations at the conference will lead to action, instead of just the output of words.

Moreover, by focusing on one particular subject at a time—such as income at the first meeting—these periodic conferences could establish an important mechanism for problem solving as new issues emerge. Equally significant, these mini-White House Conferences could establish the essential framework for more intensive review of the specific issues considered at the 1971 White House Conference on Aging. This is crucial, I believe, because the older Americans of the future—those who will have their 65th birthday in the next 5 or 10 years—may differ in a number of respects from the elderly of today. And if our Nation is to meet the challenges and problems of this new group of senior citizens, it is absolutely essential that we have the hard data as well as the operating framework to come to grips with their key concerns.

Additionally, this structure can provide the concrete information—which in many instances today is not available—to help the Congress and the executive branch make decisions on major issues in the future. And it would also help assure that our policies for the elderly of today and tomorrow are based upon the soundest possible foundation.

This concept of periodic conferences, I am pleased to say, has been strongly endorsed in the report of the White House Conference on Aging. In the section on Government and Nongovernment Organization, for example, the delegates stated:

> Means should be found for a continuing "conference" on the aging to aid in the follow-up of the recommendations of this White House Conference on Aging, which also would extend beyond the announced follow-up year of 1972 and even until the next White House Conference on Aging.

Mr. President, I ask unanimous consent that the text of this joint resolution be printed at this point in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 212

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President is authorized to call four White House Issue-Oriented Subconferences on Aging for the years 1973, 1975, 1977, and 1979 for the purposes of providing information which is not now available for making key policy decisions in areas of special concern for older persons evaluating the progress made in implementing the recommendations of the White House Conference on Aging, developing further recommendations for meeting the needs of the aging, and developing a plan of action for implementing these recommendations.

(b) In order to focus special attention on economic problems affecting older persons, the first Conference shall consider the issue of income. The agenda for each successive Conference shall be determined on the basis of the recommendations contained in the pre-conference report of the Advisory Committee under section 3 of this joint resolution.

(c) For the purpose of a full discussion of the issues presented at each Conference and arriving at facts and recommendations, each Conference shall bring together representatives of Federal, State, and local governments, and professional and lay people who are working in the area of special concern to older persons that is the topic of a Conference.

(d) A final report of each White House Issue-Oriented Subconference on Aging shall be submitted to the President not later than 120 days following the date on which the Conference is called and the findings and recommendations included therein shall be immediately made available to the public. The Secretary shall, within 90 days after the submission of such final report, transmit to the President and the Congress his recommendations for the administrative action and the legislation necessary to implement the recommendations contained in such report.

SEC. 2. In administering this joint resolution the Secretary shall—

(1) request the cooperation and assistance of such other Federal departments and agencies as may be appropriate;

(2) prepare and make available background materials for the use of the Advisory Committee and delegates to each Conference as he may deem necessary;

(3) engage such additional personnel as may be necessary without regard to the provisions of title 5. United States Code, governing appointments in the competitive civil service, and without regard to chapter 57 and subchapter III of chapter 53 of such title relating to classification and general schedule pay rates.

SEC. 3. (a) The Secretary is authorized and directed to establish an Advisory Committee to the White House Issue-Oriented Subconferences on Aging composed of the Chairmen and Co-Chairmen of the 14 sections at the White House Conference on Aging and the Chairmen of the Special Concerns Sections.

(b) It shall be the duty of the Advisory Committee to—

(1) select the issue to be considered in detail at each of the Conferences to be held in 1975, 1977, and 1979 and submit a preconference report thereon setting forth the issue to be considered together with proposals for an agenda for the Conference;

(2) advise and assist the Secretary in the planning and conduct of each of the Issue Conferences;

(3) develop plans and programs for action to implement the recommendations made at both the White House Conference on Aging and each of the White House Issue-Oriented Subconferences on Aging; and

(4) assess the progress made in implementing the recommendations made by the White House Conference on Aging.

(c) The Secretary shall designate one of the members as Chairman. Members of any committee appointed pursuant to this section, who are not officers or employees of the United States, while attending conferences or meetings of their committee or otherwise serving at the request of the Secretary, shall be entitled to receive compensation at a rate to be fixed by the Secretary but not exceeding $—— per day, for each day they are engaged in the performance of their duties as members of the Advisory Committee including travel time. While so engaged away from their homes or regular places of business, they may also be allowed travel expenses including per diem in lieu of subsistence, as authorized under section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(d) The Advisory Committee shall cease to exist 90 days after the submission of the final report following the 1979 Issue Conference required by the first section of this Act.

SEC. 4. For the purposes of this joint resolution—

(1) the term "Secretary" means the Secretary of Health, Education, and Welfare; and

(2) the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

SEC. 5. There are hereby authorized to be appropriated such sums as may be necessary to carry out this joint resolution.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 346

At the request of Mr. PEARSON, the Senator from Maine (Mr. MUSKIE) was added as a cosponsor of S. 346, a bill to encourage the development of new job-creating industries in rural areas.

S. 2888

At the request of Mr. CHURCH, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 2888, a bill to authorize the Secretary of Labor to make grants for the conduct of home-repair projects, and for other purposes.

S. 2962

At the request of Mr. JAVITS, the Senator from Oklahoma (Mr. HARRIS) was added as a cosponsor of S. 2962, the Comprehensive Training and Employment Act.

S. 2995

At the request of Mr. KENNEDY, the Senator from Maine (Mr. MUSKIE) was added as a cosponsor of S. 2995, the Victims of Crime Act of 1972.

S. 3049, S. 3050, AND S. 3051

Mr. JAVITS. Mr. President, on January 20, 1972, I introduced S. 3049, S. 3050, and S. 3051, bills which seek to give impetus to our national effort to reduce the level of crime in the Nation and to reform our corrections system.

Ten Senators are now cosponsors of one or more of these three bills. I am pleased to add the names of the Senator from New Jersey (Mr. WILLIAMS) and the Senator from Maryland (Mr. MATHIAS) as cosponsors of all three bills, and the name of the Senator from Minnesota (Mr. MONDALE) on S. 3051.

I ask unanimous consent that their names be added as cosponsors at the next printing of the bills.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). Without objection, it is so ordered.

S. 3056

At the request of Mr. DOMINICK, the Senator from New York (Mr. BUCKLEY) was added as a cosponsor of S. 3056, a bill to amend Public Law 92–178, the Revenue Act of 1971.

S. 3067

At the request of Mr. JAVITS, the Senator from Rhode Island (Mr. PELL) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 3067, a bill to eliminate racketeering in the sale and distribution of cigarettes and for other purposes.

S. 3131

At the request of Mr. BOGGS, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 3131, a bill to amend the Rail Passenger Service Act of 1970 in order to restore certain rights to free or reduce-rate rail passenger transportation granted by railroads to employees upon retirement, and to clarify the intent of such act with respect to the preservation of such rights.

S. 3137

At the request of Mr. SPONG, the Senator from Utah (Mr. MOSS), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Connecticut (Mr. RIBICOFF) were added as cosponsors of S. 3137, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968.

S. 3142

At the request of Mr. MUSKIE, the Senator from Indiana (Mr. BAYH), the Senator from Maryland (Mr. BEALL), the Senator from Nevada (Mr. BIBLE), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Jersey (Mr. CASE), the Senator from Florida (Mr. CHILES), the Senator from California (Mr. CRANSTON), the Senator from Kansas (Mr. DOLE), the Senator from Missouri (Mr. EAGLETON), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Oregon (Mr. HATFIELD), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Maryland (Mr. MATHIAS), the Senator from Wyoming (Mr. McGEE), the Senator from South Dakota (Mr. McGOVERN), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Wisconsin (Mr. NELSON), the Senator from Oregon (Mr. PACKWOOD), the Senator from Rhode Island (Mr. PASTORE), the Senator from Kansas (Mr. PEARSON), the Senator from Rhode Island (Mr. PELL), the Senator from Illinois (Mr. PERCY), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Alaska (Mr. STEVENS), the

Senator from Illinois (Mr. STEVENSON), the Senator from Georgia (Mr. TALMADGE), the Senator from California (Mr. TUNNEY), the Senator from Connecticut (Mr. WEICKER), the Senator from New Jersey (Mr. WILLIAMS), were added as cosponsors of S. 3142, to provide $85 million for assistance to Soviet Jewish refugees in Israel.

S. 3152

At the request of Mr. CHILES, the Senator from Tennessee (Mr. BAKER) was added as a cosponsor of S. 3152, a bill to amend the Internal Revenue Code of 1954 to provide that no interest shall be payable by a person to whom an erroneous refund is made if the erroneous refund is made due to error by an officer or employee of the United States.

S. 3181

At the request of Mr. CHURCH, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 3181, a bill to provide for the establishment of an Office for the Aging in the Executive Office of the President, for the fulfillment of the purposes of the Older Americans Act, for enlarging the scope of that act, and for other purposes.

S. 3187

At the request of Mr. JAVITS, the Senator from Tennessee (Mr. BAKER) was added as a cosponsor of S. 3187, "The National Venereal Disease Prevention and Control Act."

SENATE JOINT RESOLUTION 8

Mr. FULBRIGHT. Mr. President, I have just discovered that through an oversight I have not been listed as a sponsor of the equal rights amendment, Senate Joint Resolution 8. I have been a consistent sponsor and supporter of the equal rights amendment throughout my years in the Senate, and at this time I would respectfully request that I be added as a cosponsor of Senate Joint Resolution 8.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). Without objection, it is so ordered.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 232

At the request of Mr. CHILES, the Senator from Kentucky (Mr. COOK) was added as a cosponsor of Senate Resolution 232, expressing the sense of the Senate that the remainder of the amount appropriated for the rural electrification program for fiscal 1972 be released immediately by the Office of Management and Budget.

SOCIAL SECURITY AMENDMENTS OF 1972—AMENDMENT

AMENDMENT NO. 989

(Ordered to be printed and referred to the Committee on Finance.)

Mr. GURNEY. Mr. President, I am today introducing an amendment to H.R. 1 that would apply to that part of the bill dealing with medicare.

My amendment is directed toward the 3 million or so people between 60 and 65 whose husbands or wives receive medicare benefits but who are not eligible for it themselves. By and large these people live on limited retirement incomes and, as retirees, are more vulnerable to economic hardship resulting from serious illness. The most reasonable solution would be to bring them under the umbrella of medicare, while adding as little as possible to the cost of that program.

This amendment would do just that. It provides that one spouse must be over 65 and already enrolled in the medicare program for the other spouse, who must be at least 60, to enroll in the program and receive equivalent benefits at cost.

The cost of these benefits to the newly eligible spouse should be reasonable enough to attract enrollees yet comprehensive enough to provide the necessary medical coverage. For an estimated $30 to $35 a month, spouses will get the same hospital insurance and insurance to cover physician's charges that anyone else enrolled in medicare gets.

To discourage people from waiting until they are sick to enroll, this amendment provides for a 10-percent increase in premiums for each year they delay. Thus, the potential enrollee has an incentive to sign up when he or she is 60. Such a proviso will put the program on a sounder financial basis.

In summary, this proposal will provide the spouse of a retiree on medicare with adequate medical insurance at reasonable rates during a 5-year period when getting a policy from a private company would be either impossible or prohibitively expensive. Once the person reached age 65, regular medicare would take over, dropping the $30 to $35 a month charge to an estimated $5.80 per month.

Since the financial burden of this proposal would be underwritten by the subscribers and since its implementation would utilize the administrative services of a program already in existence—medicare—this seems to be the most efficient and most economical way to reduce some of the trials and tribulations faced by our senior citizens. They have worked hard for their retirement and they deserve a chance to live it in peace and contentment. This amendment would help give them that chance without depriving them of their dignity or overburdening the already hard-pressed American taxpayer.

NATIONAL VOTER REGISTRATION ACT OF 1972—AMENDMENTS

AMENDMENTS NOS. 990, 991, AND 992

(Ordered to be printed and to lie on the table.)

Mr. GAMBRELL submitted three amendments intended to be proposed by him to the bill (S. 2574) to amend title 13, United States Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purpose of administering a voter registration program through the mail.

TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT—AMENDMENT

AMENDMENT NO. 993

(Ordered to be printed and to lie on the table.)

Mr. SPONG (for himself and Mr. ERVIN) submitted an amendment intended to be proposed by them to the bill (H.R. 12910) to provide for a temporary increase in the public debt limit.

THE VICTIMS OF CRIME ACT OF 1972—AMENDMENT

AMENDMENT NO. 994

(Ordered to be printed and referred to the Committee on the Judiciary.)

CARGO THIEVERY CIVIL DAMAGES AMENDMENT

Mr. BIBLE. Mr. President, I send to the desk an amendment I intend to propose to S. 2994, the "Victims of Crime Act of 1972."

On August 4, 1971, I introduced S. 2426, a bill to provide for civil damages for cargo theft losses—CONGRESSIONAL RECORD, volume 117, part 22, page 29238. At that time, I expressed my belief that if we could take the profit out of cargo thievery and make those individuals who steal, fence, or receive stolen property civilly liable in damages for the acts, we would have taken a major step to curb the biggest billion-dollar racket nationally today—the theft, pilferage, and hijacking of truck, air, rail, and maritime shipments.

Mr. President, since the introduction of S. 2426, the Subcommittee on Criminal Laws and Procedures, under the able leadership of the distinguished senior Senator from Arkansas (Mr. McCLELLAN) has held hearings on the bill and a series of related items. I am pleased to note that these hearings have produced impressive support for the basic concept of S. 2426. It has been endorsed by the Department of Justice, the Transportation Cargo Security Council, the American Trucking Associations, the Association of American Railroads, and American Institute of Marine Underwriters.

Typical of the support voiced was the letter of W. A. Bresnahan, president of the American Trucking Associations, Inc., which said:

> The theft of cargo from the trucking industry is one of the most serious problems confronting our industry today. We do not know the exact total dollars lost to thieves. Based on fragmentary information available to us, we estimate it to be in the 600 to 700 million dollars range. Further, we believe the bulk of the freight stolen is taken by "professional thieves"; that is, thieves who steal and convert the goods to cash through established fences or directly to buyers who purchase under circumstances and at prices which would cause a reasonable man to believe that the goods are "hot."
>
> The burden of proof which must be met to obtain conviction on a charge of possession of stolen goods is so great that it sharply limits successful prosecutions for that crime. The burden of proof required in a civil action is considerably less. In other words, evidence insufficient to obtain a criminal conviction could well be strong enough to warrant a successful damage judgment in a civil action.
>
> The treble damage provision increases the monetary risk of the fence and the buyer, resulting in a decrease of price to the thief and reduction of profit to each in the chain.
>
> We do not consider the enactment of S.B. 2426 to be a panacea but rather another means for use in getting to the fences and buyers of stolen goods. These latter two groups are the ones who make stealing profitable for the actual thief—without their

finances and distribution network, the professional thief cannot exist.

May I again urge your favorable consideration of this bill.

Mr. President, the amendment to S. 2994 that I now send to the desk is based on S. 2426. As indicated by Senator McClellan on December 11, 1971, when he introduced the bill—Congressional Record, volume 117, part 35, page 46383—S. 2994 combines the essential feature of six bills dealing with victims of crime, which were pending before the Subcommittee on Criminal Laws and Procedures. Because of limitations of time, it was not possible to have the provisions of S. 2426 worked into the text of S. 2994 prior to its introduction. My amendment, however, would now integrate the basic concept of S. 2426 into title IV of S. 2994. As formulated in the amendment, the provision adapts the various venue and other procedural aspects of treble damage suits in the antitrust area to civil suits for cartage theft.

I am pleased to indicate that this amendment has been discussed with the distinguished Senator from Arkansas. It is my firm belief that this amendment perfects the initial concept of S. 2426 and strengthens the provisions of S. 2994. Senator McClellan has also promised to see that the amendment is given every consideration in the markup process of S. 2994, which should begin soon after the last round of hearings on victims of crime legislation of the subcommittee now scheduled for March 7, 1972. I am confident that the subcommittee will accept it.

For the benefit of other Senators, I would like to give you a brief background of cargo thievery from interstate shipments which my amendment seeks to reach.

Early in 1969 the Senate Small Business Committee, of which I have the honor of being chairman, began an investigation and public hearings into the impact of crime against small business growing out of our interest in the Small Business Protection Act of 1967.

The first phase of our series of hearings centered on air cargo thefts, then maritime and truck losses, and finally the railroads, our oldest cargo transport system.

It is graphically clear that a near crisis in the movement of cargo in this country by our commercial carriers is upon us today. Up to this point, law enforcement agencies, our Federal transportation regulatory and policy bodies, and our transport carrier industries generally have not been able to mount an effective response.

Conservative estimates by the Senate Small Business Committee show that such theft losses were approximately \$1½ billion in 1970, distributed among air, truck, rail, and maritime carriers. These loss figures represent only the wholesale or released liability values of such goods. They do not take into consideration the retail profit markup, the cost to the shipper in loss of market share, claims processing expense, increased insurance premiums, capital tied up in the claims pipeline, the loss of customer goodwill, loss due to the dislocation of a manufacturer's production line, or a variety of other costs.

Therefore, if we add the direct dollar theft loss, the carrier's indirect cost of \$2 to \$5, and the shipper's indirect cost of \$5 to \$7, we may be talking of costs to the national economy approaching \$8 to \$10 billion. Again, it is the consumer who pays the crime-tagged price as the inflation spiral goes round and round.

There seems little doubt that the country's transport industry has become the favorite target of organized and unorganized crime. The pickings are richer and easier.

Law enforcement officials plus shipper, carrier, and insurance executives believe most of this massive cargo theft finds its way back into legitimate commerce as a result of the operations of criminal, middlemen fences. Today legitimate merchants, salvage companies, discount stores, as well as the more shady dealers operating in dimly lit shabby stores, are believed to be the lifeblood of cargo theft operations. It is believed that many of these merchants are engaged in selling goods which were originally stolen from interstate and foreign commerce shipments. It is charged that these merchants buy goods from middlemen fences who in turn buy directly or control the operations of thieves preying on cargo shipments from all modes of transportation.

If we can disclose this criminal market, take the profit out of cargo thievery, and make those individuals who steal, fence, or receive stolen property civilly liable in damages for their acts, we are going a long way toward taking the profit out of marketing stolen goods. This amendment is designed to reach that goal.

Mr. President, I wish to commend the distinguished senior Senator from Arkansas for his most outstanding cooperation in attempting to raise this problem now preying on the very viability of U.S. commerce. His concern for the problems of the small businessman shipper who bears the brunt of these criminal acts is certainly commendable. His entire concern for victims of crime represents a true and outstanding turnaround in the concept of the role of Government in the protection of the life and property of the citizen. If through the normal criminal justice system, Government is unable to protect the lives and property of our citizens, then it would seem proper and correct that the Government make some effort to compensate for losses suffered by our citizens by events over which they have no control.

I submit to the Members of this body that crime today has reached such national proportions, that affirmative steps contemplated by S. 2994, sponsored by the distinguished gentleman from Arkansas, are essential for the statute books to hopefully bring the relief so sorely needed.

Mr. President, I ask unanimous consent to have the text of the amendment and a section-by-section analysis printed in the Record at the conclusion of my remarks.

There being no objection, the amendment and analysis were ordered to be printed in the Record, as follows:

Amendment No. 994

On page 51, line 22, insert immediately before the period the words "and theft".

On page 55, between lines 19 and 20, insert the following new section:

"Sec. 403. (a) Section 659 of title 18 of the United States Code is amended to read as follows:

'§ 659. Interstate or foreign shipments by carrier; State prosecutions; civil remedies for victims of theft

'(a) It shall be unlawful for any person to embezzle, steal, or unlawfully take, carry away, or conceal, or by fraud or deception obtain, with intent to convert to his own use, and money, baggage, goods, chattels, or other property which is moving as, or which is a part of, or which constitute an interstate or foreign shipment from any pipeline system, railroad car, wagon, motortruck, or other vehicle, or from any tank or storage facility, station, station house, platform or depot or from any steamboat, vessel, or wharf, or from any aircraft, air terminal, airport, aircraft terminal, or air navigation facility, or to buy, receive or have in his possession any such money, baggage, goods, chattels, or other property, knowing, or having reason to know, that it has been embezzled, stolen or otherwise unlawfully taken, carried away, concealed, or obtained.

'(b) It shall be unlawful for any person to embezzle, steal, or unlawfully take, carry away, or conceal, or by fraud or deception obtain with intent to convert to his own use, any money, baggage, goods, chattels, or other property, which shall have come into the possession of any common carrier for transportation in interstate or foreign commerce, or to break into, embezzle, steal, unlawfully take, carry away, or conceal, or by fraud or deception obtain with intent to convert to his own use any of the contents of such baggage, goods, chattels, or other property, or to buy, receive, or have in his possession any such money, baggage, goods, chattels or other property, knowing, or having reason to know that it has been embezzled or stolen or otherwise unlawfully taken, carried away, concealed or obtained.

'(c) It shall be unlawful for any person to embezzle, steal, or unlawfully take, carry away, conceal, or by fraud or deception obtain, with intent to convert to his own use, any money, baggage, goods, chattels, or other property from any railroad car, bus, vehicle, steamboat, vessel, or aircraft operated by common carrier moving in interstate or foreign commerce, or from any passenger thereon, or to buy, receive, or have in his possession any such money, baggage, goods, chattels, or other property, knowing, or having reason to know, that it has been embezzled, stolen, or otherwise unlawfully taken, carried away, concealed or obtained.

'(d) Whoever violates any provision of subsections (a), (b) or (c) of this section shall in each case be fined not more than \$5,000 or imprisoned not more than ten years, or both; but if the amount or value of such money, baggage, goods, chattels, or other property does not exceed \$100, he shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

'(e) The district courts of the United States shall have jurisdiction, without regard to the amount in controversy, to prevent and restrain violations of this section by issuing appropriate orders, including, but not limited to: ordering any person to divest himself of any interest, direct or indirect, in any enterprise; imposing reasonable restrictions on the future activities or investments of any person, including, but not limited to, prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect interstate or foreign commerce; or ordering dissolution or reorganization of any enterprise, making due provision for the rights of innocent persons.

'(f) The Attorney General may institute proceedings under subsection (e) of this section. In any proceedings brought by the United States under subsection (e) of this section, the court shall proceed as soon as practicable to the hearing and determination thereof. Pending final determination thereof, the court may at any time enter such restraining orders or prohibitions, or take such other actions, including the acceptance of satisfactory performance bonds, as it shall deem proper.

'(g) Any person may institute proceedings under subsection (e) of this section. In any proceeding brought by any person under subsection (e) of this section, relief shall be granted in conformity with the principles which govern the granting of injunctive relief from threatened loss or damage in other cases. Upon the execution of proper bond against damages for an injunction improvidently granted and a showing of immediate danger of irreparable loss or damage, a preliminary injunction may be issued in any action before a determination thereof upon its merits.

'(h) Whenever the United States is injured in its business or property by reason of any violation of this section, the Attorney General may bring a civil action in a district court of the United States, without regard to the amount in controversy, and shall recover the actual damages sustained by the United States, and the cost of the action.

'(i) Any person who is injured in his business or property by reason of any violation of this section may bring a civil action in a district court of the United States, without regard to the amount in controversy, and shall recover threefold the actual damages sustained by him, and the cost of the action, including a reasonable attorney's fee.

'(j) Any civil action or proceeding under this section against any person may be instituted in the district court of the United States for any district in which such person resides, is found, has an agent, or transacts his affairs.

'(k) In any civil action or proceeding under this section in any district court of the United States in which it is shown that the ends of justice require that any other party residing in any other district be brought before the court, the court may cause such party to be summoned, and process for that purpose may be served in any judicial district of the United States by the marshal thereof.

'(l) In any civil or criminal action or proceeding under this section in the district court of the United States for any judicial district, subpoenas issued by such court to compel the attendance of witnesses may be served in any other judicial district, except that in any civil action or proceeding no such subpoena shall be issued for service upon any individual who resides in another district at a place more than one hundred miles from the place at which such court is held without approval given by a judge of such court upon a showing of good cause.

'(m) All other process in any civil or criminal action or proceeding under this section may be served on any person in any judicial district in which such person resides, is found, has an agent, or transacts his affairs.

'(n) The Attorney General may, upon timely application, intervene in any civil action or proceeding brought under this section if the Attorney General certifies that in his opinion the case is of general public importance. In such action or proceeding, the United States shall be entitled to the same relief as if he had instituted the action or proceeding.

'(o) A final judgment or decree rendered in favor of the United States in any criminal action or proceeding under this section shall estop the defendant in any subsequent civil proceeding as to all matters respecting which said judgment or decree would be an estoppel as between the parties thereto.

'(p) Except as hereinafter provided, any civil action or proceeding under this section shall be barred unless it is commenced within five years after the cause of action accrued. Whenever any civil or criminal action or proceeding, other than an action under subsection (h) of this section, is brought or intervened in by the United States to prevent, restrain, or punish any violation of this section, the running of the period of limitations prescribed by this subsection with respect to any cause of action arising under subsection (g) or (i) of this section, which is based in whole or in part on any matter complained of in such action or proceeding by the United States, shall be suspended during the pendency of such action or proceeding by the United States and for two years thereafter.

'(q) A violation of this section shall be deemed to have been committed not only in the district where the violation first occurred, but also in any district in which the defendant may have taken or been in possession of the said money, baggage, goods, chattels, or other property.

'(r) The carrying or transporting of any such money, baggage, goods, chattels, or other property in interstate or foreign commerce, knowing, or having reason to know, it had been embezzeled, stolen, or otherwise unlawfully taken, carried away, concealed, or obtained, shall constitute a separate violation and subject the violator to criminal penalties and a civil cause of action under this section and the violation shall be deemed to have been committed in any district into which such money, baggage, goods, chattels, or other property, shall have been removed or into which it shall have been brought by such violator.

'(s) To establish the interstate of foreign commerce character of any shipment in any criminal or civil action or proceeding under this section the waybill or other shipping document of such shipment shall be prima facie evidence of the place from which and to which such shipment was made. The removal of property from a pipeline system which extends interstate shall be prima facie evidence of the interstate character of the shipment of the property. Proof that a person was found in unexplained possession of any money, baggage, goods, chattels, or other property, recently embezzled, stolen or otherwise unlawfully taken, carried away, concealed or obtained by fraud or deception in violation of this section, shall be prima facie evidence that such person knew that such property was or that such person had embezzled, stolen, or otherwise unlawfully taken, carried away, concealed, or obtained by fraud or deception such money, baggage, goods, chattels, or other property in violation of this section. Proof that a person bought or received for a consideration substantially below its fair market value money, baggage, goods, chattels, or other property embezzled, stolen, or otherwise unlawfully taken, carried away, concealed, or obtained by fraud or deception in violation of this section shall be prima facie evidence that such person probably knew that such property was embezzled, stolen, or otherwise unlawfully taken, carried away, concealed or obtained by fraud or deception in violation of this section.

'(t) A judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any criminal prosecution under this section for the same act or acts. Nothing contained in this section shall be construed as indicating an intent on the part of Congress to occupy the field in which provisions of this section operate to the exclusion of State laws on the same subject matter, nor shall any provision of this section be construed as invalidating any provision of State law unless such provision is inconsistent with any of the purposes of this section or any provision thereof.'

"(b) The analysis at the beginning of Chapter 31 of title 18 of the United States Code, for section 659, is amended to read:

'659. Interstate or foreign baggage, express freight; State prosecutions; civil remedies for victims of theft.'

ANALYSIS OF PROPOSED AMENDMENT TO S. 2994, THE VICTIMS OF CRIME ACT OF 1972, AND CHANGES IN 18 U.S.C. SECTION 659

This amendment would amend Title IV of S. 2994, which provides civil remedies for victims of racketeering activity, by extending its provisions to victims of theft. A new section (403) is added to Title 4, which amends and rewrites Section 659 of Title 18 of the U.S. Code, entitled "Interstate or foreign shipments by carrier; State prosecutions." The proposed new section 659 consists of twenty paragraphs designated "a" through "t." The existing section 659 consists of 9 paragraphs, not numbered or lettered.

An analysis of the proposed new section 659 by paragraph follows. Significant changes from the present section 659 are pointed out.

I

Paragraph "a"

Paragraph "a" restates and consolidates Paragraphs 1 and 2 of Section 659 to provide essentially that it shall be unlawful for any person to embezzle, steal, or unlawfully take, carry away, or conceal, or by fraud or deception obtain, with intent to convert to his own use, any money, baggage, goods, chattels, or other property which is moving as, or which is a part of, or which constitute an interstate or foreign shipment from any pipeline system, railroad car, wagon, motortruck, or other vehicle, or from any tank or storage facility, station, station house, platform or depot or from any steamboat, vessel, or wharf, or from any aircraft, air terminal, airport, aircraft terminal, or air navigation facility, or to buy, receive or have in his possession any such money, baggage, goods, chattels, or other property, knowing, or having reason to know, that it has been embezzled, stolen or otherwise unlawfully taken, carried away, concealed, or obtained.

New to this section are the words "money," "baggage," "or other property" and the phrase at the end of the paragraph "knowing, or having reason to know, that it has been embezzled, stolen or otherwise unlawfully taken, carried away, concealed, or obtained."

Paragraph "b"

This paragraph restates paragraph 3 of section 659 to provide that it shall be unlawful for any person to embezzle, steal, or unlawfully take, carry away, or conceal, or by fraud or deception obtain with intent to convert to his own use, any money, baggage, goods, chattels, or other property, which shall have come into the possession of any common carrier for transportation in interstate or foreign commerce, or to break into, embezzle, steal, unlawfully take, carry away, or conceal, or by fraud or deception obtain with intent to convert to his own use any of the contents of such baggage, goods, chattels, or other property, or to buy, receive, or have in his possession any such money, baggage, goods, chattels or other property, knowing, or having reason to know that it has been embezzled or stolen or otherwise unlawfully taken, carried away, concealed or obtained.

New to this section are the words and phrases "money," "goods, chattels, or other property," and "or having reason to know."

Paragraph "c"

This is a restatement of paragraph 4 of section 659 which provides that it shall be unlawful for any person to embezzle, steal, or unlawfully take, carry away, conceal, or by fraud or deception obtain, with intent to convert to his own use, any money, baggage, goods, chattels, or other property from any railroad car, bus, vehicle, steamboat, vessel, or aircraft operated by any common carrier moving in interstate or foreign commerce, or from any passenger thereon, or to buy, receive, or have in his possession any such money, baggage, goods, chattels, or other property, knowing, or having reason to know, that it has been embezzled, stolen, or otherwise unlawfully taken, carried away, concealed or obtained.

New words and phrases are "other property," "having reason to know," "or otherwise unlawfully taken, carried away, concealed or obtained."

Paragraph "d"

This is a restatement of paragraph 5 of section 659, which carries the penalty provisions. Language has been perfected; the penalties are the same.

II

Paragraphs "e" through "p" are new to section 659. They provide:

Paragraph "e"

The district courts of the United States are given jurisdiction, without regard to the amount in controversy, to prevent and restrain violations of this section by issuing appropriate orders, including, but not limited to: ordering any person to divest himself of any interest, direct or indirect, in any enterprise; imposing reasonable restrictions on the future activities or investments of any person, including, but not limited to, prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect interstate or foreign commerce; or ordering dissolution or reorganization of any enterprise, making due provision for the rights of innocent persons.

Paragraph "f"

The Attorney General may institute proceedings under subsection (e) of this section. In any proceedings brought by the United States, the court shall proceed as soon as practicable to the hearing and determination thereof. Pending final determination thereof, the court may at any time enter such restraining orders or prohibitions, or take such other actions, including the acceptance of satisfactory performance bonds, as it shall deem proper.

Paragraph "g"

Any person may institute proceedings under subsection (e) of this section. Relief shall be granted in conformity with the principles which govern the granting of injunctive relief from threatened loss or damage in other cases. Upon the execution of proper bond against damages for an injunction improvidently granted and a showing of immediate danger of irreparable loss or damage, a preliminary injunction may be issued in any action before a determination thereof upon its merits.

Paragraph "h"

Whenever the United States is injured in its business or property by reason of any violation of this section, the Attorney General may bring a civil action in a district court of the United States, without regard to the amount in controversy, and shall recover the actual damages sustained by the United States, and the cost of the action.

Paragraph "i"

Any person who is injured in his business or property by reason of any violation of this section may bring a civil action in a district court of the United States, without regard to the amount in controversy, and shall recover threefold the actual damages sustained by him, and the cost of the action, including a reasonable attorney's fee.

Paragraph "j"

Any civil action or proceeding under this section against any person may be instituted in the district court of the United States for any district in which such person resides, is found, has an agent or transacts his affairs.

Paragraph "k"

In any civil action or proceeding under this section in any district court of the United States in which it is shown that the ends of justice require that any other party residing in any other districts be brought before the court, the court may cause such party to be summoned, and process for that purpose may be served in any judicial district of the United States by the marshal thereof.

Paragraph "l"

In any civil or criminal action or proceeding under this section in the district court of the United States for any judicial district, subpenas issued by such court to compel the attendance of witnesses may be served in any other judicial district, except that in any civil action or proceeding no such subpena shall be issued for service upon any individual who resides in another district at a place more than one hundred miles from the place at which such court is held without approval given by a judge of such court upon a showing of good cause.

Paragraph "m"

All other process in any civil or criminal action or proceeding under this section may be served on any person in any judicial district in which such person resides, is found, has an agent, or transacts his affairs.

Paragraph "n"

The Attorney General may, upon timely application, intervene in any civil action or proceeding brought under this section if in his opinion the case is of general public importance. In such action or proceeding, the United States shall be entitled to the same relief as if he had instituted the action or proceeding.

Paragraph "o"

A final judgment or decree rendered in favor of the United States in any subsequent civil proceeding as to all matters respecting which said judgment or decree would be an estoppel as between the parties thereto.

Paragraph "p"

Except as hereinafter provided, any civil action or proceeding under this section shall be barred unless it is commenced within five years after the cause of action accrued. Whenever any civil or criminal action or proceeding, other than an action under subsection (h) of this section, is brought or intervened in by the United States to prevent, restrain, or punish any violation of this section, the running of the period of limitations prescribed by this subsection with respect to any cause of action arising under subsection (g) or (i) of this section, which is based in whole or in part on any matter complained of in such action or proceeding by the United States, shall be suspended during the pendency of such action or proceeding by the United States and for two years thereafter.

Paragraph "q"

This paragraph takes the place of paragraph 6 of section 659.

A violation of this section shall be deemed to have been committed not only in the district where the violation first occurred, but also in any district in which the defendant may have taken or been in possession of the said money, baggage, goods, chattels, or other property "other property" is new under this amendment.

Paragraph "r"

This takes the place of paragraph 7 of section 659.

The carrying or transporting of any such money, baggage, goods, chattels, or other property in interstate or foreign commerce, knowing, or having reason to know, it had been embezzled, stolen, or otherwise unlawfully taken, carried away, concealed or obtained, shall constitute a separate violation and subject the violator to criminal penalties and a civil cause of action under this section and the violation shall be deemed to have been committed in any district into which such money, baggage, goods, chattels, or other property, shall have been removed or into which it shall have been brought by such violator.

The words, "freight" and "express" now in the law are omitted. New words and phrases are "on other property" "on having reason to know" on otherwise unlawfully taken, carried away, concealed or obtained," "and a civil cause of action under this section."

Paragraph "s"

This paragraph takes the place of paragraph 8 of section 659.

Beginning with the third sentence new material is added, i.e., "Proof that a person was found. . ." also, in the first sentence the phrase "in any criminal or civil action or proceeding."

To establish the interstate or foreign commerce character of any shipment in any criminal or civil action or proceeding under this section the waybill or other shipping document of such shipment shall be prima facie evidence of the place from which and to which such shipment was made. The removal of property from a pipeline system which extends interstate shall be prima facie evidence of the interstate character of the shipment of the property. Proof that a person was found in unexplained possession of any money, baggage, goods, chattels, or other property, recently embezzled, stolen or otherwise unlawfully taken, carried away, concealed or obtained by fraud or deception in violation of this section, shall be prima facie evidence that such person knew that such property was or that such person had embezzled, stolen, or otherwise unlawfully taken, carried away, concealed, or obtained by fraud or deception such money, baggage, goods, chattels, or other property in violation of this section. Proof that a person bought or received for a consideration substantially below its fair market value money, baggage, goods, chattels, or other property embezzled, stolen, or otherwise unlawfully taken, carried away, concealed, or obtained by fraud or deception in violation of this section shall be prima facie evidence that such person probably knew that such property was embezzled, stolen, or otherwise unlawfully taken, carried away, concealed or obtained by fraud or deception in violation of this section.

Paragraph "t"

This paragraph is the same as paragraph 9 of section 659 except for one word. In the first sentence the word "criminal" has been added. A judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any criminal prosecution under this section for the same act or acts. Nothing contained in this section shall be construed as indicating an intent on the part of Congress to occupy the field in which provisions of this section operate to the exclusion of State laws on the same subject matter, nor shall any provision of this section be construed as invalidating any provision of State law unless such provision is inconsistent with any of the purposes of this section or any provision thereof.

III

Section (b) of section 403 of the proposed amendment would change the analysis at the beginning of chapter 31 of title 18 of the United States Code, for section 659, to read:

659. Interstate or foreign baggage, express or freight; State prosecutions; civil remedies for victims of theft.

NOTICE OF INVESTIGATIVE HEARINGS ON BARBITURATE ABUSE

Mr. BAYH. Mr. President, I wish to announce that the Subcommittee to Investigate Juvenile Delinquency of the Committee on the Judiciary is continuing its investigative hearings on barbiturate abuse on March 9 and 10, 1972.

The subcommittee began this investigation with hearings December 15 and 16, 1971, on the extent of barbiturate abuse and the legitimate uses of these dangerous drugs.

The hearings on March 9 and 10 will focus on illegal diversion of legitimately produced barbiturate materials and pills; illicit barbiturate traffic; and law enforcement responses to the diversion and illegal distribution of these dangerous substances.

The hearings will begin at 10 a.m. in room 2228, New Senate Office Building. Any person who wishes to submit a statement for the record should notify Mathea Falco, staff director and chief counsel of the subcommitee at 225-2951.

ADDITIONAL STATEMENTS

THE SPACE SHUTTLE

Mr. THURMOND. Mr. President, there has been much debate in the Senate, and discussion across the Nation, pertaining to the worthiness of our space program. There is a serious question in the minds of some as to whether we should deescalate our space program or push forward with renewed vitality.

It is my judgment that the many unanswered questions in space and the tremendous potential of questions we have answered justifies our continued efforts in this field.

The many worthwhile benefits to be gained from further space research and exploration include such fields as weather research, agriculture, geology, and forestry. We have already improved our communication technology far beyond our expectations of just a few years ago with the development of space communication satellites.

None of these achievements would have been possible without the voyages and the other probes into deep space. As Dr. Wernher von Braun has said:

> We're learning of the relationship between the earth and the sun and their effect on our lives which could be learned in no other way save by means of the rocket and spacecraft.

Mr. President, the proposed space shuttle program can be one of the most important undertakings of the 1970's.

This is a means by which we can have men in space working for men on earth. This is a means by which experts other than astronauts—scientists, physicists, astronomers, and other specialists—can avail themselves of the untapped data in space.

The rocket engines for the shuttle are already under development. The proposed vehicle will be a type that can be used repeatedly on flight after flight, making possible these economical missions which can mean so much to so many.

The shuttle craft and space laboratories can make possible $2½ billion savings annually because of improved weather forecasting and observation. They will mean tremendous savings in areas of crop and forest disease control, areas where we are now losing as much as $7 billion each year. They will mean great strides in uncovering the world's mineral resources, in advancing the world's commercial fisheries to new high levels of production, and in managing timber and water resources.

They will bring new concepts in flood control, irrigation, and power production management programs.

Obviously, there are many benefits, yet untouched, for continuing our efforts in space. Perhaps the best reason is because it is there. It is there, unconquered and almost unchallenged, and man has never been a creature to step back from the face of the unknown.

IMPROVEMENT IN RURAL SERVICES IN ALABAMA

Mr. ALLEN. Mr. President, in the 3 years I have been privileged to serve the people of Alabama in the Senate, we have observed much improvement in rural services in our State. Programs that are working especially well are the rural housing, community water and sewer, and farm credit programs of the U.S. Farmers Home Administration.

In visits over the State during the yearend recess, I found many rural localities where families of low and moderate income—those who a few years ago would have had the least chance to finance new homes—are now the principal homebuyer group.

This change is a result of the Farmers Home Administration's diligent and effective use of its authority to make insured homeownership loans to rural families of modest means, in the countryside and in rural towns of not more than 10,000 population.

Building activity in a rural town no longer comes to a standstill when all demand is satisfied for more expensive new houses for the well-to-do.

Today, the rural family earning a few thousand dollars a year also can buy a new home. A good full-sized house, fully up to standards, can be built in rural Alabama for a price ranging from $12,000 to $15,000. If no other credit is available, a loan through the Farmers Home Administration can be amortized over as long a period as 33 years, and thus repayable at a rate the family of low or moderate income can keep up.

Consequently, some of the most impressive homebuilding activity is in smaller towns and rural settlements where there are few if any wealthy people. The new homes—clean, modernized, with room enough to provide a family with decent living conditions—are to be owned and lived in by families who need them most; families coming out of disreputable shacks or rundown, submodern houses in the towns.

These new homes are not apartment-style concentrations. They are sound and attractive individual houses, with yards, modern bathrooms and kitchens, three or four bedrooms for families with several children. They are replacing blighted sections of town or creating bright new subdivisions.

It is well worthwhile to tour the smaller towns and byways and see how this better housing is beginning to change the face of things, and lift up living conditions of the less affluent rural population.

I have checked with Administrator James V. Smith of the Farmers Home Administration on the rate of progress in Alabama. It has picked up dramatically under his administration of authority to expand rural housing services, under housing legislation of 1968 and 1969.

The Agency's records show that of some 22,000 rural housing loans outstanding with the Farmers Home Administration in Alabama, more than 11,000 have been made the past 2½ years.

Within that time, the Farmers Home Administration has brought into rural Alabama, from insured private sources, about $120 million of housing credit—more than in all the previous 19 years of its rural housing program.

And how are minority people among the low-income population sharing in this opportunity for housing credit? Census reports indicate that rural Alabama has about 80,000 families in the low- to moderate-income group eligible to be served under terms of the National Housing Act. About 26 percent of these families are black. This fiscal year, nearly 38 percent of rural housing loans by the Farmers Home Administration in Alabama have been to black families.

Mr. President, the effect of legislation to improve standards of living in rural areas is just as good as the people's readiness to seize an opportunity to help themselves, and the diligence of the agency administering the program.

These elements are coming together in the results realized from cooperation between rural families, rural communities, and the Farmers Home Administration in Alabama.

Not only have we seen rapid progress in housing, but the past 3 years have brought continuous gains in the rural community water and sewer programs: 34 new rural community water systems in fiscal 1969, 37 in 1970, 55 in 1971. In a decade, 171 water and 15 sewer systems developed for rural town and country areas of the State, and more than half of these in the past 3 years.

At the same time, the Farmers Home Administration is rebuilding its farm credit services that suffered from a letdown in recent years. Its record of 327 loans for $5.6 million to small-farm families in Alabama for ownership of their farms in fiscal 1971 appears to be much improved upon this year.

The first 6 months of fiscal 1972 produced 230 such loans totaling $4 million. In all, more than 4,200 family farms in Alabama are now benefiting from $42.5 million of farm ownership credit outstanding with this Agency. Credit totaling an additional $9 million now in effect is helping to improve production on nearly 3,800 family farms. New policies of cooperative lending with other lenders, introduced last year by the Farmers Home Administration, is estimated to have generated about 30 percent additional credit for the hard-pressed family farmer.

Mr. President, outstanding progress can be made when rural programs are directed through an agency concentrating its interest and service, and conducting its business, through local offices in the rural areas.

Farmers Home Administration is such an Agency, and we commend Administrator Smith and State Director John A. Garrett of Alabama on the services they and their county field forces are performing in our State. This rural FHA has far surpassed any other organization as a channel of credit for housing and community facilities in the rural field to those families eligible for this type of supplementary assistance.

Let me add that the FHA record would be more impressive if the President would soon release funds appropriated by Congress last year for the farm operating loan program and for the water and waste facility grant program.

As I pointed out in a Senate speech on February 9, 1972, the Nixon administration is currently withholding $75 million for farm operating loans and $58 million for rural community sewer and water facilities. In Alabama today, 16 projects have been approved for water and waste facility grants, but the Farmers Home Administration is helpless in its desire to fund these projects due to the refusal of the administration to release impounded moneys.

I was happy to join as a cosponsor of the resolution introduced on February 23 by the distinguished junior Senator from Minnesota (Mr. MONDALE) relating to the release of these impounded FHA funds. These funds must be released soon if Mr. Smith, at the national level, and Mr. Garrett and his counterparts, at the State level, are to continue their outstanding and dedicated roles in the task of redeveloping town and country America.

This is the type of thrust and emphasis we must preserve, indeed strengthen, in order to accomplish the important mission of rural development.

SENATOR A. WILLIS ROBERTSON

Mr. BENNETT. Mr. President, it is not easy to put into words an expression of the appreciation one has for a long friendship with an outstanding man.

My friendship with A. Willis Robertson began when I became a member of the Senate Committee on Banking and Currency in 1951, and it ripened and deepened as each of us moved up toward the head of the committee table. It became firmly fixed when, in 1962, I became the ranking Republican on the committee of which he was chairman, and over the years between then and his retirement from the Senate.

We worked together on every piece of legislation that came before the committee, and I am sure there were not more than one-half dozen on which we voted differently.

Over most of these same years I was in his company every Wednesday morning at the Senate prayer breakfast. He was a tower of strength in that group and contributed to its fellowship, not only in his wonderful spiritual thoughts, but with some equally wonderful Virginia stories. That association created another firm bond between us.

I have one outstanding memory of a single occasion on which we went fishing together in Virginia. I know that in those two days I came to understand his life-long devotion to the welfare of Virginia's sporting wildlife and his great interest and ability as a fisherman and hunter.

Finally, I had the privilege of being present at his funeral, a very impressive occasion, which brought back into focus all the great qualities of character, courtliness, and consideration that made him a true southern gentleman.

Mrs. Bennett joins with me in expressing our sympathy to his sons.

THE PLIGHT OF AEROSPACE WORKERS

Mr. TUNNEY. Mr. President, my colleague from California (Mr. CRANSTON) has written a timely and informative article about the plight of aerospace workers in our present economic squeeze. The article, appearing in the March 1972, issue of Playboy magazine, cogently expresses our Nation's need for the talents and abilities of these unemployed workers.

I ask unanimous consent that the article, entitled "Aerospaced Out," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AEROSPACED OUT

(By U.S. Senator ALAN CRANSTON)

"Applicant is a management-oriented person with extensive administrative and engineering experience. His ability to initiate, organize, plan and administer management policies and engineering programs has been fully developed. Applicant is thoroughly familiar with the most up-to-date engineering techniques, as well as the most effective means of communicating to ensure that programs are completed with success. He is highly regarded by his associates and would be a variable asset to an employer seeking a man with his qualifications."

George Florea, the unemployed 49-year-old aerospace engineer who wrote that self-description for his job résumé, holds two college degrees and was a ten-year employee at the Lockheed Missiles and Space Company plant in Sunnyvale, California, when he was laid off in February 1970. At Christmas of that year, he worked as a department-store Santa Claus for $2.50 an hour, it was his first job in nine months. Florea is a family man with three children; he's a political conservative, a loyal, dedicated citizen and a good neighbor, who for 14 years has lived in the same house on Stephen Road in San Mateo, California. He is understandably baffled that he can't find a job that would utilize his obviously needed skills, training and talent.

There are about 85,000 George Floreas around the nation at present. Most of them are concentrated where the high-technology aerospace and defense industries are located—in California, Massachusetts, Connecticut, New York, Texas, Pennsylvania, Ohio, New Jersey, Missouri, Washington and Florida. Cutbacks in space and defense contracts and a drop in Vietnam expenditures from 28 billion dollars to around ten billion dollars annually, grossly exacerbated by a general economic slowdown, brought the mass layoffs. There were 235,000 scientists and engineers employed in aerospace in 1968. Today there are around 150,000. Total employment in aerospace is down nearly 518,000 from 1968, the peak year of employment, when 1,400,000 were on the industry payrolls.

Since the end of World War Two, the aerospace and defense industries have roller-coastered through their own depression-prosperity cycles, generated by alternate waves of war scares, defense-technology "breakthroughs" and big-spending space programs. And now the roller coaster is down again, deep in the trough of NASA budget cuts and a slowdown in defense spending—an estimated 18 billion dollars in defense procurement for 1972, compared with 24 billion dollars in 1968—due in no small part to Congressional resistance to unwarrantedly large defense budgets.

So George Florea got the ax. And he and other engineers and scientists, worried industrialists and perplexed politicians are asking: What happened to conversion? The men and the companies that built the enormously complex Apollo rockets, spaceships and communications systems surely have something to contribute to meeting our critical civilian needs.

Electronically operated transportation systems, complex computer networks for programmed education and health services, air- and water-pollution-control systems, airport-traffic-control systems, ocean and atmospheric monitoring, assembly-line mass-produced housing, plus hundreds of other ideas for solving the nation's economic, social and environmental problems have been offered. But what has resulted?

Conversion may have been talked to death—if, indeed, it ever was alive. Hundreds of studies, millions of written words, thousands of speeches and desks full of editorials have warned, charged, proposed, exhorted, complained and explained the need for the nation to prepare for peace and begin the task of converting our giant aerospace and defense technology from arms production to the production of civilian goods and services.

Congress for years has wrestled with the question of conversion. Scores of hearings have been held, legislation introduced, surveys made, economists and business experts heard. But for all those hearings and studies, surveys and reports, America continues to waste the 85,000 engineering and scientific brains that helped design our intricate space and defense systems and to waste billions of dollars' worth of plants and equipment that now lie rusting.

Six years ago, the state of California commissioned four systems-analysis studies by the aerospace industry. The idea was to apply the aerospace-systems approach to dealing with crime, transportation and waste disposal. The studies drew national attention as forerunners of how space and missile enginering and management techniques could be used to solve more earthly problems. Today, under a different state administration, the four studies are gathering dust on the "conversion shelf" in the California State Library—four more monuments to America's naïve faith that a problem will be solved if only enough people keep talking and writing about it.

Few people doubt that these experts could design civilian systems to help solve social and governmental problems if they were given the chance. That's not the problem. The hang-up lies in the failure of government to plan adequately for the redeployment of men and facilities far enough in advance of the layoffs and cutbacks. The arms race triggered by Cold War fears after World War Two, the space race triggered by the Soviet success with Sputnik in 1957, and the Korean and Vietnam wars kept the high-technology aerospace and defense industries busy. Unemployment was only an occasional thing. An engineer was never out of work; he was only "between jobs," like a Hollywood actor. He waited out an occasional layoff beside his swimming pool, where he leisurely selected the best of several attractive offers.

But now the historic Apollo program is almost finished and the NASA budget has been severely cut. Total industry sales have dropped from nearly 30 billion dollars in 1968 to around 23.3 billion dollars in 1971. Yet no coordinated plan has been put forth to move men and materials out of armaments and space exploration and into jobs to improve our society and the lives of our people. The "peace dividend" that private and Governmental economists avidly anticipated, the money that was to be left over for more productive purposes when costly cold and hot wars were wound down, has yet to appear in the national budget. It has been eaten up by inflation, the incessant drive for new weapons and the futile, unending race to outpace military obsolescence.

It's simply not possible to speak of guns and butter when we spend more on military matters than on anything else. Our Government seems unable to conceive of anything with a higher priority than arms and arms races. In consequence, domestic problems such as education, health, housing and transportation have been sacrificed. Sacrificed, too, have been the jobs these pursuits could have created and the men who could have filled them.

One California engineer commits suicide holding a handful of rejection letters telling him there are no openings; another operates an ice-cream stand; George Florea becomes Santa Claus; and thousands of others head for the welfare offices and unemployment-benefit lines. There is growing bitterness on those lines. Thomas O. was an aerospace engineer-manager near San Jose, California, with six kids and a $300-a-month home. He owned a boat and was making payments on two cars. Now he's on welfare, using food stamps to feed the kids. He's articulate and angry:

"You know. we aerospace people thought we were a special breed and we still try to keep our elitist position even in the unemployment lines. We talk about *The Wall Street Journal*. We dress up in our suits as though we were going to lunch with an important executive. Most of all, we look straight ahead as we stand in line, trying not to see the other unemployed workers around us. Well, I'm tired of that 'motherhood, sunshine and 1972-will-be-better' bull. Engineers are expected not to rock the boat, but if being unemployed has taught me anything, it has opened my eyes to the great big lie I've been fed about being an elitist."

Melvin S. of Los Angeles sardonically suggests that aerospace engineers be listed as an endangered species and proposes the establishment of an Aerospace Preserve and Environmental Sanctuary (APES). A newly formed organization called the American Engineers and Scientists Association is attempting to organize a national campaign to discourage students from entering engineering and scientific programs of study.

Even when an engineering job does open up, the help-wanted ad will often read, "No aerospace, please." Why no aerospace? "They're too old . . . They've been overpaid . . . They're overspecialized . . . They haven't kept up to date in their fields . . . Young graduates are smarter, know computers, come cheaper and are more eager . . ." So the answers go.

How about retraining? Why not turn the aerospace engineer into, say, an environmental engineer? Twenty-four men who would rather switch than continue a losing fight have undergone that kind of retraining at the University of California at Irvine. Others are enrolled in special summer programs at USC. But will there be jobs for them when they are finished? The answer is uncertain. For one thing, the money for massive pollution-control system isn't being made available either by Government or by industry.

For another, these men will be competing with younger, freshly turned out environmental engineers. Many prospective employers consider the 50-year-old engineer no match even for the undergraduate engineering student of 1972. "Our freshmen start right in on computer," says a department head of a university engineering school. They deal with advanced concepts and are taught to think conceptually. The man who graduated 25 or 30 years ago doesn't know computers and if he hasn't been going back to school regularly, he no longer even knows the field in which he was trained."

Better job-information systems are being devised. The Department of Labor has created a national registry for engineers and other skilled workers, and there presently are job banks in more than 100 major cities, linked by teletype and computers, to list and match jobs and applicants. A few men are being placed. But with further cutbacks and phase-outs scheduled, unemployment in aerospace is mounting faster than jobs are opening up in other fields.

Some aerospace companies foresaw trouble coming and began diversifying years ago. A few companies merged. They and others acquired satellite firms. Some set up new companies to convert from space technology to the production of civilian goods. A number of these businesses began experimenting with programmed education, communications networks based on computers and new systems for environmental controls. They have had some success—though, clearly, a $250,000 contract for designing a sewage-disposal system for a small town in Ohio is hardly in the same league with a billion-dollar contract for a Saturn booster.

Nevertheless, some aerospace companies have proved that where a real need exists and money is available, either conversion or diversification can be effected.

Litton Industries is completing an experimental smog-monitoring system for the Los Angeles County Air Pollution Control District. Litton's environmental-systems division in Camarillo, California, which has been involved in pollution-monitoring systems since 1967, is building 12 automated, remote monitoring stations to keep constant tabs on the area's temperature, humidity, wind speed and direction, and concentrations of sulphur dioxide, carbon monoxide, hydrocarbons, oxides of nitrogen and other contaminants. Linked by telephone lines to a central computer, the stations serve as an instant-warning system for broadcasting smog alerts and will track new sources of pollution. Litton predicts a $250,000,000 market for pollution-monitoring systems in the United States alone. Judging by prospects and needs, Litton may be thinking small.

Another California aerospace company, the Electro Dynamics division of General Dynamics in San Diego, is working on the prototype of an ocean-monitoring system to provide basic data on the marine biosphere, which, many scientists agree, is seriously threatened by pollution and poisoning. Electro Dynamics is building six automated electronic ocean buoys for the National Oceanic and Atmospheric Agency at a cost of about $3,000,000. If the pilot project is successful, Electro Dynamics foresees a system of up to 500 buoys, costing perhaps $500,000,000, in the next ten years.

The oceans are basic to man's life on this planet. They are the source of 70 percent of our oxygen and ten percent of the animal protein we consume each year. We could get much more life-sustaining protein out of the oceans if we tried. Two billion tons of fish are hatched each year, yet we catch just three percent—60,000,000 tons—by means of present techniques. Those two billion tons of fish, if caught, would quadruple the amount of fish protein now available. And if we were to distribute the catch more equitably throughout the world, it could provide the basic protein needs of a world population ten times the present 3.6 billion.

This is not to suggest that we ever could—or would want to—catch and consume that much fish. We probably couldn't change world dietary habits that radically and, in any case, we would want to be wary lest we upset the ecological balance of the seas. But we have a long way to go if we want to convert the oceans into the "breadbasket of the future." And there are many technological advances that could be made if we had a mind (and were willing to spend the money) to make them.

The oceans are also a vast source of mineral wealth. Massive concentrations of minerals lie on the ocean floors and huge oil deposits are under the continental shelves. Yet we have all but neglected oceanic explorations. The scientists and engineers who conquered space are only now moving into the deep waters of the ancient mysteries of the sea. North American-Rockwell's ocean-systems division developed a small research submarine that could become part of a futuristic underwater oil-development system. North American and Mobil Oil jointly produced a $5,200,000 prototype underwater oil-pumping station that can be serviced from a submarine. The underwater oil-pumping system, built under a cylindrical structure, will permit oil operations in the waters of the continental shelf. Had such a system been available in 1969, the blowout disaster in the Santa Barbara Channel might have been prevented.

I contend, and I have introduced legislation in the Senate to back up my contention, that all oil drilling in Federal waters in the channel should be halted until we have perfected the technique of sea-bottom oil completions. We already have much of the know-how. We have the scientists and engineers. We lack only the incentive and the determination. By forbidding further oil exploitation of the outer continental shelf until it can be accomplished pollution-free, my bill would would supply both the incentive (albeit a negative incentive of the loss of industrial profits and Governmental revenues) and the determination (to regain both profits and revenues).

Lockheed Missiles and Space Company, which got into oceanwork through its Polaris submarine and other underwater defense systems, has also been doing much marine experimentation. Its Deep Quest submarine has been conducting research and rescue operations. It salvaged, for example, the flight-log tape recorder from a commercial-airline jet that crashed in the deep ocean water off Los Angeles in January 1969, enabling investigators to determine the cause of the accident. Lockheed has also developed an ocean oil-pumping system and is investigating methods of mining the valuable manganese modules that cover huge expanses of the ocean floor.

Westinghouse Electric, General Electric and a host of other companies also are involved in ocean-systems work of one kind or another and to one degree or another. But most of the work is merely exploratory and almost all of it is vastly underfunded. Federal expenditures for oceanography in fiscal 1971 totaled $518,500,000. That's about the equivalent of seven days of warfare in Vietnam when we were spending 28 billion dollars a year there defoliating the countryside, destroying villages and crashing helicopters in the jungles as though they were dime-store toys with make-believe occupants.

Proponents of the SST argued that many George Floreas could have been employed if Congress had not voted to end Federal funding. I was among those who voted against it. I did so because I believe the SST is an unjustified aeronautic, environmental and economic gamble that neither the country nor the aviation industry really needs.

Our real aviation needs are easier to meet: faster access to and from airports; fewer delays in landings and take-offs; greater flying safety, both at airports and in mid-air; nonpolluting, quieter aircraft; and, most notably, short-take-off-and-landing. Planes (STOLs) capable of feeding smaller and more conveniently located airports.

STOL aircraft are capable of operating on 1500-foot runways. Such planes, already being experimentally flown by McDonnell-Douglas, could serve the 90 percent of our 11,261 airports that conventional jets, requiring 7500-to-10,000-foot runways, cannot use. They could relieve congestion at our major airports by making short hauls to places not served by the big jets. Short hauls, airline executives have pointed out, are the real meat and potatoes of the business—not flying a few affluent travelers across the ocean at supersonic speeds.

We need greatly improved ground-to-air traffic control and microwave landing-guidance systems, and we need high-speed, nonpolluting ground transportation between airports and adjoining cities. What air traveler hasn't had the frustration of being caught in car-bus jams on airport streets, spending as much time fighting traffic and fumes on the ground as he spends in the air?

Alternatives are available. A 200-mile-an-hour overhead monorail and air-cushion vehicle can be built. Systems have been proposed for both Dulles Airport near Washington, D.C., and between Los Angeles Airport and the San Fernando Valley. But, again, Federal financing has been hesitant, meager and late. Had President Johnson, for example, decided in 1965 to put $800,000,000 into designing and subsidizing an air-cushion train—instead of the ill-fated and inglorious SST—he would have promoted a largely polluton-free new industry that today would be employing tens of thousands of industrial and construction workers. And though President Nixon, shortly after he took office, announced that our cities would need at least ten billion dollars in Federal aid to meet their mass-transit needs over the next 12 years, the bill the Administration supported limited the amount that could be obligated during the first five years to just 3.1 billion dollars.

How far can that kind of money stretch on a two-to-one Federal/city matching basis (as the law proposes), in light of our needs? Not very far. San Francisco has already spent 1.4 billion dollars (93 percent of it in local funds) on its Bay Area Rapid Transit. Los Angeles estimates it will cost 2.5 billion dollars over the next eight years to meet the transportation needs of its inner city and New York puts its needs at ten billion dollars over the next five years.

I proposed giving the Department of Transportation immediate authority to obligate the Federal Government up to the full ten billion dollars, so our cities would know for sure how much money they could expect from Washington in the next decade and could move rapidly ahead to meet their mass-transit needs. My proposal won 24 Senate votes—not enough to win. I also proposed a mass-transit fund, similar to the highway trust fund that has made freeway construction so prolific. But I lost on that, too. I intend to try again, however, on both counts.

With the right kind of Government help, the aerospace industry could tackle another air-travel problem—the monstrous noise that plagues millions of people who live and work under jet landing and take-off paths. And it could create more jobs in the process. Through retrofitting—soundproofing engine nacelles and enlarging the size of the engine's exhaust outlets—jet noise could be cut at least in half. I have introduced a bill that would require that the near-2000 jet planes now in use be retrofitted by January 1, 1976. Based on formulas prepared by the Aeropsace Industries Association, I estimate that if my bill becomes law, 35,000 people will be employed for two years developing and installing the retrofits, and these jobs will generate another 57,000 jobs outside aerospace. Hundreds of these jobs would go to aerospace engineers presently collecting food stamps and reading want ads.

Health and education systems also are ready targets for new electronic, computerized systems. Medical-information specialists believe the crisis in medical care cannot be solved without quantum-jump improvements in information systems, using computer banks and video matrix terminals (two-way televisionlike communication devices). Lockheed Missiles and Space Company at Sunnyvale (Florea's old firm) designed and built a video-computer medical-information system for a hospital, utilizing space-age communication devices. The system involves computerized record keeping on all patients and television devices that flash diagnostic and treatment information to doctors and nurses.

Many education specialists believe similar systems are needed to modernize schools and improve individualized self-teaching through mass-media techniques—primarily television and computers.

The makers of the weapons of mass death have, ironically, considerable capacity to perfect and produce nonlethal weapons, ones that could help civilian police reduce the unpleasantness of some of their unpleasant work and, at the same time, vastly increase their ability to maintain law and order—justly. Because of the general unavailability of effective nonlethal devices, police often have difficulty dealing adequately with civil disorders in which the use of deadly force may be uncalled for or stopping a fugitive or responding to an attack for fear of shooting bystanders.

Police also need flexible, effective and quickly available protective equipment to shield them from bodily harm during the performance of their duty. In many instances of so-called overreaction, law-enforcement officers are, in fact, reacting to real or imagined threats to their lives. A policeman or a deputy who doesn't feel his life is in imminent jeopardy is better able to keep his cool and act in a restranied, professional manner.

The Ground Systems Group of Hughes Aircraft Company recently completed a detailed design for a $45,000,000 command-control communications system for the Los Angeles Police Department that may revolutionize policework. A digital radio transmitter in each patrol car is connected to computer terminals and enables the policeman to obtain immediate data on suspects, stolen cars and other missing property. By means of broadcast radio signals, every car is automatically tracked by computers. Dispatchers are able to spot car locations instantly on electronic maps and each policeman has an emergency-trigger device in his pocket to use if he is in trouble away from his car. The trigger, a tiny transmitter, broadcasts an SOS signal through the car radio. This centralized computer-automated dispatch center can cut down by an estimated 62 percent the time it takes to get a patrol car to the scene of a crime or an accident.

The scientists and engineers who designed and built the marvelously intricate systems for the Saturn rocket and the Apollo missions recognize that the same techniques can be applied to overcoming the problems of mass urban transit, health, education, crime and pollution. Many of us in the Government see the possibilities, too.

Why don't we get on with it? All of those systems and more could be built with the help of the 85,000 Unemployed Floreas, whose precious time and talent are going to waste. We have the manpower, the technology, the plant equipment and the know-how. But diversification isn't easy in a depressed economy.

In a well-intentioned but sadly misdirected effort to combat inflation, the President deliberately set out to cool the economy (a rather dubious objective, by the way, for the millions who live on the edge of unemployment or underemployment, for whom the economy wasn't so hot to begin with). His fiscal and monetary policies all too obviously didn't deflate our continuing inflation. But he did succeed in raising unemployment to a ten-year high (the highest since 1959 in California), in driving homes out of the reach of most middle- and even upper-middle-income families and in throttling down the economy.

The Administration has consistently thwarted Congressional efforts to reverse this deplorable state of affairs. Perhaps the most egregious example is the freeze that the Office of Management and Budget placed on 12 billion dollars Congress had appropriated in 1970 for domestic needs ranging from health services, mental health, education and economic development to urban renewal, reclamation, housing and model cities. I estimate that at least 1.613 billion dollars of these job-stimulating funds would have gone into engineering and science-related fields.

By the end of 1971, 12 billion dollars appropriated by Congress for various domestic programs still had not been spent by Mr. Nixon. In hopes of breaking some of this money loose—and to dramatize the paradox of our spending 2.6 billion dollars in military and economic aid overseas while retrenching here at home—the Senate amended the foreign-aid bill just before Christmas recess to require that the Administration spend 2.268 billion dollars of those impounded funds: 1.71 billion dollars for the Department of Housing and Urban Development; $429,000,000 for the Department of Agriculture, including $56,000,000 for water and sewer projects in communities of under 500,000; and $131,000,000 for the Department of Health, Education and Welfare.

Thousands of jobs could be created for unemployed aerospace and defense workers with the release of frozen appropriations, such as $10,000,000 for the National Science Foundation, $20,000,000 for the National Aeronautics and Space Administration, $43,000,000 for the Corps of Engineers and $170,000,000 for the Atomic Energy Commission. Government economists estimate that for every billion dollars spent by the Federal Government, 70,000 jobs are created. Thus, release of those 12 billion dollars would provide jobs for 840,000 unemployed Americans.

Our priorities must be to:

1. Restore economic growth and full employment, with expanding opportunities for everybody and with full consideration for the protection and preservation of our environment.

2. End our debilitating inflation by ending its primary cause: the cruelly immoral Vietnam war that has bled our youth, split our country and cost us more than 120 billion dollars.

3. Halt the unspeakably dangerous, unbelievably expensive nuclear-arms race that will one day destroy us and the Soviet Union financially if we don't first destroy each other physically.

We both keep pouring millions upon millions of dollars into ever-more-monstrous systems of destruction, even though we already possess enough weapons to wipe each other out several times over. It doesn't make sense. And it doesn't make for national security. Quite the reverse. The danger of an intentional or accidental attack grows with each provocative deployment and counterdeployment. Fear, suspicion and a treacherous sense of insecurity are the self-defeating consequences of the nuclear-arms build-up, together with a staggering waste of the natural resources and human talents we so desperately need to put to better use.

The Administration's proposed defense budget for fiscal 1972 calls for 76 billion dollars, some one to two billion dollars more than was spent in fiscal 1971. Not an encouraging sign, but I hope to help see to it that the figure is substantially lower by the time Congress gets through working the budget over. I was pleased to note that the new budget calls for a $700,000,000 increase in military research and development, the first such big jump in several years. I look upon research and development as an insurance policy for national security. It cuts lead time on producing essential new weapons when production is legitimately called for and enables us to avoid producing weapons prematurely and deploying them out of fear.

I also believe that defense-research funds should not be limited to military purposes. I have urged the Armed Services Committee to allow defense contractors to use basic-research funds supplied by the Government to diversify their operations to meet the domestic needs they are particularly qualified to handle.

We are wasting precious time looking for ways to motivate aerospace and defense industries to diversify. There's no big secret in how to redirect American space and arms production into domestic channels. The Government, in partnership with private industry, must make the switch profitable; American capitalists and labor will do the rest.

First, the Government must put its priorities in proper order, so that pressing needs such as housing, education, health, mass transit and pollution control are placed ahead of fighting wars, piling up provocative missiles, financing dictatorial foreign governments and building unwanted supersonic gewgaws.

Next, the Government must back up those priorities with substantial sums of money, not token amounts that finance a few timid, tentative steps but money on the massive order of what we normally spend on ABMs and MIRVs and space shots without blinking an eye.

Finally, the Government should let contracts. We need to create a central source of Federal funding and contracting that can do for our domestic priorities the kind of job the Department of Defense has done for defense and NASA has done for space. There is a huge, unmet market demand for peacetime goods and services in our crowded schools and crime-infested cities, in our urban ghettos and rural slums and in our understaffed hospitals and on our polluted freeways. We need to infuse money into those markets, so that their needs will have behind them the ring of hard cash that private industry can hear.

Unhappily, we still have not defined our basic goals as a nation. As a result of not being sure of where we want to go, we have only the foggiest notions of how to get there, or anywhere. The American system is notorious for its lack of over-all planning, with the momentary demands of the market and of the electorate determination our economic and political directions. That method has its obvious drawbacks: waste, inefficiency, stumbling from crisis to crisis.

But it also has a great advantage: freedom. Human affairs are too diverse and unorganized to be directed tidily from the top. Governmental institutions should encourage diversity, not stifle it in regimentation.

But diversity and individuality need not mean social chaos. People can have common goals and universal needs as well as personal ambitions and individual desires. Indeed, man thrives best when he has a clear sense of direction, for both himself and his society.

DISTORTION AND MANIPULATION OF THE NEWS

Mr. THURMOND. Mr. President, current hearings before the Constitutional Rights Subcommittee of the Senate Judiciary Committee have reopened the debate concerning the source of attempts to distort the news and to manipulate the public's understanding of current events. We still have not solved the problem of the management of news in the mass media through omissions, distortions or fabrications.

There are those who charge that the real problem stems from the criticism of the mass media by high government officials; particularly the fine statements of the Vice President. But the real problem is in much of the news media themselves.

Fortunately the press itself is not without critics among the ranks of experienced newsmen and editors. One such critic is Herman H. Dinsmore, former editor of the international edition of the New York Times and author of the authoritative book entitled "All the News That Fits: A Critical Analysis of the News and Editorial Contents of the New York Times," published in 1970 by Arlington House.

In an address on December 6, 1971, before the American Speakers Forum of Schenectady, N.Y., Mr. Dinsmore in a scholarly manner recognizes the prime importance of the New York Times in controlling the flow of news to the people of one country, reveals some of its practices that have had disastrous consequences, and calls for a return to truthful reporting.

Mr. Dinsmore is not a novice in the task that he has undertaken. In a notable address before the Cosmos Club of Washington, D.C. last year, he spoke on the subject, "Distorted News Loses Lives and Thwarts the Search for Peace," which I had printed in the CONGRESSIONAL RECORD of June 4, 1971. His most recent address on December 6 at Schenectady is a splendid sequel to the earlier one.

Mr. President, as this address should be of interest to all Members of Congress who read the New York Times and officials in the executive branch who use it in connection with the formulation of national policies, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

CURRENT HISTORY EVERYONE NEEDS TO KNOW

(Address by Herman H. Dinsmore, before the American Speakers Forum Inc., Schenectady, N.Y., December 6, 1971)

Henry Ford, founder of the Ford Motor Company, astounded the country in 1919 when he said, "History is bunk." In 1862 Abraham Lincoln had said "we cannot escape history. . . . We of this Congress and this administration will be remembered in spite of ourselves. No personal significance or insignificance can spare one or another of us. The fiery trial through which we pass will light us down, in honor or dishonor, to the last generation. . . . In times like the present, men should utter nothing for which they would not willingly be responsible through time and in eternity."

Whatever may be said for Henry Ford's view about the record of the past, I prefer Lincoln's estimate of it because it appeals to my most civilized instincts—I want to believe that it is the right honorable attitude toward the past, the present and the rectitude with which the future will view us. But I know perfectly well that much of our current history is bunk, and I can only pray that somehow we will all come to know it as it is, as it happened, and that we will be judged in the future by civilized men and not by barbarians who have gained control of the world. That is why I have chosen to speak on the subject, "Current History Everyone Needs to Know."

News is another name for current history. Roughly, anything previous to last year's news is history—that is, for historians. But for living people, current history is the news of what happened during their lifetime. To avoid any generation gap, "current history" will be used to cover news as well as history. What I will try to show is that much current history is not regarded as news, and that some highly essential facts about the history of the last thirty years are not known to the general public. You cannot avoid errors by learning from history if you do not know history in the first place. There have been so many omissions, distortions and fabrications that one could not tell them all in one evening, even if one knew them all. Nonetheless I will touch upon some startling matters that our Government, our newspapers, in whole or in part, our television and radio channels, and our news magazines have neglected to tell us. Some of these omissions, distortions or fabrications, or a combination of them, add up to matters of immense importance. You will judge for yourself, of course.

First, the omissions.

One of the tenderest state secrets among classified documents in Washington is the matter of how the United States came to supply to the Soviet Government information and materials to make the atomic bomb. The decision to inform the Russians that the United States was planning to manufacture atomic bombs was made by some one as early as 1942. Without doubt the Russians received large amounts of information in regard to the American atomic bomb project from spies, but the handing over of atomic materials in massive amounts was done on orders of high United States Government officials. By 1945 the United States had shipped or flown more than 22 million pounds of scarce and needed atomic bomb materials to the Soviet Union.

More than 99 per cent of all Americans, including officials, knew nothing about the United States atomic project until the bomb was exploded in 1945. Yet by 1944 the Russians boasted in the Soviet Union that they too had a Manhattan Project, which was the American name given to the supposedly secret United States atomic bomb project. One American historian called it "sacredly secret." How wrong his history was! W. L. White, another American, wrote a book called *Report on the Russians*, which was published in 1945. But it was not until March 17, 1950, that he related in the Kansas City Star:

"Just what do they know in the Soviet Union about our atomic secret? When I visited Russia in 1944 they knew more than I did. A Soviet guide took our party on a tour of Leningrad. At the badly bombed

Kirov electrical plant, a curious contraption of rusty steel caught my attention.

"What is that?" I asked Kirilov, our guide.

"'Oh, that,' said Kirilov, 'is cyclotron. Is used by our great Soviet physicist, Professor Joffe, when he makes, how you say, splitting of atom. But this is old,' continued Kirilov. 'The new ones we move them behind Ural Mountains. Behind Urals Professor Joffe has much newer, much better.'. . . .

"'Behind Urals we have many big things. We have like you call in America Manhattan Project. You know this, yes?'

"'Oh, of course,' I said. 'We have lots of war projects in New York.' 'Not in New York,' said Kirilov looking at me intently 'Manhattan Project. You know of this?'

"'But Manhattan' I said 'is a part of New York. Of course I know Manhattan. I live there!'

"It was not until an entire year had passed—and the atomic bomb went off at Hiroshima—that I understood at last exactly what it was that poor stammering Kirilov had been trying to ask me."

It is by such a backdoor method that we the people discover that the Russians had an atomic bomb project or said that they had such a project as early as 1944. But I did not know about this Russian knowledge and alleged activity until 1969, 25 years later, and I am supposed to be a newspaper man. Yet that is not the full size of the knowledge lag in our times, not really meaning to make a pun. It was in 1969 that I read Major George Racey Jordan's *Diaries*, a book which was published in 1952 and which gave the details of our shipments and air cargoes to the U.S.S.R. of 22,958,742 pounds of materials used in the construction of atomic bombs, plus "millions of dollars worth of mining, ore-crushing, and construction equipment." The newspapers unfortunately did not compete with one another for the publication rights to Major Jordan's revelations, and the published reviews treated it as just another book of no great moment and, in fact, of dubious content.

Who was Major Jordan? Could he really know what he was writing and speaking about? Did he have the respect of his fellow officers? The answers are yes. I know two men who were his fellow officers, a colonel in the Army and a captain in the Navy, both highly respected men themselves. It was the colonel who suggested that Major Jordan publish his diaries. Major Jordan was a flier with the American Expeditionary Force in France in World War I, and as an Army officer in World War II he was the expediter of materials sent to the Soviet Union to aid in fighting Nazi Germany. He was a worthy, courageous and altogether admirable citizen who did in fact serve his country above and beyond the call of duty. He was stationed at Newark, New Jersey; Great Falls, Montana, and Fairbanks, Alaska, and he visited Russia to check on the delivery of Lend-Lease materials.

The millions of pounds of atomic bomb-making materials sent to the Soviets went by way of Lend-Lease, which was under the direction of Harry Hopkins. Small quantities of uranium ore were sent by the Manhattan Project itself, with the knowledge of Gen. Leslie R. Groves, the commander. General Groves was not trying to help the Russians, and apparently he did not know about the Lend-Lease shipments to the Soviet Union at the time during World War II. It appears that the secrecy about the bomb was so hush-hush that the Russians were able to take advantage of that very situation, and, of course, they had many friends at court. Major Jordan received no medals or Pulitzer Prizes for his disclosures. On the contrary, he was charged by one writer with having had a suspicious attitude toward the Russians and with making unauthorized inspections of American materials being flown to them. More foolish charges than these cannot be imagined.

Here is a quotation from Major Jordan's *Diaries:*

"That the Russians found out everything (about the United States atomic bomb project) from alpha to omega, has been established by volumes of proof. Through trials in Canada, England and the United States there has been revealed the existence of an espionage network so enormously effective that Russia, scientists calculated, 'should have been able to make a bomb considerably before September, 1949.' . . .

"In the light of these disclosures, there stands in plain view the answer to a mystery that troubled James F. Byrnes, (United States) Secretary of State, at the Potsdam Conference (in 1945). Following a session of the 'Big Three,' on the afternoon of July 24, 1945, (President) Harry S. Truman walked around the large circular table to Joseph Stalin's chair. We had perfected a new bomb, (Mr. Truman) said, more powerful than anything known. Unless there was an early surrender, we would use it against Japan.

"'Stalin's only reply,' writes Mr. Byrnes, 'was to say that he was glad to hear of the bomb and he hoped we would use it. I was surprised at Stalin's lack of interest. I concluded that he had not grasped the importance of the discovery. I thought that the following day he would ask for more information about it. He did not. . . .' (From *Speaking Frankly*, by James F. Byrnes (Harper, 1947), page 263.)

"On the contrary, Stalin probably knew more about the bomb than Truman and Byrnes together. Perhaps he was struck speechless by the simplicity of his American guests. What did they take him for, he may have been thinking, not to have informed himself to the last particular regarding a weapon bound to revolutionize war?"

It is hard to believe that President Truman did not then know about the Soviet efforts to build the atomic bomb. He said in 1953, after leaving office, he did not believe the Russians "have the bomb." At any rate, the Soviet Government knew about our atomic work, and that government then as now regarded itself as our enemy. Meanwhile, the American people groped in total darkness, since neither the Government nor the press was seeking to keep them informed of this current history. I am not suggesting that the public ought to have been told the secrets concerning the manufacture of the bomb. I am asserting that the people had a right to know what we had given the Russians at some point, possibly some time in 1945 after the issuance of the Smyth Report, which told something about how the bomb was made.

There were without doubt a number of Americans who knew parts of this story, but the newspapers and other communications media were not then, nor are they now, bent upon getting or giving the facts in this matter to the public. This is not accidental. Dr. Anthony Kubek of Dallas University wrote an excellent book describing the background, entitled, *How The Far East Was Lost*. It was not reviewed in some essential book channels to the people. One organ that omitted any mention of the volume was *The New York Times*. Dr. Kubek wrote:

"On the eve of General Follett Bradley's departure for Moscow (in 1942), (President) Roosevelt turned to him and remarked: 'the important thing to impress on the Russians is that we are wholly realistic about shipments to Russia.' Every effort will be made 'to make deliveries by any and all practical means.' Our position should be to say to the Russians that 'we can let them have almost everything they want.' (I may say here that as it turned out the Russians may well have received *everything* they wanted. It is not likely that we know even today *all* that they got.)

"A flood of American Lend-Lease goods began to pour into Russia. Over fifteen million tons of cargo, in more than twenty-five hundred ships, were delivered. Hundreds of thousands of trucks, motorcycles, and combat vehicles, plus millions of tons of industrial goods and foodstuffs, bolstered the Soviet armies. 'Our policy,' writes General (John R.) Deane, 'was to make any of our new inventions in electronics and other fields available to the Russians. . .' Each month the General received a revised list of secret American equipment about which Russia could be informed.

"In addition, with the enthusiastic help of Harry Hopkins, the United States shipped, year after year, millions of pounds of atomic bomb material. 'Every possible effort will be made to meet all Protocol commitments at the earliest possible date,' said Hopkins, 'The United States remains firm in the belief that material aid' to the Soviet Union is of 'highest strategical importance.' In 1943, the U.S. government issued export licenses for the delivery of atomic bomb materials to the U.S.S.R. Restricted orders of the Manhattan Project were bypassed by the Canadian Radium and Uranium Corporation, an American firm with the 'right' contacts in Washington."

That background sets the stage for the next disclosure. This suggests enormous omissions by the press and other communications media. This information came to me as a thunderous surprise only last month in a work that one reviewer called the greatest publication since the Bible. He said he meant no disrespect. This work, in two volumes so far, is entitled, *Western Technology and Soviet Economic Development*, written by Dr. Antony C. Sutton of the Hoover Institution on War, Revolution and Peace at Stanford University. Dr. Sutton discloses that virtually all of basic Soviet industry has been restored or created by Western capital and enterprise. This brilliant researcher does this with a methodological virtuosity and comprehensiveness that leave no doubt that the people of the Western world have been subjected to some remarkable misconceptions in regard to Soviet Russian capabilities in the civilian area, whatever they may be able to do militarily.

It had been obvious to many persons for some years that there was something radically queer and dubious about the seeming miraculous economic recovery of the Soviet Union after World War II. Since then the U.S.S.R. has suffered more than one grain crop failure, though Russia was once the granary of Europe, and in the 1960's the Soviet Government had to import some billions of dollars worth of grain from the United States and Canada. It completed another agreement for the purchase of more than $140 million worth of feed grain in Washington last month.

We know too that the Italian Fiat company is building the first large mass-production automobile plant in the Soviet Union at the present time, and the Soviet leaders are seeking to get a number of Western companies to construct in Russia the largest truck manufacturing plant in the world. The United States Commerce Department has granted export licenses authorizing American companies to sell $280 million worth of equipment for the plant.

It is true that the Soviet Union has large industrial capacity and capabilities, but they have been put there by the countries of the West. Is this because the Russians and other peoples of the U.S.S.R. are not inherently capable of providing this large industrial capacity? No. Dr. Sutton believes—and I believe—that, "Without capitalism or some variant of a market system, centrally planned systems are doomed to technical stagnation," and that "This is why copying is pervasive and has persisted for 50 years" of Sovietism. Dr. Sutton found that during the 1930's the United States and other capitalist countries helped the Soviet Government to obtain "30 years of technical development in three years." True, some of this was wiped out in World War II, but here is what the Stanford savant says about that:

"Looking at the picture as a whole, there were two massive injections of Western technology and capacity (into the Soviet Union), in the periods 1930–3 and 1943–5. Even given the extensive destruction of World War II, and assuming that 25 per cent of the Soviet economy was destroyed, the Soviets were far better off in terms of both capacity and technology by 1946 than before the war. Destroyed facilities were more than replaced by reparations and Lend-Lease, and, more importantly, replaced with equipment 10 to 15 years more advanced.

"No major technology or major plant under construction between 1930 and 1945 has been identified as a purely Soviet effort . . . Soviet technology was almost completely a transfer from Western countries; only two major Soviet innovations have been identified: SKB synthetic rubber and the Ramzin once-through boiler; both were supplemented with Western methods by 1945."

Through this penetrating study we get for the first time a clear picture of the strange economy of the Soviet Union.

We begin at least to understand why the Soviet regime could show some remarkable technical achievements (offered, of course, entirely as its own) while never certain from year to year that it could feed its people.

Dr. Sutton makes it clear that he does not underestimate Soviet technical ingenuity and engineering skill. He notes that some Soviet scientists stand high in their fields, but he believes that the lack of freedom—the freedom that is enjoyed by engineers and scientists in the West—is the factor that has inhibited the initiative and scope necessary to achieve large technological innovations, while this factor has simply stunted Soviet agriculture. It is significant that the Soviet Government does not export automobiles, tape recorders, television sets, radios, cameras, shoes, fashions, art, binoculars and other technically ingenious things produced by Western countries. The chief Soviet exports are raw materials, such as chromium and manganese ore, diamonds, furs, tobacco and rare metals, such as gold and platinum—and, of course, war and revolution. It is a distressing but notable fact that we have to go to the *Reader's Digest* to get the news of Soviet revolutionary activities in Mexico.

It is interesting, technically and otherwise, that no pictures of a Soviet atomic explosion have ever been published anywhere. Nor have we ever seen a picture of a Soviet blast-off or landing of a space machine of any kind. In the autumn of 1971 a Soviet space scientist, Leonid Vladimirov, defected in England, allegedly with hard proof that the Russian space program is a hoax "aimed at persuading the West that the Soviets had reached a high level of advanced technology comparable with that of the United States," according to an Associated Press dispatch of Nov. 25 from London. This news was not published in *The New York Times;* nor apparently, did it make headlines anywhere. The omission is part of an unbroken pattern. How can the Establishment communications media break down the country that they have been at such great pains to build up?

The knowledge of the overriding Western contributions to Soviet economic development came as a great surprise to me, even though for some years I handled the news from Russia for *The New York Times* and have since tried to keep up with Soviet progress. This ignorance is not hard to understand. Only one newspaper in the world has reviewed a single volume of the two great books by Dr. Antony Sutton, and that was the Phoenix *Arizona Republic,* to its credit. In other times this work would have been analyzed in *The New York Times* and other newspapers around the country. Now it is the purpose both of the Government and of the national news media to shape the news to fit preconceived ideas of what the people have a right to know. Books are reviewed or not reviewed to suit this aim. However, when it fits the purposes of the same media to do so they will stress a general right of the people to know, as in the case of the purloined Pentagon Papers, so called. The publication of those documents and biased opinions had the specific object for *The New York Times* and its tributary press of discrediting the entire basis of the Vietnam War, even when the President of the United States was withdrawing American forces as rapidly as he deemed consistent with the national interest. The object of *The Times* was shared by the Washington Post and some other newspapers.

In the case of Soviet activity, at home and abroad, we can only guess at the extent to which American readers have been deprived of the facts of current history. No serious effort has been made to present the truth in the manner achieved by Dr. Sutton, because that is not the aim of The New York Times, The Washington Post, the Los Angeles Times and other segments of the news media. The news out of Eastern Europe has often been a shambles of non-information or downright misinformation. *The Times* avoids the use of the word Communist except in certain foreign and domestic situations where it is unavoidable. What is more, it regards the expression *anti-Communist* as invidious and odious, provocative and no doubt bellicose.

Recently I asked Dr. Sutton whether he was familiar with Major Jordan's revelations about atomic assistance to the Soviets. He said he was, and that he had gone to Washington, D.C., to check the original Lend-Lease invoices with those listed by Major Jordan. The assumption was that if the Jordan figures tallied with the original sources in a half dozen cases, then it would be possible to accept the Jordan material. Dr. Sutton said that he had had some difficulty in getting official Washington to find the invoices, but Congressional help enabled him to do so. Then the professor made a sample check and found that Major Jordan's data tallied with the originals. He said that much work remained to be done and that much of the material involved was still classified.

Dr. Sutton said that it was his conclusion that, technically, the Soviets could not have manufactured an atomic bomb without U.S., British or Swiss assistance because those were the only sources of some of the machine tool needed. What is more, the Soviets could not even manufacture the extrusions needed to build aircraft early in the 1940's. Dr. Sutton said he had discovered this from State Department and Douglas Aircraft files. He added that he was sure there was "a major story here"—surely a prime understatement. I believe there is no probability or even possibility that the story of our handing over to the Soviet Government materials to make the atomic bomb is false.

Medford Evans in his most interesting book, *The Secret War For The A-Bomb,* published in 1953, wrote: (page 15)

"The classic illustration of the reliability of official U.S. releases was given by Harry Truman in January 1953, just one week to the day after he left the White House.

"'I am not convinced,' the ex-President told an INS reporter in Kansas City—'I am not convinced the Russians have achieved the know-how to put the complicated mechanism together to make an A-bomb work. I am not convinced they have the bomb'."

It was Mr. Truman as President of the United States who announced to the world the first Russian atomic explosion in 1949. Now he seemed to be saying that what they had exploded were devices rather than bombs, though he left open the possibility that they had detonated atomic bombs but not of their own manufacture. This would fit in with the theory of Mr. Evans that it is entirely possible and even probable that the first atomic bombs exploded by the Russians were stolen from Los Alamos. He resigned as chief of training for the Atomic Energy Commission when he found that none of his recommendations for achieving security was being accepted. Needless to say, Mr. Evans' book got no reviews whatever in newspapers, daily or Sunday, or in popular or scholarly periodicals. Obviously he had stumbled into the Establishment Wonderland, where only the tales of Hoffman, Acheson, and other masters of grotesqueries and fantasies of the Council on Foreign Relations are permitted. Yet Mr. Evans' brilliant book is an absolute must for the intelligent reader. He writes: (page 53)

"Well, it could hardly have been supposed before 1945 that a great nation would be intimidated by its own victory and, clearly, alone in the first rank, would devote its diplomatic talents to the task of creating a balance of power against itself. It could hardly have been supposed that the inventors and makers of a revolutionary weapon would in the very moment of their triumphant discovery betray abruptly such signs of neurasthenia as, without renouncing war, to attempt to renounce their newest and most powerful instrument of war. The whole atomic policy of the United States since 1945 has been incredible."

Thus Mr. Evans saw clearly and earlier than most of us that the United States was indeed setting up a balance of power against itself. I share his view, and I saw what was happening from 1945 onward. Unfortunately the opponents of the policy of weakening the United States and strengthening the enemy were scattered and reduced to silence. Attempting to raise one's voice against balance-of-power forces before about 1955 was like King Canute's effort to stay the rising tide. Even today Medford Evans' acutely important book is nearly unknown in addition to being out of print.

No newspaper or periodical or television station or network sent reporters to Washington to check Major Jordan's revelations, as Dr. Sutton did. There is ample proof that the same sources that were so eager to publish the stolen Pentagon papers would not lift a finger to fulfill the public's right to know all about this atomic bomb matter. In fact, they would oppose it on the grounds that it would not help to build bridges to the East. What they would really mean is that it might help to upset the balance of power that they have so patiently built up over all the years since the end of World War II. In this balance of power the Union of Soviet Socialist Republics and now Communist China are played off against the Western nations in a terribly costly effort to maintain what is called peace. I believe that in Dr. Sutton's findings we have the answer as to why the Russians did not put men on the moon ahead of the United States—they were not able to do it. I believe these findings also explain why the Russians are so heavily occupied with espionage of all kinds—with theft and obstruction rather than giving and the advancement of world science and prosperity. The joint space work agreement between the U.S. and the U.S.S.R. will undoubtedly be of great benefit—to the Russians.

Now if the West built the industrial basis of the Soviet Union—as, indeed, it did—then the Soviet leaders are well aware that their country is being used as a counterweight against the West, especially the United States. In other words, the leaders of the U.S.S.R. know that their nation is part of a balance of power set up by elements or forces in the West. Thus any war involving the use of atomic bombs would in the most literal sense have been engineered by the West. Russia, the counterweight, need have no fear of attack. If, however, the West should blunder into any war instigated by the Russians, they are guaranteed against a Western victory. The balance of power is an ideal setup—for the Russians. Has this phase of current history been presented clearly by the national news media? Certainly not. And that is a massive and ominous omission in current history. Why do the news media fail to point out that the industrial part of the Soviet military-industrial complex is highly vulnerable because of its dependence on the West? Is the United States military-industrial complex under attack for this very reason?

So far I have dealt only with *omissions* in the news and chiefly involving the Soviet Union and the Soviet Government. It would no doubt be useful to discuss how the Chinese Communists got atomic bombs, certainly with technological help from the Soviet Government as well as through Chinese scientists trained in the West. It would be the strangest irony in the history of the world if the Soviet Union, the nation that lives, expands and fights through our technology, should destroy us with our own basic equipment. *Yet* strange things do happen. Japan and Germany both used our scrap iron against us. And, of course, Lenin said that the capitalists would sell to the Communists even the rope with which to hang those same capitalists.

We have treated only a few of the major omissions in the news. We turn now to distortions and fabrications.

The strange trend of the national news media must inevitably reduce their credibility and eventually their usefulness to themselves as well as the public. The President and Vice President of the United States have both commented on the new newspapers. On April 30, 1970, President Nixon said that other Presidents had made more notable decisions than his decision to send American troops into Cambodia. Then Mr. Nixon added:

"But between those decisions (of other Presidents) and this decision (to enter Cambodia), there is a difference that is very fundamental. In those decisions the American people were not assailed by counsels of doubt and defeat from some of the most widely known opinion leaders of the nation."

I don't think there is any doubt as to whom he meant. Vice President Agnew, the alter ego of the President, had been specific on a previous occasion when he said that the "day when the network commentators and even gentlemen of The New York Times enjoyed a form of diplomatic immunity from comment and criticism of what they said—that day is over." So we have a historic point of departure. The Administration itself has struck back at the distorters and defeatists.

I would like to try to trace the events leading up to that point.

At the end of World War II the United States had in its hands the possibility and capability of imposing an American peace upon the world—a Pax Americana. Then, only the United States with certainty had the atomic bomb. With the great prestige of this country at that time, we might without violence have brought about a world of American design and in the American image in regard to humanitarianism in international affairs. But things were not what they seemed, then or later. Indeed, nowadays one hears talk of a Pax Sovietica.

The physical handing over to the Russians of the materials for making atomic bombs did not immediately change the power structure of the world, but it did give a psychological base for converting the Soviet Government into an overwhelming antagonist, since the United States was working with it. With no knowledge of this situation in 1945 after the surrender of Japan, I began to chafe at the prospect that Poland would be forsaken and abandoned to the Russians and their Communist quislings. When this happened, and later all of Eastern Europe was allowed to fall under the domination of the Soviet Government, with no effectual outcry against it in the United States, I asked myself whether The New York Times and other muffled journals were acting out of stupidity or because they did not want the United States to exert the leadership that lay within its grasp. And I was forced to the conclusion that the robbing of America of world hegemony was a deliberate, conscious move designed to set up a world balance of power. But it was a balance imposed upon the country by the U.S. Government in the first instance, if at the prodding of the press, other communications elements, and commercial, financial, industrial and cultural interests.

President Franklin D. Roosevelt counted on the four big powers—the United States, the Soviet Union, Great Britain, and China—to regulate or dominate the affairs of the world. He had no idea of seeking an American hegemony, or dominance. President Truman spoke of "good old Uncle Joe Stalin" as if he were a firm partner of the United States instead of a Communist leader who harbored the greatest suspicions of any foreign country and would work with none that he could not dominate.

But President Truman was highly fearful of the 50,000 Communists who he himself said were in the United States, and Mr. Truman was greatly embarrassed by the discovery of Communists in important positions in the Government during his Administration. President Truman was soon disabused of faith in Stalin when the Soviet leader started the war in Korea in 1950 following upon the first Soviet atomic explosion in 1949. The Korean War created the foundation for the erosion of American power. It was the first no-victory war for the United States, a war in which there 3,500,000 battle casualties on both sides, and one million civilian dead. It was the first war ever fought by the United Nations, and divided counsels doomed it from the start, though the Americans were doing most of the fighting.

Amazingly, the Soviet Government continued to enjoy its position in the United Nations, despite it flagrant violations of the Charter. There was no general outcry in the national news media against the U.S.S.R. as a Charter violator, but these media, especially the New York Times, never hesitates to denounce the United States for the slightest alleged failure to live up to treaty commitments. But here was the Soviet Government making war on the United Nations in Korea and at the same time getting United Nations war-front information in New York to use against United Nations troops in Korea. And a Russian general was in the U.N. military team that was sent to South Korea. Moreover, the United Nations so-called Minister of War in New York was a Russian, who had the gall to complain to General Douglas MacArthur that he should submit his battle plans more frequently—and this in spite of the fact that the Russians planned the Korean War, officered the so-called North Korean side, flew the planes, staged the troops, and ordered the invasion of South Korea. One can only believe that Stalin was secure in the knowledge that the government that had given him so much power would not demand more than a draw in the Korean War.

The United States suffered 33,629 battle deaths, and 20,617 more deaths from other causes, with 103,284 wounded—a total of more than 157,000. Now, having learned nothing from Korea, we have amassed more than 362,867 casualties in Vietnam, including more than 55,500 dead, more than 45,600 killed in action. While the so-called peace talks were going on in Korea between 1951 and 1953, the Americans suffered about 90,000 casualties. Since the United States and South Vietnam began the so-called peace talks in Paris with the North Vietnamese, now going on four years, the Americans have suffered 164,768 casualties.

This situation could not have come about without acts of omission and commission on the part of the national news media. It is my considered opinion that many thousands of Americans and others lost their lives in Korea and Vietnam needlessly, and many thousands of Cubans have been put to death by Castro who would not have died if the most powerful element in the American press, the New York Times, had protested against the United States' installation of Castro in power, but that was part of the power play in setting up and solidifying the balance of power.

The more I study this development the more I come to see that *The Times* is not the only communications element involved, but it is of overriding importance because of its influence. It is not an exaggeration to say that *The New York Times* has in the past affected the informational content of every literate mind in the United States. *The Times* sells its news and columns to more than 200 newspapers in this country, in Asia, Latin America, and Europe. It is a national and international newspaper. Last spring it bought three more daily newspapers in Florida. It is read by every President of the United States and by members of both Houses of Congress. It is taken by the foreign embassies in Washington and New York. It is read in every capital of the world. The Associated Press (AP) and the United Press International (UPI) follow closely in the footsteps of *The Times,* and they do so deliberately.

The national news media can build up or hold down an event, a book, a personality or a situation. The mediums of communications can present matters of life and death in a bad light or a good light—such as war. Certain mental stances or bents of minds can be programmed into the minds of the people. This is how the beliefs of the people are fashioned. With a straight face the very persons and publications that talk about the struggle for the minds of men are systematically engaged in capturing men's minds—by distorting, omitting and fabricating the news. This is mental warfare. A whole vast section of the American people is mentally conditioned to reject the truth in domestic and foreign affairs. The aim of news distortion is to rig the thought control processes of the nation—to mold the minds of the people to a pattern, and to block freedom of thought.

I received a letter from a distinguished professor at the University of California at Berkeley, Dr. Hardin B. Jones, in which he said:

"Systematic editorial bias of news through the conditioned minds of reflex liberals is a pathetic situation for a civilization founded upon truthful principles, but the deletion of bits of news here and there is a catastrophe when, as you establish, it happens within a recurrent pattern. . . . The communication world is not only literally sick but it is too paranoid to face and be responsible for criticism it must understand."

A professor in Kentucky said to me last year that if only the professors in our nation would, as he put it, blow the whistle on *The New York Times,* the national problems would begin to recede. That is a remarkable statement. The California professor, Dr. Jones, observed that our civilization rests upon truthful principles. Precisely. Because much of our society is based upon science, which is a body of truthful principles that cannot be ignored or tampered with to suit some other ends.

Last year I spoke to two groups of engineers of the Vandenberg Air Force Base in California, and I suggested to them that they would never have put a weather-observing satellite or other missile into space, nor would the United States ever have been able to send men to the moon, if the engineers' scientific principles had been arbitrarily changed and made wrong. So also to poison the well springs of our daily news is indeed a catastrophe.

Instead of winning the wars in Korea and Vietnam as quickly as possible—and our best military minds felt that these wars could have been won in a matter of weeks or months (without the use of atomic bombs) if we had applied the conventional power that we have to the right targets—we chose to fight limited wars with nearly unlimited casualties. This caused a violent reaction among the young men of our country. It was they who were called upon to do the fighting and dying, and they saw that month after month and year after year the casualties mounted with no sign in the news media of victory or any end whatever to the Vietnam War. *The New York Times* rebuked both President Johnson and the late Cardinal Spellman for even speaking of victory. This attitude of the press could only be calculated to result in a stunning defeat for the United States or vast conflict at home. We got the vast conflict at home.

I do not, of course, ascribe the whole train of events and the awesome outcome to one newspaper or one source of any nature. A number of forces and persons were involved, but one source of compelling importance through which much defeat has been engineered is *The New York Times*. You cannot blot out the truth from the newspapers, the television or the radio, or all three, in the critically important Eastern part of the United States. You cannot do this because of the dangers of the atomic bomb or because the world is about to be unified or because, as President Nixon has regretfully pointed out, some persons fear the strength of our own country.

The policies—and problems—of the United States Government and the American press spring largely from the stated view that the United States must do nothing to embarrass the Russians—a view stated in Washington by Walt Whitman Rostow when he was the national security officer in the White House. In a report to President Kennedy, Mr. Rostow advised, most autocratically:

"Rising tensions or pleas . . . of the American public must be ignored in any crisis with Russia. The temptation must be avoided to degrade or embarrass the Soviets in the eyes of the world."

This policy toward the Soviet Government had been followed by Washington long before it was stated so badly. It is by coincidence also the policy followed by the national news media. From that policy stem the no-victory wars, the seizure of Cuba by the Communists with United States Government assistance, the boarding of an American Coast Guard cutter, the Vigilant, one mile off Martha's Vineyard by Russian seamen to take and carry off a defecting Lithuanian ship radio operator. And, in my opinion, from that policy of submission to the Soviet Union, which we have built up industrially and atomically, stems most of the unrest in our country today.

One of the most farreaching instances of distortion in the news, in which the United States Government collaborated, concerns the installation of a Communist regime in Cuba. *The New York Times* was assisted by the *Chicago Tribune* in this, though President Eisenhower said the climate of opinion in the United States was almost single-handily established by Herbert L. Matthews of *The Times*. Matthews said that Castro's program was "democratic and therefore anti-Communist" and "there is no Communism to speak of" in the Castro organization. At the same time Castro *was* a Communist and an agent of the Soviet Government. President Eisenhower regretted that his Administration put Castro into power by withdrawing support from Batista. Batista never dreamed of killing as many people as have been executed by Castro.

Putting Castro into power has firmly established the military presence of the Soviet Government in this hemisphere, and has effectively ended the Monroe Doctrine barring further penetration of the American hemisphere by foreign powers. Khrushchev ridiculed the Monroe Doctrine as dead—he killed it. The magnitude and enormity of Castro's Communist dictatorship are attested by the following facts:

About one-tenth of the people of Cuba—more than 760,000 have been forced into exile, chiefly in the United States.

A foreign diplomat in Cuba has put the number of Communist executions by firing squads up to April of 1969 at 20,161. About 2,320 had by then died of torture. This bears comparison with the French Revolution. The difference is that the French Revolution has had tremendous press coverage. Instead, *The Times* sent a young woman reporter to Cuba a couple of years ago, and she wrote about the cultural gains made under Castro. A more cynical attitude toward the destruction of a nation has never been taken by the press since the ravishment of Hungary.

The first atomic war showdown in the history of the world came about in 1962 between the United States and the Soviet Government when the Russians emplaced certain missiles in Cuba that would never have been placed in the Cuba of Batista. Nobody yet knows the whole truth about this episode.

The Russians are, in fact, in control of Cuba, but you would never know it from reading most of the newspapers.

The Bay of Pigs disaster came in 1961. The nation that led the invasion of Europe across the English Channel in 1944 could not bring off even a successful landing in Cuba.

About $3 billion worth of American property in Cuba is gone.

Cuba now is the seat of training for such sophisticated guerrilla activities as blowing up American oil refineries, stimulating prison riots by various advanced methods, attempting to take over the Congress of the United States, and other activities requiring special skills. Chinese Communists sit side by side with Russian Communists in Havana, and there, too, sit American Communists.

Cuba under Castro is another unmixed debacle for American foreign policy, and American newspaper reporting. No one can be in the shadow of a doubt that *The Times* deliberately misled the American people on Castro. For even if we assumed that *The Times* merely erred at first, it has had more than 12 years in which to correct its mistake but it has never done so. *The Times* wants the United States to establish relations with Cuba. It is trying to arrange this now through the back door of the Organization of American States. *The Times* has opposed every effort on the part of Cubans in exile to train themselves in order to reclaim their homeland for freedom. A fraud has been committed upon the people, and first of all the people of Cuba. Our national guilt for that is clear. The establishment of this bloodthirsty government just off the shores of the United States is the most incontestable example I can give of how dishonest, untruthful, fabricated news causes the loss of lives needlessly, in this case Cuban lives.

It was at the time of the installation of Castro in 1959 that I made up my mind to seek out the causes of the non-opposition to or the positive promotion of Communist expansion around the world. The theory that embraced most of the phenomena was the world balance of power. *The New York Times* itself says that that is what it is seeking, though I realize that that is not the best reason for believing it is so. The effect of this position has been to pit others against the United States and to downgrade our own country, its soldiers, and its people. It results in playing Communists against conservatives, totalitarians against democrats or republicans, Negroes against whites, Northerners against Southerners, criminals against law-abiding persons, draft-dodgers against loyal Americans, youths against their elders, intellectuals against ordinary folk, West Europeans against East Europeans, the Soviet Government against the United States, the United Nations against useful alliances and the free world, North Vietnam against South Vietnam, Communist Cuba against the Americas, Mr. Agnew against Mr. Nixon, Nigeria against Biafra, now vanquished, and the Congo against Tshombe, now dead. The balance of power does not *seek* a solution; it does not *want* one. It is a kind of universal apartheid or world Donnybrook. A group of former mental patients in New York has formed an organization called "Insane Liberation." It is in keeping with the spirit of our times, again meaning no pun. Now that the balance of power has been firmly established—at least in the minds of the American people—the Times can afford to have occasional stories critical of the Soviet Union and Government. Current history under these circumstances takes a fearful beating, and the people are blanked out. The miscoverage of the Vietnam War by The *New York Times* is one of the great wonders of contemporary journalism. What is more, it has led much of the American press in its aim, which is to lose the war at any cost. *The Times* wants a coalition government with the Communists in South Vietnam, but not a coalition government in North Vietnam. It wants vigorously contested elections in South Vietnam, but it is not concerned whether North Vietnam has elections or not. It is against unfair treatment of prisoners by South Vietnam, but it has little or nothing to say about the treatment of prisoners by North Vietnam. It is opposed to any kind of cruelties in South Vietnam by South Vietnamese or Americans but hardly mentions the vaster cruelties committed by the North Vietnamese in the South, which they have invaded.

The New York Times led the newspaper and media outcry when President Nixon started Vietnamizing the war by lending technical assistance to the South Vietnamese Armed Forces, in preparation for the further withdrawal of American forces. For such wise actions as moving to clear the enemy out of Cambodia, which saved many American lives, and helping the South Vietnamese to seek to block the Ho Chi Minh Trail, in Laos, where the North Vietnamese have no right to be, President Nixon was attacked with cries of, "We must appease the Russians and Chinese Communists on all fronts." As if we had never tried that before.

Now, with the Americans rapidly closing out their combat role, the South Vietnamese are largely in control of their country. Now they are producing a rice surplus for the first time in years. More than 90 per cent of the villages are in the hands of pro-Saigon people. The North Vietnamese alone have probably suffered 3,500,000 casualties, so that they have for some months been incapable of mounting a pitched battle but are reduced to guerrilla fighting wherever they can find an opening. You can read some of this in *U.S. News & World Report* and no doubt in some other newspapers and news magazines, but there is very little in the national news media in general to suggest that the North Vietnamese have been beaten back. What part the Russians and Chinese Communists have played militarily in the Vietnam War has simply been withheld by the

United States Government and the news media.

One day we may have an objective and extensive Congressional investigation of the Vietnam War to discover and reveal to the nation why it was necessary to sacrifice so many American lives over so long a period without a complete victory. We would especially want to know why the Armed Forces were not permitted to follow up opportunities to destroy whole battalions of the enemy and why the Cambodian and Laotian sanctuaries of the invading and aggressive imperialistic enemy were not attacked sooner. We would also want to know why Rear Admiral Edward C. Outlaw was not permitted to destroy the SAM missile sites in North Vietnam when he discovered that they were being built in 1965. We would want to know too why 90 per cent of the North Vietnam air targets chosen by the United States military chiefs were rejected by the Secretary of Defense.

The distortions and fabrications in the national news media that have prevented the people from knowing current history as it happened are beyond counting. For years during the war *The Times* printed picture after picture of South Vietnamese mothers carrying wounded children. The picture captions said the children had been wounded by American soldiers, American airmen, or United States Marines. There were no pictures of the scores of thousands of atrocities committed by the North Vietnamese on orders of the Hanoi Government. In this war the Americans and the Allies have been treated—and still are being treated—as enemies by the most prominent American newspaper and its tributary press.

One of the most remarkable illustrations of *The New York Times'* efforts to fabricate situations in Vietnam has been the attempt to make American soldiers appear to be no better than the North Vietnamese specialists in mass murder. This concerns the My Lai case. *The Times* gave columns and even whole pages of space to the charges against American soldiers in the village of My Lai. By indirection and even directly the practices of the German Nazis were dragged into the scope of this case by *The Times*, as if somehow the Americans could be related to the systematic Hitler Government-ordered massacre of six million Jews and others in gas chambers and otherwise during World War II.

A three-column headline with a 2-column picture led *The Times* front page when Lieut. William L. Calley, Jr., was found guilty, and there was an entire page of type on the inside. Lieutenant Calley may well have acted while in a state of shock. The company had lost nearly 40 per cent of its men in a month. Vietcong sympathizers who had arranged boobytraps or thrown hand grenades at Americans included persons of all ages, including children. Of course, as long as Americans can be kept under the cloud of having committed a massacre in South Vietnam, just so long will the real culprits, the North Vietnamese Communists, be relieved of charges of following a cruel policy of massacreing South Vietnamese civilians, more than 60,000 of them. And that, I believe, is the chief aim of the ballyhoo against the Americans as My Lai—to keep the heat and glare of publicity on the alleged malpractices of the Americans and not on the Communists. And the news media have succeeded in this purpose beyond their wildest dreams, for even the Pentagon has joined in this transparent effort. I am shocked that no newspaper or other unit of the national news media has urged any kind of trial of the thousands of enemy murderers.

In no previous war was there a case like the Lieutenant Calley trial or others like it with the large amount of attendant publicity. Because in no previous war was any effort made to downgrade the American soldier. Nothing could be better calculated to destroy the morale of the American Armed Forces and the citizenry than these degrading massacre trials. At first I thought we were witnessing the liquidation of our common sense, but the American people rose up against the verdict in the Calley case, and I believe they were generally delighted that Captain Medina was acquitted. The truth is that *The Times* and its allied and tributary press show no concern over the killing of human beings where Communists are concerned—millions in the Soviet Union, many more millions in Red China, and large numbers in North Vietnam. The attacks on the Americans are a ploy. The target is the United States—to blame it, to shame it, and to reduce its power. The wider aim is to build up other nations against the United States.

It is the unassailable verdict of history that a people gets the kind and quality of government that it deserves, or that it is capable as a nation of creating. I suppose also that that is the kind of newspapers a people gets. But a people lives according to some well-established rules. When the rules are changed without notice, the people will be deceived. But, as Lincoln said, you cannot fool them all all the time. We can reverse the trend of defeatism and deception by refusing to abandon South Vietnam and by giving it sufficient support to enable it to have a chance to sink or swim, since our own interests in Asia are heavily involved. Henceforth we should fight no wars that we do not intend to win. We have had wars since 1945, and we will have them forever until we win one. It is the nature of Communism to bleed us forever. And, quite obviously, it is the nature of some Americans to help Communism to do this. We must not permit it. What we are witnessing in our news media is a veritable effort to create an artificial world in order to set up concepts that would govern the inner impulses and orderly actions of the people.

A report circulating around the country is that the clandestine authors of our destiny are planning three great world spheres of influence—in Asia, in the Americas, and in Europe. Under this alleged plan the Chinese would have the Asian sphere of influence, the United States would be in command of the Americas, and the Soviet Government would dominate most of Europe. I don't know what the fate of Africa is to be. Nor do I know whether there is the slightest truth in this report, but I think enough of it to offer it here as food for thought. The ouster of the Nationalist Chinese (the Republic of China) from the United Nations with the admission of the Chinese Communists brought this to mind.

No one can foretell the future. But one has a right to know what is going on during the present and what has happened in the past. I have tried to show how so-called current history has been so much omitted, distorted and fabricated that the public has not been able to make clear judgments and decisions. The media have been at great pains to give the most extensive publicity and coverage to the exploits of Ralph Nader in his charges that automobiles are unsafe at any speed and a great variety of other remarkable accusations. The name of this consumer advocate is now a household word. If he were seeking to purify the national news media, I can predict without fear or favor that he would be as little known as your speaker, and his name, his books and his words would be among the rare artifacts of the North American continent.

I feel that the country must regain the initiative that it lost after winning World War II. Now we are told, nearly every hour on the hour in New York, that we cannot defeat a little country that has no air force worthy of the name, no navy, and no effective supply lines—it is patent nonsense. We have to remember that deceiving ourselves and running away from wars does not end them; it begets them. Also, what nation wants to be allied with a country that refuses to win the wars it gets into? It is not at all an idle question. To pursue a vacuum or falsehoods as a way of life in our communications with one another is surely a fatal way. Our faith in the truth must be reborn. That way lies the light and possibly peace.

La Rouchefoucauld said: "History never embraces more than a small part of reality."

Plutarch wrote: "Whoever tries for great objects must suffer something."

THE FEDERAL GOVERNMENT'S ROLE IN HEALTH CARE

Mr. ALLEN. Mr. President, the role of the Federal Government in providing health care of various sorts will continue to be debated—more perhaps from the standpoint of the degree of implementation than from the standpoint of premises from which the right of an individual to medical care at public expense is inferred.

I think it is constructive to examine continuously the validity of premises from which we proceed in the implementation of a wide variety of social programs. Such a reexamination would seem to be particularly appropriate at this time when we are contemplating launching out into innovative and costly programs of medical care.

Dr. Robert C. Patton, a distinguished physician from Mobile, Ala., has provided me with an article entitled "Medical Care As A Right: A Refutation," written by Dr. Robert M. Sade, and published in the December 2, 1971, issue of The New England Journal of Medicine.

The article provides a penetrating analysis of some of the implications involved in creating a right in individuals to medical care to be provided by other individuals under coercion of the Government. It also examines a series of common fallacies which may underlie much of our thinking on this subject. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Medical Care as a Right: A Refutation

(By Robert M. Sade, M.D.)

(Abstract.—From man's primary right—the right to his own life—derive all others, including the rights to select and pursue his own values, and to dispose of these values, once gained, without coercion. The choice of the conditions under which a physician's services are rendered belongs to the physician as a consequence of his right to support his own life.

If medical care, which includes physician's services, is considered the right of the patient, that right should properly be protected by government law. Since the ultimate authority of all law is force of arms, the physician's professional judgment—that is, his mind—is controlled through threat of violence by the state. Force is the antithesis of mind, and man cannot survive qua man without the free use of his mind. Thus, since the concept of medical care as the right of the patient entails the use or threat of violence against physicians, that concept is anti-mind—therefore, anti-life, and, therefore, immoral.)

The current debate on health care in the United States is of the first order of importance to the health professions, and of no less importance to the political future of the nation, for precedents are now being set that will be applied to the rest of American society in the future. In the enormous volume of verbiage that has poured forth, certain fundamental issues have been so often misrepresented that they have now become commonly accepted fallacies. This paper will be concerned with the most important of these misconceptions, that health care is a right, as well as a brief consideration of some of its corollary fallacies.

RIGHTS—MORALITY AND POLITICS

The concept of rights has its roots in the moral nature of man and its practical expression in the political system that he creates. Both morality and politics must be discussed before the relation between political rights and health care can be appreciated.

A "right" defines a freedom of action. For instance, a right to a material object is the uncoerced choice of the use to which that object will be put; a right to a specific action, such as free speech, is the freedom to engage in that activity without forceful repression. The moral foundation of the right, as well as a brief consideration of some is a living creature; he has the right to his own life. All other rights are corollaries of this primary one; without the right to life, there can be no others, and the concept of rights itself becomes meaningless.

The freedom to live, however, does not automatically ensure life. For man, a specific course of action is required to sustain his life, a course of action that must be guided by reason and reality and has as its goal the creation or acquisition of material values, such as food and clothing, and intellectual values, such as self-esteem and integrity. His moral system is the means by which he is able to select the values that will support his life and achieve his happiness.

Man must maintain a rather delicate homeostasis in a highly demanding and threatening environment, but has at his disposal a unique and efficient mechanism for dealing with it: his mind. His mind is able to perceive, to identify percepts, to integrate them into concepts, and to use those concepts in choosing actions suitable to the maintenance of his life. The rational function of mind is volitional, however; a man must *choose* to think, to be aware, to evaluate, to make conscious decisions. The extent to which he is able to achieve his goals will be directly proportional to his commitment to reason in seeking them.

The right to life implies three corollaries: the right to select the values that one deems necessary to sustain one's own life; the right to exercise one's own judgment of the best course of action to achieve the chosen values; and the right to dispose of those values, once gained, in any way one chooses, without coercion by other men. The denial of any one of these corollaries severely compromises or destroys the right to life itself. A man who is not allowed to choose his own goals, is prevented from setting his own course in achieving those goals and is not free to dispose of the values he has earned is no less than a slave to those who usurp those rights. The rights to private property, therefore, is essential and indispensable to maintaining free men in a free society.

Thus, it is the nature of man as a living, thinking being that determines his rights—his "natural rights." The concept of natural rights was slow in dawning on human civilization. The first political expression of that concept had its beginnings in 17th and 18th century England through such exponents as John Locke and Edmund Burke, but came to its brilliant debut as a form of government after the American Revolution. Under the leadership of such men as Thomas Paine and Thomas Jefferson, the concept of man as a being sovereign unto himself, rather than a subdivision of the sovereignty of a king, emperor or state, was incorporated into the formal structure of government for the first time. Protection of the lives and property of individual citizens was the salient characteristic of the Constitution of 1787. Ayn Rand has pointed out that the principle of protection of the individual against the coercive force of government made the United States the first moral society in history.[1]

In a free society, man exercises his right to sustain his own life by producing economic values in the form of goods and services that he is, or should be, free to exchange with other men who are similarly free to trade with him or not. The economic values produced, however, are not given as gifts by nature, but exist only by virtue of the thought and effort of individual men. Goods and services are thus owned as a consequence of the right to sustain life by one's own physical and mental effort.

If the chain of natural rights is interrupted, and the right to a loaf of bread, for example, is proclaimed as primary (avoiding the necessity of earning it), every man owns a loaf of bread, regardless of who produced it. Since ownership is the power of disposal,[2] every man may take his loaf from the baker and dispose of it as he wishes with or without the baker's permission. Another element has thus been introduced into the relation between men: the use of force. It is crucial to observe who has initiated the use of force: it is the man who demands unearned bread as a right, not the man who produced it. At the level of an unstructured society it is clear who is moral and who immoral. The man who acted rationally by producing food to support his own life is moral. The man who expropriated the bread by force is immoral.

To protect this basic right to provide for the support of one's own life, men band together for their mutual protection and form governments. This is the only proper function of government: to provide for the defense of individuals against those who would take their lives or property by force. The state is the repository for retaliatory force in a just society wherein the only actions prohibited to individuals are those of physical harm or the threat of physical harm to other men. The closest that man has ever come to achieving this ideal of government was in this country after its War of Independence.

When a government ignores the progression of natural rights arising from the right to life, and agrees with a man, a group of men, or even a majority of its citizens, that every man has a right to a loaf of bread, it must protect that right by the passage of laws ensuring that everyone gets his loaf—in the process depriving the baker of the freedom to dispose of his own product. If the baker disobeys the law, asserting the priority of his right to support himself by his own rational disposition of the fruits of his mental and physical labor, he will be taken to court by force or threat of force where he will have more property forcibly taken from him (by fine) or have his liberty taken away (by incarceration). Now the initiator of violence is the government itself. The degree to which a government exercises its monopoly on the retaliatory use of force by asserting a claim to the lives and property of its citizens is the degree to which it has eroded its own legitimacy. It is a frequently overlooked fact that behind every law is a policeman's gun or a soldier's bayonet. When that gun and bayonet are used to initiate violence, to take property or to restrict liberty by force, there are no longer any rights, for the lives of the citizens belong to the state. In a just society with a moral government, it is clear that the only "right" to the bread belongs to the baker, and that a claim by any other man to that right is unjustified and can be enforced only by violence or the threat of violence.

RIGHTS—POLITICS AND MEDICINE

The concept of medical care as the patient's right is immoral because it denies the most fundamental of all rights, that of a man to his own life and the freedom of action to support it. Medical care is neither a right nor a privilege: it is a service that is provided by doctors and others to people who wish to purchase it. It is the provision of this service that a doctor depends upon for his livelihood, and is his mean of supporting his own life. If the right to health care belongs to the patient, he starts out owning the services of a doctor without the necessity of either earning them or receiving them as a gift from the only man who has the right to give them: the doctor himself. In the narrative above substitute "doctor" for "baker" and "medical service" for "bread." American medicine is now at the point in the story where the state has proclaimed the nonexistent "right" to medical care as a fact of public policy, and has begun to pass the laws to enforce it. The doctor finds himself less and less his own master and more and more controlled by forces outside of his own judgment.

For instance, under the proposed Kennedy-Griffiths bill,[3] there will be a "Health Security Board," which will be responsible for administering the new controls to be imposed on doctors, hospitals and other "providers" of health care (Sec. 121). Specialized services, such as major surgery, will be done by "qualified specialists" [Sec. 22(b)], such qualifications being determined by the Board (Sec. 42). Furthermore, the patient can no longer exercise his own initiative in finding a specialist to do his operation, since he must be referred to the specialist by a nonspecialist—i.e., a general practitioner or family doctor [Sec. 22(b)]. Licensure by his own state will not be enough to be a qualified practitioner; physicians will also be subject to a second set of standards, those established by the Board [Sec. 42(a)]. Doctors will no longer be considered competent to determine their own needs for continuing education, but must meet requirements established by the Board [Sec. 42(c)]. The professional staff of a hospital will no longer be able to determine which of its members are qualified to perform which kinds of major surgery; specialty-board certification or eligibility will be required, with certain exceptions that include meeting standards established by the Board [Sec. 42(b)].

Control of doctors through control of the hospitals in which they practice will also be exercised by the Board by way of a list of requirements, the last of which is a "sleeper" that will by its vagueness allow the Board almost any regulation of the hospital: the hospital must meet "such other requirements as the Board finds necessary in the interest of quality of care and the safety of patients in the institution" [Sec. 43(i)]. Hospitals will also not be allowed to undertake construction without higher approval by a state agency or by the Board (Sec. 52).

In the name of better organization and co-ordination of services, hospitals, nursing homes and other providers will be further controlled through the Board's power to issue directives forcing the provider to furnish services selected by the Board [Sec. 131(a) (1), (2)] at a place selected by the Board [Sec. 131(a) (3).] The Board can also direct these providers to form associations with one another of various sorts, including "making available to one provider the professional and technical skills of another" [Sec. 131(a) (B)], and such other linkages as the Board thinks best [Sec. 131(a) (4) (C)].

These are only a few of the bill's controls

Footnotes at end of article.

of the health-care industry. It is difficult to believe that such patent subjugation of an entire profession could ever be considered a fit topic for discussion in any but the darkest corner of a country founded on the principles of life and liberty. Yet the Kennedy-Griffiths bill is being seriously debated today in the Congress of the United States.

The irony of this bill is that, on the basis of the philosophic premises of its authors, it does provide a rationally organized system for attempting to fulfill its goals, such as "making health services available to all residents of the United States." If the government is to spend tens of billions of dollars on health services, it must assure in some way that the money is not being wasted. Every bill currently before the national legislature does, should, and must provide some such controls. The Kennedy-Griffiths bill is the closest we have yet come to the logical conclusion and inevitable consequence of two fundamental fallacies: that health care is a right, and that doctors and other health workers will function as efficiently serving as chattels of the state as they will living as sovereign human beings. It is not, and they will not.

Any act of force is anti-mind. It is a confession of the failure of persuasion, the failure of reason. When politicians say that the health system must be forced into a mold of their own design, they are admitting their inability to persuade doctors and patients to use the plan voluntarily; they are proclaiming the supremacy of the state's logic over the judgments of the individual minds of all concerned with health care. Statists throughout history have never learned that compulsion and reason are contradictory, that a forced mind cannot think effectively and, by extension, that a regimented profession will eventually choke and stagnate from its own lack of freedom. A persuasive example of this is the moribund condition of medicine as a profession in Sweden, a country that has enjoyed socialized medicine since 1955. Werkö, a Swedish physician, has stated: "The details and the complicated working schedule have not yet been determined in all hospitals and districts, but the general feeling of belonging to a free profession, free to decide—at least in principle—how to organize its work has been lost. Many hospital-based physicians regard their work now with an apathy previous unknown."[4] One wonders how American legislators will like having their myocardial infarctions treated by apathetic internists, their mitral valves replaced by apathetic surgeons, their wives' tumors removed by apathetic gynecologists. They will find it very difficult to legislate self-esteem, integrity and competence into the doctors whose minds and judgments they have throttled.

If anyone doubts that health legislation involves the use of force, a dramatic demonstration of the practical political meaning of the "right to health care" was acted out in Quebec in the closing months of 1970.[5] In that unprecedented threat of violence by a modern Western government against a group of citizens, the doctors of Quebec were literally imprisoned in the province by Bill 41, possibly the most repressive piece of legislation ever enacted against the medical profession, and far more worthy of the Soviet Union or Red China than a western democracy. Doctors objecting to a new Medicare law were forced to continue working under penalty of jail sentence and fines of up to $500 a day away from their practices. Those who spoke out publicly against the bill were subject to jail sentences of up to a year and fines of up to $50,000 a day. The facts that the doctors did return to work and that no one was therefore jailed or fined do not mitigate the nature or implications of the passage of Bill 41. Although the dispute between the Quebec physicians and their government was not one of principle but of the details of compensation, the reaction of the state to resistance against coercive professional regulation was a classic example of the naked force that lies behind every act of social legislation.

Any doctor who is forced by law to join a group or a hospital he does not choose, or is prevented by law from prescribing a drug he thinks is best for his patient, or is compelled by law to make any decision he would not otherwise have made, is being forced to act against his own mind, which means forced to act against his own life. He is also being forced to violate his most fundamental professional commitment, that of using his own best judgment at all times for the greatest benefit of his patient. It is remarkable that this principle has never been identified by a public voice in the medical profession, and that the vast majority of doctors in this country are being led down the path to civil servitude, never knowing that their feelings of uneasy foreboding have a profoundly moral origin, and never recognizing that the main issues at stake are not those being formulated in Washington, but are their own honor, integrity and freedom, and their own survival as sovereign human beings.

SOME COROLLARIES

The basic fallacy that health care is a right has led to several corollary fallacies, among them the following:

That health is primarily a community or social rather than an individual concern.[6] A simple calculation from American mortality statistics[7] quickly corrects that false concept: 67 per cent of deaths in 1967 were due to diseases known to be caused or exacerbated by alcohol, tobacco smoking or overeating, or were due to accidents. Each of those factors is either largely or wholly correctable by individual action. Although no statistics are available, if it likely that morbidity, with the exception of common respiratory infections, has a relation like that of mortality to personal habits and excesses.

That state medicine has worked better in other countries than free enterprise has worked here. There is no evidence to support that contention, other than anecdotal testimonials and the spurious citation of infant mortality and longevity statistics. There is, on the other hand, a good deal of evidence to the contrary.[8, 9]

That the provision of medical care somehow lies outside the laws of supply and demand, and that government-controlled health care will be free care. In fact, no service or commodity lies outside the economic laws. Regarding health care, market demand, individual want, and medical need are entirely different things, and have a very complex relation with the cost and the total supply of available care, as recently discussed and clarified by Jeffers et al.[10] They point out that " 'health is purchaseable', meaning that somebody has to pay for it, individually or collectively, at the expense of foregoing the current or future consumption of other things." The question is whether the decision of how to allocate the consumer's dollar should belong to the consumer or to the state. It has already been shown that the choice of how a doctor's services should be rendered belongs only to the doctor; in the same way the choice of whether to buy a doctor's service rather than some other commodity or service belongs to the consumer as a logical consequence of the right to his own life.

That opposition to national health legislation is tantamount to opposition to progress in health care. Progress is made by the free interaction of free minds developing new ideas in an atmosphere conducive to experimentation and trial. If group practice really is better than solo, we will find out because the success of groups will result in more groups (which has, in fact, been happening) if prepaid comprehensive care really is the best form of practice, it will succeed and the health industry will swell with new Kaiser-Permanente plans. But let one of these or any other form of practice become the law, and the system is in a straitjacket that will stifle progress. Progress requires freedom of action, and that is precisely what national health legislation aims at restricting.

That doctors should help design the legislation for a national health system, since they must live with and within whatever legislation is enacted. To accept this concept is to concede to the opposition its philosophic premises, and thus to lose the battle. The means by which nonproducers and hangers-on throughout history have been able to expropriate material and intellectual values from the producers has been identified only relatively recently: the sanction of the victim.[11] Historically, few people have lost their freedom and their rights without some degree of complicity in the plunder. If the American medical profession accepts the concept of health care as the right of the patient, it will have earned the Kennedy-Griffiths bill by default. The alternative for any health professional is to withhold his sanction and make clear who is being victimized. Any physician can say to those who would shackle his judgment and control his profession: I do not recognize your right to my life and my mind, which belong to me and me alone; I will not participate in any legislated solution to any health problem."

In the face of the raw power that lies behind government programs, nonparticipation is the only way in which personal values can be maintained. And it is only with the attainment of the highest of those values—integrity, honesty and self-esteem—that the physician can achieve his most important professional value, the absolute priority of the welfare of his patients.

The preceding discussion should not be interpreted as proposing that there are no problems in the delivery of medical care. Problems such as high cost, few doctors, low quantity of available care in economically depressed areas may be real, but it is naive to believe that governmental solutions through coercive legislation can be anything but shortsighted and formulated on the basis of political expediency. The only long-range plan that can hope to provide for the day after tomorrow is a "nonsystem"—that is, a system that proscribes the imposition by force (legislation) of any one group's conception of the best forms of medical care. We must identify our problems and seek to solve them by experimentation and trial in an atmosphere of freedom from compulsion. Our sanction of anything less will mean the loss of our personal values, the death of our profession, and a heavy blow to political liberty.

FOOTNOTES

[1] Rand A: Man's rights, Capitalism: The unknown ideal. New York, New American Library, Inc., 1967, pp. 320–329.

[2] Von Mises L.: Socialism: An economic and sociological analysis. New Haven, Yale University Press, 1951, pp. 37–55.

[3] Kennedy E. M.: Introduction of the Health Security Act, Congressional Record, vol. 116, pt. 22, pp. 30142–30167.

[4] Werko L.: Swedish medical care in transition. N. Engl. J. Med. 284, 360–366, 1971.

[5] Quebec Medicare and Medical Services Withdrawal. Toronto, Canadian Medical Association, October 19, 1970.

[6] Millis, J. S.: Wisdom? Health? Can society guarantee them? N. Engl. J. Med. 283:260–261, 1970.

[7] Department of Health, Education, and Welfare, Public Health Service: Vital Statistics of the United States, 1967, Vol. II, Mortality. Part A. Washington, D.C., Government Printing Office, 1969, p. 1–7.

[8] Financing Medical Care: An appraisal of

foreign programs. Edited by H. Shoeck, Caldwell, Idaho, Caxton Printers, Inc., 1962.

[9] Lynch M. J., Raphael, S. S.: Medicine and State. Springfield, Illinois, Charles C. Thomas, 1963.

[10] Jeffers, J. R., Bognanno, M. F., Bartlett, J. C.: On the demand versus need for medical services and the concept of "shortage." Am. J. Publ. Health, 61:46–63, 1971.

[11] Rand, A.: Atlas Shrugged. New York, Ranodm House, 1957, p. 1066.

HERBICIDE ASSESSMENT STUDIES

Mr. NELSON. Mr. President, today I am placing in the Record the preliminary report of the Herbicide Assessment Commission and Background Materials on Defoliation in Vietnam of the American Association for the Advancement of Science. This study, prepared at the direction of an important organization of American scientists, is a major contribution to our knowledge of the effects of the large-scale military use of chemical herbicides on the ecology and on human welfare in South Vietnam.

It should be noted that the Department of Defense has delayed transmitting its interim report on herbicides prepared by a committee of the National Academy of Science for the Pentagon. The deadline for transmittal, March 1, passed.

The study committee of the National Academy of Sciences, which received an extension on the deadline, finally completed the interim report more than a month ago. At that time officials of the National Academy of Sciences sent 50 copies of the report over to the Department of Defense which was supposed to present the preliminary report by March 1.

Furthermore, the final Pentagon report was originally due January, 1972. Now the final deadline has been pushed back to September 1973.

I am also placing in the Record at this time a list of classified studies and maps which, in the interest of scientific advancement, should be made public immediately. The President discontinued the defoliation program in Vietnam back in 1970. Classification of material directly related to the discontinued program denies the public and scientific community the truth of the bankruptcy of that program in Vietnam.

Mr. President, I ask unanimous consent that the American Association for the Advancement of Science report and the list of classified materials be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Preliminary Report of Herbicide Assessment Commission of the American Association for the Advancement of Science

(By Matthew S. Meselson, Professor of Biology, Harvard University, Cambridge, Mass.; Arthur H. Westing, Professor of Biology, Windham College, Putney, Vermont; John D. Constable, Professor of Surgery, Harvard Medical School, Boston, Mass.; and Robert E. Cook, Department of Biology, Yale University, New Haven, Connecticut)

INTRODUCTION

The Council and the Board of Directors of the AAAS have for several years sought to encourage scientific study of the effects of the large-scale military use of chemical herbicides on the ecology and on human welfare in South Vietnam. In December 1969 the AAAS Board appointed Matthew S. Meselson, Professor of Biology at Harvard University, to develop a plan for such a study, authorizing an expenditure of $80,000 for the purpose. Meselson appointed Arthur H. Westing, Professor of Botany at Windham College in Vermont, to direct the Herbicide Assessment Commission, the title under which this AAAS activity is known.

In the first phase of its work the Commission reviewed the pertinent literature and solicited information and advice from numerous experts in the U.S., Vietnam and elsewhere. This was followed by a conference in June, which brought together twenty-three experts in various fields for an intensive week of study and planning.

During August and September of this year, Meselson and Westing, together with Dr. John D. Constable, Professor of Surgery at Harvard Medical School, and Mr. Robert E. Cook, graduate student in ecology at Yale University, conducted a study tour in South Vietnam. The purpose of the tour was to identify the chief problems and to determine facilities, methods, and locations most suitable for future studies. What follows is a preliminary report of their findings and recommendations. A detailed report will be published at a later date.

1. *Mangrove forests.*—Much of the coastal area of the Mekong Delta region is occupied by mangrove forests. As a rough approximation, half of these forests, some 1,400 square kilometers, have been sprayed with herbicides. For as yet undetermined reasons, mangrove species have proved to be particularly sensitive. Essentially all vegetation is killed. Preliminary aerial and ground inspection by the Commission showed little or no recolonization by mangrove tree species after three or more years. However there is scattered growth of the fern *Acrostichum aureum*, the shrub ***Wedelia biflora***, and a few other species. Without vegetation, the area obviously cannot support most of the bird and ground animal species associated with the previously existing mangrove forests. A possibly important exception are crabs, large numbers of which were observed in barren areas. By devouring seedlings, crabs may be retarding revegetation. There are signs of erosion along the denuded coastlines but as yet they are slight. Major typhoons, which on the average strike the mangroves about every five years, have not occurred since herbicide was sprayed.

Studies aimed at reclamation of this land could be started immediately. Mangrove forests once provided a major source of fuel wood and charcoal. Mangroves also play an important role in providing food and nursing grounds for fish and crustaceans, although the magnitude of this contribution is not known. An attempt to estimate the impact that the permanent loss of mangrove forests would have on the fishing industry should be made before deciding how much of the former mangrove area should be replanted to tidal forests and how much devoted to other purposes. The urgency of replanting depends on the pace of erosion and soil deterioration and on the time scale of possible overgrowth of undesirable and hard to eradicate species such as *Acrostichum*. These time factors may well allow several years, but they could and should be studied immediately.

2. *Tropical Hardwood Forest.*—Approximately one-fifth of South Vietnam's merchantable hardwood forests have been sprayed, including many of the oldest and most valuable stands. Aerial inspection of forests in a wide arc north of Saigon extending from the Cambodian frontier in the west to the South China Sea on the east showed more than half of the forest to be very severely damaged. Over large areas, most of the trees appeared dead and bamboo had spread over the ground. A danger in this is that the invading species may be essentially worthless and very expensive to eradicate. Bamboo will retard the reestablishment of forest trees, at least for many decades. A further hazard is that large amounts of nutrient minerals previously tied up in forest vegetation may have been released and leached out of sprayed forests by the heavy tropical rains. Whether or not this process, which may be called nutrient dumping, has occurred on a scale large enough to seriously reduce soil fertility can be determined by relatively simply ground measurements. Intelligent planning of forestry policy, including reforestation, requires prompt attention to these and other possible herbicide effects. The true conditions of the forests including, but of course not restricted to the effects of herbicides, should be determined by aerial and ground inventory at the earliest possible date.

3. *Contamination of Food Chains.*—The Commission collected samples of shrimp, fish, human milk, and other materials for analysis for the presence of herbicides, their impurities, and their breakdown products. As yet, we are developing methods for the required analyses. Emphasis is being given to improved methods for the analysis of 2,3,7.8-tetrochlorodibenzodioxin. Dioxin, as this material is called, occurs as an impurity in Orange, the principal herbicide used in Vietnam. Its potential importance lies in the fact that it is exceedingly toxic, may be quite stable in the environment, and, being fat soluble, may be concentrated as it moved up the food chain into the human diet. Very rough model calculations suggest that it is not impossible that significant amounts of dioxin are entering the Vietnamese diet. This is certainly not to say this is occurring, but it should not be very difficult to make an accurate study of the question. The main obstacle at present is the lack of sufficiently sensitive and reliable methods for the analysis of dioxin.

4. *Health Effects.*—A principal concern here has been the possibility of the induction of birth anomalies by 2,4,5–T, dioxin, or both. Such effects have been found in laboratory experiments with animals and led to an order last April stopping the use of agent Orange. The U.S. Army and the South Vietnamese Ministry of Health have recently published a survey of still-births, hydatiform moles (placental tumors), and malformations, based on South Vietnamese hospital records for the past ten years. A slight but encouraging downward trend is reported in all three categories. Unfortunately most of the data come from Saigon, which has, of course, not been treated with herbicides. Indeed, probably no more than five or ten percent of the South Vietnamese population has been directly sprayed and we have essentially no data on this group. They would be very under-represented in Ministry of Health records. However, persons living outside of Saigon have been more heavily exposed to herbicides than those living in the Capital. This could occur not only by occasional direct exposure but also by exposure to drift and to herbicide residues in food and water. Upon subtracting the Saigon data, the Army study does, in fact, show a decided upward trend in stillbirths, moles, and deformities in the rest of the country. However, it would be totally incorrect to consider this as proof of an effect of herbicides. More compete recording and increased referral of difficult pregnancies from the countryside to the provincial hospitals could easily account for the observed trends. More thorough surveying in selected provinces might help to settle this question. Although the Commission could only study limited areas, we did evaluate in detail the birth records in Tay Ninh, a very heavily defoliated province. We found that for the years 1968 and 1969, the Tay Ninh provincial hospital showed a higher rate of stillbirth than any of those reported in the Army study.

Another approach would be to look for strikingly unusual deformities in heavily sprayed areas although the Commission found none reported within the Ministry of Health system. Still another type of survey would focus on the relative frequencies of each of several commonly identified malformations in hospitals conducting pediatric survey. However, there is only one large hospital of this type and, because it is in Saigon, obvious limitations are imposed. Its records do show a disproportionate rise in 1967 and 1968 of two anomalies, cleft palate and spina bifida. It would be important to examine these trends more closely. Still, this could never prove a causative connection with herbicides. The survey approach offers little hope of proving or disproving any relation between herbicide exposure and the incidence of birth defects unless one can find sizeable groups of similar people living under similar conditions, one heavily exposed and the other not exposed. If such populations exist and can be studied, it would be worthwhile to survey children at various ages for anomalies.

It may well be that we can learn more about this subject from the indirect approach of determining the amounts of herbicide residues in the diet and in human tissue, waiting for future research to determine the implications, if any, of whatever levels are found.

5. *Crop Destruction.*—Some 2,000 square kilometers of land in South Vietnam have been sprayed in order to destroy food crops. It has been authoritatively estimated that this entailed the destruction of enough food to feed approximately 600,000 persons for a year. Our observations in Vietnam lead us to believe that precautions to avoid destroying the crops of indigenous civilian populations have been a failure and that nearly all of the food destroyed would actually have been consumed by such populations. Even so, if the affected civilians were distributed throughout the country or if they lived in food surplus areas, the impact would be small compared to other hardships, since the food destroyed amounts to less than two percent of the national crop in any one year. However, anticrop spraying has been largely confined to the food-scarce Central Highlands, the entire population of which is only about one million. Most of these are Montagnards, tribal peoples racially and linguistically distinct from the lowland Vietnamese. These peoples are animists, closely tied to their land by tradition and religious belief. We believe the anti-crop program may have had a profound impact on a large fraction of the total Montagnard population of South Vietnam and we believe this to be a point for urgent consideration. As for retrospective studies, these could best be done by one or more several highly respected anthropologists who have spent many years studying and living among the Montagnards.

6. *Military Considerations.*—It should be made clear that the studies undertaken and recommended by the Herbicide Assessment Commission are after the fact and without reference to the military utility or desirability of the use of herbicides. Although these are certainly matters that could be subjected to study and evaluation, this would be completely outside the assignment given the Commission by the AAAS.

BACKGROUND MATERIAL RELEVANT TO PRESENTATIONS AT THE 1970 ANNUAL MEETING OF THE AAAS—HERBICIDE ASSESSMENT COMMISSION OF THE AMERICAN ASSOCIATION FOR THE ADVANCEMENT OF SCIENCE

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The observation and evaluations of the Herbicide Assessment Commission are those of its individual participants and should not be attributed to the AAAS or any of its competent organizations.

INTRODUCTION

Over the past nine years, approximately one-seventh of the land area of South Vietnam has been treated with chemical herbicides in order to reduce vegetation and to destroy food crops in connection with military activities. This large scale application of herbicides* has occasioned concern within the scientific community that there may be serious effects on the land and people of Vietnam. Unfortunately, large areas of ignorance have prevented any satisfactory evaluation of the possible effects; of their implications for economic and health planning in Vietnam; and of their broader implications regarding the use of herbicides.

In order to obtain reliable information, the American Association for the Advancement of Science, the largest organization of scientists in the United States, has sought to encourage and participate in the conduct of a systematic on-site study of the effects of herbicides on the ecology and on human welfare in South Vietnam. As a first phase of such a study, the AAAS Board of Directors, in December 1969, commissioned the preparing of a detailed operational plan for determining "... the short-term and long-term consequences of the use of herbicides on the ecology of South Vietnam and on human welfare." The AAAS Herbicide Assessment Commission, the name under which this AAAS endeavor is known, began its work in February 1970.

Herbicides have been widely used since World War II in many parts of the world for such beneficial purposes as agricultural and aquatic weed control, forest, range, and watershed management, and the clearing of rights of way. In the United States, about 150 million pounds of synthetic organic herbicides were used in 1965 to treat approximately 140 million acres, one fourteenth of the land area of the country. However, there are serious difficulties in extrapolating this backlog of experience to the assessment of the effects of herbicides in Vietnam.

First of all, the choice of areas to be sprayed is based on very different considerations in the two cases. Domestically, herbicides are generally used to improve land values. In military applications, land values are clearly not of primary concern. For example, heribicides are used domestically to improve pine forests by selectively killing less desirable species. Militarily, the objective of spraying a forest is simply to remove as much cover as possible. Again herbicides are used in farming to kill weeds but in war they are used to destroy food crops.

Beyond the clear differences in objectives between civil and military applications of heribicides, there are several additional factors which limit the applicability of domestic experience to the evaluation of possible effects in Vietnam. Among them are: (1) little experience with the application of herbicides in comparable tropical ecosystems; (ii) little previous attention to the possible ecological consequences of herbicide application over a very large contiguous area; (iii) limited experience with the military rate of application, which is more than ten times higher than the average domestic rate; (iv) a meager backlog of domestic experience with two of the four herbicides that are used militarily; (v) no monitoring of the quantities of herbicides or herbicide impurities and breakdown products that may be entering the Vietnamese diet; and (vi) a need for more information regarding the possible negative medical or ecological side effects of herbicides even as they are used domestically. In this last regard, it must be remembered that although the use of herbicides is very widespread it is also quite recent, more or less paralleling and now exceeding that of chemical insecticides.

Direct examination of herbicide-treated areas in Vietnam by qualified scientists has so far been quite limited. However, an important start on the study of sprayed timber stands was made during 1967 and 1968 by the USAID Forestry Branch. On the basis of aerial observations, it was estimated that approximately nine thousand square kilometers of forest had been sprayed by mid-1967. After conducting brief ground inspections at three treated sites in early 1968, Dr. Barry Flamm, Chief of the Forestry Branch, tentatively concluded that while a single spraying causes 10 to 20 percent killing of merchantable trees, two treatments in successive years kill 50 to 100 percent in the type of forest studied. An increase in grass cover was noted in sprayed areas and it was anticipated that bamboo also would increase. Flamm suggested further studies and recommended that forest reserves receiving two or more treatments be planned for reforestation.

During 1968 the U.S. Mission in Vietnam conducted a review of various aspects of the herbicide program. In order to obtain a preliminary assessment of ecological effects, Dr. Fred S. Tschirley of the U.S. Agricultural Research Service was asked to participate. Tschirley, a botanist, toured Vietnam from mid-April to mid-March 1968. He made aerial observations of mangrove forests and semi-deciduous upland forest areas. He also revisited the three sites established by Flamm and came to the same conclusions regarding the effects of single and multiple herbicide treatment on this forest. Tschirley also noted that mangrove species are killed by a single treatment, and estimated that sprayed mangrove forests might return to their original condition in approximately twenty years. Tschirley stressed the need for information on the successional behavior of herbicide-treated Vietnamese forests and strongly urged the initiation of long-term ecological research after the cesation of hostilities.

In March 1969 two American zoologists concerned with the ecological impact of herbicides in Vietnam, Dr. Gordon H. Orians of the University of Washington and Dr. Egbert W. Pfeiffer of the University of Montana, visited Vietnam for two weeks. They made aerial observations of sprayed upland forests and also inspected a mangrove area by motor launch. They found no evidence of recolonization along the shore line and reported a near absence of fructivorous and insectivorous birds in the sprayed areas. They too, strongly recommended a major research effort, to be conducted jointly with Vietnamese scientists.

Following the establishment of the AAAS Commission, our work was conducted in several stages including a trip to Vietnam in August and September 1970. We inspected several types of herbicide-treated areas in order to acquire information upon which more extensive studies could be based. Our observations extended into several areas not previously studied and, in certain instances, significantly differed with prior reports.

Previously, the Commission conducted a survey of the relevant literature. At the same time, numerous experts and officials in various fields were consulted for information and advice. A list of questions for possible study was drawn up and circulated for comment to over 200 individuals and agencies as a means of identifying important problems and building a base of information. Then, in June, a five-day working conference was held at Woods Hole, Massachusetts in order to further define a tractable number of specific problems for systematic study and to assist in planning the subsequent tour of South Vietnam. The conference was attended by twenty-three specialists in various fields including tropical ecology, forestry, agricultural economics, microbiology, soil science, plant physiology, herbicide chemistry, photogrametry, medicine, and anthropology. Eleven of the participants had various degrees of experience in Southeast Asia. Although all were present as private individuals, they included persons from universities in the United States and abroad, from industry, and from several departments of the U.S. Government.

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*Herbicides are chemicals intended to kill or reduce vegetation. When they cause leaf fall, with or without killing the entire plant, they are sometimes called defoliants. We shall use the more general term, herbicides.

In Vietnam, our objectives were to improve our identification of important problems for study and to determine the facilities, methods, and geographical areas that would be most suitable for future work. We attempted to obtain enough specific information and experience to partly bridge the gap between the very limited picture of the situation available from reading and consultation in the United States and actual conditions as they exist in Vietnam. In fact, we were able to make some specific observations that should be of value even at this preliminary stage.

Although we went to Vietnam as independent scientists on behalf of the AAAS, we were given the full official support of the U.S. Mission and of the Government of the Republic of Vietnam, who showed their concern with the problem by supplying letters of introduction and every assistance in Saigon and in the provinces. Our living quarters, office facilities and ground transportation were generously and expeditiously provided by the U.S. Agency for International Development. Extremely valuable helicopter overflights and other air trips were arranged by USAID, the American Embassy, and, especially, by the U.S. Military Assistance Command. However, our itinerary and daily activities were decided upon solely by ourselves.

We consulted with Vietnamese university and ministry specialists in botany, zoology, soil science, agronomy, chemistry, forestry, and medicine. We made several field trips with Vietnamese professors and graduate students. We interviewed numerous farmers and village officials for first hand information on herbicide effects. We conducted aerial and ground inspections of herbicide treated and untreated areas and conducted studies of possible health and congenital anomaly changes in selected regions. Food-chain components and human sample materials were collected and brought back for chemical analysis.

LAND AND PEOPLES OF SOUTH VIETNAM

South Vietnam occupies the southeastern extremity of the Southeast Asian Peninsula and has a crescent-shaped area of 170,000 square kilometers. It is about 1,300 kilometers long, extending from 8°33′ to 17° north latitude. Its average width is about 150 kilometers, falling between about 104° and 109° east longitude. To the west lie Laos and Cambodia, to the east the South China Sea.

Populations: The 1970 population of South Vietnam is estimated to be 17.5 million, concentrated in the southern third of the country and in a narrow strip along the eastern coast. More than 80 percent are ethnically Vietnamese. The largest minority are the Highlanders of Montagnards, a group of tribal peoples racially and linguistically distinct from the ethnic Vietnamese. Estimated to number approximately one million, the Montagnards are distributed throughout the upland areas in the northern two-thirds of the country.

Geographic Regions: South Vietnam is divisible into four main physiographic regions. The *Mekong Delta* region constitutes the southernmost quarter, extending over about 40,000 square kilometers with about 5 million inhabitants. Flat and often marshy, it is dissected by the five arms of the Mekong River, several lesser rivers, and many navigable streams and canals along which the rural population is concentrated. The rivers are so sediment-laden that in some places the coastline advances by as much as 75 meters per year.

The very fertile central part, where most of the Delta population live, is the principal rice production area in Vietnam and also is a major source of coconut, banana, and other fruits. In the northern portion of the Delta, extending from the Cambodian frontier, there lies an extensive, poorly drained marsh, the Plain of Reeds, Mangrove forests line much of the coast of the Delta and occupy two particularly large areas, the Camau Peninsula in the far south, and the U Minh Forest in the west.

The *Mekong Terrace* region constitutes a wide band lying north of the Delta region, extending from Cambodia to the sea. Its area is about 30,000 square kilometers. Somewhat more elevated than the Delta but still mostly flat, this region is heavily forested in the north and mostly cleared for farming in the south. It possesses a wide variety of soils and drainage conditions, supporting not only rice but many other crops, including fruits, fibres, sugar and rubber. The population is approximately six million, half of it in Saigon and its environs. Two of the principal rivers of this region, the Saigon and the Dong Nai, join just south of Saigon and then branch into a complex of meandering channels in a mangrove forest known as the Rung Sat. One of these channels is the main shipping route linking Saigon to the South China Sea.

The *Highland* region of South Vietnam, occupying about 65,000 square kilometers but containing only about a million people, extends northward from the Terrace region all the way to the demilitarized zone which divides Vietnam at the seventeenth parallel. On the east it is bounded by the Truong-Son range, which rises steeply out of the coastal plain, and on the west by Cambodia and Laos. The Truong-Son slopes gradually to the west forming an area of rugged mountains and plateaus penetrated in places by low plains opening into Cambodia.

As recently as twenty years ago this region was inhabited almost entirely by Montagnards. Even now, after a major influx of lowland Vietnamese, the Montagnards constitute more than half of the population.

Most of the Highland region is forested. There are also large areas covered with grass, brush, or bamboo. A large fraction of the forest is kept at an early stage of development by the Montagnard practice known as swidden agriculture. The forest is cut and burned, farmed for rice, vegetables, and other crops for two or more years until the land loses its productivity, and then allowed to lie fallow for several years before the cycle is repeated.

Although most of the inhabitants of the highland region are subsistence farmers, there is intensive commercial cultivation of vegetables, fruits, coffee, tea and rubber in some areas. The large-scale production of vegetables for the Saigon market in the vicinity of Dalat is particularly noteworthy.

The *Coastal Plains* region, covering about 25,000 square kilometers, is a narrow strip located between the mountains and the sea, extending from the Mekong Terrace region north to the seventeeth parallel. The strip is constricted in several places where branches of the Truong-Son range reach nearly to the sea, forming a series of large coastal plains. The population is approximately four million. Little of the region is forested, most of it being planted to rice, manioc, sweet potato, peanuts, and sugar cane.

Climate: South Vietnam has a warm humid climate. The mean temperature is 25-27° C and the average yearly precipitation is approximately 150 to 300 cm, depending on location. The seasonal range of temperatures is not large, less than 5° C in most places. Precipitation, however, is subject to great seasonal variations. In all regions except the Coastal Plains, the wettest season occurs in the summer when the prevailing winds are southwesterly, bringing warm humid air from the Gulf of Siam and the Bay of Bengal. During this time the rains are usually not steady, but occur as heavy afternoon showers. A pronounced dry season occurs during the winter, when the wind is generally from the northeast. On the Coastal Plains, the dry season starts late in the winter and lasts approximately half the year. In this region, rainfall is highest in the autumn, with serious flooding in some years. In the late autumn, the entire east coast of South Vietnam is subject to typhoons coming from the South China Sea.

Land Cover: The cover types of South Vietnam are estimated to be distributed as follows:

	Square kilometers
Forest:	
Hardwood	100,000
Mangrove	2,800
Rear mangrove	2,000
Rubber	1,000
Pine	1,800
Approximate total, forest area	107,600
Other:	
Brush wood, coffee, and tea plantations	11,000
Crops	37,000
Savannah	1,300
Dune grass and trees	1,100
Swamps and marshes	8,500
Urban areas	100
Water and unaccounted	7,200
Total area	173,800

Under the designation "forest" are included all lands with trees whose crowns cover more than twenty percent of the area. Only about half of the total forest area is stocked with trees of sufficient size for commercial logging. Thus, the area covered by merchantable hardwoods is approximately 50,000 square kilometers. Of this, about two-thirds is in the Central Highlands and one-third in the Mekong Terrace region in a broad arc extending across the country north of Saigon.

Administrative Divisions and Military Regions: South Vietnam is administratively divided into forty-four provinces, plus six autonomous municipalities. Each province is divided into a number of districts which are subdivided into villages. Each village contains several hamlets.

For military purposes, provinces are grouped into four Military regions, formerly known as Corps Tactical Zones. Military Regions III and IV generally correspond to the Mekong Terrace and the Mekong Delta regions, respectively. The northernmost five provinces comprise Military Region I, while the twelve remaining provinces to the south make up Military Region II, both regions include highlands and coastal plains.

MILITARY USE OF HERBICIDES IN SOUTH VIETNAM

The military use of herbicides in South Vietnam began on an experimental scale in 1961. It became operational in 1962 with the aerial spraying of twenty square kilometers of forest and three square kilometers of crop land. Much of the spraying that year was conducted in the mangrove forests of the Camau peninsula, at the southern extermity of the country. In successive years, the use of herbicides grew rapidly, reaching a peak in 1967 and then declining somewhat in 1968 and 1969. Data for 1970 is not yet available. An estimate of the area treated in each year through 1969 is as follows:

ESTIMATED AREA TREATED WITH HERBICIDES IN SOUTH VIETNAM[1]

Year	Acres			Square kilometers (1 km²=247 acres)		
	Forest land	Cropland	Total	Forest land	Cropland	Total
1962	4,940	741	5,681	20	3	23
1963	24,700	247	24,947	100	1	101
1964	83,486	10,374	93,860	338	42	380
1965	155,610	65,949	221,559	630	267	897
1966	741,247	101,517	842,764	3,001	421	3,422
1967	1,486,446	221.312	1,707,578	6,018	896	6,914
1968	1,267,110	63,726	1,330,836	5,130	258	5,388
1969	1,221,415	65,700	1,287,115	4,945	266	5,211
1970	(2)	(2)	(2)			
Total	4,984,954	529,566	5,514,410	20,182	2,154	22,336

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[1] The number of acres treated is calculated by multiplying the gallons of herbicide used by one-third. This procedure is based on the fact that the average spraying rate is taken to be approximately 3 gallons per acre of defoliated swath produced. The quantity of herbicide used is known rather accurately but the estimation of the average area of the spray swath could be somewhat in error. For example, records of actual spray flights suggest that at least under some conditions approximately 1.4 acres of swath are produced for each 3 gallons of herbicide sprayed. The total area estimates given here are subject to at least 2 additional corrections. However, neither is very great. First, the calculated areas should be increased to take account of spraying by helicopters and by ground equipment. This is not included in the estimates given in the table, which refer only to spraying done by C–123 fixed-wing aircraft. Judging from the reported total amount of herbicide used by all types of equipment in 1968 and 1969, it appears that no more than 20 percent was applied by means other than C–123 aircraft. Second, the calculated areas should be reduced by a factor estimated as at least 16 percent, because of the fact that some areas have been treated more than once. As these two corrections tend to cancel each other, and as neither is very great, they are not taken into account in the table.

[2] Data not yet available.

Herbicides Used in Vietnam. Three different formulations account for nearly all of the herbicides disseminated in Vietnam. They are known by the designations Orange, White, and Blue corresponding to the color of the stripe painted around the 55-gallon drugs in which they are shipped from the United States. They are used in Vietnam as received, without dilution. Their compositions as well as that of agent Purple, an early formulation very similar to Orange, are shown in Table 1.

TABLE 1.—*Military Herbicides*

Agent Orange: 2,4–D and 2,4,5–T;

Active Ingredients: A 1:1 mixture of the n-butyl esters of 2,4-dichlorophenoxyacetic acid and 2,4,5-trichlorophenoxyacetic acid.

Concentrations: 4.1 and 4.4 lb./gal.

Application: Undiluted at 3 gal./acre.

Agent White: 2,4–D and Picloram

Active Ingredients: A 4:1 mixture of the tri-iso-propanolamine salts of 2,4–D and 4-amino-3,5,6-trichloro-picolinic acid in water.

Concentrations: 2.0 and 0.54 lb./gal.

Application: Undiluted at 3 gal./acre.

Agent Blue: Cacodylic Acid

Active Ingredients: A 6:1 mixture of sodium dimethyl arsenate and dimethyl arsenic acid in water.

Concentration: 3.1 lb./gal.

Application: Undiluted at 3 gal./acre.

Orange has been the most extensively used, accounting for approximately sixty percent of all herbicide consumption in Vietnam. It is an undiluted mixture of the n-isobutyl esters of 2,4–D and 2,4,5–T. Orange acts as both a defoliant and a systemic plant killer on broadleafed and woody vegetation. It has been used mainly for forest clearing and to a lesser extent for crop destruction. In tropical dicotyledenous forests, leaf fall occurs in three to six weeks after application, with surviving trees or branches refoliating within a year. Similar formulations are known on the domestic herbicide market under the generic name of brush killers. One of these, differing slightly from Orange by containing isobutyl 2,4,5–T as an additional ingredient was used in Vietnam until 1965 under the name Purple. The use of Orange was ordered stopped by the Department of Defense in April 1970, because of concern arising from tests on laboratory animals showing commercial samples of 2,4,5–T to be teratogenic.

The next most commonly used herbicide is agent White, a water solution of the triisopropanolamine salts of 2,4–D and picloram, together with surfactants and a rust inhibitor. Accounting for approximately thirty percent of total herbicide consumption, it was first introduced in quantity in 1967 when the military demand for Orange outstripped the U.S. production capacity for 2,4,5–T. White is mainly used for forest clearing, giving somewhat longer lasting results than Orange. Similar formulations are used in the U.S. for spraying power line rights of way, although picloram is not permitted for agricultural applications.

Agent Blue is a water solution of the sodium salt of cacodylic acid (sodium dimethyl arsenate), plus surfactants, rust inhibitor, and antifoam. It makes up somewhat less than ten percent of all herbicide used. It acts to desiccate or dry out vegetation with which it comes into contact. It is more effective on grasses than Orange or White and acts more rapidly, withering all types of vegetation within a few days. It is used both for defoliation and for crop destruction, particularly against rice.

Picloram, 2,4–D, and 2,4,5–T are all known as plant growth regulators and cause similar physiological responses, including defoliation, stimulation of growth, induction of callus formation, and striking changes in the shapes of stems, fruits, leaves, and other plant parts. These herbicides may be absorbed either through the leaves or the roots. Under some conditions, herbicide deposited on the leaves causes them to fall before enough is transported to cause systemic poisoning of the entire plant. In such cases the plant often recovers. The biochemical mechanisms of action of these chemicals are unknown, in spite of a great deal of research. However, the main cause of plant death following systemic poisoning appears to be unbalanced growth of tissue, particularly phloem, resulting in blockage of nutrient flow, and in the formation of lesions vulnerable to microbial infection.

Method of Application. Herbicide spraying in Vietnam is done by fixed-wing aircraft, helicopters, and various types of ground equipment. The principal means of application has been the twin-engine C–123 cargo aircraft. Between January 1962 and January 1969, C–123s made more than 19,000 individual spray flights. The aircraft is fitted with a 950-gallon tank from which the liquid herbicide is pumped at approximately 250 gallons per minute to spray booms under each wing and to a third boom at the tail. It is discharged through thirty-two nozzles of 9.5 millimeter internal diameter distributed along the three booms. When the herbicide hits the airstream, it is dispersed into droplets having a mass mean diameter of 0.35 milimeters. One aircraft produces a rather sharply defined swath of affected vegetation approximately 85 meters wide and 15 kilometers long, depending somewhat on operating conditions. Records of individual spray flights suggest that some swaths are up to 100 meters wide and 18 kilometers long. Standard operating conditions are an air speed of 240 kilometers per hour and an altitude of 50 meters above tree top level.

In order to minimize inadvertent applications from drift and volatilization, spraying is not supposed to be done when wind speed exceeds 15 kilometers per hour or temperature exceeds 29° C. Calculations based on assumed drop size distributions suggest that even with a 15 kilometer per hour wind, drift should not be an important problem beyond about 3 kilometers from the line of application. However, the actual drop size distribution for the C–123 equipment has not been measured in the field.

Aerial spraying by helicopter is done by the UH–1 "Huey" aircraft mounting a 200 gallon tank. For crop destruction missions, the application rate is sometimes reduced to about half the value delivered by C–123, since even about 1 gallon of Blue per acre is enough to prevent the maturation of rice.

Location of herbicide applications. No systematic and detailed information on the locations of herbicide spraying in Vietnam has been made generally available. However, the U.S. Army Chemical Staff in Saigon has kept a log for each C–123 mission since July 1965. Records for spraying before that time may be on file in official archives kept in Omaha, Nebraska, and St. Louis, Missouri. The log in Saigon includes the data most relevant to any study of herbicide effects. These are the dates and map coordinates of spraying the type of herbicide, and the quantity actually sprayed. Map coordinates are given to the nearest 100 meters. At present, this information is classified *Confidential.*

Although truly satisfactory information is unavailable at present, it is possible to put together a rough idea of the amount of terrain of different types that has been sprayed and of the location of the principal areas of heavy exposure. This has been done on the basis of published information and aerial observations made by ourselves and by others.

Tropical Hardwoods. The greatest expenditure of herbicides in Vietnam has been on fairly mature tropical hardwood forest. Famm places the area of such forest sprayed through 1969 at 13,500 square kilometers, about a third of it sprayed more than once. Hardwood forests of one kind or another and in various conditions make up about nine-tenths of forested land in South Vietnam. The forestry services of the French colonial government estimated the total area of economically valuable hardwood forests at 50,000 square kilometers, leaving out forests that were badly degraded, very young, or located on particularly inaccessible mountain terrain. A recent estimate of the total hardwood forest estate, based on low resolution aerial photography and on U.S. Army terrain travel difficulty maps is 100,000 square kilometers. However, this includes a large fraction of the forest in the central highlands that is kept at a very early successional stage by swidden agriculture. An intermediate value, about 75,000 square kilometers, can be estimated from a vegetation map published by the Government of Vietnam. As a rough approximation then, it appears that some twenty percent of the relatively mature hardwood forest has been treated with herbicides, a third of it more than once.

Mangrove and Rear Mangrove. To the southwest of Saigon, and along much of the coast of the Delta, are dense mangrove forests covering about 3,000 square kilometers. According to Tschirley, about one-third of this forest type had been sprayed by the end of 1967. With continued herbicide operations in the Delta, the proportion is now probably close to one half. Inland from the mangroves in the western part of the Delta are nearly 2,000 square kilometers of forests of *Melaleuca leucadendron*, sometimes called rear mangrove. We are unaware of how much if any, of this forest type has been sprayed.

Strip Spraying. Aside from blocks of forest within which herbides have been extensively applied, a considerable amount of spraying has been done in short narrow strips scattered widely throughout South Vietnam. Strip (as opposed to bloc) spraying has been done along roadsides, perimeters of military installations and also in forests. In the Delta, it has been done along canals and rivers. Although much of it has been accomplished by C–123s, a large fraction has been done by helicopters and therefore my not have been systematically recorded.

Crop Destruction. Finally, somewhat more than 2,000 square kilometers of cropland is reported to have been sprayed. If little of this area includes respraying, it would represent about five percent of the 38,000 square kilometers of crop land in South Vietnam of which a little over two percent was sprayed in the peak year of 1967. Being located almost entirely in the central highlands, rather than on more productive soil, the percentage of the total national crop production affected would be less than the percentage of South Vietnamese farmland that has been sprayed. However, only about a tenth of South Vietnam's farm land is in the highlands, so that within this region a considerable fraction of the farmland has been sprayed.

HERBICIDE TOXICOLOGY: STILLBIRTHS AND BIRTH DEFECTS HAC OBSERVATIONS AND PROBLEMS FOR STUDY

The following is an analysis of the work which was done by the HAC in the evaluation of the feasibility of demonstrating any change in the pattern of births in Vietnam which might have resulted from the exposure of some of the Vietnamese population to 2,4,5–T, or its contaminant dioxin, agents which have been reported to be teratogenic under certain laboratory conditions in certain animals.

If indeed any such effects of the 2,4,5–T exposure on the Vietnamese population are to be detected, it would be appropriate to study these in at least four ways, looking for:

1. Changes in the occurrence of malformations and/or stillbirths in a relatively stable population.

2. Changes in the frequency of any of the more common identifiable malformations in relation to other common malformations.

3. The relatively sudden appearance of an otherwise very rare or unknown deformity in significant numbers (the classical previous example being thalidomide induced phocomelia).

4. Changes in the incidence of specific abnormalities, anatomical or biologic, that have been shown to result from laboratory experiments with 2-4-5,T in animals.

Consideration will be given to each of these possibilities. All of them are somewhat difficult to examine precisely but numbers two and three are, we believe, subject to relatively precise evaluation even under wartime conditions in Vietnam, while the first and last are a great deal more difficult to elucidate. These methods of study are all subject to very significant limitations, some of which are now presented.

Size and Accessibility of the Population Exposed Directly to Herbicides. Although, as frequently noted throughout this report, precise information as to all the locations of herbicide spraying has not been made available to the HAC; and it is therefore difficult to be certain how much defoliation has in fact been done in more densely populated areas, it nevertheless appears to be true that the bulk of Agent Orange used in Vietnam has been sprayed in relatively remote and sparsely populated areas of mangrove and other forests. This figure is particularly hard to estimate since the crop destruction program is carried out in more populated areas and although Agent Blue (without 2,4,5-T) has been favored for this, Agent Orange has also been used.

The population directly exposed to 2,4,5-T presumably does not exceed five percent (and may even be one percent or less) of the total population of Vietnam, although this must be more accurately determined from precise spray data. This factor alone strikingly dilutes any apparent effects of the spraying on birth statistics when those directly exposed are added to the total statistics of the country, but this effect is even more accentuated by the fact that most of this population is necessarily in remote and usually insecure areas and therefore information regarding medical effects, if any, can only be gradually expected to filter out from the sites of direct exposure. An unknown proportion, but probably quite significant, of the exposed population, consists of Montagnard people whose births are normally at home or in villages and are rarely recorded in the Government of Vietnam medical system or allowed for in the GVN statistics.

Status of Records: Availability and Accuracy. In general, maternity records are in some respects among the most reliable available to the field investigator in Vietnam. Traditionally, midwifery in Vietnam has been strictly independent and, employing female midwives, has been rather less subject to change of personnel than has the rest of the Vietnamese health system. In all hospitals or dispensaries staffed by a midwife, whether national or rural, a daily record book is kept in which all deliveries are recorded. It is agreed by almost all observers that this record, providing the original has not been lost, is reasonably accurate as far as the limited information it contains. Thus, it is our feeling that almost complete accuracy is available concerning the number of births, sex of the children, weight of the newborn and whether or not the infant survived. In theory, obstetrical abnormalities or infant malformations are recorded. If these are positively noted in a record, then they are reliable, at least within the diagnostic acumen of the midwife recording them, but, as will be shown subsequently a negative record is of no significance whatsoever. It is our belief that within these simple statistics, the accuracy of provincial hospitals, district hospitals, and village dispensaries is comparable. This assumption may not be strictly true and is subject to factors such as the desirability of registration of living children, which might lead to the concealment of a stillbirth or neonatal death; or the reluctance of village or district midwives to report large numbers of stillbirths when transfer of difficult cases to the provincial hospital is expected by the Ministry of Health. Nonetheless, the uniform agreement of numerous Vietnamese doctors and midwives with whom we consulted that this reporting is usually reliable, supports our opinion. In the capital area (Saigon-Gia Dinh) modern statistical methods have been introduced, particularly at Tu-Du, and increasing accuracy is reflected thereby.

The Vietnamese Health System. The Ministry of Health provision for the medical care of the people of Vietnam is through a system of rather strictly graded medical facilities. A village will often, but not always, contain a dispensary of extreme simplicity staffed by a rural health worker and/or midwife with only a few months training. Nonetheless, in one province studied by the HAC nearly twice as many births were recorded in village dispensaries as in the provincial hospital for a comparable period.

All district capitals have a dispensary and at the time of the visit of the HAC it was reported by the Ministry of Health that all of these were at least partially staffed. Personnel usually include national health workers and midwives, many of whom are well trained, but these facilities do not normally have a doctor available and except for deliveries usually do not have in-patient facilities. In the province studied in detail by the HAC the district dispensaries delivered somewhat fewer children than the provincial hospital.

All provincial capitals have a hospital with doctors as well as nationally trained nurses and midwives. There is a very wide range of quality among these facilities and some overlap, with certain district dispensaries better staffed and equipped than some provincial hospitals. In addition, there are the medical facilities in the larger cties, not provincial capitals, including DaNang and Saigon. These include specialty hospitals and, in general, the best facilities in the country.

Because of their accessibility and concentration of more interesting patients, most studies of Vietnamese medical statistics have been made at the level of provincial and city hospitals although most patients, and particularly a large number of deliveries, are, in fact, cared for at the district and village level. Records of these smaller facilities show a strikingly lower level of stillbirths and obstetrical difficulties than do provincial hospitals. This is believed to be a true statement of the facts by Ministry of Health officials and the HAC, and presumably reflects the referring of difficult cases to provincial or city hospitals. Military security and adequacy of transportation will, of course, improve the degree of referral and tend to increase the differential reported between the two groups of reporting hospitals. In the capital, approximately one quarter of the babies are delivered at Tu Du, a large teaching hospital devoted exclusively to maternity, another quarter are delivered at other government hospitals, and about one-half at private maternities. These latter are very quick to refer patients to the government hospitals and report essentially no complications for fear of difficulties with the Ministry of Health. In this respect, it is of interest to note that nearly one-half of the total maternal deaths reported by Tu Du in 1965 were, in fact, referred "in extremis" from outside hospitals. The official health statistic report of the government of Vietnam for 1967 states: "Moreover, private maternities dare not tell the truth on the deaths of who came for delivery."

The registration of births in the Republic of Vietnam is still very incomplete. It is believed that close to all of the births in the capital area are registered. In the remainder of the country, current government estimates are that about one-half of all births are registered in any form and, as we shall see in the case of Tay Ninh, the provincial hospital itself may not be an accurate reflection of figures for the entire province. Although we emphasize the accuracy as to birth weights and stillborns of the midwife record books when they can be consulted in their original form it cannot be over-stressed that the recording of congenital abnormalities is extremely patchy and seems to reflect the interest of the midwife at different periods. The midwives from whom we received such good help in this study nearly uniformly agreed as to this deficiency.

Even when malformations are recorded, their nature is often incompletely noted. Only in the capital is cleft palate distinguished from cleft lip in the records and a number of midwives agreed that the inside of the mouth of the infants was almost never examined. The nature of fatal anomalities is very rarely recorded and essentially no autopsies are performed on stillborns.

Rates of Stillbirths and Reported Congenital Anomalies in the Capital and Provinces. The extensive study of congenital malformations hydratidiform moles and stillbirths in the Republic of Vietnam 1960–1969 carried out under the auspices of the Department of the Army and the Vietnamese Ministry of Health by a team headed by Dr. Robert T. Cutting has now become available and most of the more limited investigations carried out by the HAC will be related to this major army undertaking. Unfortunately, in spite of persistent efforts, this material was not available to the HAC at the time of their visit to Vietnam.

Saigon. Studies of the records of Tu Du for the last decade, which include about one-quarter of registered Saigon deliveries and covering between 12,000 and 30,000 births a year, show a definite decrease in stillbirth rates. There was a notable discontinuity in 1967 when the rate fell from 36 per thousand in 1966 and 38 per thousand in 1965 to 26 per thousand and remained at this lower level for 1968 and at 29 per thousand in 1969. During the same period, there was a slight reduction in the overall rate of recorded malformations. It is the opinion of the medical staff at Tu Du that some, at least, of the reduction of the stillbirth rate is from considerably improved medical care as shown by the fact that in the years 1963–1964 no babies under a kilogram in weight survived out of 310 being born alive while in 1965 and 1966, 55 survived out of 391 delivered.

The rate of hydratidiform moles at Tu Du also dropped slightly. It should be noted that the figures for moles at Tu Du reported by Cutting do not include choriocarcinomas which at most provincial hospitals are included in the mole figures and would raise the Tu Du percentage by nearly twenty percent during the years 1963 and 1964.

Countrywide Data. The Cutting study reports a general downtrend in stillbirths during the period 1960–1969, taking all of the data together. This is shown by the solid line in Figure 1. Grouping these countrywide data into pre and light-spraying years (1960–1965) and heavy spraying years (1966–1969), the stillbirth rates are found to average 36.1 and 32.0 per thousand live births, respectively. Finding a similar downward trend in moles and deformities, Cutting concludes that "Sorting the data into two time periods, before (1960–1965) and after (1966–1969) the large scale military use of herbicides, failed to show an effect of herbicides. Rather, a downward trend was observed in all categories of abnormal birth events." However, these trends are caused by the data from the capital area (Tu Du, Hung Vuong, Bien Hoa), which account for approximately two-thirds of the births studied. When the data for the capital are subtracted the trends are reversed. This may be seen below.

ABNORMAL BIRTH EVENTS AS REPORTED BY CUTTING

	Rates per thousand livebirths	
	Light-spraying (1960–65)	Heavy-spraying (1966–69)
Countrywide:		
Stillbirths	26.1	32.0
Moles	6.6	5.6
Malformations	5.5	4.5
Countrywide minus Capitol:		
Stillbirths	32.0	38.5
Moles	3.1	5.3
Malformations	2.3	3.1

Plotted year by year, the countrywide data with the capital area subtracted shows a decided upward trend, peaking in 1967, as shown by the dashed line in Figure 1.

Tay Ninh. Rather than attempting to survey the provincial hospitals from a large number of areas, the HAC concentrated their efforts on the study of possible changes in malformation and stillbirth rates in the province of Tay Ninh. Although, as in other areas where agent Orange has been used mainly for forest defoliation (as opposed to crop destruction) the total number of directly exposed Vietnamese is probably low, the northern portion of Tay Ninh has been heavily defoliated and the rivers draining the areas of defoliants run through the remainder of the province and are a source of fish for some of the population.

As has been noted by Cutting, the earlier maternity records of the Tay Ninh City provincial hospital and most of the Tay Ninh district dispensaries are no longer available but we were fortunate in being able to study the daily record book in its original form at the provincial hospital for the years 1968 through 1970, although this was apparently not available to the army group. Study of these records was of interest and in striking contrast to the figures reported by Cutting. Although two months (November and December 1968) are missing from the original data book and only Ministry of Health summaries could be obtained, a higher rate of stillbirths, 64 per thousand livebirths, was shown from these records in Tay Ninh than recorded anywhere else by Cutting and his group. The HAC noted 351 stillbirths in the years 1968 and 1969, the years for which Cutting reports 208.* The data for Tay Ninh City provincial hospital are as follows.

Year	Livebirths	Stillbirths	Rate per 1,000 livebirths
1968	2,765	161	58.0
1969	2,361	190	80.5
1970 (7 months)	1,688	171	101.0

It was very striking that among 2,551 births recorded in 1969, not a single specific congenital deformity or malformation was noted. The midwives, the chief, of whom had been there for ten years, agreed that a fair number of deformities had been seen but had not been, in fact, recorded.

We were able to survey all of the reported births from village, districts, and provincial facilities in Tay Ninh for some recent months and in this way try and weigh appropriately the importance of the provincial hospital as a reporting agency.

Year:	*Livebirths*
1967 (9 months)[1]	1,818
1968	2,765
1969	2,361
1970 (7 months)	1,688

[1] As recorded by Cutting. Original data book unavailable to HAC.

Tay Ninh City provincial hospital has shown a remarkable monthly uniformity in births since 1967 with annual totals something under 3,000. Records have also been fairly consistent from the two larger of the four district dispensaries in the province. The largest, Heiu Thien, with 1,000 births per year approximates a provincial hospital as a facility. For four months in 1970 essentially complete figures are available from all of the districts and villages in Tay Ninh province as well as the provincial hospitals. These include all medical facilities reporting to the Ministry of Health, and are said by their officials to include over seventy percent of total births in the district. They show that during this period, February through June 1970 (excluding April for which reports were incomplete) 2,281 births with 20 stillbirths (i.e., 8.8 per thousand livebirths) were reported from the districts and villages with the village dispensaries accounting for about two-thirds of this number, while during the same period, Tay Ninh City Provincial Hospital reported one-half as many births, 1,028, with 89 stillbirths (i.e., 95 per thousand livebirths), more than ten times that of the outlying districts. Clearly, therefore, the birth statistics from Tay Ninh City Provincial Hospital, with a stillbirth rate of 95 per thousand, are quite different from those from all of Tay Ninh Province including villages and districts which reported a combined total of 3,309 births with 109 stillbirths or a rate of 34 per 1,000 livebirths. Although specific determinations were not made in other provinces, except partially in the Rung Sat, it is expected that differing degrees of variations of this sort will be found in all provincial capital hospital statistics as compared to complete provinces. It is noted that if the districts and villages were able to reduce their stillbirth rate by one-half, by referral, this would not be sufficient to fully explain the discrepancy in stillbirth rates. Better than fifty percent prenatal diagnosis of impending stillbirth is unlikely to be consistently possible. We do not know the reason for this striking difference in Tay Ninh. We note that all districts surveyed by Cutting in various parts of Vietnam also showed very low stillbirth rates.

An incidental study was made of the prevalence of twinning at Tay Ninh City Hospital. For the period July 1968 to July 1970 (excluding the two months in 1970 for which no figures are available) 79 mulitple births occurred, including one set of triplets, out of a total of 7,010; or approximately 11.2 per 1,000, almost exactly the same figure as reported by Drs. Oliver and Hong for Saigon in 1952 to 1962.

Rung Sat. A similar, less extensive survey, of the RSSZ area was carried out. Dispensaries at Can Gio and Quang Xuyen closely bordering the defoliated mangrove forest annually reported several hundred births with very low rates of stillbirths and no deformities recorded. We were definitely informed that any patient with impending stillbirth or evidence of obstetrical complications was referred to Vung Tau. Although Vung Tau serves as the provincial hospital for this area, it is not in fact the provincial capital but an independent city. Vung Tau Hospital with a monthly birth rate very close to that of Tay Ninh showed a strikingly lower rate of stillbirths; 26 per 1,000 in 1968 and 30 per 1,000 in 1969 (9 months) and 22 per thousand in 1970 (7 months).** The rate of twinning was 8.9 per 1,000 (54 out of 6,198). It is of interest that among this large number of births only one mole is recorded. This patient was transferred to Tu Du in Saigon. During the same period, a total of 6,198 births were reported with no congenital abnormalities recorded.

Although Vung Tau includes in its referral area a zone of intensive defoliation of mangroves, most of its patients may be supposed to have had minimal herbicide exposure either directly or possibly through the food chain. They apparently do not regularly eat fish from streams emanating from sprayed forests as do inhabitants of Tay Ninh.

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* It was noted that in 1969, while 184 stillbirths were reported in the summaries given at the end of each month in the data book if every birth registered was individually examined, 190 stillbirths were noted.

**The actual figures were 2,569 births and 67 stillbirths in 1968; 2,179 births and 64 stillbirths in nine months of 1969; and 1,450 births and 31 stillbirths in seven months of 1970.

Conclusions. For the proper comparison of provincial birth statistics it is essential that total provincial figures including district and village dispensaries and allowance for referral out of the province be obtained. This has been done by the HAC for Tay Ninh. Other total provincial figures not being in hand for comparison, the fact nonetheless remains that Tay Ninh City Provincial Hospital, serving a heavily defoliated province, showed an average stillbirth rate in 1968 and 1969 of 68 per 1,000 livebirths. During this same time, the Tu Du rate was 27.5 per 1,000 and that of the Army sample of the entire country 31.2 per 1,000. The rate of 68 per 1,000 is higher than any reported from any provincial hospital by Cutting.

Changes in the Prevalence of Common Congenital Anomalies: Saigon Childrens Hospital. In attempting to analyze the frequency of different congenital abnormalities in Vietnam, in contrast to their absolute frequency, we are very fortunate to have the elaborate study of all of the abnormalities seen at the Saigon Childrens Hospital prepared by Dr. Le Anh, an analysis of the 4,002 cases of congenital abnormality seen for the period 1959 to 1968. Her study is complete in that every case is evaluated and there are no "miscellaneous" or "other" categories as is characteristic of almost one-half of the malformations reported by the few maternity hospitals that do, in fact, report any significant number of deformities. Dr. Le Anh is well aware of sophisticated methods of describing and subdividing anomalies and of recent etiological considerations. Whereas, most other Vietnamese hospitals would not distinguish cleft lip from cleft palate, if reporting the deformity at all, Dr. Le Anh carefully distinguishes them.

The annual admission rate for congenital anomalies at the Saigon Childrens Hospital has been almost the same for the years 1964 to 1968 (618, 565, 650, 667, and 554).

Saigon Childrens Hospital is the only special childrens hospital in Saigon, or in fact in Vietnam, and during these years would have received most children that could be referred for possible surgical correction of congenital anomalies. Recently the establishment of the CMRI Unit at Cho Ray has added another facility. This unit started in July of 1968. The CMRI has tended to draw patients from the provinces even more than has the Saigon Childrens Hospital, and their activity may account for the slight decrease in Saigon Childrens Hospital congenital anomalies admitted in the last year. Nonetheless, the vast majority of type of anomalies treated by the Saigon Childrens Hospital are never seen at CMRI. The CMRI from July 30, 1968 to February 1970 repaired no less than 381 cases of cleft lip and 180 cases of cleft palate.

Saigon Childrens Hospital—types of cases. Saigon Childrens Hospital does not have an obstetrical unit and they accept only cases for which surgery might be indicated and only children that survive long enough for transfer to be accomplished. Their statistics, therefore, represent a very selected group of congenital anomalies but among these their statistics should reflect any relative change of frequency.

Saigon Childrens Hospital—sources of patients. Although Dr. Le Anh's report does not analyze the individual provincial origin of each of the 4,002 anomalies, there is an analysis of provincial origin of all cases over the years. Of 4,002 admissions, 1,572 came from Saigon and Cho Lon, 910 from Gia Dinh, 293 from Long An, 164 Dinh Tuong, 162 from Bien Hoa, all of these being rather near the capital. Eight other provinces sent in fifty or more cases during the decade and each of the other provinces of South Viet Nam supplied a few cases. The Saigon Childrens Hospital series, therefore, predominately represents material from the capital and surrounding areas but all of the country is represented.

Saigon Childrens Hospital—Deformities Treated in Relation to Numbers Treated by Maternities. In the years 1964 to 1968 Tu Du reported about one-quarter of all Saigon deliveries including a total of 680 malformations, approximately one-half of which survived. During the same period, the Saigon Childrens Hospital admitted 3,054 cases of which about 1,900 were from Saigon. Even if every one of the surviving anomalies from Tu Du (340) were, in fact, admitted to the Saigon Childrens Hospital and these represented a quarter of all of those born in Saigon, then at the most only something just over half of all malformations occurring were being reported by the capital area maternities. It would appear that completeness of recording by maternities is very different for different types of congenital anomalies. Some obvious anomalies such as cleft lip would appear to be fairly accurately reported. During these same years, Tu Du reported 132 surviving patients with cleft lips. During this time, Saigon Childrens Hospital admitted 408 cleft lips, 55 cleft palates and 83 combined cleft lip and palates or a total of 646 cleft lips of all types of which about 380 originated in Saigon. If all of the children with cleft lips were in fact referred to the Saigon Childrens Hospital and if Tu Du were reporting one-quarter of those born in Saigon these figures would be consistent with reasonably accurate reporting by Tu Du.

Other deformities are grossly incorrectly reported and one of the most interesting of these is imperforate anus. This, except in the very rare forms where the obstruction is not at the anal orifice itself, is very easy to recognize, has been known for a long time, is subject to surgical repair and although requiring correction is not immediately fatal so would not result in the victim's being reported as a stillbirth. The Saigon Childrens Hospital figures show that this is one of the commonest abnormalities admitted there with 453 cases being admitted in ten years. In 1964, 1965 and 1966, Tu Du reported only eight surviving cases of imperforate anus. During the same period, Saigon Childrens Hospital admitted 189 cases, about 120 coming from Saigon. It is of some interest that Cutting in his list of all reported malformations among 480,087 live births report only six cases of imperforate anus from all maternities when very many more would have been expected. As another example, the Saigon Childrens Hospital reports 44 cases of spina bifida during the decade with Tu Du reporting any 3 cases during most of this period and Cutting reporting only 8 cases out of 480,087 live births in the same period.

Changes in Certain Anomalies. The figures from Saigon Childrens Hospital show no apparent change in the relative frequency of any anomalies aside from the three exceptions detailed below.

Year	Total cases	Spina bifida	Club foot	Cleft palate	Cleft lip [1]
1959	61	2	3	0	2
1960	214	1	2	1	40
1961	196	3	1	1	17
1962	335	3	0	1	48
1963	142	2	0	0	17
1964	618	3	2	5	102
1965	565	4	1	2	60
1966	650	1	1	12	69
1967	651	13	8	23	110
1968	554	12	2	13	67

[1] Figures given for comparison.

The number of club feet reported is so small, and so small a percentage of those born are referred to the Saigon Childrens Hospital, that these figures are recorded for completeness only. Great caution is necessary in any interpretation of these figures. Although the total cases seen at Saigon Childrens Hospital of both spina bifida and cleft palate have shown significant increase the relative rates (to total admission for congenital defects) were fairly high in the period 1959–1963. During this time the hospital was subject to severe vicissitudes—political and other—and it may well be that serious anomalies absolutely requiring treatment such as most cases of spina bifida but not cleft palate would relatively increase, but this is only a supposition. The increase in spina bifida in 1967 and 1968 may be because of better recognition by x-ray but Dr. Le Anh in noting this rather striking increase, did not consider this possibility and Dr. Tran Ngoc Ninh, chief of the Saigon Childrens Hospital, could offer no explanation for the increase. The change in cleft palate frequency may, of course, reflect better examinations with the patient's mouth being open. Recent enthusiasm and availability of cleft lip repair has increased the search for these cases—often by American soldiers—and some pure cleft palate may have been incidentally brought to treatment. The repair in 1968–1970 of 180 cleft palates at CMRI is of interest but we have not determined how many of these were pure cleft palates without associated cleft lip as is true of the Saigon Childrens Hospital series. Careful studies are certainly indicated as to the nature, provincial origin and future frequency of these cases.

Conclusions. Most surgically correctable congenital anomalies treated by the Saigon Childrens Hospital have shown no major change in their relative frequency of occurrence during the last decade. There are two notable exceptions to this. The occurrence of spina bifida and pure cleft palate (without associated cleft lip) have both shown unexplained increases during the last three years but as noted many factors may have caused this numerical increase at Saigon Childrens Hospital.

The Occurrence of Rare Striking Anomalies. Three principle sources of information are available to try and determine whether any striking visible unusual anomaly has occurred in Vietnam in recent years. It is to be remembered that any anomaly that resulted in a stillbirth is unlikely to be noted. Autopsies are not being performed and the nature of monsters is not being recorded. Only an easily detectable non-fatal anomaly would be observed. It is the belief of the HAC that such changes have, in fact, probably not occurred on the basis of three principal sources of information.

1. The Saigon Children's Hospital report which shows no listing of a new or striking abnormality. Saigon Children's Hospital might not have been aware of an anomaly that was not appropriate for surgery. On the other hand, the author of this study is fully familiar with, for example, thalidomide induced phocomelia, and no suggestive anomalies appear on the total list.

2. Another source of information is the Minister of Health, Dr. Tran Minh Tung, who felt confident that even a single case of any striking phocomelia type abnormality born anywhere within the government system would be reported to him within a short time and who was unaware of any such changes in spite of a certain number of suggestive articles in the Vietnamese press.

3. Perhaps the best source is Father Lichtenberger, Professor of Genetics at the Faculty of Saigon, geneticist to Tu Du Hospital and the best known expert on chromosome abnormalities in Vietnam. He has lived in Vietnam for many years and has seen many of the interesting monsters of one sort or another occurring in Saigon and some of the other parts of the country. He has not been aware of any suggestive changes.

Changes in the Incidence of Specific Abnormalities Related to Laboratory Experi-

ments. Laboratory experiments in animals with 2,4,5-T indicates toxicity to the gastro-intestinal tract with hemorrhage and other changes. Cystic kidneys have been demonstrated as well as a few cases of cleft palate in the offspring of exposed pregnant animals.

Specific search has not been made among the exposed Vietnamese population for gastro-intestinal tract or urinary tract changes that might be present. It must be remembered that only a very small percentage of congenital abnormalities and malformations are visible and easily detected. Many biochemical and other occult abnormalities, although with significant effects on life expectancy, only can be demonstrated with laboratory study generally unavailable in Vietnam.

Conclusion: Laboratory study would indicate that possible teratogenic efforts of 2,4,5-T may be of a nature very difficult to identify in Vietnam.

Overall Conclusions: Studies of changing rates of stillbirths, particularly as reported by the government maternity system are subject to great errors of interpretation even when they are made somewhat more valid by the inclusion of total provincial figures. Although the reported rate of stillbirths in Tay Ninh province, extensive areas of which were treated by 2,4,5-T, are higher than the highest provincial hospital rates reported by Cutting, this type of evidence is not sufficient to draw any firm etiological conclusion. The same must be said of the sharp upward trend in stillbirths recorded by Cutting for areas outside of the capital. Even more difficult is any estimate of the rate of congenital malformations, the variations in the reporting by different maternities making the figures useless for statistical comparison.

There has been a considerable increase in the cases of spina bifida and cleft palate (without cleft lip) reported at the Saigon Childrens Hospital. Otherwise, the HAC is fairly confident in reporting that there has been no significant change in frequency of any of the relatively common congenital anomalies consistent with life that might appear at a childrens hospital among those patients presenting themselves for treatment in the GVN health system. The HAC found no evidence of any new striking abnormality of a congenital type and consistent with life occurring in Vietnam in recent years but this statement is made with the recognition that much of the directly exposed population is unavailable for study at this time.

Future Direction of Studies. The following areas would seem to require more exhaustive investigation along the lines of thought of the preceding chapter.

1. With the aid of local Vietnamese authorities and, it is to be hoped, with the complete spray data available from the U.S. Department of Defense, the Vietnamese population exposed to 2,4,5-T could be much more precisely identified and isolated and the individuals studies for possible effects of the agent. This would particularly include very careful studies of gastro-intestinal tract, urological tract and biochemical changes of children born after exposure.

2. In specially selected defoliated areas of the country, more careful autopsy of monsters and other stillborns and neonatal deaths with congenital abnormalities should be carried out.

3. Further study is certainly indicated of the incidence of spina bifida and cleft palate in Vietnam with particular study of the provincial origin and possible herbicide exposure of the patients involved.

4. Further careful provincial studies of rates of stillbirths with efforts to accumulate data from all of a number of provinces both sprayed and unsprayed for comparison should be done.

5. Those children with defects should have careful studies as to their origin and possible exposure to 2,4,5-T.

6. Notes should be further taken of reported ill effects of 2,4,5-T by both GVN and NLF, including chromosome changes reported by the latter, and study made seeking for these effects specifically among the Orange exposed population.

List of Classified Materials on Herbicides

(1) Evaluation of Herbicide Operation in Republic of Viet Nam in September 1962. Task Force Saigon Herbicide Evaluation Team. Headquarters USMACV. October 10, 1963. Classification: secret. Authors: P. J. Olenchuk, R. T. Burke, O. K. Henderson, W. E. Davis

(2) Evaluation of Herbicide Operations in the Republic of Viet Nam. Headquarters USMACV. Research and Analysis Study ST 67-003, July 12, 1966. Classification: confidential

(3) An Evaluation of the Chemical Crop Destruction Program in Viet Nam. R. Betts and F. Denton. #RM 5446. ISA/ARPA October 1967. Classification: confidential

(4) A Statistical Analysis of US Crop Spraying Program in South Viet Nam by Anthony J. Russo. RM 5450 ISA/ARPA October 1967. Classification: confidential

(5) Crop Destruction Operations in the Republic of Viet Nam during CY 1967. By William F. Warren, Lehmen L. Henry, Richard D. Johnson, R. Linsmeyer. Working Paper #20-67. CINCPAC/Scientific Advisory Group December 23, 1967. Classification: secret

(6) Herbicide Program Seminar COC-7 (Chemical Operations) MACV Saigon, January 28, 1968. Author: Colonel J. Moran. Classification: secret

(7) Report of the Herbicide Policy Review Committee. The U. S. Embassy, May 28, 1968. Classification: confidential. No-forn

(8) Maps of all spraying by C 123 aircraft from 1965-69. Classification: confidential.

HOUSING FOR OLDER AMERICANS

Mr. GAMBRELL. Mr. President, yesterday, I introduced a bill to provide an immediate and effective response to the needs of older Americans for suitable housing and related services, which has been numbered S. 3285, and referred to the Committee on Banking, Housing and Urban Affairs.

It is of concern to me that often our elderly citizens are not in a position to contribute the benefit of their experience and wisdom to the ongoing progress of our country. In fact, it is often the case that the older American is left in retirement without adequate resources to maintain himself and his self-respect.

I do not believe, nor do I intend to imply, that the Federal Government has the complete responsibility of care for the elderly, nor for that matter, any group or part of our society. However, there is one area where the Federal Government can and should act, and that is to assure the availability of adequate housing facilities to the elderly. Legislation substantially identical to that which I introduce today has been sponsored in the House of Representatives by Mr. Stephens and Mr. Blackburn, and it is compatible with recommendations made by the White House Conference on Aging.

The approach offered here would combine the best parts of both the 202 direct loan program and the 236 interest subsidy program, and would result in sufficient funding for 35,000 elderly housing units during the first 2 years the program is in operation. There are also provisions for the construction of senior citizens' centers, for grants or loans to elderly persons to rehabilitate their homes, and for the creation of an assistant secretary for elderly housing and related programs to coordinate the various services for the elderly. This bill will provide immediate authorization, and will focus attention on an area which has long been frustrated by the Department of Housing and Urban Development and the administration.

SENATOR CANNON—CAPITOL HILL'S MR. AVIATION

Mr. BIBLE. Mr. President, it was my high privilege recently to invite the Senate's attention to the fine tribute paid to my junior colleague from Nevada (Mr. Cannon) by the National Aeronautic Association. This prestigious aviation organization bestowed on Senator Cannon the Wright Brothers Memorial Trophy in recognition of his outstanding leadership in the aerospace field. This trophy is not lightly given, and its presentation this year—the 100th anniversary of Orville Wright's birth year—was a special tribute to Senator Cannon.

We are all aware of Senator Cannon's fine work on the Armed Services Committee and the Aeronautical and Space Sciences Committee; and his contributions to aviation since he joined the Senate in 1958 clearly figured in the trophy award. However, his career in flying was a substantial and exciting one long before his thoughts turned to the Senate. His story reads like a novel, and it has been summarized most effectively in the December issue of Air Line Pilot magazine.

Mr. President, I ask unanimous consent that the article entitled "Capitol Hill's Mr. Aviation" be printed in the Record.

There be no objection, the article was ordered to be printed in the Record, as follows:

Capitol Hill's "Mr. Aviation"

(By Marty Martinez)

Someone once said that luck is what happens when preparedness and opportunity meet. If so, Senator Howard W. Cannon's (D-Nev.) lucky day is Dec. 17. That's when the National Aeronautic Association will present him with the coveted Wright Brothers Memorial Trophy.

Unknowingly, he has been preparing himself for the occasion for the last 40 years—ever since he first became interested in aviation in the early 1930s while attending Dixie Junior College, St. George, Utah.

"I admit I was more than just a little impressed by the glamour of flying in those days," he says. "Lindbergh had recently made his epic ocean-crossing flight, and that added to the pilot mystique that dominated that era."

But by the time he moved on to the University of Arizona in 1934, from which he was graduated with an LLB three years later, it was more than just glamour that attracted him.

"I found myself with an earnest desire to fly, not with the thought of making it a profession, however, but as a hobby," he says. "It was an expensive hobby though, and I did all kinds of odd jobs to pay for my lessons and flying time as well as for my schooling. I was a pretty good saxophone player back then, so it was only natural that I use the talent to make some money. I organized a dance orchestra that fluctuated from as many as 15 members to as few as five. We played at the nearby towns and for many of the college functions and later toured the Far East."

The senator's interest in flying was shared by his school roommate, Johnny Milner, now a TWA captain flying the San Francisco-to-Bangkok run.

"We chummed around together," Cannon says, "and both flew whenever we got the chance. We flew a number of different planes, like the Piper Cub and the Curtiss Pusher that had the little gondola on it. You sat right out in front with just a stick and throttle in front of you; the engine and the prop were behind you. Flying that was an experience and a lot of fun."

Milner attended the Ryan Aeronautical Flying School during his first year at the university and later bought a Waco in which they hustled passengers until it burned up in 1937. Then he got a radial engine Stearman biplane with a J–5 engine. It had two open cockpits, the front one could hold two passengers while the rear was for the pilot. The roommates often flew together.

The following school year, Milner took on the job of delivering the *Tucson Citizen* newspaper by air to small towns in the southeast corner of Arizona, such as Benson, Tombstone, Bisbee, Douglas, Wilcox and Safford. He asked Cannon to join the enterprise.

"I jumped at the chance," the senator remembers, "not because it paid so much, in fact I didn't get any pay. But I did get in flying time and above that it was exciting.

"It was more a promotion stunt than anything anyway. John didn't make any money at it, and the newspaper didn't either. The whole idea was to permit the people in those small towns to get the newspaper at nearly the same time as Tucson residents did. That meant print-day delivery. Otherwise the outlying areas wouldn't get delivery until the next afternoon.

"We delivered five days a week, usually during the late afternoon. Picking up the newspapers at Tucson we would stuff some bundles into bags similar to postal mail bags and put the rest of the papers in the baggage compartment.

"Johnny would circle over the delivery spot and pick out a clump of mesquite to drop the papers into. Then he would fly in low and slow and I would slide the bags off the wing, hoping I'd hit the bush. A carrier was always there waiting for them, and would wave to us as we flew on to our next drop point.

"We would land two or three times during the flight to shift our cargo around and make some ground deliveries. We always landed at Wilcox, because that's where John's parents lived and we could get a good meal."

During late 1936 and early 1937, Cannon's circle of friends included men who went on to pursue careers in aviation. They were men like Tom Davis, now president of Piedmont Airlines; Captain Dale Myers, formerly with TWA, now deceased, and Captain Herb Jones, Hughes Airwest.

But even back then, Cannon had no intention of seeking an aviation career, for he had already committed himself to the life of an attorney. After receiving his law degree in 1937, he started his general law practice in St. George, Utah, the following year.

He also enlisted in Utah's National Guard and later received a direct commission to second lieutenant. He was called to active duty in early 1941 as a first lieutenant and company commander of a Combat Engineers unit. After attending engineer school at Fort Belvoir, Va., he moved to the 40th Division at San Luis Obispo, Calif. He was there when Pearl Harbor was bombed. As "luck" would have it, he continued his flying during this period, secured his private pilot's license and built up flying time that eventually resulted in a commercial pilot's license with single and multi-engine and instrument ratings.

His next move took him to Fort Lewis, Wash. While serving there with the 133rd Combat Engineers as regimental adjutant, the Army made a concerted effort to get pilots. All personnel records were screened and those who had flying experience were given the opportunity to shift to the Air Corps.

"I didn't hesitate taking advantage of this opportunity," Senator Cannon says with a smile. "I was transferred in grade, a captain by then, and went to light aircraft and glider school in New Mexico. There, we received light plane and basic free-flight glider training. We would fly the small planes to altitude, cut the switch and bring them in. This exercise went on day and night.

"At night, it was a little tricky. We aimed the craft at the burning smoke pots set up in an open field and babied the plane in. But, we had to keep our speed up, because after landing we pulled over between some lights where someone was waiting. They would crank you up and you'd take off and do it again. Before I left I was doing some instructing in both light plane handling and glider flying."

From there Cannon moved on to training in bigger gliders such as the CG–4. After glider training, he became part of the cadre at the Air Force School of Applied Tactics, which made up the 439th Troop Carrier Group, flying C–47s. Here he traded Glider Pilot wings for those of Service Pilot. He later transferred to the 440th Troop Carrier Group, commanded by Colonel Frank X. Krebs, now the senator's legislative assistant for military matters.

Cannon's transition training to C–47s enabled him to upgrade the Service Pilot rating to that of Pilot. In subsequent years, as he accumulated flying time, he was rated Senior Pilot and then Command Pilot.

The 440th Group went overseas to the European theater in February 1944 and operated out of Exeter, England.

Sept. 17, 1944, found the then Major Cannon and Colonel Krebs flying the lead ship of a 45-plane formation that carried the first wave of paratroopers to be dropped in the Arnheim Bridge area during the Allied invasion of Holland. That mission made quite an impression on Cannon, since it didn't end as planned. Instead of returning to base, Cannon and Krebs spent the next 42 days evading the Germans in occupied Holland.

A large oil painting symbolizing that experience hangs in the senator's office. It depicts two Dutch farmers crossing a bridge near a war-bombed village. In the foreground, seemingly out of place, is a half-chewed apple.

Cannon leans back in his stuffed leather chair, looks intently at the picture for few moments, and then begins telling the story behind it:

"The antiaircraft flak was very heavy, but we got in OK and dropped the troops. As we turned for home I thought the worst was behind us.

"Then, as we passed Breda—Wham! We took a hit.

"The explosion was on our left side. The propeller slashed through the fuselage, creating havoc. There was a gaping tear in the fuselage, the cockpit looked like a plexiglass dump and the plane's controls were gone. There was no way to keep her airborne, so I hit the bailout signal.

"Hydraulic fluid was spewing all over us. Almost blinded, I left my seat and frantically reached for my 'chute pack; but I slipped and fell. As I got up and strained to keep my balance, I struggled out of my flak vest and hooked on the 'chute. Frank helped me reach the cabin door. We were the only two left; the other four crew members had already bailed out.

"I had never jumped before, but I didn't think about it—I just leaped.

"As Frank and I floated down, fairly close together, I remember feeling very helpless and very scared. We dropped into a potato field, shed the parachutes and scrambled to a nearby irrigation ditch to get out of sight. Tech Sergeant Fred Broga, our crew chief, joined us.

"Ignoring the cold wetness the ditch offered, we threw ourselves down and rolled onto our backs, then covered ourselves with brush. We held a ready-to-fire .45 on our chests.

"Unknown to us at the time, a Dutch farmer had seen us bail out and had watched our fall. By the time we reached the ditch, he was busy burying our chutes and other discarded equipment. When he finished he came over to us.

"He was old. His heavily furrowed face conveyed, just as clearly as words, the oppression he had endured by the enemy forces that occupied his land.

"Bending over us, he talked rapidly, his eyes sweeping from side to side checking the landscape to make sure the Germans weren't on their way. Old he may have looked, but his spirit was truly young.

"He quickly realized we couldn't understand his words; so through hand-talk he got the point across that after dark he would help us rejoin our other crewmembers. He motioned for us to stay put and then pointed to 9 p.m. on my watch; it then read 2 p.m. That was the time he would return.

"Once he left, however, many questions started to pass through our minds: 'Could we trust him? Would he return alone, or at all? Was it true that the Dutch were hostile to Americans? Should we have shot him and got out of there?"

"For the next seven hours we sweated.

"He finally returned—alone. I'm sure each of us gave a silent sigh of relief as we began following him to what we thought was a regrouping with the rest of our crew. But, at the top of a hill two uniformed men stepped out of the shadows directly in front of us.

"Fed by fear-pumped adrenalin, our reflexes were quick. We faced them with guns drawn. But they just smiled at our nervousness. They were village policemen and part of the underground. But their uniforms did bear a striking resemblance to the German uniforms.

"It turned out that the original plan of joining the other crew members could not be carried out. So, we were to be kept hidden until we could be moved to underground headquarters at Breda. The policemen were to be our 'passports' to the town of Audenbosch, some two miles down the road.

"Our guide left us in their care, and as they rode their bicycles ahead of us, we started what was to be the longest walk I've ever taken—a 42-day trek.

"The Germans were shooting curfew breakers who didn't hold special identification. And as careful as we were, for we were still in our GI flight gear, we ran into three patrols. But the policemen kept them distracted while we hid.

"In about an hour, we made a rest stop at a farmhouse and hid in a shed. It was a welcome break from the mind-twisting trip. A little later a group of farmers brought us some cheese, bread and milk. We were starved and we ate like it.

"Our visitors' faces beamed. They were in a state of high excitement and all reached out to shake our hands or to slap us on the backs to show their comradeship."

Pausing for a moment, his eyes returning to the oil painting, the senator says, almost to himself: "Looking back, I can see that for them we symbolized the freedom they were denied. I do know that their actions that night gave me a singular feeling of brotherhood that I had never experienced before.

"In the darkness that haunts Holland at 2 a.m., we moved on to the small town of Audenbosch. There, Colonel Krebs's left foot, injured in the bailout, was treated. Sergeant Broga and I were put in the attic of the police station while the underground made the necessary arrangements for us to move on. We didn't mind that wait. We were fatigued, physically and mentally, from the tension-filled day that had started some 24 hours earlier.

"We left two days later, boldly heading for Breda wearing police uniforms now and riding on motorcycles. We pointedly ignored the fact that if caught out of our military uniforms we could be declared spies and shot on the spot!

"Our contact at Breda was the head of the area's underground movement. A large department store warehouse served as the 'depot' for Allied soldiers evading capture. The goods in the warehouse were unavailable to the Dutch, but the Germans requisitioned often. When they came, we used two avenues of escape: A tunnel connected the warehouse to the home of its owner, but if time didn't permit, we'd put the elevator out of commission, climb through its ceiling trapdoor and sit on top of the car until the Germans left.

"When we left the warehouse, it sheltered about 15 Allied soldiers. Frank and I were given civilian clothes and new identities. My name was Hendrik van Gils, a city clerk, and Frank was Cornelius Holzbausch, a school teacher. We were given ration books, birth certificates and identification papers complete with our own photographs, fingerprints and the official Dutch occupation seal.

"The inner courage of the Dutch never ceased to amaze me. Although execution was certain for those aiding us, they never showed or expressed any great fear before us. I remember one of the younger 'freedom' workers being asked if the thought of discovery frightened him. He replied, through an interpreter: 'If we meet one German we shoot him; if we meet two we shoot them; but if we meet three, we run!'

"There is no question that for the young, this was a time for adventure. For the older underground members, it was a time of hardship, willingly endured, if it would help free their country.

"All of the people we met were as quick to impose a food shortage upon themselves to keep us fed and healthy, as they were quick to offer protection. There were times when eggs and other scarce 'delicacies' were forced on us while the people went without. It was amazing and heartening the way they continually placed our health and safety above their own."

As it turned out, the two men spent the first 36 days evading capture and inching their way toward Allied lines. Realizing that they were continually exposing themselves and the Dutch underground members to capture and death, they decided to make a concentrated effort to reach Allied lines as quickly as possible.

"When we made our break," Cannon continues, "we were again given new identification papers and a change of clothes. Frank masqueraded as a hoe-carrying farmer this time and I as his hired man. Because he could speak German, he was to do all the necessary talking. I tied a bandage around my neck, so, if we were stopped, Frank could point to it and say I had a sore throat and wasn't able to speak.

"This time we were going to travel during daylight hours. Young boys were to be our guides. Our recognition signal was to be an apple. We started out and kept walking until, at a bridge, we spotted two apple-munching boys. Frank and I exchanged wide grins, as I pulled an apple out of my pocket and took a healthy bite.

"The boys started walking and we followed a short distance behind. They were only 14 or 15 years old, but they showed the calm confidence of men twice their age.

"That day we skirted towns by following ditches and climbing through barbed wire barricades. When we couldn't avoid sentry posts, we bolstered our courage and boldly walked by them saying, 'Morgen' (morning) to the guards.

"Fifteen miles later we reached Zundert, our stopover point. It was a shell-scarred farmhouse, but to us it looked like a palace. The widowed owner and her older son led us to a twig-filled woodpile covering the bottom of a silo. She pulled aside a few sticks of wood and gestured toward a cavity inside. We crawled in, not suspecting that it would be our 'home' for the next four days. During our stay there we once again saw self-sacrifice. Although our hostess had a family of eight and food was in very short supply, she always saw to it that we ate, too.

"Almost as soon as we had settled in the enemy moved up a battery of 88s. It was so near to our 'room' that the firing orders came through to us loud and clear. For three days, shells—from both sides—whistled over us. The farmhouse took a hit and the barn was flattened. No one was hurt, but two sheep were killed. We all enjoyed fresh meat for a short while.

"By the fourth day we thought the battle would rage on forever, but that night the Germans pulled out and a deafening silence filled the air. All was still quiet the next morning, so we left the woodpile to stretch. As we massaged our legs, we heard the muffled sounds of a patrol. It was coming toward us. We listened and waited. Soon yelling voices filled with unmistakable GI slang reached ears. They had overrun the German position! We both let out a whoop and ran to meet them.

"In quick order we were back with our own outfit—the 42-day ordeal behind us."

The physical condition of Cannon and Krebs was evidence of the care given them during the 42 days. "We were in good shape and our recuperation period didn't take too long," the senator recalls.

Cannon, Krebs and Broga voluntarily continued to fly combat missions until VE Day. After the Breda area was liberated, the three men returned there.

"It was just before Christmas," the senator remembers. "About 50 men in our outfit donated C-rations, clothes, candy, soap, cigarettes and other sundry items. We loaded the supplies into a jeep-pulled trailer and then loaded that into a C-47. We took off and landed near Breda.

"We retraced the steps we had taken to evade the enemy, only this time we were giving instead of taking. True to their nature, the people greeted us with open arms and humbly accepted our small tokens of gratitude. My contact with all the wonderful Dutch people who helped us remains one of the most memorable occasions of my life.

"When I parachuted into Holland, I felt I was nothing—someone small and unimportant—a speck in the universe leaving a disabled plane. . . . When I left Holland, I sensed I had accomplished far more than our original mission. I had learned from the 'defeated' the true meaning of freedom and how we must never give up fighting for it."

The oil painting in the senator's office, by Colonel Roy Weinzettel, former intelligence officer of the senator's parent wing who knew the full story, serves as an everyday reminder of his lesson in freedom's value and of the heroism of "a vanquished but unconquerable people who treasured the dignity of liberty."

The future senator carried that lesson in freedom over into the law practice he began in Las Vegas, after being separated from the service in 1946. He vowed that he would closely guard the rights of his clients, determined that their individual freedoms would not be violated or inhibited in any way.

Although bent on a legal career, Cannon chose to remain active in the Air Force Reserve program and to maintain his flying proficiency. Today, he wears the two stars of a Reserve major general. His log book shows more than 5,000 flying hours, including piloting all the Century series aircraft that have been in the Air Force inventory, including the controversial F–111.

"Two of my biggest thrills," he says, "came from flying the B–58 at Mach 2 in 1961 and the F–111 at Nellis Air Force Base, when the plane was first put into the Air Force."

Cannon's sustained interest in aviation after World War Two was to pay dividends in the future, because he eventually turned from law to public service. In 1949, he was elected for the first of four consecutive terms as the Las Vegas city attorney. Throughout his service he found time to fill responsible positions in the National Institute of Municipal Law Officers, Chamber of Commerce, Southern Nevada Industrial Foundation and the National Rocket Club.

In 1958, he was elected to the U.S. Senate and has since pursued all aspects of the relationship between aviation and national policy. His past experiences and acquired knowledge have made him a leading Senate proponent of military preparedness and national security.

For example, he is chairman of the Tactical Air Power Subcommittee, and backs a strong aviation posture for the nation's armed services. He vigorously supported development of the swing-wing F–111, the giant C–5 cargo plane and, in earlier years, rotary wing aircraft. He was also a backer for the experimental XB–70 supersonic bomber, which provided spin-off technological benefits for the SST.

In the early 60s, he took exception to the high degree of peaceful emphasis being placed on the country's space program. In a *Saturday Evening Post article* (June 1963) titled "Are We Being Too Peaceful in Space?" he summarized his arguments against limiting U.S. military space efforts: "If we dismiss the military potential in space, we may be startled one day—like the day Sputnik I was orbited— to discover, from the accomplishments of potential enemies, how wrong we have been, and by then because technology is advancing in ever-longer quantum jumps, it may be too late to do anything about it."

The senator's continued affiliation with the Air Force Reserve has kept him abreast of military affairs and makes him well versed in matters discussed by the Senate Armed Services Committee, of which he is a member.

Because of his specialized interest in aviation, his colleagues also consider him an authority on commercial aviation. On Capitol Hill he is known as "Mr. Aviation." And as chairman of the powerful Senate Subcommittee on Aviation he has proven that he is. His committee has dealt with some of the more important contemporary problems affecting commercial aviation including air traffic congestion, safer airports, SST development and getting a larger share of military international air cargo moved by civil carriers.

Expressing his feelings about the nation's air traffic problems, he says: "I think aviation has just scratched the surface. We have a long way to go. But because we already have an overcrowded situation, we have to upgrade our traffic control system very materially, and we have to expand our airports and airways."

The three-term senator believed that Congress had to take bold and imaginative steps to develop nationwide airport facilities and to improve the safety of air travel. So, he successfully cosponsored and managed the passage of the Airport and Airways Development Act of 1970, which established a trust fund for the development of the nation's airports.

"From an aviation standpoint, I consider the passage of the Act as one of my biggest legislative achievements," he says. "I didn't get it through as I would like to have it, as there are a number of things I didn't get. But I've got some amendments in this year which, if passed, will provide some of them."

Because he was a zealous advocate of the SST, its demise ranks as his biggest disappointment.

"I think our country will regret very greatly, as time goes on, that we didn't go ahead with the SST. I was indeed very disappointed that we weren't able to convince the Congress and apparently the American people that this was something we needed to keep our leadership in the field of commercial aviation. I still feel that is true."

In October, his subcommittee reported out legislation that calls for civil airlines to get 40% of all international air cargo now being transported by the Military Airlift Command. Of that action, he says: "I don't feel the military is living up to the established policy with respect to giving sufficient military business to the civil air carriers to retain our Civil Air Reserve Fleet capability."

And just last month, he drafted a bill giving CAB power to suspend international air fares. The action followed a hearing at which most witnesses favored CAB suspension powers, but not the right to fix fares.

It is for his continuing interest in and, support of U.S. aviation that the air-minded Nevada senator has been chosen to receive this year's Wright Brothers Memorial Trophy. The citation commends him for ". . . his continuing energetic advocacy of and lasting contributions to the development and use of aviation, both as a viable national transportation system and as an essential element in maintaining a strong military posture."

Former Senator A. S. (Mike) Monroney (D-Okla.), president of NAA and the 1961 trophy recipient, will make the presentation at the annual Wright Brothers Memorial Dinner in Washington on Dec. 17. The event is sponsored by the Aero Club of Washington, a chapter of NAA. Senator Cannon joins an impressive list of past winners: Charles A. Lindbergh, Lieutenant General James H. Doolittle, Senator Stuart Symington (D-Mo.) (former secretary of the Air Force) and Dr. Igor I. Sikorski.

How does Senator Cannon feel about it all?

"I think it's the greatest honor that could have come to me in the field of aviation," he says with great enthusiasm. "It's one of the greatest I have ever received. I had no idea that I was even under consideration for it, or that I had even been nominated for consideration, until I was told that I had been selected as the recipient. It just came completely out of the blue. I still think they could have found someone who is better entitled to it, but I'm very flattered and very honored to be receiving it."

As Senator Cannon stands in front of the prestigious Washington audience on the night of Dec. 17, one can't help but wonder what "luck" holds in store for him in future years when preparation and opportunity again meet.

WRIGHT BROTHERS MEMORIAL TROPHY

The "Wright Brothers Memorial Trophy" is a miniature silver replica of the original Wright airplane, resting upon a granite model of the National Aeronautic Association Memorial which marks the spot at Kitty Hawk, N.C., from which the first successful flight of an airplane was made on Dec. 17, 1903. The trophy is awarded annually by NAA for "significant public service of enduring value as a civilian to aviation in the United States."

Although the presentation of the initial award took place on Dec. 17, 1948, its sponsor, aviation pioneer Godfrey Lowell Cabot of Boston made it possible by a trust fund he established in 1936.

Then, however, it was the "Cabot Prize Fund NAA." Money of the fund was to be "paid for the solution of the problem of landing an airplane safely through 100 feet of fog by means of an apparatus carried solely on the airplane and which would enable a pilot to make a safe landing without any assistance whatever from ground personnel or equipment."

Personal experiences had taught Cabot the mental agony a pilot endured when fog was encountered. For, not only did he serve as a naval aviator during World War One, he also was one of the first men in the country to pilot his own airplane. In 1918, he made an aerial pick-up of a 155-pound package from a sea-sled anchored in Boston harbor. Later, he became active in NAA and in 1924 started his tenure as president of the association.

In time, the trustees of the Cabot fund became convinced that the solution he had sought would not be found. They took the necessary legal steps to terminate the original trust and establish a new one. Its primary goal would be effective promotion of American aviation.

Result? The Wright Brothers Memorial Trophy Fund.

Along with founding and endowment of the trophy, the new trust fund vested in NAA the responsibility of naming a seven-member selection committee. Its guiding criterion for the winner of the prestigious award was that he "be a living American citizen who, as a civilian, has rendered some personal and direct service as an officer or employe of the government—federal, state, or local—with or without compensation."

Committee members include representatives from NAA, National Advisory Committee for Aeronautics, Air Transport Association, Institute of the Aeronautical Sciences, Aircraft Industries Association, Aero Club of Washington and the aviation press.

The trophy becomes the absolute property of each winner. It has become custom to present it on Dec. 17, to honor the Wrights' first flights. A replica of the trophy, accompanied by a plaque that shows the names of all its winners, can be seen in the Smithsonian Institution's Air and Space Museum.

Initial recipient of the trophy was Dr. William Frederick Durand, professor emeritus of Stanford University.

That year's event coincided with the presentation of the original Wright airplane to the Smithsonian after its return from England. This year's presentation of the Wright Trophy to Senator Howard W. Cannon (D-Nev.) coincides with the 100th anniversary of Orville Wright's birthyear.

JOINT COMMUNIQUE BY PRESIDENT NIXON AND PREMIER CHOU EN-LAI

Mr. DOMINICK. Mr. President, since the release of the joint communique by President Nixon and Premier Chou En-lai on February 27, some news media headlines, some broadcasting instant analysts, some persons in public office and some seeking to occupy the White House have labeled it as a sell-out of Taiwan. As a long-time admirer of the people of the Republic of China, I have not only reviewed the communique carefully but have also studied our treaty commitments and our defense posture in the area. As a result of that study I can say that I see no sign of any change in our commitments to the Republic of China.

Any contrary view simply does not stand up, and the repetition of that concern simply encourages a feeling among all our allies that they should review their own positions and does no good service to Taiwan, the United States, or the cause of the free world.

Mr. President, the communique simply advocates a peaceful solution of the Taiwan question between the Chinese peoples themselves, and we are not throwing up our hands and dismissing long-term commitments to the Republic of China.

Much of the emphasis has centered on that portion of the communique in which the United States states that:

> It reaffirms its interest in a peaceful settlement of the Taiwan question by the Chinese themselves. With this prospect in mind, it affirms the ultimate objective of the withdrawal of all U.S. forces and military installations from Taiwan. In the meantime, it will progressively reduce its forces and military installations on Taiwan as the tension in that area diminishes.

True, we have agreed to withdraw some of the limited number of U.S. forces stationed on Taiwan as tension decreases. However, we have no sizable force on the island, and the small increases from 1964 to 1968 were involved in the Vietnam buildup, not as a protective screen against attack on Taiwan. As Vietnam winds down, those forces would be reduced in any event.

Furthermore, we have in no way abrogated our commitment under our Mutual Defense Treaty with that government signed in 1954. There were valid reasons for this country to enter into a formal treaty with the Republic of China in 1954, and the two major tenets which prompted a pact almost 20 years ago have not lost their validity today. In hearings before the Senate Foreign Relations Committee before the treaty was ratified, former Secretary of State, John Foster Dulles, said that it would serve two purposes:

> It would give the Chinese Communists notice, beyond any possibility of misinterpretation, that the United States would regard an armed attacked directed against Taiwan and the Pescadores as a danger to its own peace and safety and would act to meet the danger—such an action to be in accordance with our constitutional processes.
>
> It would provide firm reassurance to the Republic of China and to the world that Taiwan and the Pescadores are not a subject for barter as part of some Far Eastern "deal" with the Chinese Communists.

Under the Mutual Defense Treaty with the Republic of China, it is clearly stated that:

> Each party recognizes that an armed attack in the West Pacific Area directed against the territories of either of the parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional process.

It is significant to note that the treaty remains in force indefinitely, or until 1 year after either party has given notice to the other to terminate the agreement. And, of course, no such notice has been given or is contemplated.

Therefore, Mr. President, there should be no concern on the part of our own people or on the part of the great people of the Republic of China that we have abandoned our commitments. Each successive administration has reiterated its adherence to these goals, since the signing of the treaty, and today, as in the past, the United States stands ready to defend its allies against military force.

During testimony before the Senate Foreign Relations Committee, the U.S. Ambassador to the Republic of China, Walter P. McConaughy, cited a statement by Secretary of State William Rogers and went on to offer his own accurate statement of our commitment to the Republic of China. His words are as pertinent today as at the time of his testimony. He said:

> Whatever may be the ultimate resolution of the dispute between the Republic of China on Taiwan and the People's Republic of China on the mainland, we believe strongly it must be brought about by peaceful means.
>
> We hope that Communist China will be persuaded to set aside this issue so that we can explore the possibility for removing other sources of tension between us. But until a peaceful resolution of that issue is achieved, both our word and our national interests require that we stand by our Mutual Defense Treaty with the Government of the Republic of China. And the shared purpose of that Government and our own in contributing to the development of a peaceful community in East Asia better able to meet the needs of its peoples is a good foundation for maintaining the close and cooperative relationships with the government in other areas of national policy.

Although we are embarking on a new and important era in U.S. relations with countries in Asia, it would be against our own interests and those of world peace to forget the economic and political contributions the Republic of China has made in that area of the world. In essence, our military commitments to the Republic of China are but a small part of a long and enduring friendship. Taiwan's importance to the United States is not limited to its position along the so-called defense littoral extending from the Aleutians to the Philippines, important as that may be. That country's growing economy has created an attractive climate for foreign investments and capital—foreign investments reaching an annual average of $140 million in 1971 as compared with an annual average of $2.5 million prior to 1960. In an earlier speech on the floor of the Senate, I discussed this tremendous growth, which has enabled the Republic of China, with the resources of its 15 million people to assume an active role in assisting developing countries. There is little doubt that both of our countries have realized significant gains from close economic and political ties.

In addition to the material benefits of the relationship between the United States and the Republic of China, there is a long-abiding mutual respect and friendship between the Chinese and American peoples. The United States has no intention of ignoring that most valuable, if intangible, commodity. Those who suggest that our initiatives toward world peace through expanded communication with traditional adversaries will result in abandonment of our friends are doing no favors to the United States, to our allies or to the cause of peace.

Mr. President, we are standing by our treaties and continue to demonstrate to our allies that such mutual agreements and commitments are not taken lightly by our Government, will not be tossed aside or invalidated by bettered relations in other areas, and remain the foundation for building a peaceful and prosperous world.

LEADERSHIP OF SENATOR ALLOTT IN MINING LEGISLATION

Mr. BIBLE. Mr. President, anyone who has worked with the senior Senator from Colorado (Mr. ALLOTT) on the Committee on Interior and Insular Affairs or on any aspect of natural resource conservation and development is aware of the fine work he performs. In the area of mining, particularly, Senator ALLOTT has demonstrated valuable leadership.

His work was recognized in the January issue of the Mining Congress Journal, which published Senator ALLOTT's views on the myriad problems confronting not only mineral production but all activities affecting our environment. Industry, he says, must learn to live with environmental quality restraints and must, in fact, exert needed leadership in solving pollution problems. As Senator ALLOTT stated:

> Technology must be utilized to find solutions to the problems technology has created in the way of pollution.

Mr. President, Senator ALLOTT is one of the leaders in securing stature and economic health for our Nation's important mining industry. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SENATOR ALLOTT SEES A BUSY YEAR ON MINING LEGISLATION

(By Freeman Bishop)

The name of the game is politics. It's practiced in the U.S. Senate in many forms, but mostly by Democrats and Republicans. Chairman of the Senate Republican Policy Committee is Senator Gordon Allott of Colorado, who brings a candid attitude to this arena that is reminiscent of the fresh winds that blow through the canyons of his home state.

The Senate right now is a particularly difficult place to work because so many Democratic Senators are running for nominations they know are up for grabs in their convention this summer. This creates more hazards than usual to the normal operation of this branch of the national legislature.

Considered one of the most able strategists serving the Republican Party, Senator Allott also is as well informed in the mineral-metals production area as any member of the Senate. He generally displays the combination of affability and persistence essential to his important position on the Senate Interior Committee.

ECONOMIC RECOVERY ON THE WAY

But in moments of introduction, the Senator has been known to wonder aloud at the broad publicity given to the Democrats' side of the issues while the Republicans' views are lucky if they get tagged on the end of reports on Senate activities. He ruefully admits there isn't much anyone can do about this mismatch of editorial judgments without being accused of trying to muzzle the press, no matter how clearly it can be demonstrated that the press is clearly muzzling itself.

He also has little patience with the doomsters predicting economic chaos for 1972. He flatly believes the mining industry will register solid advances this year, led by a general economic recovery. "Recovery" of the economy is predicted by almost every reliable expert with whom Senator Allott comes in contact. But he says this revival of business generally cannot be achieved at the expense of the anti-pollution measures slowly being ironed out between industry and the Environmental Protection Agency. "Possibly we may have to authorize a special investment credit for pollution equipment and other costs of carrying out anti-pollution conditions obviously needed to reduce deterioration of our environment," he said.

Perhaps, he continued, "we also may have to set up special set-asides to help small businesses to continue in business serving many segments of the mining industry."

The rising clamor for ultra-strict pollution regulations among some city, county and state governments must be resolved too, so that corporations won't be forced to close down plants in one area while being allowed to continue in others.

TECHNOLOGY MUST SOLVE POLLUTION PROBLEMS

A "recourse to strict regulations cannot be continuing to pollute," Senator Allott said in warning the mining industry that this trend in modern treatment of industrial waste is not only here to stay but is to become a larger factor to this industry.

Now may be the year for the mining industry to find its footing in the waves of anti-pollution drives that have been washing the sands out from underneath many industrial projects more swiftly than engineers and other technological experts can find answers.

"Technology must be utilized to find solutions to the problems technology has created in the way of pollution," Senator Allott said.

Already the white-maned Coloradan has introduced legislation, which has passed the Senate, to amend the Mining and Minerals Policy Act of 1970 to establish research and development institutes at various state mining schools and universities. Purpose is to help find solutions to many problems, including the heavy loss of engineering schools and students from the nation's universities. A corollary objective of his amendment is to extend into university life the drive of young people today to take part in recovering the land, water and air from people-pollution, which has been growing at an alarming pace in recent years.

ECONOMIC FACTS STIR ALLOTT

Behind Senator Allott's drive to backstop the minerals-metals industry with a national policy and a broad research and development program are some harsh realities known as economic facts. For instance, the nation now produces about $25 billion worth of mineral products annually but is consuming approximately $32 billion worth. By the end of the century, it is estimated that value of production will reach $66 billion but consumption is projected at about $135 billion.

In percentage terms, the current deficit of minerals consumed in the U.S. is about 22 percent. In 1950 it was 9 percent. It will rise to more than 50 percent by 1999, creating an accelerating dependence on foreign minerals which may not be available to us by that time. Other industrial nations already are pinning down ore reserves in Australia, Canada and every other nation with raw materials still for sale to the highest bidder.

So the U.S. must improve its ability to produce important mineral commodities and this is where the big question must be settled as a Mining and Minerals Policy develops: should we tie up domestic reserves so they can't be extracted for the time being and rely on a policy of imports? If so, this could mean destruction of a viable domestic mining industry.

No one talks about defense in these days of flag-burner's but dependence on other nations for metals to build defense machines is still a debatable policy.

CHEAP RAW MATERIALS WANTED

The mining industry faces other important problems this year, the Senator continued. Among them, and perhaps side-by-side with answers to pollution, is the demand for cheap, raw materials being mounted by many metals processing firms in their efforts to reduce costs.

Without more assured resources of raw materials, many American mining firms are likely to start looking around for related or even unrelated industrial production they can work into their programs rather than to be continuously caught up in what sometimes seem endless arguments over who is to use America's natural ore resources.

In all parts of the Nation, enthusiastic volunteers are searching for ways to halt exploration and mineral development on public lands, seeking to preserve them as parks and recreation areas. Their enthusiasm is based on the notion that mining will pollute the streams and air and leave the land in ruins.

INTERIOR COMMITTEE LOOKING INTO ENERGY PROBLEMS

Senator Allott expects that the record of the mining industry in the area of land reclamation will be examined in minute detail at hearings before the Interior Committee in 1972. This ranking Republican member of the Committee is convinced America's mining companies can be persuaded to use ever better land-recovery programs so escalating sentiment against surface mining can be halted before it goes too far and hamstrings operations in the U.S.

"As a matter of fact," Allott says, "our Interior Committee is leading the way in Senate study of overall energy problems, which includes development of oil reserves, including shale." The Senate ordered this study last year. It is expected to be presented early in 1973 as a blueprint for an integrated program which will include the mining of uranium and coal, the production of natural gas and synthetic gas from coal, and oil from oil shale and other sources in the United States.

Back of all this, Senator Allott points out, is how to conserve our natural resources and at the same time utilize them to preserve America's high standards of living.

Are we to retain natural resources for future generations and import ores and concentrates is another part of the question. Clearly, it is not a new question to Congress nor to Senator Allott.

Look at lead and zinc. Three factions compete with each other to establish a policy here. Importers on one side, domestic producers on another, and smelters and importers on still a third side. These ambitions, he points out, must conflict.

It was this and similar conflicts which stimulated him to carry the cross for the Mining and Minerals Policy Act, Senator Allott admits. "We never expected this policy to be the answer to all our problems," he explains, "but to enunciate a minerals policy against which certain segments could be judged. We must keep a minerals industry that is healthy for the Nation to have a metals industry with a future, so we started with the Mining and Minerals Policy Act, which in effect endorses the need to maintain a viable mining industry."

"Now we must pick up the pieces that we call problems and start to work on them individually to work out the best solutions, bearing the policy act in mind as well as the pollution pieces of the mosaic that are changing the minerals industry from month to month," the Senator says.

MINERALS INSTITUTES A FIRST STEP

The first step this year, he emphasizes, should be to establish minerals institutes at universities so geologists, metallurgists, engineers and other technology-minded students can develop ways to meet the demands of the '70's which few of us thought of as recently as five to ten years ago.

A big Senate project in 1972, he adds, will be to require full briefings from the Interior Department's experts and policymakers and to receive their recommendations on how to extend hard-minerals policy legislation—for the good of everyone.

"We're at a crossroad this year where we must extend out from our policy position and build specifics on which the mining industry can base its future," the Senator says.

He predicts similar legislation to establish these state institutes will be switched from the House Education bill. This subject will eventually be returned to Interior's jurisdiction because its entire thrust is with the future of the mining industry, rather than an educative function, Senator Allott explains.

"We have a mining industry future, and a big one," he concludes, "it's up to all of us to find the system in which we can live harmoniously."

REPORTED VIOLATIONS UNDER AGE DISCRIMINATION LAW INCREASE

Mr. CHURCH. Mr. President, nearly 4 years ago Congress enacted the Age Discrimination in Employment Act.

This law forbids the use of age qualifications in the hiring, discharge, and other conditions of employment for persons 40 to 65 years old.

Yet, advancing age still presents a serious impediment for many older workers. These pressures have intensified with with each ominous increase in our jobless rate. And the recent report by the Secretary of Labor, which is required under section 13 of the act, clearly reveals that age discrimination is still a serious problem today.

During fiscal year 1971, for example, more than 2,500 violations were found under the act. Compared with fiscal 1970, this represented a 14-percent increase. And these figures probably only represent a fraction of all the violations under the law.

In practically every category the number of illegal practices increased during the past year. Discharges in violation of the act, for instance, jumped by 41 percent to 110. Illegal refusals to hire older persons also increased, by 15 percent to 683. Moreover, workers in 265 establishments were denied promotions because of age.

These figures should be of concern to all Americans because the denial of employment opportunities to older workers is a serious and senseless loss to our Nation. But even more tragic is the despair and frustration which joblessness imposes upon these individuals and their families. A job or a promotion should not be off limits simply because a man's hair is greying at the temples. No economy can reach its maximum potential if some of its most experienced and talented citizens are not allowed to participate.

Mr. President, I ask unanimous consent that an article which discusses the Age Discrimination report, published in the Wall Street Journal, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AGE DISCRIMINATION: REPORTED VIOLATIONS OF THE FEDERAL BAN INCREASE

The number of employers, employment agencies and unions violating the statute rose 14% to 2,522 in fiscal 1971, the Labor Department reports. The law covers the hiring, pay and promotion of workers between 40 and 65. In the fiscal year ended June 30, employers' illegal refusals to hire older workers jumped 15% to 683. As the economy lagged, discharges that violated the law spurted 41% to 110.

Over 1,750 of the companies and employment agencies found to be violating the law had placed discriminatory help-wanted ads, the department says. The illegal ads involved the use of such phrases as "ambitious young man," "junior executive" and "recent college graduate." While offenses by employment agencies increased, biased advertising by employers declined slightly to 1,180 from 1,207 in fiscal 1970.

The number of unions found breaking the age discrimination regulations in their job referrals rose to four from only one the previous year.

ROLE OF WATER IN GOLD MINING HISTORY OF NEVADA

Mr. BIBLE. Mr. President, the U.S. Geological Survey has just recognized the research and literary efforts of a longtime close friend of mine, Mr. Hugh A. Shamberger of Washoe Valley, Nev.

Mr. Shamberger has a distinguished record in the State of Nevada, retiring after 34 years of service in the office of the State engineer, and as director of the Department of Conservation and Natural Resources, and director of the Center for Water Resources of the Desert Research Institute. In addition, he was a longtime member and president of the National Reclamation Association.

However, retire is hardly the word for Hugh Shamberger. As he states in the preface of his first publication, "The Story of the Water Supply for the Comstock:"

> Like so many professional men who retire, I wanted to spend a part of my time in work that would be both interesting and productive. One day when I was visiting George (Skip) Worts and Thomas Eakin of the U.S. Geological Survey here in Carson City, the discussion got started about the water supplies for the old mining camps of Nevada. It was recognized that very little attention had been given to this particular subject of water supply, with the possible exception of Virginia City.
>
> Mr. Worts suggested that I might wish to try my hand on a part-time basis under the Federal-State cooperative program between the U.S. Geological Survey and the Department of Conservation and Natural Resources. Since I have always been interested in our State's history, I lost no time in getting started. My first effort was on the water supply of the Comstock, bringing its history up to 1969, which is covered herein.
>
> Since starting the Comstock water-supply story, I have been working on the history of other of the old mining camps and their quest for water. I am finding it exceedingly interesting, and in time I am hopeful that I can cover most of the old mining camps in Nevada, especially those where an adequate source of water for the townsite and mills was not readily available, which generally was the case.

Mr. President, I ask unanimous consent that the article prepared in announcing the publication by Mr. Shamberger be printed in the Record. I also suggest to anyone interested in the background and history of those western glory days that the accurate and well documented professional paper makes better reading than the fictionalized versions of the era.

There being no objection, the article was ordered to be printed in the Record, as follows:

Geological Survey: Role of Water in Gold Mining History of Nevada Described

Water made possible, but eventually drowned most of the mines working the Comstock Lode of western Nevada—richest producer of silver and gold in the world—according to a report released today by the U.S. Geological Survey, Department of the Interior.

The Nevada mining towns of Virginia City, Gold Hill, and Silver City produced more than $393 million in silver and gold between 1850–1957 from the rich mineral zone of the Comstock Lode. The Comstock also produced more than its share of history, including such famous goldseekers as Mark Twain and currently provides the background for the popular television series "Bonanza."

E. L. Hendricks, Chief Hydrologist, USGS, Washington, D.C. noted that "The history of the struggle to find and deliver enough water to mine the Comstock serves to emphasize the importance of water in the development of the West. Then, as now, the development of the Western land mineral resources hinges on the understanding and wise development and conservation of the water resources."

To develop an adequate water supply, the report notes, the Comstock miners of the 19th century invested over $2.2 million and built some 21 miles of pipeline and 46 miles of flume. They spent over $5 million to dewater the deep mines. The engineering feats performed 100 years ago by men and mules to conquer the water problems of the Comstock rival our modern accomplishments in building reservoirs and transporting water from State to State. Certainly the men who finally brought water to the Comstock have earned a place of honor in the history of Nevada and the West.

In a 53-page report on the water-supply history of the Comstock, Dr. Hugh A. Shamberger, research hydrologist with the U.S. Geological Survey, and former Director of the Nevada Department of Conservation and Natural Resources, notes:

The Comstock Lode stands alone in the history of Nevada and the early West in the difficulty of the water problems presented, in the extraordinary engineering feats accomplished to overcome these problems and to develop the Comstock, and in the ingenuity and courage demonstrated in the undertaking of these projects.

Virginia City and the Comstock Lode faced a variety of water problems: First, it was necessary to provide an adequate supply of water for the population. Secondly, the operation of the mines required large amounts of water. The final problem was an excess of water in the lower levels of the shafts. Adequate water supplies were eventually found to supply the population and the mines, but the conditions created by the excess amounts of hot water in the shafts were never overcome and resulted in the abandoning of deep mining on the Comstock in 1886.

Ironically, the resource whose scarcity at first threatened to curtail full development of the Comstock eventually drowned out the deep mines before all the gold could be removed. As the mine shafts dropped to as much as 3,250 feet below the surface, air temperatures in the mines reached 134°F and springs of water as hot as 157°F scalded the miners and contributed to flooding of the mines. Eventually chains of pumps worked around the clock to pump out as much as 5.2 million gallons of water a day from a single mine shaft.

The first miners in Virginia City and Gold Hill were able to depend on a few natural springs for their water supply. As the population grew, wells were dug and eventually a water company formed to collect and pipe water flowing from several mine tunnels. Lengthening the tunnels increased the water supply for a time, but by 1863 the flow of the main tunnel, the Santa Rita tunnel, had dropped to 664 gallons per minute. A witness reported: "Every succeeding year, as the city grew, the peril of water-drought increased; every year the record was repeated—flumes and pipes running full in spring and half empty in autumn."

Early in 1867 the Cole Tunnel struck a quartz seam that produced 1,515 gallons per minute. Apparently this quartz seam also supplied the Santa Rita Tunnel water because that tunnel's flow ceased at once. This new supply was still insufficient, and the water company was forced to supplement their good quality water supply with the mineralized water from the Virginia City mines. This caused the people of Virginia City and Gold Hill to complain about the water quality, but the water company shrewdly encouraged each of the rival cities to believe that it was the favored one, and that the other was receiving poorer quality water.

The local water supply being inadequate, the Comstock water companies began debating the feasibility of piping water from the Sierra Nevada Mountains, 20 miles away across the Washoe Valley. In two letters reproduced for the first time, the debate is outlined. In one letter dater 1864, a consulting engineer reported: ". . . to bring water across Washoe Valley at a sufficient height to make it available to supply Virginia City would, to say the least, be one of the most arduous undertakings of engineering times . . . it is an undertaking in which no and mechanical skill in modern or ancient prudent capitalist would ever invest his money."

The Mining and Scientific Press called the pipeline "an engineering feat of no small magnitude . . . in view of the difficulties to be overcome, it will attract the attention of engineers all over the world." The same journal called the Virginia City pipeline the "greatest in the world," and noted that it withstood almost double the pressure of the next highest pressure line then in existence. Eventually, two more pipelines were built across the Washoe Valley from the Sierra Nevadas (in 1875 and 1887) until the total cost of the Virginia City and Gold Hill Water Company was estimated at $2.2 million. The water rates in 1880 were 20 cents per thousand gallons to the mining companies and $4 per month to families of 6–8 people.

To help alleviate the flooding of the deeper mines, the Sutro Tunnel was constructed at a cost of over $5 million. In 1880 the tunnel drained some 3.5 million gallons of water daily, or some 1.2 billion gallons—4.7 million tons—during the year.

The report, "The Story of the Water Supply for the Comstock" by Hugh A. Shamberger, contains 27 photographs and maps. Published as U.S. Geological Survey Professional Paper 779, copies of the report may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 for $0.70 per copy.

VOICE FOR THE FORGOTTEN

Mr. KENNEDY. Mr. President, in a recent speech to the Council on Community Action, Bexar County, Tex., Commissioner Albert Peña, Jr., made a fervent plea on behalf of the disadvantaged of this Nation.

His statement, angry but eloquent in its demand that our political parties and our political institutions respond to the needs of the poor of the Nation, should be of interest to the Senate.

I ask unanimous consent that the speech, entitled "The CCA: A New Voice From Downunder USA," be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

The CCA: A New Voice From Downunder USA

(Remarks of Commissioner Albert Pena, Jr., at CCA Dinner, November 4, 1971)

Through the newly constituted Council on Community Action we are trying to build a new unity and a new sense of self-determination: not just among the Chicanos and the blacks, but among all the poor and opprossed of this Nation. We are black, brown and white: united by poverty and oppression: inspired by our martyrs and made militant by our foes. Cognizant that many who wield power in America are antagonistic to our needs, we are banded together in a peoples lobby. Our purpose is to establish new and better lines of communication between those who struggle in the trenches of misery and oppression and those who make and execute public policy from on high. We are, in a sense, a voice from downunder in America.

This Council does not claim to speak for the poor of this Nation—no one can. We represent, however , a cross-section of people working on a day-to-day basis with the problems of poverty. Most of us were born poor or have lived with poverty much of our lives.

Just as no one speaks for the poor the poor don't speak for themselves—at least not in the language of the lawmaker or the policy maker. The true voice of poverty is heard in the wail of a child who is hungry and sick in Harlem: it is heard in the sigh of an old woman who is penniless, homeless, and widowed: and it is heard in the strident shout of a farmworker in California striking for a living wage. This is the language of human misery, of anger and of despair. The members of this council live and work among the poor. We know the language and we hear it daily. We have banded together to try to share this experience and demand of those who design and execute the law to listen. We do so with unity and determination.

This unity, this determination, this militancy will in the long run unite this country. We do not seek to destroy the nation. We seek to save it from self-destruction.

Our task is not an easy one. One of our greatest enemies is dissension among ourselves. Just as poverty doesn't breed articulate spokesmen, harmony and unity are unlikely children of hungry competition for scarce morsels. For too long we have allowed the bigots, the power brokers, and the selfish interests to play us off against one another. Today, perhaps more than ever before, this unity is essential and fratricidal competition for mere tokens must be avoided.

We have no great leadership in this fight. Our great men are dead, or waiting til the right moment. As we contemplate Washington today, it is evident that there are many in and around this administration who wilfully set one group against another, squelch dissent, divert attention from problems and undermine institutional authority and credibility. We saw it on the campus at Jackson State, we hear it in the rhetoric of the Mitchells, Spiro Agnews, John Connallys and Ronald Reagan. We feel it in an inequitable wage freeze. And we see it these days in the selection of another set of Nixons to sit on our Supreme Court. This is making a mockery of America.

We see the same cast of characters who condone and subtly encourage police brutality in the name of law and order. These are the defenders of the Mylai syndrome which shows up not just in remote Southeast Asian villages, but in our America; and cuts down prisoner and guard alike at Attica; killed the kids at Jackson State and my beloved brown brother, Reuben Salazar, in California. These are the leaders who had a plan to end the Vietnam war, where the continuing trickle of blood has become a hemorrhage of this nation's soul and spirit.

While we are not greatly inspired by the national administration we have now, it is still unclear whether the opposition party will offer much more. As the Presidential hopefuls line up for the race we see the same old thing: Fine men with fine visions, lost in the big picture, seemingly insensitive to the day-to-day plight of the poor and oppressed, unaware that we want a voice in determining our future. They are surrounded by the same wheeler dealers, intermediaries and self appointed spokesmen we know so well. Interpreting us. Speaking for us. Trading us off as voting blocs in exchange for some rhetoric that promises much but assures nothing. Once again, we hear soothing code words addressed to conservative southern Democrats by a presidential contender. When will the presidential candidates address themselves to the real problems of the ghetto, the barrio and the small southern towns—in the same speech before the same audience? When will they stop manipulating us and temporizing in search of an imaginery middle of the road.

Everyone I talk to agree that four more years of the Nixon, Connally coalition would be disastrous, but the opposing party has offered no alternative. Rather it is trying to project a middle of the road posture. What it should know is that the Nixon-Connally alliance has swallowed the middle of the road voter: and black, brown and white liberals will stay home in droves or establish their own parties if their problems are not addressed in the tradition of a Robert Kennedy.

Robert Kennedy repudiated the middle of the road and people responded all over this Nation. For he had not only the charm, grace and wit of all the Kennedys, but he also had the commitment and the courage we needed in a leader.

Without apologies, he stood before the young in Alabama and spoke the truth about racial injustice and asked them to join him. Robert Kennedy understood the Chicanos; he kneeled with the farm workers during their darkest hour; he understood the blacks; he walked in the ghetto when no white would or could; and the blacks and the browns responded in his last campaign in California 18 to 1. Politicians can learn a lesson from Robert Kennedy. We all can.

I would hope that Robert Kennedy did not die in vain; he was a white man. I would hope that Reuben Salazar did not die in vain; he was a brown man. And I would hope that Martin Luther King did not die in vain; he was a black man.

They are gone but let us learn from them—let us unite and let us carry their message to the halls of Congress and the corridors of capitals and courthouses all across this land. Let us do this as brothers.

RETIREMENT JOBS OF IDAHO, INC.

Mr. CHURCH. Mr. President, in his historic message on older Americans, President John F. Kennedy said:

> Our Nation must undertake an imaginative and far-reaching effort—in both the public and private sectors of our society—for the development of new approaches and new paths to the employment of older citizens.

Today we have Operation Mainstream, which enables older persons to help themselves by rendering valuable services in their communities. Several pilot projects in Mainstream—such as Green Thumb, Senior Aides, and the Senior Community Service programs—have demonstrated beyond any reasonable doubt that there are thouands of older Americans who are ready, willing, and able to serve in their localities.

Another outstanding example is the retirement jobs program in my own State of Idaho. This project, which is jointly funded by Boise Model Cities and the Idaho Office on Aging, has helped to locate new and gainful employment for persons 55 and older.

With nearly 500,000 jobless persons in this age bracket throughout the Nation, the need for expanding programs such as retirement jobs becomes all the more compelling. A growing need also exists for the establishment of a national service corps because so much needs to be done in our cities, towns, and rural areas—in our parks, libraries, schools, hospitals, conservation of natural resources, community beautification, antipollution programs, and many other areas. And older Americans can provide a vital resource of talent to meet this challenge.

It was for these reasons that I have sponsored the Older American Community Service Employment Act (S. 555) and the Middle-Aged and Older Workers Employment Act (S. 1307) to build upon the solid achievements of programs such as Green Thumb and retirement jobs. In brief, S. 555 would provide new job opportunities in a wide range of community service activities for persons 55 and older. Moreover, it would convert the successful Mainstream demonstration projects into permanent ongoing national programs. S. 1307 would also help to maximize job opportunities for older workers by authorizing training, counseling, and special supportive services for unemployed or underemployed individuals 45 and older. Additionally, this bill would make assistance available to nonprofit groups which provide placement and recruitment services for unemployed older workers.

Mr. President, I ask unanimous consent that a recent Idaho Statesman article describing the activities of retirement jobs be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

AGENCY ON RETIREMENT LISTS 349 PLACED IN JOBS

During 18 months Retirement Jobs of Idaho, Inc., got 1,250 requests for employes, had 423 potential workers register and placed 349.

Retirement Jobs, funded now by Boise Model Cities and the Idaho Office on Aging, is at 3314 Americana Terrace. It was started a year and a half ago by Mrs. Agatha Pallister, who now is project director.

Job offers exceed available workers primarily because many are seasonal and there is an over-demand for some types of workers.

"We never seem to have enough applicants to fill the requests for gardening and yard work in season, and there's a constant demand for companions, home aides, nurses aides and baby sitters," she noted.

The project director said her agency attempts to find permanent, part-time and temporary work for all persons in Ada County who are 55 or older.

"There's only one qualification," she said, "you have to be over 55. And, there's no charge for any of our services."

Retirement Jobs, Mrs. Pallister said, was started by herself in February, 1970, and operated on a volunteer basis out of a church office until the Idaho Office on Aging supplied a grant in July, 1971, which was augmented by a Model Cities grant in August, 1971.

"These funds," she explained, "allowed us to move into an office and expand our operations. Now I am hopeful the office on aging will see fit to increase its funding so we can serve more areas in the state."

She said the agency had been successful in finding permanent jobs for several over-55 individuals, including seven from Model Neighborhood sub-areas.

"We attempt to help people help themselves and help others," Mrs. Pallister added. "About all we ask of an individual is what kind of a job do you want and what other kinds of jobs can you do."

The agency arranges for those with similar interests to band together and "social-party" meetings are held every third Saturday of the month at 1:30 p.m. in the agency office where speakers from various walks of life discuss subjects of interest to the group.

Mrs. Pallister noted those receiving Social Security are limited to earning $1,680 a year without benefit penalties, and "that's one reason we have so many seeking part-time or temporary jobs."

She said labor unions and the Idaho Department of Employment as well as private businesses and institutions were helpful in locating applicants as well as jobs.

In the last 18 months, 42 per cent of those who were placed on jobs were in the 55–61 age bracket, 45 per cent between 62 and 71 and 13 per cent between 72 and 86.

SENATOR CARL HAYDEN

Mr. MATHIAS. Mr. President, all throughout my years of service in the other body, I knew and respected Carl Hayden as the most senior of senior colleagues. Although I did not serve in the Senate with Senator Hayden, I knew and respected the Senator who represented the State of Arizona since its admission to the Union.

Senator Hayden embodied the pioneer spirit that, while at times being submerged by the march of science and technology, has remained within the hearts of the American people. As many people know, Senator Hayden was once a gun-toting sheriff in Arizona. He brought this sense of public service to Washington nearly six decades ago as the first Senator from the State of Arizona. As the people of the State of Arizona will attest, Carl Hayden was a diligent and hard-working Senator. He was, in every sense of the word, the Senators' Senator.

I feel that when the last roll is called for the great men who have served in the Senate, and the State of Arizona is reached, Senator Carl Hayden in his most noble voice will respond, "Present."

EXCESSES OF LABOR UNIONS

Mr. FANNIN. Mr. President, on occasion I have pointed out that unions today are guilty of the same type of sins which put big business in bad repute about one century ago. The excesses of big business, and the disregard for the average man, brought about tough antitrust legislation.

Today it is big labor that is guilty of the excesses.

Our labor laws allow the union leaders to become dictators. Many union leaders have no respect for democratic processes.

It is time that we rein in these labor leaders and supply the same antitrust controls to them that we apply to our business community.

Mr. President, a column written by Tom Braden this week pointed up how little regard certain union leaders have for their members. I ask unanimous consent that the column be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Union Leaders Ignore Workers

There were a few titters in Miami when it was revealed that George Meany had raised his own salary to $90,000 per year just after the wage-price freeze went into effect. But nobody in the labor movement made an issue of it. And nobody will make an issue of the fact that Meany's son-in-law, who is law partner to the AFL–CIO general counsel, has just gone on the board of the United Mine Workers-controlled Washington National Bank.

Somebody ought to. Because this is the bank that robbed the miners who own it—robbed them, according to a district court judge, of $11.5 million that ought to have been paid to old pensioners.

At times, the judge found, United Mine Workers president, Tony Boyle, kept on deposit in Washington National as much as $140 million in union funds. The money was in three accounts, a general account which at one time reached $90 million, an administrative account which reached $40 million and a pension account which reached $10 million. In order to pay the pensions—which was what the accounts were for—$5 million to $8 million in ready cash would have sufficed. Yet all this money was kept in checking accounts. No interest was ever paid.

A lot of things are coming to a head in the affairs of the United Mine Workers. President Boyle has been indicted for embezzling funds, funds contributed to the 1968 campaign of Hubert Humphrey who once said he was "proud to rub shoulders with this truly great leader of labor." Boyle will go to trial this month.

Another trial to upset Boyle's election on the ground that it was fixed is now taking place in Washington after a finding by the Secretary of Labor that probable cause exists for his removal from office.

And in Pennsylvania, Silous Huddleston, a United Mine Workers' local president, will go on trial sometime this spring accused of paying for the murder of Boyle's one-time opponent, Joseph Yablonski. The prosecutor, Richard Sprague, thinks it will not end there. "In my opinion," he once said, "he (Boyle) is not out of it."

Yet Meany permits his son-in-law to go on the board of Boyle's bank and refuses to hear the case of those who want to make their union democratic.

"Mr. Meany, Mr. President of the labor movement," wrote Mike Trbovich, chairman of the group which met in the church after Yablonski's funeral and organized "miners for democracy," "from the grimy pits we appeal to you for equity in life. We are fighting for an honest, democratic union . . . don't deny us an hour before the leadership of the American labor movement to state our case. We are fighting for the right and we deserve to be heard.

"According to my estimates," Trbovich said in his letter to Meany, "we had about $65 million to $75 million in our treasury when our nationwide strike started last October 1. Though we were out for more than six weeks not one nickel of this money was paid to us in strike benefits."

Meany has ignored Trbovich's letter, as he has ignored previous appeals from the mine workers for his help in giving attention and recognition to their cause. They are up against the bosses and the bosses seem to have stepped right out of an old book of Fitzpatrick cartoons—men with large paunches and dollar signs on their vests. But the captions have been switched. The men are not labeled "capitalists." They are labeled "labor leaders."

"I don't talk to the janitor," Meany once said. He was referring to the Secretary of Labor, but somehow the choice of epithet is revealing. A Judge Gary or a Tom Girdler might have said the same.

PIONEER 10 SPACE SHOT

Mr. GURNEY. Mr. President, last night the U.S. space program took another giant step forward—another step toward the world of the future, outer space. The near perfect launching of Pioneer 10 marks another first in space exploration, the first attempt to venture beyond Mars and to penetrate the asteroid belts between the orbits of Mars and Jupiter. The ultimate goal of this mission, the initial exploration of the planet Jupiter, will begin to answer some of the centuries old questions about the largest planet in our universe. More important, it will also contribute to the development of American scientific and technological know-how.

If America is to continue to remain one of the great nations on earth—indeed, if it is going to remain a free nation—it must not let its technology, scientific and military, lag. This is the real significance of Pioneer; not only are we taking another necessary step forward in exploring outer space but we are also opening the way for additional scientific spinoffs of great value to those of us here on Earth.

Pioneer, while having a new design, is another in a series of probes intended to explore outer space. The last four Pioneer satellites are still in orbit, Pioneer 6 having been aloft for 7 years. But, still, this 2 month mission represents a new departure. The 570-pound spacecraft which was launched by the Atlas-Centaur rocket last night, at the highest velocity yet reached by a manmade space vehicle, will provide, through a series of 13 experiments, new knowledge about Jupiter and many aspects of the solar system and will have, as a prime objective, studying the feasibility of another spacecraft exploring and possibly orbiting Jupiter.

Pioneer 10 will, for the first time, test out the hazards of the cosmic debris and the intense radiation in the asteriod belt. The radiation in this belt is 1 million times more intense than that found in the Earth's Van Allen radiation belts. Since one of our major objectives is the further exploration of Jupiter, it is important to know if, and under what conditions, a spacecraft could be crippled or destroyed while passing through the asteroid belt, either by radiation or by debris.

The spacecraft will be the first man made object to escape the solar system by eventually passing beyond the orbit of Pluto. This will be accomplished by having the spacecraft use the orbital velocity and powerful gravity of Jupiter to propel it further out into the solar system.

This will be the first NASA spacecraft to draw its electrical power entirely from nuclear generators, in this case four radioisotope thermo-electric generators developed by the Atomic Energy Commission.

Pioneer 10 will travel at a greater speed than any other previous spacecraft. The journey to the Moon, heretofore measured in days, will take only 11 hours and the entire one-half million mile journey to Jupiter will take only 639 days, arriving in December 1973.

The selection of Jupiter as the next focal point in the exploration of outer space is very logical, both from the standpoint of finding out what confronts future space exploration and from the standpoint of what out there might be of use to those of us back here. Recent research has suggested that Jupiter, which is 75 percent hydrogen and thus may not have a solid surface, produces the same chemical reactions which are believed to have preceded the appearance of life on Earth. The fact that conditions on Jupiter "could allow the planet to produce living organisms despite the fact that it receives only one-twenty-seventh of the solar energy received by Earth" is reason enough for further investigation.

However, there are other reasons that fully justify Pioneer 10 and the similar mission that is to follow in early April 1973.

These are the so-called spinoffs that have proved so invaluable, in so many ways, to earthbound technology. In the case of Pioneer 10, the possible spinoffs include such things as: First, an increased knowledge of collisionless plasmas of the solar wind, something that bears directly on what might be the ultimate clean system for electric power production—controlled hydrogen fusion; second, a better understanding of the Earth's weather cycles and atmospheric circulation; and third, a possible indication of the resources of Jupiter that might eventually be made available for use on Earth—such as petrochemicals.

Any one of these advances would more than justify the cost of the effort involved; the possibility of all three is indication anew of why America cannot afford to lose her scientific curiosity, her impulse for discovery, and her interest in the future.

So while we can be thankful that, after all the weather delays, things went so well on this launch, and while congratulations are certainly in order to NASA for another in a long string of successful spaceshots, we must look to the future and realize that, with the potentials involved, we cannot afford to slacken our efforts and let the Russians move ahead in this vital area. If anything, more money is needed for more shots like these, and for other vital U.S. space projects like the space shuttle, which would not only increase our capability in space but which would be of invaluable benefit to millions of Americans here at home. The contributions of the space program to the fields of communications, medicine, weather forecasting, and even day-to-day living are monumental. The opportunities for further such contributions are practically unending—if only we have the will to persevere. Pioneer 10 is a tremendous step in the right direction; let us hope it is the first of many.

EXTENSION OF NUCLEAR TEST BAN TREATY TO INCLUDE UNDERGROUND TESTING

Mr. MATHIAS. Mr. President, Senate Resolution 273, which the Senator from Michigan (Mr. HART) and I have submitted, calls upon the President to propose an extension of the Nuclear Test Ban Treaty of 1963 to include underground testing. This proposal merits the close examination of the Senate, for it could provide the President with the support he needs for a bold new approach for his meeting with Soviet leaders at the end of May.

The United States is committed to seek a comprehensive, total, and complete ban on nuclear tests. In October 1963, the United States ratified the partial test ban treaty which indicated we are "seeking to achieve the discontinuance of all test explosions of nuclear weapons for all time, determined to continue negotiations to this end."

This commitment, reaffirmed on July 1, 1968, in the Nonproliferation Treaty, has not been fulfilled. Neither the United States nor the Soviet Union has negotiated determinedly to extend the partial test ban treaty to a comprehensive test ban treaty. Indeed, the negotiating positions of the two sides have remained essentially what they were in 1963 when a gap between three onsite inspections offered, and seven requested, deadlocked the talks.

During the 9 years which have passed since that deadlock, there have been ample technical reasons for the updating of our negotiating position. Seismological capabilities have increased substantially. Underground testing above 10 or 20 kilotons can be made extremely risky for the tester by the use of seismic monitoring alone. Meanwhile, reconnaissance capabilities have also improved enormously. These capabilities make it possible for the United States to identify otherwise suspicious events. Many experts believe that these methods, together with other intelligence methods, can provide a firm basis for the negotiation of a suitable treaty using national inspection alone. But, in any case, no experts will deny that these technical advances deserve an updating of our negotiating position. And, as noted, our treaty commitments demand such revision.

The test ban is not just unfinished business. It is an important part of our national security requirements. Any dramatic new improvements arising from continuing testing are likely to undermine our security, as other nations learn of these discoveries. The possibility of a truly cheap bomb is a most significant possibility of this kind. The richest nation in the world—armed already with thousands of weapons—does not need it. But poorer countries, unable to invent such a weapon themselves, might well learn it from us. They might then aim the weapons at us.

Also the test ban can complement the SALT talks. As is known, the SALT talks are concentrating on numerical limits—limits on numbers of launchers. Each side is evidently going to be free to make "qualitative" improvements in each launcher. But these improvements, including MIRVed warheads, can be of dramatic significance. The total test ban would inhibit the development of ever smaller—and more numerous—warheads by prohibiting tests of them. This is a concrete way in which the test ban can slow the arms race and help close a loophole in anticipated SALT agreements.

There are other compelling arguments. The test ban will encourage the effort to prevent proliferation. It will prevent the expense and pollution associated with underground nuclear tests. And it will serve as another step toward wider agreements—just as did the partial test ban treaty.

If the executive branch reopens the question of the test ban, I believe that it will conclude that the case is strong for reaching comprehensive agreement. I believe it will decide that onsite inspection is of only marginal significance today and that verification has ceased to be the important obstacle to agreement. But our resolution does not require that this latter conclusion be reached. We call only for reopening the question. We emphasize today the commitments that exist—and the technical background that has changed. These alone justify a new look, after 9 years, at this entire question. The meaning of our proposal is this: The administration and Congress have an obligation, after 9 years of unchanging negotiating position, to reconsider the total test ban and make new proposals.

STATE OF THE AGING: THE RETIREMENT REVOLUTION

Mr. MONDALE. Mr. President, the White House Conference on Aging took place eight weeks ago, and we on the Senate Special Committee on Aging have good reason to thank the delegates.

They have produced a challenging body of recommendations on matters of immediate and long-range concern to older Americans of today and those who will be the older Americans of the future.

And so it is not only appropriate but almost mandatory that the Senate Committee on Aging should give comment on the conference recommendations.

After all, the committee called for such a conference.

After all, many of the recommendations are similar or identical to those sought by the committee in recent reports.

Therefore, it is a duty as well as a pleasure to join with other members of the committee in this "state of the aging" message. In a few moments, I will give my position on several of the key recommendations related to income, health care, long-term care, and housing.

But I would like to deal first with what I, as chairman of the Subcommittee on Retirement and the Individual, have described as a "retirement revolution."

That revolution is already well underway. It is already altering the living patterns of a nation.

That revolution, however, is only beginning to demonstrate just how far-reaching it will be.

What is happening—or beginning to happen—can be described in a very few words.

Retirement is now affecting more people for more years in their lifetime than ever before. And if present trends continue, more than a third of our lifetimes will be spent in what is now called retirement.

And yet, despite this clear trend, most persons today are unprepared for retirement when it overtakes them. Some are overwhelmed by a condition which has been described as "retirement shock." Physicians have told my subcommittee that the sudden transition from full-time work to full-time leisure actually can result in deteriorating health. A combination of sharply reduced income, a loss of role in life usually defined in terms of the job held by the person, and adjustments that so often must be made in living arrangements can take a devastating toll.

If retirement begins earlier, the shock may be even greater.

If retirement extends into the seventies, eighties, and nineties of a person's life—as is increasingly the case—even adjustments will be necessary as the "young elderly" become the "old elderly."

Looking ahead, we always talk of the year 2000 as a faraway milestone separated from the present by a comfortable time buffer. But it's only 28 years away, or only two White House Conferences on Aging away. It's as near in the future as the start of World War II is recent in the past.

What is going to happen to the dimensions of retirement as an institution in those 28 years?

As a recent Committee on Aging report pointed out:

> Approximately 42 million Americans are now between their 45th and 65th birthdays. Since each year 1.4 million persons have their 65th birthday, between 45 and 50 million middle-aged persons of today will reach that age by 2000. Compare that figure with today's 65+ total of 20 million.
>
> In many ways, new retirees will differ markedly from the majority of today's retirement group. They will have more education. They will be more accustomed to higher rates of pay and will want greater income security in retirement. And they will probably be more able-bodied at the time of retirement and will be less likely to settle for what is so aptly described as "enforced idleness."
>
> A third of today's elderly are under 70 and the median age is under 70. Only 1.3 million—one out of every fifteen—are 85 or older. By 2000 more persons will be at the end of the age spectrum. Nearly 2 out of 3—a number equivalent to the entire 20 million 65+ generation of 1971—will be over age 75.

> And there will be more women and more single persons. Today's ratio of elderly women to men is 139 to 100. By 2000 it will be 150 to 100.
>
> As for life expectancy, this is certainly the least predictable factor of the future older American. The Subcommittee has been told that dramatic gains are possible, and there is room for debate here. But, it does seem certain that more people will be in better health during the retirement years than is now the case.

Overwhelming as the statistics of future retirement may be, sheer numbers define only part of the challenge.

We should be at least as concerned about the well-being—the quality of life—of future retirees as we are about projected increases in their numbers.

The White House conferees were concerned, and many of their recommendations have meaning for the future as well as the present.

CONFERENCE RECOMMENDATIONS

First and foremost, the conferees said that life in old age must be more than merely bearable.

Their calls for more adequate retirement income and for better housing and health care reflect that conviction.

But even these essential improvements are not enough.

There must be satisfaction as well as security in retirement years, and there must be alternatives to present patterns of work and retirement.

In this brief summary I can discuss only a few of the conference recommendations that, in my judgment, will help develop greater retirement satisfaction and more flexibility in work patterns. The following—and others—are receiving careful subcommittee attention:

Arbitrary retirement age: As the section on employment and retirement put it:

> Our society presently equates employability with chronological age rather than with ability to perform the job.

The section participants called for a flexible policy based upon workers' desires and capabilities, job opportunities for people 65 and up; and—on the other hand, opportunities for gradual or trial retirement before age 65.

In my view, a great deal of thought and hard questioning must be directed at many of our attitudes and practices related to age 65 as a sole criterion for retirement. Business, labor, and retirees of today should work out new arrangements. As I have said before, the immense Federal Establishment should become a model employer in terms of devising new work-life patterns. But progress is still slow. However, my Federal Employees Preretirement Assistance Act, S. 1393, would be a major step forward in overcoming this inertia at the Federal level. Briefly, this measure would provide the operating framework for new work-lifetime patterns, such as phased retirement, trial retirement, sabbaticals and new types of part-time employment for older persons. Once again, I urge early and favorable action on this legislation.

Preretirement education: Many conference recommendations dealt with the need for more widespread and accessible preretirement training. Here again, the Federal Government could be a model. And here again, S. 1393 can be particularly helpful. It would, for example, establish a comprehensive program of preretirement counseling and assistance for all Federal employees who are eligible for or approaching retirement. As a model employer, the Federal Government is ideally situated to provide the necessary impetus for other employers to institute such helpful practices for their employees. And with such a national approach, older Americans can be much better prepared for the crucial adjustments in retirement.

Educational opportunities: Once in retirement, a man or woman should be a likely candidate for renewed, organized education.

But the White House conferees made it clear that most of the educational resources of the United States are inappropriate, inhospitable, or downright uninteresting to most older Americans. Two conference recommendations are worthy of special consideration:

> For older persons to participate in educational programs, agencies, organizations, and government must provide incentives. These incentives should be aimed at eliminating specific barriers to the availability and accessibility of educational services for older persons including transportation, free attendance, subsistence auditing privileges, relaxed admission requirements, flexible hours, convenient locations and subsidies to sponsors and removal of legal barriers.
>
> Emphasis should be given at every level of education to implement and expand the expressed educational objective of "worthy use of leisure". Education must be directed toward an acceptance of the dignity and worth of non-work pursuits as well as toward development of leisure skills and appreciations.

The conferees have made a number of specific recommendations for changes in existing programs and several innovative approaches. Each is receiving subcommittee scrutiny.

In addition, the Senator from Idaho (Mr. CHURCH), chairman of the full Senate Committee on Aging, and I, as subcommittee chairman, have agreed that a committee study on educational opportunity for the elderly should soon be released.

"Advocates of our own cause": One of the most challenging statements at the Conference was made by the section on retirement roles and activities.

Participants declared:

> Twenty million older people with talents, skills, experience, and time are an inexhaustible resource in our society. We represent all segments of the population; our abilities, our education, our occupational skills, and our cultural backgrounds are as diverse as America itself.
>
> Given proper resources, opportunities, and motivation, older persons can make a valuable contribution. We are also capable of being effective advocates of our own cause and should be included in planning, in decisionmaking, and in the implementation of programs."

Mr. President, I am convinced that this statement was made largely because the conferees felt that the elderly are often talked about, but not consulted often enough when Government and private agencies try to work on their behalf.

Myopic as it may seem, the planners do not consult those they are planning for.

But models already exist for greater participation by the elderly. The Boston Council of Elders, for example, has provided the elderly a voice in public programs that serve them. The council has been incorporated; it now is the contracting agency for several useful governmentally supported projects.

In some model city neighborhoods, consultation with the elderly and participation by the elderly is much more advanced than in typical Federal programs. The Committee on Aging has received fragmentary reports on other impressive experiments in self-advocacy and self-direction by the elderly. I believe the committee should gather more information on this subject. As Senator CHURCH has suggested, incentives should be provided for the development of community or regional councils of elderly citizens for a direct voice in governmental and perhaps cooperative public-private efforts.

Multiple jeopardy of minorities: At first, it appeared that the White House Conference on Aging was going to ignore or minimize the harsh problems encountered by elderly persons who happen to be members of minority groups. But, as protests intensified, conference chairman Arthur Flemming announced that "special concerns" sessions would be held on problems encountered by aging and aged blacks, Indians, Mexican-Americans, and Asian-Americans.

Those sessions centered, understandably, on critical issues related to low-income, limited access to health facilities and housing, inequities in social security coverage, and appalling deficiencies in research activity and knowledge about minority elders.

But participants at each minority special concern session also voiced a common complaint which is at the root of many of their other difficulties. They felt that Government programs too often are unresponsive or even unaware of the special problems which exist when a person is old and out of the majority mainstream. Mexican Americans, for example, are acutely aware of the language barrier that so often comes between them and services or benefits—including social security and medicare.

Blacks made a strong statement asking for more adequate representation at all levels and throughout policy-level bodies and program groups. Asian Americans challenged the "myth" that their elderly are taken care of by families and therefore do not need or want participation in well-designed Government programs. Indians described the "unique relationships between our people and the Federal Government" and asked for adjustments in administration of programs for the elderly.

To the older person in a minority group, the "retirement revolution" may be a bitter joke. Many do not live long enough to become eligible for medicare or social security. Many feel excluded from programs which appear to have been designed by the middle class for the middle class.

There can be no real satisfaction in the later years of life for all until the needs of minority groups are really understood and met. The Senate Committee on Aging has already done some work with minority groups; it should do far more.

Rural older people: A particularly forceful statement was issued by another "special concerns" session, one dealing with the rural elderly. Sheer distances between people, their report said, complicate all other problems: transportation, delivery of services, and loneliness. In addition, a large proportion of persons in rural America are old:

> Nationally, one out of every ten of our citizens is old; in rural counties that ratio is often one in five. As the younger people are forced to leave to find jobs, they gave a shrinking tax base and a growing scarcity of services. Rising property and sales taxes in rural areas are becoming increasingly oppressive to older rural people. Retirement income is lower in rural areas, too. Few workers in rural areas are covered by private pension plans. Income in their later years must come from Social Security, from savings, from continued employment or from welfare.

Participants in the rural special concerns session were particularly concerned about "a critical shortage of paid jobs for those who wish to work." Rural areas have one-third of the poverty in this Nation, yet they get only 16 percent of the Federal manpower funds. As the conferees said:

> National programs designed to provide part-time community service work for older rural people, such as Green Thumb and Green Light (funded under Operation Mainstream) have found the opportunity to serve and also earn is eagerly welcomed by rural older folk.

Fortunately, the means to upgrade those two programs and others—such as foster grandparents, and senior aides—is at hand. S. 555, the national older American community employment bill, would bring such pilot programs into a broader, ongoing effort. At first the administration opposed that bill. Now President Nixon has indicated that he sees the light, and that more funds should go to service programs for the elderly. As a sponsor of S. 555, I hope that he gives a clear, unmistakable signal of support for that particular bill.

Churches and private agencies: Government has an essential role to play in helping to make retirement more satisfying. But government would be shortsighted indeed if it were to ignore the rich resources that can be found in our churches, national organizations, and private agencies.

White House conferees recognized this fact often in their report. For example, the section on spiritual well-being said:

> Government should cooperate with religious organizations and concerned social and educational agencies to provide research and professional training in matters of spiritual well-being to those who deliver services to the aging.

The section members recommended that the Government provide financial assistance for the training of clergy, professional workers, and volunteers to develop special understanding and competency in satisfying the spiritual needs of the aging.

Here, it seems to me, is a sensible way of providing limited Government help that would have multiplier effect. The idea is for Government to provide appropriate incentives or help, but not to dictate or dominate.

Another channel of potential activity was described at the special concerns session on the elderly poor:

> Voluntary agencies and church groups in particular are called upon to serve as enablers for the elderly, to encourage and assist them in developing new roles in self-help, social action, and political action.

Whenever possible that "self-enabling" function should become part of Government activity, such as a model cities program. Here, again, there lies an opportunity for direct cooperation between public and private resources.

Such alliances have already been examined in a few Committee on Aging hearings dealing with sources of community support for programs serving older Americans. Testimony has been positive and encouraging in some cases, but too often the committee has been told of Federal policies or attitudes which balk real cooperation. Nonprofit sponsors of housing for the elderly, for example, were dismayed at the delays and rising costs caused by the transition from the section 202 direct loan housing program to the section 236 interest subsidy program. Private agencies, often working with church organizations, have launched successful pilot programs to help provide much needed services, such as meals on wheels or home health care. But the project too often is dismantled just when the need has been proven.

It seems to me that the committee should continue its investigations into sources of community support, and that it should identify the most common deterrents to genuine participation by private organizations. Many national organizations participated in the White House conference and in the planning for the conference. They have been encouraged to maintain that interest, and I hope that they do.

Research deficiencies: As I indicated earlier, there is a great deal of guessing about future trends in life expectancy for older Americans. One reason for the uncertainty is that funding for research on gerontology—the biological process, as well as related social issues—is so low.

Just before the White House Conference, members of the Gerontological Society prepared a report for the Committee on Aging. Their findings were startling and significant.

For example, at the National Institute of Child Health and Human Development—now the major center for aging research—there has been no growth in research programs since 1966. An NICHHD gerontology branch in Baltimore has only 120 employees as compared to the original projected staff of 272.

As for medical research in the care of the aging, the committee was told that a number of urgent medical problems that particularly affect the elderly are in urgent need of indepth research. The committee was told, for example:

> The cause of heart failure, the end point of so many aging hearts, is not completely understood. In some respects our thinking is not ahead of that of Thomas Hobbes, who in the 17th Century regarded the heart as a spring and the failing heart as a worn-out spring. Much research remains to be done to discover what happens to the aged heart muscle fiber which causes it to fail independent of the disease.

Such research would be greatly stimulated by enactment of the National Heart, Lung and Blood Act of 1972, which I introduced on January 20.

Another distinguished member of the Gerontological Society reported to the committee that all evidence indicates that only a few mililon dollars per year is spent throughout the Nation on social behavioral research on aging. He calls for an increase in research support to five times the current level, about $45 million.

How can sound public policy be developed on a foundation of inadequate information? We must have working arrangements by which research findings can be translated as they become available into developing social programs. But we simply are not yet geared to that concept in this Nation, and this is particularly true in aging.

A good start toward correcting this situation could be made by enacting S. 887, a bill which would establish a National Institute of Gerontology to conduct and support biomedical, social, and behavioral research and training related to aging. My Subcommittee on Retirement and the Individual, I know, would have a large number of questions to put to such an institute.

Planning for the future: On other occasions I have talked about the need for establishment of a Council of Social Advisers to help develop a system of social indicators and other guides to help us arrive at more rational public policy on programs to serve the people of this Nation.

The White House conferees took a similar view. They warned that planning must not be confused with delay; it must never be used as an excuse for inaction. They said:

> Our Nation is constantly setting goals for itself in all areas of national concern. In the field of aging, as in other areas of concern, the priorities which we as a Nation set are most important. Indeed the very place that we give to the needs of our elderly today and in the future will be determined by the action we take now. Planning without action would be a cruel hoax. Action without planning would be an expensive exercise in futility.

Adequate planning on aging will never become a reality as long as the Administration on Aging remains in its present low place within the Department of Health, Education, and Welfare. The Older Americans Act of 1965, which established AOA, expressed a noble hope that this agency could be a focal point for the Federal effort on aging. How on earth is that possible when the present Commissioner of AOA must report first to the Director of the Social and Rehabilitation Service and then to an Assistant Secretary and Under Secretary? Should the Secretary of Labor or the Secretary of Transportation pay heed to the tiny voice that comes down deep from the recesses of the Department of Health, Education, and Welfare?

An advisory council to the Senate Committee on Aging has offered a plan calling for establishment of an office on aging at the White House level and establishment of the position of assistant secretary on aging in appropriate agencies. That plan should be the subject of intensive legislative hearings early in 1972, in time for adequate discussion before the present authority for the Older Americans Act expires in June.

Youth and aging: Still another special concerns session at the White House Conference made the following statement:

> One of the major aims of the White House Conference on Aging should be to harness the activity and energy of youth and link it to the solution of the problems confronting the aging. Three areas of youth volunteer activity suggest themselves for immediate action:
>
> 1. Provide information to senior citizens regarding existing social services and financial resources.
> 2. Render direct service to senior citizens.
> 3. Act as advocates in behalf of the elderly.

The participants in that session also described the need for what has been called "life cycle education" as a mandatory component of all educational institutions. In other words, information about aging should not be held off until a person is aged. He should be aware, from his earliest school days, that all of a lifetime is one unit; development continues throughout a person's existence. It should not stop after education ends or employment becomes a fixed habit.

It happens that I am also chairman of the Subcommittee on Children and Youth in the Senate Committee on Labor and Public Welfare. I will explore the possibilities for early cooperative action between the subcommittee there and the Subcommittee on Retirement and the Individual.

CONCLUSION

Mr. President, I have dealt primarily in this address with issues related directly to the work of the Subcommittee on Retirement.

I feel, however, that I should make some comment on bills which I have introduced or cosponsored. I feel that early action on these measures can help to produce the kind of security and well-being that will make all facets of retirement more satisfying.

Heading the list, in my judgment, is my comprehensive proposal S. 923 for major improvements in social security and medicare. Several provisions in this measure have already been incorporated in H.R. 1, including:

Significant increases in minimum monthly benefits for persons with long periods of covered employment;

One hundred percent benefits for widows, instead of only 82½ percent as under present law;

Liberalization of the retirement test;

Cost-of-living adjustments to protect the elderly from inflation;

An age 62 computation point for men;

Extension of medicare coverage to include the disabled; and

Several other proposals.

However, S. 923 makes other major improvements, which I am hopeful can be added to H.R. 1. First, it provides a 15-percent increase, instead of only 5 percent as in H.R. 1. And this raise would be retroactive to January 1 of this year, rather than making the elderly wait until June to receive an urgently needed increase in their social security benefits.

The chairman of the Senate Committee on Aging (Mr. CHURCH) has already provided compelling arguments for a more substantial increase in social security benefits. And I have only one further point to add what he has said. Another stop-gap proposal is just not going to solve the mounting retirement income gap which continues to deepen for the elderly. Poverty has already increased by 100,000 for the aged during the past 2 years. And this fact alone underscores the need for major increases in social security benefits this year.

Additionally, S. 923 would make other far-reaching improvements in medicare. First, it would eliminate the $5.60 monthly premium payment for the aged under part B of medicare. This change alone would be almost equivalent to a 5-percent increase in social security benefits for the average recipient. And it would also provide welcome relief because this payment now costs an elderly couple about $135 per year.

Second, it would extend medicare coverage to include out-of-hospital prescription drugs. This protection was one of the major recommendations at the recent White House Conference on Aging.

Several other noted authorities—including the 1971 Social Security Advisory Council—have supported this coverage. And now is the time for the Congress to extend this overdue protection for the aged.

Prompt action is also needed on two employment proposals, which I have sponsored with other members of the Committee on Aging, to increase employment and service opportunities for older persons. I have already made reference to one of these measures earlier, S. 555, which would utilize the skill and experience of older Americans by establishing a national senior service corps. A number of demonstration projects, such as Green Thumb and Senior Aides, have shown beyond any doubt that these programs work. Now, it is time to convert these prototypes into permanent, ongoing national programs.

Another key proposal is the Middle-Aged and Older Workers Employment Act, which would for the first time establish a comprehensive national manpower policy for the mature worker. Today persons 45 and older are being shortchanged by our existing employment and manpower programs. What is needed now is a comprehensive midcareer development services program to provide the broad range of employment services to enable unemployed or underemployed older workers to move into new or more productive employment.

Equally significant, I am hopeful that the House will act soon on the Nutrition Program for the Elderly Act, a bill which has already passed the Senate by a vote of 89 to 0. A national hot meals program for persons 60 and over is absolutely essential if we are to combat hunger and malnutrition among the aged. With markedly reduced incomes, it is no wonder today that millions of older Americans go to bed hungry every night. But enactment of the Nutrition Program for the Elderly Act can help provide nutritious meals for nearly 600,000 elderly persons throughout the Nation. And in my own State of Minnesota about 11,000 aged individuals would be benefited by this legislation.

This measure, along with other proposals I have outlined earlier, can help make the later years a time for fulfillment and meaning. Once again, I urge prompt and favorable consideration of these bills.

TRAGEDY AT BUFFALO CREEK HOLLOW, LOGAN COUNTY, W. VA.

Mr. KENNEDY. Mr. President, just a few days ago natural disaster struck Buffalo Creek Hollow in Logan County, W. Va. Some 14 communities dotted this narrow valley, which was densely populated by sturdy Americans who have long been the object of official neglect. The flood which swept through their communities brought death and injury to many, and left thousands homeless. The depth of this tragedy is dramatically seen in the misery and anguish etched in the faces of those survivors who have crossed our television screens in recent days.

I desire to express my deep personal sympathy and concern for the victims in Buffalo Creek Hollow—a sympathy which I share with millions of our fellow citizens. It saddens me, however, that a body of evidence is developing which suggests that the tragedy of this valley may have been unnecessary if enough of those in high places—particularly in the coal industry of the area—had been more concerned about the people who live in the valley and the potential for disaster.

Hopefully, the efforts now underway—both governmental and private—will bring speedy relief to the people of Buffalo Creek Hollow. And diligent and urgent efforts must be made, as well, to prevent new human disasters in West Virginia and elsewhere in our land.

GENOCIDE AND OUR POSITION IN THE WORLD

Mr. PROXMIRE. Mr. President, it must be puzzling to our friends around the world that we were not the first to ratify the United Nations Convention outlawing genocide, especially as we were instrumental in its drafting. Our position of leadership in the world in the fight against man's inhumane and cruel treatment of his fellow man is in serious question. Around the world we have traditionally thought of ourselves as showing the way to less enlightened countries in the area of humanitarian causes. For the past 20 years, however, we have lagged far behind in condemning what is probably the most odious of crimes possible.

An argument against ratification of the Convention has been that it has no force and is therefore useless. Here I would like to quote a section of a bill for the implementation of the Genocide Convention which has been submitted by Mr. Scott.

> The offenses defined in this section wherever committed, shall be deemed to be offenses against the United States.

Anyone who argues that this bill would be useless is thus saying that anyone may commit an offense against this country in contradiction with our laws and the Congress with impunity. Certainly this is not the case.

Therefore, I again urge that this United Nations Convention and its implementation bill be immediately ratified so that we might regain the respect that has been lost through our delay.

VIOLATION OF ECONOMIC STABILIZATION ACT

Mr. MATHIAS. Mr. President, on February 24 of this year, the Cost of Living Council announced that it was filing a suit against A. & P. Food Stores and against Local 117 of the Amalgamated Meat Cutters & Butcher Workmen of North America—AFL–CIO. The Cost of Living Council apparently alleges that a contract between this local union and the local management of A. & P. Food Stores violates the Economic Stabilization Act.

As this is one of the first court cases brought by the Cost of Living Council under the Economic Stabilization Act, I believe all of us should be interested in its progress.

I ask unanimous consent that an article relating to this case be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A. & P. Suit Among Many Phase II Probes, United States Says

(By Paul Jablow)

A spokesman for the Cost of Living Council said yesterday that the suit filed Thursday against A. & P. Food Stores and a local union was "one of many cases being investigated" that involve wage agreement allegedly in violation of Phase 2 guidelines.

The spokesman and other sources involved in the wage-price enforcement machinery said there was no particular significance in the choice of the contract involving A. & P.'s warehouse in Halethorpe and 77 members of local 117, Amalgamated Meatcutters and Butcher Workmen.

They indicated that several other labor contract suits would soon follow this one, the first such court action under President Nixon's economic program.

Jerry Menapace, president of the local, said yesterday that he was "amazed at this . . . flabbergasted," but that he had asked the men to remain at work. They did, although Mr. Menapace described them as "wild" over the suit.

The local president said that he had previously been told by the Internal Revenue Service, investigating arm of the Pay Board, that the wage agreement signed last November 21 was considered a violation.

"SENTENCED BEFORE TRIAL"

But he said he had also been told that the union would get a chance to protest this finding to the Pay Board or to a special three-judge panel that hears Board appeals before any legal action was taken.

"This is like being sentenced before trial," he said. "It's unbelievable."

The government, seeking to nullify the contract and fine A. & P. and the union $2,500 each, said that the wage increase in the 16-month contract amounted to 22 per cent a year. Mr. Menapace placed the figure at 15.8 per cent.

JUST "CATCHING UP"

While this was still clearly well above the board's standard 5.5 per cent guideline, he said it could be justified because the Halethorpe group was the last in the area to sign contracts with the major supermarkets, and was merely "catching up" with wage increases for similar groups.

Since A.&P. has been paying the wages since it signed the contract and then protested to the Pay Board, the employees could be faced with a demand that they give up $25 a week in pay already received, Mr. Menapace said.

"Those guys aren't giving back $25," he said. "And I don't blame them."

The government's choice of this case put it at odds with the union that has been most militantly opposed to wage-price controls. The meatcutters' national leadership urged a general strike to protest Phase I, the 90-day freeze, and recommended at the AFL–CIO convention in November that labor walk off the Pay Board.

Government sources said, however, that the suit was a logical one since the company had protested, a small number of workers were involved and the contract was, in its opinion, clearly illegal.

THE EFFECT OF HERBICIDES IN VIETNAM

Mr. BENTSEN. Mr. President, I ask unanimous consent to have printed in the Record a statement by the distinguished Senator from New Hampshire (Mr. McIntyre), together with an insertion which he wishes to have printed in the Record.

The PRESIDING OFFICER. Without objection it is so ordered:

Progress Report on National Academy of Sciences on Effects of Herbicides in Vietnam

(Statement by Senator McIntyre)

Section 506(c), Public Law 91–441, the fiscal 1971 Military Procurement Authorization Act, provided that the Secretary of Defense would make arrangements with the National Academy of Sciences (NAS) for that organization to conduct a study on the effects of herbicides in Vietnam.

It also required the Secretary of Defense to request the Academy to submit a final report with results of the study not later than January 31, 1972, for transmittal to the Congress by March 1, 1972.

I would call to the attention of the Senate the statement which I made on the floor on October 6, 1971, which appears in the Congressional Record, volume 117, part 27, pages 35275–35280. At that time I covered in detail all of the actions of the Department of Defense which had been taken pursuant to the law and included copies of various letters and documents which provided the full detail of these actions.

At that time I stated as follows:

"NAS, by letter dated September 15, 1971, advised the Director of Defense Research and Engineering of its conclusion that, because of the long-range nature and the complexity of the study required by Public Law 91–441, the final report date specified in the law, January 31, 1972, is unrealistic and cannot be realized if the work required is to be completed. NAS stated that it will provide an interim report to be transmitted to the Secretary of Defense by January 31, 1972, with a final report to be transmitted to the Secretary of Defense by August 31, 1973. A copy of that letter was formally transmitted to the chairman of the House and Senate Armed Services Committees by letter dated September 24, 1971.

"The Secretary of Defense states that the NAS interim report can be submitted to the Congress by March 1, 1972, and the final report by September 30, 1973. He concluded by stating that, in view of the arguments set forth by the National Academy of Sciences, he plans to accept their time schedule for the reports."

In addition to that statement, I also commented that in my view, the requirements of section 506(c), Public Law 91–441, with the exception of the need to extend the time for reporting the results of the study, are being implemented by the Secretary of Defense with the cooperation of the National Academy of Sciences in a highly exemplary manner. I stated further that these agencies should be recognized for the completely satisfactory manner in which they are proceeding with this work. In closing at that time, I indicated that as further progress is reported, I would make it a point to keep the members of the Senate advised of all of the significant details.

I have received a copy of the interim report of the National Academy of Sciences covering the period December, 1970, through December, 1971. This interim report was transmitted to the President of the Senate by letter dated March 1, 1972. The report is consistent with the intent of the language of the law and is informative with respect to the numerous efforts that have been made during 1971. I attach a letter of transmittal and attachments.

I will continue to monitor this effort and will advise the members of the Senate of all significant events as they are reported.

The Secretary of Defense,
Washington, D.C., March 1, 1972.

Hon. John C. Stennis,
Chairman, Committee on Armed Services,
U.S. Senate, Washington, D.C.

Dear Mr. Chairman: Enclosed is a copy of the Interim Report of the National Academy of Sciences Committee on the Effects of Herbicides in Vietnam, which is being transmitted today to the President of the Senate and to the Speaker of the House of Representatives. This is an interim report, as the title indicates, and represents about 25 percent of the total effort to be accomplished.

Through informal coordination with your Committee staff, we understand you intend to make this report a part of the permanent Congressional Record at an early date. Due to the great public interest in this subject, this is a desirable course of action. Both the National Academy of Sciences and the Department of Defense also wish to make this report available to the public, subsequent to your release, through their normal distribution channels. We would therefore appreciate being advised of your time schedule when it is available.

Melvin R. Laird.

Executive Summary of the National Academy of Sciences Interim Report on the Effects of Herbicides in Vietnam

INTRODUCTION

Section 506(c) of Public Law 91–441 required the Department of Defense (DoD) to contract with the National Academy of Sciences (NAS) for a study of the physiological and ecological effects of the military use of herbicides in Vietnam. PL 91–441 was signed on 7 October 1970 and on 15 October 1970 DoD requested NAS to consider such a contract. The NAS responded affirmatively on 26 October 1970, DoD issued a letter of intent on 8 December 1970 and on 9 March 1971 Contract No. DAHC 1571–C–0211 was signed by DoD and NAS.

On 15 September 1971 the NAS advised DoD that it would be impossible to complete a thorough and responsible report by the 1 March 1972 date required in PL 91–441. The DoD reviewed the NAS conclusions and reasons therefor, found them to be valid, and on 24 September 1971 the Secretary of Defense so advised the Chairman of the Senate and House Armed Services Committees, suggesting that an interim report be rendered to the Congress on 1 March 1972 and that a final report be made not later than 30 September 1973.

The following material summarizes the NAS Interim Report—December 1970 through December 1971.

Contract Phase I—Planning (December 1970–August 1971)

The Planning Phase comprised three activities:

Selection of Committee,

Compilation and analysis of existing data, and

Development of working study objectives.

Dr. Anton Lang of Michigan State University was selected in February 1971 by the NAS to be Chairman of the "Committee on the Effects of Herbicides in Vietnam". Members were chosen in various scientific specialties and membership as of December 1971 is shown at Tab A. Additional members will be added as the need for other scientific specialists becomes apparent.

A reference library on herbicides was assembled and consultations and conferences were held with some 200 experts throughout the world. The DoD made available its computerized data of fixed and rotary wing herbicide flights.

Study objectives were developed to include studies in the following areas:

Herbicide, agricultural and animal husbandry studies, with some related toxicological studies, mainly on dioxin.

Soil studies.

Studies of natural biological systems:

Mangrove

Semi-deciduous forests

Studies in human ecology:

Medical effects

Epidemiological-ecological effects

Socio-economic and psychological effects.

Although not stated in PL 91–441, it was agreed by DoD and NAS that an important part of the study would be consideration of whatever damage or change might be found during the course of the study.

Contract Phase II—Study (September 1971-continuing)

The actual study phase of the contract began with a reconnaissance trip to Vietnam 16 September–23 October 1971. Drs. Lang and Ross made extensive preliminary helicopter flights over areas of major herdicide use. These included areas along canals and rivers in the Mekong Delta; the Plain of Reeds; the U Minh Forest; the Ca Mau Peninsula; the Rung Sat Special Zone; War Zones C and D; and mountain regions of Quang Nam, Thua Thien and Quang Tri Provinces. With other Committee members, surveys were made by boat along waterways of the Rung Sat and on the ground near Nam Can in the Ca Mau region, sprayed and unsprayed forest sites in Phuoc Luong Province, and three dump sites around Bien Hoa.

Soil and water samples were taken, some plant material was collected, and a few semi-quantitative transect determinations of vegetation were made.

The Committee also visited jungle herbicide test plots in Thailand near Pran Buri which had been used by DoD in 1964–65. Nine Committee members later visited herbicide test plots in the Luquillo forest region of Puerto Rico.

OBSERVATIONS

1. An important general reaction is that it will be impossible to reach meaningful conclusions from random ground checks and qualitative aerial observations. The reason for this is the great diversity of situations on which the stress of herbicides was imposed. For example, in sprayed mangrove areas, while recovery is, on the whole, limited and slow, one can observe in a site subjected to the same herbicide treatment areas where seedlings are as dense as in pioneer mangrove, and, on the other hand, areas with almost no vegetation. If one saw only the former, he could make a persuasive case for complete and rapid recovery. If he saw only the latter, he could make an equally good case for complete lack of recovery.

2. The overflights made showed that there are areas in mangrove forests that show very little if any vegetation; however, in the semi-deciduous forests no such areas were observed. Even in such ports of War Zones C and D, where the large trees have been apparently killed, there was heavy growth on the ground. Rapid re-vegetation seems to be taking place; however, its nature is not known.

3. Among about 100 soil samples from Vietnam analyzed for herbicides, residues were found from a heavily sprayed area in the Rung Sat. The residue was of 2,4,5–T, and the concentrations were about an order of magnitude below the minimal level for biological response in the most sensitive test plants. Only spot checks were made, so the generalization cannot be made that herbicides have largely disappeared from the soils of Vietnam. The results do indicate, however, that degradation has proceeded to the point that it may be impossible to determine the early course of degradation and its kinetics—which are particularly important to know, for any re-vegetation work—unless small test plots are treated with the herbicides in question.

4. There are logistical problems, the most severe of which is security. Many areas cannot be visited at all, many more can be surveyed on the ground only after reconnaissance by troops, and it appears unlikely that any area can be visited regularly over a period of months since periodic activity attracts unfriendly forces.

CONCLUSIONS

1. Because of the limitations to on-the-ground work, considerable emphasis will be placed on interpretation of aerial photography complemented with ground checks where possible.

2. Some modelling will be used to help understand biological interactions and to pinpoint problems for studies by all available means.

3. Because degradation of herbicides in soils and growth of vegetation in sprayed areas have clearly made considerable progress, limited application of herbicides to small test areas will be required to obtain quantitative data on the early stages of degradation of herbicides in the Vietnamese environment.

COMMITTEE ON THE EFFECTS OF HERBICIDES IN VIETNAM

NOTICE

The study reported herein was undertaken under the aegis of the National Research Council with the express approval of the Governing Board of the NRC. Such approval indicated that the Board considered that the problem is of national significance; that elucidation and/or solution of the problem required scientific or technical competence and that the resources of NRC were particularly suitable to the conduct of the project. The institutional responsibilities of the NRC were then discharged in the following manner:

The members of the study committee were selected for their individual scholarly competence and judgment with due consideration for the balance and breadth of disciplines. Responsibility for all aspects of this report rests with the study committee, to whom we express our sincere appreciation.

Although the reports of our study committee are not submitted for approval to the Academy membership nor to the Council, each report is reviewed by a second group of scientists according to procedures established and monitored by the Academy's Report Review Committee. Such reviews are intended to determine interalia, whether the major questions and relevant points of view have been addressed and whether the reported findings, conclusions and recommendations arose from the available data and information. Distribution of the report is permitted only after satisfactory completion of this review process.

INTRODUCTION

The Committee on the Effects of Herbicides in Vietnam was established under a Contract between the Department of Defense and the National Academy of Sciences that was negotiated and signed pursuant to Public Law 91–441, the Fiscal Year 1971 Military Procurement Authorization Act, Section 506(c). This Section directed, in paragraph (1), the Secretary of Defense to "undertake to enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation to determine (A) the ecological and physiological dangers inherent in the use of herbicides, and (B) the ecological and physiological effects to the defoliation program carried out by the Department of Defense in South Vietnam." Paragraph (2) provides that "of the funds authorized by this Act for research, development, testing, and evaluation of chemical warfare agents and for defense against biological warfare agents, such amounts as are required shall be available to carry out the study and investigation authorized by paragraph (1) of this subsection."

The Contract was signed in March 9, 1971. The Public Law called for a completion date (submission of a final report to the Secretary of Defense) of January 31, 1972. As it became immediately apparent that no satisfactory study could be completed by this deadline, the Academy requested an extension of the completion date to August 1, 1973, and the Secretary of Defense, by letter of September 24, 1971 to the chairmen of the House and Senate Armed Services Committees, stated that he planned to accept this revised time schedule for the report. This correspondence, with supporting documentation, has been inserted in the CONGRESSIONAL RECORD, volume 117, part 27, pages 35275–35280.

The present report is an interim report, summarizing the activities of the Committee beginning with the signing of the Contract and extending through December 1971. It had been agreed that the study would proceed in two phases, Phase I or the Planning phase, and Phase II or the Working phase. Phase II is in turn being carried out in two stages, a short reconnaissance stage, designed to select the most suitable localities and materials for further work and to obtain information about the range of problems and variables that may be encountered, and the long-range working stage in which the effects of the herbicides will be studied intensively and, as far as possible, using quantitative approaches. The present report covers Phase I and most of the reconnaissance work of Phase II. The conclusions of Phase I have had to be revised in the light of the experience and results of the reconnaissance stage of Phase II. However, they will be presented here without these modifications, and the latter summarized in the section on the reconnaissance stage, since the differences between the two sets of conclusions are indicative of the serious logistical problems and limitations under which the entire study has to be executed.

PHASE I—PLANNING PHASE

The objectives for Phase I included—apart from the selection and appointment of the Committee (Appendix A)—compilation and preliminary analysis of existing pertinent information on herbicide effects, mainly under tropical conditions, and on the ecology, demography and other features of Vietnam and of comparable countries or regions; consultations with source personnel capable of providing information in these and other disciplines and on a number of scientific and practical problems potentially important for the study; and conferences with personnel from Congress, the Department of Defense, and other agencies to establish contacts and prepare logistics. A reference library of approximately 1000 titles under 19 major and 38 subheadings was assembled (Appendix B); consultations and conferences were held with approximately 200 persons in the U.S. and abroad. On the basis of the information thus gathered, the Committee analyzed and defined the scope and objectives of its "mission"; established some guidelines for its work; considered some problems of strategy and certain longer-range perspectives of its work; gave thought to some questions of policy; and drew up a tentative work plan for the study.

I. SCOPE AND OBJECTIVES

(a) *Definitions*

PL 91–441 provides for studies on the dangers inherent in the use of herbicides in general, as well as on the effects of their use in Vietnam. This, especially the first-named provision, is very general language, and if taken in its broadest sense could result in a serious diffusion and dilution of the study. We sought therefore to clarify the intent of Congress and were advised that Congress was primarily concerned with the effects of the military uses of herbicides in Vietnam; if possible, it would like to have, on this basis, some general evaluation of the problems of large-scale use of herbicides, particularly under tropical conditions. It is this delineation of the problem that the Committee proposes to follow.

PL 91–441 calls for studies of the ecological and physiological effects of herbicides. Physiological we understand to mean effects on the function of individual organisms (although in the study of such effects, it is usually necessary to employ groups of similar organisms, so-called populations). Ecological we understand to mean effects on "ecosystems," that is communities of various organisms, including effects on the interactions between and among the affected individuals and populations, and between them and the rest of the environment (such as soil and water).

Both physiological and ecological effects of herbicides may be direct and indirect. Relatively direct effects are, for example, death or failure of growth and reproduction of a treated plant, or lesions produced in man and animals by application to the skin, inhalation or ingestion of the agent. Indirect effects operate through a chain following from or exacerbated by the more direct effects, and may be very diverse. Intake of the agent by a woman, even if causing no apparent direct or lasting syndrome, might conceivably affect her fertility or the health of her offspring. The destruction of a forest by herbicides could mean loss of income to the woodcutter. The greatest complexity of indirect effects, however, can be predicted in the realm of ecological responses. Ecosystems are generally characterized by a very finely attuned balance between their living components (animals, plants, microorganisms) and between these and the physical environment (soil, water, microclimate). Moreover, ecosystems are very often not stationary but are evolving, slowly but in a definite sequence ("succession") leading to a so-called "climax," the final stage that, if undisturbed, will not undergo further changes. Injury to, or death of one component as the result of herbicide treatment is thus apt to disturb not only the system as such, but also its further "evolution." These effects may be gradual and progressive, and it may take long periods of time to be certain what direction the disturbance is taking and whether the original balance will be restored at all. All this holds not only for "natural" or "wild" ecosystems but involves man, either indirectly as a dependent of many natural ecosystems, or directly as component of an ecosystem. A change in the floral composition of a forest as result of herbicide treatment may result in changes in the faunal composition, resulting in changes in the distribution of animals (insects, rats) that function as vectors of human diseases, resulting in changes in the incidence of these diseases in adjacent settlements even if these were not directly affected by the herbicide. Crop destruction in a settlement of Montagnards, not only deprive the people of food but may profoundly affect their faith in their own traditional means for coping with crises and disasters, and may result in demoralization.

From the existence and particularly from the long-range nature of the indirect effects that massive herbicide application is bound to have in ecosystems there follows a crucial conclusion. It is not enough to assess the herbicide effects in Vietnam as they can be seen, "here and now": it is essential to try to reconstruct, as far as possible, the "evolution" that these effects have undergone since herbicides were first applied on a large scale, and to project their further developments. It is only with such information that some genuine evaluation of the ecological and physiological effects of the herbicides, used on the scale they have been used in Vietnam, can be expected. Otherwise, we may end up with not much more than a catalog of incidental observations that, however detailed and complete, will permit few if any meaningful conclusions.

The prospective approach is all the more important since it may help us to learn whether, how, and how soon ill-effects of the herbicides may be overcome, and to consider what uses of the herbicide-treated areas may be possible for the benefit of the country and the people. The Committee feels very strongly that this aspect of repair and rehabilitation is a crucial part of the entire work; this feeling was shared by all persons who have been consulted.

(b) *Variables*

The study of the effects of herbicides used in Vietnam is complicated by many factors. Those that are inherent in any ecosystem have already been pointed out in the preceding pages. Other variables reside in the herbicides used and the modes of their use. At least three agents with differing compositions—"Orange," "White," "Blue" (see Appendix C)—have been used. All have been used with different methods of application (fixed-wing aircraft, helicopter, ground vehicles with high-pressure spray attachments, backpack sprays) and with different objectives (defoliation for reconnaissance and surveillance, defoliation for protection of routes of communication on land and by water, defoliation for improved vision and lines of firing around army bases, crop destruction, accidental dispersal, dumping, and perhaps others). Numbers and quantities of treatment have varied, ranging from single light sprays as a result of wind drift from defoliation missions, over the regular application by fixed-wing aircraft, to very massive local treatments as a consequence of total or partial dumping of the load of an aircraft, because of failure of or damage to the latter. The doses used in regular fixed-wing aircraft missions exceeded those used for nonmilitary purposes by about an order of magnitude; doses delivered to dump areas were greater by at least another order of magnitude. Herbicides have also been sometimes used in combination with a variety of other weapons having direct and indirect ecological effects of their own that may interact with the effects of herbicides: high explosive, fragmentation and anti-personnel bombs, artillery, removal of vegetation by means of superbulldozers (Rome plows). Bomb cratering is evidently very extensive in parts of the country; an influence on the ecological effects of herbicides is not known but conceivable.

Finally, herbicides have been applied, deliberately or accidentally, over a wide series of environmental types, including mangrove, several types of forests, upland rice farms, and probably, at least accidentally, onto heavily (built-up) populated areas. They have impinged on an as yet not fully determined number of human land-use types, probably including woodlands used for lumber, firewood and charcoal, and for gathering wild food and other products; house and kitchen gardens; uplands used for shifting cultivation of rice and other field, garden and tree crops; transportation routes cross-cutting all varieties of terrain and land use; and military bases in a variety of lowland and upland conditions.

(c) *Selection of objectives*

With the complexities and variables discussed in the two preceding sections, the research design begins to look complex and time-consuming indeed. It was therefore necessary to select objectives that could be studied in the time and with the support available, and would yield the highest return in terms of understanding herbicide effects and their repair. The following areas were chosen for study:

(1) Herbicide, agriculture and animal husbandry studies, with some related toxicological studies, mainly on dioxin.
(2) Soil studies.
(3) Studies of natural biological systems:
(i) Mangrove.
(ii) Semi-deciduous forests: disturbed and undisturbed.
(4) Studies in human ecology:
(i) Medical effects.
(ii) Epidemiological-ecological effects.
(iii) Socio-economic and psychological effects.

The Committee is of the opinion that these study areas cover the most important problems raised by the military use of herbicides in Vietnam, that is, problems that concern the major ecosystems affected by herbicides, including humans, that may have the longest-range consequences, and that have aroused greatest public concern in the United States and outside. The localities that will be covered under this plan of study should include those likely to have been maximally affected and to have suffered long-term if not permanent consequences; they should, to the extent possible, be typical of widespread situations and also representative of situations, irrespective of their ecological or environmental character, where people, crops and livestock may have been heavily exposed; they would include crop lands, plantations, and if practical gardens and other small cultivated plots where it may still be possible to assess direct herbicide effects and where persistence of the agent may be a particularly critical problem, as well as areas where defoliation may have had maximum, although unintentional, beneficial effects (clearing of land for crop production).

II. GUIDELINES

The study areas selected have many cross-connections. Thus herbicide (residue) and soil studies are clearly interrelated, and both are connected with studies on the natural biological systems and on agriculture; the epidemiological-ecological studies are in turn closely connected with the studies on ecological changes in the natural systems. On the other hand, each of the study areas has its specific problems and approaches; this is particularly true of the medical and the anthropological (socio-economic and psychological) areas that represent a relatively separate complex of problems. It is therefore difficult to develop guidelines that will be equally applicable to all study areas. Nevertheless, and bearing in mind that a given guideline may apply to one study area much more than to another, the following guidelines should help to maintain consistency in the work on the various problems:

(1) In order to obtain information on the time sequence of herbicide induced changes, studies will be carried out as much as possible on areas that were sprayed at different times, starting with the most recent spray missions and working backwards to the earliest ones. (The first missions in Vietnam were flown in 1962, following some test missions in 1961; large-scale herbicide application, including all fixed-wing aircraft sprays, was terminated in December 1970.) As a supplementary effort along this line, the Committee intends to inspect other sites where herbicides have been applied on a relatively large scale and under tropical or subtropical conditions. The number of such sites is considerable but most of them seem of little use for our purposes, because of different climate and vegetation, a scale too small for meaningful comparison, or incomplete data. The most promising ones are in Thailand and Puerto Rico, where the Department of Defense has carried out relatively extensive test sprays, and Hawaii, where herbicides have been used extensively to convert jungle into pastures.

(2) Projective studies will employ two principal approaches:

(i) Extrapolations from the time-sequence studies described under item (1);

(ii) Experimental studies, mainly planting of selected species.

In areas with relatively light herbicide effects, the extrapolative approach may permit rather accurate estimates of the further progress of the induced changes and of the time needed for recovery. In areas with heavy damage, particularly in the mangrove and probably also in parts of the forests, the time period for which data can be obtained—at the very best, 10 years—is most likely too short for better than an order of magnitude of time estimate. It is particularly in these areas that the replanting approach should be useful. The limitations of such experiments are quite clear to us. Even successful replanting of mangrove seedlings in a heavily damaged mangrove does not mean, of course, that the mangrove is going to be ultimately restored to its original condition. Nor would a successful planting of vegetables on the site of a destroyed forest mean that this site should be converted to vegetable plantations. But such results would indicate that the damaged ecosystem is not irretrievably lost to the ecology and economy of the country; failure of replanting would indicate existence of adverse factors not yet understood and would point up the need of more studies. The replanting approach may be particularly useful also in sprayed agricultural areas, as an assessment and a demonstration of the usefulness of such areas.

(3) It is obvious that undisturbed areas should be studied as controls, and that such control areas should be selected to be as close as possible, spatially and with respect to their climatic, physical and biological conditions, to the test areas. In addition, however, at least in the major natural biological systems to be studied, particularly the forests, efforts should be made to include in the studies, areas that have been disturbed in other ways: by clear-cutting, bulldozing, fire, bombing and perhaps otherwise. This should help to pinpoint the specific effects of herbicides, and may provide some information, although probably only of a preliminary nature, on interactions between herbicide and other war-related effects.

(4) Particularly in the natural biological systems, close attention should be directed at the condition of the system before spraying with herbicides (and before any other war-related disturbance)—whether it is in its natural "primary" condition or whether it has been previously disturbed in some manner, such as by shifting cultivation, extensive logging (especially so-called high-grading, where the valuable timber species are removed totally while less valuable species, vines, etc. are left to take over), or other. The effect of herbicides on primary forest may be rather different from that on forest already heavily disturbed; preservation of primary forest is of particular significance both for ecological and economic reasons.

(5) Parallel with the field studies, literature studies, designed to obtain further data on effects of herbicides under tropical conditions, will be continued. It should not be forgotten that herbicides have been used in the tropics and subtropics also in peacetime; in underdeveloped countries, there is considerable interest in continuing and expanding such uses. Comparisons of available information on this kind of application and the military use in Vietnam should help to bring both aspects into better perspective. Some information, particularly on contaminants and on degradation, will be sought from the manufacturers of the agents and from other sources.

III. SOME CONSIDERATIONS OF STRATEGY

Referring, again, to the complexities inherent in the study the Committee has decided—as already mentioned—to carry out the work in two stages: a reconnaissance survey designed to pinpoint problems and localities; and a longer-range study the details of which will be determined using the results of the reconnaissance study.

(a) *Reconnaissance stage: site selection*

The main objectives of the reconnaissance stage will be twofold: firstly, to identify the most suitable localities (sites) for the longer-range work; secondly, to obtain an idea of the range of variables that may be encountered. The details of the approaches will differ, depending on the study area concerned; in particular, whether the work is to deal with nonhuman subjects or with humans. However, the following outline should convey the overall rationale.

The first source for site selection—and for most purposes the principal one—are the records of herbicide use that have been maintained by the Department of Defense for all airborne missions (fixed-wing aircraft and helicopter). Using these records—a large part of which has been computerized—the spray missions can be printed out on overlay maps, according to such criteria as type of agent used, date of spray, objective of mission (defoliation or crop destruction). These overlays, in combination with vegetation maps, should permit us to select herbicide treated areas in different ecosystems, according to a time scale, to the extent of treatment (single or repeated sprays, dump sites), and other criteria that may be of interest. The selected areas will then be inspected from the air, and examined on the ground. By this process it ought to be possible to identify suitable sites and conditions necessary for the comprehensive study.

The second source for site and sample selection will be records and other information from local sources. This may include hospital records, records of midwives, records of herbicide damage claims submitted and approved, information from American and Vietnamese source persons (agricultural advisers, medical personnel, officials) and any other information that can be obtained at the country, province, district and village levels. This kind of information should be particularly useful in the study areas dealing with humans and should help in identifying areas where humans may have been exposed to herbicides on a substantial scale, with a minimum of other disturbances such as resettlement of populations. The information may be useful also in certain other study areas, particularly those dealing with herbicide damage to crops and livestock.

(b) *Reconnaissance stage: other activities*

Along with the site selection, some sampling, particularly of soil for residue and preliminary fertility analyses, and some observational as well as experimental studies will be carried out, focusing attention on extreme situations. Thus, soil for herbicide residue analyses will if possible be sampled from recent dump sites, since the prospects of finding substantial levels of persisting herbicides are obviously greatest here. Should dump sites not be available, because of problems of identification, security or other circumstances, search would be shifted to areas of recent multiple sprayings. For studies on ecological effects in natural systems, sites will be selected representing heavy treatment and no treatment. Observations will be made on the extent of destruction, presence or absence of recolonization from seeds and of regeneration by vegetative means, invasion by "foreign" species, and signs of erosion. Experimental studies will consist of belt transects designed to determine species diversity and condition of the plants (trees), and sampling and subsequent analysis of soil, water, organic matter, aquatic microorganisms (plankton) and possibly fish. The objective is to bracket the range of situations that will have to be taken into account in the main or longer-range studies.

(c) *Long-range studies*

The results of the reconnaissance studies will permit, it is hoped, a much more precise and specific planning for the main part of the work, the longer-range studies, than is possible at present. For example, if no herbicide residues should be found in the soil of recent dump or other heavily sprayed sites, further analyses can be limited to spot tests in soils, perhaps some analyses of persistent plant material and plant products (concentrates, oil)—if these can be related to sprayed localities—and analyses of animals high in the food chain. More effort could then be directed to field experiments with various agri- and horticultural crops in defoliated areas. If herbicide residues are discovered in dump or other heavy-treatment areas the amounts found should still provide a very useful guide to the concentrations at which further tests would have to be aimed. In principle, while the reconnaissance studies are designed to identify the extremes of the spectrum of possible effects and while the information will be of a semiquantitative nature, the main or longer-range studies will use quantitative approaches, as much as possible, both with regard to the "timing" of the effects (that is, analysis of sites sprayed in a sequence of years) and to the parameters investigated, and will place special emphasis on repair and rehabilitation.

(d) *Cooperation with Vietnamese*

The study will center on effects of herbicides in Vietnam. Thus, it is almost axiomatic that staffing and administration should include Vietnamese. It will be impossible to carry out the longer-range studies without Vietnamese collaboration, and it is the Vietnamese people who must live with the results of defoliation and who, we hope, may derive some benefit from the results of the study. Some Vietnamese personnel may have to be given special training for work in various specific aspects of the study. Some of this can probably be done in Vietnam; for other, they may have to be brought for two to four weeks to a laboratory in the United States.

IV. SOME PERSPECTIVES

Because of the complexity of the study as a whole, the Committee wishes to point out that, whereas in some study areas or problems it should be possible to arrive at reasonably specific answers, in many others the most that can be expected is a better definition of the problem and an indication of the direction or directions in which further work should go.

(a) *Studies on nonhuman subjects*

First considering studies on natural ecological systems, it appears on the basis of all available information that large areas of mangrove have been heavily damaged if not outright destroyed, and that there is little if any evidence of natural recolonization in this ecosystem. If soil analyses should show persistence of the herbicides it would be useful to perform experimental tests on the sensivity of mangrove species (which is not well known) and thus obtain a firm basis for further strategy in this system. If residue analyses are negative, immediate planting of mangrove seedlings of several appropriate species should give rapid indications of the possibilities of repair through this direct and simple means. Similar attempts should be made, as mentioned earlier, in forests to determine the ability to replant and regrow what appear to be especially sensitive and economically and ecologically important species such as dipterocarps, and perhaps to determine ways of controlling the growth of bamboo and grasses such as *Imperata cylindrica* which, at least according to some information, are thought to "take over" defoliated areas and adversely affect natural regeneration. But to determine the consequences of restoring or not restoring mangroves or dipterocarps—quite apart from the political problems involved that will be touched upon later—would be a much longer task. Consequences in these two examples might include: effects of presence or absence of mangrove on erosion of the shore line; ability to use defoliated mangrove areas for agriculture or other human-beneficial purposes, effects on understory plants of presence or absence of dipterocarps. Natural succession in dipterocarp forests is poorly understood. As already pointed out, in areas with heavy damage, that is areas where the herbicides have been applied at particularly massive levels, we do not expect more than to arrive at order of magnitude estimates on recovery, and perhaps to be able to say that *some sort* of restoration is (or is not) possible. To analyze the chain of effects of the application of such massive doses of herbicides in quantitative, precise terms requires systematic longitudinal observations with special emphasis on floral and faunal successional sequences in treated and untreated areas and large-scale experimental restoration studies with a wide range of variables and under a wide range of conditions, and most probably including the establishment of reserve forests and similar measures which transgress the confines of physiological and ecological work. It is clear that this is outside the charge, the time limits, and the financial resources of this Committee.

(b) *Studies on humans*

The situation in those areas that deal with humans and quite especially in the areas of socio-economic and of psychological effects is particularly difficult, for two reasons. Firstly, it must be kept in mind that many things have happened to influence and alter human lives in Vietnam simultaneously with the military use of herbicides: increase of population, relocations of populations, urbanization, changes from subsistence agriculture to wage labor, plus directly war-related phenomena including changes of diet, changes of living conditions, changes of family structure, and direct assault by a variety of weapons. Because of this, it will be extremely difficult if at all possible, and may moreover be meaningless, to divorce defoliation effects on human subjects from the effects of all these other changes.

Secondly, work on humans is long-term work. In the case of the Atomic Bomb Casualty Commission study in Japan, one year was required for preliminary planning and formation of the working team. The situation in Vietnam in 1971 seems far more complicated than that in Japan in 1945, and the planning alone for a comprehensive study of the effects of defoliants could easily take the entire period of time in which the Committee should complete its work. This means that most of the work with humans that can be carried out under this Committee will be not more than a preliminary survey that will hopefully bring into better focus the problems that should be investigated—and the organizational, logistical and similar problems that may have to be faced in carrying out such an investigation.

(c) *Conclusions*

The foregoing statements should not be interpreted as misgivings on the part of the Committee to embark on its assignment. The sole purpose of the foregoing analysis is to make one point—however, a very important one. The present study should be considered as a first step. We feel it is definitely a step in the right direction, but it is only one step. It should be followed up by further studies that could pursue and expand those lines of approach that we hope to uncover. They should emphasize longitudinal analyses and include large-scale efforts at restoration or rehabilitation. They should have a longer life expectancy than our enterprise, and as broad a base as possible. For the latter reason, as well as for maximum effectiveness and impact, it seems advisable to include the Vietnamese right from the planning stages of any such studies, and to place the studies on some international basis, e.g. through the United Nations (WHO, FAO, UNESCO), organizations such as the International Congress of Scientific Unions, or perhaps an independent international commission formed for this specific purpose.

V. SOME QUESTIONS OF POLICY

(a) *Political questions in connection with herbicide effects*

In developing its plans of action the Committee has been well aware that the use of herbicides in Vietnam was in part an outcome of political decisions and has in recent years become a highly emotional political problem. The results of our study may well be put to political uses, especially since the point at which political questions and considerations begin to intrude on the physiological and ecological ones is by no means well-defined and consistent. We may be able to determine whether and how soon herbicide damaged mangrove or the semi-deciduous forest *can* be restored, and whether certain crop plants can be grown on such sites in place of the original vegetation. But the decision whether mangrove or forest *should* be restored, or should be used for other purposes involves clearly political considerations. The Government of the Republic of Vietnam may have plans for areas that have been exposed to herbicides, e.g. for the establishment of agrovilles, resettlement programs for veterans, and mechanized commercial agriculture and forestry. FULRO (a Montagnard organization) and the National Liberation Front may have their own plans. Once more, the problems become particularly complex where human aspects are involved. People may be unable or unwilling to return to their conditions prior to the war and the use of herbicides, even if we could show that the ecosystem on which they were depending could be restored. Will the Montagnards—quite likely the population group that has suffered as much or more than any other from the effects of herbicides—want to, or be able to return to slash and burn agriculture after they have been exposed to more modern conditions? The psychological responses to herbicides, upon which we have touched at an earlier, occasion, would of course also enter into this picture.

While the Committee realizes that political uses of its work cannot be avoided or prevented, it feels that they can easily result in an impairment and negation of the scientific results of this work. It therefore plans to follow certain policies of its own; it furthermore insists that certain provisions are included in the Phase II Contract with the Department of Defense; and it suggests certain public relations steps, all of which should have the effect of minimizing uses and abuses of the Committee's results and conclusions for political purposes.

(b) *Committee policies*

The work of the Committee will be strictly limited to the objectives stated in Section 506(c) of Public Law 91-441, that is *physiological and ecological effects* of herbicide application, primarily in Vietnam. Any conclusions and judgments that carry political implications or involve political decisions will be excluded. For example, in studies on mangrove or semi-deciduous forest we *will* ask, can the mangrove or the forest be restored?; how long may restoration take?; can it be enhanced and by what measures? We *will not* state whether or not the mangrove or the forest should be restored, except if restoration is justified on purely natural reasons (e.g., if the mangrove should be essential for prevention of coastal erosion). We *shall* also study whether some plants that may be useful for the ecology and the people of the country can be grown on defoliated mangrove and forest areas, and under what conditions or natural premises. But we *shall not* try to tell the Vietnamese whether to grow these crops, and which. In specific cases, most probably in the first place again those involving human subjects, it may be difficult to find the precise dividing line, but on the whole this approach should help to avoid involvement in problems in which, for one thing, the Committee does not feel at all competent.

(c) *Provisions to be included in the contract*

(1) Planning, direction and execution of the study are the exclusive responsibility of the Academy; so is the selection and appointment of all scientific and technical personnel needed to carry out the work.

(2) During the course of its work, the Committee will continue to have, through the Chairman and the Staff Officer, access to any information in the hands of the Department of Defense that may be pertinent for its work. The decision on this latter point rests with the Committee. Classified information needed for inclusion in or as backup material for the final report will be declassified by the DOD.

(3) Ownership and control of all data resulting from the studies resides in the National Academy of Sciences, including full rights of publication. To assure Committee members of freedom of publication, they should also be given rights to publish the materials they have gathered, after completion of and with credit to the study but otherwise subject to no limitations except as outlined below.

(4) Statements of individuals are privileged communications and are not to be disclosed to anyone without prior consent of the respondent, under circumstances in which he or she could be identified.

(5) Data from surveys should be handled as "pooled" data unless permission has been

received to make direct attributed quotations.

(6) The Contract should state explicitly the intention to include studies on repair and rehabilitation. (We suspect this is neither legally binding, nor legally limiting, but it should make the study more convincing.)

(7) Every effort should be made to safeguard the privacy and welfare of all respondents in the study, regardless of their political positions or their responsibilities regarding defoliation. It should be clear to respondents that it is not and cannot be the task of the Committee to assign blame or establish guilt.

(8) All publicity should be in advance agreed upon and coordinated between the Contract patrners, i.e. Department of Defense and NAS. It should always precisely reflect the basic set-up of the study: Origin in Congress; contract with DOD; a Committee appointed by the President of NAS; planning and execution of the study the exclusive responsibility of this Committee; all personnel working on the study selected and appointed by, and responsible to the Academy. It should also be made clear that the Committee has no objectives of a political or military nature; quite specifically, it is not concerned with an evaluation of the military usefulness of herbicides, and is quite independent from any other group that may be studying this particular question or any other political or military issue related to herbicides.

PHASE II—RECONNAISSANCE STUDIES

I. SURVEY OF ACTIVITIES

The reconnaissance stage of Phase II was carried out in the period September 16 to October 23, 1971. A. Lang, Committee Chairman, and P. Ross, Staff Officer, arrived in Saigon on September 16, established contacts with the U.S. and Vietnamese military and civilian authorities necessary for conducting further work; analyzed the information on location, time and nature of the spray missions that have been flown, particularly since 1965; and made extensive helicopter flights over those parts of the country where herbicides have been used on a major scale, taking a considerable number of photographs. A list of these overflights follows:

(1) Agricultural regions in the Mekong River Delta (herbicides applications mainly along rivers and canals; mangrove along an arm of the Mekong River; the Plain of Reeds in the southwestern part of the country, near the Cambodian border (herbicide sprays mainly in 1968, with agents Orange and Blue);

(2) U Minh Forest on the western coast of the southernmost part of the country and the mangroves of the Ca Mau region, near the Vietnamese naval base Nam Can ("Solid Anchor") in the southernmost tip of the country (sprays mainly in 1967–69, agent Orange; some in early 1970 with agent White);

(3) Mountain regions in the northern part of the conutry in Quang Nam, Thua Thien, and Quang Tri Provinces where crop destruction missions with agent Blue have been flown in the valleys in 1968–69;

(4) The mangroves in the Rung Sat Special Zone, southeast of Saigon in the Saigon River Delta, and forests in the so-called War Zones C and D, north and northeast of Saigon (in either region, heavy sprays with Orange and White between 1965 and 1969); also, rubber plantations near Quan Loa (claims of herbicides damage by drift).

(Flights over the Rung Sat mangroves were later also arranged for several Committee members.)

On September 27 Lang and Ross proceeded to Bangkok, Thailand, where they met with seven members of the Committee (Blackman, Drew, Fryer, Golley, Richards, Tschirley, Zinke), and the group, accompanied by Dr. Charles E. Minarik, Director, Plant Sciences Laboratory, Department of the Army, and Dr. Roy Linsenmyer, Science Advisor, CINCPAC, visited and studied some of the test plots for herbicide application that had been established by DOD near Pran Buri in 1964–65.

On October 5 the entire group travelled to Saigon; the various members left, depending on their commitments, between October 13 and 23. During this stay, the group made the following studies in the field:

(1) A reconnaissance trip by boat along the waterways in the Rung Sat mangrove region, with a short foray on land near Loi Giang on the Song Dong Tranh channel, near the center of the region and a site heavily sprayed with Orange and White between 1965 and 1969;

(2) On the ground, visits to:

(a) mangrove in the Ca Mau region, near Nam Can: one site that had been sprayed with agent Orange in 1968, and one with agent White early in 1970, plus adjacent unsprayed "control" sites (2 days);

(b) sprayed (agents Orange and White, 1969) and unsprayed forest sites near Dong Xoai, Phuoc Luong Province, 55 miles north of Saigon (2 days);

(c) three dump sites (that is, sites where an entire planeload of a herbicide had been released within a time of ca. 30 seconds, because of aircratf trouble) near Bien Hoa, north of Saigon (one day). One site—agent Blue, November 1968; two sites—agent Orange, December 1968 and April 1969.

In Pran Buri and on all field trips in Vietnam, soil samples were taken for herbicide analyses (total, ca. 100 samples) and for studies of fertility factors (ca. 100 samples). These samples have been analyzed for residues in the laboratories of the Weed Research Organization, Agricultural Research Council (Great Britain), Oxford, England (Director, Committee member J. D. Fryer); for soil fertility in the laboratory of Committee member P. Zinke, University of California, Berkeley. Also collected was plant material from different sites, and water and plankton samples in one of the canals in the Rung Sat mangrove area on the boat trip through this region. Finally, qualitative surveys and a few at least semi-quantitative transect determinations of vegetation were made.

In addition to the field work, more contacts were established, particularly with personnel in USAID, CORDS and ARPA; these will be important sources for information on such matters as agricultural effects of herbicides, effects on forests and forest utilization, and effects on people. Cooperation with Vietnamese scientists was also established and formalized; this will be reported separately (see below, section V).

A separate field trip, which also formed part of the Phase II reconnaissance work, was undertaken on November 21 when, following a Committee meeting in San Juan, Puerto Rico, nine members of the Committee visited herbicide application test plots in the Loquillo Mountain.

It should be pointed out that the reconnaissance work covered only part of the problem areas selected for study, namely those dealing with the herbicides themselves (residue problem), soils, and natural biological systems (mangrove, semi-deciduous forests). All problems concerning human ecology and also some effects on agriculture had to be excluded because the Committee members most knowledgeable in these problems were not available for this visit and because at the time of the reconnaissance visit we did not have any Committee members in the area of anthropology. In retrospect it apepars however that because of the logistical problems to be outlined, it would not have been possible to do, in the time available, more than was actually done. Work in human ecology is to be initiated in the near future; the first question to be considered is how much, if any, of such work is practical under the existing conditions and within the time available.

II. OBSERVATIONS AND GENERAL CONCLUSIONS

In the tropics, what seems a reasonable plan of action at a distance seldom can be accomplished *in situ* because of various logistical, technical and personnel limitations. Obviously, in Vietnam, the problems are greatly aggravated by the fact that the country continues to be involved in a war, and moreover a war with no clear front lines and no clear distinctive marks for friend and foe. The visit to the country enabled us on the one hand to have a look at those ecological "systems" that we want to study, and to collect some factual information that has helped us greatly in pinpointing certain objectives. On the other hand, we got a first-hand concept of the logistical difficulties under which the studies have to be carried out. In the following, those observations that have had the greatest bearing for the planning and conduct of further studies will be summarized.

(1) Factual observations

(a) A very important general reaction one carries away from both aerial and ground inspections is that it is impossible to arrive at meaningful conclusions both from random checks on the ground and from qualitative surveys from the air. The reason is the very great diversity of situations on which the stress by herbicides has been superimposed. In the mangrove, while recovery (meaning both recolonization by seedlings and regeneration of surviving individuals) is on the whole limited and slow, one can observe in very close proximity, definitely within a site that was subjected to the same herbicide treatment, areas where seedlings are as dense as in so-called pioneer mangrove, and areas with almost no sign of vegetation. If one happened to see only the latter situation he could make a persuasive case for complete and rapid recovery; if he saw only the other he could make an equally good case for complete lack of recovery, i.e. total and permanent destruction of the mangrove. In the semi-deciduous forests, the diversity is even greater. In part, this is due to natural factors (differences in surface physiognomy, proximity of rivers, and other); in part, to disturbances that have been introduced, both before and after herbicide spraying, by logging; or slash and burn agriculture, and perhaps other forest uses. In the forest region near Dong Xoai the Committee inspected two sites, one sprayed, one unsprayed, ca. 10 miles apart. The first site had rather dense tree stands, dense undergrowth and very little if any bamboo; the other had very few tall trees left and very vigorous development of bamboo. The first site was flat and with no nearby river; the second hilly and next to a river. Both areas were heavily disturbed forest, as evidenced, for example, by the complete absence of *Dipterocarpus* species, the most characteristic trees in primary forests of this part of the world. However, degree and nature of disturbance—aside from the herbicide treatment—were different. Part of the difference must have existed before the spray. Thus, the bamboo were of a size that could not have developed in a matter of two years (the spray missions were flown in 1969–70). Part may have been introduced afterwards, as suggested from the different degrees of logging that was going on in the two sites. In some parts of the country the situation has been aggravated by military activities other than herbicide application, mainly, clearing vegetation by mechanical means (Rome plows), and heavy bombing. The Committee feels strongly reinforced in its belief that a meaningful analysis of the effects of herbicide application in Vietnam requires objective quantitative evaluations. This holds in the first place for the natural vegetation but by extrapolation undoubtedly also for any other aspect of herbicide effects when herbicides have been used on the scale and in the amounts they have been used in Vietnam. In studies on natural biological systems, the best approach would be to conduct extensive on the ground studies of plants, animals and soils, using the theoretical designs and quantitative techniques available for such work. Special care would have to be directed at a representative but random selection of sites and it would be optimal to include unsprayed areas, areas subjected to different spray programs, and areas in undisturbed primary forest and in forest disturbed in varying degrees and by different means. If this is not possible—and it is not; see below!—the next best choice is use of techniques that permit coverage of large areas and an unbiased evaluation. The most likely candidate is aerial photography, with flights over a sufficient number of "transects" and followed by visual or even better photomechanical analysis. Other techniques of remote sensing may also be useful.

(b) The visits to the spray test sites in Pran Buri (Thailand) and Puerto Rico were of distinct but limited value. The gains were four-fold: First, the visit to Pran Buri offered the Committee members an opportunity to carry out "dry runs" of their projected studies under comparable conditions of vegetation and climate but without concern for security problems, a severe handicap in Vietnam (see below). Second, the analyses of soils from the Pran Buri sites for fertility provided useful data and some will, in fact, be continued. Third, trees at the Puerto Rico site may be useful for preliminary studies on wood cores, as a basis for efforts to assess the effects of herbicides on the growth of trees that survive the treatment. Fourth, it became apparent, particularly at Puerto Rico, from inspection and from reports by the local forestry scientists, that it may take a herbicide-treated tree as many as five years to die. This lag in the killing effect seems not to have been properly appreciated. Assessment of damage after short periods of time (1-2 years) may thus fail to give a complete picture; repeated assessments over a five- or six-year period would probably be optimal when they are possible. The limitations on the value of the test site for our study were threefold. First, as may be anticipated, vegetation and climate in Pran Buri and Puerto Rico, while having similarities with Vietnam, also exhibit marked dissimilarities. The species composition in Puerto Rico and in Vietnam is quite different; the rainfall in Pran Buri is only little more than half that in Vietnam. Second, the forest of the test sites in Pran Buri was secondary forest (no dipterocarps), i.e. had been subjected to considerable disturbance already before the sprays. Since the disturbance factors are unknown it is very difficult to apply any data to the situation in another forest. Third, disturbance has continued since the test sprays; a road and a canal have been built through one of the areas; farmers (squatters) have moved in and put part of the land under cultivation—apparently, with good success; charcoal was being made; and the Thai Army seems to use the region for fire practice and other purposes.

(c) The overflights that we have made have shown that in the mangrove there are still areas that show very little if any vegetation. In the semi-deciduous forests, in contrast, no such areas were observed. Even in regions, such as parts of War Zones C and D, where the large trees to a large extent have been apparently killed, there was heavy growth on the ground, and it was practically impossible to see the soil. It seems that rapid re-vegetation is taking place, but the nature of this for the early stages of re-vegetation are very important for understanding its course, that is, successional trends, and even more important if it should be desirable and possible to influence this trend.

(d) Among all soil samples that were analyzed for this purpose, herbicide residues were found only in samples from one location. The herbicide was 2,4,5–T, one of the components of agent Orange, and the site was in a heavily sprayed area of the Rung Sat mangrove. The level found was low—about an order of magnitude below the minimal level resulting in a biological response in the most sensitive test plants. This finding should *not* be generalized to mean that the herbicides have largely disappeared from the soils in Vietnam since our checks were spot checks. But it does indicate that degradation has made considerable progress, and that it may be difficult if not impossible to determine with any degree of accuracy both the speed of degradation, and its kinetics. These are, however, parameters that are very important to know, both in order to understand the effects of herbicides on vegetation and in order to determine the re-use of treated lands.

(2) *Logistical problems*

(a) Difficulties were encountered in identifying suitable sites for studies. Our choices were based on the spray missions data, as printed out for us by the computer (see above, p. 8), combined with information from vegetation maps for Vietnam, plus any other information, e.g. from local sources, military personnel familiar with herbicide missions, etc., that could be found. For the mangrove, this procedure seems in general satisfactory. But in the semi-deciduous forest, it may lead one astray. The main reason is the great diversity that can be found in this ecosystem even within quite a limited area and that has been mentioned above (section 1, item (a)). In addition, the computer print-outs of the spray missions are not always as exact as they may appear. They are based on the coordinates of the starting and the end point of the mission and show the mission almost with no exception as a straight line. In very many cases this is correct, but in some when a mission was flown along a road or a waterway, it followed the course of these and the direction between the two end-points was changed. The sprayed area in Dong Xoai that was selected for a visit on the ground, not only differed from the control (unsprayed) area in physiographic characteristics and degree of pre- and post-spray disturbance, but whereas from the mission print-outs it appeared to be within the confines of a single treatment with agent Orange, it seems in fact to have been on the boundary between swathes treated with Orange and White. It must be said that in this particular case "experiment" and "control" were as poorly matched as one can imagine, and this was the most serious gap in our reconnaissance observations. It is quite possible that a few miles away a much more suitable area could have been found, but the information at hand was not enough to be certain, and the security situation, which will be discussed in the next section, did not permit to explore this on location. In one case, the information from the military records appears to have been entirely erroneous. We landed at a village (Thanh Binh, Bin Duong Province), which according to these records had been the site of a dump of agent White, but the village chief denied that that there had been a dump (or indeed any herbicide damage except possibly a little from drift). The chief had been in his post at the time of the alleged dump; he was familiar with herbicide effects as he knew of another, near-by dump site we had visited before. There appears to be no reason for him to deny a dump if one had indeed happened. Possibly, there was a coordinates error in the original flight report by the crew of the plane. In future site selections, it will be necessary to make the ultimate decision on the basis of direct overflights, possibly combined with aerial photography or some other remote sensing investigation, and where possible to seek corroboration from *local* sources. The latter must still be done in the case of all genuine dump sites that we visited during the reconnaissance trip.

(b) The main logistic problem, however, remains security. For each of our on the ground forays into mangrove or semi-deciduous forest the selected area, about one square kilometer, was first "swept" and cordoned off by two companies of Vietnamese troops. Two hours later we could enter the area accompanied by another dozen or more U.S. and/or Vietnamese soldiers. If, as it happened with the sprayed area near Dong Xoai, the selected site turned out to be not suitable it was obviously impossible to repeat the maneuver on the same day. A visit to a near-by site would require the same amount of administrative and military preparations. The time that could be spent on the ground was limited, on the one hand by those preparatory security measures, on the other by such factors as the schedule of helicopters, which were a major means of transportation but which had to return to their base by a fixed time, also because of security. The time available was in fact in most cases sufficient for the studies we wanted to make, but in one case (one of the dump sites) we had to pull out before completing sampling. But this security (or nonsecurity) situation imposes severe limitations on the work of the Committee. It seems clear that work on the ground, particularly in semi-deciduous forests, will have to be considerably reduced as compared to our initial plans. It will also have to be done mainly in locations near so-called population centers, that is, military bases and villages—even though this in itself is a disadvantage since the degree of disturbance increases with the proximity to such centers, because of local herbicide applications around military bases, as well as of logging and other human activities in the forests. Even in such areas, work will have to be limited to short time periods, not exceeding a day and at irregular intervals, since any regularly scheduled activity at a given spot is bound to attract attention and may cause aggregation of unfriendly forces. In view of these difficulties and limitations the question may be asked—and it has been asked by the Committee—whether any useful results can be obtained from studies particularly in the semi-deciduous forests, or whether it would not be preferable to defer any work until peaceful conditions have been reestablished in the country. The Committee feels however that at least an effort should be made, for the reason stated under section 1, item (c), that is, the apparent rapid changes that are occurring in the forests and that make it most desirable to obtain some understanding of the nature of these changes and of their possible consequences. Delaying studies for an unknown period of time may deprive them of a firm basis and seriously reduce their usefulness. The Committee is well aware that the results may be far from perfect.

III. MODIFICATION OF WORK PLANS

After returning from the reconnaissance trip, the Committee held a meeting at San Juan, Puerto Rico, on November 19–21, 1971 and reviewed its plans for the long-range studies in the problem areas of herbicides, soils, agriculture and natural biological systems in the light of the experiences gained in Vietnam and Thailand. As mentioned before, it also inspected herbicide spray test sites in Puerto Rico. The modified work plans are summarized in the next section. Since work on herbicides, soils, and agricultural problems is closely inter-related, these areas have been combined into one section. The study plans in human ecology are not included in this survey since they have not been substantially changed from the original plans, and are still tentative.

In the problem areas of herbicides, soils, agriculture and natural biological systems, the principal modifications fall into three general categories:

(1) Because of the limitations for on the ground work imposed by the security situation, both in large parts of the mangrove and throughout the semi-deciduous forests, emphasis will be placed on interpretation of aerial photography and if possible and desirable other methods of remote sensing, and complemented with a number of ground checks. Computerized listing of the Department of Defense's stock of aerial photographs of Vietnam will be utilized along with and in a similar manner as the spray mission tapes, making it possible to obtain parallel information on all herbicide applications in a given site, as well as all photographic surveys that have been made of this site, both before and after the spray missions. Where necessary, the photographic information on hand will be supplemented by additional photography. In this manner, it should be possible to obtain important data on total areas treated; degree of kill; extent and progress of revegetation including eventual changes in the major species composition, for example, the development of bamboo in treated areas of the forests.

(2) Modeling will be useful as another tool to help us understand the interactions in the natural biological systems. Models are extensively and profitably used in ecology; they permit an overall assessment of the productivity and certain other characteristics of an ecosystem, as well as predictions of the trend of changes caused by some external impact, in our case, the herbicides. Some information that is required to build the models is available or can be readily obtained from existing data (e.g., solar energy input from meteorological and climatological data). Other can be safely adopted from existing information in other parts of the world (e.g., productivity of mangroves and tropical forests). Some will have to be determined on the spot, but most of these studies will be made also for other objectives. Modeling may be able to assist in the assessment of the impact of herbicides, parallel to more direct assessments by the more conventional methods, in our case on the ground studies and photogrammetry. It may also pinpoint problems for further studies.

(3) Because the degradation of herbicides in the forest soils and the growth of vegetation in sprayed areas have clearly made considerable progress, experimental work is planned to provide information on the early stages of herbicide degradation. This will consist of limited application of herbicides to selected test areas, followed by monitoring the herbicide levels in the soil, soil fertility, and survival or recovery of vegetation over a period of one year. In addition, planting experiments with selected species will be made to determine directly when treated soil can again sustain vegetation. To ensure success of this relatively long-range work it will be carried out not only in Vietnam, but in another country with comparable conditions. It is clear that these experiments must be carried out with maximum care and will be limited in extent. Because of the importance of information on the early events after application of a herbicide for an understanding of the longer-range effects and the possibilities for recovery, these studies are however considered as an essential part of the overall plan.

IV. WORK PLAN OUTLINE FOR FURTHER STUDIES

A. Studies of herbicide residues, soils, and agriculture

1. Substantiation of dump sites studied in reconnaissance phase:

(a) Aerial photography of sites.

(b) Interview of local people.

2. Field trials: Treated and controls in Mangrove sites—Rung Sat and in other countries:

(a) One acre plots each treated with Orange and White, 3 gal./acre:

(1) 10 soil samples for residue studies, before treatment, one month and six months after treatment.

(2) 100 surface samples for fertility studies, before treatment, one month and six months after treatment.

(b) Cleared plots treated with Orange and White:

(1) 30 plots, 65 x 65 feet, treated with 0, 3 and 9 gal./acre.

(2) Soil samples for residue studies before treatment, one month, six months and nine months after treatment.

(3) Biomass studies of cleared vegetation.

(c) Two half-acre cleared plots treated with Orange and White:

(1) 28 plots, 6 x 50 feet.

(2) Spray rates 0.0, 0.3, 1.0 and 3.0 gallons of agent per acre.

(3) Soil samples for residue studies before treatment, one month, six months and nine months after treatment.

(4) Crops planted after treatment of plots: Rice, corn, peanuts, sweet potatoes.

(5) Crops planted one month, six months, nine months after treatment.

3. Field trials: Treated and controls in forest sites—rubber plantations in Vietnam, and forests in other countries:

(a) Same as 1.a and 1.b.

4. Soil sampling on treated sites in Pran Buri, Thailand:

(a) 100 samples in each of two plots for fertility element analysis.

(b) Samples in profile across calibration grid.

5. Information on agricultural problems:

(a) Interviews with Agricultural Advisors and local farmers:

(1) Information on extent of damages.

(2) Information on growth of crops introduced on sprayed areas.

(b) Inspection of crops for phytotoxic symptoms:

(1) Areas sprayer, Rome plowed and planted along roads.

(2) Upland, paddy rice areas sprayed with Blue.

(3) Mangrove areas: Rung Sat, Ca Mau.

6. Literature survey on laterization of tropical soils.

7. Literature survey for effects of herbicide on domestic animals.

B. Studies of natural biological systems

1. Mangrove:

(a) Weed competition on the effect on recolonization of defoliated areas by mangrove species:

(1) Quadrat studies in Rung Sat.

(2) Aerial photography.

(b) Availability of mangrove seeds for recolonization:

(1) Quantity, viability, and seasonality of mangrove seed in Rung Sat.

(2) Distributional patterns of seeds.

(c) Extent of recolonization and regeneration:

(1) Aerial photography and ground verification in Run Sat and Ca Mau for extent and rate of recolonization and regeneration.

(2) Transects in defoliated areas for supplementary information.

(d) Treatment of one acre plot of intact mangrove—correlated with soil and residue studies:

(1) Differential susceptibility.

(2) Recolonization and regeneration.

(e) Field trials, planting experiments in Rung Sat:

(1) 100 seeds of each mangrove species.

(2) Measurements on survival and growth, one month and six months after establishment.

(f) Fertility indices in estuarian areas of Rung Sat:

(1) Measurements of pH, salinity, plankton, small fish, mangrove seeds.

(g) Modelling studies of the ecosystem, using input from above, especially f.1.

2. Semi-deciduous forests:

(a) Analysis of vegetation by aerial photography:

(1) Areas analyzed from 1965 to end of project.

(b) Role of bamboo in defoliated areas:

(1) Literature search.

(2) Aerial photograph interpretation with ground verification.

(c) Composition of undergrowth:

(1) Analysis of change in successional vegetation in defoliated areas, if any.

(2) Seedlings and juveniles by species and number.

(d) Species susceptibility:

(1) Transects to determine differential species susceptibility and percentage of plant kill.

(2) Aerial photograph interpretation.

(e) Long and short-term economic impact on forestry and forest products:

(1) Interviews with local forestry personnel.

(2) Literature review and on-site investigation of reproductive biology of major species.

(f) Economic analysis expressed in terms of energy loss (or gain) to the ecosystem:

(1) Data gained from above investigations.

(g) Modelling studies.

V. COOPERATION WITH VIETNAMESE SCIENTISTS

As explained earlier, the Committee felt strongly from the outset that cooperation with the Vietnamese scientists was most important, not only because of the direct assistance that they could provide to our work, but also because they may have to continue the studies after the Committee has completed its work. Accordingly, contacts with Vietnamese colleagues were initiated before the first trip to Vietnam, and were pursued upon our arrival in Saigon. In consequence of the contracts that were thus established a Vietnamese National Herbicides Committee has been formed, under the chairmanship of Professor Le Van Thoi, Director of the National Scientific Research Council of the Republic of Vietnam. Its membership is listed in Appendix A–1. Professor Le Van Thoi and another member of the Vietnamese Committee, Professor Pham Hoang Ho, are also members of our own Committee, ensuring close liaison and cooperation. Plans for joint work are already under development. Thus, at least part of the soil fertility analyses will be carried out at the Agricultural Research Institute in Saigon. The experimental studies in Vietnam, described in Section III, item (3) are being planned jointly with Professor Ho. Because of their familiarity with the country, and with logistical and other assistance on our part, the Vietnamese can most probably carry out studies in parts of the country that would not be readily accessible to foreigners. On the whole, the Committee on the Effects of Herbicides in Vietnam feels that the establishment of close cooperation with our Vietnamese counterparts will be of great mutual benefit and is a most gratifying and welcome development in our work.

VI. ACKNOWLEDGEMENTS

In conclusion of this report, it is a pleasure to acknowledge the generous cooperation that the Committee has received from a number of Vietnamese, American, and Thai personnel which has been essential in the successful completion of the reconnaissance work.

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MILITARY USE OF HERBICIDES—MAJOR CHEMICALS USED IN SOUTH VIETNAM

(U.S. Department of Defense Data)

Agent Orange: 2,4–D and 2,4,5–T:

Composition: A 1:1 mixture of the n-butyl esters of 2,4-dichlorophenoxyacetic acid and 2,4,5-trichlorophenoxyacetic acid.

Active Ingredients: 4.1 and 4.4 lb./gal.

Application: Undiluted at 3 gal.=12.3 or 13.2 U./acre. Often applied a second time.

Major use: Against forest vegetation.

Agent White: 2,4–D and Picloram:

Composition: A 4:1 mixture of the tri-isopropanolamine salts of 2,4–D and 4-amino-3,5,6-trichloropicolinic acid in water. (Picloram is the same as Dow Co. "Tordon"; the mixture used is the same as Dow Co. "Tordon–101.")

Active Ingredients: 2.0 and 0.54 lb./gal.

Application: Undiluted at 3 gal./acre.

Major use: Same as for agent Orange.

Agent Blue: Cacodylic Acid:

Composition: A 6:1 mixture of sodium dimethyl arsenate and dimethyl arsenic acid in water. (Cacodylic acid is the same as Ansul Co. "Phytar–560G".)

Active Ingredients: 3.1 lb./gal.

Application: Undiluted at 3 gal./acre.

Major use: Against rice and other food crops.

MAINE SHIPBUILDERS EXCEL

Mrs. SMITH. Mr. President, I have long contended, and from an admittedly prejudiced point of view, that the shipbuilders of Maine, whether it be those of the Navy yard or those of private yards, were the best in the world. Consequently, I am very much gratified with the corroboration given in at least one instance by a study of the well respected firm of Ernst & Ernst.

In a report made last November, Ernst & Ernst reported that first, the Philadelphia Naval Shipyard man-hours on the DLG naval ship conversions exceeded the man-hours of the Bath Iron Works of Bath, Maine by 39 to 52 percent; and second, the total cost differential between the Philadelphia Naval Shipyard and the Bath Iron Works on the DLG conversions was found to be 109 to 124 percent higher for the Philadelphia Naval Shipyard than for the Bath Iron works.

Maine shipyard workers excel, whether they be at the private shipyard of the Bath Iron Works or at the Kittery Naval Shipyard. For back in 1964, at my request, the General Accounting Office made a survey and study of costs at all of the Government naval shipyards and found that:

First, the Kittery-Portsmouth Naval Shipyard had the lowest direct labor hourly cost of all the then 11 Government naval shipyards;

Second, the second lowest overhead rate per direct labor hour; and

Third, the second lowest total hourly cost.

These were facts with which I confronted the then Secretary of Defense McNamara when he ordered the closing of the Kittery-Portsmouth Naval Shipyard—and some of the basic facts on which I continued through the years to oppose the McNamara-Johnson closure order. I was most gratified last year when President Nixon, in recognition of the great value of Kittery-Portsmouth Naval Shipyard, reversed the unwise and unrealistic McNamara-Johnson decision and order to close the Kittery-Portsmouth Naval Shipyard, rescinded that order, and directed that the shipyard remain in operation.

Some times it takes a long time for the truth to win out and for realism and justice to prevail. But now in these findings and studies, the people of Maine and the Nation have proof of the excellence of Maine shipbuilders and shipworkers, whether they be at the Bath Iron Works or at the Kittery-Portsmouth Naval Shipyard.

PIECEMEAL HEALTH CARE IN THE UNITED STATES

Mr. KENNEDY. Mr. President, the Washington Star for February 17 contains an article by Judith Randal which emphasizes the heart of America's health care crisis—the fact that the current system of patchwork, piecemeal health care we receive in the United States today is totally inefficient and inadequate.

One of the principal purposes of S. 3, the Health Security Act that I have introduced is to overcome the wide range of gaps and inequities that are so rampant in the Nation's health care system today.

By contrast, the administration's bill does far too little to alleviate these serious problems. Instead, as Miss Randal's article points out, it simply fails to deal effectively with these problems. As a result, enactment of the administration's bill would simply perpetuate the existing crisis.

I believe that Miss Randal's article will be of interest to my colleagues in the House and Senate. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows.

Grand Design for Health Insurance

(By Judith Randal)

Worried about the plight of Blue Cross and the profits of private health insurance companies? Fret no more. With campaign contribution time upon us, the Nixon administration has been worried, too, and if things work out as it hopes they will, everyone concerned can rest easier on these scores.

Secretary of Health, Education and Welfare Elliot L. Richardson was too busy on Thursday to explain in person what he and his colleagues were proposing to Congress as amendments to the still-pending National Partnership for Health bill which President Nixon sent to Congress a year ago tomorrow.

But a quintet of assistant secretaries and deputy assistant secretaries was made available to the press to spell out the grand design—illustrating the time-tested principle of Washington news conferences that if there are certain things the government would just as soon obscure, the more spokesmen trotted out the better. Football fans would recognize it as a variation of the hidden ball trick.

Be that as it may, reporters were able to elicit a number of points which should cheer that segment of the ordinary citizenry that puts the welfare of insurance companies ahead of its own. For while the proposed legislation would require the states to regulate the firms in accord with certain minimum federal standards, the object is, as one HEW official explained, to give the public "confidence" without putting "undue burdens on the industry."

Fat chance. Premium rates, for example, would be left entirely to the states and with the close ties many insurance companies have to state legislatures and insurance commissions that in itself says the industry can count on remaining alive and well.

Similar comfort is to be found in the provision that would allow any citizen to sue a state that failed to regulate its insurance companies. Admittedly, it's an ominous possibility.

But remember that citizens are taxpayers and that taxpayers have to pay government lawyers before they hire any of their own—one of the many reasons that litigation can drag on for years and why fighting city hall is such an unrewarding pursuit.

Which brings us to the advice sought on the issue from the consumer movement. Yes, indeed, it was sought, Stuart Altman, HEW deputy assistant secretary for planning and evaluation, told reporters. No, no one had talked with labor unions or the Consumer Federation of America.

But, in addition to touching base with Ralph Nader and Altman's mother, they had talked with the National Assoication of Manufacturers and the United States Chamber of Commerce. And yes, in this context, both the NAM and the Chamber are consumer groups in HEW's view.

Under the proposed Nixon program, the bulk of Americans would—unless they chose otherwise—be covered by health insurance through their employers. Some 75 million, however, or a third of the population, are either self-employed, employed only part-time, sufficiently well off not to be working, or work for employers too small to be included in the plan.

These would have access to the same package of benefits through a series of shared risk pools. Sounds good or at least better than most of the options now available? Fair enough, but these people would almost certainly have to pay more—perhaps as much as 30 percent more—for their premiums.

On the principle that there should be something for everyone, even if it is a different something, the Nixon program also includes the "family health insurance plan" for the poor and near poor with children.

In essence, this plan would provide them with federal subsidies to buy health insurance and although the benefits would be excellent in some respects, they would be less than those of the middle class in others. Is this to continue to be the American way?

As for the 4 million or so too young for Medicare who are too poor to be able to buy health insurance and who have no children, they are apparently non-persons (unless they are blind or disabled)—at least in the eyes of the HEW official who told reporters at last week's briefing that "every single American, one way or the other will have access to a basic health care plan," if the Nixon program is enacted.

The administration thinking is that Medicaid—the federal partnership with the states—would step in to provide coverage. But, in fact this is problematical because most Medicaid plans specifically exclude such people and because plan after plan has been cutting back benefits. Besides, two states—Arizona and Alaska—have never enacted Medicaid.

LEBANESE IMMIGRANT SETS EXAMPLE OF AMERICAN SUCCESS STORY

Mr. BYRD of West Virginia. Mr. President, in this day and age when integrity, industriousness, compassion, and an unselfish regard for one's fellow men seem to be the exception rather than the rule, it is a privilege to be able to salute a man who embodies all of these valuable qualities.

On February 16, 1972, Nicholas Rahall of Beckley, W. Va., celebrated his 90th birthday, and the story of this man's life should serve as an inspiration to all who cherish hard work, determination to succeed, love of family, and humanitarianism as integral to the best in our American way of life.

Nick Rahall was born in Lebanon in 1882, one of seven children. He emigrated to the United States in 1903 and became a door-to-door salesman in Charleston, W. Va. He traveled on foot from Charleston to Beckley and into the surrounding coal mining communities. The Lebanese peddler recalls sleeping in farmers' barns in the winter and under the stars in the summer.

After 5 years, Nick Rahall returned to his native Lebanon for 3 years where he launched into the establishment of olive and grape orchards and took unto himself a wife. In 1911, he returned to America with his wife and 2-year-old daughter and settled in Beckley, which is still his home.

Despite the tragedy of his wife's death in 1924, which left him with the responsibility of raising six children, Nick Rahall set to and expanded his business interests that had started on Main Street with a modest confectionery store. In 1926, he remarried and became immersed in building a remarkable success story. Real estate business, retail merchandising, the hotel business, and, eventually, the ownership of an impressive chain of radio and television stations came to comprise the Rahall commercial empire.

The death of his third son in an air crash in 1952 once again brought tragedy into Nick Rahall's life, but even in that sadness, he did not forget others. In memory of his son, and in concert with his remaining sons, he established scholarships at Woodrow Wilson High School, in Beckley, and at West Virginia University.

The only Greek Orthodox Church in West Virginia is in Beckley. Its existence is due in very large measure to the generosity of the Rahall family, which contributed 75 percent of the funds to build it. But with all Nick Rahall's generosity to his adopted State and country, he never forgot his native land of Lebanon, or Kfier—his birthplace there. The helping hand of Nick Rahall is everywhere evident in the Lebanese town he left so many years ago. Schools, medical installations, scientific and civil centers owe their existence largely to his loyalty and openheartedness. That these contributions did not go unnoticed was shown in 1958, when Nick Rahall was the recipient of the Lebanese Civic and Education Medal awarded by the President of Lebanon, Camille Shamoun.

Nick Rahall is a modest man, who can rightly be proud of his worldly possessions. Yet, he gives less than passing attention to fame or honors. He much prefers the warmth of his family and the simple and sincere friendship of those who know and appreciate his cheerful and uncomplicated personality.

Sir William Osler, the famous physician, had three ideals which could so well be those of Nicholas Rahall:

> One, to do the day's work well . . . the second, to act the Golden Rule as far as in me lay . . . the third, to cultivate such a measure of equanimity as would enable me to bear success with humility, the affection of my friends without pride, and to be ready when the day of sorrow and grief comes to meet it with the courage befitting a man.

Mr. President, the story of Nick Rahall—a story that has many parallels in the history of our country's development—should be an inspiration to those who believe, as I do, that America is still the land of opportunity. Contrary to what some of America's detractors would have us believe, this Nation still presents to young people of courage, ambition, and drive, even greater avenues to success than existed almost three-quarters-of-a-century ago when Mr. Rahall first came to this country.

We hear much these days of those who are called "underprivileged" or "disadvantaged" or "needy," and there are people to whom these words might be rightfully applied. But it is difficult to think of many who are worse off today than was a penniless Lebanese immigrant 69 years ago.

Nick Rahall decided early in his life that hard work, unswerving determination, and a substantial personal sacrifice were needed for reward under the American system. He is living proof of the rightness of that decision. That system is still with us and so are the opportunities for individuals with Nick Rahall's qualities.

Mr. President, I ask unanimous consent to insert in the Record a news story by Eve Breck which appeared in the Beckley, W. Va., Post Herald and Register on February 20, 1972, calling attention to the 90th birthday of Nick Rahall.

There being no objection, the article was ordered to be printed in the Record, as follows:

Honors Heaped Upon Nick Rahall in Observance of 90th Birthday

(By Eve Breck)

With a message of congratulation from the President of the United States, an accounting of his achievements and philanthropies in the Congressional Record, the respect and admiration of family, friends and associates, a native of Lebanon celebrated his 90th birthday in Beckley Saturday.

Nich Rahall of Beckley has lived a storybook kind of life from humble beginnings in his native town of Kfier, Lebanon, to head of a multi-million dollar enterprise, becoming too a benefactor to hundreds in his homeland and uncounted numbers in his adopted country. (See editorial on Page 6.)

The story of the Beckley businessman is told eloquently in a booklet written by Bill David in June, 1967, recounting his leadership in establishing the Kfierian Foundation—an organization dedicated to modernization and improvement of his childhood home, the improvements he financed in Lebanon as an individual, his generosity in financing the only Greek Orthodox Church in West Virginia in his adopted hometown of Beckley, the many scholarships he and his family have established, contributions to the Danny Thomas St. Jude Hospital in Memphis, and many unrecited acts of generosity.

"Nick Rahall is a modest man. Short of stature, caring little for his worldly possessions, he gives less than passing attention to pomp and circumstance, to glory and fame," David wrote.

"But holding a place of honor in Nick's West Virginia home is a small medal. . ." On June 8, 1958, the medal was awarded by Lebanon's President Camile Shamoun and pinned to his label by the First Secretary of the Lebanese Embassy in Washington before a gathering of more than 150 civic leaders and friends who were guests of Rahall's sons in Beckley. The impressive assemblage was capped by a telegram from the then President Dwight D. Eisenhower which read in part, "This is splendid recognition of your philanthropy abroad and provides another strong link in our historic ties to the people of Lebanon. Congratulations."

"Nick has never been one to speak out in public," David wrote, "but on this occasion . . . with the modesty that has always been his," he accepted the medal "on behalf of all the sons and daughters of Lebanon who have immigrated to the United States. Many of the people in this room aided and assisted me in this work. Mr. Ambassador, we are proud of our mother country and we honor the stand she is taking today against the many 'isms' that have grown up in the world.

"I am very happy in my adopted state and nation. It gave me the opportunity to grow with it, to accumulate some property and to enable me to assist my mother country in the form of donations for the purposes of education and municipal affairs. It also gave the opportunity to raise a fine family.

"In spite of the fact most of us have been away for many years, we still cherish the memories of our childhood and the love of our deceased parents buried in Lebanon soil."

Nick Rahall first came to the United States in 1903, at the age of 21 with little formal education, practically no money, and little knowledge of the English language.

He shows no reticence in recalling that he began what turned into a truly fabulous business career as a "pack peddler." His fierce independence started him in business for himself, traveling on foot through many parts of southern West Virginia— including Beckley—often sleeping in barns during the winter months and under the stars when the weather was pleasant. Five years and he returned to Lebanon where he married, built a home, and his first child Josephine was born.

The land of opportunity David recounts, continued to beckon, however,, and the family moved back to the United States in 1911, settling in Beckley. "Nick had ambition and determination; he was not afraid of hard work, he was a born salesman; he possessed his Lebanese heritage," the David story says. From a confectionary store, Rahall branched into real estate investments, acquiring valuable downtown Beckley properties. While he avoided trading for speculation, Rahall's fortunes, improved most noticeably in early years when he bought the property where the Beckley Federal Savings & Loan Co. is now located for $15,000 and sold it five years later to the Beckley National Bank for $75,000.

Rahall also continued with retail enterprises until he retired "officially" in 1938.

He had fathered four sons and another daughter after returning to America, N. Joe, Farris, Deem, Sam and Julienne. He was a loving father and a stern disciplinarian, David writes, repeating a comment by one of his sons that, "His ideology has inspired us to bring us to where we are today."

"Where they are today" is in the executive offices of Rahall Communications, Inc., a company traded on the big board as operator of a St. Petersburg, Fla., television station and numerous radio stations including WWNR in Beckley.

The man has known sorrow. First in the death of his wife, Daley, in 1924, the mother of his six children, and much later in the death of his son Deem. His third son had distinguished himself in the Air Force and was ironically killed in a plane crash while returning from a business trip June 6, 1952. His eldest daughter, Josephine died about two years ago.

Rahall remarried in 1926. He and his wife Wadia continue to live in the home he built in 1922 on East Main Street where children and grandchildren gathered Saturday to honor a man they obviously love and respect.

At 90 Rahall's mind is clear and he continues to be a guide and inspiration to his sons in their vast business affairs.

Indeed too, many a Beckleyan who may know the elderly gentleman only casually find a possibly drab day brightened by any brief encounter with him when he makes his daily stop at Rahall's Inc., the ladies wear shop he founded and later sold to his son N. Joe, or as he makes his way between his East Main Street home and the business district. His handshake is warm and his cheerful conversation welcome.

The dinner honoring Rahall was held in the Black Knight Country Club for 47 guests and was also the occasion for announcement of the engagement of Rahall's eldest grandson, Nick Joe Rahall II. Nick Joe II and Miss Helen Oliver McDaniel of Alexandria, Va., will be married in Arlington, Va., Aug. 19.

Nick Joe displays many of the attributes of his grandfather, ambition, hard work and a kind affection for his family. He is currently a part-time graduate student at George Washington University, employed in the U.S. Senate.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the unfinished business (H.R. 12910), which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 12910) to provide for a temporary increase in the public debt limit.

The Senate resumed the consideration of the bill.

Mr. LONG. Mr. President, I am sure that the Members of this distinguished body will readily understand when I say that neither I nor my colleagues on the Finance Committee are happy to have to bring before the Senate this measure which increases the public debt limitation for the remainder of this fiscal year. Nonetheless, this bill has our support and we urge the Senate to pass it promptly. The plain fact is that we have no choice about the matter. We must raise the debt ceiling—and raise it soon—if the Government is to continue to operate and to meet its bills as they come due. By the middle of March, we will be over the present ceiling.

Because the Finance Committee was impressed by the need to obtain an immediate increase in the debt limit, we reported the pending bill in the same form as it passed the House. The Treasury figures show clearly that unless we take action now, within a week we will be over the present $430 billion temporary debt limit.

In addition, on June 30 of this year, the debt will automatically drop from this temporary $430 billion limit to the presently authorized $400 billion permanent level. Since the debt subject to limit on this June 30 date is expected to be $443.4 billion, this means that the outstanding debt on that date would be more than $43 billion in excess of the ceiling under present law.

I do not think it will come as startling news to anybody that the need to raise the debt ceiling comes as a result of the record budget deficits that have been incurred in recent years. The administration's recent budget document indicates that the unified budget deficit for fiscal 1972 will be almost $39 billion—more than one and one-half times the previous biggest peacetime deficit which occurred in fiscal year 1968. In fact, the projected deficit for fiscal 1972 is more than $27 billion larger than the $11.6 billion deficit originally projected in the 1972 budget document. Increased spending contributed to this result. But the most important single reason why the deficit for fiscal 1972 will be so much larger than the administration's initial estimates is that tax receipts in that year are expected to be $13 billion under the original administration estimates. This in turn results from the fact that the gross national product failed to reach the levels projected by the administration in calendar year 1971.

Moreover, the outlook is that the unified budget deficit will remain high in fiscal 1973. The administration estimates a unified budget deficit of $25.5 billion for that year.

The budget deficits that we have been incurring are even larger on a Federal funds basis in which the large surpluses in the social security and other trust funds are not offset against the deficit. For example, on a Federal funds basis, the estimated deficit amounts to almost $45 billion for fiscal 1972 and over $30 billion for fiscal 1973. From the standpoint of the debt ceiling, it is necessary that we use the Federal funds deficits rather than the unified budget deficits since only the Federal funds deficits reflect the total borrowing necessary during the fiscal year. This is primarily because only the Federal funds deficits reflect the amounts we owe to the trust funds.

In recognition of these hard facts, the pending bill raises the temporary debt limit to $450 billion from its present temporary level of $430 billion. This increase of $20 billion in the temporary debt limit is effective from the date of enactment of this bill until June 30, 1972, the close of the current fiscal year. The bill makes no change in the permanent limit which remains at its present level of $400 billion.

The new $450 billion temporary debt ceiling provided by this bill represents a tight ceiling which will serve as a restraint on spending and yet be adequate for the economical management of the public debt during the period it is effective. According to the Treasury's figures, the peak debt subject to limitation, assuming a constant $6 billion cash balance, will reach the $450 billion level on June 15, 1972. As a result, the new debt limit provided by the bill will be adequate to carry the debt only through the end of this fiscal year and does not represent one penny more than is required for this purpose alone.

In addition, the fact that the $20 billion temporary increase in the debt ceiling provided by this bill will be effective only up to June 30, 1972—or less than 5 months—will enable Congress to keep close surveillance on the size of the public debt. In effect, it means that Congress will be given an opportunity to examine the debt ceiling again, soon.

At the present time, there is a great deal of uncertainty regarding the size of the tax receipts that can be expected in fiscal 1973. In large measure, this is because it is most difficult to estimate what the economic situation, which influences these tax receipts, will be in fiscal 1973. A reappraisal of expected tax receipts later this year will help us to get a more accurate picture of the movement of the national debt. The need for this more current reappraisal is shown by the fact that the budget document for fiscal 1972 grossly overestimated tax receipts because it anticipated that the economic situation would be better than it actually turned out to be.

Similarly, we should have a more accurate picture in June of both actual Federal outlays for the fiscal year 1972 and the projected Federal outlays for the fiscal year 1973. Since Congress has not yet reached any decisions as to the level of appropriations for the fiscal year 1973, it is difficult at this time to estimate how the outlay requirements for that year which are presented in the budget might be modified by congressional action.

In view of these facts, it is apparent that the adoption of the $450 billion temporary debt ceiling provided by the pending bill represents responsible and prudent action. In fact, we have no choice but to approve this bill. Unless we do act responsibly and provide an adequate debt limit, the Treasury Department will not be able to issue any new Government obligations, the Treasury's cash balance will be exhausted rapidly, and the Government will be compelled to delay full payment of contract obligations, Government salaries, various loan and benefit programs, and grants to State and local governments. It is obvious that we cannot permit these things to happen.

The debt limit in this bill of $450 billion, of course, seems very large—the highest limit yet proposed. As large as it is, though, we need to keep it in perspective by comparing it with the gross national product and the total of private debt. These comparisons show us that the burden of the national debt in relation to our economic capabilities has decreased year by year.

Since the end of 1946, the first full year after the end of World War II, the gross national product has increased almost five times, from $221.4 billion to over $1 trillion at the end of 1971. In that same period of time, the total Federal debt subject to the limit—which includes the debt issued by Federal agencies—rose about 63 percent—from $261 billion to $425 billion. As a result, the outstanding Federal debt was about 118 percent of GNP at the end of 1946 but only about 41 percent of GNP at the end of 1971 roughly about one-third of the burden it was in 1946.

Mr. President, I ask unanimous consent that the table showng this relationship be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE I.—TOTAL OUTSTANDING FEDERAL GOVERNMENT DEBT RELATED TO GROSS NATIONAL PRODUCT, 1946-70

[In billions of dollars]

End of calendar year	Gross national product [1]	Outstanding Federal debt	Federal debt as a percent of gross national product
1946	221.4	260.7	117.8
1947	245.0	257.6	105.1
1948	261.2	253.8	97.2
1949	260.5	257.9	99.0
1950	311.2	257.8	32.3
1951	338.2	260.2	76.9
1952	361.0	263.3	74.3
1953	360.8	276.0	76.5
1954	379.8	279.5	73.6
1955	409.7	282.2	68.9
1956	433.2	278.3	64.2
1957	438.1	278.1	63.5
1958	469.2	285.3	60.8
1959	496.8	296.5	59.7
1960	503.4	296.6	58.9
1961	542.8	303.0	55.8
1962	574.7	311.3	54.2
1963	611.8	317.4	51.9
1964	654.0	327.0	50.0
1965	719.2	330.7	46.0
1966	770.2	343.3	44.6
1967	825.4	364.8	44.2
1968	899.5	373.1	41.5
1969	955.6	382.0	40.0
1970	1,004.6	401.6	40.0

[1] Implied level end of year, calculated as the average of the 4th and 1st calendar quarters at seasonally adjusted annual rates for the years 1939 through present. Prior to 1939, averages of 2 calendar year figures are used as the best approximation of Dec. 31 levels.

Source: Office of the Secretary of the Treasury, Office of Debt Analysis.

Mr. LONG. Mr. President, similarly, for the period from 1946 through 1970, the outstanding Federal debt increased 54 percent while the debt of individuals, corporations and State and local governments increased over 800 percent.

These comparisons show that the Federal Government has made relatively less use of debt to finance its operations than any of the other three major groups in our economy.

Mr. President, I ask unanimous consent that the table showing the relationship of these different types of debt for this period be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 2. ESTIMATED GROSS GOVERNMENT AND PRIVATE DEBT, BY MAJOR CATEGORIES, 1946-70

[Dollar amounts in billions]

Dec. 31	Private			State and local	Outstanding Federal debt (including Federal agency issues)	Total	Percent Federal total
	Individual	Corporate [1]	Total				
1946	59.6	109.3	169.2	16.1	260.7	446.0	58
1947	69.4	128.3	198.3	17.5	257.6	473.4	54
1948	80.6	139.4	220.0	19.6	253.8	493.4	51
1949	90.4	140.3	230.7	22.2	257.9	510.8	50
1950	104.3	167.7	272.0	25.3	257.8	555.1	46
1951	114.3	191.9	306.2	28.0	260.2	594.4	44
1952	129.4	202.9	332.3	31.0	268.3	631.6	42
1953	143.2	212.9	356.1	35.0	276.0	667.1	41
1954	157.2	217.6	374.8	40.2	279.5	694.5	40
1955	180.1	253.0	434.9	46.3	282.2	763.4	37
1956	195.5	277.3	472.8	50.1	273.2	801.2	35
1957	207.6	295.8	503.4	54.7	278.1	836.2	33
1958	222.9	312.0	534.9	60.4	285.3	880.6	32
1959	245.0	341.4	586.4	66.6	296.5	949.5	31
1960	263.3	365.1	623.4	72.0	296.6	997.0	30
1961	284.8	391.5	676.3	77.6	303.0	1,056.9	29
1962	311.9	421.5	733.4	83.4	311.3	1,128.1	28
1963	345.8	457.1	802.2	89.5	317.4	1,209.1	26
1964	380.1	497.3	877.4	95.5	327.0	1,299.9	25
1965	416.1	551.9	968.0	103.1	330.7	1,401.8	24
1966	466.9	617.3	1,084.2	109.4	343.3	1,536.9	22
1967	480.6	672.9	1,153.5	117.4	364.8	1,635.7	22
1968	520.3	774.6	1,294.9	127.4	373.1	1,795.4	21
1969	556.0	888.9	1,444.9	136.0	382.0	1,962.9	19
1970	582.8	968.0	1,550.8	148.1	401.6	2,100.5	19

[1] Includes debt of federally sponsored agencies excluded from the Budget which amounted to $700,000,000 on Dec. 31, 1947; $9,000,000,000 on Dec. 31, 1967; and $21,500,000,000 on Dec. 31, 1968.

Source: Commerce and Treasury Departments.

Mr. LONG. Further, Mr. President, in examining the size of the Federal debt, it is well to keep in mind its relationship to factors concerned with the performance of the economy. The degree of our concern with an increase in the debt should be related not only to the size of the Federal debt itself but also to the size of the private debt and the size of the gross national product. For example, the amount of the debt this Nation can stand obviously must take into consideration the size of the Nation's production out of which this debt must eventually be paid. For that reason, I had a table prepared to demonstrate the relationship of the private plus the public debt to the gross national product starting in calendar year 1929. This is table 8 on page 9 of the Finance Committee report. It is a very useful table showing the factors which we should be concerned with.

It demonstrates that in 1932 the total public and private debt then was 343 percent of the gross national product, a high figure reflecting the large volume of credit outstanding in 1932 relative to production. This was certainly an important factor in the financial disaster that overtook the country at that time.

The latest figure we have on that relationship shows the total debt, including this Federal debt now to be 209 percent of the gross national product. This makes it clear that the entire national debt is far less than it was at an earlier date.

Another factor one should consider in weighing the significance of our Federal debt is how much is held by the Federal Government itself, in its trust funds, such as the social security trust fund, the veterans insurance fund, the civil service retirement fund, and others. It is true that this money can be regarded as belonging to the ultimate beneficiaries but, in any event, it is not proposed that these funds would be reduced but rather that they would either continue to be increased or at least maintained at their existing levels. When one takes these factors into account he realizes that, in the last analysis, the Government trust funds amount to money that the Federal Government owes to the Federal Government. This debt which is held by all Governments accounts amounts to $106 billion, and another $70 billion is held by the Federal Reserve System.

The Federal debt held by Government accounts can be viewed in a different light than the Federal debt held privately. This latter amount is the debt the Federal Government owes to individual citizens or corporations, or to other non-Federal-Government borrowers. This shows more clearly the plight the Government actually faces in terms of paying a debt to those who hold it outside the Government itself. When one does this he sees that the Federal net debt at the end of 1971 is $325 billion. This is shown in table 9 in the committee report and there this total is compared with private debt.

That table shows, the high point of the Federal net debt as a percentage of the total public and private debt occurred in 1945 when the Federal net debt represented 62 percent of total debt. This Federal as a percent of total debt has declined to where the latest figure in 1970 is 16 percent of the total debt. In other words the Federal debt percentage now is about one-quarter of what it was in 1945.

So if one looks at the Federal debt in relation to other factors, the situation we face today is not, in my judgment, as bad as it has been in the past.

If I were to pick out an item in the economy today that we should be seriously concerned about, it would be unemployment. This is clearly higher today than it should be. Also the economy is not performing at the growth level we should have a right to expect.

Mr. President, this growth in the gross national product as well as in the real per capita Federal debt is shown on a year-by-year basis in a table appearing in the committee report on page 14, table 11.

In this table, in the third column, we can look at the change in the rate of GNP growth on a year-by-year basis. We can even look at its administration by administration. Democrats particularly will find cause for satisfaction in this table, because the Democratic years tend to reflect a more satisfactory growth rate than do the years in which Republicans have occupied the White House. For example, during the Nixon years, the annual growth of the economy appears to have averaged only slightly over one-half of 1 percent, while during the Eisenhower years it was about nine-tenths of 1 percent.

During the Kennedy and Johnson years, the average annual growth rate was 3.3 percent or more than 3 times the average rate in the Eisenhower years. After all, this GNP growth rate is one of the main factors we look at to see how well the economy is being managed.

In the judgment of this Senator, it does very little good to claim that we have managed to have a balanced budget if we do not have a balanced economy and if we have a great many people out of work. And it does little good to take credit for the fact that the national debt increased but little if the private debt increased greatly or if we had a very poor performance for the overall economy.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. BYRD of Virginia. Mr. President, the point the Senator makes is that we have neither a balanced budget nor full employment. We have a situation now where we have a budget that is tremendously unbalanced and we have high unemployment. We have neither a balanced budget nor full employment.

Mr. LONG. The Senator is correct. The point I am making is that if I had to pick out what I think is the worst factor in the present situation—and the Senator might differ with me on this—the outstanding one would be that we have altogether too many people out of work. As a result we are not making full use of our resources. We are getting a very sluggish performance out of our economy.

Mr. BYRD of Virginia. I agree with the Senator from Louisiana, except that I think both are dangerous. I think that one reason we are in this fix is because there is a lack of confidence on the part of the public, and that lack of confidence goes back to these smashing deficits. It goes back to the tremendous national debt. It goes back to the fact that the Government refused to put itself on a sound basis.

I think that is the major reason for the unemployment. What this Government is trying to do is handle our economy as one would mix hot and cold water from a spigot at home. It cannot be done. This country is too big to do that.

Mr. President, I do not pretend to be an expert. I am not an expert. However, to these so-called theorists who say, "We will get the right mix, and we will pump these heavy deficits into the Government so that we will reduce unemployment," I point out that it has not reduced unemployment at all.

It was brought out in testimony before the Finance Committee, of which the Senator from Louisiana is the able chairman, by Secretary Shultz, who admitted under questioning, that the unemployment rate is not better now than it was in November 1970. Yet we ended the fiscal year last year with a smashing deficit for the purpose of creating employment. We will end this fiscal year with a smashing deficit for the purpose of creating employment. And according to the testimony of the chief fiscal officers of our Government, we are in exactly the same position now on unemployment as we were in November 1970. It has not come down a bit.

We are on an unsound basis. And I think that the people of the country see that we are on an unsound basis. That is why there is a lack of confidence on the part of the public and that is why the savings of the individuals now are higher than at almost any time in our history.

The Government is complaining about that. It says that if the people will go out and spend, we would be all right. That might be the reason that the people are not going out and spending because they do not have too much confidence in the direction in which our country is going and they want to save a little bit of money in the event things turn out to be worse, as I think they might.

I think the Nixon administration got off to a good start in the first 2 years and did a splendid job. Then a year ago last January, it completely changed its course and said, "We will reverse ourselves now. We will become Keynesian in our economy and deliberately run a huge deficit."

They did not say it would be $45 billion. They did not expect a $45 billion deficit. They expected a much smaller deficit. That shows that we cannot handle the economy as we would a spigot.

They said that we would have a Federal funds deficit of $23 billion and that that would be fine. However, they did not have a deficit of $23 billion. They had a deficit instead of $45 billion, almost double.

I submit this country is too big and too complicated to have a group of theorists say, "We are going to have exactly the right mix by spending more money. And by spending more money, we will put the country back in shape."

I say that we are on an unsound basis. I say that we are trying to spend our way to prosperity and that it cannot be done in my judgment.

Mr. President, I thank the Senator for yielding.

Mr. LONG. Mr. President, we have prepared a committee report and a record in public hearings which I believe contain a wealth of information. For those who wish to study this problem and the factors that are relevant to it, there is the table that appears on page 57 of the hearings that I would like to have printed in the RECORD because I believe it brings out some of the relevant factors.

I ask unanimous consent that the tabulation that appears on page 57 of the hearings entitled "Privately Held Federal Debt Related to GNP" be printed at this point in the RECORD.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

PRIVATELY HELD FEDERAL DEBT RELATED TO GNP

[Dollar amounts in billions of dollars]

	Gross national product [1]	Privately held debt [2]	Ratio of debt to GNP (percent)	Year-to-year-price changes (percent) [3]
Dec. 31—				
1929	$96.7	$16.0	16.5	0.2
1930	83.1	15.8	19.0	−6.0
1931	66.9	17.7	26.4	−9.5
1932	56.8	19.4	34.2	−10.3
1933	60.3	21.9	36.3	.5
1934	68.6	28.0	40.8	2.0
1935	77.4	32.0	41.3	3.0
1936	86.5	35.3	40.8	1.2
1937	87.6	36.6	41.8	3.1
1938	87.6	37.9	43.3	−6.8
1939	94.8	40.1	42.3	−.5
1940	107.6	42.6	39.6	1.0
1941	138.8	54.0	38.9	9.7
1942	179.0	95.5	53.4	9.3
1943	202.4	142.9	70.6	3.2
1944	217.4	193.1	88.8	2.1
1945	196.0	228.2	116.4	2.3
1946	221.4	206.1	93.1	18.2
1947	245.0	199.1	81.3	9.0
1948	261.2	192.0	73.5	2.7
1949	260.5	197.7	75.9	−1.8
1950	311.2	196.6	63.2	5.8
1951	338.2	193.1	57.1	5.9
1952	361.0	196.8	54.5	.9
1953	360.8	200.9	55.7	.6
1954	379.8	204.2	53.8	−.4
1955	409.7	204.8	50.0	.5
1956	433.2	199.4	46.0	2.9
1957	438.1	198.8	45.4	3.3
1958	469.2	204.7	43.6	1.8
1959	496.8	214.8	43.2	1.5
1960	503.4	212.4	42.2	1.5
1961	542.8	217.8	40.1	.7
1962	574.7	222.8	38.8	1.2
1963	611.8	223.9	36.6	1.6
1964	654.0	227.0	34.7	1.2
1965	719.2	225.6	31.4	1.9
1966	770.2	227.5	29.5	3.4
1967	825.4	237.2	28.7	3.0
1968	898.3	238.9	26.6	4.7
1969	952.0	232.1	24.4	6.1
1970	1,004.6	239.0	23.8	5.5
1971 estimated	1,089.0	255.7	23.5	3.4

[1] Implied level of gross national product, Dec. 31.

[2] Borrowing from the public less Federal Reserve holdings, unified budget concept.

[3] Measured by the all item Consumer Price Index.

Mr. LONG. Mr. President, I ask unanimous consent, in order that this information might be freely available, that excerpts from the relatively brief committee report—which is only 19 pages—be printed at this point in the RECORD. I make this request so that the information in it might be available to those 70,000 students who study the CONGRESSIONAL RECORD and that they might make the best use they might care to make of the information that the committee prepared on factors relevant to the national debt and the growth of the economy.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

I. SUMMARY

This bill is concerned with the statutory debt limitation. The permanent debt limitation, under present law, is $400 billion. Present law also provides for a temporary additional increase of $30 billion, providing an overall limit of $430 billion, effective through June 30, 1972.

The bill provides for a further temporary increase in the debt limitation of $20 billion, also effective through June 30, 1972. No change is made by the bill in the permanent debt limitation. As a result, the total debt limitation through June 30, 1972 (including the permanent debt limitation of $400 billion, the existing temporary limitation of $30 billion, and the new temporary limitation of $20 billion provided by this bill) is to be $450 billion. Since both temporary limitations expire on June 30, the total debt limitation as of July 1, 1972, reverts to $400 billion. The limitation needed for the fiscal year 1973 will be considered by the committee later this spring. The administration requested an overall limitation of $480 billion, or a further temporary increase of $50 billion, which it expected would be sufficient until about the middle of February 1973.

The debt limitations for the years since 1941, together with the limitation provided by this bill, are shown in table 1, below.

TABLE 1.—STATUTORY DEBT LIMITATIONS, FISCAL YEARS 1941 TO DATE, AND PROPOSED LIMITATION FOR THE FISCAL YEARS 1972 AND 1973

[In billions]

Fiscal year	Statutory debt limitation: Permanent	Statutory debt limitation: Temporary additional	Statutory debt limitation: Total
1941 through Feb. 18	$49		$49
1941: Feb. 19 through June 30	65		65
1942 through Mar. 27	65		65
1942: Mar. 28 through June 30	125		125
1943 through Apr. 10	125		125
1943: Apr. 11 through June 30	210		210
1944 through June 8	210		210
1944: June 9 through June 30	260		260
1945 through Apr. 2	260		260
1945: Apr. 3 through June 30	300		300
1946 through June 25	300		300
1946: June 26 through June 30	275		275
1947–54	265		275
1955 through Aug. 27	275		275
1955: Aug, 28 through June 30	275	$6	281
1956	275	6	281
1957	275	3	278
1958 through Feb. 25	275		275
1958: Feb. 26 through June 30	275	5	280
1959 through Sept. 1	275	5	280
1959: Sept. 2 through June 29	283	5	288
1959: June 30	285	5	290
1960	285	10	295
1961	285	8	293
1962 through Mar. 12	285	13	298
1962: Mar. 13 through June 30	285	15	300
1963 through Mar. 31	285	23	308
1963: Apr. 1 through May 28	285	20	205
1963: May 29 through June 30	285	22	307
1964 Through Nov. 30	285	24	309
1964: Dec. 1 through June 28	285	30	315
1964: June 29 and 30	285	39	324
1965	285	39	324
1966	285	43	328
1976 through Mar. 1	$285	$45	$330
1967: Mar. 2 through June 30	285	51	336
1968 [1]	358		358
1969 through Apr. 6 [1]	358	7	365
1969 after Apr. 6 [1]	358		358
1970 through June 30 [1]	365	12	377
1971 through June 30 [1]	380	15	395
1972 through June 30 [1]	400	30	430
Later years	400		400
Proposed:			
From enactment through June 30, 1972 [1]	400	(2)	450
After June 30, 1972 [2]	400		400

[1] Includes FNMA participation certificates issued in fiscal year 1968.

[2] Existing 30 plus 20 additional.

II. STATUTORY DEBT LIMITATION

A. Revenue and expenditure estimates submitted to committee

For the fiscal year ending June 30, 1972, revenue and expenditure estimates submitted by the administration indicate a Federal funds deficit of $44.7 billion and for the fiscal year 1973, a Federal funds deficit of $36.2 billion. These estimates are summarized in table 2.

TABLE 2.—FEDERAL FUNDS RECEIPTS AND EXPENDITURES, FISCAL YEAR 1971 ACTUAL, AND FISCAL YEARS 1972 AND 1973 ESTIMATES [1]

[In billions of dollars]

	1971 actual	1972 budget estimates [2]	1973 budget estimates [2]
Excluding proposed revenue legislation:			
Receipts	133.8	137.8	151.3
Expenditures	163.7	182.5	186.8
Deficit (−)	−29.9	−44.7	−35.5
Including proposed revenue legislation:			
Receipts	133.8	137.8	150.6
Expenditures	163.7	182.5	186.8
Deficit (−)	−29.9	−44.7	−36.2

[1] Details may not add due to rounding.

[2] As indicated in the budget document for fiscal year 1973

The estimates shown above for both the fiscal year 1972 and the fiscal year 1973 are based on the Federal funds concept, since this closely corresponds with the way in which the debt limitation is calculated. The principal difference between a Federal funds budget deficit and a unified budget deficit is the fact that the former does not include the effect of the surpluses built up by the social security and other trust funds. Since the budget is frequently shown on a unified budget basis, however, the committee for comparative purposes also includes the discussion below with respect to the unified budget.

For the fiscal year 1972, the administration estimates that the unified budget deficit will be $38.8 billion and that in the fiscal year 1973, the deficit will amount to $25.5 billion. For both fiscal years, these estimates include revenue legislation proposed by the administration. Without these proposals, the administration's estimates of the deficits would be $39 billion in 1972 and $26.2 billion in 1973. These estimates are summarized in table 3.

TABLE 3.—UNIFIED BUDGET RECEIPTS AND EXPENDITURES, FISCAL YEAR 1971 ACTUAL, AND FISCAL YEARS 1972 AND 1973 ESTIMATES[1]

[In billions of dollars]

	1971 actual	1972 budget estimates[2]	1973 budget estimates[2]
Excluding proposed revenue legislation:			
Receipts	188.4	197.6	220.0
Expenditures	211.4	236.6	246.3
Deficit (—)	—23.	—39.	—26.2
Including proposed revenue legislation:			
Receipts	188.4	197.8	220.8
Expenditures	211.4	236.6	246.3
(Deficit (—)	—23.	—38.8	—25.5

[1] Details may not add due to rounding.
[2] As indicated in the budget document for fiscal year 1973.

The administration's estimates of unified budget receipts in the fiscal year 1973 represents an increase of $23 billion above the current estimates for the fiscal year 1972. The estimated increase reflects a $750 million rise attributable to proposed revenue legislation and a $22.4 billion rise anticipated by the administration as the result of its forecast of a higher level of economic activity for the calendar years 1972 and 1973.

The surpluses and deficits in the budget accounts for fiscal years 1972 and 1973 are shown in table 4. The trust funds show surpluses in both fiscal years and when the surpluses are offset against the deficits in the Federal funds accounts, they produce the net budgetary deficit shown in the unified budget totals. The three accounts and their interrelationships are shown in the table, with estimates of receipts and outlays. The estimates of receipts include the estimated effects of the administration's proposals for revenue legislation. The trust funds show an estimated surplus of $5.9 billion in fiscal year 1972 which offsets the $44.7 billion deficit in the Federal funds accounts to produce a net deficit of $38.8 billion in the unified budget. For fiscal year 1973, the trust fund surplus is estimated at $10.7 billion, and when this is offset against the Federal funds estimated deficit of $36.2 billion, it produces the unified budget deficit of $25.5 billion.

TABLE 4.—FEDERAL RECEIPTS, OUTLAYS, AND SURPLUS OR DEFICIT INCLUDING PROPOSED REVENUE LEGISLATION, FISCAL YEARS 1972 AND 1973

[In millions of dollars]

	Fiscal year budget[1]	
	1972	1973
Federal funds:		
Receipts	137,788	150,617
Outlays[1]	182,519	186,784
Deficit (—)	—44,731	—36,167
Trust funds:		
Receipts	73,163	83,214
Outlays[1]	67,215	72,519
Surplus (+)	+5,948	+10,695
Intragovernmental transactions	—13,124	—13,046
Unified budget:		
Receipts	197,827	220,785
Outlays[1]	236,610	246,257
Deficit (—)	—38,783	—25,472

[1] The budget document for fiscal year 1973.

The administration's estimates of unified budget receipts for the fiscal years 1972 and 1973 are presented in table 5, with a breakdown in terms of the types of taxes.

TABLE 5.—UNIFIED BUDGET RECEIPTS, FEDERAL FUNDS, AND TRUST FUNDS, ESTIMATED RECEIPTS FOR FISCAL YEARS 1972 AND 1973,[1] INCLUDING PROPOSED LEGISLATION

[In millions of dollars]

	Fiscal year 1972	Fiscal year 1973
Unified budget receipts:		
Individual income taxes	85,600	[2] 93,900
Corporation income taxes	30,100	35,700
Social insurance taxes and contributions	[3] 54,092	[4] 63,683
Excise taxes	15,200	[5] 16,300
Estate and gift taxes	5,200	4,300
Customs duties	3,210	2,850
Miscellaneous receipts	3,525	[6] 4,052
Total	197,827	220,785
Federal funds receipts:		
From the Public:[7]		
Individual income taxes	86,500	[2] 93,900
Corporation income taxes	30,100	35,700
Excise taxes	9,175	9,735
Estate and gift taxes	5,200	4,300
Customs duties	3,210	2,850
Miscellaneous receipts	3,504	[6] 4,032
Total	137,689	150,517
From trust funds	99	101
Total	137,788	150,617
Trust funds receipts:		
From the Public:[7]		
Social insurance taxes and contributions	[3] 54,092	[4] 63,683
Excise taxes	6,025	[5] 6,565
Miscellaneous receipts	21	20
Total	60,138	70,268
From Federal funds	13,025	12,945
Total	73,163	83,214

[1] As shown in the budget document for fiscal year 1973.
[2] Reflects $900,000,000 decrease under proposed legislation for private pension plans.
[3] Reflects $193,000,000 increase under proposed legislation to change the taxable wage base for social insurance purposes.
[4] Reflects $1,130,000,000 increase under proposed legislation to change the tax rate and taxable wage base for social insurance purposes.
[5] Reflects $295,000,000 increase under proposed legislation to increase the diesel fuel tax and for a graduated truck user tax.
[6] Reflects $225,000,000 increase under proposed legislation to retire old series currency.
[7] Federal funds receipts from the public and trust fund receipts from the public constitute unified budget receipts.

The administration's revenue estimates are based upon a forecast of gross national product for the calendar year 1972 of $1,145 billion, of personal income of $924 billion and of corporate profits before taxes of $99 billion.

B. Treasury proposal

The Treasury Department proposed a $50 billion increase in the temporary debt ceiling, increasing it from the present combined permanent and temporary ceiling of $430 to $480 billion, effective as of the date of enactment until June 30, 1973.

The usual procedure that the Treasury Department recommends to be followed in estimating the necessary increase in the public debt limit is to add a $3 billion allowance for contingencies to the peak debt level expected during the period in question. In addition, the Treasury Department customarily recommends that the necessary increase in the debt limit be based upon an assumed $6 billion operating cash balance. Table 6, which is constructed in the manner indicated above, shows that the debt, subject to limitation, can be expected to reach a peak of $489.8 billion on May 31, 1973. On this occasion, however, the Treasury Department recommended a maximum debt limitation of $480 billion. As indicated on table 6 and as stated by the Secretary of the Treasury before the committee, a debt limitation of $480 billion under the administration's projection would cover the period only until about the middle of February 1973.

TABLE 6.—ESTIMATED PUBLIC DEBT SUBJECT TO LIMITATION IN FISCAL YEARS 1972 AND 1973

[In billions of dollars]

	Debt with $6 cash balance	With $3 margin for contingencies
Feb. 15, 1972	425.6	
Feb. 29, 1972	427.2	
Mar. 15, 1972	435.9	
Mar. 31, 1972	432.8	
Apr. 17, 1972	440.3	
Apr. 28, 1972	432.3	
May 15, 1972	440.8	
May 31, 1972	442.1	
June 15, 1972	450.0	
June 30, 1972	443.4	446.4
July 17, 1972	450.0	453.0
July 31, 1972	453.0	456.0
Aug. 15, 1972	457.5	460.5
Aug. 31, 1972	461.1	464.1
Sept. 15, 1972	462.3	465.3
Sept. 29, 1972	457.9	460.9
Oct. 16, 1972	461.0	464.0
Oct. 31, 1972	462.1	465.1
Nov. 15, 1972	466.3	469.3
Nov. 30, 1972	468.7	471.7
Dec. 15, 1972	469.7	472.7
Dec. 29, 1972	469.8	472.8
Jan. 15, 1973	470.8	473.8
Jan. 31, 1973	470.6	473.6
Feb. 15, 1973	475.3	478.3
Feb. 28, 1973	478.1	481.1
Mar. 16, 1973	483.1	486.1
Mar. 30, 1973	482.5	485.5
Apr. 16, 1973	484.5	487.5
Apr. 30, 1973	478.2	481.2
May 15, 1973	483.8	486.8
May 31, 1973	486.8	489.8
June 15, 1973	486.0	489.0
June 29, 1973	479.3	482.3

Source: Treasury Department.

C. Basis for committee action

The committee concluded, in view of the uncertainties as to budget receipts, outlays, and the increase required in the public debt limitation, that it would be inappropriate at this time to provide other than a temporary increase in the debt limitation for the remainder of the current fiscal year. The debt limitation needed after that time can be established later this fiscal year when more information as to the future debt requirements becomes available. The committee also believes that because of the very substantial increase in deficits in the last two or three years, it becomes necessary to keep close surveillance on the size of the increase in the debt limitation permitted.

The committee concluded that prudent action requires that only a temporary increase in the debt limitation be provided at this time. The difficulty in arriving at a satisfactory estimate of the level of economic activity during the past year, together with the uncertainties as to the impact of phase II on economic activity, makes it difficult at this time to arrive at satisfactory budgetary revenue estimates for the fiscal year 1973. The underlying rate of improvement in economic activity remains too much a matter of conjecture.

In the case of budgetary outlays also, the outlook for the rate of spending during the months ahead remains unclear. In the second half of the fiscal year 1972, for example, the rate of spending forecast in the budget is appreciably higher than in the first half of the fiscal year. The average monthly outlays, for example, forecast in the budget for the second half of the year is over $2 billion a month higher than in the first half of the year. Thus, outlays in the second half of 1972 are forecast as being nearly $14 billion above the outlay level in the first half of the year. This contrasts with an outlay level in the second half of the fiscal year 1971 which was only $3 billion above the level in the first half of that year. In addition, because Congress has not yet reached any decisions as to the level of appropriations for the fiscal year 1973, it is difficult at this time to estimate how the outlay requirements for fiscal year 1973 as presented in the budget might be modified by congressional action.

As indicated previously, the committee also is deeply concerned as to the size of the deficit both in the current fiscal year and in the fiscal year 1973. Because of this concern, it believes that it is important that the allowable debt be kept under close control in order to inhibit the growth of deficit financing in this period to the extent consistent with our national objectives.

In view of the considerations set forth above, the committee believes that only a further temporary increase in the debt limitation of $20 billion for the period up to June 30, 1972—the end of the fiscal year 1972—is appropriate at this time. A close and careful examination of the Government's finances in this period immediately ahead suggests that this increase will enable the Treasury Department to manage the Federal Government's finances during this 5-month period on a sound but restrained basis.

The Treasury Department, as shown in Table 7, has estimated Federal funds budget receipts, outlays and deficits or surpluses on a monthly basis for the last half of the fiscal year 1972. The table combines this with the actual receipts, outlay, and deficit or surplus on a monthly basis for the first 6 months of the year. This indicates a cumulative Federal funds deficit for the fiscal year of $44.7 billion or a cumulative deficit since the end of December of $26 billion. This cumulative deficit, when added to the debt outstanding on December 31 of $425.5 billion, suggests the need for a debt limitation of slightly over $451 billion. However, the cash balance at the end of December 1971 was slightly over $11 billion, a higher cash balance than it is expected will be necessary in the remainder of the fiscal year 1972. The Treasury Department has estimated, as shown in Table 6, that the peak debt subject to the limitation, assuming a constant $6 million cash balance, is expected to be at a level of $450 billion on June 15, 1972.

TABLE 7.—ESTIMATED FEDERAL FUNDS RECEIPTS, OUTLAYS' AND SURPLUS OR DEFICIT IN FISCAL YEARS 1972 AND 1973

[In billions of dollars]

	Receipts	Outlays	Surplus (+) or deficit(−)	Cumulative deficit
Fiscal year 1972:				
Actual:				
July	9.2	14.3	−5.1	−5.1
August	9.1	14.9	−5.8	−10.9
September	15.4	13.2	+2.2	−8.7
October	9.0	13.9	−5.0	−13.7
November	10.2	14.0	−3.7	−17.4
December	14.1	15.4	−1.3	−18.7
Estimated:				
January	12.7	13.9	−1.2	−19.9
February	7.6	15.1	−7.5	−27.4
March	8.7	15.9	−7.2	−34.6
April	16.5	16.1	+.4	−32.2
May	6.6	15.6	−9.0	−43.2
June	18.6	20.2	−1.6	−44.7
Total	137.8	182.5	−44.7	
Fiscal year 1973:				
Estimated:				
July	9.4	16.5	−7.1	−7.1
August	9.3	16.9	−7.6	−14.7
September	17.0	15.3	+1.7	−13.0
October	9.8	15.9	−6.1	−19.1
November	10.0	15.8	−5.8	−24.9
December	14.9	15.3	−.4	−25.3
January	14.1	16.5	−2.4	−27.7
February	8.8	15.0	−6.2	−33.9
March	9.4	15.5	−6.1	−40.0
April	18.9	15.9	+3.0	−37.0
May	7.4	14.7	−7.3	−44.3
June 1–15			−4.7	−49.0
June entire month	21.7	13.6	+8.1	−36.2
Total	150.6	186.8	−36.2	

Source: Treasury Department.

On the basis of the type of analysis indicated above, the committee has set the overall limitation for the period immediately ahead at $450 billion. This represents an increase of $20 billion, rather than the $50 billion requested by the administration. (However, the administration request was intended to meet the debt requirements for a much longer period of time.) The committee believes that the lower $20 billion increase is adequate through the end of the fiscal year 1972.

The figure, in fact, corresponds with the needs shown by the Treasury Department during this limited period of time. The committee believes that this limit will serve as a restraint for spending during this period and yet will be adequate to provide for economical management of the debt during the remainder of this fiscal year. The committee believes that it is desirable in a later consideration this year to establish the debt limitation needed for the period after June 30, 1972.

D. Relationship of Federal debt to gross national product and private debt

While the $450 billion debt limit provided in this bill is, of course, very large, it is important to keep it in perspective by comparing it with the gross national product and the total private debt. These comparisons show that the burden of the debt in relation to the economic capabilities of the United States has decreased year by year.

The latest figures on this relationship, namely for 1971, show that the Federal debt represented 40 percent of the gross national product as of that time. This percentage, while higher than the 18 to 39 percent range in the period 1929 though 1932, is lower than in any of the years since that time. As shown in Table 8, the present percentage relationship to gross national product is less than one-third of the percentage relationship that prevailed in 1945. Moreover, the Federal debt as a percentage of gross national product has been decreasing consistently since 1945.

TABLE 8.—GROSS GOVERNMENT AND PRIVATE DEBT RELATED TO GROSS NATIONAL PRODUCT

End of calendar year	Gross national product[4] (billions of dollars)	Ratios of debt to gross national product (percent)[2]				
		Federal[1]	State and local	Corporate[3]	Individual and noncorporate	Total
1929	$96.7	18.1	18.4	110.7	75.4	222.5
1930	83.1	20.8	22.7	129.2	86.4	259.2
1931	66.9	28.6	29.1	149.9	97.0	304.6
1932	56.8	38.7	34.7	169.2	100.5	343.1
1933	60.3	42.0	32.3	153.2	84.6	312.1
1934	68.6	48.1	28.0	132.1	72.6	280.8
1935	77.4	46.8	25.3	116.0	64.2	252.3
1936	86.5	46.6	22.7	105.1	58.5	232.8
1937	87.6	49.2	22.4	103.0	58.3	232.9
1938	87.6	52.1	22.6	99.1	57.1	230.8
1939	94.8	51.5	21.2	91.6	53.6	217.8
1940	107.6	48.5	18.8	82.7	49.3	199.3
1941	138.8	47.3	14.4	70.2	40.1	172.0
1942	179.0	63.5	10.7	59.4	27.9	161.5
1943	202.4	84.5	8.9	54.5	24.1	172.0
1944	217.4	107.5	7.9	50.1	23.3	188.8
1945	196.0	142.6	8.2	50.8	27.9	229.5
1946	221.4	117.8	7.3	49.4	27.1	201.4
1947	245.0	105.1	7.1	52.6	28.3	193.2
1948	261.2	97.2	7.5	53.4	30.9	188.9
1949	260.5	99.0	8.5	53.9	34.7	196.1
1950	311.2	82.8	8.1	53.9	33.5	178.4
1951	338.2	76.9	8.3	56.7	33.8	175.8
1952	361.0	74.3	8.6	56.2	35.8	175.0
1953	360.8	76.5	9.7	59.0	39.7	184.9
1954	379.8	73.6	10.6	57.3	41.4	182.9
1955	409.7	68.9	11.3	62.0	44.0	185.9
1956	433.2	64.2	11.6	64.0	45.1	184.9
1957	438.1	63.5	12.5	67.5	47.4	190.8
1958	469.2	60.8	12.9	66.5	47.5	187.6
1959	496.8	59.7	13.4	68.7	49.3	190.8
1960	503.4	58.9	14.3	72.5	52.3	197.7
1961	542.8	55.8	14.3	72.1	52.5	194.7
1962	574.7	54.2	14.5	73.3	54.3	196.6
1963	611.8	51.9	14.6	74.7	56.5	197.9
1964	654.0	50.0	14.6	76.0	58.1	199.1
1965	719.2	46.0	14.3	76.7	57.9	195.1
1966	772.6	44.4	14.2	79.9	60.4	198.9
1967	825.4	44.2	14.2	81.5	58.2	198.2
1968	898.3	41.5	14.2	86.2	57.9	199.9
1969	952.0	40.0	14.3	93.4	58.4	206.2
1970	1,004.6	40.0	14.7	96.4	58.0	209.1
1971 estimate	1,089.0	40.0	NA	NA	NA	NA

[1] Total Federal securities, including public debt and budget securities.

[2] Debt divided by the population of the conterminous United States and including Armed Forces overseas. Alaska is included beginning 1959 and Hawaii beginning in 1960.

[3] Includes debt of federally sponsored agencies excluded from the budget.

[4] Implied level end of year, calculated as the average of the 4th and 1st calendar quarters at seasonally adjusted annual rates for the years 1939 through present. Prior to 1939, averages of 2 calendar year figures are used as the best approximation of Dec. 31 levels.

Notes: NA=Not available. Details may not add to totals because of rounding. Debt levels estimated by the Bureau of Economic Analysis, Commerce Department.

The financing of the different elements of the economy has always required a significant volume of debt—either public debt or private debt, or a combination of the two. Generally, this debt has approximated twice the gross national product of any given year. As indicated in Table 8, since 1929 total Government and private debt, as a percentage of gross national product, has varied from 343 percent in 1932 to 161 percent in 1942. The combined public and private debt outstanding in 1970, at 209 percent of gross national product, is approximately at the long-term average for this 40-year period.

It is also significant to note that the net Government debt has been declining as a percentage of total Government and private debt, as shown in table 9. In 1970 the Federal net debt represented 16 percent of the total public and private debt outstanding as of that time. The Federal share of this aggregate debt has been consistently declining since the end of World War II in 1945.

TABLE 9.—ESTIMATED NET GOVERNMENT AND PRIVATE DEBT, BY MAJOR CATEGORIES

[Dollar amounts in billions]

Dec. 31	Private: Individual	Private: Corporate[1]	Private: Total	State and local	Federal	Total	Percent Federal of total
1916	$36.3	$40.2	$76.5	$4.5	$1.2	$82.2	1
1917	38.7	43.7	82.4	4.8	7.3	94.5	8
1918	44.5	47.0	91.5	5.1	20.9	117.5	18
1919	43.9	53.3	97.2	5.5	25.6	128.3	20
1920	48.1	57.7	105.8	6.2	23.7	135.7	17
1921	49.2	57.0	106.2	7.0	23.1	136.3	17
1922	50.9	58.6	109.5	7.9	22.8	140.2	16
1923	53.7	62.6	116.3	8.6	21.8	146.7	15
1924	55.8	67.2	123.0	9.4	21.0	153.4	14
1925	59.6	72.7	132.3	10.3	20.3	162.9	12
1926	62.7	76.2	138.9	11.1	19.2	169.2	11
1927	66.4	81.2	147.6	12.1	18.2	177.9	10
1928	70.0	86.1	156.1	12.7	17.5	186.3	9
1929	72.9	88.9	161.8	13.6	16.5	191.9	9
1930	71.8	89.3	161.1	14.7	16.5	192.3	9
1931	64.9	83.5	148.4	16.0	18.5	182.9	10
1932	57.1	80.0	137.1	16.6	21.3	175.0	12
1933	51.0	76.9	127.9	16.3	24.3	168.5	14
1934	49.8	75.5	125.3	15.9	30.4	171.6	18
1935	49.7	74.8	124.5	16.1	34.4	175.0	20
1936	50.6	76.1	126.7	16.2	37.7	180.6	21
1937	51.1	75.8	126.9	16.1	39.2	182.2	22
1938	50.0	73.3	123.3	16.1	40.5	179.9	23
1939	50.8	73.5	124.3	16.4	42.6	183.3	23
1940	53.0	75.6	128.6	16.4	44.8	189.8	24
1941	55.6	83.4	139.0	16.1	56.3	211.4	27
1942	49.9	91.6	141.5	15.4	101.7	258.6	39
1943	48.8	95.5	144.3	14.5	154.4	313.2	49
1944	50.7	94.1	144.8	13.9	211.9	370.6	57
1945	54.7	85.3	140.0	13.4	252.5	405.9	62
1946	59.9	93.5	153.4	13.7	229.5	396.6	58
1947	69.4	109.6	179.0	15.0	221.7	415.7	53
1948	80.6	118.4	199.0	17.0	215.3	431.3	50
1949	90.4	118.7	209.1	19.1	217.6	445.8	49
1950	104.3	142.8	247.1	21.7	217.4	486.2	45
1951	114.3	163.8	278.1	24.2	216.9	519.2	42
1952	129.4	172.3	301.7	27.0	221.5	550.2	40
1953	143.2	180.9	324.1	30.7	226.8	581.6	39
1954	157.2	184.1	341.3	35.5	229.1	605.9	38
1955	180.1	215.0	395.1	41.1	229.6	665.8	35
1956	195.5	234.1	429.6	44.5	224.3	698.4	32
1957	207.6	249.1	456.7	48.6	223.0	728.3	31
1958	222.9	262.0	484.9	53.7	231.0	769.6	30
1959	245.0	287.0	532.0	59.6	241.4	833.0	29
1960	263.3	306.3	569.6	64.9	239.8	874.2	27
1961	284.8	328.3	613.1	70.5	246.7	930.3	27
1962	311.9	353.5	665.4	77.0	253.6	996.0	25
1963	345.8	383.6	729.5	83.9	257.5	1,070.9	24
1964	380.1	417.1	797.2	90.4	264.0	1,151.6	23
1965	416.1	463.2	879.3	98.3	266.4	1,244.1	21
1966	446.9	517.8	964.7	104.8	271.8	1,341.4	20
1967	480.6	562.7	1,043.3	112.9	286.5	1,442.7	20
1968	520.3	649.5	1,169.8	122.8	291.9	1,584.5	18
1969	556.0	746.0	1,302.0	131.4	289.3	1,722.7	17
1970	582.8	812.9	1,395.2	143.3	301.1	1,840.2	16
1971	(2)	(2)	(2)	(2)	325.9	(2)	(2)

[1] Includes debt of privately owned, federally sponsored agencies excluded from the budget which amounted to $700,000,000 on Dec. 31, 1947; $30,500,000,000 on Dec. 31, 1969; and $38,800,000,000 on Dec. 31, 1970.

[2] Not available.

Source: Commerce and Treasury Departments.

Table 10 shows the amount of Government, private, and total Government and private debt outstanding at the end of each of the years 1929 through 1971. This table also shows the per capita debt in each of these categories. As indicated in this table, the per capita Federal debt of $2092 at the end of 1971 is only slightly above the per capita debt of $1987 which existed in 1945. While Federal Government debt on a per capita basis is close to the 1945 level, State and local per capita debt in 1970 is slightly over six times its level in 1945. Similarly, individual and corporate debt in 1970 is slightly over seven times the comparable debt in 1945.

TABLE 10.—ESTIMATED GROSS GOVERNMENT AND PRIVATE DEBT, 1929 TO PRESENT

	Government debt						Private debt				Total government and private debt	
	Amount outstanding (billions)			Per capita[2]			Amount outstanding (billions)		Per capita[2]			
End of calendar year	Federal[1]	State and local	Total	Federal	State and local	Total	Corporate business[3]	Individual and noncorporate business	Corporate business	Individual and noncorporate business	Amount outstanding (billions)	Per capita
1929	$17.5	$17.8	$35.3	$143	$145	$288	$107.0	$72.9	$874	$595	$215.2	$1,757
1930	17.3	18.9	36.2	140	153	293	107.4	71.8	868	581	215.4	1,742
1931	19.1	19.5	38.6	153	157	310	100.3	64.9	805	521	203.8	1,636
1932	22.0	19.7	41.7	176	157	333	96.1	57.1	767	456	194.9	1,555
1933	25.3	19.5	44.8	201	155	355	92.4	51.0	733	404	188 2	1,498
1934	33.0	19.2	52.2	260	151	411	90.6	49.8	714	392	192.9	1,520
1935	36.2	19.6	55.8	283	153	437	89.8	49.7	703	389	195.3	1,529
1936	40.3	19.6	59.9	313	152	466	90.9	50.6	707	394	201.4	1,566
1937	43.1	19.6	62.7	333	151	484	90.2	51.1	697	395	204.0	1,576
1938	45.6	19.8	65.4	349	152	501	86.8	50.0	665	383	202.2	1,549
1939	48.8	20.1	68.9	371	153	524	86.8	50.8	660	386	206.5	1,569
1940	52.2	20.2	72.4	393	152	545	89.0	53.0	670	399	214.4	1,615
1941	65.6	20.0	85.6	489	149	638	97.5	55.6	727	414	238.7	1,779
1942	113.7	19.2	132.9	837	141	978	106.3	49.9	782	367	289.1	2,128
1943	171.0	18.1	189.1	1,142	131	1,374	110.3	48.8	801	355	348.2	2,529
1944	233.6	17.1	250.7	1,678	123	1,801	109.0	50.7	783	364	410.4	2,947
1945	279.6	16.0	295.6	1,987	114	2,101	99.5	54.7	707	389	449.8	3,297
1946	260.7	16.1	276.8	1,825	113	1,938	109.3	59.9	765	419	446.0	3,123
1947	257.6	17.5	275.1	1,771	120	1,891	128.9	69.4	886	477	473.4	3,254
1948	253.8	19.6	273.4	1,715	132	1,847	139.4	80.6	942	545	493.4	3,334
1949	257.9	22.2	280.1	1,713	147	1,860	140.3	90.4	932	600	510.8	3,393
1950	257.8	25.3	283.1	1,685	165	1,850	167.7	104.3	1,096	682	555.1	3,627
1951	260.2	28.0	288.2	1,671	180	1,851	191.9	114.3	1,232	734	594.4	3,817
1952	268.3	31.0	299.3	1,694	196	1,890	202.9	129.4	1,281	817	631.6	3,988
1953	276.0	35.0	311.0	1,714	217	1,931	212.9	143.2	1,322	889	667.1	4,142
1954	279.5	40.2	319.7	1,705	245	1,950	217.6	157.2	1,327	959	694.5	4,236
1955	282.2	46.3	328.5	1,691	276	1,961	253.9	180.1	1,522	1,079	762.5	4,552
1956	278.3	50.1	328.4	1,638	294	1,925	277.3	195.5	1,632	1,151	801.2	4,696
1957	278.1	54.7	332.8	1,609	315	1,918	295.8	207.6	1,712	1,201	836.2	4,820
1958	285.3	60.4	345.7	1,624	342	1,960	312.0	222.9	1,776	1,269	880.6	4,992
1959	296.5	66.6	363.1	1,653	371	2,024	341.4	245.0	1,903	1,366	949.5	5,293
1960	296.6	72.0	368.6	1,627	395	2,022	365.1	263.3	2,002	1,444	997.0	5,469
1961	303.0	77.6	380.6	1,635	419	2,054	391.5	284.8	2,112	1,537	1,056.9	5,704
1962	311.3	83.4	394.7	1,654	443	2,097	421.5	311.9	2,240	1,658	1,128.1	5,994
1963	317.4	89.5	406.9	1,663	469	2,131	457.1	345.8	2,395	1,812	1,209.8	6,337
1964	327.0	95.5	422.5	1,690	494	2,183	497.3	380.1	2,570	1,965	1,299.9	6,718
1965	330.7	103.1	433.8	1,688	526	2,214	551.9	416.1	2,818	2,124	1,401.8	7,156
1966	343.3	109.4	452.7	1,736	553	2,290	617.3	466.9	3,122	2,362	1,536.9	7,773
1967	364.8	117.4	482.2	1,827	588	2,415	672.9	480.6	3,370	2,407	1,635.8	8,191
1968	373.1	127.4	500.5	1,850	632	2,481	774.6	520.3	3,840	2,580	1,795.3	8,899
1969	382.0	136.0	518.0	1,874	667	2,542	888.9	556.0	4,362	2,728	1,962.9	9,631
1970	401.6	148.1	549.7	1,950	719	2,668	968.0	582.8	4,697	2,829	2,100.7	10,195
1971	435.2	(4)	(4)	2,092	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)

[1] Total Federal securities, including public debt and budget agency securities.

[2] Debt divided by the population of the conterminous United States and including Armed Forces overseas. Alaska is included beginning in 1959 and Hawaii beginning in 1960.

[3] Includes debt of federally sponsored agencies excluded from the budget.

[4] Not available.

Source: Office of the Secretary of the Treasury, Office of Debt Analysis.

Table 11 shows the gross national product on a per capita basis and expressed in terms of constant 1971 dollars. This table also shows the Federal debt on a per capita basis in terms of constant 1971 dollars. The table indicates that the privately-held real per capita debt in 1971 is below the comparable debt in the years 1943 through 1969. It might be noted that the privately-held real per capita debt in 1971 is approximately one-quarter of the per capita gross national product in 1971. In 1945 the real per capita debt in terms of 1971 dollars actually exceeded the per capita gross national product in terms of 1971 dollars.

TABLE 11.—GROWTH IN REAL PER CAPITA GROSS NATIONAL PRODUCT AND REAL PER CAPITA PRIVATELY HELD FEDERAL DEBT 1909-71 [1]

	GNP (billions of 1971 dollars)	Per capita GNP		Real per capita Federal debt	
		1971 dollars	Annual rate of change (percent)	Privately held (dollars)	Annual rate of change (percent)
1909	165.3	1,912	NA	NA	NA
1910	170.0	1,840	−3.8	NA	NA
1911	174.4	1,857	.9	NA	NA
1912	184.3	1,934	4.1	NA	NA
1913	186.0	1,912	−1.1	49	NA
1914	177.8	1,794	−6.2	49	0
1915	176.2	1,753	−2.3	48	−2.0
1916	190.1	1,864	6.4	39	−18.8
1917	191.4	1,853	−.6	207	437.7
1918	214.9	2,082	12.4	494	138.6
1919	207.2	1,983	−4.8	518	4.9
1920	198.2	1,862	−6.1	463	−10.6
1921	180.9	1,666	−10.5	499	7.8
1922	209.5	1,904	14.3	493	−1.2
1923	234.8	2,099	10.2	456	−7.5
1924	234.3	2,053	−2.2	424	−7.0
1925	254.0	2,193	6.8	392	−7.5
1926	269.0	2,290	4.5	370	−5.6
1927	268.7	2,256	−1.5	349	−7.7
1928	270.2	2,242	−.6	343	−1.7
1929	288.2	2,365	5.5	313	−8.7
1930	259.8	2,109	−10.8	327	4.5
1931	239.7	1,931	−8.5	400	22.3
1932	204.1	1,634	−15.4	487	21.8
1933	200.3	1,594	−2.4	544	11.7
1934	218.4	1,727	8.3	676	24.3
1935	239.9	1,884	9.1	744	10.1
1936	273.2	2,132	13.1	809	8.7
1937	287.6	2,231	4.6	806	−.4
1938	273.1	2,101	−5.8	850	5.5
1939	296.4	2,262	7.7	877	5.5
1940	321.6	2,435	7.6	936	4.3
1941	373.3	2,799	14.9	1,069	14.2
1942	421.6	3,126	11.7	1,710	60.0
1943	477.2	3,489	11.6	2,448	43.2
1944	511.5	3,676	5.9	3,203	30.8
1945	502.8	3,693	−2.8	3,661	14.3
1946	422.5	3,130	−2.9	2,740	−25.2
1947	438.7	3,044	−2.8	2,402	−12.3
1948	458.2	3,126	2.7	2,213	−7.9
1949	458.8	3,075	−1.6	2,283	3.2
1950	503.0	3,315	7.8	2,113	−7.4
1951	542.7	3,518	6.1	1,925	−8.9
1952	559.3	3,663	1.3	1,912	−.7
1953	584.4	3,662	2.8	1,907	−.3
1954	576.1	3,647	−3.1	1,914	.4
1955	620.0	3,751	5.7	1,879	−1.8
1956	631.5	3,754	.1	1,747	−7.0
1957	640.6	3,740	−.4	1,662	−4.9
1958	633.2	3,637	−2.8	1,665	.2
1959	673.7	3,305	4.6	1,674	.5
1960	690.4	3,321	.4	1,607	−4.0
1961	703.8	3,331	.3	1,610	.2
1962	750.0	4,017	4.9	1,602	−.5
1963	780.0	4,118	2.5	1,562	−2.5
1964	822.6	4,128	3.8	1,543	−1.2
1965	874.6	4,195	4.6	1,486	−3.7
1966	931.6	4,731	5.3	1,437	−3.3
1967	955.8	4,800	1.5	1,440	.2
1968	1,000.3	4,973	3.6	1,355	−5.9
1969	1,025.9	5,048	1.5	1,243	−8.3
1970	1,019.2	4,977	−1.4	1,198	−3.6
1971	1,046.8	5,057	1.6	1,235	3.0

[1] Bureau of Economic Analysis GNP data begin with 1909. The GNP deflator for 1971 was used to derive real GNP per capita. The Bureau of Labor Statistics monthly all item consumer price index begins with 1913. Real privately held Federal debt per capita data are for Dec. 31 each year. The all item consumer price index for December 1971 was used to convert the data to constant dollars.

E. Results of delaying the enactment of an adequate debt ceiling

The committee believes it has the responsibility to point out to the House some of the real complications which would develop in the event of any delay in enacting a public debt limit sufficient for the Government's needs. While there would be no question concerning the legality of the outstanding debt in such a situation, the Treasury Department would be unable to issue any new securities. This prohibition would apply to issues designed to replace maturing issues as well as to securities representing new debt.

As a result, savings bonds could not be issued and payroll savings plans would be disrupted. In addition, the Treasury cash balance would be depleted rapidly. Substantial amounts of Treasury bills become due on a weekly basis. If new bills cannot be issued to replace these issues, the Treasury cash balance would soon be exhausted.

Once the cash balance is exhausted, the Government would be compelled to delay full payment (or resort to partial payments) of contract obligations, Government salaries, various loan and benefit programs, and grants to States and local governments when they become due. The economic hardships resulting from such action would, of course, be most severe in those areas where there are large concentrations of Federal employees or employees engaged in production under large Government contracts.

III. APPENDIX

TABLE I.—*Debt limitation under sec. 21 of the Second Liberty Bond Act as amended—History of legislation*

September 24, 1917

40 Stat. 288, sec. 1, authorized bonds in the amount of $7,538,945,000.[1]

40 Stat. 290, sec. 5, authorized certificates of indebtedness outstanding revolving authority, $4,000,000,000.[2]

Footnotes at end of article.

April 4, 1918

40 Stat. 502, amending sec. 1, increased bond authority to $12,000,000,000.[1]

40 Stat. 504, amending sec. 5, increased authority for certificates outstanding to $8,000,000,000.[2]

July 9, 1918

40 Stat. 844, amending sec. 1, increased bond authority to $20,000,000,000.[1]

March 3, 1919

40 Stat. 13, amending sec. 5, increased authority for certificates outstanding to $10,000,000,000.[2]

40 Stat. 1309, new sec. 18 added, authorizing notes in the amount of $7,000,000,000.[1]

November 23, 1921

42 Stat. 321, amending sec. 18, increased note authority outstanding (established revolving authority) to $7,500,000,000.[2]

June 17, 1929

46 Stat. 19, amending sec. 5, authorized bills in lieu of certificates of indebtedness; no change in limitation for the outstanding, $10,000,000,000.[2]

March 3, 1931

46 Stat. 1506, amending sec. 1, increased bond authority to $28,000,000,000.[1]

January 30, 1934

48 Stat. 343, amending sec. 18, increased authority for notes outstanding to $10,000,000,000.[2]

February 4, 1935

49 Stat. 20, amending sec. 1, limited bonds outstanding (establishing revolving authority) to $25,000,000,000.[2]

49 Stat. 21, new sec. 21 added, consolidating authority for certificates and bills (sec. 5) and authority for notes (sec. 18); same aggregate amount outstanding, $20,000,000,000.[2]

49 State. 21, new sec. 22 added, authorizing U.S. savings bonds within authority of sec. 1.

May 26, 1938

52 Stat. 447, amending secs. 1 and 21, consolidating in sec. 21 authority for bonds, certificates of indebtedness, Treasury bills, and notes (outstanding bonds limited to $30,000,000,000). Same aggregate total outstanding, $45,000,000,000.[2]

July 20, 1939

53 Stat. 1071, amending sec. 21, removed limitation on bonds without changing total authorized outstanding of bonds, certificates of indebtedness, bills, and notes, $45,000,000,000.[2]

June 25, 1940

54 Stat. 526, amending sec. 21, adding new paragraph:

"(b) In addition to the amount authorized by the preceding paragraph of this section, any obligations authorized by secs. 5 and 18 of this Act, as amended, not to exceed in the aggregate $4,000,000,000 outstanding at any one time, less any retirements made from the special fund made available under sec. 301 of the Revenue Act of 1940, may be issued under said sections to provide the Treasury with funds to meet any expenditures made, after June 30, 1940, for the national defense, or to reimburse the general fund of the Treasury therefor. Any such obligations so issued shall be designated 'National Defense Series,' " $49,000,000,000.[2]

February 19, 1941

55 Stat. 7, amending sec. 21, limiting face amount of obligations issued under authority of act outstanding at any one time to $65,000,000,000.[2]

Eliminated separate authority for $4,000,000,000 of national defense series obligations.

March 28, 1942

56. Stat. 189, amending sec. 21, increased limitation to $125,000,000,000.[2]

April 11, 1943

57 Stat. 63 amending sec. 21, increased limitation to $210,000,000,000.[2]

June 9, 1944

58 Stat. 272, amending sec. 21, increased limitation to $260,000,000,000.[2]

April 3, 1945

59 Stat. 47, amending sec. 21 to read: "The face amount of obligations issued under authority of this act, and the face amount of obligations guaranteed as to principal and interest by the United States (except such guaranteed obligations as may be held by the Secretary of the Treasury), shall not exceed in the aggregate $300,000,000,000 outstanding at any one time," $300,000,000,000.[2]

June 26, 1946

60 Stat. 316, amending sec. 21, adding: "The current redemption value of any obligation issued on a discount basis which is redeemable prior to maturity at the option of the holder thereof shall be considered, for the purposes of this section, to be the face amount of such obligation," and decreasing limitation to $275,000,000,000.[2]

August 28, 1954

68 Stat. 895, amending sec. 21, effective Aug. 28, 1954, and ending June 30, 1955, temporarily increasing limitation by $6,000,000,000 to $281,000,000,000.[2]

June 30, 1955

69 Stat. 241, amending Aug. 28, 1954, by extending until June 30, 1956, increase in limitation to $281,000,000,000.[2]

July 9, 1956

70 Stat. 519, amending act of Aug. 28, 1954, temporarily increasing limitation by $3,000,000,000 for period beginning July 1, 1956, and ending June 30, 1957, to $278,000,000,000.[2]

Effective July 1, 1957, temporary increase terminates and limitation reverts, under act of June 26, 1956, to $275,000,000,000.[2]

February 26, 1958

72 Stat. 27, amending sec. 21, effective Feb. 26, 1958, and ending June 30, 1959, temporarily increasing limitation by $5,000,000,000, $280,000,000,000.[2]

September 2, 1958

72 Stat. 1758, amending sec. 21, increasing limitation to $283,000,000,000 which, with temporary increase of Feb. 26, 1958, makes limitation, $288,000,000,000.[2]

June 30, 1959

73 Stat. 156, amending sec. 21, effective June 30, 1959, increasing limitation to $285,000,000,000, which, with temporary increase of Feb. 26, 1958, makes limitation on June 30, 1959, $290,000,000,000.[2]

Amending sec. 21, temporarily increasing limitation by $10,000,000,000 for period beginning July 1, 1959, and ending June 30, 1960, which makes limitation beginning July 1, 1959, $295,000,000,000.[2]

June 30, 1960

74 Stat. 290, amending sec. 21 for period beginning on July 1, 1960, and ending June 30, 1961, temporarily increasing limitation by $8,000,000,000, $293,000,000,000.[2]

June 30, 1961

75 Stat. 148, amending sec. 21, for period beginning on July 1, 1961, and ending June 30, 1962, temporarily increasing limitation by $13,000,000,000 to, $298,000,000,000.[2]

March 13, 1962

76 Stat. 23, amending sec. 21, for period beginning on Mar. 13, 1962, and ending June 30, 1962, temporarily further increasing limitation by $2,000,000,000, $300,000,000,000.[2]

July 1, 1962

76 Stat. 124 as amended by 77 Stat. 50, amending sec. 21, for period—

1. Beginning July 1, 1962, and ending Mār. 31, 1963, $308,000,000,000.[2]

2. Beginning Apr. 1, 1963, and ending June 24, 1963, $305,000,000,000.[2]

3. Beginning June 25, 1963, and ending June 30, 1963, $300,000,000,000.[2]

May 29, 1963

77 Stat. 50, amending sec. 21, for period—

1. Beginning May 29, 1963, and ending June 30, 1963, $307,000,000,000.[2]

2. Beginning July 1, 1963, and ending Aug. 31, 1963, $309,000,000,000.[2]

August 27, 1963

77 Stat. 131, amending sec. 21, for the period beginning on Sept. 1, 1963, and ending on Nov. 30, 1963, $309,000,000,000.[2]

November 26, 1963

77 Stat. 342, amending sec. 21, for the period—

1. Beginning on Dec. 1, 1963, and ending June 29, 1964, $315, 000, 000,000.[2]

2. On June 30, 1964, $309,000,000,000.[2]

June 29, 1964

78 Stat. 225, amending sec. 21, for the period begining June 29, 1964, and ending June 30, 1965, temporarily increasing the debt limit to $324,000,000,000.[2]

June 24, 1965

79 Stat. 172 amending sec. 21, for the period beginning July 1, 1965, and ending on June 30, 1966, temporarily increasing the debt limit to $328,000,000,000.[2]

June 24, 1960

80 Stat. 221, amending sec. 21, for the period temporarily increasing the debt limit to $330,000,000,000.[2]

March 2, 1967

81 Stat. 4, amending sec. 21, for the period beginning Mar. 2, 1967, and ending on June 30, 1967, temporarily increasing the debt limit $336,000,000,000.[2]

June 30, 1967

81 Stat. 99—

1. Amending sec. 21, effective June 30, 1967, increasing limitation to $358,000,000,000.[2]

2. Temporarily increasing the debt limit by $7,000,000,000 for the period from July 1 to June 29 of each wear, to make the limit for such period $365,000,000,000.[2]

April 7, 1969

83 Stat. 7—

1. Amending sec. 21, effective Apr. 7, 1969, increasing debt limitation to $365,000,000,000.

2. Temporarily increasing the debt limit by $12,000,000,000 for the period from Apr. 7, 1969 through June 30, 1970 to make the limit for such period, $377,000,000,000.

June 30, 1970

84 Stat. 368—

1. Amending sec. 21, effective July 1, 1970, increasing debt limitation to $380,000,000,000.

2. Temporarily increasing the debt limit by $15,000,000,000 for the period from July 1, 1970, through June 30, 1971, to make the limit for such period, $395,000,000,000.

March 17, 1971

85 Stat. 5—

1. Amending sec. 21, effective Mar. 17, 1971, increasing debt limitation to $400,000,000,000.

2. Temporarily increasing the debt limit by $30,000,000,000 for the period from Mar. 17, 1971, through June 1972, to make the limit for such period, $430,000,000,000.

FOOTNOTES

[1] Limitation on issue.

[2] Limitation on outstanding.

TABLE II.—*Public debt subject to limitation at end of fiscal years 1938–72*

[In millions of dollars]

Fiscal year:	*Public debt subject to limitation at end of year*
1938	36, 882
1939	40, 317
1940	43, 219
1941	49, 494
1942	74, 154
1943	140, 469
1944	208, 077
1945	268, 671
1946	268, 932
1947	257, 491
1948	251, 542
1949	252, 028
1950	256, 652
1951	254, 567
1952	258, 507
1953	265, 522
1954	270, 790
1955	273, 915
1956	272, 361
1957	270, 188
1958	276, 013
1959	284, 398
1960	286, 065
1961	288, 862
1962	298, 212
1963	306, 099
1964	312, 164
1965	317, 581
1966	320, 102
1967	326, 471
1968	350, 743
1969	356, 932
1970	373, 425
1971	399, 475
1972[1]	446, 022
1973[1]	481, 878

Source: Table 1: Annual Report of the Secretary of the Treasury on the State of the Finances, 1967, p. 439, through 1967: table FD–8: Treasury Bulletin, January 1972, p. p. 25, for 1968 through 1971; table 10: The Budget for Fiscal Year 1973, p. 505, for estimates for 1972 and 1973.

[1] Estimated.

IV. COSTS OF CARRYING OUT THE BILL AND VOTE OF THE COMMITTEE IN REPORTING THE BILL

In compliance with section 252(a) of the Legislative Reorganization Act of 1970, the following statement is made relative to the costs incurred in carrying out this bill. The committee does not believe that the change made by this bill in the debt limitation will result in any costs either in the current fiscal year or in any of the 5 fiscal years following that year. The Treasury Department agrees with this statement.

In compliance with section 133 of the Legislative Reorganization Act of 1946, the following statement is made relative to the record vote by the committee of the motion to report the bill. The bill was ordered reported by voice vote.

V. FIRST TWO SECTIONS OF PUBLIC LAW 92–5

For information purposes, the first two sections of Public Law 92–5 are as follows:

"That the first sentence of section 21 of the Second Liberty Bond Act (31 U.S.C. 757b) is amended by striking out "$380.-000,000,000" and inserting in lieu thereof "$400,000,000,000".

"SEC. 2. (a) During the period beginning on the date of the enactment of this Act and ending on June 30, 1972, the public debt limit set forth in the first sentence of section 21 of the Second Liberty Bond Act shall be temporarily increased by $30,000,000,000.

"(b) Effective on the date of the enactment of this Act, section 2 of Public Law 91–301 is hereby repealed."

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. BYRD of Virginia. Mr. President, did I correctly understand the Senator to say that the portion of the privately held part of the national debt has greatly decreased?

Mr. LONG. It is the publicly held portion of the Federal debt has gone down relative to the total private debt.

Mr. BYRD of Virginia. By "publicly held" the Senator means held by the public or by the Government?

Mr. LONG. No; I do not mean the part of the public debt held by the Government has gone down.

Mr. BYRD of Virginia. The part of the public debt held by the Government?

Mr. LONG. Yes. There is a great deal of government debt held by the Government. In other words, one of the points I made, to which the Senator may be referring, was with reference to the portion of the public debt held privately; that is, held by private individuals, financial firms, and other business enterprises.

Mr. BYRD of Virginia. The privately held portion of the public debt.

Mr. LONG. Yes. I am speaking of the Federal debt, the privately held portion of the Federal debt, as a percentage of the total public and private debt that is owed in this Nation. That percentage has declined from 62 percent in 1945 to 16 percent in 1970, which is the latest figure available.

Mr. BYRD of Virginia. The privately held portion of the debt has declined.

Mr. LONG. Yes, as a percentage of the entire debt. It is more in terms of dollars, but the publicly held Federal debt has not increased as fast as the debt incurred by individuals and business firms.

Mr. BYRD of Virginia. That indicates to me that the public is tending to lose confidence in Federal financing and, therefore, they are buying fewer bonds. As a result of that the social security trust fund and the Civil Service trust fund must bear a heavier burden, as they are.

But I submit the social security trust fund and the Civil Service trust fund are to be safeguarded and used only for the benefit of the older people as they retire.

Mr. LONG. The conclusions I draw from this information differ from those reached by the Senator but I wanted to put the information in the RECORD, so each could draw his own conclusions.

Mr. BYRD of Virginia. I am glad the Senator did so. It is an important point; it is an important table.

The only conclusion I can draw from that is that private individuals are becoming more and more reluctant to buy Government bonds.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield.

Mr. BENNETT. I wonder if that is accurately stated. The amount of bonds that go into the Social Security trust fund and the Civil Service trust fund are controlled by the amount of financial reserves accumulated in the funds. The trustees of the trust funds are required by law to invest the reserves in special issues of Federal securities, or in other words, to buy some of the Federal debt; all the rest of the Federal Government debt must be sold to the general public. There are no unpurchased bonds lying in the Treasury.

Mr. BYRD of Virginia. Of course there are not because when they become unpurchased the Government reaches into one of the funds and uses that money to purchase bonds.

Mr. BENNETT. I do not think so. I think that the investment of trust fund reserves in Federal Government securities is made because the laws say that it must be done that way. It is not a matter of choice. All the trust fund financial reserves must be invested in that way; all the other bonds are sold in the open market.

Mr. STENNIS. Mr. President, I shall not detain the Senate very long. I certainly do not want to be a party now to any unusual problem or the cause of a great emergency with reference to being able to pay our weekly Treasury bills, and so forth, should we not increase the debt ceiling. But I have gone on and on over the years to the point where I think we have to reverse the trend of our thinking, and I know that should we decline to take this action, that would bring about very quick results and we would meet the emergency some way, but it would establish a precedent that Congress not just go on and on raising these limits.

No one appreciates any more than I do the fine work of the Committee on Finance, as led by the Senator from Louisiana (Mr. LONG) as Chairman and by the ranking minority member of that committee, the Senator from Utah. I have increasingly deeper and deeper feelings on this matter because of the trend.

Mr. President, our national debt will have spiraled to the astonishing height of $455.8 billion by the end of this fiscal year, of which $446 billion is subject to a limitation imposed by law. We are now considering whether to temporarily raise the ceiling on the public debt, which is now $430 billion, to $450 billion.

I say emphatically we should draw a line to create a new starting point, a new trend, and a new attitude.

Growing from 1789, during the times of war, recessions, and depressions, the national debt was slightly more than $1 billion at the beginning of World War I and over $50 billion at the beginning of World War II. Since then the debt has skyrocketed by almost $400 billion.

A pronounced lack of fiscal discipline has led to this immense debt.

In 26 of the last 33 years our expenditures, unfortunately, have exceeded income. We cannot seem to balance the budget, indicating an instability or unwillingness to practice fiscal responsibility. That is one cause of it.

Each year the Government must pay interest on the national debt. In fiscal year 1973, the interest on the debt will be over $21 billion, or 11.3 percent of the total budget. That is not to say either that the national debt is not as high now percentagewise of the gross national product, as in years past. I think that is purely a fallacy. Under that theory we could go on endlessly creating inflation which increases the gross national product, and that in turn would be authority likewise to increase the national debt. That is the way I see it.

I do not think it is quite as simple as family financing, but a great deal of the principles are the same. Many of us can remember some family in the community, the small town or small city that year after year spent more than they earned. In one way or another, even though that is justified in some years, we can recall there was a calamity of some kind down the road somewhere with reference to that family. It just cannot go on forever without having to pay the price and pay it with compound interest.

This 11.3 percent of the budget represented by the $21 billion is twice the amount in the budget for health programs, twice the amount for education and manpower, and three times the amount for agriculture and rural development, and two and a half times the amount for Department of Defense research and development. How can we justify spending this much money each year on interest alone?

And a question relevant to this debate: How can we justify raising the debt ceiling, an action that assures us of escalating interest costs in the years ahead—interest that takes money away from productive programs? We have to start somewhere in curbing Government spending, and a sensible beginning would be to refuse to raise the public debt limit.

I say whatever particular immediate critical situation that might cause would certainly be quickly remedied.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. STENNIS. Let me finish my sentence. Would be quickly remedied, and this would have the benefit of stopping this trend from going on and on forever.

I am glad to yield to the Senator.

Mr. BENNETT. I would like to refresh the Senator's memory as to what would happen immediately. This is from the report:

> Savings bonds could not be issued and payroll savings plans would be disrupted. In addition, the Treasury cash balance would be depleted rapidly. Substantial amounts of Treasury bills become due on a weekly basis. If new bills cannot be issued to replace these issues, the Treasury cash balance would soon be exhausted.

Once the Treasury cash balance was exhausted, the Treasury would be unable to pay the Government's bills.

I wonder if the Senator realizes that if we defeat this bill, we are now saying to the Treasury, "You cannot get any more money to pay the bills which we in Congress incurred"? I think we are beating the wrong horse, Mr. President.

Mr. STENNIS. I very respectfully answer the Senator's question in this way: That same argument and those same facts are true and will be true the next time we go to raise the debt limit, as they have been true in preceding times when we raised the limit. I said in the beginning that I would help meet whatever critical situation——

Mr. BENNETT. My friend from Mississippi said if we let it go to the point where we bump against the debt ceiling and all these things happen, we could quickly remedy that. How could we do it except by raising the debt limit to permit the Government to get more money?

Mr. STENNIS. I want to make clear that, as a temporary matter, we would have to raise the ceiling somewhat to meet that situation, but if this body should cast its vote against raising this ceiling, that would be a warning sign. That would reverse a trend that has been going on year after year after year, for the many years I have been here. I have voted for them in most years, not realizing that there was much choice. It would reverse that trend and cause a rethinking of this whole matter, and then we would temporarily raise that debt limit to meet the immediate situation, but we would establish a precedent and another trend. Otherwise I do not think it is ever going to be done.

I do not blame anyone now any more than I blame myself. President after President has been elected after telling the people he was going to balance the budget. They said that in good faith. They got into office and found they could not. We did not help enough. But this cannot go on forever. I have heard these arguments and these facts before, but that is enough reason for just going on and on ad infinitum and keep raising the limit. That is my position, anyhow.

Mr. BENNETT. Would the Senator be interested to know that if this bill is defeated we will be in that position within the next week

Mr. STENNIS. Well, we are right here in session. There is no sine die adjournment.

I remember years ago, when I first came here, that argument was made and scared me half out of my skin, and I just knew we must not let it happen, but I have changed my mind on this.

Mr. BENNETT. The Senator is on the Appropriations Committee. That is the place to solve this problem. We in the Finance Committee have no choice.

Mr. STENNIS. This is not a matter of blaming committees or blaming individuals; I am talking about a trend in the country. My vote and the matters that I vote for do not add up to the top figure of those that we pass. I am not claiming any credit for that. I can cite an instance, though, last year, when the Appropriations Committee added $500 million in a bill, thus trying to head off a greater increase, and brought the bill up here. We increased that item for that purpose. A Senator got up back here and offered an amendment to that item increasing it, I believe, $700 million, and on a 30-minute debate, that amendment was adopted. So that is the atmosphere we are up against. I do not know; I do not think it is all Congress fault. We get these budgets, and they are honest, and they say if we appropriate the money that they are asking for it is going to run a deficit of $25 billion. We find those estimates are low. Nobody can be accurate.

My argument is against the trend, not against individuals or committees.

Mr. BENNETT. My argument is with the procedures. I think that the Secretary of the Treasury should be able to pay the bills we have created when they come due.

Mr. STENNIS. We must pay the bills when they come due. I would not be so irresponsible as to be a party to letting anything like that happen.

Mr. BENNETT. But if the debt limit is not raised, the Secretary will be in that position within a week.

Mr. STENNIS. Well, if the Senate would vote against raising the debt limit today, we would have a session here tomorrow and there would be another one Monday, and something would be done about it, and I think a new start would have been made.

Mr. BENNETT. I thank the Senator very much.

Mr. STENNIS. Mr. President, I ask unanimous consent to have printed in the RECORD the following table, which shows the functional breakdown, in dollars and percents, of U.S. Government budget outlays on the Federal funds basis.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 2.—FUNCTIONAL BREAKDOWN OF U.S. GOVERNMENT BUDGET OUTLAYS ON THE FEDERAL FUNDS BASIS, FISCAL YEARS 1971–1973

[Amounts in millions of dollars]

Function	1971 (actual)		1972 (estimate)		1973 (estimate)	
	Amount	Percent of total budget	Amount	Percent of total budget	Amount	Percent of total budget
National defense	$77,662	47.48	$78,176	42.83	$78,457	42.00
Human resources	36,698	22.42	45,035	24.67	46,187	24.73
Education and manpower	7,844	4.79	9,252	5.07	10,405	5.57
Health	8,735	5.34	10,014	5.49	9,864	5.28
Income security	10,617	6.49	15,018	8.23	14,268	7.64
Veterans benefits and services	9,502	5.81	10,751	5.89	11,650	6.24
Physical resources	18,359	11.21	22,771	12.48	20,500	10.98
Agriculture and rural development	5,097	3.11	7,346	4.02	6,892	3.69
Natural resources	2,708	1.65	4,368	2,39	2,442	1.31
Commerce and transportation	7,197	4.40	7,018	3.85	6,322	3.38
Community development and history	3,357	2.05	4,039	2.21	4,844	2.59
Interest	$19,612	11.98	$20,070	11.00	$21,164	11.33
International affairs and finance	3,100	1.89	3,970	2.18	3,853	2.06
Space research and technology	3,382	2.07	3,182	1.74	3,193	1.71
General government	4,838	2.96	6,515	3.57	7,156	3.83
General revenue sharing			2,250	1.23	5,000	2.68
Allowances for:						
Pay raises (including Department of Defense)			250	0.14	775	0.41
Contingencies			300	0.16	500	0.27
Total Federal funds budget outlays	163,651	100	182,519	100	186,784	100

Source: U.S. Office of Management and Budget. Budget documents of the U.S. Government for fiscal year 1973.

Mr. STENNIS. The administration has projected a $25.5 billion deficit for fiscal year 1973. Last year the estimated deficit was $11.6 billion and is now expected to be $38.8 billion. These figures are on the basis of the unified budget and are misleading. In the unified budget, surpluses in trust funds are used to offset deficits in Federal funds, but these trust funds are not owned by the Government and do not, in reality, decrease the deficit as the unified budget leads us to believe. Prior to fiscal year 1969, the budget was based on Federal funds, with trust funds separate. The Federal funds budget represents income and expenditures of the Government and any deficit resulting when the expenditures exceed income. To add trust funds is to distort the fiscal picture.

I know this is done and authorized by law, and we passed a law on it in 1969, or just prior to the fiscal year 1969, and I am not trying to discredit this administration or that one, or this Congress or that Congress. I am just talking about the conditions in which we are operating and which I think are misleading. The people do not understand it. It is not called to their attention enough. We just know that when we put surpluses from trust funds that have been set aside in a trust nature for special funds into the general so-called unified budget and thereby decrease the red ink and the deficits that would otherwise be there, it just should not be permitted, much less required by law, because it does not present the true picture.

The Federal funds budget deficit—the true deficit—for fiscal year 1972 will be $44.7 billion, as compared to the unified budget deficit of $38.8 billion. The real deficit for fiscal year 1973 is estimated at $36.2 billion, $10.7 billion more than the $25.5 billion the administration is talking about, although the administration, in its presentation of the budget in its printed form, pointed out what the deficit would be in the true budget figure.

The $36.2 billion figure, regrettably is undoubtedly low.

The Senator from Louisiana (Mr. ELLENDER), chairman of the Senate Appropriations Committee, has predicted that it could go at least as high as $45 billion for fiscal 1973. On the Federal funds basis, we have had a deficit every year since fiscal year 1954 except fiscal years 1956, 1957, and 1960. The deficits, though, have never been as staggering as in the last few years.

Mr. BYRD of Virginia. Mr. President, will the distinguished Senator yield?

Mr. STENNIS. Yes, I am glad to yield to the distinguished Senator from Virginia.

Mr. BYRD of Virginia. I thank the Senator.

Mr. President, I think the Senator is making a vitally important point, in pointing out that the proper, appropriate, and fair way to talk about this budget and the deficit in the budget is in terms of the federal funds budget.

As the Senator from Mississippi has pointed out, that is really the figure that should be used in determining just how severe these deficits are.

But I would like to point out that whether you take the Federal funds budget, which the Senator from Virginia and the Senator from Mississippi think should be taken, or whether you take it on a unified budget basis, or whether you take the full employment budget basis, which is a new concept—regardless of whether you take any one of those three concepts, you have, for the fiscal year we are now in, a smashing deficit under every single one of them.

Even under the full employment budget, which the administration presented as its utopian budget, one that would certainly be balanced, the fiscal officials now admit that the full employment budget will be unbalanced to the extent of $8 billion for fiscal year 1972, which we are now in, and I might add that for the upcoming fiscal year, even on a full employment basis, it will not be balanced.

They do not expect full employment. They expect 4-percent unemployment. There is now 5.9-percent unemployment. The Secretary of the Treasury has said that possibly by the end of the year they might get it down to 5-percent unemployment, which means that in actuality, this so-called full employment budget will not be balanced, and they admit that today.

Mr. STENNIS. Mr. President, I thank the Senator from Virginia for his very important contribution of that point, and I thank him for the work that he does in his committee assignments. We have him on the Armed Services Committee, where he practices what he preaches here. He is also a valuable member of the Finance Committee, and has contributed greatly toward creating a trend in sounder fiscal affairs for our Nation.

I am not pointing the finger at anyone. I realize how difficult this matter is. The budget, I think, has gotten almost unmanageable. We have gone into one program after another, trying to cure all the ills of everyone and the whole country by 8 o'clock in the morning, and it cannot be done. We have got to draw a halt, stop and examine where we are going and how fast we are going, and see what can be done about it. And I will wind up by saying that fiscal responsibility and fiscal discipline on the part of those of us in the Senate and in Congress and those in the executive branch are absolutely necessary. The elected officials of the people are the ones who are going to have to create some of this sentiment and get the facts to the people.

Mr. President, as I have said, the public debt limit is now $430 billion. It began in 1917 at $11 billion and has been increased by amendment 54 times, with the largest increase since World War II occurring last year. The purpose of the debt ceiling is to put a restraint on spending. If it does not accomplish that task—and it cannot if we continue to indiscriminately raise the ceiling—the limit serves no purpose. It opens the door to a continued pattern of excessive spending.

If a rigid debt ceiling is maintained, it forces the administration, the Congress, and the public to more closely evaluate which programs should be funded, and, on a broader scale, to evaluate the whole pattern and philosphy of our spending.

If we continue to raise the debt ceiling, which in effect removes any control on Government spending, we will have to pay the price in increased inflation or increased taxes or a combination of these two undesirable results. Either result or a combination will tend to depress the economy. Then if we follow the course of inflation which we have over the past several years, the prices of American goods will continue to increase on the domestic market.

Prices of American goods on the international market would also be affected, with the disagreeable result of a further deficit in our balance of trade. When the prices of American goods increase on the domestic market, the prices must also increase on the international market. Obviously, this places American goods at a disadvantage, and may even have the effect here in the United States of consumers favoring imports over American products. The probable effects would be to intensify the imbalance in our trade and international payments position and to erode confidence in the American dollar, which could lead to renewed pressure to devalue the dollar.

Mr. President, the administration has been trying to meet this problem. I think they have taken some good steps, and have had some success in it, but I do not believe we can solve the problem by merely partly meeting those conditions, when we go airily along our way and increase repeatedly these growing deficits.

Mr. President, we should not accept all these deficits—deficit spending, deficit in the balance of trade, deficit in the balance of payments—casually. Responsible action must be taken to reverse this trend of uncurtailed spending and concommitant uncurtailed deficits. As I see it, the first positive action is to refuse to raise the debt ceiling. Then, we must curb excessive and unnecessary spending. I have stated that I will take an unusually close and critical look at the defense budget this year. That should be done in every phase of Government spending. Mr. President, the key word for 1972 and the future economic stability of this country should be fiscal discipline.

I know we cannot look in every single fiscal year and say that at all hazards the budget must be balanced at all costs. Some exceptions have been made for various reasons.

It is the trend that disturbs me. Few of us here now think or talk about huge expenditures. There is not enough effort made to balance the budget. When we do make reductions in a program, it is frankly stated that the purpose is to take the money away from one program and give it to some other program. Seldom do we propose a reduction for the purpose of saving the money, and trying to hold down expenses and balance the budget.

Further, we continue to pass bills that call for billions and billions of dollars of expenditures without any proper consideration of whether or not we have the money, or when, or how the funds can be paid.

These things are just not seriously considered any more, and not debated enough any more. I remember the time when they were debated here, and you could not casually just put even $1 million, much less $50 million, $100 million, or $500 million, into an amendment and get it passed.

Thus, the deficits continue to mount, and year after year the sum is added to the national debt, thus creating inflation and other problems for the future.

Some day, someone else will have to pay, and have to pay with compound interest. There are limits beyond which we cannot go.

Mr. President, I yield the floor.

Mr. BENNETT. Mr. President, I appreciate the comments of the Senator from Mississippi. I agree with about 90 percent of what he has said. I agree that we have been extravagant as a people. We, as a Congress, have voted money that we did not have. As he said, 54 times since the debt limit was written into the law in 1917, we have raised it. We have had to raise it. And we have to raise it now.

It seems to me that we are talking about two different things. We are talking about the self-discipline, either downtown in the administration or up here on the Hill, which will make it possible for us to live within the expected revenues; and we are talking about the process which was set up in 1917, under which we permit the Treasury to pay the bills we have created.

Prior to 1917, it was necessary for the Treasury to come to Congress every time it wanted to issue a new bond issue, and Congress was spending much of its time passing bond issues. In the middle of 1917, 3 months after we got into World War I, the Treasury and the administration and Congress realized that in time of war you have to be free to finance the cost of war, and sometimes you have to do it very quickly.

Having determined that, as a matter of operational convenience, the Treasury should be freed from this responsibility to come to Congress every time it had to issue new bonds or notes, Congress put into its bill a figure approximately 50 percent higher than the highest amount that Congress thought the Treasury would need, and nobody expected the Treasury to bump against that debt ceiling. In World War I it was not much of a problem. World War II was more of a problem, of course, and it became necessary to change that ceiling on numerous occasions.

When I first came to the Senate, I shared the belief that the way to control the cost of Government was to enforce the debt ceiling. But I realized very soon that this had absolutely no effect on the process of appropriation. We appropriate as we go along, without any consideration of the total amount of money we will appropriate. We do not say to ourselves, "We are going to spend $200 billion this year, and when we get up to that point, we will stop," because along the way we get many new and expensive ideas, and as a result, we have programs going at the end of the year that were not covered in the President's budget.

So, unlike most State legislatures, we have never bound ourselves to a limit on appropriations; and unlike all State legislatures, since the Federal Government is sovereign and can create money, we are not bound to stop appropriating when it looks as though the limit is near.

It is never a happy event for Congress when it faces the debt ceiling, as it has done 38 times with 54 changes in the debt ceiling. It always reminds us that the Government is spending beyond its means, and we are suddenly concerned about it, and we are looking for the answer. The hard answer is to stop appropriating. The easy answer is to say, "We won't raise the debt ceiling. Then the Government will bump its head, and then it can't spend any more money."

I read into the RECORD a moment ago the things that would happen if the Government found itself unable to meet its debts. Let me repeat some of them.

The savings bond program would grind to a quick halt. The Government could not replace the weekly bills it sells and on which it operates its current programs. It would very quickly exhaust its cash balance, and from that point on, it could not pay its bills. Let us say it could not pay all its bills. Then somebody would have to decide which bills would not be paid, or somebody would have to decide whether to pay pro rata, and that is an interesting complication.

There is another angle that most people do not realize. Billions of the Federal debt are held abroad. We have been encouraging our friends abroad to buy American securities, Government securities, and thus absorb or soak up the dollars that have been going abroad in ever-increasing volume since the end of World War II.

The reason why we had to increase the price of gold the other day and thus devalue the dollar is that so many dollars have gone abroad, and some of them are held in the form of Government securities, Government bonds. What are our friends abroad going to think of us when we have to say to them, "Gentlemen, we can't redeem these bonds of yours, because in order to do it, we would have to issue new bonds to somebody else; and under the law now, we cannot issue any new bonds"?

If one thinks the United States is in a position of weakness abroad today, think what that position would be if we allowed ourselves to get into the condition in which we had to say that the Treasury can no longer pay our debts and it can no longer borrow the money with which to pay them.

The large deficit which we have heard discussed so freely this morning, the current deficit, is attributable more to a decline in revenue from the sagging economy rather than from excessive spending. As a matter of fact, Budget Director Shultz testified before the Committee on Finance that appropriations voted by Congress were approximately the same in total as those requested by the administration.

If we were really logical and rational people in this situation, we would talk about increasing taxes; but that is not popular in an election year. Very few of us would have the courage to suggest it. So; naturally, we go on doing what the Government has done since the beginning and what it has done very generally since the end of World War II. We go into the market and borrow enough additional money to cover the difference.

Nevertheless, each time a debt ceiling bill is presented, many of my colleagues want to express their fiscal responsibility by voting against the debt limit. I did it myself a time or two, until I became a member of the Committee on Finance and came to realize the responsibility we have. In my judgment, while that sort of action may be a kind of emotional cathartic and may make us feel better and may make us feel that we have said what we have to say for fiscal responsibility and reduced costs of government, we go right on and participate in the appropriations process, which is the real key to this situation.

After the money has been committed, by passing appropriation bills, the Treasury Department should not be put in the position where it has to say to its creditors, "We are very sorry that the Federal Government authorized the sale you have made to it, but it has not given us the money with which to pay it." If there are insufficient taxes, as there are in the present economy, then the only recourse is to borrow, and when we borrow we increase the debt and bump our heads against the ceiling. That is what H.R. 12910 is all about.

Actually, if we were to get through the expenses and the deficits we know we are facing in the fiscal year 1973, the debt ceiling should be increased $50 billion because before the end of the year that is what we are going to face. But the House, in its wisdom, chose to increase it $20 billion and the Senate bill provides for the same increase, with the knowledge that by the first of July we must come back here again and talk about another increase. Otherwise we will then face the same crisis.

Now I very much enjoyed the point of view of my friend from Mississippi, the distinguished Senator from Mississippi (Mr. STENNIS), who is truly my friend and this is not just the usual Senate blarney. He said, "Let us not pass this bill today and then we can act quickly to do what we have to do."

Well, what we have to do, Mr. President, is to lift the debt ceiling. Whether we do it today or as a gesture do not do it today but come back next week and do it, in any event, it has to be done. It is the only way we can solve the problem unless, of course, the Senate is willing to take the ceiling off entirely. I doubt that we are ready for that.

We go on believing that the debt ceiling is a discipline. It is not a discipline. The fact that we have had to raise it or to change it 54 times indicates that. It is a process which was set in motion to relieve Congress from the responsibility of passing on every new bond issue.

As I have stated, if we pass this bill today, or if we defeat it and then come back next week and then pass it, we know we have to face the same thing with a request for additional authority in June.

I understand that Secretaries of the Treasury, over the years, have called this process their "annual flagellation," because they are forced to come up here in order to continue to carry out their constitutional responsibility. They are pretty well beaten over the head for the things for which they have no responsibility and for a situation which they cannot control.

As much satisfaction as I think we can get out of saying that it is wrong to run deficits, and it is too bad we are in this situation, I am going to end what I have to say by reciting a story that I told in the Finance Committee. It is a good story. It fits a lot of situations but I think it fits this one perfectly.

Mr. President, I will take you back to the old days of the open saloon, with a long bar, the proprietor of the saloon is up at the cash register and the bartender is down at the other end of the bar with one customer.

The bartender yells down to the proprietor, "Is Wallace Bennett good for a glass of beer?"

The proprietor replies, "Has he had it?"

The bartender says, "Yes."

Then the proprietor says, "He is good for it."

Mr. President, we have had the deficits and the situation now is that we have got to be good for them. We have got to face up to the situation that we ourselves have created. I cannot believe the Senate will reject this. They never have. Because, in the end, I think they realize that the consequences are very serious.

I hope that those of my colleagues who think that they will feel better if they have a chance to "flagellate" the Treasury Department will enjoy themselves. But we hope that when we come to the vote, the minority of the Senate will realize that we have had our "beer" and we must be good for it.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 979) to extend the act of September 30, 1965, as amended by the acts of July 24, 1968, and October 13, 1970, relating to high-speed ground transportation, by removing the termination date thereof, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on

March 1, 1972, the President had approved and signed the following acts:

S. 7. An Act to provide for the establishment of the Buffalo National River in the State of Arkansas, and for other purposes;

S. 1857. An Act to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended; and

S. 3122. An Act to extend certain provisions of the Federal Water Pollution Control Act through June 30, 1972, and others through April 30, 1972.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. NELSON) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT

The Senate continued with the consideration of the bill (H.R. 12910) to provide for a temporary increase in the public debt limit.

PRIVILEGE OF THE FLOOR

Mr. ROTH. Mr. President, at this time I ask unanimous consent that during the consideration of H.R. 12910 the following three staff members may be present on the floor: Nathan Hayward, Edward Barber, and Robert Davenport.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROTH. Mr. President, at a later time I desire to offer an amendment to H.R. 12910. I wish to speak for a few minutes, as I did the other day, on the issue of the President's request for an increase in the authorized ceiling of this Nation's Federal debt.

Prior to 1917, Congress was required to approve every issue of Federal notes and bonds, in essence, acting as a brake on the Government's outlays. But an amendment to the Liberty Bond Act during World War I gave the Treasury leeway to borrow up to specified amounts, at that time $7.5 billion in bonds and $4 billion in certificates of indebtedness—Treasury notes.

But as my distinguished colleague Mr. BENNETT has aptly pointed out on many occasions, Congress has acted 54 times since then to adjust this limit upward. I ask unanimous consent that the following table—which shows the legal debt limit from 1917 to 1971—be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE I.—*Authorized Debt Ceiling*

[Dollars in billions]

Year:	*Authorized ceiling*
1917	$4
1918	8
1919	10
1921	14
1929	24
1931	28
1934	38
1935	38
1938	45
1939	45
1940	49
1941	$65
1942	125
1943	210
1944	260
1945	300
1946	275
1954	281
1955	281
1956	278
1958	288
1959	295
1960	293
1961	298
1962	300
1963	309
1964	324
1965	328
1966	330
1967	365
1969	377
1970	395
1971	430

Source: Library of Congress Research Service.

Mr. ROTH. As one can readily see, this has not been a very sturdy roof. It reminds me more of a floating lid, which has risen over time as the Federal debt has swelled. And now in 1972, the President has asked that we impose another temporary increase to $450 billion, which, according to the Treasury's testimony, will last only until the end of this June.

The question then, Mr. President, is just how effective this statutory provision has been, or can be. The ceiling's original purpose was to impose a measure of discipline on the Federal budget. It was designed to control the Government's ability to spend by balancing its ability to borrow against its inclination to tax.

I think my colleagues here will agree this has been a very lax disciplinarian. In large part this results because the amount we must borrow is determined by a complex set of congressional appropriations and Executive decisions, over which the Treasury has little or no control. These spending actions have been made without due regard for the ceiling as a permanent fixture. In short, we have come to accept its upward mobility as a fact of budgetary life.

It is, perhaps, appropriate to note that the debt ceiling has been used, in part, as a political lever. Both parties, under many administrations, have threatened inaction or delayed consideration on necessary increases in order to exert influence in other areas. But these delay tactics have certainly helped to change the nature of the debt limit from its intended use as an important instrument of Federal fiscal policy.

Today, though, in the face of a $20 billion request for added debt capacity, our country faces the largest Federal deficit since World War II. I need not recount all the figures, but a glance at the budget document shows just how quickly outlays have risen in the past 10 years and how tax revenues have failed to keep pace with larger and more expensive Federal programs.

I think this point becomes clearer by looking at a table which shows the relationship between total Federal spending and total revenues. Mr. President, I ask unanimous consent that table II be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE II

[Dollars in billions]

Fiscal year	Total receipts	Total outlays	Receipts as a percent of outlays
1961	$94.4	$97.8	96.5
1962	99.7	106.8	93.5
1963	106.6	111.3	94.1
1964	112.7	118.9	94.6
1965	116.8	118.4	98.5
1966	130.9	134.7	97.0
1967	149.6	158.2	94.1
1968	153.7	178.3	86.2
1969	187.8	184.5	97.4
1970	193.7	196.6	97.9
1971	188.3	211.4	89.3
1972[1]	197.8	236.6	83.4
1973[1]	220.8	246.3	89.5

[1] Estimates.

Source: Budget for fiscal year 1973.

Mr. ROTH. Mr. President, it seems to me the only credible way to deal with this problem of burgeoning outlays is to face it with legislation putting a firm ceiling on expenditures, one that cannot be pierced even by uncontrollable programs which are admittedly difficult to forecast.

We in the Congress have not shown the willingness to achieve the same disciplined goal by indicating unwillingness to increase the debt ceiling. This index has been far too easily adjusted upward.

I have recently introduced a bill which would effectively curtail spending in fiscal year 1973. And I was truly gratified to receive the support of 48 of my colleagues for this motion.

I intend at a later time to offer my limited spending bill as an amendment to the administration's request for a new debt ceiling. We cannot expect any debt ceiling to last long if Federal outlays are not kept in line.

Mr. President, I cannot vote for any increase in this country's debt limit unless we have a firm grip on its expenditures, and I would urge my colleagues here in the Senate to withhold their support for more debt capacity until we have addressed the real source of this requirement and enacted a fixed limitation on Federal expenditures for the coming year.

Mr. President, as I say, I view this legislation as of the most critical importance that deserves the careful attention of every Member of this distinguished body. I think the importance of a spending limitation has been underscored on several occasions by important members of this administration.

At this time I would like to read a number of these statements. The first is a statement prepared by the President and issued on January 24, 1972. The President said:

> The budget I sent to the Congress requires spending more than we will collect in taxes.
>
> It will be a job-creating budget and a non-inflationary budget only if spending is limited to the amount the tax system would produce if the economy were operating at full employment.
>
> Those who increase spending beyond that amount will be responsible for causing more inflation.
>
> It is vital that the Executive Branch and the Congress act together to stop raids on the Treasury which would trigger another inflationary spiral.
>
> In submitting this budget I am therefore urging the Congress, before it considers any

appropriation bills, to enact a rigid ceiling on outlays that will prevent the government from spending more than the $246 billion requested in this budget. That ceiling on expenditures should apply equally to the Congress and to the Executive Branch.

We urgently need an absolute limit on government spending. Only thus can we end inflation, stabilize the economy and provide employment and real prosperity for all.

Mr. President, as I have indicated by reading the specific language of the President, he stands strongly behind the need for an absolute limit on Government spending. As he rightly says, if we are to end inflation and stabilize the economy, it is imperative that this Congress have the courage and the self-discipline to put a limitation that applies equally to itself and to the executive branch on Government spending.

Mr. President, we have also had a number of statements made before various committees on the need for a debt limit as well as the need for a spending limitation.

At this time I would like to read a statement by the Honorable John B. Connally, Secretary of the Treasury, who appeared before the Senate Committee on Finance, Monday, February 28, 1972, at 10 a.m.:

Mr. Chairman and Members of this distinguished Committee:

Your Committee is familiar with the general outline of the subject to be discussed here today and I will therefore keep my statement as brief as possible.

The temporary debt limit of $430 billion which the Congress last year provided the Treasury will soon be exhausted. Anticipating a need for an increase in Treasury borrowing authority, I appeared on January 31 before the House Ways and Means Committee to request that the temporary debt ceiling be increased by $50 billion to $480 billion through June 30, 1973. On the basis of our projections, this increase would have been adequate to meet our requirements through early 1973.

On February 9, the House passed H.R. 12910 which provides for a $20 billion temporary increase in the debt limit to $450 billion through June 30, 1972. Although the House of Representatives did not approve our request for the larger $50 billion increase, H.R. 12910 will meet our estimated needs through June 30 of this year. It is therefore a satisfactory resolution of the current need, assuming the Congrss wishes to deal with this matter again before mid year. We therefore specifically request that your Committee and the Senate act as a matter of urgency to approve H.R. 12910 as passed by the House, raising the temporary debt limit to $450 billion through June 30, 1972.

As background for this request, the President's budget projects, on the unified budget basis, a deficit of $38.8 billion for fiscal 1972 and a deficit of $25.5 billion for fiscal 1973.

These are huge deficits and no one can be happy about them. However, Federal budgets must be analyzed in the context of economic conditions and national objectives. The pace of our economic growth, while now substantial, has not been fast enough to produce the desired reduction in unemployment. Our objective therefore is to stimulate economic growth—sustainable economic growth—in order to reduce unemployment, while at the same time continuing to brake inflation.

We believe that the spending and taxing decisions set forth in the budget are appropriate in the light of present circumstances and objectives. Moreover, if this plan is carried out with discipline and determination, it will help lead to an improved budget position as we achieve our national goals.

Our fiscal 1972 budget deficit, projected at $38.8 billion, is substantially higher than the original estimate of $11.6 billion made in January 1971. The figures represent an adverse swing of $27.2 billion. The major portion of the change—$19.8 billion of it—results from a shortfall in estimated revenues. Some of this shortfall, $6.7 billion, reflects tax changes not contemplated in the budget a year ago. But apart from the consequences of legislation, our economic forecast for calendar 1971—on which the fiscal 1972 budget was based—was simply too optimistic. Total GNP, personal income and corporate profits were all significantly below forecast. As a result, tax collections are falling short in most categories including the big items: personal and corporate income taxes.

On the expenditures side, we are projecting in the current fiscal year expenditures of $236.6 billion or $7.4 billion above the original estimate.

For fiscal 1973, we are estimating outlays of $246.3 billion, only 4% higher than this year. At the same time, revenues are anticipated to rise to $220.8 billion, which results in a unified budget deficit of $25.5 billion.

This budget will return us to a "full employment" balance. In other words, budget expenditures are set at a level which is about equal to the revenues our present tax structure would produce at "full employment" of our economic resources. While actual full employment is not a realistic expectation for fiscal 1973, if expenditures can be held on this path, the deficit will shrink as the economy grows, and will disappear when we fully achieve our goals.

The size of the debt ceiling increase needed is determined not only by the results of the Unified Budget (which reflects transactions with the general public) but also by the amount of Treasury debt held by the Federal trust funds and other Government agencies. Since the trust funds are in substantial surplus and therefore acquiring Treasury debt, the necessary increase must be in excess of the size of the Unified Budget deficit. Changes in the debt are more closely reflected in the so-called Federal Funds Budget—which excludes the operations of the trust funds.

As the budget document shows, the Federal fund deficits for fiscal 1972 and 1973 are now estimated at $44.7 billion and $36.2 billion, respectively. As shown in Tables I and II, these forecasts can be translated into estimated Federal debt subject to limitation. On the assumption of a constant six billion cash balance, our peak fiscal 1972 level is $450 billion.

For this reason, H.R. 12910, setting a new temporary debt limit at $450 billion for the period through June 30, 1972, is fully acceptable to us. It should be recognized that this ceiling provides no allowance for unanticipated contingencies, and will meet our requirements only through June of 1972.

I shall not belabor the consequences for the Nation if the Treasury's borrowing capacity should be exhausted. A failure to obtain an increase in the debt limit will in a very short time force us to move to costly and uneconomic expedients to meet our obligations, and then to an abrupt cutting off of Government expenditures. As responsible public officials, we do not wish to contemplate such a possibility. Therefore, as our projections indicate, it is essential that the Senate take action to lift the debt limit in time for us to meet our early March borrowing requirements.

In the context of this review of our debt situation, I would also like to emphasize the importance of setting an effective limit on budget expenditures. It is the firm policy of this Administration, as enunciated by the President in his Budget Message that "Except in emergency conditions, expenditures should not exceed the level at which the budget would be balanced under conditions of full employment." This concept of a full employment balance was central to the budget decisions for fiscal 1973. Its meaning is simple. If one adheres to that objective, our deficits will disappear as the slack in the economy disappears.

Success in this effort is essential if our progress against inflation is not to be jeopardized. The result can and will be achieved by exercising vigorous restraint on spending. Our deficits must be reduced.

I believe a tight, effective, overall limit on expenditures, binding on both the Executive Branch and the Congress would help assure that goal.

Mr. Chairman, as in previous years we are furnishing your committee with updated statistical tables which relate Federal Debt to GNP, private debt, population and prices.

Mr. President, I think those two paragraphs are worth rereading, because they are very pertinent to an amendment I propose to offer at a later time. The Secretary of the Treasury says:

Success in this effort is essential if our progress against inflation is not to be jeopardized. The result can and will be achieved by exercising vigorous restraint on spending. Our deficits must be reduced.

I believe a tight, effective, overall limit on expenditures, binding on both the Executive Branch and the Congress would help assure that goal.

Mr. Chairman, as in previous years we are furnishing your committee with updated statistical tables which relate Federal Debt to GNP, private debt, population and prices.

Mr. President, I ask unanimous consent to have printed in the Record the statistical tables supplied by the Secretary of the Treasury which relate the Federal debt to the GNP, the private debt, population, and prices.

There being no objection, the tables were ordered to be printed in the Record, as follows:

TABLE I.—PUBLIC DEBT SUBJECT TO LIMITATION, FISCAL YEAR 1972

[In billions of dollars]

	Operating cash balance	Public debt subject to limitation
Actual:		
June 30, 1971	8.7	399.5
July 15, 1971	7.3	407.3
July 30, 1971	7.1	406.6
Aug. 16, 1971	4.6	410.8
Aug. 31, 1971	9.4	415.9
Sept. 15, 1971	5.5	416.2
Sept. 30, 1971	9.9	413.6
Oct. 15, 1971	4.6	413.9
Oct. 29, 1971	6.5	413.3
Nov. 15, 1971	4.1	416.5
Nov. 30, 1971	4.2	416.0
Dec. 15, 1971	5.2	422.2
Dec. 31, 1971	11.2	425.5
Jan. 17, 1972	7.4	426.4
Jan. 31, 1972	11.1	424.2
Feb. 15, 1972	6.4	425.7
Estimated:[1]		
Feb. 29, 1972	6.0	426.1
Mar. 15, 1972	6.0	433.6
Mar. 31, 1972	6.0	431.6
Apr. 17, 1972	6.0	440.3
Apr. 28, 1972	6.0	432.3
May 15, 1972	6.0	440.8
May 31, 1972	6.0	442.1
June 15, 1972	6.0	450.0
June 30, 1972	6.0	443.4

[1] Based on constant minimum cash balance of $6,000,000,000

TABLE II.—ESTIMATED PUBLIC DEBT SUBJECT TO LIMITATION, FISCAL YEAR 1973

[In billions of dollars]

	Debt with $6.0 cash balance	With $3.0 margin for contingencies
1972:		
June 30	443.4	446.4
July 17	450.0	453.0
July 31	453.0	456.0
Aug. 15	457.5	460.5
Aug. 31	461.1	464.1
Sept. 15	462.3	465.3
Sept. 29	457.9	460.9
Oct. 16	461.0	464.0
Oct. 31	462.1	463.1
Nov. 15	466.3	469.3
Nov. 30	468.7	471.7
Dec.15	469.7	472.7
Dec. 29	469.8	472.8
1973:		
Jan. 15	470.8	473.8
Jan. 31	470.6	473.6
Feb. 15	475.3	478.3
Feb. 28	478.1	481.1
Mar. 16	483.1	486.1
Mar. 30	482.5	485.5
Apr. 16	484.5	487.5
Apr. 30	478.2	481.2
May 15	483.8	486.8
May 31	486.8	489.8
June 15	486.0	489.0
June 29	479.3	482.3

TABLE III.—BUDGET RECEIPTS, OUTLAYS AND SURPLUS OR DEFICIT (-) BY FUND

[In billions of dollars]

	Fiscal year 1971 actual	Fiscal year 1972 estimated	Fiscal year 1973 estimated
Receipts:			
Trust funds	66.2	73.2	83.2
Federal funds	133.8	137.8	150.6
Deduct intragovernmental receipts	−11.6	−13.1	−13.0
Total unified budget	188.4	197.8	220.8
Outlays:			
Trust funds	59.3	67.2	72.5
Federal funds	163.7	182.5	186.8
Deduct intragovernmental outlays	−11.6	−13.1	−13.0
Total Unified budget	211.4	236.6	246.3
Budget surplus (+) or deficit (−):			
Trust funds	+6.9	+5.9	+10.7
Federal funds	−29.9	−44.7	−36.2
Total unified budget	−23.0	−38.8	−25.5

TABLE IV.—UNIFIED BUDGET RECEIPTS OUTLAYS AND DEFICITS (—), FISCAL YEAR 1972

[In billions of dollars]

	January 1971 estimate	Change to September 1971 estimate	September 1971 estimate	Change to January 1972 estimate	January 1972 estimate	Change to January 1972 over January 1971
Receipts	217.6	−13.1	204.5	−6.6	197.8	−19.8
Outlays	229.2	+2.8	232.0	+4.6	236.6	+7.4
Deficit (—)	−11.6	−15.9	−27.5	−11.2	−38.8	−27.2

Note: Figures are rounded and may not necessarily add to totals.

Source: Office of the Secretary of the Treasury, Office of Tax Analysis.

TABLE V.—CHANGES IN ESTIMATES OF FISCAL YEAR 1972 RECEIPTS FROM JANUARY 1971 BUDGET DOCUMENT

[In billions of dollars]

	January 1971 budget	Change to September estimate				September 1971 estimate	Change to January 1972 budget				January 1972 budget
		Economic and re-estimate	Legislation	Other	Total		Economic and re-estimate	Legislation	Other	Total	
Individual income tax	93.7	−2.4	−1.3	[1] +0.7	−3.0	90.7	−1.1	−0.6	[1] −2.5	−4.2	86.5
Corporation income tax	36.7	−4.6	−2.2		−6.8	29.9	−2.0	+2.2		+.2	30.1
Employment taxes and contributions	50.2	−.8	−1.7		−2.5	47.7	−.4	−.9		−1.3	46.4
Unemployment insurance	4.2					4.2			+.2	+.2	4.4
Contributions for other insurance and retirement	3.2					3.2			+.2	+.2	3.4
Excise taxes	17.5	−.1	−2.2		−2.3	15.2	+.3	−.3			15.2
Estate and gift taxes	5.3	−.1			−.1	5.2					5.2
Customs duties	2.7	−.1	+1.7		+1.6	4.3	+.1	−1.2		−1.1	3.2
Miscellaneous receipts	4.1					4.1		−.2	−.4	−.6	3.5
Total budget receipts	217.6	−8.1	−5.7	+.7	−13.1	204.5	−3.1	−1.0	−2.5	−6.6	197.8
Underlying income assumptions, calendar year 1971:											
GNP	1,065										1,047
Personal income	868										857
Corporate profits before tax	[2] 98										[3] 85

[1] Change in capital gains tax estimate.

[2] Before the effect of ADR.

[3] After the effect of ADR. Before the effect of ADR, the estimate would be $85,900,000,000.

Note: The figures are rounded and may not necessarily add to totals.

Source: Office of the Secretary of the Treasury, Office of Tax Analysis.

TABLE VI.—COMPARISON OF FISCAL YEAR 1972 RECEIPTS, AS ESTIMATED IN JANUARY 1971 AND IN JANUARY 1972

[In billions of dollars]

	January 1971 budget	Change to January 1972 budget				January 1972 budget
		Economic and re-estimate	Legislation	Other	Total	
Individual income tax	93.7	−3.5	−1.9	[1] −1.8	−7.2	86.5
Corporation income tax	36.7	−6.6			−6.6	30.1
Employment taxes and contributions	50.2	−1.2	−2.6		−3.8	46.4
Unemployment insurance	4.2			+.2	+.2	4.4
Contributions for other insurance and retirement	3.2			+.2	+.2	3.4
Excise taxes	17.5	+.2	−2.5		−2.3	15.2
Estate and gift taxes	5.3	−.1			−.1	5.2
Customs duties	2.7		+.5		+.5	3.2
Miscellaneous receipts	4.1		−.2	−.4	−.6	3.5
Total budget receipts	217.6	−11.2	−6.7	−1.8	−19.7	197.5
Underlying income assumptions, calendar year 1971:						
GNP	1,065					1,047
Personal income	868					857
Corporate profits before tax	[2] 98					[3] 85

[1] Change in capital gains tax estimate.

[2] Before the effect of ADR.

[3] After the effect of ADR. Before the effect of ADR, the estimate would be $85,900,000,000.

Note: The figures are rounded and may not necessarily add to totals.

Source: Office of the Secretary of the Treasury, Office of the Tax Analysis.

Mr. ROTH. Mr. President, at this time I ask unanimous consent, without losing my right to the floor, that I may yield to the junior Senator from Georgia.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. GAMBRELL. Mr. President, I thank the distinguished Senator from Delaware for yielding to me for the purpose of speaking to the several points which he has raised this morning.

I assume that everyone recognizes the necessity for increasing the debt limit. The President has sent us a budget which obviously is going to involve spending more money than we have to spend out of revenues. We are obviously going to incur some more debts, and those debts will obviously exceed the existing debt limit. So I would say that the passage of a debt limit bill is almost perfunctory, and hardly worth the time and effort of producing hearing records and a lot of discussion and debate. What we are really here about is the question of a responsible way in which to go about increasing our debt limit from year to year, and whether that is to be a perfunctory practice to be taken up at the beginning of every congressional session, or whether we may see some end to the practice over the years, sooner or at least later.

Possibly, if we are going to continue the practice that we have been following concerning debt limits, we ought to write it into the rules that no other business may be taken up by Congress from year to year until after they have increased the national debt limit by a sum sufficient to pay whatever additional debt may be incurred by Congress during its current session. Then we would not have to bother with the normal procedures, hearings and one thing and another, which just result in our increasing the debt limit anyway, and we would not have that hazard to overcome.

I would hope that most of us, including the President, who has some considerable responsibility in this area, would like to initiate a program for terminating this process at some reasonable future time, and maybe, in some millenium, paying off some of the debt. But that is not what we are here to talk about today.

What we are talking about, and what the issue has been in the discussion of this matter by the House of Representatives is, are we going to face up to fiscal responsibility, or are we simply going to let this year go past without doing anything about it?

The Senator from Delaware (Mr. ROTH), I think with the encouragement and backing of the administration, both last year and again this year has introduced legislation to put a statutory limit on the spending of the Federal Government. Why that should be a matter of great concern and send everyone scurrying for cover, and why it should raise grave questions and cause brows to wrinkle and a sense of great urgency to be felt about it I do not know, when there seems to be no urgency, no concern, and no desperation about increasing the debt limit anywhere from $30 to $40 or $50 billion.

The Senator from Delaware, in good conscience, and with the encouragement of the administration and, I might say, with the encouragement of the chairman of the Federal Reserve Board, Dr. Burns, who testified before the Joint Economic Committee and the Senate Banking Committee that he favored legislation of the type proposed by the Senator from Delaware—with the encouragement of all these high officials in the executive branch of Government, the Senator from Delaware has brought the question of a spending limit before Congress. I think, and I believe he thinks—and others in this body also think—that we should deal with that question simultaneously with, if not before, the question of the debt limit itself.

Of course, I have no way of knowing what the strategy of the administration is or what the strategy of the leadership in Congress is. I would hope the strategy would be, in the ultimate, to achieve fiscal responsibility. I do not see that in a bill which merely increases the public debt limit. The public debt limit, as I have noted previously, is something like issuing a death certificate in a plague. The issuance of a death certificate in a plague or at any other time is more or less a perfunctory matter. But the big problem in a plague, of course, is what is causing the plague and what can be done about the plague.

Why the Government should be concerning itself and spending time and energy issuing death certificates in economic disasters, I do not know.

We have just passed a measure decreasing the value of the dollar against gold. There, again, is a perfunctory act—to erect a tombstone over a dollar value that persisted for 30 or 40 years in our statutes. It became eroded, and everybody in the world knew it was devalued, and we aided in its devaluation through irresponsible fiscal and monetary actions. Finally, we came to the point where we passed a bill, recognizing that this has happened.

At no time and in no way does Congress or the President face up to dealing with the total economic problems that bring about economic disaster of that type.

It seems to me—and I expressed the opinion when the bill was before the Banking Committee—that while we are devaluing the dollar, we ought to commit ourselves to the people of this country and to the people of the world—the dollar being the cornerstone currency of world economic and trade relations—never to let such a disaster take place again.

We talk about the so-called Smithsonian agreements and how it was incumbent upon us to do something in a hurry in order to get up to par in the Smithsonian conversation. I do not profess to be a great international fiscal or monetary expert; but had I been sitting on the other side of the table when we were in those discussions, if I had been a representative of one of the other great trading nations of the world, I would have said, "OK, Uncle Sam, you go back and get this gold value straightened out, and come back here and commit yourself to a sound and responsible economic system."

How can we conduct our business in the world market—how can Japan, Germany, or other countries of the world conduct their business either braced up by the dollar or cornered by the dollar—when the dollar is going to be an irresponsibly managed and unreliable currency?

Had I been on the other side of the table, I would have insisted not only that the dollar be devalued but also that economic measures be taken in this country which would have assured that such a crisis did not occur again.

So, Mr. President, I think it is vitally important that somewhere along the line we face up to fiscal responsibility and to economic responsibility in this country and that we take measures which are necessary and urgently needed in order to achieve those objectives.

There have been several proposals in addition to that which the Senator from Delaware has brought before Congress along this line. The first of those was the Economic Stabilization Act of 1971. We got that done. We put our so-called vaunted free enterprise system under the most extensive and devastating set of controls that has ever been placed on a free enterprise economy in the history of the world, except in wartime.

We talk about free enterprise. Yet, wages, prices, interest rates, profits, dividends, and every other aspect of our economic life are under some form of control out of Washington. I was a strong supporter of that legislation. It was absolutely necessary. We had worked ourselves into a situation in which we had to have the controls. But we do not any longer have a free enterprise system in this country, with controls of that type. That was a step in the direction we needed to take. I have suggested that we consider the possibility of permanent legislation of that type—not that we stay permanently under controls, but that whenever our economy is so mismanaged that we again have the type of inflation we had during the past 3, 4, or 5 years, a set of controls would come on automatically.

I realize that that is quite a concession to Government control, to the type of things to which we have always been opposed in this country. But I do not think we should again put ourselves in the situation where Congress has to pass a law and then the President has to decide later when to exercise his discretion under that law, to bring about some stability in our economic system in this country.

When President Nixon finally put these controls on, I said at the time that I thought—and I still think—that he was at least a year or a year and a half late in doing so.

This type of stability introduced into our economic system gives our people and gives foreign governments with whom we deal and gives the entire economic system of the country and of the world some confidence upon which they can base their plans and their programs for the future. I would like to think that they would have some confidence in us without any controls, and I would like to think that we had economic guidelines in this country upon which others could look and say: "The U.S. Government is not going to get out of hand economically, and we can plan without hedging; we can lend money without going into inflation, with interest rates and other things of this type which have been going on for the last 4 or 5 years."

We have a problem in this country of what at home I would call "running the rabbit." We had hearings yesterday and the day before in the Banking Committee with respect to the efforts of the Housing and Urban Development Department to regulate what is known as settlement costs in real estate transactions. During the so-called tight money days of the late 60's and early 70's, a number of practices arose connected with real estate transactions in which discounts were charged on loans, and there were other inflated items of cost connected with real estate closings that became evident in Government—subsidized and protected real estate activities such as the FHA and Veterans' programs. I was in the field when all this was going on. I was not in Washington reading statistics. I was there, actually involved in these closings. I was not only a lawyer for some of the lenders but I was even a borrower myself. I tried to borrow money personally to buy a house under these circumstances. I have worked with others who were borrowing and lending in the field. The whole problem of settlement costs arose because money was tight and hard to get. A fellow that wanted to borrow money could be charged almost anything—as a discount, closing cost, survey fee, abstract charge, title insurance—anything else one wanted to charge him. If he could get that loan, he would pay any price to anyone, whether honest or dishonest. That is all there is to the settlement cost controversy.

Yet HUD has spent a year and written two volumes about 6 inches thick each, telling us how to straighten that out.

I would like to see a volume 6 inches thick telling us how to straighten out the whole economy of the country so that we do not have to have tight money and so that we do not have problems of that kind.

To me, it is a disgrace. We cannot "run the rabbit" when we have a 6-inch thick report on how to straighten out closing costs, when, in fact, they may have gone up 50 percent. In other words, 1 percent of a total real estate transaction has gone up 50 percent. That means it has gone up to where it was 1½ percent more on the original. At the same time, the cost of the money went up by almost 100 percent—that is, the interest rate almost doubled. Construction costs went up by at least 20 to 30 percent, and every other cost associated with it—land, everything else, went up at the same time, as a result of tight money.

In other words, to blame the whole problem of real estate transactions on closing costs is absolutely "running the rabbit" while the big game got away. The big game was the loss of economic and fiscal responsibility in this country. That is what we are trying to begin to get at here today with the amendment which the distinguished Senator from Delaware (Mr. ROTH) proposes to offer to the bill.

I would say it would be a national disaster if the debt limit bill were to pass in a perfunctory way, to pass because it had to be passed, with nothing to be said and nothing to be done about the basic problem of adjusting our fiscal and our economic policies in this country.

Mr. President, as I mentioned earlier, wage and price control legislation is one of many things that has to be done in order to cope with our economic problems. Also, of course, the revaluation of gold and the debt limit increase which we are talking about today are two others, but they are simple. They are things we have to do. They are things that recognize what is already taking place. What we need to face is what we will do about things that come up in the future, the basic illness, the basic disease that brings us to having to take what amounts to perfunctory steps in legislation.

I might mention a few, such as the suggestion I made that we have permanent economic stabilization laws which are triggered into effect automatically in the event of a certain amount of inflation.

I know that the distinguished Senator from Wisconsin (Mr. PROXMIRE) has made proposals relative to increases of productivity in this country. Of course the Stabilization Act this year contains some voluntary productivity provisions whereby, hopefully, a productivity commission could encourage people to do different things. Perhaps, some time down in the distant future, if it is not too late, productivity would be improved.

What we need is something. It may not be one bill. It might be 10 bills. But we do need legislation which would assure us that productivity kept up with inflation; or to put it another way, so that inflation did not get ahead of productivity in this country.

Another proposal, and I am not suggesting that any of these things should be enacted in the form in which they have been put before us, but they should be studied and hearings should be held.

The distinguished Senator from Tennessee (Mr. BROCK) and the distinguished Senator from Texas (Mr. TOWER) have proposed that adjustments be made in the provisions of law relative to prevailing wages in the construction of housing.

I am not saying that their bill should be passed but I am saying that something should be done about that proposal. It should be studied and worked out. If the mandatory cost of construction that we build into Federal programs is a factor in inflation, it should be removed.

The distinguished Senator from Oregon (Mr. PACKWOOD) introduced legislation in connection with the dock strike which would deal with the problem of chronic transportation strikes.

I do not say that his bill should be passed in that form, or that there should be compulsory arbitration, but I do say that there is no doubt in my section of the country, and in many other sections of the country, that the chronic economic problem affecting the value of prices, supply, of agricultural products, is tied in directly with dock strikes and with transportation strikes. We need some way of assuring our farmers that their products will get to market, whether the market be overseas or the domestic market, but that it not lie around and rot and spoil at the harvest season because there happens to be a strike.

I do not say that is something for me to settle, or for the Senator from Oregon to settle. Basically it should be settled between the farmer and the dock worker, or between the farmer and the transportation worker. But if anyone is to settle it and come in and tell us how we can avoid the economic waste that results from that kind of situation, then I would say that Congress has got to settle it.

Mr. President, I also can see that very easily we should have some legislation or some change in the rules of Congress relating to systems of appropriations. This is not news to Members of the Senate. I doubt whether it is news to the public. But there is no control over the gross appropriations made by Congress in terms of how much money we have to spend.

We pass five, six, eight, 10 different appropriation bills, and when I am voting on one, I do not know what the next one will have it in. I have no way of knowing. I can make a guess. But how do I have any influence in casting my vote on whether we overspend our revenues in this Government? The only way I can be assured of doing that is by voting against every appropriation bill that comes along. I can assure myself this year that that is the only way we will have any responsibility, because we already know we will spend more than we are going to take in. That is why this bill is presently before us. We have to arrange or prearrange to spend more money than we take in. I do not care whether we call it a full employment deficit, whether we call it pump priming—or whatever we call it—we have that in front of us. No one has told us, if we do this, that we are assured of being back on a sound basis next year, or the next year, or the year after that. All we know is, it is an obvious way of achieving some increase in productivity.

But, suppose we do not? Suppose we do not? How many years do we go through a so-called full employment budget hoping that we come out with a better economy the next year? Actually, we cannot legislate in this country directly. What this country needs more critically in terms of economic reform than any other one thing is the confidence of the American people and the confidence of people around the world that our economy will be well managed.

Right today, although interest rates are going up and business projections are supposed to be better, at the same time the rate of savings is going up. People are saying, "Next time I get my hands on a dollar, I will save it. I will not spend it."

That attitude—and I do not blame anyone for having that attitude—is understandable. The last time, for 4 or 5 years when we spent money hand over fist, we got into economic difficulties, and as a result people lost their jobs. The people are now saying, "Next time I lose my job from mismanagement, I am going to have some money in the sock somewhere."

That attitude results in not having a growing economy. People are saving rather than spending. We have a lack of confidence in the American economic system to go forward and be efficiently and responsibly managed.

I would say that what we need to do and what we should do is to get into, as rapidly and as directly as we can, the introduction of some curbs on ourselves. We need to tell this country and to tell the business community of this country and the people of this country that during this year, the coming fiscal year, if the President says that we do not need any more than x dollars to spend, we will tell him that we are not going to spend more than x dollars, that that will be the law and a guideline that we will set for ourselves and will live by.

That bill could be just like the debt limit. We could come in later and increase the spending limit. If we agree to the Roth amendment and then come in next June or July and increase the limit, we might as well forget the whole thing.

I think it should be considered now and be part of the whole discussion and debate as to whether there are not some constitutional restrictions that can be introduced into this system along the same line, so that we cannot perfunctorily increase our spending limit after this action.

All I am saying is that the debt limit proposal should be a reasonable proposal. Now we change it coming and going. Every year the first act to be taken is to increase the debt ceiling so that we will be sure to have plenty of money available for whatever we want to spend. I suppose that the spending limit proposal could fall into the same category. Nevertheless, I still congratulate the Senator from Delaware for making an effort to bring new measures of fiscal responsibility into our economic system.

Mr. President, I wanted to call to the attention of the Senator some remarks which are contained in the testimony of Mr. Gardner Ackley before the Joint Economic Committee which hearings were held back in August of 1971, shortly after the new economic proposal was announced.

Mr. Gardner Ackley testified before the joint committee. He testified on a number of things. And they had a very broad colloquy after the testimony in regard to his views of the economy and the future requirements and necessities. However, he said that in the area of inflation control, the immediate, next step must be to replace the freeze with an effective incomes policy. And presumably we have done that with the Stabilization Act of 1971. Then he goes on and says—and I think this is where we are now:

> But beyond that, an incomes policy must be buttressed by a whole range of further institutional changes. Some of these necessary changes will be as difficult to accomplish as the designing and acceptance of an effective incomes policy. I hope that some of them will be on this committee's agenda for future hearings.

Mr. President, if we cannot pass a spending limit bill here in short order or in just as short order as we pass a debt ceiling bill, then I would say it will be a little harder than Mr. Ackley forecasts, because we got the Stabilization Act and the incomes policy enacted within 2 months after that. But this has been going on 3 or 4 months now, and we have not even scratched on the so-called institutional changes.

I also call to the attention of the Senate some material that I had printed in the RECORD on Wednesday of this week, March 1, when there was a colloquy conducted on the floor between myself and the senior Senator from Virginia (Mr. BYRD), the senior Senator from Wisconsin (Mr. PROXMIRE), the Senator from Tennessee (Mr. BROCK), and the Senator from Delaware (Mr. ROTH) concerning the identical subject. The testimony I have in mind in particular referring to at this time concerns the comments of Dr. Burns both before the Committee on Banking, Housing, and Urban Affairs, and before the Joint Economic Committee.

Dr. Burns also testified in reference to the gold price legislation. I asked him a question along the lines that I have been discussing here this morning, concerning whether there were not actions that needed to be taken. Dr. Burns, in effect, said "Yes." He then began to discuss some. He discussed with me my proposal for a permanent system of stabilization. However, he also said:

> There is another proposal which is before the Congress. The President has recommended and Senator Roth has advanced it in the Senate, and many of your colleagues, I understand, are supporting Senator Roth in that effort.

I said: "This is the spending limit proposal?"

Dr. Burns said:

> I think it is highly important to have finally in this country a legislative budget ceiling, a budget ceiling that would apply to the Congress, that would apply to the executive, and that would admit of no escape passage whatever. I think that would reassure this country. It would reassure people abroad. It would have precisely the broad, beneficial consequences that you have in mind, Senator.

I do not know of a more sweeping endorsement of any piece of legislation that is pending before this Congress today than that which Dr. Burns gave to the Roth proposal. And, Mr. President, I think that, as he said, with the President's support, it should indicate the urgency of dealing with this problem at the earliest possible time.

Mr. President, might I inquire of the Senator from Delaware if he would be interested in continuing the debate at this point?

Mr. ROTH. Yes, I would be.

Mr. GAMBRELL. Mr. President, I am scheduled to take the chair at this time. So, for that reason, I yield the floor back to the Senator from Delaware.

Mr. ROTH. Mr. President, I thank the Senator from Georgia for his valuable contribution. I strongly agree with his statement that the enactment of an increase in the statutory debt limit should not be a matter of perfunctory action on the part of the Senate. I say that because I think on the question of developing a stable growth economy, and by stable I mean a growth economy that is not accompanied with inflation, it is important that we spend considerable time considering what the appropriate action is today.

Much of our action in the Senate, or in the Congress for that matter, is based on how much more money should we spend as part of the Federal budget. I would say far and away the majority of our time is directed toward that end. I think it is important that we make it crystal clear to the American public, whose confidence we must have if we are going to overcome the problems facing our Nation, that we view this problem of deficit spending with the gravest concern, that we intend to take action to bring it under control, and that we are not going to continue past error in the future.

Again, to highlight the importance of holding down spending I would like to read at this time a statement by George P. Shultz, Director of the Office of Management and Budget, in his appearance before the Committee on Finance:

> Secretary Connally has explained the need for an increase in the statutory debt limit. I want to support the request for the increase. My remarks will focus primarily on the implications of the current budget estimates for fiscal years 1972 and 1973.
>
> THE BUDGET OUTLOOK
>
> Although the outstanding debt and the debt limit depend on the receipts and outlays of Federal funds—a concept similar to the old administrative budget—the unified budget, including the trust fund transactions, is more closely related to the impact of the Federal Government on the national economy.
>
> On a unified budget basis, the budget that was sent to the Congress on January 24 estimated that there would be deficits of $38.8 billion in 1972 and $25.5 billion in 1973.
>
> These deficits, which will play a vital role in providing the stimulus needed to expand production and reduce unemployment, represent our confidence in the economy's ability and capacity to respond to sensible stimulation.
>
> Because of the size of these deficits, we are ever more watchful of the rise in Federal outlays. Reflecting the careful scrutiny of Federal programs, the budget for 1973 is held to full-employment balance. This will diminish stimulation as prosperity takes hold and act as a barrier against the renewal of inflationary pressure.
>
> The 1972 budget is expected to be $8 billion in deficit on a full employment basis. The size of this deficit is a potent danger signal, for the lessons of the late 1960's clearly warn that large full-employment deficits in both 1972 and 1973 would lead to the risk of renewed inflation. Both the Congress and the Executive Branch must, therefore, hold a tight rein on the growth of outlays.
>
> In the formulation of the President's 1973 budget that discipline has been imposed on the growth of outlays. Spending is expected to rise only $9.7 billion, only about a 4% increase from 1972 to 1973. This compares with average annual increases in outalys of 17% from fiscal year 1965 to fiscal year 1968 and about 9% from fiscal year 1969 to fiscal year 1972. Between fiscal year 1972 and fiscal year 1973 receipts are estimated to increase by $23 billion, primarily because of increased economic activity. As a result, the present

> estimate is for the 1973 budget deficit to be substantially less than the 1972 deficit—about $25.5 billion.
>
> To make certain that the 1973 budget does not breach the full employment principle, the President has proposed to the Congress that a rigid ceiling on 1973 spending be established before any 1973 appropriations bills are passed.

I consider that sentence to be perhaps the heart of Mr. Shultz' statement, when he said that:

> To make certain that the 1973 budget does not breach the full employment principle, the President has proposed to the Congress that a rigid ceiling on 1973 spending be established before any 1973 appropriations bills are passed.

It seems to me perfectly obvious that now is the logical time, both from the legislative point of view and from the standpoint of meeting this standard, to attach such a rigid ceiling on 1973 spending to the debt ceiling. As I indicated in my earlier statement, the debt ceiling has, in fact, failed in its purpose of being disciplinary on both congressional and executive action. It is essential that we develop new tools or new techniques to help bring into control deficit spending. Therefore, one of the most important things Congress can do this year is to adopt the very rigid ceiling that the President himself requested.

To go back to Mr. Shultz' statement:

> The outlays of $246.3 billion proposed by the President in his fiscal year 1973 budget are sufficient to provide the stimulus needed by the economy. We must remember that this stimulus will occur at a time when we believe we will be making substantial progress toward full employment. Indeed, the economic indicators are already registering encouraging progress. For that reason, it is essential that we assure ourselves now, by putting a statutory ceiling on spending, that the stimulation we provide through the 1973 budget will not be excessive.
>
> The spending ceiling the President requests is simple, straight forward, and all inclusive. Past experience indicates that such a ceiling will be necessary to hold the budget outlays and the debt subject to limit within present estimates.

Mr. President, the amendment I propose to offer at a later time is a simple spending ceiling; it is straightforward, all-inclusive, applying to all expenditures, controllable or noncontrollable.

As Mr. Shultz indicates such a ceiling is necessary to hold the debt limit within the present limits. At a later time during the day I intend to show by actual figures how we have failed to hold down budget outlays, how we have been inaccurate in our predictions of revenue and expenditures.

I might say that this has been a blow to both Democratic and Republican administrations. Everyone will have to share the blame. Both branches of government, the executive, of course, and certainly the legislative, have to take a large part of the blame for failing to demonstrate the self-discipline that is going to be necessary if we are going to work our way out of the economic problems faced by our Nation.

Mr. Shultz continues:

> On a Federal funds basis, the basis that determines the debt subject to the statutory limit, the budget totals are set forth below:

FEDERAL FUNDS RECEIPTS AND OUTLAYS

[Fiscal years, in billions]

	1971 actual	1972 estimate	1973 estimate
Outlays (by agency):			
Department of Defense military functions and military assistance	$75.5	$75.8	$76.5
Department of the Treasury:			
Interest on the debt	21.0	21.4	22.7
Revenue sharing		2.2	5.0
Other	.1	.6	.1
Department of Health, Education, and Welfare	21.3	26.1	26.4
Veterans Administration	9.5	10.7	11.6
Department of Agriculture	8.6	11.6	11.0
Allowance for civilian agency pay raise		.3	.8
All other	27.7	33.8	32.7
Total	163.7	182.5	186.8
Receipts	133.8	137.8	150.6
Deficit	29.9	44.7	36.2

> Note that on a Federal funds basis, total outlays in the fiscal year 1973 are estimated to rise by $4.3 billion, compared to an increase of $18.8 billion in 1972.

THE UNIFIED BUDGET

> This is the fifth year that the budget has been presented on the so called "unified, comprehensive" basis. Prior to the adoption of the unified budget, several competing concepts were commonly used. The resulting confusion made it very difficult for outside experts, as well as the general public, to keep abreast of the Government's financial affairs. A bipartisan Presidential commission studied the matter in 1967, and concluded that a unified, comprehensive accounting that embraced both Federal and trust would be the best single measure of the budget. Since that time, the unified budget has been used by the President in transmitting his budget proposals to the Congress.

Mr. President, later on in presenting my amendment, I will make reference to this so-called comprehensive accounting. It is true that in certain particulars this method can be helpful in analyzing the impact on the economy, but I think, unfortunately, the incorporation of trust funds has the adverse effect of minimizing the actual Federal deficit.

As you well know, Mr. President, trust funds are collected for a particular purpose, and that is the only use to which they can legally be put. These trust funds are established by congressional mandate, and, of course to try to claim that we are spending less money because of the off-setting surplus in these funds is indeed, in my estimation, budgetary gimmickry. This practice, I say, has been used in both Democratic and Republican administrations and it can serve certain useful purposes, as I have already indicated, but on the whole the impact of it is to make it appear that deficit spending is actually less than it really is.

Mr. Shultz points out that:

> The unified budget effectively indicates how the budget carries out its basic functions of resource allocation and economic stabilization. It shows the total spending by the Federal Government, rather than just the spending from the Federal funds. Similarly, it reports the total amount of taxes collected from the American people for whatever purpose. To include just the Federal funds portion of the unified budget and ignore the finances of the trust funds would present an incomplete picture from the standpoints of economic analysis and full disclosure to the American people. This is why we believe that the unified budget is the most useful measure of the Government's finances.

FEDERAL DEBT SUBJECT TO LIMITATION

> The concept of Federal debt subject to limitation is roughly consistent with the "administrative budget" concept that was used until the 1969 budget. It is also generally similar to the Federal funds part of the unified budget. For this reason, changes in the Federal debt subject to limit are more closely related to the Federal funds surplus or deficit than to the unified budget surplus or deficit.

FEDERAL FUNDS FINANCING AND CHANGE IN DEBT SUBJECT TO LIMIT, 1971–73

[Fiscal years, in billions]

Description	1971 actual	1972 estimate	1973 estimate
Federal fund surplus (—) or deficit	$29.9	$44.7	$36.2
Means of Federal funds financing other than debt:			
Increase (—) or decrease in deposit fund balances	—.9	.1	1.5
Seigniorage on coins (—)	—.4	—.5	—.5
Increase or decrease (—) in cash balances and other means of financing (net)	—3.6	.6	.4
Total, means of financing other than debt	—5.0	.2	1.4
Increase or decrease (—) in Federal funds investment in Federal debt	2.0	1.4	—.2
Decrease or increase (—) in other Federal debt not subject to limit (net)	—.8	.2	—1.5
Change in debt subject to limit	26.1	46.5	35.9

> It is repeatedly said that the budget deficit would be much bigger if we did not use the trust funds surplus to reduce it. Actually, the trust funds have a surplus only because of very large payments by the Federal funds to them. These payments are mainly interest on the Federal securities held by the trust funds, the Federal Government's contribution as employer to its employees retirement fund, and Federal contributions for such groups as the elderly and the long-term unemployed. As the following table shows, trust fund payments to the public exceed trust fund income received directly from the public.

BUDGET SURPLUS OR DEFICIT (—) BY FUND GROUP

[Fiscal years, in billions]

Description	1971 actual	1972 estimate	1973 estimate
Federal funds:			
Transactions with the public	—$18.5	—$31.8	—$23.3
Transactions with trust funds	—11.4	—12.9	—12.8
Total	—29.9	—44.7	—36.2
Trust funds:			
Transactions with the public	—4,6	—7.0	—2.2
Transactions with Federal funds	11 4	12.9	12.8
Total	6.8	5.9	10.7
Budget total:			
Federal funds	—29.9	—44.7	—36.2
Trust funds	6.8	5.9	10.7
Total budget surplus or deficit (—)	—23.0	—3.88	—25.5

As I have indicated, the facts are that while there are surpluses in these trust funds, these surpluses, by and large, are mandated for a specific purpose such as the Director has indicated, for the Federal Government's contribution to

Federal employees' retirement or for contributions to funds such as for the elderly and unemployed. The fact remains that they cannot be used for other purposes, and to borrow them for ordinary expenditures and try to assert that they must not be paid back for the purpose for which they were collected is indeed misleading.

Mr. Shultz continues:

> CONCLUSION
>
> Secretary Connally has discussed the need for the proposed increase in the statutory Federal debt ceiling. I fully support his recommendations and wish to underscore the continuing need for prudent management of our public finances.
>
> Adjustment of the debt ceiling is consistent with, and necessary to, meeting the national objectives that have been acknowledged by both the Congress and the Administration. At the same time, we recognize that an increase in the debt ceiling brings with it the need for greater fiscal responsibility. We, therefore, intend to maintain a disciplined vigil on spending in order to insure that our limited financial resources are employed in a prudent and effective manner. That is why the President proposed a rigid ceiling on outlays.

Mr. President, I think at this stage it might be worthwhile to give a brief history of public debt limitation and some of the arguments for and against it. As I stated earlier, on February 17, 1971, John B. Connally, Secretary of the Treasury, accompanied by George P. Shultz, Director of the Office of Management and Budget, appeared before the Ways and Means Committee, House of Representatives, U.S. Congress, to present the administration's request to raise the public debt limit by $40 billion to an overall ceiling of $435 billion.

This increase was the largest single increase requested in the debt limit since the period of World War II, when the debt ceiling was raised four steps from $65 billion in February 1941 to $300 billion in April 1945.

The House Ways and Means Committee favorably reported the bill, H.R. 4690, House Report No. 92–13, on February 22, 1971, to increase the public debt limit.

However, in H.R. 4690, the Ways and Means Committee did not favorably report the overall increase to $435 billion requested by the administration. Instead the bill (H.R. 4690) provided for an overall increase of $35 billion to a total of $430 billion. The permanent debt limitation was raised from $380 billion to $400 billion. The temporary addition to the public debt limit was increased from $15 billion to $30 billion, the temporary increase to be effective from enactment of the legislation to June 30, 1970. Thus the overall debt limitation was increased by $35 billion to a total of $430 billion from date of enactment of H.R. 4690 to the end of fiscal year 1972. Effective July 1, 1972, the debt limit will drop to $400 billion if further action is not taken in the interim.

On March 3, 1971, the House of Representatives, by a vote of 227 to 162, approved the bill (H.R. 4690) providing for an overall increase in the public debt to $430 billion. Also included in the debt limit bill was a provision that permits the U.S. Treasury to sell long-term U.S. obligations in an aggregate amount not exceeding $10 billion without regard to the statutory 4.25 percent limitation on the interest rate on long-term bonds. This limitation on the rate of interest that can be paid on long-term public debt securities has forced the U.S. Treasury to resort to short-term financing entirely to refinance the portion of the public debt maturing annually since the mid-1960's. This provision of the bill was approved separately in the House of Representatives from the debt limit provision on a teller vote of 211 to 180.

The bill (H.R. 4690) was then referred to the U.S. Senate. On March 9, 1971, the Senate Committee on Finance favorably reported H.R. 4690 (Senate Report No. 92–28). The Senate approved H.R. 4690 on March 12, 1971. The President signed into law H.R. 4690 (Public Law 92–5) on March 17, 1971.

This act raised the permanent public debt limit from $380 billion to $400 billion. Also contained in the act is a proviso to temporarily increase the public debt limit by $30 billion effective on date of enactment to June 30, 1972. This would have the effect of setting the temporary public debt limit at $430 billion.

Since 1954, the question whether to raise or not to raise the public debt limit has become an almost annual debate confronting Congress and the American people. This question generates considerable discussion each time it comes up for consideration. Congress has passed bills to raise the public debt limit four times during the past 4 years.

Mr. President, I do not think there is any record that demonstrates more fully the complete lack of financial discipline that has been shown by our Federal Government over the years. In fact, since World War II we have seen that time and again the practice has been for the Federal Government to spend more than it receives in revenue. I think it is most regrettable that it has been absolutely necessary for Congress to raise the public debt limit four times during the past 4 years.

For the first 128 years of our national existence, there was no statutory limit as such on the amount of Federal securities that could be outstanding. There was, however, statutory authorization for each issue of securities. A statutory limitation on the amount of debt outstanding was started in 1917, when really large-scale borrowing became necessary in World War I.

Borrowing since the first limitation was established has increased the debt by more than $400 billion, about 130 times its pre-1917 amount, and many upward adjustments of the debt limit have been made to accommodate or control the World War II and postwar financing of the Federal Government.

In the light of these facts, is there any justification for a national debt limit? Should Congress establish a permanent debt limit, and refuse to adjust it upward except in case of a national emergency? What would happen if Congress simply refused to raise the ceiling on the Federal debt? Does the debt ceiling exercise any influence on the level of the public debt? Is the raising of the debt ceiling the cause of an increase in the national debt, or is it rather the effect of an increase?

Some people have termed the public debt limit a hallmark of fiscal integrity, and the last hope for control of Federal expenditures. Others have gone to the opposite extreme, and dubbed it an invitation to costly and misleading fiscal maneuvers. Some contend that it is ineffectual as a limitation on the Federal debt, and only serves to create inefficiency in management of the national debt.

The public debt limit is a statutory ceiling or maximum limit established by legislation on the total amount of Federal Government securities that may be outstanding at any one time. The Constitution grants to Congress the authority to control Federal indebtedness, to appropriate money, and to provide for the collection of revenue. It provides that:

> SECTION 8. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States. . . .
>
> To borrow money on the credit of the United States;

This is provided in article I, section 8 of our Constitution. In article I, section 9, it continues:

> No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

Prior to World War I, as I have indicated, Congress took an active role in the management of the public debt by establishing the interest rates that could be paid, and specifying the type and often the maturity dates of Federal Government securities to be issued. However, due to the large scale financing and the increasingly complex financial structure of the economy, and in part to simplify matters, Congress enacted a Second Liberty Bond Act in 1917. This was the original legislative basis of our present debt limit statute.

This law pulled together some of the enacted borrowing authority from previous acts. It authorized the Treasury to issue bonds "not exceeding, in the aggregate, $7,538,945,460." In addition, Congress authorized the Treasury to issue certificates of indebtedness up to the amount of $4 billion at any one time.

During World War I, as Government expenditures exceeded Government revenues and substantial deficits were incurred, Congress followed the simple procedure of amending the Second Liberty Bond Act whenever new authority was needed. This authorized the Treasury to issue whatever securities were deemed necessary to provide the funds to finance the war effort. Through this means, the authorized debt limit increased with each enactment, and the debt of the U.S. Government grew to $26.9 billion before the end of World War I.

This amendment procedure has been followed ever since. However, until 1941, Congress authorized a public debt limit in various amounts specified for bonds, for bills, for certificates, and for notes. On February 19, 1941, the public debt limit authority was consolidated in one total figure for all types of Government securities outstanding. This was set at $65 billion.

Mr. President, I should like at this time to read a statement by the distinguished junior Senator from Tennessee (Mr. BROCK):

> Mr. President, there are few subjects which Congress has talked about more and done less on than federal spending. Congress now has this opportunity to take action by passing the Roth amendment—

It is an amendment which I intend to offer later—

> The nation is looking to Congress for some consistency of action. In the closing months of the 1st session of the 92d Congress, we voted continuation of the wage and price control authority. The purpose of this action was to confirm the intention of Congress that inflation must be stopped. This action shored up some Americans sagging suspicions about Congress' sincerity of intentions to stop inflation. This action said to the American housewife Congress was serious when it promised to stop the inflation; Congress will do all in its power to keep private wage and price actions in reasonable limits, to protect the nation's purchasing power.
>
> Congress must now redeem the pledge and keep faith with the American public by placing a limit on its own spending.
>
> The past three years reveal a cumulative deficit of $87 billion the effect of which no amount of full employment rhetoric can undo. For the period FY '71 through '73 the gross federal debt will increase by $110 billion to $493 billion. The national debt held by the public will swell by 30 percent for the same period.
>
> In FY 1972 the projected full-employment budget vanished into an $8.1 billion full-employment deficit. Although we have a forecast surplus for FY 1973, it is imperative that Congress and the Executive be restrained by a specific, air-tight limitation on spending.
>
> The situation has been severely complicated by a combination of factors, especially additional spending programs authorized by Congress far in excess of available revenues.
>
> Every year the President has been in office the Congress has appropriated far more than the budget request. The first year in office the President was given new legislative authorities by Congress $4.7 billion in excess of budgetary requests and outlays for new programs of $1.4 billion. During the second year of this administration, Congress showed some restraint by overspending the budget requests by slightly more than $1.3 billion. At the close of the first session of the 92d Congress, Congress had overspent the budget by $3.8 billion.
>
> President Nixon has recommended the Congress establish the statutory ceiling for FY '73 contained in the Roth Amendment.
>
> Further, he has emphasized that such a ceiling will apply equally to the Congress and the Executive. In support of the spending limitation concept, he has urged the Congress to enact a rigid ceiling on expenditures before it considers any appropriations measures. Such a ceiling will insure that this government will not continue to overspend itself.

Mr. BENNETT. Mr. President, will the Senator from Delaware yield at that point?

Mr. ROTH. I yield.

Mr. BENNETT. Does the Senator from Utah understand correctly that the Senator from Delaware is considering an amendment to reduce the figure from $20 to $15 billion?

Mr. ROTH. This Senator, at a later time, may offer such an amendment. We have made no firm decision on it.

Mr. BENNETT. Does not the Senator realize that means, instead of coming back on the first of July, the Treasury will have to come back about the 15th of May and we will be facing the same problem that came up earlier?

Mr. ROTH. Yes. The Senator from Delaware is aware of that problem.

Mr. President, support of the pending Roth amendment is essential to our economic health. The debt limit has not been an effective discipline on Federal outlays. It has now been amended 54 times in its history and, if the Roth amendment is not adopted, we will surely be faced with extending the allowable debt in the near future.

Every Member of this body must recognize that, without such realistic restraints, the plague of inflation will continue its stealthy raids on the pocketbooks of every American.

I feel sure the collective conscience of the Senate will see the wisdom of this amendment and hope that it will prevail when the matter is brought to a vote.

Mr. President, earlier I yielded, with unanimous consent to obtain the floor again, to the chairman of the Finance Committee. At that time I was discussing some of the arguments pro and con of the so-called public debt limit legislation. I was pointing out from an historical point of view that until 1941 the Congress authorized a public debt limit in various amounts specified for bonds, bills, certificates, and notes.

On February 19, 1941, the public debt limit authority was consolidated in one total figure for all types of Government securities outstanding. This was set at $65 billion. That has been the procedure followed since—to place a ceiling on all securities that may be outstanding at any given time. The public debt limit was raised to $300 billion on April 3, 1945. On June 26, 1946, it was decreased to $275 billion. This was considered a permanent debt ceiling. However, six upward adjustments have been made to the permanent debt limit which now stands at $400 billion. Many increases in recent years have been termed "temporary" increases as they have been authorized for a specific period of time only. Our present public debt limit is a $400 billion permanent ceiling plus a temporary additional limit of $30 billion through June 30, 1972. Thus, if no other action is taken, the public debt limit will drop from $430 billion to $400 billion on June 30, 1972.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. ROTH. I would be happy to yield for a question.

Mr. BENNETT. If that happens, is it not true then that we would have to issue no new debt until our outstanding debt had been reduced to the $400 billion level?

Mr. ROTH. If Congress did not take further action, that would be correct.

Mr. BENNETT. If Congress were to reject the pending bill today and then take no further action, we would have the very difficult problem of paying off any debt above the $400 billion ceiling that would come into effect next July 1.

Frankly, I do not see how on earth we could do it. I do not know what we would have to sell. We could not go out in the market and borrow money. And I do not think that we could add enough in taxes fast enough to take care of the situation.

Mr. ROTH. What this Senator in any event is hoping is that the Congress will combine an increase to the debt limit with a spending limitation.

As I have, of course, pointed out, the amendment that will be offered later is completely in accord with what the administration itself has said was desirable, that if we are to show fiscal responsibility, that if we are going to be able to show that we are trying to bring the budget into balance, that we are interested in regaining the confidence of the American people by imposing discipline on both the executive branch and Congress, we should follow through now with what the President himself has requested.

In any event, what started out as a simple measure to give the Treasury the authority to borrow the funds necessary to meet expenditures authorized for the national security, defense, and other purposes of World War I, has now grown into a definite and well-entrenched part of our Federal fiscal system. It has become a rallying point for those who hope to restrain the growth of Government expenditures and the influence of the Federal Government over the private affairs of the people. It is regarded by some as virtually the law of the land that expresses national devotion to the idea of thrift and to economical management of the fiscal affairs of the Federal Government. Others consider it wasteful and at the very least insist that it should be high enough to permit the most efficient management of the public debt.

TRENDS IN NATIONAL DEBT

Providing restraint or limits on government spending and the level of the national debt is a primary object of the debt limit statute. It is therefore pertinent to take a brief look at the historical pattern of the U.S. Federal Government debt.

Our Federal Government started off with a national debt of $78 million when it was formed in 1789. Primarily, these were unpaid costs of waging the Revolutionary War. Generally this debt was reduced on a very gradual basis to a low point of $53 million by 1810. The War of 1812 led to another increase in our public debt. After that war the debt was gradually reduced until it reached the all-time low point of $37,500 outstanding in 1835. Actually, the entire public debt was paid off, except for those securities which were not presented for payment, and there was a surplus of several million in the Treasury—much more than would have been needed to pay off all indebtedness. However, the financial panic of 1837 led to an increase in the public debt of more than $10 million by 1838. Thereafter, the debt gradually increased to a level of $65 million by the beginning of the Civil War. The demands of this war caused Government expenditures to increase rapidly and the United States accumulated an outstanding debt of $2,756 million by 1866. After the Civil War, the Government followed a policy of gradually reducing the debt through surpluses in most of the years. Debt reduction created economic problems; it reduced the national bank note circulation while many geographic areas were complaining of the scarcity of money. Proposals to reduce the Treasury surplus by lowering tariffs—the principal source of Federal revenue—induced protectionists to counter with demands for higher rates and to publicize the concept of permanent protection of American industry.

By 1893 the debt was down to $961 million. It has never been that low since. The depression of the 1890's, which resulted in reduced Federal Government revenue, plus the demands of the war with Spain, increased our national debt to nearly $1.5 billion. This was gradually reduced to $1.2 billion by 1915. However, with our entry into World War I Federal expenditures shot up rapidly and we proceeded to reach the level of $26.9 billion. After World War I, there was a sustained effort on the part of the Federal Government, especially under the leadership of Secretary of the Treasury Mellon, to reduce the national debt. In this period, income tax effective rates were reduced four times. There was a reduction in the national debt each year until 1930 when it reached a low point of $16.2 billion. However, since 1930 there has been an increase in the Federal debt at the fiscal yearend for every year except 1947, 1948, 1951, 1956, and 1957. Our present debt amounts to approximately $416 billion, the greatest portion of which resulted from the financial burden of World War II, during which time we spent more than $211 billion in excess of what we took in. Naturally, our public debt limit had to be raised substantially during this period. It went up from $49 billion at the beginning of 1941 to $300 billion by April 1945. Also there has been a significant increase in our public debt during the Vietnam conflict. From June 1969 to August 1971 our public debt has increased from $357 billion to $416 billion.

Mr. President, I ask unanimous consent that without losing my right to the floor, I may yield to the junior Senator from Virginia.

AMENDMENT NO. 993

Mr. SPONG. Mr. President, I send to the desk a proposed amendment to H.R. 12910 and I ask unanimous consent that the text be printed in the RECORD.

The PRESIDING OFFICER. The amendment will be received and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

AMENDMENT No. 993

Insert the following at the end of the bill:

That (a) whenever the President impounds any funds appropriated by law out of the Treasury for a specific purpose or project, or approves the impounding of such funds by any officer or employee of the United States, he shall, within ten days thereafter, transmit to the Senate and the House of Representatives a special message specifying—

(1) the amount of funds impounded,

(2) the specific projects or governmental functions affected thereby, and

(3) the reasons for the impounding of such funds.

(b) Each special message submitted pursuant to subsection (a) shall be transmitted to the Senate and the House of Representatives on the same day, and shall be delivered to the Secretary of the Senate if the Senate is not in session, and to the Clerk of the House of Representatives if the House is not in session. Each such message shall be printed as a document of each House.

SEC. 2. The President shall cease the impounding of funds set forth in each special message within sixty calendar days of continuous session after the message is received by the Congress unless the specific impoundment shall have been ratified by the Congress in accordance with the procedure set out in section 4 of this Act.

SEC. 3. For purposes of this Act, the impounding of funds includes—

(a) withholding of funds (whether by establishing reserves or otherwise) appropriated for projects or activities, and the termination of authorized projects or activities for which appropriations have been made, and

(b) delaying the expenditure or obligation of funds beyond the close of the fiscal year in which expenditure or obligation was intended by Congress in appropriating such funds.

SEC. 4. (a) The following subsections of this section are enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by this section; and they shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(b) (1) For purposes of this section, the term "resolution" means only a concurrent resolution of the Senate or House of Representatives, as the case may be, which is introduced and acted upon by both Houses before the end of the first period of sixty calendar days of continuous session of the Congress after the date on which the President's message is received by that House.

(2) The matter after the resolving clause of each resolution shall read as follows: "That the Senate (House of Representatives) approves the impounding of funds as set forth in the special message of the President dated——, Senate (House) Document numbered——.

(3) For purposes of this subsection, the continuity of a session is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the sixty-day period.

(c) (1) A resolution introduced with respect to a special message shall not be referred to a committee and shall be privileged business for immediate consideration. It shall at any time be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. Such motion shall be highly privileged and not debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) If the motion to proceed to the consideration of a resolution is agreed to, debate on the resolution shall be limited to ten hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution shall not be in order. It shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to, and it shall not be in order to move to consider any other resolution introduced with respect to the same special message.

(3) Motions to postpone, made with respect to the consideration of a resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate.

Mr. SPONG. Mr. President, this proposed amendment to the pending business is almost verbatim S. 2581 introduced last year in September by the distinguished Senator from North Carolina (Mr. ERVIN) with 24 cosponsors including myself. Hearings on this proposal have been conducted by the Senator from North Carolina's Subcommittee on Separation of Powers, a subcommittee of the Committee on the Judiciary.

The amendment would require the President to notify Congress whenever he impounds funds or authorizes the impounding of funds, and provides a procedure under which the Senate and House must approve the President's action within 60 days or the President would be required to cease such action.

This amendment is offered on behalf of myself and the Senator from North Carolina (Mr. ERVIN).

At this time I ask unanimous consent that remarks made by the Senator from North Carolina on introducing the initial legislation be printed in the RECORD, as well as an Office of Management and Budget memorandum dated January 25, 1972, entitled "Budgetary Reserves and 'Impoundments'" listing in detail more than $12 billion that have been impounded or are being held in reserve.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE IMPOUNDMENT PROCEDURES BILL

Mr. ERVIN. Mr. President, I introduce for appropriate reference, a bill to require the President to notify the Congress whenever he impounds or authorizes the impounding of appropriated funds, and to provide that the President shall cease such impounding at the expiration of 60 calendar days unless the Congress shall approve his action by concurrent resolution.

The bill also establishes a procedure whereby the Senate and the House of Representatives can approve each impoundment reported by the President.

The Judiciary Subcommittee on Separation of Powers, of which I am honored to serve as chairman, conducted hearings in March of this year on the constitutional issues raised by the practice of Executive impoundment of appropriated funds. The bill which I introduce today is, I believe, the most practical and reasonable solution to the issues raised during the subcommittee's hearings.

Earlier this year I introduced a similar bill, S. 2027, which provides that the Congress can disapprove an impoundment within 60 calendar days after the President reports his action to the Senate and the House of Representatives. This new legislation, while retaining many features of S. 2027, would provide that the President must cease a specific impoundment unless he receives the approval of the Congress. The difference is one of negative and affirmative approval, which is all the difference in the world.

The new bill requires the President to notify each House of the Congress by special message of every instance in which he impounds funds or authorizes such impoundment by an officer of the United States. Such a special message must specify the amount of impounded funds, the specific projects or governmental functions affected by the impoundment, and the reasons for such impoundment of funds.

The bill further provides that the President shall cease the impounding of funds set forth in each special message within 60 calendar days of continuous session after the message is received by the Congress unless the specific impoundment shall have been ratified by the Congress in accordance with a procedure set forth in the bill.

Finally, the bill provides that the approving concurrent resolution shall be privileged business, and it specifies rules of procedure which will provide for ease of consideration and a reasonable period of debate. The concurrent resolutions would not be referred to committee.

This bill would establish effective congressional oversight of Executive impoundment, which is yet another in a long line of developments in the operation of our National Government which erode the powers of the legislative branch and contribute to the steady deterioration of the constitutional principles upon which this Nation rests.

Impounding—or reserving, freezing, withholding, sequestering, depending on semantic choice—is not a new concept, and when undertaken for lawful purposes, it may be quite useful in effecting economy. Various procedures have been used over the years, the most common being the reserving of funds to prevent deficiencies in a Federal program, or to effect savings. Impoundment also sometimes occurs when Congress, for some special reason such as war or economic uncertainty, passes appropriations as nothing more than ceilings or expenditures, leaving it to the executive branch to expend part or all of the funds at its discretion. Moreover, impoundment may occur as the result of a specific congressional mandate. Under any of these forms of impoundment, the executive branch is permitted—or required—to withhold funds under certain specified conditions.

However, unfortunately impoundment often occurs under circumstances where the executive branch, for reasons of its own, desires to avoid expending funds which the Congress has explicitly directed to be spent for some particular purpose. It is this situation which poses a threat to our system of government and which so patently violates the separation of powers principle.

Neither I nor my colleagues in the Congress who are concerned over this problem desires that the executive branch expend the taxpayer's money foolishly. On the contrary, it is well known that I advocate a balanced national budget and ever greater economy in the Government. Nor is this a partisan problem, for impoundment has occurred under Democratic and Republican administrations. It is as objectionable under one as under the other.

Perhaps the most disturbing feature of this Executive practice is the fact that impoundment enables the President to effect an item or line veto. Such a power clearly is prohibited by the Constitution which only empowers him to veto entire bills. Thus, by impounding appropriated funds, the President is able to modify, reshape, or nullify completely, laws passed by the legislative branch, thereby making legislative policy through Executive power. Such an illegal exercise of the power of his office flies directly in the face of clear constitutional provisions to the contrary. The bill I introduce today will in effect give the Congress a chance to override this illegal type of veto.

In this era, the powers of the executive branch have become dominant in the operation of the governmental structure. The "power of the purse" is one of the few remaining tools which Congress can use to oversee and control the burgeoning Federal bureaucracy. Congress is constitutionally obligated to make legislative policy, and is accountable to the citizens for carrying out that obligation. The impoundment practice seriously interferes with the successful operation of that principle and places Congress in the paradoxical and belittling role of having to lobby the executive branch to carry out the laws it passes.

BUDGETARY RESERVES AND "IMPOUNDMENTS"

Under authority delegated by the President, the Office of Management and Budget operates a system of apportioning the funds provided by the Congress. The apportionments generally are for the current fiscal year and limit the amounts the agencies may obligate during specified periods.

There are occasions when the amounts of available funds are not fully apportioned. That is, some amounts are either withheld from apportionment, or their use is temporarily deferred.

The reasons for withholding or deferring the apportionment of available funds usually are concerned with financial administration. They have to do with the effective and prudent use of the financial resources made available by the Congress. Thus, specific apportionments sometimes await (1) development by the affected agencies of approved plans and specifications, (2) completion of studies for the effective use of the funds, including necessary coordination with the other Federal and non-Federal parties that might be involved, (3) establishment of a necessary organization and designation of accountable officers to manage the programs, (4) the arrival of certain contingencies under which the funds must by statute be made available (e.g., certain direct Federal credit aids when private sector loans are not available).

Under these and other, related conditions the funds not apportioned are said to be held or placed "in reserve." This practice is one of long standing and has been exercised by both Republican and Democrat Administrations as a customary part of financial management. Amounts are frequently released from reserve—and put to use—during each fiscal year as plans, designs, specifications, studies, project approvals, and so on are completed. Thus, the total amount held in reserve usually reaches a low point at the end of the fiscal year.

At the end of fiscal years 1959 through 1961, the funds held in reserve ranged from 7.5% to 8.7% of total unified budget outlays. At the end of fiscal 1967, the comparable percentage was 6.7%, and a range in the neighborhood of 6% has been normal in recent years. Currently, the fiscal year 1972 percentage is 5.1% and the total amount held in reserve is expected to decline during the remainder of the fiscal year.

It is apparent that most reserves are, in fact, temporary deferrals and their need or wisdom is not usually questioned. In other cases, however, the affected reserves have been criticized as "impoundments" of funds.

Thus, the term "impoundment" has generally been applied to funds which could or might be used (i.e., obligated) during the apportionment time period, but which have not been apportioned because of the Executive's responsibility to (1) help keep total Government spending within a congressionally-imposed ceiling, (2) help meet a statutory limitation on the outstanding public debt, (3) develop a governmentwide financial plan for the current year that synchronizes program-by-program with the budget being recommended by the President for the following year, or (4) otherwise carry out broad economic and program policy objectives.

The items in the list below have been reserved for one or more of the reasons set forth in the preceding paragraph. On the basis of past experience changes in this listing may occur—to take account of changing conditions—before the fiscal year 1972 ends. The list itself is consistent with the estimates in the 1973 budget transmitted on January 24, 1972.

Description:	*Million*
Reserves established pursuant to President's August 15, 1971 directive to curtail previously planned Federal employment levels	[1] $280
Additional reserves established so that the funds will be available for later use:	
Department of Agriculture Farmers Home Administration Sewer and water grants	[2] 58
Rural Electrification Administration—Loans	[3] 107
Department of Commerce Regional Action Planning Commissions (less than $500,000)	
Department of Housing and Urban Development	
Rehabilitation loans	[3] 53
Grants for new community development assistance	[3] 5
Basic water and sewer grants	[2] 500
Department of Transportation	
Federal-aid highways	623
Rights-of-way for highways	50
Urban mass transportation	[4] [300]
Atomic Energy Commission	18
NERVA-Nuclear Rocket	(17)
Plowshare	(1)
National Aeronautics and Space Administration	
NERVA-Nuclear Rocket	24
National Science Foundation	
Educational and institutional support	[3] 21
Graduate traineeships	[5] 10
Total	1, 748

[1] Consists primarily of funds that had been appropriated prior to the President's directive. Excludes the comparable savings in trust fund and public enterprise accounts and the corresponding savings reflected in appropriation actions of the Congress after August 15, 1971. Includes accounts transferred to economic stabilization activities pursuant to the First Supplemental Appropriations Act, 1972. The accounts being reserved are currently under review, and in many cases they are likely to be released and apportioned to cover part of the cost of the Federal pay raise that took effect early in January 1972.

[2] This amount is planned to be used for continuation of the water and sewer grant program in fiscal years 1973 and 1974.

[3] Apportionment of entire amount is planned on July 1, 1972, consistent with program and financial plan in the 1973 budget.

[4] This item is listed here only because of public and congressional interest. It is not counted in the total below because its planned use is consistent with congressional intent. The Congress provided a total of $3.1 billion of contract authority for the five-year period of 1971–1975. Executive Branch apportionments will result in $1.0 billion of this amount having been used by June 30, 1972, another $1.0 billion (including this $300 million) will be apportioned July 1, 1972, for fiscal 1973, leaving $1.1 billion, or $550 million per year for the fiscal years 1974 and 1975. The $300 million shown is the difference be-

tween the $600 million apportioned for 1972 and the $900 million *upper limit* for which administrative expenses may be incurred under the 1972 Appropriation Act for the Department of Transportation:

"Sec. 308. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for grants for Urban Mass Transportation aggregating *more than* $900,000,000 in fiscal year 1972." (Italics supplied.)

[5] Apportionment awaiting NSF review of how these funds can be used effectively without worsening the current unemployment among scientists and engineers.

Budgetary reserves for routine financial administration

[In thousands of dollars]

Funds appropriated to the President:	
International development assistance: Prototype desalting plant	20,000
Apportionment awaits development by the agency of approved plans and specifications.	
Philippine education program	1,282
Apportionment awaits development by the agency of approved plans.	
Executive Office of the President:	
Council on Environmental Quality	140
Apportionment awaits development of proposals for contract studies of environmental problems.	
National Security Council	318
Apportionment awaits development by the agency of approved plans.	
Department of Agriculture:	
Farmers Home Administration:	
Farm labor housing grants	2,963
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Mutual and self-help housing grants	729
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Animal and Plant Health Service	3,500
This amount is in excess of current estimate of 1972 needs. The funds will be apportioned, if needed, for animal and pest control.	
Agricultural Research Service:	
Construction	70
Residual amount appropriated but not required for planning. Apportionment awaits additional appropriation for construction.	
Special foreign currency program	352
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Cooperative State Research Service: Payments and expenses	4,600
As provided by the 1972 Appropriation Act, funds are to be held in reserve pending determination of "qualified and necessary projects."	
Extension Service: Payments and expenses	2,000
Funds are available for use by land-grant colleges of 1890 and Tuskegee Institute as soon as project guidelines are developed and necessary personnel available.	
Consumer and Marketing Service: Consumer protective, marketing, and regulatory programs	1,011
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Perishable Commodities Act Fund	14
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Food and Nutrition Service: Food stamp program	198,516
Funds appropriated by Congress in excess of estimated need under food stamp regulations announced earlier. These funds will be apportioned if and as needed to meet the cost of revisions in the regulations announced January 15, 1972.	
Foreign Agricultural Service: Salaries and expenses, special foreign currency program	3,087
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Forest Service: Expenses, brush disposal	13,170
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Restoration of forest lands and improvements	6
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Forest fire prevention	115
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Forest protection and utilization:	
Cooperative range improvement	1,910
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Forest roads and trails	401,869
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Department of Commerce:	
Bureau of the Census: 19th Decennial Census	11,028
These funds are to be used for printing costs and will be apportioned when needed for this purpose.	
Promotion of Industry and Commerce: Inter-American Cultural and Trade Center	5,446
Funds will be released when plans for participation in U.S. Bicentennial are completed and approved.	
Trade adjustment assistance	50,000
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
National Oceanic and Atmospheric Administration: Promote and develop fishery products and research pertaining to American fisheries	257
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Research, development, and facilities	564
These funds are for disaster relief to fisheries. Apportionment awaits arrival of contingencies under which the funds must, by statute, be made available.	
Research, development, and facilities: Special foreign currency program	411
Apportionment awaits development of research contracts with foreign organizations.	
National Bureau of Standards: Plant and facilities	1,495
Funds are for a new laboratory now in the planning stage. Apportionment awaits development of approved plans and specifications.	
Maritime Administration: Ship construction	14,804
Funds are for engineering changes and contract cancellation contingencies.	
Department of Defense—Military: Shipbuilding and conversion	1,388,946
For use in subsequent years; these projects are fully funded when appropriated.	
Other procurement programs	46,020
For use in subsequent years; these projects are fully funded when appropriated.	
Research, development, test, and evaluation, Air Force	25,000
This balance of unobligated 1971 appropriations was set aside by Appropriations Committees to meet potential 1972 requirements. Will be released and apportioned if and as needed.	
Military construction and family housing	839,107
Apportionment awaits development by the agency of approved plans and specifications.	
Special foreign currency program	5,506
Apportionment awaits development by the agency of approved plans and specifications.	
Civil defense programs	1,080
Amount is in excess of currently estimated needs. It will be used, as needed, in subsequent fiscal years.	

Department of Defense—Civil:	
Wildlife conservation	529
Includes estimated receipts not needed for current year program. Will be used in subsequent years.	
Corps of Engineers: Construction, General:	
Lafayette Lake, Indiana	183
Funds are being held in reserve because of local opposition to initiation of construction of the project.	
Lukfata Lake, Oklahoma	450
Funds are being held in reserve because the State of Oklahoma is considering designating one of the streams to be inundated as a wild and scenic stream.	
New York Harbor Collection and Removal of Drift	80
Funds are being held in reserve because, although the project initiation and partial accomplishment must await approval of the Secretary of the Army and the President. The Secretary of the Army has neither approved the project nor sent the project report to the President.	
Department of Health, Education, and Welfare:	
Food and Drug Administration:	
Building and facilities	13,545
Apportionment awaits development by the agency of approved plans and specifications. Construction obligations are to be incurred in subsequent years.	
Health Services and Mental Health Administration: Medical facilities construction	4,928
Apportionment awaits development by the agency of approved plans and specifications. Construction obligations are to be incurred in subsequent years.	
Building and facilities	2,158
Apportionment awaits development by the agency of approved plans and specifications. Construction obligations are to be incurred in subsequent years.	
Indian health facilities	1,312
Apportionment awaits development by the agency of approved plans and specifications. Construction obligations are to be incurred in subsequent years.	
National Institutes of Health:	
Buildings and facilities	5,702
Apportionment awaits development by the agency of approved plans and specifications. Construction obligations are to be incurred in subsequent years.	
Gallaudet College	516
Congress appropriated $616 thousand to Gallaudet College for a national continuing education program for the deaf. Funds are being withheld pending the development of a plan for the effective use of the funds, including any necessary coordination with the other Federal and non-Federal parties that might be involved.	
Department of Housing and Urban Development: Model cities programs	105,000
The 1972 appropriation is available for use in 1972 and 1973; the amount reserved is being allocated among cities to cover obligations to be made early in 1973. Thus, each city will have in advance a target figure against which to plan.	
Interstate land sales, special fund	1,468
Amount shown here is in excess of current estimates of 1972 needs. Fee collections are used to cover part of the costs of operating the interstate land sales registration program. Because of the unpredictability of fee collections, there is a substantial lag between collection and use. Thus 1971 fee collections are planned for use in 1973, and are carried in reserve in 1972.	
Department of the Interior:	
Bureau of Land Management:	
Public lands development, roads and trails	16,694
Reserve reflects amounts of available contract authority above the obligation program that was financed by the appropriation Congress enacted to liquidate the obligations.	
Bureau of Indian Affairs: Road construction	53,941
Reserve reflects amounts of available contract authority above the obligation program that was financed by the appropriation Congress enacted to liquidate the obligations.	
Bureau of Outdoor Recreation:	
Land and Water Conservation Fund	30,000
Consists of 1972 annual contract authority which the 1973 budget shows as not being obligated. This contract authority, which was made available annually through FY 1989 by P.L. 91–308, approved July 7, 1970, is not being used because the Federal agencies purchasing park lands have found annual contract authority cumbersome to administer. Instead, they prefer ordinary appropriations to finance such land purchases and the budget proposes appropriation of the full $300 million annual authorization for the Fund, of which about $98 million is for Federal land purchases in 1973.	
Bureau of Sport Fisheries and Wildlife: Construction	9,075
Appropriated funds for D.C. Aquarium withheld because authorized facility cannot be constructed within the funding limits established by the authorization.	
Bureau of Mines: Drainage of anthracite mines	3,623
Funds are spent on a matching basis with Pennsylvania as that State and the Department of the Interior develop projects for this purpose. Apportionment awaits development of approved plans and specifications.	
National Park Service: Parkway and road construction	79,051
Reserve reflects amounts of available contract authority above the obligation program that was financed by the appropriation Congress enacted to liquidate the obligations.	
Bureau of Reclamation: Construction and rehabilitation	1,055
Funds are being held in reserve pending completion and review of the economic restudy to determine the most effective use of funds for the Second Bacon Siphon and Tunnel Unit, Wash.	
Department of State:	
Educational exchange fund (earmarked proceeds of payment by Finland on World War I debt)	22
Appointment awaits development by the agency of specific plans for the exchange students.	
Department of Transportation:	
Coast Guard: Acquisition, construction, and improvements	3,380
Funds are for equipment or improvements and will not be needed until construction on seven projects is in advanced stage. They will be released when needed.	
Retired pay	571
Appropriation is in excess of needs due to a lag in voluntary retirements.	
Federal Aviation Administration:	
Facilities and equipment	58,958
Facilities and equipment (Airport and Airway trust fund)	157,000
Operations (Airport and Airway trust fund)	247,269
Research and Development (Airport and Airway trust fund)	11,409
Operation and maintenance, National Capital Airports	5,279
Safety regulation	40,152
Research and Development	353
Funds for these accounts have not been apportioned for the fourth quarter of 1972. Apportionment is awaiting agency development of a financial plan for the remainder of the year.	
Grants-in-aid for airports (Airport and Airway trust fund)	54,459
Construction, National Capital Airports	900
U.S. International Aeronautical Exposition	218
Civil supersonic aircraft development termination	4,506
Apportionment of the above FAA accounts awaits development of approved plans and specifications.	
Federal Highway Administration:	
Federal-aid highways:	
(1) Contract authority intended for use in 1973	5,700,000
(2) Remaining balance from prior reductions to meet outlay ceilings and abate inflation	267,830
Territorial Highways	5,000
New program established by the 1970 Highway Act, effective December 30, 1970. No appropriation was provided until August 1971, although $4.5M of contract authority was authorized for each of 1971 and 1972. Territories were not prepared to handle program and have just begun to organize agencies and prepare studies for use of the funds. Total obligations through December 31, 1971, were about $93,000.	
Darien Gap Highway	100

Apportionment awaits development of approved plans and specifications. Reserve will be released as soon as the agency has organized field offices requiring these funds.

Urban Mass Transportation Administration:

Urban mass transportation[1] ---- 300,000

The Congress provided a total of $3.1B of contract authority for the five-year period 1971–1975. Executive Branch apportionments will result in $1.0B of this amount having been used by June 30, 1972, another $1.0B (including this $300M) will be apportioned July 1, 1972, for fiscal 1973, leaving $1.1B, or $550M per year for the fiscal years 1974 and 1975. By appropriation action in fiscal years 1971 and 1972, the Congress effectively limited the amount of the contract authority that could be used each fiscal year. Thus, the $300M shown is the difference between the $600M apportioned for 1972 and the $900M upper limit for which administrative expenses may be incurred under the 1972 Appropriation Act for the Department of Transportation: "Sec. 308. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for grants for Urban Mass Transportation aggregating *more than* $900,000,000 in fiscal year 1972." (Italic supplied.)

Treasury Department: Construction, Federal Law Enforcement Training Center ---- 22,239

Apportionment awaits development by the agency of approved plans and specifications.

Atomic Energy Commission: Plant and capital equipment:

Funds held in reserve awaiting AEC's development of firm plans or specifications for two projects in the nuclear materials and weapons programs ---- 9,600

Funds held in reserve awaiting AEC's completion of feasibility studies or the results of research and development efforts for the national radioactive waste repository and two other projects ---- 3,133

Funds held in reserve for cost overruns and other contingencies ---- 5,000

Operating expenses: Funds held in reserve for the liquid metal fast breeder reactor (LMFBR) demonstration plant awaiting the completion of detailed negotiations now underway involving AEC and the Commonwealth Edison Co. and TVA ---- 43,650

Biomedical research:

Funds held in reserve pending development of a plan for effective utilization ---- 400

Environmental Protection Agency: Operations, research and facilities ---- 46,794

Awaiting completion of: (1) EPA study of requirements for Cincinnati laboratory ($28.0M) and other laboratory facilities ($7.294M); and (2) CEQ-EPA contract study on technology and reports leading to the development of criteria for selection of projects for use of resource recovery (solid waste) demonstration grants ($11.5-M).

General Services Administration:

Operating expenses, Property Management and Disposal Service ---- 2,200

Amount shown here is in excess of the current estimate of 1972 needs for stockpile disposals. If conditions change and the funds are needed, apportionments will be made.

Operating expenses, Public Buildings Service ---- 5,000

Amount shown here is in excess of the current estimate of 1972 needs. It reflects revised estimates of utility costs and rent receipts from the Postal Service. If conditions change and the funds are needed apportionments will be made.

Construction, public buildings projects ---- 45,514

San Antonio, Texas, project awaiting OMB and Congressional approval of revised prospectus—$7,402 thousand.

Philadelphia project awaiting appropriation of additional funds needed to permit letting contract—$23,033 thousand.

$10,803 thousand to be reprogramed upon enactment of pending legislation authorizing private investment financing.

$4,273 thousand is reserved to meet possible contingencies that might arise in the course of construction.

Sites and expenses, public buildings projects ---- 14,666

Reserved to meet possible contingencies or for use in subsequent years—$10,380 thousand.

Projects involving space for Postal Service are being restudied—$4,286 thousand. Apportionment awaits the completion of this study for the effective use of the funds.

National Aeronautics and Space Administration: Research and development (Space Shuttle program) ---- 25,000

Although the decision has been made in the fiscal year 1973 budget to proceed with the development of the Shuttle, final plans and schedules have not yet been completed by NASA. After NASA has selected the booster option and issued its request for proposals (RFP) to the contractors, it is anticipated that the $25 million will be released.

Veterans' Administration: Grants to States for extended care facilities ---- 8,420

State plans and requests for funds have not been presented to the extent originally expected.

Appalachian Regional Commission: Appalachian Regional Development Program ---- 40,000

Apportionment awaits development by the agency of approved plans and specifications.

Cabinet Committee on Opportunities for Spanish-Speaking Peoples ---- 30

The obligation rate has been lower than anticipated because of operation under continuing resolution for two quarters.

District of Columbia: Loans to D.C. for capital outlay ---- 49,015

Reserves represent prior appropriations not required to finance the planned fiscal year 1972 capital outlay program.

Federal Communications Commission: Salaries and expenses, (construction) ---- 460

These funds are intended for replacement of a monitoring station. They cannot be used until the Congress raises the current limitation on FCC's 1972 construction program. It is expected that this will take place before the end of fiscal year 1972.

Foreign Claims Settlement Commission: Payment of Vietnam and Pueblo prisoner of war claims ---- 150

Apportionment awaits arrival of contingencies under which the funds must, by statute, be made available.

Salaries and expenses ---- 19

Apportionment awaits development by the agency of approved plans.

Selective Service System: Salaries and expenses ---- 1,600

Since enactment of the 1972 appropriation, the expected number of inductions into the Armed Forces has declined, permitting this amount to be reserved for savings. The reserve would be released in the unlikely event that the declining trend of inductions should be reversed.

Smithsonian Institution: Salaries and expenses, Woodrow Wilson International Center for Scholars ---- 11

Reserved for contingencies. Will be apportioned if and when needed.

Temporary Study Commissions: Aviation Advisory Commission ---- 587

Funds in 1972 reserve will be used in 1973 to carry Commission through its expiration date of March 1973.

Commission on Highway Beautification ---- 25

For completion of Commission's work in 1973.

Commission on Population Growth and the American Future ---- 30

A small contingency amount is set aside to cover any increases in contracted costs after the Commission completes its work and disbands in May 1972.

National Commission on Consumer Finance ---- 50

For terminating the Commission in 1973 after the report is completed.

United States Information Agency:

Salaries and expenses (special foreign currency program) ---- 407

Special international exhibitions ---- 746

Apportionment of the above accounts awaits development of approved plans and specifications.

Total ------------------ 10,558,778

[1] Similarly (for background information), the Congress established the same limitation at $600M in 1971. The Administration used $400M in 1971. The difference of $200M is being applied to the years after 1971.

ARGUMENTS IN FAVOR OF A PUBLIC DEBT LIMIT

Mr. ROTH. Mr. President, in view of the fact that in the decades since we have had the debt limit in operation our national debt has increased by more than one hundred times, the question naturally rises: Should we have a public debt ceiling or not? Does it serve a useful purpose? What are some of the arguments in favor of maintaining a statutory public debt limit?

Supporters of a public debt limit contend that Federal expenditures have become so large and the Government so complex that removing the debt limit would open the door to wasteful and nonessential expenditures. These people feel that maintaining a statutory debt limit is essential if we hope to maintain fiscal integrity of the Federal Government.

Some claim that Congress has lost much of its legal control over various types of Federal spending, and that annual control over expenditures is practically impossible. Appropriations carried over from one year to another give the executive department a wide latitude in expenditures. Under the present legislative procedure on appropriation bills Congress exercises relatively little control over annual expenditures. It acts only on new appropriations, a large part of which are for expenditures in future years. It cannot control expenditures from the balances remaining in prior years' appropriations.

QUORUM CALL

Mr. ROTH. Mr. President, without losing my right to the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

[No. 85 Leg.]

Allen
Allott
Boggs
Brooke
Byrd, Va.
Byrd, W. Va.
Case
Hollings
Hughes
Javits
Jordan, Idaho
Long
Mansfield
Mathias
Montoya
Pearson
Roth
Scott
Spong
Talmadge
Young

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the presence of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senator.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken
Anderson
Bayh
Beall
Bennett
Bentsen
Bible
Burdick
Cannon
Chiles
Church
Cooper
Curtis
Dole
Dominick
Fannin
Fong
Fulbright
Gambrell
Gravel
Gurney
Hruska
Inouye
Kennedy
Magnuson
McGee
Metcalf
Mondale
Nelson
Pastore
Pell
Proxmire
Randolph
Schweiker
Smith
Stevens
Stevenson
Symington
Tunney
Weicker

Mr. BYRD of West Virginia. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Alabama (Mr. SPARKMAN), the Senator from Wisconsin (Mr. STENNIS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), and the Senator from Louisiana (Mr. ELLENDER) are absent on official business.

I also announce that the Senator from Connecticut (Mr. RIBICOFF) is absent because of illness in the family.

Mr. SCOTT. I announce that the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from Oklahoma (Mr. BELLMON), the Senator from New York (Mr. BUCKLEY), the Senator from Kentucky (Mr. COOK), the Senator from New Hampshire (Mr. COTTON), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Wyoming (Mr. HANSEN), the Senators from Oregon (Mr. PACKWOOD and Mr. HATFIELD), the Senator from Illinois (Mr. PERCY), the Senator from Vermont (Mr. STAFFORD), the Senators from Ohio (Mr. SAXBE and Mr. TAFT), the Senator from South Carolina (Mr. THURMOND) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Iowa (Mr. MILLER) is detained on official business.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). A quorum is present. The Senate will be in order.

Mr. ALLEN. Mr. President, I have an amendment at the desk. I ask that it be called up and stated by the clerk.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. Senators will please take their seats. The clerk will state the amendment.

The assistant legislative clerk read as follows:

On page 1, line 4, strike out "1972" and insert "1973".

On page 1, after line 8 insert the following: Section 2(a) of Public Law 92–5 is amended by striking out "1972", and inserting in lieu thereof "1973".

Mr. ALLEN. Mr. President, the limit on the national debt now stands at $430 billion. The interest on the national debt runs more than $21 billion a year. That amounts to $40,000 a minute.

Mr. President, since the Senate has been in session this morning, the interest on the national debt up to this moment, from 10 o'clock up to this time, has amounted to more than $10 million. For that reason, I favor the amendment that is to be offered possibly in the next legislative day by the Senator from Delaware (Mr. ROTH) that would seek to put a limitation—and a very generous limitation—on the amount of expenditures by the Federal Government during this fiscal year, that amount being set at $246.3 billion, which is the exact amount recommended by the President of the United States in his budget message for the coming fiscal year.

The purpose of the amendment offered at this time, and on which there will be a vote very shortly, is to accept the $20 billion increase in the debt ceiling proposed by the bill.

Mr. President, the permanent debt limit permitted by Federal law is $400 billion.

There is a temporary limit at this time in addition to that $400 billion of $30 billion, making the total authorized debt $430 billion.

Now, according to table 6 of the committee report we are very close to that limit at this time. The actual debt on February 29, just several days ago, which is at the time of publication of this report, was estimated at $427 billion. On March 15 of this year it would be up to $435 billion.

Mr. President, the bill would increase the temporary additional amount by $20 billion, so that as the bill is passed the authorized debt ceiling would be $400 billion permanent, $30 billion temporary carryover authorized up to July 1 of this year, and then the $20 billion provided by the bill. It would raise the authorized debt ceiling from now up to the 1st of July to $450 billion.

On July 1 $50 billion of that limit will lapse so that we go back to the lower debt limit of $400 billion, which would necessitate action by Congress prior to July 1. Since our debt is now $427 billion, obviously some action would have to be taken before the 1st of July to increase the debt limit to take care of the indebtedness because on July 1, unless action is taken, the debt would be $400 billion, which is some $27 billion below what it is now.

Mr. President, as the debt now is approximately $430 billion and the debt limit is $430 billion, then the bill itself would authorize the incurring of additional indebtedness between now and July 1 of $20 billion. From now until then there would be incurred bonded indebtedness at the rate of $5 billion a month—during that 4-month period—which is at the annual rate of $60 billion a year.

Now, the reason for the amendment is to provide for the extension to July 1 of 1973 of the present $30 billion temporary and the extension to July 1, 1973, of the additional $20 billion, that the bill would seek to add to the temporary lending.

So the overall figure would not be changed at all. If the amendment is agreed to and if the bill passes as amended, the overall amount would not be changed. It would still be $400 billion permanent, $50 billion temporary, and the only difference would be that the temporary amount would not lapse or cease to be in existence, or the temporary authorization would not be in existence beyond July 1, 1972, so that it could delay action on the necessity of action by Congress beyond July 1 of this year.

Mr. President, bringing it just a little closer to home, it is somewhat like we might have a teenager in the family on some sort of allowance, and if we said, "Now, this $20," and we will use that figure since that is the figure in the bill, only it is not in dollars, it is billions of dollars—"is to last you for 2 weeks," that would have the effect of the present bill. But under the amendment it would be the same as saying, "Here is $20 to last you, if you make it last, for a whole month, instead of just 2 weeks."

It might encourage the Treasury or the administration to cut some corners and not come in as it of necessity would have to under the bill as proposed, prior to July 1, 1973. It might save a month and it might save 2 months. It might wait 3 months to ask for the debt ceiling to be raised. It does not hamper the Treasury at all. As a matter of fact, it is of benefit to the Treasury.

Mr. President, at this time, while we have a sufficient number of Senators in the Chamber, I would like to ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays are ordered.

Mr. ALLEN. Mr. President, since I have been in the Senate, which has been only a short time, starting in January 1969 there have been three raises in the debt ceiling. The first raise was $12 billion; then it jumped up to $18 billion; then the next year it jumped to $35 billion. I might say that has been this debt ceiling.

Mr. President, you can tell what the deficits are, and there is no mumbo jumbo and no mixing of figures, or taking out of this pot and putting into that pot when it comes to the amount of the debt ceiling. That tells you how your Federal funds received compare with Federal funds expended. The use of trust funds does not come into play.

That demonstrates how you are sitting financially in the National Government. It was $12 billion the first year I was here, $18 billion the next year, and then $35 billion, for a total of $65 billion we have slipped back in the short time the junior Senator from Alabama has been a Member of the Senate.

Mr. President, the administration wanted an additional $50 billion of temporary debt ceiling, whereas the committee came in with a much more acceptable figure of $20 billion. But the use of the $20 billion between now and July 1, 1972, would certainly set this country on a course of spending in excess of receipts by some $5 billion a month. So this $45 billion deficit we are going to have for the year we are in now, ending July 1, is going to fall into insignificance when we contemplate the upcoming deficit if we continue to fall back at the rate apparently envisaged by this bill. So all the amendment does is to accept the $20 billion temporary increase proposed by the bill and says, "Let us let this limit reached by the increase stay on just a little bit longer." It does not handicap the administration one bit. As a matter of fact, it helps the administration by providing that it does not have to come to Congress between now and July 1 to get an increase in the debt ceiling, because this temporary increase in the debt ceiling is carried forward for 1 additional full fiscal year.

It would be my hope that the administration could postpone that request of the Congress to increase the debt limit into September of this year, possibly, rather than, as the bill would of necessity require, ask the Congress to increase the debt limit prior to July 1 of this year. That makes for sound fiscal policy. It might encourage the administration to postpone increasing the debt ceiling.

Mr. President, I hope that we will have a vote on this amendment shortly. I hope, as a matter of fact, that the distinguished manager of the bill, the able chairman of the Finance Committee, the Senator from Louisiana (Mr. LONG), would accept the amendment, because it does no violence whatsoever to the need that he is seeking to meet with the bill. However that may be, I do think it is entitled to a favorable vote at the hands of the Senate.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama.

Mr. LONG. Mr. President, the Senate will not be in session in the first part of July because of the Democratic National Convention, and then, based on the Treasury's own projections, we would be over the debt limit by the time we get back into session because, on July 17, the projected spending would put us at a debt level of $453 billion.

In any event, Mr. President, regardless of how it works, whether we have the Senator's amendment or do not have the amendment, we are still going to have to increase the debt limit later on this session.

So about all that could be said for the amendment would be that it offers the opportunity to confer with the House for purposes that would be very limited indeed. It would seem to the Senator from Louisiana, that in every event we are going to get the debt limit that is much like that in the bill and then we are going to have to pass another debt limit bill later this year.

So the Senator from Louisiana does not see any purpose for the amendment. I do not think it will help with the problem of controlling expenditures and, in view of the fact that we are going to have to pass another debt limit bill later this year, it seems to me nothing is to be achieved by the amendment.

For that reason, I hope the amendment will not be agreed to.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. ALLEN. Does the amendment prevent the Congress from acting at exactly the same time as it would be required to act in the bill that is before the Senate?

Mr. LONG. No, it does not.

Mr. ALLEN. The present bill would require the debt ceiling to be raised prior to July 1. Is that correct?

Mr. LONG. Yes, that is correct.

Mr. ALLEN. But the amendment would permit a raise prior to July 1, but would not require it. Is not that about the size of it?

Mr. LONG. Senator, all that this amendment would accomplish is to require us to have a conference with the House.

Mr. ALLEN. Where is that provided?

Mr. LONG. That would be the effect of your amendment since there would then be a difference between the House bill and the Senate bill. Without an amendment, we would not have to have a conference. The matter could go immediately to the President's desk.

The way things are going, the Senator knows that his amendment is not the only amendment that is going to be offered to the bill. Other amendments will be offered. The Senator from Louisiana is led to believe that this bill may not be passed until Tuesday or perhaps later next week. While it is not urgent that we pass the bill today, by the time we get around to passing the bill it might be urgent.

In view of the fact that the amendment offers us no relief from the ultimate responsibility of having to pass a further increase of the debt limit this year, I can only say that the bill before us is adequate for the problem we face now. In addition we are going to have to pass another debt limit increase later on this session, if the Government is to continue to pay the salaries of its employees and meet its other obligations. This amendment will not prevent that sad necessity in any event. In any case, we are still going to have to pass two bills, and what the House was willing to do in this bill is adequate until we do consider the next bill.

Mr. ALLEN. I thank the Senator, but when he suggests that adoption of this amendment might call for a conference with the House, he seems to be prejudging the fate of the other amendments he speaks of. May they not cause a conference with the House as well?

Mr. LONG. I hope they are not agreed to, either.

Mr. ALLEN. In other words, the Senator is against all amendments. Is that correct?

Mr. LONG. Well, I am against every amendment I am aware of.

Mr. ALLEN. Irrespective of its merits, if any. Is that correct?

Mr. LONG. Let us say I am not aware of their merits, if any.

Mr. ALLEN. I see. I believe I understand the Senator. I thank the Senator.

Mr. BYRD of Virginia. Mr. President, I want to say, in regard to procedure, that I concur fully with the distingiushed majority leader when last evening he refused to set aside the pending legislation at the request of a Senator. I feel the majority leader was correct in doing this. The leadership cannot schedule legislation based on who may or who may not be present at any one particular time.

Mr. President, so far as the Senator from Virginia is concerned, I want to speak in regard to our financial situation. I have no objection to staying in session late tonight, if it is the desire of anyone to vote on the proposals today. I want an opportunity to make my views known.

The record will show that before any amendment at all to the bill came up, 2 weeks ago today, in a colloquy with the distinguished minority leader, the Senator from Pennsylvania, at the same time the majority leader was in his seat, the Senator from Virginia stated he would not agree to any time limitation involving the vital matters of Government finances. I think these are matters that should be fully debated and fully discussed. This country is on an unsound basis financially, and when we talk about raising the debt ceiling, I think we ought to take adequate time to discuss it.

In regard to the amendment offered by the distinguished and able Senator from Alabama, it seems to me that is an amendment which can in no way do violence to the proposal before us. The only thing it can do is to be helpful to it. It cannot hurt it in any way. It merely says the Government has a permanent debt ceiling today of $400 billion, plus a $30 billion temporary ceiling which ends June 30 of this year, plus the amount provided in the bill before us, which is for another $20 billion, which will end June 30 of this year.

The amendment of the Senator from Alabama provides that those two temporary figures, totaling $50 billion, will not expire June 30 of this year, but will expire June 30 of next year.

So in no way can that do violence to what the pending legislation seeks to accomplish. The only disadvantage of it from the point of view of those who advocate the pending legislation is that it must go back to the House of Representatives through a committee of conference, for consideration by the other body, because the House, of course, did not incorporate in its legislation the amendment offered by the distinguished Senator from Alabama.

But on the merits of the amendment, I do not see how those who favor the pending legislation could oppose the amendment. As I say, it actually gives the executive branch of the Government more leeway than they have under either the present legislation or the proposed legislation. I think the amendment proposed by the Senator from Alabama is a rather ingenious amendment, and I certainly support it. It appears to me that it would be a sound proposal for the Senate to adopt.

Mr. ROTH. Mr. President, I shall be very brief, as I do not wish to delay the vote on this amendment; but I, too, would like to state my support of the amendment offered by the Senator from Alabama. I beileve that it is an improvement over the committee bill in the sense that it does offer some incentive to the executive branch of the Government to try to bring about closer discipline on Federal spending. I think any step we take in that direction, no matter how minute, is important in these serious fiscal times.

I would also like to say that I do not feel that the fact that it may require a conference should be an obstacle, as there is sufficient time for such a conference. I think the important thing for us to do is to attempt to enact in the Senate the best possible legislation under the circumstances.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. Jordan of Idaho). The question is on agreeing to the amendment of the Senator from Alabama (Mr. Allen). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Florida (Mr. Chiles), the Senator from Mississippi (Mr. Eastland), the Senator from North Carolina (Mr. Ervin), the Senator from Oklahoma (Mr. Harris), the Senator from Michigan (Mr. Hart), the Senator from Indiana (Mr. Hartke), the Senator from South Carolina (Mr. Hollings), the Senator from Minnesota (Mr. Humphrey), the Senator from Washington (Mr. Jackson), the Senator from North Carolina (Mr. Jordan), the Senator from Arkansas (Mr. McClellan), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. Muskie), the Senator from Alabama (Mr. Sparkman), the Senator from Massachusetts (Mr. Stennis), and the Senator from New Jersey (Mr. Williams) are necessarily absent.

I also announce that the Senator from California (Mr. Cranston), the Senator from Missouri (Mr. Eagleton), and the Senator from Louisiana (Mr. Ellender), are absent on official business.

I also announce that the Senator from Connecticut (Mr. Ribcoff) is absent because of illness in the family.

On this vote, the Senator from North Carolina (Mr. Ervin) is paired with the Senator from Washington (Mr. Jackson).

If present and voting, the Senator from North Carolina would vote "yea" and the Senator from Washington would vote "nay."

I further announce that, if present and voting, the Senator from Connecticut (Mr. Ribicoff), the Senator from Minnesota (Mr. Humphrey), would vote "nay."

Mr. SCOTT. I announce that the Senators from Tennessee (Mr. Baker and Mr. Brock), the Senator from Oklahoma (Mr. Bellmon), the Senator from New York (Mr. Buckley), the Senator from Kentucky (Mr. Cook), the Senator from New Hampshire (Mr. Cotton), the Senator from Arizona (Mr. Goldwater), the Senator from Michigan (Mr. Griffin), the Senator from Wyoming (Mr. Hansen), the Senators from Oregon (Mr. Packwood and Mr. Hatfield), the Senator from Illinois (Mr. Percy), the Senator from Vermont (Mr. Stafford), the Senators from Ohio (Mr. Saxbe and Mr. Taft), the Senator from South Carolina (Mr. Thurmond) and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Iowa (Mr. Miller) is detained on official business.

If present and voting, the Senator from Iowa (Mr. Miller) would vote "nay."

On this vote, the Senator from Oregon (Mr. Hatfield) is paired with the Senator from Illinois (Mr. Percy). If present and voting, the Senator from Oregon would vote "yea" and the Senator from Illinois would vote "nay."

On this vote, the Senator from South Carolina (Mr. Thurmond) is paired with the Senator from Texas (Mr. Tower). If present and voting, the Senator from South Carolina would vote "yea" and the Senator from Texas would vote "nay."

The assistant legislative clerk called the roll.

The result was announced—yeas 8, nays 50, as follows:

[No. 86 Leg.]

YEAS—8

Allen
Allott
Bentsen
Burdick
Byrd, Va.
Gambrell
Metcalf
Roth

NAYS—50

Aiken
Anderson
Bayh
Beall
Bennett
Bible
Boggs
Brooke
Byrd, W. Va.
Cannon
Case
Church
Cooper
Curtis
Dole
Dominick
Fannin
Fong
Fulbright
Gravel
Gurney
Hruska
Hughes
Inouye
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
Mondale
Montoya
Nelson
Pastore
Pearson
Pell
Proxmire
Randolph
Schweiker
Scott
Smith
Spong
Stevens
Stevenson
Symington
Talmadge
Tunney
Weicker
Young

NOT VOTING—42

Baker
Bellmon
Brock
Buckley
Chiles
Cook
Cotton
Cranston
Eagleton
Eastland
Ellender
Ervin
Goldwater
Griffin
Hansen
Harris
Hart
Hartke
Hatfield
Hollings
Humphrey
Jackson
Jordan, N.C.
McClellan
McGee
McGovern
McIntyre
Miller
Moss
Mundt
Muskie
Packwood
Percy
Ribicoff
Saxbe
Sparkman
Stafford
Stennis
Taft
Thurmond
Tower
Williams

So Mr. Allen's amendment was rejected.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, while awaiting the arrival of the distinguished minority leader, I ask unanimous consent that the pending business be laid aside temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

PORTUGUESE BASE AGREEMENT

Mr. MANSFIELD. Mr. President, the appropriate Senators have been contacted relative to Calendar No. 600, which is, in effect, a sense of the Senate resolution, having to do with agreements with Portugal or Bahrain.

Pending the arrival of the distinguished minority leader, I ask unanimous consent that Senate Resolution 214 be laid before the Senate and made the pending business.

The PRESIDING OFFICER (Mr. Jordan of Idaho). Without objection, it is so ordered.

The Senate proceeded to consider the resolution.

Mr. MANSFIELD. Mr. President, I ask unanimous consent further, that there be a time limitation of 1 hour, the time to be equally divided between the distinguished Senator from New Jersey (Mr. Case) and the majority leader, or whomever he may designate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, this is subject to the approval of the minority leader when he arrives in the Chamber.

Mr. President, I suggest the absence of a quorum because I see the minority leader coming into the Chamber.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Curtis). Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the pending resolution.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that time not begin until I make another unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, I want the Record to show that I have agreed with the distinguished majority leader that there be a vote no later than 4 p.m. today on Senate Resolution 214.

PUBLIC DEBT LIMITATION

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I should like to ask the distinguished Republican leader to remain in the Chamber for a moment, as well as the distinguished Senator from Delaware (Mr. Roth), the distinguished Senator from Virginia (Mr. Byrd), the chairman of the Finance Committee, the distinguished Senator from Louisiana (Mr. Long), as well as the ranking minority member.

Mr. President, I ask unanimous consent that, on Tuesday next, March 7, 1972, during further consideration of H.R. 12910, the measure which has temporarily been laid aside, that the distinguished Senator from Delaware (Mr. Roth) be recognized to offer his amendment and that amendments to that amendment be in order; and that no later than 4 p.m. on Tuesday next, if the Roth amendment has not been disposed of, the Senate will then proceed to vote on that amendment and any amendment to that amendment; provided further, that motions to table be in order and that further amendments to the pending measure will be in order after disposal of the Roth amendment.

Mr. SPONG. Mr. President, reserving the right to object, may I ask the distinguished majority leader if this means that no amendment that is not an amendment to the Roth amendment, or the Roth amendment itself, will be considered prior to 4 o'clock on Tuesday next?

Mr. MANSFIELD. That is right, unless unanimous consent is granted for that request.

Mr. SPONG. I thank the Senator very much.

Mr. MANSFIELD. I do not anticipate that will be done.

Mr. ROTH. Mr. President, reserving the right to object, would it be possible for a time limit on the amendments in the second degree?

Mr. MANSFIELD. One-half hour?

Mr. ROTH. Yes.

Mr. MANSFIELD. Mr. President, I modify the unanimous-consent request accordingly, to one-half hour on amendments in the second degree, on motions and appeals and whatnot—the usual formula.

Mr. SPONG. Mr. President, reserving the right to object, may I ask one more question: Does the majority leader's unanimous-consent request allow for any amendment offered as a substitute for the Roth amendment?

Mr. MANSFIELD. Yes, indeed.

Mr. SPONG. I thank the Senator very much.

The PRESIDING OFFICER (Mr. Curtis). Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

MILITARY BASE AGREEMENTS

Mr. MANSFIELD. I ask unanimous consent that the Senate again turn to the consideration of the resolution.

The PRESIDING OFFICER. The clerk will state the resolution.

The legislative clerk read as follows:

S. Res. 214, relative to the submission of any Portuguese base agreement as a treaty.

The PRESIDING OFFICER. Is there objection to the consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Foreign Relations with an amendment to strike out all after the resolving clause and insert "That any agreement with Portugal or Bahrain for military bases or foreign assistance should be submitted as a treaty to the Senate for advice and consent."

The amendment was agreed to.

Mr. CASE. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 5 minutes.

Mr. CASE. Mr. President, it has become apparent that the overwhelming majority of the Senate favors the reestablishment of the congressional role in the making of foreign policy.

Several weeks ago this body voted 81 to 0 in favor of my bill which requires the executive branch to submit copies of all Executive agreements to the Congress within 60 days of their conclusion. The administration had opposed this legislation on the grounds that informal arrangements could be worked out to accomplish the same ends. But the Senate unanimously disagreed.

Similarly, the Senate will soon be voting on a bill which will define and limit the President's war powers. A consensus has clearly developed on this matter among Senators of varying ideological persuasions, as the cosponsorship of Senators Javits, Stennis, Eagleton, and Spong indicates. I am confident that a large majority of the Senate will vote for a war powers bill, again because of the need to reestablish the constitutional responsibility of the Congress in the national security area.

The two bills I have mentioned deal with the broad institutional structure of American foreign policy. Today we come down to the specific.

The question before us is whether without the advice and consent of the Senate, the United States should enter into major agreements with the Governments of Portugal and Bahrain.

The Constitution is explicit in requiring the advice and consent of the Senate before a treaty can be entered into force. The Constitution does not define the term "treaty." Yet, it seems clear that the Founding Fathers intended any agreement with a foreign country on a matter of substance to be embraced within the term. Certainly they did not intend that the President would be required to get Senate approval only of routine minor agreements with other nations.

Yet, the practice has grown up within successive administrations—not just this one, by any means—to use the device of executive agreements to settle international matters of great importance.

Particularly in the post-World War II area, the treatymaking process has steadily declined in importance. Successive administrations have found it expedient to use the device of the executive agreement to put into effect pacts that fundamentally affected the national security of the United States. We have heard it said that since it feared that Senate approval might not be forthcoming for a particular deal, the administration in power did not choose to use the treaty process—as if the matter were one for the administration to decide whether or not to use the treatymaking process. We have heard that some agreements were simply too sensitive to be debated in the Halls of Congress. We have heard that foreign governments did not want their relations with the United States discussed publicly.

Any of these arguments may have validity in terms of short-range political expediency. They are not valid in our constitutional system of law.

Mr. President, the Senator from Virginia (Mr. BYRD) put the question in perspective in a hearing before the Committee on Foreign Relations which later unanimously reported this resolution and recommended its passage by the Senate.

Senator BYRD of Virginia said:

> I believe that important principles are involved in this resolution, principles concerning the American system of checks and balances and the constitutional role of the Senate in foreign policy.
>
> The issue, as I understand it, is where should the line be drawn as to whether agreements with foreign nations should be executive agreement, which does not require Senate action, or by treaty, which does require Senate approval.
>
> I am frank to say that I find difficulty in delineating a precise formula.
>
> Some issues are clear cut, others are borderline.
>
> The agreements governing U.S. bases in the Azores and Bahrain possibly fall in the latter category. But, in my view, the doubt should be resolved in favor of the legislative process.

I agree with Senator BYRD. The agreements with Portugal and Bahrain are simply too important to be left to an exchange of diplomatic notes.

The resolution I have introduced concerns two recent agreements entered into by the executive branch without the use of the treatymaking process. The first was with Portugal. It provided for continued American use of military bases in the Azores in return for the United States providing Portugal with about $435 million in credits and assistance. The second was an agreement with Bahrain for the establishment of an American military base in that country.

Both of these agreements represent significant foreign policy moves. They both involve the stationing of American military forces abroad. As we have learned in the past, this can lead ultimately to war.

In the case of Portugal, we would be furnishing large amounts of assistance to a country which is presently involved in three separate colonial wars in Africa. Despite our ties to Portugal through the NATO alliance, our Government has imposed an embargo on shipments of arms to Portugal for use in Africa. Many Americans have raised the question—and I am among them—whether providing such large amounts of assistance to Portugal would not be contrary to the stated U.S. Government position of supporting self-determination for the peoples living in Portugal's colonies.

The Bahrain agreement is signicant in that it provides for a permanent American base in an area where we have never before had our own installation. Despite a State Department spokesman's statement that "all we are doing is changing landlords," the establishment of an American base in a foreign country is a very serious matter. Moreover, a base in the Persian Gulf could potentially entangle us in the bitter dispute now raging among Iran, Iraq, Saudi Arabia, and several other States over territorial claims. The recent Iranian occupation of islands at the mouth of the Persian Gulf only points up the volatility of that part of the world. The Shah of Iran has now gone on public record in opposition to our presence in Bahrain.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CASE. Mr. President, I yield myself an additional 2 minutes.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for an additional 2 minutes.

Mr. CASE. Mr. President, if these agreements with Portugal and Bahrain are not important enough to be considered treaties, then just what is a treaty?

I fully realize that the administration claims there is no need for a treaty with Portugal on the Azores bases. In hearings before the Foreign Relations Committee, Under Secretary of State Johnson said that, in effect, the Senate lost its right to pass on future agreements with Portugal when it approved the NATO treaty 23 years ago. The State Department reasoned that the new agreement with Portugal is authorized under the implementing provisions of the NATO treaty. In the case of Bahrain, there is no previous treaty, but the lack of Senate participation is justified by the fact we had earlier used the facilities on an informal basis and that the number of American personnel involved is comparatively small. I do not find the Department's arguments persuasive in either case.

I think it is only fair to say that much of the blame for the reduced state to which the Senate has come in this matter of agreements with foreign countries rightly belongs to the Senate itself. We have acquiesced for many years in the increasing encroachments made on our constitutional responsibilities by the executive branch. To a considerable degree, also, this tendency was encouraged by the substantial weight of academic opinion. I am happy to say that the sentiment in both these areas seems to have changed in recent years.

More and more students of government and international affairs have made clear their concern at the aggrandizement of the Presidency and the diminution of Congress. And within the Senate itself there is increasing sentiment for the reassertion of our proper functions and the reassumption of our constitutional responsibilities.

Twenty-nine Senators have joined as cosponsors of my resolution. I appreciate their support.

Now I urge the Senate as a whole to approve this measure which represents another step in the reassertion of the Senate's powers in the making of foreign policy.

Mr. President, I reserve the remainder of my time.

Mr. SYMINGTON. Mr. President, I yield myself whatever time is necessary.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. SYMINGTON. Mr. President, as a cosigner of the resolution introduced by the distinguished senior Senator from New Jersey (Mr. CASE), I support without reservation the wisdom of the contents of his resolution. It should be noted, as the able Senator has already noted, that the general idea of the resolution has already been passed upon unanimously by the Senate. It is only advisory, but if we continue to so advise, perhaps the administration will pay more attention to the thought behind it; namely, the right of the Senate to participate.

The chairman of the Armed Services Committee has often stressed as the reason for our military budget being as high as it is, justifying that height on the basis of our commitments all around the world.

We are discussing in this resolution two major additional commitments. One of the leading figures in the Military Establishment of today recently made the statement that the existence of a base sometimes is a better commitment on our part than a treaty. Under the circumstances and conditions in which the world finds itself today. I commend the senior Senator from New Jersey for his resolution.

Again, it is nothing more than a specific interpretation of the resolution the Senate passed unanimously only a few days ago. I hope therefore the Senate endorses today in this resolution the two specific items having to do with Portugal and Bahrain.

Mr. CASE. Mr. President, I yield myself 1 minute for the purpose of thanking the Senator from Missouri for his very kind remarks today and also for his support in this specific matter in committee. He has been in the forefront of the whole effort that the Senate has been so wisely making to reassert its constitutional responsibilities and authorities in the field of foreign policy.

Mr. SYMINGTON. Mr. President, I thank the distinguished Senator from New Jersey. It has been wise on my part to follow him in this matter.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. CASE. Mr. President, I yield as much time as necessary to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. BYRD of Virginia. Mr. President, I support the resolution offered by the distinguished senior Senator from New Jersey. It seems to me that this addresses itself to a vitally important question, and that is the reassertion by the Senate of its appropriate role in foreign policy.

Over the years the Senate has permitted the Chief Executive, whoever it may have been, to assume greater and greater authority in the field of foreign affairs.

This resolution seeks to correct that. It calls on the executive branch of the Government to submit to the Senate agreements which have been made, with Portugal on the one hand and with

Bahrain on the other, for the establishment of American military bases in those countries.

It seems to me that both Congress and the executive branch would be much better off in the long run were this to be done.

As an example, I refer to the case of the agreement for U.S. bases in Spain. The agreement with Spain was an executive agreement. It was not submitted to the Senate. Testimony before the Subcommittee on General Legislation of the Committee on Armed Services by high-ranking military officials brought out that the Spanish were under the impression that in return for these bases they would be lent certain ships of the U.S. Navy for a period of 5 years, with the option to renew for another 5 years.

The House of Representatives, in handling the legislation dealing with this ship loan, cut the period to 4 years with no provision for renewal of the loan. So, on the calendar today in the Senate is legislation reported by the Committee on Armed Services seeking to meet some of the requirements of the Spanish base agreements and some of the provisions of the House of Representatives.

Mr. President, I cite that as evidence that when the administration acts on its own in matters of this type, and where Congress has the responsibility of legislative followthrough and appropriations, it results in confusion. Moreover, I think it results in matters being handled in a way that is not in the best interest of our country.

I fully support the resolution offered by the Senator from New Jersey. I hope if it is approved by the Senate that the executive branch will take it to heart and submit these agreements promptly to the Senate.

I thank the Senator from New Jersey.

Mr. CASE. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 2 minutes.

Mr. CASE. Mr. President, I appreciate very much what the Senator from Virginia said. I owe him a great debt; I think we all do. It was the Senator from Virginia who in the last session dealt with a similar problem in a similar manner concerning the reversion of Okinawa. For a long time, there was doubt as to whether the administration would unilaterally conclude an executive agreement with Japan or submit the question to the Senate. Senator BYRD introduced in the Senate a resolution which passed overwhelmingly with the effect that the Senate expressed its will that the treaty process should be used.

The example he furnished at that time, and the action we took under his leadership, afford an excellent precedent for us in these matters.

Mr. President, I have no further requests for time on this side. If the acting majority leader is prepared to yield back his time, I am prepared to yield back my time.

Mr. KENNEDY. Mr. President, I am pleased to express my support for Senate Resolution 214. I supported the resolution as it was originally introduced by the Senator from New Jersey, December 16, 1971; I also support the resolution as amended January 17, 1972. I fully agree with the thrust of that resolution which focuses attention on recent U.S. agreements with Portugal.

In addition, I concur with the conclusions of the Committee on Foreign Relations, that the executive agreement with Portugal raises important foreign policy questions which deserve the closest possible scrutiny by the U.S. Congress. And further, I support the committee's belief that the submission of this agreement as a treaty, subject to the advice and consent of the Senate, is the best and most appropriate way of obtaining that objective in consonance with our long-established constitutional procedures.

It is appropriate for each Member of the Senate to reinforce the details of Senate Resolution 214 because the distinguished Senator from New Jersey has correctly perceived the latest action by the administration regarding Portugal as one that may lead the United States into an untenable posture. I believe that the nature of that action is so far-reaching that the Congress is obligated to provide the American people with a clear assessment of the issues.

The real substance of the issue is not simply a matter of which bases in the world are vital to the interests of the United States, but rather, the recent agreement with Portugal seems to reflect changes in official U.S. policies regarding the countries of Africa.

Although the United States has probably never addressed the issues confronting Africa with the seriousness those issues deserve, at least there were efforts in the early sixties to make positive approaches toward black African governments. The State Department and the White House, at that time, recognized the importance of bringing newly emerging African governments into full swing with the world's family of nations.

But today, in the early seventies, the mood has changed. Africa's interests are not our interests. And American diplomacy shifts to the support of colonial regimes who persist in denying basic human rights to their own people.

Last December the administration agreed to guarantee Portugal half a billion dollars for projects that may ultimately go to support their colonial wars in Angola, Mozambique, and Guinea Bissau.

Five days after Mrs. Nixon returned from a tour of black Africa, the administration announced a $48.6-million loan guarantee for South Africa to purchase locomotives from the General Motors Corp.

No response has emanated from our Government in the wake of blacks' protests against Southern Rhodesia's settlement with Britain that insures their slavery for decades to come.

After the Congress voted to lift the ban against chrome imports from Southern Rhodesia, in violation of our United Nations obligations, the Treasury Department decided that 72 commodities, formerly banned, would be allowed to come through U.S. ports, and the first shipment of Rhodesian chrome is scheduled to dock in the United States on March 15.

Not one official word has been announced in response to the violence in Southwest Africa's dispute that has shut down an American-owned diamond mine.

This list just begins to suggest the drastic tilt of the United States in favor of the white minority regimes ruling the countries of southern Africa—a policy that may be termed the second "southern strategy."

I believe the details of our December agreement with Portugal, therefore, deserve full disclosure by this Congress because of apparent shifts in our relations with the Government of Portugal.

Early in the Kennedy administration U.S. officials encouraged Portugal to establish a goal of self-determination among the peoples of the Portuguese colonies. We had begun to set policies for using our nonmilitary resources to nudge Portugal toward a program of rapprochement.

Since then it appears that the United States has moved further and further away from efforts to persuade Portugal to take steps leading to self-government in its African territories.

Instead of appealing to Portugal's sense of justice and human dignity, we are contributing more to their war machine.

Instead of seeking amelioration we are providing support for the repressive policies of minority rule, in countries where half a million whites dominate the lives of 14 million blacks. Why do we ally our resources with Portuguese interests? Since 1969 U.S. activity with Portugal has increased substantially.

Early in 1971 the sale of Boeing transports—707's and 747's—added to the Portuguese fleet of troop carriers going to the African wars; the United States sold five Bell helicopters for use in Mozambique.

The United States trains Portuguese Armed Forces, both in this country and in Europe.

We provide over $1 million in grant military aid to Portugal each year.

We annually put a substantial portion of the operation costs for the Azores base into the Portuguese economy.

On December 13, 1971, President Nixon's meeting with the Portuguese Prime Minister in the Azores followed a massive new agreement for the use of military bases in the Azores. It is this last step that particularly dismayed those of us who were already troubled by the earlier sales to Portugal. And now, we believe it is imperative that American-Portuguese relations receive careful scrutiny.

As the Foreign Relations Committee clearly emphasized in its hearings last month, the December agreement with Portugal authorizes the United States to guarantee to the Portuguese Government a package amounting to a minimum of $436 million including:

First, $30 million in loans under the Public Law 480 program for the purchase of agricultural commodities;

Second, free use of the hydrographic vessel, U.S.N.S. *Kellar;*

Third, $1 million for education development projects from the Defense Department budget;

Fourth, an unlimited amount in drawing rights—a minimum of $5 million—for the purchase of nonmilitary excess equipment from Defense Department stocks; and

Fifth, $400 million in loan guarantees from the Export-Import Bank to finance development projects for airports, highways, railroads, harbors, bridges, electric power stations, schools, hospitals, and town planning in metropolitan Portugal.

The United States has offered all of that for the use of military facilities in the Azores.

I believe that the State Department and the Department of Defense should fully explain to the Senate why the Azores warrants a rental of nearly half a billion dollars in 1971, when, in the past, the United States has never paid for these facilities.

Why, after 30 years of using the Azores without official payment does the United States find it necessary to rent it at this time?

Mr. President, these are the basic reasons why I share the concern of the Senator from New Jersey that the Senate deserves to fully participate in decisions involving the continued agreement arranged between this country and the Government of Portugal.

Our Government must begin now to pay more concerted attention to the problems of southern Africa in order to help bring an end to the heritage of fear that is the plight of all the people living in that subcontinent. That is why I feel so strongly about the importance of Senate Resolution 214 as it applies to the Government of Portugal. That was the key last year to my objection to the inclusion of a quota for South Africa in the Sugar Act. To resolve these issues, it is up to the Congress to take the lead and to show the way.

U.S. Government funds should not be used to facilitate, subsidize, or in any way promote commerce between this Government and Portugal or South Africa until these nations have caught up with the 20th century. The racial policies of each of these governments are anathema to all that we in this country profess to represent. Yet the United States is in an excellent position to encourage such regimes to abandon their inhumane policies. The recently concluded negotiations with Portugal is an example. But we chose to ignore that.

In 1962, Portugal was seriously dissatisfied with U.S. pronouncements regarding Portuguese Africa. That is why both governments permitted the Azores base agreement to expire.

The world can only view this latest agreement as an indication that Lisbon no longer has reason for dissatisfaction with the United States. If that is the case then the December agreement with Portugal should be described for what it is.

If that is the case the nations of the world should know that the United States approves of Portugal's violent response to demands for freedom. Few in this country realize that by Portugal's own account, 215 Africans and eight Portuguese were killed, and 53 Portuguese were wounded last year during one Christmas-week battle in Portuguese Guinea.

Few of us realize that Portugal fears its empire might crumble, based on its own domino theory—once they lose Guinea, Angola and Mozambique will also fall.

Few in this country realize that by the State Department's own admission the Soviet Union maintains a constant naval combat presence off the coast of the Republic of Guinea. Few of us realize that Portugal claims that Portuguese Guinea is a "priority target" of Soviet activity in Africa and that the Soviets are stepping up their arms supplies to the African liberation forces.

And, in Addis Ababa, the United Nations Security Council debates last month between Russia and China indicate the active competition for the "hearts and minds" of Africa.

But the deeper Portugal is mired in its own colonial troubles the more Portugal demonstrates the need for "friends who are now also allies."

Thus, not only can our recent actions be viewed as supporting the Portuguese wars—it can also be said that our recent deal with Lisbon is a good deal only for the Portuguese.

If we believe the Azores facilities are worth half a billion dollars, why did we not extract a long-term agreement? Why did we not obtain from Portugal a commitment for Premier Caetano to begin peace negotiations with the leaders of Mozambique, Angola, and Guinea?

Why was this executive agreement for the use of military bases authorized for just a 2-year period? How often has the United States signed 2-year base leases in the past?

These questions can be raised at a glance. Surely there are many more. Although I am not prepared to make an exhaustive list let me just mention four other reasons for questioning that agreement:

First. Why is the provision in the December agreement covering "nonmilitary excess equipment" so vague? In his letter to the Portuguese Minister of Foreign Affairs, Secretary Rogers offered the Portuguese Government $5 million in "drawing rights" at new acquisition value of any nonmilitary excess equipment which may be found to reach Portuguese requirements. According to Secretary Rogers:

> The figure of $5 million is to be considered illustrative and not a ceiling—so that we may be free to exceed this figure if desired.

We have a lot of excess equipment piling up as a result of our involvement in Vietnam. Just exactly how much of it are we going to shovel off to Portugal for free in the name of noninvolvement in Portugal's colonial wars? Why did we not obtain from Portugal a commitment that would prevent the direct use of any equipment obtained from that agreement from being used in Africa? Last April, Rui Patricio, the Portuguese Foreign Minister, said:

> If I buy an American car, can America tell me how I can use it? If I want to drive it in Africa, I will drive it in Africa.

Second. What are the Pentagon's intentions with respect to the Portuguese port facilities in Angola and Mozambique? The U.S. Navy has continued using the port facilities in Mozambique's capital city despite decisions in 1966 by the Johnson administration to prevent the continued use of South African ports.

Portugal is now developing two more ports in Mozambique. Will U.S. generosity emanating from the credits for harbor projects in metropolitan Portugal ultimately also assist the construction of new ports in Mozambique? Can we soon expect American naval vessels to "show the colors" in the Indian Ocean on behalf of the Portuguese Government?

Third. Portuguese Foreign Minister Rui Patricio visited the United States for 10 days beginning November 9, 1970. Portuguese-led forces invaded the Republic of Guinea on November 22. On December 8 of that year, the United States abstained when the Security Council condemned Portugal's attack on the Republic of Guinea. Did Mr. Patricio inform the United States of Portugal's intentions during his visit? If he did not inform the United States, then why did the United States abstain during the Security Council vote? And if he did inform us, is the United States-Portugal alliance even more binding than we realize? Is the United States so badly in need of exports that we must abandon our ideals and concerns for human dignity?

Fourth. Finally, I have a longstanding concern about the use of the Export-Import Bank as a political instrument. For many years the United States used political reasons to avoid trading with the Communists, and the Export-Import Bank operated within that framework. Now, again for political reasons, we do want to trade. So Export-Import Bank facilities are made available.

I just cannot believe that our recent loans to Portugal and South Africa are not for political reasons. As I stated earlier, I do not believe in subsidizing these colonial regimes in any way.

Moreover, I do not subscribe to the view that Export-Import Bank credits cannot fairly be considered as aid. If they were not aid, then why would people be so eager to have them?

After the U.S. agreement with Portugal was settled, Dr. Caetano, in a TV fireside chat to the Portuguese people triumphantly announced the good deal just concluded with America. He said:

> Unfortunately the times of the "fat cow" had passed for America. The great American economy has enormous resources and I am certain that within a short time it will energetically regain its economic health and external financial equilibrium . . . for that reason, the agreement for economic aid which we began to negotiate had an arduous road and it is not at all what we would like . . . the accord concerning the Azores base was negotiated for a short period. There will be an opportunity for renewal in 1974. In the meantime I have faith that the American economy will be restored and that new cooperative arrangements between both countries will be possible.

Mr. President, I think this is a clear statement that, for Portugal, the December agreement provides much needed aid and that the Government of Portugal has every intention of returning to "milk" the American cow as often as possible.

In summary then, I protest in the strongest possible terms, the failure of our Government to properly direct U.S. resources toward the goals of peace and freedom.

I believe this may be one of the most important foreign policy disasters committed by the Nixon administration.

The President agreed to resume negotiations with Portugal only 2 weeks after he entered the White House. For nearly 3 years he has had opportunities to conclude more acceptable and binding agreements negotiated in private away from the stress of a rapidly changing crisis situation. I think it is fair to conclude the quietly and privately negotiated executive agreement with Portugal is, for its wholly calculated nature, the most grievous possible insult in international diplomacy.

Indeed, if this administration were really a friend of Portugal, the United States would be willing to tell Dr. Caetano the hard truth—that Portugal's continued presence as a colonial power in Africa is not only embarrassing to NATO, but also jeopardizes the development of Portugal's ties with the European community and its African associates. In fact, probably the only way Dr. Caetano can "lose" any or all of his African colonies without probably losing his own job to rightwing militarists is to blame the world's superpowers. Credible pressure from the United States, from China or from the U.S.S.R. could be a viable scapegoat for Caetano's purposes.

I think that such credible public pressures would be one gift the United States could gladly extend to Dr. Caetano. Our Nation can bear up under the scorn of Portugal's rightwing in order to give the Portuguese Government an excuse to negotiate. Last December the United States carelessly jettisoned its leverage in return for the Azores base, a base, I am told, that is merely a watering hole with an extremely attractive golf course and described as a "loafer's paradise."

I believe the Senate should do all in its power to overturn this agreement and to instruct the President to reopen negotiations with Portugal in order to produce an agreement that the American people can accept: An agreement that does not put us on the wrong side of another series of wars of "freedom and independence"; one that does not, under the guise of export promotion, pave the way for a victory for adventurous Soviet and Chinese diplomacy. Meanwhile, no deal is better than this deal. The United States is under no obligation to subsidize colonialism in Africa.

Morally, it is indefensible for the United States to deal with nations that subjugate the basic rights of mankind.

Strategically, it has not been concluded that Portugal's facilities in the Azores are vital to the security of the United States.

Politically, the United States has rendered itself unable to explain to black Americans or to black Africans why we fail to support the forces of self-determination.

I can see no reason for us to seek a deal like the December agreement, whether it is a treaty, or an executive agreement, unless we are prepared to do the right thing—we must get a commitment from Portugal to end the slaughter in Africa. If we are not prepared to do the right thing, then there is no reason to do anything.

Mr. President, I strongly urge the Senate to adopt Senate Resolution 214 because of the need for the Senate to fully review this enormous agreement with the Government of Portugal.

Mr. SYMINGTON. Mr. President, I yield back the remainder of my time.

Mr. CASE. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the resolution as amended.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Florida (Mr. Chiles), the Senator from Mississippi (Mr. Eastland), the Senator from North Carolina (Mr. Ervin), the Senator from Oklahoma (Mr. Harris), the Senator from Michigan (Mr. Hart), the Senator from Indiana (Mr. Hartke), the Senator from South Carolina (Mr. Hollings), the Senator from Minnesota (Mr. Humphrey), the Senator from Washington (Mr. Jackson), the Senator from North Carolina (Mr. Jordan), the Senator from Arkansas (Mr. McClellan), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. Muskie), the Senator from Alabama (Mr. Sparkman), the Senator from Mississippi (Mr. Stennis), and the Senator from New Jersey (Mr. Williams) are necessarily absent.

I also announce that the Senator from California (Mr. Cranston), the Senator from Missouri (Mr. Eagleton), and the Senator from Louisiana (Mr. Ellender) are absent on official business.

I also announce that the Senator from Connecticut (Mr. Ribicoff) is absent because of illness in the family.

I further announce that, if present and voting, the Senator from Florida (Mr. Chiles), the Senator from California (Mr. Cranston), the Senator from Minnesota (Mr. Humphrey), the Senator from Washington (Mr. Jackson), the Senator from Connecticut (Mr. Ribicoff), and the Senator from South Dakota (Mr. McGovern) would each vote "yea."

Mr. SCOTT. I announce that the Senators from Tennessee (Mr. Baker and Mr. Brock), the Senator from Oklahoma (Mr. Bellmon), the Senator from New York (Mr. Buckley), the Senator from Kentucky (Mr. Cook), the Senator from New Hampshire (Mr. Cotton), the Senator from Arizona (Mr. Goldwater), the Senator from Michigan (Mr. Griffin), the Senator from Wyoming (Mr. Hansen), the Senators from Oregon (Mr. Packwood and Mr. Hatfield), the Senator from Nebraska (Mr. Hruska), the Senator from Illinois (Mr. Percy), the Senator from Maryland (Mr. Mathias), the Senator from Vermont (Mr. Stafford), the Senators from Ohio (Mr. Saxbe and Mr. Taft), the Senator from South Carolina (Mr. Thurmond), the Senator from Texas (Mr. Tower), and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Texas (Mr. Tower) would vote "nay."

On this vote, the Senator from Illinois (Mr. Percy) is paired with the Senator from South Carolina (Mr. Thurmond). If present and voting, the Senator from Illinois would vote "yea" and the Senator from South Carolina would vote "nay."

The result was announced—yeas 50, nays 6, as follows:

[No. 87 Leg.]

YEAS—50

Aiken
Allen
Allott
Anderson
Bayh
Beall
Bennett
Bentsen
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cooper
Curtis
Fong
Fulbright
Gambrell
Gravel
Gurney
Hughes
Inouye
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Metcalf
Miller
Mondale
Montoya
Nelson
Pastore
Pearson
Pell
Proxmire
Randolph
Roth
Smith
Spong
Stevens
Stevenson
Symington
Talmadge
Tunney

NAYS—6

Dole
Dominick
Fannin
Schweiker
Scott
Young

NOT VOTING—44

Baker
Bellmon
Brock
Buckley
Chiles
Cook
Cotton
Cranston
Eagleton
Eastland
Ellender
Ervin
Goldwater
Griffin
Hansen
Harris
Hart
Hartke
Hatfield
Hollings
Hruska
Humphrey
Jackson
Jordan, N.C.
Mathias
McClellan
McGee
McGovern
McIntyre
Moss
Mundt
Muskie
Packwood
Percy
Ribicoff
Saxbe
Sparkman
Stafford
Stennis
Taft
Thurmond
Tower
Weicker
Williams

So the resolution (S. Res. 214) as amended was agreed to.

The preamble was amended.

The preamble, as amended, was agreed to.

The resolution, as amended with its amended preamble, reads as follows:

Whereas the Constitution states the President of the United States must have the advice and consent of the Senate in order to make treaties;

Whereas an agreement with Portugal, which would provide for the stationing of American troops overseas and which would furnish Portugal with large amounts of foreign aid, is clearly a matter of sufficient importance to necessitate its submission to the Senate as a treaty;

Whereas an agreement with Bahrain, which would provide for the establishment of a new American military base on foreign territory and the stationing of American troops overseas, is clearly a matter of sufficient importance to necessitate its submission to the Senate as a treaty: Now, therefore, be it

Resolved, That any agreement with Portugal or Bahrain for military bases or foreign assistance should be submitted as a treaty to the Senate for advice and consent.

The title was amended, so as to read: "Resolution relative to the submission of any base agreement with Portugal or Bahrain as a treaty."

THE BUDGET AND NATIONAL DEBT

Mr. BYRD of Virginia. Mr. President, in connection with the debate on Government finances and on how much the national debt has increased, I want to put into the record a few facts.

First, I invite the attention of the Senate to a colloquy I had with the Director of the Office of Management and Budget, Mr. Shultz, which took place at a meeting of the Committee on Finance a week ago this past Monday. I ask unanimous consent that a portion of that colloquy which appears beginning on page 33 be printed in the Record.

There being no objection, the colloquy was ordered to be printed in the Record, as follows:

Senator Byrd. Mr. Shultz, the budget is based on the full employment concept of what revenues might be if—if—we were to have full employment. How do you determine that revenue figure?

Mr. Shultz. First, making an assumption about what you consider to be full employment and full use of resources, and then, given that assumption, calculating the gross national product that would be attained, and calculating from that the various components, particularly estimating corporate and personal income, and from that, you estimate receipts that would be associated with that level of gross national product.

Senator Byrd. Well, then, the current estimate is based, the full employment estimate is based on what it says, full employment or zero unemployment.

Mr. Shultz. No, sir. The convention that we have used is a level of operation of the economy roughly consistent with a 4 percent unemployment level. Of course, when it comes to calculating receipts for the Federal Government, it is not so much the unemployment level as the human resources that you are looking at as it is the gross national product and the amount of personal income and corporate income that is generated from which you calculate the receipts. But we use that level.

Senator Byrd. So it is not a full employment budget but it is a four percent unemployment or 96 percent employment budget, is it not?

Mr. Shultz. If you want to express it that way, that assumption of about four percent being the equivalent of full employment has been used a lot in the past and we have adopted it.

Senator Byrd. And the unemployment rate now is what percent?

Mr. Shultz. 5.9, I believe, is the most recent reading.

Secretary Connally. That is correct.

Senator Byrd. What was the unemployment rate a year ago? Do you have that?

Mr. Shultz. Approximately the same. I do not happen to have that number right in my head, but we have had a period of about a year in which the unemployment level has stayed at roughly in the neighborhood of six percent.

Senator Byrd. I was reading yesterday, I guess it was, where one of the economists says that the unemployment rate is slightly higher now than it was when the recession ended in November of 1970. Is that approximately correct?

Mr. Shultz. I do not happen to have the November figure on this chart.

Senator Byrd. In any case, there has been no fundamental change?

Mr. Shultz. It has stayed, as I said, roughly in the vicinity of six percent for about a year.

Mr. BYRD of Virginia. I ask unanimous consent that, following that, another part of the colloquy beginning on page 64 be printed in the Record.

There being no objection, the colloquy was ordered to be printed in the Record, as follows:

Senator Byrd. Now, I understand from Mr. Shultz's reply to one of my earlier questions that the present full employment budget is based on a four percent unemployment rate. Am I correct in that?

Mr. Shultz. Yes, sir.

Senator Byrd. So we start off, assuming that the Secretary of the Treasury is correct, we start off with an unbalanced budget insofar as full employment is concerned?

Mr. Shultz. It is balanced insofar as full employment is concerned but unbalanced in actuality.

Senator Byrd. In other words, it is unbalanced under any conception that we are now working on? It is unbalanced on a federal fund concept, unbalanced on a unified concept, and unbalanced on the full employment concept.

Mr. Shultz. No sir, it is balanced on a full employment concept.

Senator Byrd. Well, maybe I had better state it this way, then: it is balanced on a full employment concept, namely, a 4 percent unemployment rate, but you do not expect to attain a 4 percent unemployment rate?

Mr. Shultz. That is correct.

Mr. Connally. That is correct.

Mr. BYRD of Virginia. Mr. President, this colloquy brings out that the Federal budget for the new fiscal year will show a very large Federal funds deficit. It will show a very large deficit under the unified concept, if one wishes to take that, and it will show a deficit also under the so-called full employment concept.

In my colloquy with the Director of the Budget, he stated that the full employment budget is based on its being balanced if there is full employment, namely, a 4-percent unemployment rate. But under questioning, both Mr. Shultz and the Secretary of the Treasury, Mr. Connally, stated that they do not expect full employment, namely, an unemployment rate of 4 percent. Secretary Connally says he hopes that it will get down to 5 percent by the end of the year. So it is obvious from the start that even under the full employment concept, the budget in fact will end up badly out of balance.

I do not agree with the full employment concept. I think it is a fictitious budget. It is a fictitious figure. It is pulled out of the air. But even if you want to take the full employment figure of our fiscal leaders, Mr. Shultz and Mr. Connally, even if you take the figure which they submitted to Congress and based their budget on, you will have a budget deficit.

But if you take the real figure, the proper way to construe the budget, namely, the Federal funds budget, you will find by their figures that the Government, for the upcoming fiscal year, is left with a Federal funds deficit of at least $36 billion.

Mr. President, what I am pointing out is that regardless of what budget concept one uses, one finds that our country is badly and deeply in the red. The normal way of figuring budgets historically, up until 1968 or 1969, was the administrative budget concept. Then, under the administration of President Johnson, in order to make the deficits appeal less, the Government went to the so-called unified budget. Then when the present administration came in, and after 2 years found that the deficits even under the unified concept were too large, they developed a new concept called the full employment budget; and we find that even under that new concept, the deficit for the current fiscal year will be at least $8 billion, and there will be a substantial deficit for the upcoming year.

To me, Mr. President, this is very alarming. Earlier in the day, in a colloquy with the distinguished chairman of the Finance Committee, there was a discussion of the amount of the Federal debt held by private investors and by individual investors. I think it is interesting and significant to put into the Record that in December 1946 individuals held 24.8 percent of the total gross public debt. By December 1966, this figure had been reduced to 22.6 percent, and in October of 1971 it had been further reduced to 18.8 percent, which is to say that of the total gross public debt as of October 1971, which totaled $411.9 billion, individuals held $77.6 billion, or 18.8 percent. That suggests to me that the individuals in our Nation are having less interest in buying U.S. Government bonds.

During the period December 1966 to October 1971, while there was a substantial decrease in the percentage of the gross debt held by individuals, the individuals increased by 50 percent the amount of their savings accounts in savings and loan associations.

If we take all private investors, we find this to be the case: In 1946, the amount of the gross public debt held by all private investors—individuals, commercial banks, mutual savings, and so forth—represented 80.4 percent of the total. By December, 1966, this had been reduced to 66.6 percent, and in October of 1971 this had been further reduced to 58.5 percent.

That is further evidence, I think, that the private sector is displaying less and less desire to purchase these Federal Government securities.

Mr. President, I ask unanimous consent to have printed in the Record a table I have prepared, "Deficits in Federal Funds and Interest on the National Debt. 1954–73, Inclusive."

There being no objection, the table was ordered to be printed in the Record, as follows:

DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1954–73 INCLUSIVE

[In billions of dollars]

	Receipts	Outlays	Surplus (+) or deficit (−)	Debt interest
1954	62.8	65.9	−3.1	6.4
1955	58.1	62.3	−4.2	6.4
1956	65.4	63.8	+1.6	6.8
1957	68.8	67.1	+1.7	7.2
1958	66.6	69.7	−3.1	7.6
1959	65.8	77.0	−11.8	7.6

DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1954–73 INCLUSIVE—Continued

	Receipts	Outlays	Surplus (+) or deficit (−)	Debt interest
1960	75.7	74.9	+.8	9.2
1961	75.2	79.3	−4.1	9.0
1962	79.7	86.6	−6.9	9.1
1963	83.6	90.1	−6.5	9.9
1964	87.2	95.8	−8.6	10.7
1965	90.9	94.8	−3.9	11.4
1966	101.4	106.5	−5.1	12.0
1967	111.8	126.8	−15.0	13.4
1968	114.7	143.1	−28.4	14.6
1969	143.3	148.8	−5.5	16.6
1970	143.2	156.3	−13.1	19.3
1971	133.7	163.7	−30.0	20.8
1972[1]	137.8	182.5	−44.7	21.2
1973[1]	150.6	186.8	−36.2	22.3
20-year total	1,916.3	2,141.8	225.5	241.5

[1] Estimated figures.

Source: Office of Management and Budget and Treasury Department.

DEATH OF BILL LAWRENCE

Mr. JAVITS. Mr. President, I advise the Senate, with sorrow, that a very good friend of many of us, one with whom many of us were associated, he as a reporter and we as legislators, has suddenly passed away at a relatively young age. I refer to William H. Lawrence, national affairs editor for the ABC network.

I have known Bill for well over 25 years. I knew him when he was a reporter for the New York Times, as I came back from the war and got into politics, and then saw him through his long period of service at the Times and subsequently when he was with ABC.

He was a great reporter. He covered World War II from Moscow and the Pacific. He was also a Nebraska boy, a rather traditional American, from a State heavily involved in agriculture.

He was a very earthy and persistent reporter, but also had a sweetness which was often shown even though he tried to exhibit a rough and ready exterior.

He was a friend of many of the leading Americans of his time, quite deservedly; and the Nation, which he served so effectively in his chosen work, has lost a fine and effective reporter.

My wife joins me in extending most profound condolences to his family, and they have every reason for great pride in this truly brilliant reporter.

Mr. President, I ask unanimous consent to have printed in the Record an article about the death of Bill Lawrence which was published in today's Washington Post.

There being no objection, the article was ordered to be printed in the Record, as follows:

Bill Lawrence, ABC Newsman, Dies

(By Ron Shaffer)

William H. Lawrence, a gravel-voiced television news commentator who for two decades had been regarded by his contemporaries as the dean of national political reporters, died after a heart attack last night in New Hampshire. He was 56.

Mr. Lawrence, a reporter for 40 years, had been national affairs editor for the American Broadcasting Company, which he joined in 1961. He had been a reporter for The New York Times for 20 years and was a past president of the National Press Club.

He was discovered in his hotel room in Bedford, N.H., last night by an ABC associate, Virginia Sherwood, who had become concerned that he had not answered his telephone. He was pronounced dead at Manchester's Notre Dame Hospital at 7:50 p.m.

Although he had recently told other newsmen that he was not well, Mr. Lawrence had traveled again to New Hampshire to cover the presidential primary, as he had every year since 1952.

He was known among his contemporaries not only for demanding, persistent reportorial skills that enabled him to be first to reveal major stories, but also for his irascible, dominant personality that contained a sentimental streak he could not hide.

One of his best known triumphs was his prediction in December, 1966, that President Lyndon B. Johnson would not run for reelection in 1968. He had said he predicated his forecast on Mr. Johnson's "health, Vietnam frustrations and desire to preserve his 1964 landslide record. Mr. Johnson announced he would not seek re-election on March 31, 1968.

Mr. Lawrence had often said that he would be a wealthy man had he accepted all the bets made against him when he made the prediction.

In 1965, he received the George Foster Peabody Award, considered by many in the industry to be the most prestigious in broadcasting reporting, for his coverage of the 1964 election.

As a reporter for the New York Times, Mr. Lawrence's assignments took him throughout much of the world and to Washington, where he was White House correspondent.

He joined the Times in 1941 and covered World War II from Moscow; from the Pacific, where he was one of the first newsmen to report the effects of the atomic bomb dropped on Nagasaki, and from Germany, where he was the first American correspondent to file an eyewitness account of a liberated concentration camp.

He also covered the United Nations, the Korean War and the presidential elections from 1948 through 1960 for the Times.

Mr. Lawrence was born in Lincoln, Neb., and attended the University of Nebraska. He began his journalistic career at 16 as a reporter for the Lincoln Star. He went on to report for the Associated Press, the Omaha World Herald and United Press before joining the Times.

During his years at ABC, Mr. Lawrence was the network's White House correspondent and political commentator before becoming national affairs editor, a position in which he covered various areas, including sports.

Colleagues in New Hampshire recalled last night that Mr. Lawrence was so dominating in his approach to newsgathering that he would shout at anyone who got in the way of his story, whether a secretary or major government official.

Several reporters said that despite his gruff manner, Mr. Lawrence frequently went out of his way to compliment young reporters, and others said they became close friends of his after meeting him first in argument.

"He was a person who cuffed ears lovingly," said Douglas Kiker, correspondent for the National Broadcasting Company. "I can't think of another reporter in the United States who would elicit such grief from all of us."

ABC officials said that Mr. Lawrence was known to have had a heart condition for the last four years. He lived in the Van Ness apartments at Van Ness Street and Connecticut Avenue NW.

Mr. Lawrence was married and divorced twice. He is survived by a son, William E., of Detroit; a daughter, Ann E. of New York; a sister, Mary Jane Johnson, and a brother, Edward, both of Lincoln, Neb. His second wife, the former Constance McGregor, lives in Washington.

Mr. PELL. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. PELL. Mr. President, I should like to associate myself with the views and thoughts of the Senator from New York.

Bill Lawrence was an old friend of mine from 1946, when we used to serve together, he for the New York Times and I for our Government, in Eastern Europe. Through the years, my wife and I have considered him a good, a close, and a warm personal friend. We mourn his loss in a personal way as well as mourning the death of a truly great, objective, and thorough newsman.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. JAVITS. I yield to the Senator from Nebraska.

Mr. CURTIS. I thank the Senator.

Mr. President, a great many Nebraskans have followed the career of Bill Lawrence with interest and with pride. He was a good reporter; I would say a great reporter. He brought credit to himself and to those institutions in the news world that he represented.

It has been some time since he has resided in the State of Nebraska. Nevertheless, he has many friends there, friends who have followed his career and have admired him and have appreciated his accomplishments.

It was not my privilege to know Mr. Lawrence intimately. I have had the opportunity to visit with him a time or two. It was always a very pleasant occasion.

His untimely death is indeed sad; and in behalf of his many friends in Nebraska, I wish to express my condolences and my sincere sympathy to the members of his family.

Mr. JAVITS. I thank the Senator.

PRESIDENT NIXON'S HEALTH MESSAGE

Mr. JAVITS. Mr. President, the President's health message to the Congress carefully and properly enumerated why the famous Dicken's quotation—"It was the best of times. It was the worst of times"—is so appropriate in describing America's health care. There is much that is good about health care in America, but as the President indicated, there is need not only to expand the supply of doctors, dentists, nurses and other health professionals, but also, most importantly, to alter the existing supply and distribution of doctors, nurses, hospitals and other health resources.

I have introduced the National Health Insurance and Health Services Improvement Act of 1971 (S. 836), the Local Comprehensive Health Services Systems Act of 1971 (S. 837), and the administration's Health Maintenance Organization Assistance Act of 1971 (S. 1182), the President's national health strategy to achieve these purposes. In addition, I contemplate joining in the introduction of an even more extensive HMO bill—based in large measure upon the testimony received at a series of hearings by the Health Subcommittee of the Senate

Committee on Labor and Public Welfare, of which I am ranking minority member, and detailed organizational questions put to all witnesses by the subcommittee chairman and me—which will enable us to take a comprehensive approach to the development and funding of HMO's.

I share the expressed concern by the President that we "capitalize on existing strengths," provide "equal access for all to health care," assure "balanced supply and demand," and bring "efficient organization" to our health care system, and I will continue to work to achieve these objectives.

The President's stated interest in heart disease, cancer, alcoholism, drug abuse, sickle cell disease, and venereal disease, are most gratifying. I am pleased to have had an active role in authorizing and supporting these legislative initiatives, some of which have been enacted into law.

I will soon join in the introduction of a National Heart, Blood Vessel, Lung and Blood Act of 1972—which I believe should have administration support—which will allow us to achieve for America's No. 1 killer, heart disease, what was done for cancer.

The initiatives the President suggests, to apply science and technology in a new Federal partnership with the private sector of our economy, can, I feel, have their foundation in provisions in legislation I authored in Public Law 91-296 and Public Law 92-157; and also in legislation now pending before the Labor and Public Welfare Committee which I support.

The President chose to emphasize the bipartisan efforts of the administration and the Congress to attain better health care for all Americans. I strongly agree with the President's closing words, which bear repeating:

> If the Administration and the Congress continue to act together—then the 1970's will be remembered as an era in which the United States took the historic step of making the health of the entire population not only a great goal but a practical objective.

Mr. President, I think there is more ground for optimism than for a long time in this statement.

ORDER FOR RECOGNITION OF SENATOR PEARSON ON MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday after the two leaders have been recognized under the standing order, the distinguished Senator from Kansas (Mr. PEARSON) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVISION FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY

Mr. BYRD of West Virginia. I ask unanimous consent that following the remarks of the distinguished Senator from Kansas (Mr. PEARSON) on Monday, there be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PUBLIC DEBT LIMITATION

Mr. BYRD of West Virginia. Mr. President, for the record, what is the pending question before the Senate?

The PRESIDING OFFICER (Mr. FANNIN). The Chair lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read as follows:

> H.R. 12910, an act to provide for a temporary increase in the public debt limit.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for Monday is as follows:

The Senate will convene at 10 a.m.

After the two leaders have been recognized under the standing order, the senior Senator from Kansas (Mr. PEARSON) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes.

On Monday the Senate will proceed to the consideration of the various committee funding resolutions, and if past experience is to be a lamp unto our feet, we may be absolutely sure that there will be rollcall votes on Monday.

Further consideration of H.R. 12910, the debt limit bill, will be deferred until Tuesday.

ADJOURNMENT TO 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. on Monday next.

The motion was agreed to; and at 4:02 p.m. the Senate adjourned until Monday, March 6, 1972, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate March 3, 1972:

JOINT FEDERAL-STATE LAND USE PLANNING COMMISSION FOR ALASKA

Jack O. Horton, of Wyoming, to be a member of the Joint Federal-State Land Use Planning Commission for Alaska; new position.

NATIONAL CREDIT UNION BOARD

O. Louis Olsson, of Connecticut, to be a member of the National Credit Union Board for a term expiring December 31, 1977, vice John J. Hutchinson, term expired.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 3, 1972:

FARM CREDIT ADMINISTRATION

The following-named persons to be members of the Federal Farm Credit Board, Farm Credit Administration, for terms expiring March 31, 1978:

Melvin E. Sims, of Illinois.
E. Riddle Lage, of Oregon.

EXTENSIONS OF REMARKS

DRUG COUNSELING AIDS YOUTH AND PARENTS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. ANDERSON of California. Mr. Speaker, as a coauthor of the Drug Abuse Education Act of 1969, which is now Public Law 91-528, I have long felt that educating our youth on the problems and dangers of drugs was a necessary complement to other programs designed to curb drug abuse.

South Gate, Calif., has taken the lead in proving the efficacy of such programs to educate our children on the effects of drugs.

On the recommendation of the mayor of South Gate, Frank Gafkowski, Jr., the city council approved a counseling program for first offenders under the auspices of the South Gate Police Department.

The program, conducted by law enforcement officer Ron George, has been a success, not only in informing the children about drugs and drug abuse, but also in educating the parents.

Officer George, a recognized expert on drugs, considers himself a "counselor," not a teacher, and the results of his consultations speak for themselves: Of the 27 youths who have attended the "rap sessions," none have been convicted of a second offense.

In order to encourage other cities to follow the excellent example set by South Gate, I ask unanimous consent to place at this point in the RECORD an article which appeared in the February 5, 1972, South Gate Press, written by Ann Gaff, describing the drug counseling program.

The article follows:

DRUG COUNSELING AIDS YOUTH AND PARENTS

(By Ann Gaff)

"Everything You've Always Wanted to Know About Drugs and Drug Abuse and Were Afraid to Ask" might well be a sub-title for juvenile counseling initiated Dec. 4 by South Gate City Council to aid first time offenders.

Although 27 youths have been scheduled to appear for Saturday counseling, 107 young persons and their parents have attended sessions which are conducted by Officer Ron George.

George, with South Gate Police Dept. for five years, has worked in the narcotics division with Sgt. Al Knox and Sgt. Jim Reed, now a police lieutenant. He is recognized by the courts as an expert on drugs. Twenty-six years of age, George and his wife have five children, two sons and three daughters, ranging in age from two to seven years.

"Each counseling session lasts from three to three and a half hours, depending on the feedback and response," says George, who conducts the sessions in street clothes, rather than police uniform.

Each youth referred for counseling by the juvenile bureau is a first offender. One prerequisite is that a parent or parents also attend. Average age for referral has been 14 to 15 years but there was one nine-year-old, two age 16 and one 17 years. Two girls have been referred to date from the total of 27.

Most interesting is the number of young persons—and parents who repeat the counseling—although their presence is not required by the juvenile bureau.

Three were supposed to attend week before last at a counseling session but 27 showed up for the discussion and films. Seven had been referred for counseling the week before but, again, there were 27 present.

"Both parents and juveniles become very honest with one another," George said. "I'm not there as a teacher and they are not there as students having to listen to a lecture. I encourage open and frank discussion. And it's been pretty effective; serving a dual purpose: educating juveniles, who pretty much know about drugs and drug abuse, and educating parents, who don't know."

Those referred are required to attend a minimum of two Saturday counseling sessions. If George feels more time is needed, he asks them to return. However, some young people have returned with their parents, on their own, as many as seven and eight times.

George may show one or two films at a session but he feels there is more impact from open discussion. The five films available are all contemporary and last from 15 to 20 minutes each. Dealing with heroin, LSD, amphetamines, marijuana and barbituates, they are produced by American Educational Films.

On recommendation of Mayor Frank Gafkowski, Jr., city council approved juvenile counseling for first offenders who live in South Gate or attend a school in this community. Of the total 27, 90 per cent have been South Gate residents, Officer George reports.

"Everything You've Always Wanted to Know About Drugs and Drug Abuse and Were Afraid to Ask" is available to every parent—and every young person—in South Gate. If you have a problem, or there is a problem within your family, contact South Gate Police Dept., LO 7-2222, and ask to attend a Saturday counseling session. The life you save may be your own, or the life of a loved one.

SECRETARIES WEEK

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. WOLFF. Mr. Speaker, last year at this time I was pleased to bring to my colleagues' attention the week set aside as Secretaries Week. Today I am happy to remind my colleagues that the week of April 23 through April 29 has been designated Secretaries Week for 1972, and April 26 as Secretaries Day.

We have a fine opportunity during this time to pay special tribute to the men and women who work with us day by day and whose services are so invaluable to us for the accomplishment of a smooth-flowing and effective operation.

Since 1952 the last full week in April has been celebrated as Secretaries Week, and employers in every field join together in recognizing the vital role played by secretaries in the various walks of life, and secretaries participate in emphasizing the responsibility which they hold to their profession.

Traditionally during this time, chapters of the National Secretaries Association sponsor educational workshops and seminars, and NSA members will address various meetings of civic, educational, and professional groups, stressing the professional objectives of their own organization.

I hope my colleagues will join with me next month in observance of Secretaries Week and in recognizing the important contribution made by our own secretaries in helping us to handle the Nation's business.

VIETNAM'S ECOLOGY IS BEING DESTROYED

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. ASPIN. Mr. Speaker, not only has the Vietnam war resulted in the death of tens of thousands of young Americans and hundreds of thousands of Vietnamese, but it has also practically destroyed the ecological balance of South Vietnam. Mr. E. W. Pfeiffer and Arthur H. Westing recently wrote three extremely informative and important articles for Environment magazine. Both men have studied the environmental impact of the war. Mr. Pfeiffer addresses himself to the specific problem of ecological damage caused by bombing and Mr. Westing examines the destruction resulting from American land operations and damage caused by a new 15,000-pound American bomb.

Both these gentlemen recently appeared at a counterbriefing sponsored by the Indochina Research Center and Project Airwar. That briefing explored the true extent of the massive destruction of South Vietnam's land and society.

I commend these articles to my colleagues for their careful study.

The articles follow:

LAND WAR

The following three reports on Vietnam were prepared for *Environment* by two U.S. scientists who have had considerable experience in that country. They are Dr. E. W. Pfeiffer, zoologist from the University of Montana, and Dr. Arthur H. Westing, botanist from Windham College, Putney, Vermont. Both scientists had previously traveled to Vietnam to investigate the effects of wartime use of herbicides (see *Environment*, March 1971, p. 34). In August, they visited Vietnam on behalf of the Scientists' Institute for Public Information and *Environment*; their trip was supported in part by the Fund for Investigative Journalism and the D. J. B. Foundation. They explored, among other things, ways in which the landscape has been drastically altered by high explosives, including 7.5-ton bombs, and special bulldozers. (Previous reports dealt with the effects of herbicide spraying.)

In summary, the investigations reveal that military operations in Vietnam have disrupted the economy and cultural life of the people, as did saturation bombing and mechanized armies in Europe in World War II. For the most part, the high explosives used in the Indochina War have devastated the land rather than major cities, but the destruction has seriously damaged forests and soil on which the Vietnamese depend. For example, bulldozers equipped to clear jungles to the forest floor and thus deny cover to the opposing soldiers have already destroyed more than $40 million worth of timber and rubber trees. Timber not destroyed outright frequently contains shrapnel that either breaks saw blades or promotes disease that weakens the wood. In the wake of jungle-clearing operations come soil erosion, flash floods, and invasion by economically useless weeds. The estimated ten million or more bomb craters in South Vietnam disrupt rice farming and fill with water to become breeding places for disease-bearing mosquitoes. Special blockbuster bombs—the largest aerial weapons available short of nuclear weapons—uproot all vegetation in football-field-size areas and kill or injure all animal life for almost a mile in every direction. An as yet undetermined cost of the war will be the long-term ecological effects of this devastation.

I. CRATERS

(By E. W. Pfeiffer)

During the Indochina War the U.S. has dropped more than two times the tonnage of bombs that was dropped in Europe, Asia, and Africa during World War II, most of it in Vietnam, a country about the size of New England or one-half the size of the state of Montana. Rockets, artillery shells, and mines have been exploded on a vast scale in many areas in Vietnam, in addition to explosives dropped from aircraft. This ordnance has been used principally in free-fire zones or special strike zones, which all people except the National Liberation Front and its North Vietnamese allies have supposedly vacated. Data on the extent of the free-fire zones of South Vietnam would permit calculation of the percent of Vietnamese land surface that has been intensively subjected to these weapons. These data are not, however, presently available.

Although few details have been released regarding expenditures or target locations for the various types of munitions, the following summary figures for all of Indochina have been made available by the Department of Defense:

MUNITIONS USED IN INDOCHINA WAR

[In millions of pounds]

Year	Air munitions	Surface munitions	Total
1965	630	?	630
1966	1, 024	1, 164	2, 188
1967	1, 866	2, 413	4, 278
1968	2, 863	3, 003	5, 866
1969	2, 774	2, 808	5, 583
1970	1, 955	2, 389	4, 344
Total	11, 112	11, 777	22, 889

We do not know what fraction of the 23 billion pounds of munitions expended during these six years was small arms and other ordnance that would not produce craters (nor do we know what the distribution is among South Vietnam, North Vietnam, Cambodia, and Laos). To make some wild assumptions, if half the munitions (by weight) were of the sort that produce craters (bombs, shells, etc.) and if each was a 500-pound bomb, then Indochina's landscape would now be more or less permanently rearranged by more than twenty million craters. Using an estimated average diameter of 30 feet, the holes alone would cover a combined area of about 325,000 acres. Although occasional, scattered craters can be found almost anywhere in rural South Vietnam, we have observed large areas of severe craterization in the provinces of Tay Ninh, Long Khanh, Gia Dinh, Hau Nghia, Binh Duong, Qang Ngai, Quang Tin, and Quang Nam. We have been told about similar areas in Kien Giang, An Xuyen, and Quang Tri. No type of habitat seems to be spared, including forests and swamps, fields and paddies. Many severely craterized areas such as the so-called free-fire zones, freebomb zones, or specified strike zones—were formerly inhabited and farmed. Such regions of important military activity as War Zones C and D, the Iron Triangle, the Rung Sat and U Minh Special War Zones, the Demilitarized Zone, and the Ho Chi Minh Trail are among these regions that have been subjected to repeated saturation or pattern bombing.

What is this unprecedented bombardment doing to Vietnam and its people? In order to make a preliminary assessment of the effects of these explosives, Arthur H. Westing and I visited Vietnam in August 1971. In preparation for our trip we had sought information from many sources on effects of bomb craters resulting from military activities, but were unable to find any significant information.

We flew over bombed areas in helicopters and rode in armored personnel carriers to observe at first hand craters from B-52 strikes. We interviewed in the field Vietnamese farmers who were trying to reclaim bombed land, Vietnamese loggers who were operating in bombed and shelled areas, and several Vietnamese and American officials.

In order to judge the magnitude of the problem it is necessary to have some idea of the number of bombs dropped and the amount of territory affected. Earlier studies have presented data which suggest that some 7.5 million craters have been formed as a result of the massive bombardment. Although we estimate that the current figure for South Vietnam is in excess of 10 million, we are currently awaiting Department of Defense data to verify this figure.

The standard weapon of the B-52s is a 500-pound bomb; each B-52 carries 108 five-hundred pound bombs. Each bomb produces a hole 20 to 50 feet wide and 5 to 20 feet deep, depending on soil conditions. The bombs are usually dropped from over 30,000 feet by the B-52 aircraft and can have sufficient force on impact to penetrate deeply into certain types of soil.

Severely bombed areas observed on our trip included the following land types: heavily cultivated areas of the Mekong Delta, intensively cultivated mountain valleys in the northern region of Vietnam, mangrove forests, evergreen hardwood forests of the flat terraces northwest of Saigon, and evergreen hardwood forests of the precipitous mountain areas in the Da Nang-Quang Ngai area.

Because of the war situation at the time of our visit, we were unable to fly over, even at high altitude, the most intensively bombed regions of South Vietnam which lie in the northwest corner of the country and along the Demilitarized Zone. We were also very disappointed to find that security problems made it very difficult to visit on foot bombed areas in all of the regions that we attempted to study. It is important to note that there are areas of South Vietnam, particularly in the delta region, that do not reveal, at least from the air at 3,000 feet, much evidence of war damage. Large areas, however, have been hit very intensively by several types of ecologically devastating weapons.

What are the effects of the massive bombardments on cultivated areas such as the Mekong Delta? Our observations made both in wet and (on previous visits) dry seasons show that in the delta the B-52 craters and those caused by large artillery shells are permanently filled with water, probably because the craters penetrate the water table. In many areas waters of different colors fill adjacent craters. Some of the waters in the craters are aquamarine while others have a more bluish to greenish tint, and many are simply a muddy brown. These differences in coloration are apparently due to growths of varying types of algae. It is interesting that different growths occurred in contiguous craters.

I was able to visit on foot three such craters in an agricultural area about 30 miles south of My Tho in the heart of the Mekong Delta. The area, near the hamlet of Hoi Son, had been a free-fire zone until fairly recently, but farmers were now being resettled on their land because senior officials considered the region relatively secure. The degree of security became evident: During my stay in the area U.S. aircraft were rocketing and strafing only a few miles away. I interviewed some families who had left the area eleven years ago because of the fighting. They took me to three craters made in 1967. I would estimate that they were caused by 500-pound bombs dropped by fighter bombers. Each crater was about 30 feet in diameter, filled with water and, at the time of my visit, about 5 feet deep in the center, as proven by one of my guides. He waded into the center of the crater where he could just manage to keep his nose above water while standing. The entire immediate vicinity has been a rice paddie; the rice had been replaced by a very tall reed (6 to 8 feet), genus *Phragmites,* which surrounded the craters at a distance of 10 to 20 feet. Growing from the rim of the craters and into the reeds was a species of relatively short grass, genus *Brachiaria.* A taller grass, *Scirpus,* was also prevalent. The whole area was inundated by very shallow water, as it was the middle of the wet season. The farmers were growing seed rice near the craters and were plowing under the reeds and grasses in preparation for planting rice. It was obvious that they could not use the cratered areas for rice cultivation, because the water was much too deep. One solution to the problem is to bring in soil from elsewhere. Although I could not confirm it, one farmer said that the craters I observed yielded exceptionally good fish catches. The fish presumably had moved into the craters during the monsoon flooding. Surrounding the area that had been cultivated in rice were banana, coconut, and jackfruit trees. The jackfruit was dead as a result of herbicides; the coconut trees were destroyed by the bombing, leaving only bare stumps.

In our conversations with these and other farmers who were trying to resettle their fought-over land, it became obvious that their main problem was the presence of unexploded munitions in the areas. The Hoi Son people stated that within the last few weeks three women had been killed and one badly wounded when plows detonated unexploded weapons. We learned that mines in some resettled area have been cleared, but the problem of locating and neutralizing unexploded ordnance before land is resettled is an urgent one. On several occasions we encountered the fear of unexploded munitions, which probably accounts for a phenomenon we often observed from the air: fields with craters were usually not being cultivated although nearby fields were. One farmer whom we interviewed stated that the people do not like to plow in the bomber areas because the shrapnel in the dirt cuts the buffalos' hoofs, resulting in infection.

According to science spokesmen of the U.S. Agency for International Development (USAID) and the Military Assistance Command, Vietnam (MACV), bomb crates are sometimes used as sources of fresh water for irrigation. In much of the southern Mekong Delta, brackish (salty) water floods cultivated lands at high tides if it is not kept back by dikes. Thus, irrigation is necessary and freshwater in the crates could be useful.

Presumably the permanently water-filled crater areas of the delta region are excellent breeding grounds for certain species of mosquitoes and other carriers (vectors) of disease. Those craters not invaded by predators of mosquito larvae provide conditions for greatly accelerated reproduction of mosquitoes and other vectors. According to MACV-Command Information pamphlet 6–70, February 1970, "malaria has been causing increasing concern in Vietnam. . . . Up until recently it (*Plasmodium falciparum*) only affected regions of I and II Corps but has now spread to other areas throughout the country." We discussed with several scientists the possible relationship between craterization and this increase in malaria, but no studies have yet been made of this problem as far as we could determine. A USAID specialist in public health with headquarters in Saigon stated that the current alarming increase in hemorrhagic (dengue) fever seen in the Vietnamese was *not* related to craterization because the mosquito vector for this disease, *Aëdes aegypti,* lives only in and around houses and would thus not be affected by ecological changes such as craterization. (We do not know of any field research which supports this view.) We flew a mosquito-control spray mission in a C–123 aircraft from which malathion was being sprayed (one-half pound per acre) over and around an Australian military base. There are only two aircraft now carrying out this program, and, as far as we were able to determine, there is no spray program involving treatment of cratered areas.

We observed many craters in isolated mountain valleys near Da Nang. They were in small clusters in mountain rice fields and thus were probably caused either by artillery or fighter-bomber strikes and not by B-52s. In these valleys the craters were generally filled with water as in the delta, but they probably are without water in the dry season and thus cannot be used for fish culture. The paddies that had been cratered were not being cultivated. During our visit we flew over many rice paddies with ponds in the centers almost comparable in size (about ten feet across) to the bomb craters, but these were fish ponds and apparently did not interfere with the cultivation of the rice surrounding the ponds. It is thus unlikely that scattered craters could create changes in soil moisture or other conditions that would make cratered paddies uncultivatable.

We observed from the air large areas of the mangrove swamps of the Rung Sat Zone which had been subjected to very heavy B-52 strikes. These are all permanently water-filled and obviously would make transportation into the area very difficult. This could be of some significance because the mangrove forests have been regularly used as sources of wood for charcoal and for fishing grounds.

We observed many craters at first hand in the Boi Loi woods area. This had been an evergreen hardwood forest on the flat terrace northwest of Saigon. Most mature trees were dead from defoliation (herbicide spraying) but there was a very thick understory of useless broadleafed brush, vines, bamboo, and *Imperata* grass reaching a height of 15 to 20 feet. Craters were very numerous in this area and were scattered at least every 100 feet or so. Each crater was 20 to 30 feet across and 5 to 10 or more feet deep. They were all in a grey podzolic soil (a poor soil often formed in cool, humid climates) with poorly defined horizons (layers). There were many generations of craters. The most recent ones were bare of vegetation but contained a little rain water at the bottom. In the older ones a few sprigs of grass, probably *Imperata*, were sprouting in the center. (We also noted the beginning of plant growth in the center of some of the water-filled craters in the delta.) As the craters age the grass grows radially, covering the bottom, and finally grows up the sides to meet vines growing down from the peripheral vegetation. There is some filling of old craters with soil washed down from the sides, but this is limited because old craters completely covered with grass were still 5 to 10 feet deep. We did not observe any broad-leafed plants invading these holes.

We were able to learn something of the effects of saturation bombing and artillery fire upon forest timber resources through interviews with loggers and saw mill operators and by inspection of damaged logs, mainly in the Ben Cat and Chon Thanh areas. We also interviewed South Vietnam forestry officials about the problems of utilizing bombed forest areas. These officials indicated that loggers do not like to operate in bombed timber because the trees have metal fragments in them which greatly reduce the value of the logs. (One logger estimated that the price of logs containing metal is reduced by 30 percent.)

We could understand the reason for the reduced value when we observed piles of saws with teeth ripped out and examined discarded logs from which we dug pieces of metal. In some logs there were dead areas about twelve inches in diameter and six inches deep from which we recovered bomb fragments. We learned that when mature timber is punctured by metals such as steel shards or bullets, entry is provided for disease organisms, probably fungi, which result in dead areas that increase in size as the wound ages. Thus, largely unlike trees in temperate zones, the trees of Vietnam are susceptible to rot when penetrated by metal. This greatly decreases the value of the timber and also weakens trees so that they are much more subject to being blown down. An official of a French rubber plantation told us that he had lost many rubber trees on his plantation because the trees had been weakened by fungous infection following bomb damage and then blown down in one of the frequent violent wind storms that occur in the area. The loggers whom we interviewed said that the craters in the forest made passage very difficult for trucks and loaders, a situation that necessitated cutting much shorter logs than desirable in such areas. (We saw 90 foot logs coming out of undamaged forests.)

We were able to observe from a high-flying helicopter the craters caused in a mountain forest near Da Nang by a B-52 strike about one and one-half years earlier. The craters were still obvious on the mountainside and along the ridges. The large burned areas in these forests appeared to be even more significant; they had apparently resulted from fires started by various types of ordnance such as white phosphorus, napalm, and flares.

We tentatively conclude that those cultivated areas hit heavily with conventional high explosives will be very difficult, if not impossible, to recultivate. They can perhaps be used as fish-rearing ponds or, in certain situations, as sources of freshwater for irrigation. They may provide additional breeding areas or insect vectors of disease. In the forested areas that have not been killed by chemical defoliation, the bombing has created problems that are probably just as great as those caused by defoliation. However, the immediate problem of greatest concern is the vast number of unexploded mines, bombs, rockets, and so forth, that must be removed if the land is to be resettled. Since the Department of Defense reports that approximately 1 to 2 percent of our air and ground munitions fail to explode, there are several hundred thousand of these randomly buried throughout Indochina.

We recommend studies to determine the relationship of water-filled craters to the spread of certain diseases, and to determine how cratered areas can best be rehabilitated. We also recommend that greatly expanded operations be initiated to locate and neutralize unexploded ordnance in agriculturally useful areas.

II. LEVELING THE JUNGLE

(By Arthur H. Westing)

Despite the lavish application of great wealth and superior technology, the U.S. has made surprisingly little headway over the years against the National Liberation Front and its North Vietnamese allies. With the growing realization that the forest functions as a key ally of guerilla fighters by providing cover and sanctuary, more and more effort has been directed toward its obliteration. For a number of years reliance was placed primarily on chemical destruction. This approach reached its peak in 1967, but largely because of pressure exerted by the scientific community, it now not only has been reduced to a low level (see *Environment*, July/August 1970, p. 16) but also has been entirely "Vietnamized." The herbicidal assault has left South Vietnam with a legacy of many millions of dead, now rotting trees, and with locally debilitated ecosystems. A second approach that has been employed through the years to make the forest less hospitable to the other side is a bombing and shelling program of incredible magnitude. The 23 billion pounds of total munitions expended in Indochina between 1965 and 1970 alone are more than double those used by us throughout World War II in all theaters.

In recent years, however, a new technique has emerged. Born about 1965, developing into major proportions in 1968, and growing ever since, a vast program of systematic forest bulldozing now exists. The U.S. Engineer Command in Vietnam is daily putting Hercules and his twelve labors to shame. This report outlines the methods, scope, and magnitude of this "jungle eating" program and speculates on its economic and ecological impacts.

The basic tool of the landclearing operations in Vietnam is the 20-ton D-7E Caterpillar tractor fitted with a massive 11-foot wide, 2.5-ton "Rome plow" blade equipped with a special 3-foot splitting lance or "stinger," and with 14 tons of added armor. A very limited number of the even more immense D-9 tractors are also in use. More than twice the size and weight of the D-7, each of these machines is said to be the operational equal of several. The tractors are presently organized into five companies of three platoons each, each company operating 30 or more tractors. Unofficially, the companies go under such names as Rome Runners, Land Barons, and Jungle Eaters. These outfits bulldoze continuously from dawn to dusk, seven days a week under what can only be described as spine-twisting and gut-wrenching (to say nothing of dangerous) conditions. No tree appears to be too large and no jungle too dense to escape these powerful machines in what must certainly be the most intense land-clearing program known to history.

The bulldozing began on a very small scale in 1965 and was devoted primarily to the clearing of roadsides and other lines of communication in order to discourage enemy ambushes. It was not until mid-1967 that the tractors were organized into small units. By the beginning of 1968, most of the major road systems in the central half of South Vietnam (Military Regions II and III) had already been cleared. Although this mission still continues, virtually all major roads in the country have now been cleared for 300 to 600 feet or more on each side. These swaths throughout forest and plantation are now a conspicuous feature of the Vietnamese landscape. In some instances chemical herbicide treatment has helped to maintain these strips in a treeless condition.

The employment of massed tractors organized into companies for extensive forest clearing began in 1968, and the program has expanded ever since. In its primary mission of denying forest cover and sanctuary, the "Rome plow" appears to be without equal. Effectiveness of the tractors is clearly superior to that of aerial application of chemical antiplant agents. The devices are considered, for example, to be playing an instrumental role in the attempt to "secure" the region centered around Saigon (Military Region III). They are also of considerable importance in the northern half of the country (Military Regions I and II). The U.S. has outfitted and is training two Vietnamese landclearing companies as one of the facets of "Vietnamization."

We are able to spend one day in action with the 984th Landclearing Company, which at the time was operating in the southeastern corner of Tay Ninh province. During our stay, the company was in the final stages of obliterating the Boi Loi woods. More accurately, it was supplying the *coup de grace* to this longtime enemy stronghold that previously had been treated at least once with herbicides, had been subjected to saturation bombing from B-52 stratofortresses, and had also been shelled by artillery.

We joined the outfit on its twenty-seventh day in the Boi Loi woods. During the past 26 it had already scraped clean 6,037 acres. Several days more and this job would be finished, permitting the 984th to move on to greener pastures. Before this job, the men had eliminated the 9,000-acre Ho Bo woods in nearby west-central Dinh Duong province.

The Boi Loi woods was enemy territory and we were dropped in by helicopter. We accompanied one of the platoon commanders in his armored personnel carrier and were flanked by several Sheridan tanks of the Eleventh Armored Cavalry. Although we had no contact with the enemy that day and hit no landmines, we were informed that both were regular occurrences. In the past 26 days, for example, several enemy attacks had been repulsed and the tractors had set off no less than 37 mines in the course of their work. (Seven casualties from landmines had been sustained during this period.)

In operation, the tractors were strung out in a long staggered formation, the lead tractor being directed for much of the time by the company commander circling overhead in a small helicopter. The large number of bomb craters made the job of maneuvering the large tracked vehicles most difficult. The heat was oppressive (hovering around 130 degrees F. in the tractor cabs) and the work was truly arduous. But the morale of the men seemed very high, despite their fifteen-hour work days, seven days a week, wet season and dry. The company was proud of its abilities and accomplishments and, we are told, was among the rare units in Vietnam without a drug problem.

At the time of our visit, the unbulldozed terrain was covered largely by a tangle of head-high, broad-leafed brushy plants and vines intermingled with *Imperata* grass and shrubby bamboos. Of the scattered trees, more than half were dead. The low blades were set to skim the surface, each tractor scraping bare almost an acre per hour. The big trees came crashing to the ground with great regularity. Most were simply pushed over, but the really large ones were first split by the stinger.

The terrain was flat and the soil a heavy grey podzolic, so that neither erosion nor laterization (hardening of soils to a brick-like substance) are likely to be problems here. In view of available seed (or other reproductive plant parts) and shadeless condition, this area is likely to be quickly dominated by a combination of *Imperata* grass and shrubby bamboos, thereby largely precluding reforestation for years (perhaps decades) to come. In other areas we inspected in Binh Duong province that had been bulldozed two or three years previously, by far the most prevalent vegetation was the worthless and pernicious weed *Imperata*. Indeed, of the thousands of acres of formerly bulldozed areas that we were able to see on this and our previous visits, there was only one area where forest trees (a commercially low-grade species of *Dipterocarpus*) were recolonizing naturally. Where bulldozing is done in more hilly terrain, erosion can become a severe liability. Moreover, with the elimination of the enormous water-holding capacity of an extant forest, the heavy rains characteristic of Vietnam can produce severe flood damage. We learned of one devastating flash flood in a recently bulldozed area in Khanh Hoa province.

It cannot be denied that there are advantages to the bulldozing, given the conditions of this grim war. First, bulldozing largely clears areas of landmines, an ever-present horror throughout much of Vietnam to all who attempt to neutralize a war-visited area. (One Vietnamese whom we came to know has so far lost six relatives to mines left behind by one side or the other.) Secondly, some of the timber can subsequently be salvaged, particularly for firewood and charcoal manufacture. Thirdly, some of the bulldozed lands in "secure" areas have been taken over for agricultural pursuits, although this is often not feasible even in such areas because of extensive craterization by explosives. Farming is particularly evident in the roadside strips near population centers. A small fraction of the clearing by bulldozers is actually said to be done with subsequent resettlement or agricultural pursuits in mind (see, for example, New York Times, July 15, 1971, p. 3).

Bulldozing has, according to official military sources, leveled over 750,000 acres to date. I estimate that clearing continues at a rate of more than 1,000 acres per day. Because I was unable to obtain a breakdown of land and land use categories that have fallen to the relentless bulldozers, it is difficult to estimate the overall economic loss that can be attributed to these operations. However, some partial indications can be presented. With respect to the timber resource, the South Vietnamese forest service has determined that at least 126,000 acres of prime timber lands accessible to lumber operations have been destroyed through 1970, together with an estimated twenty million board feet of marketable tropical hardwood timber. At recent Saigon market values, averaging about $72 per thousand board feet, this amounts to a loss of $14.7 million. To this sum must be added a future loss due to destruction of growing stock. With respect to the rubber resource, the French rubber interests in South Vietnam has determined that substantially more than 2,500 acres of producing rubber trees (representing just over 1 percent of South Vietnam's total rubber) have so far been destroyed by bulldozers. There are about 120 rubber trees per acre, with an average value of $88 per tree. Total loss here can thus be estimated to exceed $26.4 million. (I might add that to the consternation of the French owners, they have received no compensation.)

There are, of course, many other losses attributable to the bulldozer program, most of which are impossible to quantify. Among them can be listed site degradation, erosion, weed invasion, destruction of wildlife habitat, flood damage, and miscellaneous property loss. One recent press report from western Hau Nghia province tells of the obliteration by bulldozers of a still partially inhabited farming region and the consequent disruptive impact (*New York Times*, May 7, 1971, p. 5). Even whole villages have been obliterated (*Nation*, Oct. 23, 1967, p. 397). Discussions with professional Vietnamese foresters revealed yet another headache connected with the landclearing operations. In its nationwide forest conservation program, the South Vietnamese forest service issues timber-cutting permits on a judiciously restricted basis. However, corrupt province chiefs have, during the past year or so, come to realize that a denied local cutting permit can often be circumvented by turning to the Vietnamese Defense Department and, for pretended reasons of military necessity, request that the area be designated for bulldozing. If the request is granted, the chiefs can then cut the timber for personal profit. Finally, another use of the bulldozers results in a small amount of additional and unnecessary damage. In their lighter moments the engineers occasionally turn to carving up the landscape for the sheer hell of it. Thus one can now find a U.S. First Infantry Division emblem, covering some 1,500 acres, carved into the landscape about 25 miles northwest of Saigon (*New York Times*, Apr. 5, 1970, p. 7); a giant peace symbol is similarly engraved near Hue (*Life* magazine, July 2, 1971, p. 72).

In conclusion, the question is raised—although not answered—of how much forest loss can be sustained by an area before the regional ecology is adversely affected to a substantial extent. Before the war, more than 25 million acres of South Vietnam were covered by forest, representing about 60 percent of the country's total area of 43 million acres. So far, the war has claimed at the very least 3 million acres of the forest cover. The herbicide program has accounted for somewhat more than a third of this, the bulldozing somewhat less than a third, and the bomb, rocket, and shell craters (plus damage from other munitions) the remainder. Although the estimated 12 percent reduction in forest cover may not have a dramatic influence on the overall ecology of South Vietnam, detailed investigation will elucidate the magnitude of the subtle changes that have resulted. In the numerous local areas of severe damage, often covering several thousands of contiguous acres, the repercussions—both ecological and sociological—will be profound.

III. The Big Bomb

(By Arthur H. Westing)

In this report I summarize our findings about a new bomb in the U.S. arsenal, a bomb unique to the Second Indochina War. Owing to the paucity of information domestically available, I describe in some detail the bomb's general characteristics and employment.

The BLU-82/B general-purpose high-explosive concussion bomb turns out to be one of the most awesome and least publicized weapons to have been spawned by the war. It is a bomb with record-breaking dimensions: It is 4.5 feet in diameter, over 11 feet long, and weighs 15,000 pounds. Within its thin steel case are 12,600 pounds of a special, dense blasting agent (DBA-22M) consisting of a gelled aqueous slurry of ammonium nitrate and aluminum powder (plus a binding agent). This formulation provides a concussive blast surpassed only by that of a nuclear bomb.

Often referred to in Vietnam as the "Daisy Cutter" and sometimes as the "Cheeseburger," this super bomb is delivered by C–130E aircraft (of the 463rd Wing of the Seventh Air Force flying out of Cam Ranh Bay air base). Even though the bomb is floated to the ground by parachute from altitudes of 7,000 to 10,000 feet and occasionally even over 20,000 feet, the Seventh Air Force claims that the point of impact seldom is more than 300 feet off target and usually less than 150 feet. Timing of the drop is determined by ground radar.

The Daisy Cutter was developed primarily for the instant creation of clearings in dense jungle. Such clearings can then be used immediately as a landing zone by assault helicopters in locations inaccessible to conventional land-clearing equipment and techniques. The progenitor of this unique bomb was the 10,000 pound "blockbuster" bomb of World War II. Several dozen or more of these bombs were left over from that conflict. These were used in Indochina on an experimental basis, apparently beginning in 1967. The presently used BLU-82/B was developed and became operational in early 1970.

The bomb is detonated by an impact fuse at the end of an attached three-foot probe which sets off the main charge simultaneously at both ends of the bomb just above the ground. If all goes well, the resulting radial blast leaves no crater, but rather uproots and blows away all trees and other obstructions—even in heavy jungle—to create a virtually perfect clearing about the size of a football field. Although the size of each clearing differs, of course, according to local conditions of terrain and vegetation, the average radius of the opening, according to the Air Force, is about 160 feet, and its area thus about two acres. No fires are reported to have been set by these bombs and only minimal charring occurs. The blast is spectacular: A mushroom cloud rises some 6,000 feet into the air, and light aircraft flying more than two miles from the explosion are badly shaken by the shockwave. The landing zone, suitable for landing within minutes of the blast, can accommodate one to several assault helicopters at a time. The military code name for such an operation is "Commando Vault."

According to the Seventh Air Force, the average rate of use of the Daisy Cutters in South Vietnam has been one to two per week in recent months. (We were made aware of five drops during a one-week period in mid-August.) Although the total number of drops to date is classified information, an official spokesman for the U.S. Military Assistance Command in Vietnam (MACV) informed me that it is well in excess of 100. One press report claims that 160 drops occurred prior to June of 1970 (*Los Angeles Times*, June 1, 1970, p. 20). Most of the drops in South Vietnam have occurred in the northern half of the country and in the delta region to the south (Military Regions I, II, and IV). Information on the drops in Cambodia and Laos was not made available to us.

In the briefing we received on the Commando Vault operations, an official spokesman for the Seventh Air Force stressed and restressed that use of the Daisy Cutters was restricted to the creation of landing zones and that they were nothing more than "explosive bulldozers." He went into some detail on how the local populace is always alerted prior to a drop. On the other hand, we learned from another local Air Force source that exceedingly strict security is always maintained before a drop to avoid alerting the enemy; the flight crew does not even receive the target location or drop time until just before takeoff.

The Daisy Cutter is officially designated as a general-purpose bomb and has been used in a number of ways in Indochina beyond the creation of landing zones. One Air Force report explains that the bomb can be used for road interdiction by triggering landslides. In the Hanoi press this past spring (in an otherwise unconfirmed report) there is a description of the obliteration of an entire hamlet in Laos by this means. We also learned from three independent sources (two military and one embassy) that the Daisy Cutter has been and is being employed against enemy or suspected enemy troop concentrations. Moreover, in one of the Commando Vault missions we inspected from the air, the bomb had been dropped, according to our official military guide, onto a suspected enemy rocket emplacement. This mission had been carried out in June of this year in Quang Nam province nineteen miles southwest of Da Nang. The antipersonnel use of this bomb has also been reported in the press (for example, *New York Times*, Apr. 13, 1971, p. 1; Apr. 15, 1971, p. 5; Apr. 18, 1971, p. E2). Press reports describe one additional use for the bomb, that of removing the thick jungle canopy above suspected enemy storage areas (*New York Times*, Apr. 15, 1971, p. 5).

What is the environmental impact of a Daisy Cutter? Here I am chagrined to report that of the scores of Commando Vault missions, old and new, no site could be found by MACV in an area secure enough for us to visit. U.S. citizens are generally not aware that the National Liberation Front and its North Vietnamese allies control virtually all of the forest and other wild lands of South Vietnam. Moreover, we could find no one who had examined or even thought about these sites with ecology in mind, not even the MACV science advisor or his staff. Although the immediate overt impact is easy to surmise, the more subtle and long-term effects must await further study.

According to an official Seventh Air Force source, the blast of a Daisy Cutter is of such intensity that all terrestrial and arboreal wildlife (as well as any luckless humans) within a radius of approximately 3,280 feet are killed outright by the concussive shockwave. The lethal zone from one such bomb thus covers an area of about 776 acres. Beyond this circle of death, concussion injury diminishes to insignificance radially outward for a distance of another 1,640 feet or so. This larger area of both death and injury to wildlife thus encompasses about 1,746 acres per bomb. Assuming that the total number of bomb drops to date has been 150, the forest area totally eliminated by this means has been only about 300 acres. Of much greater concern, all the wildlife occupying 116,400 acres or more have been killed. The wildlife on again as much area have sustained injuries. The Daisy Cutter thus adds significantly to the already severe stress imposed by the war on Vietnam's wildlife.

With respect to the vegetation, my information on damage is less complete. The innermost circles of two acres is, of course, totally annihilated. (One press report claims that even the worms in the ground are killed in this zone [*Life* magazine, May 21, 1971, p. 41].) I suspect that damage to the flora beyond the central, cleared area becomes negligible within a modest distance, but actual extent of damage will require on-site investigation. Recolonization by plants in the central, cleared zone seems to be fairly rapid, at least in the delta region. An Air Force officer familiar with the delta told us that a Commando Vault landing zone blasted out in that region looks green from the air within several weeks; it often becomes unusable within several months because of the regrowth of brush. Past experience suggests that the upland clearings will be quickly invaded primarily by *Imperata* grass and/or a variety of low-growing, brushy bamboo species, all tenacious and worthless weeds.

The Daisy Cutter is, in the words of one military officer we met in Vietnam, "a super bomb with super punch." MACV has been using these bombs on a steady basis for more than a year and a half now, apparently with no mention of them in the official daily, weekly, or monthly war news summaries. One senior Seventh Air Force officer explained to us, "they have such a devastating effect that we hate to give them much publicity."

The Commando Vault 7.5 ton bombs provide just one more means by which we casually rearrange the environment of Indochina with little if any concern about either the immediate or the long-term impact on the ecology of the area. I am painfully aware of how little in the way of biological data this report contains, but in providing the first detailed account of this new, indiscriminately wide-area weapon for the open literature, I hope that it will stimulate the necessary wildlife and other ecological studies as conditions permit.

REVITALIZING RURAL AMERICA

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. ARENDS, Mr. Speaker, President Nixon mentioned in his state of the Union message that this administration is dedicated to revitalizing rural America. He also has presented a major proposal to expand significantly the credit authorities of the Farmers Home Administration, an agency of the U.S. Department of Agriculture, to help carry out this revitalization.

With the leadership of Administrator James V. Smith, the impact of new and improved services through Farmers Home Administration has been highly effective throughout the country. Add to that the unmatched support of President Nixon and the new vitality given by Secretary of Agriculture Earl L. Butz, and there is no question but that even more new records will be set for effective service to our farmers and the people of open countryside and eligible small towns. I would like to cite some help that has been given to my congressional district.

There is one particular family which literally received a new lease on life from assistance that was provided them. It is a young family—the husband being 35 years of age. There are four children. It is a deserving, hard-working family, but unfortunately one with a low income as measured by today's standards. This family was renting substandard housing—the kind one looks at and wonders why we cannot do better than that in America. But with their meager income, there was not a chance of credit from conventional sources to secure for themselves a better house. Then entered the Farmers Home Administration.

The family applied to this agency for a housing loan. The local FHA personnel worked with them very patiently. They were able to work out for this family a $17,400 loan, enabling them to buy an adequate, though not elaborate home, equipped with modern facilities. So now for this rural family there is hope—something to work for and look forward to. And, most important Mr. Speaker, they have learned someone cares about the rural American of modest income back in the small towns and byways.

The Farmers Home Administration also makes loans to help those who wish to enter or remain in farming; and regardless of what we read and hear today, the family farm is still alive and making its valuable contribution to the abundance that we take so much for granted, and to rural community life. One young man helping make this contribution is a 32-year-old farmer from Iroquois County. He has three children. To him the distant city was not attractive—he wanted to remain at home, farm for his livelihood and be active in rural community affairs. To do this he needed help financing for an adequate farm setup, and he found it through the Farmers Home Administration. This young man received a $48,000 loan for a farm and modern farm buildings. His major production enterprise is feeder cattle and he is doing a splendid job.

One of the finest services being provided by the Farmers Home Administration is to help small rural communities finance modern water and sewer systems. The Bismarck Community Water District was formed a few years ago and developed plans to provide the town of Bismarck, Ill., and surrounding area with a central water system to serve approximately 170 families. The Farmers Home Administration supplied a $168,000 loan. The system is now a reality. While it was planned for 170 users, it now has over 200—and it has kicked off progress. This is measured in terms of 25 new homes being built in the Bismarck water system areas, and the establishment of a 50-unit trailer park. This park now has 20 families, and it is expected to be filled within a year.

Mr. Speaker, I cite these cases as examples of the Farmers Home Administration in its three broad program areas of service to rural people—housing, farming and community facilities. I could have selected others because there are many. In fiscal year 1971, 193 loans in the amount of $2.4 million were made to farmers of my district. As of December 31, 1971, the total outstanding for housing loans in the district reached $13.5 million in loans to 1,266 rural families of the area to secure decent housing. Six communities have received loans to build their first central water systems, and other projects are in the making.

Mr. Speaker, it is services such as these, so close to the needs of the rural family and rural community throughout the Nation, that warrant our high regard for the work of the Farmers Home Administration. The President is well advised to place his confidence in the Farmers Home Administration as an agency capable of the important work of rural development. I commend Administrator James V. Smith and my former colleague in the House of Representatives for his effective leadership and Mr. Charles W. Shuman, our State director who leads the Farmers Home Administration program in Illinois.

TAX REFORM

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. SEIBERLING. Mr. Speaker, 3 years ago when Congress was debating the Tax Reform Act of 1969, high administration officials predicted a "taxpayer's revolt" unless meaningful tax reform was enacted by Congress.

The 1969 act did make some minor

changes in the inequities of the tax system, apparently enough to postpone the threatened "revolt." But, as we all know, the Federal tax structure is still riddled with gross inequities which account for billions of dollars in lost revenue to the Treasury each year.

The loopholes and inequities have been there for a long time; the public's awareness of them, however, is a relatively new phenomenon. For years, the general public had no idea that millionaires were getting away with paying no income tax at all, or that giant corporations were paying a lower percentage of tax on their billion dollar incomes than the $10,000 a year wage earner.

But the Tax Reform Act of 1969 was page 1 news, and helped to educate many people to the inequities of our tax system. And in recent years the increasing pressures of other taxes on the low and middle-income workers—local property taxes, State sales taxes, and the social security payroll tax—have brought an awareness to almost all people that our so-called "progressive" tax system is not very progressive at all.

If my own district, and the feelings of my constituents are any indication of public opinion around the country, the issue of tax reform is No. 1 on the minds of most people.

A dramatic indication of the level of concern in Akron, Ohio, is the immediate success of a tax reform organizer named Robert L. Loitz, of Rootstown, Ohio, who is leading a nationwide campaign to reform the Federal tax structure.

Loitz, owner of a small upholstery company in Akron, is working almost full time gathering signatures on petitions demanding comprehensive tax reform. The petition reads:

> We believe it to be immoral for a large percentage of our population to be underfed, illclothed and underhoused at the same time the ultra rich avoid paying taxes because of built-in loopholes in our tax laws.

The petition cites a number of specific tax reforms, and declares that—

> We are dedicated to these changes and to the defeat of any and all congressmen that do not fully support and vote for such changes.

Mr. Loitz hopes to gain 1 million signatures by this spring, and plans to come to Washington to lobby for tax reform.

I, for one, welcome his assistance, and hope he succeeds. For my feeling is, from watching the response to Bob Loitz' campaign, that the taxpayers revolt predicted in 1969 may very well take place in 1972 if Congress and this administration do not act.

The Akron Beacon Journal has carried several stories about Bob Loitz' tax reform campaign which I insert in the Record at this point for the information of my colleagues:

[From the Akron Beacon Journal, Feb. 12, 1972]

Tax "Complainer" Is a "Fighter" Now

(By James Toms)

Working methodically and without fanfare, a soft-spoken Rootstown man in undertaking what he hopes will become a nationwide campaign to disprove that old American saying:

"Everyone complains about taxes, but no one can do anything about them."

Robert L. Loitz, 48, who describes himself as a typical American worker, claims that he—with others—has been griping about unfair taxes for 20 years.

Now he's prepared to fight.

He thinks something can be done about so-called inequities in the country's tax structure, and through a petition campaign is asking Americans from coast to coast for support.

Loitz, owner of the small Heminger Upholstery Co. in Akron, has 2,000 petitions and letters ready to mail around the country.

Each petition contains space for 40 signatures, and Loitz said if the campaign catches fire his printer is ready to "run off enough petitions so that we can collect a million names a day."

It is Loitz's conviction that tax reform is possible if enough citizens put pressure on Congress by signing the petitions.

"I think that most people will agree that Congress responds not because its members see the light, but because they feel the heat," his letter explains. "Multitudes of signatures on these petitions will help apply that heat."

While Loitz's letter describes the general goals of the campaign, the petitions get down to specifics—calling for immediate changes in the federal tax structure.

The petitions, to be mailed to congressmen over the U.S. declare:

"We the undersigned believe the time has come when we must change our entire tax structure. The obvious place to start is with the federal income tax.

"We believe it to be immoral for a large percentage of our population to be underfed, ill-clothed and underhoused while the ultra-rich avoid paying taxes because of built-in loopholes in our tax laws.

"We want the laws changed now. We want the standard exemption to be increased to $2,000 for a single person, to $4,000 for a married couple, and to $1,200 for each minor child.

"We further want all exemptions eliminated on personal income in excess of $50,000 annually. We want the tax loopholes in the 'non-profit' foundations closed. We want the farm subsidies changed to benefit the small farmer instead of the rich.

"We want all income received by residents of the United States from foreign investments taxed at the highest income tax rate.

"We are dedicated to these changes and to the defeat of any and all congressmen that do not fully support and vote for such changes."

Loitz said only 150 of the petitions are out so far—all in the Akron area.

But he said his daughter, Angela, a 19-year-old Kent State sophomore, and several of her friends have volunteered their time to see that the petitions get wide circulation.

Loitz said he's collecting addresses so that the petitions can be mailed to leaders of campus organizations, senior citizens' group, labor groups, "and anyone that wants them."

Loitz, who lives with his wife and two daughters at 4220 Tallmadge rd., said he's never been a crusader for anything" in his life. Born in Akron, he graduated from East High School, became an upholsterer and never left home.

"I just think the time for such a campaign is here, and I think when people read this petition they'll be for it," Loitz said.

"I just got fed up all of a sudden. And me and a lot of people like me have been complaining and not doing anything for too long.

"These petitions are nonpartisan—they're for Democrats, Republicans, independents . . . everybody. I have no political ax to grind and nothing to gain from this," Loitz said.

"I just think when the common man reads this petition he'll sign it. He has to."

Loitz said his income ranges between $12,000 and $15,000 yearly. His wife is a teacher at Rootstown Middle School.

Loitz's letter explains some of his other feelings pertaining to the drive. It says in part:

"It is obscene for J. Paul Getty to earn more every half hour than the average American earns per year—and he (Getty) avoids paying taxes.

"It seems indecent for a United States senator (unnamed), and actor John Wayne to receive hundreds of thousands of dollars for not planting crops at the same time the small farmer is struggling to exist."

Expenses have come out of Loitz's pocket so far, but he hopes for contributions. The campaign is being run from Box 3518, Akron, 44310.

[From the Akron Beacon Journal, Feb. 17, 1972]

His Tax Reform Drive Gaining Momentum

(By James Toms)

By his own definition, Robert L. Loitz is a "flabbergasted American" today.

Loitz, 48, is the Rootstown man who last week launched a nationwide campaign to reform the federal tax structure—singlehandedly.

Before, he was a mere complainer.

Now, he and hundreds of others are becoming "doers"—and it's all because of Loitz and his tax reform petition drive.

Loitz's plan was reported in Saturday's Beacon Journal.

And already, he said, he has received more than 300 telephone calls and letters requesting campaign petitions.

"This thing is reaching proportions beyond my wildest dreams," he said Wednesday. "And I love every minute of it.

"People have called from as far away as Rochester, N.Y., and others are mailing petitions to relatives in California, Texas, Tennessee, Illinois and Virginia," Loitz said.

"I've never been so elated over anything in my life. It's really a great feeling to have something like this work.

"People really do care about this problem (of inequitable taxation) and I'm just tickled to provide them with a means of voicing their camplaints," he said.

Loitz, owner of the small Heminger Upholstery Co. in Akron, already has circulated half of the 2,000 petitions and letters he had printed when the drive was launched.

"That alone is enough for 40,000 signatures, and I have plenty more available," Loitz said. "I'll never run out."

Loitz believes tax reform is possible if enough citizens put pressure on Congress by signing the petitions.

The petitions attack the tax structure which allegedly allows "a large percentage of our population to be underfed, ill-clothed and underhoused while the ultra-rich avoid paying taxes because of built-in loopholes in our tax laws."

The petitions ask for increased exemptions for individuals, and elimination of exemptions "on personal income in excess of $50,000."

They ask that all "loopholes" in the tax laws be closed, and that farm subsidies be "changed to benefit the small farmer instead of the rich."

The petition declares: "We are dedicated to these changes and to the defeat of any and all congressmen who do not fully support and vote for such changes."

Signers must be 18 years old and eligible to vote in the general election next November.

Loitz said he is filing requests for petitions as fast as they come in, and is organizing volunteers to help in mailing.

"I had one Akron church request 30 petitions, and a union committeeman at one of the rubber plants asked for enough for 1,000 members," Loitz said.

"Teachers are asking for the petitions senior citizens groups are asking for the petitions. . . . I've even had truck drivers take them down to Florida."

Although Loitz is financing much of the campaign himself, he said contributions are trickling in.

Loitz, the father of five, lives at 4220 Tailmadge rd., Rootstown.

"The letters I'm getting are absolutely amazing. They say some of the nicest things you'd ever want to read.

"So far I haven't had one negative response," Loitz said.

The campaign is being run from Box 3518, Akron, 44310.

[From the Akron Beacon Journal, Feb. 24, 1972]

TAX REFORMER PREDICTS MILLION PETITION NAMES

(By James Toms)

If everything goes as planned, tax reform organizer Robert L. Loitz said he expects to dump more than a million signatures on congressional leaders April 1.

And he said that's just a preliminary goal.

Loitz, 48, is the Rootstown man who is leading a nationwide campaign to reform the federal tax structure.

He's asking Americans across the country to sign petitions demanding changes in so-called inequitable tax laws.

He believes current standards offer loopholes in taxation favoring the rich and penalizing the poor.

And he feels reform is possible if enough citizens put pressure on Congress by signing the petitions he's making available.

"We're taking this thing one step at a time, and I'm not setting any limits on time or signatures," Loitz explained.

"But I predict we're going to hit one million signatures by April 1.

"The way things are going there's really no question about it," he said.

Loitz said he will begin today mailing 18,000 of the tax reform petitions to union committeemen across the country. Each petition can hold 40 signatures.

Volunteers at Loitz's Heminger Upholstery Co. in Akron are handling the bulk of the work now. And although contributions are "trickling in" for the drive, most of the financing is coming out of Loitz's pocket.

"I'm not worried about the money. We'll raise that somehow. More than anything we're in need of some space from which to run this thing," he said.

Loitz said he is "still overwhelmed at the response" to the campaign, adding that he is now receiving petition requests from as far away as Minnesota.

"Plans call for someone to make a trip to Washington shortly after the first of April to deliver the signatures in person," Loitz said.

"And it's our intention to deliver them directly to the Speaker of the House of Representatives and to Chairman Wilbur Mills of the House Ways and Means Committee."

Loitz said the April 1 target of 1 million names is the first target in a campaign he envisions could "reach proportions I've never even imagined."

The campaign is being run from Box 3518, Akron, 44310.

CALCIUM AND HEART DISEASE

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, I suppose it should not be surprising in this age in which it is fashionable to question, criticize and attack all which is cherished and sacred that even nature's most perfect food—milk—has come under attack in some quarters as being injurious to the health. I suspect that if we were to take seriously all the warnings which have been issued on the dangers of various foods and liquids, we would be soon hard put to find anything with which to sustain ourselves. But I am especially troubled by the curdling conclusions being drawn by the lactic iconoclasts on the relation between calcium and heart disease. I think it is important at this point to put this issue in proper perspective by drawing attention to the fact that there is considerable evidence to the contrary, that is, evidence which shows that ingestion of calcium above the daily nutritional requirement actually reduces the incidence of atherosclerosis or heart disease.

At this point in the RECORD, Mr. Speaker, I include an editorial from Hoard's Dairyman of February 10, 1972, which calls attention to some important experimental work being done on this question. I call it to the attention of my colleagues and others and suggest that they thoroughly digest it before precipitately jumping on the antimilk wagon. The editorial follows:

[From Hoard's Dairyman, Feb. 10, 1972]

MILK'S CALCIUM MAY ACT TO PREVENT HEART DISEASE

The marvel of milk as a major contributor to the health of man continues to receive documentation with each succeeding year. As scientists probe the mystery of human nutrition, milk's reputation as man's most nearly perfect food is further verified.

In the November issue of Medical Counterpoint, it is reported that the ingestion of calcium above the daily nutritional requirement reduces atherosclerosis in experimental animals. The author wryly comments at the end of his report, "The chief source of food calcium in this country is dairy products, which some physicians believe to be atherogenic."

In another publication, from the National Dairy Council, a Cornell researcher reported recently that preliminary work indicated calcium was not as well absorbed and retained in the body when hydrogenated oils (oleomargarines) were fed. There was no such depression when butterfat or safflower oil was taken.

We do not intend to discuss the many facets of this question because it is impractical to do so and many of the results are preliminary. And, in some instances, there is conflicting research. But we have been following nutrition research for over three decades and milk always seems to survive the attacks of its critics with flying colors.

We become irritated and discouraged from time to time when some nutritional ignoramus grabs a coveted headline by attacking milk. But, over the long haul, such temporary setbacks are overwhelmed by the mass of evidence further confirming milk's unmatched contribution to man's welfare.

Dr. Joseph Lee III, a North Carolina reader, sent us the Medical Counterpoint report and summarized his opinion, "It is my feeling that dairy products have been a basis of good nutrition for many years, and to dismiss their use without more concrete evidence that they may be harmful would serve no good purpose." Thank you, Doctor, and our hope is that men of good judgment in your profession will continue to exercise it.

CONGRESSMAN NORM LENT REPORTS FROM WASHINGTON

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. LENT. Mr. Speaker, I recently sent the residents of my Fifth Congressional District a newsletter. I am including the contents of that newsletter in the RECORD at this point:

YOUR CONGRESSMAN, NORM LENT—REPORTS FROM WASHINGTON

NATION ON A BUSING BINGE: CONGRESSIONAL SUPPORT GROWS FOR LENT AMENDMENT

WASHINGTON, D.C.—Many Long Islanders will recall the furor that took place in New York State several years ago over the question of forced busing of schoolchildren to achieve racial quotas in the schools.

Many New York parents and taxpayers were opposed to involuntary busing schemes ordered by the State Department of Education. In 1949, I was successful in getting a "neighborhood schools" law passed in the New York State legislature and signed by Governor Rockefeller. The Lent-Kunzman "neighborhood school" law, which barred the assignment of pupils on the basis of race, creed, or color, served as a model for the Nation. It stood until May, 1971, when it was stricken down by the U.S. Supreme Court as unconstitutional.

As a result, courts across the country are ordering massive forced busing of children to achieve racial balances. In the most sweeping court decision to date, a Federal judge in Richmond, Virginia, ruled recently that all of the school districts in three counties must consolidate into one district.

The Richmond decision will mandate bus rides for 78,000 Richmond-area pupils. Some students will spend two hours per day on buses, treking across county lines to get to their new schools.

HEARINGS BEGIN MARCH FIRST

Once again, I have been called upon to lead the fight against this discriminatory practice—this time by my colleagues in the Congress. The Lent "neighborhood school" Constitutional amendment is now gathering growing support in the Congress, and hearings on the resolution will begin March 1.

Congressman Emanuel Celler, Chairman of the powerful House Judiciary Committee, has asked me to be the leadoff witness at these busing hearings.

I firmly believe that busing of pupils has not proven to be a valid educational tool. There are, to be sure, many educationally-deprived youngsters who need help. But instead of wasting millions of dollars of the taxpayers' money on busing schemes and the hiring of thousands of additional bus drivers I say let's spend those dollars on improved teaching techniques and enriched educational programs in the reading, writing and vocabulary skills that will truly boost the quality of education.

"YOUTH INPUT"" OFF TO ACTIVE START

"Youth Input", the group of outstanding high school students chosen last October to serve as my student "sounding board" in the 5th Congressional District, is off to a fine start.

Thirty-four "Youth Input" representatives, two from each 5th C.D. high school, have already met several times in my Rockville Centre Congressional Office and in area high schools to discuss current National issues.

I have also addressed high school student bodies at Calhoun, St. Agnes, Baldwin and MacArthur on topics of current National interest. High on the list of student concerns is the threat of oil drilling off Long Island shores.

"Youth Input" representatives are also putting together a high school questionnaire on current National issues.

YOUR LETTERS IMPORTANT—ENVIRONMENTAL LEGISLATION HIGH ON PRIORITY LIST

In the nearly two years I have been serving as your Representative in Congress, I have made environmental legislation one of my highest priorities. Four bills I have sponsored dealing with the environment have already been signed into law by the President, and I am continuing to press for more effective measures to enhance the quality of our natural surroundings.

Too often we lose sight of the fact that our land, air and water are the only irretrievable resources we have.

The huge amount of mail I receive each day on environmental matters reflects the fact that you in the 5th Congressional District share my concern about the deterioration of our natural resources and want to make your views known to me.

Time says—They may never get a chance to drill. Bills have been put forward in both the House and the Senate to declare the East Coast offshore area a marine preserve and tightly regulate oil and mineral exploration. Massachusetts Senator Edward Kennedy is one of the sponsors of the Senate bill; Maryland Congressman Edward A. Garmatz, powerful chairman of the House Merchant Marine and Fisheries Committee is co-sponsoring the House bill, which was introduced by Long Island Congressman Norman Lent.

And in February's Field & Stream: Twenty-five East Coast Congressmen, led by Representative Norman Lent, of New York, are sponsoring legislation to establish a National Marine Mineral Resources Trust, to protect air, water, and submerged lands of Outer Continental Shelf. Ask your Congressman to check into it, then you may want to urge his support.

THE 35 ACADEMY FINALISTS ARE OUTSTANDING L.I. STUDENTS

One of the most pleasurable duties I have as your voice in Congress is the nomination of young men from the 5th Congressional District to the Nation's four Service Academies.

Last year, I appointed a group of outstanding 5th C.D. educators, businessmen, clergymen and civic leaders to interview prospective academy attendees and recommend to me the names of finalists which I will forward to the respective academy for final selection. The following 5th C. D. young men have been chosen by the Selection Committee as finalists:

U.S. Naval Academy, Annapolis, Md.—John Coffey, David Flinn, Michael Golden, Lee Licata, Ray Mazza, Frederick Morlock, Steve Rohrssen, Theoren Smith, Dewey Yee and Lane Napoli.

U.S. Military Academy, West Point, N.Y.—James Connell, Richard Friedman, Arthur J. Campbell, Francis Valentino, and Denis Morgan.

U.S. Air Force Academy, Colorado Springs Colorado—David Redlefsen, Scott Lustig, William Brickenstein, Paul Nunnenkamp, Steven Sconfienza, Robert Scott Bartlett, William Seiffert, William Carolan, Lee Kilbourn, and Jerome Macken.

U.S. Merchant Marine Academy, Kings Point, N. Y.—John Barrett, Joseph Barrett, Thomas Coutu, Donald Farmer, Kevin Lawless, William Madden, Robert Murray, James McGowan, Michael Pinto and Kevin Dick.

NORMAN F. LENT,
Member of Congress.

A WORTHY TESTIMONIAL

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. O'NEILL. Mr. Speaker, Frank Manning has been a tireless and determined advocate of the elderly citizens of Massachusetts, and his work indeed deserves national recognition. The senior citizens of this Nation have special problems concerning housing, transportation, and health benefits, and Frank Manning has done an outstanding and exemplary job of making those needs known to the Members of Congress. Recently, a testimonial dinner was given honoring Frank for his years of service to the elderly of the Commonwealth and the response to the dinner was overwhelming. I am placing in the RECORD an article which appeared in the Boston Herald Traveler on February 29, 1972, which chronicles that testimonial and the work which Frank Manning has done. I ask that all interested Members read this fitting tribute to a man who has championed the cause of the elderly, and who remains an articulate and sensible spokesman for those of our citizens over 65 years of age.

The article follows:

A WORTHY TESTIMONIAL

(By Wendell Coltin)

It's pleasing to attend such a testimonial as that given recently for Frank J. Manning, honoring him for his many years of service to the elderly of Massachusetts, when you know the people are there because they know him, admire him for his work and are proud of his friendship.

How different this is from so many other testimonials where persons in public life "arrange" to have themselves honored and often "the arm is put on others"—groups, business firms and individuals—to assure a good turnout; and, more particularly, a "good take" for the honored one. Of course, the "take" is sometimes disappointing.

We have often recalled a largely attended testimonial some years ago for a state representative who retired from office to accept a gubernatorial appointment to a job in public life. We attended his testimonial on a hot night in a large auditorium, sat through a lot of speeches and presentations. About 1200 persons were present; the cost of a ticket was, if memory is correct, $7. Imagine our surprise when we heard sometime after the event the guest of honor had received a check of $12. Terrific!

It is very common, also, to find persons attending testimonials who don't know the guest of honor, or even the reason for his being honored.

On the other hand, one of the nicest testimonials we can recall in the recent past occurred last year when patients and other friends of Dr. Daniel Lyons Leary, a Newburyport general practitioner and Essex County medical examiner, gathered at a Haverhill restaurant to express appreciation of his long service to the community. He was not retiring; but it was a wonderful gesture and the thing that made it so nice was that everyone there knew the guest of honor and wanted to be there.

So, too, with Frank Manning. Many who have benefitted from his leadership as president of the Massachusetts Legislative Council for Older Americans came from different parts of the state. Others were there from organizations concerned about the elderly and working to help make a better life for them.

One of the amusing things was his telling the 400 persons present at the luncheon testimonial in the Dorothy Quincy Suite of the John Hancock Building:

"One of my friends in here said, 'Where the hell is everybody?' He was used to meeting at Suffolk Downs."

The past couple of years more than 12,000 persons have been bussed into the East Boston race track each year to attend rallies sponsored by the Legislative Council to promote the cause of the elderly.

As always, Mannings' talk to his audience was interesting; and in accepting the laurels heaped upon him, he said a number of quotable things. We liked this one particularly:

"I envision a world where no older person will live in want, insecurity, or fear and no child will ever suffer brain damage from malnutrition."

Whether the candidate is a Democrat or Republican, he said, should not be the criteria for his election to office. Manning stated: "I have no patience with public officials who forget the army of people who elect them and find refuge in the homes and dens of the wealthy."

Stating there are children in some southern states, even in Massachusetts, who have never had a good, nutritious meal, he declared: "If people are hungry, it is not because there is not enough, but because of people being too careless, too greedy, to distribute it properly."

And what a deep satisfaction it must have been to recently-retired state Sen. Samuel Harmon, a head table guest and speaker, to hear Manning say he "was the most accessible senator I have ever known."

Harmon is now general counsel to the new state Department of Elder Affairs, which Manning served for a short while and was credited by Secretary Jack Leff with playing a very important role in the organizational phase.

VIVE MME. NIXON

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mrs. HECKLER of Massachusetts. Mr. Speaker, our distinguished First Lady, Mrs. Pat Nixon, is rapidly being recognized as one of America's most successful emissaries abroad. The American people via satellite television have seen her in action in the People's Republic of China, adding a new dimension to her husband's historic trip to that nation.

During her tenure in the White House, Mrs. Nixon has been actively involved in a number of the great issues which have been of concern in the country these past 3 years. She has enhanced the role of First Lady by giving it a more activist, participatory dimension. Her accomplishments in these areas are especially important as she travels around the world. Her ability to establish an instant rapport as she reaches out to people on a human level, has brought her acclaim from the four corners of the globe.

Mrs. Nixon recently returned from a trip to Africa where she represented the United States at the inauguration of William R. Tolbert, Jr. as President of Liberia. During her travels, the First Lady was greeted warmly by local citizens who cheered "Vive Mme. Nixon." There people, like our own American citizens, responded immediately to a woman who has come to represent the very essence of human understanding.

I include an article from the New York Times as evidence of Pat Nixon's recent triumphs. As a woman member of this distinguished House, I am especially proud of our First Lady's unique accomplishments.

The article follows:

A MEDAL FOR MME. NIXON

They loved her in Monrovia.

Mrs. Richard M. Nixon was in the capital of the Republic of Liberia—founded 150 years ago by freed American slaves—for the inauguration of William R. Tolbert Jr. as the nation's 19th President. And Mr. Tolbert, 58, a Baptist minister, calling Mrs. Nixon a woman of "courage, strength of character and fortitude of spirit," presented her with the Grand Cordon of the Most Venerable Order of Knighthood of the Pioneers of the Republic of Liberia. The next day she was treated to a special entertainment at Monrovia's Executive Mansion. For the occasion, Mrs. Nixon was garbed in native dress with a bouffant head scarf and tapped her feet to tribal drums while dancing girls, their bodies painted blue, pranced by.

They loved her in Accra, too.

As Mrs. Nixon arrived in Ghana's capital on Wednesday for the second stop of her African tour she was met at the airport by hundreds of Ghanaians singing and playing drums. Later she addressed a high-spirited meeting of the National Assembly and told the delegates. "Your assembly is a little bit different from ours. There they don't have half as much fun."

Her final stopover was the Ivory Coast capital, Abidjan. Despite intermittent rain, on her arrival there Friday, she was greeted by a crowd of 75,000. They included men wearing feathers and fierceley painted tribal masks, women shaking gourds that rattled, neat rows of uniformed school children waving and giggling and even a few of the French who dominate life in the steamy West African country. Along the eight-mile route from the airport well-wishers cheered and chanted: "Vive Mme. Nixon!"

TRANSPO 72

HON. KENNETH J. GRAY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. GRAY. Mr. Speaker, Transpo 72 will be a great event for the Nation's Capital as well as the rest of our great country. It will be bigger and better than the Paris Air Show and provide our great aerospace industry with an opportunity to display their great technology in the field of aviation. Mr. Speaker, it is essential that we have good transportation facilities between downtown Washington and Dulles Airport for the event that is to be held. Under previous order granted me, I would like to have printed in the RECORD a letter from the president of the Aerospace Industries Association of America, Inc., to the Honorable John A. Volpe, Secretary of the Department of Transportation, indicating their willingness to provide helicopters for this event. However, it is essential that we have accessible downtown helistop locations for this 1-week event. I am indeed hopeful that the Federal Aviation Administration can provide these locations.

The letter is as follows:

AEROSPACE INDUSTRIES
ASSOCIATION OF AMERICA, INC.,
Washington, D.C., February 17, 1972.

Hon. JOHN A. VOLPE,
Secretary, Department of Transportation,
Washington, D.C.

DEAR MR. SECRETARY: Although your able staff has both planning and preparation well under control at this point in time, it occurs to me that one modern mode of transportation could serve a valuable functional service as well as a practical demonstration of capability in direct support of TRANSPO-'72.

I refer to the helicopter and its unique capability that could be utilized to move dignitaries, important government and businessman guests and news media representatives between downtown Washington and the TRANSPO-'72 site at Dulles International Airport. Such a service would eliminate, for many of these U.S. and foreign visitors, and the working press, the prospect of a long round trip surface ride along arteries that at times may well be extremely congested.

Tentative discussions with the AIA corporate members that produce helicopters leads me to believe that they would be willing to sponsor a demonstration shuttle service, under your direction, starting before and continuing through the exposition.

All this service needs is one or more quickly installed, relatively inexpensive landing sites, such as those at the White House and the Pentagon. One of any number of possible sites on downtown Federal Park Service land could be established quickly in this national capital, thus making available the kind of service the French provide for their biennial air show at Paris.

If my thinking duplicates an action you already have well under way, no harm done.

If it has some use in avoiding what I suspect will be an otherwise irritating transportation problem, well and good.

STUART AWBREY HONORED AS 1972 KANSAS EDITOR OF THE YEAR

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. SHRIVER. Mr. Speaker, the William Allen White Foundation at the University of Kansas recently honored Mr. Stuart Awbrey, a distinguished constituent of mine and editor of the Hutchinson, Kans., News with its award as 1972 Kansas Editor of the Year.

This is a significant recognition, and a most deserved one, for Stu Awbrey. It constitutes entry into a virtual Hall of Fame for the giants of Kansas journalism.

Although we are not always in agreement on editorial positions, I have profound respect for Stu Awbrey and his integrity and independence as a newspaperman and editor.

He worked for the late William Allen White on the Emporia Gazette which is an excellent credential by itself. He has been editor of the Hutchinson News since 1965. Before that he worked as a reporter, columnist, and editorial writer. He also has served as editor of the Garden City, Kans., Telegram and the Burlington, Iowa, Hawkeye.

Stu Awbrey has won several prizes for his editorials, and he is a Pulitzer Prize juror.

In presenting the William Allen White award to Mr. Awbrey, Whitley Austin, editor of the Salina Journal, stated:

Mr. White's fame rested on his ability to pick the brains of the world, noble and dumb cluck alike and translate them into the ribald, wart-plain and sometimes loving patois of the prairie. Ditto Stu Awbrey. Mr. White also had an abiding faith in the people—of all sizes, shapes, orneriness and colors. Ditto again Stu Awbrey.

It is a pleasure to advise my colleagues in the House of this outstanding honor which has been earned by Stu Awbrey of the Hutchinson News, and to publicly extend warmest congratulations and best wishes to him.

MILTON MANDEL, CLU, RECEIVES HIGHEST AWARD OF THE ELOY ALFARO INTERNATIONAL FOUNDATION OF THE REPUBLIC OF PANAMA

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. WYDLER. Mr. Speaker, it has been my pleasure to learn that Milton Mandel, CLU, head of a leading insurance agency in my constituency, has been awarded the highest honor of the Eloy Alfaro International Foundation of the Republic of Panama. If I may respectfully add, I, too, received this high honor and award several years ago.

This foundation, named after the great Latin American statesman, Gen. Eloy Alfaro of Ecuador, has awarded its coveted Grand Cross to outstanding Americans from all walks of life, including our President Nixon and six former Presidents.

I am gratified that Mr. Mandel, an outstanding insurance man and humanitarian, has been included in this distinguished group and I congratulate him on receiving this high honor. The ceremony took place on Wednesday, the 16th day of February 1972, at the Roosevelt Hotel in New York.

Mr. Speaker, I am also particularly happy to make note of this occasion, since it gives me the additional opportunity of giving recognition to another great humanitarian, Dr. Herman A. Bayern, the American provost of this foundation.

Among the many worthwhile projects to which he has devoted his life, time, and energy, Dr. Bayern was instrumental in the growth of the Institute of Applied Psychotherapy, a leading drug abuse prevention program for young adults, which has centers in New York and other cities in several States. Walter Mandel, director of public relations of the institute, represented the I.A.P. at this investiture.

I would like to call attention to the highlights of the proceedings during which Mr. Mandel was so highly honored. The master of ceremonies was Dr. Ralph K. Keesing, international provost of the foundation and an international lawyer.

The invocation, as well as the benediction, was delivered by Dr. L. Lester Beacher, deputy provost, chancellor of Philathea College of London, Ontario, Canada, honored by many colleges in recognition of his dedication to the field of education, and an eminent eye doctor who, 45 years ago, pioneered in the development of contact lenses.

The formal presentation address was delivered by Dr. Herman A. Bayern, American provost of the foundation. The Grand Cross was presented by Count Voultsos Vourtzis, Prince Grand Master of the Sovereign Greek Order of Saint Dennis of Zante.

The translation of the diploma was made by Col. Robert A. L. Bentley, deputy provost. Dr. Rene Shapshak, deputy provost and secretary of the Eloy Alfaro Association, Inc., an eminent sculptor, presented the membership scroll of the Eloy Alfaro Association.

At this point I insert the principal speeches and the translation into the RECORD:

DR. BAYERN'S PRESENTATION ADDRESS

We are assembled here this evening in the Roosevelt Hotel to honor Milton Mandel, Chartered Life Underwriter, head of a leading insurance agency, who has been elected, by unanimous vote of the Board of Dignitaries of the Eloy Alfaro International Foundation of the Republic of Panama, to receive its highest award—the Eloy Alfaro Grand Cross and Diploma.

Mr. Mandel was awarded this high honor "in recognition of his distinguished service as a public spirited citizen in his field of endeavor, his dedication to his many clients and industry, his activities in humanitarian causes and his good work in behalf of international peace; in keeping with the aims, ideals, principles and purposes of the Eloy Alfaro International Foundation".

We are here this evening to honor you, Mr. Mandel, in testimony; first, of our faith in the ideals of American democracy; secondly, in our devotion to the cause of universal education as the bulwark of these ideals; and thirdly, because of our confidence in the cooperation of all the people of the Western Hemisphere in the preservation of human freedom and peace of all the peoples of the world.

Such was the pattern of the life of our standard bearer, the immortal Eloy Alfaro, the great Democrat of Ecuador. As President of Ecuador at the turn of the century, he expanded and furthered educational institutions of his own country. He appealed to the Spanish Monarch to establish peace, and to grant the people of Cuba the freedom for which they yearned and bled. Now, these same people of Cuba pray that, once more somehow, perhaps by Divine Guidance, they will again see their freedom restored—the freedom which Dr. Castro and the Soviet Union wrested from them, in direct violation of the Monroe Doctrine. Today the Soviet Union has a strong foothold just 90 miles from Florida; and this is a great menace to the peace of the world.

The Eloy Alfaro International Foundation of the Republic of Panama gathers and encourages the permanent political and moral values of the Americas. Eloy Alfaro was the most outstanding Ecuadorean in the Western Hemisphere. The action and thought, which he placed at the service of his country, were instrument and agency of the highest aspiration of half the globe. He worked for a broad land; he strove to raise the social level of the Indians; to spread education among his countrymen; to banish the exploitation of man by man; to act for the defense of liberty, regardless of frontiers; to create American public laws; and to free the flesh and the spirits from their chains.

Eloy Alfaro was a citizen, not only of his native Ecuador, but of all the Americas. His personal integrity, his unwaivering defence of the principles of truth, justice and friendship among nations; his self-control and self-sacrifice which marked about one-quarter of a century of unflagging service to his fellow man, extended far beyond the confines of his own country, Ecuador.

He was a rebel and a conspirator, but his rebellion and conspiracy were directed against hatred, injustice, discord and tyranny. He was the leader of a generation fired with the hope and desire that responsible political action would enhance the prosperity of their country and the welfare of their people. The philosophy of Gen. Alfaro was based principally on services to his fellow human beings, to education, and to the cause of international peace.

It is most fitting, therefore, for us this evening, that we of the Eloy Alfaro International Foundation have selected to honor, and give this highest award, to a great American and humanitarian. None can ever doubt the limitless faith of Mr. Mandel to the ideals of democracy and in the belief of our guest of honor that it was not from human hands, but from the Great Creator, that every man, woman, and child inherits the inherent right of life, human liberty, learning, happiness and equal opportunity, and, with such opportunity, the priceless possession of truth, which alone can make man free.

None can be aware of the indefatigable and unstinting service of Mr. Mandel to the cause of the United States and the United Nations, to his clients and to his industry, to his friends and to his fellow man, and of his humane efforts and accomplishments in the interest of all people, in order to try to bring peace and understanding and well-being to the people of this hemisphere and all over the world.

You know, my dear Mr. Mandel, that you now join a very select and elite group of Americans who have been similarly honored in the past. They include Pres. Richard M. Nixon and Vice-Pres. Spiro Agnew, former Presidents Hoover, Roosevelt, Truman, Eisenhower, Kennedy and Johnson; Senators Javits, Muskie, Humphrey, Buckley, Mansfield and other Senators; Congressmen Albert, Ford, Celler, Wydler and other members of the House; Gen. Douglas MacArthur; Adm. Chester W. Nimitz; F.B.I. Director J. Edgar Hoover; Gov. Nelson A. Rockefeller; Hon. James A. Farley; Dr. Marie L. Fetsch; Hon. Stanley Fuld, Chief Judge of the Court of Appeals; all of whom typify the calibre of the outstanding individuals who have heretofore been honored by this Foundation.

It now gives me great personal pleasure, and it is an honor and a privilege for me, to call upon an outstanding gentleman, one who has served many worthy causes, a renowned educator, a member of this Foundation, a close personal friend of the late Capt. Colon Eloy Alfaro. Not only has this gentleman been honored but so has his wife, who is here with him tonight. I now call upon Dr. Pericles Voultsos, Prince Grand Master of the Sovereign Greek Order of Saint Dennis of Zante, and a Deputy Provost of this Foundation, to carry out the determination of the Board of Dignitaries of this Foundation, and to invest you, Mr. Mandel, with the coveted Eloy Alfaro Grand Cross and Diploma.

THE INVESTITURE SPEECH OF COUNT VOULTSOS

As a former recipient of this high honor, it pleases me very much to be here tonight to honor Mr. Milton Mandel, who is also a Mason and a Shriner.

I would like to call your attention to the fact that Gen. Eloy Alfaro, former President of Ecuador, was one of the founders of Masonry in Latin America; an honorary 33° Mason; and Commander-in-Chief in that area. I was a personal friend of Capt. Colon Eloy Alfaro, his son, who was Ambassador to the United States from the Republic of Ecuador and who rendered great service to Pres. Franklin Delano Roosevelt during the war. Capt. and Ambassador Colon Eloy Alfaro was also a Mason and a Shriner. He was coroneted an honorary 33° Mason in Washington, D.C., in the same ceremony at which former Pres. Harry S. Truman and Gen. Douglas MacArthur was so honored. It is also interesting to note that Capt. and Ambassador Colon Eloy Alfaro and his three sons, grandsons of Gen. Eloy Alfaro, were all graduates of West Point Academy. So you see, you are in good company.

Since we are both Masons and Shriners, I am happy to bring you greetings from the Masonic fraternity of the State of New York. We welcome you to our ranks. God bless you.

And now, my dear Mr. Mandel, it gives me great pleasure, and it is an honor, to carry out the determination of the Board of Dignitaries to invest you with the top honor of this Foundation—The Grand Cross and Diploma of the Eloy Alfaro International Foundation of the Republic of Panama—in recognition of your humanitarianism.

TRANSLATION OF THE DIPLOMA FROM SPANISH TO ENGLISH BY COL. ROBERT A. L. BENTLEY

As a former recipient of this honor, I will now translate from Spanish to English, the Diploma granted to you by this Foundation.

"THUS ONE GOES TO THE STARS"

"Eloy Alfaro International Foundation, recognizing the special value of the services rendered by Milton Mandel, in support of the objectives of this institution, he has been awarded the Cross of the Eloy Alfaro International Foundation. In witness whereof, this Diploma, with the seal of the Foundation, is presented in the City of Panama, Republic of Panama, on the 25th day of June, 1971."

Signed by the President, Director General and Secretary of the Foundation.

ACCEPTANCE SPEECH OF MILTON MANDEL

Dr. Bayern, Dr. Keesing, Dr. Beacher, Count Voultsos, Col. Bentley, Dr. Shapshak, Honored Guests:

I am overwhelmed and grateful for the honor which has this evening been bestowed upon me—thereby including my name among a select list of distinguished Americans who have preceded me to this award.

I am deeply moved by all the gracious remarks that were made and by the presence of all these people who have taken their time from their duties to assist in the investiture tonight.

I wish to express my sincere appreciation and thanks to all of you who came here and for the compliment you paid me by your presence.

For this honor, and for bringing me to this occasion, I extend my gratitude to Dr. Herman A. Bayern, the American Provost, to his Deputy Provosts and to the Board of Dignitaries of the Foundation.

I'd like to close with words which, in many languages and in many religions, have brought comfort and strength—"May the peace of God, which passeth all understanding, be with us, and remain with us, always."

Thank you all for coming here tonight.

LITHUANIAN INDEPENDENCE DAY

HON. CHARLES THONE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 1972

Mr. THONE. Mr. Speaker, two important dates in the life of Lithuanian people are observed in February. This month is the 721st anniversary of the founding of Lithuania. For more than 500 years, Lithuania served as a model for justice and freedom to the world; until about the time the United States was being founded, Lithuania was divided up among three conquering powers. Lithuanians maintained a deep desire for independence. They achieved it again in 1918, and this month marks the 54th anniversary of the Republic of Lithuania. Although Lithuania has been occupied by the U.S.S.R. for more than 30 years, its people still yearn to control their own destiny. We salute their spirit of independence. We also salute the more than 1 million U.S. citizens of Lithuanian descent. They have not only contributed much to America themselves, but have set an example for others as citizens. As a people, they may be classed as industrious, diligent, and possessed of a keen sense of responsibility. In Nebraska as in the Nation, we are thankful for the Lithuanians who have helped build better communities.

I am pleased to include in the Record a recent editorial from the Omaha World-Herald:

Thirty-Two Years Under the Heel

We are asked by V. P. Volertas, on behalf of the Lithuanian American Community of the United States, to say a few words in recognition of the historical significance the month of February holds for Lithuanians.

It is the 721st anniversary of the formation of the Lithuanian state. Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251.

And February is the 54th anniversary of the establishment of the modern Republic of Lithuania.

For Volertas and his compatriots, there is pride in these anniversaries. Unhappily, this pride is overshadowed by the fact that Lithuanians also are observing the 32d year of the domination of their homeland by the Soviet Union.

Not much is said these days about the "captive nations" behind the Iron Curtain.

It is not widely remarked that since June 15, 1940, the Baltic nations of Lithuania, Latvia and Estonia have lost more than one-fourth of their combined populations to the ethnically genocidal deportation and resettlement programs of the Soviet Union.

It is not widely recognized that in the period between 1940 and 1952, some 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the Soviet conquerors.

Every president since Franklin D. Roosevelt has formally stated the policy of the United States to be nonrecognition of the legitimacy of the Soviet Union's domination of the Baltic states.

However, as Volertas stated with regret, the United States has done very little to help the Baltic peoples get out from under the Communist regimes in their countries.

As a practical matter, there is very little the United States can do, beyond offering regular reminders in the forums of the world that the Soviet Union was and is guilty of the most brutal imperialism in its subjugation of these countries.

The conquest of the Baltic states, first by the Nazis and then by the Communists, took place a long time ago, by the standards of today's telescoping history. Awareness of the inhuman wrongness of it is kept alive today mainly through the efforts of organizations such as Volteras'. It is too bad that more voices are not raised in protest.

PAYING TAXES AND LOSING A JOB

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. WALDIE. Mr. Speaker, I have come upon a case involving an employee of the U.S. Postal Service in Los Angeles which has given me great concern.

Apparently this employee was suspended and threatened with loss of his job, because of failure to pay his State taxes.

This action was taken despite an arrangement between the employee and the State of California for monthly payment to satisfy the State's tax claims.

It woud appear, Mr. Speaker, as if the Postal Service took a punitive and hasty action, one which could cost the employee his job and his means to pay his back taxes.

I would at this time, Mr. Speaker, insert in the Record a letter on this case from Mr. Glenn O. Givens, president of the clerk craft division of the Los Angeles local of the American Postal Workers Union, which outlines this matter in some detail:

February 18, 1972.

Re Appeal to violation of Articles: XV, XVI, VI, and IX

Director of Employees Relations,
C/O Western Postmaster General,
San Franicsco, Calif.

Dear Sir: The Los Angeles Local of the American Postal Workers Union appealed a grievance, which was filed on February 11, 1972, in behalf of Regular Full Time Letter Sorting Machine Operator, Mr. ---------- to the Postmaster of this office on the violation of the above Articles, but as of the date of this letter, this Union has not received any reply from the Postmaster.

Accordingly, we are filing an appeal, pursuant to Article XV, Section 1, Step (b) of the National Working Agreement; and requesting that a hearing above the level of the installation head be held.

We are at this time, naming Mr. Robert L. Soule, National Vice President, of the Clerk Craft, or his designee, to be the representative in behalf of this Union in the hearing.

For your reference, we would like to point out that Mr. ---------- was first charged on January 24, 1972, with an advance notice of discharge. But this union appealed this to the Postmaster, who sent a letter to this office acknowledging our appeal, and cancelled the charge against Mr. --------------.

On February 10, 1972, Mr. ---------- was issued another letter on the same chage, but with a notice of disciplinary action (suspension of two days); and we appealed this on the grounds that he had been resolved of the charge, based on the information the union submitted in its initial appeal to the Postmaster.

An investigation on the second letter of disciplinary action against Mr. ---------- the union learned that he, Mr. ---------- had made arrangements with the State of California Franchise Tax Board to liquidate any balance he owed to the State by making a monthly payment to them. This was completed on February 9, 1972. And one day before the letter for suspension was imposed on him.

A further investigation by the union revealed that the California State Franchise Tax Board had hand delivered on the same date (February 9, 1972) to the Personnel Office of this Post Office that Mr. ------ did in fact make these arrangements with them. And on February 14, 1972, Mr. ------ made a payment to the Franchise Tax Board the total sum of $69.80 on Account No. --------.

Additionally, this Union is contesting the action on the part of this Post Office to violate the code of the United States Constitution, which relates to double jeopardy, since he had been cleared of the charge in a previous letter.

But we would like to bring to your attention the fact that this Local has declined to make any statement to the news media, who have been inquiring into cases like this (particularly since so many employees have been charged with the same disciplinary action); however, this Local realizes that in the near future it is likely that we will be a party to a legal suit filed to determine if the State of California can in effect submit a letter to the United States Postal Service which will cause a suspension and the loss of pay, or the loss of his livelihood, and the well-being of his or her family, without due process of the law to determine the employee is actually owing the State in taxes.

The Union further realizes that many employees and other feel that the manner in which the Franchise Tax Board is seeking to gain payment of taxes is to some degree political. And we note that only those persons who are members of race minorities are being subjected to this kind of pressure, and being disciplined for allegedly not paying their taxes.

Moreover, we continue to recognize that the Governor of the State of California has been accused with failure to pay his State Income Taxes, but his employer (the people of the State of California) did not take any disciplinary action against him to the extent that they caused him to lose pay from a suspension or removed from his job. And if this is the case, then certainly, a citizen who is paying his salary is entitled to the same consideration.

Furthermore, this Union is appalled at the fact that the United States Postal Service can be and is party to an action that is contrary to the Law, that law which indicated in the past that an alleged debtor must use the process of the law in securing the payment of a debt.

It seems to this local that we are going back in time, the time when a man was beaten or placed in confinement because he either didn't pay his debts or was unable to pay them. But in this case, it seems that the Postal Service is either going to fine the employee or discharge him. Again without the due process of law.

In this reference information this Local is hopeful that we have given to you the necessary facts that the Articles cited have been violated, we only regret that we were not able to give to you the code of the United States Constitution, which relates to double jeopardy, or the Law relating to due process. Additionally, we regret that we cannot supply the information concerning the statement made about the Governor of the State not paying his State Income Tax. But we have that information, and either the information that most of the employees who are being disciplined or discharged because of the question of taxation are mostly members of the minority races or religions.

We are hopeful, again that this reference information is sufficient to warrant a hearing, and if not so, we are positive, we can supply this information.

Sincerely yours,

GLENN O. GIVENS,
President, Clerk Craft Division.

COMBATING DRUG ABUSE IN WILMINGTON

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Thursday, March 2, 1972

Mr. BOGGS. Mr. President, the current issue of the "FBI Law Enforcement Bulletin" features an interesting article by John T. McCool, chief of police in Wilmington, Del.

Entitled "Combating Drug Abuse To Reduce Major Crime," the article details the efforts the Wilmington Police Department is making not only to deter drug abuse, but to stem drug-related crime.

Chief McCool is a native of Wilmington who entered the bureau of police in 1957 and rose swiftly through the ranks. He graduated from the FBI National Academy in 1967 and 2 years later was named chief of police.

I believe he and his colleagues are to be congratulated on their work in this vitally important area.

Mr. President, I ask unanimous consent that Chief McCool's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COMBATING DRUG ABUSE TO REDUCE MAJOR CRIME

(By John T. McCool)

To say that drug abuse has become an epidemic in our city and an enigma in our community would be an overstatement at the least. Wilmington, Del., is certainly not experiencing unique drug problems; however, we do have a drug abuse problem, and I would like to relate some of the steps that the Wilmington Bureau of Police has taken to combat it. We are making an effort not only to deter drug abuse, but to stem drug-related crime, which is accounting for approximately 60 percent of our major crime statistics.

In October 1970 our department obtained a $150,000 discretionary Federal grant to help us combat our ever-increasing problem of major crime. An autonomous unit, consisting of 25 uniform and plainclothes officers, was formed. The prime goal of this unit is to reduce street crime.

In addition to furnishing visible preventive patrol, the unit performs stake-out assignments and investigations. It is also trained as a civil disturbance unit with special emphasis on the handling of tense situations.

Liaison officers from the narcotics and the intelligence squads were assigned to the unit to assure that the entire spectrum of patrol, investigation, vice, and other vital areas was properly covered. A 1-hour briefing session is held before the unit is sent out on assignment to acquaint the officers with the latest information on investigations begun by the previous shifts. A ½-hour debriefing is held upon completion of their tour of duty for discussion of developments during the shift and why certain decisions were made.

DRUGS AND CRIME

Crime statistics and other data processed by the planning and research division for the street crimes unit began to show that drug abuse was related to a significant percentage of the major crimes, especially robberies and burglaries. Other research revealed that some experts in the field of law enforcement were stating that 50 to 60 percent of the major crimes in big cities are related directly to the illicit use of drugs.

We felt that any program for reducing crime must, in fact, concentrate directly on the drug problem if it is to be successful. Therefore, 14 men from our street crimes unit were temporarily assigned to the drug control unit, which, until this time, had been composed of only six men.

The procedure followed is somewhat different from the usual narcotics squad operations. This expanded unit of 20 men not only concentrates on drug enforcement but also specializes in drug-related crimes, such as robberies and burglaries, that are being committed by many of the same persons investigated for drug violations. One member of this unit is assigned to interview every person arrested on a felony charge to obtain as much information as possible about the individual's involvement with drugs and knowledge of local drug traffic.

We are finding that many drug users become anxious to talk about their involvement with drugs when they are arrested on other serious offenses. They often relate not only how drug abuse has led them into a life of criminal activity but also some excellent information that assists us in other current investigations.

Another member of the drug control unit is assigned to work specifically with pharmacies and other medical outlets for drugs to see that local and Federal guidelines on the dispensing of same are being followed. This measure came as a result of several investigations which revealed that a significant number of drug users were obtaining their supply through such channels.

One of the major goals of our program is to make it difficult for the drug user to get his illicit supply. We hope that, as a result of our efforts, the user will be forced to seek out a formalized drug rehabilitation program and thereby reduce his need to commit other crimes to support his habit.

Members of the drug control unit, operating under our current procedure, have made arrests for burglaries, robberies in progress, and other serious crimes. Stolen merchandise is consistently being recovered during drug raids. Many violent crimes are being cleared as a result of evidence seized from drug users or pushers that either connects them with such offenses or opens up investigative leads that eventually result in the arrest of other suspects.

In one recent drug raid on a pusher, among other currency in his possession, an unusual $5 silver certificate was seized. Subsequent investigation revealed this silver certificate was part of property stolen from a 78-year-old victim who had been severely beaten and left alone in his home, with his throat cut. Fortunately, one of our drug control unit's informers reported seeing two of his acquaintances display a large amount of money and hearing them brag about the beating and robbery of the victim in question. Officers rushed to the location and found the elderly victim unconscious on his bedroom floor. He was admitted to the hospital in critical condition and probably would have died had our department not received this information and responded in time. Two suspects were later arrested as a result of an investigation.

DRUG ADDICTS

Both suspects were drug addicts and had used part of the money taken from the victim to purchase drugs from the pusher caught in our raid. He identified them as the persons who had passed the silver certificate to him in exchange for drugs.

The following points account for the initiation of our current program:

1. Any successful effort to reduce the major crime rate in our city must take into consideration that drug abuse is directly related to a high percentage of major crime. We must therefore concentrate on the drug problem if an impact is to be made on the crime rate itself.

2. Drug control officers should not limit the scope of their operations to narcotics enforcement but should be constantly investigating other crimes committed by drug users.

3. The drug control unit must maintain close liaison with the detective, patrol, and youth aid divisions to assure a constant exchange of pertinent information.

4. By making a concentrated effort to reduce the availability of drugs, we hope to force the drug user into a formalized rehabilitative program and thereby reduce the need for him to commit other crimes.

5. To establish community support of our effort, we are bringing together the various elements responsible for dealing with the drug problem—the police, the courts, the rehabilitative people, and those responsible for the education of the public. We hope this will help to reduce the fragmentation of effort against drug abuse and better utilize everyone's time and energy.

This basically is our program in Wilmington. We are trying new concepts because past efforts were not working effectively. Education alone is not the answer in combating drug abuse and related major crime, nor is enforcement, rehabilitation, or punishment; but combining these, with each area working to complement the other within the same framework, we hope to achieve results.

PRESS FREEDOM ONE BASIC FOUNDATION OF OUR SYSTEM

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. WOLFF. Mr. Speaker, freedom of the press is one of the basic foundations of our democratic system. Throughout our history the press has frequently served as an added check in the checks and balances system. For this reason, I was disturbed to note the exclusion of Newsday's regular White House correspondent from the press delegation which accompanied the President to China. I would hope that an adequate explanation of this matter will be forthcoming from the White House. Newsday's editorial on this matter follows my remarks:

WORKING OUT

Newsday's Martin Schram is *not* reporting to Long Islanders from Peking this week.

The whereabouts of our White House correspondent would not ordinarily be an item worth commenting about. But CBS over the weekend cited reports that the White House had excluded Schram from covering President Nixon's China trip, and noted that Newsday had reported in depth last fall about the financial dealings of Charles G. (Bebe) Rebozo, the President's friend.

When the list of reporters scheduled to go to China was announced two weeks ago, we asked President Nixon's staff why Schram was not on the list, since he had met the White House's own criteria for going on the journey.

We were assured that the Rebozo articles had nothing to do with the selection process. But we received no adequate explanation, particularly in light of the fact that Schram was the only regular White House correspondent whose newspaper was not represented.

Right now, it is no big thing as far as the readers of Newsday are concerned, since we are carrying complete reports on the trip through the several news services to which we subscribe. But in the long run, when the White House determines who can cover the news, all of us—journalists, Presidents and the people—are the losers.

SCHOOL BUSING

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. THOMPSON of Georgia. Mr. Speaker it is a shame that the schools in the South are in such disarray all in the name of social progress.

A good Georgian, Mrs. Philip H. Hopkins, has expressed the concern of many parents in a letter to me. I include appropriate parts of that letter in the RECORD at this point, for her letter is typical of the concern, frustration, and yet determination of parents to see that their children receive a good education.

Mrs. Hopkins wrote:

DEAR CONGRESSMAN THOMPSON: Never before have I written anyone, about anything, but as a wife and mother preparing to send her first child into the public school system, I must now become involved. We were thinking our child, who is going in first grade next year, to a private school, but someone has to say: "No, we are going to support the public school system and fight this mess". We cannot run from problems anymore nor bury our heads— nor, just discuss our feelings to friends over coffee or cocktails. We have mostly sat, and through apathy, let ourselves be "done in" so to speak. So, in some ways we have ourselves to blame. But, we have been pushed, pulled, told and commanded until I am tired of it—MY rights and those of my family are being taken away and now I say "halt".

First, I feel busing should be abolished. It is accomplishing nothing, except frustration, emotional upset and more bitterness and prejudice. No one seems to be considering the children—what it is doing to them—the long hours on buses and the things to which they are being subjected. It is doing more harm to our educational system, than good. The white children are being held back because the blacks are not up to their level. This is unfair to both races. It seems the "judges" are not concerned with improving education for blacks or whites; just invade the white domain—send the blacks to the white neighborhoods and vice versa. It is accomplishing nothing. You cannot make a white black nor a black white and I cannot believe this is desired by either race. So, I hope, sincerely, that the bill before Congress will pass, and busing will be abolished, forever.

Second, I feel a bill should be passed, making it mandatory for all judges and publics officials on every level, to send their children to the public schools—instead of placing them in private schools, safe and snug—while they make these "asinined" laws for my children. If they say this is denying them their constitutional rights—freedom to choose where to send their children—then I tell them they are denying me my rights by saying my children will be bused; they cannot go to the school by their home.

Also, if we want this great country of ours to survive, we must restore law and order—put discipline back. Police cannot enforce the law without someone yelling "Police Brutality". Criminals, murderers, and rapists all have rights. They either go free because some smooth lawyer declares he didn't get a fair trial due to publicity, or if he is convicted, he is soon parolled, and turned loose again on society to repeat his crimes. Schools cannot discipline children any longer; it violates the childs rights. Some parents and new teaching methods advocate a child doing his "own thing." Then, when these children must face real life, they aren't prepared for it—they cannot adjust to not being able to do exactly what they want to, as before. You and I both know our lives are governed by rules and regulations. Discipline is vital in order to help our future generations face the problems and responsibilities they will encounter during their life—and not "cop out."

I have spoken my piece. I am going to fight for MY rights and those of my family and hope you will continue to help us—the middle American.

Thank you for listening.

Very truly yours,

MRS. PHILIP H. "FRAN" HOPKINS.

THE AMERICAN LEGION

HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 1972

Mr. CEDERBERG. Mr. Speaker, I am pleased to join my colleagues in extending a most sincere welcome to the members of the American Legion who are in Washington this week for their annual conference. It is a privilege for me to pay honor to the members of this fine organization and to the work they are doing.

The American Legion has been a rallying force in our communities for over 50 years. As a service organization, it has demonstrated its sensitivity to the needs of these local communities as well as to the needs of all veterans throughout the Nation. With its 2.7 million members in 16,000 posts, the Legion has sponsored many civic activities, including baseball teams, volunteer hospital groups, fund raisers for local projects and patriotic celebrations. These are activities for which the American Legion can be proud as they have offered so much to our towns scattered across the Nation.

As a force in our Nation's Capital, the Legion has worked undauntedly for benefits for veterans. Rehabilitation issues, pensions, compensation, medical care programs, and educational assistance programs head the list of priorities for the Legion. I commend the national commander, John H. Geiger, for his superb presentation of these goals.

Mr. Speaker, I salute the work of the American Legion for it is indeed a fine organization.

CHINA AND THE LAW

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. HANSEN of Idaho. Mr. Speaker, President Nixon's recent "Journey for Peace" to mainland China was an unqualified success. Thanks to the excellent press coverage of the events of the President's historic trip, many Americans saw more and learned more about China and the Chinese people than they had seen or learned during more than two decades. The President's visit has aroused in all of us a desire to increase our knowledge and understanding of a country that contains one-fourth of the population of the world.

In a recent address to the Rotary Club of Washington, one of the world's foremost legal scholars has made a timely and important contribution to our knowledge of the Chinese legal structure and China's acceptance of international law. Charles S. Rhyne is a distinguished past president of the American Bar Association and he is current president of the World Peace Through Law Center. His leadership in the movement to win acceptance of the rule of law as a means of settling international disputes is known and applauded throughout the world. Few individuals have contributed so much to the cause of world peace.

Mr. Speaker, in order that my colleagues may have the opportunity to read Mr. Rhyne's address, I include it with my remarks.

CHINA AND THE LAW: INTERNALLY AND INTERNATIONALLY

(Address by Charles S. Rhyne)

Dramatic changes in relationships among the world-wide human family created by President Nixon's precedent-shattering China visit are many and important. The stage is set for sudden movement and tremendous change in the world power structure. There are enormous effects on every nation, every person and the whole future of mankind.

The theme last year of your great Rotary President, Bill Walk, was "Bridging the Gaps." By this he meant bridging the gaps to create understanding and friendship among people. Certain it is that "bridging the gaps" between the people of China and the peoples of the world, not limited to the United States, is one of the most needed "great leaps forward" of our day. And you in Rotary, with your world-wide organization can indeed make a major contribution as all the world's peoples are helped by such increased friendships, such "bridging" of one of the great gaps which exist today among the peoples of the world.

You may well wonder why I should stress the impact of China on the law, when comment to date has dealt almost exclusively with the impact of the welcoming of China into the active world community on such concepts as world balance of power distribution, American and Soviet foreign policy, and impact on other nations. However, power and policy, nationally and internationally, must exist within a framework of law. And China's entry into the world community of law will change both China and the world's law system.

China's internal law and her acceptance of international law, provide one of the best and most meaningful "weather vanes" of the future.

We cannot understand China unless we understand the system under which China rules its 800,000,000 people. That system is a law system. The Chinese legal structure is perhaps the most important part of China's development against which we may test the probably future relationships which can be developed.

Of all the disciplines, and areas of concern in developing mutual interests, the law is one of the most important, as it does, or will, lay out the rules for new relationships between China and its peoples and other nations and their peoples. What those rules are, and what they may become, is an all important part of our future and the future of all humankind. China's internal law will govern future business and other relations among her people and other peoples and other nations. Her acceptance of international law will govern the extent to which China is ready to play a role in world affairs. The rules she will follow in her dealings with other peoples and other nations in all areas of transnational interest will be found in the law she accepts.

In the law rules of China one will find the rules which will govern and guide—which encourage or repulse—contacts and relations.

Every nation has laws. A nation's law system distills and crystallizes its most significant attitudes, values, and beliefs. The status of everyone: the individual, the government, and other institutions is spelled out in its law or lack of law. A people's law within their nation is in fact a rather reliable mirror reflecting the status of their civilization. To put it another way, in the world of today, the human rights and the individual liberties provided by a nation's law for her people is a true measure of that nation's civilization. I believe the glimpse of Chinese law which I give you today is at least one meaningful evaluation of China's current social, cultural and economic status.

While no one can be sure China is ready to enter the modern world or ready for great power status, a look at her domestic law and her acceptance of international law is one test of such readiness.

Without law anarchy prevails within or among nations. The concept which brings stability into the affairs of nations and the people is the rule of law.

Let me caution at the outset, the rule of law as we understand it is not the law which exists in China. They use law differently and they define law differently than we do. But-none-the-less their law is an area which will govern how far and how fast they move into the affairs of the human family on a world-wide scale.

Today, when I use the term China, I speak only of Mainland China, the Peoples Republic of China. I have visited General and Madame Chiang Kai-chek on Taiwan and am most familiar with the Republic of China and its views. I have many friends among the lawyers and judges there. They are a great people. I was there last in 1969 just after President Nixon began to unveil his new foreign policies at Guam limiting our role in Asia and as world policeman. At our meeting, General Chiang Kai-Chek expressed his vigorous disagreement with that policy. But neither the General or anyone else, at that time, foresaw the current situation. And it is to that current situation to which I address my remarks today.

In the broadest view, there is hardly a nation or a person in the world who is unaffected by President Nixon's China initiative. Recently, I met His Imperial Majesty Haile Selassie in Addis Ababa. He spoke at great length about the effect on Ethiopia of this initiative and of his own recent visit to Peking. His was a most revealing story of China's interest in Ethiopia, their economic aid to Ethiopia and China's interest in world affairs. When I met President Tito of Yugoslavia last summer, his interest in China was a major subject of discussion. I am sure these heads of state reflect the world-wide interest in this subject. And so it is in nation after nation. Each is analyzing the trip's widespread repercussions. Their leaders and their people are watching the President's journey with special interest and anxious eyes as to its effects on them.

Recorded history of the government of China begins with the Shang or Yin Dynasty in about 1500 B.C. Down through the centuries, the most notable Dynasties were the Han, Ming and Ch'ing or Manchu—the last, which ended in 1912. Each Dynasty developed its law and some rather complete codes of law were promulgated. But today I pass over this law heritage of China and the period of unrest after the overthrow of the last, the Manchu Dynasty, and even the law of the Nationalist Republic which was created in 1941 and go directly to the law of the People's Republic of China which has governed China since 1949—The comments herein are based on research of the World Peace Through Law Center for its soon to be republished volume covering domestic law of 135 nations.

The Individual in China has traditionally been subordinated to the family and other social groups. The unity which held Chinese civilization together for more than 4 millenia is the family system. In many of its aspects the family system filled roles we traditionally assign to the law so the Chinese traditionally have relied less on the law than we have. The family system permeated every aspect of Chinese society and economy and political life. It is the cornerstone of Confucian teaching.

When viewed in the light of China's long history the centralization of government and control of the people is very little different today than under the Han, the Tang, the Ming or Manchu Dynasties. One noted China scholar, Professor John K. Fairbank has said:

> "Dynastic abolutism has been replaced by Party Dictatorship."

Under the Peoples Republic of China a three part governmental structure exists composed of the Communist Party, the Governmental and the Army.

When they came into power in 1949, the Communists through a convocation called the Chinese Peoples Consultative Conference adopted as Supreme law a provisional Constitution containing three basic documents: (1) The Common Program of General Principles, (2) The Organic Law of the Central Peoples Republic to establish a central government, and (3) The Organic Law of the Chinese Peoples Consultative Conference. These gave a legal basis to the communist military conquest. It is interesting that they first provided this legal foundation by their adoption of this interim constitution on October 1, 1949, before they proclaimed the Chinese Peoples Republic. From that date until now there is great emphasis on the law and legality.

The National Peoples Congress in September 1954, adopted a new Constitution embodying an updated version of the substance of these 1949 documents. This Constitution marked the beginning of a more orderly development of the law system which today governs China.

While China has in recent years moved away from its Russian ties, her Constitution is clearly patterned after Russia's. In fact, the Preamble to the 1954 Constitution states:

> "China has already built an indestructible friendship with the great Union of Soviet Socialist Republic."

The Constitution contains four chapters of 106 articles covering four parts: (1) General Principles, (2) The State Structure, (3) The Fundamental Rights and Duties of Citizens, and (4) the National Flag, National Emblem and Capital.

The General Principles are the usual provisions of a Socialist state with many references to workers and peasants. They require everyone to "observe the Constitution and the law."

The State Structure is composed of an elected National People's Congress whose approximately 1000 members serve four year terms. It meets once per year. The Congress exercises all power including that of amending the Constitution. There is a Standing Committee headed by the Chairman Mao Tse tung, which exercises power when the Congress is not in session. A State Council, headed by the Premier Chou En lai exercises the administrative functions of the Nation "according to provision of Law."

The Constitution provides for Local People's Congresses, Local People's Councils and Organs of Self-Government of National Autonomous Areas which "adopt and issue decisions within the limits of the authority prescribed by law."

There is a Supreme People's Court, some 200 intermediate courts, and over 2000 Local People's Courts and Special People's Courts. The Chief Justice, Yang Hsiu-feng, (they call him President and some think that Yang was purged during the recent cultural revolution) of each Court is elected for a term of four years. The Supreme People's Court reviews all death sentences and exercises supervisory powers over the other courts. Two lay jurors, called assessors, sit in the local and special peoples courts, their vote being equal to that of the judge on both facts and law. These jurors, or assessors, also are elected for four year terms and there are an estimated 250,000 of them.

There is a national prosecutor who prosecutes or supervises the prosecution of all crimes, and the observance of all law. He participates in civil cases which are of interest to the government and has an ill defined and evidently controversal supervisory role as to judges. The Supreme People's Procurator is elected by the National People's Congress for a four year term. There are over 1200 Procurator offices and probably two to ten prosecutors in each local procurator office. Article 78 of the Constitution guarantees the "independence" of the Courts but the Communist Party seems to be very much in the picture on all decisions.

At one time there was a Ministry of Justice headed by Miss Shih Liang, who reported often to the National People's Congress on the courts and law. That Ministry has been abolished and its functions evidently assigned to the Supreme People's Court or the Procurator organization.

The Police system is national in direction and the police possess very drastic powers to arrest and detain those suspected of committing a crime. The police seemingly can, without court trials, send "undesirables" who cause trouble to labor camps for periods of several years, subject only to review of such cases by special local committees set up for that purpose.

The procuratorates, courts, and police are expected to cooperate and coordinate their activities and to follow Party leadership in fighting against counterrevolutionary and criminal forces sabotaging socialist construction. During the past few years, the procuratorates have implemented the mass line by going to the people, working, living, and eating with them, and conducting investigations and prosecutions on the spot. The Procuracy's major duty is to prosecute and suppress counterrevolutionaries.

Of interest is a report of The Chief Procurator of Canton who has stated that due to improved procedures:

> "Now, on the average only three hours are needed to dispose of a case, involving all procedures for affecting arrest, examination of findings, and prosecution at the Court."

Mao Tse tung in 1957 made a speech on "Correct handling of contradictions among the People" which is much used as "law" in deciding cases. The laws of China are heavily weighted with political ideology and directed against enemies of socialism. Evidently the Chinese adhere to Lenin's definition of law: "Law is a political instrument. It is politics." The Courts are expected to educate the people on the values of the socialist system in their conduct of cases. The emphasis in the courts is on crimes not on civil disputes. The emphasis in civil disputes is on settlement by conciliation, mediation and informal discussion rather than court trial.

The traditional Chinese view is that law is an instrument to protect the political and social order rather than a guardian of private rights and interests. That view prevails today under the Communists. There is much reliance upon moral persuasion and social sanction.

The law emphasis is upon suppression of crimes rather than upon resolution of individual disputes.

There is no code of criminal law or criminal procedure and no code of civil procedure.

Civil lawsuits are not in favor in China. The courts are used chiefly for criminal cases.

Despite the Constitution's "independence" guarantee, the courts are dominated and controlled by the Party as instruments of Communist political education, ideology and socialism. Education—propaganda functions have been carried out at trials, especially the highly publicized mass trials.

Among the Fundamental Rights and Duties of Citizens in the 1954 Constitution is "freedom of religious belief" and women "enjoy equal rights with men."

The legal profession of China has never been very numerous or very important. The Communists in the early days of their rule in fact abolished it entirely as apparently too much a part of the Nationalist Government system they were supplanting. Law offices were closed and lawyers prohibited from practicing. But the Communist regime soon recognized a defendants right to a "defense." And the 1954 Constitution provides: "The accused has the right to defense" which is interpreted as meaning a lawyer although due to scarcity of lawyers it often means that a friend or member of the accused's family performs this task.

Gradually, there has grown in China chiefly after 1954 a group known as "peoples lawyers" who practice in Lawyers' Associations and work in Lawyers' Advisory Offices. These peoples lawyers write agreements, give legal opinions and serve as defense counsel in criminal cases. The lawyer is independent at the trial and need not carry out the desires of the defendant.

It is estimated that there are some 5,000 of these "people's lawyers" chiefly practicing in the major cities. The major universities have law faculties in which there are now over 4,000 students. If one adds law trained procurators, judges and other government lawyers there are perhaps as many as 35,000 lawyers in China to serve her 800,000,000 people. This compares to 350,000 members of the legal profession for our 200,000,000 people. The differing emphasis on law is clear.

The Government has been issued "Regulations for Lawyers" and "Provisional Rules for Lawyers Fees." There is apparently rising concern because China does not apparently have complete criminal or civil law codes or codes of criminal and civil procedure. The prosecutors and judges are said not to be too happy over the growth of the services of the "peoples' lawyers." The only apparent national organization of the legal profession is the Association of Political Science and Law of which the last announced President is Wu Teh feng.

When the communists came into power in 1949 China had been torn apart by half a century of war and it was one of the most backward nations in the world. They proceeded to unify China by the constitutional organization just described. By this unification they have sought to create the foundation for a modern industry, science, and technology.

From the best available sources—and never forget that even today China is to a major extent a "closed" society—it appears that China's law system has gradually improved since 1949. Her use of mass trials where such objectors as landlords were condemned to death and exterminated before upward of 2,000 persons seem to be no longer in use. Her law, her judges and courts, her legal profession and law faculties are improving. For example, reference to the law history of China and the law of other nations seems to be allowed in China today.

Law is undoubtedly important in China as there is constant reiteration of the duty of every person to observe the law. But the law they refer to is not law interpreted and administered as is our law even where the words are similar. They refer to their law and their law's content and administration which are used as major tools for control of the Chinese people. All the beautiful phrases in the 1954 Constitution are interpreted to give the Communist Party control of the prosecutors, the courts, the police and the "people's lawyers." Freedom under law as we know it does not exist in China. The rule of law meaning the rule of right reason and the law as ruler, and above the individual ruler, is not the law system of China today. Lenin's definition of law as "a political instrument" is clearly the view which prevails.

I believe the evidence is still too sparse for any correct judgment as to whether the trend toward law improvement has reached the stage wherein there is meaningful movement toward individual freedom under law. I look forward to a visit to China and hopefully the acquisition of data upon which a more realistic analysis can be made.

In my judgment, China's law system is today in about the status as Russia's law system in 1958 when I first visited Russia. Russia's law system today is a vast improvement over the 1958 version. And Russia's law system is still a far cry from providing that individual freedom under law which twentieth century humans expect as their rightful lot even where that freedom does not exist.

Let us now take a look at China's acceptance of international law as evidenced by her signed agreements and treaties with other nations. And while facts with respect to the administration of domestic law are difficult to secure, the full story of China's international agreements and treaties can be developed with good accuracy from the records of the other nations who are signatories to such agreements and treaties. In fact, two able legal scholars, Douglas M. Johnston and Hungdah Chiu have prepared a list, or calendar, of over 2000 such agreements and treaties covering the period from October 1, 1949 when the People's Republic of China assumed governmental control of Mainland China up to September 30, 1967. Their list as published by Harvard describes treaties and agreements by subject matter, nations who are parties, and date signed. From September 1967 to date it is estimated that the Peoples Republic of China may have signed another 1000 international agreements.

The agreements and treaties with 77 other nations cover over 100 subjects such as aid (technical and economic), air service, banking, boundaries, cultural cooperation, diplomatic and consular relations, fisheries, friendship and mutual assistance, military subjects such as aid and war prisoner treatment, navigation, postal services and telecommunications, railway service, scientific and technical cooperation, trade of goods and payment therefor (there are over 500 of these, by far the largest number) and water conservation.

The only agreement between the United States and the Peoples Republic of China was signed October 10, 1955 in Geneva by the Peoples Republic of China Ambassador Wang Ping-nan and U.S. Ambassador U. Alexis Johnson. It covered mutual repatriation of citizens of the United States and citizens of China.

Analysis also indicates that China has entered into some 70 multilateral treaties and conventions, the others being bilateral agreements between China and one other of the 76 nations.

As of today I am advised that 73 nations or about one half of the world's countries, have formally recognized China. President Nixon's visit has provided China a new legitimacy and respectability and nations who in the past held off are now moving quickly to establish diplomatic relations with China.

Recognition brings into play the acceptance of much international law such as the law of diplomatic immunity.

China has apparently kept all of her international agreement and paid for all goods purchased from foreigners. She has purchased a $150,000,000 steel mill from West Germany, chemical plants from England. Although recently accused of treaty and agreement violations by Russia and others Chou En-lai has constantly announced that China owes no one and has paid everyone including Russia for all goods received. In her external relations China has emphasized "reciprocity" as the key to trade and to other agreements with her.

On November 15, 1971, China took its place in the UN with the head of their delegation Chiao Kuan-hua giving a wide-ranging opening speech. He condemned both the United States and Russia as super-powers using the UN for their aggressive purposes against other countries. He compared China with the so-called "Third World" of developing nations. He said China is "determined to liberate Taiwan." The Chinese delegation entered quickly into the work of the UN by attending committee meetings. Obviously, they will be extremely active UN members. The presence of China should strengthen the UN as a forum for arriving at meaningful world agreements.

China's acceptance of the UN Charter and the law contained therein, China's membership in ILO, UNESCO and other UN specialized agencies all create law obligations which affect her relations with all nations. How China acts and reacts as to these law obligations will have major impact on China's entry into the peace work of the family of nations. It is clear that many great problems of the world which could not be settled by UN without China's participation may now be confronted.

There is an old Chinese proverb "every journey begins with the first step." A new order in the world has come into being due to President Nixon's initiative. He has taken the first step. Exciting possibilities and challenges lie ahead. If this journey is to lead to a meaningful world peace structure, I believe it must be built out of law rules and law institutions and UN can pull itself up by its bootstraps by taking the lead, now that China is a member.

China's international law record is already extensive and growing rapidly. That record provides an excellent background of precedents upon which to base a rapid buildup of United States relations with China and her people. Certain it is that this record proves China has not been as isolated from the rest of the world as she has been from the United States. China's experience with these other nations forms a good foundation for an expansion of her international relations with all nations.

We in the United States especially must learn about all aspects of life in China as for 22 years we have been living largely in ignorance of China due to mutual isolation, animosity, and suspicion. Due to this mutual isolation of the past 22 years, we as a people are largely unaware of what has been happening in China and many of her main characteristics. China with its mystery, complexity, and magnitude is hard to analyze, hard to comprehend. But it is very important to us in the United States that we try to learn about the strange and fascinating Chinese nation, its past and present. We need to make a concentrated effort to understand the Chinese people, their aspirations, and their leaders.

Absorbing all the knowledge we can is an essential education for each of us as I believe that our relationships with the Chinese people—and the peoples of all other nations—cannot be left to mere governmental contacts. We each have a role to play. Each of us can in the words of Bill Walk help "bridge the gap."

Beyond governmental contracts, there are many meaningful relationships which the President's historic journey should open up for contacts between lawyers, judges, doctors, engineers and others. In the period ahead we will learn a lot about China and medicine. Acupuncture is already widely discussed. We will also learn about China and science, China and engineering, China and care for the aged, children and working wives, and China and air travel as she is even now beginning a new international airline. We will in fact learn about China and a wide variety of interests and businesses as China enters the mainstream of life in the world community. All these areas of knowledge will prove tremendously helpful in understanding the complex life of China as we adjust ourselves to the impact on us of 800,000,000 Chinese and their aspirations.

As is true in relations with other nations, there will be many more contacts among individuals of other nations and Chinese people than contacts among government officials of other nations and Chinese governmental officials in the days, months and years ahead. There will probably be a flooding into China of many business and other groups, professions and tourists. I understand some 30,000 Americans have already asked for visas. Those who get visas will—like the President—see the Great Wall, the Forbidden City and other tourist attractions. But beyond mere sightseeing they will be a part of the gradually growing system of relationships upon which permanent relations must be founded. "Ignorance breeds fear" and as knowledge grows, meaningful friendships will grow.

President Nixon has indicated his hope of creating the framework for creating closer "on-going" relations with China at the Summit meeting for the United States. And while he is naturally reluctant to be too optomistic we can hope and pray that another result of the Summit will be a new framework for peace, which really brings peace. Above all the visit is a breaking out of the grip of the past where no workable framework has been developed. It is not reasonable to expect that a peace framework could be developed and agreed upon and released from the Peking Summit and sprung full blown upon an anxious world in a flash like a space rocket take off. But the Summit dialogue may develop a framework for future negotiation of solutions of world problems. If that framework is to have world-wide appeal, acceptance, prestige and permanence, it must be created out of concepts which all humankind both universally comprehend and universally support. There is no concept more universally comprehended by all peoples and no concept more universally supported and accepted than the principles, procedures and institutions of the rule of law.

Beyond what governments can do or should do. I believe that there is a major role for we of the law in China's advent into the work for peace of the world-wide human family.

Before I close therefore, let me capsule in a few words the mission of The World Peace Through Law Center. The peace process is a law process. Our major role is to persuade nations to accept more and more law, and more and more law institutions so as to strengthen the world's law system into a peace structure that will work to prevent war. Beginning our effort in 1957 under the challenge of Winston Churchill to do more than talk about a "law-full" world, and using as a foundation a report by the late Thomas E. Dewey, we are now working with lawyers and judges in 135 nations.

We have proceeded on the basis that each nation's legal profession can best persuade its leaders to accept more law. There are world-wide some 1,000,000 judges and lawyers. They have been persuaded to work individually, or through their organizations, to help expand the law and law institutions of the world community into this world law system we seek which is strong enough to provide a meaningful world peace structure. A structure so acceptable, nations will take their differences to courthouses rather than seek decision by human deaths in battle. We are doing our work through assembling the law of the world, and through research, conferences and publications to expand that law. We have created a world-wide dialogue to educate the public, as well as the legal profession, on existing law and on needed law and the law's relation to a peaceful world order with justice.

I presented this law for peace program to some 20,000 Rotarians in Sydney, Australia last year. That was a thrilling and most worthwhile experience. I shall never forget it and the results are still coming in as Rotarians all over the world have joined in to help build a peace edifice for the world out of law.

There is an enormous amount of law in effect in the world and more law is coming into existence almost daily as internationalization of life, business, economics and society increases rapidly. In fact, a recent study indicates that more international law has come into existence in the past 25 years than came into existence in all prior history. And on the domestic level, a recent survey by the Center of the law of 135 nations reveals that nearly every nation on Earth is updating its laws to meet modern demands. In our day there is a world-wide turn to the law of unprecedented proportions, nationally and internationally. We are witnessing the unfolding of a ferment which is transforming the world. A historic transition is in progress.

It is against this accelerating world-wide turn to the law, this increasing use of the law, this growth of law, and above all an increasing respect for law, that I urge we do all we can to encourage China to improve her internal law system and to accept more and more international law.

As we search out the meaning behind the TV spectacular, as we seek to evaluate the small glimpses thus provided of life behind the bamboo curtain, and connect the unknown with the familiar, I urge that we test China constantly on her acceptance of the universal concepts of the rule of law.

The concept of the rule of law means peace to all mankind. Our task is to translate the concept into reality. My report is that we in The Center are well underway in that task. We ask you of the Rotary to join us in this great crusade for peace through an ever strengthened law system for nations and among nations.

The United States and the people of the world need a great common cause to which they can devote themselves so as to lift their hopes and their hearts. The most common interest of humankind is peaceful world order with justice. There is no cause greater than the cause of world peace. Let us put the common cause and the common interest together and together move forward to translate this dream, mankinds most ancient dream, from dream into reality.

If our future relationships with China and the whole world, are built on the rule of law and that rule truly prevails throughout the globe, then can any man, woman or child live or work or travel any place on the face of the earth in freedom, in dignity and in peace.

COLLECTIVE OR PERSONAL RULE IN THE U.S.S.R.?

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. HAMILTON. Mr. Speaker, we in the Congress are always interested in the foreign policy decisions of our chief rival, the Soviet Union. Because of the importance of those decisions, we ought to know more about the Soviet policy-making process and the people that run it.

For this reason, I recommend an article by David Cattell from the October 1971, issue of Current History. Mr. Cattell argues that:

> As pervasive as the arguments for continued collective rule may be, the evidence points to a personal power struggle . . . and to the gradual emergence of Brezhnev in first place.

Mr. Cattell was acting director of the International Securities Studies project at UCLA at the time he wrote the article, which follows:

COLLECTIVE OR PERSONAL RULE IN THE U.S.S.R.?

(By David T. Cattell)

Is the power struggle for a successor to Nikita Khrushchev in the last act? Is the doctrine of collective rule about to be filed away again? Is Party Secretary Leonid Brezhnev emerging as the new personal ruler of the Soviet empire? Collective rule by an oligarchy of Soviet leaders has lasted six years, much longer than usual. Or has the situation changed in spite of Brezhnev and is oligarchy becoming institutionalized? Is it now accepted that the complex Soviet society and economy cannot be successfully run according to the whims of one man? Did Khrushchev's "hare-brained schemes" show the folly and dangers of personal rule?

Beginning with Brezhnev, the contenders for power are 64 years or older. The only young contender, Aleksander Shelepin, who is 52, seems to have been effectively removed from the struggle. What kind of long term stability can an old leader provide? As persuasive as the arguments for continued coltive rule may be, however, the evidence points to a personal power struggle (although at a less dramatic pace than previously) and to the gradual emergence of Brezhnev in first place. The recently published Khrushchev memoirs, genuine or contrived by the K.G.B., revealed little that was new but again emphasized how personal intrigues dominate the life of the Soviet court.[1]

As in a Byzantine court, the scheming of the last couple of years in the Kremlin has been hidden as much as possible from the public eyes. During the last year even the second echelon of the hierarchy, represented by the Central Committee of the party, is being kept out of the contest. After the embarrassing uncertainties during the Decem-

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Footnotes at end of article.

ber, 1969, and July, 1970, plenums of the Central Committee, when the lack of unanimity in the Politbureau became the subject of debate, the more recent meetings of the Central Committee have been curtailed to a few hours duration. The 24th Congress, delayed until the end of March and early April, 1971, was also carefully planned as a model of control and unanimity.[3]

The evidence of Brezhnev's bid for personal rule has been the rise of his cult of personality, his predominant power in the party and the party's growing ascendency over the bureaucracy. Brezhnev began by assuming the title of General Secretary rather than First Secretary of the Party in 1966. He packed the Party Secretariat with his supporters and tried to raise the Secretariat to a position coequal with the Politbureau. Thus, following in the steps of his predecessors, he has tried to gain control of the party as the key political institution. At the same time, Brezhnev's name is openly being pushed to the forefront in every way by his followers. The publication of his collected speeches and articles in August, 1970, was greeted with a fanfare in all the leading journals and newspapers. At celebrations such as the fiftieth anniversaries of the Azerbaijan and Armenian Republics and at the various congresses and plenums of the Communist parties throughout the Soviet empire, Brezhnev's speeches are given great prominance, broadcast and published nationwide.

Thus, in the last two years, Brezhnev has managed to launch himself publicly as the primary leader, not just the first among equals in the Politbureau. But despite a two-year campaign, the evidence would indicate that his bid within the Politbureau has not yet succeeded; he still does not have absolute control; and he has yet to try to purge his opponents from that body. The confusion in announcing a postponement of the Party Congress during the July, 1970, Plenum of the Central Committee just a few days after Brezhnev had promised that the Congress would meet in 1970, and the long delay until February, 1971, in publishing the goals of the ninth five year plan (1971–1975) seem to indicate continued disagreement at the top level. There is nothing radical in the nature of the targets or the organization of the new five year plan to explain why it was announced many months late.

It is also clear that Brezhnev has not been able to pack the party cadres with his own men, at least until the meeting of the 24th Party Congress. Surveying the shifts of important party secretaries at the republic and provincial level during the last year, it appears that in Kazakhstan, which has been in dispute, Brezhnev's position has been strengthened but not completely secured. He also seems to have lost out in Leningrad, long a crucial and vital party center. Furthermore, his position in the second largest republic, the Ukraine, seems in doubt. His shutting off of the Central Committee from the debates and giving it only formal power may be a further indication that his control is not yet secure. The advances he made at the 24th Party Congress by adding his supporters to the Central Committee and Politbureau and advancing the control of the party over the government appartus has still to show its effect. A tentative appraisal suggests that he may still be just short of his goal.

The composition and structure of the opposing factions in the Politbureau and their support in the second echelons of the party and government are not clear. The leaders of the opposition appear to be President Nikolai Podgorny and Mikhail Suslov. It has been rumored that Premier Aleksei Kosygin would like to retire from politics. There is also some evidence that the opposition may fluctuate, depending on the issue, and may be able to prevent Brezhnev from acting on his own on certain issues.

Although personal rivalry dominates the power struggle and will determine the outcome, some policy and ideological issues also seem to be in dispute. It is not always clear which faction supports which position, but knowing this relationship is perhaps not so important as understanding the nature of the issues and the range of differences, since positions taken by leaders during the power struggle are purely tactical. Regardless of which faction they head or support, none of the old men in the Politbureau has shown any desire to stray far from traditional policies and all, at least at the moment, agree to resist a return of a powerful secret police.

AREAS OF DISAGREEMENT

Four major areas of disagreement have come to the surface: (1) Should the party play an increasing role in the control and direction of the economy and society? As traditionally conceived, the party is supposed to issue overall directives to all parts of Soviet life and to check on their fulfilment, but it is not intended to administer directly either the economy or government. Its only direct administrative task is in the area of political indoctrination. For tactical reasons of power and out of fear of the growing government and economic hierarchy, Brezhnev, like Stalin and Khrushchev before him, is pushing for direct party interference in all affairs. Obviously Podgorny, Kosygin and others not predominantly associated with the party apparatus are resisting this. For the moment, Brezhnev seems to have made significant gains by upgrading the technical qualifications of the party cadres and expanding the party rules.

(2) Will the transition to communism bring about a fundamental shift in the social structure in the direction of an "all people's state" as advocated by Khrushchev? The implications of this issue could be radical indeed and, in fact, the intellectual underground in the Soviet Union favors going as far in the direction of a real democracy as an "all people's state" would suggest. But as a force in numbers or influence the underground is too weak to affect the debate, except adversely, i.e., those who oppose any restructuring of society point to the demands of the underground and the experience in Czechoslovakia in 1968 as the horrible example.

Within the party "establishment" the debate is very much more restricted. Most of the debate is theoretical, but it does affect the practical issues of expanded mass organizations, limited autonomy for economic enterprises and greater stress on local government. On the theoretical level, against the more conservative party journals, the party newspaper, *Pravda*, apparently led by Podgorny in the Politbureau, supports the immediate introduction of some Communist-type features in the system. On the practical issues, at least, Brezhnev seems to be the arbitrator, although his compromises seem to have favored the conservative side. The mass public organs stressed by Khrushchev are still given lip service, but have significantly declined practice.

There has also been a conscious effort to increase the power and resources of local governments as purveyors to the masses. But the great economic reform beginning in 1965, which among other things was to advance the autonomy of enterprises, has been sabotaged by the bureaucracy, and the economy is increasingly run by decrees from Moscow. Even the idea of a new constitution seems to have been shelved indefinitely, despite the appointment of a new constitutional commission after Khrushchev's ouster in December, 1966.

(3) Should the traditional emphasis on capital development and defense be shifted in favor of consumer-oriented production? This is an old issue, the current debate for which began in the power struggle after Stalin's death. In the last few years, neither side has won more than modest advances. In spite of the rhetoric about the great consumer advances to be expected in the ninth five year plan, a careful study of the goals and cautious pledges indicates that only a minor shift in favor of the consumer can be expected. Furthermore, if previous practice is any indication, these promises will be sacrificed to meet any crisis.

(4) Closely associated with increasing consumer production is the question as to how the population can be mobilized to strengthen its active support of the system and improve labor discipline. On the one hand, the supporters of greater consumer output argue that the primary answer is material incentives. On the other hand, the conservatives, who seem to include Brezhnev, argue for indoctrination, increased discipline of the population and perhaps even greater repression. The conservative position has tended to dominate over the last two or three years. With the strong emphasis on law and order, the police and legal system has been brought back under tight central control. In September, 1970, the Ministry of Justice (abolished by Khrushchev in 1956) was restored.

The legal and extra-legal campaign against deviant intellectuals and artists continues to mount. While the sterility of Soviet writing and literary criticism is deplored (*Pravda*, June 15, 1971), ideological control is tightened. All liberals have been removed as editors, and only a few moderates keep the literary scene from being completely dominated by the rigidly orthodox. Even after Alexander Solzhenitsyn's removal from the writers' union, he has continued to be the focus of bitter attack, although he is rarely mentioned by name. The press did, however, confine itself to short denunciations in December, 1970, when Solzhenitsyn received the Nobel Peace Prize (*Pravda*, December 17). The writers' congress in June–July, 1971, was without debate and was dominated by the ideologues condemning the deviants and praising guidance by the party. In a new campaign, the regime has extended its criticism to scientific institutes for their ideological laxness, and the party has been ordered to tighten its surveillance of their activities.

Next to ideological laxness, the regime seems to regard alcoholism as a major cause of poor labor discipline and hooliganism. The press is full of editorials on the subject and suggestions on ways to curb it. In practice, however, the regime has moved cautiously, reducing slightly the availability of vodka and increasing the social and legal pressure against alcoholics.

Other facets of the crusade for better labor discipline include condemnation of the chicanery and illegal methods used by many parents and students to get students into institutes of higher learning. In contrast, the propaganda stresses, the true Soviet man loves all kinds of work, including technical and manual labor. Looking to the future, the campaign deplores the decline of the Soviet birthrate and presses for an increase in the size of urban families. This issue is likely to become increasingly important. Finally, as part of the program of developing discipline and in order to please the military, the regime has placed new emphasis on military training as part of the curriculum at all levels of schooling.

For all the disagreement and seriousness of the issues, the solutions proposed by factions in the Kremlin amount to nothing more than tinkering with the organizational structure. The Kremlin has avoided real reforms, such as a flexible pricing system to make the incentive system work or increased rents for housing to provide the income necessary for improving domestic services and better quality housing. At the beginning of 1965 the economic reforms seemed to indicate a small step toward fundamental reform, but they have been effectively sabotaged. No serious efforts have been made since.

It is not surprising that the changes which have been made by the collective leadership have often been minor and vacillating. The need to compromise does not make for clear, decisive policies. This is perhaps the major argument being used for a return to personal rule. The Communist leadership has a deep fear of indecisiveness. Certainly a resolution of the power struggle could resolve the division of resources among consumer goods, capital development and defense. However, an analysis of some of the wavering and unsettled policies suggests causes other than a divided leadership. Take, for example, the policy of curtailing dissent with refraining from using all the police powers of the state. While many opposition intellectuals have been condemned to work camps and insane asylums, other well known dissenters like Solzhenitsyn, the musician Mstislav Rostropovich, the biologist Zhores A. Medvedev and the physicist and academician Andrei Sakharov have thus far escaped.[3] The underground press (*samizdat*) also continues to flourish and regularly publishes a newsletter (*The Chronicle*). There is also the ambivalent treatment of Jews: persecuting and discriminating against them for their alleged support of international Zionism, and yet backing down in response to international pressure by commuting the death sentences of Jewish hijackers and allowing more and more Jews to emigrate to Israel.

The dilemma presented by these policies seems not to arise from the power struggle alone. In each case, the basis for not using maximum force seems to come from fear that the mobilization of such authority could only be effected by expanding the role of the secret police and might give rise to a new reign of terror. From the underground there is already evidence that the K.G.B. has been expanding its files.

The campaign for greater labor discipline without drastically increasing the penalties for violating discipline also illustrates the timidity of the regime. In this case, there is not only the danger of encouraging the secret police, but the fear of a mass reaction. The lesson of the widespread riots of the Polish workers in December, 1970, against unpopular restrictions and price increases has undoubtedly been taken to heart.

Hesitation in solving the needs for educational reform and the pusillanimous attitude toward allowing industrial managers and scientists more autonomy point up still another dilemma. It is widely recognized that managers need to make more decisions as production becomes more complex and that the Soviet Union needs a broader, more creative educational system in place of the rote, narrowly technical training of today. But logic seems to give way to fear—based on experience in East Europe—that any relaxation of strict controls and any encouragement of individual creativity may get out of control and be dangerous.

Finally, there is one set of vacillating policies which cannot easily be explained by the fears of the leadership or their differences. In the past five years, two organizational changes at the lowest level of the party have been suggested. First, it was proposed (and seemingly accepted) several years ago that the system of political agitators directed by the party be turned into a system of *politinformators*. Traditionally, agitators were recruited as much as possible from the masses and through seminars and handbooks were trained to inform, mobilize and report on a small group of fellow workers. But with the higher level of education of the masses it was felt that they needed political informants with more comprehensive training. The new *politinformators*, as a result, are more carefully trained and generally specialize in one area of politics. They work together in teams with a much larger group of citizens.

The second reform, of more recent origin, proposed that the bureau elected by the members to head the primary organization of the party be enlarged from 9–15 members to as many as 50, depending on the size of the primary organization. Both reforms were apparently being implemented, but in the last two years there have been growing signs of disagreement and even of retreat. If Brezhnev is in complete control of the party apparatus, why this uncertainty? Is it because of Brezhnev's own indecision, the resistance of the lower echelons of the party, or opposition by Brezhnev's rivals, who still are able to exercise some influence in the party?

Vacillation is usually a symptom of weakness, but in the short run the indecisiveness and the hesitancy to change characteristic of current Soviet internal policies may not be signs of weakness. The cautiousness of the Kremlin leadership must be analyzed against the background of the continued growth of the Soviet economy. Except for an occasional bad crop year as in 1969, overall production has grown at a respectable, if not a spectacular rate; real wages and living standards have continued their slow advance; and the defense of the country has not been sacrificed. There are no signs of real mass discontent and the last two good years of harvest should help ease food supplies again. The intellectual dissidents are only an annoyance.

Thus wariness about change during a stable, prosperous period is not sufficient evidence that the system cannot respond to a real threat. In fact, a serious threat from any quarter might resolve most of the differences, doubts and even the competition for personal leadership in the Kremlin. As long as the system of central authority is still intact the road to quick mobilization is available to meet a crisis. But in the long run, resistance to change and uncertainty could bring weakness. And short of a crisis, reforms are not likely under the present leaders, individually or collectively, and will have to wait for a new generation of leaders.

FOOTNOTES

[1] *Khrushchev Remembers* was published in the West, and a dispute immediately arose as to its authenticity. Khrushchev issued a statement denying he had sent any memoirs abroad for publication (*Pravda* and *Izvestia*, November 17, 1970). Most authorities feel that the memoirs are at least partially authentic but have probably been cut and tampered with by the K.G.B.

[2] See also the article by Adam Ulam in this issue.

[3] On November 4, 1970, Sakharov and two other physicists announced the formation of a Human Rights Committee.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

ANTIBUSING LEGISLATION

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. TEAGUE of Texas. Mr. Speaker, under leave to extend my remarks in the RECORD I wish to include the text of my statement before the House Judiciary Committee on antibusing legislation, as follows:

Mr. TEAGUE. Mr. Chairman and Members of the Committee:

For the record, let me say that my name is Olin E. Teague, and I represents the Sixth District of Texas in the Congress. I have had the privilege of representing the Sixth District of Texas for the past twenty-six years.

I want to express my appreciation to you, Mr. Chairman, and to the Committee, for permitting me to appear here today to share with you some of the thoughts I have, and some of the thoughts my constituents have, about compulsory massive busing of school children.

It has been my observation over the years, Mr. Chairman, that some of the most terrible injustices and some of the most revolting inhumanities in our history have been perpetrated by simple men of good will who held blindly and rigidly to a dogmatic and theoretic principle while ignoring the practical damage their rigidity was causing in terms of human values. The wars of religion, stretching over many centuries of human misery, provide innumerable examples of this blind inhumanity of man to man.

During the last century, in the late 1840's, when the potato famine struck Ireland, the British Government refused to permit food to be sent across the Irish Channel because this would violate the economic principle of *laissez faire*. As a result, while the economists talked philosophy, between three and four million Irishmen starved to death.

I think the same can be said about the determination of some persons to force massive school busing down the throats of America, whether our citizens want it or not.

The whole idea of massive busing was conceived in a wave of idealism by a cadre of nice-thinking liberals who didn't know what in the devil they were talking about. The entire concept came into being when certain reports on school conditions seemed to indicate that black youngsters performed, or "achieved", more satisfactorily when they went to school with white youngsters than they did when they went to all-black schools. The nice-thinking liberals, therefore, got the bright idea of transporting youngsters all the way across town—or all the way across the county—or, as is true in my district, all the way cross several counties—to achieve racial balance. There is no indication that the massive busing is having the slightest effect on grades of the achievements of the youngsters, black or white. If anything, for reasons we shall discuss later, the bused children, deprived of their security, do worse than they did before.

It is also apparent that the program was decided upon hastily, without a proper analysis of the factual data. It seems that no one in authority realized that, by and large, the black youngsters who—in many parts of America, in the North *and* in the South—attended integrated schools, came from middle class and upper class negro families, professional and business type families, where literacy and concern for scholastic achievement are a way of life and have been for several generations. People like this, no matter what their color, almost invariably do better in school than do those who come from broken homes and low income families, where literacy, if it exists at all, is not broad or deep or even considered much of a virtue.

In my opinion, the decision to provide compulsory massive busing was made without any proper scholarly evaluation of the population "mix" upon which the various original reports were based.

The proponents of massive busing say that racial segregation is psychologically destructive. I agree. Ghettos are dreadful places and always have been over the centuries, no matter what race or what religion or what nationality was forced to crouch and crawl—by law or by economic circumstances—within the confines of a ruined slum.

But I also say that enforced, artificial integration is *also* psychologically destructive. What kind of a psychological effect do you think it has on black youngsters to send them chasing across several counties after white children just so they can go to school with them? The whole proposal is scandalous. It reinforces the poisonous myth that white children are inherently better and smarter than black children and that black children are automatically improved simply by being given the privilege of being with their white contemporaries!

Mr. Chairman, I am sorry to have to say this, but that is one of the most viciously racist proposals I have ever heard, and I say it has absolutely no place in the comparative racial enlightment of twentieth century America. The Congress, in all good conscience, for its own good name and for the good of the nation, must reject such blatant and dangerous racism. I do not say that the sponsors of massive school busing were conscious racists. Far from it. But I do say the program they have embraced has been, unconsciously, I am sure, wickedly racist.

As usual, nice thinking but hazy-thinking people have picked up the wrong end of the stick. They are looking at the educational problem from entirely the wrong vantage point. They are so entranced with the prospect of achieving even a phony kind of integration that they lost sight of the principal and only objective we have in this case, that of improving the level of education for all school children—of making the standards of education uniform so that no one will get a better education solely because he is white and no one will get an inferior education solely because he is black.

If half the money that is being spent today for compulsory busing were spent for improving the quality and the standards of education in inferior schools, the problem could be solved efficiently and happily, without pain and without resistance and resentment.

The fact of the matter is that the compulsory busing program was a theoretic dream and it has been translated into a practical nightmare. The best thing we can do for the children and for ourselves is to admit that we, as a nation, have made a terrible mistake and abandon the whole idea for more practical and positive ways of improving the standards of education *everywhere* in the nation.

The compulsory busing problem is not achieving anything significant in the way of educational progress. But whom is it hurting? It is hurting the youngsters, black and white and yellow and brown, whom it was designed to help.

In the Sixth District of Texas, Mr. Chairman,—and I am certain my district is not unique in the nation—many youngsters who used to go to school in their own neighborhood are now being transported an hour or more in each direction, solely to get an acceptable racial mix in the schools. That's two unnecessary, useless hours out of their lives, every school day of the year! This is time that could be spent studying, or reading or researching, or even playing healthy games. Instead it must be spent on a dreary bus ride, where the big thrill of the journey is waving to the busload of youngsters being transported all the way back in the opposite direction.

Quite honestly, I don't know anyone *actually involved in the busing program* who approves of it. Most of those involved, detest it. The only ones who approve seem to be the theoretic planners who don't ride the buses themselves and whose children don't ride them. And, of course, I am talking about all races, not just the white race. The Negro, if he is involved personally in the program, hates it as much as does the Caucasian. We have had a very interesting demonstration in Washington, D.C., during the last month of black people who were furious at what the busing program was doing to their children and to their family life.

In San Francisco, an attempt to bus Chinese children away from their own fine public school and scatter them around the city turned out to be an embarrassing fiasco. The Chinese children just refused to go; the parents went on strike. The authorities barely saved face with an embarrassing compromise. Like all others, the Chinese citizens and their children saw what compulsory busing was going to do to their home life and their family solidarity, and they would have nothing to do with it.

I am a passionate believer in the integrity of the home—in the importance of the home in shaping the character of the child and the adult that is to be. I am also a passionate believer in the importance of *roots*. Humans need roots just as much as trees need them. Roots involve not only one's family but one's neighborhood and one's local school. Most Americans grow up in the certain and sure knowledge that their closest friends are those with whom they grew up, those with whom they went to school. These are the people they can call upon in an emergency. The people they turn to instinctively in times of sorrow, in times of joy.

In the smaller communities of America the local public high school is usually the social center of the area. It is the center for the youngsters, and it is the center for the adults, who, as parents, go through life with an abiding loyalty to their local high school. In most cases, loyalty to the old high school supersedes loyalty to their college. I know all of this sounds corny and provincial to the high-brow element in our midst, but that is the way the minds and the desires of small-town and rural America run, and this is the way of life that has turned out generations of splendid, God-fearing, God-loving citizens who have been the backbone of the nation in good times and in bad, in war and in peace.

If a questionnaire were circulated among the population today asking for the principal cause of the unsatisfactory conduct on the part of certain segments of our youth today, I believe one of the answers that would receive the most support would be *rootlessness*. Family life—neighborhood life—has broken down in many areas of the country, particularly in the large urban areas in the north, and our young people have lost their roots and their interest in roots. They, and the nation, are much the worse for this loss. But, Mr. Chairman, why in the name of all that is holy are we going out of our way to encourage this disastrous rootlessness through thoughtless theoretic legislation?

Let me quote Rabbi Jacob J. Hecht, executive vice president of the National Committee for Furtherance of Jewish Education. The rabbi, who knows more than a little about the grim horrors of ghetto life, is still unalterably opposed to compulsory massive busing. "Busing a child daily many miles to school could hardly be conducive to providing him with a favorable educational environment," the rabbi says. "Busing in reality creates new tensions and anxiety at a time when he is already beset with the multiplicity of problems coincident with growing up and adolescence. Busing removes from a child one of his most powerful sources of security—his neighborhood. It places him smack into an alien atmosphere he could only react to with anxiety." I couldn't agree with the rabbi more.

Mr. Chairman, we are today crucifying hundreds of thousands of our youngsters on a cross of blind ideological dogmatism. We are sacrificing the youth of our young by making them conform to an unworkable philosophical theory. We are destroying the best years of our children by herding them up a pedagogical blind alley in the name of an untenable sociological doctrine.

We must stop this cruel and senseless course of action. We must stop damaging our youngsters to satisfy the blind prejudices of their elders. Only we can do it, and we must have the courage and the morality to admit the mistakes of the past and act legislatively to rectify them. We must prevent compulsory massive busing from becoming a permanent part of our way of life.

Thank you very much.

STATE SENATOR GEORGIA M. DAVIS OF KENTUCKY URGES CONTINUED FEDERAL SUPPORT FOR PARK-DUVALLE HEALTH CENTER AMBULANCE SERVICE

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. MAZZOLI. Mr. Speaker, a matter of urgent concern, affecting the health and welfare of a great many of my constitutents, is the impending cutoff of funds by the Department of Health, Education, and Welfare for the ambulance service operated by the Park-DuValle Neighborhood Health Center.

The magnitude of this problem has been recognized by an able State senator from Kentucky, with whom I formerly had the honor of serving, Mrs. Georgia Montgomery Davis.

I insert the following resolution introduced by Senator Davis in the Kentucky State Senate be reprinted in the Congressional Record:

A concurrent resolution affirming support for ambulance service provided by the Park Duvalle Health Center and requesting that the United States Department of Health, Education and Welfare continue the grant of funds to support this worthwhile program.

Whereas, Park Duvalle Health Center Ambulance Service will be discontinued June 30, 1972 because of a lapse of funds, and

Whereas, this program has provided invaluable service to the people of the community, and

Whereas, the operation of this ambulance service has relieved the police department of this duty so that they may devote more time to the provision of law enforcement services for the people of the community.

Now, therefore, be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

1. That the Secretary of the United States Department of Health, Education and Welfare be and is hereby requested to continue the grant of funds to the Park Duvalle Health Center for the ambulance service for its community.

2. That a copy of this resolution be forwarded to the Secretary of the United States Department of Health, Education, and Wel-

fare, to the two Senators and to all the members of the House of Representatives representing Kentucky in the Congress of the United States.

COMMUNITY DEVELOPMENT NEEDS

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. ALEXANDER. Mr. Speaker, today I wish to make a part of the CONGRESSIONAL RECORD the final insertion of testimony which I received during the four hearings in the First Congressional District of Arkansas on community development needs. This series of statements, including witness' comments, from the hearings, began September 22, 1971.

It has been my intention, in sharing this material with my colleagues, to stir interest, where none may have existed, in the plight of nonmetropolitan areas and to provide those who have active interests in this area new data for their efforts in behalf of these regions.

The list of needs which the witnesses at the hearings enumerated were very similar to those which their counterparts in the Nation's metropolitan areas have made banner headline concerns for newspapers and special documentary material for radio and television stations. These smalltown and city mayors, the county judges, and the people in general of the nonmetropolitan areas ask only for the same opportunities to have: better highways, a wider variety of educational opportunities, more financing avenues for new businesses and homes, improved health care services, facilities for housing their public agencies and for use in recreational endeavors, more job opportunities, and assistance in solving their waste disposal problems.

The persons who provided the testimony, which I would make a part of today's CONGRESSIONAL RECORD represent a variety of areas. Mayor Lona Ackerman's town of Mountain View, Ark., is one of the developing tourist center areas. John Purtle, of Batesville, speaks as attorney for towns ranging in character from growth center to village. Bill Murdock is mayor of the town of Moorefield, and his list of needs typify the problems of municipalities located in close proximity to a rapidly growing city.

The testimony follows:

TESTIMONY BY MAYOR LONA ACKERMAN OF MOUNTAIN VIEW, ARK.

The people of Stone County wish to commend you on your very dedicated efforts to revitalize the economic climate of the rural areas of Arkansas. We feel that your efforts will not only benefit the people of the rural areas, but it will also have a definite impact upon conditions throughout this nation.

Stone County is fortunate in that we have two federally funded projects now underway that will undoubteedly make our area one of the tourist centers of the southern part of the United States. The two projects being, The Blanchard Springs Caverns, which is scheduled to open in July, 1973, and The Arkansas Folk Cultural Center, which is also scheduled to open in early 1973. However, in order for Stone County to realize its full potential, there are certain problems that must be met and must be handled properly in order for the local people to benefit themselves and their families from these two large developments. These problems are listed below:

1. *Highways*. These two large federal projects will increase the traffic into our area at an almost unbelievable amount. In order to safely and adequately transport people into our county and throughout our county, we must have systems from all levels of government in highway and street construction. At the present time, we have a 3 mill road tax, which is not sufficient for maintenance of present roads and replacement of equipment with the present traffiic load. There is no way that it can reasonably be expected to take care of the traffic load in the future under the present financial conditions. We need federal funds set aside for highway construction into and throughout this county.

2. *Educational facilities and finance*. With people moving back into the area at a very rapid rate, there is being a burden placed upon the already inferior educational facilities throughout our county. If our young people are to get the quality education they so richly deserve and need, and, also, get the training so that they will be able to participate in the future development of Stone County, we must have legislative help in the area of education.

3. *Financing for small business and individual homes*. We feel that in Stone County there are many young people who have the ability and the desire to participate in the developments that will come to this county very shortly. However, at the present time, he is limited as to what he can do because of lack of financing available. If our local people are to participate and grow with the county, they must have access to more capital for investment purposes.

4. *Public buildings*. We especially need assistance here for a county wide library so that literature can be made available to people of all ages. We also need help in providing a museum that will take care of and preserve articles that have been so important to the development of our county for future generations. We also need assistance in constructing and improvement of the Stone County Courthouse.

5. *Airport improvement*. In the very near future more and more people will seek to come into our area by air. We need financial assistance in improvement and maintenance of the air strip which is now in use in Mountain View.

6. *Industrial Park*. With the tourist industry coming into Stone County, we believe that closely following behind this would be the potential of other industry seeking to move into our area. The county needs financial assistance in acquiring an industrial park so that adequate space and locations for future industry could be located rapidly.

7. *Community Center*. There is a need in our area for recreational facilities for both the youth and adults. We feel that this type of center would also encourage industry as well as individuals to move into our county.

As clearly stated in our problems here in Stone County, directly relates to money. We feel that if funds were available to assist the local governments in meeting these problems, then our country would experience a great economic growth, and would stop this migration from our county into the urban areas.

We also feel that in time the local tax base would grow at a rate that the local government could maintain and broaden these projects.

For your information and consideration, listed below is a list of problems and opportunities for development in Stone County that was formulated by the County Development Council in a recent meeting in Mountain View:

A. Youth Development and Education.
B. Shortage of Private Capital.
C. Transportation.
D. Lack of understanding of the local people for an orderly systematic development plan for the area.
E. Waste Disposal.
F. Low wage scale in tourist industry.
G. High risk and low returns to new tourist industries.
H. Large segment of population has substandard housing.
I. Shortage of motel and restaurant facilities.
J. Expanded medical facilities.
K. Need for additional public educational opportunities for youth.
L. A need for lay citizen envolvement in rural development.
M. Improvement to county courthouse.

Also, listed below is a list of opportunities for U.S.D.A. to work on development in Stone County:

1. Work with authorities for getting loan money made available for some of this work.
2. State committee could get rural housing liberalized (F.H.A. and V.A. make only 9% of home loans in Ozarks).
3 County group could do educational program among rural people to help them understand comprehensive planning.
4. State could furnish materials and county committee could hold meetings.
5. Help people develop a waste disposal system.
6. Support from state, district, and county committee for local development group.

Again, Congressman, we commend you on your efforts on behalf of the small towns and communities in the first congressional district. We look forward to successful legislation submitted by your office that will alleviate some of the problems of the rural areas which will consequently relieve some of the problems nationwide.

BATESVILLE, ARK.

Hon. WILLIAM ALEXANDER,
Congressman, First District of Arkansas, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN: We write this statement at the request of the Mayor of Moorefield, Arkansas. We are the town attorney for Moorefield (pop. 122 approx.). However, what we say is equally true of other communities for which we are also town attorney (Cushman, Oil Trough and Batesville).

Small communities in our area have held their own and in some instances near Batesville began to grow. Favorable factors have contributed to this. One is low interest loans made available by the Farmers Home Administration. High lot costs have caused young couples to seek more moderate land cost in semi-rural and rural areas and small towns.

These areas cannot cope with increased demands on the water table, sewer disposal, trash removal, roads, the school system nor provide the necessary police protection.

You asked for a listing of the five or so most urgent needs for economic development. My list may be different from some, but here it is:

(1) Water—no industry, no person wants to be in an area where the water supply is uncertain or unhealthful.

(2) Roads—paved roads are a necessity. The dirt road with only an occasional pickup truck no longer exists in most of our county. Higher traffic counts are experienced each year. A paved road encourages development of housing and industry.

(3) Education—our school system depends largely on local property taxes. It is assessed at about all that our people can pay. It's a dangerous thing to say, but federal help—no strings attached—is needed.

(4) Sewer and trash disposal—these become more critical as housing density grows.

The funding of these projects is beyond the private purse. Government help is needed.

Revenue bonds have been used widely in this area and the market appears good from the sellers standpoint. The raising of taxes for projects is out of the question because federal and state income taxes, property taxes and sales taxes have occupied the field.

Federal revenue sharing (again, no strings attached) holds promise as I see it. The matter should receive full and thoughtful consideration and not be dismissed as too novel to be explored.

Also requested was an analysis of problems encountered. Dismay and disgust with continual delays, repeated paper work, additional requirements, additional delays and still no action create a critical attitude on the part of local people. Completed projects however are a source of pride in the community.

If I had to say only one thing I would encourage the completion of the Rock-Moore Water Assn. Hundreds of people are waiting on this and have been for more than three years (some people reckon 7 years). All money has been collected and all requirements are in hands of the federal officials and yet no funding is coming forth. Independence County just went through its third driest year on record. Many haul water all summer. Sulphur water underlies most of the area and even hogs are reluctant to wallow in it.

We also urge passage of legislation to prevent the President from freezing federal funds that congress has appropriated for public projects without congressional approval. We are told by informed sources that 60 million in FHA water funds are tied up because of this.

Sincerely yours,

JOHN PURTLE.

JANUARY 7, 1972.

Hon. WILLIAM ALEXANDER,
Congressman, First District of Arkansas,
Washington, D.C.

DEAR CONGRESSMAN: Most of us who are involved in local governments are encouraged by your efforts to find solutions to the problems of the rural areas.

The most urgent needs of rural development in our area include:

1. A public water system.
2. A public sewer.
3. Road and street improvement (extension and paving).
4. Adequate police protection.
5. Adequate fire fighting capability.
6. Regional medical facilities.

Local funding for these projects is out of the question. Federal income tax, state income tax, county maintenance tax, school district tax and inflation have dried up all sources of any revenue.

The Rock Moore Water Association has three hundred twenty five families as members and we have been trying to secure federal help for several years but have not succeeded. On 28 June, 1971 we signed the financial papers required by the Farmers Home Administration to commit funds, but as of this date no further information has been received except from your office. (Your office has been very helpful.)

Young high school graduates are not going to stay in this area if the basic facilities such as bathrooms are not available.

The current status of federal help in our area is not too good. We subscribed to all federal requirements in trying to get the Rock Moore Water Association funded and also the White River Medical Center is waiting for federal action.

Unless federal funds are made available for such projects as the Rock Moore Water Association rural Arkansas cannot contribute to the progress of our nation.

Sincerely yours,

BILL MURDOCK,
Mayor of Moorfield.

SUGGESTED PROGRAMS FOR CONGRESSMAN ALEXANDER REGIONAL MEETING IN BATESVILLE, ARK.

1. The question concerning equal educational opportunities for all students in public school, grades one through twelve.

If some program could be devised whereby the State and Federal government, in a cooperative effort would take over the entire cost of public education, and removing the property tax entirely as the financial base for public education.

This one program in my opinion would open up a whole new field in economic growth for Arkansas and the entire Nation.

(A) It would relieve the real and personal property taxpayer of approximately 70% of their local tax bill.

Let me give you one example. If my local property tax bill is $100.00, and I was relieved on 70% that would mean that I would have $70.00 to pay for additional services or additional goods for my family. This would be a great stimulus to the economy in Arkansas.

2. Local County Government, and Municipal Government, is hard pressed to find enough money to operate efficiently. The work load and the demands for additional services are increasing each day. All of us in County and Municipal government would like to be able to move forward with some worth while public projects, and at the same time be able to give the people the services that they demand.

(A) We are hearing a lot about revenue sharing. A great number of County, Municipal and State Officials are saying that President Nixon's revenuing sharing program, with no strings attached is the right way to help local government. After a great deal of thought and study, it is my opinion that Chairman Mills is doing the right thing in opposing this type of program. Chairman Mills has come forward with his own program for revenue sharing. I have not studied his program enough yet to comment on it, however I am sure that the tax payers money will be protected a great deal better if the Mills program is adopted.

Congressman Alexander, I want to go back a few years and review the history of a great President, and a great Democrat Congress. What did President Franklin D. Roosevelt and the Congress do to stimulate the economy, and to get this country moving forward again? One of the greatest programs that was or has ever been devised was the Public Works Program (or, sometimes called the W. P. A. program).

This program was a type of revenue sharing, with local government. This one program began to move local government forward and they could provide the services that the people needed. There were school buildings, court houses, municipal buildings, county roads, city streets, storm sewers, parks, swimming pools, and many other type projects completed, and we are still using and enjoying these facilities, they are in every County and City in this State.

My second proposal on the subject of revenue sharing, is simply this.

If the Congress would devise a Public Works Program, whereby, a Mayor and City Council of a city or municipality and the County Judge and the Quorum Court of a county could make an application for all types of public improvement facilities, such as we mentioned above, with the Federal Government paying 80 or 90% of the cost, and allowing the city or county sponsoring the project to pay their share by the rental of equipment or by rendering service on the project.

This type of program would furnish jobs for all types of people that are out of work. If the program is so devised that, the Welfare Department would have to certify all able-bodied people, that they have on there rolls, and all new applicants, that are able to work, to the Employment Security office for a work card and send them to the Mayor or County Judge for work on these Public Projects.

This type of program will do the following:

1. Reduce the unemployment.
2. Reduce the Welfare rolls.
3. Stimulate the economy.
4. By the building of new Black-top Highways and County Roads, the construction of new City streets, with sewer and water improvements, this will help to stimulate the Tourist Industry in the small communities of this country.
5. The most important of all, we will be cleaning up, and making America beautiful.

3. Interest rates for the working people.

In order for the working people of this country to build new homes they must have long term loans at a low rate of interest.

In my opinion his would stimulate the building Industry more than any one thing that could be done.

We believe that these suggestions would have the approval of approximately 75% of the people in Arkansas.

Thank you,

JESSE B. CARPENTER,
County Clerk.

Mr. Speaker, this is the 18th insertion in the CONGRESSIONAL RECORD of testimony and other materials which I have gathered during my research into ways to assist community development in nonmetropolitan areas. Other materials on this subject appear in the CONGRESSIONAL RECORD, volume 117, part 25, pages 32740–32741; part 26, pages 34505–34506; part 27, pages 35409–35410, 36133–36135; part 28, pages 37358–37360; part 29, pages 38121–38123; part 30, pages 39156–39158; part 31, pages 40813–40817; part 32, pages 41882–41884; part 34, pages 44696–44699; part 35, pages 45963–45966; part 36, pages 47310–47312; and volume 118, part 1, pages 1225–1226; part 3, pages 3583–3586; part 4, pages 4739–4743, and 4824–4828; and part 5, pages 5355–5358.

CALVERT SOIL CONSERVATION DISTRICT'S OUTSTANDING CONSERVATION FARMER, CALVERT COUNTY, MD.

HON. WILLIAM O. MILLS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. MILLS of Maryland. Mr. Speaker, I respectfully insert in the RECORD a letter describing a man who has worked diligently to achieve a high degree of success in the conservation farming area. I am proud to have him as one of my constituents.

The letter follows:

PRINCE FREDERICK, MD.,
February 16, 1972.

Mr. MALCOLM G. GRAHAME,
Sunderland, Md.

DEAR GORDON: It is with the greatest of pleasure that I inform you of your having been chosen as the Calvert Soil Conservation

District's Outstanding Conservation Farmer for 1971.

This award is made in conjunction with the Goodyear Tire and Rubber Company, who provides a certificate to the winning farmer of each participating conservation district throughout the United States. The formal presentation of this award is usually made at the annual Farm Bureau Banquet and we will be in touch with you again early next fall.

The results on your conservation farm have been very gratifying to both the Board of District Supervisors and the local Soil Conservation Service, and we want to take this opportunity to thank you for a job well done.

Sincerely,

WILBUR F. WARD, Jr.,
Chairman, Calvert Soil Conservation District.

AMERICAN LEGION

HON. JOHN Y. McCOLLISTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 1972

Mr. McCOLLISTER. Mr. Speaker, the American Legion is visiting Washington this week for their 12th annual conference. I have had the opportunity to meet with members from Nebraska three times this week, and I would like to take a few minutes now to pay tribute to these men on a formal basis.

No one can refute the influence the American Legion has had on behalf of the veteran and his family. The veteran's assimilation into society, legislation on his behalf, the comfort provided to widows and family members—all of these things have made the American Legion a significant force in the lives of those who have served in our Nation's wars.

But the point I want to emphasize today is that the American Legion, valuable as it is to its members, can never be described as only a special interest group with limited concerns. The Legion has served our country over the last 53 years as if its basic purpose was to boost patriotism, to strengthen moral fiber, to insure that the freedom we enjoy as Americans today is the freedom we will continue to enjoy tomorrow.

Mr. Speaker, in Nebraska we enjoy a particularly strong groups of Legionnaires. Our State membership is now about 58,000. Some 25 of these men attended the conference in Washington this week, including three from the Second District—Ed Chizek and John Kiriakedes of Omaha, and Bob Corn of Papillion. Our Nebraska members have done some particularly outstanding work on the jobs for veterans project and on the POW problem—working with the petitions, lending encouragement and counseling to POW families, and helping keep the issue alive before the public.

And it is not just Nebraska. American Legion members everywhere are focusing their attentions on their communities and on looking to the future to see in which ways they can best serve.

In short, Mr. Speaker, I can think of no organization in this country that can claim more man-hours of dedication to patriotism, to work toward the increased defense needs of this country and freedom of people everywhere. And I can think of no time in history when this has been more important.

Patriotic love of one's country by its citizens is the top priority natural resource needed by a nation. There is no substitute for it. When a potential enemy assesses the possible strength of a country, it looks first to its people. And nothing is more of a deterrent than a nation united with a spirit and love of its country so strong it cannot be punctured. We are living in a time when overt signs of this patriotism are few and far between. Yet by the same token, a time when our Nation's defense posture is seriously in question and when an impenetrable spirit has never been more strongly needed.

Bernard Baruch once said that within the American Legion thrives the greatest corps of Americanism alive in the world today. I cannot put it any better than that. I am proud to be a member of the American Legion and today salute the men who work so hard to make the words "For God and Country" a meaningful heritage. I am grateful to them.

IMPROPER USE OF ARREST RECORDS AS AN INVASION OF PRIVACY

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. EDWARDS of California. Mr. Speaker, the year 1984 is still more than a decade away, but few of us realize how close we have come to the situation so graphically depicted by George Orwell. In the February 27, 1972, Washington Post there appeared an excellent article entitled "An Information Monster That Threatens Our Privacy," in which author Roger Wilkins outlined in a compelling manner the way collection of information by the Government is stifling dissent and invading individuals' privacy. I wish to commend this article to my colleagues and insert it in the RECORD at this point. I also wish to call to the attention of my colleagues the fact that Judiciary Subcommittee No. 4, of which I am chairman, will on March 15, 1972, begin hearings on H.R. 13315, which deals with the use of records of arrest on which there has been no conviction—a subject discussed by Mr. Wilkins in the article to which I have referred.

The article follows:

THE REVOLUTION IN LAW ENFORCEMENT TECHNOLOGY HAS PRODUCED AN INFORMATION MONSTER THAT THREATENS OUR PRIVACY

(By Roger Wilkins)

A silent creeping—one might even say creepy—revolution is taking place in the technology of law enforcement data collection and dissemination. The computers have entered the field and their potential for severely denting—if not destroying—the individual's right to privacy is growing by leaps and bounds.

Last year in a privacy case in the U.S. District Court in the District of Columbia, Judge Gerhard Gesell wrote:

"A heavy burden is placed on all branches of government to maintain a proper equilibrium between the acquisition of information and the necessity to safeguard privacy. Systematic recordation and dissemination of information about individual citizens is a form of surveillance and control which may easily inhibit freedom to speak, to work, and to move about in this land. If information available to government is misused to publicize past incidents in the lives of its citizens the pressures for conformity will be irresistible. Initiative and individuality can be suffocated and a resulting dullness of mind and conduct will become the norm."

Judge Gesell went on to decide that while the arrest record of a person who had been convicted of no crime could be maintained for federal employment and "strictly law enforcement purposes," the FBI is "without authority to disseminate arrest records outside the federal government for employment, licensing or related purposes."

Unfortunately, this lucid principle is being eroded by a voracious computer industry, two powerful and competing federal bureaucracies, hardware-loving police departments around the country and by a Congress which seems not to have the sensitivity, the will or the capacity to do anything to arrest or reverse the trend.

Late in the 60s, the first tendrils of what is fast becoming a patchwork—but nonetheless enveloping—information giant were beginning to emerge in the form of the FBI's National Crime Information Center system (NCIC). That system was designed to provide simple computerized information to law enforcement people on wanted persons, and identifiable stolen property such as license plates, securities, boats and guns. At the same time, from 1966 through 1968, the Justice Department's Office of Law Enforcement Assistance was providing various police jurisdictions about one million dollars a year to develop electronic data retrieval systems.

Then came the deluge. Since 1968, the Law Enforcement Assistant Administration, the much better funded successor to OLEA, has dispensed more than $46 million for a variety of such projects all over the nation. Some went to states for development of a greater organized crime intelligence collection capacity. Other states began using LEAA funds to develop systems related to civil disorders. Whereas earlier efforts had been fairly clearly directed toward information useful in crime detection and prevention, the guidelines began to become murky in the civil disorders field. One state, for example, indicated in its grant application that it would collect the names and information about people who "actively pursue their constitutional rights."

The most significant of the LEAA funded projects, however, was Project Search, which began as a cooperative effort among six states to standardize and computerize personal criminal history records and tie them into a central index and switching center in order to provide each participating state with quick number of states in the project had grown to 20 and the problems had grown proportionately.

The first strains emerged when Project Search's Committee on Security and Privacy issued a study which attempted to formulate procedural guidelines safeguarding the public. Among the committee's recommendations were limitations on the type of data to be collected, periodic re-evaluation of the data in order to ensure accuracy, the development of procedures for an individual to have access to his file and stringent security precautions to prevent unauthorized individuals from obtaining access to the stored information. The head of the FBI's NCIC system argued that if such guidelines were needed at all, Project Search was the wrong organization to develop them and that in any event, it was too early to conduct such studies.

Shortly thereafter, it became clear that the FBI hoped that Search would be controlled, not by the states, out by the FBI and that its electronic systems would be tied to the Bureau's National Crime Information Center System. LEAA and the states balked. They argued that the original concept of Search was a bulky central index of criminal activity—like a telephone book—with the basic records being retained in the states rather than the creation of a federally controlled national criminal information and intelligence data bank.

As the dispute raged, Search oozed beyond its original confines into areas never envisaged by the original concept. Under the rules developed by LEAA, such charges as juvenile and public order offenses, drunkenness and vagrancy would be excluded, but serious crimes would be recorded. Those might include bigamy, cruelty to animals, failure to provide support to one's family and adultery as well as the traditionally serious crimes of murder, assault, burglary and robbery.

Meanwhile, the FBI won its fierce bureaucratic battle within the Department of Justice with LEAA. On Dec. 10, 1970, the Attorney General transferred Search to the FBI. A year later, the Senate included in the FBI's appropriations bill language which appeared to restore to the FBI authority to share its information with certain classes of banks and also, in appropriate circumstances, with state agencies for employment and licensing purposes. In all the flurry and growth, the model codes for protection of citizens' privacy and the code of ethics drawn up by Project Search's Committee on Security and Privacy got buried.

At this point the situation remains cloudy, but ominous. LEAA still makes the grants for the acquisition of computers and is pressing for expansion of the system. The FBI is tightening its control while also pressing for ever greater membership. The states, having warned the Attorney General prior to the transfer of Project Search to the FBI that "no matter what the Feds do, the states will continue to develop their own system or systems," are presumably doing just that. And any state or locality may, on its own initiative, store additional information in a system that later may be "interfaced," to use a term of the trade, with the federal data bank. For example, the Kansas City, Mo., police department has stored, among other things, information on outstanding parking tickets, college students known to have participated in disturbances and "area dignitaries."

While this information-gathering monster grows and spreads, there is really no effective federal or state regulation of the whole system. Senator Ervin's Constitutional Rights Subcommittee heard some testimony on the subject from both administration proponents and from concerned and frightened citizens. Senator Mathias slipped an amendment into Title I of the Omnibus Crime and Safe Streets Act requiring LEAA to develop legislation regulating the activity. In response in September, 1971, Senator Hruska introduced the Criminal Justice Information Systems Security and Privacy Act of 1971. To date, no hearings have been held on the Hruska bill.

Without debating the details of the Hruska bill, it is fair to say that it assumes that computerized dossiers collected by state and federal police organizations are part of our national life, that they are useful and that they are here to stay. And that it just the point. We apparently are off on another technological toot that leads God knows where without giving it a second thought. Nobody knew when Henry Ford rolled out his first Model A that the internal combustion engine would someday foul our cities. But now we ought to be sophisticated enough to know that a ride on the tiger's back is sure to cost at least a healthy nip on the nose, if not a great deal more.

This issues raised require urgent analysis and broad national debate before the information monster entirely devours our privacy. Because of the complex interstate nature of the system and the federal government's deep involvement in its development, there is only one place where the debate can appropriately take place—in the Congress of the United States. And the first question that needs to be taken up is whether the public wants or needs this system. If Congress' answer is yes, then there is a pressing need for it to define a citizen's right of privacy and the limits which must be placed on the machines' almost unlimited capacity to pry, to store, and to regurgitate indiscriminately, mindlessly and on command.

Right now only the Lawyer's Committee for Civil Rights under the Law, aided by the National Urban Coalition, is monitoring the growth of the beast and, laudable as that effort may be, it is not enough.

VICE ADMIRAL RICKOVER WARNS OF TAXPAYERS' REVOLT, URGES TAX REFORM

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. MIKVA. Mr. Speaker, I have joined with other members of the House, including the distinguished chairman of the Ways and Means Committee, WILBUR MILLS, in expressing the hope that the President will demonstrate some commitment to meaningful tax reform. Recent statements from the White House give us little cause to hope that any such commitment will be forthcoming.

I was, therefore, heartened to read that at least one voice from within the administration has joined in calling for tax reform—Vice Adm. Hyman G. Rickover, Deputy Commander for Nuclear Propulsion—USN—and Director of the Atomic Energy Commission's Division of Naval Reactors.

Vice Admiral Rickover warned an executive session of the House Appropriations Committee last May of the dangers inherent in foisting the tax burden onto the low- and middle-income sectors of the economy, while maintaining privileged status for the wealthy in the form of a variety of tax advantages. He admitted that closing the loopholes will not be easy, but he said it was one of the most pressing tasks before Congress.

I would like to take this opportunity to insert in the RECORD an article from the January 16, 1972, edition of the Sacramento Bee, reporting on the vice admiral's testimony:

TAX REFORM—RICKOVER SAW NO EASY SOLUTION

(By Leo Rennert)

WASHINGTON.—"The events that led to the French Revolution can teach us a lesson," the witness told the House Appropriations Committee behind closed doors . . .

"In Louis XVI's time, the only way ordinary people could exert any control over their government was by refusing to provide the money the king needed.

"The parallel with our own situation today seems clear to me.

"I am not sure but that it is going to take some form of revolt by the majority of Americans to bring us more equitable taxation."

If the speaker had been Jerry Rubin or even Ralph Nader, this would be familiar radical rhetoric.

But addressing some of the most powerful men in Congress last May 11 was an esteemed friend of the Capitol Hill establishment, Vice Adm. Hyman Rickover.

Once a year, the committee invites his views on defense topics and other matters he deems important.

This time, however, his hosts seemed unprepared for what turned out to be a slashing indictment of their own role in maintaining a privileged class through special tax facors.

MIDDLE-CLASS REVOLT

Warning that public "frustration and disillusionment" are reaching dangerous levels, Rickover recalled the French monarchy was overthrown when the middle class felt similarly helpless and aggrieved over money matters.

To replenish his treasury, Louis XVI convened a meeting of noblemen, clergy and popular representatives—only to be confronted by an ultimatum for radical reforms. Royal resistance sparked a revolt in which the king and Marie Antoinette eventually lost their heads to the guillotine.

"I mention these well-known facts because I believe they remain relevant today," Rickover remarked.

America, he said, may not have noblemen with fancy titles. But it does have "privileged segments of the population" who enjoy great wealth while bearing only a "small share of the burdens of citizenship."

Those in the top 1 per cent bracket, he noted, still have an income higher than those in the bottom 20 per cent—a pattern unchanged for the last 25 years. The top 5 per cent still make more than the bottom 40 per cent.

"Capital gains, depletion allowances and tax-free bonds provide loopholes for the upper-class taxpayer who is able to take advantage of them," Rickover declared. "The middle classes rarely can."

Warming up to his topic, he called tax reforms one of the most urgent tasks before Congress.

"No man who has an income of several million dollars a year should be allowed to pay little or no income tax," he said.

At stake, he stressed, is the durability of the American system itself.

NO EASY WAY

"Our officials should bear in mind that by this failure to carry out their responsibilities they are undermining the very system which has made it possible for them to attain to high position," he remarked.

As a realist, Rickover sees no easy path to tax reform.

"Those who benefit most from present tax laws are also those best able to make large campaign contributions," he observed.

His assessment was correct. A few months later, Congress enacted a tax bill with virtually no reforms but plenty of new benefits for business and the affluent.

The new measure will mean an income tax reduction over a three-year period of $872 million for those in the $20,000-and-up bracket.

Taxpayers in the $100,000-and-up category will enjoy a $95 million windfall during the same interval.

True, low- and middle-income groups also were given reductions.

But failure to close major loopholes coupled with new benefits for the rich assure a continuation of whopping budget deficits in the next few years. In turn, this income drain is bound to intensify White House and congressional resistance to the funding of many domestic programs.

And when the day of reckoning finally arrives and taxes have to be raised, it is a safe bet that those who already bear a disproportionate share of the burden will be asked again to cough up some more.

Trial balloons now emanating from the Nixon administration about a value-added levy—a form of national sales tax—follow a predictable pattern.

Under the guise of relieving pressure from local property taxes for financing of public schools, Washington would come to the rescue with a new sales tax which could bring the range of $20 billion a year.

The new levy, of course, would not disturb those benefiting from tax loopholes. Their merry ride would continue without interruption.

Interestingly, there would be no need for a national sales tax if many special tax breaks were eliminated. That kind of reform would be just as effective a revenue raiser—also in the range of $20 billion a year.

At this stage, it appears unlikely that Congress will pass any significant tax legislation in an election year.

UNDESIRABLE TREND

A year hence, however, the prospects again will be strong that under the pressure of some fiscal crisis, reforms will be shelved and additional taxes imposed on those who already pay more than their fair share.

As Rep. Sam Gibbons, D-Fla., a maverick member of the House Ways and Means Committee, points out:

"We are in the process of chipping away at our best tax, the income tax, both individual and corporate, and moving toward greater reliance on the Social Security tax and possibly a federal sales tax.

"This is an undesirable trend."

Gibbons estimates the last two tax bills approved by Congress will mean a revenue loss of $170 billion during the period 1969–1980 and wonders who will end up paying the piper.

Rep. Henry Reuss, D-Wisc., another in a small band of reformers, warns:

"We are faced with a fiscal situation where revenues are going to be drastically too low for needs, or budgetary deficits too high for a sound economy, or both."

Yet, he notes, more than 100 taxpayers with incomes of more than $200,000 paid no federal income taxes in 1970—a year after passage of the 1969 Tax "Reform" Act!

Three persons in the $1 million-and-up bracket, he adds, also managed a free tax ride in 1970.

Reuss estimates a "sensible" loophole-plugging reform bill could raise $20 to $30 billion a year.

MOSS COSPONSORS BILL

"Ever since 1954 the federal revenue system's progressiveness has been progressively impaired," he complains.

To reverse the trend, California Rep. James C. Corman, D-Los Angeles County, is pushing legislation to close up to $20 billion a year in loopholes.

Rep. John Moss, D-Sacramento, an opponent of the value-added tax who voted against the 1969 and 1971 tax bills, is a cosponsor.

But there is no sign of any interest on the part of House Ways and Means Committee Chairman Wilbur Mills, D-Ark., who usually controls the fate of tax legislation on Capitol Hill.

Mills converted the 1969 tax "reform" bill into a tax reduction bill and readily went along with the White House last year, in pushing through more tax cuts. Like President Nixon, he thinks economic and social gains should be achieved primarily by stimulating the private sector of the economy.

This leaves the Democratic presidential ticket in 1972 as the only potential source for any momentum on tax reform.

Economist John Kenneth Galbraith suggests that liberals evaluate Democratic contenders in upcoming primaries largely on the basis of their readiness to seek elimination of tax loopholes.

Like Rickover, he thinks the problem is urgent, the present system a scandal and time a dwindling commodity.

When the admiral testified before the Appropriations Committee, Rep. Daniel Flood, D-Pa., sought to soften his warning about a burgeoning taxpayers' revolt.

"You are using the term in a philosophical sense," he suggested.

"Yes, sir," Rickover replied. Then he added: "But in a few years it may be a fact."

CIVIL LIBERTIES VIOLATIONS IN THE UKRAINE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. FRASER. Mr. Speaker, I have received a letter and petition from the Ukrainian Students Club at the University of Minnesota. It details several civil liberties violations by the Soviet Government. The Soviet Government is sensitive to foreign statements dealing with human rights violations occurring within the U.S.S.R. Perhaps publication of the following letter will help stimulate Soviet adherence to the Universal Declaration of Human Rights.

The letter follows:

UKRAINIAN STUDENTS CLUB,
UNIVERSITY OF MINNESOTA,
Minneapolis, Minn., February 1, 1972.

Hon. DONALD M. FRASER,
U.S. House of Representatives,
Washington, D.C.

DEAR SIR: We would like to direct your attention to the events which are taking place in Ukraine. In the last few years a strong voice of protest could be heard in Ukraine resulting in a wave of arrests and confinements in the Mordovian concentration camps. Hundreds of individuals, such as university professors, students, journalists, writers, poets and artists, all of them young people who were reared under the Soviet system, were detained, many of them secretly tried and sentenced to the long terms of imprisonment. According to the Russian political analyst Andrey Almarik, 70 of all political prisoners in the USSR are Ukrainians.

Recent dispatches by Reuters and Associated Press from Moscow report new arrests of 19 Ukrainian intellectuals. Among the arrested, there are several individuals who were previously persecuted and imprisoned by the KGB for alleged "nationalist activities." These dissenters are well known not only in the USSR but also beyond its confines. The young journalist Vyacheslav M. Chornovil has already served the term in the Mordovian concentration camp when in 1965 he protested against the illegal secret trials of Ukrainian intellectuals. He also prepared a manuscript in which he gave the account of fifteen such trials and indicted the investigating and judiciary agencies in several regions of Ukraine for their serious crimes against justice. Copies of this document with supporting evidence were sent to several Soviet leaders and also passed abroad. This extraordinary collection of documents were translated into English and published in 1968 by McGraw-Hill Co. under the title "The Chornovil Papers", with the introduction written by Prof. Frederic Barghorn of Yale University.

Among the arrested is also a prominent literary figure of younger generation, Ivan Dzyuba, known for his memorandum "Internationalism or Russification" prepared in the wake of the 1965 arrests and presented to the Soviet authorities. In this document Dzyuba examined the Soviet nationality policy, stressed national discrimination and russification of Ukrainian culture and demanded restoration of all rights for the Ukrainian people. This memorandum was also passed to the West, translated into English and published in 1968 in London, by Camelat Press Ltd., with the introductory remarks by Peter Archer of the House of Commons.

Other prominent figures are Ivan Switlychny and Yevhen Swerstiuk. The first one is well known in the Ukrainian literary circles, who in the past was persecuted for passing to the West the diary and poetic works of the late young poet Vasyl Symonenko. The second one, an author and literary critic, is a known dissident for his signatures on various memoranda and protests to the Soviet authorities and for his literary work entitled "Cathedral in Scaffold" which could not be published in the Ukraine but was published in France.

Still another voice of dissent is that of Valentyn Moroz, a young Ukrainian historian, who was recently sentenced for the second time to nine years at hard labor. His three manuscripts which reached the West "From the Beria Preserve", "The Chronicle of Resistance" and "Amidst the Snows", decry russification of the Ukrainian culture and the treatment of those who speak against these violations.

All these individuals did not break the Soviet law. Their only crime is that they demand application of all rights guaranteed Ukrainians by the constitution of the USSR and Universal Declaration of Human Rights.

We, the undersigned, students of the University of Minnesota, feel that the struggle of these people should not be ignored because the time might be near that these forces of dissent will not only contribute to the liberalization of the present dictatorial system, but they might also precipitate the collapse of the last remaining colonial empire.

Calling your attention to this cruel persecution of Ukrainian intellectuals, we respectfully urge you to bring this problem to the attention of the United States House of Representatives in hope that the public opinion will prevail upon the Soviet government to adhere to the principles proclaimed in the Universal Declaration of Human Rights to which the Soviet Union is a signatory.

Appreciating your help and cooperation, we remain,

Respectfully yours,
(Miss) LUBA LEWYTZKYJ,
President, Ukrainian Students Club, University of Minnesota.

ALL CITY EMPLOYEES ASSOCIATION OF LOS ANGELES CELEBRATES 50TH ANNIVERSARY

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. ROYBAL. Mr. Speaker, I wish to bring to the attention of my colleagues the golden anniversary of the All City Employees Association of Los Angeles. Today I take this opportunity to congratulate them in their 50th year as the voice of city employees. Only last July this dynamic group of some 12,000 members drawn from all departments in the

Los Angeles city service, except police and fire personnel, affiliated with the American Federation of State, County, and Municipal Employees. United, these two groups will lead the way in expanding and protecting public employee rights.

On behalf of their many friends, I am honored to extend congratulations to President Don Meyer and his fellow officers of ACEA, and the ACEA-AFSCME joint council for this important and outstanding achievement. I am certain we can all look forward to even greater success and achievement at the time of their diamond anniversary.

CALIFORNIA'S "CRUEL AND UNUSUAL" DECISION

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. DEL CLAWSON. Mr. Speaker, an editorial in the Washington Evening Star of March 1 examines the implications of the vote in California's Supreme Court on the death penalty in California in some depth calling attention to the implications of that decision upon the whole framework of decent society. At this point in the Record I commend the editorial, which is by Smith Hempstone, to the attention of my colleagues:

California's "Cruel and Unusual" Decision

(By Smith Hempstone)

By a 6-1 vote, the Supreme Court of California has declared the death penalty to be unconstitutional in that state. The immediate effect of the decision is to give (literally) a new lease on life to 107 death row inmates, including such luminaries as Sirhan B. Sirhan, the assassin of Robert F. Kennedy, and mass murderer Charles Manson.

A side effect has been the release on bail of Angela Davis, who is charged with murder, kidnaping and conspiracy in connection with the Marin County Civic Center shoot-out in which four people lost their lives. It is earnestly to be hoped that the authorities lay eyes on Miss Davis again.

The death penalty is still permissible in 40 states, although the U.S. Supreme Court is expected to rule soon whether executions violate the Constitution's 8th Amendment prohibition against "cruel and unusual punishment." There have been no executions in the United States since June 1967 and 588 men and 2 women convicted of capital offenses await the decision of the high court.

However the U.S. Supreme Court may rule, the California verdict will stand in that state barring an amendment to the California Constitution. The state court's ruling was in contravention of the frequently expressed will of the elected representatives of the people of California, who on several occasions in recent years have defeated in the state legislature bills which would have abolished capital punishment.

The California court's ruling was based on a clause in the State Constitution virtually identical to the federal charter's 8th Amendment. Chief Justice Donald R. Wright, speaking for the majority, partially based his finding that execution is "cruel" on the long time-lag between conviction and implementation. The obvious reply to that is that the appeal process ought to be speeded up.

Judge Wright held that the death penalty is "unusual" largely because of the declining number of executions in the United States (down from a high of 199 in 1935 to 2 in 1967) and the fact that there is a trend toward abolition throughout the world. To which one might reply that the *imposition* of the death penalty in this country has remained relatively stable (averaging about 100 annually for the past decade) and that the problems of Britain (for example) are not those of the United States.

Stanford University law professor Anthony G. Amsterdam argued the case for abolition before both the U.S. Supreme Court and the California Supreme Court. One of his arguments was that the only people who suffer the death penalty are "the poor, black, personally ugly and socially unacceptable."

All right. Forget Sirhan and Manson; their cases may be so emotive that it is impossible for any of us to render a balanced judgment. Take instead the case of Ernest J. Aikens Jr. whom Amsterdam represented before the national and state high courts.

Does anybody really believe that Aikens was sentenced to death because he was "poor, black, personally ugly and socially unacceptable?" I do not know (or care) whether he was black or white, but I rather imagine that the severity of his sentence had something to do with the fact that he beat, raped and stabbed to death two women, one of them five months pregnant, and shot to death the driver of a car who gave him a lift.

In his opinion, Wright stated that the California court's decision was "not grounded in sympathy for those who would commit crimes of violence but in concern for the society that diminishes itself whenever it takes the life of one of its members." A noble sentiment. But would the society of San Quentin, let alone that of the United States as a whole, truly be diminished by the execution of Ernest J. Aikens Jr.? More importantly, can society afford to turn men like Aikens free after they have served 8 to 10 years, which is what a life sentence frequently amounts to.

There's the rub. What is the alternative? To keep them caged for the remainder of their natural lives? In Wright's eyes would that not, perhaps correctly, constitute "cruel and unusual punishment?"

Abolitionists like to claim that those who favor the retention of the death penalty do so largely out of an atavistic thirst for vengeance. There may be something in that but not much. What law-abiding people want—and have a right to expect from their government—is that men like Sirhan and Manson and Aikens should never walk the street again.

The U.S. Supreme Court's decision may not echo that of the California court. But if it does, Congress and the state legislatures are going to have to frame legislation which provides decent folk with the protection to which they are entitled in an imperfect society which has its share of depraved psychopaths.

JUDICIAL SEMANTICS ON CAPITAL PUNISHMENT

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. WYMAN. Mr. Speaker, if anyone is looking for a concrete example of why the public mistrusts courts it is easy to find in the semantics of the California Supreme Court decision holding capital punishment unconstitutional under the California Constitution as cruel and unusual punishment.

Wholly aside from whether the Manson slayings, for example, including deliberately stabbing to death an 8-month pregnant girl pleading for her baby's life, warrant assurance that one who does such a thing will pay for it with his life, the Federal Constitution itself, in express terms, recognizes capital punishment and the power of the States to impose it with due process of law. So does the California Constitution in article 1, section 6.

The only valid application of the concept of cruel and unusual punishment to capital punishment is whether a particular method used by a State is cruel or unusual, such as hanging, the gas chamber, the electric chair, and so forth. Beyond that, it is an utterly specious exercise in judicial semantics that the California court has engaged in to the obvious confusion of the general public and with demonstrable harm to the public safety.

Judges had better get off these incursions into these fields patently reserved to the discretion of a separate but equal branch of the Government—in this instance the legislative branch—lest Congress and State legislatures be forced to legislate to protect the public against continuing judicial maudlin sentimentality while burglars rape and slay children in the presence of terrified parents and worse.

It is beyond dispute that there are some cases of horrible, deliberate. planned murder that warrant capital punishment. It is impossible to state that the existence of capital punishment is not a deterrent, even though the extent of the deterrent is difficult to assess.

The States have the constitutional right to impose capital punishment and it is no business of courts, State or Federal, to deny this right as long as the sentence is arrived at with due process of law.

In this connection I commend to the thoughtful consideration of my colleagues—especially those on the Judiciary Committee—a recent column by James Kilpatrick appearing in the Washington Star of February 24, 1972.

California Court Confused Policy with Law

(By James J. Kilpatrick)

Last week's decision of the California Supreme Court, banning death sentences in that state, raises anew some old questions of law and public policy. In my own view, the decision was clearly wrong.

The California court construed California's own state Constitution. The decision is therefore final and not subject to further appeal. It applies solely to California, and serves to nullify only those death sentences that had been imposed by California courts upon more than 100 prisoners awaiting execution.

Yet the action of the California court cannot be viewed so narrowly. On Jan. 17 the U.S. Supreme Court heard arguments in four cases (the most heinous of them, ironically, from California) that directly challenge the concept of capital punishment as a violation of the 8th Amendment. The Amendment says that "cruel and unusual punishments" shall not be inflicted.

The problem presents two separate questions. The first is: Is capital punishment unconstitutional? The second is: Is it immoral, unwise, or ineffective? The questions have nothing to do with one another.

I do not see, for the life of me, how capital punishment, as such, possibly could be held unconstitutional. The 5th Amendment implicitly sanctions it. "No person shall be held to answer for a *capital* . . . crime, unless on a presentment or indictment of a Grand Jury." Both the 5th and the 14th Amendments give further sanctions in terms of due process of law.

Justice Potter Stewart made the point during oral argument last month: "One of the things that bothers me about the 14th Amendment," he said, "is that the deprivation of life is expressly prohibited without due process of law—and therefore by implication is approved when there is due process. And this is why I say that to me it is more than just a semantic problem. Now we're not talking about the express wording of the Constitution."

Precisely. Even if one embraces every activist theory ever advanced about our "living," or "flexible," or "evolving" Constitution, only the two adjectives of the 8th Amendment would be subject to judicial interpretation: Is a particular *method* of execution "cruel and unusual"? Disemboweling a prisoner, or boiling him in oil, might thus be unconstitutional. But unless the legislative judgment of 41 states is to be discarded altogether, the electric chair and the gas chamber cannot be regarded, at law, as constitutionally impermissible.

The California court confused the two questions. The majority declared that capital punishment, as such, "degrades and dehumanizes all who participate in its processes." Such punishment is "incompatible with the dignity of man." Very well. But these are not arguments of law; they are arguments of policy; they are arguments of a legislative committee room.

We ought to keep these things straight. It simply does not follow that a given practice is unconstitutional because it is viewed by some judges as degrading, dehumanizing, or "incompatible with the dignity of man." Human slavery exhibited all those evils; yet human slavery was expressly sanctioned by the Constitution and was ended, as a matter of law, only by the 13th Amendment. By the same token, to deny women a right to vote is unfair; but it was not constitutional prior to the 19th Amendment.

If capital punishment is to be abolished, it ought not to be abolished by judicial decree. This is to vest in judges the power effectively to amend the Constitution. It ought to be abolished by the Congress, as to federal crimes, and by the individual states, as to state crimes. Or it ought to be abolished by outright amendment of the Constitution.

Reasonably minded men may well disagree on the wisdom of capital punishment. As a public policy, perhaps it ought to be abandoned. But "the express wording of the Constitution," in Stewart's phrase, has to be upheld.

BELOIT, WIS.: ALL-AMERICAN CITY

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. ASPIN. Mr. Speaker, it is my pleasure and great privilege to call to the attention of my colleagues the city of Beloit located in my congressional district in Wisconsin. It has recently received the honor and distinction of being designated one of the All-American Cities of 1972. It is an honor and recognition that Beloit richly deserves.

Beloit has a reputation for being a city populated with people willing to cooperate and work with each other in trying to solve problems affecting all groups in the community. Beloit has devised a highly sophisticated system of interlocking action groups that have been able to come up with possible solutions to many community concerns, including race relations and pollution.

I think it would be fair to say that Beloit citizens have found that no community mission is impossible to solve as long as it is understood that everyone connected with a problem has a chance to participate in the formulation of a solution. The city and citizens of Beloit are a classic example of what concerned citizens can do to reverse a downward spiral of the fortunes of a city.

Beloit is very fortunate to have as many citizens as it does concerned about the future of its city, and fortunate also to have citizens who can work well with each other. The team effort concept is very much a vital part of Beloit and has contributed substantially to the generally optimistic feeling in the city. Particular recognition and thanks go to Mr. Gus Nelson, the leader of the committee that has pulled together what has been done in Beloit and presented it to the reviewing committee for the All-American award in Atlanta.

A prime example of citizen cooperation that I would like to call to the attention of my colleagues is the affiliate artist program that was started in Beloit more than 4 years ago. It was designed to support young artists in the development of their own careers. In 1971, more than 30 artists spent a week moving through Beloit giving concerts—or "Non-certs" as they are called by citizens—everywhere there was a small crowd. The week was brought to a climax at the Beloit Festival which drew 5,000 listeners. Out of a community of 36,000 a crowd of 5,000 is truly outstanding. This program promises to continue to grow and to bring a touch of culture and music to the many citizens of the Beloit community.

Mr. Speaker, it is with a great deal of pride that I point to Beloit, Wis., as one of the "All-American Cities."

CAMPAIGN BUTTON NO LICENSE TO ARGUE MORALITY OF VIETNAM

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. BOLLING. Mr. Speaker, John P. Roche has written an unusual and excellent column on a seldom-discussed matter. It follows:

CAMPAIGN BUTTON NO LICENSE TO ARGUE MORALITY OF VIETNAM

(By John P. Roche)

As presidential candidates multiply arithmetically, it seems that campaign rhetoric increases geometrically. Only a lunatic perfectionist would expect politicians to be wholly logical or totally consistent, but there is one problem that requires special treatment: the morality of the Vietnamese war.

For some years now, characters who couldn't distinguish a moral principle from a railroad tie have been wandering around the United States sounding like the prophet Isaiah, condemning the war as "immoral, obscene, etc." In past months this has been compounded by the suggestion that we should confer amnesty on draft-dodgers because they took the truly moral course.

The net consequence of this moralistic orchestration has been to indicate to more than 2 million young Americans who fought in Vietnam that they were evil men engaged in a wicked enterprise, that if they had any spiritual foundations, they would have skipped off to Canada and joined the band of saints.

Like medieval lepers, veterans of Vietnam are supposed to go around in sackcloth, ringing a bell, and announcing themselves as "unclean." Or they can find instant redemption by joining the Vietnam Veterans Against the War, confessing to war crimes and throwing their medals away.

Only a handful have in fact joined the anti-war group. The rest (and their families) are smouldering at what they instinctively consider the injustice of the indictment, waiting for someone to stand up in defense of their honor and decency.

Since politicians, intimidated by left-wing dervishes, seem reluctant to undertake this job, I will volunteer. For openers I submit that the war in Vietnam was as moral a cause as Americans have ever fought for, that our armed forces did their job with courage and dedication, and finally that by comparison with World War II the atrocity level in Vietnam was remarkably low, particularly given the context of guerrilla warfare.

To begin with the character of the war, there are two grounds, and two grounds only, for the argument that our intervention in Vietnam was "immoral."

First, those who say all wars are immoral, religious or philosophical pacifists, are quite within their rights to apply the designation to Vietnam. These, however, are people with no favorite wars: they condemn Arabs, Israelis, Communists, anti-Communists with complete impartiality. For them, there are no "just wars."

The second group with standing to question the morality of the war comprises those who believe it is wrong because we are shooting the wrong way, that is, they believe that Hanoi is right, that we are supporting a "reactionary, comprador clique" in Saigon against the "progressive" forces of Communist righteousness. For them, the war is "just" and Hanoi is the instrument of justice.

All the other arguments against the war are prudential or pragmatic in nature. You can, for example, argue that it was a mistake to get mixed up in Southeast Asia, that the game wasn't worth the candle, that we should have fought a different kind of war . . . all eminently debatable questions. But not moral questions.

Let me make the point differently: in my judgment, an American armed response to the Soviet invasion of Czechoslovakia in August 1968, would have been perfectly moral—there is nothing immoral about resisting totalitarianism. But in prudential terms it would have been a mistake.

Or, to shift to Africa, there would in my judgment be nothing immoral about supporting a black liberation movement in the Republic of South Africa. But given the power realities on the ground, it would be an act of irresponsible, bloody adventurism.

If the presidential candidates want to argue the wisdom of our commitment to Vietnam, they are free to do so, even though it is a waste of time. However, before they start throwing moral thunderbolts, they would be wise to consider the fact that, unless they are pacifists or Hanoi hawks, they have no standing as prophets. And furthermore, that 2 million Americans understandably resent being excommunicated by bogus messiahs.

TO HAVE AND TO HOLD

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. DINGELL. Mr. Speaker, the New York Times of February 29, 1972, carried an editorial relating to the reservation of lands in Alaska for national parks, wilderness, and wildlife refuges. I would like to share this editorial with my colleagues and, therefore, I include its text at this point in the CONGRESSIONAL RECORD:

TO HAVE AND TO HOLD

A beautifully illustrated pamphlet issued by the Department of Interior entitled "To Have and To Hold" tells the story of Alaska's migratory birds. Few Americans realize that Alaska is the nesting area each year for ducks, geese, swans and other water fowl—more than twelve million in all—which migrate throughout this country.

Birds from three continents fly to Alaska on journeys of 10,000 miles or more which may originate in Argentina, Australia or South China. The beautiful whistling swans seen each year in Maryland's Chesapeake Bay come from Alaska's remote Arctic Slope. The world's entire population of black brant and most of its emperor geese pass through Alaska's Izembek Bay.

The waters of Alaska defy imagination in their extent and variety. The state has a million ponds. It has shallow seas, miles of sheltered lagoons and bays, and huge lakes. These waters make Alaska uniquely important for the birds not only of this nation but of half the world. If they did not have Alaska for nesting and raising their young, cycles of bird life which have developed over thousands of years would be broken and mankind impoverished beyond measure.

The flight of the migratory water fowl symbolizes the interpendence of Alaska's physical resources and the quality of life of all Americans. If oil spills and industrial wastes contaminate the waters of Alaska, the results may be a Silent Spring half a continent away. If economic developers despoil the wilderness, endanger the habitat of increasingly rare animals, or intrude upon its scenery, the ecological balance of an already threatened planet will be further deranged and opportunities for diverse recreation further constricted.

The same Department of Interior which has so well described the significance of Alaska for migratory birds has a critical decision to make concerning the state's future. Under the Native Claims Settlement Act, Secretary of the Interior Morton has until the middle of March to make a preliminary withdrawal of lands for public protection before the state government and the natives begin selecting parcels of land for development and other use. By next September, he has to choose up to 80 million acres for recommendation to Congress as national parks, wilderness and wildlife refuges. Upon the character of these prelimiary and final decisions depends the future of Alaska and its many resources.

It is for Secretary Morton to choose what the American people are to have and to hold in Alaska. He needs to be mindful of the trust which is imposed in his office and which he must exercise in behalf of citizens everywhere, of their posterity and of nature itself.

NO FREEDOM OF RELIGION BEHIND THE IRON CURTAIN

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. LANDGREBE. Mr. Speaker, even before embarking upon my trip into the U.S.S.R. as a member of the Select Subcommittee on Education I had strong feelings that religion was not free behind the Iron Curtain, information from our State Department to the contrary notwithstanding. A 2-hour detention by Soviet police for the crime of leaving two booklets containing the Gospel of St. Matthew in the entranceway to a theater confirmed my suspicions. However, the following translation of an editorial that appeared in the Pravda Vostoka newspaper on January 7, 1972, makes crystal clear to every freedom-loving American exactly what the Communist oppressor's attitude is toward religion:

[Translation from the Pravda Vostoka newspaper]

THE STRUGGLE AGAINST RELIGION

At the present stage of Soviet social development, when tremendous tasks in the building of communism are being carried out, the party is attaching particular attention to ideological work. It is trying to instill in workers a spirit of conscious responsibility, to strengthen their ideological convictions, to teach them to overcome survivals of the past, and to resist all forms of bourgeois influence. The most important factor in this complex effort is scholarly, scientific atheistic propaganda.

"We must fight against religion", wrote V. I. Lenin. "This is the basic tenet of ALL materialism, and consequently of Marxism. However, Marxism does not stop at principle. It goes further. It states that we must know HOW to counteract religion. Explanation of the origin of faith and religion among the masses must rest on materialism."

Lenin's credo of atheist education states that we must proceed from principle to action in our struggle for the new man, who must not only repudiate religious superstition, but engage firmly in aggressive, uncompromising atheism.

The majority of the people in this republic [Uzbekistan] believe in the materialistic concept of life. But it is wrong and dangerous to assume that religion will "die out" of its own accord. The formation of a communist philosophy of life is impossible without an active struggle against religious ideology, and without positive scholarly atheistic education.

If we don't keep this in mind, and the attitude toward religion is conciliatory and permissive, it will continue to exist and exert its harmful influence on the people.

Communist party, trade union, soviet, and komsomol organizations must not take a passive attitude toward religion, which clouds the thinking of certain sectors of the population. The guarantee provided by the Soviet constitution for the freedom of conscience and religion also guarantees the freedom of anti-religious propaganda.

The program of the Communist Party of the Soviet Union states that the party will exert ideological pressure to educate people in the spirit of scientific materialism, in order to overcome religious prejudices, without, however, offending the sensibilities of the faithful. Experience has demonstrated that the greater the appeal to sentiment as well as intellect, the higher the ideological level of anti-religious education, and the stronger the emotional impact, the greater is the effectiveness of our work in combating religion.

Thorough and thoughtful ideological work is being carried on by the communists of the collective farm "Kommunizm" in the Andizhan oblast [province], where particular attention is paid to atheistic propaganda. A sociologic survey of the collective farm showed that there were some believers, but that these were mostly people over fifty, who had received only an elementary education. Some of them neither read newspapers nor attend movies or lectures. This prompted the communists at the collective farm to organize general educational courses at the village school. Later, a one-year course was organized especially for the older people, with lectures in human anatomy and natural phenomena.

The collective farm radio often carries programs on the harmful effects of religious observances and ritual. Two physicians, Mamadali Abdullayev and Rakhim Ibragimov, have given lectures in which they told how in several cases illness had been aggravated by religious practices.

There are over one hundred people's universities* in the Andizhan oblast, specializing in scientific atheism, social anthropology, and pedagogy. Over eight thousand people attend these universities. Atheist propaganda is conducted by some of the best minds, by party, soviet, trade union, komsomol, cultural, industrial, agricultural and other organizations.

The cities of Tashkent, Fergana, Navoi, and Bekabad, and several districts in the Khorezm, Surkhan-Dar'ya, and Fergana oblasts have all had considerable experience in organizing atheistic education.

Anti-religious propaganda is effective only when conducted consistently and systematically. Nevertheless, it is not always given enough attention. Some party organizations and ideological institutions engage in atheistic education only sporadically. Laxity in such a complex and demanding task as education is inexcusable.

Not enough atheistic literature, reviewing the theory and practice of anti-religious work and revealing the accommodative activities of the clergy, is published in the republic (Uzbekistan). Scholars engaged in the study of theoretical atheism are often removed from the reality of atheistic education. Yet the assistance they could provide to thousands in their every-day work with the masses in teaching atheism could be indeed great.

V. L. Lenin stressed the necessity of knowing HOW to combat religion. To know how—is above all to demonstrate conclusively the untenability of religion and its estrangement from life, its desire to lead man away from his struggle for high ideals into a world of illusion.

Knowing how to combat religion, means arming oneself with a carefully thought out program of scholarly, scientific information on atheism, avoiding stereotypes, oversimplifications, pat answers, and above all to continuously expound and propagandise the positive nature of atheism. The republican [Uzbek] House of Scholarly—Scientific Atheism with its various branches, and the society "Znaniye" ["Knowledge"] play an important part in propagandizing all that is newest and best in atheistic education.

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* Translator's note: Popular courses for the masses at lower than university level—not universities in our sense of the word.

Knowing how to combat religion, is to employ all available means: to tell a scientist's story of technological achievements, to draw on books truthfully portraying our Soviet way of life, to exhibit paintings glorifying nature, to present well prepared television programs, to generally broaden horizons, and to instill moral convictions which reject outdated past beliefs.

Knowing how to combat religion, means to begin teaching atheism in school. It is difficult to over-estimate the importance of schools, both special intermediary and advanced, in teaching atheism. It is especially in school that the young form their scientifically founded atheistic concepts of life. The duty of the teacher is to continuously and systematically instruct school children and students on the unlimited possibilities of man the worker, the builder of communist society.

Atheism is inconceivable without thoughtful, consistent and assiduous educational work. Party organizations and ideological institutions should never relax their ideological struggle against religion, but continuously improve their methods of combating religious influence and steadfastly put into practice Lenin's principles of atheistic education.

Arming Soviet citizens with a materialistic philosophy of life means increasing the capability of the masses to fulfill the objectives of the Twenty-Fourth Congress of the Communist Party of the Soviet Union in achieving greater success in the building of communism.—Translated by Sheila Penners.

VITAL ISSUES IN FLORIDA PRIMARY

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. YOUNG of Florida. Mr. Speaker, the eyes of the Nation will be on Florida March 14 when the people of my home State vote in an exciting presidential preference primary and also express their views on two of the most important issues of our times—issues involving the education of our children.

Floridians will vote in a straw ballot on the vital questions of forced busing to create a racial balance in the schools, and of returning voluntary prayer and Bible reading to our public schools.

Both of these issues, in various forms, are now before the Congress and I am certain my colleagues will follow the results of the Florida primary election as closely as I. Proposed constitutional amendments are pending before the Congress in an effort to correct the damage done by some Federal court decisions.

Floridians will be asked to vote on three questions:

1. "Do you favor an amendment to the U.S. Constitution that would prohibit forced busing and guarantee the right of each student to attend the appropriate public school nearest his home?

2. "Do you favor providing an equal opportunity for quality education for all children regardless of race, creed, color, or place of residence and oppose a return to a dual system of public schools?"

3. "Do you favor an amendment to the U.S. Constitution to allow prayer in the public schools?"

Now, with this straw ballot, the people of Florida, who represent every section of the United States, will have an opportunity to speak out—and we, their elected representatives, should pay close attention.

TRIBUTE TO MR. EARL RHODE AND OTHER PHASE II STAFFERS

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. WHALEN. Mr. Speaker, late last year 40 members of the Dayton Area Chamber of Commerce Public Affairs Committee came to Washington at my invitation to attend a briefing by high-ranking Government officials on the Nation's economic problems and prospects.

Leading the discussion of wage-price freeze policies was Mr. Earl Rhode, director of the executive secretariat of the Cost of Living Council. Prior to becoming right hand to CLC Executive Director, Presidential Counselor Donald Rumsfeld, Mr. Rhode had been special assistant to Mr. Arnold Weber at the Office of Management and Budget and at the CLC. After his presentation to the Dayton committee, there was no doubt in the minds of those present why this young man had risen so rapidly in his profession. The Dayton Chamber members and I agreed that he was one of the most cogent speakers we had ever heard.

The February 19 issue of Business Week magazine contained an article on the "real experts" in phase II. Mr. Rhode was cited with two other CLC staffers for his outstanding work. Unfortunately, after the magazine had gone to press, Mr. Rhode died tragically. From all the facts available, it seems that Mr. Rhode's death was attributable to the great sacrifices he made for our country. I am sure that all my House colleagues join me in extending our condolences to Mr. Rhode's children and his parents.

At this point, Mr. Speaker, I would like to insert the Business Week article in the RECORD.

The article follows:

WAGE AND PRICE CONTROLS—PHASE II'S BACKROOM BOYS

Up to Aug. 15, no one knew very much about wage-price controls. Hardly anyone does now. But those who know most are not necessarily the members of the Pay Board, Price Commission, and Cost of Living Council.

The real experts are found one notch down. They are in a small but powerful cadre of professionals who are staffing the Phase II control groups. If the system manages to curtail inflation, these key staffers will deserve much of the credit; if it fails, they will not escape the blame.

The veteran member of the group is Earl Rhode, who at 28 is also the youngest person in a Phase II key spot. When President Nixon announced controls last summer, there was a staff of one on board—and Rhode was it. The pipe-smoking ex-budget examiner had been special assistant to Arnold Weber at the Office of Management and Budget; when Weber took over the new-born CLC in August, Rhode went with him. Rhode recalls: "We didn't have a thing when we started out. All the staff work in the first week of CLC meetings was done by yours truly. Weber made decisions and charged ahead—no room for excuses. It was great."

What can he show for six months of six-day weeks and 14-hour days? Rhode says he and two other OMB staffers helped develop the freeze as an option in early August and "fleshed it out" at the request of George Shultz in time for the meeting at Camp David, where the New Economic Program was adopted. The young analyst—who has a bachelor's degree in economics and "almost a master's" in public affairs—also helped devise the three-board organizational setup used for Phase II. The Price Commission's 72-hour decision rule after the freeze was called the "Rhode compromise."

STAYING IN THE SADDLE

Of course, Rhode's job changed as the CLC switched bosses from Weber to the new executive director, Donald Rumsfeld, and as the staff grew to some 90 people. But Rhode—who is a GS-14 at $21,960 a year—has managed to keep on top. Says one of his co-workers, "Rumsfeld leans on Earl harder than he leans on anyone else here—even the fellows he brought in. Earl's just so damn competent." Rhode's own explanation of his staying power: "I give Rumsfeld good service—and I'm not being facetious. I learned at OMB to get in the saddle once it's strapped on. But until then I argue from my own point of view."

Rhode's title is—"with calculated ambiguity," he says—director of the executive secretariat of the CLC. He prepares the agenda for the CLC's weekly meeting, acts as liaison with the Price Commission and Pay Board, and prepares quarterly progress reports like the one released by CLC last weekend.

Businessmen concerned with the controls system have offered Rhode plenty of money to leave Washington. The best bid so far: $45,000 from a New York company. But Rhode is not interested in more clover—yet. Says he: "First we're going to make this damn thing work."

RED, WHITE, AND BLUE

This kind of commitment seems to permeate the senior staff people who administer Phase II, "We're going to make this bear fly," says Robert Tiernan, a relative newcomer who took over as executive director at the Pay Board eight weeks ago.

When Tiernan, a 43-year-old labor-management expert and chief counsel at California's Kaiser Industries Corp., walked into the Pay Board offices, the staff was filled with temporary people. Numerous key jobs had to be filled, and basic regulations were yet to be spelled out.

Now this is all changing—thanks chiefly to Tiernan and Administrative Director Millard Cass, who came to the Pay Board out of semi-retirement after years in the Labor Dept. Tiernan never worked in Washington before. "Cass takes care of knowing where it's at in this town. He's like a seeing-eye dog to a blind man," he says. Fast-talking Tiernan, who is on leave from Kaiser, makes no bones about the tough work ahead: "But the juice is flowing," he says.

Since Tiernan and Cass came on board, they have urged Pay Board Chairman George Boldt to go home at 5 p.m. each day. According to Tiernan, Judge Boldt was working hours "too long for a man his age." He is 68. But Tiernan offers the highest praise for Boldt and for his evolving staff of 133. "The people involved in this effort," says Tiernan, "are bright, able, very hard-working, and they are also very patriotic." In fact, as Tiernan would have it, it is patriotism, not money, that lured him to Washington. He earns $36,000 a year from the Pay Board—"And I'm taking a bath, I'll tell you," he says. "They waved a flag at me, that's why I'm here. You'd be surprised how many patriots there are. I'm on a red-white-and-blue mountain."

LOTS OF ROOM

The third member of the inner circle of controllers is Louis Neeb, 32, director of the executive secretariat at the Price Commission. While Nebb's boss, Commission Chairman C. Jackson Grayson, is the most visible Phase II chieftain, Neeb—like Rhode and Tiernan—has a lot of room to exercise initiative. He answers only to Grayson and to the members of the Price Commission—preparing agendas for meetings, keeping on top of the broad policy guidelines set down by the commission, and helping the staff to apply these guidelines whenever questions arise. Executive Director Bert Lewis "really runs the place," says one staffer, leaving Neeb free to work closely with Grayson.

Neeb, a tall, dark-haired MBA from George Washington University, has been with the Price Commission from the start, signing on with Grayson after spending the freeze at the Office of Emergency Preparedness. At OEP, Neeb—a stockpile-policy expert—was transformed overnight once the freeze began into a special assistant to OEP's General George Lincoln. Describing himself as a "professional government administrator" with a desire to shift back and forth to private industry, Neeb says he wrote a "large part of the policy in Phase I" himself.

ANGELA DAVIS AND BAIL REFORM

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. CONYERS. Mr. Speaker, the California court decision to release Angela Davis on bail pending the determination of her trial must be hailed by all who cherish civil rights and liberties. Miss Davis' long imprisonment while awaiting trial calls to attention the power that the State can wield over individuals charged with crimes, simply by denying bail and release.

This is the first indication that the California courts might be able to deal fairly with her case. The release, however, in no way vitiates the suffering of Miss Davis, her family and her many friends. It underscores the need for a new examination of a bail system which incarcerates so many people before any determination of guilt, as a recent editorial in the Washington Post has noted:

ANGELA DAVIS AND THE BAIL SYSTEM

Angela Davis is free on bail after sitting in jail for 16 months, having been convicted of no crime at all. This turn of events came about because the California bail statute presumes that a person against whom the state has amassed "any substantial evidence," whatever that means, of the commission of a capital offense, might prefer to flee and forfeit bail rather than face the gas chamber after trial. Now that the California Supreme Court has ruled the death penalty unconstitutional under the California Constitution, the presumption under which Miss Davis was held has evaporated and she is free.

All this must be a great comfort to her family, her lawyers and her friends, who have watched her health fail, her teeth deteriorate and her eyesight dim because of the conditions of her various incarcerations and the limited access that doctors and dentists have had to her. And it must be a real boost to her defense team, which has seen her under conditions which have made the preparation of her defense much more arduous than it would have been had they had easy and normal access to her. Finally, Miss Davis' own state of mind must be substantially eased as she gains some liberty just before she faces the most stressful period of her life.

But the jubilation of Miss Davis and her supporters buries more fundamental issues about the use of bail in the criminal justice system of this country. There is a general impression that the bail reform movement, which we heard so much about a few years ago, really worked. It didn't. The original, essential and sole purpose of bail was to permit accused persons who were unlikely to flee in order to avoid trial to maintain their freedom to live and to work and to prepare to defend themselves against charges of which they are presumed to be innocent. Bail was to be denied only to those who seemed likely to run away.

But over the years, the system has become freighted with other problems and other issues. The courts and the society have come to believe that there are some people who are so dangerous that it is better to separate them from society even before trial, for the protection of the people. Rather than facing this problem squarely, however, courts and prosecutors have bastardized the bail process in order to enable the criminal justice system to detain preventively, those who *appear* to the judge and the prosecutor to be too dangerous to be set loose while awaiting trial. There can be reasonable debate about whether preventive detention is *ever* a good idea and if it is, what procedures should be followed and what standards should be applied in order to determine who should be detained and who should not. But the criminal justice system has avoided that course for the easier path of demeaning the bail process and limiting its value for all.

We have had that kind of debate here in Washington over the District of Columbia Court Reform and Criminal Procedure Act of 1970. That act established detention standards and procedures which provided for the protection of society, speedy trial for those detained and relief of the bail system from unnecessary and burdensome freight. In this respect, the District is far ahead of any other jurisdiction in the United States.

In the rest of the country, however, the courts have become more crowded and the jails have deteriorated. Thus, people who cannot make bail or who are denied it are forced to wait great lengths of time in often inhuman places or trials which are endlessly delayed in a system that is now so creaky that it no longer deserves to have justice in its name. And most of those waiting in squalor and degradation are, unlike Angela Davis, unsung, forgotten and probably substantially more frightened than she must have been.

Although Angela Davis' sympathizers must be buoyed by the fact that her 16 months is over, no American who cares about the quality of our civilization can rest easy until the kinds of issues her bail motions have presented are faced by criminal jurisdictions throughout the country.

FRANKLIN D. ROOSEVELT: A 90TH BIRTHDAY OBSERVATION BY ARTHUR SCHLESINGER, JR.

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mrs. ABZUG. Mr. Speaker, I inserted in the RECORD of February 24, 1971, several of the papers delivered at the Hunter College observation of Franklin D. Roosevelt's 90th birthday anniversary.

Since that time, I have received an additional paper delivered on that occasion, and I am inserting it into the RECORD today. This paper is the work of Arthur Schlesinger, Jr., whose monumental narrative of the Roosevelt era is the definitive work on that period. It is an excellent piece of work, and I commend it to you.

The paper follows:

ON THE 90TH BIRTHDAY OF FRANKLIN D. ROOSEVELT

(By Arthur Schlesinger, Jr.)

There is nothing more evanescent and unreliable than the verdict of history. For the verdict of history is only the verdict of one generation of historians. Alas, every new generation of historians has its own worries about the future and consequently its own demands on the past; and each tends to re-create the past in the image of its own preoccupations and values. Reputations rise and fall, like stocks on Wall Street, responding to the supply and demand equations of some later age. In addition, as Emerson reminds us, "Every hero becomes a bore at last"—though not necessarily forever; every hero, however out of fashion for a season, also remains a subject for revival. The one certainty in history is the revision of historical judgment. That is why the word "definitive" is employed only by reviewers who do not understand what history and biography are all about.

But the historiographical rhythm is not altogether unpredictable. The reputation of a commanding figure is often at its lowest in the period ten to twenty years after his death. We are always in a zone of imperfect visibility so far as the history just over our shoulders is concerned. It is as if we were in the hollow of the historical wave; not until we reach the crest of the next one can we look back and estimate wisely what went on before. When I went to college in the nineteen thirties, Theodore Roosevelt and Woodrow Wilson were at the nadir of their reputations.

Henry Pringle's brilliant but deflationary biography of 1931 had set—it seemed for good—the image of TR as the adolescent-at-large in public affairs; the First World War revisionists had set—it seemed for good—the image of Woodrow Wilson as the man who had misled the United States into a foolish war and then botched the peace. But the passage of time and the emergence of new concerns produce new judgments. Those Theodore Roosevelt stocks have been rising steadily on the historians' exchange; and Woodrow Wilson has long since recovered from the gross disfavor of the thirties, though new generations, it is true, have perceived new flaws in the Wilsonian character and outlook.

The reputation of Franklin D. Roosevelt has undergone particular permutation and vicissitude. This is partly because of the elusive nature of the man. Some men stride into history all of a block, solid, positive, unitary, monolithic, granite-like, impermeable; thus, in our time, Churchill, Stalin, De Gaulle. Others are not blocks but prisms; they are senstive, glittering, quicksilver, protean, pluralistic; their levels of personality peel off with the delusive transparence of the skins of an onion, always frustrating the search for a hard core of personality within. One recalls Keynes's description of Lloyd George: ". . . rooted in nothing; he is void and without content; he lives and feeds on his immediate surroundings; he is an instrument and a player at the same time which plays on the company and is played on by them too; . . . with six or seven senses not available to ordinary men, judging character, motive, and subconscious impulse, perceiving what each was thinking and even what each was going to say next, and compounding with telepathic instinct the argument or appeal best suited to the vanity, weakness or self-interest of his immediate auditor."

The greatest statesmen, like Lincoln, partake of both qualities, are both granite and prism. FDR, I would judge, was more a fox than a hedgehog. He had, not a single personality, lucid, definite and infrangible, but a ring of personalities, each dissolving on touch, each promising to reveal another beneath, all concealing the central core of personality. Yet it could not be said of Roosevelt, as Keynes said of Lloyd George, that he was rooted in nothing. FDR's paradox lay in the contrast between the dazzling variety on the surface, the succession of masks, so easily donned and doffed, and what one can only feel to be, in the end, a basic simplicity, even innocence, of mind and heart. The complexity, the deviousness, were real enough, but they pertained to tactics.

"He sometimes tries to appear tough and cynical and flippant," the really tough and cynical and flippant Harry Hopkins once told Robert E. Sherwood, "but that's an act he likes to put on.... You and I are for Roosevelt because he's a great spiritual figure, because he's an idealist." His methods were often tricky, but they did not corrupt his vision, which is why, I think, the plain people of his time adored him.

Still the impenetrability of his nature, the elusiveness of his style, rendered him a hard man to figure out, both when he was alive and after his death. Thus the most steadily acute observer of American public affairs in this century—Walter Lippmann—made his famous observation in 1932 that Roosevelt was "a pleasant man who, without any important qualifications for the office, would very much like to be President." People constantly got him wrong, then and later; and in the more than quarter century since his death he has continued to defy historians and biographers. In Joseph Lash's beautiful book *Eleanor and Franklin* Mrs. Roosevelt is a finely and fully realized character, but Franklin Roosevelt remains an enigmatic and perplexing presence.

The problem of FDR's place in history is compounded by the turbulence of his time and ours—and especially by the changing shapes the rush of his years has given to the problems with which he dealt. Thus for a long time historians condemned Roosevelt's First New Deal, with its concentration on structure and planning, as a bad turn, a wrong road, a gravely mistaken diversion of energy and administration, happily replaced after 1935 by a new concentration on compensatory fiscal policy and on the revival of the market through anti-trust action. This judgment prevailed so long as Keynesianism appeared to contain the solution to our economic dilemmas. But, as we have come to understand that fiscal policy by itself cannot restrain inflation in an economy controlled by the concentration of market power in large corporations and unions, we will come, I believe, to detect new virtues in the experimentation of 1933 and 1934. I wrote 13 years ago in *The Coming of the New Deal that* "the economic philosophy of NRA was by no means so mistaken as its conventional critics have assumed.... In accepting the logic of the administered market, NRA accepted the responsibility for acting directly on the relationships of prices, wages and profits. It rejected the supposition that general principles could solve specific relationships in an equitable or productive way.

"It presumed instead that the solution of these problems—and, beyond this, the use and allocation of resources through the economy—required a considerable integration of public and private planning, in which business, labor and consumers as well as government should play a part. While its institutions were too sketchy and improvised, too distorted by special interest and too confused by melodrama, to come near realizing its objective, NRA still operated in terms of a fairly realistic picture of the modern market." Now, in the current age of Phase One and Phase Two, where in vital sectors industry and labor to a considerable degree set their own prices and wages, we are coming to see, I think, that we cannot dodge the challenge of structure and planning that Roosevelt tried to explore nearly forty years ago.

Let me suggest another example—this time from foreign policy—to show again how our contemporary perceptions reshape our judgment of the past. For a long time it was fashionable to condemn as hopeless naivete Roosevelt's determination to deal personally with Stalin during the Second World War; it was folly, we were told, for FDR to suppose that he could charm or beguile Stalin into postwar cooperation. And certainly there can be no doubt that Stalin, seeing the world through the lenses of Marxism-Leninism, had a deeply ingrained belief that the mere existence of a capitalist United States was, by definition, a deadly threat to the security of the Soviet Union. Nor can there be any doubt either that Roosevelt's indifference to and ignorance of Marxist-Leninist ideology hardly helped him around the conference tables of Teheran and Yalta.

Still Stalin was by no means a helpless prisoner of that ideology. He saw himself, as Averell Harriman has reminded us, less as the disciple of Marx and Lenin than as their fellow prophet. As the infallible expositor, he could interpret the faith to justify anything he wanted to do at any given moment. In retrospect, I think it will increasingly appear that Roosevelt's determination to deal personally with him was an expression of astute political insight.

Roosevelt intuitively understood that Stalin was the best means then available to the west to amend Leninist ideology and to deflect the thrust of Soviet totalitarianism—that Stalin was, so to speak, the only force in 1945 capable of overcoming Stalinism. The best evidence is that Roosevelt retained a certain capacity to influence Stalin to the end; Yalta was an indication of that. It is in this way that the death of Roosevelt was crucial in the rise of the Cold War—not in the vulgar sense that his policy was then reversed by his successor, which did not happen, but in the sense that no other American could hope to have the restraining impact on Stalin that, for a while, Roosevelt might have had.

As we perceive the present differently, so we perceive the past differently: hence the inconstancy of history. And the problem is further compounded by the variety of grounds for our present perceptions; above all, by the variety of political grounds. Here an examination of Roosevelt's reputation becomes a rich study in irony. In his own time conservatives denounced him as a radical, a socialist, a revolutionary, an enemy of the American way of life, a President bent on desecrating the verities and destroying the system. Today the zealots of the New Left history attack him on opposite grounds. They see him as a compromiser, a cunning opportunist who, behind radical rhetoric, sought to protect and re-establish the profit system, the most clever and effective of the champions of corporate capitalism. Foreign policy provides equivalent ironies. For the first decade after Roosevelt's death, he was the man who appeased Stalin, sold Eastern Europe and China down the river into slavery and connived at communist conspiracy within the United States. Today, under the New Left revelation, he becomes the father of American imperialism, the leader who, beneath the guise of universalist slogans, sought only to make the world safe for penetration and domination by American trade and American capital, the man who, Professor Chomsky tells us, forced war on the beleaguered Japanese and who, Professor William Appleman Williams assures us, opposed Nazism primarily because Hitler threatened to obstruct the establishment through the world of American economic hegemony. It is an additional irony that, in so many respects, the New Left is thus coming to occupy the positions of the Old Right.

Because Roosevelt himself was so baffling a man and because the problems of his age change as our perspectives on them change, one may expect the historical controversy to continue unabated for a long time into the future. It is hard even to conclude whether Roosevelt's major success lay in the field of domestic or of foreign policy. One historian, Robert A. Divine, has recently written, "Roosevelt's claim to greatness must rest on his achievements in domestic affairs. His conduct of foreign policy never equaled his mastery of American politics and his ability to guide the nation through the perils of depression and war." Yet others would salute his prescience in foreign affairs and add that there were still 8 million Americans—one sixth of the labor force—unemployed in 1940; that Roosevelt himself, for all the concessions he made on humanitarian grounds to the need for public spending, probably remained to the end a budget-balancer at heart; and that ominous trends in our policy—the centralization and bureaucratization of government, the militarization of foreign policy, the rise of the secrecy system, the emergence of the FBI as a political force—all received great impetus in the Roosevelt years.

A longer view would perhaps seek to locate Roosevelt in the great, rushing, roaring stream of change generated in the modern world by scientific and technological innovation. Henry Adams was the first American historian to call attention to the increasing acceleration of history—an acceleration that with mounting force disrupts our ideas, our values, our institutions and the very stability of our lives. Riding the rapids of change is not the easiest of tasks. Holding to the past is no solution; nor has anyone yet produced a dependable chart of the future. Dogma is a drag in a world of flux, contingency and unpredictability. What is required is imagination, flexibility, a capacity for innovation, a sense of adventure, an ability to inspire others with confidence and a sense of purpose—this and a vision, not ideologized or rigid, but capacious, sensitive and strong, of the kind of nation and the kind of world toward which we aspire. When a very young man, Winston Churchill once wrote to an American politician, "The duty of governments is to be first of all practical. I am for makeshifts and expediency. I would like to make the people who live on this world at the same time as I do, better fed and happier generally. If incidentally I benefit posterity—so much the better—but I would not sacrifice my own generation to a principle—however high or a truth however great." This passionate sense that concrete humanity is all was doubtless one of the things that bound Roosevelt and Churchill together in their marvelous partnership.

Coming to the Presidency when an industrial society, choked on its own mechanisms, seemed to be losing its capacity to function, Roosevelt fiddled with the machinery, succored the victims and casualties and got the contraption started again. Confronted by a world menaced by an armed fanaticism determined to murder or subjugate the rest of mankind, Roosevelt understood rather early, I think, the size of the threat; with patience and cajolery he slowly persuaded his fellow citizens that the threat was real; and he led his country to victory in the greatest war of history. In doing these things, he reinvigorated popular faith in the efficacy of democratic government and in the continuing vitality of his nation's best ideals. If Theodore Roosevelt and Woodrow Wilson represented the first stage in the national encounter with the velocity of history and the anguish of the 20th century, Franklin Roosevelt, with immense brio, force and courage, carried us into the next stage, learning and teaching through error as well as through success. To say that he did not solve the problems he faced hardly diminishes the astonishing power of his achievement. "Great men," wrote Emerson, "exist that there may be greater men." Let new generations take up where Franklin Roosevelt left off—and try to do better.

He was unquestionably a great President—along with Lincoln and Washington, the greatest in our history—great in his instinct for problems and possibilities, in his strength of leadership and purpose and in his capacity to restore the confidence of the people in themselves. He was also a flawed President, even though, as we have seen, one man's flaw may be the next man's virtue. "Some people," wrote LaRochefoucauld, "resemble ballads, which are only sung for a certain time." Roosevelt, I have no doubt, will be sung throughout the life of our nation—most of all, perhaps, because he lived in the spirit about which Emerson wrote: "If there is any period one would desire to be born in—is it not the era of revolution when the old and the new stand side by side and admit of being compared; when all the energies of man are searched by fear and hope; when the historic glories of the old can be compensated by the rich possibilities of the new era? This time like all times is a very good one if one but knows what to do with it." More than any of his contemporaries, Roosevelt knew what to do with his time.

THE TRADITIONAL WIT OF THE JACOBS CLAN

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. MIKVA. Mr. Speaker, the reputation of my distinguished colleague and friend from the Hoosier State, ANDREW JACOBS, for wit and irony is unparallel in the annals of this House. But satirists, unlike Wheaties Champions, are born, not made. There are many Members of the House who will remember the equally distinguished progenitor of our colleague from Indiana, his father, the Honorable Andrew Jacobs, Sr., who served in the 81st Congress.

To resolve any lingering doubts about the source of ANDY JACOBS, JR.'s humorous talents, I would like to insert in the RECORD a copy of a presentation by his father, Andrew Jacobs, Sr., before the Century Club of Indianapolis. The club has offered a 1-year free membership to anyone who is able to interpret all of the hidden meanings and double entendres of this speech, entitled the "Report of Chatta Cheeta."

The material follows:

THE REPORT OF CHATTA CHEETA

(By Col. Asa J. Smith, USMCR)

INTRODUCTION

The Century Club of Indianapolis, Indiana, is an honored Indianapolis literary club organized in 1889. Meetings are on Tuesday evenings, where the small and select group listens to a learned paper prepared with great research and laborious effort. At its conclusion the "ohs" and the "ahs" do not emit, nor great applause.

Usually the discussion is acrimonious and the faults, not the virtues, of the presentation are vehemently expressed. No holds are barred. It is an exchange of high class criticism and defense.

Among the Charter Members were Hilton U. Brown, James W. Fesler, William Fortune, Allan Hendricks, William L. Taylor, Charles N. Thompson and Evans Woollen. Also, carried in its records, In Memoriam, are to be found the names of James Whitcomb Riley, Jacob P. Dunn, William Dudley Foulke, John L. Griffiths, Edwards J. Hecker, F. Hopkinson Smith, and many others. Among the latter included those with extreme erudition from all walks of life, Justices of the Supreme Court, bankers and printers.

Some years ago, the name of Andrew Jacobs was added to the list, and while it is impossible here to include the condemnations received by him as he has expounded his theories and presented his papers, the following text is an example of what has been suffered.

It has been rumored that, while mostly of the Republican faith, all members of the Century Club voted for Jacobs for Congress to "get him out of Indianapolis." Another rumor is that they all helped defeat him in order to get him back to spice up the club once more. After his return, however, it is alleged that there is now a new movement afoot to send him back to Congress again and relieve the club from the sort of thing that appears in this printing.

Jacobs is acknowledged to be an Andrew Jacksonian Democrat with leanings, historically speaking, toward Alexander Hamilton and a slight divergence from the philosophy of Thomas Jefferson. However, while there appears to the undersigned no reason for anyone being a Democrat, the only definition of Jacobs' general position is that it is one of kaleidoscopic confusion. But this is undeniably true: That Jacobs proceeds firmly in whatever direction he has chosen, even though that direction may be, politically speaking, every which-way.

The undersigned, as a member of the Century Club, never misses a meeting whereat Jacobs is to speak and Jacobs reciprocates when the undersigned produces a paper, each in order that on each occasion the sparks may freely fly. The undersigned can remember no occasion when he has spoken favorably of anything produced by Jacobs, nor, on the other hand, when anything that he has produced has been approved by the now "happily" ex-Congressman.

Herewith, read "Mission To Midville" in order that you may comprehend what the undersigned has endured.

ASA J. SMITH.

READ, DECEMBER 13, 1955

(By Andrew Jacobs)

In mid-October, I was extremely pressed for time. Our good friend and fellow member, Colonel Asa J. Smith, kindly agreed to exchange scheduled reading dates with me.

However, before we notified our program director, I received a strange letter, with a most intriguing enclosure.

Realizing these communications were far more interesting than any composition of mine, I concluded, despite our rules, to read it instead of preparing one for this occasion.

Therefore, Colonel Smith and I resumed our respective places upon the printed schedule.

Each of you must decide for yourselves how seriously one should take these communications, copies of which I shall now read.

Mr. ANDREW JACOBS,
Indianapolis, Indiana,
United States of America.

DEAR SIR: You will not remember me by my correct name. I am the former high official of your government who once said to you that it was a pity the President didn't have the intelligence of a monkey.

You must recall your resentment and my great agitation. I encouraged you to believe I feared loss of patronage. Actually, that was of no concern to me.

The truth is I feared exposure because I was a spy and not even a citizen of your country. I am now safely back in my own land. Enclosed is a copy of my report. It may help you and your people, though I doubt it.

Make it public if you aren't afraid of a Congressional investigation or an Insanity Inquest.

Very truly,

CHATTA CHEETA.

FOREWORD AND BACKGROUND

Brethren: I was born a freak. You thought I was a throwback to the human species. But when I sought no political honors and didn't try to corner the coconut market you realized that I couldn't possibly be human. Then I was accepted as 100% monkey.

Human beings descended from Marmosets, who once had the run of the Garden of Eden.

Only the Lord's favorite apple tree and Fountain of Eternal Life were forbidden to them. The Lord told them they'd die the same day they ate one of His apples. The Devil argued they would become wiser and so they tried it. The Lord kicked them out of the garden.

At least this is how the people tell it.

Marmosets then degenerated into humans. They lost their power of communication and began arranging that queer little grunts and groans would mean certain things. But they retained their ill disposition and clung to their pride and agreed.

While trying to build a Tower, through which they could invade Heaven, they fell to quarreling over which sound meant what. The project was, of course, a failure.

With true human instinct they sought a scapegoat. They claimed the Lord fouled up their language in fear they would succeed. Although they now know Heaven is not within millions of miles of earth, they still pretend they had the Lord worried.

Carrying on a vendetta with God Almighty soothed their ego. Once, after some extraordinarily heavy rains, they accused Him of trying to drown them. They even claim He entered into a treaty promising never to do it again.

The Lord didn't appear concerned. He was probably busy elsewhere in the universe. He had left His universe an open book and it was up to people to solve their own problems.

Not being smug like our lower cousins, we conceded they had some intelligence.

Early in this century human scientists began toying with atomic energy. The public taunted the scientists as dreamy egg-heads. Wise monkeys said, however, people would eventually have a go at this science when it could be used—not to better but to destroy themselves.

In support of their prediction, the wise monkeys pointed out that in the competition between the Lord and the Devil for the minds of men the Devil seemed to be getting the upper hand.

At this time I was called before the Presimian and his council.

CALL TO GREATNESS

The Presimian was visibly concerned. Reports of returnee Zoo-prisoners, as well as eavesdropping safaris, had occasioned great apprehension.

Security demanded we have an observer among people and I was the only monkey who could mingle with them on an equal basis. My freakish appearance had become a blessing in disguise.

I was directed to proceed to the center of population in the United States, because there I'd be in the pit of the melting pot of the world.

As a steamer cabin-boy I arrived in New Orleans. Thence, as a roustabout, I made my way up the Mississippi and Ohio Rivers. One night, as the Mayflower, an old stern wheeler, was loading hogs about sixty miles southwest of Louisville, I slipped into the willow bushes and proceeded into a desolate countryside.

INTRODUCTION TO CIVILIZATION

Soon I came upon a dimly lit one-room school. From it came sounds as weird as I had ever heard in the jungle. A protracted revival meeting was in progress.

The preacher was alternately leaping high in the air, then falling to his knees and pounding the floor and exhorting the people to fear the Lord—because He was apt to fry them alive; and explaining the heat of hell and how long it would last.

The worshippers were moaning, groaning and screeching as thought they felt sympathetic pains from the lost souls who had predeceased them.

Amid this, a hank of hair and bone in a calico bonnet strode up the aisle and demanded of an old man:

"Oh, Mr. Swazie, don't you want to go to heaven? Don't you want to go to heaven?"

The old gent rolled his watery blood-shot eyes and without hesitation replied—"Not now, by God!"

She snorted, "Heathen" and turned to others who were definitely interested in Heaven—but only as a last resort.

I later learned the old man was considered the town fool. The hank of hair and bone was the preacher's wife.

Soon two men mosied piously down the aisle, hats in hand. At this exact point the preacher seemed to have formed a better opinion of God. He ignored the danger of being fried alive and stressed God's great mercy and how much greater it would be if people supported the preacher's work.

Sounded pretty hopeful as small coins clinked in the hats.

The sounds of misery changed to ones of jubilation. The hank of hair and bone screeched:

"Somebody hold my bonnet. I wanna shout."

She thrust the bonnet into the chapped hands of a shock headed lad and jumped up and down bellowing:

"Bully for God, bully for God!"

At this point I withdrew from the meeting and clambered up a sycamore tree where I slept overnight.

I thought it best to acclimate myself gradually into this thing called civilization.

ADOPTED

In the grey dawn I followed a creek upstream, emerging into a small bottom field.

The older of three corn cutters yelled, "Hey, young fellow, wanna job, four bits and dinner?"

I countered, "How long do you work?"

"From can't to can't," he replied, explaining, when I looked puzzled, that he meant from time you can't see in the morning until you can't see at night.

I thought, why not?—and then said it out loud.

He ordered, "Run up to the house and have Ma give you a corn knife and a twist with some dry matches."

The twist was tobacco which Pa (as I soon learned to call him) slivered with a barlow and tamped into his corn-cob pipe.

During the next few days Pa kept me about as busy attending his pipe as he did cutting corn.

When he paid them Pa docked the two hands a nickel a day for time they had sheltered from the rain. This amounted to fifty cents and when they were gone he gave it to me, explaining that I had been good to him and he wanted to reward me.

This exemplifies two very common human traits.

First: To reward one's benefactor, if possible, at other people's expense.

Second: That you can best endear yourself to a human by humoring his vices.

Pa liked me and suggested I stay on with him. I agreed and remained twenty years. During these twenty years I learned about all there is to know about people.

During the next thirty years I learned how to interpret this knowledge.

GOLDEN SCHOOL DAYS

Ma and Pa sent me to school. There I saw the human race in miniature.

During books most children twittered incessantly. Those who followed the rules were called the teacher's pets.

Kids just naturally divided into gangs. During their frequent fist fights the friends of each gladiator would shout, "Pick on someone your own size." These taunts were never governed by the actual weight of the embattled pal nor which one really picked the fight.

During free-for-alls some would dance around and root for their side—and demand that others dive into the fray.

Apart from subtlety, the kids acted exactly like grown-ups.

The girls made more pretense to gentleness. But it was often the gentleness of a harried cat, never smooth like their mothers and aunts.

Here is the contrast. A little girl told her playmate that her hat looked like a pile of cow dung. I was later reminded of this at a social event, when I heard a grown up lady say to her rival:

"Oh, dear, what a cute little hat you have. I told Jack, just last night, that I like those cheap little hats almost as much as I do my own hats."

Jack was the object of their rivalry. I knew she wasn't even with Jack the night before because Jack was waiting on another Belle.

Woods closed in three sides of the school. The front yard ran down a steep slope to the big road. There we played some scrub baseball. Our ball was made from old stitched yarn.

Pa made us one centered with old boot rubber. You could knock it farther. But an electronic brain couldn't have charted its course.

When I shacked up the ball I observed the game closely. The side playing team work won and the prima donnas lost.

Parents graded our ever-changing teachers up with the use, and down with the sparing of the rod. This wasn't always fair as I will explain.

Pa had a penchant for the law. Being intrigued with this I preferred argumentation to fisticuffs.

Once, however, I actually licked the so-called toughest boy in school. I was in my seat with the five minute bell, just like a lawyer returning early to court. I was primed for the forensic battle of the year.

Teacher called the first class. She pretended she didn't even know there had been a fight—let alone the fight of the season.

That was the severest discipline I experienced during all my school days. Maybe it served me right for succumbing to human egotism. On the other hand, maybe this annoying penchant for forensic histronics will placate human belligerency and save the species.

No one had much respect for authority except when it was on his side.

A boy's error was excused by his teacher saying a mistake wasn't a hay stack.

He retorted, "Naw, hit hain't. Iffen hit were you'd be settin' in a hay mow." Her parental rating went up.

Rules required passing grades for participation in inter-school contests—just like the colleges. They were observed the same way. A fleet and lanky, but illiterate, lad moved away one summer and returned that fall to play. Challenged by his old teacher his new one said:

"Freddie isn't very smart in his books, I'll admit. But he's one heck of a nice fellow, so we gave him a special examination, asking two questions and 50% was a passing grade."

"First question was, 'What color is blue litmus paper?' He missed by saying it was green. The next was, 'Do you know what year Columbus discovered America?' He said he didn't and that was a correct answer and it was worth 50% and he is going to play in this game."

Despite their human traits, I grew to like my classmates. Some think they are an improvement over their parents. I don't see any difference. The younger generation is more dangerous, not because it is worse but because of the dangerous instrumentalities at its disposal.

"Oh wad some power the giftie gie us to see oursels as others see us."—Burns.

Our community was known as the Nation, which meant the home of hillbillies and bumpkins. The boundaries of the Nation were quite indefinite.

Most folks claimed it began on the next farm. Few admitted they lived in the Nation. Yet it was well known for miles around Arsenic Creek. Somewhere, beyond the familiar hills, the name became vague and just petered out.

For us that was in the outer reaches of the universe.

Nationers always moved pretty lightly. They'd sell out and shake the straw from the bed ticks so that everything could go on hoof or in the jolt wagon.

At one sale eight little pigs were offered. Every pigless Nationer bought a pig in the spring and slopped out his winter meat.

The auctioneer announced he would first sell the pigs one at a time and then sell them all together. The way they fetched the most would be honored as the sale.

Eight Nationers bid on a pig apiece. Then Pa over-bid them and took the lot.

As he loaded his pigs in his wagon he was vainly trying to get an audience to hear him on his favorite subject—that the trusts and monopolies were crushing the little fellow.

The distinction between the big and little fellow appears to be about as indefinite as the boundaries of the Nation. And I have often wondered if the proportionate line of demarcation differed much whether in the Nation or on Wall Street.

The truth is that a human is generally contemptuous of less and envious of more success than he himself enjoys.

The rich fear the poor because the poor outnumber them and thus have the physical power to raid sacred apple trees. What the rich don't comprehend is that even the proportionately poor have their own sacred apple trees and aren't sure it would pay to join a raiding party which might turn them.

The reason the rich don't comprehend this is that they aren't in favor of anybody else having their own sacred apple trees.

The poor fear the rich because they think the rich are paragons of power and wisdom, and hence can, at will, take whatever they care to take from the poor. What they don't understand is that the rich can't do any such thing or they would have done it a long time before, and that the rich have their hands full guarding their own orchards from the fellow who is just a shade smaller than they are.

Still, sad to say, they are both a wee bit right. The tension all stems from human pride and selfishness.

I may be wrong, but I believe the rich hate the poor a little more than the poor hate the rich, because the rich have more to lose, hence more to fear and fear is the principal ingredient of hate.

PRIDE GOETH AFTER THE FALL

One day Pa was telling a lawyer how a Nationer beat him in a horse trade.

This Nationer was another legal beagle. He insisted upon passing title to Pa in due legal form. So he drew up a bill of sale reciting that he was "a-sellin' and assignin' (to Pa) one Hoss, Wheezey" which Pa took to be the horse's name, but which turned out to be quite descriptive.

The lawyer wanted to sue instanter, but Pa overruled him asserting "The hell we will—and let people know a damned Nationer skinned me in a horse trade?"

Horse trading is a lost art. But the spiritual descendants of the old horse traders are still with us.

Years later a prominent judge's no-good kinsman blew into town. He peddled an imaginary damage case among several lawyers, obtaining advances of money from each to use in fetching the plaintiff to the Capital City.

A starving beginner ponied up five dollars. Having made the investment he concluded to keep his eyes on it and followed the scamp.

The fellow beat a bee line to the door of the keeperd of the Bar Association's conscience. Whereupon our young friend called the police who jugged the culprit.

The judge asked me to see his relative in the local Bastile; get his victim list and ascertain the amount of loot he had taken from each and repay the victims; then get the rascal out of the clink and board him on a train with a long distance ticket.

I undertook the assignment. First I repaid the young lawyer's five dollars. Then I called on the keeper of the Bar Association's conscience from who $100 had been filched. He informed me that my client was a depraved liar—that, as an ethical lawyer, he wouldn't think of advancing money on a case—besides he had plenty of business and on top of it all, he knew the scalawag was a fraud the minute he laid eyes on him and (he seemed to just recall this) he had actually thrown the so and so out of his office.

I heard substantially the same "story" from all the other lawyers on the list. Of course I will respect their good names and right to privacy.

I restored almost one thousand spurned dollars to my bank account instead of restoring them to their rightful owners.

The adage is wrong. It should read:

"Greed goeth before the fall—pride followeth."

THANKS, THANKS TO THEE MY WORTHY FRIEND

It takes all kinds of people to make the world; that is to say the kind of world we have—which is not saying we couldn't have a better world if we were "shet of some people."

But I don't think we could agree which ones to get rid of.

Take, for example, the character nicknamed Gerrillar, by which the Nationers meant Guerrilla. Gerrillar shaved annually in deference to the summer heat. He may have fished and gardened a bit. He never performed any useful work in the presence of witnesses. Pa called him a loafer—with colorful adjectives.

Gerrillar's only known exertion was the stroll to Pig's corner where the philosophers foregathered. He had no worldly interests to influence his views. He remained silent until other debaters exhausted their ideas and breath. Then if he had a view, he expressed it without any wastage of words.

For example, the Cracker Barrel Trial of a local murder case raged off into the broader controversy of capital punishment. As collective breath was almost exhausted, one philosopher proclaimed:

"Hangin' Clem won't stop anybody from killin'."

Gerrillar capped the climax with this cryptic comment:

"It'll stop Clem."

People in general had either a low or neutral opinion of Gerrillar. Personally I held him in high regard, for the lessons he taught.

First, his commendable independence was all too rare. It was nobody's business how he wasted his life, and I admired his unconcern about the gossip he inspired by just being his plain self.

Secondly, he was the purest example of intellectual honesty I ever knew. If people could put aside their selfish interests (as they swear to do when they judge their fellow man), the quality of justice would be enhanced a hundred fold.

Thirdly, he demonstrated the futility of keeping up with the Joneses and that one can live cheaply, which brings more real happiness than selling one's soul for false security.

Fourth and finally, about 90% of our judges could well take a leaf from Gerrillar's book, and keep quiet throughout trials instead of jumping off half cocked at erroneous conclusions in which their vanity acquires a vested interest.

Gerrillar produced nothing for our physical comforts, and yet many who did have a smaller credit balance on the records of total human happiness.

THE MAJESTY OF THE GOVERNMENT AND ITS LAWS

Clearing new ground consumed much of the Nationer's labor. From the new ground came fuel, fence rails, barrel staves, paling slates, cross ties and hoop poles.

The new ground was broken with the jumpin' shovel plow. The plow handles wore callouses on one's hips as the plow stubbed its tortuous way through stumps and rocks. This experience nurtured profane rather than noble thoughts.

When the mule was allowed to blow in the shade of a tree, spared for that purpose, the rural mind wandered to an imaginary life of more ease, remuneration and excitement.

Besides farming there were only two occupations requiring absolutely no qualifications. One was the law. The other was public office. Both were alluring in comparison to the jumpin' shovel plow or the grubbin' hoe.

Every human has a yen to be a hero. But one can't be a hero without the cooperation of a villain. Even the Book of Genesis had one in the person of the fallen angel, His Satanic Majesty, the Devil.

Since genuine villains were about as scarce as real heroes, the county abounded with synthetic examples of each. One could make a villain of a litigant, his lawyer, the holder or seeker of an office or anyone else of different religion, politics or race.

This was the era of the Menace and the Yellow Jacket, two super patriotic publications which warned the people to arise—that under every Catholic church there was a cache of arms. One day the Pope would give the signal and the Catholics would rise up and overthrow the government.

The vast majority around Midville were white Protestant Americans, many of whom were of the 100% variety. There were a few Negroes and Jews and foreigners in the persons of the "Damned French," as the Nationers called the Belgian settlement in the next Township.

With varying degrees of fervor, each group "cussed" and damned all the others. The degree of fervor varied in about the ratio that group bore to the whole population.

In this soil the Ku Klux Klan later flourished. It could have prospered more had it preached hate against only one of its targets. From the others it could have recruited a harvest of members at $10 a head.

After all, one villain suffices for a mighty big plot. Too many are confusing.

For those to whom public office was sour grapes, the law afforded emotional outlet. Some pretty corny drama and repartee centered around forensic contests.

Legal talent was plentiful, and such as it was you could get several firm, if not sound, opinions upon any question.

I recall, however, two unanimous decisions from the Supreme Cracker Barrel Bench. Asked one Justice, "Hear what the damned fool Legislature done? Passed a law that if you have a telleyphone line with more'n two on hit, anybody can hook up."

Old Jeb (whose correspondence Pa handled because Jeb couldn't read or write) pronounced the opinion of the court. He said, "Well, that's unconstitutional as hell."

All justices concurred and took up the next case, stating it as follows: They passed a bill that "Iffen your hired hand was hurt, you still had to pay him." This was also laid to rest in the Potter's field of unconstitutionality.

Years later I learned someone had resurrected both the Public Utility and Workmen's Compensation laws. And I recalled these constitutional decisions when a fellow law student announced he would specialize in constitutional law. When I last heard from him, he was raising onions in the north muck country.

When the real court convened in Midville, the countryside gathered to hear the real lawyers "plead." One diminutive and one giant were leaders of the Bar. To the amusement of the audience they nearly always enacted one scene. Quoth the giant, "Why, the nerve of a little runt like Peck arguing with me. I could swallow him with one gulp." Retorted Peck, "I reckon Silas could swallow me but if he did, he'd have more brains in his stomach than in his head,"

The crowd would roar and this bit of corn was reshelled, over and over, in every crossroad store in the county.

This juvenile mirth was less harmful than other legal attitudes. A senior barrister once reproved me for my criticism of the law's greater devotion to form than to substance. He said the law should remain mysterious so as to require the services of a lawyer.

A couple of legal yarns illustrate the point.

After a long and expensive appeal, the Supreme Court held the trial judge should have permitted witnesses to testify what a party had said on a certain occasion. On the re-trial (occasioned solely by excluding this testimony at the first trial), all the witnesses were permitted to answer and swore that the party in question, hadn't said anything.

The other yarn was of a lawyer who boasted of making a 10 hour argument to a jury which deliberated four days before reaching a verdict. Asked what happened to his client, he responded, "My clien—oh him—well, they hung him—but he sure had his money's worth."

These yarns graphically expose human mentality, the vast majority of which is bent toward the law, and its rowdy sire, politics. The court drama and political soap box are the crucibles which expose every human trait.

Descendants of the Nationers have gone forth into the wide world. They have become Admirals, Generals, realtors, factory hands, doctors, lawyers, politicians, ham actors and advertising moguls. Yet, at the core of almost each of their hearts is a yen for the forensic and political arena.

Every military man will eventually get around to the wisdom he expounded at courts-martial; realtors dispense legal medicine daily with professional pride and abject ignorance; factory hands have union meetings for political oratory and trial boards for jack leg lawyers; any doctor can tell a lawyer how to try a case and does tell everybody how he broke it off in the attorney who once cross-examined him.

Advertising moguls huckster happy little wash day soaps, and presidential candidates—the former, as often as not, in court room scenes, the latter as superman and the father image.

The greatest conglomeration of hams ever to foregather on one medium sized planet are concentrated in Hollywood. Their "Make Believes" depict the court room second only to the show-story within the show. Naturally, they put their own racket first. Third place goes to the brave young man who drives the money changers from the temples of justice—after which everyone can relax.

Make believe relaxation satisfies temporarily—but such contentment wouldn't endure even if it weren't make believe. No one in his reason can imagine people being happy with no villains to slay or humble.

Slaying villains in real life has lost its appeal. In make-believe a car load of ammunition is shot up and still the hero lives to wed the damsel and the villain to go to court—where everybody has a hand in slaying him.

In real life the punk would high tail it for tall timber—and so might the hero. Even the hero has no immediate interest in Heaven.

The court room provides a bloodless arena for inflating the ego of less courageous heroes while the political hustings really warms the cockles of the spleen.

In some trials any resemblance to a search for the truth is purely accidental. The judge might as well be ruling according to the Ouija Board. Truth, in her vain pursuit of elusive justice, approaches the bar of justice trembling with fear. With clenched teeth she commences her run through the gauntlet of asinine objections and juvenile rulings. If she reaches the record she is a champion, but probably mangled, lacerated and distorted beyond recognition.

This nonsense, in some cases, is practiced to make the judges and lawyers appear wiser than common mortals. In other cases it creates confusion to obscure the escape of the real culprit.

Humans have an unwritten law allowing one to murder his wife's spare lover. Even Casanovas respect this law. Humans hate any sin in which they don't participate. For most judges, age has closed "Youth's sweet-scented manuscript" and so purity is practiced as well as decreed.

But there is section two of this unwritten law. It excuses thievery, providing the thief steals a million dollars or more. Such thieves usually become pillars in the church of their choice. The judge might throw the book at a skirt chaser, but I've seen but few who would be so cruel to a million dollar thief.

The judge wouldn't touch any of the filthy lucre. However, a pillar of the church (with that much money) deserves respect. Besides he can invite the judge to speak to the Sunday School on election eve, where judicial denunciation of sin is apt to do the most good—for the judge.

People, like wolves, run in packs. Packs will attack what is unpopular, be it good, bad or indifferent. The few Horatios who have stemmed Tuscanian hysteria haven't really gotten land and oxen very often. They were lucky if they weren't ridden out of town on a rail, for not baying with the pack.

This keeps most of them in line and makes for party unity.

Once in Midville a candidate's worst enemy told him, "If you didn't want my vote, you should've kept off my ticket."

A few brave souls break away as did one defector to whom his party's nominee complained, "Gabe, I've heard you say you'd vote for a yellow dog if he was on your ticket." Responded Gabe, "That I have said, and that I mean, but I won't go a damned bit lower."

Law is born in the labor pains of political controversy which is the embryo of government. Thus the lawyer and politician are kindred spirits with each other—and with most of the people who are also politicians and lawyers at heart.

When people are annoyed at legal and political crocodile tears, they simply prove they are allergic to themselves. Humans really like make-believe. They carry a politician's letter to prove their contact with synthetic greatness; or carry on a feud with him as a balm to their ego as did their ancestors who accused God of trying to drown them.

Politicians play upon this ego—pretending to remember faces and names—when in fact the local chairman is whispering the identity of the on-coming constituent.

True or false, this yarn illustrates the point. A congressman, attending a sale, asked a young man about his father. The lad said, "Pa died last winter." "Oh, my," sadly said the congressman, "Why didn't you notify me so I could have attended his funeral?" After excuses the congressman resumed his arm pumping.

That afternoon he met the same lad again and asked, "And how is your father?" Answered the lad, "He's still dead."

WAR

Having been a teacher, Pa liked to teach us young 'uns, especially history and geography.

He said that the Kaiser wasn't making all those big guns for rabbit hunting. We were the only Nationers who took a daily paper. One day, as I fetched the paper from the Post Office, I saw a large picture on the front page. Two four-horse teams, galloping tandem, were pulling a huge cannon into Belgium.

Before America entered the war against Germany, England seized some of her ships. England claimed they were carrying meat to Norway for reshipment to Germany.

Pa said our own Supreme Court had ruled a warring nation had the right to seize cargoes destined for her enemy. But there was no use talking sense to a mad neighborhood—or country. Our neighborhood was ready to renew the Revolutionary War.

Old Hezekiah bespoke the local sentiment when he fairly leapt up on his creaking and tottering legs and, stamping his cane on the floor, said:

"Let's ram our fists down their throats and turn 'em wrong side out!"

Then Germany sank ships she claimed were carrying supplies to England. We joined in against Germany and no more was heard about the Chicago Packing Company cases.

Ma had helped nurse in the birth and illnesses of most of the children in the neighborhood. Her father was a German immigrant. One day she was at the store and heard the Cracker Barrel Court decree the attainder of every drop of German blood, wherever found.

She continued to minister to the sick and newly born and was always welcome in the homes. I think she had an intuitive sense that people were dangerous only in packs, so she stayed away from the store where the patriotic pack met and held daily sessions of the Cracker Barrel Court. There they meted out justice to such dangerous characters as Ma and slackers, one of whom was a consumptive little runt. Under pressure, the draft board finally sent him. The Army sent him back with instructions to hide him in case of invasion.

After doing full justice, they resumed playing mumbleypeg and the more energetic pitched a few horse shoes.

Pa used to point to the map and say, "There's Russia, a sleeping giant. If she ever awakes, there's going to be trouble." As the war closed Russia stirred fitfully, as though her sub-conscious mind knew the role of international villian was vacant and might go begging.

Nationers were a bit perplexed over going to war so far away. But they knew the war was righteous. Besides it afforded unlimited opportunities for heroism—and villains—we had millions of them ! ! !

Any Nationer would rather have been caught with his britches down than be suspected of not favoring the slaughter of every German on earth. They were devout Christians. They'd skin you alive for doubting Christ's divinity. If you really followed His teachings they'd send you to the bug-house.

IN RETROSPECT

I could extend this report with later experiences in the law and public office. They would, however, only duplicate my experiences around the Nation and Midville.

People still crave a call to greatness—use villains as springboards to fame—pursue the proverbial Joneses—claim Divine alliances in politics and war—pay their debts at the expense of others—demand full freedom for themselves and restraints upon others—fit from today's prejudice to tomorrow's hysteria, which they chain-smoke with the one on the day after tomorrow.

These perversites are born—not of hunger and privation—but of senseless pride and craving for the empty plaudits of the multitude. Individual traits bend into national policy—as people demand proof that their leaders love them more than they do non-voting Hottentots.

If the country has an enemy, the politician must prove he hates the enemy more violently than does his opponent.

This falls into a deadly contest of hate. Then some old man is apt to stamp his cane and pontificate self virtue and righteous cause for war. Certain powerful old men in every country could thusly set off chain reaction.

Lacking five years, I would have lived in the United States during one-third of her independent existence. I have a fair conception of its past and the human race in general. But I would not dare prophesy the future.

Perhaps nations will disdain the H-bombs as individuals have become gun shy.

Forensic and parliamentary contests may soothe the human spleen. I doubt it.

There is apt to be another war which won't formally end because no organized government will remain to arrange or accept peace.

In view of earth's plentiful resources and the scientific possibility of a new Garden of Eden, this doesn't make sense.

But neither do people—from a monkey's viewpoint.

Respectfully submitted,

CHATTA CHEETA.

THE CHILD DEVELOPMENT ASSOCIATE—A NEW CHILD CARE PROFESSION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. RARICK. Mr. Speaker, in vetoing S. 2007, the OEO bill containing comprehensive child development programs in December, President Nixon pointed out that good public policy required the enhancement rather than the diminution of both parental authority and parental involvement with children, especially during their early years when social attitudes and a conscience are being formed and religious and moral principles are first inculcated. He rejected the comprehensive child development plans in that they would commit the Government to the support of communal approaches to child rearing.

The President in his veto message also stated that

> There has yet to be an adequate answer provided to the crucial question of who the qualified people are, and where they would come from to staff the child development centers.

I considered this statement as just another argument by the President to substantiate his veto until I learned recently that the administration is proceeding with plans to train people to develop America's children. It appears that the Nixon administration indeed intends to develop our children according to the designs of the New American Revolution.

I am certain that the vast majority of the people of my District would prefer that parents rear their own children so as to form the consciences and social attitudes as well as to inculcate in their children religious and moral principles of their choosing. I feel that in many instances these attitudes and principles would be antithetical to those desired by the New American Revolution.

In a speech delivered last November at the annual meeting of the National Association for the Education of Young Children in Minneapolis, Dr. Edward Zigler, Director of the Office of Child Development, revealed plans for developing "a middle level professional group to care for our nation's children."

I insert in the RECORD at this point the text of Dr. Zigler's speech entitled "A New Child Care Profession: The Child Development Associate," the text of a form letter sent to those expressing an interest in the new professional position, and two pertinent announcements from a local newspaper.

The speech follows:

A NEW CHILD CARE PROFESSION: THE CHILD DEVELOPMENT ASSOCIATE*

(By Edward Zigler)

The Office of Child Development will begin implementation during this coming year of the development of a new profession of child care workers in this country—the Child Development Associate. Last year, I pointed out that the need for child care workers in this country over the next decade will be so great that this nation must do what other nations have already done; we must develop a middle level profession in this country, a middle level professional group to care for our nation's children. The need for the Child Development Associate, an individual who has not had as much scholastic training as those with college degrees, but nevertheless has the competencies to care independently for children, is really central to a major issue in child care. Are we going to provide the children of this nation with developmental child care or are we going to merely provide them with babysitting?

When we focus on what developmental child care really means, it becomes obvious that in addition to the primary caretaker of the child, it also involves other professionals and other disciplines.

The health and nutrition of the child, the social services to the family, the volunteers in the child care centers, and parental involvement are all aspects of the developmental concept. Nevertheless, the central element determining whether a child care program is developmental or not will be the quality of the child's educator, that is, the quality of that adult who takes the primary responsibility for the development and socialization of the child. If we do not have an adequate number of such individuals equipped to take on this developmental role then I think we will be assigning our children, in ever larger numbers, to the type of care that is deleterious to their growth and development.

There is already a shortage of trained personnel in programs for young children. If enrollment in programs providing day care services swells as expected, an even greater shortage of trained staff personnel can be anticipated. The needs are rather obvious. I mentioned them to you last year, but we have done some further homework since then to prepare for this announcement.

Since 1960, the number of licensed day care facilities has tripled and the number of children in other preschool programs has doubled. If this trend continues, kindergarten and nursery school enrollment will increase from 3.9 million children in 1968 to 6.3 million in 1980. With the current emphasis on Federal support for day care and early childhood education, it is likely that the increase will be even greater. In addition to this, the President's Welfare Reform Plan which has passed the House and is presently before the Senate Finance Committee anticipates that 875,000 children will be placed in day care under the provisions of this bill in its first full year of implementation alone.

The Department of Labor estimates that 23,000 new teachers in early childhood education will be needed each year between now and 1980 to cope with the accelerated preprimary enrollment. This increase, plus the proposed increase for child care contained in various pieces of pending legislation, makes it clear that our nation must develop new institutional forms if we are to produce trained individuals in large enough numbers to meet the demand.

Related to this need is a phenomenon that is often overlooked. When we think of child care, the image that typically comes to mind is our conventional center with from 12 to 20 children. What is often, overlooked is that the bulk of children who are presently in day care are in family day care homes which typically serve 4, 6, or 8 children.

But then again, often must ask where the trained people are to come from capable of providing developmental experience even in the family day care setting.

The answer, I think, is a new profession of child care worker, the Child Development Associate. It should be understand that the Child Development Associate will not replace the college trained teacher, the master teacher, or supervisor, nor will the Child Development Associate serve as an aide. This person's role is seen as that of a competent professional staff person in programs for young children who must (1) understand and be knowledgeable about children; (2) be able to provide valuable experiences for preschool children in part-time or full-day programs or in extended day care; and (3) have achieved the minimum competencies of a good preschool teacher. I think what is revolutionary and most exciting about this program is that it will introduce a new concept to the problem of accreditation and certification in the field of early childhood. Individuals will be credentialed as Child Development Associates based on demonstrated competency rather than only on completion of courses or acquisition of credit hours. This will guarantee recognition of people already in the field who are qualified by experience but who may not necessarily have had formal educational opportunities. The Child Development Associate certificate should be nationally negotiable and awarded through a national system. Training for the program, the entry into this system, encompasses at least three possibilities: college based programs, supervised internship programs and work study programs. The group that is working on this very vigorously is also examining other, even more innovative forms of entry into the system.

The program features are essentially as follows: (1) a delineation of the competencies that one would want of an individual responsible for the care of children; (2) the development of training programs which will permit individuals to obtain these competencies and (3) the development and implementation of procedures that will effectively assess whether the individual does indeed possess these competencies.

What must be emphasized is that certification will be based on an assessment of the individual's performance as an educator of young children, not upon our typical trappings of academic accomplishment.

We are at present working to develop a system which will accomplish several objectives. First, this system should give recognition to those persons presently performing competent work with young children. Second, we hope that our efforts will legitimize field training and on-the-job experience. People who have gained competencies either through experience or formal education or a combination of both will have the opportunity to become Child Development Associates. Those who need additional training will be helped to obtain such training. Through this program. National and Regional offices of the childhood programs will be assessed and those unable to meet requirements will be assisted in doing so. Third, we hope to initiate innovative new training programs and work with existing programs designed to develop the needed competencies

To aid in the implementation of the program, we are exploring the feasibility of establishing a consortium composed of a number of national professional organizations. Such a consortium would assist in the development and administration of the CDA program. National and Regional offices of the Office of Child Development, with the help of such a consortium, will implement the Child Development Associate program during the coming year.

The performance competencies have been tentatively defined. What now confronts us is a difficult problem but a solvable one, namely developing the process whereby we might assess whether individuals do or do not possess these competencies.

We are undertaking a very important, new large scale effort. This nation is confronted with a very real need for child care workers. If we are not successful in meeting this need, then we are assigning the care of our nation's children to individuals totally untrained in the demanding task of caring for the young.

We will proceed with great care in establishing this new profession since we want to insure the optimum development of individuals to serve the children of this nation.

DEPARTMENT OF HEALTH,
EDUCATION AND WELFARE,
OFFICE OF CHILD DEVELOPMENT,
Washington, D.C., December 17, 1971.

DEAR MR. ———: Thank you for your letter expressing interest in the new professional position, in early childhood education, the Child Development Associate.

We are at present completing the definition of competencies for the Child Development Associate and working on plans for implementation of the program.

We have enclosed a copy of the announcement of the CDA made by Dr. Edward Zigler, Director of the Office of Child Development. Since we are still in the planning stage we do not have any other information available at this time.

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*Excerpts from speech presented at Annual Meeting of the National Association for the Education of Young Children, Minneapolis, Minn., November 6, 1971.

I suggest that you contact us sometime in April when more information will be available. Thank you for your interest and concern.

Sincerely,

JENNY W. KLEIN,
Senior Education Specialist.

Enclosure.

P.S. There is certainly a need for Child Development Associates at present even if no legislation passes in the near future.

[From the Washington Post, Mar. 2, 1972]

WORKSHOPS FOR PARENTS

"Turn On to Learning," a conference featuring 17 workshops for parents of children from birth to 9 years of age will be held Saturday, March 18, at Paint Branch High School, Burtonsville, Md. The day-long meeting, being sponsored by the Maryland Council of Parent Participation Nursery Schools, will focus on helping parents keep pace with changing ideas about the care and education of children.

Topics at the workshop will include "Being Equally Different—A Basic Right for Boys and Girls," "Making Kindergarten Relevant," "Discipline as Learning" and "Is Day Care for the Suburban Middle Class Child Possible?"

Keynote speaker Dr. James Gibbs, head of child psychiatry at Sheppard Enoch Pratt Hospital, Baltimore, will speak on "What Really Counts for the Young Child."

Registration fee of $6.50 includes luncheon and both morning and afternoon sessions. Parents or teachers interested in attending can call Cynthia Silverstein, or Lola Hillman, for more information and a registration form.

SYMPOSIUM ON CAREERS

A symposium called "Careers for the Future" for senior high and college students will be held Sunday at 2 p.m. at the Jewish Community Center of Greater Washington.

All interested young people are invited to attend. Pre-registration is requested and may be arranged by calling the center's youth department. Admission is free to center members and 50 cents for non-members.

AMNESTY

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. MITCHELL. Mr. Speaker, in the last few weeks much discussion has occurred in the press concerning the issue of amnesty for those who have in some form resisted involvement in Southeast Asia. Yesterday Senator KENNEDY held hearings on this issue. I am submitting the testimony of one of the witnesses from the KENNEDY hearings, Mr. Henry Schwarzchild. I feel his statement helps to explain the many facets of this issue.

The testimony follows:

STATEMENT OF HENRY SCHWARZCHILD, DIRECTOR OF THE PROJECT ON AMNESTY OF THE AMERICAN CIVIL LIBERTIES UNION FOUNDATION, NEW YORK, N.Y.

My name is Henry Schwarzchild. I am the Director of the Project on Amnesty of the American Civil Liberties Union Foundation. I am grateful to you for having asked me to testify and I am pleased to be able to submit my views on the question of amnesty for those who have refused to participate in the War in Southeast Asia.

For over three centuries, America has been the place of refuge for the political exiles and refugees from religious and political oppression. It is one of the unprecedented consequences of the War in Indochina that America has now produced, for the first time in its history, a large class of American political exiles, refugees and prisoners of conscience. These men, numbering probably well in excess of 100,000, are of the young generation of Americans. They have had to confront in the most painful fashion the dilemma of deciding whether or not directly to participate in a war that the overwhelming majority of this nation wishes had never begun and prays may be quickly brought to an end. The revulsion against this war is now almost universal in our society and in the world, and even from the very beginning of American involvement the nation has been deeply divided over the merits of this war. No wonder, then, that so many thousands of young men, of whom their government demanded that they do the killing and the being killed in a war which they could not support, that was unpopular and undeclared, refused to participate in that cruel War in Southeast Asia. Some refused to submit to the draft, some, once inducted, left the military service on their own, others went underground or into prison or into exile or into military stockades, and still others so rebelled against the dehumanization of the war and of military life that they were expelled from the armed services and given less than honorable discharges. While men of our generation dispute the merits of the war and the blame for it, the burdens of the war will be the lifelong inheritance for these young men, and they alone will bear the legal consequences of a war that began when they were not even old enough to vote—unless, that is, this nation decides to end this war and to bring about a reconciliation with those of its young sons who could not participate in this tragic and destructive episode of American history, by extending to them a broad, plenary, and unconditional amnesty.

This nation has been bitterly divided—indeed, polarized—by the war. It is of the greatest importance for the future of this country that we do whatever can be done to mitigate the destructive effects of the war, at home and abroad, on behalf of the victims of the war in Asia, for the families of those who were killed, for those veterans who suffered injury and life's dislocation, and for those other victims who have undergone prison or exile. One step in the healing process must be the declaration of amnesty for those many thousands who have been convicted or are subject to prosecution, so that they can return to our society free of any legal impediments and can share with us all the opportunities and responsibilities of building a better nation.

In the history of the United States, amnesty has an honored tradition. From the earliest time of the Republic on, virtually every military conflict in which the United States has been engaged has been followed by an amnesty, by a governmental exercise of power *not* to prosecute those who for political or moral reasons came into conflict with the laws. In 1795, President George Washington granted "a full, free end entire pardon" to those involved in an insurrection in Pennsylvania against the United States. In explaining this to the Congress, President Washington said:

> For though I shall always think it is a sacred duty to exercise with firmness and energy the constitutional powers with which I am vested, yet it appears to me no less consistent with the public good than it is with my personal feelings to mingle in the operations of Government every degree of moderation and tenderness which the national justice, dignity and safety may permit.

During and after the Civil War, Presidents Lincoln and Johnson offered amnesty even to those who were engaged in treason and open war against their own government. President Johnson declared, in words profoundly relevant to our country's present condition, that

> A retaliatory or vindictive policy, attended by unnecessary disqualifications, pains, penalties, confiscations and disfranchisement, now as always could only tend to hinder reconciliation among the people and national restoration, while it must seriously embarrass, obstruct and repress popular energies and national industry and enterprise.

World Wars I and II engaged the overwhelming, well nigh unanimous support of the American people. Yet, even there, upon the ending of those wars, many of those who had refused to participate in them because of their religious, moral or political convictions, were pardoned or amnestied. How much more appropriate, after the war in Southeast Asia, which never engaged the wholehearted support of the nations, for which the formal consent of the Congress was never sought or obtained, which many Americans in and out of the Congress thought from the beginning to be a ghastly mistake if not indeed a terrible crime—how much more appropriate, indeed, mandatory, to free those who refused to fight this war far from our shores.

Amnesty, I want to emphasize, is not identical with pardon. It is distinguished from pardon in two significant elements. A pardon affects a *single person*, while amnesty extends to a *whole class* of persons, and where a pardon forgives a past offense, for which punishment is remitted, amnesty is "oblivious" of certain acts, a sovereign declaration that the best interests of society as a whole will be served by dismissing the question of any possible culpability. Amnesty is not a finding of criminal conduct and the remission of penalties, but rather it extinguishes the interest of the law in the acts amnestied. Amnesty, of course, is not a "right," but rather a sovereign state's discretionary act of grace and reconciliation. The American Civil Liberties Union, which traditionally seeks to protect and extend the constitutionally guaranteed rights and liberties of the individual, now—through the Project on Amnesty of the ACLU Foundation—seeks not rights but an act of moral and social generosity and greatness from American society. We make this plea on behalf of the young generation, many of whose most promising and courageous members are in prison or exile because of the war. All the young generation has grown up in an age in which they have experienced this country only as a mighty and powerful mechanism that pursues objectives and interests, that asserts and applies power. They have not known this country to act out of humane and selfless principle. Much of the alienation and disaffection of the young generation from the America they have observed might be mitigated if, by the enactment of a broad and generous, non-punitive amnesty, the government could once again be seen as sensitive to the passionate concerns for peace and justice that animate these young men.

To be sure, historically amnesty has been most often an act of the Crown, of the Sovereign, of the Chief Executive. But a series of legislative enactments, of Supreme Court decisions, of constitutional and legal doctrines and interpretations, going back over a hundred years, leave no doubt that the Congress, as well as the President, may enact amnesty or remit all penalties for offenses. We therefore gratefully welcome the concern shown by this Subcommittee and by numerous members of the Senate and the House of Representatives in the subject of amnesty for those who refused participation in the war in Southeast Asia. We believe that both the executive and legislative branches of government can properly enact amnesty, and the present hearings will do much to clarify the problems and to educate the country and the government about the need for and the benefits of amnesty.

We urge that amnesty be enacted promptly as the war is brought to an end. It is hard to believe that this war, which the people want ended, which the President and the Administration talk about ending but which is still being pursued by an escalated air war and by indigenous troops trained and supplied by us, can long continue. It is not too early then to consider, debate, and resolve the issue of amnesty, along with other great issues of the war and the immediate future of our country.

We urge that amnesty be extended broadly, that is, alike for draft refusers, for deserters, for exiles living abroad, for men convicted by courts martial, for those serving sentences in prison, for those who have already served their sentences, for those who have been separated from the service under less than honorable conditions, for those who saw disavowal of their citizenship as their only way out, and for civilian acts of protest and opposition to the war. An amnesty that would cover only draft refusers (as some propose) would compound the inequities already visited upon the young generation by the war and the draft. By and large, the middle class, white, well educated were spared from the military service—they found shelter in the reserves, in college deferments, and in conscientious objection. The disproportionate burdens of fighting this war have fallen upon the poor, the less well educated, the Black and other minority groups. But the same qualities of good education, middle class and white race in a general way also characterize those who refused to submit to compulsory military service and went to prison or into exile or underground. It is again the poor, the less educated, and the members of minority groups who contribute a much larger proportion of the deserters, of those who submitted to induction and became aware only *in* the military of the cruelties and irrationalities of the war.* It would be outrageous if amnesty, too, were to become an instrument of class and race discrimination, as are in effect so many other institutions and actions of our society. The circumstances which impelled these as well as those to draft refusal or desertion are the same: the war and the draft. And the motives were usually the same: a refusal to submit to the machinery of the war, whether for religious, moral, ideological or personal reasons. All acts and failures to act, we urge, that arose out of the war, that would not have occurred but for the war, and that might be subject to criminal penalties, should be included in amnesty.

We urge that such an amnesty ought to be plenary, that is, it should automatically cover all the classes referred to, without a case-by-case examination of the motives that prompted the acts or failures to act that are to be amnestied. To begin with, it is in the very nature of amnesty that it extend to classes of political acts, not to singled-out individuals. Equally important is the need to avoid putting these young men through an investigation of their conscience, their religious training or beliefs, their bona fides, and demanding that young men who are not yet or barely out of their teens be able to articulate a system of beliefs, a *Weltanschauung*, that will satisfy administrative or judicial bodies of the government. Those who have pleaded conscientious objection to war have already had to undergo this searing experience that would be a challenge to men two or three times their years. Here again, the inarticulate and less intellectually sophisticated have suffered from discrimination—and it would be cruel to make amnesty once more a means of unfairly discriminating against those with fewer advantages. (The Amnesty Board created after World War II by President Truman subjected selective service violators to a case-by-case examination and recommended only about 10% of the over 15,000 men convicted for presidential pardon. The Board's title was a misnomer; it was really a pardon board, not an Amnesty Board, and the results of its work were systematically—though perhaps not intentionally—discriminatory against lower-class, uneducated, minority-group draft violators. It applied criteria, such as previous convictions, that eliminated lower-class persons who classically are more often arrested and convicted for petty offenses, and excluded whole groups of religiously motivated war resisters. Even though the total number of cases before the Truman Amnesty Board was perhaps one-tenth of the number that a board would have to consider now, they spent a very few minutes going over each case history to decide a man's fate.) The main point, however, is that the legal debris of the War in Southeast Asia ought to be removed from the lives of *all*, irrespective of motive or act, so that this generation may not be the only one who will bear the adverse consequences of the war throughout their lives and careers. No system of amnesty can or should weigh the ideas and motives, the pressures and impulses that made young men and women resist participation in this tragic war. (We do believe, however, that where there are allegations or findings of acts of substantial injury to persons or property, it might be proper to look into the circumstances and responsibility of the individual draft resister or deserter.)

We urge that no conditions whatever attach to the amnesty granted and that neither alternative nor national service nor any formal declaration be required. In the first place, the deserters and draft evaders have already suffered the pains of prison or exile or underground life, to say nothing of the fears and risks of the lonely decision to resist the awesome power of the United States government and its instrumentalities. Secondly, we believe that the war has already made more than enough demands upon the young generation. It would be mere vengefulness to exact further obligations—and unnecessary, unjustifiable ones at that—of these young men. And then: If amnesty is intended to gain the return of these men to our—their—society, the fact is that they view "alternative service" as punitive, and they simply reject the notion that this country and this government are in a position to punish those who have refused to become personally responsible for the brutalities, the killing and the destruction in Indochina. They will (and do) disavow any amnesty that seems to punish them for their acts of moral courage and human compassion. Further, we believe that it is constitutionally extremely dubious to deprive persons of their liberty to arrange their own lives except by reason of extreme national emergency (which alternative service would not be designed to meet) or in punishment for a crime—but the very purpose of amnesty is not to punish but to restore national harmony to a country deeply torn by war. Nor is it really very likely that socially constructive work would be accomplished by a system of forced labor. If our hospitals need staffing, our strip-mined hills need restoration, or our inner cities community planning, these urgent human and social needs can hardly be met by a labor corps of conscripted and therefore unwilling men. And the agencies of government have not shown themselves especially skilled at channeling large numbers of people into tasks of social reconstruction—bureaucracy is simply not the proper setting for such work, as the problems of the Peace Corps or VISTA plainly teach us.

The War in Southeast Asia has wreaked havoc both in Asia and in our own society. In a very real sense, all people affected by the war are its victims—Asians and Americans, the soldiers and sailors and airmen, those who were killed or injured, the veterans, the prisoners and the exiles alike. One step toward overcoming the tragic consequences of the war in American society and toward seeking that reconciliation that we need in order to tackle the gigantic social and economic problems of race and poverty is a broad, plenary and unconditional amnesty for draft resisters and deserters and all those who have suffered the war's legal disabilities. Amnesty would demonstrate that America is still capable of a communal moral act, after the appalling experience of the war. The healing and reconciliation of the nation, its redirection toward peace with itself, will be difficult enough. Let all of our country's sons return to join freely in the making of a better America.

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*It is these men, too, who in glaringly disproportionate numbers have been tried by military courts for various offenses and who have been given less than honorable discharges—impediments of the most serious nature for their future lives and careers.

THE NEED TO ASSIST THE AEROSPACE COMMUNITY IN MEETING TODAY'S PRESSING DOMESTIC PROBLEMS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. ANDERSON of California. Mr. Speaker, the problems confronting America are omnibus. The air we breathe is tainted with pollution. Over one-third of our streams are choked with industrial, agricultural, and municipal waste. Many of our citizens do not live in adequate housing. The time and money wasted by commuters on our clogged highways is shocking. There is evidence that our health care system is failing. The list goes on and on.

Yet, at the same time, welfare rolls and unemployment offices are filled with individuals whose efforts and abilities should be channeled into meeting these problems.

Many of those who are now collecting unemployment and welfare checks were formerly employed in the aerospace industry. A short 8 months ago, in June 1971, over 38,000 engineers, scientists, and technicians were unemployed in Los Angeles alone.

What have aerospace workers been trained and educated to accomplish?

All of us are aware of their great achievements in placing man on the moon. All of us are aware of the benefits in technology that have accrued through the space program.

But what happens to individuals who have been trained in mathematics, engineering, physics, and related sciences when our space program is drastically reduced?

In order to create jobs and continue our exploration of space, I, personally, favor an expanded effort in the form of an economical, reusable space shuttle.

However, the immediate question remains: How can we channel the efforts of the talented, imaginative, and dedicated engineers, scientists and technicians into meeting the pressing problems of today?

One answer is converting the skills and applications of the scientific and technical community to new endeavors.

In 1970, I coauthored H.R. 19037, a bill designed to involve our defense and space-oriented personnel in efforts to meet our needs in transportation, housing, health, and pollution control. This bill authorized $450 million over a 3-year period for specific programs of education, research, and business assistance to aid the aerospace community in a conversion to domestic needs.

H.R. 19037 died in the 91st Congress; however, on the first day of the 92d Congress—January 21, 1971—I introduced H.R. 1209, a similar bill, that would establish a separate organization within the Federal Government having the primary responsibility of determining and planning appropriate research and development in the areas of housing, pollution control, et cetera. In addition, this new agency would place engineers and scientists in these fields.

In order to provide a wider latitude of discussion in the Congress, I also coauthored H.R. 1422, a bill which would grant the National Science Foundation the authority to conduct the conversion and education program.

The Subcommittee on Science, Research, and Development conducted hearings on the various research and education proposals during June, July, and August 1971. However, to date, no legislation has been reported.

Mr. Speaker, our scientific community is crying for work, and our problems are begging for solutions. Let us move expeditiously to bring the two together by preserving the skills in the aerospace community and, at the same time, fulfilling the domestic needs of the Nation.

Legislation must be forthcoming which will solve the tragedy for both the unemployed aerospace personnel and for the Nation by putting this talented pool of human resources to work in meeting our domestic problems.

COMMUNITY LEADERSHIP CONFERENCE

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. BINGHAM. Mr. Speaker, the following is the final portion of the proceedings of the sixth annual Community Leadership Conference I sponsored for residents of the 23d Congressional District on November 14, 1971:

PANEL I: IS THE CONSUMER ADEQUATELY REPRESENTED?

Chairman: Honorable Robert Abrams, Bronx Borough President.

Panelists: Ms. Betty Furness; Congressman Benjamin Rosenthal; Hon. Paul Dixon, Federal Trade Commissioner.

Reporter: Ms. Ruth K. Nezin.

The panel was opened with words of welcome by the Chairman, the Hon. Robert Abrams, Bronx Borough President, who introduced the panelists and gave background information on them.

Ms. Betty Furness: Through human history we've had to stop at intervals and reevaluate our rights; to begin figuring out who we are; and we've been slow about this as consumers. When we were first told some cars were unsafe, some medications had menacing side effects, certain food additives were carcinogenic we didn't believe it. We found it hard to give up the security blanket concept that they wouldn't let unsafe, untried or undernourishing products on the market—hard to realize that if they are unscrupulous or overcompetitive manufacturers they are out to sell a product that anyone is foolish enough to buy. Not all our problems are traceable to a mere handful of irresponsible entrepreneurs—we must suspect even the benign corporate giants we have come to love and trust. She then read a list of consumer problems and the companies involved, where the FTC (Federal Trade Commission) took action: separate complaints were announced against Procter & Gamble, Colgate Palmolive and Lever Bros. for false claims as to the effectiveness of their enzyme detergents; Dr. West's toothpaste not only didn't fight germs but it contained mercury; Coca-Cola company's claim as to the tooth nutritional value of Hi-C; challenge to Reader's Digest for deception and misrepresentation in sweepstakes contests; automobiles recalled by General Motors and Ford for faulty design and manufacture—highly recognizable firms—some of the top ones in the country—involved in these transactions in a year.

We've begun to look more and more to government protection but they too offer less than most of us believe; they may not have sufficient authority, manpower or sophistication to protect us. It has taken four years for the Secretary of Commerce to establish standards of flammability for children's sleepwear (in May, 1967 she testified on amendments to the Flammable Fabrics Act) and these standards won't be completely effective until July, 1973—six years.

She stated that a great deal did happen at Federal level largely because Pres. Johnson was truly and sincerely interested in consumer protection—he had a comprehensive program and many bills were introduced and passed to protect the consumer—up to 20. When she shifted to the State government she hoped that the Legislature could move faster than Congress—that they might be more interested in innovations like unit pricing, which would be excellent to be tried at State level. But she found she was naive—many of the State legislators are torn in their loyalties when it comes to consumer affairs. While they are also consumers and legislators they are also producers and in this role spend more time and make more money than as legislators, so one who is a banker is wary of legislation affecting banks; farmers are wary of dating dairy products; the pharmacist is not going to vote to identify drugs by generic names. They voted the NYSt. Consumer Protection Bd. into existence in July, 1970, an election year—there had been no official protection at State level since Governor Harriman.

Ms. Furness took the job in August, 1970 and the Legislature voted a budget of ¼ million dollars to run the balance of the fiscal year—7 months. In the next session they voted the same amount for a full year which was not enough—had to fire staff. She didn't complain because may State programs were voted down and she wanted to try to get consumer legislation passed. Had been warned that bills do not tend to get passed early in the session—the last couple of days they go through. But only 3 bills were passed of any significance and she realized that this Legislature which had voted the office into existence in an election year had, in a nonelection year not given enough funds and paid no attention to consumer legislation. She concluded therefore they were not serious about protecting the consumer and she considered it might be a consumer fraud to continue in that office. That same year Louis Lefkowitz, Attorney General, had a budget of 2 million 400 thousand dollars for his Consumers Fraud Division while she had $250,000 for consumer protection. She spoke of the fine job his office is doing in matters pertaining to consumer fraud.

She warned about those who are "big" about consumerism in election years and forget in nonelection years. Check the voting record of those already in office if they suddenly get "consumer religion". "Never mind promises—a new aspirant must know we're watching him and will hold him responsible for his voting record." Many who vote for us one time do not always continue; they have been known to support a consumer or environmental bill and then refuse to vote for appropriations to make it viable."

She concluded that with a few notable exceptions, and Congressman Rosenthal is one; with the exception of what is going on in the FTC which is very exciting and a few exceptions in Washington, the consumer is not well represented at the Federal government level and when it comes to the State level "kids, you're on your own!"

Congressman Benjamin Rosenthal: in responding to the broad concept, stated the answer is "No;" the consumer never has been adequately represented and his prognosis is he never will be until a new Consumer Protection always is established. He pointed out attacks upon the consumer by James Roche, President of General Motors; Goldwater's attack on Ralph Nader. . . . What they have said and many business corporations have said, is that consumerism is a measure without a purpose; that politicians enamored with political success devote themselves to consumerism but there is no need. This is a misstatement. "Those of us committed to and involved in the consumer movement got there because there was a need shown that need was great, and increases geometrically every year for two reasons: growth in technology and the fact we can buy things we weren't able to buy a few years ago. As a result we have lost the one to one relationship with retailers our forefathers had; it has prevented us from understanding the product we are buying, whether it will be useful and safe, and the more sophisticated technological growth we have the more this happens." He cited the TV sets that blew up; flammable sleepwear . . . He stated we have lost the ability to use judgment because we are denied dependable information we need to make the judgment. He pointed out that Bon Vivant soup had only two FDA inspections in the four years preceding the botulism incident. "Misrepresentations, lack of information, death and desperation have continued. Phase I—is the inability to make the tests of protection on which we rely on others who do not make them. Two is the tremendous growth of monopoly in the U.S.—we do not have price comparison or competition any more. We buy things on slogans—we see 'breakfast of champions' and the reaction is that 'I too want to be a champion.' Jokingly, he spoke about buying a brand of car because he saw the advertisement with Raquel Welsh in it. He mentioned that bags of hog food list the nutritional value of its contents while baby foods do not. He stated we are restricted in the opportunities we have in the market place.

"Is the government being a balance wheel on behalf of the buying and consuming public? There are dozens of regulatory agencies (FTC, CAB, FDA, etc.) presumably regulating the consumer's relations with business, but the consumer's voice is never fed into the decisions of those agencies. When utilities companies ask for a rate increase and produce batteries of lawyers, investigators and professionals, when it comes to appearing before this quasi-public body no one fills the consumers seat." Spoke about trying, in the past few years, to create an intelligent consumer protection agency to be an ombudsman for the people with no regulatory powers. It went through the House of Representatives this year and he was forced to vote against his own bill because all special interests, GMA, NAM, US Chamber of Commerce got in and thru their lobby cut the heart out of the bill. Had he voted for a bill that said Consumer Protection Act of 1971 he would have engaged in a "consumer fraud and deceptive program." Mr. Rosenthal stated that "we pass beautiful sounding legislation in Washington and either cut the guts out of it or don't fund it."

"Is the consumer represented? I can only say loud and clear and outrageously, 'not one bit!' "

Mr. Paul Dixon: made an opening remark that if he admitted to the charges Ben Rosenthal just made he should resign; if he didn't admit to it he would be partially right.

"Betty came and Betty went and Betty learned something because she told you that today. The real problem whether the consumer is adequately represented boils down simply to adequate funding." He stated he had been in government all his life; was a student of government; and has been Counsel to the FTC. The consumer movement started in 1957 when he went with Kefauver, and when Kefauver looked at the drug industry everyone predicted his defeat but instead he won. Mr. Dixon disagreed with Ben Rosenthal—he thinks the consumer movement is here to stay.

He gave a history of the FTC—the act was passed in 1914 and the Commission created in 1915 after this country nearly allowed monopolies to take over. But the people passed the Sherman Act declaration against allowing this to happen. Not much was done about enforcement machinery and the greatest monopoly period in this country was the early 1900's with the Sherman act on the books. Not until 1938 was an amendment passed by Congress which for the first time indicated concern for the consumer because it declared unfair and deceptive acts and practices unlawful and made it part of enforcement responsibility and added sections dealing with food, drugs and devices. In 1939/40 special consumer acts were passed—the Food Products Labeling Act. The Flammable Fabrics Act, the Wool and Fur Acts and the Textile Act.

In 1961 when Mr. Dixon returned to FTC as Chairman he found it the same size it was in 1938 with national responsibility to proceed against things in commerce. In 9 years as Chairman, by plaguing everyone and asking everyone to help funds had increased to 23 million dollars to take care of a trillion dollars economy and to see it is fair and not deceptive. As for the Flammable Fabrics Act, Mr. Dixon said we must worry about it because, with standards passed by the Commerce Dept., enforcement came to FTC. They got only 60–70 employees for that undertaking to check wool, fur, flammable fabrics and to inspect retail stores—he tried to point this out to various committees and nothing was done about it—he asked them not to pass bills unless they provided people to enforce them. He spoke about the Magnuson-Morse Act which, if it passes the Senate, will have the FTC across the barrel because they do not get the employees nor the money needed for enforcement. He stated Congress gave away the power of Congress to the President under the so-called Budget Act. There was a time when the Congress under Constitutional provisions originated all taxation measures but every year every agency of government must be reconstituted through reappropriation. He said that as an independent agency, not subject to the control of the President other than appointments and reappointments, they must nevertheless appear before the Budget Bureau who recommends what they get. "When we did get recommended for an increase, we went to the House and always they want to prove they are as economy minded as the President, and have always cut us."

He stated that many years ago he hoped the consumer fight would have an effect in the states and they would pass laws and throw out their elected officials and governors if they didn't do something about it. 35 states have some kinds of enforcement legislation on the books. "It isn't fast enough, and what's taking place in Washington is what is happening in all our government affairs—it isn't fast enough." "Now the FTC is going to be made policeman of consumers in 50 states with 20 million dollars—how ridiculous can you be?" He stated that bills will pass—20 passed under the President who reappointed him. The only time he got an increase in appropriations was the last year of his office when he told the Budget Bureau either to increase or he would go to the President—either go to him directly or make a speech—and he got $3 million. "You've got to fight for everything. I'm old fashioned. I think more like Ben Rosenthal and others like him, and they are becoming more numerous, I think the people's voice will be felt and maybe that is the best way."

He then went on to speak about Phase I and Phase II—the former came because "the Democrats played a trick on Nixon; they passed a law putting him on the barrel, telling him he must fix prices and he didn't want to use it but things got so bad—he didn't even try guide lines—he used it and now has recommended Phase II. Lawyers are going to get real rich because it is complicated and comprehensive, and I have a prediction—we have now entered a managed economy. You have lost your freedom. Our system worked in free enterprise; we work best in that system; we work worse when we are managed. In the depression—Blue Eagle, OPA, OPS—all failures. Now we are not in a depression—it was pushed upon the administration and, in my lifetime and yours, I predict we are in a managed system. Where dces anti-trust fit? No place, because they are fixing prices. There will be a lot of room for the consumer and I hope to be adequately funded and adequately supported and with that we'll try to do our best."

QUESTION AND ANSWER PERIOD FOLLOWED

Q. (By Chairman, Robert Abrams): A great consumer advocate resigns because she can't get any action from the State Legislature; a Congressman has to vote against his own bill; a tremendous advocate from a Federal agency says he doesn't have enough money to do a job for 50 states—the obvious question is: where are we going from here? Consumers are probably the least effective group in our society, they are not organized, not structured, how are we going to deal with it? What will it take to effect changes?

A. (By Cong. Rosenthal): In 1962 we couldn't pass a drug bill until a lady named Sherry Finkbein was threatened with a thalidomide abortion. The government in Washington responds to crisis and great drama. The fact is that Congress and the President have not properly funded the agencies. FDA last year got no money at all for enforcement of the Fair Packaging Labelling Act. It happened for two reasons: the Budget Bur. does apportion funds and there has never been a political movement that goes into the budgetary process—the absence of a consumer voice to be heard in the budgetary process. Additionally, special interest groups have always, because of hundreds of industry advisory committees, had access to the Budget Bureau—they all are not advocates of spending more money for consumer enforcement so pressure is never even remotely adequate for consumer enforcement. The final answer is that until there is a political movement that has a constituency such as consumers that demand action and attention from their legislators, the special interests will prevail. We do not have free enterprise in this country—we think we do but we don't. Oil companies are buying up all the coal and uranium companies, all the resources in this country; 200 of the largest corporations in the U.S. control the economy of the country eliminating competition and free enterprise. We have to enforce anti-trust laws and laws on the books and readjust the budgetary process. This can only happen when we have an adequate political movement.

A. (By Betty Furness): "The thing to turn this around eventually is going to have to be the consumer. There are scant chances of that today—evedybody's car breaks down; everybody's panty hose runs; ladies don't know what they're feeding their family but people want their own problems solved and are not willing to rally around to get the other fellow's problem solved. The important thing is in terms of organizing in some fashion—I don't know how but it isn't going to happen until it comes from the grass roots. Today there is consumer protection in the White House but this particular President doesn't seem to be very interested in the consumer's future. His Spec. Asst. in Consumer affairs hasn't been allowed to move. She is processing consumer complaints. You write to the White House and say your toaster is broken and she will write to the company and ask them to fix your toaster and it gets fixed—but I don't think this is consumer protection. My concept is to try to work with industry and if you can't work with them on a voluntary basis you go to law and get them to make better toasters—that's the answer to the problem. Until we began to learn about environmental problems nothing was being done about this problem; now there are all manners of people meeting to get together to try to clean up the world—housewives, students, etc. When you get that dedication and enthusiasm into other consumer groups then we can make enough people in Washington understand we want protection so that we will eventually get it.

A. (Mr. Dixon): It is our corporate structure by and large that is providing jobs and paying salaries and taxes to afford us to be where we are. We've come a long way—it will work—the improvements that must come, must come from our goods producing industries. Only 38% of gainfully employed people in this country are employed by goods producers; 62% are in service industries. This means something. You better start looking at these things because guys bringing home that paycheck are doctors, lawyers, filling station operators, retailers, teachers—62% strong. How are they affecting the consumer? He spoke about the people's movement out of the ghetto telling us about the atrocious things happening on the street—they came to Washington because they were not getting any action in the cities (NYC, Philadelphia, Detroit)—and he queried why the Mayors aren't thrown out of office if these things exist; why the District Attorneys do not jail those who permit fraud. He insisted these things are going to stop.

Q. How come no mention is made of organizations in existence so many years like Consumer Reports? Haven't they done a marvelous service?

A. (By Betty Furness): Consumer Reports, as everyone knows, is a magazine put out by Consumer Union, in existence 35 years. They test products bought on the open market so they take the same chance you do. They tell you what they tested it for and rate the products in their magazine by brand name. They perform a marvelous service and I don't think anyone wants to downgrade them—they do a marvelous job. It just isn't enough. Subscription rate went up from 800,000 four years ago to 2 million now, which only shows how confused consumers are about products in the market place.

Q. So far the talk has been about corporations producing damaging products. What about industries like thè insurance industry? Many people have received calls from their broker telling them automobile insurance has been terminated for no obvious reason. What is Congress doing about the insurance industry?

A. (By Cong. Rosenthal): Congress has started two sets of hearings in the Judiciary and Commerce Committees. Even though the question is interstate commerce in character, special statutory exemption relinquished controi to the States which have done a bad job. There is a movement to eliminate the change in the statute and set up a national regulatory commission to address themselves to the problem you speak of.

A. (By Mr. Abrams): I was a former Assemblyman on the Insurance Com. The insurance industry and lobbyists defeated every reform bill coming into that committee. The New York Times has begun to publish votes of Congressmen in the metropolitan area; we need it on the State level too.

Q. It would be a good idea to have an Independent Consumer Advocate Committee to look into these things. Newspapers will not print these things by themselves unless forced by a Bronx group. I am sure there are people who would be willing to serve on a group of this nature.

A. (By Mr. Abrams): It's a good idea. We will try to generate some support for this committee. Anyone interested write to me or Congressman Bingham.

Q. A few years ago newspapers said TV servicemen will be licensed. What happened?

A. (By Robert Abrams): that bill also provided that automobile repair mechanics were supposed to be licensed and the bill was defeated. There are something like 14,000 bills filed in the New York State Legislature and little over a thousand are passed, some of which are terribly inconsequential.

Q. Miss Furness, you passed over in your opening address the fact that dairies are not dating all products. I know for a fact that only containers of milk are dated—no other dairy products are. How can we get consumers together to pass a law dating all dairy products.

A. (By Betty Furness): Bess Myerson did get such a law through. She has advantages some of us did not have. She is Commissioner of Consumer Affairs in New York (it used to be Marketing & Licensing) and she has powers to make regulations; she has a couple of hundred inspectors and has legal powers. She has open code dating in NYC. They should have it on the State level; you should talk to State representatives, groups, organizations, etc.

Q. As a Consumer Protection Advocate, what are your opinions that corporation executives should be held responsible for the harms their claims and products inflict upon the innocent consumer? Should they be subjected to criminal sanctions?

A. (By Cong. Rosenthal): I think that when executives of GE and Westinghouse get together to have price fixing on electrical generators sold to cities and communities they should suffer severe criminal penalties. I am on the verge of going in the direction of making people responsible for their acts. We should stop excusing business not only for malfeasance but for misfeasance. I am willing to experiment for holding people responsible for something short of wilful injuries. Many thousands have been injured or killed because of faulty electrical equipment in hospitals. People should be held accountable for their acts and I am willing to explore it.

A. (By Mr. Dixon): I would suggest that as you explore it you will find laws up to your ears holding people responsible to nature of fraud which means criminal intent. How many corporate officials do you think are stupid enough to make a machine meant to kill you? That was said about me in a book written by Ralph Nader. Corporate officials are trying to run these companies to make money so they can make profits to pay taxes to take care of welfare people, to put it bluntly.

A. (By Cong. Rosenthal): Whenever a business feels a pinch and wants to cut costs they cut inspection and quality control. Recently we were faced with 6 million GM cars where the mounting engine might or might not be defective. No one maintained someone should suffer as a result of this act but a reasonable society has the right to say if 900 youngsters died last year from flammable fabrics someone should be held accountable—the man who inspected, designed, manufactured it—what I am suggesing is that there is an area of exploration here.

A. (By Mr. Dixon): But already there is a criminal side in that law. The Sherman Antitrust Act can be enforced civilly and criminally; $50 thousand fine and incarceration in jail for those company officials that were by facts shown to have been the perpetrators of the crime. We have a law like that; every one of the 50 states has the common law against fraud.

A. (By Betty Furness): Commissioner Dixon said corporations are in business to make money and indeed they are. I think the time has come when they have to think about a broader spectrum. GM should not just be in business to make money but to make an automobile that will serve many needs and as long as they are making automobiles whose bumpers will not withstand a crash within 2½ of a miles an hour they are not fulfilling their obligation. You can't buy an American automobile in which you can afford to take a crash in a parking lot. The government has had to intervene to get them to come up to 5 miles an hour a couple of months hence. I don't believe they couldn't have put better bumpers on cars a long time ago. Commissioner Dixon we do not want to put American business out of business—just make them do what they should have done in the first place.

A. (By Mr. Dixon): The first time the automobile industry was taken apart I did it, in 1958, piece by piece but the thing that always amazes me is that it has about 15,000 parts and one out of every 7 persons of the U.S. gainfully employed is either directly or indirectly employed in that industry. It is the key of their economy. I agree they can make an automobile that is maximum safe—it will look like a tank, be very costly and different from the fancified car that is changed every year. We'll get these safety factors because we are entitled to them but I don't know what the cars will look like.

A. (By Cong. Rosenthal): We'll risk it.

Q. It has been pointed out that it is difficult to monitor small problems in FTC as inadequate financing. What is the opportunity and effectiveness of class action law suits?

A. (By Ben Rosenthal): stated he thinks the bills pending in the House and Senate are a realistic possibility. This is where aggrieved consumers who are damaged can band together in a law suit. "Frankly it has been told us that if they didn't change the styling of cars as frequently each car would cost $700 less. We are really denied the opportunity to make freedom of choice; we do not have the option of buying a $700 cheaper car so that a giant corporation like GM with net asset value larger than the gross national product of most countries has great impact in our daily lives. They ought to have some public accountability; they have it only for the budget motive not in the public interest. This should be turned around by legislation if necessary.

A. (By Mr. Dixon): "There's a lot in what the Congressman says but what bothers me about that choice is that if government has to, by fear of legislation, make that choice then we are right where I am afraid of being—that managed type of system. Volkswagon was sold to the American public on the statement that it never would change. Today one of the great problems on the balance of payment comes from the fact that 17% of the cars sold are coming from abroad. This year there was a drastic cutdown in the number of models because of competition rather than because the Fed. govt. said to the number one industry in this country "you can't change models every year. . . .

A. (By Cong. Rosenthal): "But let's have more companies to give us a shot at it."

Q. On the subject of meat. In this day of consumer protection why don't we get a law dating meat like milk? Beef is edible a few weeks old but veal and lamb can make you sick if its old. Nobody speaks up about dating meat.

A. (By Betty Furness): It's a fine idea—a number of people woud like a number of edible products dated. She suggested two things to do about it: to address your legislators, especially this coming election year. She cautioned to be careful of those you election and to watch them. Her other suggestion was that this could be done at supermarket or grocery store level if enough people in the neighborhood would go to the manager and tell him to date the meat he might comply. She stated this is an opportunity for programs to start at the consumer level.

Q. Another product—human blood. Terrible things are going on in some hospitals because of purchase of human blood. There has been a big increase in hepatitis. Why isn't something done to protect our people?

A. (By Mr. Abrams): "You are quite right. There is legislation pending in the City Council. I don't know what the existing statutory authority is but apparently it was inadequate. I don't know what the status is now."

Q. The licensing of auto mechanics—one tremendous problem is the quality of the roads. Are there any Federal or local standards as to the quality of the roads? The Bronx should get Federal standards—the roads are quite poor.

A. (By Mr. Abrams): There are standards but with bad weather and the salt sprinkled to melt ice, potholes were created—but there are regulatory standards.

Q. What about deceptive advertising, like Wonder Bread, etc.?

A. (By Mr. Dixon): They are being tried by the Federal Trade Commission right now.

A. (By Cong. Rosenthal): The FTC is doing something about false and deceptive advertising. Eventually we will have to come to a Truth in Advertising Law.

Q. One of the key problems is that we are educated constantly by the advertising industry and by corporations to lean towards what they want us to buy—but we need education of the consumer. There is a serious lack in consumer education knowing what products are good and where we can go to buy them. What can be done in this field?

A. (By Mr. Dixon): The FTC as a body has been going completely into all nuances of advertising and the relationship it plays upon emotions. . . .

Q. What about educating the consumer?

A. (By Betty Furness): There aren't many good consumer education courses except getting stung in the market place. Lincoln H.S. in Yonkers started a program a few years ago on consumer education at the high school level—how to buy a used car; how to read an ad; how to read a warranty. Consumers Union is working on trying to get together with prominent educators on an idea as to how consumer education might be put in a school system. We need it in schools and at an adult level. "The lower on the economic level a person is the more he needs consumer education. A bad purchase of furniture in a poverty area can cause a man, if he doesn't pay for something that failed, a garnishee on his wages; he can get fired; his wife can leave him or he can commit suicide. We've got to be very careful where we get the education from. The Better Business Bur. has recently reorganized because they haven't been doing the job to protect consumers. They are getting together consumer education materials and asking schools to use them. Pay attention in most cases where industry starts giving you consumer education. The banking business will tell you how to take a loan. But be very very careful. The insurance business will say they will tell you how to buy an insurance policy but they will never tell you how not to buy a policy you don't need.

Q. I become impatient when years of legislation are spent under consideration of flammable materials like children's pajamas. If it is passed why will it take three years for manufacturers to change the production of materials for pajamas. I can understand retooling or redesigning of cars but when material is going to burn children to death, why?

A. (By Betty Furness): "When the law was passed it gave the Secy. of Commerce authority to establish the standards. He represents industry within the government. The Textile People come around and say: "We don't know how to do it." and he says: 'Try.' They come around 6 months later and say they can't figure it out and he says: 'I bet you can. You're just not trying.' It is the responsibility of the Secy. of Commerce to tell industry: 'Do it.' With some pressure they come up with answers, but now they say 'If we do it it's going to cost the consumer more money. What's that going to do to the poor people?' The Secy. of Commerce. Johnson's secy. didn't say and Nixon's didn't either until it became such a scandal and now they have the standards you have heard it will take 1½ years before it becomes effective.

A. (By Mr. Dixon): "I am puzzled because the Flammable Fabrics Act covered everything that was wearing apparel. We are supposed to be enforcing that law. If there are pajamas you know of that flunked the existing test we are supposed to get that off the market. Do you know of anybody who has been burned up? Here's the problem about the test. A test was established where a sampling was made of a certain number of garments—a swatch was put on a hangar and if it burned within a certain number of seconds it flunked, but if it took a few more seconds it passed. What the Secy. of Commerce was supposed to do was to reevaluate the test. Commerce finally developed the carpet test and it is becoming effective, and now we're going to enforce this test in the whole carpet industry.

Q. What about communications systems—is that out of orbit—the Post Office, telephone system and various others?

A. (By Mr. Abrams): From the point of view of the state, which has the Public Service Com. regulating utilities, have been very critical of them. They have been far too easy. Congressman Rosenthal indicated that when consistent rate application increases are made it has gotten to the point where they inflate the increase, knowing they only want 60% and 8 months later we get a newspaper report that they knocked down the increase to only 60% and the public is supposed to be happy. In NYC with Con Ed we have the highest utilities electric rates in the USA. In Queens the Long Island Lighting Co. pays $7. for what $10. is paid to Con Ed. We have seen deterioration in telephone and electrical service with escalation of rates. The new Chairman, Mr. Swidler, has instituted some changes and we have again gotten the pressures from state government. With respect to postal service:

A. (By Congressman Bingham): There is considerable feeling about the new postal setup. We passed legislation to make it a corporation so that it would be able to operate on a self-sustaining basis and take it out of politics. It isn't going as well as we had hoped: We are not satisfied with the way it is working and there is growing realization that the postal service is not necessarily a service that can operate on a self-sustaining basis.

Congressman Bingham thereupon thanked all the panelists and the audience.

PANEL III: HOW CAN WE HUMANIZE BUREAUCRACY

Chairman: Councilwoman Aileen Ryan.

Panelists: Mr. Edward Hamilton, Deputy Mayor, City of New York; Mr. Victor Gotbaum, Executive Director, District Council 37, American Federation of State, County, and Municipal Employees; Dr. Jewel Bellush, Professor of Political Science, Hunter College; Director, City of New York Commission on State-City Relations.

Reporter: Ms. Sheelagh Perry.

Councilwoman Aileen Ryan opened the proceedings by introducing the Members of the panel and outlining briefly some biographical information on each participant. The discussion then began with each panelist making an opening statement.

The following is a summary of New York City Deputy Mayor Hamilton's remarks:

I'd first like to take exception to the implications of the panel topic "How can we humanize bureaucracy." The question whether bureaucracy is really inhuman is vastly overdone. Seeming bureaucratic inhumanity is unavoidable; it is a result of the difficulties full-time city, state, and other government bureaucrats face each day. What can be done about this?

The adoption by the Federal Government of the Pay Reform Act of 1962 is a first step. It helped state and local governments increase salaries in the public sector to the point where they generally have doubled across-the-board in the last eight years. This Act was the result of a long-overdue *re-awakening* recognition of bureaucracy's purpose and how we should treat bureaucracies. The previous attitude was that government was a necessary evil, but that anyone could govern or be part of the government if he had good will, good common sense, and was responsible. There was no professionalism in the bureaucracy. The attitude of the population was that it was a waste to go into government; the good people were going into the private sector of the economy.

It took a long time for the public to accept the fact that Civil Service employees were overloaded and underprivileged. By the mid-sixties, as the result of prodding of unions, it was recognized that there was a need for both minimum pension benefits and job security for all public employees. Going into government was no longer expected to be a sacrifice. Previously, this attitude had meant that quality people were not drawn into the government except during periods of depression. Today, we find that even having the promise of a reasonable pension and job security is not enough to attract top-notch people into state and municipal government. A degree of professionalism is still lacking. There is no incentive for it. The traditional status of public employees is still low in the eyes of the public.

Led by the Federal Government, public salaries and pensions have increased but not uniformly. Still, they are reaching levels comparable to those in the private sector and the trend is to give civil servants a square deal. So with all these benefits, what does the civil servant owe you? Many assume that it's the inhuman attitude of the bureaucrats that produces the welfare mess, burdensome taxes, high prices, and unemployment. Inhumanity in the bureaucracy is an issue, but we must look at the wider picture. Take the City bureaucracy—is it, in fact, inhuman? Given the conditions, resources, and problems under which it operates, it responds as best it can, but it's not perfect. Improvements can be made. How can we secure a higher degree of professionalism in our civil servants? This is tough to do.

First, we can try to provide educational opportunities for civil servants at every level. Providing such educational programs within our current budgetary restraints is a very difficult problem. Training and incentive funds must be maintained at an adequate level. It's the best money we spend because it increases the capacity of the civil servant by providing him with more skill to do his job. We owe it to the civil servant to demand more of him.

Secondly, we can provide better managerial guidance by devising a better productivity program in each agency. We must improve the deployment or performance of public employees. For example, better deployment practices in the Fire Department such as rescheduling most of the men to shifts during peak hours of fires (3:00 to 9:00 in the evening) would save the City government $4-million. It would mean we would have the right number of men in the right place at the right time.

The first object of bureaucracy should be service. If this were so, then we would see more humanity in the bureaucracy. We need to have better middle management personnel utilizing better deployment practices toward the goal of greater productivity. These matters have to be worked out at the bargaining table. Unions can't be just concerned about salaries and pensions; they need to follow through on practices that affect civil servant performance.

The second development concerned the deployment of the Anti-Ballistic Missile System. We held televised public hearings. This was a very bitter and close battle. We lost by a tie vote. But we really didn't lose. This was the beginning of many battles to redirect America. It led to the defeat of the SST. It led to the administration backing off on ABM.

These instances show what it means to the American people to be brought into the decision-making process. This was enlightened public opinion in participatory democracy. If we can do it on the big, the technical, the sophisticated issues, then we can do it on the other issues: tax policies, social security, the urban problem. This third reform added to the other two represent three fundamental steps which will bring Congress into a new order of effectiveness.

Mr. Hamilton argued two additional points:

(1) Congress can only do its job if the federal structure is changed. This means federal assumption of national problems such as: welfare, national health insurance, and general revenue sharing.

(2) Reform of the seniority system. New York City's obstacle with regard to revenue sharing is a single Congressman from Arkansas who sits on the Ways and Means Committee. It must be politically profitable for him to change his views. Presently the system is not structured to express popular will.

There is a serious danger of this nation falling apart if Congress does not confront the problems of our cities and states.

Victor Gotbaum, Executive Director of the American Federation of State, County, and Municipal Employees, District Council 37, spoke next and the following is a summary of his remarks:

I must say that I come to the same conclusion as Ed about the humanization of the bureaucracy. I have no optimistic predictions on this, but I basically feel we can't think we can humanize bureaucracy until we humanize the country. We spend $81 billion on arms, war, etc., while we spill our guts to get funds for education. Meanwhile citizens are constantly demanding more services and the demand keeps growing. If you want law and order, you need more cops; if you want social justice, you need more classrooms; etc. But we can't get money for this. The result is a citizen disdain for government. To change this situation there has to be an environment in the country to reorder its priorities.

As Ed has pointed out, the civil servant has obtained a certain standard of pension and salary. Now we say to him "produce for this". I feel productivity should not be contingent on salaries or pensions. It should be irregardless. We must have productivity, efficiency, *and* good management. Good productivity benefits the worker. It is not just a term to be sloganized as it is by the City Administration.

The City Administration doesn't know what it is talking about when it cries "productivity". We need a high-level session with top labor leaders sitting down with top City officials to talk over these questions of training programs, deployment practices, and productivity, then we can move on the demand to humanize the bureaucracy. I make this challenge to you, Mr. Hamilton, to sit down and talk. I've tried to arrange this kind of thing for months. The Administration keeps on crying it can't get more money unless it increases the productivity of clerical workers. Let's sit down and talk about it! I have some suggestions: (1) we need courses in Spanish so that clericals who serve bilingual areas can be bilingual, and (2) we should make high school equivalency programs available to all clericals. When we lowered the requirements for public employment so we could let in more minority workers, we created dead-end employees out of them. They can't get promotions. The union is trying, but it can't do it all. (3) We need courses and meetings with clericals who deal with the public to give them an esprit d'corps and sensitivity training. (4) We need courses for clericals to learn how to manage and delegate responsibility. Middle management doesn't know how to manage those under them; they have no direction.

The Lindsay Administration has never had a tough enough top Deputy Mayor for Administration to move on these things. The City Administration only responds when a crisis comes. An example of this is the welfare hotels controversy. The unions had alerted the Administration of this problem two years ago. If the Administration and the unions would sit down and cooperate, we would be able to work out problems before they reach the crisis stage, and work out where the City Government is going and the way to go. An example of cooperation is the case of the Hospital Corporation. The union helped to lobby and pass legislation creating the Corporation which provided hospital management with flexibility and allowed community participation. After the legislation went into effect, the unions were ignored. Fourteen months later, the Hospital Corporation is a chaotic mess and the workers are demoralized. Don't blame it on a lack of productivity or too high salaries as a *New York Times* editorial did. The only real increase in productivity comes with union involvement. The City Administration uses the productivity slogan to make brownie points in the press, but by doing this they loose productivity. The sloganeering lowers public servant morale which in turn lowers productivity and efficiency. We lack competent middle management, an esprit d'corps and good working conditions; productivity's not the issue. Let's set the record straight!

The last panelist to speak was Dr. Jewel Bellush, Professor of Political Science at Hunter College and Director of the New York City Commission on State-City Relations:

I think it is good to witness this labor-management fight between Mr. Hamilton and Mr. Gotbaum. Being an egghead in an ivory tower far away from battle, it's good to confront the problem on the real level. BUT, such battles should be placed in a framework to enable us to get a broader perspective. All share, in a sense, in the dehumanization of the citizen—big unions, big government, big business, yes even big universities. Both Messrs. Hamilton and Gotbaum have to focus on the dehumanization the consumers of their services as well as members of their respective bureaucracies.

Written records of Chinese officials indicate that bureauracies existed as far back as 165 B.C. At that time, officials were selected by examinations and notions such as seniority, merit ratings, official statistics, and written reports were familiar practices. So what's new? What *is* new is the ever increasing dimensions of bureaucratic involvement in our lives. The welfare state and the administered society have grown tremendously. From our infant days when we are confronted with health regulations and birth certificates to our death we have been "papier machéd" with forms, papers and applications. Why these signs of such regulation and inordinate amounts of control? It is because of the needs of society, the need to have protection. It grows out of the very fact that we expect so much and want so much more. By our demands, we, ourselves, have created the monsters (bureaucracies).

Institutional reforms are not the only reforms that are necessary. Various techniques have been suggested. (1) Americans need desperately ombudsmen—people courageous enough to do something about bureaucracy. I don't want to sound like an old political hack, but there was once an organization called the political machine symbolized by the local clubhouse where people could go to have someone listen to their problems and help in their solution. The red tape would be cut and the citizen had the feeling someone cared about his little problem.

(2) I'd like to suggest to Messrs. Gotbaum and Hamilton that part of the solution lies in taking some things out of the hands of the bureaucracy. Let's see some processes become automatic by eliminating the middle men, the czars, the Bob Moses, the gods. Let's have none of these welfare brownie points—questions such as is a man in the house, or are there trousers in the closet? I'm sick of this and ashamed to be connected with such a society. We are so slow to realize that we need a guaranteed income. Let's get rid of all the red tape to trap people, to compel dishonesty. Thirdly, I would like to see everyone have a credit card. When we are serviced properly, then we can have punch x-credits on the card of the one who pleased us. This practice should also extend into the private sector. When we are met with a nasty government clerk or a rude sales lady, a dangerous busdriver, etc., then no punch in the credit card. After a certain number of credit points, you win a toaster or a promotion or a trip to Florida. Let people evaluate other people. Let's put performance on a reward system, and encourage people to serve each other humanely.

Finally, I'd like you to join me in nonviolent guerrilla warfare and start dismantling organizations of all types. Let's become subversive and throw away the inhumane aspects of organizations and keep only the parts that are serving us. It will take thousands of such subversives to make a difference.

QUESTION AND ANSWER PERIOD

The following is a summary of some major questions and answers:

Question: The City complains about restraints from above, but the City Government is part of the overall government bureaucracy. Isn't it guilty of doing the bureaucratic thing of passing the buck up again when presented with a problem, just like all bureaucracies.

Answer (Hamilton): The City Government gets 40% of its funds from other governments. It's a fact that the City has to live with. I'd like to answer Mr. Gotbaum. We *do* what we are saying when we talk "productivity." Better deployment practices, etc., such as rescheduling firemen or dividing case work from income maintenance clerking duties, create a lot of trouble for unions, but they do mean more output for less money, and that's productivity! In addition, we need more employee education, training, and research programs; but it's hard to choose between training and generation (active services) given the budget restraints.

As for the suggestion of Dr. Bellush that the City Government spin off some of its functions, it won't help the problem. If you spin off a function, such as in the case of the Hospital Corporation, you create another bureaucracy which is even less responsive than its parent bureaucracy because it is an independent one. Any large operation has a bureaucracy.

Question: I'm a City worker in Social Services and involved in this new separation of functions policy designed so case workers can provide more services. It's a fine plan but the City is not following through. The attitudes of the agents of government, the bureaucrats, are important and perhaps sensitivity training is needed, but the case worker staff has been cut by the City Administration so how can they carry out their jobs?

Answer (Gotbaum): We must be more kind to the City. The City is trying to supplement the income of the poor working toward the goal of a guaranteed income, but the City doesn't control its own destiny. It negotiates with unions, signs a contract, and then can't follow through because the State Government and the State Legislature won't let them. At the same time, the State Administration is calling for more investigation in the social services. Given this situation, what happens to employees in City departments such as Social Services? Young people come there to work filled with idealism and after six months they are disenchanted, swallowed up, demoralized. When you change policies or a part of the government structure, such as the Hospital Corporation, you have to give them the where-with-all to accomplish their mission. Without it, the new policy is no better than the old one.

I have no quarrel with Hamilton about what the City brings to the negotiating table, no quarrel with rescheduling etc. What disturbs me is that more things are given publicity than is first brought to the negotiating table. If the City has a problem, it should confront the union with it without involving the Press. Then things can be worked out. We need to reform the upper structure of the City Administration, not demoralize the understructure with talk of "productivity" in the Press. There are no easy solutions.

Answer (Hamilton): I agree that the City should discuss a problem with the unions before it's talked about in the Press. On the firemen rescheduling issue, we brought it to the bargaining table with the fire union in January of 1970, long before it was mentioned in the Press. We prefer it this way, but when it gets to the point where agreement is impossible, then I believe it's in the public interest to bring it out into the open. The public has a right to know why the firemen are taking a job action.

Question: Government is not the only dehumanizing bureaucracy. What about bureaucracy and dehumanization in private industry.

Answer (Bellush): It's true. The problem is bigness at every level. To a large extent the revolutions on campus are due to the question of bigness. Students want to be part of the decision-making process and that fact helps explain their unhappiness. In the business world, the same malaise exists. The bigness system has to go through a process of decentralization and citizen participation. Some things can be spun off. We all need to stop a moment and see what we can do to change a little part of our world.

Question: What do people like myself do? I want to better myself, get a high school equivalency, participate in bi-lingual programs, but I'm afraid to go to school. I can't go out at night. I've been mugged three times and the cost of transportation is too high for me to afford it. I should get a supplement to pay for transportation. No one seems to be able to help me. I'm sick and have high medical and drug bills. I went to the City for help but I was thrown out of the office. Why can't the government help me?

Answer (Dr. Bellush): This is just the kind of thing I've been talking about. Many people face these kinds of experiences with the government bureaucracy every day. There are so many rules and regulations. People come to government with a problem and then receive shoddy treatment. No one cares. There is a desperate need for ombudsmen—someone to listen and then do something about it.

Answer (Hamilton): I agree it's up to us in government to do better. We can't have this kind of treatment. The problem is that the State needed to save money; to do this, it decided it was better to save taxpayers from a tax increase rather than meet human needs. How do you choose where to cut government services. It was a bad choice to drop the income level for Medicaid eligibility. If we don't raise taxes, we must be ready for the consequences which are the human costs of such policies. To cut money out of the lives of people who need it the most is a social disaster. We need to revise that.

Question: Everyone digs welfare, but why is it different from government subsidies for airlines, big business, farmers. Why not subsidize human beings? How far would a politician get if he advocated a just tax for big business?

Answer (Hamilton): New York City is the only city which has a progressive income tax, including a corporation income tax and taxes on stock transfers and utilities. Influential officials up-State say that progressive taxation drives out the tax base—those people who hold up the economy. We say no! Lindsay is on record in favor of the progressive income tax. Most politicians are for it. The hard question comes when money needs to be saved—where to cut? The trend, unfortunately, is to take it from the services for the poor. That's the tragedy.

Question: All this talk about lack of money. What about reallocating the money that is available, like the happenings in Central Park. They should not occur when you need the money for other things. Also, do we need to refurbish offices or what about the Mall?

Answer (Hamilton): Allocation of funds is already austere. There are much less happenings than before. By the way, the happening you speak of was financed by private funds gathered for that specific purpose. The City got 85% of what it asked for this year from the State. This 15% cut meant the City had to provide a lower level of service with 14,000 fewer employees, 4,000 fewer teachers, and 1,300 fewer cops. That's why the library is not open some hours. In addition, the City is limited in what it can cut, because many programs are not transferable to other needed programs. Consequently, the City can cut funds only from those programs over which it has control which mostly involve services. The City needs general revenue sharing, money without State or Federal strings, money with community control. Without revenue sharing, the City can't do much about the allocation problem because of the constraints on the money that it has.

Question (addressed to Mr. Hamilton): You make excuses about not having the money. That's not where it's at. I work for a Housing Corporation. Nine-tenths of my job is to get the City to do its job. It's not just the money, it's the City employees' attitude. Money is just an excuse. There is so much red tape. No one can cut through it. Open up the dams in the bureaucracy. Give us a chance. We need community control and participation.

Answer (Hamilton): There isn't much of what you say which I disagree with. We in government can try to do better; it's an important point—Government is insensitive. We need to get people to behave more sensitively. If we make the civil service system sufficiently rewarding, perhaps provide employees with sensitivity training, they will be better professionals. But until civil servants have the where-with-all to deliver, kind words are not going to be enough.

Answer (Gotbaum): You can't divorce the problems of money and attitude. The system overwhelms the idealistic because you can't produce the services the public demands. What can an employee in the Housing Development Administration say to the public when there are no houses, no apartments to give. The housing situation is an economic tragedy. It creates bureaucratic frustration which mere human beings can't reconcile. I'm not apologizing for a low level of service; I'm just saying that we are all victimized—the civil servant and the citizen, the provider of goods and services and the consumer. It's a lousy environment.

THE TEN COMMANDMENTS

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. COLLIER. Mr. Speaker, unless it is reversed by a higher court, a decision recently handed down by a U.S. district judge in Salt Lake City could have far-reaching effects. Judge Willis J. Ritter ordered the removal of a monument depicting the Ten Commandments from the front of the Metropolitan Hall of Justice in the Utah capital.

Inasmuch as most laws are based on the fundamental and eternal principles contained in the Ten Commandments which the Almighty entrusted to Moses, the great Hebrew leader, and indirectly transmitted to the Christians and Mohammedans, the jurist's decision could jeapardize all the laws now in existence in the United States, the 50 States that it comprises, the District of Columbia, its territorial possessions, and all the counties, cities, towns, and villages throughout the Nation. If a mere symbolic representation is obnoxious to certain people, how much more offensive would actual enforcible laws flowing from the Decalogue be?

For the edification of my colleagues, the overwhelming majority of whom adhere to the Jewish and Christian faiths and consequently accept the Ten Commandments, I am inserting a news account from the Deseret News, a Salt Lake City publication, and an editorial that appeared therein.

The day may come when some overzealous person, group of persons, or organization will institute litigation that would lead to the removal of certain statues from the Capitol, such as those honoring the memories of Father Damon, Eusebio F. Kino—a Jesuit, Rev. Jason Lee, Father Marquette, Father Junipero Serra, Rev. Thomas Starr-King, and Brigham Young. These men were all clergymen and religious leaders.

Mr. Speaker, it is high time that silly attempts to undermine America's religious heritage were treated with the contempt they deserve. Few in our midst desire a state church and fewer still believe that a monument to the Ten Commandments could lead to its establishment.

The news story and editorial follow:

MAYOR TO PUSH APPEAL OF COURT MONUMENT ORDER

"I can see nothing wrong whatsoever with saying 'thou shalt not steal' in front of the courts building."

So stated Salt Lake Mayor E. J. Garn today in announcing he would recommend an appeal of decision by U.S. District Judge Willis J. Ritter ordering the removal of the Ten Commandments monument from in front of the Metropolitan Hall of Justice, 240 E. 4th South.

Garn stated that Ritter's decision was "very predictable; most of his decisions are.

"I don't think that the Ten Commandments reflect any particular religion," he added. "They are the basis for most of our laws, and even religions such as Buddhism, Shintoism and others use similar concepts as the basis for their beliefs.

RECOMMENDATIONS

"I will definitely recommend to the city commission that Ritter's ruling be appealed," he reiterated. County Atty. Carl Nemelka said any appeal would have to be ordered by the commission.

Ritter's decree came in response to a suit filed against Salt Lake City and County Jan. 12, 1971 by four county residents—Alma F. Anderson, Diana Barclay, Betty Jean B. Nielsen and Parker M. Nielsen.

The stone tablet, five-feet high and three-feet wide, was erected in July 1970, at 240 E. 4th South, through a gift by the Utah State Aerie, Fraternal Order of Eagles.

RESTRAINT

In addition to ordering the removal of the tablet, Ritter also restrained the city and county from "erecting, permitting the erection of or maintaining on public property any monument or monolith or structure which is to advance or inhibit religion."

Defense attorneys had argued that the Ten Commandments transcended mere religious significance, serving as the basis for Western law. Ritter wrote, however, that the monolith has other symbols inscribed on it, including the emblem of the Fraternal Order of Eagles, an "All Seeing Eye of God," Stars of David and the Greek letters, Chi Rho, signifying Christ.

"A primary effect of the erection of the monument on public property is to advance the ideas of the Judaeo Christian religions and to inhibit the ideas of persons professing other religious beliefs or no religious belief," Ritter added.

People entering or leaving the Metropolitan Hall of Justice are lead to believe that "those administering the laws of Utah, Salt Lake City and County support the religious expressed in the monolith," the judge added.

RELIGION IN AMERICA

Must all traces of religious conviction and all expressions of faith in God be expunged from public life in America?

That would certainly seem to be the case if the U.S. ever follows to its logical conclusion this week's ruling by Federal District Judge Willis Ritter on the subject.

His ruling: The Ten Commandments monument must be removed from the north lawn of the Salt Lake Metropolitan Hall of Justice because it violates the Constitution's guarantees of freedom of religion.

In line with that ruling and similar decisions elsewhere, must the words "known but to God" be chiseled from the Tomb of the Unknown Soldier in Arlington National Cemetery?

Must the U.S. Mint strike from America's coinage the phrase "In God We Trust"?

Must we eliminate from the Pledge of Allegiance the words "one nation under God"?

Must we abandon the practice of swearing in court witnesses with a hand on the Bible?

Must such witnesses stop saying "so help me, God" when promising to tell the truth?

Must Congress and state legislatures stop opening their sessions with prayer?

Must the President of the United States no longer place his hand on the Bible when taking the oath of office at his inauguration?

Must prayers no longer be uttered at those inaugural ceremonies? Or does anyone seriously think President Kennedy, for example, was trying to foist Catholicism on the country when he had one of the nation's most prominent prelates pray at his inauguration?

In an era when moral and spiritual decay abounds, America needs more religion in its public life, not less.

PENSION PLANS CALLED BIASED AGAINST WOMEN

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. FRASER. Mr. Speaker, the Minneapolis Tribune on February 1 printed a very informative interview. Mary Hart, a Tribune staff writer, interviewed Irene Scott, a partner in the Minneapolis law firm of Leonard, Street and Deinard. The interview centers upon working women and how they are subject to discrimination in pay, promotion, pensions, and prerequisites.

Irene Scott says:

> If we deprive a woman of her right to work and her right to raise children—zero population—we are going to have a substantially greater drug-alcohol problem in this country.

Prevention of a disease is worth considerably more than a cure for the same disease and often prevention is simpler. In this case, prevention requires simple justice—the end of discrimination against women.

The interview follows:

[From the Minneapolis Tribune, Feb. 1, 1972]

PENSION PLANS CALLED BIASED AGAINST WOMEN

(By Mary Hart)

Social Security and many company pension plans have inequalities for women, said Irene Scott, attorney and partner in the Minneapolis law firm, Leonard, Street and Deinard.

Ms. Scott, who isn't a "hatchet-holding or sign-waving women's liberationist," said that women must become more active in politics, must become advocates against this discrimination.

One women's liberation group gets the publicity to focus attention to the problem, while another group pushes to get the laws passed, she said.

The Civil Rights Act of 1964 forbids discrimination in employment by sex, race, religion and color, but the subtle inequities still exist, she said.

She urged women to see that the equal rights amendment is passed, because it would prevent any government unit from discriminating against women either in pay or promotion.

"When it comes to promotions, businesses always say that women quit or change jobs oftener. Statistics show that men have 11 percent turnover in jobs, while women have 8.6 percent," Ms. Scott said.

"Women rapidly lose incentive in their jobs, sitting next to a man who makes more money for the same work."

Because they earn less women who work end up getting less money from Social Security when they retire," she said. "Women receive 60 percent less than men do when they draw Social Security."

Ms. Scott said that many wives are not aware of their husband's pension plan or what Social Security they are entitled to.

"Too many women are apt to say their husbands will provide," said the attorney.

Then at 50 they may become widowed, discover there is no pension, they are not covered under Social Security because they are too young and have no dependent children, she explained. "Trying to enter the labor market at this age is difficult," she said.

She urged women to check into company pension plans, whether it is their own or their husband's. Some provisions in pension plans are subtle and do not give the same benefits to women workers.

"Wives should be aware of provisions for widows. Some pensions give men an X number of dollars for life when they retire, but when they die, the payment stops. Most plans have provisions, so that if the husband takes a lesser amount, then the benefit continues for the wife."

Because women's salaries for comparable positions often are less, Ms. Scott said that Social Security and pensions pay less on retirement. She is quick to state that she feels that men should be able to retire at the same age as women.

Colleges and universities are big offenders in paying women less, she said. Starting salaries are about $1,000 less for women.

"Widows (when they are eligible) get only 82.5 percent of what their husbands would have received from Social Security," Ms. Scott said.

She also thinks Social Security and life insurance are similar. Because the husband has paid for both, she said the widow should get the 100-percent Social Security payments to which her husband was entitled on retirement.

"The effect is a large number of retired couples live together, but do not marry, so the widow won't have to forfeit her Social Security payments," she said.

"If a widow remarries, she should be given her choice as to which husband's benefits she receives. She should not be able to collect from both husbands.

"Many women work on what's called part time, or they are called extras, and are not covered by a pension plan. This can be negotiated."

Child-care centers and training programs for mothers, who may have to enter the labor market, are two of the greatest needs of our country, said Ms. Scott. "A great majority of AFDC mothers do not abuse the program. But where in the job market does she fit when her children are grown?"

Ms. Scott said that working women need more income-tax credits for hiring baby sitters or for payments at child-care centers.

"If we did this, we would be creating more jobs, and we would get many more women into medicine and other professions.

"If we deprive a woman of her rights to work, her right to raise children (zero population), we are going to have a substantially greater drug-alcohol problem in this country," said Ms. Scott.

She also cited the discrimination against single people in the income-tax laws and noted that there are more single women than single men.

ON SECRECY AND THE NATIONAL INTEREST

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. HOGAN. Mr. Speaker, there has been a great deal of controversy during the past few years over the ability of government to conduct some of its most sensitive business in private and the public's right to know.

The press has scored what it considers several "coups" in keeping the public informed by releasing secret documents. However, in my opinion the media have performed a grave disservice to our Nation by publishing certain secret documents. I have in mind in particular the so-called Pentagon papers and the revelations of columnist Jack Anderson.

I do not mean to imply that the public should be kept in the dark, but there are frequently times when secrecy is absolutely imperative in the national interest.

In a letter to the editors of the Washington Post, Peter F. Krogh, dean of the Georgetown University School of Foreign Service, discusses the importance of confidentiality in the conduct of government affairs, and I now insert the letter into the RECORD:

ON SECRECY, THE PUBLIC'S RIGHT TO KNOW AND NATIONAL INTERESTS

In the process of advocating the people's "right to know," the public media have too easily dismissed the serious risks and dangers to our government and general welfare in the practice of leaking confidential government information. The result is to give the average citizen a simplistic, one-dimensional and distorted picture of what is a very complex issue with many more questions at stake than just the people's right to know.

The American people have a right to a rational, honest, convincing explanation of their government's policies. They have a right to maximum of information consistent with the national interest. They have a right to vote out of office a government they mistrust or believe incompetent.

Granting all this, it is nevertheless true that the people's right to know is not an absolute. It should not be seen primarily as an end in itself. It should be viewed, rather, as a means to the wise conduct of domestic and international affairs. With respect to foreign policy, it has legitimate limits circumscribed by the degree to which "fish-bowl" decision making is effective, practical or prudent in the conduct of international relations; by the importance to the nation's capacity to engage in foreign affairs of trust and credibility with other governments; and by considerations of national interest, broadly defined.

Separate from, but of course related to, the people's right to know is the necessity of confidentiality in government and the question of unauthorized release of secret documents. The meaning of each of these things ought to be carefully pondered.

The right to, and the need for, privileged communication is acknowledged and defended by our society with respect to almost all human endeavor. We sanctify lawyer-client relations; we allow the press to protect its sources; we respect the confidentiality of business decisions. In government, such confidentiality is equally essential to good decision making, orderly administration and the conduct of relations. Without confidentiality, our officials simply cannot engage in the free, tough give-and-take of debate and the frank, even brutal, judgments which good decision making requires.

One of the major reasons for confidentiality is not so much that revelations, such as the Anderson papers, will "telegraph punches" to an adversary or competitor (though this is a consideration), but that they invite misperception and misunderstanding by the average observer. They actually serve to confuse the public (albeit at a higher level). It is precisely the point that leaks of the recent kind wrench information out of context and perspective which raises the question of whether even the right to know is really served by this practice.

Even conceding the fact that secrecy may be used to deceive and cover up, how well is the nation served by a unilateral decision of an official or a columnist to "expose" the deception? On what basis do they arrogate to themselves the right to know when the national interest may or may not be harmed by publication of documents? To be relatively sure that much information is over classified is one thing; to decide that a given piece of information is so overclassified is another. What wisdom or expertise gives an editor or columnist the right to determine that it is all right to reveal a given document? How does he know?

It is another error to think that by leaking information decision makers will be forced into better decision making. On the contrary, the reverse is likely to happen. If officials are made to feel that their every action or word is at the mercy of any other official who, out of disgruntlement or for any other reason, can reveal parts of the record with impunity, the result can only be less candor in decision making. Nor can we expect in these circumstances that foreign governments will deal candidly with us, or that allies will ever again quite trust themselves to talk frankly and freely to us.

Perhaps most disturbing of all is the effect on our values and the professionalism of our public servants of the apparent legitimacy with which current media comment has clothed the leaking of sensitive official papers. Such practice, if pursued and indulged further, will give every government official license to be a free agent, enabled if not actually encouraged to undermine secretly (the people who have leaked the secret documents enjoy the protection of secrecy) decisions with which he may personally disagree. It virtually invites officials to indulge frustration and resentment with impunity, under the guise of moral righteousness. Orderly administration can literally break down in these circumstances.

I cannot, in short, emphasize too strongly that the practice of leaking secret documents, and its indulgence by the press, will rapidly lead to a crippling, not strengthening, of the decision making process, and a deterioration rather than an improvement in the quality of our foreign policy. Deception and covering-up may be real concerns, but the answer to these ills is hardly to resort to a practice which can be equally pernicious in its total effect.

The public may be titillated by the Anderson revelations. The press may be congratulating itself on striking another blow for the people's right to know. But make no mistake. In the end, this country's capacity to conduct foreign relations will have been the casualty. The gravity of that casualty should be measured against whatever utility and public excitement the publication of secret deliberations may provide. And those responsible for the leaks should know that however well intentioned they may have been, they performed a real disservice to their country.

PETER F. KROGH,
Dean, Georgetown University School of Foreign Service.

SPEECH BY MAYOR JOHN V. LINDSAY

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mrs. ABZUG. Mr. Speaker, recently Mayor John Lindsay made a very fine speech about our national priorities and our foreign policy, taking particular note of the Nixon administration's inhuman and destructive policy with regard to Bangladesh.

I think that his remarks are worth reading, and I include them at the conclusion of my remarks:

SPEECH BY MAYOR JOHN V. LINDSAY

For almost two centuries the promise of America has provided moral leadership for the world. The devotion of our citizens to liberty, the justness of our Constitution, the commitment of our leaders to the rights of man—these are things all people have understood. They have been the standards of our nation's greatness at home and the true source of our strength abroad.

Nothing has been more true of this country's history than the bond between what we do for our own people and how we act toward other nations. In this century we have fought to win economic security for all Americans—that was the battle of the New Deal in the depression and the Fair Deal fifteen years later, that is what we still fight for in our cities' ghettoes and in the depressed pockets of rural America. And that same impulse to free man from want was the moving force of the Marshall Plan which rebuilt Europe and a program of foreign aid that has used billions of our wealth for the hungry of other nations.

In this century we have fought to win the rights of all Americans: of women whose rights were ignored, of blacks whose rights were denied, of poor people without hope. And that same impulse to secure man's freedom sent our armies into two world wars and inspired the 14 points of Wilson and Roosevelt's creed of freedom.

To stand by the oppressed, to feed the hungry, to offer liberty to all people—that has been America's heritage and its commitment around the globe.

But today some of that seems lost. That heritage seems weaker. That commitment seems remote. We are all concerned that these principles have grown distant from our lives and unimportant to our leaders. And what the President said to the nation last week deepened that concern.

Nothing in the State of the Union message conveys the desperation of 5 million Americans out of work, of families who can't find decent medical care or can't afford the care they find, of young men still forced to fight and die in that insane war, of blacks and browns and women shut out from jobs and education and housing.

And, incredibly, while the President quietly noted these grievances, he proposed more money for defense—for guns and bombs and planes. We can hardly believe that they would dare start that cycle again. But we are being told again that we must spend more for death abroad and that means we won't have enough to build for a better life at home. They have decided again to wind up that inflated military machine, and deny us the billions of our own tax moneys that we so desperately need in the streets and neighborhoods of our cities.

From this speech, with these distorted priorities, we learn anew how what we do abroad is tied to what we do at home. At home and abroad, there is a cynicism that is all too evident in our government's acts as well as their words. At home and abroad, this government has forfeited moral leadership and strayed from basic principles.

We had hoped that the wounds of Vietnam would have begun to heal with the beginning of this new decade. But that mindless war drags on and the toll is everywhere around us. And it seems that this administration has failed to grasp the lessons of that tragedy. For in recent months in another part of South Asia, as India and Pakistan took up arms against each other, we saw again how our government's neglect at home is reflected in blindness abroad. What our nation did and what our leaders said about that conflict gives stark insight into the values of the men in Washington who now lead us.

We all watched that relentless tragedy unfold. The growing estrangement of East from West Pakistan, separated by a thousand miles of hostile India. The savage military repression of East Pakistan. The flight of more than ten million people across the border to India. The suffering of those refugees in disease-ridden camps. And then war between India and Pakistan, the Indian victory, and the establishment of the new nation of Bangla Desh.

The single common thread in this tragedy is a failure of American leadership. From start to finish, our policy was dreadfully, incredibly mistaken. An administration priding themselves on mastery of strategy has left us in a strategic mess in the Indian subcontinent which could take years to repair.

The policy we needed was not so complicated. It should have been very simple to pursue.

We had to maintain honest relations with both India and Pakistan, caring for neither more than we cared for the good of the entire subcontinent.

And, of course, we had to do everything we could to keep them from fighting one another.

Yet in the turbulent events of 1971—when our actions counted most and our stake there was most endangered—the Nixon Administration ignored the most basic principles, honesty about our purposes, concern for democracy's strength, relief for human suffering, and support for peace around the world.

When our Ambassador in East Pakistan reported what he called "selective genocide," we kept sending arms to Pakistan's brutal dictatorship.

In the name of territorial integrity, our arms aided—and our silence condoned—a reign of terror in Bangla Desh which made its secession inevitable.

In the name of peace, our heedless support for Pakistan drove India to war as the only relief from the crushing burden of 10 million refugees.

In the name of balance, our one-sided policy drove an alienated India into the arms of the Soviet Union.

I wonder if the strategists in the White House have stopped to look at the results of their handiwork.

We have made ourselves the enemies of the 550 million people of India and the 70 million of Bangla Desh.

Even our position in West Pakistan has deteriorated as the people have overthrown the military dictatorship we supported.

And the Soviet Union, yet to exact its price for support of India, may well stand on the threshold of Russia's centuries-old dream a naval base on the Indian Ocean.

In that respect at least, this Administration's policy deserves a place in history. In nine short months, Messrs. Nixon and Kissinger managed what all the Tsars since Peter the Great could not.

The presence of those Russian ships in the Indian Ocean is going to be felt, I'm afraid, by every taxpayer in America. The same Administration that provoked the Soviets by sending the carrier Enterprise parading into the Bay of Bengal is now rushing to the Congress with defense spending plans to deal with this so-called new threat.

Now burdened with another ocean to guard, the President proposed in his State of the Union message to build new nuclear carriers and submarines whose final cost is anybody's guess.

A government willing to face its mistakes would not have to pay all these costs. A government honest with itself and others could begin to repair our relations with India and could refuse to begin the senseless spiral of a naval race with the Russians.

But the crisis of Bangladesh also showed us all too clearly that we do not have that kind of government in Washington today.

From the record of public statements, from Congressional exposures, from those mysterious White House background briefings of newsmen, from secret documents recently published by columnist Jack Anderson, we know this Administration was not honest about its actions. It did not admit its blunders to itself or to others. It simply persisted in them, hiding behind a shroud of official secrecy and press flackery.

On April 12, on April 15 and again on April 29, State Department spokesmen assured us: "There is no military equipment in the pipeline and none has been delivered."

Yet while our government persisted in these denials, American military material was on the high seas bound for the war in East Pakistan. And Senator Church showed on the floor of the Senate the bills-of-lading for $35 million in military equipment still being sent to Pakistan!

Then we heard from the Administration the inevitable "explanations." The Administration "explained," for example, that ammunition is not a "lethal item." That would be hard to "explain" to a Bengali mother whose child has been killed by an American bullet.

The same Administration earnestly told White House reporters during the war that our policy was "even-handed" and not "anti-Indian" . . . and then held their secret meetings to figure out ways to "tilt" toward Pakistan. The published minutes of those secret meetings show the same old contempt for public opinion, the same old bureaucratic back-biting, the same frightening indifference to human suffering that we saw in the Pentagon Papers and have heard throughout the years of war in IndoChina.

"We see the light at the end of the tunnel," the Generals told us in 1967. Then the Pentagon sent another 200,000 troops to the jungles of Southeast Asia.

"We are winding down the war," this new Administration said. Then they invaded Cambodia and Laos and renewed the bombing in the North.

So none of this is really new. What burdens our conscience in IndoChina is the same ultimate outrage of our policy in Bangla Desh.

Some now say that three million people died in the holocaust of East Pakistan—three million.

Ten million refugees—more than the population of New York City or many of our states—ten million people were driven from their homes into illness and starvation as refugees.

I believe that what happened there was perhaps the greatest human catastrophe since the murder of six million Jews in World War II.

And the United States, once the symbol of compassion and justice in the world, once holding, as Jefferson wrote, "a decent respect for the opinions of mankind," stood by in silence.

We found reasons of state for ignoring the supreme unreason of mass killing and suffering.

What imaginable goal of policy could justify this?

I think we have to ask over and over—what sort of men do we now have in Washington who think and act this way?

President Nixon talks about a "generation of peace."

It's time we talked about the positive measures we must take to build that generation. It's time we talked of an arms-free zone in the Indian Ocean, not another insane arms race.

It's time the President announced an international relief program of a scale commensurate with the plight of 10 million refugees. And it's long since time we proposed the establishment of indigenous regional organizations for cooperation and settlement of disputes which might allow the world to avoid these tragedies in the future.

There will be no "generation of peace" until there is a new generation of American foreign policy.

And why don't we have the vision and the will which can renew our world leadership? I'm afraid we are guilty of what the poet Archibald MacLeish called "the divorce between knowing and feeling."

We have forgotten so completely how to feel that the most callous, insensitive words roll out. At that secret Washington meeting some tasteful bureaucrat mentioned Bangla Desh was a "basket case." And Henry Kissinger answered: "It doesn't have to be *our* basket case."

And that's not only foreign policy. As I said when I began, what we do abroad reflects what we do to our own people here at home.

The awful truth is that there is a Bangla Desh of the spirit in too many corners of America . . . in the migrant labor camps . . . on depressed farms . . . in the unemployment lines everywhere . . . in the slums of our troubled cities.

Millions of Americans are refugees in their own land from a government that doesn't care.

Can we believe the White House meetings on domestic policy are so different from the sessions on Bangla Desh?

Can't you hear the refrain in so many of Nixon's actions?

—When he vetoed day care that would have helped millions of children and their working mothers. Can't you hear them saying "they don't have to be *our* basket cases"?

—When the Nixon Administration tried to cut school lunches for two million children.

Or when the President vetoed a legal services program for poor people who are trying to get justice in our courts rather than the streets.

When he gave big corporations an enormous tax cut while most Americans are fighting to stay even with high inflation and stay out of 6% unemployment. Can't you hear them saying "they don't have to be our basket cases"?

I think we can have again in America a government that cares for our people in need here and for suffering abroad.

I've made my share of mistakes in governing New York City these past six years. But I've learned one thing. I know from hard experience that we can't rebuild America with old answers, the old political manipulation at home and the old dehumanized diplomacy abroad.

Franklin Roosevelt was right when he said: "Better the occasional faults of a government living in the spirit of charity than the consistent omissions of a government frozen in the ice of its own indifference."

I think Americans want something better from their government. They want it to stop destroying the spirits of children and the dignity of adults by callous neglect.

They don't want it to declare war on other countries every time there is evil in the world. But they do expect it to declare America on the side of life and justice.

Those are not unreasonable demands. We can have that sort of leadership and we can have the moral purpose, the vision, the truth that ought to be what government is about in this country.

I believe we can do that *now*. And that's why I run for the Presidency.

AIRCRAFT MANUFACTURER CRITICAL OF FAA

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. WYDLER. Mr. Speaker, in the last few days, I have offered an amendment to try to get relief for the people suffering from jet noise. The amendment would have taken away from the Federal Aviation Administration the control over setting jet noise limits and given it to the Environmental Protection Agency. The reason for the amendment was the fact that the FAA has, for 3½ years, done nothing to use this power to help the people suffering from this terrible problem.

The main argument used against my amendment was the fact that the FAA was going slow because it was trying to protect the safety of the flying public. In the Wall Street Journal, on Wednesday, March 1, appeared an article in which the McDonnell Douglas Corp. criticized the FAA for delaying the installation of anticrash systems on aircraft. I wonder how the FAA justifies this delay, as it certainly could not be because it is trying to protect the safety of the flying public. I am setting forth the article herewith:

McDonnell Criticizes FAA Delay on Backup for Anticrash System—Producer, in Unusual Move, Describes Agency's Course as Wrong for United States, a Gamble

(By David P. Garino)

St. Louis.—In a highly unusual move, McDonnell Douglas Corp. has decided to take on the Federal Aviation Administration.

In the past, the giant aerospace concern has been most reluctant to publicly criticize a government agency, or for that matter, even to comment on the affairs of its competitors.

Apparently, though, recent actions by the FAA on the proposed backup collision avoidance system has upset the company, and James S. McDonnell, chairman and chief executive, has given the go-ahead to voice opposition to the FAA.

"McDonnell Douglas doesn't make fusses about many things," a company executive explains in an obvious understatement.

"Mr. Mac" reportedly has taken a deep personal interest in the collision avoidance system, which the company has been working on for over a decade, and began marketing in the latter part of 1970.

Last August the FAA indicated that by the end of 1971 it would have enough information to make a recommendation on the usefulness of a backup collision avoidance system, as an addition to its own air traffic control system. McDonnell Douglas was then stunned by an apparent two-year delay. Last January, FAA Administrator John H. Shaffer said in a speech that "by the end of 1973, FAA should have enough experience" to make a decision on the collision avoidance system.

Hearings are being conducted by the Aviation subcommittee of the Senate Commerce Committee on a bill, introduced by Sen. Frank E. Moss (D. Utah) to make installation of a collision avoidance system mandatory on commercial aircraft by Jan. 1, 1975.

At the hearing yesterday, Kenneth M. Smith, deputy FAA administrator, said only airlines could afford the McDonnell system, and this would protect only 3.7% of the civil fleet. This would only protect one airliner from colliding with another, not from smaller planes, he added.

While the agency is convinced that a ground-base control system "is and will be for the foreseeable future the primary collision-avoidance system for aviation," it also believes an airborne system has "potential value" in expanding collision-avoidance capability and as a backup in case of ground-system failures, he said.

In addition to installing an advanced air traffic control system around the nation, currently in progress, a new ground-based, computer-directed anticrash system that eventually would warn both controllers and flight crews is "promising," Mr. Smith said.

In an interview, D.C. Arnold, president of McDonnell Douglas Electronics Co., the subsidiary that developed the collision avoidance system, criticized the FAA's delay in reaching a decision. "We obviously think it's a mistake," he said. "The delay merely strengthens the side of those who don't want a backup system. We will try our darndest to show this action is the wrong course for the country."

In an interview, D. C. Arnold, president of near-misses (of aircraft) is too high to gamble." He said an FAA study showed 1,166 near-misses last year. "Controllers are taxed to the limit because of traffic density, and it will get worse," the executive continued. He also said the FAA's automated air traffic control system won't be completed until the 1980s. Even after then, he maintained, "An independent backup system will be necessary. If the automated system ever went out, there would be utter chaos" without a backup.

The FAA is avoiding two key questions, Mr. Arnold charged. "Should there be a backup collision avoidance system? And if there should be, what technology should be selected as a national standard?"

The McDonnell system is called EROS, which stands for Eliminate Range Zero System, "range zero" indicating a crash. Under the system, each equipped aircraft broadcasts a signal for a brief instant once every three seconds, automatically reporting its precise range, altitude and range rate to all other equipped aircraft in the area.

If a collision is imminent, a warning in the form of a beeping sound and flashing red arrows instructs the pilot to climb, dive or level off. In the case of a typical potential collision, the pilot of one aircraft receives a climb arrow, the other a dive arrow.

McDonnell Douglas says its system can handle 2,000 planes in a radius of 90 miles in a three-second period.

The cost of the unit for commercial aircraft is about $50,000, and the company is also marketing a Micro-CAS unit for about $2,500 for general aircraft.

CHARMING SAVANNAH—"THE CITY BY THE SEA"

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. HAGAN. Mr. Speaker, Savannah, Ga., often known as "The City by the Sea," has unique charm—and it seems to be growing on people, especially writers.

Millions of people enjoyed a nine-page feature on Savannah in the last May 9 issue of Life. Other stories about the city appeared between April and June 1971, in Harper's Bazaar, Nation's Business, and Investor's Reader. But this was just a grouping of interest in a short period. There was much more that had already been published or was to be published.

Historic Savannah Foundation, with Reid Williamson executive director, and Beth Lattimore, his staff assistant, keep a running record of the appearance of Savannah in various magazines and newspapers.

According to a former advertising slogan, "Such popularity must be deserved." The city of Savannah is a source of pride to all of us who live in the First District of Georgia.

An account of the recognition the city is receiving was carried in the Savannah Evening Press of February 12, 1972, as follows:

HISTORIC SAVANNAH LOVES FREE PUBLICITY—NATIONAL MAGAZINES HAVE STRUCK A GOLD MINE WITH STORIES ON CITY'S RESTORATION

(By Kathy Haerberle)

The best things in Life are free.

That's particularly so if you're looking at last May 7 issue of the slick magazine and you're a Savannah booster.

In the issue, the city was featured on nine pages with a story embroidered with magnificent color photographs. It was a promotion triumph.

But the Life story was but one of many that have been appearing in national publications with gratifying frequency.

Historic Savannah Foundation usually ends up squiring around the steady processions of writers, photographers, gourmets and other interested parties.

And Historic Savannah's executive director Reid Williamson and his staff assistant Beth Lattimore, keep a running record of Savannah's appearance in various magazines and newspapers.

A SAMPLING

Recently, with the help of an advertising agency, Williamson also got a sampling of how much readership Savannah had gained and what it was worth in the space if it had been paid for.

The tally shows that the city was featured between April and June of last year in Harper's Bazaar, Life, Nation's Business and Investor's Reader.

Those articles alone reached over 23 million readers. And, if they had been paid for at the going prices, they would have cost a whopping $410,700.

The Historic Savannah promotion list, beginning in 1960, is a telling barometer of how Savannah has "grown up" nationwide.

The list begins with a feature in "Action and Progress" the Savannah Area Chamber of Commerce publication (what else would it feature?) and runs through some specialty publications, such as "Antique Monthly" and "Asphalt Quarterly" in those early years of the historic restoration movement here.

STEADY BASIS

But, by the 1970s, Savannah was appearing on a steadier basis in such prime publications as Times, House and Garden, Esquire, Woman's Day and Newsweek.

Williamson describes the build-up of Savannah publicity as a kind of "spawning action." For instance, he said, the Life article prompted a feature on Savannah by Tom Wicker in the New York Times last December. Wicker is syndicated, so that article appeared all over the United States in major newspapers.

He called the recent attention given the city and its history and renewal "incredible."

Williamson said the "crush" of publicity and the letters generated by it have prompted the need for another full time employe at Historic Savannah just to handle the public relations.

He said a good example was a small "blurb" on Colonial crafts in the supermarket-distributed Woman's Day magazine brought 100 letters from throughout the U.S., including a request from a woman in Highland, Calif., for a Colonial doll. (She got one compliments of the Cunningham Golden Age Center.)

In addition to the calls and letters generated by the articles, Historic Savannah is regularly contacted by such organizations as the East Alabama Regional Planning and Development Commission or the Chicago Landmark Association on local preservation efforts and advice on historic covenants.

If this weren't enough Historic Savannah officials frequently speak to visiting groups here or travel to other cities to spread the word on Savannah.

It's not all gravy however, Savannah's had a few bad experiences in publications, which highlighted pollution problems and pictured the city as a deep South hick town. But, Williamson said, far and away, the favorable publicity—some of it downright promotion pieces—far outweight the bad.

When writers come to town, most of them have set aside a day or a day-and-a-half to work Williamson said.

"But, they are really startled with the size of their job," he said.

"They expect to find a tourist attraction like Old Salem and find an entire city. They expect to find a section or a street and aren't prepared for the preservation of 1,100 buildings, 20 squares and two-and-a-half miles of historic city" Williamson said.

"I swear," he said, "most of them call the head office" and rearrange time scheduling.

Williamson said Life was a good example. They came to town with the idea of comparing an old city with a new city such as Reston, Va. for the year-end issue and cancelled that idea after being in a town a short time.

Instead, the Life photographer stayed three weeks and the writer came "lord, I don't know how many times," Williamson said.

THE TORMENT OF NORTHERN IRELAND

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mrs. ABZUG. Mr. Speaker, yesterday, I had the privilege of testifying on Northern Ireland before the Subcommittee on Europe of the Committee on Foreign Affairs. The tragic situation in the six counties of Ireland which form Ulster is one which concerns freedom loving individuals throughout the world, and which should concern the Members of the Congress of the United States as well.

We must not overlook the fact that the entire island of Ireland has traditionally been a single entity. The artificial creation of Northern Ireland was effected in 1921 by the British Government as a temporary measure, and unification should be the ultimate goal if that is what the people of Ireland want.

Aside from the question of unification, there is the shocking denial of civil rights in Northern Ireland. Whether the six counties remain separate or are reunited with the rest of Ireland, all citizens there must be afforded equal rights in determining the operations and policies of the authority which governs them. That is the immediate issue, and it is one on which we should all be able to agree without regard to our feelings about unification.

The text of my statement before the subcommittee follows:

Bella S. Abzug Testimony of Northern Ireland Before the Subcommittee on Europe, March 1, 1972

The situation in Northern Ireland is no more a "local situation" for freedom loving people than is the oppression of blacks in South Africa and Mississippi or the genocide in Bangla Desh.

Rather, the situation in the Six Counties of Ulster is one which must be of grave concern to all who care about democracy and the right to self-determination and participation to all who care about the right to human dignity and the right to earn a livelihood in security and peace.

The basic issue here is *self-determination*. To us as Americans, it is as old as our nation, for it was the issue which led us to seek our own independence nearly two centuries ago. In addition to demanding it for ourselves, we are demanding it for the people of Vietnam, and we must demand it no less for the people of Ireland. Self-determination is a right for which people will fight if they do not receive it in peace. I am amazed that the British, who have been taught this lesson in such former colonies as America, Israel, and the Republic of Ireland, have not yet learned it.

I will not attempt to go into a lengthy historical analysis of the root causes for the tragic situation that now prevails in Ulster. That job has been well done by other witnesses.

I want to talk briefly about what is happening right now in the Six Counties and why it is of concern to me and to my constituents. I have in my district people whose relatives are languishing in Long Kesh and the other internment camps. These camps are in reality concentration camps which contain hundreds and hundreds of innocent people, swept up in dragnets, snatched from their homes in the dead of night.

Fathers have been taken from their families, leaving them without income.

Sons have been snatched off the streets leaving their parents to worry whether they have been killed by a British bullet or felled by an exploding bomb.

Heart patients have been brutally removed from their sickbeds at 4:00 in the morning.

And all this without trial, without warrant, without evidence, without due process, in the most arbitrary and dictatorial manner seen in a western country since the dark days of Fascism and Nazism.

Our own Alien and Sedition Acts of two centuries ago seem like the Bill of Rights by Comparison to the Special Powers Act. The government in Stormont is one of the most unrepresentative, undemocratic bodies ever to go under the guise of a democratic government. The aristocratic masters of Stormont conduct the affairs of state as in a feudal barony, and their British masters prop up this wretched authoritarian regime with armed might.

Contrary to popular opinion in America, the issue in the Six Counties is not basically a religious one. The issue in the Six Counties is a fundamental issue of civil rights and human rights, in which a huge minority is wholly denied a meaningful vote, a voice in government, a say in determining the operation and the destiny of the country that is theirs. More than that, the Catholic minority is denied the right to work by the owning class in Ulster. Catholics are the last to be hired and the first to be fired. Whole categories of employment are barred to them, and as for government jobs, there are few indeed.

If anything is more striking in proving that this is a human rights and not a religious question, it is that the major leaders of the opposition to Stormont—John Hume and Austin Currie—are themselves Protestants, men of good will who have found themselves thrust into leadership of a movement because they could not sit by and watch the oppression continue.

The British troops in Ulster conduct themselves as an occupying force. The Citizens of the Catholic minority find democratic paths to change denied them, and are forced into violence by the oppressive British presence which props up the fictitiously democratic Stormont regime. Hundreds of elected Labor, S.D.L.P., Independent, and Nationalist, and Liberal elected officials in the Six Counties have withdrawn their participation in government as long as the British troops stay, as long as the Special Powers Act and Internment continues, as long as Catholics are excluded from government in the North.

We cannot have more Bloody Sundays. We cannot stand by as, in the words of Senator Kennedy, Britain's Vietnam gives birth to Britain's My Lai. We must in conscience speak out.

I am pleased to be a sponsor of the Carey-Ribicoff resolution—H. Res. 653. This resolution calls for the termination of the policy of internment without trial, the restoration of full civil rights in Northern Ireland, the dissolution of the totalitarian government of Stormont, and, ultimately, the taking of steps toward the unification of Ireland.

I am also a sponsor of Mr. Bingham's resolution, H. Con. Res. 424, which calls upon our own government to exert its influence toward developing a solution to the torment of Northern Ireland, both directly and through the United Nations. The U.N. should institute a full and impartial investigation of the situation in Northern Ireland with an eye toward making recommendations for a peaceful solution; it should also consider sending a peace-keeping force to oversee conditions there.

I would add that the ultimate solution to the crisis in the North will be found when British troops are withdrawn and when the government at Stormont is replaced by a democratic government that allows *all* the people of the Six Counties to participate.

The ultimate solution must be a free government in the North that can find a peaceful path to a united Ireland. For Ireland is indeed one country. Anyone who has been there knows it. Even militants like the Rev. Ian Paisly have said that unity is desirable and possible. If anyone doubts that a peaceful solution can be found let him read a column by Pete Hamill in the New York Post of February 12, 1972, in which he details a compromise that could have brought peace to the North, that was agreed to by both wings of the IRA and by Ian Paisley, but was rejected by the British.

The British must be brought to their senses, and we, as Americans, as men and women of conscience who love freedom, must help them find their senses.

[From the New York Post, Feb. 12, 1972]

The Dove That Died

(By Pete Hamill)

Dublin.—On the Thursday before Bloody Sunday, the British government was presented a secret five-point plan that could have brought an immediate IRA ceasefire in Northern Ireland, to be followed by a peace conference. The British rejected the plan, and by the following Monday morning all hope for a swift peace seemed to have been lost in the slaughter in the Bogside.

The plan was presented to "very high officials" in the British Home Office by Dr. John O'Connell, a Labor member of the Irish Parliament in Dublin. O'Connell had been working for weeks to try to find a way out of the political and diplomatic impasse that had been in effect since internment without trial started last Aug. 9, and for a few days he seemed to have succeeded.

"O'Connell wanted to see the killing stopped and the talking begin," said a man who was very close to the negotiations. "Since he was not part of the ruling Dublin government, he had certain advantages over many people."

O'Connell first approached leaders of the Provisional IRA in Dublin. After a series of discussions, the Provisionals agreed to halt the campaign of bombing and shooting in the North if certain concessions were made. This in itself was encouraging, because the Provisionals had been stereotyped as hard-nosed gunmen who would fight to the bitter end.

Basically, the Provisionals agreed to an immediate 30-day ceasefire, if the British government would stop internment. During that period, while groundwork was laid for a peace conference, the British Army would be confined to barracks, and army harassment of Catholics in the North would come to an end. The Official IRA went along with the plan as long as it guaranteed that the British Army would be confined to barracks.

"The key there was an agreement that internment would end," the source said. "That then freed the politicians in the SDLP to join the negotiations."

The Social Democratic and Labor Party (SDLP) is the major opposition party in the North, and has withdrawn from the Stormont Parliament until internment is ended. If the IRA could agree, even to a phased-out end of internment, SDLP leaders would then be free to negotiate. O'Connell made clear, however, that the IRA would have to have a seat at the conference table.

With agreement from the IRA and SDLP, O'Connell then traveled North to see the Rev. Ian Paisley, the Protestant militant whose constituency includes the most hard-lined Protestants in the North.

In a series of extraordinary discussions, O'Connell managed to convince Paisley that a peace conference was necessary to end the killings, but that Paisley and the IRA must be present at the table. O'Connell reminded Paisley that Michael Collins, one of the greatest of all IRA leaders, had attended the peace conference of 1920, and Paisley agreed that this was a legitimate precedent.

Paisley went along with O'Connell's plan.

And so, armed with agreements from the major opposition party, both wings of the IRA and the most powerful Protestant militant, O'Connell traveled to London on Jan. 27 for meetings at the Home Office. There were five basic points in his proposals.

1. Amnesty for all political prisoners. (More than half the 750 people in the camps are being held for their political beliefs and are not members of the IRA.)

2. The end of internment.
3. The immediate withdrawal of the British Army to barracks.
4. The complete restructuring of the Stormont government along democratic lines.
5. A declaration of intent by the British on the future of Ireland.

If the British agreed to a conference, the Provisionals would have put a ceasefire into effect immediately, as a sign of good faith. If at the end of the 30 days, internment was also ended, talks would begin the following week.

Despite a public statement about not sitting down with gunmen, the British were prepared to admit the IRA to the conference table. Initially, they had no trouble accepting the first four points but were shaky about the fifth because that dealt with the re-unification of Ireland.

"We told them that the fifth point did not have to be agreed upon going in," the source said. "That's what the conference would be all about."

Unknown to O'Connell, Northern Ireland's Prime Minister Brian Faulkner was in a nearby room during these top secret talks, and was being informed of all developments. At the end of the day, O'Connell was asked to stay overnight in London for further talks in the morning. He agreed.

The following day, he returned to the Home Office and the British turned down the whole package.

Their only apparent excuse was that "We didn't know what would happen if the talks broke down." O'Connell flew back to Dublin. Within 48 hours, 13 people were dead in the streets of Derry, and a major chance of peace had been lost.

"They are either very stupid," the source said, "or they already had planned the events at Derry and had opted for the military victory over the IRA. Either way, we are now back at square one."

THE 46TH WEDDING ANNIVERSARY OF REV. AND MRS. EDWARD G. LATCH

HON. WILBUR D. MILLS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. MILLS of Arkansas. Mr. Speaker, I am pleased to join with my distinguished colleague, the chairman of the Appropriations Committee of the House, the Honorable GEORGE MAHON, in extending to Rev. and Mrs. Edward Latch best wishes on this, their 46th wedding anniversary.

This is a momentous occasion for Dr. and Mrs. Latch and I am sure that all of his many thousands of friends and admirers, both in the House of Representatives and elsewhere, will be pleased to know about this happy occasion and to join in extending our best wishes to both of them.

I have had the privilege of having known and been associated with Dr. Latch for many years before he became Chaplain of the House on March 14, 1966, and, of course, have been associated with him almost daily since that time, as have all other Members, during his distinguished tenure as Chaplain of this body.

I know this is a most pleasant and memorable occasion for Dr. and Mrs. Latch, and we all salute the occasion.

THE CURRENT PROGRAM OF THE COMMUNIST PARTY, U.S.A.

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Friday, March 3, 1972

Mr. THURMOND. Mr. President, an article entitled "The Current Program of the Communist Party (U.S.A.)," published in the February 1972, issue of the American Legion Firing Line, is, I feel, worthy of our consideration.

The author of the article warns against allowing ourselves to be influenced by the Communist Party, U.S.A., in the belief that the Communists are genuinely interested in the welfare of our people. Historically, as the author explains, the Communist Party and its American affiliate have never been genuine supporters of the people within our Nation but rather seek to seize upon political issues to gain their ends.

Mr. President, I ask unanimous consent that the article be printed in the Extension of Remarks.

There being no objection, the article was order to be printed in the RECORD, as follows:

[From the American Legion Firing Line]

THE ASSAULT ON FREEDOM: A COMPENDIUM OF THEORETICAL AND POLICY STATEMENTS BY THE COMMUNIST MOVEMENT, DOMESTIC AND INTERNATIONAL, AND BY OTHER ORGANIZATIONS COMMITTED TO THE VIOLENT OVERTHROW OF FREE INSTITUTIONS

(Prepared for the Subcommittee to Investigate the Administration of the Internal Security Act and Other Internal Security Laws of the Committee on the Judiciary, United States Senate—The Current Program of the Communist Party (U.S.A.))

The current Communist Party program, like all Communist programs, is a mixture of the moderate and the revolutionary—of the almost impossible, the clearly impossible, and of desirable reforms that most people could go along with. It is tailored to appeal particularly to the black community and other ethnic communities—even at the risk of alienating large numbers of white workers. For example, very few nonethnic workers, even among those who strongly believe in equality of treatment, could be expected to go along with the demand for "preferential treatment of black workers, also workers of other oppressed peoples, to compensate for past discrimination."

Among their more extravagant economic demands are the demands for "2 million low-rent housing units per year, situated in the best locations"; a guaranteed minimum family income of $6,500 per year; the establishment of the 30 hour week with 40 hours' pay; a 75 percent cutback in military spending.

The Communists call for militant action by trade unionists, unemployed, ethnic groups, women's groups, youth, etc.—needless to say, ignoring the fact that there are no independent organizations of any kind in those countries governed by the dictatorship of the proletariat, and that in these countries the various social groups receive only what the dictatorship decides to grant them.

Again we come back to the point made by Peter Berger that, while Communists and other revolutionaries feed upon genuine issues, "in the fully 'radicalized' circles, 'issues' are propaganda devices, not to be taken seriously in themselves, around which support can be built and people manipulated."

CHRIS EVERT, TEENAGE TENNIS DARLING

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. MOORHEAD. Mr. Speaker, determination and ambition explain Chris Evert's meteoric rise to the top of the tennis world at the tender age of 17. Although she is fortunate to be the daughter of a notable tennis professional, Chris' achievements are a product of an irrepressible desire to be the best tennis player in the world.

As she grew up in southern Florida, the beaches and ocean must have posed a tantalizing diversion from the long hours on the tennis court.

Now as a high school junior, she is reaping the benefits of her years of hard work.

Chris not only stands on the threshold of a lucrative tennis future, but one of community leadership as well, for she is an excellent student. Despite becoming a celebrity in her teens, Chris' personal decorum on and off the court has been impeccable.

As a model for all young people, Chris Evert has demonstrated the value of determination and the desire to excel.

Dave Heeren, in a recent issue of the Sporting News, has put together an excellent article on Chris Evert.

I would like to introduce this into the RECORD at this time:

SWEET 16, BUT CHRIS IS DYNAMITE ON TENNIS COURT

(By Dave Heeren)

FORT LAUDERDALE, FLA.—Outdoors where it's warm and indoors where it's cold, tennis enthusiasts keep playing the game during the winter. In that respect, 16-year-old Chris Evert is no different than a lot of others on the courts, except that potentially she is the best girl player to come along since Maureen Connolly 20 years ago.

A junior at St. Thomas Aquinas High School here, Chris is preparing for next season by working on her serve and her power game in practice sessions with one of her brothers, Drew, who is 18. They play at Holiday Park, a public membership tennis club where her father, Jimmy, is the pro.

After Chris caught the public eye at the U.S. Open at Forest Hills, N.Y., she was in demand for endorsements. She turned them all down.

She has no commitments yet for next year, but she probably will play at Wimbledon for the first time.

Some tennis insiders say Miss Evert is as good as Miss Connolly, who won the U.S. Open in 1951 when she was just three months older than Chris is now. For a youngster, the pretty Miss Evert is extremely confident in her ability. If she thinks she can win, she'll tell you. But she doesn't feel she's quite in the late Miss Connolly's class as yet.

"No, I don't think I'm as good as she was. Maybe my ground strokes are slightly better and I run a little better than she did, but she had a better all-around game."

Nevertheless, the Connolly-Evert comparison is valid. Chris has earned a place among the world's best with three major tournament victories this year. She won the St. Petersburg Masters last spring (defeating Billie Jean King, Francoise Durr and Julie Heldman), the Tulsa Invitational and Eastern Lawn Tennis Championships in August, and was the U.S. heroine of the Wightman Cup with lopsided singles triumphs over Virginia Wade and Winnie Shaw.

Playing in tournaments of various magnitudes almost every week, Chris did not lose a match for more than six months—a string of 46 matches between a February defeat by Denise Carter on a day when Chris was weakened by an illness and a loss in the semifinals of the U.S. Open to No. 1-seeded Billie Jean King.

At Forest Hills, Chris attracted more spectators and more attention from the press than any other player, and it was here, amid the glamor of one of the top tournaments in the world, that you were reminded she's still only a high school girl.

Bewildered by all the attention she was receiving, Chris, in characteristic frankness, said: "Right after I'd play a match, the press would want to rush me to the press tent, and all I wanted to do was see my mom and talk to my dad on the phone."

DAD REMAINED AT HOME

Chris' father stayed home to prepare three of Chris' four brothers and sisters for school while mother Colette accompanied her on the trip north for the Wightman Cup and the three tournaments that made her an instant sports celebrity.

Jimmy spoke to Chris on the phone almost every night, but he couldn't help worrying about her.

"I just hope all this attention won't change her," he fretted. "I hope she's the same girl I sent away when she comes back. I want her back in school. I hope this isn't all too much at once."

Apparently, it isn't too much for Chris, but it's becoming too much for some of her tennis-playing elders. She's been embarrassing them. For instance, at age 14 she upset reigning Wimbledon champion Margaret Court. Then, at 15, to prove it was no accident, she upset Mrs. King.

Billie Jean, a three-time Wimbledon champion herself, is a proud woman. Speaking of young Chris recently, she said curtly: "Chrissie's very good, but I don't know how long she can do really well. Only time will tell."

Hearing of Mrs. King's remark, Chris laughed and said: "I'm surprised she said that. I'm not sure I understand exactly what she meant by that. But I'm not just going to crack as I grow up."

Had Mrs. King known a little more about Chris and her personality, it's doubtful if she would ever have made such a comment.

THE BIG QUESTION

Just before the Wightman Cup matches, English team captain Ann Haydon Jones said about Chris: "She's a wonderful player in the small tournaments around her home. But I wonder what she would be like if she played in the big ones."

Mrs. Jones found out, to her dismay, as Chris routed Miss Shaw, 6–0, 6–4, and England's No. 1 ranked player. Miss Wade, 6–1, 6–1, to win the Cup for the United States. Had Chris lost either of these matches, England would have won the Cup.

After beating Miss Wade in the decisive match, Miss Evert was given a glass of champagne. It went straight to her head.

"Yes, I had some champagne," she stammered. "Heck, I can't even think."

Later, after her head cleared, Chris made some observations about Miss Wade that revealed remarkable maturity. "I could tell she was nervous," said Chris. "There was a lot of pressure on her because she was supposed to win. I was expected to lose, and I wasn't nervous because I knew nobody would be too upset if I did.

"During my matches in the Wightman Cup, I thought a lot about how nice it would be to win for the team, but it wasn't until it was all over that I suddenly thought, 'Hey, the United States won!'"

Right after the Wightman Cup, Chris was nominated for the August Life-Saver of the Month Award. All of the other nominees were major league baseball players.

THE COMPARISONS BEGIN

And then the comparisons with Miss Connolly started. Victories in the Wightman Cup launched Little Mo to meteoric success in 1951. In her brief career, Maureen was to win three U.S. Opens and three Wimbledon titles.

Can Chris match these feats?

Actually, there is little similarity between her and Miss Connolly other than early success. Oldtimers say Chris' slender poker-faced appearance is more like that of Helen Wills Moody than Maureen Connolly. But comparisons are inevitable now that Chris is a world-class player.

How good Chris becomes probably will depend on how much more strength she develops in the next year or two. At age 15, she was only 5–2 and weighed 100. She is up to 5–4 and is 110 now and would like to add two or three more inches and 10 or 15 more pounds. If she does continue to grow, she could add a strong serve and volley to her impeccable ground game, which is probably already the best of any woman in the world. If that happens, she'll be virtually unbeatable.

ARTIST ON SLOW SURFACE

As it is, there are probably no better players than Chris on a slow surface. Her victories over Mrs. King and Mrs. Court both came on clay. But on a fast court such as grass or the synthetics, the likes of Mrs. King, Court, Rosemary Casals and Yvonne Goolagong probably are superior to Miss Evert.

"It is because of their strong serves and volleys," Chris admitted. "My serve isn't quite that strong yet. It doesn't give me a chance to rush the net."

But there is nothing weak about her forehand or two-fisted backhand.

"She can just thread the needle with her ground strokes," said Carole Graebner, captain of the U.S. Wightman Cup team. "And her lobs and drop shots are great."

When it comes to making comparisons, Colette Evert, Chris' mother, prefers to liken Chris to her younger sister, Jeanne, than to Maureen Connolly or Helen Wills Moody. Mrs. Evert believes 14-year-old Jeanne, 1971 national 14-and-under girls' champion, is going to be just as good as Chris.

AMERICAN LEGION DAY

HON. ARTHUR A. LINK

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 1972

Mr. LINK. Mr. Speaker, this week we are pleased to host members of the American Legion in our National Capital. The Legionnaires are here for their annual Washington conference and to celebrate the 53d anniversary of their organization. During those years they have actively sought to fulfill the goals set forth in the preamble to the American Legion constitution.

Today I want to comment on the preamble. The preamble states:

> To uphold and defend the Constitution of the United States of America: To maintain law and order; To foster and perpetuate a one hundred per cent Americanism; To inculcate a sense of individual obligation to the community, state, and nation; To make Right the master of Might; To promote peace and goodwill on earth.

Since its inception the Legion has been in the forefront of all major programs of benefit to veterans. In 1930, they were there working for the creation of the Veterans' Administration. They worked for the development of the GI bill of rights after World War II. They continue to actively seek improvements in programs and facilities for veterans and their survivors. The 16,500 posts throughout our country have been instrumental in implementing and maintaining numerous programs for children and youth. Their support for programs like baseball teams, Boys Nation, Boy Scouts, and many others testifies strongly to their humanitarian concern for the young people in our Nation.

The American Legion is very active in my State of North Dakota. They were instrumental in the passage of State legislation creating a bonus for servicemen who have been on active duty during the Vietnam conflict. It is projected that over 33,000 servicemen will receive bonuses under this program. To date, 13,962 bonuses totaling $5.5 million have been paid as a result of this legislation.

I salute all of our legionnaires for their extraordinary accomplishments in "promoting peace and goodwill on earth."

THE NATIONAL PARK SERVICE

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1972

Mr. DON H. CLAUSEN. Mr. Speaker, I rise today to pay tribute to the National Park Service as we celebrate the 100th anniversary of the creation of the national park system in America.

The Director of the National Park Service, George B. Hartzog, and all employees of the Park Service, can be proud of the system they have created. Through their dedication and effort these men and women have developed a park system that is an example to all the nations of the world.

Years ago, as expeditions ventured further west, word came back of the magnificent wonders of the Yellowstone country. Little did President Grant realize on March 1, 1872, when he signed the act establishing Yellowstone National Park, the great ecological contribution he was making to this Nation.

From its beginning 100 years ago the system has grown to the point where the National Park Service now administers over 280 natural, historical, and recreational areas within the United States and its territories. As our Nation continues to develop, these magnificent areas will play an increasingly important role in the lives of all of us by preserving more and more of our natural and cultural heritage.

The National Park Service, created in 1916 to replace the Army as the custodians of the Nation's parks and cultural antiquities, has done an excellent job and is to be commended.

OLDER AMERICANS HOUSING ACT OF 1972

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. CRANE. Mr. Speaker, two distinguished members of the Committee on Banking and Currency, of which I am also a member, have introduced the Older Americans Housing Act of 1972. This bill is a step in providing needed housing for the elderly. A recent HUD audit of all 236 interest subsidy units showed that only 6 percent of the HUD 236 units are now housing the elderly. The Stephens-Blackburn Older Americans Housing Act will help meet this crying need.

Recently, Mr. John Herbers of the New York Times wrote an article clearly explaining the need for this legislation. For the information of my colleagues, I hereby insert this article in the RECORD:

DRIVE TO REFORM U.S. AID TO HOUSING GAINS IN CONGRESS

(By John Herbers)

WASHINGTON, February 19.—A bipartisan coalition is forming in Congress in an effort to reform a portion of the Government's subsidized housing programs, a subject of rising national controversy.

Legislation has been introduced, despite opposition from the Administration, to remove housing for the elderly from the jurisdiction of the Federal Housing Administration and to alter the method of financing.

This is the latest move in an intense, embittered debate that has been under way for several months. Although only housing for the elderly is directly involved, the dispute goes to the heart of the troubled subsidy programs.

Last year, about one-fourth of the two million housing units built or rehabilitated carried Federal subsidies. In recent months, there have been widespread disclosures and charges of financial failures, poor construction, corrupt practices and mounting costs to the Federal Government in the subsidized projects.

EXCESS SPENDING AT ISSUE

While the debate on the elderly phase of subsidized housing has attracted little attention, it centers on a major question of whether the Government is committing itself to spending billions of dollars more than necessary to obtain housing for low- and moderate-income families.

The bill that was intended to be the first step toward general reform was introduced by two Georgia Representatives, Ben B. Blackburn, a Republican who has been a staunch supporter of President Nixon, and Bob Stephens, a Democrat who has been influential in housing legislation.

Their measure would carry out in part recommendations of the White House Conference on Aging, which were based largely on the findings of the Senate Special Committee on Aging. Senator Harrison A. Williams Jr., Democrat of New Jersey, chairman of the Subcommittee on Housing, conducted hearing on the matter last summer and fall and is making several legislative moves along the lines of the White House conference recommendations.

The dispute is known in housing jargon as 202 vs. 236, figures that arouse strong emotions among those involved.

DIRECT LOAN PROGRAM

Until 1968, subsidized housing for the elderly, other than public housing built and run by local authorities, was provided largely under a small direct loan program known as Section 202. Over a 10-year period only 45,000 units were built under the program, but many who utilized it were convinced it was an economical way of obtaining good housing.

The 1968 Housing Act did not disturb Section 202, but it created an over-all apartment subsidy program known as Section 236, which provides for interest subsidies rather than direct loans from the Government. The Nixon Administration in 1969 phased out Section 202 and converted it to Section 236, because it wanted to hold down immediate Government outlays, and bring all apartment programs under one system.

Everyone acknowledges that in the long run direct loans cost the Government less. Evidence has been mounting, however, that shows an enormous disparity of public costs between the two methods, even if the Government borrows the money for direct loans.

The Administration has estimated that by 1978 all housing subsidies will be costing the Government $7.5-billion annually. The Government guarantees mortgages and makes a locked-in commitment to pay as much as all but 1 per cent of the interest for the life of the mortgage, usually 40 years. Critics charge that much of the housing being produced will not last the life of the mortgage.

HOUSING CONSULTANT'S TESTIMONY

Senator Williams' committee relied heavily on testimony from Robert P. Renfrow, a St. Petersburg (Fla.) housing consultant for nonprofit groups who worked with both the direct loan and the interest subsidy programs.

Mr. Renfrow, in a detailed listing of costs, said, for example, that a $2.8-million project under way in Raleigh, N.C., would cost the Government almost $7-million under the Section 236 program, whereas the cost to the Government under Section 202 would have been only $2.6-million.

The loan, under Section 236, was closed at 7 per cent interest for 40 years, with the Government committed to paying all but 1 per cent. Under Section 202, the Government lent money for housing for the elderly at 3 per cent. Mr. Renfrow arrived at Government costs under Section 202 by estimating that the Government could borrow the money it would lend at 5 per cent—the average cost to Government from 1969 to 1971—and subtracting the interest it would receive at 3 per cent.

LOSSES BY TAX SHELTERS

While most of the cost difference between the two programs is in interest, Section 236 also adds a number of fees for the F.H.A. that were not paid under Section 202. That program was administered by a small agency operating outside the F.H.A.

Further, the difference in costs does not include the revenue loss the Government undergoes by providing a tax shelter for high-income people who invest in Section 236 housing. Rather than lend money itself, the Government pays people to invest in the housing it wants built.

Senator Williams, noting the cost differences, said, "If that isn't a nuclear attack on fiscal responsibility, I never heard anything like it."

Even though authorities such as Eugene A. Gulledge, the Federal housing administrator, agree that direct funding is "the right thing," there is agreement that it has been politically unfeasible. There would be little difference in the economic impact—the drain on capital would be the same—but elected officials have been reluctant to increase budget outlays in the short run to save money in the long run; and there is the traditional opposition to the Government's being in the lending business.

The Rev. Richard L. Fullerton, an Atlanta housing consultant who has been testifying against the subsidy programs since before their enactment, expressed a view held by some that the subsidy programs are "a gift to the mortgage bankers."

ABOUT 202 FUNDS NOT USED

Congress did appropriate some money to continue Section 202 on a small scale, but the Administration has not used it. The Department of Housing and Urban Development prefers to keep all of its apartment programs under the F.H.A.

There is further criticism that Section 236 provides quick profits for builders and investors and thus encourages poor construction. As a result of all this, the White House conference recommended a return to Section 202.

The Blackburn-Stephens bill would do so only partially. It would provide for the projects to be carried under Section 202 procedures, but in order for the Government to obtain money to lend it would set up a revolving fund of about $500 million. The fund would be established by converting those Section 202 projects already built to Section 236 financing. And as soon as a new project is built and 90 per cent occupied it would be converted to Section 236, keeping the revolving fund going.

The authors maintain that substantial savings would result and the apartments could be rented for less money. But the long-range costs would remain high because of the interest subsidies under Section 236.

The legislation does not go all the way in replacing Section 236, a spokesman for Representative Blackburn said, because Congress would not accept it. The measure also contains provisions for grants to construct senior citizen centers and grants or loans for the elderly to rehabilitate homes they own, further recommendations of the White House conference. Congressional sources indicated it stood a good chance of passing despite Administration opposition.

However, the ultimate aim of critics of the present law is to bring down the entire Section 236 and other programs that operate along the same lines.

OUTSTANDING YOUNG LAW OFFICER

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. LONG of Maryland. Mr. Speaker, Sgt. Joseph T. Zero, Jr. of the Baltimore County Police Department, has been chosen "Outstanding Young Law Officer" by the Dundalk, Md., Jaycees.

Sergeant Zero has a commendable record of service to his community. He worked on 61 grand larceny cases during 1971, 32 of which were solved. He solved three stolen goods cases, three indecent exposure cases, 28 forgery and false pretense cases, and five lewdness cases.

Sergeant Zero demonstrated his ability to move into action quickly when he pursued and caught an auto thief last year.

Sergeant Zero has also participated in the solution of one homicide case, and has taken part in many vice raids. He recovered a total of $8,700 worth of property during 1971, all of which was returned to its owners.

The Dundalk Jaycees also salute six other Baltimore County policemen for outstanding service to the community.

These men are Detective Joseph Leitzer, Jr., and Detective Frederick C. Wise of the investigative division; Officer Robert Redyk, Officer Edward Phelps, and Officer Leonard Malinowski, Jr. of the patrol division; and Officer William Pulaski of the traffic division. Each of the six will receive a certificate of appreciation from the Jaycees.

These men have placed service above self. No society can be free unless the individual can be free of fear that he might at any time be robbed or assaulted in his home or on the street. These law officers whom the Dundalk Jaycees have honored have done their part toward making this a truly free society.

POST 181, JEWISH WAR VETERANS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. GAYDOS. Mr. Speaker, it was my privilege recently to attend the 10th annual brotherhood banquet sponsored by members of Post 181, Jewish War Veterans, in the city of McKeesport, Pa.

This organization, founded in 1923 in memory of Pvt. Jacob Greenfield, who died in the defense of our country in Europe during World War I, has a long history of dedicated service to American veterans, particularly those hospitalized, because of the sacrifices they made for ideals we cherish as Americans. Each year Post 181, JWV, dedicates the proceeds from its annual brotherhood banquet to fulfilling the personal needs and comforts of these men and women.

This year, as in the past, the theme of brotherhood was emphasized in eloquent speeches by men who have earned the respect and admiration of their friends, neighbors, and comrades. The speakers included such outstanding citizens as the Reverend Fred E. Johnson, of St. Paul A.M.E. Church; Samuel Vidnovic, treasurer of the city of McKeesport; Herman Rosner, commander of Post 181, JWV; John L. Patterson, mayor of White Oak Boro; Nate Mayerstien, Pennsylvania State commander of the JWV; the Reverend W. J. Irey, of Sampson Mills Presbyterian Church; Rabbi Irvin I. Chinn, of Gemilas Chested Synagogue; Father William Harvey, of St. Peter's Roman Catholic Church; Judge John P. Hester, of the Court of Common Pleas; and Cyril H. Wecht, Allegheny County coroner.

These men, in their remarks, made it clear we cannot hope to achieve brotherhood among men on earth until, and unless, we have a fatherhood under God. I believe that brotherhood in America, for example, will not be achieved by placing all our people into a melting pot, then squeezing them out drop by drop with the result that each is the same in every respect. Instead, I think of our country as a mosaic, made up of different people of different colors with different ideas. All are different, yet all alike, for they are part of the same mosaic and if they complement each other, then we will have brotherhood.

I was most proud to be selected at this year's brotherhood banquet to be the recipient of Post 181's "Community Service Award" which was presented to me by Benjamin Papernick, general chairman of the affair. It is one that in past years has been bestowed upon leaders in various fields as a taken of recognition of their service to their God, their country, and their fellow men.

Former recipients of this award include men such as: Leonard C. Staisey, chairman of the Allegheny County Board of Commissioners, Rabbi Chinn, Karl Palmer, Samuel Buchman, Robert Cox, Dr. M. L. Mermelstein, Dr. Raymond Wargovich, Dr. Albert Rosenberg, and Dr. M. J. R. Hadley.

Mr. Speaker, I consider it a great honor to join in the company of such men. I accept the award in deepest humility and assure the officers and men of Post 181, JWV, that I will strive to my utmost to be worthy of the trust and responsibility they have placed in me.

PITTSBURGH SETS JAZZ WEEK FOR FAMOUS SONS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. MOORHEAD. Mr. Speaker, when the name Pittsburgh is mentioned, a hundred thoughts come to mind: the Golden Triangle, the Mellons, Jonas Salk, steel mills, the Pirates, industry, and on and on.

But to some, when you say Pittsburgh, they smile and think of Erroll Garner, Dakota Staton, Billy Eckstine, Ahmed Jamay, Roy Eldredge, and a host of others. These jazz greats all were born in Pittsburgh.

And our city is going to do its best to bring them back when we stage Jazz Week, **June 12–18.**

Roy Kohler, a man who knows more about Pittsburghers in jazz than anybody else I have ever met, heads a list of local people who have joined to make this week a reality.

Roy and Walt Harper, a great jazz pianist in his own right, who will be festival director for the week, are trying to bring to the city all of those jazz giants who call Pittsburgh home.

It promises to be a great week of entertainment and good music. I invite all of my colleagues to come to Pittsburgh for Jazz Week.

I would like to introduce into the RECORD an article on the preparations underway for Jazz Week in Pittsburgh:

WALT HARPER PICKED TO TRUMPET CITY'S JAZZ WEEK JUNE 12–18

(By Lenny Litman)

Pittsburgh will become the jazz center of the world June 12–18 when Pittsburgh celebrates jazz week.

Business leaders, headed by Theodore L. Hazlett Jr., president of the A. W. Mellon Educational and Charitable Trust Fund, and Roy Kohler, community relations chief at Gulf Oil Corp. and a jazz buff from way back, will join forces to present a week of activities in city schools, parks and the Civic Arena.

Walt Harper, director of the CYO (Catholic Youth Organization) Jazz Festivals at the arena, will serve as the festival director.

Planned are programs throughout the city, topped off by a two-day affair June 17–18 at the Civic Arena.

Harper is now combing the talent agencies for big jazz names and has already contracted Herbie Mann, who opens a four-night stand at the Harmar House Wednesday night, and Carmen McRae, who worked for him twice at his Attic on Market Square.

A highlight of the week will be a labor of love for Kohler when trumpeter Roy Eldridge will be honored at a luncheon.

Kohler and "Little Jazz" have been friends for years going back to the days when Kohler started to write for "Downbeat," which he still does, and Eldridge was starring in such jazz rooms around the city as the Midway and the Carnival.

Eldridge was featured and was one of the big hits at the Monterey Jazz Festival last year.

Since he is just one of the city's jazz greats, attempts are being made to bring back some of the musicians who started their careers here.

The committee certainly won't be able to get them all or even a large portion of them but everyone will be in their pitching to bring back such giants as Erroll Garner, Billy Eckstine, Eddie Safranski, Mary Lou Williams, Earl "Fatha" Hines, Billy May, Ray Brown, Ahmad Jamal, Stanley Turrentine, Dakota Stanton, Ronnie Simon and Henry Mancini.

Some may be able to make the Eldridge luncheon and others may be part of other events but they're all being asked.

All of the local jazz luminaries, including Harper himself, will be part of the week's activities.

Now with the Civic Arena open all summer with big shows and Heinz Hall presenting the Civic Light Opera shows, Pittsburgh Jazz Week may be the added incentive to keep everybody home this summer and, lest we forget, there is always the World Champion Pirates at Three Rivers Stadium.

U.S. FARM EXPORTS: A MARKETING CHALLENGE

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. ULLMAN. Mr. Speaker, there has been much discussion recently on the serious balance-of-payment problems plaguing our economy. At the same time, there has been much discussion about the decrease in productivity in the United States which has contributed to our trade problem. One sector that has steadily increased its productivity is agriculture. The American farmer continues to distinguish himself in the world as the most efficient and productive agriculturalist known anywhere.

In my judgment, it is important that we capitalize on the great capacity of the American farmer and vigorously promote agricultural exports. By giving priority to such export programs, we could make major steps in redressing our balance-of-trade problems.

A recent article by George Nakata in the Portland Commerce magazine puts this challenge into an excellent perspective:

U.S. FARM EXPORTS: A MARKETING CHALLENGE

(By George Nakata)

Significant changes are taking place in the international marketplace. Recent headlines have highlighted monetary issues, an improving East-West trading environment, and balance of payment problems. Agricultural exporting, not being immune to these challenges, must reassess its role in this fast-moving arena.

Today we see an accelerated mobility of people, a rising standard of living taking place in many lands, containerization and improved port facilities, soaring growth of international tourism, and greater demand for products of foreign origin. There will probably be powerful forces at work to raise the demand for food, energy, raw materials, and finished goods in most parts of the world.

The challenge for U.S. and Pacific Northwest farm exports is clear.

For years, the United States has stood as the world's single largest exporter of farm products, and in 1971 supplied the goods for one-sixth of international agricultural sales.

At the same time, overseas markets are important to our farmers. About one-seventh of the average U.S. farmer's income originates from foreign sales; and the output of about one acre out of every four harvested is either exported directly or used to produce agricultural exports.

Although the United States has had difficulty in recent years in maintaining a favorable balance of trade, the agricultural sector has remained overwhelmingly in the black. In 1970–71 agriculture had a favorable trade balance amounting to $2 billion. U.S. farm exports without question make a positive contribution toward the balance of payments.

In 1970–71 the United States exported farm products valued at $7.8 billion, including commercial sales of $6.7 billion. This represents an all-time historical record for U.S. farm exports. Oregon and the Northwest must develop a capacity for innovation and flexibility to see—and seize—a fair share of these international opportunities.

From Oregon $62 million worth of agricultural products were sold abroad, whereas Washington originated $158 million, and Idaho $96 million. Witness, however, the impressive figures of Illinois with $655 million, Iowa $591 million, California $555 million, Texas $553 million, and North Carolina $413 million—thus, the challenge for Northwest agriculture becomes quite clear.

Aggressive salesmanship is essential. Observe MIATCO, the Mid-American International Agri-Trade Council, representing the Departments of Agriculture of twelve Midwestern states scheduled to sponsor a U.S. food exhibit in Tokyo this April 17–21. Last year the U.S. Department of Agriculture joined with MIATCO for a similar exhibit resulting in some $3 million sales of U.S. foods.

Closer to home, our 1972 Oregon Trade Mission to the Far East led by Governor Tom McCall was directly aimed at increasing further the more than $1 billion worth of goods bought and sold through the Oregon Customs District. This February mission directed a great deal of attention on agriculture with stops in Japan, Korea, Taiwan, Hong Kong, Singapore, and Malaysia.

At Pacific Supply Cooperative, we are deeply involved in the export marketing of U.S. farm products. Our international operation includes a sales office in Rotterdam, 26 overseas agents, direct travel to foreign markets, and ongoing teletype communications with our foreign contacts

Across Northwest docks flow thousands of bags of dry peas, beans, and lentils, and many of our daily cables include bids and buy orders for these commodities. An annual Pacific Northwest production of approximately 400 million pounds of dry peas and lentils relies heavily on exportation to over 30 countries. Americans consume very negligible quantities of lentils, with over 90 percent of our production destined abroad. During the past few months Pacific Supply exported substantial tonnage of lentils to Greece. Dry beans continue to move to countries such as Japan, the Philippines, Colombia, Venezuela, Italy, the Netherlands, Brazil, and the United Kingdom.

A familiar giant amongst agricultural exports from our area is, of course, wheat, moving some 200 million bushels through Northwest grain elevators. A significant portion of our soft wheat, estimated at over 85 percent, moves into global channels.

The $30 million U.S. seed industry is of considerable interest to our area growers. In 1970 Oregon, Washington, and Idaho accounted for some $10 million of seed exports. This is dramatized by the fact that over 50 percent of our fine fescues, over 50 percent of the Red Clover, plus in excess of 90 percent of our Highland Bentgrass is marketed internationally.

The global seed activities at Pacific Supply involve both public and private varieties. For years we have been exporting the familiar varieties native to our area. However, in recent years we have imported OECD proprietary varieties developed by foreign plant breeders, multiplied such varieties on Northwest farms, then finally arranging the exportation of the resultant yield to the country of origin.

In the years ahead, U.S. farm exports will face stiff competition from an increasing number of agriculturally strong nations. Our corporate, regional, and national planning must think globally and act globally to meet this international marketing challenge.

ARMS LIMITATION OR ARMS RACE?

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. FRASER. Mr. Speaker, Herbert Scoville, Jr., has served in important positions in both the CIA and the Arms Control and Disarmament Agency. He has been making pertinent and incisive statements on arms control and strategic weapons in appearances before congressional committees and in the print media for years. His latest comments appeared on the op-ed page of the February 24 New York Times, and in the March 4 New Republic. His views merit our attention.

The two essays follow:

[From the New York Times, Feb. 24, 1972]

ARMS LIMITATION OR ARMS RACE?

(By Herbert Scoville, Jr.)

WASHINGTON.—President Nixon's $6-billion new defense requests call for an increase of more than a billion dollars for new strategic weapons. At the same time, concrete results on the Strategic Arms Limitation Talks have again been postponed, at least until he goes to Moscow.

Why the urgency on new weapons programs and interminable delays on a mutual halt to the arms race? Why wait until May? Are national politics controlling our security decisions?

An advanced airborne command post and a future generation submarine missile system headed the list of defense programs which he believes cannot even wait until next year. What has happened since last summer to require, on an emergency basis, a new airborne command and control system for the President and top officials? Certainly we have always assumed that Russian submarines would be deployed in locations which would permit their missiles to reach Washington, just as our Polaris missiles have been stationed for years within range of Moscow.

Secretary of Defense Laird now tells us that our present command communication systems are vulnerable to Electromagnetic Pulse, the high intensity radiation pulse produced by a large nuclear explosion. But this phenomenon is not new. It has been observed in our nuclear tests for more than twenty years. We have had extensive research programs to limit its effects. In 1968 the Defense Department issued an unclassified handbook for the benefit of manufacturers who wished to build more resistant electronic equipment.

Either we are seeing another example of a fabricated danger to keep the military-industrial complex active, or our defense planners should be accused of dereliction in their duties. Although Electromagnetic Pulse is widely advertised as the new menace, the initial procurement under supplemental appropriations will be for four large aircraft, presumably Boeing 747's, the first three of which will be fitted with old electronic equipment, not items newly designed to resist Electromagnetic Pulse.

Similarly, we should ask the question: What emergency suddenly requires supplemental funds and big new expenditures for a new submarine missile system? Secretary Laird recently said this was not subject to negotiation at the talks on strategic arms because it was a replacement for the Polaris submarine. But we are still converting at a cost of $5 billion the Polaris submarines to launch the advanced Poseidon missile. Why—if Polaris is becoming obsolete? Actually, even the Poseidon is unnecessary unless the Russians build a large ABM system which would take many years and which would be banned if President Nixon's optimism on a treaty limiting ABM's is reiterated.

Defense authorities at all levels have stated that our submarine forces are not threatened by Soviet anti-submarine warfare. Secretary Laird says our Polaris deterrent is "highly survivable." We have even no concept of the nature of such a potential threat since the required technology is as yet undiscovered. While a new submarine missile system may take seven years to build, the lead time for effective antisubmarine warfare deployment is much longer, if it can be done at all. Spending large sums now on a new submarine and missile may prematurely commit us to much larger amounts for weapons designed against the wrong threat.

What is the rush about? No new, unforeseen danger to our deterrent has developed. The Soviet ICBM program is way behind that predicted by Secretary Laird in 1969. Then we started the Safeguard ABM because of estimates that Russia would add about 150 ICBM's to its arsenal each year and that more than a third of these would be the large SS–9's. President Nixon now states that only 80 ICBM's were added last year—only a handful of these were SS–9's. In August, 1969, the Russians were reported to have more than 275 SS–9-type launchers operational or under construction; now, two and one-half years later, the number is only about 300.

The Soviets have not yet tested a missile with multiple warheads which could be aimed accurately at several targets (i.e., MIRV's), and thus threaten our Minutemen. Yet when President Nixon first justified our ABM program, he expressed fears that such testing started in 1968.

True, the Russians are building up their fleet of missile submarines at the rate of nine to ten per year, not a large increase over Secretary Laird's prediction of six to eight per year in 1969. When those under construction are completed, they will have approximate numerical parity with the United States but not with the combined NATO fleet. However, our Polaris-Poseidon missile system is vastly superior to the Russian one.

Furthermore, such submarines cannot attack our Polaris deterrent or in any way make it obsolete so that it would have to be replaced by a new one. We must avoid the puerile notion that because the Russians are building a weapon we must have a similar program even though our security doesn't require it. This is "keeping up with the Joneses" on a billion-dollar scale.

Are we still so naive as to think we can scare the Russians into halting their programs? Delay in an agreement only ensures larger Soviet force levels. By May the Russians may have added another 100 missiles to their arsenal and the United States another 200 warheads. Bargaining chips bought for arms control negotiations are never cashed and lead only to an accelerated arms race. We should put the extra effort into improving our security by a mutual limit on arms now, not in May or not next November.

[From the New Republic, Mar. 4, 1972]

MORE, MORE, MORE WEAPONS

(By Herbert Scoville, Jr.)

Admiral Thomas H. Moorer, chairman of the Joint Chiefs of Staff, warned Congress on February 16 that unless an "effective" US-USSR agreement limiting the nuclear weapons build-up is reached soon, the US must get new weapons quickly or risk the "possibility" of losing "overall strategic superiority . . . within this decade." The "mere appearance of Soviet strategic superiority could have a debilitating effect," he said, "even if that superiority would have no practical effect on the outcome of an all-out nuclear exchange"—The Editors.

In 1971 the Institute for Strategic Studies estimated that the US had 6000 nuclear warheads fitted to delivery vehicles that could reach the USSR, and that 2000 Soviet warheads could strike at the continental United States. In the United States, there are 150 population centers with more than a hundred thousand persons each. In the USSR, there are about 175. The United States could overkill the population-industrial centers of the Soviet Union, 34 times, and the Soviets could destroy comparable centers in the United States 13 times over. So, who is ahead, the Soviet Union or the United States, with respect to nuclear military power? If the US and the USSR were to exchange their strategic forces, would it make any military difference?"—Seymour Melman.

In his State of the World message, February 9, the President defended our Safeguard ABM program by saying: "The Soviet strategic forces, *even at current levels*, have the potential of threatening our land-based ICBMs if the Soviets choose to make certain qualitative improvements. They have the necessary technological base." What Mr. Nixon and Secretary of Defense Laird mean is that present Soviet ICBM force, about 300 of the large SS-9 type missiles, would be capable, when equipped with sufficient, accurate MIRVs (multiple warheads capable of being aimed at separate targets), of destroying a large fraction of our Minuteman ICBMs. While the Russians have not yet tested a true MIRV system, there is no doubt that they have the technological ability to do so at any time, and could begin deploying such weapons a few years later. Each SS-9 can deliver six or more MIRVs, the number required if 300 SS-9s are to be considered a threat to the Minuteman force. About these facts there is little argument. But why has the administration ignored them until now? Why has it instead concentrated its entire attention not on a large Soviet MIRV capability but on the number of large SS-9 type missile launchers?

In 1969, when President Nixon first made the decision to go ahead with the Safeguard ABM, Secretary Laird used as a primary justification the rapid buildup of the Soviet SS-9 force, which he believed was evidence of Soviet desire to acquire a "first strike" capability. He postulated that with a continuing construction rate of about 50 missiles a year, the Russians could have about 450 SS-9s operational before 1975, and that with each equipped with three MIRVs, they would be able to knock out in a first strike 95 percent of our Minuteman force. This calculation of three MIRVs per missile was selected because since 1968 the Soviets had been testing SS-9 missiles with three reentry vehicles and Mr. Nixon and the Defense Department, despite reservations by many intelligence analysts, chose to describe this system having a "foot-print" or impact pattern which could, threaten our Minuteman. Had they selected an as yet untested MIRV system, the timing of the Russian threat would have been delayed several years and the Safeguard ABM would have been harder to justify. Now Secretary Laird in his 1973 Annual Defense Dept. Report states that "with significant qualitative improvements [MIRVs] in Soviet ICBMs *even without increases* in the number of Soviet ICBMs, the postulated threat to Minuteman in the last half of the 1970s could grow to a level beyond the capabilities of the four site Safeguard defense of Minuteman. Therefore we propose a FY 1973 Hardsite [ABM] program. . . ."

As the ABM debate intensified, the preoccupation with the number of Soviet SS-9 launchers became a key factor in all US strategic planning. The projected SS-9 build-up has profoundly influenced the US position at the Strategic Arms Limitation Talk (SALT). A halt to the Soviet SS-9 launcher program became the cardinal objective of our negotiators. Since the Safeguard ABM had been justified as a counter to the Soviet SS-9 threat, the US could not agree to limiting ABMs without at the same time stopping the SS-9 program. In fact, for the past two years, the Safeguard ABM has been and is still defended in Congress primarily as a bargaining chip in the SALT negotiations. In December 1970 when the Soviets proposed an ABM limitation as a first step, President Nixon said no, insisting that limits must be placed on both offensive and defensive weapons in order to preserve stability. Progress in this area was thus delayed for more than a year. In the meantime, both the Russians and the Americans increased the size of their strategic forces.

While all attention was focused on the number of SS-9 launchers, the administration during the entire three years of SALT made no serious attempt to limit MIRVs. Although Senator Brooke in 1969 urged a moratorium on MIRV testing and deployment on both sides, this idea was discouraged by the executive branch. A year later, the Senate passed by 72 to 6 a somewhat watered-down version of the Brooke resolution (S-211) which, nevertheless, had the clear intent of urging restraint on MIRVs. This, too, was ignored; instead the US went rushing ahead with the initial deployment of MIRVs on both the Minuteman and Poseidon missiles, long before security required them. The only concession to Congress was an undertaking by Secretary Laird to halt a program to improve the accuracy of US MIRVs. Even the sincerity of this action has come into question as the administration, each year, has sought more than $100 million for the development of improved missile guidance systems.

At SALT, the United States made one attempt for the record to interest the Russians in MIRV controls, but this was coupled with a requirement for onsite inspection that was obviously unacceptable and provided little increased protection against possible violations. This position was put forth despite reported contrary recommendations by the President's prestigious Arms Control General Advisory Committee.

Meanwhile, what happened to the threat which Secretary Laird postulated as evidence of Soviet intentions to acquire a capability to launch a first strike against the US? The Soviet SS-9 construction program slowed markedly. From August 1969 to May 1970 no construction of new launchers was observed. Then in the spring of 1970, just when the administration was arguing most vociferously for its Safeguard ABM as a SALT bargaining chip, the construction of a small number of new Soviet launchers was observed. Even this was cut back until the winter of 1971, when construction of a new type of large launcher was spotted. Despite initial panic, only about 30 of these were started during the past year, so that the number of large Soviet ICBM launchers operational and under construction is now little more than 300, a small increase above the "over 275" reported as of August 1969. This increase of about 30 in more than two-and-a-half years should be compared to 50 per year predicted in justifying the Safeguard ABM. It is clear that the predicted 450 large Soviet missile launchers will not be operational until long after 1975 and probably never. It is rumored that the Soviets have agreed to place a ceiling on such large launchers as part of a Phase I SALT agreement to be announced in May.

The Soviet MIRV program has also not come to pass. The administration fear, that the missile tested with three reentry vehicles could threaten Minuteman, proved to be only another false alarm. The Russians now have tested systems for dispersing three warheads from both the SS-9 and more recently the SS-11, but neither is believed capable of attacking Minuteman. Secretary Laird himself notes that "the Soviets probably have not tested MIRVed missiles thus far. The last multiple reentry vehicle [not MIRV] tests were in late 1970." General Ryan, chief of staff of the air force, testified a year ago that the Russians would have to develop an entirely new reentry vehicle and guidance system before they could achieve such a capability. Rather than expending their technological efforts on a system for dispersing three MIRVs, it is most likely that the Soviets will, when they move into this area, go directly to one which will disperse six or more. It was such a system that the opponents of the Safeguard ABM and the proponents of a MIRV moratorium always argued was the real threat to our Minuteman force. It is to such a system that Mr. Nixon referred in his State of the World message.

Thus, we have come full circle in our strategic policies. By this May, a limitation on the number of large Soviet launchers will probably have been achieved at SALT, in exchange for foregoing the Safeguard ABM. But it is apparent that we have been aiming at the wrong target, for President Nixon and Secretary Laird now admit that Soviet strategic forces, *even at current levels*, can threaten our landbased ICBMs. We have been trapped in a blind alley. The problem today, as it always has been, is to stop MIRVs so that these potentially destabilizing weapons do not become a part of the Soviet nuclear arsenal.

Unfortunately, time has moved on and it is probably too late to achieve the desired controls. Technically, it would still be possible to verify a MIRV test and deployment ban, since the Russians have not yet developed and tested a true MIRV system. Such testing would be readily apparent to U.S. information gathering systems without requiring any onsite inspections. The U.S., however, *has* developed, tested and deployed two MIRV systems, and it is most improbable that the Russians will agree to forego the MIRV option completely and leave the U.S. so far in the lead. The administration, which has disregarded all attempts to exercise restraint in this area, is unlikely to cut back or even stop our MIRV programs.

President Nixon has recognized the consequences. He announces: "We are also initiating a program at a time of increasing threat to our landbased missiles." With these words and with the request for nearly $1 billion for a new generation submarine missile system—ULMS—he and Secretary Laird are starting us off on a new lap in the arms race. Is it really necessary? True, the Soviets are building up their submarine missile forces to a point where, within a few years, they will have achieved numerical parity. But their submarine systems are at least one generation behind ours, so that even if it were a question of maintaining US superiority, a posture which the President professes to have eschewed in favor of sufficiency, there would be no need for this new program.

More importantly, our present Polaris-Poseidon system is faced with no threat that requires the replacement or the addition of more submarines. When the Poseidon conversion is completed in the mid-'70s, the US will have a submarine fleet of 31 ships, each capable of firing 160 warheads at the Soviet Union, in addition to 10 of the older Polaris submarines which are about on a par with the present Soviet Y-class vessels. All defense authorities agree that there is no anti-submarine threat that could in the foreseeable future negate this deterrent. Surely the 5000 warheads, each of which is several times greater than the Hiroshima bomb, should be sufficient to deter a Soviet first strike, even if our Minuteman force became vulnerable. With an ABM treaty, which President Nixon states may soon be completed, virtually all of these warheads should be able to penetrate to Russian targets.

We will have made major progress if we get an ABM treaty. Let us build on that to obtain additional limitations rather than trigger a race in a new direction. Even if the Soviets continue to expand their submarine force beyond our levels, we should not allow this to panic us into deploying a new system. There is no reason why we have to be two laps ahead of the Soviet Union. Better to maintain flexibility by continuing research and development on a broad range of possible systems in order to be in the best position to cope with a threat, if it should arise in the long-range future. We have wasted three years tilting with the SS-9 launcher windmill. It is time that we realistically evaluate our security requirements and ask ourselves whether still more strategic nuclear weapons, of still greater sophistication, are needed to deter a nuclear attack or to prevent us and our allies from being blackmailed.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

SOVIET JEWRY

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. ROSENTHAL. Mr. Speaker, the plight of Jewish people in the Soviet Union is well known. They systematically undergo political harassment, job discrimination, and religious persecution. Additionally, they are prohibited from emigrating to their spiritual homeland, Israel, except under the most difficult of circumstances.

One of the most powerful weapons that we, who are concerned over the treatment of Soviet Jews, have is the spotlight of publicity. On several occasions, such as the well-known alleged skyjacking incidents last year, public opinion served to insure that Jews received fair treatment at the hands of the Soviet authorities.

Judd L. Teller has written an excellent article in the December 1971 issue of the Jewish Veteran. Mr. Teller, an authority on Jewish affairs who has traveled widely in the U.S.S.R., explains how Jewish ethnic identity and culture are being repressed by the Soviet policies. While concluding that there exists more potential for fair treatment of Soviet Jews than ever before, Mr. Teller explains that public protest and outrage over unjust Soviet policies must not abate.

Another important commentary on the subject of Soviet Jewry appears in the winter 1972 issue of United Synagogue Review. Entitled "If I Forget Soviet Jewry, Let My Right Hand Wither Away," it was written by Gideon Hausner, the chief prosecuter at the trial of Adolf Eichmann and an expert on Jewish affairs. Mr. Hausner explains how the spirit of the Jewish people remains high despite their oppression by the Soviet Government. Their dream of returning to what they feel is their true homeland, Israel, remains their overwhelming obsession.

As chairman of the Foreign Affairs Subcommittee on Europe, I held several hearings on the status of Jewish citizens in Russia, exploring in depth the problems they face. Many learned authorities testified, and all agreed that this is a problem that cannot be ignored by the American people or by the Congress. The Foreign Affairs Committee will have more to say on this shortly when it takes up House Concurrent Resolution 471, a resolution calling upon the President of the United States to demand personally of the Soviet Government that it permit freedom of religion, freedom of emigration for all persons. I am hopeful the committee and the House will pass this resolution prior to the President's departure for Moscow this spring.

Mr. Speaker, we must not forget the seriousness of the Jewish situation in Russia; our commitment to their just and humane treatment cannot be weakened. It is with this thought as well as with the desire that the Congress and the public remain informed about the plight of Soviet Jews, that I insert both Mr. Teller's and Mr. Hausner's articles in the CONGRESSIONAL RECORD:

[From the Jewish Veteran, December 1971]

SOVIET JEWRY—A DENIAL OF ETHNIC IDENTITY AND CULTURE

(By Judd L. Teller)

(NOTE.—Judd L. Teller, authority on Jewish affairs here and abroad, has travelled widely in the USSR. His most recent book is "Strangers and Natives: The Evolution of the American Jew From 1921 to the Present.")

The essential facts about the condition of the Jews in the USSR are summarizable in a few paragraphs. They are classified, under Soviet law, as a nationality, a distinctive collectivity. Anyone born of Jewish parents is automatically so classified. This information appears on all his records, from birth to death, and is requested on all questionnaires that he fills out, or guardians fill out for him, when registering for school, applying for employment, seeking travel permits.

This information is required also of all other nationalities in the USSR. In a country with a centuries' old history of anti-Semitism this has its serious drawbacks for the Jew. It makes him vulnerable to covert discrimination by the bigoted, the kind of discrimination that cannot be legislated out of existence precisely because of the disguises under which it functions. Jews who have through the centuries refused to abandon their faith even at the pain of death, are willing to bear the disadvantages of their designation.

The fact is that immediately after the Revolution they insisted on being designated as a distinctive people or nationally and had long argued against Socialist and Communist theoreticians, in Eastern Europe and in Western Europe who viewed the Jews as a disintegrating religious sect and, in fact, a no-people.

The special problem this represents for the Jews in USSR is that while all other designated nationalities are provided by the government, albeit reluctantly sometimes, with facilities to sustain their ethnic identity and culture, the Jews are denied that opportunity. Instruction of Hebrew is forbidden. Opportunities for Yiddish cultural life are circumscribed, and their availability—a few new volumes of Yiddish literature annually, occasional Yiddish variety shows, a monthly with a limited press run—is so restricted as to make them appear to be more than show window samples.

Instruction in Jewish history is nonexistent. Bans on religious instruction are more severely applied against the Jews than against most others. Literature about the Jews in Russian, Ukrainian and Georgian, to cite the languages of republics in which the concentration of Jews is considerable, or worse Jewish population, even if small, is highly conscious and proud of its origins—is unavailable. Jews who possess neither Yiddish nor Hebrew, largely because they were unable under Soviet conditions to receive instruction in them, cannot turn to Russian, Ukrainian or Georgian texts, the way American Jews turn to English texts, to learn about their people. All this at a time when ethnic studies—black studies, Judaica—are sweeping the American campus.

Such texts on the Jews as are available in non-Jewish language are propaganda-charged and distorted, designed to serve a specific governmental interest at a specific point in time, as for example several books published in Russian Ukrainian in recent years. Clearly modeled after the Protocols of the Elders of Zion, a notorious forgery which alleged a Jewish conspiracy to achieve world dominion, these books allege world dominion aspirations and conspiracies by Jews "jointly with the Western imperialists," and misquote the Bible and the Talmud, as the medieval inquisitors used to do, to prove that the source of that conspiracy and of all evil is the Jewish religion. They allege that Israel is at the center of this conspiracy, with its agents implanted in the Communist lands and appealing to the Jews of those lands.

The political purpose of this propaganda is obvious. The Soviet peoples are unhappy over Soviet military spending in Egypt and other Middle East countries. The Soviet peoples feel that this is at the expense of the consumers goods and relief from drabness and make-to-do-with-little that has been the fate of the Soviet citizen, not only compared with the life-standard of people in the West, but even with standards in some of the other Communist countries, most notably Hungary, which is within the Warsaw axis, and Yugoslavia, which is not. Hence Jews become an excellent deflector of popular discontent over Kremlin spending in Egypt. Ancient malicious myths are evoked. Ancient prejudices are appealed to. The "Christ-killing" people, greedy, avaricious, cunning, mercurial, plotting once again from its ancient Zion, and strip-mining the loyalties of fellow-Jews in the Communist countries, hence every Jew in these countries becomes suspect to his neighbors and fellow-workers.

Discrimination against Jews in education and employment has at various times been conceded by Kremlin spokesmen, sometimes with striking naivete, sometimes obliquely. Nikita Khrushchev, who was personally intensely anti-Semitic as none of the men at the pinnacle of Soviet power today are at this time known to be, and Yeketerina Furtseva, the Minister of Culture under Khrushchev and under his successors, said that of course Jews were being replaced in positions of responsibility in the various republics. That is natural, they explained. The Jews were placed there, when these Soviet republics had no trained personnel of their own, and it was to be expected that they would eventually be replaced by "the indigenous."

Since the Jews are designated as a distinct nationality, yet have no territory of their own inside the USSR, the implication is that throughout the USSR, its republics and autonomous regions, the "native" or "indigenous" should be given first consideration, ahead of the Jew. Thus a Jew whose family roots in the Ukraine may go back many generations—Jews began settling there in the mid-seventeenth century—is to be second choice for a job or appointment because, being a Jew, he is not "a native." It is not suggested here that this is common practice. However, where the competition is keen or close, such discrimination is indeed in effect and can be justified in terms of custom and ethnic definition.

This policy, particularly as applied to the Jew, has political purpose. The cliche about "divide and rule" certainly applies here. Most Soviet nationalities, albeit they have republics of their own, feel that they are hobbled by the Russians. It is good Kremlin tactics to deflect attention to the Jew as the alleged cause of their discomforts. The underdeveloped Asian regions of the USSR need skilled and professional manpower. Inducements notwithstanding, Soviet citizens from the European regions are reluctant to resettle there.

This is no less true of blue collar workers than of professionals. Discrimination against them in the European republic might serve as a goad to induce Jews to take up post in Far Eastern Soviet republics until such time as those republics too will have acquired their "indigenous cadres." In practice, it has not accomplished its purpose. The Jews are not easily goaded.

Assuming a Jew wishes to dispose of his disadvantageous ethnic designation, the option is not his, as it is not of any Soviet citizen. If both parents are Jewish, or Polish, or Ukrainian, or Latvian, in the Soviet ethnic definition, their offspring is forever landlocked in that designation. Only offspring of an intermarriage have the option on reaching majority to choose the nationality of either parent.

Once the choice has been made, it cannot be reconsidered or altered. This applies to all Soviet nationalities, of course. The effect upon the Jew is especially perverse. Let us consider again that Ukraine Jew whose family has lived there for generations. He is automatically denied first consideration because he is a Jew, therefore not a native. On the other hand, the son of a Polish father, recently settled in the Ukraine, and a Ukraine mother, becomes a native by choosing his mother's nationality and thus obtains preferential treatment.

The standard Soviet reply to charges of discrimination in education has been that Jewish professionals and students far exceed the percentage of Jews in the total population. Lurking behind such argument is a justification of ethnic quotas, which the Soviet deny exists. It is strange nonetheless that their "excessive" percentage has declined in the past few decades. It used to be considerably higher. Of course, if the Soviets were to admit that this indeed is the case, and there is an appearance of discrimination, they could then proceed to argue that the percentage of Jews has declined not because fewer Jews are admitted, but because many more of all the others have now chosen higher education.

The sons of peasants and blue collar workers, under the Soviet system of preference for proletarian origin, have joined the professions, preside over clinics, staff faculties. However, such argument would hold no water, either. Soviet statistics relate the percentage of Jews to the total population. They should be related only to the population in the several metropolitan areas in which they are densely concentrated. Such comparisons would reveal deliberate, systematic discrimination.

One must bear in mind that the Jews had been urban, traditionally inclined to learning and to professions amidst an agricultural population afflicted with illiteracy. If fewer Jews are now enrolled in the institutions of higher learning in Kiev, Moscow, Leningrad, Odessa and several other centers, it means that fewer Jews will graduate into the professions.

They apply to universities and are directed, instead, to technical and trades schools. The unadmitted reason being—"native cadres." The schools are overcrowded. The Jews are landlock in their ethnic designation, hence are always listed as "stand-bys" only, exceptions being made of course for the extra-extra exceptional Jew, the genius caliber whom the Soviet regime cannot afford to waive aside.

The same applies to a wide range of Soviet occupations. When "native cadres" were not available, the Jews "exceeded" their percentage in the military, in the diplomatic corp, in the regime's top offices. Today, they are invisible or very nearly invisible in these services. They are still highly visible in the arts and mass media. However, they are fading out of administrative, supervisory and policymaking posts in these fields. They no longer are Jewish newspaper editors, periodical editors, book publishing editors, or too few to attract attention. Yet these are posts in which, at one time they had been extremely prominent.

Visitors to the Soviet Union, unless familiar with these facts, will be pointed to Jews in the theatre and cinema, in the medicine and engineering and be persuaded that discrimination does not exist. The people pointed out, will for obvious reasons, deny anti-Semitism, and will sometimes do so with simulated passion. Yet their own offspring may be barred from enrolling in universities in which the parent teaches, which means from following the parent's profession or any other. This is done under a cloak of legality. The student is failed, not on the written exam which can be checked back upon, but in the orals, especially orals in Marxist-Leninist dialectics.

The circumstances have become so onerous, that some Jews have been seeking to opt out of their ethnic designation. This was accomplished much easier immediately after the war. Official records had been pillaged and burned—birth, school, and marriage certificates. Hence, Jews—how many we shall never know—redesignated themselves as Russian, White Russian and as other kinds of Soviet nationals. Today, this is obtainable only by bribe and subterfuge, but it can be and is done.

Some, unable to escape the grip of their designation, deliberately plan to spare their offspring this affliction by marrying outside their faith so that their child would have a choice. Curiously, anywhere from five to ten percent of the offspring of such mixed marriages, aware of the discomforts they thus assume, nonetheless chose the Jewish parent's nationality, thus the son or daughter refuses the "amnesty" which their parents had provided for them. Indeed, those now in Soviet jails for "Zionism," and among those who, after a struggle with the authorities, were finally permitted to leave for Israel, are some who were born to intermarried parents and consciously and deliberately chose to register as Jews.

The emergence of Jewish awareness among these young people, very often sons and daughters of parents who condemned their origins and bore their designation reluctantly, is one of the great surprises. It parallels a similar ethnic awareness among other nationalities of the Soviet Union. This "nationalist" awakening among the Soviet nationalities makes the Kremlin apprehensive. It interferes with their design of producing a Soviet Man and Woman with no national and ethnic allegiances. Yet, in the Kremlin's scheme of things, the culture of that de-ethnicized Soviet citizen would be Russian. There is ample evidence that Soviet policy to bring about the assimilation of its non-Russian nationalities and to absorb them into Russian culture has been accelerated since the all-Soviet Communist Party Congress earlier this year.

Here are some of the means by which this is accomplished. Russians are placed in key posts in the various republics for control purposes. However, proconsuls are insufficient to cause or force assimilation. More devious means are used. Migrants of other ethnic origins are implanted en masse in the midst of a republic, its territory is reshuffled, it is forced to cede some and forced to accept an unwanted gift of other territory, and the effect of this mix is that the native population soon finds itself a minority in its own republic.

This has been done in some of the Asian republics. It is being done in some of the Baltic republics. In each of these republics there are Russian language schools on all levels, from kindergarten to university. The implanted new populations do not enroll their children in the native-language schools but in the Russian schools. All this is done within the law. Assimilation is "by natural process," conceived and engineered by the authorities.

Under these circumstances the Kremlin sees Jewish resistance to assimilation as subverting its larger policy. If the Jews who have no territory of their own inside the USSR, persist as an identifiable ethnic group, then nationalities that are in a more advantageous position, that are rooted in their native lands, are emboldened to similarly resist. Hence, in the Kremlin view, the suppression of Jewish culture must continue. Jewish youth has responded to this oppression in the most striking way. Suddenly a

Zionist movement has sprung up; young people demanding the right to emigrate to Israel.

At first the authorities would not yield. But the boldness of these young men and women, and the support of world public opinion their bravery has enlisted for them, compelled the Kremlin, more sensitive to world opinion than had been assumed, to reconsider. There has been a gradual increase in the numbers permitted to leave for Israel. It is all still a fitful game. From time to time all visas are suddenly discontinued. Then, unexpectedly, there is a new flow of immigrants out of Russia. Applicants for visas are fired from their jobs and deprived of their livelihood without knowing when permission to emigrate will be granted them, if at all. There are house searches, sudden arrests, trials, Jewish applications for emigration mount and, correspondingly more applicants are visa'd and cleared for emigration.

The purpose behind this may be to defuse Jewish reluctance and ethnic awareness by shipping out the initiators and leaders, those who sustain that awareness, who conduct classes in Hebrew and Jewish history, circulate Jewish literature and produce Jewish information bulletins without license and on pain of arrest, trial, and severe prison or work camp sentence. Another reason may be that the Kremlin hopes to trade emigration for Jewish silence abroad on the suppression of Jewish culture and Judaism inside the USSR.

Jewry will agree to no such trade. Jewish awareness stimulates emigration demands; emigration demands in turn stimulate awareness and pride in Soviet Jewish youth. The Soviet Union will eventually yield on both points, permit free emigration of Jews and also permit those who wish or must stay behind, for various personal reasons to maintain facilities for the sustenance of Jewish culture and its transmission to future generations. There will be, of course, many Jews who will choose a third course, total assimilation. That is their privilege. Our concern is with that larger number who wish to be Jews inside the USSR or who seek Jewish fulfillment, maximal fulfillment, through emigration to Israel.

We are confident that both these aims are achievable, that the Kremlin will yield, because the present Soviet rulers are responsive to world opinion, however slow their responses may be forthcoming. Under Stalin professors, no matter how high their station in the Soviet scientific hierarchy would not have dared sign protest petitions and to form a committee for the protection of human rights. If they had, none would ever have heard of it. They would have disappeared without trace, with no spoor left of their protests, which is what probably happened in those horrendous decades under Stalin's rule.

Under Stalin, or even under the deceptively avuncular Nikita Khrushchev, it would have been inconceivable for young Jews to engage in sitdowns in visa offices, Jewish protestors would barge in on high level commissars. Trials—other than show trials—would not have been reported, men and women pulled in for interrogation would not have been released within hours or days, court sentences would be announced, death sentences commuted. Of course, justice is perverted, charges are fabricated; dissidents—a retired Red Army general, scientists, writers—are forcibly detained in psychiatric wards and silenced by means of the straitjacket.

A young Jewish girl, Sylva Zalmanson, is apprehended circulating Jewish literature. She is arrested. Through perjured testimony and by barring essential defense witnesses, the prosecutor and judges somehow manage to fabricate a capital case against her, as if the circulation of Jewish literature were an act against the security of the state itself. She faces her prosecutors bravely, refuses a guilty plea which would bring a lighter sentence. She is sentenced and deliberately thrown in amidst prostitutes and other felons who taunt and torture her. She is denied the medicines she requires to keep her alive. Yet she may still be released before she perishes if world public opinion calls out in her cause.

In fact the regime is bound to permit both emigration to Israel and maintenance of Judaism in the USSR, under the normal Soviet restrictions of course, because, all the above horrors notwithstanding, this is the most responsive regime to have ruled the Soviet Union. On his visit to Canada, Premier Kosygin saw and heard how Canadians feel on this issue. On his Scandinavian tour, he heard how Scandinavians feel. His peers, touring other Western countries, saw and heard how those peoples feel. The Kremlin may still be counting on public protests running their course and public outrage dying down. This must not happen. If protest is sustained, the resultant reversal of Soviet policy, when it comes, will bring, among other things, purification of the soul of the Soviet regime.

[From the United Synagogus Review, Winter 1972]

IF I FORGET SOVIET JEWRY, LET MY RIGHT HAND WITHER AWAY

(By Gideon Hausner)

Over a year has now passed since the Leningrad Trial wherein eleven Jews were made to account for their desire to live as Jews. Edward Kuznetsov, one of the accused, said in court on that occasion: "I have always wanted to live in Israel." Anatole Altman, before hearing his sentence of twelve years' imprisonment, said: "I was born in the Soviet era and have spent all my life in the land of the Soviets. Today, on the day when my fate is being decided, I feel wonderful although very sad; it is my hope that peace will come to Israel. I send my greetings to you, my land. *Shalom aleichem*, peace unto you, land of Israel!"

Silva Zalmanson before hearing the sentence of death passed on her husband Kuznetsov, said:

"Israel is the country with which we are bound spiritually and historically. We shall never abandon the dream of being united with our people in our ancient homeland. Our dream of living in Israel is comparably stronger than fear of the suffering we may be made to endure. Even now I do not doubt for a minute that sometime I shall go and that I will live in Israel. This dream, illuminated by 2,000 years of hope, will never leave me. Next year in Jerusalem!"

These statements are the highest expression of Jewish rebirth in the Soviet Union. After over half a century of crushing propaganda and forced assimilation, of using every device to make the Jews drift away from their past, young Jews are now speaking out in a language comparable only to the speeches bequeathed to us by our martyrs of earlier days. Unprecedented is the fact that these young men have actually had no contact with Jewish culture or values. Their fathers never took them to a synagogue, and in their homes there was neither Bible nor prayer book. Their cultural heritage was predicated on Soviet communist propaganda. Still, they somehow discovered within themselves their Jewishness. It will certainly require profound research on the part of sociologists and historians to establish how this became possible.

The severe sentences passed by the Leningrad judges did not deter the Soviet Jews. The obvious tactics of the Russian Government to let a trickle of the trouble-makers go and frighten all the others by inflicting exemplary penalties have misfired. The stiff-necked Jewish nation reacted in a manner which has perplexed the Soviet authorities, for now the national movement has assumed larger proportions than ever. Presently mass petitions have been sent out to the entire world. Soviet Jewry's answer to the calamities which their government is pouring on Israel has been an even stronger urge to go and live there.

This cry from the depths of captivity was taken up by Jews and non-Jews. The problem of Soviet Jewry has become an item on the international agenda of contacts with the Soviet Government, as well as a constant demand which Jews of the free world are voicing at present. There can be no doubt whatsoever that even the modest achievements which we have so far witnessed when a trickle of Soviet Jews is being let out, is thanks only to this incessant pressure maintained by world public opinion.

We are facing a prolonged struggle which can be successful only if carefully planned and adequately conducted. We must bring the Soviet ruling quarters to realize that they are pursuing a self-defeating policy. Stepping up anti-Semitism brings about an increased demand on the part of the Soviet masses to get rid of the Jews. When, simultaneously, the gates are being locked up for any mass emigration, the result is an internal clash with which the Soviet Union will not be able to live for very long.

Above all, we must fight now for the right of the Soviet Jews to petition their authorities. At present, this well-established freedom of a citizen to submit a petition to his government, is denied in the Soviet Union. A legitimate request for exit is being visited with dismissal from work, dismissal of one's children from school, and often with imprisonment. This is a barbarian denial of a basic human right. The world must never acquiesce in a situation where a citizen of any country does not have the right to ask his government for a permit to leave that country, a right which is firmly rooted in international law and usage.

We have recently heard that the Soviet Union wishes to keep back the Jews as hostages for the policies of Israel. It has been officially proclaimed that as long as the tensions in the Middle East continue, Russia will not let Jews out lest they join the armed forces of Israel. This cynical allegation penalizing Soviet Jews for the present day policy of Israel is without precedent, even in this century of contempt for basic human values.

The world will not accept this vicious attitude and will continue fighting for the right of the Soviet Jews to leave according to their desire and according to the demands of Jewish history. We have already witnessed the first cracks in Soviet intransigence. It will be up to us now, to our efforts, to our will, to our appropriate choice of means to insure that the barrier, which has already been slightly removed, should fall down altogether and that all Jews wishing to leave the Soviet Union should be able to do so without delay.

We have been through this in our generation when Jews in another country were doomed because of their Jewishness. In Hitler's Europe the only freedom allowed to Jews was to die as such. But now there is a difference. First of all, there is a place to which persecuted Jews can go, for the State of Israel is now on the map. Secondly, Jewish consciousness throughout the world is alerted and determined to foil and to frustrate the present day spiritual genocide perpetrated on our brethren in the Soviet Union.

We must succeed in this struggle of ours. We have taken a vow and must live up to it, for "If I forget Soviet Jewry let my right hand wither away."

CHURCH LEADERS FIND NO IMMORALITY IN COMMUNIST EXPLOITATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. RARICK. Mr. Speaker, some church leaders have now joined the United Nations Security Council in criticizing the U.S. Congress for authorizing free trade with Rhodesia in strategic and critical materials which otherwise could only be obtained from Communist countries.

These same church leaders have never been outspoken against human rights violations in Communist countries nor against trade with Communist countries. Americans are beginning to wonder if these Christian church leaders find no immorality in exploitation of the masses by communism.

I insert related newsclippings at this point:

[From the Washington Post, Feb. 29, 1972]

U.N. COUNCIL CRITICIZES UNITED STATES ON RHODESIAN CHROME ISSUE

UNITED NATIONS.—The Security Council adopted a resolution yesterday criticizing the United States for violating its treaty obligations by importing chrome from Rhodesia. The vote was 13–0 with the United States and Britain abstaining.

The resolution declared that any legislation passed or act taken by any state that would allow the import of any Rhodesian products, against which the United Nations has imposed sanctions, would undermine the sanctions and be contrary to the state's obligations.

The U.S. Congress last year passed an amendment which prevented the government from banning strategic imports from any country if the goods are bought from a Communist country.

[From the Washington Post, Feb. 26, 1972]

CHURCHES REQUEST SANCTIONS AGAINST RHODESIA ECONOMY

NEW YORK.—The chief executives of five churches and a leading official of a sixth have asked President Nixon to continue economic sanctions against Rhodesia until a settlement supporting the rights of the black majority in the African country can be worked out.

The request referred specifically to a U.S. Treasury Department announcement that it had licensed the import of chromium and other "strategic and critical" materials from Rhodesia.

A nonpurchase policy had been in effect for several years, following the United Nations' condemnation of the white-dominated regime of Ian Smith in Rhodesia.

Signers of the request were United Methodist Bishop Paul Hardin, Jr., of Columbia, S.C., president of the denomination's Council of Bishops; Presiding Bishop John E. Hines of the Episcopal Church; Dr. Robert Moss, president of the United Church of Christ; the Rev. Marion de Velder, general secretary of the Reformed Church in America; Dr. William P. Thompson, stated clerk of the United Presbyterian Church, and the Rev. Robert A. Thomas, head of overseas ministries for the Christian Church (Disciples of Christ).

Both President Nixon and Secretary of State William Rogers were asked to hold up relaxation of the sanctions against Rhodesia until the rights of the black majority in the former British colony are assured.

The churchmen also said that the U.S. should urge Great Britain not to ratify a proposed settlement with Rhodesia, which broke away from Britain in the mid-1960s and declared independence under a white minority government.

The proposed settlement has been vigorously attacked by black Rhodesians, who number 5 million. Whites number 250,000.

"In the light of U.S. government policy supporting self-determination and the long-range self-interest of our nation in Africa," the U.S. church officials said, "it is urgent that we find ways to convey to the British government that nothing less than a true majority expression of all the people of Rhodesia can be accepted as meaningful."

The draft agreement envisions eventual majority rule, but no timetable is set, thus drawing the oppposition of black Rhodesian nationalists. A U.N. Security Council resolution scoring the settlement was vetoed by Great Britain.

The U.S. churchmen told President Nixon and Secretary Rogers that there are no Africans on a special committee testing Rhodesian sentiment on the agreement. They said that African nationalists should be "free to campaign all over the country to explain their views without restrictions."

OLYMPIC PLANS DRAWN

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. HAGAN. Mr. Speaker, one of the most tragic facts of life is that many children are born retarded each year. As it becomes more and more widely recognized that these children can lead productive, happy lives, more and more individuals and groups are joining in the effort to help them. A striking example of this important work can be seen in the special Olympics track and field day activities sponsored by Savannah, Ga., area city and county recreation departments and civic organizations. On March 15, some 600 retarded children will participate in this event. The following story noting the effort appeared in the February 26 edition of the Savannah Morning News:

OLYMPIC PLANS DRAWN

More than 600 retarded children will participate March 15 in Special Olympics track and field day activities sponsored by the city and county recreation departments, officials coordinating the event announced Friday.

"Our goal in the program is to create opportunities for sports training and athletic competition for these children," said Jim Golden, chairman of the Special Olympics steering committee.

Sponsored nationally by the Joseph Kennedy Jr. Foundation for Retarded Children, the program is coordinated locally by the recreation departments with the aid of various civic and service organizations. * * *

Hunter Army Airfield is providing 18 buses to transport the public school children, and the Regional Hospital and Retarded Children's Association are providing their own transportation.

The Citizens and Southern National Bank's Community Development Department will provide hot dogs and soft drinks for the youngsters.

BAND TO PERFORM

Entertainment for the day will feature the 80th Army Band from Hunter Army Airfield and a puppet show. Golden said he also hopes to get a high school band to perform for the Olympics.

Serving as judges for the competition will be members of the physical education departments of Armstrong State College and Savannah State College, city and county recreation departments, board of education and Hunter Army Airfield Special Services Divisions.

THE FEDERAL INCOME TAX—RARICK REPORTS TO HIS PEOPLE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. RARICK. Mr. Speaker, I recently reported to my people on the Federal income tax. I insert the report at this point:

RARICK REPORTS TO HIS PEOPLE ON THE FEDERAL INCOME TAX

Between now and April 15th, millions of American taxpayers will be engaged in the annual chore of filling out income tax forms and paying the federal government for their right to be producing Americans. So, I thought today we'd talk about the federal income tax—its background, the uses to which your income taxes are put, the threat which it poses to our freedom, and what can be done to remove the threat.

Most of the more elderly citizens listening to this telecast may remember that prior to 1913, there was no income tax. Many younger listeners may question how the federal government was able to pay all of its expenses without revenue derived from the income tax. The answer, of course, is that prior to 1913 the government was run in accordance with the Constitution. Local and State governments performed their duties and there was no federal bureaucracy. Under such a system the working people enjoyed considerably more individual freedom than now and were able to use their earnings in accordance with their individual desires. Remember, every time the government takes a dollar from a citizen in taxes, it denies the citizen the freedom to use as he sees fit the earnings of his labor.

Under our Constitution, the federal government is delegated a limited number of specific powers. All powers not delegated to the federal government, the agent of the sovereign States in the Constitutional contract, are reserved to the States and the people thereof by the 9th and 10th Amendments.

Prior to 1913 the 9th and 10th Amendments were then as important as the 1st and 14th Amendments. The emphasis was on less government and more individual responsibility. The population in 1913 was 95,000,000 and the total federal budget was about $600,000,000 or $6.30 per person. The people enjoyed abundant freedom from governmental interference, freedom to work, to save, and to use their earnings without restraint.

From 1776 to 1862, except for periods of war, citizens were free of all federal taxes except the tariff on imports. From 1868 to 1913, federal revenues collected came from taxes on liquors, tobaccos, from import tariffs and sale of public lands.

During these years our federal government followed this admonition of Thomas Jefferson:

"I place economy among the first and most important virtues and public debt as the greatest of dangers. To preserve our independence we must not let our rulers load us with perpetual debt. We must make our choice between economy or liberty, or profusion and servitude. If we can prevent the government from wasting the labors of the people under the pretense of caring for them, they will be happy. The same prudence which in private life would forbid our paying our money for unexplained projects forbids it in the disposition of public money."

Prior to its adoption in 1913, the income tax—an unequal tax—was forbidden by the U.S. Constitution. The 16th Amendment was proposed by Congress in 1909 and was proclaimed adopted on February 25, 1913. It was the Republicans under President William Howard Taft who proposed the income tax amendment which opened the floodgates for the destruction of our Constitutional republic by providing broad taxing powers to the federal government.

The first income tax was passed in October 1913, under Woodrow Wilson's Administration. It imposed a minimum rate of 1 per cent on incomes over $3000 and a maximum tax of 7 per cent upon incomes in excess of $500,000. Since then the tax has continued to rise until today the minimum rate is 14 percent on the first $500 earned by a single person and on the first $1000 earned by a married person up to 70 percent on earnings in excess of $200,000.

The progressive federal income tax, which takes the largest bite of the productive citizen's earnings, is augmented by ever-increasing Social Security and Medicare payroll contributions as well as by State and local income, sales, and property taxes.

In order to show the results of excessive taxation, Freedom Magazine in May of 1970 made a statistical study of the U.S. population, the total amount of the federal budget and the annual cost per person to pay the costs of the federal government for each 10 years from 1900 through 1970. As you can see from the chart the annual cost per person to run the federal government increased from $6.90 in 1901 to $956.19 in 1971. And, it's much higher today and continues to increase.

PROOF OF EXCESSIVE TAXATION

U.S. population		Federal budget		Annual cost per person
Year	Amount (millions)	Year	Amount (millions)	
1900	76	1901	$525	$6.90
1910	92	1911	691	7.51
1920	106	1921	5,062	47.75
1930	123	1931	3,577	29.08
1940	132	1941	13,980	105.90
1950	151	1951	45.797	303.29
1960	180	1961	97,790	543.30
1970	[1] 210	1971	200,800	956.19

[1] Estimated.

Source: Freedom Magazine, May 1970.

Taking an average working family of four persons, we multiply the last figure on the chart, $956.19, by four and get $3,823.76, which is what a family of four pays on the average in federal taxes alone. To this must be added local, parish and state taxes, the many hidden taxes in everything purchased, and inflation—the cruelest hidden tax of all. Considering the federal taxes plus these additional taxes, a working family of four pays on the average over half of what is earned just to pay taxes. This often requires that mothers must leave their children to work in order to make ends meet.

Many have been made accustomed to feel that the income tax is the fairest tax because it is based on ability to pay. It doesn't work out that way. Government statistics indicate that 51% of federal income taxes are paid by individuals earning less than $15,000 per year, and those earning $25,000 a year or less pay 72% of the total federal income taxes. The very wealthy have managed to escape their share of income taxes through various loopholes and tax dodges such as tax free foundations and capital gains.

I have introduced several bills to limit or deny tax dodging by the multi-million dollar foundations including H.R. 425 to establish illegal acts by foundations, and H.R. 8298 to deny tax free status to foundations engaging in propoganda and lobbying.

The Governor of Alabama recently filed a suit against the Secretary of the Treasury and the Commissioner of the Internal Revenue Service to remove this gross discrimination. In his brief, Governor Wallace stated:

"When private foundations use tax exempt income to espouse the cause of communists in America, to promote revolution in the streets of our cities; to participate in registration drives among blacks to elect radical mayors of certain cities; and bankroll the pro-Viet Cong American Friends Service Committee; grant funds to organizations which preach revolution and racial hatred; financing of communists and radicals to run school 'decentralization' in New York City, producing the bitterest sort of racial antagonisms; and making grants to the leftist Urban League—are they not engaging in propaganda activities, attempting to influence legislation, and aiding and abetting political campaigns on behalf of candidates for public office?"

The Supreme Court indicated its lack of interest in tax inequities by refusing to even give a hearing.

It is unjust as well as ironical that small businesses, factory workers, farmers, and other hardworking taxpayers—who produce in the free market economy to build America—must pay taxes while tax-exempt organizations, which accumulated their wealth through the free enterprise system, should escape paying even their fair share of taxes while promoting socialism or communism—the antithesis of free enterprise—while at the same time competing with the worker's dollar causing prices to rise resulting in inflation.

It is equally unjust as well as irresponsible for the Nixon Administration and the Congress to continue to propose and approve spending programs unauthorized by the Constitution and which result in huge deficits. No where does the Constitution authorize taxing American citizens to give to foreigners in foreign aid or to the United Nations.

As you figure your 1971 taxes, here are some of the things your tax dollars are going to pay: $3,189,437,000 will go for foreign aid. Foreign aid has been sold to the American people as a humanitarian program for containing communism by helping the poor overseas. Yet, most knowledgeable persons know that foreign aid is a gimmick to help remake the entire world under a one-world government. Not only has foreign aid been a failure in stopping communism, but it has also caused nations once considered our friends to hate America.

The foreign aid bill also included an additional 86 million to the United Nations after an increased contribution had earlier been voted the U.N. in the State Department Appropriation bill. The leadership talk of reducing U.N. financing by your tax dollars was soon forgotten.

$15 million was specifically earmarked for UNICEF or U.N. Children's Fund. Possibly crime on the streets has become so bad the Halloween UNICEF collections by children are off; so its no longer whether or not you want to contribute, you are now forced to do so.

Sweden, for example, while trading with and aiding North Vietnam, has received over $135,000,000 of our foreign aid. Our commitment to provide Israel with planes and military aid has caused ill-will towards the U.S. by Egypt and other Arab nations. India and Pakistan recently fought each other using U.S. arms furnished as foreign aid.

The U.S. government has subsidized Russian agriculture by selling over 20 million bushels of oats at prices below the U.S. market price. The U.S. taxpayer is, in effect, footing a new kind of international food stamp to improve the diet of the impoverished Russian people.

On February 16th, the same day that our government announced a $50 million guaranteed loan to build 11,000 homes in Israel, it announced approval of $367.1 million worth of export licenses for the Kama River trucking plant in the Soviet Union. Previously the government had already approved more than $1 billion worth of licenses for the Kama Project.

Our government has contributed millions to the Inter-American Development Bank, the World Bank, the Export-Import Bank and other international banks to provide long-term, low-interest loans to foreign countries which—make no doubt about it—are used by U.S. corporations to export jobs to foreign countries where labor is cheap and unorganized. For example, earlier this years, the World Bank lent Chile $5 million and the International Monetary Fund lent Chile $39.5 million. In effect, the U.S. taxpayers promote Marxism by our contributing to such international banks.

$25,000,000 of your federal tax dollars were provided in this year's Foreign Aid Bill for the Overseas Private Investment Corporation, a program established by Congress in 1969 to "insure" U.S. capitalist operations in foreign countries against revolution and nationalization by the leaders of the "emerging nations."

The Foreign Assistance Act of 1969 provides that the full faith and credit of the United States of America is pledged for the full payment and performance of obligation incurred by OPIC under its insurance and guarantee contracts. Thus, if claim settlements are in excess of available reserves, OPIC will be required to request supplementary funds from the Congress to pay the claims.

In addition, the Internal Revenue Service has ruled that U.S. companies whose overseas property is seized by a foreign government without promise of payment may write off their losses as an income tax deduction. Quite an incentive for U.S. industralists to move abroad. And you the taxpayers are being forced to finance the rape of our own country.

The American industrialist cannot lose; the foreign governments stand to gain. As usual, only the U.S. taxpayer loses.

These are just a few of the uses—or should I say misuses—of how your hard earned tax dollars are squandered on the foreign scene—dollars which our taxpayers could better use at home.

On the domestic scene, we find a similar situation—billions for education to engage in sensitivity training, sex education, busing of students, using drugs on students, and a myriad of other innovative experiments using our children as guinea pigs; billions to OEO to promote revolution in this country; and billions for ineffective welfare programs which promote welfare as a way of life, etc., etc.

It has been estimated, if this country continues at the present rate the trend away from free enterprise and toward a government controlled society, that by the year 2000 America will be a 100 per cent socialist country. America would then no longer be the "land of the free and the home of the brave."

I have introduced numerous bills to help working people. Bills to allow federal income tax deductions for social security tax contributions, cost of repairs and improvement to residences, costs of pollution control, as well as police and fireman tax deductions, and deductions for cost of tuition for education and graduate teacher study. I have also introduced legislation to aid our elderly, veterans, retired, and blind, as well as special legislation to remove tax-exempt status from foundations engaged in propaganda and politics.

If enacted, these bills would give a measure of tax relief. However, they do not provide the answer to the grave situation in which America finds herself today. If you haven't heard of these bills, remember they are unpopular with those who want to fool the people rather than help them. The solution to our predicament is to repeal the personal income tax and require the federal government to obey the Constitution by assuming only those functions authorized by the Constitution, leaving all other functions to the discretion of State and local governments. To this end, I have re-introduced H.J. Res. 23 known as the Liberty Amendment. This proposed amendment to the U.S. Constitution which has passed our Louisiana legislature would repeal the 16th Amendment and abolish federal income taxes as well as take the federal government out of competition with free enterprise.

The adoption of this bill would strengthen and enlarge the free enterprise sector, restore power to the people at the State and local levels, and would greatly reduce the size and scope of the federal government. In summary, it would take off the handcuffs and allow the Constitution to function as intended.

I began this telecast with a remark that taxpayers are getting fed up with high taxes. They have had enough of the waste and corruption in government—the use of their tax dollars to build political patronage and party loyalty instead of improving the country. Most people realize that they can have anything they want if they are willing to pay the price. They also realize that the government can do nothing for them that they cannot do better for themselves.

Taxpayer groups throughout America continue to organize as taxpayer dissatisfaction mounts. Taxation without representation has developed into a new cause celebre as taxpayers suffer government representation of those who pay no taxes. If taxation without representation is tyranny, then representation without taxation is anarchy.

HOUSE OF REPRESENTATIVES—*Monday, March 6, 1972*

The House met at 12 o'clock noon.

Rev. Charles H. Carpenter, national chaplain, Veterans of Foreign Wars, Shawboro, N.C., offered the following prayer:

O God in heaven, bring us to a halt for a moment with Thee. In the quiet of this moment, direct us to Thy spirit. Help us to turn away from those who would keep us from our duty and set our minds and hearts on Thee in whom alone is hope for peace and growth. Guided by Thy spirit, help us to see beyond the coldness of mankind and nation, and with clearer vision glimpse the warm eyes of children, the anxious faces of fathers, and the quiet concern of mothers. Help us to know that we affect these, for these are our Nation. They breathe and care and hurt.

May we deliberate—and decide—with them in mind, continually pricked by Thy spirit. Through Christ our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12067) entitled "An act making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1972, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to amendments of the Senate numbered 5, 23, 27, and 40, to the foregoing bill.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 907. An act to consent to the interstate environment compact;

S. 2094. An act for the relief of Col. Charles V. Greffet;

S. 2713. An act to amend title 18 of the United States Code to authorize the Attorney General to provide care for narcotic addicts who are placed on probation, released on parole, or mandatorily released;

S. 3160. An act to provide for a modification in the par value of the dollar, and for other purposes;

S. 3248. An act to consolidate, simplify, and improve laws relative to housing and housing assistance, to provide Federal assistance to local governments in support of community development activities, and for other purposes; and

S.J. Res. 117. Joint resolution asking the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day."

REV. CHARLES H. CARPENTER

(Mr. JONES of North Carolina asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. JONES of North Carolina. Mr. Speaker, on behalf of the membership of this House, I would like to express my deep appreciation to the Reverend Charles H. Carpenter, presently national chaplain of the Veterans of Foreign Wars, for offering the prayer today in the House of Representatives.

In addition to his religious activities, he is involved in other public services which include serving as eastern area membership chairman for the VFW department in North Carolina. Also, he is employed by the North Carolina Employment Security Commission, and for over a year has served as veterans employment representative for the Elizabeth City, N.C., area.

Mr. Speaker, I am pleased that Reverend Carpenter consented to be with us today, and I am sure that all who heard him were most impressed with his sincerity, and I only hope that he will be able to visit us again sometime in the near future.

UNITED STATES OF AMERICA AGAINST W. A. BOYLE, JOHN OWENS, AND JAMES KMETZ—COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
March 3, 1972.

The Honorable the SPEAKER,
House of Representatives.

DEAR SIR: On this date, I have been served with a subpoena duces tecum that was issued by the United States District Court for the District of Columbia. This subpoena is in connection with the case of the United States of America v. W. A. Boyle, John Owens and James Kmetz (No. 1741–71).

The subpoena commands the Clerk of the House to appear in the said United States District Court for the District of Columbia, on the 6th day of March, 1972 for the purpose of testifying, bringing and explaining certain House records that are outlined in the subpoena itself, which is attached hereto.

The rules and practices of the House of Representatives indicate that no official of the House may attend either voluntarily or in obedience to a subpoena without the consent of the House being first obtained.

The subpoena in question is herewith attached, and the matter is presented for such action as the House in its wisdom may see fit to take.

Sincerely,

W. PAT JENNINGS,
Clerk, House of Representatives.

SUBPOENA TO PRODUCE DOCUMENT OR OBJECT
[In the U.S. District Court for the District of the District of Columbia]

United States of America v. W. A. Boyle, John Owens and James Kmetz, No. 1741–71

To Honorable Pat Jennings, Clerk, or his authorized representative, U.S. House of Representatives, Washington, D.C.

You are hereby commanded to appear in the United States District Court for the District of the District of Columbia at 3rd & Constitution Avenue in the city of Washington, D.C. on the 6th day of March 1972 at ——— o'clock A.M. to testify in the case of United States v. Boyle, Owens and Kmetz and bring with you all records reflecting reports filed with the Clerk of the House by the following named committees for the designated time period:

1. D. C. Humphrey for President Club—1968
2. National Republican Congressional Committee—1967, 1968, 1969, 1970
3. National Republican Senatorial Committee—1967, 1968, 1969, 1970
4. Republican National Finance Operations Committee—1967
5. Citizens for Humphrey and Muskie—1968

This subpoena is issued upon application of the United States.

MARCH 3, 1972.

JAMES F. DAVEY,
Clerk.
By WILLIAM BROWN,
Deputy Clerk.

Mr. BOGGS. Mr. Speaker, I offer a privileged Resolution (H. Res. 864) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 864

Whereas in the case of the United States of America against W. A. Boyle, John Owens, and James Kmetz (criminal action numbered 1741–71) pending in the United States District Court for the District of Columbia, a subpena duces tecum was issued by the said Court and addressed to W. Pat Jennings, Clerk of the House of Representatives, directing him or his authorized representative to appear as a witness before the said court on the 6th day of March, 1972, and to bring with him certain documents in the possession and under the control of the House of Representatives: Therefore be it

Resolved, That by the privileges of this House no evidence of a documentary character under the control and in the possession of the House of Representatives can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession but by its permission; be it further

Resolved, That when it appears by the order of the court or of the judge thereof, or of any legal officer charged with the administration of the orders of such court or judge that documentary evidence in the possession and under the control of the House is needful for use in any court of justice or before any judge or such legal officer, for the promotion of justice, this House will take such action thereon as will promote the ends of justice consistently with the privileges and rights of this House; be it further

Resolved, That W. Pat Jennings, Clerk of the House, or any officer or employee in his office whom he may designate, be authorized to appear at the place and before the court in the subpena duces tecum beforementioned, but shall not take with him any papers or documents on file in his office or under his control or in possession of the House of Representatives; be it further

Resolved, That when the said court determines upon the materiality and relevancy of the papers and documents called for in the subpena duces tecum, then the said court, through any of its officers or agents, be authorized to attend with all proper parties to the proceeding and then always at any place under the orders and control of this House, and take copies of those requested papers and documents which are in possession or control of the said Clerk; and the Clerk is authorized to supply certified copies of such documents or papers in his possession or control that the court has found to be material and relevant and which the court or other proper officer thereof shall desire, so as, however, the possession of said documents and papers by the said Clerk shall not be disturbed, or the same shall not be removed from their place of file or custody under the said Clerk; and be it further

Resolved, That as a respectful answer to the subpena duces tecum a copy of these resolutions be submitted to the said court.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RESIGNATION FROM THE COMMISSION ON GOVERNMENT PROCUREMENT

The SPEAKER laid before the House the following resignation from the Commission on Government Procurement:

AMERICAN SECURITY & TRUST CO.,
Washington, D.C., March 3, 1972.

Hon. CARL ALBERT,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: With great reluctance I feel that I must tender to you my resignation as a member of the Federal Procurement Commission. I feel that the Commission is doing an outstanding job, but it has many, many days of extremely difficult work ahead of it. My personal position has changed and I simply cannot devote to the Commission the time that it requires.

I am in the process of taking over as Chief Executive Officer of this bank, and these transitions are always difficult and demanding.

I do hope that you will understand my personal situation. Also, I want to thank you for the confidence that you have reposed in me and I hope that you will turn to me again for any assistance that I can give to you or to the Congress.

Sincerely,

JOSEPH W. BARR.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

APPOINTMENT AS MEMBER OF THE COMMISSION ON GOVERNMENT PROCUREMENT

The SPEAKER. Pursuant to the provisions of section 3(a), Public Law 91–129, the Chair appoints as a member from outside the Federal Government of the Commission on Government Procurement the Honorable James E. Webb, of the District of Columbia, to fill an existing vacancy thereon.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first measure on the Consent Calendar.

DISASTER LOANS

The Clerk called the joint resolution (H.J. Res. 893) to amend the Disaster Relief Act of 1970 to authorize disaster loans with respect to certain losses arising as the result of recent natural disasters, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. RONCALIO. Mr. Speaker, I ask unanimous consent that House Joint Resolution 893, Consent Calendar No. 100, be stricken from the Consent Calendar and laid on the table.

I make this request since the enactment of Senate Joint Resolution 176, now Public Law 92–213, accomplished the purpose of the House joint resolution, thus removing the necessity for its passage.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

Mr. HALL. Mr. Speaker, reserving the right to object, and I shall not object, because this is in complete and final compliance with what I have requested from the first time that this particular joint resolution was presented. It is even more apropo inasmuch as one of the proponents has recently objected seriously to the lack of due process and the rights of individual Members on the floor of the House re: unanimous consent request bills from our Committee on Ways and Means.

So, because it does not meet the criteria of the Consent Calendar and for all these other reasons, I compliment the gentleman from Wyoming for his action, and withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

AMENDING THE REVISED ORGANIC ACT OF THE VIRGIN ISLANDS

The Clerk called the bill (H.R. 9545) to amend the Revised Organic Act of the Virgin Islands to provide that the Legislature of the Virgin Islands shall prescribe the minimum age for membership in the legislature.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I should like to ask a question or two concerning this bill.

Does this mean that it is proposed to lower the voting age of Members of the Virgin Islands Legislature to 18 years?

Mr. ASPINALL. Mr. Speaker, if my colleague, the gentleman from Iowa (Mr. GROSS) will yield to me——

Mr. GROSS. Of course I yield to the gentleman from Colorado.

Mr. ASPINALL. This has nothing to do with the voting age. This has to do with the lowering of the age of those who may serve as legislators in the territorial assembly providing that the territorial assembly and the Governor see fit to pass and approve an act to establish the minimum age of 21 for legislators in the assembly.

Mr. GROSS. Mr. Speaker, I misspoke myself when I said to lower the voting age. I mean to lower the age for service in the Legislature of the Virgin Islands.

Mr. ASPINALL. The gentleman is correct.

Mr. GROSS. And if the government of the Virgin Islands does decide to lower the legislative age to 18, would that then permit the 18-year-olds to join in the cocktail parties, if any, in connection with the operation of the Virgin Islands Legislature?

Mr. ASPINALL. If my colleague will yield again, I doubt if it has anything to do with cocktail parties, as far as that is concerned, but it does have to do with giving the people of the Virgin Islands the same authority that I find has been given to the legislature in my friend's State of Iowa, that of lowering the age of those who wish to serve in the legislature to 21. And that is all it does.

Mr. GROSS. It would permit the age to be lowered to 18, would it not?

Mr. ASPINALL. It permits the age to be lowered to 21. If the territorial assemble tried to go below the age of 21 there they would immediately be in trouble with one committee.

Mr. GROSS. But not to 18?

Mr. ASPINALL. But not to 18. The case was made before one committee, to lower the age of 21 which prevails in 39 of our States.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

H.R. 9545

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6(b) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1572(b)) is amended—

(1) by striking out "who has not attained the age of twenty-five years,"; and

(2) by inserting immediately after the first sentence thereof the following new sentence: "The legislature shall prescribe by law the minimum age for membership in the legislature.".

Mr. BURTON. Mr. Speaker, the Legislature of the Virgin Islands petitioned the Congress to allow it to reduce the age for membership in the legislature. In response to their petition, I introduced the bill H.R. 9545.

The Revised Organic Act of the Virgin Islands provides for a minimum of 25 years of age for the 15 members who serve 2-year terms in the unicameral legislature. The Subcommittee on Territorial and Insular Affairs heard testimony that in 39 States at least one house of the legislature has a minimum age for membership of 21. The desire of the Virgin Islands Legislature that younger persons be permitted to run for public office appeared to the committee to be a worthwhile objective and the full committee adopted the bill by voice vote without dissent.

Mr. DON H. CLAUSEN. Mr. Speaker, I rise in support of this bill. The purpose of the legislation is very simple. The bill amends the Revised Organic Act of the Virgin Islands to permit the Legislature of the Virgin Islands to set the minimum age for membership in that body.

At the present time, section 6(b) of the Revised Organic Act of the Virgin Islands prescribes that a person to be eligible for membership in the legislature must have attained the age of 25 years. This age requirement is higher than the minimum age limit for membership in most, if not all, State legislatures. As we Members of this House know, the trend among the States now is to lower the minimum age requirements for voting, and in other areas having a minimum age limit which we have come to recognize as 21 years old—or—the "age of majority."

As the ranking Republican member of the Subcommittee on Territorial and Insular Affairs, I support the request of the Virgin Islands Legislature to reduce the age for membership in its own legislative body. This is in keeping with the prerogatives of our State legislatures and is responsive to the desires and wishes of the people of the Virgin Islands.

Mr. Speaker. I urge the passage of H.R. 9545. Governor Evans, Mr. De Lugo, and members of the Virgin Islands administration and the legislature have asked for passage of the bill. I believe we should accede to their request, thereby permitting them to have the same privileges granted to our States in matters pertaining to age requirements for elected members to their legislature.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LOWERING QUALIFYING AGE FOR JURY SERVICE TO 18

The Clerk called the bill (S. 1975) to change the minimum age qualification for serving as a juror in Federal courts from 21 years of age to 18 years of age.

Mr. HALL. Mr. Speaker, inasmuch as this bill is listed under suspension of the rules for today, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

JUROR QUALIFICATION FORMS

The Clerk called the bill (H.R. 2589) to amend section 1869 of title 28, United States Code, with respect to the information required by a jury qualification form.

Mr. HALL. Mr. Speaker, inasmuch as this is also listed under the suspension of the rules today, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

VILLAGE OF RIVER FOREST, ILL.

The Clerk called the bill (H.R. 631) for the relief of the village of River Forest, Ill.

There being no objection, the Clerk read the bill as follows:

H.R. 631

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the village of River Forest, Illinois, the sum of $5,096.50. The payment of such sum shall be in full settlement of all claims of the village of River Forest against the United States for reimbursement for one-half of the cost of certain civil defense communications equipment purchased by the village in November of 1962 at the urging of civil defense officials and in the belief that such reimbursement would be made. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 2, strike "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

VILLAGE OF RIVER FOREST, ILL.

The Clerk called the bill (H.R. 632) for the relief of the village of River Forest, Ill.

There being no objection, the Clerk read the bill as follows:

H.R. 632

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the village of River Forest, Illinois, the sum of $3,228.12. The payment of such sum shall be in full settlement of all claims of the village of River Forest against the United States for payment of civil defense matching funds for an emergency generator for the village of River Forest. Through administrative error the payment of civil defense matching funds has not been made and cannot now be made because of regulations which prohibit the retroactive payment of such funds: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PARTICIPATION BY THE UNITED STATES IN THE HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW AND THE INTERNATIONAL (ROME) INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW

The Clerk called the bill (H.R. 11948) to amend the joint resolution authorizing appropriations for participation by the United States in the Hague Conference on Private International Law and the International (Rome) Institute for the Unification of Private Law.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

U.S. PARTICIPATION IN THE INTERNATIONAL BUREAU FOR THE PROTECTION OF INDUSTRIAL PROPERTY

The Clerk called the joint resolution (H.J. Res. 984) to amend the joint resolution providing for U.S. participation in the International Bureau for the Protection of Industrial Property.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the joint resolution be passed over without prejudice.

The SPEAKER. Is there objection to

the request of the gentleman from Missouri?

There was no objection.

The SPEAKER. This concludes the call of the Consent Calendar.

GIRL SCOUTS OF THE UNITED STATES OF AMERICA, 60TH ANNIVERSARY

Mr. HANSEN of Idaho. Mr. Speaker, I offer a resolution (H. Res. 865) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 865

Whereas, Girl Scouts of the United States of America, chartered by the Congress of the United States, is today celebrating the sixtieth anniversary of its founding; and

Whereas, Girl Scouts of the United States of America, begun as a movement to liberate girls from narrow, confining life-roles, has since taken the lead in advancing what are today such universal concerns as protection of the environment, youth participation in self-government, strengthened roles for the volunteer worker, and international understanding through friendship; and

Whereas, Girl Scouts of the United States of America is quietly and effectively helping to unite young Americans of all races, creeds, ethnic and economic backgrounds and is providing to millions of girls and adults unlimited opportunities for self-development and responsible service to their communities and to the nation; and

Whereas, Girl Scouts of the United States of America, true to its pioneering tradition, continues to anticipate the changing needs of girls and of the society and to encourage its nearly four-million members to be doers, rather than talkers, leaders, not followers, and givers, not takers: Now, therefore, be it

Resolved, That the House of Representatives of the United States of America hereby commends Girl Scouts of the United States of America on its sixtieth birthday for its progressive spirit and for its firm commitment to the values that have made this a great nation.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Idaho.

Mr. HANSEN of Idaho. Mr. Speaker, the great scouting movement has become a way of life in Idaho and had the first in a series of high points in July of 1965 when the Girl Scouts of the United States of America held a senior roundup at Farragut State Park on the shores of Lake Pend Oreille in northern Idaho. Using as their theme, "On the Trail to Tomorrow," they were truly prophetic in that the Boy Scouts of America held the first American World Jamboree at Farragut in 1967 and a National Jamboree in 1969. A third jamboree is now set for Farragut in 1973.

But it is to the Girl Scouts of the United States of America that credit is given as cofounders, along with the State of Idaho, of Farragut State Park. As a member of the Idaho State Legislature, it was then a privilege to work with the legislation which designated Farragut as a State park and to support all the activities attendant to the roundup. I attended the roundup and was tremendously impressed and thrilled with the programing for the thousands of senior Girl Scouts in attendance.

It is good to know that the story of Girl Scouting is just as exciting to the rest of the United States and to many parts of the world as it is to Idaho. Chiefly because Girl Scouting is such a fine character-building organization it is a signal pleasure for me to introduce a resolution for me and 79 cosponsors to commemorate the 60th anniversary of the Girl Scouts of the United States of America which will officially be recognized the week of March 12 through 18.

It was on March 12, 1912, that Juliette Low, first national president, founded this now-international movement for better citizenship. The Girl Scouts have for all these years offered informal education and training in the arts and science of warm and meaningful relationships with millions of girls throughout the world. Girl Scouts of the United States of America currently serves a total of 3.9 million members—3.2 million of whom are girls between the ages of 7 and 17—and serves as a vital force in the leadership development of our Nation's young girls. Our country owes much to the heritage of the Girl Scouts of the United States of America and it is proper that we honor them and their programs at this time.

By deed and word the Girl Scouts have demonstrated their desire to eliminate prejudice, concern for the environment, service to the disadvantaged and the aged, involvement of the minorities, international friendships and exchange, career development, and youth decision making.

In my own family, my wife and my daughters are engaged in Scouting activities and the younger girls are eagerly awaiting the necessary age to become active in the Brownies. Once each year our dining room is stacked from floor to ceiling with Girl Scout cookies as the point of delivery from our home in Arlington. Mrs. Hansen and I realize that any time devoted to Scouting is repaid a thousandfold to our own family and to the world.

This anniversary is a memorable occasion, and it is good that Congress recognize the rich contribution of this organization to the future of our country and to the world. I am confident that their program and membership will continue to grow for many more sixties of years.

As a part of my remarks, Mr. Speaker, I would like to include the body of the resolution which my 79 colleagues and I are introducing, along with the names of the resolution's cosponsors:

Mrs. MINK. Mr. Speaker, the Girl Scouts of the United States is indeed a most noteworthy organization that deserves our recognition today. For 60 years the Girl Scouts have provided an outstanding program of self development for millions of girls across the country.

By providing these opportunities to girls, Scouting has broadened its reach to all our youth, boys and girls. During these especially formative years of growing up, Scouting is a valuable experience in helping to develop a child's interest, sense of fairness, as well as individual social responsibility.

As a Brownie, she may paint a picture to cheer a sick person. As a Junior Scout, she can be a hospital aide. As a Cadette Scout, she can organize her troop to clean a littered park. And as a Senior Scout, she can tutor a ghetto child in reading. In all these activities and in all she undertakes, a Girl Scout is continuously guided and encouraged to offer herself as a concerned citizen and human being.

The Girl Scouts have helped to build our youth into effective citizens interested in promoting a better country and world, through human kindness and cooperation.

I join my colleagues in offering the Girl Scouts of America my warmest congratulations on its 60th anniversary.

Mr. ROE. Mr. Speaker, I am especially honored this year to have been selected by the Lenni-Lenape Girl Scouts to serve as honorary chairman of their "Support a Scout Fund" program. I am also indeed most pleased and privileged to join with a host of my colleagues here in the House today in introducing a resolution to commemorate the 60th anniversary of the Girl Scouts of America which will be celebrated during their official birthday week March 12–18. The text of the resolution is as follows:

RESOLUTION

Whereas, Girl Scouts of the United States of America, chartered by the Congress of the United States, is today celebrating the 60th anniversary of its founding; and

Whereas, Girl Scouts of the United States of America, begun as a movement to liberate girls from narrow, confining life-roles, has since taken the lead in advancing what are today such universal concerns as protection of the environment, youth participation in self-government, strengthened roles for the volunteer worker, and international understanding through friendship; and

Whereas, Girl Scouts of the United States of America is quietly and effectively helping to unite young Americans of all races, creeds, ethnic and economic backgrounds and is providing to millions of girls and adults unlimited opportunities for self-development and responsible service to their communities and to the nation; and

Whereas, Girl Scouts of the United States of America, true to its pioneering tradition, continues to anticipate the changing needs of girls and of the society and to encourage its nearly four million members to be doers, rather than talkers, leaders, not followers, and givers, not takers: Now, Therefore, be it

Resolved, That the House of Representatives of the United States of America hereby commend Girl Scouts of the United States of America on its sixtieth birthday for its progressive spirit and for its firm commitment to the values that have made this a great nation.

In our Eighth Congressional District of New Jersey we are deeply appreciative and gratefully ackowledge the outstanding good works of the Lenni-Lenape Girl Scout Council, Inc., which, with the assistance of more than 2,500 adult volunteers, serves over 15,000 girls in the New Jersey counties of Passaic, Sussex, and portions of Warren, Bergen, and Morris. The Council Service Center is located at 555 Preakness Avenue, Paterson, N.J. and they maintain out-of-door program centers at Camp Clipawaga, Sparta, N.J.; Camp Meyer, Hewitt, N.J.; Camp Sunowa, Sussex, N.J.; Camp Te-Ata, Central Valley, N.Y.; Camp Wulitaki, Schooley Mt., Hackettstown, N.J.

Since March 12, 1912, the date of the

founding of the Girl Scouts of America, this prestigious youth organization has grown from an eight-member group to a 3.9 million membership of young ladies. Through their leadership qualities of self-reliance, self-control, international friendships and exchange, kindness, courtesies, and eagerness to serve others, their contribution as citizens of their community has helped eliminate prejudicies; provided pleasure to young and adults alike, and particularly our disadvantaged and senior citizens; achieved a greater communion and understanding among the peoples of the world; and encouraged public concern as well as action programs for the preservation, protection and enhancement of our environment—all a significant investment in the enrichment and excellence of the quality of our way of life here in America.

Girl Scouting began in Savannah, Ga., under the direction of Mrs. Juliette Low, who, while living in England, became interested in the work of her friend, Lord Baden-Powell, founder of the scouting movement. Mrs. Low was determined to have American girls share in the excitement of scouting and, upon her return to the United States, established the first American Girl Scout troop. In June 1913, the first national headquarters of the Girl Scouts was opened. In June 1915, the Girl Scout organization was incorporated, and on March 16, 1950, the congressional charter was granted.

Today, Girl Scouting presents a single, continuing program of activities for girls as they progress through the four age levels of scouting: The Brownie Girl Scouts, the Junior Girl Scouts, the Cadette Girl Scouts, and the Senior Girl Scouts. These activities are based on six elements that form the foundation of the Girl Scout program—the meaning of the promise and laws, service to others, troop management by the girls themselves, citizenship, international friendship, health, and safety.

In commemorating the 60th anniversary of the Girl Scouts of America, I respectfully request my colleagues here in the Congress to join with me in applauding the community leaders who have so generously and unselfishly given their time and personal efforts to the youth of our Nation through scouting. I especially commend to you the following officers and members of the Board of Directors of the Lenni-Lenape Girl Scout Council, Inc., for their dedication, direction, and personal commitment in achieving the goals and purposes of the Girl Scouts of America:

Officers: Mrs. Frank Ash, president; Mrs. Frank Volpe, first vice president; Mrs. Peter H. Bird, second vice president; Mrs. Henry Shanley, third vice president; Mrs. A. Richard Thorp, secretary; Mr. Nelson Lawrence, treasurer; Miss Mary Potorff, executive director; and Mrs. Daniel Mearns, associate director.

Members-at-large: Mrs. Herbert Bost, Mr. Bert A. Collison, Mrs. James Cosgrove, Mrs. Frank Engle, Miss Mary Frances Evans, Mrs. Edwin Farber, Mr. William C. Fenners, Miss Gladys Herrschaft, Miss Edith Lewis, Mrs. Herman R. Maier, Mrs. James Matheis, Miss Patricia Miskewicz, Mr. Mervyn Montgomery, Mr. Robert Olsen, Mrs. John Puleo, Miss Nancy R. Saville, Mrs. Arthur Scott, Mrs. Robert Shipp, Mrs. Douglas Steinbauer, Miss Ethel Watterston, and Mrs. Hans Wend.

Our heartiest congratulations and best wishes are extended to the Girl Scouts of America as we observe and celebrate their 60th anniversary.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN of Idaho. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of the resolution.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

UNEMPLOYMENT RATE DROPS

(Mr. ARENDS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ARENDS. Mr. Speaker, the Nation's unemployment rate dropped by 0.2 percent during February of this year—from 5.9 percent in January to 5.7 percent in February. This is the lowest unemployment rate in 17 months. While the conclusions to be drawn from a change in the unemployment rate from month to month must be limited, comparison of 1971's fourth quarter to this February reveals that there has been a substantial seasonally adjusted increase in employment—over 300,000. Viewed in this context the decrease in the unemployment rate is encouraging.

Total employment remained essentially stable in February and average weekly hours of work rose. This rise was especially large in the manufacturing sector, where hours worked were at their highest level since December 1969.

An important factor in analyzing any employment statistics is the rate for married males and I was pleased to note that this indicator also dropped 0.2 percentage points, from 3 percent to 2.8 percent, which for this key category is the lowest rate since July 1970. In fact, decreases in the number of persons without jobs from January to February were common for most of the major employment categories, the primary exception being the teenage jobless rate, which unfortunately rose.

Mr. Speaker, this information is encouraging and provides the basis for confidence that the administration's economic policies are working to increase jobs and income for the American people.

CALL OF THE HOUSE

Mr. DICKINSON. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 61]

Addabbo
Alexander
Anderson, Tenn.
Annunzio
Badillo
Baring
Bell
Biaggi
Blanton
Blatnik
Bolling
Bow
Broomfield
Brown, Mich.
Burke, Fla.
Cabell
Camp
Cederberg
Chamberlain
Chisholm
Clark
Clay
Collins, Ill.
Curlin
Davis, S.C.
de la Garza
Diggs
Dorn
Dowdy
Dwyer
Eckhardt
Edmondson
Edwards, La.
Foley
Fountain
Fraser
Galifianakis
Gallagher
Gaydos
Gettys
Giaimo
Goldwater
Grasso
Halpern
Hanley
Hanna
Hébert
Holifield
Hull
Kluczynski
Kyros
Leggett
Lennon
Long, La.
McCloskey
McCulloch
McKinney
McMillan
Macdonald, Mass.
Mann
Mathias, Calif.
Meeds
Metcalfe
Mikva
Mills, Ark.
Mollohan
Moss
Murphy, N.Y.
Nix
O'Hara
Pelly
Pepper
Pickle
Poage
Powell
Pryor, Ark.
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Rostenkowski
St Germain
Sandman
Scherle
Scheuer
Sebelius
Shipley
Spence
Springer
Stanton, J. William
Steed
Steele
Stubblefield
Sullivan
Symington
Thompson, Ga.
Thone
Udall
Vander Jagt
Veysey
Whalley
White
Whitehurst
Young, Fla.

The SPEAKER. On this rollcall 326 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CHANGE OF LEGISLATIVE PROGRAM

(Mr. BOGGS asked and was given permission to address the House for 1 minute.)

Mr. BOGGS. Mr. Speaker, I take this time to announce that the motion to send to conference the bill, S. 659, the Omnibus Education Amendments of 1972, with a Senate amendment to the House amendment, will be made on Wednesday rather than on Tuesday. It will be the first order of business.

MOSCOW AND WARSAW TREATIES

(Mr. CRANE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CRANE. Mr. Speaker, I view with growing concern the highly erroneous notion being put about lately that defeat of the Moscow and Warsaw Treaties under consideration in the West German Bundestag would do irreparable harm to relations between the United States and Germany. Nothing could be further from the truth.

When one considers the content of these treaties and the concessions which would be made by the West Germans to the U.S.S.R. and the other Communist regimes of the East, it is clear that the groundwork is here being laid for the next step in the Soviet plan, the European Security Conference.

If the treaties are ratified, such a conference will almost surely take place and its results will be to shift the orientation, not alone of West Germany, but of all Western Europe, away from the United States and toward the East.

The ratification of these treaties, contrary to popular opinion, presages the disintegration of our relations with West Germany. It presages strong demands here in Washington for withdrawal of all our troops from West Germany and ultimately from Europe. It suggests an escalation of the neoisolationism presently gripping large sectors of our country.

The final irony is the suggestion heard here that a failure to ratify the treaties will undermine President Nixon's Moscow visit. Again, nothing could be further from the truth. The President will be in a far better bargaining position, if bargain he must, if there is a display of strength and solidarity among Western allies. If concessions have already been made by Bonn, the President not only negotiates from a position of weakness, but in the Soviet mind will be expected to make similar concessions. If his visit to Moscow has not already been jeopardized by what occurred in Peking, it can be rendered a disaster by West German ratification of these treaties.

NATIONAL HERITAGE WEEK

(Mr. THOMSON of Wisconsin asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. THOMSON of Wisconsin. Mr. Speaker, for the past 6 years the West Salem Wis., Elementary School has set aside the first week in March as National Heritage Week. Around a central theme the students, kindergarten through eighth grade, focus their studies and activities on their Nation's past. The culmination of American Heritage Week is a pageant presented for as many as 800 people depicting various aspects of the theme chosen.

All students participate. Each grade has a topic and stresses it through the week in bulletin board displays, stories, and teacher-led presentations. In producing the pageant, the art, music, physical education, English, and social studies departments combine their particular talents.

Mr. Speaker, I heartily congratulate the students and faculty of West Salem Elementary School. American Heritage Week gives all persons in the West Salem area an opportunity to reflect on our past and our predecessors. It allows all to view this Nation's strengths and weaknesses, our successes and failures, our work and our sacrifices. But more important, it allows the opportunity to pause for a moment to appreciate the America our ancestors gave us. Americans have a great heritage and one in which we can take just pride. I am hopeful when we become part of that heritage, future citizens will be able to look back equally proud.

The West Salem Elementary School has set an example that would be well for others to follow.

MINIMUM AGE FOR FEDERAL COURT JURORS

Mr. CELLER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1975) to change the minimum age qualification for serving as a juror in Federal courts from 21 years of age to 18 years of age, as amended.

The Clerk read the bill as follows:

S. 1975

Be it enacted by the Senate and House of Representative of the United States of America in Congress assembled, That section 1865(b)(1) of title 28, United States Code, is amended by striking out "twenty-one years" and inserting in lieu thereof "eighteen years".

Sec. 2. Section 1863(b)(4) of title 28, United States Code, is amended by inserting before the period at the end thereof ", the interval for which shall not exceed four years".

Sec. 3. (a) Each judicial district and each division or combination of divisions within a judicial distrct, for which a separate plan for random selection of jurors has been adopted pursuant to section 1863 of title 28, United States Code, other than the District of Columbia and the districts of Puerto Rico and the Canal Zone, shall not later than September 1, 1973, refill its master jury wheel with names obtained from the voter registration lists for, or the lists of actual voters in, the 1972 general election.

(b) The District of Columbia and the judicial districts of Puerto Rico and the Canal Zone shall not later than Setpember 1, 1973, refill their master jury wheels from sources which include the names of persons eighteen years of age or older.

(c) The qualified jury wheel in each judicial district, and in each division or combination of divisions in a judicial district for which a separate plan for random selection of jurors has been adopted, shall be refilled from the master jury wheel not later than October 1, 1973.

Sec. 4 (a) Nothing in this Act shall affect the composition of any master jury wheel or qualified jury wheel prior to the date on which it is first refilled in compliance with the terms of section 3.

(b) Nothing in this Act shall affect the composition or preclude the service of any jury empaneled on or before the date on which the qualified jury wheel from which the jurors' names were drawn is refilled in compliance with the provisions of section 3.

The SPEAKER. Is a second demanded?

Mr. POFF. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from New York (Mr. Celler) is recognized.

Mr. CELLER. Mr. Speaker, in 1968, improved judicial machinery for the selection of Federal juries was created by the Congress as the Jury Selection and Service Act of 1968.

One section of that act requires that a person must be 21 years of age or older to serve on a Federal jury.

S. 1975, as amended and approved without objection by the Committee on the Judiciary, would lower the qualifying age to 18.

At a hearing held by a judiciary subcommittee on November 10, 1971, on a companion House bill, the Administrative Office of the U.S. Courts, the Department of Justice, and the Civil Rights Commission strongly supported the legislation. In addition, numerous written statements in support were filed with the subcommittee by various Members of the House. Not one negative recommendation was received.

A variety of reasons were urged upon the committee for promptly reporting the legislation. The Justice Department, for example, urged that if the 18- to 21-year-olds "are mature enough to vote in the selection of Members of the Congress who enact Federal laws and a Chief Executive who has authority to enforce such laws, they are mature enough to participate as jurors, as do other citizens."

Although the stated reasons in support of this legislation varied, all of the proponents were agreed that the obligation and privilege of serving as a Federal juror should be borne and shared by young adults between the ages of 18 and 21.

Two of the most important aspects of our representative form of government are the ballot and the jury trial. We have given these young people the right to vote; we should now afford them the opportunity to perform jury duty in our courts.

S. 1975 was sponsored by 21 Members of the Senate; companion legislation was sponsored by 53 Members of this House. S. 1975 passed the Senate on December 1, without a single objection. As I indicated earlier, S. 1975 was reported by the Judiciary Committee without a single objection.

As reported by our committee S. 1975 would provide that the 18-, 19-, and 20-year-olds would be a part of our jury system by no later than October 1, 1973. Their names would, for the most part, be obtained from the voter records of the 1972 general election.

You may be interested to know that the amendments made by the Committee on the Judiciary did not change the basic thrust of the legislation and have since been examined with approval by the sponsor of the bill and by the chairman of the Senate Judiciary Subcommittee which considered it.

Finally, one particularly refreshing fact—this is a bill which will effect a savings of about $263,000 a year in the operation of our Federal courts. The Administrative Office of the U.S. Courts estimates such a saving will result from not having to cull from voter lists, which nationally contain the names of 18- to 21-year-olds, the names of those who are under 21.

House approval of this legislation should be overwhelming.

Mr. POFF. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join my distinguished Chairman in support of S. 1975 which lowers the qualifying age for Federal jury service to 18. This legislation was reported by the Judiciary Committee without a dissenting vote. The Department of Justice, the Civil Rights Commission, and the Administrative Office of the U.S. Courts all support this legislation.

Without exhaustive explanation I would like to discuss the three reasons why I support lowering the juror qualification age from 21 to 18.

First, I believe it is important and advisable to involve more young people, more intensively, in the proper process of government. Trial by jury is basic to the American system of jurisprudence. Article III, section 2, of the U.S. Constitution provides that the trial of all crimes, except in cases of impeachment, shall be by jury. Article VI of the amendments to the Constitution guarantees that in "all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury." Article VII provides that:

> In Suits at common law, * * * the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law." Article V provides for grand juries "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, . . .

Second, I believe it is important to lower the juror qualification from 21 to 18, to comport with the requirements of the present jury selection statute. Failure to reduce the age of jurors may seriously hinder the administration of the 1968 act. The present law specifies that voter lists be used as the basic source of juror names. With the enactment of the 26th amendment, all voter lists used in future general elections will include 18-, 19-, and 20-year-olds. The jury commission or clerk of the court in each of the 93 judicial districts will have the task of ferreting out 18-, 19-, and 20-year-olds. Enactment of this bill will have the effect of saving the taxpayer approximately $263,000 in operating the Federal Judiciary.

Mr. Speaker, my third reason for supporting this legislation and in my opinion, a most important and persuasive consideration is that I believe there is a substantial constitutional law question raised by the continued exclusion of this large segment of our citizenry from jury service.

In 1970, nearly 18 percent of the persons convicted of crime in the Federal courts were under 22 years of age. In *Glasser* v. *United States,* 315 U.S. 60 (1942) the U.S. Supreme Court held that:

> The proper functioning of the jury system . . . requires that the jury be a "body truly representative of the community" and not the organ of any special group or class . . . In 1967, Congress enacted the jury Selection and Service Act. Congressional policy was clearly stated in that Act "that all litigants in Federal courts entitled to trial by jury shall have the right to grand and petit juries *selected at random from a fair cross section of the community.*

Is it constitutionally possible to select a jury from a fair cross section of the community and not include 18-, 19-, and 20-year-olds? More specifically, can an 18-year-old who is being tried as an adult, attack the selection of the jury panel as a violation of the equal protection clause of the 14th amendment because of the systematic exclusion of persons by reason of their age? Permit me to cite a U.S. Supreme Court holding which I believe is a close parallel. In *Pierre* v. *Louisiana,* 306 U.S. 554 (1939), the Supreme Court held that:

> When the jury commissioners of a State Court intentionally and systematically exclude negroes from among the persons summoned and listed for jury service, an indictment for murder, returned against a negro by a grand jury drawn or selected from such lists, is void under the equal protection clause of the Fourteenth Amendment.

Mr. Speaker, that is good law. It was when it was pronounced and it is today.

The American tradition of trial by jury necessarily contemplates an impartial jury drawn from a cross section of the community—*Smith* v. *Texas,* 311 U.S. 128. Our system of public trial by an impartial jury has been referred to as the "impregnable bulwark of civil liberty," and in my opinion it is. I believe the late Justice Hugo Black may have described the jury systems best in his dissenting opinion in *Green* v. *United States,* 356 U.S. 165 (1958), when he said:

> The jury injects a democratic element into the law. This element is vital to the effective administration of criminal justice, not only in safeguarding the rights of the accused, but in encouraging popular acceptance of the laws and the necessary general acquiescence in their application. It can hardly be denied that trial by jury removes a great burden from the shoulder of the judiciary. Martyrdom does not come easily to a man who has been found guilty as charged by twelve of his neighbors and fellow citizens.

With the jury playing such an important role in our system of justice, it is quite clear then how important, if not absolutely critical, it is that the selection of that body of 12 people be made from a fair cross section of the community and with as much scrutiny, care, and consideration as our system can muster.

I urge the adoption of S. 1975.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. POFF. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding. Is the Judiciary Committee considering legislation to lower the age at which one may be President of the United States, a Member of the U.S. Senate, or a Member of the House of Representatives?

Mr. POFF. Not to my knowledge.

Mr. GROSS. Does that not follow in the course of things? If we are going to drop the age for jury service to 18, does it not follow that those ages ought to be reduced similarly?

Mr. POFF. The gentleman may be able to conceive that as the next stage of the game.

Mr. GROSS. Perhaps something more apropos would be this: Is there a legal age for Federal judges?

Mr. POFF. No. There is no age qualification.

Mr. GROSS. Other than that there are no qualifications as to age or anything else?

Mr. POFF. Not to my knowledge.

Mr. GROSS. Legal training or anything else?

Mr. POFF. Not to my knowledge.

Mr. GROSS. So may we expect next a bill to provide that 18-year-olds may become Federal judges?

Mr. POFF. I am sure if we do, the gentleman from Iowa will be the first on his feet to object.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. POFF. I yield to the gentleman from New York.

Mr. CELLER. I want to point out that already there are some 20 States that allow their 18-year-olds to serve on juries. They are: Arizona, Arkansas, Connecticut, Delaware, Georgia, Hawaii, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Nevada, New Hampshire, New Mexico, North Carolina, Ohio, Pennsylvania, South Dakota, and Wisconsin.

Mr. GROSS. Mr. Speaker, will the gentleman from Virginia yield again, so I may ask the gentleman from New York a question?

Mr. POFF. I will be glad to yield to the gentleman for that purpose.

Mr. GROSS. Mr. Speaker, would the distinguished gentleman from New York, the chairman of the Judiciary Committee, be opposed to a bill which would provide that 18-year-olds be qualified for appointment to the Federal bench in this country—in other words, to Federal judgeships?

Mr. CELLER. The gentleman places the question before me before I have given it my mature deliberation. That is a very difficult question to answer on the spur of the moment. I just do not know how to answer that at this juncture, but I can assure the gentleman that there are a number of bills before the committee which reduce the qualifying ages for President, Senator, and Congressman, and we have those bills under advisement.

Mr. POFF. Mr. Speaker, I yield to the gentleman from Minnesota such time as he may consume.

Mr. FRENZEL. Mr. Speaker, I support this legislation as another important step to bringing a significant sector of our population into the structure of our National Government.

By tradition, by precedent, and most recently by constitutional amendment, the age of 18 has been determined as the age when young people are able to accept the responsibilities of citizenship and some of its privileges as well.

Eighteen-year-olds are asked to serve in the Armed Forces, can enjoy the privilege of voting in our national elections, and then more importantly for this legislation, are asked to stand trial before the same Federal courts that we are now granting them the privilege of serving upon.

I firmly believe that this age group should have both the privileges and responsibilities contained in this legislation S. 1975.

Mr. MIKVA. Mr. Speaker, I rise in support of S. 1975, which would lower the minimum age for Federal jury service from 21 to 18.

In 1971, 53 cosponsors joined me in introducing a bill to permit 18-year-olds to serve on Federal juries. The list includes Republicans and Democrats, from districts which are urban, suburban, and rural. This is not an issue of partisan politics or of ideology—it is a matter of simple justice.

I am hopeful that the States will follow suit and will take whatever administrative or legislative steps are necessary to extend this important duty and privilege of citizenship to 18-year-olds. Illinois has already done so. In December 1971 the attorney general of Illinois issued an order interpreting the State's jury service statute so as to make 18-year-olds eligible to serve on juries in State courts since they are eligible to vote in all elections.

The young people of America have amply demonstrated their mature concern for the pressing issues which face our society. They are entitled to bear the full measure of citizenship, including the duty to share the job of making our criminal justice system work. We do our part to make them whole citizens by passing S. 1975.

Mr. MATSUNAGA. Mr. Speaker, as a cosponsor of similar legislation, I urge the House to approve today S. 1975, which would lower from 21 years to 18 the minimum age qualification for serving as a juror in Federal courts.

This measure represents another significant step which Congress must take to end the exclusion of 18- to 21-year-olds from important duties of citizenship and leadership in our society. Young men and women serve in the armed forces at age 18. They are now permitted to vote in all elections, Federal, State, and local, and consequently help to choose members of the legislative and executive branches of Government. S. 1975 would provide the 18- to 21-year-olds the opportunity to participate also in our judicial branch of Government.

For those young people fortunate enough to be selected to serve on a jury, Congress can provide, by enacting S. 1975, an opportunity to observe from actual participation just how our system of justice operates. We cannot expect support for our system of justice from persons whose only direct participation in it is as criminal defendants, and not as participants in the decisionmaking process. This firsthand experience, which is one of the fundamental responsibilities of citizenship, will stimulate a new generation of supporters of our judicial institutions.

It should also be noted, Mr. Speaker, that by lowering the minimum age for jurors, we would greatly increase the number of persons available to fill the growing need for qualified jurors. By so doing, we would relieve many of our citizens who are established in careers, and for whom the call to jury service is more burdensome than challenging.

Congress must also act to include all registered voters in the pool from which jurors are selected. The Supreme Court has repeatedly held that the right to a jury trial carries with it the right to be judged by a panel composed of a cross-section of the people within a community. Congress has attempted to enforce these guidelines, most recently by enactment of the Jury Selection and Service Act of 1968 (Public Law 90–274). This act, which S. 1975 would amend, declares it to be a national policy of the United States that—

> All litigants in Federal courts entitled to trial by jury shall have the right to grand and petit juries selected at random from a fair cross section of the community in the district or division wherein the court convenes. It is further the policy of the United States that all citizens shall have the opportunity to be considered for service on grand and petit juries in the district courts of the United States, and shall have an obligation to serve as jurors when summoned for that purpose.

Clearly, Mr. Speaker, enactment of S. 1975 would be in keeping with, perhaps even essential to, that policy.

If the present law is left unchanged, the lists of registered voters which Congress has required the courts to use in making up lists of prospective jurors will have to be culled to purge them of all persons under 21 years of age. It is estimated, therefore, that enactment of S. 1975 would effect an annual saving of more than a quarter of a million dollars.

Mr. Speaker, the benefits which will accrue to our society from opening new roles in our system of justice to bright and idealistic young people will far outweigh any dangers from an immature juror who may occasionally pass through the rigid paneling process. I urge the House to move toward that goal today by passing S. 1975.

Mr. POFF. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from New York that the House suspend the rules and pass the bill S. 1975, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

JUROR QUALIFICATION FORMS

Mr. CELLER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2589) to amend section 1869 of title 28, United States Code, with respect to the information required by a jury qualification form, as amended.

The Clerk read as follows:

H.R. 2589

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (h) of section 1869 of title 28, United States Code, is amended to read as follows:

"(h) 'juror qualification form' shall mean a form prescribed by the Administrative Office of the United States Courts and approved by the Judicial Conference of the United States, which shall elicit the name, address, age, race, occupation, education, length of residence within the judicial district, distance from residence to place of holding court, prior jury service, and citizenship of a potential juror, and whether he should be excused or exempted from jury service, has any physical or mental infirmity impairing his capacity to serve as juror, is able to read, write, speak, and understand the English language, has pending against him any charge for the commission of a State or Federal criminal offense punishable by imprisonment for more than one year, or has been convicted in any State or Federal court of record of a crime punishable by imprisonment for more than one year and has not had his civil rights restored by pardon or amnesty. The form shall request, but not require, any other information not inconsistent with the provisions of this title and required by the district court plan in the interests of the sound administration of justice. The form shall also elicit the sworn statement that his responses are true to the best of his knowledge. Notarization shall not be required. The form shall contain words clearly informing the person that the furnishing of any information with respect to his religion, national origin, or economic status is not a prerequisite to his qualification for jury service, that such information need not be furnished if the person finds it objectionable to do so, and that information concerning race is required solely to enforce nondiscrimination in jury selection and has no bearing on an individual's qualification for jury service."

SEC. 2. This Act shall take effect on the sixtieth day after the date of its enactment.

The SPEAKER. Is a second demanded?

Mr. POFF. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. CELLER. Mr. Speaker, in enacting the Jury Selection and Service Act of 1968, Congress stated it to be the policy of the United States that juries would be selected at random from fair cross sections of their communities and without discrimination on the basis of color and other factors.

To protect against the possibility of color discrimination, Congress provided that although prospective jurors are required to answer most of the questions on a juror qualification form which is sent to them as a part of the jury selection process, they need not answer a question as to their race.

Information submitted by the Administrative Office of the U.S. Courts, and information developed by the American University has made it clear that, since 1968, so many people have failed to respond as to their race that it is impossible to monitor and determine whether racial discrimination is practiced in any judicial district. Even apart from the discriminaton question, it is impossible to determine whether the jury panels represent a fair cross section of their communities.

For these reasons, the Judicial Conference of the United States, the Department of Justice, and the Civil Rights Commission have all recommended that a response to the race question should be mandatory.

Furthermore, all three agencies have recommended prospective jurors be required to respond to questions as to their occupation. Certain occupational groups, such as military personnel on active duty, police and firemen, and certain public officials, are exempt from jury duty while other classes of persons may be exempted. Still others may be excused from service. To assure the expeditious determination of whether a prospective juror falls in an exempt or excused category, it is essential that he be required to respond as to his occupation.

I urge the approval of this legislation.

Mr. POFF. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2589, the purpose and effect of which would be to strengthen the ability of jury officials to determine compliance with the requirements of nondiscrimination.

The legislation amends the provision in the Jury Selection and Service Act of 1968 prescribing the contents of the jury qualification form. H.R. 2589 would remove race and occupation from the category of questions whch need not be answered and provide that such question shall be answered.

It is well documented that a substantial percentage of persons who respond to the juror qualification forms do not respond to the questions of race. In other areas of civil rights enforcement, such as employment and public education, the availability of racial statistics has proved to be invaluable. I believe the same will hold true in the area of jury selection.

Mr. Speaker, it is the legal opinion of the Department of Justice and the Civil Rights Commission that the proposed change of making the response to the question of race mandatory does not present any substantial constitutional law question. See *Hamm* v. *Virginia Board of Election*, 230 F. Supp. 156, (E.D.Va.), aff'd. per curiam sub nom., *Tancil* v. *Woolls*, 379 U.S. 19 (1964). In Hamm against Virginia, the Court pointed out that—

> The securing and chronicling of racial data for . . . statistical use violates no constitutional privilege. If the purpose is legitimate, the reason justifiable, then no infringement results.

Mr. Speaker, I urge the adoption of H.R. 2589.

Mr. Speaker, I yield 3 minutes to the author of the bill, the gentleman from Illinois (Mr. McClory).

Mr. McCLORY. Mr. Speaker, I join our distinguished chairman, the gentleman from New York (Mr. Celler) in support of H.R. 2589 which would require prospective jurors to whom juror qualification forms are sent to respond to questions as to their race and occupation. This legislation has the support of the Department of Justice, the Civil Rights Commission, and the Judicial Conference of the United States.

The major purpose of the Jury Selection and Service Act of 1968 is to guarantee that persons considered for Federal jury service represent a fair cross section of the community of the district or division in which court is held. The act, in fact, provides that selection procedures will not be so administered as to exclude any person or group because of race, color, religion, sex, national origin, or economic status.

In 1968, when Congress enacted the Jury Selection Act we discussed at great length what type of information was needed to secure a fair cross section of the community and to eliminate discrimination in the selection process. When it came to the subject of disclosing information concerning a citizen's race or occupation, it was decided to permit this information to be supplied on an optional basis. I contended at that time, that by permitting the optional disclosure of such information, the opportunity for determining accurately and promptly the issue of discrimination would be difficult, if not virtually impossible.

It was the reasoned judgment of Congress in 1968 not to make mandatory the disclosure of a potential juror's race or occupation. After the enactment of the Jury Selection Act, I had occasion to secure an in-depth study to help determine the extent of discrimination which would result from permitting such information to be provided or withheld at the option of the citizen involved. This scientific analytical study, which was prepared by American University experts was entitled "Federal Jury Selection Act of 1968—The Effects of Optional Information on Juror Selection." I introduced into the Congressional Record this study in its entirety in volume 115, part 9, page 11564. This study conclusively supports the position which I took on the occasion of the House consideration of jury selection procedure in 1968.

The American University study concluded that cross sectional representation cannot be determined with reasonable accuracy unless a very high percentage—95 percent—of information regarding race is disclosed. The report stated:

> If less than 80 percent of the prospective jurors fail to provide complete information a litigant has almost no chance statistically to prove that discrimination exists, even though in fact it does exist. [Cong. Rec., vol. 115, pt. 9, p. 11565.

In another survey conducted on behalf of the Judicial Conference of the United States on the operation of the jury system—report of Circuit Judge Walter P. Gewin, March 1969—it was found that in the Fifth Circuit from 10- to 30-percent of all recipients of junior qualification forms opted not to answer the race question.

As it exists under present law, a defendant who believes that a particular jury selection procedure does not comply with the requirements of the Jury Selection Act of 1968, and the judge who ultimately must pass on the question, have no accurate, available statistics through which to resolve the question. Today, it is possible that there may be a serious imbalance in jury selection, without a fair opportunity for a minority group litigant to either detect such imbalance or even have the question adjudicated.

Mr. Speaker, H.R. 2589 would remedy this situation so that the recipient of a juror qualification form would be required to answer the race question. I believe it is important to note that the same recipient will also be informed "that information concerning race is required solely to enforce nondiscrimination in jury selection and has no bearing on an individual's qualifications for jury service." It is also important to note that this information would be kept by the court under the provisions of 28 U.S.C. 1867(f) and disclosed only to a party preparing a motion.

Mr. Speaker, only with this type of information can a litigant and the court intelligently determine whether the selection process is fairly administered.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. McCLORY. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. What about other agencies and departments of Government? I am not sure about the present, but in the past they have been prohibited from asking the question, "What is your race?"

Mr. McCLORY. I am not sure about other agencies and departments of Government. But I believe it provides extremely useful information to provide the fact with regard to the subject of race. I believe information with regard to race should be provided with pride and not with any trepidation or any fear of prejudice.

Mr. GROSS. In the past in certain if not all areas of the Government there have been stern injunctions issued against the ascertaining of race.

Mr. McCLORY. I agree with the gentleman. I believe that was a mistake. It has put tremendous burdens on people to try to find out what race people belong to, especially when they are charged with discriminating on the basis of race, with no information having been furnished because inquiries concerning race were prohibited by law.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. McCLORY. I yield to the chairman of the committee.

Mr. CELLER. Is it not true also the Civil Rights Commission approves wholeheartedly of this bill?

Mr. McCLORY. That is correct, yes.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. McCLORY. Certainly.

Mr. GROSS. It could mean something or nothing, that the Civil Rights Commission approved something.

Mr. McCLORY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER. The question is on the motion offered by the gentleman from New York that the House suspend the rules and pass the bill, H.R. 2589, as amended.

The question was taken.

Mr. RARICK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 317, nays 27, answered "present" 1, not voting 86, as follows:

[Roll No. 62]

YEAS—317

Abbitt
Abourezk
Abzug
Adams
Anderson, Calif.
Anderson, Ill.
Andrews
Archer
Arends
Ashley
Aspin
Aspinall
Baker
Barrett
Begich
Belcher
Bergland
Betts
Bevill
Biester

Bingham
Boggs
Boland
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collier
Collins, Ill.
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dingell
Donohue
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Dwyer
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Ford, Gerald R.
Ford, William D.
Forsythe
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Gallagher
Garmatz
Gibbons
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser

Gude
Hagan
Halpern
Hamilton
Hammerschmidt
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Mass.
Hillis
Holifield
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Koch
Kuykendall
Kyl
Landrum
Leggett
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McClure
McCollister
McCormack
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
Madden
Mahon
Mallary
Martin
Matsunaga
Mayne
Mazzoli
Melcher
Michel
Miller, Calif.
Miller, Ohio
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Moorhead
Morgan
Morse
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Konski
O'Neill
Passman

Patman
Patten
Pelly
Perkins
Pettis
Peyser
Pike
Pirnie
Podell
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rees
Reid
Reuss
Rhodes
Roberts
Robinson, Va.
Rodino
Roe
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ryan
Sandman
Sarbanes
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shoup
Shriver
Sikes
Sisk
Skubitz
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Staggers
Stanton, James V.
Steiger, Wis.
Stephens
Stokes
Stratton
Stuckey
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Ullman
Van Deerlin
Vanik
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Tex.
Zablocki
Zion
Zwach

NAYS—27

Abernethy
Ashbrook
Bennett
Blackburn
Camp
Chappell
Collins, Tex.
Colmer
Crane

Dickinson
Flynt
Gross
Haley
Hall
Hicks, Wash.
Landgrebe
Latta
Mathis, Ga.

Mills, Md.
Montgomery
Rarick
Rousselot
Satterfield
Saylor
Schmitz
Steiger, Ariz.
Whitten

ANSWERED "PRESENT"—1

Hogan

NOT VOTING—86

Addabbo
Alexander
Anderson, Tenn.
Annunzio
Badillo
Baring
Bell
Biaggi
Blanton
Blatnik
Bolling
Brown, Mich.
Burke, Fla.
Cabell
Caffery
Chisholm
Curlin
Davis, S.C.
de la Garza
Diggs
Dorn
Dowdy
Eckhardt
Edmondson
Edwards, La.
Evins, Tenn.
Foley
Fountain
Fraser

Galifianakis
Gaydos
Gettys
Giaimo
Goldwater
Grasso
Hanley
Hanna
Hébert
Heinz
Hull
Kluczynski
Kyros
Lennon
Long, La.
McCloskey
McKinney
McMillan
Macdonald, Mass.
Mailliard
Mann
Mathias, Calif.
Meeds
Metcalfe
Mikva
Mills, Ark.
Moss
Nix
Pepper

Pickle
Poage
Powell
Pryor, Ark.
Riegle
Robison, N.Y.
Rogers
Ruth
St Germain
Scheuer
Shipley
Slack
Smith, Calif.
Spence
Stanton, J. William
Steed
Steele
Stubblefield
Sullivan
Symington
Thompson, Ga.
Udall
Vander Jagt
Veysey
Whalley
White
Whitehurst
Young, Fla.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Bell.
Mr. Hébert with Mr. Brown of Michigan.
Mr. Shipley with Mr. Burke of Florida.
Mr. Addabbo with Mr. Metcalfe.
Mr. Blatnik with Mr. Goldwater.
Mr. Macdonald of Massachusetts with Mr. Nix.
Mr. Stubblefield with Mr. Heinz.
Mr. Cabell with Mr. Lloyd.
Mr. Moss with Mr. Young of Florida.
Mr. Rogers with Mr. Smith of New York.
Mr. Giaimo with Mr. Powell.
Mr. St Germain with Mr. Badillo.
Mr. Fountain with Mr. Whitehurst.
Mr. Evins of Tennessee with Mr. Ruth.
Mr. Davis of South Carolina with Mr. McKinney.
Mr. Biaggi with Mr. Spence.
Mr. Alexander with Mr. Steele.
Mr. Hanley with Mr. Diggs.
Mr. Kluczynski with Mr. McCloskey.
Mr. Mikva with Mr. Mailliard.
Mr. Lennon with Mr. Thompson of Georgia.
Mrs. Sullivan with Mr. Vander Jagt.
Mr. Slack with Mr. Mathias of California.
Mr. Foley with Mr. Robison of New York.
Mr. Gaydos with Mr. Whalley.
Mr. Gettys with Mr. Riegle.
Mr. Pickle with Mr. J. William Stanton.
Mrs. Grasso with Mr. Veysey.
Mr. Meeds with Mr. Caffery.
Mr. Hanna with Mr. Hull.
Mr. Anderson of Tennessee with Mr. Long of Louisiana.
Mr. Baring with Mrs. Chisholm.
Mr. Blanton with Mr. Symington.
Mr. Mann with Mr. Pryor of Arkansas.
Mr. Steed with Mr. Edmondson.
Mr. Kyros with Mr. Galifianakis.
Mr. Curlin with Mr. de la Garza.
Mr. Mills of Arkansas with Mr. Dowdy.
Mr. Pepper with Mr. Dorn.
Mr. Fraser with Mr. White.
Mr. Udall with Mr. Scheuer.
Mr. Eckhardt with Mr. McMillan.

Mr. NICHOLS changed his vote from "nay" to "yea."

Mr. GROSS changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to amend section 1869 of title 28, United States Code, with respect to the information required by a juror qualification form."

A motion to reconsider was laid on the table.

COMMISSION ON THE BANKRUPTCY LAWS

Mr. EDWARDS of California. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 190) to provide for an extension of the term of the Commission on the Bankruptcy Laws of the United States, and for other purposes.

The Clerk read as follows:

S.J. RES. 190

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint resolution to create a commission to study the bankruptcy laws of the United States", approved July 24, 1970 (84 Stat. 468), is amended—

(1) in subsection (c) of the first section, by striking out "within two years after the date of enactment of the joint resolution" and inserting in lieu thereof the following: "prior to June 30, 1973"; and

(2) in section 6, by striking out $600,000" and inserting in lieu thereof "$826,000".

The SPEAKER. Is a second demanded?

Mr. WIGGINS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from California (Mr. EDWARDS) is recognized.

Mr. EDWARDS of California. Mr. Speaker, the Commission on the Bankruptcy Laws of the United States was established by Public Law 91-354, to "study, analyze, evaluate and recommend changes" in the Bankruptcy Act.

Under Public Law 91-354, the Commission is required to submit its report by July 24, 1972, and is authorized $600,000 in funds. Of these funds, $400,000 has already been appropriated. Senate Joint Resolution 190 would extend the reporting date to June 30, 1973, and increase the authorization to $826,000.

The need for an extension in the life of the Commission has arisen primarily out of the fact that all of the public and judicial members of the Commission were not appointed until 10 months after the act went into effect. Thus the extension provided for in Senate Joint Resolution 190 simply affords the Commission the same 2-year period to complete its work that was originally intended by Congress.

At hearings held before Subcommittee No. 4 it was made clear that recent developments not only vindicate the judgment of Congress in establishing the Commission, but also serve to support the request in Senate Joint Resolution 190 for additional time and money to complete the studies the Commission believes to be necessary to carry out the mandate given to it by Congress. Some of these recent developments are as follows:

First. The recent bankruptcy of the Penn Central, and of other firms such as stock brokerage companies and electronics manufacturers have all exposed needs for studies not previously anticipated.

Second. The continued ascalation of personal bankruptcy filings has aggravated the deficit that has been characterizing the formerly self-supporting system of bankruptcy.

Third. The Committee on Rules of Practice and Procedure of the Judicial Conference of the United States has published proposed new rules which will result in the supersession of a substantial portion of the present Bankruptcy Act.

Fourth. Recent studies of bankruptcy by the Brookings Institution and by a Canadian study committee have raised a number of controversial questions and will require intensive critical examination by the Commission.

Mr. Speaker, the Judiciary Committee has considered these and other developments in the bankruptcy area carefully. We have concluded that the Commission's request is justified—that the budget of the Commission is a conservative one and that the funds requested will, indeed, be put to good use. Therefore, I urge that the House also give its approval to Senate Joint Resolution 190.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman.

Mr. GROSS. I am in doubt as to how much money has already been spent on this Commission. Have they expended the first $400,000?

Mr. EDWARDS of California. By the end of June 1972, the Commission will have expended $360,000.

Mr. GROSS. $360,000 of the original $400,000?

Mr. EDWARDS of California. That is correct.

Mr. GROSS. Authorized and appropriated, I take it.

Mr. EDWARDS of California. That is correct.

Mr. GROSS. Now you are asking for $826,000 more, or for a total of what?

Mr. EDWARDS of California. No. A total of that.

Mr. GROSS. It is $826,000?

Mr. EDWARDS of California. That is the total for the entire term of the Commission.

Mr. GROSS. Does the gentleman have any idea that this is going to be sufficient?

Mr. EDWARDS of California. I assure the gentleman from Iowa that this will be sufficient, and I certainly speak for this side of the aisle in saying that I do not think we would support any additional funds.

I think that this is the appropriate amount and that it will be adequate.

Mr. GROSS. When did this Commission go to work?

Mr. EDWARDS of California. This Commission was delayed 10 months because the members were not appointed. It began its work in June of 1971.

Mr. GROSS. But your so-called actual table shows January 1, 1971.

Mr. EDWARDS of California. On that date the Commission was authorized to spend money, but the Commission actually did not get to work until nearly 10 months after it was anticipated that it would.

Mr. GROSS. If the gentleman will yield further, what did they operate on between—well, January 1, 1971, and June 1, 1971——

Mr. EDWARDS of California. There were no employees and no funds were expended during that period of time.

Mr. GROSS. Well, now, there were no funds expended between January 1 and June 1; is that correct?

Mr. EDWARDS of California. I believe that is correct. Between June and January.

Mr. GROSS. So, then, it was all expended in the last half of last year; is that correct?

Mr. EDWARDS of California. No. In the 1-year period from January 1, 1971, to December 31, 1971, $144,000 was expended, and the Commission projects from January 1, 1972, to June 30, 1972, $216,000, a considerable amount of which has already been spent, making a total for the 18 months of the Commission's life of $360,000.

Mr. GROSS. Well, now, from January 1, 1972, to June 30, 1972, there was an expenditure for services and contracts of $109,000. This, apparently, is going to jump to $248,000 in the next year; is that correct—from July 1, 1972, to July 1, 1973?

Mr. EDWARDS of California. That is correct. It was anticipated and it was actually a guess that the authorized amount of $600,000 would be so adequate.

However, once the Commission became a reality and all of the members were appointed—the members, including the gentleman from California (Mr. WIGGINS) and myself—it was found that an additional $226,000 would be a more reasonable sum.

I will point out to the gentleman from Iowa that for a study of this magnitude it is not an excessive amount when you compare it to the other commissions that have been authorized and funded by Congress for subjects not as complicated and as exhausting as this particular subject.

Mr. GROSS. If the gentleman will yield further, why all of the money for travel? You propose to double the travel or practically double the amount for travel. Where do you propose to go?

Mr. EDWARDS of California. I would advise the gentleman from Iowa that there is travel involved with some of the members from outside this area coming to Washington and would advise him, incidentally, that the public members of the Commission are entitled to $100 a day. All of the public members of the Commission have waived this payment. The Commission, however, decided, and rightly so, I think, that there should be public hearings in various parts of the United States so that the people involved in bankruptcy at the local level can come to the Commission and give their ideas as to what changes in the bankruptcy laws should be made. That is the reason for the additional expenditures planned for travel.

Mr. GROSS. Well, but it is a single item for travel. It says nothing about per diem. The item I am talking about, which is practically doubled, or will be in the next year, is for travel alone. It says nothing about per diem. Per diem must be in one of the other items in this table on page 2 of the report.

Mr. EDWARDS of California. That is correct. I mentioned the item on per diem only to indicate to the gentleman from Iowa that the members of the Commission are not the least bit interested in spending the public's money excessively. The amounts for travel as listed on page 2 of the report are rather modest sums for the travel of the out-of-town members of the Commission who are from New York and Chicago, and elsewhere, to Washington. And also for the necessary travel involved in investigations and in the public hearings in various cities including such places as Los Angeles, Chicago, and other cities.

Mr. GROSS. Let me ask you this about this whole proposition, what is being prepared? Are you preparing to get tooled up for a land office business in bankruptcies? If so, this may make some sense. Is that the motive for this Commission and its study of the bankruptcy laws?

Mr. EDWARDS of California. The reason for this study of the bankruptcy laws is that there has been a widespread interest from the legal profession, and from the judiciary, for a study of the Bankruptcy Act, and for new legislation to make the act operate more fairly and more efficiently. And out of the Commission's work, I believe, will come legislation that will be assigned to the Committee on the Judiciary. As a result there will eventually be substantial improvements in this important segment of the law as a result of the Commission's work.

Mr. GROSS. Is not the Justice Department capable, and are there not allied agencies of Government that are capable of studying the bankruptcy laws and recommending changes in them, and getting tooled up for the wave of bankruptcies that is bound to engulf us unless something is done in this body, as well as the one across the way, to put a stop to the extravagant spending that is going on?

In other words, do we not have in being already as a part of this Government sufficient means to study the bankruptcy laws?

Mr. EDWARDS of California. I believe that it was the feeling of the Congress in enacting the legislation providing for the Commission initially that there was need for a study and is need for this particular Commission. Subsequently the Department of Justice in its letter to the chairman of the Committee on the Judiciary, the gentleman from New York (Mr. CELLER) on February 1, 1972, endorsed the need for an extension of the Commission.

Although there have been quite a number of studies made of the bankruptcy laws of the United States, but there has not been any official agency such as this Commission that would bring all the relevant information together and suggest appropriate changes in the Bankruptcy Act.

Mr. GROSS. What about the House and Senate Committees on the Judiciary? Why should we spend approximately $1 million on a Commission to do something that seems to me to be well within the purview of the House and Senate Committees on the Judiciary?

Mr. EDWARDS of California. It was decided in the last Congress to do this.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from New York, the chairman of the Committee on the Judiciary of the House (Mr. CELLER).

Mr. CELLER. There is no doubt but that the Committees on the Judiciary on both sides have expertise on this matter. But the situation in business and in science has developed to such a degree that most expertise and more exact knowledge is needed with reference to bankruptcy. Therefore the Judicial Conference of the United States, composed of the senior judges of the courts and the Department of Justice, all recommended that this Bankruptcy Commission be inaugurated so that we might get and draw from that reservoir of great strength, better types of laws.

It is impossible for the Committee on the Judiciary of both Houses to go into all these questions with complete exactitude and precision. We need help, we need every possible help that we can get in fashioning the bankruptcy statutes and for that reason the Bankruptcy Commission was inaugurated.

Mr. GROSS. Well, if the gentleman will yield, when the lawyers on the Committee on the Judiciary and the lawyers in the House of Representatives get in gear, I am led to believe that we have all the expertise necessary to get a job like this done without spending another $1 million. If someone does not start to save a million dollars around here, no headway is ever going to be made toward saving a few billion dollars and saving this country from insolvency.

Perhaps legislation has some virtue, because we are going right down the road to bankruptcy in this country.

Mr. EDWARDS of California. I assure the gentleman from Iowa that the Committee on the Judiciary will hold extensive hearings on the work of the Bankruptcy Commission.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from California.

Mr. ROUSSELOT. I am a little bit surprised, as my friend the gentleman from Iowa is, that our Committee on the Judiciary is not capable of handling this problem. If the problem is additional staff for the Committee on the Judiciary in the House, why do we not hire the additional expertise and staff that is needed on the Committee on the Judiciary to do this job? Why finance a whole new other commission? We have been led to believe and I have felt so that our two committees, both in the Senate and the House, are more than adequate and are all made up mostly of attorneys or they are all attorneys—why can we not get the job done there? Why do we have to delegate another whole commission? We often complain about the great number of commissions in this Government. Why do we not get the Committee on the Judiciary to perform this task?

Mr. EDWARDS of California. I assure the gentleman from California that the Committee on the Judiciary is perfectly well qualified to handle the legislation that will be proposed as a result of this nationwide study made by the foremost experts in bankruptcy law.

From time to time there is a need for special commissions in our country. I would refer to the excellent work done or being done by the present Commission on the Reform of Federal Criminal Law.

It would have taken the Committee on the Judiciary perhaps 4 or 5 days a week for many, many months to hold hearings even to begin to do the kind of job that can be done by a Presidential commission.

I am not here to defend the practice, but it is a common practice, to have these commissions from time to time. In my view this commission is doing a good job and should be supported.

Mr. ROUSSELOT. But is it not true that the Committee on the Judiciary has a great portion of its budget utilized for contracting out to special experts for this kind of thing?

Why cannot you go through that route rather than go through the setting up of a whole new commission? Is it not true that a good portion of the Judiciary Committee budget now goes to hire to the hiring of various consultants for this type of thing? Why could we just not expand that type of activity?

Mr. EDWARDS of California. I assure the gentleman that the Committee on the Judiciary does not use a substantial portion of its funds, not even a small amount, of its appropriation to do what the gentleman suggests.

Mr. ROUSSELOT. One more question.

Is it not true that most State governments have very extensive research in this field of bankruptcy about which they too are concerned?

Could we not draw on those resources and bring them in to participate in the development of an idea of what is needed in the field of bankruptcy rather than going in and setting up a whole new commission and financing and expanding the committee's budget?

Mr. EDWARDS of California. Yes. the commission is calling upon appropriate agencies for assistance. In addition when we on the Committee on the Judiciary comence our extended series of hearings on any new bankruptcy legislation we will call upon experts from all over the country.

Mr. ROUSSELOT. Would not the combined experience of the 50 States and the various agencies within those States responsible for revealing the bankruptcy laws—would not that total of resources and/or combination of them be more than adequate? Why set up another commission to review all this when, in fact, the Committee on the Judiciary could do that?

Mr. EDWARDS of California. It was not the judgment of the Congress 2 years ago, in authorizing and funding the Bankruptcy Commission, that what the gentleman said is correct. It was felt that——

Mr. ROUSSELOT. Of course, as I am sure the gentleman from California knows full well, many times Congress, in its effort to try to do something, makes mistakes. We all remember the Gulf of Tonkin resolution; I am sure the gentleman himself remembers it very clearly. We now feel that powers were too broadly given to the President. So it does not mean that when we find that we have made a mistake, we cannot go back and correct it. I find it difficult to support an effort to expand this budget when we actually have the expertise within the Judiciary Committee itself. I thank the gentleman for yielding.

Mr. WIGGINS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, very frankly, I am somewhat surprised to hear this fresh opposition to the Bankruptcy Commission which was authorized by this very House not long ago. It is a surprise to me, Mr. Speaker, because there was no opposition certainly on the Commission itself to the extension of its term. There was no opposition testimony offered before the hearings conducted by the House Judiciary Subcommittee. There was no opposition voiced in the full committee, which heard the results of those subcommittee deliberations. And I would hope that when the vote is taken, there will be little opposition demonstrated here on the floor of the House.

Mr. Speaker, it is good to remember that the basic bankruptcy statute was enacted in this country in 1898, and it has not been subjected to a major revision in several decades, a time in which there has been a revolution in credit in the United States, a time in which consumer bankruptcies have deluged the bankruptcy courts. If there ever was a need for a fresh look at the bankruptcy statutes, now is the time for that look to be made.

Also, Mr. Speaker, we should all remember that bankruptcy is uniquely a Federal responsibility, delegated expressly by the Constitution to Congress to regulate. It is also a very highly technical subject, and although the Judiciary

Committee has much competence in the field, I think it would be overgenerous to say that there are genuine bankruptcy experts on the Judiciary Committee. Accordingly, it is most appropriate to draw in experts from around the country to offer testimony and to make suggestions in this highly technical field.

Mr. Speaker, the joint resolution for which I am now urging the support of the House is identical to House Joint Resolution 1006, which was introduced in the first session of this Congress by my good friend and colleague from California who chairs Subcommittee No. 4 of the Committee on the Judiciary (Mr. EDWARDS) on his own and my behalf.

This joint resolution must pass if the Commission on the Bankruptcy Laws of the United States is to be able to carry out its congressional mandate: to "study, analyze, evaluate, and recommend changes" in the Bankruptcy Act and to "submit a comprehensive report" of the Commission's activities to the President, the Chief Justice of the United States, and the Congress.

In mid-1970, when the legislation creating the Commission was enacted (Public Law 91-354), it was simply not envisioned that 10 months of the Commission's authorized life of 2 years would pass even before all of the members of the Commission were appointed. Being thus unable to begin its work until June 1, 1971, the Commission has from the outset been faced with an utterly unrealistic deadline for the completion of such a challenging and far-reaching undertaking.

It should be noted that, by extending the authorized life of the Commission from July 24, 1972, until June 30, 1973, the enactment of Senate Joint Resolution 190 will essentially serve to restore to the "useful life" of the Commission the time lost in the period of its coming into being—a period unduly protracted for reasons, of course, entirely beyond the control of the Commission itself.

Additionally, Senate Joint Resolution 190 would increase the overall authorization for appropriations for the Commission's work from $600,000 to $826,000. A breakdown by category of both actual and projected expenditures over the entire—extended—life of the Commission is set out on page 2 of House Report No. 92-853 accompanying this joint resolution.

The hearings held by Subcommittee No. 4 on House Joint Resolution 1006 in January established the superior reliability and realism of these revised and studied budget estimates in comparison with the "guesstimate" incorporated in the legislation enacted nearly 2 years ago.

The degree to which this Commission is indeed mindful of its responsibility to accomplish its task in an economical manner is, I believe, amply demonstrated by the fact that the public members have graciously consented to waive altogether their statutory entitlement to stipends of $100 per diem in excess of actual expenses for service on the Commission.

Mr. Speaker, my own participation in the Commission's activities convinces me that Congress' action in establishing the Commission on the Bankruptcy Laws of the United States was very responsible, worthwhile, and timely. Both the scope and depth of the study contemplated by the Commission provide good cause to anticipate a final report which will materially foster and improve the health of the American economy through the resolution of large numbers of individual and corporate financial crises with enhanced insight, efficiency, and equity.

I urge the House to pass Senate Joint Resolution 190.

The SPEAKER pro tempore (Mr. PRICE of Illinois). The question is on the motion of the gentleman from California that the House suspend the rules and pass the Senate Joint Resolution 190.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate joint resolution was passed.

A motion to reconsider was laid on the table.

VETERANS' EDUCATION AND TRAINING AMENDMENTS OF 1972

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 12828) to amend chapters 31, 34, and 35 of title 38, United States Code, to increase the rates of vocational rehabilitation, educational assistance, and special training allowances paid to eligible veterans and persons; to provide for advance educational assistance payments to certain veterans; to make improvements in educational assistance programs; and for other purposes, as amended.

The Clerk read as follows:

H.R. 12828

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans' Education and Training Amendments of 1972".

TITLE I—VOCATIONAL REHABILITATION-EDUCATIONAL ASSISTANCE RATE ADJUSTMENTS

SEC. 101. Chapter 31 of title 38, United States Code, is amended as follows:

(a) by amending section 1504(b) to read as follows:

"(b) The subsistence allowance of a veteran-trainee is to be determined in accordance with the following table, and shall be the monthly amount shown in column II, III, or IV (whichever is applicable as determined by the veteran's dependency status) opposite the appropriate type of training as specified in column I:

Col. I—Type of training	Col. II—No dependents	Col. III—1 dependent	Col. IV—2 or more dependents
Institutional:			
Full time	$154	$207	$240
Three quarter time	112	152	178
Half time	76	104	116
Institutional on-farm, apprentice, or other on-job training: Full time	135	175	207

Where any full-time trainee has more than two dependents and is not eligible to receive additional compensation as provided by section 315 or section 335 (whichever is applicable) of this title, the subsistence allowance prescribed in column IV of the foregoing table shall be increased by an additional $7 per month for each dependent in excess of two.";

and

(b) by deleting in section 1507 "$100" and inserting in lieu thereof "$200".

SEC. 102. Chapter 34 of title 38, United States Code, is amended as follows:

(a) by deleting in the last sentence of section 1677(b) "$175" and inserting in lieu thereof "$200",

(b) the table contained in paragraph (1) of section 1682(a) is amended to read as follows:

Col. I—Type of program	Col. II—No dependents	Col. III—1 dependent	Col. IV—2 dependents	Col. V—More than 2 dependents
				The amount in col. IV, plus the following for each dependent in excess of 2:
Institutional:				
Fulltime	$200	$234	$262	$15.
Three quarter time	146	173	202	11.
Half time	92	114	130	8.
Cooperative	161	191	219	11.

(c) by deleting in section 1682(b) "$175" and inserting in lieu thereof $200";

(d) the table contained in section 1682(d) (2) is amended to read as follows:

Col. I—Basis	Col. II—No dependents	Col. III—1 dependent	Col. IV—2 dependents	Col. V—More than 2 dependents
				The amount in col. IV, plus the following for each dependent in excess of 2:
Full time	$161	$188	$217	$11.
Three quarter time	115	136	157	8.
Half time	76	90	105	5.

(e) the table contained in section 1863(b) is amended to read as follows:

Periods of training	No dependents	1 dependent	2 or more dependents
1st 6 months	$160	$178	$197
2d 6 months	120	136	156
3d 6 months	80	98	117
4th and any succeeding 6-month periods	40	58	77

and

(f) by deleting in section 1696(b) "$175" and inserting in lieu thereof "$200".

SEC. 103. Chapter 35 of title 38, United States Code, is amended as follows:

(a) by amending section 1732(a)(1) to read as follows:

"(a)(1) The educational assistance allowance on behalf of an eligible person who is pursuing a program of education consisting of institutional courses shall be computed at the rate of (A) $200 per month if pursued on a full-time basis, (B) $146 per month if pursued on a three-quarter-time basis, and

(C) $92 per month if pursued on a half-time basis.";

(b) by deleting in section 1732(a)(2) "$175" and inserting in lieu thereof "$200";

(c) by deleting in section 1732(b) "$141" and inserting in lieu thereof "$161"; and

(d) by amending section 1742(a) to read as follows:

"(a) While the eligible person is enrolled in and pursuing a full-time course of special restorative training, the parent or guardian shall be entitled to receive on his behalf a special training allowance computed at the basic rate of $200 per month. If the charges for tuition and fees applicable to any such course are more than $63 per calendar month the basic monthly allowance may be increased by the amount that such charges exceed $63 a month, upon election by the parent or guardian of the eligible person to have such person's period of entitlement reduced by one day for each $6.80 that the special training allowance paid exceeds the basic monthly allowance."

TITLE II—ADVANCE VOCATIONAL REHABILITATION SUBSISTENCE AND EDUCATIONAL ASSISTANCE ALLOWANCE PAYMENTS

SEC. 201. Subsection (a) of section 1504 of title 38, United States Code, is amended by adding at the end thereof the following: "The Administrator shall pay the initial subsistence allowance of a course of vocational rehabilitation training to any eligible veteran in an amount not to exceed the subsistence allowance for the month or fraction thereof in which pursuit of the course will commence, plus the subsistence allowance for one full month, upon receipt of proof that the veteran has been enrolled in an approved educational institution on a half-time or more basis. Such payment shall not be made earlier than the first day of the month in which pursuit of the course is to commence. Subsequent payments of subsistence allowance shall be made each month in advance, subject to such reports and proof of satisfactory pursuit of such program as the Administrator may require. The Administrator may withhold the final payment of subsistence allowance payable to such veteran until such proof is received and the amount appropriately adjusted. If the eligible veteran fails to pursue the course after receiving the initial payment of the subsistence allowance, the amount of such payment may be recovered from any benefit otherwise due the veteran under any law administered by the Veterans' Administration or such overpayment shall constitute a liability of such eligible veteran and may be recovered in the same manner as any other debt due to the United States."

SEC. 202. Subsections (d) and (e) of section 1681 of title 38, United States Code, are amended to read as follows:

"(d) The Administrator shall, except as provided in subsection (e) of this section, pay the initial educational assistance allowance of an enrollment period to an eligible veteran in an amount not to exceed the educational assistance allowance for the month or fraction thereof in which pursuit of the program will commence, plus the educational assistance allowance for one full month, upon receipt of proof that the eligible veteran has been enrolled in an approved educational institution on a half-time or more basis. Such payment shall not be made earlier than the first day of the month in which pursuit of the program is to commence. Subsequent payments of educational assistance allowance shall be made each month in advance, subject to such reports and proof of satisfactory pursuit of such program as the Administrator may require. The Administrator may withhold the final payment of an enrollment period until such proof is received and the amount appropriately adjusted. If the eligible veteran fails to pursue the course after receiving the initial payment of the educational assistance allowance, the amount of such advance payment may be recovered from any benefit otherwise due the veteran under any law administered by the Veterans' Administration or such overpayment shall constitute a liability of such eligible veteran and may be recovered in the same manner as any other debt due the United States.

"(e) No educational assistance allowance shall be paid to an eligible veteran enrolled in a program of education consisting exclusively of flight training or exclusively by correspondence for any period until the Administrator shall have received—

"(1) from the eligible veteran a certification as to his actual attendance during such period or, where the program is pursued by correspondence, a certificate as to the number of lessons actually completed by the veteran and serviced by the institution, and

"(2) from the educational institution a certification or an endorsement on the veteran's certificate that such veteran was enrolled in and pursuing a course of education during such period and, in the case of an institution furnishing education to a veteran exclusively by correspondence, a certificate, or an endorsement on the veteran's certificate, as to the number of lessons completed by the veteran and serviced by the institution."

SEC. 203. Subsection (d) of section 1731 of title 38, United States Code, is amended to read as follows:

"(d) The Administrator shall pay the initial educational assistance allowance of an enrollment period on behalf of an eligible person in an amount not to exceed the educational assistance allowance for the month or fraction thereof in which pursuit of the program will commence, plus the educational assistance allowance for one full month, upon receipt of proof that the eligible person has been enrolled in an approved educational institution on a half-time or more basis. Such payment shall not be made earlier than the first day of the month in which pursuit of the program is to commence. Subsequent payments of educational assistance allowance shall be made each month in advance, subject to such reports and proof of satisfactory pursuit of such program as the Administrator may require. The Administrator may withhold the final payment of an enrollment period until such proof is received and the amount appropriately adjusted. If the eligible person fails to pursue the course after receiving the initial payment of the educational assistance allowance, the amount of such advance payment may be recovered from any benefit otherwise due the eligible person under any law administered by the Veterans' Administration or such overpayment shall constitute a liability of such eligible person and may be recovered in the same manner as any other debt due the United States."

SEC. 204. Subchapter IV of chapter 34 of title 38, United States Code, is amended by inserting immediately after section 1687 the following new section:

"§ 1688. Veteran-student employment

"(a) Notwithstanding any other provision of law, the Administrator is authorized to utilize on an intermittent basis the services of veteran-students who are pursuing full-time programs of education or training under chapters 31 and 34 of this title. Such veteran-students may be utilized to perform such services for the Veterans' Administration at such times and places as the Administrator deems advisable.

"(b) Veteran-students utilized under the authority of subsection (a) of this section shall be paid an hourly rate equivalent to the minimum rate for a grade in the General Schedule contained in section 5332 of title 5, determined by the Administrator to be appropriate for the services rendered. Such grade determination may, at the Administrator's discretion, be based upon, but shall not be subject to, position classification standards issued by the Civil Service Commission pursuant to section 5105 of title 5.

"(c) While performing the services authorized by subsection (a) of this section, such veteran-students shall not be deemed to be employees of the United States for the purposes of laws administered by the Civil Service Commission. They shall, however, be considered to be employees of the United States for the purposes of the benefits of chapter 81 of title 5."

TITLE III—EDUCATIONAL ASSISTANCE PROGRAM ADJUSTMENTS

SEC. 301. Section 1671 of title 38, United States Code, is amended to read as follows:

"Any eligble veterans, or individual on active duty, who desires to initiate a program of education under this chapter shall submit an application to the Administrator which shall be in such form, and contain such information, as the Administrator shall prescribe. The application of an individual on active duty must be approved by a service education officer prior to its submission. The Administrator shall approve such application unless he finds that such veteran or individual is not eligible for or entitled to the educational assistance applied for, or that his program of education fails to meet any of the requirements of this chapter, or that he is already qualified. The Administrator shall notify the eligible veteran or individual of the approval or disapproval of his application."

SEC. 302. Clause (3) of subsection (b) of section 1675 of title 38, United States Code, is amended by inserting after the words "general locality" the following: "or where the school has made a complete move with substantially the same faculty, curricula, and students, without a change in ownership".

SEC. 303. Subchapter III of chapter 34 of title 38, United States Code, is amended by inserting immediately after section 1677 the following new section:

"§ 1678. Correspondence courses

"(a) Each eligible veteran who is pursuing a program of education exclusively by correspondence shall be paid an educational assistance allowance computed at the rate of 90 per centum of the established charge which the institution requires nonveterans to pay for the course or courses pursued by the eligible veteran. The term 'established charge' as used herein means the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency or the actual cost to the veteran, whichever is the lesser. Such allowance shall be paid quarterly on a pro rata basis for the lessons completed by the veteran and serviced by the institution.

"(b) The period of entitlement of any veteran who is pursuing any program of education exclusively by correspondence shall be charged with one month for each $200 which is paid to the veteran as an educational assistance allowance for such course.

SEC. 304. Section 1682 of title 38, United States Code is amended by—

(a) repealing subsection (c) thereof in its entirety; and

(b) redesignating subsection (d), as amended by section 102(d) of title I of this Act, as subsection (c) and, as redesignated, further amending such subsection (1) by adding the following within the parentheses contained in subsection (d)(1)(A): "or five hundred twenty-eight clock hours in such year prescheduled to provide not less than eighty clock hours in any three-month period" and (2) to add the following sentence at the end of paragraph (1): "In computing the foregoing clock hour requirements there shall be included the time involved in field trips and individual and group instruction sponsored and conducted by the educational institution through a duly authorized instructor of such institution in which the veteran is enrolled".

SEC. 305. (a) The heading for subchapter VI of chapter 34 of title 38, United States Code, is amended by striking out "Predischarge" and inserting in lieu thereof "Preparatory".

(c) Subsection (a) of section 1695 of title 38, United States Code, is amended to read as follows:

"(a) The purpose of this subchapter is to encourage and assist veterans in preparing for their future education, training, or vocation by providing them with an opportunity to enroll in and pursue a program of education or training prior to their discharge or release from active duty with the Armed Forces. The program provided for under this subchapter shall be known as the Preparatory Education Program (PREP)."

(c) Subsection (a) of section 1696 of title 38, United States Code, is amended by inserting immediately after "secondary school diploma, or" the following: "needed to obtain an equivalency certificate, or".

SEC. 306. Subsection (a) of section 1701 of title 38, United States Code, is amended as follows:

(1) by amending paragraph (6) to read as follows:

"(6) The term 'educational institution' means any public or private secondary school, vocational school, correspondence school, business school, junior college, teachers' college, college, normal school, professional school, university, or scientific or technical institution, or any other institution if it furnishes education at the secondary school level or above."; and

(2) by adding at the end thereof the following new paragraph:

"(9) For the purposes of this chapter and chapter 36 of this title, the term 'training establishment' means any establishment providing apprentice or other training on the job, including those under the supervision of a college or university or any State department of education, or any State apprenticeship agency, or any State board of vocational education, or any joint apprenticeship committee, or the Bureau of Apprenticeship and Training established pursuant to chapter 4C of title 29, or any agency of the Federal Government authorized to supervise such training."

SEC. 307. Section 1720 of title 38, United States Code, is amended by inserting after the first sentence in subsection (a) thereof a new sentence as follows: "Such counseling shall not be required where the eligible person has been accepted for, or is pursuing, courses which lead to a standard college degree, at an approved institution."

SEC. 308. The first sentence of subsection (c) of section 1723 of title 38, United States Code, is amended to read as follows:

"The Administrator shall not approve the enrollment of an eligible person in any course of institutional on-farm training, any course to be pursued by correspondence (except as provided in section 1727 of this chapter), open circuit television (except as herein provided), or a radio, or any course to be pursued at an educational institution not located in a State or in the Republic of the Philippines."

SEC. 309. Clause (3) of subsection (b) of section 1725 of title 38, United States Code, is amended by inserting after the words "general locality" the following: "or where the school has made a complete move with substantially the same faculty, curricula, and students, without a change in ownership."

SEC. 310. Subchapter III of chapter 35 of title 38, United States Code, is amended by inserting immediately after section 1725 the following new sections:

"§ 1726. Special training for the educationally disadvantaged

"(a) In the case of any eligible widow or wife who—

"(1) has not received a secondary school diploma (or equivalency certificate), and

"(2) in order to pursue a program of education for which she would otherwise be eligible, needs additional secondary school training, either refresher courses or dificiency courses, to qualify for admission to an appropriate educational institution,

the Administrator may, without regard to the provisions of section 1723(d), approve the enrollment of such widows or wives in an appropriate course or courses to be pursued in a State.

"(b) The Administrator shall pay eligible widows or wives pursuing a course or courses pursuant to subsection (a) of this section an educational assistance allowance as provided in sections 1731 and 1732 of this chapter; except that no enrollment in adult evening secondary school courses shall be approved in excess of half-time training as defined in section 1733 of this title.

"(c) The educational assistance allowance authorized by this section shall be paid without charge to any period of entitlement the widow or wife may have pursuant to sections 1710 and 1711 of this chapter.

"§ 1727. Correspondence courses

"(a) Each eligible wife or widows (as defined in section 1701(a)(1)(B), (C), or (D) of this chapter) who is pursuing a program of education exclusively by correspondence shall be paid an educational assistance allowance computed at the rate of 90 per centum of the established charge which the institution requires other individuals enrolled in the same program to pay. The term 'established charge' as used herein means the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency or the actual cost to such eligible person, whichever is the lesser. Such allowance shall be paid quarterly on a pro rata basis for the lessons completed by the eligible person and serviced by the institution.

"(b) The period of entitlement of any eligible person who is pursuing any program of education exclusively by correspondence shall be charged with one month for each $200 which is paid to the eligible person as an educational assistance allowance for such course."

SEC. 311. Section 1731 of title 38, United States Code, is amended by—

(a) inserting in clause (2) of subsection (b) immediately after the words "standard college degree" the following: "(excluding programs of apprenticeship and programs of other on-job training authorized by section 1738 of this title)"; and

(b) amending subsection (e) to read as follows:

"(e) No educational assistance allowance shall be paid to an eligible person enrolled in a program of education consisting exclusively of correspondence courses for any period until the Administrator shall have received (1) from the eligible person a certificate as to the number of lessons actually completed by the eligible person and serviced by the institution, and (2) from the educational institution, a certification, or an endorsement on the eligible person's certificate, as to the number of lessons completed by the eligible person and serviced by the institution."

SEC. 312. Clause (2) of subsection (a) of section 1732 of title 38, United States Code, is amended by adding at the end thereof the following: "Notwithstanding provisions of section 1731 of this title, payment of the educational assistance allowance provided by this clause may be made to an eligible person in an amount computed for the entire quarter, semester, or term during the month immediately following the month in which certification is received from the educational institution that the person has enrolled in and is pursuing a program at such institution."

SEC. 313. Subsection (a) of section 1733 of title 38, United States Code, is amended to read as follows:

"(a) For the purposes of this chapter—

"(1) an institutional trade or technical course offered on a clock-hour basis below the college level involving shop practice as an integral part thereof, shall be considered a full-time course when a minimum of thirty hours per week of attendance is required with no more than two and one-half hours of rest periods per week allowed;

"(2) an institutional course offered on a clock-hour basis below the college level in which theoretical or classroom instruction predominates shall be considered a full-time course when a minimum of twenty-five hours per week net instruction (which may include customary intervals not to exceed ten minutes between hours of instruction) is required;

"(3) an academic high school course requiring sixteen units for a full course shall be considered a full-time course when a minimum of four units per year is required. For the purpose of this clause, a unit is defined to be not less than one hundred and twenty sixty-minute hours or their equivalent of study in any subject in one academic year;

"(4) an institutional undergraduate course offered by a college or university on a quarter- or semester-hour basis shall be considered a full-time course when a minimum of fourteen semester hours or the equivalent thereof, for which credit is granted toward a standard college degree (including those for which no credit is granted but which are required to be taken to correct an educational deficiency), is required, except that where such college or university certifies, upon the request of the Administrator, that (A) full-time tuition is charged to all undergraduate students carrying a minimum of less than fourteen such semester hours or the equivalent thereof, or (B) all undergraduate students carrying a minimum of less than fourteen such semester hours or the equivalent thereof, are considered to be pursuing a full-time course for other administrative purposes, then such an institutional undergraduate course offered by such college or university with such minimum number of such semester hours shall be considered a full-time course, but in the event such minimum number of semester hours is less than twelve semester hours or the equivalent thereof shall be considered a full-time course; and

"(5) a program of apprenticeship or a program of other on-job training shall be considered a full-time program when the eligible person is required to work the number of hours constituting the standard workweek of the training establishment, but a workweek of less than thirty hours shall not be considered to constitute full-time training unless a lesser number of hours has been established as the standard workweek for the particular establishment through bona fide collective bargaining."

SEC. 314. Subchapter IV of chapter 35 of title 38, United States Code, is amended by inserting immediately after section 1737 the following new section:

"§ 1738. Apprenticeship or other on-job training

"(a) An eligible person (as defined in section 1701(a) of this chapter) may receive the benefits of this chapter while pursuing, in a State, a full-time—

"(1) program of apprenticeship approved by a State approving agency as meeting the standards of apprenticeship published by the

Secretary of Labor pursuant to section 50a of title 29, or

"(2) program of other training on the job approved under the provisions of section 1777 of this title,

subject to the conditions and limitations of this chapter with respect to educational assistance.

"(b)(1) The monthly training assistance allowance of such eligible person pursuing a program described under subsection (a) shall be (A) $160 during the first six-month period, (B) $120 during the second six-month period, (C) $80 during the third six-month period, and (D) $40 during the fourth and any succeeding six-month periods.

"(2) In any month in which an eligible person pursuing a program of apprenticeship or a program of other on-job training fails to complete one hundred and twenty hours of training in such month, the monthly training assistance allowance set forth in subsection (b)(1) of this section shall be reduced proportionately in the proportion that the number of hours worked bears to one hundred and twenty hours rounded off to the nearest eight hours.

"(c) For purposes of this chapter and chapter 36 of this title, the terms 'program of apprenticeship' and 'program of other on-job training' shall have the same meaning as 'program of education'; and the term 'training assistance allowance' shall have the same meaning as 'educational assistance allowance'."

SEC. 315. Section 1777 of title 38, United States Code, is amended—

(a) by amending clauses (1) and (2) of subsection (b) to read as follows:

"(1) the wages to be paid the eligible veteran or eligible person (A) upon entrance into training are not less than the wages paid other nonveterans in the same training position and are at least 50 per centum of the wages paid for the job for which he is to be trained, and (B) such wages will be increased in regular periodic increments until, not later than the last full month of the training period, they will be at least 85 per centum of the wages paid for the jub for which such eligible veteran or eligible person is being trained; and

"(2) there is reasonable certainty that the job for which the eligible veteran or eligible person is to be trained will be available to him at the end of the training period."; and

(b) by inserting "or eligible person" immediately after "eligible veteran" each place it appears in subsection (c) and "or person" immediately after "provided to the veteran" in clause (8) of such subsection.

SEC. 316. The table of sections at the beginning of chapter 34 of title 38, United States Code, is amended by—

(a) inserting immediately after

"1677. Flight training."

the following:

"1678. Correspondence courses.";

(b) inserting immediately after

"1687. Discontinuance of allowances."

the following:

"1688. Veteran-student employment.";

and

(c) striking out

"SUBCHAPTER VI—PREDISCHARGE EDUCATION PROGRAM"

and inserting in lieu thereof:

"SUBCHAPTER VI—PREPARATORY EDUCATION PROGRAM"

SEC. 317. The table of sections at the beginning of chapter 35 of title 38, United States Code, is amended by—

(a) inserting immediately after

"1725. Period of operation for approval."

the following:

"1726. Special training for the educationally disadvantaged.

"1727. Correspondence courses.",

and

(b) inserting immediately after

"1737. Specialized vocational training course."

the following:

"1738. Apprenticeship or other on-the-job training.".

SEC. 318. Section 102 of title 38, United States Code, is amended as follows:

(1) Subsection (b) thereof is amended to read as follows:

"(b) For the purposes of this title, (1) the term 'wife' includes the husband of any female veteran; and (2) the term 'widow' includes the widower of any female veteran."

(2) The heading of said section is amended to read as follows:

"§ 102. Dependent parents; husbands".

SEC. 319. The table of sections at the beginning of chapter 1 of title 38, United States Code, is amended by striking out

"102. Dependent parents and dependent husbands."

and inserting in lieu thereof

"102. Dependent parents; husbands."

SEC. 320. Section 3301 of title 38, United States Code, is amended by inserting after "Veterans' Administration" in the paragraph preceding item (1), the language: "and the names and addresses of present or former personnel of the armed services, and their dependents in the possession of the Veterans' Administration."

SEC. 321. Section 1774(b) of title 38, United States Code, is amended to read as follows:

"(b) The allowance for administrative expenses incurred pursuant to subsection (a) of this section shall be paid in accordance with the following formula:

Total salary cost reimbursable under this section	Allowance for administrative expense.
$5,000 or less	$300.
Over $5,000 but not exceeding $10,000.	$540.
Over $10,000 but not exceeding $35,000.	$540 for the first $10,000 plus $480 for each additional $5,000 or fraction thereof.
Over $35,000 but not exceeding $40,000.	$3,150.
Over $40,000 but not exceeding $75,000.	$3,150 for the first $40,000 plus $420 for each additional $5,000 or fraction thereof.
Over $75,000 but not exceeding $80,000.	$6,270.
Over $80,000	$6,270 for the first $80,000 plus $360 for each additional $5,000 or fractional thereof."

TITLE IV—EFFECTIVE DATES

SEC. 401. Titles I and II of this Act shall become effective on the first day of the second calendar month following the month in which enacted.

SEC. 402. Section 303 of this Act shall become effective upon the first enrollment of an eligible veteran which occurs on or after the first day of the second calendar month following the month in which enacted.

The SPEAKER pro tempore. Is a second demanded?

Mr. TEAGUE of California. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 20 minutes.

GENERAL LEAVE

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill, H.R. 12828, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, H.R. 12828 is another major veterans' bill which our committee has considered this year and is recommending for the favorable consideration of the House. This bill is the result of hearings and major executive consideration on the part of the Subcommittee on Education and Training and, I believe, represents a much-needed and justifiable liberalization of the veterans' education programs. The Honoralbe Henry Helstoski is the chairman of the mentioned subcommittee and the Honorable William Lloyd Scott is the ranking minority member of that subcommittee. The other members of the subcommittee are as follows: The Honorable Thaddeus J. Dulski, the Honorable Walter S. Baring, the Honorable W. J. Bryan Dorn, the Honorable Roman C. Pucinski, the Honorable Don Edwards, the Honorable George E. Danielson, the Honorable Margaret M. Heckler, the Honorable John M. Zwach, the Honorable Chalmers P. Wylie, the Honorable Larry Winn, Jr., and the Honorable Earl B. Ruth.

The current GI education program for veterans, and certain wives, widows, and children of veterans, was instituted in 1966 for veterans of the Vietnam era and others who served after January 1, 1955. The educational allowances provided thereunder are payable directly to the veteran or other beneficiary concerned. At the outset of the program the allowance for a single veteran was $100 per month. This has been increased twice in succeeding years and is now $175 per month. The administration has recommended an increase in such allowance to $190 per month, but the committee feels that a further increase to $200 can be fully justified. If the Congress approves the bill in its present form it will represent a 100-percent increase in this typical allowance approximately 6 years after the program was authorized. Comparable increases are, of course, provided for veterans with dependents.

The bill also makes a number of other improvements in the educational assistance programs, including an advance payment to the veteran upon initiation of his educational course, extension of on-job training and apprenticeship courses to certain widows, wives, and children, and providing eligibility for pursuing correspondence courses on the part of widows and wives.

Mr. Speaker, I yield such time as he may consume to the chairman of the subcommittee, the gentleman from New Jersey (Mr. Helstoski), who will discuss in greater detail the major provisions I have mentioned, as well as the other liberalizing provisions of this important piece of legislation.

Mr. HELSTOSKI. Mr. Speaker, this major veterans' bill, H.R. 12828, to which our chairman has just addressed his remarks, proposes a number of liberalizations in the veterans' education programs, the most important of which represents a 14-percent increase in the rates of educational allowances. These rates were originally established in the basic authorization act of 1966 and were last increased in February 1970. The Veterans' Administration, in an omnibus proposal submitted at the time of our subcommittee hearings, proposed, among other things, an increase of 8.6 percent in the basic rates. After careful consideration of all of the economic and other factors involved, our committee concluded that an increase in such rates of approximately 14 percent would be fully justified and the bill so provides. Some of us would have liked to have realized a greater percentage increase; however, the compromise of 14 percent was effected. I think it is significant to note, as pointed out by Chairman TEAGUE, that upon approval of the bill in this form it will represent, as an example, an increase of exactly 100 percent in the rate authorized for a single veteran attending full-time institutional training since the program was inaugurated in 1966.

Another major provision of the bill deals with the authorization for the VA to make advance payment of the rehabilitation subsistence, and educational assistance allowances. This provision will serve to effectively minimize the initial financal problem facing the veteran during the first month or two of his training period.

The bill contains a number of other liberalizations of the educational programs which, although quite minor in their fiscal impact, represent progressive improvements and refinements in various aspects of these programs.

Mr. Speaker, at the conclusion of my remarks I shall insert as a part of my remarks a more detailed explanation, title by title, of the major objectives of the bill, including pertinent cost data, followed by a complete section-by-section analysis of H.R. 12828.

Mr. Speaker, I urge approval of H.R. 12828. I believe it is an excellent bill which goes far toward alleviating the pressing problems facing veterans in their pursuit of education and training and at the same time serves to strengthen and improve various aspects of this major GI benefit for war veterans and certain wives, widows, and children of such veterans.

The material referred to follows:

PURPOSE OF THE BILL

TITLE I

The major purpose of this title is to increase the present basic allowances across the board by approximately 14%. The last general rate increase was effective February 1, 1970, and the Committee believes that in view of the lapse of time that has already occurred and the necessary time that will be involved before final congressional enactment, this higher rate of increase is justified. It is significant to observe that in the vast majority of cases the new allowances will probably not become fully available until the opening of the fall term at most schools in September, 1972. The present rate for a veteran alone is $175. The VA proposal would increase this to $190, whereas H.R. 12828 proposes a rate of $200. The rates for veterans with dependents would be increased proportionately.

H.R. 12828, like the VA proposal, provides substantial increases of about 48% in the rates for on-job and apprentice trainees. It was pointed out at the hearings that experience has shown that these are the areas where the greatest need occurs and the larger increases will provide incentives to stimulate job opportunities for veterans.

TITLE II

H.R. 12828, consistent with the VA's recommendation, also contains provisions for authorizing advance payment of the rehabilitation subsistence, and educational assistance allowances. Experience has shown that under the existing law there is an inevitable delay in the veteran's receipt of his allowance at the outset of his educational pursuit. This provision will give him an initial advance payment for the first month or partial month *plus* an allowance for one full month. As a safeguard against possible overpayments, it is required that proof be received that the eligible veteran has actually been enrolled in an approved institution.

This title of the bill also authorizes the VA to employ, as intermittent employees, veteran-students enrolled in full-time programs of education or training. Compensation would be at the going rate for the job classification of the work which would be performed. Wherever utilized, this authority will help many worthy veterans in meeting the additional financial demands caused by the education or training expenses.

TITLE III

The major thrust of this title is to extend to wives and widows the right to pursue correspondence courses, and authorize apprentice or other on-job training programs for wives, widows, and children. These types of courses are now available to the veteran himself. It has been demonstrated that in many cases these classes of dependents or survivors of veterans have the same need for such below-college training to fit them for a livelihood without having to pursue a college course of education. This title would also provide authority for eligible wives and widows to pursue secondary level training without charge to their basic entitlement. Similar authority is already extended to educationally disadvantaged veterans, and this would be a logical extension of such benefit.

The so-called "two year rule," under which a course must have been in existence for that period at a given school, has proved to be a hardship in certain meritorious cases where the school has made a complete move to a new location outside the general locality of its former site. This provision in the bill, which is recommended by the VA, would waive this requirement when a school moves if it is determined that the school has substantially retained the same faculty, curricula, and students without a change in ownership.

Certain changes are contained in the bill, which deal with the so-called PREP (Predischarge Education Program) the in-service education program. To more accurately reflect the purpose of the program, the bill would change its name to Preparatory Education Program. It would also authorize the payment of educational allowances in cases where the eligible person is pursuing a course "needed to obtain an equivalency certificate." At the present time, the only courses recognized in this program are those leading to a secondary school diploma. The GED (General Education Development) program currently provided by the military services offers servicemen the opportunity to pursue courses which will prepare them for taking the equivalency examination. Upon completion of the course work and successful passage of the equivalency examination, the serviceman is given an equivalency certificate rather than a secondary school diploma. The Department of Defense representatives have maintained that current law, which requires pursuit of the high school diploma courses, but does not permit pursuit of the equivalency certificate courses, is a fine distinction in form and is unjustified.

Section 304 of the bill contains a provision dealing with institutional farm training. It is designed to accomplish two purposes. First, it would permit an alternate method of measurement of courses in this program whereby the educational institution, which is now under a dual restriction of a minimum of 12 hours per week over a pre-scheduled 44 week school year, can also arrange class scheduling under which a program could be considered to be pursued on a full-time basis if it involved a minimum of 528 clock hours in a year pre-scheduled to provide not less than 80 clock hours in any three month period. This is designed to better permit the eligible veteran, who is engaged in agricultural occupation, to meet his job requirements which change seasonally as well as during each month based upon the type of employment. Through this greater flexibility, training can be intensified when needed to produce the greatest educational results. This section would also provide that in computing the foregoing clock hour requirements there shall be included the time involved in field trips and individual and group instruction sponsored and conducted by the educational institution through a duly authorized instructor of such institution in which the veteran is enrolled.

This title would also bring into one section the applicable law pertaining to correspondence courses. The new section provides for computation of the educational assistance allowance based upon 90 percent of the established charge which the institution requires nonveterans to pay for the pursuit of the same course or courses.

Current law (section 1682(c)(1)) provides for computation based on the full cost of the program. This is the only program which will return to the veteran the full cost of his tuition. It also is training which permits the trainee to train at any pace he chooses, thereby allowing him to pursue a vocation as he wills. In all other training programs authorized under chapter 34, the veteran has a stake in his own training by meeting himself a part of the cost of his own education. By requiring the eligible veteran to pay a minimal 10 percent of the cost of the course, he will have such a stake and will give greater thought to his choice of a training objective and the means of achieving this goal.

This change would have the effect of placing the correspondence training program on a par with flight training in that the veteran, under both programs, would be required to pay a minimal amount towards his own education. The benefit payable under the correspondence training program would be increased by providing that a veterans' entitlement would be charged with one month for each $200 paid to him as an educational assistance allowance instead of the current $175 figure. This is the same benefit which is provided a veteran under title I of the bill who is pursuing a flight training program.

A section has been included in this title which provides that for all VA purposes, a "wife" shall include the husband of a female veteran and the term "widow" shall include the widower of a female veteran. Under present law, in each case it must be shown that the husband or widower must be "incapable of self-maintenance and permanently incapable of self-support due to mental or physical disability." The objective of this liberalized definition has the favorable recommendation of the Veterans Administration.

The Committee has approved three amendments to the bill, one of which is purely technical in nature. The first Committee amendment is designed to insure that names and addresses of veterans and their dependents and survivors in the possession of the Veterans Administration will be treated as confidential. The second substantive amendment provides a 20 percent increase in the table of allowances for administrative expenses payable to State approving agencies. The present allowances were established in 1968 and have not been increased since then. The VA estimates the additional cost of this provision as follows:

Fiscal year:	
1973	$110,340
1974	119,200
1975	128,700
1976	139,000
1977	150,150
5-year additional cost	647,390

TITLE IV

This title deals with effective dates under which the rate increases and advance pay provisions shall become effective on the first day of the second calendar month following the month in which enacted.

COST DATA—INCREASED ALLOWANCES PROPOSED IN TITLE I OF H.R. 12828

[Dollars in millions]

Fiscal year	All chapters		Ch. 31		Ch. 34		Ch. 35	
	Individuals	Direct benefits cost	Individuals	Direct benefits cost	Individuals	Direct benefits cost	Individuals	Direct benefits cost
1st[1]	1,281,000	$127.5	32,000	$3.1	1,190,000	$119.0	59,000	$5.4
2d	1,326,000	266.2	33,000	6.4	1,232,000	248.6	61,000	11.2
3d	1,283,000	258.5	34,000	6.6	1,186,000	240.5	63,000	11.4
4th	1,077,000	217.5	35,000	6.8	979,000	199.2	63,000	11.5
5th	1,037,000	211.0	36,000	7.0	939,000	192.7	62,000	11.3
5-year total		1,080.7		29.9		1,000.0		50.8
6th	910,000	185.9	37,000	7.1	812,000	167.7	61,000	11.1

[1] For the 1st fiscal year, the data on individuals apply to the entire year while the cost figures are only ½ as great as they would have been for the entire year.

TOTAL COST OF H.R. 12828 FOR THE 1ST 5 FULL YEARS

	Section numbers	Fiscal year—					5-year total
		1973	1974	1975	1976	1977	
Rate increases	101, 102, 103	$266.2	$258.5	$217.5	$211.0	$185.9	$1,139.1
90 percent payment for ch. 34 correspondence	303	−8.0	−8.0	−6.0	−6.0	−5.0	−33.0
GED under PREP	305	24.0	24.0	24.0	24.0	24.0	120.0
Secondary education, ch. 35	310	2.6	2.9	2.8	2.2	2.0	12.5
Correspondence, ch. 35	310	.6	.7	.9	.9	1.0	4.1
OJT, ch. 35	314	7.1	7.9	7.2	6.9	6.0	35.1
Female veterans	318	.5	.5	.5	.5	.5	2.5
Total additional direct benefits cost		293.0	286.5	246.9	239.5	214.4	1,280.3
Eliminates some counseling, ch. 35 (reduction in administrative cost)	307	−1.0	−1.0	−1.0	−1.0	−1.0	−5.0
Total additional cost		292.0	285.5	245.9	238.5	213.4	1,275.3

Notes: Above table does not include the modest additional administrative expenses of State approving agencies. These costs are itemized above for the 1st 5 years. No cost is included for sec. 304 (farm training) which is believed to be minimal.

SECTION-BY-SECTION ANALYSIS OF H.R. 12828

TITLE I—VOCATIONAL REHABILITATION-EDUCATIONAL ASSISTANCE RATE ADJUSTMENTS

This title provides rate increases in all areas of educational benefits under chapters 31, 34 and 35 of title 38. With the exception of on-job and apprentice benefits, the rate changes, for the most part, approximate 14 percent. This percentage represents the increase in the cost of living which has occurred since the last general rate increase became effective on February 1, 1970 plus a reasonable estimate of the further increase that may occur prior to the final enactment and ultimate effectiveness of the bill. The rate increases provided for on-job and apprentice trainees approximate 48 percent. Experience has shown that these are the areas where the greatest need occurs and the larger increases will provide incentives to stimulate job opportunities for veterans.

Section 101

Subsection (a) of this section amends section 1504(b) to provide increases in the monthly subsistence allowance rates for veteran-trainees who are pursuing vocational rehabilitation training courses. The rate for a single veteran without dependents who is pursuing full-time institutional training would be increased from $135 per month to $154 per month. Comparable increases are provided for those trainees pursuing part-time training and for those pursuing institution on-farm apprentice, or other on-job training full time.

Subsection (b) amends section 1507 to increase the amount of the loan which may be made to trainees from $100 to $200.

Section 102

Subsection (a) of this section amends section 1677(b) to increase the monthly entitlement charge for flight training courses from $175 to $200 per month.

Subsection (b) amends the table contained in a paragraph (1) of section 1682(a) to increase the monthly educational assistance rates for veterans pursuing full-time, three-quarter-time and half-time institutional educational courses. The rates for cooperative training would also be increased. The single veteran without dependents who is pursuing a full-time institutional course would, for example, be increased from the current $175 monthly rate to $200 per month.

Subsection (c) amends section 1682(b) to increase the rates for educational pursuits by servicemen on active duty and for those pursuing less than half-time courses to $200 per month.

Subsection (d) amends section 1682(d)(2) to increase the rates for pursuit of agricultural cooperative programs. The single veteran without dependents pursuing a full-time course would, for example, be increased from $141 per month to $161 per month.

Subsection (e) amends section 1683(b) to increase the monthly training assistance rates for veterans pursuing apprentice and on-job training programs.

Subsection (f) amends section 1696(b) to increase the educational assistance allowance maximum for persons pursuing PREP courses from $175 to $200 per month.

Section 103

Subsection (a) of this section amends section 1732(a)(1) to increase the rate of educational assistance allowance payable to children, widows and wives pursuing educational programs under chapter 35. The rate increases apply to full-time, three-quarter-time and half-time training. The full-time rate, for example, would be increased from $175 to $200 per month.

Subsection (b) amends section 1732(a)(2) to increase the monthly educational assistance rate payable in the case of eligible persons pursuing programs of education on a less than half-time basis.

Subsection (c) amends section 1732(b) to increase the monthly educational assistance rate payable in the case of eligible persons pursuing cooperative education courses which consist of institutional courses and alternate phases of training in a business or industrial establishment.

Subsection (d) amends section 1742(a) to increase the special restorative training assistance allowance to those children who are in need of special restorative training.

It is estimated that cost of title I of H.R. 12828 would approximate $266.2 million for the first full year.

No change is made in title I of the bill to increase the benefit rate for correspondence course training. Section 303 of title III of the bill adds a new section 1678 to replace section 1682(c) of title 38 which currently authorizes such training. The current provisions are repealed by section 304. In enacting the new section, the benefit rate for such training is raised from $175 to $200 per month, a figure which is identical with the higher rate provided for flight training.

TITLE II—ADVANCE VOCATIONAL REHABILITATION SUBSISTENCE AND EDUCATIONAL ASSISTANCE ALLOWANCE PAYMENT

Section 201

This section would amend section 1504(a) to authorize the Administrator to make an initial advance payment of the subsistence allowance granted under chapter 31 to veterans enrolled in a vocational rehabilitation training program on a half-time or more basis, plus the allowance for one full month, upon receipt of proof that the eligible veteran has been enrolled in an approved educational institution. Such payment would be made not earlier than the first of the month in which pursuit of the program is to commence. Thereafter, payments would continue to be made in advance at the beginning of each month in which the veteran pursues his program of training. Administrative control over the propriety of such payment is provided for by authorizing the Administrator to withhold final payment to such veteran until proof of satisfactory pursuit of the program is furnished.

Section 202

This section would amend subsections (d) and (e) of section 1681 to authorize the Administrator to make an initial advance payment of the educational assistance allowance granted under chapter 34 to veterans enrolled in an educational institution on a half-time or more basis on the same premise as provided under section 201 of this title for vocational rehabilitation trainees. Certification requirements for the pursuit of flight training and correspondence courses pursued under chapter 34 would be retained. The bill does not provide for advance payment of the training assistance allowance for persons pursuing apprenticeship or other on-job training programs.

Section 203

This section would amend subsection (d) of section 1731 to extend the advance pay principle to eligible wives, widows, and children who are pursuing educational programs on a half-time or more basis under chapter 35.

Section 204

This section would add a new section 1688 to chapter 34 setting forth new language which would give the Administrator authority to employ, as intermittment employees, veteran-students enrolled in full-time programs of education or training under chapters 31 and 34. This would diversify current Veterans Administration's authority to hire these veteran-students and utilize their services at such times and places as the Administrator deems advisable. This new section would also authorize the Administrator to pay the going rate for the job classification for the work which would be performed.

No cost would be incurred if title II were to be enacted, but additional outlays would be required in the first fiscal year (assuming enactment in fiscal year 1973) of approximately $101 million because of advances made in that year which would normally not be paid until the following fiscal year. This amount would, however, be recouped from subsequent payments made to these veterans or eligible persons.

The proposal incorporated in section 202 of this title is virtually identical with a proposal transmitted to the Congress on January 26, 1971 by the Veterans Administration. This advance pay principle has been expanded to include veterans training under chapter 31 and wives, widows and children training under chapter 35.

TITLE III—EDUCATIONAL ASSISTANCE PROGRAM ADJUSTMENTS

Section 301

This section amends section 1671 of title 38, United States Code, to require a serviceman's application for GI Bill education benefits be approved by a service education officer before it may be considered by the Administrator.

By requiring such approval, an opportunity would be available to discuss with the serviceman the various courses of training which he might pursue. This would acquaint him with the educational opportunities not only from commercial correspondence programs but from all sources. The service education officer could determine whether the program of education selected by the serviceman is suitable for his aptitudes and could be satisfactorily completed within the limits of his present environment.

It is estimated that this section would not result in any additional cost.

Section 302

This section would amend clause (3) of subsection (b) of section 1675 to add new language to the so-called two-year rule authorizing enrollment of veterans in courses where the school has made a complete move to a new location outside the general locality of its former site, where it is determined that the school has substantially retained the same faculty, curricula and students, without a change in ownership.

Under current law the Administrator may not approve the enrollment of veterans in any course offered by an educational institution where such course has been in operation for less than two years. Clause (3) of subsection (b) of section 1675 presently states that where a course has been offered for more than two years, veterans may be enrolled in such a course even though the school has moved to another location within the same general locality. By regulation (VAR 14251 (D)), the term "same general locality" has been defined to mean a move to a new location within normal commuting distance of the original location. This regulation also states that in such a case the faculty, student body and curricula must remain essentially the same.

Established schools may find it necessary to relocate as additional facilities are required to meet demands caused by increases in the number of students such as the need for library space and the need for additional classrooms. The application of VAR 1425 (D) with reference to a move within the "same general locality" may have different application where the school is in a city rather than a rural area.

Under the proposed change, the determination would be made based upon the individual facts as found in each case. Primary importance would be placed on such factors as (1) retention of faculty, (2) no change in ownership, (3) substantially the same student body, and (4) the same curriculum.

It is estimated that enactment of this section would not result in any additional cost.

Section 303

This section would add a new section 1678 to chapter 34 of title 38, United States Code, to bring into one section the applicable law pertaining to correspondence courses.

Subsection (a) of the new section provides for computation of the educational assistance allowance based upon 90 percent of the established charge which the institution requires nonveterans to pay for pursuit of the same course or courses.

Current law (section 1682(c)(1)) provides for computation based on the full cost of the program. This is the only program which will return to the veteran the full cost of his tuition. It also is training which permits the trainee to train at any pace he chooses, thereby allowing him to pursue vocation or avocation as he wills. In all other training programs authorized under chapter 34, the veteran has a stake in his own training by meeting himself a part of the cost of his own education. By requiring the eligible veteran to pay a minimal 10 percent of the cost of the course, he will have such a stake and will give greater thought to his choice of a training objective and the means of achieving his goal.

This change would have the effect of placing the correspondence training program on a par with flight training in that the veteran, under both programs, would be required to pay a minimal amount towards his own education. This subsection also increases the benefit payable under the correspondence training program by providing that a veteran's entitlement would be charged with one month for each $200 paid to him as an educational assistance allowance instead of the current $175 figure. This is the same benefit which is provided a veteran under title I of the bill who is pursuing a flight training program.

The remainder of this new subsection merely represents a duplication of language which is contained in current law.

It is estimated that enactment of this provision would result in direct benefit savings as follows:

Direct benefit savings

Year:	*Millions*
1st	$8
2d	8
3d	6
4th	6
5th	5
Total 5-year savings	33

Section 304

The first part of this section is technical in nature and merely reflects the shift of certain provisions concerning correspondence courses currently contained in section 1682 of title 38 to the new section 1678 proposed to be set up by section 303.

The second part of this section is designed to permit greater flexibility in the scheduling of the institutional portion of farm cooperative training programs.

As an alternative to the provision of existing law requiring 12 clock hours per week of institutional agricultural courses for 44 weeks in a year to qualify for the full-time educational assistance allowance, the new language authorizes an equivalent number of annual hours, 528, to be prescheduled at anytime, provided at least 80 hours of institutional training are pursued in any three month period. The added flexibility will permit a veteran's curriculum to be prescheduled to provide a minimum of classroom instruction during peak periods of farming activity, and conversely, a maximum class schedule during periods of minimal farming activity.

Additionally, the section permits the time utilized for field trips as well as individual and group instruction to be included in computing the institutional portion of a farm cooperative training program. It is not intended that this informal type of training will in any manner be a general substitute for classroom instruction required. Instead, it is contemplated that the informal instruction authorized by this amendment will be utilized only when the need for such field trips or instruction is indicated and it is directly related to problems encountered by the veteran in his agricultural employment.

Section 305

This section would amend the PREP program authorized by subchapter VI of chapter 34 of title 38.

Subsection (a) of this section amends the subchapter heading to change the name of the program from Predischarge Education Program to Preparatory Education Program.

Although eligibility for PREP assistance begins early in military service (after completion of 181 days of active service), many servicemen consider the program to be one designed for an individual who is about to leave military service. The present name of the program—Predischarge Education Program—accounts for a good deal of this confusion. Therefore, to help alleviate this misunderstanding the name would be changed to Preparatory Education Program.

Subsection (b) changes the purpose section (section 1695(a)) of the program to incorprate the change in the name of the program from Predischarge to Preparatory Education Program.

Subsection (c) amends section 1696(a) to permit payment of an educational assistance allowance to servicemen where they pursue courses needed by them to successfully pass the GED examination and receive a high school equivalency certificate.

Current law limits the objective of the PREP program, as far as secondary level training is concerned, to high school diploma courses. There is no authority for the pursuit of courses leading to the GED objective.

In conjunction with the program for educationally disadvantaged veterans (subchapter V of chapter 34 of title 38), authority is currently granted for the pursuit of courses needed to obtain the equivalency certificate. The change proposed by this subsection would extend this same opportunity to servicemen and thereby tend to equalize the benefits available to disadvantaged veterans and servicemen. This would avoid any discrimination between two categories of disadvantaged individuals.

It is estimated that this program would cost in the magnitude of $24 million a year.

Section 306

This section amends subsection (a) of section 1701 of title 38 to make two changes. The first revision amends paragraph (6) to include correspondence schools within the definition of "educational institution." This change is made necessary by the addition, in section 310 of the bill, of a new section 1727 to chapter 35 permitting wives and widows to pursue correspondence courses. The rationale and cost estimate for this new section are set forth in the discussion of section 310 of this analysis.

The second change adds a new paragraph (9) adding the term "training establishment" to the definitions currently applicable to chapter 35.

Under current law, wives, widows and children are entitled to other educational benefits, but they are not eligible to pursue apprentice or other on-job training programs. The change made in this section (as well as those changes made in chapter 35 by sections 308, 311(a), 313, 314, and 315 of this bill) extend such training opportunities to them.

A college education may not be suitable for everyone. Offering these individuals the opportunity to pursue on-job and apprenticeship training programs would afford those desiring post high school training another way of entering an occupation. Such programs would also offer forms of training in which these individuals would be able to receive high financial reward upon completion.

It is estimated that enactment of this program, which is limited later in the bill by the proposed new section 1738(a) to pursuit of training in a State, would result in the following costs:

Fiscal year:	*Direct benefits cost (in millions)*
1st	$7.1
2d	7.9
3d	7.2
4th	6.9
5th	6.0
5-year total	35.1

Section 307

This section would amend section 1720 of title 38 to eliminate mandatory counseling for certain children training under the provisions of chapter 35.

Current law (section 1720) provides that the Administrator shall arrange for counseling for all children entering training under chapter 35 to assist the parent or guardian and the child in selecting an educational or vocational objective.

Under the chapter 35 program, the Government acts as a substitute parent standing in the place of the deceased or disabled parent in providing financial assistance to enable the child to pursue his education. The responsibility imposed by law calls for the furnishing of this counseling assistance in helping the child in making a reasonable choice of an objective.

There are, however, many cases where a child is already enrolled at or is attending a college and it can be assumed that in those cases a reasonable choice has been made and a suitable objective chosen. Mandatory counseling is an obvious duplication in such cases. While the mandatory requirement would be removed, any further counseling or guidance the child might need would still be available through the school or the Veterans Administration, if requested.

It is estimated that enactment of this section would result in savings in the program of approximately $1 million per year over the next five years.

Section 308

This section amends section 1723 of title 38 to eliminate the bar on pursuit of apprentice and other on-job training programs by chapter 35 beneficiaries. The rationale for this change is elaborated on in the analysis of section 306. This section also exempts widows and wives from the bar on pursuit of correspondence course training. The rationale for this change is elaborated on in the analysis of section 310.

Section 309

This section would amend clause (3) of subsection (b) of section 1725 of title 38 to add new language to the so-called two-year rule authorizing enrollment of chapter 35 individuals in courses where a school has made a complete move to a new location outside the general locality of its former site.

This provision is identical with the one contained in section 302 of the proposal and the discussion and rationale set forth in the discussion of that section apply equally to this section.

It is estimated that enactment of this section would not result in any additional cost.

Section 310

This section would add a new section 1726 to subchapter III of chapter 35 to provide authority for eligible wives and widows to pursue secondary level training without charge to their basic entitlement. Similar authority has already been given educationally disadvantaged veterans by section 1691 of chapter 34. The authority granted here would be a logical extension of similar benefits to educationally disadvantaged wives and widows. These individuals, due to the death or disability of their veteran-husbands, are required to assume the responsibility for support of themselves and their families. By permitting them to pursue secondary level training they would be given an opportunity to obtain the necessary training required for entrance into higher education without losing their follow-on eligibility for college training.

In extending this authority, pursuit would be limited to training within a State. This has the effect of eliminating secondary training for Philippine wives and widows. It should be pointed out that the majority of those individuals who would be made eligible are already over the age of 50 and the purpose of the program would be of little benefit to them. Further, most of them have already taken advantage of the vocational training benefits previously provided to them under chapter 35 and thus they have been trained for a vocation designed to help them support themselves and their families.

It is estimated that enactment of this proposal would result in the following costs:

Fiscal year:	*Direct benefits cost (in millions)*
1st	$2.6
2d	2.9
3d	2.8
4th	2.2
5th	2.0
Total 5-year cost	12.5

This section would also add a new section 1727 to subchapter III of chapter 35 to provide authority for eligible wives and widows to pursue correspondence courses. This would provide these wives and widows with still another means of obtaining an education which would aid them in helping to support themselves and their families in the manner in which the veteran, but for his death or disability, would have provided for them. The extension of correspondence school training to wives and widows would be subject to these same safeguards proposed for veterans under section 303 of the bill. In essence, this means that the entitlement of a widow or wife would be charged one month for each $200 paid to her in the form of an educational assistance allowance, and the educational assistance allowance would be computed based upon 90 percent of the established charge which the institution requires other individuals pursuing the same program to pay.

It is estimated that enactment of this new authority would result in costs ranging from about $600,000 in the first year to approximately $1 million in the fifth year. There is no experience in the chapter 35 program to use as an indicator of any precise figures.

Section 311

Subsection (a) of this section amends clause (2) of subsection (b) of section 1731 of title 38 to exempt programs of apprentice or other on-job training pursued by wives, widows and children under the authority of the new section 1738 added to chapter 35 by section 314 of this bill from the absence counting provisions for courses not leading to college degrees. This would equate such measurement with that presently applicable to apprentice and on-job training programs pursued by veterans under chapter 34. (The estimated cost of the apprentice, on-job programs is set forth in section 306 of the analysis.)

Subsection (b) has two purposes. First, it repeals the present language of subsection (e) of section 1731 which is no longer applicable in view of the advance payment proposal set forth in section 203 of this bill. Second, it would establish a requirement, comparable to that now applicable to correspondence courses pursued by veterans under chapter 34, that correspondence course benefits may not be paid to those wives and widows made eligible to pursue such training by the new section 1727 added by section 310 of the bill until the Administrator has received a certification from the eligible person and the institution as to the number of lessons completed by the eligible person and serviced by the institution. The same requirement is imposed in conjunction with the correspondence program pursued by veterans under chapter 34.

Section 312

This section amends clause (2) of subsection (a) of section 1732 to permit lump sum educational assistance allowance payments to be made eligible widows, wives and children who are pursuing educational programs on less than a half-time basis. Payment would be made for an entire term, semester or quarter in the month following the month in which certification is received from the educational institution that the person is enrolled in and is pursuing his program of education. This would equate the less than half-time payment system for chapter 35 with that already established for chapter 34. This would improve the administrative procedures for handling these payments.

It is estimated that enactment of this section would not result in any additional costs.

Section 313

This section amends subsection (a) of section 1733 to incorporate two revisions. The first inserts a new clause (3) which provides for the measurement of high school courses under chapter 35 so as to accommodate the authority granted by section 310 permitting eligible wives and widows to pursue secondary training. The second inserts a new clause (5) providing for the measurement of certain on-job and apprenticeship training programs which would be permitted under the authority of the new section 1738 added to chapter 35 by section 314 of this proposal.

Section 314

This section would amend subchapter IV of chapter 35 to insert a new section 1738 which contains the basic authority for the payment of a subsistence allowance to those wives, widows and children who would become eligible to pursue apprentice and other on-job training programs. The rationale for this program is set forth in the analysis of section 306.

Section 315

This section would amend section 1777 of chapter 36 of title 38 to incorporate references to wives, widows and children who would be permitted to pursue programs of apprentice and other on-job training. The rationale for this program is set forth in the analysis of section 306.

Section 316

This section is technical in nature and merely reflects in the table of sections at the beginning of chapter 34 of title 38 the necessary heading changes required to be made because of the proposals made in sections 204, 303, and 305.

Section 317

This section is technical in nature and merely reflects in the table of sections at the beginning of chapter 35 of title 38 the new sections added to such chapter by sections 310 and 314 of this bill.

Section 318

This section has been included in the bill to provide that for all VA purposes, a "wife" shall include the husband of a female veteran and the term "widow" shall include the widower of a female veteran. Under present law, in each case it must be shown that her husband or widower must be "incapable of self-maintenance and is permanently incapable of self-support due to mental or physical disability." This provision is identical with H.R. 10130, and the objective has the favorable recommendation of the Veterans Administration. The cost is estimated to be about $.5 million the first full year.

Section 319

This is solely a technical amendment containing revised language for the table of sections of chapter 1, title 38, United States Code.

Section 320

This section is designed to insure that names and addresses of veterans and their dependents and survivors in the possession of the Veterans' Administration will be treated as confidential.

For many years, the law (38 USC 3301) has provided that all files, records, reports, and other papers and documents pertaining to any claim under any of the laws administered by the Veterans Administration shall be confidential and privileged, and no disclosure thereof shall be made except under certain specified conditions. The general policy of the Veterans Administration, consistent with the intent of this provision of law, has been to refuse to furnish addresses from its records to persons who desire such information for debt collection, canvassing, harassing, or propaganda purposes.

In light of recent court decisions, it is apparent that under the so-called Freedom of Information Act (5 USC 552) lists of names and addresses may no longer be regarded as confidential. The Veterans Administration has received some 30 requests for lists of veterans' names and addresses, including requests from various commercial organizations, direct mail advertising firms, and others.

The Committee has received considerable correspondence from veterans and veterans' groups protesting the release of their names and addresses pursuant to these court decisions and agrees with them that service to their country should not subject them to commercial solicitation and harassment. The amendment proposed by this section will insure that the names and addresses of those who are now serving, or have served, in the armed forces and their dependents will continue to be treated as confidential by the Veterans Administration.

Section 321

Chapter 36 of title 38, United States Code, contains provisions relating to the administration of the GI educational benefits. Among other things, it is provided that the courses of education offered by an educational institution must be approved by the State approving agency for the State where such educational institution is located. The statute authorizes the Administrator to enter into contracts or agreements with State and local agencies to reimburse them for proper and necessary administrative expenses involved in the approval procedure. The allowances provided for this purpose were authorized in 1968 and there has been no increase since then. Section 321 is designed to provide a 20 percent increase in the table of allowances now contained in Section 1774. The National Association of State Approving Agencies has urged this amendment, citing as justification the recognized increase in salary costs and other administrative expenses which have occurred in the period of almost four years since the allowances were provided. The Committee concurs as to the need for such an increase at this time. The estimated additional cost is approximately $110,000 the first year.

TITLE IV—EFFECTIVE DATES

Section 401

This section provides that the rate adjustments and advance pay provisions contained in titles I and II shall become effective on the first day of the second calendar month following the month in which enacted.

Section 402

This section provides that the provisions of section 303 relating to correspondence course training shall become effective upon the first enrollment of an eligible veteran which occurs on or after the first day of the second calendar month following the month in which enacted.

(Mr. HELSTOSKI asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. TEAGUE of California. Mr. Speaker, the Subcommittee on Education, under the able leadership of the gentleman from New Jersey (Mr. HELSTOSKI) and the gentlemen from Virginia (Mr. SCOTT) the ranking minority member, has labored long and hard to produce the outstanding measure before the House today. They are to be congratulated for their successful efforts to present a bill that will undoubtedly improve the veterans and dependents educational programs.

The bill contains a well-deserved increase in monthly educational allowances for veterans and dependents. It authorizes the payment of these allowances to advance. It permits greater flexibility in scheduling classes in the farm cooperative training program. Dependents will have greater choice in the selection of different types of training programs.

Mr. Speaker, this is good legislation and I shall support it.

I now yield such time as he desires to the ranking minority member of the subcommittee, the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I am a cosponsor of H.R. 12828 and rise in support of it. The bill will provide a much-needed increase in monthly allowances for veterans participating in education and training programs under the GI bill, disabled veterans receiving vocational rehabilitation training and certain wives, and children attending school under the so-called war orphans' educational program.

The rate of allowance, Mr. Speaker, for persons receiving institutional or classroom training is increased by 14 percent. For example, the unmarried veteran attending school on a full-time basis now receives $175 monthly. Under the provisions of this bill, he will receive $200 monthly. Proportionate increases are authorized for veterans with dependents and for part-time training.

Monthly allowances for veterans pursuing apprentice or job training programs are increased by 48 percent under the terms of the bill. This substantial increase recommended by the Veterans' Administration is designed to provide a greater incentive to prospective employers in establishing job training situations and to veterans interested in this type of training.

Mr. Speaker, the cost of education has spiraled to the point that the increases in monthly allowances authorized by this legislation are essential. I am pleased that the committee has increased the 8.6 percent authorized by the original bill to the 14 percent set forth in this measure.

The bill contains additional provisions, Mr. Speaker, all intended to improve the effectiveness of the veterans and dependents education programs.

Advance payment of up to 2 months' educational allowance is authorized upon the receipt of satisfactory proof of a veteran's enrollment. Thereafter, payments to veterans will be made monthly in advance. This feature will permit the Veterans' Administration to make timely payments, and reduce the long delay between the beginning of classes and the receipt of the initial payment from the Veterans' Administration.

Under existing law, wives, widows, and children eligible for education and training under chapter 35, title 38, United States Code, are limited to institutional training. This measure will extend to wives and widows the right to pursue correspondence courses and permit apprentice or job training for eligible wives, widows, and children. Experience has demonstrated that these classes of dependents may require programs other than institutional types to fulfill their educational needs, much in the same manner as veterans. This provision will expand the types of educational programs available to dependents.

The bill further provides that the spouse of a female veteran shall be classed as a dependent for veterans' benefits in the same manner as the wife or widow of a male veteran under current law.

Veterans pursuing farm cooperative training programs will have more flexibility in scheduling their classroom work under the terms of this proposal. Presently, a veteran must complete 12 hours of classroom work in each of 44 weeks in a 1-year period in addition to running his farm to qualify as a full-time student. Under this measure, he may elect to complete 528 hours in a 1-year period, provided not less than 80 hours are prescheduled in any 3-month period. Thus, he is able to schedule a minimum of class instruction during periods of peak farming activity.

Finally, Mr. Speaker, the bill authorizes a 20-percent increase in the administrative expense allowance payable to State approval agencies. These State agencies perform a tremendously important function in assuring that schools and other training establishments are providing a high quality of education and training under the GI bill.

Mr. Speaker, I have discussed the most significant features of the bill under consideration. In all candor, I must confess that I am not entirely satisfied with all of the provisions of this measure. I do support the increase in monthly allowances, however. Since this increase is necessary at this time and since the desirable features of the bill far outweigh any objectionable provisions, I am supporting the bill and urge that it be passed.

Mr. TEAGUE of Texas. Mr. Speaker, I have no further requests for time.

Mr. TEAGUE of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Speaker, I believe H.R. 12828 is a good bill for several reasons, but mainly because it carries out the purpose of the Veterans Readjustment Benefits Act of 1966 in that it provides a much needed increase in the educational allowance rates, but keeps in mind that the allowance was designed for assistance to a veteran so that he could meet in part the cost of obtaining an education.

It provides for an overall increase of 14 percent for all eligible veterans, wives, widows, and children attending school, and an increase of 48 percent for on-job and apprentice trainees. The marked increase in this area should provide an incentive to veterans in learning a skill or trade, thus improving their chances of obtaining employment.

Enhancing employability is also the reason that this legislation would extend to eligible wives and widows the right to take up correspondence courses and to wives, widows, and children the right to enter into apprentice or other on-job training programs.

An existing hardship to schools will be removed by waiving the "2-year rule" when a school moves, providing the school retains substantially the same faculty, curriculums, and students without a change in ownership. Heretofore, if a school moved to a new location outside the general area of its former site, it would have to wait for 2 years before becoming an authorized educational institution. Many meritorious schools in expanding their facilities were penalized under this rule.

This bill also contains authorization permitting advance payments of rehabilitation subsistence and educational assistance allowances for the first month or partial month, plus an additional full month as soon as actual proof of enrollment in an educational institution is received by the Veterans' Administration. This should help to overcome the hardship encountered by some veterans due to a delay in receiving their first check after they enter school.

Recognizing that in today's society the maintenance of a home is the result of a joint economic effort by a husband and wife, this bill places female and male veterans on an equal basis in that a "wife" shall include the husband of a female veteran and the term "widow" shall include the widower of a female veteran. The present law requires that a husband or widower must be incapable of self-support because of a mental or physical infirmity before qualifying as dependents.

Another feature to this bill which will assist certain veterans is a provision, permitting the Veterans' Administration to employ veteran students on an intermittent basis at the minimum rate of pay for the grade in which they are employed.

In my opinion this is a meritorious bill and I support it.

Mr. HAMMERSCHMIDT. Mr. Speaker, I favor H.R. 12828 because this is much needed legislation. It has many facets but the one for which there is great need is an increase in the GI educational allowance dates to meet the ever-increasing costs of education. This bill will increase the existing rates by 14 percent. It will mean that the single veteran will receive an increase from $175 to $200 a month. In the average school year of 9 months, this will amount to $1,800, enough to defray the tuition costs in hundreds of fine schools of higher learning throughout the country. It will carry out the purpose of the original GI bill which was designed to provide an educational assistance allowance to meet, in part, the expenses of subsistance, tuition, fees, supplies, books, and equipment.

There is a provision for a 48-percent increase in the rates for on-job and apprentice trainees consonant with the administration proposal designed to provide incentives in stimulating job opportunities for veterans, an area where the greatest need occurs.

Many veterans have encountered a problem upon entering into an educational training program occasioned by the delay in receiving the first allowance check. This bill provides for an advance payment of the rehabilitation subsistence and educational assistance allowances. It permits an initial advance for the first month or partial month and an additional full month as soon as proof is received that the veteran actually is enrolled in an approved school.

This bill also extends to eligible wives and widows the right to pursue correspondence courses and to wives, widows, and children apprentice on on-job training. Secondary school level training is allowed also to eligible wives and widows without charge to entitlement. These features are very desirable in that a wider choice of occupational goals is opened up.

A feature of this bill supported by the Veterans' Administration concerns the definition of wife. Heretofore, a female veteran has had to provide proof that her husband was physically infirm in order to qualify as a veteran with a dependent. Bearing in mind that today a large segment of our population consists of two-income families upon the basis of which a husband and wife maintain a household, this legislation, in effect, acknowledges a mutual dependency and permits a female veteran to declare a husband as a dependent for Veterans' Administration purposes under the same acceptance that a male veteran receives in declaring a wife a dependent. This proviso also will apply to widowers.

In addition this legislation is designed to eliminate a hardship which has been created through the "2-year rule" which has required that courses at given schools must have existed for at least 2 years.

This bill will eliminate this requirement in those situations where a school moves, retaining essentially the same faculty, curriculums, and students without a change of ownership.

I support this legislation.

Mr. HILLIS. Mr. Speaker, as a member of the Veterans' Affairs Committee, I would like to add my full support to the Veterans Education and Training Amendments of 1972.

The main purpose of the bill is to increase veterans' education assistance allowances by almost 15 percent. Veterans now receive $175 per month under the present GI program. This bill would give them over $200 per month, with a sliding scale for veterans with dependents. It increases by almost 50 percent the assistance rates for on-job and apprentice trainees, where need is apparently greatest right now.

But the bill does much more also. It allows for an initial advance payment plus 1 month's subsistence allowance at the outset of the school year. This measure was deemed necessary by the committee to help out veterans who need money in the month before schools begins—to register for school, set up living quarters, and so forth.

The bill further extends to wives and widows the right to follow correspondence courses, and authorizes apprentice or on-the-job training programs for wives, widows, and children.

This will upgrade the education level of those veteran dependents who are now far behind in education or training, and help them keep up with the veteran as he progresses in his education. Other provisions in the bill are aimed at correcting inequities or plugging loopholes discovered through past experience in administering the veterans' education assistance program.

The overall intent of this legislation is to give several added educational benefits to Vietnam era veterans. To date, these Vietnam vets have qualified only for peacetime benefits provided by legislation to aid post-Korean conflict veterans. Many of us think they deserve more, because they have not served under peacetime conditions.

The GI bill for World War II veterans allowed a $65 per month subsistence allowance, plus tuition payments of up to $500 per school year, a payment which went directly to the school. One-half of all World War II veterans took advantage of the bill.

The tuition payment was dropped for veterans for the Korean conflict, and recipients since then have been paid only subsistence allowances for living expenses. I thought our Vietnam era veterans deserved tuition payments, and cosponsored legislation to provide a $1,000 tution payment in addition to the $175 subsistence allowance.

The Veterans Committee, however, decided in favor of solely increasing the allowance by 15 percent. I think we can do better, but I am pleased nonetheless with any increased benefits.

Why do I feel veterans educational assistance is a worthwhile program? Because I know a good investment when I see one.

At the current GI bill training allowance rate, the VA spends about $6,300 during the 36 months required for a veteran to earn his college degree. After 2 years of active service, a veteran is eligible for 36 months of educational assistance.

Armed with a college degree, a veteran can expect to earn about $213,000 more in his lifetime than he could if he were only a high school graduate, according to the Bureau of the Census.

The Bureau of Internal Revenue estimates it will collect roughly $40,000 in taxes on the extra income. Thus, the Federal Government stands to get back more than six times its original investment of $6,300 in training allowances for one GI. I wish more of my investments could be this profitable.

Some 12.4 million veterans have received training under the three major GI bills during the past 26 years. In addition to becoming bigger taxpayers through this educational upgrading, these veterans have increased our national education average considerably and have themselves become better informed citizens and community leaders. Surely these benefits far outweigh the costs involved.

That is why I fully support this program and why I ask for your support today on this important legislation.

Mr. McKEVITT. Mr. Speaker, the Veterans' Affairs Committee of the House has done a commendable job in increasing the basic educational assistance allowance by 14 percent and expanding other portions of the program.

I had earlier proposed that a cost-of-living subsistence allowance be initiated in the program and, while the committee did not adopt this proposal, I will continue to seek application of this concept by requesting the Office of Education and the Veterans' Administration to conduct a special study to determine whether a program of this type might be eventually phased into the program. This concept primarily is directed toward the educationally gifted veteran who might not be able to pursue his chosen field under the present program. The proposed subsistence allowance would be based on guidelines that would be promulgated by the Administrator of the VA.

But despite this, the committee should be complimented for acting to increase veterans' benefits.

Mrs. HICKS of Massachusetts. Mr. Speaker, I rise in support of H.R. 12828, The Veterans Education and Training Amendments of 1972. This bill, which I have cosponsored, is part of a continuing effort to prevent rising costs from deterring our deserving veterans from using benefits which their country gratefully accords them. The high cost of education in our colleges and universities, the rising cost of living and inadequate assistance, all hinder veterans from completing their education. Historically this country has supported veterans in their readjustment to civilian life; this bill will give them additional support toward this goal. As a member of the Veterans' Affairs Committee I take it as my duty to insure the best possible programs of education and training for our returning veterans. My sponsorship of this bill is a result of my concern.

Over 2 million veterans of the Vietnam era have received some form of training under the present GI bill. However, this is only 38 percent of those who are eligible for these benefits. We must not allow one loyal veteran who has served his country well to be prevented from obtaining education or training because of inadequate assistance. Inflation, unemployment, and the increased costs of education are putting an intolerable burden on veterans who are trying to complete their education. We must not allow this burden to stand in the way of a veteran who is trying to help himself and his society. H.R. 12828 is designed to ease this burden and facilitate readjustment of these worthy veterans into our society.

H.R. 12828 provides an across-the-board increase of 14 percent for all types of educational assistance. Under the present law a single veteran attending college full-time receives $175 per month; H.R. 12828 provides an increase to $200 per month. This basic figure is increased upward for those with dependents. Though the Consumer Price Index has risen only 8.1 percent since the last change in educational assistance, we have tried to look ahead and safeguard the veteran against further increases in educational costs. The programs we offer our veterans in return for loyal service must be responsive to the veterans' present and future needs.

Apprenticeship and other on-the-job training programs are one of the best ways to quickly reassimilate the veteran into civilian life. The Education and Training Amendments of 1972 have tried to create a greater incentive for veterans to enter these programs and increase inadequate assistance to meet greater need. We have provided a 48-percent increase in assistance for on-the-job training programs to encourage our veterans to participate and at the same time insure that they are adequately supported in their admirable efforts.

This bill has a far more important purpose than to just increase assistance. I am personally gratified that corrections are proposed which will eliminate inequities in the benefits offered to women. Several provisions are included to equalize benefits for widows and wives with those for veterans. At this time wives and widows may not acquire training through correspondence courses and apprenticeship, on-the-job training programs. This unjust restriction has closed valuable avenues of education to wives and widows. H.R. 12828 eliminates this arbitrary restriction, thus enabling these women increased opportunity for education. The programs offered under the present system for wives and widows often require a high school diploma; these women must not be denied the benefits that their husbands have earned solely because they are educationally disadvantaged. H.R. 12828 provides a program to enable wives and widows to gain a secondary school diploma, without reduction in their entitlement, so that they may take full advantage of the benefits offered to them.

H.R. 12828 also provides for the elimination of dependency standards for the husbands of female veterans. This bill insures that female veterans and their husbands receive equal treatment with male veterans and their wives. We can no longer tolerate the inequitable distribution of veterans benefits. Our female veterans and the wives and widows of our veterans deserve their country's support in gaining an education no less than their fellow veterans and husbands.

In the Education and Training Amendments of 1972 we have provided a new program in an effort to be responsive to the needs of the veteran. Veterans' benefits are of no use unless they provide the assistance that the veterans need, when they require it most. We are well aware that the greatest expense of the school year falls at the beginning of the term. We have, therefore, designed a system of advance payments to help the veteran meet the costs when they arise. The veteran would receive the assistance payments in advance of attendance at the start of the term.

This bill is not a simple increase in assistance. H.R. 12828 is designed to make the entire educational program more responsive to the needs of the veteran. Our interests are that the veterans not only receive enough assistance to provide an impetus toward education, but that the programs offered are the programs that best meet the veterans' needs. In this fast changing world we must not only provide for the veterans' needs now but look forward to insure that our future veterans have the best possible assistance. H.R. 12828 is a far-reaching progressive proposal to change veterans' educational benefits for the better. Our veterans deserve every possible support in readjusting to civilian life and I shall not be satisfied until they receive the best programs and assistance available. H.R. 12828 provides for greater assistance and improved programs and I cannot urge its passage too strongly. This bill provides an opportunity to insure that our veterans will receive the most responsive assistance that our grateful country can give them; they deserve no less.

Mr. MIKVA. Mr. Speaker, I am pleased to rise in support of H.R. 12828. The bill will provide a moderate and richly deserved increase in the basic education benefits for veterans under the GI bill. In light of the skyrocketing costs of higher education, the present benefit levels are simply too low to enable many veterans to attend the best school of their choice.

I regret that we are considering this bill under a procedure which does not permit amendments to be offered. I would have liked to offer an amendment containing the substance of H.R. 7659, a bill I introduced in 1971 to extend the maximum number of months of educational benefits from 36 to 54 months.

The GI bill of 1966 provided educational assistance for veterans at the rate of 1 month of benefits for each month of service, with a maximum of 36 months of benefits. Thus a draftee who served 2 years of active duty was entitled to 24 months of education benefits, while an enlistee who served for 3 years would be entitled to benefits for 36 months of schooling, or the equivalent of 4 full academic years.

Congress later realized that, under this provision, discharged draftees who entered college after completing their military service would be financially stranded after two and a half years of school. Therefore, in 1968, Congress passed Public Law 90-631, which increased the benefit rate to one and a half months of benefits for each month of service. This meant that draftees serving 24 months would be entitled to receive benefits for 36 months, long enough to enable them to complete 4 years of college. However, Congress failed at that time to raise the maximum number of benefit months allowable, with the result that draftees and enlistees alike were both entitled to a maximum of 36 months of benefits.

This erased the differential between enlistees and draftees, removing an incentive for enlistment and ending the earlier correspondence between length of time served in the military and extent of benefits afforded.

H.R. 7659 would cure this defect by raising the ceiling on the permissible number of months of education benefits to 54. Both draftees and enlistees would continue to be entitled to one and a half months of benefits for each month served, but enlistees would be eligible to receive benefits for a longer period than draftees based on their longer service in the military.

This extension would not be retroactive; it would apply only to those servicemen discharged or released from active duty subsequent to enactment of the bill.

These additional education benefits are well deserved by those veterans who voluntarily serve their country longer than they would otherwise be required and I hope that this subcommittee will honor their sacrifices by passing remedial legislation such as H.R. 7659.

Mr. Speaker, I am pleased to vote today to increase education benefits for veterans as provided in H.R. 12828. Hopefully, when the subject comes before us again, the House will have an opportunity to provide the additional relief which H.R. 7659 would bring.

Mr. ANDERSON of California. Mr. Speaker, I rise in support of H.R. 12828, a bill to increase the rates of vocational rehabilitation, educational assistance, and special training allowances paid to eligible veterans.

For too long we have deluded ourselves that the problems of veterans were being adequately met. But they are not. The plight of the returning Vietnam serviceman must be dealt with at once.

In fiscal year 1970, 15.5 percent of all enlisted personnel leaving the military did not have a high school diploma, and 77 percent had less than 1 year of college education.

This lack of education and training has resulted in widespread unemployment among our returning veterans. Although the national unemployment rate is hovering around 6 percent, the unemployment rate for veterans from ages 20 to 29 is 8.4 percent; for those under age 20, 14.6 percent; and for minority group veterans from ages 20 to 24, an estimated 20.9 percent.

Yet, only 26 percent of veterans eligible for education benefits upon discharge are taking advantage of this opportunity.

And among those veterans who do not have a high school diploma, less than 10 percent are using any GI bill education benefits.

Education is expensive, but the long-term benefits illustrate the economic desirability of a college degree. Studies have shown that the average college graduate veteran can expect to earn about $213,000 more in a lifetime than he could with a high school diploma.

The bill before us today, H.R. 12828, is designed to meet this problem.

In order to encourage more veterans to take advantage of the program, and to aid those veterans who are currently in school or in training programs meet expenses, H.R. 12828 increases education benefits by 14 percent, and it increases on-job and apprentice trainees benefits by approximately 48 percent.

The rate for a single veteran in a full-time job-training program would be increased from $135 per month to $154 per month. A married veteran with no children would receive $207 per month.

A single veteran attending high school or college on a full-time basis would receive $200 per month, instead of the current $175 per month. The married veteran with no children would receive $234 per month.

Mr. Speaker, a survey of veterans expenses and assets conducted by the Cypress Community College Veterans Association indicates that the average married veteran needs a $93-a-month increase in benefits to meet expenses. The same study shows that the average single veteran needs a $120-a-month increase to meet expenses.

While this bill, H.R. 12828, falls short of meeting the full expenses of our veterans currently in school or in training, it is a step in the right direction.

However, I feel that we must increase veterans benefits to a minimum of World War II levels—when 50 percent of those eligible for benefits took advantage of this opportunity.

The veteran of today has served his country with no less dignity, courage, pride, and honor than any in our history. They have sacrificed no less and deserve no less than their fathers and uncles who were called to serve before them.

H.R. 12828 is a beginning and, as such, I heartily endorse it. Let us move with great dispatch, as our country and those who have served her faithfully have a great need for this legislation.

Mr. ESCH. Mr. Speaker, let me begin my remarks by recognizing the leadership and contribution that our distinguished chairman of the House Veterans' Committee has given to veterans legislation throughout the years. Certainly without his diligence and contribution we would not have the effective programs now in existence that serve so well those who served in our armed services. However, the present legislation, H.R. 12828, I believe, falls short of an adequate program to meet the needs of our returning veterans as they seek to gain additional education and training to equip themselves for private life. For that reason I rise to speak at this time.

Mr. Speaker, H.R. 12828 as reported by the committee is a very modest step in the direction of improving veterans' education programs; however, I am disappointed with the bill because it will not come close to providing adequate financial assistance for our Nation's veterans.

The original Veteran's Readjustment Benefits Act of 1966 established several worthy goals for the veteran's education program. In part the act stated:

> The Congress of the United States hereby declares that the education program created by this chapter is for the purpose of (1) enhancing and making more attractive service in the Armed Forces of the United States, (2) extending the benefits of a higher education to qualified and deserving young persons who might not otherwise be able to afford such an education, (3) providing vocational readjustment and restoring lost educational opportunities to those service men and women whose careers have been interrupted or impeded by reason of active duty after January 31, 1955, and (4) aiding such persons in attaining the vocational and educational status which they might normally have aspired to and obtained had they not served their country.

H.R. 12828 unfortunately does not live up to those goals.

As one who received benefits under the original GI bill, I can testify to the real benefits which the program provided me in continuing my education. I believe that we should offer the same benefits to our veterans today. Veterans of the Vietnamese conflict have served in what may be called the loneliest war in our history. In recent hearings before the Education and Labor Committee it was again shown that our returning Vietnam veterans suffer from an alarming rate of unemployment. It was estimated that almost 400,000 Vietnam veterans are now unemployed. Clearly we must do more to help these men make the transition to civilian life. Many of these young men do not have an adequate level of training to obtain civilian employment at the time they are released from military service. Many others want to upgrade their skills so that they can get a better job than they had before they went in. The Federal Government should work to assist every veteran in obtaining the necessary training and education to accomplish these goals.

In the area of on-the-job and apprentice training, H.R. 12828 offers significant increases to help veterans gain necessary training for a better job. Increases for this category of veterans amount to about 48 percent.

Allowances for those veterans who are pursuing a fulltime course of evening adult courses are not offered under the proposal. This seems unfair to those veterans who want to improve their skills but find it necessary to hold down a day-time job.

Many of these issues were covered in my comprehensive veterans' education bill which I proposed last July. The proposal would pay up to $1,000 toward tuition and fees. It would have made a direct payment to schools for tuition fees, books, and related supplies. The system was designed to complement other Federal programs in higher education which have always emphasized that aid should be a function of a consumer choice mechanism. For the most part possible students should be able to choose institutions on their own. The limitations of the present bill will encourage veterans away from that concept by strictly limiting the amount of money available to the veteran who desires to attend the more costly private institutions of post-secondary education.

My proposal would have allowed sufficient flexibility for returning veterans to choose not only the type of training they desired but also where they wanted to receive that training with a combined system of subsistence allowances and direct payments to schools. This would not have provided the complete amount of money required to attend institutions of higher education but it would have gone a long way toward providing adequate levels of assistance to those who have served our country so bravely.

It is unfortunate that we are forced to consider this important program under a suspension of the rules. The questions raised in my statement deserve thorough discussion. The interests of veterans and the Congress would be better served with a debate of alternative approaches. No one in Congress can be against increasing veterans' aid programs; however, I am sure that there are many who are concerned, as I am, that the committee's proposal is far from adequate.

H.R. 12828 provides some very necessary increases in the veterans' education program; however, I am concerned that those proposed increases do not go far enough in providing an adequate level of support. The benefits accrued from the original GI bill, both to individual veterans and to the Nation, amply justified the expenditure of funds for such a program. The contribution made by our present-day veterans' demands that we offer them no less than we did those GI's who served our country during the Second World War and received education benefits under the original bill.

It is important for us today to recognize as we pass this bill that the only reasonable legislative alternative left to us is to urge the other body in its wisdom to pass a program similar to the bill sponsored by myself and 15 House colleagues, H.R. 12828.

Senator MATHIAS has already shown leadership in the Senate in sponsoring similar legislation. I am hopeful that action can be taken in that body to correct the deficiencies which I have outlined.

Mr. QUIE. Mr. Speaker, I fully support many of the improvements which will be made in the GI bill under H.R. 12828 now before the House of Representatives. I am especially pleased to see the improvements made in the on-the-farm training program.

I am, however, very disappointed that this bill, which increases educational allowances paid veterans of the Vietnam war, is coming up in the House of Representatives under a procedure which allows no amendment. I believe the House should have been allowed greater opportunity to work its will on this important subject.

One of the greatest investments the U.S. Government ever made was in the World War II veteran when benefits were paid so that the returning veteran could go to the higher educational institution of his choice. He could do so because the original GI bill provided tuition and expense payments directly to colleges and universities to cover the cost of tuition, library, health, laboratory, and other fees up to $500 for a school year plus a monthly subsistence allowance of $65 per month for the single veteran and $90 per month for veterans with dependents. With such benefits, the veteran could select almost any educational institution in the country to obtain what he considered to be the best education for his particular needs and goals.

The present GI bill is more limiting in its scope since it does not provide for payments directly to the educational institution to cover tuition and fee costs. Educational costs have escalated at a more rapid rate than the inflation in the economy generally.

According to the "Projection of Educational Statistics to 1980–81" to be published by the Office of Education, the estimated average basic student charges which include tuition and required fees, board and room for publicly controlled institutions of higher education has increased from $850 for the 1960–61 school year to $1,273 for 1970–71 and it is estimated to increase to $1,428 for the 1972–73 school year. The comparable figures for nonpublicly controlled institutions of higher education are $1,602 for the 1960–61 school year and $2,721 for the 1970–71 school year. The estimate for the 1972–73 school year is $3,107.

These costs are averages so that the higher-cost institutions would be effectively placed out of range for the veteran without access to other financial resources.

I believe that the Congress should amend the current GI bill to pay at least a portion of the tuition and fees in addition to the subsistence allowance and regret very much the fact that no amendments can be offered to accomplish this purpose.

Mr. ANDERSON of Illinois. Mr. Speaker, I rise in support of H.R. 12828, the Veterans' Education and Training Amendments of 1972, which would provide new or increased educational benefits to veterans and their survivors. Specifically, this legislation provides a 14-percent average increase in all forms of financial aid available for education and training under the GI bill. What this means, for instance, in the case of the single veteran pursuing a full-time institutional program is that his allowance will be increased from $175 a month to $200 a month. This represents a 100 percent increase over the allowance authorized when this program was initiated approximately 6 years ago. The rates for veterans with dependents would, of course, be increased proportionately in this legislation.

Mr. Speaker, I think it is significant to note that almost 3 million eligible persons have taken training under the present program and over 1.1 million beneficiaries were in training at the end of December 1971. These figures are nearly identical to the 6-year performance under the World War II and Korean programs, but a substantially higher percentage are now attending institutions of higher learning than did so under the earlier programs. I think it should also be pointed out that the provisions of this bill would make the program more accessible to veterans' survivors by removing certain restrictions on their entitlement to educational benefits. Widowers of female veterans would be eligible for certain survivor benefits for the first time under this bill.

Mr. Speaker, because of the rising cost of living, and especially increased educational costs, I think it is imperative that we approve this legislation. I urge my colleagues to join me in voting for H.R. 12828.

Mr. HOGAN. Mr. Speaker, as the sponsor of H.R. 10603, a bill in some respects more beneficial to returning Vietnam-era veterans than the measure we are considering today, I certainly support a revision of our current GI education benefits to make it possible for more of our young men who have returned from Southeast Asia to return to school as well.

Clearly, I would have preferred seeing my bill, with its more generous benefits, favorably reported by the Committee on Veterans' Affairs. In addition to providing a subsistence allowance of $175 per month with a sliding scale based upon the current assistance plan for those veterans with dependents, my bill would also have instructed the Veterans' Administration to make a direct payment to educational institutions for any eligible veterans of $1,000 per school year for the cost of tuition, required fees, books, and supplies. This latter provision would have restored the goals of the old GI bill by returning to the concept of a direct payment to the educational institutions by the Veterans' Administration.

The Committee on Veterans' Affairs has reported H.R. 12828 which, while increasing present basic allowances by 14 percent, does not include the $1,000 direct payment for tuition and required fees.

Further, H.R. 12828 contains a substantial increase of about 48 percent in the rates for on-the-job and apprentice trainees. With the serious employment problem facing our returning veterans, this provision is particularly laudable as it will prepare veterans to join the workforce in responsible positions without requiring them to go through a lengthy college curriculum.

Mr. Speaker, as I said at the time that I originally introduced my bill, this type of legislation should be viewed both as a form of relief from further burdening our already tight labor market and, more importantly, as a token of our appreciation to those men and women who have made the civilian sacrifices concomitant with serving in the Armed Forces of our country.

I include the following article from the Washington Post of December 5, 1971, in the Record at this point. The article spells out what kind of student we can expect the Vietnam veteran to be and that we can expect large numbers of them to become student-veterans in this and the coming years. Clearly, there is a great need for revamping the system of educational benefits and I urge my colleagues to approve the legislation before us today to achieve this objective.

The article follows:

[From the Washington Post, Dec. 5, 1971]

The Vietnam Vet: A Different Kind of Student

(By Nancy Ball and Malcolm MacPherson)

The surest way to pick out a Vietnam veteran on an American campus these days is to look for the student who doesn't wear an old Army fatigue jacket or a Navy pea coat. He may be evident, too, by the close attention he pays in class. And chances are he will look older than the other students, if only around the eyes.

"These guys are really serious about school when they come back," says Conrad Wedberg, dean of admissions at the University of Southern California. "Almost to a man they've told me their experiences in the service had convinced them that they didn't like being uneducated and under somebody else's orders.

"Actually, you can legitimately say that they have a passion. They really want an education."

They must. The veteran on the GI Bill today puts up with a good deal more than veterans of past wars. In the first place, his $175 per month (if he's single) to $230 per month (if he has two dependents) is only a nice beginning to his yearly expenses. Out of it—and whatever private money he can come up with—he must pay for tuition, board, books and living expenses.

The new veteran must also put up with the unfriendliness, and sometimes actual hostility, of younger classmates. Frequently, he is asked if he was at the My Lai massacre.

"People want to know how many Vietnamese you've killed," says Cornell junior Philip Anderson, "and whether you liked doing it. And sometimes they start lecturing you about the evils of war—as if we need it, for God's sake."

At Northern Illinois University, some veterans claim they are singled out for attack by dove professors. "They're against some of us veterans," says Michael Leonard, an ex-Army captain who is now a pre-engineering junior. "You offer some of your personal experiences, and the professors say, 'No, that's not true. You had such a limited view of the war that you don't know what you're talking about.' "

It is also difficult for some vets to adjust to the social life. "The girls are not on our wavelength," says former Marine Ray Martinez. "They think about James Taylor and I'm still thinking in terms of night clubs."

Nevertheless, more than half a million Vietnam vets were attending institutions of higher education under the GI Bill last year, and this year the number is even larger. Unlike the veterans of World War II and Korea, these men seem generally disinclined to take a prominent part in campus activities.

Though it is rather rare to find one who supports the war, they do not tend to join antiwar groups and activities. And they are as a group, less radical than the nonveteran students.

William David Kennedy was a platoon leader in the infantry in Vietnam. Now back at Georgia Tech, he describes himself as "moderate to conservative, more conservative than the students as a whole, I guess. But I am nowhere near the gung-ho, naive idiot I was when I went over to Nam. All the deaths over there have been a waste, but I'm glad I didn't come back to the kind of college where there are kids waving the V.C. flag."

Kennedy's main problem on first coming back to school was "the de-violencing." On one occasion, he went to an amusement park which featured a mock Indian attack. "Without thinking, I was on the floor looking for my grenades," he recalls.

At the moment, there are bills pending in Congress to raise the basic allotments for single veterans to $220 a month—and accordingly higher for those with dependents. It is considered likely that these will pass.

Mrs. HECKLER of Massachusetts. Mr. Speaker, H.R. 12828, the veterans' education and training amendments, which we are considering today, is a measure of great significance to thousands of our veterans, for whom it provides the opportunity for further education. As a member of the Committee on Veterans' Affairs, and as one deeply concerned with the needs of our veterans, particularly our returning Vietnam veterans, I am strongly in support of the passage of this most timely and meritorious legislation.

The enactment of this legislation will hold great meaning for veterans ambitious to take advantage of the opportunity to further themselves through advanced training and education, but who find that their limited means make their further education barely possible. By allowing the cost-of-living increase contained within H.R. 12828 to become effective in law, the Congress is recognizing an obligation to help our veterans redirect themselves into the mainstream of American life.

Recently, the Veterans' Administration authorized a research project undertaken by Louis Harris and Associates. This project was a study of the problems facing Vietnam era veterans in their readjustment to civilian life. Among the findings of the study was one that indicated some 15 percent of returning Vietnam era veterans were unemployed. One positive result of the passage of this legislation will certainly be an inducement and encouragement to those veterans who have wished to further their education and training, but have been prevented from this action by their limited means.

I am pleased that the amendment I offered in committee entitling widowers of female veterans to eligibility for survivor benefits was agreed upon. This, too, is a highly important step forward in a recognition of individual rights, and the equality of rights.

The Education and Training Act amendments is also responsive to State needs inasmuch as it allows for a reimbursement formula for the costs incurred by the States as a consequence of their participation in these programs for the benefit of veterans. This increment of some 20 percent should encourage continuing efficiency and smooth operation at the State level.

I wholeheartedly support this legislation and urge its passage.

Mr. ZWACH. Mr. Speaker, I rise in support of H.R. 12828. This bill will provide a much needed increase in the educational allowance rates amounting to 14 percent for all eligible veterans, wives, widows, and children attending school. This increase should meet the rising costs of education in keeping with the basic philosophy of the original GI bill which was to provide an assistance allowance to meet, in part, the costs of a veteran's educational needs.

A single veteran under this bill will receive $1,800 for the usual 9-month course of education which should meet all, or substantially all of the total costs in hundreds of fine institutions of higher learning throughout the Nation.

For on-job and apprentice trainees there will be a 48-percent increase proposed by the administration. This will provide incentives to stimulate job opportunities for veterans.

In the past considerable difficulty has been encountered by veterans through delay in the initial payment of their educational allowance. This legislation will permit an initial payment for the first whole or partial month plus a full additional month once proof has been received that the eligible veteran actually has been enrolled in an approved institution of higher learning.

This bill also will permit otherwise eligible wives and widows the right to pursue correspondence courses and allows apprentice or on-job training for wives, widows, and children. Authority is also given for eligible wives and widows to take secondary level training without charge to their basic entitlement.

Under existing law a female veteran cannot claim a husband as a dependent unless it is proven that he cannot maintain himself because of disability. A section has been included in this bill that provides that for all Veterans' Administration purposes a husband will be considered as a dependent under the same terms as a wife is considered the dependent of a male veteran. This same provision would apply to widowers.

I am particularly pleased, Mr. Speaker, with one provision of the bill relating to farm cooperative training. It was my privilege to sponsor this amendment when the bill was under consideration in committee. Veterans in my district who are pursuing farm cooperative training programs have complained to me that at various times during the year when farming activities are at a peak it is virtually impossible to complete the necessary 12 hours of classroom work per week required by law. My amendment, which is now a part of the bill, will permit a veteran to complete 528 hours of classroom instruction annually prescheduled in any manner, so long as 80 hours are completed in each 3-month period. Thus, it will be possible for a veteran to schedule his formal classroom instruction in such a manner that he is free to devote full time to farming during peak periods of farming activity, while increasing his formal training during periods of minimal activity. Additionally, Mr. Speaker, the amendment permits field trips and other group instruction not heretofore recognized in computing the number of hours of required classroom instruction.

I believe the bill is an excellent one and the farm cooperative training amendment lends the necessary flexibility to this program to make it more viable than it has in the past. I strongly support the bill and urge that it be passed.

Mr. DONOHUE. Mr. Speaker, no group of Americans is more rightfully entitled to our help and support than our war veterans, especially those returning home from Vietnam. They, particularly, return to an unstable economy, a lack of job opportunity, and the ever increasing cost of education.

H.R. 12828, the Veterans' Education and Training Amendments of 1972, which I sincerely hope will be overwhelmingly approved by the House, will go a long way toward helping these young men and women and our other war veterans attain the vocational and educational status they so urgently need and richly deserve.

The primary intent of this legislation is to provide a substantial across-the-board increase in the basic educational allowance and veterans with dependents would be increased proportionately. Additionally, the bill increases the rates of vocational rehabilitation and special training allowances. For the first time benefits would be equalized under these programs for spouses of male and female veterans. It also provides for advanced educational assistance payments to certain veterans, which should overcome the inordinate delay the veteran now too often experiences in receiving his allowance.

Mr. Speaker, in my deep conviction any indication of neglect toward or disinterest in programs of vocational training, educational assistance, and general welfare of our veterans and their dependents, especially in this critical period of our history, could be a major disaster to this country. It would represent an almost incredible unmindfulness of our Vietnam veterans who are tragically held to be the most "unwept, unhonored, and unsung" war heroes in all our history.

In summary, therefore, Mr. Speaker, this measure represents an equitable, prudent, and wise investment in the national interest and I most earnestly urge and hope that it will be resoundingly adopted here this afternoon.

Mr. BOLAND. Mr. Speaker, I rise in support of this legislation to broaden the GI bill's educational benefits. Among the most strikingly successful programs the Congress has ever enacted, the GI bill has put new educational opportunities within the financial reach of millions of veterans and their families. Almost 3 million people—veterans, their wives, their widows, their children—have taken part in the current program.

The central thrust of the legislation now before us is to increase basic educational allowances by 14 percent, significantly more than the 8.6 percent increase sought in the administration's bill. The time lag between the effective date of the last increase in benefits, February 1, 1970, and the effective date of the new increase proposed today, September 1972, makes the 14 percent figure fully justified.

The bill calls for wholesale increases—averaging a little more than 48 percent—in benefit rates for on-the-job and apprentice trainees. Hearings on H.R. 12828 revealed that the most pressing need for allowance increases exists among these trainees, men and women who now lack the financial incentive to carry through their training programs.

The bill, still further, would authorize advance payment of rehabilitation subsistence and educational assistance allowances, eliminating the nettlesome delays in the veteran's receipt of his allowance at the outset of whatever educational program he has undertaken. Other provisions of the bill call for liberalization of the eligibility requirements for correspondence courses, for institutional farm training, for the predischarge educational program (PREP).

One provision of H.R. 12828 merits special note here: it would make wives and widows eligible for correspondence courses, apprentice programs, and on-the-job training—granting them an opportunity for better jobs and better incomes without jeopardizing their family responsibilities.

Mr. MATSUNAGA. Mr. Speaker, few measures come before the House which are more deserving of support than H.R. 12828, which would increase the allowances to veterans or their families for education and training purposes.

As of December 1971, more than 1.1 million veterans or family members were enrolled in programs for which they were receiving benefits under this, the GI bill system. Nevertheless, it is clear that fast-increasing educational expenses have in many cases overburdened the veteran enrolled in the program, causing severe personal hardships, and in some cases discouraging participation in the program altogether.

Mr. Speaker, when the GI bill first paid the college and vocational education bills for the World War II veterans, it was quickly recognized to be one of the most successful and deserving of all governmental programs. In many ways, it has become today even more vital for the country, and for the individual veteran, than it was 25 years ago.

The Vietnam era veteran returns to his hometown in a much less favored position than his World War II counterpart. He finds that jobs are scarce, tuition is skyrocketing, and, instead of general adulation from those he has fought for, he finds that most people want only to forget about him and the war in which he served.

That is why, Mr. Speaker, the increases in educational and training benefits contained in H.R. 12828 are so important. The basic benefit for those enrolled full-time would be increased by 14 percent, from $175 to $200 per month. Vocational education benefits, and additional payments to veterans with dependents, would be increased proportionally. Further allowances for on-job and apprentice training programs would be increased 48 percent. As the Veterans' Affairs Committee points out in its thoughtful report on H.R. 12828, these allowances will be of direct benefit to those in greatest need of skill upgrading and job opportunities.

One other important provision, Mr. Speaker, would correct an often perplexing problem, that of the lag between the beginning of the school term and the veteran's receipt of his first check. H.R. 12828 would permit prepayment of the first partial monthly payment, and of the first full month's payment, so that the veteran could finance the substantial expenses incurred at the beginning of the term from the funds to which he is entitled but, until now, was unable to call upon.

Mr. Speaker, as one who benefited personally from the World War II GI bill, I recognize the substantial value of this program both to the veterans themselves, and to the country, for there is no more basic footing for democracy than an educated populace. I believe that H.R. 12828 would contribute substantially to that goal, and I urge its overwhelming approval by the House today.

Mr. MIZELL. Mr. Speaker, I have asked for permission to speak at this time in support of H.R. 12828, a bill to increase allowances for benefits under various veterans' educational assistance programs.

There is no segment of our society more deserving of this Government's assistance than that comprised of our veterans and their families.

Their contribution to our national life is a debt we can never fully repay, since without them there would not even be a government. Our gratitude for their service should be expressed in many ways, and not the least of them is the educational program we are seeking to strengthen and enlarge today.

The bill provides increased allowances for:

First. Service-connected disabled veterans receiving vocational rehabilitation assistance;

Second. Nondisabled veterans of service date on or after January 31, 1955; and

Third. So-called war orphans assistance for children of individuals who lost their lives from service-connected causes after the beginning of the Spanish-American War, as well as children and wives of totally disabled veterans of that period and widows of veterans who died of service-connected disabilities.

An average overall increase of 14 percent is provided for these education benefits. A substantially greater increase, about 48 percent, is provided for on-the-job and apprentice trainees.

In addition to increasing education allowances, H.R. 12828 will—

One. Authorize advance payment of the rehabilitation subsistence—under the vocational rehabilitation program—and the educational assistance allowances. This provision will give the veteran or eligible person an initial advance payment for the first month or partial month, plus an allowance for 1 full month. Proof of actual enrollment in the educational institution will be required.

Two. Extend to wives and widows the right to pursue correspondence courses, and authorize apprentice or other on-job training programs for wives, widows, and children. These types of courses are presently available to veterans. Authority is also provided for eligible wives and widows to pursue secondary level training without charge to their basic entitlement.

Three. Waive the so-called 2-year rule when a school moves, provided it is determined that the school has substantially retained the same faculty, curricula, and students without a change in ownership.

Four. Change the name of the predischarge education program—PREP—the in-service program, to preparatory education program, and authorize payment of educational allowances in cases where the eligible person is pursuing a course "needed to obtain an equivalency certificate." At the present time, the only courses recognized in this program are those leading to a secondary school diploma.

Five. Provide for an alternate method of measurement of on-farm training courses, which is designed to permit the eligible veteran who is engaged in an agricultural occupation to meet his job requirements, which change seasonally as well as during each month, based on the type of employment. Under this new plan, a program may be considered as full time if it involves a minimum of 528 clock hours in a year, prescheduled to provide not less than 80 clock hours in any 3-month period. The present dual restriction for a minimum of 12 hours per week prescheduled over a 44-week school year is retained as an alternative. In computing clock hours under either of the above alternatives, time involved in field trips and individual and group instruction sponsored and conducted by the educational institution through a duly authorized instructor of the institution in which the veteran is enrolled is included.

Six. Provide for computation of the educational assistance allowance paid veterans pursuing a course of study by correspondence based upon 90 percent of the established charge which the educational institution requires of nonveterans pursuing the same course or courses. In effect, this will require the eligible veteran to pay a minimal 10 percent of the cost of his course, thus placing the correspondence training program on a par with flight training. At the same time, the benefit payable under this type of training program will be increased, by providing that the veteran's entitlement be charged with 1 month for each $200 paid him as an educational assistance allowance instead of the current $175. This is the same benefit provided in the bill for those who are pursuing a flight training program.

Seven. Place female veterans on a par with male veterans, by including a provision which states that for all VA purposes, a "wife" shall include the husband of a female veteran and the term "widow" shall include the widower of a female veteran. Under present law, in each case it must be shown that the husband or widower must be incapable of self-maintenance and permanently incapable of self-support due to mental or physical disability.

Eight. Authorize VA to employ full-time veteran students on an intermittent basis, at an hourly rate of pay equal to the minimum rate for a grade in the general schedule contained in section 5332 of title 5, United States Code determined by VA to be appropriated for the services rendered.

Mr. ANNUNZIO. Mr. Speaker, we have before us a comprehensive bill to increase and improve veterans' GI bill benefits, H.R. 12828. The Veterans' Education and Training Amendments of 1972 provide needed assistance increases and program improvements to keep the GI bill responsive to the needs of our veterans to whom we owe so much. I commend the Veterans' Affairs Committee and the gentleman from Texas, the Honorable OLIN E. TEAGUE, for the innovative and progessive bill which they have reported. This is only a further example of the Veterans' Affairs Committee's fine efforts over the years on behalf of our veterans.

Over 3 million veterans have received training under the GI bill programs, and in December 1971, 1.1 million beneficiaries were in training. This is a program of which the Congress can well be proud. However, changing times present new problems which require new solutions. It should be our goal to provide an up-to-date, responsive GI bill so that both our veterans and our country may benefit. I believe H.R. 12828 provides this type of needed improvement.

The education and training amendments provide a 14 percent increase in assistance across the board. This increase reflects the increase in the cost of living, and rising costs of tuition and books. At the present time, a single veteran attending school full time receives $175 monthly assistance. H.R. 12828 would increase this to $200 per month. The bill also provides corresponding increases for those veterans with dependents.

In order to accelerate the impetus for our veterans to enroll in apprenticeship and on-the-job training, H.R. 12828 increases the financial assistance for these programs by 48 percent. Experience derived from implementation of the Veterans' Readjustment Benefits Act of 1966, which H.R. 12828 extends, indicates that this is the area where the greatest need has occurred, and it is anticipated that the 48 percent increase will be helpful in stimulating job opportunities for our veterans.

This bill provides a new program of advance payments to enable veterans to receive advance assistance at the beginning of the term to cover the extra expenses which arise at that time. This is the kind of program which keeps the GI bill responsive to the needs of our veterans.

Another important improvement in the GI bill proposed in H.R. 12828 is the expanded program for the eligible wives and widows of our veterans. These women need the opportunity to pursue secondary level training as is provided to veterans in apprenticeship and on-the-job training and correspondence courses. These women are in most cases supporting the children of our loyal veterans who have died in service to their country, and they need all the help that we can give them.

These amendments also remove the inequitable dependency restrictions for women veterans to receive dependency allowances for their husbands. This change will place women veterans on an equal basis with those they have served with as equals.

The changes proposed by H.R. 12828 have a central theme—to make veterans' education and training benefits more responsive to the needs of this country's deserving veterans. H.R. 12828 is a comprehensive proposal to change veterans' benefits for the better. We have, over the years, put together a good solid program of education and training for those who have served their country well. This bill will keep that valuable program up-to-date and will realistically respond to the needs of our veterans.

I support the Veterans' Education and Training Amendments of 1972. I believe our veterans deserve nothing but the best.

Mr. MILLER of Ohio. Mr. Speaker, I wish to express my support for H.R. 12828, the Veterans' Education and Training Amendments of 1972, although I have some doubts with respect to the adequacy of the new allowance levels contained in the bill.

H.R. 12828—which is the third time the original allowance has been adjusted—provides a 14-percent cost-of-living increase in educational assistance, $175 to $200, and a 48-percent hike in on-the-job and apprentice training assistance. In addition, survivor participation in the program would be expanded and VA mailing lists would be kept confidential.

Although I can understand the committee's desire to keep close rein on the evaluation of the program and the obligations that are incurred under it, I think it would be more desirable, and beneficial to the eligible veterans, if we would anticipate future increases in the cost of living and make suitable adjustments in advance. An increase in the monthly allowance from $175 to $250 for single veterans with proportionate increases for veterans with dependents would not be too far out of line at this point given the escalating costs of education and present economic conditions.

Without incorporating a hedge against such expectables, the Congress will have to return in the near future to make another additional adjustment in allowance levels all the while the veteran is having this new increase eroded away. Instead of merely restoring previous purchasing power under the GI bill, we should move toward a different policy approach which can provide the eligible veteran with a better program, more suitable to his needs and academic demands. The post-World War II direct tuition payment benefited millions of veterans and with improvements in its administrative machinery it could be equally applied to today's Vietnam veteran.

I view the GI bill as an investment in the future of America and its costs are repaid many times over through the taxes derived from the increased earning power of GI bill trained and educated veterans. We cannot and must not forget those who answered their country's call and bore the battle. They deserve our respect and that extra measure of gratitude we can provide by offering them the opportunity and means to improve their lives through education and training.

Mr. DON H. CLAUSEN. Mr. Speaker, I rise today to express my strong support for increasing the allowances provided veterans who continue their educational and vocational training under the GI bill.

There is no question that educational costs are rapidly rising and the Congress, in my judgment, must meet its responsibility to insure that those qualified and deserving veterans who are eligible to continue their studies under this program are not caught in a pinch between increasing costs and inability to pay for their education.

The GI bill is particularly valuable, in my judgment, because it does not provide a complete subsidy of educational costs. Instead, it requires the student to pay for his personal share of his expenses thereby gaining a financial stake in his education and benefiting from the increased motivation that stems from this personal equity.

Certainly the GI bill has proven itself in the past as an excellent encouragement for veterans to continue their educational progress as well as providing a means for individuals to pursue educational and vocational improvement where they might otherwise be prevented from doing so because of financial reasons.

In addition, as we move toward the necessary goal of an all-volunteer Army, the GI bill serves as an excellent inducement to encourage service in the uniformed services.

I am pleased the Committee on Veterans' Affairs has moved promptly to approve this important legislation and I am confident this House will pass it overwhelmingly.

Mr. FRENZEL. Mr. Speaker, I rise in support of H.R. 12828, the Veterans Education and Training Act of 1972. It is an essential part of the pattern of legislation which we are building in support of our returning Vietnam veterans. We are attempting here to provide these young servicemen with a firm support system for a successful return to civilian status and the opportunity to achieve a higher style of life.

This legislation will help to accomplish this basic goal by several varied methods: First, it will increase the rates of vocational rehabilitation payments, boost our educational assistance levels, and provide for special training allowances, and second, it will also provide for selected advance educational assistance payments and generally upgrade our basic educational assistance programs.

Additionally this legislation will either initiate or substantially expand programs for the on-the-job and apprenticeship training, for institutional farm cooperative training efforts, for increased assistance to children, wives, and widows and for monthly general subsistence allowance boosts.

These are all areas in which our Federal assistance is both wise and necessary, and I firmly support the efforts which we are making today. However, Mr. Speaker, despite our good intentions, we are, in this legislation, falling short of our obligations. It is in educational opportunities that we do not meet the challenge.

The level of assistance extended to those veterans returning from the Second World War certainly turned out results which easily justify the fiscal contributions made by the Federal Government. The services rendered by this present generation of war veterans are no less great. They require no less benefits than we gave their fathers.

However, a great number of changes have occurred in American society since World War II and we must accommodate to these also. Among most important of these is the diversity in size, type, and curriculum of our educational institutions.

The student today has a variety of educational opportunities, and he should have the opportunity to attend the one best suited to his individual needs and abilities. Unfortunately this legislation limits the amount investable in private colleges and universities and therefore limits the mechanism of consumer choice. I am hopeful that we can correct this failing in future legislation.

The veterans education and training amendments which we are now considering are a step in the right direction and I certainly urge their passage.

The SPEAKER pro tempore (Mr. PRICE of Illinois). The question is on the motion offered by the gentleman from Texas that the House suspend the rules and pass the bill H.R. 12828, as amended.

The question was taken.

Mr. SAYLOR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 359, nays 0, not voting 72, as follows:

[Roll No. 63]

YEAS—359

Abbitt
Abernethy
Abourezk
Abzug
Adams
Anderson, Calif.
Anderson, Ill.
Andrews
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Baker
Barrett
Begich
Belcher
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Caffery
Camp
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Wis.
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Dwyer
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Gallagher
Garmatz
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Koch
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Leggett
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McClure
McCollister
McCormack
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McMillan
Madden
Mahon
Mallary
Martin
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Melcher
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Perkins
Pettis
Peyser
Pike
Pirnie
Podell
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Reid
Reuss
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Staggers
Stanton, James V.
Steed
Steiger, Ariz.
Stokes
Stratton
Stuckey
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Ullman
Van Deerlin
Vander Jagt

Vanik
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Tex.
Zablocki
Zion
Zwach

NAYS—0

NOT VOTING—72

Addabbo
Alexander
Anderson, Tenn.
Annunzio
Badillo
Baring
Bell
Bolling
Burke, Fla.
Cabell
Carey, N.Y.
Chisholm
Collier
Curlin
Davis, Ga.
Davis, S.C.
de la Garza
Diggs
Dorn
Dowdy
Eckhardt
Edwards, La.
Fountain
Fraser
Galifianakis
Gaydos
Goldwater
Grasso
Hanley
Hanna
Hawkins
Hébert
Hull
Kluczynski
Kyros
Lennon
Long, La.
McCloskey
McKinney
Macdonald, Mass.
Mailliard
Mann
Mathias, Calif.
Meeds
Metcalfe
Moss
Nix
Pepper
Pickle
Poage
Powell
Pryor, Ark.
Riegle
Rogers
St Germain
Scheuer
Shipley
Spence
Stanton, J. William
Steele
Steiger, Wis.
Stephens
Stubblefield
Sullivan
Symington
Thompson, Ga.
Udall
Veysey
Whalley
White
Whitehurst
Young, Fla.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Bell.
Mr. Hébert with Mr. Burke of Florida.
Mr. Stubblefield with Mr. Goldwater.
Mr. Kluczynski with Mr. Collier.
Mr. Cabell with Mr. McCloskey.
Mr. Addabbo with Mr. McKinney.
Mr. Alexander with Mr. Mathias of California.
Mr. Hanley with Mr. J. William Stanton.
Mr. Macdonald of Massachusetts with Mr. Steiger of Wisconsin.
Mr. Moss with Mr. Mailliard.
Mr. Fountain with Mr. Powell.
Mr. Fraser with Mr. Riegle.
Mr. Gaydos with Mr. Whalley.
Mrs. Grasso with Mr. Steele.
Mr. Rogers with Mr. Spence.
Mr. St Germain with Mr. Veysey.
Mr. Pickle with Mr. Thompson of Georgia.
Mr. Nix with Mr. Scheuer.
Mr. Udall with Mr. Whitehurst.
Mrs. Sullivan with Mr. White.
Mr. Symington with Mr. Meed.
Mr. Hawkins with Mr. Galifianakis.
Mr. Hanna with Mr. Dowdy.
Mr. Anderson of Tennessee with Mr. Pryor of Arkansas.
Mr. Baring with Mr. Pepper.
Mr. Lennon with Mr. Mann.
Mr. Hull with Mr. Metcalfe.
Mr. Stephens with Mr. Long of Louisiana.
Mr. Dorn with Mr. de la Garza.
Mr. Diggs with Mr. Badillo.
Mr. Davis of Georgia with Mr. Kyros.
Mrs. Chisholm with Mr. Eckhardt.
Mr. Davis of South Carolina with Mr. Young of Florida.
Mr. Curlin with Mr. Carey of New York.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on March 1, 1972, the President approved and signed bills of the House of the following titles:

H.R. 8699. An act to provide an Administrative Assistant to the Chief Justice of the United States; and

H.R. 9180. An act to provide for the temporary assignment of a United States magistrate from one judicial district to another.

TRUST TERRITORY OF THE PACIFIC ISLANDS

Mr. BURTON. Mr. Speaker, I move to suspend the rules and pass the bill (S. 860) relating to the Trust Territory of the Pacific Islands, as amended.

The Clerk read as follows:

S. 860

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. For the purpose of promoting economic development in the Trust Territory of the Pacific Islands, there is authorized to be appropriated to the Secretary of the Interior, for payment to the government of the Trust Territory of the Pacific Islands as a grant in accordance with the provisions of this title, an amount which when added to the development fund established pursuant to section 3 of the Act of August 22, 1964 (78 Stat. 601), as augmented by subsequent Federal grants, will create a total fund of $5,000,000, which shall thereafter be known as the Trust Territory Economic Development Loan Fund.

SEC. 2. The grant authorized by section 1 shall be made only after the government of the Trust Territory of the Pacific Islands has submitted to the Secretary of the Interior a plan for the use of the grant, and the plan has been approved by the Secretary. The plan shall provide among other things for a revolving fund to make loans or to guarantee loans to private enterprise. The term of any loan made pursuant to the plan shall not exceed twenty-five years.

SEC. 3. No loan or loan guarantee shall be made under this title to any applicant who does not satisfy the territorial administering agency that financing is otherwise unavailable on reasonable terms and conditions. No loan or loan guarantee shall exceed (1) the amount which can reasonably be expected to be repaid, (2) the minimum amount necessary to accomplish the purposes of this title, or 25 per centum of the funds appropriated pursuant to section 1. No loan guarantee shall guarantee more than 90 per centum of the outstanding amount of any loan, and the reserves maintained to guarantee the loan shall not be less than 25 per centum of the guarantee.

SEC. 4. The plan provided for in section 2 shall set forth such fiscal control and accounting procedures as may be necessary to assure proper disbursement, repayment, and accounting for such funds.

SEC. 5. The High Commissioner of the Trust Territory of the Pacific Islands shall make an annual report to the Secretary of the Interior on the administration of this title.

SEC. 6. The Comptroller General of the United States, or any of his duly authorized representatives, shall have access, for the purpose of audit and examination, to any relevant books, documents, papers, or records of the government of the Trust Territory of the Pacific Islands.

The SPEAKER. Is a second demanded?

Mr. DON H. CLAUSEN. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. BURTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of S. 860 is to establish for the first time congressional guidelines for the development loan fund for the trust territory and also to establish a ceiling of $5 million on the funds which can be appropriated to it.

The development loan fund, whose purpose is to encourage the economic growth of the private sector in the trust territory, grew up in a very haphazard fashion in response to the need for local capital.

The present fund came into being in 1964 with a one-line authorization transferring $369,000 to an economic development fund. Since then the fund has grown through appropriations to the present level of almost $1.9 million. The administration has asked for the appropriation of an additional $1 million for fiscal year 1973. This would bring the fund up to a total of $2.9 million.

For a long time, I have been deeply concerned about the economic future of Micronesia. There are, I am sure, many Members present who remember World War II some of these islands: Kwajalein, Peleliu, Saipan where our forces drove out the Japanese in bloody battles. Actually there are 2,000 islands in all scattered across 3 million square miles of ocean. Or to put it another way, 100,000 people live in an ocean area the size of the United States.

After the war, the United States signed a trusteeship agreement with the United Nations and assumed responsibility for governing the islands of Micronesia in such a way that her peoples would be prepared to manage their own affairs. For the first 16 years after we conquered Micronesia, the United States paid little attention to those islands and they were allowed to languish through administrative indifference. When President John F. Kennedy assumed office his deep concern for the underprivileged extended to Micronesia, and America started to meet her responsibilities to those people. The Congress responded generously to the new programs of President Kennedy and the period of benign neglect ended for Micronesia. The policies initiated during the Kennedy era have been continued by succeeding administrations and Congresses. We have built schools, hospitals, powerplants, airports, water systems, harbors, roads, ships, and homes. I would not, for 1 minute, leave the impression that Micronesia is a modern American paradise. Nor would I declare that our administration has been particularly efficient.

But in the last 12 years, we have created a rather extensive superstructure of government and public works which is expensive to maintain. We have given, and are continuing to give, the Micronesians the benefits of a modern technical society which they cannot in any way support on their own.

As I stated before, Mr. Speaker, I have long been concerned about the trend in Micronesia. I have discussed it with the leaders of Micronesia many times, and with the officials of the Interior Department and with the Members of the Trusteeship Council of the United Nations.

And I would note, the concern expressed by the Trusteeship Council last year was that the people of Micronesia had become so dependent on American subsidies that they were no longer masters of their own destiny.

And this same attitude has been expressed by the Micronesian leaders themselves both in discussions with me and in the meetings of the Congress of Micronesia. It is not that the Micronesians are not grateful for the generosity of the United States, it is just that they would like us to show them how to pay for the technical society we have lead them into.

To put it another way, we have done a great job of showing the peoples of Micronesia how to spend money, but we have neglected to show them how to earn it.

The economy of Micronesia has remained consistently stagnant since the era of Japanese economic exploitation. Her exports declined 25 percent last year while her imports increased. While there have been plans for the economic development of the trust territory, the government itself has never had a consistent policy. I would like for a moment to pursue a few depressing statistics. There are approximately 91,000 people in Micronesia. The United Nations estimated the average per capita income at $1,000. In fiscal year 1971, about 12,500 Micronesians worked for wages. Some two-thirds of these were employed by a government agency. Most Micronesians still live in a subsistence economy. A cash economy exists principally in the district centers on the main islands.

Most businesses in the trust territory are small, individualistic enterprises with emphasis on the wholesale and retail trades, and on tourism.

Only in the areas of agriculture, marine resources and tourism does there appear to be a potential for growth. While Micronesians are not involved with large-scale commercial fishing, other Pacific nations are fishing in their waters. Funds allocated for developing marine resources have remained static. Tourism has grown at a moderate rate, with Saipan becoming particularly popular with Japanese visitors. Agriculture has generally been confined to the harvesting of coconuts for copra.

The growth of agricultural cooperatives has lagged due to the failures of government and the malfeasance of Micronesian government. Economic development has been hampered because of the vast distances between the principal islands. Sea transportation is unreliable and the principal shipping company, Micronesian Interocean Lines, was taken over by the government last year when it appeared to be at the point of financial collapse. Pilferage, damage and misdelivery of cargo is endemic.

Most Micronesians have no experience in business and start out as novices in any commercial enterprise. And finally, there is a lack of development capital, particularly high-risk capital. The government, in an attempt to protect an economically immature society from exploitation—a fear which the history of Micronesia well justifies—prohibits the transfer of land to non-Micronesians. Therefore, land is not available as security for loans.

The main islands of Micronesia are served by branches of either the Bank of America or the Bank of Hawaii. As is customary, the banks must get approval for large loans from officers outside the territory. The banks naturally seek low-risk loan opportunities. Being foreign banks, they cannot accept real estate mortgages. Because low-risk lending opportunities are limited, a recent report of the Congress of Micronesia estimated that one-half of the deposits in local banks probably are sent outside the territory for investment. As the last report of the Trust Territory Government showed only $7.7 million in total bank deposits, the shortage of development capital becomes readily obvious.

It was as a natural response to this situation that the Trust Territory Governments economic development loan fund grew up. It has increased from $369,000 in 1964 to $1,893,909.22 for the current fiscal year.

In a report of the Fourth Congress of Micronesia, January, 1972, titled "Economic Development in the Trust Territory of the Pacific Islands" there is the comment that the fund has "numerous operating problems, the most fundamental of which is that loans are in no way related to economic development priorities. This is reflected in both the amounts of the loans and in the enterprises which receive funds."

Previously, I had arranged for two members of our staff to go to Micronesia to study the policies of this fund. Their report came to precisely the same conclusion. The funds were not being used to encourage a logical economic development program. The loans were scattered all over the economic map with no apparent attempt to foster logical development of any particular industry. In addition, no technical assistance was given to recipients in setting up their businesses.

At present, the loan fund has no money available for investment other than that received in loan repayments.

It has on hand applications for $3.3 million in loans. There is no question of the need for additional capital in my opinion.

Up to January 31 of 1971, the fund had made 135 direct loans totaling $1.6 million and had guaranteed 69 commercial loans totaling $1.8 million.

The legislation before us seeks to create a more orderly use of economic development funds.

It requires a plan which must be approved by the Secretary of the Interior.

It provides that commercial loans must be unavailable before a borrower can receive money from the fund.

It permits either direct loans or guaranteeing of commercial loans.

It sets prudent limits on the amount of loans.

It requires an annual report on the operation of the fund.

It authorizes the Comptroller General to audit the fund.

I think this legislation establishes a proper framework for the operation of this fund and resolves the complaints I and other members of the committee have had.

The executives of the fund have estimated that increasing it to $5 million will result in generating an additional $5.8 million in direct loans and $7 million in guaranteed loans. Our committee has been assured that the policy of the fund is to shift away from consumer type loans to sectors which are involved in production such as marine resources, agriculture and manufacturing.

The loans are intended to help Micronesians start Micronesian-owned enterprises.

Speaker Bethwel Henry of the Congress of Micronesia stated recently:

> In the area of Micronesia's economy, we face great challenges in moving forward. At present, it is heavy with grant funds, while resources and development and the private sector remain under-nourished. Thus, while our coffers overflow, we find our policies bankrupt.

I would like to commend Congressman John SAYLOR, the distinguished ranking minority member of our committee, who introduced legislation—H.R. 1130—similar to this. Congressman SAYLOR deferred to the Senate bill to expedite the important objectives of establishing this fund.

The Economic Development Loan Fund is a good investment not only for the peoples of Micronesia, but also for the United States which looks forward to the day when the territory will become self-supporting.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BURTON. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, it was not so long ago, if I remember correctly, when the House authorized a considerable amount of money for this area in ex gratia payments, and so on. Is that not correct?

Mr. BURTON. Yes, the gentleman from Iowa is correct. The House Foreign Affairs Committee acted on, and the House approved paying the war claims and post secure claims carrying over from World War II. It will be at least another year before the claims start to be paid.

This loan fund authorization was requested by the administration. It would provide an additional $3.1 million to encourage private industry and private enterprise by way of the development loan fund in the Trust Territory of the Pacific. As the distinguished gentleman from Iowa knows, the Trust Territory of the Pacific consists of some 2,000 islands. There is little investment capital available.

It was the view of the administration—a view unanimously concurred in by our subcommittee and full committee—that this rather modest sum of an additional $3.1 million should be made available for private investment purposes.

Mr. GROSS. Would it not have been, perhaps, a little more provident to let the dust settle on the other before coming up with an additional amount in this bill, in this authorization, and would it not have been well to wait in particular for the government of the trust territory to submit its plan to the Secretary of the Interior and have it approved before authorizing this money?

Mr. BURTON. The bill provides that funds will not be made available until the trust territory supplies a plan for the use of the fund and it is approved by the Secretary of the Interior. Our committee thought this would be a wise thing to do.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. BURTON. I yield to the distinguished gentleman from California (Mr. Miller).

Mr. MILLER of California. In 1949 I had the privilege of visiting typical islands throughout the trust territory. These are the stepping stones in the Pacific which are of great importance to this country and its security. We spilled lots of American blood on these islands.

Now, unfortunately, there is nothing that we can offer these islands to sustain their activities, whereas when they were under the Japanese mandate they could produce the fatty oil, the copra oil, that Japan needed very badly. On some of the islands there were sugar plantations, but we cannot use their sugar, and there really is not enough of it. So this died on Tinian and Saipan. We left these people bereft of much of a way of making a living. It has been a part of our responsibility.

I believe we can hang our heads a bit that we have neglected these people, for whom we accepted responsibility from the United Nations.

Mr. BURTON. I thank the distinguished gentleman.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. BURTON. I yield to the distinguished gentleman from Missouri.

Mr. HALL. I appreciate the gentleman's yielding.

Is it not true, as the gentleman's report says, that title II of the bill, S. 860, as presented, has already been authorized in separate legislation; namely, Public Law 92–39?

Mr. BURTON. The gentleman is correct.

Mr. HALL. Secondly, is it not true that there is some question about title IV at least insofar as the departmental views are concerned—and this pertains to the remarks of the gentleman from California (Mr. Miller), who has just spoken—that, insofar as it involves servitude, including the draft, conscription, selective service, and so forth and so on, of these people, that it is against the United Nations mandate which we have agreed to abide by insofar as the trust of these territories is concerned?

Mr. BURTON. The gentleman is correct. The State Department contends it is a violation of the trusteeship agreement with the United Nations.

Mr. HALL. Is it the intention of the gentleman bringing the bill onto the floor under a suspension of the rules procedure to move that these two titles be amended out, or did the gentleman ask for consent to bring it up under suspension to amend out titles II and IV?

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. BURTON. I yield to the gentleman from Colorado, the distinguished chairman of the full committee.

Mr. ASPINALL. The gentleman from California, when he brought the bill before us under a suspension of the rules procedure, asked that it be considered as amended.

Mr. HALL. That is the question I asked. Is it the intention, then, to offer amendments to strike those two titles?

Mr. BURTON. It is our intention that the bill, as brought before the House for final approval, will be without the two titles the gentleman from Missouri mentioned, and also without title III.

Mr. HALL. I thank the gentleman.

Mr. DON H. CLAUSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 860, as amended, and reported by the Committee on Interior and Insular Affairs. The purpose of the bill is to promote the economic development of the Trust Territory of the Pacific Islands, of which the United States is the administering authority. This bill will assist in fulfilling our obligation, as trustees of ths area, and help to erase some long-standing and acknowledged weaknesses in our efforts to promote the private sector of the trust territory economy.

The bill authorizes the appropriation of approximately $3.1 million, to an existing fund, to create a total fund of $5 million to be known as the Trust Territory Economic Development Loan Fund.

The existing fund is the residue of the revolving fund established by the Interior and Related Agencies Appropriations Act of 1956, which provided for loans "to locally owned private training companies in the Trust Territory of the Pacific Islands." That fund was abolished by Public Law 88–488 in the 88th Congress and transferred the total assets to the Government of the trust territory as a development fund. The amount so transferred was in the sum of $369,000. Subsequent appropriations have increased the fund to a level of $1,893,909.22. Since 1964, this revolving development fund has generated $3.4 million in direct and guarantee loans.

It is estimated that the additional appropriation authorized by this bill could generate an additional $12.8 million in direct and guarantee loans, with a shift away from consumer type loans to loans of productive economic activity in the fields of marine resources, construction, manufaturing, agriculture and tourism.

The bill provides that these funds will not be made available until the Secretary of the Interior has approved the plan or loan program submitted by the trust territory government for the use of the funds, and requires that no loan shall exceed 25 years from the revolving fund of direct and guarantee loans. The bill also provides that no loan or loan guarantee shall be made unless commercial financing is not available on reasonable terms and conditions.

In addition to other fiscal controls and accounting procedures, the bill requires the High Commissioner of the trust territory to make an annual report to the Secretary of the Interior on the use of the funds and permits the United States to have access to all the books, documents, and records for the purpose of audit and examination.

Mr. Speaker, the economy of the Trust Territory of the Pacific Islands is substantially a subsistence economy at the present time. A gradual shift to a money economy is the result of the numbers employed in the trust territory government. Economic development in this area is still dependent on the assistance of the U.S. Government to assist Micronesians in obtaining adequate capital for investment. Local resources for capital investment are limited as in any developing area and, without the influx of capital provided by this legislation, there will be few opportunities for employment, little to generate goods and services, and continued dependence in the United States. The economic development of the trust territory is one aspect of our trusteeship which has not progressed as well as our efforts in the social and political development of this area. Many factors have contributed to the slow rate of economic growth, including Micronesian custom and tradition. As a result, there has been, and there still is, a continuing Asian influence of capital and entrepreneurship in the Trust Territory of the Pacific Islands.

This bill, providing additional funds to promote the economic development of the trust territory is both necessary and timely, and I urge its passage.

Mr. SAYLOR. Mr. Speaker, I rise in support of this legislation as reported by the Committee on the Interior and Insular Affairs. As the sponsor of similar legislation, H.R. 1130, to promote the development of the Trust Territory of the Pacific Islands, I think the objectives of my bill and S. 860, as amended, will ultimately serve the same purpose.

S. 860 will authorize the appropriation of approximately $3.1 million to create a $5 million fund for the economic development of the trust territory through both direct and guarantee loans. These loans will be made in accordance with a plan to be approved by the Secretary of the Interior and submitted by the Government of the trust territory.

It is important to keep in mind that what we are authorizing in this legislation is essentially a loan program. And, these loans, will be made only if other types of financing are not available on reasonable terms and conditions. The bill provides for fiscal controls and accounting procedures, an annual report, and the audit and examination of the relevant books and documents.

The funds authorized to be appropriated for the economic development loan fund this legislation will be in addition to the existing funds which have been used as a revolving loan program to develop the present economy of the trust territory made up of wholesale and retail trades, construction and housing, and tourist-related enterprises.

The additional funds authorized for appropriation by S. 860 will provide the capital to establish poultry and livestock enterprises and other agricultural businesses. Some of the loans are programed, we are told, for the purchase of construction materials, equipment, and the purchase of warehouses. Other loans are programed for boat building, manufacturing, beverage processing, ceramics, charcoal, handicrafts, shoes, island attire, coconut products, food processing and other businesses.

A major share of these new funds will go for loans to marine resource enterprises such as fishing, boats, and fish receiving and handling facilities.

The recent session of the Congress of Micronesia emphasized the need for more economic development of the trust territory. This growing awareness on the part of the people of the trust territory indicates that certain customs and traditions which have delayed economic development in the trust territory is a barrier to economic growth of this area. In a sense, the desire for more economic development in the trust territory is a concept whose time has come. And, we as the trustee of this area must accept the obligation and responsibility to assist the Micronesian people to achieve a money and self-sustaining economy.

Mr. MATSUNAGA. Mr. Speaker, I rise in support of S. 860, which would promote the economic and social development of the Trust Territory of the Pacific Islands. The bill would authorize a grant of $3.1 million which, when added to the existing fund, would create for Micronesia an economic development loan fund of $5 million.

Micronesia—"tiny islands"—is viewed more and more as the Asian gateway to Hawaii and to the American mainland. Because of its strategic location, Micronesia will play an increasingly important role in Pacific development in the years ahead—an era which we hope will be marked by peace and progress.

Captured by American forces in World War II and awarded to the United States under a United Nations trusteeship a quarter of a century ago, the Islands extend across the central Pacific in a broad arc approximately 2,400 miles long and 1,000 miles deep. Micronesia consists of four main archipelagoes—the Marshall Islands, the Eastern and Western Carolines and the Marianas—among which travel is difficult, irregular, and expensive. These are some of the factors which limit the people of Micronesia to three principal fields of economic endeavor: agriculture, particularly the production of copra; fishing, mainly for tuna; and tourism, the fastest-growing resource. Micronesians also find that capital is difficult to obtain.

It was in these circumstances that Congress in 1964 established an economic development loan fund with the assets which were realized from the liquidation of a government-owned island trading company. The fund has had a tremendous beneficial impact on the Micronesian economy. Up to January 31, 1971, the fund had made 135 direct loans totaling $1.6 million and had guaranteed 69 commercial loans totaling $1.8 million.

The legislation we are now considering would authorize a grant of some $3.1 million to bring this fund up to $5 million. There can be no doubt that loans from this fund, as thus increased, will materially help to develop wholesale and retail trades, construction and housing, and tourist-related enterprises.

Mr. Speaker, it has been said by some in past years that America's stewardship of Micronesia has not been exemplary. The enactment of S. 860 alone will not silence this criticism; but the enactment of this bill, when considered with other recent legislation providing for improvement of education, health, transportation, and industry in the Trust Territory, will do much to improve the stature of the United States as a responsible and concerned trustee of Micronesia.

I therefore strongly urge a favorable vote for S. 860.

The SPEAKER. The question is on the motion of the gentleman from California that the House suspend the rules and pass the bill S. 860, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BURTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed and on H.R. 9545, a bill passed earlier today.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

NINTH ANNUAL REPORT ON SPECIAL INTERNATIONAL EXHIBITIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs.

To the Congress of the United States:

As required by law, I hereby transmit to the Congress the Ninth Annual Report on Special International Exhibitions conducted during Fiscal Year 1971 under the authority of the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87–256).

This report covers exhibits presented abroad by the United States Information Agency at international fairs and under East-West Cultural Exchange agreements. It also features exhibits and labor missions presented abroad by the Department of Labor, and trade missions organized and sent overseas by the Department of Commerce.

RICHARD NIXON.

THE WHITE HOUSE, *March 6, 1972.*

SALINE WATER CONVERSION PROGRAM

Mr. JOHNSON of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 12749) to authorize appropriations for the saline water conversion program for fiscal year 1973 to delete section 6(d) of the Saline Water Conversion Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 12749

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated to carry out the provisions of the Saline Water Conversion Act of 1971 (85 Stat. 159) during fiscal year 1973, the sum of $26,871,000 to remain available until expended as follows:

(1) Research expense, not more than $5,850,000;

(2) Development expense, not more than $12,,131,000;

(3) Design, construction, acquisition, modification, operation, and maintenance of saline water conversion test beds and test facilities, not more than $5,085,000;

(4) Design, construction, acquisition, modification, operation, and maintenance of saline water conversion modules, not more than $1,075,000; and

(5) Administration and coordination, not more than $2,730,000.

Expenditures and obligations under paragraphs (1), (2), (3), and (4) of this subsection may be increased by not more than 10 per centum and expenditures and obligations under paragraph (5) may be increased by not more than 2 per centum, if any such increase under any paragraph is accompanied by an equal decrease in expenditures and obligations under one or more of the other paragraphs.

The SPEAKER. Is a second demanded?

Mr. HOSMER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. JOHNSON of California. Mr. Speaker, I yield such time as he may consume to the chairman of the full committee, the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Speaker and Members of the House, this is one of the pieces of legislation coming from the Committee on Interior and Insular Affairs which requires an annual authorization before the appropriation is in order.

Mr. Speaker, in the 92d Congress, Congress enacted the Saline Water Conversion Act of 1971. That legislation consisted of an updating of the basic legislation charter under which the Secretary of the Interior carries on the saline water conversion program. In addition to updating and modernizing the law to more nearly reflect conditions of the 1970's, the act authorizes to be appropriated such sums as are specifically set out in annual authorizing acts. H.R. 12749, which we are considering today is such legislation.

It is one of a continuing series which the Committee on Interior and Insular Affairs annually presents to the House. Conceptually, it is a simple bill, in that it does nothing more than authorize an appropriation for fiscal year 1973 in the amount of $26,871,000, the precise amount that has been requested in President Nixon's budget for this activity. The chairman of the Subcommittee on Irrigation and Reclamation which handled this bill, the gentleman from California (Mr. JOHNSON) will discuss the details and the justification for this amount. I would like first, however, to make some general observations about this program; to tell my colleagues how this member, and I believe most of the other members of the committee, now regard this program.

We have had the saline water conversion program for approximately 20 years. At the beginning, it had as its objective the development of technology through which mineralized water could be converted to the state of being useful for the entire range of economic purposes for which society uses water. This remains its sole and only objective.

We have had trouble through the years with this objective, because many people either did not recognize or chose to ignore that the objective had two dimensions. The first, and apparently the only one that many people recognize, is the physical dimension. Can we physically convert mineralized water? Well, obviously we could do this 20 years ago if cost were no object. The second dimension to the objective is that of economics. This is the dimension that has been overlooked through the years by those who would overdramatize this program and its potential. In the judgment of this Member, those who have held out the promise of "making the desert bloom," and those who have, for whatever reason, pointed to desalting as the universal panacea and substitute for other forms of water resource development activity are not friends of desalting, they are its enemies. They are its enemies because they foster false hopes which when not achieved, bring our efforts into disrepute.

There are people, both within and without Government, who continue to forecast and hope for a sensational breakthrough in desalting technology. Up to the present time, they have been disappointed and they are quite likely to continue to be disappointed, for we do not expect a breakthrough. We are, however, achieving a "workthrough." Let me amplify this point.

There are areas of public research and development where the goal is finite and readily definable. Our committee report on this bill lists some of these. For instance, an effective polio vaccine is a finite goal; sustaining a controlled nuclear reaction is another; and we could name any number of others. There is no such finite goal to desalting research. Progress in this area is measured by the extent that desalting technology is competitive with other water resource development technology in meeting society's water needs.

One has only to acknowledge the multiplicity of economic settings and alternative source available to water utility planners to realize that there is no set cost in cents per thousand gallons or dollars per acre-foot that, when achieved, will make desalting universally competitive. Indeed, there are economic settings where such is already the case, and they are becoming more prevalent as time goes on. The question then is not the cost of desalting in an absolute sense, but rather is any given cost competitive and apt to thus be selected for implementing action programs.

As our water needs increase, our conventional sources become more scarce and expensive. This fact, alone, tends to increase the number of instances where desalting is the most economical solution to a problem. As the state of the desalting art is enhanced through research and development and the absolute cost of desalting is reduced, there will be a corresponding increase in the number of applications; and this trend is being borne out every day as new plants are installed both here and abroad.

The mission of the Office of Saline Water in the Department of the Interior is to work toward that enhancement of the state of the art; not on an overpublicized crash-program basis, but on a deliberate, flexible, multifaceted basis.

It could be asked, why is the Federal Government financing this type of activity? Or, why not let the private sector put up the money for a program of this type? The answer is, of course, that industry simply cannot afford to take the risk that is inherent in this research. The return, if any, would be so long in coming that the research likely would not be undertaken. Saline water conversion research is no different in this respect than most all other publicly financed research.

In a similar vein it could also be asked how much of the enhancement of the state of the desalting art is creditable to the programs of the Office of Saline Water as distinct from the limited private and foreign research that is going on in the field? The answer to this question is difficult to determine. Indications are, however, that the vast percentage of gain in this area stems from the Federal program, as most other research in this field is proprietary either to the firm or country sponsoring it and it is thus not widely available for application generally. There is also the well-documented fact that there had been no appreciable improvement in the desalting art for ages prior to the inception of this program.

Mention of proprietary rights to desalting research suggests the subjects of patent policy, concerning which the committee gave considerable thought and study in its hearings and markup. Members will notice that, the committee did not adopt section 2 of the administration's proposed bill which would have repealed existing statutory policy on patents. The committee believed this area of the public's business to be of sufficient importance to justify a continuing legislative involvement, despite acknowledged problems in administering the existing statute. For this reason, we have set out in our committee report that we would be willing to consider amendatory legislation to correct deficiencies in the Saline Water Conversion Act of 1971.

Mr. Speaker, I have taken this time to offer these thoughts about the desalting program for two reasons. The first is to explain to the House the nature of saline water conversion research as distinct from other contemporary research programs; the better to justify its seemingly excessive duration. The second reason, is to make the point that the programs authorized by H.R. 12749 do indeed have a rational objective and that such objective is being attained.

Accordingly, I endorse fully the bill, H.R. 12749, and recommend its enactment.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Iowa.

Mr. GROSS. I believe the report indicates that there has been on the part of the Federal Government an expenditure of approximately $240 million for this purpose. Does that take all expenditures into consideration?

Mr. ASPINALL. Does it take all, did the gentleman say?

Mr. GROSS. Yes, take all of the Federal expenditures into consideration throughout the years?

For instance, this does not cover all expenditures of the Federal Government. The report says:

> Up to and including fiscal year 1972 there has been authorized for appropriation, pursuant to the foregoing statutes, the aggregate amount of $239,088,000.

I said $240 million just to use a round figure.

Mr. ASPINALL. That is correct.

Mr. GROSS. And that is the total?

Mr. ASPINALL. That is the total since the program was enacted back in the year, if I remember correctly, 1952.

Mr. GROSS. Does that include the expenditures by the Atomic Energy Commission for this purpose?

Mr. ASPINALL. The Atomic Energy's contribution is very minor.

I will yield to my friend, the gentleman from California (Mr. HOSMER), for his answer to that.

Mr. HOSMER. I thank the gentleman for yielding.

In answer to the inquiry of the gentleman from Iowa, it does not. But what work the Atomic Energy Commission has done in this area has been done under contract from the OSW, and therefore the money is on the budget of the OSW, and not on the AEC.

Mr. GROSS. How much would that be?

Mr. HOSMER. These are small, individual contracts for specific types of research that the OSW might require to correlate into its entire program, and we have not even bothered to make a separate accounting of this. In this year I would imagine it might be as high as $50,000, maybe more or less.

Mr. ASPINALL. Not very much more.

Mr. GROSS. If the gentleman will yield further, this does not include the appropriations that have made for carrying out desalting experiments in foreign countries, is that correct?

Mr. ASPINALL. This includes whatever authority the Office of Saline Water has for carrying out any of its activities in foreign countries.

My colleague will remember that just a few years ago we cut back on this. And my colleague will also remember that in the foreign aid program that the state of Israel had secured a loan, but I can tell my colleague as far as I know, that has never been activated.

Mr. GROSS. The Israel deal started out at $40 million and was approved by the House, as I remember, at $20 million. I do not believe it was a loan. If so, it would certainly be considered as a grant because I doubt this Government would ever get anything back because they were out to do, what the gentleman from Colorado insisted a few moments ago could not be done economically—make the desert bloom.

Mr. ASPINALL. That is right.

Mr. GROSS. That was their announced plan. Their need for the $20 million was to produce fresh water to irrigate for the purpose of growing crops.

I notice there is an increase in the administrative costs of the bill. Why would there be an increase in the administrative costs of the bill when the report also states that there will be increases in the staff?

Mr. ASPINALL. There are certain pay raises that have to be taken into consideration. This is incorporated in the new authorization.

Mr. GROSS. The gentleman has stated that there has been no real breakthroughs in the production of fresh water, in the desalting process—no breakthroughs from the economic standpoint.

Mr. ASPINALL. If my colleague will permit me, I tried to draw the difference between a spectacular breakthrough and a workthrough. Working on the reverse osmosis program at the present time, it looks as if we will be able to get a workthrough achievement and this is what we are trying to do.

Mr. GROSS. Does the gentleman see any end to these appropriations for this purpose?

Mr. ASPINALL. I would not suggest to my friend that I can see at this time any end to this kind of a program because water is so necessary for human life—and the way we are operating at the present time and in view of the requirements of environmentalists, and with the desire that we keep our waters as pure as possible, I think the saline water program will have much to offer in days to come in trying to find answers so that suitable water may be available where required.

Mr. GROSS. I thank the gentleman.

Mr. HOSMER. Mr. Speaker, I rise in support of H.R. 12749, to authorize appropriations for the saline water conversion program for fiscal year 1973.

This bill authorizes the appropriation of $26,871,000 to carry out the activities of the Office of Saline Water, of the Department of the Interior, in fiscal year 1973. The Office of Saline Water proposes to conduct its desalting research and development program for fiscal year 1973 in five major categories.

In the research category, the request is for $5,850,000. This is an increase of $375,000 which reflects the increased emphasis to be placed on the development of sea water membranes, geothermal brines, heat transfer and materials, and renewed research on the freezing process. In the development category, the request is for $12,131,000. This figure reflects a $1,931,000 increase over the 1972 development program, will involve the construction of a new freezing process pilot plant, and the continuing development work and operation of existing pilot plants involving other processes constructed in fiscal 1972.

The emphasis will be on the development of the sea water and brackish water reverse osmosis systems and the total system feasibility of desalting actual geothermal brines.

The design, construction, etcetera test bed and test facilities category reflects a $2,300,000 reduction over the fiscal 1972 authorized program. The reduction is the result of the nonrecurring expense for acquisition and construction of two reverse osmosis test beds and modification of existing plants. The request for fiscal 1973 of $5,085,000 will be spent for the first year operation of the two reverse test beds, operating and maintenance cost increases, and some modification and updating of 9-year-old facilities to modern technology.

The module category is reduced by $350,000 as a result of the reduction in operating funds required for the multistage flash module at San Diego, Calif. The request for $1,085,000 in fiscal 1973 will be spent on improving operations on existing modules with no new procurements.

The increase of $190,000 reflected on the request of $2,730,000 for administration is to cover the 1971 pay increase. No additional staff is requested.

Mr. Speaker, the request of the Office of Saline Water for $26,871,000 for its fiscal 1973 program has received the careful scrutiny of the Committee on Interior and Insular Affairs. The program for fiscal year 1973 indicates some desirable changes in the Office of Saline Water program. The proposed program for fiscal year 1973 indicates a trend toward matching research and development to on-going plant operation to obtain the maximum values, rather than multiple-stage development of processes and hardware requiring increasing program costs.

The committee, in considering the administration request to delete the present provisions of the Saline Water Conversion Act relating to patents, was of the opinion that a sufficient case for the repeal of section 6(d) was not made before the committee. Accordingly, the committee chose to retain those provisions in the law. A more complete justification for repeal of section 6(d) in the future could achieve that end or more desirable language so as not to foreclose or deprive the program of available expertise in this field.

Along with the change in program, the saline water program is making major strides in advancing the technology of desalting water. On January 27 of this year I was privileged to participate with the Secretary of the Interior in the Fountain Valley inaugural ceremony of the joint effort by the Office of Saline Water and the Orange County Water District of Orange County, Calif., to combine an advanced Office of Water Saline VTE/MSF module with the world's largest water reclamation plant. This plant represents the fine cooperation between the Office of Saline Water as a Federal interest and the local and State interests. This joint effort will be a significant development tool for the Office of Saline Water, it also will help meet the water needs of Orange County by providing water for blending wtih reclaimed waste water and injection into natural aquifers to prevent sea water intrusion.

Another area in which the Office of Saline Water program is moving toward some meaningful progress, hopefully, is in the studies and experimental investigations underway for desalting geothermal brines. The 1973 Office of Saline Water program contemplates the placement of a small scale pilot plant to an operating geothermal well in the Imperial Valley of California to demonstrate feasibility of the multipurpose use of geothermal water for combined desalting and power generation processes. This effort is being fully coordinated with the Bureau of Reclamation of the Department of the Interior. If R. & D. ultimately is successful, and the necessary major investments are made, it is conceivable that there may be produced upward of 2.5 million acre-feet of water per year for the Colorado River system and possibly to 10 million kilowatts of electrical generating capacity added to the Pacific Southwest power system.

These efforts indicate that the program of the Office of Saline Water, its available processes, technology, and costs, are being related to local, State, regional and national water resources planning. And the impact of this program on the current and future national water supply needs becomes increasingly recognized.

Mr. Speaker, I urge the rules be suspended and the House pass H.R. 12749, as reported by the Committee on Interior and Insular Affairs.

Mr. Speaker, I yield to the gentleman from Pennsylvania such time as he may require.

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 12749, a bill to authorize the appropriation of $26,871,000 for the saline water conservation program for fiscal year 1973 and for other purposes.

Public Law 92-60, which became law during the last session of this Congress, expanded and extended the desalting program being conducted by the Secretary of the Interior. That act specifically requires annual legislation to authorize appropriations for the program.

The amounts authorized for appropriation by this bill are set forth in detail by category of expected expenditure and are compared with fiscal year 1972 appropriations in the report accompanying this bill. The comparison reflects a net decrease of $154,000 in total authorizations due primarily to emphasis on studying conversion of geothermal brines and corresponding deemphasis on multistage flashing distillation programs in which no new procurements are presently desirable. The latter program focuses on conversion of sea water to potable water while the conversion of geothermal brines focuses on increasing the quality of less salty waters found in relatively water-short inland areas.

Another trend that promises good results for the 1973 program is reexploration of freezing processes for treatment of geothermal brines in light of new concepts for washing ice crystals to remove surface salts. The need for procurement of pilot plant hardware for freezing processes and for the treatment of geothermal brines is the reason for increase of $1,931,000 in authorizations allocated to development over fiscal year 1972.

The results of the saline water conversion program are not startling. They are not generally front page newsprint. Systematic scientific research seldom is. The Committee on Interior and Insular Affairs, the Department of the Interior, and those interested in converting chemically contaminated waters recognize that fact and do not expect sensational results. The purposes of the program can best be achieved, in this committee's opinion, by well-planned, deliberate—though short—steps subject to careful analysis and critical review rather than by the inauguration of crash programs.

Critical review by the program administrators and by this committee has resulted in the committee's insistence that procurement of new hardware beyond that necessary for pilot projects not be initiated until the research findings of on-going operations have been thoroughly evaluated.

The Office of Saline Water and others have expressed dissatisfaction with section 6(d) of the Saline Water Conversion Act of 1971 requiring that patents and process information developed with program funds be publicly available, subject to certain exceptions. The committee's principal reason for retaining that requirement in the law was to retain congressional oversight of the subject matter. I hope, however, that this will not be interpreted as precluding reconsideration of the matter in light of future events.

Although the saline water conversion program expenses for fiscal year 1973 will be less than for fiscal year 1972, program activity is increasing. As results are evaluated, the state of the art improves.

Mr. MYERS. Mr. Speaker, will the gentleman yield?

Mr. HOSMER. I yield to the gentleman from Indiana.

Mr. MYERS. A few weeks ago I read an article that referred to an International Conference on Water. As I recall, at that conference the statement was made that within only a few years there would be a severe shortage of fresh water for consumption. I see nothing in the report relative to that International Conference. Was any attention given to that study?

Mr. HOSMER. We have had a number of international studies in this regard. We had one in Washington 3 or 4 years ago. The committee is generally aware of those studies. I am not particularly aware of the precise one the gentleman is talking about. I know of this kind of study involving predictions of poverty, misery, and shortages of anything and everything in the future. Of course, that basically is what our efforts are designed to alleviate and overcome by the application of scientific thought and procedures, as this program provides.

Mr. MYERS. If the gentleman will yield further, I frankly do not remember what the figures were given in this report, but it seems like within 100 years they were predicting that at the present consumption, and projecting that on out, there would be a shortage or maybe even a complete lack of fresh water within 100 years, unless something such as what is proposed was done.

Mr. HOSMER. That is perfectly true. We are all familiar with a number of studies of that kind, and it will be the job of those of us today and those who will come after us in the future to conserve our resources so they will still be available for use. That will involve not only the reclamation of waters from the sea but also tremendous efforts in the conservation and use of water, and in the prevention of its pollution by some of the industrial and other processes that we have engaged upon through not adequately tending to the needs of the environment.

Mr. Speaker, I reserve the balance of my time.

Mr. JOHNSON of California. Mr. Speaker, I yield myself so much time as I require to speak in behalf of H.R. 12749, a bill to authorize appropriations for the saline water conversion program for fiscal year 1973. This measure, as reported from the Committee on Interior and Insular Affairs, authorizes appropriations of $26,871,000, a sum of $154,000 less than was authorized for fiscal year 1972.

In keeping with the procedure of previous years, the authorization is in five categories of expense, with limited latitude for transfers between the categories. The department may transfer, or reprogram, up to 10 percent into any given category provided that there is a corresponding reduction in one or more of the other categories. The one exception to this is the category for administration and coordination, where the limitation on reprograming is 2 percent.

The major trend in the program for fiscal year 1973 is a deemphasis in large scale distillation hardware procurement; there being no items of purchase authorized for either the module or test bed categories. The bill does authorize the acquisition of two significant pilot plants and this authority is reflected in an increase in the development expense category for fiscal year 1973 over the authorization of 1972.

In detail, this bill authorizes an increase of about 6 percent in category 1, research expense, in the amount of $375,000 to a level of $5,850,000. In this activity, there will be a continuation of basic and applied research leading to the improvement of materials and components for all processes. This is the activity where the most risk of failure is involved, while at the same time discoveries and information are forthcoming on which to base future improvements in the state of the desalting art.

Category 2, development expense, which is the source of financing of pilot plant activity, is increased by the bill by about 19 percent or $1,931,000 to the level of $12,131,000. The authorized program will allow the Office of Saline Water to acquire a pilot plant for the freezing process and also to design a pilot plant for use on geothermal brines. These two items of procurement illustrate another major trend in the program; for instance, a cooperative program with the Bureau of Reclamation for production of potable water from geothermal resources, and the renewal of activity in the freezing process.

There is considerable evidence that our geothermal resources, particularly those in the Southwestern United States may be developed as major sources of usable water. As these water resources are highly mineralized, desalting procedures will be necessary. This source of water has two principal advantages over the sea. One is a locational advantage, being inland near the point of need. The other advantage is found in the fact that the water is extremely hot in its natural condition and thus a great saving in fuel cost can be expected.

The freezing process, which has several well-known theoretical advantages over distillation processes has had an erratic history in the saline water conversion program. Less energy is required to convert cold water to ice than is necessary to convert hot water to steam. Also, cold brines are not as difficult to handle from the materials standpoint as are heated brines. Despite these two advantages, the freezing process has been restricted by difficulties in separating and rinsing the pure ice crystals. Recent developments in bench scale testing offer promise of overcoming the rinsing problem and justify a pilot plant scale operation at this time.

The third category of expense in the bill is test beds. These are fairly large-scale plants where technology is given what may be called the "semifinal" test before it is expanded to full-scale operational size. This category is being reduced about 30 percent from the 1972 level. The actual reduction of $2,350,000 to a level of $5,085,000. This program is for operation and maintenance and modification of existing test beds and does not involve purchase of any new facilities.

The fourth category of expense is modules. This is the activity where full-size components of large-scale production units are constructed and tested. There are no new facilities of this character contemplated for fiscal year 1973, and the authorization is related solely to operation of existing facilities. This accounts for a reduction of $350,000, approximately 25 percent, in this activity. It will also be of interest to note, in this connection, that the Department testified that the large module center at San Diego, Calif., would not be maintained after fiscal year 1973. This is a most healthy trend, in that it illustrates a realistic willingness on the part of the Office of Saline Water to carry process development to a reasonable stage and then turn it over to others for commercial implementation.

The last category is for administration and coordination. Here an increase of about 6 percent—$190,000—is provided in the bill. This amount is required to fund for a full year the new positions authorized to the Office of Saline Water in fiscal year 1972. No new positions are authorized for the agency in fiscal year 1973.

Mr. Speaker, our subcommittee held full and complete hearings on H.R. 12749. Our record offers assurance that the program is being sensibly and conservatively administered. The newly appointed director gives every indication of furnishing clearheaded, business-like management to program development as well as program execution. He has given evidence of willingness to forego empire building and to make the difficult decisions. The bill we have brought to the floor today is testimony to this type of management.

As one Member, I am not disillusioned with the saline water conversion program. I am, to the contrary, optimistic that it will result inevitably in providing water utility planners a new tool for meeting our growing national water needs, and that is why we are in the business. Accordingly, I support this measure and urge all Members similarly to do likewise.

The SPEAKER. The question is on the motion offered by the gentleman from California that the House suspend the rules and pass the bill (H.R. 12749) as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to authorize appropriations for the saline water conversion program for fiscal year 1973."

A motion to reconsider was laid on the table.

EXTENDING THE INDIAN CLAIMS COMMISSION

Mr. HALEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10390) to extend the life of the Indian Claims Commission, and for other purposes, as amended.

The Clerk read as follows:

H.R. 10390

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 23 of the Act entitled "An Act to create an Indian Claims Commission, to provide for the powers, duties, and functions, thereof, and for other purposes", approved August 13, 1946 (60 Stat. 1049, 1055), as amended (75 Stat. 92; 25 U.S.C. 70v), is hereby amended by striking said section and inserting in lieu thereof the following:

"DISSOLUTION OF THE COMMISSION AND DISPOSITION OF PENDING CLAIMS

"SEC. 23. The existence of the Commission shall terminate at the end of twenty-nine years from and after April 10, 1947, or at such earlier time as the Commission shall have made its final report to the Congress on all claims filed with it. Upon its dissolution the records and files of the Commission in all cases in which a final determination has been entered shall be delivered to the Archivist of the United States. The records and files in all other pending cases, if any, including those on appeal shall be transferred to the United States Court of Claims, and jurisdiction is hereby conferred upon the United States Court of Claims to adjudicate all such cases under the provisions of section 2 of the Indian Claims Commission Act: *Provided,* That section 2 of said Act shall not apply to any case filed originally in the Court of Claims under section 1505 of title 28, United States Code."

SEC. 2. Section 27(a) of such Act of August 13, 1946, as amended (25 U.S.C. 70w), is amended by striking said section and inserting in lieu thereof the following:

"TRIAL CALENDAR

"SEC. 27. (a) The Commission from time to time shall prepare a trial calendar which shall set a date for the trial of the next phase of each claim as soon as practical after a decision of the Commission or the United States Court of Claims or the Supreme Court of the United States makes such setting possible, but such date shall not be later than than one year from the date of such decision except on a clear showing by a party that irreparable harm would result unless longer preparation were allowed."

SEC. 3. Section 27(b) of such Act of August 13, 1946, as amended (25 U.S.C. 70w), is amended by striking said section and inserting in lieu thereof the following:

"(b) If a claimant fails to proceed with the trial of its claim on the date set for that purpose, the Commission may enter an order dismissing the claim with prejudice or it may reset such trial at the end of the calendar."

SEC. 4. Section 6 of such Act of August 13, 1946 (25 U.S.C. 70e), is amended by adding at the end thereof the following: "There are authorized to be appropriated for the necessary expenses of the Commission not to exceed $1,500,000 for fiscal year 1973, and appropriations for succeeding fiscal years shall be made only to the extent hereafter authorized by Act of Congress."

SEC. 5. Such Act of August 13, 1946, is further amended by adding at the end thereof a new section as follows:

"SEC. 28. On the first day of each session of Congress, the Commission shall submit to the Committees on Interior and Insular Affairs of the House of Representatives and Senate a report showing the amount of work remaining to be completed by the Commission, stating whether, in the judgment of the Commission, the work can be completed before the dissolution of the Commission as provided in this Act, and explaining the basis for that judgment."

The SPEAKER. Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. HALEY. Mr. Speaker, I yield to the gentleman from Colorado, the chairman of the full Committee on Interior and Insular Affairs, such time as he may consume.

Mr. ASPINALL. Mr. Speaker, the Indian Claims Commission was established in 1946 for the purpose of allowing any Indian tribe to sue the United States for a claim that arose before that date. The tribes were given 5 years to start their litigation and, if they did not do so, their claims were forever barred. The Indian Claims Commission was intended to provide a forum for settling all old claims of Indian tribes, and to put an end to the practice of enacting special jurisdictional acts to permit individual tribes to sue the United States.

The Indian Claims Commission was expected to adjudicate all claims filed within the 5-year period, and to finish its work by April 10, 1952. This proved to be impossible for a number of reasons, which I shall not review now, and Congress extended the life of the Commission to 1962, then to 1967, and then to 1972. The last time the life of the Commission was extended, Congress also increased the number of Commissioners from three to five. The Commission still has not finished the claims that were filed between 1946 and 1951, and it has asked for another 5-year extension.

The Committee on Interior and Insular Affairs has been unhappy about the failure of the Commission to complete its business. In fact, the Commission was told 5 years ago that the extension granted then would probably be the last one. In spite of that warning, the Commission has not brought the litigation to a conclusion. A substantial amount of work still remains to be done.

To be fair, however, I should point out that the delay is not entirely the fault of the Commission. Both the plaintiff attorneys and the Department of Justice representing the United States have asked and received numerous extensions. They must share some of the blame for the delay.

Nevertheless, the primary responsibility must rest with the Commission. Five years ago Congress required the Commission to set all claims for trial, and directed the Commission to dismiss a claim if the plaintiff tribe failed to go to trial on the date set. The Commission did not comply with the spirit of this instruction. If the Department of Justice, rather than the tribe, was not ready for trial, no provision was made for entering a default judgment against the United States—that would not have been practical—but the Commission could have warned the Congress that the Department of Justice was making it impossible to complete the litigation on schedule, if that was, in fact, the case. The Congress was not warned.

We are now faced with a dilemma. I believe that everyone would agree that some provision must be made for completing the litigation. The Indians cannot be denied a forum. The Committee on Interior and Insular Affairs considered two alternatives. One alternative is to let the Commission expire on April 10 of this year and transfer all unfinished business to the court of claims. This would require the court of claims to employ a new staff, who would be unfamiliar with the prior proceedings, and the litigation would be further delayed. The second alternative is to extend the life of the Commission again, but to make certain that this extension will be the last one by providing that any claims that are not adjudicated at that time will automatically be transferred to the court of claims without any further legislation.

Our committee choose this second alternative.

Furthermore, in order to tighten up the procedure, the committee amended the bill to require the Indian Claims Commission to do two things. First, it must come back to Congress each year for an appropriations authorization to finance its administrative expenses; and, second, it must submit an annual report showing its accomplishments and showing whether its work is on schedule. This will permit the Committee on Interior and Insular Affairs to exercise its oversight responsibilities more effectively, and it intends to do so.

The cost of running the Commission is expected to be about $1 million per year for the next 4 years. The Commission's budget request for fiscal year 1973 is $1,025,000. This is substantially higher than the appropriation level that has prevailed in the past, but it is justified by the urgent need to complete the litigation. The administrative expense is minor when compared with the size of the claims asserted and adjudicated.

I recommend that H.R. 10390 be enacted.

Mr. SAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in reluctant support of this bill which would authorize the fourth extension of the life of the Indian Claims Commission. The only reason why I do support this bill is that I and the Committee on Interior and Insular Affairs have been assured by the members of the Commission that they can complete substantially all of their work within the extension time H.R. 10390 authorizes.

If we pass this bill, claims still pending at the expiration of the Commission will automatically be transferred to the court of claims. While that alternative would, in my opinion, better be implemented today, the peculiar tripart method by which the Commission handles these claims has generated its own longevity. Delay and increased administrative expenses would probably result.

The Commission's track record is not encouraging. Of an approximately total of 606 claims filed—the testimony of the Justice Department and those of the Commission differ as to the number of separate claims—251 are pending and 11 are in the appellate process. That took 25 years.

The Committee on Interior and Insular Affairs does not intend to let the next 4 years go by without full reports to it on the status of the Commission's work. This bill therefore directs the Commission to come before it annually and justify its request for appropriation authorizations; report its accomplishments during the preceding year and detail its plan to complete its work during its remaining life expectancy.

Many of the cases involve three phases—a title or liability phase, a proceeding to determine the value of the claim, and thirdly an accounting phase. The latter phase—the accounting phase—is where the greatest obstacle to speedy resolution of pending claims lies. The General Services Administration presently only has two qualified examiners to process the more than 40 pending and reopened accounting cases.

The Committee on Interior and Insular Affairs does not care who or what agency does the accounting; however, the Attorney General has the responsibility of representing the United States. The committee therefore directs in the report accompanying this bill that the Attorney General report to it on the number of accounting and legal personnel assigned to handle Commission cases.

One aspect of the Commission's philosophy regarding the handling of these claims elicited in subcommittee hearings is that the Commission was reluctant to dismiss claims with prejudice to their being brought again. In 1967, when the Congress extended the life of the Commission to 1972, it amended the Indian Claims Commission Act to specifically direct that failure to proceed to trial on a date certain would result in such dismissal unless a continuance was granted for good cause. I do not see how we could have been any more specific. This time, the Committee on Interior and Insular Affairs has directed that the Commission prepare a trial calendar setting the date for the trial of each phase of each pending case as soon as practical after decision of the preceding phase but not later than 1 year thereafter unless irreparable harm will result. Again, dismissal with prejudice procedures are spelled out in the legislation.

For the past 25 years, tribal claimants qualifying for consideration of alleged wrongs have been waiting for justice at the hands of a Commission that was supposed to have completed its mission within a 10-year period. It may be in excess of an additional 4 years before all of those claims are either settled or finally adjudicated. If the last claim is finally settled April 10, 1976, the Indian Claims Commission will have taken 19 years longer than contemplated to do that which it set out to do in April of 1947. That is not a very good commentary on the workings of the Commission, on the Attorney General, nor on the Indian bar. Justice delayed is often no justice at all. I sincerely hope that this is the last time a bill such as H.R. 10390 will have to be considered by Congress.

STATEMENT OF KENT FRIZZELL

The Department of Justice favors the extension of the life of the Indian Claims Commission to April 10, 1977 in order that the claims of those Indian tribes which have not yet been determined may receive adequate and appropriate consideration.

A brief summary of the status of such claims, according to the records of the Land and Natural Resources Division, to December 31, 1971, is as follows:

Total claims filed	606
Final awards	189
Final dismissals	166
	355
Pending cases	251
Partial determinations	66
Appeals to Court of Claims	11

Probably the greatest obstacle to the completion of the work of the Commission between now and 1977 relates to "accounting" cases. These are cases in which the various tribes demand that the Government account for the receipt and expenditure of tribal funds. This is a perfectly proper request since the Government kept all of the records and every fiduciary is required to make a proper accounting of his stewardship.

However, the Commission has permitted the various tribes to expand such claims. In the *Southern Ute* case, the Commission held that notwithstanding the statutory provisions that "No claim accruing after the date of the approval of this Act shall be considered by the Commission" (sec. 2), the Government must bring all accounting claims "up to date." This has posed difficult problems. As the General Services Administration (which has the records pertaining to the fiscal operations between the Government and the Indian tribes) gradually completed its work it quite naturally permitted its operation to dwindle, until at the present time it has only two examiners. Obviously these two employees could not bring the more than 40 accounting cases "up to date." An inevitable delay thus will ensue. Additional time may also be required to adjudicate accounting claims that have been expanded to include land claims as well as claims based on inadequate government administration, management, and reporting.

The Department of Justice is making every effort to resolve this situation. On January 24, 1972 the Attorney General requested the Comptroller General to reassume the preparation of such reports in accordance with the new requirements of the Commission.

The Commission has made other rulings which also have had the effect of reopening still other cases, beyond those involving accounting claims. But from this very brief recitation, it should be apparent to the Committee that the probability of the Commission's completing its work before April 10, 1977, is doubtful.

In conclusion, let me say that the Department of Justice has tried to dispose of cases by compromise settlements whenever this has been reasonably possible. The record shows that out of the 189 final judgments of the Commission aggregating $412,708,494.51, the Department has made full settlements in 98 cases aggregating $196,474,431.33. In addition, we have made numerous settlements relating to the consideration paid and the offsets for which the Government is entitled to credit thus expediting the entry of final judgments in favor of the tribes.

The Department will continue to make settlements when it appears that such settlements are fair to the tribes and the Government.

Mr. STEIGER of Arizona. Mr. Speaker, will the gentleman yield to me?

Mr. SAYLOR. I am happy to yield to the gentleman.

Mr. STEIGER of Arizona. Mr. Speaker, I rise in support of H.R. 10390, the purpose of which is to extend the life of the Indian Claims Commission for 4 more years; to provide Congress, more specifically the Committee on Interior and Insular Affairs, with more complete reports to aid it in its oversight responsibility; to prod that Commission, the Attorney General's office, and the Indian bar into speedy resolution of the unresolved claims now pending and to authorize the appropriation of $1,500,000 for the expenses of the Commission.

The details of the bill have been elaborately explained. You have heard the Commission criticized for its snail's pace. Some of that criticism is, I am sure, justified, for the procedures used by that Commission seem far too complicated. Nevertheless, the Commission has, or should have, developed procedures to finally adjudicate or settle the cases pending.

As stated in the Committee's report accompanying this bill, our purpose is to subject the Commission's activities to more careful scrutiny in order to make certain it completes its work within the time frame authorized. Our purpose is not impediment nor is it interference in the judicial processes. There is, nevertheless, another forum, replete with time-honored procedures, wherein these Indian tribes may have their day in court.

If the Commission cannot without good reason finish its congressionally assigned task in the time allotted, pending cases will automatically be transferred to the court of claims.

Part of the blame for the slowness of proceedings before the Commission lies with the U.S. Government—especially with that branch of the Attorney General's Office assigned the task of defending the United States in adversary proceedings against the claims brought under the act. Delay is a favorite defense tactic—possibly a good one. But I question its efficacy in proceedings of this nature and I urge those charged with Government defense to consider the cost of that delay, not only in dollars, but also in terms of the social welfare of tribal claimants.

This bill authorizes appropriations for the administration expenses of the Commission for 1 year amounting to $1,500,000. I assume that in the next fiscal year the costs will increase. If experience is any guide, the necessary costs of the Commission will increase annually until the Commission expires. I am in hopes that the Committee on Interior and Insular Affairs' requirement that the Commission return to it annually to justify its requests for appropriations will serve to curtail cost increases. I hope that the Commission's annual report to the committee will not only aid the Commission in planning its workload, but will provide this committee with the seeds for fruitful discussion when the Commission members appear before it each year.

Lastly, I hope that the Commission can perform true to its word and complete substantially all of its work within the time frame allotted to it.

I am convinced that the provisions of H.R. 10390 will accomplish the committee's intended purpose. I urge the passage of this bill and the support of my colleagues to that end.

As the need for more water sources increases, our program investment appears likely to yield greater dividends. I urge your support for the passage of this bill.

Mr. HALEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Indian Claims Commission should be finished with its job, and the enactment of this bill should not be necessary. The Commission has been in existence for 25 years, and the last claim was filed 20 years ago. Congress intended the Commission to finish in 1957, but it did not, and Congress has had to extend the life of the Commission three times. This will be the fourth time.

The delay is not solely the fault of the Commission. The attorneys representing the Indian tribes, and the Department of Justice representing the United States, must share the blame. Both sides have repeatedly delayed trials, and the Commission has allowed them to do so. The Commission and the attorneys on both sides must therefore share the blame.

This is history. The question now is what to do about the matter. No one wants to deprive the Indians of their day in court. They must be allowed to complete their litigation.

The Commission could be allowed to expire, and the pending cases could be transferred to the Court of Claims right now. This possibility was considered by the Indian Affairs Subcommittee. It was rejected, however, because we believed that the litigation would not be completed any quicker. It might even take longer. The Court of Claims could not handle a greatly increased workload without additional staff. The staff would need to be trained. The trials of the pending cases have already been started, and are at different stages of completion. If they were transferred at midstage, some momentum would inevitably be lost.

Therefore, it seems better to let the Commission continue for another 4 years, particularly in view of the fact that the Commission assured us that by then any unfinished business would be minor and could easily be taken over by the Court of Claims.

H.R. 10390 provides that any unfinished business at the end of 4 years will automatically be transferred to the court of claims, and this extension of the life of the Commission will really be the last one. No further legislation will be needed.

I recommend that the bill be enacted.

The SPEAKER. The question is on the motion of the gentleman from Florida (Mr. HALEY) that the House suspend the rules and pass the bill H.R. 10390, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

OREGON DUNES NATIONAL RECREATION AREA, OREGON

Mr. TAYLOR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8763) to establish the Oregon Dunes National Recreation Area in the State of Oregon, and for other purposes, as amended.

The Clerk read as follows:

A bill to establish the Oregon Dunes National Recreation Area in the State of Oregon, and for other purposes

H.R. 8763

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to provide for the public outdoor recreation use and enjoyment of certain ocean shorelines and dunes, forested areas, fresh water lakes, and recreation facilities in the State of Oregon by present and future generations and the conservation of scenic, scientific, historic, and other values contributing to public enjoyment of such lands and waters, there is hereby established, subject to valid existing rights, the Oregon Dunes National Recreation Area (hereinafter referred to as the "recreation area").

SEC. 2. The administration, protection, and development of the recreation area shall be by the Secretary of Agriculture (hereinafter called the "Secretary") in accordance with the laws, rules, and regulations applicable to national forests, in such manner as in his judgment will best contribute to attainment of the purposes set forth in section 1 of this Act.

SEC. 3. The portion of the recreation area delineated as the "Inland Sector" on the map referenced in section 4 of this Act is hereby established as an inland buffer sector in order to promote such management and use of the lands, waters, and other properties within such sector as will best protect the values which contribute to the purposes set forth in section 1 of this Act.

SEC. 4. The boundaries of the recreation area, as well as the boundaries of the inland sector included therein, shall be as shown on a map entitled "Proposed Oregon Dunes National Recreation Area" dated May 1971, which is on file and available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture, and to which is attached and hereby made a part thereof a detailed description by metes and bounds of the exterior boundaries of the recreation area and of the inland sector. The Secretary may by publication of a revised map or description in the Federal Register correct clerical or typographical errors in said map or descriptions.

SEC. 5. Notwithstanding any other provision of law, any Federal property located within the boundaries of the recreation area is hereby transferred without consideration to the administrative jurisdiction of the Secretary for use by him in implementing the purposes of this Act, but lands presently administered by the United States Coast Guard or the United States Corps of Engineers may continue to be used by such agencies to the extent required.

SEC. 6. The boundaries of the Siuslaw National Forest are hereby extended to include all of the lands not at present within such boundaries lying within the recreation area as described in accordance with section 4 of this Act.

SEC. 7. Within the inland sector established by section 3 of this Act the Secretary may acquire the following classes of property only with the consent of the owner:

(a) improved property as hereinafter defined;

(b) property used for commercial or industrial purposes if such commercial or industrial purposes are the same such purposes for which the property was being used on December 31, 1970, or such commercial or industrial purposes have been certified by the Secretary or his designee as compatible with or furthering the purposes of this Act;

(c) timberlands under sustained yield management so long as the Secretary determines that such management is being conducted in accordance with standards for timber production, including but not limited to harvesting reforestation, and debris cleanup, not less stringent than management standards imposed by the Secretary on comparable national forest lands: *Provided,* That the Secretary may acquire such lands or interests therein without the consent of the owner if he determines that such lands or interests are essential for recreation use or for access to or protection of recreation developments within the purposes of this Act. In any acquisition of such lands or interests the Secretary shall, to the extent practicable, minimize the impact of such acquisition on access to or the reasonable economic use for sustained yield forestry of adjoining lands not acquired; and

(d) property used on December 31, 1970, primarily for private, noncommercial recreational purposes if any improvements made to such property after said date are certified by the Secretary of Agriculture or his designee as compatible with the purposes of this Act.

SEC. 8. (a) Within the boundaries of the recreation area lands, waters, and interests therein owned by or under the control of the State of Oregon or any political subdivision thereof may be acquired only by donation or exchange.

(b) No part of the Southern Pacific Railway right-of-way within the boundaries of the recreation area may be acquired without the consent of the railway, so long as it is used for railway purposes: *Provided,* That the Secretary may condemn such easements across said right-of-way as he deems necessary for ingress and egress.

(c) Any person owning an improved property, as hereafter defined, within the recreation area may reserve for himself and his assigns, as a condition of the acquisition of such property, a right of use and occupancy of the residence and not in excess of three acres of land on which such residence is situated. Such reservation shall be for a term ending at the death of the owner, or the death of his spouse, whichever occurs later, or, in lieu thereof, for a definite term not to exceed twenty-five years: *Provided,* That, the Secretary may exclude from such reserved property any lands or waters which he deems necessary for public use, access, or development. The owner shall elect, at the time of conveyance, the term of the right to be reserved. Where any such owner retains a right of use and occupancy as herein provided, such right may during its existence be conveyed or leased in whole, but not in part, for noncommercial residential purposes. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner. At any time subsequent to the acquisition of such property the Secretary may, with the consent of the owner of the retained right of use and occupancy, acquire such right, in which event he shall pay to such owner the fair market value of the remaining portion of such right.

(d) The term "improved property" wherever used in this Act shall mean a detached one-family dwelling the construction of which was begun before December 31, 1970, together with any structures accessory to it and the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary finds necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use.

SEC. 9. The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the recreation area in accordance with applicable laws of the United States and the State of Oregon, except that the Secretary may designate zones where, and establish periods when, no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, or public use and enjoyment. Except in emergencies, any regulation of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State fish and game department.

SEC. 10. The lands within the recreation area, subject to valid existing rights, are hereby withdrawn from location, entry, and patent under the United States mining laws and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

SEC. 11. (a) The Secretary is authorized and directed, subject to applicable water quality standards now or hereafter established, to permit, subject to reasonable rules and regulations, the investigation for appropriation, storage, and withdrawal of ground water surface water, and lake, stream and river water from the recreation area and the conveyance thereof outside the boundaries of the recreation area for beneficial use in accordance with applicable laws of the United States and of the State of Oregon if permission therefor has been obtained from the State of Oregon before the effective date of this Act: *Provided,* That nothing herein shall prohibit or authorize the prohibition of the use of water from Tahkenitch or Siltcoo Lakes in accordance with permission granted by the State of Oregon prior to the effective date hereof in connection with certain industrial plants developed at or near Gardiner, Oregon.

(b) The Secretary is authorized and directed, subject to applicable water quality standards now or hereafter established, to permit, subject to reasonable rules and regulations transportation and storage in pipelines within and through the recreation area of domestic and industrial wastes in accordance with applicable laws of the United States and of the State of Oregon if permission therefor has been obtained from the State of Oregon before the effective date of this Act.

(c) The Secretary is further authorized, subject to applicable water quality standards now or hereafter established, to grant such additional easements and rights, in terms up to perpetuity, as in his judgment would be appropriate and desirable for effective use of the rights to water and the disposal of waste provided for herein and for other utility and private purposes if permission therefor has been obtained from the State of Oregon, subject to such reasonable terms and conditions as he deems necessary for the protection of the scenic, scientific, historic and recreational features of the recreation area.

SEC. 12. (a) The Secretary shall establish an advisory council for the Oregon Dunes National Recreation Area, and shall consult on a periodic and regular basis with such council with respect to matters relating to management and development of the recreation area. The members of the advisory council, who shall not exceed fifteen in number, shall serve for individual staggered terms of three years each and shall be appointed by the Secretary as follows:

(i) a member to represent each county in which a portion of the recreation area is located, each such appointee to be designated by the respective governing body of the country involved;

(ii) a member appointed to represent the State of Oregon, who shall be designated by the Governor of Oregon;

(iii) not to exceed eleven members appointed by the Secretary from among persons who, individually or through association with national or local organizations, have an interest in the administration of the recreation area; and

(iv) the Secretary shall designate one member to be Chairman and shall fill vacancies in the same manner as the original appointment.

(b) The Secretary shall, in addition to his consultation with the advisory council, seek the views of other private groups and individuals with respect to administration of the recreation area.

(c) The members shall not receive any compensation for their services as members of the council, as such, but the Secretary is authorized to pay expenses reasonably incurred by the council in carrying out its responsibilities.

SEC. 13. Within three years from the date of enactment of this Act, the Secretary shall review the area within the boundaries of the recreation area and shall report to the President, in accordance with subsections 3(b) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132 (b) and (d)), his recommendation as to the suitability or nonsuitability of any area within the recreation area for preservation as a wilderness, and any designation of any such area as wilderness shall be accomplished in accordance with said subsection of the Wilderness Act.

SEC. 14. The Secretary shall cooperate with the State of Oregon or any political subdivision thereof in the administration of the recreation area and in the administration and protection of lands within or adjacent to the recreation area owned or controlled by the State or political subdivision thereof. Nothing in this Act shall deprive the State of Oregon or any political subdivision thereof of its right to exercise civil and criminal jurisdiction within the recreation area consistent with the provisions of this Act, or of its right to tax persons, corporations, franchises, or other non-Federal property, including mineral or other interests, in or on lands or waters within the recreation area.

SEC. 15. Money appropriated from the Land and Water Conservation Fund shall be available for the acquisition of lands, waters, and interests therein within the recreation area, but not more than $2,500,000 is authorized to be appropriated for such purposes. For development of the recreation area, not more than $12,700,000 is authorized to be appropriated.

The SPEAKER. Is a second demanded?

Mr. SKUBITZ. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TAYLOR. Mr. Speaker, I yield 10 minutes to the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Speaker and members of the committee, those of you who have been following this legislation will note that it comes back to us in a new form.

Mr. Speaker, the legislation now before the House represents years of effort to conserve and protect a significant portion of the picturesque coastline of the State of Oregon. A few years ago, legislation was considered which would have created a national seashore in this same general area. That legislation was approved by the House at that time, but it failed to pass the other body. As a consequence, some valuable time has been lost, but the members of the Committee on Interior and Insular Affairs believe that H.R. 8763 will enable the Federal Government to take the action necessary to assure the availability of this outdoor resource for the people of the Nation in perpetuity.

PROVISIONS OF THE LEGISLATION

H.R. 8763, which was introduced by Representative JOHN DELLENBACK, provides for the establishment of the Oregon Dunes National Recreation Area. Unlike the legislation which was approved during a prior Congress, this 32,250-acre area would be administered by the Secretary of Agriculture in accordance with the rules and regulations established for comparable areas presently administered by the Forest Service.

The legislation, as recommended by the committee, contains many provisions which are common to areas of this kind, but it does contain some provisions which merit explanation.

First, within the recreation area boundaries—which are described by reference to a boundary map—there are to be two zones. One zone, totaling about 22,800 acres, is commonly called the Dunes Sector. The other, called the Inland Sector, contains about 9,450 acres.

The Dunes Sector is the prime conservation zone containing the most spectacular dunes, the entire waterfront and the adjacent undeveloped lands. Present plans contemplate the fee acquisition of all of the lands within this zone by the Federal Government, except, perhaps, for certain State holdings which we have been assured will be administered in a manner compatible with the recreation area. Under the terms of the legislation, all federally owned lands within the area are transferred to the Secretary for administration as a part of the recreation area, but the Coast Guard and the Corps of Engineers are to be permitted to continue to use any lands presently under their administration to the extent necessary.

Within the Inland Sector, land acquisition policies are considerably different. In this zone, the principal objective is to protect and stabilize the scenic character of the approach into the prime conservation zone. In other words, it is a buffer zone. For this reason, fee acquisition of the privately owned lands is not as important so long as the activities of the landowners do not impair the setting. H.R. 8763 provides that qualifying improved residential, commercial or industrial purposes are to be exempt from acquisition except with the consent of the owner.

Although it seems somewhat unlikely that any substantial portion of this recreation area would qualify for wilderness designation, the bill contains the customary provision requiring the Secretary to survey the area and to forward to the Congress any recommendations which he might have in this regard.

Mr. Speaker, the bill also establishes an advisory council to consult with the Secretary concerning this national recreation area. The 15 members on this panel are to be appointed by the Secretary to serve without compensation, in staggered terms, for terms of 3 years. Their responsibility will be to review the programs and policies for the area with an eye toward making recommendations to the Secretary which will be helpful to him in carrying out his responsibilities under this legislation. In the past we have found that such advisory groups help to form a useful link between the local communities and the administering authority.

Finally, H.R. 8763 contains unique provisions dealing with water resources and with the disposal of industrial wastes. In light of the fact that there are existing permits to investigate for and withdraw water from the recreation area, this legislation does not propose to extinguish any existing rights, but it does provide that such activities must be carried on in accordance with such reasonable rules and regulations as the Secretary may establish and it requires them to be conducted in accordance with recognized water quality standards. Similarly, H.R. 8763 is not intended to interfere with existing facilities for the disposal of domestic and industrial wastes as long as they comply with recognized water quality standards and with such reasonable rules and regulations as the Secretary may establish.

VALUES IN THIS AREA

Mr. Speaker, we recognized the nationally significant recreational opportunity which the Oregon shoreline provides long ago. Today, in this legislation, we again have an opportunity to make a portion of this scenic Pacific seashore available for public use and enjoyment.

This area is said to be one of the largest areas of active coastal dunes in the world. As the white sands of the area shift from place to place, the landscape changes and the natural features associated with it are altered.

Although the dunes and the broad beaches are the most attractive recreational features of this area, the natural values are significant, too. It is interesting to note the changing vegetation as one progresses inland from the seashore. The streams and lakes are rich with fish which makes it attractive to those who enjoy that outdoor sport. Likewise, the forest lands and marshy areas and ponds support waterfowl and wildlife which hunters find most attractive. Because of this fact, there has been a considerable amount of attention given to the hunting and fishing provisions of the legislation. As has been customary in most of the areas of this kind, the committee included the provision requiring the Secretary to permit hunting and fishing in this area, but permitting him to close certain portions of the recreation area after consultation with the appropriate State agency if he found such action to be necessary for reasons of public safety, administration, or public use and enjoyment. As presently before the House, the legislation makes no reference to fish and wildlife management, as such. Even if it did, we would not expect the Secretary to get into the fish and wildlife management business, per se, except to the extent necessary to assure the public safety and for reasons of public enjoyment.

COST

Mr. Speaker, because of the fact that most of the privately owned lands are located within the so-called Inland Sector and because most of the lands in the so-called Dunes Sector are already in public ownership, the costs for land acquisition should not be excessive. Land acquisition cost estimates provided by the Department suggest that all of the lands needed to make this a viable recreation area can be acquired for $2.5 million. Development costs, which will be spread over a period of years, are expected to be about $12.7 million.

CONCLUSION AND RECOMMENDATION

In conclusion, I want to say that the legislation recommended by the Committee on Interior and Insular Affairs offers the Members of the House a fine opportunity to conserve an outstanding natural area for present and future generations of Americans.

It is a pleasure for me to support the enactment of H.R. 8763, as amended, and I urge its approval by the House.

Mr. SKUBITZ. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. SAYLOR) such time as he may consume.

Mr. SAYLOR. Mr. Speaker, the purpose of this legislation is to authorize the establishment of about 32,250 acres along the Oregon coastline as a national recreation area under the administration of the Secretary of Agriculture and to authorize the appropriation of $2,500,000 for land acquisition and $12,700,000 for development purposes.

This legislation has long been in the making. Proposals to designate this area as a unit of our national parks and reiceration system have been before the Committee on Interior and Insular Affairs since the 88th Congress. Based on the record compiled during this Congress, the committee is of the opinion that this proposal is the best of the possible alternatives that have been considered to protect, preserve, and at the same time make available to the public the unique natural phenomenon of the Oregon Dunes.

While there are about 7,673 acres of privately owned lands, 3,105 acres of State lands, and 712 acres of county lands within the proposed national recreation area, the major portion of lands, about 20,747 acres, are already in Federal ownership and 18,907 acres are presently national forest lands. Only about 6,754 acres are not now within the Siuslaw National Forest.

Most of the lands in private ownership are within an area described by this legislation as the "Inland Sector"—about 68 percent privately owned. Forested lands, vegetated sand dunes, lakes and limited areas of open sand comprise the natural landscape in this sector. Development consists of highways, residences and commercial and industrial facilities, most of which would remain. The bill precludes acquisition of properties within the inland sector without the owners consent under certain specific conditions. This sector will form a buffer zone between the more developed lands outside the national recreation area boundaries and the fragile dunes area.

The area described as the "dunes area" contains shifting sand dunes interspersed with lakes, streams and rivers, and the beaches. The area is in a nearly natural condition with only a relatively small amount of development associated mainly with public recreation and Coast Guard and Corps of Engineers activities generally not incompatible with administration for recreational purposes. About 95 percent of this area is publicly owned. The seashore beaches are in State ownership and dedicated to public use and the bill prohibits acquisition of publicly owned lands except by donation.

The economic base of the area has largely been logging and forest products manufacture and shipping. There is a 600-ton-per-day pulp and linerboard mill on the Umpqua River near the proposed National Recreation Area. Effluent from the mill is carried through a buried pipeline about a mile of which is within the National Recreation Area boundaries and which empties into the sea some 3,000 feet offshore. The Federal Water Pollution Control Administration has determined that there is virtually no effect on water quality at the beaches or in the surf, and that there is no measurable effect on biological communities in the vicinity of the effluent discharge. So long as the effect of pipelines and effluent discharge is negligible, the committee recommends that the transportation and storage of municipal and industrial waste within and through the national recreation area be permitted, and the bill so directs, subject to State permission and applicable water quality standards now or hereafter adopted.

In order for the residents of the area, State and other interested and knowledgeable people to participate in the overall administration of the national recreation area, provision and authority for the establishment by an advisory council to the Secretary of Agriculture is contained in the bill. Additionally, measures authorizing State and local administrative cooperation have been included.

Provisions are included in the bill directing the Secretary to review the entire area for possible wilderness designation under the Wilderness Act of 1964 as amended.

This new recreation area features one of the most scenic shorelines in the country. The constantly shifting white sands of the Oregon Dunes makes this area one of the largest active coastal dunes areas in the world. The area supports an interesting combination of wildlife and fish. Because of the outstanding opportunities for hunting and fishing, the legislation provides for continuance of such activities. Recreational opportunities in the area are almost limitless. In these days of increasing overcrowding, creation and preservation of this area for the use of all the people will aid in providing opportunities for recreation and solitude so necessary for our national well-being. I urge the support of my colleagues for passage of this legislation.

Mr. SKUBITZ. Mr. Speaker, I rise in support of H.R. 8763, a bill which would establish the Oregon Dunes National Recreation Area in the State of Oregon, to be administered by the Secretary of Agriculture in cooperation with the State and local governments.

Various bills have been introduced over the past 12 years to establish this area as a part of our national recreation, parks, and seashore system. Field hearings were held in 1966 and 1970. A bill to establish the area as a national seashore passed the House in the 89th Congress. Exhaustive hearings and discussion have been held during this Congress and the Committee on Interior and Insular Affairs has favorably reported this bill which, I believe, combines the best features of past proposals as well as some new ones.

Briefly, this bill involves the following:

The total land area is about 32,237 acres. About 18,907 acres are national forest lands; 1,840 are in other Federal ownership; 3,105 acres are State owned; 712 acres are county owned and the remainder are privately owned.

The Suislaw National Forest is partly within and adjacent to the proposed national recreation area. Its boundaries would be extended to include all of the lands not within such boundaries lying within the proposed national recreation area. The Coast Guard and Corps of Engineers would continue to use lands they now occupy. Lands owned by the State, its political subdivisions and Southern Pacific Railway right-of-way lands could not be acquired without consent. Noncommercial residential uses would be permitted for a term.

Part of the national recreation area would be designated the inland sector constituting a buffer zone, mostly in private ownership and exempt from condemnation absent the owners' consent under certain specified conditions. Timberlands within the inland sector would be exempt from condemnation so long as management standards applied to those lands were not less stringent than management standards on comparable national forest lands and so long as they were not necessary for recreation use or for access to or protection of recreation use.

Hunting, fishing, and trapping within the national recreation area would be permitted in accordance with applicable Federal and State laws except that the Secretary could, after consultation with the State game commission, establish limitations for reasons of public safety, protection of administrative sites, public use, and enjoyment.

Subject to valid existing rights, all lands within the national recreation area would be withdrawn from mining and mineral leasing.

Water use and transportation of and storage of industrial waste within the national recreation area would continue subject to compliance with applicable Federal and State water quality standards.

An advisory council consisting of local and Federal members would be established to consult with the Secretary regarding national recreation area administration.

Limitation on amounts authorized to be appropriated for land acquisition are $2,500,000, and for development, $12,700,000.

This bill has administration support, State support, the support of the members of the Committee on Interior and Insular Affairs, and, I am told, the support of a majority of the people directly affected by the legislation.

Wildlife and fish and sand dunes and sea will be preserved and protected—what is more important, man's short term use of this particular segment of his total environment will serve to enhance and maintain its longer term productivity. Hiking, sightseeing, fishing, hunting, camping, picnicking, swimming, and opportunities for solitude are campatible uses that will be provided for generations to come. The U.S. Forest Service, which will have primary responsibility for management of the area, plans development to accommodate increased visitor use of the national recreation area, but significantly, I think, the thrust of that planned development is toward protection of the fragile environment, and improvement of wildlife habitat. I am told that public facilities will be clustered to achieve efficient use of space and to leave as much surrounding open space as possible. Major land areas are and will remain undeveloped, including the existing Umpqua Dunes scenic area. Full cooperation with the State of Oregon and its political subdivisions in administration of the area and in administration and protection of surrounding lands owned or controlled by the State or its political subdivisions is planned and is specifically authorized by the bill.

This bill is a good piece of legislation and I urge your support for its passage.

Mr. Speaker, at this time I yield to the gentleman from Oregon (Mr. DELLENBACK) who is a member of the committee and also the sponsor of this legislation.

Mr. DELLENBACK. Mr. Speaker, one of the most magnificent treasures of Oregon is the dunes area located along the southern coast between Florence and North Bend. The legislation before you today is aimed both at the conservation and at the optimum utilization of this area through creation of the Oregon Dunes Natonal Recreation Area. Since my election to Congress over 5 years ago, I have been working to secure enactment of such legislation. And for at least 6 years before my election, previous Members of Congress from our State have also worked to preserve this beautiful area for the enjoyment of future generations.

I particularly commend my colleague from Oregon, Senator MARK HATFIELD, for his tremendous work in securing hearings on and passage of a companion bill in the Senate. He and I have worked closely for a matter of several years now to bring this bill to the verge of becoming law. He has been extremely helpful. I also commend my other Oregon colleagues, Congressman WENDELL WYATT for cosponsoring this measure in the House and Senator BOB PACKWOOD for cosponsoring the companion measure in the Senate.

My deep appreciation also to my colleagues who serve on Congressman ROY

TAYLOR's Subcommittee on National Parks and Recreation of the Interior and Insular Affairs Committee. The subcommittee's field hearings held in Florence, Oreg., in August of 1970, the Washington hearings held in mid-October, and the subcommittee markup session of early December all made final House action on this bill today possible.

My sincere thanks to the members of the subcommittee who participated in these actions and especially to Chairman ROY TAYLOR.

My sincere thanks also go to the distinguished chairman of the Interior Committee, Congressman WAYNE ASPINALL, and the other members of the full committee. I am deeply indebted to the chairman and the members of the committee for their quick and favorable action on the bill reported by the subcommittee. I express by gratitude to my colleague from Pennsylvania (Mr. SAYLOR), the ranking member of the full committee, and to my colleague from Kansas (Mr. SKUBITZ), the ranking member the subcommittee, for their support and help in getting this bill before us for action today. I also deeply appreciate the committee's placing this bill, which has gained the support of all who have been involved with it, on the Suspension Calendar so that it can be expeditiously handled.

My deepest debt of gratitude goes to all the wonderful people in Oregon who have put many years of effort into insuring that this long-sought-after goal would receive the support necessary from all corners. From Governor Tom McCall, to the county commissioners of Lane, Douglas, and Coos Counties, to the local citizens located along this part of the Oregan coast, to all the other concerned Oregonians who have been interested in the conservation and utilization of this beautiful strip of coast, my deep and heartfelt thanks for making sure that this goal would reach fruition.

H.R. 8763 has a twofold purpose: First, to conserve the unique and beautiful land formations in this part of our State; and second, to realize the full recreation potential of this approximately 32,262-acre strip of dunes, fresh water lakes and coastline. To explain best the purpose and significance of this legislation, I would like to trace briefly its history, outline my reasoning for taking the recreation area approach to this issue, and point out various features of this legislation.

1. THE HISTORY OF THE DUNES LEGISLATION

On March 25, 1959, the late Senator Richard Neuberger introduced the first dunes bill, providing for some 35,000 acres of land to be designated as the Oregon Dunes National Seashore and to be administered by the Department of Interior as a national park. Field hearings were held by the Senate Interior Committee, several modifications of the bill were proposed, but no final action was taken by the 86th Congress on the initial proposal.

Subsequent bills were introduced during the 87th and 88th Congresses to no avail. During the 89th Congress, Representative Robert Duncan, my predecessor as Congressman from Oregon's Fourth Congressional District, introduced H.R. 7524, another national seashore bill which would have included some 30,588 acres of land from the Siuslaw River south to Tenmile Creek. Field hearings were held by the House subcommittee in 1966 and the bill eventually passed the House. The bill died, however, in the Senate.

2. THE REASONS FOR TAKING THE RECREATION AREA APPROACH TO THE DUNES AREA

One of the chief reasons for H.R. 7524's failure to pass the Senate involved strong opposition to the considerable condemnation that would have taken place had the bill become law. In the original Neuberger proposal, for example, some 17,000 acres of private land would have been condemned, including some 400 homes.

There were other significant reasons for the failure of the national seashore concept. There would have been a major change in administration of the Federal lands involved—some 18,000 acres included in these proposals were already Siuslaw National Forest and being capably administered by the U.S. Forest Service. Taxes on condemned private property and payments in lieu of taxes on Forest Service property would have been terminated, placing an added financial strain on the three counties involved—Coos, Douglas and Lane. A takeover of two State parks without compensation to Oregon was part of these proposals. One of the parks, Honeyman State Park, had had much State money and effort go into making it one of the finest State parks in all of America. Understandably, this concept was strongly opposed by many State residents.

Also involved was the relationship the people of the area had established with the U.S. Forest Service. The people in this area had come to know the Forest Service personnel well, developing sound working relationships and a rapport of trust. The Park Service would have been a stranger in the area, and many people were just not ready for this proposed change.

Prior to my election in 1966, I pledged to the people of Oregon's Fourth Congressional District that I would attempt to develop and secure the implementation of a concept which would conserve the assets of this area, increase its utilization to the optimum, and at the same time correct the previously mentioned problems of the seashore concept.

I began meeting with Forest Service representatives shortly after my arrival in Washington for the beginning of the 90th Congress, and, after lengthy discussions with them, as well as with key and knowledgeable people in Oregon and my Oregon colleagues in the Congress, I introduced a bill to establish an Oregon Dunes National Recreation Area, under the aegis of the U.S. Forest Service. Because no action was taken on my bill during the 90th Congress, I introduced essentially the same bill as H.R. 778 in January of 1969.

After a tremendous amount of effort in encouraging both the Department of the Interior and the Department of Agriculture to send to the Bureau of the Budget their reports on this bill, and after a great deal more work to get the Bureau of the Budget to clear the bill for action, the legislation was finally ready for committee hearings in the spring of 1970. The chairman of our full House Interior Committee, Congressman WAYNE ASPINALL, of Colorado, early in the summer of 1970 agreed with me and with Subcommittee Chairman ROY TAYLOR that it was time for the committee to move. The result was field hearings in Florence, Oreg. in August 1970—a most encouraging note in the long struggle to enact legislation to establish and preserve the dunes as a national recreation area. Unfortunately, finally congressional action was not possible in the short amount of time remaining in the 91st Congress.

From the beginning of the 92d Congress until the middle of the spring of 1971 I worked on perfecting the language of H.R. 778 and incorporating into the bill several new sound concepts which had been suggested during the 91st Congress. On May 27, 1971, I introduced H.R. 8763, the 92d Congress version of the bill to establish the Oregon Dunes National Recreation Area.

On June 2, 1971, Senator MARK HATFIELD introduced, with Senator BOB PACKWOOD as cosponsor, S. 1977, a companion bill to H.R. 8763. Hearings came quickly on both the House and Senate versions of the dunes bill. The Senate passed S. 1977 in the fall of 1971.

During both subcommittee and full committee action in the House, several changes were made in H.R. 8763. These changes dealt in the main with technical changes in language to insure that H.R. 8763 had comparable language to similar legislation dealing with other national recreation areas elsewhere in the Nation. Several other changes reached toward insuring that the dunes bill would better accomplish the dual goals of conservation and optimum utilization of the recreation potential of this portion of Oregon's coast. I commend the subcommittee and full committee for their wisdom in effecting these changes.

We are now on the verge of passing H.R. 8763 and thereby taking the last giant step to insuring that the Oregon Dunes National Recreation Area will become a reality. After passage, minor differences between the Senate and House versions will be worked out, hopefully, by the Senate accepting the House amendments. The bill can then be sent to the President for his signature.

3. VARIOUS FEATURES OF THE DUNES LEGISLATION

I realize some of you already have a general knowledge of H.R. 8763. For the record, however, I would like to summarize briefly the significant sections of the bill.

This proposal encompasses roughly 32,000 acres of land, over 18,000 of which are within the boundaries of the Siuslaw National Forest. Approximately 8,000 acres are privately owned; the vast majority of which fall within the inland sector where condemnation proceedings cannot take place unless the landowners fail to meet certain conditions.

This inland sector, lying between the dunes area proper and the land to the east, will act as a buffer area to help stabilize the scenic character of the dunes area. The purpose of the recreation area is to provide the public with outdoor recreation use and enjoyment of the shorelines and dunes, forested areas, fresh water lakes, and the area's recreation facilities. Furthermore, this legislation is aimed at conserving the scenic, scientific, historic, and other values contributing to the public's enjoyment of the area.

The Secretary of Agriculture will administer, protect and develop the recreation area in accordance with laws applicable to National forests and along the guidelines now being followed in the other previously established National recreation areas.

All Federal lands within the exterior boundary of the recreation area become a part of the recreation area for the purposes of the act. Included Coast Guard and Corps of Engineers lands, however, will continue to be used to the extent required for such purposes. The boundaries of the Siuslaw National Forest will be extended to include all lands within the boundaries of the recreation area.

The lands in the inland sector cannot be acquired without the concurrence of the owner as long as the lands are used in accord with the provisions set forth in section 7 of the bill. This provides for the continuation of private ownership of: First, timberlands under sustained yield management, provided access is provided to lakes and streams, and management standards are no less stringent than those of the Forest Service; second, improved property, as defined in the bill; third, property used for commercial purposes if such commercial purposes are the same such purposes for which the property was being used on December 31, 1970; and fourth, property used primarily for private, noncommercial recreation purposes as long as any improvements made on the property after December 31, 1970 are certified by the Secretary of Agriculture as compatible with the purposes of the bill.

There are parcels within the inland sector which may be needed for recreational development or as sites for administrative facilities. There may be others that owners will wish to sell. Where the private owner desires some type of exchange transaction involving National forest land outside of the recreation area designated as an exchange base, effort will be made to accommodate his desires. Where an exchange request is not made, acquisition normally would be through purchase.

Hunting, fishing and trapping will be allowed within the recreation area in accordance with applicable Federal and State laws. After consultation with the Oregon State Game Commission, exept in emergencies, the Secretary may designate zones and establish periods when no hunting, fishing or trapping shall be permitted for reasons of public safety, administration, or public use and enjoyment.

Subject to applicable water quality standards now or hereafter established, the bill will authorize and permit, subject to reasonable rules and regulations, the investigation for, appropriation, storage, and withdrawal of ground water, surface water, and lake, stream, and river water from the recreation area and conveyance of water outside of the recreation area in accordance with the laws of the State of Oregon if permission therefor has been granted by the State prior to the passage of the act.

Section 12 of the bill directs the Secretary to establish an advisory council for the Oregon Dunes National Recreation Area. The advisory council will periodically advise the Secretary of Agriculture on the management and development of the recreation area. The council will be composed of one member to represent each of the three counties involved—Lane, Douglas, and Coos—one member to represent Oregon at large, and up to 11 additional members to represent local and national organizations which have an interest in the recreation area. I believe that such a council will be extremely helpful in insuring that the area will be administered in the best interests of all citizens.

The act shall not deprive the State of Oregon or any political subdivision of its right to exercise civil and criminal jurisdiction within the recreation area consistent with provisions of the act, or the right to tax persons, corporations, franchise, or other non-Federal property.

We have the necessary support for the bill from all crucial corners. The initial cost of establishing the national recreation area is comparatively low—a significant factor, I believe, when considering the backlog of parks and recreation areas already authorized, but not adequately funded. Proper planning is essential if this dunes area is to be both conserved for the future and developed in optimum fashion for the present. Such planning will be greatly enhanced by early favorable action on H.R. 8763.

The potential of the dunes area is great. Hundreds of thousands of Americans can enjoy this magnificent area in years to come. We want to be prepared for them. By establishing a national recreation area, we will be better able to serve their needs as well as those of the local area and its citizens.

Your favorable vote on H.R. 8763 will be deeply appreciated. This appreciation will come not only from those of us now directly involved in urging early enactment of this bill into law, but also from those many other Americans who may never hear of this bill, but who will continue, in the years ahead and in increasing numbers, to visit southern Oregon's beautiful coast and to benefit from what we do here today.

Mr. WYATT. Mr. Speaker, will the gentleman yield?

Mr. DELLENBACK. I am glad to yield to my colleague.

Mr. WYATT. Mr. Speaker, I heartily commend my colleague, the gentleman from Oregon.

For 12 years now, eight of which I have been in this House, I have seen this magnificent area on the Oregon coast be the subject of great dispute and very, very strong tugging and pulling and many times there has been much bitterness.

Mr. Speaker, I would like to commend the chairman of the committee along with my colleague and other members of the committee for bringing this matter to fruition.

My colleague, the gentleman from Orgeon (Mr. DELLENBACK) has almost singlehandedly woven together the many and various aspects involved and has brought to the floor of the House today a bill about which there is a bare minimum of controversy.

Mr. Speaker, I salute my colleague, the gentleman from Oregon, for bringing this fine recreational project to the point where it can really now finally become a reality. This is a very significant legislative achievement.

Mr. DELLENBACK. Mr. Speaker, I thank my colleague for his kind words.

Mr. TAYLOR. Mr. Speaker, H.R. 8763 was introduced by our colleague from the State of Oregon (Mr. DELLENBACK). If enacted into law it will provide for the establishment of the Oregon Dunes National Recreation Area.

BACKGROUND OF THE LEGISLATION

Probably no single area has been given more attention over the years than the Oregon Dunes country. As long ago as 1964, the Subcommittee on National Parks visited the area and conducted hearings on proposals to establish a national seashore to be administered by the National Park Service. After a long and rather bitter controversy, the House approved the seashore concept during the 89th Congress and sent the bill to the other body. While that legislation was favorably reported to that Chamber, it was never finally approved.

In subsequent years, the issue was dormant, but during the last Congress, Congressman DELLENBACK gave the project a new spark of life by introducing legislation which provided for the creation of a national recreation area to be administered by the Forest Service. This new proposal met with a relatively warm response in the area and was the subject of a very constructive and helpful field hearing conducted by the subcommittee in 1970. We followed that hearing with additional hearings in Washington last year before finally recommending the legislation to the House.

Mr. Speaker, we have every reason to believe that this legislation will ultimately be enacted if the House approves H.R. 8763, because the other body has already approved a comparable measure—S. 1977.

THE AREA

The principal reason for our longstanding interest in the Oregon Dunes area is that it contains some outstanding scenic, recreational, and natural values which merit national attention and protection.

Altogether, the area totals about 32,250 acres of land located along the central Oregon coastline. It contains a large, clean, white sand area, with dunes sometimes as high as 300 feet in depth. Coupling these magnificent dunes with the adjacent broad beaches creates a water-oriented recreation area comparable to some of the finest in the entire Nation.

In addition to being one of the Nation's most scenic shorelines, the area contains some interesting and unusual natural values. Scattered throughout the region—inside and outside of the recreation area—are numerous fresh water lakes and ponds which provide excellent habitat for waterfowl and sport fish and the streams which traverse the dunes serve as water highways for the anadromous fish which fight their way upstream to spawn.

Wildlife is relatively abundant in the vicinity. Western blacktailed deer and black bear are the largest mammals inhabiting the area, but coyotes, mink, otter, bobcat, red and gray fox, and racoon are also found there.

Hunting and fishing, of course, is permitted in national recreation areas. The legislation directs the Secretary to continue to permit hunting and fishing, but it does permit him to close areas to such uses, after consulting with the appropriate State agency, if he finds such action is necessary for reasons of public safety, administration, or public use and enjoyment. Language specifically providing that the Secretary might close an area for reasons of fish and wildlife management was deleted by the full Committee on Interior and Insular Affairs.

COST

Mr. Speaker, H.R. 8763, as recommended by the committee provides for two zones to be established within the recreation area in order to minimize the impact upon private landowners and at the same time reduce the costs for land acquisition within this national recreation area.

Altogether, approximately 22,800 acres of land are located within the so-called dunes sector—which is the prime conservation zone. Of this amount, nearly 95 percent is in public ownership so that only a few scattered private holdings will have to be acquired. Land acquisition within the inland sector is limited under the terms of the legislation so that only a small percentage of the privately owned lands will be acquired, if any. For this reason, only $2.5 million is authorized to be appropriated for the acquisition of lands and interests in lands.

Development of public facilities, however, involves substantially more money. It is estimated that these costs will require an investment of $12.7 million over a period of years. It is contemplated that two visitor centers will be constructed, as well as campgrounds, picnic areas, access roads and trails, boat launching sites and related facilities.

CONCLUSION

Mr. Speaker, H.R. 8763 is the product of many years of effort to preserve and protect the Oregon Dunes area for the general public. It is sound legislation which has been carefully considered by the Committee on Interior and Insular Affairs. It is a pleasure for me to recommend its enactment to my colleagues in the House.

The SPEAKER. The question is on the motion of the gentleman from North Carolina that the House suspend the rules and pass the bill H.R. 8763, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of the Senate bill (S. 1977) to establish the Oregon Dunes National Recreation Area in the State of Oregon, and for other purposes, and ask for immediate consideration of the bill.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1977

An act to establish the Oregon Dunes National Recreation Area in the State of Oregon, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to provide for the public outdoor recreation use and enjoyment of certain ocean shorelines and dunes, forested areas, fresh water lakes, and recreational facilities in the State of Oregon by present and future generations and the conservation of scenic, scientific, historic, and other values contributing to public enjoyment of such lands and waters, there is hereby established, subject to valid existing rights, the Oregon Dunes National Recreation Area (hereinafter referred to as the "recreation area"). The boundaries of the recreation areas shall be those shown on the map referred to in section 4 of this Act.

SEC. 2. The administration, protection, and development of the recreation area shall be by the Secretary of Agriculture (hereinafter called the "Secretary") in accordance with the laws, rules, and regulations applicable to national forests, in such manner as in his judgment will best contribute to attainment of the purposes set forth in section 1 of this Act.

SEC. 3. The area delineated as the "Inland Sector" on the map referenced in section 4 of this Act is hereby established as an inland buffer sector in order to promote such management and use of the lands, waters, and other properties within such sector as will best protect the values which contribute to the purposes set forth in section 1 of this Act.

SEC. 4. The boundaries of the recreation area and the inland sector shall be as shown on a map entitled "Proposed Oregon Dunes National Recreation Area" dated May 1971, which is on file and available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture, and to which is attached and hereby made a part thereof a detailed description by metes and bounds of the exterior boundaries of the recreation area and of the inland sector. The Secretary may by publication of a revised map or description in the Federal Register correct clerical or typographical errors in said map or descriptions.

SEC. 5. All lands of the United States within the exterior boundary of the recreation area are hereby made a part of the recreation area for the purposes of this Act: *Provided,* That lands required for the purposes of the United States Coast Guard or the United States Corps of Engineers shall continue to be used by such agencies to the extent required for such purposes.

SEC. 6. The boundaries of the Siuslaw National Forest are hereby extended to include all of the lands not at present within such boundaries living within the recreation area as described in accordance with section 4 of this Act.

SEC. 7. Within the inland sector established by section 3 of this Act the Secretary may acquire the following classes of property only with the consent of the owner:

(a) improved property as hereinafter defined;

(b) property used for commercial or industrial purposes if such commercial or industrial purposes are the same such purposes for which the property was being used on December 31, 1970, or such commercial or industrial purposes have been certified by the Secretary or his designee as compatible with or furthering the purposes of this Act;

(c) timberlands under sustained yield management so long as the Secretary determines that such management is being conducted in accordance with standards for timber production, including but not limited to harvesting, reforestation, and debris cleanup, not less stringent than management standards imposed by the Secretary on comparable national forest lands: *Provided,* That the Secretary may acquire such lands or interests therein without the consent of the owner if he determines that such land or interests are essential for recreation use or for access to or protection of recreation developments within the purposes of this Act. In any acquisition of such lands or interests the Secretary shall, to the extent practicable, minimize the impact of such acquisition on access to or the reasonable economic use for sustained yield forestry of adjoining lands not acquired; and

(d) property used on December 31, 1970, primarily for private, noncommercial recreational purposes if any improvements made to such property after said date are certified by the Secretary of Agriculture or his designee as compatible with the purposes of this Act.

SEC. 8. Within the boundaries of the recreation area lands, waters, and interests therein owned by or under the control of the State of Oregon or any political subdivision thereof may be acquired only with the consent of such State or political subdivision. No part of the Southern Pacific Railway right-of-way within the boundaries of the recreation area may be acquired without the consent of the railway. In any acquisition of improved property within the recreation area, the owner or owners (hereinafter in this section referred to as "owner") may, as a condition of such acquisition, retain the right of use and occupancy of such property for noncommercial residential purposes for a term of (1) not to exceed twenty-five years, or (2) for a term ending at the death of the owner, the death of the owner's spouse, or at the time all of the children of the owner or of the owner's spouse die before reaching twenty-one years of age or at the time the youngest such child reaches the age of twenty-one, whichever of all such event occurs the latest. The owner shall elect at the time of conveyance the terms to be reserved. Where any such owner retain a right of use and occupancy as herein provided, such right may during its existence be conveyed or leased in whole, but not in part, for noncommercial residential purposes. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market on such date of the right retained by the owner. At any time subsequent to the acquisition of such property the Secretary may, with the consent of the owner of the retained right of use and occupancy, acquire such right, in which event he shall pay to such owner the fair market value of the remaining portion of such right. The term "improved property" wherever used in this Act shall mean a detached one-family dwelling the construction of which was begun before December 31, 1970, together with so much land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary finds necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling situated on such land. The amount of such land shall be at least three acres in area, or all of such lesser amount that may be held in the same ownership as the dwelling. Funds hereafter appropriated and available for the acquisition of lands and waters and interests therein in the national forest system pursuant to the Act of September 3, 1964 (78 Stat. 897), shall be available for the acquisition of any lands, waters, and interests therein within the boundaries of the recreation area.

Sec. 9. The Secretary shall permit hunting, fishing, and trapping on the land and waters under his jurisdiction within the recreation area in accordance with applicable laws of the United States and of the State of Oregon: *Provided,* That the Secretary, after consultation with the Oregon State Game Commission, may issue regulations designating zones where and establishing periods when no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, or public use and enjoyment.

Sec. 10. The lands within the recreation area, subject to valid existing rights, are hereby withdrawn from location, entry, and patent under the United States mining laws and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

Sec. 11. (a) The Secretary is authorized and directed, subject to applicable water quality standards now or hereafter established, to permit the investigation for, appropriation, storage, and withdrawal of ground water, surface water, and lake, stream, and river water from the recreation area and the conveyance thereof outside the boundaries of the recreation area for beneficial use in accordance with applicable laws of the United States and of the State of Oregon if permission therefor has been obtained from the State of Oregon before the effective date of this Act: *Provided,* That nothing herein shall prohibit or authorize the prohibition of the use of water from Tahkenitch or Siltcoo Lakes in accordance with permission granted by the State of Oregon prior to the effective date hereof in connection with certain industrial plants developed or being developed at or near Gardiner, Oreg.

(b) The Secretary is authorized and directed, subject to applicable water quality standards now or hereafter established, to permit transportation and storage in pipelines within and through the recreation area of domestic and industrial wastes in accordance with applicable laws of the United States and of the State of Oregon if permission therefor has been obtained from the State of Oregon before the effective date of this Act.

(c) The Secretary is further authorized to grant such additional easements and rights, in terms up to perpetuity, as in his judgment would be appropriate and desirable for the effective use of the rights to water and the disposal of waste provided for herein and for other utility and private purposes if permission therefor has been obtained from the State of Oregon, subject to such reasonable conditions as are necessary for the protection of the scenic, scientific, historic, and recreational features of the recreation area.

Sec. 12. (a) The Secretary shall establish an advisory council for the Oregon Dunes National Recreation Area, and shall consult on a periodic and regular basis with such council with respect to matters relating to management and development of the recreation area. The members of the advisory council, who shall not exceed fifteen in number, shall serve for individual staggered terms of three years each and shall be appointed by the Secretary as follows:

(i) a member to represent each county in which a portion of the recreation area is located, each such appointee to be designated by the respective governing body of the county involved;

(ii) a member appointed to represent the State of Oregon, who shall be designated by the Governor of Oregon;

(iii) not to exceed eleven members appointed by the Secretary from among persons who, individually or through association with national or local organizations, have an interest in the administration of the recreation area; and

(iv) The Secretary shall designate one member to be chairman and shall fill vacancies in the same manner as the original appointment.

(b) The Secretary shall, in addition to his consultation with the advisory council, seek the views of other private groups and individuals with respect to administration of the recreation area.

(c) The members shall not receive any compensation for their services as members of the council, but they shall be reimbursed for travel expenses and shall be allowed, as appropriate, per diem or actual subsistence expenses.

Sec. 13. The Secretary shall cooperate with the State of Oregon or any political subdivision thereof in the administration of the recreation area and in the administration and protection of lands within or adjacent to the recreation area owned or controlled by the State or political subdivision thereof. Nothing in this Act shall deprive the State of Oregon or any political subdivision thereof of its right to exercise civil and criminal jurisdiction within the recreation area consistent with the provisions of this Act, or of its right to tax persons, corporations, franchises, or other non-Federal property, including mineral or other interests, in or on lands or waters within the recreation area.

Sec. 14. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, not to exceed, however, $12,700,000 for development of the recreation area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering costs indexes and not to exceed $2,500,000 for acquisition of lands, waters, and interests therein.

AMENDMENT OFFERED BY MR. TAYLOR

Mr. TAYLOR. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Taylor: Strike out all after the enacting clause of S. 1977 and insert in lieu thereof the provisions of H.R. 8763, as passed.

The SPEAKER. The question is on the amendment offered by the gentleman from North Carolina.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 8763) was laid on the table.

MV "WICKERSHAM"

Mr. GARMATZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10834), authorizing the State of Alaska to operate a ferry vessel of foreign registry between ports in southeastern Alaska, and between ports in Alaska and ports in the State of Washington, for a limited period of time, as amended.

The Clerk read as follows:

H.R. 10834

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of law of the United States restricting to vessels of the United States the transportation of passengers and merchandise directly or indirectly from any port in the United States to another port of the United States, passengers (and their personal effects and their private vehicles) and vehicles engaged in the transportation of passengers but not merchandise may be transported on the M/V Wickersham (a passenger vessel owned by the State of Alaska but of foreign registry) between ports in Alaska, and between ports in Alaska and ports in the State of Washington, beginning on the date on which a binding contract is entered into between the State of Alaska and shipbuilders of the United States for the construction in the United States of a vessel to replace the M/V Wickersham, and ending on whichever of the following dates first occurs:

(1) the date on which there is no longer a binding contract between the State of Alaska and a shipbuilder of the United States for the construction in the United States of a vessel to replace the M/V Wickersham, other than contract termination resulting from the delivery of such replacement vessel;

(2) the date on which the State of Alaska first replaces the M/V Wickersham in regular service with a vessel of the United States;

(3) the date on which the State of Alaska ceases to own the M/V Wickersham;

(4) the date occurring thirty-six months after the date of enactment of this bill.

Sec. 2. The Assistant Secretary of Commerce for Maritime Affairs shall provide certification of the operative dates set out in section 1 herein.

The SPEAKER. Is a second demanded?

Mr. PELLY. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Maryland is recognized.

Mr. GARMATZ. Mr. Speaker, I yield myself such time as I may consume.

I urge passage of H.R. 10834, a bill which would authorize the State of Alaska to operate a ferry vessel of foreign registry between ports in Alaska and between ports in Alaska and ports in the State of Washington for a limited period of time.

The State of Alaska purchased the MV *Wickersham* in 1968 for operation in the Marine Highway System. It was built in Norway and, therefore, it was excluded from carrying passengers between one domestic port and another. These restrictions were imposed by our sabotage law. As a result, the MV *Wickersham* was placed under Panamanian registry and limited to operation between Vancouver, B.C., a foreign port, and ports in Alaska. The vessel does, however, carry an American crew.

This bill would grant a very narrow exception to our cabotage laws. This exception would begin at the time a contract for a replacement vessel has been entered into with a U.S. shipyard—and I might add at this point that such a contract was, in fact, executed on February 4, 1972—and the exception would end at the earlier of the following occurrences:

First, if the replacement vessel contract should terminate for any reason other than the completion of the vessel;

Second, when the replacement vessel actually goes into service;

Third, when the State of Alaska ceases to own the *Wickersham;* or

Fourth, in any event, not more than 36 months after the enactment of this bill.

The departmental reports are, on the whole, favorable.

As a matter of past practice, the committee has been generally inclined not to grant exemptions to our cabotage laws. They are well conceived and protect our domestic trades from the competition of foreign-built vessels, or vessels operated under foreign flags. However, in this instance, the committee was convinced that the public interest would be served by the enactment of this very limited exemption.

I strongly urge the House to pass this bill as a sound piece of legislation necessary to assist Alaska in meeting very real passenger transportation problems in that State.

Mr. PELLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the distinguished chairman of the Committee on Merchant Marine and Fisheries (Mr. GARMATZ) has explained the purpose of this legislation. It is sufficient to say that the bill as reported by the committee slightly liberalizes the coastwise trading privileges of the MV *Wickersham* between the States of Washington and Alaska for a maximum period of 3 years while a replacement vessel is constructed in a U.S. shipyard.

I would like to emphasize, Mr. Speaker, that this legislation constitutes only a very limited and technical waiver of our cabotage laws. To the extent that motor vehicles owned by passengers sailing on the *Wickersham* will be transported between Seattle and Alaska and between ports in Alaska, there is an exemption from the Jones Act, section 27 of the Merchant Marine Act of 1920. Since the *Wickersham* is a link in the Alaskan highway system, the carriage of private motor vehicles is an essential aspect of the service. The *Wickersham* will not be permitted, however, to carry commercial merchandise, and therefore there is no real impairment of the Jones Act.

Mr. Speaker, I have vigorously supported the Jones Act for the past 20 years as a Member of the Committee on Merchant Marine and Fisheries. I would not support this legislation here today if I felt that it constituted to the slightest extent an erosion of the principles embodied in the Jones Act. Section 27 of the Merchant Marine Act of 1920 was authored by Senator Wesley Jones of my State of Washington, then chairman of the Senate Commerce Committee. In drafting this legislation, he was prompted by the experience of World War I when the United States found itself totally dependent upon foreign-flag shipping at exorbitant rates until, as a result of a crash building program, the United States managed to establish a fleet. The Merchant Marine Act of 1920 was enacted primarily to authorize the sale of that war-built fleet to private interests.

Under section 27 of the act, our domestic deepsea merchant marine has flourished, providing efficient service to Alaska, Hawaii, Puerto Rico, and Guam. Containerization of cargo, which has revolutionized international shipping, began in our protected domestic trades between the mainland, Puerto Rico and Hawaii. Deepsea barge transportation was perfected in the Alaskan trade. None of these technological developments would have occurred had these trades been open to foreign-flag operators. American-flag carriers have invested hundreds of millions of dollars in providing modern efficient cargo systems for our domestic offshore trades, an investment which simply could not have been made had every fly-by-night operator in the world been permitted to engage in these services.

The Merchant Marine Act of 1970 extended to carriers in our domestic trade the privilege of establishing tax-deferred capital construction funds to further modernize their fleets and expand their services. The Maritime Administration has greatly expanded its support for our domestic fleet. The Jones Act, the Merchant Marine Act of 1970, and the initiatives of the Maritime Administration will insure the people of Alaska and our other offshore States and possessions the highest quality marine transportation available anywhere in the world.

Mr. Speaker, in closing, I want to commend the Representative from Alaska, who worked hard and agreed to various amendments on this bill in order that it could be reported by our committee for enactment.

Mr. GARMATZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Alaska (Mr. BEGICH) the sponsor of the bill.

Mr. BEGICH. Mr. Speaker, I am proud to stand along with the distinguished chairman of the Merchant Marine and Fisheries Committee (Mr. GARMATZ), and its equally distinguished ranking minority member (Mr. PELLY), in support of my bill, H.R. 10834, providing special operating authorization for the Alaska ferry vessel MV *Wickersham*. That this legislation has reached the floor today is in large part due to the sensitivity and hard work of these gentlemen, and the able staff of the committee.

As the report of this bill points out, bills similar to H.R. 10834 have been introduced in Congress ever since the 90th Congress without success. For this reason, I am proud that it is my bill which has finally reached this opportunity for passage, but I must assure my colleagues that the past failure and present success of this legislation is no more or less than a function of the cooperation and hard work of a great many people to reach a sensitive solution to a very real problem. Included in this effort, beside those I have already mentioned, are the other members of the Merchant Marine and Fisheries Committee, and the State of Alaska, most notably Gov. William A. Egan and Commissioner of Public Works George Easley. My thanks and admiration go to all of these people.

For the purpose of putting this legislation in perspective, I would like to set forth the general conditions to which it addresses itself. In any such account, the starting point must be the fact that no State is so dependent on marine transportation as is Alaska. Both for purposes of practical maintenance of life and for access to Alaska's coastline by tourists, an extensive ferry system is mandatory. Such a system has been operational in Alaska for nearly 35 years.

Since those early days, the ferry fleet, and the level of service has grown tremendously. At present, the fleet includes seven vessels ranging from the 99-foot, 19-passenger *Chilkat* to the 363-foot, 1,300-passenger *Wickersham*. Demands on this system have increased steadily, both for intrastate marine transportation, and for interstate connections with the Pacific Northwest.

In response to this growing demand for service, additional vessels have been added every few years. Alaskan voters, sensitive to these needs, have agreed to bonded indebtedness in each instance that expansion of the fleet or its support facilities was necessary.

In 1966 it was recognized that the need for expansion was particularly acute. The need existed for both short- and long-term expansion, perhaps totaling as many as five new vessels in the next 5 to 10 years. Most pressing was the immediate need for a large vessel capable of making the run between Alaska and the Pacific Northwest.

In answering that need, the State of Alaska yielded to the exigencies of financial limitations, and committed the error which we are prepared to correct today. That error was the purchase of the MV *Wickersham*, built in Norway, and thus subject to the restrictions of the Jones Act. The basis for this decision remains a mystery, but it is certain that many factors have changed since that time, including a new State administration headed by Gov. William A. Egan, as well as changes in the composition of the congressional delegation.

In any case, the results of that purchase decision, however well considered, have been extremely burdensome on the State of Alaska, and the many Alaskans and U.S. citizens who depend on the Alaska Marine Highway System. The prime hardship has been the limitations on service which can be provided by the *Wickersham*. She simply cannot operate as a full member of the fleet, nor can she serve as a full replacement when other ferries are temporarily out of service. This penalty is paid by Alaska citizens who need and deserve adequate marine transportation.

Secondly, the result of this insufficiency of service is that the *Wickersham* has become, or perhaps always was, a financial liability for Alaska. Nearly $500,000 per year is lost by Alaska from causes related to the limited service of the *Wickersham*. My colleagues who understand the difficulties of any public transportation system will understand precisely what this means.

At this point in my presentation, it is appropriate to state that the time for a fair solution to this situation is at hand. I intend to say this, but I must preface such a statement with a declaration which I feel compelled to make. It is simply this: The hardships I set forward are not accidental, they are the result of failure to recognize the purpose and operation of the Jones Act. What I say here, and the bill proposed here, does not attack nor seek to undermine that purpose, but rather seeks to correct a mistake on terms which are both fair to all parties and just within the meaning of present law. Although I suspect it is fair to say that the effects of the Jones Act have been most harsh on Alaska among all the States, I cannot disagree with the purpose of such laws, which are designed to protect the domestic economy.

On the contrary, this legislation is designed specifically to not only resolve the problem of the *Wickersham* but also to do so at the same time that the American shipbuilding industry is given substantial economic assistance. This legislation was introduced only at the time that a plan of such mutual benefit could become a realistic feature of the legislation.

The committee report prepared for H.R. 10834 sets out admirably the provisions by which this plan is to be accomplished. Very simply, this legislation will permit the MV *Wickersham* to operate notwithstanding the provisions of the Jones Act. This operation will be strictly limited in time by a number of specific factors which guarantee that under no circumstances will such operation extend beyond 36 months.

Most importantly, this full operation cannot even begin until a binding contract for construction of an American-built replacement vessel has been entered into by the State of Alaska. Thus, the purpose of the legislation is two-fold. First, to provide temporary operating authority for the *Wickersham*. Second, to encourage the construction of an American-built vessel, and the accompanying work for American shipyards and for thousands of shipyard employees who now suffer from the economic decline which affects us all.

I might add that the economic benefits of this legislation neither begin nor end with the single replacement vessel which is to be built. At the same time, the State of Alaska is undertaking a total expansion program which will total over $37 million, with all work to be done in American shipyards. Integral to this plan is the use of the *Wickersham* as a replacement vessel while other vessels in the fleet are lengthened and refitted. Of this total figure, the new replacement for the *Wickersham* will cost approximately $19.5 million.

The report on this bill, and the excellent presentations of Chairman GARMATZ and Mr. PELLY have made clear the various factors which have been considered prior to bringing this bill before the House. If I may, I will review those factors in the hope that you will join me in concluding that the homework has been done.

First, the bill provides for a limited waiver of the Jones Act for full operation of the MV *Wickersham*.

Second, this waiver is contingent upon the existence of a binding contract for construction of an American-built replacement vessel for the *Wickersham*.

Third, the waiver cannot exceed 36 months under any circumstances, but ends earlier automatically if the contract fails, if the new vessel goes into service earlier, or the *Wickersham* is sold earlier.

Fourth, reports on the bill have been received from the Coast Guard, the Department of Commerce, the Department of State, the Department of Treasury, the Federal Maritime Commission and the Department of Defense. The reports are favorable and no objection is interposed. These departments and agencies carry the message that this legislation offers an appropriate solution to a difficult problem.

Fifth, the State of Alaska has already fulfilled its responsibility under this legislation, and has done even more than is required. The $37 million expansion plan is final, and bonding for it has been approved by the voters of the State. Specific authorization for the ultimate sale of the *Wickersham* and for construction of a replacement is now State law. A contract for the replacement vessel in the amount of $19.5 million has been signed.

What remains to be done is the passage of H.R. 10834, and I urge your support for this measure today. By your support, you will be providing immediate benefits to the American shipbuilding industry and its many unemployed workers on both coasts, to the State of Alaska, and to the residents of Alaska and the Pacific Northwest who need and deserve the improved transportation that this legislation will provide. There are many people who will join me in thanking you for your support of this bill.

The SPEAKER. The question is on the motion offered by the gentleman from Maryland that the House suspend the rules and pass the bill H.R. 10834, as amended.

The question was taken; and—two-thirds having voted in favor thereof—the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read:

A bill authorizing the State of Alaska to operate a passenger vessel of foreign registry between ports in Alaska, and between ports in Alaska and ports in the State of Washington, for a limited period of time.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1746) entitled "An act to further promote equal employment opportunities for American workers".

GENERAL LEAVE

Mr. MIKVA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill S. 1975 passed earlier today.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

NEED TO CLOSE INFLATIONARY LOOPHOLES IN CERTAIN EXPORT MARKETS

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent that I may insert in the RECORD a statement that I made last week involving the matter of exports of hides from the United States and the effect of the exportation upon prospective prices of shoes this year.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The statement is as follows:

PRESS RELEASE OF CONGRESSMAN WILBUR D. MILLS, DEMOCRAT, OF ARKANSAS

The recent controversy over the import surcharge has distracted attention from the overdue need to close inflationary loopholes in certain of our export markets.

Specifically, I am greatly concerned that the export loophole inviting speculative exploitation of the American hide market is at one and the same time inflating our costs and deflating our employment.

"Stagflation" is more than a theory so far as inflation of American hide costs and deflation of the American shoe and leather industry are concerned. It is a costly fact.

U. S. hide prices have roughly doubled in the past year. Export demand has bid them up. The jump in hide exports is matched by a corresponding jump in shoe imports, which have been running close to half of U. S. shoe production—as against a mere five percent in 1960. According to the Department of Commerce, imports soared to no less than two-thirds of U. S. shoe production in January! This ratio of imports to a basic American product is unsupportable! It calls for prompt and incisive action by the President—just as soon as he is able to focus again on domestic and ecomomic affairs!

In the case of the distress suffered by American import-sensitive textile and steel industries, Presidential relief actions were prompted when the ratio of imports to production hit the sore nerve represented by ten percent.

The policy implications of these developments are even more disturbing than the actual toll taken by hide cost inflation and shoe industry decline. No other power standing in the world today freely invites its competitors to strip it of its proprietary raw materials, while inviting them at the same time to flood its markets with low-cost products that were fabricated from these same raw proprietary raw materials. I do not believe that America is still so rich or so naive that she can afford or agree to remain so improvident.

This costly and self-defeating pattern is by no means limited to American hide and leather industries.

Two warning signals from the marketplace leave no doubt that failure to close this export loophole promptly will cause the other shoe to drop—and I am not joking!

The first danger signal is coming from the distress-ridden dollar market overseas: There is no doubt that foreign shoe manufacturers, joining in the speculation that the dollars they already have and the dollars they are expecting to earn will be worth less, are using them now to bid up the price of hides. Consequently, foreign fears for another mark-down in the dollars are confirming domestic fears of another notch-up for both inflation and unemployment.

The second danger confronts the American consumer. The direct cost consequences to the American consumer of the run-up in the hide market are putting the Price Commission on notice to sanction an increase in the retail price of shoes of anything from $1.00 to $3.00 a pair. This price increase will come just as soon as today's run-up in hide costs translates itself into tomorrow's shipment of manufactured shoes. This means that the mothers of America's school-children will find themselves paying more for shoes just before school opens next September. It also guarantees yet another upward "tilt" in the cost-of-living index which will, therefore, entitle all union members still employed next summer to the offsetting pay increases guaranteed by the cost-of-living clauses in their contracts.

I call upon the President to instruct the Secretary of Commerce to take prompt steps to introduce a licensing system to limit the export of hides and to study any other parallel cases of abuse. I would much prefer the lesser evil of hide export controls to the unmitigated disaster of dollar exchange controls. Failure to take such relatively limited remedial action now will invite still new distortions threatening to force larger emergency actions sooner than I care to contemplate.

MISS KAREN BETH MALLAH, FLORIDA'S WINNER IN VETERANS OF FOREIGN WARS VOICE OF DEMOCRACY CONTEST

(Mr. FASCELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FASCELL. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its ladies auxiliary conduct the voice of democracy contest. Participants from high schools throughout the country submit speeches based on theme of democracy, and compete for scholarships provided by the VFW. This year more than 500,000 students participated.

I am proud that the winning entry from the State of Florida was submitted by Miss Karen Beth Mallah, a senior at Miami Coral Park senior high school in the 12th District of Florida. Karen stresses the responsibility which democracy and its freedoms require of each citizen. Her essay clearly indicates her insight and maturity.

Mr. Speaker, I congratulate the Veterans of Foreign Wars and the ladies auxiliary for their sponsorship of this important contest, and call to the attention of our colleagues the outstanding work of Miss Mallah:

My Responsibility to Freedom

Although freedom is a gift given to each American, freedom is not free. Freedom is the most expensive gift given because it requires constant guarding or it will be stolen away; it requires constant care or it will die of neglect. Yet, for all the expense involved, freedom is worth more than we ever can give to it.

Freedom is the only true expression of human dignity. It provides the only system that recognizes the differences in human beings and gives each the chance to try and attain the best life, both materialistically and spiritually, that one is able to attain.

The price of freedom lies in the responsibility necessary to maintain it. Each person has different responsibilities, based on his capabilities and awareness. My responsibilities are greater than most of my friends' because I am more fully aware of the thin line we walk in keeping freedom and losing it.

One of my greatest responsibilities is voting, for in voting I am taking a direct action for our heritage of freedom. I am asserting my views and opinions for the nation. I am making an active choice between two or more possibilities open; I am stating what I want for me and what I hope will be best for others.

Every time someone misses one election, no matter how inconsequential it seems, he is denying himself freedom. Voting is one way to assure a democratic government. But voting, no matter how diligently practised is not a daily occurrence, and freedom demands daily devotion.

Another responsibility I have is keeping informed. Only through information am I fully aware of what the government is doing. Then, if I am opposed to some action brought forward by the government, I am able to state my opposition in a calm, intelligent manner and offer suggestions for a better method in solving a particular problem.

Voting and keeping informed are excellent means for all citizens to actively participate in our American government and keep freedom alive. However, for my own personal satisfaction I must do more, because I am capable of doing more. I cannot be passive in a world that cries for action, and so I extend my responsibilities to freedom.

I find that my responsibilities do not end with myself. I try and see that others do not lose their freedom through disuse. I work with the political system we have, because I feel it is the best one mankind has devised. I actively campaign for the candidate I feel will do the best job of representing me and in carrying out my views. I babysit for free so many women who would not be able to otherwise vote are able to do so. I drive people to the polls, and inform citizens of their voting districts. I do this because it is my responsibility, and I can never assume someone else is doing this work so necessary for a healthy, political system.

Responsibility to freedom does not end with elections. The best tool at my disposal is pen and paper. Then I can write to my representatives and let them know how I feel on the issues so that they are aware of the will of the people.

However, in all the actions I take, my most important responsibility to freedom is being the best citizen I know how. Freedom requires maturity and understanding and the self control to know when to limit actions that would harm others.

We each have many responsibilities to freedom. Whatever happens, happens because we let it. Freedom is everyone's job. But in saying this, I must never think that I am nobody. Freedom begins with me, and I'll make sure it doesn't end with me.

I am striving to awaken responsibility for freedom in others, because only through united action is the true greatness of America fully achieved. My responsibility to freedom? Loving it so much that it remains alive for the future.

SUPPORT PRICE FOR MILK

(Mr. OBEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. OBEY. Mr. Speaker, I am today introducing a bill in the House which would require the Secretary of Agriculture to make quarterly adjustments in the support price of milk.

Under present law, the Secretary of Agriculture sets the support price for milk at between 75 percent and 90 percent of parity on April 1, the beginning of the marketing year. Throughout the marketing year, however, dairy farmers' purchasing power is eroded because the support price of milk remains constant while production costs steadily increase.

The passage of this bill would stop that steady erosion. Under this legislation, if an 85 percent of parity support level were established on April 1, the actual price farmers would receive for their milk would remain at close to that parity level throughout the year.

This has not been true in the past. Look at the present marketing year. Last April 1, the price support level for manufacturing milk was set at $4.93 a hundredweight, or 85 percent of parity. By April 1972, however, it is expected that because of increased costs to dairy farmers the $4.93 a hundredweight support price will represent only about 79 percent of parity, showing in effect, a 7 percent decline in purchasing power.

My bill would correct this by requiring the Secretary of Agriculture to adjust the support price of milk in terms of dollars at 3-month intervals during the marketing year. Had this legislation been in effect this marketing year, for example, the support price of milk would have been increased three times to maintain the support level at 85 percent of parity—to $5.04 a hundredweight on July 1, to $5.08 a hundredweight on October 1, and to $5.11 on January 1.

Unfortunately declines similar to those experienced this year have been experienced through each of the past 6 marketing years, as shown by the table below:

Marketing year (Apr. 1 to Mar. 31)	Support price (per hundred weight)	Support as percent of parity, marketing year		Decrease, percent
		Beginning	End	
1965-66	$3.24	75	72.5	2.5
1966-67	3.50	78	[1] 78.0	----------
	4.00	[1] 89	86.6	2.4
1967-68	4.00	87	83.5	3.5
1968-69	4.28	89	83.1	5.9
1969-70	4.28	83	80.0	3.0
1970-71	4.66	85	80.5	4.5
1971-72	4.93	85	[2] 79.1	5.9

[1] As of June 30, 1966.

[2] Estimate for Mar. 31, 1972.

Mr. Speaker, in my judgment, this situation is unfortunate and unfair.

Dairy farmers lose ground throughout the year, not because of inefficiency or through fault of their own, but simply because a price support level for milk established once a year does not allow farmers to keep pace with inflationary increases in production costs.

The price dairy farmers receive for their milk must rise at least enough to offset increases in production costs if dairymen are ever going to maintain—let alone improve—their income position. And I for one believe the need for improvement in the income of our Nation's dairy farmers is clear.

Undersecretary of Agriculture Campbell pointed out recently that financial returns for dairying are presently so low that most dairymen do not recover their capital investment during their occupational lifetimes. I cannot think of anything that better illustrates just why we need improved incomes for these farmers.

I believe the proposal that I am introducing today makes a justified improvement in our dairy price support program. If this bill is enacted into law, and if the Secretary of Agriculture raises the support price for milk to the full 90 percent of parity, as I urged Secretary Butz in a recent letter, dairy farmers should finally be able to achieve the income gains which they deserve.

Mr. Speaker, a copy of my bill appears below.

H.R. 13584

A bill to amend the Agricultural Act of 1949, to provide for adjustments in the support price of milk during its marketing year.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 401(d) of the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) is amended by adding at the end thereof the following new sentence: "Notwithstanding the first sentence of this subsection, the Secretary shall adjust the support price of milk at three month intervals during its marketing year in order to accurately reflect any increase in the parity price of milk as of the date of each such adjustment when compared to its parity price at the beginning of such marketing year.

BUSING

(Mr. SCOTT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

M. SCOTT. Mr. Speaker, as you know many Members of the House are concerned with the problem of busing to obtain racial balance and the House Judiciary Committee has now responded to the concern of the membership by holding hearings on the problem. I hope these hearings will be fruitful and are not being held in order to prevent additional Members from signing the discharge petition now at the Clerk's desk. In any event, I would like to share my own testimony today before the Judiciary Committee with my colleagues in the House which is set forth in full below:

Testimony of Congressman William L. Scott Before House Judiciary Committee, Subcommittee No. 5, During Public Hearings on House Joint Resolution 620 and Related Measures Proposing Amendments to the Constitution With Respect to the Transportation and Assignment of Public School Pupils, Held on Monday, March 6, 1972

Mr. Chairman, let me thank you and the members of this committee for holding these hearings. In my opinion the people of the country are more concerned with the busing problem than with any individual domestic problem in recent years. An indication of this is the result of an annual opinion poll sent to every home in my congressional district, in which the question was asked:

"Do you favor busing of school children to obtain racial balance:

A. Between cities and suburban areas?" and the answers were, "yes," 9 per cent; "no," 90 per cent, and "no opinion," 1 per cent;

"B. Solely within a city or county?" and the answers were, "yes," 14 per cent; "no," 85 per cent, and "no opinion," 1 per cent;

"C. Under any circumstances?" And the answers were, "yes," 7 per cent; "no," 91 per cent; and "no opinion," 2 per cent.

We received more than 50,000 replies to the over 275,000 questionnaires sent out to a district which includes urban, suburban, and rural areas.

While Virginia may have a stronger feeling than most States in view of the recent decision by Judge Merhige involving the Richmond area, I do feel that the overwhelming majority of the people of the country are opposed to busing. A recent editorial in the Richmond *Times-Dispatch,* which serves my congressional district, and one from the Ashland *Herald, Progress,* both suggest that busing is not the proper way to obtain quality education, and I would like to insert these two editorials in the record at this point. (Editorials attached.)

Mr. Chairman, a number of our colleagues are not signing the discharge petition because they believe in the committee system, and they believe that this committee will report a bill to the House for consideration. This may be a test as to whether our body is truly the people's legislative body and if sovereignty does reside in the people of the country collectively, because I am convinced that the American people want to stop the busing of school children for the purpose of achieving racial balance as a substitute for the neighborhood school concept.

In my opinion, there are a number of ways to carry out the will of the American people. The first is by the enactment of a law prohibiting the busing of children in our public schools. This concept is embodied in H.R. 914 which I co-sponsored with Mr. Mizell of North Carolina, and a number of other Members. Because of fear, however, that this would be declared unconstitutional, I also joined Mr. Mizell and others in co-sponsoring a constitutional amendment.

I would hope that the committee would weigh the concept of exercising the legislative will without amending the constitution against the need for an amendment to the constitution to accomplish this same result.

I know that some members of the committee will disagree with this premise, but there is no doubt in my mind that recent decisions of our Federal courts are contrary to the desires of the vast majority of the people of this country. Therefore, I have introduced measures in the 90th, 91st, and 92nd Congresses to limit the terms of our Federal judges to 10 years. The latest of these, H.R. Res. 286, was introduced on February 4, of 1971. It provides for an amendment to the constitution, providing for tenure with the right of reappointment and reconfirmation.

Although this committee has not held hearings on any of these measures, constituents have indicated their approval.

Under such a measure, judges would still retain their judicial independence but would not be inclined to act arbitrarily as they frequently do under lifetime tenure.

If ultimate sovereignty does reside in the people of the country, it seems reasonable that every public official, whether he be in the legislative, executive, or judicial branch of our Government, should periodically have to account to the people for his stewardship.

You and I face the electorate every two years. Members of the other body do this every six years; the President every four years; and the governors of the various States at regular intervals. Periodic accounting of all Government officials to the public, in my opinion, is the only way to retain our republican form of Government.

There is another manner in which we can curb the arbitrary action of our Federal courts, however, without an amendment to the Constitution. This is pursuant to the constitutional provision to the effect that Federal judicial power "shall be vested . . . in such inferior courts as the Congress may from time to time ordain and establish." This is a concept included in H.R. 12827 which I introduced on February 1, 1972, and an identical bill, H.R. 13176, introduced February 16, with co-sponsors. Its intention is to clarify the jurisdiction of Federal courts with regard to cases and controversies involving the public schools and provides that neither the Federal district courts nor the circuit courts of appeals shall have any jurisdiction to hear or decide cases and controversies involving the public schools but that jurisdiction with respect to such cases and controversies shall be vested in the courts of the respective States and territories, with the additional proviso that the Supreme Court of the United States shall retain appellate jurisdiction by writ of certiorari to the highest State or territorial court exercising jurisdiction.

The purpose of the bill, Mr. Chairman, is to insure that cases dealing with such a vital local issue as neighborhood schools be heard by judges attuned to the problems and the needs of our communities.

Protection of the constitutional rights of the parties to disputes over schools would still be available on appeal to the Supreme Court, and Federal supremacy would still be maintained.

There is no doubt of the power of the Congress to enact such legislation and to not only set up a federal judicial system below the supreme court but also to fix the jurisdiction of such courts.

The first Congress exercised the power granted in the constitution when it enacted the judiciary act of 1789. 1 Stat. 73. Congress did not grant to the federal courts the full judicial power of the United States. Jurisdictional amount requirements kept many litigants from federal courts and sent them instead to state courts to adjudicate federal claims. The 1789 act contained no grant of "federal question" jurisdictiton, so that suits arising, in the words of article III, section 2, "under this constitution, the laws of the United States, and treaties . . .", except where otherwise specifically and narrowly provided for, were required to be brought in the state courts until 1875. 18 Stat. 470. And a clause barring diversity jurisdiction where diversity had been created by the assignment of choses in action kept in state courts cases which the constitution would have permitted Congress to assign to federal courts.

In a case involving the "assignee clause," the court first announced the doctrine that Congress controlled much of its jurisdiction and all of that of the lower Federal Courts. In the words of Justice Chase: "The notion has frequently been entertained, that the Federal Courts derive their judicial power immediately from the constitution; but the political truth is, that *the disposal of the judicial power* (execpt in a few specified instances) *belongs to Congress.* If Congress has given the power to this court, we possess it, not otherwise; and if Congress has not given the power to us, or to any other court, it still remains at the legislative disposal. Besides, Congress is not bound, and it would, perhaps, be inexpedient, to enlarge the jurisdiction of the Federal Courts to every subject, in every form, which the constitution might warrant." (Emphasis added.) *Turner* v. *Bank of North America*, 4 DALL. (4 U.S.) 8, 10 (1799). And in *Cary* v. *Curtis*, 3 HOW. (44 U.S.) 236, 245 (1845), it was said that "The Judicial Power of the United States, although it has its origins in the constitution, is (except in enumerated instances, applicable exclusively to this court) dependent for its distribution and organization, and for the modes of its exercise, entirely upon the action of Congress, who possess the sole power of creating the tribunals (inferior to the Supreme Court), for the exercise of the judicial power, and of investing them with jurisdiction either limited, concurrent, or exclusive, and of withholding jursidiction from them in the exact degrees and character which to Congress may seem proper for the public good." For similar expressions, see, E. G., *Sheldon* v. *Sill*, 8 HOW. (49 U.S.) 441 (1850); *Plaquemines Tropical Fruit Co.* v. *Henderson*, 170 U.S. 511 (1898); *Kline* v. *Burke Const. Co.*, 260 U.S. 226 (1922); *Lockerty* v. *Phillips*, 319 U.S. 182 (1943); *South Carolina* v. *Katzenbach*, 383 U.S. 301, 331–332 (1966).

State Judges under the supremacy clause, Article VI, Cl. 2, are bound by oath to uphold the supremacy of the constitution as well as constitutional Federal laws and treaties. Today, all cases which might be brought under "Federal Question" and diversity jurisdiction in Federal Courts which do not involve the requisite jurisdictional amount must be brought in State courts. Litigants may on their own bring most cases in State courts which could be brought in Federal courts, excepting only a few classes of cases in which Congress has made Federal jurisdiction exclusive.

Mr. Chairman, my bill does not go to the question of the restriction of the appellate jurisdiction of the Supreme Court, which may be the subject of a difference of opinion because the U.S. Supreme Court would still be the court of last resort, even though cases or controversies involving the public schools would be decided initially in State courts.

While I have advocated amendments to the constitution and still do, this route is a longer and more uncertain one than the process of elimination of jurisdiction over the public schools from our Federal District and Circuit Courts.

In conclusion, Mr. Chairman, regardless of the vehicle used in its accomplishment—and I know that this committee has various proposals before it—the people of the country want the neighborhood school to be preserved.

When young couples are considering the purchase of a home in which to raise their children, they consider the location of churches, shopping centers, and schools, as well as the general condition of the neighborhood. Children make friends within this neighborhood, and it seems reasonable for them to attend school with the friends they develop over the years. In the event they are taken out of their neighborhoods into strange areas, they are not only less alert on arrival but also away from their friends, in strange neighborhoods and sometimes even among hostile groups. Emotional problems can develop from such an experience.

It seems against the interest of children to attempt to use them as pawns to solve social conditions for which they have no degree of responsibility.

Small children especially tire easily. I am advised that they have nap times during the school day; and kindergarten and first-graders sometimes even attend school for a lesser period of time than the older children.

Mr. Chairman, I am hopeful that the so-called strict constructionists who have been appointed to the Supreme Court in recent years will reverse the trial court in the Richmond case; but the House of Representatives cannot depend upon this being done without legislative action on our part. If we are interested in the welfare of children—and I believe each member of this committee is—and if we want them to receive the highest possible quality education, then we must find a solution to this problem. And I urge that this committee bring this matter to the floor for consideration at the earliest possible date so that sufficient time will remain in this session of the Congress to have the necessary legislation enacted into law before adjournment.

[From the Richmond Times-Dispatch, Feb. 27, 1972]

INVALID ARGUMENTS

Many liberal journalists and politicians are attempting to discredit the fight against compulsory busing by accusing opponents of this pernicious practice of exaggerating its dangers and of favoring a restoration of complete school segregation. It may be impossible to persuade the defenders of busing to alter their views, but the effort should be made.

Let us consider, point by point, some of their salient arguments:

(1) Objections to busing cannot be valid because buses have been used for decades to transport children to school. Currently, at least 18 million children go to school by bus daily.

The flaw in this argument is that it makes no distinction between necessary, nonracial busing and unnecessary, racial busing. Foes of busing do not object, per se, to the process of transporting children to school by yellow motor vehicles. Rather, they object to contrived busing plans that force children to attend a particular school solely to promote racial balance. They object to busing plans that remove a child from the school to which he logically should go and transport him to a school far away—solely to promote racial balance. They object, if you please, to the imbecility and unfairness of compulsory busing that is designed to transport children for sociological, not educational, purposes.

(2) Busing is a necessary but temporary evil.

According to this asinine argument, the hardships of busing are acceptable now because eventually busing will not be necessary. Within a few years, this argument continues, the residential areas of all communities will be fully integrated and it will not be necessary to bus children to promote racial balance in schools.

One of the major objections to this view is that it is indifferent to the effects of busing on the lives of children currently involved. It is cruel even to suggest that young children must suffer the hardships of busing today in order that young children will not have to suffer the hardships of busing tomorrow. Young years are precious, too precious to sacrifice upon yellow, motorized altars—to appease the gods of racial balance. Today's children like the children of tomorrow are entitled to be educated in a serene, orderly and constructive atmosphere.

(3) Opponents of busing are really segregationists who abhor the thought of black and white children going to school together.

The primary purpose of this cynical argument is to attempt to dissuade moderates from joining the antibusing crusade. The theory is that many people with sincere reservations about busing would rather accept the practice than be labeled rednecks.

Of course, the argument is false. Undeniably, many busing opponents are segregationists but most surely are not. Under Richmond's old freedom of choice plan, Negroes were accepted quietly in formerly all white schools. It was not until U. S. District Judge Robert R. Merhige, Jr. ordered busing for the city that a mass exodus of white pupils from the city's schools began. Integration of Chesterfield and Henrico County school did not touch off a panicky flight of whites to private schools, but the prospect of busing threatens to do precisely that. Many white parents who withdrew their children from city schools last year, and many who are considering withdrawing their children from public schools if Judge Merhige's metropolitan busing plan becomes effective, are racial moderates or liberals who have no objection whatever to integration as such. But they are profoundly disturbed by the adverse impact that busing is likely to have upon the physical and educational welfare of their children.

As the debate on busing intensifies in coming weeks, those who oppose it can expect to be the target of a fusillade of slander. They can only hope that the justice of their cause will prove to be armor enough to withstand the assault.

[From the Ashland Herald Progress, Feb. 24, 1972]

BUSING: WRONG ROAD TO QUALITY EDUCATION

Resolutions on busing will be adopted tonight by the Hanover County Citizens Committee on Education, and on March 9 by the Patrick Henry High School PTA. Although Judge Merhige's decision to consolidate the school districts of Richmond, Henrico and Chesterfield does not directly affect Hanover, the precedents which would be set by this decree are profound and far-reaching.

If a Federal court judge can indeed sweep away school districts and force citizens to be bussed 8–12 miles from their homes in order to achieve a racial balance in the schools, Richmond will be only the first of the ailing cities to fall in a domino-like reaction. Next will be Cincinnati, Chicago, San Francisco . . . And of course eventually Hanover could be tossed into the Richmond basket for good measure if, one of these days, the "balance" gets unbalanced near our lower borders—

In the coming weeks and perhaps months as the case is sent to the Supreme Court and public reaction continues to claim the headlines of the daily newspapers, we will all be hearing more and more arguments about busing—surely most of them against, as parents react most strongly to what seems to them to be a dictatorial decision affecting their homes and family lives. And we don't intend to add to the rhetoric any more than seems irresistible . . .

But here is our two cents worth.

Busing is taking a lot of things that don't have anything to do with each other and putting them all together and coming up with a totally unrelated answer.

Two apples and an orange don't make a peach. One long distance school bus plus one racially balanced classroom and one school teacher don't equal quality education. What you get instead is a long distance school bus with some disgruntled parents at one end and some tired children at the other, a volatile and highly explosive classroom as children adjust to an unaccustomed social condition, a nervous teacher, and anyone who thinks that equals "quality education" is a mathematical magician.

If the most important human achievement of the '70s is racial adjustment of school age children (a laudable goal, don't misunderstand us) then busing is certainly a drastic and dramatic means to that end—or if the problems of the inner city with its ghettos and minority domination is the number one ailment to be dealt with in this decade then busing is certainly a cure—

But if, on the other hand, the education of this nation's children is the school system's chief reason-for-being, then the quality of education can be judged only by the academics offered and the abilities of the teachers. And busing has nothing whatsoever to do with it. Not only will it not help—it will do much harm.

If the quality of public education is to keep pace with the expansion of man's knowledge, the schools must increase and diversify their offerings, the curriculum must be flexible enough to adjust to the individual's needs, the trades should be available for those so inclined, and all human and financial resources should be geared toward the production of the educated man and woman. Wherever the socially integrated classroom fits into these goals, fine. But to divert this nation from its primary educational purpose to fit a mathematical racial quotient is to take the wrong road to a dead end.

We believe this is persuasive argument. There are others.

The burden of busing on little children is a consideration, and the loss of the neighborhood school is tantamount in many minds as a reason to deplore busing. And then there is also the overall fact that with thousands and thousands of parents actively protesting the decree, surely some persuasion should be given to the fact that, after all, this is their country and their school system and the determining role of the parents should not be assumed by a branch of the government over which they have neither control nor influence.

Much is being said about busing. For the sake of all our futures, we hope it is being heard.

THE FAA DICTATES—PART II

(Mr. KARTH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KARTH. Mr. Speaker, yesterday I took the opportunity to reply to some remarks concerning the judgment of many elected officials and thousands of taxpayer citizens that had been expressed publicly by John H. Shaffer, Administrator, Federal Aviation Administration. Today, I would like to move into more substantive issues that involve the Administrator's contradictions in letters to me and in interviews with reporters.

As with my remarks yesterday and in future reports to you and our colleagues, the purpose of this report is to record for them the arrogance of an Administrator who has obviously been affected by his power brought about in part, I suggest, by his own Government furnished airplane at great expense to the taxpayer.

Today's report begins in April 1968, when the Minneapolis-St. Paul Metropolitan Airports Commission recommended that a second major airport in the area be situated in northern Anoka County at Ham Lake. At that time the concern of local environmentalists and conservationists was raised due to the obvious damage that would result to a unique wildlife refuge that abuts the proposed airport site.

Concerned environmentalists contacted my office and sought both my assistance and the assistance of the Department of the Interior against the assault on the environment. It was my belief then, and still is now, that if an airport on the Ham Lake site would cause irreparable damage to a unique environmental feature of the Twin Cities area then it would be advisable for the metropolitan airports commission to turn its attention elsewhere. That was also the conclusion of several environmental studies commissioned by the metropolitan council. And it was with this in mind, I am sure, the metropolitan council subsequently rejected the Ham Lake site on December 10, 1970, by a 9-to-5 vote. Taking into consideration these environmental problems we were also encouraged by the passage of the National Environmental Policy Act of 1969 which requires Federal agencies to take into consideration environmental damage in the course of their decisionmaking.

The first response I received from the Interior Department came close to being a clearcut rejection of the Ham Lake site. The Department raised the question of the serious and detrimental impact of an airport on the wildlife refuge and noted that a Federal investment of $268,845 in the refuge would be lost if the airport was built there. The Department went on to say:

> You are aware that a 23,000 acre waterfowl management area, within 30 miles of a major metropolitan area, is a rare commodity. Replacement in kind would be relatively difficult. Suitable airport sites should be much easier to find.

I concurred with this opinion and forwarded it to both environmentalists and local officials concerned with the question.

Soon thereafter the FAA Administrator became a self-appointed environmental expert and after a visit to the Twin Cities he proclaimed that the second airport would be compatible with the birds and the wildlife at the refuge.

After that environmental study the Administrator was reported in the Minneapolis Star of September 21, 1970, as making the following threat:

> Minneapolis and St. Paul damn well better find a solution to the problem or they are going to get bypassed.

The implication seemed to be that if we did not build a second airport the Twin Cities would eventually become ghost towns.

By this time the Administrator had obviously decided that two airports were needed in Minneapolis and St. Paul and decided that the worst possible site would be a fine place to put it.

At this point I was still openminded about the question of a second airport, but I knew that such an airport should not destroy a unique wildlife refuge. As is apparent from my report yesterday I now believe there are priorities far more important than a second airport at this time.

Shortly after the Administrator's remarks were published, I received another letter from the Interior Department, this one more emphatic than the first and flatly rejecting the Ham Lake site. At that time, October 1970, the Department stated to me:

> Please be reassured that we are firmly opposed to the selection of the site adjacent to the Carlos Avery Wildlife Management Area for this airport. . . . The Department of the Interior agrees with the Minnesota Department of Conservation in its defense of the Carlos Avery Area against airport development.

I sent a copy of this letter to the FAA Administrator and pointed out the implications of the National Environmental Policy Act of 1969 and asked the Administrator to reconsider his support of the Ham Lake site.

A month later he wrote me saying that he intended to remain aloof from all pressures to not become personally involved in an essentially State and local matter. He additionally responded that the FAA would take into full consideration the possible environmental harm that the Ham Lake site would cause.

In that letter of October 29, 1970, the Administrator went on to say, and I do not know how more emphatic he could have been:

> We have no preconceived notion about where a second major airport for this region should be sited: we simply believe the site should be selected unemotionally on the basis of real hard facts.

Mr. Speaker, I was happy to receive that assurance from the Administrator. I told the concerned people in my district—who were now beginning to circulate petitions by the thousands against the Ham Lake site—and the news media that the Administrator had personally pledged neutrality on the issue.

That is why I was surprised about a month later to read in the December 12, 1970 Minneapolis Star that the Administrator had gone back on his noninterference pledge.

That contradiction will be the subject of my report tomorrow.

RADIO FREE EUROPE AND RADIO LIBERTY

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, the junior Senator from Arkansas, who is the chairman of the Senate Foreign Relations Committee, is guilty of arbitrary action in blocking a bill that would continue the operations of Radio Free Europe and Radio Liberty.

Radio Free Europe has beamed native-language broadcasts at Poland, Czechoslovakia, Rumania, Hungary and Bulgaria since 1950. Radio Liberty started a year later, beaming its programs in Russian and a number of the non-Russian languages used in the Soviet Union. Their main purpose is to give the oppressed people behind the Iron Curtain factual information they cannot get via the rigidly controlled Communist radio and press.

These days, the main focus of the two stations is on "liberalizing" thought in the Eastern European Communist nations and in the Soviet Union, and there is substantial evidence that they do have profound effects on their many listeners. Despite the tight Communist control over all communications and press, East

Europeans are able to hear the news from the free world in a manner to inspire their longing for intellectual and political freedom.

The junior Senator from Arkansas contends that the Voice of America would serve the role fulfilled by Radio Free Europe and Radio Liberty, and this is obviously not the case. The role of the VOA is that of official Government spokesman, while Radio Free Europe and Radio Liberty concentrate on the unique information needs of the peoples behind the Iron Curtain. It is essential to the battle that continues to be fought for access to men's minds that we effectively maintain these facilities.

The United States has performed no greater act of information distribution than has been accomplished by these radio stations that tell what is happening all over the world, including events of international significance. This news reaching into Communist countries has been very effective in contradicting constant Red propaganda statements.

Senator Fulbright is dead wrong, and is evidently willing to scuttle programs which are truly helpful in presenting free world information to people behind the Iron Curtain. Only the dictators of the Soviet Union are applauding his stand.

Mr. Speaker, there is no doubt as to the sentiment in the House for continuing the services of these two radio stations, and I believe that the resolution cosponsored by Senators Charles Percy and Hubert Humphrey, supported by more than half the Members of the other body, clearly indicates Senate views on the subject. The totally negative attitude of Senator Fulbright cannot be allowed to stand in the way of the steps that Congress should take to continue the operations of Radio Free Europe and Radio Liberty.

THE MAINE MESS

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, several years ago I called attention to the shellacking taken by the citizens of the State of Maine as well as all U.S. taxpayers because of the construction of a sugar beet processing plant that was clearly destined to fail.

At my request the General Accounting Office investigated this multimillion-dollar boondoggle and, more recently, has completed a second report on the mess in Maine.

It appears, as I predicted, that not only has the Federal Government been left holding this expensive bag, but the people of Maine have also suffered because of the political cronyism that is responsible for it.

A major trout stream was turned into an open sewer because of the rush to build this plant; the economic hopes of hundreds were dashed because the plant's promoters promised much more than could ever be delivered and, I understand, an entire town was brought to near or actual bankruptcy as one of the side effects of the Maine Sugar Industries fiasco.

I hope that this sorry episode—and the latest General Accounting Office reminder of its details—will put the brakes on any similarly inspired acts of political expediency that may be brewing.

NORTHERN IRELAND

(Mr. FRELINGHUYSEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FRELINGHUYSEN. Mr. Speaker, hearings were conducted last week before the Subcommittee on Europe of the House Foreign Affairs Committee regarding the situation in Northern Ireland. Much of the testimony focused on the so-called Kennedy and Carey resolutions. These resolutions, among other things, call for the immediate withdrawal of all British troops from Northern Ireland, the dissolution of the Legislature of Northern Ireland, and the convening of a conference looking toward the unification of all Ireland. Senator Edward Kennedy, Democrat of Masschusetts, was the leadoff witness.

Because of its unusual interest, I submit for the Record an interview published in the Washington Post of March 3 with Prime Minister Jack Lynch of the Republic of Ireland. He specifically criticizes Senator Kennedy for calling for the immediate withdrawal of British troops. As the Irish Prime Minister expressed it:

> It requires some period of time before the soldiers can be pulled out, to dampen down feelings between the two communities.

The article follows:

Lynch Raps Kennedy Over Ulster Pullout

(By Bernard D. Nossiter)

Dublin, March 2.—Prime Minister Jack Lynch of Ireland today criticized Sen. Edward Kennedy's call for the withdrawal of British troops from Northern Ireland.

In an interview with The Washington Post, Lynch said the soldiers must remain to protect both Catholics and Protestants in strife-ridden Ulster. As for the Democratic senator from Massachusetts, Lynch said:

"I don't think he understands the situation as fully as we do."

"It requires some period of time" before the soldiers can be pulled out, the prime minister said, "to dampen down and reconcile feelings in the two communities."

Responsible officials here and in Britain fear that withdrawing the soldiers now would lead to a bloody civil war, one in which the half million Catholics would likely lose more lives than the one million Protestants.

A disaster on this order could compel the Irish republic to intervene, and the nightmare scenario could end in a war with Britain.

The Irish premier, however, did urge Britain's 15,000 soldiers in Ulster to adopt a lower profile as a means of reducing tensions. In areas heavily populated by Catholics—he mentioned Londonderry and the Falls Road section in Belfast—the soldiers should, he said, go back to their barracks and abandon patrolling.

"They are "provocation," Lynch said: "Unfortunately, some of the orders they carry out have alienated the Catholic population."

This was a reference to the 4 a.m. searches the soldiers make in Catholic homes, usually kicking down the door to gain entrance and ripping up floors and walls in their search for weapons.

A withdrawal to the barracks in sensitive areas, Lynch said, "would give people an opportunity to settle down. There would be less frequent gunbattles."

Quarreling with a Kennedy is not normally regarded as good politics here. In the dail or Irish parliament, a flag of the "fighting 69th regiment," (a New York unit in World War I consisting mostly of Irish Americans) given by the late President, hangs on the ground floor alongside a copy of the declaration of the 1916 Eastern rebels against Britain. The American Embassy's ground floor is decorated with a large bust of John F. Kennedy. Brother Edward, however, is not held in anything like the same esteem.

Along with everyone else here, Lynch is waiting for the long expected political initiative from British Prime Minister Edward Heath to provide at least an interim solution of the tangled Ulster problem. The betting now is that Heath will make his move in the next 10 or so days.

Lynch said he hoped Heath would come up with a "realistic policy towards solving the internment problem and a bold move on the Stormont (Ulster) government."

He did not spell out what this means. But other members of his government have. They want Britain to release a substantial number of those now held without charge or trial. The rest, officials here think, should be charged with specific offense. Dublin understands London's view that no Ulster jury with Catholic members would unanimously convict a member of the IRA. So officials informally suggest that there be no rush to bring hard-core gunmen to trial.

The "bold move on Stormont," the name applied to the Ulster provincial government, means in Dublin scrapping the present regime and replacing it with a commission representing both Protestants and Catholics.

If these two steps are taken, it is said here, the way will be opened for a dialogue between political leaders of the two communities.

The Irish minister received me in his simply furnished office in the Government Building. He spoke easily and directly, with a frankness rarely found in heads of governments.

Lynch made clear his view that Irish-Americans giving money for the IRA's guns were doing their homeland a deep disservice.

"Contributing money in this fashion" he said, "contributes more to disunity in Ireland than to unity because the acts of the IRA are divisive."

"The vast majority of the people in the republic disagree thoroughly with the actions of the IRA. But the vast majority aspire to what the IRA wants, a unified Ireland. Therefore, there is some sympathy for the ideas of the IRA, not their methods."

Here in Dublin, IRA officials openly boast that they are receiving large sums of money from the United States.

Lynch himself thinks that the unification of Northern and Southern Ireland can only be achieved slowly and might take as long as 20 years.

Some political observers here have questioned his sincerity on this goal, wondering if he does not fear that he would lose power in a unified state.

He firmly denies any such ambivalence. "I would be prepared to get out of public life if we could achieve reunification by it," he said.

His government has also been criticized for failing to make unification more attractive to Protestants, for preserving in law Catholic dogma on contraception, divorce, adoption, censorship and preserving the Church's domination of schools.

The special role of the Church is written into the constitution here. Lynch said flatly: "I would have no problem about that. I would eliminate it."

He was less forthcoming on the other issues. These things, he said, should all be considered when leaders of the six northern counties and those in the 26 southern counties jointly sit down to write a constitution for a united Ireland.

MIZELL DISPUTES CIVIL RIGHTS COMMISSION STAFF REPORT ON COMMUNITY SUPPORT OF BUSING FOR RACIAL BALANCE IN WINSTON-SALEM, N.C.

(Mr. MIZELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MIZELL. Mr. Speaker, on March 1, the Reverend Theodore Hesburgh, president of Notre Dame University and Chairman of the U.S. Commission on Civil Rights, testified before the House Judiciary subcommittee currently conducting hearings on antibusing legislation.

In the course of his testimony, Reverend Hesburgh presented for the record a study prepared by the Civil Rights Commission staff related to desegregation efforts in Winston-Salem/Forsyth County, the largest school system in the Fifth District of North Carolina, which I represent.

There is a generally misleading tone that pervades the contents of that staff study, suggesting that the program of massive busing imposed this year to achieve a greater racial balance in the schools has won widespread support among the people of that area.

One paragraph of the study summarizes this mistaken view. It states:

> There also appears to be a substantial segment of the white community that feels that the school system is operating quite well, that the quality of educaion has not deteriorated, and that the reorganization of the grade structure of the schools has been beneficial. . . . Although these whites were not publicly expressing approval, they are supporting the system through their silent cooperation.

Mr. Speaker, I cannot imagine a greater distortion of the facts as they exist in my area than that presented in the paragraph I have just read.

A full 93 percent of my constituents, black and white, responding to my latest questionnaire expressed opposition to busing simply for racial balance. I do not have the figures for residents of Winston-Salem and Forsyth County alone, but on the basis of my 20-year association with these good people, and on the basis of reports from school board officials there, opposition in this specific area is as great or greater than that which exists districtwide.

The Civil Rights Commission's contention that the people of this area approve of this plan, simply because they are law-abiding citizens who have chosen not to create violent disruption, as has been the case in other areas of the country, is either an admission of ignorance of the realities in this situation or a victory of predilection over investigation.

The people I am privileged to serve in this great Chamber have demonstrated strong support for the amendment I have offered prohibiting the assignment of students to schools on the basis of race, and to portray them in any other light is to distort their image beyond recognition.

LAW OF THE SEA CONFERENCE

The SPEAKER pro tempore (Mr. RONCALIO). Under a previous order of the House, the gentleman from Massachusetts (Mr. KEITH) is recognized for 5 minutes.

Mr. KEITH. Mr. Speaker, in 1973 the United States will be participating in the Law of the Sea Conference at Geneva. The purpose of the Conference will be to amend and revise the existing law of the sea. It will consider the vast spectrum of man's affairs with the sea from fishing to mining, from transportation to oceanography, and from the exploration of all ocean resources to the development of those resources.

One of the most important issues, if not the most important, is that of the world's fisheries resources. This issue is tremendously complex. There are about as many positions and ideas on how to explore, harvest, and most importantly, conserve these resources as there are nations participating in the Conference. Our Nation's fisheries position is of dire concern to all Americans—not only consumers but especially those connected with our fishing industry, whose life and/or death could hinge upon that position. The question is: How do we assure both the conservation of the offshore fisheries resources and the survival now and in the future, of our fishing industries?

An editorial in the December 30, 1971, edition of the New Bedford Standard Times sheds some light on the thoughts of our highest ranking fisheries official, Ambassador Donald L. McKernan, on this matter, these issues and its related question.

The editorial recalls a conversation with Donald L. McKernan, Special Assistant for Fisheries and Wildlife, Department of State, almost 4 years earlier.

The editorial states that he—

> Does not have the confidence of the fishing industry because they accuse him of being more interested in the State Department than in the fishing industry.

The fact of the matter is that Mr. McKernan is making the best possible case for the industry under the circumstances confronting us, and that most of the leaders in the industry do have confidence in him.

In the conversation recalled by the New Bedford Standard Times editorial, Mr. McKernan stated his recognition of the need—in the national interest—for a self-improvement program to protect the U.S. fishing industries. The Standard Times quoted the Ambassador as saying:

> If this program is not begun within the next five to ten years (including a "much greater" infusion of federal money), in my view, the opportunity will be lost.

Mr. Speaker, we must act soon, or the opportunity will be lost—in some cases forever. We cannot allow the interests of these industries to be sacrificed for other goals. The fisheries resources must be saved. The rights of our fishermen must be protected. To this end, I commend the efforts of all my colleagues. The upcoming Law of the Sea Conference may well be man's last chance to protect the oceans' resources—and our last chance to protect our fishing industries.

The Standard Times editorial follows:

WHO LISTENS TO US?

In March, 1968, The Standard-Times interviewed Donald L. McKernan, special assistant for fisheries and wildlife, Department of State, the highest-ranking fisheries official in the United States government.

Mr. McKernan acknowledged that:

1. The American fishing industry does not have "the same kind of preference" given to oil producers, farmers and others. He advocated a "much greater" infusion of federal money and said the government must "become more of a partner" with the fishing industry.

2. The relatively small industry (126,000 fishermen; 5,214,000 farmers), hamstrung by fragmentation, cannot mount a major lobbying effort, adding, "You have to get the country to respond; you just can't blame the President or the Congress if the public isn't interested in the welfare of the fishing industry. We fishery people haven't made the case strong enough . . ."

3. We must find alternatives (to a 200-mile fisheries limit around the United States) in self-improvement to protect the U.S. fishing industry. This is desirable from the standpoint of our national interest. "If this program is not begun within the next five to 10 years (including a "much greater" infusion of federal money), in my view, the opportunity will be lost."

Now, we have come to a serious impasse. The industry here, disenchanted and disillusioned, has little enthusiasm for keeping logbooks that the federal government wants in connection with catch data and enforcement of International Northwest Atlantic Fisheries catch regulations.

Moreover, important elements of the industry are pressing for American withdrawal from ICNAF, because they can see no value in staying in.

Mr. McKernan implicitly revealed the key to the present serious and deplorable situation.

Because the fishing industry is relatively small and has no great lobbying strength, its interests have traditionally been sacrificed both by the Congress and the State Department whenever those interests interfered or competed with either the massive farm bloc or international relations.

If domestic spending cuts were in order, farm subsidy never suffered, because there were lots of legislators who relied on farm votes. But the fisheries couldn't even get a comparable subsidy and budgets related to their industry have always been pared razor-thin.

If another nation, Communist or non-Communist, discovered a confrontation with our fishing industry, the State Department, and, eventually, the Executive Branch, therefore, inevitably gave the other nation the nod, in order to preserve friendly relations.

ICNAF, of course, is comparable to the United Nations; it is a bumbling, toothless creation hamstrung by the veto powers of its members, and principally capable of passing regulations to which we adhere and our foreign competitors ignore. A classic example is the Soviet catching of yellowtail flounders; they aren't supposed to be doing it, and it took months for our government to admit that our fishermen were correct in accusing the Soviets of doing it.

Mr. McKernan, who does not have the confidence of the fishing industry because they accuse him of being more interested in the

State Department than in the fishing industry, put his finger on the pulse of the matter in 1968:

> If the American government wants a domestic fishing industry—if he reflected Washington's view when he said protection of this industry "is desirable from the standpoint of our national interest," then the time to start protecting and aiding it is now. Otherwise, we agree with Mr. McKernan that within a relatively few years, "the opportunity will be lost."
>
> Is anybody at all listening in Washington, or do they listen only to farmers and foreigners—and never to fishermen?

ILLEGAL DRUG TRAFFIC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, I have suggested on several occasions that one definite answer to the awesome problem of the illegal drug traffic which plagues our country is a cooperative effort by the entire family of nations. We have long known that no matter what the United States does acting alone, it will not be enough.

Last Thursday French customs in Marseilles seized 935 pounds of pure heroin, the largest drug seizure ever made. The heroin is worth more than $100 million in street sales and is enough to supply every American addict for 1 month. The importance of the haul is illuminated when one considers that the largest U.S. seizure ever is 247.5 pounds, taken at San Juan, Puerto Rico, in June of 1971.

The 60-ton shrimp boat on which the heroin was found had made crossings to Miami in 1970 and 1971 and appeared to be bound there again. The captain of the ship has admitted delivering 220 pounds of heroin to Miami in 1971.

This seizure shows that with an all-out effort, trafficking in illegal drugs can become so unprofitable and risky that the flow will be greatly curtailed. Within the last week, Israeli police seized $1 million worth of hashish and arrested four members of an international drug smuggling ring. The United Nations is planning a worldwide campaign over the next 5 years to check illicit production, traffic, and consumption of drugs. Also within the last week, the Bureau of Narcotics and Dangerous Drugs announced that the United States is training and equipping special police in Thailand and Laos to control the so-called golden triangle border area between Thailand, Burma, and Laos.

All of these recent occurrences provide hope in eliminating what has been called our public enemy No. 1: Illegal drugs. All deserve our support and our praise.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's pioneers of progress and in so doing renew our faith and confidence in ourselves as individuals and as a nation. In 1884, George Eastman devised the first workable system of photography on transparent paper strip film and 3 years later, fellow American Hannibaol Goodwin developed photography on celluloid film.

SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. MILLS) is recognized for 5 minutes.

Mr. MILLS of Arkansas. Mr. Speaker, I take this time merely to point out to the membership of the House that some statements, which have been made might have misled some people to believe that the bill I had introduced would jeopardize the social security fund itself.

The most serious objections that have been raised to this legislation I have introduced have been in connection with its financing. I want to make it clear that this legislation is financed on a conservative basis. It is based largely upon recommendations made to the Congress by the Social Security Advisory Council in 1971 for improvements in the methods used in determining the actuarial condition of the social security system. What is more, my bill contains an additional safety margin in its financing provisions. The Council was assisted in its review by a separate panel that included nationally recognized actuaries and economists among its members.

What we are doing here in simply putting into the law what Congress has actually done over the past 20 years. That is to set the rates of social security contributions and taxes at a level which will provide sufficient reserves in the social security trust funds to assure that benefit payments will continue to be made in the future.

More specifically, Secretary of the Treasury Connally and Budget Director Shultz have questioned the soundness of the approach to financing the social security system which my bill adopts. In my opinion, these gentlemen are thinking more about the condition of the Federal unified budget for fiscal 1973 than they are about the condition of the social security trust funds, since the effect of my bill would be to increase the unified budget deficit by approximately $6 billion in fiscal 1973.

Every expenditure of Government from all of the trust funds, as well as the general funds, now go into the unified budget. For the life of me I have not been able really to appreciate this new concept of a unified budget. I do not think we should view social security amendments in the light of the effect that they might have on this so-called unified budget. I think we must look at the suggested changes in the light of the effect they have on the social security trust fund and the actuarial soundness of that fund.

While it is true that the unified budget deficit would be increased by my bill, it is also undeniably true that the amount of the assets in the social security trust funds will continue to grow and never decline in the future under it. According to the figures supplied by the administration's own actuaries, the assets in the trust funds during each of the next 5 years would be the equivalent of approximately 9 months' benefit payments, reaching $51.5 billion by the end of 1977. At no time would they be less than $42 billion during this 5-year period. These amounts are without question sufficient to assure benefit payments during the next 5 years. After the 5-year period, the amount of assets in the trust funds would gradually build up to the point where there would be a full year's benefit payments in the trust funds.

I made my decision to introduce this legislation only after giving it careful and lengthy deliberation. I have introduced it now in order that it may be enacted as part of the pending social security bill, and I am very pleased that the Senate Finance Committee is giving consideration to it. I am also convinced that it is fully financed.

I repeat what I said the other day. At no time during the course of the 75 years—the period for which estimates are made—will there be paid out more than will be taken into the social security trust fund under the tax provisions of the bill.

I am taking this occasion to clarify the record so that the Members themselves may not be misled by any statement that has been made involving it and conclude that anything has been done to jeopardize the actuarial soundness of the social security system itself. Of course, I admit it does add to the deficit in 1973 under the unified budget concept, but it does not mean one additional dollar of borrowing as far as I can understand it. On the contrary, it means that $6 billion that would be borrowed from the social security trust fund would merely be transferred into the public sector outside of Government. It is not adding to the total amounts borrowed.

The 27 million Americans who depend on social security benefits need this increase and they need it as soon as possible. This increase is essential now to give these people the purchasing power they need. The Nixon economic policies have created these problems, so I find it difficult to understand why the administration opposes this increase, but they do. Phase II controls are not slowing down inflation enough and they have not slowed down food prices at all.

Social security benefits are the major source of support for the majority of retired workers and the only source of income for about half of these beneficiaries. The 20-percent increase legislation I introduced, along with the other provisions of H.R. 1, would increase the average benefits of retired workers from $133 to $162 a month. The average benefits of aged widows would be increased from $114 to $153 a month. Even these increased benefit payments are close to or barely above present poverty levels for such individuals and couples.

WALTER HELLER ENDORSES "JOBS NOW" BILL TO PROVIDE 500,000 PUBLIC SERVICE JOBS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Reuss) is recognized for 10 minutes.

Mr. REUSS. Mr. Speaker, I have just received an excellent letter from Walter Heller, Chairman of the Council of Economic Advisers under Presidents Kennedy and Johnson, endorsing legislation that would create 500,000 public service jobs.

This "Jobs Now" bill, H.R. 12011, would create these jobs by amending and expanding the Emergency Employment Act of 1971. It was introduced in the House on December 2, 1971—Congressional Record, volume 117, part 34, page 44359—and it now has 62 Democratic cosponsors. It was introduced in the Senate on January 31, 1972, by Senator Walter Mondale and 20 other Democratic Senators (S. 3092).

The 62 House cosponsors are:

List of Cosponsors

James Abourezk (S. Dak.), Brock Adams (Wash.), Les Aspin (Wis.), Herman Badillo (N.Y.), Nick Begich (Alaska), Jonathan B. Bingham (N.Y.), Edward P. Boland (Mass.), John Brademas (Ind.), Frank J. Brasco (N.Y.), Phillip Burton (Calif.), Hugh L. Carey (N.Y.), Charles J. Carney (Ohio).

Frank M. Clark (Pa.), George W. Collins (Ill.), William R. Cotter (Conn.), George E. Danielson (Calif.), Ronald V. Dellums (Calif.), Robert F. Drinan (Mass.), Thaddeus J. Dulski (N.Y.), Don Edwards (Calif.), Joshua Eilberg (Pa.), Walter E. Fauntroy (D.C.).

William D. Ford (Mich.), Donald M. Fraser (Minn.), Sam Gibbons (Fla.), Ella T. Grasso (Conn.), William J. Green (Pa.), Richard T. Hanna (Calif.), Michael Harrington (Mass.), William D. Hathaway (Maine), Ken Hechelr (W. Va.), Henry Helstoski (N.J.).

Joseph E. Karth (Minn.), Peter N. Kyros (Maine), Robert L. Leggett (Calif.) Romano L. Mazzoli (Ky.), Lloyd Meeds (Wash.), Ralph H. Metcalfe (Ill.), Abner J. Mikva (Ill.), Parren J. Mitchell (Md.), Morgan F. Murphy (Ill.), David R. Obey (Wis.)

Edward J. Patten (N.J.), Claude Pepper (Fla.), Bertram L. Podell (N.Y.), Melvin Price (Ill.) Charles B. Rangel (N.Y.), Peter W. Rodino, Jr. (N.J.), Robert A. Roe (N.J.), Benjamin S. Rohenthal (N.Y.), Edward R. Roybal (Calif.), William F. Ryan (N.Y.).

Fernand J. St. Germain (R.I.), Paul S. Sarbanes (Md.), John F. Seiberling (Ohio), B. F. Sisk (Calif.), Louis Stokes (Ohio), Frank Thompson, Jr. (N.J.), Robert O. Tiernan (R.I.), Charles A. Vanik (Ohio), Jerome R. Waldie (Calif.), Lester L. Wolff (N.Y.).

The 21 Senate sponsors of S. 3092 are:

List of Senate Sponsors

Walter Mondale (Minn.), Alan Cranston (Calif.), Birch Bayh (Ind.), Quentin Burdick (N. Dak.), Fred Harris (Okla.), Philip Hart (Mich.), Vance Hartke (Ind.), Harold Hughes (Iowa), Hubert Humphrey (Minn.), Henry Jackson (Wash.), Edward Kennedy (Mass.), George McGovern (S. Dak), Lee Metcalf (Mont.), Frank Moss (Utah), Edmund Muskie (Maine), Gaylord Nelson (Wis.), Claiborne Pell (R.I.), Jennings Randolph (W. Va.), Adlai Stevenson (Ill.), John Tunney (Calif.), and Harrison Williams (N.J.).

In his letter Dr. Heller writes that:

> Given the continued intolerably high unemployment and sluggishness of the economy under Mr. Nixon's present policy, the need for your jobs program becomes more urgent with each passing day.

Your letter continues:

> Your public service jobs bill recognizes that the shortest distance between two economic points is a straight line, that if we want to use Federal money to create jobs, the quickest and least expensive way to do it is to fund and fill jobs that are waiting to be done.

Furthermore, Dr. Heller goes on, a jobs now program can zero in on the women and young people who make up a growing percentage of the unemployed, giving them jobs rather than trying to define their unemployment away as the administration seems bent on doing.

The administration's game plan for dealing with the unemployment they can neither excuse nor define away apparently is simply to run enormous budget deficits. However, as Dr. Heller points out, the resulting demand pressure from techniques such as this,

> Will create shortages of skilled workers, generate bottlenecks, and boost prices long before its blessings reach the less skilled and least experienced members of the labor force.

Finally, Dr. Heller notes, H.R. 12011, would create productive, not make-work jobs that need to be done at the State and local level, but which State and local treasuries are too depleted to fund. "To match these jobs that are beginning to be done with workers who are beginning to do them comes close to qualifying as an economic marriage made in heaven," Dr. Heller observes.

The full text of Dr. Heller's letter follows:

University of Minnesota,
Department of Economics,
Minneapolis, Minn., March 1, 1972.

The Honorable Henry S. Reuss,
Rayburn House Office Building,
Washington, D.C.

Dear Henry: Since I have repeatedly endorsed your proposal for 500,000 public service jobs in public, it is high time that I communicate my views directly to you. Indeed, given the continued intolerably high unemployment and sluggishness of the economy under Mr. Nixon's policy, the need for your jobs program becomes more urgent with each passing day. That need has at least five facets.

First, the need for greater economic stimulus: even if the Nixon forecast for an $1145 billion GNP for 1972 is realized, output would still fall $60 billion short of our productive capacity. Under these circumstances, the increased authorization proposed by H.R. 12011—to $2 billion for fiscal 1972 and $4 billion for fiscal 1973 (from the $1 billion for 1972 and $1.25 billion for 1973 now authorized under the Emergency Empolyment Act of 1971)—would be a modest but welcome tonic for an economy that still has tired blood.

Second, the need to meet our biggest single economic problem, unemployment, head-on: your public service jobs bill recognizes that the shortest distance between two economic points is a straight line, that if we want to use Federal money to create jobs, the quickest and least expensive way to do it is to fund and fill jobs that are waiting to be done. Funding and filling 500,000 public service jobs goes straight to the heart of the unemployment problem. It's a logical and necessary counterpart to expansionary fiscal and monetary policies.

Third, the need to tailor jobs to the changing structure of the jobless: the "Jobs Now" programs zeroes in on the less skilled, less experienced jobless—the teenaged, female, and minority-group workers—who are a growing proportion of the unemployed. Viewing the rising tide of youth and women in the labor force, some observers (including high officials of the Nixon Administration) have concluded that the 4% unemployment goal is "a myth," that "6% is not critical" because unemployment of teenagers and women does not have a high hardship quotient anyway, and that we have to settle for a more modest unemployment target like 5% in order to contain inflation.

Granted, it's tougher to get to 4% than it used to be. But that's no excuse for ignoring the social costs and tensions that go with 10% unemployment rates for blacks, 17% for teenagers, and over 30% for black teenagers. Tossing in the sponge and taking a "you-can't-get-there from-here" attitude, as the White House seems to be doing, is precisely the wrong response. Instead, we need to redouble our efforts, supplement our aggregate measures with segmented and more sharply focused measures like your public service jobs program. It gets at the unemployment problem "where it lives." To do less is defeatist.

Fourth, the associated need to do a better job of reconciling full employment with reasonable price stibility: if we try to solve the unemployment problem solely through general fiscal and monetary stimulus, the resulting demand pressure will create shortages of skilled workers, generate bottlenecks, and boost prices long before its blessings reach the less skilled and least experienced members of the labor force. To employ them without creating new demand-pull pressure calls for carefully targeted measures like "Jobs Now" that require, not $2 or $3 of spending, but only $1 (plus administrative expenses) to create $1 of unskilled job opportunity. Again, the right course is not to wring our hands and lower our job sights because of inflation fears but rather to find ways of creating jobs with minimum inflationary pressure. This, your public service jobs program would help us do.

Fifth, the need to create productive, not make-work jobs: myriad jobs of the kinds listed in H.R. 12011 are crying to be done, but hardpressed state-local treasuries—depleted by recession—simply cannot cope. These service jobs, being neither supported by expanding revenue sources like the federal income tax or ear-marked taxes like payroll and gas taxes, nor saleable in the market place like private goods, bring up the rear of the budgetary queue. To match these jobs that are begging to be done with workers who are begging to do them comes close to qualifying as an economic marriage made in heaven. To provide urgently needed support to the state-local enterprise in this process counts as an extra bonus.

The Nixon Administration is fond of scornful references to "dead-end WPA jobs." This reflects not only a woeful ignorance of history but a distressing lack of understanding of the nature and needs of the unemployed. For although youth, women, and minorities do make up a larger part of the jobless today than 10 or 15 years ago, their average level of education and training is significantly higher. As Otto Eckstein has shown, the proportion of the 18–64 age group with education of 12 years or more rose from 48% in 1957 to 57% in 1964 and 68% in 1971, and the number of individuals in work and training programs rose from 135,000 in 1964 to over a million in 1969. But education and training—as well as unemployment compensation, income maintenance, and work incentives for the unemployed—all lose their point unless there are decent jobs for them at the end of the line. It was Calvin Coolidge who in 1928 made the profound observation that "for a man to have a job, someone has to hire him." He had something there. And "Jobs Now" has something here.

Sincerely,

Walter W. Heller,
Regents' Professor of Economics.

WESTERN HEMISPHERE IMMIGRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 5 minutes.

Mr. RODINO. Mr. Speaker, I wish to advise the House that the Subcommittee on Immigration and Nationality, Committee on the Judiciary, will commence hearings the latter part of May on legislation to establish a preference system for immigration from the countries of the Western Hemisphere.

The hearings will furthermore be concerned with the need for a realistic revision of the present preference system which will be applicable on a world-wide basis.

As my colleagues will remember, natives of the Western Hemisphere enjoyed a nonquota status prior to the 1965 amendments to the Immigration and Nationality Act. Since enactment of those amendments, there was established a numerical ceiling of 120,000 immigrants on all the Western Hemisphere without regard to any preference category or per country limitation.

The ceiling placed upon Western Hemisphere immigration was rather hastily considered. Notwithstanding the recommendations of the Select Commission on Western Hemisphere Immigration opposing the ceiling, it did become effective in June 1968, without any formula for the distribution of the 120,000 visa numbers.

Consequently, many families experience great hardship, waiting approximately 18 months before they are able reunited with relatives in the United States.

I trust that we will be able to correct these inequities in the near future.

PROPOSAL TO REVIEW ALL TAX EXEMPTIONS EVERY 2 YEARS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, today I am introducing in the House legislation that would require Congress to review every 2 years about $47 billion worth of tax exemptions and loopholes.

This legislation would, first, terminate $47 billion of tax exemptions by January 1, 1974, and second, establish as the policy of Congress that all tax exemptions passed after the enactment of the bill would be authorized for a period not to exceed 2 years.

As you know, Mr. Speaker, at present most tax bills that give breaks to special groups or interests are authorized for an indefinite period of time. Thus, even if a tax break makes sense when it is passed, it may not make sense 5 or 10 years later. Yet, there is no mechanism for Congress to review them and, thus, they are almost never repealed. This is particularly unfortunate since there are many tax loopholes for the rich on the books, which raid the Treasury for billions of dollars each year.

If Congress must formulate a new Federal budget each year, then it should at least be required to review over $40 billion in tax breaks every 2 years.

Under my legislation, those tax exemptions Congress did not reenact by January 1, 1974, would terminate. Thus, the burden of proof would be on those who believe the particular tax exemptions are still justified to persuade Congress and the public that they ought to be continued. I believe that, with a much better public awareness today of the importance of tax reform, it is quite clear that many of the present tax loopholes could not stand up under the public scrutiny of recorded votes in the House and Senate.

I am not saying that all of these $47 billion of tax exemptions are unjustified. But there are clearly many that are highly questionable and would be very hard to publicly defend. It is not hard to find examples, such as: Exemptions that are given to U.S. corporations overseas, capital gains incentives to cut trees, and the special percentage of depletion allowance—which alone costs the taxpayers $1.3 billion per year.

In short, Mr. Speaker, I believe that requiring Congress to review tax exemptions every 2 years would be the most important step Congress could take in effectuating meaningful and long-range tax reform.

COAL GASIFICATION—PROCESS OF FUTURE—PROBABLE SOLUTION TO THE ENERGY CRISIS

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, in the past few weeks, we have seen a spate of articles extolling the potential of coal gasification as the means of solving our nagging national energy crisis. One such article appeared in the New York Times on February 27 and I bring it to your attention as indicative of the strides made in the "clean coal" campaign which I have long advocated and struggled for during my years in the Congress.

Inasmuch as I have a number of converging interests in the subjects of protecting our natural environment, the mining of coal, coal gasification, and the Office of Coal Research, it is satisfying to inform my colleagues and the public that a great oak is growing from the tiny acorn the Congress planted when the OCR was founded almost 12 years ago. The article in the Times reflects only a small part of the total picture and unfortunately ignores other gasification research progress.

One of the processes with particular applicability to our shortages of natural gas is being studied intensively by OCR with the cooperation of Bituminous Coal Research, Inc., at a plant which is to be built in my congressional district at Homer City, Indiana County, Pa. The development of the "Bi-Gas" process for the production of high-B.t.u. pipeline gas from coal is the primary objective of the gas generator research and development program at Homer City. The initial phase of the program was a survey of available and proposed coal gasification processes. That survey resulted in a two-volume compendium on gasification processes and in the conceptual design of a two-State, superpressure, oxygen-blown system for producing high-B.t.u. pipeline gas from coal. I am naturally proud that such important work is being conducted in my district, but more important, it is a measure of deep satisfaction that the press is finally noticing that the potential solution to coal-based pollution is feasible and offers an exciting alternative to the dismal forecasts we all too often see and hear. Coal gasification, as an alternative to other forms of energy production, is something many of us who study our national energy problems on a day-to-day basis have known about and fought diligently for for many years.

One can conjure up limitless possibilities for conserving natural resources, protecting our environment, and solving near- and long-term energy problems, were the Office of Coal Research, the Bureau of Mines, and the Department of the Interior to receive the public, congressional, and executive support for research and development that is currently lavished on the atomic energy industry. I believe the figures are still close to accurate—at last count, the AEC spends more money each year for education and training than does the Office of Coal Research for all its operations.

The time has come to shift our eyes from the uncertain promises of the nuclear "magic" and concentrate on reality. The reality is that we need a clean, safe means of running the motors of America. That means is at hand and from our most abundant natural resource—coal.

The facts and figures have been with us for years, but to date few people, outside the dedicated few, have bothered to acknowledge the simple fact that, by using coal, we can reduce energy production pollution in the foreseeable future and without the horrible consequences and indefensible costs associated with the rush to nuclearization. The facts and figures I spoke of appear annually in the reports of the Office of Coal Research. The report for fiscal year 1972, which has been delivered to all Members of Congress, should be required reading for all concerned with our Nation's energy-environment problems.

The OCR report, combined with a reading of the recent article in the New York Times, should prompt many Members of Congress and individual citizens throughout the country to demand a reordering of public-supported energy research priorities.

The Times article follows:

A "NEW" FUEL: COAL—PROCESS WOULD CONVERT IT TO GAS

(By Gene Smith)

Paradox: There's a growing energy shortage. At the same time, there's an awful lot of coal—more than any other fossil fuel supply—most of which can't be used because of its air-polluting qualities. How can it be used?

That's the research target of some of the biggest companies in the nation, including the Westinghouse Electric Corporation and the General Electric Company.

Last Thursday the American Gas Association reported that gas had been made from coal in a large-scale experimental plant in Chicago. Ultimately, it is expected to produce 1.5 million cubic feet of gas a day.

The plant used the "Hygas" process and was financed by the trade association and the Department of Interior's Office of Coal Research. The process—a contraction of hydro gasification—is designed to make gas equivalent in quality to natural gas.

In operation, the coal is mixed with light oil and this mixture is then injected into the top of a 140-foot-tall hydro gasification reactor. The light oil is driven off and recovered, and as the coal particles flow downward, hydrogen is introduced into the bottom of the reactor. The hydrogen interacts with the carbon in the coal to produce methane, the chief ingredient of natural gas, which is then piped off the top of the reactor.

The group intends to operate the plant for several years and conduct various tests that would be used to build an operating plant with a daily capacity of about 250 million cubic feet of gas from 17,000 tons of coal.

F. Donald Hart, president of the gas group, said:

"This will open the way to convert our most abundant source of energy into our cleanest source of energy."

Basically, all of the research efforts are aimed at reverting to the gas works of old. There are several different methods available. It remains only to decide whether it's best to produce the gas at the coal supply and ship it through pipes or to produce it at the power plant and use it there.

Both G. E. and Westinghouse believe that it's more economical and practical to bring the coal to the power-producing site, convert it to gas and use all of its heat there.

Arthur M. Bueche, vice president-research of G. E. said the company had been approached by quite a few people who wanted to "put in demonstration plants using our gas turbines and their gasifiers.

"We've got a lot of research on the coal gasification problem, but we also want to tie it in with refuse, garbage and other sources to produce a low-British-thermal-unit gas right next to the turbine," Dr. Bueche said.

He emphasized that the techniques were not new and that coal gasifiers were in widespread use in Europe today. The aim is to develop an economical large-scale process for domestic usage.

"A good gasifier must be able to operate continuously without clogging up, and we must be able to get the sulphur out, too," Dr. Bueche said. He added that G. E. was working on a proposal to submit to the Government soon.

Westinghouse seems to be more advanced in the search. It has already made an unsolicited proposal for funds to the Office of Air Programs in the Environmental Protection Agency. It has formed a team with the Public Service Company of Indiana, the Ayrshire Coal Company, The Northern Indiana public and Bechtel Corporation. Tennessee Valley Authority Service Company and they have also joined as associate members.

Bruce W. Morrison, general manager of Westinghouse's heat transfer division, estimated the program would take 8 years and would result in the testing of a full-scale unit. The timetable calls for construction of an advanced pilot gasifier to be operating early next year. It would have a daily capacity to supply a power plant with a 10,000 to 30,000-kilowatt capacity. The full-scale unit to be built later would have up to 240,000-k.w. capacity.

Westinghouse also envisions combining coal gasification with a cycle power-generating system that uses both gas and steam turbines in a packaged plant to produce electricity cheaply.

Mr. Morrison is confident that by 1980 gasifier-gas turbine combinations would be available that would generate electricity at a significantly lower cost than a conventional steam plant with the necessary stack clean-up systems

He also noted that Westinghouse planned to use bituminous coal, which is in abundant supply, to form a fuel gas of low heating value as opposed to gas industry proposals to produce high B.T.U. content gas to be shipped through pipelines.

Mr. Morrison said that Westinghouse had asked the Government to fund approximately 40 per cent of the program. Meanwhile the company is proceeding on its own within research budgets.

John W. Simpson, president of Westinghouse Power Systems, said he believed that his company was well ahead of its competition in the quest for an operating coal gasification system.

"If the Government had acted six months or so ago, then we're sure we would have gotten the contract. In the meantime we elected to keep spending our money to hold onto our lead," he said. "I would certainly hope that something would be done by summer at the latest. I just don't see how the Government can avoid taking a stand on coal gasification."

Mr. Simpson said it was a simple matter of priorities and clear thinking:

"Natural gas is practically dead as a fuel for producing electricity. We can't really depend on oil from an unstable Mid-East, and we can't burn coal with sulphur content. Coal gasification provides the one way to use an indigenous natural resource. To be able to do it is vital to our future."

Where other proponents are planning to use fixed-bed gasifiers, Westinghouse proposes a new fluidized-bed system. It would introduce lime or limestone particles in the bed to remove the sulphur as calcium sulfide.

Mr. Morrison acknowledged that the Westinghouse concept was unique. "But it is composed of subsystems that have been successfully operated by others," he said. He pointed out that Consolidation Coal Company had successfully used the desulfurization system, while the FMC Corporation had used multiple fluidized stages to produce char.

The Office of Emergency Preparedness has stated in talks with various segments of the energy industry that coal gasification is "an extremely important consideration" in its thinking and planning.

F. Norman Woodruff, speaking at the annual meeting of the United States National Committee of the World Energy Committee earler this month said:

"I would like to single out coal as the natural resource which, I believe, offers the most immediate and short-range support to our lagging internal energy resources. Not only is coal more abundant than all others of our conventional energy resources combined, but the technology for its production and use has been with us for many years. With a minimum of time, effort and expense, coal can be converted into a desirable fuel category."

FUNDS URGENTLY NEEDED FOR DEVELOPMENTAL DISABILITIES PROGRAM TO AID THE MENTALLY RETARDED AND DISABLED

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, March 1, 1972, in a letter to my colleague from Pennsylvania, Mr. Daniel J. Flood, I presented a statement urging that his Appropriations Subcommittee on Labor, Health, Education, and Welfare, support a supplemental appropriation of $83,215,000 in Federal aid to the mentally retarded.

The Congress and the President are both pledged to improving the life of the mentally retarded. Yet, this commitment has been seriously undercut in the Federal budgetary process. Requests for funds under the developmental disabilities program—Public Law 91–517—the major new Federal aid program for faciilties and services for the mentally retarded—have surpassed Federal aid 10 to one. This year, the Congress has approriated only $22 million compared with the authorized level of $105 million. In my statement, I urged that the committee fund the developmental disabiilties program up to the authorized level.

Recently, along with other Members, I visited the Willowbrook State School for the mentally retarded in New York City. This school has been the focus of attention in the past few months because residents—mainly children—are forced to live under outrageous conditions of filth, disease, and despair. But many other such institutions, both in and out of New York, are in the same situation, and lack of funds is the main cause of the trouble. I am convinced that increased Federal aid to Willowbrook, and scores of their State schools like it, is essential if the mentally retarded are to be treated with compassion so that they may live in dignity and realize whatever potential they have.

I urge every Member of Congress to impress upon the members of the Health Apporpriations Subcommittee their support for additional assistance to this class of poor, defenseless American citizens, who have been shut up and away from the rest of our society, and to support this aid when the supplemental budget comes before the House of a vote.

The following is the text of my letter and statement on increased Federal aid for the mentally retarded:

Washington, D.C.,
March 1, 1972.

Hon. Daniel J. Flood,
Chairman, House Labor, Health, Education, and Welfare Subcommittee on Appropriation, Washington, D.C.

Dear Chairman Flood: I am pleased to have the opportunity to present the enclosed statement to your subcommittee for consideration as you prepare recommendations for supplemental appropriations for FY '72. My remarks are directed to the urgent need to fund the Developmental Disabilities Act of 1970 at the authorized level of $105 million. This program is the main new hope for improving the desperate plight of the mentally retarded and disabled in our state institutions. Without full finding, thousands of helpless retarded persons will be forced to live indefinitely under dehumanizing and brutal conditions. My recommendations seek to have the Congress appropriate an additional $83,285,000 in the supplemental FY '72 budget to assist the mentally retarded.

With warmest wishes,

Sincerely,

Jonathan B. Bingham.

Statement By Hon. Jonathan B. Bingham

I wish to thank you, Mr. Chairman and the Members of this Committee for providing me this opportunity to present my views as you consider supplemental appropriations for health programs. I want to address my remarks particularly to the Developmental Disabilities Services and Facilities Construction Amendments of 1970 (P.L. 91–517).

My interest in the field of Mental Health goes back many years. In 1959 and 1960 I served on the New York State Mental Health Council and visited many of the institutions around New York State. I was also, for two years, President of the Bronx County Society for Mental Health.

Today, as never before, the Federal Government is pledged to upgrading the living conditions for the mentally retarded and developmentally disabled. When the Congress passed the Developmental Disabilities Act in 1970, it recognized mental retardation as "a major social, education and economic problem" and set as a goal the fostering of vital services and the construction of new community facilities. President Nixon clearly reflected the urgency of the problem last November when he spoke of the need to reduce "the cruel bane of mental retardation" and set as a national goal "to enable one-third of the more than 200,000 retarded persons in public institutions to return to useful lives in the community."

This Federal commitment to helping the mentally retarded and their families has been seriously undercut in the Federal budgetary process. The Developmental Disabilities Program, which assists states ready to act on these pledges, is creeping along with an appropriation but one-fifth of the present authorization. Meanwhile, helpless children and adults sit unattended and deprived in hostile and dehumanizing institutions.

The problems in the mental retardation field are varied. Some states, like Massachusetts, are attempting to coordinate the activities of various state agencies and eliminate flaws in their fiscal apparatus in order to disburse funds more effectively for construction and services in the coming years. Other states, like New York and Pennsylvania, have made a concerted effort to reduce the population of the resident schools by placing in the community those moderately or midly retarded who can function outside the large institution. But the very effort to humanize conditions for these people and diminish the residential population, has exacerbated the critical shortage of personnel in these institutions. Specifically, by removing those mildly retarded residents who assist ward staff, the already overworked personnel are left attending a uniformly more demanding group of mental retardates without the help of capable residents.

Overcrowding and understaffing results in seriously brutal conditions. News reports have documented how children are left crying and soiled without any supervision. Poor eaters, who need patient feeding attention, are undernourished and children are subjected to diseases, like hepatitis and measles which claim many lives needlessly.

This committee, Mr. Chairman, is in a unique position to have a profound and immediate effect upon the lives of some of the most needy and helpless American citizens. Throughout the nation, state mental health offices in charge of dispensing funds under the Developmental Disabilities Program have been receiving requests for projects far in excess of their allotment. For example, Massachusetts turned away over $6-million in requests under its FY '71 allotment. Even this $6-million figure, however, does not reflect the full need in that state. State officials set a ceiling on applicant requests of $40,000. As most requests were close to that figure, officials believe that applicants were asking for less than they actually needed. This pattern of requests outstripping allotments is repeated in state after state. A few other examples, supplied by the National Association of Coordinators of State Programs for the Mentally Retarded in response to one part of a questionnaire which appears below, further reveal the nature of the financial lag in the Developmental Disabilities Program funding:

1. New Jersey was allotted $304,000 in FY '71, and it received requests for $1,876,000—a shortage of $1,572,000.

2. New York was allotted $1.4 million in FY '72, and it received requests for $17-million—a shortage of $15.6 million.

3. Texas was allotted $640,000 in FY '72, and it received requests for $1.5-million—a shortage of $860,000.

3. Texas was allotted $640,000 in FY '72, Coordinators of State Programs for the Mentally Retarded has compiled a list, which also appears below, reflecting preliminary estimates on FY '73 needs for 25 states for formula grant funds under Title I of the Developmental Disabilities Act. These states are recipients of about one-half of the current FY '72 allotment of $21,715,000. Based on the information collected, these 25 states will need over $75-million in FY '73. Translated into an estimate for the entire nation, the need will approximate $150-million—or about 15% more than what the Congress has authorized for FY '73. These figures reveal that when the Congress set authorized levels for the Developmental Disabilities Program in 1970, it was quite accurate in its three-year projections. However, as I have already said, current appropriations fall far short of the authorized level. If we are to meet our commitment to the mentally retarded, it is imperative that the Congress appropriate in the supplemental budget an additional $83,285,000 to provide full funding for this program.

I would expect, Mr. Chairman, that you and the members of the Committee have some question, at this point, as to whether the states can utilize so significantly a supplemental appropriation for the current fiscal year. I would say, most assuredly, they can.

To begin with, the Committee should keep in mind that current rulings on the Developmental Disabilities Act permit service and construction project grants for FY '72 appropriations to be obligated in FY '73. Thus, even if a state receives additional funds late in this fiscal year, there would be no time-pressure to disburse the money without the requisite care and under authorized procedures. But even more important, states have the present capacity to spend more money in the care and treatment of the mentally retarded.

In New York, for example, a state which spends over $600-million on care for the mentally retarded, fiscal crises have taken a critical toll at state schools for the mentally retarded. Willowbrook State School has lost hundreds of employees in the past few months because of the intolerable working conditions and needs 900 additional staff members to bring the work force up to authorized level. These workers would help to improve the drastic living conditions for patients. Throughout the entire state, New York needs 3800 more employees at state schools. Vacant staff positions further aggravate the serious overcrowding problem because many new facilities, built with state and federal funds, are unstaffed and cannot open. In this context, it is also important to note the recent remarks of New York State Mental Hygiene Commissioner, Alan D. Miller. In February of this year, Dr. Miller said that one in four inmates at Willowbrook and other state schools for the retarded could be released immediately if proper facilities were provided for them.

The Massachusetts State Office of Planning and Program Coordination has provided me with basic information on programs which could be acted upon immediately if funds were available. That office details a cost estimate of $30-million for adequate provision of domiciliary and special living arrangements and sheltered workshops to the mentally retarded under the Developmental Disability State Plan. The report which I include below, also stresses that current federal funds totalling almost $400,000 under HIP-HIST (Hospital Improvement Program-Hospital Inservice Training Program) will be lost to the state in FY '73, as federal policy calls for the phasing out of these programs. Unless grants are increased under the Developmental Disabilities Program—and increased substantially—states are going to be worse off in the coming years than they are at present. The Congress must not countenance any further deprivation of the mentally retarded and disabled.

In order to provide the Committee with a clear idea of what additional money would mean for one institution, I am including in my statement a report I received from Dr. Oleh Wolanski, Director of Letchworth Village in New York. The problems at Letchworth are fairly representative of those at large institutions in virtually every state.

Dr. Wolanski outlines six specific projects which would be implemented immediately if adequate financing were provided:

(1) Opening additional space in the new facility.

(2) Expanding community service programs.

(3) Expanding the operant conditioning program.

(4) Expanding a special feeding program for problem eaters.

(5) Developing a better educational program for the residents.

(6) Placing mildly retarded residents in the community and replacing them with new staff.

It is programs like these, Mr. Chairman, which would make the critical difference for those in state institutions. The Congress cannot turn its back on the poor and defenseless retarded and disabled who have been shut up and away from the rest of society. We must dedicate ourselves and our Nation to making their lives more meaningful and bearable. Only full funding of the Developmental Disabilities Act will prove that commitment.

Therefore, Mr. Chairman, I respectfully ask the Committee to recommend that the Congress appropriate in the supplemental budget an additional $83,285,000 for the Developmental Disabilities Act.

RESPONSES OF SELECTED STATES TO QUESTION ON NEED UNDER THE DEVELOPMENTAL DISABILITIES ACT PREPARED BY THE NATIONAL ASSOCIATION OF COORDINATORS OF STATE PROGRAMS FOR THE MENTALLY RETARDED

In your opinion, what amount of federal funds would be required under Title I of the DDSA program in order to have a meaningful initial impact on closing the existing gaps in services to the mentally retarded and other developmentally disabled persons in your state? Is the state in a position to make wise use of this amount in FY 1973 given the present status of planning and development of services? If not, what lesser amount could be used effectively in FY 1973?

NEW JERSEY

We received requests for $901,000 for programs under DDSA.

We received requests for $975,000 for construction under DDSA.

DDSA allotment for the entire State of New Jersey for both programs and construction was $304,000.

MISSOURI

Perhaps it would be fair to estimate that $1,000,000 per year might more adequately provide the needed services as outlined on the enclosed Attachments 5.2B and 5.3A. Judging from the present status of planning and development of services and the progress Missouri has made in administering federal DDA funds, the State is definitely in a position to make wise use of an increased allotment for Fiscal Year '73.

PENNSYLVANIA

It would appear that more than $30 million annually would be needed to even meet the targets itemized in Number 3 for the mentally retarded. This sum should substantially be increased as other kinds of disabling conditions under developmental disabilities are included. If these funds were made available with enough advance notice, we could reasonably use all or part of it in a wise and expeditious manner.

NEW YORK

The question of what amount of 1973 Federal funds New York State could use to make a meaningful impact on our service needs for the developmentally disabled is difficult to answer. Certainly we could effectively use more funds than our $1.4 Million 1972 allocation. About one-third to one-half of this amount is obligated for continuation of 1971 fund commitments. This means that we can expect to approve no more than 14 new projects for 1972 in addition to continuing our 14 1971 projects.

At the present time we have over 100 letters of intent submitted for 1972 funding with an estimated budget of $17 Million! While some of these projects will be disapproved because they are not consistent with our State priorities or for other factors, this figure does indicate that we could use a substantial increase in funds for the Developmental Disabilities program.

TEXAS

During the FY 71 period, a total of 130 applications were made, totaling $633,070. Only 68 awards were made with the more limited amount of $250,586 which had been earmarked for service projects.

Similarly, during FY 72, a total of 113 applications were received, totaling $1.5 million. Only 51 awards were granted from the $640,000 earmarked for services.

This analysis indicates that for the two fiscal years combined an additional $1,222,484 was needed to fund all requests from the field. The wisdom of funding every request can be questioned, of course, as many applications were of dubious quality. It does point up the fact, however, that there has been a tremendous response to this program, and that the need far exceeds the available funds. The same holds for construction requests.

KANSAS

If the Developmental Disabilities Funds are to have a meaningful impact in closing the existing gaps of services, I would estimate that Kansas could very conservatively expend two or three million dollars on grants for service expansion and service improvement with the goal being an efficient system of quality services. The state could very adequately expend this money within our current statue of planning mindful of the current level or even increased expenditures by other state agencies having responsibility for serving the developmentally disabled such as the education, vocational rehabilitation, welfare, etc.

Following is text of letter from the Massachusetts Office of Planning and Program Coordination:

THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE, OFFICE OF PLANNING AND PROGRAM COORDINATION,
Boston, February 16, 1972.

Congressman **JONATHAN BINGHAM,**
Cannon House Office Building,
Washington, D.C.

DEAR CONGRESSMAN BINGHAM: In response to your request for an estimate of federal funds that might effectively be utilized in Massachusetts, the Bureau staff has computed a total of $30,404,401 which represents (a) HIP, HIST, and staffing money; (b) a cost estimate on potential applicants for FY '71 Developmental Disabilities funds who were turned away for various reasons which will be explained later and; (c) a cost estimate on the adequate provision of residential care and long-term sheltered workshops for mentally retarded individuals between the ages of 21–65 in the Commonwealth.

A breakdown of HIP, HIST, and staffing funds received in the Commonwealth in FY '72 shows that $217,254 were received under HIP; $73,565 under HIST; and $98,582 under staffing. This represents a total of $389,401 lost to Massachusetts in FY '73 unless Federal policy is reversed.

With respect to the second figure, a cost estimate of potential applicants who were turned away for FY '71 Developmental Disabilities funds, the figure derived by the staff is $6,000,000. The Bureau staff had prepared a summary of requests for funds under P.L. 91–517 most of which did not lead to formal application. The $6 million figure is, however, as mentioned earlier a biased figure. It should be noted that the nature of applications was very much affected by publicity relative to the eligibility of acceptable applications. Although the "priority goals" in the 1971 State Plan were not exclusive, after service areas were received. In addition, as the 1971 State Plan policies requesting planning projects of statewide significance became known, there was a notable decrease in the requests for funds for local service support and construction. A further bias was established by a suggested ceiling on requests for project funds of $40,000. Thus applicants in many cases asked for approximately $40,000, although they could have used more. Finally the $6 million total represents one year requests.

Finally, an estimate was made of projected costs for the adequate provision of domiciliary and special living arrangements and sheltered workshops to those mentally retarded individuals between the ages of 21–65. The total figure for construction and staffing costs for one year would be $30,265,000. This figure was derived by the following steps:

1. An estimate was made of those in need of domiciliary and sheltered workshop services. Based on a study done by Burt Blatt and reported in his plan for the reformation of services one-tenth of 1 percent of the population is in need of residential services and sheltered employment. (p. 19)

a. population in Massachusetts is approximately 5,500,000.

b. one-tenth of 1 percent is thus 5,500.[1]

c. 50 percent of the 5,500 is between the ages of 21–65 [2] is 2,250.

2. An estimate of cost of construction of 225 group homes at 10 people per home each with staff support for one year.[3]

3. An estimate of cost of construction of 22 sheltered workshops at 100 individuals per workshop with staff support for one year.[4]

The domiciliary and sheltered workshop services are two of the priority goals in the 1971 Massachusetts Development Disability State Plan, and thus cost data was compiled for these two services.

I hope you are successful in your efforts to raise the level of appropriations.

If you would like further information please call.

Sincerely,

SUSAN RUBENSTEIN,
Principal Planner, Bureau of Developmental Disabilities.

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[1] Blatt, Burton Ed. D., *A Plan for Reformation of Services for the Mentally Retarded in Massachusetts,* p. 19

[2] Based on 1970 Census data that 50% of the general population is between the ages of 21 and 65.

[3] Based on actual cost estimates prepared for the Northhampton Housing Authority, Northhampton, Massachusetts.

[4] Hospital and Medical Facilities Survey, Hill-Burton Program opportunities for Planning and Construction of Medical, Mental Retardation and Other Facilities. Proceedings of Surgeon General November 1964.

COSTS

SHELTERED WORKSHOP

25,000 square feet/facility for 100 employees.

Based on a cost of $15 a square foot.
Cost of one facility = $375,000.
Total cost, 22 facilities, $8,250,000.
Staff/facility = $70,000.
Total cost, 22 facilities = $1,540,000.
Total cost = $9,790,000.

GROUP HOME

$90,000/home.
Total cost for 225 homes = $20,250,000.
Staff/facility = $10,000.
Total cost, 225 homes = $225,000.
Total cost = $20,475,000.

PRELIMINARY ESTIMATES ON NEED FOR STATE FORMULA GRANT FUNDS UNDER TITLE I OF THE DEVELOPMENTAL DISABILITIES ACT (PUBLIC LAW 91-517)

State	Fiscal year 1972 allotment	Estimated need, fiscal year 1973 [1]
Alabama	$439,030	(2)
Arizona	(3)	(3)
California	1,387,494	[4] $4,100,000
Colorado	183,314	1,450,000
Connecticut	226,680	(2)
Georgia	482,220	[5] 5,500,000
Kansas	205,408	2,000,000–3,000,000
Minnesota	359,108	510,000
Missouri	447,609	1,000,000
Montana	100,000	(2)
Nevada	100,000	(2)
New Jersey	547,134	[6] 1,876,000
New Mexico	103,415	2,500,000
New York	1,413,340	17,000,000
North Carolina	594,422	1,000,000
Ohio	937,362	(3)
Oregon	187,154	1,300,000
Pennsylvania	1,115,313	30,000,000
Rhode Island	100,000	1,000,000
South Dakota	100,000	400,000
Texas	1,067,287	(7)
Vermont	100,000	375,000
Virginia	461,271	1,500,000
Wisconsin	425,408	1,500,000–3,000,000
Wyoming	100,000	500,000

[1] All estimates are based on the preliminary results of a survey of State DDSA officials conducted by the National Association of Coordinators of State Programs for the Mentally Retarded, Inc.

[2] No specific estimate provided. In most instances, however, other descriptive information supplied in the questionnaire would tend to include a level of need comparable to the other states.

[3] Not participating in the developmental disabilities program.

[4] This estimate includes only the amount necessary to meet the immediate need for expansion of one aspect of State services—the network of 13 regional centers. The State estimates that approximately 100,000 retarded children and adults need services but are not presently receiving them. In order to provide such services the State's present budget would have to be supplemented by an estimated $180,000,000.

[5] The State estimates that the total cost of providing needed community services to all mentally retarded citizens would be an additional $31,325,500 annually. It's worth noting that this figure does not include the cost involved in improving care in State institutions nor does it encompass the costs of providing services to other developmentally disabled (the cerebral palsied, the epileptic, etc.).

[6] This figure reflects only the total amount requested for service and construction projects in fiscal year 1971 (when the State's allotment totaled $304,000). A 1969 survey indicated that two-thirds of the over 70,000 retarded citizens in New Jersey were not receiving the diagnostic, treatment, educational, day training or vocational services they needed.

[7] No specific estimate provided; however, during both fiscal years 1971 and 1972 requests for funds have exceeded the amount of Federal dollars available by 2 to 3 times.

Following is text report from Dr. Oleh Wolanski, director of Letchworth Village, Rockland County, N.Y.:

REPORT ON LETCHWORTH VILLAGE TO CONGRESSMAN JONATHAN BINGHAM

Letchworth Village has been for some time and still is the most overcrowded and one of the most understaffed New York State institutions for the mentally disabled. The efforts on the part of the Letchworth Village administration, who took over this facility in September 1970, were directed towards converting it from a largely custodial institution managed on a medical model, into a progressive habilitative center for the retarded. It was felt that the decrease of the severe overcrowding, which is 100% according to medicaid standards, was our primary goal. We hoped to accomplish this by (1) preventing unnecessary admissions; (2) returning to the community as many of Letchworth Village residents as possible.

Since Letchworth Village had close to 4,000 residents living in the institution who were segregated primarily on a sex and ambulation basis, we have embarked on the ambitious program to review individually the whole resident population and to place it in some 12 smaller units with more homogenous population based on similarities in age, disability and potential for habilitation. This we called "unitization" which would ultimately decentralize this huge facility and produce programs geared to the need and potential of each individual. By using some of existing competent staff and by hiring several highly qualified professionals we created positions of "Chief of Service" who were heading 13 units to coordinate decentralization. However, in December 1970 the imposed "budget freeze" has, to a large extent, thwarted our efforts and resulted in many frustrations. Despite this we however were able to move slowly in the direction of our goal and to habilitate a large number of residents, subsequently placing them in the community. In this way we have decreased our overcrowding by some 300. By doing so, however, we have created for ourselves a new problem which is a real dilemma. The residents placed in the community were, so to say, the "cream of the crop" and since most of them for many years have been assisting our very limited staff in its operations their loss has placed a tremendous burden on the existing personnel. As a result of this we have to practically cancel our intensive efforts in that direction since we felt that although the residents were entitled to the opportunity of community living, we could not deprive our total care residents from minimal, basic human services, and as a whole seriously impair Letchworth Village operations. As a result of our present situation the morale of Letchworth Village personnel is at its lowest as indicated by 100% turnover in the ward service and by very high unscheduled absenteeism.

In view of the above, we would appreciate assistance from the Federal Government in the following programs:

1. We have, at the cost of five million dollars, a newly constructed modern hospital building, fully equipped, but half of it remaining unoccupied because of lack of personnel items. If staffed, we could (a) open 20 beds "reception" service where the retarded, admitted after a thorough evaluation in our outpatient clinic, would be able to adjust gradually to their new setting, where the possibility of bringing into the institution a communicable disease would be largely eliminated by keeping new admissions for a few weeks on this service and, which is probably the most important, we would be able to provide short term admissions, so called "respite" service and in this way substitute a short term hospitalization for a continuous one; (b) open 30 beds physical therapy ward which would enable to admit some of our many physically disabled like C.P., post-fracture cases, etc., and speed up their rehabilitation; (c) we could open an additional 26 bed ward for the children under five. At present many of them have been placed, at State expense, in private nurseries where they have little of physical therapy, education, or self-care programs.

2. Since there are insufficient services for the retarded in our catchment area our community services program is in need of augmentation. We need more personnel to provide alternative solutions to admissions by dealing with rather uncoordinated agencies in this area and by guiding the parents in our clinic or at home.

Our Family Care program needs more personnel for home finding, supervision and activity program. I would like to stress that the cost of a resident in family care is half of the cost in the institution.

Our social habilitation effort needs expansion, particularly in the area of sheltered workshop and vocational counselling. We need more people to provide supervision for residents placed on "community status" in preparation for independent living and we would like to have at least two more "half way" houses.

3. Two thirds of Letchworth Village population are profoundly or severely retarded, many with associated behavior problems. Since there is limited chance for their placement in the community we would like to develop a program to make them better citizens and provide for them a more wholesome environment. We feel that by considerable expansion of our present very limited operant conditioning program we could enable some 50 children in school age to be habilitated to the point that they could be enrolled in our educational program. We feel that a very large number of adults could be toilet trained and could achieve progress in their personal habits including their psychiatric condition.

4. We have a rather large number of residents who present special problems in feeding; they are extremely poor eaters, have difficulties in chewing, swallowing or retaining food. Because of shortage of personnel, particularly of the skilled ones to handle such special disabilities, many of these residents are undernourished and have a high morbidity and mortality rate.

5. We need very much to expand and upgrade our employees' in-service and continued education program. To do this we would very much like to have a professional who would be "Chief of Education and Training."

6. We are in dire need of replacing the working residents placed in the community by additional employees. As of this point, any loss in this area cannot be replaced.

By implementing all the mentioned new or expanded programs we expect to:

1. decrease the resident population by at least 500.

2. humanize and normalize the life of the retarded remaining in the school.

3. habilitate a large percentage of the physically and psychiatrically disabled residents.

4. make most of the residents more useful and productive citizens, eventually at less cost to the society.

OLEH M. WOLANSKY, M.D.,
F.A.P.A. Director.

THE ROAD LESS TRAVELED BY

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASPINALL. Mr. Speaker, I wish to submit for the RECORD the text of an address delivered by the President of the University of Northern Colorado located in Greeley, Colo.

I am pleased and refreshed by the remarks so eloquently delivered by Dr. Richard R. Bond during those ceremonies marking his recent installation as president of the university.

I am confident that those who will take the time to read his message, will have gained a new sense of values and disciplines, creating a new perspective for reaching goals of achievement whether that goal be in the home, the community, or the Nation:

THE ROAD LESS TRAVELED BY

PROLOG

Before beginning, permit me to pause to pay tribute to those faculty who have gone before us here who have made this the fine university which it is. Inevitably, these able and dedicated people are symbolized and represented by their presidents, each of whom left his mark, but each of whom served remarkable terms—Thomas Gray, Z. X. Snyder, John Grant Crabbe, and George Frasier, whom I expect very few of those here remember.

To all the living former presidents, whom I have come to know, William Ross, Darrell Holmes, and Interim President Frank Lakin—I can personally express my gratitude and through them to those faculty who served with them. As a direct token of this gratitude and as a symbol of the office I have asked that gavels similar to the one I received be made. Two of them I present now. Dr. Holmes' will be mailed to him.

That the president becomes a symbol of the University and all who serve with him is awesome, made bearable only by the immense dedication, talent and support of the faculty and staff whom he serves. We, who hold this institution in trust, can only hope to build well upon the foundation laid by those who have gone before us.

Mr. Chairman, on behalf of such able colleagues, I accept the responsibilities and charge you have given me on behalf of the people of Colorado.

Unlike public invocations, which are usually addressed more to the audience than to God, inauguration addresses, I have observed, are often, equally hypocritically, addressed to God—or at least to the wild blue yonder—instead of to the situation at hand. In regard to the former, I ask no public prayers, but I do ask your private prayers, as I pledge my own, for wisdom, compassion, love and strength for all in whose hands the destiny of this institution rests. This inauguration time, like President George Frasier's in 1924, at Homecoming, departs from the traditional in being a simple installation ceremony without medieval pomp and circumstance. The cost of a more traditional ceremony will be diverted to the acquisition of library books. This address also will be stripped to its essential elements—warm humanism and cold realism.

Cold realism impels us to recognize the current state of higher educations. During the post-Sputnik years and the decade of national awareness of social ills, higher education expanded and was supported as never before—almost as a panacea for both international and domestic problems. When these problems were not solved, when the higher education community itself exploded internally, and when the fiscal and seemingly insatible demands of higher education came up against the competing demands and limited resources of society, the bloom rapidly fell from the rose. Those who pay the bill have become disenchanted. Similar disenchantment has arisen inside the academy with students becoming increasingly cynical and dissatisfied with their education. In many cases it neither speaks to their deepest personal concerns nor adequately prepares them for an apparently increasingly selective job market. No institution, no faculty or administrative staff, entering the seventies can ignore the overwhelming facts of both external and internal loss of confidence.

During the coming decade those institutions will achieve distinction which set their goals firmly and set about with dispatch in achieving them. Further, in this day of increased homogenization of higher education, those institutions will stand out whose goals are distinctive, whose actions during the next few years catch the spirit of Robert Frost and who take "the road less traveled by." This, I believe, is our challenge. I will speak this morning to this challenge in three dimensions. I hope, in so doing, to set a tone for this administration.

CLIMATE

The tenor of the sixties may be described by words prevalent in the vocabularies of that era—"alienation," "anonymity," "just a number," "impersonal." Colleges and universities contributed to the feelings of hopelessness with their burgeoning sizes, their growing bureaucracies, the tortoise-pace of curricular change, and their responses to a plethora of pipers' tunes. Let us, on this campus, be about the task of creating a total climate for learning and living which will counteract these trends. I do not think it is accidental that this institution is perpetually overenrolled—students want to go to school here. They get good education in a warm environment. We have a solid base upon which to build an unusual climate for an institution this size or its projected modest increase. I am speaking of nothing less than a total community in which every effort is made to make students feel "at home," where they have a sense of belonging, where there is a strong sense of personal worth, of genuine warmth and concern. It is only in such a climate that each student can achieve our national goal of his realizing his full educational potential.

Let me elaborate upon the concept—this dream, if you will. A total community includes all who teach and all who learn. Students learn from professors—but also from other students, from administrators, janitors, secretaries, cooks, yes, and from townspeople. None but the dead can fail to learn from students. Each person brings to this community his own experience, his length of living, his education, his sex, his cultural or racial background. If each of us conceives of himself as a teacher and as a learner, if we commit ourselves to the notion that those who appear most different can teach us most, and yet, strangely, have the most need to feel "at home," if we develop a singular commitment to the growth of each of us as human beings, students will achieve a sense of belonging. What is more, we will all feel "at home." We will indeed have chosen the "road less traveled by," and society needs what we will have found.

Ashley Motagu stated it beautifully: "By education it is to be understood the nourishment of the student's potentialities for growth and development as one who is able to work, to love, and to play. These are the . . . criteria of mental health. That . . . should be the purpose and goal of all education: the development of a human being who lives as if to live and love were one. For it seems to me," he continues, "that unless we learn to live not only with our fellow human beings everywhere, but also with the whole of nature, man will in the not-to-distant future destroy himself."

Let us build on this campus upon the solid beginnings we have made.

But lest I be misunderstood, let us not confuse being "at home" with the ease of nonaccomplishment: an extended vacation for students or premature retirement for faculty. Our climate must be one of high learning expectations, of the discipline of the mind, where intellectual models abound, and where the cultural and esthetic surroundings of the campus community form a complementary milieu for learning. I would merely assert that these expectations should be in a climate of human concern and that our academic rules and standards should be humanely conceived, based upon sound educational concepts, and individually administered.

And let us not confuse being "at home" with "anything goes." In any social group, rules of behavior are essential to its functioning as a group. Such rules must be sensible, explicit, and cognizant of the freedoms of the group members. Activities or actions which inhibit or disrupt the freedom of others to learn cannot and will not be tolerated.

DIRECTION

With this kind of climate to set the educational tone, let us turn now to institutional direction. How do I see the future of the University of Northern Colorado over the next decade?

Again, cold realism compels us to look carefully at the mistakes of others and the tenor of the times. Scores of institutions in this country have changed their names to university. Most of them will hover in the shadows of their older sister institutions, becoming pale limitations, achieving neither distinction nor quality, because they attempt to be all things to all people. A few—a very few—will take a "road less traveled by" and achieve distinction in their own right. Let us be one of those.

It is neither financially nor educationally feasible during the next decade for us to be a comprehensive university like the University of Colorado or Colorado State University. It would be tempting for us to imitate such institutions, for our own training is a comfortable and familiar path. There are other viable models, however, which should attract us.

I see this University as a Teaching University, multipurpose at the undergraduate and master's levels and sharply focused at the doctoral level. While it will be essential that we be at the leading edge of research in those areas where we offer the Ph. D. and at the leading edge of practice in those areas offering the Ed.D. or D.A., and that there be reasonable support for research for faculty members to keep abreast of their fields, we should be unashamedly committed to teaching in all its aspects. Those students who go from here to teach should have been exposed to the best, most creative and most up-to-date teaching in the country. Let us be at the forefront in the study of the process of teaching and in the study and application of learning theory. Let us draw upon the latest in educational technology and communication theory. Let us draw upon the relevance of experience as well as the tradition of degrees. Let us lead in the distillation and synthesis of that, from the growing body of knowledge, which should be taught. Let us, in other words, become a teaching laboratory, to be used as we improve ourselves and as we prepare teachers at all levels.

Given this milieu, this institution has four major opportunities. The first is to become the undergraduate university of the state. It is doubtful to me that more than 20% of our student body by 1980 will be graduate students. Lest we follow the faltering footsteps of Berkeley or Columbia (or others closer home) we must concentrate heavily, consciously and pointedly at the undergraduate education. At the very heart of that enterprise are the arts and sciences, including the fine arts. Knowledge in the arts and sciences is central to the preparation for any profession; understanding in the arts and sciences is central to the education of any human being. Excellence in the arts and sciences without course and program proliferation, must be one of our commitments. What an unusual university we would be if our scholars in the traditional disciplines were absolutely committed to the teaching-learning process, to experimenting with and improving teaching in their own fields and to truly humane, sensitive and relevant education. We would indeed by taking the "road less traveled by."

A second opportunity and major goal is to strengthen and reassert our state and national leadership in teacher education. Where are the national leaders in this area? I would assert that there is a huge vacuum, into which we should step with confidence. This aspiration will involve a sizeable portion of our undergraduate effort and virtually the entire effort of our graduate programs. We must strengthen our relationship with the public schools and community colleges as we prepare and service their teachers. We should explore innovations in education opened by industry and the public schools. That they have entered the lists creatively is a sad reflection of the pedantry and conservatism of universities. Let us take the lead in bold and wide experimentation and innovation both in the preparation of teachers and the improvement of the educational system. And let us encourage our best students to go into teaching. The schools are vital to our nation and deserve the best; and, I might add, the best *do* find jobs.

There are several areas of teacher preparation which deserve our special attention. One is special education, where supply is much less than demand. A second is early childhood education, which is receiving sizeable national recognition. In both these areas we have a sound base and imaginative programs upon which to build. A third relates to minority education. The failure of institutions to provide adequate teachers for the culturally different is a national, as well as local, disgrace. We have the nucleus of something significant here, with modest programs with Mexican American, black and Indian children. Let us take the initiative in two directions. On the one hand, let us expand our efforts in the identification, recruitment, support and preparation of minority groups to teach. In so doing, we must recognize cultural differences and be willing to substantially overhaul our educational processes to accommodate these differences. And on the other, let us see to it that non-minority teachers are prepared to handle the culturally different in their own classrooms. I believe that every non-minority student graduating from the University of Northern Colorado should have a basic understanding of one minority group and its culture, and should have experience in working with children of that group.

The third major opportunity—no, essential—for this university is to expand career opportunities for our students. The surplus of teachers makes it imperative that we be multi-purpose at the undergraduate level. I have pointed out some unmet needs in teacher education; in the more general or usual areas it will probably be necessary for us to establish quotas. It is unfair to our students and to the state to guide large numbers of our students to unemployment. Here again, let us build upon our strengths. Our students come to us with a high degree of service orientation. We are in or near an area with sizeable health, business, social, environmental and cultural facilities and needs. We should be actively exploring and expanding, selectively, where our studies so indicate, such people-oriented areas as the allied health fields, social welfare, business systems, environmental control, recreation and the performing arts as possible career options and programs.

A fourth opportunity and direction for this university exists precisely because it is a Teaching University. Let us continue to be unashamedly involved in the preparation of college teachers. As a teaching laboratory, we have a unique milieu in which to educate humanely the teachers of college students. The new Doctor of Arts degree, designed for this purpose instead of the preparations of researchers, has a greater chance for success here than in virtually any university in the country, because we can devote full attention to it, if we dare strike out in uncharted territory and not make it a Ph.D. in disguise. I am personally committed to that end. Graduate education is probably the most pedantic and unreconstructed portion of higher education. The need is great for college teachers absolutely knowledgeable in their subject areas, humanely educated, who are committed to teaching, who care about it and their students, and who work at it. The D.A., properly conceived, is an appropriate degree for four-year institutions, community colleges and some universities. With their help and input, we can design programs nationally unique and attractive. With its background, the University of Northern Colorado should be the institution in the state to experiment with this degree in a limited number of fields.

As we think through our directions, two underlying commitments can help us along the "road less traveled by." One is the commitment to work closely with other institutions. Too long has American higher education consisted of jealously isolated units going their separate directions. The possibilities of working closely with the University of Colorado and Colorado State University in an intellectual triangle are almost limitless. Already, there is cooperation at the graduate deans' level and in other areas. With free exchange of students, for example, a D.A. program at the University of Northern Colorado would not necessitate duplication of specialized faculty. Cooperation in vocational education is another fruitful possibility. In addition to these, I can visualize strong and interesting joint or articulating programs with Metropolitan State, especially in the inner city, and with several community colleges in the state, particularly those in the northeastern sector.

The other commitment must be to institutional flexibility and experimentation. The pattern of delivery in higher education is changing rapidly. Concepts such as a three-year baccalaureate, credit for experience, more liberal use of credit by examination, easier transferability of credits and "universities without walls" are in the air, to which we have already made some imaginative contributions of our own. Let us not permit our tendencies toward the maintenance of the status quo or "education as we have known it" get in the way of innovation and experimentation. Rather, as a teaching university, let us continue to be in the vanguard of educational change.

IMPLICATIONS

As we look to the future, what are the implications of what I have been saying, and what are the implications of becoming a university? I see four major ones, two of which require immediate overt action.

First, to effect the goals which I have outlined will require not only some degree of consensus and commitment, but also some realistic examination of resources. Programs expanded during the sixties both by rapid growth in student bodies and by heavy infusions of funds. Not so, the seventies. Our growth will be of the magnitude of perhaps 2% per year. Cold realism forces us to conclude that financial support will be limited. Our chief source of funds, then, in the near term, must be internal. We, as other universities, have grown and proliferated without adequate self-evaluation—more by accretion than by substitution, more by accident than by overall design. Consequently, it is imperative that we examine our programs to see that they are lean, current and relevant and that we examine our priorities to see that our most viable and pertinent programs are adequately supported and that our least promising are pruned sharply.

I will, consequently, establish a Presidential Commission on Program Review and Priorities to examine all program and cost centers, both academic and non-academic. No program or operation can be free from rigorous scrutiny and sharp questioning. I have asked Dr. Barbara Mickey to coordinate the work of the Commission and will ask the Faculty Senate to join me in appointing members to it and giving it its charge.

Second, a major implication of becoming a university is the necessity for a greater performance expectation and for a higher order of differentiation. It is difficult for a new university to recognize that old levels of uniformity are no longer applicable. A single salary schedule, for example, and uniform promotion criteria breed mediocrity. Promotions must be based upon performance, not upon degrees, credit or longevity. Salary increments must reward excellence, not encourage anything less, either explicitly or implicitly. Tenure decisions must be made ruthlessly, with careful protection of academic freedom and with concern for helping locate other jobs, for a tenure decision is for 30–40 years and is worth nearly a half-million dollars. And we must not burden the concept of tenure with the protection of inadequate performance, lest we lose its protection of academic freedom.

These assertions mandate a different level of sophistication of the evaluation of performance, not only here but in all of higher education, and greater discrimination in its application to promotion, tenure and salary decisions. I shall ask the Faculty Senate, through appropriate mechanics, to initiate a hard-nosed study of the evaluation of performance. Our decisions must be directly and demonstrably related to performance and must be consciously related to the stature we desire in 1980 and 1990. As a Teaching University, it must involve breaking new ground in the systematic, objective evaluation of teaching, our prime responsibility. Research is measurable; that is why universities "cop out" in the evaluation of teaching. We must apply our collective judgment and expertise to this question—our future as a university depends upon it. Because becoming a university commits us to an even higher level of quality than we have known, we must have the capacity and courage to judge it.

The third implication of becoming a university is a different level of accountability. All of higher education suffers from a credibility problem; some institutions have greater credibility problems than others. It is my intention to close that gap as much as possible. One method is complete openness and candor, which I shall employ, both internally and externally. Another is to be certain that we manage our funds and internal decisions demonstrably well. The establishment of more sophisticated methods of evaluation of both faculty and administration is another. In each case, accountability is most easily demonstrated when it is fixed upon individuals, rather than upon committees. It is when higher education re-establishes public confidence in what it is doing, when we demonstrate our accountability, that we will reach the levels of budgetary support which we so desperately need and will regain the freedoms to shift internal resources—desirably local decisions which have been encroached upon or usurped by others external to the universities.

The final implication of becoming a university takes us back, full-circle. The name "uni-versity" implies a commonality, a singleness of purpose which many institutions have lost. In this sense, we can move down a "road less traveled by." While I am mildly distressed with what I have seen here in incipient hardening of lines between departments and colleges, I am encouraged by strong evidences of cross-disciplinary and cross-collegiate cooperation. It has been accurately said that colleges and universities are organized for the convenience of the faculty and not for the education of students. We must maintain close contact with each other and allow students to use the resources of the entire institution in designing programs which make sense to them.

As I promised, I have been coldly realistic—at times brutally so, for we must face together the public image of higher education in general, though not necessarily specifically directed at this university. I hope this realism has not obscured my profound respect for the past and present quality and stature of this university, its faculty, its staff, its students. It is a great and good place to be and I am honored and proud to be a part of it. I also hope that the message of warm humanism has been equally visible, without obscuring the fact that our job is neither easy nor completed. If, indeed, we can set our sights to some singleness of purpose similar to that which I have sketched, thereby becoming a "uni-versity," and if we can commit ourselves to the greatness of our potential, the University of Northern Colorado, whose future is in our hands, can become a distinctive and distinguished university.

> "Two roads diverged in a wood, and I—
> I took the one less travel'd by,
> And that has made all the difference."

EXPROPRIATION IN THE DOMINICAN REPUBLIC

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, on January 19, President Nixon announced a new, firmer administration policy concerning expropriation of American property by countries which are also recipients of U.S. foreign assistance. The administration will be more forceful with foreign governments who ignore their responsibilities to U.S. citizens under international law, yet simultaneously seek U.S. foreign aid.

The U.S. Congress also issued a strong admonition through the conference committee convened last September to resolve differences between the House and Senate versions of the Sugar Act Amendments of 1971 (H.R. 8866, 92d Congress, first session). This admonition dealt, again, with expropriation of U.S. property by countries who received a direct legislative benefit from the U.S. Congress in the form of a sugar quota. Speaking of claims by U.S. citizens arising from expropriations in sugar-quota countries, the conference committee stated:

> The conferees wish to make their intention clear and unmistakable that these claims must be satisfactorily settled with expedition. The Congress is mindful of the fact that this is a 3-year extension of the Sugar Act. Sugar-supplying countries are therefore put on notice now that their record of settlement of outstanding claims by U.S. citizens will be a factor in future Congressional determinations of quotas. (Report No. 92–381, p. 20.)

Both the President's statement and the conference report underline the growing determination within our Government that Americans be given due process by those foreign governments which have a substantial interest in continuing harmonious relations with all branches of our Government. Basic notions of equity support this determination.

It is true that we have other foreign policy considerations militating toward these same good relations. But the Presidential statement has put a high priority amongst all foreign policy considerations on fair treatment of American nationals—and their property—abroad. The law remains the same, but the emphasis and the priorities within the administration has clearly changed. Congress Sugar Act pronouncement is aimed very much at the same high priority goal.

I say these things now because it is clear that the Dominican Republic has not, and does not, get the message. A corporation domiciled in my home State, Seaway Lines, Inc., has been embroiled with the Government of the Dominican Republic in a perfect example of what the President was talking about, and what the Congress was warning about.

The facts of this case are simple enough. Indeed, they may well be a classic example of the risks Americans take when they attempt business in good faith in certain expropriating countries.

Seaway Lines, the Florida corporation I have described, shipped large quantities of Dominican fruit to the mainland for a Dominican fruit grower. The grower then failed, throwing hundreds of farm laborers out of work in Azua, a Dominican province. Prior to its failure, the grower owed Seaway over a half million dollars in shipping charges—a debt acknowledged by the president of the Dominican fruit company to Seaway in writing and under oath. To secure this debt, the shipping company took mortgages over a substantial portion of the fruit company's lands, and bought $250,000 worth of the Dominican company's equipment in satisfaction of the remainder of the debt. Both the mortgages and the bill of sale—for the equipment—were properly recorded in the official registry, remain untouched as to validity today, and were notice to the world of Seaway's ownership of the equipment and mortgage interest in the land.

The Dominican Government then began negotiations with Seaway Lines to buy the land and the equipment as one step in bailing out the Dominican fruit company and keeping the labor force employed and the fields working. At all times during these negotiations the Dominican Government recognized the American ownership of the equipment and its mortgage interest in the lands.

Legally on notice of the American mortgages and ownership of this equipment, having negotiated with the Americans to buy both, the Dominican Government decided it had an opportunity to save close to half a million dollars by ignoring its own laws and what had just transpired. The Government then entered into an unconscionable contract, which should be declared fraudulent, transferring all of the assets of the Dominican fruit company to the Government. Listed among the assets were the equipment—already sold to the Americans—and the land—already mortgaged to the Americans. A necessary accomplice was the president of the fruit company. Although his company had just failed, he was given $500,000 personally, in gold for his part in signing over to the Government equipment he did not own and lands which were under mortgage to the Americans.

To do so, the Dominican Government defied an injunction, issued by one of its own courts, against passage of funds to the Dominican fruit company, sued out on the petition of the startled Americans. The Dominican Government has sat on the land and the equipment ever since. Not a penny of compensation has ever been paid to Seaway Lines for property taken from it worth over $527,000. An amount of Dominican Government bonds—representing less than one-third of the value of the American property—was set aside by the Dominicans in this strange arrangement to satisfy any American claims, but even these bonds were subject to the release of the president of the Dominican fruit company—who has stated throughout that he will act in concert with the Government to hold up release of a single penny to the Americans unless they split these bonds with him. Seaway has refused to compound the conspiracy. And the Dominican Government has fulfilled its threat for almost 4 years. It has paid nothing.

Legal action against the Dominican Government seems to be an empty exercise; it can ignore any judgment against it and can resist any foreclosure of land held by it under Dominican law. The Government's preferred business ally, the fruit company official, has long since gotten his gold out of harm's way. Seaway's equipment, and its lands, have been exploited by the Dominican Government for about 4 years without a payment of a penny to Seaway, the legal, acknowledged, but North American owner.

The Dominican Government has never seen fit to explain its conduct. It has never offered a single defense of what occurred. Under the laws of any land, this conduct would invoke criminal penalties against both the private individual and Government officials, both of whom knowingly participated to deny Seaway its property and compensation. Indeed, this was no private hard-nosed business deal. It was an official act of an instrumentality of the Government of the Dominican Republic. For about 3 years, the company, by itself, attempted to resolve the conflict. Finally, in April 1971, because it was getting nowhere, it asked for help from the U.S. Government. The U.S. State Department has found it impossible to this date to get the Dominican Government to respond factually that this dispute even exists. On January 28, 1972, the United States delivered a U.S. Embassy note to the Dominican Foreign Secretariat as follows:

SUBSTANTIVE TEXT OF U.S. EMBASSY NOTE TO DOMINICAN FOREIGN SECRETARIAT

> As the Secretariat of State for Foreign Relations is aware, Seaway Lines, Inc., an American Corporation, is seeking reimbursement from the Government of the Dominican Republic for certain land and equipment in which Seaway claims that it had a secured and recorded interest at the time the land and equipment were sold to the Government of the Dominican Republic in 1968. The Government of the United States was first informed of this matter in April 1971 and since that time has on a number of occasions requested the Government of the Dominican Republic to give Seaway full information as to its position on its claim.
>
> In June 1971 Seaway representatives traveled to Santo Domingo in order to attempt negotiation of a settlement with representatives of the Government of the Dominican Republic. In spite of those efforts and attempts by the Department of State and the Embassy to secure from representatives of the Government of the Dominican Republic a clear statement of the substantive Dominican Government position on the claims, the Government of the Dominican Republic has not formally replied to Seaway. In December 1971, a report concerning one of those claims was provided to the Department of State and made available by the Department to Seaway.
>
> The report so provided addressed the claim relating to land which had been mortgaged to Seaway, although it is our understanding that Seaway is not in accord with the position of the Government of the Dominican Republic on that matter. Unfortunately, the report fails entirely to address another major Seaway claim, pertaining to the equipment transferred to Seaway by the Dominican Fruit Company under bill of sale in satisfaction of Seaway's damage claim arising out of shipping space which had been secured for Dominican Fruit at an approximate cost of $250,000. According to Seaway, this equipment has been valued at $243,000 by representatives of the Government of the Dominican Republic. Seaway has supplied substantial documentation in support of this claim, copies of which have been provided to the Government of the Dominican Republic by the Embassy.
>
> In view of the time which as passed, the Embassy requests the Government of the Dominican Republic to furnish the Embassy and Seaway with a prompt and complete statement of its views regarding the equipment claim including, if appropriate, an indication as to whether and under what conditions it will make the payment requested by Seaway on the basis of that company's ownership of the equipment.

On February 22, 1972, the Dominican Foreign Secretariat delivered the following note to the U.S. Embassy:

INFORMAL TRANSLATION OF SUBSTANTIVE TEXT OF DOMINICAN FOREIGN SECRETARIAT'S FEBRUARY 22, 1972, NOTE TO U.S. EMBASSY

> The Secretariat has been informed that the Agricultural Bank of the Dominican Republic is not involved as a party in the lawsuit between Seaway Lines, Inc. and the Dominican Fruit and Steamship Co., C por A. the RD$200,000 (two hundred thousand pesos) which the Bank has retained from the company in state bonds, series 1980, has been withheld in order to comply with the sentence of Dominican courts, and will be turned over to the party which wins the lawsuit in question. Consequently, the Agricultural Bank of the Dominican Republic cannot pay Seaway Lines, Inc., directly nor reach an agreement with it because there is no transaction pending between these institutions. The RD$200,000 will be handed over of the party winning the lawsuit, after a definitive decision has been reached by the competent court.

And there, after 4 years, the matter stands. The North American company without its property or its compensation, and the Dominican Republic Government, which has had the property all these years, turns its back on a just claim.

It seems to me that this sort of conduct is precisely what the President was talking about in his January 19 message when he stated:

> Thus, when a country expropriates a significant U.S. interest without making reasonable provision for such compensation to U.S. citizens, we will presume that the U.S. will not extend new bilateral economic ben-

efits to the expropriating country unless and until it is determined that the country is taking reasonable steps to provide adequate compensation or that there are major factors affecting U.S. interests which require continuance of all or part of these benefits."

A copy of these remarks are being filed with the appropriate committees of both Houses to record the record of the Dominican Republic in settling outstanding U.S. claims.

HON. JOHN M. KIRKPATRICK

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, on February 24, 1972, the Honorable John M. Kirkpatrick of East St. Louis, Ill., died in the John Cochran Veterans Hospital in St. Louis, Mo. His death is a deep personal loss for me. His death is a great loss to the people of East St. Louis.

Newspaper publisher, civic leader and church leader, John Kirkpatrick etched a brilliant career in his 57 years. Founding the Crusader newspaper in 1941, John Kirkpatrick became the articulate voice of reason and hope for the black people in East St. Louis. His service as executive director of the East St. Louis Human Relations Commission placed him in the forefront of the struggle for human rights. His chairmanship of the board of trustees of the Mount Zion Baptist Church nurtured the moral leadership he exercised continuously.

John Kirkpatrick is best described as a giant of a man. His intellectual prowess, his leadership, his compassion and his steadfastness placed him as one of the great men of Illinois. He was bequeathed a rich legacy to the people of East St. Louis. His influence will continue to be felt for years to come.

My knowledge of John Kirkpatrick's ability goes back to 1943 when both of us were in the Army at Camp Lee, Va. Since that time John Kirkpatrick and I had a close relationship that brought us together many times on many different problems. His counsel and his inspiration were always welcomed.

To the very end John Kirkpatrick crusaded for the things he believed: human justice and dignity for all; a life of promise and fulfillment for all; and an enduring belief that all men can live together in peace.

His newspaper, the Crusader, was named appropriately. John Kirkpatrick was a crusader all his life. His deeds and his words will not be forgotten.

Mr. Speaker, at this point in the Record I request unanimous consent to include the proclamation of the City of East St. Louis memorializing John Kirkpatrick:

Whereas John M. Kirkpatrick parted this life on Thursday, February 24, 1972 and, Whereas John M. Kirkpatrick during his life time exemplified the fine characteristics of humaneness, social involvement, empathy, and appreciation for his fellow man and, Whereas John M. Kirkpatrick gave unselfishly of his time and his effort in behalf of the citizens of East St. Louis, Illinois, and Whereas John M. Kirkpatrick respected and honored those who were rich as well as poor; those who were black as well as white; those who were learned as well as unlearned; those who were old as well as those who were young and those who were Catholic, Jew, Gentile, or any religious denomination or those of no religious denomination and, Whereas John M. Kirkpatrick was an active member of many civic, social, business, and professional organizations, local, state, and national and, Whereas John M. Kirkpatrick was the only Human Relations Director for the City of East St. Louis from its inception until his death and, Whereas John M. Kirkpatrick diligently and courageously fought against bias, prejudice, bigotry and all types of human oppression and wrong both as Human Relations Director for the City of East St. Louis, and as a crusading newspaperman for many years in the City of East St. Louis and, Whereas it is fitting that the citizens of East St. Louis honor this respected citizen, now Therefore, be it resolved that February 28, 1972 be observed as John M. Kirkpatrick observance day whereby all citizens are urged to pay rightful respect to a most worthwhile and dedicated citizen. Be it further resolved that on February 28, 1972, a city flag shall rest at half mast.

EMPLOYMENT OF THE HANDICAPPED: HOW WELL IS MY COMMUNITY INFORMED?

(Mr. ALBERT (at the request of Mr. McKay) was granted permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ALBERT. Mr. Speaker, for the second consecutive year, I am proud to report that a student from the high school in my hometown of McAlester, Okla.—the high school from which I was graduated—has won first place in the annual "Ability Counts" essay contest sponsored by the Governor's Committee on Employment of the Handicapped in Oklahoma.

This year's top winner is Miss Joni Stipe, 17-year-old daughter of Mr. and Mrs. Clyde Stipe, McAlester, Okla. Her entry was selected from hundreds of entries from all over Oklahoma and will now compete for the top prize nationally. Last year, Miss Sydnee Thompson of McAlester was the top winner in Oklahoma and placed second in the national competition. Both Miss Stipe and Miss Thompson used our hometown as the theme for their outstanding essays.

In addition to Miss Stipe, McAlester High School produced three of the 10 top winners in the State contest this year. Ron Chism, son of Mr. and Mrs. Thomas Chism, won fourth place, and Lee Ann Garvin, daughter of Mr. and Mrs. Clyde Garvin, placed ninth. Four other McAlester students won honorable mention, givng our hometown more than one-fourth of the 25 top placings in the State contest. Winning honorable mention were Jessica Gail Johnson, Frank Jonathan Lilly, Steve Kent Anderson and Mary Louise Rodd. All of the McAlester winners are seniors.

I am extremely proud of these fine young people. Under the unanimous-consent request, I include at this point in the Record Miss Stipe's winnng essay:

Employment of the Handicapped: How Well Is My Community Informed?

McAlester, Oklahoma, is a growing city, prospering each day from much-needed urban renewal developments. Not only are the buildings getting a face-lifting, but the people, by learning to accept others, are also. Part of those employed in McAlester, as in any other city, have the job of finding jobs for the unemployed. Out of a population of twenty thousand, an estimated one-tenth are handicapped people. Those employed to find jobs for the unemployed inform employers of McAlester firms about the advantages of a handicapped worker. Those already employing handicapped workers tell their friends that hiring the handicapped worker is good business. McAlester employers hire the handicapped people because they know about them through local radio stations, newspapers, television announcements, and experienced employers.

McAlester helped sponsor the "Hire the Handicapped" week, October 3–10, of this year. A local radio station, KNED, played several spots a day concerning the handicapped veteran. One such sport was "Disabled veterans have many problem; they must learn to live with their handicaps—adjust to many changes. A big step forward is finding jobs where they can prove their worth. Remember this, Mr. Employer, hire the handicapped." Another local station, KTMC, sponsored a big campaign, also, running several spots a day.

In cooperation with this week, *The McAlester Daily Democrat* did a feature story each day about a handicapped person. The *Democrat* also cooperates in any way possible with promoters of hiring the handicapped. *The McAlester News Capital* employed two deaf printers for two years. When the News Capital moved to a new location, one of the handicapped workers, Mr. J. R. Whiteside, went to work with the *Tulsa World;* the other went to the Naval Ammunition Depot.

Without its own television station, McAlester receives televised programs from out-of-town stations which run short spots each day about hiring the handicapped veteran. The impact of each spot inspires several to think about the unemployed handicapped veteran.

Mr. Charles Null, of the Employment Office in McAlester, has the job of finding jobs for other people, able and disabled. Mr. Null introduces prospective employers to new employees. Mr. Bobby Glover, employed by Tick Tock Tucker's Jewelry Store, is a good example. Mr. Glover used to be a truck driver for the Superior Feeds Mill in Oklahoma City. In 1958, a tragic accident occurred that would affect him the rest of his life—he was to be paralyzed from the waist down. Realizing nothing could be done. Mr. Glover began to remold his life by attending horology school at Southwestern State College in Weatherford, Oklahoma, until April 1962.

At this point, Mr. Null introduced Mr. Glover to Mr. Ewell Tucker, owner of Tick Tock Tucker's, who immediately hired Mr. Glover, June 5, 1962. Mr. Glover drives his own car each day to work from Adamson, where he lives alone. Someday, he hopes to work for himself.

Mr. Tucker says that Mr. Glover is an "excellent, efficient, honest, and agreeable worker, with a good personality." Mr. Tucker also stated that McAlester is very well informed about hiring the handicapped and that he would recommend hiring the handicapped to anyone interested in good business. *The McAlester Daily Democrat* featured Mr. Glover's story, which many McAlester residents read.

Mr. Joe Crowl, one of the owners of Diamond Hardware, had his left arm severed in an automobile accident in 1955. Realizing he had to accept this disability, he missed only five days of work. He does not require any help in doing anything. Every year, he drives his own car more than twenty-five thousand miles across the country. After talking to Mr. Crowl, friends and acquaintances realize that handicapped workers do not sit around and mope over their tragedy or even need any special attention: they just want to do a good job.

Inhabitants of McAlester are aware of the handicapped. After talking to a hundred people, or more, in gathering information for this paper, I found that everyone knew at least something about the handicapped worker. Fifty-two of the hundred were men old enough to be employers; some were. These fifty-two knew much about the handicapped worker; some had hired handicapped persons. The other forty-eight were mostly housewives and teenagers, who knew something of the handicapped worker, even if it was just that handicapped people do as well as, if not better than, normal employees.

My community certainly hires the handicapped people because they know about them through the various news media and through experienced employers in this area. Many McAlester firms already employ disabled people. Some of our handicapped have taken over the ownerships of businesses. This employment shows McAlester to be a helpful and understanding community for these people who need our help. Yes, proudly I can say, McAlester is well informed about the handicapped.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GAYDOS (at the request of Mr. DENT), for an indefinite period, on account of being hospitalized for surgery.

Mrs. GRASSO (at the request of Mr. O'NEILL), for today, on account of death in the family.

Mr. PEPPER (at the request of Mr. O'NEILL), for today, on account of official business.

Mr. KLUCZYNSKI (at the request of Mr. O'NEILL), for Monday, March 6, and Tuesday, March 7, on account of committee official business.

Mr. FOUNTAIN (at the request of Mr. O'NEILL), for today, on account of official business.

Mr. YOUNG of Florida (at the request of Mr. GERALD R. FORD), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FORSYTHE) and to revise and extend their remarks and include extraneous matter:)

Mr. FINDLEY, for 15 minutes, on March 7.

Mr. KEITH, for 5 minutes, today.

Mr. EDWARDS of Alabama, for 5 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. MCKAY) and to revise and extend their remarks and include extraneous matter:)

Mr. REUSS, for 10 minutes, today.

Mr. RODINO, for 5 minutes, today.

Mr. ASPIN, for 10 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. FRASER, for 5 minutes, today.

Mr. MILLS of Arkansas, for 5 minutes, today.

Mrs. HECKLER of Massachusetts (at the request of Mr. DU PONT), for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. JONES of North Carolina, immediately following the message from the Senate today.

Mr. DON H. CLAUSEN to extend his remarks during consideration of Consent Calendar No. 116, today.

Mr. GRAY in two instances and to include extraneous matter.

(The following Members (at the request of Mr. FORSYTHE) and to include extraneous matter:)

Mr. MILLS of Maryland.

Mr. STEELE.

Mr. ROBISON of New York.

Mr. DAVIS of Wisconsin.

Mr. DERWINSKI in two instances.

Mr. DEL CLAWSON.

Mr. FRELINGHUYSEN.

Mr. MCCLORY.

Mr. DU PONT.

Mr. WYMAN in two instances.

Mr. HOSMER in two instances.

Mr. HUNT.

Mr. SMITH of New York.

Mr. FRENZEL.

Mr. CLANCY.

Mr. SCHMITZ in two instances.

Mr. BAKER.

Mr. HORTON in two instances.

Mr. BROTZMAN.

Mr. ESCH.

Mr. MINSHALL in two instances.

(The following Members (at the request of Mr. MCKAY) and to include extraneous matter:)

Mr. DIGGS in three instances.

Mr. HICKS of Washington in two instances.

Mr. FRASER in five instances.

Mr. ROONEY of New York in three instances.

Mr. CORMAN.

Mr. BADILLO.

Mr. ABOUREZK in five instances.

Mr. ANNUNZIO in two instances.

Mr. CONYERS in 10 instances.

Mr. HAMILTON in two instances.

Mr. ROGERS in five instances.

Mrs. HICKS of Massachusetts in two instances.

Mr. FOUNTAIN in two instances.

Mr. KLUCZYNSKI in two instances.

Mr. MILLER of California in five instances.

Mr. BOLAND in two instances.

Mr. DENT.

Mr. WOLFF.

Mr. MCFALL.

Mr. RARICK in five instances.

Mr. HAGAN in three instances.

Mr. EVINS of Tennessee in three instances.

Mr. BOGGS in two instances.

Mr. MATHIS of Georgia in three instances.

Mr. RODINO in two instances.

Mr. NATCHER in two instances.

Mr. CELLER.

Mrs. GRASSO in 10 instances.

Mr. O'HARA.

Mr. STOKES in three instances.

Mr. DINGELL in two instances.

Mr. BINGHAM in three instances.

Mr. DELANEY.

Mr. WALDIE in six instances.

Mr. SCHEUER.

Mr. DOWNING.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 907. An act to consent to the Interstate Environment Compact; to the Committee on the Judiciary.

S. 2094. An act for the relief of Col. Charles V. Greffet; to the Committee on the Judiciary.

S. 2713. An act to amend title 18 of the United States Code to authorize the Attorney General to provide care for narcotic addicts who are placed on probation, released on parole, or mandatorily released; to the Committee on the Judiciary.

S. 3160. An act to provide for the modification in the par value of the dollar, and for other purposes; to the Committee on Banking and Currency.

S. 3248. An act to consolidate, simplify, and improve laws relative to housing and housing assistance, to provide Federal assistance to local governments in support of community development activities, and for other purposes; to the Committee on Banking and Currency.

S.J. Res. 117. Joint resolution asking the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day"; to the Committee on the Judiciary.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 12067. An act making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1972, and for other purposes.

ADJOURNMENT

Mr. McKAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 9 minutes p.m.), the House adjourned until tomorrow, Tuesday, March 7, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1695. A letter from the Secretary of Defense, transmitting an interim report on the ecological and physiological effects of the military use of herbicides in Vietnam, prepared by the National Academy of Sciences; to the Committee on Armed Services.

1696. A letter from the Deputy Secretary of Defense, transmitting a report on special pay for duty subject to hostile fire during 1971, pursuant to 37 U.S.C. 310; to the Committee on Armed Services.

1697. A letter from the Secretary of the

Air Force, transmitting a report on military construction contracts awarded by the Department of the Air Force without formal advertisement for the period July 1 through December 31, 1971, pursuant to section 804 of Public Law 90–110; to the Committee on Armed Services.

1698. A letter from the Chairman of the Board of Governors, Federal Reserve System, transmitting the economic and financial analysis section of the Board's annual report, together with a Digest of Principal Federal Reserve Policy Actions in 1971; to the Committee on Banking and Currency.

1699. A letter from the Director, U.S. Information Agency, transmitting a draft of proposed legislation to provide certain basic authority for the U.S. Information Agency; to the Committee on Foreign Affairs.

1700. A letter from the President, Overseas Private Investment Corporation, transmitting an interim report on the Community Credit Guaranty program, pursuant to section 240 of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1701. A letter from the Governor of the Canal Zone, President, Panama Canal Company, transmitting a report on the disposal of foreign excess property by the Panama Canal Company and the Canal Zone Government for the year ended December 31, 1971, pursuant to 63 Stat. 398; to the Committee on Government Operations.

1702. A letter from the Chairman, National Water Commission, transmitting the third interim report of the Commission, covering activities carried out during 1971; to the Committee on Interior and Insular Affairs.

1703. A letter from the Chairman, U.S. Water Resources Council, transmitting the views of the Council on the 1971 interim report of the National Water Commission, pursuant to Public Law 90–515; to the Committee on Interior and Insular Affairs.

1704. A letter from the Secretary of Health, Education, and Welfare, transmitting an explanation of the delay in presentation of the first annual report on activities and expenditures under the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 and part C of the Community Mental Health Centers Act; to the Committee on Interstate and Foreign Commerce.

1705. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of January 31, 1972, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

1706. A letter from the Chairman, Federal Trade Commission, transmitting the 57th Annual Report of the Commission, covering fiscal year 1971; to the Committee on Interstate and Foreign Commerce.

1707. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States, pursuant to section 212(a)(28)(I)(ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

1708. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to section 212(d)(6) of the act; to the Committee on the Judiciary.

1709. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered under the authority of section 13(b) of the act of September 11, 1957, pursuant to sectior 13(c) of the act; to the Committee on the Judiciary.

1710. A letter from the Chairman, American Revolution Bicentennial Commission, transmitting a draft of proposed legislation to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended; to the Committee on the Judiciary.

1711. A letter from the National Corporation Agent, Legion of Valor of the U.S.A., Inc., transmitting a copy of the financial statement of the Legion for the year ended July 31, 1971, pursuant to Public Law 84–224; to the Committee on the Judiciary.

1712. A letter from the Chairman, Board of Governors, U.S. Postal Service, transmitting the Final Annual Report of the Post Office Department, covering fiscal wear 1971, pursuant to the Postal Reorganization Act; to the Committee on Post Office and Civil Service.

1713. A letter from the Chairman, U.S. Atomic Energy Commission, transmitting a proposed amendment to H.R. 12826 which would authorize appropriations to the Atomic Energy Commission for fiscal year 1973, pursuant to 42 U.S.C. 2017; to the Joint Committee on Atomic Energy.

RECIEVED FROM THE COMPTROLLER GENERAL

1714. A letter from the Acting Comptroller General of the United States, transmitting a list of reports issued or released by the General Accounting Office during February 1972, pursuant to section 234 of Public Law 91–510; to the Committee on Government Operations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BIESTER:

H.R. 13568. A bill to assure protection of environmental values while facilitating construction of needed electric power supply facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DANIELSON:

H.R. 13569. A bill to amend the Federal Election Campaign Act of 1971 concerning the manner in which filing requirements apply; to the Committee on House Administration.

H.R. 13570. A bill to amend the Federal Election Campaign Act of 1971 to clarify the manner in which filing requirements apply; to the Committee on House Administration.

By Mr. GERALD R. FORD:

H.R. 13571. A bill to amend the Foreign Assistance Act of 1961 to expand American exports by utilizing U.S.-owned foreign currencies to pay import duties on such goods, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HASTINGS:

H.R. 13572. A bill to require that an additional $4 per month (reflecting post-1970 across-the-board increases in social security and railroad retirement benefits) be passed along to public assistance recipients, either by disregarding such amount in determining their need or otherwise; to the Committee on Ways and Means.

By Mr. HASTINGS (for himself, Mrs. Abzug, Mr. Begich, Mr. Bingham, Mr. Brasco, Mr. Brown of Michigan, Mr. Buchanan, Mrs. Chisholm, Mr. Cotter, Mr. Derwinski, Mr. Dingell, Mr. Dow, Mr. Flowers, Mr. Frey, Mr. Garmatz, Mr. Halpern, Mr. Helstoski, Mr. Horton, Mr. Hosmer, Mr. Keith, Mr. Kemp, Mr. Kuykendall, Mr. Lent, Mr. McCulloch, and Mr. McDade):

H.R. 13573. A bill to amend the Public Health Service Act so as to provide prevention and control of venereal disease; to the Committee on Interstate and Foreign Commerce.

By Mr. HASTINGS (for himself, Mr. Matsunaga, Mr. Morse, Mr. Nix, Mr. Pepper, Mr. Podell, Mr. Rangel, Mr. Seiberling, Mr. St Germain, Mr. Ware, Mr. Whitehurst, Mr. Winn, and Mr. Wolff):

H.R. 13574. A bill to amend the Public Health Service Act so as to provide prevention and control of venereal disease; to the Committee on Interstate and Foreign Commerce.

By Mrs. HICKS of Massachusetts:

H.R. 13575. A bill to amend the National Labor Relations Act to provide that retirees' benefits are a mandatory subject of collective bargaining; to the Committee on Education and Labor.

H.R. 13576. A bill to provide Federal citizen anticrime patrol assistance grants to residents' organizations; to the Committee on the Judiciary.

H.R. 13577. A bill to amend the Internal Revenue Code of 1954 to permit certain employees to establish qualified pension plans for themselves in the same manner as if they were self-employed; to the Committee on Ways and Means.

By Mr. KOCH:

H.R. 13578. A bill to make an appropriation for fiscal year 1973 for the narcotic addict treatment programs of the Bureau of Prisons of the Department of Justice; to the Committee on Appropriations.

H.R. 13579. A bill to amend section 712 of title 18 of the United States Code, to prohibit persons attempting to collect their own debts from misusing names in order to convey the false impression that any agency of the Federal Government is involved in such collection; to the Committee on the Judiciary.

By Mr. KOCH (for himself and Mr. Roe):

H.R. 13580. A bill to amend the Child Nutrition Act of 1966 to permit the waiver of matching requirements in special and unusual circumstances; to the Committee on Education and Labor.

By Mr. LUJAN:

H.R. 13581. A bill to provide for the creation of the National Fire Academy, and for other purposes; to the Committee on Science and Astronautics.

By Mr. MAZZOLI:

H.R. 13582. A bill to amend the Public Health Service Act to authorize the establishment of medical emergency transportation and service programs; to the Committee on Interstate and Foreign Commerce.

By Mr. MINISH:

H.R. 13583. A bill to provide an immediate and effective response to the needs of older Americans for suitable housing and related services; to the Committee on Banking and Currency.

By Mr. OBEY:

H.R. 13584. A bill to amend the Agricultural Act of 1949, to provide for adjustments in the support price of milk during its marketing year; to the Committee on Agriculture.

By Mr. O'KONSKI:

H.R. 13585. A bill to provide price support for milk at not less than 90 percent of the parity price therefor; to the Committee on Agriculture.

By Mr. PEPPER:

H.R. 13586. A bill to amend the Library Services and Construction Act, and for other purposes; to the Committee on Education and Labor.

H.R. 13587. A bill to strengthen and improve the Older Americans Act of 1965; to the Committee on Education and Labor.

By Mr. PRICE of Illinois:

H.R. 13588. A bill to amend title II of the Social Security Act to eliminate the 6-month waiting period which is presently a prerequisite of eligibility for disability insurance benefits or the disability freeze; to the Committee on Ways and Means.

By Mr. ROE:

H.R. 13589. A bill to amend section 3104 of title 38, United States Code, to permit certain service-connected disabled veterans who are retired members of the uniformed services to receive compensation concurrently with retired pay, without deduction from either; to the Committee on Veterans' Affairs.

H.R. 13590. A bill to amend title 38 of the United States Code so as to provide that monthly social security benefit payments and annuity and pension payments under the Railroad Retirement Act of 1937 shall not be included as income for the purpose of determining eligibility for a veteran's or widow's pension; to the Committee on Veterans' Affairs.

By Mr. ROGERS (for himself, Mr. Kyros, Mr. Preyer of North Carolina, Mr. Symington, Mr. Roy, Mr. Nelsen, Mr. Carter, and Mr. Hastings):

H.R. 13591. A bill to amend the Public Health Service Act to designate the National Institute of Arthritis and Metabolic Diseases as the National Institute of Arthritis, Metabolism, and Digestive Diseases, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS (for himself, Mr. Satterfield, Mr. Kyros, Mr. Preyer of North Carolina, Mr. Symington, Mr. Roy, Mr. Nelsen, Mr. Carter, and Mr. Hastings):

H.R. 13592. A bill to amend the Public Health Service Act to provide for the prevention of sickle cell anemia; to the Committee on Interstate and Foreign Commerce.

By Mr. SPENCE:

H.R. 13593. A bill to amend title II of the Social Security Act to remove the existing $255 limitation on the amount of the lump-sum death payment; to the Committee on Ways and Means.

By Mr. STEPHENS:

H.R. 13594. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

By Mr. STUCKEY:

H.R. 13595. A bill to improve the laws relating to the regulation of insurance in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. TEAGUE of Texas (by request) (for himself and Mr. Kyros):

H.R. 13596. A bill to amend title 38 of the United States Code to provide increased awards of service-connected compensation to certain blinded veterans who are suffering from additional disabilities; to the Committee on Veterans' Affairs.

H.R. 13597. A bill to amend title 38 of the United States Code to provide an additional aid and attendance allowance to certain service-connected blinded veterans; to the Committee on Veterans' Affairs.

By Mr. THOMSON of Wisconsin (for himself and Mr. Zwach):

H.R. 13598. A bill to amend the Internal Revenue Code of 1954 to provide that in the case of certain corporations net losses from farming shall not be deductible; to the Committee on Ways and Means.

By Mr. VEYSEY (for himself and Mr. Winn):

H.R. 13599. A bill to establish a Federal program to encourage the voluntary donation of pure and safe blood, to require licensing and inspection of all blood banks, and to establish a national registry of blood donors; to the Committee on Interstate and Foreign Commerce.

By Mrs. ABZUG:

H.R. 13600. A bill to amend title XVIII of the Social Security Act to authorize the provision of home health services under the insurance program established by part A thereof without a prior stay in a hospital; to the Committee on Ways and Means.

By Mr. ASPIN:

H.R. 13601. A bill to provide that existing Federal tax subsidies will terminate on January 1, 1974, and to provide for a maximum duration of 2 years for Federal tax subsidies hereafter enacted; to the Committee on Ways and Means.

By Mr. BADILLO:

H.R. 13602. A bill to establish Comprehensive and Developmental Child Care Services in the Department of Health, Education, and Welfare; to the Committee on Education and Labor.

By Mr. BROOMFIELD:

H.R. 13603. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

By Mr. BROTZMAN:

H.R. 13604. A bill to amend the Internal Revenue Code of 1954 with respect to certain charitable contributions; to the Committee on Ways and Means.

By Mr. CARNEY:

H.R. 13605. A bill to permit certain participation by persons having attained the age of 18 years in interstate and foreign commerce without legal disability on account of age; to the Committee on the Judiciary.

By Mr. FINDLEY:

H.R. 13606. A bill to promote the foreign policy and security of the United States by providing authority to negotiate commercial agreement with any country, and for other purposes; to the Committee on Ways and Means.

By Mr. GRAY:

H.R. 13607. A bill to provide that a Federal building being constructed in the District of Columbia shall be named the "J. Edgar Hoover F.B.I. Building"; to the Committee on Public Works.

By Mr. GREEN of Pennsylvania:

H.R. 13608. A bill to amend title 13, United States Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purpose of administering a voter registration program through the mail, and for other purposes; to the Committee on House Administration.

By Mr. GUDE:

H.R. 13609. A bill to enable the blind and the otherwise physicially disabled to participate fully in the social and economic life of the District of Columbia; to the Committee on the District of Columbia.

H.R. 13610. A bill to amend chapter 313, title 18, United States Code, to provide for the commitment of certain individuals acquitted of offenses against the United States solely on the ground of insanity; to the Committee on the Judiciary.

By Mr. KEE:

H.R. 13611. A bill to amend title 5, United States Code, to authorize the payment of increased annuities to secretaries of justices and judges of the United States; to the Committee on Post Office and Civil Service.

By Mr. McCOLLISTER:

H.R. 13612. A bill to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ROE:

H.R. 13613. A bill to authorize the National Science Foundation to conduct research, education, and assistance programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes; to the Committee on Science and Astronautics.

By Mr. ROSTENKOWSKI:

H.R. 13614. A bill to amend the Internal Revenue Code of 1954 to provide that the investment credit shall apply to certain leased commuter cars; to the Committee on Ways and Means.

By Mr. SCHEUER:

H.R. 13615. A bill to amend the Library Services and Construction Act in order to provide assistance to programs for older Americans; to the Committee on Education and Labor.

H.R. 13616. A bill to establish a National Criminal Justice Statistics Center; to the Committee on the Judiciary.

H.R. 13617. A bill to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

By Mr. DAVIS of Wisconsin:

H.J. Res. 1090. Joint resolution authorizing the President to proclaim the week in which Thanksgiving occurs in each year as "American Home and Family Week" and the Sunday of such week as "Family Sunday-U.S.A."; to the Committee on the Judiciary.

By Mr. DONOHUE:

H.J. Res. 1091. Joint resolution asking the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day"; to the Committee on the Judiciary.

By Mr. MILLER of California (for himself, Mr. Mosher, Mr. Davis of Georgia, Mr. Bell, Mr. Fuqua, Mr. Pelly, Mr. Cabell, Mr. Wydler, Mr. Symington, Mr. Winn, Mr. Hanna, Mr. Frey, Mr. Flowers, Mr. Goldwater, Mr. Seiberling, Mr. Esch, Mr. Rangel, Mr. Coughlin, Mr. McCormack, Mr. Camp, Mr. Davis of South Carolina, Mr. Bergland, Mr. McClory, Mr. Pettis, and Mr. Gibbons):

H.J. Res. 1092. Joint resolution to establish a national policy relating to conversion to the metric system in the United States; to the Committee on Science and Astronautics.

By Mr. HAYS:

H. Con. Res. 552. Concurrent resolution to provide for the printing of the Constitution of the United States together with the Declaration of Independence; to the Committee on House Administration.

By Mr. TEAGUE of Texas:

H. Con. Res. 553. Concurrent resolution authorizing certain printing for the Committee on Veterans' Affairs; to the Committee on House Administration.

By Mr. HANSEN of Idaho (for himself, Mr. Aspin, Mr. Alexander, Mr. Anderson of California, Mrs. Abzug, Mr. Buchanan, Mr. Biester, Mr. Baring, Mr. Cleveland, Mr. Córdova, Mr. Coughlin, Mrs. Chisholm, Mr. Camp, Mr. Duncan, Mr. Derwinski, Mr. Drinan, Mr. Danielson, Mr. Dow, Mr. Dingell, Mr. Eilberg, Mr. Fulton, Mr. Fisher, Mr. Frey, Mr. Fish, and Mr. Gude):

H. Res. 866. Resolution commending the Girl Scouts of the United States of America on its 60th birthday; to the Committee on the Judiciary.

By Mr. HANSEN of Idaho (for himself, Mrs. Grasso, Mr. Galifianakis, Mr. Hathaway, Mr. Hastings, Mrs. Heckler of Massachusetts, Mr. Helstoski, Mr. Hammerschmidt, Mrs. Hicks of Massachusetts, Mr. Hosmer, Mr. Halpern, Mr. Johnson of Pennsylvania, Mr. Kemp, Mr. Long of Maryland, Mr. McClory, Mr. Matsunaga, Mr. McKay, and Mr. Mann):

H. Res. 867. Resolution commending the Girl Scouts of the United States of America on its 60th birthday; to the Committee on the Judiciary.

By Mr. HANSEN of Idaho (for himself, Mr. Miller of California, Mr. Murphy of New York, Mr. Moorhead, Mr. Mayne, Mr. McClure, Mr. Mazzoli, Mrs. Mink, Mr. McDade, Mr. Morse, and Mr. Myers):

H. Res. 868. Resolution commending the Girl Scouts of the United States of America on its 60th birthday:' to the Committee on the Judiciary.

By Mr. HANSEN of Idaho (for himself, Mr. O'Hara, Mr. Pepper, Mr. Pettis, Mr. Pirnie, Mr. Pickle, Mr. Rhodes, Mr. Robinson of Virginia, Mr. Roe, Mr. Roybal, Mr. Railsback, Mr. Runnels, Mr. St Germain, and Mr. Scott):

H. Res. 869. Resolution commending the Girl Scouts of the United States of America on its 60th birthday; to the Committee on the Judiciary.

By Mr. HANSEN of Idaho (for himself, Mr. Snyder, Mr. Terry, Mr. Taylor, Mr. Thone, Mr. Veysey, Mr. Vigorito, Mr. Young of Florida, Mr. Wylie, Mr. Williams, Mr. Bob Wilson, Mr. Whitehurst, Mr. Ware, Mr. Wydler, Mr. Wyman, and Mr. Zwach):

H. Res. 870. Resolution commending the Girl Scouts of the United States of America on its 60th birthday; to the Committee on the Judiciary.

By Mr. ABOUREZK (for himself, Mr. Bergland, Mr. Burton, Mr. Danielson, Mr. Dorn, Mr. Drinan, Mr. Foley, Mr. Kemp, and Mr. Kyros):

H. Res. 871. Resolution expressing the sense of the House of Representatives that the full amount appropriated for fiscal year 1972 for the Farmers Home Administration's farm operating loan program and waste facility grant program authorized by the Consolidated Farmers Home Administration Act of 1961, be released and made available by the administration to carry out the objectives of these programs; to the Committee on Appropriations.

By Mr. TEAGUE of Texas:

H. Res. 872. Resolution to provide funds for the further expenses of the investigation and study authorized by House Resolution 20; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. KEE:

H.R. 13618. A bill for the relief of the Appalachian Regional Hospitals, Inc.; to the Committee on the Judiciary.

By Mr. NIX:

H.R. 13619. A bill for the relief of Francesco Sita; to the Committee on the Judiciary.

By Mr. WYATT:

H. Res. 873. Resolution commending the Hillsboro Union High School Band of Hillsboro, Oreg., for being invited to participate in the 1972 International Band Festival; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

321. By the SPEAKER: A memorial of the Legislature of the State of Wisconsin, relative to alleviation of the shortage of persons delivering health care to certain areas; to the Committee on Armed Services.

322. Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to the rights of Soviet Jews; to the Committee on Foreign Affairs.

323. Also, memorial of the Legislature of the State of Florida, relative to issuing a commemorative postage stamp in honor of Spanish-American War veterans; to the Committee on Post Office and Civil Service.

324. Also, memorial of the Legislature of the State of Wisconsin, relative to Federal highway trust funds; to the Committee on Public Works.

325. Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to increasing certain social security benefits; to the Committee on Ways and Means.

326. Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to financing public transportation costs through the Federal-aid highway systems fund; to the Committee on Ways and Means.

SENATE—*Monday, March 6, 1972*

The Senate met at 10 a.m. and was called to order by Hon. Joseph M. Montoya, a Senator from the State of New Mexico.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God our Father, at the day's beginning we bow before Thee seeking thy sustaining strength and guiding light. Lead Thy servants here by the wisdom of Thy word as it is illumined by Thy spirit. Help us to work as though everything depended upon our efforts but to trust as though all depended upon Thee. Take from our souls the strain and stress, and let our ordered lives confess the beauty of Thy peace.

And to the people of this Nation give the moral fiber and the spiritual sinews to match the stern demands of the age until justice prevails and peace abides.

In Thy holy name, we pray. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Ellender).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., March 6, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. Joseph M. Montoya, a Senator from the State of New Mexico, to perform the duties of the Chair during my absence.

Allen J. Ellender,
President pro tempore.

Mr. MONTOYA thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, March 3, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RADIO FREE EUROPE AND RADIO LIBERTY

Mr. SCOTT. Mr. President, I ask unanimous consent that an editorial from the Wilkes-Barre Times Leader on the importance of the continued operation of Radio Free Europe and Radio Liberty be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Scott in Appeal for Freedom Radio Funds

Our senior U.S. Senator, Hugh Scott, was on firm ground yesterday afternoon when he called for an end to the obstructionist attitudes which could end the effective Radio Free Europe and Radio Liberty programs beamed behind the Iron Curtain.

Both the Senate and House have passed legislation to continue operation of the stations, but the versions differed. As is customary, they went to a House-Senate conference to iron out the differences. Then the roadblocks arose.

Chairman J. W. Fulbright, D-Ark., of the Senate Foreign Relations Committee opposes the funding of the two radio agencies, and has gained sufficient support to block their funding. Yesterday was the last day government funds could be used to pay 3,200 employes, and other funds would expire within a week unless action is taken.

Since their inception, and despite harsh attacks, Radio Free Europe and Radio Liberty have been beacons of the Free World illuminating the dark recesses of Communist-dominated nations. Responses smuggled out from those subjugated nations have attested to the value of the captive people's place on the station programs.

A study made by Senator Fulbright's own committee also cited the profound effect both stations have had on the liberalization of the Soviet world, particularly in the fields of literature, art, and allied pursuits. To snuff out the effort at this point is unrealistic.

In his plea to the Congress, Senator Scott yesterday pointed out that the legislation had passed both the Senate and House with sizable majorities, adding that it should not be held up because a few members of Congress do not like it.

"I don't believe this is the proper way to legislate," he said. We agree, and urge that the roadblocks be removed.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Kansas (Mr. PEARSON) is now recognized for not to exceed 15 minutes.

BUSING: THE WRONG ANSWER TO THE WRONG QUESTION

Mr. PEARSON. Mr. President, the busing of children from schools near their homes to those far away so that an arbitrary number of black and white pupils may sit in the same classroom is an absurd way to achieve a goal shared by people of all races in this Nation. That goal, Mr. President, is to provide a high-quality education for our children.

We have divided ourselves bitterly over the busing of children to achieve racial balance when we should address ourselves to the real question: How to provide each child with a quality education. We must, as a nation, begin to consider ways to fulfill our educational needs, rather than ways to fill school desks with a court-ordained number of black and white faces.

I oppose the busing of children solely to achieve racial balance in schools. We have had many complex and somewhat confusing votes in the Senate recently. Busing wastes our scarce educational resources, it wastes our children's time, and, perhaps worst of all, it diverts our attention from the real question before us.

I have, during my 10 years in the Senate, voted consistently to end discriminatory practices against any of our citizens, and I shall continue to do so. That is a matter of principle and conscience.

My votes during the last week have been based on those principles. I voted against an amendment offered by Senator GRIFFIN because I believed, apparently, with a majority of my colleagues, that it was unconstitutional. I voted for a measure proposed by the Senate leaders, SCOTT and MANSFIELD, which restricted the use of Federal funds for busing to cases in which local officials specifically request Federal aid. The amendment denies Federal agencies the power to force local officials to bus children unless they are required to do so by the courts. In addition, it prohibits busing of children to schools at which the educational opportunity is less than that available at schools near their home. The amendment provides for voluntary local control under conditions which would not impinge on the educational process.

But busing must end and it will end when we provide the educational resources that each child needs to reach his fullest potential. I do not believe it is by definition discriminatory for a student to receive his schooling among children of the same race or ethnic background. It is only discriminatory when the school he is attending is incapable of providing that child with the quality education available to other children. If anything—that is the meaning of Brown versus Board of Education.

It is not enough, however, to state what one opposes. Each of us has a responsibility to state clearly how he proposes to meet complex problems vital to his constituents.

I believe that our society should make available to each child the learning resources which enable him to become all that he was created capable of being. To do less is to deprive each of us the full potential contribution that child can make to our society.

Provision of a quality education does not require equal expenditures per pupil. We understand that education costs vary from one area to another. To attempt to establish an arbitrary monetary formula for equality of education is to pursue a phantom promise.

We must, instead, provide the resources for a quality education to those who are in the best position to effectively utilize them. And those persons are parents and local and State school officials. They will, because the welfare of their children is at stake, use school funds better than a remote bureaucrat interested more in conformation to regulations than in the education of young people. But they must have the money, and our present school finance system deprives too many districts of needed funds.

Problems of education finance are largely created by our continued reliance on the property tax to pay for public education. Use of this tax system has created staggering gaps in funds available for education. In my own State of Kansas, one study showed that schools in the wealthiest district in the State spent $1,831 per pupil while those in the poorest spent only $454. The highest expenditure in the United States was $5,334, the lowest, $213.

These gaps are the basis for numerous court challenges to the property tax system of school finance. Clearly, this 19th-century system of paying for schools must be replaced. It thwarts parents' attempts to pay for good schools and it places unfair burdens upon homeowners, especially the middle-income and the elderly, who must bear high and regressive property taxes on their homes.

We must find a better system for financing our schools, a system which will give each child a quality education while distributing the tax load equitably. Clearly, the Federal Government has a role to play in this revised system of educational finance.

I believe that the best course open to us is to increase Federal aid to education. By increasing Federal aid we will have the broad tax base needed to provide a quality education to all of our children and to distribute the tax burden evenly.

I realize that many people fear that Federal aid to education will lead to loss of control over their local schools. I do not believe this must happen, and I am firmly convinced that we cannot allow it to happen. The Federal Government of the United States is simply not as well equipped to supervise the education of 42 million school children as the parents and educators who are in daily contact with those children.

I do, however, want to state, unequivocally, that local control of public schools does not mean that the Constitution of the United States can be ignored. Every person must have equal access to educational opportunity. Local control of schools can no longer be a codeword for discrimination against any group of American citizens.

Some object to proposals to provide a quality education to all children because they fear the cost. They say it will cost too much to equalize educational opportunities. I believe that they miss the point.

We must remember that our objective is to provide each child with the educational resources he needs to become all that he was created capable of being. This does not mean he must have all of the gadgets that ingenious educators can devise. Rather, he must have a critical minimum of educational resources. He must have dedicated, well-trained teachers, books and other learning materials, and adequate buildings in which to study. He need not have the luxuries of education.

Because the Congress must face squarely the real issue of providing quality education for our children, I will introduce legislation to establish a Commission to study all aspects of the question of how to provide a quality education to all of our children. While the executive branch has inquiries underway, I believe this question is so important, so fundamental to the vital interests of our Nation, that the Congress must develop its own evaluation and recommendations. This proposed Commission would examine alternative methods of financing schools. It would inquire into ways to insure that all of our Nation's educational resources are used equitably and efficiently.

In closing, let me restate the basic points of my position. First, I am opposed to busing as a means of placing an arbitrary number of black and white children in the same school. Busing is the incorrect answer to the wrong question.

I firmly believe each child in our Nation must have access to a quality education. I believe our current method of financing education is inequitable and outmoded. That system must be changed. A substantial component of the revised system should be increased Federal aid to education. Federal aid will reduce unfair property tax burdens and provide adequate resources to each local district.

Federal aid must not mean loss of local control. The local school board, State officials, and parents are far more capable of supervising the operation of their schools than the Federal Government. This aid must be spent in accordance with the Constitution of the United States. We cannot tolerate discrimination on any basis in this Nation.

We have, tragically, addressed ourselves to the wrong questions for too long. We must now act to meet the real challenge of our time: To provide each child in this Nation with the resources he needs to become all that he was created capable of being.

Mr. President, I yield back the remainder of my time.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business not to exceed 15 minutes, with a limitation of 3 minutes on each Senator being recognized. Is there morning business?

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNFINISHED BUSINESS TO REMAIN IN LAID-ASIDE STATUS TODAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that today at the close of the morning hour the unfinished business not be laid before the Senate but that it remain in a temporarily laid-aside status until completion of the call of the calendar today or the close of business today, whichever is the earlier.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF LIMITATION DURING CALL OF THE CALENDAR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the call of the calendar the provision with respect to the 5-minute limitation on speeches under rule VIII be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended for not to exceed an additional 15 minutes, with a 3-minute limitation on speeches therein.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of morning business today, the Senate proceed to the consideration of items on the calendar beginning with Calendar Order No. 615, Senate Resolution 227.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. MONTOYA) laid before the Senate the following letters, which were referred as indicated:

INTERIM REPORT ON EFFECTS OF THE MILITARY USE OF HERBICIDES IN VIETNAM

A letter from the Secretary of Defense, transmitting, pursuant to law, an interim report by the National Academy of Sciences on the ecological and physiological effects of the military use of herbicides in Vietnam (with an accompanying report); to the Committee on Armed Services.

REPORT ON SPECIAL PAY FOR DUTY SUBJECT TO HOSTILE FIRE

A letter from the Deputy Secretary of Defense, reporting pursuant to law, on special pay for duty subject to hostile fire, for the calendar year 1971; to the Committee on Armed Services.

REPORT ON AIR FORCE MILITARY CONSTRUCTION CONTRACTS WITHOUT FORMAL ADVERTISING

A letter from the Secretary of the Air Force, transmitting, pursuant to law, a report on Air Force military construction contracts awarded without formal advertisement, for the 6-month period ended December 31, 1971 (with an accompanying report); to the Committee on Armed Services.

PRELUDE TO ANNUAL REPORT OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

A letter from the Chairman of the Board of Governors, Federal Reserve System, transmitting, for the information of the Senate, a prelude to the annual report of that board, entitled "Monetary Policy and the U.S. Economy in 1971" (with an accompanying document); to the Committee on Banking, Housing and Urban Affairs.

REPORT OF FEDERAL TRADE COMMISSION

A letter from the Chairman, Federal Trade Commission, transmitting, pursuant to law, a report of that Commission, for the fiscal year 1971 (with an accompanying report); to the Committee on Commerce.

PROPOSED U.S. INFORMATION AGENCY AMENDMENTS ACT OF 1972

A letter from the Director, U.S. Information Agency, transmitting a draft of proposed legislation to provide certain basic authority for the U.S. Information Agency (with accompanying papers); to the Committee on Foreign Relations.

INTERIM REPORT OF NATIONAL WATER COMMISSION

A letter from the Chairman, National Water Commission, transmitting, pursuant to law, the third interim report of that Commission, for the calendar year 1971 (with an accompanying report); to the Committee on Interior and Insular Affairs.

VIEWS ON REPORT ISSUED BY THE NATIONAL WATER COMMISSION

A letter from the Chairman, U.S. Water Resources Council, reporting, pursuant to law, that he has no substantial comments to make relating to the National Water Commission's Interim Report No. 3; to the Committee on Interior and Insular Affairs.

PROPOSED AMENDMENT OF JOINT RESOLUTION ESTABLISHING THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

A letter from the Chairman, American Revolution Bicentennial Commission, transmitting a draft of proposed legislation to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended (with accompanying papers); to the Committee on the Judiciary.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered relating to the temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

ADJUSTMENT OF STATUS OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered relating to the adjustment of status of certain aliens (with accompanying papers); to the Committee on the Judiciary.

REPORTS ON ADMISSION OF CERTAIN DEFECTOR ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders relating to the admission of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

REPORT ON POST OFFICE DEPARTMENT

A letter from the Chairman, the Board of Governors, U.S. Postal Service, transmitting, pursuant to law, a report of that board, for the fiscal year ended June 30, 1971 (with an accompanying report); to the Committee on Post Office and Civil Service.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. MONTOYA):

A joint resolution of the Legislature of the State of Wisconsin; to the Committee on Armed Services:

"STATE OF WISCONSIN RESOLUTION MEMORIALIZING CONGRESS TO ALLEVIATE THE SHORTAGE OF PERSONS DELIVERING HEALTH CARE TO CERTAIN AREAS

"Whereas, the 92nd congress is considering programs to increase the supply, both quantitatively and qualitatively, of health services to our citizens; and

"Whereas, the president has directed congress to take appropriate action as soon as expedient on several recommended proposals to increase the availability of health care; and

"Whereas, 38 of Wisconsin's 72 counties

have been designated as health shortage areas under the federal standard identifying counties in which the ratio of population to physicians is more than 1,500 to 1; and

"Whereas, Wisconsin's shortage and maldistribution of adequately trained physicians and other health personnel, especially in rural areas, is typical of a nation-wide problem; now, therefore, be it

"Resolved by the senate, the assembly concurring, That both the congress and the president support a program by which physicians and other health professionals could supply health care to shortage areas either in lieu of or in fulfillment of required military service; and, be it further

"Resolved, That certified copies of this resolution be presented forthwith to the president of the United States, the secretary of the senate, the clerk of the house of representatives, the director of the selective service system, the secretary of health, education and welfare and each member of the congress from this state."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PASTORE, from the Committee on Commerce, without amendment:

S. 3178. A bill to amend the Communications Act of 1934 to relieve broadcasters of the equal time requirement of section 315 with respect to candidates for President and Vice President (Rept. No. 92-684), together with individual views.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. PACKWOOD:

S. 3291. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on certain types and uses of fish netting and fish nets. Referred to the Committee on Finance.

By Mr. MONDALE:

S. 3292. A bill to amend the Act of May 14, 1948, relating to eligibility for burial in national cemeteries. Referred to the Committee on Veterans' Affairs.

By Mr. MONDALE (for himself, Mr. Burdick, Mr. Humphrey, and Mr. Hughes):

S. 3293. A bill to amend the Agricultural Act of 1949 as amended to require the Secretary of Agriculture to make advance payments to producers participating in wheat and feed grain programs. Referred to the Committee on Agriculture and Forestry.

By Mr. TALMADGE (for himself and Mr. Gambrell):

S. 3294. A bill to amend the Tennessee Valley Authority Act of 1933, to require payment of certain county taxes, and for other purposes. Referred to the Committee on Public Works.

By Mr. PROXMIRE:

S. 3295. A bill for the relief of Harvey E. Ward. Referred to the Committee on the Judiciary.

By Mr. NELSON:

S. 3296. A bill to amend and supplement the Federal Food, Drug, and Cosmetic Act with respect to the manufacture and distribution of drugs, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. WILLIAMS (for himself, Mr. Proxmire, Mr. Tower, and Mr. Bennett):

S. 3297. A bill to amend the Securities Exchange Act of 1934. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. STEVENSON (by request):

S. 3298. A bill to improve the laws relating to the regulation of insurance companies in the District of Columbia. Referred to the Committee on the District of Columbia.

By Mr. STEVENS:

S. 3299. A bill to amend the act prohibiting certain fishing in U.S. waters in order to revise the penalty for violating the provisions of such act. Referred to the Committee on Commerce.

By Mr. GRIFFIN (for himself, Mr. Cotton, Mr. Pearson, Mr. Cook, and Mr. Allott):

S. 3300. A bill to amend the Communications Act of 1934 to provide that renewal licenses for the operating of a broadcasting station may be issued for a term of 5 years and to establish certain standards for the consideration of applications for renewal of broadcasting licenses. Referred to the Committee on Commerce.

By Mr. MOSS (for Mr. Jackson (for himself and Mr. Allott) (by request):

S. 3301. A bill to authorize the Secretary of the Interior to transfer francise fees received from certain concession operations and Glen Canyon recreation area, Ariz., and for other purposes. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PACKWOOD:

S. 3291. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on certain types and uses of fish netting and fish nets. Referred to the Committee on Finance.

ELIMINATION OF TARIFFS ON SYNTHETIC FISH NETS

Mr. PACKWOOD. Mr. President, today I am introducing legislation to eliminate the discriminatory tariffs on synthetic fish nets which are not produced in the United States. This bill would amend the Tariff Schedules of the United States with respect to the rate of duty on certain types of fish nets and netting.

Although the U.S. fishing industry is the third largest in the world, it continues to suffer from archaic laws and regulations and relatively low returns to labor and capital. One of the worst restrictions on commercial fishermen is the duty on synthetic fibers. The current duty is approximately 50 percent ad valorem—32.5 percent ad valorem plus 25 cents per pound—and exceeds the duty on any other imported fishing gear item. I consider this duty to be discriminatory and unfair and just one more example of the way the U.S. Government, knowingly or unknowingly, places severe impositions on our commercial fishing industry.

Since the mid-1950's there has been a change, both in terms of U.S. production and imports, from vegetable—mainly cotton—to synthetic fiber fish nets and netting. Between 1956 and 1970, the domestic production of cotton fiber nets and netting declined from 70 percent to only 2 percent of the total production.

An example of one such synthetic net is a web called polynylon which is composed of polypropylene and nylon. It will open higher, last longer, and is easier to tow than nylon. It does not absorb water, mud, fish, and slime. All of which indicates that a trawler in our coastal areas can fish far more productively with a webbing of this type. The irony is that the net is not produced in America.

Gillnet webbing illustrates the effect that this legislation may have on Oregon's commercial fishing industry. Prof. Barry Fisher of Oregon State University's Marine Science Center estimates that if this amendment becomes law, the average gillnet fisherman will save between $300 and $400 per year. This would mean a total savings for the 694 licensed gillnet fishermen in Oregon of roughly between $210,000 and $280,000 per year.

Because of the superiority of certain imported products, the domestic net industry has traditionally been protected by relatively high tariffs. Representatives of this industry argue that domestic nets of the synthetic variety are not substantially different from imported items, although technical specifications may differ slightly. All I can offer in response is that those who are in the position to know, that is, our commercial fishermen, maintain that the imported nets are superior to the U.S. product and, in some instances, impossible to obtain from American firms.

Let me emphasize that the intent of this legislation is NOT to destroy the American net manufacturing industry. If the synthetic nets needed by commercial fishermen are currently available through American firms, then my legislation would not affect the existing import duties on similar foreign nets. The fact remains, however, that often this is not the case. Hopefully, the enactment of this legislation will provide the stimulus to American net manufacturers to improve the quality of their product.

I have corresponded frequently with officials in the State Department about this problem. The response which I have received is regrettably similar to the past reactions of State Department officials to a variety of proposals: the proposed legislation will encounter strong opposition and may be difficult to implement, so let us not even try.

This is the same kind of response we have received to proposals to halt the intolerable invasion of our territorial waters by foreign fishing fleets. It is precisely the kind of response we have received to our urgent request that representatives of the commercial fishing industry be included at the 1973 Law of the Sea Conference. And it is this kind of response which leaves me with a feeling of weariness and merely points once again to the wide differences between the points of view of Federal officials and those of the actual fishermen who are vitally affected by the proclamations of Washington bureaucrats.

I have no doubt that it will be difficult to secure passage of this legislation. It is time, however, for the U.S. Government to recognize that it cannot continue to favor one American industry at the expense of another.

It is time to recognize that a 50-percent duty on fishing nets that are not manufactured in the United States is blatantly discriminatory and unfair.

It is time, in short, to recognize the

American commercial fishing industry as a vital part of our national economy.

Mr. President, I ask unanimous consent that the text of this bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows.

S. 3291

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That schedule 3, part 4, subpart C of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting after item 355.42 the following new item:

"355.43 Of synthetic fiber, and of a type not commercially produced in the United States, to be used for research purposes by an accredited research institution or for commercial fishing purposes . . . Free, Free"

Sec. 2. The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the date of enactment of this Act.

By Mr. MONDALE:

S. 3292. A bill to amend the act of May 14, 1948, relating to eligibility for burial in national cemeteries. Referred to the Committee on Veterans' Affairs.

Mr. MONDALE. Mr. President, today I am introducing legislation that will equalize the opportunities for members of the executive, legislative, and judicial branches to be interred in Arlington National Cemetery.

The Congress has given authority to the Secretary of the Army, with the approval of the Secretary of Defense, to establish regulations specifying the categories of persons entitled to burial in our national cemeteries.

I realize and appreciate the difficult job that the Secretary of the Army has in developing regulations that are both fair and equitable. The task becomes particularly agonizing when dealing with Arlington National Cemetery.

However, I think that the current regulations concerning Arlington National Cemetery tend to favor the executive branch over the judicial branch and, therefore, I am introducing legislation to correct this inequity. This bill makes judges of the U.S. Court of Appeals and of the U.S. District Court eligible for interment in Arlington National Cemetery on the same basis as members of the executive branch whose pay is prescribed by levels II, III, IV, and V of the Executive Salary Schedule.

I hope that we will move to correct this inequity without further delay, I ask unanimous consent that the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3292

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to establish eligibility for burial in national cemeteries, and for other purposes", approved May 14, 1948 (62 Stat. 234; 24 U.S.C. 281), is amended by adding at the end thereof a new subsection as follows:

"(c) Whenever regulations of the Secretary of the Army issued pursuant to this Act authorize the burial of the remains in Arlington National Cemetery, Arlington, Virginia, of any officer or employee of the United States who otherwise qualifies for burial in a national cemetery and who at any time held a position in the executive branch of the Federal Government and was compensated for service in such position at the rate of pay prescribed for level II, III, IV, or V of the Executive Schedule under section 5313 through 5316, respectively, of title 5, United States Code, such regulations shall also authorize the burial of the remains in Arlington National Cemetery, Arlington, Virginia, of any person who otherwise qualifies for burial in a national cemetery and who at any time served as a judge of a district court of the United States (constituted under chapter 5 of title 28, United States Code), as a judge of a United States Court of Appeals, or as the Chief Justice or an Associate Justice of the Supreme Court of the United States."

By Mr. MONDALE (for himself, Mr. Burdick, Mr. Humphrey, and Mr. Hughes):

S. 3293. A bill to amend the Agricultural Act of 1949 as amended to require the Secretary of Agriculture to make advance payments to producers participating in wheat and feed grain programs. Referred to the Committee on Agriculture and Forestry.

Mr. MONDALE. Mr. President, I am introducing a bill directing the Secretary of Agriculture to make advance payments to producers who sign up to participate in the feed grain program.

I cannot express strongly enough the urgency of this measure. Since harvest began in 1971, wheat and feed grain producers have been facing the lowest prices paid for their commodities since the Great Depression. In spite of the slight increases at terminal markets, corn and wheat will hardly bring more than a break-even price at most country points.

This year we must work vigorously to reinstate the concept of advance payments in the feed grain program. It was a mistake for the administration to eliminate the advance payments in 1970. The program had worked well for 7 years. Advance payments were directly responsible for encouraging several farmers to sign up and divert acreage from production. Under the program, farmers who elect to participate in the program receive an advance on their diversion payments after signup in the spring. The balance is then paid in midsummer. There can be no doubt that this provides and added inducement to participation in the program.

Halting of the advance-payment program did not reduce costs to the Government. It simply shifted the funding to another fiscal year. In the process, it placed a reoccurring burden upon farmers. Without advance payments, farmers must borrow money in order to finance crop planting and operating costs.

In 1969, the last year of advance payments, farmers in Minnesota received more than $31 million in advance payments and about $39 million in late summer. In 1971, the total of feed grain payments to Minnesota farmers was $82,142,175. If 50 percent of that amount had been paid immediately after signup, these farmers could have foregone interest charges on more than $40 million.

This year, advance payments would make the increased set-aside payments and additional program options more beneficial to farmers. Secretary Butz has announced that he is prepared to spend about $2 billion on the set-aside program for 1972. Advance payments of half that amount before planting time would be a tremendous boost to rural America. There can be no doubt that most of these funds would be spent almost immediately in the rural community by the farmers who receive them. I can think of no faster way to give much needed vitality to the rural economy and to increase employment in small communities.

Farmers who need money now to meet rising costs of production inputs would be able to save interest charges. Assuming signup this year, equal to that of last year, with the announced 25-percent increase in set-aside payments and added program options, we can project that farmers in my home State of Minnesota will receive about $100 million in payments this year. If they are advanced $50 million after signup, they could save more than $1 million in interest charges. Nationally, farmers would save at least 3 months' interest on $1 billion.

Recently there has been considerable debate over the specifics of what a farm program should be and how it should be run. I have often pointed out that the set-aside program needs strengthening. The Secretary doesn't agree. He has made it clear that he will not use his authority to increase price supports to fair levels or to implement more adequate acreage allotments.

However, there are no practical grounds for disagreement with the concept of advance payments. These payments can be implemented within the framework of the set-aside approach. Payment immediately after signup would not incur any additional costs to the Government. It would be a good investment in rural development and would strengthen the farm program.

In view of the drastic low prices which feed grain producers have had to face with their 1971 crop, there is a severe need for this type of additional income before planting.

Mr. President, I urge other Senators to support this vital measure and I ask unanimous consent that the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3293

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 105 of the Agricultural Act of 1949 is amended by striking out subsection (g) and inserting in lieu thereof the following:

"(g) The Secretary shall make a preliminary payment to producers, immediately following signup for program participation, and such payment shall not be less than 50 per centum of any payments to such producers under the feed grain program.

Sec. 2. The first sentence of section 107(f) of the Agricultural Act of 1949 is amended by striking out "as soon as practicable after July 1 of the year in which the crop is harvested" and inserting in lieu thereof "immediately following signup for the program."

By Mr. PROXMIRE:

S. 3295. A bill for the relief of Harvey E. Ward. Referred to the Committee on the Judiciary.

Mr. PROXMIRE. Mr. President, section 9 of the first article of the U.S. Constitution specifically prohibits any American citizen holding office under our laws from accepting benefits from foreign governments. Because of the Government's failure to properly interpret this clause a constituent of mine has been placed in a very difficult situation through no fault of his own. Here are the details.

After 15 years of service, Harvey E. Ward retired from the U.S. Coast Guard in 1946 for disability reasons. In March of 1960, he wrote a letter to the Coast Guard, as required by regulations, requesting permission to live in the State of Tasmania, Australia, and to teach in the Australian equivalence of an American junior college. At the outset Mr. Ward made an attempt to comply with any requirement the U.S. Government had concerning retired personnel living and working abroad. At that time Mr. Ward obtained the consent of the Coast Guard but was warned against taking any oath of allegiance to a foreign government. Such an oath, he was told, would jeopardize his U.S. citizenship and result in the forfeiture of his retirement pay. However, the oath of allegiance was the only restriction that the Coast Guard communicated to Mr. Ward in 1960.

In September of 1963, Mr. Ward again contacted the Coast Guard and requested permission to teach in a public high school in New Zealand which required an oath. He was advised that such an oath would have to be cleared by the State Department. This clearance was so delayed that Mr. Ward withdrew his application, but thereafter, in January of 1964 he was informed by the Coast Guard that a teaching position in a public school in New Zealand constituted receipt of pay from a foreign government while in a retired status. Such a position would require the additional consent of Congress in accordance with the first article of the Constitution.

It is significant, I believe, that it was only during the course of correspondence concerning the employment in New Zealand that it finally became apparent to the Coast Guard that Mr. Ward had been teaching for the Department of Education of the State of Tasmania since his arrival there in 1960.

As a result of Mr. Ward's employment in Australia, the Coast Guard withheld his retirement pay after April 30, 1964, and asked the Comptroller General whether he was entitled to pay during the period he was employed by the Tasmanian Department of Education. The Comptroller General's opinion—B-154213—found that Mr. Ward had received payments from a foreign state and that his retired status was the equivalance of an office of profit in the United States according to his interpretation of the last clause of section 9 of article I of the Constitution. The Comptroller General therefore ruled that an amount of Mr. Ward's retirement pay which would equal the salary he received in Tasmania must be withheld unless the Congress should consent to his receipt of this amount.

Mr. President, there is every indication that Harvey Ward did his utmost to secure a clear statement of the restriction on overseas employment. Despite his careful attempts to obey the letter and spirit of the law, he has been punished for violation of a constitutional interpretation made ex post facto. That is why I am introducing today a bill for the personal relief of Harvey E. Ward. The purpose of this legislation is to grant Mr. Ward the congressional approval necessary in reference to the payment he received as a teacher in Tasmania, and to authorize the repayment of any amounts paid by or withheld from Mr. Ward as a result of the Comptroller General's ruling. This seems justified by virtue of the fact that Harvey Ward did fully honor the restrictions on employment originally set forth by the Coast Guard.

An earlier bill introduced in the House of Representatives—H.R. 3990—for the relief of Mr. Ward was favorably reported by the House Committee on the Judiciary. In commenting on this House version of the bill, the Departments of the Treasury and State, as well as the office of the Comptroller General, have indicated that there is no objection to its favorable consideration. In view of the executive branch's overwhelming support for this legislation, and in light of the fact that Harvey E. Ward acted in complete good faith in regard to his duty and loyalty to the United States, I am very hopeful that the Senate Judiciary Committee can act swiftly to correct the injustice which this one man has borne for over 8 years.

By Mr. NELSON:

S. 3296. A bill to amend and supplement the Federal Food, Drug, and Cosmetic Act with respect to the manufacture and distribution of drugs, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. NELSON. Mr. President, on November 4, 1971, I introduced an omnibus drug bill (S. 2812) to amend the Federal Food, Drug, and Cosmetic Act, the purpose of which is to insure first, that physicians have ready access to complete and objective information about drugs, second, that the public will be assured of the best drugs available—properly tested for safety and efficacy—at the lowest cost possible, and third, that the manufacturers will advertise their products only for the conditions of use for which the drug was approved.

In order to attain these objectives it is necessary to remove the obstacles which now hamper effective regulation of our Nation's supply of drugs and prevent proper protection of our Nation's health. To this end I am today introducing additional amendments to the Food, Drug, and Cosmetic Act.

Sections 2 through 4 of the bill are designed to repeal the so-called grandfather clauses of the act. The grandfather clauses are concerned with both human and animal drugs and do not distinguish between those offered only upon prescription of a licensed practitioner or sold "over-the-counter."

The effect of these clauses is to create an exemption in favor of certain drugs which happened to have been marketed or licensed prior to the enactment of legislation requiring drug manufacturers to prove by appropriate scientific tests that the drugs were safe and/or effective for use.

In the case of drugs marketed before enactment of the basic Food and Drug Act of 1938, the grandfather provisions of section 201 (p)(1) and (w)(1) create the anomolous situation of exempting these drugs from the new drug licensing requirements of drug testing by the well-established scientific standards which Congress deemed necessary for a fair and responsible conclusion that a drug is safe and effective. Such drugs may be continued on the market even though they are not generally recognized or proven to be safe or effective for their intended uses.

The burden is on the Government to allege, and to prove by a preponderance of evidence in an enforcement action in a U.S. district court that these drugs are actually unsafe or ineffective. The exemptions given to these drugs undermines effectively the philosophy of the Congress and the scientific community that the safety and effectiveness of drugs must be demonstrated before marketing in order to protect the health and lives of the American people.

The exemptions given in Public Law 87-781 and Public Law 90-399 to some drugs on the market before 1962 is equally intolerable since the manufacturers of those drugs are not required to prove the effectiveness of their products, even though medical experts may consider the drugs to be totally worthless. There is no reason why the public must continue to risk the possibilities that the drugs available are ineffective merely because they were marketed before 1962.

The following examples show some of the effects of the grandfather clauses on FDA's regulatory activities:

1. THYROID-AMPHETAMINE-BARBITURATE COMBINATIONS

A declaratory judgment was sought by the Lemmon Pharmacal Co., Sellersville, Pa., to prevent the Government from taking action against its thyroid-amphetamine-barbiturate combination under section 505 and regulation 3.63. The firm claimed that the article was generally recognized as safe and effective for its prescribed uses.

Although the plaintiff did not directly invoke the grandfather clause because the product was marketed in 1958, the FDA could not take the drug off the market under the new drug provisions on the basis that there was no efficacy data available. The Government had to wait 2 years until it was able to utilize the review of Delfeta-Sed-T-Stedytabs which was part of the drug efficacy study conducted by the National Academy of Sciences-National Research Council. The Government finally prevailed in a seizure action of Lemmon's products.

2. THYROID-DIGITALIS COMBINATIONS

A court action was initiated against a number of thyroid-digitalis combinations marketed by the Lanpar Co., Dallas, Tex., under sections 502(a), 502(f)(1), 502(j), and 505 of the Food, Drug, and Cosmetic Act. These combinations were included in the rainbow pill regimen for obesity.

The court found for the Government under all charges except 505—new drug provisions—on the basis that the drugs were grandfathered under the 1938 grandfather clause. Despite the court's findings that the combinations constituted a hazard to health, the inability of the Government to rely on the new drug provisions under section 505 caused the trial to extend far beyond the time which would ordinarily have been required to try the case under the new drug section of the act and required considerable investment of time, manpower, and money.

3. GLUTAMIC ACID HYDROCHLORIDE

The Federal Register announcement of August 22, 1970, based on the NAS/NRC evaluation, withdrew approval of several new drug applications for glutamic acid hydrochloride preparations when marketed for achlorhydria or hypoacidity.

Regulatory followup on a class action was obstructed and remains so when it was learned that out of 93 firms notified, one firm's product was marketed prior to 1938—Acidulin by Eli Lilly & Co. Eli Lilly filed suit for a declaratory judgment in the district court claiming its product is not a new drug and that the article is not misbranded under the act.

The inability to invoke the new drug provisions of the act will cause the burden of proof of determining the drug's lack of effectiveness to fall upon the Government. Further, until a decision is reached in this matter the FDA's followup is effectively stayed with respect to the other firms continuing to market such products.

4. CVP AND CVP WITH VITAMIN K

An NAS/NRC review evaluated these preparations—a combination of citrus bioflavonoid compound, ascorbic acid, with or without vitamin K—to be ineffective for their intended uses.

The firm—U.S. Vitamin—sought in the district court a declaratory judgment that the drug is not a new drug under the 1962 amendments. The district court found for the firm. This case is now in the circuit court of appeals, again requiring an extensive investment of time, manpower, and money. Until this case is resolved, the FDA is unable to take action against a large number of preparations now on the market containing rutin, hesperidin, bioflavonoids, or quercein, which have been found by medical experts to be ineffective.

5. PENTYLENETETRAZOL-CONTAINING DRUGS

The Federal Register of September 12, 1970, withdrew approval of several new drug applications for pentylenetetrazol-containing drugs on the basis that they were ineffective for their intended uses.

Twenty-three firms grouped together and filed a motion for declaratory judgment in the district court claiming their products to be grandfathered drugs. Until the court's decision is handed down, the FDA is prevented from acting on this class of drugs. Its ability to protect the public is, therefore, weakened.

6. RETICULOSE

This preparation consists of a nonspecific protein, and was promoted as the first virus antibiotic. Because the product was marketed prior to 1962, the manufacturer claimed the drug was exempt from the effectiveness provisions of the new drug provisions of the act and, an extended court trial was required. The case was ultimately decided under the new drug provisions of the act.

7. ALLERGIMIST

The firm claimed that because the article was on the market prior to 1938 it was, therefore, exempt from the new drug requirements of the grandfather provisions of the act. After a long trial the Government prevailed by establishing that this was not the case.

It should be noted that the FDA finds it difficult to rebut a claim of grandfathering under the 1938 act, since administration files prior to 1938 are virtually nonexistent, thus requiring a considerable effort in establishing whether a drug, in fact, falls under the pre-1938 grandfather provisions of the act. While this does not preclude taking an action against a product on the basis of misbranding—(which is not subject to the grandfather clause—it is considered by the FDA to be the less desirable approach, because the burden of proof would shift from the manufacturer, who is profiting by the sale of the drug, to the FDA. Under the new drug provisions the manufacturer must show that the drug is safe and effective. Under the misbranding provisions, on the other hand, the Government must sponsor clinical tests, secure expert witnesses, and initiate a court case to prove the drug is unsafe and/or ineffective.

The Food and Drug Administration has testified before the Senate Small Business Committee's Monopoly Subcommittee that the grandfather clauses are serious obstacles to effective regulation.

In my judgment, these clauses in the Food, Drug and Cosmetic Act are contrary to the public interest, weaken the capability of the FDA to protect the public, and should be eliminated as soon as possible.

ADVERTISING AND PROMOTIONAL MATERIAL

Sections 5 through 13 of this bill vests in the Food and Drug Administration power to regulate all phases of the sales promotion of articles subject to the act. The act as it is now written limits regulatory authority to labeling statements for foods, drugs, devices and cosmetics and at the same time withholds the concomitant power to control the advertising and promotion of such articles. This section of the bill will allow the agency to oversee, in addition to manufacturing and labeling operations, the promotional operation with respect to articles subject to the act, and to insure that at every stage the consumer is receiving truthful and complete information about a worthwhile product.

Section 5 which amends section 201(n) of the act (21 U.S.C. 321 (n)) requires that all labeling, advertising, and promotional claims made for articles subject to the act be supported by facts and must be stated in a truthful, open manner. Extravagant, misleading, or unproven claims are deemed to misbrand the article. Administrative, civil, and criminal procedures have been provided for enforcement of this provision.

Necessary safeguards for publishers and advertising agencies have been provided in sections 301(a) and 302(a) of the act (21 U.S.C. 331(a)).

INSPECTION AND SUBPENA POWERS

Section 704 of the Food, Drug and Cosmetic Act (21 U.S.C. 374) is amended to give the Secretary of the Department of Health, Education, and Welfare necessary tools for enforcement of the act. In addition to providing the Secretary with new comprehensive inspection powers under section 704(a), a new subsection "e" has been added which grants the Secretary the authority to require by subpena the production of documents and testimony of witnesses. The inspection and subpena powers provided in this bill should insure that all information necessary to prevent and curtail violations of the act is readily obtainable for use in enforcement of the act.

By Mr. WILLIAMS (for himself, Mr. PROXMIRE, Mr. TOWER, and Mr. BENNETT):

S. 3297. A bill to amend the Securities Exchange Act of 1934. Referred to the Committee on Banking, Housing and Urban Affairs.

SECURITIES INDUSTRY PAPERWORK MODERNIZATION ACT

Mr. WILLIAMS. Mr. President, as a result of the worst operational crisis ever experienced by the securities industry, the Congress enacted the Securities Investors Protection Act of 1970. This act was designed to protect investors' funds and securities from the consequences of financial mismanagement which had become all too prevalent in the brokerage community during 1968 to 1970. This series of events, which is now referred to as the "paper work glut," resulted in the loss of customers' securities, nondeliveries and, in many instances, nonexistent brokerage house records. Over 100 broker-dealers were forced into liquidation due to faulty recordkeeping and the industry's inability to accurately process customer transactions. These liquidations caused financial hardships to many investors who had left their securities with brokerage houses for safekeeping.

It is a situation which our Nation's economy cannot afford to have repeated. With the benefit of hindsight, it is apparent that the problems which led to the SIPC legislation should never have occurred. The securities industry during that period was more concerned with obtaining increased business and additional profits than in keeping accurate records or insuring the prompt delivery of customers funds. Quite naturally, the public began to lose faith in our Nation's securities markets and remedial action to restore that faith became necessary. The SIPC legislation, by itself, is clearly not enough. More must be done than merely insuring customers' funds against brokerage house failure. Legislative action which will alleviate the basic recordkeeping and paperwork problems—the real cause of the crisis—is of the utmost necessity.

However, the "paperwork glut" had one constructive effect. It made the SEC and the Congress aware of the need to exercise closer and continuing scrutiny of the securities industry. Therefore, on June 21, 1971, the Senate adopted Senate Resolution 109 which authorized the Subcommittee on Securities to conduct a far reaching study of the securities industry. The subcommittee's first priority was the financial and operational problems of the securities industry. Public hearings were held on this subject matter in September and October, 1971.

At these hearings, it became apparent that the underlying cause of the operational or "back-office" crisis which plagued the industry in the late 1960's was a lack of leadership and decisionmaking in operational matters. Too often needed reforms were either not conceived at all or left to be accomplished by ad hoc industry committees to voluntary implementation.

The Securities and Exchange Commission also failed to exercise the leadership needed to compel the industry to anticipate and effectively deal with the paperwork crisis. However, the Commission's demonstrated expertise in regulating the securities markets makes it the proper agency to exercise the necessary supervision regarding operational matters. Given the proper statutory tools and adequate funding the Commission should be able to assure the development of a national system for clearance and settlement of securities transactions and to assure that other needed and feasible efficiencies are implemented by the industry.

The proposed Securities Industry Paperwork Modernization Act will give the necessary powers to fulfill this role. The act would amend the Securities Exchange Act of 1934 to clarify and supplement the Commission's statutory authority to regulate matters of clearing and settlement. It will also require entities engaged in the clearance and settlement of securities transactions to register with and report periodically to the Commission. The Commission would also be given the authority to approve, disapprove and alter the rules of such agencies whether or not they are affiliated with a national securities association or a national securities exchange.

The provisions of the act would not ignore the progress which has been made within the securities industry in solving its operational problems. Much progress has been made by the Banking and Securities Industry Committee—"BASIC"—the stock exchanges and the National Association of Securities Dealers. However the, evidence received in our hearings makes it clear that the future development of clearing agencies should be supervised by the SEC. Under the Commission's jurisdiction, the investing public would be assured that the various systems are properly coordinated, and that the maximum possible number of broker-dealers and financial institutions will be able to participate in both the operation and decisionmaking processes. The Securities Industry Paperwork Modernization Act will give the SEC the power to effectively supervise the evolution of a national network for clearance and settlement of securities transactions and bring about a comprehensive system open to all broker-dealers.

Any study of the operational problems in the securities industry ultimately focuses upon the stock certificate. Many commentators agree that we are approaching the day when securities transactions will be consummated without the use of negotiable certificates. It is apparent that the settlement of securities transactions could be significantly expedited if the stock certificate were eliminated. On the other hand, there are many reasons why individual investors may at the present time prefer to hold a negotiable certificate. This legislation balances these considerations. It would eliminate the negotiable stock certificate as a means of settlement of securities transactions among broker-dealers and certain other financial institutions by December 31, 1976. This provision will not deprive the individual investor of the right to demand and hold a negotiable stock certificate as concrete proof of title. It will, however, have a meaningful effect in facilitating settlement of securities transactions between brokers.

State-imposed stock transfer taxes have also acted as a deterrent to the development of a truly national system of clearance and settlement of securities transactions, when the only connection with the taxing State is the use of a national securities clearing agency. The Securities Industry Paperwork Modernization Act would allow the development of an efficient national system of clearing and settling securities transactions while at the same time causing the least possible interference with State tax laws, by providing that the mere participation in a system of book entry delivery—a clearing house or a depository—should not alone make a transaction or securities taxable. Under this provision, States would be free to tax those transfers and securities which would otherwise be taxable without the coincidence of a book entry delivery in the taxing State.

The legislation which I am introducing today is designed to implement the recommendations of the securities industry study regarding clearance and settlement. I would hope that, with the statutory tools to do the job and a mandate from Congress to proceed in a more aggressive fashion, the Securities and Exchange Commission will provide the leadership necessary to assure the investing public that it will not have to endure another "paperwork crisis."

Mr. President, I now ask unanimous consent that the full text of this proposed legislation along with a section-by-section summary be printed in the Record.

There being no objection, the bill and summary were ordered to be printed in the Record, as follows:

S. 3297

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Section 15(c)(3) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(c)(3)) is amended to read as follows:

"(3) No broker or dealer shall make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any security (other than an exempted security or commercial paper, bankers acceptances, or commercial bills) in contravention of such rules and regulations as the Commission shall prescribe as necessary or appropriate in the public interest or for the protection of investors—

"(A) to regulate the time and method of making settlements, payments, and deliveries and of closing accounts; and

"(B) to provide safeguards with respect to the financial responsibilities and related practices of brokers and dealers including, but not limited to, the acceptance of custody and use of customers securities, and the carrying and use of customers' deposits or credit balances, and shall require the maintenance of reserves with respect to customers' deposits or credit balances, as determined by such rules and regulations."

Sec. 2. Section 15A(k)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 780–3(k)(2)) is amended by inserting after clause (D) the following:

"(E) the time and method of making settlements, payments, and deliveries and of closing accounts."

Sec. 3. Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended by adding at the end thereof the following new paragraphs:

"(22) The term 'clearing agency' means any person who acts as intermediary among participants in making payments and/or deliveries in connection with transactions in securities or who engages in providing facilities for participants (A) for netting of purchases and sales of specific securities to reduce the number of settlements of individual transactions, or (B) for allocation of cash and securities settlement responsibilities among itself and participants. Such term also means and includes a person who acts as the custodian of securities in accordance with a system whereby securities so held may (i) be transferred between participants without physical delivery, or (ii) be made the subject of a pledge or other security interest by participants without physical delivery; or such custody otherwise plays an integral role in the settlement of securities transactions or in the hypothecation of securities.

"(23) The term 'participant', when used with respect to a clearing agency, means any person who maintains one or more accounts with a clearing agency for the purpose of settling or comparing transactions in securities or making or receiving payment for or delivery of hypothecation of securities."

Sec. 4. The Securities Exchange Act of 1934 is amended by inserting after section 17 the following new section:

"Sec. 17A. (a) It shall be unlawful for any person, directly or indirectly, to make use of the mails or any means or instrumentality of interstate commerce for the purpose of using a clearing agency to settle or clear any transaction in a security or to transfer, hold or hypothecate any security unless such clearing agency is registered as a national securities clearing agency under this section; provided, however, the Commission, by rules and regulations upon its own motion, or by order upon application, may conditionally or unconditionally exempt any person, security transaction or clearing agency, or any class or classes of persons, securities, transactions or clearing agencies from any provision or provisions of this section or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of this section.

"(b) Any clearing agency may be registered with the Commission as a national securities clearing agency under the terms and conditions hereinafter provided in this section by filing with the Commission a registration statement in such form as the Commission may prescribe setting forth the following information and accompanied by the following documents:

"(1) Such data as to its organization, participation, rules of procedure, financial condition and results of operation, methods of safekeeping, transferring, hypothecating and accounting for funds and securities, and such other information as the Commission may, by rules and regulations require as necessary or appropriate in the public interest or for the protection of investors.

"(2) Copies of its constitution, charter, or articles of incorporation or association, with all amendments thereto, and of its existing bylaws, operational rules, forms and procedures and of any rules or instruments corresponding to the foregoing, whatever the name, hereinafter collectively referred to in this section as the 'rules of the clearing agency.'

"(c) An applicant shall not be registered as a national securities clearing agency unless it appears to the Commission that—

"(1) by reason of the number of its participants, the scope of their transactions, and the geographical distribution of its participants such clearing agency will be able to comply with the provisions of this title and the rules and regulations thereunder and to carry out the purposes of this section;

"(2) such clearing agency is so organized and is of such a character as to facilitate the prompt and orderly settlement of securities transactions, to safeguard funds and securities held for the accounts of participants, and to comply with the provisions of this title and the rules and regulations thereunder, and to carry out the purposes of this section;

"(3) the rules of the clearing agency provide that any broker or dealer who makes use of a national securities exchange or of the mails or any means or instrumentality of interstate commerce to effect any transaction in any security, other clearing agencies, and such other classes of persons as the Commission may from time to time designate by rule as necessary to facilitate the prompt and orderly settlement of securities transactions may become a participant of such clearing agency, except such as are excluded pursuant to a rule of the clearing association permitted under this paragraph or under paragraph (4). The rules of the clearing agency may restrict or condition participation in such agency on such specified geographical basis, or on such specified basis relating to the type of business done by its participants, or upon deposit with the clearing agency of an amount which bears a reasonable relationship to the value of position maintained and processed by the participant as appears to the Commission to be necessary or appropriate in the public interest or for the protection of investors and to carry out the purpose of this section and may deny participation to persons who have been expelled or suspended by a registered national securities clearing agency during the period of such expulsion or suspension;

"(4) the rules of the clearing agency provide that, except with the approval or at the direction of the Commission in cases in which the Commission finds it appropriate in the public interest so to approve or direct, no person shall become a participant or an officer, director, employee or agent of a participant, unless such person is qualified to become a participant or an officer, director, employee or agent of a participant, in conformity with specified and appropriate standards with respect to the training, experience, and such other qualifications of such person as the clearing agency finds necessary or desirable.

For the purpose of defining such standards and the application thereof, such rules may—

"(A) appropriately classify prospective participants (taking into account relevant matters, including type of business done and nature of securities handled) and persons proposed to be officers, directors, employees or agents of participants.

"(B) specify that all or any portion of such standards shall be applicable to any such class.

"(C) require persons in any such class to pass examinations prescribed in accordance with such rules.

"(D) provide that persons in any such class other than prospective participants and partners, officers and supervisory employees (which latter term may be defined by such rules and as so defined shall include branch managers of participants) of participants, may be qualified solely on the basis of compliance with specified standards of training and such other qualifications as the clearing agency finds appropriate.

"(E) provide that applications to become a participant or an officer, director, employee or agent of a participant, shall set forth such facts as the clearing agency may prescribe as to the training, experience, and other qualifications (including, in the case of an applicant for participation, financial responsibility) of the applicant and that the clearing agency may adopt procedures for verification of qualifications of the applicant.

"(F) require any class of persons who are officers, directors, employees or agents of a participant to be registered with the clearing agency in accordance with procedures specified by such rules (and any application or document supplemental thereto required by such rules of a person seeking to be registered with such clearing agency shall, for the purposes of subsection (a) of section 32 of this title, be deemed an application required to be filed under this title);

"(5) the rules of the clearing agency assure a fair representation of its shareholders or members and participants in the adoption of rules of the clearing agency or amendment thereto, the selection of its officers and directors, and in all other phases of the administration of its affairs;

"(6) the rules of the clearing agency provide for the equitable allocation of dues, fees and other charges among its participants to defray reasonable expenses of operation and administration;

"(7) the rules of the clearing agency are designed to promote the prompt and orderly settlement of securities transactions, to provide safeguards for securities and funds which are in its custody, to foster cooperation and coordination with national securities exchanges, national securities associations and with other national securities clearing agencies and, to protect investors and the public interest; and are not designed to permit unfair discrimination in the admission of participants or among participants in the use of such clearing agency;

"(8) the rules of the clearing agency provide that its participants and their officers, directors, employees and agents shall be appropriately disciplined by expulsion, suspension, fine or censure or being suspended or barred from being associated with all participants for any violation of its rules; and

"(9) the rules of the clearing agency provide a fair and orderly procedure with respect to the disciplining of participants and their officers, directors, employees and agents and the denial of participation to any person seeking participation therein. In any proceeding to determine whether a participant or other person should be disciplined, such rules shall require that specific charges be brought; that such participant or person shall be notified of and be given an opportunity to defend against such charges; that a record shall be kept; and that the determination shall include—

"(A) a statement setting forth any act or practice in which such participant or other person may be found to have engaged, or which such participant or other person may be found to have omitted;

"(B) a statement setting forth the specific rule or rules of the agency of which any such act or practice, or omission to set, is deemed to be in violation; and

"(C) a statement setting forth the penalty imposed.

In any proceeding to determine whether a person shall be denied participation such rules shall provide that the prospective participant shall be notified of, and be given an opportunity to be heard upon, the specific grounds for denial which are under consideration; that a record shall be kept and the determination shall set forth the specific grounds on which the denial is based. Notwithstanding any other provision of this section, the rules of the clearing agency may provide for the temporary suspension of a participant and the closing of its accounts pending determination on the merits of any disciplinary proceeding if, in the opinion of the clearing agency, such suspension and closing of accounts are necessary for the protection of investors, of the clearing agency or to facilitate the orderly and continuous performance of its services. Such rules shall afford the participant an expedited hearing on the merits in the case of any temporary suspension.

"(d) Upon the filing of an application for registration pursuant to subsection (b) the Commission shall by order grant such registration if the requirements of this section are satisfied. If, after appropriate notice and opportunity for hearing, it appears to the Commission that any requirement of this section is not satisfied, the Commission shall by order deny such registration.

"(e) A registered national catering agency may, upon such terms and conditions as the Commission may deem necessary in the public interest or for the protection of investors withdraw from registration by filing a written notice of withdrawal with the Commission. If the Commission finds that any such registrant or such other person for whom an application of registration is pending, is no longer in existence or has ceased to do business in the capacity specified in the registration statement, the Commission shall by order cancel the registration.

"(f) If any registered national clearing agency takes any disciplinary action against any participant therein, or any officer, director, employee or agent of such a participant, or denies admission to any person seeking participation therein, such action shall be subject to review by the Commission, on its own motion, or upon application by any person aggrieved thereby filed within thirty days after such action has been taken or within such longer period as the Commission may determine. Application to the Commission for review, or the institution of review by the Commission on its own motion, shall not operate as a stay of such action until an order is issued upon such review pursuant to subsection (g), unless the Commission otherwise orders, after notice and opportunity for hearing on the question of a stay (which hearing may consist solely of affidavits and oral arguments).

"(g)(1) If, in a proceeding to review disciplinary action taken by a registered clearing agency against a participant or its officer, director, employee or agent, the Commission, after notice and opportunity for hearing and upon consideration of the record before the clearing agency and such other evidence as it may deem relevant—

"(A) finds that such person has engaged in such acts or practices, or has omitted such act, as the clearing agency has found him to have engaged in or omitted, and

"(B) determines that such acts or practices, or omission to act, are in violation of such rules of the clearing agency as have been designated in the determination of the clearing agency,

it shall by order dismiss the proceeding, unless it appears to the Commission that such action should be modified in accordance with paragraph (2) of this subsection. If it appears to the Commission that the evidence does not warrant the finding required in clause (A), or if the Commission determines that such acts or practices as are found to have been engaged in are not prohibited by the designated rule or rules of the clearing agency or that such act as is found to have been omitted is not required by such designated rule or rules, the Commission shall by order set aside the action of the clearing agency.

"(2) If, after appropriate notice and opportunity for hearing, the Commission finds that any penalty imposed upon a participant or its officer, director, employee or agent is excessive or oppressive, having due regard to the public interest, the Commission shall by order cancel, reduce, or require the remission of such penalty.

"(3) If, in any proceeding to review the denial of participation in a registered clearing agency, the Commission, after appropriate notice and hearing and upon consideration of the record before the clearing agency and such other evidence as it may deem relevant, determines that the specific grounds on which such denial or bar is based exist in fact and are valid under this section, it shall by order dismiss the proceeding; otherwise, the Commission shall by order set aside the action of the clearing agency and require it to admit the applicant to participation therein.

"(h) Each registered clearing agency shall file with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors, copies of any changes in, additions to, or deletions from the rules of the clearing agency, and such other information and documents as the Commission may require to keep current or to supplement the registration statement and documents filed pursuant to subsection (c). Any change in, addition to, or deletion from the rules of a registered clearing agency shall take effect upon (1) the thirtieth day (or such later date as the clearing agency may designate) after the filing of the copy thereof with the Commission, or (2) such earlier date as the Commission may determine, unless the Commission shall, by notice to the clearing agency stating the reasons therefor, disapprove the same in whole or in part as being contrary to the public interest or contrary to the purposes of this section.

"(i) The Commission may, by such rules or regulations as it determines to be necessary or appropriate in the public interest or to effectuate this section, require the adoption, amendment, alteration of or supplement to, or rescission of any rule of the clearing agency.

"(j) The Commission is authorized, if such action appears to it to be necessary or appropriate in the public interest or for the protection of investors or to carry out the purposes of this section—

"(1) after appropriate notice and opportunity for hearing, by order suspend for a period not exceeding 12 months or revoke the registration of a registered national securities clearing agency, if the Commission finds that such clearing agency has violated any provision of this title, or any rule or regulation thereunder, or has failed to enforce compliance with its own rules, or has engaged in any other activity tending to defeat the purposes of this section;

"(2) after appropriate notice and opportunity for hearing, by order suspend for a period not exceeding 12 months or expel from a registered securities clearing agency any participant therein, or suspend for a period not exceeding 12 months or bar any officer, director, employee or agent thereof, if the Commission finds that such person has violated any provision of this section or any rule or regulation thereunder or any rule of the clearing agency; and

"(3) after appropriate notice and opportunity for hearing, by order remove from office any officer or director of a registered national securities clearing agency who, the Commission finds, has willfully failed to enforce the rules of the clearing agency, or has willfully abused his authority.

"(k) This section applies to transactions in securities effected directly or indirectly through use of the mails or any means or instrumentality or interstate commerce regardless of whether the securities which are the subject of the transaction are exempt securities.

"(l) Each registered securities clearing agency shall make, keep, and preserve for such periods such accounts, correspondence, memoranda, papers, books, and other records, and make such reports, as the Commission by its rules and regulations may prescribe as necessary or appropriate in the public interest, or to facilitate cooperation among national clearing agencies and the prompt and orderly settlement of securities transactions, to safeguard funds and securities held for the accounts of participants, or for the protection of investors. Such accounts, correspondence, memoranda, papers, books, and other records shall be subject at any time to such reasonable periodic, special, or other examinations by examiners or other representatives of the Commission as the Commission may deem necessary or appropriate in the public interest or for the protection of investors.

"(m) The Commission shall, on or before December 31, 1976, take such steps as are necessary to bring about elimination of the negotiable stock certificate as a means of settlement among brokers and/or dealers of transactions consummated on national securities exchanges or by means of the mails or other means or instrumentalities of interstate commerce. On or before December 31 of each year, commencing in 1972 and ending in 1976, the Commission shall report to the Congress (1) the steps it has taken and progress it has made toward elimination of the negotiable stock certificate as a means of settlement, and (2) its recommendations, if any, for further legislation to eliminate the negotiable stock certificate."

SEC. 5. Section 19 of the Securities Exchange Act of 1934 (15 U.S.C. § 78s) is amended by inserting after subsection (e) the following new subsection:

"(f) The Commission is authorized and directed to make a study and investigation of the practice of registration of securities other than in the name of the beneficial owner and to determine (1) whether such registration is consistent with the policies and purposes of this Act, with particular reference to section 14, and (2) if consistent, whether steps can be taken to facilitate communications between corporations and their shareholders while at the same time retaining the benefits of such registration. The Commission shall report to the Congress on or before June 30, 1973, the results of its investigation, together with its recommendations."

SEC. 6. Section 28 of the Securities Exchange Act of 1934 (15 U.S.C. § 78bb) is amended by inserting after subsection (b) the following new subsection:

"(c) No State or political subdivision thereof shall impose any tax on any change in beneficial or record ownership of securities effected through the facilities of a registered national securities clearing agency or any nominee thereof or custodian therefor or upon the delivery or transfer of securities to or through or receipt from such agency or any nominee thereof or custodian therefor, unless such transfer or delivery or receipt would otherwise be taxable by such State or political subdivision if the facilities of such registered national securities clearing agency or any nominee thereof or custodian therefor were not physically located in the taxing State or political subdivision. No State or political subdivision thereof shall impose any tax on securities which are deposited in or retained by a registered national securities clearing agency or any nominee thereof or custodian therefor, unless such securities would otherwise be taxable by such State or political subdivision if the facilities of such registered national securities clearing agency or any nominee thereof or custodian therefor were not physically located in the taxing State or political subdivision."

Section-by-Section Summary of the Securities Industry Paperwork Modernization Act

SECTION 1

Section 1 of the bill empowers the Securities and Exchange Commission ("the SEC") to promulgate rules and regulations regarding settlement methods employed by brokers and dealers. The SEC already has this power over stock exchanges.

SECTION 2

Section 2 of the bill gives to the SEC the same power to regulate settlement practices of national securities associations as it already has over the stock exchanges. The combined effect of sections 1 and 2 would be to give the SEC uniform power over settlement practices of brokers and dealers regardless of whether they are members of a stock exchange or the National Association of Securities Dealers.

SECTION 3

Section 3 contains definitions of certain terms used in the bill.

SECTION 4

Section 4 of the bill provides that agencies which are engaged in the clearance and settlement of securities transactions must register with and report to the SEC. It also empowers the SEC to approve, disapprove and modify the rules of such clearing agencies. The bill is necessary to assure that clearing agencies are within the purview of present federal regulation of the securities industry. Section 4 consists of an adaptation of present provisions of the Securities and Exchange Act of 1934 relating to national securities associations and of the Securities Investor Protection Act of 1970 to fit legislative needs in the clearance and settlement area.

Section 4 also contains a provision requiring the SEC to begin working toward ultimate elimination of the negotiable stock certificate and to report its progress to Congress annually.

SECTION 5

Section 5 of the bill requires the SEC to study "street name" registration of customers' securities to determine whether such registration is impairing communications between corporations and their shareholders and to report its conclusions and recommendations to the Congress by June 30, 1973.

SECTION 6

It appears that state taxes on the transfer of securities may be being applied in such a way as to impede development of needed systems for clearing and settling securities transactions. Section 6 of the bill would prevent the application of such taxes only insofar as they impede clearance and settlement of interstate securities transactions. The section is designed to have the least possible effect on state tax laws while accomplishing a needed objective.

By Mr. STEVENSON (by request):

S. 3298. A bill to improve the laws relating to the regulation of insurance companies in the District of Columbia. Referred to the Committee on the District of Columbia.

HOLDING COMPANY SYSTEM REGULATORY ACT

Mr. STEVENSON. Mr. President, I am introducing a bill called the Holding Company System Regulatory Act which was recently transmitted to the Congress by Graham Watt, assistant to the Commissioner of the District of Columbia.

This bill would regulate the merger or acquisition of insurance companies with or by noninsurance interest. Because this is a part of the administration's legislative program, I am introducing this bill by request.

By Mr. STEVENS:

S. 3299. A bill to amend the act prohibiting certain fishing in U.S. waters in order to revise the penalty for violating the provisions of such act. Referred to the Committee on Commerce.

Mr. STEVENS. Mr. President, I am today introducing a bill which would amend subsection (b) of 16 U.S.C. 1082 to require that all fish on board any vessel found fishing in American territorial waters must be forfeited. Under the current law, only fish actually taken within our territorial waters need be confiscated.

The present statute does indeed provide a rebuttable presumption that all fish on board were in fact taken within our territorial waters. However, the import of my bill is to replace that rebuttable presumption with a conclusive presumption that they were so taken.

It is clear both from the statutory language and from the legislative history of section 1082(b) that fish can be ordered forfeited even though the vessel itself is not confiscated.

Mr. President, I believe this bill is necessary in light of the present situation facing our fishermen within our coastal waters. A number of nations, time after time, have been caught fishing well within the contiguous zone. Only last January, two Russian fishing vessels, the 362-foot *Lamut* and the 278-foot *Kolyvan* were caught along with a number of other Russian fishing craft only 9.4 miles off St. Matthew Island in the Bering Sea. This well-publicized incident resulted in a classic sea chase which was only terminated by the threat of force. Even the presence of an armed Coast Guard boarding party on the bridge of the Soviet vessels was not enough to stem their flight. Such intrusions into American territorial waters must be dealt with harshly.

I am also submitting a list of all vessels seized during the last 5 years for violations of our territorial waters. Although the list presently numbers 26, it does not include the two vessels just seized last January off Alaska. A quick glance at this extensive list indicates that by and large, penalties have been increased drastically. It is also evident that because of the continuing nature of the violations by the same nations, these increased penalties have, thus far, done no good. This, then, is the reason I deem my bill of such great importance.

Finally, Mr. President, I would like to enclose three letters. I have received these letters from several United States Attorneys I contacted. They were asked for the total value of fish on board foreign vessels captured violating U.S. waters within their districts. As you can see, the values varied enormously. However, some of these vessels carried fish worth many thousands of dollars. Even the threat of losing such valuable cargoes should prove a powerful deterrent.

Mr. President, I ask unanimous consent that my bill be printed in its entirety in the Record at this point along with the attached list and letters.

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

S. 3299

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 2 of the Act entitled "An Act to prohibit fishing in the territorial waters of the United States and in certain other areas by vessels other than vessels of the United States and by persons in charge of such vessels", approved May 20, 1964, as amended (16 U.S.C. 1082(b)), is amended by striking out all of such subsection following "subject to forfeiture and all fish" and inserting in lieu thereof "aboard such vessel or the monetary value thereof shall be forfeited."

U.S. Department of Justice,
U.S. Attorney,
Boston, Mass., February 16, 1972.

Hon. Ted Stevens,
U.S. Senator, Senate Office Building,
Washington, D.C.

Dear Senator Stevens: This is in reply to your letter of February 9 in which you requested certain information relating to the seizure of the German fishing vessel "Conrad" in this District in July of 1970.

VALUE OF FISH FORFEITED

The Conrad was allowed to leave Boston on July 3, 1970 without actually discharging its catch, after posting a $10,000 bond in lieu thereof. The $10,000 figure was not intended to reflect the actual value of the catch, but rather represented the amount of security desired by the Government with respect to the satisfaction of an eventual judgment in the Government's favor in the judicial forfeiture proceeding.

On May 10, 1971 a consent judgment-decree of forfeiture was entered in the Court, and the Conrad's owner paid the Government $10,000 in lieu of the forfeited cargo of fish.

ESTIMATED VALUE OF TOTAL FISH ON VESSEL

We do not have a reliable figure for the value of the total catch aboard the Conrad. A very speculative guess would be about $14–15,000.

The above-mentioned speculative figure is derived as follows: A Fisheries official who boarded the Conrad on July 2, 1970 inquired of the First Mate (the Captain was ashore, being arraigned) as to how much fish was aboard. The Mate declined to reveal this information in the Captain's absence. However the ship's radio operator, who was acting as translator, volunteered the figure of "60 tons." He did not indicate what type of fish was involved. The Fisheries man believes that it was probably herring. If so, he estimates that its value was probably about $14–15,000, based upon one comparable transaction of which he is aware. (There is not much of a market for raw herring in this country.)

If I can be of further assistance, please do not hesitate to write.

Very truly yours,

Joseph L. Tauro,
U.S. Attorney.

U.S. Department of Justice,
U.S. Attorney,
Miami, Fla., February 25, 1972.

Re United States of America vs. Emberto Del Sol Rodrigez, No. 71–298–Cr–WM; Gustano Sespedes Gabriales, No. 71–299–Cr–WM; Jorge Pena Atulla, No. 71–300–Cr–WM; Pedro Rodrigez Sanchez Prito, No. 71–301–Cr–WM.

Senator Ted Stevens,
U.S. Senate,
Committee on Commerce,
Washington, D.C.

Dear Senator Stevens: Your letter dated February 9, 1972, with enclosure, has been received, and we do appreciate the interest which prompted your communication.

With reference to your inquiry, a transcript of the proceedings at trial reflects that a search of the four Cuban fishing vessels resulted in a total of seventeen (17) fish found on board. These included thirteen (13) grouper, three (3) snapper, and one (1) dolphin. The specific number of fish found on *each* vessel is not known. The total value of the fish is estimated at $12.80 wholesale and $17.30 retail by East Coast Fisheries in Miami.

We sincerely trust the information submitted is sufficient for your purposes.

Sincerely yours,

Robert W. Rust,
U.S. Attorney.

U.S. Department of Justice,
U.S. Attorney,
Seattle, Wash., February 16, 1972.

Hon. Ted Stevens,
U.S. Senator,
Washington, D.C.

Dear Senator Stevens: This is in response to your letter of February 9, 1972 in which you request data on fishing vessels seized in United States territorial waters off the coast of the State of Washington.

Our files reflect that only two vessels were proceeded against by this office.

On June 24, 1971 the Canadian fishing vessel, Wendy Dawn, was seized in territorial waters of the United States. The entire catch, weighing 36 pounds, was forfeited and sold for $9.87. The operators of that vessel were fined $300.00.

On August 24, 1971, the Canadian fishing vessel, Eoin Mor, was seized in territorial waters of the United States. The entire catch, weighing 431 pounds, was forfeited and sold for $218.20. The operators of that vessel were fined $500.00.

A check with the United States Coast Guard indicates that on June 21, 1971, the Canadian fishing vessel, Dark Thunder, was seized in territorial waters. The entire catch—six undersized salmon—was seized and held but not sold since it is illegal to sell undersized fish. The case was never presented to this office for prosecution.

If I can be of further assistance in this matter, please let me know.

Sincerely,

Stan Pitkins,
U.S. Attorney.

Date	Name of vessel	Nationality	Territory seizure made	Monetary penalties	Volation in
Mar. 2, 1967	SRTM 8-413	U.S.S.R	Alaska	$5,000	Territorial sea.
Mar. 22, 1967	SRTM 8-457	do	do	10,000	CFZ.
July 16, 1967	Tenyo Maru No. 3	Japan	do	5,000	Territorial sea.
Aug. 3, 1967	SRTM 8-457	U.S.S.R	do	20,000	CFZ.
June 3, 1969	Zenpo Maru	Japan	do	5,500	CFZ.
Do	Koai Maru	do	do	3,500	CFZ.
Sept. 22, 1969	Matsuei Maru	do	do	10,000	CFZ.
May 3, 1970	2 long-liners	Canada	do	5,000	Territorial sea.
June 27, 1970	Akebono Maru	Japan	do	30,000	CFZ.
July 2, 1970	Conrad	West Germany.	Massachusetts.	20,000	CFZ.
Aug. 18, 1970	Kaki Maru	Japan	Alaska	35,000	CFZ.
Aug. 20, 1970	Kiyo Maru No. 18	Japan	Alaska	$45,000	CFZ.
Sept. 17, 1970	Clipper II	Canada	do	5,000	Territorial sea.
Sept. 27, 1970	Kyoyo Maru	Japan	do	50,000	CFZ.
Feb. 10, 1971	SRTM 8484	U.S.S.R	do	50,000	CFZ.
Feb. 24, 1971	Lambda 54 Lambda 102 Lambda 91 Sondero 25	Cuba	Florida	25,000	CFZ.
July–August 1971	3 trawlers	Canada	Washington	1,500	Territorial sea.
July 9, 1971	All Star	do	Alaska	3,800	Do.
Aug. 18, 1971	Vodolaz	U.S.S.R	do	50,000	CFZ.
Nov. 6, 1971	Ryusho Maru No. 5.	Japan	do	115,000	CFZ.

By Mr. GRIFFIN (for himself, Mr. Cotton, Mr. Pearson, Mr. Cook, and Mr. Allott):

S. 3300. A bill to amend the Communications Act of 1934 to provide that renewal licenses for the operation of a broadcasting station may be issued for a term of 5 years and to establish certain standards for the consideration of applications for renewal of broadcasting licenses. Referred to the Committee on Commerce.

BROADCAST LICENSE RENEWAL

Mr. GRIFFIN. Mr. President, today, for myself and Senators Cotton, Pearson, Cook, and Allott I am introducing a bill which would provide a more rational basis for consideration of broadcast license renewal applications.

First, the bill would authorize the Federal Communications Commission to grant renewal applications for periods up to 5 years. However, a first-time license could be issued for only a 3-year period.

Second, the bill provides that once an applicant for license renewal demonstrates that his broadcast service has been responsive to the needs and interests of his community, the burden of proof would shift then to any competing applicant or opposing party who claims that the public interest would not be served by renewal of the license.

Third, the bill would require the Federal Communications Commission to expedite its processing of renewal applications.

During the last 3 years, considerable confusion has arisen concerning the standards by which a renewal applicant should be judged. Part of the confusion stems from FCC action and part of the problem results from court decisions, particularly by the Court of Appeals for the District of Columbia.

However, in the words of Prof. Louis Jaffe of Harvard Law School, the noted administrative law expert, the real root of the confusion is the fact that "the FCC is the victim of congressional failure to provide guidance"—see L. Jaffe, WHDH: The FCC and Broadcasting License Renewals, 82 Harvard Law Review 1693, at 1700, 1969.

In 1969 the license of station WHDH in Boston, Mass., was taken away because the station was a wholly owned subsidiary of a local newspaper. Ironically, the same newspaper relationship existed when the WHDH license was awarded in the first instance.

Thereafter, the FCC issued a policy statement which declared that if a renewal applicant could show that his program service had been "substantially attuned to the needs and interests of its area," and there had been no serious deficiencies in the operation of the station, then the renewal applicant would be preferred over any competing applicant and a renewal license would be granted.

Subsequently, however, on June 11, 1971, the U.S. Court of Appeals for the District of Columbia in a far-reaching decision—Citizens Communications Center against FCC, 447 F. 2d 1201, 1971—overruled the FCC and, in effect, put renewal applicants on the same footing as any other applicant. Under the decision, past performance is discounted for all practical purposes unless a licensee measures up to some vaguely defined standard of "superior" service. It seems clear that Congress needs to step in and provide the FCC as well as the courts with guidelines and standards that are more realistic and more in keeping with the public interest.

Does it really serve the public interest to hold a broadcaster in such perpetual jeopardy of losing his license? Since a license renewal proceeding now often lasts for 2 or more years, and since a renewal applicant must begin preparing for his case at least a year in advance, a broadcaster can be, and often is, involved in a continual struggle just to hold on to his license. Such a complete diversion of time, energy, and resources can have an adverse effect upon a broadcaster's ability to serve his community, particularly when he is a small broadcaster serving a small community.

When a license renewal application is under consideration, it makes commonsense to me that attention should focus primarily on the licensee's past performance. Furthermore, when a licensee under such circumstances can show that he has done a good job, he should be able to look forward to renewal of his license unless a competing applicant or objector bears the burdens of proving otherwise.

My bill would establish two criteria for judging past performance. First, the licensee would have to establish that he had made a "good faith effort to serve, and demonstrated a responsiveness to, the needs and interests of its area." This goes beyond standards proposed in other bills in that it would require not only a good faith effort but also a showing that in fact the broadcaster has been responsive to the needs and interests of his community.

Such a standard would be consistent with the FCC's efforts to encourage a continuing dialog between the broadcaster and his community. At the same time, the standard is designed to minimize bureaucratic control over program content.

The second criterion relating to past performance would require a renewal applicant to show that "the operation of the station has not otherwise been characterized by serious deficiencies." This conforms to the FCC policy statement and, as the Commission noted in that statement, this standard relates to specific operational regulations, "such as rigged quizzes, violations of the fairness doctrine, overcommercialization, broadcast of lotteries, violation of racial discrimination rules, or fraudulent practices as to advertisers."

Mr. President, this legislation would establish a longer license period for those broadcasters who have experience and who have done a good job. Providing a 5-year renewal period in such cases would reduce the administrative burdens on the FCC, thereby allowing the agency to do a better job on each case as it comes up.

As already mentioned, my bill would retain the existing 3-year maximum license period for first-time applicants. This places no additional burden on new entrants. However, by extending the license period to 5 years in the case of renewals, the legislation recognizes that past performance is a more reliable basis for judgment than mere promises of would-be licensees.

The dual license period serves another important purpose: it would put the FCC on notice that Congress wants and expects very close scrutiny of first-time licensees.

It should be emphasized that while this legislation would authorize a 5-year renewal license period, the Commission would still be free to grant only a 3-year renewal if it saw fit to do so in particular situations.

The bill would also prohibit the FCC from issuing a renewal license for more than a 3-year period where a licensee acquired the station by purchase or assignment during the immediately preceding license period. This seems reasonable because there is no requirement for comparative hearings at one time of such a purchase or acquisition.

Finally, the bill prods the Commission

to process and decide renewal cases more expeditiously. The licensee who seeks renewal has a substantial investment at stake; the community he serves usually relies on the flow of broadcast service from that investment; and employees and others are directly dependent for their livelihood on the continued operation of the station. Under such circumstances it is important that renewal cases be handled as expeditiously as public interest considerations will allow.

Mr. President, the air waves are an important part of the public domain. Broadcasters have a special obligation to provide service that meets the public's needs.

Surely Congress is capable of setting renewal standards which protect the public interest and which also provide a greater degree of certainty for those who provide broadcast services. I believe my bill would fill a vacuum which now exists with respect to the Communications Act of 1934 by establishing a congressional policy on renewal applications that meets such criteria.

I ask unanimous consent that the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3300

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 307(d) of the Communications Act of 1934 (47 U.S.C. 307(d)) is amended by striking the second sentence and inserting in lieu thereof the following: "Upon the expiration of any license (other than a broadcasting license transferred or assigned during the immediately preceding license period), upon application therefor, a renewal of such license may be granted from time to time for a term of not to exceed five years if the Commission finds that public interest, convenience, and necessity would be served thereby."

Sec. 2. Section 309(e) of the Communications Act of 1934 (47 U.S.C. 309(e)) is amended by adding the following at the end thereof: "Notwithstanding the preceding sentence, in any hearing involving an application for renewal of a broadcasting license, if the applicant for renewal makes a prima facie showing that its broadcasting service during the preceding license period (1) has reflected a good-faith effort to serve, and demonstrated a responsiveness to, the needs and interest of its area, and (2) that the operation of the station has not otherwise been characterized by serious deficiencies, then the burden of proof with respect to any petition to deny such application or any other application for the same broadcasting service shall be upon the petitioner or competing applicant to show that it would not be in the public interest, convenience, and necessity to grant the application for renewal. The Commission shall give expeditious treatment to all proceedings involving an application for renewal of a broadcasting license and shall provide that any hearing shall be structured so as to proceed as expeditiously as possible."

By Mr. MOSS for Mr. Jackson (for himself and Mr. Allott) (by request):

S. 3301. A bill to authorize the Secretary of the Interior to transfer franchise fees received from certain concession operations and Glen Canyon Recreation Area, Arizona, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. MOSS. Mr. President, on behalf of the distinguished Senator from Washington (Mr. Jackson) and the distinguished Senator from Colorado (Mr. Allott), I introduce a bill requested by the Department of the Interior.

Also on behalf of the Senator from Washington (Mr. Jackson), I ask unanimous consent that the executive communication accompanying the proposal from the Secretary of the Interior be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Department of the Interior,
Washington, D.C., February 28, 1972.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: Enclosed is a draft of a proposed bill, "To authorize the Secretary of the Interior to transfer franchise fees received from certain concession operation at Glen Canyon Recreation Area, Arizona, and for other purposes."

We recommend that this bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The bill directs the placement, in a separate fund of the Treasury, of the annual franchise fee received by the Secertary of this Department from the concessioner in connection with the Rainbow Bridge floating concession operation in Glen Canyon Recreation Area, Arizona. The bill further authorizes the Secretary to annually transfer such fees from the fund to the Navajo Tribe of Indians, in consideration of the tribe's continued agreement to the use of former Navajo Indian Reservation lands for the purpose of anchoring the Rainbow Bridge floating concession facility.

Based on discussion between representatives of the National Park Service and the Navajo Tribe, the enclosed legislation is intended to provide compensation for the use of tribal land in anchoring the floating complex, including any claim the tribe may have to compensation for past trespass. It is intended that the compensation commerce after the enactment of the legislation, and that the franchise fees annually transferred thereafter will be the sole compensation to the tribe for the use of its lands as herein described.

Glen Cayon Recreation Area, Arizona and Utah, is administered for public recreation purposes by the National Park Service pursuant to a cooperative agreement with the Bureau of Reclamation, dated April 18, 1958, and revised September 17, 1965. As a part of recreational developments for the area, in January 1965 the National Park Service and its concessioner constructed a floating marina complex, installed it on Lake Powell in Forbidding Canyon, and anchored the facility to former Navajo Indian Reservation land. Pursuant to section 2 of the Act of September 2, 1958 (72 Stat. 1688), former reservation lands transferred to the United States for the Glen Canyon project may not be used for public recreational facilities without the approval of the Navajo Tribal Council. The tribe has construed the use of former reservation lands for anchoring the Rainbow Bridge floating concession complex in Forbidding Canyon as a use for public recreational facilities within the purview of section 2 of the 1958 Act. While the use of the lands for this purpose was necessary to protect the floating complex, we believe the tribe is correct in its view.

The Navajo Tribal Council has approved the use of the former reservation lands for this purpose, in an agreement approved September 11, 1970, which relates generally to the use and development of the Glen Canyon Recreation Area and adjacent tribal lands. The tribe's approval, however, and its agreement to any recreational use of former reservation land within the recreation area, as well as cooperative development of contiguous tribal lands, is contingent upon transfer of the annual franchise fee for the Rainbow Bridge floating concession complex in Forbidding Canyon to the tribe.

The facility at Forbidding Canyon consists of a floating marina offering emergency boat repair services, boat fuel and oil, and the services of a camping supply store. Pursuant to a concession contract executed March 26, 1969, it is operated by Canyon Tours, Inc. The contract covers the 30-year period January 1, 1969, to December 31, 1998, and authorizes the concessioner to provide visitor services at both the Rainbow Bridge floating complex and Wahweap. The franchise fee is a $60 annual fee for the use of Government-owned structures, plus 2¼ percent of the annual gross receipts from the combined facilities.

Under an earlier contract, which was superseded by the one mentioned above, Canyon Tours, Inc., has provided services at the Rainbow Bridge floating complex from July 1, 1964, through December 31, 1968. That contract—applicable only to the Rainbow Bridge floating complex—provided for a franchise fee of $200 annually, plus 3 percent of the annual gross receipts. Under that formula the franchise fee paid was as follows:

1965	$1,064
1966	3,065
1967	3,784
1968	4,923

In 1968, gross receipts for the Rainbow Bridge floating complex subject to the franchise fee totalled $157,441. Assuming comparable receipts in 1969, the amount that would have been turned over to the Navajo Tribe if the enclosed legislation had been in effect would be approximately $5,000.

Although there are no other situations wherein franchise fees are transferred by the National Park Service to an Indian Tribe, there are two areas of the National Park System involving similar circumstances. At Bighorn Canyon National Recreation Area, Montana, the Crow Indian Tribe of Montana is given a preferential right to construct and operate revenue-producing facilities on certain Federal lands, and to retain any resulting revenues, pursuant to the Act of October 15, 1966 (80 Stat. 913; 16 U.S.C. 460t). At Canyon de Chelly National Monument, Arizona, which is located entirely on Indian lands within the Navajo Indian Reservation, the concessioner pays an annual franchise fee directly to the tribe.

The Office of Management and Budget has advised that there is no objection to the presentation of this draft bill from the standpoint of the Administration's program.

Sincerely yours,
Nathaniel P. Reed,
Assistant Secretary of the Interior.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 707

At the request of Mr. Cotton, the Senator from New Hampshire (Mr. McIntyre) was added as a cosponsor of S. 707, a bill to provide for the establishment of the Fort Constitutional National Historic Site in New Hampshire.

S. 738

Mr. CRANSTON. Mr. President, on February 10, 1971, I introduced S. 738, to amend the Immigration and Nationality Act with respect to the waiver of certain grounds for exclusion and deportation. This amendment would permit the Attorney General discretion in reviewing convictions of permanent residents for possession only of marihuana.

I ask unanimous consent that at the next printing of the bill Senators Harris, Hart, Hughes, and Hartke be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 869

At the request of Mr. Byrd of West Virginia for Mr. Ribicoff, the Senator from Hawaii (Mr. Inouye) was added as a cosponsor of S. 869, a bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns.

S. 1819

At the request of Mr. Baker, the Senator from Nevada (Mr. Bible) and the Senator from Florida (Mr. Chiles) were added as cosponsors of S. 1819, a bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

S. 2851

At the request of Mr. Allott, the Senator from Colorado (Mr. Dominick), the Senator from Ohio (Mr. Taft), and the Senator from New York (Mr. Javits) were added as cosponsors of S. 2851, a bill to amend the Internal Revenue Code of 1954 with respect to certain charitable contributions.

S. 3201

At the request of Mr. Griffin for Mr. Schweiker, the Senator from Rhode Island (Mr. Pastore), the Senator from Utah (Mr. Bennett), and the Senator from Nevada (Mr. Bible) were added as cosponsors of S. 3201, a bill to expand the scope of the National Heart and Lung Institute, to provide for special emphasis on the prevention of arteriosclerosis and the creation of cardiovascular disease prevention centers, and for other purposes.

S. 3286

At the request of Mr. Sparkman, the Senator from Alabama (Mr. Allen) was added as a cosponsor of S. 3286, a bill to amend title XVII of the Social Security Act to provide financial assistance to individuals suffering from chronic kidney disease who are unable to pay the costs of necessary treatment, and to authorize project grants to increase the availability and effectiveness of such treatment.

SENATE RESOLUTION 274—SUBMISSION OF A RESOLUTION RELATING TO THE IMPORTATION OF TURTLES

(Referred to the Committee on Commerce.)

Mr. KENNEDY. Mr. President, on behalf of Senators Javits, Randolph, Hughes, Schweiker, Mondale, Williams, Pell, Eagleton, Taft, and myself, I am submitting today a Senate resolution to have the Secretary of Health, Education, and Welfare establish rules and regulations to prohibit the importation of interstate shipment of turtles suspected of being infected with salmonellosis.

Salmonellosis is a form of food poisoning caused by the bacteria, salmonella. There are 1,200 types of the salmonella bacteria, one of which causes typhoid fever. The symptoms of salmonellosis include fever, stomach cramps, diarrhea, and vomiting. It is not a fatal disease but it can be dangerous to the old and young with poor resistances to infections.

In 1962, the first case of salmonellosis caused by an infected pet turtle was identified. The incidence of turtle transmitted salmonellosis has risen alarmingly to 250,000 to 300,000 estimated cases. Pet turtles may cause up to 20 percent of all salmonella infections in the United States. Investigations of reported salmonellosis in a five-State area showed 15 percent of the cases were turtle related. It is clear that regulations are urgently needed to prevent increasing outbreaks of salmonellosis from infected turtles.

Scientific evidence has clearly demonstrated pet turtles as the source of infection in such cases. Within a few days after the turtle has been brought home, one or more members who have handled the turtle have become ill. The signs and symptoms of the illness are those of salmonellosis. Cultures from the patient and the pet turtles recover the same type of salmonella bacteria. The infected turtle had introduced the infection into the family.

Children are the most susceptible group to turtle induced salmonella infections. Pet turtles are popular as gifts to children and often are used as classroom pets in the elementary grades. They are inexpensive to buy and are easy to maintain. The salmonella organism is transmitted to the child by direct contact with the turtle or the container in which the turtle is kept.

Children, by placing the turtle bowl pebbles in their mouths, by sucking their fingers after handling the turtle, by kissing or placing the turtle in their mouths or drinking the water in the turtle bowl readily become infected. Those children who are chronic fingernail biters also are in the high risk group for infection. Other members of the family are exposed to infection when the turtle bowl is cleaned in the kitchen sink contaminating food and utensils with the salmonella bacteria.

A study of 26 reported cases of salmonellosis in 17 families with pet turtles showed that 22 cases were children under 5 years of age. Eight children needed to be hospitalized for treatment for an average inpatient stay of 11 days at a cost of $10,000. It is estimated that total costs in the United States for treatment of salmonellosis from infected pet turtles is $1 million. There has not been sufficient recognition by the public of this health hazard which especially strikes children.

An astonishing 95 percent of all turtle shipments, both domestic and imported, are contaminated with salmonella. The sources of infection are the contaminated environment in which the turtles are grown and the contaminated protein feed given to the breeder turtles. The infected turtles lay eggs which are contaminated with salmonella so that the newly hatched turtles themselves propagate infection. The newly hatched turtles are immediately shipped for sale and those infected persistently remain so, excreting salmonella for periods up to a year.

This cycle of salmonella infection from turtle to man, creates a potentially enormous health hazard to the public. As sales of turtles as pets continue to increase, more and more cases of infection, especially among children, will undoubtedly occur. Health precautions must be emphasized to current owners to minimize infections. Children should not handle the turtle without thoroughly washing their hands after the contact. The turtle bowl should not be cleaned in the kitchen where food contamination is likely. Human contact with the turtle should be minimized.

However, despite precautions in the home, infections will continue to occur as turtles contaminated with salmonella are sold. In response to such infections, the State of Maryland has established regulations prohibiting the sale or distribution of turtles not certified as free from salmonella. The resolution I am introducing today recognizes the national need for regulations to prevent continued salmonella infections from contaminated turtles.

As a preventive health measure, its consequences will be the eradication of a source of salmonellosis in which unsuspecting families and especially children have been the unfortunate victims.

Mr. President, I want to point out to my colleagues that no new legislative authority is required in order to accomplish the purposes of the resolution that I am introducing today. As a matter of fact, section 361 of the Public Health Service Act is sufficiently broad so as to accomplish the objectives set out in the resolution. All that is necessary is for the Secretary of HEW to issue rules and regulations under section 361 so as to insure that the necessary steps be taken to halt the widespread transmission of salmonellosis in the United States.

It is also of interest to note that no additional funding is necessary in order to accomplish the purposes of the resolution. While I intend to do all that I can to bring this resolution to the full Senate from the Senate Health Subcommittee, which I chair, I am hopeful that the Secretary of HEW will begin immediately to take whatever steps are necessary in order to protect the American public against this disease.

Finally, Mr. President, I ask unanimous consent to have printed in the Record several scientific articles which document the need for effective action in this area, together with the resolution.

There being no objection, the resolution and material were ordered to be printed in the Record, as follows:

S. RES. 274

Resolution to express the sense of the Senate that the Secretary of Health, Education and Welfare should promulgate rules and regulations to prohibit the importation of interstate shipment of turtles suspected of being infected with salmonellosis.

Whereas salmonellosis is an intestinal disease which causes diarrhea and fever and is known to be transmitted by turtles;

Whereas studies made by the Public Health Service have established 95 per centum salmonellosis contamination in shipments of turtles brought into the United States or shipped from one State or possession to another State or possession;

Whereas scientific investigation documents that many reported cases of salmonellosis are directly attributable to and caused by salmonella contaminated turtles;

Whereas such causes occur primarily among children who handle such turtles without proper precautions;

Whereas it is established in the United States that there are 250,000 to 300,000 cases of salmonellosis, both reported and unreported, which are caused from the spread of the disease by contaminated turtles;

Whereas section 361 of the Public Health Service Act authorizes the promulgation and enforcement of rules and regulations necessary to prevent the introduction, transmission, or spread of communicable diseases from foreign countries into the States or possession or from one State or possession into any other State or possession; and

Whereas such rules and regulations may provide for inspection and such other measures as in the judgment of the Secertary may be necessary: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Secretary of Health, Education and Welfare should, not later than thirty days after the date on which this resolution is agreed to, promulgate regulations which will prohibit the importation or interstate shipment of turtles suspected of being infected with salmonellosis, and that the Secretary, in carrying out his responsibilities and exercising his authorities, take necessary steps to assure the enforcement of such regulations in order to stop the widespread transmission of salmonellosis in the United States.

[From JAMA, May 3, 1965]

PET TURTLES AS A CAUSE OF HUMAN SALMONELLOSIS

(By Leslie P. Williams, Jr., DVM, DrPH, and Harry L. Helsdon)

(NOTE.—An infected pet turtle was shown to be the source of a case of human salmonellosis. The investigations that followed this finding resulted in 16 serotypes of Salmonella being designated turtle-associated types. Epidemiologic follow-up of these serotypes demonstrated, in addition to the original case, five index cases where turtles were the source of infection. Nine additional patients with salmonellosis had owned turtles but they were unavailable for sampling. Of the 22 infected persons found, 6 had been hospitalized and 13 excreted salmonellae for over 30 days. The majority of those infected were under 6 years of age; however, three mothers were also infected. The chain of transmission could be broken by the strict adherence to sanitary procedures when handling turtles or the production and marketing of turtles and turtle food free of salmonellae.)

In January 1964, a family outbreak of gastroenteritis was investigated; the causative agent was shown to be *Salmonella panama*, a relatively uncommon serotype in Minnesoota. It was found that a small green turtle was kept as a pet in this household. The water in the turtle's bowl was changed twice weekly, and the old water was discarded into the kitchen sink. Water from the turtle dish was cultured. and *S panama* was isolated. Quist and McQueen[1] had previously demonstrated turtles to be the source of salmonellosis.

Subsequently, another *S panama* infection was investigated in a 2-year-old girl who had been ill in November 1968. Her illness had required ten days of hospitalization. The parents stated that turtles had been purchased about six weeks prior to the child's illness. She had been repeatedly scolded for sucking on the colored pebbles in the turtle dish. One of the turtles was found surviving in the home of the child's aunt. *S panama* was isolated from the water in the turtle's dish.

Investigations of salmonellae in Mediterranean tortoises (*Testudo* species) have been conducted in England,[2,3] Sweden,[4] Norway,[5] Morocco,[6] Bulgaria,[7] and Israel.[8] Salmonellae were also isolated from galapagos turtles in the United States.[9] No reports of salmonellae in the common pet turtles of the United States, such as "sliders" or red-cared turtles (*Pseudemys scripta elegans*), painted turtles (*Cheysemys picta*), box turtles (*Gopherus* species), and "mud turtles" or baby snappers (*Chelydra serpentina*), could be found in the literature.

To better define the problem of human exposure to salmonellae found in pet turtles in Minnesota, investigations were conducted by sampling turtles in retail outlet and wholesale establishments, school classrooms, and private homes. From these findings, it appeared that certain serotypes of salmonellae could be considered as "turtle associated." When these serotypes were isolated from human stool specimens in the Minnesota Department of Health, Division of Medical Laboratories, an epideniologic investigations was made to demonstrate additional cases of family outbreaks resulting from exposure to salmonellae-infected turtles.

On three occasions, turtle food which contained insect larvae, meat meal, and fish meal was examined for the presence of salmonellae.

MATERALS AND METHODS

Water samples were collected from turtle containers in retail stores, schools, and homes using sterile 10-ml disposable syringes or 10-ml pipettes. These samples were discharged immediately into 10-ml amounts of double-strength tetrathionate broth and transported to the laboratory for incubation. At the time of sampling, the following information was obtained: type of container, approximate number of turtles, source, how often the water was changed, and when the water was changed relative to sampling time. When possible, the length of time that the turtles had been in schools or homes was determined, and the approximate sales per month was obtained from retail stores and wholesalers.

If a painted turtle or a box turtle was found, a cloacal swab was obtained, and the swab was introduced immediately into normal-strength tetrathionate broth for transport and incubation.

The initial testing of turtles which had been transported recently in interstate commerce was made by random selection of 30 turtles from a shipment of 1,000. Fifteen turtles were placed in each of two sterile stainless-steel pans containing tap water 1 inch in depth. Water samples were taken at 24 and 72 hours and cultured as described above.

The last three lots of wholesale samples were examined in two ways to determine whether salmonellae found in the water were from shell contamination, intestinal infestion, or both. A few turtles were taken from the air freight shipping boxes on the day they arrived and were transported to the laboratory, either one or two to a sterile plastic bag. Each one was numbered on the underside, and the entire surface of the turtle was swabbed with sterile cotton. Each turtle was then chloroformed, and the entire viscera was removed and ground with sterile sand in a mortar. Tetrathionate, 30 ml, was added to the viscera and it was cultured.

Methods recommended by Edwards and Ewing[10] were used for isolation of the salmonellae from the tetrathionate broth and the identification of these organisms.

The tetrathionate broth was incubated for 18 to 24 hours at 37 C and then plated to one brilliant green plate and one desoxycholate plate. Early in the study, the enrichment broth was held at 37 C for an additional 48 hours and then plated to brilliant green and desoxychloate agar again. When it was shown that the 72-hour incubation of samples did not add to the yield of salmonellae, the remaining cultures were incubated for only 18 to 24 hours.

Turtle food was cultured by adding 15 gm of the product to 50 cc of tetrathionate broth. If the quantity sample was large enough, it was run as two 15-gm subsamples. A 24-hour incubation period was used, and enrichment samples were plated on the same media as was used for all other samples.

RESULTS

Thirteen pet shops or variety-store pet departments were included in the retail survey. One was sampled on two occasions. Most of the turtles seen were "sliders," but a few baby snappers were in retail stores. Ten stores purchased their stock from one or more of four local wholesalers. Three purchased their turtles directly from farms or dealers in Louisiana or Florida. Eleven kept the stock in aquariums that required frequent water change. The two remaining used a deep water aquarium with an aeration and filtration system. Salmonellae were recovered from both types of containers. Six samples from the aquariums contained salmonellae. Serotypes identified were *S berta*, *S panama*, *S urbana*, *S thompson*, *S braenderup*, and *S muenchen*.

TABLE 1.—MINNEAPOLIS PET SHOPS AND VARIETY STORES, 1964

Wholesale source No.	Number of turtles examined	Water change, time prior to sample	Results	Sales per month
1	15-25	2 days	Negative	50
1	15-20	3 days	Negative	100
Monroe, La	15	3 hours	do.	150
1	20-25	1 week	do.	25
Louisiana	20-30	1 month	do.	100
1	15	1 day	S berta	15
1	20	1 day	Negative	20
2	20-30	6 hours	S panama	100
2	20-30	1 month	Negative	30
4	10	3 days	S urbana	30
Miami, Fla	30	Could not recall	S thompson	25
2	10	Unknown	Negative	100
1	0	4 days	S braenderup	35
3	15	Unknown	S muenchen	
Total	225-275		6 serotypes	780

Footnotes at end of article.

The ability to isolate salmonellae from the turtle water was not directly related to the time when the water was changed in the holding container in relation to when the sample was taken. Salmonellae could be isolated from water within six hours after it was changed. This data is summarized in Table 1. The approximate total monthly sales by these 13 pet retailers was 780 turtles.

Pet turtles were sampled in homes and school classrooms. Those in homes were included in these samples either as a result of epidemiologic investigation or because they were in homes known to one of the authors. Twenty-two turtles were cultured in 11 homes. Seven of these homes contained turtles that were excreting salmonellae. Serotypes isolated included the following: *S rubislaw, S braenderup, S schwarzengrund, S newport*, and *S panama*. One *Arizona* species was also isolated. The shortest possession time was five days, the longest was seven months, and the average was 3.4 months. *S panama* was recovered from two turtles that had been in homes for six months. All of the turtles were baby green sliders.

School classrooms were an additional source of pet turtles. Through the cooperation of Minneapolis Public Schools, 43 turtles were sampled in 26 classrooms. They included 28 sliders, 12 baby snappers, 2 painted, and 1 tortoise or box turtle. *S new brunswick* was isolated from only one snapper. The possession time for turtles was known for 13 of these classrooms. The average was 5.8 months, was a range of three to seven months. The infected turtle had been in the classroom the shortest time of any in this group. It is not known whether it was purchased or captured from a creek near the school. The results of sampling pet turtles are presented in Table 2.

TABLE 2.—SALMONELLA ISOLATED FROM PET TURTLES IN PRIVATE HOMES AND SCHOOL CLASSROOMS IN MINNESOTA, 1964

Sampled	Number of turtles	Average time in possession (months)	Number positive	Serotypes
11 homes	22	34		S rubislaw, braenderup, schwarzengrund newport, new brunswick.

Four turtle wholesalers in the Minneapolis area were known to the authors. The first sampling at the establishment of wholesaler 1 was the cloacal swabbing of seven painted turtles of a lot of 25 that survived freezing when left on a baggage cart at the local airport. *S miami* was recovered from one of these swabs. When wholesaler 1 received a shipment of 1,000 sliders by air freight shortly after this, 30 were sampled as previously described. S *braenderup* and *S richmond* were isolated from the first sample of water in which the turtles had been placed; and, from a second sampling 48 hours later, *S braenderup* and *S larochelle* were isolated. At the establishment of wholesaler 2, two samplings of water from each of the containers holding sliders, painted turtles, and adult sliders were cultured. On each occasion, *S Java* was isolated from water containing the sliders.

At a later date, a sample of 12 turtles from a shipping lot of 1,000 was obtained from wholesaler 1. Two groups of 12 and 14 turtles each were obtained from wholesaler 3, not previously sampled: turtles were from two different shipping lots of 600. The results of these investigations are shown in Table 3. Surface swabs were taken and cultured from 38 turtles arriving from out-of-state sources; 12 were found positive for salmonellae. Thirty-eight visceral samples cultured from the same turtles revealed 21 positive for salmonellae. A total of ten different serotypes were identified from this group. There were six turtles from which two serotypes were isolated in each visceral sample, one turtle from which three serotypes were isolated from a visceral sample. In addition to the isolation of salmonella from the turtles cultured, frequent isolation of *Arizona* species was made; however, no isolation of these organisms was made from human cases investigated.

TABLE 3.—SALMONELLA SEROTYPE RECOVERED FROM PET TURTLES MOVING IN INTERSTATE COMMERCE TO MINNESOTA WHOLESALERS, 1964

Shipment source and size	Wholesaler No.	Samples		Number Positive	Serotypes recovered
		Number	Type		
New Jersey, 1,000	1	12	Surface swab	4	S blockley, S kentucky.
		12	Viscera	9	S kentucky, S muenchen, S braenderup, S thompson. S typhimurium.
Virginia, 600	3	12	Surface swab	4	
		12	Viscera	0	
Do	3	14	Surface swab	4	S mississippi, S newport, S braenderup, S typhimurium.
Virginia, 600		14	Viscera	12	S typhimurium, S thompson, S newport, S saint paul, S urbana.
Subtotal:					
Surface swabs		38		12	6 serotypes.
Viscera		38		21	8 serotypes.
Total		76		33	10 serotypes.

No salmonellae were isolated from the feed samples tested. On visual examination, the main constituent of the meal seemed to be the dried fly or daphnia larva. The amount of each constituent was not given on any of the packages.

As a result of the above findings the following list of salmonellae were designated as turtle-associated serotypes: ***S. berta, S panama, S urbana, S thompson, S richmond, S braenderup, S muenchen, S blockley, S** kentucky, S new brunswick, S larochelle, S java, S rubislaw, S schwarzengrund, S newport, S mississippi*, and *S miami*. Turtles were also considered as possible sources of infection when investigating selected *S saint paul* and *S typhimurium* infections. Investigation of one additional case of *S panama* and one each of *S braenderup, S schwartzengrund*, and *S newport* led to homes where the same serotype was found on the turtle or in the water in the turtle dish. In each case, one of the following means of spread was involved: (1) children in the "hands in mouth" stage had handled the turtle; (2) turtle water was dumped in the kitchen sink; (3) the turtles were placed in dishes used for food. The average attack rate in these six families, including the two original cases, was 18%. Two patients required hospitalization. Four of the infected individuals excreted the organism for over 30 days (Table 4).

TABLE 4.—FAMILY OUTBREAKS OF SALMONELLOSIS WITH PET TURTLES AS SOURCE, MINNESOTA 1964 [1]

Serotype	Family members	Culturally positive	HR	Age of infected, year	Number carrying over 30 days	Time of exposure
S panama	5	2	No	2, 4	2	1½ months.
Do	7	1	No	4	1	3 months.
Do	10	1	Yes	2 (2)		1½ months.
S braenderup	4	1	No	9 1	1	2 weeks.
S schwarzengrund	7	1	No	2½ (2)		5 days.
S newport	5	1	Yes	29 (2)		2 months.
Total	38	7		(3)	4	Average, 1.4 months.

[1] Original 2 cases included.
[2] Unknown.
[3] Average, 7.5 years.

Investigations of nine other turtle-associated *Salmonella* infections disclosed homes where turtles had been in the home or a classroom for a period of time. In these instances, it was established that there had been turtle contact, but the turtles were not available for sampling. One patient had handled turtles on a Florida turtle farm.

One patient in this group had a *S saint paul* septicemia. Another patient infected with *S panama* suffered an illness characterized by intermittent severe back pain and fever that required three periods of hospitalization during a three-month period. The average attack rate in these nine families with turtle contact was 33%. Four of this group required hospitalization. Nine of the infected patients excreted salmonellae for over 30 days (Table 5).

TABLE 5.—FAMILY OUTBREAKS OF SALMONELLOSIS WITH PET TURTLES AS SUSPECTED SOURCE MINNESOTA, 1964

Serotype	Family members	CP	HR	Age of infected, year	Number carrying over 30 days	Time of exposure
S braenderup	4	3	Yes	27, 3, 1	1	6 months.
S java	5	1	No	11	(1)	2 days.
Do	6	1	No	4	(1)	8 days.
Do	4	1	Yes	2	(1)	Do.
S saint paul	5	1	Yes	5	(1)	(1).
S panama	3	1	Yes	4	1	2 months.
S blockley	9	3	No	44, 7, 2	3	6 months.
S typlomjrium	4	2	No	¾, 3	2	(1).
S newport	5	2	No	4½, 2	2	1 month.
Total	46	15		[2]3	9	2 months.

[1] Unknown.

[2] Average.

To assess the effect of these investigations on source determination of salmonellosis in the Minneapolis-St. Paul area and surrounding suburbs, the above information was examined with the salmonellae data for the first ten months of the year. All cases of salmonellosis caused by the serotypes which occurred in children and adults under 45 (who might have had children), were tabulated and the number known to be, or epidemiologically suspected to be, turtle-associated was calculated (Table 6). Of the 16 serotypes isolated from turtles in this investigation, 11 were isolated one or more times during this period from man. From the total of 84 individuals, 21 had contact with turtles.

TABLE 6.

Serotype	Number of human isolations	Number turtle-associated
S typhimurium	37	2
S saint paul	11	1
S blockley	8	3
S muenchen	5	0
S java	5	3
S braenderup	5	4
S newport	5	3
S panama	5	4
S schwarzengrund	1	1
S berta	1	0
S thompson	1	0
Total	84	21

Persons under 45 who might have small children with turtles in home.

COMMENT

In the investigations of Salmonella serotypes in Mediterranean tortoises only one of the studies was prompted by human infection; the rest were apparently surveys stimulated by literature reports and the availability of speciments. The investigations of McNeil and Hinshaw [10] resulted from finding salmonellae in necropsy specimens from a galapagos turtle. No dealers selling Mediterranean tortoises could be found by consulting pet trade magazines, although a few might exist in this country. A recent article in a pet magazine discussed breeding these reptiles.[11] This species would constitute a very minor public health problem in comparison to that posed by the common aquatic pet turtle in this country.

In the Minneapolis area, sliders are apparently very popular pets. They are often given to children as gifts. They are a popular classroom pet, especially in the elementary grades. Turtles can be kept in a small container, are not barred from large apartments, make no noise, will not bite, and they require little food. A turtle, turtle dish, and a package of food can usually be purchased for less than $2.50. The total number sold in this area is not known, but the 780 reported sold per month by the 13 retailers is probably only a part of the actual number. The three cooperating wholesalers reported a sale of 7,700 monthly in the five-state area of Minnesota, Wisconsin, South Dakota, North Dakota, and Iowa. The number marketed by breeders and dealers in the United States and Canada is a matter of conjecture. In late April 1963, a team of investigators from the Communicable Disease Center (CDC) visited a Mississippi farm, on which there were 30,000 adult breeders; they found that 75,000 to 80,000 baby sliders had been marketed already during that year. A recent issue of a popular pet trade magazine lists 107 turtle dealers, though some may not be as large as that unit cited above.[12] It can be safely stated, though, that turtles are widely sold throughout the United States; and these investigations indicate that they are frequently infected or contaminated with salmonellae. Turtles are most frequently handled by children, who as a group are not careful in their sanitary habits. Children are also apparently more susceptible to salmonellosis than are adults or their infections are more severe.[13] [14] Thus, turtles constituting a source of salmonellosis, are moving freely and widely in interstate commerce and are destined for close contact with a susceptible host.

Pet turtles are hatched and move from the dealer to the wholesaler and then to the retailer unfed, surviving on the "yolk fat," a pad of fat under the dorsum of the carapace. The source of their infection is apparently the contaminated environment of origin. CDC investigators report that turtles originate from three sources: They are netted from small ponds or bayous in the South that are frequently contaminated with human waste; the eggs are dug up and replanted again for hatching in backyard gardens that are fertilized with animal excreta and organic or inorganic fertilizers; or they come from commercial turtle farms. The principal source of protein on breeding farms is meat meal and bone meal.[16] These latter products have been demonstrated to be contaminated with salmonellae.[15-17] Baby turtles may be infected or contaminated from their environment or the egg may be contaminated as it passes through the oviduct and the cloaca.[1] The results of our study showed that the rate of salmonellae excretion by turtles was inversely proportional to the time away from the source of infection; the rate of salmonellae excretion was greater in turtles examined in the wholesaler's establishment than it was in the turtles in retail stores. The rate in turtles in homes and schools was still less. This same phenomenon has been observed by investigators in untreated control chicks [18] and baby pigs that were experimentally infected with salmonellae.[19] These findings suggest a possible means of control: holding turtles for a specified period before allowing them to be transported in interstate commerce. Further investigations are needed to confirm these findings.

Our limited samplings of turtle foods did not demonstrate them to be a source of infection to the turtle, even though other investigations [15-17] have pointed to the conclusion that certain of the food ingredients could be contaminated. Our negative findings may have resulted from the dilution of the contaminated portion of the feed by insect larvae, which are the major ingredient. In the senior author's experience (LPW) it has been repeatedly demonstrated that whereas salmonellae (probably in small numbers) can be isolated from individual feed ingredients, the final complete feed, containing nonanimal products as a major ingredient, does not yield salmonellae whether antibiotics are included or not, except on rare occasions.

Culturing samples of water from the turtle containers was shown to be a simple method of demonstrating salmonellae in pet turtles. Our findings suggest that the best method of finding multiple serotypes in a given lot of turtles is to culture surface swabs and the viscera, if destruction of the turtle is an acceptable procedure. In all three samplings (Table 3) where the method of examination was used, a serotype was found on one or more turtles of the sampling lot that was not recovered from the visceral cultures. A larger sample may have shown the surface salmonellae to be of visceral origin, as turtles are shipped dry in boxes of over a thousand turtles with layers of paper between them. Shell contamination with turtle excreta could readily take place under these conditions.

While a high percentage of the rarer serotypes found in the Minneapolis-St. Paul area could be associated with a turtle source, this was not true of the more common *S typhimurium* and *S saint paul*. Several exist for this finding. Due to limited time, only those cases that had the greatest possibility of yielding information that would point to a source of infection were followed up. Investigations were restricted to the rarer serotypes and infections in children 5 years and under because of their small number of contacts outside of the home and their controlled environment. If phage typing was a standard technique used in our laboratory, a narrower definition of turtle-associated *S typhimurium* may have been possible and those salmonellae fitting this definition would have been investigated. Turtle-associated serotypes were not necessarily associated with turtles during the entire ten-month period. Wholesalers changed turtle sources and a new flora was introduced, eg, different types were found in two consecutive shipments of turtles to wholesaler 3. The number of samples taken was small, and on broader sampling other salmonellae might have been identified. Also to be considered were the many other possible sources of some of these salmonellae. An example of this was *S muenchen* which was designated an "Easter chick and duck type" during April and May, after it was isolated in duckling droppings in a pet shop. Chicks and ducks were subsequently shown to be the source of three infections in children under 10 years of age.

These findings suggest that the following control measures should be recommended by physicians and public health authorities to persons possessing pet turtles: (1) Children should not be allowed to handle turtles unless they are responsible enough to wash their hands following this contact. (2) Turtle

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Footnotes at end of article.

water should not be discharged into the kitchen sink or allowed to contaminate the food preparation area. (3) A special container should be designated as the turtle dish and should be used for nothing else. (4) Only one person who is careful to wash his hands should care for the turtle. (5) Other household pets should be prevented from drinking water from the turtle dish. These measures should be advocated until such time as turtles are shown to be free of salmonellae.

The ultimate control measure would be to sell only pet turtles free of these pathogens. To achieve this the following measures are advocated: (1) Hatch turtles in a "clean" environment. (2) Feed breeding turtles only protein supplements known to be free of salmonellae. (3) Market turtles that are free of salmonellae. (4) Sell turtle food that is free of salmonellae.

FOOTNOTES

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Should Turtles Be Federally Regulated?

When Dr. Steven H. Lamm joined the Epidemic Intelligence Service of the Center for Disease Control last July, he was assigned to the Connecticut State Health Department in Hartford. One of his tasks was tracking down the sources of salmonella infections that are routinely reported to the department by the hospitals in the state.

Checking with families concerned for food contamination and animal associations, he found that infected families frequently kept pet turtles. "Now, an association of salmonella infections with turtles is not particularly surprising; there have been at least 100 cases reported from 16 states," Dr. Lamm said. Nevertheless, he decided to take a closer look at the situation. When he had finished, he had amassed data suggesting that pet turtles may cause one fifth of all salmonella infections in the U.S.

Furthermore, he discovered that turtles become contaminated with salmonella in the farms where they are bred—clear evidence, Dr. Lamm told the annual Epidemic Intelligence Service meeting in Atlanta last month, that the source of contamination is not the retail distributor, the food the turtle eats, or the way that young children handle their pets.

Between June and October of last year, there were 259 isolations of salmonella in Connecticut. For the purposes of his study, Dr. Lamm eliminated infections caused by *Salmonella typhimurium*. "*S. typhimurium* is such a common serotype, it would be difficult to pin down where the organism had come from. But with less common serotypes, it would be much easier to be sure that one had located the source," he explained.

In all, Dr. Lamm collected 87 cases of salmonella infection in 66 families. Of the 66 families, 17, or 27%, had turtles in the household at the time of the illness. In nearly half the cases, the turtle had been bought within two weeks preceding the onset of salmonellosis.

He told of a typical series of cases showing how he had linked salmonella infections to the turtles. "A case of salmonella was reported in a family that had recently bought a turtle. The organism turned out to be *S. litchfield*. We discovered the store where the turtle was bought and told the owner of the contamination. He got rid of the turtles and cleaned up his tank.

"But the pet dealer got a new shipment of turtles, and a month or so later we found the same salmonella serotype in another patient. Also, the family turtle had come from the same store. Clearly, the new batch of turtles was just as contaminated as the old batch. This time, however, we checked the store's supplier and found that the same supplier had provided both batches.

"The clincher came when we had yet a third case involving *S. litchfield*. This time the turtle associated with the infection had come from a different store. But when we checked on where *those* turtles had come from we found that they had come from the same supplier."

With all roads leading to the supplier, Dr. Lamm went to Louisiana to visit the turtle farms. He found that the turtles were raised in ponds which, in most cases, did not have water continuously circulating through them. The turtles' food included a number of items known to be sources of salmonella. The problem of contamination may go back to the mother turtle, since the eggs are often contaminated even before being laid, Dr. Lamm noted.

How big is the problem of turtle-associated salmonellosis? Dr. Lamm said that of 26 cases in the 17 Connecticut families that kep turtles, 22 involved children under the age of five. Eight of these cases were severe enough to require that the child be hospitalized for an average of 11 days at a total cost of $10,000.

He asked for specimens from the tanks of every turtle store in three Connecticut cities—Bridgeport, Meriden, and Bristol. There were 18 such stores and all had tanks contaminated with salmonella.

Extrapolating from these data, Dr. Lamm said that in one year in Connecticut 153 cases of salmonella could be expected to occur in 113 families, 106 of which would have children under the age of six.

"We can estimate that there are about 20,000 families in the state with children under six who will have bought turtles within the year," Dr. Lamm continued. "Therefore, we can say that such a family had a one-in-200 chance of acquiring salmonellosis severe enough to have medical attention and to require a stool culture.

"This means that if the Connecticut figure is representative for the entire country, then each year there are 40,000 such cases of salmonella infection."

Dr. Lamm checked the experience in two other parts of the country. The Utah State Health Department reported to him that 16% of all salmonella infections were turtle-associated. In Santa Clara County, Calif., the comparable figure was 28%.

In response to this report, the Connecticut State Health Department has introduced an amendment to the Health Code to prevent the sale of salmonella-contaminated turtles. Dr. Lamm urged federal regulation to control this problem.

[From Morbidity and Mortality Weekly Report, Feb. 13, 1971]

Epidemiologic Notes and Reports: Pet Turtle-Associated Salmonellosis—Connecticut

From June through October 1970, 259 isolations of salmonellae from human sources were reported to the Division of Laboratory Services, Connecticut State Department of Health. To determine possible sources of infection, the State conducted a survey of those infected families (117) who could be contacted by telephone and in which one or more family members submitted stools that were positive for salmonella serotypes other than *salmonella typ-hi-murium*. Families infected with this serotype had been eliminated from the survey because of the common occurrence of this strain.) A total of 66 families (87 patients) could be contacted, and information was obtained from them regarding clinical course, food exposure, and association with animals.

Seventeen of the 66 families (26 percent) reported that they had had pet red-eared turtles (*Pseudemys scriptaelegans*) in their homes at the time of their illness. Included in these 17 families were 26 of the 87 patients (30 percent) who had submitted stools positive for salmonellae. Two other cases of salmonellosis which had not been previously reported were also discovered. Analysis of the data on the 28 patients showed no sex predilection, although 22 patients (79 percent) were less than 5 years old. Twenty-six patients were symptomatic, while two remained asymptomatic. Eight were hospitalized, with a mean duration of 11.2 days. The salmonella serotypes isolated in these pet turtle-associated home outbreaks were *S. saint-paul* (5 families), *S. litchfield* (3 families), *S. java* and *S. oranienburg* (2 families each), and *S. enteritidis*, *S. heidelberg*, *S. panama*, *S. poona*, and *S. urbana* (1 family each).

The same salmonella serotypes that caused the human illnesses were cultured from turtle water in five of the 17 turtle-associated home outbreaks. Of the remaining 12 homes, three had turtles with specimens positive for other salmonella serotypes, and nine no longer had the turtles. The onset of illness in six of these 12 homes followed acquisition of a pet turtle by 2 weeks or less. A total of 11 out of 17 home outbreaks could be epidemiologically associated with pet turtles.

The turtles associated with three of the five home outbreaks of *S. saint-paul* came from the same farm in Louisiana, although through two distributors and three retailers. The turtles associated with the two *S. oranienburg* outbreaks came from the same source in Mississippi, through two distributors and two stores in different states. A distributor in Florida was the source of the turtles associated with the three *S. litchfield* outbreaks; retailers in two states were also involved. Finally, the turtles associated with the two outbreaks of *S. java* came through two retailers from the same farm in Louisiana.

A bacteriologic survey was conducted of turtle tank water from the 18 stores retailing pet turtles in Bridgeport, Bristol, and Meriden, Connecticut. Salmonellae were found in the water specimens from all stores. (*Reported by Thomas Armentano, R.S., Head Sanitarian, Meriden City Health Department; Arthur Bruce, M.S., and John Redys, M.S., Microbiologists, Division of Laboratory Services, James C. Hart, M.D., Director, Division of Preventable Diseases, Connecticut State Department of Health; and on EIS Officer.*)

EDITORIAL NOTE

Turtle-associated salmonellosis may be a more important problem than has previously been recognized. Additional studies are needed to determine its extent in other States.

[From Morbidity and Mortality Weekly Report, Feb. 6, 1971]

EPIDEMIOLOGIC NOTES AND REPORTS: TURTLE-ASSOCIATED SALMONELLA SEPTICEMIA—OGDEN, UTAH

On Aug. 10, 1970, a 6-year-old boy became ill with diarrhea, weakness, malaise, and low-grade fever. His symptoms became more severe, and on August 15, he was seen by a physician who noted a temperature of 101° F., mild abdominal tenderness, and an enlarged spleen. Blood and stool specimens were cultured and yielded *Salmonella* schwarzengrund. The boy recovered after 2 weeks of antibiotic therapy, but he continued to excrete the organism for another month. Cultures of stool specimens from other family members contained no salmonellae.

Because of the prior occurrence of *S. heidelberg* meningitis in the patient's 8-week-old sister, an epidemiologic investigation had been conducted on August 5. The parents, the 6-year-old boy, and three other siblings were asymptomatic at that time. Two pet turtles were found in the house; specimens obtained from their intestines were cultured and yield *S. schwarzengrund*.

(*Reported by Wesley Anderson, M.D., private physician, Ogden, Utah; Irven Moncrief, M.D., Director, Weber County Health Department; Dale Callister, Bacteriologist, Utah State Laboratories; Taira Fukushima, M.D., Director, Bureau of Disease Prevention and Environmental Control, Utah Department of Health and Welfare; and an EIS Officer.*)

EDITORIAL NOTE

The association between turtles and human salmanellosis has been recognized since 1952, and it has been shown that turtles may excrete more than one serotype (*1*). Therefore, the pet turtles could have been the source of infection in both patients. The boy's case is especially interesting, since it is the first documented case of turtle-associated salmonellosis in which the salmonella serotype was recovered from the turtle prior to the development of salmonellosis in the patient.

REFERENCE

(1) National Communicable Disease Center: Salmonella Surveillance, Rep. No. 10, 1963.

[From the Journal of the American Veterinary Medical Association, Oct. 15, 1966]

SALMONELLOSIS

(NOTE—Prepared on behalf of the Council on Public Health and Regulatory Veterinary Medicine by James H. Steele, D.V.M., M.P.H., and Mildred M. Galton, Sc.M., U.S. Department of Health, Education, and Welfare, Public Health Service, Communicable Disease Center, Epidemiology Branch, Veterinary Public Health Section, Atlanta, Ga.)

Salmonellosis is considered currently to be the most important of the zoonotic diseases, since it affects more people than any other disease. An estimated 2 million persons are infected each year in the United States. The disease varies in severity from inapparent infection to acute disease which may be fatal in the very young or the elderly.

Reported salmonella infections in man, exclusive of typhoid fever, have increased from 1,733 cases in 1951 to 20,865 bacteriologically proved infections in 1965. While this increase has been due, in part, to increased interest in the problem, it is believed that a real increase in numbers of cases has occurred. It has been estimated that more than 1% of the population of the United States becomes infected with salmonellosis each year, and that only 1% of these infections are reported to public health authorities. As an indication of the magnitude of the reporting problem, during 1965 a waterborne salmonellosis epidemic occurred in Riverside, Calif.; 200 cases were known to the health department. However, a door-to-door survey in the town uncovered more than 16,000 unreported cases. Thus, only slightly over 1% of these cases would have been discovered without further investigation.

The principal reservoirs of salmonella are domestic animals. Their wide distribution in the domestic animal population is well known, although only a small fraction of the infections are bacteriologically confirmed and reported.

In poultry, salmonellosis has been recognized as a significant disease problem for nearly half a century. More than two-thirds of the some 25,000 cultures isolated from animals in the United States from 1934 through 1964 were recovered from domestic fowl. During the first 3 full years of national salmonella reporting (1963–1965) to the Communicable Disease Center, 9,326 (52%) of the 17,684 reported isolations from nonhuman sources were from turkeys and chickens. Studies of fresh poultry meat in retail markets have revealed that 42% of the samples examined were contaminated with salmonellae. Eggs and egg products have been the source of numerous reported cases of salmonellosis in man during the past 3 years. Red meat-producing animals have been incriminated, too. Of the reported salmonellae isolations from nonhuman sources during the same 3-year period, 15% were from cattle and swine. After processing, a much higher percentage of the products were found to be contaminated. Recently, nonfat dried milk has been epidemiologically incriminated as the source of human salmonellosis; the same rare type of salmonellosis found in infected persons was found in the dried milk used by their families. Further investigations have revealed a variety of salmonella types in this product.

Animal feed is frequently contaminated and serves as a vehicle of infection for food and pet animals. Contamination is carried in protein supplements which are made from animals and animal parts unfit for human consumption, animals dead of natural causes or accidents, unedible parts, and viscera. Many types of salmonella have been found in horse meat. Fish meal has also been known to be contaminated with salmonella serotypes derived from polluted waters at fish meal processing plants. Another source of salmonella is vegetable proteins, which include cotton seed meal and soybean meal.

Numerous reports have appeared regarding the prevalence of salmonella in domestic pets. Those most often suspected as the source of human salmonella infections include dogs, cats, chicks, ducklings, parakeets, canaries and, more recently, turtles.

Progress is being made in efforts to control the problem, but much more needs to be done. Centralization of feed processing by industry and nationwide distribution of food ingredients and finished foods make possible widespread dissemination of salmonella-contaminated foods. Epidemiologic investigations of salmonellosis have repeatedly demonstrated the importance of food in spreading and maintaining the basic animal-to-animal, animal-to-man, and man-to-man cycles of infection.

The salmonella problem is vulnerable to control procedures that can be applied at certain points in the epidemiologic chain of infection. When cases occur, sources of infection must be determined, the chain of infection defined in each instance, and control measures formulated to prevent recurrence. Control activities should be directed toward eliminating salmonella contamination of animal feedstuffs, applying terminal pasteurization or other bactericidal treatment to human foods and food ingredients, developing food manufacturing and distribution methods to prevent salmonella contamination and bacterial growth, and training food handlers and food processors in the principles of strict sanitary measures, including personal hygiene.

Most of the industries concerned realize their responsibilities and are accepting them with positive action. There is now need for a national salmonellosis committee that could marshal all of our forces and resources for concerted action by industry, agriculture, and public health.

SALMONELLA RESERVOIRS IN ANIMALS AND FEEDS

(NOTE.—Prepared on behalf of the Council on Public Health and Regulatory Veterinary Medicine by John W. Walker, D.V.M., U.S. Department of Agriculture, Agricultural Research Service, Animal Health Division, Hyattsville, Md., and E. M. Ellis, D.V.M., Ph.D., U.S Department of Agriculture, Agricultural Research Service, Animal Health

Division, National Animal Disease Laboratory, Ames, Iowa.)

Salmonella organisms are widely distributed in nature. All warm blooded animals including man and many cold blooded creatures must be considered real or potential hosts. Since salmonellae are inhabitants of the gastrointestinal tracts of live animals and poultry, transmission may be expected when conditions exist conducive to fecal contamination of foods, feed, and environment. Any of the 900 serotypes have the potential of causing clinical disease when accompanied by certain stress factors.

The first isolation of an organism of the genus *Salmonella* from an animal source was *Salmonella choleraesuis* from swine by Salmon and Smith in 1889. In 1885, Moore isolated a paratyphoid organism from pigeons with infectious enteritis. The first report of paratyphoid in turkey poults in the United States was made by Rettger and associates in 1933, although Pomeroy and Fenstermacher had observed the infection in turkeys in Minnesota in 1932. Since then, recovery of one or more serotypes of salmonellae has been reported from all domestic animal species and many wild animals.

A number of studies have been made to determine the occurrence of salmonellae in various food and feed products and animal species in many localities. Wide ranges of infection or contamination rates are reported; however, the design of the studies are so diverse that the results cannot be compiled into a national report. Although a true measure of salmonella incidence in animals and feeds is not known, we must consider them potential reservoirs of salmonellae.

Upon being confronted with reports of finding salmonella organisms in livestock and poultry feeds and ingredients, questions arise in several areas. How do these products become contaminated? To what degree is this contamination responsible for salmonellosis in poultry, domestic animals, and man? Finally, how can this potential hazard be reduced or eliminated?

Animal by-products and marine products used in feeds as protein concentrates often are incriminated as vehicles for salmonella. Studies conducted at rendering plants reveal that the heat of rendering is sufficient to kill salmonellae. Recontamination of the finished product may occur after processing, especially during storage or the transporting operation. Experience has shown that rigid sanitation practices in the production and handling of rendered material are essential in preventing recontamination.

This manner of transmission is an attractive concept of disease cycling and recycling among livestock and poultry and has been demonstrated in a limited number of epizootics in the United States. However, other important sources such as contaminated farms, vehicles, animal concentration points, and slaughter and processing areas must also be considered potential reservoirs for salmonellae. In addition, infected persons are a potential reservoir of transmission to livestock and poultry and to other persons. With few exceptions, salmonella serotypes are not host specific, and cross infection between species is frequent.

What kinds of things should we be doing about this very complex animal and human problem? First, we must investigate the trouble spots to identify the problems and be in a position to take corrective action and prevent even greater problems in the future. The first part is now being examined by specialized state and federal veterinary epizootiologists. These persons should increase such activities in working with practicing veterinarians, diagnostic laboratories, public health and agricultural agencies, and livestock, poultry, rendering, and feed industry groups.

From an epizootiologic standpoint, we need to determine the reasons for the more frequent appearance of some serotypes over others. For example, *Salmonella typhimurium* constitutes about 20% of the recoveries from livestock and poultry. From the diagnostic standpoint, we need better techniques for the isolation of salmonellae from feed products, animals, and the environment, along with a better understanding of the resistance of the organisms to physical and chemical agents. More work needs to be carried out to determine the scope and effect of salmonella infection in chronically ill and apparently healthy livestock and poultry on the farm.

In summary, industry and government, working together now and in the future, need to give increasing, continuous emphasis to the prevention of contamination and recontamination of feed and feed ingredients in rendering plants, feed mills, and on-the-farm utilization and storage of feeds. Finally, because increasing intensification of livestock and poultry raising results in greater numbers of animals on fewer highly specialized farms, producers will need to give increased attention to husbandry sanitation practices designed to aid in controlling diseases spread by fecal contamination, such as salmonellosis.

The veterinary practitioner can be of professional help to his clients by counseling them on the importance of sound disease prevention and sanitation practices in the management of livestock and poultry and in the housing and care of pets.

Many believe the chain of infection could be broken by producing feeds free of salmonellae and preventing recontamination of such products. This would certainly help; however, the attack must be made in all quarters outlined herein if salmonellosis in agriculture is to be successfully controlled.

[From Public Health Reports, September 1967]

SALMONELLA EXECRETION BY TURLES

(By Arnold F. Kaufmann, D.V.M., James C. Feeley, B.S., and Wallis E. DeWitt, M.S., M.P.H)

(Dr. Kaufmann is a veterinary epidemiologist and Mr. Feeley and Mr. DeWitt are microbiologists in the Epidemiology Program, National Communicable Disease Center, Public Service, Atlanta, Ga.)

The pet turtle as a potential source of salmonellosis has been pointed out.[1, 2] The evidence is clear-cut—a pet turtle is brought into a home and within a few days one or more persons handling the turtle becomes ill. Upon investigation, the same *Salmonella* serotype is recovered from the patient and the turtle. Quite commonly, however, a turtle is in the home for several months before any person becomes ill. One wonders in such instances whether the turtle had the organism when it was brought into the home or whether it was infected from some source after it arrived.

To supply a logical basis for evaluation of these points, we attempted to determine if naturally infected pet turtles would have salmonellae in the feces for prolonged periods of time. As an adjunct to the study, we tried to quantitate the levels of *Salmonella* contamination in the typical environment of a pet turtle.

MATERIAL AND METHODS

The animals studied were young dormant turtles (*Pseudemys scripta-elegans*) obtained from a commercial turtle breeder in March, 1966. They had been hatched and refrigerated at the end of the preceding summer (1965). Since hatching the turtles had received neither food nor water. The original group of 100 turtles was divided into subgroups of 10 each, and each subgroup was kept in a separate shallow pan. Their diet consisted of lettuce rinsed in 10 percent hypochlorite solution to remove any possible *Salmonella* contamination, and the water used in the pans was from a chlorinated drinking water supply. The pans were sterilized weekly, and the water was changed as often as every other day. Samples of water were cultured approximately every 2 weeks during the 27-week test period.

In an attempt to quantitate levels of contamination reached in a container with only a single turtle, one subgroup of 10 turtles was selected and each turtle was placed in a separate sterile pan containing 1,200 ml. of fresh water. Levels of contamination were checked by the most probable numbers method[3] at 24, 48, and 72 hours. The quantitation was stopped at 3 days, because it was felt that a typical owner would change the water that frequently for esthetic reasons. This experiment was repeated three times in 3 successive weeks. Standard methods of isolation and identification of salmonellae were used.[4] Tetrathionate broth was used for enrichment, and brilliant green agar plates were used for primary isolation.

RESULTS

The results of cultures from the 10 groups are summarized in table 1. Seven of the ten groups excreted salmonellae for most of the 27-week period. However, water samples from group C were consistently negative beginning at the 7th week, group G at the 9th week, and group D at the 15th week. *Salmonella* serotypes recovered at the start of the experiment were *Salmonella blockley*, *Salmonella eimsbuettel*, *Salmonella heidelberg*, *Salmonella livingstone*, and *Salmonella saint-paul*. On one occasion an *Arizona* organism was recovered. After 7 weeks only two serotypes, *S. blockley* and *S. heidelberg*, were rovered. From this point on, each positive container consistently yielded but one of these two serotypes. Of the seven groups of turtles still having *Salmonella* at the end of the test period, five yield *S. blockley* and two *S. heidelberg*.

DISCUSSION

By the end of the test period, all the turtles were more than 1 year old, *Salmonella* excretion was evident in all 10 groups at least 9 months after hatching and in seven after a full year. In the pet turtle industry, there is no carryover from one year to the next; they are either sold because of a large demand or they die, since they have poor viability. It is apparent, therefore, from these results that naturally infected turtles can be expected to remain a hazard for the duration of their commercial suitability. Since turtles are usually not kept very long as pets, they can be expected to remain a hazard for the duration of their stay in a household.

It is impossible to equate contamination levels with any particular degree of risk of infection, but they surely represent a sizable potential inoculum to a young child, the usual victim. * * *

The results of this study seem to indicate that merely retaining a turtle for a period of

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Footnotes at end of article.

time will not necessarily eliminate the carrier state. Attempts to treat carrier turtles with antimicrobial agents have been unsuccessful (personal communication, V. D. Foltz, University of Kansas, July 1965). Thus attempts at control will have to be made earlier in the turtle's life cycle. One study has indicated transovarial passage of salmonellae in the turtle, but the serotype involved, Salmonella rubislaw, may be those adapted and thus a special case. A subsequent attempt to corroborate these results was unsuccessful, but it indicated that contamination of the soil on the banks of turtle ponds may serve as a significant source of contamination (unpublished data, A. F. Kaufmann, National Communicable Disease Center, June 1966). Possibly salmonellae from such a source contaminate the surface of a newly laid egg, subsequently penetrate the shell, and thereby infect the young turtle before it hatches. Further study is needed in this area, as it seems to offer the key to control of this problem.

FOOTNOTES

[1] Rosenstein, B. J., Pietro, R., and Hinchliffe, M. C.: A family outbreak of salmonellosis traced to a pet turtle. New Eng J Med 272: 960–961, May 6, 1965.

[2] Williams, L. P., and Helsdon, H. L.: Pet turtles as a cause of human salmonellosis. PAMA 192: 347–351, May 3, 1965.

[3] Hoskins, J. K.: Most probable numbers for evaluation of coli-aerogenes tests by fermentation tube method. Public Health Rep 49: 393–405. Mar. 23, 1934.

[4] Edwards, P. R., and Ewing, W. H.: Identification of Enterobacteriaseae. Ed. 2. Burgess Publishing Co., Minneapolis, Minn., 1962.

TABLE 2.—SALMONELLA HEIDELBERG ORGANISMS PER 100 MILLILITER OF WATER IN CONTAINERS WITH SINGLE TURTLE, MOST PROBABLE NUMBERS METHOD

Turtle number and day of sampling	1st week	2d week	3d week
I–1:			
1	0	0	0
2	0	3.6	0
3	0	0	0
I–4:			
1	9	46.0	150.0
2	0	1,100.0	1,100.0
3	9	90.0	240.0
I–5:			
1	60	0	9.0
2	240	0	3.6
3	30	0	3.6
I–6:			
1	0	0	0
2	0	9	0
3	0	0	0
I–8:			
1	[1] >1,100	240.0	36.0
2	>1,100	>1,100.0	1,100.0
3	>1,100	>1,100.0	460.0
I–9:			
1	>1,100	>1,100.0	0
2	>1,100	>1,100.0	3.6
3	>1,100	>1,100.0	0
I–10:			
1	>1,100	0	0
2	150	0	0
3	15	0	0

[1] Salmonellae in excess of capacity of test system.

Note: The water sampled from containers of turtles I–2, I–3, and I–7 did not show Salmonella organisms.

TABLE 1.—SALMONELLAE FOUND IN CULTURES OF WATER SAMPLES FROM CONTAINERS WITH 10 TURTLES FOR 27 WEEKS

Container	Week											
	1	3	5	7	9	11	15	17	20	22	25	27
A	+	+	+	+	+	+	+	+	+	+	+	+
B	+	+	+	+	+	+	+	+	+	−	+	−
C	+	+	+	−	−	−	−	−	−	−	−	−
D	+	+	−	+	−	+	−	−	−	−	−	−
E	+	+	+	+	+	+	+	+	+	+	+	+
F	+	+	+	−	+	+	+	+	+	+	−	+
G	+	+	−	+	−	−	−	−	−	−	−	−
H	+	+	+	+	+	+	+	+	+	+	+	+
I	+	+	−	+	−	+	−	+	+	+	+	+
J	+	+	+	+	+	+	+	−	+	+	−	+

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 230

At the request of Mr. JAVITS, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of Senate Resolution 230, to encourage a moratorium on underground nuclear weapons testing and to promote negotiations for a comprehensive test ban treaty.

NATIONAL LAND USE POLICY ACT OF 1971—AMENDMENT

AMENDMENT NO. 996

(Ordered to be printed and referred to the Committee on Interior and Insular Affairs.)

Mr. MOSS. Mr. President, on behalf of the Senator from Washington (Mr. JACKSON), and the Senator from Colorado (Mr. ALLOTT), I submit an amendment to the bill S. 992, the National Land Use Policy Act of 1971.

Also on behalf of the Senator from Washington (Mr. JACKSON), I ask unanimous consent that the text of the amendment and a letter from the Secretary of the Interior, the Honorable Rogers C. B. Morton, which accompanied the amendment, be printed in the RECORD at this point.

There being no objection, the amendment and letter were ordered to be printed in the RECORD, as follows:

AMENDMENT No. 996

(a) Amend paragraph (3) of subsection (a) of section (104) by inserting after the word "benefit" and before the colon the following language: ", including a method for exercising State control over the site location and the location of major improvements and major access features of key facilities".

(b) Amend section 107 by adding—

(1) an "(a)" before the word "Where" at the beginning of the paragraph, and

(2) the following new subsections:

"(b) Section 15 of the Airport and Airway Development Act (Public Law 91–258, 84 Stat. 227) is amended by adding the following new subsection:

" '(d) Any State which has not been found eligible for a management grant under section 104 of the National Land Use Policy Act by June 30, 1975, shall suffer a reduction of 7 per centum of its entitlement to Federal funds apportioned for airport development pursuant to paragraphs (A) and (B) of subsection (a) (1) and paragraphs (A) and (B) of subsection (a) (2) of this section, in fiscal year 1976. If that State has not been found eligible by June 30, 1976, it shall suffer a reduction of 14 per centum in fiscal year 1977, and if not found eligible by June 30, 1977, shall suffer a reduction of 21 per centum in fiscal year 1978. Any funds so withheld shall be included in the aggregate of airport and airway development funds and shall be made available to States found eligible for financial assistance under section 104 of the National Land Use Policy Act according to the criteria prescribed for the apportionment of such funds, excluding for purposes of computation any State or States found ineligible for financial assistance under section 104 of the National Land Use Policy Act.'

"(c) (1) Section 104, title 23 of the United States Code is amended by adding the following subsection:

" '(f) Any State which has not been found eligible for a management grant under section 104 of the National Land Use Policy Act by June 30, 1975, shall suffer a reduction of 7% of its entitlement to Federal-aid highway funds exclusive of planning and research which would otherwise be apportioned to such State in fiscal year 1976. If that State has not been found eligible by June 30, 1976, it shall suffer a reduction of 14% in fiscal year 1977, and if not found eligible by June 30, 1977, shall suffer a reduction of 21% in fiscal year 1978. Any funds so withheld shall be included in the aggregate of Federal-aid highway funds and shall be made available to States found eligible for assistance under section 104 of the National Land Use Policy Act according to criteria prescribed for the apportionment of Federal-aid highway funds, excluding for purposes of computation any State or States found ineligible for financial assistance under section 104 of the National Land Use Policy Act.' "

"(c)(2) Section 109(f), title 23 of the United States Code is amended by deleting 'or control of' in the first sentence."

"(d) Subsection 5(b) of the Land and Water Conservation Fund Act of 1965 (Public Law 88–578, 78 Stat. 897) is amended by adding after the second paragraph the following paragraph:

" 'Any State which has not been found eligible for a management grant under section 104 of the National Land Use Policy Act by June 30, 1975, shall suffer a reduction of 7% of its entitlement under paragraphs (1) and (2) of this subsection in fiscal year 1976. If that State has not been found eligible by June 30, 1976, it shall suffer a reduction of 14% in fiscal year 1977, and if not found eligible by June 30, 1977, shall suffer a reduction of 21% in fiscal year 1978. Any funds so withheld shall be included in the aggregate of land and water conservation funds and shall be made available according to the criteria prescribed for the apportionment of such funds, excluding for purposes of computation any State or States found ineligible for financial assistance under section 104 of the National Land Use Policy Act.' ";

(c) Amend the short title on lines 3 and 4 of page 1 by striking "National Land Use Policy Act of 1971" and inserting in lieu thereof "National Land Use Policy Act of 1972";

(d) Amend subsection (b) of section 106 and further amend section 107 by striking "1974" and inserting in lieu thereof "1975"; and

(e) Amend section 112 by striking "1972 through 1976" and inserting in lieu thereof "1973 through 1977".

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., February 8, 1972.
Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: On February 11, 1971, I forwarded to Congress on behalf of the Administration a proposed "National Land Use Policy Act of 1971." Hearings on that bill, S. 992 and other similar legislation, have been held before your Committee, and we understand the Committee is in the process of preparing its report.

I cannot overly stress the importance of this legislation. Land is our most basic and most abused resource. As the President said in his environmental message last year, "The use of our land not only affects the natural environment but shapes the pattern of our daily lives. Unfortunately, the sensible use of our land is often thwarted by the inability of the many competing and overlapping local units of government to control land use decisions which have regional significance." The Administration's proposal represents a crucial step towards reshaping the patterns of land use in closer harmony with wise environmental concepts.

During the past year this topic has received a great deal of public attention. The Council on Environmental Quality released in December, 1971, a study of the latest developments in the land use laws of several States. The Congressional hearings stimulated useful public debate.

In his environmental message to Congress today, the President reiterated his concern with abuse of our land resources and stressed the need for early action to promote responsible land use practices. Because of the importance he attaches to that topic, and as a result of the public attention which it has received, the President proposed two amendments to broaden and strengthen the Administration's proposal. The first would clarify the scope of State land use regulatory programs explicitly to include control over the siting of such key facilities as major airports, highways and recreation facilities. The second would provide sanctions against any State which failed to implement an adequate land use program.

The legislation submitted last year provided in part that to qualify for Federal funding the State land use program must include a method for exercising control over areas impacted by key facilities. Key facilities were defined as public facilities which tend to induce development and urbanization of more than local impact including major airports, highways and recreation facilities. Decisions as to the actual siting of such key facilities can, of course, dictate the uses to which the surrounding lands subsequently are put. Thus, we believe it desirable clearly to require that the States' land use programs include methods for exercising control over key facility site location, as well as major improvements and access features of such facilities.

Under our proposal of last year, the principal incentive for States to develop land use programs was the Federal matching grants for program development and program management. We now are persuaded that economic sanctions as well as grants should be provided to assure State action. Recognizing the significant effect which key facilities can have on broad land use patterns, the sanctions which we propose would reduce the amount of financial assistance under those Federal programs with the most far-reaching effect upon land use—airport and highway construction and recreation facilities. The proposed reductions would apply to any State which has not developed an adequate land use program by June 30, 1975. Any funds withheld from States which have not implemented adequate land use programs would be diverted to States complying with the National Land Use Policy Act, since complying States would be better able to make sound decisions with respect to activities with major land use impacts.

Attached to this letter is proposed language which would accomplish the objectives set forth above. In addition, in view of the passage of time since the proposal was introduced, the dates contained in certain sections (listed on the attachment) must be revised.

I urge that the Congress adopt these recommended amendments and act promptly to complete its consideration of this vitally important legislation.

The Office of Management and Budget has advised that enactment of S. 992, with the amendments recommended herein, would be in accord with the program of the President.

Sincerely yours,
ROGERS C. B. MORTON,
Secretary of the Interior.

TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT—AMENDMENT

AMENDMENT NO. 997

(Ordered to be printed and to lie on the table.)

Mr. MOSS submitted an amendment intended to be proposed to amendment No. 956, proposed to the bill (H.R. 12910) to provide for a temporary increase in the public debt limit.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 958

At the request of Mr. BYRD of West Virginia (for Mr. RIBICOFF), the Senator from California (Mr. TUNNEY) was added as a cosponsor of amendment No. 958, intended to be proposed to the bill (H.R. 1), the Social Security Amendments of 1972.

NOTICE OF HEARINGS ON THE NOMINATION OF MR. JACK O. HORTON OF WYOMING

Mr. MANSFIELD. This is to notify Senators and all others concerned that the Committee on Interior and Insular Affairs will be holding a hearing on Monday, March 13, in room 3110, New Senate Office Building, on the nomination of Mr. Jack O. Horton, of Wyoming, to be a member of the Joint Federal-State Land Use Planning Commission for Alaska.

ADDITIONAL STATEMENTS

AN ALTERNATIVE TO THE URBAN CRISIS

Mr. TALMADGE. Mr. President, last week, the Committee on Agriculture and Forestry was honored to add a new consultant in rural development to its staff. He is Dr. Peter Goldmark, one of the leading figures in the technological revolution which has helped make this Nation so great.

Dr. Goldmark is best known as the inventor of the long-playing record, the first practical color television system and of the device which permits us earthbound people to communicate with our astronauts in space.

Now he is devoting his energies to applying existing technology to the problems of renewing rural America. He calls his proposal, "The New Rural Society."

Clearly there is much in the Goldmark concept which can be used by both private business and Government to add new dimensions and weight to the efforts to stop the migration of people from the countryside—and hopefully, even reverse it.

I ask unanimous consent to have printed in the RECORD Dr. Goldmark's remarks to the committee on Wednesday, March 1.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

THE NEW RURAL SOCIETY

(By Dr. Peter C. Goldmark, President and Director of Research, Goldmark Communications Corporation)

Ninety percent of the population of the United States lives today on less than ten percent of the land. If the trend is allowed to continue, the year 2000 will find 200 million of the nation's then 300 million people still living on less than ten percent of our total land area—and crowded into twelve densely-populated urban centers.

Half of the population—150 million Americans—will be huddled together in the three largest urban concentrations: Boston-Washington, Chicago-Pittsburgh, and San Francisco-San Diego. And experience has already proven that high-density living inevitably results in increasing many fold the problems of crime, narcotics, poverty, pollution, traffic, housing, education—and just plain living.

We have been heading inexorably toward today's crisis of urban overpopulation and rural underpopulation for the past several centuries. A look backward to the beginnings of mankind reveals that this environmental blight—ecologically and economically—was inevitable.

Man is gregarious—by nature and by necessity.

Ten thousand years ago, when families lived in crude shelters or caves, the ten million people on this earth, about the population of Greater New York City today, organized tribal communities for mutual protection and for social relationships. Men could provide better for their families by hunting and fishing together. They could protect them better against enemy attack by living close to one another.

Land was the hard-core basis of existence for many thousands of years. Man used the land to graze the cattle he raised to feed and clothe his family. He used the land to grow the crops he fed his family. Nature provided him with clear air to breathe, clean water to drink, and the raw materials from which to create shelter and to fabricate essential implements.

Eventually, the beginnings of trade developed. Individual artisans evolved, specializing in making tools and clothing and other products which they bartered to provide for their own families' needs.

Men began to explore. They traveled over land and water to hitherto unknown places. They opened up new markets for their own goods and returned home with products of the places they visited.

Soon, as we measure time in history, inventive minds found ways of producing goods in mass quantities. And the industrial revolution took workers out of their homes and into manufacturing complexes. Communities became cities. Our patterns of living changed drastically.

Farmers continued to remain independent operators for a good many years, working their individual farms, free from the turmoil of the cities. But the cities grew larger and larger. Entrepreneurs found centralized operations easier to manage and people wanted to live close to their places of employment.

We began to pollute the air and the water—with even those who recognized the pollution considering it a necessary evil of progress.

Science and technology grew more sophisticated. During the past 200 years, the number of books (titles) grew from a million to 50 million. Scientists could now learn about ideas and discoveries of others without having to explore ground already covered. The flood of textbooks accelerated teaching.

The end result has been an abundance of new and attractive products, with increased productivity making possible more and more goods, and with more and more people marketing them from more and more consumers.

World population has sharply increased in the last few hundred years. By the year 2000 there will be six billion people on earth. And life expectancy today is two and a half times what it was 200 years ago when 30 years was the average life span.

The abundance of land has, of course, remained. But we are overlooking the use of most of it. This country is supposed to have the highest standard of living the world has ever known. But millions of people are crowded into the squalor of unsafe, unhealthy, crime-ridden ghettos.

Agriculture and forestry, upon which we depend for the food we eat, the raw material for clothing and shelter, and many of the conveniences of modern living, is becoming industrialized.

The young people of rural America are flocking to the larger cities in far greater numbers than they ever did. And ever since World War II, the increasing availability of higher education has made the big city a mecca for the young college graduate who sees little possibility for the "fuller life" in the rustic or smalltown atmosphere in which he was raised.

The floodtide influx to the cities began with the demands of World War I production. It surged away up again when the United States became the "Arsenal of Democracy" for World War II.

Many workers who have come to the huge industrial centers during peak production periods have not been equipped by temperament or training to survive economically in the times of oversupply of labor. Result: the enervating ghettos have developed with all their attendant evils. Ghetto children are raised without proper shelter, proper food, proper education and with an instilled belief that there is no place for them in established society.

Disadvantaged in every respect, they quit school early, can't find jobs to support themselves, turn to drugs for pseudoamelioration of their lives, and to crime to support the expensive false luxury of non-reality. Dropouts from productive society, they are a continuing menace to the well-rounded life which the so-called "square" citizens of the metropolises seek.

Middle class big-city residents are finding life for themselves and their families more and more intolerable. Transportation to and from work is a daily nightmare. Proper schooling for their children is suffering from overcrowded conditions and insufficient tax revenues to correct the situation. Decent rental housing is practically out of reach. Individual home owners are becoming rarities because of inadequate land space and sky-high building costs and taxes. Cultural and entertainment opportunities abound but crime on the streets makes people hesitate to take advantage of them.

Suburbia is no longer the answer. The once quiet, homelike communities to which city workers escaped from the urban jungle are themselves becoming overcrowded and citified—by their very proximity to the large metropolitan centers. Mass transportation between cities and suburbs has become unpredictable, uncomfortable and uneconomic.

Meanwhile, rural communities, isolated from the bustle of city life, are for that very reason dwindling away to unproductive bucolicism with inadequate tax money for essential public services because local population and business are on the downturn.

A solution must be found to the dilemma of too many people in the cities and two few people in the rural areas. If we are going to have 100 million more Americans in the year 2000, we must provide them with the kind of living and working environment they want either in an improved urban atmosphere or in a newly-created Ruralurbia.

The population dispersement problem has not gone unrecognized by socio-economists. In 1968, at the request of the President's Advisory Group on Telecommunications, the National Academy of Engineering created a panel to develop ways of applying communications technology to the alleviation of existing urban conditions and to more productive use of the nation's land resources.

This panel joined forces with the Connecticut Research Commission to form a joint NAE-CRC committee on Cities of the Future. The group's research has had the joint support of the Departments of Housing and Urban Development, Justice, Commerce, Transportation and Health, Education and Welfare, as well as the U.S. Postal Service, the Federal Communications Commission, and the National Science Foundation.

The Rural Development Subcommittee of the Senate Committee on Agriculture and Forestry has expressed the conviction that the recommendations of the NAE-CRC task force are not only practical but are essential to the future of rural America.

The Concept of the new rural society can breathe life back into expiring rural communities and relieve urban congestion. It can provide our citizens with the kind of living each individual family feels is best suited to its day-by-day wants.

The new rural society is practical. We already have all the essential tools with which to accomplish it. Science and technology have invented the communications techniques. All we have to do is to innovate these techniques to bring to smalltown living big-town conveniences, culture and leisure-living opportunities, without the byproducts of pollution and poverty and rampant crime.

The new rural society is not wishful thinking. Phase I in making it a working reality underway. Funded by HUD, endorsed by the State of Connecticut, under personal observation by representatives of ten other states, hailed as a giant step forward by numerous federal agency officials and political leaders, a twelve-month study is now being made in a rural area in northeastern Connecticut—the Windham Region Planning Region—which is in a sense a microcosm of this country's population pattern.

The study—budgeted at $361,000—is being conducted by Fairfield University. Because of my background as chairman of the original NAE panel and the NAE-CRC joint committee, I am serving as the project's director as my personal contribution to the cause. Technical assistance is being provided by the staff of Goldmark Communications Corporation. Actual testing of the efficacy of two-way, multi-use communications systems is being made possible through free access to the Southern New England Telephone Company's microwave link between Willimantic and Hartford.

The Windham Region covers about 326 square miles with its western border some 25 miles from Hartford. Only five percent of its land is urban. Thirteen percent is agricultural. The remaining 82 percent is undeveloped.

About 33 percent of the labor force living in the Windham Region commutes out of the area—78 percent of these commuters working in Hartford or its environs. The development of new towns or moderate expansion of existing communities could provide the needed facilities for business and industry to operate in the towns, enabling people to work in the communities in which they live.

The result of the Windham study will develop a format for the nation to adopt if we really want to face up to the crisis confronting us. It is an opportunity to turn the country around, effecting requisite relief to urban pressures and rural debilitation.

It will give people a free choice of living in comfort in a big city or in a small community—enjoying equal benefits in both, according to individual tastes.

What will be the way of life of the average family in the new rural society?

First of all, if the head of a family is to provide them with the necessities and amenities of life, he must have a choice of productive employment in work for which his skills and bent best suit him.

Commerce and industry have already decentralized much of their operations. Telephone and TWX, for example, provide readily available communications between one point and another—between corporate headquarters and its plants and branch office operations. But this type of communications is basically a one-to-one facility. Through existing communications technology, "both-way" broadband cables can provide right now up to 40 channels in use simultaneously.

With broadband installation, a company can set up specialized operations anywhere. Everyone in the company involved in any phase of an operation can be in constant touch with that operation—and simultaneously with other locations—through audi-video interconnected multi-channel telecommunications. Visual material, from letters to blueprints, computer output and the like, can be instantaneously transmitted from any company facility to other facilities.

This means that it is not ncessary for national concerns to house thousands of workers in soaring skyscrapers to conduct their widespread enterprises efficiently. Quiet communities in rustic surroundings can be utilized or new towns established to accommodate moderately-sized staffs, with companies in complete communications at all times with all of their activity-sites.

These communities will afford the man or woman earning a living the opportunity to progress from an economic viewpoint, while enjoying a well-rounded life, without the traumatic existence of big-city working and living.

Within the communities of the New Rural Society, internal communications networks will provide every essential public service a family needs for everyday living. A two-way random access network will serve as a basic "nerve system" as vital as streets, water and power. This network, encompassing voice, data and videophone, will put anyone in immediate contact with anyone else to meet emergencies or to carry on regular daily communications.

A network of broadband cables carrying a multitude of television channels into individual homes will provide the ability to "attend" municipal agency meetings via the home television set. Its two-way faculty will enable instant polling of public opinion on important community issues under discussion. Through "frame freezing," the householder will be able to get on demand (via his television set) such diverse information as travel schedules, weather conditions, pollution levels, shopping opportunities, traffic conditions, listings of current cultural and entertainment events, and so on.

Key community officials and vital institutions will be interconnected through broadband cable to insure smooth operation of public services. The system will include city hall and all municipal offices, hospitals and nursing homes, schools and colleges, libraries, police and fire stations, bus and railroad terminals, airports, and any other town facilities.

Superimposed on these networks will be a town emergency service: the 911 police and fire emergency system, augmented by automatic identification of a caller's location, as well as a system to keep constant track of the locations of vehicles operated by police, fire, sanitation, utilities, and other fleet operations.

Radio and television broadcast facilities will be integral to the communications capabilities. Private and public network broadcasting will be brought in. A special cable system will provide local-origin programs of specific interest to the individual community.

This new rural living will immeasurably extend the opportunities for higher education for the youth of these communities. Each town will have a small local campus interconnected by two-way broadband television circuits with the region's central university. No institution of higher learning will have to turn down worthy students because of lack of room or teaching staff. Local students will gather in their own classrooms and participate in classroom discussion at the main campus and listen to lectures by the faculty members stationed there.

General cultural and entertainment events of quality will not be overlooked. As part of a national high-definition closed-circuit television network, broadband cable systems will bring the opera, concerts, live Broadway productions, top sports events and so on to theaters especially equipped to receive such performances. A high-resolution color television system of 1,000 lines will use cameras and projectors particularly designed for live pick-up and large screen projection.

The most suitable national distribution method for this system is probably through a synchronous satellite, broadcasting several of these high-definition TV signals which will be received by the local high-gain fixed antennas.

A major goal of the Windham Region project is to create an intergovernmental body of federal and state officials with the responsibility of initiating a coordinated national effort to spread our population literally across the land and truly take advantage of our greatest natural resource—land. The official observers from the states and the federal agencies will have first-hand knowledge of this projection potential of the program when the current regional test study is completed.

The Windham Region task force is studying with business and government the specific nature of day-by-day procedures, practices and communications that now usually result in meetings, memos, letters, presentations, and other often wasteful consumption of expensive man-hours. It is developing methods of substituting broadband and other communications media to handle these routines. The end-result of this phase of the study will be practical data on how effectively multi-location operations can function within the concept of a new rural society.

Windham Region planners and other town officials are being consulted on standards and limits to establish the optimum rate and pattern of growth to ensure the highest equality of living. The studies are being coordinated with relevant State agencies to make sure that the program developed is in the best interests of Connecticut as a whole. It will also be established, that when a working program is charted out, the necessary supporting resources (utilities, surface and air transportation, etc.) will be available, based on decided-upon growth goals.

The study team is experimenting with the use of a variety of terminal equipment for broadband and various communications links to ascertain the specific implementation needed to provide the essential services to make the development of the communities feasible and self-sufficient.

This is the concept of the New Rural Society. The year's study results should define and expand its practicability and desirability. The problem is not a new one. It has been with us a long time. People have huddled in high-density complexes because rural areas did not seem to offer any opportunities. It is up to us to reverse the trend.

The British realized the direction in which their own country was heading more than a quarter of a century ago. In 1944, the Abercrombie Plan provided for the establishment of a whole series of new towns around London, beyond the so-called Green Belt.

Thirty-one new towns were built. They all attracted business and industry. But office employment continues to increase in London. Britain has concluded that no program of this nature can be successful within the framework of existing, overtaxed communications facilities. Decentralization without communications expansion only serves to reduce operating efficiency of existing facilities.

As a result, the British are currently designing several broadband services: a national data network, conference television, cable educational television for the London area, and household wired television.

We have available today all the communications technology to carry on the program we are proposing. We need only to innovate, not invent. Most cities are already social networks of communications. But if we superimpose on these electronic networks without forethought, the results will be a greater congestion and complexity of operation—and the danger of a breakdown, rather than a buildup, of essential social and business relationships.

We must plan new small towns and the reasonable enlargement of smaller communities in rustic areas on the basis of an integrated, efficient. and self-sufficient network of communications, of transportation, of utilities. With meticulous planning and with meticulous follow-through, the New Rural Society will become a reality, healing many of our social ills.

A TRIBUTE TO TWO STALWART GENTLEMEN

Mr. PACKWOOD. Mr. President, I take this moment to pay tribute to two of my fellow Oregonians who have, together, devoted 140 years to the banking profession in the city of McMinnville, Oreg.

Frank Wortman, president of the First National Bank of McMinnville, and his brother Ralph Wortman, vice president, have each spent more than 70 years with the institution, which is Oregon's oldest independent bank. It was, in fact, the first of its kind on the west side of the Willamette Valley between Portland and Eugene.

The bank was founded in 1883 and lists as one of its first bookkeeping items the repair of wooden sidewalks damaged in dragging a large safe necessary for banking operations from the railroad station to its place of use. It is, however, now completely modern in edifice and operations.

In my opinion, Frank and Ralph Wortman are fine examples of the pioneer spirit in our State, as well as the vigorous nature of many of our citizens.

UNIVERSITY OF LOUISVILLE BASKETBALL SEASON

Mr. COOK. Mr. President, tonight the University of Louisville basketball team concludes the most sucessful season in its illustrious history. Currently ranked second and third in the major wire service polls, the Cardinals have aroused the enthusiasm and spirit of the community of Louisville and the State of Kentucky.

Largely responsible for the great improvement of the University of Louisville team has been first year Coach Denny Crum, who came to Louisville after being assistant coach to Johnny Wooden to UCLA. As a former member of the board of trustees of the university, I am well aware of the great value of a successful athletic program, both to a college and a community. The University of Louisville Cards have certainly contributed immeasurably to the community of Louisville for many years. They have never had a losing season in basketball, a claim few other major colleges can make.

The Cardinals are again guaranteed an opportunity to participate in a post-season tournament this year. I take this opportunity to congratulate Coach Crum and his fine team on their highly successful season, and offer them my best wishes for continued success in their post-season endeavors.

FORCED SCHOOL BUSING

Mr. TALMADGE. Mr. President, I am a regular reader of Commentary magazine, published by the American Jewish Committee, and regard it as one of the finest journals of opinion in the United States.

I was very much interested to read in the March issue of this magazine an excellent discussion of forced school busing by Nathan Glazer, professor of education and social structure at Harvard. Professor Glazer's assessment of the busing controversy is one of the most incisive and perceptive discussions that I have had an opportunity to read. He eloquently argues that forced school busing is not necessary to achieve quality education, and that it, in fact, works to create the opposite. Neither, according to Professor Glazer, is it required or sanctioned by the Constitution.

Also, the magazine contained an editorial comment by Norman Podhoretz, editor of Commentary, on Mr. Glazer's article, which I also bring to the attention of the Senate.

I ask unanimous consent that these articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Is Busing Necessary?

(By Nathan Glazer)

It is the fate of any social reform in the United States—perhaps anywhere—that, instituted by enthusiasts, men of vision, politicians, statesmen, it is soon put into the keeping of full-time professionals. This has two consequences. On the one hand, the job is done well. The enthusiasts move on to new causes while the professionals continue working in the area of reform left behind by public attention. But there is a second consequence. The professionals, concentrating exclusively on their area of reform may become more and more remote from public opinion, and indeed from common sense. They end up at a point that seems perfectly logical and necessary to them—but which seems perfectly outrageous to almost everyone else. This is the story of school desegregation in the United States.

For ten years after the 1954 Supreme Court decision in *Brown*, little was done to desegregate the schools of the South. But professionals were at work on the problem. The NAACP Legal Defense Fund continued to bring case after case into court to circumvent the endless forms of resistance to a full and complete desegregation of the dual school systems of the South. The federal courts, having started on this journey in 1954, became educated in all the techniques of subterfuge and evasion, and in their methodical way struck them down one by one. The federal executive establishment, reluctant to enter the battle of school desegregation, became more and more involved.

The critical moment came with the passage of the Civil Rights Act in 1964, in the wake of the assassination of a President and the exposure on television of the violent lengths to which Southern government would go in denying constitutional rights to Negroes. Under Title IV of the Civil Rights Act, the Department of Justice could bring suits against school districts maintaining segregation. Under Title VI, no federal funds under any program were to go to districts that practiced segregation. With the passage of the Elementary and Secondary Education Act in 1965, which made large federal funds available to schools, the club of federal withdrawal of funds became effective. In the Departmentof Justice and in the Department of Health, Education and Welfare, bureaucracies rapidly grew up to enforce the law. Desegregation no longer progressed painfully from test case to test case, endlessly appealed. It moved rapidly as every school district in the South was required to comply with federal requirements. HEW's guidelines for compliance steadily tightened, as the South roared and the North remained relatively indifferent. The Department of Justice, HEW, and the federal courts moved in tandem. What the courts declared was segregation become what HEW declared was segregation. After 1969, when the Supreme Court ordered, against the new administration's opposition, the immediate implementation of desegregation plans in Mississippi, no further delay was to be allowed.

The federal government and its agencies were under continual attack by the civil-rights organizations for an attitude of modernization in the enforcement of both court orders and legal requirements. Nevertheless, as compared with the rate of change in the years 1954 to 1964, the years since 1964 have seen an astonishing speeding-up in the process of desegregating the schools of the South.

Writing during the Presidential campaign of 1968, Gary Orfield, in his massive study, *The Reconstruction of Southern Education*, stated:

"To understand the magnitude of the social transformation in the South since 1964, that portrait of hate [of black students walking into Little Rock High School under the protection of paratroopers' bayonets] must be compared to a new image of tense but peaceful change. Even in the stagnant red clay counties in rural backwaters, where racial attitudes have not changed much for a century, dozens or even hundreds of black children have recently crossed rigid caste lines to enter white schools. Counties with well-attended Ku Klux Klan cross-burnings have seen the novel and amazing spectacle of Negro teachers instructing white classes. It has been a social transmutation more profound and rapid than any other in peacetime American history.

"This is a revolution whose manifesto is a court decision and whose heroes are bureaucrats, judges, and civil-rights lawyers. . . ."

Mr. Orfield thought that it was all coming to an end. With Nixon attacking the guidelines that had brought such progress, and with the civil-rights coalition coming apart in the fires of the cities of the North, Mr. Orfield wrote, "A clear electoral verdict against racial reconciliation [that is, the election of Mr. Nixon] could mean that the episode of the school guidelines may recede into history as an interesting but futile experiment." Mr. Orfield understimated the bureaucrats, the courts, and the overall American commitment to the desegregation of Southern schools. While Mr. Nixon's appointees were suffering the same abuse as Mr. Johnson's before them for insufficient zeal, the desegregation of the racially divided school systems of the South proceeded. Thus the Director of the HEW Office of Civil Rights, J. Stanley Pottinger, could summarize some of the key statistics as of 1970 in the following terms:

"When school opened in the fall of 1968, only 18 per cent of the 2.9 million Negro children in the Southern states attended schools which were predominantly white in their student enrollments. In the fall of 1970, that figure had more than doubled to 39 per cent . . . [and] the percentage of Negroes attending 100 per-cent black schools dropped . . . from 68 per cent to 14 per cent. In 1968, almost no districts composed of majority Negro (and other minority) children were the subject of federal enforcement action. It was thought . . . that the limited resources of government ought to be focused primarily on the districts which had a majority of white pupils, where the greatest educational gains might be made, and where actual desegregation was not as likely to induce white pupils to flee the system. . . . 40 per cent of all the Negro children in the South live in [such] systems . . . Obviously, the greater the amount of desegregation in majority black districts, the fewer will be the number of black children . . . who will be counted as "desegregated" under a standard which measures only those minority children who attend majority white schools.

"In order to account for this recent anomaly, HEW began to extract from its figures the number of minority children who live in mostly white districts and who attend mostly white schools. Last year, approximately 54 per cent of the Negro children in the South who live in such districts attended majority white schools. Conversely, nearly 40 per cent of the 2.3 million white children who live in mostly black (or minority) districts, now attend mostly black (or minority) schools.[1]

There has been further progress since, and if one uses as the measure the number of blacks going to schools with a majority of white children, the South is now considerably more integrated than the North.

Yet the desegregation of schools is once again the most divisive of American domestic issues. Two large points of view can be discerned as to how this has happened. To the reformers and professionals who have fought this hard fight—the civil-rights lawyers, the civil-rights organizations, the government officials, the judges—the fight is far from over, and even to review the statistics of change may seem an act of treason in the war against evil. Indeed, if one is to take committed supporters of civil rights at their word, there is nothing to celebrate. A year ago the Civil Rights Commission, the independent agency created by the Civil Rights Act of 1957 to review the state of civil rights, attacked the government in a massive report on the civil rights enforcement effort. "Measured by a realistic standard of results, progress in ending inequity has been disappointing. . . . In many areas in which civil-rights laws afford pervasive legal protection—education, employment, housing—discrimination persists, and the goal of equal opportunity is far from achievement." And the report sums up the gloomy picture of Southern school segregation, 16 years after *Brown*: "Despite some progress in Southern school desegregation . . . a substantial majority of black school children in the South still attend segregated schools."[2] Presumably, then, when a majority of Negro children attended schools in which whites were the majority, success by one measure should have been reported. But in its follow-up report one year later, this measure of success in Southern school desegregation was not even mentioned. The civil-rights enforcement effort in elementary and secondary schools, given a low "marginal" score for November 1970 (out of four possibilities, "poor," "marginal," "adequate," and "good"), is shown as having regressed to an even *lower* "marginal' score by May 1971, after HEW's most successful year in advancing school integration!

But from the point of view of civil-rights advocates, desegregation as such in the South is receding as a focus of attention. A second generation of problems has come increasingly to the fore: dismissal or demotion of black school principals and teachers as integration progresses and their jobs are to be given to whites; expulsions of black students for disciplinary reasons; the use of provocative symbols (the Confederate flag, the singing of Dixie); segregation within individual schools based on tests and ability grouping; and the rise of private schools in which whites can escape desegregation.

But alongside these new issues, there is the reality that the blacks of the North and West are also segregated, not to mention the Puerto Ricans, Mexican Americans, and others. The civil-rights movement sees that minorities are concentrated in schools that may be all or largely minority, sees an enormous agenda of desegregation before it, and cannot pause to consider a success which is already in its mind paltry and inconclusive. The struggle must still be fought, as bitterly as ever.

There is a second point of view as to why desegregation, despite its apparent success, is no success. This is the Southern point of view, and now increasingly the Northern point of view. It argues that a legitimate, moral, and Constitutional effort to eliminate the unconstitutional separation of the races (most Southerners now agree with this judgment of *Brown*), has been turned into something else—an intrusive, costly, painful, and futile effort to regroup the races in education by elaborate transportation schemes. The Southern Congressmen who for so long tried to get others to listen to their complaints now watch with grim satisfaction the agonies of Northern Congressmen faced with the crisis of mandatory, court-imposed transportation for desegregation. On the night of November 4, 1971, as a desperate House passed amendment after amendment in a futile effort to stop busing, Congressman Edwards of Alabama said:

"Mr. Chairman, this will come as a shock to some of my colleagues. I am opposing this amendment. I will tell you why. I look at it from a rather cold standpoint. We are busing all over the First District of Alabama, as far as you can imagine. Buses are everywhere . . . people say to me, 'How in the world are we ever going to stop this madness?" I say, "It will stop the day it starts taking place across the country, in the North, in the East, in the West, and yes, even in Michigan.'"

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[1] In *Inequality in Education*, Center for Law and Education, Harvard University, Aug. 3, 1971.

[2] *Federal Civil Rights Enforcement Effort*, 1970, p. 14.

And indeed, one of the amendments had been offered by Michigan Congressmen, longtime supporters of desegregation, because what had been decreed for Charlotte, North Carolina, Mobile, Alabama, and endless other Southern cities was now on the way to becoming law in Detroit and its suburbs.

As a massive wave of antagonism to transportation for desegregation sweeps the country, the liberal Congressmen and Democratic Presidential aspirants who have for so long fought for desegregation ask themselves whether there is any third point of view: whether they must join with the activists who say that the struggle is endless and they must not flag, even now; or whether they must join with the Southerners. To stand with the courts in their latest decisions is, for liberal Congressmen, political suicide. A Gallup survey last October revealed that 76 per cent of respondents opposed busing, almost as many in the East (71 per cent), Midwest (77 per cent), and West (72 per cent), as in the South (82 per cent); a majority of Muskie supporters (65 per cent) as well as a majority of Nixon supporters (85 per cent). Even more blacks oppose busing than support it (47 to 45 per cent). But if to stand with the further extension to all the Northern cities and suburbs of transportation for desegregation is suicide, how can the liberal Congressmen join with the South and with what they view as Northern bigotry in opposing busing? Is there a third position, something which responds to the wave of frustration at court orders, and which does not mean the abandonment of hope for an integrated society?

How have we come from a great national effort to repair a monstrous wrong to a situation in which the sense of right of great majorities is offended by policies which seem continuous with that once noble effort? In order to answer this question, it is necessary to be clear on how the Southern issue became a national issue.

After the passage of the Civil Rights Act of 1964, the first attempt of the South to respond to the massive federal effort to impose desegregation upon it was "freedom of choice." There still existed the black schools and the white schools of a dual school system. But now whites could go to black schools (none did) and the blacks could go to white schools (few dared). It was perfectly clear that throughout the South "freedom of choice" was a means of maintaining the dual school system. In 1966 HEW began the process of demanding statistical proof that substantially more blacks were going to school with whites each year. The screw was tightened regularly, by the courts and HEW, and finally in 1968, the Supreme Court gave the *coup de grâce*, insisting that dual school systems be eliminated completely. There must henceforth be no identifiable black schools and white schools, only schools.

But one major issue remained as far as statistical desegregation was concerned: the large cities of the South. For the fact was that the degree of segregation in the big-city Southern schools was by now no longer simply attributable to the dual school systems they, too, had once maintained; in some instances, indeed, these schools had even been "satisfactorily" (by some federal or court standard) desegregated years before. What did it mean to say that their dual school systems must also be dismantled "forthwith"?

Contrast, as a concrete instance, the case of rural New Kent County in Virginia, where the Supreme Court declared in 1968 that "freedom of choice" would not be accepted as a means of desegregating a dual school system. Blacks and whites lived throughout the county. There were two schools, the historic black school and the historic white school. Under "freedom of choice," some blacks attended the white school, and no whites attended the black school. There was a simple solution to desegregation, here and throughout the rural and small-town South, and the Supreme Court insisted in 1968, fourteen years after *Brown*, that the school systems adopt it: to draw a line which simply made two school districts, one for the former black school, and one for the former white school, and to require all children in one district, white and black, to attend the former black school, and all children in the other, white and black, to attend the former white school.

But what now of Charlotte, Mobile, Nashville, and Norfolk? To draw geographical lines around the schools of these cities, which had been done, meant that many white schools remained all white, and many black schools remained all black. Some schools that had been "desegregated" in the past—that is, had experienced some mix of black and white—had already become "resegregated"—that is, largely black or all black as a result of population movements rather than any official action.

If there were to be no black schools and no white schools in the city, one thing at least was necessary: massive transportation of the children to achieve a proper mix. There was no solution in the form of geographical zoning.

But if this was the case, in what way was their situation different from that of Northern cities? In only one respect: the Southern cities had once had dual school systems, and the Northern cities had not. (Even this was not necessarily a decisive difference, for cities outside the old South had also maintained dual systems until 1954. Indiana had a law permitting them until the late 1940's, and other cities had maintained dual systems somewhat earlier.) Almost everything else was the same. The dynamics of population change were the same. Blacks moved into the central city, whites moved out to the suburbs. Blacks were concentrated in certain areas, owing to a mixture of formal or informal residential discrimination, past or present, economic incapacity, and taste and these areas of black population became larger and larger, making full desegregation by contiguous geographical zoning impossible. Even the political structures of Southern and Northern cities were becoming more alike. Southern blacks were voting, liberal candidates appealed to them, Southern blacks sat on city councils and school boards. If one required the full desegregation of Southern cities by busing, then why should one not require the full desegregation of Northern cities by busing?

Busing has often been denounced as a false issue. Until busing was decreed for the desegregation of Southern cities, it was. As has been pointed out again and again, buses in the South regularly carried black children past white schools to black schools, and white children past black schools to white schools. When "freedom of choice" failed to achieve desegregation and geographical zoning was imposed, busing sometimes actually declined. In any case, when the school systems were no longer allowed to have buses for blacks and buses for whites, certainly the busing system became more efficient. After 1970, busing for desegregation replaced the busing for segregation.

But this was not true when busing came to Charlotte, North Carolina, and many other cities of the South, in 1971, after the key Supreme Court decision in *Swann* v. *Charlotte-Mecklenburg County Board of Education*. The City of Charlotte is 64 square miles, larger than Washington, D.C., but it is a part of Mecklenburg County, with which it forms a single school district of 550 square miles, which is almost twice the size of New York City. Many other Southern cities (Mobile, Nashville, Tampa) also form part of exceptionally large school districts. While 29 per cent of the schoolchildren of Mecklenburg County are black, almost all live in Charlotte. Owing to the size of the county, 24,000 of 84,500 children were bused, for the purpose of getting children to schools beyond walking distance. School zones were formed geographically, and the issue was, could all-black and all-white schools exist in Mecklenburg County, if a principle of neighborhood school districting meant they would be so constituted?

The Supreme Court ruled they could not, and transportation could be used to eliminate black and white schools. The Court did not argue that there was a segregative intent in the creation of geographical zones—or that there was not—and referred to only one piece of evidence suggesting an effort to maintain segregation, free transfer. There are situations in which free transfer is used by white children to get out of mostly black schools, but if this had been the problem, the Court could have required a majority-to-minority transfer only (in which one can only transfer from a school in which one's race is a majority, and to a school in which one's race is a minority), as is often stipulated in desegregation plans. Instead the Court approved a plan which involved the busing of some 20,000 additional children, some for distances of up to 15 miles, from the center of the city to the outer limits of the county, and vice versa.

Two implications of the decision remain uncertain, but they may lead to a reorganization of all American edudcation. If Charlotte, because it is part of the school district of Mecklenburg County, can be totally desegregated with each school having a roughly 71–29 white-black proportion, should not city boundaries be disregarded in other places and larger school districts of the Mecklenburg County scale be created wherever such action would make integration possible? A district judge has already answered this question in the affirmative for Richmond, Virginia.

But the second implication is: If Charlotte is—except for the background of a dual school system—socially similar to many Northern cities, and if radical measures can be prescribed to change the pattern that exists in Charlotte, should they not also be prescribed in the North? And to that question also a federal judge, ruling in a San Francisco case, has returned an affirmative answer.

San Francisco has a larger measure of integration probably than most Northern cities. Nevertheless *de facto* segregation—the segregation arising not from formal decisions to divide the races as in the South, but from other causes, presumed to be social and demographic—has long been an issue in San Francisco. In 1962, the NAACP filed suit against the school board, charging it with "affording, operating, and maintaining a racially segregated school system within the San Francisco Unified School District, contrary to and in violation of the equal protection and due process clause of the Fourteenth Amendment of the Constitution of the United States." As John Kaplan has written:

"The history of this suit is a short and strange one. The Board of Education retained for its defense a distinguished local attorney, Joseph Alioto [now the mayor], who was primarily an anti-trust specialist. Alioto started discovery proceedings and the heart seemed to go out of the plaintiffs.

"In any case, after admitting in depositions that the Board had no intention to produce a condition of racial imbalance; that it took no steps to bring about such a condition; that its lines were not drawn for the purpose of creating or maintaining racial imbalance; that there was no gerrymandering; and finally that the Board was under no obligation to relieve the situation by transporting students from their neighborhoods to other districts, the plaintiffs' attorney allowed the suit to be dismissed for want of prosecution on December 2, 1964."

It was assumed that this disposed of the legal issue. Meanwhile the San Francisco school system continued to struggle with the problem. After a long series of censuses, disputes, and studies, the school board proposed to set up two new integrated complexes, using transportation to integrate, one North and one South of Golden Gate Park. They were to open in 1970. When, however, one was postponed because of money problems, suit was brought once again by integration-minded parents, this time charging *de jure* segregation on the ground that the school board's failure to implement the two integrated school complexes amounted to an official act maintaining the schools in their presently segregated state.

Judge Stanley Weigel, before whom the matter was argued, very sensibly decided to wait for the Supreme Court's ruling in the Charlotte-Mecklenburg County case which, he and many others thought, might once and for all settle the question of whether *de facto* segregation was no less unconstitutional than *de jure* segregation. Although one may doubt from certain passages in the Charlotte-Mecklenburg decision that the Supreme Court did indeed mean to outlaw *de facto* segregation. Judge Weigel seems to have decided that it did. "The law is settled," he declared, "that school authorities violate the constitutional rights of children by establishing school attendance boundary lines knowing that the result is to continue or increase substantial racial imbalance."

But in ordering the desegregation of the San Francisco schools by transportation, Judge Weigel did not simply rest the matter on *de facto* segregation; he also listed acts of commission and omission which he believed amounted to *de jure* school segregation.

Now one can well imagine that a school board which does not or did not recently operate under state laws that required or permitted segregation could nevertheless through covert acts—which are equally acts under state authority—foster segregation. It could, for example, change school-zone lines, so as to confine black children in one school and permit white children to go to another school. It could build schools and expand them so that they served an all-black or all-white population. It could permit a transfer policy whereby white children could escape from black schools while blacks could not. It could assign black teachers to black schools and white teachers to white schools.

Judge Weigel charged all these things. The record—a recard made by a liberal school board, appointed by a liberal mayor, in a liberal city, with a black president of the school board—does not, in this layman's opinion, bear him out, unless one is to argue that any action of a school board in construction policy or zone-setting or teacher assignment that precedes a situation in which there are some almost all-black schools (there were no all-black schools in San Francisco) and some almost all-white schools (there were no all-white schools in San Francisco) can be considered *de jure* segregation.

Under Judge Weigel's interpretation, there is no such thing as *de facto* segregation. All racial imbalance is the result of state actions, either taken or not taken. If not taken, they should have been taken. *De facto* disappears as a category requiring any less action than *de jure*.

This is the position of many lawyers who are arguing these varied cases. I have described the San Francisco case because it led to a legal order requiring desegregation by transportation of the largest Northern or Western system so far affected by such an order. But massive desegregation had also been required by a district judge in Denver, who had then had his judgment limited by the Circuit Court of Appeals. It is this Denver case that will become the first case on Northern or Western *de facto* school segregation—if we still allow the term some meaning—to be heard by the Supreme Court. What the Supreme Court will have to decide is whether the historical difference between Charlotte and Denver permits Denver or any other city to do any less than Charlotte has been required to do in order to integrate its schools.

Simultaneously, Detroit and the surrounding counties and the state of Michigan are under court order to come up with a plan that permits the desegregation of the schoolchildren of Detroit by busing to the neighboring suburbs, and a federal judge is moving toward the same result in Indianapolis. If the Supreme Court should uphold the district judge's ruling in the Richmond case, it will then similarly have to decide whether anything in the history or practices of Detroit and Indianapolis justifies ordering less in those cities than has been ordered in the city of Richmond.

The hardy band of civil-rights lawyers now glimpses—or glimpsed, before the two latest appointments to the Supreme Court—a complete victory, based on the idea that there is no difference between *de facto* and *de jure* segregation, an idea which is itself based on the larger idea that there is no difference between North and South. What is imposed on the South must be imposed on the North. As Ramsey Clark, a former Attorney-General of the United States, puts it, echoing a widely shared view:

"In fact, there is no *de facto* segregation. All segregation reflects some past actions of our governments. The FHA itself required racially restrictive covenants until 1948. But, that aside, the consequences of segregated schooling are the same whatever the cause. Segregated schools are inherently unequal however they come to be and the law must prohibit them whatever the reason for their existence."

In other words, whatever exists is the result of state action. If what exists is wrong, state action must undo it. If segregated schools were not made so by official decisions directly affecting the schools, then they were made so by other official decisions—Clark, for example, points to an FHA policy in effect until 1948—that encouraged residential segregation. Behind this argument rests the assumption, now part of the liberal creed, that racism in the North is different, if at all, from racism in the South only in being more hypocritical. All segregation arises from the same evil causes, and all segregation must be struck down. This is the position that many federal judges are now taking in the North—even if, as Judge Weigel did, they try to protect themselves by pointing to *some* action by the school board that they think might make the situation *de jure* in the earlier sense as well.

II

I believe that three questions are critical here. First, do basic human rights, as guaranteed by the Constitution, require that the student population of every school be racially balanced according to some specified proportion, and that no school be permitted a black majority? Second, whether or not this is required by the Constitution, is it the only way to improve the education of black children? Third, whether or not this is required by the Constitution, and whether or not it improves the education of black children, is it the only way to improve relations between the races?

These questions are in practice closely linked. What the Court decides is constitutional is very much affected by what it thinks is good for the nation. If it things that the education of black children can only be improved in schools with black minorities, it will be very much inclined to see situations in which there are schools with black majorities as unconstitutional. If it thinks race relations can only be improved if all children attend schools which are racially balanced, it will be inclined to find constitutional a requirement to have racial balance.

This is not to say that the courts do not need authority in the Constitution for what they decide. But this authority is broad indeed and it depends on a doctrine of judicial restraint—which has not been characteristic of the Supreme Court and subordinate federal courts in recent years—to limit judges in demanding what they think is right as well as what they believe to be within the Constitution. Indeed, it was in part because the Supreme Court believed that Negro children *were* being deprived educationally that it ruled as it did in *Brown*. They were being deprived because the schools were very far from "separate and equal." But even if they were "equal," their being "separate" would have been sufficient to make them unconstitutional: "To separate them from others of similar age and qualifications simply because of their race generates a feeling of inferiority as to their race and status in the community that may affect their hearts and minds in a way unlikely ever to be undone."

While much has been made of the point that the Court ruled as it did because of the evidence and views of social scientists as to the effects of segregation on the capacity of black children to learn, the fact is that the basis of the decision was that distinctions by race had no place in American law and public practice, neither in the schools, nor, as subsequent rulings asserted, in any other area, whether in waiting rooms or golf courses. This was clearly a matter of the "equal protection of the laws." It was more problematic as to what should be done to insure the "equal protection of the laws" when such protection had been denied for so long by dual school systems. But remedies were eventually agreed upon, and the Court has continued to rule unanimously—as it did in *Brown*—on these remedies down through *Swann* v. *Charlotte-Mecklenburg Board of Education.*

Inevitably, however, the resulting increase in the freedom of black children—the freedom to attend the schools they wished—entailed a restriction on the freedom of others. In "freedom of choice," the freedom of white children was in no way limited. In geographical zoning to achieve integration, it was limited, but no more than that of black children. But in busing to distant schools, white children were in effect being conscripted to create an environment which, it had been decided, was required to provide equality of educational opportunity for black children. It was perhaps one thing to do this when the whites in question were the children or grandchildren of those who had deprived black children of their freedom in the past. But when a district judge in San Francisco ruled that not only white children but Chinese children and Spanish-speaking children must be conscripted to create an environment which, he believed, would provide equality of educational opportunity for black children, there was good reason for wondering whether "equal protection of the laws" was once again being violated, this time from the other side.

We are engaged here in a great enterprise to determine what the "equal protection of the laws" should concretely mean in a multi-racial and multi-ethnic society, and one in which various groups have suffered differing measures of deprivation. The blacks have certainly suffered the most, but the Chinese have suffered too, as has the Spanish-speaking groups, and some of the white ethnic groups. Is it "equal protection of the laws" to prevent Chinese-American children from attending nearby schools in their own community, conveniently adjacent to the afternoon schools they also attend? Is it "equal protection of the laws" to keep Spanish-speaking children from attending school in which their numerical dominance has led to bilingual classes and specially trained teachers? Can the Constitution possibly mean that?

One understands that the people do not vote on what the Constitution means. The judges decide. But it is one thing for the Constitution to say that, despite how the majority feels, it must allow black children into the public schools of their choice; and it is quite another for the Constitution to say, in the words of its interpreters, that some children, owing to their race or ethnic group alone, may not be allowed to attend the schools of their choice, even if their choice has nothing to do with the desire to discriminate racially. When, starting with the first proposition, one ends up with the second, as one has in San Francisco, one wonders if the Constitution can possibly have been interpreted correctly.

Again and again, reading the briefs and the transcripts and the analyses, one finds the words "escape" and "flee." The whites must not escape. They must not flee. Constitutional law often moves through strange and circuitous paths, but perhaps the strangest yet has been the one whereby, beginning with an effort to expand freedom—no Negro child shall be excluded from any public school because of his race—the law has ended up with as drastic a restriction of freedom as we have seen in this country in recent years. No child, of any race or group, may "escape" or "flee" the experience of integration. No school district may facilitate such an escape. Nor may it even (in the Detroit decision) fail to take action to close the loopholes permitting anyone to escape.

Let me suggest that, even though the civil rights lawyers may feel that in advocating measures like these they are in the direct line of *Brown*, something very peculiar has happened when the main import of an argument changes from an effort to expand freedom to an effort to restrict freedom. Admittedly the first effort concerned the freedom of blacks, the second in large measure concerns the freedom of whites (but not entirely, as we have seen from the many instances in the South where blacks have resisted the elimination of black schools, and in the North where they have fought for community-controlled schools). Nevertheless, the tone of civil-rights cases, has turned from one in which the main note is the expansion of freedom, into one in which the main note is the imposition of restrictions. It is ironic to read in Judge Stanley Weigel's decision, following which every child in the San Francisco elementary schools was placed in one of four ethnic or racial categories and made subject to transportation to provide an average mix of each in every school, an approving quotation from Judge Skelly Wright:

"The problem of changing a people's mores, particularly those with an emotional overlay, is not to be taken lightly. It is a problem which will require the utmost patience, understanding, generosity, and forbearance from all of us, of whatever race. But the principle is that we are, all of us, freeborn Americans, with a right to make our way, unfettered by sanctions imposed by man because of the work of God."

That was the language of 1956. One finds very little "patience, understanding," etc., in Judge Weigel's own decision, which required the San Francisco School District to prepare a plan to meet the following objectives:

"Full integration of all public elementary schools so that the ratio of black children to white children will then be and thereafter continue to be substantially the same in each school. To accomplish these objectives the plans may include:

"a. Use of non-discriminatory busing if, as appears now to be clear, at least some busing will be necessary for compliance with the law.

"b. Changing attendance zones whenever necessary to head off racial segregation."

According to Judge Weigel, the law even requires:

"Avoidance of the use of tracking systems or other educational techniques or innovations without provision for safeguard against racial segregation as a consequence."

Can all this be in the Constitution, too?

A second issue that would seem to have some constitutional bearing is whether those who are to provide the children for a minority black environment are being conscripted only on the basis of income. The prosperous and the rich can avail themselves of private schooling, or they can "flee" to the suburbs. And if the Richmond and Detroit rulings should be sustained, making it impossible to "escape" by going to the suburbs, the class character of the decisions would become even more pronounced. For while many working-class and lower-middle class people can afford to live in suburbs, very few can afford the costs of private education.

Some observers have pointed out that leading advocates of transportation for integration—journalists, political figures, and judges—themselves send their children to private schools which escape the consequences of these legal decisions. But even without being *ad hominem*, one may raise a mortal question: if the judges who are imposing such decisions, the lawyers who argue for them (including brilliant young lawyers from the best law schools employed by federal poverty funds to do the arguing), would not themselves send their children to the schools their decisions bring into being, how can they insist that others poorer and less mobile than they are do so? Clearly those not subject to a certain condition are insisting that others submit themselves to it, which offends the basic rule of morality in both the Jewish and Christian traditions. I assume there must be a place for this rule in the Constitution.

A key constitutional question with which the Supreme Court will now finally have to deal is whether *de facto* segregation is really different from *de jure* segregation, and if so, whether lesser remedies can be required to eradicate it.

Is there really a meaningful difference between a 100 per-cent black school under a law that prohibits blacks from going to school with whites, and a 100 per-cent black school that is created by residential segregation? The question has become even subtler: is there a difference between a majority black school in a city which once had *de jure* segregation, and such a school in a city which did not? I believe that the answer to the second question is no. But in the first case the distinction was meaningful when the Supreme Court handed down *Brown* and is meaningful today. In the *de facto* situation, to begin with, not all schools are 100 per cent segregated. Indeed, none may be. A child's observation alone may demonstrate that there are many opportunities to attend integrated schools. The family may have an opportunity to move, the city may have open enrollment, it may have a voluntary city-to-suburb busing program. The child may conclude that if one's parents wished, one could attend another school, or that one could if one live in another neighborhood—not all are inaccessible economically or because of discrimination—or could conclude that the presence of a few whites indicated that the school was not segregated.

Admittedly social perception is a complicated thing. The child in a 100 per-cent black school as a result of residential concentration and strict zoning may see his situation as identical to that of a child in a 100 per-cent black school because of state law requiring separation of the races. But the fact is that a black child in a school more than 47 per-cent black (the San Francisco definition of "segregation") may also see himself as unfairly deprived. Or any black child at all, in view of his history, and the currently prevailing interpretation of his position, even if he is the only black child in a white school, may so conclude. Perception is not only based on reality, a reality which to me makes the *de facto* segregated school a very different thing from the *de jure* segregated school. Perception can turn the lovely campuses of the West Coast into "jails" which confine young people, and can turn those incarcerated by courts for any crime into political prisoners. If we feel a perception is wrong, one of our duties is to try to correct it, rather than to assume that the perception of being a victim must alone dictate the action to be taken. False perceptions are to be responded to sympathetically, but not as if they were true.

If one finds segregation of apparently *de facto* origin, what is the proper remedy?

In some cases, one can show that it is not really *de facto* by pointing to actions that the school board took with a segregatory intent—for example, changing a school-zone line when blacks moved into an area to keep a school all or mostly black or another one all or mostly white. I do not think this was demonstrated in the case of San Francisco, but it was the crucial issue in the first Northern school desegregation case, that of New Rochelle, which was never reviewed by the Supreme Court, and in Pontiac, Michigan, and for some schools in Denver. In districts with a hundred or more schools and a long history, with perhaps scores of school-zone lines changed every year, it would be unlikely if one could not come up with some cases that seemed to show this. Sometimes it was done under pressure of local white parents. Finding this, a court might require something as simple as that the zone line be changed back (this, of course, by the time it came to court would hardly matter since the black residential area would almost certainly have expanded and both zone lines would probably be irrelevant). Or it might require that no zone line be set in the future which had the effect of maintaining segregation. Or that no parental wishes of this sort be taken into account. In cases where segregatory zone lines were commonly or regularly set (Pontiac) more radical relief would be more appropriate.

But there is a basic and troubling question here. School boards are either elected, or appointed by elected officials. They are thus directly or indirectly responsible to citizens. One can well understand the constitutional doctrine which asserts that no elected or appointed board, no governmental official, may deny constitutional rights—e.g., allowing a Communist to speak in a school building—regardless of the wishes of its constituency. But in the case of schooling and school-zone boundary-setting, a host of issues is involved: convenience of access, quality of building, assumed quality of teaching staff, racial composition of students, etc. A board is subject to a hundred influences in making such a decision. It is not as simple a matter as proving this Communist was not allowed to speak because of mass pressure. Nor is the motivation of parents and boards ever unmixed.

In Boston, the school board opened a new school in a black section. It tried to save the state aid that would be lost if it did not take some action to desegregate, and it zoned children living at some distance away into the new school. The white parents protested and eventually the board succumbed to their pressure and allowed them to send their children to their old nearby schools. To the minds of most enforcers of school desegregation, state and national, the board condemned itself for a segregatory act. One of the things the boycotting parents said was that they were afraid their children would get beaten up going through the area they had to traverse in order to get to school. Who is to say that this was pure fantasy, in the conditions of the modern city, and that what the white parents really meant was that they did not want their children to go to a mostly black school? It is this kind of determination on the intent and effect of hundreds of school-board decisions that judges are now required to make. When one reads cases such as those in Indianapolis, Detroit, and elsewhere, the mind reels with the complexity of numerous school-zoning and construction decisions. Briefs, hearing transcripts, exhibits run to thousands of pages. And at least one conclusion that this reader comes to is that no judge can or ought to have to make decisions on such issues, and the chances are that whatever decision he makes will be based on inadequately analyzed information.

Is it the law—and, not being a lawyer, I do not know—that if a segregatory intent plays *any* part in school decisions, then *every* measure of relief, no matter how extensive, is justified? If so, from a non-legal point of view it seems odd that one uncertain act with an uncertain effect on the social and racial patterns of an entire city should justify massive measures to reconstruct a school system.

Perhaps the most serious constitutional issue in a line of cases erasing the distinction between *de jure* and *de facto* segregation and also erasing the political boundaries between school districts in order to achieve a racial balance in which every black student is in a minority in every school (and presumably, as the cases develop, every Spanish-speaking student, and so on), is that all this makes impossible one kind of organization that a democratic society may wish to choose for its schools: the kind of organization in which the schools are the expression of a geographically defined community of small scale and regulated in accordance with the democratically expressed views of that community. This is the point Alexander Bickel has argued so forcefully. We have had a good deal of discussion in recent years of "decentralization," "community control," and "parental control" of schools. There were reasons for "community control" long before the issue exploded in New York in the late 1960's, and there were reasons for "parental control" long before the educational voucher scheme was proposed. Now the new line of cases makes the school ever more distant from the community in which it is located and from the parents who send their children to it.

While busing schemes vary, in some, children from a number of different areas are sent to a single school and children from one area are sent to a number of schools. It becomes hard for parental or community concerns to be exercised on the particular school to which one's children go. Thus, in San Francisco, in the Mission district, owing to the effective work of the Mission Coalition (an Alinsky-style community organization), the local community has considerable influence on public programs in the area. With a wide base of membership, this organization can help determine what is most effective in the local schools. But if it wants to create an atmosphere in the school best suited to the education of Spanish-speaking children, what sense does this make when the schools are filled with children from distant areas? And how can it influence the education the Mission children receive in the distant schools to which many of them are now sent?

In effect, the new line of cases gives enormous control to central school bureaucracies, who will make decisions subject only to the courts and the federal government on the one hand, and the mass opinion of a large area dominated by the inevitable slogans which can create majorities on the other. Clearly this is one way of reducing the influence of people over their own environment and their own fate. I believe indeed that the worst effect of the current crisis is that people already reduced to frustration by their inability to affect a complex society and a government moving in ways many of them find incomprehensible and undesirable, must now see one of the last areas of local influence taken from them in order to achieve a single goal, that or racial balance.

The one reason for community control that has recently been considered most persuasive is that the inadequate education of black children may be improved under a greater measure of black community control. This may or may not be the case, but I believe that all people, black and white, have the right to control as much of their lives as is possible in a complex society, and the schools are very likely the only major function of government which would not suffer—and might even benefit—from a greater measure of local control. In education, there are few "economies of scale." It has always seemed fantastic that educators, in proposing "complexes" for 20,000 elementary-school children for purposes of desegregation, could also argue that schools of that size would also be more "efficient." Interestingly, lawyers and judges, in their effort to find *de jure* segregatory intent in the acts of Northern school boards, will sometimes claim that schools were deliberately made small to lessen the chances of integration. Thus in Detroit, one charge against the school board, accepted by Judge Roth, was that the board built small schools of 300 in order to contain the population and make desegregation more difficult. Paul Goodman and many others would argue that even schools of 300 are probably too large. In San Francisco, on the other hand, the argument was that schools were expanded to "contain" the black and white population. The Detroit judge, it seems, would have preferred the large San Francisco schools, and the San Francisco judge would have preferred the small Detroit schools, if one takes their arguments at face value. But one may be allowed to suspect that if the situations had been reversed, they would still both have found "*de jure*" segregation in their respective cities.

One consequence of this transfer of power to the center when one transports for racial balance is that there is no local pressure to build a school to serve a local population, since one cannot know what the effect of any local school will be. Thus all decisions on school building revert to the hands of the central school authorities, only affected, as I have already pointed out, by judges and the federal government on the one hand, and a mass opinion unrelated to local district needs on the other. I am skeptical as to whether this will improve school-construction policies. Federal civil-rights agencies and judges have not as yet shown themselves very perceptive in their criticism of local school-construction policies. One piece of evidence of *de jure* segregation, cited by the San Francisco judge, was the building of a new school in Hunter's Point, a black area. The school authorities had resisted building there. The local people insisted on a new school. Just about everyone who supports desegregation in San Francisco supported the local people, even though they knew that the school would be segregated. The local NAACP also supported the building of the new school. The judge, in his decision, cited the building of this school as a sign of the "segregatory" policies of the San Francisco school authorities. To the judge, the black people of Hunter's Point were being "contained," when they should have been sent off elsewhere, leaving their own area devoid of schools (or perhaps any other facilities). But for the people of the area who demanded the school, they were being served. That their school would be, to a federal judge's mind, "segregated" did not seem to them a good reason for all city facilities to be built only in white or Spanish-speaking or Chinese areas.

The attempt of judges and civil-rights lawyers to argue that this or that school was built to be "segregated" for whites or blacks is in any case often naive. The dynamics of population movements in the cities have been too rapid (the black population of San Francisco increased from 5,000 in 1940 to 96,000 in 1970) and the process of school-building too slow, for any such intention to be easily demonstrated or realized in Northern cities. One of the schools cited in the San Francisco case as "segregated" black (64 per-cent black in 1964), had been cited as recently as 1967 in the Civil Rights Commission's report on ***Racial Isolation in the Public Schools*** as having been built in order to foster the "segregation" of whites, since it had opened in 1954 with a student body that was almost all white. Presumably, at least for the intervening period, it must have been integrated.

The crucial point is: do federal courts have the right to impose a school policy that would deprive local communities and groups, white and black, of power over their schools? Some of them seem quite sure that they do. Judge Roth in Detroit is critical of the blacks of that city for contributing to what he considers "segregation" by demanding black principals and teachers:

"In the most realistic sense, if fault or blame is to be found it is that of the community as a whole, including of course the black components. We need not minimize the effect of the actions of federal, state, and local governmental officers and agencies . . . to observe that blacks, like ethnic groups in the past, have tended to separate from the larger group and associate together. The ghetto is a place of confinement and a place of refuge. There is enough blame for everyone to share."

We would all agree with Judge Roth that the ghetto must not be a place of confinement and that everything possible must be done to make it as easy for blacks to live where they wish as it is for anyone else. But why should it be the duty or the right of the federal government and the federal judiciary to destroy the ghetto as a place of refuge if that is what some blacks want? Judge Roth is trying to read into the Constitution the crude Americanizing and homogenizing which is certainly one part of the American experience, but which is just as certainly not the main way we in this country have responded to the facts of a multi-ethnic society. The doctrines to which Judge Roth lends his authority would deny not only to blacks, but to any other group, a right of refuge which is quite properly theirs in a multi-ethnic society built on democratic and pluralist principles.

I do not speak here of limiting what communities may freely choose to do in order to integrate their schools. I sepak only of the judicial insistence that they *must* do certain things. Much busing for desegregation is engaged in by school boards independently of court decisions, because the board feels this is good for education; or because it is under pressure from blacks and white liberal citizens who demand such measures; or because it is required or is under pressure to do so from state education authorities—who, in the major Northern and Western states, and in particular in Massachusetts, New York, Pennsylvania, and California, require local school districts to eliminate racial imbalance defined in various ways. More than 50 percent black is racial imbalance in Massachusetts, and 15 per-cent more or less of each group in each school than the proportion of that group in the entire district is racial imbalance in California. (It was on the basis of the 15 per-cent rule that more than 47 per-cent black was considered segregated in San Francisco, for the proportion of black students in the schools was 32 per cent.) Thus, the City of Berkeley has been transporting its children to achieve integration for three years now, without any court or federal action. Riverside has done the same. Many cities have implemented, independently of court action, some degree of transportation for integration. Many of these actions have been attacked in the courts from the other side—that is, by white parents charging that for racial reasons alone they were being assigned to schools far from their homes. All these challenges have been struck down in the courts, in spite of state laws (such as New York's) which declare transportation for desegregation illegal. Interesting enough, while the San Francisco school board was under attack from one side for having failed to implement one of its integration-through-busing school complexes, it was under attack from the other side for having implemented the one it had. It was of course the first of the two attacks that was supported by the district judge.

It is not this kind of action-to-integrate—undertaken by elected school boards, or by school boards appointed by elected officials, for educational or political reasons—that is under discussion here. Unless a political decision is clearly unconstitutional it should stand. Indeed, it is very likely that decisions to achieve racial balance taken by school boards not under judicial or federal order but because the political forces in that district demand, have better effects than those under court order by resentful school administrations. In the first case, the methods of reducing racial imbalance have been worked out through the processes of political give-and-take, the community and teachers and administrators have been prepared for the change by the political process, the parents who oppose it have lost in what they themselves consider a fair fight. The characteristics of judge-imposed decisions are quite different.

III

There is, then, considerable room for doubt as to whether the Constitution actually mandates a system whereby every school shall have a black minority and no school shall have a black majority. Nevertheless present-day judges, with whom the doctrine of judicial restraint is not especially popular, seem able to find constitutional warrant for whatever policies they feel are best for the society. And so we come to the other crucial questions raised by the new line of cases: Is school desegregation the only way to improve the education of black children and/or the relations between the races?

Without rehearsing the terrible facts in detail, we know that blacks finish high school in the North three or more years behind whites in achievement. We also know with fair confidence that this huge gap is not caused by differential expenditures of money. Just about as much is spent on predominantly black schools outside the South as on predominantly white ones. Classes in black schools will often be smaller than classes in white ones—because the black schools tend to be located in old areas with many school buildings, while white schools tend to be in newer areas with fewer and more crowded school buildings. Blacks will often have more professional personnel assigned, owing to various federal and other programs. There are, to be sure, lower teacher salaries in the predominantly black schools, because they usually have younger teachers with less seniority and fewer degrees. Anyone who believes this is a serious disadvantage for a teacher has a faith in experience and degrees which is justified by no known evidence. (It is quite true that the big cities spend much less on their schools, white and black, than the surrounding suburban areas, which are almost entirely white. Regardless of the fact that spending more is unlikely to do much to improve education—it tends mostly to improve teachers' salaries and fringe benefits—it is quite unconscionable that more public money should be spent on the education of those from prosperous backgrounds than on those from poorer families. But this is quite separate from the issue of whether within present school districts less is spent on the education of black children, and whether spending more would reduce the gap in achievement.)

If money is not the decisive element in the gap between white and black, what is? In 1966 the Coleman report on *Equality of Educational Opportunity* reviewed the achievement of hundreds of thousands of American school children, black and white, and related it to social and economic background, to various factors within the schools, and to integration. In 1967, another study, *Racial Isolation in the Public Schools*, analyzed the effects of compensatory-education programs and reviewed the data on integration. Both studies—as well as subsequent experience and research—suggested that if anything could be counted on to affect the education of black children, it was integration. However, the operative element was not race but social class. The conclusion of the Coleman report still seems the best statement of the case:

"The apparent beneficial effect of a student body with a high proportion of white students comes not from racial composition per se, but from the better educational background and higher educational aspirations that are, on the average, found among white students."

On the other hand, if such integration did have an effect, it was not very great. The most intense reanalysis of Coleman's data[3] concludes:

"Our findings on the school racial composition issue, then, are mixed . . . the initial *Equality of Educational Opportunity* survey overstressed the impact of school social class. . . . When the issue is probed at grade 6, a small independent effect of schools' racial composition appeared, but its significance for educational policy seems slight."

The study of these issues has reached a Talmudic complexity. The finding that integration of different socioeconomic groups favors the achievement of lower socioeconomic groups apparently stands up, but the effect is not large. One thing, however, does seem clear: integrating the hapless and generally lower-income whites of the central city with lower-income blacks, particularly under conditions of resentment and conflict, as in San Francisco, is likely to achieve nothing, in educational terms.

In San Francisco, the number of children enrolled in elementary schools dropped 6,519 against a projected drop of 1,508 (a 13 per cent decline against a projected 3 per cent decline) in response to Judge Weigel's decision. The junior-high-school enrollment, not yet subjected to full-scale busing, declined only 1 per cent, and high-school enrollment remained the same. In Pasadena, California, there was a 22 per cent drop in the number of white students in the school system between 1969—before court-imposed busing—and 1971. In Norfolk, Virginia, court-imposed busing brought a drop of 20 per cent. If, as seems probable, it is the somewhat better-off and more mobile who leave the public-school system when busing is imposed, the effect on the achievement of black children is further reduced.

It is in response to such facts as these and in the light of such findings as Coleman's that judges in Detroit and Indianapolis and elsewhere now call for combining the central city and the suburb into unified school districts. But if this elaborate reorganization of the schools is being undertaken so that the presumed achievement-raising effect of socioeconomic integration may occur, we are likely to be cruelly disappointed. There is little if any encouragement to be derived from studies, published and unpublished, of voluntary busing programs even though such busing takes place under the most favorable circumstances (with motivated volunteers, from motivated families, and with schools acting freely and enthusiastically). Indeed, much integration through transportation has been so disappointing in terms of raising achievement that it may well lead to a revaluation of the earlier research whose somewhat tenuous results raised what begin to look like false hopes as to the educational effects of socioeconomic integration.

IV

There is yet a final argument. One will hear it in Berkeley, which underwent full desegregation by busing three years ago, and which has seen no particular reduction of the white-black achievement gap. The argument is that school integration will improve relations between the races and that in view of the extremity of interracial tensions in this country, anything that improves these relations must be done. In Berkeley, a liberal community with an elected school board which voluntarily introduced transportation for racial balance and was not turned out for doing so, one can perhaps make this argument. But race relations are not ideal even in Berkeley, as Senator Mondale's committee discovered last year when it conducted hearings there on the most successful American case of racial balance through transportation.

The Mondale committee discovered, for example, that after the schools were fully integrated, a special program for blacks—Black House—was established at the high-school level from which non-black students and teachers were excluded. (Berkeley High School, the only one in the city, has always been integrated.) The committee discovered when it spoke to students—selected, one assumes, by the school authorities because they would give the best picture of integration—that students of different groups had little to do with one another. The black president of the senior class said: ". . . the only true existence of integration of Berkeley High is in the hallways when the bell rang everybody, you know, pass [*sic*] through the hallways, that is the only time I see true integration in Berkeley High." Senator Brooke probed deeper. Since the young man was black and a majority of his classmates were white, had they not voted for him? "The whites didn't even participate in voting. . . . They felt the student government was a farce." (The opposing candidate was also black.) What about social activities? "Like we have dances, if their is a good turnout you see two or three whites at the dances. . . ." Intramural sports? "The basketball team is pretty integrated, the crew team is mainly white, soccer team mainly white, tennis team mainly white." Did this mean, Senator Brooke asked, "that blacks don't go out for these teams that are white and whites don't go out for those teams that are black?" The class president guessed that "whites like to play tennis and blacks like to play basketball better." Still, he did think integration was a good idea, as did a Japanese girl who told the Senators: "I think like the Asian kids at Berkeley High go around with Asian kids."

A Chicano student testified:

"I think the integration plan is working, started to work in junior high, it is different levels, the sixth graders go up to seventh grade now. I think now the Chicanos and blacks, they do hang around in groups.

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[3] David K. Cohen, Thomas F. Pettigrew, and Robert S. Riley, "Race and the Outcomes of Schooling," in Frederick Mosteller and Daniel P. Moynihan, eds., *On Equality of Educational Opportunity*, Random House, 546 pp., $15.00.

Usually some don't, I admit, like I myself hang around with all Chicanos but I am not prejudiced. I do it because I grew up with them, because they were my school buddies when there were segregated schools."

A black girl in elementary school said: "About integration, I don't think it is too integrated, but it is pretty well integrated. I have a lot of white friends. . . ." She lives in an integrated neighborhood. A white girl from the high school testified:

"Integration, ideally, as far as I can see it isn't working. I mean like as far as everybody doing things together . . . I have one class where there are only two whites in it, I being one of them, you know, like I don't have any problems there, but outside . . . [with other blacks] we just do different things. I am not interested in games. I couldn't care less. I don't know anything about Berkeley as far as the athletics go. . . . I wear very short skirts and walking down the halls I get hassled enough by all the black Dukes, you know. . . ."

Senator Brooke was surprised she wasn't hassled by the white boys too and suggested that they might use a different technique.

This is about the most positive report one can make on school integration. Why should anyone be surprised? There is a good deal of hanging around in groups, and there is some contact across racial lines, but the groups seem to have different interests and different social styles. The younger children have more in common than the older ones. It would be hard to say whether this commonality of interest will continue through high school—a popular Berkeley theory—or whether differences will assert themselves as the children grow older even though they were exposed to integration earlier than those now in high school. In other communities which have been studied, black children who are bused tend to become more anti-white than those who are not bused. One can think of a number of reasons for this.

If, then, the judges are moving toward a forcible reorganization of American education because they believe this will improve relations between the races, they are acting neither on evidence nor on experience but on faith. And in so acting on faith they are pushing against many legitimate interests: the interest in using tax money for education rather than transportation; the interest of the working and lower-middle classes in attending schools near their homes; the interest of all groups, including black groups, in developing some measure of control over the institutions which affect their lives; the interest of all people in retaining freedom of choice wherever this is possible.

There is unfortunately a widespread feeling, strong among liberals who have fought so long against the evil of racial segregation, that to stop now—before busing and expanded school districts are imposed on every city in the country—would be to betray the struggle for an integrated society. They are quite wrong. They have been misled by the professionals and specialists—in this instance, the government officials, the civil-rights lawyers, and the judges—as to what integration truly demands, and how it is coming about. Professionals and specialists inevitably overreach themselves, and there is no exception here.

It would be a terrible error to consider opposition to the recent judicial decisions on school integration as a betrayal of the promise of *Brown*. The promise of *Brown* is being realized. Black children may not be denied admittance to any school on account of their rate (except for the cases in which courts and federal officials insist that they are to be denied admittance to schools with a black majority simply because they are black). The school systems of the South are desegregated. But more than that, integration in general has made enormous advances since 1954. It has been advanced by the hundreds of thousands of blacks in Northern and Western colleges. It has been advanced by the hundreds of thousands of blacks who have moved into professional and white-collar jobs in government, in the universities, in the school systems, in business. It has been advanced by the steady rise in black income which offers many blacks the opportunity to live in integrated areas. Most significantly, it has been advanced because millions of blacks now vote—in the South as well as the North—and because hundreds of blacks have been elected to school committees, city councils, state legislatures, the Congress. This is what is creating an integrated society in the United States.

We are far from this necessary and desirable goal. It would be a tragedy if the progress we made in achieving integration in the 1960's were not continued through the 70's. We can now foresee within a reasonable time the closing of many gaps between white and black. But I doubt that mandatory transportation of schoolchildren for integration will advance this process.

For, so far as the schools in particular are concerned, the increase in black political power means that blacks—like all other groups—can now negotiate, on the basis of their own power, and to the extent of their own power, over what kind of school systems should exist, and involving what measure of transportation and racial balance. In the varied settings of American life there will be many different answers to these questions. What Berkeley has done is not what New York City has done, and there is no reason why it should be. But everywhere black political power is present and contributing to the development of solutions.

There is a third path for liberals now agonized between the steady imposition of racial and ethnic group quotas on every school in the country—a path of pointlessly expensive and destructive homogenization—and surrender to the South. It is a perfectly sound American path, one which assumes that groups are different and will have their own interests and orientations, but which insists that no one be penalized because of group membership, and that a common base of experience be demanded of all Americans. It is the path that made possible the growth of the parochial schools, not as a challenge to a common American society, but as one variant within it. It is a path that, to my mind, legitimizes such developments as community control of schools and educational vouchers permitting the free choice of schools. There are as many problems in working out the details of this path as of the other two, but it has one thing to commend it as against the other two it expands individual freedom, rather than restricts it.

One understands that the Constitution sets limits to the process of negotiation and bargaining even in a multi-racial and multi-ethnic setting. But the judges have gone far beyond what the Constitution can reasonably be thought to allow or require in the operation of this complex process. The judges should now stand back, and allow the forces of political democracy in a pluralist society to do their proper work.

School Integration and Liberal Opinion

(By Norman Podhoretz)

If Nathan Glazer is right—and I find his arguments entirely convincing—no benefit will accrue to anyone, whether white or black, from the requirement now apparently being established by the courts that no American public school shall have a black majority and that the student population of every school shall be racially balanced as far as possible in accordance with a specified mix. It used to be thought that the academic performance of black children would improve in integrated schools, but there is, as Mr. Glazer demonstrates, no evidence to confirm this idea. What the evidence actually suggests is that integration has little or no effect on academic performance, neither helping the black as so many had hoped, nor hurting the whites, as so many had feared.

It also used to be thought that relations between the races would improve as a result of school integration, but here the evidence is if anything less encouraging than in the case of academic performance. I myself attended integrated schools as a child, and nearly ten years ago, I attempted in an essay called "My Negro Problem—and Ours" to show that such schools bore not the slightest resemblance to the rosy fantasies being scattered about in those days by the prevailing winds of liberal opinion. Liberal opinion said that sending white children and black children to school together would lead to greater mutual understanding and respect; I said that in my own experience it had led to violence and greater animosity. The studies Mr. Glazier cites of integrated schools of more recent vintage tend to prove that the experience of the integrated schools of the 30's and 40's was a more reliable guide to the future than the generous expectations of liberal opinion. At best relations between the races continue to remain cool in integrated schools, and often enough they are exacerbated to an intolerable, and to me altogether familiar, degree.

If, then, no good is likely to come of it, why should we persist in forcibly integrating the schools? The question becomes even more difficult to answer when we consider how vast, even among liberals and even among blacks, the opposition has grown to the measures which must now be adopted if school integration is to proceed—measures which have found their definitive political summation in the great symbol of busing. In effect the country is being ordered against its own wishes to undergo a major reorganization without being given a reasonable assurance that some good will thereby be served, either immediate or ultimate, short-run or long. But if it is all to be for nothing, and if no one wants to do it, why should it be done at all?

Because, answer the activists and the bureaucrats and the lawyers and the judges, it is the law and the law must be obeyed. And indeed they are right, the law must be obeyed—if indeed it *is* the law that racial concentrations in the schools may not exist even if they arise from causes other than legal measures designed to bring them about. We already know for certain that legally sanctioned (or *"de jure"*) segregation of any kind, overt or covert, in the schools and out, is against the law of the land. No one any longer questions this, not even in the South. But until the Supreme Court settles the issues involved in busing and redistricting, we will not know for certain whether *"de facto"* separation in the schools is also against the law of the land. And even then, if the Supreme Court should declare that it is, given the huge numbers of people who do not agree, redress from what they may decide is judicial tyranny parading as constitutional warrant is likely to be sought in legislative action and perhaps in constitutional amendment.

Hopefully it will never come to that. Hopefully in the end the country will avert the major constitutional crisis which seems to threaten it now. Hopefully good sense will prevail—the good sense which leads so many people, often uneasily because they are liberals and well-intentioned and influenced by irrational dogma, to wonder nevertheless why a specified racial balance must be imposed on the schools at such great cost in money and bitterness and anxiety when the strongest of probabilities is that doing so will neither overcome educational deficiency nor enhance the relations of the races.

SHORTAGE OF WHITE FLESH, BOTTOM FISH

Mr. STEVENS. Mr. President, the world is faced with a shortage of white-flesh, bottom fish because of techniques used by foreign fishing fleets in the areas less than 200 fathoms deep where these fish are usually found.

Our own fishermen, complying with our laws are unable to compete, even in our own market, with the low prices for fillets and manufactured fish blocks of the foreign producers; yet, more than 4 billion pounds of these bottom fish were taken from Alaskan Continental Shelf waters alone in 1970 by foreign fishing fleets.

I ask unanimous consent to have printed in the RECORD an article written by Nancy Freeman and published in the Kodiak Mirror, which gives details of this catch.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOREIGN FLEETS' 1970 CATCH OF BOTTOM FISH EXCEEDS 4 BILLION POUNDS IN ALASKA CONTINENTAL SHELF WATERS

(By Nancy Freeman)

Though there is "no way of figuring prices" to establish a dollar value on catches taken by foreign fleets from the Gulf of Alaska and Bering Sea, it must be tremendous, according to figures made available by Jim Branson, supervisory fisheries and management agent in Kodiak for the United States government.

Branson says the grand total of Japanese and Soviet catches in 1970 in the Bering Sea and the Gulf of Alaska is 4,031,159,000 pounds (that's crab, fish and—in the case of Japan at least—whales.)

Bottom fish caught by Japanese trawlers off the Gulf of Alaska in 1970 is estimated to be 187,340,000 pounds.

Bottom fish caught by the Japanese in the Bering Sea (pollock, yellow fin, sole, cod and other flat fish in smaller numbers) in 1970 is estimated to be 2,644,800,000 lbs.

Bottom fish figures, Branson reminds, do not include crab, salmon, perch or whales.

Soviet catches off the Gulf of Alaska in 1970 were predominantly Pacific Ocean perch; 179,824,400 pounds.

Total taken from the Bering Sea and Gulf of Alaska, for 1971 by the Japanese and Russian fishing fleets is expected to be slightly smaller, Branson said: 3,848,773,000 pounds.

While some of the bottom fish (Pacific Ocean perch and the pollock) are approaching their maximum yield in the Bering Sea, Branson suggests, "they have not been hit hard" in the Gulf of Alaska waters.

THE SPANISH SPEAKING AND THE LAW

Mr. MONTOYA. Mr. President, on Friday and Saturday of last week, a unique conference was held in Washington at the Georgetown Law Center. The subject was "the Spanish Speaking and the Law," and brought together concerned people from many places around the country.

Sponsored by the La Raza law students at George Washington and Georgetown, this conference highlighted the tragic situation existing in the Nation as far as these people and their relations with the law are concerned. On Friday, the Senator from Massachusetts (Mr. KENNEDY) delivered a moving, important talk to this gathering. I feel it would be well worth calling this speech to the attention of the Members of this body, so I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR EDWARD M. KENNEDY TO THE CONFERENCE ON THE SPANISH-SPEAKING AND THE LAW AT GEORGETOWN LAW SCHOOL, MARCH 3, 1972

I am pleased to be able to meet with you this morning and to open this conference on La Raza and the law.

At the outset, let me express my pleasure and support for the decision of the Georgetown chapter of La Raza National Law Students Association to undertake this venture.

Without the full and forceful advocacy of change, without the public demand for an end to the inequities of the past, and without the commitment of the young leaders of the Spanish-speaking community, nothing will ever be accomplished.

It has been my view for many years that the Chicano and Puerto Rican communities not only needed to press demands on the institutions of government, but on the political parties as well. For too long, we have all been slow to recognize the needs of the Spanish-speaking community.

Perhaps the most depressing fact to recognize is how long the evil of discrimination has been permitted to continue.

Octavio Paz, perhaps one of the Western Hemisphere's most eloquent essayist, wrote in 1950 of the Chicanos he had met in Los Angeles: "They have lived in the city for many years," he said, "wearing the same clothes and speaking the same language as the other inhabitants . . . yet no one would mistake them for authentic North Americans . . . they are instinctive rebels and North American racism has vented its wrath on them more than once."

In California, and the states of the Southwest, the failure to promote equality of opportunity is impossible to understand and impossible to deny.

It seems difficult, when one looks at the evidence of discrimination, to recall that the California constitution was penned in both English and Spanish. It seems difficult to remember that one-third of its signers were Spanish-surnamed Californians.

Yet the equal rights and privileges guaranteed to the Chicanos by state and federal constitutions have been denied not once but time and time again. And it is no wonder that young Chicanos have exploded in anger.

Their outrage is documented in the files of the U.S. Civil Rights Commission, in the hearing record of the Senate Select Committee on Equal Education, in the complaint file of the Equal Employment Opportunity Commission.

But most tragically, their outrage is documented in the lives and deaths of Reuben Salazar, Romulo Avalos, and others, men who should not have died when they did, or how they did.

And these deaths are irrevocably bound in the oppressive conditions faced by far too many of the Spanish-speaking citizens of this land, conditions which make a sham and shuck of our professed allegiance to equality and justice for all.

Fewer than two out of three Mexican-American students in California alone complete high school. In the Southwest, the figures are worse, barely half of those who begin complete the 12th grade. Among Puerto Ricans, in my own city of Boston, the figures are at least as bad. With 7,800 school-age children, there are reports of less than half enrolled and the number of high school graduates in recent years has rarely even totaled 10.

Ethnic isolation of Spanish-speaking students shows the dismal effect of educational gerrymandering with two-thirds of the students attending ethnically imbalanced schools.

In the Southwest, barely 4 percent of the teachers are Mexican-American and only 3 percent of the principals, yet nearly 20 percent of the students are Chicanos.

In the States of Colorado, New Mexico and Texas, Anglo high school graduates are twice as likely to enter college as Mexican-Americans.

But I know those statistics merely tell half the story.

They do not tell the anguish of the school child who is told it is wrong to speak Spanish. Nor the frustration of being told that the college prep program is closed. Nor the most grievous wrong, that of assigning an unknown number of Spanish-speaking children to classes for mentally retarded because of their scores on English language tests they could not understand. Equal education has been denied to the Spanish-speaking and it is time to change.

In employment, the statistics are equally disheartening. In the Nation as a whole the average income of the Chicano adult is more than $2,000 a year less than the average income of Anglos.

Less than 4 percent of the state jobs in California were held by Mexican-Americans a year ago despite the fact that they represent 16 percent of the State's population.

And in New York City, a Puerto Rican man is three times as likely to be unemployed as whites. Equal employment has been denied to the Spanish-speaking and it is time to change.

Equality before the law is a concept ingrained in the American heritage. Yet for Chicanos, it remains a far-off goal.

The Civil Rights Commission found a "widespread pattern of police misconduct against Mexican-Americans in the Southwest . . ."

The California Rural Legal Assistance Project documented the exclusion of Mexican-Americans from grand jury lists. They found a 12-year period in which 500,000 Spanish surnamed persons were eligible for grand jury duty in Los Angeles County, yet only four were chosen.

Perhaps the most disturbing incidents are those that still occur at the federal level. Why was it necessary for Senators to send telegrams to spur the Justice Department to investigate an assassination plot against Cesar Chavez?

And why was it necessary for Senators to remind the Labor Department that their own regulations prohibited importing foreign workers to break a farm worker strike?

And if we look at the Selective Service System, once again, we find inequities. Practically no change has occurred in the representation of the Spanish-speaking community on local and appeal boards. On local boards it was 2.9 percent in 1968, and today it is barely 4 percent. On appeals boards, it is even worse, barely over 3 percent. And when one looks at the states with heavy concentrations of Spanish-speaking, one finds only 4 of 88 appeal board members in California who are Spanish-speaking. In Colorado, none. In Arizona, none. In Florida, none. Yet these are the boards that the system provides to halt the egregious errors that many local boards commit. How can that cleansing function be fulfilled when none of the appeals boards can easily understand, let alone relate to a Spanish-speaking registrant?

Equal treatment under the law, a basic condition for maintaining the bond of citizenship, has been repeatedly and flagrantly denied to the Spanish-speaking and it is time to change.

These statistics demonstrate the need for the seminar that is taking place today. More than that, they demonstrate the absolute necessity for Spanish-speaking citizens to be active politically. For if you permit the political leadership of this country to continue to treat you as "strangers in your own land," then there will be a perenial list of unmet goals in education, housing, in employment, in access to the protection of the law.

The challenge not only lies with both parties to respond and to respond effectively. It lies also with you to force the parties to respond. And despite the tremendous resistance that undoubtedly exists, I believe that they can be made to respond.

But it means that you must take the initiative, that you must do the registering and organizing, that you must do the precinct work and the polling. And it is not just the federal elections that count. Governors choose boards of regions and state university directors. Sheriffs and district attorneys decide local law enforcement policies and city councilmen and mayors control the decisions that send funds to the manicured streets of the affluent few or the still-unpaved roads of the barrio.

The challenge is before you. It does not rest with those unwilling to risk something of themselves. Nor does it rest with those who demand that the struggle be easily won. It rests only with those ready to trade the comfort and convenience of the critic for the torment and sacrifice of the committed.

Yet you have among La Raza, many who already have shown the way. You have men such as Cesar Chavez, who has brought the farmworker of this nation his first hope for lasting dignity. The victory in Florida is part of a struggle that began not five or ten years ago, but two decades ago when the first organizing began.

And if that kind of commitment is made, then I believe there will be response. I believe there must be response.

Robert Kennedy shared that view. He walked through the barrios of East Los Angeles and through the dusty fields of Delano. He was committed to change the conditions of poverty and discrimination he saw.

For he believed as I do, that this nation can never be free until there is no longer a child who cries from hunger or a mother who fears illness because she cannot afford a doctor, or a man who dies because the law does not see him as a man.

There is much to be done before we are free.

RADIO FREE EUROPE AND RADIO LIBERTY

Mr. ALLOTT. Mr. President, there are those who urge the dissolution of Radio Free Europe and Radio Liberty. These persons say—correctly—that these stations are obnoxious to the Soviet Government. And they assume—implausibly—that dissolution of these stations would cause the Soviet Government to feel affectionately about us.

Even if such affection were likely, which, of course, it is not; and even if such affection were more precious than the satisfaction the stations bring to the oppressed people living under Soviet domination, which it is not, one would still want to note that not even Chancellor Brandt, whose enthusiasm for accommodation with the Soviets is nearly boundless, refuses to accede to the Soviet demand that the stations be expelled from German soil.

Mr. President, it is a tiresome but necessary chore to reiterate these self-evident truths in the fact of palpable and unattractive delusions about the potential affability of the Soviet Union, and the sinfulness of any and all things that are obnoxious to Soviet despots.

But so that all Senators can consider this issue, I ask unanimous consent to have printed in the Record an editorial from the London Sunday Times of February 27, 1972.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the London Sunday Times, Feb. 27, 1972]

In Defence of Radio Free Europe

Senator Fulbright believes that Radio Free Europe and Radio Liberty, operating from Munich, should be stopped from broadcasting to Eastern Europe and the Soviet Union because they are "Cold War relics" and hinder detente. He is wrong on both counts. The radios abandoned the unfortunate policy of "liberating the captive peoples" in 1956 and now support Willy Brandt's Ostpolitik and all Communist reform movements in Eastern Europe. It is true that the Russians and their allies have consistently demanded that Brandt should expel the radios from Munich. But his refusal to do so has not stopped the Russians and the Poles from signing treaties with him, and the Czechoslovak-West German Treaty is held up by a dispute over the Munich Agreement of 1938, not over the radios. In fact, by their constantly objective coverage of West German events, the radios have done more than any other organisation to dispel amongst ordinary East Europeans the official Communist myth of "West German revanchism."

Fulbright argues, rather startlingly, that the radios are useless because "truth and freedom are indigenous and subjective issues and cannot be transferred from one people to another." That fashionable cynicism is disproved by Soviet hatred of the radios; it is precisely the "transference of truth" that the Russians fear. The radios, whatever their imperfections, provide East Europeans with a far more reliable source of world and domestic news than their own, Government-controlled media. It would be a tragic and distasteful appeasement for the West to cut off that source at Soviet behest.

Fulbright's only useful suggestion is that Western Europe might play a part in financing the radios. They should close down only when, as in Dubcek's Prague Springs, East Europeans no longer need to listen to them; with the current KGB persecution of Soviet dissidents and Husak's campaign of intellectual genocide in Czechoslovakia, that day is sadly still far away.

Mr. ALLOTT. Mr. President, I ask unanimous consent to have printed in the Record an editorial published in today's Wall Street Journal which asks "What's wrong with wanting to contribute to the free flow of ideas across international borders?"

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Mar. 6, 1972]

Threat to Radio Free Europe

We have difficulty understanding why Senator Fulbright is trying to deny Congressional appropriations to Radio Free Europe and Radio Liberty. We are aware of his animus toward "cold war relics," but both stations have earned virtually unanimous praise for broadcasting objective news and impartial analysis.

There is obviously a crying need for such information, which RFE broadcasts in native languages to five Eastern European nations and which Radio Liberty broadcasts to the USSR in 17 Soviet languages. In effect, the stations function as a free press for some 300-million fettered people. Contrast that with the Communist bloc's unrelieved propaganda broadcasts, 900 hours a day in some 80 languages to every continent.

In the early and mid-50s, both stations were accused of adding to the tensions of the cold war. If so, that charge has not been true for at least 15 years. Indeed, former ambassador to Poland John Gronouski praised the accuracy and detail of RFE's coverage of the Polish uprisings of 1968 (uprisings that were ignored by the Polish media). And both stations gave factual reports on such important issues as the ouster of Khrushchev, the Cuban missile crisis, and the Nixon visit to China, stories that the Communist world ignored or downplayed.

There was a minor flap last year when it was revealed that the Central Intelligence Agency had secretly been subsidizing both stations, even as Washington insisted that they were privately financed. There was no evidence that the CIA ever interfered with program content, but such deception is inexcusable nonetheless—which is why President Nixon proposed that the stations be financed directly by Congress but run by an 11-member nonprofit corporation independent of government control.

Yet Mr. Fulbright objects even to that. And although both houses of Congress have passed authorization bills, he has managed to delay any conference for resolving the differences and thus keeping the stations alive. It is this opposition that we find hard to fathom. Does he also object to the Voice of America?

Although Senator Fulbright argues that the stations have no place in a period of East-West detente, we suspect that they have actually contributed to detente by helping to erode ideological suspicion born of ignorance and misinformation, and that abandoning them may prolong the East-West tension the Senator so passionately denounces. In any event, what's wrong with wanting to contribute to the free flow of ideas across international borders?

THE 90TH BIRTHDAY ANNIVERSARY OF PRESIDENT FRANKLIN DELANO ROOSEVELT

Mr. KENNEDY. Mr. President, on Sunday, January 30, a special convocation was held at Hunter College in New York City to commemorate the 90th birthday of President Franklin Delano Roosevelt. Among the speakers was the Honorable Abba P. Schwartz, former Administrator of the Bureau of Security and Consular Affairs in the Department of State. His address concerned President Roosevelt's policy toward refugees, especially those fleeing Nazi Germany. Because I feel that his address will be of interest to many, I ask unanimous consent that it be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

F. D. R. and Refugee Policy

(By Abba P. Schwartz)

President Roosevelt has been both condemned for not having done enough to assist the victims of Nazi persecution, principally Jews, and praised for the measures he took to extend relief and a haven which saved the lives of many persecutees. The picture is a mixed one which can be judged fairly only by examination of the economic and political factors which influenced the policies of the United States Government towards refugees between 1933, when Hitler came to power, and the end of World War II.

The restrictionist attitude of the United States toward the admission of refugees evident in the Roosevelt Administration in 1933 was in fact a continuation of the policy evident in the Roosevelt Administration in 1930 to curb all immigration to the fullest extent in view of a huge unemployment problem. The immigration law of 1917 excluded from admission to the United States all persons "likely to become a public charge". A strict interpretation of that clause by the Hoover Administration required that an intending immigrant either have personal funds sufficient to support himself or affidavits of friends or relatives in the United States assuring his financial support if he was unemployed, a real likelihood in view of the existing depression.

Anti-immigration sentiment, reflected in the basic 1924 Immigration Law and increased by the economic depression, was so strong that a 1931 immigration bill to reduce by 90% the full immigration quota of 156,000 passed the House and would have passed the Senate if it had come to a vote before the session ended.

With the appointment of Hitler as Chancellor of Germany on President Roosevelt's birthday, January 30, 1933, Jews were subjected to economic boycotts and exclusion from the Civil Service and many professions, so that within a year of Hitler's rule, over thirty thousand Jews had fled Germany into France, Belgium, Switzerland and other Western European countries.

The position of Jews continued to worsen. The Nuremburg laws of September 1935 stripped them of all rights as German citizens and thousands more fled the country.

Responding to this worsening situation, President Roosevelt, despite the continuing anti-immigration sentiment in the country, ordered a liberalization of the interpretation of the "public charge" clause. Consuls were ordered by the State Department to give refugees fleeing Germany "the most considerate attention and the most generous and favorable treatment possible". The result of this and similar additional instructions to the Consuls was a marked increase in immigration from Germany. But with 15 million people—one-fifth of the labor force—out of work in the United States, with people frightened and hungry, public opinion was deeply antagonistic to any action that would appear to increase competition for employment.

The intensified persecution of Jews and other anti-Nazis following Germany's annexation of Austria in March, 1938 triggered an immediate reaction from President Roosevelt. Within ten days, on March 23, 1938, at President Roosevelt's initiative, the State Department invited western European and Latin American Governments, Australia, Canada, and New Zealand, to join the United States in a conference looking toward the establishment of an international body to facilitate the emigration of refugees from Austria and Germany and to assist in resettling those who had temporary asylum in other countries. At the same time he established the President's Advisory Committee on Political Refugees (PAC) headed by James G. McDonald, with George L. Warren as Executive Secretary to assist in formulating proposals for the conference.

The conference, attended by thirty governments, was held in Evian, France, in July 1938, and marked the first attempt by the United States to stimulate international cooperation in establishing permanent resettlement opportunities for refugees.

Recognizing that there was no chance of obtaining a liberalized immigration policy in the Congress, the State Department's invitation to the governments to attend the conference emphasized that "no country would be expected or asked to receive a greater number of immigrants than is permitted by existing legislation". But in April, before the conference, to alleviate the desperate situation of the persecutees in Austria, President Roosevelt, under exising statutory authority, merged the Small Austrian quota into the German quota, making the larger quota available to the Austrian persecutees as well as the Germans.

When the Evian Conference met in July 1938, a *Fortune Magazine* poll reported that 67.4% of the persons polled felt that in view of domestic unemployment "we should try to keep them (refugees) out"; 18.2% felt we should allow them to come in "but not raise our immigration quotas". At about the same time, the *Brooklyn Jewish Examiner* conducted a poll among Congressmen to raise the immigration quotas 50 or 60% to allow in more refugees. Only two of six Jewish Congressmen who replied favored the proposal.

In what was regarded as a politically dangerous move domestically, the United States at the opening of the Evian Conference announced that it was making fully available to refugees the total of the combined German and Austrian quotas of 27,370. But thereafter country after country at the Conference stated its inability to accept an increased number of refugees.

Though unsuccessful in obtaining any commitments for increased acceptance of refugees, the Conference did agree to establish a new international organization to assist refugees, called the Intergovernmental Committee for Refugees, to be headquartered in London with membership limited to potential countries of resettlement, thus avoiding the mistake of the League of Nations which in earlier times had been hampered in its efforts to assist refugees by the negative votes of Germany and other refugee-producing states.

The first Director of the Intergovernmental Committee, Mr. George Rublee, negotiated with Germany through Dr. Hjalmar Schacht, President of the Reichsbank, to permit refugees to transfer abroad some of their assets which would have made them more attractive immigrants for whom resettlement opportunities would have opened. Although Rublee's efforts failed, the concept of planned international migration took root; and in a few years it was to become the principal means of resettling millions of refugees dislocated by World War II.

The Roosevelt Administration did not make any serious effort to persuade the Congress to enlarge the immigration quotas, because it was the fear of the Administration and of those groups which favored liberalizing the law to admit greater numbers of refugees that any serious effort to do so would result in imposition of even greater restrictions by the Congress. The reason for this again was less prejudice than the fear of workers, unions, and citizens that an influx of refugees would reduce the number of jobs available to Americans. Only one attempt was made to liberalize the law—the introduction of the Wagner-Rogers Bill to admit 20,000 refugee children under the age of 14, to be sponsored by the Quakers. Despite its humanitarian appeal, the bill never got out of Committee and never reached the floor of the Congress. It was withdrawn when the only basis for its passage was a compromise to charge the twenty thousand children against the quotas for adults.

Throughout the Roosevelt Administrations our refugee admission policy in the thirties and forties was generally indistinguishable from our restrictive immigration policies as reflected in our basic 1924 Immigration Law policies intensified by the Depression.

The failure of the Congress to liberalize the quotas to meet the pressing need of refugees and the failure of the Roosevelt Administration to press hard for remedial legislation reflected public opinion which could not be overcome. A Gallup Poll in 1939 reported only 26% approval for admission of 10,000 German refugee children; 66% opposed; and 8% with no opinion. There was even less support for modification of the quotas in favor of adults. In March 1938, when Germany absorbed Austria only 17% favored admitting "a larger number of Jewish exiles from Germany"; 75% opposed; and 8% had no opinion.

As example of the anti-refugee feeling because of the fear of competition for jobs focused publicly on department store hiring. Many stores had Jewish owners and were accused of depriving Americans of jobs in favor of newly arrived refugees. The situation was so serious that Macy's, Abraham and Strauss, and others issued public denials. Bloomingdale's executed an affidavit that out of 2,500 workers, it had employed only 11 refugees in three years.

Though the influx of refugees was small in proportion to the population, and all were consumers and less than half wage earners, it wasn't possible to persuade the public or the Congress or the trades unions that their increased admission would not add to the millions unemployed. As a result, proponents of assistance to refugees did not advocate increasing the limited quotas with respect to adults. They concentrated on admission of children outside the quotas, and even that failed.

The Jewish organizations concerned with refugees, the State Department, the leading members of Congress, as well as civic leaders all agreed that efforts to enlarge the quotos would most likely result in further restrictions.

In mid-1940, as Western Europe fell before the German armies, the Nazi fifth-column was believed to be a major cause of Hitler's success. As a result, aliens became suspect everywhere, including the United States, and it was believed essential that controls be more carefully enforced against possible entry of Nazi agents into the United States. In an effort to tighten controls over aliens, President Roosevelt asked the Congress in May, 1940 to transfer the Immigration Service from the Labor Department to the Department of Justice, to which the Congress responded immediately. Beginning in the summer of 1940, more stringent controls were imposed on immigration from Germany and Eastern European countries. This fear of subversion resulted in the quotas being unused to the extent of 50%.

With the Congress and public opposed to any remedial legislation, President Roosevelt sought to assist the increasing number of refugees by executive action as the Nazis swept through Europe in 1943. At a conference in Bermuda in April 1943, between representatives of the U.S. and Great Britain, it was decided to channel funds to the Intergovernmental Committee which had been established at the Evian Conference to be used to assist any refugees the Committee could reach. This marked the first time that governmental funds were contributed to an international organization to assist refugees. In the League days, all funds for refugee assistance came from private sources. This effort to assist through the Intergovernmental Committee did not result in any activity until the countries under Nazi domination were liberated.

During all of this time, President Roosevelt left largely to the State Department, which was generally unsympathetic to the refugee problem, formulation of refugee policy. His major concern was winning the war which would solve the refugee problem along with all others.

At the suggestion of Secretary of the Treasury Henry Morganthau, President Roosevelt in 1944 established as part of his Executive Office the War Refugee Board, a small group composed of the Secretaries of State, War and Treasury with a staff of 20. Its mandate was to take "all measures within its power to rescue victims of enemy oppression who are in imminent danger of death" and "to ures for the rescue, transportation, mainte- develop plans and programs and other meas- nance, and the relief of the victims of enemy oppression, and the establishment of havens of temporary refuge." Operating with its small staff in Washington and representatives in Switzerland, Sweden, Portugal, Turkey, Great Britain, Italy and North Africa, it was relieved of the usual government red tape and was able to effectively assist through clandestine operations behind enemy lines and to work with underground groups. Among other effective actions, it was able to establish escape routes and to find temporary asylum in unoccupied countries. It rescued some thousands of refugees from Estonia, Latvia, and Lithuania, from Denmark and Northern Germany, and more than 15,000 from occupied Norway. And with State Department approval, it arranged for special negotiations in Switzerland for the release of Jews from concentration camps. As allied military success mounted, some Gestapo officials sought to buy insurance for their personal protection through better treatment for Jews. The Board authorized Mr. Saly Mayer, a Swiss citizen who represented the American Joint Distribution Committee, to conduct negotiations with the Germans. It authorized the transfer of $5 million to Mr. Mayer which he used as bait to persuade the Nazis to send some 1,600 concentration camp victims to Switzerland and to divert to Austria 17,000 Hungarian Jews who were headed for the concentration camp at Auschwitz. No funds were ever turned over to the Nazis, but these lives were saved. Also among its major rescue measures was the transport, with President Roosevelt's approval, of almost a thousand refugees of all nationalities who had escaped into Italy, to an emergency rescue shelter in Oswego, New York, where they remained until the end of the war when they were permitted to remain permanently in the United States. All of these activities were carried out in close cooperation with American private refugee organizations.

In contrast to our Post-World War II refugee policies when, by a series of special legislative acts, the Congress admitted about a million refugees, from 1933 to the end of World War II, our refugee immigration policy was generally indistinguishable from our basic restrictive immigration laws.

Between 1933 and the end of the Roosevelt Administration, we admitted about 250,000 refugees, including 15,000 visitors who remained as permanent immigrants. Had the fear of subversion not caused the tightening of rules and reimposition of the Public Charge Clause in 1941 and very stringent screening in 1944, thousands more would have found refuge in the United States.

President Roosevelt's decision not to expel 15,000 visitors in 1938 was regarded as a major accomplishment. His merging of the Austrian and German quotas to benefit Austrian persecutees caused Congressional criticism, as did his directive to open the available quotas in full for refugees.

These helpful actions, together with the work of the War Refugee Board, hardly met the refugee crisis. Only by enlargening the quotas could more effective relief have been extended to refugees during the Roosevelt Administrations. Failure to do so reflected the regrettable but firm determination of the Congress, the Trades Unions and public opinion. The policies followed by President Roosevelt might have been improved upon, but they were what the American public wanted. He could have pressed harder but it is doubtful whether he could have achieved more, and in the process he might have endangered other measures essential to the basic objective of stopping Hitler and Nazism.

Considering the times, a great deal was in fact accomplished. The indifference of the majority of the public to the plight of victims of Hitler's persecution was not dissimilar to the indifference in our time of the Government to the plight of untold numbers of Bengalis who suffered at the hands of an invading force the last few months; of indifference to Biafrans who were slaughtered without much outcry or effective action by our Government; and even today of indifference to innocent civilian Vietnamese who are the victims of a discredited war policy universally condemned by the American people.

Today, however, the Executive fails to respond to the enlightened American public's concern. In President Roosevelt's time, the Executive had to strive against the isolationist attitude of the public and the Congress.

CARE FOR NARCOTIC ADDICTS

Mr. HRUSKA. Mr. President, I am pleased that the Senate approved on Friday last S. 2713, a measure which will permit the Attorney General to provide care for narcotic addicts and drug-dependent persons who are placed on probation, released on parole, or mandatorily released.

This bill was favorably reported out by the Judiciary Committee on February 29.

Under present law titles I and II of the Narcotic Addict Rehabilitation Act of 1966 authorize the commitment or sentencing of selected narcotic addicts to treatment programs. But the act contains exclusions which prevent the imposition of supervised aftercare for present and former addicts who are on probation, on parole, or who have been released after serving a sentence.

S. 2713 would fill this void by authorizing the Attorney General to furnish treatment programs for people who have become involved in the judicial process but who are not in the physical custody of the Attorney General. In addition to narcotic addicts, committee amendments to the bill as originally introduced permit the inclusion of persons who are dependent on other drugs, such as amphetamines or barbiturates, in programs of treatment and supervisory aftercare.

Mr. President, there is no need at this time to go into the well-recognized extent of the drug abuse problem in America. Equally well-established is the connection between drug abuse and street crime. Rehabilitation is essential for those persons who have become involved in the judicial process and who have been recognized as addicted to or substantially dependent on drugs. No matter how effective our institutionalized programs have been—and the Federal Bureau of Prisons has been doing an excellent job in this regard—the results are at best incomplete if there is no followup after the individual is returned to his community.

The Senator from North Dakota (Mr. Burdick) the chairman of the Judiciary Subcommittee on Penitentiaries, is to be commended for his action in expediting the consideration of this significant step to continue the attack on drug abuse at the correctional level. I am hopeful that the other body will move swiftly on this measure.

GENOCIDE: THE COMMUNIST COUP IN INDONESIA

Mr. PROXMIRE. Mr. President, the United Nations Convention Against Genocide and its implementing legislation now pending before the Senate resulted from the reaction to the horrors committed against the Jews by the Nazis during World War II. It is argued that there is no longer a need for this Convention because mass murders of this sort no longer occur. During the past 5 years that I have delivered speeches to the Senate on this subject, I have many times pointed out recent instances of genocide.

One of the most widely publicized cases was the massacre which followed the attempted Communist coup in Indonesia in 1965. The coup was used as an excuse by many anti-Chinese elements to slaughter thousands of innocent Chinese men, women, and children. Estimates of the number of people killed run to 100,000.

Many publications, notably Life magazine, published full color photographs of the dismembered bodies strewn about in fields and rice paddies. World reaction was strong but short lived, and there was no official law or convention that we could appeal to in order to put an end to this killing because we had not ratified the United Nations Genocide Convention.

That convention is still before the Senate awaiting action along with the legislation for its implementation which was recently submitted by the Senator from Pennsylvania (Mr. Scott). I again appeal to the Senate to act quickly to condemn this crime and to begin what President Nixon called "the building of international order based on law and justice."

THE RETIREMENT OF MARTIN E. BRUENING, OF MILWAUKEE

Mr. ALLOTT. Mr. President, it has just come to my attention that one of the Nation's greatest traffic engineers, Mr. Martin E. Bruening, of Milwaukee, will retire on March 10. Although Bruening was responsible for countless innovations which have resulted in facilitating the movement of automobile traffic, he was also farsighted to the point of being one of America's leading advocates of rapid transit. Bruening began to speak out on the subject in the 1950's when it was far less popular than it is today.

Bruening leaves after 48 years of association with the Bureau of Traffic Engineering with the knowledge that many positions that he has advocated through the years have finally received deserving attention.

Whether testifying before a congressional committee or assisting those with similar interests throughout the Nation, Bruening has always approached his work with an exemplary zeal. Milwaukee will suffer a great loss as Mr. Bruening retires. I, for one, hope that he will now find the time to make his expertise available to communities throughout the Nation which are interested in solving transportation problems. I ask unanimous consent that two articles concerning Mr. Bruening's retirement be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Milwaukee Sentinel, Feb. 3, 1972]

BRUENING PUTS STOP SIGN ON CAREER

(By Kenneth R. Lamke)

Martin E. Bruening, the man in charge of city traffic engineering, put it appropriately Wednesday in announcing his retirement:

"I want to leave while I still have a little mileage left," said the 68 year old superintendent of traffic engineering and electrical services.

A veteran of 48 years with the city, Bruening, as bureau superintendent, is in charge of everything from the price of parking meters to deciding which streets should be one way.

He is custodian of city parking structures, traffic signs and lights and street lighting.

Unfortunately for his peace of mind, perhaps, many of those areas are ones into which Milwaukee's ward minded alderman like to dip their fingers.

Where to put a parking sign, or a traffic light, or to prohibit a left turn are matters about which residents, and consequently alderman, like to express themselves.

In recent years, one such item—street lighting—has put Bruening in the middle of frequent fights among aldermen over whose ward gets the most city money for new streetlights.

One alderman has called the street lighting budget, the biggest pork barrel in city government.

There is no sign of the controversy abating although Bruening claimed recently that the street lighting program would be done on the basis of professional criteria, not on which alderman screamed the loudest.

Bruening came to work for the city on Feb. 1, 1924, as a junior draftsman. He eventually became an electrical engineer, then a traffic control engineer.

He became acting superintendent of the bureau in 1955 and superintendent in 1956.

In 1955, he issued a major report detailing dozens of recommendations for improving traffic flow through downtown.

Everything from directional arrows on traffic lights, to installation of stop signs to construction of an underground parking structure in the Civic Center area was proposed.

Many of the changes eventually were made, including construction of the underground MacArthur Square parking garage.

Bruening has praised freeways—which are operated by the county, not the city—but also has called for improved mass transit to cut traffic congestion downtown.

Bruening says he has no specific plans for his retirement, but will see more of his children and grandchildren.

He is the fourth city bureau chief to announce his retirement in the last two months.

George Ashton, superintendent of bridges and buildings; Herbert McCullough, city engineer, and Elmer Becker, water works superintendent, also have retired since Dec. 1. All three had reached the mandatory city retirement age of 70.

Bruening will be at work until March 10.

CITY TRAFFIC ENGINEER, BRUENING, TO RETIRE

Martin E. Bruening, superintendent of the city's Bureau of Traffic Engineering and Electrical Services since 1956, announced Wednesday that he would retire.

Bruening, 68, has been a city employe for 48 years. His bureau is in charge of traffic signals, street lighting and parking structures.

During his career, he has sometimes been caught in the middle of political disputes among the aldermen, most recently over which wards should get improved street lighting.

Bruening is a graduate of Boys' Technical High School and attended night classes in mathematics at the University of Wisconsin—Milwaukee while working as a draftsman for Allis-Chalmers from 1922 to 1924.

Bruening became a draftsman for the city in 1924. He was promoted to electrical engineer in 1941 and traffic control engineer in 1944.

Bruening was the first president of the Wisconsin section of the Institute of Traffic Engineers and was a director of the International Municipal Signal Association.

He has lectured at institutes and seminars at the University of Wisconsin at Madison and Milwaukee, Marquette University and Northwestern University.

Bruening's last day at work will be March 10. He will retire officially May 1.

Herbert A. Goetsch, commissioner of public works, said he had not yet taken action on a successor.

THE STORY OF ONE POISONED AMERICAN CHILD

Mr. MONTOYA. Mr. President, nonenforcement by a government agency of a good law is always cause for concern. Such is the case with the Poison Prevention Packaging Act and the Food and Drug Administration. Yet no amount of condemnation compares with an actual case history, written not by doctors, but by the young mother of a child which has accidentally ingested a hazardous substance. It is just such happenings that the law was passed to prevent.

To obtain a case history of a child grievously harmed by ingestion of some hazardous substance is not difficult. But the propriety of spreading out a staggering personal tragedy for national consumption has always given me pause. Now, however, the situation has been resolved by the mother of one of these children.

Redbook magazine for March 1971, contains a feature dealing with such a case. This publication runs a monthly feature by women, delineating challenges surmounted, problems encountered and solutions arrived at in a variety of situations.

Vignettes range from the humorous to the starkly tragic. The latest one is a traumatic presentation of the consequences of ingestion by her child of what seems to have been a liquid drain cleaner containing lye. The author is Mrs. Jo Huslig of Great Bend, Kans., and it is a chronicle of suffering to move the hardest heart. I ask unanimous consent that the text of her article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE DAY OUR WORLD ENDED

(By Jo Huslig)

I thought back over the weeks, wishing I had thrown the lye away or put it in the basement. But all it took was one mistake—and now our lives will never be the same.

A hot summer Sunday. We had just arrived home from church and were going swimming. Everything was normal, everyone milling about the kitchen, fixing sandwiches. That was the end of my other world.

I saw my baby Tami stumble in from the back porch, choking, her hands to her mouth, and in her eyes the panicky look of not being able to breathe. I quickly picked her up and put my finger in her mouth, thinking she had caught a piece of candy in her throat. When I felt the slick, slimy film on her tongue I knew with a nerve-shattering certainty what she was choking on. "My God!" I screamed. "She's swallowed lye!"

My husband grabbed her and began pouring water into her mouth, and I ran to call our doctor. He was on the phone in only moments, but it seemed an eternity. While I explained what had happened, my husband tried to force cold milk down her throat. By this time her lips had turned a dark brownish blue. Then suddenly her eyes rolled up and she fell forward into her father's arms. "She's passed out!" I cried into the phone, and the doctor told me to get her to the hospital immediately.

Although we live only six blocks from the hospital, the journey seemed endless. Tami was in convulsions all the way. I couldn't bear the thought of losing her, but I wondered how her tiny, 15-month-old body could survive the deadly action of lye.

The doctor was waiting for us at the hospital, and he and a nurse pumped out Tami's stomach. Although she was semi-conscious, it took all three of us to hold her. A new hope came with her amazing strength.

Then followed two and a half weeks of sitting beside Tami in the hospital, watching the doctors try to bring her back to me. Cortisone shorts for swelling, blood tests and X-rays—and she moaned pathetically through everything. Her lips, tongue and throat were painfully blistered. Four days later pneumonia set in. She was placed in an oxygen tent for four days and given one penicillin shot after another. Fighting for air, unable to eat, Tami was in a strange, terrifying world of pain where women in white kept on hurting her. She was even more afraid of the doctor, and started to scream when he came into her room. But what was really hard for her to understand was Mama holding her down so that everyone could make her suffer.

Once a sweet, trusting, happy little girl, she became sullen, quiet, unfriendly, almost vicious—never smiling, never speaking, finding revenge in throwing things from her bed, scratching my face and pinching my arms when I held her, knocking the spoon from my hands that tried to feed her. Every meal was a battle. Soft, unsalted, bland foods and liquids, but the first bite had to be forced in. Then when she found it didn't hurt her or taste too bad either, the rest of the meal went more smoothly—sometimes.

Finally her lips and tongue began to heal and the pneumonia went away, except for a slight rattle—so we got to go home. We had nasty medicine for the rattle and vitamins to build her up with. It was a joy to see her begin to play again, even to laugh occasionally. She developed an appetite and swallow most foods without any difficulty, but in a few days the solid things started coming back up in bombs of thick stringy mucus. She still tried to eat, but only soft foods and liquids stayed down. Exactly three weeks to the day we brought her home she couldn't take her bottle without choking, and nothing else stayed down at all.

I took her to the doctor the next morning and he was gravely concerned. He took an X-ray while she swallowed a thick white liquid. Another ordeal that she screamed all the way through. That afternoon we were told to have her at the Kansas University Medical Center, in Kansas City, at ten the next morning. Tami's throat was closing with scar tissue.

We had only a few hours to prepare for the trip. We left our other children with family and started for Kansas City early the next morning with very little money and a borrowed car. Two hundred and fifty miles. Away from family and friends, in another world entirely—fast, heavy traffic, towering buildings.

Registration took forever. We sat and waited. Once admitted, Tami was put on intravenous fluids immediately. While we waited through more x-rays and blood tests, we were told that a little girl who had swallowed oven cleaner was in the hall. She was a darling little two-year-old, running about and laughing. Her throat was a mass of ugly scars. Her mother lifted her gown and showed me a long rubber tube pinned to it. The tube came from inside her stomach—a feeding tube, as her throat was completely closed. The accident had happened several months ago, and she still had to have doctor and hospital care. She was here for the 46th time.

My knees went weak, and I had to hurry back to Tami's room and sit down. She looked so pitiful, lying there with the intravenous tube in her arm, that I wanted to pick her up and run out and find our way back to our other world. But it wasn't out there—it wasn't anywhere. This was our world for now.

The doctors came into the room to lay out the whole black picture for us, no punches pulled, nothing held back. Tami's body had produced so much scar tissue that she had an opening the size of a string in her throat. She would have to have a gastrostomy—surgery to put a feeding tube into her stomach. In this way she could get built up for an operation on her throat, which involved making her a new esophagus out of a piece of her own intestine. It was unbelievable, a nightmare I couldn't awake from. I stared out the fifth-floor window, tears streaming down my face; the doctors were still in the room, talking.

The next day a three-year-old girl came in as Tami's roommate. She had swallowed a liquid drain cleaner about five months before, and she had returned to the hospital to have her esophagus stretched and her feeding tube replaced. She was very quiet, never said a word, looking warily at everyone with hue brown eyes. Later that same day another three-year-old charmer joined us. She had swallowed a liquid drain cleaner over a year before. This was her 28th visit. I couldn't help but panic then, for it seemed that all the poor, tiny things were following a pattern. My first thought was that we would have to move to Kansas City to be near the Medical Center. Then I decided that Tami would be different. She wouldn't have to come back again and again.

They gave her another I.V. bottle as quickly as one got empty; her poor little arm was so weighted down that she couldn't move it. As she was taken off to surgery I tried to swallow the lump in my throat. I felt tears searing my eyes, and I wept for all the suffering she had ahead of her. My poor baby! I went to the chapel, but I was almost too hurt to pray.

Two hours later they brought her back. I will never forget the look on her face. It seemed to say, "Well, you brought me here to hurt me, and I hurt." I ached to hold her close, but the first time I picked her up I cringed; I felt all tangled up in her feeding tube. She put her hands against me as if she was afraid I'd hold her too close.

She lost her first feeding, maybe because it was the first food she'd had for several days. The mixture looked like a malt, but it smelled like beef stew. It was the same for breakfast, dinner and supper: a mixture of meat, milk and vegetables, red color if they used beets and green if they used peas. Full of vitamins and iron.

Tami had to start walking to get exercise and develop an appetite so that her stomach would accept the feedings. She walked slowly, her face set in a glum expression. Sometimes the food would back up into the vial attached to the tube. It wasn't a pleasant sight, but the whole fifth floor was full of unpleasant sights.

Little children in pain—something that always affected me deeply. There were other ailments just as tragic as Tami's and her two roommates'. The entire floor was somewhat depressing, but you soon got interested and involved in each case. There were several heart-surgery patients, from small babies to preteen-agers; a baby with a stomach tumor; one little fellow who had epilepsy, one with rheumatic fever; and a tiny two-year-old boy who couldn't walk or talk and wasn't wanted by his parents.

The tragedies rolled out as we parents sat in the visiting room, exchanging our own personal stories, all brought closer through a common bond of grief and pain, waiting for the report that the little baby's tumor was nonmalignant, hearing that one five-week-old didn't make it through a delicate operation. They touched each one of us, the joys and sorrows.

As I became more concerned with each case the ugly, guilty thought ran through my mind that Tami shouldn't be here. Most of the other afflictions were nature's accidents. My baby was born well and healthy, nothing missing, all parts functioning properly. I looked back over the weeks, wishing I had thrown the lye away or put it in the basement. I pictured Tami finding the back door open and spying the cup we used to pour lye into our drains. Possibly thirsty from eating candy, she picked it up, expecting to get a drink. Instead the few crystals that clung to the rim rolled into her mouth and went into action.

The number of children who were at the hospital for drinking dangerous substances was staggering. Tami's was the 26th case, and, of these, nine had drunk liquid drain cleaner.

Children can't read the labels—Poison, Caution, Danger, Keep Out of Children's Reach. They are attracted by the colorful container and the liquid, either pink or blue. If looks good—maybe it tastes good. Children may drink something that doesn't even smell good if it's handy, pretty, easy to open or if they are just plain thirsty.

The doctor said it takes only a drop and a few seconds to do damage beyond repair. But television commercials all sound so harmless. There is a product that thinks it's a dove, one that whips like cream, another that makes your bathroom smell like a daisy.

Cleaning and laundry products may not always be harmful if little ones get hold of them, but the point I'm trying to make is that they do not have to be pretty and colorful to do their jobs. And something as dangerous as lye should be sold in a hard-to-open, one-dose package so that when you need it again you have to buy another one. Impractical? How can it be if it saves a child's life?

For no matter how careful we are how closely we watch our children, it takes only one unguarded moment and life changes for you instantly. Shock, constant worry and fear, terrible guilt, mounting doctor and hospital bills, endless days and sleepless nights. You stand helplessly by, watching your precious baby fight for her life and endure untold pain, her eyes pleading with you for help. Suddenly everyone has turned on her, everyone hurts her, and Mama just stands there and lets them.

Like most people, I thought that if children didn't die from drinking something poisonous, they lived. But it isn't that simple. It's the struggle to live that is so terrible. Yet you thank God they didn't die.

Tami became used to her feeding tube, but she didn't realize that she couldn't swallow. It was heartbreaking to see her beg for food and be so hurt and confused when we refused to give it to her.

Several months after the gastrostomy was performed, Tami underwent surgery to create a new esophagus. Part of her colon was turned up through her body and attached to her throat. She had incisions across her throat and from breast to navel. For a while she was able to swallow soft foods and liquids, but then the new esophagus began to close.

We have just returned from our fifth trip to Kansas City so that it could be opened again. How many times she goes back depends on the old enemy scar tissue. Each time I place her in the good doctor's hands and bless him for whatever he can do for her, I pray she will be completely normal again. One day, we hope, she'll have nothing but the scars on her body to remind her of all she went through—the pain very possibly forgotten.

I felt a need to write our story now, before Tami's complete recovery. Perhaps I can prevent another child's suffering the same fate—by warning, even begging, all mothers everywhere to check their cupboards, porches, bathrooms and utility rooms and remove everything potentially dangerous from the reach of small children. Please believe me—it is well worth the effort.

I may never know it, but I'd like to think my story has helped you save your child.

Mr. MONTOYA. Mr. President, several themes within the article are worthy of special attention. The child in question obviously was not old enough to understand the inevitable results of such a harmful ingestion. Vocal and written warnings were meaningless. Results of the accident to this and presumably to hundreds of thousands of other families have been staggering.

Stomach pumpings. Trauma. Fright. Shock, Agony. Injections. A struggle just to breathe. Scar tissue on a tiny body. Intravenous feedings. Repeated hospital visits. Financial catastrophe. Mental agony of the most extreme sort. Disrupted lives.

One particular mother, in spite of all this, seeks to help others avoid similar catastrophes.

Continuing to read between the lines of her article, we can perceive other insights and clues. Here is one thought-provoking quotation:

> The number of children who were at the hospital for drinking dangerous substances was staggering. Tami's was the 26th case and of these, nine had drunk liquid drain cleaner.

Bear in mind this was at just one hospital at a given time; the Kansas University Medical Center in Kansas City.

Today these cleaners can be obtained everywhere across the Nation by simple over-the-counter purchases. A childproof safety closure on such a container might have saved this child at the staggering cost of a mere fraction of a cent. Industrial technology can produce them. The Poison Prevention Packaging Act has been on the books since December 30, 1970, providing ample authority for FDA to act to make such closures mandatory upon this type of product.

Originally, in November 1970, the FDA proposed a ban on liquid drain cleaners with 10 percent or more sodium potassium hydroxide, or lye. A series of well-publicized poisonings and stories were responsible for FFDA's belated action. It took until June 10, 1971, or 7 months, for this action to become effective. But a clause was added to the ruling by FDA to the effect that manufacturers did not have to comply if packages came equipped with childproof safety closures. In effect, this was a charade because no rulings had then been laid down by FDA on safety closures for lye cleaners. A testing protocol was not finalized and published in the Federal Register until much later. It was first proposed in preliminary form on July 20, 1971, and finalized on November 20, 1971. Because of an additional 60-day extension added by FDA, it did not become binding and final until January 20, 1972, or 13 months after the law came into force. So we can see in retrospect that the ruling on liquid lye cleaners was a deliberately meaningless gesture.

Malcolm Jensen, Director of FDA's Bureau of Product Safety, in an article by Newhouse News Service Reporter Miles Benson on July 10, 1971, published in the Washington Star, stated that at the time of finalization he did not know of any company producing such a cleaner with more than 10 percent lye content. He also said then:

> There is no clinical evidence that even a 10-percent lye content is safe.

The effect of FDA's June 10, 1971, regulation was to remove the word, "poison" as well as the skull and crossbones insignia from labels on such drain cleaners, even though with lye contents of barely below 10 percent they were positively deadly. In effect, the FDA action made these products more rather than less dangerous for children.

FDA's use of the Poison Prevention Packaging Act in this case turned it into a weapon against efforts to remove a dangerous product from the market. Under the Hazardous Substances Act of 1966, FDA has full power to remove a product from the market, where no reasonable cautionary labeling would be sufficient. Rather than do this, which they could have done, FDA chose to interpose the PPPA, knowing it was unenforceable. This had the effect of getting lye cleaners off the hook of publicity.

How was this accomplished? By proposing, on December 10, 1971, that all liquid drain cleaners be removed from the market unless they complied with PPPA. Up to now, nothing has come of this. The cleaners remain on the markets, doing damage to children.

At the February 18, 1972, meeting of the technical advisory committee, FDA assured questioners that final orders would be forthcoming on these cleaners by mid-March of 1972. Meanwhile, nothing is done.

This brings us to the latest act in that ongoing Washington smash hit show, "FDA Follies." Conclusive proof is to be found here of this agency's unwillingness and inability to enforce the law.

Under the law's provisions, an 18-person technical advisory committee was to be appointed to consult with FDA on standards of efficacy for childproof safety closures on all potentially hazardous products. It took 4 months for this committee to be appointed. Since that time, it has met a grand total of four times.

My office has begun to delve into the mysterious world of advisory committees, and findings are intriguing, to say the least. For months it was virtually impossible to discover when they were to meet. Eventually, under necessary outside pressure, it dawned on FDA that Congress and the public have got a right as well as a need to monitor these gatherings. Gaining entry to their closed door deliberations proved an extraordinarily difficult task. Once representatives of consumer groups obtained limited access to a meeting, they found it most difficult to ask questions or in any active manner to participate in deliberations. Repeated protests were registered to such procedures, resulting in eventual grudging agreement on FDA's part to limited questions and answer sessions involving members of congressional staffs, representatives of consumer protection organizations, the press and the public at large. The first meeting under these ground rules took place on February 17, 1972, here in Washington, at the Skyline Inn.

My representatives attended that meeting with strict instructions to inquire of FDA officials when final orders were to be published in the Federal Registerer on three other categories of products for which preliminary orders were issued months ago. Primary concern centered around oil-based furniture polishes, oil of wintergreen solutions exceeding 5 percent, such as are utilized in linaments, and controlled drugs.

Accordingly, FDA officials at the gathering were asked when such final action would be forthcoming. An FDA spokesman several times assured my representatives that final orders would be forthcoming in the Federal Register, "on or before March 1, 1972," for furniture polishes and oil of wintergreen solutions.

They indicated there would be a slight delay in final orders for controlled drugs. Mr. President, that date has come and gone. No final orders for these products have appeared in the Federal Register as was promised by FDA officials at that meeting.

All guarantees in question were made in the presence of the advisory board, some dozen FDA officials, including the director of FDA's Bureau of Product Safety, his deputy and the head of FDA's poison control centers, and numerous others. No FDA official came forward to contradict promises of final orders.

Representatives of the Public Interest Research Group, Georgetown Law Center, and other consumer groups were also present, as were a number of staff members from congressional offices. Ample verification can be obtained from them as well as from official minutes of the meeting.

These facts stand by themselves. The products in question are even now continuing to wreak havoc among American children. We may safely presume that our hospitals are continuing to witness a parade of tragedy similar to the one described in Mrs. Huslig's Redbook article.

It is possible that Mrs. Huslig has not been made fully aware of the Poison Prevention Packaging Act, which makes her statement all the more poignant. She pleads for parental caution, logically noting that it takes only an instant for an ingestion. She calls attention to the uselessness of warning labels and advertising campaigns. She calls for preventive action on the part of parents.

Yet across the Nation, homemakers are becoming working mothers in ever-increasing numbers. Millions of very small children under age 5 are being left in charge of slightly older brothers and sisters. Day care centers are minimal in number. Intensive child care on a daily basis is becoming an exception rather than the rule. We can expect this ugly toll to rise, unless corrective action is taken under existing law.

Women like Mrs. Huslig should be apprised of the existence of the PPPA and its nonenforcement by FDA. Mr. President, we are now in the 15th month of this law's existence. At the earliest, it will be August 15, 1972, before a single container is sold in America with a childproof safety closure as a direct result of FDA order. This means 19½ months between signature by the President and actual results. It will take longer for all other products.

If the Mrs. Husligs of the country become fully aware of why their children are dying and being crippled in this manner, I believe FDA will finally discover what it means to become responsive to the people, as elected representatives understand the phrase.

FDA's officials feel they are totally insulted from personal responsibility to people they are supposed to protect by enforcement of consumer legislation. Their contact with average citizens is minimal. Such remoteness must end.

Never have they been shoved forcefully toward actual forthright performance of their clearly defined duty. If the Mrs. Husligs will respond; if our mass media will play a pitiless spotlight of exposure on these largely anonymous individuals; perhaps children will be found where they belong—outdoors, instead of writhing in agony at the university medical centers of the Nation.

ST. JUDE'S IN MEMPHIS

Mr. BAKER. Mr. President, on February 4, 1972, a unique institution in Memphis, Tenn., celebrated the 10th anniversary of its dedication.

St. Jude Children's Research Hospital for a decade now has been fulfilling the promise of its founder, entertainer Danny Thomas, in making significant contributions to alleviating childhood diseases which blight the lives of youngsters, their families, and society as a whole. St. Jude Hospital is the only hospital in the world dedicated solely to research and treatment of catastrophic children's diseases such as acute lymphocytic leukemia and other childhood cancers, malnutrition, muscular dystrophy, sickle cell anemia, and severe infectious diseases.

The hospital is nonsectarian, interracial, and completely free of charge to patients who affliction is under study. Since 1962, the institution has treated some 3,000 children from 25 States and two foreign countries.

Since its founding, St. Jude Hospital has enjoyed the support of openhearted Americans who have responded to the fund-raising efforts of nearly 2 million teenagers by giving some $15 million to Teenagers Marches. As the hospital enters its second decade, plans have been made for a $9 million, seven-story addition that will provide more research and treatment facilities to aid research physicians and scientists in finding the cause of childhood leukemia so that it may be prevented, and to unlock the secrets of other childhood afflictions.

The achievements to date of St. Jude Hospital are best exemplified by its strides in the fight against leukemia, once considered incurable. That word can no longer be used legitimately. Ten years ago, a child with acute lymphocytic leukemia carried a virtual death warrant, with a life expectancy of 3 months to a year.

The total therapy program developed by St. Jude scientists has already resulted in a 17-percent, 7-year, leukemia-free rate for youngsters treated in 1962–65—the first instance of a significant 7-year rate for leukemia of any kind. Further evolved treatment procedures hold even greater promise.

Some 55 percent of the children treated from December 1967 to July 1968, for acute lymphocytic leukemia—the most common among the young—have been free of all evidence of the disease for 3½ to 4 years. These are the best reported results from St. Jude or any other institution. Past experience indicates that the majority of children who remain free of leukemia for 3 years will probably become 5-year cures, according to Dr. Donald Pinkel, medical director.

Underlining the value of a research center like St. Jude Hospital is the fact that the hospital's treatment program for childhood leukemia has been provided to more than 50 other medical institutions in this country and abroad, and to hundreds of physicians, extending the benefits of its knowledge to hundreds of thousands of children who likely will never see the hospital itself.

Through the years, the work of St. Jude has grown to encompass new challenges. It is making progress in combating malnutrition, demonstrating that infant mortality rates—which are highest in poverty areas—can be sharply reduced, and even eliminated, by providing newborn babies and pregnant women with proper foods. Using vitamin and iron-enriched liquid formulas accompanied by adequate health care, St. Jude, in conjunction with the Memphis Area Project-South—MAP-South—community organization, has demonstrated that malnutrition and its effects can be reduced here and around the world at a reasonable cost.

The hospital also is researching why great pandemics of influenza sweep the world and how they may be prevented, and may be on the threshold of an answer to these questions; it has established a specialized center for study and treatment of retinoblastoma, the eye cancer of infancy that is one of the most common causes of childhood blindness; and a new treatment program has been developed for the treatment of sickle cell anemia, which may afflict up to 2 million blacks in America.

The St. Jude story is one of committed research physicians and scientists, probing deeply into the secrets of cell biology, biochemistry, virology, and immunology, pharmacology, hematology, and nutrition and metabolism, in an unending search to unlock the door to the causes of catastrophic childhood diseases, as well as to develop new, more effective treatment techniques.

It is the fulfillment of the dream of Danny Thomas, who vowed to St. Jude Thaddaeus, patron saint of hopeless cases, to build a living shrine where hopeless children of all races and creeds could be treated without cost.

It is the devotion of American teenagers, whose door-to-door Teenagers Marches have produced most of the funds for the hospital's operating costs over the years.

Most importantly, St. Jude Hospital is a tribute to the anonymous generosity of millions of American people, by all measurements the most generous and charitable citizenry in the world, whose contributions have made St. Jude's achievements possible.

Given these circumstances, it is especially gratifying to note the accomplishments of St. Jude Children's Research Hospital and to recognize its 10th anniversary.

AMNESTY

Mr. KENNEDY. Mr. President, during the past months there has been much discussion in the press and on radio and television concerning amnesty. One of the most difficult public policy issues facing the Congress today involves the thousands of young Americans who fled the country or accepted conviction rather than face the draft.

The number of our young men now living outside this country is uncertain. They face criminal prosecution with a sentence up to 5 years and a fine up to $10,000 should they ever return home. Some 5,000 young men have decided to stand trial, as did Thoreau, and accept the consequences of their opposition to the war. Many are serving Federal prison sentences.

We must ask whether following the conclusion of the Indochina war, we shall have a permanent band of exiles who cannot return to the United States because they would have to face criminal prosecution for acts long past. We also must consider the equity of permitting amnesty during the war when thousands of young men who did not leave the country or avoid the draft have fought and died in Vietnam or remain in the Vietnam prison camps. These are complex issues that cannot be simply answered.

Last year, I urged a study of amnesty to explore this issue. Yesterday my Senate Subcommittee on Administrative Practice and Procedure concluded 3 days of hearings on amnesty and inequities within the selective service system.

We heard from some 31 witnesses. They represented virtually all points of view on the subject of amnesty and they expressed those views at times with passion but always with deep personal feelings on the matter, and their comments illuminated the difficult problems presented by this issue.

Ultimately, the decision of the Nation must go beyond weighing the morality of those who faced prison, or those who fled, against those who fought. Ultimately, the decision of the Nation must be based on what is in the national interest of reconciling the Nation and easing the pain caused by this war.

John C. Etridge of the Congressional Research Service, the Library of Congress, has recently compiled a detailed study of the history of amnesty which I believe will be of interest to Senators; therefore, I ask unanimous consent that the study be printed in the RECORD.

I also ask unanimous consent to have printed in the RECORD a series of articles on the same subject.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

AMNESTY: A BRIEF HISTORICAL OVERVIEW

INTRODUCTION

In the years ahead the government and the people of the United States will continue to face domestic social problems resulting in varying degrees from U.S. involvement in the Indochina war. One such problem that is now beginning to be discussed in the news media and Congress is amnesty for those who have refused to serve in the armed forces or have deserted from them. Seeking a legislative solution, some Members of Congress have expressed interest in the history of amnesties in this country and the extent of Congressional involvement in past amnesties.

Although a number of articles and studies of various aspects of amnesty have been written, a comprehensive treatment of amnesties in American history does not appear to exist.[1] This paper is an effort in that direction, covering the highlights but not exploring the subject in depth. No attempt has been made to delve into the legal intricacies of amnesty; and the constitutional question of Congressional versus Presidential authority to grant amnesty, which arose after the Civil War, is treated only from the historical point of view.

As the reader will discover, amnesty is a rather complicated subject, hazy in concept and, at one point in American history, highly controversial.

Following a brief description of the concept of amnesty, the paper gives some examples of its use in Western societies, including a summary of federal amnesties in this country—with particular reference to those few occasions when Congress took an active role. Finally, the political and social significance of amnesty is touched upon, and there is a brief discussion of the factors contributing to increased public interest in amnesty in this country today.

WHAT IS AMNESTY?

Originating in a Greek term meaning forgetfulness or oblivion, amnesty has become a concept which implies "an act of the legal sovereign conceding, from grace, a voluntary extinction from memory of certain crimes committed against the state."[2] More simply, amnesty is the official act of overlooking a crime which was committed by a group of people.

The concepts of pardon and amnesty are interrelated. Historically, amnesty evolved from the general pardoning powers of ruling authorities. Pardon does not release the individual from guilt, but from the penalty imposed for a transgression of the law. Similarly, amnesty releases recipients not from guilt but from the penalty imposed by law. "It is a legal oblivion, usually of political offenses. However, only the criminal

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Footnotes at end of article.

consequences of the absolved act are destroyed."[3]

Pardon can be extended to any kind of offender and is usually granted after punishment for the crime has begun. Amnesty has usually been granted to political offenders,[4] often before a trial or punishment has begun.

There are two types of amnesties. *General* amnesties cover all classes of offenders. *Particular* amnesties are limited to special groups, sometimes with specific exceptions.[5]

Whether general or particular, an amnesty can be "absolute' (imposing no conditions on the recipients; or "conditional" (demanding performance of cetrain conditions before entering into effect.) For example, Senator Taft's proposal (S. 3011) to grant amnesty to draft evaders who agree to alternate service, would be a particular, conditional amnesty.

However, such formal classifications are not always observed, and descriptive phrases such as "general pardon and amnesty" and "unversal amnesty" are used in a variety of ways by writers and statesmen. There is no accepted, standardized usage in American history.

SOME NOTABLE AMNESTIES IN WESTERN HISTORY

The first true amnesty usually cited by students of Western cultures occurred in 404 B.C. when Thrasybulus, an Athenian general, forbade punishment of Athenian citizens for past political acts. After expulsion of the Thirty Tyrants (who were excluded from the amnesty), Thrasybulus granted amnesty to all citizens in an effort to "erase civil strife from memory by the imposition of legal oblivion."[6] Thrasybulus' action, whether or not it was the first, clearly possessed all the characteristics of amnesty as defined today.

Among the many amnesties in French history, the *lettres d'abolition* accompanying a truce between the Armagnacs and the Burgundians in 1413 were an early example. Rioters in Bordeaux were amnestied in 1549. The Edict of Nantes, issued by Henry IV in 1598, ended persecution of the Huguenots (French Protestants).[7] Napoleon's imperial decree of 1802 and successive amnesties following the civil disturbances of 1871 and the Paris Commune were among the many 19th century French amnesty proclamations.[8]

Significant among amnesties in England were those granted in 1651 after the Civil War and in 1660 after the restoration of Charles II. Other notable amnesties—all required under peace treaties involving European powers—are outlined below.

The treaty of Osnabruck between the emperor on the one hand and Sweden and the Protestant states of Germany on the other (1648), and that of Oliva between the emperor, Sweden, Poland and the elector of Brandenburg (1660) provided not only that mutual wrongs should be consigned to oblivion but that property should be restored to all persons who had been dispossessed during the war. The final act of the Congress of Vienna in 1815 extended amnesty to Poles and Swedes, and the treaty of Frankfurt between France and Germany in 1871 limited amnesty provisions to the inhabitants of the territory ceded by France to Germany, though this was subsequently extended by special negotiations. The treaty of San Stefano, between Russia and Turkey in 1878, contained the unusual provision requiring Turkey to extend amnesty to its own subjects compromised during the war. The peace of Vereeniging ending the Boer War in 1902 provided amnesty for Boers who accepted British nationality with the exception of a list of Boer officers who were to be tried for violations of the law of war.[9]

Some of the European countries granted amnesties to political prisoners after World War I. On January 13, 1920, the Senate asked the Secretary of State to provide information on the amnesty policies of the wartime allies. Acting Secretary Polk responded by providing the texts of French, Italian, Belgian and Canadian amnesty documents and a statement explaining the British Government's negative position on the question.[10] Also that year two resolutions were introduced in the Senate advocating amnesty for political prisoners, the most famous of whom was Eugene V. Debs, imprisoned for "pacifism in violation of the 1918 Espionage Act." His sentence was commuted by President Harding in 1921, but his citizenship was never restored.[11]

In December 1920 the Senate held hearings on amnesty for political prisoners, but no report was issued and no further Congressional action ensued.[12]

After World War II, France, Norway, Germany, Belgium, Japan, and the Netherlands granted amnesties or pardons to some who had been engaged in compromising activities.[13] More recently, after De Gaulle resolved the Algerian conflict, a general amnesty was granted to most of those who had illegally resisted the French government's policies.

AMNESTIES IN AMERICAN HISTORY

In many countries the power to grant amnesty rests with the legislature rather than the executive. In the United States, however, it has been the President who has exercised such power. Virtually all amnesties have been issued by or in the name of the Chief Executive, although some have been in response to Congressional initiative. Presidential authority to grant pardons and amnesties is derived from the constitutional provision that the "President . . . shall have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment."[14]

Congress has, however, attempted to assert authority in this regard, especially toward the end of the Civil War and in the years immediately thereafter. The question of Congressional authority to grant amnesty and pardon was considered by the Supreme Court in 1896. Although the case did not involve the issue directly, in Brown v. Walker (161 U.S. 591) the Court used language indicating that it would be assumed the President did not have exclusive authority to grant pardon and amnesty. The Court was also of the opinion that the distinction between pardon and amnesty was of no practical importance.

The following is a brief account of Federal amnesties in American history, based upon a review of James D. Richardson's "Compilation of the Messages and Papers of the Presidents" and upon Jonathan Truman Dorris' book, "Pardon and Amnesty under Lincoln and Johnson."[15]

By pardoning participants in the 1794 Whiskey Insurrection, George Washington set a precedent for a succession of Presidential amnesties. On July 10, 1795, Washington proclaimed "A full, free and entire pardon to all persons . . . of all treasons, . . . and other indictable offenses against the United States committed within the fourth survey of Pennsylvania before the said 22nd day of August last past . . ."[16] Exceptions were made of those who "refused or neglected to give assurance of submission to laws of the United States; violated such assurances after they were given; or willfully obstructed or attempted to obstruct the execution of the acts for raising a revenue on distilled spirits . . . or by aiding or abetting therein . . ."[17]

The insurrection had reached a climax on July 17, 1794, when "several hundred men" attacked and burned the home of the regional inspector of the excise.[18] Washington's pardon came a year later. In his explanation to Congress, the President said:

"For though I shall always think it a sacred duty to exercise with firmness and energy the constitutional powers with which I am vested, yet my personal feeling is to mingle in the operations of the Government every degree of moderation and tenderness which the national justice, dignity and safety may permit."[19]

In 1799 a band of over 100 Pennsylvanians, rebelling against the laws for the valuation of lands and dwellings, freed the prisoners of a United States marshal and prevented him from carrying out his duties.[20] On May 21, 1800, President Adams granted ". . . a full, free, and absolute pardon to all and every person or persons concerned in said insurrection . . . of all treasons, misprisons of treason, felonies, misdemeanors, and other crimes by them respectively done or committed against the United States . . ."[21]

By the Proclamation of October 15, 1807, President Jefferson granted a full pardon to all deserters from the Army of the United States who would surrender themselves within a period of four months.[22]

Prior to and during the War of 1812, proclamations offering "a full pardon" to deserters who surrendered within four months were issued by President Madison on February 7, 1812, October 8, 1812, and June 17, 1814. No exceptions were listed.[23] President Madison also proclaimed an amnesty for the pirates and smugglers in the vicinity of New Orleans who helped fight the British.[24]

President Jackson approved a War Department General Order of June 12, 1830, which extended "a free and full pardon" to deserters, subject to the following provisions: those in confinement were to be released and returned to duty; those at large and under sentence of death were to be discharged and never again enlisted in the service of the country.[25]

During the confusion at the outbreak of the Civil War many persons were detained by civil and military authorities. But on February 14, 1862, through Secretary of War Stanton, the President directed the release of many political prisoners and others held in military custody "on their subscribing to a parole engaging them to render no aid or comfort to the enemies in hostility to the United States."[26] On February 27, a special commission was appointed to examine the cases of the state prisoners remaining in military custody and to "determine whether, in view of the public safety and the existing rebellion, they should be discharged or remain . . . for (civil) trial."[27]

In the Confiscation Law of 1862 Congress authorized President Lincoln to extend pardon and amnesty to persons participating in the rebellion, imposing exceptions or conditions as he deemed expedient.[28] Subsequent proclamations issued by Lincoln during this critical period acknowledged the statute but indicated that he did not consider it his sole source of authority.[29]

By the Presidential Proclamation of March 10, 1863, deserters who reported on or before April 1, 1863, were restored to their regiments without punishment except for forfeiture of pay and allowances during their absence.[30]

On December 8, 1863, President Lincoln declared in his proclamation:

"Whereas it is now desired by some persons heretofore engaged in said rebellion to resume their allegiance to the United States and to reinaugurate loyal State governments . . . a full pardon is hereby granted to them and each of them, with restoration of all rights of property, except as to slaves and in property cases where rights of third parties shall have intervened . . ."[31]

Each person was required to subscribe to and "maintain . . . inviolate" a prescribed oath of loyalty to the United States. Officers of the Confederate Government, former officers of the United States who joined the re-

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Footnotes at end of article.

bellion, and certain other classes of rebels were excepted.[32]

In February 1864, the War Department mitigated the sentences of deserters from death to imprisonment, authorizing generals to restore deserters to duty whenever it was deemed beneficial to the service.[33]

On March 26, 1864, Lincoln found it necessary to issue an additional proclamation defining the cases in which insurgent enemies were entitled to the benefits of the Proclamation of December 8, 1863. He declared that civil and military prisoners were not eligible but added that they might apply to the President for clemency "like all other offenders . . ." The previous proclamation was held applicable only to persons at large who voluntarily took the oath "with the purpose of restoring peace and establishing the national atuhority." [34]

In his Fourth Annual Message in December 1865, Lincoln stated that although many had complied with the measure of the previous year, some had abused the amnesty, necessitating precautionary measures which made the process more complicated. However, special pardons had also been granted to individuals of the expected classes, and no voluntary application had been denied.[35]

An Act of Congress approved March 3, 1865, set forfeiture of citizenship as the punishment for desertion and required the President to issue a proclamation pardoning all deserters who returned to their proper posts within sixty days and served a period of time equal to the original term of their enlistment.[36] Lincoln complied by issuing the Proclamation of March 11, 1865. Subsequently, the War Department, on July 3, 1866, offered conditional amnesty to all regular army deserters who surrendered before August 15, 1866.[37]

Shortly after taking office, President Andrew Johnson issued a Proclamation of Amnesty and Reconstruction on May 29, 1865, which granted full pardon to all former Confederates (except certain leaders) who took an unqualified oath of allegiance to the United States.[38] Many Members of Congress disagreed with the President's actions and a struggle ensued between Congress and the Executive over the constitutional question of authority to grant pardon and amnesty. On January 21, 1867, Congress repealed Section 13 (authority of the President to proclaim amnesty and pardon) [39] of the Confiscation Law of 1862, but Johnson treated this repeal as a nullity and extended the provisions for amnesty in three new proclamations in 1867 and 1868. His proclamation of September 7, 1867, offered full pardon to "all persons participating in the late rebellion" who would take an oath of allegiance. Excepted were these classes of Confederates: high-ranking members of the Confederate Government; those who mistreated prisoners of war; and those in civil or military confinement, as well as those engaged directly or indirectly in the assassination of President Lincoln.[40]

A further proclamation issued July 4, 1868, extended full pardon to "all participants engaged in the late rebellion, those under indictment for treason or felony excepted," [41] and finally on December 25, 1868, President Johnson granted a full, unconditional pardon and amnesty to "all persons engaged in the late rebellion." [42]

The President's actions caused a furor in Congress. The Senate Judiciary Committee issued a report on February 17, 1869, stating in part:

"The committee, after a careful examination of the subject, have no hesitation in coming to the conclusion that the proclamation in question [of December 25, 1868] was wholly beyond the constitutional power of the President, and that it can have no efficacy to the ends sought to be reached by it."

The Committee offered a resolution "That, in the opinion of the Senate, the proclamation of the President . . . purporting to grant general pardon and amnesty to all persons guilty of treason and acts of hostility to the United States during the late rebellion, with restoration of rights . . . was not authorized by the Constitution or laws." [43]

No action was taken by the Senate on the Committee's proposal, but from this time forward Congress became increasingly involved in the consideration of pardons and the removal of political disabilities. According to Dorris, Congressional clemency was being solicited before the passage of the Reconstruction Acts of 1867 when " persons began appealing to members of Congress for relief from disfranchisement." [44] Prior to that time, as indicated above, Congress had in one instance recommended a Presidential amnesty (1862) and in another authorized and required it (1865). Congress reversed itself in January 1867 by repealing the amnesty provision of the Confiscation Act of 1862. However, it was the Fourteenth Amendment (ratified in July 1868) that served principally to involve Congress in a series of actions on pardons and amnesties. Section three of the Amendment barred from Federal or State office any person "who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution . . ., shall have engaged in insurrection or rebellion against the same . . ." It provided further that this disability could be removed by a two-thirds vote of each House of Congress. As Dorris points out:

"For nearly ten years after the promulgation of the Fourteenth Amendment, Congress gave much time to the removal of disabilities thus imposed. Sometimes these private acts, as in the case of R. R. Butler, applied to only one person; at other times, as in the law of July 25, 1868, they applied to many. In every such measure the names of the beneficiaries were given, even when the lists were long; and as in the case of petitions to the President for pardon in 1865 and 1866, the requests to Congress for removals were numerous. Each appeal was expected to receive special consideration to determine its merits. This required much time that might well have been devoted to other needed legislation, but Congress continued to make removals in special acts until, by March 4, 1871, 4,616 persons had been relieved." [45]

With the ratification of the Fourteenth Amendment President Johnson "could, and did, continue to restore civil rights by special pardons and by amnesty, but . . . there was no question as to the power of removing the disability imposed in the third section of the amendment. Congress—not the executive—was to dispose clemency in this particular." [46] Whether such action should properly be considered as amnesty is a legal point which this paper will not address. In any case, in addition to the many private acts there were numerous efforts in Congress to enact laws which would provide general relief. After President Grant's annual message of December 1871 recommended such a bill, Congress enacted the general amnesty law of 1872, which "re-enfranchised many thousands," permitting every seat in the House and Senate to be occupied for the first time since 1861.[47]

In 1876 another bill that would have relieved the several hundred individuals, including Jefferson Davis, who were still barred from holding office failed of passage. However, limited amnesty bills were passed in 1884 and 1896, the former of which lifted restrictions on jury duty and civil office and the latter on appointment to military commissions.[48] When, under the pressures created by the Spanish-American War, a universal amnesty bill was finally enacted in 1898, its practical effect was virtually nil. "One by one the disfranchised ex-Confederates had passed away," including Jefferson Davis, who died in 1889 still disqualified from holding office.[49]

Following the Philippines Insurrection, President Theodore Roosevelt on July 4, 1902, proclaimed a "complete pardon and amnesty" for those who had participated.[50]

In December 1916, the Supreme Court ruled that U.S. District Judges had no authority to suspend sentences or the imposition thereof as their judgment might dictate—an authority which had been exercised for many years by some judges and not at all by others. The ruling would have required the enforcement of sentences in thousands of cases. To remedy the situation, President Wilson, by two separate actions in June and August of 1917, amnestied large numbers of persons in certain categories, such as those whose sentences would have already run out if originally imposed and those who had pleaded or been found guilty at least one year prior to June 14, 1917, the date of his first proclamation.[51]

The President's action affecting approximately 5,000 persons,[52] was not, of course, related to World War I, for which no general amnesty was declared. Subsequently, however, two Presidential proclamations granted particular amnesty to some deserters, in one case, and to draft and espionage law violators in the other. Congress had enacted a law on August 22, 1912, providing that deserters forfeited their citizenship, but it was not until 1924, following the formal declaration ending World War I, that President Coolidge granted amnesty and thus citizenship to approximately 100 persons [53] who had deserted since the World War I armistice. Much later, in 1933, President Roosevelt granted amnesty and citizenship to violators of draft and espionage acts who had completed their sentences.[54]

On December 23, 1947, on the basis of recommendations of an Amnesty Board, President Truman pardoned 1,523 persons of a total of 15,805 cases of those who had evaded or otherwise violated the Selective Service Act during World War II. In a technical sense, President Truman's action constituted a series of individual pardons rather than an amnesty. Executive Order 9814, December 23, 1946, establishing the Amnesty Board did not call for uniform treatment for all offenders. Instead, the order provided that the board "examine and consider the cases of all persons convicted of violation of the Selective Training and Service Act of 1940 . . ." In cases when the Board desired to do so, it should "make a report to the Attorney General which shall include its findings and its recommendations as to whether Executive clemency should be granted or denied, and in any case in which it recommends . . . clemency . . . its recommendations with respect to the form that such clemency should take.[55]

In the last days of his administration, on December 24, 1952, President Truman issued two proclamations. The first pardoned ex-convicts who had served not less than one year in the armed forces after June 25, 1950 (i.e. after the beginning of the Korean conflict). The second amnestied all persons who, having deserted between July 14, 1945, and June 25, 1950, were consequently court-martialed or dishonorably discharged or both. The effect was to mitigate punishment by restoring voting, office holding and other civil rights.[56]

There is, however, no record of a Presidential amnesty for draft evasion following the Korean conflict.

CONCLUSION

Every civil struggle in which the victor has not annihilated the vanquished has resulted in an implicit amnesty. "Some peace treaties have not included an amnesty clause, but amnesty is said to be implied except in so far as express provision is made to the contrary." [57]

Footnotes at end of article.

But beyond the implied amnesty of the victor, an explicit proclamation by the ruling authority can be viewed as having a discernible social value. An amnesty act is foremost a reaffirmation of the legitimacy of authority.

> Amnesties . . . usually follow civil disturbances which have threatened the government, and . . . the granting of an amnesty is nearly always a sign that the government feels its position secure from violent overthrow, and that having disarmed its enemies in the field, it may proceed with the attempt at disarming hatred and resentment by an act of grace.[58]

By going beyond the strict rule of law to overlook an offense, an act of amnesty reflects flexibility in the hierarchy of values within a society. Although the rule of law is a strong value consideration in our society, an act of amnesty may be undertaken in the spirit that laws are imperfect servants of men. From this viewpoint, amnesty is an expression by the ruling authority of the temporary predominance of one social value (forgiveness, reconciliation) over another social value (rule of law). Amnesty is a recognition that sometimes and in some situations it is healthier for the society to forgive offenses than to risk a continuance of resentment and hatred from within.

Amnesty is thus the available legal instrument in those instances where it is thought that "magnanimity will serve the society's interest better than punishment."[59] Although it is a temporary waiver of the normal practice of a ruling authority, the act of granting amnesty is at the same time a reaffirmation of legitimacy. Only when the ruling authority is accepted as legitimate can amnesty be beneficial to the society. "Wherever the government feels itself insecure (amnesties) are of doubtful worth. In fact, from the standpoint of the group in power, amnesties are politically expedient only when the regime is safe from further violence, and when clemency may not be mistaken for weakness."[60]

If reconciliation efforts tend to surface when a government has endured grave upheaval, it is not surprising that the greatest number of amnesties in American history were granted during and after the Civil War. No other period in our history generated such widespread and controversial interest in amnesty, and at no other time was the country in such great jeopardy.

It is conceivable that the current interest in amnesty is to some extent a measure of the domestic social crisis brought on by the war in Indochina. In the last few months, public interest in various amnesty proposals has become increasingly apparent, and several bills have been introduced in Congress representing diverse approaches to the issue.

Interest in amnesty today has arisen not only because of dissension over the U.S. role in Indochina, but more particularly because a substantial number of men have deserted from or evaded military service. According to the Department of Defense, between July 1966 and July 1971 354,427 servicemen were administratively classified deserters.[61] During this same period 324,168 servicemen in the above category were returned to military control. As of September 1, 1971, 30,259 deserters were still at large.[62]

The highest incidence of desertion has been in the Army. According to a well-informed commentator, Colonel Robert D. Heinl, Jr., of the North American Newspaper Alliance:

> In 1970, the Army had 65,643 deserters or roughly the equivalent of four infantry divisions. The desertion rate (52.3 soldiers per thousand) is well over twice the peak rate for Korea (22.5 per thousand).[63]

Subsequent Department of Defense figures show an even higher desertion rate in the Army for FY 1971: 73.5 per thousand. The highest previous rate in this century was 63 per thousand in 1944.[64]

Although statistics on desertion are reasonably reliable, estimates of the number of draft evaders since 1966 vary enormously. Complete, reliable statistics are not available. Both the Selective Service Headquarters and the Department of Justice point to the complexity and magnitude of the problems inherent in policing the selective service system as an explanation for the lack of official estimates.[65]

There are two general categories of draft evaders: (1) those who fail to register for the draft and (2) registrees who are called but who fail to report at one or another stage of the process of induction.

There appears to be no present basis for estimating the number of evaders in either of these categories. The reason lies in the philosophy which until recently has governed the Selective Service system through its long history—a philosophy emphasizing state and local draft board responsibility for implementation of the system. Each state has had primary responsibility for meeting draft quotas. Cases of delinquency which occurred in the individual states were handled in the first instance by the local draft boards and the state selective service apparatus. Cases not solved by these methods were then turned over to the appropriate U.S. attorney for investigation and possible prosecution. Only then did these cases come to the attention of officials on the federal level. The number of cases reported.by any individual state was largely a function of the degree to which that state systematically tried to keep fully abreast of the situation. Under these circumstances, there has been an understandable lack of uniformity among enforcement standards. In 1971, however, the Selective Service procedures were amended to include the processing of violations reported by State systems through a Regional Counsel of the Selective Service for a legal review for procedural and substantive errors. The use of Regional Counsels has helped create a standard of procedural uniformity throughout the United States.

Current planning at Selective Service Headquarters in Washington calls for a data bank of draft registrants at the national level by July of 1973. This computerized data bank will not contain the backlog from previous years but will be maintained and updated to enable quick read-outs of the status of the draft inventory at any time. Reliable statistical data will then be available on draft registrants who failed to report later. There are, however, no plans for Selective Service to institute a system to correlate the numbers of persons reaching draft age each year with the actual number of registrants.

Some statistics are available concerning prosecutions by the Justice Department for violation of the draft law. As of June 30, 1971, 5,426 men had been indicated, of whom approximately 3,900 were listed as fugitives. Only 315 men were then in prison for draft evasion.[66]

This review of American history indicates several instances of amnesty of one kind or another for deserters, most of which occurred in connection with the Civil War and the War of 1812. Since 1900, amnesties for deserters were granted only by President Coolidge in 1924—applicable to 100 or so men who had deserted subsequent to the armistice ending World War I—and by President Truman in 1952—pertaining to persons convicted for having deserted during the period between the end of World War II and the beginning of the Korean conflict.

Amnesties for those violating the draft laws have been few indeed. The historical record shows only two such instances, the first in 1933 and the second in 1947. President Roosevelt's amnesty, applying to some 1,500 persons convicted of having violated espionage or draft laws in World War I, did not occur until fifteen years after the war had ended. President Truman's 1947 proclamation, as already indicated, was not truly an amnesty. Of more than 15,000 men who had evaded the draft in World War II, only 1,523 were pardoned by this action, which occurred two years and four months after the Japanese surrender.

Thus, it is apparent that during this century pardon and amnesty have not come quickly for persons guilty of desertion or draft evasion during periods of military hostilities, and those receiving amnesty have been select groups representing only a small proportion of the total number of offenders. At no time, however, did the number of offenders approach the total number thought to be involved today. An amnesty on this scale would be unique in 20th century American history. On the other hand, the circumstances which have given rise to the present amnesty question are unprecedented. Traditionally, deserters and draft evaders have enjoyed little or no popular support. They have been looked upon as cowards and shirkers refusing a basic duty to their country. The social and political circumstances surrounding the Indochina war, however, have to some extent altered this traditional image. Draft evasion has come to be regarded by some as a response to higher moral standards rather than a manifestation of cowardice or the evasion of responsibility. At least this is true for many draft evaders, and their philosophy has apparently achieved a substantial degree of social acceptability. Indeed, some might argue that inasmuch as the whole question of the war and the draft has come to be considered in moralistic rather than legalistic terms the same approach should apply to the question of amnesty for those who chose the path of draft evasion as an expression of their personal convictions toward the war.

In the final analysis, however, if amnesty is granted in the current situation, it will have to represent a balancing of both legal and social considerations. In all probability it will be fashioned in a manner to take account of those who served as well as those who refused to do so. One of the most important factors, of course, is timing, and President Nixon has made his position clear on this. In his television interview on January 2, 1972, he said: "Amnesty, of course, is always the prerogative of the Chief Executive. I, for one, would be very liberal with regard to amnesty, but not while there are Americans in Vietnam fighting to serve their country . . . and not when POW's are held by North Vietnam."

List of Amnesties in American History, 1790 to Date[67]

Date, Issued By, Persons Affected and Nature of Action:

July 10, 1795, Washington, Whiskey Insurrectionists (several hundred). General pardon to all who agreed to thereafter obey the law.

May 21, 1800, Adams, Pennslyvania Insurrectionists. Prosecution of participants ended. Pardon not extended to those indicted or convicted.

October 15, 1807, Jefferson, Deserters given full pardon if they surrendered within 4 months.

February 7, 1812, October 8, 1812, June 14, 1814, Madison, Deserters—3 proclamations. Given full pardon if they surrendered within 4 months.

February 6, 1815, Madison, Pirates who fought in War of 1812 pardoned of all previous acts of piracy for which any suits, indictments or prosecutions were initiated.

June 1, 1830, Jackson (War Department), Deserters, with provisions; (1) those in confinement returned to duty (2) those at large under sentence of death discharged, never again to be enlisted.

Footnotes at end of article.

February 14, 1862, Lincoln (War Department), Political prisoners paroled.

July 17, 1862 (Confiscation Act), Congress, President authorized to extend pardon and amnesty to rebels.

March 10, 1863, Lincoln, Deserters restored to regiments without punishment, except forfeiture of pay during absence.

December 8, 1863, Lincoln, Full pardon to all implicated in or participating in the "existing rebellion" with exceptions and subject to oath.

February 26, 1864, Lincoln (War Department), Deserters' sentences mitigated, some restored to duty.

March 26, 1864, Lincoln, Certain rebels (clarification of December 8, 1863 proclamation).

March 3, 1865, Congress, Desertion punished by forfeiture of citizenship; President to pardon all who return within 60 days.

March 11, 1865, Lincoln, Deserters who returned to post in sixty days, as required by Congress.

May 29, 1865, Johnson, Certain rebels of Confederate States (qualified).

July 3, 1866, Johnson (War Department), Deserters returned to duty without punishment except forfeiture of pay.

January 21, 1867, Congress, Section 13 of Confiscation Act (authority of President to grant pardon and amnesty) repealed.

September 7, 1867, Johnson, Rebels—additional amnesty including all but certain officers of the Confederacy on condition of an oath.

July 4, 1868, Johnson, Full pardon to all participants in "the late rebellion" except those indicted for treason or felony.

December 25, 1868, Johnson, All rebels of Confederate States (universal and unconditional).

May 23, 1872, Congress, General Amnesty Law reenfranchised many thousands of former rebels.

May 24, 1884, Congress, Lifted restrictions on former rebels to allow jury duty and civil office.

January 4, 1893, Harrison, Mormons—liability for polygamy amnestied.

September 25, 1894, Cleveland, Mormons—in accord with above.

March 1896, Congress, Lifted restrictions on former rebels to allow appointment to military commissions.

June 8, 1898, Congress, Universal Amnesty Act removed all disabilities against all former rebels.

July 4, 1902, T. Roosevelt, Phillipine insurrectionists. Full pardon and amnesty to all who took an oath recognizing 'the supreme authority of the United States of America in the Philippine Islands."

June 14, 1917, Wilson, 5,000 persons under suspended sentence because of change in law (not war-related).

August 21, 1917, Wilson, Clarification of June 14, 1917, proclamation.

March 5, 1924, Coolidge, more than 100 deserters—as to loss of citizenship for those deserting since W.W. I armistice.

December 23, 1933, F. Roosevelt, 1,500 convicted of having violated espionage or draft laws (W.W. I) who had completed their sentences.

December 24, 1945, Truman, Several thousand ex-convicts who had served in W.W. II for at least one year. (Proclamation 2676, Fed. Register p. 15409.)

December 23, 1947, Truman, 1,523 individual pardons for draft evasion in W.W. II based on recommendations of President's Amnesty Board.

December 24, 1952, Truman, Ex-convicts who served in armed forces not less than 1 year after June 25, 1950.

December 24, 1952, Truman, All persons convicted for having deserted between August 15, 1945 and June 25, 1950.

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FOOTNOTES

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[1] The Civil War period is thoroughly treated in Dorris, Jonathan Truman. Pardon and Amnesty under Lincoln and Johnson. Chapel Hill, University of North Carolina Press, 1953. 459 p.

[2] Encyclopaedia of the Social Sciences v. 1. New York, Macmillan, 1937: 36–39.

[3] Ibid, p. 36.

[4] Political offense: "A violation of a law or of the public peace for public rather than private reasons, in constradistinction to a crime of moral nature, as murder, arson, or theft, which disturbs the general peace. Political offenders are usually not extraditable." Webster's New International Dictionary of the English Language, 2nd ed., Springfield, G. & C. Merriam Company, 1953, p. 1909.

[5] Encyclopaedia of the Social Sciences, op. cit., p. 36–39.

[6] Ibid., p. 37.

[7] Encyclopaedia Britiannica v. 1. Chicago, William Benton, 1964: 809.

[8] Encyclopaedia of the Social Sciences, op. cit., p. 31.

[9] Encyclopaedia Britannica, op. cit., p. 807.

[10] U.S. Congress. Senate. Amnesty to Prisoners Since the Armistice Messages from the President . . Transmitting . . a Communication from the Acting Secretary of State . . . March 1 and March 11, 1920. 66th Congress, 2d session. Senate Documents no. 241 and 249.

[11] Encyclopaedia Britannica v. 7, op. cit., p. 137.

[12] U.S. Congress. Senate. Committee on the Judiciary Amnesty and Pardon for Political Prisoners Hearings, Washington, U.S. Govt. Print. Off, 1921. 198 p.

[13] Encyclopaedia Britannica, op. cit., p. 808.

[14] Constitution of the United States. Article II, Section 2.

[15] Dorris, Jonathan Truman. Pardon and Amnesty under Lincoln and Johnson. Chapel Hill, University of North Carolina Press, 1953. 459 p.

[16] Richardson, James D. Compilation of the Messages and Papers of the President v. 10. New York, Bureau of National Literature, Inc., 1897. p. 173.

[17] Ibid.

[18] Encyclopaedia Britannica, op. cit., p. 571.

[19] Richardson, James D., op. cit., v. 1, p. 276–277.

[20] Ibid.

[21] Ibid., p. 293–294.

[22] Ibid., p. 413.

[23] Richardson, James D., op. cit. v. 2, p. 497, 499, 528.

[24] Dictionary of American Biography v. 10, New York, Charles Schibner's Sons, 1966: 540.

[25] Richardson, James D., op. cit. v. 3, p. 1062–1063.

[26] Ibid., p. 3304.

[27] Ibid., p. 3310.

[28] Act of July 17, 1862 (12 Stat. 592).

[29] In his Third Annual Message, December 8, 1863, Lincoln said: "The constitution authorizes the Executive to grant or withhold the pardon at his own absolute discretion, and this includes the power to grant on terms, as is fully established by judicial and other authorities." Richardson, James D., op. cit. v. 7, p. 3388.

[30] Ibid., p. 3364–3365.

[31] Ibid., p. 3414, 3416.

[32] Ibid.

[33] Ibid., p. 3434.

[34] Ibid., p. 3419.

[35] Ibid., p. 3455.

[36] Ibid. v. 8, p. 3479–3480.

[37] 20 Op. Atty. General 345.

[38] Richardson, James D., op. cit. v. 8, p. 3508–3510.

[39] 14 Stat. 377.

[40] Richardson, James D., op. cit. v. 8, p. 3745–3747.

[41] Ibid., p. 3853–3854.

[42] Ibid., p. 3906.

[43] S. Rept. 239 (40th. Cong., 3rd. Sess.)

[44] Dorris, Jonathan Truman, op. cit., p. 362.

[45] Ibid., p. 368.

[46] Ibid., p. 369.

[47] Ibid., p. 378.

[48] Ibid., p. 379–386.

[49] Ibid., p. 387.

[50] Richardson, James D., op. cit. v.14. p. 6690–6692.

[51] Ibid., v. 16. p. 8317–8319.

[52] New York Times, June 16, 1917. p. 18.

[53] New York Times, March 6, 1924: 3.

[54] Proclamation No. 2068. Franklin D. Roosevelt. Public Papers and Addresses v. 2, New York, Random House, 1938. p. 540–541.

[55] Federal Regulations, Title 3—The President, 1943–1948 Compilation. Washington, U.S. Govt. Print. Off., 1957. p. 144.

[56] Federal Register v. 17, December 31, 1952. p. 11833.

[57] Encyclopaedia Britannica, op. cit., p. 807.

[58] Encyclopaedia of the Social Sciences, op. cit., p. 37.

[59] Neuhaus, John Richard. The Good Sense of Amnesty. Nation, February 9, 1970: 148.

[60] Encyclopaedia of the Social Sciences, op. cit., p. 38.

[61] Persons absent without authority more than 30 days or meeting certain other criteria are administratively classified as deserters.

[62] Information obtained from the Office of the Director of Legislation and Selected Policies, Assistant Secretary of Manpower and Reserve Affairs, OASD (M&RA) MPP (L&SP) Department of Defense.

[63] Heinl, Col. Robert D., Jr. The Collapse of the Armed Forces. Armed Forces Journal, June 7, 1971. p. 35.

[64] OASD (M&RA) MPP (L&SP) Department of Defense, September 24, 1971.

[65] The discussion of Selective Service procedures in the subsequent paragraphs is based upon information obtained in interviews with Selective Service officials in Washington, D.C.

[66] Office of the Assistant Attorney General, Internal Security Division, Criminal Section, Selective Service Unit, Department of Justice.

[67] In this table amnesty is broadly defined to permit inclusion of several actions by the Executive that should properly be considered "pardons" as well as legislative actions by Congress.

[68] Nancy Davenport, Foreign Affairs Bibliographer, assisted in the preparation of this bibliography.

AMNESTY FOR THE WAR EXILES?

An aspiring young businessman in a Vancouver real-estate office . . . a bearded 23-year-old molding candles in a tiny shop in a hip neighborhood of Toronto . . . a clean-cut clerk at the Swedish Foreign Ministry in Stockholm . . . the kid who directs traffic in the garage of a major Ottawa car dealer. They are an odd lot, none of them known to the others, but they have three features in common, each is an American, each is either a draft dodger or a deserter from the U.S. armed forces and each risks a prison term if he ever returns to his homeland. There are perhaps as many as 75,000 others like them—mostly in Canada but also scattered through the world—and together they form the growing fraternity of American war "exiles," young men who have chosen to leave their country, perhaps permanently, rather than fight under its banner in Vietnam.

During almost any other war, they would have been branded slackers or cowards or worse—and left to make their way unpitied if they could escape the reach of the law. But the Vietnam war has already displayed its power to upset traditional moral judgments. And so, though some Americans look upon the exiles practically as traitors, many others have already come to regard the choice they made as a great deal more complicated than that. Some see them as the victims of a searing ethical dilemma, some as heroes who by their acts of conscience helped alert the rest of the country to its ruinous course in Indochina. And some have concluded that whatever the manifold rights and wrongs of the war in Vietnam, of those who promoted it and those who evaded it, the time has come to wipe clean the moral slate and begin the difficult task of national reconciliation.

Thus, even as the fighting goes on in Indochina, there are home-front calls for amnesty for the young American fugitives from the war. Sen. Robert Taft, an Ohio Republican never renowned as a pioneer of liberal causes, has proposed a bill that would clear draft dodgers of any offense provided they are willing to perform three years of alternative public service. Manhattan Rep. Edward Koch has been pushing the issue in the House since spring. And a growing variety of organizations—the activist National Council of Churches, the American Civil Liberties Union, the radical War Resisters League—are pressing the amnesty cause.

Amnesty may well become a significant campaign issue for 1972. Among the Democratic contenders, George McGovern has spoken up for unconditional amnesty, John Lindsay has endorsed a conditional version and only Henry (Scoop) Jackson has explicitly opposed pardon for the resisters. President Nixon, who had earlier dismissed the notion with a curt "No," took a far more magnanimous tack last week in a national television interview. "We always," he told CBS correspondent Dan Rather, "under our system, provide amnesty . . . I for one would be very liberal with regard to amnesty, but not while there are Americans in Vietnam fighting to serve their country . . . and not while POW's are held by the enemy. After that, we would consider it . . ."

And the public at large is by no means as hostile to amnesty as might have been supposed at this stage of the war. A special nationwide poll (page 20), conducted for NEWSWEEK by the The Gallup Organization, found that when the question is posed in general terms—whether to grant amnesty to young men who have left the country to avoid the draft—only 28 per cent are in favor and 58 per cent stand opposed. But when the issue is refined to include the possibility of amnesty on condition of some period of public service, only 22 per cent remain in opposition. An overwhelming 63 per cent favor conditional amnesty, an additional 7 per cent believe there should be no service requirement, and 1 per cent more support the concept but aren't sure whether there should be conditions attached. This makes a total of 71 per cent who favor amnesty in some form.

WHICH SIDE NEEDS THE PARDON?

The amnesty question is a thicket of thorny moral issues. One school would interpret amnesty as a generous pardon from the state for youthful transgressions. Others insist that it is the government, not the exiles, that should be seeking pardon. In their view, amnesty would be a "mea culpa" from a guilty government, a short of official act of contrition for the war. Most of the exiles themselves feel strongly that they have done nothing wrong. "It's not a question of the government forgiving us," contends Rick Thome, a deserter now living in Vancouver. "The United States has to be willing, for once, to admit it made a mistake."

There are ticklish practical questions as well. Who should be eligible for amnesty—only draft evaders, as the Taft bill provides? Or should it extend also to deserters, and perhaps even to war criminals such as First Lt. William Calley and roughly 5,000 other U.S. troops now confined to stockades for offenses in Vietnam? And when should amnesty be declared—immediately, or after American troops are finally withdrawn from Vietnam? Mr. Nixon, for one, argues that it would offend the most rudimentary sense of justice to pardon some men for avoiding the draft at a time when others are still being sent off to fight.

Certainly the Taft bill, or anything like it, is not about to be passed overnight. But as the debate over the war itself subsides, the debate over amnesty has clearly begun to grow. It will not be the only national issue uncovered by the war's receding tide but it is likely to be one of the most poignant, for it conjures up many of the same intense feelings about duty, conscience and the national interest that have made the entire Vietnam experience so harrowing.

Amnesty is not really a way of bringing potentially valuable citizens back home, even though some people try to present it as such to blunt emotional resistance to the idea. Senator Taft, for example, insists that he is "only interested in salvaging the natural resources of our nation—our lost youth." The trouble with this argument is that, as things now stand, probably very few of the "exiles" would want to come home even if complete and unconditional amnesty were offered them.

Most of the draft-evaders and deserters abroad, as nearly as can be told, have long since stopped thinking of themselves as temporary refugees; they are permanent settlers (page 24). This is particularly true in Canada, where most of the exiles live; the Canadian Government encourages immigration, and the style of life is so similar to that in the U.S. as to prevent much serious "culture shock." At the border, if he wishes, the young exile-to-be may apply for status as a "landed immigrant." This entitles him to work, to unemployment and health benefits, to almost all the privileges of Canadian citizenship, in fact, except the right to vote in some elections, to hold certain government jobs and to carry a Canadian passport. After five years, he can become a citizen.

No questions are asked about an immigrants' draft status at home; the Canadians are interested only in such matters as education, occupational skills, offers or opportunities of employment, age, financial resources, knowledge of English and French, and presence of relatives in Canada. For the draft evader, who typically arrives with some higher education, landed status usually comes easily. "It was like checking into a hotel," remembers Tom Greenwald of Ludington, Mich., who crossed over in 1968 and now teaches writing and film criticism in Toronto. The deserter—and there are many more deserters than evaders among current immigrants, due largely to the growing ease of legal draft avoidance within the U.S.—is more likely to have problems because he usually has not made his plans as carefully. But he can always check into Canada as a visitor, work without papers for a while and then come back later for landed status.

Once across the border, there are hard times at the start—finding a place to stay, new friends, a job (Canada has a higher unemployment rate than the U.S. right now, so even immigrants with college degrees may have to start off at something menial)—but counseling services help out over the rough spots. In Sweden, where there are roughly 500 war exiles and where the language barrier makes adjustment far more difficult, the government Social Welfare Board provides $20 a week, offers eight weeks of Swedish lessons free and arranges accommodations. Before very long, most of the Americans seem to settle into their new life, to see advantages in their new homelands over their old. "Toronto has to be the most livable city in the world," exults Tom Greenwald. "I'm amazed: we go on long walks and there's no paranoia here about street dangers or race." Even discounting the natural tendency to justify a hard (and, in their cases, illegal) decision, they seem, on the whole, quite happy where they are.

Still, it bothers them that they can't legally even visit south of the border, that if they are ever to see their families and old friends, the latter have to come to them. They miss small things—such as Southern college football and Mexican food, which "you just can't get in Canada," laments one 23-year-old from Memphis. The fact that wives are free to travel home while husbands are not puts a strain on many marriages.

ONE WHO GOT HOME FREE

Some men do risk coming back now and then—and usually get away with it. "What the hell, the Customs people can't check everyone who crosses the border," explains a Federal official in Detroit. "They'd have to stand there with something the size of the Sears catalogue looking through the pictures." One who got away with a little more than most is Joseph Bute, 21, who came home for good after a year in Montreal, where he had fled to avoid induction. He joined his parents in Virginia and waited for the FBI to knock on the door. "I came home to face the music," he says, "—but they never played the music." Instead, quite unaccountably, they sent him a new draft card classifying him 1A all over again, but this time the lottery was in effect and Bute's birthday drew so high a number that he was literally home free.

But the authorities are not uniformly so inept. Thomas McPherson, 23, is an American draft dodger who landed a job as a reporter for the Windsor, Ont., Weekly Standard. Part of his beat was the American automobile industry in Detroit, and every so often McPherson drove across the border to observe the introduction of a new model or some other automotive development. Last August, attending a preview of new Pontiacs, McPherson was asked whether he would like to try out one of the zippier models. Sure, he said, and sped away through Bloomfield Hills where a police car pulled him over. But it was only a speeding ticket, his license was in order and McPherson thought nothing of it—until FBI men helped him out of his car the following evening when he arrived in suburban Southfield for a Chevrolet dinner dance. The ticket had been checked through a computer that was armed with records of draft offenders.

Most of the exiles in Canada have their favorite story along these lines: true or false, they all feed a fading but still evident paranoia about the U.S. in general. It is not just the lingering worry about being arrested. Even if there were no danger of arrest—as under an amnesty—they would worry about how their fellow countrymen would receive them and whether they could ever get decent jobs. "I'd really fear for my life if I ever went back to Goldendale [Wash.]," insists deserter Rick Thome in Vancouver. "It's still back in the McCarthy era. There are a lot of goofy people there. I have this image of John Wayne leveling his machine gun at me if I try to come back."

But oddly enough—or perhaps not so oddly—the exiles' parents back home have encountered far less of that public resentment than they often expected. And a few of them who were furious with their own sons for taking off have since mellowed. Frank Machado, 68, is very nearly a quintessential Middle American, a retired California house painter and evangelist preacher. When his son, David, refused induction in 1965, the Machado household was bitterly divided along lines that were soon to become typical: father against son and mother. David was sentenced to three years in prison and, after his unsuccessful appeal, his mother drove him to the airport for a flight to Vancouver. Frank refused to give him any money.

But recently Frank has had second thoughts. "Now eight out of ten people I meet tell me the boys were right in running away to Canada," he says. "Everyone feels the war was wrong. I'm not so ashamed of what he's done any more. I'm not saying it was right. I'm an American born in this country and I feel you should help it, but maybe this war wasn't the right thing for us." And then, with a touch of pride, he adds, "My son was one of the first ones to go to Canada. I give the boy credit—he stood alone."

More than a few families have supported their sons wholeheartedly when they decided to leave for Canada, but none has done so more dramatically than the Lyle Walters of Fond du Lae, Wis. Lyle Jr. deserted in May 1969, when he got orders for Vietnam (he had applied for conscientious objector status but had been turned down). A little over a year later, the rest of the family—Lyle, 46, a former minister and college administrator, his wife, Alma, and their 20-year-old son Timothy—sold most of their furniture at auction and moved up to Blossom Park, an Ottawa suburb, to be near Lyle Jr. and his Canadian wife. Their third son, Michael, joined them last year. "I think it was quite natural for us," says the senior Lyle who had been active with his wife in the antiwar movement and the McCarthy campaign. "I think we were basically disillusioned with the American dream."

OVER THE BORDER TO HIGH SCHOOL

Mrs. Jerome Ettinger of Los Angeles, on the other hand, supported the war and was proud that her eldest son Bruce was helping to fight it. Then one day a Navy officer arrived with the news that Bruce had been killed. "I just made up my mind right there," she says, "that they weren't going to get my other boys if I could help it." Peter, 22, had an eye problem that exempted him from service, but she was worried about Bradley, who was about to turn 18. And so, ten months after Bruce's death, the Ettingers sent Bradley off to Canada, alone, so that he could finish high school there and establish Canadian residency to avoid the draft. Since then, Bradley has been living by himself in an apartment in Alberta. He had a hard and lonely time at first; during his first year he was so depressed that he failed at school. He is now 20, due to graduate in the spring, and then at last—thanks to a recent rule that exempts from the draft sons and brothers of men who have been killed in Vietnam—Mrs. Ettinger feels that he can safely come home.

But even if Canada keeps their sons safe, many parents still have their qualms. Mrs. Mildred Youland of Pensacola, Fla., has not seen her son John for over three years and she finds it very painful to talk about him, but even so she is not so sure whether she would favor amnesty. "If there is any chance at all," she says, "that any of these boys want to return and they show the willingness to be responsible, loyal citizens, they should be given the chance. There should be some test of loyalty, though. Physical punishment does not do that much good; it's their frame of mind that is so important. I don't believe in bringing back a whole bunch of people who are going to tear down the country. I don't know how difficult it would be to determine loyalty, but it must be based on that."

MEN WITHOUT A COUNTRY

Loyalty is the heart of the question for many Americans, who staunchly believe that every citizen, like it or not, has a basic duty to his country that he must perform or else be branded a renegade. Rep. F. Edward Hébert, chairman of the House Armed Services Committee, is one of this old school. "If it were humanly possible, he says of the draft evaders. "I would send them out on a ship like the man without a country." Members of veterans organizations, predictably, tend to take this view, usually with considerable vehemence. "If by chance they do return to this country," contends Commander-in-Chief Joseph L. Vicites of the Veterans of Foreign Wars, "they should be judged by men who were wounded in Vietnam or the families of those who died there."

Thus the patriotic argument against amnesty shades into one based, really, on equity: how do you justify letting dodgers and deserters off scot-free when other young men in the same situation have, usually against their wishes, gone off to fight and sometimes die? American soldiers currently in Vietnam do not tend to take a very moralistic view of the war and of a man's duty to his country but they do feel that if they have to put up with this hateful job, it isn't right to let others avoid it with impunity. "I would like to say yes," replies one young specialist fourth-class in the First Battalion of the Twelfth Cavalry when asked about amnesty. "But I had to put in my time. They had the same choice we had." Perhaps an amnesty requiring a period of alternative service—in VISTA, hospital work or other community efforts—might satisfy the claims of equity. But still, any amnesty seems to some a bit like changing the rules after the game has begun. "It doesn't seem quite fair to the people who didn't want to serve, but somehow did," notes J. Richard Early, editor of the New Bedford, Mass., Standard-Times, "Does it make them out to be stupid fools? I think it does, and it doesn't seem quite fair."

There are practical objections, too. If evaders were granted amnesty, wouldn't the desertion rate—98,000 last year—soar even higher? A number of troops in the field, who ought to know, say that it would. And what of the viability of the draft itself in future emergencies? Sen. John Stennis, head of the Senate Armed Services Committee, fears that amnesty would set a precedent that would be remembered in future crises and would encourage mass evasion. It would "pave the way," warns Selective Service director Curtis Tarr, "toward what in effect would become selective conscientious objection"—anyone could opt out of a war he didn't want to fight secure in the belief that he would win amnesty later.

FROM LINCOLN TO TRUMAN

But, of course, the United States has declared amnesty before, with no devastating consequences for the draft. Mr. Nixon was exaggerating a bit when he said last week that amnesty is "always" provided, but it has occurred often enough. Abraham Lincoln offered amnesty to Union deserters in the last year of the Civil War, provided they would rejoin their regiments; in 1924 Calvin Coolidge granted amnesty to men who had deserted since the World War I armistice, and after World War II Harry Truman pardoned 1,523 of the 15,805 men convicted of violating the draft laws during the war.

Some believe that, in the last year or so, the government has already, in a quiet and unofficial way, adopted a policy of "de facto amnesty." They cite a sharp rise in the number of "general discharges," as opposed to dishonorable or bad-conduct discharges, that have been granted to deserters in the recent past, and they suspect that the Justice Department is deliberately slow to track down evaders lest their trials swell antiwar publicity. Not so, insist the authorities. To be sure, a certain number of resisters may escape the government by neglecting to register for the draft—and simply dropping from sight. But anyone who actually refuses induction, officials say, is automatically prosecuted—a total of 3,686 in fiscal 1971. Everyone who fails to show up for induction is reported to the FBI, which last year tracked down 2,107 evaders. Even when a man is known to have left the country, agents usually call at his parents' home several times a year.

Still, it is true that the prison population is not exactly swelling with draft violators. Since July 1964, 5,535 men have been convicted for such offenses and 3,200 of them have been sent to prison (of whom only 327 remain there). One reason for the relatively low figures is that when the FBI tracks down an evader, the government hardly ever prosecutes if the offender agrees to serve in the military, which, the Justice Department says, about three-quarters of them finally do. But these are generally short-term evaders; the authorities draw a distinction between them and the "hard core," those who have been in Canada for a period of years. Very few of these have so far been caught. If and when they are, unless there is an amnesty in the meantime, they may be in for stiffer punishments. As for deserters, the Pentagon contends that it is still very hard-nosed: out of 354,427 soldiers classified as deserters from fiscal 1967 through 1971, only 35,259 are still at large. But the fact remains that the number of general discharges—hardly more severe than a wrist-slap—has more than doubled in the Navy since 1969 and has also greatly increased for the services as a whole.

Even if there were such a thing as de facto amnesty, this would not satisfy the supporters of the amnesty cause. For the important thing, in their view, is that the government make an overt gesture, not some future arrangement, to bind up the wounds left open by the Vietnam war. To some amnesty crusaders, this would require nothing less than a public penance by the U.S. Government for its sins in Vietnam. According to Charles O. Porter, a former Oregon congressman who heads Amnesty Now, a national coalition with 300 members, the only proper amnesty is one that "makes the moral point that our government was wrong and these young men were right. If this country were willing to make that point officially, it would clear the air and end a lot of alienation."

That sort of declaration would seem less an amnesty than an unconditional surrender. Perhaps the United States is morally culpable in Vietnam, perhaps the deserters and draft evaders are ethically blameless. But such lofty, after-the-fact judgments are really personal ones for every man to make for himself they are not the sort of thing that can be ordained by government fiat. And certainly not in the context of an amnesty. The point of amnesties has always been to erase the moral slate completely, not to find some new party guilty.

A TIME TO CLOSE THE BOOK

Indeed, the broadest support for amnesty seems to come from those who take it literally—the word comes from the Greek for "forgetfulness." Amnesty in this sense would be a recognition that the moral questions on Vietnam are too complicated and too painful to keep endlessly computing. It might very well include not only draft evaders but also deserters, since the difference between them is often only one of class: the better educated and more sophisticated evade, the others don't know what they're getting into until they are already serving. And some make a case for covering American troops who have been convicted of war crimes as well—on the argument that a true national reconciliation must include all who have been caught up in the special pressures and dilemmas that Vietnam has produced.

Former Secretary of the Interior Stewart Udall, whose son Scott deserted to Canada two years ago, suggested recently that more and more Americans seem to be coming to the view "that maybe forgiveness and charity are the American way . . . I think there will probably be a time when we are ready to close the book on Vietnam, a time when we are ready to recognize that the only way to close the book is an act of great charity to ourselves, a time when we are ready to put it behind us." Amnesty is an idea whose time has not quite come, but perhaps it is on the way.

HOW THE EXILES VIEW THE ISSUE

(By Karl Fleming)

(NOTE.—A year ago, NEWSWEEK Contributing Editor Karl Fleming traveled across Canada talking with Americans who fled to escape military service during the war in Vietnam. Last week, amid the growing debate over amnesty for the exiles, he retraced his route from Vancouver to Montreal, to find out how the young fugitives are faring and what they think about amnesty. Here is his report.)

A new mood buoys the American draft resisters and deserters who have gathered in Canada. The contentious political rhetoric and paranoia of last year have given way to a practical concern about forging a new life. The lengthening estrangement from their country has forced the exiles to make their own separate peace—and having done that, many are settling down for a long stay.

The easier atmosphere can be partly traced to changes in the States as the war winds down—there are smaller draft calls and law officers seem somewhat less intent on scooping up fugitives. Each week, some 25 apprehensive young men still head north across the border, but that is only half as many as a year ago.

Most exiles are old-timers now, and it is startling how many insist they will not go home, even under the umbrella of an amnesty. Some have found Canada a more tolerant, less harried place to live, and they are sinking roots with an eye to citizenship after the requisite five years' residence. Others don't particularly want to stay but bridle at the idea that they need absolution to return.

Larry Martin, 26, a draft evader from La Jolla, Calif., was operating a free hostel for fellow expatriates when we met in Vancouver last year. He has since taken over a government youth-recreation project. On Christmas, he donned beard and costume to play Santa Claus at a party for local children. But while Martin enjoys drinking beer and shooting pool with the gang down at the Cecil Hotel, the old fury that drove him to Canada still sizzles. "How the hell can they talk about amnesty when the bombing is back at the level of 1967 and the draft is still on?" he demanded. "This is just a political tool to ease the conscience of the liberals. I mean, we up here are only a little lonely and harassed, while the people of Vietnam are still being murdered."

Future: The biggest difficulty for the exiles has been finding work in a country where unemployment runs about 7 per cent. When he fled the draft from Oregon, Dave Ostrem landed a job as management trainee in a Vancouver bank, only to quit "because I didn't have the slightest interest in banking." For a while he sold a local underground newspaper, then went off to work in a pulp mill. His father, an automobile mechanic, has clipped articles about amnesty from the newspapers back in Oregon, and the Ostrems have visited their son in Canada a half dozen times. But Ostrem, 26, would rather carve out his own future. When we talked he was on his way 900 miles north to his log cabin at Yellowknife, where he worked in a gold mine. As for going home, he echoed a common sentiment: "I'd like to be able to visit—I've sneaked back three times—but I would never want to live there. The quality of life is just better in Canada."

In Winnipeg, on the eastern fringe of the snow-mantled Canadian plains, other runaways have settled in. Some of them have married and started families. "The picture being created that there are a lot of exiles up here crying at the border [and] waiting to go home is not very valid," said draft evader Ron Goodridge, 24. "Most of the people I know are essentially happy with the decision they made." Before becoming a full-time counselor to other fugitives in Winnipeg, Goodridge, a graduate of Kalamazoo College in Michigan, jockeyed a coffee cart for $1.60 an hour and taught retarded children. His wife, Lynda, a teacher now works as a dental assistant. "You can't live 24 years in the States without having some regrets about leaving," admitted Goodridge. "You feel the absence of families at Christmas, for example. But we haven't regretted what we did."

Funeral: Goodridge's colleague is Pat Cook, a 25-year-old Kansan. Cook, who was a sergeant, and his wife Brenda, 23, who was a corporal, deserted from the Marines together in San Diego. Now they are awaiting the birth of their first baby this spring. "Ninety-eight per cent of the people up here just don't think they've done anything wrong," said Cook. But when his father, a World War II veteran, died in October without ever accepting what his son had done, Cook didn't dare go to the funeral: "FBI agents watch the papers and make a practice of going to these funerals."

Cook, an electronics technician in the corps for five years, objects to the idea that draft evasion is somehow more acceptable than desertion. "The deserter usually comes from a lower class than the dodger, is less well-educated and may have joined up for patriotic reasons," he said, "but just because he made his decision later doesn't make him less moral."

A few exiles have turned down the chance to return. Al Finkel, a beefy, bespectacled Army deserter, told me last year: "There ought to be room in the United States for people like me." He subsequently received an honorable discharge but elected to remain in Winnipeg, where he has been working with emotionally disturbed children. "We went to New York to visit the folks," he recalled, "and seeing the pollution, the crime, the anger, the people milling around it took us five minutes to decide we couldn't handle it. We're staying here. Anyway, my wife and I both feel we owe Canada something now."

'Joke': Most fugitives dismiss the homefront talk of return. "The pie-in-the-sky dream here is not amnesty," said John Phillips, a draft evader from tiny Algona, Iowa, "but getting a piece of cheap land, a farm. The whole amnesty thing is just a joke, and the three-year alternative service thing is a laugh." The hole in his boot was patched with adhesive tape, but Phillips, 26, is staying on in Toronto with his wife and year-old son Morgan. "It makes me sad to think that people in the States are working hard to get amnesty, because people up here aren't going to appreciate it," he said, "especially if there is some notion they have to admit guilt. We aren't criminals. There is no guilt here."

Doug Ford, 23, was equally implacable. I chatted with him in the farmhouse of the Toronto commune in which he lives. Across the room a young mother breast-fed her baby, while out in the kitchen, others were preparing organic vegetables for dinner. Ford tugged on his boots so he could join a group building an igloo outside. "I could dig amnesty," admitted the Houston, Texas, deserter, "but the government is the one who will have to admit guilt. The question of amnesty is just bull—anyway, man. Even if we got amnesty, they'd find some way to put us in jail."

In the year since I'd seen them, long-haired Jim Wilson and his wife Pat had expanded their Toronto head shop, bought into a communal farm and produced a new baby, named Awakening Moon Child. "Oh, my mother's all excited," said Pat. "She thinks amnesty is real important. She called and said, 'They may give Jim amnesty,' and I said, 'So what?'" Added her husband: "I don't see amnesty as relevant. I mean I'm just not going to live in the United States."

But at the end of my journey in Montreal, I sensed that if amnesty were actually enacted, more young men than care to admit it now would opt for the long trip home. Ray Brassard, who deserted from the Air Force after basic training two and a half years ago, was the most successful exile I met. He was earning $15,000 a year editing a sex tabloid and lives in a spacious Montreal apartment with his wife, Mary Lee. It wasn't enough. A year ago, Brassard hired a lawyer back in the States to try to arrange a deal: a year in the stockade in return for a discharge afterward. The Air Force turned him down.

Brassard, 26, is unabashedly homesick. "I want to go home," he said, and, in fact, over Christmas he sneaked back to Massachusetts for eleven days. "Even if it costs me some time in jail, I'm willing to pay the price."

Last week, Brassard quit his lucrative job, and this spring, when Mary Lee has earned her teaching degree, he plans to return to the States: "Those are my people back there. I may have little influence on it, but it is still my country." On his desk was a calendar with a placid New England church scene, and beside it a bottle of Maalox for the ulcer he nurses. "I don't care how they handle it," he sighed. "I'm even willing to accept alternate duty. I just want to go home."

A Poll: How the United States Feels About Amnesty

A clear majority of Americans opposes unconditional amnesty for the young men who have fled the country, disappeared underground or gone to jail to avoid the draft during the Vietnam war. But an even larger majority would favor amnesty for these young men if, in exchange, they were required to put in a period of national service in hospitals, schools or such organizations as VISTA or the Peace Corps.

These are the basic findings of a special Newsweek poll of public opinion on the increasingly controversial issue of amnesty. For the survey, conducted by The Gallup Organization, interviewers made a telephone canvass of 506 homes representing a cross section of America.

The participants in the poll were first asked: "Do you favor or oppose amnesty for Americans who have left the country to avoid the draft and for those who have gone to jail rather than be drafted?" The results:

58% oppose.
28% favor.
14% no opinion.

There was even less support for amnesty for those who deserted the armed forces because of their opposition to the Vietnam war. Only 23 per cent favor amnesty for deserters, 63 per cent oppose it and, again, 14 per cent have no opinion.

The responses reflect strong feelings about the war, a citizen's obligations to his country and the sacrifices made by those young men who have fought and died in Vietnam over the years. The major reason cited by those who favored amnesty outright was opposition to the war itself. "It is not a declared war and the boys are not traitors," said a young woman clerical worker in Scranton, Pa. And a junior executive in Burbank, Calif., said: "If the war were just I would feel different. In this war I think people should decide for themselves."

Those opposed to amnesty most commonly contended that an American should be willing to serve his country. Others complained that amnesty would be unfair to those who have fulfilled their military obligations. "Why should some go and not others?" demanded a woman in Bay St. Louis, Mississippi. The point was made even more strongly by veterans of Vietnam, World War II and Korea. "I spent two years in the service and had bullets shot at me," griped a 46-year-old man in Bethel Park, Pa. "Others should have their turn."

Yet, if demands for fairness and patriotic duty are met, the support for amnesty is considerable. The Gallup interviewers uncovered this pattern of opinion by asking a series of questions about conditional amnesty—that is amnesty granted to draft evaders provided that they do stints of national service, much like those now required of conscientious objectors. Under such ground rules, only 22 per cent of the sample remained opposed to amnesty and another 7 per cent had no opinion. The overall pro-amnesty majority adds up to 71 per cent. The breakdown:

	Percent
Favor amnesty without qualification	7
Favor amnesty with service requirement	63
Favor amnesty, uncertain about requirement	1
Oppose amnesty without qualification	22
Don't know	7

When should such a conditional amnesty begin? Among the 71 per cent who backed amnesty, 37 per cent favored immediate action. Thirteen per cent thought no amnesty should be declared as long as U.S. troops were being sent to Vietnam, and 10 per cent linked amnesty with the ending of the draft.

The survey found women somewhat more inclined to favor amnesty than men are; the same is true of people under 40 as compared with their elders. Veterans and those whose family includes a veteran tend to be more opposed to the idea.

The Newsweek poll also found that the support for First Lt. William Calley remains strong. When asked whether amnesty should be granted for Calley and other Americans convicted of war crimes in Vietnam, a strong plurality of 49 per cent was in favor, with only 24 per cent opposed.

The Pros and Cons of Granting Amnesty

Should draft resisters and deserters be given amnesty? Or should they continue to be prosecuted and forced to remain in exile? The question is one of the most difficult the country confronts as the bitter war winds to its conclusion. Until recently, even longtime opponents of the war have shied away from this emotionally charged issue. President Nixon, his chin outthrust, answered the question with one firm word—no—at a press conference in November. But with an end to the war in sight and an all-volunteer Army on the near horizon, the topic is gaining currency. Ohio's Republican Senator Robert Taft, Jr., a Republican with impeccable credentials, went so far last month as to introduce a bill to grant amnesty to draft resisters—with the staff provision that it be coupled with three years in compensatory military or civilian federal service.

Others would go much further. Groups are being formed round the country to bring pressure to bear on Congress and the Administration to grant amnesty, and the American Civil Liberties Union is opening an office in New York this week to coordinate their efforts. The question may be one of the emotional issues of the presidential campaign. Though the Democratic front runner, Senator Edmund Muskie, believes that the matter should not even be discussed until the war is over, other Democratic contenders. Senator George McGovern and New York's Mayor John Lindsay, have taken positions in direct opposition to Nixon. McGovern has announced that if he is elected, he will grant amnesty to all draft resisters (but, like Taft, he would not give it to deserters). Lindsay has taken a position similar to Taft's, though he would require two rather than three years of work in the national interest.

The new youth vote will probably favor amnesty. "If a candidate expects to have young people going door to door in his behalf, he'd better get right on amnesty," says Charles Porter, a former Congressman from Oregon and head of the National Committee for Amnesty Now. Many older people, especially those who have had sons in Viet Nam, would undoubtedly be just as vehemently against it. The political advantages on either side are difficult to assess, but on balance, it seems that this year a position that favors complete amnesty, without some kind of compensatory work, would be a political minus that could cost any candidate votes from the center.

Yet the issue itself transcends politics and comes down to a basic moral question: Is amnesty justified under the circumstances?

The first recorded amnesty was granted by Athens in 403 B.C. to most of those who had collaborated with Athens' Spartan conquerors after the Peloponnesian War. (The word itself is from the Greek *amnestia*, which means "forgetfulness.") The Romans, on occasion, continued the custom, which they called *restitution in integrum*, and many other states since then have granted amnesty to achieve reconciliation after a civil war or a period of internal strife. France, which has seen more such conflict than most countries, has made amnesty almost a habit: the latest example occurred in 1968 when right-wing opponents of Charles de Gaulle's Algerian policy were forgiven their earlier campaign of terror. Britain with a more placid history, has had less reason to grant amnesty; it did so, however, after its civil war in the 17th century, after the Restoration of Charles II a few years later, and again in the 18th century to those who took part in the second Jacobite rebellion.

Like Britain, the U.S. luckily has not until now had much occasion to grant amnesty. There is precedent for it, however. George Washington pardoned those who participated in the so-called Whiskey Rebellion in 1794, and Abraham Lincoln offered forgiveness to lower-ranking members of the Confederacy in December 1863. That, of course, was 16 months before the end of the Civil War, and could be read as a shrewd tactical encouragement of defections. But Lincoln's successor, Andrew Johnson, extended the clemency to the South after the war over the opposition of the Radical Republicans, as a way of bringing a divided nation back together. More to the point—and a better precedent for today's proponents of amnesty—would be the case of deserters from the Union itself. In March, 1865, just weeks before the war ended, Lincoln, with the approval of Congress, granted amnesty to all Union deserters with the stipulation that they must return to their units within 60 days and serve out their enlistment periods. Those who chose not to take advantage of this offer lost their citizenship.

The question did not take on major proportions again until World War II. Sixteen months after V-J day, President Truman responded to public pressure and established a three-man Amnesty Board to determine whether those who had been convicted of refusing to fight should be further punished. The board was less than lenient, partially because World War II had wide popular support. Of the more than 15,000 cases considered, only about 1,500 men were pardoned, most of them on religious grounds. "Intellectual, political or sociological convictions" against the war were not accepted as excuses, and clemency was not granted to those who, in the board's words, "set themselves up as wiser and more competent than society to determine their duty to come to the defense of the nation."

Since the Viet Nam War is unlike any in the nation's history, perhaps no precedent should be sought in history. Nearly everyone, even those few who still favor pursuing the war, now agrees that the U.S. should never have become involved in the way it did. Why punish those, ask the proponents of amnesty, who saw the light first? Many Americans have been against the war, but because they were ineligible through age, sex or infirmity, were not forced to back up their beliefs with their lives and careers. Why persecute those who, because they were young and eligible, did put their lives behind their convictions? Those now in exile or in jail, add the supporters of amnesty, include some of the most intelligent, the best educated and the most passionately concerned men of their generation. Most of them are a gain for their homes of exile, particularly Canada, where the majority live, and equally clearly, they are a great loss to the U.S. Why should the country so willingly, even perversely, suffer such a drain on its talent and spirit?

Beyond that, there is a practical argument in favor of amnesty. Many deserters, perhaps a majority, are already being quietly discharged, mostly because many military commands are unwilling to go through complicated prosecution procedures. The most celebrated recent example was the case of eight sailors who deserted last October from the carrier *Constellation* as it made ready to depart for Indochina, and took refuge in a San Diego church. All received a general discharge from the Navy under honorable conditions, which carries no penalty and only slight stigma. Is it fair to let some go and not others, or to create a situation in which it is wiser to desert than to resist the draft? The FBI, after all, boasts of its record in catching resisters. Uneven justice is no justice. Another highly persuasive argument for amnesty: no other action could be as effective in persuading the young that once again they can trust the humanity of their Government. In this sense, amnesty would serve its traditional function: healing angry wounds.

The case against complete amnesty is more compelling, however. Perhaps 70,000 men evaded the war—though no one has anything like an accurate figure. What about the 3,000,000 others who fought in it, 55,000 of whom died? In effect, say its opponents, amnesty would tell the man who fought or was wounded—or the survivors of the man who died—that he should have had better sense and sat out the war in Stockholm or Toronto. This is the emotional crux of the problem: Would it be fair to those who fought to forgive those who refused?

More practically, how could the U.S. ever field an army of draftees again if it established the precedent that draft evasion will be forgiven? An act of compassion and mercy now, however well-intentioned, might cost the country its freedom at some time in the future. And while amnesty might reconcile one group, say the opponents, it would embitter many Americans. Healing some wounds, it would exacerbate others, they contend. Senator Taft can attest to the bitterness of those who oppose amnesty. He asked one protester what should be done about draft evaders if his plan is rejected. The answer: "Shoot them."

One further technical point against amnesty is the difficulty in separating the draft evader from the deserter, as Senators McGovern and Taft both do. They would give amnesty only to * * * that it is not as bad to avoid service as it is to desert once in. Desertion still sounds like unpardonable cowardice to most Americans. In a sense, this distinction may be discriminatory. An uneducated farm boy from Mississippi probably would not have had the knowledge to evade the draft any college boy could pick it up in an hour. Or, on the other hand, perhaps the deserter did not oppose the war until he saw it firsthand. Should he therefore be penalized? If amnesty is granted, it should in fairness be given to both draft evaders and deserters.

After all the other arguments are made, two bedrock questions remain, one profoundly moral, one eminently practical. Does the individual have the right to decide which laws or which wars he will support? If he does, can the U.S. Government—or any government—survive? The draft evaders and deserters claim that they are serving a higher law than the Selective Service Law—the law of morality. They might quote St. Thomas Aquinas. "Human law," he wrote, "does not bind a man in conscience, and if it conflicts with the higher law, human law should not be obeyed." That is a maxim followed by all who have broken the law as a matter of conscience, from Thoreau and Gandhi to Martin Luther King and the brothers Berrigan. The principle that a man's conscience takes precedence over the dictates of his government was reinforced at the Nuremberg war crimes trials, which rejected the claims of Hilter's lieutenants that they were only following orders.

Historically, however, democratic states have countered that they represent the people's will and the people's morality. They are merely instruments, not ends in themselves. If he has a legitimate means of registering his dissent, the citizen cannot take illegitimate means or decide for which he will disobey. "In war, and in the court of justice, and everywhere," Socrates told Crito before he drank the hemlock, "you must do whatever your state and your country tell you to do, or you must persuade them that their commands are unjust." For each man unilaterally to veto the law would create anarchy—a kind of immorality of its own. The precedent of Nuremberg, it might be added, applied only to the high officials of the Nazi government, those who had substantial freedom. The ordinary officer or soldier was not held responsible because he did not have the right to question Hitler's orders.

Yet there are some laws, even in a democratic society, that are so unjust that any man of conscience and determination cannot obey them. Segregation laws that discriminate against race are the best recent example in the U.S. Opponents of the war would say that service in Viet Nam is another. In that case, the conflict between the two arguments is in a sense insoluable, and the answer is not at all satisfactory; the law must be disobeyed, but the law's penalty must be accepted. That is the solution of the Thoreaus, the Gandhis and the Kings, and it must be the solution for the current resisters and deserters as well. The country can appreciate their courage and their convictions, but cannot excuse them from the consequences of breaking the law.

To say this, however, does not exclude mercy or suggest a vengeful policy. After the war finally ends and passions have cooled, a conditional amnesty should be granted. Under it, the exiles should be offered the right to return, and those imprisoned for draft resistance should be released—provided that they are willing to accept certain conditions. One of these might be some kind of compensatory service, perhaps, as has been proposed, in a poverty program or in the peacetime military. That is far from an ideal solution.

ON THE MATTER OF AMNESTY

(By ROBERT TAFT, Jr.)

WASHINGTON.—At the present time, there are more than 500 draft resisters in Federal jails, about 3,900 draft resisters under indictment, and an estimated 70,000 young Americans living abroad to avoid the draft. Many of these men are victims of bad judgment and poor advice. Many have acted out of deep, personal convictions against the course which our country followed in the Vietnam conflict.

The time has now come to ask ourselves whether we will offer these men an opportunity to become productive citizens in the land of their birth. That is why I have introduced my qualified amnesty bill in the Senate. We must decide whether it is more in our interest to have them spend their time in jail and in bitter exile, or to offer them a practical course to amnesty.

There is a long tradition of amnesty in America. George Washington gave amnesty to those participating in the "Whiskey Rebellion." John Adams gave amnesty to the Pennsylvania insurrectionists. Jefferson, Madison, Jackson, Lincoln, Andrew Johnson, Grant and Coolidge each made amnesty proclamations. In 1945, based upon the recommendations Truman pardoned 1,523 young men who had evaded or otherwise violated the Selective Service Act during World War II.

The case for some type of amnesty becomes especially compelling when we consider the effect of the interpretive change in our Selective Service Law in 1970. Until the Supreme Court decided *Welsh v. United States*, on June 15 of that year, individuals seeking conscientious objector status had to raise their objections in relation to their belief in a Supreme Being. The Supreme Court in that case ruled, prospectively only, that a belief in a Supreme Being was no longer required and that, while selective desires on participation were not permissible, deeply felt personal views might suffice. Thus a whole field of obvious inequities became possible.

In one family, two brothers might have held the same nonreligious, deep-felt opposition to war. The elder son who became draft eligible before the *Welsh* decision could not have been classified as a conscientious objector and might have gone to prison or into exile. His younger brother, holding exactly the same views on war, could have become a conscientious objector.

Rather than have these young men remain in exile or in prison, I believe that it is far preferable for us to offer them an opportunity to serve their country and obtain their readmission to American society.

But when over 55,000 Americans have lost their lives serving their country in Southeast Asia and elsewhere and many more have been wounded or bereaved, we should not grant amnesty to draft resisters without requiring them to undertake service to their country.

In an attempt to deal with this problem I have introduced the Amnesty Act of 1972. This would permit these young men to be released from prison or returned to the United States if they agreed to serve their country for a period of three years. They could serve America as members of our armed forces or they could elect to serve in alternative service, which would include VISTA, Veterans Administration hospitals, Public Health Service hospitals, and such other service as might be designated by regulation by the Attorney General. In any case, they would serve at the lowest pay grade and without additional benefits and rights.

This bill would not apply to those who have deserted from the armed forces, since I believe that theirs is a separate problem to be dealt with in other ways. The draft resisters clearly fall into another category. They have never taken an oath of service. This is not to argue that they are better or worse than deserters, but that they pose a different problem.

To make them a qualified amnesty offer would be neither out of remorse nor of sympathy. It would simply be offering a practical solution to what is or should be a national concern, a solution that would hopefully do more than unite these men and their native land. It could do something to regain the confidence of millions of Americans, especially among our youth, who love their country but have not agreed with a course it has followed.

OCTOBER 9, 1971.

A Proposal to the President: Vietnam Amnesty

(By James Reston, Jr.)

The figures on what the war in Vietnam has done to a generation of Americans are staggering. Beyond the 347,214 killed and wounded (as of September 18, 1971), there are over 50,000 American exiles in Canada. Members of the Canadian Parliament expect this figure to reach 150,000 before the war and the draft are over. The FBI received 146,554 draft violation complaints between 1966 and 1970, and needless to say, the Bureau does not receive the name of every draft evader. Over 89,000 American soldiers deserted the military in 1970. In 1968, 723 men were in federal prison for draft related convictions.

There is no way to compute the psychological casualties. Beyond the despair all around us, we now have a new, sad element: the bitterness of those who offered themselves up as soldiers in 1965–66 for patriotic reasons, and now find out they were lied to by their President. Thus for the Vietnam generation, the country must prove itself worthy of respect, not as some would have it, the other way around.

The immediate issue, however, is restitution to a generation that has both fought the war abroad and been the vanguard of protest at home. This must come in the form of major concessions to the dissident young, concessions which should in no way demean the sacrifices of those who fought in Vietnam.

What is needed is a program of universal amnesty for all who are or have been subject to prosecution by the United States government for crimes relating to opposition to the war in Vietnam. This is the logical end result of a domestic application of Vietnamization, which is simply the national recognition of a mistake couched in bureaucratic language. Amnesty can come either by presidential or congressional action, either as the Amnesty Act, or the Amnesty Proclamation of 1971. The President is authorized under Article 1, Section II of the Constitution "to grant reprieves and pardons for offenses against the United States". In numerous cases in the post-Civil War era, Congress acted to relieve persons, whose civil rights had been taken away, before it finally passed the Universal Amnesty Act in 1898.

Universal amnesty is appropriate in the case of political exiles and political prisoners today, and is distinguished legally and historically from general amnesty. General amnesty has conditions and exceptions, whereas universal amnesty contains none. President Lincoln made the first Civil War Amnesty Proclamation on Dec. 8, 1863. It was a general amnesty for all who would sign an oath of allegiance to the Union, except six classes of individuals: civil or diplomatic officers of the Confederate government; judges who defected to the Confederacy; military men above the rank of colonel in the Army or captain in the Navy; legislators who left Congress to aid the rebellion; commissioned officers in the US military who resigned to become Confederate officers; and those who sold black escapees back into slavery across the battle lines. President Andrew Johnson declared three general amnesties: on March 29, 1865, Sept. 7, 1867, and July 4, 1868—all requiring an oath of allegiance.

A President with a sense of history might choose Christmas Day 1971, the 97th anniversary of President Andrew Johnson's declaration as a fitting time for a Vietnam Amnesty declaration. If President Lincoln could declare a general amnesty one year and a half before Lee's surrender at Appomattox, President Nixon can declare a universal amnesty this year.

The way amnesty is declared is nearly as important as the proclamation itself. A sanctimonious tone taken toward misguided, errant young will miss the point. The country has erred; the instinct of the exiles and the prisoners has been right. Amnesty must come as an honest and courageous attempt at national expiation. The majority of exiles are not waiting for their country to forgive them. Rather, I've been told by a counselor of hundreds of Americans in Toronto, it is a question of whether they can forgive their country.

The terms "draft dodging" and "desertion" have lost their old flavor, expecially as the facts of US involvement become more widely known. These offenses are, after all, not treasonous in the sense that the offenses pardoned under the Civil War amnesties were. The exiles in Canada or the prisoners at home have refused to participate in their country's intrigues; they have not actively joined the enemy. I suspect that draft refusal, and even draft evasion and desertion will be overlooked by most Americans, and indeed admired by many after the war, just as today a jail sentence during the Southern civil rights campaigns of the early 60s is a badge of honor.

Historically, the shortness of the country's memory is borne out. Dr. Evan Thomas, Norman Thomas' brother, who has perhaps the best pacifist credentials of any American alive today (draft refusal, 1917; chairman, War Resisters League in World War II).

The Conditions Are Not Ripe for Draft Amnesty

Concerning the question of amnesty for the American deserters and draft-dodgers, a few observations.

1. It is becoming a question of the good guys (let's grant amnesty) against the bad guys (let's not). That is a pity, because unless one argues that amnesty should be instantaneous for the offense of dodging the draft, then there is a case for weighing the merits of amnesty. Otherwise what you come up with, in effect, is that service in the military should be voluntary. I happen to think it should be, except in times of national crisis.

2. Precisely because the question is insinuating itself in moral terms, there are those who suspect that the pro-amnesty people are trying to make a sneaky point. Even as a lot of people who in recent years came out for a voluntary military were in fact attempting to do anything they could to embarrass the war effort in Vietnam, so a lot of those who are nowadays heard arguing for amnesty are really saying something on the order of: Let us finally admit that this was an immoral war, and that therefore the use of the draft to harness young men to an immoral enterprise was wrong. Therefore, any young man who in pursuit of his conscience evaded that draft, ought not to be punished.

Those who oppose amnesty feel the vibrations of this analysis, and their opposition is based in part on their reluctance to ratify a piece of moral analysis which they do not endorse. History will one day tell us, however ambiguously, whether we were right to do what we did, but in an age tempted by antinomianism, the President should be careful before telling people, in effect, that they were correct in making up their minds to disobey the law.

3. The image of Abraham Lincoln is often cited as the exemplar who sought conciliation, sought, in his words, to bind the nation's wounds. President Nixon is asked, in effect, to follow the example of Lincoln by granting amnesty.

The historical situation is, however, significantly different, if not conclusively so. At the time of his second inaugural address, Lincoln could see the end of the war weeks away. He had previously granted a highly contingent amnesty. He asked, then, for a spirit of forgiveness with respect to a defeated enemy. The draft dodgers are not exactly in the category of a defeated enemy. The English showed themselves, on the whole, forgiving toward the Germans and the Japanese. Lord Haw Haw, they hanged; while we locked up the world's most famous poet in a loony zin for a dozen years.

Those Americans who deserted or who went to Canada or Scandinavia to avoid the draft are not in a class with the Nazi war criminals, but they are most definitely criminals in the eyes of the law. And the problem Nixon or his successor will face is how on the one hand to display generosity, and on the other to uphold the sovereignty of the law.

The men in question are not, as we have noted, in the category of a defeated people. On the contrary, reading about them suggests that they tend to the opinion that what is happening isn't that they are slowly coming around to realizing the full extent of their perfidy, rather that the United States is coming around to realizing that they were right while we were wrong. There are those in this country who agree with them. If Sen. George McGovern is still running for president a few years from now, he will no doubt be proposing that we grant the deserters and draft dodgers a Medal of Honor and a life pension.

4. In short, the conditions are not ripe for amnesty. We do not have contrition, in any palpable sense. We do not have the corporate sense of having achieved our purpose, permitting us therefore to be charitable toward the defeated. And we have not rediscovered the loci of stability, which among other things tell us quite clearly when we are engaged in magnimity, and when we are engaged in historical and moral revisionism.

Amnesty: A Poignant Nonissue

Should the United States Government offer amnesty to the thousands of young men who have fled the country or gone to prison, rather than put on military uniform and serve in the Vietnam war? That question is not a very troublesome one at this particular time for most Americans, but it may well be a sleeper, as was the prisoner-of-war issue earlier.

It already is beginning to stir the minds of some citizens, and a few politicians have begun to stake out positions. Sen. George McGovern, an aspirant for the Democratic presidential nomination, has proposed nonconditional amnesty for all who are not actual military deserters, and case-by-case examination for those who shed their uniforms. Sen. Robert Taft Jr., namesake of the famed Ohio conservative Republican, has submitted legislation that would grant amnesty to draft dodgers abroad or in prison who agree to do three years of military or some alternative service, Sen. Edward Kennedy has proposed a study commission on the subject. And President Nixon has said, flatly, "no amnesty."

Seen purely from the standpoint of domestic political realities, so long as there are still American uniforms in Vietnam and prisoners of war in North Vietnamese hands, almost anything smacking of amnesty will be coolly looked upon by a congressman who has to face a mother whose son was killed in Vietnam, or who is a POW, or who is still in Vietnam as part of the American forces that remain there.

Nor, seen from the viewpoint of those young men who left their country for points abroad in conscientious protest against what they considered an immoral and unconstitutional war, in amnesty something they yearn for. As noted by Monitor reporter Trudy Rubin, in a three-part series based on exhaustive interviews with draft dodger Americans in Canada, amnesty implies forgiveness. Many of them insist, it is the United States which must ask, not offer, forgiveness.

For many others—who acted less out of inner conviction that to do so would be immoral than out of fear or simply because they are misfits who would flee from any kind of responsibility—unconditional amnesty would be the quick and easy way out. But while it might return them to the arms of their families, it would not resolve their personal inadequacies. Nor would it be fair to those who did what they had to do and went to Vietnam, even while hating it every step of the way.

The time surely will come when the United States Government must recognize the fact that tens of thousands of young Americans are living abroad, some but not all of whom will one day wish to come home—to visit, if not to be permanently repatriated. Senator Taft's legislation probably will not get very far very soon. But based as it is on a sense of compassion fortified with justice, it moves in the right direction.

Perhaps three years of alternative service is too steep a price of readmission to citizenship—particularly for those who quit their country as a matter of conscientious protest and who have suffered the trauma of exile for two, three, or four years already. Until amnesty, repatriation, or whatever form of solution may someday come about, however, there is an interim step that could be taken in the name of compassion, and that is to open the borders between Canada and the United States for visiting purposes, particularly in times of family crisis.

Amnesty: What Sort Will Bind Our Wounds?

(By Louis Lusky)

Mr. Justice Holmes once remarked that the most important thing is to get on to the next thing. From our earliest days we have done it, after every divisive conflict. From the Shays and Whiskey rebellions in the 18th Century, through the Civil War, down to the Korean conflict, the ending of hostilities lies always been followed by amnesty in one form or another.

President Nixon, in a Jan. 2 television interview, said—with a later qualification—that "we always, under our system, provide amnesty. You remember Abraham Lincoln in the last year—the last days, as a matter of fact—of the Civil War, just before his death, decided to give amnesty to anyone who had deserted, if he would come back and rejoin his unit and serve out his period of time." He added that he "would be very liberal with regard to amnesty."

Clearly, amnesty for Vietnam war resisters is an idea whose time has come. As the war grinds toward a halt, we must turn to the task of binding wounds, whether we be military veterans or jailed objectors, supporters of Calley or of the Berrigans. What is important now is that Americans sort out their feelings about what form amnesty should take.

Public debate has already started, and the coming months will see it proliferate. The formulation of positions began more than a year ago, when the American Civil Liberties Union recommended broad amnesty for draft violators, exiles and military offenders. Last March, Rep. Edward I. Koch (D-N.Y.) introduced a bill to give relief to conscientious objectors to particular wars. Sen. George S. McGovern (D-S.D.) has declared amnesty to be part of his program in seeking his party's presidential nomination. Last month, Sen. Robert Taft Jr. (R-Ohio) proposed a broader bill, and Rep. Koch is said to be ready to introduce the Taft bill in the House, along with another that would further extend the coverage.

THE POLITICAL REALITIES

What action do we want ultimately to emerge? This, of course, does not mean "what we wished had happened." Politics does not concern itself with trying to lure back the moving finger. Many Americans wish that the Southeast Asia war had never happened. But it did, and we must deal with facts as they now are—and as they may be in the future. Objectors by the tens of thousands have broken the law in their opposition to the war. Some have avoided prosecution by self-exile, some are serving sentences, some have completed their sentences but bear the stigma of criminal status—and, as ex-convicts, may face the less or impairment of such rights as eligibility for public employment and admission to the bar.

The primary political reality, for the time being, was noted by President Nixon: So long as Americans are fighting in Southeast Asia, and probably so long as American prisoners of war are held there, amnesty is virtually impossible. The exception might be clemency for those convicted because their cases were decided before later decisions narrowed the reach of the law. For example, draft refusers punished for conscientious but nonreligious refusal before the Supreme Court ruled in 1970 that such objection should be recognized might win amnesty now. But this is a relatively small group, and they may well be able to wipe out their criminal status through habeas corpus or some other post-conviction remedy even before amnesty is coming.

Granted, however, that amnesty does not materialize until the war is actually ended, it does not follow that significant congressional actions if present is impossible or even premature. Within the foregoing restrictions there is a considerable range of possibilities for useful legislation, and the range will widen as the end of them is approached and accomplished.

How soon the widening will come and how far it extends, will depend largely on the way the war ends. Should it cease at a defined moment—whether by presidential or congressional action an amnesty is likely to be broader and quicker. Should the war trail off as gradually as it began, with nothing really sure whether there is still a * * * amnesty will be meager and slow.

THE ULTIMATE JUDGMENT

Still more fundamentally the extent of amnesty will depend on the ultimate judgment of Americans on the war itself. Public opinion today still favors the ending of the war. But it is not so clear how many would go farther and say that the whole war has been wrong, and how many would say only that, right or wrong, it has been a frightful and divisive experience that we should thrust into history as soon as possible.

If it turns out that most Americans believe the war to have been basically wrong, amnesty promises to be broad. The central judgment then is likely to be that every American should be relieved of all legal disadvantage he would not have suffered if the war had never begun. That implies not only remission of criminal penalties, but erasure of criminal status for every offender whose crime would not have been committed but for the war.

There might however, be some qualifications. It would not be illogical—though it would be administratively difficult—to limit clemency to those whose offenses were motivated wholly or partly by conscientious opposition to the war. (To be sure, such limitation would discriminate against the inarticulate ghetto dweller who, without seeking any particular religious or philosophical justification, simply repudiated the obligation to fight in a white man's war.)

Neither would it be illogical—though, again, it would be administratively difficult—to deny full clemency to those whose offenses have been "violent"—that is not an easy term to define: Does it include sit-ins? Scrambling draft board records?—and who, by such acts as arson and assault, became menaces to their neighbors. Even with these limitations, however, most acts of criminal opposition to the war would be pardoned.

If, on the other hand, it turns out that most Americans can agree only that the war should be put behind us, amnesty will be narrower. There may be liberation of prisoners, but no erasure of the stigma of conviction or restoration of political and civil rights. There may be amnesty for federal offenders (most of whom are draft refusers) but not for state law violators (most of whom have been convicted for some violence or near-violence, though the great majority have done no more than engage in illegal demonstrations).

CONGRESSIONAL ACTION

But even if the exact shape and timing of the ultimate amnesty is not now knowable, it is not too soon for congressional action. Though clemency for federal offenses is an executive function (Article II, Section 2 of the Constitution gives pardoning power to the President), the moral support of Congress may be important. Because of the divisiveness of this long war, the act of clemency will require political courage (particularly if it is relatively quick and relatively broad). The least Congress can and should do is to affirm by concurrent resolution its support for such amnesty as the President may see fit to grant.

But Congress can and should go further. In 1896, the Supreme Court declared that Congress, too, has amnesty power. On this basis, Congress could assume more of the political responsibility by enacting its own amnesty grant, effective upon the cessation of hostilities and the release of war prisoners. Any constitutional doubt could be avoided by providing that the statute be ineffective unless the President, by signing the bill or by a later public proclamation, had manifested his approval.

In addition, there are some acts of clemency that the President cannot perform without congressional authorization. He probably lacks power to restore citizenship that has been renounced as a protest against the war; Congress, possessing the power to naturalize, could restore it. Nor can the President grant amnesty to offenders against state law, such as illegal demonstrators.

AMNESTY BY THE STATES

There may be some doubt whether state offenses can constitutionally be pardoned even by the joint action of Congress and the President. Possibly a constitutional amendment would be necessary. An amnesty amendment would not be unprecedented; Section 3 of the Fourteenth Amendment, adopted in 1868, authorized Congress to lift the political disabilities that the section legitimated for ex-rebels. But in my opinion a new amendment is not needed because another provision of the Fourteenth gives Congress the power to pardon state law offenses in the present circumstances.

Section 1, after providing that all persons born or naturalized in the United States and subject to its jurisdiction are its citizens, goes on to provide: "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." The clause has been little used, largely because of a restrictive—and, I believe, erroneous—interpretation by the Supreme Court in 1873 in the Slaughterhouse Cases. But the original purpose of the clause is precisely applicable here. The purposes was to enable Congress, by defining the privileges and immunities of federal citizenship, to afford protection against hostile state action. The newly freed slaves were, of course, the main subjects of concern, but the clause is not limited to them.

If Congress believes that our national interest requires the early restoration of domestic harmony and that such harmony will be promoted by amnesty for antiwar demonstrators and others, then Congress has the power to grant them amnesty. What it takes is a declaration by statute that it is a "privilege and immunity" of United States citizens to gain annulment of convictions and other legal disadvantages suffered by reason of specified acts of opposition to the war. If Congress so provided, the amnesty could be conditioned upon presidential activation, and it could be made subject to such conditions (for example, an oath of allegiance) as Congress might stipulate or empower the President to impose.

Even in advance of federal action, state governors could grant amnesty for state offenses. A federal signal in any form, however, would provide much needed political support and encouragement and lead the nation toward clearing the social debris of the war and turning tragedies into bygones.

A CONVERSATION WITH THE PRESIDENT ON LIVE TELEVISION AND RADIO WITH DAN RATHER, COLUMBIA BROADCASTING SYSTEM, THE OVAL OFFICE

Mr. RATHER. Mr. President, recently you were asked a question about amnesty. You were asked if you foresaw any possibility of granting amnesty to those young people who have fled the country to avoid the draft, and you had a one word answer, which was "No".

Since then some Congressmen, among others, have proposed allowing those young men who want to come back and are willing to do it to come back without punishment, if they will take alternative service of two years or four years. Is there no amount of alternative service under which you could foresee granting amnesty?

The PRESIDENT. No. The question that I was answering in that conference that you referred to, as you will recall, followed one where I had talked about the withdrawal of our forces, and the question was prefaced with that, as I recall.

Mr. RATHER. It was.

The PRESIDENT. In view of the withdrawal, how about amnesty? And I said, "No". The answer is at this time "No". As long as there are Americans who chose to serve their country rather than desert their country, and it is a hard choice, and they are there in Vietnam, there will be no amnesty for those who deserted their country. As long as there are any POW's held by the North Vietnamese, there will be no amnesty for those who deserted their country.

Just let me say, Mr. Rather, on that score, I don't say this because I am hardhearted. I say it because it is the only right thing to do. Two and a half million young Americans had to make the choice when they went to serve in Vietnam. Most of them, I am sure, did not want to go. It is not a very pleasant place. I have been there a number of times. They are nice people, but it is not a pleasant place for an American to serve, and particularly in uniform.

I imagine most of those young Americans when they went out there did so with some reluctance, but they chose to serve. Of those that chose to serve, thousands of them died for their choice, and until this war is over, and until we get the POW's back, those who chose to desert their country, a few hundred, they can live with their choice. That is my attitude.

Mr. RATHER. At some future time, the door might be opened?

The PRESIDENT. We always, Mr. Rather, under our system, provide amnesty. You remember Abraham Lincoln in the last days of the Civil War, as a matter of fact just before his death, decided to give amnesty to anyone who had deserted if he would come back and rejoin his unit and serve out his period of time. Amnesty, of course, is always the prerogative of the Chief Executive. I, for one, would be very liberal with regard to amnesty, but not while there are Americans in Vietnam fighting to serve their country and defend their country, and not when POW's are held by North Vietnam. After that we will consider it, but it would have to be on the basis of their paying the price, of course, that anyone should pay for violating the law.

MORAL AFTERMATH

The question of amnesty for the many young men who have avoided military service or deserted in recent years is properly part of the moral aftermath of the Vietnam war. The first difficulty in the tangled ethical problem is that the war has not ended. Although draft calls are temporarily suspended and casualties greatly reduced, each week a few American soldiers are still killed in Vietnam, scores are wounded and thousands run the risk of military combat if the enemy should choose to go on the offensive.

Under these circumstances it is premature to decide the amnesty question. There would be practical difficulties as well as logical absurdity in continuing the military draft—however small—while simultaneously absolving those who had defied the draft. But it is not too early for public discussion to begin and for Congress to take preparatory action on a problem which must eventually be faced.

Several different human situations have gone into the making of this problem. There are young men who refused to register for the draft. There are those who register, sought but were denied exemption as conscientious objectors and when refused to enter the armed forces. Others were inducted and then deserted, some almost immediately and others only after experiencing combat in Vietnam.

Social class is also an element. Most draft resisters and would-be conscientious objectors are college-educated, middle-class youths. Deserters tend to be less well-educated and more apt to act on their direct military experience, rather than on an understanding of their abstract rights. That factor needs weight in deciding their cases.

The timing of an individual's resistance, flight into exile or desertion could also influence judgment of his decision. Did it show more moral courage to resist service in 1965–66 when the Vietnam war still commanded wide popular support? Or does the marked withdrawal of support for the war in the last two years tend to legitimize the action of more recent resistance.

To do justice in any complicated human situation means to recognize nuances and make reasonable destinctions. Congress could hardly frame a comprehensive law taking account of the legal and human complaint of resistance to services in Vietnam. It would be more constructive for Congress to establish an Amnesty Review Board which would study the problem and have the power to adjudicate individual cases once the war ended. Such a board could cut across jurisdictional lines between the military code and the criminal law.

It could not only examine the cause of individuals now in Canada or Sweden or awaiting military or civilian trial in the United States but also review the penalties meted out to those convicted in the past. It would be manifestly unfair to free one individual in 1972 for the same offense for which someone connected in 1965 was still serving a prison term. Depending on individual circumstances, the board could determine whether to require a period of civilian service and specify varying terms of such service.

In short, Congress ought to make a grant of power to an independent agency to work on this problem. It cannot be disposed of by a simple answer. The resisters, exiles and deserters cannot realistically expect to be welcomed back as moral heroes, regardless of how they and their sympathizers view the moral quality of the action. At the same time, in many instances punitive action would not be justified from society's viewpoint, it might even be self-defeating.

Nothing is gained by contrasting any of the living with the nation's honored war dead. As John Kennedy once observed in discussing the inequities of military service, "Life is unfair." This tragic truth has to be in the forefront of the nation's mind as it seeks to diminish antagonisms and reconcile differences. Let all the wounds of war be healed.

ST. LOUIS GLOBE-DEMOCRAT SERIES REVEALS HOUSING ABUSES

Mr. EAGLETON. Mr. President, in recent months, the growing problem of housing abandonment and foreclosure in our major cities has been the subject of increasing concern.

Detroit, Philadelphia, and Boston are a few of the cities which have received extensive press coverage and subsequent congressional investigation into the extent and causes of the problem. As recently as February 27, James B. Steele and Donald Bartlett, coauthors of a prize-winning series in the Philadelphia Inquirer on the problems of homeownership for the poor, outlined the nationwide failure of these programs for the readers of the Washington Post.

Last year, in a survey reported by the National Urban League, St. Louis received the dubious distinction of being named the city "farther down the road toward total abandonment of the central city than any city in the country." According to census figures, the population of St. Louis dropped during the last decade from 750,026 in 1960, to 622,236 in 1970. The 17 percent loss in population earns St. Louis first place among the major cities of the Nation.

In his testimony February 22 before the House Subcommittee on Housing, Secretary Romney of HUD stated that there were an estimated 10,000 abandoned units in St. Louis as of February 1—at least in part because "it was cheaper to walk away than to try to sell."

Admittedly, a number of interlocking factors have produced this cycle of blight, foreclosure, and abandonment, but the role of the Federal Government in the process has not been a passive one. As Secretary Romney pointed out:

> It is we (HUD) who have made the market where none existed for older housing in the core of several of our cities. Without our mortgage insurance many people who could afford to move out would not have found buyers for the homes they left behind.

Those general observations were applied to St. Louis by Monroe Karmin in the Wall Street Journal of March 2:

> New slums were created along a northwesterly path, and St. Louis whites fled to a beckoning suburbia nourished by GI and FHA mortgage insurance and the federal highway program.

On Saturday, the St. Louis Globe-Democrat revealed that St. Louis speculators have been making huge profits at the expense of the unknowing poor through the 221d(2) program of the Federal Housing Administration. The Federal Government, the Globe reported, has been assisting the speculators and mortgage companies by allowing inflated appraisals of rundown property, cosmetic "repairs," and selection of owners unprepared for the demands of homeownership.

The 221d(2) program was enacted by Congress in 1961 to promote housing for low- and moderate-income families. Homeownership was extended to thousands of families in hopes that the purchase of a home would provide a stake in American life to many who had previously been denied a personal piece of the American Dream. Throughout the decade of the 1960's, this program, along with others enacted later, did serve as an effective tool in reversing the red-lining techniques of mortgage lenders in the central city. But the dream shattered when the program became a vehicle for quick and exorbitant profits by middlemen and the disillusionment of those it was designed to serve.

A 2-month investigation by Mr. Robert Teuscher and Mr. Harry Wilson of the Globe-Democrat staff discloses financial practices used in St. Louis to encourage quick foreclosures in order to cash in, as soon as possible, on a mortgage made at a discount. A return of 100 percent of investment plus discount certainly indicates that there is excellent profit to be made in Government-backed mortgage finance—particularly when the mortgages are short-lived.

The Federal Housing Administration, by continuing to allow hasty foreclosures, speculative real estate practices and acceptance of poor credit risks, forced the turnover of nearly 300 St. Louis properties to the FHA under the 221d(2) program. This morning's edition of the Globe reports that 84 of these nearly 300 properties were demolished by the FHA after acquisition because substantial repairs could not be justified.

This fact alone supports the conclusion that FHA has not been doing its job. Houses deemed by FHA appraisers to be sound enough for the FHA to stand behind three-fourths of the mortgage term should not be beyond repair within a matter of months.

The Globe's report thus far leads to another conclusion—that FHA must institute tighter approval procedures and give more careful scrutiny to the practices of real estate and mortgage companies with whom they deal.

The Globe-Democrat has begun to publish what promises to be a thorough and penetrating study of the operations of the 221d(2) program in St. Louis. In so doing, it is casting a much needed spotlight of public attention on the abuses that need correction.

I look forward to reading the remainder of the series, and I ask unanimous consent that the first two articles be printed in the Record.

There being no objection, the two articles were ordered to be printed in the Record, as follows:

[From the St. Louis Globe-Democrat, Mar. 4–5, 1972]

Homebuying Poor Being Bilked

SPECULATORS REAP HUGE PROFITS WHILE PUBLIC PICKS UP BILL

(By Robert H. Teuscher and Harry B. Wilson, Jr.)

Speculators in St. Louis are reaping large profits estimated in the millions of dollars by buying rundown houses, patching them up and selling them to the unknowing poor, an investigation of federal records shows.

A study reveals that the federal government often gives a big assist to the speculators and mortgage companies by placing inflated appraisals on slum properties, then paying off the mortgages when the homeowner can't make payments.

A two-month investigation by the Globe-Democrat has uncovered many irregularities in the scheme in which high profits are made, but not by the disillusioned home buyer and the public.

In the investigation, 300 properties in one Federal Housing Administration (FHA) program were scrutinized.

A spot check in other programs indicates the same irregularities are present in both the city and St. Louis County.

The program studied primarily is known as Section 221 (d)2.

In years past, the FHA has helped home owners in middle class neighborhoods under a program known as Section 203. The FHA guaranteed mortgages allowing persons to buy with lower down payments than would be allowed through conventional financing.

But the FHA excluded certain slum areas because of the mortgage risks involved.

In 1968, Congress ordered the FHA into these areas through various programs which liberalized down payment and credit requirements and in some cases provided mortgage payment subsidies.

Before long, abuses in the programs began to emerge across the country, substantiated by testimony from the victims, usually Aid to Dependent Children (ADC) mothers, but also from George Romney, secretary of Housing and Urban Development which runs the housing programs.

Said one illiterate and crushed ADC mother as she surveyed her rat-infested and crumbling house, "I wish I was back in Pruitt Igoe" in reference to her former home which has been described as the most notorious public housing project in the country.

Romney, who now finds himself the largest single slumlord in some areas of the country says: "Into the inner city market created by our efforts (to provide home ownership for the poor) moved a group of fast-buck artists: Speculators, unscrupulous developers and purveyors of poor workmanship."

Here is the general pattern the "fast-buck artists" use as uncovered in the investigation.

A speculator buys a house in a deteriorating and racially changing neighborhood for as low as $1,000, often from a family fleeing blight and crime.

The speculator frequently makes cosmetic repairs—a few rolls of wallpaper and buckets of paint.

The speculator finds a prospective buyer, sometimes by searching through housing projects, and takes the buyer to a mortgage company. The sales price averages about $10,000.

The company submits a request to the FHA to insure the mortgage.

The FHA may require minor repairs and in some cases asks that the mechanical systems be certified by a contractor as being in good working order.

Based on these conditions, the FHA appraiser places a dollar value on the house, usually the actual selling price.

Soon after the family moves in, the defects of the house become apparent, home buyers say.

The furnace doesn't work. Wallpaper peels off ceilings exposing holes in plaster. Rain leaks through roofs and down papered walls. Loose windows chatter in the wind. Sewage pipes drip. Plaster falls. Water pipes leak.

With little knowledge of home ownership and less of home maintenance, the average ADC mother finds herself unable to meet the necessary repair bills.

She may turn to the speculator who sold the house, but homeowners interviewed by reporters say the speculator doesn't respond with repairs.

So the homeowner is unable to meet payments and defaults. Credit has been overextended in many cases.

One-fourth of the homeowners studied by The Globe-Democrat were in their homes less than a year before the mortgages were foreclosed.

When the mortgage company forecloses, the federal government pays off the mortgage—plus foreclosure costs, plus delinquent interest, plus unpaid taxes, plus "reasonable preservation expense."

In many cases, the mortgage and costs payoff exceeds the FHA's appraised value of the home.

HUD (which is the FHA's parent organization) then takes the house and repairs it for resale.

In one-third of the cases, FHA second guesses itself, admits the mortgage on the house should never have been insured in the first place and tears and the building down.

The speculator has made his profit from the markup in price.

The mortgage company made its money by cashing in a mortgage which was made at a discount. (A mortgage company, for instance, will invest $9,200 in a $10,000 mortgage. If foreclosure comes within a year, the company has an $800 return on the $9,200.)

The homeowner packs up her children and belongings and resumes her search for decent housing, disenchanted with the American dream of home ownership and minus her down payment, possible closing costs and a few dollars in equity.

And the public which finances the scheme through monthly mortgage insurance payments under some FHA programs is out another few thousand dollars.

Abuses in FHA programs are not new.

Ironically, publicity on irregularities in one program—Section 235—caused the federal government to suspend that program while the much larger Section 221(d)2 program continued unhampered on its abuse-filled way.

MAJOR FHA HOMEOWNERSHIP PROGRAMS

Here, briefly, are the major FHA home ownership programs:

Section 203—The largest of the programs, this is used to insure standard mortgages in stable neighborhoods. Application fees and mortgage insurance premiums paid by home buyers to the Mutual Mortgage Insurance Fund finance any foreclosures necessary under the program.

Section 221(d)(2—This is the largest of the inner city home ownership programs. It provides for down payments as low as $200 for persons displaced by governmental actions (urban renewal, highway building, etc.) and liberalizes credit requirements. Foreclosures are financed by the General Insurance Fund, funded through mortgage insurance premiums and fees from several FHA programs.

Section 223—A section used in combination with 221 or 203 which allows a house in a "reasonably viable" area to be insured for mortgage if one or more requirements of another section would preclude a mortgage under that section. Foreclosures are financed by the Special Risk Insurance Fund which is funded by premiums and fees from several FHA programs.

[From the St. Louis Globe-Democrat, Mar. 6, 1972]

EIGHTY-FOUR VACANT HOMES; 84 VACANT LOTS: ABUSE OF PROGRAM DOOMS NEIGHBORHOOD

(By Robert H. Teuscher and Harry E. Wilson, Jr.)

Eighty-four vacant lots testify mutely here to the abuses in a federal program designed to rehabilitate neighborhoods and put poor families into their own homes.

The lots are the tail-end of what has become an all-too-common urban phenomenon—blockbusting, real estate speculation, foreclosed mortgages, and the federal wrecking ball.

They represent one-third of all the foreclosures in the federal Section 221(d)(2) mortgage insurance program.

The houses that once stood on these lots were certified for 25 to 30-year mortgages only three and four years ago by appraisers from the St. Louis area office of the Department of Housing and Urban Development (HUD).

According to HUD regulations, houses should not be approved for federally insured mortgages unless the HUD appraiser finds them sound enough to stand for at least three-fourths of the term of their mortgages.

Yet an average of only 18 months after appraisal and sale with the federally insured mortgages, these 84 houses were sold to HUD for their insured values in foreclosure proceedings.

HUD then decided that the houses were either structurally unsound or too expensive to repair and demolished them.

The Section 221(d)(2) program that once financed these houses allows low-income families in the inner city to purchase homes by providing mortgage insurance similar to the FHA or GI home mortgages used by millions of American families.

The program differs from standard mortgage plans by permitting down-payments as low as $200 and by requiring rehabilitation of the homes before sale.

The program's track record has not been good.

The foreclosure rate here now stands at 8.63%, the fourth highest in the nation, according to HUD Secretary George Romney. (The foreclosure rate for standard mortgages is less than one-half of one percent.)

Paying off the foreclosed 221(d)(2) mortgages in the City of St. Louis has cost the federal government more than $2.7 million. Repairing foreclosed homes for resale has cost another $600,000, and demolition of the 84 houses has cost $80,000.

HUD has been able to recoup only $1.15 million on the resale of repaired houses or vacant lots.

Real estate speculators and mortgage companies, however, have turned tidy, and sometimes immense, profits, records show.

In the meantime several stable neighborhoods have been ruined.

The Eads and St. Vincent avenue neighborhood, in the shadow of Firmin Desloge Hospital on the Near South Side, is an example of the blight that follows a combination of speculators and 221(d)(2) mortgage insurance.

As late as 1967, this was a blue-collar, middle-class area, made up of single and two-family brick homes that were nearing the end of their useful lives.

Norman Keathley, who lived at 2926 Eads since 1943, described the area as a "poor, but respectable neighborhood, with working class people."

But in early 1968, conditions, particularly crime, took a turn for the worse, according to former neighbors.

"They (vandals) tore the copper guttering right off my house in broad daylight," Francis Green, formerly of 2829 Eads said, "I figured it wasn't safe for the kids anymore."

Asked about the sale of houses in the area, Green said, "I figured blockbusting was what was going on. I hope they catch them (the speculators) at it so it won't happen here (at his new house in South St. Louis)."

At the same time that things turned bad on Eads and St. Vincent, a group of real estate companies moved in.

Between September, 1968, and June, 1970, 23 houses on Eads and St. Vincent were sold to real estate firms, who then resold the houses under the 221(d)(2) program.

The houses were bought by the realty firms for an average of $5,000, with some going for as little at $1,000.

When the real estate firms resold the houses several months later to 221(d)(2) families, the average going price was $10,000.

Each of the houses had been appraised at an average of $10,000, the sale price, by HUD appraisers, and the appraisers had also certified that the houses were good for 20–30 year mortgages.

Today every one of those houses is a vacant lot.

And there are 27 other vacant lots on Eads and St. Vincent, all of which were run through federal mortgage programs similar to the 221(d)(2) mortgage insurance.

HUD officials are not sure how the houses which were old in the first place, ended up in such condition to require demolition.

The reason could have been mismanagement or abuse by the homeowner, or a faulty HUD appraisal, in the first place, according to George O. Hipps, director of HUD's Single Family and Land Development Division in Washington, D.C.

Who were the winners in this example of speculation and blight?

The original owners were forced to sell at rock bottom prices for fear of crime and speculation.

The 221(d)(2) families lost all of their equity in homes they could not afford, and most of them are now ineligible for any other federal housing programs.

The Record for Section 221(d)(2) in St. Louis

Home mortgages insured (1967–June, 1971)	2,144
Foreclosures (Jan. 1972)	265
Foreclosures (percentage)	8.63
Cost of mortgage payoffs	$2,705,000
Repairs after foreclosure	$662,474
Demolitions	$80,610
HUD recoup from resales	$1,155,700

RADIO FREE EUROPE AND RADIO LIBERTY

Mr. FULBRIGHT. Mr. President, the Library of Congress has completed its reports on Radio Free Europe and Radio Liberty. The reports were delivered to the Committee on Foreign Relations on Friday, March 3, at 5 p.m.

In view of the controversy surrounding these reports and the allegations that I and members of the committee staff have tried to suppress this information or alter its presentation, I ask unanimous consent to have the reports, plus my correspondence with the Library, included in the RECORD at the conclusion of my remarks. The appendices to the reports, numbering several hundred additional pages, are in the committee's files and are available to the public, as are the draft versions of the reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. FULBRIGHT. Mr. President, this work is the result of a request which I sent to the Library on June 8, 1971. Shortly thereafter, Mr. Charles Gellner, Chief, Foreign Affairs Division, and Mr. James Price, analyst in National Defense, both of the Library of Congress, met with Mr. Robert Dockery of the committee staff for the purpose of discussing the request. Following this meeting, Mr. Dockery was informed by the Library that two studies would be prepared, one on each of the Radios, that Mr. Price would be responsible for the Radio Free Europe study and that Dr. Joseph Whelan, Specialist in Soviet and East European Affairs of the Library, would be responsible for the Radio Liberty study. At approximately the same time, Mr. Dockery was informed that, at Mr. Price's suggestion, an independent consultant, specialized in audience research analysis techniques, would be brought in to evaluate the Radios' audience-response claims.

At my request, the Library agreed to include in the final reports a résumé on each of the research participants.

The researchers completed their drafts during the first part of January and Mr. Gellner forwarded them to Mr. Dockery on January 14. In his transmittal memo, Mr. Gellner clearly identified the status of the reports by noting:

> We will be happy to have your comments before we put the studies into final shape and formally transmit them. Our review of these drafts has not yet been completed and we too will wish to make some changes.

Mr. Dockery reviewed the drafts and in preparation for the initial House-Senate Conference on S. 18, he prepared a background memorandum, dated January 21, for the Senate conferees in which he summed up the reports' findings in the following way:

> Preliminary versions of the Library's studies are now completed and are complimentary to the Radios' efforts to breech the censorship imposed on the people of Eastern Europe and the Soviet Union. The studies do make it clear, however, that the Eastern bloc countries and the U.S.S.R. are strongly opposed to these broadcast activities.

The same information was available to the staff of the House Foreign Affairs Committee who were briefed by the Library's researchers prior to the House-Senate conference on January 26.

On February 2, Mr. Dockery met with Messrs. Gellner, Price, and Whelan to discuss the draft reports. His comments suggested that the draft reports were deficient in several key respects, such as neglecting the origins of and reasons for the Government's decision to establish and fund the Radios. Mr. Dockery also suggested that the researchers may have placed too much reliance on the public information handouts provided by the Radio organizations themselves—organizations which I might point out still refuse to acknowledge publicly any ties to the U.S. intelligence community.

The validity of these comments was, of course, a matter for the Library's staff to judge, and I wish to emphasize that at no time did I or anyone connected with the Committee on Foreign Relations attempt to direct the Library's research effort or to influence the findings and recommendations developed from it.

In this regard, I might point out that the final reports are substantially the same as the original drafts and, although the Library indicates that it is prepared to undertake two additional studies which will concentrate on the foreign policy aspects of the Radios and on alternative financing arrangements for them, I am inclined to think that this is little more than belated recognition of the foreign policy significance of these Radio operations.

I believe this significance is primary, as it must be with each and every program we conduct abroad. And in considering these reports and their generally favorable comments, I hope my colleagues and others will keep in mind the thoughts expressed only a couple of weeks ago following the President's dramatic trip to China. The culmination of the trip, the United States-China communique of February 27, states for example:

> The United States supports individual freedom and social progress for all the peoples of the world, free of outside pressure or intervention.

In this same spirit, the communique goes on to read:

> The United States believes that the effort to reduce tensions is served by improving communications between countries that have different ideologies so as to lessen the risks of confrontation through accident, miscalculation or misunderstanding. Countries should treat each other with mutual respect and be willing to compete peacefully, letting performance be the ultimate judge. No country should claim infallibility and each country should be prepared to re-examine its own attitudes for the common good.

It is interesting to contrast these sentiments with the objectives of Radio Free Europe and Radio Liberty. The Radio Free Europe report states for example:

> Radio Free Europe's policy in its political broadcasts is to press for reform within the prevailing Communist system in East Europe . . .

And the Radio Liberty study leaves no doubt as to the purpose of its broadcasts:

> Assuming the stance of a "patriotic" Soviet communicator and acting on the democratic principle of a free press, Radio Liberty identifies with what it believes to be the best interests of the Soviet peoples and speaks in their behalf, hoping that in the long run this effort will contribute to those forces seeking to bring about a democratic transformation of Soviet society. For, Radio Liberty's ultimate goal is the peaceful democratization of the Soviet Union; and it holds to the belief that the best assurance for peace with Russia is through the diminution of Soviet totalitarianism and the growth of democracy.

Mr. President, if after 1 short week we can reach the kind of understanding with the People's Republic of China that would foreclose a "Radio Free China" aimed at reforming the Peking government, then I find it incomprehensible, after these years of direct contact with the Soviet Union, that we must continue to support a "Radio Liberty" whose objective is the "diminution of Soviet totalitarianism—"

I regret that the Library's reports do not come to grips with this kind of issue. Nor do they see any contradiction between these radio operations and the administration's "low profile" policy. Nor is there any mention of the Nixon doctrine, the concept of "shared responsibility" and its possible application to Western European financial support for the radios.

Rather, what we are left with is two rather dreary commentaries on two very bureaucratic organizations whose common goal is to liberalize the governments of Eastern Europe and the Soviet Union by broadcasting "balanced news" to the peoples of these countries. The people, in turn, according to the theory, then pressure their respective governments for democratic reforms, and this, in turn, serves to create conditions for world peace.

Of course, the theory runs headlong into the brutal experiences of Hungary and Czechoslovakia, and if there were any validity at all to the theory, I cannot believe that President Nixon, Dr. Kissinger, and Secretary of State Rogers would have agreed to discard it so gingerly in the case of China. But they did, as the joint communique of February 27 states. And they did it for good reason: Such a theory, I believe, is based on nothing more than an arrogant belief that people around the world will act like we want them to act if we only tell them how.

Mr. President, the proper perspective on Radio Free Europe and Radio Liberty was perhaps best stated in a letter which I received recently from a retired foreign service officer, who devoted more than 20 years of his professional career to Eastern European and Communist affairs. He asked that I not reveal his name, but I would like to quote from his letter for the benefit of my colleagues:

> It seems clear to me, were there no RFE or Radio Liberty now in existence, that nobody would suggest that this would be the time to establish such a station. The pattern of our relations with the countries of Eastern Europe has evolved in such a manner, that no one would pretened to argue that our interests in that part of the world would be better served by setting up such a station now.
>
> The main argument for continuance of the station, then, is now the bureaucratic one: a large organization with an expensive staff now exists, and so must presumably continue to exist, even though the need for it (if there ever was such) has long since disappeared. But the staffs can be taken care of much more economically, with generous severance pay, than by prolonging the life of an unneeded station.

I think this is a very perceptive observation and one which serves full consideration, particularly by those who, up to this point, may have been exposed to only one side of this issue. I, of course, am persuaded that the Radios ought to be liquidated, unless perhaps our European allies are willing to pick up their fair share of the financial burden that these Radios impose—a burden which the American taxpayer would otherwise have to continue to bear alone.

In this connection, it might be helpful to include at this point a copy of my recent letter to Senators PERCY and HUMPHREY, the three principal sponsors of Senate Resolution 272, and I ask unanimous consent to have the letter printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARCH 1, 1972.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: From the press release which you and Senator Humphrey issued today, I understand that you plan tomorrow to introduce a resolution in support of Radio Free Europe and Radio Liberty. In this connection, I though it might be helpful to you to have my views on the current legislative situation.

As Chairman of the Senate conferees, I am of course, duty-bound to uphold the legislation adopted by the Senate, which provides the Radios with an authorization of $35 million for this fiscal year. The House version of this legislation extends the funding authority through fiscal 1973. On our side the Senate conferees have held firmly to the one-year authorization and on the other side the House conferees have held just as firmly to their two-year authorization. Despite all that has been said about the deadlock that has developed, I think it is fair to say that the House conferees' position has the practical effect of denying the Radios the funding that would otherwise be available at least for the remainder of this fiscal year. If the House conferees are as dedicated as they say they are to preserving the Radios, then I am at a loss to explain their refusal to accept the funding for this fiscal year and to consider fiscal 1973 funding in the course of the normal legislative processes.

Having said all of this, I should make clear my own serious doubts about funding these Radios beyond the current fiscal year. Of particular concern to me and to the other Senate conferees is the lack of any apparent interest on the part of our Western European allies to help share the financial burden imposed by the Radios.

Such sharing would certainly be consistent with the Nixon Doctrine and would serve to erase many of the doubts that I and others have about continuing U.S. support for these Radio operations. Accordingly, it seems to me that multilateral funding arrangements would provide a meaningful alternative to the present arrangement and this, of course, is something that could be fully explored in connection with any fiscal 1973 funding request.

I had not intended to go on quite so long, but I very much hope this letter helps to clarify the current legislative situation as well as my own position on this issue.

With best wishes, I am

Sincerely yours,

J. W. FULBRIGHT, *Chairman.*

Duplicate letter sent to Senator HUMPHREY.

Mr. FULBRIGHT. Finally, Mr. President, I wish to bring to my colleagues' attention the fact that last year the Committee on Foreign Relations was able to obtain from the Department of State a brief description of the arrangements made and mechanisms used by the executive branch to maintain policy control and direction of Radio Free Europe and Radio Liberty. I invite Senators and Congressmen who are interested in this information to look at it in the committee's Capitol office, S–116. I regret to say that it is available on a classified basis only, a restriction insisted upon by the Department of State.

EXHIBIT 1

JUNE 8, 1971.

Mr. CHARLES R. GELLNER,
Chief, Foreign Affairs Division, Congressional Research Service, Library of Congress, Washington, D.C.

DEAR MR. GELLNER: The Committee on Foreign Relations is presently considering legislation that would authorize public funds for Radio Free Europe and Radio Liberty.

During its consideration of these proposals, the Committee came to the conclusion that it needed additional information on these two radio operations. The purpose, therefore, of this letter is to request that members of your staff prepare for the Committee an in-depth, background study on Radio Free Europe and Radio Liberty. I should hope that such a study would lead to some conclusions as to the effectiveness of these radio stations and whether or not it is in the public interest to support them with tax dollars.

I should appreciate this project receiving your earliest consideration. If you have any questions about this matter, please contact Mr. Robert Dockery of the Committee staff.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

AUGUST 6, 1971.

Mr. CHARLES R. GELLNER,
Chief, Foreign Affairs Division, Congressional Research Service, Library of Congress, Washington, D.C.

DEAR MR. GELLNER: In connection with my request of June 8 asking the Library of Congress to prepare a background study on Radio Free Europe and Radio Liberty for the Committee on Foreign Relations, I am enclosing a copy of the Committee's report on Senate Bill 18 (as amended), which the Senate passed on August 2.

You will note in the report that the Committee considers S. 18 as stopgap legislation for fiscal year 1972, and that it is divided in its opinion on the merits of Radio Free Europe and Radio Liberty. The report also notes that for fiscal year 1973 the Committee will place great emphasis on the studies being prepared by the GAO and the Library of Congress.

In view of the Committee's comments and its emphasis on these studies for next year, the urgency which I attached to my earlier request has subsided somewhat. Accordingly, I should hope that your efforts would be concentrated on the preparation of a full, complete report that would afford the Committee a solid basis for judging the two Radios in an overall manner.

For the Committee's purposes, I am hopeful that your study will be available no later than the end of this calendar year.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

FEBRUARY 25, 1972.

Mr. LESTER JAYSON,
Director, Legislative Research Service,
Library of Congress,
Washington, D.C.

DEAR MR. JAYSON: I am writing to you about the Library's reports on Radio Free Europe and Radio Liberty.

I understand that both reports are in the final stages of preparation and will probably be available within the next couple of weeks. In this connection, I wish to offer the suggestion that each study include a full and complete resume of the authors and of the consultant who worked on the audience research analysis portion of the reports.

I offer this suggestion in view of the controversy now surrounding these reports. This controversy has, quite naturally I think, generated a growing and legitimate interest in having the previous work experience and expertise of those responsible for the research placed on the public record. My suggestion serves to satisfy this interest and to place this additional information before the public.

I appreciate your consideration of this matter.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

LIBRARY OF CONGRESS,
CONGRESSIONAL RESEARCH SERVICE,
Washington, D.C., March 3, 1972.

Hon. J. W. FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: The attached reports are forwarded in response to your letters of June 8 and August 6, 1971, requesting that CRS conduct in-depth background studies of Radio Free Europe (RFE) and Radio Liberty (RL) and prepare full reports for the Committee on Foreign Relations.

The attached reports examine the history, organization, and operations of RFE and RL respectively. Two additional studies are being prepared discussing alternatives for possible administration of RFE and RL and analyzing the Radios' roles in the context of U.S. foreign policy. These will be forwarded at a later date.

The study on RFE was conducted by James R. Price and that on RL by Joseph G. Whelan, both of the staff of the Foreign Affairs Division. Annexes in the reports on the audience analysis operations of the two Radios were prepared by a consultant, Lorand B. Szalay of the American Institutes for Research. As a consultant, any recommendations he makes are made on his own responsibility and not that of CRS. Biographies of the authors, pursuant to your request, have been set forth in the Annexes of each report.

Sincerely,

LESTER S. JAYSON,
Director.

RADIO FREE EUROPE—A SURVEY AND ANALYSIS—CHAPTER 1: BACKGROUND AND SCOPE OF STUDY

(By James R. Price, analyst in national defense Foreign Affairs Division, February 29, 1972)

BACKGROUND

In January, 1971, the Congress began to take under consideration the question of the funding and administration of Radio Free Europe (RFE) and Radio Liberty (RL)—two radios beamed respectively at five East European Communist countries and the Soviet Union. Both radios had hitherto ostensibly been supported by private funds but had actually been largely funded by the Central Intelligence Agency.

The central questions to be considered by the Congress were whether continued federal support of the two radios was in the national interest and, if so, what form this support should take. The Senate Foreign Relations Committee held hearings on these questions in May, 1971, following which the Chairman requested separate in-depth background studies on the two radios from the Congressional Research Service and the General Accounting Office.[1]

This study is in partial response to the Committee request. It examines the history, organization, administration, and operations of Radio Free Europe. A similar but separate study has been prepared by the Congressional Research Service on Radio Liberty.

The present study does not examine the various alternatives for possible administration of RFE in the future as these have been proposed in the Congress and the Executive branch or which might otherwise be considered. Nor does it analyze what kind of role, if any, RFE might fulfill in the broadest context of U.S. foreign policy. These are being examined in separate reports to be submitted to the Committee in the future.

By illuminating in a factual way the history and present organization, purposes, and operations of RFE, it is hoped that this study will assist in an evaluation of its activities in the context of U.S. foreign policy and how it relates to currently declared purposes of that policy. It is also hoped that an in-depth research effort on this little-understood organization will assist a broader understanding of its mission and functions, will dispel possible knowledge gaps and misconceptions, and will provide useful information for those concerned with assessing its purposes and impact.

SOURCES AND METHOD OF APPROACH

Apart from occasional articles in the press, no serious evaluative or even descriptive material has been published on Radio Free Europe since 1963. Of the two works available until 1963, one, *Radio Free Europe,* by Robert T. Holt, was the outgrowth of graduate study and was based on field observation in Munich. The other, *Voices Through the Iron Curtain,* was written by RFE's former Deputy European Director, Allan A. Michie, and must therefore, be read with Mr. Michie's partisanship in mind. Neither of these books contains up to date material on RFE's current concepts and activities, although they were relied upon to provide the necessary background against which the current review was conducted.

The lack of published information about RFE posed a problem—how to obtain the data necessary for a study in sufficient detail to assist the Congress in its deliberations. The only practical alternative was to obtain this information directly from RFE, either in the form of RFE documentation, of interviews with RFE officials, and of direct observation of RFE facilities and operations. This was the course adopted. Information supplied by RFE is not, for the most part, susceptible to verification from independent information on as factual a basis as possible. When judgments, evaluations, and opinions of RFE officials are quoted or referred to in this study, the sources from which they came are clearly identified.

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[1] U.S. Congress. Senate. Committee on Foreign Relations Radio Free Europe and Radio Liberty. Washington, U.S. Govt. Print. Off., July 30, 1971. 27 p. 92nd Congress, 1st sess., S. Rep. 92–319. p. 3.

Radio Free Europe maintains complete files of its scripts, internal evaluation procedures, research products, and administrative history. These files were made freely available to the Congressional Research Service team, and several hundred scripts, research reports, and other documents were reviewed during the course of the study.

A key objective of the study was the rigorous evaluation of RFE audience and public opinion research methodologies and findings. Many of RFE's claims of listenership and effectiveness are based upon these findings. In addition, crucial programming decisions made by RFE management are increasingly based upon recommendations from the Audience and Public Opinion Research Department in Munich. Accordingly, an expert consultant in attitude and public opinion research, cross-cultural communication, and Eastern European affairs was retained to conduct an evaluation of RFE's Audience and Public Opinion Research programs. The report of this consultant, Dr. Lorand B. Szalay of the American Institutes for Research, is appended as Annex A. Highlights of this report are discussed in Chapter VI.

By far the most important insights into RFE operations were gained from observation and interviews conducted in the field. The research team visited the Free Europe, Inc. corporate headquarters in New York on two occasions. Two weeks were spent at RFE headquarters in Munich, Germany, where the team interviewed key personnel in all RFE departments, observed the preparation, production, and broadcasting of program material in each of the country Broadcasting Departments, and attended the daily rounds of staff meetings where RFE policies are formulated. The insights gained during the field portion of the study were crucial to the proper evaluation and interpretation of the hundreds of RFE documents examined throughout the course of the study.

At all times and at all working levels, the research team received prompt, complete, and courteous cooperation from the RFE staff. This cooperation was essential to the efficient and prompt completion of the present study.

Chapter II: Historical Development of Radio Free Europe

ORIGINS

Radio Free Europe owes its birth to the reaction of a number of prominent Americans—in and out of government—in the face of the Soviet Union's rapid post-war moves to establish complete hegemony over Eastern Europe. Imposition of the Berlin Blockade and the Communist takeover in Czechoslovakia in 1948 were but two of the more sensational manifestations of Soviet policy which, in Eastern Europe, was characterized by a massive Soviet military presence and the shutting-off of the population (more than 100 million people) from outside contacts. The Iron Curtain was built of censorship, pervasive secret police systems, strictest border controls, and the monopoly of all means of public communication by Soviet-controlled Communist regimes. As a result, the population living behind the Iron Curtain at that time "heard only Communist ideas, listened only to Communist radios, read only Communist newspapers and books, saw only Communist movies, and learned about the outside world only from material slanted for them by the Communist propaganda operators." [1]

In early February, 1949, State Department officer George Kennan met with former Ambassador to Japan, Joseph C. Grew, to pass on the results of a number of discussions Mr. Kennan had conducted with people both in and out of government regarding an appropriate response to Soviet policy. Mr. Kennan's recommendations for action outside the realm of government were seconded by those of Secretary of State Dean Acheson, who urged Grew to establish a private group to help deal with certain aspects of Eastern European exiles, who, having fled the Iron Curtain, were paying frequent visits to the State Department. Mr. Grew acceded to this request and, joined by his old friend and former Foreign Service colleague, Mr. DeWitt C. Poole, invited a number of prominent Americans to join in the founding of the National Committee for a Free Europe—which was formally incorporated in the state of New York on June 2, 1949.[2] At a press conference, Mr. Grew spoke of the necessity of finding suitable occupations for the "democratic exiles who have come to us from Eastern Europe," but he also spelled out the notion of an exile broadcasting operation:

> Our second purpose will be to put the voices of these exiled leaders on the air, addressed to their own peoples back in Europe, in their own languages, in the familiar tones. We shall help them also, if we can, to get their messages back by printed word." [3]

By July of 1949, a Radio Committee within the overall organization had been established to develop broadcasting operations. In July, 1950, the Radio Committee went on the air as Radio Free Europe, a division of the National Committee for a Free Europe. By the end of the year, RFE's one 7.5-kilowatt shortwave transmitter in Germany was broadcasting one and a half hours daily to Poland, Czechoslovakia, Albania, Hungary, Rumania, and Bulgaria. Programs were taped in New York and flown to the transmitter in Germany.

By the end of 1951 RFE had in operation three powerful transmitters in Germany and one in Portugal. One of these transmitters was a 135 kilowatt medium wave unit broadcasting a full day's schedule to Czechoslovakia. The others provided strong short wave signals into Czechoslovakia, Poland, and Hungary. New headquarters facilities in Munich facilitated the preparation of more program material there instead of in New York, and total broadcast time increased considerably. By the mid 1950's, RFE operations reached a peak of some 18–20 hours per day of broadcasts through some 29 transmitters to Poland, Hungary, and Czechoslovakia, with about half that quantity of material beamed to Bulgaria and Rumania.[4]

CURRENT ACTIVITIES

Today, Radio Free Europe broadcasts average 15 hours per day to the five Eastern European countries concerned. Czechoslovakia is the target of more than 20 hours daily; Poland and Hungary receive about 19 hours every day, while Rumania and Bulgaria receive smaller amounts of attention, respectively 12 and 7½ hours of RFE programming per day.[5] This active broadcasting schedule is beamed over some 32 active and stand-by transmitters in West Germany and Portugal. According to RFE spokesmen, however, only four of these transmitters are modern, high-power (250 kilowatt) equipment, installed in Portugal in 1964. The remainder date from 1954 or earlier, and are said to be underpowered. While RFE has stood still in power transmission for the last 7 years, the proliferation of world-wide short-wave broadcasting operations by the USSR, governments in both East and West Europe, Africa, the Middle East, and Asia has resulted in an increase in the number of higher-power (200 kilowatt or better) transmitters from a handful to nearly 250 in operation or on the way. Free Europe, Inc. President William P. Durkee has contended:

> Both the jamming and a growing interference from neighboring broadcast frequencies operated by other international broadcasters has led to a steady erosion in the technical quality of RFE's signal . . .[6]

NONBROADCAST OPERATIONS

Although broadcast operations have always been the largest and most important activity carried out by Free Europe, Inc.,[7] two other instrumentalities have also played a role in achievement of the broader purposes originally envisioned by Ambassador Grew and the other founders of the organization. These instrumentalities were (1) the Free Europe Press which, until the fall of 1956, engaged in balloon leaflet operations behind the Iron Curtain, and has also carried out various other publishing activities; and Free Europe Exile Relations, which was set up to maintain contact with and support of various exile political and professional organizations such as the Assembly of Captive European Nations and others. At the present time, however, Free Europe, Inc. has divested itself of all activities except the broadcasting and research programs of Radio Free Europe. Two staff members within the Free Europe, Inc. headquarters are responsible for tying up any loose ends remaining from the terminated exile relations program, and even these are being phased out.

CORPORATE STRUCTURE

Radio Free Europe is the major, and soon-to-be-sole, activity of its parent organization, Free Europe, Inc. Free Europe, Inc.—the corporate successor to the original National Committee for a Free Europe—is a private, non-profit membership corporation organized under the laws of the state of New York. Overall direction is exercised by a Board of Directors of nineteen prominent U.S. citizens under the Chairmanship of retired General Lucius D. Clay. President of Free Europe, Inc., is Mr. William P. Durkee. Mr. Durkee is also a former Director of Radio Free Europe in Munich. Corporate headquarters are at 2 Park Avenue, New York, N.Y. 10016.

Fund-raising from the private sector is conducted through a sister corporation, Radio Free Europe Fund, Inc., of which Mr. Durkee is also President, and of which Mr. Stewart S. Cort, Chairman of the Bethlehem Steel Corporation, is Chairman of the Board. Directors of Free Europe, Inc. and the RFE Fund, Inc. are the same persons, but the general membership of the two corporations is not identical.[8]

The RFE Fund, Inc., is an outgrowth of the Crusade for Freedom, organized in 1950 by General Clay to conduct public relations and fund-raising for the Free Europe Committee. In 1953, the Crusade became a project of the American Heritage Foundation, which it remained until July of 1955, when it again became independent. Among its other accomplishments, the Crusade for Freedom created the trademark for the entire broadcast operation. To symbolize the first Crusade in 1950, the Directors commissioned the casting in England of a ten-ton "Freedom Bell," which was rather obviously an international analog to the American Liberty Bell. The Freedom Bell was transported around the United States during the initial Crusade campaign (which reportedly resulted in attracting some $1,317,000 in private contributions) and was then installed atop the tower of West Berlin's City Hall, where it rang each noon. The chiming of its tones were, for a time, used as the station-break for Radio Free Europe.[9]

The relative success—or lack of same—enjoyed by the RFE Fund, Inc.'s campaign is a matter of some controversy. According to

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Footnotes at end of article.

Senator Clifford P. Case, the annual returns from media campaigns donated by the Advertising Council and estimated to be worth between $12 million and $20 million in free media space, aggregate less than $100 thousand, while supplementary solicitations from private industry add only a "small part" of the total RFE budget of approximately $21-22 million annually.[10] In a letter sent to Senator J. William Fulbright on July 16, 1971, Free Europe, Inc. President William P. Durkee reported:

"As I can, however, appreciate and understand your interest. I can tell you that contributions to Radio Free Europe have amounted to $17,007,383 from FY 1951 through FY 1971 so far. In FY 1970 there were 8,279 corporate contributors, and in FY 1971 there have been 4,462 corporate contributors as of now."

According to Mr. John Dunning, Assistant to the President, the total contributions over the entire period represented some 18.7 percent of RFE's total operating cost, including the cost of the fund-raising. Over the same period, fund-raising costs have approximated 37.5 of fund-raising receipts—a cost-income ratio which has recently been reduced to about 30 percent.[11]

FACILITIES AND STAFF

Although the corporate headquarters is in New York, and the President and Board of Directors of Free Europe, Inc. exercise ultimate control over the entire operation, most of the day-to-day activities of Radio Free Europe are carried out in a largely autonomous manner at the RFE headquarters in Munich. The Director of RFE, located in Munich, is responsible to the President of Free Europe, Inc., for the overall direction and management of all broadcasting and related operations, including the Munich headquarters and all field components. The latter include not only news bureaus in 10 major European cities, but the New York bureaus of each of the five Broadcasting Departments (Polish, Czechoslovak, Hungarian, Rumanian, Bulgarian) which make up the Radio Free Europe network as well as the transmitting and monitoring sites in Germany and Portugal. Organization charts, depicting the structure and interrelationships of Free Europe, Inc., Radio Free Europe, and the RFE Fund, Inc., appear on the following two pages.

NEW YORK

In New York, the President of Free Europe, Inc. and his supporting management and fiscal control staff number some 29 persons, including 7 persons managing the affairs of the RFE Fund, Inc. In addition, five security guards bring the New York corporate headquarters staff up to 34 full-time personnel; overall total to 35.

This staff performs the normal functions of a corporate headquarters, i.e., various administrative and policy support functions. In addition, another 98 persons in New York work directly for Radio Free Europe. RFE employees in New York consists of:

Broadcasting Department employees (editors, writers, clerical)	37
Production Personnel	10
News (including special events and the library (1 half-time)	16
Support (wireroom, mailroom, reproduction, purchasing; switchboard) (1 half-time)	28
Engineering	3
FRE New York Director's Office	2
Total plus 2=98	96
Production Personnel News (including special events and the library) (1 half-time)	16

Each of RFE's five Broadcasting Departments has its own New York Bureau and, in addition, about 15 percent of the total material used in broadcast programming is collected and put together in New York. The New York staff of RFE, however, reports directly to the broadcasting Department Chiefs and the Director of RFE in Munich.

EUROPE

The operational headquarters of Radio Free Europe is located in Munich, where approximately 970 persons operate five separate broadcasting services to Poland, Czechoslovakia, Hungary, Rumania, and Bulgaria, and where a large research staff builds and maintains extensive political, economic, and biographical files on the East European countries concerned. Another 128 persons are employed at the RFE monitoring facility at Schleissheim and the two transmitting sites at Holzkirchen and Biblis. The transmitter at Gloria, near Lisbon, Portugal, is staffed by some 346 persons, while RFE news bureaus in Athens, Bonn, Berlin, Brussels, Geneva, London, Paris, Rome Stockholm, and Vienna employ another 69 persons. All of the Broadcast Department personnel are former nationals of the countries to which they broadcast, and number as follows:

Bulgarian Broadcasting Department	41
Czechoslovak Broadcasting Department	100
Hungarian Broadcasting Department	85
Polish Broadcasting Department	101
Rumanian Broadcasting Department	45

Each of these Broadcasting Departments has a proportionate number of its own nationals in the New York Bureaus of the five Departments—a total of about 37 persons.

Except for the top engineering staff, most of the engineers at the Munich headquarters and at the transmitting and monitoring sites in Germany are German citizens. These number about 469 persons. Of the 346 employees at the Gloria transmitter, only five are U.S. citizens. Radio Free Europe, then, employs a total staff of about 1,611 persons, of whom only about 221 are Americans.[12] This is in addition to the Free Europe, Inc., and RFE Fund, Inc. staff mentioned earlier.

In Germany, Free Europe, Inc. is registered as a foreign non-profit corporation, holds long-term leases to the RFE headquarters in Munich, to two transmitter sites and two monitoring reception stations, and is licensed to operate transmitters by the German Federal Ministry of Posts and Telecommunications.

The transmitter operation in Portugal was established in 1951 to provide a more distant base from which higher short-wave frequencies would be effective and jamming partially overcome. The license for the operation is held by a Portuguese corporation, S.A. de Radio-Retransmissao, S.S.R.L., or "RARET." By Portuguese law, 60 percent of the RARET Board of Directors are Portuguese citizens and hold a majority of its voting stock. The remainder are connected with Free Europe, Inc., which supplies all the financing. Although the license permits either broadcasting or rebroadcasting, the sole function of RARET at the present time is to relay to Eastern Europe programs relayed from Munich to it by radio.

COSTS

According to estimates supplied by the General Accounting Office, the costs in Fiscal Year 1971 for operation of all aspects of Radio Free Europe were $22,366,876.41. Another $244,035.99 was invested in capital equipment, and $501,072.65 was expended in support of the RFE Fund, Inc. operations.

EVOLUTION OF RFE PROGRAM PHILOSOPHY, ORGANIZATION, AND GOALS

In the 22 years which have elapsed since the National Committee for a Free Europe was established in December, 1949, a number of powerful forces have combined to bring about some fundamental changes in both the objectives sought and the techniques used by Radio Free Europe. These forces have been manifest in the changing style of U.S. foreign policy as well as in the post-war history of Eastern Europe. Probably the most spectacular manifestation of these forces which directly affected RFE was the Hungarian rebellion of 1956. Indeed, most of the press and many of the RFE staff refer to 1956 as a "watershed" in RFE history. By this is meant a concept that until 1956 RFE activities had certain strong characteristics which, in the aftermath of the Hungarian tragedy, have been fundamentally altered.

As is usually the case with sweeping generalizations, the watershed theory is partially valid—but not completely so. Fundamental changes in RFE's approach to its basic purposes began to occur as early as 1952, and, despite the sensational and pervasive publicity about Hungary, RFE's current policies and programming philosophies can be more accurately described as the result of evolution and careful planning rather than of the trauma of the revolution of 1956. Knowledge of how and why this evolution occurred is a prerequisite to a realistic appreciation of what RFE has become and what it hopes to accomplish.

As noted earlier, Radio Free Europe originated in the early stages of the cold war—the aftermath of Soviet imposition of the Berlin Blockade and the Communist takeover in Czechoslovakia and other countries in Eastern Europe. United States policy further hardened with the outbreak of a hot war in Korea, and reached a peak during the Eisenhower Administration when a policy of the "peaceful liberation of the captive countries" was enunciated as a major goal of United States foreign policy. Radio Free Europe's initial organization reflected the "liberation" philosophy later enunciated by Eisenhower and Dulles. After some experimentation (broadcasts to Albania were tried, but abandoned in view of the small number of radio sets in that country) RFE evolved into a network of five related but distinct stations broadcasting separate schedules and different program materials to Poland, Czechoslovakia, Hungary, Rumania, and Bulgaria. The basic purpose was to provide the populations of those countries with an alternative to the press and radio so closely controlled by the Communist regimes. Additionally—and this has remained consistently true throughout RFE's history—RFE was conceived of as "indigenous" to the target countries. This is in direct contrast to the Voice of America, the BBC, Deutsch Welle, Radio Madrid, and other foreign language services of various governments—all of which present a "foreign" viewpoint to their target audiences. RFE set out to provide a "home service" which would, to the greatest possible extent, compete directly with regime programming. To provide this "home service," RFE had perforce to rely largely upon "home talent"—exiles—few of whom were experienced in radio programming. The first years of operations, therefore, were fairly large-scale exercises in on-the-job training, marked, as could be expected, with a certain number of blunders and some clumsiness.

Following the "liberation" philosophy, the five broadcasting operations each bore the original title of a separate "Free Voice", i.e., the Polish broadcasts were called the "Voice of Free Poland," the Czechoslovak broadcasts emanated from the "Voice of Free Czechoslovakia," and so forth. Early scripts reflected this approach. They were, Michie asserts, "written by writers who were learning the business, lacked authenticity, and were overloaded with rhetoric, exhortations to the listeners and the opinions of the editors, who tended to speak as the conscience of the captive peoples."[13] RFE's Policy Handbook, written in 1950-51, illustrates the philosophical tone underlying the early RFE scripts. Four ways are listed by which RFE might "sustain the morale of the captive peoples and stimulate them in a spirit of noncooperation":[14]

Footnotes at end of article.

(a) by reminding [the] listeners constantly that they are governed by agents of a foreign power whose purpose is not to further the national interest but to carry out the imperialistic aims of the rulers of Soviet Russia; (b) by displaying the moral and spiritual emptiness of communism as an ideology and the material incapacity of communism, as an economic ssytem, to provide an acceptable standard of living for the working class; (c) by inculating hope of eventual liberation through a convincing display of the superiority of the skill, resources, and military strength of the West, and through reiteration of the promise that the West intends that [the] listeners shall be free; (d) by sowing dissension in each regime through exposing the ineptitude of its officials, and sowing fear among the officials by denouncing confirmed acts of oppression and cruelty, and threatening retribution.[15]

Despite these exhortations, however, as early as 1952 there was evidence that RFE policymakers had become wary of the "liberation" approach, and foresaw its possible consequences, which later materialized in the Hungarian uprising of 1956—an event which prompted widespread and, in the opinion of some observers, substantially unjustified criticism of the alleged role of RFE in inciting the uprisings. During the 1952 Presidential campaign, when debate included the issue of "containment" [of communism] vs. "liberation," RFE issued a "Special Guidance for Broadcasts on Liberation":

We of RFE . . . cannot comment upon these statements [on liberation by General Eisenhower and Mr. Dulles] with unqualified optimism, for to do so would be to deceive our listeners by inspiring in them exaggerated hope of Western intervention . . . not one word in these statements [on liberation] can be used to encourage militant anti-communists to go over from passive to active resistance in the expectation that such resistance will be supported by Western elements.[16]

The abortive uprising in East Berlin soon after the death of Stalin in 1953 suggested the futility of any expectation of Western military support of anti-communist uprisings in the Soviet Bloc. This led to RFE's own adaptation of its role as an exponent of "liberation" to "liberalization" instead. RFE began at that time to develop a technique of "chipping away" at Communist power structures, looking toward the day when gradual evolution within the Communist nations would bring them nearer to the freer societies in the West. " 'Peaceful liberation' through 'liberalization' became the RFE strategy." [17] This new approach required intensive analysis of the internal events and trends in Eastern Europe—analysis which would indicate the kind of encouragement the audiences should be given. Frontal attacks against the Communist regimes were downgraded in favor of programs designed to encourage long-range and subtle attitudinal changes among the listeners. In an RFE staff report issued in January, 1957, this new policy was summarized:

RFE's broad role would appear to be to keep alive the pressure for freedom among our peoples, supplying them with the facts, the comprehension of free democratic methods, and the inspiration of free-world achievement which will enable them to chart effectively their own courses toward freedom.[18]

According to its spokesmen, the pattern of RFE programming since 1953 has been increasingly one of intensifying its competition with regime media in terms of providing the kind of accurate, quick, uncensored, and objective "voice of the opposition" which is found in most Western democratic societies. Virtually all of RFE's resources are focused on this goal. An extensive research and analysis service—whose reports are available to scholars the world over—provides background material for programming and for policy planning. The Audience and Public Opinion Research Department takes advantage of increased travel abroad by East Europeans to study RFE's audiences. These studies provide continuing data to guide determination of needs for change in RFE's program content and format. RFE's Central Newsroom in Munich reportedly receives and processes "a million words a day—from RFE's own monitoring of 12 Communist news agencies and 40 Communist radio and television stations, from the Western news service, and from its own news bureaus in Washington, New York, the United Nations, and leading cities of Western Europe. Some 900 Soviet and East European publications are regularly screened for background information." [19]

The objective of this activity and the goal of this policy is the provision of a journalistically excellent, entertaining, and credible network of radio stations which can capture and hold the interest of the listening audiences in the five Eastern European nations concerned. RFE cites the research of its own Audience and Public Opinion Research Department as evidence that this goal is being achieved. According to RFE, by the end of 1970, RFE's listenership among persons over 14 years of age had reached these percentages of the total population:

Poland, 59 percent.
Rumania, 57 percent.
Hungary, 55 percent.
Czechoslovakia, 50 percent.
Bulgaria, 45 percent.

Source: William P. Durkee, "East Europe and Radio Free Europe in an Era of Negotiation," a statement submitted by Free Europe, Inc. to the Senate Foreign Relations Committee on June 14, 1971. The statistics quoted above appear in Annex XI, p. 1.

In line with the policy of encouraging liberalization rather than liberation, the five individual broadcasting services are no longer known as the "Voice of Free Poland," etc. They are known instead as the "Polish Broadcasting Department," the "Czechoslovak Broadcasting Department," etc., of Radio Free Europe. Within the RFE structure, these country Broadcasting Departments are each headed by a chief who is a native of the target country, and each operates with considerable autonomy within a broad policy framework established by the Director of RFE in Europe, and subject to the approval of the President of Free Europe, Inc. in New York.

RFE AND THE POLISH AND HUNGARIAN UPRISINGS IN 1956

Radio Free Europe's stated policy of restraint on the question of East European "liberation" (as quoted above from the 1952 Special Guidance for Broadcasts on Liberation) was twice put to public test in the mid-1950's. On one well-publicized occasion—the Hungarian uprising of October–November 1956—the policy foundered, at least in part. In connection with the Poznan riots in Poland in June of that year, however, RFE conducted its operations in a manner that received virtually no criticism from responsible observers. A brief review of what happened in these two instances would permit events to be seen in context.

THE HUNGARIAN UPRISING OF 1956

Probably the most-publicized and still-lingering charge against RFE is that its broadcasts tended to incite the Hungarians to rise up against their Communist government and that RFE either promised or strongly implied that the Western powers would come to the direct aid of the Hungarian rebels.

The charge of incitement to rebellion has been dismissed by the German Government of Konrad Adenauer, which was involved because RFE broadcasts from its territory. The West German Government reviewed all the tapes of broadcasts from RFE to Hungary during the period in question, and concluded that there had been no incitement and no promises of Western aid to the rebels. Adenauer added, however, that some of the broadcasts had contained "remarks . . . subject to misinterpretation." [20] According to a report dated April 27, 1957 on Radio Free Europe presented to and approved by the Council of Europe, the remarks considered by Mr. Adenauer to be subject to misinterpretation were probably contained in a broadcast (on November 4, 1956) which quoted the Observer, a responsible British publication. The broadcast ran as follows:

This morning the British *Observer* published a report of its Washington correspondent. This situation report was written before the Soviet attack early this morning. In spite of this the *Observer* correspondent writes that the Russians have probably decided to beat down the Hungarian revolution with arms. The article goes on: 'If the Soviet troops really attack Hungary, if this our apprehension should become true and the Hungarians will hold out for three or four days, then the pressure upon the government of the United States to send military help to the freedom fighters will become irresistible.' This is what the *Observer* writes in today's number. The paper observes that the American Congress cannot vote for war as long as the presidential elections have not been held. The article continues: 'If the Hungarians continue to fight until Wednesday, we shall be closer to a world war than at any time since 1939.' [21]

Allan A. Michie, Deputy Director of RFE, was in charge of coordinating RFE activities during the Hungarian affair. In his book, Voices Through the Iron Curtain, Michie reports that a detailed post-mortem of some 308 separate scripts broadcast during the uprising revealed that another three scripts, in addition to the one quoted above, were found to be "in clear violation" of RFE policy guidances, and that "only a further sixteen programs were found to involve some distortions of policies or failure to implement a policy guidance on a specific subject." [22] Michie attributed these three scripts to the misguided efforts of two RFE Hungarian editors to help the freedom fighters by giving them military advice and know-how. Both Michie and University of Minnesota scholar Robert T. Holt, however, reported another major broadcast which definitely *was* in accord with a policy directive cabled from New York. Perceiving its role as supportive of the program being advocated by the freedom fighters, RFE, on October 29, 1956, broadcast a compilation of major demands monitored from various illegal broadcasts from the rebels and which it felt to be the minimum conditions acceptable to the freedom fighters:[23]

1. Immediate and total withdrawal of all Soviet troops from Hungarian soil.
2. Total dissolution of the AVH [security police] immediately, and placement of the direction of any new police or security forces and the army in the hands of a minister not associated with any previous cabinet or Central Communist body.
3. Full amnesty to all freedom fighters who participated in the uprisings.
4. Exclusion from the new temporary government of all persons associated in any way with the regime government or top party command since Imre Nagy's previous premiership.
5. The majority of the cabinet of the new temporary government to be drawn from the various patriot groups on a representative basis.
6. Immediate calling of a Constituent Assembly, selected by free secret popular vote, to frame a new charter of government and action program—this charter and program to be submitted to the people for free, secret voting on acceptance or rejection within a stated period, such as six months.
7. Withdrawal from the Warsaw Pact of **Hungary.**

Footnotes at end of article.

8. Continuation of local workers' and other councils and patriot committees which have been formed during the crisis and continuous communication between them, until all the above conditions have been achieved.

Since these eight points clearly added up to the complete overthrow of the Communist Hungarian regime and the total removal of Soviet influence from Hungary, their retransmission back to the Hungarian audiences by Radio Free Europe during the uprising in effect constituted active support of the armed rebellion once it had broken out. According to Holt, such support was not inconsistent with RFE policy, since "Radio Free Europe had always operated on the assumption that it could not lead the captive peoples to freedom; it could only assist them in the struggle they might initiate with policies they had devised." [24] Nor did Michie, who had coordinated RFE broadcasts during the uprising, consider RFE's endorsement of the eight-point program unusual or inflammatory:

> In its broadcasts on October 29, the Voice of Free Hungary was able to stress these points as the common program of the rebellion. While associating itself with the demands of the patriots, at no time did RFE go beyond the specifics of the programs voiced by them; to have done so would have given the impression that RFE, as an "outsider," was trying to influence the course of the revolution.[25]

If, by its active encouragement of armed attempts to dislodge the Soviet Union from an area it considered vital to its strategic interests, RFE was not "trying to influence the course of the revolution," the question remains unanswered as to exactly what RFE did hope to accomplish in the face of massive Soviet power and the virtually certain knowledge that Western intervention would not occur. The charges that RFE programming had incited the rebellion have been pretty well disproven (independent research conducted on Hungarian escapees indicates that few of the freedom fighters attributed the outbreak of the rebellion to the influence of *any* outside incitement). But it is clear that, after the rebellion was underway, RFE improvised its own policies, and found itself caught up in the emotions of the times. With the advantage of hindsight, it can be said that the results, at best, were unfortunate for all concerned.

THE POZNAN RIOTS

RFE's experience earlier that year, from June to November, with the Polish crisis sparked by the Poznan riots was a different one. In the first place, RFE's Polish analysts were convinced from the outset that violent uprisings would not drive the Russians out of the satellites. They wish to avoid useless bloodshed and severe reprisals. A policy guidance, issued soon after news of the first disturbances at Poznan, put it this way: [26]

> We understand and appreciate the motivations which have driven the workers of Poznan to desperate measures. However, riots and revolts are not likely to improve matters in Poland, for the police may be given an opportunity for reprisals which only make things worse . . .

RFE broadcasts followed a dual policy of advocating calm and restraint, while delivering accurate accounts of events to the listening audience. This policy was, however, made easier by the fact that the "legitimate" Communist leader Gomulka soon emerged as a kind of "honest broker" between the workers and the Soviet Union. RFE cautiously backed Gomulka, in the belief that his program of mild reform within the system was receiving popular backing and represented the "only chance Poland has in the immediate future to obtain a measure of independence from Moscow." [27] RFE did not want to see Gomulka pushed into a position which would provoke the Russians into armed intervention. An RFE script broadcaster on October 29, while the Khrushchev delegation was in Warsaw for talks with the Poles, illustrates the implementation of this policy: [28]

> The Politburo delegation, having landed in Warsaw and taken up its quarters at the Belvedere in order to open its talks with the Politburo of the PZPR, knew very well that no one either in the Politburo nor in the party rank and file, nor even among the people, i.e., among the vast majority of Poles, can envisage for a moment a break with that political make-up in which our country found itself against its will and in which it must continue against its will until objective conditions favouring a radical change are established. The attitude of the people within the last twelve years has shown that it is a nation full of political wisdom, a nation which can subordinate its feelings to the existing situation without losing, at the same time, its ideological objectives from sight. Poles know very well that Soviet Russia has at its disposal both military and economic means which would enable it to interfere in Poland.

Although RFE support of Gomulka was tactical in nature, based upon a temporary congruence of interests, available evidence suggests that it was effective, and was appreciated by the regime. Michie quotes an unnamed Polish Communist Party official, a Gomulka supporter, as having commented to an RFE reporter in Stockholm, some weeks after the Polish events, that "Had RFE not told our people to be calm, I am not sure whether we alone would have managed to cope with the situation." [29]

FOOTNOTES

[1] Michie, Allan A. Voices Through the Iron Curtain: The Radio Free Europe Story. New York, Dodd, Mead, and Company, 1963, pp. 6–7.

[2] Holt, Robert T. Radio Free Europe. Minneapolis, University of Minnesota Press, 1958, pp. 9–11. On p. 233, footnote 8 to Chapter I lists membership of the original Committee, in addition to Mr. Grew and Mr. Poole, as Frank Altschul, Hamilton Fish Armstrong, A. S. Berle, Jr., Francis Biddle, Robert Woods Bliss, James B. Carey, Hugh A. Drum, Allen W. Dulles, Dwight D. Eisenhower, Mark F. Ethridge, William Green, Charles R. Hook, Arthur Bliss Lane, Henry R. Luce, Arthur W. Page, Charles M. Spofford, Charles P. Taft, DeWitt Wallace, Matthew Woll, James A. Farley. For a list of the current Board of Directors of Free Europe, Inc., (who are also Directors of the companion fund raising organization, RFE Fund, Inc.) see Annex B to this report.

[3] As quoted *in* Holt, op. cit., p. 12.

[4] Holt, op. cit., pp. 14–16, *passim*.

[5] Durkee, William P. East Europe and Radio Free Europe in an "Era of Negotiation," a statement submitted by Free Europe, Inc. to the Senate Foreign Relations Committee on June 14, 1971. The hours quoted appeared in Annex VII, p. 1.

[6] Durkee, op. cit., p. 14, footnote (1).

[7] Free Europe, Inc., is the corporate successor to the old National Committee for a Free Europe.

[8] Annex B to this report lists the Officers, Directors, and Members of the two corporations.

[9] Michie, op. cit., p. 17.

[10] U.S. Congress. Senate. Congressional Record, January 25, 1971, p. S130.

[11] A complete analysis of the RFE funding structure, including sources and related administrative costs, is being prepared by the General Accounting Office as part of its report to the Senate Foreign Relations Committee. Presumably this report will contain information on funding by contributions.

[12] Biographic information about key staff of the Munich headquarters of RFE is included in Annex C.

[13] Michie, op. cit., p. 71. Allan A. Michie, a professional writer and journalist, was with Radio Free Europe from 1952 through 1957 and, during most of that time, was Deputy Europe Director at Munich.

[14] Holt, op. cit., p. 22.

[15] Radio Free Europe Policy Handbook, quoted *in* Holt, op. cit., p. 22.

[16] Special Guidance for Broadcasts on Liberation, September 2, 1952, *in* Holt, op. cit., p. 24.

[17] Michio, op. cit., p. 76.

[18] Summary of Accomplishments and Findings, RFE Staff Conference, January 3–5, 1957, p. 1, *in* Holt, op. cit., p. 22.

[19] Durkee, op. cit., Annex VI, p. 2.

For a description of this department and its work see below, Chapter VI.

The percentage figures refer to respondents who stated explicitly that they were RFE listeners. As will be developed in more detail in Annex A, subsequent questions on frequency of listening showed in 1970, for example, that 52–98 percent listened once a week or more and 2–27 percent listened less frequently.

[20] New York Times, January 26, 1957.

[21] Holt, op. cit., p. 197.

[22] Michie, op. cit., p. 257.

[23] *In* Holt, op. cit., p. 191.

[24] Holt, op. cit., p. 190.

[25] Michie, op. cit., p. 226.

[26] Holt, op. cit., p. 175.

[27] Holt, op. cit., p. 182.

[28] Holt, op. cit., p. 182.

[29] Michie, op. cit., p. 191.

CHAPTER III: RFE POLICY AND PROCEDURES

Policy objectives

It has been noted that when Radio Free Europe went on the air in the early 1950's, its purposes were linked to U.S. Cold War Strategy. RFE engaged in continuous psychological warfare against Eastern European regimes and with the aim of keeping alive in the people the hope of eventual "liberation" from the Communist governments. RFE executives acknowledge that programming fifteen or twenty years ago was polemical and "addressed to an audience assumed to be uncritically receptive to anti-Communism." [1] Relaxation of the strict Stalinist controls in the mid-1950's however, resulted in somewhat greater tendencies toward pluralism in Eastern European societies, less rigidity in the Communist systems, and subsequently a bit more give-and-take between the people and the respective regimes. Though they remained strictly controlled and censored, regime media became somewhat less dogmatic.

RFE's response—accelerated though not solely motivated by the 1956 Hungarian affair—has been a near-total modification of its earlier approach. It has sought to stay ahead of its regime radio competition, to retain and expand its listenership. Above all, RFE has striven to (a) know its audiences and their preferences better and, (b) raise the level of professional expertise in all phases of RFE activity.

Polemics have been deemphasized in favor of more and better straight news covereage of world and local news events. The objective is to enhance audience appeal and to improve credibility by filling the "news gap" brought about by regime censorship policies. In the words of Free Europe, Inc. President Durkee, RFE "seeks to function much as a democratic, responsible, independent station would function within each of the five countries if the regimes permitted it." [2] In support of this thesis, Durkee quotes the following RFE standing broadcasting guidelines, calling for a policy of balanced commentary coupled with comprehensive, objective, and accurate news reporting: [3]

"It is essential that RFE, while making clear its dedication to freedom and the principles for which it stands, seek to engender

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Footnotes at end of article.

among its listeners, even in the Communist hierarchy, a high degree of respect as a thoroughly responsible and reliable source of news, commentary, and other information . . . Comment on internal affairs should be essentially constructive, calm and reasoned, avoiding a belligerent tone. Denunciation and personal attacks or ridicule can only serve to prejudice the achievement of RFE policy objectives. RFE will, however, condemn violations of human rights when these are of a nature and magnitude that demand public attention. In dealing with difficulties of which the people may be expected to be aware, care should be taken to clarify their origins and their deeper significance for the mass audience, avoiding polemical treatment of the kind which the audience is known to resent.

"Meaningful alleviations by the government will be noted as they occur, and professions of intent to make further improvements should be appropriately noted and welcomed. Comments on the internal scene must deal with important issues and be directed toward the attainment of specific aims. Criticism should be selective, never petty, and handled in such a way that it supports the people in striving for further reforms. Criticism of government policies and practices should be characterized whenever possible by positive treatment illustrating means for remedying the problem under discussion. "Attractive alternatives," including those of social democratic origin, which offer practical solutions to current and long-range problems should be presented."

This standing general instruction has been restated in specific language for each of the five Broadcasting Departments. The following text, obtained from the Director of RFE in Munich, is typical of the "restraints" imposed by RFE upon these Departments. It has been abridged and edited by the author of this report in order to remove country-specific references and mention of specific groups and people:

RESTRAINTS

The correct tone is as important in adhering to RFE policy as correct content of broadcasts. The following restraints are therefore emphasized:

1. Avoidance of vituperation, vindictiveness, and polemics.

2. Avoidance of broadcast materials, the content or tone of which is or could be legitimately construed as inflammatory or inconsistent with [local] or international polical realities. Even straight news can be inflammatory if improperly handled.

3. Avoidance of blatant, propagandistic argumentation.

4. Avoidance of sweeping generalizations and evaluations.

5. Avoidance of any action which would amount to or could be reasonably construed as incitement to open revolt or other violence.

6. Avoidance of tactical advice, by which is meant recommendations for specific action in particular cases, except in unusual circumstances, and then only by indirection. The people . . . provided they know the relevant facts, are usually better qualified to judge the efficacy and consequences of their action than anyone outside the country. Such advice is likely to be resented and, if acted upon, could cause regime reprisals and inflexibility.

7. Avoidance of patronizing or condescending positions or indulging in preaching.

8. Avoidance of narrow and parochial points of view . . .

9. Avoidance of tone or content which would give RFE the air of a voice of emigre opinion . . . the term "we" should not be used to suggest that the speakers are representing the views of any . . . emigre group, nor . . . as spokesmen or as the purported voice of an opposition party . . . or of the . . . people as a whole.

10. Continued treatment of key themes is essential but monotony or needless repetition should be avoided.

11. No programs should be broadcast which are based upon or use rumors or unsubstantiated information. If, under unusual circumstances, a constructive purpose will be served by calling attention to a rumor, it should clearly be identified as such.

12. RFE should not jump to conclusions, either by attaching undue weight to . . . government or other pronouncements which experience has shown the government may not carry out to the letter, or by unduly discounting them.

13. RFE should not encourage defections . . .

14. RFE should not lead the . . . people to believe that in the event of an uprising the West would intervene militarily. RFE must not . . . speculate about an uprising . . . nor contingencies arising therefrom.

15. Criticism of the . . . government should be to the fact and to the issues involved. Insofar as possible it should be subtle and indirect.

16. RFE should not broadcast any material which could be characterized as petty gossip, slander, or attacks on the personal lives or families of government or party figures, or on individuals as such . . .

EMERGENCY CONDITIONS

In the event of emergency conditions . . . due to violent demonstrations, armed uprising and revolutions, or war, RFE will not assume any attitude toward such developments or participate in them in any way, except for straight and restrained news reporting, until it receives guidance from [Free Europe, Inc.] New York.

POLICY FORMULATION AND IMPLEMENTATION

The mechanisms through which RFE policies are formulated and implemented are based upuon RFE's founding concept—"a cooperative effort of free East Europeans broadcasting to their countrymen at home, under American management and supported by the professional expertise necessary to the operation of a radio station."[4] As previously noted, RFE's overall policies are under the direction and control of the President and Board of Directors of Free Europe, Inc. in New York. The Director of RFE in Munich is responsible to the President, and has primary responsibility, within the frame of reference of overall Free Europe, Inc., policy for all standing and ad hoc policies related to the management and operation of the radio stations. Thus there are two levels of policy: broad organizational and corporate policy, and the day-to-day considerations of running five radio stations which broadcast news, commentary, features, and music.

FREE EUROPE, INC.

Annex B lists the officers and members of both Free Europe, Inc., and the RFE Fund, Inc. The Free Europe, Inc. Board of Directors is the highest legally-constituted governing body responsible for all activities of the organization. This Board of Directors is self-perpetuating, and has been from the outset.

A key function of the Board has been to supervise the liaison with outside backers which has been maintained by the principal officers of the corporation. Although the author of this report did not interview officials of the Central Intelligence Agency, it is a safe assumption that contact between that Agency and Free Europe, Inc. was probably a major function of the Free Europe, Inc. corporate headquarters.

The author did talk at length with President William P. Durkee of Free Europe, Inc., members of his staff, and with General Lucius D. Clay, Chairman of the Free Europe Board of Directors. Each of these gentlemen was candid in referring to past connections with the "sponsor"—a euphemism for the CIA. All affirmed that those past connections have now been broken. According to these spokesmen, the nature of past connections corresponded more closely to the relationship between, say, a major Foundation and that Foundation's grantee than the kind of relationship which one might expect to exist between a government agency and one of its subordinate extensions. RFE officials would meet with the "sponsor" to discuss budgetary matters and to exchange views on the overall nature of Free Europe activities. Such exchanges of views were restricted to the broad generalities of policy, e.g., agreement that broadcasting operations would emphasize journalistic professionalism as a major objective.

The realities of the day-to-day problems of running the five stations in Munich precluded, as will be seen subsequently in this report, any attempts by the "sponsor" to "censor," dictate, or otherwise assume a chain of command role in RFE's daily activities. "Sponsor" support was renewed each year on the basis of "sponsor" assessment of RFE's existence as a professionally-independent disseminator of news and information as being in the interest of U.S. policy toward East Europe.

Within this context, it would appear that the corporate management structure has not—certainly in recent years—been a mere front through which the policies of the U.S. Government funding sources have been conveyed. To the contrary, the Officers and Board of the corporation make a persuasive case that corporate policies originate within the corporate policymaking structure, and that corporate autonomy from the funding source is a highly-prized and jealously-guarded possession. The Boards of the two corporations are comprised of citizens of considerable prominence—men who have ready access to leading business and political circles in the United States, and who do not hesitate to make use of this access when the interests of the corporations so demand. These individuals regard their business and professional acumen as well as publicly established and their devotion to and appreciation of the U.S. national interest a basic assumption underlying their election to the Boards. They view the efficient and continued implementation of Free Europe, Inc.'s, basic charter as their sole and freely-assumed obligation to the U.S. Government. Although they are willing to listen to and consider specific policy options, they do not consider themselves subject to the operational supervision or control of U.S. Government agencies.

The individuals consulted, including President Durkee and General Clay, were unanimous in (a) a conviction that day-to-day policy supervision and control by any single funding source cannot be exercised without destroying the timeliness, flexibility, and effectiveness of the broadcast operations and, (b) an unwillingness to continue participation in any enterprise so controlled and supervised. All affirmed that the organization had operated in accordance with this kind of responsible independence in the past, to the satisfaction of all concerned.

The minutes of meetings of the Free Europe, Inc. Board of Directors and the Board's Executive Committee illustrate the nature and level of policymaking which takes place in New York. The author examined the minutes of all meetings held between October 9, 1970 and April 8, 1971. Major items taken up by the Board and/or the Executive Committee during this sample period included the following:[5]

"a. Budgetary pressures and fund-raising problems. These were discussed at all except two meetings, as RFE was attempting to cope with the problems caused by inflation,

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Footnotes at end of article.

revaluation of the German mark, and some reduction in funding from the "sponsor." A basic decision of the Board was to try to implement the urgently-needed $4,750,000 transmitter modernization program through the results of fund-raising campaigns, thus leaving the reduced "sponsor" contributions free to meet operating expenses without any reduction in broadcast activities.

"b. The nature and degree of Communist-bloc attacks on RFE.

"c. A detailed discussion and analysis of the complaints against RFE programming made by the Polish Government. The Board heard a report from RFE outlining the measures in effect to prevent the inadverent broadcast of maetrials which could prompt any legitimate protests. The Board was informed that the "sponsor" and a "high level interagency committee" were agreed that RFE should stand fast against outside pressure for fundamental changes in the character of its programming.

"d. Meetings in February and April, 1971, dealt primarily with the ramifications of Senator Case's proposed legislation and with the Board's cooperation with the Department of State in working out some of the legislative considerations which ultimate found their way into S. 1936."

ROLE OF THE PRESIDENT

Under the By-Laws of Free Europe, Inc., the Board of Directors has "full power in the management and control of the policies, activities, funds, and affairs of the corporation." The Board accordingly appoints officers and interim directors, approves budgets and auditors' reports, reviews periodic operational reports submitted by the President, and takes other actions it considers necessary in directing the organization.

The chief executive officer of Free Europe, Inc. is the President, who is appointed by and responsible to the Board. With the New York headquarters staff previously described, he carries out the following functions:

Corporate: Liaison with the Chairman and members of the Board of Directors, including the preparation of periodic meetings of the Board and Executive Committee, and consultation on major policy, organizational, and fiscal developments.

Governmental relations: Consultation and liaison with the executive and legislative branches and whatever departments, committees, or other bodies may be appropriate under present or future arrangements. Recently this has included the Department of State, for exchanges of information; committees and individual members of Congress, as to legislation and individual requests for information; the Office of Budget and Management, as to current financing; and the General Accounting Office and Congressional Research Service as to their respective studies.

Policy and Program: The President supervises and consults with the Director of RFE in Munich on broad questions of policy and programming, on organizational problems and key personnel actions, on relations with European governments and with RFE's West European Advisory Committee. The handling of such matters is facilitated by a daily flow of teletypes and mail, and by occasional visits by the President and Director and other executives in both directions.

Fiscal and Budget: General supervision of expenditures and of accounting and auditing, as well as final review and presentation of budgets. The Accounting Department in New York maintains central accounts of all overseas and U.S.-based elements.

Public Information: The RFE research product, as noted elsewhere, has widespread byproduct use among scholars, journalists, and others in the U.S. and abroad. The President's staff is responsible for meeting all requests in this country for information and documentation.

Fund-raising: Mr. Durkee and Mr. J. Allan Hovey, as President and Executive Vice President respectively of RFE Fund, Inc., are responsible for organizing the annual national fund drive and for the public-information advertising campaign conducted through the Advertising Council. The Fund's activities include the oragnization of local volunteers; preparation and distribution of solicitation letters and printed materials, advertising copy, radio and television announcements; arrangement of speaking engagements; response to queries from the media and public; and the processing of contributions received.[6]

RADIO FREE EUROPE

Role of the director

Within the broad framework of corporate policy established by the Board of Directors and the President in New York, Radio Free Europe in Munich enjoys a near-total autonomy in the conduct of its daily affairs. The director, Mr. Ralph E. Walter (who is also a Vice President of Free Europe, Inc.) is responsible to and personally in close contact with President Durkee, but Mr. Walter and his staff make all the daily decisions which are essential to a rapidly responsive broadcast operation. Editorial policies are developed in daily meetings between the Director, key elements of the Director's staff, and executives of the five country Broadcasting Departments. Numerous administrative procedures have been developed to assure adequate follow-through on implementation of approved policies, and it is the Director's responsibility to keep the President of Free Europe, Inc. promptly and fully informed. In the interest of speed and flexibility, RFE has ruled out any general policy of pre-broadcast review of programs or the use of centrally-prepared master scripts. Pre-broadcast reviews are, however, required in rare instances on certain designated sensitive topics. In emergency situations, such as the Warsaw Pact invasion of Czechoslovakia in 1968, the Director requires the pre-broadcast review of all commentaries as a double-check against the possibility of incitement or misunderstanding by the audience. In general, crisis situations call for a tightening-up of all review procedures.[7]

It should be emphasized that the review procedures under discussion are those required solely by the Director of RFE, in Munich, from his own staff in Munich. There are no established procedures which require RFE to clear any scripts in advance with Free Europe, Inc., or with any "sponsor" representatives.

Broadcasting departments

The five Broadcasting Departments—the heart and soul of the entire operation—are each headed by a Director and deputy who are former nationals from their audience countries. These men are directly responsible to the Director of RFE. They direct both the preparation of broadcast materials and the production processes by which these materials are put on the air. Staffs of these departments range from 101 in the Polish Broadcasting Department to 41 in the Bulgarian Department, and are comprised of personnel of the variety of talents required to produce the broad spectrum of political, news, economic, cultural, and sports programming featured by the stations. All Broadcasting Departments are strongly supported by the Central News Room—linked to each Department by internal teletype circuits—and continuous post-broadcast checking of scripts for content and effectiveness is maintained for the Director by RFE's Broadcast Analysis Unit. During the course of the author's visit to Munich, Mr. Walter inaugurated a new procedure whereby the Director of each Broadcasting Department will have periodic joint meetings with specialists of the Broadcast Analysis Unit and the Audience and Public Opinion Research Department. The purpose of these meetings is both a critique of effectiveness of materials broadcast, and a correlation of Broadcasting Department programming with the opinion and preferences of the listening audience, as revealed by Audience Research reports.

RFE executives maintain that the system of placing the primary responsibility for program content with the individual Broadcast Directors has worked very well, taking full advantage of the special skills of the experienced East European staff and preserving their interest and morale in a manner which would be impossible under a system of implementing orders and translating centrally-prepared scripts. At the same time, Director Walter assures that the final responsibility of American management is fully recognized.

RFE has had no Programming Department as such since 1967, and each Broadcasting Department has full responsibility for all program development. The Director of RFE is, in effect, the programming chief for the five-station combination. Mr. Walter, the present Director, makes maximum use of staff facilities to assist him in both programming and policy functions. A description of these staff facilities and the daily use made of them in policy formulation and program implementation follows.

The news department

Nathan Kingsley, Chief of RFE's News Department, describes the relationship of his Department to the five country Broadcasting Departments as one of a news and news features agency with five radio stations as clients. The dissemination of accurate, timely, and relevant news every hour on the hour is probably the single most important activity of Radio Free Europe. News broadcasts are, according to RFE Audience and Public Opinion Research reports, the most heavily listened-to of all RFE programming.

Mr. Kingsley and his 9 editorial colleagues in the news department are all experienced journalists who take considerable pride in the professionalism of their work. Kingsley, a veteran of more than 16 years with the New York Herald Tribune in Europe and the United States—his last assignment there was as National Editor—operates a brisk and bustling department. It reminds one of the news room of any large American metropolitan daily newspaper or wire service, but is unique in the nature and variety of its news sources and in the fact that it deals daily in 8 to 10 languages. The News Department consists of a Central News Room, a Monitoring Section, an Audio Section, and a number of RFE News Bureaus. A total of some 180 editorial, reportial, technical, and language personnel make up the Department staff.

The Central News Room (CNR)

The Central News Room edits and produces a news-and-features file of about 100,000 words each day from a variety of sources. Standard western news agencies, received by teletype, are:

United Press International, Reuters, Agence France-Presse, and Deutsch Presse Agentur.

CNR also monitors the teletype output of the following eleven Communist news services:

Tass (Soviet), Hsinhua (People's Republic of China), CETEKA (Czechoslovakia), PAP (Polish), MTI (Hungarian), Agerpres (Rumanian), BTA (Bulgarian), Tanjug (Yugoslav), ADN (East German), ATA (Albanian), and VNA (North Vietnamese).

Material from these sources, from the News Department's extensive radio monitoring services, and from RFE News Bureaus is edited and rewritten to produce the daily news-and-features file. News stories are transmitted via teletype to the newsrooms of the five Broadcasting Departments as they are written, for each Broadcast Department produces a ten-minute live newscast each hour. These hard-news stories, combined with additional feature material, are distributed in printed form, known as the "daily

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budget," to other key addressees within the Munich headquarters throughout the day. The overnight accumulation is picked up and distributed to the Chief of the News Department, the Director of RFE, Broadcasting Department chiefs, and selected members of the Director's staff at their homes at 0600 each morning. This not only provides these individuals with substantial breakfast reading material, it enables them to prepare themselves mentally for policy and programming decisions based on the news each morning.

Non-news feature materials produced by CNR include such items as information on the theater, music, books, art, science, medicine, travel, industry, education, fashion, cooking, and so forth. The Week in Review[8] is a 3,000-word summary of each week's events, prepared in text-and-sound form but which is used as a model by individual Broadcasting Department editors in writing their own language adaptations of the material. Monitoring reports in English, consisting of about 60 pages of specialized East European news, are issued twice a day.

The monitoring section

The Monitoring Section regularly audits the output of some 40 Communist radio stations in Bulgaria, Czechoslovakia, Hungary, Poland, Rumania, and Yugoslavia. The result of approximately 300 hours of such monitoring per day is the selection for editorial handling and transcription of some 100,000 words. Most transcribing is done in the original languages. In this fashion, the Broadcasting Departments are kept informed about the output of their competition—the regime radios. Other material is rewritten into English-language bulletins and moved into the regular Central News Room news circuit. Thus the monitoring operation is an important source for news developments within Eastern Europe—developments which are then "cross-reported" by RFE to each of its listening audiences.

The audio section

The role of the Audio Section is the provision of sound to accompany news and feature programming. The Information Services Department of RFE describes his role as follows:[9]

"These sounds, or 'actualities,' are selected from hours of taped material and made available for broadcasts on master tapes containing tight excerpts. Transcripts also are provided to support the sound excerpts so that each RFE Broadcasting Department may prepare native-language 'overlays' for its listeners or translate fully at the end of the actuality.

"Feature material issued by the Audio Section includes interviews with pop stars, sports figures, intellectuals, etc. Almost any story issued by CNR either on its news circuit or in the Program Topics can be supported by sound.

"Important sources of audio material are RFE's bureaus and the Monitoring Section. The latter often provides taped excerpts from major East European announcements and speeches to reinforce or illustrate a major development.

"In addition to the production of approximately 20 sound actualities a day, the Audio Section arranges program exchanges with other European radio stations and issues a monthly calendar events in Europe."

RFE Bureaus

Radio Free Europe maintains European bureaus in Athens, Berlin, Bonn, Brussels, Geneva, London, Paris, Rome, Stockholm, and Vienna, and stringers elsewhere as needed. There is also a newsroom in New York, and a fulltime correspondent in Washington, D.C.

Although the news bureaus often supply items faster than the commercial wire services, their primary role is to focus upon events of special interest to Eastern European audiences—events which are often passed over by the wire services. The activities of Communist Parties outside the Soviet Bloc is but one example of the kind of news given detailed treatment by RFE bureaus. Press reviews, sound actualities, and the production of a number of regularly-scheduled programs are other major bureau activities.

The importance placed by the RFE News Department on journalistic professionalism is reflected in the background and experience of the editorial and reportorial staff of the Department.[30]

Research and analysis

Research and Analysis plays a dual role at RFE. It provides direct support to the Broadcasting Departments in terms of background information and analysis as well as contemporary factual material, and it provides substantial staff assistance to the Director in the formulation of policy. As will be subsequently demonstrated, the Research and Analysis chiefs probably have quicker access to and bring more long-range influence to bear upon the RFE Director than do the Broadcasting Department chiefs. As the RFE organization chart indicates the two Research and Analysis Departments are staff elements of the Office of the Director—totally separated from the Broadcast Departments and hence totally independent of them.

The East Europe research and analysis department (EERA)

EERA is by far the larger of the two Departments, staffed by some 82 members, and dealing with the five countries to which RFE broadcasts—Bulgaria, Czechoslovakia, Hungary, Poland, and Rumania. The Director of EERA is Mr. James Brown, a holder of dual U.S.–U.K. citizenship and who has been with Radio Free Europe since 1957. The basic components of EERA are five research and analysis sections corresponding to RFE's audience countries. These vary in size just as do the Broadcasting Departments they were originally designed to serve. The research and analysis sections are staffed by East Europeans, many of whom have been with RFE since its inception. Each section has its own information analysis center consisting of hundreds of thousands of 5 x 8 inch cards containing biographic, social, cultural, economic, political, and historical information organized according to a modified Library of Congress classification system.

In addition to the experienced East European research staff, Mr. Brown has the assistance of five young Americans with advanced degrees in history or political science who serve as Brown's Policy Assistants for each country. The Policy Assistants work closely with the research and analysis sections, but have the main task of writing studies and memoranda of a broader, more policy-oriented type than the usual output of the country sections. The Policy Assistants also serve as a link between the American management team and the Broadcasting Departments, facilitating the smooth formulation and implementation of the Director's policy decisions. EERA also employs two economists who specialize in the economic problems of East Europe and whose contributions to broadcasting are considered quite valuable.

The Communist area analysis department (CAA)

CAA is much smaller than EERA, consisting of only 13 staff members. It is not therefore able to provide the same kind of detailed analysis as is needed on the five audience countries. Since news of the rest of the Communist world, and of Communist Parties not in power, is of great interest to East European audiences, RFE makes an effort to maintain its expertise on these matters through the CAA staff. This staff includes three analysts on the Soviet Union, two on Yugoslavia, one on China, one on East Germany, one on Albania, and one on the non-ruling Communist Parties. Chief of the Department is Mr. Samuel Lyon.

Sources and methods

RFE considers the press, both printed and electronic, of the Communist countries themselves as by far the most important source of information. RFE analyzes every Communist newspaper, professional journal, periodical, and other publication of note produced in Eastern Europe. Most of the small or provincial newspapers are also examined, as these contain much of the kind of detailed and topical information overlooked by the metropolitan press. Much of the cross-reporting material, and information on developments within-country came from this kind of source. The News Department's extensive radio monitoring activity of metropolitan and local stations in East Europe and elsewhere is also a valuable source of information for research and analytical activities, as is the input derived from the Communist news and wire services. Finally, another good source of information is to be found in Western publications—the press, scholarly journals, and commercial publications.

Information from these varied sources is analyzed, categorized, and filed in the information analysis centers within each of the five Research and Analysis Sections. The card files in these information centers are carefully maintained, and even some of the hard copies—the newspapers and publications themselves—are preserved within the Sections for several years before being microfilmed or assigned to warehouse storage.

The manually-operated file card system has worked well to date. The research analysts are thoroughly familiar with their files and are usually able to retrieve relevant information from the files very rapidly.

The accumulation of twenty years has, however, caused storage problems, and there is no way by which to test scientifically the responsiveness of the information retrieval operations as they are presently constituted. In other words, there is no way to tell exactly how much relevant information on a given topic is contained in the information bank and which was not retrieved in a given case. The best that can be said is that both the research analysts and their Broadcasting Department users appear reasonably satisfied with the results.

RFE research personnel on both management and working levels are aware that their operations could benefit from a greater utilization of automation, and that today's state-of-the-art in information storage and retrieval could provide some significant improvements in utilization of the RFE files. They are equally aware, however, that present and foreseeable budgetary constraints relegate any serious discussion of automation to the academic.

Both the files of the information analysis centers and the supporting library operation are unique in their quantity, scope, and comprehensiveness in East European lore, and it would be impossible to put a realistic price on their value to the scholars, governments, journalists, and others who regularly subscribe to the RFE research output.

In Europe, for example, RFE has a list of some 694 regular subscribers to research papers. These include educational institutions, individual scholars, research institutions, governmental agencies and employees, persons in business and the communication industries, and others. More than 200 similar subscribers are in the United States, bringing the total distribution list of RFE research reports to 900.

Footnotes at end of article.

Indices of background studies, situation reports, press surveys, and other research products produced by RFE during the latter part of 1971 are included in Annex G.

The broadcast analysis unit

Originally organized primarily for the purpose of checking on the implementation of policy, the Broadcast Analysis Unit has evolved into a mechanism for quality control as well as policy control. Directed by Mr. Miloslav Kohak, the Broadcast Analysis Unit is staffed by seven country Broadcast Analysts, a number of translators who occasionally double as analysts, and appropriate support personnel bringing the total staff to 27 persons.

The Broadcast Analysis Unit has a formidable workload—possibly the heaviest per capita in RFE. Each day the major programs of each Broadcast Department are monitored, summarized, and analyzed for adherence to RFE policy and for comprehensiveness of coverage. The Daily Summaries comprise a key management tool for keeping up with the voluminous programming of the Broadcast Departments. All programs are analyzed to chart coverage of special policy guidances and news themes deemed important by management, and a report on the extent of such coverage is delivered to the Director each week. Also each week, there is a meeting between the B.A. Unit and the Director (and occasional informal meetings with Broadcast Directors) for the purpose of assessing style, content, and delivery techniques of programming. Program changes and the correction of flaws often result from these meetings.

More recently—in October 1971—Director Walter instituted joint meetings between the Broadcasting Departments, the Broadcast Analysis Unit, and the Audience and Public Opinion Research Department. At these meetings, the Broadcasting Departments received the full benefit of correlations between B.A. Unit critiques and the audience preferences as estimated by audience research techniques. Indications to date are that these meetings are lively and spirited, but are received in a constructive spirit by the Broadcasting Department chiefs.

A management tool of crucial importance to RFE is the series of statistical reports on RFE programming produced each month by the Broadcast Analysis Unit.[11] These reports quantify the programming output for each Broadcasting Department in terms of program content, expressing the results in percentages of air time devoted to each type of programming. Statistical tabulations are accompanied by narratives which explain similarities and differences between the output of the different BD's and which enable management to remain well informed about trends in performance—strengths and weaknesses—in programming.

The audience and public opinion research department

The Audience and Public Opinion Research Department (APOR) is another staff element of growing importance. Its basic purpose is as its name implies: to attempt to conduct market research which will provide scientifically usable information to enable RFE to (a) know better the likes and dislikes of its potential audiences, (b) know accurately the impact of specific programming on those audiences, and, (c) keep track of the size and composition of RFE audiences. APOR activities are the subject of a separate annex (See Annex A) of this study, and will be described and evaluated in detail in Chapter VI.

The West European Advisory Committee of Radio Free Europe

Although it is not an integral part of the RFE organizational structure, nor does it participate directly in the formulation of RFE policy, a group known as the West European Advisory Committee of Radio Free Europe does play an important indirect role in policymaking and deserves brief mention.

The West European Advisory Committee to Radio Free Europe is an informal group of eminent Europeans who meet about once a year with officers and directors of Free Europe, Inc. to discuss East-West relations, East European developments, and the work of RFE.

"The group was established in 1959; its fourteenth session was held in Monte Carlo October 24–25, 1970. In recent years its meetings have been enlarged by invitations to non-members. An advance written report is submitted to participants by RFE, which also covers the costs and provides the necessary conference services. Current Chairman is Dirk U. Stikker, of the Netherlands. His predecessors were Randolfo Pacciardi and Paul van Zeeland . . .

"Radio Free Europe's meetings with the members and guests of WEAC have served RFE beneficially in three ways: they give RFE a range of current West European opinion on East European policy and prospects; they elicit specific recommendations with respect to RFE's broadcasting and its relations in West Europe; and they acquaint a new group of distinguished Europeans each year with the policy, analytical capacity, and impact of Radio Free Europe."[12]

HOW POLICY IS MADE AT RFE

Radio Free Europe's weekly broadcasting schedules call for 557 hours 42 minutes of broadcasting to the five audience countries. Of this total, some 292 hours and 27 minutes represent original programming, with the remainder being repeats at different times of day. Up to 15 percent of the original programming is prepared in New York; the remainder is prepared each day in Munich.

These figures graphically illustrate the speed and flexibility with which the individual policymaking components of RFE, described in the previous section, must work together every day. These figures, together with the disparate audiences of the five countries, also illustrate the impracticability of central scripting or the pre-broadcast review of scripts execpt in limited quantity and unusual circumstances. The question of "policy control," or "policy supervision," by any group external to RFE's Munich headquarters—even by the Free Europe, Inc. Board of Directors—becomes largely one of trust and confidence in RFE's management and procedures based on evaluated performance. RFE's internal procedures are designed to deliver the kind of performance justifying confidence.

News evaluation

The RFE format of 10-minute newcasts each hour on the hour by each of the five Broadcasting Departments requires the production of a tremendous amount of evaluated news each day. The process begins at 0600 hours each morning, when the ovenight accumulation of the news budget is delivered to key RFE executives at their homes. This overnight accumulation is read with special care by Kingsley and his senior assistants in the News Department. At about 0900 hours Kingsley and his staff review the budget together, discussing any items of questionable authenticity or unusual importance. Plans are made to confirm or refute doubtful items or restrict the manner in which they can be used if at all.

Both at the early morning meeting and throughout the day the News Department is responsible for bringing questionable press reports to the Director's attention. A good deal of RFE's political programming is based upon reviews of both the Western and Eastern press. Such reviews are carried in the news budget along with the hard news items. To assure proper and objective handling of press review material, however, the Director's Office issues Recommended Lists twice daily. These lists provide guidelines for the use of articles from the Eastern and Western press picked up and reported in RFE's internal news service. Highlighting key reports which are of greater than normal significance, either in a positive or negative way, the Recommended Lists evaluate news items in descending order of usefulness for broadcast as Especially Useful, Useful, Noteworthy, Background Information Only, or Clear Attribution Only. This latter evaluation means that the item may be used if a Broadcasting Department so desires, but its source must be clearly irdentified and not associated in any way with RFE. Especially Useful and Background Information Only classifications—along with Clear Attribution Only—are binding on the Broadcasting Departments who must follow the evaluations on the Lists. The Morning Recommended List for October 26, 1971 is attached as Annex J.

The Broadcast Analysis Unit has a continuing responsibility to report on the extent to which items evaluated as Especially Useful are utilized by the Broadcasting Departments.

Straight news items from the many sources available to RFE are evaluated by Kingsley and his staff, and only those items which meet high journalistic standards of authenticity are teletyped for newscast to the Broadcasting Department news rooms.

The director's pre-meeting

Each morning at 0930 hours a preliminary policy discussion takes place in the Director's office. Attendees include the Director, his deputy, the respective Eastern European and Communist Area research chiefs or their designees, the chief of the Broadcast Analysis Unit, and senior representatives of the News Department. Occasionally other executives, such as the chief of the Information Services Division (the RFE term for public relations), may be present. No representatives of the Broadcasting Departments attend the Director's pre-meeting. Usually the BD chiefs are conducting simultaneous staff meetings of their own; more importantly, the Director keeps the inputs from his research and policy assistants separate from those of his Broadcasting Department Directors.

The basic purpose of the pre-meeting is to take note of major events affecting world affairs or East Europe which have occurred since the previous day and to decide whether RFE needs to take a formal policy stance on any of them, or what kind of coverage, if any, RFE should air.

Daily guidance summaries

During the pre-meeting of October 26, 1971, for example, the major news event discussed was the previous night's vote at the United Nations which admitted the People's Republic of China and expelled the representatives of the Republic of China on Taiwan. The implications of this development to East Europe, the Soviet Union, and the United States were clearly far-reaching, and all participants at the meeting agreed that a Daily Guidance Summary (DGS) should be issued. Mr. J. F. Kun, China specialist of the Communist Area Analysis Department, was present at the meeting and offered his view that the basic RFE policy line should, as it addressed the expulsion of Taiwan, be couched in terms of "regret rather than anger." This was accepted by the group and Mr. Kun was directed to draft the guidance. The result was a DGS dated October 26, 1971 entitled PRC Admitted to UN on Basis of Albanian Resolution.

ADMISSION OF THE PRC TO THE UN

The DGS of October 26 was factual, moderate in tone, and based upon key points brought out during the UN debate. It summarized the history of the evolving U.S. position favoring admission of the PRC to the UN, and acknowledged that such admission was favored by the great majority of UN members. U.S. Ambassador Bush's statements during the debate were quoted in support of the principle that no UN member in good

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standing should be expelled without cause. RFE concluded that the expulsion tended to diminish the service the members of the UN had done by admitting the PRC, and that, although the PRC's future contribution to the UN could not be precisely predicted, it was to be hoped that that contribution would have a stabilizing effect on world affairs. It was suggested that the Broadcasting Departments make use of their New York bureaus in providing coverage along the suggested lines.

Daily Guidance Summaries, the exception, not the rule

The issuance of Daily Guidance Summaries as a result of the Director's pre-meeting or the subsequent broader policy meeting at 10 o'clock is, however, more the exception than the rule. On most days, the items in the news are routinely disposed of orally and no written guidances are required. Occasionally a "guidance note"—more informal than a DGS—is issued, but this too occurs only sporadically.

As a matter of fact, the term "guidance" is not precisely descriptive in terms of the function of a DGS. Most of these documents merely sum up the situation as accurately as possible, highlight the important points, call attention to possible pitfalls, and let the Broadcasting Departments take it from there.

With rare exceptions, the "guidance" provided by the Director—and which is binding on the Broadcasting Departments—is finalized during the 10 o'clock meetings. When written DGS are issued, it is usually later in the day, when BD programming is at a relatively advanced stage. But this programming is supposed to be in compliance with the Director's policy, and the written DGS provide a record of this policy by which specific scripts can later be checked.

During the period covered by the field study (October 23 through November 5, 1971) only four DGS were issued. In addition to the DGS on China and the UN, issued on October 26, a DGS on Britain's entry into the Common Market was published on October 29, and two DGS resulted from the November 2 pre-meeting. One of these dealt with some aspects of Hungary's "New Economic Mechanism," the other with the fact that the Albanian Communist Party Congress convened with the presence of a delegation from Communist China—an unprecedented occurrence.[13]

BRITAIN CHOOSES THE COMMON MARKET

This Daily Guidance Summary recounted the historical background leading up to Heath's parliamentary victory, took note of the fact that the pro-Common Market sentiments of political leaders in Britain do not yet, according to the polls, have a majority of popular support, but opined generally that what was good for Europe and Britain economically was unlikely to harm the United States. The heart of the DGS was expressed in the following paragraph:

"The enlargement of the Community should be seen as part of wider changes in the world picture—changes marked, among other things, by the implementation of West Germany's *Ostpolitik*, the entry of China into the United Nations, cautious moves toward a European Security conference and the emergence of Japan as a major economic power. The bipolar world of yesterday is giving way to something new—and many adaptations will be necessary by many nations."

The remainder of the DGS also took note of Comecon de jure opposition to enlargement of the Market but also of the fact that on a de facto basis many of the non-Soviet Comecon members had sought to further their own economic interests through bilateral agreements with individual EEC states. The DGS also noted in passing that Communist China had welcomed West European integration as demonstrating resistance to control and interference by the "super-powers."

THE NEM AND ITS PROBLEMS

The DGS dealt with a number of technical economic aspects of the difficulties being encountered by the Hungarian Government in its progress toward greater efficiency under a plan known as the New Economic Mechanism. It summarized an October 22 speech of Premier Fock in which the Government point of view was presented, characterizing this presentation rather favorably as ". . . noteworthy not only for its comprehensive survey of all the economic troubles of national concern, but also for the regime's determination to come to grips with them in the very near future . . ." The DGS went on to evaluate certain aspects of the NEM:

". . . The degree of pluralism that has emerged in Hungary has been one of the finest achievements of the NEM, and, aside from the freer atmosphere it has fostered, it probably represents the country's best potential for truly dynamic development in all sectors of national life . . ."

The BD's were advised to comment on the technical economic aspects of the situation along these generally positive lines. The Hungarian BD, however, received added advice focusing upon some of the shortcomings as well as the constructive aspects of Fock's policy. It was pointed out, for example, that there were contradictions between Fock's criticism of the "lenience allegedly shown toward 'undisciplined' workers by enterprise managers" and the Government's prior admissions that the growth in industrial output during the last two years had been achieved through higher labor productivity.

Too, it was pointed out that the Government's recommended intensive economic methods could not be implemented if needed machinery imports from the West were reduced in the campaign to eliminate Hungary's unfavorable balance of trade. Instead, the government should redouble its "efforts to increase Western exports through co-operation agreements with Western firms."

ALBANIAN CONGRESS MEETS WITHOUT CHINESE DELEGATION PRESENT

The DGS noted that Communist China's failure to send a delegation to the Party Congress of its closest ideological and political ally was an "unprecedented development, and one that was probably prompted by considerations of major significance." The DGS went on to speculate about some of the possible reasons for Chinese absence. Among these could be a leadership crisis in Peking or possible differences of views between the Albanian and Chinese leadership "over the recent Chinese efforts to normalize relations with the U.S." The guidance also called attention to Rumania's absence from the Congress, speculating that, in the light of China's absence, Rumania might have felt more conspicuously at odds with the USSR had she attended a Congress boycotted by the USSR-influenced Communist groups.

The policy meeting at 10 o'clock

At the conclusion of the Director's pre-meeting, the participants move to a large conference room where they are joined by the Broadcast Department Directors, key BD editors, research and analysis, and other staff members concerned with the daily formulation of broadcast materials.

In appearance, these daily 10 o'clock meetings resemble somewhat meetings of the UN Security Council, although they are characterized by an absence of the invective which often permeates that august body. Key participants are seated around tables forming a hollow square. Their advisers and other participants occupy rows of chairs behind the tables.

The Director usually opens the meetings with a summation of the most important conclusions of the Director's pre-meeting. Often he will ask a specialist to elaborate upon some of the relevant factors. Mr. Brown, the EERA chief, may discourse upon the impact, say, of Britain's entry into the Common Market upon East European economics, or Mr. Kun may, as he did during the October 26, meeting, summarize the factors involved in in that instance the writing of a DGS on China's admission to the UN. All Broadcasting Department Directors are thereby put on notice as to the Director's preliminary conclusions as to how major events should be treated in the day's programming.

Individual Broadcasting Department Directors then proceed to make individual presentations of major items to be treated in their own programs for the day. There is a good deal of give-and-take in these discussions, but the atmosphere is quite positive and the discussants are experienced and sophisticated individuals long accustomed to working out difficult problems together. Usually the outcome of a meeting is more an exchange of relevant ideas and information than a hammering-out of a difficult policy question. If there are any ambiguities in policy, however, these seem to be quickly resolved. Each Department is faced by a busy workday, and the participants are reluctant to waste time in extended discussion. This is well illustrated by the fact that some forty or fifty persons usually attend the ten o'clock meeting, yet it is a rare meeting that runs past eleven o'clock.

Five days a week a "country" meeting is held following the ten o'clock meeting. Participants are the Director, appropriate research specialist, and key individuals from the Broadcasting Department whose audience country is the subject of the particular meeting. In these meetings, both analytical and programming matters are reviewed in depth.

Minutes are kept of all the meetings, and the results are immediately teletyped to Free Europe, Inc. and Radio Free Europe in New York. These messages are in the form of notification, not requests for approval. By the time they are read at the beginning of the work day in New York, the Munich staff is already two-thirds through its daily program preparation and production because of the six-hour difference. By the end of the lunch hour in Munich, many of the programs for the day are already written; some are in production.

The broadcasts of original programs begin in the afternoon and are carried through the evening hours together with some afternoon repeats. Morning programs, except for the hourly live newscasts, are mostly repeats of the previous day's most important programs.

Since the Daily Guidance Summaries usually do not reach the Broadcasting Departments until the editors and writers are well into the day's work, the Broadcasting Department Directors take care to assure that their individual staffs are well and completely informed of the results of the daily policy meetings. This is usually done at brief but intense Departmental staff meetings immediately following adjournment of the ten o'clock meeting. Daily Guidance Summaries, then, become for all practical purposes more a means by which the Director's staff can evaluate subsequent programming for compliance with decisions taken at the 10 o'clock meetings than written directives to be followed verbatim by the five radio stations which make up RFE.

Copies of Munich's daily teletyped reports to New York for October 26, 27, 28, and 29, plus that of October 30 (sent on November 2) and those of November 2, 3, 4, and 5 are included in Annex L.

A "Radio Free Europe Program Flow Chart," illustrating the collaboration among management, Broadcasting Departments, the

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Footnotes at end of article.

Central News Room, research and analysis staffs, production specialists, and technical support services in the production of RFE programs, appears on the following page.

FOOTNOTES

[1] Durkee, op. cit., Annex VII, p. 2.

[2] Durkee, op. cit., p. 6.

[3] Ibid., p. 6–7.

[4] Durkee, op. cit., Annex VI, p. 1.

[5] Without access to classified sources of information, there was no way for the author of this report to arrive at any defensible conclusion regarding the nature and purposes of contacts which may have occurred from time to time between individual RFE officials and "sponsor" representatives, and which involved subject matter not covered in minutes of Free Europe Board of Directors meetings.

[6] Biographic sketches of eight key executives in the New York Leadquarters of Free Europe, Inc. are included in Annex C.

[7] The descriptive material on RFE internal procedures has been drawn by the author from RFE internal documents and from interviews conducted in Munich with RFE personnel during the period October 23–November 5, 1971.

[8] The script of the Week in Review for the week ending October 28, 1971 is attached as Annex E.

[9] Information Services Department, Radio Free Europe, undated pamphlet, Radio Free Europe's News Operation, p. 4.

[10] Biographical sketches of key members of the editorial staff are attached as Annex F.

[11] A sample statistical report for May, 1971, is attached as Annex H.

[12] Durkee, op. cit., Annex V., p. 1. A list of members and recent guest participants in WEAC is attached as Annex I.

[13] The full texts of all of these Daily Guidance summaries are contained in Annex K.

CHAPTER IV: PROGRAM CONTENT

"Here at Radio Free Europe there are no illusions about sudden changes in governmental forms in Eastern Europe. The Soviet Union has convincingly demonstrated, most recently in 1968 in Czechoslovakia, that there continue to be limits to what will be tolerated. Communist regimes are likely to remain in power for the foreseeable future regardless of the wishes of East Europeans. But the pace of change in today's world will not bypass East Europe and modifications are taking place. Thus, within the framework of the Communist system, positive evolution can be encouraged, and we try to do this. At the same time, we try to discourage actions which could intensify trends toward greater repression."

These are the approximate words heard by the author of this report in varied forms from each of the Broadcasting Department Directors and from all responsible RFE executives interviewed. Another aspect of this basic philosophy had been stated in a broader context as early as September 10, 1966, when Ralph E. Walter, then Policy Director and now RFE Director, stated the following in a speech to the American Political Science Association:

"Of prime importance will be to encourage the return of Eastern Europe to Europe in the broadcast sense. The divorce of East and West has been unnatural and irrational except in terms of what the Soviets have considered their security interests. The growth of nationalism may lead Eastern European states to distance themselves from the Soviet Union, but it would be a tragedy if it led again to rekindling national hatreds. For if the past is in any sense prologue, the future will not then merely be that of Hungarian against Russian and Pole against Russian. Unhappily, it will in all likelihood also be Rumanian against Hungarian, Pole against German, and Czech against Pole. No—Eastern Europe must be helped to broaden its horizons. Less subservience—political, economic, and ideological—to the USSR is essential to the creation of healthy societies. The future East European relationship to the USSR should be that of neighbor to neighbor. There is no reason to believe that the USSR will disappear; hence, every reason to work toward normal state to state relations between the Soviet Union and those countries on her western frontiers. It would be unwise and dangerous for Western radio to advocate enmity with the Soviet Union. An increased effort can usefully be devoted toward encouragement of longer range thinking that looks toward growing ties between East and West Europe, indeed between East and the Atlantic community. RFE has for a number of years advocated increased East-West exchange, freer tourism, additional trade, student tours, and participation in international conferences and discussions. Of course, this is a process that requires broad Western interest—something not always as evident as one might wish."

AN ALTERNATIVE "HOME SERVICE"

It is in support of this pragmatic approach that the content of RFE programming is designed. The way this programming is packaged and how it is delivered to its audiences is, however, a function of quantity as well as quality of service. The variety of social, intellectual, and economic levels among the potential audience is a factor, as is the fact that an "alternative home service"—as RFE refers to itself—must be on the air at whatever time its listeners may be inclined to hear it. RFE's distinctiveness from "foreign" broadcasting services is illustrated by the following comparison of daily air time in hours on weekdays: [1]

	VOA	BBC	Deutsche Welle	RFE
Bulgaria	1:30	2:15	2:00	7:30
Czechoslovakia	2:00	3:30	2:00	20:20
Hungary	2:00	3:15	1:00	19:00
Poland	2:00	3:30	1:30	19:00
Rumania	1:30	2:30	2:00	12:00

PROGRAM MAKEUP

Radio Free Europe reports that its five national services broadcast a total of over 557 hours per week, broken down as follows: [2]

	Percent
News	16.1
Politically-oriented programs (commentaries, round table discussions, press surveys, etc.)	34.7
Music and entertainment	21.6
Cultural, scientific, and other non-political information and special-audience programs (youth, women, labor, sports, etc.)	18.8
Religious	2.2
Miscellaneous	6.6

Although RFE maintains that this format is the result both of experience and careful study of audience attitudes and preferences, it also asserts that RFE tries to take full advantage of any opportunities to stimulate audience interest in all "subjects important to their understanding of their world." [3] One type of programming, which began as a manifestation of the latter category but which has become an important and popular element of RFE's format is called "cross-reporting." Regime censorship is applied across-the-board—i.e., East European regimes censor not only information media from the West, but media from the other Communist countries as well. In addition, events within neighboring East European countries had traditionally been of minimal interest. Cross-reporting was devised to spur local interest in the affairs of East European neighbors. By concentrating on reporting to each country, developments in other East European countries, the USSR, and among Communist Parties in the rest of the world, RFE has sought to "introduce constructive ideas in a context which implies that they are ideologically defensible and politically practicable (at least in the eyes of one Communist leadership), to create hope and interest in the possibility of change, and to emphasize what East Europeans have in common apart from (and in contrast to) the Soviet Union." [4] RFE offers findings of its Audiance and Public Opinion Research Department purporting to show that in 1968 this form of programming was considered "important" by large majorities of its five audiences.

RFE programming is centered around "news every hour on the hour," but tends in general toward what would be called in American broadcast parlance a "magazine" format. This consists of lively discussion and presentation of various aspects of life, without excessive political accents. This represents a change from RFE's earlier highly-structured schedule described in RFE documents as a schedule of special programs for workers, farmers, labor, youth, etc. It is not that these audiences are no longer sought; rather, the labels have been removed and the audience appeal lies in the way material is present. Youth audiences, educated elites, professional and managerial personnel—these are specifically believed by RFE to have been the main generators of political pressure and change and hence are favored audiences. RFE also takes pride in its expertise in economics, and now broadcasts "wide-ranging discussion, expert as well as popular, of economic topics in place of the early negative criticism by non-experts." [5]

Popular music is extensively used, both to build audiences and to provide an attractive vehicle for commentaries to the audiences who tuned in for the music.

RFE also promptly broadcasts fast-breaking events, and accommodates unorthodox program ideas such as broadcasting verbatim the texts of major documents repressed by Communist regimes. In crisis situations, RFE is prepared to remain on the air for 24 hours per day for as many days as necessary, "both to keep audiences in all five countries aware of actual developments and to provide reassurance against wild rumors." [6]

RFE's Broadcast Analysis Unit has compiled a chart of its programming by subject category to all five of the countries of its jurisdiction. This chart appears on the following page.

Statistical analyses, charts, and even descriptive summaries and actual scripts do not, however, convey a full picture of the flavor, image, nor even the net content of RFE programs. To begin with, despite the authentic East European tone and style of the individual Broadcasting Departments, there is also a definite "American" flavor to overall RFE programming. This results from several factors. The use of certain types of musical themes and interludes, avoidance of "dead" air, quick and precise timing, and the tasteful use of light or humorous approaches, even to serious subjects—these are some of the factors. Disc jockey and "panorama" formats are others. The fact that virtually all of the popular music aimed at the youth audiences is Western carries its own, sometimes subtle, punch. The antiwar and protest songs of Joan Baez and John Lennon, for example, are said to have quite an impact on young East Europeans who face daily life under the constraints of an "establishment" of a very different type from the one to which Miss Baez resents the payment of taxes.[7]

Nor, in terms of ultimate impact, can the label "political" be restricted to those programs so described by RFE Broadcast Analysis procedures. The objective presentation of

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Footnotes at end of article.

hard news without regard for topic, source, or any other factor save accuracy is considered a "political" act by East European governments whose censorship is punctured by RFE newscasts. In the words of one Communist official, Wlodzimierz Sokorski, Chairman, Polish Radio/Television:

"One must not forget that the very character of ideological struggle presupposes opposition to the notion of objective information."

There are times, however, when the "notion of objective information is not always viewed as hostile, even by a regime such as that of Ceausescu in Rumania—a regime placing considerable emphasis upon ideological conformity. Rumania has not jammed RFE since July 30, 1963—a date preceding Rumania's open declaration of April of 1964 that she intended to follow an independent course in foreign policy. In some respects the "relationship" of RFE with the Rumanian regime has touches of ambivalence. The Rumanian government—like its counterparts in the four other East European countries to which RFE broadcasts—squirms at criticism, no matter how mild, how objective, or how tactfully put. On the other hand, a look at the program patterns being broadcast by RFE to Rumania suggests that RFE often, for its own ends, serves certain purposes of the regime. RFE broadcasts are unlikely to criticize Rumanian foreign policy, which seems designed to abet purely national interests to a degree greater than seen elsewhere in East Europe.

The Rumanian Broadcasting Department's "relationship" with the Ceausescu government is not, however, entirely serendipitous. Repressive domestic policies—most recently the crusade for ideological purity which was launched by Ceausescu in the summer of 1971—draw consistent and reasoned criticism. And, some months ago, Cornel Chiriac, a leading figure among Rumanian disc jockeys in Bucharest, tired of the increasing restrictions placed by the government upon the music he could play and upon general curtailment of the freedom or artistic creativity. Chiriac slipped out of Rumania and turned up in a refugee camp not far from Munich. Noel Bernard, Director of RFE's Rumanian Broadcasting Department, heard about him and hired him at once. Today, Chiriac's popular musical program "Metronome" formerly one of Radio Bucharest's most listened-to shows—is again heard in Bucharest—but on Radio Free Europe instead. Chiriac's fan mail from Rumania and from other East European countries indicates that he has lost none of his popularity there through making the switch.[9]

Broadcasting schedules for each of the five Broadcasting Departments, together with thumbnail descriptions of each type of program on the schedule, are included in Annex M. Broadcast Analysis summaries for the period October 26–November 5, 1971 are contained in Annex N. *Implementation of Policy in Program Content* (politically-oriented programs).

As noted earlier, most of RFE's daily policy decisions affecting the content of programming are reached in Munich through oral consensus among the Director, his staff, and executives of the five Broadcasting Departments. Certain key topics, however, in the field of both news and commentary, rate special policy treatment in the form of written Recommended Lists (referring to the usage of articles from Eastern or Western press sources) and Daily Guidance Summaries (referring to RFE commentary upon important Eastern European or international developments). During the period of the field study in Munich, the author observed daily both the formulation of oral and written policy guidances and their implementation in each of the Broadcasting Departments. These observations were the basis for subsequent discussion with the Broadcast Analysis Department, which has the Director's mandate to check upon policy implementation as well as general program quality.

In Chapter III it was recorded that during the period of the field study in Munich (October 23–November 5, 1971) RFE management issued four Daily Guidance Summaries setting forth RFE policy for treatment of four major news events. In the following paragraphs, news and other sources used by RFE in carrying out this policy and the nature and degree of the content of the resulting programs are briefly summarized:

Admission of Communist China to the U.N. and the expulsion of Taiwan

The controversial U.N. vote admitting Communist China to the U.N. and expelling the Chiang regime was the major news story of the morning of October 26. The Daily Guidance Summary spelling out RFE's recommended treatment of this topic has been summarized on page 61, above, and the complete text of this DGS appears in Annex K.

Examination of RFE scripts and Broadcast Analysis summaries reveals that each of the Broadcast Departments gave this topic heavy coverage for several days, both in the form of individual political commentaries and in extensive reviews of the press in both the Communist and non-Communist worlds. *Press Review and Political Program No. 177*—the prime political program of the Rumanian Broadcasting Department for October 26, 1971—carried a commentary almost identical in language and tone with that of the DGS as the seventh of eight topics covered in the program.[10] The Bulgarian BD gave the topic similar, though not identical, treatment the same day in its political program *The World Today*. The Czechoslovak BD, with some emphasis on the tense atmosphere in the General Assembly, handled the story in its *International Block; Newsreel*, the major political program of the Hungarian BD, stressed the precedent set by the expulsion of Taiwan, but added more optimistic notes about possible moves away from world bipolarization in reports from its correspondents in London and Paris. The *Facts and Views* commentary of the Polish Broadcasting Department added some historical perspective to the issue, but otherwise followed the train of thought in the DGS fairly closely.

Commentary on the China-U.N. issue persisted for two or three days, with individual BD's both zeroing in on some of the specific points raised by the DGS, and taking advantage of later news breaks for new ideas. Nixon's reaction to the "undisguised glee" of some of the delegates, Rogers' reaffirmation of U.S. support of the U.N., and the view of both liberal and conservative U.S. politicians—all of these received ample coverage in RFE commentaries.

As the week progressed, coverage of China and the U.N. tended to move from the realm of RFE commentary to that of extensive reviews of the world press. Among the journals and news agency reports quoted were:

New York Times.
London Times.
London Daily Mail.
Manchester Guardian.
London Daily Telegraph.
Sueddeutsche Zeitung.
Le Figaro.
L'Aurore.
Paris Jour.
Le Monde.
Salzburger Nachrichten.
Frankfurter Allgemeine Zeitung.
Toronto Globe and Mail.
Agence France Presse.
Deutsche Press Agentur.
Dagens Nyheter.
Helsingen Sanomat.
Pravda.
Rude Pravo.
Stuttgarter Zeitung.
Die Welt.
MTI (Hungarian news agency).
Trybuna Ludu.
Nepszabadsag.
Baltimore Sun.
Washington Post.
Chicago Tribune.
Financial Times.
Messagero.
Die Presse.
Christian Science Monitor.
Journal of Commerce.
Montreal Star.
Kornen-Zeitung.
Svenska Dagbladet.
Handelstidning.
Suomen Sociaaldemokraati.
Washington Evening Star.
Catholic News Review.

In the quotations excerpted from these newspapers and agencies, coverage was given to a broad spectrum of U.S. political opinion, Western European opinion, and the treatment afforded the topic by leading Communist journals in Eastern Europe and the Soviet Union.

Admission of the United Kingdom to the Common Market

The decision of the British Parliament to join the Common Market was the second major would development to take place during the period of the field study in Munich. RFE policy in handling coverage of this momentous event was outlined in a Daily Guidance Summary on November 29, 1971 entitled *Britain Chooses the Common Market*. This DGS was summarized on page 63, above, and its full text is to be found in Annex K.

RFE coverage of this event was thorough, but, except for press reviews which were sporadically aired over a period of a few days, was confined largely to reportage and commentary in anticipation of the vote and, afterwards, to interpretive reporting of the significance of the British move on October 29 and 30. On October 29 coverage along the lines of the DGS was carried in the Bulgarian *The World Today*, the Czechoslovak *International Block*—which dwelt at some length upon the broader impact on Europe as a whole and the world trend against bipolarization—and the Hungarian *Newsreel*, which pointed out that the expanded EEC will be a "more equal" partner of the U.S. but will also cause some headaches for the USSR and its East European allies. The Polish BD, in its *Facts and Views*, was somewhat more outspoken in that it pointed out that expansion of the Common Market was a blow to the Kremlin, which had opposed this turn of events. The Polish *Panorama* of October 29 also excerpted statements of a number of West European and British politicians, as well as mentioning the negative reaction of Moscow radio and of the East German press. The Rumanian *Political Program* closely followed the RFE policy as expressed in the DGS. It also paralleled Polish coverage in terms of excerpting the statements of prominent West European spokesmen and calling attention to negative reactions in Moscow and East Berlin.

Press reviews aired by the five Broadcasting Departments encompassed a somewhat narrower range than those devoted to the admission of China to the U.N.—a circumstance motivated, no doubt, by the fact that Britain's admission to the Common Market—important though it was—did not spark the danger of international controversy and extended interest of the China vote at the U.N.

Hungary—Some problems with the new economic mechanism

The Daily Guidance Summary entitled *The NEM and its Problems*, summarized on page 64, above, was issued by RFE on November 2, 1971. This DGS is, however, a good example of DGS' being primarily the recording of a consensus rather than an actual directive.

Footnotes at end of article.

Reason: the economic speech of Premier Fock on this subject was delivered on October 22, and most of the commentaries of the Hungarian Broadcasting Department had already been broadcast prior to the date of the DGS. Examination of the Broadcast Analysis summaries in Annex N reveals that many of the points enumerated in the DGS had already been covered—though with a more critical tone than that taken in the DGS—by the Hungarian BD prior to publication of the DGS. And, as indicated by RFE's Daily Report No. 246 of October 27 (see Annex L), the DGS itself was the product of a brainstorming session between management, research staff, and the Broadcasting Department on that date, tempered later by a background paper issued by the East European Research and Analysis Department. In its effects, therefore, the DGS merely summed up the thinking of RFE's Hungarian experts in all departments, primarily for the guidance of the non-Hungarian Broadcasting Departments. These Departments did, in fact, air broadcasts based on the DGS, but the Hungarian coverage was nearly all before the fact. On November 3, the Hungarian BD, in its Commentary program, did recapitulate the situation, giving some emphasis to the desirable aspects of the pluralism in the society, and speculating that Premier Fock might be well advised not to press too hard for a "consensus.'

Albanian Congress meets without Chinese delegation present

In view of mainland China's admission to the U.N. on the basis of an Albanian resolution, and of the continuing tension between China and the USSR, the opening of the Albanian Communist Party Congress without the presence of a delegation from its chief ally and supporter was, to put it mildly, unprecedented. Analysis and speculation on this subject was, therefore, highly newsworthy to RFE's East European audiences (a summary of the contents of RFE's Daily Guidance Summary dated November 2 on this topic appears on page 65, above).

Coverage of this topic along the suggested guidelines of the DGS was complete, although not especially heavy. The tone of the DGS was anticipated on November 1 by the Czechoslovak BD which, in its *International Block*, speculated carefully that neither the Chinese nor the Rumanians would attend. All of the Broadcasting Departments except the Polish one aired feature commentaries on November 2. The Poles added their contribution on November 3. By November 5, however, except for brief here-and-there mention, the main thrust of the story had died. The Rumanian BD, though carefully including Rumania's absence from the Albanian Party Congress in its coverage, was circumspect in tone, handling the Rumanian angle of the DGS (i.e., Rumania probably did not want to appear too conspicuous in attending a Congress boycotted by the USSR at this time) in a low key.

Other international themes

Although the Broadcasting Departments were careful to include comprehensive coverage of the four items subjected to DGS treatment during the two-week period of the field study, only the major developments surrounding admission of the People's Republic of China to the U.N. and Britain's entry into the Common Market ranked very high in terms of emphasis and air time. The U.S. Senate's action in rejecting the foreign aid bill, for example, received much more attention than did the problems of either the Albanian Party Congress or Hungary's problems with the New Economic Mechanism. Coverage of the Senate action was factual and matter-of-fact, with considerable reliance on clearly attributed quotes from the Western press. Soviet Communist Party Chairman Brezhnev's visit to Paris was another item of major interest. This visit, including a stopover in East Germany, and Kosygin's visit to Cuba had to compete for air time with other major events such as the Tito visit to Washington and the slow progress of inter-German negotiations over Berlin. The style of coverage of major international topics is one of low-key analysis buttressed by a wide selection of quotations of opinion from Western press sources, with an occasional Communist press quote included when pertinent. Other international topics covered in commentaries during the period under study were:

1. The current state of U.S.-Soviet cooperation—some optimism tempered by reflection upon the New York Times-reported Soviet nuclear build-up.
2. Soviet criticism of the price structure within COMECON.
3. The arrests of Jews in the Soviet Union and other manifestations of anti-semitism there.
4. The Czech arms shipments and other Communist interference in the problems of Northern Ireland.
5. The visit of Holland's Queen Juliana to West Germany.
6. Meetings of the NATO Defense Ministers in Brussels.
7. Evidence of ecumenism in West Germany.
8. Personnel changes in the Polish Government.
9. The foiling of a Soviet plot in Mexico.
10. The Soviet practice of the use of mental hospitals for the incarceration of political dissidents.
11. Resignation of the Turkish Government.
12. Kissinger's arrangements with Peking for President Nixon's scheduled visit.
13. The uncertain status of Lin Piao.
14. U.S. relations with Japan vis-a-vis Okinawa.
15. Foreign students in the U.S.
16. Ecological problems.
17. The Synod of Bishops in Rome.
18. World Monetary problems.
19. U.S. aid to the third world.
20. International status of the Taiwan government.
21. Chinese credits to Rumania.
22. Anniversary of the 1956 Hungarian revolution.
23. Visit of Indira Gandhi to London and the U.S.
24. Nuclear underground testing at Amchitka.
25. An orphange project in Vienna.
26. Norwegian wage policies.
27. Differential concepts of Marxism.
28. Protestant youth centers in Bavaria.
29. The Arab-Israeli problem. (very neutral approach)
30. Bulgarian-Yugoslav relations over Macedonia.
31. Ukrainian Catholic Bishops and the Vatican.
32. Civil air defense in the Tadzhik SSR.
33. Problems of motorists in the USSR.
34. East German elections preview.
35. International Problems of the British Communist Party.
36. Increased tension between India and Pakistan.
37. Reviews of numerous books on ecology, international law, literature, etc.
38. Economic, social, and political problems in the USSR.
39. Split in Finnish Communist Party.
40. Various activities of Communist Parties in East Europe.
41. Nobel Prize awards in Physics and Chemistry.
42. Various *samizdat* excerpts.
43. Yugoslav military maneuvers.
44. General developments at the U.N.
45. Progress of Nixon's economic programs in the U.S.
46. Reverberations of Soviet spy affairs in Belgium and the U.K.
47. Franco-German relations.
48. Developments involving the Allende regime in Chile.
49. Ideological conformity in Rumania.
50. The round-table review of the Soviet invasion of Czechoslovakia conducted by prominent European Marxists on Austrian television.
51. Developments involving Britain, the Irish Republican Army, and Northern Ireland.
52. Savings Cooperatives in West Germany.
53. Problems of Czechoslovak agriculture.
54. Women vote for the first time in the Swiss elections.
55. Special school for West German conscientious objectors.
56. South African Anglican Dean sentenced.
57. Defense Secretary Laird in Saigon, studying possibilities of more U.S. troop withdrawals.
58. Sino-Soviet rivalries.
59. Social and economic problems of American Negroes.
60. Rumanian-Hungarian negotiations to end polemics.
61. Western defectors in Moscow.
62. Cultural life in China.
63. Review of 1971–72 edition of *Jane's All the World Aircraft.*
64. The arrival of Cardinal Mindszenty in Vienna.
65. Protests of Catholic and Protestant clergy against conditions in Brazil.
66. Inauguration of President Thieu in Saigon.
67. Israeli technical assistance to Africa.
68. Twenty-third Congress of the European Agricultural Federation (CEA).
69. Italian CP publication of its "program for government."
70. Foreign operations of the Soviet KGB.
71. Proposed two-way barter program between Australia and Rumania.
72. Agricultural reform in Poland.
73. East European economic growth.
74. Japanese Communists seek better relations with China.
75. Organized labor in Sweden.
76. Advantages and disadvantages of the Dnieper irrigation system in the Ukraine.
77. Benefits to Soviet consumers as result of Soviet leaders' taking the promises they have made seriously.
78. Diplomatic moves toward a European Security Conference.

The preceding list is comprehensive, but not all-inclusive. Many other items—especially involving cross-reporting—were also reported upon. The most consistent reporting technique used is that of introductory commentary of a descriptive type, followed by extensive quotations from broad spectrums of the world press. Even this partial list, however, illustrates clearly why written policy guidances can be prepared for only a tiny minority of the items covered—items involving extreme sensitivity or possible controversy.

National themes

Although international news is comprehensively reported, developments within the audience countries themselves receive a higher priority, for it is in the field of domestic affairs that the "newsgap" is most apparent. The following paragraphs capsulize samples of political and editorial reporting broadcast to the five audience countries during the period covered by the field portion of the study—from October 26 through November 5, 1971. Illustrative scripts from each BD are included in Annex O. In addition, because the broadcasts of the Polish Broadcasting Department have been the subject of recent complaints by the Polish Government to the German Federal Republic, several Polish-language broadcasts aired by RFE in June and October of 1971—which illustrate RFE policy toward Poland and how this policy is implemented in typical political broadcasts—are included in Annex P.

Bulgarian broadcasts

During the period under review, broadcasts by the Bulgarian BD centered around the need for more freedom of information in Bulgaria, the need for less emphasis on ideological conformity and more on technical proficiency as job assignment and promotion criteria, the stultifying effects of bureaucratic inertia, and the frequent discrepancy between word and deed on the part of the Government. Sample programs:

Criticized the educational policies of the Bulgarian Government, noting that there are still no provisions for student self-government despite prior commitment by the Government to this end.

Quoted the West German press on the Central Committee's expulsion of former Minister of the Interior Solakov because of his alleged Stalinist methods.

Noted that the scheduled October 23–24 Congress of Bulgarian Journalists did not take place and that the Government had not informed the public of any reasons for postponement. Discoursed at some length on the public's "right to know."

Complained editorially about the regime's failure to complete the draft of a final five-year plan, with resultant disruption of normal economic activity.

Editorialized on the real reasons for persistence of the "gray stream" in Bulgarian literature (publication of books and tracts which the public will not buy and which clog the inventories of book stores). Concluded that ineptitude on the part of the publishing houses was less to blame than the Communist Party's requirement that literature be judged primarily on its ideological content and only secondarily on artistic merit.

Commented upon the continuing lack of adequate communication with the public despite the emphasis placed upon this need by Bulgarian representatives at the recent session of the International Organization of Radio Broadcasting and Television. Mentioned again the postponement of the Congress of Bulgarian Journalists.

Contrasted the emphasis placed upon the role of trade unions in helping the Communist Party mold a socialist society with Bulgarian Communist Party Chairman Todor Zhivkov's own criticism of the unions for inadequately defending the interests of the workers.

Compared conditions in Bulgaria now and as they were 20 years ago by "then and now" quotations of Bulgarian leaders—illustrating the principle that the more things change the more they remain the same.

Satirized communism as a system based on illusions.

Quoted the Washington Post on the removal of the chief editor of Anteni. The Post had speculated that editor Krumov's removal might have been a step toward reducing friction with Yugoslavia since Krumov was a spokesman for an assertive nationalist faction.

Criticized the Komsomols for interfering too much with the leisure time of young people.

Criticized Sofia University's pomp in celebrating the 60th birthday of its rector, Pantelei Zarev who received honors primarily because he followed the Party line.

Excerpted Danish press commentary on whether Bulgaria is a satellite or a rebel. The Danes had speculated that Bulgaria's anti-Yugoslav campaign might have been prompted by a desire to let Belgrade and Moscow know that the Bulgars can take an independent line on certain questions.

In its Youth Forum No. 68 of October 27, 1971, the Bulgarian BD broadcast an interview—part of a continuing series of interviews with prominent scholars—with Professor Hellmuth Buetow of the Free University of West Berlin. Professor Buetow discussed some of the reasons underlying student unrest, primarily in the West. Buetow concluded that the questioning of the merits of existing institutions is a natural result of educating a population in the political and social sciences, and observed that the youth rebellion was primarily a rebellion of bourgeois youth, secondly a rebellion of students, and only in the third place a rebellion in the schools. Buetow also pointed out that working-class youth is, by and large, outside the revolutionary movement.

The full text of Professor Buetow's interview, along with the editorial commentary on the so-called "gray stream" in Bulgarian literature (broadcast respectively on October 27 and 29, 1971) is included in Annex O.

Czechoslovak broadcasts

Two major events provided most of the stimuli for Czechoslovak programming during the period of the field study. These were Czechoslovakia's Independence Day on October 28, and the national elections scheduled for November 28, 1971. In view of Czechoslovakia's postwar history—and especially its history since the spring of 1968—these events focused considerable attention upon the Soviet doctrine of limited sovereignty of the "socialist" countries and upon the charade-like nature of the Husak government's approach to the elections process. Failure of the Husak regime to give substance to the 1968 law providing for a genuine federal relationship between Czechs and Slovaks—a law which Husak, during the brief office of Dubcek, had strongly supported—also provided strong impetus to Czechoslovak programming. In tone, most of the scripts were quite critical of the regime, although they avoided personal invective. Sample programs:

Criticized Husak, a Slovak, for ignoring the forthcoming anniversary of the federation despite his earlier boasts, before coming to power, of his personal role in its achievement. The BD pointed out that federalism is now only a facade, but that Husak had previously linked the achievement of a federation in 1968 with the Czechoslovak rebirth under Dubcek—a fellow Slovak.

Quoted a book by a Yugoslav professor in Belgrade labeling Czechoslovak federalism a sham. The professor viewed current trends in Czechoslovakia as toward the strengthening of centralism and the restriction of nationalities.

Replayed tapes of Husak speeches promising greater popular freedom at the time he signed the federation law in 1968.

Quoted a *New York Times* account of President Johnson's memoirs recalling how the Soviet invasion of Czechoslovakia had persuaded LBJ to call off his planned trip to Moscow.

Commented that the aftermath of the invasion of Czechoslovakia had brought about severe factionalism within many western Communist Parties.

Noted that the Soviet White Paper on the 1968 invasion, severely criticized by the Czechoslovak Communist Party—including Husak—in 1968, is now the Husak regime's "bible" against the Prague Spring.

Quoted the West German press commentary on a recent speech by Husak, in which the German press concluded that Husak had himself admitted that Smrkovsky and other reformers "certainly are not mere zeroes."

Commented upon the opportunism displayed by Communist superpowers in terms of subordinating ideology when power politics comes to the fore.

Recalled Moscow's 1956 "sovereignty and equality for all" declaration, noting that on that this demonstrated a sharp contrast between words and deeds in terms of the quelling of the 1956 Hungarian uprising and the 1968 invasion of Czechoslovakia.

Quoted Willy Brandt's interview with CBS Television, during which the West German Chancellor reported the displeasure of Soviet leaders at the German reaction to the invasion of Czechoslovakia, and noted that the Soviets gave no guarantee that similar situations will not recur.

Commented upon the vacillating attitudes of the Communist Party toward October 28 as Czechslovakia's Independence Day, beginning with the Comintern position that Czechoslovakia was established as an artificial unit by Anglo-French imperialism, going through the theme of the Gottwald regime which did recognize October 28 as the date of the founding of the Czechoslovak Republic, and concluding with the new renunciation of the program of national sovereignty after April 1969. RFE concluded that this vacillation was necessary to bring Czechoslovakia into line with Soviet interests.

Reviewed Czechoslovakia history under democratic and Communist regimes, with quotes from T. Masaryk on humanitarianism, democracy, independence, Marxism, and Bolshevism.

Focused attention on the forthcoming elections as a "ritual with the Czechoslovak people maneuvered into the position of passive voters with no real choice."

Criticized the increasing pre-election pressure on workers, especially by trade unions. Czechoslovak workers, unlike their counterparts in the West, lack the rights of collective bargaining and are not supported by their unions against the bureauracy.

Criticized a government directive closing Czechoslovakia's borders to foreigners during pre-election and election days, wondering why the shutters will be closed on the world on the occasion of this "unique election opportunity."

Commented on the regime's pre-election statistical claims on electric power, steel production, and meat consumption as not in accord with the facts that Czechoslovakia has to import and regulate electric consumption, import Russion ore for steel production, and lags behind both Britain and France in meat production. RFE concluded that the regime fills technical jobs with party hacks instead of qualified experts, citing official government statistics showing that 20% of university graduates cannot use their education in adequate jobs.

Pointed out that the slate of candidates for the election was publicly announced only a few days before the election date—a circumstance showing how little importance the government places upon informing the people.

Summarized a Swiss press account of the happenings at the last Czechoslovak Communist Party Central Committee plenary meeting—an account which concluded that there were hints at the possibility of flexible negotiations between the German Federal Republic and Czechoslovakia. The same article, however, also noted that Czechoslovak foreign policy is determined by the fight between "socialism" and "imperialism."

Editorialized that Czechoslovakia's current anti-British campaign, following cancellation of the visit by the Czechoslovak Foreign Minister to Britain because of the Dutch discovery of Czech arm-shipments to the Irish Republican Army, was based also on the need for a new outside enemy after the regime had modified its position on West Germany.

Noted the importance of truth as a prerequisite to the proper practice of politics.

Commented upon Husak's speech on the mission of colleges and universities, raising the question as to why there is no open and public discussion in Czechoslovakia.

Reported a Deutsche Presse Agentur dispatch on the poor results of "normalization" in Czech culture, evidenced by the fact that there is still no Czech Writers' Union.

Contrasted Britain's positive move in joining the Common Market with the stalemated economies of the Comecon countries.

Reported a television panel show in Austria featuring prominent reform Communists who concluded that humanistic Marxism is the sole alternative to Soviet-type communism.

Poked fun at Radio Prague's criticism of the purchase of horror films, commenting that it is ridiculous to take umbrage at thrillers in a state where horrible things are experienced daily.

Replied to official Czechoslovak propaganda on "U.S. fascism" in the Angela Davis case, pointing out the facts of the crime and indicating circumstances wherein the trial is open to the public, the USSR has been invited to send observers, experienced defense lawyers have been provided, the Court agreed to a change of venue, and Angela's sister remains free to travel and denounce the U.S. RFE asked whether such circumstances would be possible in the Czechoslovak Socialist Republic.

Included in Annex O are several typical commentaries broadcast on October 27, 1971, and emcee'd by Slava Volny, who until 1968 was a leading commentator of Radio Prague.

Hungarian broadcasts

Hungarian-language broadcasts were weighted heavily with economic subjects during the period under review, although the anniversary of the 1956 uprising also received considerable attention. Analysis of a major speech by Premier Fock on the state of the Hungarian economy, and the government's plans to achieve greater progress under the New Economic Mechanism (NEM) contained a number of points which were included in a Daily Guidance Summary on Hungary's economic problems. (See p. 64, above, and Annex K.) The Hungarian BD's critique of Fock's economic policies was somewhat sharper than the tone of the applicable DGS, but was well within the bounds of what would be considered legitimate—even moderate—journalistic license in the West. In illustrative broadcasts, the Hungarian BD:

Gave Premier Fock credit for an accurate analysis of Hungarian economic problems, but criticized him for unfairly passing the blame down to the individual enterprise managers.

Advocated abolition of privileges accorded state-owned farms in order to provide incentives to the argicultural cooperatives to stick to farming instead of branching out into other fields—an activity which the government said it would ban.

Praised farm workers and the regime for launching a contest to reduce the high accident rate in agriculture.

Agreed with the goals, but criticized the tactics employed by government economic regulators to get the NEM moving again. Suggested at least partially releasing some of the brakes on economic enterprises to stimulate movement rather than cutting back investments and increasing controls.

Urged the Communist Party hierarchy to force local Party functionaries to implement government decisions to provide more aid to private farm plot owners.

Defended the case of the leader of a cooperative who visited a western country to seek aid for an unfinished agricultural project and was criticized by the local press. The case was defended on its merits and with the argument that collectives do not get their fair share of investment allocations from the government.

Recommended that in the context of the NEM the twin problems of overinvestment and foreign trade deficits should be solved without either overexploitation of labor or curtailed productivity.

Trade balances are best solved by increasing exports rather than curtailing imports of capital machinery needed for increased production.

Emphasized the need to replace obsolete industrial machinery; thus deplored the government's tendency to cut back on such necessary investment as wasteful and profit-cutting.

Concluded that the growth of pluralism in the society was one of the best effects of the NEM, and recommended that the government not push too hard for consensus which, on vital issues, might "be unnatural and cause more problems."

Attributed to the shortage of pork in rural areas to a lack of cooperation between state purchasing agencies and rural cooperatives.

Noted the existence of small-scale foreign commerce along Hungary's borders with Czechoslovakia, Yugoslavia, Rumania, and the Soviet Union. Deplored the lack of such commerce along the Austrian border, and suggested that introduction of same might help the small farmers purchase directly badly-needed small farm machinery.

Held out hopes for better Hungarian-Rumanian relations.

Observed that Joseph Cardinal Mindszenty has settled in Vienna.

Summarized highlights of two studies by Communist Party functionaries in the pre-1956 hierarchy showing that the 1956 uprising was not instigated from outside, but was a genuine expression of the nation's aspirations for justice and freedom.

Commented retrospectively that the Hungarian people, Communist Party, and the Soviet leaders had learned much from the experience of 1956. The people had learned that it was not wise to entertain romantic ideas about great powers of East or West; the Soviet leaders, that after 1956 and 1968 no ideological and social uniformity can be achieved in the satellites; the Party, that it must walk the tightrope between public apathy and the threat of Soviet intervention.

This ambiguous policy has its shortcomings, but it is no little achievement when one recalls the sense of absolute hopelessness of 15 years ago.

Called the attention of villagers to a new government decree stipulating that all owners of real estate must register their holdings with the local councils before June 30, 1972.

Welcomed the fact that the new cooperative law greatly expanded the scope of authority of the cooperative general assemblies.

Castigated the government for failure to repay promptly those peace bonds which the Rakosi regime had imposed on the population.

Cited a dispute between two Hungarian newspapers about whether Soviet poet Yevtushenko had ever been in Hungary before as illustrating the danger of allowing people to be misled by false information. RFE suggested this danger could be avoided by allowing greater freedom of the press.

Decried the lack of adult education programs for Hungarian farmers during winter evenings when weather conditions make farm work impractical. RFE promised to try to fill this gap with a weekly adult education course for farmers.

Welcomed Hungary's agreement with Yugoslavia to construct the long-delayed Andria pipeline. The BD found it curious that the decision was made on Soviet initiative, which suggests Soviet unwillingness or inability to meet Hungary's oil requirements. Also welcomed the news that much talked about, and oft-delayed, negotiations with Czechoslovakia on the Danube hydroelectric project would soon be resumed.

Commented favorably on the government's promises to increase support to Hungarian artisans and made several suggestions as to how the many problems of these craftsmen may be solved.

The full text of the Hungarian Broadcasting Department's major political program, *Newsreel*, of October 28, 1971, is included in Annex O. On that date, *Newsreel* dealt primarily with international themes, but its commentary on freedom of the press, pegged to a dispute between *Esti Hirlap* and *Nepszabadsag*—two major publications—over the latter's rebuke of the former for quoting Yevtushenko "out of context" on Yehudi Menuhin's definition of freedom, is a good illustration of the general tone of domestic political broadcasts.

Polish broadcasts

Although RFE's earlier history tended to be dominated by the sensationalism surrounding its broadcasts to Hungary before and during the 1956 uprising, the most recent controversies have been prompted by Polish-German relations and Polish Government allegations of the inflammatory nature of broadcasts produced by RFE's Polish Broadcasting Department. Paradoxically, it was the Polish BD's cautious and moderate approach to the Poznan riots in 1956—to which the Gomulka regime paid private tribute [11]—which was overshadowed by the Hungarian affair. By the same token, much of the most recent sensationalism about Polish broadcasts will not withstand careful scrutiny—a conclusion reached by most of the Western press some time ago. As is evident from a compilation of U.S. and foreign press clippings submitted by RFE to the Senate Foreign Relations Committee for its hearings, RFE currently is rated highly for objectivity by an overwhelming majority of those West European and U.S. newspapers which have published comments on the subject.[12]

The tenor of the continuing Polish Government attacks on RFE raises the question, however, of just what basic policies guide the programming of the Polish Broadcasting Department. Accordingly, the author selected sample scripts from the files of the Polish BD which dealt directly with the new Polish leadership and the direction being taken by the Polish United Workers' Party PUWP—the official title of the Communist Party in Poland. These scripts, entitled *The Situation Within the Party Before the 6th Congress*, (in four parts) and *New Generals in the PRL* were broadcast during the period October 12–15, 1971 by Jan Nowak, Director of the Polish Broadcasting Department, and by Mr. J. Ptaczek, one of the senior Polish Editors. An additional Nowak script selected was Mr. Nowak's three-part series on *The Role of RFE*, broadcast on June 22, 23, and 24, 1971. The complete texts of these scripts are contained in Annex P. Highlights of these scripts are summarized as follows:

Self-perception of the role of the Polish Broadcasting Department

Nowak began his series of broadcasts on the role of RFE by recalling a chance meeting in 1944 with a young Russian deported as a slave laborer to Nazi-occupied Poland. This young "Soviet man," as he described himself, conveyed the impression of a "gramophone record endlessly repeating *Pravda* and *Izvestia* articles." Thoroughly brainwashed as a result of the total Soviet monopoly on information during his formative years, the young man exhibited no trace of independent thinking or independent judgment. This experience evoked a gloomy image of a future Poland—already destined to be in the Soviet orbit—peopled with similar mental automatons reared under similarly sterile intellectual circumstances. That today's Poland does not conform to that gloomy image Nowak attributed to rapid advances in communications technology—advances which have made it possible to put an end to the information monopoly of totalitarian state structures.

Noting that RFE programs today constitute 86% of the broadcasting beamed into Poland by the three largest Western radio

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Footnotes at end of article.

stations, Nowak commented that postwar experiences in Eastern Europe "teach us that well-informed nations, knowing the true state of affairs, aware of their aspirations, thinking independently, are a dynamic element, exerting an influence, not only on the group in power, but also on changes in the very system of government itself. Even when they are completely deprived of democratic freedoms." He added that under these circumstances "it is not difficult to understand the war to the death which the communist governments have declared on Radio Free Europe and Radio Liberty . . . conducted as if the survival and salvation of the communist system depended on victory."

Nowak acknowledged that RFE cannot abolish censorship, "but it certainly can put effective restraints on it." He questioned the efficacy of concealing facts if, "by simply turning on the radio, one can learn about everything from Radio Free Europe . . . the smallest gap through which the hidden truth can penetrate to the broad masses renders the entire effort of the censors ineffective."

Nowak defined RFE's role as a surrogate opposition, providing some aspects of the checks and balances at work in democratic systems. He cited the intensity of the technical (jamming), political, and diplomatic campaign to silence RFE as evidence that the Communist regimes understand this role only too well. He added that the disappearance of this major symbol of Western interest in the welfare of East European peoples—"the shutting down of Radio Free Europe and Radio Liberty—would . . . finally clear the desired way to the goal which . . . has so far been impossible to achieve . . . the enslavement of minds." Nowak cited another major goal of RFE as to "demonstrate in practice the basic democratic principle, which is: to defend the right of every citizen to express his own view, irrespective of whether we agree with it or not."

Thus, concluded Nowak, the silencing of RFE or any window "wide open to a world very different from the one in which [the people] have to live" has become a question of the highest import to Communist leadership.

RFE perception of and policy toward the contemporary situation in Poland

During the four-day period from October 12–15, 1971, inclusive, the Polish Broadcasting Department presented a detailed analysis of the current political situation in Poland, with particular attention to the role of Edward Gierek and his new team and the pitfalls he faces in trying to implement his programs.

Polish BD Director Nowak described what he viewed as a power struggle taking place between the Party bureaucracy—especially its middle echelons—and Gierek's new leadership. He pointed out that at an important Party conference in September, "a practically open attack against the present leadership was made." This attack was couched in general terms and centered on the familiar theme that the "danger of revolutionism" was a greater danger to the Party than threats from any other source. According to Nowak, the terminology used made it unmistakably clear to Gierek that the whole policy of the post-December leadership was under attack. Motivation behind the attack was said to be the fact that the thousands of middle-echelon Party functionaries—not themselves in policymaking posts—see a threat in any changes or reforms—even the "timid and so far undefined economic reforms and changes of the system"—to their own positions of authority and privilege. Nowak hypothesized that for the moment the aim of these bureaucrats is not to oust Gierek, but to make a figure-head out of him, make him dependent upon the Party conservatives, and deprive him of freedom of movement. Nowak asserted that the people have not been informed of this power struggle nor of the many ramifications its resolution could entail.

A substantial tactic used against Gierek by the Party conservatives is the deliberate spread of rumors and misinformation—mostly centering on the dangers of revisionism and the likelihood that revisionism carried too far will end where the Prague Spring of 1968 did. According to Nowak, the "opposition is counting that in order to pacify these moods Gierek will have to sharpen the course, to give up the plans of more considerable changes and reform, that he will have to return to the [repressive] road of his predecessor."

The broadcasts went on to specify that the presentation of the rationale and means being used by Party functionaries to attack Gierek should not be interpreted as an [RFE] recognition of "Gierek and his leadership as liberals or reformers consistently aiming at the modernization of the Polish economic-political system." Gierek is, according to the RFE analysis, merely a more practical Party man—a man who is unique among the leadership in having an authentic proletarian background. This pragmatism has convinced him that "following the December shock, something would simply have to change, certain conclusions will have to be drawn if the Party is to avoid another disaster." Gierek's major contribution was characterized as the fact that, "after December, he was able to subdue the revolutionary ferment without resorting to mass terror." Nowak pointed out that a number of the cautious emergency measures of the Gierek regime—removal of some of the most hated leaders, some concessions to the workers, some gestures to the intelligentsia, limited dialogue with the people, a *modus vivendi* with the Church—had won Gierek some "limited popularity." This was a far cry from the enthusiasm shown Gomulka after 1956, and is best described as a "wait and see" attitude—a short-term credit. The Polish BD gave Gierek credit for realizing that in order to consolidate and extend such a credit, some clear and visible improvement of material conditions must be achieved.

Nowak described the workers as now the "only great force in the community with whom the Party must seriously reckon." He speculated that should the workers' cautious hopes be again disappointed, the situation could rapidly deteriorate—an eventuality to be deplored by the USSR because of the high political cost of putting down a workers' uprising by force. Consequently, said Nowak, Gierek probably enjoys greater support from Moscow than is generally realized. But factional struggles are also welcome to Moscow, in that they facilitate Moscow's role as a balance wheel in the affairs of Poland. Thus, concluded Nowak, the conservative Party opposition, counting on Moscow's reluctance to see Gierek emerge as the unchallenged leader of the Party, is the most dangerous factor in the situation.

Against this background, the Polish BD presented an analysis of the Party's Directives for the 6th Party Congress—guidelines which are to become the Party's program for the future. Conceding that Gierek and his team realize the need for basic reforms and institutional changes in the Party to implement stated goals, especially economic ones, Nowak commented that the power struggle previously described has acted to make the Directives themselves ambiguous and uninformative. "The author's or authors' chief aim was, on the one hand, not to lose the limited credit of the people, and on the other not to get exposed to charges of revisionism and not to provide opportunities for attacks to the Party reaction." Thus there is no way for the Polish people to find in the wording of the Directives any real clues as to how present policies will develop in the forthcoming years.

The series concluded with a detailed comparison of the problems faced by Gierek with those faced in 1956 by Gomulka, and an exposition of the way conservative Party pressures, untempered by public exposure and discussion, served to force Gomulka away from the path of reform and back to the internal needs of the apparatus. According to Nowak, exactly the "same phenomena which accompanied Gomulka's rule from the very first months also appear now, in the first period of the exercise of authority by Gierek's team." But Nowak also pointed out that historical analogies should not lead to a false fatalism, and that it is by no means inevitable that Gierek will follow the road of his predecessor. To avoid this, however, Gierek must avoid Gomulka's mistakes—the prime one being the destruction of the counter-balance to the conservative wing of the Party. Nor can mere personnel shakeups in the Government and the Party constitute such a conter-balance, for it has been demonstrated that bureaucratic pressure can be skillfully and effectively employed to sabotage reform-from-above. "A counter-balance can only be created through the control of the social element over the bureaucracy, and thus by allowing greater freedom of public criticism and discussion . . . for freedom of the press, even limited, constitutes under the present system the only possible form of social control over the class of Party bureaucrats and the only effective brake on their . . . pushing Poland to the bottom and plunging the country in tragic stagnation. A return to the road which Gomulka followed for 14 years could only lead in one direction—to new conflicts and upheavals, concealing a big and dangerous unknown."

Implementation of current policy in Polish domestic political programming

Thus the examination of basic scripts produced by RFE's Polish Broadcasting Department indicates a self-perception of a general role as an opposition press working, for all practical purposes, within the context of Poland's present socio-political framework. The specific policy toward contemporary Poland is one of neither attack nor support of the regime *in toto*. Instead, the BD strives to keep the spotlight of publicity and reasoned discussion focused upon all major developments, with the hope that the Polish people, through being more fully informed, will independently bring the force of public opinion to bear upon all factions of the regime. Insofar as Polish BD broadcasts exhibit some optimism that Gierek may yet avoid knuckling under too completely to conservative Party functionaries, this policy may be described by some as supportive of Gierek. Inasmuch as these broadcasts are often critical of specific actions or omissions of the present regime, however, it is clear that this support is quite selective and, as has been demonstrated by the anti-RFE campaign of the Polish Government, is certainly not fully appreciated by the regime.

During the period of field observation in Munich, the Polish Broadcasting Department:

Commented upon a series of personnel changes in the Polish Government as generally positive in increasing the expertise brought to bear upon major problems.

Described the difficulties faced by Polish scholars in airing their grievances to the government.

Commented that the Polish October of 1956 proved that even in a dictatorial regime an opposition capable of enforcing a change in the governing team could arise.

Analyzed the new composition of the Planning Commission, rating its new chief as a "man who understands the needs of the contemporary countryside."

Commented that the pre-Congress Party Guidelines on Housing which dwelt upon whether to build less large or more small apartment houses constitute a "bad joke" illustrating lack of knowledge about the construction industry.

Pointed out that the Congress of the PUWP merely rubber-stamps decisions already taken by a Party elite.

Praised Gierek's letter to a pre-Congress conference at Gdansk, but pointed out that positive statements alone are not enough: post-December improvements have been too slow, perhaps because of the opposition of retrogressive Party bureaucrats.

Commented upon the presence of Chancellor Brandt's representative at the beatification ceremonies for Father Kolbe, attributing this to the importance which the German Government attached to this symbolic occasion—an occasion which RFE felt could pave the way to understanding between Germans and Poles on both human and state levels.

Doubted the veracity of a statement by the Minister of the Interior welcoming publicity about the militia and security agencies. The BD pointed out that no findings on the militia-security responsibilities for bloodshed during the December disturbances have been published.

Reported the statement of Polish Vice-Minister Willman that he demanded the expulsion of RFE from Germany during an official visit to Bonn. BD commentary viewed these attacks as raising the importance of "this modest instrument of information," and quoted the *Frankfurter Rundschau's* refutation of charges of "subversion" against RFE. Elaborated upon the democratic approach to a free press, and denied that the present regime in Poland was identical to the state and the nation. Noted that the present attacks on RFE were proceeding along lines laid down by Gomulka three years ago—plans which envisaged main diplomatic pressure against RFE in Bonn and Washington. Also noted evidence of an even broader anti-RFE campaign, which creates popular impression that RFE is an extraordinarily powerful institution. Concluded that no one is forced to listen to RFE and that the one effective way of fighting RFE is to allow freedom of information and opinion in Poland.

Quoted West German opinion polls showing a majority of Germans favoring ratification of Bonn's treaties with Warsaw and Moscow. Said this confirmed earlier expressions of RFE opinion that the Germans were becoming reconciled to the Oder-Neisse frontier.

Criticized the inadequate and vague formulation of the pre-Congress guidelines on wages. Quoted critical comments from the Polish domestic press, and praised the Gierek regime for permitting more open criticism.

Welcomed democratization of Party nomination procedures for delegates to the Congress, hoping they would also apply to other Party elections.

Reported that both Germans and Poles were taking more steps toward the normalization of relations.

Commented on the scandalous conditions in Polish mental hospitals.

Praised Gierek for liberalizing the universities so as to give more freedom for students.

Welcomed the Italian license for production of a Polish Fiat automobile.

Noted some improvements in Polish local press activities, but commented that the press as an expression of the public's right to full disclosure was still inadequate—largely because of the opposition of local Party organizations.

Reported on Party reactionary factions opposed to Gierek's technocratic approach in filling personnel vacancies, and commented that these factions are waging quiet warfare against Gierek.

Reported on the disclosures of large-scale illegal trade in gold and foreign currencies, commenting that the long impunity of swindlers and police inactivity indicated high-level corruption, possibly including the headquarters of the Ministry of the Interior.

Referred to an official Polish Press Agency (PAP) communique calling for the new definition of the role of trade unions as defenders and representatives of workers' interests. The BD commented that this was always supposed to be so, but under Party bureaucrats the trade unions had become tools of the establishment.

Reviewed the situation of Ukrainian Greco-Catholics in Poland and at the Synod of Bishops in Rome.

Commented on the proposed law, "Protecting Youth from Demoralization," agreeing that this serious problem needs determined action, but questioning whether the proposed additional bureaucratic bodies could do the job. Suggested that the problem would not be solved by new laws, but by the allocation of funds for needed educational, guidance, and corrective institutions.

On the question of the "dialogue" between the Party and the people, the BD commented that the limited freedom for public criticism was a step forward from Gomulka, but not yet adequate nor a real dialogue.

Reported evidence of continuing large-scale East German defections to the West.

Annex O contains the full texts of eight commentaries aired by the Polish Broadcasting Department on November 2, 1971 on its main political program, *Facts and Views*. These commentaries cover subject material ranging from the illegal traffic in gold and foreign currencies, in intraparty opposition to Gierek, to an account of the inauguration of South Vietnamese President Thieu.

Rumanian broadcasts

Diplomatic efforts on the part of both Hungary and Rumania to improve their relations—which for a time had been marked with unusual bitterness—provided subject matter for a number of commentaries during the period under review. These efforts were supported by the Rumanian BD as praiseworthy and constructive. On the negative side, the drive toward a greater degree of ideological "purity" launched by Ceausescu on July 6, 1971 has been viewed with considerable alarm by both groups of Rumanian intellectuals and by RFE's Rumanian Broadcasting Department. During the period covered by the field study, sample RFE broadcasts to Rumania:

Criticized the Grand National Assembly for being a year late in approving the five-year plan. This delay, said to be occasioned by disputes between Ceasusescu and leading economists over the tempo of implication, was excessive. According to the BD, professional economists were cautious in their approach to implementation, feeling that haste must be avoided. The regime, on the other hand, was pushing for rapid results. The BD cautioned against the adverse impact on the workers if regime recommendations for speed took precedence over the approach of professional economists.

Commented that the Niculescu Mizil mission to Budapest was a significant step toward improved relations with Hungary.

Reported on Bavarian MP Essl's protest against the harsh competition of the Rumanian Aroconstruct firm with German companies—competition facilitated because the Rumanian firm, operating in Germany, was underpaying its employees and failing to comply with German labor legislation requiring the payment of certain social benefits.

Speculated that implementation of the ideological and educational program approved by the Party Executive Committee on July 6 may presage a "cultural revolution in Rumania."

Criticized draft legislation providing that management functions in state enterprises be assigned exclusively to graduates of the Central Institute for the Education of Leading Cadres in the Economy and State Administration. Pointed out that this proposed law was discriminatory in that admission to the Institute was restricted to Party member—and that Party membership was shunned by qualified professionals because they considered the endless meetings and ideological training sessions involved as a sheer waste of time.

Commemorated the 20th anniversary of the Rumanian Broadcasting Department of RFE with the hope that things will improve enough in Rumania to preclude the necessity of two more decades of RFE broadcasting to Rumania.

Commented that Ceauseseu's praiseworthy national policies have suffered a blow by his ideological drive which, in fact, rests on a narrow Soviet-style interpretation of Marx-Leninism.

Noted the fact that death sentences had been meted out to embezzlers of a state food store. The BD repudiated this medieval type of punishment and the obviously deficient control system which allowed embezzlement to continue for 12 years without being detected. Questioned the utility of exemplary sentences, and suggested that the cause of what seems to be an embezzlement epidemic be sought in the poverty of the citizens rather than in their dishonesty.

Reviewed commentary by the Italian newspaper *Corriere dela Sera* on Rumania's skillful and courageous foreign policies which the newspaper viewed as a possible forerunner of current East-West developments.

Noted that industrial safety in Rumania is still deficient despite Ceausescu's personal efforts to improve it. Recommended a public inquiry into the latest mine disaster and in an attempt to determine whether the overambitious goals of the five-year plan and the ideological campaign which might be distracting the attention of labor leaders from adequate safety standards might not be partly to blame.

Contrasted Ceausescu's professed democratic principles with his steady tactic of gaining personal control of all state and Party sectors.

Reviewed a broad sample of Western press commentary on Rumania's "small cultural revolution."

Editorialized on Ceausescu's address to the plenary meeting of the Communist Party's Central Committee: the Rumanian leader is now aware that his dogmatic July theses are disapproved of by the intelligentsia. Although the people will welcome measures designed to eradicate corruption and abuses, why put the clock back in the cultural and educational fields—a policy which will only increase the present domestic chaos?

Commented that the kind of campaign for ideological purity now under way in Rumania has, in other socialist societies, always proven a hindrance to the improvement of living standards in keeping with the possibilities now available through technology.

Quoted a Western press report attributing Ceausescu's cultural revolution to his intention to demonstrate to the Soviets that he remains the vigilant guardian of Communist dogma, and that he intends to stem corruption. The Western writer was quoted as believing that Ceausescu will not succeed either in stemming corruption or improving Party morale since he cannot afford a purge of great proportions similar to that effected by the cultural revolution in China.

The complete text of the Rumanian Broadcasting Department's *Press Review and Political Program No. 177*—its major political program—broadcast on October 26, 1971 is included in Annex O. This program contains the day's treatment of eight topics:

The Five-Year Plan and the National Assembly.

High-Level Rumanian Party Delegation in Budapest.

Frankfurter Rundschau on Rumanian Workers in West Germany.

Brezhnev in Paris.

The Times (London) on Soviet Group's Plea to Psychiatrists.

Jewish Problem in Russia.

Communist China Admitted to U.N.

Tito's Interview with the *Washington Post*.

Quality control

From the foregoing it can easily be seen that the substantial volume of politically-oriented material alone broadcast each day by RFE's five radio stations presents a formidable problem for RFE management in terms of assuring continued high quality in program content, production, and delivery. And, although the purposes of this study require some concentration upon political programing, it should be remembered that the high quality of the remaining "non-political" programs—constituting almost half of each day's output—is also of great importance to RFE's continued effectiveness.

First-line responsibility for the quality of the broadcast product lies, of course, in the hands of the five Broadcasting Department Directors. Ultimate responsibility is that of the Director of RFE. In between these two seats of responsibility are two important staff elements— the Broadcast Analysis Unit and the Audience and Public Opinion Research Department. Although these two entities are staff elements of the Director's Office, they in fact play a dual role. They serve as independent monitors of broadcast operations on behalf of the Director, and they also serve increasingly as impartial advisors directly to the Broadcasting Departments. In both roles, the BA Unit and the APOR Department strive to maintain the kind of detached, hard-nosed objectivity which will allow management decisions on programming to be made in an atmosphere of realism, and which will minimize the influence of such extraneous considerations as the personal dynamism of individual BD Directors or the subjective biases of both editorial and managerial personnel. This is a demanding task; one which, if properly carried out, is not conducive to the winning of popularity contests. It is also one which is essential to the successful continuance of so complex an enterprise as the operation of five highly individualistic multilingual radio stations broadcasting to five similar audiences whose governments are, by and large, hostile to the notion of unfettered communication from abroad.

The activities of the Audience and Public Opinion Research Department will be examined in some detail in another chapter. In the remainder of this chapter, the work of the Broadcast Analysis Unit will be described in sufficient detail to convey the essence of how it performs in both components of its dual role.

Daily broadcast analyses

RFE's basic tool in checking on the activities of the five Broadcasting Departments for compliance with RFE policy in political programming is the series of Daily Broadcast Analyses produced by the Broadcast Analysis Unit. These reports are issued each day on the activities of each BD. Special note is taken of usage of Especially Useful items on the Recommended Lists (see page 58, above) and of compliance with Daily Guidance Summaries or Guidance Notes when these have been issued (see pages 60, 61, above). In addition, each politically-oriented program dealing with either national or international affairs is summarized by a Broadcast Analyst, and the summary is supposed to be in sufficient detail to allow management to draw general conclusions about the nature and scope of any given program. A complete file of Daily Broadcast Analyses covering the period of the field study October 26–November 5, 1971) is contained in Annex N.

Extensive comparisons of original scripts with subsequent Broadcast Analysis summaries indicate that the Broadcast Analysis Unit's limited staff performs its tasks reasonably well. Most of the summaries accurately reflect both the tone and content of broadcasts. In some cases, however, the system errs. The Broadcast Analysis summary for one of the BD's on a date in early September 1971, for example, summarizes a broadcast editorial as follows:

[name deleted]'s Birthday and his Responsibilities.—Editorial noted that [name of leader deleted] 60th birthday was preceded by one day by former party chief and premier [name deleted] 71st birthday. [former premier] belongs to the past while [present leader] is going high. Opinions on [present leader] personality vary between being very negative and somewhat positive. He may feel very content about his achievements. However, he ought to think also in terms of what his place in [name of country deleted] history would be. He should not forget that the darkest spot on his profile is his complete subjugation to the USSR, and one day historians will stress that during [leader]'s rule the star of [country] as an independent and sovereign state faded away, the BD concluded.

The original script being summarized, however, contained the following language:

The "dictatorship of the proletariat" . . . "permits only sympathetic references" to its leaders which is why an accurate description of the character, endowments, and shortcomings of [name of leader] is at present very difficult.

The London *Observer* . . . wrote . . . "evil eyes, cowardly, cruel, cold, haughty, stupid . . ."

A [country] observer states: "[deleted] is a good, generous, hospitable and sociable man but lacks the stature to head the government."

Another one says: "Everyone sees him as an extremely narrow-minded man. However much he may appear to be modest and calm, so much also is he cowardly and servile. He is not a Stalinist but a blind and obedient tool of the Russians."

And to end with a third description: "[deleted] is not a stupid and common man as he is generally considered to be."

When these documents were brought to the attention of the appropriate Broadcasting Director and the Chief of the Broadcast Analysis Unit in Munich, both gentlemen acknowledged that (a) the language and tone of, the script violated standing RFE policy against petty and personal attack and (b) these violations were not detected by the normal review machinery available for the purpose.

It is likely thát human fallibility will result in such slips from time to time. On the other hand, the other review procedures utilized by the Broadcast Analysis Unit and the Director to keep familiar with all programming characteristics of each Broadcasting Department should keep such occurrences to a minimum.

Weekly reports

The Broadcast Analysis Unit maintains a log of the usage or lack of usage of Especially Useful items from the Recommended Lists, as well as a similar log on Daily Guidance Summaries and Guidance Notes. Each week a summary report is forwarded to the Director of RFE on the subject of coverge of these items by the five BD's. The Broadcast Analysis Weekly Report of November 4, 1971, covering the week of October 25 to October 31, 1971,[13] for example, lists each program of each Broadcasting Department covering the Especially Useful item for October 25, 1971 (*Reddaway in The Times on Soviet Group's Plea to Psychiatrists*) and the two DGS in force for that period, namely the one on admission of the People's Republic of China to the U.N. (see pages 61, 80, above), and Britain's entry into the Common Market (see pages 63, 83, above). The report also concluded that there were no cases at that date wherein Especially Useful items or Daily Guidance Summary materials had not been fully covered.

Monthly information report

Another regularly-scheduled Broadcast Analysis report is issued monthly, covering innovations in programming carried out during the month, outstanding features common to more than one Broadcasting Department, and the highlights of major programming of each Broadcasting Department for the month. The report also records special meetings between Broadcast Analysis and BD personnel, and actions taken to improve programming or remedy deficiencies previously noted.

The Monthly Information Report for October 1971, for example, notes important changes in the religious programming of the Bulgarian Broadcasting Department, and new programming in the Polish Department focusing upon serialized excerpts of books banned by the Polish Government as well as some changes in the Polish BD's *Facts and Views* series to provide more pointed and noncommittal coverage of specific domestic events.

The report also noted the number of major international developments given prominent coverage in the programming of all Broadcasting Departments, observing that RFE coverage provided information to East European audiences of news subjects which were either distorted by or unavailable for the applicable domestic information media services. In addition to the events covered by Daily Guidance Summaries (explained fully in other sections of this report), the Monthly Information Report called attention to coverage of the awarding of the 1971 Nobel Peace Prize to German Chancellor Brandt, commenting that the bulk of coverage consisted of extensive press reviews, including virtually all the major West German newspapers, as well as the *New York Times*, the *London Times*, the *Daily Telegraph*, *Les Echos*, and the *Washington Post*. Special mention was made of a four-minute commentary on the Czechoslovak BD's popular *Compass*—a youth-oriented program—which stressed that Brandt's political creed demonstrates his understanding of the West German youth's aspirations for a rapproachment with East European youth. Kosygin's Canadian tour also received broad RFE coverage—an event which was marked by silence in the East European media in terms of the Jewish demonstrations and the tight security precautions in force during the visit. It was also noted that all the Broadcast Departments except the Rumanian one also began broadcasting regularly-scheduled material on problems of ecology.[14]

Broadcast analysis meetings

From the standpoint of control of programming quality, as opposed to control of compliance with policy, probably the most useful procedure employed by the Director is the convening of frequent meetings between Broadcast Analysis Unit personnel and top management staff to discuss the overall quality of the programming of specific Broadcasting Departments and their personnel. These meetings are held about once a week, with each meeting restricted to a discussion of the activities of a single BD. To facilitate candor and avoid unnecessary personal embarrassment, no Broadcast Department personnel attend these meetings. Careful minutes are kept and supplied to the Director. In some cases, the Director may then make these minutes available to the Broadcast Directors. In any case, the Director follows through on the recommendations which grow from these meetings, and maintains a continuing, dialogue with his Broadcast Directors as to the critical points which may be raised. The minutes of a meeting held on March 19, 1971 to discuss the activities of the Czechoslovak

Broadcasting Department struck the author of this report as especially useful in illustrating the broad scope and depth of these discussions. Too, this particular meeting reflected rather less than the normal amount of personally-embarrassing comments which naturally follow from objective critiques. Consequently, the text of this report, edited slightly to delete some specific remarks which could needlessly embarrass individuals, is attached as Annex R.

As could be expected, meetings called for the purpose of detecting and improving deficiencies in programming tend to focus more upon the bad than the good aspects of broadcasting. For example, the Broadcast Analyst reviewing some programming changes made by one BD to take advantage of the unique prime listening hours of the audience, praised the changes by noting an Audience and Public Opinion Research Department report reflecting a larger listening audience during the particular time block. On the other hand, the analyst also commented that the revamped program—

Sometimes falls short of the goals that the reform in 1970 had set for it. Thus, some . . . editors' personal contributions happen to be lengthy stories which are too tedious to produce the desired impact for which this type of programming is aiming. On the other hand, some of the editors limit their personal contributions to the announcement of the hour and other paltriness, thereby missing the purpose of their physical presence in the studio viz., a lively contact with the audience. . . .

Poor scheduling also came in for criticism at the same meeting. Noting that particular program went on the air just at a time when APOR research indicated a drop in the percentage of listeners, the analyst noted that—

Precious time and energy are being wasted on this program that . . . described as a carefully prepared and unusually interesting combination of news and commentary, which would deserve a much wider and higher quality audience than the small number of housewives and retired people who listen to it. . . .

Evaluation of a program of political commentaries drew the following mix of comments:

The relative popularity of . . . is, I think, a tribute to its author and reader. . . .

Its greater popularity among older respondents . . . seems to confirm my earlier opinion that Mr. . . . has a good but old-fashioned 1930'ish polemical style.

It is of course risky to tamper with a successful formula, but I wonder whether an occasional commentary in this series by Mr. . . . —who also has an effective but more modern polemical approach—might not increase the popularity of this series still further.

The program's lesser popularity with educated listeners indicates, I think, the limitations of aggressive polemics.

Evaluation of a program intended for a youthful audience was related to APOR findings that only a small percentage of youth actually listened to the program. The analyst added; in connection with these findings:

They also confirm my earlier opinion that the program is somehow misconceived: too didactic and propagandistic for the well-educated and too pretentiously intellectual . . . for the unsophisticated. Its middle-aged editor tries perhaps too hard for an idealistic youth appeal, but the effect is sometimes insincere or patronizing.

Among the Broadcast Analysts meeting reports reviewed by the author, the apogee in terms of scathing criticism was reached by the following evaluation of a program intended for an important economic interest group:

This is probably the most important group-oriented program in our broadcasting, and should therefore be one of the best. Alas, it is undoubtedly one of the worst. The . . . findings . . . confirm my earlier opinion that this is a disastrously bad program . . . the editor of the series . . . is a conscientious, hard-working man, who diligently studies the domestic press, pinpoints . . . the shortcomings and advocates the right remedies and policies. Alas, he seems to be totally lacking in imagination and writing ability, and hence his offerings are painfully dull, uninspired, plodding, poorly phrased, somehow mechanical, couched in a language that is excessively influenced by domestic communist jargon . . .

Although excellence in programming is viewed as the norm and hence not necessarily to be singled out for undue comment, due note is taken of what the Broadcast Analysts consider the stronger aspects of RFE programming, e.g.:

All musical shows are straightforward musical presentation with no political content. However, this type of music does have a certain political connotation because for . . . youth it represents a purely Western type of beat entertainment. The . . . listeners' response shows enthusiasm for the programs. The disc jockeys are well experienced, and they do an outstanding job . . .

The editor in charge of writing this kind of political commentary is a young person who lived in . . . until 1967 and is familiar with prevailing conditions in his native country, and he deals skillfully with youth problems . . .

According to private information, young listeners [to a satirical political commentary] tape . . . the shows for further circulation.

One original commentary by BD said that in all fairness [to an East European leader] he was striving for national independence under difficult circumstances. BD made it clear that it did not mean to defend . . . whose policies it always had criticized, but it must admit a truth now recognized by world public opinion. Of the latter commentary . . . said that it struck him as fair . . . and spoke highly of BD's objectivity. Mr. Cook said that he knew the program, and was highly appreciative of . . . statesmanlike approach.

Although, as noted earlier, the Broadcasting Department Directors do not attend these meetings, there is substantial feed-back to the Broadcasing Directors and their editors directly from individual Broadcast analysts. In addition, the meetings usually result in a number of follow-up recommendations which the Director and his staff take up with the Broadcasting Directors.

In October 1971, RFE Director Walter inaugurated a new series of country meetings to which Broadcasting Directors are invited. These meetings relate the evaluations of the Broadcast Analysis Unit, the findings of the Audience and Public Opinion Research Department, and the professional judgment and experience of the Broadcasting Directors in a continuing effort to improve programming and make it more timely and relevant to the needs of the audience.

FOOTNOTES

[1] Statistics submitted by RFE.

[2] These figures were calculated by RFE's Broadcast Analysis Unit and are based upon the kind of quantified content analysis of RFE programs illustrated in the statistical report contained in Annex H to this report.

[3] Durkee, op. cit., Annex VII, p. 3.

[4] Ibid.

[5] Ibid., p. 4.

[6] Ibid.

[7] RFE disc jockeys in Munich report considerable mail from listeners to this effect.

[8] Monitored by RFE, June 17, 1968.

[9] Interview with Noel Bernard, Munich, October 26. 1971.

[10] The full English translation of this program is included in Annex O—a compendium of typical political commentaries of each Broadcasting Department covering the period October 26–November 5, 1971.

[11] See the section on the Poznan riots, p. 30, supra.

[12] Durkee, op. cit., Annex XIII. This is a compendium of several hundred representative clippings from the West German, West European, and U.S. press. Although there is some unfavorable commentary, the support for RFE is impressive. The liberal Munich daily *Sueddeutsch Zeitung*—a paper close to Chancellor Brandt and supportive of his *Ostpolitik*—on June 9, 1971 presented the complete and unabridged transcript of RFE Polish news programming for the entire day of June 1, 1971, and invited its readership to form its own opinions as to the accuracy and objectivity of RFE reporting.

[13] The Weekly Report of November 4, 1971, is included in Annex Q.

[14] The full text of the Monthly Information Report for October 1971, is included in Annex Q.

CHAPTER V. RFE PERFORMANCE: COVERAGE OF MAJOR POLITICAL EVENTS

In the preceding two chapters considerable attention was paid to how policies are made at Radio Free Europe, how these policies are reflected in current programming—especially in programs created and broadcast during the period covered by the field study in Munich—and what procedures are in effect to assure both compliance with policy and maximum excellence in program content. Several conclusions emerge from this analysis:

a. In the conduct of its daily broadcasts, Radio Free Europe management in Munich enjoys a near-total autonomy in decision-making.

b. The volume and immediacy of RFE programming together with the disparate audiences of RFE's five audience countries and the six-hour time difference between New York and Munich render impracticable either central scripting or the pre-broadcast review of scripts except in limited quantity and unusual circumstances.

c. The question of before-the-fact control or supervision of RFE broadcasting policy by any group external to RFE's Munich headquarters—even by the Free Europe, Inc. Board Directors—is largely one of trust and confidence in RFE's management and in a number or procedures intended to deliver the kind of performance justifying confidence.

d. Analysis of scripts and quality control procedures during a sample two-week period indicates that RFE programming is, despite occasional human errors, balanced, comprehensive, objective, and largely free of inflammatory polemics. On the other hand, RFE programs consistently prod East European governments, pointing out both their successes and their shortcomings, and urging courses of action to liberalize the socio-political systems of the area.

e. RFE management is conscientious and consistent in the design and application of increasingly sophisticated procedures to assess RFE operations objectively and to strive for continued improvement in program quality and timeliness.

The inside-out observation of RFE activities leading to these conclusions over a two-week sample period was in itself an interesting experience despite the obvious limitations inherent in such a brief field study. Of greater import to an overall examination of RFE, however, is some assessment of its performance, under varying conditions of stress, and over longer periods of time. To this end, attention will now be turned to the general nature of RFE broadcasts during four major recent historical events.

The rapid internal changes in Czechoslovakia which led to the 1968 Warsaw Pact invasion of that country in 1968 is one of those events. The succession of developments in Poland, which began in November-December 1970 and which resulted in the replacement of Wladislaw Gomulka by Edward Gierek in the Party leadership is another. Publication by the New York Times of the so-called "Pentagon Papers" in the summer of 1971 is a third, though less important, major development. It is certainly an event providing a test of RFE's objectivity in handling an affair which caused great embarrassment to the U.S. Government—RFE's major sponsor. And finally, the release of Joseph Cardinal Mindszenty from his 15-year sanctuary in the U.S. Embassy in Budapest, his move to Rome, and his final settlement in Vienna put the final touches upon contemporary RFE treatment of the aftermath of the 1956 uprising in Hungary. The following summaries of RFE programming during the "Prague Spring" and the "Polish December" are based upon RFE's own compilations of broadcast material—compilations which were sent by RFE to the Senate Foreign Relations Committee in the summer of 1971 (in the case of the Polish December) and to RFE's West European Advisory Committee in November 1968 (in the case of the "Prague Spring"). Files on RFE handling of the Pentagon Papers and the Mindszenty affair were compiled at the request of and in cooperation with the Congressional Research Service.

THE "PRAGUE SPRING" OF 1968

The removal of Antonin Novotny in January 1968 from the top leadership of the Czechoslovak Communist Party signalled the end of an era in that country and presaged the beginning of a new, but what turned out to be a short-lived period of evolving freedom. During this period, when Czechoslovakia enjoyed a brief flirtation with a genuinely free press, RFE Audience and Public Opinion Research reports indicated a steady erosion of its listenership until the invasion by Warsaw Pact powers and the reimposition of censorship was reflected by a corresponding upsurge in the RFE listening audience in Czechoslovakia.

The chain of events was apparently set in motion by reaction of the Novotny regime to a Writers' Congress held in June of 1967 and during which a number of basic issues, deemed by the regime to be hostile, were raised. The regime took disciplinary action against rebel writers and shut off reportage of the events of the Congress. In October, 1967, a Slovak Communist Writers meeting produced criticism of regime behavior after the June conference, and indicated that only by listening to foreign broadcasts could one obtain adequate information.

RFE broadcasts during this period were aimed at airing the discussion of the basic arguments raised at the June Writers' Congress and extending the scope of discussion by bringing up related ideas expressed earlier in other quarters such as economists, jurists, scientists, and industrial managers. RFE also publicized the attention given abroad to the struggle for reforms in Czechoslovakia.

Throughout the closing months of 1967 dissatisfaction within the country accelerated and culminated with the dismissal of Novotny at a Central Committee session in early January. RFE welcomed this action, and pointed out, in its broadcasts, the opportunity available to the new leadership which had been brought to power by forces favoring reform.

An internal RFE guidance, covering its approach to the events in Czechoslovakia, was issued on February 29, 1968. The guidance stated, in part:

"The foremost tactical objective of RFE broadcasting to Czechoslovakia on the country's domestic affairs over the next several months must be to help maximize the existing and incipient social pressures which demand progress from debate to institutionalization, from piecemeal reform to a fundamental overhaul of the political system, from patchwork "democratization" to a more genuinely democratic exercise of power and a system of government based on and responsive to the consent of the governed.[1]

Censorship was abolished by law on June 26, 1968, and for the first time in a Communist country there existed a virtually free press, followed by a wave of open criticism of officials and individuals. By the end of April the Soviet Party Newspaper *Pravda* was showing signs of concern, although it did not yet attack Dubcek, Novotny's successor as Party chief. Publication at the end of June of a strong plea for continued reform, signed by 70 intellectuals, set off a virulent *Pravda* attack on the freedom of communications media in Czechoslovakia. In addition, Dubcek had rejected a call by the Soviet Union and four other Warsaw Pact members for a summit meeting. Thus the pressures toward confrontation between Dubcek and the orthodox Communists began to snowball.

During this period—April–August 1968—the Czechoslovak public was well informed by their own communications media. Yet, reports RFE, despite the newly-acquired press freedom (and perhaps because that freedom, being newly-acquired, was of uncertain duration) Czechoslovaks were still anxious to gather information from all sources, including Western broadcasts.

RFE policy during this period was to urge support of the Dubcek leadership which was traveling cautiously along the road to greater democratization. The results of the continuous maneuvering between Dubcek and the Warsaw Pact powers, however, impelled RFE to continue some needling[2] whenever Czechoslovak government policies appeared to be backsliding too much.

On August 20, 1968, the Czechoslovak experiment with liberalization came to an abrupt end with the invasion of the country by Soviet, East German, Polish, Hungarian, and Bulgarian troops. In line with final broadcasts of Radio Prague, RFE adopted a policy of maximum dissemination of factual information. RFE also conveyed world-wide, Communist and non-Communist, reaction to the invasion and, in commentaries, stressed the peaceful nature of the Czechoslovak reform movement and the fact that at no time had this movement violated socialist norms nor jeopardized Czechoslovak-Soviet friendship. The RFE line was summed up in a broadcast on August 27—at the moment Dubcek returned from Moscow where he had been forced to agree to apply the brakes to the reform program:

"Sometimes it is the duty of statesmen to avert the worst possibilities in order to preserve better opportunities . . . What Czechoslovakia has now is less than what it had before August 21st; but it is more than it would have had if civil morale had crumbled under the weight of the occupation regime and the government had been assumed by a group of collaborators willing to comply with every foreign wish. There is no government of collaborators and traitors in Czechoslovakia; Czechoslovakia has statesmen who had to give to a foreign power something which does not belong to it, lest they had to give this power everything . . ."

THE "POLISH DECEMBER" OF 1970

There is ample evidence that within the Communist East European regimes there are few occasions on which public opinion is not severely inhibited, and that the controlled press in the five countries does not afford an outlet for more than one view on major subjects. The standard regime approach to RFE broadcasts, for example, is to denounce RFE as reactionary, imperialist, an espionage organization, and so on. At the same time, RFE commentators are discredited by the regimes as out of touch with the events, personalities, and popular sentiment in Eastern Europe.

RFE spokesmen acknowledge that for long periods of time these regime contentions—especially those alleging that RFE is out of touch with the realities of Eastern Europe—are difficult to answer on an objective basis. So long as the lid remains firmly clamped down, "there is little to go on besides the contention of the cooks that the contents of the pot are as advertised—and that they are merely bubbling contentedly, not boiling."[3]

Periodically, according to RFE's analysis, the pressures in the pot either burst the clamps, or the clamps are loosened, and there is a swift upsurge of the pot's contents. At these times sentiments and passions long restrained are given voice, grievances aired, and demands made. Such moments afford opportunities to measure, with the objective yardstick of comparisons between positions espoused by RFE and concessions granted by the rulers, the degree to which RFE broadcasters in fact reflect accurate perceptions of the vital interests of their audiences.

An opportunity to test this yardstick was provided by the hundred and fifty days in Poland beginning on December 14, 1970, with the riots in the Baltic ports.

Although no one was able to predict the timing and the violence of the worker demonstrations, Radio Free Europe broadcasts for the preceding two years had been characterized by commentary on the "hesitancy and lack of imagination of the Polish regime in dealing with the stagnation of the country's economy and the discontents of the public."[4]

The build-up for the specific outbreaks, which began at Gdansk on the night of December 15–16, 1970, appears to have begun with the announcement by the Party plenum in May of a new wage and incentive system. RFE's analysis of this system concluded that it contained more controls than incentives, would intensify worker dissatisfaction, and that the Polish economy would continue to drift. A May 21 RFE broadcast commented that "the problem boils down to creating a direct link between greater work effort and the wages of the workers concerned." A May 31 broadcast stated that "the ruling elite no longer believes in the elementary honesty of either the economic apparatus or the working masses." By October 12, 1970, RFE broadcasts held that "the imagination of the world of labor does not reach out to 1971 when the beneficial effects of the 'incentive reform' are expected to materialize . . . one has to eat and live somewhere right now. Meanwhile, the prices of food and consumer goods for daily use are going up, there are shortages everywhere, and housing is becoming more expensive . . ."

Despite the fact that Polish economic problems were a concern of publicists inside Poland as well as of RFE analysts, Communist media reaction to RFE's commentary on the need for economic reforms was uniformly hostile, extending even to personal attacks on individual RFE commentators. In June 1970, a provincial Communist Party daily admitted shortcomings in the economy and deplored the efforts of the economic administration to hide them rather than blame the individuals concerned—a situation the daily said was exploited by "imperialist centers" like RFE.

On Saturday, December 12, 1970, the regime announced price increases on a wide range of necessities—food, clothing, and fuel—theoretically effected by reductions on other consumer goods, primarily household appliances. On December 14, RFE pointed out the fact that the household appliances in question were beyond the purchasing power of most workers, could not be bought even at the reduced prices, and represented over-produced and over-stocked items. Consequently, these price changes penalized lower and middle income groups. In an internal guidance paper, RFE predicted that the political consequences could be serious. On the night of December 15–16, news of the first

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Footnotes at end of article.

outbreaks at Gdansk, Gdynia, and Sopot was telephoned to RFE from Sweden, where a Polish refugee had picked up a local Gdansk radio broadcast. RFE monitors were then able to pick up signals from Radio Szczecin and Gdansk, began broadcasting the news, and supplied its taped monitoring of Polish broadcasts to all Western media requesting them. Meanwhile, Polish censorship had kept most of the population unaware of what was happening until, by the afternoon of December 16th when the news was pouring into Poland from Western broadcasts, the Polish news agency PAP and Radio Warsaw began carrying reports of the outbreaks. "Adventurers and hooligans" were blamed by the official media for exploiting the situation.

RFE broadcasts continued to feature Poland's deepening economic problems and the price increases as the real causes of the disturbances, labeling the official characterization of protesting workers as "hooligans" as merely a "well-known propaganda trick." Polish media then began to concede that workers as well as "hooligans" were on the streets in Gdansk and Gdynia, but shunted all possible blame to Radio Free Europe. In a commentary on December 18, the Polish United Workers Party (Communist Party) Central Committee's official daily, *Trybuna Ludu,* conceded the "difficult problems of our economy and living conditions of workers," but blamed the violence on "troublemakers" who ". . . sow rumors and misinformation, incite to street demonstrations, provoke violence . . . The subversive Radio Free Europe abets this. It calls for excesses and pushes [people] to irresponsible and harmful acts, the costs of which are to be paid for not by the hirelings in Munich but by all of us: the whole society . . ."

The Western press generally credited RFE with accuracy and timeliness. The London *Daily Telegraph,* for example, reported from Bonn on December 17:

"With the outbreak of angry food rioting in Poland, part of the world's attention focuses once again on Radio Free Europe . . . Without the station, few Poles outside the immediately affected area would have known until yesterday what was going on, for it was only then that Radio Warsaw and the official Polish news agency broke their silence on the street battles in the north."

On December 18, an RFE broadcast quoted an old speech by Gomulka himself as the best description of why the new disturbances had occurred—a speech delivered by the Polish Party leader after the Poznan riots of 1956. RFE said, in part:

"Fourteen years ago Gomulka condemned the previous Party leadership for having been afraid to tell the working people the truth . . . He rejected the propaganda thesis that imperialists, agents, provocateurs, and enemies of People's Poland were responsible for the workers' revolt. The working class protested, it had resorted to strike because—as Gomulka said—its cup had run over . . ."

Two days later, Gomulka was replaced by Edward Gierek, and the new Party leader and Polish media switched to language which was not really very different from RFE's. In a broadcast on December 20, Gierek said:

"The recent events have recalled to us in a painful way the basic truth that the Party must always maintain close bonds with the working class and the whole nation, that it cannot lose a common language with working people."

Gierek described the motives for work interruptions and protests as "mostly honest," although decrying their "exploitation" by "enemies of socialism and a-social and criminal elements." Gierek promised that the Politburo would concentrate on improving the situations of low-income families and problems of working women, youth, and housing. Other media took the cue. Even the Party organ *Trybuna Ludu* on December 22 blamed the crisis on "ill-conceived conceptions of economic policy."

In its own analysis of RFE's role in the "Polish December," RFE editors cited a lengthy series of broadcasts through February 1971, in which they described "19 points of substance, ranging from purely economic through political to cultural affairs, on which Polish popular demands, or concessions the new leadership felt obliged to grant, and the positions espoused by Radio Free Europe were in noteworthy accord." The editors also noted points on which Polish popular sentiment and RFE broadcasts did *not* coincide, attributing these to the concern at the reprisals which the actions of the coastal strikers might provoke. Thus RFE, going against popular sentiment, had repeatedly urged caution, and the necessity not to let things get out of hand.

More recently, RFE has prepared a more concise analysis of its role prior to the Gdansk strikes. Entitled *Fourteen Polish Points,*[5] this analysis concentrates upon comparing what RFE had to say on major issues *before* the outbreaks took place with concessions made by the Gierek leadership to restore political stability and economic productivity. The positions espoused by RFE on these issues before December 20, 1970 are set out, by means of excerpts from RFE's Polish broadcasts. These positions are then followed, in each case, by an account of developments subsequent to December 20, 1970, with emphasis on the concessions made in response to revealed public opinion by the new leadership.

RADIO FREE EUROPE AND THE PENTAGON PAPERS

The brief but intense sensation occasioned by the *New York Times'* publication of a series of ten articles, beginning on June 13, 1971, based upon its own analysis of a multivolume, highly-classified history of the U.S. role in Vietnam, presented RFE broadcasters with a variety of challenging and delicate situations. As a news dissemination agency, RFE could not fail to be comprehensive, accurate, and rapid in its coverage without severe loss of credibility. Though an organization sponsored by and financially largely beholden to the U.S. Government, RFE nonetheless had to face a decision to embarrass its sponsors further by intensifying the spread of information the Government was attempting court action to suppress to vast audiences ruled by regimes hostile, to say the least, to U.S. aims in Vietnam.

And, as a politically-oriented network of broadcasting stations, RFE had to consider the temptation to propagandize the many aspects of this issue which seemed ready-made for psychological exploitation—the relative degree of freedom of the press in the West compared to the East, for example.

RFE's decision was to refrain from propagandizing, largely to avoid editorial commentary, and to act primarily as the disseminator of news, providing its audiences with the broadest possible spectrum of published materials from the most highly-respected Western news sources. RFE sought to provide its listeners with the same array of facts, opinions, and analyses available to informed citizens in the West, thus enabling them to judge the many facets of the issues for themselves. In a memorandum sent to the Congressional Research Service, RFE summarized its philosophy:

"Implicitly, the case is a trenchant illustration of one of the fundamental differences between American-style democracy and the pervasive political control which characterizes the East European systems—that of a free versus a controlled press, a press which serves the broad interests of institutions and principle in a democratic society or the more narrowly defined and controlled interests of party policy in a communist state. On this issue as well the lines of opinion were drawn not by RFE, but by the station's accurate reflection of Western opinion."

Generally, RFE did not reply directly to polemics aired by East European media. When replies were made, they did not associate RFE with any of the various controversial issues. Rather, they dwelt in a low key upon the issue of freedom of the press, allowing the East European listener to make his own comparisons with the controlled East European media. There were occasional exceptions. In a broadcast on June 25, 1971, the Czechoslovak Broadcasting Department broadcast a commentary described in the following terms by the broadcast Analysis Unit:

"In view of a Prague commentator's statement, in connection with the publication of the classified Pentagon papers, that 'there is no democracy in America,' CS BLOCK (Elias, M 5) depicted what would happen if *Rude Pravo* got hold of secret material revealing how the August 1968 intervention was prepared. In 1968 CS newspapers discussed the hitherto undisclosed circumstances of the national calamity, intent on pinpointing the people responsible for it. As a result tanks moved in, and normalized 'democracy' practically destroyed the CS press. The dispute in U.S. between the government and the press has been placed in the hands of the courts. If the whole affair offers any lesson about democracy, then the Radio Prague commentator apparently failed to notice it."

In presenting its coverage, RFE quoted the following press sources:

The New York Times.
Washington Post.
Christian Science Monitor.
Chicago Tribune.
Goteborg Handelstidning.
Louisville Courier Journal.
Time.
Newsweek.
Berlingske Tidene (Denmark).
Washington Evening Star.
Baltimore Sun.
Arbetet (Sweden).
Arbeiter Zeitung.
Sueddeutsche Zeitung (Munch).
Stuttgarter Zeitung.
La Croix.
Le Monde.
Figaro.
The Times (London).
Die Presse (Vienna).
Kurier.
Boston Globe.
Politiken.
Philadelphia Inquirer.
Chicago Sun Times.
Daily Telegraph (London).
Wall Street Journal.
Long Island Press.
Frankfurter Allgemeine Zeitung.
Neue Zuercher Zeitung.
Economist.
The Australian.
Los Angeles Times.
International Herald Tribune.
La Suisse.
Dagens Nyheter.
United Press International.
Trybuna Ludu.
New York Post.
Daily Mail (London).
Muenchner Merkur.
Combat.
St. Louis Post Dispatch.
The Guardian.
Kronenzeitung.

A collection of summaries prepared by RFE's Broadcast Analysis Unit in which each program containing references to the Pentagon Papers is described, is attached as Annex U. The full text of sample scripts from each Broadcasting Department is also included in the same Annex.

THE EXILE OF JOSEPH CARDINAL MINDSZENTY

In the tumultuous history of Eastern Europe since the second World War, no succession of events so epitomizes this history of conflict and confrontation, of personal and political tragedy, and, more recently, of the profound changes wrought by time, as does the ordeal, the imprisonment, the asylum,

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and finally the release, of Joseph Cardinal Mindszenty.

In February of 1949 a Hungarian court had sentenced Mindszenty to life imprisonment for alleged crimes against the state—an act bringing into sharp focus the conflict between communism and the Catholic Church which for many years was waged with unrelenting bitterness. In October 1956, during the Hungarian uprising, Mindszenty was released from prison but was forced to seek refuge in the American Legation in Budapest when Soviet military force brought the regime of Janos Kadar to power. There he remained, having vowed never to leave until vindicated of all charges, until September 28, 1971, when the Vatican announced an agreement with the Hungarian Government providing for Mindszenty's permanent exile abroad.

On September 10, 1971, RFE's Rome Bureau advised Munich that an "authoritative informant" in the Vatican had indicated that the Holy See and the Hungarian Government were very close to an agreement providing for the safe conduct and permanent exile from Hungary of Cardinal Mindszenty. RFE-Munich notified Free Europe, Inc. of this development, adding that RFE planned no usage of the news tip until it could be verified.

When, on September 28, Mindszenty's arrival in Rome was announced by the Vatican, Munich and New York exchanged cables to the effect that broadcast coverage would initially confine itself to information obtained from statements made by the Vatican and the U.S. State Department. All Broadcast Departments reported the news, and followed up with background stories based upon RFE research. The Hungarian broadcast based its report on information published in Osservatore Romano, noting that Mindszenty's "ecclesiastic situation" would not be changed, and that the contents of the reported "agreement" between the Vatican and the Hungarian regime were not known. It also noted that MTI (the Hungarian news agency) had reported the event. The Polish Broadcasting Department reported the Cardinal's Vatican welcome, factually outlined his career, and noted his refusal to accept "amnesty" from the Hungarian government.

September 29th was by far the biggest broadcast day. On that date the results of the morning policy meeting in Munich were cabled to New York as follows: [regarding Hungary]

"Mindszenty's arrival in Rome is the main story of the day. In addition to materials sent DS, an EERA [East European Research and Analysis] paper will be telexed to you later today. The Hungarian BD in a commentary tonight will welcome the arrangement which was worked out and express the hope that more progress will now be made in church-state relations. The BD will criticize the regime for not annulling Mindszenty's trial and sentence, and express appreciation for Mindszenty's decision to accept the sacrifice of leaving his native land. Other coverage by the Hungarian and other BD's will be essentially reportorial and descriptive.

"UPI has just reported, quoting the Hungarian Official Gazette, that the 'Hungarian Presidential Council has decided to amnesty (Kegyelem in Hungarian) Cardinal Mindszenty considering his age and bad status of health.' According to information we received earlier the Cardinal and the Vatican were hoping that the regime would not take this step which signifies a restatement of Mindszenty's original 'guilt.' We believe the Cardinal will reject this 'amnesty.'"

The Broadcast Departments—particularly the Hungarian BD—discussed in detail the ramifications of the event, using material supplied from RFE's research and analysis elements and following the lines of daily program recommendations and discussions in morning policy meetings which were, as usual, teletyped to New York. Materials supporting script writing were also supplied by RFE's Rome Bureau, the New York newsroom, and press coverage from other areas wired in by RFE's European bureau's or reported by press agencies. On the 29th, the Hungarian BD covered the subject in seven broadcasts. The Bulgarians, Polish, and Rumanian BD's each aired two broadcasts on this subject, while the Czechoslovak coverage was spread over three.

Copies of key communications between RFE in Munich, Rome, and New York, lists of principal programs, and applicable Daily Broadcast Analyses of programs actually aired are included in Annex V. Also included in the Annex are two scripts—*Newsreel* No. 292 and *Commentary* No. 238—broadcast on September 29, 1971 by the Hungarian Broadcast Department.

As can be seen from the Daily Broadcast Analyses, the BD's went into exhaustive detail on the many facets of the event, from background on the Cardinal, descriptions of his trip to Rome, and background on the Esztergom Archdiocese, to general reviews of Vatican-Hungarian Government relations and the problems remaining between the two.

Coverage of the case continued on September 30 with a Hungarian Broadcasting Department description of Mindszenty celebrating Mass in Rome and the opening of the Third Synod; and the Bulgarian, Polish, and Rumanian BD's concentrating on reviews of the European and American press. On October 1, almost all coverage was based on press reviews. On October 2, there were further re-tellings of the story and more press reviews.

By October 4, the possibility of the Cardinal's moving to live in Vienna had arisen in the press, and was reported by RFE—but in the form of quotes from the world press, always giving clear attribution of the source.

After October 6, coverage of the Mindszenty story dwindled to an occasional press-review item. More recently, in the absence of new developments, coverage has virtually ceased.

CONCLUSIONS

Both the intensive examination of RFE programming during the two-week period of the field study in Munich and the retrospective study of RFE scripts over longer periods of time and in connection with major historical events bear out a general observation that RFE coverage is thorough, objective, and reasonably dispassionate in its coverage of even highly controversial subjects. Quotations from the Western press are extensively employed as a programming device, and the selectivity of press sources is well balanced. Although partisan biases are hard to detect in RFE programming, it is the author's view that, by and large, RFE commentaries tend to lean slightly toward the "liberal" approach as this term is currently used in American policies.

The use of the terms "dispassionate" and "balanced" should not, however, be interpreted as descriptive of a bland quality to RFE programming. On the contrary, RFE scripts are lively and often quite hard-hitting. It is simply that commentary is aimed at the specifics of East European political systems and practices, not necessarily at the philosophy. Communism as a socio-economic system is, of course, the subject of frequent and even biting criticism by RFE broadcasters. But it is the practice, the implementation, of stated Communist ideals that usually receives the fire—not the ideals themselves. Nor is the criticism purely negative. Valid achievements are given due credit, and alternative approaches to stagnated courses of action are supplied in abundance.

The amount of research underlying script preparation deserves special mention. Contemporary life in East Europe is evaluated against an overwhelming amount of hard, evaluated data in RFE research files which are well-maintained and constantly expanding. The personal convictions of individual script-writers or announcers loom rather small unless they can be validated by RFE's substantial and scholarly expertise in East European affairs. It is likely that this factor, even more than careful management procedures, contributes the most toward RFE's stature of scholarship and objectivity, and serves as the greatest hindrance to free-wheeling editorialism.

FOOTNOTES

[1] West European Advisory Committee. Twelfth Session, Rome, November 18–19, 1968. Annex to the Political Report, Section 1, p. 4. The subsequent paragraphs are based upon this document, which is included in its entirety in Annex S.

[2] The needling was, however, tempered with caution lest the regime be prodded into untenable positions. RFE's Daily Guidance Summary for July 11, 1968 stated: "The Czechoslovak Broadcasting Department will see its role not in increasing such pressures but rather in providing all the relevant facts and information upon which the Czechoslovak citizen will be best able to form an intelligent judgment of the situation."

Broadcasts to the other four countries would stress the statements by Czechoslovak leaders "which attest to continuing Czechoslovak adherence to the Warsaw Pact and to principles of 'socialism' as adapted to unique Czechoslovak traditions and conditions."

[3] Durkee, op. cit., Annex IX, p. 1. This Annex to Mr. Durkee's submission to the Senate Foreign Relations Committee is a lengthy and extremely detailed chronology and analysis of the events leading up to and following the overthrow of Gomulka and his replacement by Edward Gierek. The following paragraphs are based upon this RFE analysis.

[4] Durkee, op. cit., addendum to Annex VII, p. 1.

[5] The full text of Fourteen Polish Points is included in Annex T.

Chapter VI: The Impact of Radio Free Europe

Analysis of the extensive facilities and policy machinery utilized by RFE to formulate and implement its programs, and of the content of RFE's daily broadcasts, leads to a logical question. How effective are RFE's attempts to achieve its stated goal of disseminating objective information and "balanced commentary" to five East European countries for the purpose of encouraging positive evolution within the framework of the Communist system?

RFE broadcasts reach two overlapping but distinct audiences. These are comprised of government and Communist Party officials of five East European countries on the one hand, and five corresponding general populations on the other. RFE's total impact is the product of the reaction it arouses in both of these audiences and how that reaction affects U.S. foreign policy interests.

To break the measurement of RFE's impact upon these two audiences into researchable components, it is hypothesized that RFE's impact can be measured in three ways: (1) by direct audience interview techniques adapted to RFE's special circumstances; (2) indirectly by assessing the nature and intensity of Communist regime attacks upon RFE—in terms of propaganda, diplomatic atcion, and technical measures to inhibit listenership—and; (3) indirectly by observation of any policy changes which may be made by East European governments in response to RFE broadcasts.

Research under the first category attempts to provide information as to the size and composition of RFE listenership and whether RFE broadcasts are credible and persuasive on political and economic matters, and whether they are entertaining and informative in the presentation of news and the other educational, social, and cultural subjects in the RFE repertory.

Research under the latter two categories attempts to measure whether and how RFE stimulates the Communist regimes—in terms either of direct hostile response or of even grudging approval as illustrated by the adoption of limited measures of reform. Observation of public pressures toward reform in these countries is also one indirect and circumstantial measure of whether people have not only been persuaded, but have been moved to action—presumably as a result, in at least some instances, of their having been supplied with sufficient information to enable them to assess the situation and take appropriate action.

In the remainder of this chapter an analysis will be made of each of these three approaches to estimating the net impact of RFE activities. Examination of the latter two is based upon East European broadcasts and publications and a variety of Western press sources as compiled by RFE research staff from their extensive research and monitoring files. Based upon rather extensive spot-checking of these files in Munich, it appears to the author that RFE's compilations are representative as well as comprehensive. In any case, constraints of time and resources precluded any effort to conduct a parallel independent examination of the original sources.

RFE's direct interview-survey methods of audience research were, however, subjected to independent evaluation and study by a special attitude and opinion research and in inter-cultural communication retained for this purpose by the Congressional Research Service. This evaluation was conducted in Europe by Dr. Lorand B. Szalay, a Senior Research Scientist with the American Institutes for Research office in Kensington, Maryland. The full text of Dr. Szalay's report, together with a description of his professional credentials, is contained in Annex A.

AUDIENCE AND PUBLIC OPINION RESEARCH AT RFE

Radio Free Europe claims to have acquired an audience of some 31 million persons in Bulgaria, Czechoslovakia, Hungary, Poland, and Rumania—about half of the population over the age of fourteen. The majority of these listeners reportedly tune in on RFE two or three times a week. Young people are said to be becoming a large part of the audience and to comprise a youthful listenership about twice the size of that of the Voice of America or the BBC.

These and other claims made by Radio Free Europe are based upon the findings of RFE's own Audience and Public Opinion Research Department in Munich. Its Director, Mr. Henry O. Hart, describes the five general functions of his Department as follows:

To ensure Radio Free Europe's achieving maximum effectiveness requires as a first step that Audience and Public Opinion Research acquaint all echelons of the organization at all times with the present status of performance. This is the all-important audit function . . . rendered so crucial because no other reliable means exist to measure performance.

Since this audit function also points to areas of strength . . . as well as weakness, it serves as a take-off point for helping Radio Free Europe toward ever better performance. This leads to the second and even more important function . . . which is to study and measure ways to increase Radio Free Europe's effectiveness. It is evident that the audit function and the dynamic guidance function are interrelated. At present much more time is devoted to the latter function, as it closely parallels the needs of the Broadcasting Departments.

The third general function of the department is public opinion research which furnishes a picture of changes in social and political conditions in the countries with which Radio Free Europe is concerned . . . public opinion research . . . provides the Broadcasting Departments with information regarding the climate in which RFE programs are received. Beyond this, published reports in this research area are, whenever appropriate, made available to scholars in the field of East European studies and empirical social research.

The fourth major function is psychological research which offers insight into such areas as motivation patterns, value systems, goals and needs of the audience and the potential audience, conflicts between traditional values and "communist values," adjustments to and rejection of the socio-political system, etc. . . .

The fifth general function lies in improvement of the measuring devices and research techniques themselves in order that the other four functions may be increasingly more accurately and reliably performed for the good of the organization as a whole . . .[1]

Mr. Hart's APOR Department has developed its own methodology for assessing East European public opinion by interviewing East European nationals—some 6500 in an average year—who are traveling in Western Europe. These interviews are conducted by independent research organizations under contract to Radio Free Europe, and the respondents are said to be unaware of the RFE sponsorship of the interviews. RFE describes the nature of its methodology as follows:[2]

1. Each survey employs a number of local opinion-research institutes in different countries to draw independent samples. This minimizes chances of opinion bias due to location of interviews and interviewing techniques. No survey is published until at least six independent samples have been taken. Generally, a survey of any nationality takes in more than 1,000 interviewees, and is judged reliable only if all the results obtained from all the samples correlate highly . . .

2. RFE employs a procedure specially adapted to the nature of the sample: Called Continual and Comparative Sampling, it derives from the principle of repeated independent samples used in, for example, the biological sciences; it is designed to guard against untypical samples which can occur because different types of people may choose different Western countries to which to travel. Accordingly, many independent samples are drawn from among travelers in a wide variety of countries, at a wide variety of times . . .

3. Samples consist wholly or almost wholly of East European nationals visiting the West and planning to return to their native countries, rather than refugees or immigrants who have made a psychological break with the thinking of their compatriots.

4. To make sample results representative of the population at large, disproportions were corrected ex post facto by increasing the weight of opinions of underrepresented groups, and decreasing those of the overrepresented.

Asked by Radio Free Europe to evaluate its research methodology, the New York firm of Oliver Quayle and Company submitted a report in October 1970, expressing the view that RFE's conduct and use of opinion research was fundamentally sound, and accurate within a five to six point error margin.[3]

RFE audience research reports list Radio Free Europe as outstripping by far all other Western broadcast operations in the five East European nations studied. The overwhelming majority of the respondents rate RFE as either *very* or *fairly* reliable. Survey reports consistently show that nearly all listeners tune in to news and commentaries. Young people reportedly listen in great numbers to "beat" music and jazz; older persons to "standards," folk music, and operetta. Magazine formats—offering a mixture of on-the-spot reports, brief documentaries, and some analysis—are said to be popular with all groups.

Thus RFE's Audience and Public Opinion Research findings depict the organization as one which attracts and holds a large and influential audience in one of the world's key areas; an organization whose activities are highly valued by this audience, and one which serves to hold open a window to the world through which pours information and entertainment not available from any other source. The basic question which arises is how valid are the data upon which RFE bases these findings? In Munich, as an integral part of the Congressional Research Service field study, Dr. Lorand B. Szalay conducted a detailed analysis of APOR procedures. Highlights and major findings are summarized in the following paragraphs:

Approach and Relevance

RFE's audience research has developed in response to conditions and situational characteristics which are exceptional in broadcasting. In the first place, the tight control of communications media maintained by East European Communist regimes precludes most of the common means of feedback such as a free press, free elections, and free research. Secondly, most East Europeans do feel poorly informed. Thus, they form large and receptive audiences for international communication. Finally, East Europeans may neither be fully identified with the ideological blueprints of the governments concerned, nor can they be considered to have remained entirely uninfluenced by the experiences of the last three decades. They may have aspirations similar in many ways to those of Western peoples; but they cannot be simply equated.

Audience analysis at RFE in its present form produces extensive and timely information by interviewing several thousand East Europeans each year. The survey data contain three major categories of information: Listenership data, program evaluation, and attitude studies. This research performs an important pioneering service as the scope of the indigenous audience and public opinion research in RFE's five Eastern European countries is modest and the publication of results is selective. In the social and political fields, the validity of data issued by the government is frequently questionable.

RFE's basic approach is to attempt to derive solid, objective information from large audience samples, which represent wide cross-sections of the populations. This is a large-scale effort to apply modern opinion survey methods in real life situations. It requires a careful adjustment of technical-scientific criteria to the special social, political, and psychological conditions which obtain in Eastern Europe.

This explains why the relevance of the RFE research is substantive not only in connection with the immediate use of the data in program planning and evaluation, but also in the broader context of introducing and applying social science research to this area. RFE research traces and evaluates social and political trends in five Communist-controlled Eastern European countries in which objective public opinion research efforts are seriously hampered by political conditions.[4]

Representatives of RFE samples

RFE interviews nearly 7,000 East European nationals traveling in Western Europe each year. Each national sample (excepting Bulgaria) includes over 1,000 cases. The interviews are conducted by independent public opinion research organizations in various

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large European cities where East Europeans travel (in numbers estimated to exceed 200,000 annually) as tourists, visitors, businessmen, or sportsmen.

As Annex A indicates in detail, RFE's use of large samples, numerous independent subsamples, and its attempts to reach visitors randomly to reduce the biases of selectivity are all sound measures which help to overcome the odds against success in a complex research task. Although RFE's optimism and confidence in the representativeness of the samples may not be readily proven merely by the adapted design or research method, and although some of RFE's statistical assumptions may be questioned, the results of the field study in Munich indicated a considerable body of empirical evidence in the results of APOR research suggesting that such confidence is not unfounded. The CRS research findings also show that the samples include not only people from all walks of life but also from a broad and varied spectrum of political opinions.

Scope and Utilization of Information Obtained

The use of audience analysis data within Radio Free Europe is institutionally organized. The various Broadcasting Departments show a general and fairly uniform appreciation of the value of the listenership data. The program evaluation results are received occasionally with mixed feelings. This can be explained by the fact that when the evaluation indicates a decline in program popularity, the feedback, while useful and necessary, is not flattering. The atttiude data and speical studies information is of more recent origin and up to now has been used on a more sporadic basis. It probably deserves more special attention.

Validity of Results

RFE Audience and Public Opinion Research findings are not always easy to accept at full face value. The reaction of the APOR Department has, understandably, been one of going to some extremes in order to overcome the credibility gap. The never-ending quest for full "documentation" of APOR Department findings, while scientifically praiseworthy, has resulted in some denial of benefits to RFE which could be accrued by modification of certain sampling techniques to allow for much quicker feedback of research results into program planning. Details of this suggested modification are contained in Annex A.

Nonetheless it can be stated that Radio Free Europe has invested a great deal of ingenuity in planning and supervising its research effort. It undertook extensive research work to test the representativeness of the samples and to validate procedures. It is felt that the strategy of using tourist and visitor samples has proven itself to be sound and generally dependable.

The answer to the question of how valid may the RFE Audience and Public Opinion Research findings be considered is, therefore, that they may be considered as valid within a commonsense meaning of the term. Exact statistical projections may not be precisely evaluated—although Quayle estimates their accuracy to wtihin a margin of five or six percent—but exact percentages are far less important than the general trends. It should be noted that, in addition to those who listen directly to RFE broadcasts, the additional percentage of those who receive RFE news indirectly by word of mouth is hard to estimate. The censorship of news media and the desire to receive reliable information produce a favorable climate for spreading information by word of mouth. The importance of these private channels in controlled societies has been emphasized by numerous accounts.[5]

NATURE OF COMMUNIST REGIME ATTACKS ON RFE

Another measure of RFE's impact is to be found in the reaction of Communist regimes to RFE broadcasts. RFE files record a steady stream of regime attacks in all information media. In 1968, for example, well over 1,000 such instances were noted.

Ideological and polemical

That the regimes attack RFE is entirely to be expected in view of the importance Communist regimes attach to the control and censorship of information media. The changing nature of such attacks in recent years is, however, probably of greater significance than the quantity or frequency of such attacks. Since about 1965, RFE's influence has become increasingly the subject of serious, dispassionate, and even scholarly analysis by regime ideologists and propagandists. According to the Communist publications and monitored broadcasts in RFE files, these Communist analysts have acknowledged that in the contest of ideas, the Communist regimes are on the defensive. They realize fully the ideological risks of "peaceful coexistence" and evidence a new respect for the power of mass communication.

Since the Czechoslovak developments of 1968, the Soviet media have paid unprecedented attention to the susceptibility of East European audiences to RFE broadcasts. RFE analysts interpret this intensified concern as indicating recognition by Soviet leadership that East European peoples are far more attuned historically to Western ways of thinking and more susceptible to Western ideas than Soviet citizens are.

In years past the major thrust of Communist attacks against RFE was to denigrate RFE as a "remnant of the cold war" and an obstacle to "detente." More recently, the trend has been to portray RFE as an instrument of dangerous Western concepts of "peaceful coexistence." RFE is regard as the West's "ideological tool" in a new "revisionist" strategy.

In short, says RFE's own analysis of the situation, "the regime's grievance about RFE is that today it reflects important sentiment within the country for reform, that its analyses are based on the realities of contemporary Communist society, and that RFE's cross-reporting is an effective technique for spreading the "infection" of reform ideas in East Europe."[6]

RFE's analysis is based upon the compilation of a considerable amount of material published in Communist countries. Some examples follows:

[From proceedings of the Cultural Committee of the Czechoslovak National Assembly, December 2, 1968]:

"People in the area [West Bohemia] rely almost exclusively on Radio Free Europe and West German Television programs for information about what is happening in Czechoslovakia. They pick up a lot of half-truths but also a lot of truth which they should get from our own mass media."

[Stanislow Mialkowski (Polish party committee instructor) in *Gazeta Bialostocka* for August 31, 1968]:

"Our party organizations, particularly in villages, still feel there is not enough information. Hence, here and there, its members are influenced by the hostile programs of 'Free Europe.' We activists are not always able to adopt the right attitude to some matters. For instance we only learnt about the regulation of wages and prices very late, while people in the street talked about it several days before."

[from Prague's *Rude Pravo*, January 21, 1969]:

"Lack of information has another unfavorable consequence. The citizens, as under the Novotny regime show increased interest in information from Western sources, such as Radio Free Europe or Voice of America. And this is certainly not a good thing."

[W. Bienkowski, former Polish Minister of Education in "The Driving and Retarding Forces of Socialism," *Kultura*, Paris, 1969]:

"Communism's monopoly of information makes for a situation, I'm ashamed to admit, in which foreign broadcasting stations, particularly Radio Free Europe, perform the vital role of a domestic opposition press, exercising enormous influence both on the population and even on the communist rulers. Not trusting their own leaders, the masses have no choice but to rely on information provided from abroad . . ."

[from *Trybuna Ludu* (Polish Communist Party daily, April 18, 1968]:

"The complaints that Radio Free Europe, the anti-communist broadcasting station based in Munich, gave better coverage of the [Polish student riots] events than did the Polish mass media are justified . . ."

[Jacek Snopkiewicz: "The Lesson of Truth" in *Walka Mlodych* (Polish youth weekly) for April 28, 1968]:

"Maybe the disorders which took place in March in Wroclaw, Gdansk, Torun and Poznan would have taken a different course if the full information about the causes behind the student riots at Warsaw University had reached these communities on time. The information was not sufficient. The first articles on the subject appeared in the provincial press only on the 13th of March. The argumentation of these articles was too weak to stand up to the propagandist arguments of the so-called 'emissaries,' and to the broadcasts of Radio Free Europe."

The impact of RFE's "cross-reporting" activities is illustrated by the following two excerpts from Polish publications:

[Zdislaw Nicinski, "Current Trends in anti-Communist Political Strategry and Idealogical Subversion," *Sprawy Miedzynarodowe* (Warsaw), December 1968 issue]:

"The application in practice of the new propaganda strategy, consisting of a projection of the existing situation on one country to another country. While, until recently, almost the only methods used was the counterposing of solely bourgeois models to socialist models, at present the political concepts of one socialist state are opposed and given as an example to those of another socialist *Zycie Partii*, No. 1, 1966]:

[From an article in the Polish publication, *Zycie Partii*, No. 1, 1966]:

"[RFE suggests that] in the other socialist countries the changes are "more important, bolder, more independent' . . . [It] insinuates to listeners that their own party and government have fallen behind."

One manifestation of Communist regime reaction to the situation described in the preceding quotations has been to wage propaganda, and limited diplomatic campaigns designed to effect the eventual disbandment of both Radio Free Europe and Radio Liberty. Another manifestation has been the swallowing of some pride and the re-ordering of some media programming to make it more competitive with RFE. In Hungary, for example, "beat" musical programs broadcast by RFE became so popular that Radio Budapest has begun similar programming. In Czechoslovakia, an RFE program aimed at youthful audiences now has its counterpart on Radio Prague. The following quotes illustrate a growing appreciation of their dilemma by Communist spokesmen:

[from *Partelet* (Hungarian Communist theoretical monthly), July 1965]:

"We have to consider that if we fail to inform the public adequately, the audience of the hostile Hungarian-language radio stations will grow . . . the work of radio and television is disturbed in the highest degree by the frequent dogmatic reserve and timidity of authorities (whose responsibility is to inform the public and to deal with questions of interest to the public) . . . if we fail to talk about something, the enemy will do so, and thus reticence will mean a political defeat. We consider the demand for better in-

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formation of party members and public as being merely bad, unjustified bourgeois curiosity . . ."

[from a Slovak trade union delegate's speech as reported by Radio Bratislava Domestic, November 30, 1968]:

"[our press must] remain linked with the people, be truthful, open, and objective so our people need not depend on foreign information sources."

[from *Monitor*, Polish Television Program, December 26, 1970]:

"And too often, as we all know, the adult and critical people of Poland were talked to as if they were kindergarten pupils being lectured to instead of informed . . . information certainly is needed—we're all convinced of that—especially when we face a difficult situation. When information is lacking or delayed too long, the people get it from other sources and, what is worse, lose confidence in their own media . . ."

RFE's summary of the pattern of recent regime propaganda attacks on its activities during the period July-September 1971, together with a compendium of Western press commentary is attached at Annex W.

Diplomatic

Although there is scant information available as to the extent to which Communist regimes have made formal diplomatic representations in protest of RFE activities, a few aspects of such diplomatic activity have come to light.

On May 26, 1971, for example, the Polish Government delivered written protests to the German Federal Republic and the United States of America. A PPA (Polish Press Agency) dispatch of May 29 stated:

"The Government of the Polish Peoples Republic has addressed an aide-memoire to the Government of the U.S., expressing the conviction to liquidate sources of irritation in Polish-American relations, will put an end to the Cold War activity of RFE, which is directed against Poland.

"On May 26 this document was handed to the Ambassador of the U.S. to Poland, Walter Stoessel, by Polish Vice-Minister of Foreign Affairs, Jozef Winiewicz.

"At the same time the Polish Minister of Foreign Affairs, Dr. Stefan Jedrychowski, has sent a letter on the same matter to the Minister of Foreign Affairs of the FRG, Dr. Walter Scheel. The letter emphasizes the responsibility of the FRG Government for permitting the American station to carry out hostile activity, inter alia against Poland, from the territory of the FRG, and expressed the hope that the FRG Government will avail itself of its prerogatives of a sovereign state and will put an end to the activity of this foreign radio station which disturbs the process of normalization of relations between the two countries."

According to the U.S. Department of State, no reply to this aide-memoire was expected and none given. Comments were passed informally to Polish officials to the effect that, since every major nation engages in international broadcasting, it is not surprising that almost any program broadcast will offend someone, somewhere.[7]

Germany's formal reply, if any, has not been made public. On June 9, 1971, however, a statement was issued in response to a parliamentary interpellation from Werner Marx, Chairman of the Foreign Policy Working Committee of the Christian Democratic Union. Marx asked whether the German Government had "made unmistakably clear to the Polish Government that it regards the demand by the Polish Foreign Minister to proceed against Radio Free Europe as an inadmissable interference in our affairs and as a not helpful contribution toward German-Polish understanding, and that it continues to be interested in letting the mentioned station broadcast news and commentaries for the peoples of Eastern Europe freely and without interference?" Karl Moersch, State Secretary, Ministry of Foreign Affairs, replied that a reply would be given the Poles in due course. He added that—

"The Polish side has been informed of our opinion on this question for a long time . . . The authority of the Federal Republic of Germany over radio stations located on its territory is limited constitutionally . . . This applies to German radio stations as well as to Radio Free Europe. This station as well is protected by the right to freedom of opinion. We have, however, declared ourselves willing to accept justified complaints about programs from Radio Free Europe and to discuss these with the authorities at the Munich Station.[8]

On Jun 4, 1971, PAP reported that at Polish Foreign Minister Jedrychowski's press conference in Helsinki, he had answered a German correspondent's question about RFE's status in Germany as follow:

"The activity of RFE does not belong to the internal affairs of the FRG because the station interferes in the internal affairs of Poland and other socialist countries for at least 18 hours a day. That is why it is an international problem and is also of interest for us. Besides, it is commonly known that *Free Europe Radio* is a spying agency of the U.S. intelligence service. This is a problem which can properly be the subject of an exchange of views between us and the FRG Government.

"I would like to add that we have also made a demarche on this subject to the U.S. Government and the governments of states in which there are offices of the FE Radio. We consider that [RFE's] usurpation of the right to supplement our point of view. If the Americans say that the Polish society is not sufficiently informed on political matters, we are ready to suggest a public competition; selecting on the basis of statistics (i.e., representative sampling) several score citizens in each country to compete as to who is better informed on problems of world and internal politics."

RFE reports that in 1968 the Rumanian Ambassador in Bonn lodged a formal protest that RFE was "interfering in internal Rumanian affairs in a most massive and crude way." There is nothing in the public record indicating an official German reply, and RFE internal memoranda indicate that the lack of specificity of the Rumanian complaints resulted in the German Government's failing to pay serious attention to them.

There is nothing in the public record to indicate whether Poland or any other Communist government has presented official protests to either the Austrian, British, or other governments where RFE maintains news bureaus or audience and public opinion research activities.

The implication of what is known about Communist diplomatic representations about RFE is that since most Western governments have been accustomed to the "notion of objective information," Communist objections have been largely ignored. The regimes have not offered objective substantiation—other than in terms of their own ideological preoccupation with controlling sources of public information—to accusations against RFE.

No further evaluation is made here of the significance of such diplomatic activity since the present purpose is merely to indicate audience impact rather than to assess effects upon diplomatic relations or U.S. foreign policy.

Jamming

Jamming is another technique sometimes used by the USSR and the Communist regimes in East Europe to hinder the receptivity of RFE broadcasts. In a unique way, jamming by the regimes is a compliment to RFE's effectiveness. It is an admission that the regimes feel an inability to compete on logical or ideological grounds with foreign broadcasts. It is also a signal to the audience that there is something on the air which the government does not want them to hear—an added incentive for listening. Jamming has been employed from time to time against RFE in varying degrees. At the present time the situation is as follows:[9]

Bulgaria: Both domestic and foreign transmitters are used to jam western broadcasts.

Czechoslovakia: All RFE programs are jammed by domestic and foreign transmitters.

Hungary: No domestic jamming since 1964. Some weak interference comes from a Soviet jammer believed located in a Hungarian-speaking area of the USSR.

Poland: In March 1971 Poland resumed jamming of RFE Polish programs. They had stopped in 1956 and had started again briefly during the 1970 unrest. Also jammed from the USSR.

Rumania: No jamming since 1963.

In view of the existence of jamming, one might wonder whether the scope of effort put into RFE research and programming is justified, if broadcasts can be denied an audience because of jamming. The answer is that jamming is far from being a sure way to keep RFE programs from being heard by an audience—even quite a large audience. The explanation lies in the nature of short-wave propagation.

Jamming is the propagation of a competing radio signal on the same frequency as the signal being jammed. The jamming signal can be merely another "normal" radio program or it can be pure noise. The intent of the jammer is to drown out all other signals on that frequency. The characteristic behavior of different wave-lengths of radio signals is a determinant of both jamming techniques and appropriate counter-measures.

Medium wave signals—the standard AM broadcast band—tend to follow the curvature of the earth. Such signals constitute what is known as a "ground wave." Short wave signals tend to travel in a straight line, moving out into space after a relatively short ground wave. These "sky wave" signals are then reflected back to earth by the ionosphere—a layer of ionized particles ranging from 50 to 300 miles above the earth's surface. Exactly where these signals return to earth is a function of the angle of incidence at which they hit the ionosphere and the permeability of the ionosphere. The sun's rays insensify the density of the ionized particles, and the layer is therefore an efficient reflector during daylight hours and an inefficient one at night.

Short wave broadcasting thus is primarily a technique of bouncing sky wave signals to the intended destination by controlling the angle at which signals are beamed and by taking advantage of the varying permeability and altitude of the ionosphere. The short wave jammer has precisely the same propagation problems, but his differing purpose introduces severe complications. In the case of short wave jamming, the jammer can count on the effectiveness of his ground wave signal for only a few miles, and must beam the jamming signal so as to be reflected into the intended area by the ionosphere.

Since the RFE transmitters are much further west than jamming transmitters in East Europe and the USSR, RFE can take advantage of a period of several hours each day in which there is still sunlight in the west but darkness in the east to beam its programs into East Europe. Potential jammers cannot usefully employ sky wave jamming during this period, and must rely on local ground wave jammers which are effective only within a relatively short radius around the jamming station.

In the case of the very high frequencies,

Footnotes at end of article.

for example, the waves tend to tilt forward and disappear into the earth within a radius of less than ten miles. Since ground wave jammers are located in the cities for optimum utilization, jamming can often be avoided by a determined listener simply by taking his portable radio outside the city, beyond the range of the ground wave jammers.

Transmitters of sufficiently high power are effective against all but short range ground wave jammers. Another effective counter-jamming technique is to broadcast on many frequencies simultaneously, thus multiplying both the technical and the financial problems of the jammer. And, at least one RFE channel is always left unjammed by the regimes in order to permit their own monitoring of RFE broadcasts. The astute listener is aware of this and, he can usually scan the frequencies quickly and find the clear channel.

The result is that jamming is never fully effective. It merely makes listening more difficult for some people some of the time. And the expense to the jammer is considerable. The RFE Engineering Department recently estimated, on the basis of known technical data, that to jam RFE's Czechoslovak broadcasting, Czechoslovakia jammers alone expend some 182,000,000 kilowatt hours of power annually, compared to only 12,471,900 kilowatt hours needed to beam RFE programs into Czechoslovakia. This calculation did not take into account the approximately 1½ times as many jamming stations inside the USSR and elsewhere which also are used to jam RFE programming to Czechoslovakia (sky wave jammers must be located as far away from the target areas as the original broadcaster's transmitters in order to bounce the jamming signal into the intended destination).. Total jamming costs for RFE's Czechoslovak broadcasts alone are roughly estimated at $6,000,000 annually. Yet, the evidence from Audience and Public Opinion Research and from letters from listeners to RFE is that RFE broadcasts continue to be heard by large audiences in spite of jamming.

When the shortages of electric power in Czechoslovakia, Poland, and elsewhere in East Europe are taken into account, it can be seen that the governments concerned do not hesitate to deprive their own economies of much-needed power in order to divert it to the totally destructive, but not fully effective, purpose of jamming foreign broadcasts. This is an impressive indicator of how important these governments consider it politically to deny their people access to RFE broadcasts. It also suggests something of what their attitude might be toward governments which sponsor such broadcasts.

Policy Changes by Communist Regimes

A third method of assessment of RFE's impact is to see what policy changes, if any, may be made by the government of an audience country following an extended period of RFE broadcasts which advocate certain courses of action based upon the analysis of social, political, and economic circumstances.

The accumulation of scripts and of research data based upon the analysis of Communist media at RFE contains rich information upon which to base many case studies of this nature. However, time factors precluded the possibility of independent analysis of this voluminous material. But, as a case in point, Radio Free Europe's research and analysis staff has prepared a complete and fully documented study of one of the most recent and most important examples of regime policy changes which followed an RFE broadcasting campaign.

Poland—a case in point

The RFE study in question deals with the events which led up to and followed the upheavals in Poland which began in December 1970, and resulted in the replacement of Gomulka by Edward Gierek as leader of the Polish United Workers' Party and thus of the regime. In this study, RFE analysts examine the issues which produced tensions leading toward change in Gomulka's Poland, and described the various concessions subsequently made by the Gierek regime in order to avoid further explosions and to revive economic life. The result of this analysis is a list of fourteen major issues involved in Poland's internal tensions, RFE broadcasts, and concessions by the Gierek regime:

1. Incomes Policy
2. Price Increases
3. Housing
4. Problems of Women Workers
5. Animal Husbandry
6. The Polish Peasant
7. Economic Reform
8. Responsibility of the Leadership
9. Normalization of Church-State Relations
10. The Trade Unions and Workers' Council
11. "Dialogue"
12. The Media
13. Cultural Policy
14. National Sentiment: The Royal Castle in Warsaw

The RFE paper, *Fourteen Polish Points*, makes the following comments in the introduction:

"From these sources—workers' demands and public agitation and discussion—*and* from the concessions made by the new leadership, the major issues of life in Poland today, as experienced and felt by the vast majority of the population, and as recognized by the leadership in the need for concessions, can be identified. The question then becomes: What had Radio Free Europe to say on these issues *before* Polish popular feelings about them were so publicly and unequivocally revealed? That is to say, before the changes in Poland which began on December 1970? The answer to these questions affords grounds for an objective judgment of the extent to which RFE broadcasters to Poland reflected, or failed to reflect, the vital interests of their audience.

"This inquiry seeks to provide those answers. The chapters which follow examine the principal issues which came to the fore within Poland during the December upheaval and the six months that followed. The positions espoused by RFE on these various issues before December 20 are set out, by means of excerpts from RFE's Polish broadcasts. These positions are then followed, in each case, by an account of developments subsequent to December 20, 1970, with emphasis on the concessions made by the new leadership to restore political stability and economic productivity."

The analysis which followed, based on sources in the public domain, demonstrates a high degree of correlation between RFE broadcasts and Polish public opinion as manifested in the verbalization of the issues within the Polish society as the events progressed after December 1970. An equally positive correlation is shown between RFE's position on these "fourteen points" as expressed in broadcasts, and subsequent actions taken by the Gierek regime. Although no precise cause-and-effect relationship between these broadcasts and subsequent actions can be proven by the mere juxtaposition of scripts and events, the circumstances certainly support a presumption that the broadcasts had a significant impact.

The full text of the RFE paper, *Fourteen Polish Points*, has been included in Annex T.

CONCLUSIONS

The weight of the evidence is that RFE has a substantial and growing popular audience in five East European countries, and that considerable rapport has been established with this audience. RFE is ranked high by the popular audience in terms of objectivity and credibility. It is fiercely resented by the regimes whose systems of censorship it penetrates. The intensity of regime propaganda attacks on RFE strongly suggests that RFE broadcasts are a significant factor in the public information process in East Europe. In some cases, regimes have grudgingly adopted reform measures desired by their publics and supported by RFE. In other cases, they have not. Moreover, it cannot be demonstrated what reforms East European governments might or might not have adopted if RFE had not existed. Diplomatic protests have not received affirmative responses by the U.S. or West German Governments.

FOOTNOTES

[1] An undated memorandum submitted by Mr. Henry O. Hart, Director of RFE's Audience and Public Opinion Research Department.

[2] Durkee, op. cit., Annex XI, p. 3.

[3] The Quayle report, contained as Annex XII to the Durkee statement previously cited, was extremely general in nature.

[4] It might be said parenthetically that the information gap in Eastern Europe is accentuated by a similar but still wider information gap—a nearly complete lack of solid social science research data on the Soviet society, on the Soviet citizen—his attitudes, beliefs, opinions, and world outlook. See Alex Inkeles and Raymond Bauer, The Soviet Citizen (Cambridge: Harvard University Press, 1961). See also the testimony of Dr. Edward T. Hall *in* U.S. Congress. Senate. Committee on Foreign Relations Psychological Aspects of Foreign Policy. Hearings Before the Committee on Foreign Relations, United States Senate, June 5, 19, and 20, 1969. pp. 19–20.

[5] Alex Inkeles and Raymond Bauer, The Soviet Citizen (Cambridge: Harvard University Press, 1961).

[6] Durkee, op. cit., Annex XX, p. 7.

[7] According to monitoring records maintained by RFE, the total number of hours devoted each day to officially-acknowledged international broadcasting by Communist countries exceeds 900 hours daily. Projection of present trends in such broadcasting indicates that the total figure will surpass 1000 hours daily by the end of 1972. In addition, Communist countries (the USSR, East European, and Asian countries) are known to operate at least 19 "illegal" or "clandestine" stations which broadcast internationally about 80 hours per day. The importance of such broadcasting to the Communist regimes is highlighted by a comparison of international broadcasting schedules of West Germany and Albania. West Germany, one of Europe's more affluent nations, broadcasts 61½ hours daily to five continents. Albania, small and relatively poor country (which is held by many to be the European voice of Peking), broadcasts 74½ hours daily to 4 continents. *See* Durkee, op. cit., Annex XIV).

[8] Durkee, op. cit., p. 16.

[9] Interview with Perry W Esten, Director of Engineering, Radio Free Europe, In Munich, November 4, 1971.

CHAPTER VII: A SUMMARY OF FINDINGS

It has been suggested that the nature, scope, and effectiveness of RFE activities is only one of the several factors leading to a decision regarding its future. It could be argued that even if RFE were extraordinarily well-managed, efficient and accurate in its research, impeccable in its news reporting and analysis, balanced in its commentaries, and well-received by its audience, the U.S. national interest might yet require a change in control or the liquidation of the Radio. Such a requirement might be based upon an appraisal of RFE's net impact as one of embarrassment to U.S. foreign policy objectives.

There are numerous political and other factors that enter into national policy toward the Soviet Union and Eastern Europe that are beyond the purview of this study. This study does not reach any conclusions as to what role, if any, RFE might play within the broad context of foreign policy.

This study does, however, address itself to two general observations about RFE. With regard to the observation that RFE seeks to keep alive "cold war" animosities, in the sense in which that term was used in the 1950's, the results of this study indicate that RFE does not now operate in this manner. RFE's policy in its political broadcasts is to press for reform within the prevailing Communist system in East Europe and to avoid petty or personal attack or criticism for its own sake. Examination of hundreds of scripts of RFE broadcasts reveals that, although there are occasional violations, RFE policy is generally supported by the broadcast and research staff and is effectively carried out.

The evaluation of RFE's probable impact upon progress toward better U.S. relations with the Soviet Union and the Communist countries of Eastern Europe will be considered in a separate report being prepared by the Congressional Research Service. There are, however, some factors brought out in this study which bear in part upon the overall problem.

The first of these is the fact that RFE broadcasts to two distinct but overlapping audiences. These are comprised of government and Communist Party officials of five East European countries on the one hand, and five corresponding general populations on the other.

The results of the examination of Radio Free Europe suggest that RFE is an effective mechanism for the widespread dissemination of political, economic, and cultural information to the peoples of Eastern Europe. There is considerable evidence that the people of East Europe are thirsty for news, information, and lively discussion, and that great numbers of them listen to RFE broadcasts. There is no doubt, however, that the dissemination of such information, however objective, is viewed with extreme hostility by most of the East European governments concerned. These governments generally share the views of the Chairman of the Polish Government's Radio and Television services: [1]

> ". . . one must not forget that the very character of ideological struggle presupposes opposition to the notion of objective information . . ."

There is little evidence that many East European governments will become more friendly to the "notion of objective information" in the near future. The evidence of deeds, however, lends some credence to the thesis that none of the East European governments is likely to allow arguments about "propaganda" to interfere with objectives genuinely sought by them. For instance, despite the intense protests against RFE in Communist media and in diplomatic channels, the East European governments, after threats to do so, have not withdrawn their participation in the 1972 Olympic Games in Munich. The Polish Government was not inhibited from negotiation of a normalization treaty with West Germany. Other negotiations on the questions of Berlin and abrogation of the Hitlerite Munich treaty, involving East Germany and Czechoslovakia, continue despite years of activity by RFE and by a host of both overt and clandestine Communist operations targeted at West Germany.

Thus the evidence suggests that although the activities of RFE probably have some adverse effects upon the quality of government-to-government relationships between the United States, West Germany, the USSR, and the five East European governments concerned, at least in the instances about which there is public knowledge these effects have not yet constituted significant obstacles to meaningful negotiations and agreements.

The interaction between RFE and its popular audience has been of a different nature. Mail to RFE from its listeners and other substantive evidence indicates that RFE broadcasts have contributed substantially to preserving the reservoir of good will toward the United States originating from the events of W.W. II and the fact that many East Europeans have relatives living in the United States. RFE is apparently viewed by many in this audience as tangible evidence of American interest in East European peoples. The rationale for creating this interaction assumes that all governmental elites are transitory and, even in authoritarian regimes, are affected by the pressures of domestic public opinion; the people remain and the environments created by their perceptions, images and views are of constant importance. The evidence that RFE is an effective communicator of news and concepts to the East European people is persuasive.

Within this frame of reference, it would appear that the positive values resulting from RFE's rapport with mass audiences in East Europe can be evaluated in comparison with the costs of East European governmental hostility to foreign broadcasts in the context of evolving, overall East–West affairs.

There has been a general lack of public knowledge and understanding of RFE's purposes and the means by which it seeks to achieve them. The public has, however, and unwittingly in most cases, been supporting these activities financially since their inception. Had the public been kept regularly and accurately informed about RFE, it is doubtful that many misconceptions about RFE's role deriving, among other things, from the murky situation which surrounded the 1956 rebellion in Hungary, could have arisen. This report is an effort to help illuminate the situation and problem and to assist the Congress in resolving the problems of future financing and control in a manner that will best serve United States interests.

ANNEX A

AUDIENCE ANALYSIS AND PUBLIC OPINION RESEARCH—RADIO FREE EUROPE

(Review and Comments by Lorand B. Szalay)

BACKGROUND

Radio Free Europe's audience research has developed as a direct response to conditions and situational characteristics which are fairly exceptional in broadcasting. Three of these conditions appear to be especially significant.

a. The broadcasting is directed toward the people of Bulgaria, Czechoslovakia, Hungary, Poland, and Rumania. These distant audiences are not readily accessible because of the strong social and political controls that block most of the common means of feedback: free reporting, public opinion surveys, free political elections. The people of these Central and Eastern European countries live under political systems which maintain a fairly close monopoly over all channels of mass and public communications operated on the basis of Communist ideology.

b. The people of these countries generally feel poorly informed; they express a deep interest in receiving information that is timely and unbiased. Thus, there are large, highly receptive audiences in Eastern Europe, and they are distinguished by certain characteristics which deserve interest.

c. In respect to their frames of reference, beliefs, and opinions, these audiences cannot simply be identified with the ideological blueprints of the governments or official media. Nor can they be treated as if the experiences of the last three decades did not have any influence. Although in many aspirations the people of Eastern Europe are similar to people in the free neighboring countries, they cannot simply be equated. For example, they cannot be compared with Austria, on which public opinion survey data and free election results are readily available.

Thus, Radio Free Europe has as its major audiences people that have specific information needs and whose audience reactions are not directly available to the radio station operating from abroad. This uncommon relationship between the station and its audience presents a situation which is delicate politically, complex and demanding from the angle of the communication task. This situation accounts for certain distinctive characteristics of Radio Free Europe in general and for the role assigned to the audience and public opinion research in particular.

Audience analysis at RFE passed through various stages during the past until recently it reached its present scope and orientation. In its present form the Audience and Public Opinion Research Departemnt (APOR) produces extensive and timely information by interviews. These interviews are conducted on large samples of Visitors (N=1,000) representing Czech-Slovak, Hungarian, Polish, and Rumanian audiences and also on sizable samples (N=800) of Bulgarian audiences. The survey data contain generally three major categories of information: Listenership data, program evaluation, and attitude studies.

Comparable information is generally available to Western broadcasting from a variety of different sources. However, the RFE audience research performs an important pioneering service as the scope of the audience and public opinion research in these five Eastern European countries is modest and the publication of opinion results is selective. In the social and political field, the validity of the officially released data is frequently questionable.

This explains why the relevance of the RFE research is substantive not only in connection with the immediate use of these data in program planning and evaluation but also in the broader context of introducing and applying social science research to this area. RFE research traces and evaluates social and political trends in the five Communist-controlled Eastern European countries in which objective public opinion research efforts are seriously hampered by political conditions. The resulting information gap on Eastern Europe is accentuated by a similar but still wider information gap—a nearly complete lack of solid social science research data on the Soviet society, on the Soviet citizen—his attitudes, beliefs, opinions, and world outlook.[1]

Against this background RFE audience analysis attempts to derive solid, objective information from large audience samples, which represent wide cross-sections of the populations. Based on information and observations personally accumulated in Munich and in Vienna, a few general conclusions may be formulated. To keep the report short, the actual procedures, designs, the technical and professional details, situational problems, and limitations are elaborated in separate appendixes.

THE INTERVIEW

In its present form audience analysis conducted by RFE's Audience and Public Opinion Research Division is a most significant undertaking. It represents a large-scale research effort to apply public opinion survey methods in real life situations, which requires a careful adjustment of technical-scientific criteria to given social, political, and psychological conditions. After decades of nearly complete information blackout of valid, empirical survey data, at the present level of operation nearly 7,000 Eastern European nationals are interviewed every year. Each national sample (with the exception of Bulgaria) includes over 1,000 cases. The interviews are conducted in various large European cities—Vienna, London, Paris—where Eastern Europeans travel as tourists, visitors, businessmen, or sportsmen.

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[1] See page 78, *supra*.

The fieldwork of interviewing is contracted out by Radio Free Europe to independent national public opinion and market research organizations, which employ interviewers who speak the respective languages. The rules and quotas, as well as the guidelines for the interviewers, are specified by RFE's Audience and Public Opinion Research Department, Radio Free Europe also provides the questionnaire used by the interviewers in the process of the interview. The use of independent local organizations is an especially sound decision on more than one account. First, it makes the outcome of interviews and the research results independent of RFE, which is especially desirable because the results tell a great deal about RFE, its popularity, its impact, and its effectiveness.

Assigning this task to local public opinion research organizations is also important in that it makes it clear that the research involves open public opinion surveys of the type widely used in all democratic, open societies and therefore has nothing to do with clandestine intelligence work—an accusation frequently voiced by the Communist authorities.

Finally, working independently in different locations and using more than one interviewing organization give ample opportunities for internal control, for testing the internal consistency of the results.

The actual interviewing procedure is described in Appendix 1. This description elaborates on a few technical questions such as the procedure for contacting visitors, their cooperativeness, the frequency with which interviews are refused, and other details which were considered important from the viewpoint of effectiveness of the method and the quality of the results.

REPRESENTATIVENESS OF THE SAMPLES

The quality and information value of public opinion surveys are inseparable from the question of how generalizable are the results and how representative are the samples interviewed. This question of generalizability and representativeness acquires special importance in a situation where the parent population—the audiences at home—cannot be directly surveyed and inferences must be based on subpopulations such as the samples of travelers.

As elaborated in Appendix 2 in more detail, RFE's use of large samples, numerous independent subsamples, and its attempts to reach visitors randomly to reduce the biases of selectivity are all sound measures which help to fight the odds of a complex research task.

The designers of the survey work are unquestionably correct in asserting that developments in Eastern Europe during the last decade have produced certain welcome changes, such as extensive travel to the West and reduced anxiety to expressing personal opinions. The RFE Audience and Public Opinion Research Department is prompt and effective in the use of these changes for better obtaining research of higher quality and generalizable results. Although the optimism and confidence in the representativeness of the samples may not be readily proven merely by the adapted design or research method and some of the statistical assumptions may be questioned, a considerable body of empirical evidence suggests that this confidence in the samples is not unfounded. The research findings show that the samples include not only people from all walks of life but also from a broad and varied spectrum of political opinions (Appendix 2).

SCOPE AND UTILIZATION OF AUDIENCE INFORMATION OBTAINED

The information obtained by the Audience and Public Opinion Research Department covers a wide variety of topics and may be conveniently subdivided into three major problem areas:

1. *Listenership data.* This covers such technical information as listening habits, preferred listening times, wave length, receptivity, and jamming. The data are collected with regard to the technical planning and scheduling of broadcastings.

2. *Program evaluation.* This portion of the survey aims to determine the popularity and use of existing programs. It involves assessing what is liked, what is not liked, why, and what would people like to have more of. These and similar questions produce feedback necessary for timely, audience-oriented programming, which is the aim of every broadcast.

3. *Attitude research and special studies.* These studies deal with diverse socially and politically relevant attitudes, opinions, and images. They constitute fairly extensive survey work focusing on important paramenters of public opinions relevant to programming and broadcasting.

The main process of data collection involves the administration of the basic questionnaire which includes questions related to all three problem areas. Each year it is administered to new samples. The questionnaire is also updated yearly: some questions are kept to allow for comparability over time and others are substituted by new ones to reflect more timely concerns.

In addition to this basic questionnaire, some special questionnaires are used to cover unanticipated timely events such as Prague in the spring of 1968 and the Polish uprisings in 1970. Some additional "special studies" are occasionally conducted in order to provide timely audience information: for example, the Eastern European interpretation of some key concepts (socialism, capitalism) using new research techniques such as the Semantic Differential.

The use of audience analysis data within Radio Free Europe is institutionally organized. The various country desks show a general and fairly uniform appreciation of the value of the listenership data. The program evaluation results are received occasionally with mixed feelings. This can be explained by the fact that when the evaluation indicates a decline in program popularity, the feedback, while useful and necessary, is not flattering. The attitude data and special studies information is of more recent origin and up to now has been used on a more sporadic basis. I feel this area deserves more special attention (Appendix 3).

Generally, the relationship of the Audience and Public Opinion Research Department and the Country Broadcasting Departments cannot be entirely free from the common problems which naturally arise in those instances when people with different professional frames of reference must work out common solutions. The quantitatively oriented social scientist and the talented country expert charged with heavy responsibilities of daily output of high quality are naturally predisposed to look at the same problem from different angles. In the case of Radio Free Europe, however, there are clear signs of mutual appreciation and recognition of the complementary nature and shared interests of these two roles (Appendix 3).

The scope and results of audience research with its nearly 400 publications are broad and varied, and their discussion would go beyond the scope of the present report. However, some data on the role and image of Radio Free Europe may be of interest at this time of conflicting opinions, when the reactions of Eastern Europeans deserve special attention.

AUDIENCE DATA ON THE ROLE AND IMAGE OF RADIO FREE EUROPE

There are numerous categories of audience data which are informative on the role of Radio Free Europe. Perhaps the most significant are those data which estimate the size of its leadership. According to earlier (1967) and more recent findings (1971), about 50% of the populations listen to Radio Free Europe. The figures are somewhat higher for Poles and Rumanians and lower for Hungarians and more recently for Czechs. In all the Eastern European countries Radio Free Europe was found to be the most listened-to foreign station, preceded only by the local national station. Although these local stations—Radio Budapest for Hungarians, Radio Prague for Czechs—generally show the highest number of listeners, the importance of Radio Free Europe is frequently rated higher than the domestic station in particular contexts, especially on foreign news (Poland, 1971; CSR, 1971).

A trend analysis (No. 221, No. 304) has found a slowly but generally increasing listenership for Czechoslovakia, Hungary, Poland, and Rumania. This trend is occasionally interrupted, as in the case of Czechoslovakia, by strict measures of control and heavy jamming in the post-invasion period (No. 304), but in the long range they usually prevail. While the figures on listening are high (Appendix 4, Table 1), the additional percentage of those who receive RFE news indirectly by word of mouth is hard to estimate. The censorship of news media and the desire to receive reliable information produce a favorable climate for spreading information by word of mouth. The importance of these private channels in controlled societies has been emphasized by numerous accounts.[2]

Although Radio Free Europe is right below the domestic station on the level of listening, in respect to such characteristics as reliability, truth value, and timeliness of information, Radio Free Europe is consistently in first place (No. 292, No. 292a, No. 182, No. 168, No. 177).

In contrast to the image of domestic broadcasting, which is generally criticized for suppression and distortion of information and described as "biased," "cold," and "obscure," Radio Free Europe is described primarily as "interesting," "skillful," "pleasant," "wide," and "quick" (No. 283, No. 284, No. 287, No. 288).

This emphasis on reliability and information value is consistent with the main task or function that Eastern European audiences assign to Radio Free Europe. To the question "Which do you consider the most important tasks of Radio Free Europe?" the most frequently chosen functions were "to inform about events," "to explain . . .," and "to entertain." The ambiguous function of "encouragement," which could simply mean to have faith that the situation will improve, or with more forcefulness might be interpreted to mean encouragement to revolt, figures only as a low choice of 10% (Appendix 4, Table 2). The most frequently given reasons for liking Radio Free Europe by Czech, Hungarian, and Polish listeners were that the programs were "interesting" and "informative" and that it provided information otherwise not available (Appendix 4, Table 3).

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[2] Alex Inkeles and Raymond Bauer, *The Soviet Citizen* (Cambridge: Harvard University Press, 1961); Klaus Mehnert, *Der Sovietmensch* (Stuttgart: Deutscher Verlag, 1958), pp. 13–14.

RECOMMENDATIONS

Despite the full cooperation of the RFE/APOR Department, the time available for this study was too short to pursue a broader variety of alternatives with all the desired circumspection and to arrive at recommendations in a categorical sense. Thus, the following suggestions are tentative, presenting alternatives for further thought and consideration.

Personally, I would welcome a closer cooperation between the APOR Department and the Broadcasting Departments. This could be promoted by offering the DB's greater opportunities for formulating requests and suggesting research topics. With more opportunity for initiating research, the Broadcasting Departments will increasingly recognize APOR as a unique source for obtaining highly desirable information, for updating their own area expertise, and for protecting themselves against criticism of getting outdated or losing touch.

To meet the more specific and detailed information needs articulated by individual nation Broadcasting Departments requires a faster return since the present method of data collection on large (N=1,000) national samples takes about a year. It also requires a research activity of wider scope that addresses a broader variety of themes and topics.

Accelerating the returns and widening the scope may be possible, even at the present funding level, by adopting a somewhat different research strategy.

It seems to be desirable to subdivide the data into two main categories: (1) information with long-range policy implications (for example, size and parameters of listenership) and (2) information on timely audience reactions (Nixon's trip to Peking, different images of the Soviet and Chinese communism, etc.). Accordingly, the process of data collection can be split. Everyone will be asked the first smaller part of the questionnaire, aiming at long-range information; it would address only a few important problems on which the large sample size is really necessary and useful. The second and longer part of the questionnaire can include changing sets of timely questions. This second part will be used only on smaller samples of 200 to 300 people who can be tested within a shorter one or two month period. In the following periods the second part would be replaced by new batteries of timely questions.

Administered to the total national sample (N=1000—1500).

Part I: Stable 20 questions/Part II: Changing 40 questions.

Each battery administered to new subsamples of 200–300 subjects.

Such a strategy may be recommended on the basis of the following rationale:

1. It offers information on a much broader variety of topics as a fast response to timely questions raised by broadcasters.

2. It allows a broader and faster audience analysis without increasing the scope of the data collection and without a substantial reduction in the reliability of information produced.

3. With some adaptation, this strategy may also allow for a heavier focusing of the evaluation on important individual social groups such as the intelligentsia, workers, or farmers, which have specific audience characteristics, interests, program preferences addressed presently by specialized programs.

4. It offers effective and economical use of the research money. It preserves the advantage of large samples in contexts where documentation is an essential objective and at the same time multiplies the scope and increases the timeliness of the information on a still sufficiently solid foundation.

Perhaps is no time in RFE's history has it been more essential that the dimensions of its actual listenership and the parameters of its effective roles be documented on the basis of empirical facts. Evidence based on many thousands of systematically sampled opinions is naturally more weighty than uncontrollable responses obtained from a few.

This information is essential for RFE operations as well as for sound policy decisions. Radio Free Europe has invested a great deal of ingenuity in planning and supervising this research effort. It undertook extensive research work to test the representativeness of the samples and to validate procedures. I feel that the strategy of using tourist and visitor samples has proven itself to be sound and generally dependable.

Thus, presently Radio Free Europe may have reached the point when the "documentative" portion of the research effort may be reduced in order to allow an increase in the "public opinion" portion of the research—with special focus on the needs and priorities suggested by the Broadcasting Departments.

Appendix 1

The Interview

The experience of being questioned by an independent research organization as a part of a public opinion survey is generally an uncommon, novel experience for Eastern Europeans. Questioning about attitudes and opinions related to official, governmental interests, which might have undesirable personal consequences, may be a more commonly shared expectation. Furthermore, Communist authorities are heavily engaged in campaigns to discredit Western public opinion research in general and the polls conducted by Radio Free Europe in particular.

There are numerous indications that during recent years the adverse effects of this preconditioning have considerably decreased, that Eastern Europeans are less hampered by fear, and that they talk more freely. Nonetheless, it would be wrong to entirely dismiss the potential impact of unfamiliarity, anxiety, and various misconceptions of the interview, which could produce biased results.

In respect to the objectivity and information value of the results of RFE audience research interviews, the following steps appeared to be especially critical:

a. Selection of the Interviewee.

b. Contacting the interviewee; his cooperativeness.

c. Interview procedure.

To examine the procedure I questioned about a dozen INTORA (Vienna) interviewers about their work and experiences. I also had the opportunity to observe interviews in progress and to talk with the people interviewed. Based on these various impressions, I have come to the following general conclusions:

a. *Selection of the Interviewee*—Ideally, the interviewer would interview every traveller he happens to meet on an entirely random basis, and these people, by their characteristics as a subsample, would approximate the parent populations (nontravellers in the country). There is naturally a discrepancy between the composition of the samples and the parent populations. In actuality, we know that the samples are not entirely representative, that the more educated strata are overrepresented, that peasants are generally underrepresented, and so on.

To help correct this discrepancy, quotas are calculated. The director of INTORA explained that two complementary measures have been developed. One is based on previous experiences with the interviewers, which give an idea about their characteristic preferences, what type of people they are predisposed to contact. Taking these predispositions into consideration, INTORA selects interviewers whose predispositions largely balance each other.

As a second measure INTORA issues guidelines on which category of traveller to focus on—young, less educated, etc. The combination of these two measures was described as generally effective in obtaining sizable, fairly proportionate representation for the expected quotas. As a means of reducing the discrepancy between the composition of the samples interviewed and the parent population, weighting scores are calculated, based on the relationship of the actual proportions of people interviewed and the desirable quota calculated on the basis of the national sample.

A second source of discrepancy may be the result of a more or less conscientious avoidance of the unpleasant experiences of rejection. Especially the more experienced interviewers may be suspected of having developed a certain sense for detecting those who may be cooperative and those who may not. For instance, they may have learned to avoid hardcore party members, secret police, and the like. There are no safe controls against this type of bias. Nonetheless, the breakdown of the samples by occupation and party affiliation suggest that the effects of this selectivity are probably not too serious, or that they may be partially cancelled out by conflicting trends (for example, the above average participation of party favorites in foreign travel).

b. *Contact and Rejection Rate*—Contacting the prospective interviewee is naturally an important and delicate step since Eastern Europeans are not used to polls and have developed considerable suspicions. The adverse effects of these understandable reservations are apparently reduced by the fact that the interviewers are compatriots of the travellers who speak the same language. The interviewers also understand that they must first establish a rapport on the basis of neutral topics (finding places, articles, shopping). Next, the interviewers explains his survey and asks for cooperation.

As was stated by both the interviewers and Intora, the average rate of refusal is about 20%. This rate differs from nation to nation as well as over time. Presently, the rate of refusal is the highest from Czechs and Slovaks (about 35%) while Rumanians were characterized as the most readily communicative (15%). The 20–25% refusal rate is surprisingly low and requires repeated verification.

To maintain control over the work of the interviewers, the Audience and Public Opinion Research Department has set the condition that the interviewers are obliged to call in by phone in 80% of the time. They must state that they have an interview in progress and give the location and a brief description of the interviewee. These calls are then used for local spot checks.

c. *The Interview Procedure*—Once he has received an affirmative answer in respect to the interviewee's readiness to cooperate, the interviewer takes the questionnaire and poses one question after another. The interviewer reads from the questionnaire and notes the answers or places the checkmarks in the case of multiple choice items. The interviewee is fully aware that his responsibilities are being registered. Although this procedure could arouse some fears, the fear may be counteracted by certain other factors. Namely, the interviewee recognizes that the nature of this inquiry is schematic and mechanical, and the questions do not convey the idea of searching for personal or confidential information. Furthermore, he has been previously assured that his identity will not be retained and that the evaluation of the information will be group-oriented and statistical.

The questions belong to three major categories: (a) attitudes and opinions on timely social, and political topics, (b) information on listening and program preferences, and (c) data on the respondent's sociodemographic background. Part b is administered only to respondents who have stated previously that they regularly listen to Radio Free Europe. The administration of the questionnaire requires on the average 40–60 minutes.

The interviewers have stated that the interviewees generally have no problem in understanding or answering the questions. Occasionally, they ask for clarification on the use of certain terms such as "socialist party" and express the desire to offer more qualified answers than the forced choice alternatives provide for. There is a general tendency to tell more and elaborate on details beyond the scope of the questionnaire.

The interviewees are not paid for the interview but it is a common practice for the interviewer to offer coffee or beer to the interviewee if the questionnaire is administered in a coffeehouse or restaurant. The interviewers state that the interviewees generally desire to talk and like that their opinions are asked.

The interviewers I met were mostly men; there were only two women in a group of twelve. Both male and female interviewers appeared well qualified and interested in the work. They usually have other full-time occupations and do the interviewing only on a part-time basis. They receive about a $5.00 equivalent in Austrian schillings (135) for each questionnaire.

Since a large portion of the questionnaire deals with RFE performance, the claim that neither the interviewers nor the interviewee knows about the source of interest is somewhat doubtful. It is true only in the sense that they are not told this explicitly. The official explanation states that radio stations involved in broadcasting toward their country are being evaluated.

APPENDIX 2

THE SAMPLES

To derive up-to-date information on audience characteristics such as listening habits, program preferences, and attitudes of the people in Czechoslovakia, Poland, Hungary, Rumania, and Bulgaria, travelers (visitors, tourists) arriving in Western European capitals are interviewed.

The institutes listed below are being used to conduct the field work. Not all of them will always work with all five national samples as there may be only a few travelers of a certain nationality in a certain area.

INTORA Opinion Research Institute, Vienna, Austria.

A.I.M. Market Research Institute, Copenhagen, Denmark.

A.I.M. Market Research Institute, Stockholm, Sweden.

William Schlackman Psychological Research, London, England.

Sales Research Services, London, England.

SOFRES Opinion Research Institute, Paris, France.

COFREMCA Opinion Research Institute, Paris, France.

Vandoros, Athens, Greece.

Since the native populations of these countries cannot be reached by Western surveys, the interviewing of visitors to the West from these otherwise inaccessible populations appears to be the best alternative for obtaining useful, generalizable information. Since the early 1960s travel restrictions have been considerably reduced and now several hundred thousand Eastern Europeans travel to the West every year. While the size of the travelling groups is unquestionably large enough to warrant sampling on a sufficiently broad foundation, the composition of the samples presents a more complex problem.

The ideal objective would be to use samples that precisely match the composition of home audiences in the respective Eastern European countries. However, a more realistic expectation is to approximate the composition of parent populations within acceptable limits, and there are indications that a fairly good approximation is reached. Before elaborating on these data, we should discuss the extent to which we can expect the samples of visitors to be representative of the parent population. Even if they closely approximate each other in the distribution of certain demographic variables (age, sex), this is not necessarily an indication that the visitor sample does not deviate from the parent population on some other parameters—political beliefs, level of politicalization, conformity, extroversion. If it does deviate, then this deviation in turn may show significant correlation with attitudes and opinions expressed in the interview. To mention only a single example, let us take mobility. Mobility, the motivation and interest in travel, is not the same for those who travel and those who do not. To what extent mobility, on which travelers and non-travelers differ, actually interferes with the distribution of responses is in no way clear. If we assume that this mobility correlates with the level of interest in the external world, in international affairs, then it could produce biased results as a factor of selectivity. If this selectivity is assumed to be more apolitical in nature, then its effects on politically oriented questions is likely to be negligible.

Since we cannot clearly identify those factors which actually differentiate those who travel from those who do not, demographic quotas (educational, occupational) provided for sampling may not solve the problem.

Nor is this problem resolved by the method of "independent sampling." The rationale of interviewing independent samples of travelers in various European capitals in undoubtedly sound, and it provides a solid basis for testing the internal consistency of the results. Nonetheless, if there is a selectivity factor which differentiates travelers from non-travelers, the effects of this factor cannot be eleminated by this sampling procedure because in this sense the samples are not independent.

Nonetheless, there are research findings which suggest that the samples have a broad and varied composition which includes not only sizable groups of the main social and educational strata but also sizable percentages of people with diverse political orientations. Table 1 shows the composition of samples on the basis of occupation.

TABLE 1.—THE COMPOSITION OF THE 1970 SAMPLE BY OCCUPATION

[In percent]

	Czechoslovakia		Hungary		Poland	
	RFE sample	Population	RFE sample	Population	RFE sample	Population
White-collar workers	23	29.8	23	27.8	26	27.0
Technocrats	16		12		10	
Professionals	6		6		6	
Artists, writers	4		4		1	
Students	7		4		12	
Workers	31	59.7	27	46.1	26	42.0
Full-time housewives	6		9		10	
Shopkeepers			4		3	
Others	2		2		2	
Farmers	5	10.5	9	26.1	4	31.0
Average	N=1,499		N=1,525		N=1,316	

The disparity in categorization complicates direct comparisons. As an RFE publication on the "Occupational Background of the East European Populations" observes:

> The statistical yearbooks, published under strictest regime supervision, tend to cover this area in summary fashion and, often, even this summary information is incomplete, or contradictory. Furthermore, employment figures are frequently presented for entire sectors of production (e.g., "transport" or "wood processing industry") but these figures include everybody from the enterprise managers and chief engineers to unskilled messengers inside the plant and cleaning personnel.

Another problem relates to the semantic ambiguity of certain categories, a confusion probably resulting from both practical and ideological differences. In a Socialist country everybody is a worker by definition. Nonetheless, as a second meaning worker is frequently used in reference to "manual worker" as in the dichotomy of "workers" and "intelligentsia." In the summary statistics shown above, worker is used apparently in this second sense and the white collar category is largely conterminous with intelligentsia. Where the division line is drawn is impossible to tell.

The demarcation between workers and farmers is perhaps even more ambiguous. Agricultural workers—for example, peasants working on state farms—are frequently categorized as "workers" while peasants doing practically the same work on private or partially collectivized land are identified as farmers.

The "Population" columns of the above table rely on official statistics. The data on CSR from the statistical yearbook (1970), which contained a table on "the Social Structure of the Czechoslovak Socialist Republic." The Hungarian data are based on a publication of the Bureau of Statistics in a volume entitled "Employment and Income Ratios (1969 data), which shows the breakdown of the "vocationally active population" (4.46 million).

On Poland RFE has used the information provided by the State Telegraphic Agency (PAP) dated September 29, 1969—as the Statistical Yearbook did not provide this information. Discounting the apparent disparities between the social-occupational categories, the white collar stratum is somewhat overpresented and the agricultural population underrepresented in the RFE sample.

The comparison between the RFE sample and the parent population is easier in terms of such demographic variables as sex, age, and education, as shown in Table 2. Again, as a general trend, males, middle-aged people, and the more educated strata are somewhat overrepresented in the RFE samples.

TABLE 2.—COMPOSITION OF THE 1970 SAMPLE BY SEX, AGE, AND EDUCATION

[In percent]

	Czechoslovakia		Hungary		Poland	
	RFE	Population sample	RFE	Population sample	RFE	Population sample
Sex:						
Male	59	49.0	50	48	57.5	50
Female	41	51.0	50	52	42.5	50
Age:						
Up to 25 years	21	22.0	18	20	27.0	25
26 to 35 years	28	16.0	22	18	29.9	19
36 to 50 years	31	25.0	29	25	26.3	27
Over 50 years	20	37.0	31	37	16.8	29
Education:						
Elementary	37	66.5	42	70	31.7	70
Secondary	47	27.0	43	25	46.3	25
University	16	6.5	15	5	22.0	5

Finally, the following table 3 shows the political orientation of the interviewed samples by expressed political party preference.

TABLE 3.—PARTY PREFERENCES IN A HYPOTHETICAL ELECTION, PARTY ALLEGIANCE, BY PERCENTAGES (1970)

	CSR	Hungary	Poland	Rumania
Communist Party	3	5	3	11
Democratic Socialist Party	41	40	35	37
Christian Democratic Party	26	27	36	23
Peasant Party	6	13	6	8
National Conservative Party	7	2	5	13
Other and no answer	17	13	15	8

APPENDIX 3

PROGRAM DEVELOPMENT GEARED TO THE AUDIENCE'S FRAME OF REFERENCE

The modern discipline of intercultural communication is based on the realization that effective communication between various people and nations requires more than accurate translation. People and nations not only speak their own language but they have also their own characteristic concerns, priorities, concepts, and values—their cultural frames of reference. This frame of reference is really the critical factor determining whether a communication is listened to, whether it is accepted or rejected, much more so than the language that is the pronunciation of a name or the grammaticalness of a sentence.

As Edward Hall elaborated on this topic at a recent hearing of the Senate Foreign Relations Subcommittee,* effective communication requires more than learning the foreign language; it requires knowledge of the foreign culture. This observation has far-reaching implications for broadcasting to foreign nations. It is obviously not enough to translate programs originally designed for U.S. audiences into the language of a particular foreign audience. Such a translation may be understood word by word and sentence by sentence, but this does not mean that it will be grasped in its full meaning, that it will relate to the experiences and interests of the local audiences.

Adjusting programs to the interests of a particular foreign audience constitutes an especially demanding task for which Radio Free Europe, with its national desks, programs, and first class staff recruited from the literary and intellectual elites of the respective countries, has developed outstanding potential.

The institutional policy of Radio Free Europe not only allows for individual country-oriented, independent program development but actually demands it. This unique feature, which is supported by a corresponding organizational structure, differentiates Radio Free Europe from all other known broadcasting stations aiming at foreign audiences. It is probably the main factor responsible for the strong identification Eastern Europeans—Czechs, Hungarians, Poles—develop with the station and is also primarily responsible for its wide popularity.

The audience research has an important role in this performance, even if this role may presently be more potential than actual. In this role the following contributions require special recognition.

First of all, the audience research provides the only empirical evidence which is broadly based and convincing enough to demonstrate that Eastern European audiences do have highly specific audience characteristics—concerns, interests, concepts, images—which differentiate them from other audiences and thus require full recognition and selective communications. For any interested citizen these findings should speak clearly enough to show the necessity of differentiated treatment of selective, audience-adjusted broadcasting.

Secondly, the audience research of Radio Free Europe is an important instrument, which enables the members of the national broadcasting staffs to keep up to date, to preserve the impression of timeliness, and to keep apace with the changes. Whether the staff members are new or old emigrants, they are in danger of getting more and more detached and losing contact with recent changes in the home audiences. Concerns and priorities change, new slogans and concepts develop (e.g., new economic mechanisms), and new social phenomena emerge (hippies). To keep apace with the changes and to update their approach, the broadcasters, script writers, and commentators can safely rely on the findings of audience analysis. To take full advantage of its potential, it is important that audience analysis be treated not as a threatening authority exerting criticism but as an important source of authentic information which can help to adjust to the latest changes and provide a basis for timely decisions not by speculations and arbitrariness but by empirical evidence.

Finally and most importantly, RFE audience analysis has the organizational, material, and personnel resources to provide up-to-date audience information and feedback on approximately 120 million Eastern Europeans—a knowledge presently not available from any other source.

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*Hearings before the Committee on Foreign Relations, United States Senate, Psychological Aspects of Foreign Policy (U.S. Government Printing Office, June, 1969).

TABLE 1.—RADIO LISTENING TRENDS OF RFE'S 5 MAIN EASTERN EUROPEAN AUDIENCES

Survey year	Size of audience in percentage of total population					Size of sample interviewed				
	CSR	Hungary	Poland	Rumania	Bulgaria	CSR	Hungary	Poland	Rumania	Bulgaria
1963 [1]	33	49	50			[1] 324	[1] 1,144	[1] 1,675		
1964	38	50	53	47		425	1,570	859	[1] 576	
1965	43	51	57		38	465	1,673	1,366		[1] 584
1966	47	53	53		38	326	1,247	1,794		407
1967	51	53	58	50		1,155	1,003	1,095	494	
1968 [2]	37					668				
1968 [3]	65	55	63	60	42	1,129	1,166	1,485	581	248
1969 [4]	66	52	59	63		1,706	1,106	1,371	1,026	
1969 [5]	57									
1970	50	55	59	57	45	1,499	1,525	1,316	1,192	399

[1] Previous samples included many refugees, providing less solid basis for generalizations.
[2] Period preceding Soviet invasion of CSR—period of "Prague Spring."
[3] Postinvasion period.
[4] Spring-early summer period.
[5] Early fall period, resumption of heavy jamming.

Note: The percentage figures refer to respondents who stated explicitly that they listen to RFE. Subsequent questions on frequency of listening showed in 1970, for instance, that 52 to 98 percent listened once a week or more and 2 to 27 percent listened less frequently. The data are based on the following report numbers: CSR: 92, 118, 151, 164, 218, 230, 259, 304; Hungary: 104, 122, 157 175, 222, 238, 263, 300; Poland: 107, 116, 133, 174, 219, 237, 269, 301; Rumania: 132, 204, 234, 270 303; Bulgaria: 156, 186, 305.

TABLE 2.—"WHICH OF THE FOLLOWING DO YOU CONSIDER MOST IMPORTANT TASKS OF RFE?"

[In percent]

	Poland	Hungary	CSR	Rumania	Bulgaria
To inform about events	71	68	67	55	63
To explain causes	46	29	35	33	60
To educate	8	7	6	2	4
To entertain	15	19	16	4	1
To encourage	13	12	7	11	20
Other tasks	5	1	2	2	4
No answer	1	1	1	1	1
Number of cases	643	548	432	251	101

TABLE 3.—*"Why do you like Radio Free Europe?"*

	Percent
Most interesting and varied programs	36
Best information on the own country	19
Supplies information otherwise not available	11
Broadcasts all day	10
Best informed Western station	10
Most objective and truthful	9
Has the best entertainment programs	7

APPENDIX 5

RADIO FREE EUROPE PUBLICATIONS USED

318. The Major Information Sources of Polish Respondents on Important Foreign and Domestic Issues, October 1971.

315. The Major Information Sources of Hungarian Respondents on Important Foreign and Domestic Issues, September 1971.

314. An Audience Evaluation of RFE's Czechoslovak Programs, September 1971.

313. An Audience Evaluation of RFE's Rumanian Programs, September 1971.

312. An Audience Evaluation of RFE's Polish Programs, August 1971.

311. An Audience Evaluation of RFE's Hungarian Programs, August 1971.

309. Party Preference Trends in Hypothetical Free Elections in East Europe, July 1971.

305. Listening to Western Radio in Bulgaria Before and After the "Polish Events" (April 1970–March 1971), May 1971.

303. Rumanian Listening Patterns Before and After the "Polish Events" (April 1970–March 1971), May 1971.

304. Audience Trends in Czechoslovakia (1967–1970), May 1971.

301. Listening to Western Radio in *Hungary* Before and After the "Polish Events" (May 1970–March 1971), April 1971.

300. Listening to Western Radio in *Poland* Before and After the "December Events" (May 1970–March 1971), April 1971.

292. The Reliability of Radio Free Europe, December 1970.

288. The Images of Radio Free Europe and Radio Bucharest Among Rumanian Respondents, November 1970.

287. The Images of Radio Free Europe and Radio Budapest Among Hungarians, November 1970.

284. The Image of Radio Free Europe and of the Domestic Station Among Poles, October 1970.

283. The Image Among Czechs and Slovaks of Radio Free Europe and the Domestic Radio Stations, October 1970.

280. Identifying with Radio Free Europe, August 1970.

270. Rumanian Listening Patterns, May 1969–March 1970, May 1970.

269. Listening to Western Radio in Poland—1969, May 1970.

263. Listening to Western Radio Stations in Hungary in 1969, February 1970.

259. Listening to RFE in Czechoslovakia in 1969 (A Preliminary Report), December 1969.

256. Attitudes Toward Key Political Concepts in East Europe (An Exercise in the Measurement of Meaning), BOUND STUDY, December 1969.

245. Listening to Western Radio in East Europe (Joints.), BOUND STUDY, July 1969.

239. Listening to RFE Programs in Czechoslovakia Before and After August 21, April 1969.

238. Listening to Western Radio in Hungary in 1968, April 1969.

237. Listening to Western Radio in Poland—1968, April 1969.

235. Audience Mail in 1968, March 1969.

234. Rumanian Listening Patterns 1968–69, March 1969.

230. Listening to Western Broadcasts in Czechoslovakia Before and After the Invasion, January 1969.

223. The Program Preferences of RFE's Hungarian Listeners (A Technical Report), December 1968.

222. Listening to Western Radio in Hungary 1967–1968, November 1968.

221. Radio Free Europe's Listenership Trends, 1962–1968, October 1968.

219. Listening to Western Radio in Poland, October 1968.

218. RFE's Audience in Czechoslovakia After the Invasion (A Preliminary Report) (Strictly Confidential), October 1968.

206. RFE's Audience in Czechoslovakia (1963–1968), April 1968.

204. Rumania Listening Patterns 1967, March 1968.

186. Listening to Western Radio in Bulgaria, September 1967.

185. The Image of RFE in Bulgaria, September 1967.

181. The Image of RFE in Poland, August 1967.

177. The Image of RFE in Hungary, July 1967.

175. Listening to Western Radio in Hungary, 1966/1967, July 1967.

174. Listening to Western Radio in Poland, July 1967.

168. The Image of RFE in Czechoslovakia, February 1967.

164. Listening to Western Radio Stations in Czechoslovakia, February 1967.

157. Hungarian Listening Patterns, 1965/1966, August 1966.

156. Bulgarian Listening Patterns, 1964/1966, August 1966.

151. Listening to Western Stations in Czechoslovakia III, June 1966.

133. Listening to Western Radio in Poland, December 1965.

132. Rumanian Listening Patterns III, December 1965.

122. Hungarian Listening Patterns 1964–1965, August 1965.

118. The Audience of Western Broadcasters to Czechoslovakia—II, March 1965.

116. Radio Listening Patterns and Program Preferences of Polish Listeners to RFE (With Special Reference to Certain Age and Occupation Factors), January 1965.

115. Hungarian Attitudes Toward Other Nations, December 1964.

107. Radio Listening Patterns and Program Preferences of Polish Listeners to RFE, August 1964.

104. Hungarian Listening Patterns Prior to the Cessation of Jamming, April 1964.

92. Agitation or Information? East Europeans Mistrust Their Mass Media (An Illustrative Report), August 1963.

JAMES ROBERT PRICE

James Robert Price, presently a member of the Foreign Affairs Division, Congressional Research Service, Library of Congress, was born on January 3, 1927, in Montgomery, Alabama, and educated in the public schools there and at the University of Alabama and the Johns Hopkins University's School of Advanced International Studies. He holds a bachelor's degree in political science and history from the University of Alabama (1949) and a master's degree from Johns Hopkins (1950). His academic record won him membership in Phi Beta Kappa.

From 1950–1957, he was employed by the U.S. Department of State and the Central Intelligence Agency. He served on the Indonesian Desk until October 1951. From October 1951 through November 1953, he was assigned as Vice Consul at the American Embassy, Djakarta, Indonesia. His duties included political and economic reporting, as well as administrative supervision of local Chinese and Indonesian employees. He then returned to the Indonesian Desk in Washington. In addition to his other duties, he served on the Indonesian working group of the National Security Council's Operations Coordinating Board.

In March 1957, he was assigned to Madrid, Spain, as general assistant to the president of Jani'at al Islam, Inc., Mr. Ahmad Kamal, and to supervise and develop relationships between the Moslem foundation and all non-Moslem governmental and private organizations. He traveled extensively in Europe, North Africa, and the Middle East, conducting negotiations with private, governmental, and United Nations agencies relative to the establishment of programs for refugee relief and rehabilitation in Austria, Germany, Italy, Jordan, Lebanon, Syria, Iran, and the United Arab Republic. He supervised negotiation of contracts between Jani'at al Islam, Inc. and the U.S. Department of State and the United Nations High Commissioner for Refugees.

In May of 1959, he was transferred from Europe to Washington, D.C., to serve as the foundation's representative on the Eastern coast of the United States. His duties included the supervision of contractual relationships with the U.S. Government, maintenance of liaison with the Moslem diplomatic corps in Washington and New York, and general liaison with legislative and executive branches of the U.S. Government.

From 1957 through December of 1962, he was Washington, D.C. Representative and Executive Director, Jami'at al Islam, Inc., P.O. Box 347, San Francisco, California. (An international Moslem humanitarian and educational foundation.)

From December 1962, to October 1970, he was Manager, Cultural Information Analysis Center, Center for Research in Social Systems (CRESS) of the American Institutes for Research, Kensington, Maryland, where he was responsible for the development, administration, and supervision of an organization of 29 professional social science research and information specialists and related personnel. The organization developed and maintained an information storage and retrieval activity in the fields of cross-cultural information and communication and internal defense and development. CINFAC also provided a rapid response information analysis service to government agencies and to private research and academic organizations performing government-sponsored work. Mr. Price also served as co-chairman of a social science research team preparing an intercultural communications study of the Republic of Vietnam.

From October 1970, to April 1971, he was technical director, National Media Analysis, Inc., 1875 Connecticut Avenue, N.W., Washington, D.C. National Media Ansylsis provides, for a private clientele, research reports on public opinion in the United States. As is implied by its name, National Media Analysis reports are based upon a specialized content analysis of U.S. mass media according to techniques developed in collaboration with the late Dr. Paul M. A. Linebarger of the Johns Hopkins University. Mr. Price has served as a consultant Technical Director of this firm since 1960 and continues to serve in this capacity on a part-time basis.

Mr. Price was appointed an analyst in National Defense, Congressional Research Service, Library of Congress, in April of 1971.

Some of Mr. Price's published studies are the following:

1. "Algeria (1954–1962)," in Challenge and Response in Internal Conflict (by D. M. Condit, et al.). CRESS, 1968.

2. Attitudes of Selected Audiences in the Republic of Vietnam (U) (S) (with W. C. Manee and C. B. Brooks). CRESS, 1966.

3. CRESS Research on Vietnam: A Bibliographic Essay (with Skaidrite Fallah). CRESS, 1968.

4. Giving Credit to the Republic of Vietnam (U) (C). CRESS, 1964.

5. Intercultural Communications Guide for the Republic of Vietnam (U) (C) (with F. A. Munson, et al.). CRESS, 1967.

6. Irrigation as a Factor in the Economic Development of Thailand. CRESS, 1967.

7. Research Notes on Communist Strategy and Tactics in Negotiating Situations (J. R. Price, et al.). CRESS, 1968.

8. Witchcraft, Sorcery, Magic, and Other Psychological Phenomena and Their Implications on Military and Paramilitary Operations in the Congo. (co-author, with Paul A. Jureidini), CRESS, 1964.

His linguistic attainments are a fair knowledge of spoken Japanese and of written and spoken Spanish, and an acquaintance with Indonesian Malay.

Lorand Bertalan Szalay

Lorand Bertalan Szalay was born in Budapest, Hungary, on June 28, 1921. He graduated from the Academy for Foreign Trade and Languages, Budapest, in 1950, with two degrees in Foreign Languages, and secured his Ph.D. in Psychology from the University of Vienna in 1961. He has engaged in post-doctoral Studies in Social Psychology and Psycholinquistics, at the University of Illinois, Urbana, Illinois.

From 1959 to 1960, Dr. Szalay performed research in the field of social psychology and communication, content analysis of mass media output, assertion analysis, and semantic measurements, at the Psychological Institute of the University of Vienna, Austria. In 1961–1962 he concentrated on small-group research, intra- and inter-group communication, and group creativity as a function task and communication structure, at the University of Illinois, Group Effectiveness Research Library. He served as an instructor at the University of Vienna, from 1951 to 1961 at the University of Illinois from 1961 to 1962. He next performed field research on word-of-mouth communication in Thailand, as a co-investigator for SORO. The American University of Washington, D.C. In 1964–1965, he was principal investigator in the development of a research technique (Associative Group Analysis) designed for the quantitative analysis of group or culture-specific memory content. He also served in 1965 as an instructor at Prince George's Community College. As a project director, in 1965–1966, he conducted research in intercultural communication, with special emphasis on factors influencing communication success with Foreign audiences, especially in the matter of attitude measurement and value analysis. During the same period, he was employed by the Center for Research in Social Systems of The American University and as an instructor by George Washington University, Washington, D.C.

From 1967 to 1969, Dr. Szalay was engaged as project director in a comparative study of cultural groups, analyzing psycho-cultural variables. Field service was performed in Korea. Since 1970, he has engaged in a comparative study of the American and Yugoslav psycho-cultures, in collaboration with Professor Pecjak of the University of Ljublijana. The study is supported by the American Philosophical Society. Dr. Szalay also is serving at the present time in the capacity of Senior Research Scientist, American Institutes for Research, Kensington, Maryland.

Dr. Szalay is a member of the American Psychological Association, the American Academy of Political and Social Sciences, and the American Sociological Association. His publications are listed below:

Doctoral Dissertation: "Eine psychologisch-semantische Untersuchung von Zietworten". Vienna, 1961.

"The Semantic Structure of Verbs," Zeitschrift fur Experimentelle und Angerwandte Psychologie, IX (1962), 140–163.

The Study of Communication in Thailand, with co-author, M. Jacobs. Washington, D.C.: SORO, the American University, 1964. 150 pp.

Cultural Meanings and Values: A Method of Empirical Assessment, Lorand B. Szalay with J. Brent. Washington, D.C.: Special Operations Research Office (SORO) [now Center for Research in Social Systems (CRESS)]. The American University, 1965.

"Research Requirements Posed by Tasks of Intercultural Communication," paper read at the annual meeting of the American Psychological Association, Los Angeles, Calif., September 1964. Printed in Psychological Research in National Defense Today, Lorand B. Szalay. Washington, D.C.: U.S. Army Behavioral Science Research Laboratory, 1967.

"The Analysis of Cultural Meanings Through Free Verbal Associations," Journal of Social Psychology, Lorand B. Szalay, LXXII (1967), 161–187.

Persuasion Overseas, senior author with R. Walker, G. Schueller, J. Brent. Washington, D.C.: SORO, The American University, 1965. 120 pp.

"Use of Word Associations in Foreign Area Study," Proceedings, 75th Annual Convention, Lorand B. Szalay, American Psychological Association, 1967, pp. 373–374.

Variables Affecting Cultural Meanings Assessed by Associative Group Analysis, Lorand B. Szalay, with C. Windle and J. Brent. Washington, D.C.: Center for Research in Social Systems (CRESS), The American University, 1968.

"Relative Influence of Linguistic Versus Cultural Factors on Free Verbal Associations," Psychological Reports, Lorand B. Szalay with C. Windle, XXII (1968), 43–51.

"The Use of Word Associations for Value Analysis," Proceedings, 75th Annual Convention, Lorand B. Szalay, with J. Brent and D. A. Lysne. American Psychological Association, 1968, pp. 634–644.

Attitude Measurement and Value Analysis by the Method of Associative Group Analysis, Lorand B. Szalay, D. A. Lysne, and J. E. Brent, Kensington, Md.: American Institutes for Research, 1970.

"Attitude Measurement by Free Verbal Associations," Journal of Social Psychology, Lorand B. Szalay, Charles Windle, and Dale A. Lysne, LXXXII (1970), pp. 43–55.

"Attitude Research in Intercultural Communication," Journal of Communication, Lorand B. Szalay, XX (1970), pp. 180–200.

"The Impact of the American Environment on Foreign Students: The Case of the South Koreans," a paper prepared for the 66th Annual Meeting of the American Political Science Association, Rita M. Kelly and Lorand B. Szalay, Los Angeles, California, September 1970. To be printed in Studies in International Political Communication, ed. R. L. Merrit, University of Illinois Press, Chicago, 1971.

"Verbal Associations in the Analysis of Subjective Culture," Current Anthropology Lorand B. Szalay and Bela C. Maday, in press.

A Lexicon of Selected U.S.-Korean Communication Themes, senior author. Kensington, Md.: American Institutes for Research, 1971. 220 pp.

Communication Lexicon on Three South Korean Audiences—Social, National and Motivational Domains, senior author. Kensington, Md.: American Institutes for Research, in press.

Radio Liberty—A Study of Its Origins, Structure, Policy Programing and Effectiveness—Summary of Study

(By Joseph G. Whelan, Specialist in Soviet and East European Affairs, Foreign Affairs Division, February 29, 1972)

I. BASIC INFORMATION ON RADIO LIBERTY (RL)

The operations of Radio Liberty (RL) have remained almost completely unpublicized since its inception nearly two decades ago. Except for Soviet specialists, relatively few Americans know of RL's existence. The purpose of this study is to examine the history, organization, administration, and operations of RL. It is hoped that this study will assist in an evaluation of RL's activities in the context of United States foreign policy and how it relates to currently declared purposes of that policy. It is also hoped that an in-depth research effort of this organization will assist a broader understanding of its purposes and functions, dispel possible informational gaps and misconceptions, and provide useful data for those concerned with assessing its purposes and impact. The implications of the Radio for U.S. foreign policy and considerations on the organizational aspects of RL will be examined in separate reports to be prepared in the future.

RL was formally conceived, at least organizationally, in the State of Delaware on January 18, 1951, with the incorporation of the "American Committee for Freedom of the Peoples of the USSR, Inc." This organization was the forerunner of the present Radio Liberty Committee, Inc. One of the purposes of the committee was to sponsor shortwave broadcasts to the Soviet Union by former Soviet citizens. Broadcasts began on March 1, 1953, on a very small scale. Basic policy of the committee called for the "liberation" of Soviet Russia from the "tyranny of Bolshevism." This policy reflected the theme of "liberation" in American foreign policy during the early years of the Eisenhower Administration. However, in the later years RL policy changed from "liberation" to "liberalization" as conditions within the Soviet Union improved under the impact of de-Stalinization. Ever since the late 1950's RL has been committed to a policy of peaceful liberalization of Soviet society, and its broadcasts have been structured accordingly.

Administrative headquarters for RL are in New York City. Mr. Howard H. Sargeant is President. In addition, RL maintains administrative offices, broadcast headquarters and research facilities in Munich, Germany. Offices, studios and other facilities are located in Barcelona, Lampertheim (Germany), London, Madrid, Paris, Playa del Pals (Spain), and Taipei. All of these facilities together with the U.S. Division in New York come under the administrative direction of Mr. W. Kenneth Scott, RL's Executive Director in Munich. Operations at Munich are broken down into four major subdivisions: the Program Policy Division, the Network Division, the Administrative Division and the Program Operations Division.

An important aspect to the organizational side of RL is the prevailing administrative style. This style encourages flexibility and informality, and fosters a type of fluidity that allows the widest permissible range of individual creativity and initiative, yet within a closely administered and carefully structured system of policy. Such flexibility, however, creates certain organizational risks.

What specific relations have existed between RL and the Executive Branch and the extent of RL's independence were matters that could not be fully explored during this study. However, as an outsider viewing RL's current operations through documentation, extensive interviews, and actual on-site visits to facilities, certain aspects of RL's activities are apparent and it is possible to make the following generalizations: (1) that RL is clearly a United States Government operation and an integral part of this Nation's foreign policy apparatus; (2) that it seems to have a wide range of independence from the Executive Branch in its broadcasting operations; and (3) that its operating policies seem to be generated within the organization and not necessarily dictated by an outside authority.

Staff of RL has numbered around 1000 in recent years, As a surrogate "Home Service" for the Soviet people, the staff, in keeping with the multinational character of the Soviet Union, is itself multinational. However, the major broadcasting effort of RL is directed at the Russian-speaking audience. The top administrative posts in policy making, policy control, and in key operations are held by Americans. The staff is regarded as being highly professional. It is multifunctional, and ideally, RL strives for a staff that represents the combined skills of a scholar, writer, journalist and radio performer. In-house training for RL is an organizational function created by necessity. Staff attrition due to advancing age and retirements, along with difficulties in recruiting newcomers from the Slavic areas of the Soviet Union, pose a potentially serious presonnel problem for the future. The professionalism of staff is apparent in the quality of their research product, their multilingual facility, the unique combination of American and Western scholarship with the native talents of former Soviet citizens, and finally the existence of an organizational spirit that seems to arise from a conviction of participating in creating positive change within the Soviet Union. In addition, RL maintains close connections with the Western scholarly community as a complementing force to their research and broadcasting operations.

On the technical side of its operations, RL has transmitters at Lampertheim, Germany, Pals, Spain, and Taipei, Taiwan. A total of 1,350,000 watts of power enables RL to transmit its signal to the Soviet audience. Jamming is serious but by no means an insurmountable obstacle. Frequencies are allocated according to regulations of the International Telecommunications Union, and transmitters are licensed by host countries upon whose territories RL's facilities are installed. Continuation of such licenses rests solely upon the will of the host country, thus injecting a precarious quality of dependency on others in RL's operations.

RL's broadcasting operations are supported by a research effort that is impressive in both quality and in quantity. To keep abreast of internal developments in the Soviet Union and to know what gaps to fill in their programming, RL staff in New York and Munich have at their disposal a vast collection of newspapers, journals, books, microfilms, along with monitored reports of Soviet radio, access to wire services of the world, and the daily output of Radio Free Europe's (RFE) news budget.

The research effort is further backed up by RL's library facilities and the extensive resources of The Institute for the Study of the USSR, also in Munich. Owing to budgetary restrictions, the Institute was terminated at the end of 1971. RL's research facilities are open to scholars, and RL makes many of its research products available to specialists in academia, the government, and the mass media who are concerned with contemporary Soviet affairs. The quality of research done by RL, which has been highly commended by leading Western scholars, is vital to its broadcasting operations since it must fill the gaps of knowledge and information created within its Soviet audience by regime censorship.

II. RL'S GOALS, POLICIES, AND POLICY FORMULATIONS

The primary objective of RL is to encourage those forces of liberalization within Soviet society that will bring an eventual peaceful evolution of the USSR from Communist totalitarianism to a genuine democratic form of government. The ultimate goal is democratization of Soviet society in the expectation that within such internal forces of liberalization lies the greatest hope of world peace.

RL's is a commitment to peaceful change from within. It rejects confrontation as an instrumentality in achieving its goals. RL encourages Soviet peoples to work together as a first step in instilling the habit of democracy. It broadcasts truthful information, to enable the Soviet peoples to make their own judgments on developments in the Soviet Union, to fill in the gaps of missing information caused by Soviet censorship, and to correct distortions of propaganda.

Within the larger framework of goals and purposes RL pursues immediate objectives that focus on such practical themes as democratic political alternatives, economic reform, peaceful intentions of the democratic world, ideological irrelevance of Marxism-Leninism, and the virtue of cultural diversity and political pluralism.

To achieve its objectives, RL seeks to promote public opinion formation in the Soviet Union, and it does this principally through its radio broadcasting operations. RL oprates on the principle of the right of a free press; it "upholds the right of the whole Soviet public to know the whole truth about any question"; it is committed to the principle, affirmed in the United Nations Declaration of Human Rights of 1948, that the Soviet people, like all other peoples, have a universal right to be informed.

The general philosophical approach of RL is one that appeals to rationalism. It attempts to "substitute reason for emotion, and a calm voice for stridency." It begins from the premise that "the most convincing presentation is one that tells all sides of a story." In resorting to the rational approach, RL strives to break the monopoly over communications which the regime tries to impose in the expectation that the first step in the erosion of a totalitarian dictatorship is the development of individual thought.

In general, RL's policy guidelines are a reflection of a moderate, rational approach to the politics of the Soviet Union.

These guidelines and the philosophy that produced them are contained in RL's Policy Manual. The Manual is RL's operating charter. It is "the mainspring for all other policy determinations, the central authority determining audience priorities, program content and the nature of Radio Liberty's approaches in program structure, style and tone."

In formulating broadcast policy and designing radio programming, RL makes certain general assumptions about its own role, the situation in the Soviet Union and its Soviet audience. The function of these assumptions is to give some rational direction to thought and planning.

With regard to its role, RL perceives it in general as that of a participant in bringing about positive evolutionary changes within the Soviet Union; it adheres to the principle of self-determination to the extent that the Soviet people themselves are to bring about changes from within and according to their own interests and requirements; it acts as a conduit for the flow of objective information into the Soviet Union and acts also as a forum for debate of views that are denied by the regime; it rejects violence as a political solution and is committed to the belief in a long term process of change for the better; it denies support for individuals or groups, but gives general support to democratic principles and to those who exercise their human and constitutional rights; it is convinced, finally, that the process of democratization will continue despite momentary setbacks.

RL's second assumption is based upon an objective analysis of the situation in the Soviet Union. In general, RL perceives the situation as follows: the Soviet Union is a great power but suffers from serious institutional and ideological inadequacies; positive changes have occurred but totalitarianism has become institutionalized and its continuation is insured still further by the existence of a phlegmatic, Stalinist-bred leadership; serious economic problems, arising from contending forces of modernization and orthodoxy, plague the nation, the most serious being the allocation of resources; problems of defense and foreign policy press upon the ruling elite, dividing it into competing forces—those seeking cooperation and those adhering to a hardline stances; forces of dissent and reformism continue to divide the country into polar opposites, one seeking reform while the other is committed to a static society and is resistant to change; the dissident movement is reformist and not revolutionary; a trend toward conservatism, as understood in the Soviet context and not in the Western sense, is perceived within the current leadership; and while immediate prospects for democratization are not bright, still over a long period the climate could be propitious; RL perceive in this situation a "challenging opportunity" for stimulating internal pressures for positive change. The RL statement, essentially cautious and well-reasoned, seems to reflect the consensus of leading Western scholars in Soviet studies on the current Soviet reality and what the prospects are for the future. However, some scholars, who have a realist's cast to their thought, would probably be less sanguine about the ultimate achievement of democracy.

The third area of assumptions concerns RL's Soviet audience. In general, RL's approach is elitist, in that it directs its attention mainly to the power elite, either existing or in potential. RL believes that this group will more likely influence political decisions in the future. Moreover, persons in this group are more likely to have access to shortwave radio and thus receive RL's signal.

On the basis of the foregoing assumptions, RL proceeds toward its long-range goal and immediate objectives by maintaining an effective overall image. It does this by applying certain basic radio broadcasting methods, utilizing a number of basic themes in all its presentations, and maintaining a style that is both appealing and effective. The guide words in this effort are friendliness, enlightenment and dignity. In brief, RL takes the stance of a "patriotic internal communicator": it seeks to adapt itself to the interests and style, the feelings and sensitivities of the Soviet citizen; it envisions itself as a genuine uncensored "Home Service", thus making it essential that the tone of broadcasting and style of presentation convey the feeling to the listener that RL is really one of them. In its basic methods, RL provides facts, balanced discussion in the style of a democratic system, genuine criticism, and a portrayal of the Soviet reality, based on its own research facilities, in contrast to the regime media's propaganda image of that reality.

In pursuing its objectives RL lays down a set of specific guiding principles. By and large the principles are commonsense: they appeal to reason, moderation and good judgment.

Other policy requirements are imposed upon RL that arise from the fact that its transmitters are located on territories of foreign governments. Material cannot be used in broadcasts, therefore, that would harm the interests of the host governments and embarrass RL's relation with them.

The Policy Manual is RL's charter for operations. In an effort to keep the Manual current, RL periodically reconsiders certain relevant questions and synthesizes its conclusions into more current formal policy statements and guidances, namely, Broadcast Position Statements, Broadcast Guidances, Monthly Guidelines and Daily Guidance Notes.

The primary function of RL policy is to make sure that programming provides the Soviet audience with objective, accurate and meaningful information; that it reflects the growth and plurality of views outside the Soviet Union; and that it corrects significant omissions and distortions in Soviet media. All members of RL staff contribute to policy-making and policy application, but the main role is played by President Sargeant and Executive Director Scott. They direct and review the formation of all policy and oversee policy operations at all levels.

The next level of responsibility lies within the Program Policy Division (PPD) and rests upon its Director in Munich. Through his policy staff, the Director exercises the chief operational responsibility for policy formulation and application. In New York, the Policy Coordinator actively participates in the formulation of current policy. Responsibility for carrying out all policy by the U.S. Division rests upon him. A Special Advisor assists the President in the formulation and coordination of basic policy. A final organizational mechanism in the policy process is the Council of Editors in Munich.

When a fully agreed policy draft is finally concurred in by the Council, it is passed on to the Executive Director for his approval and then to the President.

Policy formulations are divided into two major categories, those dealing with long-term with short-term guidances. The Policy Manual, National Language Annexes, Broadcast Position Statements and Broadcast Guidances are long-term. These are supplemented by short-term Monthly Guidelines and Daily Guidance Notes which are intended to relate larger policy to specific current developments. On occasion an immediate policy guidance is given in the form of a Special Memorandum. All statements of policy, along with the Policy Manual and National Language Annexes, are inserted in a loose-leaf notebook called, the Policy Handbook.

RL is, therefore, a policy-oriented organization, and its staff is policy-minded. While questions may be raised whether there is a surfeit or sufficiency in policy, such questions are no doubt moderated by an awareness of risks of too loose a policy structure in dealing with a configuration of power of such awesomeness as the Soviet Union. Yet, the policy structure is there for achieving the proper balance if indeed this is a relevant question.

III. CONDITIONS AFFECTING THE RECEPTION OF RL'S BROADCASTS

Certain conditions exist within the Soviet Union that affect the reception of RL's broadcasts. The first is the technical capability of the Soviet people to receive RL's shortwave radio signal; the second is their willingness to listen to RL's message.

In 1969, there were an estimated 50 million radios in the Soviet Union; between 28–30 million of these were believed to be shortwave receivers. At the same time RL has transmission facilities to cover the vast Soviet population.

Less exacting are estimates on the number of tape recorders. Tape recorders can be used for program propagation and for producing "magnitizdat," that is, self-recording of dissident material. For the six-year period 1957–1962, 701,400 tape recorders were produced. A projected annual production of some 500,000 by 1973 not taking into account certain qualifications, would indicate a total accumulation of over 4.5 million in use in 1973. Tape recorders are, therefore, available, perhaps in increasing numbers.

The rumor network, that is, person-to-person oral communication, is the third means of internal communication that broadens the potentiality of RL's audience appeal. This form of communication, vital in the days of Stalin, still plays a very important part in the transmission of officially unsponsored information.

There seems little doubt that RL has a wide appeal among a very specialized and potentially powerful audience in the dissenting Soviet intellectuals. Dissent within this elite sector can be explained mainly by the fact that they are the most affected by the regime's restrictions on intellectual freedom, freedom of speech, freedom of the press and other democratic rights. What makes their role so important in the Soviet setting is that they represent a quasi-political force contesting the monopoly of power by the regime. The growth of a full-scale movement of intellectual dissent has created for RL a very special audience that has in turn attributed to the radio a very special appeal.

What creates RL's greatest potential appeal, and this opportunity, is no doubt the role of censorship. The totality of Soviet censorship compels the Soviet citizen to look elsewhere for alternative sources of information; many find this in international radio broadcasters.

IV. RL'S PROGRAMING: AUDIENCE CHARACTERISTICS, PROCEDURES SUMMARIZED, AND PHENOMENON OF SAMIZDAT

A first principle in effective communications is to know one's audience. RL has to make certain assumptions about its audience, and in so doing it takes into account the attitudes not only of social, occupational, and intellectual groups in all the republics and oblasts of the Soviet Union, but also those of the various nationalities to which RL broadcasts and certain differing psychological categories within these groups.

RL tries to reach as broad an audience as possible, but its approach is essentially elitist: it aims at the top. Accordingly, RL regards its audience priorities in this descending order. Within the social, occupational, and intellectual groups fall the younger generation, CPSU members, the scientific intelligentsia, the literary-artistic intelligentsia, lower-level party and government officials and elected members of legislative organs, skilled workers and their immediate supervisors, Soviet personnel abroad, collective farmers and unskilled workers. The next major category is the Soviet nationalities, followed by special psychological categories that include "regime patriots" (ardent supporters) and the committed opponents; the "seekers" (loyalists who seek improvement); and the "reformers" (committed to the regime but seek positive changes). RL approaches all these categories with a view to encouraging internal transformation by peaceful means.

In structuring its programming as a "Home Service", RL must begin with an awareness that its audience's perception is like a fragmented mosaic in which many important pieces are missing. RL programmers must know what those pieces are; they must supply them; and, in addition, they must correct the distorted images created in the mind of the Soviet audience by propaganda. In communicating with the Soviet audience, RL assumes a "patriotic stance"; it regards itself as "a Guest in the Home"; and it speaks in the many languages of the Soviet peoples.

To reach its audience, RL has established practical procedures in programming. What is significant in these procedures is the extent to which policy is integrated into programming operations. In the programming process there are four daily morning meetings: the Research Meeting, News Meeting, Nationalities Service Meeting, and the Russian Service Meeting. The morning meetings take on the character of academic seminars. Key personnel are invited to comment on important problems in their areas of competence. These morning conferences provide a meeting ground for policy and program planning. The final step in the programming process is the actual production of news, features and other programs.

One of the most extraordinary developments in recent years within the Soviet Union has been the emergence of samizdat, that is, the private publication and circulation of one's own works. RL has become a main depository for samizdat, and, accordingly, samizdat has made a major contribution to RL's programming. What is most significant about samizdat for RL is that it comes from within the Soviet people themselves. As the principal source for disseminating samizdat, RL acts as an "echo chamber" or "sounding board", sending back to the Soviet Union the ideas generated by its own intellectual elite. As a result, RL has become a means of internalizing samizdat and also a means of communication among all Soviet peoples.

V. RL'S PROGRAMING: PREPARATION AND OPERATIONS, POLICY AND QUALITY CONTROL

In program planning the Program Operations Division operates on the principle of an inverted pyramid where the first appeal is to universality of interest, and this is the news, with the expectation of a declining listener interest for the rest of the hour. News is the most important attraction for listeners, and it is programmed every hour on the hour for 24 hours. Thus, in RL's four-part concept in programming, news takes first priority, news features second. Then, the remainder of the hour contains internal Soviet subject matter, for example, a review of samizdat, and finally a political or cultural show directed toward a more specialized audience. The key organizational elements in programming are the Central News Service, Russian Service, and the Nationalities Service. RL has extensive internal and external environmental aids to support programming.

Policy envelopes RL's operations, and its application begins with the writers; the next level of "screening" for policy is the editors. What enables RL to screen its programs carefully is the time sequence allowed in production. It takes approximately three to ten days for the production of a show. Tape makes it possible to have careful screening procedures. There are pre-broadcast auditions, spot-checks by the Program Policy Division, review by the various services, and an "as broadcast" check made at the transmitters as the programs are being aired. What errors and policy violations are caught in this screening (except at the transmitters) are corrected immediately by deletions and the actual "pulling" of shows. Policy violations and errors are compiled in a monthly report.

RL has many instrumentalities for policy control, but policy control cannot be total; policy violations are always possible; at best, control mechanisms can only reduce the probabilities. The heart of the matter is, therefore, trust and rationality: trust in the individual, for policy control must begin and end with the individual; and rationality in the wisdom of the policy constructed and of the people who are to carry it out.

A test of RL's ability to maintain control over its broadcasting operations in crisis conditions through the mechanism of policy is the case of the Czechoslovak crisis of August 1968. A review of selected materials (Appendix 23) during the crisis has revealed that RL exercised a great deal of caution, moderation and restraint.

Policy control and quality control overlap to a considerable extent. Pre-broadcast and post-broadcast auditioning provide in-house evaluations on both the quality of programming as well as judgments on policy matters. Beyond this, no other formal institutional mechanism for quality control seems to exist, except for the important tasks performed by Mr. Will Klumpf, administrative assistant to the Executive Director. His main responsibility is to check programming in pre-broadcast auditioning for quality, effectiveness, policy, and overall excellence in production. As a means of maintaining quality, RL has a grading system on ratings of voices and ratings on shows. Speakers are taken off the air and shows ruled "dead" if ratings dip below 3.0 (A theoretically perfect score is 5.0.)

RL's Audience Research Division plays an important role in quality control. On the basis of extensive testing of opinions through postbroadcast audition panel of substitute listeners and outside specialists in addition to direct interviews with Soviet citizens, it prepares reports evaluating programs. These reports are circulated throughout RL for the information and guidance of staff. Panel evaluations have shortcomings but they seem to have the virtue of at least providing some evidence of probable listener response and reaction without which there would be none. However narrow the sampling for evaluating programs, the panel approach, nevertheless, provides some basis upon which to maintain at least a measure of quality control.

VI. RL'S AUDIENCE IMPACT AND EFFECTIVENESS

RL operates at a serious disadvantage as a "Home Service" to the Soviet population: it has only very limited access to the Soviet people and, therefore, has great difficulty in evaluating in any systematic or scientific way its impact on the Soviet audience or its overall effectiveness as a broadcaster. The Soviet Union is a closed society; it is not possible to take public opinion polls or engage in public opinion research procedures normal to an open society.

Despite known disadvantages, RL attempts to establish some positive basis for judging audience impact. It does this by collecting evidence on audience reaction: (1) in interviews with Soviet listeners in such categories as visitors to the West, legal Soviet expatriates, and Soviet defectors; and (2) from letters received from Soviet listeners through the indirect method of a mail drop in the West. Through these efforts RL's Audience Research Division (ARD) attempts to fill the gap between speaker and audience, to get an accurate image of the listener, and the listener's image of RL, and to build the foundations for a continuing dialogue.

Interviews are regarded as a prime indicator of audience response. During FY 1971 interviews were conducted with hundreds of Soviet citizens, of whom well over one-half were foreign radio listeners. But interviews are very difficult to conduct, owing to native suspicion of polling as instruments of the KGB and to the climate of suspicion that impedes a free exchange of views. RL approaches analysis of audience research data conservatively. ARD does not claim to have enough data from interviews to speak about a "sample" in the statistical sense; rather it claims to have only "bits and pieces of samples" that even then could be indicative of only certain groups.

Yet, the accumulated data can give RL programmers some perception of their audiences' image, scattered evidence of impact and effectiveness, preferences for listening time, age spread, and class distribution. The intellectual professions dominate among RL's listeners. Thus, ARD data, though limited, by and large confirms RL's judgment on audience structure, policy content and program design.

Despite ARD's admittedly limited success in these matters, the question arises whether or not it has been too cautious. On the basis of an examination of audience research operations in both RFE and RL, Dr. Lorand B. Szalay, an American specialist in the field of communications research and psycho-linguistics, has made the tentative judgment that RL could perhaps do more with its audience research data drawn from interviews, and he suggests alternative methods in measuring impact.

Interviews are supplemented by letters from Soviet listeners. Such letters are regarded as documentary evidence upon which judgments can be made on Soviet listening behavior and on Soviet attitudes toward RL programming. According to RL, audience feedback through mail has increased considerably in the past decade. Except for a momentary decline in early 1971, apparently, the general trend continues upward. Actual numbers of letters received are not available for publication; percentages are. In an attempt to flesh out its profile of listeners, RL categorizes listener mail according to "friendly" and "hostile/critical"; language; substantive or inconsequential; geographical distribution (RSFSR predominates); repeat or first-time writers; and sex. Thus, listener mail, despite acknowledged imperfections, provides RL with another important input of data to give some perception of its audience and to measure its effectiveness. Whether pro or con, listener mail represents an affirmation of RL's purposes in at least one sense, namely, to provoke the Soviet people to think critically and independently and to contemplate alternative solutions to problems on the basis of more complete information.

The frame of reference for evaluating effectiveness could be broadened to include comments in Soviet literature (not regime attacks) on RL and other foreign broadcasters, and also to include general evaluations on RL's activities by Western authorities either private scholars or government officials. There has been a steady growth of evidence to demonstrate the value of RL in the eyes of many Soviet listeners. Frequent references have been made to Western broadcasts in Soviet literature, particularly in samizdat, and appeals have been voiced urging that such broadcasts be continued. The upper echelons of the Soviet ruling elite also draw upon foreign broadcasters like RL as sources of information. It has long been known that the Soviet leadership has available for review daily monitored news from abroad. Former Soviet citizens now living in Israel and the West who had been listeners and also Western authorities who have specialized knowledge of the area have expressed favorable judgments on RL's effectiveness.

RL also determines impact and effectiveness in essentially a negative way, namely, by the number of attacks in regime media and Soviet persistency in jamming. Regime attacks have increased "immeasurably" in recent years. The peak period was recorded between January and the end of September 1971 when 357 attacks were made in printed matter with an estimated circulation of 174 million. This acceleration of attacks was designed to force RL out of West Germany. It coincided with the buildup of Soviet pressure on West Germany at a time when preparations were being made for the Olympic Games in Munich, when the renewal of licenses for both RL and RFE were being negotiated, and when Congress was reconsidering not only funding and new sponsorship but even the existence of the radios. The convergence of all these developments created an inviting opportunity for the Soviets. Moscow found in the license renewal issue a pressure point that could be used against West Germany to terminate the radios. But, the Soviets failed; the West Germans resisted Soviet pressures and renewed the radio licenses.

An equally important measurement of RL's impact and effectiveness is the Soviet practice of jamming RL's signal. RL is jammed round-the-clock. Soviet jammers use two methods: sky-wave jamming and groundwave jamming; the former covers large geographic areas, the latter covers restricted areas within urban communities. Jamming impedes audibility of RL's signal, and while it lessens RL's impact, it can also frustrate listeners and build up a greater desire to hear the denied signal.

But Soviet jamming is only partially successful. By taking advantage of the phenomenon called twilight immunity, listeners can hear RL from 2 to 3 hours daily at sunrise and sundown. Jamming can also be penetrated by increasing RL's output; this is done in times of crises by combining the power of two or three transmitters. Moreover, there are other anti-jamming measures: listeners can build an efficient selector that refines the process of tuning; they can avoid groundwave jamming by going to the suburbs and listening; they can patiently wait for "lulls" in jamming.

It is not possible to determine the effectiveness of Soviet jamming, but responsible observers believe that a significant proportion of RL's broadcasts penetrate jamming. However, what is most important in correlating jamming with RL's effectiveness is the high value the Soviet Union places on RL by investing millions of dollars in resources needed elsewhere into preventing RL's signal from reaching the Soviet audience. This is a real measure not only of regime reaction but of the value that Moscow places on RL's effectiveness as a competing "Home Service" and a "loyal opposition" in the tradition of a free press.

Assessment of regime media attacks and calculations of Soviet investment in time, resources, and energy into jamming provide essentially negative inputs in judging RL's audience impact and effectiveness. Yet, they, at least, have the virtue of creating greater certainty in a very uncertain area of human judgment.

Commonsense seems to dictate that the positive inputs of interviews and listener mail can at best give RL only a hazy image of its audience and an uncertain estimate of its effectiveness. However, this judgment might possibly be modified by the following factors: (1) the increase in the number of interviews, especially from the scientific intelligentsia; and (2) the expertise of RL's staff, the quality of research, and particularly the emergence of samizdat which provides new insights into Soviet society enabling RL to assess its audience, programming needs, and probable effectiveness perhaps with somewhat greater, but still far from sufficient, clarity.

VII. SOME GENERAL OBSERVATIONS ON RL

There seems little doubt that RL is what it claims to be, namely, a surrogate "Home Service" to the Soviet people, but its effectiveness in the Soviet environment can only be a matter of conjecture. To achieve its goal of liberalization of Soviet society it has established an impressive and, apparently, effective organization. Yet, it has organizational imperfections. It is caught in a scissors of an aging staff and an inability to recruit young, new blood in the Slavic areas. The non-Russian nationalities are allotted perhaps an unfair disproportion of the organization's resources, though the situation appears to be improving. It also appears that RL's Board of Trustees has failed in its organizational responsibilities by playing a passive role. If RL is to continue, particularly under proposals now being discussed, the Board will have to be strengthened and its role as an active participant more sharply defined.

The reality of RL conflicts with its popular image: it is neither a "Cold War operation" nor is its staff "a group of cold warriors" in the sense that the terms were used in the 1950's. On the contrary, as a matter of policy RL accepts all Soviet institutions, though not its ideology, and seeks to bring about peaceful democratic change from within. Nor does RL slander the Soviet Union, its people or its leaders. To do so would be to defeat its main purpose as a "Home Service" broadcaster.

In brief, RL acts as a responsible instrumentality of the United States Government and operates within a larger and generally acceptable consensus of American national interests.

CHAPTER I: BASIC INFORMATION ON RADIO LIBERTY (RL)

(NOTE.—Figures referred to are not printed in the RECORD.)

[Footnotes at end of each chapter]

I. INTRODUCTION: PURPOSE STUDY, FRAME OF REFERENCE, AND SOURCES

A. Purpose of study

1. RL's Isolation From American Environment

The operations of Radio Liberty (RL) have remained almost completely unpublicized since its inception nearly two decades ago. Except for specialists in Soviet affairs who use RL's research products and often participate as consultants on program evaluation panels and in conferences on specialized subjects for programming, few people in the United States outside the government have been aware of RL's existence.

Thus, the American people have not been familiar with the operations of RL. Nor has the Congress. Owing to indirect financing within the Executive Branch, it did not have normal opportunities to pass on appropriations. As Senator Clifford P. Case (R.-N.J.) said, "at no time was Congress asked to or permitted to carry out its traditional Constitutional role of approving the expenditure." [1]

That so little has been known about RL in the United States stems largely from three factors. In the first place, RL has been isolated physically from the American environment. As a surrogate "Home Service" for the Soviet people located in West Germany, it has been geared to satisfy the listening requirements of its Soviet audience. Since RL's broadcasts were not directed at an audience in the United States, the latter knew little about it. Secondly, RL was protected from the public limelight by avoiding the normal Congressional procedures for funding. And finally, RL had long ago purposely adopted a low profile in matters of public exposure and only recently decided to meet public criticism openly.

2. Purpose of Study: Examine History, Organization, Administration and Operations

The purpose of this study is to examine the history, organization, administration, and operations of Radio Liberty. It does not examine the various alternatives for possible administration of RL in the future as these have been proposed in the Congress and the Executive Branch or which might otherwise be considered. Nor does it analyze what kind of role, if any, RL might fulfill in the broadcast context of American foreign policy. These are being examined in separate reports to be submitted to the Senate Foreign Relations Committee in the future.

By illuminating in a factual way the history and present organization, purposes, and operations of RL, it is hoped that this study will assist in an evaluation of its activities in the context of United States foreign policy and how it relates to currently declared purposes of that policy. It is also hoped that an in-depth research effort on this organization will assist a broader understanding of its purposes and functions; that it will close possible informational gaps and dispel misconceptions; and that it will provide useful data for those concerned with assessing its purposes and impact.

B. Frame of reference

1. Basic Approach

The frame of reference for this study had to be designed in such a way so that a single researcher could find out maximum information on RL within a minimum period of time. With economy of time and efficiency of research method in mind, the basic approach, therefore, was to take a broad overview of RL's organizational structure, its staffing, its research facilities, and its operations in Munich; to analyze RL's operating policies and the processes of policy formation; to examine procedures for policy execution and policy maintenance in programming and production; to observe actual operations in policy-making, programming, and broadcasting; and to evaluate overall audience impact and effectiveness. The timeframe for the study is the period 1970–71, except for the case study of RL policy execution and broadcasting behavior during the 1968 Czechoslovak crisis.

2. Sources

In pursuing this research task, it was necessary to rely heavily on documentation furnished by RL. Published sources on RL are virtually non-existent. No books have ever been written on its operations, and the few articles in the periodical literature are by and large flavored with excessive praise on one side or equally excessive criticism on the other. Except for recent Congressional hearings and reports, information for this study has necessarily had to come from RL itself. Mr. Howland H. Sargeant, President of the Radio Liberty Committee, Mr. W. K. Scott, Executive Director of RL's operations in Munich, West Germany, and their staff have been very cooperative in providing not only requested material but also in responding to requests that they exercise their judgment in providing additional relevant documentation.[2]

Only in the area of audience research was there any reticence manifested on the part of RL staff. The documentary material in audience research is based on direct person-to-person interviews, which discloses the names and professions of persons still living in the Soviet Union. Many of these interviewees are highly placed scientists and scholars within the Soviet academic community; others are university students; still others are ordinary Soviet citizens. Audience research staff was especially concerned that these persons might be endangered by an inadvertent revelation of their names in a public document. Even with this understandable restriction sufficient material was made available for the purposes of this study.

This documentation was illuminating and vital for this study: it revealed the inner workings of RL, its basic policies and policy procedures; it contained actual scripts (and some tapes) in the original languages and in translation; it contained also examples of reports on research activities, broadcasting, and policy maintenance, and, among other things, materials on audience research. All of this documenation was examined; much of it was actually used in the preparation of this study; some has been inserted in the appendix.

Original documentation was supplemented by a field trip to both RL's New York headquarters (2 days) and Munich headquarters (2 weeks) for a first-hand view of operations, at which time further valuable information was gathered from interviews with top executives, leading administrators, and key staff personnel. These interviews were both extensive and intensive, and the voluminous notes that resulted have been integrated into this study.

In providing documentation and in the interviews, RL staff from the President in New York and the Executive Director in Munich to lower echelon personnel was extremely cooperative and most generous.

3. Certain Assumptions

In this research effort certain assumptions had to be made. The first is that the documentation represents an authentic basis upon which to judge RL. On the other hand, no documentation of any extent was available from any other source.

The second assumption is that the best way to determine RL's performance as a surrogate "Home Service" broadcaster to the Soviet Union and to determine whether or not this performance falls within the larger limits of American foreign policy interests was through a study of RL's policy, that is, a study of organizational policy, policy formation, policy procedures, and policy control.

The third assumption is that RL personnel who provided documentation and interviews upon which this study is based (and could only be based) attempted to give a reasonably objective and fair-minded appraisal of their organization, its policies, its operations, its effectiveness. A pledge of full cooperation was given by President Sargeant to Dr. L. Quincy Mumford, the Librarian of Congress in his letter of July 26, 1971, on the occasion of the public announcement of the Senate requested study. There is no evidence that full cooperation was not given.

4. Selectivity of Research Materials

By necessity, some of the research materials for this study had to be selective: the criterion was qualitative, not quantitative. Thus, randomly selected translated scripts, policy guidances, pre-broadcast and post-broadcast review auditions, and audience research reports were used and some reproduced as illustrative examples of procedures and performance.

Review of hundreds of thousands of hours of RL's multi-lingual broadcasting (assuming it were physically possible) might conceivably reveal certain discrepancies that were missed in editing, pre-broadcast reviews and spotchecks; but, given the strictly enforced policy requirements in programming and broadcasting and the policy orientation of its staff, the margin of error would, in all probability, be slight.

This is a commonsense judgment that cannot be proved with absolute certainty. Nevertheless, the qualitative random selection of some materials is a rational approach, and the analysis of these materials within the context of RL's policies creates a reasonable basis for measuring performance. Again, what makes this approach possible is RL's strict policy structure.[3]

II. CONCEPTION OF RL

A. In the Beginning: "Liberation"

1. Founding of American Committee

What is now called Radio Liberty was formally conceived, at least organizationally, in the State of Delaware on January 18, 1951, with the incorporation of the "American Committee for Freedom of the Peoples of the USSR, Inc." This organization was a forerunner of the present Radio Liberty Committee, Inc. One of the purposes of this committee was to sponsor shortwave broadcasts to the Soviet Union by former Soviet citizens living in the West. But, two years were to pass before actual broadcasts to the Soviet Union were initiated.[4]

An anti-Communist organization called the "Coordinating Center of the Anti-Bolshevist Struggle" was apparently the seminal force in early broadcast planning. The ideological coloration of the entire organization and its operation was "liberation." In November 1952, a draft policy statement was issued, declaring that the organ of the Coordinating Center charged with radio matters would have "overall responsibility for setting the political and propaganda line of the Radio Station." The only limitation imposed on the broadcasts of the Coordinating Center was insistence on broad adherence to a "Joint Agreement on Principles" adopted by the Coordinating Center and the American Committee.

But this agreement was hardly restrictive. In fact, the permissible limits of political action appear in retrospect to have been very broadly drawn. The basic political line of the radio was to be identical with the political platform of the Coordinating Center, namely: "Implacable struggle against the Communist dictatorship until its complete destruction. . . ." According to this declaration of principles, the "radio's main theme will be liberation—liberation from the tyranny of Bolshevism and one party rule, from poverty and suffering forced upon the people by the Bolshevist regime, and from the threat of war imposed by Bolshevist foreign policy and ideology. . . .[15]

2. RL's Political Line: "Liberation"

Broadcasts of "Radio Liberation from Bolshevism" began on March 1, 1953, just 5 days before Stalin's death. The name was changed to simply Radio Liberation in October 1956, and to Radio Liberty in December 1963.

A small-scale operation, it had in the beginning only two antennas and two 10,000-watt transmitters located in Lampertheim, West Germany. By this time the Coordinating Center had collapsed from internal stresses. Hopes of reviving it, however, persisted. Nonetheless, the commitment of the radio to the principles of the now defunct "Joint Agreement," that is to say, "liberation," was implicit in the initial broadcasts. The same general line of "implacable struggle against Communist dictatorship until its complete destruction" was perpetuated in Radio Liberation Basic Guidance #1 of December 10, 1953 and Radio Liberation Basic Guidance #2 of January 8, 1954.[6]

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3. "Liberation": Reflected Theme of American Foreign Policy

In an article appearing in The New Leader on October 6, 1958—an article sympathetic with the purposes of RL, Enno Hobbing of Life Magazine referred to RL as a "cold war operation." Mr. Hobbing did not use this term in a pejorative sense, for this was RL's raison d'etre: it was a "cold war operation," conceived amid dangerously escalating East-West tensions and "christened," one scholar put it, "Liberation."[7] This term seemed quite appropriate at that time since it reflected the foreign policy coloration of the first years of the Eisenhower Administration.[8]

For over five years after World War II it seemed to the West that Soviet Russia had been committed to a policy of political and even military aggression. Its foreign policy, in Western eyes, admitted no genuine accommodation of interests. Stalin's policy seemed to conform completely to the ideological principle of unremitting conflict with world capitalism. Thrust had to be met with counterthrust, it was believed in the West. The Communist invasion of South Korea in June 1950 was universally regarded among the Western powers as the most serious manifestation of Moscow's outward thrust since it directly challenged the world position of the United States and its Western allies. This threat to vital interests and the response to it inevitably quickened the pace of the Cold War, raising the level of East-West tension to new and dangerous heights.

This was the climate within which RL was conceived. It *was* a creation of the Cold War, designed to satisfy U.S. foreign policy requirements of that time. RL was one of the many weapons of psychological warfare intended to meet Soviet Russia and its Communist allies on their terms.

B. From "Liberation" to "Liberalization"

1. The Changing Soviet Reality

In the first year and a half after its inception, RL remained committed to the basic policy of "implacable struggle against the Communist dictatorship until its complete destruction." But Stalin had died and in the next three years powerful forces of change were unleashed within the Soviet Union that were in the course of time to transform the Soviet state and society from its Stalinist form to one of modified Soviet totalitarianism. "Peaceful coexistence," defined to suit Soviet ideological needs but differently understood in the West, was the all-embracing term used by the leadership that seemed best to describe what was to take place in the next few years.

On the international scene tensions were momentarily eased as the Soviet Union advocated something of a peaceful respite in world tensions: the Korean war was brought to an end; the Stalinist policy of continentalism was replaced by a broader and more politically oriented commitment to globalism; an era of negotiation was launched with the West in which a measure of success was to be achieved.

Internally, winds of change were admitted to the Soviet Union as the post-Stalinist leadership under Khrushchev attempted to replace Stalinism and ease internal tensions by reconciling the political system of Soviet totalitarianism with the human needs of a much deprived Soviet people.

2. RL Adjusts to Changing Soviet Reality

RL adjusted to these changes within the Soviet Union. The basic policy of "implacable struggle" and "liberation" came to be increasingly questioned on practical grounds. As early as September 1, 1954, Admiral Leslie C. Stevens, President of the American Committee, circulated a confidential memorandum to his executive staff defining the overall purposes of the Committee in more moderate terms. Such positive concepts as these were cited in the "Operating Objectives" of the memorandum: "Encourage reliance on traditional indigenous spiritual concepts; stimulate independent thinking and a spirit of free inquiry; present specific democratic political, economic, and social processes as an attainable and attractive alternative to the communist dictatorship; develop basic concepts of justice and human rights for the protection of the individual against the power of the State; present realistic and practical alternatives to passive submission to the Soviet system."[9]

RL's policy was further moderated with the publication of its first Policy Manual on June 29, 1956. The goal of "implacable struggle" was reiterated, but no longer was there insistence on the "complete destruction" of the Communist dictatorship. Increasingly the direction of RL's policy was toward presenting a democratic alternative for internal progress by stimulating independent political thought among the Soviet people.[10]

Restraint and moderation in policy were apparently reflected in RL's programming during the critical months of 1956. For RL was not subjected to the controversy that surrounded RFE after the Hungarian Revolution of 1956. (RFE had been charged with unnecessarily raising the hopes of Western intervention in the revolution.)[11] In fact, during these years RL had been criticized for broadcasting material far too bland and moderate in political content.[12]

By 1958, the pace of de-Stalinization and other changes in Soviet society had made it necessary to revise RL's basic Policy Manual. The new document, issued on November 15, of that year, made it clear that evolution, not revolution, was the main direction of political change within the Soviet Union. The new Policy Manual placed special emphasis on the need for adjusting to the changing Soviet reality. The principle of freely elected government as a means for political transformation in the Soviet Union was asserted. Such change was to be achieved "through the will and endeavors of the peoples of the Soviet Union themselves."

According to the Manual, RL would neither directly nor indirectly attempt to urge any particular political platform or promote directly any line of action. RL would make it clear that the democratic West did not seek to impose any particular form of government on the Soviet peoples. Moderation and restraint were restated as principles to be followed in broadcasting.[13]

What seemed most significant in this new Policy Manual was a commitment to a policy of peaceful liberalization of Soviet society. Moreover, it seemed clear by the implications of this Policy Manual that RL was seeking to complement its basic image as a station of former Soviet citizens with the highest standards of professional journalistic objectivity.[14]

Not until May 1965 did RL issue another Policy Manual. Issued as a guideline for radio programing in the post-Khrushchev period, the new Manual was even more explicit than its predecessor in stressing the principle of evolutionary change. As a "free voice of former Soviet citizens," RL attempted "to express, encourage, and develop tendencies within the Soviet Union that can contribute to the fulfillment of the best aspirations and needs of all the peoples of the USSR." RL was dedicated, it said, "to helping all citizens of the USSR achieve freedom and responsible government. . . ." RL defined its role as seeking "to stimulate individual thinking, not to incite group action." Friendliness of tone was given particular emphasis in the 1965 Policy Manual, and programers were encouraged to think of RL as a "guest" in the home of each individual listener.[15]

RL's policy underwent another transformation with the publication of a new Policy Manual in March 1971. The commitment to evolutionary liberalization was further deepened and guidelines for encouraging those positive forces of change within Soviet society were spelled out. This Policy Manual, setting forth the aims, principles and policies of RL, will be discussed in Chapter II of the study.

3. Significance of RL's policy change

Two points seem most significant about the changes in RL's basic policy from "Liberation" to "Liberalization." One is the fact that this change has been recognized by officials in the United States Government and by the Soviets themselves.

In 1971 Senate hearings, Senator John Sparkman (D.-Ala.) asked about the policy orientation of RFE/RL. "Has their policy orientation changed over the years? Has it, shall I say, mellowed? What is their objective?" he asked.

Assistant Secretary of State for European Affairs Martin J. Hillenbrand replied: "I think one can say looking over the broadcasts over the years, that there has been a gradual shift away from the intensity of the confrontation which existed during the height of the cold war period to a more, let us say, equable facing of the news on a day-to-day basis. This we anticipate would continue on into the future." "I would anticipate that the dissemination of accurate information about conditions in Eastern Europe and elsewhere," he added, would continue to be the primary function of the radios in the future."[16]

The Soviets have also admitted a basic change in the policies and approach of both radios. Speaking generally of the changing character of all American radio broadcasting to the Soviet bloc, Artem R. Panfiov observed in his book entitled, "U.S. Radio in Psychological Warfare":

"In practice, propaganda for the overthrow of the "Communist regime" has almost disappeared from all American broadcasts to the socialist countries of Europe. Even "Radio Free Europe" no longer broadcasts such propaganda, or in any event restricts itself to sentences which allege that "in your country Communism is an experiment condemned to failure." The tone of the radio broadcasts has changed significantly: the crude insinuations and profanities have disappeared. Direct interference in the internal affairs of one country or another in the form of all sorts of advice to radio listeners has almost ceased, and undercover propaganda has left the scene."[17]

The other significant point in the changes in RL's style, policies and general approach from "Liberation" to "Liberalization" is the character of the Policy Manual itself. This will be discussed in more detail below; but suffice it to say that the Policy Manual is not a static document but rather a "living" document which in the form of supplementary guidances is updated and thus undergoes continuing changes as Policy Planning Staff contemplate future developments in the Soviet Union. The Policy Manual seeks therefore a continuing adjustment of policy and operations to the ever-changing Soviet reality. But it should be remembered that this manual is based on RL assumptions and reflects its own perception of the Soviet Union.

III. PRESENT ORGANIZATIONAL STRUCTURE

A. Administrative Headquarters in New York

When RL began broadcasting in March 1953, it did so with only modest facilities and limited power output. However, in the next 18 years its resources for broadcasting and research have multiplied many fold. Administrative headquarters for RL are in New York City at 30 East 42nd Street. Mr. Howland H. Sargeant, a former Under Secretary of State in the Truman Administration, is

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president. (See Appendix I for biographic sketch). Represented on the Board of Trustees are leaders in the American business community, former government officials and military leaders, educators and publicists.[18]

Former President Harry S. Truman is an Honorary Chairman. Former Presidents Herbert H. Hoover and Dwight D. Eisenhower had served in a similar capacity before their deaths in 1964 and 1969 respectively. By its charter the Board of Trustees has considerable power, but over the years it has played a passive role towards its responsibilities. Consequently, by default the President, formally the leading executive, has assured a far more predominant position within the organization than what seems to have been initially intended.

In this respect RL's Board of Trustees has failed in its responsibilities to the organization. In contrast to RFE's Board of Directors which has actively participated in the affairs of the Radio, RL's Board of Trustees has played a very passive role, seeming to defer to the President. Apparently, the strength of Mr. Sargeant as an administrator has compensated for any organizational deficiencies that might have resulted.

The chart reproduced on the adjoining page (see Figure 1) describes the overall organizational structure of RL. Staff of Radio Liberty Committee are located in New York. These include the Office of the President, Information Division, Comptroller and Administration. The Audience Research Division and Program Evaluation in Paris and Munich, along with the Institute for the Study of the USSR in Munich, respond directly to the President. Their functions will be described in other parts of this study. The operations of the U.S. Division and those of Munich (which constitute the heart of RL's activities) fall within the administrative purview of the Executive Director located in Munich.

B. RL's Operations in Munich

In addition to its New York headquarters, RL maintains administrative offices, broadcast headquarters and research facilities in Munich, Germany. Offices, studios and other facilities are located in Barcelona, Lampertheim (Germany), London, Madrid, Paris, Play del Pals (Spain), and Taipei.[19] All of these facilities together with the U.S. Division come under the administrative direction of RL's Executive Director in Munich.

RL's Munich headquarters is located at Arabellastrasse 18, on the fringe of the old city of Munich and in the area of extensive new construction of modern buildings. (RL had to abandon its former site to make way for the Olympic grounds.) This is a new building, constructed less than five years ago. RL occupies about one-half of the site. Highly functional and with generally modest interior appointments, it provides ideal facilities for carrying on research and broadcasting operations.

The chart produced on the adjoining page (see Figure 2) describes the major subdivisions of RL's operations in Munich. Mr. Walter K. Scott, a former State Department official, is Executive Director of RL's Munich headquarters. His deputy is Francis S. Ronalds, formerly of USIA and a RL staffman of some years ago. (See Appendix 1 for biographic sketches.) In their hands rests overall executive authority and responsibility in Munich.

Operations at Munich are broken down into four major subdivisions: the Program Policy Division; the Network Division; the Administrative Division; and the Program Operations Division. All four divisions are closely interrelated.

The Program Policy Division (PPD) plays a vital role in RL's operation: it is responsible for the formulation of policy and, along with other components, the oversight of its execution. The extent to which these functions are efficiently carried out determines in large measure the effectiveness of RL's operations. The Research Department operates directly under PPD, the purpose being to integrate as closely as possible research with policy.

The Program Operations Division (POD) is responsible for the production of programs that are to be beamed to the Soviet Union. The Central News Service, drawing from the major wire services in the world and having daily access to RFE's news budget, provides the source of news for the other major subunits within POD, namely the Russian Service and the Nationalities Service.

Since Russians constitute the dominant ethnic group within the USSR and since their language is the lingua franca of the Soviet state, the major thrust of RL's effort in programming is in the Russian Service; it broadcasts 24 hours a day. The Nationalities Service is broken down into subunits representing the various languages, that is, Armenian, Azerbaijani, Belorussian, Georgian, North Caucasian, Tatar-Bashkir, Turkestani, and Ukrainian. Over the years its programming effort has been placed at a much lower priority than that of the Russian, even though the non-Russian peoples now constitute nearly one-half the total population.

However, this imbalance is, apparently, now being somewhat corrected. RL's bureau in London, Paris, Taipei, are important sources of news inflow and other forms of programming; they fall operationally under the administrative direction of the Director, POD.

The Production Department within POD has the responsibility for getting the programs on the air. This is both a creative and a technical task; creative in that it is concerned with the style and form of production, that is, the staging, the voicing by performers, and in general the theatrics of a show; and technical in that it actually tapes the programs for later transmission.

Tied closely to the production end of the operation is the Director of the Network Division who has the responsibility of getting the program on the air and transmitted to the Soviet Union. His task is made exceedingly difficult by the Soviet practice of jamming RL broadcasts 24 hours a day.

Finally, the Director of the Administration Division has responsibility for the functioning of the strictly administrative side of RL's operations in Munich.

C. U.S. Division

The U.S. Division of RL, though housed in New York headquarters of the Radio Liberty Committee, falls administratively under the direction of the Executive Director in Munich. (See Figure 3.) This seeming organizational anomaly was more or less a creature of necessity and accident.

For safety's sake many RL employees in Munich who were former Soviet citizens wanted to live in the United States, far away from the Communist border which was only some 80 miles to the east. Accommodations were accordingly made to resolve this problem in the form of the U.S. Division.

Moreover, large-scale migration of refugees to New York from the Soviet Union and Eastern Europe in the postwar period had already created in this country a potential source of talent for RL. Accordingly, efforts were made to recruit staff from among them. As early as 1952 scripts were being prepared in New York, and by 1955 a Radio Programming Support Division was being organized in the United States; this was the beginning of the U.S. Division.

In the next decade and a half the U.S. Division developed into a programming operation for Russian and 10 other Soviet languages, utilizing talent available in the United States either on a fulltime or "free lance" basis. Presently, the U.S. Division complements the Munich operations by producing programming which is planned, researched, written, edited, recorded on tape in the three New York studios, timed, dubbed and shipped by air to Munich in finished form ready to go on the air. However, the Munich headquarters exercises the final word on policy and program structure. By and large the U.S. Division focuses on reporting on the American scene, not from the American point of view but rather from the point of view of former Soviet citizens who are aware of their fellow countrymen's interests.

RL has benefited by the existence of this U.S. Division. It has been able, first of all, to draw upon the multiple talents of former Soviet citizens living in the United States. It has also had the advantage of close proximity to such news producing centers as the United Nations, New York, and Washington. Moreover, it has been able to draw upon talent within the American scholarly community, especially from those who specialize in Soviet affairs. Finally, through the U.S. Division, RL has been in a position to maintain productive connections with the community of former Soviet citizens in the United States and Canada.[20]

D. Administrative style of RL

An important aspect of the organization of RL is what might be called administrative style. In brief, the administrative style of RL seems to be one that encourages flexibility and informality, and fosters a type of organizational fluidity that allows the widest permissible, range of individual creativity and initiative, yet within a closely administered and carefully structured system of policy.

This style radiates from the top executive echelon through the lower levels of the organization. Mr. Sargeant observed that he believed in the principle of organizational autonomy. He explained this in terms of, (1) having a staff of experts and professionals of the highest caliber, then (2) laying out effective guidelines of policy for the organization, and (3) allowing the staff to interpret policy and function within a wide range of latitude. This style emanates not only from a personal preference, but also from the practical necessity of administering an essentially news-oriented, deadline-conscious radio operation under conditions of a 6-hour time lag between New York headquarters and Munich.

In Munich, Mr. Scott reflected the same administrative style. He said that RL operates at "the peak of allowable creative freedom" within the context of carefully defined policy, and that he sees this development as a continuing organizational trend. There was, he said, a remarkable degree of agreement within the organization on this larger administrative style; however, he stressed that control was tighter at the closer operating level.

Other members of RL staff voiced similar views, particularly the script writers, regarding autonomy and allowance of individual creativity at the lower working level.

At the strictly operational level, notably in the Production Department, the requirements are essentially technical and thus the exercise of administrative control is by necessity tight. But this is not the case in programming, script writing, research, and in news processing. In the last-named function the concept of administrative autonomy is especially relevant. News processing requires a climate of freedom and less dependency among staff. New emergencies do occur, and an effective functioning of staff requires not only a high sense of journalistic professionalism but also a feeling of self-confidence, independence and self-reliance that is fostered by the concept of administrative autonomy.

This administrative style helps to foster a spirit of intellectual creativity and the exer-

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cise of initiative within fairly wide parameters of policy. For an organization like RL this is perhaps vital if it is to achieve its purposes for, it is not just a radio per se, in the American conception, but rather an institution combining many functions and requiring above all intellectualism, linguistic skill, professional journalism, and a sense of theatrics, all of which can only thrive within a climate of allowable creativity.

On the other hand, administrative flexibility, too widely conceived, can create conditions for mistakes. This is an important qualifier in an organization that is dealing directly with one of the world's superpowers.

E. RL's position in executive branch

The specific relations which have existed between RL and the CIA or other agencies in the Executive Branch and the extent of RL's independence on or freedom from direction by the Executive Branch could not be fully explored during this study. Thus, it cannot be said categorically that it is not free from direction. However, as an outsider viewing RL's current operations through documentation, extensive interviews with staff, and actual on-site visits to facilities, certain aspects of RL's activities are apparent, and it is possible to make some reasonable generalizations.

First of all, RL is clearly a United States Government operation. It is, indeed, an integral part of this Nation's foreign policy apparatus. Secondly, the organization seems to have a wide range of independence from the Executive Branch in its broadcasting operations. This is apparent in its policy structure and policy content. And thirdly, RL's organizational policies, as set forth in the Policy Manual and augmented by periodic guidances, seem to be generated within the organization itself and not necessarily dictated by an outside authority. A careful study of RL's policies in the past few years indicates that they seem to be fairly "commonsense statements" that fall within and observe the larger consensus of American foreign policy. The reader can judge for himself by reviewing the material presented in Chapter II on policy formation and other materials reproduced in the Appendix.

IV. STAFFING

A. Size of staff

In recent years RL's staff has numbered around 1,000. According to figures published in the Senate Foreign Relations Committee report on RFE/RL, there were 953 employees in 1970, 962 in 1971 and 967 projected for 1972.[21] According to information provided from the General Accounting Office (GAO) in 1971, RL has a total of 1,067 employees. In its T/O, RL numbers its employees at 1,004, but the actual number on board, is 932.

Personnel within RL are allocated in accordance with the Strength Report of June 1971 reproduced as Figure 4.

B. National Characteristics of Staff

The unique purposes of RL as a surrogate "Home Service" for the Soviet people require staffing that is multi-national, for if RL is to communicate effectively it must do so in the many languages of the Soviet peoples. The Soviet Union is a multi-national state, having in its population of 241,784,000 ethnic groups numbering more than 170, speaking some 125 different languages and dialects, and practicing 40 different religions that embrace in substantial numbers the major faiths of the world.

Within RL (as within the Soviet Union), Russian is the lingua franca, but broadcasts are made in as many as 20 languages. In the Slavic languages there are broadcasts in Russian, Ukrainian and Belorussian. And in the non-Slavic languages there are broadcasts in Armenian, Azerbaijani, and Georgian; in the North Caucasian languages, that is Adhige, Avar, Chechen, Karachai, Ossetian, and Tatar-Bashkir; and in the Turkestani languages, Crimean-Tatar, Karakalpak, Kazakh, Kirghiz, Tajik, Turkmen, Uighur, and Uzbek.[22] Staff requirements are high in matters of linguistic skills, for the broadcaster, speaking as a friend and fellow countryman from abroad, must do so in the language, the accent, and the style of his audience.

FIG. 4.—RADIO LIBERTY COMMITTEE STRENGTH REPORT, JULY 1, 1971

	T/O	Actual
General management:		
Office of the president	11	11
Information division	7	4
Administration division, N.Y	16	15
Comptroller's office	11	9
Total	45	39
RL management:		
Office of executive director	17	14
Administration, Munich	129	117
Total	146	131
RL programing:		
Program policy division	54	47
Program operations division	261	235
U.S. division	69	68
London bureau	5	5
Paris bureau	7	7
Audience research division	16	[1] 13
Total	412	375
RL network:		
New York office	12	12
Munich office	62	57
Lampertheim Transmitter Station	66	65
Pals Transmitter Station	194	193
Pa Li Transmitter Station	17	16
Total	351	343
Institute:		
Institute division	9	9
German corporation	41	35
Total	50	44
Grand total	1,004	932

[1] ARD: 1 London; 3 Paris; 9 Munich.

Thus, the overwhelming majority of RL's programmers are former Soviet citizens. Most of the remainder have common roots and native identity with RL's audience because either they or their parents were born on the territories that now comprise the USSR. Of the 182 writers, editors, producers and broadcasters, 1.1 percent are from the prerevolutionary emigration; 13.2 percent are second generation; 4.4 percent fall in other categories; while 81.3 percent are former Soviet citizens.[23] Newcomers from the Soviet Union do augment RL's staff, infusing it with new blood and providing a fresh Soviet perspective. But their number, especially from among the Slavic peoples of European Russia, is nowhere sufficient to insure stable staff conditions in the future.

Owing to the uniqueness of RL's role in broadcasting, native Soviet peoples by and large hold many of the operational posts in the organization, such as area desks for broadcasting and script writing. However, as an examination of Appendix 1 and Figure 2 will reveal, top administrative posts in RL policymaking, policy control, and in key operations are held by Americans.

C. Professionalism of staff

When in the spring of 1971 David Binder of *The New York Times* visited both RL and RFE headquarters in Munich, he found that both organizations "are staffed by specialists who take pride in their professionalism." Analysts like Keith Bush of RL and James Brown of RFE, he continued, "are well regarded among historians and other professional students of Soviet-bloc affairs."[24] Leading Western scholars on Soviet affairs have commented favorably on the high quality of work produced by RL's staff. (For examples of RL's research products, see Appendix 22.)

A review of the biographic sketches in Appendix 1 provides some indication of the professionalism of RL's staff. A total of 19 RL staffers hold doctoral degrees, 41 have other advanced degrees, while many others are currently working for post-graduate degrees.[25] Years of research experience in the Soviet field and experience in the practical world of journalism and network broadcasting have further strengthened RL staff capabilities.

Ideally, an RL staffer must have a combination of expertise: he must have substantive knowledge in Soviet affairs; he must be knowledgeable in communications technique; he must have complete competence in Russian and in the case of other nationalities, their particular languages; he must be trained in the American requirements of scholarly research; he must have, in brief, the combined skills of a scholar, writer, journalist, and radio performer. When any of these requirements are lacking, RL seeks to correct the deficiency through training.

An asset in RL is the multi-functional roles that staff often plays. It is not exceptional that one staffman will do the research for a program, prepare the script for broadcast, produce the program, and finally participate in the actual broadcasting. Every effort is made in the Program Operations Division to have staff deliver their own scripts. As one RL staffer said, RL tries to overcome the "one man for one job approach" and attempts to develop a staff that has multiple-functional capabilities.

To enhance the professionalism of staff, RL maintains an in-house training program. A staffman schooled in the American legitimate theater will work with raw newcomers from the Soviet Union training their voices and preparing them to be effective announcers. The Production Department is constantly engaged in developing and training new talent—persons, for example, who have excellent Russian but have no knowledge of radio techniques. The Central News Department trains personnel from the inside. "Where do you find a Russian journalist?" one staffman said. In some instances RL will finance further study for personnel, as in the case of a young, talented Soviet seaman who had defected and is now studying at the University of Glasgow under a special arrangement with RL.[26]

D. Continuity and change in staff

In-house training for RL is a necessity. For RL faces the difficult problem of adequate staffing in an enterprise where the inflow of new personnel is extraordinarily limited Being a "Home Service" for the Soviet Union imposes, among other things, special linguistic requirements that are filled only by newcomers from the Soviet Union. (Nothing will "turn off a Soviet listener quicker," said one staffman, "than a broadcaster speaking heavily accented and poorly articulated Russian.") But in recent years such newcomers have been few. More often than not RL cannot compete with offers coming from other quarters, such as the universities and government services. However, Turkey has offered some opportunities for recruiting for Soviet Central Asians, some going there directly from the Soviet Union, others being first and second generation Tatars, Kazakhs or other nationalities.

Personnel replacement is thus a potentially serious problem facing RL; for, it is caught in a scissors of an aging staff and difficulties in recruitment. The reservoir of former Soviet citizens that was once available in Germany and upon whose skills RL was constructed is no longer available. And those staffmen who have been with RL since its beginning are approaching (and some have passed) retirement age. Efforts are made to continue staff, normally reaching retirement, in a status of "extended" service. Presently, there are 17 Russians, two Ukrainians and one Georgian (in the category of "prime language") that are in that status. Under the normal patterns of anticipated retirement,

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there will be a total of 62 by 1976, 47 of whom fall within the Russian category.[27]

Though the average age of RL's staff is lower than RFE's average of 45, still RL cannot escape the reality of staff attrition by retirement and difficulties in recruiting.[28] The age factor would seem to be important both in terms of organizational efficiency and continuity, and in dealing with the universal problem of the generation gap. Effective communication between the Soviet people and former Soviet citizens is not only a matter of linguistic facility but also one of speaking the language of the generation that will be the dominant force in Soviet Russia's future.

E. Organization commitment and general attitude

A final point to be made in the matter of staff concerns the rather intangible, yet important, idea of organizational commitment and general attitude towards the goals and purposes of RL.

The positive assessment of David Binder on the sense of professionalism pervading RL's staff appears justified. Adherence to the general rubrics of scholarly research and writings are reflected not only in published works and in other research efforts but also in staff papers and memoranda intended for strictly internal use. (This was not the case, however, in RL's public presentation to Congress in 1971 which had more the flavor of a public relations effort than a serious attempt at scholarship.) Even to the casual observer the care taken in policy formulation, programming, production, policy control, and program evaluation indicates a high sense of professional concern. The multilingual facility of staff reveals, moreover, a level of linguistic professionalism that is impressive to the outsider.

Evident also in RL's staff, especially in research, is the unique combination of American and Western scholarship with that of the native talents of former Soviet citizens who are deeply immersed in their own native Soviet environment both through the written word and their own experience. In the view of one senior American analyst in RL this combination has resulted in a good research product; while to a senior commentator, a Russian by birth, the combination provided the possibility in broadcasting of bridging the gap of misunderstanding between the Soviet peoples and those of the West and imparting the values and traditions of the West into the Soviet environment.

What seems most significant, however, is the apparent spirit of the organization. It is a spirit that seems to arise from an inner conviction of participating in some form of positive change within the Soviet Union. One senior programming official, Morris Diakowski, an American of Ukrainian-Canadian extraction, described the feeling of staff as one of being caught up in an important activity and being deeply involved individually as an active participant. "An attitude of total commitment in what is being done exists within the organization," he said—"not in an extreme sense, but rather in the sense of doing something positive by participating in bringing about changes for moderation in the Soviet Union." The accent, he said, is on the positive in this work, and the prevailing spirit is one of idealistic expectation of a hopefully better world. "If not," he declared, "one would be lost as an individual"; for, "without an inner belief in the regenerative qualities of Soviet society, one would lose his mental balance."

F. Connections with western scholarly community

The professionalism of RL's staff is given further support by the practice of seeking advice from outside specialists in such matters as programming, policy, and program evaluation. Outside specialists even participate in actual broadcasting. RL's formal statement put it this way: ". . . the advice—and creative contribution—of the outside academic specialists in Soviet affairs and communications have played a major part" in RL's work.[29]

Perhaps, one of the most recent illustrations of this practice was the panel broadcast discussion held in London, England on April 23, 1971. Participants on this panel were some of the Western world's leading Soviet specialists, namely: Leonard Schapiro and Peter Reddaway of the London School of Economics; Max Hayward, St. Anthony's College, Oxford University; Rev. Michael Bourdeaux, Director, Center for the Study of Religion and Communism; David Floyd, Soviet specialist for the *London Daily Telegraph;* Martin Dewhirst, Faculty of Slavonic Studies at Glasgow University; Leo Labedz, editor of Survey, one of the leading scholarly journals in the West on Soviet bloc affairs; and Abe Brumberg, long-time editor of Problems of Communism, the publication of USIA. Edward Van Der Rhoer, Policy Director of RL, and Albert Boiter, head of RL's Research Department, were the only representatives of RL on the panel.

The discussion centered on the practical matter of RL's policy on the use of samizdat (that is, self-publishing of material not authorized by the Soviet regime) in its broadcasting. The printed text of this stimulating and authoritative discussion amounted to approximately 30,000 words, that is to say, a small book.

An example of the type of subject matter discussed for future RL policy formulation was the suggestion of Prof. Schapiro to use samizdat material relating to civil rights in the Soviet Union. Prof. Schapiro, a trained lawyer and one of England's leading Soviet specialists who is widely known in the United States and throughout the West, discounted appeals on the international level, but urged the use of material that would be of practical use to the Soviet citizen. He cited the "remarkable" Yesenin-Volpin document which told what to do when being interrogated by Soviet authorities, and urged: "There is a thing to broadcast again and again. It is wonderful, practical information. This tells what you legally can do and what you cannot do."[30]

This panel discussion provided the basis for the adoption of future policy on the use of samizdat.

V. BROADCASTING AND RESEARCH FACILITIES

A. Broadcasting Facilities

1. Power and Transmitter Locations

In the beginning RL had only one transmitter station; it was located at Lampertheim, Germany, and had a very low power output (10,000 watts.)[31] But the Soviets initiated around-the-clock jamming of RL. RL's signal was, therefore, able to penetrate Soviet sky-wave jamming only at times when ionospheric conditions were favorable. Such conditions occurred in the transition hours during the morning and evening twilight—the condition was called "twilight immunity." (This phenomenon will be discussed in detail in Chapter VI.) RL's technical effectiveness was reduced in this period because it had lower power and because the Soviets augmented their jamming activities during RL during twilight. To increase its effectiveness, RL began to increase its power. The Lampertheim station was improved by adding modern 50,000 watt transmitters and by redesigning and rebuilding its complement of antennas.

Presently, RL has two other transmitter bases besides the Lampertheim complex: one at Pals, Spain, and one on Taiwan. The most significant increase in power was accomplished at the Costa Brava station in Spain. Five modern and extremely efficient 250,000 watt and one 100,000 watt transmitters were installed during the years 1959–1964. Four groups of high gain antenna curtains were designed, engineered and constructed during the same period in order to carry the total transmitting power of 1,350,000 watts to the Soviet audience. Four of the large transmitters have been combined to provide two signals of 500,000 watts each or one signal 1,000,000 watts strong.

In addition, the Pals transmitter has the advantage of "over-the-water reflection." With the antennas located directly on the beach, the Mediterranean Sea provides the nearly perfect flat reflecting surface so important in overcoming jamming through sky-wave shortwave transmissions. The geographical placement of the Pals site also allows maximum benefit from the phenomenon of twilight immunity. Thus, RL's megawatt transmitter is believed to be the most powerful shortwave radio transmitter in international broadcasting: it can deliver a signal, effective in the presence of jamming, to most areas in European USSR from its Western borders to the Urals and from the Baltic to the Black Seas. (For commentary on the range of coverage, and estimated population in the areas covered, see Chapter III, pp. 122–123.)

RL's transmitter station on Taiwan was made more efficient in two ways: first, by modernizing and strengthening its technical plant, and, secondly, by relocating it in an area free from obstruction and providing over-the-water reflection for its signals. Broadcasts emanating from RL's Taiwan station go out over three 50,000 watt transmitters and are directed to the Soviet Far East.

The maps reproduced in Figures 5–8 show the coverage contours of RL's main transmitters.

The main studio facilities for RL are located in Munich, Germany. The studio and master control complex (8 studios in all) are among the most modern in the shortwave field. The master control function is responsible for feeding program material in 17 languages to the Pals and Lampertheim transmitter sites on an around-the-clock basis. In addition to this coverage, it reproduces these program materials for repeat transmissions and for further dissemination to the Taipei station, as well as for distribution to area experts for analysis and criticism. Live newscasts are transmitted to Taipei via satellite; tapes of programs are flown to Taipei in sufficient time to meet programming deadlines. RL also maintains bureaus with studios in New York, Paris, London, and Taipei. The use of tape enables the Munich headquarters to maintain policy and quality control, along with program coordination.

2. Frequency Allocation and Transmitter Licensing

RL has an average of 33 internationally approved frequencies used in the 75, 49, 41, 31, 30, 25, 19 and 16 meter bands. As a member of the International Telecommunications Union in Geneva, it is assigned its broadcasting frequencies on a seasonal basis. To avoid inadvertent interference or duplication of broadcasting frequencies, RL participates in regularly scheduled international conferences designed to coordinate the various broadcasting schedules.[32]

R.L. operates in Germany, Spain and Taiwan under a franchise issued by the host governments. This franchise is, in fact, a license to operate certain facilities and to conduct certain broadcasting operations. The franchise contains conditions relating to the material to be broadcast. Spain, for example, requires summaries of broadcast materials on specified subjects.

But the franchise becomes extremely specific when dealing with the technical operations. Jurisdiction over the operations of the technical facilities is established by the telecommunications authority of the host government. This authority is concerned with such matters as power and frequency assignment and technical performance of the facilities. Do they, for example, conform to good engineering practice, that is, harmonics? RL is obliged to file its frequency requirements for broadcasting through the ap-

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propriate telecommunications authority in the host country for notification to the ITU.

What is important about this arrangement is that the frequencies are registered with the ITU in the name of the country filing the notification, that is, the host country. This action neither confers nor implies any vested rights to the individual franchised user of that frequency but only priority rights granted by the country of notification, that is, the host country.[33] Dependency of RL on the host country for its license to transmit is, therefore, great, and as RL's network chief George Herrick said in commenting on the precarious nature of licensing and frequency allocation, "the loss of frequency and license is an irreversible loss; it can't be negotiated as an economic matter; the right to operate and the right to frequencies can't be bought." The matter of licensing became a serious question for RL in the spring of 1971 when its license to transmit in Germany came up for renewal. The Soviet bloc exerted great pressure on the West German Government not to renew the license, but the West Germans resisted, and RL was given a new lease on life in Munich and Lampertheim.

B. Research facilities

1. Overview of Resources

RL's broadcasting operations are supported by a research effort that is impressive both in quality and in quantity. To keep abreast of internal developments in the Soviet Union and to know what gaps to fill in their programming, RL researchers, programmers and other staff read and process more than 250 Soviet newspapers and journals in addition to an equal number from the West. The annotated bibliographic notes prepared on the basis of this press screening have furnished vast and unique archives containing more than one million separate items of information.

In addition to this, RL monitors listen to, tape, and partially or fully reproduce the texts of from 80 to 120 hours of Soviet broadcasting a day, including the gist of the columns which Soviet citizens are reading in their daily newspapers.[34]

Moreover, RL libraries in New York and Munich provide extensive coverage of recent periods of Soviet history and up-to-date information on current Soviet affairs. The library collection in New York consists of 14,000 books, subscriptions to 200 Western and 220 Soviet periodicals and dailies, 2,500 microfilms, and extensive files of archival material as well as a record and tape library. In Munich, researchers and programmers have available a library collection of 65,000 books, subscriptions to 291 Soviet periodicals, including 59 newspapers and 232 magazines and scholarly journals. The library also contains documents, reports, pamphlets and microfilms. Published materials are supplemented by a large archive of in-house mimeographed research materials dating back to 1951.[35]

Presently, RL has under consideration the problem of maintaining a vast samizdat collection which increases with each passing week. Scholars regard RL as the largest archive for this valuable raw research material.[36] In collecting semizdat, and in reproducing an extra copy for broadcasters, RL has found itself performing a major service to a small circle of Western specialists; but now it is faced with the problem of whether a similar service should be performed for a larger outside circle.[37] Recently a decision was reached on releasing samizdat, and the mechanism for making it available to the scholarly world is now being explored. Negotiations are underway to have duplicate copies of the material deposited in the Library of Congress so that scholars will have ready access to this rich bank of research material.

2. Research Resources at RL's Munich Headquarters

Both New York and Munich maintain separate research facilities to support their own individual programming operations. The main research effort is, however, in Munich. There, the division of labor and allocation of research resources seem to be structured generally to suit the particular needs of the organization as it has taken shape over the years. Dispersion, therefore, characterizes the informational side of RL's operations.

Formally, the primary research base within RL is the Research Department. Efforts have been made to integrate policy and research so that policy can have the assurance and support of solid underpinnings of data and analysis. Thus, the Research Department falls administratively within the responsibility of the Director of the Program Policy Division. The Research Department also acts as an informational conduit for programmers through which up-to-date information is channeled. In brief, the Research Department seeks to establish an inter-relationship with both policy and programming.

In large measure it is one of the principal support units of RL's broadcasting operations. Research staff maintain individual sources of information. A remarkable bank of data on the Soviet Union called "the Red Archives" is at their disposal. Since the Research Department has become the primary depository in RL for the processing of samizdat and feeding it into programming, researchers have this wealth of new material to enrich their research product.

The library acts as a broad base archival support for RL's operations. In addition to the general services that a library renders to a research organization, library staff provides RL researchers and programmers with bibliographic information on such matter as new acquisitions and on projected subjects for broadcasting set forth in the Monthly Guidance. Library staff also maintain a close "inter-library loan" relationship with the Bavarian State Library in Munich where they can draw on its highly commended "East European Collection."

Programmers also have their own independent sources of information, in addition to what is available in the Research Department. This is especially the case with the Nationalities Service. Owing to their specialized interest in the non-Russian Soviet nationalities and to the heavy emphasis on strictly Russian materials in RL's research resources, staff of the Nationalities Service have had to develop their own sources of information. In fact, the programmers in both the Russian and Nationalities Services, specialists themselves in their own fields, have acquired a finger-tip sensitivity to developing events and thus often rely upon their own resources rather than the lengthy, scholarly-oriented studies from the Research Department, sometimes too indigestible to suit their immediate needs. The programming effort is essentially a journalistic operation: it is "history in a hurry", as one senior staffman said; it is an "integrating process" of past knowledge with unfolding contemporary history in which speed is vital. Hence, the need for this special source of information within immediate reach and in a readily useable form.

Other sources of data are available in the Information Center and Music Library which are administratively under the Program Operations Division. The Information Center maintains ready-reference material such as reviews and periodical literature, along with a 10-day deposit of RFE daily news budgets. The Music Library maintains an extensive record and tape collection.

Thus, RL has substantial resources of information and research data available for staff; but it is widely dispersed throughout the organization. This development seems to have been dictated by the special requirements of the various departments in research and programming. As a result, the library seems to have taken on the form of an archival center rather than that a of a nerve center for a research organization, at least in the American sense. Whether or not dispersal or centralization of research resources into a central library is the most effective and efficient mechanism of organizing RL's informational data may well be a question for future consideration.

3. The Institute for the Study of the USSR

The Institute for the Study of the USSR was, until recently,[38] another support service available for RL staff in research and programming. The Institute was an entirely separate operation from RL's broadcasting functions, and administratively it was responsible directly to the President of the RL Committee. However, the Institute was located in Munich, and its research resources were available to RL.

The Institute's library of 75,000 volumes constituted one of the richest specialized collections on the Soviet Union in Europe. It concentrated on the acquisition of Soviet materials, particularly current periodicals and newspapers. It also contained a large number of books and periodicals not now available. Such basic research materials as the complete sets of *Pravda* and *Izvestia* since 1917 were available on microfilm. In addition, the Institute maintained an extensive biographic file of more than 130,000 leading Soviet personalities. One of its many publications was the standard reference work, "Who's Who in the USSR."[39]

The main effort of the Institute was in the realm of publications, notably of periodical literature which focused mainly on Soviet interest in the underdeveloped areas of the world. However, the Institute also published books based on conferences and symposia in which leading Soviet specialists in the West participated. A recent book in this series is, "The Military-Technical Revolution", published by Praeger, edited by John Erickson, and containing chapters on Soviet defense matters by leading specialists in the West. In addition, the Institute sponsored a 6-week Soviet Area and Russian Language Summer School conducted by the University of Oklahoma.[40]

Thus, the Institute served various purposes for RL staff: it provided library materials that supplemented collections in their own library, it brought together specialists on Soviet affairs in conferences and symposia, thus enabling RL staff through consultations and informal associations to gain other perspectives on the Soviet reality; and finally it published data that was available for immediate staff use in research.

4. Availability of RL's Research Resources and Output to Scholars

RL's research facilities are open to scholars and researchers. Moreover, RL makes many of its research products available to a wide range of specialists on Soviet affairs. Thus, RL is able to serve two functions: it is able to maintain its important connection with specialists in the scholarly community in the West to whom it often turns for advice and counsel on programming and policy; it is also able to infuse up-to-date information and important emerging ideas into the mainstream of Western thought on developments in the Soviet Union.

A major effort is made by RL to keep Soviet specialists informed on current happenings in the USSR. It does this by distributing free-of-charge its publications to 650 specialists in North America who have regularly asked to receive the material.

RL publications include RL Dispatches on current affairs analysis, issued several times a week; RL Research Papers, providing more extensive background information; and RL

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translations of significant articles from the Soviet press. (For examples of RL's publications, see Appendix 22.) The latter two publications are issued on an ad hoc basis.[41]

RL research facilities have, therefore, not only provided support for RL programmers and broadcasters, but, as a spin-off of its primary activity, namely, broadcasting, it has also provided an important service to specialists in academia, the government, and the mass media who are concerned with contemporary Soviet affairs.

A measure of the value of RL's research materials to Western scholarship can be seen in the appraisal by Prof. Leonard Schapiro of the London School of Economics. Prof. Schapiro wrote that he has followed the work of RL "very closely" for over 15 years and that "the products of the research in which it engages, and on which it broadcasts are founded, have been closely studied by me and by my colleagues in my department for many years." "I have no hesitation in stating," Prof. Schapiro went on, "that the quality of this research has been consistently high and that it has proved of inestimable value to those who, like ourselves, are concerned with the study of the Soviet Union."[42]

The tone of this endorsement of RL's research products along with others reproduced in Senate Foreign Relations Committee hearings and in RL's statement to Congress have the flavor of excessive testimonials; but this judgment must be balanced by an awareness that the writers are eminent scholars in the field of Soviet studies, and speak with some authority.

5. Importance of Research in RL's Operations

The quality of research done by RL, whether it be in the Research Department or among programmers, and the availability of input source material, whether it be in the form of books, periodical literature, the press, radio monitoring or even word of mouth, is vital to RL's broadcasting operations. For the quality of information derived from research sources, along with the daily input of news (which is essentially part of the research process), determines in large measure the degree to which RL is achieving its stated goals and purposes as a surrogate "Home Service" for the Soviet people. By the nature of things RL must operate from the premise that its audience suffers from large informational gaps which it seeks to fill.

RL tries to give the Soviet audience a reasonably complete picture of reality as any Soviet citizen would perceive it had he access to free information as in the West. And this can be done only by research, analysis, and a highly rational selection of news—in brief, only by hard intellectual effort.

VI. FUNDING: SOURCE OF CONTROVERSY

In recent years RL's annual budget has ranged between $12 to $14 million. According to Senator Clifford P. Case (R-N.J.), the operating cost of RL for FY 1969 was $12,887,401.[43] According to a GAO estimate, RL's budget for 1971 was about $13,700,000.[44]

Formally, these funds were apparently supposed to have been provided by private sources in RFE/RL's capacity, in the State Department's words, as "private broadcasters."[45] However, according to the SFRC report, the "gap between private contributions and actual budget expenditures . . . has been filled by funds from the Central Intelligence Agency . . ."[46] According to the State Department, RL has no program for corporate funding, such as that for RFE.[47] (During the decade 1962–1971, RL received about $20,000 in unsolicited funds.) The SFRC report stated that the ". . . Executive Branch officials refuse publicly to acknowledge the [Central Intelligence] Agency's participation or role in maintaining and operating the two Radios."

Accordingly, "the Department declined to supply additional financial data for this report on Government funding of RFE and RL."[48]

FOOTNOTES

[1] U.S. Congress. Senate. Committee on Foreign Relations. Public financing of Radio Free Europe and Radio Liberty. Hearings. Washington, U.S. Govt. Print. Off., 1971, p. 5. Hereafter cited as, "SFRC, RFE/RL Hearings."

[2] When the press reported that the Library of Congress and General Accounting Office were going to prepare studies on RFE/RL for the Senate Foreign Relations Committee, Mr. Howland H. Sargeant, President of Radio Liberty Committee, wrote Dr. L. Quincy Mumford, the Librarian of Congress: "Radio Liberty is now completing its second decade of uninterrupted broadcasting to the Soviet Union. I would like to assure you that Radio Liberty programs and documentation relating to these broadcasts are freely available to the Library of Congress in carrying out its assignment from the Foreign Relations Committee. I offer our fullest cooperation and look forward to hearing from those in charge of the studies as to how we may be most helpful." (Sargeant to Mumford, Radio Liberty Committee, July 26, 1971.)

[3] Documentary material provided by RL is deposited temporarily in the Foreign Affairs Division, Congressional Research Service, Library of Congress. Citations to sources refer to particular documents as filed according to volume. For the most part material drawn from interviews is not cited in the footnotes.

[4] Radio Liberty: An Historical Sketch, September 2, 1971, p. 1. (RL, v. IV, pt. 1)

[5] Evolution of Radio Liberty Policy: 1952–1971, p. 1. (RL, v. IV, pt. 2)

[6] Ibid., p. 2.

[7] Hobbing, Enno. Radio Liberation Speaks for the Silent. The New Leader, v. 41, Oct. 6, 1958: 21–22, and Petrov, Vladimir. Radio Liberation. The Russian Review, v. 17, April 1958: 110.

[8] In a critical appraisal of RL, Erik Barnouw observed in his history of American broadcasting that RL had begun broadcasting two months after the inauguration of President Eisenhower, and he went on to say: "Although plans for it had been made earlier, Radio Liberation became the epitome of the foreign policy of the following years, a policy dominated by John Foster Dulles of the Department of State and Allen W. Dulles of the Central Intelligence Agency—two remarkable and complex men, differing yet working in harmony. They made a fateful impress not only on American diplomacy but also on its broadcasting—at home and abroad." (The Image Empire: a History of Broadcasting in the United States. New York, Oxford University Press, 1970, v. III, p. 92)

[9] Evolution of Radio Liberty Policy: 1952–1971, p. 2–3. (RL, v. IV, pt. 2)

[10] Ibid., p. 4.

[11] Dr. Petrov made these observations on RL's conduct during this critical time: "This lack of clarity in political matters [in RL's policy] is an obvious shortcoming. It was clearly demonstrated during the Hungarian crisis in November 1956, when RL didn't know what to say. Actually, some foolish things were said. For example, appeals were made to the Soviet soldiers not to shoot the Hungarians because they also were building socialism; regrets were expressed because 'our' brave soldiers murdered Hungarian women and children; appeals were made to the members of the Communist Party and to the 'politrabotniki' of the Army to stop the mass slaughter of the population." (Petrov, op. cit., pp. 112–113)

[12] Writing in 1958, Dr. Petrov commented: "Since most of the policies of RL consist of 'don'ts' and since the writers and editors are reduced to platitudes, RL suffers from a distinct lack of character." (Petrov, op. cit., pp. 110–111). However, in a commentary on the effects of the Hungarian crisis on RFE/RL, David Binder of *The New York Times* recently observed: "The crushing of the Hungarian uprising in 1956 by Soviet armor also led to the crushing of cold-war agitation by Radio Free Europe and, in less dramatic form, at the Munich station aimed at the Soviet Union and then called Radio Liberation. At Radio Free Europe commentators and policy advisers were dismissed or shifted to innocuous jobs. Radio Liberation changed its name to Radio Liberty and gradually toned down its more aggressive commentators." (Binder, David. Embattled Radio Free Europe defends role. The New York Times, March 15, 1971, p. 10)

[13] Ibid., pp. 4–5.

[14] Ibid., p. 5.

[15] Ibid., pp. 5–7. The moderation of RL and its commitment to the principle of evolutionary liberalization were evident in the following six "immediate objectives" cited in the 1965 Policy Manual:

"1. to encourage practical, democratic political alternatives to Soviet practices;

"2. to encourage more rapid social and economice reforms and allocation of more economic resources for the benefit of Soviet consumers;

"3. to reassure listeners that democratic powers want peace and eschew aggression, but will defend themselves against aggression;

"4. to encourage the view that the Soviet Government should abandon world revolutionary aims and work more actively for peace and international cooperation;

"5. to undermine Communist ideology, showing that it does not promote the welfare of the peoples of the USSR, and to show that history points toward progress in freedom of all peoples;

"6. to encourage cultural diversity and freedom of exchange of ideas and travel."

[16] CFRC, RFE/RL Hearings, p. 27.

[17] Panfilov, Artem F. U.S. Radio in psychological warfare. Moscow, International Relations Publishing House, 1967. (Excerpts and bibliography translated by Radio Liberty)

[18] A recent pamphlet published by RL listed the following as members of the Board of Trustees: Henry V Poor, Assistant Dean, Yale College of Law; Howland H. Sargeant, President, Radio Liberty Committee and former Assistant Secretary of State; Whitney N. Seymour, Chairmon of the Board, Carnegie Endowment and former President, American Bar Association; John W. Studebaker, former U.S. Commissioner of Education; Reginald T. Townsend, Vice President, Radio Liberty Committee; William L. White, Editor and Publisher, Emporia Gazette, and Philip L. Willkie, Attorney; Mrs. Oscar Ahlgren, former President, General Federation of Women's Clubs; John R. Burton, Chairman of the Board, National Bank of Far Rockaway; J. Peter Grace, President, W. R. Grace & Company; Allen Grover, former Vice President, Time-Life, Inc.; Gen. Alfred M. Gruenther, U.S.A. (Ret.), former Allied Commander in Europe (NATO); Hon. John S. Hays, Communications Specialist and former U.S. Ambassador to Switzerland; H. J. Heinz II, Chairman of the Board, H. J. Heinz Company; Isaac Don Levine, Author and Specialist on Soviet Affairs.

[19] U.S. Congress. Senate. Committee on Foreign Relations. Radio Free Europe and Radio Liberty. Report. 92d Congress, 1st Session. Washington, U.S. Govt. Print. Off., July 30, 1971. Report No. 92–319, p. 2. Hereafter cited as "SFRC, RFE/RL Report."

[20] The special role of RL's New York operation, Oct. 1971, pp. 1–3. (RL, v. XII, pt. 3)

[21] SFRC, RFE/RL Report, p. 2.

[22] Radio Liberty. Guests in the Soviet home, 1970, p. 10. And, RL letter and telex, Nov. 12, 1971.

[23] Radio Liberty Visual Exhibits, Illustration 24. (RL, v. V, pt. 11.)

[24] Binder, David. Embattled Radio Free Europe Defends Role. The New York Times, March 15, 1971, p. 10.

[25] Radio Liberty: An uncensored information medium for Soviet citizens, June 14,

1971, p. 11. (RL, v. I.) Hereafter cited as, Radio Liberty Statement, June 14, 1971.

[26] In FY 1971, RL expended $50,900 for training purposes. (Chart XVII, Training Expenditures. RL, v. V, pt. 12, p. 16)

[27] RL: Programming-language personnel. Total staff by prime language vs. current extended personnel plus retirement 1972–76, October 1971. The present strength of the Russians is 168; Ukrainians, 20, Belorussians, 12; Armenians, 7; Azerbaijanians, 7; Georgians, 8; Karachay, 1; and Tatar-Bashkir, 8. The anticipated percentage loss from retirement during the period 1972–76 is 27.9 percent for the Russians; 20.0 percent, Ukrainians; 33.3 percent, Belourussians; 14. 3 percent Armenians; 14.3 percent Azerbaipanians; 37.6 percent, Georginas; 100 percent, Karachay; and 12.5 percent, Tatar-Bashkir.

[28] According to David Binder, "the average age of the Radio Free Europe employees is 45. It is perhaps a bit lower at Radio Liberty, where the director, Kenneth Scott, has recently hired several colorful Soviet defectors." (The New York Times, March 15, 1971, p. 10)

[29] Radio Liberty Statement, June 14, 1971, p. 11. (RL, v. I)

[30] The future of Samizdat; Significance and Prospects, p. 29. (RL, v. II, D1)

[31] This section of the study is based upon, RL's technical facilities, pp. 1–3. (RL, v. III, pt. K)

[32] RL Basic briefing outline, p. 7. (RL, v. V, pt. 10)

[33] Frequency usage and facility occupation, Aug. 6, 1971. (RL, v. XI, pt. 8).

[34] RL, Guest in the Soviet home, p. 9.

[35] RL Statement, June 14, 1971, pp. 17–18. (RL, v. I).

[36] The future of samizdat, pp. 37–38. (RL, v. II, D1).

[37] Ibid, p. 19.

[38] Because of a sharp budget cut RL terminated the Institute at end of 1971.

[39] Institute for the Study of the USSR. Munich, Germany, Carl Gerber, 1969. 9 p.

[40] Ibid.

[41] RL Statement, June 14, 1971, pp. 17–18. (RL, v. I.) See also part L, RL Research Bulletin, 1970 Index.

[42] Ibid., p. 25. Dr. Frederick C. Barghoorn, a leading American specialist on Soviet affairs and a Professor of Political Science at Yale University, commented: "As a scholar I have long admired and I have found most useful the research and publication activities of Radio Liberty. These information activities are very important to scholars, journalists, and other communicators not only in the United States but in Europe, Asia, South Africa, and other parts of the world." (SFRC, RFE/RL Hearings, p. 172.)

[43] SFRC, RFE/RL Report, p. 9.

[44] Figures, provided by GAO.

[45] SFRC, RFE/RL Report, p. 2.

[46] Ibid.

[47] Ibid., p. 11.

[48] Ibid., p. 2. The refusal of the Executive Branch to acknowledge publicly its role in funding RFE/RL was revealed in David Binder's report on both radios. Asked about the disclosure that Radio Free Europe and Radio Liberty were financed by CIA, Mr. Binder said that Mr. Ralph Walter, the Munich director of RFE, declared: "Our broadcasting policies are made here in this house and are not guided by anyone in Washington. We are nobody's mouthpiece." An RL official concurred. (The New York Times. March 15, 1971, p. 10.)

CHAPTER II: RL's GOALS, POLICIES, AND POLICY FORMULATION

I. RL'S OBJECTIVES

A. Ultimate goal: Democratization of Soviet Society

The primary objective of RL is very simply to encourage those forces of liberalization within Soviet society that will bring about an eventual peaceful evolution of the USSR from its present form of Communist totalitarianism to a more tolerable and humane form of democracy. The ultimate goal is democratization of Soviet society in the expectation that within such liberalization lies the greatest hope for world peace.

Perhaps, this general objective was most succinctly and yet comprehensively set forth in RL's formal statement to Congress. It said: "Radio Liberty is a communications channel for Soviet citizens concerned about their country's future, and its place in the world community. It is dedicated to human rights, to peaceful evolution of Soviet society and to harmony in international relations." [1]

As an ultimate goal in broadcasting, RL directs its energies towards achieving the democratization of Soviet society. The Policy Manual of 1971 defined RL's ultimate goal in these terms: "to see all the peoples of the USSR acquire the opportunity to live in freedom with truly democratic political institutions, based on free election processes and guaranteed observance of human rights, and which represent the best interests of all citizens and assure for their country a normal, cooperative and constructive role within the comity of modern states." [2]

B. Commitment to peaceful change

RL's is, however, a commitment to peaceful change from within. It seeks to encourage liberal and progressive elements within Soviet society, seeing in these forces the greatest possibility for a Soviet Russia regenerated by the liberating spirit of genuine democracy. It rejects confrontation as an instrumentality in achieving its goals and fosters an approach to policy formulation and policy execution that is essentially benign in spirit, positive in direction, and pacifistic in its rejection of solutions by force.

Thus, RL is not now a Cold War operation in the sense that this term was used and understood in the 1950s and which well described its functions at that time. On the contrary, RL accepts Soviet institutions, though not its ideology, and seeks to bring about peaceful transformation within the system as it now exists.

C. RL's purposes

In seeking its ultimate goal of democratization, RL has a rather precise perception of how this should be done. It encourages the Soviet peoples to work together as a first step in instilling the habit of democracy. The expectation is that by mutual cooperation the Soviet peoples themselves can establish a democratic system that will not only be representative of and responsible to the will and aspirations of all, but also will be capable of sustaining their national interests and maintaining a viable economic structure.[3]

In assisting the Soviet people to achieve this goal, RL broadcasts to its listeners truthful information which will enable them to make up their own minds, form their own judgments, and reach their own independent conclusions on developments within their country. RL seeks, therefore, to relieve the Soviet people from their total dependency upon the regime as a source of information. Having monopolistic control over information and publicly expressed opinion, the ruling elite deprives Soviet citizens of access to information that would give them a more complete and truthful picture of reality. RL seeks to fill in these blank spaces of calculated omissions and correct distortions of official Soviet propaganda. Finally, RL urges the Soviet people to develop a sense of common cause and recognize that their concerns and vital interests are shared concerns and interests of many other Soviet citizens.[4]

In speaking for the genuine needs and best aspirations of its listeners, both Russian and non-Russian, RL emphasizes the importance of both historical continuity and the relevance of contemporary problems. For all Soviet peoples it assumes the obligation of linking their past to the present and future in an effort to maintain the vigor of their historical and cultural legacies in the face of regime attempts to exploit them for propaganda purposes. Attuned to the requirements of history, RL thus relates the past to the present and future while concentrating on contemporary problems in Soviet society.[5]

D. RL's Immediate Objectives

Within this larger framework of goals and purposes, RL pursues immediate objectives that focus on such practical and positive themes as democratic political alternatives, economic reform, peaceful intentions of the democratic world, ideological irrelevance of Marxism-Leninism, and the virtue of cultural diversity and political pluralism.

As a primary immediate objective, RL tries to convince Soviet listeners that practical, democratic political alternatives to their present system do exist. It encourages them to work toward these alternatives in their own interest by asking questions, by seeking more information, by finding practical solutions to specific problems, and by uniting in common efforts to create internal pressures for change.[6] In brief, RL seeks to destroy the prevailing, officially-induced myth of a political system preordained by history and suggest pragmatic means for transformation.

RL also encourages among its listeners the belief that more rapid and equitable solutions are possible to their domestic economic and social problems, and to the problems of the nationalities. RL persuades them to press for basic economic reform and allocation of more economic resources for the benefit of the consumer. It also persuades the Soviet listener to press for the cultural needs of the various nationalities, including the Russian.[7]

In the realm of international relations, RL assures its listeners that the democratic powers of the world are pursuing foreign policies that are designed to achieve world peace and stability. It tries to convince the listener that, notwithstanding the constant claims of Soviet propaganda, none of these states has any intention of committing armed aggression against the USSR. Defense establishments are maintained, RL points out, in order to resist aggression by other world powers.[8]

Moreover, RL tries to convince its listeners that by abandoning world revolutionary aspirations, moderating its aggressive foreign policies, and instituting a policy of more active international cooperation within the United Nations, the Soviet Government would do much to lessen the danger of thermonuclear war and to assure world peace.[9] Or said another way, adherence to the ideological principle of "struggle" and the advocacy of the conquest of power that flows from this belief, enhance the possibility of thermonuclear war, and only through Soviet moderation and cooperation in the United Nations will peace be assured.

In ideological matters, RL challenges the faith of Communist believers—both sincere and opportunistic—in their obsolescent ideology which as Marxism-Leninism contains the seeds of Soviet dictatorship. It tries to convince believers that Marxist philosophy as it has taken shape in the USSR has been perverted and in the course of time reduced to a collection of primitive dogmas. RL tries to show believers that the "revolutionary struggle" in the world today, so seminal to the concepts of Marxism-Leninism, does not coincide with their views or their interests. These would be better served, RL stresses, by the peaceful pluralistic development of societies under the rule of law, and in freedom for all peoples everywhere, including the peoples of the USSR.[10] In brief, RL challenges the faith of Marxist-Leninists as being outdated, irrelevant and contrary to the real interests of the Soviet people; it re-affirms the principle of democratic pluralism and rule of law.

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Relating the concepts of societal pluralism and rule of law to the Soviet scene, RL tries to encourage trends toward cultural diversity and freedom among all peoples of the Soviet Union. It encourages also trends toward a truly free exchange of information and ideas, and freedom to travel between the Soviet Union and non-Communist countries. In pursuing this immediate objective, RL tries to gain the attention of Soviet listeners by showing in its full dimension the range of political and cultural diversity and freedom of thought in the non-Communist world.[11]

In international affairs, therefore, RL encourages detente, amelioration of differences through diplomacy, strengthening the United Nations as an instrument of peace, and creation of a world system based on political pluralism and the rule of law. RL represents an ideological challenge to the regime and thus may be an irritant in East-West relations, and accordingly may adversely affect the modalities of relations. But it is unlikely that it would impair East-West detente which rests upon more deeply rooted power realities. RL directs its energies mainly toward the Soviet people; it attempts to establish a dialogue with them; it assumes that by encouraging the forces of internal liberalization, natural and Soviet-generated pressures exerted from below upon the regime will make it more responsible to the interests of the people and accordingly create more favorable conditions for continuing peace.

II. GENERAL PHILOSOPHICAL APPROACH OF RL

A. Basic operating principle: Rights of free press

To achieve its objectives, RL seeks to promote opinion formation in the Soviet Union, and it does this principally through its radio broadcasting operations. As a surrogate "Home Service," it attempts to communicate directly to the Soviet people and establish the basis for a lasting dialogue. RL operates on the belief that the Soviet leaders, if confronted by a truly informed public opinion, "will tend to behave more moderately and sensible." [12]

RL claims that the validity of its rights as an international broadcaster rests upon the principle set forth in Article 19 of the Universal Declaration of Human Rights. This declaration, adopted unanimously in the United Nations General Assembly on December 10, 1948, provides that, "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers." [13]

RL operates, therefore, on the principle of the right of a free press, as sanctioned by the United Nations and imbedded in the larger American belief in the inalienable rights of man. RL "upholds the basic right of the whole Soviet public to know the whole truth about any question.[14] It is committed to the principle, affirmed in the United National Declaration of Human Rights of 1948, that the Soviet people have a right to be informed, that is to say, to have the democratic right of free press; it operates on the further assumption that the exercise of this right will encourage peaceful political evolution in the Soviet Union. As RL policymakers have written: "Radio Liberty is founded on the premise that freedom of information and discussion are essential to the processes of democracy and the creation of a peaceful and cooperative world." [15]

Assumed in this liberterian view held by RL is the belief that all men have, among certain inalienable rights, a right to freedom of individual and collective expression. Assumed also is the further belief that those enjoying such a right have the obligation to assist those denied in correcting the inequities.

B. Basic philosophical assumptions of RL: Appeals to rationalism

The general philosophical approach of RL in seeking its goals and purposes is one which appeals to rationalism. It is an approach that attempts to "substitute reason for emotion, and a calm voice for stridency." It is an approach that begins from the premise of objective rationalism, namely, that "the most convincing presentation is one that tells all sides of the story." [16] Accordingly, RL "has no built-in commitment to continued tension"; rather it thrives on an improving environment that will increase the opportunities for dialogue and the interplay of ideas.[17]

Rejecting the politics of confrontation and "appeals for action," RL directs its energies toward developing rational thought among its listeners. Essentially cerebral rather than visceral, "it seeks merely to help in forming an enlightened Soviet public opinion." [18] It is RL's expectation, in the word of Dr. Gene Sosin, one of its leading staffmen in New York that "in time . . . through an *evolutionary* rather than a revolutionary process, the Soviet people may not only *think* about how to fulfill their deep desire for peace, a more abundant life and greater freedom of self-expression—they may begin to *act*".[19] RL operates on the assumption that given truthful information about developments in the Soviet Union and the world beyond its frontiers the Soviet citizen has within himself the natural capability of eventually shaping his country's destiny.

III. GENERAL POLICY GUIDELINES

A. RL's policy manual: Its function

RL's policy guidelines in general are a reflection of a moderate approach to the politics of the Soviet Union. These guidelines and the philosophy that produced them are contained in RL's Policy Manual.

The Policy Manual is the key element in RL's policy formation and policy guidance. It is RL's operating charter. It sets forth the basic rationale and purpose of RL's activities, defines RL's specific role in relation to its audience, contains estimates of the situation and direction of trends in the Soviet Union, projects long-range and immediate informational objectives, and sets forth the essential methods and techniques by which these goals are to be achieved.

In brief, the Policy Manual is, in the words of RL's policymakers, "the mainspring for all other policy determinations, the central authority determining audience priorities, program content and the nature of Radio Liberty's approaches in program structure, style and tone." [20]

B. BASIC ASSUMPTIONS OF RL

1. Formulation of assumptions

In formulating broadcast policy and designing radio programming, RL makes certain general assumptions about its own role, the situation in the Soviet Union, and its Soviet audience. These assumptions are based on continuing research and analysis, (1) on available evidence revealing the basic outlook and attitudes of RL's Soviet listeners, and (2), on objectively assessed long-term developments inside the Soviet Union and in the world at large, as well as the Soviet listener's knowledge and ideas about these developments, and their perception of the Soviet reality. Some of these assumptions are up-dated and changed; they are included in such special guidances as Broadcast Position Statements.[21]

The function of these assumptions is to give some rational direction to thought and planning. They are intended to establish a reasonably solid foundation upon which policy can be structured and programming operations designed.

2. RL'S ROLE

a. Catalyst for Peaceful Democratic Change

In general, RL perceives its role as that of a participant in bringing about positive, evolutionary changes within the Soviet Union. Since its main concern is for the general welfare of the Soviet peoples, it places "basic emphasis", not so much on being anti-Soviet or anti-Communist (though disagreeing with Communist ideology), but on "promoting constructive change." [22]

b. Soviet Generated Change

In seeking this goal of constructive change, RL does not claim to advocate any specific system of ideology in the USSR. RL believes its role is to stimulate independent thinking, to provide the Soviet peoples with information and ideas which will enable them, individually or collectively, to solve their common problems and ultimately assist them in "achieving a democratic transformation of the present regime." [23] Peaceful change can only come about, RL feels, when the Soviet people themselves, having access to solid objective information, seek solutions to the broad problems of Soviet society. Increasingly, the Soviet people are becoming more actively concerned about correcting abuses and improving their system. RL encourages independent thinking by such people and supplies them with specific and relevant information and ideas as a basis for finding their own solutions.[24]

Thus, RL sees its main function as serving "as an independent and reliable source of foreign and domestic news and information on matters of specific concern to the Soviet citizens, in their own language." Accordingly, RL gives Soviet listeners access to "impartial and objective information"; it assists them in trying to understand more clearly the events at home and abroad, and the effect of current developments on their lives. RL also fills in gaps of knowledge by providing less current materials of significance and interest.[25]

c. RL's Impact

In its role as an uncensored "Home Service," RL believes that it exerts political influence affecting "to some degree" the evolution of Soviet society. It seeks to exert this influence "responsibility" and, accordingly, "does not espouse any specific political proposals or any concrete program." RL does, however, strive to aid those elements working for positive improvement by "serving as a channel of communication, providing a free forum for discussion and exchange of ideas, and encouraging listeners to recognize that their concerns are shared by many other Soviet citizens." RL attempts to keep Soviet citizens informed on important domestic developments which are unpublicized, distorted or inadequately discussed by official media. In its role of broadcasting texts of documents and literary works written in the Soviet Union but denied publication (that is, samizdat), RL serves "as an important means of disseminating and cross-fertilizing non-conformist and unorthodox views." [26]

d. Rejection of Violent and Illegal Actions

According to RL's estimate, the evolution of Soviet society will be a "long-term process." In seeking to promote peaceful progressive change, RL "scrupulously avoids inciting, or appearing to incite, actions which could bring reprisals, including particularly *illegal* and *violent* actions, since they are likely to bring harm to their perpetrators without serving a constructive purpose." RL believes that specific methods, programs and proposals for peaceful change must be worked out within Soviet society and must be determined by the Soviet citizens themselves.[27]

In matters of human rights and constitutional rights, RL upholds the right of all Soviet citizens to achieve their human rights as defined in the United Nations Declaration and to exercise constitutional rights guaranteed under the Soviet Constitution. RL gives general support to citizens choosing to exercise these rights, consistent, however, with Constitutional guarantees. While RL provides information that would develop

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understanding and implementation of democratic principles and concepts, it does not specifically endorse individuals, groups, or proposals. This would create difficulties for those involved, RL believes. The ultimate judgments, it maintains, must be made by the Soviet citizens themselves. RL's approach to this difficult problem is to report on and discuss all political developments and proposals in the Soviet Union in terms of democratic principles and concepts and from the point of view of their potential effect on Soviet society.[28]

e. Hopes for democratization despite setbacks

Finally, RL asumes that the demands of a technological society can lead the Soviet Union to greater democratization and that the leaders may be able to delay, but not stop, this process. Though recognizing present setbacks in democratization, RL does not, however, permit this to obscure "the very real possibility" of a long term reversal of those trends of repression. To do otherwise, RL concludes, "would be to deprive many listeners of whatever hopes they have for the future."[29]

f. Summing up

To sum up, RL perceives itself as a catalyst for constructive peaceful change in the Soviet Union; it adheres to the principle of self-determination to the extent that the Soviet people themselves are to bring about changes from within and according to their own interest and requirements; it acts as a conduit for the flow of objective information into the Soviet Union and acts also as a forum for debate of views that are denied by the regime; it rejects violence as a political solution, and is committed to the belief in a long term process of change for the better; it denies support for individuals or groups, but gives general support to democratic principles and to those who exercise their human and constitutional rights; it is convinced, finally, that the process of democratization will continue despite momentary setbacks.

3. SITUATION IN THE USSR: RL'S ASSESSMENT SUMMARIZED

a. Realities of power, institutional inadequacy, outdated ideology

In a dispassionate, tightly reasoned and compressed analytical commentary, RL has set forth in the Manual its perception of the situation in the Soviet Union as a second assumption upon which policy is based and programs are designed.[30]

According to RL's analysis, two primary features condition the Soviet outlook for the future, one a source of strength, the other a source of weakness. It is an acknowledged fact that the Soviet Union has become the world's second largest power, having an enormous industrial and military capacity and the capability of solving the most complex technological and scientific problems. Yet, despite this power, serious institutional inadequacies exist, for the political and economic institutions of the Soviet state are ill-suited to cope with future economic and technological developments and the innumerable complex problems inherent in a modern industrial society. These institutions, moreover, depend for their legitimacy upon an outdated ideology, one that had been designed originally as a response to the needs of the 19th Century and whose basic premises have been eroded by rapid economic, political, social and technological changes of the 20th Century.[31]

b. Totalitarianism Institutionalized and Phlegmatic Leadership

Significant changes have occured in the Soviet Union, some positive; but, the RL analysis continues, the totalitarian system created by Stalin has not changed in any essential aspect, and none of the changes that have occurred guarantee Soviet society against a resurgence of Stalinism. The apparatus of police power is maintained, and no institutional safeguards have been introduced to check the rise of one-man rule.

Moreover, the future prospects of the Soviet Union are affected by the phlegmatic character of the present leadership, a group of aging apparatchiks, products of the party bureaucracy that matured in and survived the Stalin era, who no doubt find it difficult to cope with some of the more sophisticated aspects of contemporary problems. Their actions betray a collective lack of decisiveness, a tendency to temporize, and finally a habit of making decisions, agonizing and full of compromise.[32]

c. Problems in the Economic Sector

In the economic sphere, the RL anaylsis states, the most fundamental problems exist. Lagging growth rates, the need to incorporate technological and scientific advances and close the widening gap in technology between the Soviet Union and the advanced capitalist countries, involve questions of modernizing the command economy, centralized vs. decentralized planning and management, choices in use of resources among regions, price reform, improving labor productivity and providing management incentives. Problems in agriculture and increasing pressures for a decent standard of living and a higher level of social welfare add to the regime's problems in the economic sector. The main area of acute conflict, however, is in the allocation of resources.[33]

d. Problems of Defense and Foreign Policy

Interrelated with the economic problems and dependent on their successful resolution, the RL analysis continues, are problems of defense and foreign policy. These problems turn on such matters as how the USSR can best maintain its control over Eastern Europe, regain its leadership over the international Communist Movement, and cope with the centrifugal forces of disunity; the extent of Soviet commitments abroad, especially in the Middle East, the degree of rapprochement with the United States and Europe, the level of disarmament needed to maintain adequate defense. These problems in international relations and those related to China and Germany present choices to competing forces within the Soviet elite, those advocating a hard-line, aggressive stance and those more flexible who seek cooperation in international affairs and assurances of stability that will enable concentration on domestic development.[34]

e. Emergency Forces of Dissent and Reformism

On the domestic scene, according to the RL analysis, the limited steps taken toward removing the excesses of the Stalin era have prepared the ground for emerging new issues and the evolution of additional pressures for greater liberalization both within and outside the Soviet establishment. This has created new dilemmas for the leadership. Initially, the issues involved setting the boundaries of social criticism and freedom of artistic expression, but they have expanded to encompass freedom of inquiry, freedom of information, observance of legality, abolition of censorship, and openness in policymaking and reporting on administrative actions. Various specific reforms have been proposed and discussed. Dissent has arisen among religious groups, notably the Orthodox and Baptist churches, and the national question is reemerging in a more acute form.[35]

f. Alignment and Character of Dissenting Forces

The Communist Party (CPSU) is one of the most central and sensitive areas in the need of reform, according to RL. Various party issues have emerged as a result of revelations in the destalinization period and the need for management reforms. Voices within the party have been raised, questioning aspects of policy and structure and calling for democratization of party procedures. However, no clear-cut factions within Soviet society and the establishment have emerged, either progressive or reactionary in nature, but in general alignments of groups and individuals have shifted issue to issue.[36]

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Sympathy for the reform movement is spread among many of the Soviet intellectuals, especially the scientific intelligentsia and the youth.

RL states that the most salient characteristic of the dissident movement is that it is a reformist and not a revolutionary movement. Individuals cast themselves by and large in the role of a "loyal" opposition, whether seeking limited or extensive changes. Even the more radical in the movement reject violent revolution and advocate gradual transition to more democratic forms through peaceful evolution.

Between these poles of potential power is a third group that seeks modernization of Soviet society without political liberalization.[37]

g. Future prospects for democratization

According to RL, the future prospects for progress toward more democratic forms would seem to depend on the top CPSU leadership. The initiative of any extensive process of liberalization would have to come from the Politburo so long as it retains the monopoly of power and a capacity to destroy any opposition. The leaders can be expected to continue as a reasonably stable collective, RL believes. Individual shifts would not affect the character of that body since new leaders would be products of the same apparatus. Whatever its composition, the leadership continues to be confronted by the same central dilemma which RL defines in these words: maximum use of resources requires major economic and social reform with the attendant risk of losing control (to a greater or lesser degree), yet to go on without change, for fear of losing control, means to brake social and economic progress and to lag further and further behind the level of development in the rest of the industrialized world.[38]

In general, RL perceives a trend toward conservatism in the current leadership. Moreover, the present essentially static situation has been hardened by adherence to an outdated ideology and by the nature of the decision-making apparatus. Collective decision-making tends to prevent formulation of innovative policies which are needed to solve Soviet dilemmas and introduce comprehensive reforms. Thus, the present leadership is caught between competing pressures of reformism and conservatism, and it attempts to avoid open confrontation or extremes in either direction.

Immediate prospects for democratization of the Soviet Union are not bright, according to RL's analysis; yet it is conceivable that over a long period the climate could become more propitious. Decentralization and flexibility needed to operate a more complex society and economy, emergence of a new generation of leaders not schooled in the Stalinist tradition, the cumulative effect of various decisions taken to resolve issues on the domestic and international scene—all could possibly, but not necessarily, work toward creating an environment in which peaceful change toward democratic reform could take place.[39]

h. RL's perceived role: A "challenging opportunity"

The RL analysis concludes with a restatement of RL's commitment to basic policy on the expectation of a peaceful evolution of Soviet society and on its conviction that the development toward a democratic order must come from within the dynamics of Soviet society itself and from the combined effort of the Soviet peoples. Soviet society, it said,

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has undergone significant changes that cannot be completely nullified in the present period of retrogression without endangering the leaders themselves.

Accordingly, RL sees here a "challenging opportunity" to continue to stimulate more internal pressure for change, expand an awareness of alternatives to the present system, assist in the growth of a democratic climate of opinion, promote wider understanding of democratic concepts, facilitate emergence of pluralism, spur decentralization, and encourage cooperation among reformist elements.[40]

1. Validity and Quality of RL's Estimate

What makes RL's assessment of the situation in the USSR significant is that it represents RL's perception of the Soviet reality and accordingly provides the fundamental assumptions upon which future policy and thus future programming will be based.

The most important question that arises is the matter of validity and quality of this assessment. In general, this can be judged only by analogy, that is, by comparisons with parallel evaluations of current Soviet developments by specialists in the field of Soviet bloc studies. Surveys of such evaluations of the Soviet scene made in recent years will probably reveal no sharp variations between the judgments contained in RL's statement and those generally accepted within the academic community of the West and in the confraternity of Soviet bloc specialists in the United States Government. The RL statement, essentially cautious, conservative, well reasoned, and carefully qualified, seems to reflect the consensus of leading Western scholars in Soviet studies on the current Soviet reality and what the prospects are for the future. However, some scholars, who have a realist's cast to their thought, would probably be less sanguine than RL about the ultimate achievement of democracy.

4. RL'S AUDIENCE

The third area of assumptions in RL's policy formation and programming concerns the Soviet audience. As a broadcaster to an audience that generally cannot be measured and analyzed with the precision that is possible in a free Western society, RL must make certain assumptions not only about social, occupational and intellectual groups in all the republics and oblasts of the USSR, but also those of the various nationalities to which RL broadcasts and certain differing psychological categories within these groups.

This matter, along with RL's policy relating to the nationalities, will be discussed in greater detail in Chapter IV on programming. Suffice it to say at this point, however, that RL directs its attention mainly to the power elite within the Soviet Union, either existing or in potential. As a broadcaster with certain clearly defined political purposes, it must direct its energies primarily to those elements in Soviet society which now or in the future may exercise political influence and pressure. They represent the opinion makers and opinion leaders in the country and thus are more likely to influence the broad base of mass opinion in Soviet society. These "politically alert" groups of listeners and potential decision-makers are also more likely to possess or have access to shortwave radio sets capable of receiving RL's signal than are the masses of unskilled workers and collective farm peasants. Thus, RL must make certain assumptions about the structure and characteristics of its audience, hoping that through correct analysis based upon these assumptions, it can achieve maximum effectiveness.[41]

C. Accomplishing RL's objectives

1. RL's Broadcasting Style: Friendliness, Enlightenment, Dignity

On the basis of the foregoing assumptions about the situation in the Soviet Union and about its variegated, multi-national, complexly structured audience, RL proceeds toward its long-range goals and immediate objectives by maintaining an effective overall image. It does this by applying certain basic themes in all its presentations, and trying to maintain a style that is both appealing and effective. The guide words in this effort are friendliness, enlightenment and dignity.

RL's Policy Manual takes the position that if RL is to attain its immediate objectives, it is "vital" that a "tone of goodwill" be maintained at all times. Bluntness is sometimes required in speaking about Soviet matters, but no doubt should be left in the minds of the listeners that RL is on their side. Expressions of such views should not be "personally insulting" to the listener, the Policy Manual warns, and it should be made clear that criticism is directed at the regime and the system, not the Soviet peoples.[42]

RL also avoids generalized, vituperative and undocumented attacks against the Soviet leaders and "wholesale condemnation" of Soviet policies, domestic and international. Rather, it concentrates on what it believes to be well-reasoned critiques of specific problems and weaknesses. These are accompanied by discussions of various positive recommendations and possible solutions.

RL wants the listener to make up his own mind and reach his own conclusions about problems in Soviet life. Thus, RL relies primarily on factual information, suggestion inferred through the presentation of material, and on indirection as a means of stimulating thought. In discussions on Soviet affairs and world politics, RL provides factual information, interpretation and constructive ideas, but it furnishes no conclusions, preferring to leave this to the listener. In order to provide listeners with a comparative basis on which to judge their own society, RL informs its audience of political, economic, social and cultural developments in other countries, especially Communist dominated countries of Eastern Europe. This technique is called cross-reporting.

Moreover, RL passes along to its audience any positive social and political programs or proposals devised by Soviet citizens (for example, protest samizdat documents) and evaluates them in terms of RL's goals and principles.[43]

In broadcasting RL tries to avoid adopting a condescending tone or presenting material that implies an assumption of political naivete. According to the Policy Manual, RL also avoids conveying any impression that it encourages listeners to undertake specific overt actions or acts of terror or violence against the regime. In matters of peaceful group actions, RL takes the position that within the structure of law the Soviet citizens themselves must decide what forms such actions should take.

In covering world events, RL tries to take the stance of "an enlightened native of the Soviet Union concerned primarily with the interests of his fellow countrymen at home." Since RL may imply support for institutions and efforts of non-Communist governments, care must be taken, the Manual warns, to avoid creating the impression that RL represents the interests of Western countries or is the voice of any foreign government or interest. Moreover, RL never takes the position of speaking for any political organization of former Soviet citizens; the Manual warns against the identification of RL with any such groups.

A final point made by the Policy Manual is the tone of broadcasting and choice of words. Broadcasting must be maintained on a dignified level, according to RL. "Sensationalism, frivolous or vulgar satire or humor, flamboyant language, are therefore to be avoided"; for RL's objective is to maintain an attitude of goodwill toward the audience and thus hopefully win its confidence and insure the radio's effectiveness.[44]

In brief, RL must take the stance, as Mr. Scott said, of a "patriotic internal communicator"; it must adapt itself to the interests and style, the feelings and sensitivities of the Soviet citizen; it must envision itself as a genuine uncensored "Home Service," not as a foreign broadcaster, thus making it essential, even vital, that the tone of broadcasting and the style of presentation convey the feeling to the Soviet listener that RL is really one of them.

2. BL's Basic Methods: Provide Facts, Balanced Discussion, Genuine Criticism, Soviet Reality

RL's effectiveness as as a communicator depends largely upon the extent to which it can maintain its identification with the interests of the listeners. To maintain a high level of sustained interest, RL seeks to make the content of its broadcasts, in the words of the Policy Manual, "consistently dynamic, interesting, and competitive with all other radio stations broadcasting to the USSR, inside the Soviet Union and from abroad." [45] In an effort to build a wider audience, RL believes that it has to make its criticism of the Soviet system more constructive and effective and help the listeners more effectively work together for constructive change.

Accordingly, the Policy Manual establishes 5 basic methods for achieving RL's goals. The main offering to the Soviet listener, it says, is "accurate, reliable and interesting information." This is vital for the station in order to achieve credibility. Program structure is to be designed to provide a maximum number of cogent, factual news stories, reviews of the world press, and features which provide broad coverage in depth of domestic and foreign trends that would be helpful to listeners.[46]

Issues are also to be discussed in a balanced manner, thus enabling the audience to become familiar with the techniques of a free discussion of basic issues. Having a broad spectrum of conflicting ideas presented to them (which is denied in the Soviet Union), the listeners would be exposed to the give-and-take of debate that could be learned and used in discussions with their fellow citizens.[47]

According to the Policy Manual, stress is to be placed on internal Soviet affairs and the "internalization" of democratic alternatives in broadcasting. By staying abreast of domestic affairs, RL can report and comment regularly and constructively for its listeners on development inside the Soviet Union. Because of the strict limitations on freedom of speech in the Soviet Union, it is RL's duty, the Manual declared, to "serve as a free voice from abroad." A major function of this is to induce the Soviet leaders to provide Soviet citizens with more and objective information about developments of Soviet interest. In addition, RL "internalizes" developments in other countries for its Soviet audiences, that is, it engages in cross-reporting of internal developments elsewhere, especially in Eastern Europe, and shows how common problems are being solved there. Trends toward cultural freedom, economic decentralization, and political democratization in Eastern Europe, being more relevant and having greater possibilities of being carried out in the Soviet Union, imposes upon RL, the Policy Manual declares, a special necessity for cross-reporting "at every opportunity." [48]

Another basic method RL uses in seeking its objectives is criticism of Soviet policy in the interests of the Soviet citizens. The Policy Manual states that RL's criticism must be directed always toward constructive change and not simply consisting of recounting the negative aspects of Soviet life. Weaknesses organically connected with the system should be pointed out and stressed; but, RL was to refrain from giving the impression that it seeks to exploit positive internal developments for its own purposes by portraying them as essentially anti-Soviet.

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Finally, RL should discuss Soviet reality itself rather than the Soviet media's projection of that reality. Accordingly, RL is to exploit its own "formidable research capabilities," the Manual said, in order to create a more reliable picture of Soviet reality than what is portrayed in Soviet media. Every effort should be made, it said, to utilize RL research to discuss conditions existing in Soviet society: they become more meaningful against the background of the system's structural defects.[49]

Thus, RL tries to convey to staff through the guidelines of its Policy Manual, the importance of building a reputation of credibility with its listeners and projecting an image of a constructive critic of the Soviet system. It attempts also to convey to the Soviet people themselves through its basic methods the value of free speech as a principle in political life.

3. RL'S BASIC TECHNIQUES: APPEALS TO REASON, MODERATION, GOOD JUDGMENT

In pursuing its objectives RL lays down a set of specific guiding principles that are intended to assist staff in script writing, programming and broadcasting. By and large, the principles are common sense: they appeal to reason, moderation, and good judgment.[50]

"The truth, hard fact and cold analysis" are the first requirement, the RL Policy Manual states, in effective broadcasting that has certain political goals in view. Facts of any political event, economic or cultural development must be "cogently and skillfully" organized, moreover, so that they lead to a reasoned conclusion. This technique is more effective than personal opinion, unsupported assertions or statements questionable on grounds of accuracy.

RL also attempts to make the listener reach his own conclusions after the facts are presented. Seeking to stimulate thought, RL finds it effective technique to end scripts with a question mark, challenging, thereby, the listeners to think for themselves.

Direct comparisons, especially in areas of wages, goods and service, in RL's judgment, can only be counterproductive, and are, therefore, avoided. However, selective comparisons in areas not normally known in the Soviet Union, especially industrial output and general economic indicators, foreign economic and military aid, are essential in conveying RL's message. General comparisons, using the technique of cross-reporting, are also useful in areas dealing with everyday economic matters, discussion of human rights, individual freedom of travel, exchange of information and ideas, and the welfare of citizens in democratic countries.[51]

RL also believes in the principle of responding to situations in inverse proportion to the seriousness of the issue, or, as RL succinctly put it, "The more brutal the facts, the less emotional should be the presentation." Understatement is the most effective technique, RL believes; excessive emotionalism must be depressed in writing and voicing, especially in treating situations of hardship and oppression, lest the sympathetic listener detect a spirit of anti-Sovietism—this is self-defeating. Respect for officials is also urged on grounds that they may have the respect of certain categories of listeners which RL would not want to alienate.

A corollary to this advice on understatement is the principal urging staff to avoid polemics with Soviet media. Such polemics are counterproductive; they divert attention from the central issue. Good technique, RL believes, requires discussion of problems on their own merits and focusing the attention of listeners on intrinsic matters and constructive solutions or proposals. Replies to attacks on RL from Soviet media should be kept at a minimum, RL feels; this too, is a diversion from essential broadcasting purposes. RL's regular output should be sufficient defense of its positions, it says, and faith must be maintained in the ability of Soviet listeners to discriminate between Soviet propaganda and truth, and to perceive underlying realities and motivations. RL maintains strict policy control over replies to attack. Such replies must have approval.[52]

Finally, RL avoids using terms of phraseology in a pejorative manner that are considered acceptable to the Soviet listeners; it also avoids obsolete terminology. Large numbers of Soviet listeners maintain a positive view toward the distant goals of "Communism" and similarly regard the "October Revolution" as a progressive event. Pejorative use of such terms could antagonize certain listeners, RL feels, and thus ruin an otherwise effective script. RL, therefore, avoids such terms or carefully and factually explains their usage. Outmoded words are also avoided—words such as "Communist monolith" (which no longer exists), "Communist Satellite countries (the East European states are no longer "slavish satellites"), and such imprecise, ill-defined expressions as "capitalism vs. Communist," "East vs. West," "Free World" (all of which, RL feels, fail to take into account the extent of diversity in the world).[53]

What RL is presenting in these basic techniques is essentially common sense rules of good salesmanship. RL has a special "product" and a special "consumer": its appeal must be low pressure, reasonable, non-offensive, constructive; and its stance must be that of a helpful, tolerant, solicitous friend.

D. *Other policy considerations*

1. Policy requirements relating to host countries

RL has transmitting installations in West Germany, Spain, and Taiwan. This is vital for RL in order to transmit its signal to the Soviet Union. But, this technical necessity imposes certain policy obligations on RL in its relationships with the host countries. One primary requirement is the assurance that RL will not include material in its broadcasts which could be harmful to the interests of the host governments and might embarrass RL in the conduct of its relations with those governments.

As a special requirement, RL also provides Spain with summaries of scripts on certain stipulated subject matter; it also maintains for a specified number of weeks tapes of broadcasts as they were actually being transmitted. This enables RL to maintain its own post-broadcast check but also to have tapes available for review by a host government.[54]

2. Policy guidances on specific issues

RL's Policy Manual is the organization's basic statement of policy; it is RL's charter for operations. As such, it is a "living" document in that it attempts to capture a certain time-frame of the Soviet reality and then proceeds to address itself to the problems existing within that reality. In attempting to make this charter a continuing "living" document, RL periodically reconsiders certain relevant questions from a policy point of view and synthesizes its conclusions into more current formal policy statements and guidances. For longer range guidances, the end product takes on the form of Broadcast Position Statements; for others more immediate in nature they take the form of Broadcast Guidelines and Daily Guidance Notes. These important policy documents will be discussed in the next section on policymaking; their importance will be made further evident in Chapter IV on programming.

IV. *Process of policy formulation*

A. *Responsibility for RL policy*

1. Role of President and Executive Director

The primary function of RL policy is to make sure that the programming produced by the radio systematically provides the Soviet audience with objective, accurate and meaningful information in areas of importance to them; that it reflects the growth and plurality of views outside the Soviet Union; and that it corrects significant omissions and distortions in Soviet media.[55]

All members of RL staff contribute to policymaking and policy application, but the main role is played by President Sargeant and Executive Director Scott. From their offices in New York and Munich respectively they direct and review the formation of all policy and oversee policy operations on all levels. Both executives continually review the functioning of the policy process and examine RL's needs in an ever changing Soviet reality and world environment. On the basis of this review they provide whatever direction is needed to assure that RL is equipped with sound and comprehensive policy guidance.[56]

In exercising their executive responsibilities, Mr. Sargeant and Mr. Scott are kept regularly informed and systematically participate in the formulation of policy documents, reviewing draft documents at each stage of development, and maintaining close contacts with policy staff. A variety of regular reporting systems also serve to keep them informed of different aspects of the policy process and matters affecting it: daily telexed reports on RL programming production and Soviet media output pre-broadcast and post-broadcast auditions, policy reviews, reviews by individuals and Soviet defectors, memoranda, schedules and other materials relating to RL's program planning, post-broadcast studies of program output and special reports prepared as circumstances warrant. In this way, therefore, Mr. Sargeant and Mr. Scott are able to give substantive direction to policy operations wherever indicated.[57] As the principal officers exercising executive authority over RL, they assume full responsibility for policy formation, policy execution, programming and overall effectiveness of RL's operations.

2. *Policy staff*

The next level of responsibility in policy formulation lies within the Program Policy Division (PP) in Munich. This division includes a policy staff under Director Edward Van der Rhoer, the Research Department under Assistant Director Dr. Albert Boiter, the Library under Roy de Lon, and other supporting facilities. The rationale underlying this organizational structure is to integrate research and policy as closely as possible, the purpose being to enrich policy and insure its validity with continuing input of new research data. (For biographic sketches of Mr. Van der Rhoer and Dr. Boiter, see Appendix 1.)

In Munich, the Director of PPD, through his policy staff of about 10, exercises the chief operational responsibility for policy formulation and application. In New York, the Policy Coordinator actively participates in the formulation of current policy. Responsibility for carrying out all policy by the U.S. Division rests upon him. A Special Advisor assists the President in the formulation and coordination of basic policy. They act as the President's representatives for immediate and long-range policies, respectively.

RL's policy staff is made up of professionals, trained in Soviet affairs and generally having long experience in the field of international communication with the Soviet Union.[58] (See Appendix 1 for biographic sketches.) The importance of this staff in trying to realize the purposes of RL cannot be underestimated, for they must combine knowledge of Soviet affairs with an understanding of communications and an ability to project into the future policy and programming requirements of RL. Upon this group rests the responsibility not only of policy formation but policy maintenance, that is, to insure the creativeness and relevance of policy so that its viability as a com-

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posite of living ideas will continue and not fall into a state of static immobility.

A case in point are the suggestions Jon S. Lodeesen, a Policy Officer in Munich, made informally to Director Van der Rhoer on September 27, 1971. In a lengthy internal memorandum discussing revisions of the Policy Manual, Mr. Lodeesen suggested that RL get rid of its "vocabulary of various bits of combative terminology." He proposed that RL respond to a new incarnation with a different philosophy "which will draw attention to our positive value without making us seem more of an irritant than necessary." According to Mr. Lodeesen, this shift in policy emphasis required that RL get away from present cause and effect reasoning and description of its role and switch to one more nearly accurate in which "we describe change with all its random chance and problematical factors as the normal situation in the Soviet Union as elsewhere and our role not as a causative but as an influence on the parameters and probabilities of that change." In refining this point Mr. Lodeesen declared that RL should "seek to enhance the probability that change in the Soviet Union will move toward something compatible with the interests" of the Soviet audience and those of RL's supporters "and we seek to reduce the probability that changes can be introduced in the Soviet Union which would work against those interests." Mr. Lodeesen cautioned that RL should avoid the image of causing pressures or doing things likely to convince the Soviet people that RL does not understand.

The Director of PPD operates at all levels. This enables him to keep in close touch with policy as it takes shape and proceeds through the final broadcasting operations. He maintains a continuing close rapport with programmers, writers, news personnel and producers. The Director is present at all morning meetings, that is to say, the Research Meeting (which he chairs), the News Meeting, the Nationalities and Russian Services Meetings. At all meetings the Director plays an active policy role, for he has the authority to introduce policy guidances and raise questions of policy on the subject matter of programming under discussion.

An example of policy formulation in a news-breaking situation was the occasion of Communist China's admission to the United Nations on October 26, 1971 and the expulsion of Taiwan. The Director and his staff had already formulated a working paper of a policy guidance in a rough draft handwritten copy on the basis of early news reports and prior to the Research Meeting. The Director introduced it at the Research Meeting, and it was formally adopted as a Daily Guidance of policy. Notification of the guidance was made by the Director at subsequent morning meetings and copies were circulated to all writers, programmers and other interested staff. Briefly, the position taken by RL was one of expressing approval of Peking's admission as a step toward ending its isolation and improving conditions for peace, yet deploring the expulsion of Taiwan, a faithful and responsible member, as a violation of the universality principle upon which the United Nations is based. (For a copy of this policy guidance, see Appendix 5.)

To the outside observer, Mr. Lodeesen's concern seems somewhat exaggerated. Claims for credit in bringing about internal changes within the Soviet Union are only modestly stated in the Manual.[59] To discussions with leading RL staff both in New York and Munich, the response to questions on the extent of RL's impact on these changes was one of more identification with other larger internal forces of change. Still, the important point to be made here is that the Lodeesen memorandum reveals the extent to which RL's policy staff are consciously aware of the need for a constant rethinking of their assumptions and their formally stated policy positions.

B. POLICY FORMULATION

1. Role of Director PPD

The primary operational responsibility for policy formulation rests upon Mr. Van der Rhoer in his capacity as Director of PPD. The Director plays a vital role in the formulation and application of policy. His primary responsibility in RL is to formulate and initiate policy, and oversee its implementation in programming and broadcasting. He must draw on many sources in policy formation: the Research Department, RL staff, outside specialists and many other available sources of expertise. He is essentially the synthesizer of all policy developed within RL from the larger long-range policy of the Policy Manual to the Monthly and Daily Guidances.

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The role of RL should not be inferred as "causing" change, Mr. Lodeesen concluded, but rather in abetting the forces of change.[60]

On another occasion, the Policy Director intervened to raise a question of policy at a meeting of the Nationalities Services. The issue concerned a feature commemorating the Hungarian Revolution of 1956. The script, as described, did not take into account the positive changes made in Hungary in recent years. The Director instructed the Nationalities Service Program Manager to have the script re-written, giving it this positive emphasis in keeping with RL policy.

On the occasion of the Russian Services meeting a question was raised about inaccuracies and possible policy violations in a script. The Director considered pulling the script, but with the aid of the Russian Services Program Manager, he made sufficient editorial changes to satisfy policy requirements and permit its use.

These few instances are cited merely to demonstrate the all-encompassing authority of the Director of PPD, for his is a key role not only in formulating policy but in introducing it in programming and ultimately broadcasting operations. Moreover, the morning meetings (to be discussed in detail in Chapter IV), take on a special importance in the policy process: they provide the Director of PPD with the opportunity to draw upon multiple sources of expertise for information and insights having a bearing on policy. These meetings, especially the Research Meetings, create an occasion for the generation of seminal thought and for its flow through the Director into policy and programming. This is a vital step in the policy process: it is creative, intellectual and essential for sound formation and effective programming.

2. Role of RL Staff

Policy planning is an integrated, shared activity; it is a continuing process in which all areas of RL are utilized and to which all major staff make a contribution. The central focus of operational authority may be the Director of PPD and his policy staff, but others in RL have roles to play and pressure to exert in the policy process. Such roles can be either formal or informal.

When the Director of PPD initiates a policy (usually of a longer range variety), a draft of the policy document is circulated for comments and criticism throughout RL to all key staff, namely, the heads of departments, senior researchers, and programmers. They all participate in policy formation; the extent of participation and influence depends upon the subject under consideration.

If, for example, a policy bears on the functions of news operations, then Mr. Lennart L. Savemark, head of the Central News Service, will, in consultation with his senior news staffmen, play an important role in the final formulation by providing observations and suggestions for improving the draft document. (For biographic sketch, see Appendix 1.)

If the policy statement under consideration relates to West Germany, as in the case of RL's recent policy on West German-Soviet relations, then Mr. Robert Redlich, RL's Information Advisor, will play an important role since one of his prime functions concerns RL's relations with the Bonn Government and the West German press.

And then, if policy deals with a specialized subject in the nationalities area, that staff, under the direction of Mr. Zbigniew S. Sztumpf, will play a key operational role. (For biographic sketch, see Appendix 1.) As Mr. Sztumpf remarked, policy development is in large measure one of an interlocking relationship between PPD and staff specialists. Points of view are sought in the process of policy formation, he said, and in this way knowledgeable specialists have an opportunity to influence the shape and direction of policy.

Among other areas of lateral intake in the policy process is the Audience Research Department. According to Mr. Max Ralis, head of ARD, and Mr. George Perry, his assistant in Munich, ARD feeds data into the mainstream of RL thinking by circulating its audience research reports and program evaluations. (This will be discussed in Chapter VI.) In this way ARD provides one means for measuring audience feedback and programming effectiveness. Accordingly, they too contribute indirectly to the complex process of policy formation.

Moreover, many informal means exist in which staff enters into the policy process. Informality is a marked characteristic of RL's administrative style. This stimulates initiatives and fosters exchanges of ideals and information on an unstructured basis. As Mr. Diakowski, Program Manager of the Russian Services, observed, some policy guidances come from informal conversations with the PPD Director. (See Appendix 1 for biographic sketch.) Often times, Mr. Diakowski recounted, he will see a problem arising, then talk it over informally with Mr. Van der Rhoer, and from this informal exchange of views, a policy change will eventually take place and a guidance issued. Occasions for policy guidances usually occur, he said, in the usage of words in a policy area and the treatment of a particular subject, for example, admission of Peking to the U.N.

Policy advice is seriously sought from staff; this not a matter of top policymakers and executive staff appeasing personnel by giving them an opportunity to speak with no intention on their part of listening much less acting. According to Mr. Victor Frank, one of RL's senior Russian commentators, there were times when staff did not agree with policy, took issue, and in some instances won. (See Appendix 1 for biographic sketch.) He cited the case of a samizdat document from multiple groups in the Soviet Union that had a strong fascist flavor. PPD felt that this document should be broadcast, in keeping with RL's principle of giving all views. However, some RL staff argued against using it because of the profound negative feelings among the Soviet people arising from their wartime experiences. To broadcast such extremist views, they felt, would be counterproductive.[61] PPD conceded, and the idea of using the document was shelved.

A final organizational mechanism in the policy process is the Council of Editors in Munich. Constituting the chief editors of the 11 desks, the Council confers every week or so in a formal meeting and reviews and discusses drafts of policy declarations. When a fully agreed draft is finally concurred in by the Council of Editors, it is passed on to the Executive Director for his approval and then to the President in New York.

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C. TYPES OF POLICY FORMULATIONS

1. *Long-Term Guidance*

a. Policy Manual and National Language Annexes

The basic framework of RL program policy is set forth and recorded in a series of different types of policy statements and on successive levels of significance. They are designed to assure consistency in program output, to provide broad approaches which give RL the initiative in projecting information to the audience beyond just responding to Soviet media and world development on a daily basis, and to give staff direct and personal guidance as they pursue their efforts to achieve the purposes of RL.

Policy formulations are divided into two major categories, those dealing with long-term guidance, and those that focus on immediate or short-term guidance. In the realm of long-term guidance, the RL Policy Manual is the major policy document. As noted above, the Policy Manual is RL's operational charter. It sets forth the basic rationale and purpose of RL's broadcasting activities and defines RL's specific role in relation to the audience, its long-range and immediate informational objectives, and further sets forth the essential methods and techniques by which these goals are to be achieved. The Policy Manual is, in brief, the mainspring for all policy formulation, the central authority determining audience priorities, program content, and the nature of RL's approaches in program structure, style and tone.[62]

Appended to the Policy Manual is a series of National Language Annexes for each language service. They supplement the Policy Manual with specific commentaries on the unique aspects of broadcasts in the given language. These annexes determine for each nationality any special goals or emphasis, specific policy lines, and distinctive audience characteristics. The annexes also state RL's policy lines on any territorial questions and historical topics of particular importance only to the given national audience.[63]

The following excerpt from the National Language Annex relating to Armenian broadcasts suggests the special value of these annexes in dealing with all the nationalities. Linguistic Russification is one device the Soviets have used in attempting to erode the sense of national consciousness among the Soviet nationalities. This statement sets forth RL policy on this issue:

"RL's Armenian broadcasts recognize that language is a strong indicator of national sentiment and that the language question constitutes one of the principal grievances of many Armenians concerning Soviet policy toward Armenia. These broadcasts are aimed at encouraging the Armenian people to preserve their language as a prime element of their culture and to evolve their own language patterns and expand the use of Armenian, while resisting Soviet attempts to assimilate them. The Armenian Service attempts to encourage and sustain indigenous pressures on behalf of the Armenian language by reporting back and cross-reporting significant or parallel developments affecting language and policies, and by its own broadcasts of Armenian literary texts. While following closely any evolutionary trends in the Armenian language, the Armenian Service does not attempt to set itself up as arbiter of good Armenian language or to lead the campaign for purification of the Armenian language. It does not support Russification and sympathizes with indigenous efforts for purification of the language, but at the same time it recognizes that all languages incorporate words from other languages as part of a natural process. By its own output, the Armenian Service reflects an awareness of this distinction between such natural changes and unnatural, arbitrary consequences of official policies. The main emphasis of the Armenian Service is on the right of the Armenian people to use and develop their language. The Armenian people themselves must, through changes in accepted usage, determine the kind of Armenian language they prefer.[64]

b. Broadcast Position Statements

In a series of thematic papers RL tries to make more specific the central elements, intentions and appraisals spelled out in the Policy Manual. Where the Manual is generalized, these papers are more specific. Called Broadcast Position Statements, they provide a general overview of the major issues within the Soviet Union, the world at large and specific areas of the world where RL has some concern in its programming output.

The formulation of these statements are preceded by the preparation of background studies on each topic by an authority or competent specialist on the subject. In these studies the specialist deals with the basic trends and salient factors regarding the given issue which should be taken into account in designing RL broadcasts:

Upon these background studies are based RL Broadcast Position Statements. They determine RL's position on each issue, the broadcasting objectives and the significant approaches and treatment for RL programming output. They take into account the needs of the Soviet audience and their understanding of the subject matter; they determine what informational gaps are to be filled, distortions corrected and new information and ideas provided.[65]

On April 5, 1971, an important RL Broadcast Position Statement was prepared on the issue of, "European Security." This paper is appended to this study as Appendix 2.[66]

c. Broadcast Guidances

A third category of long-term guidances is the Broadcast Guidances. These policy papers treat certain major but more limited topics which have particularly immediate importance to programming. They signal opportunities to RL staff, provide a basic stance, and determine objectives and treatment on current broadcast subjects.

Among the recent issues for such treatment are the 24th Congress of the CPSU, Anti-Semitism in the USSR, Rule of Law, Landing on the Moon, Sino-Soviet Conflict, United Nations Human Rights Documents, and certain special contingencies such as on the occasion of Khrushchev's death. Broadcast Guidances are also produced on operational questions where consistency of practice is required, for example, in programs dealing with listener mail or the use of samizdat.[67]

On May 27, 1969, RL produced a Broadcast Guidance relating to the "Landing on the Moon" that was to occur on or about July 18, 1969. Two of the main points emphasized in this guidance were: (1) that the successful landing was an achievement for all mankind not just for the United States; and (2) that the landing pointed out again the necessity of space cooperation between the United States and the Soviet Union as a step forward creating mutual understanding, improving relations, and lessening the dangers of war. This Broadcast Guidance is appended to this study as Appendix 3.[68]

2. *Immediate guidance*

a. Monthly guidelines

Long-term guidances are supplemented by current policy guidance on a day-to-day basis. They take the form of Monthly Guidelines and Daily Guidance Notes. Both are intended to relate larger policy to specific current developments and provide policy guidance to meet the operational requirements of RL staff.

Monthly Guidelines are based on an assessment of major news trends and are prepared in Munich, with contributions from New York. They represent an effort to apply existing long-range guidance by incorporating it into programming suggestions. They are based on research about events likely to be suitable for broadcast treatment during the coming month. An outgrowth of regular discussions with desk chiefs and programmers, these guidelines form the basis for specific plans for feature programs.[69]

An example of RL's Monthly Guidelines for November 1971 is appended to the study as Appendix 4. This Guideline is divided into three major parts. Part I deals with general matters such as the 35th Anniversary of the "Stalin Constitution"; the first anniversary since the trial of Valentin Moroz, the Ukrainian historian and author of several samizdat works; the first anniversary on November 15 when the Committee on Rights of Man was established by Sakharov, Chalidze, and Tverdokhelebov; the 150th Anniversary of Dostoyevsky's Birth; and finally the first anniversary (November 12th) of Rostropovich's letter in defense of Solzhenitsyn. Part II of the Guidelines deals particularly with the Nationalities Services and calls attention to staff of significant developments and anniversaries. Part III of the Guidelines is a Bibliographical Supplement prepared by RL's Library Staff, citing numerous sources in the Library's collection on the "Stalin Constitution." The purpose of this bibliographical effort is to assist researchers, writers and programmers in the preparation of materials for broadcast dealing with this anniversary.[70]

b. Daily guidance notes

The second form of short-terms guidance is the Daily Guidance Notes. This guidance is formulated in Munich, usually on a daily basis, or whenever the need arises, and provides policy guidance on current, fast-breaking news topics. This guidance is based on an assessment of current news and Soviet media output as interpreted within RL's objectives. Its purpose is to identify areas of immediate interest or importance to RL programming and make suggestions for treatment. Daily Guidance Notes are telexed in time for a review at the opening of business in the New York headquarters. New York staff forward any comments, suggestions or contributions by telex for inclusion in the next day's guidance.[71]

An example of RL's use of a Daily Guidance Note is that of October 26, 1971, concerning the admission of Peking to the U.N. Appended to this study as Appendix 5 is a copy of Daily Guidance Note #18, giving the guideline on China's admission to the United Nations and a script in the original Russian and translated into English, showing the form in which the guideline was incorporated into a script and broadcast to the Soviet Union.

c. Special memoranda

A final form of immediate policy guidance is the Special Memoranda. Whenever specific aspects of policy implementations suggest a need, the Director of PPD issues memoranda dealing with general matters of tone, treatment or balance affecting news operations and the preparation of program features.[72]

D. RL: A POLICY-ORIENTED ORGANIZATION

1. RL's Policy Handbook

RL's Policy Handbook is at once the organization's "bible" and "biblical commentary": it provides the visible structure for policy within which the organization operates; it contains the final word on what can be done and not done, written and not written, said and not said, in RL's broadcasting operations.

A covering memorandum by Director of PPD Van der Rhoer introduces the reader to the Handbook, giving instructions on its use. A prominent place is set aside at the beginning for the Policy Manual, followed by the Nationalities Annexes, Broadcast Position Statements and Broadcast Guidances.

Footnotes at end of article.

Key executive staff have personal copies of the Handbook; a floating copy is made available for staff consultation.

2. RL Policy: Surfeit or Sufficiency?

However, the Handbook really represents only the physical reality of what exists in a less tangible form throughout RL, and that is, the spirit of policy that permeates the organization. RL is a policy-oriented organization in which, as one staffman put it, staff absorbs policy through osmosis—its mandate and rules for operations from script writing through programming to production. RL staff cannot escape policy; it is a vital part of their organizational livelihood.

Total dependence—indeed, interdependence—on policy generates a consultative and cooperative spirit that permeates the entire organization. For, policy formulation, as shown above, is a shared experience of staff, and this in turn generates what Director Van der Rhoer referred to as a "continuing rapport" and a "genuine cooperative element" within the organization that has developed over the years. In large measure, the existence of this positive attitude justifies faith in an administrative style that fosters individual independence and stresses reliance upon staff professionalism in policy formulation and policy execution.

Thus, RL staffers are policy-minded; the habit is deeply engrained. And no doubt policy imparts an inner organizational discipline that insures effective programming and protects against error. Yet, the question must always be present: Is there too much policy? Are the controls too tight? Is it not possible that creativity and staff initiative are inadvertently being stifled? Is it not possible, as one senior staffman suggested, that the time has come for a loosening up of policy control and allowing even greater individual independence?

These are important, perhaps vital questions, but no doubt they are counterbalanced by an awareness of the inherent risks of too loose a policy structure in dealing with a configuration of power of such awesomeness as the Soviet Union. Yet, the policy structure is there for achieving the proper balance if indeed this is a relevant question.

FOOTNOTES

[1] RL Statement, June 14, 1971, p. 2. (RL, v. I.)

[2] Radio Liberty Policy Manual, March 1971, p. 29. (RL, v. IV, pt. 4.)

[3] Ibid, p. 29.

[4] Ibid.

[5] Ibid.

[6] Ibid., p. 30.

[7] Ibid.

[8] Ibid.

[9] Ibid., pp. 30–31.

[10] Ibid.

[11] Ibid.

[12] RL Statement, June 14, 1971, p. 11. (RL, v. I.).

[13] Quoted in, RL Statement, June 14, 1971, p. 21. (RL, v. I.)

[14] Ibid.

[15] RL policy, June 8, 1971, p. 1. (RL, v. IV, pt. 7)

[16] RL Statement, June 14, 1971, p. 11. (RL, v. I.)

[17] Ibid., p. 23.

[18] Ibid., p. 3.

[19] Sosin, Gene. The role of Radio Liberty. *In*, Propaganda and the cold war: a Princeton University symposium. John Boardman Whitton, *ed.* Washington, D.C., Public Affairs press, 1963. p. 96.

[20] RL policy formulation, June 8, 1971, p. 5. (RL, v. IV, pt. 7.)

[21] RL policy Manual, March 1971, p. 2 (RL, v. IV, pt. 4.)

[22] Ibid., p. 2.

[23] Ibid.

[24] Ibid., p. 3.

[25] Ibid.

[26] Ibid., p. 4.

[27] Ibid., pp. 4–5.

[28] Ibid., p. 5.

[29] Ibid., p. 6.

[30] RL Policy Manual, March 1971, p. 7 (RL, v. IV, pt. 4.)

[31] Ibid.

[32] Ibid.

[33] Ibid., pp. 7–8.

[34] Ibid., p. 8.

[35] Ibid., pp. 8–9.

[36] Ibid., p. 9.

[37] Ibid., pp. 10–11.

[38] Ibid., p. 11.

[39] Ibid., pp. 11–12.

[40] Ibid., p. 12.

[41] RL Policy Manual, March 1971, p. 13. (RL, v. IV, pt. 4.)

[42] Ibid., p. 35.

[43] Ibid., p. 34.

[44] Ibid.

[45] Ibid., p. 35.

[46] Ibid.

[47] Ibid., p. 36.

[48] Ibid., p. 36.

[49] Ibid., p. 38.

[50] Ibid., p. 39.

[51] Ibid., pp. 39–40.

[52] Ibid., p. 40.

[53] Ibid, pp. 40–41.

[54] Ibid., p. 43.

[55] RL policy formulation, June 8, 1971, p. 1. (RL, v. IV, pt. 7.)

[56] Ibid., p. 3.

[57] Ibid., pp. 3–4.

[58] Ibid., p. 4.

[59] In defining RL's role, the Manual states: ". . . Radio Liberty exerts a political influence affecting to some degree the evolution of Soviet society . . ." (Policy Manual, March 1971, p. 4. RL, v. IV, pt. 4.)

[60] Lodeesen to Van der Rhoer, RL memorandum, September 27, 1971. Mr. Lodeesen urged that RL refrain from giving the simple answer to the simple question: "What are you trying to do?"; but rather should respond along the following line:

"The Soviet Union's efforts to compete with the West have led to a great many changes in the structure of their society. A higher level of education, professional requirements for scientists to maintain contact with developments in the West, a higher priority on the capacity for original thinking are some of the more obvious factors. In the West we deal with such changes through a variety of institutions guaranteed to us by law or which crop up in response to emerging situations. Press, courts, demonstrations, community clubs are all part of this. Sometimes they work well and sometimes they don't. In the Soviet Union the regime denies the populace access to these instruments of change so that compared with our mixed record they have virtually no record of introducing change as a result of spontaneous reaction. In the past the system survived because the regime exercised a total monopoly over all institutions and could resort to random secret terror as a demonstration of its resolve. Today the regime still holds tightly to all the instruments within its reach. The combination no longer works, however, since at least one instrument is now beyond their reach, the dissemination of information. Terror cannot be secret. People cannot be made to believe.

"RL's function is to assure the maximum possible effectiveness of this instrument for change by preventing it from again becoming in any regard a monopoly of the regime. We go beyond the role of the national voices such as VOA or BBC which introduce information from the outside and do everything we can to disseminate that information which a free press or free radio would disseminate, discuss, debate within the Soviet Union if such institution existed there. We believe that if such institutions did exist in the Soviet Union the resultant political developments, whatever they might be, would be an improvement for the citizens of the Soviet Union and for other nations. Willy-nilly the various forces trying for controlled change, spontaneous change, regressive change, violent change, peaceful change, change through compromise will continue to function in the Soviet Union. RL will not be the cause of the changes which finally result. Our role—and it is a very important one—is to contribute to the chances that those seeking democratic solutions to the problems facing the USSR will be able to exert a beneficial influence. To this end we seek to popularize the ideas and contribute to discussion on the issues which confront those who are interested or could become interested in democratic solutions."

[61] An incipient issue began to emerge in October over the handling of Solzhenitsyn's new novel, "August 1914." Some staff did not share the enthusiasm of some Western observers over the high literary quality of this work compared with the brilliance of his earlier works. At an informal discussion the issue arose in the form of a question as to how RL should report these mixed views. One group felt that negative observations should be reported; another group, including a Russian who only recently emigrated to the West, felt this would be unfair to Solzenitzyn since this new work constitutes only one piece of a much larger historical mosaic that he is preparing and to judge the work on the basis of this one piece would be unfair. Moreover, it was pointed out that it would be counterproductive to RL's purposes to report sharp criticism of a man of Solzhenitzyn's stature in the eyes of the Soviet people when the evidence upon which a just judgment can be made is still inconclusive.

[62] RL policy formulation, June 8, 1971, p. 5. (RL, v. IV, pt. 7.)

[63] Ibid., p. 6.

[64] RL Policy Manual, Annex., Armenian broadcasts, January 19, 1970, p. 6. (RL, v. XIII, pt. 2.)

[65] RL policy formulation, June 1971, p. 6. (RL, v. IV, pt. 7.)

[66] RL Program Policy Division. European security. Broadcast Position Statement, April 5, 1971, 6 p. (RL, v. XIII, pt. 3.)

[67] RL policy formulation, June 8, 1971, p. 7. (RL, v. IV, pt. 7.)

[68] RL Program policy Division. Landing on the Moon. Broadcast Guidance, May 27, 1969. 2 p. (RL, v. XIII, pt. 4.)

[69] RL policy formulation, June 8, 1971, p. 7. (RL v. IV, pt. 7.)

[70] RL Monthly Guidelines for November 1971, Parts I, II, and III.

[71] RL Daily Guidance Note #18, October 26, 1971, with script in Russian and English, "The Acceptance of the Chinese Peoples Republic in the UN." (RL, v. XIII, pt. 5.)

[72] RL policy formulation, June 18, 1971, p. 3. (RL, v. IV, pt. 7.)

CHAPTER III: CONDITIONS AFFECTING THE RECEPTION OF RL'S BROADCASTS

I. COMMUNICATIONS FACTORS

A. Number of shortwave sets

Certain conditions exist within the Soviet Union that affect the reception of RL's broadcasts. These conditions include, first of all, the technical capability of the Soviet people to receive RL's shortwave radio signal, and, secondly, their willingness to listen to RL's message.

The number of radios available to the Soviet people is considerable. In 1969, there were an estimated 50 million radio receivers in the Soviet Union. Statistics on shortwave receivers are not published by the Government, but between 28–30 million of the 50 million were believed to be shortwave receivers. According to the U.S. Bureau of Census, there are approximately 55 million households in the USSR. (The total population is nearly 244 million.) Thus, RL calculates that roughly one out of every two Soviet households has a shortwave receiver.[1]

Footnotes at end of article.

In the Soviet Union, unlike in the United States where shortwave is not widely used in public broadcasting, shortwave transmission is a necessity to cover vast distances in domestic broadcasting. Moreover, the broadcasting system is state operated. There are no local stations in the sense that they exist in the United States. Hence, the utility and popularity of shortwave transmission.

Apparently, purchasing a radio in the Soviet Union offers no great problem. In 1967, an RL staffer reported at a conference, ". . . our information suggests that anyone in the Soviet Union who wants a shortwave set can get it."[2] A recent newcomer from the Soviet Union commented in Munich that there are many transistor radios available that are imported from Japan and West Germany. They are expensive, and they can be purchased on the open market.

Radios with a shortwave capability are much in demand, and the few models of transistor sets receiving shortwave, the Spidola and the Transistor-10, quickly disappear from the stores.[3] The Spidola is the most popular receiver in the Soviet Union today. Demands for this set are considerable; it has 7 bands, long wave, medium wave and 5 shortwave bands, boing down to 25 meters. Soviet domestic broadcasts go as low as the 25 meter band, but sets on the market go no lower than that. This is sufficient, however, for international reception, though the best reception is from still shorter waves. Since 1958, the production of commercially available short-wave ranges below 25 meters has been discontinued—presumably, in an effort to curb listening to foreign broadcasts. Soviet citizens wanting to listen to foreign radio broadcasts, get around this restriction by "doctoring" their sets. It is a common practice to buy a radio with a wave length down to 25 meters and rewind the condenser to make it capable of receiving shorter waves.[4]

RL has, therefore, a sizeable potential audience in the Soviet Union that has the technical capability of getting its signal. Lewis S. Feuer, Professor of Sociology at the University of Toronto, observed that, "Even allowing for exaggeration and defective equipment, we may still estimate that millions of Russians have access to Western broadcasts."[5]

Equally important as the availability of shortwave receivers in the Soviet Union is the capability of RL transmitters to reach those receivers. Since the Soviet population is not uniformly distributed over its more than 8 million square miles of land mass but is predominately concentrated in the Western portions, RL's task of reaching its listening audience from its European transmitter bases is made considerably easier. The Lampertheim station, because of its relatively close proximity to Soviet borders, is best suited for covering the areas deep within European Russia, while the Pals station is best suited for covering the more westerly regions. The transmitter at Taiwan covers the population centers of the Soviet Far East. It is estimated that audible signals reaching the Soviet Union from the Spanish site at Pals cover areas containing 200 million Soviet inhabitants. (For the coverage of the Pals transmitters, see figures 6 and 7.) Transmissions from the Lampertheim base are audible to an estimated 140 million Soviet inhabitants. (See Figure 5.) RL's transmitter on Taiwan covers the extreme eastern portions of the Soviet Union, producing audible signals in areas containing approximately three million Soviet inhabitants. (See Figure 8.)[6]

B. *Tape Recorders for Magnitizdat and Program Propagation*

Less exact than estimates of shortwave radios in the Soviet Union are estimates on the number of tape recorders. The importance of tape recorders in RL's broadcasting operations arises from the new form of samizdat called, "magnitizdat." This new phenomenon in the Soviet dissident movement will be discussed in Chapter IV, but suffice it to say at this point that it is a technique of tape recording of protest songs and other dissident material and circulating it within a circle of friends. Magnitizdat has reached the West, and RL broadcasts it back to the Soviet Union, thus expanding the potential range of its audience. But, equally important, tape recorders could be used to record RL's programs for later listening and circulation among friends. Conceivably, RL's reading of Solzhenitsyn's "First Circle" would be the type of program that would be taped.

In this way, therefore, tape recording contributes to conditions broadening the potential audience for RL's broadcasts. But, unfortunately, the potential of RL's influence through the use of tape recorders cannot be accurately measured because recent statistics on Soviet production figures are not available. The 1964 edition of Promyshlennost SSSR: statistichesky sbornik gives the following gross production figures: 1957, 59,000 units; 1958, 70,800; 1959, 99,700; 1960, 127,600; 1961, 149,300; and 1962, 195,000.[7] This amounts to a total gross production of 701,400 during the six-year period, 1957–1962.

Projecting into the future the available production figures for 1957–1962 and their growth trend, a level of annual production of approximately 500,000 units would be reached by 1973. This projection would indicate a total accumulation of over 4.5 million units in use in 1973. However, this projection does not take into consideration a range of essentially unaccountable factors among which are, the rate of depreciation of the units which are low in industrial priority and low in quality, the level of Soviet exports, the number of tape recorders imported, and the durability of those produced.[8]

That the Soviet Government has been aware of the need to improve production of tape recorders was indicated in an *Izvestia* article of April 4, 1967. The article referred to a resolution accepted by the Soviet Ministers of the USSR, calling attention to the fact that the volume of production of tape recorders "does not satisfy the growing population needs"; that the quality of those manufactured was "inferior to those from abroad"; that the assortment was "inadequate"; that there were none available for foreign language study; that there were no miniature tape recorders; and finally, that the production of tapes was "in very poor condition." The article went on to say that the Government instructed the interested ministries to prepare and approve before May 1, 1967, a plan for the improvement of tape recorders. It declared that the responsible ministeries "must take action to satisfy the needs of sales organizations and repair shops for spare parts for tape recorders." The Ministry of Chemical Industry, it concluded, "is urgently responsible for preparing a plan to increase the production of tapes and the improvement of their quality."[9]

Apparently, improvements in the Soviet supply of tape recorders have occurred during the insuing years. A recent newcomer from the Soviet Union observed that there was no problem in getting a tape recorder in the USSR, though they are expensive. It is just a matter of going to a store and buying one. Many are imported from Germany and Japan. What is difficult to get, however, is the tape.[10]

Another imponderable in estimating the number of tape recorders in the Soviet Union is the extent to which Soviet citizens themselves build their own sets. Skilled technicians in the broadcasting field could build a serviceable set, despite the difficulty of constructing a good recording head. That the Soviet people engage in this type of activity is indicated by the fact that Soviet hobby magazines like *Radio* (circulation, 500,000) publish detailed instructions on how to build a home tape recorder.[11]

It is apparent, therefore, that while it may be difficult to ascertain the number of tape recorders in the Soviet Union, it is reasonable to assume, nonetheless, that recorders are available, perhaps even in increasing numbers, and accordingly contributes a small but significant part to those internal Soviet conditions that are favorable to RL's broadcasting operations.

C. *Rumor Network*

The rumor network, that is, person-to-person word-of-mouth communication, is the third means of internal communication within the Soviet Union that broadens the potential of RL's audience.

To a great extent the existence of an unofficial network of oral communication has been the result of the Soviet regime's communications policy and its principles of popaganda. Thus, the regime itself is responsible for elevating what would ordinarily be an incidental source of information to the status of a parallel system of communications beyond official control. According to Raymond A. Bauer and David B. Gleicher, long time specialists on Soviet public opinion and communications policy, thanks to this independent system, apparently well established over the years, "the initial audience or readership gets multiplied much more rapidly than it would in another society." What makes this especially relevant to the goals and purposes of RL, which directs its energies at the nation's elite as a prime audience, is that in the judgment of these scholars, "the most highly placed groups in the system are most convinced of the reliability of word-of-mouth information." They concluded, therefore, that unofficial word-of-mouth communication must be considered "a major channel" for the transmission of news and other information in the Soviet Union.[12]

During the Stalinist period the rumor network was especially strong, effective, and reliable. The classic illustration to prove this point is the report of M. Kasenkina's so-called "leap to freedom" in 1948 through the window of the Soviet consulate in New York. No Soviet media carried the story, yet it was known by alert people throughout the Soviet Union in 48 hours.[13] According to Dr. Ithiel de Sola Pool, a leading American specialist on Soviet communications and audience research at the Massachusetts Institute of Technology, the rumor network is still an important means of interpersonal communications. Writing in 1965 and commenting particularly on the diffusive and self-corrective aspects of the rumor network, he said: "In the present situation where one person in two or three has access to direct foreign news, in any small circle of friends or co-workers there will typically be several who have heard any major item, can diffuse, discuss, or correct it."[14]

A current appraisal, similarly positive in its judgment on the value of word-of-mouth communication, was made by Max Ralis, RL's Director of Audience Research. (For a biographic sketch, see Appendix 1.) He expressed the view that the Soviet rumor network is still a "vigorous operation." "It works," he said; it is a "personal type of communication, and this is important." He described a typical situation in which unsponsored news and information are transmitted in the Soviet Union: "When people get together at work in what is the equivalent of the American coffee break, they ask each other, 'What's new?' and from there the transmission of information begins." Mr. Ralis left no doubt that this type of interpersonal exchange continues to be a valuable means of communicating officially unsponsored information within the Soviet Union.

For foreign broadcasters like RL, the network of "word-of-mouth" communication performs an important service: it is an effective instrumentality for multiple transmission, and thus magnifies the propagation of officially restricted news and information

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Footnotes at end of article.

transmitted by radio. It enables the Soviet citizen to find out things and form opinions that the regime does not want circulated. It is, therefore, at once an addition to, a substitute for and a corrective of the official media. Moreover, the experience of RL reinforces the judgments of Bauer and Gleicher that the Soviet "populace itself values the unofficial network highly." [15]

II. DISSENTING SOVIET INTELLECTUALS

A. *Demands for freedom of thought*

Judging by the content of samizdat (to be discussed in Chapter IV) and the testimony of former Soviet citizens and Western scholars close to the Soviet scene, there seems little doubt that RL has a wide audience among a very specialized but potentially powerful Soviet group, namely, the dissenting Soviet intellectuals.

The reason for dissent within this elite sector of Soviet society can be explained largely by the fact that many Soviet intellectuals, that is, the writers, scientists and other professionals among the creative intelligentsia, are most affected by the regime's effective methods of thought control. Intellectuals thrive on the exchange of ideas. Their creative nature, and the practical necessity, especially in the sciences, of building upon efforts and achievements of others, compels them to seek other sources of thought and data. When frustrated in these efforts, they dissent and as their frustration grows, their attention is directed progressively to other areas of inequity within Soviet society, namely, shortcomings of the regime in economic affairs, abuse of civil rights, and the oppression of national minorities and religious freedom. And so, the movement of dissent, feeding upon an accumulation of grievances, grows and spreads throughout Soviet society. "It is no accident," says the RL statement describing this process of evolving dissent, that the intellectuals "have been in forefront of the Soviet Union's burgeoning movement for human rights." [16]

B. *Appeals of RL for Soviet intellectuals*

The growth of a full-scale movement of intellectual dissent in the Soviet Union has created for RL an audience of importance which it has cultivated in a special way. RL has become the prime broadcaster of works by these intellectual dissenters. Acting as a public forum of free discussion, RL broadcasts their thoughts and their works back to the Soviet Union, thus enlarging in geometric proportions the potential area of internal circulation and enlarging as well the potential appeal of RL among the Soviet audience.

"No longer do the devices of a police state successfully keep the Soviet citizens in the dark," wrote Dr. Pool a few years ago.[17] And today, this is especially true for the creative intelligentsia. The appeal of RL is evident in observations by audience research specialists who affirm that many Soviet university educators are known to listen regularly to Russian language foreign broadcasts. And within the intelligentsia, RL's commitment to political gradualism within the Soviet Union has struck a responsive chord. This was apparent in an appraisal of foreign radio broadcasting by a member of the Soviet scientific intelligentsia who regarded foreign broadcasts as necessary to pave the way for changes in Soviet society. Many things have yet to be changed, he observed, but it is a slow process, and at this juncture the Soviet people are not yet politically mature.[18]

III. SOVIET CENSORSHIP: RL'S OPPORTUNITY

A. *Totality of Censorship*

What creates RL's greatest potential audience appeal, and thus opportunity, is no doubt the role of censorship in the Soviet Union. Soviet censorship is near total; its effects are far-reaching, for censorship leaves the Soviet citizen with a mental image of reality that is like a fragmented mosaic where half the pieces are missing. Perhaps, the totality of Soviet censorship was best described by the formed Soviet journalist Leonid Vladimirov, now a full-time RL staffer:

> Not a single thing can be printed in the Soviet Union, whether it be a book or a postage stamp, a newspaper or a label for a bottle, a magazine or a candy-wrapper, unless it has been approved by the censor. No radio transmission is beamed, no public exhibition is opened for public view until an official stamp has approved it.[19]

Censorship is more than strictly an administrative technique in running the Soviet state; it is an all-pervading force of intellectual oppression. As one of the principal weapons of the Soviet regime in maintaining its monopoly of power, it has far-reaching political and ideological ramification. The survival of the party and preservation of the political position of the ruling elite depend upon success in maintaining this monopoly of power and information; and it is the primary instrumentality for ideological control over the Soviet people. Censorship represents a determined effort by the regime to isolate the Soviet people from independent sources of knowledge and information. It attempts thereby to mold the Soviet citizen according to the requirements of Soviet ideology.

In describing the elaborate system of Soviet censorship, the RL statement declares: "In the Soviet Union words are the chief articles of contraband." [20] Indeed they are, for oppositional messages are banned; only approved ideas are permitted to flow into the public domain; deviations, ever so slight, are not tolerated. Communist communications theory places a higher value on the social function of communication than it does on the value of truth.[21] In a closed society like the Soviet Union's, those in power invariably try to limit ideas and information that reach its citizens and pass on only as much outside information through the distorting prism of Communist ideology as they believe suitable for their purposes.

Soviet censorship is so intense that the regime attempts not only to determine what information and ideas shall pass through regime media but also determine who shall have access to what information and ideas. And as Bauer and Gleicher wrote: "It even makes serious efforts to deprive the Soviet citizen of the sacred privilege of not reading and not listening.[22]

In brief, communications in the Soviet Union is an adjunct of political organization and censorship the principal instrumentality for control.

B. *Effects of censorship on RL's appeal*

No doubt RL's appeal, and that of other foreign broadcasts, is magnified by the totality of Soviet censorship; for in seeking to give an alternative view of reality, RL offers an opportunity that is denied the Soviet people, namely, to exercise and to satisfy the human instinct for knowledge and information.[23]

FOOTNOTES

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[1] The shortwave audience, p. 1. (RL, v. III, Annex J.)

[2] RL, Communicating with Soviet Youth. A Conference Sponsored Jointly by New York University and Radio Liberty, March 10–11, 1967, New York, RL Information Division, 1967, p. 3.

[3] Ithiel de Sola Pool. Opportunities for change: communications with the U.S.S.R. Paper delivered at the Workshop on Communications with the Peoples of the U.S.S.R. Radio Liberty-New York University, November 20, 1965, p. 6.

[4] Ibid.

[5] Feuer, Lewis S. The intelligentsia in opposition, Problems of communism, v. 19, Nov.–Dec. 1970:10, quoted in, RL statement, June 14, 1971, p. 9a. (RL, v. I.) Prof. Feuer writes that according to Soviet statistics there are 86,500,000 radio sets in the Soviet Union and of these an estimated 27,000,000 are believed to be capable of receiving shortwave broadcasts from abroad.

[6] The Soviet shortwave audience, p. 1. (RL, v. III, Annex J.)

[7] The information in this section on tape recorders was provided by Mr. Roy De Lon of RL. (De Lon to Klump, Interoffice Memorandum, RL, Munich Office, Oct. 14, 1971, with appendices. In, RL, v. XVII, pt. 2.)

[8] Ibid.

[9] Ibid.

[10] An indication of the problem of getting tape at an earlier time was evident in the report in *Ekonomicheskaya Gazeta* of December 1966 (p. 33) which said in part: "It is rumored that magnetic tape recorders will soon be sold in furniture stores. Magnetic tape is very hard to get; without it, however, the tape recorder is only useful as a piece of furniture. At present, statistics indicate that the distribution of tapes in relation to machines is one half a reel per recorder. Even this small amount of magnetic tape available for purchase cannot be bought just like that." The article continues with a satirical commentary on the shortage of tape. (Quoted in, De Lon Memorandum, Oct. 14, 1971.)

[11] Ibid.

[12] Bauer, Raymond A. and David B. Gleicher. Word-of-mouth Communication in the Soviet Union. *In*, Dexter, Lewis Anthony and David Manning White. People, Society, and Mass Communications. New York, Free Press of Glencoe, 1964, pp. 426 and 417.

[13] Poole, Opportunities for Change: Communications with the U.S.S.R., p. 3. Dr. Poole made this comment on the essence of rumor and its plausibility: "Rumor may thus be a reasonably reliable source as Russians themselves rated it in Bauer's study."

[14] Ibid., p. 9.

[15] Bauer and Gleicher, op. cit., p. 426.

[16] RL Statement, June 14, 1971, p. 10. (RL, V. I.)

[17] Pool, Opportunities for change: communications with the U.S.S.R., RL–NYU Conference, 1965, p. 10.

[18] Nikita Struve, Professor of Russian Literature at Nanterre, wrote: "That Radio Liberty is listened to by many, many people in the Soviet Union, and especially the intellectuals, is proved by the reactions that I myself have always had from any interview which I have given to this station. These reactions are not only numerous, but also perceptive and well reasoned." Other scholars have made similar statements. (RL statement, June 14, 1971, p. 35, v. I).

[19] RL statement, June 14, 1971, p. 6. (RL, v. I.) For a full discussion of Soviet censorship, see the symposium, The Soviet Censorship. Studies on the Soviet Union. Institute for the Study of the USSR, Munich, Germany, v. 11, no. 2, 1971, 148 p. See also, Hopkins, Mass Media in the Soviet Union, pp. 123–133.

[20] Ibid., p. 10.

[21] Pool, Ithiel de Sola. The Mass Media and Their Interpersonal Social Functions in the Process of Modernization. *In*, Dexter and White, People, Society, and mass communications, p. 433.

[22] Ibid., p. 414.

[23] Quotations from Samizdat, p. 10. (RL, v. II, pt. D 4.) Mr. Martin J. Hillenbrand, Assistant Secretary of State for European Affairs, gave the following explanation of censorship in the Soviet bloc and its effect on public policy: "Domestic media in the USSR and Eastern Europe speak with a single voice, commonly omitting or distorting coverage of events about which the public has every need to know. In place of full news accounts, questioning editorials, and independent commentary, the daily fare never challenges policies or goals set by the governments nor asks how wisely the public's money is being spent.

A public so deprived of essential information has difficulty in finding ways to promote its own interests with respect either to domestic or to foreign issues." The supporters of RFE/RL argue that these radios fill that information gap created by censorship. (SFRC, RFE/RL Report, p. 19.)

Chapter IV: RL's Programing: Audience Characteristics, Procedures Summarized, and Phenomenon of Samizdat

I. AUDIENCE CHARACTERISTICS

A. *RL's Assumptions Regarding Its Audience*

1. Elitist Approach to Public Opinion Formation

In trying to communicate by the spoken word with the near 244 million Soviet people who themselves speak some 107 separate languages, RL has an especially difficult task, and expectations of success must be fraught with uncertainty, even with the knowledege that its signal can reach 82% of the total Soviet population.[1] In rationalizing its tasks in order to maximize its effectiveness, RL makes certain assumptions about its audience. These assumptions take into account the attitudes not only of social, occupational, and intellectual groups in all the republics and oblasts of the Soviet Union, but also the attitudes of the various nationalities to which RL broadcasts and certain differing psychological categories within these groups.

RL tries to reach as broad an audience as possible, but as a communicator with political purposes in mind (and having limited resources), it must direct its broadcasting energies primarily at those elements in Soviet society which now or in the future may exercise political influence. More likely than the lower orders of Soviet society these politically alert groups will be the potential decision-makers of the future and more likely will also have access to shortwave radios.[2]

RL's approach is, therefore, elitist: it aims at the top.

2. Social, Occupational, and Intellectual Groups

a. The younger generation

On the basis of political and sociological studies and audience research data, RL visualizes its potential audience as being divided into three major categories: (1) social, occupational and intellectual groups; (2) the Nationalities; and (3) a psychological category of listeners.

Of primary importance in the first category is the youth. This group matured after the Stalin era. Many will eventually achieve positions of responsibility. Many are now seeking greater freedom, demanding a better life for the Soviet people. They are skeptical about Marxist-Leninist ideology and its promises of a future "good life" and Communism. A generational conflict plagues this group, disenchanted with their parents who were cowed by Stalinist terror: here is one of the chief problems of the post-Stalin regimes.

The younger generation is divided, however, between the political activists, those careerists taking the Komsomol-CPSU route, and the political passivists, those who are disinterested in politics and seek safe professions and material well-being. RL gives top priority to the first group, realizing their genuine thirst for knowledge about the outside world, their desire to know about philosophy and religion and other concepts that could fill the vacuum left by the inadequacies of Communist ideology, and their resentment at the regime's restrictions on freedom of information and ideas. RL regards this category of listener as "a present and long-term priority for RL programmers." [3]

b. CPSU members

Thinking members of the CPSU, especially those under 40, constitute another elite group that RL seeks to influence. Bureaucrats belonging to the permanent party apparatus are not excluded in this audience category, but it is assumed that their personal stake in the system and the desire to maintain the status quo outweigh their interests in reform and liberalization.

What creates a special opportunity for RL is the fact that more than half the membership entered the party after Stalin's death, and thus their attitudes and outlook have presumably not been warped by the Stalinist experience. By virtue of their middle-level positions, it is further assumed that they represent the aging party bureaucrats who cling to power at the upper echelons. As members of the ruling elite at various levels of Soviet society, it is also assumed that they could play a constructive political role if motivated by appeals to their own self-interest or to their sense of moral obligation as a "leading force" in Soviet society, should future developments in the party make this possible.

RL regards this group as a top priority. As an objective, it seeks to facilitate the evolution of democratic attitudes among thinking members of the CPSU. It encourages this elite group, therefore, to demand political democracy and decentralization of decision-making processes within the CPSU. RL operates on the assumption that as this is increasingly achieved, then it will be possible for democratic practices to spread more rapidly into government and throughout the nation's social institutions.[4]

c. The scientific intelligentsia

Probably the most influential group among Soviet Russia's intellectuals is the scientific intelligentsia. Though numerically small (about one million), they offer the greatest possibility, in RL's opinion, for influencing the whole of Soviet society.

It is the Soviet scientific intelligentsia, lionized in the Soviet press, that is the pacesetter of Soviet trends, sponsoring the more liberal elements of the literary-artistic intelligentsia, influencing those within their fields of specialization, even beyond into the managerial areas, university thinking, and student life. The regime has granted great privileges to this group, yet many within it, like Sakharov, have a strong sense of responsibility for the future direction of Soviet society and hence are consciously aware of the regime's narrowness and inflexibility in coping with pressing social and political problems. Having inquiring minds, the scientific intelligentsia tends to take the long perspective, recognizing the need for a broad programmatic approach to social and political problems in answer to present and future needs. Many are engaged in important work for the regime, and as a group, though not necessarily individually, they are indispensable to the regime.

RL looks upon this scientific elite as a fertile field for the propagation of unorthodox ideas and dissemination of officially unsponsored information. As a prime elite group within the country, they are one of the gatekeepers" through whom influence flows as it filters down from the top hopefully to permeate the whole of Soviet society.[5]

d. The literary-artistic intelligentsia

The literary-artistic intelligentsia, though small numerically, numbering probably less than one million plays, nonetheless, a key role in Soviet communications. In this group are the writers, journalists, posts, artists, sculptors, actors, directors and many others active in the Soviet film industry. Owing to the character of their professional careers, they are especially vulnerable to reprisals from the regime—a writer, for example, has not the built-in bargaining power with the regime as does the much needed scientists.

As shown in a preceding chapter, the literary-artistic intelligentsia are sensitive to the abuses and shortcomings of the regime, but more importantly, they resent the restrictions on intellectual freedom that prevent the exchange of ideas and their access to new information. This is the principal motivating factor in explaining their leadership in opposing oppression and seeking reform of the system. They are also increasingly inclined to protest the regime's refusal to recognize the artistic merit of their work because it fails to meet the stultifying ideological requirements of "socialist realism," the regime's measure of literary and artistic merit.

Harboring these grievances, the literary-artistic intelligentsia strives toward a goal of freedom of expression and seeks to extend the scope of what Soviet society feels and thinks about itself and the purposes and goals of Soviet life. It actively seeks information and ideas from the non-Communist world, such as that provided by international radio broadcasts. It also wields a moral influence in Soviet society disproportionate to its small numbers. Increasingly, this group has been able to rely on support from the scientific and other groups within the intelligentsia among which there exists an interchange of influence.

Accordingly, RL regards the literary-artistic intelligentsia as a prime audience and a seminal source for broader influence throughout Soviet society. RL believes that it seeks to provide information and ideas to this group that will be useful in establishing a broader basis for cooperative efforts against the regime's repressive measures. By broadening its focus, RL attempts to interest this group in the problems of the workers and others in Soviet society, including the nationalities, and conversely attempts to win more support and understanding for them among fellow citizens, especially among students and workers.[6]

e. Other groups of the intelligentsia

The remaining groups of the intelligentsia in which RL has varying degrees of interests embrace other educated elements in Soviet society, including, social, economic, technical, rural, military, party and police intelligentsia. Some are essential to running the country; others, like the military, party and police intelligentsia, are "pillars of the regime" and, accordingly, continuation of the regime's stability depends upon their unimpaired loyalty. Some within these groups, however, have made common cause with the dissenters.

Owing to their importance in Soviet society, RL believes that they should be considered within their audience spectrum, to be differentiated according to their special interests and their susceptibility to influence in the direction of liberalization of Soviet society.[7]

f. Lower-level party and government officials and elected members of legislative organs

RL's interest in this politically elite audience arises from the expectation that if Soviet society is to be democratized, it must come about in part by strengthening the forces of de-centralization at the grass roots. In effect, it is an attempt to apply the democratic principles inherent in the "New England town meeting" to the Soviet environment wherein the local officials will be made to feel a greater sense of responsibility to their "constituency" than to the upper echelons of authority in Moscow, and conversely that the people will increasingly look upon local officials as their representatives having certain responsibilities to them.

RL believes that officials of the party and government at the oblast, city, and rayon level, including Sovhoz and kolhoz chairmen, are in the difficult position of carrying out the will of the centralized regime in their areas and at the same time having to bear the brunt of popular resentment resulting from political arbitrariness and economic shortages. Though admittedly they are not inclined to oppose regime policies directly, still they do at times have some latitude in carrying out decisions and in establishing

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local policies, notably when disagreement exists at the top or a vacuum envelopes the decision-making process.

RL sees a great potentiality in this audience and regards it a special task to persuade these officials to exercise their responsibility in such a way so as to represent their "constituency" and to defend their interests against the centralized regime (including national and local interests versus the all-union regime). RL's expectation is that this will strengthen their own position within the population. Moreover, RL believes that lower level officials should be encouraged to work for human rights and individual freedom, and conversely, RL encourages Soviet citizens to view these officials, for whom they are required to vote in local and government "elections", as being responsible to them and attempt to influence those officials to fulfill their responsibilities.[8]

g. Skilled workers and their immediate supervisors

RL operates on the further assumption that skilled workers and their immediate supervisors represent a potential audience. Grievances in the economic sphere are the bond of unity within this group, that is, common concern for poor housing, economic shortages, special privileges to the party and government hierarchy, and mutual awareness of the true nature of Soviet trade unionism as an instrumentality of regime control. RL believes that the immediate supervisors are bound to be influenced by the grievances of the workers, since production depends on high worker morale, and, accordingly, whenever possible they try to improve the situation.

Moreover, RL tries to establish a bond of understanding between the worker and the intelligentsia. In broadcasting about the intelligentsia, RL tries to give the workers a better understanding of their motives and aims, and similarly in broadcasting about working conditions, attempts to make the intelligentsia aware of the problems and attitudes of the workers. In this way RL attempts to unite all groups who are trying to improve the system rather than allowing them to remain atomized as presently is the case.

Finally, RL believes a real opportunity exists in giving information and ideas to working class listeners especially on material relating to their needs, for example, descriptions of workers councils in Yugoslavia, free unionism, economic strikes, working and living conditions in other countries.[9]

h. Soviet personnel abroad

A specialized audience that RL regards as "important" is Soviet overseas personnel, that is, troops stationed in Eastern Europe and crews on Soviet ships at sea. What makes this audience attractive is the fact that they are often in good locations for receiving RL's signal and that the information and ideas transmitted by RL coupled with their own observations overseas (for example, seeing better economic conditions in the West, observing firsthand reformism in Eastern Europe, and witnessing Soviet repressive policies as in Czechoslovakia) can be an important force for future changes in the Soviet Union.[10]

i. Collective farmers and unskilled workers

At the base of the pyramid in RL's conception of its Soviet audience are the masses, that is, the collective farmers and unskilled workers. Representing the largest part of the Soviet population, they are the most subjugated by the regime and least enjoy any economic benefits or political rights. Widespread passivity is the main characteristic of this group. Unlike the upper strata intelligentsia, their political influence is not normally direct and active. The majority is educationally and intellectually backward, apathetic, and especially meaningful for RL's purposes, lack access to shortwave radio.

RL does not, however, regard this group as unimportant. Indications exist of anti-regime feelings and even outright political activity involving direct participation. Moreover, owing to ignorance in foreign languages and thus access to foreign broadcasts, books, and publications, and the near total inability of this group to travel abroad, RL provides a unique channel of comprehensive information about realities and actual development both inside and outside of the U.S.S.R. The youth within this category are known to have a great interest in the outside world and are enthusiastic radio listeners. Moreover, they are less apathetic and less resigned than older workers and farmers. Accordingly the youth within this substantial subgroup represent a unique opportunity, in RL's estimation.

RL assumes that the bulk of ordinary workers and peasants have less opportunity and interest in listening to foreign broadcasts. But, owing to their great numbers, RL includes them among its listenership and believes that it reaches many more indirectly through word-of-mouth communications. RL realizes, furthermore, that attitude formation within his group is most likely to be affected by views of individuals whom they regard as informed and authoritative, that is, local intelligentsia such as teachers, librarians, and specialists, known to be motived to get outside information. Accordingly, RL looks upon such intermediaries as a significant sub-audience, along with young people, for conveying its message.

RL's message to these groups is directed to their local situation, living and working conditions, as well as material possibilities. Abstract and political discussions are related to concrete effects where possible in terms of whether proposals under review will yield advantages and improvements to the population. Comparisons are made with economic situations in highly developed countries. Emphasis on material describing democracy at work and life of similarly situated persons elsewhere is believed to stimulate Soviet listeners to make demands on their leaders for similar improvements. Information of this nature, RL believes, will increasingly activate "comparative thinking" among the various classes within Soviet society. The workers and peasants are aware of the great economic vulnerabilities in the Soviet system and the great economic advantages in Western democratic forms. Moreover, the gap between Soviet economic promise and reality is a decisive factor in shaping attitudes of the Soviet urban and rural working class as well as the local and rural intelligentsia and other groups in close touch with them.[11] Therefore, while RL's major effort may be directed at the upper strata intelligentsia, still it does not ignore the lower orders of Soviet society.

3. The Soviet Nationalities

The second major category in RL's audience structure are the various nations and nationalities of the Soviet Union. RL regards the nationality question as one that "is and will continue to be a critical and potentially divisive problem of the Soviet system until all the peoples of the USSR have an opportunity to exercise their democratic right of self-determination." [12] Eruption of the Sino-Soviet conflict involving the border regions and peoples of Turkestan, as well as the general historical trend toward de-colonization in the non-Communist world, has underscored the importance of this problem for the Soviet regime.

Officially, Soviet nationality policy purports to give the nationalities certain rights, such as the right of succession, and a genuine form of republican government. But in practice the regime has denied the peoples the exercise of their proclaimed political and constitutional rights. It has prevented the nationalities from making common cause with each other outside the framework of official Soviet policy. It has attempted to impose the Russian language on the non-Russian nationalities at the expense of their own language and culture. It has in general attempted to denationalize all nationalities and unite them by creating a single "Soviet people."

The non-Russian nationalities have resisted the regime's de-nationalization policy; and at times even some Russians within the intelligentsia have expressed sympathy for the interests of the nationalities, recognizing the connection between their desire for human rights and those rights of the other Soviet peoples.

In broadcasting, RL supports and attempts to spread such sympathies among the Russian listeners, while at the same time stressing the need for common cause with Russian dissenters and other oppositional elements in its non-Russian broadcasts. All Soviet nationalities, Russians included, share many problems in common, such as, the erosion of customs, traditions and cultures, under the impact of Communist ideology, and the pressure of overcentralization of state power at the expense of the regions.

In its broadcasts RL, as a matter of policy, avoids taking positions on the pre-determination of the Soviet Union's future regarding the nationalities. Rather, it concentrates on the immediate task of encouraging the nationalities separately and all Soviet peoples collectively to work for freedom by lawful and constitutional means against the centralized regime and for the right of self-determination for all peoples, inside the Soviet Union and throughout the world. Understanding the correlation between decentralization and the development of grassroots democracy, RL encourages rational steps to increase local authority in all spheres. Moreover, it avoids stimulating antagonism among the Soviet peoples whatever the nationality, advocates intra-national cooperation, and encourages those inner-directed forces striving for self-determination by peaceful, constitutional means.[13]

4. Psychological Categories of Listeners

The third and final segment of RL's audience structure are those listeners that fall within various psychological categories. One of the characteristics of this segment is that it represents a commingling and overlapping of the social, occupational, intellectual and national groups.[14]

The psychological categories are defined broadly in terms of commitment to the regime. The "regime patriots" are at one extreme. For reasons largely of their own vested interests and personal involvement or their primitive political concepts, they defend the system against any criticism, especially external. Identifying the present regime with the nation as an historic unity, the "regime patriots" become "super-patriotic." At the other extreme are the committed opponents. They are equally patriotic in their allegiance to the nation, but are disenchanted with the regime and see no solution short of its complete overthrow.

According to RL's estimate, the bulk of the Soviet population falls between these extremes. A large number are apathetic and indifferent to political problems. But, RL believes that there are many, which it describes as "seekers," who are loyal to the system, have political concerns, are aware of existing strong dissatisfactions, and have serious reservations about the many policies and actions of the regime. But, they have not yet formulated distinct views on what changes are needed, and how they are to be achieved.

Then, there is a smaller group that RL calls "reformers." They have a strong personal commitment against certain aspects of the regime, and they have begun to develop views and approaches on how to bring about

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changes. They do not seek to overthrow the system, but rather act as a loyal opposition which could promote progressive change within the system and avoid revolutionary chaos.

In selecting the most desirable audience within this pattern, RL operates on the principle that it wants to expand its audience as much as possible and to increase the flow of information and ideas. Accordingly, it downgrades the importance of reaching the committed opponents of the regime, who probably are listening anyway, and the "regime patriots", who would be least receptive. Rather, the audience RL is most anxious to reach are the "apathetic", the "seekers" and the "reformers." From its point of view, the "apathetic" must be stimulated to become involved and perceive opportunities for social improvement. The "seekers" must be made more conscious of new ideas and alternatives for changing the Soviet system in their interests and ultimately in the interests of all Soviet citizens. The "reformers" must be sustained in their search for these new instrumentalities.

RL refines this category still further, not wishing to give up on the "irreconcilables." The committed opponents, it says, must be encouraged to work in their own interests and to work with the system to change it, not exposing themselves in any vain attempt to overthrow it by force. "Moreover, RL believes the "regime patriots" should be encouraged to question the system and the acts of the regime, and try to gain their receptivity to ideas and practical alternatives which RL might suggest.

However, RL views its main effort as being directed not toward convincing the already convinced, but to influence "the large middle group which comprises the majority of Soviet citizens to think independently and consider alternatives to present principles and practices with the Soviet system." [15]

B. *On relating to the Soviet audience*

1. AUDIENCE PERCEPTIVE: A FRAGMENTED MOSAIC

It is one thing to structure an audience in a rational and efficient way to insure effectiveness; it is quite another to relate to that audience. For RL, this is a special problem, mainly because it seeks to be a surrogate "Home Service" for the Soviet listener. It must, therefore, structure its programming not only so that it will appeal to its audience, but more importantly, so that the audience will understand what is being conveyed.

This is not easy to do. The difficulty stems from the fact that RL must deal with vast lacunae of information on the Soviet side. It must conceive of its audience's perception of reality as that of a fragmented mosaic in which many important pieces are missing. RL programmers must know what pieces are there; they must also know what pieces are missing and need to be provided.

This problem was very acutely posed by a Soviet scientist who recently said that "nobody would want to listen to foreign broadcasts if they were sure that our own information is complete; but as it is, half of what happens in the world is simply concealed from us, facts, not comments or opinions." [16]

Thus, one of the great problems RL faces is the need for a constant awareness of the extent to which their audience does not share a common informational frame of reference. The programmer and broadcaster can never be absolutely sure that his listener will have sufficient knowledge of other facts and information to understand what is being presented.[17]

Still another problem of perception arises from the warped image Soviet propaganda creates within the Soviet public mind. Upon the RL programmer and researcher rests the responsibility of knowing not only that distorted image but how to correct it. In seeking to portray the truth of living reality, at least to a degree that is humanly possible, RL must correct the refracted light of Communist propaganda, adding substance to shadows and giving a fuller picture of the Soviet reality and international life around it.

2. Style, Content, Language

Success in communications of the sort that RL programmers are engaged in depends to a great extent upon style, content and language—style in the sense of projecting a positive and dignified image; content, in shaping programs to meet the unique requirements of the audience and to achieve the goals sought; language, in perfecting the only available mechanism for communicating by the spoken word.

RL policy requires a "Guest in the Home" style in communicating with the Soviet audience. Good sense and the basic rules of salesmanship dictate adopting a "patriotic stance" in seeking RL's goals and purposes. RL programmers must, therefore, try to establish a lasting dialogue on essentially Soviet terms. To do so, they must be immersed in the Soviet milieu to the extent that they can provide corrective insights into Soviet problems and do so with credibility and understanding. This is a most delicate operation, one requiring great care, sophistication and toleration.

But the burden of communication for RL programmers is lessened considerably by the fact that RL broadcasts to the bulk of the Soviet peoples in their own native languages (20 in all). For RL, the lingua franca is Russian. Not only are broadcasts for the Russian Service made in Russian but equally important the scripts are actually written in the Russian language. Some foreign broadcasters, as in the case of RFE, first write the scripts in the language of the broadcaster and then translate them into the language of the audience. In translation much can be lost, and the connecting link to the audience can be defective. RL program chiefs are of one mind on the value of writing in the original language. Mr. Diakowski described RL's approach as, "a direct continum of communication from the writer's mind, through the structure of words, to the ear of the listener." "The subtleties and nuances, often lost in translation," he said, "remain intact."

Mr. Alexander Backerac, Managing Editor in the Russian Service, took a strong view on this question. (For a biographic sketch, see Appendix 1.) Quoting the Italian proverb, "Traduttori, traditori" (equating translators with treason), he said that in translations one puts a heavy screen, not just a veil or scrim, between the writer and the audience. This was especially true of Russian. He told of a leading British scholar who had just prepared a script on the 150th anniversary of Dostoevsky that had to be translated into Russian, but according to Mr. Backerac, "English just doesn't go into Russian, much of the essence of the meaning is lost, all the tastes, the nuances. One can't maintain optimum effectiveness," he said, "by using the translation process. Russian is essential; it is vital."

The Nationalities Service also has the advantage of writing scripts in the original language without resorting to translations. Only in the case of newscasts is the material translated from the Russian; but even in this instance, according to the Nationalities Program Manager Z. Sztumpf, the script writers and programmers work from original source materials in the native languages, adapt the news by using these sources, with the result that nothing is lost in the process. Moreover, newscasts are ordinarily straight declarative statements without the nuances and shadings in feature writing.

That broadcasting in the native language by native speaking broadcasters has a particular appeal and effectiveness with the audience is evident by reports from the audience area. One member of the Soviet scientific intelligentsia expressed the view that other foreign broadcasters did not understand how to communicate effectively to the Soviet listener. "They speak to us the same way they would to an Italian or an Englishman," he said, "and that's wrong because we have a different life." Another listener, a former Soviet citizen, put it more succinctly. He said of Vladimirov, RL's commenator in the London Bureau: "The Soviet listener will say that he is talking about *us*, this is for *us* and he is our own." [18]

Developing a capacity to communicate to this particular audience and do so on its terms and within its perception of the world is clearly an important asset in RL's operations.

II. PROCEDURES IN PROGRAMING SUMMARIZED

A. *Policy in program planning process*

To reach its audience, RL has established practical procedures in programming. What is significant in these procedures is the extent to which policy is integrated into programming operations. Indeed, the main impulse of RL policy operations rests upon the necessity of designing policy into programming. The function of policy guidance is to establish a foundation which determines the total design of programming, and to set forth a set of criteria for all programmers, writers, editors, and desk chiefs in the selection of themes and subject matter, and in prescribing the treatment and tone of programs. Still, despite this appearance of close supervision, considerable latitude is allowed for initiatives in developing program design and selecting materials and specific subject matter.[19]

The starting point for developing general program themes and broad program planning is, as noted above, the definition of thematic and audience priorities in the Policy Manual. These guide the distribution of attention to various subjects and the types of treatment in the programs. In working out specific program series, programmers begin from a "show plan" which defines the specific purposes of the series and its component programs in relation to RL's objectives as expressed in the Manual and other policy papers. Conferences for reviewing overall direction, structure of programming. The Monthly Guidelines, weekly schedules and memoranda reflecting advance program planning—all provide further recurring occasions to formulate, review and improve plans for the constructive execution of policy.[20]

B. *Daily morning meetings*

1. Research meeting

In a sense programming formally begins at the morning meetings held daily from Monday through Friday. It is here where policy and programming merge. The Research Meeting at 0945 CET is the first in a series of four morning meetings. The Director of PPD is the chairman of this meeting. Participants include the Assistant Director for Research, a policy officer, senior research analysts in economics, politics, sociology, foreign affairs, and cultural affairs, along with the Media Analyst, the Head of Samizdat, the Head Librarian, and the Head of the Information Center.

At the opening of the meeting a "News List," citing all important developments up to that time, is passed around. Then, all participants give an oral report on the most significant developments affecting their fields. This is based on a review of the press and other information sources, notably their own accumulated knowledge. The first to speak, however, is the Soviet Media Analyst who reports on Soviet media output, presumably for the previous twenty-four hour period. This report enables researchers and programmers to identify areas of interest and importance. It also lets them know the gaps and distortions in Soviet news coverage that

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have to be filled and corrected in programming. A Daily Policy Guidance Note is issued at this meeting if warranted. The first item on the Guidance Note, which is circulated among staff, is the report on Soviet media output. Usually at this meeting if any important event emerges in discussion that is judged to have significance, the Director of PPD will interrupt with the remark, as was the case on October 27, 1971, "let's program this," and immediately arrange to have the information passed along to the Program Department with recommendations for its use.

What makes the Research Meeting important is the fact that it represents the point in RL's operations where, except for long-term research, the results of research can be formally and immediately brought into the programming and policy process. Staff at this meeting conveyed to this outside observer the impression that they are "on top of the news," and possessing analytical skills, are able to interpret it within a larger framework of accumulated knowledge. Thus, it is here where the discipline of scholarship is brought to bear on the rapidly unfolding events of contemporary history.

2. News meeting

At 1030 CET the daily morning News Meeting is convened. Chairman of the meeting is Lennart Savemark, Program Manager, Central News Service (CNS). Also present from CNS are the News Evaluator on duty and the Chief Editor. Other participants in this meeting are: the Director of PPD, Director of Program Operations Division, Program Manager of the Nationalities Service, Assistant Program Managers of the Nationalities Service's Caucasian Department and Ukrainian-Belorussian Department, Senior Staff Commentator, Staff Commentators of CNS and Russian Features, Policy Coordinators from PPD, and a representative from RL's Information Office.

The main purpose of the News Meeting is to review the important events occurring in the world and in the Soviet Union up to that time, discuss the treatment of certain of these items, and introduce any policy requirements if appropriate. The morning News List, a compilation of priority news events, is circulated among participants of the meeting. (For an example of a News List, see Appendix 6.) At the meeting on October 26, 1971, Mr. Savemark went down the list of news items, and the participants discussed key items.

At these meetings the Director of PPD, as the guardian of policy, plays a key role. At the October 26 meeting, the world press, in reporting on Kosygin's trip to Cuba, indicated that there was a rumor of Castro's illness. Immediately, Mr. Van der Rhoer indicated that RL could not report this because it was speculation and might prove to be incorrect. Castro might appear at the airport to meet Kosygin, he said, and thus embarrass RL. (The implication was clear that such an unsubstantiated report might have a negative effect on RL's credibility with its audience. But, more importantly, broadcasting a rumor of this nature runs counter to RL's policy of reporting only truthful, factual news information.) Mr. Van der Rhoer introduced the guidance on how RL would treat Peking's admission to the U.N. At this point there was an interplay of discussion on this question, with staff reaffirming Mr. Van der Rhoer's judgment.

As the meeting progressed, the Chairman commented on the scheduling for the day, indicating the news features that were going to be treated, notably commentary on Peking's admission to the U.N. After discussion of other matters of RL interest, the meeting adjourned.

In programming procedures, the morning News Meeting is important, and for two reasons: (1) it alerts staff on the priorities in news and news features; and (2) it provides a formal occasion for the Director of PPD to introduce policy guidance.

3. Nationalities service meeting

The next morning meeting is that of the Nationalities Service which begins daily at 1045 CET in the same general conference room. (A brief meeting is held on Saturdays between the Director of POD and the Program Manager.) Chairman of this meeting is Mr. Sztumpf, Program Manager of the Nationalities Service, who also reports on Tatar-Turkestani programs Dr. David Nissman, Assistant Program Manager of the Caucasian Department, is present and reports on the Caucasian programs. Also attending is Mr. Mykola Herus, Assistant Program Manager of the Ukrainian-Belorussian Department, who reports on the Ukrainian-Belorussian programs. Other participants at this meeting are Mr. Robert Tuck, Director of the Program Operations Division, Mr. Van der Rhoer, Director of PPD, and the Chief Editors and Commentators from the various desks of different departments in the Nationalities Service on an ad hoc basis. (For biographic sketches of these staffmen, see Appendix 1.)

The purpose of this meeting is, (1) to give the heads of the various departments in the Nationalities Service an opportunity to report on what they intend to cover in their daily programming; and also at the same time, (2) to provide the Directors of the Program Operations and Program Policy Divisions an opportunity to give counsel and guidance on program content and on policy as it is integrated into programming.

The procedure operates this way. The various department heads review the content and form of programs within their respective responsibilities. For example, in the meeting on October 26, Mr. Herus of the Ukrainian-Belorussian Department discussed the general content of programs within his responsibility, indicating that two main themes would be stressed, namely, Brezhnev's visit to France, and a script that would point out how the regime has allowed pre-1917 national monuments in Belorussia to fall into disrepair, while allocating resources into preserving those of the Bolshevik period. Samizdat would also be included in the day's programming, Mr. Bolshevik said.

At this point in the programming procedure the Director of Program Operations Mr. Robert Tuck is formally and directly brought into contact with his top programming staff and, accordingly, is able to introduce both in a general and detailed way programming guidance. At the meeting on the 26th, Mr. Tuck called attention to a number of items from previous meetings and noted in particular those dealing with Ukrainian affairs that appeared in the press review, material in Ukrainian-Russian samizdat publications, and items in Russian samizdat. He urged upon the programmers the importance of creating an environment of cross-fertilization in using samizdat. Matters of specific interest in Russian samizdat, he noted, had also special interest for the nationalities and should be used. At the meeting on October 27, Mr. Tuck, performing the same advisory function, called Dr. Nissman's attention to a recent report of an old Georgian Bolshevik who had just died, and who, having been released from prison, had been brought before Stalin still dressed in his prison clothes. Stalin put him in the foreign ministry, and eventually he became an ambassador. Mr. Tuck directed that this story be used in a script for a Georgian broadcast.

The Policy Director also plays an important role in this meeting. As the various programming plans are being presented, he must introduce into the discussion any considerations on policy. This occurred twice at the meeting on October 27. In reporting on programming for the Tatar-Turkestani Department, Mr. Sztumpf noted that a commemoration on the anniversary of Turkestan was being scheduled. Mr. Van der Rhoer raised the possibility of a policy violation in the form of a statement in the script calling for the restoration of a united Turkestan. (RL adheres strictly to a policy of no predetermination.) Mr. Sztumpf assured the Director that there were no such intimations but indicated that the division of Turkestan had generated deep feelings of local nationalism in the area. Mr. Van der Rhoer underscored the policy point that the script should have no suggestion of political reunification, but should stress the growth of national feeling and the sense of common concern—in brief, to stress the positive.

At the same meeting Mr. Van der Rhoer raised a policy question in a discussion of the Ukrainian program. Mr. Herus described a script that was going to be used that dealt with developments in Hungary, focusing on the anniversary of the 1956 revolution and Soviet intervention. Both Mr. Van der Rhoer and Mr. Tuck urged that the script be brought up to date, accenting positive developments in Hungary under Kadar as well as the intervention of 1956. Mr. Van der Rhoer directed that the script be reconsidered. At the meeting on November 3, Mr. Sztumpf reported that the script was revised to include the positive side of developments since the revolution as directed and that it was acceptable to the editor.

Again, the important point to be observed here is the review character of the meeting by leading programming and policy staff. Both the Directors of programming and policy have formally the opportunity of advising and giving directions on program content as well as checking for policy. The accent is on policy adherence and program quality. The meetings also give the heads of the various departments within the Nationalities Service opportunities to exchange ideas on policy and programming with those to whom they are directly responsible.

4. Russian Service Meeting

The fourth and final morning meeting is that of the Russian Service at 1110 CET. The meeting takes place in the office of the Director of POD. Chairman of the meeting is the Program Manager of the Russian Service. Participants include the Managing Editor of Russian Features, Senior Editors or Commentators from the Russian Features Department on an ad hoc basis, Director of POD, and the Director of PPD.

Discussions at the Russian Service meeting parallel form those at the meeting of the Nationalities Service. In the meeting on October 26, Mr. Diakowski, the Program Manager, and Mr. Bacherac, the Managing Editor of Russian Features, discussed their programing plans for the day.

Only two issues came to the fore at this meeting, relating not to the programming then under discussion but rather to the samizdat works of the dissident Medvedev brothers which were about to be published in the West, and the manner of broadcasting book-size samizdat. RL tried unsuccessfully to get the rights to broadcast the contents of the Medvedev books back to the Soviet Union. As a matter of policy, RL does not use published copyrighted books unless it has specific authority. Even having this authority, it carefully indicates that the broadcast is done without the knowledge of the writer. This policy is designed to protect the writers of samizdat from reprisals of the regime.

The other issue for discussion revolved around the manner of presenting samizdat over RL. In commenting on the problem of broadcasting the Medvedev books, Mr. Tuck suggested that books of this nature should be analized, discussed and reviewed extensively in broadcasts rather than being read in toto. He emphasized that production-wise this would be useful, especially owing to the overwhelming amount of samizdat now available for Russian programming. Among all present there was particular stress on the importance of the book-review approach now that Western commercial publishers are publishing samizdat.

Policy questions did not arise at this meeting. In the meeting on the 27th, however, the question of policy violations in a script did come up for discussion. The violation was one involving language. The question arose on whether the script should be scrapped. After reviewing the script, Mr. Van der Rhoer felt that with further editorial changes the script could be used. Accordingly, the script was turned over to Mr. Diakowski for further work.

Again, what is important about meetings such as this is not so much what took place on a particular day but rather that the mechanism itself exists, providing opportunities for discussion, exchange of ideas, policy and programming guidance.

5. Observations on the Morning Meetings

RL's morning meetings are models of informality. Administratively, they are efficient, tightly scheduled, and well organized; but in format, style and mood, they are simple, informal, relaxed. This overly casual environment produces a mood that allows the fullest exchange of ideas and no doubt would encourage even the most difficult person to engage the most articulate and overconfident staffman in heated discussion. Yet beneath this patena of informality there lies an awareness of being involved in a very serious business, and no doubt these meetings are scenes of hard-hitting verbal combat as the dialetic of interacting ideas come into conflict.

In many respects the morning meetings take on the character of academic seminars within a restricted time-frame. Key personnel are invited to comment on important problems in their areas of competence. Exchanges of views and ideas and an integrating process of news-gathering, research and policy are allowed to take place. The morning meetings provide staff from researchers to programmers the opportunity for cross-reporting each other's knowledge. They provide a point of contact in a formally structured way for all key staff to come together in formal, but personal, communication.

The entire process is creative and is vital to the effective operations of the organization. Perhaps, Dr. David Nissman, an American Orientalist and Assistant Program Manager of RL's Caucasian Department, best described the morning meetings when he said, "The morning meeting is a marketplace where ideas are bought, sold, and rejected. It is a free interacting mechanism allowing for maximum exchange of views."

Yet, for the purposes of this study, perhaps the most important aspect of the morning meetings is the role played by the Director of PPD. By his presence and that of other policy staff at every level of formal discussion, he is able to give policy guidance and inject into the entire programming process an awareness of policy in an authoritative and commanding way. But, what is most significant about his role, in addition to this, is the authority he has to establish the permissible limits of what can and what cannot be programmed.

C. Production in Programming Process

The final step in the programming process is the actual production of news, features and other programs. RL's broadcasting day begins at 1700 Moscow time, two hours behind Munich. Thus, decisions taken at the morning meetings have sufficient time to be integrated into programming.

Edward F. Noelter is Chief of the Production Department. (For a biographic sketch, see Appendix 1.) It is his prime responsibility, working with producers, broadcasting staff, script writers, engineers and others, to see that RL's output gets into its final form for transmission to the Soviet audience. One of the key links in this process is the Continuity Team which ties the programs together for presentation to the listener. At this essentially technical level the strictest obedience to procedures is required, and the degree of personal initiative is severely restricted.

RL has impressive studio facilities, far better, one senior staffman said, than VOA. In the taping process, the producer of the program is in one room with the engineer, the performer is in another sound-proof studio. On signal from the producer, the program begins and is taped. If error occurs, the process can be terminated and redone until the tape is satisfactory. In some shows the producer is also the speaker, and thus he has multiple functions to perform. From the view of an uninitiated outside observer, the operation appears to be technically impressive, highly professional, and most efficient.

Usually there is a 2-to-3 day spread between the time when a script has been approved and when it is aired. Except for newscasts which are initially given "live," programs are taped, and the 2-to-3 day lag before actual broadcast provides an abundance of opportunity for a careful prebroadcast review. However, a bulletin can be aired at any time, merely by pulling out a time-slot of one feature and replacing it at a moment's notice. Thus, RL can be kept up-to-date if events change the content of taped programs. Taped program material to be used at the Taiwan transmitter is packaged and sent via air mail to Taiwan in sufficient time for airing. Newscasts go to Taiwan via telex and satellite.

III. PHENOMENON OF SAMIZDAT

A. Development of Samizdat

1. Beginning of Samizdat

One of the most extraordinary developments in recent years within the Soviet Union has been the emergence of samizdat, that is, the private publication and circulation of one's own works. To circumvent censorship, dissenting Soviet intellectuals have resorted to this device. As a new phenomenon in Soviet intellectual and political protest, though a long and revered tradition in Russian history, it has provided RL with a wealth of material varying in quality for programming. As far as can be judged by specialists in the field, samizdat has an assured future, and will no doubt increase in quantity and improve in quality.

Samizdat, as an embryonic expression of freely expressed public opinion in the Soviet Union, had its inception within the movement of political dissent that emerged in the wake of Khrushchev's de-Stalinization policies.[21] The establishment of safeguards against the resurgence of police terror and administrative arbitrariness, and the decline of fear and the feeling of political impotence nurtured by Stalinism, led to a type of internal emancipation, especially among the younger Soviet intelligentsia who had been untainted by the guilt of the past. The official exposure of the "cult of personality" also led to an erosion of faith in the party's collective infallability and in the efficacy of its ideology. Failure of the de-Stalinization process to proceed further than criticism of the past and the inability of Khrushchev's policies to satisfy the expected promise they held out at first, intensified among the young a growing feeling of alienation, and it stimulated a search for political alternatives to policies, and for some, alternatives to the political system and its ideology. A powerful stimulus to this rising dissent came from the return of survivors from the slave labor camps. It was these survivors, the Solzhenitzyn's, that gave courage to the younger members of the intelligentsia in their search for wider political freedom and more genuine forms of legality.

Taking advantage of the relaxation in control over literature, the literary intelligentsia began to circulate among themselves and to foreign channels of communication (the press and radio), copies of manuscripts, appeals, open letters, and other protest literature. These channels of communication helped to disseminate this uncensored information and accordingly contributed to molding critical opinions into a nascent public opinion that frustrated the regime's attempts to suppress or distort facts about the growing unity among the dissenting intelligentsia. The shift to these unofficial vehicles of communication became more pronounced as the regime began to tighten censorship, especially since 1964.

Politization of dissent, as it emerged, centered on demands for civil liberties guaranteed by the Soviet Constitution and those guaranteed under the U.N. Universal Declaration of Human Rights. However, it spread to the spheres of political and cultural-linguistic rights of the non-Russian nationalities, and then to the area of religious freedom. This had been set off by Krushchev's anti-religious campaign of 1959–1964 which generated a believer's protest movement, especially among the Evangelical Christian Baptists. By the late 1960's, specifically in the summer of 1968, the parameters of dissent expanded as the movement entered a new phase with the publication of critcisms by Sakharov. This was the first programmatic document that brought into question some of the basic tenets of the Soviet system. Thus, the protest movement now enveloped not only the creative and literary intelligentsia, many within the nationalities and among believers, but also the scientific intelligentsia.

2. Spreading Influence of Samizdat

RL, as prime beneficiary of samizdat, has called it "an exciting collection of painstakingly copied, unpublished manuscripts."[22] Much of it is reproduced on a typewriter, with multiple carbons. It is known to be typed sometimes even in large Soviet offices. The first two copies are often destroyed to prevent the possibility of a typewriter being traced. Samizdat participants risk arrest and imprisonment. Their material is circulated through a network of like-minded persons. Other samizdat material is handwritten. Samizdat items reaching the West is fast approaching 1,000 and include everything from book length works to articles, appeals and protests consisting of only a page or two. Contents of samizdat vary: there are major literary writings, some by noted Soviet authors; thoughtful essays by leading specialists dealing with political, social and economic problems; "transcripts" of courtroom trials from which the public is barred (for example, the proceedings of the Siniavsky-Daniel trials and the recent Leningrad trials); individual or group petitions by Soviet citizens seeking redress of grievances or demanding respect for constitutional rights.[23]

Samizdat is also emerging with considerable force among the nationalities, notably the Ukrainians who have been becoming progressively aware of the erosion of the Ukrainian language and culture under the impact of Russification. Religious samizdat has been given a strong impetus under the regime's campaigns of persecution. The Western press has recorded in the past year numerous protests by Soviet Jews on various forms of religious discrimination. Included in this study as Appendix 7 is a handwritten appeal from a Jewish father to the 25th Party Congress, seeking freedom for his daughter and two sons.[24] According to Peter Reddaway, a Soviet specialist at the London School of Economics and an expert on samizdat, the Roman Catholics in Lithuania, the Meskhetians in Georgia, and the Uniates in the Ukraine, and many others are becom-

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ing active participants in samizdat. Rev. Michael Bordeaux, Director of the Center for the Study of Religion and Communism, and a specialist on Soviet affairs, particularly religion in the Soviet Union, observed that religious samizdat is widespread over the whole of the Soviet Union, notably among the Baptists.[25] Appendix 8 of this study contains a few pages of Baptist samizdat. It is from a hand-printed book of 400 pages, deposited in RL's samizdat collection, containing documentation of a 4-year unsuccessful effort by the Baptists to convoke an All-Union Congress of their church.[26] Denied a printing press by the regime (they have since constructed their own), the Soviet Baptists resorted to the practice of the Medieval monks who carefully and patiently transcribed by hand the Bible and other liturgical manuscripts.

Samizdat also produces an unofficial free press, the typewritten Chronicle of Events. Already 19 issues have appeared in monthly intervals. Very little of samizdat is revolutionary in tone; by and large the stress is on reform, the tone nearly always is restrained, responsible and serious minded.[27]

Geographically, the "mainstream" of samizdat is confined, with few exceptions like Solzhenitsyn's work, to a relatively few areas within the country's urban, intellectual, scientific centers—cities like Moscow, Leningrad, and the large cities in the Ukraine and Baltic, and scientific centers like those at Obninsk, Pushchino and Kaluga. "These are the places," said Peter Reddaway, "that originate it and where samizdat is widely used."[28] Yet, according to Mr. Reddaway, who has devoted great scholarly attention to this problem, caution should temper thoughts about the widespread circulation of samizdat documents. Usually, the people reading samizdat are in a particular network where certain types of material are passed around.[29] As Martin Dewhirst, another British specialist on Soviet affairs who is on the Faculty of Slavonic Studies at Glasgow University, remarked on the matter of religious samizdat, "Arkady Belinkov, a widely read man if ever there was one, did not seem even to have heard of it, let alone to have read it."[30] Yet, Mr. Dewhirst believed that in potential, the "dissent movement is much bigger than it might appear to be" from samizdat literature, but "the hard core of the dissent movement seems to me limited. . . ."[31]

3. On the quality of samizdat

According to the judgment of leading Western specialists on Soviet affairs, the quality of samizdat is mixed. A lot of it is "very mediocre", said Leonard Schapiro, "some if it has been rather outstanding"; but it "is clean; it's decent; it's honest." [32] According to Max Hayward of St. Anthony's College, Oxford, "A lot of samizdat is very unsophisticated, particularly when it is reproduced outside its context. But on the other hand I think a lot of it is of very high class and the percentage of high class material has noticeably increased in recent years."[33] After commenting on the high value of works by Pomerants, Medvedev, Chaldize, Tsukerman, Ivanov, and Volpin, he said by way of generalizing: "We are beginning to get longer, more solid works on [economics] sociological and political matters as well. So I think the value, the worth, the intellectual level is already higher than one might think." [34]

Not only is the quality improving, but the quantity is increasing. According to David Floyd, Soviet specialist on the *London Daily Telegraph*, "I would have thought that the important thing that one could say with certainty . . . is that it is almost certainly going to increase in quantity, in variety and in the size of particular documents."[35]

4. Future of samizdat

Moreover, judging by the estimates of these Western specialists, the future of samizdat seems to be assured. Peter Reddaway sees the production of samizdat getting stronger in the future, though weakening in the short term. This weakness arises from arrests of participants, emigration (for example, Jewish intellectuals to Israel), and pressure on foreign correspondents, which, he said, "threatens one of the major channels of the flow." The factors in favor are, however, impressive. Many engaged in samizdat are scientists, especially the physicists and mathematicians. Having a feeling of "corporate identity" and being "quick to engage in mutual self-defense," they cannot be taken lightly by the regime. They are the "backbone" of this movement, he said. Secondly, during the past three years, a "remarkable network obviously has grown up" of samizdat correspondents. This network is "a strong one" and made up of people who are willing to run "great risks" to keep the network operating. Finally, he believed the present leadership in the Soviet Union did not have "the resolve to crack down hard enough to seriously stamp it out." This is a movement that is "extremely difficult to control . . . under any circumstances." A resort to Stalinist measures, he observed, would involve "the arrest of one or two thousand people, including some of the leading scientists, and I don't see the present leadership or any leadership in the foreseeable future doing that."[36]

Indeed, what seemed most impressive, was the judgment of other specialists that samizdat, "in a curious way," as Mr. Hayward put it, "has been almost legitimized in recent years . . ." [37] Abe Brumberg, former editor of USIA's *Problems of Communism* and now a specialist in samizdat, recalled a conversation in Brussels with Svetchensky who said, in Mr. Brumberg's words, "every small step becomes somehow legitimized. Every small achievement is considered legitimized, whereas three years ago the very existence of samizdat was considered to be subversive. Now the authorities make distinctions between what kind of samizdat," some is acceptable, some is not.[38]

B. RL's Use of Samizdat

1. Main depository of samizdat

For RL, samizdat is the beginning of a harvest after years of labor sowing the seeds of democracy in the Soviet Union. Though it claims no special credit beyond that of being one of the many forces contributing to internal changes toward liberalization within the Soviet Union, still there seems little doubt that RL's role has been most significant. According to Mr. Van der Rhoer, "samizdat has opened up a new dimension to RL's activity. It represents as welling up of a generation of new ideas from within the country." "RL has always believed," he continued, "that it could not impose views of one country upon another. Now it sees these new ideas coming forth and see also the need to disseminate them among the Soviet people."

RL has the largest deposit of samizdat in the world to draw upon for its programming, and its archives are growing daily. In its central registry, it has listed over 600 documents, according to an estimate published in June 1971.[39] Six months later Mr. Van der Rhoer indicated that on the basis of 500 pages representing a standard volume, there were at that time 15 volumes. In April 1971, RL's Research Department prepared a bibliographic reference handbook entitled, "Five Years of Samizdat," a companion volume to an earlier RL "Register of Samizdat." This latest reference work, according to Dr. Boiter, its compiler, "attempts to catalog all the documents which have come into our possession in thematic categories for purposes of speedy retrieval and reference." [40] Subdivided into 18 major categories, ranging from Stalinism, through law, anti-Semitism, to science and the nationalities, and arranged chronologically within each category, the handbook is an impressive effort in librarianship and itself a short history of samizdat-at-a-glance.

Normally, samizdat comes to RL from diverse sources; documents are not sent specifically to RL from the Soviet Union. RL staffers, knowledgeable in their field, know what is available through their own reading and by other means of communications. Most documents have been publicized elsewhere before RL gets them. Some documents are acquired through private sources. Perhaps one of the most famous pieces of samizdat is Andrei Sakharov's, "Progress, Coexistence, and Intellectual Freedom" A full text of Sakharov's essay was published in *The New York Times* on July 22, 1968. RL draws heavily from the publications of Sakharov in its programming. (Excerpts from his, "Progress, Coexistence and Intellectual Freedom", are reproduced in Appendix 28.)

RL's greatest problem in dealing with samizdat has centered on the organization of this mass of enormously important primary source material on contemporary Soviet history; the matter of sharing this bounty with others in the Western scholarly community; the task of integrating samizdat into RL's programming; and finally, the need to establish internal policy governing its use in order to protect the authors, preserve RL's organizational principles, and maximize the use of the documents in achieving RL's goals and purposes.

2. London Conference on Samizdat

In an effort to get further guidance from Western scholars, RL held a conference in London in April 1971 and gave it the title, "The Future of Samizdat: Significance and Prospect." [41] Attending this conference were leading British and American scholars in Soviet studies, most of whom have already been identified in this study. The agenda of the conference and the subsequent discussion centered on the matter of samizdat's future in the next two to five years and the proper role for RL, other foreign broadcasters, and publishers in regard to samizdat. Among the points discussed at this conference were: the need for broadcasting without delay documents relating to specific abuses, specific trials, and especially forth-coming trials; [42] the importance of broadcasting legal material of practical use such as the Yesenin-Volpin document advising what can be legally done and not done when being interrogated; [43] the importance of broadcasting all documetns, whatever their points of advocacy; [44] the inherent shortcomings of self-censorship; [45] and the need for tolerance in dealing with conflicting points of view expressed in samizdat.[46] The problem of establishing a modus operandi for making the documents available to scholars was also discussed. Mr. Brumberg expressed the view that copies should be deposited in the Library of Congress for use by American scholars.[47] Arrangements were subsequently made to do this.[48]

3. Broadcast Guidance on Samizdat

One of the important results of the samizdat conference was the final formulation of an RL Broadcast Guidance on the use of samizdat documents. (A draft copy of the guidance had been circulated at the conference.) The text of the policy guidance is reproduced in Appendix 9. In spelling out principles and procedures in reporting on samizdat documents, the guidance made the following general points: RL will not knowingly broadcast a fabrication; it will not knowingly broadcast genuine works, or versions of them, distributed in the West by agencies of the regime with the intention of harming the authors; RL will exert every effort to assure that its broadcasts of genuine texts or excerpts are identified or attributed on the air to reputable Western media.

In planning broadcasts on samizdat, RL set down the following principles: RL will relay the direct verbatim text in full whenever possible; it will always disassociate the

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author from RL's use of his text of excerpts; RL's presentation of readings will reflect views of the author and his text and not those of RL; commentary is to be made only after the text or excerpts have been broadcast; RL will not by timing or content of its broadcasts endanger an author whose position seems precarious; and, finally, the guidance reemphasized the point that RL broadcasts in all languages the appearance of genuine documents in any language of the USSR, employing the technique of cross-reporting.[49]

4. Internalizing Samizdat

RL has gone to great lengths to internalize the texts of samizdat documents, and in the past two years the amount of programming devoted to samizdat has increased substantially. In April 1971, RL reported that its Russian language services devoted 6 hours per week of its 36 hours of original program time to readings and discussion of samizdat materials. During the first quarter of 1969, these readings and discussions, including repeats, averaged 4 hours per month; in the first quarter of 1971, the average increased to 58 hours per month.[50] According to Mr. Van der Rhoer, RL broadcasted nearly 80 hours in March 1971.[51] Some broadcasts are made at dictation speed to enable the listener to record what is being said for later reading and dissemination.

Since the fall of 1968, RL has been broadcasting straight readings without comment of samizdat materials in a show entitled, "Letters and Documents." These materials are mainly on political and social themes. "Unpublished Works of Soviet Authors" is another show which brings the listener straight readings of belles-lettres materials. This series, running since May 1969, has included works by Marchenko, Bulgakov, Platanov, Pasternak, Solzhenitsyn, and N. Ya. Mandelshtam. One day a week the "Samizdat Review" show discusses a samizdat document or some aspect of the dissent movement in the USSR. The objective of the show is to demonstrate to listeners that their fellow citizens who contribute to samizdat have many constructive ideas and alternatives to regime practices and should be supported actively in their efforts to bring about positive institutional changes. Other RL shows which sometimes use samizdat material and related topics are, "Soviet Daily Commentary," "CPSU Affairs," "USSR This Week," "Contemporary Thought," and "From the Other Shore."

Perhaps most illustrative of RL's efforts to make unpublished works of noted Soviet authors known within their own country, are the broadcast of works most familiar to Americans. During February 19–24, RL read in six parts Andrei Amalrik's, "Will the Soviet Union Survive until 1984?" From March to July 1970, it read in 16 parts Pasternak's "Doctor Zhivago." From July to December 1970, it read in 62 parts Solzhenitsyn's "The First Circle."[52] In recent months, Solzhentsyn's, "August 1914" has been aired.

In addition to broadcasting the works of Russia's Nobel prize winning authors, RL also transmits to its Soviet audience letters, protests, and other documents from religious groups and those relating to the nationalities. In the last year protests and appeals by Soviet Jews have been programmed.

Increased attention has been given to the broadcasting of samizdat materials in the Nationalities Service. In August 1971, for example, the Ukrainian Service broadcast virtually daily materials from *Ukrainskiy Visnyk* (Ukrainian Herald), the organ of Ukrainian samizdat. From August 23–31, it broadcast "Chronicle of Resistance" by Valentin Moroz. Another example is the broadcast in the North Caucasian Service of Sakharov's pamphlet, "Reflections on Progress, Coexistence and Intellectual Freedom," from August 5–13 in the Russian, Karachai, Ossetian and Avar languages.[53]

5. Magnitizdat, Another Form of Samizdat

Another form of samizdat that has appeared in the Soviet Union is called, "magnitizdat," that is "tape publishing." The tape recorder, now in fairly common use, enables the listener to preserve samizdat broadcasts on tape for later listening and circulation. Magnitizdat has even appeared on the black market, According to one RL listener, RL's broadcasts of Svetlana Alliluyeva's (Stalin's daughter) book, "Twenty Letters to a Friend," were selling from 70 to 120 rubles ($77 to $132), the price depending upon reception.[54]

RL is able to benefit from magnitizdat in other ways than by the multiple dissemination of its broadcasts, and that is by broadcasting directly to the Soviet Union magnitizdat of songs not played over the state radio or released in record form by the state pressing plants. These are songs by the "minstrels" or "troubadours," as they have come to be known, that is, professional singers or amateurs whose songs express their personal feelings and concerns and not the sterile official optimism sponsored by the regime. Since these songs, coming from within the Soviet people themselves, express what the Soviet people think and feel, RL believes that its listeners will be interested in hearing them.

Accordingly on July 1, 1971, RL established a new show entitled, "To the Sound of Guitars," to be hosted by Galina Zotova. The songs of the "troubadours" were to speak for themselves; there would be no RL commentary beyond an introduction.[55]

Appended to this study as Appendix 10 is the text and translation of an example of magnitizdat. It is a song based on a poem entitled, "Francois Villon" and sung by Bulat Okudzhava who had sung this song for the first time when in Paris a few years ago. Expressing themes of humanity and God, the song is sung in the style of traditional American folk music yet with a Russian flavor; and while it cannot be fully appreciated unless heard, still it can be a movnig experience to the listener, especially to young people who in recent years have regenerated this form of American folk art.[56]

C. Significance of Samizdat for RL

1. Soviet Generated Thoughts and Ideas

What is most significant about samizdat for RL is that it comes from within the Soviet people themeslves. It is not something imposed from outside; it is rather their own response to their own internal problems, formulated according to their own requirements, capabilities, and experience. Samizdat is a form of self-liberalization whose major function is, as Leopold Labedz said, "to call a spade a spade, to break the taboos which otherwise permeate the horizon of thinking."[57] Samizdat encourages rational thought, the enemy of Stalinism, and extending the "horizon of thinking," represents the maturation of democratic ideas within the context of the Soviet system.

As a stimulant to independent thinking, samizdat is the nascent expression of a genuine democratically formed public opinion, however diverse and unstructured. It must be loked upon, therefore, in the words of Mr. Labedz, as "preparing the ground for some future possible trans-substantiation, so to say"—possibly a long-term expectation of internal reform in the tradition of the Decembrists of 1825.[58] In samizdat, basic questions are being asked; its momentum is forward; and according to Dmitri Pospolevsky of RL, evidence is gathering that it is even entering a new phase of development with the emergency of different ideological camps (for example, resumption of the historic conflict between the Slavophiles and Westernizers), suggesting that many people are, indeed, thinking about political alternatives.

2. Permanence of Samizdat

The permanence of samizdat is another significant element for RL. Samizdat has an assured future by virtue of the prestige and power of many of its participants and by the unwillingness or inability of the regime to stamp it out. In an expanding environment where fear has diminished, participants will and do take their chances. And as the body of samizdat magnifies in number and subject matter, embracing the multi-concerns of this multi-national people, the regime has found itself inferentially legitimizing it, giving in to pressure on the one hand to discriminate between degrees and kinds, and being paralyzed by a sense of inaction on the other not wishing to revert to Stalinism.

Caught between these pressures and influenced by other deep-rooted forces, the regime has had to acquiesce in many demands by the dissenters and, perforce, has had to moderate in some respects its arbitrary style of administration. This is another significant aspect of samizdat where the role of RL, as a prime disseminator of samizdat, has been most important. Publication of samizdat material spelling out the legal rights of the Soviet citizens, according to a recent arrival from the Soviet Union, has contributed to moderating the arbitrary conduct of the KGB and making them act more responsibly. Knowledge and respect for the procedures of arrest and law enforcement are growing. More conscious of their rights under law, the Soviet people are increasingly insisting that these rights be recognized. As Mr. Van der Rhoer remarked, "the Soviet people do not regard law as a mockery; they see it as an important element in Soviet life and insist upon its enforcement." What RL is engaged in, he said, "is a law and order campaign for human rights."[59]

3. From the Intelligentsia

For the most part, samizdat is produced by the intellectual elite of the nation, the prime audience that RL seeks to influence. This is a fact of greatest significance for RL. Among Western specialists in Soviet affairs, RL has been called an "echo chamber" and a "sounding board" which, according to Mr. Labedz, "makes it possible to have samizdat bouncing back and providing, in effect a means of communication between Soviet citizens."[60] "If it does no more than that," according to Max Hayward, "it will perform an invaluable historical role;" for its role "is defined by what has happened in Russia. It is part of the process, in fact, and is there providentially to transmit this material back and give it wider dissemination."[61]

4. RL as a "Voice of the Soviet People"

This sums up the importance of samizdat for RL; for RL has become the principal source for disseminating samizdat throughout the Soviet Union. And it does so without risk to the individual. As a recent newcomer from the Soviet Union said, "If one listens over the radio, it is a beautiful thing," and "there are no documents that could cause trouble."

What RL does is to magnify the audience from what would ordinarily be a small network to embrace a national constituency. In so doing, RL has become a prime source for uniting the disparate elements of Soviet samizdat producers. As a disseminator of all forms of samizdat from both the Russians and the nationalities, it has given national currency to ideas and concepts that would have been restricted regionally and within a small group. Thus, by becoming a prime transmitter of samizdat RL has contributed substantially to this self-generating phenomenon within the Soviet Union.

According to Mr. Francis S. Ronalds, Deputy to the Executive Director, there is "no question that RL is playing as essential role in giving the publicity that samizdat needs and that the democratic forces need."

Footnotes at end of article.

"What is happening," he said "is that themes plugged for the past 3 years are now turning up in samizdat. The process continues; and what takes place is a process of increase by geometric proportions."

5. Enrichment of RL's Research and Programming

Finally, samizdat has had the effect of increasing RL's research resources and its programming "staff", for researchers and programmers now have original materials from which to draw in designing programs, and they have, in effect, ready-made scripts from writers within the Soviet Union itself. RL benefits, therefore, not only from an enrichment of its research materials, but perhaps even more importantly, by having the most effective "voices", speaking directly to the Soviet people the thoughts of the Soviet people themselves and not having been filtered essentially through the minds of outsiders. The "purity" of thoughtful reflection on the Soviet experience is, therefore, preserved.

FOOTNOTES

[1] RL Basic Briefing Outline, July 2, 1971, p. 1 (RL, v. V, pt. 10.) Ithiel de Sola Pool gave this description of the uncertainty in determining one's audience: "The mass media represent a peculiar mode of communication in which one does not know to whom one is talking. Broadcasting or writing for the press is like dropping a note in a bottle over the side of a boat. The man who receives it may be king or pauper, relative or stranger, friend or foe." (Pool, Mass Media and Their Interpersonal Social Functions in the Process of Modernization, p. 435.)

[2] Justification and the rationale for this approach were explained by Dr. Pool in these words. "For a few writers, scientists, and high officials direct foreign contact is a major source of information." As "elite persons," they are "domestic communicators as well as important men in their own right." As persons "well-informed about and possibly well-disposed toward the West, they can be an influential force for liberalization of the society." And he went on with this perceptive and relevant observation: "They are also gatekeepers through whom information flows to the average Soviet citizen, who himself rarerly sees foreigners." (Pool, Opportunities for Change: Communications with the U.S.S.R., p. 12.)

[3] RL Policy manual, March 1971, pp. 13–14. (RL v. IV, pt. 4.)

[4] Ibid., p. 15.

[5] Ibid. p. 16.

[6] Ibid., p. 17.

[7] Ibid., p. 18.

[8] Ibid., p. 18.

[9] Ibid., p. 19.

[10] Ibid., p. 19.

[11] Ibid., pp. 20–21.

[12] Ibid., p. 23.

[13] Ibid., pp. 23–25.

[14] For a Soviet comment on the rationalization of audiences, see, U.S. Radio in Psychological Warfare, pp. 21–24.

[15] Ibid., pp. 26–28.

[16] The scientist went on to say that the Soviet people learn more about their own spaceflights from foreign radio than Soviet media, not to speak of American spaceflights which, he said, interest "the Soviet people as indeed all humanity."

[17] This problem was brought out by a former Leningrad student who had reviewed some of RL's output in December 1970. In the show, "From Cheka to KGB, #12," he pointed out the danger inherent in broadcasting about World War II "in which so many people suffered." He explained the difficulty of a Soviet audience trying to understand some of the observations about the Nazi-Soviet pact of 1939 presented in the program when their knowledge of the incident is incomplete. Explanations were needed, he said, in such references. "The agreement with Hitler is hushed up in the USSR, and young people have a very hazy idea of it." He concluded: "One should approach this period with great caution." (RL, Special Program Evaluation Report #1–71, March 29, 1971, p. 2.)

Anyone who has had an opportunity to discuss international relations and history with even knowledgeable Communists will have probably experienced this problem of communications. Often times some of the most common knowledge about recent history is unknown. The effect is that a promising dialogue can collapse despite good intentions on both sides.

[18] Quality Control Report, #16–71, August 20, 1971.

[19] RL policy formulation, June 8, 1971, p. 12. (RL, v. IV, pt. 7.)

[20] Ibid., pp. 12–13.

[21] For a comprehensive analysis of the dissent movement in the Soviet Union and examples of samizdat, see Bociurkiw, Bohdan R. Political dissent in the Soviet Union. Studies in comparative communism, April 1970: 74–148.

[22] RL Statement, June 14, 1971, p. 6 (RL, v. I.)

[23] Ibid., pp. 6–7.

[24] RL, v. XIX, pt. B.

[25] RL, Future of samizdat, April 23, 1971, pp. 20–21. (RL, v. II, pt. D1.)

[26] RL, v. XIX, pt. A.

[27] RL Statement, June 14, 1971, pp. 6–7. (RL, v. I.)

[28] RL, Future of samizdat, p. 21. (RL, v. II, pt. D1.)

[29] Ibid., pp. 21–22.

[30] Ibid., p. 21.

[31] Ibid., pp. 25–26.

[32] Ibid., p. 12. Mr. Schapiro added: "I would go so far as to say that, if my American friends will forgive me, when I read some of the things that are published by American intellectuals, or English intellectuals for that matter (except they write less), but when I read some of the stuff that is published by them I turn with a certain feeling of refreshment to the naive, but nevertheless honest and moral writing. What is naivete? The naivete of these great democratic societies of ours, where nonsense streams out of the public press, from intellectuals of one sort or another, at least you do not get that from the Soviet Union. You get the official claptrap, but the stuff of samizdat is clean; it's decent it's honest."

[33] Ibid., p. 14.

[34] Ibid., pp. 16–17.

[35] Ibid., p. 5. Mr. Floyd noted the extensive bibliography prepared by RL on samizdat and observed: 'These chaps write a lot and the feeling is that they are not getting more economical with words and one would imagine that this process is going to continue. It is especially apparent with the output of documents concerned with the question of Jewish emigration and anti-semitism."

[36] Ibid., pp. 2–3.

[37] Ibid., p. 27.

[38] Ibid., p. 27.

[39] RL Policy formulation, June 8, 1971, p. 10. (RL, v.IV, pt. 7.)

[40] RL, Future of samizdat, April 23, 1971, p. 4. (RL, v.II, pt. D1.)

[41] Ibid.

[42] Ibid., p. 30.

[43] Ibid., p. 29.

[44] Ibid., p. 33. Leonard Schapiro observed: "I might interpose this. To my mind it is a hundred times more important to demonstrate to these people what objectives liberal reporting is, than it is to pursue any particular opinion. Let them see that they get absolutely everything. If it is something that you dislike intensely, well, you say that you dislike it and you say why. 'Nevertheless, this is part of the intellectual produce of the country and therefore we broadcast it.' And for Radio Liberty to depart from that would be disastrous."

[45] Ibid., pp. 31–32.

[46] Ibid., p. 8.

[47] Ibid., p. 38.

[48] In October 1971, a conference was held at McMaster University, Hamilton, Ontario on samizdat. In a report on the conference giving his general impressions, Dr. Gene Sosin indicated that the conference acknowledged that dissent and samizdat are a fact of current Soviet life worth taking seriously. Those academicians present agreed that it would have been unthinkable to call such a conference even a few years ago and anticipate the convening of another one in the near future. Stress was placed on foreign radio broadcasting as a major factor in amplifying voices of dissent, encouraging this or that group to emulate others more bold and acting as a partial restraint on regime repression. Respect was evident for RL research on samizdat combined with urgent requests from many participants that RL provide them with material. (Sosin to Boiter and Van der Rhoer, RL Telex from New York, October 28, 1971.) (RL, v. XIX.)

[49] RL. Program Policy Division. Broadcast Guidance. The Use of Documents from the USSR, June 9, 1971, 7 p. (RL, v. IV, pt. 8b.)

[50] RL, Radio Liberty's Russian Service samizdat programming, Munich, April 1971, p. 1–5. (RL, v.II, pt. D2).

[51] RL, Future of samizdat, April 1971, p. 5. (RL, v.II, pt. 1.)

[52] Ibid., pp. 3–19.

[53] Sakouta to Van der Rhoer, Coverage of samizdat material in August 1971 RL programs, RL Memorandum, October 20, 1971.

[54] RL Statement, June 1971, p. 7. (RL, v.I.)

[55] RL. Show plan. To the Sound of Guitars, July 1, 1971. (RL, v.IX, pt. I.)

[56] The writer played this tape to four 13-year old American girls, and while only knowing the general message of the song's words, they were, nonetheless, deeply moved by the style and sincerity of the singer.

[57] RL, Future of samizdat, April 1971, p. 27. (RL, v. II, pt. D1.)

[58] Ibid., pp. 10–11.

[59] According to a recent resident of the Soviet Union, the Soviet citizen who is approached for interrogation by the police does not have to automatically respond to their questions. If the police have an order permitting them to interrogate, then one must talk. Still, one is not obliged to inform on others. By refusing to talk, he would be liable to the loss of a certain percentage of pay over a six-month period, thus avoiding the moral burden of incriminating a friend.

[60] RL. Future of samizdat, April 1971, p. 9. (RL, v. II, pt. D1).

[61] Ibid., p. 15.

CHAPTER V: RL'S PROGRAMMING: PREPARATIONS AND OPERATIONS, POLICY AND QUALITY CONTROL

I. GENERAL PROGRAMMING: NEWS, COMMENTARY, FEATURES

A. RL's program operations division

1. Theory of Programming

RL's business is broadcasting; programming is, therefore, its chief function. Mr. Tuck, RL's Chief of POD, put it this way: "The key to RL's operations is programming. This is the end product, the raison d'etre of the whole operation. Programming is the point of contact with the Soviet audience" Therefore, one of the most commanding responsibilities of POD is to know what the Soviet audience wants and to determine how RL can satisfy these wants. As Mr. Tuck said, "Our business is psyching ourselves to psyche the audience."

In program planning POD operates, at least theoretically, on the principle of an inverted pyramid, as Mr. Scott described it, where the first appeal is to universality of interest, and this is the news, with expectation of a declining listener interest for the rest of the hour. News is the most important attraction for listener interest. Thus, in RL's four-part concept of programming, news takes first priority, news features second. Then, the remainder of the hour contains internal Soviet subject matter, for example, a review of samizdat, and finally a political or cultural show directed toward a more specialized audience. Hopefully, the listener who turns on his radio to listen to the news will be attracted by subsequent features and continue to listen. What makes programming so important for RL is that it can lose its audience with the turn of the knob.

2. Administrative Style

In POD, Mr. Tuck operates on the Sargeant principle of devolution of responsibility. He believes in giving a man responsibility and the authority to go with it. In essentially a creative operation such as POD, he feels that this is the way to generate creativity within staff. Moreover, it tends to keep morale up, because it gives the individual a feeling of involvement from which is derived a sense of personal worth. Accordingly, the various Chief Editors and Program Managers are given a great deal of individual authority and responsibility.

Moreover, Mr. Tuck stressed the importance of maintaining in POD a division of labor between the administrators and substantive staff. It is important, he declared, to keep a creative professional staff, that is, the writers and commentators, free from burdensome supervisory duties. "The organization would suffer," Mr. Tuck said, "if top commentators were burdened with supervisory responsibilities."

Thus, the administrative style in POD tends to bear out the general tendency in RL toward administrative flexibility and autonomy, allowing the greatest possibility for initiative and creativity. For POD this is important, because it is here where creativity in programming begins.

B. Central News Service

1. Administrative Aspects

Given RL's priority on news, the Central News Service plays a vital role in programming. For CNS, the key factor is professional journalism, and its chief, Mr. Lennart Savemark, does not doubt that his department is "grounded on the professionalism of the trade." A commitment of staff to a "high sense of professionalism," he said, "is the key to the operation." Many of RL's CNS staffmen were professional journalists in the Soviet Union. Some were on the staff of leading provincial newspapers. Mr. Savemark singled out Mr. Peransky, a seasoned journalist, as a staffman who "has a high degree of professionalism."

The concept of administrative autonomy under policy guidance is also present in CNS. Here the principle has the special value of encouraging personal initiative, especially since it is the individual's responsibility to keep up with the flow of information; it has the added value of fostering an attitude of less dependency on administrative direction. The latter point has particular relevance to CNS in times of a news emergency. "These people can work competently without my interference," said Mr. Savemark, noting however, that he would be "in touch with the whole operation and it would function effectively." The reason for this, he said, as "the sense of professionalism among staff, independence, and the degree of administrative autonomy."

However, CNS has its personnel problems. The department, apparently is understaffed, and, as Mr. Savemark commented, "there are no reserves." The average age is said to be too high, creating special problems in emergencies. Moreover, the difficulty in recruiting is considerable. As Mr. Savemark said, "Where do you find a Russian journalist?" Accordingly, people have to be trained from the inside, and this means using journalistic resources for personnel training.

What makes CNS staff problems more pressing is the special linguistic requirements, particularly in the every important presentation of news. "An accent would turn a listener off," said Mr. Savemark, who pointed out the value of news announcers being able to speak as a "fellow countryman" to another "fellow countryman." "Every language is developing phenomenon," said Mr. Savemark, "words are added, expressions and other words are dropped; it is a living thing." The need to keep up with a changing language appears to be vital for RL, especially for news commentators. This is done partly by listening to tapes of Tass output. As Mr. Savemark said, "a whole show can go down the drain with mispronunciation."

2. News Resources

CNS has extensive resources for bringing world news into RL's newsroom. First of all, it has access to the monitoring reports made by Mr. Schilling, RL's media analyst. As a specialist in Soviet propaganda, Mr. Schilling and his staff monitor all Soviet broadcasts daily and evaluate the adequacy of its coverage. Monitored tape is auditioned and edited for parts to be transcribed. Straight news items are typed and other features having direct interest to RL staff are done in full or in precise form. Typed materials are sent to CNS, relevant programmers and presumably the Research Department.

Moreover, CNS has access to the major wire services. The Tass service provides RL with complete coverage in both Russian and English, not just that going to its domestic service. CNS also has access to the wire services of the Chinese News Agency (in English), UPI, and Reuters. It also has a commercial telex for getting in touch with its own correspondents in the field. CNS has correspondents in Washington, New York at U.N. headquarters, London, Paris, Bonn, Milan, Tel Aviv, Copenhagen, and one in Taipei who covers the Far East. Another formal source of news input is RFE's wire service. In addition to this, RL gets RFE's daily News Budget delivered by hand every day which it keeps for reference purposes in its Information Center for 10 days.

RL has many other channels for the input of news. Using their own radios, RL staff has access to some 4 or 5 Soviet radio stations. (For a survey of environmental aids to programmers, see Appendix 13.) Some staffmen have speakers in their homes and special devices on telephones for listening to Soviet radio broadcasts at any time. All supervisors have radio receivers in their offices. And then RL has access to broadcasts by West German and Austrian television, in addition to radio broadcasts from other foreign stations. Since most RL staffers have a multi-lingual capability, they have access to foreign news sources that would ordinarily be closed to those knowing, for example, only English.

A final point in the matter of news resources is the difference in time zones between Munich and the United States. From its headquarters in Munich, RL is close to Moscow; there is only a 2 hour time difference. Thus, RL has a leadtime of some 6 hours ahead of the United States. In the news-processing and newscasting business, this time difference is an important factor. The difference is made more meaningful by an awareness of the fact that half of the working day is over in Munich by the time New Yorkers begin their working day.

3. Objectives and Policies

A basic operating principle for RL is to tell the truth as correctly and objectively as possible. This is the vital center of the entire operation. Without the credibility that comes from truth and objectivity, the radio could not be effective in achieving its purposes. For CNS this requirement carries with it a special burden because of the nature of its tasks. News is made virtually every minute of the day; and the quantity of news is overwhelming. This imposes upon CNS the need for a special skill in the selectivity of news. Given the unique operational and policy requirements of RL as a "Home Service" for the Soviet people, this function is especially important. Then, there is the matter of speed. "One should have time to think," said Mr. Savemark, "but in the news business everything is done in a rush, finishing one project and then starting to work on another." Speed, therefore, imposes another special burden on RL's newsmen.

Yet, despite these built-in occupational hazards, CNS, "has no problems in the field of policy," according to Mr. Savemark. "CNS staff have different views; they have strong feelings, especially those who had suffered first hand from the regime," Mr. Savemark observed, "but there are no conflicts with the policy people." The basic reason for this he said, is that "the essentials of policy as set forth in the Policy Manual and policy guidances are in harmony with the professional standards of journalism, for example, in matters of objectivity and factual reporting." "RL's goal is unique," Savermark went on, "we would not be efficient if we did not apply the whole register of professional methods that are universal." To this extent, he said, CNS, though having a special audience with special requirements, "does not differ from operations of any professional news agency." In a sense, strict adherence to the rubrics of professional journalism acts as protective insulation against policy violations. For, as Mr. Savemark pointed out, "If an RL newsman lowered his standards or insulted Soviet listeners, this would be self-defeating—it would be counter-productive and a violation of professional standards and policy as well." (In striving for objectivity, RL carries news items not particularly favorable to the United States.)

Moreover, CNS, like other departments of RL, is policy-oriented, and it plays a role in policymaking, particularly when news operations are involved.

4. Role in programming

RL has very limited options as a communicator; people can turn off the radio at any time. Thus, if it is to communicate, it must do so effectively, and quickly. One single program area that unites all audiences is news and news analysis. This is the center of RL's broadcast schedule and the most important element in its daily program in all languages. The preparation of news programs is the primary responsibility of CNS.

(For an example of a week's broadcast schedule in the Russian Service showing of the news schedules, see Appendix 11.)

Newscasts are heard every hour around the clock in a full time effort to keep the Soviet listener informed. Each hourly newscast is followed by a "News Feature," lasting 10–20 minutes. The "Review of the World Press" contains what is determined to be the "big news story" of the day and may last about 4½ minutes. This is following by an article from the world press, for example, something from the New York Times or LeMonde of special interest to the Soviet Union and lasts usually 4½ minutes. The "Background to News," prepared in CNS, varies in its commentary. There is also "Special Correspondents," a news show which consists of reports from the various RL overseas bureaus and are either telexed or voiced. These reports, like the one in October 1971 on Britain's entry into the Common Market, give local reactions and general commentary on an important news story as seen from the correspondent's station. CNS also has available what are called "actualities" for its newscasts. These are taped recordings of statements by the various persons featured in the news.

The actual procedure in news-processing seems to be fairly simple. A key person in the process is the News Evaluator. He comes to work at 0800, selects information from the wire services and other sources, establishes with the Duty Editor a priority for "news," and prepares a News List for the morning News Meeting. Policy guidance can be introduced at this morning meeting; the day's broadcasts do not begin until 1445 CET.

The News Evaluator and Duty Editor coordinate the work of the CNS. They decide "what is news," applying universal principles on requirements and also RL policy. They are the primary determiners of "news." If any question arises on a particular item, they confer with the Chief Editor or Mr. Savemark. If they are in doubt on a policy matter, then they in turn confer with staff of PPD.

Staff of CNS know each morning the gaps of news that are to be filled and distortions corrected. Saturated in Soviet media over a prolonged period and having available an extensive monitoring service, they can predict almost 100%, according to Mr. Savemark, how Soviet news will be treated.

After the selection of news has been made and priorities established, the individual news item goes to a news writer who checks it for correct names and whether there were any previous stories. CNS has its own ready-reference collection of standard references (for example, Deadline Data on World Affairs, Facts on File, Keesings Contemporary Archives, Great Soviet Encyclopedia, standard dictionaries, etc.), and staff has access to the library's resources. The script, having been written, goes to the news editor for review. The Duty Editor assembles the newscast and goes to the studio where he reads it "live." It is also taped for repeat broadcasts.

The newscast is written in the Russian language and copies are sent to the Nationalities Service where it is translated into their own specific languages for delivery. The Nationalities Service also broadcasts news and prepares its own material, drawing from CNS and its own research resources.

By and large, the news is oriented toward international coverage in an effort to give the Soviet listener a fuller picture of the world scene. Internal developments may just be mentioned, and not treated in detail, except when there is an international reaction to an internal Soviet development. A case in point is the *Izvestia* article in October, asserting that the Soviet Government did not put dissenters in psychiatric hospitals. GNS reported this news item but did so from the reactions of the international press, thus internalizing the story through reports from other sources.

The key point in RL's newscasts, as in that of other programs, is the essential criteria of reporting and commenting from the point of view and perspective of the Soviet listener, not from that of the outsider.

C. Russian service programs

1. Proportion and Thematic Mix of Programs

RL's greatest programming effort goes into the Russian Service. The rationale for this is very simple: approximately one-half of the Soviet population are Great Russians, and they constitute the dominant ethnic elite; the Russian language, as the lingua franca of the Soviet Union, is spoken and understood not only by the Great Russians but also by many of the other nationalities.

Programs in the Russian language are broadcast 24 hours a day. A day's broadcast in the Russian Service consists of approximately 5 hours of original feature programming, in addition to 20 minutes of news and commentary each hour provided by CNS. A feature program is re-played on an average of 6 to 8 times in a 24-hour period in order to reach the broadest possible audience. It must be remembered that the Soviet Union covers approximately 11 time zones. (For comparisons purposes, continental United States covers only 4.)

Most programs in the Russian Service run 10 to 15 minutes in length except for readings from samizdat in the program series, "Documents from the USSR," and presentations of Western literature in the series, "From the Outer Shore." Another show that would fall into this category is, "Unpublished Works of Soviet Authors," which has been running since May 1969. These are 30-minute shows, continued from day to day until the full text is completed. Solzhenitzyn's "First Circle," for example, was read over a 5-month period, 3 days a week. (For example of a week's programming in the Russian Service, see Appendix 10.)[1]

RL's programming, prepared for both general and specialized audiences, is divided into two major categories with a balance of about half and half: one part is responsive, containing news, press reviews, press articles, correspondents reports, commentaries of the day (that is, the product of CNS); the other is assertive, containing material planned in advance to carry out RL's policy objectives.

In the area of Soviet internal coverage, approximately 38% of RL's total Russian language time on the air is used by features pertaining specifically to Soviet domestic affairs. Of these features, 50% analyze both present and past political events. The other 50% concentrate on social and cultural affairs with a particular emphasis on "heretical works" which the regime does not allow to be published or broadcast but have been acclaimed in the West. Out of 36 hours of Russian weekly original programming 6 hours consists of samizdat. Regular series in the Russian Service include: "Letters and Documents," "Unpublished Works of Soviet Authors," and "Samizdat Review." "Russia Yesterday, Today, Tomorrow" fills in gaps of official history created by regime censorship. Economic developments in the Soviet Union absorb about 4% of total air time.

On the world scene, RL's coverage is somewhat less than that on domestic affairs. Of its total Russian language time on the air about 30% is taken up by features relating to developments outside the Soviet Union. The proportion is divided roughly as follows: the United States 4%; Soviet bloc countries 3%, and other countries 23%. Coverage of developments in areas outside the Soviet Union, the Soviet bloc and the United States is almost 50% concerned with current political developments. Current cultural events occupy about 35% of this sector with remaining shows devoted primarily to economic development, scientific and social topics. Sixty-five percent of air time coverage on the United States relates to current social developments, while the remander deals with scientific and cultural themes; only a small proportion is specifically allotted to political matters. Most of the programming about other Soviet bloc countries analyze political developments with about 30% covering economic and cultural topics.

RL internalizes scripts on external affairs, relating them specifically to Soviet internal concerns. This is done by suggesting practical alternatives in the daily life and work of Soviet citizens. For example, "Across the Ocean," produced in the U.S. Division, illustrates to listeners how problems they face in their own society are solved in the American society; "East European Notes" describes constructive institutional changes in East Europe. To repeat, in dealing with external themes, RL, in its role as a "Home Service," attempts to present the point of view and perspective of an interested Soviet citizen.[2]

2. Summary of Program Content

Examination of Appendix 10 provides at a glance the general picture of program content for a week's programming in the Russian Service. "Billboard" is just what it says: it is a voiced run-down of the programs being scheduled for the day. Since Soviet listeners do not have available published time schedules of programming, "Billboard" takes care of that requirement. News and news features take the first 20 minutes of every hour, followed by the various features from the Russian Service.

A typical day's programming in the Russian Service, oriented to the special interests of a Soviet audience, might include, in addition to news coverage, the following items: a Soviet engineer's samizdat essay on economic reforms; a samizdat text of an appeal to the Soviet Government on behalf of imprisoned Jewish dissenters; details of changes in the Communist hierarchy of Soviet Azerbaijan; a foreign traveler's impressions of a visit to Soviet Central Asia; a British agricultural specialist's views on increasing farm output; a French journalist's analysis of recent political developments in Moscow; a discussion by scholars of problems faced by the individual in the Twentieth Century; a review of measures to reduce the role of the Communist Party in Yugoslavia; a report on social legislation in Canada; a reviewer's synopsis of a Polish film not shown in the Soviet Union; a talk on labor productivity in the United States; a documentary on the New Economic Policy (NEP) during the period of the 1920's; a reading from the work of the purged, and never rehabilitated, Soviet writer, Boris Pilnyak; a dramatization in Russian translation of scenes from a new American play; and a message from an American writer to his colleagues in the Soviet Union.[3]

In the show "Meetings with Listeners," RL tries to establish a direct dialogue with the Soviet people. On this program it answers letters and airs the reactions of listeners. It also discusses the goals and purposes of the station, along with commenting on plans for programming. In addition, it provides a platform for individual authors to air their views on the shows they do.[4]

RL uses cross-reporting in its programs. This is a device that enables RL to disseminate information on developments throughout the whole of the Communist world. For example, a broadcast on June 16–17, 1971 called, "Yugoslav Workers," discussed freedom of Yugoslav workers to travel abroad, their earnings and the extent of their savings, as well as their changed approach to work in their own country upon return. This program proved to be of great interest to the outside panelists of Soviet citizens (some former, others still living in the USSR) who reviewed the program in a post-broadcast audition. They commended the fact that the statistics were allowed to speak for themselves. A young Soviet professor commented that this is "a real eye-opener for the Soviet listener."[5]

RL also tries to provide the lighter touch in some of its programming. In a post-broadcast audition of "Wide Wide World," a news presentation, one senior RL staffer referred to the presentation as being, "lively and lighthearted, using good radio technique and is a welcome change of pace." Among the items broadcast was this: "Los Angeles swimming pool requests patrons not to disturb lifeguards unless their lives are really in danger."[6]

RL does not program music, except of a very select nature—for example, "'troubadours," singing samizdat songs on "Sound of Guitars." It does have a transitional theme, played in various rhythmns and styles depending on the show, that identifies the station. This theme is taken from "Hymn to Free Russia" written by Grechaniov during the period of evolving democracy between the March democratic revolution and the November Bolshevik Revolution of 1917. RL uses this theme as a reminder to the Soviet people that Russia has a tradition of democracy.

Footnotes at end of article.

RL has limited music programming because it is felt that Soviet listeners have good coverage over their own systems and from other foreign broadcasters, and hence has no significant appeal for RL's purposes. Music programming, such as it is, focuses mainly on theoretical discussions in which musical illustrations are used. The program is in the form of a musical analysis or commentary, the sort of thing that Boris Goldovsky used to do on the Saturday afternoon broadcasts of the Metropoltan Opera. For example, the program for October 14–15, 1970 aired a show called, "This is Jazz" (13:30 minutes). It was a discussion of jazz guitar and guitarists based on a book by Barney Kessel with three long musical selections.[7]

3. Policy and Procedures

"Scriptwriting is a creative work; one must have flexibility administratively; there must be allowances for give-and-take in expressing one's views; there must also be a sense of compromise over wording"—these are some of the views that Victor Frank, RL's veteran Senior Commentator in the Russian Service, expressed on the importance of allowing the writer a wide range of independence within the structure of policy.

And, apparently, the writer *has* a wide range within which to exercise personal initative. But, within certain definable limits; for as Mr. Diakowski said, "the writer does not have free rein; someone has to say yes or no." And he cited the example of a writer who has a book show and wants to program a show on opera. He would not be permitted to do so. The assignment would go to the person covering music.

But what is important, Mr. Diakowski observed, is "the way things are treated." And in this area where policy and substance converge the Russian Service strives to maintain the proper balance between creative independence and policy direction. According to Mr. Diakowski, writers in the Russian Service have a "finger-tip sensitivity" on policy matters. "They are deeply involved in their craft, in their subject, and in policy. It is a matter of osmosis," he explained; "they know instinctively what not to do."

Accordingly, the writers establish the parameters of a show, and by and large determine its contents in consultation with the editor. They prepare the original script which is the major effort. In writing they must be aware of the "sound quality" of what they write. As Mr. Diakowski described the technique of script-writing: "one must write for the ear." Every effort is made in the Russian Service, as indicated in another part of this study, to develop a multi-functional capability among writers; that is, to have research expertise, writing ability and good voicing technique for broadcasting their own scripts. The ideal is to develop and combine the qualities of skilled technical and substantive specialist with those of an effective radio communicator.

Mr. Frank falls into this category of a multi-functional specialist. (For his biography, see Appendix 1.) He has a program once a week called, "Heart of the Matter." (He also participates on panel shows on samizdat.) He has complete independence in designing this show. If he sees a particular development, say in samizdat, he will analyze it and discuss it on his program, all the while preserving the independence of this work. Yet, he has this "finger-tip sensitivity" in policy. Thus, the end result represents the individual effort of an intelligent man who is able to analyze, write and comment orally on matters of consequence.

Programming procedures in the Russian Service, like those of CNS, are fairly simple. For example. If in consultation with Munich an RL free-lance writer in Geneva prepares a script on French cultural affairs, it will go to Mr. Backerac, the Chief Editor, for his review. He will check it out for language, style, and policy—though it is not likely that policy questions would arise since the script deals with cultural and political affairs. There is also a final check for facts. At this point the script is in rough draft. It is then typed on a final master copy; it goes to the editor for final review, and then to the Schedule Coordinator, who knows the assigned deadline and is responsible for the flow of scripts from the typists to the Production Department. This process may take as much as ten days.

The Production Department prepares the script for airing. Usually it takes 2-to-3 days from the time of script removal to airing. Each show is produced by the same Continuity Team. This team has its own producers and other staff who schedule production time, arrange for speakers, and other performers if needed. After the taping process is completed, one copy of the tape goes to the Russian Service and another to pre-broadcast review in PPD. These final reviews provide a last minute check for possible violations and error before actual airing.

Mr. Diakowski has in his office a massive master chart of a week's programing divided into blocks of 24 hours. It is a wall-size enlargement of the Russian Service program schedule reproduced in Appendix 10. On this chart slots are available for inserting reference cards for a particular show that is being scheduled for airing. At one glance, the observer can see the status of programing in the Russian Service.

The U.S. Division in New York contributes to programing in the Russian Service. Slots are available for its programs which are recorded on tape in New York and sent to Munich headquarters. Sometimes changes are required in Munich, owing to new developments in subject matter being treated and possibly for other reasons. But tape cannot be edited very easily; sometimes a last minute decision has to be made to accept or reject it. Munich checks out the output from New York and has the final word on where their program contribution will fit in.

A final point on the matter of policy and procedure is the daily morning Russian Service meeting. Briefly, this meeting provides both the mechanism and the occasion for upper level review by the Chiefs of POD and PPD of feature programing and also for discussion of policy matters and the issuance of a daily guidance.

D. Nationalities service

1. Disproportion in programing

RL's programing is structured not only to serve the Great Russians but also to meet the needs of millions of other Soviet nationalities. For, the Soviet Union is a multinational state, having in its population of 241,784,000 ethnic groups numbering more than 170 (the Great Russians constitute barely one half), speaking some 125 different languages and dialects, and practicing 40 different religions that embrace in substantial numbers the major faiths of the world. It comes as a surprise to many Americans when told that in this complex nationality structure within Soviet society there are more Turks than in Turkey and more Moslems than in the United Arab Republic.

To reach these diverse peoples of the Soviet Union, RL broadcasts in some 20 languages. From its Nationalities Service broadcasts are aired in Ukrainian and Belorussian, both Slavic languages; and in the following non-Slavic languages: Armenian, Azerbaijani, and Georgian; the North Caucasian languages, that is, Adighe, Avar, Chechen, Karachi, Ossetian, Tatar-Bashkir and Crimean Tartar; and the Turkestani languages, Kazakh, Kirghiz, Tajik, Turkmen, Uighur, and Uzbek. Recently, the Nationalities Service began broadcasts in Karakalpak.

RL directs a portion of its broadcasting energies and resources to the non-Russian peoples because they too are denied, among other rights, the right of a free press, and owing to their own unique historic colonial experience, they have added reason for listening to RL's message. A panel of 21 specialists at a conference sponsored by New York University and RL believed that "there was no question of the fact that a considerable audience existed among the Soviet nationalities who would be receptive to Radio Liberty broadcasts."[8]

By and large Russification of the nationalities, a policy dating far back to the history of Tsarist Russia, has fallen far short of Soviet goals so that the languages, religions, traditions, histories, and cultures of these non-Russian peoples remain vigorous and intact. For example, 30 million Soviet Moslems (one Soviet citizen in 8) are successfully resisting assimilation. More than 98% of those inhabiting their own Union Republics (Uzbeks, Kazakhs, Azerbaijanis, Tajiks, Turkmen, and Kirghiz) are listed in the census as having retained their own mother tongue. (Among demographers language is regarded as the key indicator of assimilation.) They have resisted suppression of their Islamic faith, and in defiance of Soviet authorities have established illegal mosques, trained mullahs, and, in general, have carried on their ancient religious practices. Moreover, Soviet Moslems are part of the Islamic community with its distinct way of life much of which continues despite education and modernization. Scholars have noted a marked tendency for them to identify more with traditions of Asia and Islamic values and with their own Islamic neighbors than with the alien cultures of the Russians and other Europeans.[9]

What is said of Soviet Moslems can also be said of the other major non-Russian nationalities, the Ukrainians, Belorussians, Georgians, and Armenians—all have rich national cultures and unique historical heritages which set them apart from the Great Russian experience. Under the impact of the spirit of nationalism that has been enveloping the modern world, these nations and nationalities have been experiencing a new sense of national identity, albeit within the Soviet structure, but, nonetheless, one of a special appreciation of their own cultures, languages, and histories. As Walter Lippmann said some six years ago in commenting on the power of modern nationalism: "In Eastern Europe, including the Soviet Union itself, nationalism is the strongest force working against global revolutionary communism."[10]

In programming, the Nationalities Service has from the beginning been assigned a disproportion of RL's broadcasting resources. By and large, the nationalities were considered to be outsiders when RL was first established. Organized under Great Russian influence, the Great Russian point of view predominated, and only after great pressure from the other nationalities in the emigration were they given a place in the organization's structure. Accordingly, RL reflected the old Great Russian view, and no doubt in the early years this had a detrimental effect on getting across the point of view of the nationalities. As one RL staffman in the Nationalities Service put it, "the nationalities were not taken seriously." This attitude affected priorities in programming, development of resource material for research, and the allocation of manpower.

Only in recent years, perhaps in the early 1960's, has there developed in RL a greater appreciation of the nationalities and a growing awareness of their importance in the larger framework of international relations. What generated this reassessment was primarily the growing strife between China and the Soviet Union. This emerging conflict created an internal situation of particular interest to the goals and purposes of RL, for it centered geographically on areas in Soviet Central Asia and Chinese Sinkiang

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both of which share a common historical and ethnic heritage. Also with the growing prominence of the developing areas of Asia and Africa, and the emergence of serious problems in the Middle East, RL began to re-evaluate the role of the Soviet nationalities, especially in view of their sharing with these areas of the world a common Islamic heritage and a unique colonial experience. All of these forces converged in the early 1960's to make the nationalities a subject of higher priority in RL. Accordingly, after 1965 the situation of the Nationalities Service improved markedly, and this tendency seems to be continuing.

Presently, the breakdown in programming for each day is as follows: Russian, 24 hours; Ukrainian, 13; Belorussian, 10; and the others, 4; that is, Armenian Azerbaijani, Georgian, North Caucasian languages, Tatar-Bashkir and the Turkestani languages.[11]

A breakdown in new programming calculated on the average time per day in each language is as follows:

Russian, 4 hours 11 minutes.

Ukrainian, 73 minutes.

Byelorussian, 41 minutes.

Turkestani A: Uzbek and Uighur, 21 minutes.

Turkestani B: Kazakh and Kirghiz, 19 minutes.

Turkestani C: Turkmen and Tajik, 16 minutes.

Tatar: Crimean Tatar and Tatar Bashkir, 50 minutes.

Armenian, 40 minutes.

Azerbaijani, 36 minutes.

Georgian, 44 minutes.

North Caucasian: Adyge, Avar, Chechen-Ingush, Karachi-Balkar, Ossetian, Russian, 44 minutes.[12]

The criteria adopted by RL for determining broadcasts in a specific language and the proportion of broadcasts in a given language are: (1) the population or population density; (2) the existence of a developed, or developing, national self-awareness; (3) strategic location of the language group; (4) RL's transmitting capabilities for reaching the audience; and (5) the availability of data on a nationality and of speakers in the emigration.

The Baltic States meet this criteria, but RL has been unable to get the necessary approval to broadcast to the area. Also, broadcasts in Moldavian are not contemplated since Moldavian is a dialect of Rumanian, a language covered in RFE broadcasts.

In practice, therefore, RL broadcasts in some 18–20 languages, and broadcast times are alloted to them roughly according to their status within the USSR. Daily programming is conducted in Russian, Ukrainian, Uzbek, Byelorussian, Tatar, Uighur, Azeri, Georgian, and Armenian. Every other day programs are transmitted in languages of other nationalities, that is, Kazakh, Kirghiz, Tajik and Turkmen. Approximately twice a week broadcasts are made in different languages of the North Caucasus which rotate with each other, that is, Karachi, Ossetian, Chechen-Ingush, Avar and Adygei.[13]

2. Program Content

In its programming the Nationalities Service places great stress on themes that appeal to the growing awareness of nationality among the non-Russian peoples. Emphasis is given to certain aspects of human and civil rights, but the main thrust is, apparently, in the cultural area. "Culture is a political weapon that is legal in the Soviet Union," said Mr. Sztumpf. Accordingly, programming such as the Tartar's program, "Our National Heritage," is designed to acquaint the listener with his national cultural past and to bring to his attention contemporary works of native authors who have appeal for today but are banned. The underlying purpose is, as Mr. Herus, manager of the Ukrainian-Byelorussian programs, said, "to give a feeling of continuity in the national past through culture."

In the Soviet context culture has distinctive political implications that are not clearly understood in this country. To Americans, culture is identified with American literature, art, and an appreciation of the nation's historical past as a diverse but unifying shared experience. The Soviet nationalities, like ourselves, have their own national literature, language, art, and historical traditions. Among Soviet Moslems, Islamic culture has in addition a strong religious ingredient. Sovietization, however, is a long-term process that seeks to destroy these cultural values—this is the goal of Soviet nationality policy, and, in effect, to establish a sort of homogenized culture—"rapprochement" the Soviets call it—based on what amounts to Soviet Russian norms. Culture, therefore, has a political meaning. Hence, for the various nationalities to assert their own national cultural values carries with it strong political overtones.

Samizdat has provided the Nationalities Service with a unique opportunity in their programming for appealing to the sense of national traditions and to the desire for respect of universal and Constitutional rights among the non-Russian peoples. While much of samizdat is concentrated in RSFSR proper, especially in the major cities, still the movement is spanning out into the outlying nationality areas, particularly in the Ukraine where it has been especially powerful. Peter Reddaway said, ". . . the mainstream of samizdat is limited to certain areas, but once you look into the minorities, samizdat is all over the country."[14] RL has responded to this development. In commenting on expanding its broadcasts into the nationality areas, Mr. Van Der Rhoer declared that RL's non-Russian broadcasters "are only just beginning to realize that samizdat is not just a specifically Russian or Ukrainian phenomenon but does go much wider."[15]

Accordingly, the Nationalities Service features a great deal of samizdat literature, and its coverage is expanding. A work by a Ukrainian writer that was given special coverage was Ivan Dziuba's, "Internationalism or Russification?" A broadcast review of this book is included in the study as Appendix 12. The full text was programmed and read.[16] In August 1971, the Ukrainian Service gave extensive coverage to readings from *Ukrainsky Visnyk,* the journal of Ukrainian dissenters.

It is in this area of RL's effort where the technique of cross-reporting has special relevance: cross-reporting universalizes samizdat and broadens its impact. In the Turkestani Service I and II, for example, material from the RSFSR and Ukraine was broadcast in August 1971. Included in this broadcast and those in the Tatar-Bashkir Service were Solzhenitsyn's letter to KGB Chief Andropov protesting the search of his apartment and the physical beating given to a friend by KGB investigators. The North Caucasian Service carried a broadcast of Sakharov's pamphlet, "Reflections on Progress, Coexistence, and Intellectual Freedom"; it was aired in the Russian, Karachia, Ossetian and Avar languages.[17]

Moreover, special attention has been given in the Nationalities Service to airing protests by Soviet Jews against various forms of violations of human and civil rights. In August, the Georgian Service broadcasted a letter by 24 Jews from the North Caucasus to Golda Meir; they also broadcasted a letter by 7 Leningrad Jews to UN Secretary General U Thant.[18]

Again, the significance of cross-reporting samizdat by the Nationalities Service is that it universalizes pleas for the fulfillment of human and civil rights and broadens the movement for internal reform.

Feature programming in the Nationalities Service is designed to satisfy the particular needs of its audience; and so is its coverage of news. CNS sends news items to the Nationalities Service in the Russian language. Drawing upon their own vast research resources in their own languages, the men within the various subdivisions of the Nationalities Service recast the news, integrating coverage from the various nationality areas. Then, they compose their own scripts in their own national languages to be broadcast to their own audience. The Ukrainian Service, for example, will focus on Ukrainian concerns, sometimes even including material from the Ukrainian-American press in New York. Developments in the Middle East relating to the Moslem peoples—the Kurdish problem in Turkey, for example—will be included in the newscasts of the Turkestani Service. News from the developing countries is also given wider coverage in the Soviet Moslem areas. This is the direction of their interest, and the news, as the first priority of RL programming, is structured accordingly.

3. Policy and Procedures

Like the other departments of RL, the Nationalities Service plays a contributing role in the formation of policy. On policy questions PPD counsels with staff having specialized knowledge in the nationalities area. Staff has the opportunity on such occasions to present their point of view in the process of policy formation. Specialists therefore, can and do influence the shape and direction of policy. Inclusion of the special annexes to the Policy Manual covering the various countries in the Nationalities Service is a concrete manifestation of the Service's participation in the policy process. Examination of any of these annexes will reveal that it could have been prepared only in participation with area specialists who also have a feel for RL policy.

Moreover, the morning meeting of the Nationalities Service, attended by the Director of PPD, provides the occasion for a daily exchange of views whenever a policy question arises on a show to be programmed. Finally, membership of upper echelon staff from the Nationalities Service (that is, Mr. Sztumpf) and the other departments on the Counsel of Editors provides still another level of participation in the policy process.

For the Nationalities Service the policy question of transcending importance is RL's insistence on a stance of non-predetermination of the Soviet nationalities. RL holds to the view that only the Soviet people themselves can determine what institutions and status their nationalities shall have. This principle is spelled out in the Policy Manual and other policy guidances.

The Broadcast Position Statement on the Nationality Question gives this guidance on appeals to local nationalism: ". . . RL strives to nurture and develop nationalist feelings which recognize the democratic rights of all, and to stress the humanistic potentialities of nationalism while discouraging its chauvinistic, paranoid or arrogant forms."

A recent show from RL's Tatar Program given on October 1, 1971 and entitled, "Let the Tatars of Central Asia be given a national press!" demonstrates how such a policy statement is applied. In the beginning it is pointed out that close to a million Volga Tatars live in Central Asia, of whom 600,000 are in Uzbekistan and 300,000 in Kazakhstan. The script goes on:

"Neither a newspaper nor a magazine in their native language is put out for the Volga-Ural Tatars living in Uzbekistan. It is true that a newspaper "Banner of Lenin" is issued for the Crimean Tatars living there in exile, but this comes out in the Crimean dialect. As for the absolute majority of Tatars living in Uzbekistan, these are Volga Tatars. They are people who were sent from Tatarstan and Bashkiria. On the basis of data compiled by the Ethnographic Institute of the USSR Academy of Sciences, more than

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90% of the Tatars living in the Central Asian republics consider Tatar to be their native language. According to letters sent to Tatarstan, there is great interest in a native language press. It is also true that some of the Tartars of Uzbekistan and Kazakhstan receive periodicals published in Tatarstan. But it is clear from the letters written to Kazan publications that there are serious problems connected with receiving publications from Tatarstan in Central Asia. For one thing, despite the fact that the circulation of Tatar periodicals has grown recently, there are still not enough to cover the needs of the people in the republic itself. As a result, the Tatars in Nzbekistan and Kazakhstan are pining for publications in their mother tongue."

It is then pointed out that the Russians—the largest minority population of Uzbekistan—*do* have their schools and periodicals, whereas the Tatars from the Volga (the 2nd largest minority) have nothing. In the citation above, it is also mentioned that the Tatars in exile from Crimea also have their own publication despite the fact that they are much smaller in number than the Volga Tatars.

In summary, the Tatar program called for publication facilities for their minority equal to that of the dominant Russian minority of Central Asia, or equal to that of the small minority of the Crimean Tatars (also discriminated against). In this way, Tatar national pride and aspirations are summoned in support of the establishing publications in the mother tongue equal to that received by two other nationalities, but in no way detrimental to these nationalities.[19]

Policy and procedure are closely integrated in the Nationalities Service, and as elsewhere in RL creativity is encouraged by allowing considerable organizational autonomy within the structure of policy. A good deal of autonomy within a structure of policy exists within the Nationalities Service along the lines of the Sargeant principle. Mr. Sztumpf recalled an incident when an RL staffman stimulated policy formation at the top. He had been on vacation in Turkey and heard of clashes along the Sinkiang border before they had been reported in the West or elsewhere. Upon returning, the matter was brought up as a policy question since it involved Turkestan and RL's position in this dispute. Subsequently, a policy guidance was formulated.

According to Mr. Sztumpf, "the essence of autonomy is with the writers." He explained it this way. If a staff writer wants to prepare a particular script, he merely gets the approval of the Chief Editor. This relationship is linked by a feeling of good faith in the organization, and all are bound, Mr. Sztumpf said, "by a community of common responsibility." Specialists in the area, he went on, have a "ticker-tape knowledge and awareness of developments," owing to their knowledge of sources and various connections. They are saturated by the influx of news and information. Thus, they can pass judgment on how to treat developing problems in an authoritative manner. Many matters, he went on, were strictly routine, for example, the cotton problem in Uzbekistan. Specialized staff know the developments there. Thus, he said, by way of summing up, the routine is done at the desk level by the writer and the Chief Editor. The upper levels of authority deal with larger organizational and policy questions. They can and do assert their authority; but "the range of autonomy at the lower level is considerable," Mr. Sztumpf said, adding, "this allows for maximal creativity by staff."

In general, the procedure for preparing scripts and producing programs appears to be similar to that of the Russian Service. Again, what seems most significant is the multi-functions of staff as researchers, writers, producers and performers. The Program Support Unit of PPD reviews programming originated by the Nationalities Service.[20]

E. Support functions in programming

1. Environmental Aids: Internal

Undoubtedly, RL's formal research facilities, described above in Chapter I, are the strongest internal environmental aid in programming. (For a summary of environmental aids to RL programmers, see Appendix 13.) Research is the underpinning of the entire operation; it is formally integrated into programming; its function is, therefore, vital for RL's purposes. What makes the support functions of research so important derives from the fact that RL as a "Home Service" that seeks to report truthfully must have informational resources available that can be used to correct the distortions and fill in the gaps of official Soviet media. Research provides the missing pieces of the fragmented mosaic that constitutes the Soviet citizen's view of reality. Only through research can RL expect to project a reasonably reliable picture of reality in its programming.

From what has been said thus far it seems fairly clear that RL's research resources are essentially two-dimensional: the main source of research energy comes from the Research Department; but this is augmented by numerous informal sources coming from the individual facilities built up by RL's programmers and specialized commentators in the Russian Service, and notably by the staffmen of the Nationalities Service who by the special requirements of their tasks have constructed their own unique informational resources. Moreover, staffmen in all departments have developed over the years a specialized knowledge of the Soviet area and of RL's operations which in less direct ways constitute an input into its programming support.

The multi-functional utility of staff adds further support to programming as well as efficiency in the radio's operations. Not only does Dimitri Pospolevsky, for example, head a research section and prepare background research studies, he also prepares scripts, produces shows, and broadcasts his own material. (For his biographic sketch, see Appendix 1.) This total unity of functions epitomizes program support in its most complete form.

And then there are the morning meetings. They are more than an integrating process of policy, research, news and feature programming; as an organizational entity they perform a vital support function of the entire programming operations. At these meetings the collective judgment and wisdom of the organization is brought to bear on current developments and problems, and directed toward the ultimate purpose of the radio, namely, to air programs that will appeal to the Soviet audience.

Another organizational unit that plays an important internal role in program support is the Audience Research Division (ARD). As the audience research arm of RL, ARD provides listening evidence that fills the gap between the speaker and the audience. It tries to find out such information as clarity of signal and audience preference in programming, times of listening and preference among foreign broadcasters. Special program evaluations are also made by ARD, drawing upon the views of simulated listener panels of former and present Soviet citizens. Reports on interviews and post-auditioning panels are circulated for the information and guidance of RL programmers.

In general, ARD reports have affirmed the judgment of CNS staffers on the importance of "hard news" in its programming. Others have benefited from suggestions of listeners. Actual programs have been structured in response to audience requests. A change was made in one program called, "Do You Remember," because some listeners said they were too young to remember. And, "Yesterday, Today and Tomorrow," was programmed on the suggestion of a young Soviet listener who wanted to have more perspective on the Soviet reality.

However, the Nationalities Service has not benefited from ARD reports to the extent of the Russian Service. ARD is geared more to the Russian audience because of the special linguistic requirements for dealing with the nationalities and also because of the frequency of Russian visitors to the West. Central Asians, for example, are rarely permitted to go abroad so that the opportunity for interviews is virtually non-existent.

Finally, Mr. Scott, as the top administrator at Munich Headquarters, has apparently played an important part in strengthening RL's programming. According to one senior RL staffman, Mr. Scott has been "most effective" in getting all staff to work together—which is no mean accomplishment in an organization with staff of so diverse national backgrounds. But, more importantly, he has been "most effective in perceiving the needs of programming." In this area, his role has been described as being "imaginative" and "effective."

2. Environmental Aids: External

In addition to in-house resources, RL draws upon the expertise of specialists on the outside for counsel in programming and policy formulation. The samizdat conference held in London in April 1971 and referred to above is an example of this sort of effort. The purpose of this conference was to get some guidance from these specialists on how RL could most effectively use samizdat material in its broadcasting, to get their assessment of the future of samizdat, and to ascertain what role RL should play in making this important documentary material available to outside scholars.

Another earlier example of drawing upon outside expertise in a conference format was the conference held in March 1967 sponsored jointly by New York University and Radio Liberty on, "Communicating with Soviet Youth." Over 21 specialists participated in this conference including some scholars of first rank in the United States—for example, Prof. Philip E. Mosely, Director of the European Institute of Columbia University, and Prof. Alfred Rieber of the University of Pennsylvania. The purpose of the conference was to deliberate on three questions: "Why do Soviet young people listen to a station like Radio Liberty and what do they expect from it? To what particular segment of the young audience should Radio Liberty give priority. In what ways has the youth audience changed in the 14 years since Radio Liberty began broadcasting?"[21]

RL also arranges for special consultations with noted scholars in the field of Soviet studies and communications. Among the visiting consultants and lecturers during 1971 were such noted scholars as, Prof. Frederick Baaghoorn of Yale University, Prof. Harold Berman of Harvard University, Prof. Ithiel de Sola Pool, Chairman of the Political Science Department of NIT, Prof. Leonard Schapiro of the London School of Economics, and Nikita Struve of Sorbonne University, Paris. (For a complete list of visitors and lecturers, along with a list of outside consultants and participants in RL programming, see Appendix 13 and 27.)

A final resource in programming support is the use of free-lance specialists in Soviet area studies. The U.S. Division in New York, owing to its central metropolitan location, is able to draw upon a pool of specialists for research, consultation, and programming. And the headquarters in Munich through its bureaus in London and Paris is also able to draw upon the knowledge of specialists residing in West European countries.

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II. INSTRUMENTALITIES FOR POLICY CONTROL

A. Script Writer, Editor, Morning Meetings

Policy envelops RL's operations, and its application begins with the writers, for what they prepare is RL's initial product and is expected, therefore, to be taped, voiced and transmitted to the Soviet audience. "Fingertip sensitivity to policy" is an expression that seasoned RL staffers use to define their concern for policy adherence at this level. Here, then, is the first filter screening out possible policy violations; it is a self-filtering process and occurs when the writer, responding almost automatically to years of induced behavior in policy obedience, formulates his thoughts according to what can and should be said.

"Policy violations are no real problem," said Alexander Backerac. "All writers have a sensitivity to the problems; they have an understanding of them and of policy." However, he qualified this sweeping generalization when referring to newcomers from the Soviet Union. "Some have been profoundly repressed during their lives in Russia," he declared, "and they feel RL's approach is too soft." "But sooner or later," he went on, "they understand no one is impressed by the 'hard approach' and see the need for policy and for a rational approach to the problem."

Editors such as Mr. Backerac are primarily responsible for seeing that the immoderate are restrained, and that RL policy prevails: this is the second level of screening. "The job of editor," said Victor Frank, "is to act as a brake on the writers and to restrain the vigor of those who may sometimes let their emotions run away." But, he said, "it is extremely rare if any excess in language slips through the many processes of screening."

Mr. Diakowski estimated that perhaps three policy violations occur in a week that must be corrected. By and large, it is a matter of a choice of words, he said. At worst, the offense is a "venial sin," and transgressions are caught by the editors. He gave this example. Writers steeped in the Western press my inadvertently refer to samizdat as "illegal" or "underground" literature. This is an RL policy violation: samizdat is not illegal; it is a legitimate expression of free thought, from RL's point of view. Or, reference to a "stupid cliche" or a "stupid act" might be used in commenting on a particular Soviet response or action by Brezhnev. The editor would blue-pencil "stupid," and as Mr. Savemark observed, the writer would be urged to explain why such a response or action by Brezhnev was "stupid" without giving the act that brash negative description.

Senior staff in both New York and Munich are convinced that no serious policy violations have slipped through, at least in recent years. "Rarely is a script rejected for policy," said Mr. Diakowski, "rejection is for sloppy writing or not having sufficient interest." Mr. Diakowski summed up what is probably a fair statement of policy control at the writer-editor level when he said: "The writer is sophisticated enough not to write such things that would violate policy, and the editor is sophisticated enough not to let them get through." [22]

Another level of screening, of a sort, enters in at this point, though less directly, in the form of the daily morning meetings. At the Research Meeting the Director of PPD raises policy questions and gives direction and counsel on particular subjects being referred to programmers. Similarly, at the News Meeting he raises policy questions in the news coverage for the day, if warranted, calling attention to the Program Manager of CNS on the need for any special treatment. And at the meetings of the Nationalities Service and the Russian Service both Directors of PPD and POD give direction and counsel on scripts then being prepared for feature programming.

B. Final review in production process

1. Time Sequence in Production as Buffer Against Error

Time is on RL's side in its production process, except in initial newscasts: they are delivered live; it is only a matter of a few hours separating the script writer from the broadcaster. The risks are present and the potentiality for violation is there. Still, careful writing and editing can eliminate violations, and the straight declarative technique in news-writing is a built-in protection against extravagances that creep into feature writing. Moreover, subsequent newscasts made during the broadcast day are taped, and, therefore, are subject to review and corrective action, if needed.

However, the production process in feature programs takes a great deal of time, perhaps from three to ten days. There is ample time, therefore, for both review of tapes and scripts. As Mr. Dakowski exclaimed, "Thank God for tape!"—meaning that the taping process permits a careful screening of shows as well as scripts in pre-broadcast reviews.

2. Pre-broadcast auditions

Two checks take place at the pre-broadcast level. Programmers responsible for the show audition the taped program, checking for policy, performance, and continuity. Members of PPD also make daily pre-broadcast spot-checks of individual shows.

Another screening is done by a special panel drawn from PPD, the Research Department, and from other qualified staff members outside of POD. This screening constitutes an in-house evaluation of an entire broadcast day made with time allowed to correct minor policy violations or to "pull" a show with major deficiencies and to substitute another for it while the show "pulled" is being rewritten, either in whole or in part, for later programming. Such pre-broadcast auditions provide a regular check on the quality of the broadcast day making certain that it is in accord with RL's standards particularly on policy, content, tone, and basic techniques outlined in the Policy Manual.

Two people are assigned to each broadcast day, one auditions the newscast and a part of the feature programs. The auditioners are supplied with scripts and tapes of the programs.

Each auditioner on the panel prepares a written report on the program segments assigned for evaluation in which brief general comments are supplemented by a standard checklist for the auditioner's specific judgment. The categories for evaluation are as follows: (1) policy violations in content, tone, or presentation (2) suitability for a general audience (3) suitability for any additional specific category or categories of listeners (4) constructiveness of approach (5) factual mistakes (6) delivery (7) corrections suggested and (8) action taken as a result of suggestions. In addition, each auditioner is asked: (1) to recommend whether or not each program segments should be repeated, with five recommendations possible, namely, strongly recommended, recommended, perhaps, not recommended, under no circumstances; and (2) to give each program segments a numerical rating on a five-point scale—5 meaning excellent; 4, good; 3, fair; 2, poor; 1, bad. The auditioner's report is sent directly to Mr. Scott and distributed among certain designated staff.

Errors, policy violations, or major deficiencies spelled out in the written pre-broadcast evaluation reports go into the monthly list, as do all similar notes from the daily spot-checks. Programmers are informed about the results of these pre-broadcast evaluations, which, in addition to screening possible violations and errors, constitute a body of instruction for future guidance. Moreover, the other information contained in the reports go into a system of ratings, that is to say, repeat ratings, trend ratings, voice evaluations, authors' productivity, authors' latest direct familiarity with Soviet reality. This system has been established to compare quality with cost.[23]

The monthly report on errors and policy violations picked up in pre-broadcast spot-checks and reviews is compiled by Vitaly M. Sakouta, Assistant to the Director of PPD and sent to the Director. A copy is forwarded directly to the Executive Director of RL. This report includes discrepancies revealed in daily pre-broadcast spot-checks by PPD staffers as well as errors reported in pre-broadcast program evaluation reports.

A report on the Russian programs for June 1971 is included in the study as Appendix 14. This report speaks for itself as an indicator of the vigor of RL's self-criticism and the care exercised in screening programs. Follow-up procedures are also recorded—deletions are made; shows are "pulled."

The report reveals clearly RL's extreme sensitivity to the Soviet environment. Several cuts were effected, for example, in *Soviet Commentary of* June 23/24 because of references to "escape abroad," "escape from the homeland," and "comparisons between the USSR and a prison cell." In a talk on June 30/1 July, four paragraphs were eliminated because "the tone and sarcastic expressions about Brezhnev contravene policy."

The report also reveals how RL's sensitivity to policy can lead to the "pulling" of a show. For example, the show "Harvest" on *Soviet Commentary* of June 4/5 was "pulled." According to the evaluator, "this script was unrealistic. Why object to efforts to bring the harvest in? A better point would have been to show the hidden costs and wastes involved in the way it is brought in." [24]

Pre-broadcast evaluation of nationality programming takes place on a daily basis. The responsible organ for such evaluation is PPD. Under certain circumstances, POD takes responsibility, especially if PPD does not have the language capabilities for a given script. After pre-broadcast evaluation, if the script is found unsatisfactory from the point of view of quality or policy, the matter is discussed with the writer and his chief editor. If the script can be improved, the necessary changes are made and the script is then broadcast.[25]

Pre-broadcast evaluation reports display the the same vigorous self-criticism and reveal very clearly the organization's engrained habit of careful screening. Examples of such reports are inserted as Appendix 15. The following excerpts from a random selection of reports give the flavor and an indication of the severity of staff criticism of their programming:

"1. Almost all of today's program and news features were interesting and well written. As a mark of their quality, it may be noted that this evaluator had fewer objections to make, as regards factual or policy mistakes, than ever before (as far as he recalls) on a single day's output.

"Only one intervention seemed to be called for in a news feature on a 'New Round of the Arms Race in the Middle East,' which attributed exaggerated performance characteristics to the MIG–23 interceptor aircraft, notably claiming that it is 'extremely effective at both high *and low* altitudes.' Even technologically, this is nonsense because the MIG–23 would have to have variable wings to be 'extremely effective' at both high and low altitudes. This is obviously not the case. . . . The author of the script would seem to have confused the MIG–23 with the MIG–25, which is, indeed supposed to have a variable geometry of its wings. (Action was taken.) [26]

"2. *Across the Ocean*, Rigerman's account of his impressions of the United States. His focus on free press as the most remarkable thing about America is just what we need. . .

"It would have been much more effective to have the script read in the author's own voice although the announcer did an outstanding job. An attempt to avoid the prob-

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lem of Rigerman's being American from the beginning and thus not a "former Soviet citizen" was unsuccessful. The term 'former Soviet man' evokes the whole ideological concept of 'Soviet man' that qualitatively different creation-to-be of communism. It was recommended that the phase be dropped. (Action was taken.)

"*Meetings with Listeners*. . . . Delivery remains the author-announcer's weak point.[27]

"3. *Meetings with Listerners.* Comparing humanitarian aspects of the monarchy of old Russia and the Soviet regime, the author has touched on a very delicate subject. RL should *not* play the role of defender of monarchy even if the old regime appears angelic in comparison with Stalinism. (Action was taken and appropriate changes in the text were effected prior to broadcast).

* * * * *

"*KVN*. It is very sad that a show of this nature is aired. It is in no way entertaining. The conscientious participants tried to save the bad texts. It is regrettable that pleasant and melodious songs performed by L. Pylayev are wasted. His manner of singing, which recalls that of Utessov and Mark Berens should find response among Soviet listeners. Out of several sketches only 'Vassik i Mussik' which contains some satire, deserves attention. Without the selection of good texts, *KVN* will never be a success. (No immediate action was taken).[28]

"4. Check list, 'American Journalist's Impressions of Albania.' In response to the questions, 'Do content, tone or presentation violate RL policy?' the evalutor indicated, 'Yes,' but no further action was taken.[29]

"5. This was a 'wide, wide world' program today. The spotlight from script to script kept shifting from one part of the globe to another. Unfortunately, except for some of the news features, it was not always clear just why RL had a claim on the listener's attention with these fast changes of pace. I would have to rate the overall program as mediocre to poor.

"Most disappointing to me was the *Samizdat Review* which was a roundtable discussion on the Czechoslovak invasion as seen in samizdat, but the discussion seemed unable to decide between focusing on Czechoslovakia in 1968, Rumania in 1971 or samizdat and the result was a blurred focus.

"Best script reviewed was one on 'Convergence Revisited' . . . which was informative and judiciously argued. The voices on this script were also the most convincing of the day.

"I failed to see any good point at all in a repeat in *Far East* series of a year-old script on a correspondent's impressions of a visit to the capital city of Cambodia.

"News features continue to give more attention to the Middle East and Israel than is warranted by the course of events or of our Soviet listeners' interest. . . ." [30]

3. "As broadcast" check at transmitters

A final step in the review process is the "as broadcast" check made at the transmitters. For many years RL has maintained a strict regulation that all material "as broadcast" over its transmitters had to conform in detail to the material prepared and voiced from its studios. The purpose of this procedure is threefold: (1) to meet the requirement of the West German Government that material broadcast be retained for a three-month period for reference purposes if needed (no request for such information has ever been received); (2) to provide the Spanish Government with summaries of material transmitted from Pals on certain designated subject matter; and finally (3) to enable RL to make sure that what has been written, approved and taped at Munich headquarters conforms to the material that is actually being transmitted to the Soviet audience.

Each transmitter station automatically records RL material as it is actually being broadcast. This material is retained for six months and is reviewed by selected, qualified personnel for comparison with original scripts to insure that there were no deviations from prepared material and that no unauthorized material has been added. Recordings in West Germany, made at the Lampertheim transmitter station, are made on an "Assmann" recorder. Similar equipment is used at the Pals and Taipei stations.

Hard and fast procedures relating to recording and review of tapes are contained in Staff Memorandum No. 6 of February 1, 1968, which remains current. The memorandum spells out in detail the methods of recording, the review procedure at all three stations, and the minimum review requirements for all languages broadcast (for example, from the Taipei station, an average of 2 hours of broadcast material in the Russian language is to be checked weekly.) It also provides for reports on personnel assigned to content control activities and for reports on deviations. The directive states that the chiefs of the Production Department and POD will report to the Executive Director all deviations in "as broadcast" material from program scripts, "together with a statement of the cause of the deviation if known, a statement of corrective action taken, and a recommendation for action to preclude recurrence if appropriate." Similarly, the Executive Director is directed to report all deviations to the President of RL.[31]

Apparently, this check at the transmitters has been effective as a last-minute, final screening. According to Mr. Van Der Rhoer, "problems very seldom arise," and an RL statement on policy procedures declared in a discussion of content control at the transmitters and the incidence of deviations," . . . it should be noted that none had been observed in at least the past two years." [32]

C. Post-Broadcast Auditions

At this point in RL's operations the programs have been transmitted, and it is, of course, too late now to recall the signal. If policy violations have sliped through or errors in fact or faulty producing techniques occurred, then it is just too late to do anything about it. The damage, if any, has been done. The spoken word, more than the written word, is irretrievable, and the damage done is long amending. However, RL has a system of post-broadcast auditions, a sort of review after the fact, but, nonetheless, it is another important input into the review process, protecting the organization against factual error, policy violations, and production shortcomings.

This post-audit review of RL's programs is done by executive personnel in the U.S. Division at New York. Staff takes turns auditioning a day's broadcast. They review program content and evaluate its effectiveness from every point of view relating to such key points as how successfully RL communicates with its audience, identifies with its listeners' interests, and provides them with solid information and thoughtful stimulating material. This post-audit review informs the President in detail about program content and stimulates the development of substantive suggestions for policy formulation and more effective execution.[33] What makes these reviews especially meaningful is that they are done by veteran RL staffers who over the years have been totally immersed in policy requirements and the goals and purposes of the organization.

In brief, the post-broadcast auditioners summarize each show within a day's programming and evaluate it, generally using RL's policies and objectives as a criteria. They grade each show according to suitability for a general audience and specific categories of listeners most likely to be interested in the particular broadcast, that is, the creative intelligentsia, managing personnel in the Soviet economy, military personnel, party and government functionaries, workers, rural population and youth. They also grade the show on the same scale as noted above for pre-broadcast reviews, that is, bad-1 to excellent-5, and according to four sub-categories, that is, presentation and format, pertinency of subject and treatment to audience or specialized audiences, voices, and overall impressions of the show.

RL's sharp internal criticism is carried into the post-broadcast evaluation. Yet, characteristically, the evaluators appear to strive for fairness and a balanced appraisal. An exceptional example of a post-broadcast auditioning report is attached to the study as Appendix 16. In a random selection of post-broadcast auditions it is possible to find such judgments as these found in the audition of a Russian program for Friday/Saturday, October 30–31, 1970:

"1. *General Appraisal:* I was very favorably impressed with the professionalism, cogency, and timeliness of the day's programming.

"2. *Countries and Continents:* Informative and interesting subject matter but a dull format. Why have three speakers if you are not going to capitalize on the liveliness of a round-table discussion? The results of this is just three people taking turns providing information. No sense of give-and-take; almost no sense of personality on the part of the speakers.

"3. *Peking and Its Politics:* Informative and authoritative, but a presentation that often borders on tediousness: one voice rapidly reading a very long piece of text.

"4. *Signal* (military affairs show): Good, solidly-informative content and an excellent presentation: spontaneous, warm lively.

"5. *Commentary on Soviet Themes.* Show title, 'Heroic Minority': The anonymous commentator pays tribute to those Soviet citizens brave enough to compile and distribute samizdat literature and declares that more of this kind of courageous activism is needed. He comments that it is the political passivity of the majority which enables the injustice and inefficiency and general viciousness of the Soviet system to continue.

"This was the most explicitly agitational of the day's features. I personally agreed with the commentator's view. I am not sure how it would affect a Soviet listening audience." [34]

RL also conducts a post-broadcast evaluation of scripts in the Nationalities Service. It is made primarily as a means for developing new ideas and discarding outmoded concepts in programming. The evaluator's comments also provide a kind of interfacing mechanism whereby policy and research can contribute to the improvement of programming. Reports on post-broadcast evaluation of scripts in the Nationalities Service are made in memoranda to Mr. Van Der Rhoer. A copy of an extensive report on 27 North Caucasian scripts is included in the study as Appendix 24.[35]

D. Rationality and trust in policy control

RL has many instrumentalities for policy control, extending all the way from the script writer and upper echelon of editors and policy controllers in Munich, to the "as broadcast" content controllers at the transmitters in West Germany, Spain and Taiwan, and, in declining importance, to the post-broadcast auditioners in New York. The checks are there, and as far as can be judged by the outsider, they are used in a reasonable and judicious way. After all, there are limits to which any organization can impose a regime of internal control without exhausting its resources, both human and physical. Policy control cannot be total; pol-

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icy violations are always possible: at best, control mechanisms can only reduce the probabilities. The alternative is "1984" which is not only impossible but self-defeating.

The heart of the matter, therefore, is trust and rationality: trust in the individual, for policy control must begin and end with the individual; and rationality in the wisdom of the policy constructed and of the people who are to carry it out. Trust in the integrity of the individual combined with the exercise of his intelligence and the rationality required in policy formulation would seem to be the greatest safeguard. For, RL must assume a bond of trust in its staffmen that is based on shared beliefs in commonly held goals and purposes, and based also on a shared intellectual and moral commitment to a policy structure that is believed to represent the only rational and realistic means for achieving a common goal.

E. The Czechoslovak crisis, August 1968: A case study of RL's policy operating in crisis conditions

Perhaps, one of the best tests for RL's ability to maintain control over its broadcasting operations through the mechanism of policy is the case of the Czechoslovak crisis in August 1968. At the request of the writer RL staff in Munich prepared a report entitled, "Radio Liberty Coverage of 1968 Czechoslovak Crisis." This report is included in this study as Appendix 23. The report contains documentation on basic general and specific policy guidances from the President, Executive Director and the policy staff. It also summarizes RL coverage in translation from the Russian, Ukrainian and Tatar programs for selected days during the build-up of the crisis in mid-June, to the peak of crisis with the Soviet bloc invasion on August 21, and during the immediate post-invasion period. Appended to the report are translations of extracts from RL programs.

On the basis of a review of this material it is possible to generalize that RL exercised a great deal of caution, moderation and restraint during this period of crisis.

Guidances were planned and formulated as the crisis gathered momentum. In the spring, monthly and daily guidelines provided continuing ad hoc guidance with caution the key word.[36] Contingency plans for programming were made on July 30, well in advance of the resting of the crisis on August 21, the day of invasion. These plans were published on August 21, as Daily Guidance Note No. 14. Supplemented by daily guidelines throughout the period, these formed the basis for RL's programming during the crisis. Themes in RL's programming in the contingency were to be: the background situation, stressing obvious misreading of facts; the loss of moral, ethical and practical positions for the Soviet Union; total failure of CPSU policies which led to action against what were basically new ideas; the "tragic irony" of using Warsaw Pact forces against a long-standing socialist ally and member country; the intervention as a blow to the desire of the Soviet population to see a better and more peaceful world; the damage to the cause of socialism and of liberalization at home; and the irreparable split in the world Communist movement.

On August 21 and immediately thereafter, regular programming was scrapped. New programming concentrated mainly on straight news coverage reported over the major international wire services. Emphasis was placed particularly on developments in Czechoslovakia and world reaction to the crisis, especially reaction within the Communist movement. Strict procedures were established for clearing all news features and commentaries through PPD as soon as written and before broadcast and distribution to the desks.

III. QUALITY CONTROL IN PROGRAMMING

A. Internal instrumentalities for quality control

1. Will Klumpf, Quality Controller

Policy control and quality control overlap to a considerable extent. Pre-broadcast and post-broadcast auditioning provide in-house evaluations on both the quality of programming as well as judgments on policy matters. Beyond this, no other formal institutional mechanism for quality control seems to exist, except for the important tasks performed by Mr. Will Klumpf, administrative assistant to the Executive Director.

In general, Mr. Klumpf acts as Mr. Scott's personal deputy for programming and production—a sort of right-hand-man who oversees program auditioning, checks for quality effectiveness, policy and overall excellence in production. In addition, he is responsible for giving Mr. Scott full knowledge of what goes on the air and *how* it goes on the air.

Perhaps, the ultimate effectiveness in the art of broadcasting lies largely in what Stanislavski said of a play and the theater, namely, that there are various "planes" of a play, one of which is on the "aesthetic plane, with the sublayers of all that is theatrical, artistic having to do with scenery and production."[37] Mr. Klumpf, a long-time student of the theater, at one time an actor, and now a specialist in Soviet affairs, attempts to fulfill this task for RL. He tries to introduce into programming a sense of theatricism, that is to say, the skills and techniques of radio theater in order to make the broadcasts more effective. This entails good staging, good voicing, good taping, and skillful continuity in production. By imparting a sense of theatrical style in programming, Mr. Klumpf attempts to achieve quality performance and quality production. An important aspect of this effort is to make sure that the day's broadcast has a proper mix of discussion, interviews, straight reporting, music, and human interest features. He constantly reviews taped shows in pre-broadcast auditions to make sure that the final product has quality.

That RL should have special concern for staging its programs derives from both a common sense judgment and a deeper knowledge of the Russian reality. Russia is the nation of Chekhov, Stanislavski, and the Moscow Art Theater, and Russians are a people who have appreciated theatricism as a part of their life style. It is understandable, therefore, why programming should be structured with a critical eye toward staging which for the Russian people has a special appeal.

2. Ratings on Voicing

One important aspect of in-house quality control is the matter of voicing. RL auditions programs under simulated jamming conditions. The purpose is to seek guidance in casting, that is, to find out which voices penetrate jamming the best. It is ironic that the finest quality of speaking voice under normal conditions will not be always be the most intelligible under jamming conditions. Oftentimes a voice poorly rated normally will be most effective under jamming.[38]

Voices can also be evaluated by outside panels of former and present Soviet citizens in order to obtain an objective appraisal on quality and effectiveness. The report on such panel reviews is broken down into 12 categories that are designed to elicit evaluations of the speaker's delivery and voice quality. A random selection of reports on these evaluations have such comments as:

"The speaker's tone is too cold which is not the same as objective or dispassionate. He reads rather like a Soviet judge or bureaucrat.

"I have listened to this voice twice already—it hasn't gotten any worse, and doesn't need to get better. I think this woman speaker [is] one of the best in the world.

"The voice sounds too bombastic.

"He has something wrong with his teeth. This elderly voice is not suitable for radio. Moreover it sounds slightly archaic, emigre.

"I think this is an alien, emigre voice. . . . This is the kind of voice to avoid, it is too remote from the listener.

"This is one of Liberty's best voices, absolutely contemporary, intelligent and remarkably soft and natural. This is the kind of voice sound on which to build Liberty. Perhaps the voice is not young, but there is no emigre sound here; for the Soviet listener it is 'one of ours'."[39]

Careful records are kept on grading of voices. When a speaker's quality dips below a certain level, then he or she is taken off the air. A theoretically perfect score is 5.0; below 3.0 is regarded as poor. In July 1971, one speaker, receiving a 2.9 rating, was taken off the air.[40]

3. Ratings on Shows

RL also maintains a type of "Neilsen rating" on its shows as a means of quality control. Evaluations are made periodically, and records are kept. A theoretically perfect rating is 5.0, below 3.0 is poor, and the lowest possible rating is 0.0. A report on 22 shows that were given "trend ratings" at the start of FY 1971 and 1972 contained this spread of ratings for FY 1972: Memory Calendar, 4.7; Vladimirov Talks, 4.6; Samizdat Review, 4.3; Across the Ocean, 3.8; Collector's Corner, 3.1; and Philosophic Talk, 2.5. After 17 individual evaluations, Philosophic Talk was taken off the air.[41]

B. External instrumentalities for quality control

1. ARD in Quality Control

RL's Audience Research Division plays an important role in quality control. Drawing upon evaluations both within and outside the Soviet Union, ARD attempts to provide another input into the process of improving programing for the purpose of appealing to a wider audience. According to George Perry, Assistant Director of ARD, ARD "acts as something of an inspector general for RL programmers." They respect ARD's evaluations, Mr. Perry said, since they help programmers better accomplish their tasks. As Mr. Perry put it, "ARD helps relieve the programmer of the feeling that he is shouting down a tube but rather is functioning as successfully as possible."

On the basis of extensive testing of opinions through post-broadcast audition panels as well as by direct interviews with Soviet citizens, ARD prepares reports evaluating programs. These are circulated throughout RL for the information and guidance of staff.

In brief, ARD's business is feedback, and though working under serious handicaps—obviously, it cannot conduct Gallup-type polls and Neilsen-type surveys inside the Soviet Union—ARD tries, nonetheless, within these strict limitations to give programmers some idea of their impact and influence. Programmers in turn can judge for themselves the quality of their efforts and improve them accordingly.

2. Quality Control Reports

One form of RL's evaluation comes from quality control reports. These constitute the judgments of a simulated Soviet audience. Mr. Max Ralis, ARD's Director, gave this general discription on how these panels are set up. What RL attempts to do, he said, is develop the best available substitute audience. To create such a substitute audience, ARD selects a panel from Soviet citizens recently arrived in the West and persons temporarily out of the Soviet Union who are studying in the West. A random selection is made from this group which would constitute a better than average approximation of a Soviet audience. Persons on the panel, Mr. Ralis said, must give their honest reactions and evaluations, and they must be articulate. Among

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those now available for such panels are a Soviet student, a former actor, a linguist, and other recent arrivals. Sailors and workers have not proved too effective on such panels.

All panels have instructions on listening. They are directed to forget all their Western influence and try to react to the program as if they were a Soviet listener inside the Soviet Union. Then each panel member rates each broadcast on probable impact. Ordinarily, the panel listens to two programs a month of 1½ hours of broadcasting. They do not sit together, but audition individually. Tapes and scripts are sent to them to their homes in Western Europe and the United States. ARD conducts about 24 such panels a year. They focus only on Russian language broadcasts, mainly because non-Russians are not available.

An example of a Quality Control report is included in the study as Appendix 17. A general appraisal is given of the day's broadcast at the beginning of the report, each segment of the broadcast is briefly summarized; and a capsuled evaluation of each is recorded. The summary of the panelists' ratings are included in a check-list appended to the report. The check-list cities each program being evaluated, and this list is correlated with major categories under the headings, program content; effectiveness; credibility; discretion; delivery; format and presentation; language and style; sufficiency of auxiliary, historical and other data; and a question as to whether the program should be repeated. The final category deals with audience and is broken down into 9 major categories according to the particular audience of RL's concern. Within all categories there are six choices for grading.

Review of a random selection of Quality Control reports gives the impression that the panels are, indeed, very frank in their commentary and appraisals. Criticism is very sharp; yet the reports are generally balanced, pointing out both the strong and weak points of a program. By and large the panels are made up of largely educated and professional people, and thus their criticism would have to be taken seriously since they constitute RL's prime Soviet audience. Here are a few examples of comments made in one of these reports:

"1. *Russian Art and Literature's theme,* the respect accorded Russian art abroad, was welcomed, but the script fell down, perhaps, because of the odd voice and intonation.

"2. One low point was hit by the *Washington Observer's Note* about U.S. politicians' travels, which did not concern the listener in the least.

"3. One of the new panelists . . . was struck by one quality of the Newscast which enhanced its effectiveness, namely the utter lack of propaganda or anything which could be construed as subjectivity. Other panelists . . . also stressed this point . . .

"4. Three panelists concentrated on the speaker. JFS and RFS regarded him if not as a foreign reader, then at least as one from the old emigration. BFS went into detail on this: "Though Mr. . . . has an authoritative and pleasing voice, it does not stand up to the requirements of contemporary Russian pronunciation.

"5. *Report from USA* . . . heavily criticized . . . just simply boring.

"6. *Report from Bonn.* This talk about the vacations of German workers drew a varied and vehement response. For EFS it was 'witty and live,' for UFS 'it offered an indirect, implied refutation of the Soviet claim that only in the USSR is labor highly valued and vacations are paid.'

"At the other end of the scale HSC and CFS found it 'gray, banal and superficial.' AFS and XFS were bored, JFS and GFS complained at the 'dry, official recitation of facts.'

"7. *Russian Art and Literature* . . . Certain panelists, however, were more than deterred by the presentation and delivery. JFS thought the terminology too 'Western' and unfamiliar, but, above all, the 'intonation illogical, hindering perception' . . . For XFS it was a 'caricature' and, as UFS put it, 'this is the kind of voice put on by Soviet actors when they want to imitate pre-revolutionary conservatives and bureaucrats.' RFS, to be fair, thought this might possibly be an advantage, contrasting favorably with the 'robust, over-cheerful voices of Soviet art critics.'

"8. *University of the Air* . . . 'This has got to be a parody. This professor, or, whoever he is, obviously an all-out supporter of capitalism, starts by philosophizing about high matters, how people in the West are free to join societies, etc. And then he gives as an example a French society of animal lovers—which really is what the talk consists of. This must be a joke . . .' " [42]

3. Special Program Evaluation Reports

Another type of audience reaction to programming quality is the Special Program Evaluation Report. "When a unique person comes along," said Max Ralis, "we try to get him to participate in a special listening session and report on it." Evaluations by this "unique person" are put into the Special Program Evaluation Report. An example of this type of report is included in the study as Appendix 18.

The value of such reports again depends upon the auditioner's perceptiveness, general intelligence, and ability to articulate his views. One such session with a group of Soviet seamen was clearly unproductive when the subjects could not identify some notable cultural figures on the Soviet scene mentioned in an RL broadcast being auditioned, though they were acquainted with Pasternak and Solzhenitzyn.[43]

4. Target Area Listener Reports

Another input into evaluating the quality of RL's programming are reports directly from the Soviet listening audience, usually from visitors in the West. An example of this type of report is included in the study as Appendix 19.

Though reports of this nature are very limited in number, still they do provide some indication of the quality of RL's programming. For example, the wife of a Russian scientist who was an Uzbek regretted that so little of RL's broadcasts were on medical research. Also, while RL's programs were "varied and rich," still she found some of them "a bit heavy." Both husband and wife declared that they followed with interest programs on samizdat and "all kinds of literature—both Soviet and foreign." [44]

Another listener, a university professor, rated RL first among foreign broadcasters for its "courageous, high quality programs (especially of late) on themes which are not discussed elsewhere," that is to say, samizdat.[45]

5. Evaluation by Outside Specialists

Another form of quality control is evaluations by outside specialists in Soviet affairs. Leading authorities in the West are asked to audition a block of programming and give their judgments. An example of this type of evaluation is included in the study as Appendix 20.

RL staff is by no means of one mind on the value of these reports. On the one hand, such auditions were said to have not worked out too well, owing to individual prejudices of these specialists; and on the other, the view was expressed that their evaluations must be taken seriously.

A review of randomly selected evaluations by outside specialists indicates that they can be very frank, even tough, in their appraisals, yet balanced and seemingly fair-minded.

6. On the Value of ARD Reports on Quality Control

That ARD evaluation panels play a role in determining the quality of RL's programming cannot be denied. Yet, it would be extraordinarily difficult to ascertain just how great a role that is. It is known that programs have been affected by direct listener response through ARD. And while some RL staffers feel that panel reports may have no direct impact on programming, nevertheless, it is believed by others that they have the value of re-affirming in the long-run judgments made in the past—for example, the value of heavy emphasis on factual reporting in newscasts.

Improvements have been made in programming, it is asserted by ARD staffers, by passing on information derived from panels of auditors. Leading supervisors get these report, it is said, and the feedback, though simulated, is ground back into the system as a new input. Yet, as one person said critically, except for reports from outside specialists, panels of simulated Soviet listeners had "to be taken with a grain of salt." Presumably, what limits the value of these reports is the fact that many criticisms, however valid they may be, call for remedies that are in violation of policy; and this is unknown by the outside auditors.

Admitting these shortcomings of panel evaluations, nevertheless, to this outside observer, they seem to have the value of at least providing *some* evidence of probable listener response and reaction without which there would be none, and thus provide RL with at least a measure of quality control, however slight. Despite known imperfections, auditioning panels, especially of substitute Soviet listeners, are at least a beginning of a much more demanding (and what is now a virtually impossible) task of knowing the Soviet audience, and, accordingly, on the basis of this limited knowledge, of improving program quality.

FOOTNOTES

[1] RL program schedule—Russian Service, p. 1. (RL, v. VIII, pt. E.)

[2] RL basic briefing outline, July 2, 1971, pp. 5–6.

[3] RL Statement, June 14, 1971, pp. 12–13. (RL, v. I.)

[4] RL basic briefing outline, July 2, 1971, p. 6. (RL, v. V, pt. 10.)

[5] Quality Control Report #16–17, August 20, 1971, p. 12.

[6] RL Audition Report, Russian Program, October 14–15, 1970, November 13, 1970, p. 9.

[7] *Ibid.*, p. 9.

[8] NYU–RL Conference, Communicating with Soviet youth, 1967, p. 20.

[9] RL Statement, June 1971, p. 15. (RL, v. I.)

[10] The Washington Post, May 11, 1965, p. A21.

[11] SFRC, RFE/RL Report, p. 20.

[12] RL, Breakdown of RL's new programming in each of its languages, April 30, 1971. (RL, v. III, pt. H.)

[13] RL, Policy in determining the proportion of broadcasts in particular languages. (RL, v. VIII, pt. 5a.)

[14] RL, Future of samizdat, April 23, 1971, p. 21. (RL, v. II, pt. D1.)

[15] *Ibid.*, p. 31.

[16] Introduction to Ivan Dziuba's "Internationalism or Russification?" (RL, v. III, pt. F.)

[17] Sakouta to Van Der Rhoer, RL Memorandum, October 20, 1971, "Coverage of Samizdat material in August 1971 RL programs." (RL, v. IX, pt. C.)

[18] *Ibid.*

[19] *Ibid.*, pt. b.

[20] RL, Policy formulation, June 1971, p. 15. (RL, v. IV, pt. 7.)

[21] NYU-RL Conference, Communicating with Soviet youth, 1967, p. ix.

[22] In New York, the Policy Coordinator of

the U.S. Division regularly reviews before broadcast the scripts of all U.S. Division news features and replies to listener mail, and auditions or screens the script of any other shows whose content, treatment or tone is of special concern. Policy questions are usually brought to the Policy Coordinator's attention by the desk managers, and the issue settled either through them or directly with the writer concerned. (RL, Policy formulation, June 1971, p. 15. *In*, RL, v. IV, pt. 7.)

[23] Procedures used in improving quality through pre-broadcast spot-checks and evaluations. (RL, v. XVI, pt. 2A.)

[24] Sakouta to Van Der Rhoer, Interoffice Memorandum, Errors in June 1971 Russian Shows Revealed by Pre-broadcast Spot-checks, July 16, 1971. (RL, v. XVI, pt. 2G.)

[25] RL, Evaluation procedures for Nationality programming. (RL, v. XX, pt. 2A.)

[26] Pre-broadcast evaluation of Russian Program Features and New Features for 13/14 May 1971, May 14, 1971.

[27] Pre-broadcast evaluation of Russian Program Features and Newscast for 6/7 July 1971, July 7, 1971.

[28] Pre-broadcast Evaluation of Russian Program Features and CND Features for August 11/12, August 16, 1971.

[29] Pre-broadcast Evaluation of Russian Program Features and CND Features for August 11/12, 1971, August 16, 1971.

[30] Pre-broadcast Evaluation of Russian Program Features and News Features for 19/20, August 1971, August 23, 1971.

[31] RL, Program content control, October 1971. (RL, v. XVI, pt. 3A and # 3B).

[32] RL, Policy formulation, June 1971, pp. 16–17. (RL, v. IV, pt. 7.)

[33] RL, Policy formulation, June 1971, p. 17. (RL, v. IV, pt. 7.)

[34] RL Memorandum to HHS, Audition of RL Russian Program for Friday/Saturday, 10/30–10/31, 1970, Feb. 3, 1971. (RL, Post-Broadcast Auditioning file.)

[35] Memorandum to Mr. Van Der Rhoer, Jan. 18, 1971. North Caucasian Scripts, 13 p. (RL, v. XX, pt. 2C.)

[36] Donohoe to Critchlow, RL Policy and Planning for the Czech Crisis in Brief, September 29, 1971, p. 2. RL published a staff report entitled, "Czechoslovakia and the Soviet Public," August 1968, 152 p. The report compared RL coverage of the crisis with that of Soviet media. It was prepared by Olivia L. Gilliam and Edward W. Pell.

[37] Stanislavski, Constantin. Creating a role. (Translated by Elizabeth Reynolds Hapgood.) London, The New English Library, Mentor, 1968, p. 19.

[38] Quality and quantity controls on authors, performers, producers, and on training and production format and techniques, October 1971. (RL, v. XVI, pt. 4K.)

[39] RL, Auditioning and evaluation, October 1971. (RL, v. XVI, pt. 1A.)

[40] *Ibid.* (RL, v. XVI, pt. 1B.) That RL has achieved a fair measure of success in voice training of its speakers is revealed by an appraisal of a Soviet university professor. A synopsis of her observations are as follows: "It seemed apparent to her that RL has made a considerable effort to give its staff professional training. The quality of the programs has been much higher in recent years, she commented. "The programs made by recent emigres were easily distinguishable from those made by the older emigres; she found the latter to be of 'low quality, difficult to comprehend and filled with out-dated expressions.' The style of the program and the voice of the speaker readily indicate whether the author was an older or a recent emigre, whether he was cultured or uncultured. The female voices used by Radio Liberty have improved greatly over the past five years, the source said; now they sound younger and clearer. More 'Soviet' expressions are used, which makes the programs more pleasant and easy to understand. She was rather critical of the quality of Radio Liberty's male speakers' voices, however." (RL, TALR #225–71, Sept. 14, 1971. *In*, RL, v. XVI, pt. 4A.)

[41] RL, Auditioning and Evaluation, October 1971. (RL, v. VIII, pts. 6 and 7.)

[42] RL, Quality Control Report No. 17–71, Review of the Russian Program Broadcast on July 3/4, 1971, August 25, 1971. (RL, Quality Control Reports file.)

[43] RL, Special Program Evaluation Report No. 4–71. Four Soviet seamen listen to tape recording of Radio Liberty Broadcast of January 26/27, 1971, May 5, 1971. (RI, Special Program Evaluation Reports file.)

[44] RL, TALR, October 11, 1971.

[45] RL, TALR, No. 234–71, September 24, 1971. (RL, v. XVII, pt. 4.)

CHAPTER VI: RL's AUDIENCE IMPACT AND EFFECTIVENESS

I. DIFFICULTIES IN EVALUATING RL'S EFFECTIVENESS

A. Limited access to Soviet population

RL operates at a serious disadvantage as a "Home Service" to the Soviet population. It has only very limited direct access to the Soviet people and, therefore, has great difficulty in evaluating, in any systematic or scientific way, its impact on the Soviet audience and its overall effectiveness as a broadcaster.

The Soviet Union is a closed society; it is not possible to take public opinion polls as would be the case in most non-Communist countries in the world. RL must rely on interviews with a very limited number of Soviet visitors abroad, and listeners in other categories, such as defectors and legal expatriates. What is perfectly normal public opinion procedures in an open democratic society such as the American, boarders on treason in the Soviet society. Citizens run great risks as it is in listening to foreign broadcasters. They run even greater risks if they expose themselves to detailed interviews on foreign broadcasting listening habits in the manner of surveys customarily conducted by professional pollers in this country. Moreover, foreign poll-takers would be looked upon as espionage agents by the regime, and, accordingly, they too would be accepting great personal risks by engaging in poll-taking on Soviet territory.

Closed societies of the Soviet type overprotect their citizens against the "contamination" of foreign ideas and ideologies that could threaten the regime's security. This is one dimension of people-to-regime relationships in political totalitarianism of which censorship is only one part; another part is the prevention of direct physical access to the people by outside sources. Both censorship and this denial of access are segments of the larger political and ideological effort to maintain both ideological purity and the regime's monopoly over the input of information into Soviet society. The purpose is to control what the Soviet citizens can and cannot listen to as well as to deny them the right not to listen.

Without the normal techniques for testing audiences, RL faces a serious problem, therefore, in attempting to judge the effectiveness of its operations. George Perry, ARD's Assistant Director, summed it up very succinctly when he said: "We have no access to the population. This is the main obstacle." Mr. Sargeant expanded on the implications of this problem:

"Many of the techniques and tools that are available to a radio attempting to communicate with an open society are completely unusable so far as the Soviet Union is concerned. If you can't take public opinion polls or conduct audience research surveys, or, indeed, even provide for the monitoring of your radio's short wave signal so as to determine whether it is reaching the areas and audiences you intend to reach, you are indeed flying, if not blind, at least in a pea-soup fog."[1]

B. Resulting problems for RL

This constricting condition on evaluating audience impact creates a set of special problems for RL, namely: (1) without a reasonably accurate accounting of audience impact and effectiveness, how can RL know it is accomplishing its objectives? and (2) not knowing audience impact, and thus audience preferences, how is it possible to structure programs that will have the greatest appeal and effectiveness?

II. POSITIVE MEANS FOR EVALUATING RL'S EFFECTIVENESS

A. Interviews with Soviet citizens

1. Some Sources for Judging Audience Response

Despite known disadvantages which by the nature of things cannot be easily corrected, RL attempts, nonetheless, to establish some positive basis for judging audience impact, however imprecise it may seem compared with the reasonably accurate techniques in American public opinion research. It does this by collecting evidence on audience reaction, (1) in interviews with Soviet visitors to the West, legal Soviet expatriates, Soviet defectors, and with some Soviet listeners actually living in the Soviet Union itself; and (2) from letters received from Soviet listeners through the indirect method of a mail drop in the West. The substitute audience panel and the special program auditions panel, discussed in Chapter IV, provide another input, though limited, into assessing possible audience response.

Through these efforts ARD attempts to fill the gap between the speaker and the audience, to determine an accurate image of the listener and the listener's image of RL (both essentials for success in communications), and to build the foundations for a continuing dialogue with the audience. The Director of ARD files a quarterly report containing an analysis of and references to listener mail, reactions to RL emanating from the media of the Soviet Union and other Communist countries, conversations with Soviet listeners at home and abroad, and related background material on attitudes and conditions in the Soviet Union.[8]

2. Difficulties in Interviewing

Interviews, or "conversations" as RL prefers to term them, presumably since they lack the formal structure and statistically-workable ingredients of professional poll-taking known in the United States, are regarded as a prime indicator of audience response. During FY 1971 interviews were conducted with hundreds of Soviet citizens, of whom well over one-half were foreign radio listeners. But, interviews are very difficult to conduct. Polling by Soviet Government agencies has only begun in recent years in the Soviet Union, and the people do not regard them as scholarly efforts but rather as instruments of the KGB. The problem is especially acute in the Soviet Union where the climate of suspicion impedes a genuine exchange of views, especially with a foreigner. Even interviews conducted with Soviet visitors in the West are carried out with difficulty. It is estimated that only one out of eight contacts will yield a fruitful interview.[3]

The results of interviews are sent to RL headquarters in Munich by field correspondents where they are compiled in a final Target Area Listeners Report that is prepared by ARD and distributed throughout the organization. These reports describe the interviewee, his occupation, nationality, age, and language facility. They include such details as place, listening times, language of broadcast, audibility, jamming effectiveness, and specific programs of interest. In addition, the conversation is summarized, and this may include statements about public reac-

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tions, comments on recent events and expectations about future developments. An example of a TAL report is included in the study as Appendix 19.

3. Analysis and Use of Interview Data

RL approaches analysis of audience research data conservatively. ARD does not claim to have enough data at its disposal from interviews to speak about a "sample"—that is, an interpreted in a statistical sense.[4] It does not go beyond the claim of having only "bits and pieces of samples that could be indicative of some certain groups," as Mr. Perry said. Yet, Mr. Sargent has written that such interviews have been collected and properly coded, transferred to cards and can be processed by machines to show "an increasingly accurate picture of the listeners, and of potential listeners."[5]

Accordingly, ARD is able to give RL programmers some perception of their audience's image and scattered evidence of impact and effectiveness. In recent years this perception and measure of effectiveness have no doubt become more reliable because the percentage of ARD interviews has been progressively increasing from 17% in 1969 to 23% in 1970 and up to 41% during the first quarter of 1971.[6] The ages of RL's listeners were estimated in mid-1971 to be 35% in their 20s; 31% in their 30s; and 16% in their 40s.[7] The preferred listening time was cited at 2001–2400 for 57% of listeners with the next highest percentage preference at 16% from midnight to 0400.[8] The distribution of audience occupation in 1970 was concentrated heavily among the intellectuals, including university students: 72% of the listeners were said to be from the intellectual professions.[9]

Clearly, audience research data of this nature confirms RL's judgment on audience structure, policy content, and program design. This is especially true of ARD studies on audience reaction to samizdat, presently the main staple of RL's programming. Again, RL's judgment was reaffirmed. During the first quarter of 1971, 87% of the interviewees mentioned samizdat favorably, 3% with mixed or neutral reaction, 10% hostile reaction. During the 4th quarter of 1970, 100% of the interviewees mentioned samizdat in a friendly manner; for the 3rd quarter of 1970, there was 90% with 10% mixed or neutral. The total overall percentage for this nine-month time-frame from July 1, 1970 to March 31, 1971 was 85% friendly, 4% mixed or neutral, and 11% hostile. Moreover, RL's focus on the intelligentsia was reaffirmed. The majority of listeners mentioning samizdat (70%) belonged to various segments of the intelligentsia.[10]

Undoubtly the most comprehensive assessment of empirical evidence of RL's effectiveness drawn from interviews is contained in ARD's quarterly reports. The report for the second quarter of 1971 generalized on the data collected in an effort to determine listener profile, effects of jamming, specific program interests, programming suggestions, RL's impact and image in the eyes of its listeners, attitudes on specific problems such as samizdat and Jewish emigration, criticism of RL, and responses from the nationality areas.

On the basis of empirical evidence the listener profile for the second quarter of 1971 looks like this: RL respondents came from all walks of life, although the number of those holding positions in the technological, scientific, and cultural fields outweighed those in other professions. Many listeners were under 40 and an "overwhelming majority" supported RL and its aims. Listening took place mainly in large industrial cities such as Moscow, Leningrad, and Kiev and their surroundings, though a sizeable number in Siberia, Uzbekistan and Kazakhstan in Central Asia, to Georgia and Armenia in the South. Most listeners whose nationality was ascertainable were Russians, followed by Ukrainians, Belorussians, Karelians, Georgians, Kazahs, Latvians, Estonians, Lithuanians, Tatars, Bashirs, and others from Eastern Europe.[11]

Other categories within the report either directly or indirectly provide some indication of RL's effectiveness, but perhaps none so much as "Radio Liberty's Impact and Image in the Eyes of Its Listeners." Under this category numerous comments were made about reasons for listening to RL and what its impact was judged to be.

For a scientist, RL had become a "most important source of information and a link between our more free-thinking intelligentsia and the Soviet working people." A musician considered that "normalization" of Soviet life could only come through the creation of a public opinion which would exert pressures for change. Since there was no freedom of information at home, the initiative had to come from abroad—and RL, he said, was the only possible source. "Thanks to Radio Liberty's broadcasts," said a Moscow engineer, "I have learned to think and develop a 'free relationship' with the outside world." This theme was reiterated by a Soviet musician who said that "free voices from abroad, especially the voice of Radio Liberty, are the only forces which can wake people up and open their eyes."

Listeners were aware of regime attacks on RL and expressed concern for the radio's future. According to a Moscow engineer, rumors were being circulated to the effect that the station would soon cease broadcasting.

RL was of special interest to a Leningrad scientist since, in his words, It is what a Russian radio station would have been like if we had had freedom of speech in our country." A traveler from Sverdlovsk considered RL to be a free and international" station, not government operated like the BBC or VOA, and this enabled it to devote so much time to Soviet problems. He appreciated this. A Kiev intellectual who previously thought RL was an "American propaganda station" had changed his opinion when he became more familiar with its broadcasts. He now felt that, although financially supported by the United States, it was working for the good of Russia. Whenever an official announcement was made in Soviet media, said one engineer, it was very common to hear people remark: "That's what 'ours' said. But we will have to know that 'they' will say." "They" was RL.[12]

Scattered evidence of impact and effectiveness like this and other evidence included in the quarterly report cannot constitute a "sample" according to the statistical requirements of public opinion research. RL is the first to acknowledge this limitation. Yet, it would seem to be a commonsense judgment that comments by opinion leaders such as scientists, engineers and others within the intelligentsia could be reflective of important preferences and predilections of others within the Soviet intelligentsia and perhaps even in broader segments of Soviet society.

4. Alternative Methods In Measuring Impact: Szalay Report

To the outside lay observer it does indeed seem that RL has a narrow base upon which to judge audience response and that within this economy of means it attempts to make the most of the data in order to structure its programming according to the interests of its listenership and its own political goals as a broadcaster. Accumulation of data over the years presumably has provided RL with substantial material upon which to make reasonable assessments of its impact and effectiveness. And this it seems to have done, within the limits of available data.

Still, the question arises whether or not more could be done with the data that is available. "Caution is ARD's virtue," said one senior RL staffman; yet, is it too cautious?

(b) Szalay report on alternative methods

This writer has no specialized knowledge for making such a determination. However, Dr. Lorand B. Szalay accompanied the CRS research group to Munich as a special consultant in audience research where he observed and analyzed the audience research operations of both RFE and RL. Dr. Szalay is an American specialist in the field of communication research, intercultural communication, and psycho-linguistics, trained at the University of Vienna and the University of Illinois, and in recent years engaged in special contract work for the United States Department of Defense at the American Institutes for Research, Kensington, Maryland.

RFE attempts to do more than RL in the field of audience research, owing to the unique characteristics of its audience area in contrast to those of the Soviet Union. Accordingly, RFE has made greater claims for the results of its broadcasting efforts than has RL. For this reason, Dr. Szalzy spent a greater portion of his efforts in observing and analyzing RFE's audience research department. On the basis of his examination of both audience research operations, Dr. Szalay has made the tentative judgment that RL could perhaps do more with its audience research data drawn from interviews than what is now the case. Dr. Szalay's full report is included at the end of this study in a "Special Addendum."

B. Letters from Soviet listeners

(1) Techniques for Eliciting Listener Response

Interviews as a means of evaluating audience response are supplemented by letters from Soviet listeners. Such letters are regarded as documentary evidence upon which judgments can be made on Soviet listening behavior and on Soviet attitudes toward RL programming.

There are two ways in which letters are received from the Soviet Union. One is by establishing give-away accommodation addresses in the West. Under this system the listener is asked to write a particular box number in a designated West European city, and he will receive in return certain give-away material, such as books and records. A popular give-away book of particular interest to radio enthusiasts is the *World Radio TV Handbook*. This is merely a standard radio handbook available in any major reference library in the West.

The other system of eliciting listener correspondence is to urge the listener to communicate with the RL speaker at an address given in the West. In both cases, the mail is forwarded to RL where it is categorized according to favorable and unfavorable letters, location of sender, etc. Such letters-to-the-editor type of correspondence and give-away offers to listeners are common practice in a free society such as that in the United States.

2. Statistics on Listener Mail

According to RL, audience feedback through mail has increased considerably in the past decade.[13] Except for a momentary decline in early 1971, apparently, the general trend continues upward. Actual numbers of letters received are not available for publication; percentages are. This may not be entirely satisfactory, but it does serve the purpose of giving some indication of listener response through mail, and at the same time denying important information to the Soviet censor.

Increasingly, more listener mail has originated from the Soviet Union than from the countries of the Soviet bloc. In 1968, 31% came from USSR; 69% from the bloc. In 1969, 56% from the Soviet Union; 44% from the bloc. In 1970, 62% from the Soviet Union; 38% from the bloc. And for the first three months of 1971, 87% came from the Soviet Union; 13% from the bloc.[14]

In the second quarter of 1971, listener mail

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decreased in number. Aside from the seasonal factor (the second and third quarters of the year usually have less mail than the fall and winter quarters), the decrease in listener mail in the second quarter was ascribed to RL's discontinuance of give-away offers and to the hostile and systematic campaign which Soviet media have been waging against RL during the past three quarters. In fact, only one letter was a response to a former give-away offer, while most of the other mail items contained comments, both friendly and critical, to problems and questions raised in RL's programming. It was during the first quarter of 1971 that 105 attacks against RL in Soviet and orbit media were recorded, a figure surpassed only during the previous quarter when 156 attacks were recorded.[15]

Audience mail does serve the useful purpose of giving RL some perception of its listenership. In the first quarter of 1971, 96% of the mail was regarded as substantive in content; 4% without substantive content. In the second quarter, the percentages were 95% and 5% respectively.[16]

Russian is the language in which most of the broadcasts were heard. In the first quarter of 1971, the percentages were 85% Russian, 13% Ukrainian, and 2% Georgian. In the second quarter, the percentages were 74% Russian, 16% Ukrainian, 5% each for Belorussian and Bashkir.[17]

As for geographical distribution of audience mail, in the first quarter of 1971, 56% came from the RSFSR, 30% from the Ukrainian SSR, 4% from the Georgian SSR, and 2% each from the Latvian, Estonian, and Moldavian SSRs. Those addresses that could not be ascertained were placed at 4% for the entire USSR. For the second quarter the percentages were 50% RSFSR, 31% Ukrainian, 6% Belorussian, 6% each for the Latvian and Lithuanian SSRs. From the other Communist countries in Eastern Europe the percentages were as follows: 30% Rumania, 30% Poland, 20% Czechoslovakia, and 10% each for East Germany and Bulgaria.[18] In 1967, RL reported that "an extremely high proportion" of its mail comes from Moscow.[19]

RL also categories its mail according to "repeat writers" and "first-time writers." In the first quarter of 1971, the letters from repeat writers were 6% from the Soviet Union and 71% from the bloc countries. Letters from first-time writers were 94% from the USSR and 29% from the bloc countries. In the second quarter of 1971, the percentages were 6% repeat writers from the USSR, 67% from bloc countries; and 94% first-time letters from the USSR, and 33% from the bloc countries.[20]

Moreover, RL records the sex of its correspondents. In the first quarter of 1971, 81% of the correspondence was from males, 19% from females. In the second quarter, 68% was from males, 16% from females, with 16% unascertainable.[21]

3. Content of Letters

RL also categorizes the content of its mail according to "friendly" letters and "hostile/critical" letters. The report for the second quarters of 1971 stated that the proportion of hostile to friendly letters was not as high as in the previous quarter, but was "still substantial." "Some of the hostile letters," the report said, "indicated that their authors were acquainted with the official reactions to Radio Liberty's activities." [22]

In general, friendly listeners praise RL's operations and criticize their own Soviet media. Judgments are made within the context of comparisons between Soviet "democracy" and genuine democracy in the West. RL is also praised for providing information to the Soviet listener in the tradition of a free press. One listener from the Ukraine commented favorably on RL for its "regular and accurate information." In turn, he criticized the Soviet leaders who "maintain a cowardly silence and wish to hide a pig in a poke from their very own people . . ." The writer continued:

"In so doing, of course, to our shame and regret we have to learn the truth not from the voice of the public, but from abroad. And all this only serves to undermine more and more their authority in the eyes of their own people . . . Let me express over and over to you my acknowledgment that you have been able to open my eyes and broaden my horizon."

Taking issue with RL's question on the 24th Congress of the CPSU, the writer continues:

"I only regret that I am a Russian and still live in this wretched Russia and have to write in shameful block letters like an illiterate at a time of freedom of the press and speech. And I am not sure whether my letter will reach you and whether I will find out about it in your broadcasts. If you receive it, may I ask you strongly to put over its message in several programs; for, because of the strong jamming, I may not hear my own voice . . ." [23]

Another writer from Stravropol Kray, RSFSR, a woman listener, made the sweeping judgment that "everybody [in the USSR] listens to Radio Liberty." In the buses, she said, people exchange comments about its broadcasts. She praised RL's *Women's Show* series devoted to the Soviet working woman but added this critical comment: "You in the West have no idea what . . . [the life of a Soviet woman is like], but you are not to blame for that." [24]

RL also receives and records in its files letters that are hostile and critical. A worker at the Zaporozhstal factory, claiming to speak for his comrades, denied both the persecution of Jews and the restrictions on the freedom for Soviet writers. Seemingly well informed about the activities and works of a number of Soviet dissidents, he compared the virtues and achievements of the Soviet constitution with the "freedom" in America where "in broad daylight" a President is murdered.[25]

A letter in a similar vein from a listener in Moscow Oblast dismissed the "slanderers" whose "cast-iron throats will be silenced," and concluded: "The day will come when there will be no more West Germany, US, or any other capitalist country." [26]

Another letter from a group of Tatars and Bashkirs charged that RL presented their life "in a distorted way;" that they "have got enough of everything;" and expressed compassion for the lot of former Soviet citizens living in the West in these words: "We are sorry for you, brothers." [27]

RL categorizes responses from listeners according to "friendly" and "hostile/critical" reactions and attempts to measure the response in percentages. During the first quarter of 1971, the category "friendly" response recorded 43% for letters and 85% for interviews; the category "hostile/critical" recorded 57% for letters and 15% for interviews. For the second quarter, the percentages for the "friendly" category were 74% for letters, and 88% for interviews; and for the "hostile/critical" category, 26% for letters and 12% for interviews. The total percentages for both quarters and for both letters and interviews were 81% for "friendly" and 19% for "hostile/critical." [28]

4. Significance of Listener Mail

Listener mail provides RL with another important input of data, despite acknowledged imperfections, to flesh out its perception of the Soviet audience and to measure its effectiveness in broadcasting. It provides further documentary evidence, though minimal, of audience reaction. What is important to bear in mind in measuring the value of listener mail was pointed out by George Perry, namely, that "people write when they are really motivated, either pro or con"—meaning that listener mail reflects a significant reaction to programing and thus takes on a special value of its own in determining audience reaction.

On the other hand, the value of this reaction may be somewhat diminished by the fact that, apparently, RL strongly encourages listener response by mail; in fact, the practice may be overdone. As one senior RL staffer said in a post-broadcast audition on the matter of soliciting listener mail: "Perhaps we are unwittingly giving it more emphasis than is advisable." [29]

Nevertheless, this does not devalue listener mail per se as an important input factor in measuring audience impact; for, listener mail, whether pro or con, is an affirmation of RL's purposes, namely to provoke the Soviet people to think critically and independently and to contemplate alternative solutions to problems on the basis of more complete information. Dr. Sosin inferred as much in a statement evaluating the evidence on RL's listenership. The evidence that RL is heard in the Soviet Union, he said, comes from hundreds of interviews with Soviet tourists, members of delegations in the West, conversations with Soviet citizens held by Western tourists, guides and students, and "perhaps most important," he said, "from letters which slip through the net of Soviet censorship and reach Radio Liberty's mail drops in the free world." "The great majority of this audience mail is favorable," he continued, "and encourages Radio Liberty in the conviction that its basic premise is sound, namely, that in all walks of Soviet life people are thirsty for information and ideas denied them by the official media; that in the current era of ferment after de-Stalinization they seek a deeper understanding of their own society." [30]

C. Other bases for evaluating effectiveness

1. References to RL in Soviet literature

For internal organizational purposes RL relies wholly on interviews and listener mail as positive means for evaluating its effectiveness. Still, the frame of reference for audience reaction could be broadened to include comments in Soviet literature (not regime attacks) on RL and other foreign broadcasters, and also to include general evaluations on RL's activities made by Western authorities, private scholars or officials in government.

With regard to the first point, that is, references in Soviet literature, there has been a steady growth of evidence to demonstrate the value of RL in the eyes of many Soviet listeners. Frequent references have been made to Western broadcasts in Soviet literature, particularly in samizdat, and appeals have been voiced, urging that such broadcasts be continued.[31] Yuri Galanskov, author of the samizdat, "Organizational Problems of the Movement for Full and Universal Disarmament," made this reference in an appeal on behalf of imprisoned dissenters:

"The Western press, and *especially Western radios in the Russian language,* give wide currency to facts of arbitrary judicial actions and administrative perversion, pinpoint their social nature, and force the state organs and officialdom to take urgent measures. This overcomes the natural inertia and conservatism of the bureaucracy . . . In functioning like this, Western press and radio perform the task of an organized opposition which is presently lacking in Russia, and thus stimulate our national development." [32]

A recent example of this sort evaluation by indirection was the revelation in *New York Times* in August 1971 of the existence of a publication in the Soviet Union called, "Political Diary." It was described as an exceptional example of political samizdat. Typical of the disquiet evident in this publication was a letter dated February 1966 and sent by an educator to Premier Kosygin. Of particular importance for this study is the writer's reference to Western radio broadcasts. The letter, printed in the Diary, said that people

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had "a great many questions to which they are not getting direct answers, either in the press or on the radio, or in the speeches of our party and Government leaders. It is not surprising that many of our people are beginning to find their answers in foreign radio broadcasts." [33]

Another form of evaluation by indirection is the frequency with which the upper echelons of the Soviet ruling elite draw upon foreign broadcasters like RL as sources of information. This statement cannot be documented with the precision of the above reference to the "Political Diary;" but it is known that the Soviet leadership draws heavily upon daily monitored news from abroad. As Dr. Poole observed: "For the Soviet elite there is, of course, as there always has been, substantial coverage of foreign news sources in the classified monitoring reports." [34] Even middle and upper class Russians have shortwave radios available, and, accordingly, as Dr. Poole noted, "BBC, Voice of America, and Radio Liberty broadcasts are normal information sources for high status Soviet professionals or bureaucrats." [35] By implication, therefore, the Soviet leadership itself places a high positive value on foreign broadcasters such as RL.

What effect such access to outside information sources has on the ruling elite cannot be determined. In a comment on the immediate prospects of samizdat developing into "any sort of important political force," Peter Reddaway made an observation that has relevance to this larger question. "I happen to think," he said, "that samizdat at its present stage and in the present state of the Soviet society has little or no direct impact on policy-making by the leaders. I do not see it as part of a political struggle. On the other hand, I see it as potentially of the greatest significance . . ." [36]

2. Views of former Soviet citizens and Western authorities

Other sources of evidence upon which to judge RL's general audience impact are the assessments of former Soviet citizens now living in Israel and the West who had been listeners while in the USSR, and also assessments by Western authorities who through their various academic and official connections have established credentials for passing judgment. All comments found tended to support the radio. This does not necessarily mean, however, that there has been no adverse criticism. The following are examples of favorable commentary.

Dr. Boris Tsukerman, Soviet physicist and human rights activist who left the Soviet Union in January 1971 and is now a citizen of Israel, declared that "Radio Liberty has its own audience in the USSR. This conclusion is the result of my conversations with many people." [37]

Mrs. Natalia Belnikov, wife of the deceased Soviet writer Arkady Belnikov lecturer at Yale University, and former staff member of the Sociological Department of the Moscow Radio and Television Committee, described their listening habits and those of their friends while in the Soviet Union. What seems most significant about her comments is the high value that is placed on the work of foreign radio broadcasters and also the widespread influence these broadcasts have within the Soviet intelligence. Mrs. Belnikov said:

"I well remember the efforts made by my friends to hear, despite difficulty, the unfettered word filtering through jamming. My invalid husband would spend hours sitting tensely before the radio, operating the volume and tuning controls with both hands. We saved our money, and even went without necessities, in order to buy the most sensitive receiver; all of us had homemade schedules of broadcasts by the BBC, VOA, and Liberty. People bought (illegally, of course) special adapters for Soviet-made receivers in order to increase the range of frequencies. We would report to each other immediately on what we had heard, and set up a timetable to take turns listening. I happen to know that recently this timetable has been operating throughout the night time when the jammers are ineffective. The technique of listening has been perfected. Broadcasts are being recorded on tape recorders. The broadcasts that are most prized by listeners get transcribed on the typewriter and became part of *samizdat* . . . " [38]

Western specialists on Soviet affairs have also made assessments on the effectiveness of RL as a broadcaster. Pete Reddaway, Soviet specialist at the London School of Economics, stated that from his "intensive study in recent years" on the democratic tendencies and movements in the Soviet Union he has accumulated "massive evidence of the importance which these tendencies and movements attach to Radio Liberty." [39] Another scholar, Jean Train, Professor of Russian at the Ecole Polytechnique, declared that according to many of his informants, RL "is listened to avidly by most of the intellectuals and leaders in the Soviet Union" with whom he has been in contact for many years. So important are RL's programs to these intellectuals that a number of groups have been formed, he said, "for the express purpose of listening to them and discussing them afterwards." [40]

Governmental authorities on both sides of the Atlantic have commented favorably on RL's effectiveness. Before the Senate Foreign Relations Committee, Mr. Martin J. Hillenbrand, Assistant Secretary of State for European Affairs, acknowledged that estimates of the number of RL's listeners are "of necessity less precise" than those of RFE, still, "there is extensive corroborative evidence which shows that . . . it has a large and tenacious audience." Mr. Hillenbrand went on to say that further evidence of audience impact comes from foreigners living and working in the area "who confirm that these peoples depend on the radios and that a significant proportion of the broadcasts penetrate the jamming." "One of my colleagues, fluent in Russian, who recently spent a two-year tour in the Soviet Union," Mr. Hillenbrand continued, "has said that in all his wide travels in that country he seldom met an individual who did not admit to listening to Radio Liberty." [41]

A similarly favorable appraisal came from Asher Lee, a British specialist on Soviet affairs and BBC Director of External Audience Research from 1948 to 1970. "In their research work conducted by us at BBC," Mr. Lee said, "we received many indications that this unique service provided by Radio Liberty was widely heard and appreciated by a significant audience in the USSR who, to a great extent, rely on Radio Liberty for information and an analysis on events in their land and abroad." Many Soviet listeners regard RL as their own station, he said, adding that RL broadcasters are regarded by Soviet listeners not "as foreigners transmitting from abroad, but as friends who enlighten." [42]

Taken together many of these statements, and others that are included in RL's formal presentation to Congress and appended to the Senate Foreign Relations Committee hearings, have the ring of a self-serving commercial so frequently seen on American television; but this is a matter of tone and style, and does not devalue the substance, for many of the scholars making these assessments are leading and respected specialists in Soviet affairs in the Western world; thus their judgments have validity; they carry the weight of authority. Negative appraisals by scholars could not be found in published literature.

III. REGIME ATTACKS AND JAMMING AS MEANS OF EVALUTION

A. Regime attacks on RL

1. Soviet Tradition of Attacking RL

Documentary and empirical evidence are positive means which RL uses to determine impact and effectiveness. RL uses other means, essentially negative, that provide another measurement, however imprecise, namely, the number of regime attacks and the persistency of Soviet jamming.

Soviet attacks on RL are nothing new. What is new is the intensity and frequency of these attacks. The Soviet book, "U.S. Radio in Psychological Warfare," published a few years ago summarized the regime's inveterate opposition to RL in these words:

"It is well known that of all types of Western 'freedoms' 'Radio Liberty' makes intensive use of one—freedom of slander, or falsifying facts and of fabricating provocative rumors. Up to the present day, 'Radio Liberty's' broadcasts transmitted) in the languages of the peoples of the USSR consist of overt and malicious subversive propaganda. All of this has been mentioned more than once in the Soviet press." [43]

2. Pattern and Intensity of Attacks

In general, the Soviets have refrained from challenging individual RL broadcasts; they concentrate rather on across-the-board public attacks. According to RL, these attacks have increased "immeasurably" in recent years and are in the form of impugning RL motives.[44]

In over 174 million copies of Soviet publications in the first 9 months of 1971, RL was designated with such epithets as "subversive," "anti-Soviet," "cover for acts of espionage," "vicious dogs of imperialism," "pro-fascist," "spreaders of dirty slanders," etc. "Numerous radio broadcasts paint Radio Liberty in similar black terms," said Max Ralis, "and not least important, in thousands of party, factory and other meetings agitprop . . . (agitation and propaganda) emissaries continue to play the same tune as part of the systematic campaign by the Soviet authorities to discredit the station." [45]

The rhythm of regime attacks in Soviet media (correlated with circulation figures of the press) is recorded in Figure 9. This chart, covering the years from 1962 through September 30, 1971, illustrates visually the increased intensity of regime attacks, especially during 1971. What seems most significant about 1971 is the proportion of attacks that were intended for external consumption and the thematic content which was correlated with larger international issues. The increased regime attacks on RL concentrated on the alleged threat to the 1972 Olympic Games by RL's and RFE's continued presence in Munich, coupled with sharp criticism of Bonn for extending the broadcasting licenses of the two stations, and discussions and commentary on the so-called "revelations" by a former RFE employee, Czechowicz, and on the new sources of sponsorship and funding for RFE/RL. Much attention was given to Congressional criticism of both radios.[46] Examples of Soviet attacks are included in the study as Appendix 21.

By the end of September 1971, the peak figure on regime attacks in Soviet media reached 357 in printed matter with an estimated circulation of 174 million; yet, this does not represent the full picture. According to Mr. Ralis and Mr. Perry, circulation of the provincial and local press in the non-Slavic languages are restricted. They reason that there are probably more attacks in those unrecorded sources that are not reflected in

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the statistics. Soviet attacks by radio are also not recorded.

(NOTE.—Figures referred to are not printed in the RECORD.)

3. Why the Accelerated Regime Attacks

The acceleration of Soviet attacks on RL is politically motivated. As senior ARD staffmen said, RL had not increased its output during this period of intense regime attacks. Hence, this was not the reason. There seems little doubt that the Soviets wanted to force RL to close down its operations and get out of West Germany, for RL represents a threat to the Soviet Government's monopoly over information and to the success of its efforts to deny the Soviet people the right of a free press. Moreover, Moscow resents what it considered to be an invasion of its internal affairs.

In testimony before the Senate Foreign Relations Committee during the spring of 1971, Mr. Paul C. Bartlett, former President of Radio New York Worldwide, Inc., explained Soviet objectives and documented his statement with Soviet sources. Mr. Bartlett recalled a visit to Radio Moscow in the summer of 1970 where he had spent an hour and a half with one of the 11 committee members who control Soviet broadcasting. Asked if they knew about RFE/RL, Mr. Bartlett replied to the Committee: "Yes, indeed they did. They said they hope to drive them out of Germany." "They make no bones about it," Mr. Bartlett emphasized, "They said they want to get those pirate operations out of West Germany," and underscored their resolve with this exclamation: "We will move heaven and earth to do it."[47]

In the spring of 1971, four developments converged to create favorable conditions for an all-out Soviet assault on RL. Success of Bonn's policy of *Ostpolitik* in which Chancellor Willy Brandt had heavily invested his Government's prestige required concurrence from Moscow. Staging of successful Olympic Games in Munich, an important prestige factor for the West Germans, also required Soviet concurrence. Renewal of licenses for both RL and RFE came due in the spring. Evidently, Moscow found in the licensing renewal issue a pressure point that could be used against West Germany to terminate the radios. Coinciding with these developments was the movement in Congress to reconsider not only funding and new sponsorship but even the existence of the radios.

The convergence of all these developments created an inviting opportunity for the Soviets, and they made the most of it. But, they failed. The West Germans resisted Soviet pressure and renewed the radio licenses.[48]

4. Effects of Regime Attacks

It is not possible to determine with any degree of accuracy the effects of the Soviet Government's media attacks on RL. It may be true, as Mr. Ralis asserts, that the attacks have had the effect of "popularizing the station among the Soviet people."[49]

And no doubt it can be safely argued that the attacks have alerted West German officials to the sort of pressures they can expect from Moscow in the future when the issue of the Radio's existence is raised again; and that the attacks may also have alerted West Germans, especially those who are concerned about the principle of a free press within their own country, to the challenges that they may expect in the future.

There would seem to be no uncertainty about the general impact RL must be making on the Soviet Union for its government to commit such energy in attacking the Radio. Regime reaction of this sort may be a negative way of measuring impact and effectiveness, but it, nevertheless, has a validity and weight value that cannot be ignored. Moreover, it could be some measure of the seriousness that Moscow attaches to the operations of the Radio in the context of its relations with its sponsor, the United States Government. This, however, is a subject not discussed in this particular study.

B. *Soviet jamming of RL*

1. Extent of Soviet jamming

An equally important measurement of RL's impact and effectiveness, even though negative in character, is the persistency of Soviet efforts to jam its signal. Within 10 minutes after RL went on the air in March 1953, the Soviet Government began jamming operations; it has continued ever since, jamming RL around-the-clock 24 hours a day.

This has not been the case with other foreign broadcasters. As early as 1956, jamming operations ceased against the BBC on the occasion of Khrushchev's visit to Britain. VOA experienced a similar respite in 1959 when Khrushchev visited the United States. Between these years and 1963 both stations experienced periods of selective jamming during which many of their broadcasts got through without interference. In June 1963, the Soviet Government suspended its jamming of all major non-Communist world broadcasters, except RL.[50]

The Soviets use two forms of jamming, namely ground-wave jamming and sky-wave jamming. Mr. George Herrick, RL's Network chief, refers to them as "totally destructive jamming techniques." According to Mr. Herrick, "jamming of this nature falls into the category of highly sophisticated noise, buzz saw, multiple tone, etc. techniques. It is considered sophisticated because it has been refined to a technique which is highly selective in its destructiveness in that it is confined primarily to the target frequency without too many adverse effects on adjacent frequencies."[51]

Ground-wave jammers are, in effect, local broadcasting stations, interspersed throughout large metropolitan areas like Moscow, which radiate interfering sounds on the frequencies of foreign broadcasters to the Soviet Union. The operations of ground-wave jammers are more concentrated than those of the sky-wave and envelop narrow sectors within urban areas. They take over when favorable conditions for sky-wave jamming decline.

In contrast, sky-wave jamming embraces large geographical areas. The sky-wave jammer makes use of reflections from the ionosphere to destroy an incoming signal in the same manner employed by legitimate broadcasters in transmitting their signals. In effect, sky-wave jammers project mirror images of the short-wave broadcasters and by so doing disrupt his transmission. Figures 10, 11, and 12 portray visually the operations of both types of jamming.

Soviet jamming stations work in conjunction with an extensive monitoring network, and the two are linked by a very efficient communications system under central control. The monitors audit the whole spectrum of short-wave frequencies and report changes in previously established patterns to central control which directs the jamming effort.[52]

(NOTE.—Figures referred to are not printed in the RECORD.)

Soviet jamming operations are extensive, and they are expensive. It has been estimated that it costs the Soviet Government over 6 times as much annually to operate the jamming network as the annual budget of RL itself.[53]

A further indication of Soviet willingness to pay a high price to prevent its citizens from hearing foreign broadcasts, despite pressing economic problems at home that could use this allocation of funds, was the estimate of USIA a few years ago on the cost of Soviet jamming. USIA compared jamming with the erection of the Berlin Wall as an admission of failure, and went on to say that, "The communists now employ something like 2,500 jammers against the Voice and other free world broadcasters. We estimate that it would cost us over $150,000,000 per year to operate a similar network. This is three or four times the amount spent by all free world radios broadcasting to the communist bloc . . . ."[54] RL estimates that the Soviets have 24 main jamming stations with between 10 and 15 transmitters per station.[55]

2. Effects of Jamming on Listeners

There is no doubt that Soviet jamming impedes the audibility of RL's signal as it is beamed into the Soviet Union, and, accordingly, it can produce a negative effect upon the number of listeners in RL's audience. Recently, a ship's navigator said that in Riga, Latvia, RL listening was on the decline because a high-pitched whistle accompanies all its broadcasts and can be heard through the thin walls of an entire apartment building. Such an "alarm" would be sufficient no doubt to deter any listener, even if the signal could be heard through the jamming.[56]

Another indication of the effectiveness of Soviet jamming was revealed in the observations by a high Soviet official who was attending a recent meeting held under the French-Soviet cultural exchange program. He maintained that RL is heard in the Soviet Union; but he added jokingly, "I assure you that at least one hour of RL broadcasting time regularly reaches the Soviet audience." Queried about the other 23 hours of broadcasting, he responded euphemistically: "Oh, I suppose they get lost in various technical difficulties," meaning, of course, jamming.[57]

Jamming cannot only destroy the incoming signal, but it can also build deep frustrations within the listener. According to Max Ralis, "listening through jamming requires steady nerves, technical skill and a great deal of patience: when Radio Liberty is heavily jammed it is often easier to tune to another station with a more audible signal."[58] For this and other reasons a majority of the Soviet population does not listen to RL.[59]

Soviet listeners object to jamming, and their complaints to RL are numerous. It is characteristic that when listener advice is sought on programming, the response will be for RL to improve its facilities to cut through jamming. Only recently a Soviet nuclear scientist said that he had been able to listen to RL only rarely because of the heavy jamming. He complained bitterly of the "illegality" of this action, adding: "The more valuable the content of the broadcasts, the more strongly they are jammed." "Jamming and censorship," he said, "are the weakest links in the Soviet regime."

Frustration of the listener is no doubt the reason for listener complaints against jamming, especially when the radio's message is being very earnestly sought. The sound of jamming adds to this frustration. The ship's navigator referred to the high-pitched whistling sound used to jam RL's signal and the penetrating effect it had throughout thin-walled apartments. This writer listened to another type of noise the Soviets use in jamming, and the effect it can have on a listener's nerves is readily understandable. The noise sounded like a piece of heavy machinery grinding away in a steady, unrelieved, pulsating, monotonous drone, much like the near-deafening noise heard in the hold of a ship when the massive propulsion machinery attached to the drive-shaft is turning the propellers.

However, jamming has also had a reverse effect than that intended by the regime Along with the frustration it causes within

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the listener, jamming also creates a greater desire within the listener to hear RL's message, particularly when in the listener's mind the degree of jamming is measured by the importance of the message. According to Mr. Ralis, "heavy jamming" is given as among the reasons from respondents to listen to RL. One listener from the Moscow area wrote RL: "These absurd tactics . . . have a reverse effect . . . the more they jam, the more our citizens try to listen; the more they jam, the less our citizens believe their own propaganda. In our country, people attempt to find confirmation from other sources for almost every communique."[60]

3. On Avoiding and Penetrating Jamming

(a) Taking advantage of twilight immunity

Soviet jamming is only partially successful; optimum conditions for sky-wave jamming seldom prevail. What works against its total effectiveness is the phenomenon called, "twilight immunity." This is a condition caused by varying heights and density of the ionosophere itself. These conditions change with the time of day. The most drastic change occurs at sunrise and sundown. The ionosphere is higher at night and lower in the day. For example, an RL signal from a transmitter in West Germany or Spain beamed to the Kiev area in the Ukraine at 1600 hours CET is attacked by a sky-wave jammer in a different time zone. The conditions of the ionosphere for the jammer are different from that for the broadcaster. (See Figures 10, 11, and 12.) As a result, the jammer fails to destroy the signal. Depending on the time of day, the sky-wave jammer often undershoots or overshoots the target, allowing the broadcast's signal to be heard clearly. These times of day and night when RL can be heard with maximum clarity are predicted with about 95% accuracy eight weeks in advance.[61]

Twilight immunity lasts between 2–3 hours. Moreover, it is a "shifting phenomenon," in the words of Mr. Herrick, and works for the benefit of RL's operations. Given the vast spread of time-zones within the Soviet Union and constantly changing conditions in the ionosphere, listeners in differing geographic areas can take advantage of this phenomenon and can hear RL's signal.

(b) Increasing power output

By increasing power RL can also penetrate jamming and extend the period of twilight immunity. "There is no doubt that the one single factor responsible for Radio Liberty's advantage over jamming," RL's engineers wrote, "is power—effective radiated power, a combination of transmitter strength and high gain antennas." "Without it," they said, "all the engineering data and all the forecasts on ionospheric conditions, sun spots cycles, Twilight Immunity and other phenomena favoring broadcasters could not be effectively applied." "Power," they exclaimed, "gets Radio Liberty through jamming . . ."[62]

RL has a total transmitting power of 1,350,000 watts. Four of its large transmitters have been combined to provide two signals of 500,000 watts each and one signal 1,000,000 watts strong. By combining its power RL is able on special occasions to double or triple the possibilities of penetrating an area of reception denied by jamming. Such increase in power could also extend the twilight immunity zone anywhere from one-half to three hours. During the Czechoslovak crisis of 1968, for example, RL combined its megawatt power in this way in order to create a single powerful signal for penetrating jamming and reaching the Soviet audience. This device has clearcut advantages, but it also has the disadvantage of denying power for transmission to other areas. An even spread of power is needed to insure maximum effectiveness. Thus, shifts to a single all-powerful transmission can only take place on special crisis occasions.

(c) Studies of ionospheric conditions

RL has taken other technical measures to counteract Soviet jamming. It established a series of monitoring stations around the periphery of the Soviet Union to audit its own signals and measure the intensity of jamming on them. It conducted intensive studies of ionospheric conditions and projected its requirements for short-wave frequencies on the basis of these studies. In recent years, the National Bureau of Standards at Boulder, Colorado, has developed highly sophisticated capabilities in this field. The Bureau now provides RL with forecasts which help it prepare broadcast schedules using the most effective frequencies to penetrate the Soviet Union at any given moment and taking maximum advantage of such natural phenomena as twilight immunity.[63]

(d) Use of computer models

RL has also developed its own highly specialized propagation program for predicting coverage in the audience area by using current computer technology. In a report providing a technical analysis of preliminary factors, twilight immunity factors, control factors and computerized service contours, RL network staff concluded:

"Our independent capability to run various computer programs as well as to write ancillary subroutines when necessary to adapt programs to our specific technical needs, permits us to rapidly evaluate the best combination of our technical facilities to use to most effectively over the U.S.S.R. target area and to overcome the jamming effort directed against our transmission."[64]

(e) Other anti-jamming measures

Other measures can be taken either to penetrate or avoid jamming. "Speech processing" equipment—clippers, noise-suppressors, dynamic range limiting amplifiers are used. They increase the intelligibility of the signal.[65] RL programmers also take special pains to train speakers whose voices are especially suited to penetrate jamming, and despite technical obstacles, apparently, their voices can be reasonably audible.

Soviet listeners also put adapters on their own radios to increase the range of frequencies and to improve dialing and reception. Some Soviet listeners build an efficient selector that refines the process of tuning. As Mrs. Belinkov said of her husband: "My invalid husband would spend hours sitting tensely before the radio, operating the volume and tuning controls with both hands."[66] Listeners also orient a directional antenna toward the jammer; this, according to Mr. Herrick, reduces the effects of jamming.

Soviet listeners are aware of twilight immunity, and, they can take advantage of it. A recent arrival from the Soviet Union said very frankly that if a person wants to listen to RL, it can be done. During the period of twilight immunity, at 1900 in the evening, she said, the signal cannot be jammed. Then, it is also possible to listen at 0100 or 0400 in the morning.

Ground-wave jamming in the cities can also be avoided. All major Soviet cities have a special type of ground-wave jamming which obliterates practically all of the signals from foreign broadcasters that the regime wants to jam. In some large cities, such as Moscow where its downtown area is heavily jammed, there is, however, an increasing number of people living in the outskirts and there the signal, according to one source, "can come in loud and clear."[67] Audience surveys show that about 75% of RL's listeners are city dwellers. For them it is, therefore, just a matter of going to the countryside to pick up the signal. Dr. Alexey V. Levin, a former Soviet nuclear physicist who had left the Soviet Union in 1968 and is now living in New York, told the House Foreign Affairs Committee:

"Of course, Radio Liberty's broadcasts are subject to constant jamming in Moscow and other big cities. The Soviet bureaucracy is determined not to lose its information monopoly. Jamming causes some people to travel late at night outside the city, perhaps for an hour or two, to listen to the broadcasts. Sometimes they take along a tape recorder and get them down that way. I, personally, knew people who did that."[68]

Thus, Soviet urban listeners hear RL's broadcasts in several ways. One is to travel to the surrounding countryside; another is to acquire the best receiving equipment; another is to rely on patience to wait for "lulls" in the jamming, which often means listening at very late hours. As one listener from Moscow recently said: "I listen on a sensitive Japanese transistor. During the day the jamming never lets up, so I try to listen after midnight . . ."[69]

Then, RL broadcasts on multiple frequencies, creating special problems for jammers. Moreover, regime monitoring requires that one channel be left unjammed. The task for the listener is to find which one.

Finally, vacation-time in the Soviet Union provides good opportunities for listening. The necessary leisure time is available, and atmospheric conditions are occasionally jam-free. In Bolgrad, Odessa Oblast, according to one Soviet maritime engineer, reception is so good that vacationers tape-record foreign broadcasts to take home to their friends or to sell on the black market. The most popular recordings, he said, concern persecutions and arrests in the Soviet Union.[70]

4. Jamming Effectiveness

How effective Soviet jamming is in destroying RL's incoming signal, and, conversely, how effective RL is in penetrating Soviet jamming cannot be determined in any precise way. According to Assistant Secretary of State Hillenbrand, evidence from persons living and working in the audience area confirms that a "significant proportion of the broadcasts penetrate the jamming."[71] Perhaps, this is the most that can be said. RL seems to have been very cautious in making any sweeping generalizations on effectiveness, seemingly never going beyond this order of magnitude.

However, this is only one side of the matter. Perhaps, what is most important is the high value that the Soviet Union itself places on RL; it does this by investing millions of dollars in resources needed elsewhere into preventing RL's signal from reaching the Soviet audience. This is a very real measure, not only of regime reaction, but, more importantly, of the value that Moscow places on RL's effectiveness. As Foy Kohler, a former United States Ambassador to the Soviet Union and a long-time specialist on Soviet affairs, observed in a comment on regime reaction to both RL and RFE: "If the radios were not reaching a significant audience, they would be accorded the silent treatment these regimes prefer to give to social phenomena which are inconvenient for, or contradictory to, the official line."[72]

The recent complaint of a Soviet agricultural official on this misallocation of resources points up the seriousness of Moscow's resolve to black out RL's programs. "It is idiotic," he said, "to spend millions to jam foreign broadcasts at a time when the research budget for agriculture is reduced."[73] Agriculture has been and continues to be the Achilles heel of the Soviet economy. Yet, the Soviet Government, apparently, has a higher priority in the allocation of its resources, namely, to prevent a challenge to its monopoly on information.

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IV. RL'S AUDIENCE IMPACT AND EFFECTIVENESS

A. What does it all add up to?

How is it possible to make any valid judgments on the extent of RL's impact and effectiveness? Hundreds of interviews a year from a narrowly selected audience provide one input for measurement. Listener mail, some 6000 letters since 1956 (an average of some 33 letters a month), provide another.[74] Both represent positive means for judgment.

Assessment of regime media attacks and calculations of Soviet investment in time, resources and energy into jamming provide essentially negative inputs. Yet, they, at least, have the virtue of creating greater certainty in a very uncertain area of human judgment.

But what does it all add up to?

B. Dr. Wilbur Schramm's evaluation in 1962

This is the same question that Mr. Sargeant asked in his lecture delivered during the inaugural year 1965–1966 of the Edward R. Murrow Center of Public Diplomacy at Tufts Fletcher School of Law and Diplomacy. Mr. Sargeant answered the question by recalling that in the autumn of 1962 he had asked Dr. Wilbur Schramm, Director of Stanford's Institute for Communication Research and a pioneer in the field of mass communications research, to spend a week at RL's Audience Research Department in Munich and to evaluate what RL was trying to accomplish.

Dr. Schramm gave Mr. Sargeant this evaluation:

"Every time I come to Munich I am impressed by the cruel conditions under which audience research has to be done here. By the rules of the game, 95 percent of all the sophisticated methods available to field researchers in western countries are foreclosed from use. I described the process of RL audience research . . . as being about like a man fishing in a murky lake without any hook on his line. He is unable to see any fish, and practically unable ever to catch a fish. Only occasionally, by being very attentive, he may feel a fish brush against his dangling line. This is the kind of job Max Ralis is trying to do. For this reason, we must be careful not to ask too much of the results of RL audience research. We have no reason to suspect that our contacts represent a probability sample. Therefore, we have no right to apply the usual statistics of reliability, and no scientific right to ask questions about the size of audience or size of segments within it. We must be very careful about saying anything about the 'profile' of the audience. . . . My impression is that your Audience Research department is doing a careful and thorough job, and exercising considerable ingenuity and imagination . . . furthermore, no recent discovery of social science, or no tool transferred from Western audience research is likely to make any magic change in the amount of information that becomes available on your audience. . . . But I feel that you can be confident that work is going forward in a solid and intelligent way, no claims are being made that should not be made, and the effort is in good hands.[75]

'We have made some progress in the years since Dr. Schramm wrote these lines to me," continued Mr. Sargeant, "our data is a good deal more voluminous, and we are able to use modern data processing techniques for its analysis." Mr. Sargeant went on to make what seems to an outside lay observer to be a justifiably cautious judgment, "but the main points he made then seem to me just as valid today."[76]

C. Possible modifying factors

Commonsense seems to dictate that the positive inputs of interviews and listener mail can at best give RL only a hazy image of its audience and an uncertain estimate of its effectiveness. Still, this judgment might be modified somewhat by the knowledge that interviews, particularly those among the scientific intelligentsia, have an especially high value in weighing impact since they represent opinion leaders within Soviet society. Moreover, the number of interviews are, apparently, on the increase, especially with the expansion in the last few years of the Soviet Union's scientific and cultural exchanges programs in the West.

This judgment might be modified still further by an awareness that while RL may have an opaque view of its audience, nevertheless, by the expertise of its staff, the quality of research, and particularly the emergence of the samizdat phenomenon, an unknown quantity in the early to mid-1960's, which provides rich new insights into the workings of Soviet society, RL itself can make assessments of its audience, programming needs, and probable effectiveness that may make this ordinarily opaque image appear somewhat clearer. Thus, it is possible, though not probable, that RL may not be "flying blind" entirely, to use Mr. Sargeant's metaphor, and perhaps may even be in atmospheric conditions that are somewhat clearer than "a pea-soup fog."

FOOTNOTES

[1] Sargeant, Communications to Open and Closed Societies, p. 174.

[2] Analysis Report #6–71, Evidence of Radio Liberty Effectiveness (Second Quarter of 1971), July 26, 1971. (RL, v. XII, pt. 2).

[3] Hopkins writes: "So far, Soviet mass communications researchers have done little to measure radio audiences and listenership. All that Soviet authorities know is that the radio broadcasting network is technically capable of reaching all but a fraction of the Soviet population." (op. cit., p. 249).

[4] According to one RL paper, "direct, though random, contact with the listener is established through listener mail, of which there has been a considerable flow since 1960, and through interviews with Soviet citizens visiting in the West. While these contacts are not quantitatively large enough to provide a representative sampling of the audience for statistical purposes, the substantive information contained in the *Listener Mail Reports* and *Target Area Listener Reports*, issued by the Audience Research Division, serves frequently to confirm or refine policy judgments, and on occasion listeners have made direct programming suggestions which were considered worthy or instituting in Radio Liberty programs." (RL Policy Formulation, June 1971, p. 19. *In*, RL, v. IV, pt. 7).

[5] Sargeant, Communications to Open and Closed Societies, p. 176.

[6] RL Visual Exhibits, Illustration 4. (RL, v. V, pt. 11).

[7] *Ibid.*, Illustration 5.

[8] *Ibid.*, Illustration 6.

[9] RL Inter-Office Memorandum, Briefing Material, Chart VI, Audience Occupation Distribution, p. 6. (RL, v. V, pt. 12).

[10] RL's Russian Service programming samizdat programming, April 1971, section V., pp. 20–21. (RL; v. II, pt. D2).

[11] RL, Analysis Report No. 6–71, Evidence of Radio Liberty Effectiveness (Second Quarter of 1971), July 26, 1971, p. 7. (RL, v. XII, pt. 2).

[12] *Ibid.*, pp. 10–11.

[13] Policy formulation, June 1971, p. 19. (RL, v. IV, pt. 7).

[14] RL, Inter-office Memorandum, Briefing material, August 26, 1971, p. 3. (RL, v. V, pt. 12).

[15] RL Analysis Report No. 6–71, Evidence of Radio Liberty Effectiveness (Second Quarter of 1971), July 26, 1971, p. 1. (RL, v. XII, pt. 2).

[16] *Ibid.*, p. 16.

[17] *Ibid.*, p. 16.

[18] *Ibid.*, p. 17.

[19] NYU–RL Conference, Communicating with Soviet Youth, 1967, p. 4 ff.

[20] RL, Analysis Report #6–71, Evidence of Radio Liberty Effectiveness (Second Quarter of 1971), p. 18. (RL, v. XII, pt. 2).

[21] *Ibid.*, p. 18.

[22] *Ibid.*, p. 1.

[23] *Ibid.*, pp. 1–2.

[24] *Ibid.*, pp. 2–3.

[25] *Ibid.*, pp. 3–4.

[26] *Ibid.*, p. 4.

[27] *Ibid.*

[28] *Ibid.*, p. 19.

[29] RL, Post-Broadcast Audition Report, Audition of RL Russian Program for Wednesday/Thursday, Oct. 14/15, 1970, November 13, 1950, p. 11. (RL, Post-Broadcast Auditioning File.)

[30] Sosin Role of Radio Liberty, pp. 95–96.

[31] RL Formal Statement, June 14, 1971, p. 8. (RL, v. I.)

[32] *Ibid.*, p. 8. Italics added.

[33] Gwertzman, Bernard. Notes from the Russian Underground. *The New York Times*, August 22, 1971, p. 32).

[34] Poole, Ithiel de Sola. The Changing Soviet Union: The Mass Media As Catalyst. *Current*, No. 67, January 1966:15.

[35] Poole, Final report, p. 11.

[36] RL, Future of Samizdat, p. 16. (RL, v. II, D1).

[37] RL Statement, June 14, 1971, p. 46. (RL, v. I).

[38] *Ibid.*, pp. 43–44.

[39] *Ibid.*, p. 27.

[40] *Ibid.*, p. 35. Prof. Hugh Seton-Watson, a leading British specialist on Soviet affairs, declared that despite the elaborate and expensive measures the Soviet Government has taken to prevent RL's broadcasts from reaching the Soviet audience, "there is much evidence that the present audiences can be counted in millions." (*Ibid*, p. 29).

[41] SFRC, Report, pp. 20–21.

[42] RL Statement, June 14, 1971, p. 34. (RL, v. I).

[43] U.S. Radio in Psychological Warfare, pp. 33–34.

[44] RL Formal Statement, June 1971, p. 19. (RL, v. I).

[45] RL, Memorandum from Ralis, Why Soviet Citizens Listen to Radio Liberty, October 20. 1971, p. 1. (RL, v. XVII, pt. 1).

[46] RL, Analysis Report #6–71, July 26, 1971, p. 5. (RL, v. XII, pt. 2). RL, Analysis Report #8–71, October 19, 1971, p. 1, (RL, v. XVII, pt. 1).

[47] SFRC, Hearings, pp. 121 and 123.

[48] Soviet press authorities cannot plead ignorance of RL's operations. Tass correspondents have visited RL in the past. They were cordially received by Mr. Robert B. Redlich, RL's Information Advisor, who declared he discussed RL's operations with them in a most objective manner. However, upon returning to Moscow, Mr. Redlick said, the correspondents made "outrageous accusations" against RL's staff.

[49] According to RL. "A conservative estimate based on the available circulation figures shows that the attacks on Radio Liberty were carried in 174,000,000 copies of printed matter and transmitted in numerous broadcasts to vast audiences; it may be safely assumed, therefore, that Communist propaganda has, in effect, made a contribution to establishing RL as a household word both in the Soviet Union and in East European countries." The RL report goes on to say that this conclusion is confirmed by the Soviet citizens themselves. "Numerous Soviets interviewed by ARD correspondents during the year," it said, "expressed the same idea: the Soviet propaganda campaign against RL has served to increase interest in the station." A Moscow teacher in his 50's was quoted as saying: "After having

heard so much about Liberty over domestic radio, a Soviet citizen who never tuned into this station previously will think, 'If our government finds it necessary to attack Radio Liberty so strongly, it must be a station broadcasting worthwhile material.'" (RL, Analysis Report #8–71, Soviet and East Bloc Regime Attacks on Radio Liberty Committee in 1971 (through September 30), October 19, 1971, p. 1)). (RL, v. XVII, pt. 1).

[50] RL, Soviet Counter-measures against Radio Liberty, pp. 1–2. (RL, v. III, pt. M).

[51] Herrick, George. Are there different types of jamming? part 3. p. 6. (RL, v. XI).

[52] RL, Soviet jamming of Radio Liberty broadcasts, pp. 1–2. (RL, v. III, pt. M1).

[53] SFRC, RFE/RL Report, p. 20.

[54] RL, Soviet jamming of Radio Liberty broadcasts, p. 2. (RL, v. III, pt. M1).

[55] RL Visual exhibits, Illustration No. 16. (RL, v. V, pt. 11).

[56] RL, Analysis Report #6–71, July 26, 1971, p. 7. (RL, v. XII, pt. 2.)

[57] Ibid.

[58] Ralis, Why Soviet citizens listen to Radio Liberty, October 20, 1971, p. 11 (RL, v. XVII, pt. 1.)

[59] Ibid.

[60] RL, RL's technical facilities, p. 2. (RL, v. III, pt. K.)

[61] RL, RL's technical facilities, p. 1. (RL, v. III, pt. K.)

[62] Ibid., p. 1.

[63] Ibid., p. 2.

[64] RL, Computer use and propagation, p. 3. (RL, v. XI, pt. 9.)

[65] RL, Basic briefing outline, July 2, 1971, p. 7. (RL, v. V, pt. 10.)

[66] RL Formal Statement, June 1971, pp. 43–44. (RL, v. I.)

[67] NYU–RL, Communicating with Soviet youth, 1967, pp. 3–4.

[68] U.S. Congress. House. Committee on Foreign Affairs. Radio Free Europe and Radio Liberty. Hearings. 92nd Congress, first session. Washington, U.S. Govt. Printing Office, 1971, p. 54.

[69] RL, The Shortwave audience, p. 2. (RL, v. III, pt. J.)

[70] RL, Analysis Report #6–71, July 26, 1971, p. 8 .(RL, v. XII, pt. 2.)

[71] SFRC, RFL/RL Report, p. 20.

[72] SRFC, Hearings, p. 174.

[73] RL, Analysis Report #6–71, July 26, 1971. p. 8 (RL, v. XII, pt. 2.)

[74] RL, The Soviet shortwave audience, p. 2. (RL, v. III, pt. J.)

[75] Quoted in, Sargeant, Communications to open and closed societies, p. 177.

[76] Ibid., pp. 177–178.

CHAPTER VII: SOME GENERAL OBSERVATIONS ON RL

I. A SURROGATE "HOME SERVICE" TO THE SOVIET PEOPLE

This study has been structured within a fairly restricted frame of reference defined in Chapter I. On this basis it is possible to suggest some general observations.

In the first place, there seems little doubt that RL is what it claims to be, namely, a surrogate "Home Service" to the Soviet people. In this role it tries to establish a dialogue directly with the Soviet people, fill the gaps created by Soviet censorship, remove the distortions of Soviet propaganda, and act as an "echo chamber," broadcasting back to the Soviet people the thoughts and ideals of their own "loyal opposition."

Assuming the stance of a "patriotic" Soviet communicator and acting on the democratic principle of a free press, RL identifies with what it believes to be the best interests of the Soviet peoples and speaks in their behalf, hoping that in the long run this effort will contribute to those forces seeking to bring about a democratic transformation of Soviet society. For, RL's ultimate goal is the peaceful democratization of the Soviet Union; and it holds to the belief that the best assurance for peace with Russia is through the diminution of Soviet totalitarianism and the growth of democracy.

II. SUMMARY OF POSITIVE OBSERVATIONS ON RL

To achieve this goal, RL has established what appears to an outside observer to be an impressive organization: its staff is professional; its research facilities are extraordinary, serving not only RL but the community of Western specialists on Soviet affairs; its programming, tested by time and two decades of direct association with the Soviet audience, appears to be practical, yet imaginative and purposeful; its procedures in programming, developed over years of communicating with the Soviet people, seem to be sensible and efficient; its politics, highly intellectualized, rational, and pragmatic, are attuned to the most refined thinking in the Western community of Soviet specialists from which it draws for counsel in programming and policy formation; its procedures in policy formation, application and control are reasonable, strict, and as effective as probably could be expected; its audience research attempts to make the most of a virtually impossible task; its broadcasting facilities would seem to rank among the best in the world of foreign radio broadcasters; its philosophical orientation, reformist, idealistic, and pacifistic, is in the tradition of American Jeffersonian-Wilsonian democratic liberalism.

III. NEGATIVE OBSERVATIONS ON RL

A. An aging staff and difficulties in recruitment

Yet, RL no doubt has its share of organizational imperfections many of which were not apparent in a study-visit of such short duration as two weeks. The purpose of this study was not to make such a searching, detailed organizational appraisal. However, certain difficulties were apparent, and, perhaps, the most serious has already been discussed in Chapter I, namely, the problem of being caught in the scissors of an aging staff and the difficulties in recruiting newcomers from the Soviet Union.

To play its role effectively as a "Home Service", RL must have staff that is immersed in the Soviet environment with knowledge, habits, and linguistic abilities attuned to a new generation. Many senior staff within RL are now from the older emigration and presently are being carried on in the organization out of necessity. The number will increase in the next few years, and the problem will become progressively acute.

On the other hand, RL has a built-in difficulty in recruiting new staff members from the Soviet Union, especially in the Slavic areas, to replace those approaching or actually in the retirement age. Apparently, this problem does not exist within the non-Slavic areas of the Nationalities Service which can draw upon ample personnel resources in Turkey. Resources in the West have disappeared with the passing of the old post-war emigration, and severe restrictions, placed upon emigration from the U.S.S.R., prevent the much needed infusion of young, new blood. How RL will cope with this situation is one of the most pressing personnel problems facing its administration.

B. Attention to the nationalities

A second point of criticism would seem to be RL's failure to give more attention to the Nationalities Service. RL has not been spared reverberations of the historic conflict between the dominant Great Russian majority and the minority non-Russian nationalities. As indicated in Chapter V, the struggle continues within RL, but within an improving environment.

It is difficult to argue against the proposition that the predominating ethnic-political group in the Soviet Union is the Great Russian; that it is within this group where now and perhaps in the distant future resides the power and authority for shaping the country's future destiny; that historically it is the Great Russian who has held the commanding heights in Russia; and that, therefore, it makes sense to allocate the greater resources of the organization into the Russian Service.

Nevertheless, the nationalities seem to have a legitimate point of view, deserving attention. One of the most powerful forces in the modern world is nationalism, and though the Soviets deny its relevance in the Soviet setting, still they have been powerless to deny its penetration of the Soviet environment. A dramatic example in recent years has been the growing self-awareness among Soviet Jews that has been generated by a new anti-Semitic campaign initiated by the Soviet leadership. Moreover, the increasing prominence of the developing areas in international relations, notably the roles being played by India and Pakistan, along with the re-entry of China upon the world stage, re-inforce an argument made with RL in the mid-1960's, namely, that Soviet Russia's nationalities, especially the non-Slavic, have gained another measure of importance, owing to their unique relationships with these areas, and should be treated accordingly.

Samizdat records the growing concerns of the nationalities, making them a force to be reckoned with. This new energy, combined with that emerging in Russia proper and channeled within the constructive purposes as defined in RL policy, could prove to be an asset that may not now be fully appreciated.

C. An inactive board of trustees

A third negative feature of RL's operations is the ineffectiveness of the Board of Trustees. It appears that RL's Board of Trustees has failed in its responsibilities to the organization. In contrast to RFE's Board of Directors which has actively participated in the affairs of the Radio, RL's Board of Trustees has played a very passive role, seeming to defer to the President. Apparently, the strength of Mr. Sargeant as an administrator has compensated for any organizational deficiencies that might have resulted. If RL is to continue, particularly under the various proposals now under discussion, then this Board must be strengthened considerably and its role as an active participant in the organization's functions more sharply defined.

IV. PACIFICATION OF RL

The reality of RL conflicts sharply with its popular image. It began as a Cold War operation, and over the years transformed from advocacy of "liberation" to "liberalization." By any objective measurement using the traditional methodology of American historical scholarships, RL is not now a "Cold War operation" and its staff "a group of cold warriors" in the sense that these terms were used and understood during the 1950s. Rather, RL accepts all Soviet institutions (though not its ideology) and seeks to bring about peaceful internal transformation within the system as it now exists. RL concentrates its energies on the nation's elite and on the vast middle consensus of opinion; it encourages reformers; yet it seeks to moderate the extremists at either end of the political spectrum.

In external relations, RL does not advocate sharpening of tensions, though it could be argued that playing the role of a "loyal opposition" and encouraging Soviet forces of ideological erosion are in the Soviet environment tension-producing. Rather, RL encourages detente, amelioration of international differences through negotiations, strengthening of the United Nations as an instrumentality of peace, and creation of a world system based on political pluralism and the rule of law. And, while RL may be an irritant in Soviet-American relations (it represents an ideological challenge to the regime and thus it may adversely affect the modalities of relations, nevertheless, it is unlikely that it impairs detente per se which rests upon more broadly based and deeply rooted power realities. Directing its energies mainly toward the Soviet people, RL attempts to establish a dialogue with them on the assumption that by encouraging the forces of liberalization existing within Soviet society, natural and healthy self-generated pressures exerted from below upon the governing authorities will make them more responsible to the interests of the people, and, accordingly, create more favorable conditions for insuring detente and peace. For, the major premise of RL's philosophical view is faith in the wisdom of the Soviet people to achieve their nation's best interests, namely, peace and progress.[1]

Nor does RL slander the Soviet Union, its people and its leaders, though the Soviet regime would argue that reading over the air Solzhenitzyn's and Pasternak's works and the prescribed writings of other Soviet citizens on human, political and religious rights are acts of slander. Rather, RL as a "Home Service" assumes a "patriotic stance": it commends the leaders when a particular positive and creative action is taken; it points out imperfections in restrained, rational argument when a particular policy or action is wrong or harmful; it never consciously disparages the Soviet Union as a nation-state; it never purposely offends or demeans the Soviet people or its leadership. To do so, according to RL policy, would be to defeat the purposes of its existence.

In brief, RL acts as a responsible instrumentality of the United States Government and operates within a larger and generally acceptable consensus of American national interests.

SPECIAL ADDENDUM: AUDIENCE ANALYSIS AT RADIO LIBERTY

(Review and Comments by Lorand B. Szalay)

(NOTE.—Figure referred to not printed in the RECORD.)

The following is a brief discussion of Radio Liberty's audience research. This discussion entails three sections:

The first section presents a summary of the situational factors and philosophies which underlie present research activities and which require thorough examination as a highly unique task requiring individual attention.

This section is followed by a short description of the three major ongoing research activities with regard to their utility to provide audience information directly relevant to the immediate task of broadcasting.

The third section deals with the confrontation of factors demanding a primarily qualitative, descriptive research approach versus factors calling for more objective, quantitative solutions. This conflict is also discussed in relation to the necessity of a confidential, secret approach versus the desirability of an open approach.

A resolution of these conflicts is offered in recommendations suggesting a research strategy for testing the viability of a transition from the present primarily qualitative, classified approach to a more objective, open approach in the future.

These recommendations cannot be accepted without reservation, however. First of all, they heavily rely on the example set by Radio Free Europe's audience analysis. Comparing Radio Liberty to Radio Free Europe, a much larger broadcasting and audience analysis activity, is irresistible because of its apparent similarities. However, there are some critical differences, especially between the audiences of the two stations, which would make an over-emphasis on the similarities undesirable.

Another problem is that the recommendations are based on the tacit assumption that the Soviet policy toward audience analysis may be induced to change if the data collection were performed by public opinion and market research firms and the open nature of this research that follows international examples and scientific standards cannot be denied.

What is suggested is not a drastic, immediate change in procedure. Changes in the present procedures would take place only after careful testing of viable alternatives.

SITUATIONAL CHARACTERISTICS, INSTITUTIONAL PHILOSOPHIES

In its background and objectives, Radio Liberty shows some distinct similarities with Radio Free Europe. The similarities are especially important in respect to audience analysis.

First of all, there is no direct physical access to the audiences toward which the station is primarily oriented, and there is little public opinion and feedback information on these main audiences. Moreover, the stations operate in a highly sensitive psychological and political atmosphere. Although little is actually known about the opinions and attitudes[1] of these distant audiences, there are indications that during the last decades they have developed some characteristics which distinguish them from comparable Western audiences.

Despite the similarities between RL and RFE audiences, there are also some characteristic differences. The differences may have emerged as a function of the longer history of the Soviet communism and the inbred nature of the Soviet system as compared to the largely imported nature of the Eastern European Communist systems. The differences may also have resulted from the greater isolation of the Soviet population compared to the physically, geographically, and psychologically more exposed populations of the Eastern European border states.

For the Soviet audiences there also appears to be a stronger association between nationalism and loyalty to the political system. There are indications that external criticism of the system may be more readily resented on primarily nationalistic grounds. There is a type of national pride in the Soviet world power status, space achievements, and sport successes which is effectively exploited by the political system for denouncing criticism and political opposition as "unpatriotic." The Eastern Europeans, however, do not take pride in communism as a type of national achievement; rather it is generally viewed as a foreign imposition of Russian colonialism.

It is not only the combination of strong national feelings with ideological elements which complicates the situation; a combination of nationalism and white Russian centralism also produces a hard-to-predict attitudinal mixture, which challenges minority nationalisms that work toward independence and separatism.

All these factors and more contribute to making an especially complex communication task involving audiences with uncommon, occasionally highly ambivalent feelings and philosophies. Thus, the Soviet audiences pose special requirements which Radio Liberty must meet in order to provide effective, audience-adjusted broadcasting. In such a situation audience analysis becomes a most elementary and vital requirement.

At the same time, as a competent RL representative has expressed, no one in the West seems to have a very clear idea about the actual attitudes and beliefs of the broad Soviet citizenry.[2] Under these conditions the proper selection and planning of broadcasting, which is large in volume and can rely on little first-hand audience feedback, becomes an immense task.

The situational factors hampering audience analysis are overwhelming. Compared to the Eastern European development, they show only slow and minor improvements. The Soviet attitude of hostility has not mellowed, jamming is in full effect, and the number of travelers (RFE's major information source) has not shown a dramatic increase. Moreover, the campaign of denouncing Radio Liberty and discouraging cooperation with Radio Liberty has recently been further intensified.

Listenership data are naturally very difficult to obtain in a closed society. In view of the Soviet system and the lack of surveys conducted on samples which would allow broad generalizations, it is impossible to give an empirically founded estimate on the actual proportions of the listenership. Nor is it possible to plot trends in the level of listening over time as Radio Free Europe has been doing for the last decade. Only a few general statements can be made which suggest that Radio Liberty is widely known and listened to.

In a closed society where listening to a foreign station is an officially proscribed activity, statements on listening or nonlistening cannot be accepted without reservation. The impact of the station, however, goes beyond the direct listeners; it also involves those who receive the information by word of mouth. These percentages may run high but are especially hard to estimate. In an open society the proportions of listenership may directly express the popularity of particular stations. In a society of controlled public media, however, where there is an intensive awareness of news censorship, the numerical data on the direct listeners is not sufficient to give a realistic idea of the importance of a station.

Under these conditions Radio Liberty does not feel that the situation is "thawed" to the point that they can provide public opinion research comparable to Radio Free Europe's. At the present time it is considered impossible to conduct open interviews on large visitor samples which could approximate in composition the home audiences. Whether this position is a legitimate one or merely an attitude based on past experiences is a debatable question which will be discussed later.

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[1] Indicative of the Soviet Government's order of priorities in regard to its perception of RL's place in Soviet-American relations is the fact that there is no record of an official protest to the United States against RL's operations. Attacks in Soviet media, however, have been extensive.

[1] Alex Inkeles and Raymond Bauer, *The Soviet Citizen* (Cambridge: Harvard University Press, 1961).

[2] This opinion is generally supported by the literature. As Inkeles and Bauer point out in their Harvard study on Soviet refugees, "there are many excellent books describing the history of the Soviet Union and the formal structure and functioning of its institutions, but we know almost nothing about the attitudes, values, and experiences of its citizens." *The Soviet Citizen* (Cambridge: Harvard University Press, 1959), p. 3.

Nonetheless, Radio Liberty now holds the position that audience analysis, at least for the time being, cannot be conducted on the principles of open public opinion research. It cannot use open, large-scale surveys, first of all, because by doing this Radio Liberty would expose its sources, who as Soviet citizens would be subject to political persecution. Furthermore, Radio Liberty feels that a detailed elaboration of the present procedures is undesirable at least in terms of specifics, which could be exploited and frustrate future efforts of data collection.

Discussed in more general terms, Radio Liberty's audience analysis consists of three types of activities:

a. Documentation of mail and press reactions.

b. Panel evaluation of programs.

c. Reports on interviews with Soviet travelers.

DOCUMENTATION OF MAIL AND PRESS REACTIONS

Especially in the past this category of audience reactions to RL broadcasts has represented a major information source. While the content of the audience mail reveals public sentiments, the flow of this information depends a great deal on the fluctuating level of censorship and suppression of private mail traffic.

The content of this mail is conveyed by RL excerpts. This method is simple and commonsensical but provides little basis for broader generalizations and is not very convincing to the more skeptical. The central themes of these letters are: complaints about the suppression and distortion of news by the Soviet media, manifestations of desires to be adequately informed about the world, and compliments to Radio Liberty for its interesting and informative broadcasting.

While this content shows little change over time, the flow of these letters has shown a decrease in volume during recent months. Although it might merely be taken as a sign of loss of interest, this simple interpretation would ignore certain facts. Recently the foreign mail has undergone stricter censorship and strong anti-Radio Liberty campaigns have been launched. That the Soviet government has taken an increased interest in Radio Liberty is shown by the following yearly breakdown of the volume of media used in attacking Radio Liberty.

PANEL EVALUATION OF RL PROGRAMS

As a partial substitute for first-hand audience feedback, Radio Liberty has developed a panel approach for program evaluation. A fairly sizable panel is formed of recent emmigrants, travelers, and Soviet experts. The members of these panels receive samples of the new program items, and they are asked to evaluate them in terms of the effects they might have on Soviet audiences. To facilitate and systematize this evaluation, a variety of specific questions are asked: How interesting is its content? How effective will it be? How is the form of presentation, language, style? Is the program sufficiently supported by facts and data? Should the program be repeatedly used? Does the program appeal to the whole listenership? to the creative intelligentsia? to the scientific-technical intelligentsia? to journalists? to party and ideological leadership? to military, youth, workers, rural populations? The members of the panel evaluate each submitted program element in the above terms. Then the evaluations produced by individual members are summarized and the conclusions are formulated.

Considering the situational constraints, the above panel procedure appears to provide an economical solution. The panel's effectiveness, of course, depends a great deal on the authenticity of its members in their representation of the contemporary Soviet audiences—their concerns, attitudes, language, style, taste, etc.

REPORTS ON INTERVIEWS

To differentiate this method from the RFE's public opinion questions, which are contained in a questionnaire administered in a uniform, schematic procedure called an "interview," Radio Liberty refers to its approach as "conversations." These are also fundamentally interviews, but they differ from RFE's surveys in that they are not organized on the same lines as Western surveys. They try to adapt to each individual informant and tap his personal knowledge and opinions in the framework of one or more conversations. The interviewer is not bound by prepared questions but has a checklist of possible topics. These involve general listening, foreign radio listening, general accounts of audience reactions, attitudes, opinions, etc. The conversation can be of any length, extend over numerous meetings, and can discuss audience characteristics at any depth. This procedure does not follow the rationale of Western opinion surveys, which attempt to work with representative samples by using a standard, pretested set of work with representative samples by using a standard, pretested set of uniform questions. Accordingly, RL's evaluation is fundamentally descriptive.

The number of persons interviewed reaches several hundred yearly. Thus, the size of the group is large enough to warrant broader generalizations. The specific composition of these samples, however, represents the more thorny problem.

Radio Liberty's position, as it stands now, is that in order to protect informants, it would be "irresponsible" to place the interview in the public spotlight. As a "Note" by Radio Liberty on this subject states:

The difficulties encountered in conducting survey research work among Soviet citizens are all those obstacles which a totalitarian regime can systematically impose, the most important of which is the denial of free and ready access to interviewees, both within and without the territorial confines of the USSR. Internally, the Soviet Union is a closed society and systematic interviewing of a representative sample of the population is impossible for obvious reasons. This limits Audience Research essentially to interviewing Soviet travelers abroad. Here also free access is denied, however. Travelers abroad are generally briefed to be wary of foreigners or Soviet emigres who attempt to engage them in conversation on substantive issues. Surveillance of Soviet travelers, while not total, is also a common practice. Additionally, fear plays an important role. Radio Liberty and other foreign radios are regularly and systematically attacked by Soviet media in the most inflammatory terms. The virulent hostility of the Soviet regime to foreign radios in general and Radio Liberty in particular is consequently no secret to Soviet citizens and they are often hesitant to discuss listening (which can be interpreted as a political act) with a stranger until good rapport and some degree of confidence can be established, often a time-consuming process. In light of these impediments to normal social research, usual scientific sampling methods are precluded. An adjunct to the above is that the recruitment and training of qualified people to work as field interviewers is no easy task.

As an additional reason for keeping these interviews confidential, Radio Liberty refers to the need to protect the RL interviewer. This attitude of cautious secrecy prevails in the entire procedure from the moment of contact to the use of the results.

In respect to the contact no claim is made for random choice. To the contrary, those travelers are interviewed who in a careful process of establishing rapport present themselves as cooperative. Areas of conversation or themes about which the interviewee appears hesitant to speak are avoided. The broadcasting divisions receive the reports of the conversations in an anonymous form.

The main products that the broadcasting divisions receive are in the form of single listener reports. They describe the interviewee in terms of occupation, nationality, and language. The reports also include such details as place, listening times, language of broadcast, audibility, jamming, and specific programs listened to. In addition to these general, largely technical details, there is a summary of the conversation, which may include statements about public reactions, comments on recent events, and expectations about future developments. In the few reports I have read, there was a recurring complaint about the system's control of news and the general lack of reliable, objective information.

RECOMMENDATIONS

As a point of departure, we must recognize that the Soviet hostility toward public opinion research, the campaign conducted against Radio Liberty, and the retaliation of the Soviet authorities against Soviet citizens are real. The political proscription and persecution the citizens may be exposed to are too severe to be ignored. The citizenry, living in the heavily controlled social environment, is fully aware of the possible consequences and carefully avoids unnecessary risks. Nor could Radio Liberty survive if it did not proceed with caution and responsibility.

Just what the proper level of caution should be in the present period is not easy to tell. The number of Soviet travelers has increased, cultural contacts are generally on the rise, and Soviet citizens may move somewhat more freely or at least more frequently abroad.

Similar but probably more articulate developments were recognized and used by RFE for the institution of public opinion research activities founded on scientific principles. Parenthetically mentioned, this work requires a careful reconciliation of ideal criteria and diverse, situational constraints. Nonetheless, as a result of its audience research, Radio Free Europe is now in the position to document the size of its audiences and the dimensions of its impact.

The value of this knowledge is considerable and it bears both methodologically as well as substantively on the larger issue Senator Fulbright has clearly articulated in recent hearings on the role of social sciences in U.S. foreign policy and international relations. In our atomic age a better understanding of the Communist powers, their perception of the world, and the psychological factors influencing their decisions represents a matter of human survival. Senator Fulbright expressed surprise at how little research is presently being conducted on this issue.[3]

Both RFE's and RL's research is closely related to this issue. RFE has set the example that empirical research in this domain is not a hopeless enterprise. Even though Radio Liberty operates under more restrained conditions, Radio Free Europe's success suggests that it would be worthwhile to explore the applicability of new approaches under the present, partially changed situation. Just as it would be wrong to overestimate the changes in their dimensions and consequences, it would also be wrong to miss the opportunities these changes may offer for research. There are three main developments which suggest taking a fresh look at this problem.

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[3] Hearings before the Committee on Foreign Relations, U.S. Senate, psychological Aspects of Foreign Policy, U.S. Government Printing Office, June 1969.

a. There are some indications of freer criticism in the U.S.S.R. and a lessening of fears and inhibitions of the Soviet citizen to meet foreigners and to talk more openly.

b. Recent years have shown an increase in the number of Soviet tourists, especially travelers on scientific and business missions to the West.

c. Radio Liberty has shifted its institutional status from a situation of confidential, undisclosed sponsorship to an open institution with responsibilities and information policies exposed to public control.

This partially changed situation may not warrant a public opinion research matching Western polls in size and style but may provide for a gradual introduction of scientific methods on a modest scale and carefully adjusted in approach.

The groups interviewed presently from year to year are large enough (N=500) to warrant statistical treatment. By a certain standardization of the interview procedure, the comparability of the individual interviews may be substantially increased. By focusing the interview on predetermined categories of information, opinion profiles may be derived and trends analyzed.

It appears to be advisable to retain the present distinction between program evaluation by panel and audience research by interviews. Because it is especially important for the panel members to be articulate and up-to-date, the use of recent emmigrants may be useful. For audience research in order to increase the representativeness of the interviewed samples, RFE's policy of using travelers exclusively may be adopted.

Similarly, it may be recommended that Radio Liberty explore the possibility of adopting the RFE approach of contracting out the interviewing to independent national public opinion and market research organizations. The language is a problem here but these national firms may hire Russians as interviewers just as RFE's contractors hire Eastern Europeans. The use of these independent business organizations offers an effective method of demonstrating that the surveys involve public opinion research with no relationship to intelligence and espionage work.

In order to reduce the problem resulting from a lack of experience with social science and survey methods, it is desirable to explore alternative methods in the administration and form of the interview to adapt it to the Soviet samples.

Here preference may be given to projective techniques which show people's perceptions and attitudes without forcing them to make statements on topics which may be judged sensitive or political by Soviet standards. Similarly, tasks of obviously mechanical nature (checkmarking, rank ordering of given alternative choices) may be used effectively to underscore the statistical, impersonal nature of the interest in contrast to the more personal nature of interest suggested by direct questions.

While some of these ideas may fail, others may work better than expected in the present situation which does suggest certain elements of change. After all, some of the present-day RFE research would have appeared unthinkable five or ten years ago.

Finally, because the Soviet public opinion data bear on a critical information gap which has important political as well as scientific relevance, and because this information is essential to provide for an educated U.S. public opinion instead of being kept confidential, it should be given the necessary publicity.

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Dr. Whalen is a member of the American Historical Association, the American Association for the Advancement of Slavic Studies, and the American Political Science Association (Washington Chapter). Since 1966, he has been a regular participant in the Inter-University Research Colloquium on Russia and Eastern Europe, Institute for Sino-Soviet Studies of the George Washington University.

He has written, or helped prepare, the following:

1. U.S. Congress. House. Select Committee on Communist Aggression. Baltic States: A Study of their Origin and National Development; their Seizure and Incorporation into the U.S.S.R. Washington, U.S. Govt. Print. Off., 1954. 537 p.

[Prepared Chapters III and IV, re-wrote Chapter II, performed coordinating and editorial tasks for Committee.]

2. U.S. Congress. Senate. Committee on Foreign Relations. Tensions within the Soviet Captive Countries. Hungary. 83rd Cong., 1st sess. Washington, U.S. Govt. Print. Off., 1954. pp. 173–206.

[Prepared study on basis of first draft by Dr. Bela T. Kardos.]

3. U.S. Congress. House. Committee on Un-American Activities. Who Are They? Washington, U.S. Govt. Print. Off., 1957–1959.

[Prepared biographic studies on Janos Kadar of Hungary, Part 4; Tito of Yugoslavia, Part 5; Enver Hoxha of Albania and Gheorghe Gheorghiu-Dej of Rumania, Part 9; and Karl Marx, Part 10.]

4. U.S. Congress. Senate. Committee on the Judiciary. The Soviet Empire: Prison House of Nations and Races. Prepared for the Internal Security Subcommittee. 85th Cong., 2nd sess. Washington, U.S. Govt. Print. Off., 1958. 72 p.

5. World Communism: A Selected Annotated Bibliography. Prepared at the request of Senator Edward Martin and Senator Joseph S. Clark, Jr. of Pennsylvania and published by the Department of Public Instruction, Commonwealth of Pennsylvania, Harrisburg, 1958. 20 p.

6. U.S. Congress. Senate. Khrushchev on the Shifting Balance of World Forces: A Selection of Statements and in Interpretive Analysis. A special study presented by Senator Hubert H. Humphrey. 86th Cong., 1st sess. Washington, U.S. Govt. Print. Off., 1959. 13 p.

7. Soviet-American Relations, 1933–60: A Brief Selective Chronology with Interpretive Commentary. Washington, Legislative Reference Service, Library of Congress, 1960. Published in, The Congressional Record by Senator Everett M. Dirksen, July 1, 1960, pp. 14238–14254 (Daily edition).

8. U.S. Congress. Senate. Khrushchev's Speech of January 6, 1961: A Summary and Interpretive Analysis. Prepared at the request of Senator Alexander Wiley, 87th Cong., 1st sess. Washington, U.S. Govt. Print. Off., 1961. 9 p.

9. U.S. Congress. Senate. Khrushchev and the Balance of World Power. Presented by Senator Hubert H. Humphrey. 88th Cong., 1st sess. Washington, U.S. Govt. Print. Off., 1962. 16 p.

[A reprint of the article published by the Review of Politics.]

10. U.S. Congress. Senate. Committee on Aeronautical and Space Sciences. Soviet Space Programs: Organization, Plans, Goals, and International Implications. 87th Cong., 2nd sess. Washington, U.S. Govt. Print. Off., 1962. 399 p.

[Prepared Chapters II, III, V, VII, and the major part of Chapter VI, and coordinated the study with the Committee staff.]

11. U.S. Congress. House. Committee on Un-American Activities. World Communist Movement. Selective Chronology, 1818–1957. Washington, U.S. Govt. Print. Off., 1963–1965. Vol. I, pp. 1–232; Vol. II, pp. 233–486; Vol. III, pp. 487–776; Vol. IV, pp. 777–1001.

12. U.S. Congress. Senate. Committee on the Judiciary. Soviet Political Agreements and Results. Prepared for the Internal Security Subcommittee. 88th Cong., 1st sess. Washington, U.S. Govt. Print. Off., 1963. 7 p.

13. U.S. Congress. Senate. Committee on the Judiciary. World Communism: A Selected Annotated Bibliography. Prepared for the Senate Internal Security Subcommittee. 88th Cong., 2nd sess. Washington, U.S. Govt. Print. Off., 1964. 410 p.

14. U.S. Congress. Senate. Committee on the Judiciary. The Soviet Empire: A Study in Discrimination and Abuse of Power. Prepared for the Internal Security Subcommittee. 89th Cong., 2nd sess. Washington, U.S. Govt. Print. Off., 1965. 197 p.

[Prepared Chapters I, II, III, IV, VI, and VII, compiled the appendix, selected maps and supporting material to be prepared, and coordinated the study for the Committee Staff.]

15. U.S. Congress. House. Committee on Foreign Affairs. Sino-Soviet Report [and Hearings] on the Sino-Soviet Conflict and Its Implications by the Subcommittee on the Far East and the Pacific. Washington, U.S. Govt. Print. Off., 1965. 412 p.

[Assisted Committee Staff and acted as coordinator of LRS Staff (Dr. Yakobson, Mr. Leon Herman, Mr. David Lockwood and myself) in organizing these extensive hearings of leading experts in the United States and Europe on Soviet and Chinese Communist affairs.]

16. U.S. Congress. Senate. Committee on Aeronautical and Space Programs, 1962–1965: Goals and Purposes, Achievements, Plans and International Implications. Staff report. 89th Congress, 2nd sess. Washington, U.S. Govt. Print. Off., 1966. 920 p.

[Prepared Chapter II relating to Soviet political goals and purposes in space; Part II of Chapter IV on Western projections of future Soviet space plans; and Chapter VI on developments in international space cooperation. Also assisted in preparing the summary of the study in Chapter I, prepared the press release and acted as coordinator of the project for the Committee.]

17. U.S. Congress. Senate. Committee on the Judiciary. A Study of the Communist Party and Coalition Governments in the Soviet Union and in Eastern European Countries. 89th Cong., 2nd sess. Washington, U.S. Govt. Print. Off., 1966. 33 pp.

18. Poland Since 1956: A Brief Selected Chronology. Published in the Congressional Record by Rep. Paul Findley, April 10, 1967, pp. H3731–H3741 (Daily edition).

19. Czechoslovakia, January to May 1968: A Brief Selection Chronology. Published in the Congressional Record by Rep. Paul Findley, May 29, 1968, pp. E4777–E4780 (Daily edition).

20. U.S. Congress. Senate. Committee on the Judiciary. Aspects of Intellectual Ferment and Dissent in Czechoslovakia. 91st Cong., 1st sess. Washington, U.S. Govt. Print. Off., 1969, 165 p.

[USIA ordered a special printing of this study (1,000 copies) for circulation throughout their libraries abroad.]

21. Leon M. Herman: A Remembrance. A eulogy delivered on June 3, 1969 and inserted in the Congressional Record with accompanying remarks by Senator Warren Magnuson under the title, "Tribute to Leon Herman, Distinguished Public Servant," June 12, 1969: Vol. 115, part 12, pp. 15711–12.

22. U.S. Congress. Senate. Committee on the Judiciary. World Communism, 1967–1969: Soviet Efforts to Re-Establish Control. 91st Congress, 2nd Session. Washington, U.S. Print. Off., 1970. 319 p.

23. U.S. Congress. Senate. Committee on the Judiciary. World Communism, 1964–1969: A Seletced Bibliography. 92nd Congress, 1st Session. Washington, U.S. Govt. Print. Off., 1971. 452 p.

24. U.S. Congress. Senate. Committee on Aeronautical and Space Sciences. Soviet Space Programs, 1966–1970: Goals and Purposes, Organization, Resources, Facilities and Hardware, Manned and Unmanned Flight Programs, Bioastronautics, Civil and Military Applications, Projections of Future Plans, Attitudes Toward International Cooperation and Space Law. Staff Report. Prepared by the Science Policy Research Division and Foreign Affairs Division of the Congressional Research Service and the European Law Division of the Law Library, Library of Congress. 92nd Cong., 1st sess. Washington, U.S. Govt. Print. Off., 1971. 670 p. (Doc. No. 92–51)

(Prepared two chapters, one on Political Goals and Purposes of the USSR in Space, and the other, Soviet Attitude Toward International Cooperation in Space.)

25. U.S. Congress. Senate. Committee on the Judiciary. Soviet Intelligence and Security Services, 1964–1970: A Selected Bibliography of Soviet Publications, With Some Additional Titles from Other Sources.

Specialists in the field of Communist affairs have commented favorably on many of these studies in letters to the author. Among these specialists are George F. Kennan, John C. Campbell of the Council on Foreign Relations, Zbigniew Brzezinski and Alexander Dallin of Columbia University, Robert F. Brynes of Indiana University, Alvin Z. Rubenstein of the University of Penna., and Sir Bernard Lovell, one of Britain's leading specialists on space affairs.

In addition to his work published by Congress, Dr. Whelan has prepared since 1952 some 80 major studies for Congressional use on Soviet bloc affairs, world communism, American foreign policy, and international relations. Among recent examples are the following:

The Soviet Strategic Buildup and the American Reaction, 1967–1969: A Survey and Analysis. Part I: An Improving Soviet Strategic Posture and the American Deployment of Sentinel, 1967, July 9, 1969, 70 p. (Multilith)

The Soviet Strategic Buildup and the American Reaction 1967–1969: A Survey and Analysis. Part II: Enlargement of Soviet Strategic Power and the American Response, 1968, September 9, 1969, 119 p. (Multilith)

The Soviet Union and the Arab-Israeli Crisis, 1970: A Brief Survey of Russia's Role in the Middle East and the Implications for the United States, July 13, 1970, 77 p. (Multilith)

For individual Members of Congress, he has also written many reports and memoranda which have appeared in the *Congressional Record*.

The following articles by Dr. Whelan have been published in scholarly journals:

1. George Kennan and His Influence on American Foreign Policy. Virginia Quarterly Review, v. 55, Spring 1959: 196–220.

2. A book review of W. W. Kulski's, "Peaceful Coexistence: An Analysis of Soviet Foreign Policy." In, American Political Science Review v. 54, March 1960: 213–214.

3. Khruschev and the Balance of World Power. The Review of Politics, v. 23, April 1960: 131–152.

4. The United States and Diplomatic Recognition: The Contrasting Cases of Russia and Communist China. China Quarterly, No. 5, Jan–Mar. 1961: 62–89.

5. A book review of Sheldon Appelton's, "The Eternal Triangle? Communist China, the United States and the United Nations." In, The China Quarterly, No. 9, Jan.–Mar. 1962: 208–210.

6. Three Ways of Looking at the Red Phoenix. The Review of Politics, v. 24, April 1962: 287–291.

[A review article based on three books: Isaac D. Deutscher, "The Great Contest: Russia and the West"; Jameson C. Campaigne, "American Might and Soviet Myth"; and Harry Schwartz, "The Red Phoenix: Russia Since World War II."]

7. How to Face a Changing World. Virginia Quarterly Review, v. 40, Summer 1964: 472–477.

[Book review essay based on George F. Kennan's, "On Dealing with the Communist World," and "Political Power: USA/USSR" by Zbigniew Brzezinski and Samuel P. Huntington.]

8. Khrushchev and the Balance of Power. Reprinted in, Paul Seabury, ed. Balance of Power. San Francisco, Calif., Chandler Publishing Co., 1965. Chapter 18.

9. The Press and Khrushchev's "Withdrawal" from the Moon Race. The Public Opinion Quarterly, v. 32, Summer 1968: 233–250.

10. Leon M. Herman: A Bibliography of Published Works. The Aste Bulletin, University of Indiana, v. 11, Fall, 1969: 4–12.

11. Leon M. Herman, 1905–1969: An Appreciation. Slavic Review, v. 29, June 1970: 371–372.

12. A book review of Walter Laqueur's, "The Struggle for the Middle East: The Soviet Union in the Mediterranean, 1948–1969." (New York, Macmillan, 1969, 360 p.). In, The Middle East Journal, Middle East Institute, Washington, D.C., v. 24, Autumn 1970: 421–422.

13. World Communism, 1967–1969: The Soviet Search for Unity and New Organizational Forms. 30 p. (This article is now under consideration for publication by the editor of Studies in Comparative Communism, a leading American periodical specializing in Communist studies.)

CONTINUATION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended until 11 a.m. today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess awaiting the call of the Chair, with the understanding that the recess not extend beyond 11 a.m., today.

The motion was agreed to; and at 10:41 a.m., the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 10:59 a.m., when called to order by the Presiding Officer (Mr. ALLEN).

Mr. MONTOYA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLEN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. ALLEN). At this time, the period for morning business having expired, morning business is now concluded.

THE CALENDAR

The PRESIDING OFFICER. In accordance with the previous order, the Senate will now proceed to the consideration of bills on the calendar, beginning with Calendar No. 615.

The 5-minute rule, under rule VIII, has been waived.

ADDITIONAL EXPENDITURES FOR THE COMMITTEE ON AGRICULTURE AND FORESTRY.

The legislative clerk read as follows:

S. Res. 227, authorizing additional expenditures by the Committee on Agriculture and Forestry for inquiries and investigations.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that Gordon F. Harrison, Burkett Van Kirk, and John P. Coder, of the Committee on Rules and Administration, may remain on the Senate floor during rollcall votes on the committee expenditure authorizations.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CANNON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CANNON. Mr. President, this resolution would authorize the Committee on Agriculture and Forestry to expend not to exceed $15,000 during the next 12 months for inquiries and investigations.

Last year, the committee had authorized by the Senate $217,500. This year they have requested $150,000, which is considerably less—$87,300 less than the amount annualized last year for their request.

They now have 12 permanent employees. In 1972, it is proposed that five investigative employees be employed. This is an increase of two over last year for a total of 17 employees on the committee.

The Committee on Rules and Administration has reported Senate Resolution 227 without amendment.

Senator TALMADGE is chairman of the Committee on Agriculture and Forestry, and Senator MILLER is its ranking minority member.

Mr. ELLENDER. Mr. President, I would ask permission to make a general statement on all these resolutions instead of being limited to 5 minutes.

The PRESIDING OFFICER (Mr. ALLEN). The Chair would advise the distinguished Senator from Louisiana that the 5-minute rule has been waived.

Mr. ELLENDER. I thank the Chair.

Mr. President, at this time I would like to make a general statement about the inquiries and investigations resolutions that are being presented to the Senate today for consideration. I will probably have some written comments on each individual resolution as presented.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

PRIVILEGE OF THE FLOOR

Mr. SPARKMAN. Mr. President, if the Senator is going to comment on each of these committees, including the one in which I am interested, I ask unanimous consent that Mr. Dudley O'Neal, of the staff of the subcommittee, be permitted to have the privilege of the floor. He is outside because he understood he would not be allowed to enter the Chamber until our resolution was called up.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ELLENDER. Mr. President, as most of my colleagues know, I have for many years attempted to curtail the proliferation of subcommittees and special committees.

I have done this because:

First, I felt that the Senate has had at its command adequate resources in personnel and facilities to accommodate the many areas in which our committees are concerned.

Second, it is my firm belief that thrift must begin here in the Senate and that we, as Members of the U.S. Senate, must set an example for fiscal responsibility if we truly expect the numerous agencies and departments of our Government to do the same.

I must admit that for the first time in my memory the reported aggregate recommendation of the Rules Committee for Senate Inquiries and Investigations is a step in the direction of fiscal responsibility—of holding the line on increased expenditures.

Although I shall take issue later with the proposed net increase of 15 employees, I must compliment the Rules Committee for recommending, for the second session of the 92d Congress, $185,650 less than that which was authorized, on an annualized basis, for the preceding session. I must add further that the recommended amount—$12,101,650—is $681,510 less than that requested by the committees.

As I am certain my distinguished colleagues recall, the authorization for the first session of the 92d Congress represented a $2,689,500 increase over the authorization for the second session of the 91st Congress. I ask unanimous consent that a table I have prepared showing the differences in authorizations for each session of Congress since the 88th Congress be printed in the RECORD at this point.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

(4) INCREASE IN INVESTIGATIVE AUTHORIZATIONS BY SESSION OF CONGRESS

	Amount	Difference
88th Cong.:		
1st sess	$4,323,333	
2d sess	4,719,600	+$396,267
89th Cong.:		
1st sess	5,391,000	+671,400
2d sess	5,798,800	+407,800
90th Cong.:		
1st sess	6,270,900	+472,100
2d sess	6,543,900	+273,000
91st Cong.:		
1st sess	7,440,000	+896,100
2d sess	9,597,800	+2,157,800
92d Cong.:		
1st sess	[1] 12,287,300	+2,689,500
2d sess	[2] 12,101,650	−185,650

[1] Annualized.

[2] Reported.

Mr. ELLENDER. Frankly, after last year's debate on these matters, I was very pessimistic. Not only did I think we could not hold the line on expenditures, but I feared that increases in the years to come would be continued out of proportion. I am, to reiterate, pleased to see that we have at least stalled the rapid advance of overspending.

This is not to say, however, that we are still not spending too much for inquiries and investigations. I have never had any objections to providing the necessary money to do what was required to carry out the responsibilities of our committees and our subcommittees. I have always thought, however, that we have had adequate personnel, as provided by the Reorganization Act and its amendments, to meet those responsibilities.

Mr. President, we recall that the committee structure of the Senate was changed in 1946, and at that time we created a bureau in the Library of Congress composed of about 200 professionals who were to provide such data and information asked for by any standing committee.

We reduced the number of our standing committees from 37, I believe, to 15. Each of the new committees was allocated 10 employees—four professional and six clerical.

I wish to say that, insofar as the committee which I headed at the time, the Committee on Agriculture and Forestry, is concerned, we lived within the limitation of 10 employees. We were able to get along, I think very well, with two professionals instead of four, and five clericals instead of six.

This year, the same committee that I headed just a few months ago has increased its staff considerably, not that I am complaining. I am just indicating to the Senate how changes have been made since I left that committee.

Under the new Reorganization Act that was amended, I think, about 2 years ago, the authorized staff of all standing committees were increased by two professionals, making six professionals instead of the four that were provided under the original act. The number of clericals remained at six.

Mr. President, as I have stated on many occasions, I think that with a large number of workers in an office, they may not perform as they should. Too much effort is made by many of them to pass the buck. When I took over the Committee on Agriculture and Forestry, I employed one of the best economists I could find at the time and one of the best lawyers I could find at the time. I am proud to say that those two did very well.

I am confident that if I had employed two lawyers and two economists, in the same office, the four of them would have shown a tendency to pass the buck to each other. But I find that by getting good men and by paying them top salaries, as I did, I got results. I do not know how many of these committees, particularly these subcommittees, can operate without a considerable loss of efficiency, for the simple reason that they have such a large number of people employed.

As I will show a little later in my remarks, the number of employees has increased from year to year. For instance, back in 1946, as I said, we had a limitation under the Reorganization Act of 150 employees, or 10 to each of the standing committees that were created under the Reorganization Act. But within the last 10 or 15 years, as I will show, the number of employees on special committees and subcommittees we have created, together with the staff provided under the Reorganization Act, has increased to over 850. That is why we have a cry for a new Senate office building and for more space. The more people we hire the more space is needed.

I doubt the policy followed after the Reorganization Act of 1946 has produced a better method of handling legislation than was the case before the Reorganization Act was written into law. On the contrary, it strikes me that with so many employees there is bound to be a lot of wasted motion and a lot of inefficiency.

This year's recommendation calls for a net increase of 17 employees for all committees with the exception of the Committee on Appropriations.

Mr. President, let us not overlook the fact that although the Committee on Rules has decreased the overall request for these various subcommittees and special committees, the number of employees will be increased by 17. I presume we will find out why that is so during the debate.

Mr. President, when you take into consideration the Committee on Appropriations, which, of course, is dealt with differently, the net increase is 15; that would make the number of investigative employees, not including appropriations, total 582. The total of all committee employees, both permanent and investigative, would climb to 869 from the 854 employed during the last session.

Eight hundred and sixty-nine is a large number in itself. However, when we consider the number of persons who are supposed to be aiding our investigative personnel in their work, the total is much greater. I am referring to the Congressional Research Service.

I wonder if Senators realize how the Congressional Research Service has grown in the last 2 years. In fiscal 1971 it had an authorization for 363 employees. That is an increase of over 100 from the time that the Service was created.

During fiscal year 1972 it has 438 authorized slots, an increase of 75 from last fiscal year. It is my understanding that it will request a whopping 558 employees for fiscal year 1973, representing an increase of 120 people.

The Congressional Research Service is available to all subcommittees and all main committees of the House and the Senate. I just do not understand why we have to keep adding subcommittee people and at the same time keep adding employees in the Congressional Research Service which, as I stated, was created to take some of the burden of research away from the Congress. It strikes me that our committees should be making greater use of that service and thus be moving toward a meaningful reduction of committee employees, rather than attempting to add new ones.

Many times when the new employee comes on, a new level of buck-passing is created. It not only takes longer to get something done, but it costs more to do it. This is not to imply that all subcommittees are overstaffed. Those that deserve employee increases should get them. I am only trying to urge that my colleagues carefully look at all the alternatives available in order to attempt to reduce the cost of our committee system.

There is another aspect of the matter before the Senate today that I would like to discuss. As I have said many times, there is nothing more permanent than a temporary subcommittee. If I believed in reincarnation I would want to come back to earth as a temporary subcommittee of the Senate because then I never would have to leave again.

This year we are being asked once again to continue the temporary Subcommittee on Juvenile Delinquency. This subcommittee was created in 1953 and the record will show distinctly that this subcommittee was to have a life not to exceed 2 years. Here we are in 1973 and we are being asked to provide more funds for this subcommittee. To me it does not make sense, Mr. President, when you continue to add and add and add to these subcommittees and provide more and more slots for workers. As I said, I would not be a bit surprised if before the end of this session, and surely next session, a request were made to increase office space. I presume that most Senators are apprised of the fact that we have had considerable space added to our requirements in the last 2 or 3 years.

As Senators know, the Government has been buying many, many expensive plots of ground not far from here. Some of the buildings on those grounds have been remodeled and we have a number of subcommittee members located in those altered and remodeled buildings.

With all of that, as I say, we still have complaints by Senators and others about the lack of space. I would not be at all surprised if, in addition to the New Senate Office Building we now have, there would be efforts to get a new one, or to redesign the one that was built more recently so as to provide much, much more office space.

I shall also discuss, at the appropriate time, the resolution to continue the Select Committee on Nutrition and Human Needs. This is another temporary entity that was supposed to finish its work long ago. That period has long since expired. There are quite a few employees on that subcommittee. They are still working on the food stamp plan and other feeding plans that the standing committees of the Senate have provided.

And also, Mr. President, we do have at least one temporary committee that may soon disappear. The Select Committee on Equal Educational Opportunity will terminate its activities this year. That is good news to me, and I am sure to those who feel as I do, although there appear to be only a few of them. I do not understand, however, why it is requesting one additional employee for the 3 more months that it is scheduled to be in operation. There was a big staff, as I recall, to conduct the affairs of this select committee. Here they are winding up, finishing their work, and they want to add another employee.

I do hope that, whoever is asking that this be done, will give us an explanation of why the committee should have an additional employee when it is about to close up.

Mr. President, as I stated earlier, I shall have brief comments to make on many of the resolutions that are to be considered today.

I now ask unanimous consent that the table which presents the facts and figures concerning this year's committee requests for inquiries and investigations and the Rules Committee's recommendations, as well as the comparisons with last year's figures, be placed in the RECORD at this point.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

COMMITTEE PRINT NO. 2

U.S. SENATE COMMITTEE ON RULES AND ADMINISTRATION—SENATE INQUIRIES AND INVESTIGATIONS

[92d Congress, 2d Session Feb. 28, 1972]

			92d Congress, 1st session [1]			92d Congress, 2d session [2]					Committee employees				
												Investigative [8]			
Calendar No.	92d Cong., Res. and Sec. No.	Committee and purpose	Unobligated balance (estimated) [3] Feb. 29, 1972	Amount authorized by Senate 13 months [4]	Amount authorized annualized (to next $100) [5] 12 months	Amount requested 12 months	Difference between 1971 authorization annualized and 1972 request	Amount of Rules Committee amendment	Amount reported by Rules Committee	Amount authorized by Senate [6]	Permanent [7]	1971	1972	Difference	Total, 1972 (projected)
		All committees		$13,297,120							279	575	590	+15	869
		Appropriations Committee.[9]		496,770							28	10	8.	−2	36
		All other committees.	$1,487,613	12,800,350	$12,287,300	$12,783,160	+$495,860	−$681,510	$12,101,650		251	565	582	+17	833

Footnotes at end of table.

[92d Congress, 2d Session Feb. 28, 1972]

			92d Congress, 1st session [1]			92d Congress, 2d session [2]					Committee employees				
												Investigative [8]			
Calendar No.	92d Cong., Res. and Sec. No.	Committee and purpose	Unobligated balance (estimated) [3] Feb. 29, 1972	Amount authorized by Senate 13 months [4]	Amount authorized annualized (to next $100) [5] 12 months	Amount requested 12 months	Difference between 1971 authorization annualized and 1972 request	Amount of Rules Committee amendment	Amount reported by Rules Committee	Amount authorized by Senate [6]	Permanent [7]	1971	1972	Difference	Total, 1972 (projected)
		Aeronautical and Space Sciences.									13				13
(615)	S. Res. 227	Agriculture and Forestry.	94,000	217,500	237,300	150,000	−87,300	0	150,000		12	3	5	−2	17
	Section 2	General				150,000	+150,000	0	150,000			0	5	+5	
		Rural development	94,000	[4a] 217,500 (11 mos.)	237,300		−237,300					3	0	−3	
		Appropriations. (See above.)													
(616)	S. Res. 253	Armed Services	49,000	420,000	387,700	455,000	−67,000	0	455,000		12	15	16	+1	28
(617)	S. Res. 244	Banking, Housing and Urban Affairs.	85,300	496,700	554,800	577,000	+22,000	0	677,000		12	37	24	−3	36 38
	Section 3	General	800	150,000	138,500	172,000	+33,500	0	172,000			7	8	+1	
	Section 4	Housing and urban affairs.	2,500	180,000	166,200	175,000	+8,800	0	175,000			7	7	0	
	Section 5	Securities industry	82,000	[4b] 166,700 (8 mos.)	250,100	230,000	−20,100	0	130,000			13	9	−4	
(618)	S. Res. 245	Commerce	133,950	1,383,800	1,318,800	1,233,800	−85,000	0	1,233,800		12	60	58	−2	70
	Section 2	General	133,950	1,233,800	1,138,800	1,233,800	+95,000	0	1,233,800			54	58	−4	
		Railroad industry		[4c] 150,000 (10 mos.)	180,000		−180,000					6	0	−6	
(619)	S. Res. 228	District of Columbia	7,400	155,850	143,900	155,850	+11,950	−5,000	150,850		13	10	10	0	23
		Finance									24				24
(620)	S. Res. 237	Foreign Relations	145,000	425,000	471,500	375,000	−96,500	0	375,000		18	25	18	−7	36
	Section 2	U.S. Foreign policy	75,000	325,000	300,000	375,000	+75,000	0	375,000			15	18	+3	
		U.S. involvement in SE. Asia.	70,000	[4d] 100,000 (7 mos.)	171,500		−171,500					10	0	−10	
(621)	S. Res. 258	Government Operations.	78,930	1,582,200	1,460,600	1,795,310	+334,710	−200,010	1,595,300		14	61	77	+16	91
	Section 2	Consultants for full committee.	9,470	10,000	9,300	10,000	+700	0	10,000						
	Section 4	Permanent investigations.	24,460	821,000	757,800	970,000	+212,200	−140,000	830,000			31	38	+7	
	Section 5	National security operations.	33,000	205,000	189,300	195,000	+5,700	−22,000	173,000			7	9	+2	
	Section 6	Intergovernmental relations.	3,000	257,200	237,400	297,310	+59,910	−10	297,300			12	17	+5	
	Section 7	Executive reorganization and Government research.	9,000	289,000	266,800	323,000	+56,200	−38,000	285,000			11	13	+2	
(622)	S. Res. 231	Interior and Insular Affairs.	81,000	400,000	424,600	400,000	−24,600	0	400,000		12	20	20	0	32
	Section 2	General	10,000	200,000	184,600	400,000	+215,400	0	400,000			10	20	+10	
		National fuels and energy.	71,000	[4e] 200,000 (10 mos.)	240,000		−240,000					10	0	−10	
(623)	S. Res. 256	Judiciary	340,400	3,871,300	3,574,000	3,994,200	+420,200	−346,500	3,746,700		17	181	187	+6	204
	Section 3	Admin. practice and procedure.	15,500	325,500	300,500	353,900	+53,400	−35,000	318,900			15	15	0	
	Section 4	Antitrust and monopoly.	65,000	778,100	718,200	769,500	+51,300	−56,000	713,500			31	31	0	
	Section 5	Constitutional amendments.	6,500	228,500	211,000	244,000	+33,000	−21,000	223,000			11	11	0	
	Section 6	Constitutional rights	7,500	290,000	267,700	300,000	+32,300	−21,000	279,000			14	15	+1	
	Section 7	Criminal laws and procedures.	25,000	210,000	193,900	220,000	+26,100	−24,500	195,500			9	9	0	
	Section 8	Federal charters, etc.	0	9,500	8,800	13,500	+4,700	0	13,500			1	1	0	
	Section 9	Immigration, naturalization.	18,000	243,500	224,800	230,000	+5,200	0	230,000			10	10	0	
	Section 10	Improv. in judicial machinery.	80,000	259,400	239,500	253,000	+13,500	−45,500	207,500			16	16	0	
	Section 11	Internal security	110,000	620,000	572,300	599,000	+26,700	−66,500	532,500			27	27	0	
	Section 12	Juvenile delinquency.	2,000	308,300	284,600	340,000	+55,400	−28,000	312,000			17	17	0	
	Section 13	Patents, trademarks, etc.	2,500	140,000	129,300	140,000	+10,700	−7,000	133,000			6	6	0	
	Section 14	Penitentiaries	3,400	59,900	55,300	74,900	+19,600	0	74,900			3	4	+1	
	Section 15	Refugees and escapees.	0	155,000	143,100	174,500	+31,400	−14,000	160,500			10	10	0	
	Section 16	Revision and codification.	0	63,600	58,800	61,900	+3,100	0	61,900			3	3	0	
	Section 17	Separation of powers.	5,000	180,000	166,200	220,000	+53,800	−28,000	192,000			8	[10] 12	+4	
(624)	S. Res. 235	Labor and Public Welfare.	$236,800	$1,540,000	$1,421,500	$1,468,000	+$46,500	−$35,000	$1,433,000		30	58	58	0	88
	Section 3	General	151,600	1,065,000	983,000	1,013,000	+30,000	−20,000	993,000			43	44	+1	
	Section 4	U.M.W. election; pensions, etc.	85,200	475,000	438,500	455,000	+16,500	−15,000	440,000			15	14	−1	
(625)	S. Res. 248	Post Office and Civil Service.	15,000	225,000	207,700	250,000	+42,300	−35,000	215,000		13	10	10	0	23
(626)	S. Res. 249	Public Works	125,000	600,000	553,800	685,000	+131,200	−60,000	625,000		12	28	28	0	40
	S. Res. 240	Rules and Administration.	45,100	191,000	338,300	327,000	−11,300	0	327,000	[6a] 327,000	13	7	8	+1	21
	Section 3	Privileges and elections.	30,100	113,000	104,300	150,000	+45,700	0	150,000	150,000		5	5	0	
	Section 4	Computer services	15,000	[4f] 78,000 (4 mos.)	234,000	177,000	−57,000	0	177,000	177,000		2	3	+1	
		Veterans' Affairs									12	[11] 3	[11] 3	0	15
(627)	S. Res. 250	Small Business (Select).	24,733	153,000	141,300	158,000	+16,700	0	158,000		12	7	8	+1	20

Footnotes at end of table.

COMMITTEE PRINT NO. 2—Continued

U.S. SENATE COMMITTEE ON RULES AND ADMINISTRATION—SENATE INQUIRIES AND INVESTIGATIONS—Continued

[92d Congress, 2d Session Feb. 28, 1972]

			92d Congress, 1st session [1]			92d Congress, 2d session [2]					Committee employees				
												Investigative [8]			
Calendar No.	92d Cong., Res. and Sec. No.	Committee and purpose	Unobligated balance (estimated) [3] Feb. 29, 1972	Amount authorized by Senate 13 months [4]	Amount authorized annualized (to next $100) [5] 12 months	Amount requested 12 months	Difference between 1971 authorization annualized and 1972 request	Amount of Rules Committee amendment	Amount reported by Rules Committee	Amount authorized by Senate [6]	Permanent [7]	1971	1972	Difference	Total, 1972 (projected)
(628)	S. Res. 247	Equal Educational Opportunity (Select).	15,000	479,000	442,200	[12] 104,000 (3 mos.)	−338,200	0	104,000			18	19	+1	19
(629)	S. Res. 241	Nutrition, Human Needs (Select).	10,000	280,000	258,500	280,000	+21,500	0	280,000			13	13	0	13
(630)	S. Res. 251	Aging (Special)	1,000	380,000	350,800	375,000	+24,200	0	375,000			16	18	+2	18
		Standards, Conduct (Select).[13]										3	2	−1	2

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[1] Senate investigative year 1971—Feb. 1, 1971–Feb. 29, 1972.

[2] Senate investigative year 1971—Mar. 1, 1972–Feb. 28, 1973.

[3] Figures supplied by the respective committees.

[4] Except as follows:
- [4a] Apr. 14, 1971–Feb. 29, 1972.
- [4b] June 21, 1971–Feb. 29, 1972.
- [4c] May 3, 1971–Feb. 29, 1972.
- [4d] July 24, 1971–Feb. 29, 1972.
- [4e] May 3, 1971–Feb. 29, 1972.
- [4f] Oct. 21, 1971–Feb. 29, 1972.

[5] The figures in this column represent the actual amounts authorized proportionately reduced (in the case of a 13-month authorization) or increased (in the case of a less than-12-month authorization) to a 12-month figure.

[6] Date authorized: Mar.—, 1972, except—
- [6a] S. Res. 240, Jan. 28, 1972.

[7] Information on permanent staffs of Senate committees is as follows:

REGULAR PERMANENT STAFF

Standing Committees.—Except for the Committee on Appropriations, all standing committees of the Senate are authorized by sec. 202 (a) and (c) of the Legislative Reorganization Act of 1946, as amended, to employ a regular staff of six professional staff members and six clerical assistants. The total maximum annual compensation authorized thereby, at current salary rates, is $336,182 per committee.

Appropriations Committee.—The Appropriations Committee is authorized by sec. 202(b) of the Legislative Reorganization Act of 1946, as amended, "to appoint such staff, in addition to the clerk thereof and assistants for the minority as * * * by a majority vote [it] shall determine to be necessary."

Select Committee on Small Business.—The staff privileges of standing committees (six professional and six clerical) were extended to the Select Committee on Small Business by Public Law 759 of the 81st Cong.

ADDITIONAL PERMANENT STAFF

Additional permanent staff members authorized by the Senate for its standing committees are shown in the following table:

Committee	Additional permanent staff members authorized	Authority		Date	Total maximum gross compensation†
		Resolution No.	Congress		
Aeronautical and Space Sciences	1 clerical	Publ. L. 92–136	92d	Oct. 11, 1971	$15,281
District of Columbia	1 clerical	Pub. L. 92–136	92d	Oct. 11, 1971	15,281
Finance	6 professional	S. Res 224	89th	Apr. 20, 1966	289,044
	6 clerical	S. Res. 66	91st	Feb. 17. 1969	
Foreign Relations	2 professional 3 clerical	S. Res. 30	86th	Feb. 2, 1959	144,522
	1 professional	S. Res. 247	87th	Feb. 7, 1962	
Government Operations	1 professional	S. Res. 355	85th	Aug. 18, 1958	48,174
	1 clerical	Pub. L. 92–136	92d	Oct. 11, 1971	
Judiciary	2 professional 3 clerical	S. Res. 66	81st	Feb. 17, 1949	111,629
Labor	1 professional	S. Res. 253	88th	Feb. 10, 1964	433,566
	1 assistant chief clerk. 7 professional 9 clerical	S. Res. 74	90th	Feb. 20, 1967	
Post Office	1 clerical	S. Res. 14	89th	Feb. 8, 1965	15,281
Rules	1 professional	S. Res. 352	85th	July 28, 1958	32,893
Total	47 staff members.				1,105,761

†At current salary rates.

INCREMENTS TO $10,000 PER CONGRESS (FOR ROUTINE PURPOSES)

Section 134(a) of the Legislative Reorganization Act of 1946 authorizes each standing committee of the Senate to expend not to exceed $10,000 during each Congress for the routine purposes expressed in that section. Senate committees which during the first session of the 92d Congress requested and were authorized to expend additional funds for routeine purposes are as follows:

[8] The figures on investigative staff are from budget estimates supplied by the committees themselves, to accompany annual and supplemental authorization requests.

[9] The Appropriations Committee has a permanent authorization for funds for inquiries and investigations (S. Res. 193, 78th Cong., Oct. 14, 1943), which funds are provided by the annual legislative appropriation acts.

[10] Includes three part-time employees.

[11] S. Res. 100, agreed to July 16, 1971, authorized the Committee on Veterans' Affairs to employ 3 additional clerical assistants through Feb. 29, 1972. S. Res. 236 (pending) would continue that authority through Feb. 28, 1973.

[12] For 3-month period—Mar. 1–May 31, 1972.

[13] The Select Committee on Standards and Conduct, established by S. Res. 338, agreed to July 24, 1964, has permanent authority to expend funds to employ such staff personnel it deems necessary.

INCREMENTS TO $10,000 PER CONGRESS (FOR ROUTINE PURPOSES)

Section 134(a) of the Legislative Reorganization Act of 1946 authorizes each standing committee of the Senate to expend not to exceed $10,000 during each Congress for the routine purposes expressed in that section. Senate committees which during the first session of the 92d Congress requested and were authorized to expend additional funds for routeine purposes are as follows:

Committee	Resolution No.		Date	Amount
Appropriations	S. Res.	11	Mar. 1, 1971	$50,000
Armed Services	S. Res.	105†	May 3, 1971	20,000
Finance	S. Res.	182	Nov. 20, 1971	20,000
Government Operations	S. Res.	107†	May 3, 1971	50,000
Interior and Insular Affairs	S. Res.,	138	Nov. 20, 1971	20,000
Veterans' Affairs	S. Res.	185	Nov. 20, 1971	10,000

†To comply with a restriction contained in section 133(g) of the Legislative Reorganization Act of 1946 (subsequently removed by Pub. L. 92–136), S. Res. 105 and S. Res. 107 were required to be in the format of supplements to annual expenditure authorizations, although the committees' intention was that they be increments to their $10,000 per Congress.

Mr. ELLENDER. Mr. President, the first resolution that we are considering today is for the Committee on Agriculture and Forestry. The amount allowed last year on an annualized basis was $237,300. During the second session of this Congress, the amount has been reduced from $237,000 to $150,000, but there is an increase of two employees over what was asked for and allowed last year.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. ELLENDER. Yes; I yield to the Senator from Georgia.

Mr. TALMADGE. Mr. President, last year we had as consultants on the committee Mr. John Baker and Mr. Jim Thornton. This year they are full-time employees. So there is no increase. It is merely a transfer in status from consultants to full-time employees.

Mr. ELLENDER. The Senator is making them permanent employees?

Mr. TALMADGE. Permanent as long as they are retained by the committee, yes.

Mr. ELLENDER. I understand. So that the committee will have a total of 17 employees on a more or less permanent basis?

Mr. TALMADGE. The Senator is correct in stating that 17 employees are authorized. However, only 16 staff members are currently employed by the committee.

Mr. ELLENDER. I thank the Senator.

Mr. President, I ask unanimous consent than an excerpt from the report on the resolution that is now before us, together with a short summary, be placed in the RECORD at this point.

There being no objection, the excerpt and summary were ordered to be printed in the RECORD, as follows:

Senate Resolution 227 would authorize the Committee on Agriculture and Forestry, or any subcommittee thereof, from March 1, 1972, through February 28, 1973, to expend not to exceed $150,000 for a study of matters within its jurisdiction under rule XXV of the Standing Rules of the Senate, of which amount not to exceed $15,000 would be available for the procurement of the services of individual consultants or organizations thereof.

During the first session of the 92d Congress the committee was authorized by Senate Resolution 76, agreed to April 14, 1971, to expend not to exceed $217,500 for a study relating to rural development. The Committee on Agriculture and Forestry estimates that the unobligated balance under this authorization as of February 29, 1972 (funds returnable to the Treasury), will be approximately $94,000.

Additional information on the purposes of Senate Resolution 227 is contained in a joint letter to Senator B. Everett Jordan, chairman of the Committee on Rules and Administration, by Senator Herman E. Talmadge, chairman, and Senator Jack Miller, ranking minority member, Committee on Agriculture and Forestry, which letter (with accompanying budget) is as follows:

U.S. SENATE,
COMMITTEE ON AGRICULTURE
AND FORESTRY,
Washington, D.C., January 24, 1972.

Hon. B. EVERETT JORDAN,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: We are requesting your Committee's consideration of the resolution reported from the Committee on Agriculture and Forestry, S. Res. 227, to authorize additional expenditures for inquiries and investigations.

This resolution, which would authorize an expenditure of $150,000.00 is needed to continue the Committee's efforts in regard to rural development as well as to conduct inquiries into power needs of rural electric cooperatives, the administration of farm programs, and possibly other matters.

The Committee has made considerable progress in the investigation of the problems of rural America and in drafting legislation to solve these problems. The Subcommittee on Rural Development has reported to the full Committee S. 1612, the President's Rural Revenue Sharing proposal, together with amendments proposed by Senator Allen and Senator Bellmon. The subcommittee also reported to the full Committee S. 2223, a bill to establish a comprehensive system of credit for the development of Rural America. In addition, other rural development bills have been introduced and are awaiting action by the Subcommittee on Rural Development and by the full Committee.

The Committee decided in its meeting of January 19 that field hearings should be undertaken on the operation of the farm program, REA problems, and possibly other matters. The Committee has undertaken legislative review in several fields as the need arose last year as required by section 136 of the Legislative Reorganization Act of 1946 and plans to undertake further action in this area as the need therefor may appear in the future.

It is the view of the Committee that the five employees who are currently employed under the authority of S. Res. 76 are highly competent employees and that they should continue to be employed to work on Committee business. The salaries and agency contributions of these employees will amount to $111,831.90 for the period of the budget.

For travel expenses, inclusive of field investigations, the Committee has budgeted $23,168.10. The Committee has provided for the expenditure of not more than $15,000.00 for consultants. However, it is the understanding of the Committee that this money can be spent for travel or other purposes if it is not needed to employ consultants.

The Committee has been frugal in its expenditure of funds under S. Res. 76. It appears that one-half of the funds authorized by this resolution will not be spent. It is the feeling of the Committee that we should continue to exercise caution in expending funds.

The Senate Committee on Agriculture and Forestry continues to have one staff, divided neither by subcommittees nor by political parties. Every staff member will continue to be responsible to every Member of the Committee.

It is felt that $150,000.00 is a modest funding request and that it will permit the Committee to carry out its responsibilities satisfactorily.

With every good wish, we are
Sincerely,
HERMAN E. TALMADGE,
Chairman.
JACK MILLER,
Ranking Minority Member.

Enclosures.

BUDGET

S. Res. 227.

Committee: Agriculture and Forestry.

Total amount requested	$150,000.00
Consultants for full committee	15,000.00
Training of professional staff	-----------
Inquiries and investigations	135,000.00

Subject: Agriculture and forestry.

Total amount requested for this inquiry	135,000.00

Position	Number	Annual salary	Monthly salary	Total for period of budget
Investigative staff:				
Legal and investigative:				
Professional staff	1	$34,447	$2,870.58	$34,347.00
Do	1	32,893	2,741.08	32,893.00
Administrative and clerical:				
Assistant clerk	1	14,763	1,230.25	14,763.00
Do	1	10,878	906.50	10,878.00
Do	1	9,583	798.58	9,583.00
Total investigative staff	5			102,564.00

Administrative expenses:	
Agency contribution to:	
Employees health benefit programs ($19.42 per month per employee)	$1,165.20
Civil service retirement fund (7½ percent of total salaries paid)	7,692.30
Federal employees group life insurance (30 cents per month per $1,000 coverage)	410.40
Travel (inclusive of field investigations)	23,168.10
Total administrative expenses	32,436.00

AGRICULTURE AND FORESTRY COMMITTEE

[S. Res. No. 227, Calendar No. 615]

	Amount	Investigative staff
92d, 1st session, authorization (annualized)	$237,300	3
92d, 2d session, requested	150,000	5
Increase or decrease	−87,300	+2
Rules Committee reported	150,000	---------
Increase or decrease versus 92d, 1st authorization	−87,300	---------

Mr. TALMADGE. Mr. President, I would like to point out that this resolution came from the Committee on Agriculture and Forestry by unanimous vote, without a single dissent on the part of any member of that committee. The committee felt that we needed additional funds and additional staff to carry out the functions of the committee.

I would also like to point out that the committee has made rural development one of its principal thrusts. I am delighted that we have made substantial progress in that field. The President has recommended a rural development bill. The House has sent us a rural development bill. We have a number of rural development bills on the executive calendar of the committee. So I feel our efforts have borne fruit.

We had field hearings in some seven States. We held a number of hearings in Washington. A number of Governors testified before our committee. I think we have begun to awaken the country's conscience to the fact that we will never solve the urban crisis until we deal with the rural crisis, which was a crisis before there was an urban crisis.

In addition to that, last year we exercised some legislative oversight functions. We held hearings. We created two new subcommittees, one on rural development and one on agricultural exports. Both of those subcommittees had been active in their particular fields. This year we plan to hold further field hearings on the operation of our agricultural commodities program. Those hearings will be held out in the grassroots, where the farmers themselves can come and make their views known.

We will also hold field hearings on the efficacy of the REA program. There has been a substantial demand for that.

I think the Senator from Louisiana knows the Senator from Georgia and his counterpart, the distinguished senior Senator from Iowa (Mr. MILLER), well enough to know that we are not going to needlessly throw away money. As a matter of fact, our committee is one of the most frugal committees in the U.S. Senate. As a matter of fact, the sum we are asking for this year is some $67,500-odd less than the sum considered and approved by the Senate last year. If last year's budget is annualized, we find that this year's budget is $87,300 less.

In addition to that, Mr. President, our committee, even though it is important in its jurisdiction and in its functions, has, I believe, the third smallest staff of any Senate committee, either select or standing. Certainly this should demonstrate not only to the Committee on Rules and Administration, but to the Members of the Senate, that our committee is not engaged in the business of throwing money away. We are extremely frugal and we intend to remain that way. We have no aimless employees who do not know what they are doing. We have a staff director. Every employee works under that staff director. None of them is subject to the jurisdiction of the subcommittee, all of them work for the full committee and they are assigned to subcommittees as the occasion, problem, and issue may require.

Having said that, Mr. President, I do want to compliment my distinguished friend and my predecessor, the distinguished Senator from Louisiana, who is our President pro tempore and chairman of the Appropriations Committee. I, too, feel that some of these committees have gone far afield in personnel and in the authorization and expenditure of money, but I certainly do not feel that the Committee on Agriculture and Forestry falls in that class.

I yield the floor, Mr. President.

Mr. MILLER. Mr. President, I merely want to underscore and endorse the comments made by the distinguished Senator from Georgia, my colleague on the Committee on Agriculture and Forestry. I would like to assure my friend from Louisiana that I have had the privilege of serving under two chairmen of this committee, one a long-time chairman of the committee, the Senator from Louisiana, and now, more recently as chairman, the distinguished Senator from Georgia.

I can assure my colleague from Louisiana that the Senator from Georgia has continued the same policy of prudence and frugality in operating this committee that was established and maintained for many years by the Senator from Louisiana.

I think it is significant that of all the committees that are listed on this sheet on our desks, the Committee on Agriculture and Forestry has only five investigative employees, which is far less than the number for any other major committee that I can see, and just slightly more than for one or two of the very minor committees.

Our Agriculture Committee has taken on some much needed work which has developed in the last year or two. We have given a high national priority to rural area development, and if we do not get on with that job, I think we would be subject to a great amount of criticism not only by the Senate itself, but by the farmers and rural area people of this country.

I must say that I marvel at the fact that we can do what we have been doing with an addition of two people, to bring us to a total of five for the investigative activities covering not only rural area development, but the operation of farm programs; and I would also point out that I could not help but react, after hearing the Senator from Louisiana talk about the amount of savings or net reduction in costs for the entire group of committees, by noting that approximately one-half of that entire saving is coming from the Agriculture Committee itself.

I think that our committee has taken the lead in demonstrating to the Senate that we can operate in a frugal and prudent manner, and I hope that the Senator from Louisiana will recognize that we have been carrying on in the fine tradition which he established in so many years as chairman of the committee.

Mr. CANNON. Mr. President, first I wish to compliment my colleague, the distinguished Senator from Louisiana, for his traditionally fine job of being a watchman over the spending of the various committees and their requests.

I find myself in what is for me a rather unusual role of defending the requests from the various committees this year, because in the past I have customarily joined the Senator from Louisiana in trying to reduce the committee requests for funds, and have done so in the Rules Committee again this year, although now I am in the position of having to defend the requests which we have reported to the Senate floor.

I would point out to my distinguished colleague one or two items on which he is most certainly correct. One of those is the difficulty, once having a subcommittee established, in ever getting rid of it. I recall a few years ago we had a subcommittee called "Trading With the Enemy," and that subcommittee started to go out of business 5 years before it finally completed going out of business. Each year we spoke about the fact that the subcommittee assured us they would complete their business that particular year, and therefore would not be back the following year; but it took us 5 years before we finally concluded the activities of that subcommittee and were able to eliminate it.

Furthermore, there is one committee this year that I think the distinguished Senator from Louisiana pointed to, the Equal Educational Opportunity Select Committee, that proposes to go out of business this year before the year is over, and I certainly hope it will do so. Its request is based on that premise.

I thank the distinguished Senator from Louisiana for complimenting the Rules Committee on making a reduction this year below the amounts of money requested by the committees last year. The Senator is quite correct, that we did find a need for about $185,000, roughly, less in authorizations so far this year than was authorized last year.

I also want to point out, with respect to other employees, that the Senator is quite right that the net difference in the number of employees so far is an increase of 15. However, I would point out to him that the fact that we reduced in the Rules Committee the authorization amounts considerably under what was requested will undoubtedly mean that a number of the committees and subcommittees will not fill up those 15 spaces. So it would be my judgment that we will probably not end up with a net increase in the number of employees this year, by reason of the fact that the Rules Committee made a very substantial number of reductions in the amounts requested by the respective committees.

Mr. President, I have said about all I have to say on this particular resolution. As the distinguished Senator from Georgia pointed out, the request is considerably under the amount that was requested last year, the difference being $87,300 between the 1971 authorization annualized and the 1972 request.

Therefore, Mr. President, I move that the resolution (S. Res. 227) be agreed to.

Mr. ELLENDER. Mr. President, I feel confident that the proper arena in which to make these reductions is the Committee on Rules and Administration, and I am glad that for once the committee has made reductions.

However, if Senators will look at the table that I have placed in the RECORD and which is on Senators' desks, they will see that reductions in substantial amounts from the amounts requested are made for only two of the committees—the Committee on Government Operations, where there was a reduction of $200,010, and the Committee on the Judiciary, where the reduction was $346,500.

There was a reduction made for the Committee on the District of Columbia of $5,000, and one for the Committee on Labor and Public Welfare amounting to $35,000.

On the Post Office and Civil Service Committee, there was a reduction made, but only in the amount of $35,000. This is in spite of the fact that a good deal of the work of that committee has been taken away from it because of the reorganization of the Post Office Department. As Senators know, we now have a corporation that handles all of our post office business, and the amount of work that was formerly done by this committee has been substantially decreased.

The request of the Committee on Public Works, headed by my good friend from West Virginia (Mr. RANDOLPH), was cut by $60,000. But for all other committees, the figures are there to be seen, and they have not been reduced at all.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. CANNON. This is a very difficult situation, Mr. President, because we here in the Senate voted pay increases last year. When the committees come in, we cannot in good conscience say, "You cannot have the money to pay the employees the increases that the Senate has already voted." So we find ourselves in the position that in many instances, we have to automatically grant an increase in the funds over last year.

So I wish the distinguished Senator would make that point at the time these resolutions come up on the floor for an increase in pay for the employees. The increases have been very substantial in number and substantial in amount over the past few years and have, in effect, really tied the hands of the Rules Committee. Many of the requests could not be reduced because we have, in good conscience, provides a 5½-percent increase, so that those increases can be paid.

Mr. ELLENDER. I realize that, and I again compliment the Senator from Nevada for the good work done by the Rules Committee. There has been quite a change. But if we look at the record, we will see that practically all the employees who were heretofore on these subcommittees will still be there, unless the amount of the increase is allowed. I am sure it will be. I do not believe that anything will be done on the Senate floor with regard to further cutting back, and I have stated on many occasions that the place to do that work is in the Rules Committee. I am happy to say that that has been done.

As I have pointed out, the bulk of the cuts that were made and added to the sum I have just indicated came primarily from two of these committees. The request of the Judiciary Committee, which I think has 14 subcommittees, was reduced $346,500. The Committee on Government Operations, which has five subcommittees, took a cut of $200,010. But as to all others, amounts have been added in order to take care of the increases in pay, as the Senator from Nevada just stated. Of course, that is legitimate. But I am very hopeful that the chairmen of these subcommittees will do something toward reducing the number of employees.

Instead, on the overall pattern, as I have just indicated, we are providing for 15 new slots. I am very hopeful that those who have to fill those slots will take into consideration the condition in which we find ourselves moneywise. If the Senate does not begin to make proper cuts, particularly in the subcommittees, we cannot set a good example for other departments of the Government. I would feel somewhat guilty to ask them to reduce if we did not reduce.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. MILLER. I have been trying to find the point to which the Senator was referring about the reduction in the Judiciary Committee's figures. As I read it, the Rules Committee has reduced the request of the Judiciary Committee by $346,000, but the actual amount that is proposed to be allowed the Judiciary Committee is more than it was last year.

The point I am making is that I believe that the Senator from Louisiana stated that there was some $180,000 less in the overall total for this group of committees than there had been last year.

The point I have tried to make is that if we look at the Agriculture Committee, we find that almost half of the $87,300 total savings comes from the Agriculture Committee, and it is a 35-percent reduction over what was allowed last year. I can find no other committee here that comes anywhere near that percentage reduction.

My point is that the Agriculture Committee has been frugal.

Mr. ELLENDER. I realize from the statement made by the Senator from Georgia, that a good showing has been made with his committee as compared to last year. Last year, as I recall, in order to make effective the resolutions passed last year, we provided for an extra month. The request for this year—that is, 1973—is reduced by 1 month's pay for all of them. That is another reason why the amounts were cut back. But I still believe that much work will have to be done by the Rules Committee in order to make actual and substantial reductions that will count for something.

As the Senator pointed out, the amounts asked for are greater than they were last year, and that is because of the increase in pay. I understand that. But what irks me is that with all these reductions, more people will be on the payroll now than last year.

Mr. CANNON. Mr. President, I should like to respond to the Senator on that point.

We find ourselves subject to some very strong pressures with respect to personnel, because both the chairman of the committee and the ranking minority member will come in and attempt to justify and support increases in personnel, many times because the minority member wants to get additional staff members himself. So it is a bipartisan effort that comes to us, with members on both sides of the aisle saying they need additional people because they want to try to balance more of the staff members.

We also are confronted with the very difficult problem of space. As the Senator pointed out, we now have acquired the one building across the alley from the New Senate Office Building, have remodeled that, and have made the space available, and we are out of space already. Many of the committee chairmen are coming to us now and saying that they need more space in which to put their people. Frankly, I think that if we had a little less space, we might not have the encouragement for as many employees as we do in many instances.

Mr. ELLENDER. Mr. President, I ask unanimous consent that a short summary that I have prepared for each committee together with a copy of the proposed budget be included in the RECORD as we discuss each resolution.

There being no objection, the summary and budgets were ordered to be printed in the RECORD, as follows:

AGRICULTURE AND FORESTRY COMMITTEE

[S. Res. No. 227, Calendar No. 615]

	Amount	Investigative staff
92d, 1st session, authorization (annualized)	$237,300	3
92d, 2d session, requested	150,000	5
Increase or decrease	−87,300	+2
Rules Committee reported	150,000	
Increase or decrease versus 92d, 1st authorization	−87,300	

Budget—S. Res. 227

Committee: Agriculture and Forestry:	
Total amount requested	$150,000
Consultants for full committee	15,000
Training of professional staff	
Inquiries and investigations	135,000
SUBJECT: AGRICULTURE AND FORESTRY	
Total amount requested for this inquiry	135,000

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 227) was agreed to, as follows:

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by section 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Agriculture and Forestry, or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $150,000, of which amount not to exceed $15,000, shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1973.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

ADDITIONAL EXPENDITURES FOR THE COMMITTEE ON ARMED SERVICES

The Senate proceeded to the consideration of the resolution (S. Res. 253) authorizing additional expenditures by the Committee on Armed Services for inquiries and investigations.

Mr. CANNON. Mr. President, this resolution would authorize the Committee on

Armed Services to expend not to exceed $455,000 during the next 12 months for inquiries and investigations.

During the last session of Congress, the committee was authorized during a 13-month period to expend not to exceed $420,000 for that purpose. The committee estimates it will return approximately $49,000 of that amount to the Treasury.

The pending request includes an increase of $67,300 over last year's authorization reduced to a 12-month basis.

The Committee on Rules and Administration has reported Senate Resolution 253 without amendment.

Senator STENNIS is chairman of the Committee on Armed Services, and Senator SMITH is its ranking minority member.

Mr. President, I would point out, as one of the members of the Committee on Armed Services, that while we operate through numerous subcommittees on the full committee, we draw on the entire staff, as shown here, to assist us in the various subcommittee investigations.

For example, I chair the ad hoc Committee on Practical Air Power, on Close Air Support, and the Committee on the National Stockpile and Naval Petroleum Reserves and I am the ranking member on the Military Construction Subcommittee. We also have a Research and Development Subcommittee. We have other special subcommittees, all of which draw on these personnel for support. The Preparedness Subcommittee is an example. The Armed Services Committee, in total, exercises legislative jurisdiction over legislation involving more than 50 percent by far of the entire dollar budget amount we appropriate every year. We have requested a rather modest increase. They show an increase of one in the number of personnel. We did approve that increase.

Mr. ELLENDER. What was the reason for the increase in personnel? I notice there is an increase over the last year of $67,300. The Senator had 15 employees in the first session of this Congress, and now we are asking for an additional employee. I wonder what the need is for it.

Mr. CANNON. The need, of course, is for the various subcommittees that are supported by the main committee. As I pointed out, we do not have a subcommittee staff specifically assigned to a subcommittee even though we have numerous occasions in the Armed Services Committee. In addition, we have a new Subcommittee on Drug Abuse which is chaired by the Senator from Iowa (Mr. HUGHES) and that involves staff investigations and hearings which have required additional technical people. We have been involved in the F-14 controversy and the C-5A controversy. All of those items have required us to draw on personnel with considerable expertise. We have some accounting types, comptroller types, that have been able to go out with their tecnhical expertise and try to get into very complicated contract areas.

The Senator from Mississippi (Mr. STENNIS) was here for a while and then asked to be excused momentarily. I am sure that he would make a persuasive case to the Senator, as he did before the committee. Therefore, we did recommend the approval of the amount requested.

Mr. ELLENDER. Mr. President, I ask unanimous consent that a summary indicating the amounts asked for, together with a copy of the budget appearing in the report, be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

ARMED SERVICES COMMITTEE

[S. Res. 253]

	Amount	Investigative staff
92d, 1st sess., authorization (annualized)	$387,700	15
92d, 2d sess., requested	455,000	16
Increase or decrease	+67,300	+1
Rules Committee reported	455,000	
Increase or decrease versus 92d, 1st authorization	+67,300	

Budget—S. Res. 253

Committee: Armed Services:	
Total amount requested	$455,000
Consultants for full committee	30,000
Training of professional staff	
Inquiries and investigations	425,000
SUBJECT: PREPAREDNESS	
Total amount requested for this inquiry	425,000

Position	Number	Annual salary	Monthly salary	Total for period ot budgef
Investigative staff:				
Legal and investigative:				
General counsel	1	$29,526	$2,460.50	$29,526.00
Chief counsel	1	33,152	2,762.66	33,152.00
Director of investigations	1	31,399	2,611.58	31,399.00
Professional staff member	1	33,152	2,762.66	33,152.00
Do	1	31,598	2,633.16	31,598.00
Do	1	30,303	2,525.25	30,303.00
Do	1	30,044	2,503.66	30,044.00
Do	2	29,526	2,460.50	59,052.00
Editorial and research: Research assistant	1	12,432	1,036.00	12,432.00
Administrative and clerical:				
Clerical assistant	1	13,209	1,100.75	13,290.00
Do	1	11,914	992.83	11,914.00
Do	2	11,396	949.66	22,792.00
Do	2	10,619	884.91	21,238.00
Total investigative staff	16			359,811.00

Administrative expenses:	
Agency contribution to:	
Employees health benefit programs ($19.42 per month per employee)	$3,738.64
Civil service retirement fund (7½ percent of total salaries paid)	27,000.36
Federal employees group life insurance (30 cents per month per $1,000 coverage)	1,500.00
Travel (inclusive of field investigations)	6,000.00
Hearings (inclusive of reporters' fees)	10,000.00
Witness fees, expenses	1,000.00
Stationery, office supplies	600.00
Communications (telephone, telegraph)	200.00
Newspapers, magazines, documents	150.00
Contingent fund	15,000.00
Total administrative expenses	65,189.00

The resolution (S. Res. 253) was agreed to, as follows:

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Armed Services, or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency, and (4) to examine, investigate, and make a complete study of any and all matters pertaining to—

(1) common defense generally;

(2) the Department of Defense, the Department of the Army, the Department of the Navy, and the Department of the Air Force generally;

(3) soldiers' and sailors' homes;

(4) pay, promotion, retirement, and other benefits and privileges of members of the Armed Forces;

(5) selective service;

(6) size and composition of the Army, Navy, and Air Force;

(7) forts, arsenals, military reservations, and navy yards;

(8) ammunition depots;

(9) maintenance and operation of the Panama Canal, including the administration, sanitation, and Government of the Canal Zone;

(10) conservation, development, and use of naval petroleum and oil shale reserves;

(11) strategic and critical materials necessary for the common defense; and

(12) aeronautical and space activities peculiar to or primarily associated with the development of weapons systems or military operations.

SEC. 2. The expenses of the committee under this resolution shall not exceed $455,000, of which amount not to exceed $30,000 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1973.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

ADDITIONAL EXPENDITURES FOR THE COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

The Senate proceeded to consider the resolution (S. Res. 244) authorizing additional expenditures by the Committee on Banking, Housing, and Urban Affairs, for inquiries and investigations.

Mr. CANNON. Mr. President, this resolution would authorize the Committee on Banking, Housing and Urban Affairs to expend not to exceed $577,000 during the next 12 months for inquiries and investigations.

During the last session of Congress the committee was authorized during a 13-month period to expend not to exceed $496,700 for that purpose. The committee estimates it will return approximately $85,300 of that amount to the Treasury.

The pending request includes an increase of $22,200 over last year's authorization reduced to a 12-month basis.

The Committee on Rules and Administration has reported Senate Resolution 244 without amendment.

Senator SPARKMAN is chairman of the Committee on Banking, Housing and Urban Affairs, and Senator TOWER is its ranking minority member.

The following tabulation contains the pertinent information concerning the multiple inquiries contained within Senate Resolution 244:

Section No.	Purpose	Amount			Subcommittee	
		Requested	Amendment	Approved	Chairman	Ranking minority member
3	General	$172,000	0	$172,000	Mr. Sparkman	Mr. Tower.
4	Housing, urban affairs	175,000	0	175,000	do	Do.
5	Securities industry	230,000	0	230,000	Mr. Williams	Mr. Brooke.
	Total	577,000	0	577,000		

Mr. ELLENDER. Mr. President, I notice that there has been an increase in funds and a decrease in employees. I also notice that the Committee on Banking, section 5, the securities industries, has been in operation since June 30, 1971, and we are now being asked for a continuation for 12 months of the subcommittee. Since there is an indication that this is a 2-year study, is it not possible that the investigation would be concluded on February 28, 1973, or might we be considering another extension next year?

Mr. SPARKMAN. Mr. President, when this subcommittee was authorized by Congress, it was to be a 2-year study. We did not get underway promptly last year which accounts largely for the $85,300 which were turned back. The increase shown, of $22,000, is accounted for by the pay raises and the fringe benefits and requirements that go when there is a pay raise. We are operating at the same level as we operated last year.

The oversight we have on housing, banking, urban affairs, and financial institutions throughout the country, in the field of housing alone, is approximately $135 billion. The Senator from Louisiana, himself an old hand in the field of housing, knows it is no little job to carry on. However, we are doing it without any increase in employees—an increase of only one, that is. That is in the general work of the committee. There is no increase in the Housing Subcommittee. With the decrease of four in the Securities Subcommittee, it cuts down $20,000 on the Securities Subcommittee as against last year's operation.

Also we turned back a total of $85,300. We do operate frugally. We always have and we will continue to do so.

Now, Mr. President, Resolution 244 requests a total budget amount of $577,000 for the Committee on Banking, Housing and Urban Affairs to make certain examinations, investigations and studies as are authorized under section 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with the committee's jurisdiction specified by rule XXV of the Standing Rules of the Senate.

The total sum requested is broken into three different examinations, investigations and studies. They are as follows:

Section 3 of the resolution requests $172,000 to augment the staff of the Banking, Housing and Urban Affairs Committee to carry on our activities falling within the regular jurisdiction of the committee. In order to accomplish the objectives set forth in the Senate covering our jurisdiction, it is necessary for us to employ on a temporary basis additional personnel. For a number of years our Committee has submitted a separate resolution requesting funds for this additional assistance. The $172,000 covered by section 3 is used to employ and provide for the administrative expenses of five additional professional staff members and three clerical assistants. The amount requested in section 3 of the resolution is slightly higher than it has been in the past. It was necessary to request this higher amount in order to cover the recent most of living indices increases which became effective on January 1, 1972.

Section 4 of our resolution requests $175,000 so that the committee can carry on its examination, study, investigation, and preparation of legislation relating to matters covering public and private housing and urban affairs generally, including urban mass transportation. The funds requested are for the purpose of employing personnel to staff the Subcommittee on Housing and Urban Affairs. These funds are used to employ five professional staff members and three clerical assistants to do the work of the Housing Subcommittee.

Again, Mr. President, this is an activity which has been carried on by the Banking, Housing and Urban Affairs Committee for several years now. Let me add parenthetically that the Government's commitments and contingent liabilities in housing, mortgage finance and urban development are now in excess of $135 billion. Our committee feels that the very small amount that we have requested to carry on the activities of our Housing Subcommittee is well justified in keeping the Senate abreast and informed on all matters relating to public and private housing and urban affairs.

Let me also add here, Mr. President, that the $175,000 requested in section 4 will permit the Subcommittee on Housing and Urban Affairs to carry on its activities at the same level it has during the last several years.

Section 5 of our resolution requests $230,000 for the Committee to carry on a study and investigation of problems and issues pertaining to the securities industry and the securities market of the United States. After careful consideration last year our committee felt the need to enter into a 2-year study of the securities industry and security markets. At that time we submitted to the Rules Committee a resolution requesting funds to carry out these investigations and studies. That committee agreed with our conclusions and favorably reported the funds we requested in our resolution. The Senate granted us $166,700 and our study was commenced in August 1971. The funds we are requesting this year are for the purpose of continuing our study as it was originally planned. Indeed, we will turn back to the Senate some $80,000 of the total funds authorized last year. This occurs primarily because there was a lag period between the time the funds were authorized and the time we were able to procure the professional and technical staff needed to carry on the study. In fact, we are just completing the employment of the total staff for this study. The funds requested in section 5 of this resolution are based on our original plans and on a full complement of personnel as we initially agreed to in our request to the Rules Committee during the last session of the Congress. The total table of organization of this study comprises seven professional staff, two of whom will be on loan from Government agencies on a reimbursable basis, and four clerical assistants.

Mr. President, in closing I would just like to reiterate to the Senate that I have tried as well as other members of our committee have tried, to operate the committee as frugally as possible. I feel that the funds we are requesting here are absolutely necessary if the work of our committee is to continue as it has in the past, and I hope, indeed, that the Senate will look upon our request for funds favorably.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the budget, together with a statement showing the overall amounts and two pages on a sectional breakdown be printed in the RECORD. As I understand it, this committee has several subcommittees and I ask unanimous consent that all this data with respect to them be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BUDGET

S. Res. 244.

Committee: Banking Housing and Urban Affairs.

Total amount requested	$577,000
Consultants for full committee	--------
Training of professional staff	--------
Inquiries and investigations	577,000

Section 3.

Subject: Banking and currency generally.

Total amount requested for this inquiry	172,000

Position	Number	Annual salary	Monthly salary	Total for period of budget
Investigative staff:				
Legal and investigative:				
Assistant counsel	1	$26, 159	$2, 179. 91	$26, 159. 00
Do	1	25, 123	2, 093. 58	25, 123. 00
Professional staff member	1	19, 166	1, 597. 16	19, 166. 00
Editorial and research: Editor	1	21, 497	1, 791. 50	21, 497. 00
Administrative and clerical:				
Assistant clerk (record)	1	19, 166	1, 597. 16	19, 166. 00
Secretary	1	12, 950	1, 079. 16	12, 950. 00
Do	1	10, 619	884. 00	10, 619. 00
Do	1	9, 065	755. 00	9, 065. 00
Total investigative staff	8			143, 745. 00

Administrative expenses:	
Agency contribution to:	
Employees health benefit programs ($19.42 per month per employee)	$1, 864. 32
Civil service retirement fund (7½ percent of total salaries paid)	10, 780. 88
Federal employees group life insurance (30 cents per month per $1,000 coverage)	594. 00
Travel (inclusive of field investigations)	4, 000. 00
Hearings (inclusive of reporters' fees)	5, 500. 00
Witness fees, expenses	500. 00
Stationery, office supplies	1, 550. 00
Communications (telephone, telegraph)	1, 790. 00
Newspapers, magazines, documents	400. 00
Contingent fund	1, 275. 80
Total administrative expenses	28, 225. 00

Section 4—Subject: Public and private housing and urban affairs generally. Total amount requested for this Inquiry, $175,000.00.

Position	Number	Annual salary	Monthly salary	Total for period of budget
Investigative staff:				
Legal and investigative:				
Staff director	1	$33, 152	$2, 672. 66	$33, 152. 00
Minority counsel	1	24, 087	2, 007. 25	24, 087. 00
Assistant counsel	1	21, 497	1, 791. 41	21, 497. 00
Professional staff member	1	25, 123	2, 093. 58	25, 123. 00
Do	1	15, 799	1, 316. 58	15, 799. 00
Administrative and clerical:				
Assistant clerk (secretary to director)	1	16, 835	1, 402. 91	16, 835. 00
Secretary	1	10, 101	841, 75	10, 101. 00
Total investigative staff	7			146, 594. 00

Administrative expenses:	
Agency contribution to:	
Employees health benefit programs ($19.42 per month per employee)	$1, 631. 28
Civil service retirement fund (7½ percent of total salaries paid)	10, 999. 55
Federal employees group life insurance (30 cents per month per $1,000 coverage)	594. 00
Travel (inclusive of field investigations)	5, 000. 00
Hearings (inclusive of reporters' fees)	5, 200. 00
Witness fees, expenses	200. 00
Stationery, office supplies	400. 00
Communications (telephone, telegraph)	1, 500. 00
Newspapers, magazines, documents	500. 00
Contingent fund	2, 381. 17
Total administrative expenses	28, 406. 00

Section 5—Subject: Securities industry. Total amount requested for this inquiry, $230,000.00.

Position	Number	Annual salary	Monthly salary	Total for period of budget
Investigative staff:				
Legal and investigative:				
Chief counsel	1	$31, 857	$2, 654. 75	$31, 857. 00
Asisistant counsel	1	23, 310	1, 942. 50	23, 310. 00
Do	1	24, 346	2, 028. 83	24, 346. 00
Do	1	23, 828	1, 985. 66	23, 828. 00
Editorial and research:				
Research asisstant	1	10, 619	884. 92	10, 619. 00
Professional staff member	1	18, 907	1, 575. 58	18, 907. 00
Administrative and clerical:				
Secretary	2	10, 360	863. 33	20, 720. 00
Do	1	11, 655	971. 25	11, 655. 00
Total investigative staff	9			165, 242. 00

Administrative expenses:	
Agency contribution to:	
Employees health benefit programs ($19.42 per month per employee)	$2, 097. 36
Civil service retirement fund (7½ percent of total salaries paid)	12, 393. 15
Federal employees group life insurance (30 cents per month per $1,000 coverage)	673. 20
Reimbursable payments to agencies	35, 000. 00
Travel (inclusive of field investigations)	5, 000. 00
Hearings (inclusive of reporters' fees)	6, 000. 00
Witness fees, expenses	500. 00
Stationery, office supplies	500. 00
Communications (telephone, telegraph)	1, 500. 00
Newspapers, magazines, documents	200. 00
Contingent fund	894. 29
Total administrative expenses	64, 758. 00

BANKING, HOUSING AND URBAN AFFAIRS COMMITTEE

S. Res. No. 244, Calendar No. 617

	Amount	Investigative staff
92d, 1st session, authorization (annualized)	$554, 800	27
92d, 2d session, requested	577, 000	24
Increase or decrease	+22, 200	−3
Rules Committee reported	577, 000	
Increase or decrease versus 92d, 1st authorization	+22, 200	

Note: Aggregate request, secs. 3, 4, and 5 follow.

SEC. 3—GENERAL INVESTIGATIONS

	Amount	Investigative staff
92d, 1st sess., authorization (annualized)	$138, 500	7
92d, 2d sess., requested	172, 000	8
Increase or decrease	+33, 500	+1
Rules committee reported	172, 000	
Increase or decrease versus 92d, 1st authorization	+33, 500	

SEC. 4—HOUSING AND URBAN AFFAIRS

	Amount	Investigative staff
92d, 1st sess. authorization (annualized)	$166, 200	7
92d, 2d sess. requested	175, 000	7
Increase or decrease	+8, 800	0
Rules committee reported	175, 000	
Increase or decrease versus 92d, 1st authorization	+8, 800	

SEC. 5—SECURITIES INDUSTRY

	Amount	Investigative staff
92d, 1st sess. authorization (annualized)	$250, 000	13
92d, 2d sess. requested	230, 000	9
Increase or decrease	−20, 100	−4
Rules committee reported	230, 000	
Increase or decrease versus 92d, 1st authorization	20, 100	

Mr. SPARKMAN. Mr. President, we have several subcommittees but they all operate as part of the general committee, with the exception of housing and that, of course, is, as the Senator knows for years, has had its separate staffing and a separate appropriation. This past year, we authorized this study in depth in the securities field, in the operations of the stock exchanges. That operates as a separate committee but it is one organized for only 2 years.

The resolution (S. Res. 244) was agreed to, as follows:

S. Res. 244

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Banking, Housing and Urban Affairs, or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, for the purposes stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The Committee on Banking, Housing and Urban Affairs, or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, to expend not to exceed $577,000 to examine, investigate, and make a complete study of any and all matters pertaining to each of the subjects set forth below in succeeding sections of this resolution, said funds to be allocated to the respective specific inquiries in accordance with such succeeding sections of this resolution.

SEC. 3. Not to exceed $172,000 shall be available for a study or investigation of—

1. banking and currency generally;

(2) financial aid to commerce and industry;

(3) deposit insurance;

(4) the Federal Reserve System, including monetary and credit policies;

(5) economic stabilization, production and mobilization;

(6) valuation and revaluation of the dollar;

(7) prices of commodities, rents, and services;

(8) securities and exchange regulations:

(9) credit problems of small business; and

(10) international finance through agencies within legislative jurisdiction of the committee.

SEC. 4. Not to exceed $175,000 shall be available for a study or investigation of public and private housing and urban affairs generally.

SEC. 5. Not to exceed $230,000 shall be available for an inquiry and investigation pertaining to the securities industry.

SEC. 6. The committee shall report its findings, together with such recommendations for legislation as it deems advisable with respect to each study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 28, 1973.

SEC. 7. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

ADDITIONAL EXPENDITURES FOR THE COMMITTEE ON COMMERCE

The Senate proceeded to consider the resolution (S. Res. 245), authorizing additional expenditures by the Committee on Commerce for inquiries and investigations, which had been reported from the Committee on Rules and Administration, with an amendment on page 2, line 9, after the word "exceed", strike out "$10,000" and insert "$25,000"; so as to make the resolution read:

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Commerce, or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $1,233,800, of which amount (1) not to exceed $35,000 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $25,000 shall be available for the training of the professional staff of such committee, or any subcommittee thereof (under procedures specified by section 202(j) of such Act).

SEC. 3. For the purposes of this resolution the committee, or its chairman, from March 1, 1972, through February 28, 1973, is authorized in its, or his discretion, (1) to require by subpena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents; (2) to hold hearings; (3) to sit and act at any time or place during the sessions, recesses, and adjournment periods of the Senate; (4) to administer oaths; and (5) take testimony, either orally or by sworn statement.

SEC. 4. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1973.

SEC. 5. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. CANNON. Mr. President, this resolution would authorize the Committee on Commerce to expend not to exceed $1,233,800 during the next 12 months for inquiries and investigations.

During the last session of Congress the committee was authorized during a 13-month period to expend not to exceed $1,383,800 for that purpose. The committee estimates it will return approximately $133,950 of that amount to the Treasury.

The pending request is $85,000 less than last year's authorization reduced to a 12-month basis.

At the request of the Committee on Commerce, the Committee on Rules and Administration has amended Senate Resolution 245 by increasing the training allotment therein from $10,000 to $25,000, without increasing the total expenditure authorization.

Senator MAGNUSON is chairman of the Committee on Commerce, and Senator COTTON is its ranking minority member.

I might say that the total number of personnel authorized is two less than those authorized for last year.

Mr. ELLENDER. Mr. President, I ask unanimous consent to have printed in the RECORD a short summary of the request and a copy of the budget memorandum submitted to the committee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

	Amount	Investigative staff
92d, 1st sess., authorization (annualized)	$1,318,800	60
92d, 2d sess., requested	1,233,800	58
Increase or decrease	−85,000	−2
Rules Committee reported	1,233,800	
Increase or decrease versus 92d, 1st authorization	−85,000	

Note: Railroad industry investigation to be continued under general investigations authorization:

General investigations	+$95,000 + 4 employees.
Railroad Industry Scomm	−$180,000 − 6 employees.
Net	−$85,000 − 2 employees.

BUDGET

S. Res. 245.

Committee: Commerce.

Total amount requested	$1,233,800.00
Consultants for full committee	35,000.00
Training of professional staff	10,000.00
Inquiries and investigations—	1,188,800.00

Subject: Commerce.

Total amount requested for this inquiry	$1,188,800.00

Position	Number	Annual salary	Monthly salary	Total for period of budget
Staff: Professional staff members in following general fields: Consumer and environmental protection, transportation, communications, merchant marine and Coast Guard, aviation, commerce and business, traffic and product safety, automobile insurance, marine sciences, fish and wildlife, foreign trade and travel, industrial technology, natural gas and electric regulation, and criminal investigation.	1	$31,080	$2,590.00	$31,080.00
	1	30,303	2,525.25	30,303.00
	2	29,785	2,482.08	59,570.00
	2	29,008	2,417.33	58,016.00
	2	28,749	2,395.75	57,498.00
	1	27,454	2,287.83	27,454.00
	3	27,195	2,266.25	81,585.00
	1	26,926	2,244.66	26,936.00
	1	26,677	2,223.08	26,677.00
	1	25,900	2,158.33	25,900.00
	1	24,864	2,072.00	24,864.00
	1	24,346	2,028.83	24,346.00
	1	22,274	1,856.16	22,274.00
	2	22,015	1,834.58	44,030.00
	2	21,756	1,813.00	43,512.00
	1	21,497	1,791.41	21,497.00
	2	21,238	1,769.83	42,476.00
	1	20,202	1,683.50	20,202.00
	1	18,130	1,510.83	18,130.00
	1	16,472	1,372.66	16,472.00
	1	15,540	1,295.00	15,540.00
	1	15,281	1,273.41	15,281.00
	1	13,468	1,122.33	13,468.00
	1	10,360	863.33	10,360.00
	1	19,166	1,597.16	19,166.00
	1	18,389	1,532.41	18,389.00
	1	14,245	1,187.08	14,245.00
	2	12,950	1,079.16	25,900.00
	1	12,691	1,057.58	12,691.00
	2	12,432	1,036.00	24,864.00
	1	12,173	1,014.41	12,173.00
	1	10,101	841.75	10,101.00
Clerical staff: Clerical assistants and stenographers.	1	$9,583	$798.58	$5,983.00
	4	9,065	755.41	36,260.00
	1	8,547	712.25	8,547.00
	2	8,288	690.66	16,576.00
	3	8,029	669.08	24,087.00
	1	7,511	625.91	7,511.00
	1	6,993	582.75	6,993.00
	1	6,475	539.58	6,475.00
	1	2,590	215.83	2,590.00
	1	2,331	194.25	2,331.00
Total investigative staff	58			1,015,953.00
Consultants				
Administrative expenses:				
Agency contribution to:				
Employees health benefit programs ($19.42 per month per employee)				13,516.32
Civil service retirement fund (7½ percent of total salaries paid)				76,196.48
Federal employees group life insurance (30 cents per month per $1,000 coverage).				4,244.40
Reimbursable payments to agencies				5,000.00
Travel (inclusive of field investigations)				30,000.00
Hearings (inclusive of reporters' fees)				23,400.00
Witness fees, expenses				3,000.00
Stationery, office supplies				3,500.00
Communications (telephone, telegraph)				13,000.00
Newspapers, magazines, documents				950.00
Contingent fund				39.80
Total administrative expenses				172,847.00

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution as amended.

The resolution (S. Res. 245) as amended was agreed to.

ADDITIONAL EXPENDITURES FOR THE COMMITTEE ON THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the resolution (S. Res. 228) authorizing additional expenditures by the Committee on the District of Columbia for inquiries and investigations which had been reported from the Committee on Rules and Administration with an amendment, on page 2, line 5, after the word "exceed", strike out "$155,850" and insert "$150,850" so as to make the resolution read:

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on the District of Columbia, or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $150,850, of which amount not to exceed $4,000 shall be available for the training of the professional staff of such committee, or any subcommittee thereof (under procedures specified by section 202(j) of such Act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1973.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. CANNON. Mr. President, this resolution would authorize the Committee on the District of Columbia to expend not to exceed $155,850 during the next 12 months for inquiries and investigations.

During the last session of Congress, the committee was authorized during a 13-month period to expend not to exceed $155,850 for that purpose. The committee estimates it will return approximately $7,400 of that amount to the Treasury.

The pending request includes an increase of $11,950 over last year's authorization reduced to a 12-month basis.

The Committee on Rules and Administration has amended Senate Resolution 228 by reducing the requested amount from $155,850 to $150,850, a reduction of $5,000.

Senator EAGLETON is chairman of the Committee on the District of Columbia, and Senator MATHIAS is its ranking minority member.

Mr. President, I may say that the $6,950 increase that the Committee on Rules and Administration approved over last year was in an amount roughly equal to the 5½ percent salary increase the Senate voted for the employees.

Mr. ELLENDER. Mr. President, I wonder if the distinguished Senator from Nevada could give an explanation of the appropriation and request for the training of personnel in the amount of $4,000. What kind of training do they have in mind?

Mr. CANNON. Mr. President, under the Legislative Reorganization Act, the committee may upgrade its own staff personnel. It may give them particular training to better qualify them to do their job. However, before that can be done, it has to be specifically authorized in the authorizing resolution.

This is something that has gone on for a number of years. Occasionally a staff member will be sent to one of the colleges or universities to go through a course of upgrading or training. The amount the committee requested, is within—it is not added onto—the total money requested, and they have requested here a sum of $4,000 for that purpose.

Mr. ELLENDER. Mr. President, I notice that in Resolution 245, which has already been agreed to, there is a request for $25,000 for training of personnel. Does that mean that the $25,000 is to be spent in order to train the members of the staff who work on these committees?

Mr. CANNON. Mr. President, it means that the Reorganization Act is subject to approval by the committee. If they come in with a proposal to permit some of their staff to go through some kind of course or training—as happened in our own staff in the Senate in the past—within the limit authorized, and that is not added to the total money allotment, they can send that member of the staff to participate in that training provided it is approved.

Mr. ELLENDER. Mr. President, I presume this is the new program provided for under the amendment to the Reorganization Act.

Mr. CANNON. The Senator is correct. The same procedure was followed in the past. However, by the Reorganization Act it was required that it be specifically authorized in the money resolution and that they specifically come to the committee for approval of the training course.

Mr. ELLENDER. Mr. President, I thought all the committees had experts.

Mr. CANNON. I may say that there are a number of very detailed regulations that must be complied with before they are permitted to participate in it. They must have worked for a certain period of time for the committee. If they are approved to go, they must agree to work for a certain period of time monitored, and it is presumably for the benefit of the committee and has been followed in the past.

Mr. ELLENDER. Mr. President, I ask unanimous consent that there be printed in the RECORD a summary of this appropriation with a copy of the budget memorandum submitted to the committee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

	Amount	Investigative Staff
92d, 1st sess. authorization (Annualized)	$143,900	10
92d, 2d sess. requested	155,850	10
Increase or decrease	+11,950	0
Rules Committee reported	150,850	
Increase or decrease versus 92d, 1st authorization	+6,950	

BUDGET

S. Res. 228.

Committee: District of Columbia.

Total amount requested	$155,850.00
Consultants for full committee	.00
Training of professional staff	4,000.00
Inquiries and investigations	151,850.00
Subject: District of Columbia.	
Total amount requested for this inquiry	151,850.00

Position	Number	Annual salary	Monthly salary	Total for period of budget
Investigative staff:				
Legal and investigative:				
Assistant counsel	2	$25,382	$2,115.16	$50,764.00
Chief investigator	1	19,425	1,618,75	19,425.00
Administrative and clerical:				
Assistant clerk (hearing)	2	10,360	863,33	20,720.00
Stenographer	5	9,324	777.00	46,620.00
Total investigative staff	10			137,529.00

Administrative expenses:	
Agency contribution to:	
Employees health benefit programs ($19.42 per month per employee)	$2,330.40
Civil service retirement fund (7½ percent of total salaries paid)	10,314.68
Federal employees group life insurance (30 cents per month per $1,000 coverage)	496.80
Hearings (inclusive of reporters' fees)	525.00
Communications (telephone, telegraph)	129.12
Newspapers, magazines, documents	525.00
Total administrative expenses	14,321.00

The Committee on Rules and Administration has amended Senate Resolution 228 by reducing the requested amount from $155,850 to $150,850, a reduction of $5,000.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution (S. Res. 228) as amended.

The resolution, as amended, was agreed to.

Mr. EAGLETON. Mr. President, I

would like briefly to take this opportunity to thank the distinguished Senator from Nevada for the attention he has given to the needs of the District of Columbia and for his presentation in the Senate here today.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON FOREIGN RELATIONS FOR A STUDY OF MATTERS PERTAINING TO THE FOREIGN POLICY OF THE UNITED STATES

The Senate proceeded to consider the resolution (S. Res. 237) authorizing additional expenditures by the Committee on Foreign Relations for a study of matters pertaining to the foreign policy of the United States which had been reported from the Committee on Rules and Administration with amendments on page 2, line 5, after the word "amount", strike out "(1)"; in line 6, after the word "exceed", strike out "$50,000" and insert "$70,000"; and, in line 9, after the word "amended)", strike out the comma and "and (2) not to exceed $20,000 shall be available for the training of the professional staff of such committee, or any subcommittee thereof (under procedures specified by section 202 (j) of such Act)"; so as to make the resolution read:

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Foreign Relations, or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $375,000 of which amount not to exceed $70,000 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202 (i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1973.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. CANNON. Mr. President, this resolution would authorize the Committee on Foreign Relations to expend not to exceed $375,000 during the next 12 months for inquiries and investigations.

During the last session of Congress the committee was authorized during a 13-month period to expend not to exceed $425,000 for that purpose. The committee estimates it will return approximately $145,000 of that amount to the Treasury.

The pending request is $96,500 less than last year's authorization reduced to a 12-month basis.

At the request of the Committee on Foreign Relations, the Committee on Rules and Administration has amended Senate Resolution 237 by deleting therefrom the $20,000 provided for training, and adding that same amount to the requested allotment for consultants, for a new total of $70,000 for that purpose. No change in the total request would be involved.

Senator Fulbright is chairman of the Committee on Foreign Relations, and Senator Aiken is its ranking minority leader.

Mr. President, I may say that the request is for a total authorization of seven personnel less than the number of personnel authorized for last year.

Mr. ELLENDER. Mr. President, I ask unanimous consent to have printed at this point in the Record a summary of the amount asked for and also a copy of the budget memorandum submitted to the committee.

There being no objection, the material was ordered to be printed in the Record, as follows:

FOREIGN RELATIONS COMMITTEE—S. RES. NO. 237
CALENDAR NO. 620

	Amount	Investigative staff
92d, 1st sess. authorization (annualized)	$471, 500	25
92d, 2d sess. requested	375, 000	18
Increase or decrease	−96, 500	−7
Rules Committee reported	375, 000	
Increase or decrease versus 92d, 1st authorization	−96, 500	

NOTE: U.S. involvement in Southeast Asia investigation to be continued under U.S. Foreign Policy Investigations authorization (per Chairman Fulbright):

U.S. foreign policy investigations	+$75, 000	+3 employees.
U.S. involvement in Southeast Asia	−171, 000	−10 employees.
Net	−96, 500	−7 employees.

BUDGET

(S. Res. 237)

Committee: Foreign Relations.

Total amount requested	$375, 000. 00
Consultants for full committee	70, 000. 00
Training of professional staff	0. 00
Inquiries and investigation	305, 000. 00

Subject: Foreign policy of the United States.	
Total amount requested for this inquiry	305, 000. 00

Position	Number	Annual salary	Monthly salary	Total for period of budget
Investigative staff:				
Legal and investigative: Professional staff member	1	$32, 893	$2, 741. 08	$32, 893. 00
Editorial and research:				
Editorial director	1	18, 907	1, 575. 58	18, 907. 00
Assistant director	1	10, 360	863. 33	10, 360. 00
Research assistant	3	12, 691	1, 057. 58	38, 073. 00
Staff member	1	25, 123	2, 093. 58	25, 123. 00
Do	1	17, 353	1, 446. 08	17, 353. 00
Administrative and clerical:				
Assistant clerk	1	17, 871	1, 489. 25	17, 871. 00
Do	1	15, 799	1, 316. 58	15, 799. 00
Do	1	7, 252	604. 33	7, 252. 00
Do	1	10, 619	884. 91	10, 619. 00
Do	1	4, 921	410. 08	4, 921. 00
Do	1	11, 655	971. 25	11, 655. 00
Do	2	10, 101	841. 75	20, 202. 00
Do	1	8, 029	669. 08	8, 029. 00
Do	1	5, 180	431. 66	5, 180. 00
Total investigative staff	18			244, 237. 00

Administrative expenses:	
Agency contribution to:	
Employees health benefit programs ($19.42 per month per employee)	$4, 194. 72
Civil service retirement fund (7½ percent of total salaries paid)	18, 324. 53
Federal employees group life insurance (30 cents per month per $1,000 coverage)	914. 40
Reimbursable payments to agencies	2, 000. 00
Travel (inclusive of field investigations)	3, 000. 00
Hearings (inclusive of reporters' fees)	21, 000. 00
Witness fees, expenses	3, 500. 00
Stationery, office supplies	2, 500. 00
Communications (telephone, telegraph)	2, 000. 00
Newspapers, magazines, documents	1, 500. 00
Contingent fund	1, 829. 35
Total administrative expenses	60, 763. 00

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution as amended.

The resolution (S. Res. 237) as amended, was agreed to.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON GOVERNMENT OPERATIONS FOR INQUIRIES AND INVESTIGATIONS

The Senate proceeded to consider the resolution (S. Res. 258) authorizing additional expenditures by the Committee on Government Operations for inquiries and investigations which had been reported from the Committee on Rules and Administration with amendments.

Mr. CANNON. Mr. President, this resolution would authorize the Committee on Government Operations to expend not to exceed $1,795,310 during the next 12 months for inquiries and investigations.

During the last session of Congress the committee was authorized during a 13-

month period to expend not to exceed $1,582,200 for that purpose. The committee estimates it will return approximately $78,930 of that amount to the Treasury.

The pending request includes an increase of $334,710 over last year's authorization reduced to a 12-month basis.

The Committee on Rules and Administration has amended Senate Resolution 258 by reducing the requested amount from $1,795,310 to $1,595,300, a reduction of $200,010.

Senator McClellan is chairman of the Committee on Government Operations, and Senator Percy is its ranking minority member.

Mr. ELLENDER. Mr. President, I wish to ask the Senator from Nevada why it is with the reduction just indicated that the number of employees has been increased from 61 to 77, or a total increase of 16 new employees.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. BYRD of West Virginia. Mr. President, it was agreed to earlier by the leadership on both sides of the aisle and by Senators who are principal parties in connection with the action on this resolution that it would go over to a later date. This is Senate Resolution 258.

I ask that action not be taken on this resolution and that it be put over to a later date.

Mr. CANNON. Mr. President, I would prefer that it be put over to a later date, because I am very embarrassed to have to defend some of these additional requests for money and employees when I am opposed to it generally and the chairman of the committee or committee members are not here to defend the position. I would be glad to have it go over at this time.

The PRESIDING OFFICER. Without objection, Senate Resolution 258 will go over for future consideration.

ADDITIONAL EXPENDITURES FOR THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

The Senate proceeded to consider the resolution (S. Res. 231) authorizing additional expenditures by the Committee on Interior and Insular Affairs for inquiries and investigations.

Mr. CANNON. Mr. President, this resolution would authorize the Committee on Interior and Insular Affairs to expend not to exceed $400,000 during the next 12 months for inquiries and investigations.

During the last session of Congress the committee was authorized during a 13-month period to expend not to exceed $400,000 for that purpose. The committee estimates it will return approximately $81,000 of that amount to the Treasury.

The pending request is $24,600 less than last year's authorization reduced to a 12-month basis.

The Committee on Rules and Administration has reported Senate Resolution 231 without amendment.

Senator Jackson is chairman of the Committee on Interior and Insular Affairs, and Senator Allott is its ranking minority member.

Mr. ELLENDER. Mr. President, I ask unanimous consent to have printed in the Record a short tabulation that I prepared, together with a copy of the budget presented by the Committee on Interior and Insular Affairs.

There being no objection, the material was ordered to be printed in the Record, as follows:

INTERIOR AND INSULAR AFFAIRS COMMITTEE—S. RES NO. 231, CALENDAR NO. 622

	Amount	Investigative staff
92d, 1st sess., authorization (annualized)	$424, 600	20
92d, 2d sess., requested	400, 000	20
Increase or decrease	−24, 600	0
Rules Committee reported	400, 000	
Increase or decrease versus 92d, 1st, authorization	−24, 600	
General investigations	+$215, 400	+10 employees
National fuels and energy investigations	−240, 000	−10 employees
Net	−24, 600	

BUDGET

(S. Res. 231)

Committee: Interior and Insular Affairs:

Total amount requested	$400, 000. 00
Consultants for full committee	25, 000. 00
Training of professional staff	. 00
Inquiries and investigations	375, 000. 00
Subject: Interior and insular affairs:	
Total amount requested for this inquiry	375, 000. 00

Position	Number	Annual salary	Monthly salary	Total for period of budget
Investigative staff:				
Legal and investigative:				
Special counsel	1	$34, 447	$2, 870. 58	$34, 447.00
Assistant counsel	2	32, 375	2, 697. 91	64, 750. 00
Investigator	3	18, 130	1, 510. 83	54, 390. 00
Editorial and research:				
Editorial director	1	13, 986	1, 165. 50	13, 986. 00
Assistant director	1	12, 173	1, 014. 41	12, 173. 00
Research assistant	2	7, 252	604. 33	14, 504. 00
Administrative and clerical:				
Assistant clerk (secretary to director)	1	10, 878	906. 50	10, 878. 00
Assistant clerk (file)	1	6, 475	539. 58	6, 475. 00
Stenographer	8	10, 101	841. 75	80, 808. 00
Total investigative staff	20			292, 411. 00

Administrative expenses:	
Agency contribution to:	
Employees health benefit programs ($19.42 per month per employee)	$4, 660. 80
Civil service retirement fund (7½ percent of total salaries paid)	21, 930. 83
Federal employees group life insurance (30 cents per month per $1,000 coverage)	1, 000. 00
Reimbursable payments to agencies	12, 000. 00
Travel (inclusive of field investigations)	15, 000. 00
Hearings (inclusive of reporters' fees)	17, 000. 00
Witness fees, expenses	1, 200. 00
Stationery, office supplies	2, 500. 00
Communications (telephone, telegraph)	3, 600. 00
Newspapers, magazines, documents	500. 00
Contingent fund	3, 197. 37
Total administrative expenses	82, 589. 00

Mr. ELLENDER. Mr. President, I understand there has been no increase in the number of employees in this case.

Mr. CANNON. The Senator is correct. There was on the outline a change of 10 personnel removed from the National Fuels and Energy Investigations Subcommittee, but they were transferred to the staff of the full committee.

Mr. ELLENDER. Is this on a permanent basis?

Mr. CANNON. They are simply carried as committee investigating personnel; they are not part of the permanent staff.

Mr. ELLENDER. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 231) was agreed to as follows:

Resolved, That, in holding hearings, reporting such hearings, and making investigation as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Interior and Insular Affairs, or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The expenses of the committee under this resolution shall not exceed $400,000, of which amount (1) not to exceed $25,000 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

Sec. 3. To assist the committee in a study of national fuels and energy policy pursuant to Senate Resolution 45, agreed to May 3, 1971, the chairman and ranking minority member of each of the Committees on Commerce and Public Works, or members of such committees designated by such chairmen and ranking minority members to serve in their places, and the ranking majority and minority Senate members of the Joint Committee on Atomic Energy, or Senate members of that committee designated by such ranking majority and minority Senate members to serve in their places, shall participate and shall serve as ex officio members of the committee for the purpose of conducting the fuels and energy policy study.

Sec. 4. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1973.

Sec. 5. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY FOR INQUIRIES AND INVESTIGATIONS

The Senate proceeded to consider the resolution (S. Res. 256) authorizing additional expenditures by the Committee on the Judiciary for inquiries and investigations which had been reported from the Committee on Rules and Administration with amendments on page 2, line 7, after the word "exceed", strike out "$3,994,200" and insert "$3,647,700"; in line 23, after the word "exceed", strike out "$353,900" and insert "$318,900"; on page 3, line 3, after the word "exceed", strike out "$769,500" and insert "$713,500"; in line 8, after the word "exceed", strike out "$244,000" and insert "$223,000"; in line 13, after the word "exceed", strike out "$300,000" and insert "$279,000"; in line 18, after the word "exceed", strike out "$220,000" and insert "$195,500"; on page 4, line 1, after the word "exceed", strike out "$253,000" and insert "$207,500"; in line 4, after the word "exceed", strike out "$599,356.78" and insert "$532,500"; in line 19, after the word "such", strike out "$599,356.78" and insert "$532,500"; in line 22, after the word "exceed", strike out "$340,000" and insert "$312,000"; on page 5, line 3, after the word "exceed", strike out "$140,000" and insert "$133,000"; in line 11, after the word "exceed", strike out "$174,500" and insert "$160,500"; and, in line 15, after the word "exceed", strike out "$220,000" and insert "$192,000"; so as to make the resolution read:

Resolved, That in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate so far as applicable, the Committee on the Judiciary, or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, for the purposes stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services or personnel of any such department or agency.

SEC. 2. The Committee on the Judiciary, or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, to expend not to exceed $3,647,700 to examine, investigate, and make a complete study of any and all matters pertaining to each of the subjects set forth below in succeeding sections of this resolution, said funds to be allocated to the respective specific inquiries and to the procurement of the services of individual consultants or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended) in accordance with such succeeding sections of this resolution. For the purposes of this resolution, the committee or a duly authorized subcommittee thereof, or the chairman of the committee or of such subcommittees, or any other member of the committee or of such subcommittee designated by the chairman of the committee, may issue subpenas under the authority vested in the committee by section 134(a) of such Act.

SEC. 3. Not to exceed $318,900 shall be available for a study or investigation of administrative practice and procedure, of which amount not to exceed $3,000 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 4. Not to exceed $713,500 shall be available for a study or investigation of antitrust and monopoly, of which amount not to exceed $10,000 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 5. Not to exceed $223,000 shall be available for a study or investigation of constitutional amendments, of which amount not to exceed $7,000 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 6. Not to exceed $279,000 shall be available for a study or investigation of constitutional rights, of which amount not to exceed $10,000 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 7. Not to exceed $195,500 shall be available for a study or investigation of criminal laws and procedures.

SEC. 8. Not to exceed $13,500 shall be available for a study or investigation of Federal charters, holidays, and celebrations.

SEC. 9. Not to exceed $230,000 shall be available for a study or investigation of immigration and naturalization.

SEC. 10. Not to exceed $207,500 shall be available for a study or investigation of improvements in judicial machinery.

SEC. 11. Not to exceed $532,500 shall be available for a complete and continuing study and investigation of (1) the administration, operation, and enforcement of the Internal Security Act of 1950, as amended, (2) the administration, operation, and enforcement of other laws relating to espionage, sabotage, and the protection of the internal security of the United States, and (3) the extent, nature, and effect of subversive activities in the United States, its territories and possessions, including, but not limited to, espionage, sabotage, and infiltration by persons who are or may be under the domination of the foreign government or organization controlling the world Communist movement or any other movement seeking to overthrow the Government of the United States by force and violence or otherwise threatening the internal security of the United States. Of such $532,500, not to exceed $3,600 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 12. Not to exceed $312,000 shall be available for a study or investigation of juvenile delinquency, of which amount not to exceed $14,000 may be expended for the proprocurement of individual consultants or organizations thereof.

SEC. 13. Not to exceed $133,000 shall be available for a study or investigation of patents, trademarks, and copyrights.

SEC. 14. Not to exceed $74,900 shall be available for a study or investigation of national penitentiaries, of which amount not to exceed $1,000 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 15. Not to exceed $160,500 shall be available for a study or investigation of refugees and escapees.

SEC. 16. Not to exceed $61,900 shall be available for a study or investigation of revision and codification.

SEC. 17. Not to exceed $192,000 shall be available for a study or investigation of separation of powers between the executive, judicial, and legislative branches of Government, of which amount not to exceed $16,000 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 18. The committee shall report its findings, together with such recommendations for legislation as it deems advisable with respect to each study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 28, 1973.

SEC. 19. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. CANNON. Mr. President, this resolution would authorize the Committee on the Judiciary to expend not to exceed $3,994,200 during the next 12 months for inquiries and investigations.

During the last session of Congress the committee was authorized during a 13-month period to expend not to exceed $3,871,300 for that purpose. The committee estimates it will return approximately $340,400 of that amount to the Treasury.

The pending request includes an increase of $420,200 over last year's authorization reduced to a 12-month basis.

The Committee on Rules and Administration has amended Senate Resolution 256 by reducing the requested amount from $3,994,200 to $3,647,700, a reduction of $346,500.

Senator EASTLAND is chairman of the Committee on the Judiciary, and Senator HRUSKA is its ranking minority member.

Mr. President, there are a number of amendments. If the distinguished Senator from Louisiana has no objection, I ask unanimous consent that the amendments be considered en bloc.

Mr. ELLENDER. I have no objection.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Mr. CANNON. Mr. President, I can run through these briefly and give the amount of the reduction by the Committee on Rules and Administration.

Section No.	Purpose	Amount		
		Requested	Amendment	Approved
3	Administrative practice and procedure	$353,900	−$35,000	$318,900
4	Antitrust and monopoly	769,500	−56,000	713,500
5	Constitutional amendments	244,000	−21,000	223,000
6	Constitutional rights	300,000	−21,000	279,000
7	Criminal laws and procedures	220,000	−24,500	195,500
8	Federal charters, etc	13,500	0	13,500
9	Immigration, naturalization	230,000	0	230,000
10	Improvements in judicial machinery	253,000	−45,500	207,500
11	Internal security	599,000	−66,500	532,500
12	Juvenile delinquency	$340,000	−$28,000	$312,000
13	Patents, trademarks, etc	140,000	−7,000	133,000
14	Penitentiaries	74,900	0	74,900
15	Refugees and escapees	174,500	−14,000	160,500
16	Revision and codification	61,900	0	61,900
17	Separation of powers	220,000	−28,000	192,000
	Total	3,994,200	−346,500	3,647,700

The total staff personnel requested was an increase of six over those requested last year.

The statement I made earlier to the Senator from Louisiana would apply here. With the amounts of the reduction we have made I am satisfied they will not be able to make those increases in the total number of staff that have been indicated.

Mr. ELLENDER. In other words, as I understand the Senator, it would be up to the committee to live within the budget and it is the opinion of the chairman that the staff would have to be cut back.

Mr. CANNON. It is my opinion they would not be able to make those additions to the staff, because we have reduced their total budget request by a quarter to a half million dollars.

Mr. ELLENDER. Mr. President, there are 14 sections under the Committee on the Judiciary, one of which deals with the so-called temporary Subcommittee on Juvenile Delinquency.

This subcommittee got its start in 1953.

In the CONGRESSIONAL RECORD of the first session of the 83d Congress in 1953, the following colloquy appeared:

> Mr. ELLENDER. Mr. President, may we have an explanation of the resolution?
>
> Mr. HENDRICKSON. Mr. President, I shall gladly explain this resolution. It authorizes a study of juvenile delinquency, its causes and contributing factors, throughout the country by a subcommittee of the Committee on the Judiciary. The purpose of the study is to suggest in a report to be submitted to the Senate not later than January 31, 1954, such legislation as may be found to be appropriate.
>
> Mr. ELLENDER. Since the Senator from New Jersey is the author of this resolution, I have no doubt that he will be appointed a member of the subcommittee. I hope so; and I hope he will come to the Senate next year without a request for more funds.
>
> Mr. HENDRICKSON. I sincerely hope that I shall be able to come before the Senate and report exactly the result which the Senator from Louisiana wishes.

In the Senate colloquy, the following statement from the Senator from New Jersey also appeared, as quoted in the CONGRESSIONAL RECORD of the first session of the 83d Congress, page 849:

> Mr. President, it is my hope that if I may have the privilege of serving on the subcommittee, we shall not use all of the $44,000 because I think we shall receive aid from agencies of the States and from agencies of the Federal Government, *which will make unnecessary the employment of all the contemplated personnel.*

I repeat this quote, because it shows how much in error the belief was that additional employees would not be added to the Senate staff. During the debate, Mr. Hendrickson, who was subsequently chairman of the subcommittee, stated as follows:

> I can give assurance, with the understanding, of course, that I shall be a member of the Subcommittee—if I have the good fortune to be a member of it—that I shall insist that we complete our work by the time mentioned.

The 1954 resolution extended the life of the subcommittee, calling for $175,000, an increase from the $44,000 request in the original resolution.

As the Senate knows, this so-called "temporary" subcommittee has been extended every year since.

This year's resolution calls for $312,000 for its operation. Since its inception, a total of $3,464,959 has been made available to it. If this year's figure is included, the total becomes $3,776,959.

I ask unanimous consent that the request of each subcommittee of the Judiciary Committee be printed in the RECORD, together with a copy of the amount originally asked for by the committee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUDICIARY COMMITTEE—S. RES. NO. 256, CALENDAR NO. 623

AGGREGATE REQUEST

	Amount	Investigative staff
92d, 1st sess. authorization (annualized)	$3,574,000	181
92d, 2d sess. requested	3,994,200	187
Increase or decrease	+420,200	+6
Rules Committee reported	3,647,700	----------
Increase or decrease versus 92d, 1st authorization	+73,700	----------

SEC. 3—ADM. PRAC. AND PROCEDURES

	Amount	Investigative staff
92d, 1st sess. authorization (annualized)	$300,500	15
92d, 2d sess. requested	353,900	15
Increase or decrease	+53,400	0
Rules committee reported	318,900	----------
Increase or decrease versus 92d, 1st authorization	+18,400	----------

SEC. 4.—ANTITRUST AND MONOPOLY

	Amount	Investigative staff
92d, 1st sess. authorization (annualized)	$718,200	31
92d, 2d sess. requested	769,500	31
Increase or decrease	+51,300	0
Rules Committee reported	713,500	----------
Increase or decrease versus 92d, 1st authorization	−4,700	----------

SEC. 5—CONSTITUTIONAL AMENDMENTS

	Amount	Investigative staff
92d, 1st sess. authorization (annualized)	$211,000	11
92d, 2d sess. requested	244,000	11
Increase or decrease	+33,000	0
Rules Committee reported	223,000	----------
Increase or decrease versus 92d, 1st authorization	+12,000	----------

SEC. 6.—CONSTITUTIONAL RIGHTS

	Amount	Investigative staff
92d, 1st sess. authorization (annualized)	$267,700	14
92d, 2d sess. requested	300,000	15
Increase or decrease	+32,300	+1
Rules Committee reported	279,000	----------
Increase or decrease versus 92d, 1st, authorization	+11,300	----------

SEC. 7—CRIMINAL LAWS AND PROCEDURES

	Amount	Investigative staff
92d, 1st sess. authorization (annualized)	$193,900	9
92d, 2d sess. requested	220,000	9
Increase or decrease	+26,100	0
Rules Committee reported	195,500	----------
Increase or decrease versus 92d, 1st authorization	+1,600	----------

SEC. 8—FEDERAL CHARTERS, ETC.

	Amount	Investigative staff
92d, 1st sess. authorization (annualized)	$8,800	1
92d, 2d sess. requested	13,500	1
Increase or decrease	+4,700	0
Rules Committee reported	13,500	----------
Increase or decrease versus 92d, 1st authorization	+4,700	----------

SEC. 9—IMMIGRATION, NATURALIZATION

	Amount	Investigative staff
92d, 1st sess. authorization (annualized)	$224,800	10
92d, 2d sess. requested	230,000	10
Increase or decrease	+5,200	0
Rules Committee reported	230,000	----------
Increase or decrease versus 92d, 1st authorization	+5,200	----------

SEC. 10—IMPROVEMENTS IN JUDICIAL MACHINERY

	Amount	Investigative staff
92d, 1st sess. authorization (annualized)	$239,600	16
92d, 2d sess. requested	253,000	16
Increase or decrease	+13,500	0
Rules committee reported	207,500	----------
Increase or decrease versus 92d, 1st authorization	−32,000	----------

SEC. 11—INTERNAL SECURITY

	Amount	Investigative staff
92d, 1st sess. authorization (annualized)	$572,300	27
92d, 2d sess. requested	599,000	27
Increase or decrease	+26,700	0
Rules Committee reported	532,500	----------
Increase or decrease versus 92d, 1st authorization	−39,800	----------

SEC. 12—JUVENILE DELINQUENCY

	Amount	Investigative staff
92d, 1st sess. authorization (annualized)	$284,600	17
92d, 2d sess. requested	340,000	17
Increase or decrease	+55,400	0
Rules Committee reported	312,000	----------
Increase or decrease, versus 92d, 1st authorization	+27,400	----------

SEC. 13—PATENTS, TRADEMARKS, ETC.

	Amount	Investigative staff
92d, 1st sess. authorization (annualized)	$129,300	6
92d, 2d sess. requested	140,000	6
Increase or decrease	+10,700	0
Rules Committee reported	133,000	
Increase or decrease versus 92d, 1st sess., authorization	+3,700	

SEC. 14—PENITENTIARIES

	Amount	Investigative staff
92d, 1st sess. authorization (annualized)	$55,300	3
92d, 2d sess. requested	74,900	4
Increase or decrease	+19,600	+1
Rules Committee reported	74,900	
Increase or decrease, versus 92d, 1st authorization	+19,600	

SEC. 15—REFUGEES AND ESCAPEES

	Amount	Investigative staff
92d, 1st sess. authorization (annualized)	$143,000	10
92d, 2d sess. requested	$174,500	10
Increase or decrease	+31,400	0
Rules Committee reported	160,500	
Increase or decrease, versus 92d, 1st authorization	+17,400	

SEC. 16—REVISION AND CODIFICATION

	Amount	Investigative staff
92d, 1st sess. authorization (annualized)	$58,800	3
92d, 2d sess. requested	61,900	3
Increase or decrease	+3,100	0
Rules Committee reported	$61,900	
Increase or decrease, versus 92d, 1st authorization	+3,100	

SEC. 17—SEPARATION OF POWERS

	Amount	Investigative staff
92d, 1st sess. authorization (annualized)	$166,200	8
92d, 2d sess. requested	220,000	12
Increase or decrease	+53,000	+4
Rules Committee reported	192,000	
Increase or decrease versus 92d, 1st, authorization	+25,800	

BUDGET—SECTION 3; SUBJECT: ADMINISTRATIVE PRACTICE AND PROCEDURE; TOTAL AMOUNT REQUESTED FOR THIS INQUIRY, $353,900

Position	Number	Annual salary	Monthly salary	Total for period of budget
Investigative staff:				
Legal and investigative:				
Chief counsel	1	$34,447	$2,870.58	$34,447
Assistant counsel	3	26,418	2,201.50	79,254
Chief investigator	1	31,857	2,654.75	31,857
Investigator	1	21,756	1,813.00	21,756
Minority counsel	1	34,447	2,870.58	34,447
Editorial and research: Research assistant	1	23,569	1,964.08	23,569
Administrative and clerical:				
Chief clerk and special assistant	1	15,799	1,316.58	15,799
Assistant clerk	2	9,324	777.00	18,648
Do	1	8,806	733.83	8,806
Secretary	1	8,806	733.83	8,806
Clerks for minority	2	12,950	1,079.16	25,900
Total investigative staff	15			303,289
Consultants	3			3,000
Administrative expenses:				
Agency contribution to:				
Employees health benefit programs ($19.42 per month per employee)				3,496
Civil service retirement fund (7½ percent of total salaries paid)				22,747
Federal employees group life insurance (30 cents per month per $1,000 coverage)				1,220
Reimbursable payments to agencies				1,500
Travel (inclusive of field investigations)				7,000
Hearings (inclusive of reporters' fees)				3,500
Witness fees, expenses				2,500
Stationery, office supplies				1,000
Communications (telephone, telegraph)				3,000
Newspapers, magazines, documents				800
Contingent fund				848
Total administrative expenses				47,611

Note: The Committee on Rules and Administration has amended section 3 of S. Res. 256 by reducing the requested amount from $353,900 to $318,900, a reduction of $35,000.

BUDGET—SECTION 4; SUBJECT: ANTITRUST AND MONOPOLY; TOTAL AMOUNT REQUESTED FOR THIS INQUIRY, $769,500

Position	Number	Annual salary	Monthly salary	Total for period of budget
Investigative staff:				
Legal and investigative:				
Chief counsel or staff director	2	$32,893	$2,741.08	$65,786.00
General counsel	1	31,598	2,633.16	31,598.00
Special counsel	1	29,008	2,417.33	29,008.00
Assistant counsel	10	25,382	2,115.16	253,820.00
Chief economist	1	29,526	2,460.50	29,526.00
Economist	3	29,500	2,458.33	88,500.00
Editorial and research: Editorial director	1	19,684	1,640.33	19,684.00
Administrative and clerical:				
Chief clerk	1	16,576	1,381.33	16,576.00
Assistant clerk (secretary to director)	1	13,986	1,165.50	13,986.00
Stenographer	7	10,878	906.50	76,146.00
Information clerk	1	11,396	949.66	11,396.00
Telephone operator	1	8,288	690.66	8,288.00
Messenger	1	8,029	669.08	8,029.00
Total investigative staff	31			652,343.00
Consultants	6			10,000.00
Administrative expenses:				
Agency contribution to:				
Employees health benefit program ($19.42 per month per employee)				$7,224.24
Civil service retirement fund (7½ percent of total salaries paid)				48,925.73
Federal employees group life insurance (30 cents per month per $1,000 coverage)				2,750.00
Reimbursable payments to agencies				2,000.00
Travel (inclusive of field investigations)				27,000.00
Hearings (inclusive of reporters' fees)				1,100.00
Witness fees, expenses				10,000.00
Stationery, office supplies				2,000.00
Communications (telephone, telegraph)				3,000.00
Newspapers, magazines, documents				3,000.00
Contingent fund				157.03
Total administrative expenses				107,157.00

Note: The Committee on Rules and Administration has amended section 4 of S. Res. 256 by reducing the requested amount from $769,500 to $713,500, a reduction of $56,000.

BUDGET—SECTION 5; SUBJECT: CONSTITUTIONAL AMENDMENTS; TOTAL AMOUNT REQUESTED FOR THIS INQUIRY, $244,000

Position	Number	Annual salary	Monthly salary	Total for period of budget
Investigative staff:				
Legal and investigative:				
Chief counsel	1	$27,972	$2,331.00	$27,972.00
Special counsel (minority)	1	32,116	2,676.33	32,116.00
Assistant chief counsel	1	19,943	1,661.91	19,943.00
Assistant counsel	2	16,058	1,338.16	32,116.00
Editorial and research:				
Editorial director	1	19,943	1,661.91	19,943.00
Research director	1	19,943	1,661.91	19,943.00
Staff member (minority)	1	26,677	2,223.08	26,677.00
Administrative and clerical:				
Chief clerk	1	9,065	755.41	9,065.00
Assistant chief clerk	1	18,806	733.83	8,806.00
Stenographer (minority)	1	17,914	992.83	11,914.00
Total investigative staff	11			208,495.00
Consultants	2			7,000.00
Administrative expenses:				
Agency contribution to:				
Employees health benefit programs ($19.42 per month per employee)				2,563.44
Civil service retirement fund (7½ percent of total salaries paid)				15,637.13
Federal employees group life insurance (30 cents per month per $1,000 coverage)				700.00
Hearings (inclusive of reporters' fees)				3,500.00
Witness fees, expenses				900.00
Stationery, office supplies				500.00
Communications (telephone, telegraph)				3,800.00
Newspapers, magazines, documents				825.00
Contingent fund				79.43
Total administrative expenses				28,505.00

Note: The Committee on Rules and Administration has amended section 5 of Senate Resolution 256 by reducing the requested amount from $244,000 to $223,000, a reduction of $21,000.

BUDGET—SECTION 6; SUBJECT: CONSTITUTIONAL RIGHTS; TOTAL AMOUNT REQUESTED FOR THIS INQUIRY, $300,000

Position	Number	Annual salary	Monthly salary	Total for period of budget
Investigative staff:				
Legal and investigative:				
Chief counsel and staff director	1	$33,929	$2,827.41	$33,929.00
Minority counsel	1	31,598	2,633,16	31,598.00
Counsel	1	18,907	1,575.58	18,907.00
Do	1	18,130	1,510.83	18,130.00
Assistant counsel	2	15,022	1,251.83	30,044.00
Editorial and research:				
Professional staff member	1	23,569	1,964.08	23,569.00
Editorial assistant	1	11,396	949.66	11,396.00
Administrative and clerical:				
Chief clerk	1	17,094	1,424.50	17,094.00
Secretary to director	1	15,281	1,273.41	15,281.00
Secretary	1	14,504	1,208.66	14,504.00
Do	1	10,878	906.50	10,878.00
Do	2	9,065	755.41	18,130.00
Clerical assistant	1	7,511	625.91	7,511.00
Total investigative staff	15			250,971.00
Consultants	4			10,000.00
Administrative expenses:				
Agency contribution to:				
Employees health benefit programs ($19.42 per month per employee)				3,495.60
Civil service retirement fund (7½ percent of total salaries paid)				18,822.82
Federal emloyees group life insurance (30 cents per month per $1,000 coverage)				946.80
Travel (inclusive of field investigations)				500.00
Hearings (inclusive of reporters' fees)				6,500.00
Witness fees, expenses				5,000.00
Stationery, office supplies				1,500.00
Communications (telephone, telegraph)				1,000.00
Newspapers, magazines, documents				1,000.00
Contingent fund				263.78
Total administrative expenses				39,029.00

Note: The Committee on Rules and Administration has amended section 6 of S. Res. 256 by reducing the requested amount from $300,000 to $279,000, a reduction of $21,000.

BUDGET—SECTION 7; SUBJECT: CRIMINAL LAWS AND PROCEDURES; TOTAL AMOUNT REQUESTED FOR THIS INQUIRY, $220,000

Position	Number	Annual salary	Monthly salary	Total for period of budget
Investigative staff:				
Legal and investigative:				
Chief counsel	1	$32,893	$2,741.08	$32,893.00
Assistant counsel	3	21,238	1,769.83	63,714.00
Minority counsel	1	32,116	2,676,33	32,116.00
Administrative and clerical:				
Chief clerk	1	16,058	1,338.16	6,058.00
Stenographer	3	10,360	863,33	31,080.00
Total investigative staff	9			175,861.00
Consultants				
Administrative expenses:				
Agency contribution to:				
Employees health benefit programs ($19.42 per month per employee)				2,021.76
Civil service retirement fund (7½ percent of total salaries paid)				13,189.57
Federal employees group life insurance (30 cents per month per $1,000 coverage)				655.20
Reimbursable payments to agencies				20,000.00
Travel (inclusive of field investigations)				1,500.00
Hearings (inclusive of reporters' fees)				2,000.00
Stationery, office supplies				700.00
Communications (telephone, telegraph)				700.00
Newspapers, magazines, documents				500.00
Contingent fund				2,872.47
Total administrative expenses				44,139.00

Note: The committee on Rules and Administration has amended section 7 of S. Res. 256 by reducing the requested amount from $220,500 to $195,500, a reduction of $24,500.

BUDGET—SECTION 8; SUBJECT: FEDERAL CHARTERS, HOLIDAYS, AND CELEBRATIONS; TOTAL AMOUNT REQUESTED FOR THIS INQUIRY, $13,500

Position	Number	Annual salary	Monthly salary	Total for period of budget
Investigative staff: Administrative and clerical:				
Chief clerk	1	$10,101	$841.75	$10,101.00
Total investigative staff	1			10,101.00
Consultants				
Administrative expenses:				
Agency contribution to:				
Employee health benefit programs ($19.42 per month per employee)				$233.04
Civil service retirement fund (7½ percent of total salaries paid)				757.58
Federal employees group life insurance (30 cents per month per $1,000 coverage)				46.80
Hearings (inclusive of reporters' fees)				2,361.58
Total administrative expenses				3,399.00

BUDGET—SECTION 9; SUBJECT: IMMIGRATION AND NATURALIZATION; TOTAL AMOUNT REQUESTED FOR THIS INQUIRY, $230,000

Position	Number	Annual salary	Monthly salary	Total for period of budget
Investigative staff:				
Legal and investigative:				
Staff director	1	$32,893	$2,741.08	$32,893
Assistant staff director	1	32,893	2,741.08	32,893
Investor	1	17,094	1,424.50	17,094
Editorial and research:				
Research director	1	25,900	2,158.33	25,900
Research assistant	1	23,310	1,942.50	23,310
Do	1	23,051	1,920.91	23,051
Administrative and clerical:				
Assistant clerk (secretary to director)	1	15,281	1,273.41	15,281
Assistant clerk (file)	1	15,281	1,273.41	15,281
Assistant clerk (record)	1	8,029	669.08	8,029
Stenographer	1	10,360	863.33	10,360
Total investigative staff	10			204,092
Consultants				
Administrative expenses:				
Agency contribution to:				
Employees health benefit programs ($19.42 per month per employee)				2,330
Civil service retirement fund (7½ percent of total salaries paid)				15,300
Federal employees group life insurance (30 cents per month per $1,000 coverage)				800
Travel (inclusive of field investigations)				2,000
Hearings (inclusive of reporter's fees)				4,500
Stationery, office supplies				400
Communications (telephone, telegraph)				350
Contingent fund				208
Total administrative expenses				25,908

BUDGET—SECTION 10; SUBJECT: IMPROVEMENTS IN JUDICIAL MACHINERY; TOTAL AMOUNT REQUESTED FOR THIS INQUIRY, $253,000

Position	Number	Annual salary	Monthly salary	Total for period of budget
Investigative staff:				
Legal and investigative:				
Chief counsel	1	$29,526	$2,460.50	$29,526
Minority counsel	1	29,008	2,417.33	29,008
Deputy counsel	1	20,202	1,683.50	20,202
Do	1	17,871	1,489.25	17,871
Deputy minority counsel	1	18,907	1,575.58	18,907
Investigator	1	10,619	884.91	10,619
Editorial and research:				
Research director	1	8,547	712.25	8,547
Staff member	2	7,511	625.91	15,022
Administrative and clerical:				
Chief clerk	1	12,432	1,036.00	12,432
Assistant chief clerk	1	9,324	777.00	9,324
Assistant clerk	1	8,806	733.83	8,806
Stenographer	2	8,029	669.08	16,058
Minority staff member	1	12,173	1,014.41	12,173
Minority secretary	1	10,101	841.75	10,101
Total investigative staff	16			218,596
Consultants				
Administrative expenses:				
Agency contribution to:				
Employees health benefit programs ($19.42 per month per employee)				3,728
Civil service retirement fund (7½ percent of total salaries paid)				17,016
Federal employees group life insurance (30 cents per month per $1,000 coverage)				1,000
Travel (inclusive of field investigations)				2,500
Hearings (inclusive of reporters' fees)				3,000
Witness fees, expenses				1,800
Stationery, office supplies				2,000
Communications (telephone, telegraph)				2,000
Newspapers, magazines, documents				1,060
Contingent fund				300
Total administrative expenses				34,404

Note: The Committee on Rules and Administration has amended section 10 of S. Res. 256 by reducing the requested amount from $253,000 to $207,500, a reduction of $45,500.

BUDGET—SECTION 11; SUBJECT: INTERNAL SECURITY; TOTAL AMOUNT REQUESTED FOR THIS INQUIRY, $599,000

Position	Number	Annual salary	Monthly salary	Total for period of budget
Investigative staff:				
Legal and investigative:				
Chief counsel or staff director	1	$35,742	$2,978.50	$35,742
Associate counsel	1	33,929	2,827.41	33,929
Do	1	29,008	2,417.33	29,008
Do	1	28,231	2,352.58	28,231
Investigative analyst	1	33,929	2,827.41	33,929
Chief investigator	1	32,116	2,676.33	32,116
Investigator	1	21,497	1,791.41	21,497
Do	1	19,684	1,640.33	19,684
Do	1	17,871	1,489.25	17,871
Editorial and research:				
Editorial director	1	22,792	1,899.33	22,792
Assistant director	1	22,792	1,899.33	22,792
Research director	1	32,116	2,676.33	32,116
Research assistant	1	19,166	1,597.16	19,166
Do	1	15,281	1,273.41	15,281
Administrative and clerical:				
Office manager	1	22,015	1,834.58	22,015
Assistant to chief counsel	1	14,504	1,208.66	14,504
Secretary to research director	1	13,209	1,100.75	13,209
Secretary	1	13,209	1,100.75	13,209
Do	3	10,878	906.50	32,634
Do	3	9,583	798.58	28,749
Supervisor, files	1	9,065	755.41	9,065
Clerk	1	8,547	712.25	8,547
Messenger	1	7,770	647.50	7,770
Total investigative staff	27			513,856
Consultants				3,600
Administrative expenses:				
Agency contribution to:				
Employees health benefit programs ($19.42 per month per employee)				6,292
Civil service retirement fund (7½ percent of total salaries paid)				38,539
Federal employees group life insurance (30 cents per month per $1,000 coverage)				2,095
Travel (inclusive of field investigations)				6,000
Hearings (inclusive of reporters' fees)				8,500
Witness fees, expenses				7,000
Stationery, office supplies				3,500
Communications (telephone, telegraph)				4,500
Newspapers, magazines, documents				2,500
Contingent fund				2,618
Total administrative expenses				81,544

Note: The Committee on Rules and Administration has amended section 11 of S. Res. 256 by reducing the requested amount from $599,000 to $532,500, a reduction of $66,500.

BUDGET—SECTION 12; SUBJECT: JUVENILE DELINQUENCY; TOTAL AMOUNT REQUESTED FOR THIS INQUIRY, $340,000

Position	Number	Annual salary	Monthly salary	Total for period of budget
Investigative staff:				
Legal and investigative:				
Chief counsel and staff director	1	$22,533	$1,877.75	$22,533.00
Deputy chief counsel	1	17,612	1,467.66	17,612.00
Assistant counsel	1	14,763	1,230.25	14,763.00
Do	1	15,540	1,295.00	15,540.00
Investigator	1	21,497	1,791.41	21,497.00
Minority counsel	1	29,008	2,417.33	29,008.00
Editorial and research:				
Editorial director	1	18,130	1,510.83	18,130.00
Assistant director	1	12,432	1,036.00	12,432.00
Research assistant	1	10,619	884.91	10,619.00
Do	1	22,274	1,856.16	22,274.00
Do	1	8,806	733.83	8,806.00
Minority staff member	1	20,720	1,726.66	20,720.00
Administrative and clerical:				
Clerk	1	10,619	884.91	10,619.00
Assistant chief clerk	1	8,288	690,66	8,288.00
Assistant clerk (secretary to director)	1	9,065	755.41	9,065.00
Assistant clerk (file)	1	7,252	604.33	7,252.00
Assistant clerk (minority)	1	10,878	906.50	10,878.00
Total investigative staff	17			260.036.00
Consultants	3			14,000.00
Administrative expenses:				
Agency contribution to:				
Employees health benefit programs ($19.42 per month per employee)				3,961.68
Civil service retirement fund (7½ percent of total salaries paid)				19,716.38
Federal employees group life insurance (30 cents per month per $1,000 coverage)				1,098.00
Travel (inclusive of field investigations)				12,849.00
Hearings (inclusive of reporters' fees)				8,500.00
Witness fees, expenses				10,500.00
Stationery, office supplies				$2,000.00
Communications (telephone, telegraph)				3,500.00
Newspapers, magazines, documents				3,500.00
Contingent fund				338.94
Total administrative expenses				65,964.00

Note: The Committee on Rules and Administration has amended section 12 of S. Res. 256 by reducing the requested amount from $340,000 to $312,000, a reduction of $28,000.

BUDGET—SECTION 13; SUBJECT: PATENTS, TRADEMARKS, AND COPYRIGHTS; TOTAL AMOUNTS REQUESTED FOR THIS INQUIRY, $140,000

Position	Number	Annual salary	Monthly salary	Total for period of budget
Investigative staff:				
Legal and investigative:				
Chief counsel	1	$32,893	$2,741.08	$32,893,00
Assistant counsel	1	26,677	2,223.08	26,677.00
Administrative and clerical:				
Chief clerk	1	24,605	2,050.41	24,605.00
Assistant clerk (secretary to director)	1	14,504	1,208.66	14,504.00
Assistant clerk	1	13,727	1,143.91	13,727.00
Stenographer	1	8,029	669.08	8,029.00
Total investigative staff	6			120,435.00
Administrative expenses:				
Agency contribution to:				
Employees health benefit programs ($19.42 per month per employee)				1,398.24
Civil service retirement fund (7½ percent of total salaries paid)				9,032.63
Federal employee group life insurance (30 cents per month per $1,000 coverage)				493.20
Travel (inclusive of field investigations)				2,500.00
Hearings (inclusive of reporters' fees)				2,750,00
Witness fees, expenses				1,750.00
Stationery, office supplies				200.00
Communications (telephone, telegraph)				250.00
Newspapers, magazines, documents				225.00
Contingent fund				965.93
Total administrative expenses				19,565.00

Note: The Committee on Rules and Administration has amended section 13 of S. Res. 256 by reducing the requested amount from $140,000 to $133,000, a reduction of $7,000.

Item	Fiscal year end Feb. 29, 1972 (12 month basis)	Fiscal year end Feb. 28, 1973
Existing staff	$45,510.00	$47,915.00
New position		10,101.00
Consultants		1,000.00
Agency contributions	4,277.97	5,683.56
Travel	1,941.05	3,000.00
Hearings	972.00	3,000.00
Witness fees, expenses	483.27	2,500.00
Stationery	269.76	500.00
Communications	201.81	450.00
Publications	517.60	450.00

BUDGET—SECTION 14; SUBJECT: NATIONAL PENITENTIARIES; TOTAL AMOUNT REQUESTED FOR THIS INQUIRY, $74,900

Position	Number	Annual salary	Monthly salary	Total for period of budget
Investigative staff:				
Legal and investigative:				
General counsel or staff director	1	$23,828	$1,985.66	$23,828.00
Special counsel (minority)	1	15,799	1,316.58	15,799.00
Assistant counsel	1	10,101	841.75	10,101.00
Administrative and clerical: Chief clerk	1	8,288	690.66	8,288.00
Total investigative staff	4			58,016.00
Consultants	2			1,000.00
Administrative expenses:				
Agency contribution to:				
Employees health benefit programs ($19.42 per month per employee)				932.16
Civil service retirement fund (7½ percent of total salaries paid)				4,506.60
Federal employees group life insurance (30 cents per month per $1,000 coverage)				244.80
Travel (inclusive of field investigations)				3,000.00
Hearings (inclusive of reporters' fees)				3,000.00

BUDGET—SECTION 14: SUBJECT: NATIONAL PENITENTIARIES; TOTAL AMOUNT REQUESTED FOR THIS INQUIRY, $74,900

Position	Number	Annual salary	Monthly salary	Total for period of budget
Witness fees, expenses				$2,500.00
Stationery, office supplies				500.00
Communications (telephone, telegraph)				450.00
Newspapers, magazines, documents				450.00
Contingent fund				300.44
Total administrative expenses				15,884.00

BUDGET—SECTION 15; SUBJECT: REFUGEES AND ESCAPEES; TOTAL AMOUNT REQUESTED FOR THIS INQUIRY, $174,500

Position	Number	Annual salary	Monthly salary	Total for period of budget
Investigative staff:				
Legal and investigative:				
General counsel or staff director	1	$34,447	$2,870.58	$34,447
Minority counsel	1	34,447	2,870.58	34,447
Editorial and research:				
Editorial director	1	17,094	1,424.50	17,094
Research assistant	1	12,432	1,036.00	12,432
Staff member	1	10,619	884.91	10,619
Administrative and clerical:				
Assistant clerk (secretary to director)	1	10,619	884.91	10,619
Assistant clerk (file)	1	3,885	323.75	3,885
Assistant clerk (record)	1	3,885	323.75	3,885
Stenographer	1	10,619	884.91	10,619
Minority secretary	1	9,583	798.58	9,583
Total investigative staff	10			147,630
Consultants				
Administrative expenses:				
Agency contribution to:				
Employees health benefit programs ($19.42 per month per employee)				2,330
Civil service retirement fund 7½ percent of total salaries paid)				11,092
Federal employees group life insurance (30 cents per month per $1,000 coverage				500
Travel (inclusive of field investigations)				4,000
Hearings (inclusive of reporters fees)				2,700
Witness fees, expenses				2,700
Stationery, office supplies				1,100
Communications (telephone, telegraph)				1,620
Newspapers, magazines, documents				350
Contingent fund				478
Total administrative expenses				26,870

Note: The Committee on Rules and Administration has amended section 15 of Res. 256 by reducing the requested amount from 174,500 to $160,500, a reduction of $14,000.

BUDGET—SECTION 16; SUBJECT: REVISION AND CODIFICATION; TOTAL AMOUNT REQUESTED FOR THIS INQUIRY, $61,900

Position	Number	Annual salary	Monthly salary	Total for period of budget
Investigative staff:				
Legal and investigative: General counsel or staff director	1	$33,929	$2,827.41	$33,929.00
Administrative and clerical: Stenographer	2	10,619	884.91	21,238.00
Total investigative staff	3			55,167.00
Administrative expenses:				
Agency contribution to:				
Employees health benefit programs ($19.42 per month per employee)				$699.12
Civil service retirement fund (7½ percent of total salaries paid)				4,137.53
Federal employees group life insurance (30 cents per month per $1,000 coverage)				223.20
Reimbursable payments to agencies				100.00
Hearings (inclusive of reporters' fees)				200.00
Witness fees, expenses				200.00
Stationery, office supplies				100.00
Communications (telephone, telegraph)				100.00
Newspapers, magazines, documents				100.00
Contingent fund				873.15
Total administrative expenses				6,733.00

BUDGET—SECTION 17; SUBJECT: SEPARATION OF POWERS; TOTAL AMOUNT REQUESTED FOR THIS INQUIRY, $220,000

Position	Number	Annual salary	Monthly salary	Total for period of budget
Investigative staff:				
Legal and investigative:				
Chief counsel and staff director	1	$32,893	$2,741.08	$32,893
Minority counsel	1	28,490	2,374,16	28,940
Assistant chief counsel	1	18,648	1,554.00	18,648
Executive assistant (also serves as chief clerk and accountant)	1	18,648	1,554.00	18,648
Editorial and research:				
Editorial director	1	18,648	1,554.00	18,648
Research assistant	1	8,806	733.83	8,806
Research assistant—Minority (part time)	1	4,403	366.91	4,403
Administrative and clerical:				
Assistant clerk (secretary to director)	1	12,691	1,057.58	12,691
Assistant clerk and receptionist	1	8,806	733.83	8,806
Assistant clerk—Minority (part time)	1	6,993	582.75	6,993
Stenographer	1	7,770	647.50	7,770
Assistant clerk (part time)	1	4,403	366.91	4,403
Total, investigative staff	12			171,199
Consultants (when actually employed)	4			16,000
Administrative expenses:				
Agency contribution to:				
Employees health benefit programs ($19.42 per month per employee)				2,796
Civil service retirement fund (7½ percent of total salaries paid)				12,839
Federal employees group life insurance (30 cents per month per $1,000 coverage)				738
Travel (inclusive of field investigations)				2,500
Hearings (inclusive of reporters' fees)				4,000
Witness fees, expenses				2,000
Stationery, office supplies				700
Communications (telephone, telegraph)				600
Newspapers, magazines, documents				1,500
Contingent fund				5,128
Total administrative expenses				32,801

Note: The Committee on Rules and Administration has amended section 17 of S. Res. 256 by reducing the requested amount from $220,000 to $192,000, a reduction of $28,000.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments en bloc.

The committee amendments were agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution as amended.

The resolution, as amended, was agreed to.

ADDITIONAL FUNDS FOR THE COMMITTEE ON LABOR AND PUBLIC WELFARE

The Senate proceeded to consider the resolution (S. Res. 235) to provide additional funds for the Committee on Labor and Public Welfare, which had been reported from the Committee on Rules and Administration with amendments on page 2, at the beginning of line 8, strike out "$1,468,000" and insert "$1,433,000"; in line 17, after the word "exceed", strike out "$1,013,000" and insert "$993,000"; in line 23, after the word "exceed", strike out "$455,000" and insert "$440,000"; and, on page 3, line 13, after the word "aggregate", strike out "$1,468,000" and insert "$1,433,000"; so as to make the resolution read:

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Labor and Public Welfare, or any subcommittee thereof is authorized from March 1, 1972, through February 28, 1973, for the purposes stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department agency.

SEC. 2. The Committee on Labor and Public Welfare, or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, to expend not to exceed $1,433,000 to examine, investigate, and make a complete study of any and all matters pertaining to each of the subjects set forth below in succeeding sections of this resolution, and funds to be allocated to the respective specific

inquiries and to the procurement of the services of individual consultants or organizations thereof (as authorized by section 202 (i) of the Legislative Reorganization Act of 1946, as amended) in accordance with such succeeding sections of this resolution.

SEC. 3. Not to exceed $993,000 shall be available for a study or investigation of all matters within its jurisdiction under rule XXV of the Standing Rules of the Senate, of which amount not to exceed $35,000 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 4. Not to exceed $440,000 shall be available for an examination, investigation, and complete study of any and all matters pertaining to the United Mine Workers of America election of 1969 and a general study of pension and welfare funds, with special emphasis on the need for protection of employees covered by these funds, of which amount not to exceed $45,000 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 5. The committee shall report its findings, together with such recommendations for legislation as it deems advisable with respect to each study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 28, 1973.

SEC. 6. Expenses of the committee under this resolution which shall not exceed in the aggregate $1,433,000 shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. CANNON. Mr. President, this resolution would authorize the Committee on Labor and Public Welfare to expend not to exceed $1,468,000 during the next 12 months for inquiries and investigations.

During the last session of Congress the committee was authorized during a 13-month period to expend not to exceed $1,540,000 for that purpose. The committee estimates it will return approximately $236,800 of that amount to the Treasury.

The pending request includes an increase of $46,500 over last year's authorization reduced to a 12-month basis.

The Committee on Rules and Administration has amended Senate Resolution 235 by reducing the requested amount from $1,468,000 to $1,433,000, a reduction of $35,000.

Senator WILLIAMS is chairman of the Committee on Labor and Public Welfare, and Senator JAVITS is its ranking minority member.

I ask unanimous consent that a tabulation relating to the resolution be printed in the RECORD at this point.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

PERTINENT INFORMATION CONCERNING THE MULTIPLE INQUIRIES CONTAINED WITHIN SENATE RESOLUTION 235

Sec. No.	Purpose	Amount: Requested	Amount: Amendment	Amount: Approved
3	General	$1,013,000	−$20,000	$993,000
4	UMW election, pensions	445,000	−15,000	440,000
	Total	1,468,000	−35,000	1,433,000

Note: Subcommittee chairman, Mr. William; ranking minority member Mr. Javits.

Mr. ELLENDER. Mr. President, last year I did my level best to decrease the number of employees of this committee, but I failed. I am not going to make another attempt to do it, but this committee has, instead of 12 permanent employees as required under the Legislative Reorganization Act, or at least the amendments to it, an additional 18 permanent employees, making a total of 30 altogether, plus 58 special or extra employees, making a grand total for that committee of 88 employees.

I ask unanimous consent to have placed in the RECORD a short résumé as to each of the subcommittees, with the amount requested, as well as a copy of the budget presented by the chairman of committee to the Committee on Rules and Administration.

There being no objection, the résumé was ordered to be printed in the RECORD, as follows:

LABOR AND PUBLIC WELFARE COMMITTEE—S. RES. NO. 235, CALENDAR NO. 624

AGGREGATE REQUEST

	Amount	Investigative staff
92d, 1st sess. authorization (annualized)	$1,421,500	58
92d, 2d sess. requested	1,468,000	58
Increase or decrease	+46,500	0
Rules Committee reported	1,433,000	
Increase or decrease versus 92d, 1st authorization	+11,500	

SEC. 3—GENERAL INVESTIGATION

	Amount	Investigative staff
92d, 1st sess. authorization (annualized)	$983,00	43
92d, 2d session requested	1,013,00	44
Increase or decrease	+30,00	+1
Rules Committee reported	993,00	
Increase or decrease versus 92d, 1st authorization	+10,00	

SEC. 4—UMW ELECTION; PENSIONS, ETC.

	Amount	Investigative staff
92d, 1st sess. authorization (annualized)	$438,500	15
92d, 2d sess. requested	455,000	14
Increase or decrease	+16,500	−1
Rules Committee reported	440,000	
Increase or decrease versus 92d, 1st authorization	+1,500	

Budget—S. Res. 235

Committee: Labor and Public Welfare:	
Total amount requested	$1,468,000
Consultants for full committee	
Training of professional staff	
Inquiries and investigations	1,468,000

SECTION 3—SUBJECT: GENERAL

Total amount requested for this inquiry	1,013,000

Position	Number	Annual salary	Monthly salary	Total for period of budget
Investigative staff:				
Legal and investigative:				
General counsel or staff director	1	$32,375.00	$2,697.91	$32,375.00
Chief counsel	1	32,375.00	2,697.91	32,375.00
Special counsel	2	29,526.00	2,460.50	59,052.00
Assistant chief counsel	4	28,749.00	2,395.75	114,996.00
Assistant counsel	2	26,936.00	2,244.66	53,872.00
Chief investigator	1	29,785.00	2,482.08	29,785.00
Investigator	2	24,864.00	2,072.00	49,728.00
Editorial and research:				
Editorial director	1	29,267.00	2,438.91	29,267.00
Assistant director	1	27,195.00	2,266.25	27,195.00
Research director	1	29,267.00	2,438.91	29,267.00
Research assistant	5	18,907.00	1,575.58	94,535.00
Staff member	3	15,799.00	1,316.58	47,397.00
Administrative and clerical:				
Chief clerk	1	27,195.00	2,266.25	27,195.00
Assistant chief clerk	1	15,799.00	1,316.58	15,799.00
Assistant clerk (secretary to director)	2	12,950.00	1,079.16	25,900.00
Assistant clerk (file)	3	11,655.00	971.25	34,965.00
Assistant clerk (record)	3	11,655.00	971.25	34,965.00
Assistant clerk (hearing)	3	10,878.00	906.50	32,634.00
Stenographer	5	9,842.00	820.17	49,210.00
Accountant	1	14,504.00	1,208.66	14,504.00
Assistant accountant	1	$10,878.00	$906.50	$10,878.00
Total investigative staff	44			845,982.00
Consultants				35,000.00
Administrative expenses:				
Agency contribution to:				
Employees health benefit programs ($19.42 per month per employee)				10,253.76
Civil service retirement fund (7½ percent of total salaries paid)				63,448.65
Federal employees group life insurance (30 cents per month per $1,000 coverage)				3,290.40
Reimbursable payments to agencies				5,000.00
Travel (inclusive of field investigations)				20,000.00
Hearings (inclusive of reporters fees)				20,000.00
Witness fees, expenses				1,000.00
Stationery, office supplies				1,000.00
Communications (telephone, telegraph)				5,000.00
Newspapers, magazines, documents				3,000.00
Contingent fund				25.19
Total administrative expenses				132,018.00

The Committee on Rules and Administration has amended Section 3 of Senate Resolution 235 by reducing the requested amount from $1,013,000 to $993,000, a reduction of $20,000.

SECTION 4—SUBJECT: UNITED MINE WORKERS' ELECTION OF 1969 AND PENSION AND WELFARE FUNDS GENERALLY

Total amount requested for this inquiry ______________ $455, 000

Position	Number	Annual salary	Monthly salary	Total for period of budget
Investigative staff:				
Legal and investigative:				
General counsel or staff director	1	$32, 375	$2, 697. 91	$32, 375. 00
Chief counsel	1	30, 303	2, 525. 25	30, 303. 00
Special counsel	1	30, 303	2, 525. 25	30, 303. 00
Assistant chief counsel	1	26, 936	2, 244. 66	26, 936. 00
Chief investigator	1	30, 303	2, 525. 25	30, 303. 00
Investigator	3	26, 936	2, 244. 66	80, 808. 00
Editorial and research:				
Editorial director	1	26, 936	2, 244. 66	26, 936. 00
Research director	1	26, 936	2, 244. 66	26, 936. 00
Administrative and clerical:				
Assistant chief clerk	1	12, 432	1, 036. 00	12, 432. 00
Assistant clerk (secretary to director)	1	12, 432	1, 036. 00	12, 432. 00
Assistant clerk (file)	2	12, 432	1, 036. 00	24, 864. 00
Total investigative staff	14			334, 628. 00
Consultants				$45, 000. 00
Administrative expenses:				
Agency contribution to:				
Employees health benefit programs ($19.42 per month per employee)				3, 262. 56
Civil service retirement fund (7½ percent of total salaries paid)				25, 097. 10
Federal employees group life insurance (30 cents per month per $1,000 coverage)				1, 324. 80
Reimbursable payments to agencies				12, 000. 00
Travel (inclusive of field investigations)				25, 000. 00
Hearings (inclusive of reporters' fees)				4, 500. 00
Witness fees, expenses				500. 00
Stationery, office supplies				650. 00
Communications (telephone, telegraph)				2, 400. 00
Newspapers, magazines, documents				200. 00
Contingent fund				437. 54
Total administrative expenses				75, 372. 00

The Committee on Rules and Administration has amended section 4 of Senate Resolution 235 by reducing the requested amount from $455,000 to $440,000, a reduction of $15,000.

Mr. CANNON. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc.

The amendments were agreed to en bloc.

The PRESIDING OFFICER. The question is on agreeing to the resolution, as amended.

The resolution, as amended, was agreed to.

ADDITIONAL EXPENDITURES FOR THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE

The Senate proceeded to consider the resolution (S. Res. 248) authorizing expenditures by the Committee on Post Office and Civil Service, which had been reported from the Committee on Rules and Administration with an amendment on page 2, line 5, after the word "exceed", strike out "$250,000" and insert "$215,000"; so as to make the resolution read:

Resolved, That in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Post Office and Civil Service, or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $215,000.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1973.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. CANNON. Mr. President, this resolution would authorize the Committee on Post Office and Civil Service to expend not to exceed $250,000 during the next 12 months for inquiries and investigations.

During the last session of Congress the committee was authorized during a 13-month period to expend not to exceed $225,000 for that purpose. The committee estimates it will return approximately $15,000 of that amount to the Treasury.

The pending request includes an increase of $42,300 over last year's authorization reduced to a 12-month basis.

The Committee on Rules and Administration has amended Senate Resolution 248 by reducing the requested amount from $250,000 to $215,000, a reduction of $35,000.

Senator McGEE is chairman of the Committee on Post Office and Civil Service, and Senator FONG is its ranking minority member.

I may say that in making the reduction we did, we felt that the difference between that amount and the amount requested would be adequate to take care of the pay increases that Congress has voted. The personnel or staff members remain the same.

Mr. ELLENDER. Mr. President, here is another committee for which I tried to reduce the number of permanent employees. It has 13 permanent employees and 10 investigative staff members, for a total of 23 employees.

As I pointed out last year, the work of this committee has been reduced by virtue of the fact that the Post Office Department is now being managed by a corporation. In my book, as I said last year, there is no reason why so many employees should be on the payroll of this committee.

I ask unanimous consent that a short statement prepared by me indicating the amount to be spent, as well as a copy of the budget presented by the chairman of the committee to the Committee on Rules and Administration, be printed in the RECORD at this point.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

POST OFFICE AND CIVIL SERVICE COMMITTEE—S. RES. NO. 248, CALENDAR NO. 625

	Amount	Investigative staff
92d, 1st sess. authorization (annualized)	$207, 700	10
92d, 2d sess. requested	250, 000	10
Increase of decrease	+42, 300	0
Rules Committee reported	215, 000	
Increase or decrease versus 92d, 1st authorization	+7, 300	

Budget—S. Res. 248

COMMITTEE: POST OFFICE AND CIVIL SERVICE

Total amount requested	$250, 000
Consultants for full committee	
Training of professional staff	
Inquiries and investigations	250, 000
Subject: Post office and civil service.	
Total amount requested for this inquiry	250, 000

Position	Number	Annual salary	Monthly salary	Total for period of budget
Investigative staff:				
Legal and investigative:				
Special counsel	3	$27,054.00	$2,254.00	$81,162.00
Chief investigator	1	22,274.00	1,856.00	22,274.00
Investigator	3	20,202.00	1,683.00	60,606.00
Administrative and clerical: Stenographer	3	11,137.00	928.00	33,411.00
Total investigative staff	10			197,453.00

Administrative expenses:	
Agency contribution to:	
Employees health benefit programs ($19.42 per month per employee)	$2,330.00
Civil service retirement fund (7½ percent of total salaries paid)	14,809.00
Federal employees group life insurance (30 cents per month per $1,000 coverage)	810.00
Travel (inclusive of field investigations)	20,000.00
Communications (telephone, telegraph)	12,000.00
Contingent fund	2,598.00
Total administrative expenses	52,547.00

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution, as amended.

The resolution, as amended, was agreed to.

ADDITIONAL EXPENDITURES FOR THE COMMITTEE ON PUBLIC WORKS

The Senate proceeded to consider the resolution (S. Res. 249) authorizing additional expenditures by the Committee on Public Works for inquiries and investigations, which had been reported from the Committee on Rules and Administration with an amendment on page 2, line 4, after the word "exceed", strike out "$685,000" and insert "$625,000"; so as to make the resolution read:

Resolved, That, in holding hearings, reporting such hearings and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Public Works, or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned, and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $685,000 *$625,000* of which amount not to exceed $17,500 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1973.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. CANNON. Mr. President, this resolution would authorize the Committee on Public Works to expend not to exceed $685,000 during the next 12 months for inquiries and investigations.

During the last session of Congress the committee was authorized during a 13-month period to expend not to exceed $600,000 for that purpose. The committee estimates it will return approximately $125,000 of that amount to the Treasury.

The pending request includes an increase of $131,200 over last year's authorization reduced to a 12-month basis.

The Committee on Rules and Administration has amended Senate Resolution 249 by reducing the requested amount from $685,000 to $625,000, a reduction of $60,000.

Senator RANDOLPH is chairman of the Committee on Public Works, and Senator COOPER is its ranking minority member.

Mr. ELLENDER. Mr. President, I ask unanimous consent that a statement prepared by me be inserted at this point in the RECORD, indicating the total amount asked for and allowed, and the number of investigative staff members, together with a copy of the budget presented by the chairman of the committee to the Committee on Rules and Administration.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

PUBLIC WORKS COMMITTEE—S. RES. No. 249, CALENDAR NO. 626

	Amount	Investigative staff
92d, 1st sess. authorization (annualized)	$553,800	28
92d, 2d sess. requested	685,000	28
Increase or decrease	+131,200	0
Rules Committee reported	625,000	
Increase or decrease versus 92d, 1st authorization	+71,400	

Budget—S. Res. 249

Committee: Public Works:	
Total amount requested	$685,000
Consultants for full committee	17,500
Training of professional staff	0
Inquiries and investigations	667,500

SUBJECT: GENERAL

Total amount requested for this inquiry	667,500

Position	Number	Annual salary	Monthly salary	Total for period of budget
Investigative staff:				
Legal and investigative:				
Professional staff member	1	$32,893.00	$2,741.08	$32,893.00
Do	1	27,195.00	2,266.25	27,195.00
Special counsel	1	28,749.00	2,395.75	28,749.00
Assistant chief counsel	1	20,202.00	2,683.50	20,202.00
Assistant counsel	1	17,353.00	1,446.08	17,353.00
Professional staff member	1	27,454.00	2,287.83	27,454.00
Do	1	30,562.00	2,546.83	30,562.00
Economist	1	24,346.00	2,028.83	24,346.00
Professional staff member	2	25,123.00	2,093.58	50,246.00
Editorial and research:				
Professional staff member	1	30,562.00	2,546.83	30,562.00
Research assistant	1	12,950.00	1,079.16	12,950.00
Do	1	10,360.00	863.33	10,360.00
Do	1	11,396.00	949.66	11,396.00
Do	1	14,245.00	1,187.08	14,245.00
Do	1	10,101.00	841.75	10,101.00
Do	1	15,022.00	1,251.83	15,022.00
Administrative and clerical:				
Assistant clerk (secretary to director)	1	11,137.00	928.08	11,137.00
Assistant clerk (file)	1	8,547.00	712.25	8,547.00
Assistant clerk (calendar)	1	16,317.00	1,359.75	16,317.00
Assistant clerk (hearing)	1	12,432.00	1,036.00	12,432.00
Do	1	11,655.00	971.25	11,655.00
Do	1	11,137.00	928.08	11,137.00
Assistant clerk (hiring)	2	$10,360.00	$863.33	$20,720.00
Do	2	9,583.00	798.58	19,166.00
Printing clerk	1	19,943.00	1,661.91	19,943.00
Total investigative staff	28			505,050.00
Consultants				
Administrative expenses:				
Agency contribution to:				
Employees health benefit programs ($19.42 per month per employee)				6,525.12
Civil service retirement fund (7½ percent of total salaries paid)				37,878.75
Federal employees group life insurance (30 cents per month per 1,000 coverage)				1,843.20
Travel (inclusive of field investigations)				34,000.00
Hearings (inclusive of reporters' fees)				25,000.00
Witness fees, expenses				500.00
Stationery, office supplies				4,000.00
Communications (telephone, telegraph)				3,500.00
Newspapers, magazines, documents				500.00
Contingent fund				13,702.93
Film (revision, updating, etc.)				35,000.00
Total administrative expenses				162,450.00

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution, as amended.

The resolution, as amended, was agreed to.

ADDITIONAL EXPENDITURES FOR THE SELECT COMMITTEE ON SMALL BUSINESS

The Senate proceeded to consider the resolution (S. Res. 250) authorizing additional expenditures by the Select Committee on Small Business.

Mr. CANNON. Mr. President, this resolution would authorize the Select Committee on Small Business to expend not to exceed $158,000 during the next 12 months for inquiries and investigations.

During the last session of Congress the committee was authorized during a 13-month period to expend not to exceed $153,000 for that purpose. The committee estimates it will return approximately $24,733 of that amount to the Treasury.

The pending request includes an increase of $16,700 over last year's authorization reduced to a 12-month basis.

The Committee on Rules and Administration has reported Senate Resolution 250 without amendment.

Senator BIBLE is chairman of the Select Committee on Small Business, and Senator JAVITS is its ranking minority member.

Mr. ELLENDER. Mr. President, I wish to point out that this committee has at present 12 permanent staff members. In addition, it has asked for one more investigative employee, giving this committee a total of 20 employees.

I ask unanimous consent that a statement prepared by me be placed in the RECORD at this point, together with a copy of the budget presented by the chairman of the committee to the Committee on Rules and Administration.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

SELECT COMMITTEE ON SMALL BUSINESS—S. RES. NO. 250, CALENDAR NO. 627

	Amount	Investigative staff
92d, 1st sess. authorization (annualized)	$141,300	7
92d, 2d sess. requested	158,000	8
Increase or decrease	+16,700	+1
Rules Committee reported	158,000	
Increase or decrease versus 92d, 1st authorization	+16,700	

Budget—S. Res. 250

Committee: Select Committee on Small Business:	
Total amount requested	$158,000
Consultants for full committee	500
Training of professional staff	1,000
Inquiries and investigations	156,500
Subject: Problems of American small and independent business.	
Total amount requested for this inquiry	156,500

Position	Number	Annual salary	Monthly salary	Total for period of budget
Investigative staff:				
Legal and investigative:				
Counsel	2	$22,792	$1,899.33	$45,584.00
Do	1	16,576	1,381.33	16,576.00
Administrative and clerical:				
Assistant clerk	1	11,137	928.08	11,137.00
Do	1	10,360	863.33	10,360.00
Do	2	8,806	733.83	17,612.00
Clerk messenger	1	8,288	690.66	8,288.00
Total investigative staff	8			109,557.00

Administrative expenses:	
Agency contribution to:	
Employees health benefit programs ($19.42 per month per employee)	$1,864.32
Civil service retirement fund (7½ percent of total salaries paid)	8,216.78
Federal employees group life insurance (30 cents per month per $1,000 coverage)	464.40
Travel (inclusive of field investigations)	5,000.00
Hearing (inclusive of reporters' fees)	20,400.00
Witness fees, expenses	4,805.00
Stationery, office supplies	500.00
Communications (telephone, telegraph)	1,500.00
Newspapers, magazines, documents	1,300.00
Contingent fund	2,892.50
Total administrative expenses	46,943.00

Mr. CANNON. Mr. President, I might say, in response to the Senator from Louisiana, that this situation is similar to the ones I referred to earlier. This is a case where both the committee chairman and ranking minority member have requested one more staff member in order that the minority side may have better representation on the staff, to bring a balance better in line with the requirement under the Legislative Reorganization Act. That is the reason why we approved the authorization for one more person.

Mr. ELLENDER. What I am complaining about is that these people are put on without finding out whether they are needed or not by the committee involved. I think they are not needed. Yet we go along with putting them on the committees, all at big expense to the Government. Unless we in the Congress try to cut some of these expenses, we cannot expect other departments of Government to follow through with such recommendations as we may make. As I said in my opening statement, fiscal responsibility must begin here in the U.S. Senate.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to, as follows:

Resolved, That the Select Committee on Small Business, in carrying out the duties imposed upon it by Senate Resolution 58, Eighty-first Congress, agreed to February 20, 1950, as amended and supplemented, is authorized to examine, investigate, and make a complete study of the problems of American small and independent business and to make recommendations concerning those problems to the appropriate legislative committees of the Senate.

SEC. 2. For purposes of this resolution, the committee, or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency, (4) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946, and (5) to provide assistance for the members of its professional staff in obtaining specialized training, in the same manner and under the same conditions as any such standing committee may provide that assistance under section 202(j) of such Act.

SEC. 3. The expenses of the committee under this resolution shall not exceed $158,000, of which amount (1) not to exceed $500 shall be available for the procurement of the services of individual consultants, or organizations thereof, and (2) not to exceed $1,000 shall be available for the training of the professional staff of such committee.

SEC. 4. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date.

SEC. 5. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

ADDITIONAL EXPENDITURES FOR THE SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

The Senate proceeded to consider the resolution (S. Res. 247) authorizing expenditures by the Select Committee on Equal Educational Opportunity.

Mr. CANNON. Mr. President, this resolution would authorize the Select Committee on Equal Educational Opportunity to expend not to exceed $104,000 during the next 3 months for inquiries and investigations. The select committee will issue its final report before May 31, 1972, and conclude its activities by that date.

During the last session of Congress the committee was authorized during 13-month period to expend not to exceed $479,000 for that purpose. The committee estimates it will return approximately $15,000 of that amount to the Treasury.

The Committee on Rules and Administration has reported Senate Resolution 247 without amendment.

The Senator from Minnesota (Mr. MONDALE) is chairman of the Select Committee on Equal Education Opportunity, and the Senator from Nebraska (Mr. HRUSKA) is its ranking minority member.

As I have pointed out to the distinguished Senator from Louisiana earlier, it is so seldom that we see a subcommittee going out of business that I, for one, was very happy to approve this amount for a 3-month period, and hope that that will conclude its demise, and that we will not be asked for further funds in the future.

Mr. ELLENDER. Mr. President, I understand that the outlook seems hopeful, but I remind the Senate that this committee was to expire with the amount we appropriated last year and now has asked that we extend its life for 3 months.

As I pointed out earlier in my statement, although this committee will expire in 3 months, it is asking for an additional employee to increase its number from 18 to 19. Why that is I do not know.

I ask unanimous consent to have printed in the RECORD at this point a comparison of the authorizations for this year and last, together with the budget and the request submitted by this subcommittee to the Committee on Rules and Administration.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SELECT COMMITTEE ON EQUAL EDUCATION OPPORTUNITY—S. RES. NO. 247, CALENDAR NO. 628

	Amount	Investigative staff
92d, 1st sess. authorization (annualized)	$442, 200	18
92d, 2d sess. requested	104, 000	19
Increase or decrease	−338, 200	+1
Rules Committee reported	104, 000	
Increase or decrease versus 92d, 1st authorization	−$338, 200	

BUDGET

(S. Res. 247)

Committee: Select Committee on Equal Educational Opportunity.

Total amount requested	$104, 000
Consultants for full committee	
Training of professional staff	
Inquiries and investigations	104, 000

SUBJECT: EQUAL EDUCATIONAL OPPORTUNITY

Total amount requested for this inquiry	104, 000

Position	Number	Annual salary	Monthly salary	Total for period of budgct
Investigative staff:				
Legal and investigative:				
General counsel or staff director	1	$35, 742. 00	$2, 978. 50	$8, 935. 50
Minority staff director	1	30, 821. 00	2, 568. 41	7, 705. 23
Minority counsel	1	27, 454. 00	2, 287. 83	6, 863. 49
Assistant chief counsel	1	21, 497. 00	1, 791. 41	5, 374. 23
Chief investigator	1	20, 720. 00	1, 726. 66	5, 179. 98
Editorial and research:				
Editorial director	1	31, 857. 00	2, 654. 75	7, 964. 25
Assistant director	1	23, 828. 00	1, 985. 66	5, 956. 98
Research director	1	21, 238. 00	1, 769. 83	5, 309. 49
Research assistant	1	10, 878. 00	906. 50	2, 719. 50
Staff member (minority)	1	12, 950. 00	1, 079. 16	3, 237. 48
Do	1	1, 813. 00	151. 08	453. 24
Administrative and clerical:				
Chief clerk	1	12, 432. 00	1, 036. 00	3, 108. 00
Assistant chief clerk	1	10, 360. 00	863. 33	2, 589. 99
Assistant clerk (secretary to director)	1	10, 619. 00	884. 91	2, 654. 73
Assistant clerk (hearing)	1	7, 770. 00	647. 50	1, 942. 50
Stenographer	1	10, 878. 00	906. 50	2, 719. 50
Secretary	1	9, 583. 00	789. 58	2, 395. 74
Secretary (minority)	1	10, 878. 00	906. 50	2, 719. 50
Secretary (minority)	1	$9, 324. 00	$777. 00	$2, 331. 00
Total investigative staff	19			80, 160. 33
Consultants				
Administrative expenses:				
Agency contributions to:				
Employees health benefit programs ($19.42 per month per employee)				1, 165. 20
Civil service retirement fund (7½ percent of total salaries paid)				6, 012. 24
Federal employees group life insurance (30 cents per month per $1,000 coverage)				300. 00
Travel (inclusive of field investigations)				2, 000. 00
Hearings (inclusive of reporters' fees)				2, 500. 00
Witness fees, expenses				3, 000. 00
Stationery, office supplies				1, 350. 00
Communications (telephone, telegraph)				3, 000. 00
Newspapers, magazines, documents				1, 050. 00
Contingent fund				3, 462. 23
Total administrative expenses				23, 839. 67

Mr. CANNON. I might say, Mr. President, that the reason given for that one additional person for this final 3-month period was that the additional person was needed for the drafting of the final report.

Mr. ELLENDER. I understand that, but they have enough staff members, I am sure, to draft a report. I presume the people now on the committee have heard all the questions and answers given, and it is my belief that they are competent to write the report without hiring a new employee. I cannot understand why this is being allowed.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 247) was agreed to, as follows:

Resolved, That (a) in studying the effectiveness of existing laws and policies in assuring equality of educational opportunity in accordance with Senate Resolution 359, Ninety-first Congress, agreed to February 19, 1970, as amended and supplemented, the Select Committee on Equal Educational Opportunity is authorized from March 1, 1972, through May 31, 1972, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) to subpena witnesses and documents, (4) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel, information, and facilities of any department or agency, (5) to interview employees of the Federal, State, and local governments and other individuals, and (6) to take depositions and other testimony.

(b) The minority shall receive fair consideration in the appointment of staff personnel pursuant to this resolution. Personnel assigned to the minority shall be accorded equitable treatment with respect to the fixing of salary rates, the assignment of facilities, and the accessibility of committee records.

SEC. 2. The expenses of the committee under this resolution shall not exceed $104,000.

SEC. 3. The committee shall make the final report required by such Senate Resolution 359, together with such recommendations as it deems advisable, at the earliest practicable date, but not later than May 31, 1972.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

ADDITIONAL EXPENDITURES FOR THE SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

The Senate proceeded to consider the resolution (S. Res. 241) continuing and authorizing additional expenditures by the Select Committee on Nutrition and Human Needs.

Mr. CANNON. Mr. President, this resolution would authorize the Select Committee on Nutrition and Human Needs to expend not to exceed $280,000 during the next 12 months for inquiries and investigations.

During the last session of Congress the committee was authorized during a 13-month period to expend not to exceed $280,000 for that purpose. The committee estimates it will return approximately $10,000 of that amount to the Treasury.

The pending request includes an increase of $21,500 over last year's authorization reduced to a 12-month basis.

The Committee on Rules and Administration has reported Senate Resolution 241 without amendment.

The Senator from South Dakota (Mr. McGOVERN) is chairman of the Select Committee on Nutrition and Human Needs, and the Senator from Illinois (Mr. PERCY) is its ranking minority member.

Mr. COOK. Mr. President, I wish to register my strong support for Senate Resolution 241, which calls for the extension of life of the Select Committee on Nutrition and Human Needs.

This past year, several meaningful accomplishments have been made by this committee in dealing with the nutritional problems of the American people. I feel that a few of these accomplishments should be noted at this time.

Regarding the national school lunch program, committee activities helped to provide changes in the proposed reimbursement rate activities for State agencies and more adequate funding of the program in order to assure greater participation.

The select committee hearings on the regulations of the Food Stamp Act of 1970 led to many constructive changes in those regulations which served to insure greater participation of the needy. Committee efforts were also directed toward seeing that the full congressional appropriation for the food stamp program be used for this purpose.

Through means of nutrition committee hearings, a developing crisis in the summer feeding program was helped to be averted. These hearings resulted in congressional action to insure adequate funding for the summer feeding programs for 1971 and in seeing to it that all the funds promised for this program were provided.

Committee hearings on the operation of the commodity distribution program have led to a reevaluation of the program by the USDA.

Through committee staff investigations and committee prints, both the Congress and the American public have been made more aware of the problem of poor nutrition in the United States and means to combat this serious problem.

Just as the American people cannot be ignored, malnutrition cannot be ignored. The nutrition committee is the means by which this distinguished body can face this serious problem in order to work toward reasonable solutions. Unfortunately, the need for the select committee on nutrition and human needs still exists.

With these thoughts in mind, I strongly urge my distinguished colleagues to approve Senate Resolution 241.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement in support of the resolution by the Senator from Illinois (Mr. PERCY).

The PRESIDING OFFICER. Without objection it is so ordered.

STATEMENT BY SENATOR PERCY

I urge you to approve Senate Resolution 241 extending the work of the Select Committee on Nutrition and Human Needs from March 1, 1972 to February 28, 1973. This Committee's contribution to the Senate and to the American people is well known and we must allow it to continue its work.

The Committee has accomplished much during the past year in its efforts to eliminate hunger and malnutrition in America. And this Administration has done more to expand the coverage of our major food and nutrition programs than any previous Administration.

As a result of this Committee's activities and the affirmative response of the Administration, our major programs for family and child feeding—the Food Stamp Program, the School Lunch Program, the Summer Feeding Program for Children—were implemented in accordance with Congressional intent.

As the result of the Committee's widely-publicized and very thorough hearings on the Commodity Distribution Program, deficiencies in the operation of the program were brought to public attention and corrective action is being planned.

As the result of a bipartisan Committee staff investigation, steps were taken to deal with the hunger emergency in Seattle, Washington.

But our job is not yet done. The war against hunger in America has not yet been won. Millions of poor families do not receive badly needed food benefits and three million poor children are not yet covered by the School Lunch Program. Rich as well as poor suffer from malnutrition because of inadequate diets and the absence of nutrition education in the schools. Those who are confined to institutions—the aged, the retarded, the physically handicapped—may be slowly starving to death in a country which annually produces a surplus of basic foodstuffs.

Mr. President, we still have much to do. If we now abandon the special effort the Senate has wisely undertaken to eliminate hunger and malnutrition from this country, then we shall be betraying our pledge to all Americans.

Dr. Jean Mayer, the immediate past chairman of the White House Conference on Food, Nutrition and Health, wrote me recently and said, "I applaud the past contribution of the Select Committee toward the health and well-being of our people, and urge that contribution be continued."

I commend Dr. Mayer's words to my colleagues and add my own urging that you support the resolution before you.

Mr. ELLENDER. Mr. President, this is another of these committees that, when organized, was intended to expire within a certain period of time. I ask unanimous consent to have printed in the RECORD excerpts from the CONGRESSIONAL RECORD of various dates indicating that this committee would expire within a certain time.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

SENATE SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

CONGRESSIONAL RECORD, JULY 30, 1968

Mr. CLARK. Mr. President, the resolution as reported from the committee calls for the select committee to report back to the Senate and terminate its activities not later than the opening of the 91st Congress. Faced with the realities of our heavy Senate schedules, I do not believe that this target date will give the select committee time for adequate implementation of its task.

Mr. President, I ask unanimous consent that the resolution be amended by striking out, on page 3, line 7, the words "the opening of the 91st Congress" and substituting therefor "not later than June 30, 1969." The purpose of this amendment is to give the committee created by the resolution appropriate time to prepare its report and report back to the legislative committees of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the resolution, as amended.

The resolution (S. Res. 281), as amended, was agreed to, as follows: and terminate its activities not later than June 30, 1969.

CONGRESSIONAL RECORD, OCTOBER 4, 1968

S. Res. 394. Authorized funds for Select Committee on Nutrition and Human Needs: "The select committee is directed to study the food, medical, and other related basic needs among the people of the United States, and to report back to the appropriate committees of the Senate, terminating its activities not later than June 30, 1969."

CONGRESSIONAL RECORD, FEBRUARY 18, 1969

Mr. CURTIS. Frankly, I cannot see how we could find out who the hungry are in a 1-year senatorial investigation.

Mr. MCGOVERN. I have no way of knowing whether we could do it in 1 year, either. I think that we can. I think that we can get enough information to assist the Senate, the House, and the administration in making needed changes through legislation, administrative order, or both.

Granted, 1 year is a short time in which to deal with a problem as far-reaching as this one. So let us not stretch out the time needlessly by crippling this committee with a $100,000 cut, one which would be pennywise and pound foolish.

I may say to the distinguished Senator from Nebraska that if we cut this $100,000 from the budget, what he is saying will probably be true, we will not find a reliable answer to the problems of hunger, but will merely postpone its solution. We will be asking the hungry to wait a little longer before the Senate finally gets around to dealing with their problem.

It is a matter of conscience; it is a question of whether the Senate is going to come to grips with this problem now and face up to the needs of the hungry, or whether we are going to falter along, with inadequate information investigation, and then come up, at the end of the year, without the kind of compelling statistical information that the Senator asserts he needs in order to make an intelligent judgment.

Mr. PERCY. If I may answer the distinguished Senator, as we analyzed the budget, we decided this committee should not be a continuing committee. The continuing function should be carried on by the agencies.

We had a question as to whether or not we could focus attention in a period of 12 months in various areas of the country, taking the Northern States, the Southern States, the Eastern and Western States, taking the rural and urban poverty, all types of families, and taking them as specific cases, so we could turn this body of evidence over and give impetus to a program that should be recommended and carried out by the administration. Volume 115, part 3, page 3673.

Mr. COOK. I would say to the Senator from Nebraska that I am asking for this restoration, not for a block by block survey in this country, because the situation is in existence—it is here now—but I am asking for his help on the sound and logical basis that an answer to this problem must be found. It can be found here. We can only hope that, by the restoration of these funds, and the fact that this resolution also calls for the specific cut-off for this committee, an answer to this problem can be found, because it must be found. Volume 115, part 3, page 3676.

Mr. JAVITS. So we have to prove the facts. And how are we going to prove them? If we can get $250,000, which is not a great deal of money, considering the way we spend money around here, with the firm commitment by Senator MCGOVERN himself and the whole committee that it will last only until the end of the calendar year, it will go out and prove the facts on two grounds: First, that the situation exists; that it is pervasive; that it affects millions of people, including hundreds of thousands of children; second, that the governmental machinery, somehow or other, just is not working in order to deal with it. We have no other recourse but what I consider to be a commitment—and I think the whole committee is committed to it, operating under a tight budget—to utilize the necessary resources to do the job. Volume 115, part 3, page 3676.

Mr. JORDAN of North Carolina. In addition to the Select Committee on Nutrition and Human Needs, two subcommittees of the Senate will be carrying on somewhat similar studies during the coming year.

In his appearance before the Senate Rules Committee, Senator RIBICOFF, chairman of the Subcommittee on Executive Reorganization, of the Committee on Government Operations, emphasized that his subcommittee, during the coming year, would concentrate on the 21 separate departments and agencies involved in health care in America. Senator YARBOROUGH, chairman of the Subcommittee on Health, of the Committee on Labor and Public Welfare, also plans to make an intensive study of health problems and legislation related thereo. Volume 115, part 3, page 3684.

Mr. Byrd of Virginia. Mr. President, it is not often that the Senator from Virginia suports an appropriation greater than that recommended by the appropriate committee. Today, however, I have listened to the debate, and it seems to me that the Senator from South Dakota (Mr. McGovern) has made a good case. I am impressed also by the fact that the Select Committee on Nutrition and Human Needs has a termination date. In view of all this, it seems to me that the figure which the Senator from South Dakota (Mr. McGovern) seeks is not an unreasonable one, and I shall support his amendment. Volume 115, part 3, page 3684.

Mr. ELLENDER. I also ask unanimous consent to have printed in the Record at this point statements indicating the total amount spent by this committee, which was to last about a year, and a copy of the budget request and the request of the committee to the Committee on Rules and Administration.

There being no objection, the material was ordered to be printed in the Record, as follows:

SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

Authority	Allotment	Limitation
S. Res. 281, July 30, 1968.	Established, no funds.	June 30 1969.
S. Res. 394, Oct. 4, 1968.	$25,000	Oct. 4, 1968 through Jan. 31, 1969.
S. Res. 68, Feb. 18, 1969.	$250,000	Feb. 1, through Dec. 31, 1969.
S. Res. 279, Dec. 12, 1969.		Through Jan. 31, 1970.
S. Res. 323, Feb. 16, 1970.	$246,000	Feb. 1, 1970 through Jan. 31, 1971.
S. Res. 23, March 1, 1971.	$280,000 ($258,500 annualized).	Feb. 1, 1971 through Feb. 29, 1972.
S. Res. 241, reported	$280,000	

NOTES

Total past author, $801,000; total including Res. current S. $1,081,000.

SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS—S. RES. 241, CALENDAR NO. 629

	Amount	Investigative staff
92d, 1st sess. authorization (annualized)	$258,500	13
92d, 2d sess. requested	280,000	13
Increase or decrease	+21,500	0
Rules Committee reported	280,000	
Increase or decrease versus 92d, 1st authorization	+21,500	

Budget Senate Resolution 241—Committee: Select Committee on Nutrition and Human Needs

Total amount requested	$280,000
Consultants for full committee	15,000
Training of professional staff	
Inquiries and investigations	265,000

Subject: Lack of food, medical assistance, and other related necessities of life and health:

Total amount requested for this inquiry	265,000

Position	Number	Annual salary	Monthly salary	Total for period of budget
Investigative staff:				
Legal and investigative:				
Staff director	1	$31,598	$2,633.16	$31,598.00
General counsel	1	24,346	2,028.83	24,346.00
Professional staff member	1	17,871	1,489.25	17,871.00
Do	1	11,655	971.25	11,655.00
Do	1	21,238	1,769.83	21,238.00
Minority counsel	1	21,238	1,769.83	21,238.00
Minority staff member	1	17,612	1,467.66	17,612.00
Editorial and research: Minority research assistant	1	10,619	884.91	10,619.00
Administrative and clerical:				
Chief clerk	1	11,655	971.25	11,655.00
Assistant clerk	1	7,252	604.33	7,252.00
Secretary	1	9,842	820.16	9,842.00
Stenographer	1	7,252	604.33	7,252.00
Minority secretary	1	8,288	690.66	8,288.00
Total investigative staff	13			200,466.00

Administrative expenses:	
Agency contribution to:	
Employees health benefit programs ($19.42 per month per employee)	$3,029.52
Civil service retirement fund (7½ percent of total salaries paid)	15,034.95
Federal employees group life insurance (30 cents per month per $1,000 coverage)	749.20
Reimbursable payments to agencies	5,000.00
Travel (inclusive of field investigations)	20,000.00
Hearings (inclusive of reporters' fees)	8,000.00
Witness fees, expenses	3,700.00
Stationery, office supplies	1,800.00
Communications (telephone, telegraph)	6,000.00
Newspapers, magazines, documents	1,200.00
Contingent fund	20.33
Total administrative expenses	64,534.00

A letter in support of Senate Resolution 241 addressed to Chairman Jordan by Senator Warren G. Magnuson is as follows:

U.S. Senate,
Committee on Commerce,
Washington, D.C., February 22, 1972.

Hon. B. Everett Jordan,
Chairman, Committee on Rules and Administration, U.S. Senate.

Dear Mr. Chairman: I am very hopeful that the Senate Committee on Rules and Administration will approve a 1-year extension The Select Committee on Nutrition and Human Needs.

During the last year, the select committee provided outstanding leadership in bringing the Nation's attention to the serious hunger problem in the State of Washington. The select committee printed a Senate report based on a thorough staff investigation conducted in Seattle, Wash. That report, "Seattle: Unemployment, the New Poor, and Hunger," received nationwide attention and served as a catalyst in reversing a previous negative decision of the Department of Agriculture regarding the need for the implementation of a second food program in the Puget Sound area.

The Select Committee on Nutrition and Human Needs has also provided outstanding leadership in bringing focus and attention to the Food Stamp Program, the Commodity Distribution Program, the School Lunch Program, and the Summer Lunch Program. I have also been impressed with the bipartisan approach to these issues demonstrated by the chairman, Senator McGovern, and the ranking minority member, Senator Percy. The Select Committee on Nutrition and Human Needs has rendered outstanding service to the Senate and, in a larger sense, to the Nation.

A 1-year extension, in my opinion, is certainly warranted. Your committee's favorable consideration will be deeply appreciated.

Sincerely,

Warren G. Magnuson,
U.S. Senator.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to, as follows:

Resolved, That the Select Committee on Nutrition and Human Needs, established by Senate Resolution 281, Ninetieth Congress, agreed to on July 30, 1968, as amended and supplemented, is hereby extended through February 28, 1973.

Sec. 2. (a). In studying matters pertaining to the lack of food, medical assistance, and other related necessities of life and health, the Select Committee on Nutrition and Human Needs is authorized from March 1, 1972, through February 28, 1973, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) to subpena witnesses and documents, (4) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel, information, and facilities of any such department or agency, (5) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946, (6) to interview employees of the Federal, State, and local governments, and other individuals, and (7) to take depositions and other testimony.

(b) The minority shall receive fair consideration in the appointment of staff personnel pursuant to this resolution. Such personnel assigned to the minority shall be accorded equitable treatment with respect to the fixing of salary rates, the assignment of facilities, and the accessibility of committee records.

Sec. 3. The expenses of the committee under this resolution shall not exceed $280,000 of which amount not to exceed $15,000 shall be available for the procurement of the services of individual consultants or organizations thereof.

Sec. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

PROVISION OF ADDITIONAL EXPENDITURES FOR THE SPECIAL COMMITTEE ON AGING

The Senate proceeded to consider the resolution (S. Res. 251) continuing and authorizing additional expenditures by the Special Committee on Aging.

Mr. CANNON. Mr. President, this resolution would authorize the Special Committee on Aging to expend not to exceed $375,000 during the next 12 months for inquiries and investigations.

During the last session of Congress the committee was authorized during a 13-month period to expend not to exceed $380,000 for that purpose. The committee estimates it will return approximately $1,000 of that amount to the Treasury.

The pending request includes an increase of $24,200 over last year's authorization reduced to a 12-month basis.

The Committee on Rules and Administration has reported Senate Resolution 251 without amendment.

The Senator from Idaho (Mr. CHURCH) is chairman of the Special Committee on Aging, and the Senator from Hawaii (Mr. FONG) is its ranking minority member.

Mr. ELLENDER. Mr. President, I note that this special committee has been awarded enough additional money, $24,200, to absorb, I presume, some of the additional cost due to salary increases and the fact that there have been added to its staff two more employees.

I ask unanimous consent to have printed in the RECORD a statement prepared by me of the amount authorized last year and that authorized this year, together with the request of the committee and the amount of the budget figure.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SELECT COMMITTEE ON AGING—S. RES. NO. 251, CALENDAR NO. 630

	Amount	Investigative staff
92d, 1st sess. authorization (annualized)	$350,800	16
92d, 2d sess. requested	375,000	18
Increase or decrease		+2
Rules Committee reported	$375,000	
Increase or decrease versus 92d, 1st authorization	+24,200	

Budget Senate Resolution 251—Committee on Aging

Total amount requested	$375,000
Consultants for full committee	15,000
Training of professional staff	--------
Inquiries and investigations	360,000

Subject: Problems and opportunities of older people.

Total amount requested for this inquiry	360,000

Position	Number	Annual salary	Monthly salary	Total for period of budget
Investigative staff:				
Legal and investigative:				
Staff director	.	$29,008.00	$2,417.33	$29,008.00
Chief counsel	1	22,274.00	1,856.16	22,274.00
Professional staff member	2	19,684.00	1,640.33	39,386.00
Do	1	14,245.00	1,187.08	14,245.00
Professional staff member (part time)	1	7,252.00	604.33	7,252.00
Printing assistant	1	17,612.00	1,467.66	17,612.00
Administrative and clerical:	1	17,871.00	1,489.25	17,871.00
Assistant chief clerk	1	10,101.00	841.75	10,101.00
Assistant clerk	2	8,806.00	733.83	17,612.00
Do	1	8,547.00	712.25	8,547.00
Do	1	8,288.00	690.66	8,288.00
Minority staff:				
Minority staff director	1	28,749.00	2,395.75	28,749.00
Minority professional staff member	1	21,497.00	1,792.41	21,497.00
Do	1	15,022.00	1,251.83	15,022.00
Do	1	19,166.00	1,597.16	19,166.00
Secretary of the minority	1	9,583.00	798.58	9,583.00
Total investigative staff	18			286,195.00

Administrative expenses:	
Agency contribution to:	
Employee health benefit programs ($19.42 per month per employee)	$4,194.72
Civil service retirement fund (7½ percent of total salaries paid)	21,464.63
Federal employees group life insurance (30 cents per month per $1,000 coverage)	1,137.60
Reimbursable payments to agencies	1,000.00
Travel (inclusive of filed investigations)	14,000.00
Hearings (inclusive of reporters' fees)	15,000.00
Witness fees, expenses	6,000.00
Stationery, office supplies	4,000.00
Communications (telephone, telegraph)	5,000.00
Newspapers, magazines, documents	708.05
Contingent fund	1,300.00
Total administrative expense	73,805.00

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 251) was agreed to, as follows:

Resolved, That the Special Committee on Aging, established by Senate Resolution 33, Eighty-seventh Congress, agreed to on February 13, 1961, as amended and supplemented, is hereby extended through February 28, 1973.

SEC. 2. (a) The committee shall make a full and complete study and investigation of any and all matters pertaining to problems and opportunities of older people, including but not limited to, problems and opportunities of maintaining health, of assuring adequate income, of finding employment, of engaging in productive and rewarding activity, of securing proper housing and, when necessary, of obtaining care or assistance. No proposed legislation shall be referred to such committee, and such committee shall not have power to report by bill, or otherwise have legislative jurisdiction.

(b) A majority of the members of the committee or any subcommittee thereof shall constitute a quorum for the transaction of business, except that a lesser number, to be fixed by the committee, shall constitute a quorum for the purpose of taking sworn testimony.

SEC. 3. (a) For purposes of this resolution, the committee is authorized from March 1, 1972, through February 28, 1973, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to hold hearings, (3) to sit and act at any time or place during the sessions, recesses, and adjournment periods of the Senate, (4) to require by subpena or otherwise the attendance of witnesses and the production of correspondence, books, papers, and documents, (5) to administer oaths, (6) to take testimony orally or by deposition, (7) to employ personnel, (8) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel, information, and facilities of any such department or agency, and (9) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946.

(b) The minority shall receive fair consideration in the appointment of staff personnel pursuant to this resolution. Such personnel assigned to the minority shall be accorded equitable treatment with respect to the fixing of salary rates, the assignment of facilities, and the accessibility of committee records.

SEC. 4. The expenses of the committee under this resolution shall not exceed $375,000, of which amount not to exceed $15,000 shall be available for the procurement of the services of individual consultants or organizations thereof.

SEC. 5. The committee shall report the results of its study and investigation, together with such recommendations as it may deem advisable, to the Senate at the earliest practicable date, but not later than February 28, 1973. The committee shall cease to exist at the close of business on February 28, 1973.

SEC. 6. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

EMPLOYMENT OF ADDITIONAL CLERICAL ASSISTANTS BY THE COMMITTEE ON VETERANS' AFFAIRS

The Senate proceeded to consider the resolution (S. Res. 236) authorizing the Committee on Veterans' Affairs to employ additional clerical assistants, which had been reported from the Committee on Veterans' Affairs with an amendment, and subsequently reported from the Committee on Rules and Administration without amendment.

The amendment of the Committee on Veterans' Affairs is as follows:

In line 2, after the word "authorized", insert "from March 1, 1972,"; so as to make the resolution read:

Resolved, That the Committee on Veterans' Affairs is authorized from March 1, 1972, through February 28, 1973, to employ three additional clerical assistants, to be paid from the contingent fund of the Senate at rates of compensation to be fixed by the chairman in accordance with the provisions of section 105 of the Legislative Branch Appropriation Act, 1968, as amended.

The amendment was agreed to.

Mr. CANNON. Mr. President, this is the routine provision of funds for the committee. I move the adoption of the resolution.

Mr. ELLENDER. Do I understand correctly that this is a routine authorization of funds, as provided for each committee?

Mr. CANNON. The Senator is correct.

The PRESIDING OFFICER. The question is on agreeing to the resolution, as amended.

The resolution, as amended, was agreed to.

ADDITIONAL FUNDS FOR THE COMMITTEE ON APPROPRIATIONS

The resolution (S. Res. 229) to provide additional funds for the Committee on Appropriations was considered and agreed to, as follows:

Resolved, That the Committee on Appropriations hereby is authorized to expend from the contingent fund of the Senate, during the Ninety-second Congress, $50,000, in addition to the amount and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act, approved August 2, 1946, and Senate Resolution 11, agreed to March 1, 1971.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON ARMED SERVICES

The Senate proceeded to consider the resolution (S. Res. 252) authorizing additional expenditures by the Committee on Armed Services for routine purposes which had been reported from the Committee on Rules and Administration with an amendment in line 3, after the word "Congress", strike out "second session,"; so as to make the resolution read:

Resolved, That the Committee on Armed Services is authorized to expend from the contingent fund of the Senate, during the Ninety-second Congress, $25,000 in addition to the amount, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act of 1946.

Mr. STENNIS. Mr. President, I would like to say a few words in justification of Senate Resolution 252 which would provide additional spending authority of $455,000 for the Committee on Armed Services for inquiries and investigations for the 12-month period beginning March 1, 1972.

This $455,000 compares with $388,000 on a 12-month basis of the $420,000 requested and authorized for the 13-month period of January 1, 1971, to February 29, 1972. The $67,000 increase over the prior comparable 12-month period is due to:

First, the possible addition of one professional to the Preparedness Subcommittee staff at about $25,000;

Second, $25,000 more than that budgeted last year for the increased use of consultants by the full committee; and

Third, the remaining $17,000 primarily made up of estimated pay raises and increases in agency contributions.

A total of 15 professional and clerical personnel was authorized for the staff conducting inquiries and investigations for the committee last year, and by the end of the year all 15 were employed. One additional staff member, for a total of 16, is requested this year.

The use of these investigating funds goes far beyond the meaning of this term. The principal use of these funds is to provide the staff to support the legislative functions of the full committee. The plain fact is the number of staff personnel authorized under the Reorganization Act is not sufficient to properly fulfill the need for the indepth study and analysis required for the legislative responsibilities of the committee.

The Armed Services Committee; its Subcommittees on Research and Development, chaired by Senator McINTYRE; Tactical Air Power, chaired by Senator CANNON; Bomber Defense, which I chair; and Close Air Support, which Senator CANNON also chairs; and the committee staff are hard at work now holding hearings, evaluating and analyzing the fiscal year 1973 military procurement authorization request. The Department of Defense request not only includes over $22 billion in research and development and weapons procurement which require authorization, but also authorizes the active duty and selected reserve manpower levels for the armed services for the next fiscal year. Almost 60 percent of the total defense budget of $83.4 billion is for pay, allowances, and other closely related manpower costs. It is absolutely essential that there be an adequate staff to properly analyze, study, and consider this request so as to assist and enable the committee to reach an informed judgment on this and the multiplicity of other legislative matters referred to it.

This staff also assists the committee with general investigations and inquiries, and with specific studies with respect to other important legislation referred to the committee. Its inquiries and investigations cover a wide range of military programs, policies, and problems.

In addition to making detailed studies, examinations, and analyses of research and development and military hardware procurement requests, the staff also **works on general legislation. An example** is the Selective Service Act—a highly complex bill passed last year. The staff has also gone extensively into military manpower levels, including the requirements for NATO, and military readiness and preparedness in general. The full committee commenced manpower hearings early last month.

I believe I should stress the scope and complexity of the annual military authorization bill. It includes authorization for research and development, for military hardware procurement, and for the manpower levels of the various services. For example, for fiscal year 1971 the request, exclusive of military construction, was approximately $20.6 billion and, as a result of the work done by the additional men employed, the hearings before the full committee and its subcommittees, and the fine work of the committee's regular staff, the committee recommended a reduction of $1.4 billion.

In fiscal year 1972, the authorization request was about $22.2 billion and the bill as reported to the Senate recommended a reduction of approximately $1.1 billion. The fiscal year 1973 bill again requests about $22.2 billion, exclusive of military construction for Safeguard, and is now in the process of being analyzed and studied.

I think I should point out also, Mr. President, that the authorization requests presented to our committee involve amounts substantially more than the aggregate of the authorizations requested for all of the other departments of the Government. This refers to those authorizations which are required before appropriations can be made. This means that our relatively small staff is responsible for a greater amount of authorization than the total of the authorization bills for all other governmental departments combined.

For example, the total amount requested for authorization for research and development, military procurement, and military construction for fiscal year 1970, was $25.2 billion. All other authorizations for that year totaled only $12.7 billion.

For fiscal year 1971, $22.4 billion was requested for research and development, military procurement, and military construction. For all other bills the amount was $11.9 billion.

For fiscal year 1972, military authorization requests totaled $24 billion; the aggregate authorization request for all other departments was $14.1 billion.

As I have already mentioned, the fiscal year 1973 authorization request for research and development and hardware procurement alone totals about $22.2 billion. This does not include the military construction authorization request. For all other departments the fiscal year 1973 authorization request is about $21 billion.

I would close, Mr. President, by pointing out that significant amounts of these funds have been unexpended and returned by the committee for each of the past 10 years. At the conclusion of the budget year just completed, approximately $49,000 was returned. This consistent record of not spending all the money provided to us indicates the austerity and economy with which the expenditure of committee funds have been controlled.

On the record which we have made, I think it should be agreed that we have been extremely frugal and economical in our operations and, in view of the complex subject matters with which we deal, the huge amounts involved and the resulting necessity for professional, trained, and expert personnel, the request for $455,000 is justified. I urge the Senate to approve this request.

Mr. CANNON. Mr. President, this is the routine amount provided by the Legislative Reorganization Act of $25,000 for the Armed Services Committee.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The resolution, as amended, was agreed to.

ADDITIONAL FUNDS FOR THE COMMITTEE ON THE JUDICIARY

The Senate proceeded to consider the resolution (S. Res. 255) to provide additional funds for the Committee on the Judiciary for routine committee expenditures.

Mr. CANNON. Mr. President, this $10,000 is in addition to the amount provided under the Legislative Reorganization Act for the regular committee functions.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was considered and agreed to, as follows:

Resolved, That the Committee on the Judiciary is authorized to expend from the contingent fund of the Senate, during the Ninety-second Congress, $10,000 in addition to the amount, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act of 1946.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON GOVERNMENT OPERATIONS

The Senate proceeded to the consideration of the resolution (S. Res. 257) authorizing additional expenditures by the Committee on Government Operations for routine purposes.

Mr. CANNON. Mr. President, this is $40,000 for the routine funds for the operation of the committee. That is in addition to the amounts provided under the Legislative Reorganization Act.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 257) was agreed to, as follows:

Resolved, That the Committee on Government Operations is authorized to expend from the contingent fund of the Senate, during the Ninety-second Congress, $40,000 in addition to the amount, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act of 1946.

PUBLIC DEBT LIMITATION

The PRESIDING OFFICER. The call of the calendar has been completed.

The Chair now lays before the Senate the unfinished business, which will be stated.

The assistant legislative clerk read as follows:

A bill (H.R. 12910) to provide for a temporary increase in the public debt limit.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 12067) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1972, and for other purposes.

The PRESIDENT pro tempore subsequently signed the enrolled bill.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MANSFIELD). Without objection, it is so ordered.

EQUAL EMPLOYMENT OPPORTUNITY ACT OF 1972—CONFERENCE REPORT

Mr. WILLIAMS. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1746) to further promote equal employment opportunities for American workers. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. MANSFIELD). Is there objection to the proceeded to consider the report.

There being no objection, the Senate proceeded to consider ther eport.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of March 2, 1972, at pp. 6643–6646.)

Mr. WILLIAMS. Mr. President, I ask unanimous consent that a section-by-section analysis, together with a statement, be printed in the RECORD.

The PRESIDING OFFICER. Without objection it is so ordered.

STATEMENT BY SENATOR WILLIAMS

I anticipate the Senate's overwhelming acceptance of the Conference Report on H.R. 1746, the Equal Employment Opportunity Act of 1972.

Today's action will represent a vital step toward the realization of equal employment opportunities for millions of Americans.

The conferees were all mindful of the importance of this measure; and while we did not have a lengthy conference, each difference between the Senate and the House bills was carefully considered. In some instances the Senate version prevailed, in others, we receded to the House. In the major provisions dealing with enforcement, the conferees adopted amendments that included provisions from both bills.

I am delighted that the report contains all of the key provisions of the Senate bill extending coverage. This will bring many millions of Americans under the protection of title VII—State and local government employees, employees of private and public educational institutions as well as employees in smaller businesses and unions than those covered by the existing law.

Furthermore, I think that the provision giving the EEOC the power to go to court is going to get the job done. This process may be somewhat slower and more cumbersome than the cease and desist procedure we originally sought. But, in the final analysis, I most firmly believe that we will get the desired enforcement.

Mr. President, this bill had a long journey through the Senate, but there were some historic "firsts" during the consideration of the measure.

It was the first time a Civil Rights bill was reported unanimously out of the Labor and Public Welfare Committee, and after five weeks of extended debate involving 38 roll call votes, fifty-three Senators signed the final successful cloture petition—a record for a Civil Rights bill—and 73 Senators voted in behalf of cloture—another Civil Rights record.

Mr. President, the House will consider this report within the next few days, favorably I am sure. I hope that upon completion of final Congressional action, the President will act as fast as humanly possible to sign the legislation and to seek the funding necessary to implement the enforcement procedure.

I would like to mention that unfortunately the Senator from New York (Mr. JAVITS) had no notice that this matter would come up today and is not able to be here for this vote. We did consult him when we learned of the leadership's plan to bring this conference report up today, and he urged us to proceed, even though he would miss the opportunity to cast his vote at this last stage of what has been a long, arduous struggle, in which he played a key role.

Mr. President, I attach an analysis of H.R. 1746 as reported from the conference, that the Senator from New York (Mr. JAVITS) and myself have prepared to be included in the RECORD.

SECTION-BY-SECTION ANALYSIS OF H.R. 1746, THE EQUAL EMPLOYMENT OPPORTUNITY ACT OF 1972

This analysis explains the major provisions of H.R. 1746, the Equal Employment Opportunity Act of 1972, as agreed to by the Conference Committee of the House and Senate on February 29, 1972. The explanation reflects the enforcement provisions of Title VII, as amended by the procedural and jurisdictional provisions of H.R. 1746, recommended by the Conference Committee.

In any area where the new law does not address itself, or in any areas where a specific contrary intention is not indicated, it was assumed that the present case law as developed by the courts would continue to govern the applicability and construction of Title VII.

SECTION 2

This section amends certain definitions contained in section 701 of the Civil Rights Act of 1964.

Section 701(a)—This subsection defines "person" as used in Title VII. Under the provisions of H.R. 1746, the term is now expanded to include State and local governments, governmental agencies, and political subdivisions.

Section 701(b)—This subsection defines the term "employer" as used in Title VII. This subsection would now include, within the meaning of the term "employer," all State and local governments, governmental agencies, and political subdivisions, and the District of Columbia departments or agencies (except those subject by statute to the procedures of the Federal competitive service as defined in 5 U.S.C. § 2102, who along with all other Federal employees would now be covered by section 717 of the Act.)

This subsection would extend coverage of the term "employer," one year after enactment, to those employers with 15 or more employees. The present standard for determining the number of employees of an employer, i.e., "employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year," presently applicable to all employers of 25 or more employees would apply to the expanded coverage of employers of 15 or more employees.

Section 701(c)—This subsection eliminates the present language that provides a partial exemption for agencies of the United States, States or the political subdivisions of States from the definition of "employment agency" to reflect the provisions of section 701(a) and (b) above. States agencies, previously covered by reference to the United States Employment Service, continue to be covered as employment agencies under this section.

Section 701(e)—This subection is revised to include labor organizations with 15 or more members within the coverage of Title VII, one year after enactment.

Section 701(f)—This subsection is intended to exclude from the definition of

"Employee" as used in Title VII those persons elected to public office in any State or political subdivision. The exemption extends to persons chosen by such officials to be on their personal staffs, appointees of such officials to be on their personal staff, appointees of such officials on the highest policymaking levels such as cabinet members or other immediate advisors of such elected officials with respect to the exercise of the Constitutional or legal powers of the office held by such elected officer. The exemption does not include civil service employees. This exemption is intended to be construed very narrowly and is in no way intended to estbalish an overall narrowing of the expanded coverage of State and local governmental employees as set forth in section 701(a) and (b) above.

Section 701(j)—This subsection, which is new, defines "religion" to include all aspects of religious observance, practice and belief, so as to require employers to make reasonable accommodations for employees whose "religion" may include observances, practices and beliefs such as sabbath observance, which differ from the employer's or potential employer's requirements regarding standards, schedules, or other business-related employment conditions.

Failure to make such accommodation would be unlawful unless an employer can demonstrate that he cannot reasonably accommodate such beliefs, practices, or observances without undue hardship on the conduct of his business.

The purpose of this subsection is to provide the stautory basis for EEOC to formulate guidelines on discrimination because of religion such as those challenged in *Dewey* v. *Reynolds Metals Company,* 429 F.2d 325 (6th Cir. 1970), *Affirmed by an equally divided court,* 402 U.S. 689 (1971).

SECTION 3

This section amends the exemptions allowed in section 702 of the Civil Rights Act of 1964.

Section 702—This section is amended to elminate the exemption for employees of educational institutions. Under the provisions of this section, all private and public educational institutions would be covered under the provisions of Title VII. The special provision relating to religious educational institutions in Section 703(e)(2) is not disturbed.

The limited exemption from coverage in this section for religious corporations, associations, educational institutions or societies has been broadened to allow such entities to employ individuals of a particular religion in all their activities instead of the present limitation to religious activities. Such organizations remain subject to the provisions of Title VII with regard to race, color, sex or national origin.

SECTION 4

This section establishes the enforcement powers and functions of the EEOC and the Attorney General to aid in the prevention of unlawful employment practices proscribed by Title VII of the Civil Rights Act of 1964.

H.R. 1746 retains the general scheme of the present law which enables the EEOC to process a charge of employment discrimination through the investigation and conciliation stages. In addition, H.R. 1746 now authorizes the EEOC, in cases where the respondent is not a government, governmental agency or political subdivision to file a civil action against the respondent in an appropriate Federal District Court, if it has been unable to eliminate an alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion. The Attorney General is authorized to file civil actions against respondents that are governments, governmental agencies or political subdivisions if the EEOC is unable to achieve a successful conciliation.

Accordingly, section 4 of H.R. 1746, amends section 706(a) through (g) of the present act to accomplish the stated national purpose of achieving equal employment opportunity as follows:

Section 706(a)—This subsection empowers the Commission to prevent persons from engaging in unlawful employment practices under sections 703 and 704 of Title VII of the Civil Rights Act of 1964. The unlawful employment practices encompassed by sections 703 and 704, which were enumerated in 1964 in the original Act, and as defined and expanded by the courts remain in effect.

Section 706(b)—This subsection sets out the procedures to be followed when a charge of an unlawful employment practice is filed with the Commission.

Under present law, a charge may be filed by a person aggrieved under oath or by a member of the Commission. As amended, this subsection now also permits a charge to be filed by or on behalf of a person aggrieved or by a member of the Commission. Among other things, this provision would enable aggrieved persons to have charges processed under circumstances where they are unwilling to come forward publicly for fear of economic or physical reprisals.

Charges (whether by or on behalf of an aggrieved person or a member of the Commission) must be in writing and under oath or affirmation and in such form as the Commission requires.

The Commission is to serve a notice of the charge on the respondent within ten days. It is not intended, however, that failure to give notice of the charge to the respondent within ten days would prejudice the rights of the aggrieved party. The Commission would be expected to investigate the charge as quickly as possible and to make its determination on whether there is reasonable cause to believe that the charge is true. If it finds that there is not reasonable cause to believe that the charge is true, it shall dismiss the charge and notify the complainant and the respondent of its decision.

If the Commission finds reasonable cause, it will attempt to conciliate the case. Nothing said or done during the Commission's informal endeavors may be made public or used as evidence in a subsequent proceeding without the written consent of the parties covered.

The Commission would be required to make its determination on reasonable cause as promptly as possible and, "so far as practicable," within 120 days from the filing of the charge or from the date upon which the Commission is authorized to act on the charge under section 706(c) or (d). The Commission, where appropriate, would be required in making its determination of reasonable cause to accord substantial weight to final findings and orders made by State or local authorities under State and local laws.

This subsection and section 9(a)-(d) of the bill clarifies existing law to carry out the intent of the present statute to provide full coverage for joint labor-management committees controlling apprenticeship or other training or retraining, including on-the-job training programs as reflected in *Rios* v. *Enterprise Assn., Steamfitters Local No. 638,* 326 F. Supp. 198 (S.D.N.Y. 1971).

Sections 706(c) and (d)—These subsections, dealing with deferral to appropriate State and local equal employment opportunity agencies, are identical to sections 706 (b) and (c) of the Civil Rights Act of 1964. No change in these provisions was deemed necessary in view of the recent Supreme Court decision of *Love* v. *Pullman Co.,*——— U.S.———, 92 S. Ct. 616 (1972) which approved the present EEOC deferral procedures as fully in compliance with the intent of the Act. That case held that the EEOC may receive and defer a charge to a State agency on behalf of a complainant and begin to process the charge in the EEOC upon lapse of the 60-day deferral period, even though the language provides that no charge can be filed under section 706(a) by the person aggrieved before the expiration of sixty days after proceedings have been commenced under the State or local law. Similarly, the recent circuit court decision in *Vigil* v. *AT&T,* ———F. 2d———, 4 FEP cases 345 (10th Cir. 1972), which provided that in order to protect the aggrieved person's right to file with the EEOC within the time periods specified in section 706 (c) and (d), a charge filed with a State or local agency may also be filed with the EEOC during the 60-day deferral period, is within the intent of this Act.

Section 706(e)—This subsection sets forth the time limitations for filing charges with the Commission.

Under the present law, charges must be filed within 90 days after an alleged unlawful employment practice has occurred. In cases where the Commission defers to a State or local agency under the provisions of section 706(c) or (d), the charge must be filed within 30 days after the person aggrieved receives notice that the State or local agency has terminated its proceedings, or within 210 days after the alleged unlawful employment practice occurred, whichever is earlier.

This subsection as amended provides that charges be filed within 180 days of the alleged unlawful employment practice. Court decisions under the present law have shown an inclination to interpret this time limitation so as to give the aggrieved person the maximum benefit of the law; it is not intended that such court decisions should be in any way circumscribed by the extension of the time limitations in this subsection. Existing case law which has determined that certain types of violations are continuing in nature, thereby measuring the running of the required time period from the last occurrence of the discrimination and not from the first occurrence is continued, and other interpretations of the courts maximizing the coverage of the law are not affected. It is intended by expanding the time period for filing charges in this subsection that aggrieved individuals, who frequently are untrained layman and who are not always aware of the discrimination which is practiced against them, should be given a greater opportunity to prepare their charges and file their complaints and that existant but undiscovered acts of discrimination should not escape the effect of the law through a procedural oversight. Moreover, wide latitude should be given individuals in such cases to avoid any prejudice to their rights as a result of government inadvertence, delay or error.

The time period for filing a charge where deferral is required to a State or local antidiscrimination agency has been extended to 300 days after the alleged unlawful employment practice occurred or to 30 days after the State or local agency has terminated proceedings under the State or local law, whichever is earlier. This subsection also restates the provision of Section 706(b) requiring a notice of the charge to the respondent within ten days after its having been filed.

Section 706(f)—This subsection, which is new, sets forth the enforcement procedures which may be followed in those cases where the Commission has been unable to achieve voluntary compliance with the provisions of the Act.

Section 706(f)(1)—Under this subsection, if the respondent is not a government, governmental agency, or political subdivision and if the Commission is unable to secure a conciliation agreement that is acceptable to the Commission within 30 days from the filing of the charge or within 30 days after expiration of any period of reference under subsection (c) or (d) it may thereafter bring a civil action against the respondent in an appropriate district court. In cases involving a government, governmental agency, or political subdivision, the Commission will not bring the case before a Federal District Court. After the Commission has had an opportunity to complete its investigation, and to attempt conciliation, the Commission shall then refer the case to the Attorney General who may bring the case to court. The aggrieved party is permitted to intervene in any case brought by the Commission or the Attorney General under this subsection.

With respect to cases arising under this subsection, if the Commission: (a) has dismissed the charge, or (b) 180 days have elapsed from the filing of the charge without the Commission, or the Attorney General, as the case may be, having filed a complaint under section 706(f), or without the Commission having entered into a conciliation agreement to which the person aggrieved is a party (i.e. a signatory) the person aggrieved may bring an action in an appropriate district court within 90 days after receiving notification. The retention of the private right of action, as amended, is intended to make clear that an individual aggrieved by a violation of Title VII should not be forced to abandon the claim merely because of a decision by the Commission or the Attorney General as the case may be, that there are insufficient grounds for the Government to file a complaint. Moreover, it is designed to make sure that the person aggrieved does not have to endure lengthy delays if the Commission or Attorney General does not act with due diligence and speed. Accordingly, the provisions described above allow the person aggrieved to elect to pursue his or her own remedy under this title in the courts where there is agency inaction, dalliance or dismissal of the charge, or unsatisfactory resolution.

It is hoped that recourse to the private lawsuit will be the exception and not the rule, and that the vast majority of complaints will be handled through the offices of the EEOC or the Attorney General, as appropriate. However, as the individual's rights to redress are paramount under the provisions of Title VII it is necessary that all avenues be left open for quick and effective relief.

In any civil action brought by an aggrieved person, or in the case of a charge filed by a member of the Commission, by any person whom the charge alleges was aggrieved, the court may upon timely application of the complainant, appoint an attorney and authorize the commencement of the action without the payment of fees, costs, or security in such circumstances as it deems just. The Commission, or the Attorney General in case involving a governmental entity, upon timely application and subject to the court's discretion, may intervene in such a private action if it is certified that the private action is of general public importance. In addition, the court is given discretion to stay proceedings for not more than 60 days pending the termination of State or local proceedings or efforts by the Commission to obtain voluntary compliance.

In establishing the enforcement provisions under this subsection and subsection 706(f) generally, it is not intended that any of the provisions contained therein shall affect the present use of class action lawsuits under Title VII in conjunction with Rule 23 of the Federal Rules of Civil Procedure. The courts have been particularly cognizant of the fact that claims under Title VII involve the vindication of a major public interest, and that any action under the Act involves considerations beyond those raised by the individual claimant. As a consequence, the leading cases in this area to date have recognized that many Title VII claims are necessarily class action complaints and that, accordingly, it is not necessary that each individual entitled to relief be named in the original charge or in the claim for relief. A provision limiting class actions was contained in the House bill and specifically rejected by the Conference Committee.

Section 706(f)(2)—This subsection authorizes the Commission or the Attorney General, in a case involving a government, a governmental agency or political subdivision, based upon a preliminary investigation of a charge filed, to bring an action for appropriate temporary or preliminary relief, pending the final disposition of the charge. Such actions are to be assigned for hearing at the earliest possible date and expedited in every way. The provisions of Rule 65 of the Federal Rules of Civil Procedure shall apply to actions brought under this subsection.

The importance of preliminary relief in actions involving violations of Title VII is central to ensuring that persons aggrieved under this title are adequately protected and that the provisions of this Act are being followed. Where violations become apparent and prompt judicial action is necessary to insure these provisions, the Commission or the Attorney General, as the case may be, should not hesitate to invoke the provisions of this subsection.

Section 706(f) (3)—This subsection, which is similar to the present section 706(f) of the Act, grants the district courts jurisdiction over actions brought by the EEOC, the Attorney General or aggrieved persons under this title and provides the venue requirements. Such jurisdiction includes the power to grant such temporary or preliminary relief as the court deems just and proper.

Section 706(f) (4) and (5)—Under these paragraphs, the chief judge is required to designate a district judge to hear the case. If no judge is available, then the chief judge of the circuit assigns the judge. Cases are to be heard at the earliest practicable date and expedited in every way. If the judge has not scheduled the case for trial within 120 days after issue has been joined he may appoint a master to hear the case under Rule 53 of the Federal Rules of Civil Procedure. The purpose of this provision is to relax the very strongest requirements of Rule 53 which preclude appointment of a master except in extremely unusual cases.

Section 706(g)—This subsection is similar to the present section 706(g) of the Act. It authorizes the court, upon a finding that the respondent has engaged in or is engaging in an unlawful employment practice, to enjoin the respondent from such unlawful conduct and order such affirmative relief as may be appropriate including, but not limited to, reinstatement or hiring, with or without back pay, as will effectuate the policies of the Act. Back pay is limited to that which accrues from a date not more than two years prior to the filing of a charge with the Commission. Interim earnings or amounts earnable with reasonable diligence by the aggrieved person(s) would operate to reduce the backpay otherwise allowable.

The provisions of this subsection are intended to give the courts wide discretion exercising their equitable powers to fashion the most complete relief possible. In dealing with the present section 706(g) the courts have stressed that the scope of relief under that section of the Act is intended to make the victims of unlawful discrimination whole, and that the attainment of this objective rests not only upon the elimination of the particular unlawful employment practice complained of, but also requires that persons aggrieved by the consequences and effects of the unlawful employment practice be, so far as possible, restored to a position where they would have been were it not for the unlawful discrimination.

SECTION 5

This section amends section 707, concerning the Attorney General's "pattern or practice" authority to provide for a transfer of the "pattern or practice" jurisdiction to the Commission two years after the enactment of the bill. The bill further provides the Commission with concurrent jurisdiction in this area from the date of enactment until the transfer is complete. The transfer is subject to change in accordance with a Presidential reorganization plan if not vetoed by Congress. The section would provide that currently pending proceedings would continue without abatement, that all court orders and decrees remain in effect, and that upon the transfer the Commission would be substituted as a party for the United States of America or the Attorney General as appropriate.

Under the provisions of this section, the Commission's present powers to investigate charges of discrimination remain. In addition, it now has jurisdiction to initiate court action to correct any pattern or practice violations.

SECTION 6

This section amends section 709 of the Civil Rights Act of 1964, entitled "Investigations, Inspections, Records, State Agencies."

Section 709(a)—This subsection, which gives the Commission the right to examine and copy documents in connection with its investigation of a charge, would remain unchanged.

Section 709(b)—This subsection would authorize the Commission to cooperate with State and local fair employment practice agencies in order to carry out the purposes of the title, and to enter into agreements with such agencies under which the Commission would refrain from processing certain types of charges or relieve persons from the record keeping requirements. This subsection would make two changes in the present statute. Under this subsection, the Commission could, within the limitations of funds appropriated for the purpose, also engaged in and contribute to the cost of research and other projects undertaken by these State and local agencies and pay these agencies in advance for services rendered to the Commission. The subsection also deletes the reference to private civil actions under section 706(e) of the present statute.

Section 709(c)—This subsection, like the present statute, would require employers, employment agencies, labor organizations, and joint labor-management apprenticeship committees subject to the title to make and keep certain records and to make reports to the Commission. Under the present statute, a party required to keep records could seek an exemption from these requirements on the ground of undue hardship either by applying to the Commission or bringing a civil action in the district court. This subsection would require the party seeking the exemption first to make an application to the Commission and only if the Commission denies the request could the party bring an action in the district court. This subsection would also authorize the Commission to apply for a court order compelling compliance with the record keeping and reporting obligations set forth in the subsection.

Section 706(d)—This subsection would eliminate the present exemption from record keeping requirements for those employers in States and political subdivisions with equal employment opportunity laws or for employers subject to Federal executive order or agency record keeping requirements. Under this subsection, the Commission would consult with interested State and other Federal agencies in order to coordinate the Federal record keeping requirement under section 709(c) with those adopted by such agencies. The subsection further provides that the Commission furnish to such agencies information pertaining to State and local fair employment agencies, on condition that the information would not be made public prior to the institution of State or local proceedings.

SECTION 7

This section amends section 710 of the Civil Rights Act of 1964 by deleting the present section 710 and substituting therefor and to the extent appropriate the provisions of section 11 of the National Labor Relations Act (29 U.S.C. § 161). By making this substitution, the Commission's present demand power with respect to witnesses and evidence is repealed, and the power to subpoena witnesses and evidence, and to allow any of its designated agents, agencies or members to issue such subpoenas, as necessary for the conduct of any investigation, and to take testimony under oath is substituted.

SECTIONS 8 (a) AND (b)

These subsections would amend sections 703(a) and 703(c)(2) of the present statute to make it clear that discrimination against applicants for employment and applicants for membership in labor organizations is an unlawful employment practice. This subsection is merely declaratory of present laws as contained in the decisions in *Phillips* v. *Martin-Marietta Corp.*, 400 U.S. 542 (1971); *U.S.* v. *Sheet Metal Workers International Assn., Local 36*, 416 F. 2d 123 (8th Cir. 1969); *Asbestos Workers, Local 53* v. *Vogler*, 407 F. 2d 1047 (5th Cir. 1969).

SECTIONS 8(c) (1) AND (2)

These subsections would amend section 704(a) and (b) of the present statute to make clear that joint labor-management apprenticeship committees are covered by those provisions which relate to discriminatory advertising and retaliation against individuals participating in Commission proceedings.

SECTION 8(d)

This subsection would amend section 705 (a) of the present statute to permit a member of the Commission to serve until his successor is appointed but not for more than 60 days when Congress is in session unless the successor has been nominated and the nomination submitted to the Senate, or after the adjournment sine die of the session of the Senate in which such nomination was submitted.

The rest of the subsection provides that the Chairman of the Commission on behalf of the Commission, would be responsible, except as provided in section 705(b), for the administrative operations of the Commission and for the appointment of such officers, agents, attorneys, hearing examiners, and other employees of the Commission, in accordance with Federal law, as he deems necessary.

SECTION 8(e)

This subsection would provide a new section 705(b) of the Act which establishes a General Counsel appointed by the President, with the advice and consent of the Senate, for a four (4) year term. The responsibilities of the General Counsel would include, in addition to those the Commission may prescribe and as provided by law, the conduct of all litigation as provided in sections 706 and 707 of the Act. The concurrence of the General Counsel with the Chairman is required, on the reapointment and supervision of regional attorneys.

This subsection would also continue the General Counsel on the effective date of the Act in that position until a successor has been appointed and qualified.

The Commission's attorneys may at the Commission's direction appear for and represent the Commission in any case in court, except that the Attorney General shall conduct all litigation to which the Commission is a party to in the Supreme Court pursuant to this title.

SECTION 8(f)

This subsection would eliminate the provision in present section 705(g) authorizing the Commission to request the Attorney General to intervene in private civil actions. Instead, this subsection permits the Commission itself to intervene in such civil actions as provided in section 706. Where the respondent is a government, governmental agency or political subdivision, the Attorney General should be authorized to seek intervention.

SECTION 8(g)

This section amends section 714 of Title VII of the Civil Rights Act of 1964 by making the provisions of sections 111 and 1114 of Title 18, United States Code, applicable to officers, agents and employees of the Commission in performance of their official duties. This section also specifically prohibits the imposition of the death penalty on any person who might be convicted of killing an officer, agent or employee of the Commission while on his official duties.

SECTION 9(a), (b), (c), AND (d)

These subsections would raise the executive level of the Chairman of the Commission (from Level 4 to Level 3) and the members of the Commission (from Level 5 to Level 4) and include the General Counsel (Level 5) in the executive pay scale, so as to place them in a position of parity with officials in comparable positions in agencies having substantially equivalent powers such as the National Labor Relations Board, the Federal Trade Commission and the Federal Power Commission.

SECTION 10

Section 715—This section, which is new, establishes an Equal Employment Opportunity Coordinating Council composed of the Secretary of Labor, the Chairman of the Equal Employment Opportunity Commission, the Attorney General, the Chairman of the United States Civil Service Commission and the Chairman of the United States Civil Rights Commission or their respective designees. The Council will have the responsibility to coordinate the activities of all the various branches of government with responsibility for equal employment opportunity. The Council will submit an annual report to the President and Congress including a summary of its activities and recommendations as to legislative or administrative changes which it considers desirable.

SECTION 11

Section 717(a)—This subsection provides that all personnel actions of the U.S. Government affecting employees or applicants for employment shall be free from discrimination based on race, color, religion, sex or national origin. Included within this coverage are executive agencies, the United States Postal Service, the Postal Rate Commission, certain departments of the District of Columbia Government, the General Accounting Office, Government Printing Office and the Library of Congress.

Section 717(b)—Under this subsection, the Civil Service Commission is given the authority to enforce the provisions of subsection (a), except with respect to Library of Congress employees. The Civil Service Commission would be authorized to grant appropriate remedies which may include, but are not limited to, back pay for aggrieved applicants or employees. Any remedy needed to fully recompense the employee for his loss, both financial and professional, is considered appropriate under this subsection. The Civil Service Commission is also granted authority to issue rules and regulations necessary to carry out its responsibilities under this section. The Civil Service Commission shall also annually review national and regional equal employment opportunity plans and be responsible for review and evaluation of all agency equal employment opportunity programs. Agency and executive department heads and officers of the District of Columbia shall comply with such rules and regulations, submit an annual equal employment opportunity plan and notify any employee or applicant of any final action taken on any complaint of discrimination filed.

Section 717(c) and (d)—The provisions of sections 706(f) through (k), concerning private civil actions by aggrieved persons, are made applicable to aggrieved Federal employees or applicants for employment. Such persons would be permitted to file a civil action within 30 days of notice of final action by an agency or by the Civil Service Commission or an appeal from the agency's decision, or after 180 days from the filing of an initial charge with the agency, or the Civil Service Commission.

Section 717(e)—This subsection provides that nothing in this Act relieves any Government agency or official of his or its existing equal employment opportunity obligations under the Constitution, other statutes, or under any Executive Order relating to equal employment opportunity in the Federal Government.

SECTION 12

This section allows the Chairman of the Commission to establish ten additional positions at the GS-16, GS-17 and GS-18 levels, as needed to carry out the purposes of this Act.

SECTION 13

A new Section 718 is added which provides that no government contract, or portion thereof, can be denied, withheld, terminated, or superseded by a government agency under Executive Order 11246 or any other order or law without according the respective employer a full hearing and adjudication pursuant to 5 U.S.C. § 554 et. seq where such employer has an affirmative action program for the same facility which had been accepted by the Government within the previous twelve months. Such plan shall be deemed to be accepted by the Government if the appropriate compliance agency has accepted such plan and the Office of Federal Contract Compliance has not disapproved of such plan within 45 days. However, an employer who substantially deviates from any such previously accepted plan is excluded from the protection afforded by this section.

SECTION 14

This section provides that the amended provisions of Section 706 would apply to charges filed with the Commission prior to the effective date of this Act.

The PRESIDING OFFICER. The question is on agreeing to the conference report. All those in favor say "aye."

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on the pending conference report.

The yeas and nays were ordered.

ORDER FOR VOTE ON EEOC CONFERENCE REPORT AT 2 P.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the vote on the pending conference report take place today at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Cotton). Without objection, it is so ordered.

RECESS TO 1:55 P.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess until 1:55 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, at 1:23 p.m. the Senate took a recess until 1:55 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. Spong).

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Spong). Without objection, it is so ordered.

EQUAL EMPLOYMENT OPPORTUNITY ACT OF 1972—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to vote on the conference report to H.R. 1746.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Texas (Mr. Bentsen), the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Indiana (Mr. Hartke), the Senator from South Carolina (Mr. Hollings), the Senator from Minnesota (Mr. Humphrey), the Senator from Washington (Mr. Jackson), the Senator from North Carolina (Mr. Jordan), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pell), and the Senator from California (Mr. Tunney) are necessarily absent.

I further announce that the Senator from Connecticut (Mr. Ribicoff) is absent because of illness in the family.

I further announce that, if present and voting, the Senator from Indiana (Mr. Bayh), the Senator from Alaska (Mr. Gravel), the Senator from Indiana (Mr. Hartke), the Senator from Minnesota (Mr. Humphrey), the Senator from Rhode Island (Mr. Pell), the Senator from Georgia (Mr. Gambrell), and the Senator from Connecticut (Mr. Ribicoff) would each vote "yea."

On this vote the Senator from North Carolina (Mr. Jordan) is paired with the Senator from Washington (Mr. Jackson).

If present and voting, the Senator from North Carolina would vote "nay" and the Senator from Washington would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Kansas (Mr. Dole), the Senator from Oregon (Mr. Hatfield), the Senator from New York (Mr. Javits), the Senator from Illinois (Mr. Percy), the Senator from Ohio (Mr. Taft), the Senator from Texas (Mr. Tower), and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

The Senator from Oklahoma (Mr. Bellmon) is absent because of death in his family.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from New Jersey (Mr. Case) and the Senator from Maryland (Mr. Mathias) are detained on official business.

If present and voting, the Senator from Oregon (Mr. Hatfield) and the Senator from Maryland (Mr. Mathias) would each vote "yea."

On this vote, the Senator from Illinois (Mr. Percy), is paired with the Senator from Texas (Mr. Tower). If present and voting, the Senator from Illinois would vote "yea," and the Senator from Texas would vote "nay."

The result was announced—yeas 62, nays 10, as follows:

[No. 88 Leg.]

YEAS—62

Aiken
Allott
Anderson
Baker
Beall
Bennett
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Church
Cook
Cooper
Cranston
Curtis
Dominick
Eagleton
Ellender
Fong
Fulbright
Griffin
Gurney
Hansen
Hart
Hruska
Hughes
Inouye
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
McGee
Metcalf
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Proxmire
Randolph
Roth
Saxbe
Schweiker
Scott
Smith
Spong
Stafford
Stevens
Stevenson
Symington
Williams
Young

NAYS—10

Allen
Cotton
Eastland
Ervin
Fannin
Goldwater
Sparkman
Stennis
Talmadge
Thurmond

NOT VOTING—28

Bayh
Bellmon
Bentsen
Case
Dole
Gambrell
Gravel
Harris
Hartke
Hatfield
Hollings
Humphrey
Jackson
Javits
Jordan, N.C.
Mathias
McClellan
McGovern
McIntyre
Mundt
Muskie
Pell
Percy
Ribicoff
Taft
Tower
Tunney
Weicker

So the conference report to H.R. 1746 was agreed to.

PUBLIC DEBT LIMITATION

The PRESIDING OFFICER (Mr. Brock). The Chair lays before the Senate the unfinished business which will be stated.

The assistant legislative clerk read as follows:

Calendar No. 649, H.R. 12910, a bill to provide for a temporary increase in the public debt limit.

The Senate continued with the consideration of the bill.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE ON WEDNESDAY, MARCH 8

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Wednesday, immediately following the recognition of the two leaders under the standing order, the distinguished Senator from Wisconsin (Mr. Proxmire) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 11:30 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS AND FOR UNFINISHED BUSINESS TO BE LAID BEFORE THE SENATE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately after the two leaders have been recognized under the standing order, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SPONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PUBLIC DEBT LIMITATION

The Senate continued with the consideration of the bill (H.R. 12910) to provide for a temporary increase in the public debt limit.

AMENDMENT NO. 995

Mr. SPONG. Mr. President, I am today submitting an amendment to provide an expenditure ceiling and a procedure for dealing with excessive appropriations, which I intend to offer to amendment No. 956 proposed to the pending bill.

The purpose of this amendment is quite simple and in keeping with traditional congressional procedures for dealing with appropriation matters. Briefly, it provides that where the total of appropriations for a given fiscal year exceeds the statutory spending ceiling, the President will recommend to the Congress the reductions he feels are appropriate in various items in order to meet the required ceiling. Congress, in turn would have the option of amending the President's recommendations or substituting its own bill of particulars. However, Congress would be required, under the terms of my amendment, to take some action within 30 days or the President's recommendations would become law. The amendment provides for the same kind of expedited procedures as prevail in consideration of executive reorganization plans.

In the event, Congress and the President are unable to agree, and a veto is invoked, the expenditure ceiling would no longer have effect. Mr. President, this approach to dealing with appropriations which exceed the statutory ceiling makes far more sense to me than granting the President an item veto and what amounts to the discretion to enact his own budget. My approach also avoids the indiscriminate and unthinking reductions which would result from a requirement that excessive appropriations be taken proportionately from all programs.

Mr. President, the Congress has well developed procedures for acting when it has not appropriated enough money for the functions of Federal agencies. Annually, and sometimes twice a year, the Congress deals with a supplemental appropriations bill. What I am suggesting in my amendment is essentially the same process applied to deappropriation or disappropriation, whatever the proper word is.

There are complications in this procedure as there are in any procedure meant to deal with an expenditure ceiling. It is inherent in the concept itself. But if we are to work under such a ceiling, the logical way to deal with excessive appropriations is through the procedure spelled out in my amendment.

Mr. President, I ask unanimous consent that the text of the amendment may be printed in the RECORD.

The PRESIDING OFFICER. The amendment will be received and printed and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

AMENDMENT NO. 995

In lieu of the matter proposed to be added, add the following:

SEC. 2. (a) Expenditures and net lending during the fiscal year ending June 30, 1973, under the Budget of the United States Government shall not exceed $246,300,000,000, except as provided in subsection (c).

(b) Whenever the President determines that appropriations or other obligational authority hereafter made available would require or permit expenditures and net lending during fiscal year 1973 to exceed the limit prescribed by subsection (a), he shall propose, by special message to the Congress, reservations from expenditure and net lending, from appropriations or other obligational authority heretofore or hereafter made available, of such amounts as are necessary to keep expenditures and net lending during fiscal year 1973 within such limit. A proposal under this subsection shall be made to both Houses on the same day and shall be delivered to each House while it is in session.

(c) The President is authorized, after the close of the 30-day consideration period (as defined in subsection (e)) applicable to a proposal submitted under subsection (b), to reserve from expenditure and net lending the amounts set forth in such proposal, unless, before the close of such 30-day period, the Congress has passed legislation rescinding appropriations or other obligational authority available for expenditure or net lending during the fiscal year 1973 in an aggregate amount not less than the aggregate amount of reservations set forth in such proposal. If, before the close of such 30-day period, the Congress has passed such legislation, but it does not become law, then the figure set forth in subsection (a) is hereby increased by an amount equal to the aggregate amount of reservations set forth in such proposal.

(d) During the 30-day consideration period applicable to any proposal submitted by the President under subsection (b), any proposed legislation to rescind appropriations or other obligational authority shall be highly privileged in both Houses of the Congress and rules similar to the provisions of sections 911, 912, and 913 of title 5, United States Code shall, apply to such proposed legislation, except that amendments to such proposed legislation shall be in order. This subsection is enacted as an exercise of the rule-making power of the Senate and House of Representatives, respectively.

(e) The 30-day consideration period applicable to any proposal submitted under subsection (b) is the first period of 30 calendar days of continuous session of the Congress after the date on which the proposal is submitted to the Congress. For purposes of the preceding sentence, (1) continuity of session is broken only by an adjournment of the Congress sine die, and (2) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain shall be excluded in the computation of the 30-day period.

(f) In the administration of any program as to which—

(1) the amount of expenditures is limited pursuant to subsection (c), and

(2) the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount appropriated or otherwise made available for distribution, the amount available for expenditure (as determined by the President) shall be substituted for the amount appropriated or otherwise made available in the application of the formula.

AMENDMENT NO. 956

Mr. ROTH. Mr. President, I ask unanimous consent that amendment No. 956 to H.R. 12910 be called up and made the pending business at 12 o'clock noon tomorrow.

Mr. BYRD of West Virginia. Mr. President, will the Senator change his request to allow calling up the amendment now, making it the pending business now—there will be no action taken on it today—and then it will be the pending business tomorrow?

Mr. ROTH. Yes. I modify my request accordingly.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

The clerk will state the amendment.

The legislative clerk read the amendment (No. 956) as follows:

At the end of the bill add the following new section:

SEC. 2. (a) Expenditures and net lending during the fiscal year ending June 30, 1973, under the budget of the United States Government shall not exceed $246,300,000,000.

(b) The President shall, notwithstanding the provisions of any other law, reserve from expenditure and net lending, from appropriations or other obligational authority heretofore or hereafter made available, such amounts as may be necessary to effectuate the provisions of subsection (a).

(c) In the administration of any program as to which—

(1) the amount of expenditures is limited pursuant to subsection (a), and

(2) the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount appropriated or otherwise made available for distribution,

the amount available for expenditure (as determined by the President) shall be substituted for the amount appropriated or otherwise made available in the application of the formula.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

(The remarks Mr. GRIFFIN made at this point on the introduction of S. 3300 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT ON SPECIAL INTERNATIONAL EXHIBITIONS—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. BROCK) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Foreign Relations:

To the Congress of the United States:

As required by law, I hereby transmit to the Congress the Ninth Annual Report on Special International Exhibitions conducted during Fiscal Year 1971 under the authority of the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87-256).

This report covers exhibits presented abroad by the United States Information Agency at international fairs and under East-West Cultural Exchange agreements. It also features exhibits and labor missions presented abroad by the Department of Labor, and trade missions organized and sent overseas by the Department of Commerce.

RICHARD NIXON.

THE WHITE HOUSE, *March 6, 1972.*

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, before moving to adjourn, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 11:30 a.m. After the two leaders have been recognized under the standing order, there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes, at the conclusion of which the Chair will lay before the Senate the unfinished business, H.R. 12910, an act to provide for a temporary increase in the public debt limit.

At the time the unfinished business is laid before the Senate, the pending question will be on the adoption of amendment No. 956, by the Senator from Delaware (Mr. ROTH). The vote on that amendment and any amendments thereto will occur at no later than 4 o'clock p.m. tomorrow. There is an agreement limiting time on amendments in the second degree, motions, and appeals, to 30 minutes.

There will be rollcall votes tomorrow.

ADJOURNMENT UNTIL 11:30 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11.30 a.m. tomorrow.

The motion was agreed to; and at 2:35 p.m. the Senate adjourned until tomorrow, Tuesday, March 7, 1972, at 11:30 a.m.

EXTENSIONS OF REMARKS

TEAR THAT MOUNTAIN DOWN

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. DINGELL. Mr. Speaker, I include the text of an article appearing in the New York Times of January 19, 1972, under the headline "Tear That Mountain Down!" at this point in the RECORD:

TEAR THAT MOUNTAIN DOWN!

(By Robert Lasch)

TUCSON, ARIZ.—Since I came West in the Spring, I have been watching the progressive growth of a great white scar on the face of the Santa Rita Mountains south of here.

The scar marks the site of a new limestone quarry. Beginning as a small blemish, scarcely distinguishable from natural rock, it has now expanded into a pallid, ugly blotch on the serene mountain landscape. Zigzag roads slash up the slopes beside it. As the crusher machinery grinds on and trucks haul away limestone to the copper mines and cement plants, there is no longer any doubt that some day we shall wake up to find one of the Santa Rita peaks missing.

Well, the quarry operator promised as much. Responding to complaints in a fit of imprudent candor, he said, according to The Green Valley News, "We'll tear down that whole mountain if we can sell the limestone."

Tearing down a mountain would be bad enough if the man owned it, but the Santa Ritas, being part of the Coronado National Forest, happen to belong to the American people. If a limestone quarry can arrogantly invade the public domain without so much as a tip of the hat to its proprietors, so can the copper mines which have already despoiled the ranges to the west of the Santa Cruz valley, and so can any other extractive industry with a mind to.

Several miles south of the limestone quarry, in fact, silver miners have recently announced their intention of bulldozing a road across National Forest land to open up diggings in Madera Canyon. Forest Service officials rightly fear these operations could upset the delicate ecological balance of one of the nation's finest bird sanctuaries.

All this goes back to an absurd relic of the robber baron era, the still surviving Mining Act of 1872, which permits any citizen to stake a mining claim on public lands and to exploit the claim as he pleases.

I suppose nobody much minded such a grant of private power over public property in 1872. There were few people and wide reaches of empty land in the West then. Today the eight mountain states, though sparsely settled by comparison with the rest of the country, harbor 25 times as many residents as they did a hundred years ago, and annually entertain a huge influx of travelers seeking temporary refuge from the seething cities. People as well as minerals now demand consideration. It is time they got it.

Somehow I do not think they are about to, certainly not in the Nixon Administration. In 1970, a commission which had studied the public land laws since its appointment by the Johnson Administration brought in a voluminous report which, while it is said to contain some worthy features, proposed to perpetuate the outrageous and nearly absolute preference for mining over all other possible uses of the public lands. Invoking the great American standard of living and blowing the tired bugles of national defense, the commission urged only minor revisions in the 1872 law, and actually suggested, in case of "national emergency," mineral exploration in the National Parks, which have hitherto been excluded from the bulldozer's track.

Representative Wayne N. Aspinall of Colorado has introduced a bill embodying these weaseling recommendations, and with his power as chairman of the House Public Lands Committee stands in excellent position to push it through. The exploiters of public land have no better friend.

Fortunately, the commission report included a dissent by four of its nineteen members, among them Representative Morris K. Udall of Arizona, regarded by the mining industry as the *enfant terrible* of the West. Udall has introduced his own bill which would substitute for free and easy usurpation of public lands a system of mineral leasing similar to that in effect since 1920 for gas and oil.

As the fragrant memory of Teapot Dome reminds us, leasing offers no certain guarantee of protecting the public interest when lessors connive with lessees. But Udall's bill would at least lodge mining decisions with respect to the people's property in public rather than private hands. It would require the decision-makers to take into account competing land uses of possibly greater social values, and to have a care for the protection of the environment.

Some eccentrics, I do not doubt, might even say there is a public interest in preserving mountains just to look at.

CELLER ANNOUNCES HEARINGS ON FAMILY FARM ACT

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. CELLER. Mr. Speaker, increased vertical integration in the agriculture industry has accelerated a concentration of economic power that requires congressional attention.

A million farms are eliminated every 10 years, and farmers are currently going out of business at the rate of 2,000 per week. At the same time, there has arisen the conglomerate farmer, corporations which own or control food production, food processing, and food marketing. The goal of these corporations has been expressed as "integration from seedling to supermarket."

The Congress is in need of much information regarding the competitive effects of these new agricultural conglomerates. Attention must be focused upon the benefits and the dangers inherent in these new structures. I am pleased, therefore, to announce that the Antitrust Subcommittee of the Committee on the Judiciary will, on March 22, 23, and 29, 1972, begin hearings on H.R. 11654, the Family Farm Act. The hearings will be held in Room 2141, Rayburn House Office Building, beginning at 10 a.m.

Persons interested in offering testimony or submitting statements for the RECORD should contact subcommittee counsel at 225-4853, or write to the committee.

TROUBLES IN THE DOMINICAN REPUBLIC

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. FRASER. Mr. Speaker, Stephen E. Johnson, a constituent, recently wrote me of his experiences in and concerns about the Dominican Republic. His letter follows:

MINNEAPOLIS, MINN.,
February 5, 1972.

Representative DON FRASER,
House of Representatives,
Washington, D.C.

DEAR MR. FRASER: Although I know you have many demands on your time, I am writing in hopes that you might find a moment to spare for a matter of some concern to me.

Last summer my wife and I visited the Dominican Republic, where I served as a Peace Corps volunteer from 1967 to 1969. Visiting the community (Naranjo Dulce, just out of the city of San Francisco de Macoris) where I had worked as a rural community development officer, we found that many of the community leaders and some of the teenage boys had been jailed on various pretexts and then beaten or otherwise tortured by the police and the military. One leader, a friend of mine by the name of Maximo de la Cruz, had just been released from jail, where he had been held for nine days, and he showed us six deep gouges on his abdomen, made by a wire-wrapped stick, and his back, which was swollen and purple from beatings. It was particularly shocking to me to see what had happened to this man, as he had been the primary supporter of a school-building project in the community—a project underwritten by an agency of the Dominican government.

He was not a political leader; he owned one of the two or three small businesses in the community and was widely respected. Yesterday I received a letter from a friend informing me that Maximo de la Cruz was killed ("they killed him," says the letter) on Christmas Day. I do not have any details, and may not get them (although I have written for more information) since the community is no doubt in an even greater state of fear and intimidation now than it was in July.

At that time a man who had been one of my co-workers in the goverment's rural community development agency (ODC) (and who is scarcely an alarmist, much less a radical) told me that the country was in a worse state than it had ever been under Trujillo. People were "disappearing" every day. The various branches of the police and the armed forces, he said, were completely out of the control of responsible civilian leaders (including President Juaquin Balaguer) and were using their unchecked powers in destroying what little effective ocmmunity organization exists in the Republic. When we returned to the capital, we talked with a political officer in the American embassy, but he did not seem particularly concerned.

I know that in the face of the wide-scale atrocities being carried out in Southeast Asia, the Middle East, Pakistan, and elsewhere what is happening in the Dominican Republic may be relatively insignificant to the United States. Yet anyone who has studied U.S.-Dominican relations cannot fail to see that the U.S. has played a rather special role in the creation and maintenance of the regimes which have controlled the Republic since the earliest years of this century. For good or ill, our decidedly paternal role has had an enormous influence—to a degree that many knowledgeable Dominicans claim, with no little apparent validity, that the country is governed from the U.S. embassy.

Be that as it may, it is clear that we have contributed many millions of dollars in an attempt to achieve the Republic's economic (and thus, political) stability. There is a measure of stability in the country today; you can see how it's achieved by walking down any street or driving along a rural road—the police and the army occupy every corner, while the countryside is roamed by the dreaded "patrullas" (patrols). For the great majority of people in the Dominican Republic stability means repression and fear. Our support, well-intentioned or not, is buying a resentment and hatred for this country that can only add to the distrust that is already the norm among the educated and the less fortunate populations of Latin America.

Our present administration appears to be taking a "benign neglect" stance towards Latin America. I don't expect much sympathy from it. But isn't there something we of the loyal opposition might do in order to at least bring some pressure to bear on Dr. Balaguer's government to stop the killing? Would it be worth asking sympathetic members of various congressional committees dealing with foreign relations or foreign aid to question the nature of the government we support in Santo Domingo? Or is there some way we could indicate to the Dominican Ambassador that some Americans are concerned about the abrogation of civil rights and the political killings in his country? In short, is there anything we can do?

I plan to write other political and government people and explore additional channels through which I might stir up support for those Dominicans who have few means of defending themselves, but because I feel I can get the most sympathetic hearing and advice from you, I am sending this letter ahead of the others. I do feel very pessimistic about changing the situation but am bound and determined to do what I can. If there is anything you can do or suggest that I might do, I'd be most grateful.

Let me take this opportunity to express my wife's and my appreciation for your work; we are proud to have you as our representative.

Sincerely,
STEPHEN E. JOHNSON.

I also include with these remarks a letter concerning the Dominican Republic recently received from the State Department and an Evening Star article dated February 16, 1972. The Star article is about Gen. Neit Nivan Seijas, chief of the DR national police.

The letter and article follow:

DEPARTMENT OF STATE,
Washington, D.C., February 23, 1972.

Hon. DONALD M. FRASER,
House of Representatives,
Washington, D.C.

DEAR MR. FRASER: Thank you for your letter of February 10, 1972, in which you request information concerning the reported death of Maximo de la Cruz in the Dominican Republic and concerning the present political situation there. We have requested our Embassy in Santo Domingo to provide us with any available information regarding de la Cruz and will forward it to you when it is received.

As regards the political situation, the Dominican Republic appears currently to be enjoying a degree of public tranquility which is almost unprecedented in recent years. Buoyed by a substantial US sugar quota under the 1971 amendments to the Sugar Act and high prices in the world sugar market, the Dominican economy is expanding and the business sector is confident. There are no serious challenges to the Dominican Government's authority at the present time, and we forsee none barring a sudden and unexpected change in the present circumstances.

With specific reference to your interest in civil liberties, you may be aware of the operations of "La Banda" from April to October of last year. "La Banda" was a gang of thugs which constituted itself, apparently with some covert police support, as an "anti-Communist" band and carried out a number of excesses against members of opposition parties as well as against nonpolitical individuals who had incurred "La Banda's" wrath for one reason or another.

Dominican public concern with "La Banda's" activities grew during the summer of 1971 and the same type of concern was expressed abroad. In a dramatic gesture in October, President Balaguer appointed a new police chief and ordered him to put a stop to "La Banda's" activities. "La Banda" was effectively suppressed at that time and has not been revived since.

Although violence is endemic in the Dominican Republic, the level of violence from whatever quarter has been remarkably low since the demise of "La Banda". There was a violent confrontation in early January between the security forces and a small Communist band, which had reportedly robbed a bank late last year, which left the four Communists and eight police and military dead. Other than this incident, there have been no significant acts of violence in 1972.

There is not a severe civil liberties problem at the present time. The press is free and independent, and there has even been recent support among both government and opposition elements for the "legalization" of the Communist parties. From time to time in the past we have heard of incidents of harassment of opposition parties in the countryside even when the same parties were left untroubled in the capital, but the lack of such reports since the suppression of "La Banda" appears to indicate that the opposition is not being molested. Because of the absence of significant political issues, and with the next elections over two years away, political activity is at an unusually low level at the present time.

I trust that this information has been responsive to your inquiry. However, if you have any further questions please let us know.

Sincerely yours,
DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

[From the Washington Star, Feb. 16, 1972]

DOMINICAN POLITICS—POLICE STRONGMAN FOLLOWS TRUJILLO'S PATH TO POWER

(By Jeremiah O'Leary)

SANTO DOMINGO.—Fewer than 12 years after the death of Generalissimo Rafael Leonidas Trujillo, a new caudillo in the image and likeness of the slain dictator is beginning to emerge in this troubled land.

He is Brig. Gen. Neit Nivar Seijas, 47, chief of the National Police, who was a young lieutenant in Trujillo's time and is now the most powerful miltiary figure in a country where guns and influence are the ultimate weapons in the continuous plotting, feuding and jockeying for position.

Nivar was born in Trujillo's hometown, San Cristobal, and like the Dominican Caesar is of humble birth.

Standing between Nivar and the achievement of ultimate power here is his patron and wary friend, President Joaquin Balaguer, who is lavish in his praise of Nivar, particularly for putting an end to the cut-throat operations of the police-sponsored counterterror gang, La Banda.

HEARD ON RADIO

When La Banda's brutalities threatened to become an international scandal last summer, Balaguer sent to Maj. Gen. Enrique Perez y Perez from the police chieftainship to command of the Army's 1st Brigade on the outskirts of Santo Domingo.

Nivar, commander of that U.S.-trained and equipped brigade, strongest in the Dominican armed forces, heard on the radio that he was swapping jobs with his bitter enemy, Perez y Perez.

Balaguer's move took him off the hook for the La Banda killings by disposing of his police chief. It also gave him the opportunity to put the ambitious Nivar in the police job, a traditional deadend in Dominican politics.

For a few hours in October 1971, the nation quivered over whether Nivar would accept the demotion or march on the capitol as some of his hothead officers urged him to do.

SHREWD ADVICE

But Nivar gets shrewd advice from his counsellors, notably Cuban Santiago Rey Perna, who was a minister of interior under Fulgencio Batista, and a Peronist Argentine named Luis Ramon Gonzales Terrado.

He accepted the transfer and kept a crew of tailors up all night to make him a new police general's uniform. He further turned the move to his advantage by going directly into a slum area where no policeman had ventured since five young men were murdered by La Banda. Nivar was hailed as a benefactor when he promised an end to the counterterror.

He did end it, too. There has scarcely been a killing since. Nivar passed the word to his policemen that La Banda was finished. Balaguer said peace returned because most of the extremists were exiled, arrested or killed.

But Nivar gets the credit for the almost unreal tranquility that has prevailed here since October and even the opposition leftist party of Juan Bosch, the Partido Revolucionario Dominicano, has been looking with favor on Nivar.

As for Perez y Perez, he has discovered that he is commander of the 1st Brigade in name only. The key commanders and their troops are totally loyal to Nivar, who is a tireless visitor to the homes, the weddings and funerals of the military as well as a dispenser of easy pesos among the soldiery.

Nivar earlier got the upper hand from the armed forces commander, Ramon Emilio Jimenez, a Navy man, by "discovering" that one of Jiminez' officers was involved in a comic-opera coup being planned by rightist Gen Elias Wessin y Wessin last June. Jimenez has treated Nivar with deference ever since.

AMASSED FORTUNE

Nivar has assembled a fortune. He profits from the importation of Haitian sugar cane cutters, he owns a prosperous radio station and is involved in a race track and a profitable small-plane airline, Alas del Caribe (Wings of the Caribbean.)

His special relationship with the president gives him enormous economic power as he can arrange for large government contracts to go where he wishes.

Nivar has little interest in military professionalism, but does have an overriding concern about the loyalty of subordinates. Perez y Perez, a professional soldier, scorns the sort of political game ployed by Nivar.

The intriguing question is when and how Nivar will make his move to ultimate power. Balaguer has won consecutive elections in 1966 and 1970 and probably can win a third term in 1974.

The informed speculation is that Balaguer is not threatened now by Nivar. The two could collide over Nivar's wish to be rid of the police job and Balaguer's wish to keep him there but this likely will be solved by giving Nivar a cabinet-level job.

It is not anticipated that Nivar will attempt to overthrow Balaguer although there is little to prevent him other than Balaguer's popularity. Balaguer himself is no mean politician and does not appear to be worried overmuch about Nivar.

But if Balaguer should die or become incapacitated there is nobody in the Dominican Republic who believes the ceremonial vice president, Carlos Rafael Goico Moralse, would ever succeed to the presidency. If anything happens to Balaguer, the betting is that the poor boy from Trujillo's home town would take charge and stay in charge.

Others have noted a supposed dilemma of Latin Amerian culture: To opt for order under a supposed benevolent dictator or to choose chaos under constitutional democracy. Chaos is not always the product of constitutional democracy, but it is true that this form of government is often less orderly than that achieved by dictatorships. However, too often even the benign dictatorships enforce order at the expense of political and social progress. And the benevolence of dictators often finds expression, as it has in Naranjo Dulce, through brutality and murder.

Mr. Speaker, I hope the optimism expressed by the State Department concerning the Dominican Republic political situation is realistic. Given the turbulent history of the Dominican Republic and Mr. Johnson's experiences, one cannot be too optimistic.

CHINA PANDAS BELONG HERE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. DERWINSKI. Mr. Speaker, one of the fascinating possibilities resulting from the President's trip to mainland China is the acquisition by U.S. zoos of giant pandas which are native to China.

The Brookfield Zoo in suburban Cook County was the home of three giant pandas the last of which died in 1953.

I have written to the President urging that should the Chinese Government make a gift of these pandas that the Brookfield Zoo in Brookfield, Ill., in view of its history and relationship to previous pandas exhibited in the Western World, be given priority consideration as a home for the next giant pandas to reach the United States.

An editorial in the Thursday, March 2, Suburban Life properly makes the argument in favor of the Brookfield Zoo designation.

The editorial follows:

CHINA PANDAS BELONG HERE

For many good reasons President Nixon should select the Brookfield zoo as the future home of two giant pandas which are China's gift to the American people.

The zoo has all the experience necessary to handle the black and white bears, distant relatives of the three that lived in the Brookfield facility years ago, including Mei Lan ("Little Flower") who died in 1953 at 14 years of age, old as pandas go.

Brookfield became the first zoo in the world to house a giant panda in 1937 and was the last zoo in America to have one, holding the longevity record for a panda in captivity.

It still maintains the same barless grotto that Mei Lan was kept in, but a new home for the prizes would be built if Nixon's nod goes to the west suburban zoological gardens. Many of its personnel are still familiar with the handling of pandas.

Another important advantage is Brookfield's central United States location, permitting a maximum number of Americans to see the pandas.

Fourteen years ago an attempt by the zoo to purchase a panda by way of Europe was foiled by the federal government. That panda Chi-Chi, eventually went to the London zoo, becoming one of the most famous animals in the world.

No matter where they wind up, it will be panda(monium) in every zoo town other than the one that gets the cuddly creatures. But the President should not hesitate in sending the pandas to Brookfield. The zoo has everything in its favor and has earned the right to regain these prize animals for its collection.

ORCHESTRA DA CAMERA PERFORMING ARTS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. WOLFF. Mr. Speaker, the Orchestra Da Camera Performing Arts programs are a "vivid demonstration showcase, a model whose techniques and varied programs can be used as a pilot in school districts throughout the State."

This is how Dr. Vivienne Anderson, director of the New York State Education Department's Division of the Humanities and the Arts described the outstanding programs and services of the Orchestra Da Camera when designating the orchestra as a "showcase" orchestra in 1968.

In a time when all of us are deeply concerned with the need to improve the "quality of life" in this Nation, Dr. Anderson's observations are eloquent testimony to the enormous contributions the Orchestra Da Camera is making in enriching the cultural lives of hundreds of thousands of students in schools throughout Long Island.

The Orchestra Da Camera is a self-contained cultural center, dedicated to the introduction and dissemination of man's heritage, and his cultural arts through model programs to people—especially to children and students.

The Da Camera, in residence in the Mineola public schools is fulfilling the commitment to the arts expressed by the New York State Board of Regents in their position paper on the "Humanities and Arts in Elementary and Secondary Education."

They say:

> We believe that a special opportunity exists in the humanities and the arts to provide the leadership needed for a true educational renaissance in our school system. We believe especially that literature, drama, music, the dance and the visual arts can help young people to relate to one another, and to the universe, with a new sense of excitement, concern, and reverence.

Perhaps the most signal feature of the Da Camera's activities is that the emphasis is on programs that involve the personal participation of large numbers of young people in the school districts being served and on presenting talented artists from a variety of ethnic backgrounds. It is highly significant that the Da Camera programs are taking a rightful place among the schools' basic instructional services and thus are becoming vital components of the educational program.

The vast success of the Orchestra Da Camera, which gives some 700 in-school performances each year, is a tribute to the vision displayed by its founder, Mrs. Flori Lorr. Herself a gifted musician, Mrs. Lorr recognized more than a decade ago the need to make cultural programs available to the burgeoning school population in Nassau and Suffolk Counties. She has translated a dream into a vibrant reality.

Over the years, the orchestra's programs in grand opera, chamber opera, symphony concerts, chamber ensembles, ballet, jazz and ethnic and modern dance, have won acclaim, and justifiably so, from school administrators, teachers, parents, and, most important, from hundreds of thousands of students who have gained a better appreciation of the arts.

The achievements of the orchestra have been duly recognized too by both the Federal and State governments. Grants totaling more than $218,000 have been awarded to the orchestra over the past 2 years, the most recent one a $100,000 grant from the National Endowments for the Arts.

I believe that the efforts of the Orchestra Da Camera, in making an immeasurable contribution to the quality of life in the communities it serves merit our applause and our support.

RARICK TESTIFIES ON RIGHT OF AMERICANS TO OWN GOLD

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. RARICK. Mr. Speaker, today I testified before the House Committee on Banking and Currency asking for favorable consideration to amend the dollar devaluation bill (H.R. 13120) to provide that American citizens be granted the right to own gold.

I include the text of my testimony:

STATEMENT OF JOHN R. RARICK

Mr. Chairman, Members of the Committee, I welcome this opportunity to testify today as you continue hearings on the Administration's proposed legislation devaluing the dollar.

I speak today in behalf of the American citizen's right to own gold, a freedom that has been denied him since the Gold Reserve Act of 1934. Unfortunately, however, the leaders of this country have, up to August 15, 1971, seen fit to meet this country's commitments to stabilize foreign interests through payments in gold, a practice that has depleted our gold reserves, threatened our economy, and now has forced the Administration to propose the legislation presently before the Committee.

The simple truth is that American government has discriminated against its own citizens by denying Americans a right that it guarantees to foreign interests, thus allowing foreigners to reap the intrinsic evidence of American labor—stable gold.

It is time for the Congress to recognize and correct this discriminatory practice that denies the American citizen the right to own gold, yet lets his national leaders squander his gold for the benefits of foreigners, thus threatening to bankrupt the American people along with their government.

I urge this Committee to consider amending the proposed legislation to include provisions restoring this basic right of owning gold to the American people in the event that either one of the other of two possibilities occur: (1) the requirement that gold reserves be held against currency in circulation is removed; or (2) the President lifts the moratorium he has placed on payment in gold of American obligations to foreigners. I have introduced H.R. 353 to offer this relief in the event that the requirement that gold reserves be held against currency in circulation is removed.

Mr. Chairman, I include a copy of my bill H.R. 353 in my testimony at this point:

"H.R. 353

"A bill to permit American citizens to hold gold in the event of the removal of the requirement that gold reserves be held against currency in circulation, and for other purposes

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

"SECTION 1. At any time when reserves in gold or gold certificates are not required by law to be held against currency in circulation—

"(1) the Secretary of the Treasury shall sell any gold held by the United States to any citizen of the United States on demand at a price equal to that then being charged foreign governments, banks, firms, or individuals for gold purchased from the United States Treasury.

"(2) the Secretary of the Treasury may purchase from any citizen of the United States any gold tendered at a price equal to that then being paid to foreign governments, banks, firms, and individuals for gold being purchased by the United States Treasury.

"(3) no prohibition in the Gold Reserve Act of 1934 or any other law, and no prohibition in any regulation, shall be effective to prohibit or restrict the acquisition, holdings, or disposition of gold by any citizen of the United States."

That either one or the other or both of these possibilities that I have outlined might occur is evident from two passages appearing on pages 16 and 17 of the Committee Print entitled "Background Material on Legislation Modifying the Par Value of the Dollar," a copy of which was provided by the Chairman to Members. These passages are worth noting in their entirety:

"Furthermore, the United States believes that the monetary role of gold should continue to diminish. With the advent of Special Drawing Rights in the Fund, the world now has a basic reserve asset which is not held in private hands and hence is free from the private hoarding and speculation which have arisen in connection with gold. There is no need to raise the official gold price merely to increase world reserves.

* * * * *

"It is the view of the U. S. Administration that this modest change in the official gold price should not be allowed to disturb the trend toward de-emphasis of gold in the international monetary system. . . . *As gold is becoming more widely used as a nonmonetary commodity, it becomes less satisfactory as a monetary reserve."*

It is, therefore, evident from the Administration's position that the first alternative I mentioned, the removal of the requirement that gold be held against currency in circulation, is a distinct possibility as the Administration moves further and further into a position virtually favoring a type of international currency, the SDR, or paper gold scheme.

The significance of the second possibility I mentioned, that the President would lift the moratorium presently in effect forbidding the payment of gold for American commitments to foreigners, is evident. There is no reason whatsoever that American citizens should continue to be deprived of their right to own gold while foreigners continue to drain our gold reserve. While the financial manipulators are theoretically planning to abandon gold as evidence of wealth and exchange, some of us, Mr. Chairman, would like to have a few gold coins, if for no other reason than a memento or to show our grandchildren what gold looks like.

In conclusion, Mr. Chairman, I would like to point out perhaps the most significant passage from the Committee Print dealing with this legislation:

"INCREASE IN VALUE OF ASSETS AND LIABILITIES

"The currency realignment will increase the value of certain United States international reserve and other assets. Our gold assets, and those with a fixed relationship to gold, such as the gold tranche in the International Monetary Fund and Special Drawing Rights, will increase in value in terms of dollars by 8.57 percent—corresponding to the change in the par value of the dollar. Foreign exchange assets will increase to take account of dollar devaluation plus any revaluations of the currencies held.

"The par value change will also require an increase of 8.57 percent in the value of our dollar subscriptions to international financial institutions. This increase in the value of dollar subscriptions stems from a provision in agreements governing our participation in international financial institutions that subscriptions be maintained in value in terms of gold. The purpose of this requirement is to assure that the contributions of all members are maintained in value in relation to each other despite changes in exchange rates. It also assures that our share in the assets and voting rights in these institutions is not impaired by devaluation of our currency.

"Currency realignment will also mean increased dollar costs on repayment of certain foreign currency borrowings.

"The increases in value of assets in some cases exceed the increases in related liabilities, and in others, assets and liabilities almost offset each other. As indicated, the increases in value of assets and liabilities are in most instances the direct result of the privileges and obligations of membership in international financial institutions."

It is therefore, evident that the total United States obligation in gold—our international debt—to foreign monetary authorities will remain constant, presumably "as a direct result of the privileges and obligations of membership in international financial institutions." Adoption or rejection of the legislation as it now exists means nothing—except to satisfy the vanity of the Ministers and Central Bank Governors of the 10 countries participating in the General Arrangements to Borrow. Identified from the 18 December 1971 press communique, they are:

"PRESS COMMUNIQUE OF THE MINISTERIAL MEETING OF THE GROUP OF TEN ON 17TH—18TH DECEMBER, 1971 IN WASHINGTON, D.C.

"1. The Ministers and Central Bank Governors of the ten countries participating in the General Arrangements to Borrow met at the Smithsonian Institution in Washington on 17th—18th December, 1971, in executive session under the Chairmanship of Mr. J. B. Connally, Secretary of the Treasury of the United States, Mr. P.-P. Schweitzer, the Managing Director of the International Monetary Fund, took part in the meeting, which was also attended by the President of the Swiss National Bank, Mr. E. Stopper, and in part by the Secretary-General of the O.E.C.D., Jonkheer E. van Lennep, the General Manager of the Bank for International Settlements, Mr. R. Larre, and the Vice-President of the Commission of the E.E.C., Mr. R. Barre. The Ministers and Governors welcomed a report from the Managing Director of the Fund on a meeting held between their Deputies and the Executive Directors of the Fund."

This communique revealed further the means by which the decisions of this meeting were to be implemented: "It is the hope of the Ministers and Governors that all governments will cooperate through the International Monetary Fund to permit implementation of these measures in an orderly fashion."

The total amount of this "obligation for membership in international financial institutions" is approximately 51.5 billion dollars; there is, at present, only 12.1 billion dollars in reserve assets. I ask that the appropriate table from the Committee Print be inserted at this point in my testimony:

TABLE 2—U.S. RESERVE ASSETS AND LIQUID LIABILITIES TO FOREIGNERS

The chart that follows shows how our reserve assets have declined and our short-term liabilities to foreigners have risen until the short-term liabilities are now more than five times as large as our reserve assets.

Our liabilities to foreign monetary authorities, which are included in the $68 billion figure of total liquid liabilities to foreigners, are currently estimated at $51½ billion.

U.S. RESERVE ASSETS AND LIQUID LIABILITIES TO FOREIGNERS [1]

[In billions of dollars]

Year	U.S. reserve assets	U.S. liquid liabilities to all foreigners [1]	U.S. liabilities (liquid and nonliquid) to foreign official agencies
1950	24.3	8.9	(2)
1951	24.3	8.8	(2)
1952	24.7	10.4	(2)
1953	23.5	11.4	(2)
1954	23.0	12.5	(2)
1955	22.8	13.5	(2)
1956	23.7	15.3	(2)
1957	24.8	15.8	(2)
1958	22.5	16.8	(1)
1959	21.5	19.4	(10.6)
1960	19.4	21.0	(11.9)
1961	18.8	22.9	(12.6)
1962	17.2	24.3	(13.8)
1963	16.8	26.5	(15.4)
1964	16.7	29.5	(16.7)
1965	15.5	29.7	(16.8)
1966	14.9	31.1	(16.0)
1967	14.8	35.8	(19.3)
1968	15.7	38.6	(18.5)
1969	17.0	46.0	(17.1)
1970	14.5	47.1	(24.5)
1971	12.1	[3] 68.0	[3] 51.5

[1] Including nonliquid liabilities to foreign official agencies.
[2] Not available.
[3] Estimated.

It is, therefore, evident, Mr. Chairman, that the problem with the American economy lies in excessive entanglements with foreign alliances and international monetary organizations. The American government has, in effect, served as a banker for the world, only we have paid our "foreign friends" interest to use our money; furthermore, our "foreign friends" can collect in gold, a privilege denied to Americans.

The leaders of this country have, until August 15, 1971, followed the policy of guaranteeing the freedom of foreigners to own gold while depriving our own citizens of the same, or equal, right. A forthright indication of the present Administration's attitude toward America's role in the world is also evident in the Committee Print to accompany this legislation:

"Thus, in view of our responsibilities in providing assistance to developing nations and our economic role as a moderate supplier of private investment capital to the less developed world, net outflows of long-term capital and government grants could not reasonably be expected to fall below $6 billion annually. In addition, we expected to continue to experience net payments of about $1 billion annually in current account and long-term capital transactions which cannot be specifically identified.

"This assessment of the world payments situation made it clear that a very sizable swing in our position—and corresponding changes in the positions of others—would be required to restore reasonable international payments balance.

"Balance in the U.S. basic accounts, on the cyclically adjusted basis referred to above, would require a current account surplus large enough to cover our long-term capital outflows and government grant aid. Nearly the whole of the necessary current account surplus would have to be found in the trade account, at least for a number of years to come. The difference between the needed surplus and the deficit in prospect if no action was taken was massive. Drastic action would be required, even to restore the U.S. position to near-balance.

"These international considerations coincided with the appearance of evidence that domestic recovery and the fight against inflation were not proceeding satisfactorily. Decisive action, then, was called for by both domestic and international conditions. A strong domestic economy would be essential to an improvement in our international position, and improvement in our balance of payments would aid the recovery of confidence and domestic economic activity."

Mr. Chairman, it is time to stop discriminating against the American people. It is time to restore their right to reap the fruit of their labors; it is time to restore their right to own gold. I urge you and the Members of this Committee to give favorable consideration to amending this proposed legislation, H.R. 13120, to provide that American citizens be granted the right and privilege to own gold.

COLORADO'S "VOICE OF DEMOCRACY" WINNER

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. BROTZMAN. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conducts a "Voice of Democracy" contest. This year nearly half a million secondary school students participated in the contest competing for the five national scholarships which are awarded as the top prizes.

The winning contestant from each State is brought to Washington for the final judging as a guest of the Veterans of Foreign Wars. This year's finalist from Colorado is Stanley R. Heady, a sophomore at Broomfield High School, Broomfield, Colo. I believe this fine young American's essay would be of interest to all of my colleagues in the House, and for that reason I am pleased to insert it into the CONGRESSIONAL RECORD.

MY RESPONSIBILITY TO FREEDOM

(By Stanley R. Heady)

Freedom, is word so often misused and misunderstood in our times, but as a young American I realize its meaning and my role in maintaining its preservation. I am responsible for upholding freedom in this generation, and setting an example for the ones to follow. It is my obligation to educate myself in order that I may be able to understand the mature use of freedom, and I am accountable for the actions I take to fulfill my personal role in freedom's preservation and defense.

Freedom is an expensive luxury, and since the conception of this nation each generation has had to pay a very costly fee for liberty. Perhaps, I will never know what price the present generation has paid to preserve my freedom, just as they do not realize the price their fathers paid. However, I must come to understand that someday I will also be called to account. Our freedom has been abused and taken for granted. We have come to think of it as quite a natural right, but under certain regimes for men to decide their own destiny and make their own decisions concerning their life style, freedom is as natural as water flowing uphill. In this country, that flow is unimpaired but not always appreciated.

It has often been said that the future belongs to those who prepare for it best. Consider then two young men, one who makes the best of the present, sets goals for himself, and tries to meet them, realizing the potential value of today for tomorrow. The second young man takes his youth and time for granted. He is unable, or perhaps afraid, to realize that his innocent youth will soon pass him by, leaving him unprepared, as a man, to face a competitive and hostile world. Countries are much the same way, and prudence is the best security for freedom. It was James Madison who said, "Diffusion of knowledge is the only guardian of true liberty." Freedom's greatest enemy is ignorance, and its greatest defender is the man who is wise and whose senses are keen. The fight is not always won by the strong, but by the vigilant and brave as well.

Each man must accept the fatigue of supporting freedom if he expects to reap its blessings. Every individual at sometime is called to a particular type of service for freedom's preservation, and we are individually responsible as to how we respond to that summons. Some are obliged to render service as soldiers, others as politicians or government aides, and still others as players of vital roles in our society, whether they be office workers or the average man on the street. I, as a youth in a free society, realize that I must educate myself, speak out in defense of freedom, and challenge those who would abuse its privileges.

The importance of becoming aware of my responsibility can not be overdramatized, for it is my generation and myself who will face the sternest challenge, to freedom's preservation.

WEEKLY REPORTS TO NINTH DISTRICT CONSTITUENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the texts of my last four weekly reports which review the military, economic and political conditions Vietnam and the status of the peace proposals.

WASHINGTON REPORT—FEBRUARY 14, 1972

(EDITOR'S NOTE.—This is the first of four reports reviewing the military, economic and political conditions in Vietnam and the status of the peace proposals.)

One of the main purposes of the American presence in Vietnam is to buy time to strengthen the Saigon government and to enhance its capacity to meet the Communist threat. It is the judgment of our top officials that while the South Vietnamese are gaining strength, they are not yet strong enough for us to withdraw completely.

The most critical phase of the American strategy of Vietnamization will occur this year. By May 1, America will have only 69,000 troops in South Vietnam, and it is expected that by the end of 1972 there will be no more than 30,000 American troops in that country.

Even today, America has only very limited combat strength in Vietnam, and we are becoming increasingly dependent upon South Vietnamese troops for protection. The only viable military option which is being left to us is use of airpower. In this circumstance, there is deep concern about the ability of the South Vietnamese to develop into a strong, independent nation.

All progress in South Vietnam depends upon security. The fact that 90 percent of the children now attend school, that the number of doctors is increasing, and that one can drive the length of the country on good roads and in relative safety indicates that South Vietnam is reasonably secure.

The Viet Cong are still present, however. There are an estimated 60,000 in South Vietnam, and efforts to destroy their infrastructure have not been completely successful. Because of continued attacks by the Viet Cong, and by North Vietnamese infiltrators, South Vietnam continues to take serious casualties—21,500 dead in 1971, against a claimed enemy toll of 97,000.

Although the enemy has launched no successful operation of any real importance since 1968, there are reports that he is preparing a major offensive this year. All during 1971, the enemy did not engage in a single attack on a South Vietnamese city. He knows that if he is to disrupt the Vietnamization process, he must get into the cities.

The enemy's main force units are reported to be still far in the interior, unpopulated parts of the country. American military officials do not believe that he has the capability to mount another effort the size of the 1968 Tet Offensive.

The South Vietnamese have about one million men under arms, and many more in regional self-defense forces. Their combat efficiency has improved, although after heavy losses in the Laotian campaign, they are not as confident as they once were. As defensive forces, they have proven themselves to be very tough; their offensive military operations have sometimes faltered.

The North Vietnamese have about 320,000 men under arms, and those involved in the South Vietnam campaign are being supplied over the Ho Chi Minh Trail. Despite almost continuous bombing, supplies coming down the trail have increased enough to enable the enemy to continue his efforts to disrupt Vietnamization. U.S. Air Force officials concede that bombing, by itself, will not cut off the flow of supplies.

In Laos and Cambodia, the military situation has deteriorated and is critical. The enemy could take over effective control of both countries if he chose to do so. American officials speculate that he has not because he apparently wants to concentrate his major efforts in South Vietnam.

North Vietnam now controls about 50 percent of the land area of Laos, but not the most important areas. North Vietnam soldiers also control about half of Cambodia, but only 15 or 20 percent of the population. The initial optimism of the Cambodians about their military potential has diminished and they are beginning to realize they are in for a long, bitter struggle if they are to survive. There are about three North Vietnamese divisions in Cambodia, and they are capable of doing about what they choose in that country.

WASHINGTON REPORT—FEBRUARY 21, 1972

(EDITOR'S NOTE.—This is the second of four reports reviewing the military, economic and political conditions in Vietnam and the status of the peace proposals.)

South Vietnam's capacity to survive and maintain itself as a nation will depend in large part upon the political stability of the government and an improving economy.

Economy. The economy of South Vietnam now hangs in a delicate balance. In recent months, a measure of stability has come to it. The government has taken some firm steps in stabilizing the economy through devaluation, increasing interest rates, and by moving to reduce corruption.

The government knocked the heart of the black market in 1971 by devaluing the piaster. By increasing interest rates, the government has promoted a 100 percent increase in savings deposits to further dampen inflation, which is down from 35.4 percent in 1970 to 13.7 percent in 1971. The production of rice, the country's major food grain, is sufficient, although the distribution system needs improvement, and a chronic shortage of manpower shows signs of easing.

Although the economy has shown a growth of from 6 to 7 percent in the last year, considerable doubt remains as to whether these favorable developments will hold or continue to improve. A sharp reduction in the current level of U.S. aid—about $700 million annually—would throw the country into chaos.

Political. American policy-makers have serious doubts about Vietnam's future political stability, and particularly whether genuine stability can be achieved by President Theiu and his government. American hopes for a viable election process faded with the uncontested election of Theiu, and the realists are saying that the question of political stability is still in doubt.

Most Americans believe, however, that the quality of political leadership throughout South Vietnam continues to improve at all levels. They point out that key government incumbents are superior in competence and integrity to the previous occupants of those offices. It is possible that Saigon's administration could come apart because of internal differences, but American officials don't expect that to happen.

Corruption remains a way of life in Vietnam, however, despite U.S. insistence that the Saigon government make more of an effort to root it out. Pleas have been made to order officials not to accept gifts from subordinates seeking better positions, to stop bribes paid by parents to keep their sons out of the war, and to halt the practice of falsifying draft eligibility records for a price, but without much success.

In any country in which people are poorly paid, which has endured a prolonged war and brutal inflation, corruption is widespread. As the economy grows, corruption becomes less of a problem. It is still accepted, however, that cash, not words, count.

Outlook. It is possible that South Vietnam will emerge one day from the war as an independent, democratic nation on the way to peace and prosperity. But there is surely not much indication that it is going to happen soon. The optimism of 1970–1971 has faded, however, and the hope now is that South Vietnam will not lose the war, and that, in time, it can make an acceptable accommodation with North Vietnam.

Most American officials believe the war will gradually wind down. A major spasm of some kind may occur this year, but eventually, they believe, there will be some kind of accommodation between the two Vietnams. Meanwhile, the war goes on in spite of all. The infiltration from the North continues, ample supplies continue to come from China and the Soviet Union, and there is no diminution of North Vietnam's determination to fight.

The hope remains that some sort of agreement between the two sides can be reached, bringing an end to the killing. But no one can see the outlines of such an accommodation yet.

WASHINGTON REPORT—FEBRUARY 28, 1972

(EDITOR'S NOTE.—This is the third of four reports reviewing the military, economic and political conditions in Vietnam and the status of the peace proposals.)

The President's eight-point Vietnam Peace Plan is the first new proposal for a general settlement to the Vietnam War in more than 2½ years. The major points of his plan include:

A total cease-fire throughout Indochina.

The withdrawal of U.S. and allied forces from South Vietnam within six months of North Vietnam's acceptance of the proposal.

A new presidential election in South Vietnam.

The resignation of President Thieu one month before the election.

The creation of an independent body representing all political forces in South Vietnam, including the Viet Cong, to organize and oversee the election.

Under the proposal, North and South Vietnam would agree to release all prisoners of war captured in Indochina. The exchange would be carried out in conjunction with troop withdrawals.

The disclosure of the U.S. proposal makes the Nixon record on negotiations for peace much clearer. The disclosure also makes clear the chief barrier to the settlement of the war: Who will eventually control South Vietnam? The military questions, including a date for U.S. troops withdrawal and the release of American prisoners, apparently are negotiable on both sides. The political question of the future make-up of the government of South Vietnam is not.

The President's proposal is apparently unacceptable to North Vietnam because of its deep suspicion of the electoral process, and of the existing South Vietnamese government, which it believes would influence the outcome of an independent election, despite guarantees by the Allies. The North Vietnamese have insisted that two basic conditions for settlement would be (1) the fixing of a date for total U.S. military withdrawal, and (2) the withdrawal of all support for the Thieu regime.

North Vietnam's record in these negotiations shows that country's negotiators to be tough, determined and willing to exploit every opportunity, including the American prisoners of war. The North Vietnamese are not interested in a fair settlement, or in "looking good." They want a unified Vietnam under their control.

The President's critics have charged that he failed to make a straightforward offer of a withdrawal date in exchange for the release of the American prisoners. The President did disclose a proposal made in May 1971, in which the United States would agree to a deadline for the withdrawal of American forces in exchange for all prisoners, but he added the requirement of a cease-fire. By tying a withdrawal to the acceptance of a cease-fire, the President encountered Hanoi's opposition, which felt that a total cease-fire would only strengthen and solidify President Thieu's control over most of the South Vietnamese population. North Vietnam rejected the President's proposal, insisting that any settlement had to include political elements.

The debate between the President and his critics over a withdrawal date in exchange for the prisoners, regardless of past importance, is no longer relevant. Negotiations must now focus on political arrangements inside Indochina.

The immediate effect of the negotiating deadlock is that the war will go on. Each side has presented the other with unacceptable demands. Hanoi wants the U.S. to get out, take everything with us and stop all aid to South Vietnam. The United States wants Hanoi to stop fighting, withdraw its troops, give up the goal that it has sought for decades and enter into an election which Hanoi suspects will be controlled by President Thieu's agents.

The apparent failure of the President's peace proposals raises the question of what happens next. The President has said that the only alternative is to continue the Vietnamization program, which means that troop withdrawals will continue—but so will the periodic bombings of North Vietnam, Laos, and Cambodia.

WASHINGTON REPORT—MARCH 6, 1972

(EDITOR'S NOTE.—This is the last of four reports reviewing the military, economic and political conditions in Vietnam and the status of the peace proposals.)

There are two points of view about the prospects of ending the Vietnam war by negotiations. One is hopeful and the other, pessimistic.

The hopeful view holds that President Nixon's revised Vietnam peace proposals, and the spirit in which they were offered, will serve as a beginning for the first real bargaining since the frustrating Paris Peace Talks began three years ago on the central issue of who controls South Vietnam after the war.

The optimists contend that the wide gap between the two sides on the political questions in Vietnam has been narrowed. They emphasize that the Thieu government is growing stronger, its economy is improving, its military forces are maintaining security, and that Hanoi will be wise to negotiate now, rather than later.

The pessimistic view is that the discussions have accented the determination of the North Vietnamese to gain political control of South Vietnam. Hanoi has pursued that goal for some 30 years, and is not about to give it up now. Hanoi wants to drive out all foreign soldiers and unify the nation under the control of the communist party of North Vietnam.

The pessimists hold that Hanoi simply feels it does not have much reason to negotiate. As the U.S. military strength declines, its bargaining power recedes. Hanoi withstood everything South Vietnam could throw against it when 550,000 American soldiers, with all kinds of firepower and mobility, were helping, and it feels it can do better after the Americans are gone, taking their modern war machines with them.

In this view, no matter how successful Vietnamization may be, the improvement of Saigon's fighting ability will not fill the gap as the Americans withdraw. As one American analyst put it: "Why should the North Vietnamese compromise? Instead, they will just wait."

Americans are tired of this war, and they are growing increasingly determined to end it. It is helpful, but distasteful, to recognize that the U.S. bargaining position declines as its military power dwindles, and that there are very real limits to our capacity to determine the future of South Vietnam. Although we have not guaranteed the survival of a non-communist South Vietnam, we have done about all we can reasonably be expected to do to give that country a chance to survive. We are sharply reducing our presence there after nearly 56,000 of our men have died, and we have expended $132 billion, and we are leaving South Vietnam with a well-equipped army of more than a million men.

Without negotiations the outlook is for the war to continue, and for an American withdrawal down to a residual force backed by strong American airpower. American prisoners probably will remain as hostages for total withdrawal, and perhaps even for a political settlement favorable to Hanoi.

The harsh alternative is to set a date for total withdrawal and hope that Hanoi will release the prisoners of war. That course leaves most questions unanswered, however, including the central one of who controls South Vietnam. But it does permit the process of accommodation in South Vietnam to begin in earnest.

It is important that the secret negotiations in Paris be resumed, that the President use his trips to China and the Soviet Union to discuss the possibilities of a political accommodation, perhaps involving a coalition government and a mutual limitation of arms to Southeast Asia, and that the United States press South Vietnam to work out a political accommodation.

McGOVERN—THE MAN TO SUPPORT

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. ABOUREZK. Mr. Speaker, I would like to commend to my colleagues the fine article on Senator GEORGE McGOVERN which appeared in the February 19, 1972, issue of the Economist.

The article follows:

ELECTION 1972—MODEST McGOVERN

WASHINGTON, D.C.—Probably the American Senate does not contain a better senator than Mr. George McGovern of South Dakota. He is thoughtful, well informed, enlightened, quick and orderly of mind and speech, hard-working, free of self-seeking or self-indulgence, intellectually and morally consistent, and yet possessed of the habit of moderation that a politician needs if he is to be effective in a system that works by alliance and compromise. Besides being an estimable senator he is a sound man whose life has been well organized and whose first intuitive reactions to an event are usually right for him: thus he is spared the need to mumble, temporise, back away or revise his position after second thoughts. Put together, his characteristics make up something close to the picture of an ideal President.

When other politicians acknowledge this fact, as they sometimes do, they shake their heads or murmur that it is a pity, as if to say that nomination, let alone election, is naturally not for such as he. And indeed the course of Mr. McGovern's presidential effort up to the moment does seem to confirm that this is so. Having announced his candidacy first of the Democratic contenders, he has been campaigning fairly hard for a full year (and is campaigning really hard now). But measured by the opinion polls his advance has been small, from 3 or 4 percent to 5 or 6 percent of Democratic voters.

There are some mundane political explanations for this relative and, as yet, inconclusive failure, such as lack of money or of any big organised source of political strength. South Dakota does not count for much: but then, neither does Senator Muskie's state, Maine, and Senator Muskie is far away in the lead in the race for the Democratic nomination. More weighty is the fact that Senator McGovern was an insurgent in 1968 and therefore the support of the regular party notables in the states and localities does not come to him naturally. Nor does the support of organised labour, which is dividing between Mr. Humphrey and Mr. Muskie.

Something lacking in Mr. McGovern's visible personality in the explanation most commonly encountered for his failure to make more of an impact. He does not dominate, he does not suggest strength or radiate a sense of power. His voice, though not weak, is soft, his manner is unassuming, quiet and civilised. He is a former professor of political science at a small university in the great plains and the son of a Methodist preacher in a small town, and he is completely authentic. He is not showy.

The other explanation is that Mr. McGovern is still generally thought of as a one-issue candidate. He was a consistent opponent of President Johnson's policy in Vietnam and was briefly a presidential contender in 1968 as an opponent of the war. He refuses now to believe President Nixon's assurances that the present policy on Vietnam is aimed at a negogiated peace. Mr. McGovern's speeches often include a pledge to resign the presidency if, having been elected, he fails to bring the war to an end within a few months.

Whatever the truth of the matter may be, there is manifestly no simple issue of peace or war that is perceived clearly enough, or is the subject of feelings deep and widespread enough, to unite a party around a candidate at present. Senator McGovern knows this. He has other policies to talk about. His small organisation has produced a workmanlike study of defence problems, on the basis of which he proposes selective cuts in the defence budget. He has an interesting programme for a combined reform of direct taxation and the welfare system and another for relieving the schools of their reliance on local property taxes. But it is probably true that most of the voters (those who have heard of him at all, that is) still think of him as an anti-war candidate.

Although some rival candidates for the support of the liberal wing of the Democratic party dropped out last year, the gap was filled quickly by Mr. Eugene McCarthy and by Mr. John Lindsay. The Democrats' new rules for selecting delegates to the nominating convention give Mr. McGovern chances to win support where four years ago the entrenched local party officials would have prevented it. But in each case he encounters liberal competitors for these newly liberated sources of convention strength.

The liberal wing, in short, has not yet united conclusively around Senator McGovern and he is aware that this fact may prevent him arriving at the party's national convention in July with the volume of delegate support that would make him a force to be reckoned with. The party's wounds of 1968 are also not fully healed. Mr. McGovern, as a decided liberal but also a loyal party man couriously innocent of factionalism, might be the natural beneficiary of a reconciliation between the party's liberals and its centre; but this also has not happened yet.

"WOMAN POWER" IN FEDERAL GOVERNMENT

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. McCLORY. Mr. Speaker, as we recall the debate in this House of last October over the equal rights amendment we will remember that reference was made to President Nixon's efforts to bring women into the upper echelon positions in the Federal Government.

I have been particularly interested in this aspect of the Nixon administraton, because, in my view, it is extremely important that the support for the equal rights amendment in Congress be complemented by action on behalf of equality in job opportunities for women in the Federal Government.

Mr. Speaker, while the Senate continues its consideration of the measure which we passed last October, it behooves supporters of the equal rights amendment to keep up the momentum which this issue gained in the House of Representatives last year. One of the best ways to do this is to point to the contributions which women are making to the Federal Government. Were it not for the discrimination which prevailed for so many years, more women could have participated in our democracy at high levels of government decades ago—and I am convinced that we are just beginning to tap the tremendous resources which has come to be known as woman power.

Mr. Speaker, I am proud of the accomplishments of the present administration in the area of full equality for women, and I commend to my colleagues in both Houses the following article which appeared in the January 17, 1972, issue of U.S. News & World Report:

WOMEN IN GOVERNMENT—INTERVIEWS WITH SIX IN TOP JOBS

Quietly and rapidly, "woman power" is making unparalleled headway in the upper ranks of the Federal Government, which by tradition has been dominated by a male hierarchy.

There are now more women in top decision-making jobs in the Government than ever before. In 1971, the number of women in such positions, earning from $28,000 to $42,500, more than doubled—from 36 to 79. In addition, 260 women have been named to presidential commissions.

The sudden increase is the direct result of President Nixon's order last April to hire women for high-level positions in Government. Heading the search for female talent is Mrs. Barbara Hackman Franklin, staff assistant to the President.

"Our goal," she says, "is to find women qualified for just about every kind of job there is in the Government. The President told me when I took this job: 'We can't afford to waste so many of our resources.' That's why we're trying to broaden women's roles in policy making."

Progress, Mrs. Franklin admits, is slower than she would like. Women still are heavily outnumbered by male executives, and there are no women in the present Cabinet or on the Supreme Court. "But we hope to make a breakthrough there, too," she says. "And there is no reason why a woman shouldn't some day be President of the United States."

Mrs. Virginia Mae Brown, a member and former Chairman of the Interstate Commerce Commission, believes women may be heading for eventual equality with men in numbers of high federal jobs.

"Women are more interested in advancement now," Mrs. Brown declares. "It is not enough to say, 'We're discriminated against.' We've got to work for advancement—really deserve it."

To learn first hand how women are faring in top Government posts, "U.S. News & World Report" went to six in high positions for interviews that appear on this and the following pages.

Q. Chairman Bentley, is it difficult being a woman executive in a Government that's run principally by men?

A. Not for me, because I worked almost exclusively in a man's field for more than 20 years. When I was in the newspaper business covering the waterfront, I was dealing primarily with men, because there were very few women around.

Q. In dealing, as you do on occasion, with rather hard-bitten men, how do you handle the situation?

A. I play it very straight with them. We don't mince any words. I tell them what's on my mind, and listen to what they have on their minds.

Sometimes we come to a meeting of the minds, sometimes we don't. On occasion I might hang up on them, or on occasion they might hang up on me. But I think for the most part I have managed to retain most of them as my friends over the years.

Q. Women are sometimes accused of using their feminine wiles to achieve what they want in a job. Do you find that's really true, or is that just a myth?

A. I think it's a male myth. Maybe many years ago, because it was so very difficult for a woman to move ahead, she had to use whatever talent she had. I know that I had to fight my way most of the time.

Q. Did you have to work harder than a man?

A. Yes, very definitely. I had to work much harder. Over the years, I've probably put in three times the number of hours as any man in my job. I've also had to be twice as competent in doing it, too.

One thing: I've always felt that if a woman made a mistake, everybody immediately knew it. It just seemed like everybody was watching. But a man could make that mistake or a man could make 50 mistakes just like it before anybody would begin to take notice.

I think the situation is improving a bit now. I have felt in the past two years that there's a definite turning, and it's beginning now to come almost like a tidal wave, with the change in attitude, determination and confidence of women—although there's still a long way to go.

Q. What sort of hours do you work?

A. Let me look at my calendar for a couple of typical days: I leave home in Lutherville, Md., at 6:30 in the morning, catch the 7:05 train, and arrive in my office about 8:15, depending on traffic. I usually go home on the 8 o'clock train at night.

Q. So you spend about 12 hours in the office?

A. Yes, easily. Once in a while I stay over here with a friend. She has an apartment in Washington, and I stay there if, like tonight, I have a speech here. Tomorrow I have an early-morning meeting at 7:30, then I'll hear an oral argument all day on a maritime case, and there's a luncheon here with the Assistant Secretary of the Navy. Tomorrow night I speak at the National War College. So my day will finish about 9:30 or 10 o'clock tomorrow night.

"IT'S ROUGH" ON FAMILY LIFE

Q. How does this schedule fit in with your family life?

A. It's rough, but I've done it so long that this is my way of life. I was very much a career person before I was married—I didn't get married until I was 36—and Bill [William R. Bentley] understood that before we were married. It probably would not fit with the average person's life, especially if they were married younger and had children.

Q. Is this the main reason why there aren't more women working in top-level jobs?

A. I think it has been more a matter of male prejudice. The second reason is that it is difficult for women who have families and children to take on a major responsibility.

Another problem is that it's hard for many women to move. It's easy for a man to move his family here after he receives a presidential appointment. But if the wife is given a presidential appointment it's a little difficult, because her husband is probably entrenched in business out there, and she may have trouble persuading him to move.

Q. How are you accepted by your male compatriots in top-level jobs?

A. They accept me as an equal. I think I've proven myself. I don't expect anybody to show me any favoritism. I have always worked on an equal basis. When I was in the newspaper business, I felt when I took somebody out to lunch as part of a story that I should pick up the check.

Sometimes I felt I was trodden upon because I was a woman. I felt that I wasn't paid as well as some of the men at times, even though I had more responsibility and did more work.

Q. Do you have a good relationship with the White House?

A. The White House staff, with whom I work closely and regularly, treats me as they would treat any man. I don't think I'm treated with any more or less respect, or with any more or less care. I go to them on a straight buisness basis.

The President has sent me a number of messages in response to different matters, and I have talked to him occasionally about various things. He is always warm and considerate, but no more so, I think, than he would be with a man.

I know that there are one or two people at the White House who are reputed not to care particularly for women executives, but I haven't run into that sawmill yet.

Q. Is public service a good career field for women?

A. It is good if they are devoted to it. Public service is a tough field. You have to get things done, and at the same time not offend too many people. A number of people here tell me: "Oh, Helen, why don't you just let things go? Why rock the boat?" Well, that's not the way I work.

Q. Will there be more Cabinet-level posts occupied by women in the near future?

A. We hope so. There have been only two women in Cabinet posts in this country's entire history. I would hope at least one or two will be appointed in the next year or so.

Look at the Attorney-General spot, for instance. In the past, we have had a couple of Attorneys General who I don't think have been very good at all. I am not going to name any names. But I certainly have known a number of women with legal backgrounds who are much more capable.

Q. General Holm, most people think of the Air Force as a man's world. Is it difficult for high-ranking woman officer to hold her own in the armed forces?

A. Actually, the Air Force has always been "coeducational"—the only service that has been. From the day the Air Force was established, it has included both men and women. So they've been used to having women around.

I've never experienced difficulty as a woman in the Air Force. I can't say that this is true for *all* women in the Air Force *all* the time, but I haven't experienced it. I've been treated with great deference and courtesy.

Q. What led you to join the Air Force?

A. I joined the Army initially in World War II. At that time there was a tendency for everyone to want to get involved in something. My brothers were in the Navy, and my father had been a Marine in World War I, so I just had a yen to join the armed forces. I joined the first one that came along, and that was the Women's Army Auxiliary Corps [WAAC]. Initially, I was an enlisted woman—called an auxiliary—equivalent to a buck private, earning $21 a month. Then I went to Officer Candidate School and got a commission as an officer.

I got out at the end of World War II because there was no future for women in the military. There was no permanent status at all.

The Women's Armed Services Integration Act was passed in 1948 while I was in college. I got a letter saying: "Are you interested in coming back in the armed forces?" I checked a little box on a card that said: "Yes, I am interested in Regular Air Force." And so my Regular appointment came out of the Air Force. I knew I wanted to come back in the armed forces, but I'm not exactly sure why.

Q. Have you ever regretted the decision?

A. Never. I didn't plan to make it a career, though. Most people think that if you've made a career of the military, you've planned it that way. I've always had very good jobs, and I've worked for good people. I've felt as long as I had good jobs and enjoyed it, I had no reason to leave.

Q. Is it the kind of career you would recommend for most young women?

A. I don't know what you mean by "most young women." I would recommend it as a career to anyone who gets along with people, who is interested in improving herself, or who is interested in being a professional.

Anyone who wants to come into the Air Force for frivolous reasons might just as well forget it.

NEW OUTLOOK FOR UNMARRIEDS

Q. The Air Force has been criticized by some for discriminating against women, specifically, an unmarried woman who was ordered discharged because she was pregnant—

A. We've changed that policy. Last summer we started examining all these policies, and we decided that we would have to make some accommodation to the desires of women to have children and be in the armed forces. Today we no longer say that a woman who has any minor children may not come into the Air Force. She may apply for either enlistment or commissioning.

A woman may also remain in the service if she marries a man with children. At one time we used to discharge her automatically.

The only problem we have is with pregnancy. Normally we still discharge a woman who is pregnant, because she is not assignable. If she get orders to Southeast Asia, obviously she couldn't go.

It isn't a good idea to reassign her at all while she's pregnant, because the gaining command would get someone who's a potential medical loss to them for a while. So we say: "We'll discharge you when you're pregnant, but you may apply to come back to active duty within 12 months of discharge. Or, you can ask for a waiver of discharge and it will be considered on an individual basis."

But she's got to recognize that the child is her responsibility for care—and that's a tough one for a young woman.

Q. Is this true for both unmarried and married women?

A. We don't make a distinction between married and unmarried in that respect. But an unmarried woman has a special set of problems, particularly if she's in a low rank. She can hardly afford to hire a baby-sitter.

Q. Are there limits on what jobs a woman can have in the Air Force?

A. All Air Force jobs are open to women except those that are restricted by law. Those are the air-crew—pilot, navigator—jobs, and those closed for physiological reasons, that is, they are beyond the physical capabilities of the women—although we make exceptions there. The best example is the jet-engine mechanic, because that job requires a strong man who can lift heavy items. But we do have air-craft-maintenance officers. One is serving in Southeast Asia.

We also close jobs that we consider culturally repugnant. The best example of that would be a woman guarding the perimeter of a base with a gun over her shoulder. We consider that sociologically unacceptable. Nor would we assign a woman to a radar site on top of a mountain where she would be alone with a group of men. We would consider this culturally unacceptable. But there are very few jobs in this category.

COMBAT: FOR MALES ONLY

Q. Do you think women should be excluded from combat?

A. The law says she must be excluded from combat. This does not restrict them from combat zones, however. Nonetheless, I don't think our American culture is willing to accept women as combatants, per se. They are not even ready to accept them as draftees. I don't foresee that changing—and I don't think it should change unless we were to have a severe national crisis.

Q. As the highest-ranking woman in the Air Force, what are your duties?

A. In my current position, I spend about a third of my time on the road visiting bases where I talk to the commanders and staffs. I talk to the women themselves about anything they want to talk about, primarily so that I can find out what policies need changing, what problems they face and how they feel about things.

I do a lot of public relations, too, when I'm out in the field. There is considerable public interest today in a woman who has an unusual position.

In Washington, I am the adviser in the Air Force Headquarters on all matters affecting women. I also appear before the Congress in hearings on personnel to help defend the Air Force budget.

Q. Does this job interfere with your home social life?

A. Yes, it does to some degree. Much of my social life involves official or semiofficial functions. I do try to plan my time so that I can do some of the things I really enjoy—boating and skiing, especially.

Q. Do you find that there is a negative attitude among some men—and women—toward women in the service?

A. Yes, I think that still exists, but to a much less degree than it used to.

I think that's part of our culture. You know, in the '50s we went through a unique period in our country. There was a tendency for the woman to go back to the home and for our culture to say, "That's where you belong." But that was not typical of what women have done historically in this country. Women have worked, historically. I think that notion of "women's place" has affected everyone's attitude.

Any time women have gone into a profession that was essentially dominated by men, we've had problems of acceptance. The first women who went into Civil Service had a terrible time. The first women who were nurses had a miserable time. In World War II, women in the service had a difficult time in terms of acceptance. But I think those attitudes are disappearing, particularly as the new generation of male comes into the Air Force. They don't have those hang-ups. Neither do the young women.

The women are learning to walk that professional line and still be women. It's important for a woman herself to recognize that there's nothing unfeminine about being a professional—it's bad only if she acts like a man and gets confused in her role.

Q. Commissioner Spain, has the President's emphasis on the hiring of women had an effect on the Civil Service Commission? Do you favor women over men in any jobs?

A. The President's emphasis is having a real impact on thinking and practices throughout Government, but it doesn't call for or permit favoritism. In Civil Service you can't do that—and it's self-defeating, anyway.

This is a merit system, and each individual is judged strictly upon his or her merit. Hiring is through a system of open competition. Sometimes written examinations are taken, or, in many cases, objective appraisals of experience, education and past performance are made. The specific techniques are designed to be job-related, and so vary with the jobs to be filled. Applicants end up ranked, based on their skills and abilities.

People seeking jobs are on a referral system here. It's like a talent bank. We simply send the names, addresses and résumés of people who would fill the specifications to the agency seeking an employe. Agencies do their own interviewing and they do their own hiring.

Q. There have been complaints about discrimination against women in the Civil Service. Do you get many such complaints?

A. We get about the same sort of complaints within Government as you get outside Government.

While I don't have figures for industry for comparison, I'm sure the volume of complaints in Government is relatively low—and this I think reflects on the gains that have been made on the federal side.

Over the most recent 18 months that we've done tabulations, fewer than 250 formal complaints were filed under our regular system for reviewing the complaint of a person who feels he or she has been discriminated against because of sex. Under that system, if an issue can't be resolved informally, it can eventually reach an independent board here in the Commission for decision.

Women have been discriminated against in our society—let's make no mistake about that. It's really more a matter of attitude than an overt thing. When men in supervisory and top-management jobs think of promoting someone, they too often think first of the young men in their department, and second of young women. This is something that's been going on for 2,000 years, and you can't blame the men. They, too, have been brainwashed, the same as women. Women, up until fairly recently, haven't complained about it.

For years, we've had complaints that women are not paid the same as men for the same job, but that's just not the case in the Federal Government. You can't get away with that in Government or industry any more. Sometimes a company has said about a woman's complaint: "She isn't doing the identical work as a man." But the courts have ruled that it doesn't have to be absolutely identical work. If it is similar—and the woman takes the same kind of initiative, and makes the same kinds of decisions as a man—the work is considered worthy of equal pay.

But the real solution rests on more than rulings on individual cases. It rests on changing basic misassumptions and misbeliefs that lead to the more-subtle forms of discrimination.

Q. How does the Commission combat this kind of prejudice?

A. Getting the message across is important. One thing I personally do is drive home the point in all my public addresses—I usually speak at least twice a week—that under the Civil Rights law for industry, and under presidential directive for Government, job discrimination against women is simply and clearly not legal.

It's an educational process, and we're not going to change it overnight. We've got to start with very young children. Mothers and fathers have always indoctrinated children when they crawl out of the cradle by saying: "Oh, no, Mary, you don't play with that football. Johnny plays with that." And they'd tell Johnny, "Oh, no, you don't play with a doll," in a shocked sort of a way.

Children are brainwashed that they have a specific role, and somehow or other if they get out of that role it's wrong. They go to school and the grade-school teacher follows through with that. By the time they get to high school where there is counseling, it's almost too late. By then the girl who perhaps would have loved to be a civil engineer has gotten it deeply imbedded in her mind that there's something wrong with a girl who wants to be a civil engineer.

A good example is: I knew one director of nursing who was a man, and he explained the struggle he had had, and the things he had to overcome. From the time he was a small child, he wanted to be a director of nursing—not a doctor. Yet people say, "A man a director of nursing?"—as if there's something wrong with that. Well, there's nothing wrong with it if he wants to do it and he's good at it.

"CHANGES IN ALL AGENCIES"

Q. What specific examples are there of gains being made by women in federal employment?

A. Changes are being made in all agencies. For instance, today there are women in the Forest Service. They've never been in the Forest Service before as foresters.

There are women sky marshals. Women previously were seldom able to do any work where they had to carry a gun.

About a month ago I saw a very exciting thing: I was asked to give the graduation address for the twentieth class of special agents being graduated from the Bureau of Narcotics and Dangerous Drugs. There were two very beautiful young women in this class. They were the top marksmen in the class. I looked at these very pretty, frail things and thought "They could kill you with judo and with karate, and they don't look like they are strong enough to pick up 10 pounds."

I can see where women in work like this will be able to do a tremendous job for a number of reasons. For instance, you can have a man and a women together working as a police team without anybody thinking about it. You put two men together as a police team and they attract attention all too quickly.

Women are going into fields they've not been in before, and they're doing very well.

Q. Is the Government leading private industry in advancing the status of women?

A. The Government seems to me to be far ahead of private industry. But that's only as it should be. I think the Government really should lead. Private industry is more conservation. Just as Government led in the hiring of the handicapped and the mentally retarded, so are we paving the way for advances by women in all fields of employment.

Q. What's the proportion of women to men in the Civil Service—particularly in supervisory jobs?

A. Of the 1.2 million career-service employes—that excludes trades and crafts—over 500,000 are women. At the technical levels—say, jobs starting between $8,500 and $15,000—women hold 27.6 per cent of the jobs. At the middle and top-management levels—say, from $15,000 on up—women are in 5.4 per cent of the jobs.

These figures, particularly for the middle and top levels, represent some real gains over the past few years. Well over 17,000 women are now in jobs that pay in the $15,000 to $36,000 range.

We think this is a pretty good showing, but we are not satisfied with it. If there are any artificial barriers to qualified women getting to the top, whether it is conscious or unconscious discrimination, we want to remove them.

Q. Miss Watson, as one of the highest-ranking women and blacks in Government, do you find that some people are doubly prejudiced against you?

A. That is a difficult question. But, on balance, I would say that they are not—and that being a black and a woman has been more of an advantage than a disadvantage.

I think a woman can bring to any type of work—and certainly to Government—a kind of sensitivity which is valuable in dealing with problems, particularly human problems. In a sense, it gives a broader view. Mind you, I am not saying that men have a narrower view, but certainly we can make a different sort of input into a question.

Being a black is another asset, in tnat you are able to bring another point of view, in terms of our entire population, because you are in a minority as well. This helps to give a balanced view of problems without, I hope, weighting them improperly one way or the other.

I often deal in my work with emergencies involving people in trouble overseas. I like to think a woman is able to give the kind of soothing touch which helps to allay the fears of these people, and at the same time put into action the necessary machinery to remedy the problem.

A man, on the other hand, may tend to forget the human side of the problem.

This bureau deals with the movement of people—the issuance of visas to foreigners who wish to visit this country, and passports for Americans who travel abroad. This often involves all sorts of problems, such as people abroad who fall ill or become mentally unstable or are thrown into jail. We try to help them as best we can.

Q. Do you ever intervene personally in these cases?

A. Very often, I get the calls directly.

In one instance, a young Marine captain was brought to me. He was very upset. He had married a very charming Vietnamese girl, and she was delayed in getting a visa to come to this country. The matter was stalled somewhere in the bowels of bureaucracy—in one of our consulates. After getting all of the facts, I cabled our consulate and said I would be interested in knowing what the problems were. I got a return cable: "Visa issued. She is on her way."

It is things like this which are very gratifying. You feel a little better when you've made a young couple happy.

Q. What was your background for the job?

A. I am a lawyer by profession. My father was a judge, my grandfather was a judge, and my brother is a customs judge. Our background is legal. I had been an assistant corporation counsel in the city of New York, and then was the executive director of the New York City Commission to the United Nations. There I was dealing with problems of international law, particularly with respect to the settlement of the U.S. in the city of New York.

Q. The State Department has been criticized for some of its personnel policies, especially concerning women. Are these being changed?

A. There has been a whole new look at the personnel system—an "agonizing reappraisal." Wherever there have been injustices, the Department is attempting to right them. Among the considerations is the question of women in the Foreign Service. The result is that women are being given assignments regardless of sex as long as they have the competence to handle the job. More and more women in the Department are getting the positions that equate with their abilities.

SOME KEYS TO SUCCESS

Q. How do you go about eroding old prejudices against women executives?

A. One way is to be highly competent in the job. Another is to do the job with a light, gentle touch and a sense of humor.

I was brought up with the old expression, "You can draw more flies with honey than you can with vinegar." If you express an understanding of the other person's viewpoint and problems, this helps to erode resentment. If, on the other hand, you operate on the assumption that "I can do anything better than you can," you have already heightened the barrier.

Very often you have the situation where men have not been accustomed to having women as bosses. The important thing is to know how to deal with that so that you lead but you don't lead, if you know what I mean. This takes skill and is great fun once you know how to do it.

It is just like the man who thinks he is the head of the household, but it turns out that he is doing everything that his charming, very smart wife has determined she wants to do—only it comes out, in his estimation, as his idea.

Q. Chairman Bedell, why haven't there been more women in the top echelon of the Federal Government before this?

A. There is no one simple answer. Part of it is discrimination, and a great deal of that I think was an unconscious discrimination. People who were in the position of promoting within the Government, or hiring from the outside, just traditionally thought of "men only."

Women, too, must bear some of the blame. Many didn't see the opportunity to upgrade themselves and so didn't try for promotion.

Q. You were a member of Congress for 12 years. Why aren't more women in that branch of the Government?

A. When I came to the United States Congress in 1959, we had 16 women members of the House and one in the Senate. Now Congress is down to 12 women.

I think one reason for this is that for many years the party leaders did not encourage women to run for public office.

Another reason that isn't often talked about is that it's hard for most women to find enough money to run for public office. Women, because of the nature of the lives they lead, often don't have the acquaintanceship of the people who finance campaigns.

Also, I think women often have a personal hang-up about running for office because they downgrade themselves and their ability to handle the job.

Another obvious drawback is that women cannot leave their children while they're young—and that is a real hindrance, with today's emphasis on younger candidates. Thus, many women are not free to run until they are in their 40s.

Q. On a typical day, what sort of decisions do you make?

A. For one thing, I have complete charge of the agenda for meetings of the Commission. We meet three or four days a week, morning and afternoon. If we have public hearings, they run for several days, with morning and afternoon sessions. Recently we have stayed in hearing session until 11 o'clock at night.

Major decisions are made with the concurrence of the other Commissioners.

My administrative decisions deal with personnel, finance, housekeeping details and generally trying to keep the show on the road.

Right now I'm up to my neck in our budget, trying to steer it safely through the shoals of Congress. This means I'm making lots of calls on White House personnel and members of Congress.

Q. How are your relations with a largely male Congress? Have you ever been dealt with as a woman rather than as a chairman of a commission?

A. In my entire time in Washington, there was only once when there was even the hint of discrimination against me as a woman. A male colleague objected to my appointment to a congressional committee, but I was appointed anyway. The Congressman who had felt this way came to me later and said, "I've changed my mind."

I like being treated as an equal and given credit for my work when it is good. But I certainly don't mind my colleagues thinking of me as a woman—I am a woman!

Q. Have you ever felt any of your staff resented you because you're a woman?

A. I sincerely hope that none of my staff felt like that. I think we've had great relationships. In Congress, I had only a very small turnover in staff.

I have often heard the criticism that women don't make good executives, and, quite honestly, I have seen women take advantage of being a woman in an executive position and not handle their staff well, particularly other women.

I remember one case many years ago when I saw a woman in quite a powerful position in State government read out a man—just give him the very dickens—in front of his other colleagues. That was a humiliating thing for him, maybe more so because she was a woman. But this is an example of poor executive ability, whether it is a male or a female boss.

THE PRICE THAT CAREERS EXACT

Q. Have you ever wished you hadn't entered public life?

A. Yes—and not because I'm a woman. I would think every member of Congress has felt the same way at times.

Public office is hard on family life. In my own case, I had to be away from home a lot, and I had young children when I came here. My marriage ended two years ago, and my former husband always maintains that my service in Congress had nothing to do with our decision on this—but I'll never be sure if this is so.

There are times when you are particularly tired and working hard, and you wonder if you've done the right thing. But, in the end, most of us consider it well worth it and are grateful for the opportunity to make a contribution.

Q. Did your children mind your being in public life?

A. No. Now that they are grown—I have a daughter 21 and a boy 25—they say they never felt deprived. But you have those awful guilt feelings when they're younger. It's a sacrifice.

I am not whining, because I made the decision. But I have a great sympathy for all people who serve in public office. I think the public doesn't understand that they make a great personal sacrifice to do so.

Too often it is assumed that political ambition overrides an interest in family. This is wrong. Most persons who run for public office just don't realize how much is going to be demanded of them.

Q. Mrs. Knauer, is there any "sure" route for a woman to a top-executive job in the Government?

A. I suppose the surest way is for a woman to qualify herself in some career, such as law, economics or public service. She should then back that up with years of experience in public service either at the community or State level. She should get experience and exposure with the press and work with committees so that she knows a great deal about organization and the fundamentals of getting along with people. And she has to be lucky enough to be the right person in the right spot at the right time, and that there is a job that needs her particular expertise.

It can also be important to have a political background, regardless of which party it is.

Q. As the President's only woman adviser, are you frequently in the White House?

A. Yes. Because the President wants this consumer voice at the highest levels of Government, he added me a couple of years ago to the 7:30 a.m. briefing team. This group includes all the President's counselors and assistants. We review the legislative situation and the progress of our own programs, and keep each other informed—and naturally the President. The purpose is so the President has a daily report on just what our various programs are doing.

I happen to be the only woman at that table, but I must say I have never had any difficulty. I have never found any antifemale prejudice. These gentlemen—these very talented, dedicated members of the Administration—treat me as an equal partner,, and certainly solicit my views at the appropriate time. In fact, they don't have to solicit them; I freely volunteer them. I have been called both noisy and persistent.

Q. How often do you see the President?

A. It just depends. Frequently, I would say. Certainly he sends for me occasionally or asks me to address a Cabinet meeting, or even the party leadership on some matters. And he occasionally drops in to the 7:30 meeting or sends for us singly or collectively.

We're given great freedom, great latitude to make our own decisions—and when I need advice I know exactly where to go.

Q. Do you ever have to speak sharply to anyone, including the President?

A. I don't think I've ever spoken sharply to the President. But, yes, I'm a hard bargainer, and that's what I meant by saying I'm noisy and persistent. I have a certain amount of expertise in this area. I headed the Pennsylvania State Bureau of Consumer Protection. And I had the experience of eight years as an elected city councilman in Philadelphia. So I do have a certain political background and experience in this consumer area.

When I say something, I don't try to sell a dead cause. It's usually something that I think is good for consumers, that would fit in and be part of an over-all picture for the Administration.

Q. What effect has all this work had on your home life?

A. I've always been busy. My husband, Wilhelm F. Knauer, is very understanding, and encouraged me as soon as the children were in school to go out and have an outside life. Like most American women, I did the usual thing on hospital boards and charity drives. I gradually became involved in politics and participation in party caucuses and that sort of thing. I have been for about 12 years vice chairman of the Republican Party in Philadelphia, in charge of women's activities.

I have an apartment here in Washington. Unfortunately, my husband is not well, and he lives in Philadelphia, and I try to get home every week-end that I'm not doing something official or speaking somewhere. We're always very happy to see each other again.

The very first thing after my husband kisses me and welcomes me home, my housekeeper hands me a shopping list. So I get right back in the car again and head for the supermarket. I get a chance to meet a lot of my neighbors there as I do shopping for the family.

UPSET HUSBAND-WIFE ROLES? "NO"

Q. Will it ever be a common thing for a woman to be in a top job in Government and her husband to be actually at home raising the children?

A. No, because that's a reversal of the traditional roles. I think a woman who is a pretty good organizer can organize her own career to do both well. I think a good marriage—and I've been blessed in having an excellent marriage—is a foundation for a woman. She can realize her full potential both as a woman and as a community leader.

Q. Do you think a woman will ever be President of the United States?

A. Yes. I think the time will come when the public will give vast support to a woman candidate. Right now, there are many women in top positions in Government—more than in any other Administration.

My first deputy director, Elizabeth Hanford, and many of my top staff are women.

So I don't think the time is too far away—with the appropriate training and proper temperament and the support of both men and women—when a woman could conceivably be President.

THE NEED FOR PRESIDENTIAL INITIATIVE

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. STOKES. Mr. Speaker, last month, an article appeared in the Washington Afro-American about American Presidents' relation to black people and other minorities. Written by history professor George Sinkler of Morgan State College, the column was extremely important and relevant.

Dr. Sinkler's thesis is that American Presidents are capable of far-reaching initiative in the area of equal rights for minorities, provided that they are convinced that the American people wish them to take that initiative.

He writes principally of the 19th century, but closes with some remarks about recent Presidents and presidential candidates.

Professor Sinkler also discusses the importance of black voter registration and the fact that black voters need not, in fact should not, have a permanent allegiance to either of the major political parties. He places his idea in an historical context, that it is the responsibility of the black voter to elect persons to office who are responsive to the needs of minorities, regardless of the candidate's political party.

Dr. Sinkler's theory of Presidential initiative is particularly significant today, when President Nixon has failed completely to take the lead in behalf of equal rights for minority groups. An obvious case in point is the schoolbusing question, where the President's only initiative has been in the interest of confusion, by complicating an issue which had already been decided by the Supreme Court.

In case my colleagues missed Dr. Sinkler's fine and scholarly article as it appeared in the Washington Afro-American of February 15, 1972, I would like to bring it to their attention today.

The article follows:

HOW TO USE WHAT HISTORY TELLS US ABOUT PRESIDENTS

(By George Sinkler)

More than 67 years ago, historian Carter G. Woodson promoted the national celebration of Negro or Black History Week for the purpose of making more widely known among white and black alike, the contributions of black Americans to American and to world civilization.

Woodson hoped that this would be one way of combatting that ancient European and American myth of black inferiority in race and culture.

While the myth of black inferiority is by no means dead, it may be that at this point in our racial maturation we can use the opportunities afforded by the celebration of Black History Week not simply to point with pride to the heroes in black history but to reread and to examine with some degree of reflection both the white and the black experience, hopefully for useful lessons which might benefit us in the present and perhaps the future.

If we do that, try to profit from our historical experience—we may successfully challenge the validity of the statement of a wise man who once said: "The only thing we learn from history is that we learn nothing from it."

Following our own advice we could examine the historical record for some indication of how American Presidents, for example, have behaved and thought on matters of race.

There are probably people today who would give their proverbial "eye tooth" to know just how President Nixon really feels about blacks, or about Jews, or about Catholics, Mexicans or what have you.

There has been a time, just like right now, when matters of race were indeed crucial in this country—the Post Civil War period. After the Civil War the black question, the Indian question, the Chinese question and even the Filipino question, each had its turn to parade across the national stage.

How did these racial minorities fare at the hands of the Presidents then in office? Are there any lessons to be learned?

I suppose that what I am really getting at is this: Does an American President have a special responsibility in matters of race relations in this country?

History seems to suggest that he does.

In the 19th century as much as in the 20th it was the unmistakable duty of Presidents to use the moral prestige as well as the actual powers of their office to defend the Constitution and to execute the laws in letter and in spirit.

As far as the blacks were concerned the President, after the Civil War, was responsible for enforcing the Thirteenth, Fourteenth and Fifteenth amendments to the Constitution (all giving special protection to blacks), for puting down domestic violence (blacks at this time were victims of much of this)—and for positive leadership of public opinion in matters of race.

As matter of fact, when President Eisenhower called out the troops to get nine black children into the all white schools of Little Rock, Ark. (under Federal Court order based on the 14th Amendment), he was enforcing the law as no President before him had done since General Grant, as President, who called out the troops to help put down the Ku Klux Klan in South Carolina, 1870–71!

The same thing can be said for President Kennedy in bringing in the troops to enter James Meredith in the University of Mississippi and Autherine Lucy in the University of Alabama.

Not too long ago the Civil Rights Commission took most of our contemporary presidents to task for their shortcomings in the area of race relations: "In the final analysis," the Commission said in part, "the achievement of civil rights goals depends on the quality of leadership exercised by the President in moving the nation toward racial justice.

"His example of courageous moral leadership can inspire the necessary will and determination not only of federal officials who serve under his direction but of the American people as well."

"Are we getting that kind of leadership and direction from the White House these days?"

We keep hearing about "Southern strategies," which seem to mean catering to the white fears of black advance about our President's opposition to busing for integration (even though the Supreme Court said it was proper), about the opposition of the President to what he called "forced economic integration of the suburbs" (which, translated another way means keep the poor blacks—most of us—out) and finally, about the President's determination to put four conservatives and strict constructionists on the Supreme Court with the hope, it seems, of slowing down the spate of court decisions in favor of black right, among other things.

This kind of rhetoric emanating from the White House indicates that the President may be dragging his feet in matters of race.

Throughout our history it seems that "nowhere has the distance between the Constitutional dream and social reality been more noticeable than in American race relations."

A recent study, by this writer, on the racial attitudes of 10 American Presidents from Abraham Lincoln to Theodore Roosevelt led to the conclusion that while most of these men were rather liberal in their written and verbal opinions on matters of race, when measured by actual accomplishment their record for the most part was one of stark failure or refusal to enforce laws involving matters of race, and extreme reluctance to champion unreserved racial equality in the full uninhibited spirit of American Democracy.

In situations calling for vigorous action in matters of race, these Presidents were paralyzed. With perhaps the exception of General Grant, they lacked vigor and courage in matters of law enforcement. Their executive arms and legs, too, for that matter, were palsied!

In the course of wrestling with the black question, few, if any, of them exploited the full potentialities of the Presidential office in the interest of racial statesmanship.

These Presidents believed in the idea of inherent racial differences and as a matter of course assumed the superiority of the white race. They were conscious of race.

Historically the term "race consciousness" for Americans implied an awareness of racial identity to the extent that it would keep one from too close an association with other races, at least not to the point of amalgamation.

It is in this sense that all of the 10 presidents were race conscious, though not all of them, shared completely all of the biases usually associated with race prejudice.

At least five of them, Lincoln, Andrew Johnson, Hayes, Garfield and Theodore Roosevelt were not in favor of the biological crossing of the races.

As a matter of fact these Presidents were much more receptive to the possibilities of Indian-white amalgamation than they were to the genetic fusion of Chinese, Japanese and black with the whites.

On the other hand, if their racial rhetoric may be believed, the Presidents never doubted that blacks were American citizens who would eventually enjoy the full blessings of American democracy. They were not quite as willing to assume that this would also be true for orientals.

Scholars now know that the oceans of racism and anti-black thought flowed through the antebellum and post bellan North. Presidents of the late 19th century were aware of northern race prejudice but still they thought of the blacks primarily as a southern problem.

And the Presidents rarely talked about removing prejudices or trying to mitigate them. None of these men came out for social equality between the races. They limited themselves to pleas for the elementary rights of citizenship for blacks: safety in life, liberty and property.

However, U.S. Grant said that social equality was not a matter for legislation anyway. He contended that blacks could be given all of their civil rights and whites would still be free not to associate with them if they didn't want to do so.

This case study of Presidents also suggests that perhaps the bane of the race question as it concerned blacks was the tendency both yesterday and today to treat it politically rather than morally. One is almost overwhelmed by the regularity with which the Presidents judged the black question to be at root a matter of politics.

With the exception of the subject of education, the Presidents did not take up the economic or social aspects of the race question, except perhaps to deny the relevance of social equality to the problem.

On the other hand one should perhaps not be overly surprised that the Presidents viewed the matter of race as a political liability. After all these men were politicians. In matters of race they were afraid to move, since it was impossible to know the right move to make.

And yet one gets the feeling that they did not fear so much to move as they dreaded making a move that would fail. They seemed convinced that force in behalf of the blacks, which, after all, had already been tried during the Civil War and Reconstruction, would do more harm than good and would in all probability end in failure.

Politicians hate to fail. Theodore Roosevelt, for example, said that politicians should not attempt the impossible—especially in matters of race.

At this point a word or two on the nature of leadership in a democracy, especially Presidential leadership.

According to one scholar "the President must lead public opinion. To a much greater degree than we realize, ours is a government of public opinion and we look to our chosen leader to sense our doubts and fears, hopes and aspirations and to be the nation's spokesman."

Unfortunately, in a democracy, "a President so far ahead of his time as to voice aspirations the common man is not yet ready to understand (and accept) is inevitably doomed to failure."

This seems to be the dilemma of the leader and of the politician. He must lead but he must not lead too far ahead.

"The obvious weakness of government by opinion," in the words of an English man of letters, "is the difficulty of ascertaining it."

American Presidents of the last third of the 19th century were certainly "practical" American politicians on matters of race: They were "timid in advocacy, infertile in suggestion, always listening to the popular voice, always afraid to commit themselves to points of view which may turn out unpopular," or in Roosevelt's words, impossible.

What is also striking is the fact that as these American Presidents faced the problems of race, their personal views on race seemed less decisive in determining their actions than what they considered to be the views of the majority of the American people. And they were white.

What mattered most to Abraham Lincoln, for example, as he wrestled with the problems of race was not so much his own views as what he identified as the "universal feelings" of the white American majority on matters of race.

While Lincoln did not agree that blacks should be unjustly treated, during the pre-presidential years he was unwilling to grant blacks full equality:

"My own feelings will not admit of this; and if mine would we well know that those of the great mass of white people would not."

And then Lincoln took a line of reasoning which seemed to doom the black minority forever to the mercy of the white majority:

"Whether or not these feelings accord with justice and sound judgment, is not the sole question, if indeed, it is any part of it.

"A universal feeling, whether well or ill founded cannot safely be disregarded. We cannot make them our equals."

According to Harold Laski, statesmanship in American consists not only in representing the special interests of the leader's own section but in finding a formula that will bring the different regions together in a common policy.

And perhaps this is the reason for the confusion, the hesitation, the ambivalence and the caution displayed by Presidents of the late 19th century and their colleagues in matters of race.

Are there any possible lessons to be learned from this sketchy summary of the racial views of Presidents of the latter 19th century?

It appears that American Presidents will never champion the cause of full racial equality for blacks in America as long as they feel that the majority of the average white Americans are against it, thus making it politically inexpedient.

An immediate exception to this thesis comes to mind—the passage of the open housing bill.

It seems most unlikely that open housing would win in a nationwide referendum on the question. Whites, in the main don't care for open housing.

Why then did Congress pass it anyway and the President sign it? My only answer is that the country at this time was caught up in the agony and emotion of the Kennedy and King assassinations which enabled the Nation to transcend its prejudices.

And make no mistake about it. White Americans are capable of transcending prejudice when they have a mind to do so.

They have done so many times in American history and are doing it, many of them daily, today.

Because of the political and minority nature of the black question, blacks should not expect any American President to go all out for their cause.

Presidents should but they won't—at least not if the white majority puts up too much resistance.

President Lyndon B. Johnson came pretty close to going all out for the blacks. Who knows what he might not have done had the Vietnam war and the riots not intervened.

What then can blacks do if they can't expect substantive help from the White House?

It appears that now that the law is finally on their side, blacks must individually and collectively cast down their buckets of resistance to racial prejudice and discrimination wherever they are in every local hamlet of the land.

In the spirit of W. E. B. Dubois, there needs to be more individual assertion on the part of blacks in pursuit of their rights wherever they find themselves.

Every individual black should yelp like a wounded dog when he feels he is being victimized by discrimination and unequal treatment in any area of American life.

Only in this way will prejudice on the part of individual whites be challenged often enough to cause them to begin to question their prejudices and soften up a little.

Blacks would also fortify their political muscle if every single black in America of voting age would register and make it his business to vote in every election that is held.

Talk about black power! Now that's the kind of black power that, while it would produce no miracles, would cause politicians to pay more attention to minority demands.

We can always be out voted. But if blacks turned out 90 per cent in every election and ganged up on candidates admittedly unresponsive to minority needs it could make a difference.

There is no proof for any of this other than the perspective of history.

It just seems to me that if Mrs. Rosa Parks had not sat in the wrong bus seat in Montgomery, and if the bus boycott had not followed, and if the freedom rides and sit ins and wade ins had not been attempted in the local hamlets of America, and if the blacks had simply waited for a public accommodations law to be championed by a President and passed by Congress, we would still have public segregation.

Congressional action came only after myriad sacrifical acts of heroic self assertion on the part of blacks and sympathetic whites in the very dens of prejudices themselves.

And it also seems that ultimately the white majority holds the key to the solution of the black problem.

For it was the white majority that first decided that they didn't care for black people and constantly notified their political representatives of this fact.

And only when whites begin in large numbers to notify their local state and national legislators, their bosses on their jobs, the pastors in their churches, the superintendents and boards of their schools, the sellers of their homes, the proprietors of the public and private places they patronize, and even their own children, that irrespective of the past, they no longer wish unequal treatment and discrimination against blacks to continue, only then will our social, economic, religious, constitutional and political institutions begin to accord black citizens the same privileges and immunities and equal protection of the laws of the United States which every white citizen enjoys simply by being born.

Since most of the Presidents of the latter 19th century were Republicans a final word may be in order on that particular political party during this period.

It is common knowledge that as a result of the Civil war and Reconstruction, Southerners for the most part refused to vote Republican until the election of Herbert Hoover in 1928.

Ever since Reconstruction the Republican Party has been preoccupied with the subject of rehabilitating the party in the South and making it more acceptable and respectable in that region.

Most of the Southern white Republicans beat a hasty retreat from the party after Reconstruction, leaving it almost wholly black.

Those who remained swore to the Presidents that the only way to make the party viable in the South was to find ways of getting more whites into it.

Black members were not to be pushed out but it was felt that blacks should be less prominent in party leadership and that whites should lead.

For the next 30 years the Republicans struggled with the problems of an effective party in the South without resolution.

It seems ironic that the Republican Party, the party that freed the slaves, carried out Reconstruction and enacted the 13th, 14th and 15th amendments, should have abandoned the blacks and made attempts to make the party viable in the South for whites at the expense of the blacks.

In 1972 the Republican Party has still not figured out a successful way of building a viable organization in the South without sacrificing the blacks.

The current Republican "Southern Strategy," of exploiting anti-black feeling among Southern and even Northern whites in the hopes of turning white Southern Democrats into Republicans at the expense of a lesser or non-black presence is so reminiscent of attempts in the latter 19th century to create "lily-white" Republican parties in the South.

They failed. But the Party keeps trying.

Throughout the late 19th century blacks stuck with the Republican party long after that party had for all practical purposes abandoned their cause.

History again dictates that should the current object of black political affection, the Democrats, show signs of abandoning their commitment to equality, blacks should not hesitate to try to peddle their political porridge elsewhere—perhaps back to the Republicans!

Presidential hopeful Muskie has proven that racially he too has traveled no further than Abraham Lincoln when he, for all practical purposes, admitted that due to the "universal feeling" on the part of the white majority of distaste for blacks, he, Muskie, would not welcome a black man, though qualified, on his ticket.

Could it really be true that the only thing we learn from history is that we learn nothing from it?

Or has Muskie learned the lessons of history only too well in this case?

Dr. George Sinkler, 44, is professor of history at Morgan State College in Baltimore where he has worked since 1966. His first book, "The Racial Attitudes of American Presidents from Abraham Lincoln to Theodore Roosevelt," was published last June. Born and reared in South Carolina, he received his doctorate from Teachers College, Columbia University, and has been an educator since 1955. He has numerous scholarly articles to his credit.

WESTERN CIVILIZATION FACES GRAVE CRISIS

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. DELANEY. Mr. Speaker, a growing number of Americans are deeply troubled about the grave crisis that faces not only our own country, but the whole of Western civilization.

It is more than the conflict of man against man, and nation against nation. These are the fruits of the crisis. Rather, we are experiencing a pervasive dehumanization of our society that is evidenced by our lack of discipline over passions and appetites.

We see a growing tendency to indulge every whim, and a developing attitude that often attributes goodness to that which previously had been considered evil. In short, we are experiencing a crisis of the spirit that is destined to have a profound impact on our way of life.

In this connection, I would like to share with my colleagues a very profound and provocative assessment of this subject given by the distinguished junior Senator from New York, the Honorable JAMES L. BUCKLEY, in an address before the St. Francis College Alumni Society, at the Americana Hotel, New York City, on February 17, 1972.

Speaking before this predominately Catholic group, Senator BUCKLEY related today's crisis to the many faced throughout the years by the Roman Catholic Church. However, he makes it abundantly clear that the forces unleashed in "this cruel century" threaten not only Catholicism, but Protestantism and the future of mankind as a whole.

He says that we have lost that certainty of purpose in the scriptures which previously had united all of Western civilization. Our Founding Fathers, he observes, understood that political rights and responsibilities must be rooted in the divine order.

He notes:

> The gravity of the present crisis is such that the doctrinal distinctions between Protestant and Catholic, or among Protestant, Catholic and Jew for that matter, are of minor political significance. A genuine community of interest transcending doctrinal differences can, and must, be created out of a sense of common danger.

Under leave to extend my remarks, I am inserting Senator BUCKLEY's excellent address at this point in the RECORD:

ADDRESS BY SENATOR BUCKLEY

In the year of our Lord, Eighteen-Hundred and Forty, the famous English historian, Thomas Macaulay, sat back to survey the progress of religion in the western world and, in the course of a long and learned essay, paused to pay tribute to Catholicism. Such was his praise that it remains to this day perhaps the noblest tribute ever paid to Catholicism by one not of the faith. "There is not, and there never has been," he wrote.

"A work of human policy so well deserving of examination as the Roman Catholic Church. The history of that church joins together the two great ages of human civilization. No other institution is left standing which carries the mind back to the time when the smoke of sacrifice rose from the Pantheon. The proudest royal houses are but of yesterday when compared with the line of supreme pontiffs. That line we trace back in an unbroken series, from the Pope who crowned Napoleon in the nineteenth century to the Pope who crowned Pepin in the eighth; and far beyond the time of Pepin, the august dynasty extends, till it is lost in the twilight of fable . . . the Papacy remains, not in decay, not a mere antique, but full of life and youthful vigor. The Catholic Church is still sending forth to the farthest ends of the world missionaries as zealous as those who landed in Kent with Augustine. Nor do we see any sign which indicates that the term of her long dominion is approaching. She saw the commencement of all the governments and all the ecclesiastical establishments that now exist in the world; and we feel no assurance that she is not destined to see the end of them all. She was great and respected before the Saxon had set foot on Britain, before the Frank had passed the Rhine, when Grecian eloquence still flourished in Antioch, when idols were still worshipped in the temple at Mecca. And she may still exist in undiminished vigor when some traveler from New Zealand shall, in the midst of a vast solitude, take his stand on a broken arch of London Bridge to sketch the ruins of St. Paul's."

The world, of course, has turned over many times since Macaulay's day; its orbits have even been photographed by men standing on the moon. Were Macaulay somehow to come alive today, he would be saddened, I am sure, to discover that his distant traveler from New Zealand could no longer gaze upon St. Paul's from an arch of London Bridge, for London Bridge has been transported, brick by antique brick, to Lake Havasu City, Arizona.

But most of all, perhaps, Macaulay would be amazed to discover that the Catholic Church, which he had praised so movingly as the most enduring institution on the face of the earth, was itself facing some of the severest trials of its long dominion. It would be difficult for him, I think, to repeat the confident prophecy he uttered 130 years ago. For we have come in the intervening years, to the point where the Vicar of Christ could be heard, as he was not many months ago, pleading with some of the clergy to stop "crucifying" the church.

Crisis and conflict, to be sure, are not new to the Church. She has seen and survived the most savage attacks. And so, one supposes, it must be. For while it has been the mission of the Church to teach all men, she has never been guaranteed that all men or even most, will be disposed to learn. It has been her mission to minister to the spiritual needs of the faithful, but she has never been guaranteed that the faithful will retain the faith. It has been her mission, in short, to preach the gospel of love to the sons of Adam—the first of whom, it must not be forgotten, slew his brother. But whatever her temporary travail, she has been assured that even the Devil himself cannot prevail against her. And it is for that reason that, even in the midst of grave peril, we have cause to take heart. The faith which inspired the letters of St. Paul and the wisdom of Aquinas, the faith which survived reformations and revolutions, the faith for which countless millions have given their lives, the faith of our fathers and of our fathers' fathers, will not all of a sudden come a-tumbling down because some self-appointed 20th centry Joshuas march around its walls shouting that God is dead.

But even while we take heart in the knowledge that the Church shall in the end prevail, it is difficult in these days not to be pessimistic about the shorter term. For it is not alone the Church which finds its principles denied and its authority doubted. Civilization itself is in crisis in the West; and the crisis consists precisely in the fact that the West has become uncertain of its purpose.

The West was at one time certain of its purpose, of a purpose in which all men were, or could be, united, and that purpose found its fullest expression in the news of glad tidings and great joy contained in scripture. On the political level, that purpose found its noblest expression in the founding of America. Those who constructed this nation understood that political rights and responsibilities must be rooted in the divine order, and they therefore looked for guidance to the laws of nature and of nature's God. They understood, further, that only a virtuous people can remain a free people. Because if the citizens of a free society begin to lose their willingness to curb their own aggressions through self-discipline, then government will inevitably step in and impose that discipline upon them.

The fate of all governments, but of democracies in particular, depends decisively on the character of those who govern. In the words of the great English statesman, Edmund Burke,

"Men are qualified for civil liberty in exact proportion to their disposition to put moral chains upon their own appetities, in proportion as their love of justice is above "their rapacity, in proportion as their soundness and sobriety of understanding is above their vanity. . . . In proportion as they are disposed to listen to the counsels of the wise and good in preference to the flattery of knaves. Society cannot exist unless a controlling power upon will and appetite be placed somewhere; and the less of it there is within, the more there must be without. It is ordained in the eternal constitution of things that men of intemperate minds cannot be free. Their passions forge their fetters."

It is the loss of this understanding, and the failure to act upon it, that most disturbs thoughtful men in America today. Much of the country seems hell-bent on encouraging the young—and, for that matter, the old—to indulge their every whim. But the oldest wisdom in the world teaches that those who indulge their passions become slaves to them. They are incapable of building free institutions, or of maintaining them; and, in the end, they become the stuff of which anarchy first, and then tyranny are made.

In intruding this pessimistic note, I do not mean to suggest that the western world in general, or the United States in particular, is beyond repair. Quite the contrary. My intention is precisely to present the full gravity of the present crisis of the spirit in order to suggest that men and women such as you because of your faith are in a better position than most to do something about it. Events have contrived to render the fate of the Church coincidental with the fate of western civilization, and they have further contrived to render the fate of western civilization coincidental with the fate of the United States. And I am increasingly drawn to the conclusion that the fate of the United States may depend decisively on the role played by the American Catholic laity.

It is true, of course, that when Catholics first came to this country in large numbers during the 19th century, they were most often treated as somehow outside the mainstream of the American experience. The laws and customs of the land reflected an essentially Protestant view of life; and there existed strong currents of anti-Catholicism because in an era of deep sectarian passions, differences in rituals and dogma overshadowed the underlying community of belief among Protestants and Catholics in those basic Christian insights which played so important a role in the shaping of the American republic.

It is the irony of our times, in what is increasingly called the post-Christian era, that so many Americans continue to try to isolate Catholics not because of differences in ritual or dogma, but precisely because of Catholicism's continued belief in those basic principles of the moral law, which were once considered fundamental to American life. We are told, further, that in a pluralistic society any conviction as to public matters which happens to hinge on a belief in God and on an understanding of the natural law must somehow be buried. Yet from its inception, the laws of this country have openly reflected the moral consensus of its people.

Nevertheless, because of their historic experience in America, Catholics have tended to feel on the defensive as Americans, even though their critics have themselves abandoned the traditional American understanding of the role of religion and of morality and of personal accountability in the life of the nation.

There persists, among American Catholics, a certain defensive mentality that is not only unnecessary, but dangerous, under present circumstances.

It is unnecessary for the simple reason that the social and political conditions which gave rise to it have for the most part disappeared. And it is dangerous because the nation, now more than ever, has need of an informed Catholic perspective. We are still, it is true, a predominantly Protestant country. But this cruel century has unleased which threaten Protestantism no less than Catholicism; indeed, they threaten the future of mankind as a whole. We are confronted by the barbarian from without, and by the Philistine from within; by the tyrannical malevolence of communism on the one hand, and by the moral sterility of secular humanism on the other. Indeed, it is an open question whether we have more to fear from those foreign despots who would tyrannize the world or from those domestic zealots who would banish God from our lives. The gravity of the present crisis is such that the doctrinal distinctions between Protestant and Catholic, or among Protestant, Catholic and Jew for that matter, are of minor political significance. A genuine community of interest transcending doctrinal differences can, and must, be created out of a sense of common danger.

American Catholics in particular have a moral and political obligation to undertake such common enterprise; because the United States now more than ever needs the humane wisdom that Catholicism in our time is in a unique position to dispense. It is a wisdom that proceeds from an understanding of the limits of human nature. It is a wisdom which teaches that no civilization was ever called great whose people could not control their passions. It is a wisdom which teaches that the great affairs of the world are but a reflection of those events which take place in the human soul.

Rome, it is said, was not built in a day; but neither, I must add, was she destroyed in a day. I do not have, I must confess, a pocketful of solutions to the present disorders of the world; but I know, as I trust you do, that its disorders are in every important respect disorders of the human soul. The moral crisis of the West did not begin yesterday, and it will not disappear tomorrow. But the work to check, and then turn the tide can no longer be postponed. Because even the man of the dullest moral sensibilities cannot fail to grasp that the western world is on the verge of one of the great upheavals in human history and that, unless we are careful, mankind may be destined to enter the darkest age yet recorded.

"All that is necessary for evil to triumph," Burke reminds us, "is for enough good men to do nothing." Let me therefore suggest, without pretending to offer you any guarantee of success, some specific things that you, as concerned Christians, can undertake—for your own sake, for that of your children, and for that of the nation.

Most of you know better than I the growing menace of drug addiction. It is a menace which* chooses its victims without regard to race, creed, color, or income; and it threatens to produce an entire generation of Americans characterized by nothing so much as by mindless degredation. The flow of narcotics into and through this country must be stopped. Those who deal in drugs must be dealt the severest penalties, and addicts must be treated with compassion but firmness. The law, however, can do only so much in its own right. The eradication of this deadly evil depends, in the final analysis, on the willingness of ordinary citizens to give over a part of their lives to community service. I would enjoin you, therefore, to take an active role in your local communities, to find out how pervasive is the drug problem in your area, to pinpoint as best you can the source of supply, and to cooperate with public and private enforcement, education and rehabilitation programs in your locale; and above all, to install in your children that Christian respect for their bodies and minds which is the ultimate defense against the curse of addiction.

Let me turn now to another area in which you, as concerned parents and citizens, can do much: pornography. If there is one contemporary phenomenon in which the moral disintegration of the modern world is most strikingly revealed, it is the new pornography. I say "new" because pornography as such is hardly an invention of the 20th century. What is new is its open appearance in the marketplace; what is new is the attempt to legitimize it; what is new is the effort to convince us that every panderer has a constitutionally protected right to peddle the most sordid filth without restraint; what is new is the argument that man's natural sense of shame is a tyrannical contrivance imposed by a puritanical culture.

There are already indications that a substantial majority of the American public is outraged, as properly it should be, by the new pornography. The decent sensibilities of civilized men cannot but be offended by this morally corrosive phenomenon. As with the drug problem, there is much that can be done in the way of coordinating the activities of public officials with those of private citizens. In the private sphere, it may be necessary to educate the community, and especially the young, on the dangers of pornography, on the ways in which it destroys the dignity of human sexuality and thereby endangers the family.

On a somewhat larger scale, there are a variety of pressures—some subtle, some not so subtle—which can be applied to distributors and sellers of pornography. I urge you to think of legitimate ways in which such pressures can be brought to bear in your own city or town. Most importantly, I would urge you to bridge the gap between private and public action by petitioning your appointive and elective officials, not merely with an occasional letter of protest, but with a sustained and, if possible, organized campaign.

Lastly, I turn to a problem which demands, indeed, cries out for your immediate attention. I refer to the barbaric slaughter of the innocents which is allowed to pass under the name of "therapeutic abortion." Therapeutic abortion, as it is practiced today in our more liberal jurisdictions—including, I am sad to say, New York—is nothing more nor less than the deliberate killing of a human being. It is fashionable in certain circles—indeed, it has become the cornerstone argument of the antilife lobby—that the only opposition to liberalized abortion comes from a narrow doctrinal bias of a reactionary Catholicism. Nothing, of course, could be farther from the truth. If you seek to protect the rights of the unborn, you need not have recourse to Catholic doctrine. You need look no farther than the preamble to the Declaration of Independence, which states that all men are created equal, that they are endowed by their creator with certain unalineable rights, and that among these is the right to life.

In most states of the union at the present time, unborn children have many rights under the law. A mother, for example, may sue for support of her unborn child, and as well for damages sustained by her unborn child as a result of assault or accident. An unborn child may even share in an inheritance or in benefits under workmen's compensation. And a pregnant woman convicted of a capital crime may not be executed until after her child is born.

How is it then, that all of a sudden we are being told that an unborn child is not a person? The answer is not pleasant to contemplate, for it reveals the depths to which the moral sense of the western world has sunk; and it reveals as well the necessity for timely and purposeful action on the part of those who are not yet taken in by the morally deadening spirit of this materialistic and consummately selfish age.

Ladies and gentlemen, I put it to you as a simple logical proposition: those who propose abortion today, will propose infanticide and euthanasia tomorrow. If today we say that a life should not come into this world because it is unwanted, or abnormal, or malformed, then, most assuredly, we shall tomorrow find ourselves saying that a life already in this world which is unwanted, or abnormal, or malformed, should not be permitted to continue in this world.

I put it to you that the time for action is now. Liberalized abortion laws in the states must be repealed, and the federal government must be prevented from ever entertaining abortion as a legitimate means of population control.

Here, it seems to me, is a project worthy of a truly ecumenical movement. It is a project that will require ingenuity, self-sacrifice, and a sustained capacity for hard work. It is a project, if ever there was one, to which a good man can give himself, body and soul not as a Catholic, but as a humane citizen of a still great nation. And it is a project for which you will have, literally, the undying thanks of generations yet unborn.

Here, then, are just three areas in which you as concerned citizens and Christians can control the course of events. None of these problems is an exclusively Catholic concern; but the solutions to all of them desperately need that humane wisdom that the Catholic Church at the present hour is in a unique position of being able to supply. The fate of the western world, the fate of the United States may well be determined by whether or not we choose to act.

If we do not undertake to stand by what is right; if we too succumb to the spirit of the age; if we too abandon the wisdom of the West; if we too prefer the deceptive security of the moment to the necessary of sacrifice—then it will be recorded that the people of this nation, the home of what was once the noblest experiment in government in the history of man, did not care enough to defend the principles which made them great.

That, I hope and pray, will not be the verdict of history. I firmly believe that the spiritual resources of the nation are adequate to the task. And I ask you to join me in the effort to restore to our public life the understanding of those principles that western civilization has achieved its greatest glory in discovering.

Let history record that at a time of great peril there were enough good men and women who were willing to defend civilization against the Philistine from within and against the barbarian from without. And let us make it possible for some future Thomas Macaulay to record that, in the last third of the 20th century, although it seemed that the Devil himself was loosed, the Catholic Church stood firm and splendid, in undiminished vigor.

SIDNEY P. WHITE SERVED COMMUNITY FIVE DECADES

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. MORSE. Mr. Speaker, the town of Andover, Mass., which I am privileged to represent, is fortunate indeed to have a great number of effective, dedicated, and responsive public servants. One of the most distinguished among this number is Mr. Sidney P. White, who has served his community for some five decades.

Admired and esteemed by everyone who knows him, Sid White was a persuasive and respected member of the Andover Board of Selectmen for 18 years, but one among the many responsible posts which he has held in his town. His career as a public servant who worked tirelessly for his community stands as an outstanding example of dignity, integrity, and responsiveness in local government, and he leaves a record which will be difficult to match.

It was a well deserved tribute which was recently paid to Sid White on his retirement by the people of Andover, whom he has served so well over the years, and I am pleased to have an opportunity to share the following account of this tribute with my colleagues:

SID'S TESTIMONIAL

(By Mary Fitzgerald)

Sid White's testimonial at Andover Country Club Friday night was different.

The tribute to one of Andover's most colorful political figures for almost half a century had none of the usual trappings, the formal presentations and lengthy speeches oozing with hollow praise.

Almost 350 men and women packed into the club dining room to bid him farewell, a well-dressed convivial cross-section of people who had rubbed elbows with Sid White in his long career as public servant.

Though many of them may have disagreed with White through the years, their mood Friday night was gay as they dined and danced until William A. Dogerty, chairman, rose to open the speaking program.

The mood continued throughout the brief speeches, punctuated by good-natured ribbing.

Selectman Roger Collins, representing the board, referred to Sid White as "the end of an era, one of Andover's 'Last Hurrahs.' "

Collins said that while White had often had differences of opinion with fellow selectmen, he felt these had only made board decisions more meaningful for the community.

He noted that White's vast knowledge of the town and regular attendance at board meetings will be missed, and added that his greatest tribute came when the other selectmen requested he reconsider the decision to retire.

Town Manager J. Maynard Austin said that Friday's outpouring of townspeople was not the normal testimonial for a retiring selectman, and paid tribute to White for assistance since he took over as town manager two years ago.

Arthur Flynn brought the regards of Cong. F. Bradford Morse who had planned to attend until the last minute, and Rep. James P. Hurrell presented the congratulations of the House of Representatives to White "for his years of outstanding service to Andover."

Hurrell paid White the most memorable compliment of the evening, "he disagreed without being disagreeable."

Highway Superintendent Stanley Chlebowski had the principal role, presenting a plaque from the citizens of Andover.

It could have been a sombre moment as he read the inscription citing White's work with the planning board. 1933–1952: department of public works. 1941–1956: selectman, 1949–1961, 1966–1972, and Merrimack River Valley Sewerage Board, 1958–1960. But Chlebowski handled it with unabashed humor, and the crowd responded with spontaneous joshing, whistles and sustained applause.

White's acceptance was modest, light and brief, thanking the people who honored him, calling his years as public servant "a delightful part of my life" and looking ahead to his plans for retirement.

Dr. William V. Emmons, who served as toastmaster, ended with words that became a White trademark during his years in public life. "Let us now go forward."

Twice the audience rose to give White a prolonged standing ovation.

He was pleased. "It makes me feel good to realize so many endorse what I stood for. It's far beyond anything I expected."

The testimonial had been planned by William A. Doherty, chairman; David MacDonald, treasurer; Deputy Fire Chief Albert Cole, secretary; Frederick R. Yancey; Forrest Noyes, Stanley Chlebowski, Dr. William V. Emmons, Thomas Korovas, J. Everett Collins, Stafford A. Lindsay, Francis P. Reilly, George Mazo and Irving J. Whitcomb.

The whole evening had a homey flavor.

Rev. J. Everett Bodge of South Church gave the invocation.

His two sisters, Mrs. Hary Henderson and Mrs. Charlotte Carter, were presented.

Roger Collins had been chosen to represent the selectmen because the Collinses and Whites had been family friends for years, their roots deep in the history of the town.

Seventeen men had come from all over Massachusetts, Aleppo Temple Mounted Patrol of the Ancient Arabic Order of Nobles of the Mystic Shrine of North America because Sid White serves as secretary of their organization.

As White moved through the audience, people grabbed his hand or clapped him on the shoulder.

It was Sid White's brightest hour in 50 years in the spotlight.

THE 53D ANNIVERSARY OF THE AMERICAN LEGION

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 1972

Mrs. HICKS of Massachusetts. Mr. Speaker, I am pleased to participate in the American Legion Day tribute and pay honor to the Nation's largest veterans' organization—the American Legion. I join the distinguished chairman of the Veterans' Affairs Committee in commending the American Legion. As a member of the Committee on Veterans' Affairs, it was my distinct honor and privilege to hear the fine presentation by the National Commander of the American Legion, Mr. John H. Gerger, who presented the American Legion's program for the second session of the 92d Congress.

I extend special greetings also to Mrs. Robert L. Parker, the president of the Legion's auxiliary and the many legionnaires and auxiliary members gathered here in Washington, but particularly to the legionnaires from the great State of Massachusetts.

Mr. Speaker, the American Legion is celebrating its 53d anniversary, commemorating that day when a group of men gathered in Paris, France, to form what has now become the world's largest organization—the American Legion.

War weary and homesick, members of the American Expeditionary Force met March 15–17, 1919, armed with lofty ideals that were to become the Legion's framework of service to God and country.

The doughboys of the AEF brought with them to the Paris caucus a strong desire to create an organization based upon firm comradship, born of war service and dedicated to equitable treatment for all veterans, particularly the disabled, their widows, and their orphans.

Also uppermost in their minds was the promotion of patriotism and the immediate concern for national security for America for the prevention of future world conflicts.

These same concerns occupy the Legion today and the efforts of some 2.7 million members of the American Legion are channeled toward achieving successful results.

While the Legion is composed of veterans from four wars, Vietnam period veterans in their ranks now number around 425,000 and their number grows daily. The American Legion, with more than 2.7 million members, in 1971 enjoyed the seventh consecutive year of membership growth.

The founders of the American Legion who originally expounded their lofty principles at Paris decided to leave the definition of permanent policies for a later meeting in the United States. Two months after the original caucus in Paris, 1,100 delegates met in St. Louis, Mo., May 8–10, 1919. Here the blueprint for the American Legion was produced.

The major concern during that historic St. Louis meeting was the plight of the returning veteran, particularly the disabled veteran. The Legion went to work immediately on securing legislation through the Congress to provide benefits to veterans. Today during this 53d anniversary, the Legion is still working toward benefits for the older veteran while taking positive action to care for the new veteran.

The American Legion is deeply concerned with the plight of the Vietnam period veterans as they return to their homes, after having served honorably in the Armed Forces of their country. They are concerned with their complete well-being, but one of the most critical problems facing the new veteran is the matter of suitable employment.

Over a year ago the Legion began its jobs for veterans program by conducting job fairs or job marts in order to bring prospective employers and the veteran together. This has been a meaningful and in many instances a most successful program.

These programs serve more than the purpose of bringing potential employer-prospective employee together as they quickly learned to use them as centers for informing the new veteran of his benefits under the GI bill, particularly the educational benefits which he might need to prepare himself for a competitive job in a tight job market.

Whenever we mention the Vietnam veteran we must recall the fate of those who are either prisoners of war or missing in action in Southeast Asia. This is another continuing program of concern for the American Legion.

Their immediate effort has been and will continue to be, to focus the attention of the American people and other peoples of the world on this disgraceful situation. The American Legion will not rest until the ruthless enemy that holds our men grants them the humane treatment to which they are entitled under the Geneva Convention, and until they are reunited with their loved ones.

While the programs I have mentioned are of vital concern to the Legion, their basic blueprint, designed for them by the first Legionnaires at Paris and St. Louis, is their concern for veterans benefits—the total well-being of the veteran.

The Legion has fought long and hard for veterans benefits and one of the most special is the Veterans' Administration medical care program, administered through 168 VA hospitals. However, there is an increasing possibility that Congress, in the foreseeable future, may enact into law a national Health insurance plan which could mean the consolidation of VA hospitals under a single federal agency.

Concern among legionnaires led to the appointment of the American Legion Special Committee on Veterans Medical Care following the 1971 national convention, to recommend a plan of action to combat any scheme that would restrict, reduce or weaken the VA medical care program. I support them in their efforts to maintain the present system of Veterans hospitals and prevent consolidation of them.

I salute the American Legionnaires for lending the helping hand of brotherhood and friendship to the young and old, the rich and poor, the well and disabled in their service to God and country.

FOXES AND CHICKENCOOPS—PHASE II

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. O'HARA. Mr. Speaker, on February 23, I made some comments in the RECORD on the manner in which the Department of Labor is carrying out its legal obligation to foster, promote, and develop the welfare of the wage earners of the United States, to improve their working conditions, and to advance their opportunities for profitable employment—29 U.S.C. 551. In my previous exploration of what an agency can do in the way of imaginative and inventive legal exegesis, I pointed to the recruiting standards used by the Nixon administration in finding people to "foster, promote, and develop the welfare of the wage earner, and so forth."

As phase II of our exploration, Mr. Speaker, let us turn to the Department's record in carrying out its obligations under the Occupational Safety and Health Act of 1970, an effort by the Congress to make it public policy to assure so far as possible every working man and woman in the Nation safe and healthful working conditions—section 2 (b), Public Law 91–596.

That obligation has also been assigned to the Department of Labor by the Congress. But the executive council of the AFL–CIO, which organization provided much of the impetus behind the enactment of the Occupational Safety and Health Act, has now reported to the Nation that—

> The goals of this law have been debased, and their achievement needlessly delayed.

I include in the RECORD the statement by the AFL–CIO executive council in full at this point:

STATEMENT BY THE AFL–CIO EXECUTIVE COUNCIL ON OCCUPATIONAL SAFETY AND HEALTH

More than a year has passed since President Nixon signed the Occupational Safety and Health Act into law. At that time, he termed it one of the most important and far-reaching laws of recent decades, and promised highest priority to its vigorous and effective administration.

We have weighed the President's words against his deeds and found them wanting. The record is one of foot-dragging, flabby enforcement and adulteration of the special provisions of the Act setting forth specific rights and protections for employees.

Organized labor had hailed the act, pledged its full cooperation to the federal agencies responsible for administration, and established programs designed to shoulder organized labor's responsibilities in helping make it work.

But the Administration regards implementation of the act as a matter to be worked out among the federal government, business management and the governments of the various states. Organized labor is regarded as an interloper. Its proposals and suggestions are disregarded or opposed. Major policy decisions are discussed with labor only at our insistence or after decisions have already been reached.

Thus the goals of this law have been debased, and their achievement needlessly delayed. We further note that there is a similar lack of enforcement and implementation of the Railroad Safety Act.

The Occupational Safety and Health Administration's own summary report on its enforcement actions between July and November 1971 tell the story.

This report shows that 77.4% of all establishments inspected were in violation, a commentary on the abject failure of the states to protect the lives and health of workers during the years when there was no federal law.

According to the report, $512,000 in fines were assessed against 8,257 employers for violations—an average fine of $62. That is too cheap a price tag to be placed on the lives and health of workers. More stringent fines are necessary to prevent employers from deciding that it is cheaper to violate the law than to correct the hazard.

On the basis of the present enforcement staff of over 300 plus, with 9,800 establishments inspected in five months, the 4.1 million workplaces covered by the Act would all be finally inspected once in the next 170 years.

In response to an urgent appeal from the AFL–CIO, the OSHA adopted an emergency asbestos standard, but has not undertaken on its own initiative a single inspection of any workplace where asbestos may be a hazard.

The fiscal year 1973 budget authorizes $67.5 million for the Occupational Safety and Health Administration of the Labor Department, or an increase of 85 percent over fiscal 1972. But of that amount, nearly half is earmarked for assisting the states to regain jurisdiction over occupational safety and health. That $30 million figure is one-third greater than the budget authorization for federal enforcement programs.

Up to now, few states show inclination to submit plans that will provide programs affording protections to workers equal to those provided by the federal program.

Organized labor in every state must watch with care the development of such plans. Any which do not fully embody the employee protections of the federal law must be opposed.

We urge the Congress to drastically overhaul the Administration's budget for occupational safety and health programs as follows:

DEPARTMENT OF LABOR

There still are not enough inspectors to provide an effective enforcement program. The AFL–CIO requested 1,000 inspectors in the field by the end of fiscal year 1972. There are only 315.

The AFL–CIO last year urged that there be more than 2,000 compliance personnel. The 1973 budget calls for only 800.

1. The amount for enforcement should be more than doubled in order to provide for 2,500 or more compliance officers, and industrial hygienists.

2. The Congress should remove $20 million from the state program item and transfer it to enforcement.

3. Budget authorizations for developing occupational safety and health standards, training and education and statistical reporting of injuries and illnesses should be at least doubled.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The National Institute for Occupational Safety and Health must be rescued by the Congress from the callous indifference of the Secretary of Health, Education and Welfare. Its effective functioning is indispensable to carrying out the intent of the Act.

The budget does not provide authorization for training needed occupational health personnel as required under the Act.

We urge that the Congress more than double the $28.3 million authorized for the vitually important program of NIOSH. This will enable more rapid development of criteria and recommended occupational health standards, expanded hazards evaluation, and plant surveillance, and accelerated training of critically needed occupational health personnel.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

The Review Commission, which is responsible for adjudicating contested citations for violations of the Act, is both short-handed, and faced with a weekly rate of new cases greater than contested decisions by the National Labor Relations Board. This creates a constantly increasing backlog of unprocessed cases—a bottleneck to the entire occupational safety and health program.

The budget request of $1.3 million for the Review Commission is only $220,000 over that of the previous year. That is completely inadequate. We urge the Congress to increase it substantially.

We urge the Congress to appropriate the necessary funds and provide for the necessary staff to enforce the Railroad Safety Act and carry out the intent of that law.

Much progress has been made in the past year by all of our affiliates in meeting the responsibilities of organized labor under the Act. Much is yet to be done—in the plant, in the state legislatures and before the Congress.

All affiliates are urged to let their governors and legislators know that they will accept no substitutes for strong, effective, well-founded state laws and plans. All affiliates should let their Congressional delegations know that they are vitally concerned in adequate appropriations this year to make the act work toward achievement of its great humanitarian aims.

PEACE IN OUR TIME

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. SCHMITZ. Mr. Speaker, to commemorate President Nixon's recent journey to the realm of oriental despot Mao Tse-tung, and in anticipation of his upcoming visit to the Soviet Union, I would like to insert some newspaper articles which help put the administration's "generation of peace" diplomacy in the proper perspective.

> His all-pervading hope was to go down in history as the Great Peacemaker; and for this he was prepared to strive continually in the teeth of facts, and face great risks for himself and his country.

So Winston Churchill characterized British Prime Minister Neville Chamberlain in his book "The Gathering Storm," Chamberlain's risk for peace turned out to be the risk of a great war, which followed shortly.

The following articles on the "successful" 1938 Munich negotiations are from the New York Times of October 1, 1938, and the Washington Post of September 30, 1938:

[From the New York Times, Sept. 30, 1938]

"Peace With Honor," Says Chamberlain

(By Ferdinand Kuhn, Jr.)

London, Sept. 30.—Prime Minister Neville Chamberlain had a hero's welcome on this rainy Autumn evening when he came back to London, bringing the four-power agreement and the Anglo-German declaration reaffirming "the desire of our two peoples never to go to war with one another again."

"For the second time in our history," he told a wildly cheering crowd in Downing Street, "a British Prime Minister has returned from Germany bringing peace with honor."

Mr. Chamberlain was comparing himself proudly with Disraeli, who came home amid similar enthusiasm after the Berlin Congress of 1878.

But to the excited thousands who lined Mr. Chamberlain's five-mile route from the airport at Heston to Downing Street it did not greatly matter whether he had brought peope "with honor" or not. They cared only that he had brought "peace."

They were thankful that bombs were not falling on their little houses, and all their pent-up relief went out to Mr. Chamberlain personally as if he alone had spared them.

There had been nothing like it here since grateful crowds surged around David Lloyd George during the victory celebrations of 1918. London usually hides its emotions and all this, exuberance was more astonishing than a ticker tape parade on Broadway.

WOMEN ALMOST HYSTERICAL

It had more than a trace of the hysterical about it. Most of Mr. Chamberlain's welcomers seemed to be women, who probably had not read the terms of the Munich agreement but who remembered the last war and all it meant to them.

They flocked from little suburban homes to watch the Prime Minister pass in his car along the Great West Road leading into London. They stood outside Buckingham Palace in pouring rain with newspapers over their hats waiting for him to arrive for a welcome by King George and Queen Elizabeth.

The crowd set up such tremendous cheers that Mr. and Mrs. Chamberlain had to appear with the King and Queen on the flood-lit palace balcony as if this were coronation time again.

Whitehall was so jammed that traffic had to be diverted. In Downing Street the crowd was so dense that Cabinet Ministers could not push their way through. Sir Samuel Hoare, Home Secretary, was hopelessly entangled until a Foreign Office usher shouted, "Make way for Sir Samuel Hoare! Make way for Sir Samuel Hoare!"

Malcolm MacDonald, Colonial Secretary, had to climb the iron railing of the Prime Minister's house to get a view.

At a second-story window Mr. Chamberlain and his wife smiled happily at this demonstration. Mrs. Chamberlain looked as if she had been weeping.

"Go home and get a nice quiet sleep," Mr. Chamberlain told the crowd.

But they would not go and for hours they shuffled through Whitehall past government buildings, which had sandbags in the windows, and into St. James's Park, where workmen still were digging trenches by torchlight to give government employees refuges in case bombing planes should come.

CHAMBERLAIN IS CONFIDENT

Mr. Chamberlain seemed to have no doubts about the value of what he had done.

"I believe it is peace for our time," he said in one of his window appearances in Downing Street.

To the crowd at the airport he expressed the opinion that "the settlement of the Czechoslovak problem, which has now been achieved, is only the prelude to a larger settlement in which all Europe may find peace."

There is no question that Mr. Chamberlain holds the British people in the hollow of his hand tonight. He could sweep a general election if he proclaimed one now and he probably could win a smashing victory at any time before the end of the year if—as some of his political opponents suspect—he chooses to capitalize his present commanding position in the country.

The somber background of the Munich agreement and the uncertain future of the next few months were scarcely discussed anywhere today. Debates in the House of Commons next week may bring doubt and dismay into the open, but cool analysis of the situation is impossible here when the public and its politicians are still thinking of the awful ordeals they escaped by such a narrow margin only three days ago. Unused gas masks in almost every house were reminders that Mr. Chamberlain had at least brought back something from Germany, no matter how hard on the Czechs his terms might be.

IMPROVED TERMS ARE SEEN

Informed British opinion finds the Munich settlement a great improvement on the harsh—even brutal—terms of Chancellor Hitler's Godesberg ultimatum. The territory to be occupied is far smaller than on Herr Hitler's map and corresponds more exactly to true ethnographic boundaries.

Plebiscites in other areas are to be held under international auspices instead of under Nazi control and there is a good chance that the Czechs will win most of them. The outcome will depend to some extent upon the interest and helpfulness the Western powers show Czechoslovakia between now and the end of November, when the votes will be counted.

Czech farmers wishing to leave German areas will not be deprived of their cattle or personal belongings under Herr Hitler's ultimatum. Movable property, apparently including armaments, can be carried away.

On the other hand the occupation will be so quick that hundreds of thousands of Czechs and non-Nazi Germans will face a choice between economic ruin in the interior of Czechoslovakia or submission to Nazi rule with all that it implies. The British Government's original desire to protect the "minority within the minority" has not been fulfilled.

Still more thousands of refugees may be added to those from the Sudeten area when the Polish and Hungarian claims come up for consideration. Today's Polish ultimatum to the Czechs was regarded in London as a blatant example of power politics, but as a threat to peace it was not taken very seriously. If it becomes dangerous tomorrow the British Government may use its new friendliness with Germany to request German efforts for restraint in Warsaw.

RUSSIAN STATUS CRITICIZED

The most serious criticism of Mr. Chamberlain was that he had gratuitously excluded Russia from Europe by the four-power negotiations in Munich. Only last Monday an authoritative spokesman here announced that Britain and Russia would "certainly" help France if a German attack brought the Franco-Czech alliance into play.

Yet the time will come before very long when the Russo-Czech alliance will be dropped and Russia may not even be a guarantor of what is left of Czechoslovakia. Britain might some day want a strong anti-German counterweight in the east to the Anglo-French strength in the west and not find it as a result of her new four-power method.

It is understood Viscount Halifax, Foreign Secretary, explained the necessity of the four-power meeting yesterday in a talk with Ivan Malsky, the Russian Ambassador, and it is said Mr. Malsky "was not at all disagreeable" about Russia's exclusion from Munich. The subject may well be asked next week, however, when the Labor and Liberal parties begin questioning Mr. Chamberlain in detail.

The remaining criticisms one heard today were those that followed the Anglo-French "surrender" to Chancellor Hitler a fortnight ago. But since Viscount Runciman's first departure for Prague Mr. Chamberlain and his colleagues have not cared particularly about Czechoslovakia as such. They are prepared to see the strategic barriers of the Sudeten Mountain fall to Germany.

CZECHS' FATE NOW IGNORED

They long ago wrote off the Danube Valley for themselves as a legitimate and natural field of German economic expansion and they are not greatly concerned with the future maintenance of a democratic government in what is left of Czechoslovakia now. Their concern is with the method of Germany's expansion to the southeast.

Their prodigious efforts in the past few weeks have been to prevent Germany from embarking on a military conquest that would almost certainly have had ever-widening consequences. For this Britain very nearly went to war with Germany this week, but in the effort Mr. Chamberlain now feels he has succeeded.

The Anglo-German declaration signed by Herr Hitler and Mr. Chamberlain came as an unexpected footnote to the crisis. So far it has been welcomed sincerely in Britain as one of those gestures which settle nothing but may do a great deal to improve the international atmosphere. If it had been any more than a pleasant declaration of goodwill Mr. Chamberlain would hardly have signed it without first returning to London to consult his Cabinet.

A shrewd observer said today that Mr. Chamberlain had reminded the German people this week that there was some one else in the world besides Chancellor Hitler. The Anglo-German declaration may enable Mr. Chamberlain to go further and "consult" in a friendly fashion on many issues which Herr Hitler might otherwise regard as none of Britains business.

The declaration has satisfied the deep longing of millions of Britons to be friends with Germany, regardless of the regime that happens to be in power there. Its real importance, however, will be seen in the fact that the rearmament effort here will be redoubled and a form of national conscription perhaps will be introduced in the next few months. For in spite of the "desire of our two peoples never to go to war with one another again" every Briton now knows where the real danger to his country lies.

Chamberlain Reports Gains

London, Sept. 30.—Prime Minister Chamberlain today reported to cheering crowds and an approving monarch two accomplishments, a triumph of his appeasement policy in the four-power Munich conference which averted war over Czechoslovakia and an Anglo-German declaration against war.

With his head uncovered in the rain, the Prime Minister waved, for cheering thousands at Heston Airdrome to see, the document which he and Chancellor Hilter had signed earlier in the day at Munich. He then said:

"This morning I had another talk with German Chancellor Herr Hitler and here is the paper which bears his name as well as mine. Some of you, perhaps, already have heard what it contains, but I would just like to read it to you."

He read from the document and then

sped away by automobile to Buckingham Palace.

On Monday Parliament will reassemble and then Mr. Chamberlain will face an Opposition attack charging him with "giving way to dictators." The prospective parliamentary attacks on the "Munich deal" was signaled by the Liberal leader, Sir Archibald Sinclair, who issued a statement tonight saying:

"The power and will of the German dictator has prevailed over the will of the free people of Britain, France and Czechoslovakia. If war has been averted, peace has not yet been established. The forces of resistance to German aggression are weakened.

"The destinies of Europe now rest in the hands not of the League of Nations but of four powers—Germany, Italy, France and Britain—and in that combination of power the will of Hitler is at present the dominant factor."

Peace Aid Pledged

Prime Minister Chamberlain and Chancellor Hitler, at a final conference at Munich yesterday, agreed that: "We regard the agreement signed last night and the Anglo-German naval agreement as symbolic of the desire of our two peoples never to go to war with one another again." Terms imposed on Czechoslovakia were found to be milder than Hitler's Godesberg plan. They provided immediate occupation of about half of the Sudeten area, the rest to be allotted by the International Commission or to be subject to plebiscite.

Poland delivered an ultimatum to Prague demanding the cession of the Teschen district, setting 6 A.M. New York time as the limit for reply. Hungary prepared to make a two-point demand for cessions.

Czechoslovakia accepted the Munich terms and Premier Syrovy, announcing "We have been abandoned," made a protest to the world. General Krejci told the army to obey orders.

The first of the German troops crossed the Czechoslovak border from Austria an hour after midnight, or 7 P.M. Friday New York time. Large concentrations were made for the further occupation. The International Commission began sessions in Berlin on the evacuation and allocation of territory.

Mr. Chamberlain met a great demonstration when he arrived in London, and a similar one was accorded to Premier Daladier when he reached Paris.

Daladier Cheered by Joyful France

(By P. J. Philip)

Paris, Sept. 30.—In this cheering Europe none cheered today from fuller hearts than the French peope when at Le Bourget airfield and all along the road past the Opera to the Ministry of War they welcomed Premier Edouard Daladier. There were many who wept as they cheered.

M. Daladier was near tears as he walked into his familiar office in the stern War Ministry, to be greeted by his whole staff, all cheering loudly.

The Premier had had a unique experience. His own people were cheering for peace. So had been the German crowds at Munich, who called him half a dozen times to the balcony of his hotel.

Whatever may be the merits of the settlement he signed it had this one, that the head of each government in Europe must know that his people want peace and that as a bringer of peace he can be sure of a warmer welcome than if he brought victory to mourners.

WELCOMING CROWDS ARE GAY

Since Charles A. Lindbergh came here Le Bourget has never seen such a crowd or such emotion. In the disorganized way the French have, men and women all along the route poured around the Premier's car, in which he stood with Foreign Minister Georges Bonnet, and laughter, which had been banished from France for days, burst out in rippling waves.

Flags that had greeted the British King and Queen last summer were thrust out of windows and hung from balconies.

"There was no need for an elaborate police guard. It would have been swamped if it had tried to hold the back the crowd. As the people waited they cheered every incident—the efforts of single policemen every few hundred yards to keep them on sidewalks, the messenger boy who rode his bicycle triumphantly down the lane reserved for the Premier's car, the old horse cab and its driver which emerged from the last century into this delirious afternoon.

Whatever his political future may hold, and nothing in life is so uncertain as a French Premier's future, nothing can take from M. Daladier this day's experience. His future policy and effort will be influenced by this day of cheering.

Before a microphone, on his arrival at Le Bourget, M. Daladier repeated in part what he has said in Munich, that he believed not only that war had been avoided but also that an honorable peace had been secured all peoples. He said he had found in Germany no feeling of hate or hostility toward France and stressed there was none in France toward Germany.

"These two peoples," he said, "may yet reach a cordial understanding and I am going to do my best to try to reach it."

The Premier's desk and room were banked with flowers sent by schools and societies, most of them anonymously. He sent them to the grave of the Unknown Soldier below the Arc de Triomphe and announced that tomorrow evening he would go at the head of a delegation of war veterans to rekindle the flame that always burns on the tomb.

The Premier's first step was to summon the Cabinet because a great deal must be done quickly. Believing that in the circumstances it would be better to get discussion over before the public emotion and relief died down the government decided to call Parliament together Tuesday for a short special session. There is no doubt that all parties, except perhaps the Communists, will approve what has been done.

There are bills to be paid for the partial mobilization which, judging by the number of men now in uniform, cannot have fallen far below the real thing. Time and business have been lost. There is going to be no end to the trouble of straightening things out.

Critics from all sides of the Chamber of Deputies are certain to be ready to complain that either too much or not enough was done. Fortunately, M. Daladier did not summon the Chamber while the crisis was acute.

One of the first things to be done, it is being argued in political circles, is to appoint at once a French Ambassador to Rome and end that long irritation between Italy and France. Premier Benito Mussolini, it is contended by many, deserves that measure of thanks for his intervention Wednesday and for the part he played at the Munich meeting.

Daladier Praises Negotiations

Paris, Sept. 30.—Premier Daladier said to the welcoming crowd at Le Bourget today:

"The negotiations certainly were difficult, but I have the deep conviction that the accord which was concluded was indispensable to maintenance of peace in Europe.

"I also am certain today that, thanks to the desire to give mutual concessions and the spirit of collaboration which animated the action of the four great Western powers, peace is preserved."

The government ordered the recall of reserve troops who had been mobilized during the Czhechoslovak crisis. Officials said the recall would take place progressively "at a rate foreseen for the security of the national defense." More than 1,000,000 reserves had been summoned to the colors.

On all sides the life of the capital, which had been stilled by fear of war, rushed back to normal. Crowds which had not been buying hurried into stores. Workers began replacing reflectors which had been taken down to dim street lights. Ditches dug in parks for air-raid protection were filled.

[From the Washington Post, Sept. 30, 1938]

Four Powers Sign Peace Pact for Czechoslovak Partition

(By Edward W. Beattie, Jr.)

Munich, September 30.—Britain, France, Germany and Italy early today signed a compromise agreement for surrender of Czechoslovakia's strife-torn Suedeten areas to Germany without bloodshed.

The agreement of the "Big Four," racing against time to head off a general war, came only 24 hours before the October 1 "zero hour" fixed by Adolf Hilter for an invasion of the Sudetenland.

Germany's occupation of the Sudeten areas with a "token force" of Nazi troops will begin Saturday—the day that millions had looked forward to with fright as the day of war—and must be completed by October 10.

Announcement of the signing of the agreement was made by Prime Minister Chamberlain of Great Britain at 12:30 a.m. as he emerged, weary and dejected, from the brownstone Fuehrerhaus where the four statesmen had worked through the day and most of the night.

HITLER GETS NEARLY ALL HE DEMANDS

Arrangements were made to dispatch the plan to the Czechoslovak government in Prague before dawn.

Chamberlain's air of dejection as he emerged from the long bartering for peace indicated he was far from satisfied with the deal that had been made, but that any manner of deal was better than war.

The only concessions which he and Daladier appeared to have obtained from Hitler were nonimportant alterations in the map of the Sudeten areas demanded by the German Chancellor, and a slight slowing down of the tempo of German occupation.

Otherwise, it appeared that Hitler's defiant will had prevailed and that he had obtained nearly everything he demanded in his talk with Chamberlain at Godesberg on the Rhine a week ago, even to inclusion of the Polish-Hungarian questions in the terms of the settlement.

One British delegate explained the situation with the statement:

"This is the first major frontier revision ever accomplished without the use of force."

DUCE BREAKS DEADLOCK

Mussolini, who played the major role in bringing about the "last chance" peace conference, broke a deadlock among the conferees over the manner of the German army's occupation of the Sudetenland. Hitler stood by his ultimatum of a Saturday "zero hour." Il Duce finally won him around to an occupation "in stages" extending over a 10-day period.

Daladier defended the pact as "approximately substantially" the original Anglo-French dismemberment proposals to which the Prague government agreed on September 21.

"If there had been any question threatening the sovereignty of Czechoslovakia I would have resolutely refused to consider negotiating further," he said.

Daladier said he won Hitler over to a modification of the latter demand for a plebiscite affecting the Bratislava region near the Austrian Czech frontier.

"I can assure you I have done my best," the French premier said.

"We have avoided war and that is worth a lot. If there had been a war it might have meant the sacrifice of at least 10,000,000 persons over the question of returning 3,500,000 members of the German race to Germany, and who would want to make himself responsible for that?"

Daladier will submit the plan to his cabinet and then to parliament and there was widespread speculation today that he might resign soon because of popular opposition in France to the alleged "sell out" of the Czechs.

PEACE NOW UP TO CZECHS

There were some reports that the official text of the compromise plan already had reached Prague.

Thus the decision of peace or war no longer rests with Hitler, but is up to President Benes and the Czech government.

The Conferees of the four western powers—Hitler, Chamberlain, Premier Mussolini of Italy and Premier Daladier of France—were confident that Czechoslovakia would be prevailed upon to accept the decisions.

Britain and France will be able to tell Prague that, in the nine hours of historic consultation here, they have prevailed upon Hitler to modulate his warlike demands and ultimatums and compromise in the plan of peaceful settlement.

Mussolini, who played a major role in bringing about the eleventh-hour escape from a war that threatened the lives of millions, left for home immediately after the conference, aboard his special train. Chamberlain and Daladier planned to fly back to Paris and London today to report to their cabinets.

DETAILS OF COMPROMISE

The compromise plan provides:

The evacuation of the predominantly Sudeten German regions of Czechoslovakia will begin Saturday and must be completed within 10 days, meaning their occupation by German forces.

The agreement is among Germany, Britain, France and Italy and Czechslovakia is not included in it.

The Czechs must evacuate the regions without destroying any property, including factories, railroad lines and communications lines. The Czech government is "held responsible for the evacuation without damage to the installations."

The conditions and terms of the evacuation will be laid down in detail by an international commission to be composed of representatives of the four powers whose leaders met here yesterday and tonight, with Czechoslovakia represented.

The occupation of the Sudetenland by German troops will begin Saturday "in easy stages" but will occur only in the predominantly German areas near the frontier where members of the Sudeten minority comprise virtually the entire population.

The territorial claims of the Hungarian and Polish minorities in Czechoslovakia—82,000 Poles and 419,000 Magyars—must be satisfactorily settled within three months by agreement between the affected governments, otherwise the "big four" will be called into conference again to lay down some solution.

After the German occupation of border areas of Czechoslovakia an international commission will be sent to Czechoslovakia to determine the other areas demanded by Hitler for the German Reich and arrange plebiscites in these districts.

These districts of smaller German population, many of them considerably inland, will be occupied by "international bodies" until the plebiscites are completed.

AGREEMENT AFTER MIDNIGHT

The Czech government must within four weeks, release from military and police service any members of the Sudeten German minority of 3,500,000 who wish such release.

Czechoslovakia must also immediately release all Sudeten political prisoners.

Chamberlain and Daladier left the brownstone Fuehrerhaus together at 12:35 a.m., and Hitler and Mussolini departed together a few moments later.

Mussolini left Munich by train at 1:55 p.m., accompanied by his son-in-law and Foreign Minister Count Galeazzo Ciano. Hitler and Field Marshal Goering bade him warm farewell at the railroad station to the accompaniment of surging cries of "Heil!" from the Bavarian crowd.

Hitler, it was said, agreed during the late afternoon to surrender of his demand for immediate occupation by German troops of all the Sudeten districts which he claims for the Reich.

This concession overcame one of the major stumbling blocks of the negotiations—Czechoslovakia's refusal to give up her border fortifications.

A German spokesman said the German "token" occupation of the predominantly-German borderlands, which include the towns of Asch and Eger, will be completed in easy stages before October 10.

In the Sudeten zones farther in the Czech interior plebiscites will then be held under international control.

The spokesman confirmed the agreement provided for subsequent plebiscites for the Hungarian and Polish minorities.

When the statesmen reconvened tonight at the Fuehrerhaus their discussions were understood to have turned to the whole broad picture of European appeasement—perhaps paving the way for a four-power understanding to banish Europe's recurrent war scares.

Hitler was said to be ready to enter talks with Chamberlain and Daladier on the matter of Germany's demand for the return of her war-lost colonies.

Der Fuehrer has publicly proclaimed that his demand for the Sudetenland comprises his "last territorial claim in Europe."

ACCEPTANCE FELT SURE

Chamberlain told the House of Commons in London Wednesday that, in their talks at Berchtesgarden and Godesberg. Hitler had brought up the "awkward subject" of colonies.

There were widespread indications that the "big four," apparently having dispelled the imminent threat of war, would take advantage of their historic meeting to work toward a settlement of all the outstanding problems contributing to European unrest.

In an hour-and-a-half recess in the conference during the evening Chamberlain emerged from the Fuehrerhaus with a smile on his gaunt face and hurried to his suite at the Regina Palace with his advisers as an honor guard of "S. S." Storm Troopers snapped to salute.

The four statesmen conferred with members of their staffs during the recess, then hurried back into conference with Hitler.

One of the chief difficulties, the German spokesman said, is that of getting the details of the new plan to Prague soon enough to bring about Czech evacuation of the border strip within the specified time to permit occupation by the German "token force."

The plan probably will be handed to the Czech ministers in London and Berlin for transmission to Prague, he explained.

Germany, the spokesman said, is convinced that Prague "must accept the plan" because of its Anglo-French sponsorship.

The main object of the conference was to bring about fulfillment of Hitler's demands "without acts of bloodshed and violence," the spokesman added.

The new lease on European peace will be signed by Chamberlain for Great Britain, Hitler for Germany, Mussolini for Italy, and Daladier for France.

Hitler opened the conference with a firm declaration that Saturday is the inflexible "zero hour" for the entry of his troops into Czechoslovakia.

The eight-point plan, over which the "big four" struggled without pausing to eat or rest, was understood from reliable British quarters to have been evolved mostly from the proposals of the gaunt-faced Chamberlain—the only man among the four who was not in the trenches in the last great war.

London (Friday), Sept. 30 (U.P.).—The Daily Mail's correspondent, Ward Price, now in Munich, said early today Reichsfuehrer Hitler had agreed to permit Czechoslovakia to withdraw war materials from the evacuated Sudeten areas.

Hitler, meeting with Prime Minister Chamberlain, Premier Daladier and Premier Mussolini at Munich, was reported to have declined, however, to guarantee the new Czech frontiers unless the Hungarian minority question was settled at the four-power conference.

Price said Mussolini raised the question of Hungarian minority claims, and the British and French delegations sought to persuade Hitler to give the international guarantee under the express stipulation it would not be operative until settlement of the Hungarian question.

AGREEMENT QUICK

The dispatch said that due to apparent British and French objections to the use of German regular troops to police the areas during evacuation, Hitler had offered the use of storm troopers.

Much to the Germans' surprise, Daladier and Chamberlain replied they preferred the use of German soldiers to police predominantly German areas.

When Hitler first presented the scheme for progressive occupation of distinctively German areas between October 1 and October 10. Chamberlain suggested this proposal should be submitted to the Czech government.

Daladier, however, replied the heads of the four governments assembled to find a solution to the questions, must take full responsibility, and declared himself ready to accept the German plan.

ROME HAILS PEACE PACK; ANGLO-ITALIAN AGREEMENT SEEN

ROME. Sept. 29.—Italians jubilantly received the news late tonight that Premier Mussolini had succeded at Munich in obtaining a peaceful solution of a seemingly hopeless Sudeten-Czechoslovakia crisis.

While papers were selling as fast as they could be printed, it was apparent the ground had been laid at Munich for an agreement between London and Italy. The Giornale D'Italia put out a special edition with an editorial by Virginia Gayda in which this government mouthpiece stressed the close co-operation between II Duce and Chamberlain.

Political circles saw in this a confirmation of an earlier report the Anglo-Italian agreement; now could be put into force with recognition by Britian of the Italian conquest of Ethiopia and the withdrawal of Italian volunteers in Spain.

CANADIAN PREMIER THANKS ROOSEVELT

OTTAWA, Sept. 29 (Canadian Press.)—Prime Minister W. L. MacKenzie King sent messages of appreciation and gratitude tonight on behalf of the people of Canada to Prime Minister Chamberlain, and President Roosevelt for their efforts toward solution of the European crisis.

In his message to President Roosevelt the Canadian prime minister said: "In your messages of the past week (to Adolf Hitler, Premier Mussolini and heads of their nations to strive for peace) you voiced the heart and conscience of mankind. Your words, we believe, have contributed in no uncertain way to preserving peace at a moment when the world's peace itself was threatened."

POPE WEEPS, PLEADING FOR PEACE PRAYERS

CASTEL GANDOLFO, September 29.—Pope Pius XI invited the world's faithful tonight to unite "in the most undaunted and insistent prayer for the preservation in justice and in charity of the peace."

The 81-year-old pontiff spoke in a pastoral message broadcast over an intercontinental hookup from his private library in his summer palace at Castel Gandolfo. Friends said His Holiness was weeping unrestrainedly when he concluded.

As he pleaded for prayer in a voice which was weak and quivered toward the close, an anxious world awaited the outcome of the momentous four-power deliberations in Munich over the German-Czechoslovak dispute.

He called for prayer to preserve peace at a time when he said "millions of men are living in dread because of the imminent danger of war and because of the threat of unexampled slaughter and ruin . . ."

"To this unarmed but unvincible power of prayer," he said, "let people have recourse once yet again so that God, in whose hands rest the destinies of the world may sustain especially in those who govern confidence in the pacific ways of faithful negotiations and of lasting agreements . . ."

The pontiff did not mention Czechoslovakia, but remarked about the coincidence of his message with the feast yesterday of the martyr St. Wenceslaus, patron saint of Bohemia.

Pope Pius offered his own life "for the salvation and for the peace of the world."

Or, he said, if the Lord willed it, "let him prolong still further the laborious days of this afflicted and worried toiler."

The Pope spoke for five minutes in Italian, concluding with his benediction in Latin. Translations of his words in English, German, French, Czech and other languages were broadcast immediately afterward.

THE BUSING ISSUE

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. CORMAN. Mr. Speaker, as the debate on the busing issue continues, it is clear that it has become the Nation's No. 1 emotional problem, to say the least.

Some of the country's leading columnists are attempting to clarify the issue by defining such terms as "quality education," "the busing of children to school to achieve racial balance," "the concept of the neighborhood school," in the context of school desegregation. In short, these columnists are giving the reading public facts rather than overdone myths. Among these is Tom Wicker, associate editor of the New York Times, a responsible and rational columnist and a longtime observer of the progress of school integration.

Among Mr. Wicker's recent columns on the subject, his remarks in two are, in my opinion, central to this most important point in the busing debate. In his column of February 27, appearing in the New York Times during the week the Senate debated the busing amendments to the Higher Education Act, and again in a March 2 column, Mr. Wicker does an admirable job of separating myth from fact.

Mr. Speaker, I include these two columns at this point in the RECORD and commend them to my colleagues as clear and thoughtful statements on an issue that seems to be tearing the country apart and for which there is no solution if we in the Congress do not make rational judgments:

SUBSTITUTE FOR BUSING?

(By Tom Wicker)

Many of those who oppose busing to achieve school desegregation say that, instead, they favor "quality education"—a vague concept which seems to mean a program of special education and more spending in schools attended primarily by disadvantaged children. This position—which roughly corresponds to President Nixon's and which was often heard last week in the Senate debate on the issue—raises the questions whether quality education is possible without desegregation, and whether desegregation is possible without busing.

On the second of those questions the answer is not much in doubt. Without busing programs there would be no way to maintain much less extend, the remarkable desegregation already achieved in the Southern states; and without busing there would be no way in the foreseeable future to do anything much about the remarkable segregation that still exists in the major cities of the North and West. That, basically, is why the Griffin Amendment to prevent busing has been passed; the Senate did not want any more desegregation.

The first question is harder to answer. Many critics of busing contend that children in disadvantaged neighborhoods, or children in all-black or nearly all-black schools, can ultimately be brought up to national educational attainment levels by more spending and better instruction.

But the United States Senate's Select Committee on Equal Educational Opportunity, after two years of hearings and study, has found that most available evidence suggests that disadvantaged children perform better in schools that have a majority of advantaged children. This result is not limited to blacks in white schools; disadvantaged white children, Indians, Chicanos—the committee's findings are that the education of all is likely to improve if they attend classes with more advantaged children.

Neither the committee staff nor the chairman, Walter Mondale of Minnesota, argue that this evidence is conclusive or that the proposition holds good in every case; and they concede that the situation in Berkeley, Calif., for instance, can be read in two ways.

There, disadvantaged black youngsters have moved approximately from five-tenths of a year's educational growth to eight-tents—a 60 per cent rate of improvement since desegregation through a busing program. Nevertheless, at the eighth-grade level, these black youngsters still are at an educational level about five years behind their advantaged white classmates.

That suggests rather conclusively how inadequate, even destructive, education can be in ghetto or all-black schools. Less conclusively, it shows that substantial improvement occurs in desegregated schools. But it is possible to argue—and some do—that the improvement is not great enough to warrant the political and social discontents that busing brings.

On the other hand, staff members of the Select Committee say there is no useful evidence at all to show that compensatory or special education programs in segregated or disadvantaged schools result in even such limited gains as those recorded in Berkeley. "With few exceptions," Mr. Mondale said last week, "an annual Federal investment of $1.5 billion in compensatory education has little perceptible impact on mounting educational disadvantage."

That has to be measured against the evidence of the massive Federal study called the Coleman Report, which found that the educational disadvantage of black children was substantially reduced by racial and economic integration; against the similar findings of a study of racial isolation conducted by the New York State Board of Regents; against the educational gains recorded in such successful desegregation programs as Hartford's Project Concern, or in Hoke County, N.C., where the rate of achievement of black students was more than 50 per cent better after a year of busing and desegregation, and against numerous such achievements elsewhere.

All this evidence may not "prove" that desegregation of itself will provide quality education for disadvantaged children; but it clearly does not support those who talk of "quality education" as a *substitute* for desegregation; and it clearly does suggest that desegregation—and therefore busing—is an essential first step in reaching quality education.

The Select Committee, incidentally, also has figures that reveal George Wallace for the demagogue he is on the busing issue. For Mississippi, South Carolina and Mr. Wallace's own Alabama, there has been a decrease of 2 to 3 per cent in each state in the total number of students bused since the 1967–68 school year. Before that schools in those states were almost entirely segregated, and who was Governor of Alabama?

NO EASY WAY

(By Tom Wicker)

RIVERSIDE, CALIF., March 1.—"To improve the education of kids is a lot harder than we thought it would be." That's one thing Arthur L. Littleworth, the thoughtful young attorney who heads this city's school board, has learned since Riverside became the first city of over 100,000 population to integrate its schools.

That was in 1965, just after the Watts riots in nearby Los Angeles. Racial tensions ran so high in Riverside that the all-black Lowell Elementary School was burned. Black children were boycotting other schools, the National Guard was standing by and black community leaders were demanding integration "totally, now."

Arthur Littleworth remembers that he was shocked by how alienated and "out of things" those black leaders felt—particularly so, because he had been a leader in developing a compensatory education program for the dominantly black and Mexican-American schools that had resulted from years of unofficial but planned segregation. That program had won an N.A.A.C.P. citation for Riverside, but by 1965 there already were indications of what tests were to confirm—that compensatory education had made little, if any, difference in the minority schools.

The burning of the Lowell School, moreover, virtually dictated an integration program. Some place had to be found for the black children enroled there. Mr. Littleworth and the other board members decided to fit them in small groups into existing schools.

That required busing most of them out of their neighborhoods. Having gone that far, the board also reassigned the kindergarten and first grade pupils from other minority schools into dominantly white schools. In the fall of 1966, two black schools were closed, and its pupils dispersed to other schools; in 1967, Casa Blanca, a Mexican-American school, was closed and the integration program was completed.

As usual in such situations, more "study" had been demanded by opponents. "But we didn't think we were ever going to know much more," Mr. Littleworth recalled, rather dryly. "We thought it was time to act." Ultimately, the opposition faded; a movement to recall the school board never got off the ground, Mr. Littleworth was re-elected in 1966 and a school bond issue later was passed without difficulty.

But has integration worked educationally? Since the inception of integration here, the program has been closely monitored by the

University of California authorities; some of the more important findings are that:

The education of white children has not suffered.

The reading and other achievement levels of minority group children has improved, but not as much as has been hoped.

Education levels improved most when minority children were integrated into schools of the highest socio-economic status.

Minority children arriving at junior high school levels after several years of integrated education show greater gains in behavior, language and attitude than in reading scores.

From all this, Arthur Littleworth has concluded that integration by itself doesn't necessarily improve education. "Much more has to be done with the school program, teachers, students," he believes. "You can't do it only with money and goodwill. You have to work at it all the time. Improving the education of children has to have top priority in all your thinking and planning. Nor is there any set formula." The Longfellow School here has remained about half black, half white—usually a situation that produces "white flight." But Longfellow's school population is stable and its students perform at high levels—a result Mr. Littleworth attributes primarily to "high esprit" and good cooperation by parents and teachers "determined to make the program work."

But he believes, too, that the whole Riverside school system has been improved because the integration program has forced the school board, administrators and teachers to greater consideration for the individual needs of each student. "You can't just pay more attention to some students," he says, "and you can't just lump them all together as 'third graders' or 'first graders.' "

Besides, he says, integration is important in itself. "I think the need to bring us together as one people is equal to the need for improved education."

Mr. Littleworth is quick to concede that Riverside is not necessarily a model for the nation. It buses a relatively modest 1,850 students for the integration purposes (and nearly 4,000 more who live too far from school to walk) and the integration busing is "one-way"—out of minority-group neighborhoods into white middle-class schools. Minorities are only 18 per cent of the pupil population.

But that Riverside is different from other communities is exactly why Arthur Littleworth is opposed to a constitutional amendment banning busing, or to rigid legislation like the Griffin amendment just rejected in the Senate. Every community has a different problem, he believes, and so "every situation has to be approached in an individual manner"—which can hardly be done under arbitrary national restrictions.

A FEW FACTS ON BROOKLYN

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. ROONEY of New York. Mr. Speaker, over the years there has probably been more misinformation printed about the borough of Brooklyn than any other place in the world. It has been many times depicted as a ball park with a city built around it, a community that possesses one tree or one that is used to hold up the other end of the Brooklyn Bridge. It is of course, as anyone who has been there knows, many things more. In population it is bigger than Philadelphia, Detroit, or Houston; it produces more than $4.3 billion worth of goods in 6,384 plants; handles more than 1,769,878 in long tons of shipping through its piers and marine terminals and is home to over 2,601,852 people. The borough is 81 square miles of which almost 6,000 acres are parks and it has 1,586.5 miles of streets. Recently, the Honorable Sebastian Leone, borough president of Brooklyn, put together a factsheet on Brooklyn detailing some of the things that make this community so unique. I commend it to my colleagues for their information. Mr. Speaker, under permission heretofore unanimously granted me, I include the remarks of the Honorable Sebastian Leone at this point in the RECORD:

FACTS ABOUT BROOKLYN BY BOROUGH PRESIDENT SEBASTIAN LEONE

The Borough of Brooklyn has an area of approximately 81 square miles or 51,808 acres, of which almost 6,000 acres are park land. There are 1586.5 miles of streets.

The Federal census of 1960 reported Brooklyn's population as 2,627,319. As of January 1, 1970, the count was placed at 2,601,852 by unofficial, but highly authoritative sources.

The borough has long been known as "The City of Homes and Churches." It numbers about 1,200 places of worship within its boundaries; its more than 950,000 dwelling units make it the largest residential community on the entire Eastern seaboard of the United States.

HISTORY

Historically, the community traces its origins back to 1636 when two Dutch settlers—Jacques Bentyn and Adrianse Bennett—left the little colony of Nieuw Amsterdam, forerunner of today's Manhattan, and moved across the river to establish their permanent homes.

In the Revolutionary War, Brooklyn was the scene of bloody fighting during the summer of 1776. It was here that General Washington, after seeing his army defeated by a much stronger British force, was able to evacuate his troops and preserve them for the later battles.

BUSINESS AND INDUSTRY

Economically, Brooklyn is prominent as a commercial and industrial center, as well as one of the world's most important seaports. The 1967 Census of Business, published by the U.S. Census Bureau lists the statistics on these activities as follows:

1. Annual wholesale trade totaled $2.8 billion.
2. The total retail sales volume exceeded $2.9 billion.
3. Industrially, its 6,384 manufacturing plants produced $4.3 billion in finished products.
4. In 1970 the Port Authority reports that the piers and marine terminals of Brooklyn handled 1,769,878 long tons of shipping.

The next U.S. Cenus of Business report will be published in 1972.

EDUCATION

In higher education Brooklyn has the distinction of being the home of 13 universities and colleges. The downtown Civic Center area, for example, embraces a scientific and technological education center without parallel in the United States, spanning all levels from secondary schools to the doctorate. It is an educational complex servicing many fields including commerce, industry and government. Many of these institutions continue their expansion by means of new building programs.

Brooklyn's public schools system, administered by the Board of Education, is without doubt among the world's largest, based on the official register of pupils and the size of its plant (buildings and related facilities).

As of October 30, 1970 the official register of pupils and students of these Brooklyn schools reached a total of 411,011. This total consisted of the following: Elementary Schools Registration 227,569; Junior High Schools, 88,382; Academic High Schools, 88,403; Vocational High Schools, 13,981 and Special Schools, 2,676.

The number of schools administered by the Board of Education as listed in "Facts and Figures" published by the Board of Education for 1969–70 includes: Day High Schools, 23; Vocational High Schools, 9; Elementary Schools, 216; Junior High Schools, 56; Evening High Schools, 16; Evening Trade Schools, 20; Evening Adult Schools, 58; Youth and Adult Centers, 10; and Manpower Development Adult Training Centers, 3.

ARTS AND SCIENCES

Brooklyn's cultural institutions are historic and world-famous. In excellence they represent a large urban community's dedication to the arts and sciences.

The extensive Brooklyn Public Library with all its branches is among the largest of the U.S.. Its total book stock as listed in the Statistic Digest published by the Library for 1970–71 is 2,924,319, and its non-book stock (microprints, microcards, films, phonographs records, etc.) is 520,056.

Brooklyn Civic Center—One of America's most successful urban re-development efforts, this "reconstructed" downtown area embraces a complex of public and private structures, housing developments, educational institutions, large retail merchandising establishments, parks, highways and street improvements representing an investment of more than $250-million in public, quasi-public and private enterprise funds. The Civic Center is the headquarters of the Board of Education of the City of New York and the executive, administrative and operating center of the New York City Transit Authority.

Brooklyn Museum—One of the nation's outstanding art centers, its public galleries offer a wide variety of valuable art collections relating to the cultural history of the Americas, Europe, Africa and the Orient.

Brooklyn Children's Museum—Features scientific and technical exhibits designed to supplement the education of school children. Borough President Sebastian Leone recently unveiled plans for a new children's museum.

Academy of Music—A major auditorium offering opera, symphonic music, recitals, ballet, drama and children's theater.

Botanic Garden and Arboretum—50 acres of botanical and horticultural exhibits immediately adjacent to the Brooklyn Museum. Also widely known for its contributions to medical research.

Coney Island—World-famous public beach, boardwalk and amusement center. Originally built by the Borough President's Office, its boardwalk and public beach are now under the jurisdiction of the Department of Parks.

Aquarium—Located in Coney Island, this is among the largest and most important marine museums of the world. Its exhibits feature more than 1,000 forms of living aquatic animals fathered from waters the world over.

Grand Army Plaza—Located at the northern entrance to Prospect Park, this includes the nationally famous Soldier's and Sailor's Memorial Arch, the Bailey Fountain and a new memorial to our martyred president, John F. Kennedy, a project initiated by Borough President Abe Stark.

The Brooklyn Bridge—Completed in 1883, this still holds a place of pre-eminence, both structurally and esthetically, among the world's notable suspension spans.

The Verrazano-Narrows Bridge—Completed in 1965, this is the longest suspension bridge in the world, built at a cost of $325-million.

Connecting the Boroughs of Brooklyn and Richmond, it forms a vital link in the chain of north-south highways which serve the Eastern seaboard.

Prospect Park—A widely acclaimed example of outstanding landscape architecture. Its 527 acres include historic Revolutionary War battlegrounds, a lake, a zoo, the Wollman Memorial Skating Rink, a Quaker Cemetery, concert grounds and other recreational facilities. Its 100th anniversary was celebrated in 1966.

Assessed Valuation—The total assessed valuation of taxable real estate, including special franchises, in the Borough of Brooklyn for the 1969–1970 fiscal year is $6,637,049,625.

OFFICE OF THE BOROUGH PRESIDENT

The chief elected official of the Borough of Brooklyn is the Borough President, whose term is four years. He represents the borough on the Board of Estimate, serves as Chairman of the Borough Improvement Board and is a member of the Site Selection Board. He appoints members of the Community District Planning Boards, holds public hearings on matters of public interest and makes recommendations to the Mayor and other city officials in the interest of the people of Brooklyn. He is a Trustee, ex-officio, of the Brooklyn Institute of Arts and Sciences and the Brooklyn Public Library and serves on the Governing Committees of the Academy of Music, Brooklyn Museum, Botanic Garden and the Children's Museum. The Topographical Bureau of the Borough is under his jurisdiction.

UNFORESEEN PERILS STALK POLLUTED OCEANS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. DINGELL. Mr. Speaker, the oceans are vast but we should remember that they are finite and that there are limits on the ability of even the oceans to tolerate pollutants. The Christian Science Monitor of January 17, 1972, carried an article under the heading "Unforeseen Perils Stalk Polluted Oceans," and I insert this article in the CONGRESSIONAL RECORD.

The article follows:

NATIONAL ACADEMY OF SCIENCES WARNING: UNFORESEEN PERILS STALK POLLUTED OCEANS

(By Robert C. Cowen)

WASHINGTON.—Mankind is poisoning the sea so fast, it must stop merely reacting to emergencies and develop a long-term cure.

So warns America's National Academy of Sciences.

It urges nations to pool scientific resources to identify all possible poisons and their often unsuspected ways of fouling the seas. It says this long-neglected need must be met "before we are surprised by a disaster."

A study group of 50 scientists carried out this latest of many studies that have been made of marine pollution. These scientists, whose study was commissioned by the academy's National Research Council Ocean Affairs Board, were concerned with the profoundly disturbing fact that industrialized man has scarcely begun to suspect the ways in which he is contaminating the world's ocean.

Take, for example, the estimated 100 million tons of oil products that pollute the sea each year. A 100,000-ton spill from an oil tanker like the Torrey Canyon grabs world headlines. Yet the academy report says most oil pollution, some 90 million tons a year, comes from vaporized gasoline and other volatile petroleum products.

Gasoline vapor gets into the air. Winds disperse it. Rains wash it into surface waters. Thus it finds its way into the sea.

Every time people fill the fuel tank of a car, they contribute to this pollution. But whoever thinks of that in all the alarms raised over oil spills?

Or consider the latest DDT-like chemical to worry environmental guardians—the PCBs (Polychlorinated biphenyls).

Many inks, paints, and plastics have contained them. Many devices like electrical transformers use them for working or insulating fluids. No one thought much of their environmental hazards until a few years ago.

Now the academy team recommends giving them "highest priority" attention as a marine poison.

Insoluble in water, PCBs like DDT dissolve in fat. Marine animals and sea birds concentrate them. Like DDT, analysts find them throughout the marine environment. Although highly diluted, some experts suspect they present a subtle menace.

In the Jan. 14 issue of the Journal of Science, to cite a recent study, a research team at the State University of New York, Stony Brook, reports PCBs selectively inhibit growth of the microscopic plants that sustain all life in the sea. They do this in concentrations as low as 10 to 25 parts per billion.

The researchers note that selective inhibition of such plants "at the base of aquatic or estuarine food webs could profoundly affect higher organisms as well."

In this same issue, Science gives its own PCB assessment. Although data are still spotty, it finds reason to think PCBs can be as dangerous as DDT in terms of long-term, poorly understood environmental poisoning.

The assessment observes that "PCBs, unlike DDT, were seldom deliberately released into the environment." It adds, "Their presence and persistence there reemphasize the likelihood that any widely used industrial chemical may become an environmental pollutant. . . ."

This is precisely the academy group's point. It feels that, by failing to mount major research into all possible marine pollution sources, governments neglect the biggest part of the danger. To attack mainly those sources that are visible today, is only to pick at the edges of the problem.

FIRST REPORT OF THE NATIONAL POLICY TASK FORCE: JANUARY 1972

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. SCHEUER. Mr. Speaker, the American Institute of Architects has recently issued a report by its task force on national policy which recommends a number of strategies aimed at insuring intelligent use of our dwindling land reserves and providing for creative, humane rebuilding of our crumbling and chaotic urban areas. It is a responsible and imaginative set of proposals for an effective national growth policy, and I highly recommend it to the attention of my colleagues.

The proposals follow:

THE FIRST REPORT OF THE NATIONAL POLICY TASK FORCE: JANUARY 1972

CREATING A NEW NATIONAL POLICY

(A Statement by Max O. Urbahn, FAIA President)

The American Institute of Architects has taken a major step into the future. It is a historic step for our professional society and, to the extent that we persuade our political leaders and fellow citizens to join with us, it will have a major impact on the quality of life in urban America.

I refer to the report of the AIA National Policy Task Force, whose findings and recommendations are set forth in the following pages. The report follows a year's intensive study by a group of distinguished architects with the help of expert consultants. The policies proposed in the report have been unanimously approved by the AIA Board of Directors, including representatives from all geographic regions of the country. They were formally accepted by AIA's Executive Committee on January 3, 1972, and are subject to revision and elaboration at the Annual Convention of the Institute in May.

In brief, the new policies recommended in this report would change the "ground rules" that now shape, and distort the shape, of American communities; create a new and useful scale for planning and building in urban areas; and commit the nation to a major land acquistion policy to guide development in and around key urban centers. These are new policies, but, in the best tradition of American progress, they are built upon the values and precedents of the past.

I am proud to be the president of your Institute at the moment when this new program—the natural culmination of many years of grappling with public policy—comes to fruition. The formal study was begun in the administration of President Robert F. Hastings, FAIA. Yet elements of it have been discussed by AIA boards and presidents over a period of many years.

I urge you to read this report, to communicate with me and with other officers of the Institute, to express your opinions—and, we hope, your dedication to its goals—at the Houston convention. I ask you also to join me in thanking the National Policy Task Force Chairman, Archibald C. Rogers, FAIA; members Leoh Ming Pei, FAIA, and Jaquelin Robertson, AIA, and the body's two distinguished non-architects, William L. Slayton, Hon. AIA, executive vice president of the Institute, and Paul Ylvisaker, professor of public affairs and urban planning, Princeton University. We are grateful for their far-sighted leadership.

AMERICA AT THE GROWING EDGE: A STRATEGY FOR BUILDING A BETTER AMERICA

This report is about America at its growing edge. It outlines a set of policies that can enable this nation—as a responsible member of a threatened world of nations—to shape its growth and improve the quality of its community life.

The strategic objective of these policies is a national mosaic of community architecture designed to be in equilibrium with its natural setting and in sympathetic relationship with its using society.

In brief, the report urges:

A. That changes be made in a number of the "ground rules" (e.g., tax policy, governmental organization, etc.) which presently shape the development of American communities;

B. that the nation develop the capacity to build and rebuild at neighborhood scale (the "Growth Unit") ensuring open occupancy, environmental integrity, and a full range of essential facilities and services;

C. that federal, state, and local governments—in partnership—set the pace and standards for growth policy through a special impact program affecting 60 of the nation's urban regions and a third of the nation's expected growth between 1970–2000.

THE CIRCUMSTANCES WE ARE DEALING WITH

The nation's population has grown and urbanized dramatically over the last generation. By conventional measures, most of us have prospered. Personal and family incomes have generally increased. Housing conditions have improved. National opinion polls consistently find that most of us feel the quality of our personal lives is better. And amid the flurry of sudden growth, we have staked out a substantial range of free choice.

But a lot of things have us worried and dissatisfied—and properly so.

Millions of Americans have not had this range of free choice. Machines have pushed men off the land into deteriorating cities where they have been imprisoned by rising prejudice and dwindling opportunity. Others have been left behind, trapped in the forgotten hamlets and hollows of rural America.

The nation has been polarizing into richer and poorer, black and white, growing suburbs and declining cities, neighborhoods of higher and lower status and some with no status at all.

Giant urban regions have sprawled into being without the armature of public utilities and services that make the difference between raw development and livable communities.

Jobs have been separated from housing, forcing families to spend more money on highway transportation than on homes and more time on the road than with each other.

Land, money, and building costs have priced more and more Americans out of the conventional housing market, not just the poor, but middle class as well. Construction has lagged for the lower income groups and larger families. Abandonment of existing stock in the older cities has picked up at a threatening rate. Mobile homes have "saved the day" for growing numbers of Americans (though not the minorities), but they have scattered their residents out past the range of regular community life and services.

The technics of our growth have broken loose from the regenerating cycle of nature. The accumulating wastes of this growth—phosphates, plastics, pesticides, heat, hydrocarbons—contaminate our soil, our air, and our water, and cast a growing cloud over our nation and future.

Land has become a negotiable commodity and tossed carelessly into the game of speculation for profit. Once in the market, not only its use but its very existence is subordinated to the highest bidder and shortest-term gain.

The comforts and the hardships, the benefits and the cost of national growth have not been equitably shared. Our tax structure has frequently dumped some of the highest costs on those least able to pay. The education of the nation's children and the general level of community services have been left to the happenstance of local tax ratables and the small politics that exploit them. They breed fiscal zoning, and fiscal zoning has put a damper on the social and economic mobility of the poor and working class.

The social distortions in the development of our communities are reflected in our built environment. For much of what we have built, largely since World War II, is inhuman and potentially lethal. We have created a community architecture which, in its lack of efficiency, its inattention to human scale and values, and its contribution, to chaos, adds up to a physical arena adverse to that "pursuit of happiness" which is one of the fundamental rights that stirred us to create a nation. Surely it is as important to bring our physical fabric into conformity with this goal as it is to do so with our social fabric. We cannot long endure an environment which pollutes air, water, food, and our senses and sensibilities.

At the same time that our growth has created an environmental crisis, the governmental process for dealing with growth has been scissored into bits and pieces. Whatever energies and resolves Americans can muster to shape their growth and salvage their environment are dissipated in an almost infinite chain of separate and conflicting consents which have to be negotiated in order to do the public's business. Just when the nation most needs its enterprise, creativity, and an overriding sense of community, stymie and cynicism become the order of the day.

Now another generation of dramatic growth is about to begin. The numbers of Americans in the 25 to 44 age group—traditionally those who create new households—are increasing at a rate nearly four times that of the past decade. These new households will not likely beget children at the bulging rate of postwar, but they inevitably will touch off a new burst of community formation and urban growth. It is doubtful that these new householders will fit easily into old patterns; many of them will not want to. Families will be smaller; wives will be working; their tolerance of environmental pollution and bureaucratic incompetence will be lower; they will be demanding more for their money and especially the money they are asked to pay in taxes.

And young adults are not the only Americans pressing for places to live—to live better and in many respects to live differently. More and more Americans are living longer; during the seventies an ever growing proportion of our population will have raised their families, retired from their jobs, and started looking for community that will serve their changing needs. There will be another round of kids with mothers asking for day care, new waves of migrants and immigrants searching for something better than ghettoes to live in, and alumni of the ghetto—increasing millions of them—who have learned from tragic experience not to let even poverty trap them in bad neighborhoods forever and again.

TOWARD A NATIONAL GROWTH STRATEGY: THE POLITICS AND PROMISE OF DIVERSITY

Sharpening awareness of the flaws in the way we've grown accounts for the rising demand for a national growth policy. Our nation's search for such a policy is a welcome sign of a maturing society, a more civilized and humane America. But just because so many seem to be asking for a national growth policy, doesn't mean that they all want the same policy. And just toting up everybody's unhappinesses about how we've grown—and maybe goofed—doesn't necessarily add up to a policy that's better or more consistent or more salable to the American public.

Not until these differences in need and life style are admitted and understood will we really be on our way toward more productive policies for national growth. These diversities are the facts of life that politicians—especially the President and the Congress—have to deal with if the nation is to have governing policy and not just years of fruitless debate.

In fact, it well may be that a diversified nation which values free choice above all may have to live with a national growth policy which is less than coherent, which contains more inconsistencies than it resolves, which turns the power of conflicting forces into creative energy—and which succeeds because it strives toward unity but does not mutilate its freedoms in an all-out effort to achieve it.

We submit this report in that spirit. We are a single profession with our own creative diversities. We have spoken assertively, but only to enrich the national debate, not dominate it. We have tried to convert what we think are legitimate discontents into constructive ideas of how to make America better. And we have taken the risk of translating generalities (this is easy) into specifics (which is tough).

THE BELIEFS AND PREMISES WE START WITH

A. A national growth policy is first of all an expression of national values.

B. The values we most cherish are the worth of the individual and his freedom of choice. These values have been constantly stated in national legislation but not so regularly honored.

C. We believe, therefore, that national growth policy should actually commit the nation to these values, not merely restate them. What has been missing is the public competence that makes both our values and our policies credible: laws with teeth; programs with money behind them; public officials with the power to act, and a willingness to fulfill a leadership role. Private freedom and public competence are not incompatible; one needs the other.

D. The goals of national growth policy and the problems it should be concerned with have more to do with quality of life than with numbers. We do not share two of the usual fears: (1) that the American population is to large; and (2) that not enough houses will be built to meet our growing demands. During the past decade, Americans have spontaneously and freely limited reproduction—the birth rate is now at an all-time low. Earlier estimates of how much America will grow in the next 30 years now seem too high—the total may well be as low as 60 million, a number we can certainly care and provide for. Meanwhile, housing starts have picked up; the prospects are that the nation's stated housing goals (2.6 million annually during the 1970s) may be met; and these coals actually may turn out to be too high.

It is not the numbers we should be concerned about but the quality of living and the choice of life style that are opened to Americans whoever they are and however many there may be. This is what we believe Americans mean when public opinion polls regularly report that a majority of them say they would prefer to live in smaller communities. Not that they won't abide living in large metropolitan areas—(despite what they say, most of them have chosen to move and stay there). But they are searching for communities that are more livable. Neighborhoods that are safe neighborhoods that are within easier reach of jobs and a richer mix of community life and services, neighborhoods small enough to have some identity of their own, where no one need be anonymous while attaining the privacy Americans always have yearned for.

E. It follows, we think, that the measuring rod of national growth should be the quality of our neighborhoods, and the assurance that neighborhoods—even when they change—will not deteriorate. The neighborhood should be America's Growth Unit. We have made it the theme of this report.

F. By concentrating on the neighborhood as a Growth Unit, national policy can relate to growth and regrowth wherever it may occur—in rural areas, in smaller towns and outlying growth centers, in metropolitan areas and their central cities, in free-standing new communities. No national policy would be politically salable that did not speak to every condition of America; no national policy would be comprehensive if it did not.

G. Our own guess is that most of America's expected growth from now until the end of the century will occur within existing metropolitan areas—whether all of us would like that to happen or not. The economics and the politics of radically changing that pattern are too difficult; they we may be impossible. Marginal changes, yes; and since we, too, have a general prejudice in favor of "more balanced growth" and against overloading the environment (as we have done, possibly, in some of the Great Lakes and coastal regions) we should be of a mind to encourage these changes.

H. Within these areas, we believe the first priority should go toward improving the condition of the older core cities, more especially the condition of those trapped in poverty and the squalor of declining neighborhoods. Until we deal with the deep-seated factors in America life that give rise to such conditions, all growth in America is vulnerable, no matter how much concern and money are lavished on it, no matter how carefully it may be segregated from those neighborhoods where the contagion of decline is more evident.

I. Growth and regrowth—building new communities and restoring old ones—must go together. We think it folly to try urban renewal in the older, denser neighborhoods before moving and relocation room is made ready elsewhere. That means, we think, a deliberate policy of building new neighborhoods on vacant land before renewal of older neighborhoods is begun.

J. We believe that no national growth policy will work unless there is a broader base for financing the facilities and services that are necessary for more livable communities. The local property tax is no longer enough. We have exhausted it, and now it is crippling us.

There are many possible ways of achieving this broader base of financing. Our own preference is for the federal government to assume far more of the costs of social services such as health and welfare, and more of the costs of utilities. We believe the states also should assume a greater share of local costs, especially of schools, and should do so through a combination of broad-based taxes whose impact is less regressive and its yield more responsive to changes in the general level of the economy.

K. Similarly, we are convinced that an effective national growth policy will require broader perspectives and, in many cases, larger governmental jurisdictions. We welcome signs that the states are readying themselves to participate more actively in community development—even when, as in the case of zoning, taxation, and other matters, they have to be prodded into action by the courts. The states are essential to the development of a national growth policy precisely because their jurisdictions (and hopefully their views) are broader, and because they constitutionally control the ground rules of local government and community development.

We also welcome the signs of new life at the metropolitan level. A promising example is the emergence of regional planning, development, and financing in the Minneapolis-St. Paul area. If indeed most of America's growth is to occur in these areas, some form of regional control must evolve—and soon.

L. And while these broader capacities are developing, we also see the need for more citizen control and participation at the neighborhood level. Neighborhoods have been swallowed up in the growth and change of urbanizing America. The exact forms and functions of neighborhood government can vary; but national growth policy cannot do without the sturdiness and savvy of grassroots support. We see no contradiction in simultaneous transfer of power upward to broader-based levels of government and downward to the neighborhoods, it is not power which is being subtracted—it is capability which is being added.

M. It also follows from our concern with the neighborhood Growth Unit that the architects who design it, the developers who package and build it, the doctors and teachers and lawyers and merchants who serve it, should be given every honorable encouragement to work at this scale. Urban America may be massive, but it has accumulated in a formless way from a myriad of actions and designs that were of less than neighborhood scale. Thought and habit patterns will have to change if we are to build more livable neighborhoods—neighborhoods that fit as building blocks into metropolitan, regional, and national societies.

N. We wonder whether the time has come to consider less affluent standards of housing in favor of higher standards of neighborhood environment, facilities, and services—if indeed the choice mst be made. "Less affluent," at least, than is explicit in the spiraling requirements of floor space and lot sizes and building codes that are being written defensively into suburban and other exclusionary legislation. The rising cost of exclusion is even higher than the rising cost of building. The product may well be more luxurious houses but less desirable, certainly less open communities.

O. Finally, we are convinced that an effective national growth policy requires that land development increasingly be brought under public control. This is true particularly of land which lies in the path of growth or that otherwise is crucial to the community's well-being—open space, flood plains, coasts and shores, etc.

We favor public acquisition and preparation of land in advance of development. We believe that the appreciating value of urbanizing land should be recycled into the costs of developing, serving, and maintaining it. We believe that, in many cases, leasing rather than outright sale would be desirable for land acquired and assembled by public action.

BUILDING AT NEIGHBORHOOD COMMUNITY SCALE: THE "GROWTH UNIT"

The Growth Unit is first of all a concept—a general way of saying that America's growth and renewal should be designed and executed not as individual buildings and projects, but as human communities with the full range of physical facilities and human services that ensure an urban life of quality.

The Growth Unit does not have fixed dimensions, its size in residential terms normally would range from 500 to 3,000 units—enough in any case to require an elementary school, day care, community center, convenience shopping, open space, and recreation. Enough, too, to aggregate a market for housing that will encourage the use of new technology and building systems. Also enough to stimulate innovations in building maintenance, health care, cable TV, data processing, security systems, and new methods of waste collection and disposal. Large enough, finally, to realize the economies of unified planning, land purchase and preparation, and the coordinated design of public spaces, facilities, and transportation.

This general scale is consistent with likely trends during the 1970s which will encourage the filling in of open land and the renewal of older neighborhoods within existing metropolitan areas—as well as the expansion of outlying communities (Growth Centers) within the population range of 25,000 to 250,000. It also coincides with the trend toward "miniaturization" which seems to characterize emerging patterns of consumer behavior and demand and which is producing a new range of facilities such as community health centers, neighborhood city halls, and convenience shopping centers.

Life styles, housing types, and residential densities could vary according to local markets and circumstances.

Larger communities—up to and including free-standing new towns—should be built as multiples of these Growth Units—allowing, of course, for an emerging hierarchy of additional services and facilities such as high schools, community colleges, hospitals, regional shopping centers, mass transit, and utility systems.

The neighborhood Growth Unit relates just as much to the rebuilding of America's cities as it does to new growth on open land. We have learned the hard way that urban renewal and the rehabilitation of older neighborhoods cannot succeed when done piecemeal, house by house, problem by problem. The job is much bigger than that, and the Growth Unit is a more appropriate scale and way of doing it.

The Growth Unit is based firmly on the principle of open occupancy and equal access to facilities and services. Moreover, by linking growth and regrowth both outside the central cities and within them, the nation can find an orderly way out of its segregated living patterns and the haunting tragedy of its older cities.

Finally, the Growth Unit offers a valid measuring point for environmental performance. It can be planned and judged as a "package" rather than a disjointed accumulation of activities, some of which do and some of which do not meet going standards of ecological innocence.

USING THE GROWTH UNIT IN A NATIONAL GROWTH STRATEGY

Concentrating on the Growth Unit is a practical and incremental way of approaching a national growth policy. But it is not a retreat from major and even radical changes—as those who recently have ventured into large scale development painfully can attest. Architect after architect, developer after developer, large company after large company have tried their hands at building new communities at larger scale. Only a few have survived—and even for them the experience has been bloody. Listed below are some of the constraints and hazards and some of the changes and reforms we think are necessary if this nation is to achieve the capacity to produce livable neighborhoods without all the traumas (and mischief) that presently are involved.

A. HOUSING AND LAND USE POLICY

Growth Units of the sort we propose will not be built at the rate and scale we propose unless:

1) there is an assured flow of credit at stabilized rates of interest over a sustained period of time;

2) low- and moderate-income families are directly subsidized (through income supplements, housing alowances, "235" and "236" type interest reductions, etc.) at levels equivalent to the housing subsidies now provided higher income homeowners in the form of tax deductions of mortgage interest and local property tax payments (plus what economists call "imputed rents");

3) state governments retrieve sufficient control over local building, zoning, and health regulations to insure an adequate supply of land for large site development—and also land permanently reserved for open space, ecological balance, and communal use.

B. FRONT LOADING

Building at neighborhood scale requires front money equal at least to 40 per cent of the total investment, with no appreciable return on that early investment coming until the fifth to the 15th year. Few are in a position to advance that kind of money and wait so long for a return. Public money and guarantees are still scantly and hard to come by. Except for New York State, they are available only through one limited program of the federal government. These public supports will have to be expanded greatly, both at federal and at state levels.

C. AGGREGATING SITES

The assemblage of large sites is a problem, but probably less so than obtaining the many consents necessary to develop them—zoning, building codes, etc. For the private developer, time is money; one major developer is reported to have incurred interest costs of $5,000 per day over a year while awaiting the necessary consents. Too many developers have been led into dubious practices in an effort to offset these costs and find ways around these constraints.

The passage of legislation which authorizes planned community development promises some relief. Probably more important will be an arrangement that allows for someone other than the developer to hold the land until the consents have been negotiated and the developer can move immediately to build.

D. THE PUBLIC INFRASTRUCTURE

Another barrier is the shortage of public funds for the necessary infrastructure and community services. We propose that the federal and state governments plan and construct networks of utility corridors, including transit, water, sewage, electricity. These would constitute the skeleton of utilities on which Growth Units could be fastened.

At the level of a single project, the scale of development that we propose requires a long-term and disciplined schedule of public spending geared closely to the efforts of the builder.

E. REMOVING TAX DISINCENTIVES

Both federal and state tax systems are replete with impediments and disincentives to building and rebuilding at neighborhood scale. The Internal Revenue Code encourages a quick-build-and-sell posture for the developer; it discourages his staying around to make certain that the costs and concerns of management and upkeep are given equal attention as the cost of construction.

F. TAX INCENTIVES

Building communities is far more complex than the single missions which become manageable profit centers for a business enterprise. Congress might declare the building of Growth Units to be in the national interest, and make special tax and other provisions to enable American enterprise—under tight performance standards—to make the long and broad commitments that the job requires.

G. PROPERTY TAX

America's dependence on the local property tax is especially hurtful. By tying practically all costs of community development to local ratables, it causes undue hardships to the builder and the citizen alike. The apparent answer is to move toward broad-based taxation at state and federal levels. It also suggests moving certain costs from local to state and federal governments.

H. REVENUE SHARING

Any sharing of revenue by the federal government with the states should be conditioned on certain reforms, including a restructuring of the property tax system, zoning and building codes, and reallocation of infrastructure costs.

I. GOVERNMENT STRUCTURES AND PROCESS

Governments in America—federal, state, and local—are not organized to facilitate the kind and scale of development we propose. Major changes and innovations are in order:

(1) at the federal level, some analog of a national development corporation capable of negotiating the necessary bundle of federal grants and consents; dealing with counterpart state, local, and private development agencies; and tapping national money market;

(2) at the state level, development corporations emulating and going beyond the pioneering example of New York State;

(3) at the metropolitan level, public and public/private corporations subject to regionwide planning and participation, and oriented both to redevelopment of the inner city and to new development on open land.

J. CATEGORICAL GRANT PROGRAM

The tradition of categorical funding that long has been followed in American government needs to be modified. Above all, the Highway Trust Fund, we think, must be converted into a general fund for community development and greatly expanded. If this self-regenerating fund is not refashioned to serve our highest priority needs, the nation will place itself in bondage to the automobile and superhighway.

USING THE GROWTH UNIT IN COMMUNITY DESIGN

A national strategy based on the Growth Unit requires the use of tactical stepping stones in the design of communities which will be a harmony with human needs and the natural environment. Such a strategy must be a long-term commitment. Its integrity must be maintained consistently, although it may require continuous updating to accommodate changes we cannot foresee. Commitment to a long-term strategy based on such fundamental principles as freedom of choice and the worth of the individual demands tactics that emphasize flexibility and diversity.

Community design based on the Growth Unit should embrace the following principles:

A. EQUILIBRIUM

The design should be economical in its consumption of natural resources. It should minimize the emission of harmful effluents and encourage emissions that tend to replenish natural resources. The need for transportation should be reduced by intermingling of residential and other uses. Community services (health care, education, security, etc.) should be consciously designed as systems and subsystems.

B. SYMBIOSIS

The design should provide a beneficient and nourishing relationship between the physical environment and its using society. The surest means of attaining this relationship is to encourage community participation in the design process.

C. SATISFACTION OF SPIRITUAL NEEDS

The design must satisfy the individual user's need for reassuring symbols that speak to him from the natural setting and from architecture within this setting. It must satisy his need for symbols of place and personality which distinguish one person and one community from another—his need for an environmental order that denotes purpose in life.

D. EXPANSION OF LOCATIONAL OPTIONS

Just as the national strategy emphasizes freedom of choice of location, design of Growth Units should reduce barriers based on economics or race or age. This means that transportation, industry, and commerce must be placed within attention to their social consequences.

E. EXPANSION OF QUALITATIVE OPTIONS

The design mosaic must provide a rich variety of living environment matching the variety of life styles within our society.

F. OPEN SPACE PRESERVATION

Community design must preserve open space at all geographic scales from the national to the local. Certain areas should be precluded from development either because of natural features that are hazardous to residents or where development would threaten ecological balance or recreational values.

G. HISTORIC PRESERVATION

Our historic heritage must be preserved from destruction or erosion if a sense of individual and community identity is to survive. Preservation of historic buildings and communities will require the discovery of new uses as original uses become obsolete. Some historic structures may have to be altered and modernized to accommodate contemporary functions. We also must look to the values in contemporary architecture that may in time have historic significance.

H. PUBLIC INVESTMENT AS A KEY TO DEVELOPMENT

Public utilities and facilities can be used to determine settlement patterns, both nationally and at the level of the single Growth Unit. The network of transportation and communications corridors should be the essential basis for comprehensive planning within the proposed communities and for their external connection with the existing community fabric. It should be designed and put in place incrementally in accordance with the largely private development of housing, commerce, and industry. Since this infrastructure is relatively permanent, it should be generous in its dimensions in order to permit accommodation of future technological developments. It should be seen as the opportunity for expression of great civic art and architecture.

I. AMENDABLE ARCHITECTURE

The design should provide a physical fabric that is amendable by its occupants to accommodate changes in life styles, technology, and economic circumstance.

J. REDUCED COST OF SHELTER

Design should seek to reduce the cost of housing. Off-site manufacture is one method of pursuing this goal, but care must be taken to produce a kit of parts that can be assembled in many differing ways to provide environmental variety. The design should take maximum advantage of the reduction in governmental constraints which must be a part of a national growth strategy. Better quality and workmanship can be attained once such constraints are removed. The unearned increment in the value of the land should be recaptured by the public, instead of becoming part of the inflated cost of shelter, as it does now.

K. EXPERIMENT WITH CHANGE

We must deliberately experiment with change. This, in turn, will require that public funds be available to finance experimentation. Each Growth Unit can be a laboratory for new applications of technology and design. Procedural experimentation could involve the using community and public/private and multidisciplinary development teams in an open "Trialogue." The behavioral sciences can be involved in the development of a more sophisticated basis for establishing user needs. New ways of determining costs and benefits could take into greater account intangible factors and qualitative benefits.

THE GROWTH UNIT AND THE URBAN CRISIS*

The neighborhood Growth Unit applies to all America. But some parts of the nation's society and landscape have been, and will continue to be, especially impacted by growth. We believe a more specific and concentrated response should be made to the problems of the nation's declining central cities and their fast-growing metropolitan areas.

There are approximately 60 metropolitan areas in this country with 1970 populations of 500,000 or more. These 60 urban regions accounted for half the nation's total population, over half of the nation's black population, and half of the nation's total growth during the decade 1960–70.

Currently, 80 per cent of America's growth is taking place within existing metropolitan areas. In all probability, the metropolitan areas cited above will continue to absorb the lion's share of national growth and the problems that go with it.

Without foreclosing (actually it could be planned as part of) a national strategy that might attempt to shift growth from these urban regions, we propose that the federal government join immediately with the affected state and local governments in developing growth plans for these critical areas.

These plans should include the following elements:

A. Governments involved immediately should assemble one million acres of land for community development within the core cities and in the metropolitan periphery. (We would estimate the cost of acquiring this at $5 billion.) The appreciating value of this land—realized by lease and sale over the next 30 years—would be enough to cover its original cost plus a large proportion of the costs of preparing the land for development.

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* This builds upon a forthcoming paper by Bernard Weissbourd.

B. A third of the nation's growth (20 million) during the next 30 years could be accommodated on these one million acres at average densities of 20 persons per acre—far under the present densities of troubled core cities, and within range of current consumer choice and economic feasibility.

C. The building block of this development would be the neighborhood Growth Unit—500 to 3,000 dwelling, 2,000 to 10,000 persons—built either singly or in multiples which over time would be fitted together into larger satellite communities.

D. The development of these Growth Units should be staged to provide relocation and elbow room for the restoration of older neighborhoods in the core area. Open occupancy would be ensured—with the end result that no one sector of the metropolitan area would be—or feel—overwhelmed.

E. The social mix of these neighborhoods would be further ensured by housing subsidies and allowances covering housing rental costs exceeding 25 per cent of family income. These subsidies also would be available to families filtering into existing housing throughout the metropolitan area.

F. The federal, state, and local governments would join in planning and paying for the necessary into the picture—particularly transportation and utility corridors which would weave these Growth Units into the existing fabric of metropolitan life: jobs, education, health care, etc.

G. The economics (and for that matter, the politics) of these selected metropolitan areas should be pooled—benefits (such as new ratables) as well as costs. As a matter of first principle, new growth should not be allowed to occur as an escape from, or at the cost of, the revitalization of older neighborhoods.

H. Zoning and building codes for these Growth Units should be developed jointly by the three levels of government, with the states taking a strong initiative.

NATIONAL GROWTH STRATEGY AS AN INVITATION TO CREATIVITY

Community building of the sort we propose is a many-sided challenge.

A. A challenge to developers, planners, and architects to anticipate and give creative expression to the emerging life styles of a richly diversified American people. The trends clearly are moving in the direction of smaller families with working mothers. The trends seem also to be moving toward residential densities lighter than those of the central city but heavier than those of existing suburbs. They also are moving toward the requirements, certainly an expectation, of a rich array of critical services, such as day care health, and continuing education. They also are pointing toward a greater degree of privacy and security. The art will be to put all these together into a working and livable community: the Growth Unit invites that art.

B. A challenge to those committed to the integrity to the environment; to produce increments of growth that are less hostile to man and nature, which continuously reduce the pollution of land, air, and water; and maintain open spaces and green belts for reccreation and tranquility.

C. A challenge to all of us who must exact more and more resources which—at least relatively—are dwindling. Multiple purpose space and reusable resources will be the order of the day and will require all the inventiveness and ingenuity we can command.

D. A challenge to restructure the financing and delivery of critical services, especially health, education, and security in the face of escalating costs and consumer dissatisfaction. We believe strongly, for instance, that electronic information systems should be incorporated routinely as part of the community's infrastructure. There is also the prospect that imaginative use of cable television can reshape public education.

E. A challenge to each of the special skills, disciplines, and professions which historically have worked in isolation and are now being forced by the logic of complexity to meld their activities.

F. A challenge to develop new forms of joint enterprise, both within the private sector and between business and government.

G. A challenge to find new ways of resolving the dilemma of dividing trends, on the one hand, toward more distant government of greater resources and scope and, on the other, toward neighborhood control.

It is not easy to develop governing policy for a diverse nation in the full cry of its existence. It would be much easier to let the cup pass and continue to build the world's first throw-away civilization.

But if we are to achieve some coherence and not let freedom vanish into chaos, we have no alternative but to deal with all the tumbling forces and facts of the here and now, and then find levers that have the power not only to move but to win majority consent.

We have chosen the neighborhood Growth Unit as one such lever. It is within the grasp and values of every American. What we urge that the nation see and grasp it as part of a national strategy—to make of this country what it can and must be—a society confident and united enough to enjoy the richness of its diversity. Livability of that kind does not come by accident; even free choice requires design.

TASK FORCE MEMBERS

Members of the Task Force on National Policy are:

Archibald C. Rogers, FAIA, chairman; Chairman of the Board of RTKL, Inc., Baltimore. He developed planning guidelines for a team approach to highway planning, which led to establishment of the Urban Design Concept Team assembled to plan Baltimore's expressway system.

Ieoh Ming Pei, FAIA; principal, I.M. Pei and Partners, New York. His firm was responsible for planning and design of Philadelphia's Society Hill redevelopment; a renewal plan for Oklahoma City's central business district; Montreal's Place Ville Marie, and a master plan for redevelopment of downtown Boston.

Jaquelin Robertson, AIA; currently director of the Office of Midtown Planning for New York City; formerly head of the urban design group within the city's planning commission.

William L. Slayton, Hon. AIA; executive vice president of the Institute; formerly Commissioner of the Urban Renewal Administration, Housing and Home Finance Agency; later president of Urban America.

Paul N. Ylvisaker, professional adviser; professor of public affairs and urban planning, Princeton University; formerly commissioner of community affairs for the state of New Jersey.

FAR EAST

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. DENT. Mr. Speaker, with the eyes of the world now focused on China our attention is turning more and more to the entire Far East.

The following letter was sent to some of my constituents: Mr. and Mrs. James Beene of Greensburg, Pa., by a Holy Cross missionary living in Bangladesh.

I thought it might be interesting to my colleagues in the House to have the views and impressions of someone who is still on the scene:

DT. DACCA, BANGLADESH.

DEAR NANCY AND CHARLIE: All I got for Christmas was my life—a gift from Mrs. Gandhi. We endured eight months of terror while the nations of the world did nothing. Finally India came to our aid. You may question her motives but this war has saved millions of lives; and one of them was mine. For eight months the West Pakistan Army carried out a program of extermination, with orders to loot and burn and rape and kill until they had destroyed forever the courage of the Bengali people. This savagery was not against a rebel army, but against the unarmed men, women and children of Bengal. I was in the middle of it. I saw them die; women and children deliberately shot by the most savage and cowardly army in modern times. I saw their homes put to the torch. I saw thousands fleeing in terror. In our instant hospital for bullet wounds only, I watched a five year old boy take a month to die, in pain and in fear. Every time a gun went off, he wimpered, "Mummy, will they shoot me again?" And this is the brutality that, incredibly, the U.S. Government supported. Father Bill Evans was brutally murdered by the Pak Army. We hoped the U.S. Government would protest strongly; but he was just one more of a million human sacrifices offered on the pagan altar of State Department policy.

I'm still a Republican, but my party loyalty stops at murder. Nixon is a National Disgrace. He put America on the side of savagery. Yahya Khan terrorized and murdered millions; yet Nixon supported him, and even allowed the shipment of military supplies to help in the slaughter. The question is not whether Nixon should be re-elected in 1972, but whether he should be tried for complicity in mass murder in 1971. Through malice or through stupidity, this man's hands are bloody. He used the prestige of his office to help a murderer, degrading the presidency as no man before him has done. When India intervened to stop the slaughter, he tried to block her, in the U.N. The U.N resolution demanding a cease fire without doing anything to stop the massacre of Bengali civilians by the Pak Army, was reversion to barbarism. In effect it gave tacit approval to the slaughter of a million people, and told India to withdraw and let the slaughter go on. Had India listened, the Pak Army would have been freed to continue the extermination of the Bengali people. And I would be dead along with my people.

What a mockery Vietnam is now. American boys died to save Vietnam from the Communist camp. Now, with incredible stupidity, Nixon has forced 75 million Bengalis into the same camp; he has pushed 500 million Indians into the Russian camp. And he has even put West Pakistan more firmly on China's side. Alger Hiss was labeled a traitor. I doubt that Hiss did near as much harm to the U.S. as did the diplomania of Nixon and his advisors.

Our agony isn't over yet. If the past is unbelievable, the present is unbearable and the future uncertain. Our people's homes are destroyed; they are hungry; they are mourning their dead. They need massive help. But at least we no longer live in terror of the Pak Army. And the kids will be fleeing and screaming and dying, only in their sleep.

FATHER ED GOEDERT,
Holy Cross Missionary.

A NUCLEAR-POWERED ARTIFICIAL HEART?

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. ROBISON of New York. Mr. Speaker, any one of us can labor long in this legislative "vineyard" without much in the way of tangible results to point to—or, at least, so it seems all too often.

However, now and then, there are developments—there are breakthroughs—making those labors very worthwhile.

In my case, accordingly, I was elated to read in Friday's New York Times of the progress being made by both the National Heart and Lung Institute and the Atomic Energy Commission toward realizing success in achieving a totally implantable, nuclear-powered artificial heart. This is a project that captured my interest some 6 or 7 years back, and with which I have been closely associated as a member of the Public Works Subcommittee of the Committee on Appropriations, which handles the AEC's portion of the Federal budget along with many other matters.

For a time, a few years back when budgetary priorities assumed the importance they did with the escalation of the Vietnam war, it appeared that this research work—to which I assigned such a high priority—might have to be shelved, or cut back so sharply in funding as to virtually be shelved. There were some cutbacks—or stretch-outs—that affected this joint endeavor, but the essential momentum the project deserves has been maintained and, as the Times article indicates, it appears that eventual success is in sight.

AEC's involvement in the artificial heart program began in late fiscal year 1967, with its initial efforts being directed to the conduct of radioisotope-engine concept studies for artificial heart devices in conjunction with the National Heart and Lung Institute. One of the concerns has been to insure against any ill effects from either radiation or the accompanying heat-input occasioned by placement of such a device in a living body. The fuel form to be depended upon has been selected—medical-grade plutonium-238—and animal studies with such implanted radioisotope sources have, so far, shown no adverse physiological effects. Since then, the thrust of the AEC portion of the program has been to develop sufficient analytical and experimental data to permit a judgment to be made as to the practicability of achieving a fully implantable radioisotope-powered artificial heart device having a minimum life of 10 years; and completion of this phase of the project has been planned for completion by the end of fiscal 1973.

Then, if all goes on well—as it seems to be doing—it would be AEC's purpose to develop, with the Heart Institute, a prototype nuclear-powered artificial heart system for implantation studies in both animals and humans, which further work may take another 4 years If cost is a factor—and it always is—AEC's overall research work is estimated to have a price tag of about $16.5 million, which is a lot of money, of course, but not so much when measured against what we are spending to find a cure for cancer, or when measured again against the human cost of heart disease, which remains as one of our major medical frontiers to cross.

As I have noted, I see great possibilities in this work, not the least of which is the manner by which such a device would enable us to get around those tantalizing moral questions that are involved in transplants of human hearts, from one body to another, and which have never been wholly answerable. I feel sure, Mr. Speaker, that my colleagues on the Public Works Subcommittee who have joined me in support of this endeavor share my enthusiasm for what has been—and, hopefully, can be—achieved therefrom.

The Times story follows, for further details:

NUCLEAR ENERGY POWERS HEART-AID PUMP IN CALF

(By Harold M. Schmeck, Jr.)

WASHINGTON, March 2.—The first use of nuclear energy to power an artificial heart pump in a living animal was announced today by the National Heart and Lung Institute. The institute is sponsoring a major research effort to make such devices eventually available to man.

The institute also announced the development and use in animals of the first complete artificial heart that is totally implantable. This, too, is designed for use with a nuclear power source, but it has not yet been tested in that way in an animal. It has been tested with non-nuclear electrical power.

At a news conference today, Dr. Theodore Cooper, director of the heart institute, said that nuclear-powered artificial heart devices might become available for use in humans by the end of this decade. He said that much research would be required to perfect the devices for human use.

Estimates of how many people might need them range from 15,000 to 100,000 a year.

Dr. Cooper called the development of the nuclear power system a major milestone in a research program that began in 1964. The aim was, and is, to develop a whole family of artificial devices to help patients who suffer from heart disease, the nation's leading cause of death.

The nuclear-power system was tested for a total of about 5,000 hours in the laboratory before being tried in an animal, said Dr. Lowell T. Harmison, who heads the artificial heart program at the institute.

Its first use in an animal, to power a heart booster pump, was on Valentine's Day at Boston City Hospital. The research team from Harvard Medical School and the Thermo Electron Corporation of Waltham, Mass., kept it operating for about five hours in a calf before ending the experiment and removing the device.

During that time it replaced the action of the heart's main pumping chamber, the left ventricle. Dr. John C. Norman of Harvard said the artificial device was tested with a non-nuclear power source in 12 calves before the test on Valentine's Day. He said the safety of the nuclear power source had been tested extensively in several animal species.

CAPSULE TESTED

There have also been elaborate tests to insure that the capsule holding the roughly three ounces of radioactive plutonium 238 would not break open in an accident.

The plutonium provided heat that drove the specially designed miniature steam engine which, in turn, activated the pump. The engine is so small, said Dr. Fred N. Huffman of Thermo Electron, that only a single drop of water is vaporized at a time while it is operating.

Dr. Harmison said four different engines had been developed for use with the nuclear power source. In the total replacement artificial heart, which he designed, one version has the power source placed between the heart's two pumping chambers. Although the experimental devices are somewhat bigger and twice as heavy as a natural human heart, he said it should be feasible to bring them down to the size of the natural organ in later development.

Already the pumping efficiency of the artificial devices surpasses that of the natural heart, he said. The implantable device includes a miniature computer that matches the artificial heart's action to the body's needs. Experiments have demonstrated that some drugs that affect normal heart action have a similar effect on the artificial device. The computer responds to the drugs' effects on blood vessels.

The complete artificial heart, linked to conventional electric power sources, has been used in calves for as long as two days at a time, totally implanted and completely replacing the animal's natural organ. Dr. Harmison said these experiments were performed at Travenol Laboratories near Chicago. The National Heart and Lung Institute's program is a collaborative effort between the institute and many university medical research groups and industrial research organizations.

Several other centers are doing artificial heart research independent of the institute and also have advanced designs. In some of their experiments animals have been kept alive as long as 10 days with artificial hearts, but these have not been totally implanted, Dr. Harmison said. The power source and instrumentation are usually external.

Although production of a durable, efficient power source has been one of the major problems of artificial heart development, the crucial obstable has been that of developing a material sufficiently compatible with blood. Dr. Harmison said that present designs use a special dacron material that is highly promising.

While most artificial materials provoke blood clots or damage to blood cells, the dacron material seems relatively harmless. It allows the body to lay down a layer of living tissue on the artificial surface, thus protecting the blood from any further contact with artificial components of the substitute heart.

Artificial heart pacemakers, devices that regulate the heart beat, have been designed with nuclear power sources and a few have been installed in patients in France. The amount of nuclear energy, however, is far smaller than that needed for a heart pump. The power level of the device described here today is 2,000 times as great as that needed for a pacemaker.

Mr. Speaker, as I have indicated, I am proud to have had a part in bringing this project along, and shall continue to stand by it because I believe it can be of inestimable benefit to mankind for reasons further described in another article about it, this time by Judith Randal, as the same appeared in yesterday's Washington Evening Star:

A-DRIVEN HEART KEEPS ON BEATING

(By Judith Randal)

"On Valentine's Day we dropped it into a calf and the bloody thing worked . . . It's fantastic, once you start running it, you can't stop it."

The man speaking is Dr. John C. Norman of Harvard Medical School who is a surgeon in Boston City Hospital. He is talking about the first partial artificial heart ever to be driven by atomic power and tested successfully in an animal.

Unlike other such devices which derive their energy from unwieldy external sources or batteries that have to be recharged, the prototype nuclear-propelled steam engine that drives the partial heart can be made small enough to be implanted in the body and it has enough fuel to run for at least 10 years.

It needs less water than a teardrop to generate the electricity to power an hydraulic system—also implantable—that takes the load off the heart.

Thus, just as thousands of lives are now prolonged for years by pacemakers regulating the heartbeat, thousands more someday may be prolonged by man-made parts that do the work of the lower left heart chamber or ventricle that actually pumps the blood. Left ventricular failure accounts for a major portion of the heart disease that kills a million Americans annually and is the nation's leading cause of death.

The atom-driven motor is one of four announced at a news conference Thursday by officials of the artificial heart program begun in 1964 by the National Heart and Lung Institute—a part of the National Institutes of Health. Two of them are miniature steam engines. Two operate on a different principle which generates electricity through the use of pressurized helium gas to prevent wear and tear, all are without valves or moving parts.

Also shown at the news conference was a self-contained plastic heart run by electricity, not much bigger in size and only a few pounds heavier than the natural organ. It is not yet at the point where it can be linked to the atomic engines with which it is compatible, but, powered by conventionally generated electricity, has undergone preliminary trials in animals. In the tests, a battery can be implanted and recharged from the outside by means of an induction coil under the skin.

Like the nuclear engine, the electric heart is part of a family of instruments being developed under government sponsorship which will range from assist devices for patients whose hearts are weakened, but not hopelessly crippled, to total replacements for severely damaged hearts. About $7 million has been spent in the last five years on the project which has awarded contracts to universities and industry.

Thanks to sophisticated engineering of the instruments the heat generated by their operation is dissipated over a wide surface and has a minimal effect on blood and surrounding tissues. Many of its parts are as easily replaceable as the ink cartridge in reloadable ballpoint pens.

The nuclear fuel crucial to these devices is four ounces of a dioxide of plutonium 238, a long-lived isotope. It decays slowly and has little penetrating radiation. It is housed in a metal capsule which has been tested under extreme conditions to preclude posing a health threat in event of accident.

Although the capsule and its fuel alone now cost about $70,000, government officials hope that current research and development efforts will make the entire system, exclusive of hospital and surgical casts, available for about $5,000 by the end of the decade. Assuming an instrumentation lifetime of 10 years, this would bring the annual cost of the devices down to $500.

At last week's news conference, heart and lung institute Director Dr. Theodore Cooper said both the heart and motor components could be implanted in the chest cavity in the normal position or that it may prove better to implant the artificial heart there and link it through the diaphram to a motor in the abdomen.

Cooper made it clear, however, that the 1980 heart is far from reality. The dacron and polyurethane fabric now used for lining the prototype heart seems to damage red blood cells less than earlier versions of the material. "But we are not satisfied that compatibility is established for a 10-year stand," he said.

"The biomaterials phase (of artificial heart technology) lags behind the control and power phases . . . and is not sufficiently advanced." In addition, no part of the system has yet been tested on any but animals with healthy hearts.

THE BOSTON GLOBE—100 YEARS OF JOURNALISTIC EXCELLENCE

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. BOLAND. Mr. Speaker, the Boston Globe—a newspaper rivaled by few others for the depth and scrupulous accuracy of its coverage—celebrated its 100th anniversary yesterday. First published in early March 1870, the Globe has now brought to its New England readership a full century of uniform and uninterrupted journalistic excellence. Widely read outside New England—indeed, outside the United States—the Globe is among the handful of American newspapers known and respected everywhere.

One of the Globe's most celebrated editors, James Morgan, pointed out a quarter century ago that the newspaper's goal is "to conduct, in season and out, an unending campaign of education in the enduring principles which underlie the political, economic, and social questions of the day."

More than anything else, Mr. Speaker, the Globe is known for its balance—for its sober and straightforward treatment of the news, for its lively and entertaining features, for its closely reasoned editorials, for its broad range of opinion in its bylined columns. The Globe's investigative reporting, moreover, has brought to light—and helped solve—a host of problems in fields ranging all the way from drug abuse to politics.

I can testify personally to the skill and judgement of the newspaper's Washington staff—Charles Claffey, Darius Jhabvala, Salvatore Micciche, Martin Nolan, and Thomas Oliphant.

In its 100th anniversary edition yesterday, the Globe published an editorial evaluating its performance over the past century and looking ahead to the future.

I commend the editorial to my colleagues:

THE GLOBE—AT THE 100-YEAR MARK

The Globe was born in the same year as the American postal card and the unbreakable billiard ball. They, in their time, were accomplishments. So was the book people were then about to read, Jules Verne's "Around the World in Eighty Days."

In 1872 people had no phones, electric lights, stereos, automobiles, movies or television. All of these brought change. Yet it was nothing compared with what is now happening.

Living today has become so complex and terrifying. Great problems of environment and overpopulation search desperately for answers.

The Globe, which battled through the last century, will continue to dedicate itself to finding these answers, and to building a New England, an America and a world community where people can live together in peace and plenty.

In this effort, the fine people in all departments who put out The Globe will keep doing their best to stay abreast of the new times and new problems.

Their aim will be, as the late Globe editor James Morgan wrote a quarter-century ago, "to conduct, in season and out, an unending campaign of education in the enduring principles which underlie the political, economic and social questions of the day."

Vital to all this is a free press, more necessary now than ever before. Newspapers will remain free only if the people insist they remain free—and if the press does an ever better job of informing them, defining the issues, interpreting the changing customs, defending the poor and the young and the weak in this increasingly complicated society.

The Globe in its second century, as a strongly independent paper bound to no political party, aims to do just that.

And this newspaper renews its determination to help the people of this distinguished city and all of New England enjoy better, more exciting daily lives.

We want to thank our readers and our advertisers for making possible our 100th birthday this weekend.

THE PLIGHT OF THE BULGARIAN PEOPLE

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. RODINO. Mr. Speaker, it has been almost a century since the Bulgarian people have known freedom. Her people have not lived these 94 years in passive acceptance and submission, but have continually fought for the opportunity to build a life of their own choosing. Theirs is a continuous history of defeats and disappointments. Oppression has taken various forms—the faces and accents have ranged from Turkish to Greek to German to Russian.

Soviet troops entered Bulgarian soil on September 9, 1944. Communist power was completely consolidated within 3 years. We are all familiar with accounts of the feelings and thoughts of those living under Soviet occupation. The execution and trial of Nikola Patkov, leader of the Fatherland Front who died for the right of men to hold and express their own political convictions, stands as a symbol of protest against all such silencing acts to the Communist regime. The Fatherland Front has been retained as an organization providing a democratic facade for the Soviet-sponsored dictatorship of postwar Bulgaria. We voiced our anger during the entire Petkov incident and have continued to vocalize our thoughts while professors, politicans, journalists, teachers, and other Bulgarian citizens have been cruelly punished for openly expressing the feelings that had been held within for too many years. March 4 marks the observance of Bulgaria's Liberation Day. I wish to restate and reemphasize at this time my support for the goals of freedom and justice for the Bulgarian people.

RADIO FREE EUROPE

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. FRELINGHUYSEN. Mr. Speaker, the deadlock between the House and the Senate over legislative authorization for Radio Free Europe and Radio Liberty still continues, and it is a matter of widening concern. An article by Flora Lewis in the Boston Evening Globe illuminates the problem from an American viewpoint, and an editorial from the London Daily Telegraph expresses British concern for the fate of the two radios. The latter editorial correctly notes that the present impasse is in no way the fault of this body.

Editorials also appeared today in the New York Times and the Wall Street Journal. The text of all these editorials follows:

[From the Boston Globe, Feb. 25, 1972]

Fulbright Silences Two U.S. Voices

(By Flora Lewis)

Washington.—Unless Congress acts by the end of the month, the semi-official American radio stations broadcasting to the Soviet Union and Eastern Europe will be shut down.

That is precisely the aim of Sen. Fulbright (D-Ark.), chairman of the Senate Foreign Relations Committee, who has maneuvered to kill the stations by legislative impasse cutting off their funds.

"These radios should be given an opportunity to take their rightful place in the graveyard of cold war relics," Fulbright told the Senate.

The two are Radio Free Europe, which own languages, and regularly publishes careful research on those countries in broadcasts from 12 to 20 hours a day to the nations of Eastern Europe in their English. Radio Liberty performs the same functions but focuses on the Soviet Union.

Both were started at the beginning of the '50s and, as Fulbright says belately, they were major weapons of the cold war. Futher, they were secretly funded by the CIA, although Free Europe also received public contributions.

The irony of Fulbright's position is that both these faults have been corrected. The two radios now operate aboveboard. More important, they have come to provide a vital, straightforwardly informative service far superior to the U.S. Government's own foreign broadcasting system, the Voice of America.

Last year, Sen. Clifford Case (R-N.J.) finally made Free Europe and Liberty honest radios with a bill ending their dependence on the CIA budget. They are now financed through State Department appropriations open to public scrutiny. That was not ideal, since it exposed them to more political and propaganda controls than the previous secret, but essentially autonomous, arrangement with the CIA.

State wisely decided that it would be better to set the radios up as quasi-independent systems, similar to the domestic Public Broadcasting System. In that way, the professional judgment of their excellent and sober staffs would be better insulated from improper influence.

A bill to this effect passed the House. But Fulbright got a bill through the Senate keeping State in charge until the end of the fiscal year, when he hoped to cut off the funds altogether. The two houses have failed to reach a conference agreement, so the radios are due to be silenced this week.

It would be a grave loss, both to the people of Eastern Europe and the scholars and researchers of the United States. The radios are no longer the strident propaganda trumpets of their early years. Since the Hungarian revolution of 1956, when they reviewed their role and drastically changed their policies, they have been serious and reliable sources of information and analysis which the people of Eastern Europe are totally denied by their governments. Of course, Moscow and its allies don't like that.

Silencing Radio Free Europe and Radio Liberty would simply amount to collaborating with those governments to silence dissent and keep their peoples ignorant.

The annual appropriation required for both is $36 million. Sen. Fulbright compared it to the $44 million which Voice of America's worldwide operation cost. But VOA broadcasts only a few hours a day, and very different material—banal, official sometimes biased governmentese.

If the point is economy, then it would be far better to drop VOA and let the two effective radios keep broadcasting. A special Library of Congress study, asked to evaluate Radio Free Europe and Radio Liberty by Fulbright's committee, came up with the answer that they were very good indeed, no doubt the opposite of what Fulbright hoped to hear.

And if the point is to call off the cold war and deal more openly and sensibly with the Communist countries, then it would also be better to preserve the two autonomous radios and kill the US government propaganda service.

If Fulbright's purpose is achieved, the result would not be to bury cold war relics but to help preserve the dark silence of the cold war in Eastern Europe.

[From the (London) Daily Telegraph, Feb. 23, 1972]

Freedom's Voice in Peril

A disgraceful surrender of the West's right to broadcast objective news and comment across the Iron Curtain is about to take place unless the American Government acts quickly and firmly to stop it. Funds have been cut off from Radio Free Europe and Radio Liberty, both based in Munich, which for over 20 years have been transmitting to the satellite countries, and also to Russia in the main languages of the Soviet Union. As was recently nearly the case with American foreign aid, the cut-off is a result of a dispute in Congress.

Senator Fulbright is in his usual role of leading the appeasers. A year ago he succeeded in stopping the provision of funds for the two stations by the Central Intelligence Agency. The State Department took over the responsibility on a year-to-year basis. The Senator now seems within an ace of blocking the voting of funds for the coming year, in which case the stations would have to close down within a fortnight. He says that this would put them "in their rightful place in the churchyard of cold war relics."

Is it "cold warfare" to broadcast the truth to the peoples of the Communist dictatorships? Is it wrong to give them samples of Western culture and entertainment, to seek to correct the dangerous, perverse and malicious slanders about the allegedly aggressive war-like West with which they are fed by their governmental propaganda machines? Do the Communist regimes, in the barrage of vicious propaganda against the West with which they crowd the channels day and night, ask whether they are offending the susceptibilities of the societies it is their intention to disintegrate? The West has the obligation, to itself and to subject peoples everywhere, to testify to democracy. Radio, as millions behind the Iron Curtain will gratefully confirm, is the ideal means of communication in the circumstances. It must not be silenced.

[From the New York Times]

A Senate Majority Speaks

A majority of the members of the United States Senate has sponsored a resolution designed to back continuation of Radio Free Europe and Radio Liberty.

What makes the move extraordinary is that the primary immediate aim of the sponsors is to put pressure on the Senate's conferees to end their deadlock with House conferees on this issue, a stalemate that threatens the swift demise of both these major communications links to Eastern Europe. Now that a majority of the Senate has spoken, there can be no moral basis for the continued obduracy of that chamber's conferees,

Their present tactics, if successful in terminating these broadcasts, can only benefit the Kremlin. Its bitter enmity to these radio voices has long emphasized their importance in filling a communications void by providing information otherwise unavailable.

[From the Wall Street Journal]

Threat to Radio Free Europe

We have difficulty understanding why Senator Fulbright is trying to deny Congressional appropriations to Radio Free Europe and Radio Liberty. We are aware of his animus toward "cold war relics," but both stations have earned virtually unanimous praise for broadcasting objective news and impartial analysis.

There is obviously a crying need for such information, which RFE broadcasts in native languages to five Eastern European nations and which Radio Liberty broadcasts to the USSR in 17 Soviet languages. In effect, the statons function as a free press for some 300-million fettered people. Contrast that with the Communist bloc's unrelieved propaganda broadcasts, 900 hours a day in some 80 languages to every continent.

In the early and mid-50s, both stations were accused of adding to the tensions of the cold war. If so, that charge has not been true for at least 15 years. Indeed, former ambassador to Poland John Gronouski praised the accuracy and detail of RFE's coverage of the Polish uprisings of 1968 (uprisings that were ignored by the Polish media). And both stations gave factual reports on such important issues as the ouster of Khrushchev, the Cuban missile crisis, and the Nixion visit to China, stories that the Communist world ignored or downplayed.

There was a minor flap last year when it was revealed that the Central Intelligence Agency had secretly been subsidizing both stations, even as Washington insisted that they were privately financed. There was no evidence that the CIA ever interfered with program content, but such deception is inexcusable nonetheless—which is why President Nixon proposed that the stations be financed directly by Congress but run by an 11-member nonprofit corporation independent of government control.

Yet Mr. Fulbright objects even to that. And although both houses of Congress have passed authorization bills, he has managed to delay any conference for resolving the differences and thus keeping the stations alive. It is this opposition that we find hard to fathom. Does he also object to the Voice of America?

Although Senator Fulbright argues that the stations have no place in a period of East-West detente, we suspect that they have actually contributed to detente by helping to erode ideological suspicion born of ignorance and misinformation, and that abandoning them may prolong the East-West tension the Senator so passionately denounces. In any event, what's wrong with wanting to contribute to the free flow of ideas across international borders?

FAMOUS HYMN WRITER LIVED IN CLEVELAND

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. MINSHALL. Mr. Speaker, my good friend Earl R. Hoover is an outstanding history buff, a student of Americana. A trustee of the Western Reserve Historical Society and president of the Early Settlers Association of the Western Reserve, he has unearthed a number of little known, but fascinating, items of historical lore.

Among his latest is an article published in the Ohioana Quarterly this winter which tells the story of the Reverend Jeremiah Eames Rankin, author of the much loved hymn, "God Be With You 'Til We Meet Again."

I would like to share this interesting and well-written article with readers of the RECORD.

The article follows:

THE FAMOUS HYMN WRITER WHO LIVED AND IS BURIED IN CLEVELAND

(By Earl R. Hoover of Cleveland, Ohio, who is Senior Vice President of the Shaker Savings Association, Cleveland, Ohio, and former Judge of the Cuyahoga County Common Pleas Court. He is a graduate of Otterbein College and Harvard Law School, trustee of The Western Reserve Historical Society and President of The Early Settlers Association Of The Western Reserve)

Through the courtesy of the Shaker Savings Association, this article is reprinted from the *Ohioana Quarterly*, Columbus, Ohio, issue of Winter 1971, volume 14, number 4.

The small brown book I bought at a second hand sale, *History of Hymns and Authors* by L. F. Mellen, revealed the surprising information that the writer of the words of the world-famous hymn, *God Be With You 'Til We Meet Again*, once lived in Cleveland and is buried in Cleveland's Lakeview Cemetery.

Here Rev. Jeremiah Eames Rankin lies buried in a grave with a humble marker, which reads: "Jeremiah E. Rankin 1828–1904."

This renowned minister is buried in the cemetery plot of Harvey D. Goulder, wealthy Clevelander who was the outstanding admiralty lawyer of the Great Lakes.

Mr. Goulder's sumptuous home, 1561 Euclid Avenue, became Rankin's Cleveland address. The story explaining how Rankin happened to write his famous hymn, and to take up residence in Goulder's home, and later be buried in his cemetery lot, is a fascinating one.

Three New England states figured prominently in Rankin's early life. He was born at Thornton, New Hampshire, January 2, 1828, in a Congregational minister's home. In 1848, at the age of twenty, he graduated from Middlebury College, Vermont. Later Middlebury bestowed a D.D. and a L.L.D. on him. He received his theological training at Andover's Seminary, Massachusetts, class of 1854.

In 1869, Washington, D.C. became Rankin's home. Here he became a national and international figure as "a preacher, author, college president, the personal friend of four presidents" (Ulysses S. Grant, Benjamin Harrison, William McKinley and Theodore Roosevelt), chaplain of the House of Representatives and "probably the best known minister of the Congregational faith".

He held a pastorate in the Capital's First Congregational Church. Here the handsome, dynamic Rankin preached for about fifteen years, attracting a large congregation and important public officials.

Sunday nights Rankin held gospel meetings, and for these there was need for a benediction hymn—a song to conclude Christian gatherings. For this purpose he wrote his now-famous hymn, *God Be With You 'Til We Meet Again*. It was first sung at one of these Sunday evening services, and published 1880, in a song book, *Golden Bells*, which he edited.

People were certain that some emotional or romantic seizure inspired Rankin to write this hymn. He rejected that, saying it "was the product of cool purpose." It has been called "the hymn that was taken from the dictionary," and one based on "etymology."

Since a benediction involves a parting—a "good-bye"—Rankin referred to the dictionary for the meaning of "good-bye". He was surprised at the original definition from which it had changed into a perfunctory phrase. "Good-bye" is a contraction of "God be With Ye." In his hymn, Rankin has restored "good-bye" to its religious meaning.

He wrote the one stanza. Then the 52 year old clergyman searched for someone to write a tune for it. He sent the stanza to two composers. One, C. C. Converse, was already famous for his song *What A Friend We Have In Jesus*. The other composer, unknown, was William G. Tomer, then in charge of music at the Capital's Grace Methodist Episcopal Church. Rankin chose the melody of the unknown composer, because it was so perfectly wedded to his words. After his blind church organist, J. W. Bischoff, had made some minor changes, Rankin then wrote the other seven stanzas.

What was responsible for Rankin's hymn becoming known throughout the world? Not his own church! He said that except for the Sunday night service, it was almost never sung there, but that the Methodists at the Ocean Grove, N.J. camp, began to glorify it. Next it was adopted by the Christian Endeavor movement and became a favorite of young people. Dr. F. E. Clark, founder of Christian Endeavor, said that it followed him as a benediction hymn around the world.

The hymn was published in that celebrated English hymnal *Sacred Songs and Solos*, edited by Ira D. Sankey, the American evangelical singer of the world-renowned American evangelist, Dwight L. Moody. While in Seoul, in 1970, I found Rankin's hymn translated into the Korean language.

It would be impossible here to recount the countless dramatic situations in which Rankin's hymn has been used—as in Memphis, when 3,000 people, bidding goodby to President Theodore Roosevelt, spontaneously burst into the song; or during the Boer War, when the British soldiers used number "494" as a password, which was the hymn's number in Sankey's famous hymnal.

In 1889 Rankin became president of Howard University. Frederick Douglass, eloquent Negro leader, said, "He has done more to secure the rights of my race than all the legislation of Congress."

In 1902, because of failing health, Dr. Rankin resigned Howard University's presidency and moved to Cleveland to live with his daughter, Mary Rankin Goulder, who in Washington had married Cleveland's Harvey D. Goulder, in 1878.

It was on beautiful Euclid Avenue in the palatial Goulder home that Rankin spent his last days.

The Goulder mansion no longer stands. Today the premises are occupied by an automobile dealer.

Rankin died of pneumonia on his 50th wedding anniversary, November 28, 1904, at the age of 76. At his funeral in Cleveland two days later, a quartette sang *God Be With You 'Til We Meet Again*. He was buried in the lot of his distinguished son-in-law, Harvey D. Goulder.

Dr. Richard Storrs of Brooklyn, N.Y., acclaimed the "model preacher of America," wrote: "The greatest privilege which God ever gives to His children upon earth, and which He gives to comparatively few is to write a noble Christian hymn, to be accepted by the churches, to be sung by reverent and loving hearts in different lands, and in different tongues."

Dr. Rankin had been given this "greatest privilege."

LIBERIA: SESQUICENTENNIAL CELEBRATION

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. DIGGS. Mr. Speaker, two important events of direct interest to the United States took place in the West African country of Liberia in January. The first was the inauguration of Liberia's 19th President, William R. Tolbert, Jr., January 3. Following the death of his eminent predecessor, President William V. S. Tubman, in July, the then Vice President Tolbert succeeded to the presidency in a peaceful and constitutional change. Conscious of the historic ties between the United States and Liberia, I take great pleasure in congratulating President Tolbert, the Liberian Government, and people on this significant occasion which manifests the political and economic stability Liberia enjoys and the outstanding leadership of President Tolbert.

The second event was the sesquicentennial celebration on January 7 of Liberia's founding by American freemen in 1822. During the first 100 years of Liberia's existence, Liberia defended its independence, struggling against attempts—some successful to encroach on its territory, to become a member of the League of Nations, an ally in the Second World War, a member of the United Nations, and a leader in the Organization of African Unity.

The friendship between the United States and Liberia is not only longstanding but, more importantly, based on Liberia's very early beginnings. Our mutuality of interests and concerns reflects our historic ties. As Liberia celebrates a century and a half of longevity and of signal accomplishments in nation-building, I share the pride and joy of the people of Liberia and wish them and their nation every success in the years ahead, and hope that the strong bonds of friendship between Liberians and Americans will continue to prosper.

TAX DOLLARS SQUANDERED BY HUD IN ST. LOUIS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. RARICK. Mr. Speaker, as April 15 and the income tax deadline draw near, taxpayers will not find it reassuring to read how over 200 million of their tax dollars went down the drain in an environmental housing experiment in St. Louis.

I include this most interesting report by Shirley Scheibla, as contained in the January 24, 1972, issue of Barron's:

St. Louis Blues—Over $200 Million in U.S. Housing Subsidy Is Down the Drain

(By Shirley Scheibla)

WASHINGTON.—George Romney, Secretary of Housing and Urban Development (HUD), recently ordered a start on demolition of the huge $52 million Pruitt-Igoe public housing project in St. Louis, in which, owing to vandalism and crime, all but 10 of 33 buildings stand vacant and sealed up. He called for demolition of two of its 11-story buildings to test various techniques. (The order came two days after an Assistant Secretary of HUD complained to Barron's that the first article in this series, on Pruitt-Igoe, gave an erroneous impression that demolition tests would begin soon). Thomas Costello of the St. Louis Housing Authority told Barron's he expects to sign a contract early this week and that the demolition of the two buildings will begin immediately thereafter.

EMBARRASSING POSITION

Meanwhile, Secretary Romney finds himself in the embarrassing position of being chided by his own officials for failing to take prompt and adequate corrective action on HUD reports which indicate that:

(1) Besides Pruitt-Igoe, many buildings in other St. Louis public housing projects increasingly are being abandoned and sealed. Some are riddled with bullet holes, while plumbing, hardware and copper have been removed by vandals. "If present trends continue," much of the city's 8,000-odd public housing units soon will be beyond recovery.

(2) Though many slums have been leveled, public housing has not been built, as promised, to accommodate those made homeless.

(3) Adequate relocation services for the housing available have not been provided as required by law.

(4) About half the families offered public housing refuse to move into it.

(5) Of those who do live in public housing, many families pay no rent, and others pay either too little or too much.

(6) HUD money has been used to undertake urban renewal without the feasible program required by the Housing Act.

(7) Federally-financed rehabilitation appears to have violated federal statutes and HUD rules as well as building codes, resulting in excessive costs and shoddy work.

Barron's could find no one at either HUD headquarters or its St. Louis office who knew exactly how much money HUD has poured into St. Louis. Director Elmer Smith, who opened the Department's first area office there in August 1970, said that until then HUD kept track of spending program-by-program, rather than on a city-by-city basis. He now is compiling figures for St. Louis. Meantime he gave Barron's some rough estimates: $80 million for urban renewal, not counting projects completed in the early 'Fifties before HUD was created; $111 million for public housing construction (exclusive of land costs), plus annual operating subsidies, which came to $2.5 million for the last fiscal year; $16.5 million for model cities; $4.5 million for code enforcement, demolition and interim assistance grants.

The U.S. Attorney in St. Louis, Daniel Bartlett Jr., told Barron's he is investigating all HUD programs in the city and so far has referred 11 cases to the FBI. "We may have people making false statements to the government to obtain money," Mr. Bartlett declared. If the FBI finds evidence of this, he said, he expects to start criminal prosecution. He also foresees civil action regarding other irregularities.

According to a HUD official, a grand jury is looking into HUD programs in St. Louis, largely owing to the agency's failure to take decisive action after irregularities had been brought to its attention over a year ago.

Source material for the various investigations undoubtedly will come from HUD's own Comprehensive Consolidated Management Review of the St. Louis Housing Authority, covering November 30, 1970, through December 11, 1970 (completed May 4, 1971). The study found that all public housing in St. Louis, except for the Bleumeyer and Euclid Plaza projects, is in substandard condition and is plagued by inadequate care and protection, vandalism and theft. Conditions, added the Review, "have been allowed to reach chaotic proportions."

AXES AND SLEDGE HAMMERS

Here are some of the Review's findings regarding the Vaughn Apartments, composed of 28 buildings of nine stories each: "The flush hollow metal dwelling unit doors were found to be in various states of disrepair and vandalism. Apparently axes and sledge hammers have been used to damage and force entry. In addition, numerous bullet holes were noted throughout the project. . . . Roof membranes were found to be in very poor condition. . . . The original copper counter flashing and gravel stops have been removed by vandals, and this has contributed to the penetration of water into the top level of apartments. No evidence was found that any repairs or patching has been done to alleviate this problem. . . .

COMPLETE BREAKDOWN

"The lack of security to unoccupied and abandoned dwelling units has led to widespread vandalism and removal of essential equipment such as plumbing, hardware, copper. . . . The stairways were found to be filthy. . . . Exhaust fans were . . . 100% inoperable. . . . The large amount of trash and debris in halls, corridors and stairwells . . . indicates a complete breakdown in the custodial services. . . . Of first priority in maintenance is to secure unoccupied dwellings, so that the essential services of heat and water will not be damaged by the elements and result in flooding and freezing such as in the Pruitt-Igoe project."

Of the high-rise buildings of the Darst-Webb housing project, the Review deemed only one in good condition. At the other structures, it found severe vandalism and neglect, with five buildings completely vacated. At the nine buildings of the Cochran Apartments, the Review found that use of guards reduced vandalism. Nevertheless, it said that three of the buildings are either closed or about to be. "One completely vacated building was noted to still have power, water and steam service. . . . All of the fire hose cabinets . . . have been vandalized of brass nozzles, hose and door assemblies."

UNSUCCESSFUL AT EVICTIONS

The study also reported "all efforts . . . to secure evictions from public housing have been unsuccessful. It appears obvious that until evictions for non-payment of rent can be achieved, more and more tenants will conclude that it is unnecessary to continue to pay rent." In addition, "while the Brooke Amendment of the Housing Act of 1969 requires that HUD pay the difference between the rent charged in public housing and 25% of income, adjustments for all families entitled to rent reductions have not been computed. . . ."

Back in November 1969, Hazle I. Gibson, director of HUD's Relocation Division, wrote Fred C. Hottle of HUD's Region V that a review of records of 93 families displaced during the year ended August 1969 showed over half refused public housing. She said the relocation staff believed this was due chiefly to "the apparent black eye that Pruitt-Igoe has presented to the general public concerning all public housing." Consequently it was suggested that the local authorities "conduct an educational program . . . explaining in detail the application and assignment process, the benefits available to them, particularly financial, if they would move into public housing."

On March 3, 1970, in a memo to HUD Regional Administrator W. W. Collins, H. Earl Rosamand of Region V explained that when the West End rehabilitation project was started, it was estimated that 1,468 families would be displaced and that 1,300 new public housing units and 350 privately built low-income units would take care of them. But "since that time relocation housing has not been produced in accordance with these plans, and families have not accepted public housing. . . . Few private rental or sales housing units have been made available . . . relocation services were not being provided as required by HUD rules and regulations."

CHARGES FAILURE

A HUD memo from Relocation Representative Edgerton A. Taylor to Program Manager Leonard S. Weiss on December 21, 1970, charged that relocation operations in the West End project were a failure. It added that staff requirements for the local planning agency never were completely filled and noted a lack of training and planning by those on the staff. The memo, which ran barely one and a half pages, was supposed to constitute the review of relocation required by Section 105(c)(3) of the Housing Act. HUD's regional counsel ruled, however, that it did not meet the statutory requirements.

Besides financing public housing through the St. Louis Housing Authority, HUD also funds the Land Clearance for Redevelopment Authority of the City of St. Louis (LCRA). As early as March 11, 1970, a HUD audit report of LCRA, covering October 1, 1968, to September 30, 1969, disclosed the disastrous local conditions. Yet a HUD attorney expressed concern that by June 30, 1971, "administrative actions have not been completed upon the audit findings." On July 2, 1971, Thomas Corwin of HUD's Finance and Mortgage Credit Section wrote Lowell Johnson, HUD Associate Regional Counsel, about the audit covering the year ended September 30, 1969. "The audit findings and the LA's written replies," according to Mr. Corwin, "have been reviewed and discussed in several meetings by Area Office Personnel. The results of these discussions is that some of the cost should be allowed and some costs should be disallowed. The exact amounts which are to be recommended for acceptance or disallowance have not been determined."

The report found that "Due to inadequate planning and unsatisfactory management practices, the (West End Urban Renewal) Project is in serious financial condition . . . We believe that the feasibility of continuing this project should be reappraised in prompt and concerted manner, with appropriate consideration given to determining whether the original urban renewal objectives of this project can ever be attained."

FIGURES OVERSTATED?

The West End project was launched in 1965; at the time of the audit, more than half of the time for completing the venture had elapsed, and 75% of the budgeted funds of $25 million had been spent, but only 18.8% of the rehabilitation had been accomplished. Indeed, only 61% of the necessary land had been acquired. Moreover, the study said even that figure might be overstated, because "properties are continuously being vacated, vandalized and boarded up, and the

Authority may have no other alternative but to acquire and demolish them."

Today, according to HUD St. Louis Director Smith, all the money is gone, and only a small fraction of the work is completed. Extensive vadalism has required much demolition instead of rehabilitation. According to a recent report to HUD by the architectural firm of Skidmore, Owings & Merrill, the last of the residents are leaving the area, and the value of the land has declined to about one-fourth of what it was when the project began. To finance the project, HUD gave an outright grant of $20 million and agreed to back $10 million worth of housing bonds.

According to the audit report, the West End project began with the rehabilitation of 32 dwelling units. The auditors found that the Authority, with HUD financing, awarded three contracts for a total price of $335,826. But it did so before completing plans and without including all known work items. As a result, subsequent change orders upped the ultimate price to $470,884, "and thereby negated the advantages of competitive bidding." Moreover, no detailed cost estimates were made prior to the change orders, which "were not executed until the work was either substantially or totally complete." Again, on a contract for $283,558 with Right Craft Builders, the Authority "priced change orders allowing 15% for profit and overhead on subcontracted change work rather than the 6% limitation stipulated in the contract."

DUPLICATE ORDERS

The HUD review also disclosed that in the Right Craft contract, "various items of work in the basic contract were duplicated in change orders, and work items included in some change orders were duplicated in subsequent change orders. As a result, the contractor received duplicate compensation for the same work."

In addition, inspections of properties rehabilitated by Right Craft "disclosed 166 instances of contract work which was not performed and 58 instances where materials used did not comply with contract specifications or where the workmanship was unsatisfactory. Although not as numerous, similar deficiencies were disclosed in the inspection of the properties rehabilitated under Contract Nos. 95 and 96" (for $101,586 and $85,739 with Biltwell Construction Co.). Also, Right Craft was paid "for security services which either were not provided or were duplicated."

Continuing its chronicle, the report noted nine instances in the West End project in which interim inspections, even though required by HUD rules, had not been made during construction to ascertain that it was being done in conformance with contracts.

Inspections of seven properties rehabilitated by SLCRC revealed that all violated property rehabilitation standards. Some of the deficiencies noted included a porch roof column leaning, rain water running into a basement floor, a corner downspout rusted with holes at the point of connection to the gutter, and failure to replace part of a basement ceiling removed by an electrician.

Describing SLCRC as "a non-profit organization that hires hard-core unemployed and trainees in the construction field," the report declared: "This contractor . . . may not have been qualified to do rehabilitation work. . . . Because of the type of employees hired by the SLCRC, we believe the LA (Authority) acted imprudently in awarding rehabilitation contracts without first making a positive determination as to whether the contractor was qualified." While the Authority eventually removed the SLCRC from its list of approved contractors, the report declared the work done indicated a "serious lack of management controls over rehabilitation activities."

LAW SUIT

A suit to enjoin further HUD funding for the West End project has been brought by black citizens and two neighborhood groups, the West End Community Conference and the West Neighborhood Advisory Committee Inc.

In a memo on the case last July, Arthur J. Gang, Assistant General Counsel of HUD for litigation, wrote that "the Secretary's litigation posture could be substantially improved by taking additional measures to improve the operation of the program in this area by applying sanctions unless improvements are made on a specific time schedule." He warned that otherwise, HUD might be forced to take action by court decree.

On September 29, HUD suspended for 90 days the acquisition and selling of land and initiation of capital improvements in the project without specific HUD approval, which so far has not been forthcoming. The suspension now has been extended an additional 30 days to enable Secretary Romney, after Congress reconvenes, to meet with the two Missouri Senators, Stuart Symington and Thomas Eagleton, and the three members who represent parts of St. Louis, Reps. William L. Clay, James W. Symington and Leonor Sullivan.

GEORGE McGOVERN FOR PRESIDENT

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. ABOUREZK. Mr. Speaker, a fine article concerning Senator GEORGE McGOVERN, of South Dakota, appeared in the Progressive recently. The text of that article, which I commend to my colleagues, follows:

[From the Progressive, March 1972]

GEORGE McGOVERN FOR PRESIDENT

It was just a year ago, March, 1971, issue, that the Editors of *The Progressive* welcomed Senator George McGovern's refreshingly unambiguous announcement of his candidacy for the Democratic Party nomination for President. We did not endorse him then; for us it was a time to listen and learn. Now, a year later, on the eve of the first primaries, it is a time for decision. We support Senator McGovern without reservation. He stood tall when he stood alone a year ago; he stands even taller now in a field of candidates that has proliferated so remarkably during the past year. So tall, said Julian Bond, that he rises "head and shoulders" above all his opponents.

What we find so admirable in Senator McGovern is not only his superb record in public office, not only the power and depth of his indictment of things as they are in a system and society stacked so strongly in favor of the Establishment; what also compels us to McGovern's side is that unlike many candidates, he dares propose specific alternatives to present policies—and to make them radical enough, to use that word in its most affirmative sense, to strike at the roots of the urgent problems that confront us. George McGovern is not content to curse the darkness; he is forever lighting candles to illuminate the progressive path he proposes to follow should he become President.

The overriding issue in this campaign divides those who would prop up the status quo and those who are committed to nothing less than the reversal of the nation's priorities. We are summoned in this year of decision to choose whether we shall go on tinkering and temporizing in the face of the now not-so-distant rumblings of disaster—or whether we are prepared to harness all our resources and all our energies in a great national effort to achieve a society that provides equal opportunity for every American, and a society which seeks to improve the quality of life rather than mindlessly increase the quantity of goods.

Alone among the candidates, McGovern has come forward with a wide-ranging program of creative proposals designed to achieve this goal. Not for him the bland generalities and the platitudinous hokum cranked out by professional ghost writers. His campaign speeches, like his record in the Senate, reveal an extraordinary amount of homework in digging for the causes of our crisis and in proposing a specific, hope-inspiring program to meet that crisis. Not for him the all-things-to-all-men approach of the conventional politician straddling his portable fence. McGovern dares to speak truth to power, to challenge the forces of special privilege bv advocating fundamental change.

One need only turn to the Senator's record in opposing the militarization of American foreign policy to judge the range of his attack, the depth of his alternative, and the courage with which he bucks the brass. Not content to strike out in the usual vague terms against the swollen Pentagon budget, McGovern has come forward with a detailed substitute to the Nixon Administration's proposal for soaring military spending. What other candidate has bothered or dared to go beyond the most generalized comment on arms spending?

All his opponents, the Senator has pointed out, have "promised new priorities—new money for such urgent problems as education, housing, transportation, environmental protection, and poverty."

But, he correctly added, "whether they come from candidates or from Nixon apologists, the talk of new priorities is no more than empty talk without a plan to find the funds to make them possible." McGovern has made it clear that much of the needed revenue could be obtained by his proposals to eliminate the multi-billion dollar layers of fat in the military budget, and by closing the tax loopholes which enable special interests to escape their fair share of the tax load.

Step by step, Senator McGovern shows how his military budget would cut total appropriations for the Pentagon by nearly forty per cent, and, said the much decorated World War II bomber pilot, still leave the United States with enough nuclear and conventional forces "to fully protect this country." His alternative defense budget runs to fifty-six pages of statistical data, solidly reasoned analyses, and hard-boiled judgments. We plan to review it in an early issue.

The difference between his budget and the one presented by the Pentagon, McGovern emphasized is that "between conservatism and paranoia," between a "buy-when-we-need" approach and a "wasteful arms race." "Paranoia consists of thinking we're stronger when we can kill the enemy ten times over instead of killing the enemy five times over."

Senator McGovern's commitment to a significant reduction in military spending and a major overhaul of our entire security system is no sudden conversion induced by political ambition in a Presidential election year. The Senator began to dispute the sacredness of the military budget in his first year in the Senate. His history, corroborated by the record, is this:

"Why back in 1963 I challenged the military budget," McGovern points out. "I started offering amendments then, calling for substantial cuts. I challenged the whole assumption of the Defense Department that you measure the defense of a country in military terms only, and I argued that you had to began to develop a criterion of defense which includes some measure of how strong we are in education, in health; how strong the economy is; what is the condition of the cities; what are the relations between various groups in our society—are they at peace with each other or do we have an internal war going on that weakens the country as much as any threat from abroad?"

And, McGovern has correctly noted, "All during the decade of the 1960s, these other Democratic candidates for President were voting for every appropriation the Defense Department sent to the Hill. I was voting consistently to reduce military outlays."

Senator McGovern's attack on the constantly expanding Pentagon budget has been motivated by a double purpose: (1) to strike at the growth of American imperialism and its indispensable ally, the militarization of U.S. foreign policy, and (2) to divert billions of dollars to meeting the social and economic challenge here at home.

For example, in the bitterly controversial field of welfare, McGovern was not content to criticize the inadequacies of President Nixon's family welfare program. Instead, he came up with a viable alternative to the President's plan. The South Dakota Democrat, whose searching inquiries into the scandal of poverty in America have provided him with excellent insight into the plight of the poor, proposes to have the United States adopt the basic welfare device long since instituted in every other industrial nation—a universal children's allowance. He suggests a payment of $50 to $65 a month per child—a sum sufficient to lift many families out of the poverty bracket.

In addition, Senator McGovern's comprehensive program calls for a guaranteed job at a decent wage for every able-bodied citizen of working age; expanded Social Security benefits, and a Federally administered public assistance plan for those few who would still be in need of additional income to escape from grinding poverty. Unlike the President's program, Senator McGovern's envisions the total elimination of hard-core poverty, while Mr. Nixon's would merely provide new palliatives to the perpetually poor.

Critics have dismissed the McGovern plan as "unrealistically expensive." The children's allowance would cost an estimated $10 billion in the first year, and the cost of the total program would amount to about $35 billion a year by 1976. But, as the Senator has emphasized, the entre cost could readily be financed by bringing the military budget down to the more sensible size he proposes.

On another major domestic front, Senator McGovern, again alone among the contenders for the Presidency, was deeply concerned from the beginning of our miserable war in Vietnam that the United States would be faced with an employment crisis and economic slowdown when the war ended. Eight years ago, with the same remarkable foresight he showed in opposing the war itself, he introduced a bill which would have required defense and space contractors to undertake conversion planning as a condition of doing business with the Government. More recently, he sponsored a New National Conversion Act providing that 12.5 per cent of each defense contractor's profits should be set aside as a reserve and used either to finance the contractor's conversion to peacetime production or to pay benefits to workers who might suffer hardship during the conversion.

On the issue of the Vietnam war itself, Senator McGovern, of course, has stood out in the pack of Senators seeking the Democratic Presidential nomination. It was during those early years when he and *The Progressive* were among the lonely voices raised in opposition to the war that we came to know him and admire him for his courage and foresight. His militant opposition to the war, indeed, antedated that of Senator Eugene McCarthy, who led and symbolized the peace forces in the Presidential primary campaign of 1968. Certainly McGovern's record stands in sharp contrast to those of Senators Edmund Muskie, Hubert Humphrey, and Henry Jackson. Until 1969 there was no appreciable difference among those three. They were all Administration supporters of the war in Vietnam. Muskie has said that he had some private reservations about it, but it was McGovern who dared express them publicly.

It is not even wholly accurate to say that McGovern's rivals for the nomination among his Senate colleageus have now seen the light and are acting and speaking accordingly. Ramsey Clark, writing in the *ADA World*, pointed out that only last October Muskie and Humphrey voted against an amendment proposed by Senator Mike Gravel to prohibit bombing of Indochina (except where the President determines that such activity was directly related to safe withdrawal from Indochina). Clark concluded: "If, late in 1971, a man is still voting for that bombing, then I don't really think he's sensed yet—and that means he's an awfully slow learner—what the deep national anguish over the war in Indochina really is."

On the related issue of amnesty for those who evaded or resisted conscription for service in Vietnam, McGovern still stands as the only candidate who has declared flatly that if he were President he would not only end the war but he would follow that with a declaration of amnesty—an Executive Order covering young men who have stood up against the war either by going to jail or by going into exile.

The contrast between the South Dakotan and his primary campaign foes turned up in another vital area of foreign policy: the Mansfield resolution to reduce American forces in Western Europe by fifty per cent. Jackson, Humphrey, and Muskie all voted to continue American forces at their present level—twenty-seven years after the end of World War II.

It seems clear to us that McGovern's record decisively confirms his impeccable credentials as a progressive leader at the very moment in history when our country most urgently requires new direction and new leadership. If this is so, why do some, indeed many, forward-looking Democrats and Independents who admire his record and share his convictions hold back from supporting the South Dakotan? The answer for many is simply that they feel he does not have a chance to win and that it is important to be practical and fight for someone who will be able to overthrow the Nixon Administration.

Some of our best friends are progressive Democrats and Independents and we have listened endlessly to their lament that McGovern "can't win." Indeed, this myth, fostered by some political writers, has achieved a life of its own as a self-fulfilling prophecy. But recent developments combine to expose the myth for what it is.

During the past two months, McGovern has shown that he commands a considerable following, especially among the progressive forces in the Democratic Party. He swept the Massachusetts Citizens Presidential Caucus, rated by *The Boston Globe* as "the best political workers in the state," by piling up sixty-two per cent of the vote of 2,600 progressive Democrats present despite the fact that he was not there to make a direct appeal to the delegates. Shortly thereafter, in Philadelphia, where 1,350 delegates attended a meeting of the Pennsylvania New Democratic Coalition, McGovern captured the endorsement of sixty-three per cent of the votes on the first ballot.

On the same weekend, he amassed eighty-three per cent of the votes cast at the Florida caucus of the Concerned Democrats, and he received the overwhelming endorsement from New York State's New Democratic Coalition that four years ago supported Senator Eugene McCarthy. His feat of rolling up sixty-nine per cent of the vote at the Coalition's state convention led McGovern to express confidence that the New York state delegation to the Democratic National Convention would be committed to his bid for the nomination in July.

While this showing of four victories in four contests added up to an extraordinary expression of progressive support, Senator McGovern made a good enough showing in the two Democratic caucuses held in January to cause even his detractors to concede his vote-getting prowess. In the Iowa precinct caucuses, Senator Muskie won the largest share of the delegates, but, reported *The New York Times*, in a January 26 dispatch from Des Moines: "The victory of the Maine Democrat, widely considered the front-runner for his party's Presidential nomination, was clouded by the unexpectedly strong showing of Senator George McGovern," whose vote-getting ability was shown in at least this instance to be seven times better than his most recent standing in the Gallup Poll. Muskie received only 35.5 per cent, even with the backing of Senator Harold Hughes, Iowa's most popular Democrat, and McGovern 23 per cent, with Humphrey, McCarthy, Chisholm, and Jackson trailing far behind with less than two per cent for each.

Shortly thereafter, Arizona state caucuses gave Muskie first place, but by a margin far smaller than had been expected in view of his strong support by organization Democrats. New York Mayor John Lindsay also did better than had been expected. But it was McGovern's strength at the rank and file level that led to *The Christian Science Monitor's* report that "Muskie enjoyed the support of most prominent Democrats in the state. In the light of that, Lindsay and McGovern showed well—McGovern especially. McGovern neither had the Muskie muscle nor the Lindsay-style media campaign. Lindsay's face gazed from billboards across the state," but he won "only sixteen more delegates (out of 500 chosen to the state convention) than McGovern, who had no media campaign at all. The McGovern drive was a quiet one, behind the scenes, and it worked surprisingly well."

These developments in six widely scattered states represent the total of popular expression in this campaign up to the time we went to press in mid-February. They go far, in our judgment, to explode the myth that McGovern can't win, and to refute the insulting nonsense suggesting that the American people will not support him because he is "too decent."

Recently, John W. Gardner, chairman of Common Cause, expressed the conviction that the people "demand that the candidates mention the unmentionable." The "unmentionable" consists of the issues—as opposed to show-biz humbug that has become such a dominant fixture in American political campaigning. No candidate in sight has shown a wider understanding of the issues, a greater courage to raise them, and a deeper wisdom to cope with them than George McGovern. He has earned our support. He deserves yours too.

RONALD GLASSER'S BOOK, "365 DAYS" WINS AWARD

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. FRASER. Mr. Speaker, Tuesday, February 29, 1972, Ronald J. Glasser, author of the widely acclaimed book, "365 Days," shared the Washington Monthly's annual political book award for 1971.

Glasser's book, which includes his accounts of Vietnam combat as he heard it described in Japan by U.S. casualties of the war, was recognized along with Julian K. Prescott's "A History of the Modern Age."

Glasser's book is reviewed by the distinguished American author, William Styron in the March 1972 Washington Monthly. I can add nothing to Mr. Styron's sensitive review which follows:

THE RED BADGE OF LITERATURE

(By William Styron)

Why is it that the war in Vietnam has inspired tons of journalism, most of it ordinary, yet such a small amount of imaginative literature? Could this be merely the continuation of a negative trend which began during the Korean War—a conflict which also produced little that was notable in the way of fiction, drama, or poetry? For up until the past two decades the wars America engaged in proved to be the catalyst for memorable work from some of our finest writers. In the best of these works—those of Whitman and Melville, Hemingway, Dos Passo, e. e. cummings, Mailer, James Jones—the writers seemed possessed by an almost Euripidean need to demonstrate the eternal tragedy and folly of warfare, its persistence as a mysterious and destructive force dwelling in the very matrix of our nature, its stupidity, its boredom and anguish, and the glorious heroism it sometimes calls forth in spite of itself. In retrospect, it may be that both the appeal and the vitality of these novels and poems—and of lesser yet beautifully crafted works like John Horne Burns' novel of World War II, *The Gallery*—had to do with a kind of residual unconscious romanticism. After all, the Civil War and the two World Wars of this century, whatever their horrors and whatever the historical blunders and idiocies that propelled them into being, possessed moral aspects which could make an individual's participation in the conflict not entirely ignoble. Both Stephen Crane and Hemingway were conscious of the insanity, the brutalization of war, but there were still a few idealistic principles embedded in the Civil War and the First World War, thus lending to *The Red Badge of Courage* and *A Farewell to Arms* certain ironies and contradictions which helped give to each, finally, a romantic and tragic resonance.

It is possible, then, that the further we remove ourselves from wars in which a vestige of idealism exists or—to put it the other way around—the more we engage in waging wars which approach being totally depraved, the less likely we are to produce imaginative writing which contains many plausible outlines of humanity. It is a long leap, both historically and aesthetically, from the clear, frightened, distinctive identity of the hero of Stephen Crane (to whom, incidentally, Ronald J. Glasser's book is dedicated) to the blurred, undifferentiated, curiously one-dimensional 20th-century victims wandering or staggering through the Vietnamese landscape of *365 Days;* yet it is a tribute to Glasser's great skill as a writer that from this most morally loathsome of wars, which has in some way degraded each person who has been touched by it, he has fashioned a moving account about tremendous courage and often immeasurable suffering. It is therefore a valuable and redemptive work, providing as it does a view of the war from the vantage point of a man who has not only been there but has himself, obviously, seen and suffered much.

Glasser is a physician, a former Army major who found himself assigned in 1968 to the U.S. Army hospital at Zama, in Japan. It was here that he first encountered the evacuated wounded from Vietnam, "the blind 17-year-olds stumbling down the hallway, the shattered high-school football player being wheeled to physical therapy." Trained as a pediatrician, Glasser relates how he began to feel a special empathy for these blown-apart, uncomplaining, sometimes hideously mangled casualties of war. "I soon realized," he writes, "that the troopers they were pulling off those med evac choppers were only children themselves. . . . At first, when it was all new, I was glad I didn't know them; I was relieved they were your children, not mine. After a while, I changed." In the act of changing, in the process of becoming involved with these boys, Glasser listened to many stories about the horrors of combat in Vietnam. They were grim stories mostly, touched with the cold hand of mortality and having to do with slow or sudden death and unspeakable wounds, yet some of the tales were wildly improbable and overlaid by the graveyard hilarity that inevitably accompanies any chronicle of warfare.

Recounted in a dry, dispassionate, superbly controlled and ironic voice, these anecdotes mingle at random with Glasser's own vividly observed, first-hand sketches of hospital life in Japan. The effect is disorganized, laconic, rather unsettlingly fragmentary, until one realizes that such a disjointed technique is perfectly suited to the outlines of the lunatic war itself: its greedy purposelessness, its manic and self-devouring intensity, its unending tableaux of helicopters crashing on missions to nowhere, futile patrols ending in bloody slaughter, instantaneous death in some remote mess area miles behind the action. Glasser's yeoman soldiers, aided by modern technology, are as miserably up to their necks in war as were those of Shakespeare. They trip over mines and are reduced to vegetables; after a night of grisly hand-to-hand murder they are enraged when the cook runs out of cornflakes; they nervously conspire to kill their swinish senior officers, and then chicken out. These awful vignettes are rendered with splendid understatement. It is a banal and senseless war, lacking either heroes or a chorus. Perhaps only an ear exquisitely attuned to the banal and senseless, like Glasser's, could do justice to such a nightmare: certainly many of these pages of callow, dyspeptic dialogue—uttered out of young souls quite trampled down with despair and fatigue—are as authentic and as moving a transcription of the soldier's true voice as any written in recent memory.

But if the war has been a war made up of victims and has been denied its true heroes, it has nonetheless had its moments of great sacrifice and courage in the face of incredible suffering. It is through Glasser's calm, unsentimental revelation of such moments that we are able to shake off some of the horror with which these pages are so often steeped and to see *365 Days* as the cleaning and redemptive document it is. Nearly all of Glasser's stories of combat, although admittedly second-hand (as was *The Red Badge of Courage*), are remarkable miniature portraits of men at war. It is in the hospital episodes, however, where the force of Glasser's professional concern melts with the compassion and sensibility of a gifted storyteller, that we are given scenes of wrenching power.

In the last story in the book, Major Edwards, a doctor in the hospital burn unit, is faced with the hopeless task of saving a young soldier cruelly burned across 80 per cent of his body. The tale is simple, the situation uncomplicated; a dedicated physician, through no other motive than that resulting from the mighty urge to hold back death, trying against all odds to salvage someone who himself is suffering, without complaint, ecstasies of pain. Two human beings, then locked in the immemorial struggle against inexplicable fate. This is a familiar story and one that could have been both clinical and cloying, but Glasser's hand is so sure, his eye so clear, that the moment of the boy's imminent death and his last cry to the doctor—"I don't want to go home alone"—seem to rise to form a kind of unbearable epiphany to the inhuman waste and folly of war.

It is this quality, reverent at its best, enormously touching in its concern for the simple worth and decency of life, that gives 365 Days its great distinction and may cause it—one hopes—to become one of those rare chronicles we can use to help alleviate the killing pain of this war, and its festering disgrace. For it shows that in the midst of their most brutish activity there is a nobility in men that war itself cannot extinguish. As Glasser says, in one of the most poignant of his passages, about the "medics": "In a world of suffering and death, Vietnam is like Walt Disney True-Life Adventure, where the young are suddenly left alone to take care of the young. . . . A tour of Nam is 12 months; it is like a law of nature. The medics, though, stay on line only seven months. It is not due to the good will of the Army, but to their discovery that seven months is about all these kids can take. After that, they start getting freaky, cutting down on their own water and food so they can carry more medical supplies; stealing plasma bottles and walking around on patrol with five or six pounds of glass in their rucksacks; writing parents and friends so they can buy their own endotracheal tubes or quite simply refusing to leave their units when their time in Nam is over.

"And so it goes, and the gooks know it. They will drop the point, trying not to kill him but to wound him, to get him screaming so they can get the medic too. He'll come. They know he will."

PRESS SAYS OMB CUTS UNDERMINE INDEPENDENT AGENCIES OPERATIONS IN THE PUBLIC INTEREST

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. EVINS of Tennessee. Mr. Speaker, the beefed-up Office of Management and Budget continues to expand its pervasive influence in the internal management of the independent agencies created by Congress.

Mr. Stephen M. Aug, in an excellent study and analysis in an article in the Sunday Washington Star, points out that OMB is holding a heavy hand over funding of the independent regulatory agencies which are legally arms of the Congress. Many are concerned that OMB virtually dictates to our regulatory agencies and commissions, and limits their powers and effectiveness by budget restraints. The OMB, thus continues to assume more and more power in the White House bureaucracy.

Because of the interest of my colleagues and the American people in this most important subject, I place the article from the Star in the RECORD herewith.

The article follows:

[From the Washington, D.C., Sunday Star, Feb. 27, 1972]

DOES OMB UNDERMINE AGENCY INDEPENDENCE?

(By Stephen M. Aug)

The White House-controlled Office of Management and Budget may be the greatest single factor influencing policies of the seven so-called "independent" regulatory agencies—even more of a factor than Congress—according to hitherto secret figures and correspondence.

The figures, which show just how much OMB has been trimming from the budgets of these small but highly sensitive agencies—which regulate everything from planes and trains to communications and hot new stock issues—have been made available to a Senate subcommittee.

Such figures, along with correspondence from top officials of OMB and its predecessor, the Bureau of the Budget, provide a rare insight into how the activities of these vital agencies are influenced by White House budget makers.

The agencies are the Civil Aeronautics Board, Federal Communications Commission, Federal Maritime Commission, Federal Power Commission, Federal Trade Commission, Interstate Commerce Commission and Securities and Exchange Commission.

The budgets of all these agencies total only $155 million out of a total federal budget of about $230 billion. But, like all federal agencies, their budgets are sent through OMB before reaching Congress as part of the administration's government-wide request.

There is some question as to whether these agencies, which are not really part of the executive branch of the government like cabinet-level departments, and which are supposed to be as independent of political influence as possible, ought to be subject to the control of a White House office.

Documents made available by the agencies show some of the results of this control by OMB:

The deputy director of OMB sought openly to urge the CAB to cut back on subsidies to local service airlines, despite the fact that this is a policy determination left by law solely to the agency's five-member board.

Sharp reductions made by OMB in additional staff sought by the SEC's Division of Corporation Finance could result in less protection for investors. It is this division that examines all registration statements for new stock issues and other statements made by corporations to be certain they are telling the whole truth to the investing public. Additional staff members would have sped up the currently slow registration process.

Personnel cuts at the Federal Trade Commission were aimed by OMB at commission activities in protecting consumers and regulating anticompetitive activities of businesses (these could include mergers and price-fixing activities).

The figures from these agencies show that in most cases their budget requests are trimmed sharply by OMB and less so by Congress. In some instances—the ICC and CAB for example—Congress has given the agencies more than the administration had sought.

LEGISLATIVE POWERS

So pervasive is OMB influence, that all of these agencies—with the exception of the ICC—must submit to it proposals for legislation in areas in which they are supposed to be the experts.

Further, any time one of these agencies wants to issue a form to conduct a survey involving more than 10 companies it must have OMB authorization to issue the form. Even the statements made by the commissioners themselves before a Senate Government Operations subcommittee were examined by OMB—although there appears to be some question whether OMB censored or otherwise cleared them.

Much of this influence by OMB over the regulatory agencies would be eliminated under legislation proposed in the Senate by Lee Metcalf, D-Mont., and in the House by Rep. John Dingell, D-Mich. The bills would allow the seven regulatory agencies to send their budgets directly to Congress, by passing OMB.

Metcalf, whose subcommittee is holding hearings on the legislation, believes there's a continuing threat to the independence of these agencies because of OMB action on their budgets.

"SEVERELY HANDICAPPED"

"Projects and surveys and policing of the various industries with which they're concerned have been so severely handicapped by the activities of OMB that they cannot do the job that's been assigned to them by Congress," Metcalf said.

He believes Congress is willing to give the agencies "substantially greater appropriations" to do the job that it has assigned them. At the same time, Metcalf is critical of Congress for relying too heavily on OMB to present the budget in past years.

So far, the chairmen of four of the agencies—FCC, ICC, FTC and FPC—have testified during Metcalf's hearings. Only the Federal Trade Commission has openly indorsed the legislation, although ICC Chairman George M. Stafford has appeared to lean towards it. The chairmen of all seven agencies are Republicans.

GREATER WORKLOAD

The four who testified—as well as some of the other chairmen who wrote to Metcalf—indicated that the workloads of their agencies had increased markedly in recent years, especially as a result of increased activity by consumer groups and environmentalists.

John N. Nassikas, the power commission chairman, said that since he joined the agency in 1969 its workload "has at least doubled, if not tripled" He added that "as energy shortages developed . . . we have been confronted with a great many more rule-making cases . . . rate increases . . . certifications . . . than any other commission previously was," plus environmental problems.

Perhaps the most obvious attempt by OMB to influence a regulatory agency policy was contained in a letter dated Aug. 2, 1971 from Caspar W. Weinberger, deputy director of OMB, to Secor D. Browne, chairman of the CAB. The letter was similar to those sent to agencies every year before budgets are prepared urging them to be frugal.

But Weinberger's letter said that in 1971 "the board reversed the seven-year trend of local service air carrier subsidy reduction by raising the level of subsidy by more than $20 million. There are indications that the board will investigate all possible measures which would have the effect of reducing the subsidy requirement both in 1972 and in future years."

In 1970 the CAB had paid $36 million to airlines to make up for losses they sustained on certain necessary but unprofitable routes. The subsidy soared to $64 million in 1971.

The reason for the increase was substantially the same as that which caused financial reverses on the major trunk lines—rapid increases in costs of providing service without growth in traffic.

FEDERAL OBLIGATION

Under federal law subsidies are paid to make up for losses on specified routes and allow for a return on investment. CAB auditors do not automatically accept airline figures, and frequently disallow some expenses for reimbursement. But once the five-member board determines that a subsidy is to be paid, it constitutes an obligation on the part of the federal government, whether or not Congress appropriates the money. In the past when Congress sought to disallow a CAB-authorized subsidy the airline involved won the subsidy anyway after a U.S. Court of Claims ruling.

Thus, the Weinberger letter could be taken only as an attempt to influence pending CAB business.

Hard-hit, too, by OMB has been the Federal Communications Commission. For the current fiscal year it had sought $34.5 million. OMB chopped this to $31.5 million, which Congress authorized. Still, according to FCC Chairman Dean Burch, OMB continues to withhold $629,000 of this. OMB had been withholding $1.3 million, but some money was released to allow the commission to replace a radial monitoring station.

One result of the sharp cut in the 1971 request was that the commission had insufficient trained personnel ready to continue with a lengthy investigation into the economic structure of AT&T and its subsidiaries in the Bell System.

DROPPED PROBE

The FCC announced last December it was dropping the investigation but, after considerable pressure from Capitol Hill and elsewhere, announced recently it is reinstating the investigation—and has transferred funds from elsewhere in the agency.

It is open to question whether OMB decisions are based on political motives—whether, for example, it would be politically more expedient to give less service to consumers, or to cut back on a major investigation of a big industry.

Those in OMB would say it's not true—that you simply have to build a budget on national priorities.

One who has the opposite view—and who supports Metcalf's legislation to remove OMB from regulatory agency budgets—is Sen. Fred Harris, D-Okla.

"It is easier for a Henry Ford of the head of AT&T to slip the right word into the ears of a single man in the White House than into the ears of all our senators and congressmen," he said in support of Metcalf's bill.

And he added, "I am certain that if we already had such a system, we would not have seen earlier this year the sorry spectacle of an FCC chairman, appointed of course by President Nixon, attempting to quash an investigation of the rate structure of AT&T, the first in history, on the grounds that staff was lacking."

Here is how the seven independent regulatory agency budgets were trimmed by the Office of Management and Budget, and what they finally got from Congress (in millions of dollars):

Fiscal year	CAB request	OMB approved	Congress allowed
Civil Aeronautics Board:			
1970	$10.9	$10.4	$13.2
1971	12.0	11.1	11.1
1972	13.5	12.8	13.3
1973	14.5	13.5	
	FCC	OMB	Congress
Federal Communications Commission:			
1970	33.6	26.3	24.6
1971	37.8	26.8	26.8
1972	24.5	31.5	31.5
1973	36.7	32.8	
	FMC	OMB	Congress
Federal Maritime Commission:			
1970	3.7	3.7	3.7
1971	4.1	[1] 3.9	3.7
1972	5.5	5.4	5.3
1973	5.8	5.4	
	FPC	OMB	Congress
Federal Power Commission:			
1970	19.8	18.4	18.1
1971	21.4	20.4	19.9
1972	24.0	22.6	22.2
1973	27.5	22.8	
	ICC	OMB	Congress
Interstate Commerce Commission:			
1970	25.9	21.8	20.9
1971	29.9	23.6	22.5
1972	25.9	25.2	25.2
1973	31.9	27.0	
	FTC	OMB	Congress
Federal Trade Commission:			
1970	29.3	28.1	27.7
1971	32.1	27.0	28.4
1972	34.3	28.9	30.6
1973	34.6	29.4	
	SEC	OMB	Congress
Securities and Exchange Commission:			
1970	20.7	29.4	20.4
1971	22.5	22.0	21.0
1972	28.7	26.3	26.3
1973	30.7	28.4	

[1] 4.6 after supplemental request.

STATE PLEASED WITH MANAGEMENT REFORMS

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. MORSE. Mr. Speaker, as one who has served many years on the State Department Organization and Foreign Operations Subcommittee of the House Committee on Foreign Affairs, I am pleased to have this opportunity to call attention to the extraordinary achievements of the Department of State over the past several years, under the imaginative and energetic leadership of its Deputy Under Secretary for Management, William B. Macomber, in overhauling and modernizing its management system so that the Department is better equipped to operate in the changing diplomatic climate of the 1970's.

The changes instituted by Bill Macomber represent the most far-reaching and significant management reforms ever undertaken by that Department. They were in large part necessitated by an appreciation of the State Department's burgeoning administrative responsibilities in an interdependent world, and were accomplished largely under duress, during a period of intense and unprecedented public criticism of the State Department. The impacts of these changes now are being felt in both the policymaking and human relations areas.

In the policymaking area mechanisms have been created which improve the flow of information and ideas, and enhance the process of policy examination and resource allocation, so that talents up and down the line will be more creatively and effectively used.

In the human relations field, long needed modifications in the Department's "selection out" procedures have been introduced, along with effective grievance procedures, which make the system much more equitable. Recently, in fact, the Department's newly created Foreign Service Grievance Board ruled in favor of five out of seven employee/complainants in an unprecedented move.

I feel that it is also significant that these achievements were not made through the efforts of private consultants; rather, all of the changes implemented were based on the recommendations of State Department employees themselves.

Mr. Speaker, Bill Macomber will be the first to say that his achievements to date are but a beginning; that a great deal remains to be done. I would like, however, to commend to my colleagues two articles which have recently appeared in the Federal Times showing clearly that an enormous amount of progress has been made, and that the remaining task will undoubtedly be easier, because of it.

The articles follow:

STATE PLEASED WITH MANAGEMENT REFORMS

WASHINGTON.—The State Department has come a long way in modernizing and implementing management reforms during the past two years, according to a report just released by William B. Macomber, deputy under secretary of state for management.

In a two-year look at departmental operations since the publication of a self-critical analysis titled "Diplomacy for the 70's, A Program of Management Reform for the Department of State," Macomber outlined a number of the reforms already implemented by the department.

Macomber's two-year anniversary report, titled "Change in Foggy Bottom," notes that the department indeed has moved "towards a more equitable and effective system of human relations."

In a look at the program of management reform and modernization, Macomber described the progress in this area as involving a "unique and far-reaching" effort.

It has been unique, Macomber said, in the sense that Secretary of State William P. Rogers did not, as is traditional in an effort of this kind, turn the job over to a team of experts from outside. Instead, in an unprecedented step, he chose the career professionals themselves to draw the plans for reform.

As a result of implementation of certain management reform measures, Macomber added, the following programs have been implemented within the department:

Created for the first time, a policy analysis and resource allocation system—known as PARA—a process for identifying issues, interests and priorities, the allocation of resources in accordance with those priorities, and the periodic review of the department's policies.

Established a new concept of team operation "among the seventh floor" principal officers which affords increased control of the department's planning, decision-making and allocation of resources. This team is served by common staffs, operates under the aeigis of the Secretary and is directed by the under secretary.

Put into effect a new management evaluation capability in the expanded Inspector General's staff, which now will evaluate departmental policies as well as performance.

Introduced a new balance between competition and job tenure in the foreign service officer promotion system which preserves its competitive nature—but provides increased stability and security in the middle years of an officer's career.

Made major changes in the department's recruiting activities which already are bringing a much wider range of skills into the foreign service officer corps than ever before.

Adopted the concept of a new Foreign Affairs Specialist Corps (FAS). More than 870 career specialists reportedly have applied for entrance into this new corps, despite legal objections that have been raised by opponents of the FAS concept Macomber expressed hope these objections will be overcome shortly "so that this important innovation will play a key role in our modernization effort."

Established a "mustang" program to identify clerical and staff support employes with unused talent or undeveloped potential and provide opportunities to them for advancement to officer-level positions through special training and assignments.

Encouraged flow of information, new ideas, divergent opinion and creative dissent within the department—and at posts abroad through the mechanisms of special message channels, new staff functions and the continued use of the Secretary's "open forum panel."

In singling out areas of modernization and reform, Macomber acknowledged that much of the success in this area depends on the "development of an increasingly effective, fair and enlightened system of human relations within the department."

Here too, Macomber said the department experienced "a remarkable two years, with much progress being made—and with much still left to be done."

As one example, he cited the progress made in providing equality for women within the department, enabling them to hold down responsible jobs not previously open to them. According to Macomber, women now are assured equal consideration for assignments, training opportunities and prequisites without regard to sex or marital status.

Indeed, Macomber added, one of the more interesting aspects of programs to enhance career possibilities for women is the development of working family teams in which both the wife and husband are career foreign service employees. According to Macomber, "over 30 such teams are now in the department's foreign service—and more may be expected soon.

Macomber also noted that efforts are under way to accord increased recognition of the professional status and rights of secretaries—still one of the largest and most important groups of women in the department's civil and foreign services.

Concerning minority groups, Macomber said that in the past two years the department continued to emphasize its minority recruiting program despite personnel cuts and the resultant reduction in overall recruitment.

Of overriding importance in the area of human relations, the Macomber report said, is the creation of a formal employe-management relations system for the foreign service.

Noting that the President recently signed an executive order called for an employe-management program within the State Department. Macomber added that "for the first time members of the foreign service will have an important and formal voice in the development of all personnel policies—policies which play such an important part in their lives and careers."

Under this system, members of the foreign service can elect an organization to be their exclusive representative—and administrative officials in the department are required to consult with that organization on personnel policies which either the department or the employes wish to change.

If these consultations fail to result in agreement, the employe's representative can appeal over the heads of the department's administrative officials to the Board of the Foreign Service. The Board of the Foreign Service will have two subgroups to help it carry out its responsibilities. Both of these groups are independent of the administrative side of the State Department.

First is the three-member Employes-Management Relations Commission made up of representatives of the Department of Labor, the Civil Service Commission and the Office of Management and Budget. This commission will have the final say with respect to the supervision of elections and the adjudication of unfair labor practice complaints.

The second group, working directly under the Board of the Foreign Service, is known as the disputes panel. It is made up of one member from the Department of Labor, one from the Federal Services Impasses Panel, one from the public and two from the foreign service. Thus, the Macomber report notes, the majority of this Disputes Panel comes from "outside" the Department of State.

Moreover, the two foreign service representatives who sit on the panel cannot be part of the department's management.

When the administrative authorities of the department cannot reach agreement on their consultations with the representatives of the foreign service employes, it will be the function of this disputes group—acting on behalf of the Board of the Foreign Service—to establish the facts and seek a solution through mediation. If this fails, then the Panel would have to recommend an appropriate solution to the Board of the Foreign Service.

"With the development of this employe-management relations system, "Macomber said "we have passed an historic milestone in the continuing development of the foreign service." He noted too that this milestone was not reached easily—and that it involved strong difference of opinion and much hard bargaining and public controversy.

"But what has emerged in the judgment of both the management of the department and the leadership of the American Foreign Service Association," Macomber added is "a system well adapted to the foreign service—and a system under which the men and women of the foreign service can have a real voice in the politics and regulations affecting their careers."

Noting that there also exists a need for a "meaningful grievance procedure independent of the department's personnel authorities and in which the individual's rights are clearly defined and understood," Macomber said that until recently, such a system did not exist.

There was in its stead a formal system of limited scope and an informal system in which every effort was made to be fair—but which was neither independent of the personnel authorities nor characterized by any specific definition of the rights of an aggrieved employe.

According to Macomber, the department now has instituted an interim grievance procedure, chaired by William Simkin—who from 1961 to 1969 served as director of the Federal Mediation and Conciliation Service.

Unlike the earlier arrangements, Macomber said, the interim grievance program—made up of distinguished public members as well as career officials with considerable foreign service experience—is set up and operates independently of the personnel and administrative officials of State, the Agency for International Development and the U.S. Information Agency.

This interim procedure reportedly will be replaced by a permanent one to be bargained collectively following the elections of an organization to represent employees in employe-management relations.

Another crucial area of the department's human relations involves that of involuntary retirement or "selection out" as it is more commonly known.

According to Macomber, such a system—presently required by law—is an essential ingradient of a strong foreign service. He added that he believed this view also was shared by "the great majority of foreign service officers."

Acknowledging that this system has come under increasing attack, Macomber said that "we now have in the employe-management relations system a particularly appropriate means for the representatives of foreign service employes to sit down with the department's management for a careful and thorough reexamination of the selection-out system."

"I am confident that out of the reexamination," Macomber said "will come a reaffirmation of the need for a continued involuntary retirement system—and I am equally confident that in this reexamination we are going to find ways to make it a fairer and stronger system."

Macomber noted that fewer than 10 officers are presently scheduled for involuntary retirement between now and June 30. In view of this upcoming reexamination, Macomber added, the State Department has suspended all final selection-out actions between now and that date.

Noting that the past two years has been a time of "tumult, criticism, disagreement and public controversy," Macomber said that he did not believe the old system was as unfair as has sometimes been alleged. In a highly competitive system such as ours, he said, there are bound to be disappointed persons.

Indicating that modernization is a process that will continue in the department, he also lauded the young career officers who in increasing numbers preceding January 1970 pressed for reforms.

GRIEVANCES OF FIVE IN FOREIGN SERVICE UPHELD; RAP AT AGENCIES UNPRECEDENTED

(By Bill Andronicos)

WASHINGTON.—In an unprecedented move, the Foreign Service Grievance Board has ruled in favor of employes in five of seven complaints filed in major foreign affairs agencies.

The decisions involved complaints from employes serving with the Department of State, the Agency for International Development and the U.S. Information Agency.

Some sources believe the grievance board actions may take the sting out of arguments by critics that the department's newly implemented interim grievance system is indifferent, inept and callously management oriented in its handling of grievance cases.

The board upheld the agencies in only two instances. In one case, the board upheld the agencies' uniform interpretation of a regulation and in the other case, it ruled against the grievant because the individual had failed to comply with all aspects of certain regulations governing his claim.

Concerning one of the five other cases the board found that a secretary with an outstanding performance record had been placed at a serious disadvantage for promotion by failure of supervisors to submit efficiency reports on her in accordance with the regulations.

To offset the damage, the board recommended her for prompt promotion.

Moreover, to prevent recurrence of this type of grievance, the board urged the uniform adoption of a policy that would make delinquent efficiency reports a matter of record in supervisors' performance files, as currently is the case in matters involving security violations.

In the second case, the board ordered the removal from an employe's performance file of a falsely prejudicial memorandum written on him by a visiting senior official.

Also, the board recommended that the employe be promoted and that the practice of placing such memoranda in performance files under similar circumstances be discontinued.

Similarly, in two other cases, the board ordered other falsely prejudicial material, including an efficiency report, removed from performance files—and in one instance, noted its belief that the employe had been "the victim of repugnant and obnoxious treatment."

In the fifth case, the board ordered an employe's performance file expanded to include a statement to counteract any possible negative impact arising out of the employe's having to work under conflicting dual authorities.

The board notified nine other employes earlier this month that their cases merited formal hearings. The first of these hearinges is scheduled for airing later this month.

The State Department's relatively new interim grievance procedures for foreign service officers and employes went into effect last summer. It is the latest in a series of personnel reforms introduced by Deputy Under Secretary of State for Management William B. Macomber Jr.

The regulations apply to State, U.S. Informational Development.

These temporary grievance regulations apply only until a permanent grievance system is set up under the recently implemented presidential executive order—EO-11636—which grants foreign service personnel the right to hold elections to determine whether they want to be represented in employee-management relations by an organization that would serve as exclusive representative.

The new executive order—which replaced EO-11491 because it was determined that the new order better adapts itself to foreign service than did the old one—also leaves it up to the foreign service employees to decide which organization they want to represent them.

In accordance with a departmental announcement on Aug. 12, 1971, regarding interim grievance procedures, one of the first items on the agenda for employe-management consultations after an election to determine the employes' preferred bargaining exclusive representative, if any, will involve the development of a definite grievance procedure for State, USIA and AID.

TP date, the State Department had come under attack over alleged insensitivity to grievance and appeals matters from the American Federation of Government Employees (AFGE). Spearheading the criticisms have been AFGE Locals 1534 and 1812, the former representing State-AID employes and the latter USIA employes.

In the past, lack of grievance procedures in the foreign service brought outcries for reform from the American Foreign Service Association, a professional organization.

However, AFSA recently announced it is pleased with the new executive order which gives foreign service employes the right to organize unions.

During the past year, some congressmen also expressed concern over shortcomings in grievance and appeals matters within the foreign service.

Consently, Sen. Birch Bayh, D-Ind., introduced a bill to provide an appeals procedure within the State Department while Sens. Jack Miller, R-Iowa, and Frank Moss, D-Utah, both offered legislation designed to set up an appeals review board outside the State Department.

HOUSE OF REPRESENTATIVES—*Tuesday, March 7, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

O magnify the Lord with me and let us exalt His name together.—Psalms 34: 3.

Almighty God, our Father, amid the changes of this swiftly moving age and troubled as we are by many things, we would be sure of Thee, without whom all our labor is in vain. During these days which try our souls as we seek to lead our Nation in just and good ways, help us to strengthen the spiritual foundations of our national life, for we know that only with Thee can we continue to be a channel of liberty to those who seek to be free.

May Thy special blessing rest upon our beloved colleague, Dick White, in his sorrow, and upon these representatives of our people as they face the difficult problems of this troubled time. Enable them by Thy grace to be true to Thee, true to the high ideals of our democratic faith, and true to the brightest and best within themselves.

In the spirit of Him who was always true to Thee we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2067) for the relief of Mrs. Rose Thomas.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MARIA LUIGIA DI GIORGIO

The Clerk called the bill (H.R. 2070) for the relief of Maria Luigia Di Giorgio.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. ANNA MARIA BALDINI DELA ROSA

The Clerk called the bill (H.R. 3713) for the relief of Mrs. Anna Maria Baldini Dela Rosa.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CHARLES COLBATH

The Clerk called the bill (H.R. 4310) for the relief of Charles Colbath.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. CARMEN PRADO

The Clerk called the bill (H.R. 6108) for the relief of Mrs. Carmen Prado.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

RENE PAULO ROHDEN-SOBRINHO

The Clerk called the bill (H.R. 5181) for the relief of Rene Paulo Rohden-Sobrinho.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CATHERINE E. SPELL

The Clerk called the bill (H.R. 7312) for the relief of Catherine E. Spell.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

FRANK J. McCABE

The Clerk called the bill (H.R. 1862) for the relief of Frank J. McCabe.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

DONALD L. BULMER

The Clerk called the bill (H.R. 1994) for the relief of Donald L. Bulmer.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. MARINA MUNOZ DE WYSS (NEE LOPEZ)

The Clerk called the bill (H.R. 5579) for the relief of Mrs. Marina Munoz de Wyss (nee Lopez).

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CARMEN MARIA PENA-GARCANO

The Clerk called the bill (H.R. 6342) for the relief of Carmen Maria Pena-Garcano.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

WILLIAM H. NICKERSON

The Clerk called the bill (H.R. 4064) for the relief of William H. Nickerson.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

ANTONIO BENAVIDES

The Clerk called the bill (H.R. 2394) for the relief of Antonio Benavides.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. CONCEPCION GARCIA BALAURO

The Clerk called the bill (H.R. 2703) for the relief of Mrs. Concepcion Garcia Balauro.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ALBINA LUCIO Z. MANLUCU

The Clerk called the bill (S. 559) for the relief of Albina Lucio Z. Manlucu.

Mr. DELLENBACK. Mr. Speaker I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

VLADIMIR RODRIGUEZ LA HERA

The Clerk called the bill (H.R. 2076) for the relief of Vladimir Rodriguez La Hera.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

AMPARO CORONADO VIEUDA DE PENA AND HER THREE MINOR CHILDREN

The Clerk called the bill (H.R. 4679) for the relief of Amparo Coronado Vieuda de Pena and her three minor children: Yolanda Pena, Marisela Pena, and Lorenzo Pena.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

LESLEY EARLE BRYAN

The Clerk called the bill (H.R. 6201) for the relief of Lesley Earle Bryan.

There being no objection, the Clerk read the bill, as follows:

H.R. 6201

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Lesley Earle Bryan shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant admissions authorized pursuant to the provisions of section 21(e) of the Act of October 3, 1965.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MATYAS HUNYADI

The Clerk called the bill (H.R. 6907) for the relief of Matyas Hunyadi.

There being no objection, the Clerk read the bill, as follows:

H.R. 6907

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provision of section 212 (a)(23) of the Immigration and Nationality Act, Matyas Hunyadi may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANDRIANO BOTELHO MONIZ

The Clerk called the bill (H.R. 7011) for the relief of Andriano Botelho Moniz.

There being no objection, the Clerk read the bill, as follows:

H.R. 7011

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Adriano Botelho Moniz may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Mr. Albert G. Linder, citizen of the United States, pursuant to section 204 of the Act.

With the following committee amendment:

On page 1, strike out all of lines 6, 7, and 8, and substitute in lieu thereof the following: "and a petition filed in his behalf by Mr. Albert G. Lindner, a citizen of the United States, may be approved pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status, under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHUNG CHI LEE

The Clerk called the bill (H.R. 7641) for the relief of Chung Chi Lee.

There being no objection, the Clerk read the bill, as follows:

H.R. 7641

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 212(a) (9) and section 212(a)(10) of the Immigration and Nationality Act, Chung Chi Lee may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided further,* That these exemptions shall apply only to grounds of exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARIA MANUELA DA JESUS GAMBINO

The Clerk called the bill (H.R. 4050) for the relief of Maria Manuela da Jesus Gambino.

There being no objection, the Clerk read the bill, as follows:

H.R. 4050

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Maria Manuela da Jesus Gambino shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

"That, for the purposes of sections 203(a) (1) and 204 of the Immigration and Nationality Act, Maria Manuela Amaral shall be held and considered to be the natural-born alien daughter of Mr. and Mrs. Silverio De Amaral, lawfully resident aliens in the United States: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

AMENDMENT TO THE COMMITTEE AMENDMENT OFFERED BY MR. EILBERG

Mr. EILBERG. Mr. Speaker, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. EILBERG: In the committee amendment strike out "sections 203(a) (1)" and insert in lieu thereof "sections 203(a)(2)".

The amendment to the committee amendment was agreed to.

The committee amendment, as amended, was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "For the relief of Maria Manuela Amaral."

A motion to reconsider was laid on the table.

MARGARIDA ALDORA CORREIA DOS REIS

The Clerk called the bill (H.R. 6504) for the relief of Margarida Aldora Correia dos Reis.

Mr. BROWN of Michigan. Mr. Speaker,

I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

EMILIA RUFFOLO

The Clerk called the bill (H.R. 10142) for the relief of Emilia Ruffolo.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. GLORIA VAZQUEZ HERRERA

The Clerk called the bill (H.R. 1974) for the relief of Mrs. Gloria Vazquez Herrera.

There being no objection, the Clerk read the bill, as follows:

H.R. 1974

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Gloria Vazquez Herrera shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203 (a) of the Immigration and Nationality Act.

With the following committee amendment:

On page 1, beginning on line 7, after the words "visa fee." strike out the remainder of the bill.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed and a motion to reconsider was laid on the table.

LUZ MARIA CRUZ ALEMAN PHILLIPS

The Clerk called the bill (H.R. 2052) for the relief of Luz Maria Cruz Aleman Phillips.

There being no objection, the Clerk read the bill as follows:

H.R. 2052

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for purposes of the Immigration and Nationality Act, Luz Maria Cruz Aleman Phillips shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant admissions authorized pursuant to the provisions of section 21(c) of the Act of October 3, 1965.

With the following committee amendment:

On page 1, beginning on line 7, after the words "visa fee." strike out the remainder of the bill.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HOWREY LUMBER CO.

The Clerk called the bill (H.R. 2131) for the relief of the Howrey Lumber Co.

There being no objection, the Clerk read the bill as follows:

H.R. 2131

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay to the Howrey Lumber Company, El Paso, Texas, the sum of $6,006.85, in full settlement of all claims of such company against the United States for reimbursement for moving expenses which it incurred (over and above the amount of such reimbursement approved within the limits of Public Law 88–300 by the International Boundary and Water Commission) in transferring to a new location in 1967 as a result of its displacement in connection with the Chamizal agreement. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 5, strike "$6,006.85" and insert "$5,927.35".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. DAVID G. SIMONS

The Clerk called the bill (H.R. 3413) for the relief of Dr. David G. Simons, lieutenant colonel, U.S. Air Force, retired.

There being no objection, the Clerk read the bill as follows:

H.R. 3413

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Doctor David G. Simons, lieutenant colonel, United States Air Force (retired), of Houston, Texas, is relieved of all liability to refund to the United States the sum of $8,757.65 representing the amount of overpayments of military retired pay received by the said Lieutenant Colonel David G. Simons as a result of an erroneous determination by the United States Air Force that he was excepted from the Dual Compensations Act restrictions while employed by the Veterans' Administration hospital.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Lieutenant Colonel David G. Simons an amount equal to the aggregate of any amounts paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 9, strike "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ALBERT W. REISER, JR.

The Clerk called the bill (H.R. 3751) for the relief of Albert W. Reiser, Jr.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MAJ. HENRY C. MITCHELL, RETIRED

The Clerk called the bill (H.R. 5299) for the relief of Maj. Henry C. Mitchell, retired.

There being no objection, the Clerk read the bill as follows:

H.R. 5299

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Major Henry C. Mitchell, United States Army, retired, of Tallahassee, Florida, the sum of $514.15 in full settlement of all his claims against the United States arising out of his family's move (in July 1964 prior to the delayed issuance of moving orders) from Columbia, South Carolina, to Nashville, Tennessee, while he was on active duty with the United States Army. Such claims consist of fees paid to movers, a travel allowance for his wife and children, and a dislocation allowance.

SEC. 2. No part of the amount appropriated in the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 4, strike "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GARY R. UTTECH

The Clerk called the bill (H.R. 5315) for the relief of Gary R. Uttech.

There being no objection, the Clerk read the bill as follows:

H.R. 5315

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Gary R. Uttech, of Mosinee, Wisconsin, is hereby relieved of liability to the United States in the amount of $312.50, representing overpayments of active duty pay received by him as a member of the United States Navy for the period June 8, 1966 to October 10, 1969, inclusive, as a result of administrative errors on the part of Government personnel who failed to make required deductions in his pay for authorized bond allotments and leave.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Gary R. Uttech an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 11, and page 2 lines 1 through 14: Strike all of section 2.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN W. SHAFER, JR.

The Clerk called the bill (H.R. 6820) for the relief of John W. Shafer, Jr.

There being no objection, the Clerk read the bill as follows:

H.R. 6820

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That John W. Shafer, Junior, of Troy, New York, is relieved of all liability for repayment to the United States of the sum of $3,150 representing the amount of postage deficiency in his fixed credit account as the Superintendent of Office Services at the Albany, New York, Post Office.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to said John W. Shafer the sum of any amounts received or withheld from him on account of the loss referred to in the first section of this Act.

(b) No part of any amount appropriated by this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same is unlawful, any contract to the contrary notwithstanding. Violation of this section is a misdemeanor published by a fine not to exceed $1,000.

With the following committee amendment:

Strike all after the enacting clause and insert:

"That, on such terms as it deems just, the United States Postal Service is authorized to compromise, release, or discharge in whole or in part the joint and several liability of John W. Shafer, Junior and John F. Schumacher, employees at the Albany, New York, post office, for a deficiency in the amount of $3,150 in the stamp stock of John W. Shafer, Junior."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JERRY L. CHANCELLOR

The Clerk called the bill (H.R. 7946) for the relief of Jerry L. Chancellor.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

DONALD P. LARIVIERE

The Clerk called the bill (H.R. 8952) for the relief of Donald P. Lariviere.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

MRS. ROSANNA THOMAS

The Clerk called the bill (H.R. 9473) for the relief of Mrs. Rosanna Thomas.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

MR. AND MRS. JOHN F. FUENTES

The Clerk called the bill (H.R. 11045) for the relief of Mr. and Mrs. John F. Fuentes.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ALBERT G. FELLER AND FLORA FELLER

The Clerk called the bill (S. 247) for the relief of Albert G. Feller and Flora Feller.

There being no objection, the Clerk read the bill as follows:

S. 247

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Albert G. Feller and Flora Feller, of Ketchikan, Alaska, the sum of $267.12, representing the cost to them of having the body of their deceased son transported from Anchorage, Alaska, to Ketchikan, Alaska, such son having drowned prior to return from his United States Army preinduction physical examination in Anchorage.

SEC. 2. No part of the amount appropriated in this Act in excess of 20 per centum shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same is unlawful, any contract to the contrary notwithstanding. Violation of the provisions of this section is a misdemeanor punishable by a fine not to exceed $1,000.

With the following committee amendment:

Page 2, line 2: Strike "in excess of 20 per centum".

The committee amendment was agreed to.

The bill was ordered read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ARLINE LOADER AND MAURICE LOADER

The Clerk called the bill (S. 341) for the relief of Arline Loader and Maurice Loader.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DAVID J. CRUMB

The Clerk called the bill (S. 888) for the relief of David J. Crumb.

S. 888

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to pay out of the appropriations available for payment of travel expenses to David J. Crumb, formerly stationed in Roseburg, Oregon, who incident to permanent change of station was ordered to report for duty at his new station in Pinedale,Wyoming, on December 31, 1967, the real estate expenses which would have been payable to him under the provisions of section 5742(a) of title 5, United States Code, and Bureau of the Budget Circular Numbered A-56, revised October 12, 1966, without regard to the time limitation contained in section 4.1d of the Circular: *Provided,* That no part of the amounts authorized to be paid by this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with the claim of Mr. Crumb, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment.

Page 2, lines 3 and 4, strike "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Private Calendar.

REQUEST FOR PERMISSION FOR COMMITTEE ON BANKING AND CURRENCY TO FILE REPORT ON H.R. 13120 UNTIL MIDNIGHT SATURDAY

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency may have until midnight Saturday, March 11, to file a report on H.R. 13120, to provide for modification in the par value of the dollar, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask the gentleman from Texas if that is the bill which his committee is bringing out which has to do with the value of gold in this country?

Mr. PATMAN. Yes, that is correct. It passed by a vote of 26 to 1.

Mr. HALL. Mr. Speaker, by request I must object to this request at this time.

The SPEAKER. Objection is heard.

SMALL BUSINESS SUBCOMMITTEE SCHEDULES HEARINGS

(Mr. STEPHENS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. STEPHENS. Mr. Speaker, at the direction of the chairman of the House Banking and Currency Committee, the Small Business Subcommittee, of which I am the chairman, will hold hearings on April 11, 12, and 13 on two small business bills. The first bill, H.R. 10792, would increase the overall SBA lending ceiling from $3.1 billion to $5.8 billion. This is the money that SBA may have outstanding in loans at any one time. It does not provide any additional funds or authorize the expenditure of any funds but simply allows SBA to continue operations once it has reached its ceilings. The bill also provides several ceilings for expenditures under various SBA loan programs. It is estimated that SBA will reach its current loan ceiling in July of this year and, unless this legislation is enacted, the agency will have to discontinue its lending policies even though it will have money on hand for loans. The second bill, S. 1905, is an omnibus small business bill that deals not only with regular SBA lending programs but also the Minority Enterprise Small Business Investment Company and volunteer programs of SBA. The hearings will be held in room 2128 of the Rayburn Building beginning at 10 a.m. each day.

THE VETERANS OF FOREIGN WARS

(Mr. WINN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. WINN. Mr. Speaker, earlier today I had the pleasure of having breakfast with members of the Veterans of Foreign Wars from my home State. As a member of the Veterans' Affairs Committee, this meeting and a later briefing by the commander in chief of the VFW before our committee are particularly useful to me.

Briefings such as these are excellent examples of the tireless efforts by the VFW to improve the way of life for our Nation's veterans.

I would like to take this opportunity to bring to the attention of my colleagues some of the activities of the VFW. The VFW, with 1,700,000 members in 10,000 posts, provides important services to our veterans as well as the Nation as a whole.

Its "Buddy Poppy" sales on behalf of our disabled veterans are well known. Perhaps not as well known, but equally important, are its activities and interests in our veterans hospitals, rehabilitation of disabled veterans, as well as its efforts to see that each of our Nation's veterans is gainfully employed in jobs fitting with their service to our country.

Their community activities on behalf of all of us merit special mention. They sponsor many important civic organizations. The youth of this Nation benefit from their sponsorship of many youth organizations and programs.

Loyalty Day and Voice of Democracy programs and other activities by the VFW help continue to remind all of us of our American heritage. Programs such as these are vitally important to the continuation of attitudes that have helped make this country great.

BUSINESS INVESTMENT SURVEYS SUGGEST STRONG ECONOMIC EXPANSION

(Mr. FREY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FREY. Mr. Speaker, a strong advance in business investment will help insure a healthy rate of economic growth this year. Recent surveys of business intentions indicate that there will indeed be an upsurge in investment throughout the coming months.

The February Commerce-SEC survey of business plans to invest in new plant and equipment shows that firms intend to spend 10.5 percent more this year than they did in 1971. This is not only several times greater than the increase in 1971, but also indicates an improvement in investment intentions since December. The survey suggests that the business sector will be a full participant in the economic expansion this year and that businessmen find economic prospects quite favorable.

These conclusions are upheld by the recent McGraw-Hill survey of business investment plans for 1972. This highly respected private survey indicates that businessmen will spend more than $90 billion on new investment this year, 11 percent more than last. Moreover, this acceleration will be widely shared by many industries.

Recent figures on actual business spending confirm these surveys of anticipated spending. New orders for manufacturers goods surged more than 6 percent in January, the sharpest monthly gain in nearly 16 years. New orders for durable goods, including capital equipment, jumped nearly 10 percent in the month. This data shows that businessmen are beginning to implement their increased spending plans.

We should not judge the economic outlook on the basis of 1 month's favorable statistics alone. However, when coupled with the unusually favorable surveys of anticipated business investment, the recent data strongly suggests a vigorous economic expansion throughout the year.

MOSCOW AND WARSAW TREATIES NOW CONSIDERED IN THE PARLIAMENT OF WEST GERMANY

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, there has been a great deal of discussion of late regarding the Moscow and Warsaw Treaties now under consideration in the Parliament of West Germany. Much of that discussion has taken the form of warnings that the defeat of these treaties would be harmful to relations between the United States and West Germany.

In point of fact, however, quite the opposite is true. In these treaties the current West German Government makes substantial moral and political concessions to the East without obtaining reciprocal concessions. The treaties therefore tend to place West Germany under obligation to the East and her ties with the United States cannot help but be diminished as a result.

As our able colleague, the gentleman from Missouri (Mr. ICHORD), so correctly pointed out in his recent statement—CONGRESSIONAL RECORD, February 29, 1972, pages 6119–20—in "going it alone"

in negotiations with the Soviets, the West Germans will almost surely find themselves very vulnerable to future Soviet extortions if the treaties are ratified. Great pressures will be brought to bear upon them to give considerable economic technological, and scientific aid to Communist regimes and to recognize the permanent existence of the various Communist governments, including East Germany. The result could well be, as my colleague has suggested, the reunification of Germany but under a Communist regime.

I feel confident this is not the desire of the German people, and it is certainly not in the interests of the Western World, in the community of which West Germany has been a stalwart ally.

Few Americans with any knowledge of the content of these treaties can logically arrive at the conclusion that their defeat could possibly damage United States-West German relations so gravely as would their ratification.

BUSING LEGISLATION FRUITLESS

(Mr. CLANCY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CLANCY. Mr. Speaker, I urge my colleague here today to oppose legislation that would force their children and mine to rise before dawn, ride for 1 hour to school, and then return by the same 1-hour route at night.

This legislation is intended to achieve integration of our schools, certainly a commendable goal. However, in the name of commonsense, it is fruitless and wasteful legislation. It would achieve percentiles of racial balance in our schools, but nothing else.

It means the destruction of our neighborhood school system which has served us well. It means wider communication gaps between teacher and parents which is vital to the future educational course of our children. It destroys the pride in a community institution which has caused its neighbors to work voluntarily for it and to support it.

As a matter of practicality, such legislation is wasteful. In my home State of Ohio, schools are pressed to the wall for financing. They need all of the community support they can get. Some schools in my State, I must point out, have scheduled classes for only a short time because they did not have enough money for full terms. If the added tremendous expense of new buses, drivers, and maintenance is added to the already hard-pressed budgets of such schools, then those schools would necessarily have to cut back again on quality education.

My friends, legislation to give equal rights to all is desirable and commendable. But this legislation is not right. Quality education can solve most of this Nation's problems in the future. We cannot achieve that quality if we subordinate the basic goal of education for some other purpose.

CONFERENCE REPORT ON S. 602, DISPOSITION OF JUDGMENTS RECOVERED BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD RESERVATION, MONT.

Mr. ASPINALL. Mr. Speaker, I call up the conference report on the bill (S. 602). To provide for the disposition of judgments, when appropriated, recovered by the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont., in paragraphs 7 and 10, docket No. 50233, U.S. Court of Claims, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

Mr. KYL. Mr. Speaker, reserving the right to object, it is my understanding that this conference report was a unanimous report, but in keeping with the policy of the Committee on Interior and Insular Affairs, particularly the chairman of the committee, the gentleman from Colorado (Mr. ASPINALL) I assume he would like to put some explanation of the conference action in the RECORD at this point.

Mr. ASPINALL. Mr. Speaker, if the gentleman from Iowa will yield, the gentleman is correct, and I would like to have that come after the statement of the managers is read.

Mr. KYL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of March 1, 1972.)

Mr. ASPINALL (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ASPINALL. Mr. Speaker, this bill authorizes the use of two judgments recovered by the Indians of the Flathead Reservation. The bill as it passed the Senate authorized the money to be used for any purpose requested by the tribe and approved by the Secretary of the Interior.

The House amendment to the bill specified that 90 percent of the judgment will be distributed per capita to the members of the tribe, and that the balance will be available for any purpose requested by the tribe and approved by the Secretary. This provision was in accord with the request of the tribe, and it represented a compromise with the members of the tribe who lived away from the reservation. These off-reservation members wanted a 100-percent per capita because they get little benefit from the money spent on the reservation.

After the House had passed the bill with a 90-percent per capita provision, the tribe passed a new resolution asking for an 80-percent per capita distribution, and some of the off-reservation members objected.

The conferees compromised on an 85-percent per capita distribution.

I recommend that the conference report be approved.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

The conference report was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN REPORTS

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain reports.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

CONFERENCE REPORT ON S. 671, DIVISION OF FUNDS APPROPRIATED FOR THE BLACKFEET TRIBE IN MONTANA

Mr. ASPINALL. Mr. Speaker, I call up the conference report on the bill (S. 671) to provide for division and for the disposition of the funds appropriated to pay a judgment in favor of the Blackfeet Tribe of the Blackfeet Indian Reservation, Mont., and the Gros Ventre Tribe of the Fort Belknap Reservation, Mont., in Indian Claims Commission docket numbered 279-A, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of March 1, 1972.)

Mr. ASPINALL (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ASPINALL. Mr. Speaker, this bill provides for a division of an Indian Claims Commission judgment between the Blackfeet Tribe of the Blackfeet Reservation and the Gros Ventre Tribe of the Fort Belknap Reservation, and for the use of the money after it is divided. The division between the tribes has been agreed upon by the tribes themselves, and is therefore not in dispute.

The bill as it passed the Senate, and the House amendment to the bill, which was in the nature of a substitute, differ in three respects. The conferees agreed on the House version on two of the points of difference, and they agreed with the Senate on one of the points of difference.

The two House provisions that were accepted by the conferees related to a per capita distribution among the members of the two tribes of approximately 89 percent of the judgment, and for the use of the balance of the judgment for such purposes as the tribes might request and the Secretary approve. In addition, the conferees modified the language defining eligibility to share in a per capita distribution of the Gros Ventre money in order to conform to standard practice regarding dual tribal membership.

The provision of the Senate bill that was accepted by the conferees provided that a per capita payment to an Indian will not be considered when determining his eligibility for welfare assistance under the Social Security Act. This is a departure from the practice normally followed by the Congress in legislation of this kind. In fact, I believe the provision has been used only once before in connection with an Indian claims judgment. The conferees agreed to the provision only because of a unique situation that prevailed in connection with this judgment, and the statement of the managers emphasizes that there is no intention to depart from the general legislative policy which says that Indians are entitled to participate in the Social Security Act programs equally with all other citizens, and are not entitled to special privileges under that act.

Mr. Speaker, this is another unanimous decision by the conferees, and I recommend that the conference report be approved.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I am glad to yield to my friend from Iowa.

Mr. KYL. As a further clarification, there are no nongermane amendments in this conference report?

Mr. ASPINALL. The gentleman is correct; not in this one nor in the preceding conference report.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

The conference report was agreed to.

A motion to reconsider was laid on the table.

TWENTY-FIRST ANNUAL REPORT OF THE NATIONAL SCIENCE FOUNDATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–188)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Science and Astronautics and ordered to be printed, with illustrations:

To the Congress of the United States:

I am pleased to submit to the Congress the Twenty-First Annual Report of the National Science Foundation, covering the fiscal year 1971. This report highlights the essential contribution of science to the progress of the Nation and the betterment of the quality of life for every citizen.

RICHARD NIXON.

THE WHITE HOUSE, *March 7, 1972.*

ANNOUNCEMENT OF HEARINGS ON LABOR RELATIONS PROBLEMS

(Mr. THOMPSON of New Jersey asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. THOMPSON of New Jersey. Mr. Speaker, I wish to announce that on March 16 the Special Subcommittee on Labor will begin hearings on labor relations problems in professional sports.

Our witnesses on March 16 will be a number of football players who have been active in past and present negotiations between the NFL Players Association and the team owners. We will be announcing further hearings at a later date.

The relationship between the players and the owners in professional sports has changed rapidly in the past few years, especially since the National Labor Relations Board took jurisdiction over professional sports.

We plan to find out whether NLRB coverage has helped the players and the owners to get along better.

I am personally interested in whether NLRB coverage has given the players at least some protection against some of the more capricious owners.

A good example of capricious conduct by a club owner is provided by the current negotiations between a 22-year-old pitcher with the Oakland Athletics baseball team, Vida Blue, and Charles Finley, owner of the Athletics. Finley has told Blue to either accept his final offer for a new contract or get out of baseball. Finley is quoted in a recent Red Smith column as saying:

> I won't trade him and I won't sell him. Either he accepts what we have offered or he's through in baseball.

If professional athletes are at the mercy of the owners to this extent, perhaps it is time we considered changes in our labor laws to give the players some protection.

I include Mr. Smith's column in the RECORD at this point:

VIDA AND CHARLEY

(By Red Smith)

Vida Blue, the brightest individual star in baseball last summer and the biggest attraction in the American League, has been presented with a simple choice by the man who owns him: Either play for $50,000 this year or get out of the game.

"I won't trade him and I won't sell him," Charles Finley, proprietor of the Oakland Athletics, has told the young pitcher's agent and attorney. "Either he accepts what we have offered or he's through in baseball." This isn't the first time a baseball employer has threatened a hired hand. "Let him sit home and rot," is a cliche as old as the reserve clause and the holdout. Charles Finley is perfectly capable of cutting off his nose to spite his face, as Hawk Harrelson can testify. But what he is saying this time is that sooner than pay what he admits Blue is worth, he would freeze out a 22-year-old who pitched a no-hitter breaking into the majors, led the team to a divisional championship with a personal won-lost record of 24 and 8, and in his first big league season won the Most Valuable Player award in the American League and the Cy Young Award as the best pitcher in baseball.

If Charley Finley can do that, then he has a death wish bigger than his Napoleon complex.

Eight hours of negotiation-by-fear in his employer's insurance office in Chicago left young Vida shocked, but Robert J. Gerst, the Los Angeles attorney who represents him, was not impressed by Finley's ultimatum.

"Charley," he said, "I do not believe that you would tear a million dollars into little pieces and scatter them over Michigan Avenue from your window on the 27th floor."

TRUE BLUE CADDY

Because he had pitched a one-hitter and a no-hitter after joining the Athletics in late 1970, Blue's contract for his rookie season called for $14,750, slightly above the major league minimum. He had received a $25,000 bonus when the A's signed him out of high school in Mansfield, La. When he blossomed as a star last summer. Finley bought him a blue Cadillac with "VBLUE" on the license tags and gave him a credit card for gasoline. It was written that "the only thing lacking was a slice of watermelon."

Vida wanted to give the car back but was talked out of it. However, he did not conceal his anger when Finley suggested that he'd be willing to pay $2,000 if Vida would adopt True as a middle name. The young man said Vida Blue had been his father's name and that he did honor to his father's memory every time he pitched.

This year Finley's opening offer was $45,000, an increase of 300 per cent. Gerst suggested $115,000, close to 800 per cent. Charley said, $50,000 and that was final.

"I asked him," Gerst reports, "if he could give any reason why Vida shouldn't get the average salary of the 10 best paid pitchers in the majors. Starting with Bob Gibson at $150,000, Ferguson Jenkins and Juan Marichal, then Tom Seaver at $120,000, Denny McLain, the two Perrys, Claude Osteen at $75,000, Dave McNally and Jim Palmer, we estimated that an average figure would be around $92,500. We offered to settle for that.

"Finley didn't give us any reason why Vida shouldn't get it. In fact, he admitted that Vida was worth it and said if he were in Vida's position he'd be asking the same. 'But' he said, 'I won't pay it.'

"In 1970 Charley said the same thing to Reggie Jackson, who went into a fit of rage. Vida was just as angry when he heard it. Since our meeting in Chicago I've talked to Finley twice on the phone and written him two long letters. 'Charley,' I've urged him, 'don't make the same mistake you made with Reggie Jackson.' "

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There is an interesting parallel between these discussions and Tom Seaver's bargaining with the Mets' Bob Scheffing. Seaver compared his and the team's victory totals over five years, took note of attendance figures and arrived at an asking price. Says Gerst:

"We discussed the fact that a million fans paid to see Vida last year and the whole American League drew only 11-million. Here are the figures: League attendance was 11,870,504; in Vida's 39 starts, attendance was 909,422 for an average of 23,318; in 19 starts on the road Vida drew 530,000 for an average of 28,300, compared with the league average of 12,200; Oakland did 914,993 at home and 370,000 of these saw Vida's 20 starts. In August, when Vida was rained out in Baltimore, Charley was quoted to the effect that it cost him $30,000. He didn't deny it."

It has been written that other club owners are rooting for Finley, and that's probably true up to a point. That point would be reached when Charley told his lodge brothers they would have to get along without the boxoffice appeal of the Most Valuable Player and Cy Young Award winner. They would, then review the figures, noting especially how many millions the American League lagged behind the National at the gate. The telephone in Oakland would not stop ringing.

PAYING DESERVED TRIBUTE TO THE VETERANS OF FOREIGN WARS

(Mr. MAYNE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MAYNE. Mr. Speaker, I rise to acknowledge the presence this week in this Capital of the United States of representatives of one of the largest organizations of American veterans, the Veterans of Foreign Wars, and to urge all my colleagues to join in paying deserved tribute to that fine organization of patriotic and loyal Americans.

Many of us will be joining VFW members tonight at their annual dinner at the Sheraton-Park Hotel and will be meeting separately throughout this week with VFW delegations from our respective States and congressional districts. I for one am always inspired by these meetings with men and women from every sector of our society, of all races, faiths and creeds, but with the common experience of having served their country in a military unit during a foreign war. They also share a common belief in the need to maintain our national security and to keep alive the pride of Americans in this Nation and its living institutions

It is fitting that yesterday, March 6, as this conference of VFW leaders began in Washington, the House unanimously passed by a record vote of 358 yeas the bill H.R. 12828, the Veterans Education and Training Amendments of 1972. This 1972 GI bill is principally based on a draft proposal submitted by the Veterans' Administration in November, 1971, and was strongly supported by the Veterans of Foreign Wars and other veterans organizations,

H.R. 12828 provides a 14-percent average increase in all forms of financial aid available for education and training under the GI bill. This was a cost-of-living-based increase, conforming with the administration's original proposal of 8.6 percent which was based upon a now outdated cost-price index

The bill does provide one exception to these increases, in that section 304 requires veterans to pay a small 10 percent of certain programs that are currently fully subsidized, thereby tending to increase the veteran's sense of responsibility toward those programs.

In order to make programs more accessible to the survivors of veterans, certain restrictions on their entitlement to educational benefits are removed by H.R. 12828. Section 318 makes widowers of female veterans eligible for certain survivor benefits previously denied.

Veterans have complained about groups obtaining Veterans' Administration mailing lists through loopholes in the Freedom of Information Act. I am pleased that the veteran's right of privacy is recognized and protected by the House Veterans' Affairs Committee adding section 320 to the 1972 GI bill, to require that all Veterans' Administration mailing lists be treated as confidential.

Another meritorious amendment is adding section 321, providing a 20-percent increase in funds given to States as reimbursement for administrative costs incurred by their participation in this program. This corresponds with actual cost increases.

The increased benefits provided the veterans, his dependents, and survivors by this bill will cost an estimated $293 million for its first full year of operation. I submit this is small indeed compared to the very great debt this Nation owes to those who have served honorably in its defense.

I gladly voted for this legislation, and for two other bills affecting veterans which passed the House last week—H.R. 11185, a bill clarifying the exemption of certain income of veterans organizations from Federal income tax, and H.R. 9900, excluding from gross income for Federal income tax purposes the compensation of Americans held prisoner in the Vietnam conflict.

The Veterans of Foreign Wars are to be commended for their very great efforts on behalf of young Americans held captive and hostage by the Communists—these men will never be forgotten if the VFW has anything to say about it.

One of the leading points in the National, State, and local Veterans of Foreign Wars legislative objectives, one I am sure each Member of this House will hear stated by VFW visitors from his congressional district or State this week, is their great desire to amend the Federal Holidays Act to restore Veterans Day or Armistice Day to the traditional date of observance, November 11, a day of real meaning particularly to veterans of World War I and their families.

On December 13, I introduced House Joint Resolution 1009, a resolution proposing to change Veterans' Day back to November 11. In my remarks on the House floor on December 14, I said:

> Mr. Speaker, I am sure I am not the only Member of Congress who has received numerous letters from constituents protesting against the change of Veterans Day from November 11 to the fourth Monday in October, which first became effective this fall.
>
> I have heard from many veterans of World War I, World War II, the Korean war, and the conflict in Vietnam, as well as from many nonveterans who feel strongly much of the true meaning and traditional significance of Veterans Day, or Armistice Day as many of us still know it, has been lost by shifting it from its actual historic date. I share their concern that Veterans Day could become just another Monday holiday, only 2 weeks following still another Monday holiday, Columbus Day.
>
> November 11 is a date of great historic significance, a date which automatically stirs the memories of this Nation and reminds it of the tremendous debt it owes to those who have served and are serving in its defense. It makes as much sense to commemorate our veterans on the fourth Monday in October as it would to commemorate our Nation's birthdate of independence on the fourth Monday of June rather than on July 4.
>
> It is not too late to restore Veterans Day to its appropriate date on the calendar. I strongly urge my colleagues to support such action, proposed in the bill which I introduced yesterday.

Mr. Speaker, I was pleased to receive a letter dated December 17, 1971, from Mr. Francis W. Stover, director, National Legislative Service, Veterans of Foreign Wars of the United States, pledging the full support of the VFW for early passage of my resolution. I insert this letter at this point in my remarks:

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
December 17, 1971.

Hon. WILEY MAYNE,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. MAYNE: It was gratifying, indeed, to read in the Congressional Record of December 14, 1971, your remarks regarding returning Veterans Day to November 11th and, also, that you introduced House Joint Resolution 1009 to accomplish this purpose.

As you are aware, we have a mandate from our last National Convention to return Veterans Day to November 11th and our Commander-in-Chief, Joseph L. Vicites, has made this one of his Priority Legislative Goals.

In view of the foregoing, be assured you have the full support of the Veterans of Foreign Wars of the U.S. in this legislation and we hope for its early passage.

With best wishes and kind regards, I am
Sincerely,

FRANCIS W. STOVER,
Director, National Legislative Service.

Mr. Speaker, on March 1, 1972, I again addressed the House and urged action on this legislation. In closing my remarks today, I would reiterate the following statement I made on the House floor last week:

> Mr. Speaker, I again urge the chairman of the House Judiciary Committee and of the subcommittee to which House Joint Resolution 1009 has been referred to take immediate action with regard to this and similar resolutions introduced by colleagues, and I urge my brothers of this House to honor those who have served their Nation in its wars by expediting early restoration of Veterans Day to its appropriate historical date, a date of significance to all veterans and to the Nation. We can do no less.

GENERAL ACCOUNTING OFFICE SHOULD DIRECT NASA TO RECOMPETE SPACE SHUTTLE MAIN ENGINE CONTRACT

(Mr. ROGERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. ROGERS. Mr. Speaker, on July 13, 1971, the National Aeronautics and Space Administration announced the selection of the Rocketdyne Division of North

American Rockwell Corp., Canoga Park, Calif., for negotiations leading to the award of a cost-plus-award-fee contract for the space shuttle main engine.

The eventual contract called for the design, development, and delivery of 36 engines by June 1978 at a proposed cost of $500 million.

The selection of Rocketdyne ended a 12-month competition during which Rocketdyne, the Pratt & Whitney Aircraft Division of United Aircraft, and the Aerojet Liquid Rocket Division of General Tire Corp., conducted preliminary design studies and produced program definition documents. Proposals for the SSME were received by NASA from the three companies on April 21, 1971.

On the basis of 1,100 points, Rocketdyne received a total of 711.4 points, Pratt & Whitney got 705.6 and Aerojet General 644.

The point spread between Rocketdyne and Pratt & Whitney represents 0.6 percent of the total possible points.

In addition, the Source Evaluation Board of NASA found that the Pratt & Whitney proposal contained the lowest costs and that Pratt & Whitney also led Rocketdyne in other categories of the evaluation, including: Work approach, organization and management structure, planning and methodology, visibility and control, and in overall performance rating.

On August 3, 1971, Pratt & Whitney Aircraft filed a protest with the General Accounting Officer over the procedures used by NASA in selecting Rocketdyne as the negotiating contractor for the space shuttle main engine. This was the first protest filed by Pratt & Whitney in its 45 years as a Government contractor and was based on the company's belief that NASA failed to observe pertinent statutes and regulations governing procurement conduct to insure fair and open competition.

Since the filing of that protest, Pratt & Whitney Aircraft, through its attorneys, has submitted additional data to GAO to support its contention that NASA did not use the negotiation process to obtain improved final offers as required, and an investigation by General Accounting Office auditors has raised serious questions concerning unfair advantage to Rocketdyne during SSME competition.

Efforts on the part of Pratt & Whitney Aircraft to support its contentions have been extensive and I believe the findings are persuasive enough to warrant a recompetition of the space shuttle main engine contract by NASA. I would urge the Comptroller General, as he nears a decision in this matter, to resolve the protest in a manner which best carries out the intent of the Congress to provide for fair and open competition in Government procurement contracts.

Among the contentions submitted to the GAO by Pratt & Whitney Aircraft as a result of its research and investigation into the SSME competition are the following:

First. Pratt & Whitney Aircraft contends, with supporting documents, that during the SSME competition the Rocketdyne Division of North American Rockwell benefited unfairly from an existing contract with NASA for support of Saturn engines. Specifically, Pratt & Whitney contends that reports prepared by Rocketdyne and submitted to NASA concerning the Saturn launch support contract show that the work performed by Rocketdyne applied specifically to the SSME and that the test parameters for Rocketdyne technology are the SSME specifications and conditions, rather than those for Saturn engines. The first knowledge of the existence of these reports did not come to Pratt & Whitney until after the NASA Source Selection Board made its decision to select Rocketdyne as the negotiating contractor for the SSME.

In addition, Pratt & Whitney contends, with support from a separate GAO auditor's report, that Rocketdyne engineers charged their SSME work to the cost reimbursement Saturn launch support contract thereby affording Rocketdyne more NASA funds.

Second. Pratt & Whitney contends, with supporting documents, that none of the Rocketdyne reports on the Saturn launch support contract which involved space shuttle main engine related technology were filed at the Marshall Space Flight Center document repository under the heading "Space shuttle." NASA maintained no cross-reference system and no subject index which would permit an individual with proper access to this facility to ascertain what materials were available on any particular subject more particularly described than in the five index categories—Saturn, space shuttle, space station, skylab, and specifications and standards. The 400-plus page catalog of "Saturn" reports does not list reports by the subject contained therein, but rather only by the report number. In order to successfully use the Marshall Space Flight Center repository, Pratt & Whitney would have had to have known: First, that SSME related technology was in fact being developed under the Saturn launch support contract, and second, the subject matters covered by the various report numbers. Pratt & Whitney contends that it was never informed that such work was in fact going forward under the Saturn support contract nor was it informed that the numbered reports were the reports which contained descriptions of SSME related technology.

Third. Pratt & Whitney Aircraft submits that a letter of May 27, 1970, from Dr. Eberhard Rees, Director, Marshall Space Flight Center to Charles W. Matthews, M.D., Deputy Associate Administrator, Office of Manned Space Flight, NASA, indicates an unfair competitive advantage given to Rocketdyne by NASA. That letter contains the following statements:

> We believe the Rocketdyne engine people today are the best available in the industry, but they will remain competent only so long as we keep them challenged and busy. An example of how the Rocketdyne engineering skills will be kept at peak efficiency during periods of minimal problem solving effort is through the Linear Engine task, planned for FY–71. . . . Approximately one-third of the contracted manpower is planned to be expended on this task during FY–71. The contribution to technological advancement is secondary.

Fifth. Pratt & Whitney contends that NASA arbitrarily and capriciously terminated the XLR–129 contract which Pratt & Whitney won in open competition with Rocketdyne. The XLR–129 program represented the only high-pressure, staged-combustion, oxygen-hydrogen engine contract ever awarded in the United States, and was intended as the forerunner of the SSME. Termination of the XLR–129 program came in the face of U.S. Air Force, Department of Defense, and NASA recommendations that the XLR–129 program with Pratt & Whitney be continued. The reason given by NASA for termination of the XLR–129 program was that its continuation would prejudice the phase B competition for the SSME and give Pratt & Whitney an unfair competitive advantage. Yet, in mid-1970, at the time the XLR–129 program was being phased out, Rocketdyne was initiating its Saturn launch support contract, which, Pratt & Whitney contend, gave Rocketdyne an unfair competitive advantage during the Phase B competition for the SSME.

The foregoing are but the highlights of a 144-page reply brief filed with the General Accounting Office by Pratt & Whitney Aircraft pursuant to its protest in the SSME award.

I believe that congressional intent would be best served and public confidence in government bidding procedure would be reinforced by a decision of the Comptroller General directing NASA to recompete the space shuttle main engine contract.

HENOCIDE AFOOT

(Mr. FINDLEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FINDLEY. Mr. Speaker, a fowl deed is about to take wing in the U.S. Senate. A bill—S. 2895—to kill off mother hens by the thousands—maybe millions—is fluttering around the Committee on Agriculture and Forestry.

And pity of pities, all the flapping about it so far has been on behalf of those moneyed barons of the egg industry who must see profit in the blood of slaughtered hens. "Henocide" it is called.

They demand that Government take the blame for mandating the death of defenseless hens—hens in the prime of motherhood, no less.

If you read the bill itself, you will probably be like the little boy in the chickenyard who dropped the bubble gum he was chewing. He was confused.

But plucked down to bare facts, the henocide bill is nothing more than a scheme to use the lethal authority of Government to force up the market price of eggs by killing hens.

When the truth is out, the villains will flock to cover.

Imagine the cluckings Ralph Nader and his raiders will give forth when they hear of henocide. But loud as may be these cluckings, they will be smothered to nothing in feather-flying fury when gals of the women's lib discover this ugly ultimate in male chauvinism. They will surely ungirdle their sharpest clawings for those who would slaughter only female chickens—doing nothing, not even harmless, painless vasectomy to the males, the real perpetrators of production.

Surely, they will bare their beaks and demand roostercide instead of henocide.

If, despite Nader's raiders, women's lib and commonsense, the dastardly deed is done, who will come out on top? The eggopoly, of course. About 400 giant firms will, they think, be better off and the rest of us will have egg on our face.

In truth the bill would set up an eggopoly able to get the Feds to man the chopping block with penalties of violators set at $5,000 a cackle. With antitrust immunity, the eggopoly could engage in a premeditated conspiracy to raise consumer prices with hardly any fuss and feathers.

Happily for hens, the Senate Agriculture Committee adjourned Monday for lack of quorum. Next try is scheduled for Thursday.

The Congress would be featherbrained to pass the bill. It is a chicken-hearted concoction by bird barons who would scratch out a few extra pennies from the agony of motherhood. If they had any gizzard at all, they would take care of their own troubles with grit—and with no ifs, ands or Butz.

FARM PRICE CONTROLS ARE NOT NEEDED

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 15 minutes.

Mr. FINDLEY. Mr. Speaker, with wage earner income up 240 percent and farm income up just 7 percent in the past 20 years, placing a lid on future farm price increases would clearly be the wrong move at the wrong time.

It is true that some farm prices are at 20-year highs, but what other segment of our economy has its income at the level received in 1950? Between 1950 and 1972, farmers have had many periods of unprofitable prices and certainly must have an opportunity to recoup their losses.

Some consumer-oriented publications have recently painted the farmer as getting rich while housewives are being victimized at the supermarket.

A quick look at income improvement of the farmer and the consuming public dispels that unwise, incorrect, and unfair assumption. With wage earner income going up 240 percent in the past 20 years, it is clear much of the increased food costs were caused by stepped-up handling, shipping, and processing costs involved in getting food from farm to consumer. The average hourly labor cost for marketing food products has increased 66 percent in the past 10 years.

Looking at several food items, it is interesting to note the relatively small portion the farmer gets of what we pay at the supermarket. The rest goes for handling and processing costs.

For example, farmers in January received just 74.1 percent of the retail cost of choice beef. Pork producers received 44.1 percent of the dollar spent for their product at the meat counter; dairy farmers were paid 29.9 percent of the retail price for their milk; poultrymen, 30.5 percent of the retail egg costs, and wheat growers, just 3.5 percent of the price of white bread.

Prices received by farmers are not inflationary when considering that farm food prices have increased just 7 percent from 20 years ago. During that same time, wholesale food prices increased 22 percent and retail food prices went up 44 percent.

Food clearly is a good buy and getting better each year—when we realize that we work less time to earn our food dollars now than in the past. Twenty years ago, U.S. consumers spent 23 percent of their take-home pay for food. Last year the average spent on food was just 16 percent of take-home pay and Secretary of Agriculture Earl L. Butz has forecast that in 1972, this figure will be reduced to 15.5 percent.

This change has come about because our farmers are the most efficient producers of food in the world. At the dawn of our Nation, more than 90 percent of our people were engaged in food production. Today less than 5 percent of our people are farmers. One farmer now supplies food for himself and 50 other persons which is 3 times the number fed by each farmer 20 years ago.

This level of efficiency was forced on farmers because of sharply increased farm costs. Consider these changes in the past 20 years:

First. Farmers are paying 2.4 times higher wages for labor.

Second. Farm machinery prices are nearly double.

Third. The level of all prices that farmers pay for goods and services has increased 50 percent.

Fourth. Farm real estate taxes per acre are 3.6 times higher.

Fifth. Investment in food and fiber production has more than doubled.

Sixth. Debts of all farmers are nearly 5 times larger.

There is no doubt about the claims that food costs are increased over a year ago, but consumer interests should be pleased that in January, the cost of food remained the same as it was in December, 1971, according to the Department of Labor.

There are factors other than those already cited which caused food prices to increase. Our improved per-person income has resulted in all of us eating higher quality food. This has resulted in more people competing for the volume of products made available on the supermarket shelves. The average consumer today eats 114 pounds of beef and 40 pounds of poultry each year. This level of consumption compares with 54 pounds of beef and 13 pounds of poultry consumed in the 1930's.

Some persons blame farmers for creating scarcities to raise per unit prices of their product. The truth is that farmers produced a record amount of meat last year and they are planning to provide an equal amount this year with a little more beef and a little less pork coming to market.

U.S. farmers produced 21.7 billion pounds of beef in 1971. That was 42 percent more than 10 years ago. Population of the United States increased 13.4 percent during that same period. In recent weeks, beef output is down slightly from a year ago but farmers on January 1, 1972, were finishing 14 million cattle for slaughter, nearly 8 percent more than last year.

A year ago, while consumers were enjoying terrific bargains in pork, hog prices were declining to disaster levels. According to the University of Illinois, farmers lost about eight cents for each pound of pork produced during a 9-month period in 1971. Losses were so severe that a substantial number of farmers quit producing hogs. As a result, pork output this year has been about 15 percent less than the excessive supplies of a year ago. USDA surveys indicate hog production for 1972 will be 7 to 9 percent less than last year. If this information proves accurate, the supply of pork will provide 67 pounds per person during 1972, or three to 4 pounds more than average per capita consumption during the past 10 years.

Some consumer groups are suggesting substantial increases in meat imports. According to L. H. Simerl, extension economist at the University of Illinois—

> Imports of meat cannot be increased enough to have any large effect upon prices of meats. There just isn't any place to get a large amount of beef roasts and steaks, or ham, pork chops, and bacon. Most of the meat that is imported is beef that is suitable only for making hamburger. And the supply of that is limited.

Additionally, the nations which ship us meat could have imported 45 million more pounds than they did in 1971 without exceeding the quota established.

Farmers are more concerned about price controls than meat imports. Secretary Butz said recently that farmers will agree to price controls on farm products when farmer returns have gone up as much as industrial wages. He cited wage contracts already negotiated for coal miners, railroad workers, and aerospace industry employees which exceed the 5.5 percent pay guidelines and asked:

> Those rates won't come down; can farmers say the same?

Secretary Butz said:

> If management and labor will demonstrate their sincere willingness to abide by the guidelines: if industry turns out goods like our farmers are turning out a record food supply, agriculture will talk about food price controls. When the need for controls will abate and we can all look forward to the kind of sound growth in an economic system which made the country strong.

I agree with Secretary Butz and urge all who are quick to consider clamping controls on farm prices to consider the total picture agriculture faces and its tremendous contributions of the past along with its productive, efficient promise for the future. When this is done, I feel confident controls on farm prices will be rejected.

THE TOCKS ISLAND DAM

The SPEAKER. Under a previous order of the House, the gentleman from Delaware (Mr. DU PONT) is recognized for 15 minutes.

Mr. DU PONT. Mr. Speaker, I am going to take just a few minutes today to make some comments on the proposed $360 million Tocks Island Dam project on the Delaware River at Stroudsburg, Pa.

I have commented on this dam before, and I have some material today which I believe is worthy of being inserted in the RECORD to bring the environmental and economic issues into clear focus for the Congress.

The Tocks Island Dam was first authorized in 1962 as a multipurpose water supply, recreational, flood control, and electric power project. Since that time the project has been enshrouded with local and now national controversy. No construction funds were put in the budget of the Army Corps of Engineers for the project until last year; at that time no environmental impact statement, as required by section 102(2)(c) of the National Environmental Policy Act, had been filed or approved by CEQ. Congress went ahead and appropriated the money for it, following a pay-now-study-later philosophy, which I think is entirely wrong when it comes to making sound, rational national environmental policy judgments.

In the fiscal year 1973 budget for public works, which we will be taking up shortly, $14 million was requested by the Army Corps of Engineers for construction of the dam. Despite the passage of a year, we still have no approval of project by CEQ nor have fundamental questions about the feasibility of dam been resolved.

Mr. Speaker, I would like to enter into the RECORD today at the conclusion of my remarks a summary of a report recently released by the environmental defense fund on the viability of the Tocks Island project. It is an important addition to the information we have on Tocks Island, and I would urge the membership to study the document closely.

Basically there are three unresolved questions in regard to the Tocks Island Dam.

The first concerns the question of the cultural eutrophication in the dam as evidenced by the consultant's report done by McCormack Associates for inclusion in the Corps of Engineers environmental impact statement. Because this statement was not filed before the public works bill was voted on, the Congress went ahead and appropriated funds even without knowing the dangers of eutrophication in the proposed dam waters.

The recommendation of the McCormack reports was that the high nutrient loads of the Delaware should be ameliorated prior to impoundment. It now appears that the costs of the Tocks Island Dam will include a $360 million item for a regional sewerage treatment plant to deal with these problems of eutrophication. This in turn will require a massive commitment from the governments of three different States: New Jersey, New York, and Pennsylvania.

The second unresolved question is whether the dam is really necessary in light of many nonstructural alternatives that have recently been proposed.

One of the purposes of the dam is to develop the water supply for New York City, but there are other ways to do that, which might not require the construction of a massive, expensive dam across the Delaware River. What about using the Hudson River to take the pressures off of the Delaware River? This alternative has not been adequately studied to date.

Second, there is the possibility of high-flow skimming, an alternative suggested by Dr. Smith Freeman of Princeton University, which represents an alternative without creating all of the dangers associated with a major impoundment of water.

Third, the Federal Task Force on Flood Control Policy recommends alternatives to the traditional use of structures for water resource management. The report offers the use of flood plain zoning and flood insurance to deal with these problems on the rare occasions when there is flooding on the Delaware River. Such methods may in the long run be more effective and less damaging than building large impoundments.

The third and final unresolved question, and a very important one, is whether the whole project is economically viable.

I think there is considerable question as to whether the cost-benefit ratio cited in the existing impact statement is accurate. I believe that the benefits have been overestimated and the costs underestimated.

For example, the National Park Service estimates that the operation of the park at Tocks Island will cost the National Park Service 2.18 times what the Corps of Engineers estimated.

In addition, the Corps of Engineers in preparing the material in their proposal used a discount rate of 3⅛ percent, rather than the existing rate of 5⅜ percent. It is worth noting the proposed regulations for evaluation of public works projects by the Water Resources Council calls for a rate of 7 percent.

There is the further question as to whether the corps accurately predicted the impact of drought and drawdown in establishing recreational benefits.

Mr. Speaker, there are other public policy factors involved. A major project representing major commitments brings into question whether or not we have the technology and the financial backing of the States to make the project work and to assure its success.

The history of the Army Corps of Engineers is well documented in Arthur Morgan's recent book, "Dams and Other Disasters." Morgan, the first Chairman of TVA, has documented cost overruns as high as 391 percent on some public works projects. Clearly, no one can accurately predict the eventual cost of Tocks Island in terms of financial and natural resource commitment.

Finally, Mr. Speaker, the public is being asked to foot the bill for a project which may not be able to sustain itself economically. Are we going to be running at a deficit every year or will we have a project that stands on its own two feet?

I have contacted all four Governors of the States involved and have asked them to review the status of the project. I have found that Governor Cahill of New Jersey has suspended his endorsement of the project pending further study; Governor Peterson of Delaware has not withdrawn his approval, but has agreed to review his position; Governor Shapp of Pennsylvania has done likewise, and I have every reason to believe that Governor Rockefeller of New York is currently reviewing New York's position in light of an impending financial commitment for dealing with eutrophication.

So, when the appropriation bill of the Public Works Committee comes to the floor of the House this year, I again plan to offer an amendment to delete construction funds for Tocks Island Dam.

I think until we have the answers, we should not follow the policy of build now and study later.

Once again, Mr. Speaker, I commend to the membership the summary of the Environmental Defense Fund's report, prepared by Dr. Leo Eisel which I am inserting in the RECORD today.

The summary referred to follows:

SUMMARY

GENERAL

This report sumarizes an investigation by the Environmental Defense Fund of the proposed Tocks Island Reservoir. This Corps of Engineers' project on the Delaware River would create a 37 mile long reservoir with more than 800,000 acrefeet of storage for water supply, flood control, recreation, and hydropower. Analyses of the proposed reservoir, its functions, and costs and benefits are presented in succeeding sections of this report.

These analyses conclude that legitimate needs for water supply, flood damage prevention, outdoor recreation, and peaking power exist in the Delaware River Basin and its service area. The construction of a large and expensive main stem reservoir, Tocks Island, to meet these needs and desires is a very traditional solution. In the highly urbanized Northeast with its plethora of environmental problems, the traditional solution is no longer adequate; water resource planners must employ innovative solutions not entirely dependent on structures. The succeeding analyses conclude that Tocks Island Reservoir, in its presently proposed form, is an environmentally and economically unacceptable solution to the water resource problems of the Delaware River Basin.

WATER SUPPLY

1. Corps of Engineers' calculations and studies of the Tocks Island Reservoir water supply function are inadequate and misleading. They do not support the Corps' claims of water supply needs and benefits associated with the Tocks Island Reservoir project.

2. Delaware River Basin Commission calculations and studies indicate Tocks Island Reservoir is being built *not* to satisfy future municipal and industrial needs in the Delaware River Basin, but to satisfy projected future demands for power plant cooling water and export water for New York City and New Jersey.

3. Projection of vast increases for power plant cooling water (2400 percent increase by 2020) are based on numerous assumptions regarding future power plant siting (i.e., salt water versus fresh), the thermal efficiency of future nuclear and conventional

plants, and the efficiency of future cooling systems. These assumptions should be explicitly studied before including 425,600 acft of water supply storage in Tocks Island Reservoir. Thermal pollution from a 2400 percent increase in power production in the Delaware Basin may be so environmentally detrimental that the increased generating capacity should not be built.

4. According to the DRBC, a major proportion of the water supply storage in Tocks Island Reservoir is necessary for low flow augmentation to replace the vast volumes of water scheduled for future exportation by New York City and New Jersey. More than 1860 cfs per day (1200 mgd) of water will be exported to New York City and New Jersey by 1980; firm yield of Tocks Island Reservoir is 980 cfs. For purposes of comparison, municipal in-basin consumptive use in 1980 is estimated to be only 153 cfs per day (99 mgd). Numerous studies have recommended development of the Hudson River for water supply to New York City. Development of the Hudson would reduce New York City's exportation requirements and the consequent need for low flow augmentation storage in Tocks Island Reservoir. This alternative has not been considered by the Corps in their investigation of alternatives or in the Environmental Impact Statement.

5. If 300 mgd of water must be exported from the Delaware Basin to northern New Jersey, it can be accomplished by high flow skimming without constructing additional reservoir storage according to a Freeman, Mills and Kinsman study. Their investigation demonstrates the feasibility of the alternative from standpoints of both economics and engineering and indicates that flows adequate to protect the fresh-water "reservoir" in the Delaware estuary can be maintained while high flow skimming 300 cfs annually.

6. In estimating future water demands and the benefits from satisfying these demands, the DRBC and the Corps have ignored existing possibilities for reducing future water demands. These possibilities range from more optimal pricing policies for municipal and industrial water to the installation of a different toilet design in new homes. For years, economists have demonstrated the inefficiency of water pricing schedules and the desirability of reducing demand through the installation of meters and application of an innovative rate schedule. The Corps of Engineers has ignored this research and the alternative of reducing demand in the Delaware Basin and its service area (i.e., New York City and northern New Jersey). The problem is not the existence of feasible alternatives for reducing water use and demand while maintaining the quality of life, but the intransigent attitudes of the Corps of Engineers, Delaware River Basin Commission, and the City of New York.

FLOOD CONTROL

1. The flood of record in the Delaware Basin (1955) was a hydrologic event which will occur on the average, once in 200 years. Expenditures of approximately $40 million to prevent 97 percent of the damages from a flood which will occur, on the average, only once in 200 years, should not be readily accepted and should be subject to additional analysis by decision makers.

2. The 1966 Federal Task Force on Flood Control Policy suggested that in order to implement a more adequate federal flood control policy, flood plain occupants should bear a more representative share of costs than they do at present. The federal cost per acre for protecting flood plain land with Tocks Island Reservoir is $3600–$5200. One wonders whether it would be reasonable to require present and future flood plain occupants to invest a substantial portion of the $3600–$5200 per acre necessary to prevent an estimated 97 percent of the damage from an event which would occur, on the average, once in 200 years?

3. In estimating future flood control benefits from Tocks Island Reservoir, the Corps assumes development in the flood plain will continue at the same rate as in the past. This totally ignores the recommendations of the 1966 Federal Task Force on Flood Control Policy and the limited but existent, flood plain management efforts of DRBC. Furthermore, it ensures continued future demand for flood control.

EUTROPHICATION

1. The McCormick Report on eutrophication potential in Tocks Island Reservoir concluded that ". . . accelerated cultural eutrophication is likely to occur after creation of the proposed Tocks Island Lake." Accelerated cultural eutrophication would have serious detrimental effects on the use of Tocks Island Reservoir for water supply and recreation and on general environmental quality of the proposed Delaware Water Gap National Recreation Area.

2. The Environmental Defense Fund supports the Council on Environmental Quality's requests for additional studies on the eutrophication problem. The responsibility for developing a regional waste water treatment system in a 1000 square mile rural area above Tocks Island Reservoir must be placed squarely on the Delaware River Basin Commission. Before reservoir construction is initiated, DRBC should be required to implement an adequate waste water treatment and control program for both point (municipal and industrial) and nonpoint (agricultural) waste water sources.

ECONOMIC ANALYSIS

1. The project is not economically viable and has a benefit-cost ratio of less than 1.0. In general, benefits have been overestimated and costs underestimated.

2. Particularly egregious examples of benefit overestimation and cost underestimation exist in the recreation benefit-cost analysis. The investment costs of recreation facilities have been underestimated. The National Park Service, the agency required by law to manage the recreation facilities at the Delaware Water Gap National Recreation Area estimates an investment cost 2.18 times larger than the Corps' estimates for comparable sites.

3. In evaluating the time stream of benefits and costs, the Corps has used a discount rate of 3⅛ percent. The existing (January, 1972) rate is 5⅜ percent and the recently proposed set of Water Resources Council Guidelines would set the rate of 7 percent. There is no economic justification for evaluating this project at 3⅛ percent. Continued use of the 3⅛ percent rate amounts to subsidizing the proposed Tocks Island Reservoir project at the expense of other more economically viable projects. Why spend taxpayers money on a low yield project when it means excluding a higher yield project because of budgetary limitations?

4. The annual power benefits have been overestimated by more than 1.5 million dollars.

5. The Corps has overestimated: length of the recreation season, value of a recreation day and annual flood control benefits. The Corps has underestimated recreation activity in the Tocks Island area in the absence of the project; cost of operating, maintaining and replacing recreation facilities; and the consequences of inclement weather on beach attendance. The impact of drought conditions and resulting reservoir drawdown on recreation attendance have not been adequately considered.

QUIRK OF FATE BRINGS POLICE-YOUTH TIES IN MANSFIELD, MASS.

The SPEAKER. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 15 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, we are all too used, in the media and in our own experience, to witnessing what appears to be an unbridgeable gap between the young people of this country and duly constituted authority, usually in the person of the police.

There are two sides to the story, of course, but that does not diminish the sadness and waste of the situation.

There are also exceptions to the rule and they immediately generate the hope that all bridges may not be burning. One such exception is evident in the town of Mansfield in the 10th Congressional District of Massachusetts, which I have the honor to represent.

It happened by accident, but that does not detract from the fact that the police and the young people of the town have found a modus vivendi and each is learning from the other.

The accident was a fire which destroyed the Mansfield Town Hall and forced the police department to locate in the town high school. That was 14 months ago, and, after some initial animosity, the two antagonists have settled down to live together and have even found they have something to offer each other.

If ever a fire was heaven sent, Mr. Speaker, that one in Mansfield 14 months ago was, in view of the very rare and precious thing that has risen from its ashes.

I submit to you a full account of the situation as reported in the February 21 issue of the Boston Herald Traveler:

QUIRK OF FATE BRINGS POLICE-YOUTH TIES IN MANSFIELD

(By Joe Purcell)

MANSFIELD.—A quirk of fate is generating new thinking here in the sensitive area of police-youth relations.

It was given impetus when a fire destroyed the town hall 14 months ago forcing police to take up temporary quarters in the high school.

In the interim—while plans proceed to build a new town hall—police and youngsters are giving each other a double-take and finding much to admire.

Says N. Lawrence D'Afile, the town's police chief: "We need better facilities but this is the best, the very best, working conditions that I have had in my 22 years with the Mansfield Police Department. I am closer to the young. I am closer to the school system."

Supt. of Schools Lyman C. Avery says: "My reaction is a positive one—it's been an extremely happy, temporary marriage of law enforcement and public education." He added, "This has been a valuable experience for the youngsters."

A distillation of the remarks of some 10 students, chosen at random, seems to say: "They (the police) are okay. We're glad they're here in the school. At first there was some opposition. Now there is none. Yes, we respect each other, too. It's all to the good."

When Chief d'Afile moved in to 200 square feet of space in the high school first floor receiving area, he was greeted with a huge message draped on the front of the modern structure, "Pigs—Off Campus." The sign was taken down. The chief played it cool. He said nothing.

The first week some of the more adventuresome young jumped into their cars at the end of the school day "and peeled out" the chief said, "jazzing up their motors." Again the chief and his men—two sergeants and 11 patrolmen—diffused the situation with cool.

"Then," the chief said, "everything settled down. Now they come in and say 'hello' and they see we haven't got horns. They discover we're not bogeymen, that we're not brutal and the talk progresses."

Says Sgt. Edward Sliney, "I think even the problems up town with young persons, those not in school, have lessened. Maybe the word is getting around. We have a lot of kids who drop in and shoot the breeze and look at the teletype and a few have asked, "How old do you have to be to get on the force."

Supt. Avery interjects: "I can see the day in a modern community when you might see law enforcement, judicial offices, municipal offices and public schools, kindergarten through the junior college level, all housed in a central complex."—an idea the town is unwittingly nurturing because of a fire.

Eighteen-year-old Joe McLaughlin, a senior, of 271 North Main St., said, "I guess it's a good place for them (the police). When they first came here we said to ourselves 'the cops are here' and after awhile the kids accepted it. At first they resented it. I feel they're here to help us." There was a long, reflective pause and he added, "I would like to see them stay."

Lloyd Anderson, 17, another senior: "I think it's a good idea, they're here if we need them." Another senior, 17-year-old Bradford York, "I wouldn't mind taking a personal problem to the police. It shows both sides can get along with each other. When they first got here I figured there would be a lot of protest. No one said anything at all."

The police themselves maintain that some youths have come to them with nagging, family problems and have sought out advice. Says the chief: "We give it to them. straight from the shoulder."

Says senior Kathy Davison, 17: "I didn't like it at first. But you don't even know they are here most of the time. They stay in their part and we stay in ours. A junior, Robert Goyea, 16, says, "I would like to see them stay here. Our relations are better."

And so the conversation progressed. No one is uptight. There are no recriminations. There are no bars. Prisoners are shuttled to Attleboro, 11 miles away.

Chief D'Afile sits amid surroundings recalling anything but a police station. He and his crew take lunch with the faculty.

Officials, students and police are aware that something unique and agreeable is evolving—but they can't quite put their fingers on the heart of the matter.

Maybe Supt. Avery touches a wispy potential when he says: "Now, when the kids say they are going to the police station, they mean they're going to the other end of the building to talk, perhaps, about a traffic ticket—or just to talk." He added, "They (the police) have given us something and we have given them something."

THE TRAGEDY IN NORTHERN IRELAND

The SPEAKER. Under a previous order of the House the gentleman from New Jersey (Mr. Rodino) is recognized for 15 minutes.

Mr. RODINO. Mr. Speaker, I am sure we all share a sense of deep concern about the situation in Northern Ireland, and I know that many of us have introduced resolutions seeking to help find a solution to this complex problem.

Recently, on February 13, over 2,000 citizens of northern New Jersey joined in a 3-hour rally at Seton Hall University to express their support for efforts to resolve the situation and achieve basic human rights in Ulster. The rally was sponsored by the Americans for Ulster Justice, under the leadership of Mr. Michael L. Delahunty, the past president of the Ancient Order of Hibernians in America. I was privileged to be present and address the gathering, and I am pleased to say that those attending the rally were not only citizens of Irish heritage, but representative of several different nationalities and religions. Certainly this is evidence that the tragedy in Northern Ireland is of concern to all mankind.

Subsequently, the Board of Chosen Freeholders of Essex County, N.J., met to discuss the matter on February 17 and by a unanimous vote adopted a resolution supporting the "just and legitimate goals of the Committee for Ulster Justice."

Mr. Speaker, I include the text of my address to the rally on February 13 and the text of the Board of Chosen Freeholders' resolution of February 17 in the Record at this point:

Statement of Hon. Peter W. Rodino, Jr.

I am indeed honored to have the privilege of addressing the Americans for Ulster Justice Rally on the tragic situation in Ireland. At the same time I am deeply saddened that the crisis in Northern Ireland has made it necessary to hold this gathering.

On September 3, 1969, I spoke before the House of Representatives, upon introducing a Resolution directed toward helping to find a solution to the crisis then confronting Northern Ireland, I said, on that day: "I am sure we have all been deeply shocked and saddened by the strife and bloodshed that have rent this unhappy country. It is appalling to realize that the divisive forces have deteriorated into a fratricidal conflict of violence and hatred."

Certainly these words of almost three years ago are equally valid today—most unhappily so.

That day in 1969 I went on to say that "there is no doubt that the strife has developed from the Northern Ireland Government's incredibly archaic and oppressive policy, economic and social discrimination against its Catholic minority."

Today—two years and some months later—we face the same bitter situation. The Ulster Government is still not adhering to the basic principles that must be observed by any government that considers itself democratic in assuring equal protection and equal rights under the law for all its citizens.

Conditions have not improved for the citizens of Ulster, but in fact harrassment and persecution have intensified. On January 30 thirteen citizens were killed in a confrontation with British troops. On February 6, a week later, thousands of Irish citizens marched in silence and dignity in the largest civil rights demonstration in Northern Ireland's history to protest the slaying of the week before. This demonstrates, beyond doubt, the dedication of the people of Ulster to achieve their self-determination and the fact that violence can be avoided.

The 50-year old history of Ulster is one of flagrant violation of the principles embodied in the Charter of the United Nations, and one completely antithetical to the dedication of our country to equality and justice for all.

I am a member of the House Judiciary Committee, and ever since I came to Congress I have fought for the cause of equal rights. In recent years, in the United States, we have concentrated upon the "one man-one vote" principle.

Now this basic right for every individual is being fought for in Ireland, in addition to other essential elements of equality of justice—freedom against discrimination in employment, housing, education and religion.

Since August 9 of last year Irish citizens have been subject to a cruel internment policy that rivals the dictatorial operations of the Greek Junta. Tragically, the Government of Great Britain fails to realize that the presence and the increasingly aggressive activities of its troops in Northern Ireland are compounding the violence, instead of contributing to peace and a settlement of differences.

For this reason, in recent years I have participated in several legislative initiatives and other actions in the hope of helping to resolve this desperate and sorrowful situation.

In September of 1969 I introduced a Resolution urging the President to utilize all the avenues available to him to seek a settlement of the conflict, to provide assistance to the innocent victims of the conflict in Ireland and to offer all the resources of the United States relating to our own efforts to achieve the ideal of a democracy based on the principle of one man, one vote, and to assure equal opportunity in all areas for every citizen. I was very pleased, I might add, that in October of 1969 an official of the Irish Embassy in Washington called to express his government's interest in my proposal.

But, as we all know, in the meantime no significant improvement in the situation took place. The conditions of injustice, inequality and repression remained.

Last October, therefore, I joined my distinguished colleagues in Congress, Representative Carey of New York and Senator Kennedy of Massachusetts, in sponsoring a resolution urging:

(1) termination of the invidious internment policy and immediate release of all persons detained under it;

(2) full respect for the civil rights of all the citizens of Northern Ireland and the termination of all political, social, economic and religious discrimination;

(3) implementation of the reforms promised by Great Britain since 1968, including those reforms in the fields of law enforcement, housing, employment and voting rights;

(4) dissolution of the Parliament of Northern Ireland;

(5) withdrawal of all British forces from Northern Ireland and the institution of law enforcement and criminal justice under local control acceptable to all parties; and the

(6) convening of all interested parties for the purpose of accomplishing the unification of Ireland.

Subsequently, I joined Representative Tiernan of Rhode Island in another legislative initiative—a resolution stressing use of the United Nations to help solve the problem. This includes further actions, such as arranging for consultation among all parties, including the Irish Republican Army, to bring about a cessation of the conflict. It also proposes replacing British troops in Northern Ireland with a United Nations peacekeeping force and an international inquiry into the tragic events of Sunday, January 30, 1972.

I am happy to say that on February 28 the House Subcommittee on Europe will hold hearings on the situation in Northern Ireland, and I hope that it will result ultimately in adoption of legislation expressing the deep and sincere concern of our government about the tragedy in Ulster. Through this time of travail, I would emphasize, we must all keep in mind the magnificent example of the thousands of Northern Irish citizens who marched so courageouly and peacefully last week.

In 1969 His Holiness Pope Paul spoke out for all men of good will and humanity in urging a solution without violence that would assure equal rights for all. Today, as then, we should follow his leadership and remember his words that "those who are fighting each other are Christians."

RESOLUTION NO. 30107—PROTESTING INJUSTICE IN NORTHERN IRELAND

Whereas, on Sunday, February 13, 1972, an assemblage of more than 2,000 citizens of all religious faiths and ethnic origins under the sponsorship of the Committee for Ulster Justice convened at Seton Hall University in support of an appeal for freedom from oppression and injustice in Northern Ireland, engendered by religious and economic discriminations; and

Whereas, this appeal for justice in Northern Ireland is supported by resolutions under bi-partisan sponsorship entered in the Hall of Congress and in the New Jersey State Legislature in affirmation of our nation's dedication to the principle of equality and justice; now, therefore, be it

Resolved, that the Board of Chosen Freeholders proclaim support for the just and legitimate goals of the Committee for Ulster Justice, including an immediate end to the internment of citizens without trial; the removal of foreign troops from Irish soil and the start of negotiations leading to the unification of all Ireland; and, be it further

Resolved, that a copy of this resolution be sent to Governor William T. Cahill, and the leaders of Congress and the State Legislature to assist in every way possible the implementation of the principles of justice and freedom involved.

It is hereby certified that at a recessed meeting of the Board of Chosen Freeholders of the County of Essex, N.J., held February 17, 1972, the foregoing resolution was duly adopted, nine (9) members voting in the affirmative and none in the negative.

RUTH E. STEVENSON, *Clerk.*

YOUTH FOR UNDERSTANDING

The SPEAKER. Under a previous order of the House the gentleman from Iowa (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Iowa. Mr. Speaker, early last month a number of my colleagues joined in praising a program founded 20 years ago to promote international understanding through student exchange programs, international cultural exchanges, and the exchange of youth who desire to accomplish needed services abroad. I would, today, like to add my voice to those who have recognized this fine program, appropriately called Youth for Understanding.

Since its inception on a small scale in 1951, the Youth for Understanding program has accomplished far more than its founders had dared hope. After beginning as a local program in Michigan, YFU has grown so rapidly that it now encompasses students in nearly every State and more than 45 countries.

Often times the channels of diplomacy and communication between nations become clogged with suspicion and distrust fostered by the competitiveness inherent in international relations because of differing economic, social, and governmental systems. In order to strive to keep those avenues of understanding open and unimpeded, it is imperative that we develop patterns of communication which will supplement official channels.

There is no substitute for people-to-people contact—something which may be even more productive than governmental relations. The widely heralded Peace Corps was an official approach to this concept. It must be noted, however, that when the Peace Corps was established, Youth for Understanding had been functioning smoothly for 10 years. And although the Peace Corps has declined somewhat in magnitude, YFU has continued to grow and prosper, lending weight to the thesis that those volunteer programs which utilize the skills, talents, and youthful enthusiasm of young Americans and young people throughout the world, are the key to establishing patterns of cooperation which may help the world to someday realize a true "generation of peace."

The widespread and active support accorded to the YFU program in this country further attests to the impact this type of endeavor in drawing Americans of all faiths and beliefs together in a common purpose. In a time when strident voices from all corners of our society cause critical divisiveness which threaten to rend the fabric of the Nation, it is refreshing to take note of a program which can unite Americans in a common goal—that of the strengthening and maintenance of international understanding and cooperation.

It is with a great deal of pleasure, therefore, that I join in saluting Youth for Understanding on the completion of 20 highly successful years, and add my fervent hope that the successfulness of YFU will continue undiminished in the years to come.

VFW OVERSEAS CANTEENS DESERVE DEFENSE DEPARTMENT SUPPORT

The SPEAKER. Under a previous order of the House, the gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 10 minutes.

Mr. MATSUNAGA. Mr. Speaker, each of us is acquainted with the Veterans of Foreign Wars, an organization of American war veterans dedicated to the principles which have kept America free. As as a life member of the VFW, I can attest to the excellence of this organization.

One of the most valuable services provided by the VFW is the maintenance of canteens for its members in overseas areas, and they service, almost exclusively, active duty personnel, retirees and present civilian employees of the Federal Government and their dependents. These canteens are operated by posts which provide valuable support to command activities in these areas, and are known for their charitable and local service records. One VFW post, Post 9723 in Naha, Okinawa, has contributed more than $425,000 to community service programs alone in the past 11 years.

A serious drain on the capacities of these overseas posts, however, has been the inability to qualify for supportive logistical services from the military base on which, or near which, the VFW post is located. I am referring to such services as the privilege of purchasing food supplies through base commissaries or expendable supplies through the base self-service store, use of Quartermaster Laundry Facilities and APO postal services, and similar services. Such support has already been provided for other organizations, notably the American Red Cross, the United Seaman's Service Clubs, and the United Service Organization.

The Department of Defense, although sympathetic to the problems of the VFW canteens, believes that specific statutory authorization is required for the Department to furnish these services. Accordingly, Mr. Speaker, I am today introducing legislation to provide that specific statutory authority. Similar legislation is being introduced in the other body by Senator THURMOND. It should be made clear that any services provided under the provisions of my bill would be on a reimbursable basis. The canteen involved would reimburse the Government for the cost of services or goods it receives. The expense attributable to the enactment of the bill would be negligible.

I trust that Congress will act swiftly to approve this bill, which would strongly enhance the effectiveness of the VFW overseas canteens in bringing a measure of comfort to our servicemen abroad.

At this point, I offer for inclusion in the RECORD the text of the legislation:

H.R. 13631

A bill to amend title 10 of the United States Code in order to authorize assistance in providing facilities and services abroad for the Veterans of Foreign Wars of the United States when the President finds such assistance to be necessary in the national interest

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 155 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 2605. Veterans of Foreign Wars of the United States; cooperation and assistance

"(a) Whenever the President finds it necessary in the interest of the United States commitments abroad to provide facilities and services for the Veterans of Foreign Wars of the United States in foreign areas, he may authorize the Secretary of Defense, under such regulations as the Secretary may prescribe, to cooperate with and assist the Veterans of Foreign Wars of the United States in establishing and providing those facilities and services.

"(b) Personnel of the Veterans of Foreign Wars of the United States who are performing duties in connection with the cooperation and assistance under subsection (a) may be furnished—

"(1) transportation, at the expense of the United States, while traveling to and from, and while performing, those duties, in the same manner as civilian employees of the armed forces;

"(2) meals and quarters, at their expense or at the expense of the Veterans of Foreign Wars of the United States, except that where civilian employees of the armed forces are quartered without charge, employees of the Veterans of Foreign Wars of the United States may also be quartered without charge; and

"(3) available office space (including space for recreational activities for members), warehousing, wharfage, and means of communication, without charge.

"(c) No fee may be charged for a passport issued to an employee of the Veterans of Foreign Wars of the United States for travel outside the United States to assume or perform duties under this section.

"(d) Supplies of the Veterans of Foreign Wars of the United States, including gifts for the use of members, may be transported at the expense of the United States, if it is determined under regulations prescribed under subsection (a) that they are necessary to the cooperation and assistance provided under this section.

"(e) Where practicable, the President shall also make arrangements to provide for convertibility of local currencies for the Veterans of Foreign Wars of the United States in connection with its activities under subsection (a).

"(f) For the purposes of this section, employees of the Veterans of Foreign Wars of the United States may not be considered as employees of the United States."

(b) The analysis of such chapter 155 is amended by adding at the end thereof the following:

"2605. Veterans of Foreign Wars of the United States; cooperation and assistance."

LACK OF DRUG ENFORCEMENT EFFORT IN THAILAND REBUTTED

(Mr. FREY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FREY. Mr. Speaker, a distinguished colleague from New York issued a statement on Friday, March 3, in which he stated that the U.S. Ambassador to Thailand—Unger—and the administration had not brought enough pressure on the Thai Government to interdict the traffic in illegal drugs going through the country and that he was introducing legislation to force the President to cut off foreign assistance to the Thai Government. He further stated that he knew of corrupt Thai officials who were involved in the trafficking.

We commend him for his efforts in this field. However, we feel that while the problem is still acute, a beginning has been made.

Bangkok is the headquarters for the Bureau of Narcotics and Dangerous Drugs in Southeast Asia since it is a strategic point in the flow of illicit drugs from the "Golden Triangle" border regions where Thailand, Burma, and Laos meet. Working with Thai police, BNDD in the fall of 1971 arrested 45 defendants with a seizure of 97 pounds of heroin and 645 pounds of opium that were intended for consumption by our troops in South Vietnam. Later in November, Thai police, following our leads, arrested three suspects attempting to deliver 8 pounds of heroin who were part of a ring selling heroin in kilogram quantities to U.S. military personnel. In December, another 2½ pounds were seized as a result of four more arrests of persons also dealing directly with American servicemen.

In January of this year, BNDD officials working with the Thai police seized 55 pounds of Southeast Asian heroin which would be worth $5.5 million to U.S. traffickers.

Most importantly, as the result of recent negotiations a new program called the "North Thai program" was announced just last week by John Ingersol, Director of BNDD, to deal with the "Golden Triangle" area. The North Thai program is placing a special task force of selected police officers of the Thai Government across this channel of highway communications to interdict the flow of drugs. The task force will consist of approximately 20 Thai officers equipped with modern arms, vehicles, and radio communications, acting with the daily assistance of four BNDD agents. These agents will help coordinate activities and advise in the initiation and conduct of specific operations. Through our Bangkok office use of other U.S. facilities and equipment can also be arranged according to need.

The Thai commitment will be based on an expansion of the Central Narcotics Bureau from its present manpower level of but four ill-equipped officers. With vehicles and radio communications, they will be able to establish roadblocks on command in order to halt drug convoys coming south. These will be originally detected in the northern village stations or on the border of the Triangle region itself. Such detections will be accomplished through the use of ground and air surveillance activities, the development of informants, and random spot checks of vehicular traffic. A further emphasis will be given to the detection of heroin labs and their elimination.

This new program, Mr. Speaker, is the result of an intensive effort by President Nixon to choke off the supply lines of illegal drugs. It is as important as the recent agreement with Turkey to stop the production of opium.

Already, more heroin has been seized in fiscal year 1972 by all Federal authorities than was seized in all of fiscal year 1971.

Having just returned from a drug investigation trip in South America, I am very familiar with the extreme difficulties in controlling this traffic. The hesitancy of foreign governments to come to grips with the problem, the terrain involved, the lack of local enforcement personnel and equipment, make the job extremely difficult.

But, the administration is beginning to make some important breakthroughs both in the United Nations and with individual governments. The President's commitment of resources and the establishment of the Office of Drug Abuse for Enforcement and the Cabinet Committee on International Narcotic Control illustrate his commitment to wage an all out assault against the pushers of the world.

In summary, more has been accomplished under President Nixon than ever before. However, I agree that more must be done and with the cooperation of the Congress, it will be accomplished.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Gude (at the request of Mr. Gerald R. Ford), on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Forsythe) to revise and extend their remarks and include extraneous matter:)

Mr. du Pont, for 15 minutes, today.

Mrs. Heckler of Massachusetts, for 15 minutes, today.

(The following Members (at the request of Mr. Davis of South Carolina) to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 10 minutes, today.

Mr. Rodino, for 15 minutes, today.

Mr. Matsunaga, for 10 minutes, today.

Mr. Smith of Iowa, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Gross and to include pertinent material.

(The following Members (at the request of Mr. Forsythe) and to include extraneous matter:)

Mr. Scherle in 10 instances.

Mr. Findley.

Mr. Derwinski in three instances.

Mr. Zwach.

Mr. Frelinghuysen.

Mr. Duncan in three instances.

Mr. Whitehurst in two instances.

(The following Members (at the request of Mr. Davis of South Carolina) and to include extraneous matter:)

Mr. Albert.

Mr. Badillo in two instances.

Mr. Eilberg.

Mr. Pucinski in 10 instances.

Mr. Symington.

Mr. Hagan in three instances.

Mr. Rogers in five instances.

Mr. Kluczynski.

Mr. Fountain.

Mr. Miller of California in five instances.

Mr. Hungate.

Mr. Murphy of New York.

Mr. Anderson of California in three instances.

Mr. Evins of Tennessee in two instances.

Mr. Burton in five instances.

Mr. Boland.

Mr. Bolling.

Mrs. Sullivan in two instances.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on March 6, 1972, present to the President, for his approval, a bill of the House of the following title:

H.R. 12067. An Act making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1972, and for other purposes.

ADJOURNMENT

Mr. DAVIS of South Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 38 minutes p.m.), the

House adjourned until tomorrow, Wednesday, March 8, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

1715. Under clause 2 of rule XXIV, a letter from the Assistant Administrator of General Services, transmitting a draft of proposed legislation to amend chapter 25, title 44, United States Code, to provide for two additional members of the National Historical Publications Commission, and for other purposes; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. O'NEILL: Committee on Rules. House Resolution 877. Resolution providing for the consideration of H.R. 9615, a bill to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes (Rept. No. 92–900). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 878. Resolution providing for the consideration of H.R. 10420, a bill to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes (Rept. No. 92–901). Referred to the House Calendar.

Mr. DELANEY: Committee on Rules. House Resolution 879. Resolution providing for the consideration of H.R. 11624, a bill to amend the Military Construction Authorization Act, 1970, to authorize additional funds for the conduct of an international aeronautical exposition (Rept. No. 92–902). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BADILLO:

H.R. 13620. A bill to assure opportunities for employment to unemployed and underemployed persons, to assist States and local communities in providing needed public services, to provide job training and guidance when necessary, and for other purposes; to the Committee on Education and Labor.

By Mr. BADILLO (for himself, Mr. Alexander, Mr. Barrett, Mr. Biaggi, Mr. Boland, Mr. Carey of New York, Mr. Daniels of New Jersey, Mr. Dellenback, Mr. Dellums, Mr. Dow, Mr. Gonzalez, Mrs. Hansen of Washington, Mrs. Heckler of Massachusetts, Mr. Hicks of Washington, Mr. Jones of North Carolina, Mr. McDade, Mr. Mitchell, Mr. Morse, Mr. Murphy of New York, Mr. O'Hara, Mr. Podell, Mr. Reid, Mr. Thompson of New Jersey and Mr. Vanik):

H.R. 13621. A bill to amend the Education of the Handicapped Act to provide tutorial and related instructional services for homebound children through the employment of college students, particularly veterans and other students who themselves are handicapped; to the Committee on Education and Labor.

By Mr. CORMAN:

H.R. 13622. A bill to amend the Social Security Act to provide that public assistance recipients shall be entitled to use commissary facilities of the Armed Forces; to the Committee on Ways and Means.

By Mr. FORSYTHE (for himself, Mrs. Abzug, Mr. Bell, Mr. Biester, Mr. Coughlin, Mr. Frelinghuysen, Mr. Garmatz, Mr. Halpern, Mr. Harrington, Mr. Hosmer, Mr. Morse, Mr. Sandman, and Mr. Ware):

H.R. 13623. A bill to amend the National Flood Insurance Act of 1968 to require flood insurance coverage under that act for all properties covered by federally insured or guaranteed mortgages; to the Committee on Banking and Currency.

By Mr. FREY (for himself, Mr. McCollister, Mr. Ware, and Mr. Winn):

H.R. 13624. A bill to amend the Public Health Service Act to provide for the prevention of sickle cell anemia; to the Committee on Interstate and Foreign Commerce.

By Mr. HALL:

H.R. 13625. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employes between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

H.R. 13626. A bill to amend the Communications Act of 1934 to permit broadcast licenses to be issued for a 5-year term and to establish orderly procedures for the consideration of applications for license renewals; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH (for himself, Mr. Abourezk, Mr. Biaggi, Mr. Bingham, Mr. Celler, Mr. Gonzalez, Mr. Green of Pennsylvania, Mr. Gude, Mr. Hanley, Mr. Lent, Mr. Peyser, Mr. Podell, and Mr. Rostenkowski):

H.R. 13627. A bill to amend the Urban Mass Transportation Act of 1964 to provide emergency grants for operating subsidies to urban mass transportation systems on the basis of passengers serviced; to the Committee on Banking and Currency.

By Mr. LONG of Maryland:

H.R. 13628. A bill to amend title 10 of the United States Code to permit the appointment by the President of certain additional persons to the service academies; to the Committee on Armed Services.

H.R. 13629. A bill to discourage the use of leg-hold or steel jaw traps on animals in the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. MAHON:

H.R. 13630. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. MATSUNAGA:

H.R. 13631. A bill to amend title 10 of the United States Code in order to authorize assistance in providing facilities and services abroad for the Veterans of Foreign Wars of the United States when the President finds such assistance to be necessary in the national interest; to the Committee on Armed Services.

By Mr. RODINO:

H.R. 13632. A bill to amend title II of the Social Security Act to provide a 20-percent across-the-board increase in benefits thereunder, to increase the amount of earnings counted for benefit and tax purposes, and to make appropriate adjustments in social security tax rates; to the Committee on Ways and Means.

By Mr. STEPHENS (for himself and Mr. Flynt):

H.R. 13633. A bill to provide for the acquisition of areas having unique ecological significance and to fund such acquisitions through the land and water conservation fund; to the Committee on Interior and Insular Affairs.

By Mr. BLATNIK:

H.J. Res. 1093. Joint resolution to authorize the preparation of a history of public works in the United States; to the Committee on House Administration.

By Mr. WOLFF (for himself, Mr. Derwinski, Mr. O'Neill, Mr. Hechler of West Virginia, Mr. Rees, Mr. Rosenthal, Mr. Conyers, Mr. Aspin, Mrs. Abzug, Mr. Brasco, Mr. Carey of New York, Mr. Podell, Mr. Roybal, Mr. Biaggi, Mr. Denholm, Mrs. Heckler of Massachusetts, Mr. Rangel, Mr. Drinan, Mr. Abourezk, Mr. Burton, Mr. Helstoski, Mr. Yates, Mr. Harrington, Mr. Koch, and Mr. Kastenmeier):

H. Res. 874. Resolution expressing the sense of the House of Representatives that the President should suspend, in accordance with section 481 of the Foreign Assistance Act of 1961, economic and military assistance and certain sales to Thailand for its failure to take adequate steps to control the illegal traffic of opium through its borders; to the Committee on Foreign Affairs.

By Mr. MURPHY of Illinois (for himself, Mr. Eilberg, Mr. Roe, Mr. Clay, Mr. Hawkins, Mr. Stokes, Mr. Dow, Mr. Tiernan, Mr. Bingham, Mr. Leggett, Mr. Howard, Mr. Obey, Mrs. Mink, Mr. Yatron, Mr. Dent, Mr. Rostenkowski, Mr. Byrne of Pennsylvania, Mr. Mikva, Mr. James V. Stanton, Mr. Pucinski, Mr. Patten, Mr. Donohue, Mr. Burke of Massachusetts, Mr. Barrett, and Mr. Nix):

H. Res. 875. Resolution expressing the sense of the House of Representatives that the President should suspend, in accordance with section 481 of the Foreign Assistance Act of 1961, economic and military assistance and certain sales to Thailand for its failure to take adequate steps to control the illegal traffic of opium through its borders; to the Committee on Foreign Affairs.

By Mr. MURPHY of Illinois (for himself, Mr. Pucinski, Mr. Metcalfe, Mr. Rostenkowski, Mr. James V. Stanton, and Mr. Mikva):

H. Res. 876. Resolution expressing the sense of the House of Representatives that the President should suspend, in accordance with section 481 of the Foreign Assistance Act of 1961, economic and military assistance and certain sales to Thailand for its failure to take adequate steps to control the illegal traffic of opium through its borders; to the Committee on Foreign Affairs.

SENATE—*Tuesday, March 7, 1972*

The Senate met at 11:30 a.m. and was called to order by Hon. Robert C. Byrd, a Senator from the State of West Virginia.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God of men and nations, grant to all who serve in this Government reverent spirits, devout hearts, and wise minds that they may enact and execute those measures which are for the strengthening of the Nation and the increase of peace in the world.

Above the noisy tumult of our times may there be heard the unuttered call of the unemployed father, the solitary widow, the questing student, the lonely soldier, the abandoned orphan, the hopeless sick one, and all who would be stronger and better could our world but give new hope.

Forgive the indolent, the malingerer, and the indifferent. Reward the creator, the thinker, and the worker. Make us a people sensitive to others and in mutual support of one another. By our help to others help us to become better persons. Lead us to the new day when we have better people in warmer friendship under a great and good government.

For Thy name's sake. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 7, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ROBERT C. BYRD, a Senator from the State of West Virginia, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. BYRD of West Virginia thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, March 6, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROMOTION AND ADVERTISING OF INDIAN RIVER GRAPEFRUIT UNDER MARKETING ORDERS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 652, S. 1058.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the clerk will read the bill by title.

The legislative clerk read the bill by title, as follows:

A bill (S. 1058) to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, so as to authorize certain grapefruit marketing orders which provide for an assessment against handlers for the purpose of financing a marketing promotion program to also provide for a credit against such assessment in the case of handlers who expend directly for marketing promotion.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1058

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8c(6)(I) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, is further amended by inserting in the first proviso "and Florida Indian River grapefruit" immediately after "with respect to almonds".

AMENDMENT OF FEDERAL AVIATION ACT OF 1958

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2423.

The ACTING PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2423) to amend the Federal Aviation Act of 1958 to provide for the suspension and rejection of rates and practices of air carriers and foreign air carriers in foreign air transportation, and for other purposes, which was to strike out all after the enacting clause, and insert:

That section 404(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1374(a)) is amended by inserting "(1)" immediately after "(a)" and by adding at the end thereof the following new paragraph:

"(2) It shall be the duty of every air carrier and foreign air carrier to establish, observe, and enforce just and reasonable individual and joint rates, fares, and charges, and just and reasonable classifications, rules, regulations, and practices relating to foreign air transportation; and, in case of such joint rates, fares, and charges, to establish just, reasonable, and equitable divisions thereof as between air carriers or foreign air carriers participating therein which shall not unduly prefer or prejudice any of such participating air carriers or foreign air carriers.".

SEC. 2. Section 801 of such Act (49 U.S.C. 1461) is amended by inserting "(a)" immediately after "Sec. 801." and by adding at the end thereof the following new subsection:

"(b) Any order of the Board pursuant to section 1002(j) of this Act suspending, rejecting, or canceling a rate, fare, or charge for foreign air transportation, and any order rescinding the effectiveness of any such order, shall be submitted to the President before publication thereof. The President may disapprove any such order when he finds that disapproval is required for reasons of the national defense or the foreign policy of the United States not later than ten days following submission by the Board of any such order to the President.".

SEC. 3. (a) Section 1002 of such Act (49 U.S.C. 1482) is amended by adding at the end thereof the following new subsection:

"SUSPENSION AND REJECTION OF RATES IN FOREIGN AIR TRANSPORTATION

"(j)(1) Whenever any air carrier or foreign air carrier shall file with the Board a tariff stating a new individual or joint (between air carriers, between foreign air carriers, or between an air carrier or carriers and a foreign air carrier or carriers) rate, fare, or charge for foreign air transportation or any classification, rule, regulation, or practice affecting such rate, fare, or charge, or the value of the service thereunder, the Board is empowered, upon complaint or upon its own initiative, at once, and, if it so orders, without answer or other formal pleading by the air carrier or foreign air carrier, but upon reasonable notice, to enter upon a hearing concerning the lawfulness of such rate, fare, or charge, or such classification, rule, regulation, or practice; and pending such hearing and the decision thereon, the Board, by filing with such tariff, and delivering to the air carrier or foreign air carrier affected thereby, a statement in writing of its reasons for such suspension, may suspend the operation of such tariff and defer the use of such rate, fare, or charge, or such classification, rule, regulation, or practice, for a period or periods not exceeding three hundred and sixty-five days in the aggregate beyond the time when such tariff would otherwise go into effect. If, after hearing, the Board shall be of the opinion that such rate, fare, or charge, or such classification, rule, regulation, or practice, is or will be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, the Board may take action to reject or cancel such tariff and prevent the use of such rates, fare, or charge, or such classification, rule, regulation, or practice. The Board may at any time rescind the suspension of such tariff and permit the use of such rate, fare, or charge, or such classification, rule, regulation, or practice. If the proceeding has not been concluded and an order made within the period of suspension or suspensions, or if the Board shall otherwise so direct, the proposed rate, fare, charge, classification, rule, regulation, or practice shall go into effect subject, however, to being canceled when the proceeding is concluded. This paragraph shall not apply to any initial tariff filed by an air carrier or foreign air carrier. During the period of any suspension or suspensions, or following rejection or cancellation of a tariff, including tariffs which have gone into effect provisionally, the affected air carrier or foreign air carrier shall maintain in effect and use the rate, fare, or charge, or the classification, rule, regulation, or practice affecting such rate, fare, or charge, or the value of service thereunder, which was in effect immediately prior to the filing of the new tariff.

"(2) With respect to any existing tariff of an air carrier or foreign air carrier stating rates, fares, or charges for foreign air transportation, or any classification, rule, regulation, or practice affecting such rate, fare, or charge, or the value of the service thereunder, the Board is empowered, upon complaint or upon its own initiative, at once and, if it so orders, without answer or other formal pleading by the air carrier or foreign air carrier, but upon reasonable notice, to enter into a hearing concerning the lawfulness of such rate, fare, or charge, or such classification, rule, regulation, or practice; and pending such hearing and the decision thereon, the Board, upon reasonable notice, and by filing with such tariff, and delivering to the air carrier or foreign air carrier affected thereby, a statement in writing of its reasons for such suspension, and the effective date thereof, may suspend the operation of such tariff and defer the use of such rate, fare, or charge, or such classification, rule, regulation, or practice, following the effective date of such suspension, for a period or periods not exceeding thee hundred and sixty-five days in the aggregate from the effective date of such suspension. If, after hearing, the Board shall be of the opinion that such rate, fare, or charge, or such classification, rule, regulation, or practice, is or will be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, the Board may take action to cancel such tariff and prevent the use of such rate, fare, or charge, or such classification, rule, regulation, or practice. If the proceeding has not been concluded within the period of suspension or suspensions, the tariff shall again go into effect subject, however, to being canceled when the proceeding is concluded. For the purposes of operation during the period of such suspension, or the period following cancellation of an existing tariff pending effectiveness of a new tariff, the air carrier or foreign air carrier may file a tariff embodying any rate, fare, or charge, or any classification, rule, regulation, or practice effecting such rate, fare, or charge, or the value of the service thereunder, that may be currently in effect (and not subject to a suspension order) for any air carrier engaged in the same foreign air transportation.

"(3) Whenever the Board finds that the government or aeronautical authorities of any foreign country have refused to permit the charging of rates, fares, or charges contained in a properly filed and published tariff of an air carrier filed under this Act for foreign air transportation to such foreign country, the Board may, without hearing, (A) suspend the operation of any existing tariff of any foreign air carrier providing services between the United States and such foreign country for a period or periods not exceeding three hundred and sixty-five days in the aggregate from the date of such suspension, and (B) during the period of such suspension or suspensions, order the foreign air carrier to charge rates, fares, or charges which are the same as those contained in a properly filed and published tariff (designated by the Board) of an air carrier filed under this Act for foreign air transportation to such foreign country, and the effective right of an air carrier to start or continue service at the designated rates, fares, or charges to such foreign country shall be a condition to the continuation of service by the foreign air carrier in foreign air transportation to such foreign country.

"(4) The provisions of this subsection and compliance with any order of the Board issued pursuant thereto shall be an express condition to the certificates or permits now held or hereafter issued to any air carrier or foreign air carrier, and the maintenance of rates, fares, or charges in conformity with the requirements of such provisions and such order of the Board shall be a condition to the continuation of the affected service by such air carrier or foreign air carrier.

"(5) In exercising and performing its powers and duties under this subsection with respect to the rejection or cancellation of rates for the carriage of persons or property, the Board shall take into consideration, among other factors—

"(A) the effect of such rates upon the movement of traffic;

"(B) the need in the public interest of adequate and efficient transportation of persons and property by air carriers and foreign air carriers at the lowest cost consistent with the furnishing of such service;

"(C) such standards respecting the character and quality of service to be rendered by air carriers and foreign air carriers as may be prescribed by or pursuant to law;

"(D) the inherent advantages of transportation by aircraft;

"(E) the need of such air carrier and foreign air carrier for revenue sufficient to enable such air carrier and foreign air carrier, under honest, economical, and efficient management, to povide adequate and efficient air carrier and foreign air carrier service; and

"(F) whether such rates will be predatory or tend to monopolize competition among air carriers and foreign air carriers in foreign air transportation.".

(b) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the side heading

"Sec. 1002. Complaints to and investigations by the Administrator and the Board."

is amended by adding at the end thereof the following:

"(j) Suspension and rejection of rates in foreign air transportation.".

SEC. 4. The amendments made by this Act shall not be deemed to authorize any actions inconsistent with the provision of section 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1502).

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendment of the House.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

AMENDMENT OF OLDER AMERICANS ACT OF 1965

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1163.

The ACTING PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1163) "to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal projects, nutrition training education projects, opportunity for social contacts, and for other purposes", which was to strike out all after the enacting clause, and insert:

SECTION 1. Title VII of the Older Americans Act of 1965 is redesignated as title VIII, and sections 701 through 705 of that Act are respectively redesignated as sections 801 through 85.

SEC. 2. The Older Americans Act of 1965 is amended by inserting the following new title immediately after title VI thereof:

"TITLE VII—NUTRITION PROGRAM FOR THE ELDERLY

"FINDINGS AND PURPOSE

"SEC. 701. (a) The Congress finds that the research and development nutrition projects for the elderly conducted under title IV of the Older Americans Act have demonstrated the effectiveness of, and the need for, permanent nationwide projects to assist in meeting the nutritional and social needs of millions of persons aged sixty or older. Many elderly persons do not eat adequately because (1) they cannot afford to do so; (2) they lack the skills to select and prepare nourishing and well-balanced meals; (3) they have limited mobility which may impair their capacity to shop and cook for themselves; and (4) they have feelings of rejection and loneliness which obliterate the incentive necessary to prepare and eat a meal alone. These and other physiological, psychological, social, and economic changes that occur with aging result in a pattern of living, which causes malnutrition and further physical and mental deterioration.

"(b) In addition to the food stamp program commodity distribution systems and old-age income benefits, there is an acute need for a national policy which provides older Americans, particularly those with low incomes, with low cost, nutritionally sound meals served in strategically located centers such as schools, churches, community centers, senior citizen centers, and other public or private nonprofit institutions where they can obtain other social and rehabilitative services. Besides promoting better health among the older segment of our population through improved nutrition, such a program would reduce the isolation of old age, offering older Americans an opportunity to live their remaining years in dignity.

"ADMINISTRATION

"SEC. 702. (a) In order to effectively carry out the purposes of this title, the Secretary shall—

"(1) administer the program through the Administration on Aging; and

"(2) consult with the Secretary of Agriculture and make full utilization of the Food and Nutrition Service, and other existing services of the Department of Agriculture.

"(b) In carrying out the provisions of this title, the Secretary is authorized to request the technical assistance and cooperation of the Department of Labor, the Office of Economic Opportunity, the Department of Housing and Urban Development, the Department of Transportation, and such other departments and agencies of the Federal Government as may be appropriate.

"(c) The Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, personnel, and facilities.

"(d) In carrying out the purposes of this title, the Secretary is authorized to provide consultative services and technical assistance to any public or private nonprofit institution or organization, agency, or political subdivision of a State; to provide short-term training and technical instruction; and to collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this title.

"ALLOTMENT OF FUNDS

"SEC. 703. (a) (1) From the sums appropriated for any fiscal year under section 708, each State shall be allotted an amount which bears the same ratio to such sum as the population aged 60 or over in such State bears to the population aged 60 or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made. For the purpose of the exception contained in this paragraph, the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(2) The number of persons aged sixty or over in any State and for all States shall be determined by the Secretary on the basis of the most satisfactory data available to him.

"(b) The amount of any State's allotment under subsection (a) of any fiscal year which the Secretary determines will not be required for that year shall be reallotted, from time to time and on such dates during such year as the Secretary may fix, to other States in proportion to the original allotments to such States under subsection (a) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Such reallotments shall be made on the basis of the State plan so approved, after taking into consideration the population aged sixty or over. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for that year.

"(c) The allotment of any State under subsection (a) for any fiscal year shall be available for grants to pay up to 9 per centum of the costs of projects in such State described in section 706 and approved by such State in accordance with its State plan approved under section 705, but only to the extent that such costs are both reasonable and necessary for the conduct of such projects, as determined by the Secretary in accordance with criteria prescribed by him in regulations. Such allotment to any State in any fiscal year shall be made upon the condition that the Federal allotment will be matched during each fiscal year by 10 per centum, or more, as the case may be, from funds or in kind resources from non-Federal sources.

"(d) If the Secretary finds that any State has failed to qualify under the State plan requirements of section 705, the Secretary shall withhold the allotment of funds to such State referred to in subsection (a). The Secretary shall disburse the funds so withheld directly to any public or private nonprofit institution or organization, agency, or political subdivision of such State submitting an approved plan in accordance with the provisions of section 705, including the requirement that any such payment or payments shall be matched in the proportion specified in subsection (c) for such State, by funds or in kind resources from non-Federal sources.

"(e) The State agency may, upon the request of one or more recipients of a grant or contract, purchase agricultural commodities and other foods to be provided to such nutrition projects assisted under this part. The Secretary may require reports from State agencies, in such form and detail as he may prescribe, concerning requests by recipients of grants or contracts for the purchase of such agricultural commodities and other foods, and action taken thereon.

"PAYMENT OF GRANTS

"SEC. 704. Payments pursuant to grants or contracts under this title may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

"STATE PLANS

"SEC. 705. (a) Any State which desires to receive allotments under this title shall submit to the Secretary for approval a State plan for purposes of this title which, in the case of a State agency designated pursuant to section 303 of this Act, shall be in the form of an amendment to the State plan provided in section 303. Such plan shall—

"(1) establish or designate a single State agency as the sole agency for administering or supervising the administration of the plan and coordinating operations under the plan with other agencies providing services to the elderly, which agency shall be the agency designated pursuant to section 303(a)(1) of this Act, unless the Governor of such State shall, with the approval of the Secretary, designate another agency;

"(2) sets forth such policies and procedures as will provide satisfactory assurance that allotments paid to the State under the provisions of this title will be expended—

"(A) to make grants in cash or in kind to any public or private nonprofit institution or organization, agency, or political subdivision of a State (referred to herein as 'recipient of a grant or contract')—

"(i) to carry out the program as described in section 706.

"(ii) to provide up to 90 per centum of the costs of the purchase and preparation of the food; delivery of the meals; and such other reasonable expenses as may be incurred in providing nutrition services to persons aged sixty or over. Recipients of grants or contracts may charge participating individuals for meals furnished pursuant to guidelines established by the Secretary, taking into consideration the income ranges of eligible individuals in local communities and other sources of income of the recipients of a grant or a contract.

"(iii) to provide up to 90 per centum of the costs of such supporting services as may be necessary in each instance, such as the costs of related social services and, where appropriate, the costs of transportation between the project site and the residences of eligible individuals who could not participate in the project in the absence of such transportation, to the extent such costs are not met through other Federal, State, or local programs.

"(B) to provide for the proper and efficient administration of the State plan at the least possible administrative cost, not to exceed an amount equal to 10 per centum of the amount allotted to the State unless a greater amount in any fiscal year is approved by the Secretary. In administering the State plan, the State agency shall—

"(i) make reports, in such form and containing such information, as the Secretary may require to carry out his functions under this title, including reports of participation by the groups specified in subsection (4) of this section; and keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports and proper disbursement of Federal funds under this title, and

"(ii) provide satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this title to the State, including any such funds paid by the State to the recipient of a grant or contract.

"(3) provide such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Secretary shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods) as are necessary for the proper and efficient operation of the plan.

"(4) provide that preference shall be given in awarding grants to carry out the purposes of this title to projects serving primarily low-income individuals and provide assurances that, to the extent feasible, grants will be awarded to projects operated by and serving the needs of minority, Indian, and limited English-speaking eligible individuals in proportion to their numbers in the State.

"(b) The Secretary shall approve any State plan which he determines meets the requirements and purposes of this section

"(c) Whenever the Secretary, subject to reasonable notice and opportunity for hearing to such State agency, finds (1) that the State plan has so changed that it no longer complies with the provisions of this title, or (2) that in the administration of the plan there is a failure to comply substantially with any such provision or with any requirements set forth in the application of a recipient of a grant or contract approved pursuant to such plan, the Secretary shall notify such State agency that further payments will not be made to the State under the provisions of this title (or in his discretion, that further payments to the State will be limited to programs or projects under the State plan, or portions thereof, not affected by the failure, or that the State agency shall not make further payments under this part to specified local agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, the Secretary shall make no further payments to the State under this title, or shall limit payments to recipients of grants or contracts under, or parts of, the State plan not affected by the failure or payments to the State agency under this part shall be limited to recipients of grants or contracts not affected by the failure, as the case may be.

"(d)(1) If any State is dissatisfied with the Secretary's final action with respect to the approval of its State plan submitted under subsection (a), or with respect to termination of payments in whole or in part under subsection (c), such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceeding on which he based his action, as provided in section 2112 of title 28, United States Code.

"(2) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the Court for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part.

The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"NUTRITION AND OTHER PROGRAM REQUIREMENTS

"SEC. 706. (a) Funds allotted to any State during any fiscal year pursuant to section 703 shall be disbursed by the State agency to recipients of grants or contracts who agree—

"(1) to establish a project (referred to herein as a 'nutrition project') which, five or more days per week, provides at least one hot meal per day and any additional meals, hot or cold, which, the recipient of a grant or contract may elect to provide, each of which assures a minimum of one-third of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Academy of Sciences-National Research Council;

"(2) to provide such nutrition project for individuals aged sixty or over who meet the specifications set forth in clauses (1), (2), (3), or (4) of section 701(a) and their spouses (referred to herein as 'eligible individuals');

"(3) to furnish a site for such nutrition project in as close proximity to the majority of eligible individuals' residences as feasible, such as a school or a church, preferably within walking distance where possible and, where appropriate, to furnish transportation to such site or home-delivered meals to eligible individuals, who are homebound;

"(4) to utilize methods of administration, including outreach, which will assure that the maximum number of eligible individuals may have an opportunity to participate in such nutrition project;

"(5) to provide special menus, where feasible and appropriate, to meet the particular dietary needs arising from the health requirements, religious requirements or ethnic backgrounds of eligible individuals;

"(6) to provide a setting conducive to expanding the nutrition project and to include, as a part of such project, recreational activities, informational, health and welfare counseling and referral services, where such services are not otherwise available;

"(7) to include such training as may be necessary to enable the personnel to carry out the provisions of this title;

"(8) to establish and administer the nutrition project with the advice of persons competent in the field of service in which the nutrition program is being provided, of elderly persons who will themselves participate in the program and of persons who are knowledgeable with regard to the needs of elderly persons;

"(9) to provide an opportunity to evaluate the effectiveness, feasibility and cost of each particular type of such project;

"(10) to give preference to persons aged sixty or over for any staff positions, full- or part-time, for which such persons qualify and to encourage the voluntary participation of other groups, such as college and high school students, in the operation of the project; and

"(11) to comply with such other standards as the Secretary may by regulation prescribe in order to assure the high quality of the nutrition project and its general effectiveness in attaining the objectives of this title.

"(b) The Secretary and the Comptroller General of the United States or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to a grant or contract received under this title.

"SURPLUS COMMODITIES

"SEC. 707. (a) Each recipient of a grant or contract shall, insofar as practicable, utilize in its nutrition project commodities designated from time to time by the Secretary of Agriculture as being in abundance, either nationally or in the local area, or commodities donated by the Secretary of Agriculture. Commodities purchased under the authority of section 32 of the Act of August 24, 1935 (49 Stat. 774), as amended, may be donated by the Secretary of Agriculture to the recipient of a grant or contract, in accordance with the needs as determined by the recipient of a grant or contract, for utilization in the nutritional program under this title. The Secretary of Agriculture is authorized to prescribe terms and conditions respecting the use of commodities donated under section 32, as will maximize the nutritional and financial contributions of such donated commodities in such public or private nonprofit institutions or organizations, agencies, or political subdivisions of a State.

"(b) The Secretary of Agriculture may utilize the projects authorized under this title in carrying out the provisions of clause (2) of section 32 of the Act approved August 24, 1935, as amended (49 Stat. 774, 7 U.S.C. 612c).

"APPROPRIATIONS AUTHORIZED

"SEC. 708. For the purpose of carrying out the provisions of this title there are hereby authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, and $150,000,000 for the fiscal year ending June 30, 1974. In addition, there are hereby authorized to be appropriated for such fiscal years, as part of the appropriations for salaries and expenses for the Administration on Aging, such sums as Congress may determine to be necessary to carry out the provisions of this title. Sums appropriated pursuant to this section which are not obligated and expended prior to the beginning of the fiscal year succeeding the fiscal year for which such funds were appropriated shall remain available for obligation and expenditure during such succeeding fiscal year.

"RELATIONSHIP TO OTHER LAWS

"SEC. 709. No part of the cost of any project under this title may be treated as income or benefits to any eligible individual for the purpose of any other program or provision of State or Federal law.

"MISCELLANEOUS

"SEC. 710. None of the provisions of this title shall be construed to prevent a recipient of a grant or a contract from entering into an agreement, subject to the approval of the State agency, with a profit-making organization to carry out the provisions of this title and of the appropriate State plan."

Mr. EAGLETON. Mr. President, I am pleased once again to take the floor, as chairman of the Subcommittee on Aging of the Committee on Labor and Public Welfare, in support of S. 1163. The Senate demonstrated its recognition of the merits of this measure by a unanimous vote of 89 to 0 in favor of the bill on November 30, 1971. The House has now followed suit and approved with only minor amendments the bill as passed by the Senate. I ask unanimous consent that a summary of the bill be printed in the RECORD at this point.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE BILL

This legislation amends the Older Americans Act of 1965 by creating a new title to authorize grants to the states for the purpose of paying up to ninety-percent of the cost of establishing and operating nutrition projects to provide low cost, nutritionally sound meals to individuals sixty years of age or older and their spouses ("eligible individuals").

The bill authorizes $100 million in fiscal year 1973 and $150 million in fiscal year 1974 for grants to states submitting an acceptable State plan and provides for administration of the program by the Secretary of Health, Education, and Welfare through the Administration on Aging. Funds so appropriated are allotted to the States on the basis of each State's proportionate share of the Nation's population aged sixty and older, except that each State (defined to include Puerto Rico and the District of Columbia) shall receive at least one-half of one percent of the sums appropriated and Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific shall receive at least one-fourth of one percent of the sums appropriated.

Participating States must designate a single State agency having responsibility for administering the nutrition program within the State and for coordinating the program with other agencies providing services to the elderly. The State agency shall be the agency primarily responsible for administering other provisions of the Older Americans Act unless the Governor, with the approval of the Secretary, designates some other agency. States may utilize up to ten percent of their allotment for administrative costs, which amount is subject to the matching requirements of the bill.

Funds allotted to States are to be dispersed, by grants or contract, to public or private non-profit institutions, organizations, agencies, or political subdivisions of the State which agree to establish a nutrition project. In making grants or awarding contracts, States must give preference to projects serving primarily low income individuals and the State plan must assure that, to the extent feasible, grants will be awarded to projects operated by and serving the needs of minority, Indian, and limited English-speaking eligible individuals in proportion to their numbers in the State. Recipients of a grant or contract must agree to—

Establish a nutrition project with the advice of persons competent in the fields of nutrition and services to the elderly. Each such project must provide at least one hot meal per day, five or more days per week, and each such meal must assure a minimum of one-third of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Academy of Sciences, National Research Council.

Furnish a site for the nutrition project to be located, where feasible, in areas having a concentration of eligible individuals and preferably within walking distance.

Where appropriate, provide home-delivered meals to eligible individuals who are homebound and supply transportation between the project site and the residences of eligible individuals who would otherwise be unable to participate.

Provide participants with supportive services such as recreational activities, health and welfare counselling, and informational and referral services, where they are not otherwise available.

Utilize methods of outreach that will insure the maximum number of eligible individuals will have an opportunity to participate.

Provide special menus, where feasible and appropriate, to meet particular dietary needs arising from the health requirements, religious requirements, or ethnic backgrounds of eligible individuals.

Comply with such other standards as the Secretary may prescribe and make available to the Secretary and the Comptroller General or their representatives all books, records, etc., for audit and examination.

Nutrition projects operated under this title are eligible to receive surplus commodities donated by the Secretary of Agriculture and shall use such commodities in the nutrition program insofar as practicable. At the request of one or more nutrition projects, the State agency may purchase and distribute agricultural commodities and other foods, in lieu of money, to such projects in order to achieve economies through large volume purchases. Projects are also authorized to contract with profit making organizations, subject to the approval of the state agency, to purchase meals or other services.

STATE ALLOCATIONS

The following table shows the allocation, by State, of the funds authorized, in accordance with the formula provided in the bill.

	Age 60-plus population	Percent distribution of 60-plus population	State allocations	
			Fiscal year 1973	Fiscal year 1974
Total	28, 936, 791	100	$100, 000, 000	$150, 000, 000
1. Alabama	475, 203	1. 64	1, 570, 652	2, 355, 978
2. Alaska	12, 197	. 04	500, 000	750, 000
3. Arizona	233, 729	. 81	775, 748	1, 163, 622
4. Arkansas	334, 603	1. 16	1, 110, 948	1, 666, 422
5. California	2, 571, 747	8. 89	8, 514, 078	12, 771, 117
6. Colorado	266, 890	. 92	881, 096	1, 321, 644
7. Connecticut	414, 991	1. 44	1, 379, 108	2, 068, 662
8. Delaware	63, 815	. 22	500, 000	750, 000
9. District of Columbia	103, 713	. 36	500, 000	750, 000
10. Florida	1, 344, 185	4. 65	4, 453, 370	6, 680, 055
11. Georgia	543, 299	1. 88	1, 800, 502	2, 700, 753
12. Hawaii	67, 488	. 23	500, 000	750, 000
13. Idaho	97, 963	. 34	500, 000	750, 000
14. Illinois	1, 571, 497	5. 43	5, 200, 388	7, 800, 582
15. Indiana	701, 393	2. 42	2, 317, 668	3, 476, 502
16. Iowa	477, 392	1. 65	1, 580, 228	2, 370, 342
17. Kansas	367, 545	1. 27	1, 216, 296	1, 824, 444
18. Kentucky	476, 224	1. 65	1, 580, 228	2, 370, 342
19. Louisiana	449, 386	1. 55	1, 484, 456	2, 226, 684
20. Maine	165, 124	. 55	526, 742	790, 113
21. Maryland	443, 561	1. 53	1, 465, 302	2, 197, 953
22. Massachusetts	888, 972	3. 07	2, 940, 182	4, 410, 273
23. Michigan	1, 089, 225	3. 76	3, 601, 004	5, 401, 506
24. Minnesota	564, 373	1. 95	1, 867, 542	2, 801, 313
25. Mississippi	320, 336	1. 11	1, 063, 062	1, 594, 593
26. Missouri	783, 632	2. 71	2, 595, 406	3, 893, 109
27. Montana	97, 171	. 34	500, 000	750, 000
28. Nebraska	250, 396	0. 87	$833, 212	$1, 249, 818
29. Nevada	48, 844	. 17	500, 000	750, 000
30. New Hampshire	110, 272	. 38	500, 000	750, 000
31. New Jersey	1, 011, 034	3. 49	3, 342, 422	5, 013, 633
32. New Mexico	105, 158	. 36	500, 000	750, 000
33. New York	2, 813, 580	9. 72	9, 308, 986	13, 963, 479
34. North Carolina	614, 180	2. 12	2, 030, 354	3, 045, 531
35. North Dakota	93, 813	. 32	500, 000	750, 000
36. Ohio	1, 426, 582	4. 93	4, 721, 530	7, 082, 295
37. Oklahoma	421, 310	1. 46	1, 398, 262	2, 097, 393
38. Oregon	321, 207	1. 11	1, 063, 062	1, 594, 593
39. Pennsylvania	1, 831, 564	6. 33	6, 062, 330	9, 093, 495
40. Rhode Island	147, 164	. 51	500, 000	750, 000
41. South Carolina	286, 272	. 99	948, 136	1, 422, 204
42. South Dakota	109, 740	. 38	500, 000	750, 000
43. Tennessee	555, 977	1. 92	1, 838, 810	2, 758, 215
44. Texas	1, 436, 955	4. 97	4, 759, 838	7, 139, 757
45. Utah	112, 540	. 39	500, 000	750, 000
46. Vermont	66, 453	. 23	500, 000	750, 000
47. Virginia	538, 034	1. 86	1, 781, 348	2, 672, 022
48. Washington	460, 089	1. 59	1, 522, 766	2, 284, 149
49. West Virginia	278, 969	. 96	919, 406	1, 379, 109
50. Wisconsin	661, 349	2. 29	2, 193, 166	3, 289, 749
51. Wyoming	43, 730	. 15	500, 000	750, 000
52. American Samoa	1, 029		250, 000	375, 000
53. Guam	2, 550	. 01	250, 000	375, 000
54. Puerto Rico	258, 661	. 89	852, 366	1, 278, 549
55. Trust Territory	5, 045	. 02	250, 000	375, 000
56. Virgin Islands	3, 630	. 01	250, 000	375, 000

Mr. EAGLETON. Mr. President, I have spoken in the past of the plight of older Americans who go hungry, either because of the inadequacy of their financial resources or, of equal seriousness, because their social isolation or physical incapacities are so debilitating that they lack the motivation or ability to shop and prepare food for themselves. This bill is designed to meet their needs by authorizing Federal payment of up to 90 percent of the cost of establishing nutrition projects to provide meals—either at group dining sites or through delivery of meals to the homebound—for those aged 60 or over and their spouses.

The need of so many of America's elderly citizens for the nutritional assistance provided in this bill has been amply documented. The burning question now is whether sufficient funds will be provided to fully implement the program or whether it will become but another fulfilled promise. The bill authorizes appropriations of $100 million in fiscal year 1973 and an additional $150 million in fiscal year 1974. These figures are fully supported by the testimony and other data considered by our Subcommittee on Aging in passing on this legislation. I urge the President, who has repeatedly expressed his commitment to the welfare of older Americans in recent months, to send to Congress a supplemental budget request for the full amount authorized for fiscal year 1973.

Since passage of the Senate bill, there has been extraordinary interest in this legislation. It has emanated from State offices of aging, from public and private groups concerned with the needs of older citizens, and from the elderly themselves who look forward to sharing in the benefits authorized by the bill. Their hopes have been raised by the congressional action in support of S. 1163. We cannot let those hopes be dashed by failing to appropriate the funds necessary to make the nutrition program a reality.

I know that the principal sponsor of S. 1163, the very distinguished senior Senator from Massachusetts (Mr. KENNEDY) will join with me in pledging to do all within our power to secure adequate funding for the program. But there is no substitute for administration support in the area of funding and I call upon the President to match his words on behalf of all senior citizens with a commitment of administration backing for full funding of this bill.

Turning to the details of the House amendments, I wish to associate myself with the remarks in this area of the bill's sponsor, the Senator from Massachusetts (Mr. KENNEDY). The principal House amendment relates to the eligibility of participants in nutrition projects. S. 1163, as passed by the Senate, in section 706 (a)(2) defines "eligible individuals" as those aged 60 or over and their spouses. To this provision, the House added language to provide that such individuals shall also fall within one of the general categories set out in section 701(a), the findings and purposes section. The categories mentioned in section 701(a) are very general and are merely intended to be descriptive of those to be served by this bill. They are certainly not suitable as standards of qualification for participation in the program and raise the concern that the inclusion by reference of such language in the eligibility section might lead to the imposition of a means test of some kind. Such a test would clearly be inconsistent with the goals expressed by the committee in reporting out this bill. The committee report—No. 92–515—states:

> The nutrition program established by this bill is neither designed as, nor intended to be, an income maintenance program. In addition to providing nutritious meals for the elderly, it aims at overcoming problems related to social isolation and bringing the elderly persons into contact with a wide variety of other social services which are already available but which many older persons lack the initiative and knowledge to draw upon. Accordingly, no income limitation is established in the bill.

I want to reaffirm that position today. Because of the concern caused by the House amendment, we have sought and received assurances from the Department of Health, Education, and Welfare that no income limitation or means test will be imposed and, further, we have had the benefit of the Department's judgment that the language of the House amendment will not create difficulties in the administration of the act. In reliance on these assurances we are prepared to accept the House amendment.

I want to clarify a question that has been raised by some interested in this bill regarding the interpretation of section 706(a)(3). That subsection requires recipients of grants or contracts:

> To furnish a site for such nutrition project in as close proximity to the majority of eligible individuals' residences as feasible, such as a school or a church, preferably within walking distance where possible *and, where appropriate, to furnish transportation to such site or home-delivered meals to eligible individuals who are homebound.* [Emphasis added.]

Some have read this to mean that projects may either furnish participants with transportation to and from the site of group meals or deliver meals to the homebound—but not both. This interpretation is not correct. The word "or" in the last phrase of this subsection is not used in the disjunctive but rather to distinguish between the two forms of transportation. As the committee report clearly shows, project operators may transport individuals and may also transport food to the homebound.

Finally, Mr. President, at a recent hearing of the Subcommittee on Aging held in Kansas City, Mo., we received disquieting reports from the directors of State offices of aging who had just returned from a conference in Washington that the administration had announced its intention to turn the nutrition program over to the States entirely after 3 years of Federal support, Mr. President, we all know too well the financial distress in which city and State governments across the Nation find themselves. The surest way to kill this program is to inform responsible local officials that they are going to have to pick up the full burden of its cost after a relatively brief period of Federal support. If the reports that we received in our subcommittee hearing are correct, they constitute a major disincentive to the States to undertake the operation of a nutrition program.

Whatever may be the administration's intentions, Mr. President, I want to assure those concerned with this bill that I intend to exert every effort to provide for continued Federal support for this program. I have every confidence that, if adequately funded, the value of nutrition projects for the elderly will be so conclusively demonstrated during their initial years of operation that any attempt to take action that would be destructive of the program will raise such a chorus of opposition that it will quickly be struck down.

Mr. KENNEDY. Mr. President, I am pleased to be able to speak in favor of S. 1163 which was passed by the Senate 89 to 0 on November 30 and with several minor amendments was passed 350 to 23 by the House on February 7.

Today, I believe that we can take the final step in the legislative process by agreeing to the minor amendments added by the House, thereby sending this measure to the President. It is my understanding that the administration no longer opposes this measure so, hopefully, it will be signed into law quickly by the President.

This also will permit action by the Appropriations Committees of both Houses during the consideration of the President's budget and enable the benefits of this program to be made available to the Nation's elderly citizens at the start of the new fiscal year.

Essentially, this measure, which I introduced early in the first session of this Congress with some 20 other Senators as cosponsors, will provide a permanent nationwide nutrition program for the elderly, a program that will offer nutritious meals in settings where the elderly can come together in social activities and in a setting where they will have access to other social services. On the House side, Congressman PEPPER played a leading role in this area, along with Congressman BRADEMAS and Congressman PERKINS.

As my colleagues know, the older American in the United States remains one of our most oppressed minorities. One of every four older Americans lives in poverty. And despite the total reduction in the number of persons living in poverty over the past decade, the plight of the elderly has been virtually unchanged. If anything, it has gotten worse in relation to other groups in the society.

A decade ago, elderly Americans comprised 15 percent of the Nation's poor. Yet today, our senior citizens represent 20 percent of the Nation's citizens who must exist on incomes below the poverty line.

The restrictions placed on elderly Americans by their meager incomes makes it easy to understand why they have difficulty providing themselves with adequate diets. But more than inadequate income plagues the Nation's aged. For they are the victims as well of other conditions that our Nation has permitted to accompany old age.

The elderly, particularly the single elderly, lack the physical mobility to make the weekly trips to the market. Many of them live in rented rooms with inadequate kitchen facilities. And most have little nutritional education which would permit them to prepare a balanced diet, even if there were no other obstacles in their way.

Finally, the isolation, the loneliness, the lack of friends or community remove the incentive to go to the trouble to prepare nutritious meals. In the end, it is a way of life which is almost destined to yield malnutrition, illness, and despair.

For all of these reasons, the Senate, and now the House of Representatives as well, has determined that the Federal Government must assume a primary obligation to provide decent nutrition for every elderly person.

It is a recommendation that was endorsed by the 1969 White House Conference on Food, Nutrition, and Health, by the President's Task Force on Aging in 1970, and by the White House Conference on Aging last year.

And it will be done in a manner that prudent governance demands. For we have had a demonstration program covering some 23 projects for several years. And the evaluation of these programs has been overwhelmingly positive. Now, in this legislation, we are using the successful model to create a permanent program that can provide a basic necessity to elderly Americans—nutritious meals and an incentive to become part of a new community.

The legislation establishes a new title VII in the Older Americans Act of 1965 and authorizes $250 million over a 2-year period for allocations to State offices of aging which then will make grants to local public or private non-profit organizations. The Administration on Aging will administer the program. Allocations to the States will be on a 90–10 Federal-State-matching basis.

States will submit a plan to assure that the purposes of the program are met and there will be a preference in seeking to reach those most in need—the poor, the minority, the Indian and the elderly who have limited English-speaking abilities.

The bill also provides that:

First, each program must provide at least one hot meal a day, 5 days a week. Each meal also must contain a minimum of one-third the recommended daily dietary needs for elderly persons.

Second, the meals will be served in sites accessible to the majority of elderly within the community. Schools, senior citizen centers, churches, and other public and nonprofit locations can be used.

Third, out-reach services to locate the isolated elderly will be part of each program so that those who most need the program will be aware of it.

Fourth, the sponsor will provide a setting conducive to the inclusion of other social services as a correlary to the meal itself.

Fifth, preference for staffing will go to the elderly. The talents of elderly are often wasted as a youth-oriented society forces able men and women into early retirement and the frustration of feeling useless.

Passage of this legislation is a bold move to shatter the circle of isolation, malnutrition, deteriorating health, institutionalization, and death that surrounds our elderly citizens.

I urge the Senate to approve this measure.

Mr. President, briefly, let me note certain of the amendments added by the House of Representatives. None of them is major. However, I believe at least certain changes should be discussed for the record.

First, on page 18, the words "and members of minority, Indian, and limited English-speaking groups," have been deleted from section 701(b). Now, it is important to realize that this in no way lessens the responsibility of the State and Federal agencies in the administration of this program to continue to provide those groups with their rightful share of this program. The House merely acted in this way so as to remove from the purpose clause any discussion of a group other than the generic group of older Americans with low incomes.

This can be demonstrated by noting that the House retained section 705(a)(4) which states "to the extent feasible, grants will be awarded to projects operated by and serving the needs of minority, Indian, and limited English-speaking eligible individuals in proportion to their numbers in the State."

Second, the House in section 706(a)(2) has included in its definition of eligible individuals a reference to the four clauses of section 701(a) describing the general class of persons for whom this program is designed.

Any of the four specifications would suffice for qualification but it is our understanding that there will in no way be an effort made, nor was the House attempting to do so by this language, to establish any means test as a qualification for entrance into the program.

We have received assurances, and a letter from HEW is being prepared, which spells out clearly that there is no such intent nor such view of this language by the Department.

Obviously it would be impossible to establish any rigid standards that would determine a particular elderly person suffers "feeling of rejection and loneliness which obliterate the incentive necessary to prepare and eat a meal alone."

The intent of the House merely was to emphasize in very general terms the class of persons at whom the legislation was aimed. And we believe that it is clear from the legislative history that no strict standards of eligibility would be devised, which could not only frighten away individuals for whom the program was intended but which would make it impossible to administer at the local level by community and other groups.

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendment of the House.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

FLORIDA'S "SUPERSQUARE"—A MAN TO WATCH

Mr. MANSFIELD. Mr. President, on last Sunday I had the opportunity to watch the distinguished Governor of the State of Florida, Reubin O'Donovan Askew, appear on "Meet the Press." I was once again very much impressed with the outstanding qualities of this Governor.

On the same day, on March 5, the New York Times Magazine carried an article entitled "Florida's 'Supersquare'—A Man to Watch," by Jon Nordheimer.

This is a most revealing article about a man of courage, ability, perception, and understanding, as was also his appearance on "Meet the Press." To my way of thinking, Reubin Askew is a man of presidential timber.

I ask unanimous consent that the article be incorporated at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FLORIDA'S "SUPERSQUARE"—A MAN TO WATCH

(By Jon Nordheimer)

TALLAHASSEE, FLA.—It's a safe bet that Reubin O'Donovan Askew has never tasted white lightning, the "corn likker" brewed by Southern moonshiners, but that hardly disqualifies him as one of the squarest native sons of Muskogee, Okla.

In Florida, where he has just completed his first year as Governor, he is irreverently called "Jesus Christ Supersquare" because he doesn't drink, smoke or cuss, and the social highlight of his week . . . brace yourself . . . is a Saturday night visit to a hamburger stand with his wife, Donna Lou, the girl who once was his college sweetheart. Arrrrrrgh!

He isn't kidding. On the eve of the Super Bowl game between the Miami Dolphins and the Dallas Cowboys he declined a friendly bet with the Governor of Texas because gambling is illegal in Florida. When Mayor John Lindsay visited Tallahassee and presented him with an aluminum tennis racket, Askew's aides immediately requested the sales price ($48) because the Governor had helped pass a law requiring state officials to report all gifts. He once invited the Florida press corps to a reception at the state mansion and the strongest drink served was apple juice, an event that recalled the press gatherings put on there by the previous Governor, that rambunctions bon *vivant* Claude R. Kirk Jr., when the lawn sprouted beer kegs and the fountains gushed champagne.

Oh, yes, one thing more: Reubin O'Donovan Askew, 43 years old, may also be the toughest, ablest and most powerful Governor in Florida's history. In just one year he has instituted sweeping reforms, broken the control of special interests in the Legislature, and quietly appointed more blacks to important, decision-making jobs in state and local government than any other Governor in Southern history.

Askew rode into office on a reform platform that was based on his promise to get a bill through the Legislature to tax corporate profits in the state, and was immediately hailed as one of a new generation of moderate Southern Governors. (Leadership at first was awarded to Jimmy Carter of Georgia on the strength of the attention he received from the national media for his inaugural declaration, "I say to you that the time for segregation is over"; race was not an issue in Florida. In view of his coziness with George Wallace and a string of antibusing measures he has penned, it appears now that Carter meant to say segregation is legally dead, "so let's forget it ever happened." Moreover, Carter's performance in office has been weak. He has been unable to exercise strong leadership in his own state, much less the South, and his efforts to reorganize Georgia's government have been thwarted by a balky Legislature and the connivance of Lester Maddox. Askew has not only dominated his Legislature and delivered the corporate profits tax he promised the voters, but by the end of his first year in office he had put together a program that moved into almost every field of neglected social concern in the state, from court reform to environmental control.

The reassessment of the South's new leadership has been completed. Askew has been designated as the keynote speaker at the Democratic National Convention this summer in Miami Beach, the first host Governor in this century to give the keynote address, a role of high visibility normally reserved for thunderous orators or young men of particular promise in the party. It is the relief of more than a few that Askew not only will be the focus of attention at the opening of the convention, but at its closing, too, as the party's nominee for Vice President.

"Reubin who?" That's what the voters of Florida was asking just 18 months ago when the legislator from Pensacola—which is in the extreme northwest corner of the state, closer to Mexico than to Miami in politics and only 150 miles farther in distance—entered the Democratic primary for Governor against five better-known candidates. And the Republicans were just as incredulous when the softspoken Askew won the Democratic nomination and looked like a fragile David pitted against the flamboyant Governor Kirk's Goliath. "My opponent," Mr. Kirk told audiences in that campaign "is a nice, sweetlooking fellow, but being Governor is a tough job and just being a momma's boy won't get the job done." Kirk now tends his garden in Palm Beach as Askew prepares his keynote message.

The national audience he addresses will probably hear the same low-keyed but forceful theme he has been preaching in Florida for the past year. "People," he has said, "want leaders who will help them *overcome* their fears and prejudices . . . not cater to them. People want a government which respects and enhances their capacity to rise *above* themselves . . . not one which is content to see them trapped in ignorance and fear." There are Democratic strategists who believe these words would have particular application in a campaign involving Richard Nixon, Spiro Agnew and George Wallace. "Look," they say, "here is a white Southern Governor with uncompromising stands in support of busing, the Calley verdict, governmental reform and education. He's cleaner than Muskie." Their anticipation quickens when they talk about a national ticket that would pit Askew vs. Agnew, the similarity of the names fairly forcing a comparison of approaches to the problems of the nation.

"People want leaders who will help them overcome their fears and prejudices . . . not cater to them." That was no effete Easterner talking. Just a "sweet-looking" Okie from Muskogee who loves his momma.

He was the last of six children born to an itinerant carpenter with a sixth grade education who left the family when the future Governor was born: "I never saw him except once, when I was about 10 years old, under very unpleasant circumstances." Muskogee wasn't in the Dust Bowl but it was as hard hit by the Depression as any little farm community. His childhood memories of Oklahoma are few, but there are some:

The unemployed men and their grim-faced women, the battered old cars loaded with the family and all its possessions, headed for California or anywhere, just to get out of there. His mother works as a waitress and later in a W.P.A. sewing room. In 1937, when he is 8 years old, she moves her brood to Pensacola, where she was raised, and takes a job as a maid in the San Carlos Hotel, a white-bleached commercial hotel on Garden Street. His first job is to go door-to-door in his neighborhood, a working-class section, and take orders for pies and cakes his mother bakes at night.

"Mother taught us to hold our heads high and work."

It is not just a matter of Reubin Who? but of Why Askew? To understand his meteoric rise to power, you need to know Florida; not the Florida of the Anita Bryant orange juice commercials or the curio shops or the Indians wrestling drugged alligators behind roadside facades. The real Florida is one on the other side of the green and blue bays, inland from the manicured gardens on Biscayne Boulevard and the shops on Worth Avenue and the bleachers at Al Lang Field. It's the Florida of small towns on railroad sidings, women working in wooden citrus packing houses, trailer houses, trailer camps, and spindle-legged white birds pecking at the hoofprints of dull-eyed cattle. It's a state that was still a frontier long after the West had been won: a long green finger jutting out of the pine forests of Alabama into the coral sea of the Caribbean, as diverse in its geography and demography as the Indian subcontinent.

There is an old slander in Georgia that when Florida was opened to settlers in the late 19th century and the poor Scotch-Irish farmers moved out of south Georgia to homestead land in northern Florida, the result was a doubling of the population in Florida and a tripling of the average I.Q. in Georgia.

Those in the northern Panhandle worked in pulpwood mills, farmed small patches of land, and stayed poor and rigid in the homogeneous social framework of the area. To the south, Henry Flagler pushed his railroad to Miami in 1896 and opened the way for the phenomenon of tourism. Yankees settled in the south, Confederate flags flew in the north, and Midwesterners established a beachhead in the middle, but the political system was rigged to preserve power in the hands of the rural leaders in the north, and it served not only the social whims of their white constituents but the expansionist needs of the rich utilities, railroads and bankers.

The legislative faction that controlled the state was called "The Pork Chop Gang," a term that originally referred to their rural orientation but later also came to mean that they always got the best cut of the pig; the scraps were tossed to the burgeoning urban areas. It was a system that bunched job-producing state facilities in the north and created regional inequities in prisons, higher education, hospitals and highways that still haunt the state today despite all its wealth. The Pork Chop Gang ran Florida from the gray Capitol in Tallahassee, meeting in one, 90-day session every two years, voting in blocs to stifle reform and urban critics. Lobbyists infested the corridors and back rooms, so powerful they could name the membership of certain committees. Live quorums weren't required and one old man carrying the proxy votes of absentee legislators could kill bills or tie them up in committee. It was not until the late forties that proposed bills were printed for distribution to the legislators before they voted.

Askew was first elected to the Legislature in 1958, four years after the U.S. Supreme Court decision ending legally segregated school systems; in Florida, as elsewhere in the South, there were moves to close the public schools. "I guess because I was from Pensacola people just naturally expected I'd be part of the conservative bloc, but I took the position from the beginning that I'd never do anything to shut down the schools," he now recalls. "Without public education I never would have had any opportunities, and I told the voters that as long as I was in a position to make a choice I would never do anything to close the schools." His two children go to integrated public schools in Tallahassee.

He is president of the student body at Florida State University in 1951. An integrated student delegation from colleges around the state is prevented from holding a meeting on the segregated campus in Tallahassee. He leads a protest and prepares a resolution that calls upon the Legislature to integrate all state graduate schools.

In that first campaign for the Legislature in 1958 a man purple with rage calls him a "niggerlover." Yes, the candidate replies, that's true. "The trouble is I don't love them enough," he tells the man. "The difference between you and me is that I'm trying to overcome my prejudices and you're not." Few in his hometown agree with his moderate racial views, but he is elected and returned to office without opposition. "Ol' Rube got some funny notions 'bout the colored, but you can't help respecting a man for saying what he thinks," says a toothless old man sitting in the warm sunshine on Polafox Street in Pensacola.

"Anybody who is surprised today by his toughness and tenacity just hasn't known him for very long," says Jerry Thomas, the current president of the State Senate and a campus leader 20 years ago with Askew on the F.S.U. campus.

The toughness emerged publicly in last year's fight over the corporate profits tax. At first glance, it would appear reasonably certain that Florida voters, already saddled with a 5 per cent sales tax (a levy that placed a disproportionate burden on low and middle-income families) would show little reluctance to tax the large corporations that for years received virtually a free tax ride under the state's obsolete laws. But two elements stood in the way: tradition and the lobbyists.

Concessions to new settlers and business interests were as old as the state and were held sancrosanct in Tallahassee. Homesteaders were given an exemption on the first $5,000 of their property tax (Howard Hughes could get one tomorrow if he took up residence in Florida). The law also protected the right of the poor man to fish with a cane pole for his supper without buying a license for the privilege.

The common man was supposed to clasp these benefits tightly to his bosom whenever he neared a ballot box; sadly, he often did. But they were really placebos. The poor were spared the property tax if they lived in shanties or house trailers, but more than made up their share of state revenue when they paid a sales tax of 5 cents on every dollar for food and clothing. The little man could save $3 a year on the cane pole fishing license, but it cost him $55 in taxes a year if he was an average cigarette smoker.

The corporate tax laws, however, provided real, not imaginary, benefits. R. J. Reynolds, the tobacco company, paid the state a total of $20 in direct corporation taxes in 1970 to do business. The phosphate strip miners paid no taxes to the state for the right to remove its mineral wealth—assets that were not replaceable. The mighty pulpwood interests leveled the pine forests of the Panhandle and they too paid no severance tax.

The lobbyists, maneuvering in a Legislature ready to block progress at almost every turn, formed the second barrier to tax reform. Most bills were routinely assigned for consideration to a related committee, or two at most. An unfavorable report from a committee was enough to bottle up the bill. When a phosphate severance tax bill came up during one session in the early sixties, it was assigned to all 38 committees of the Senate to guarantee at least one unfavorable report.

The Pork Chop Gang always had a "killer committee" set up to dispose of unwanted bills. In one session, Judiciary C was designated as the "killer committee" of the Porkchoppers, and its chairman, Bart Knight, held the proxy votes of the other committee members. Reform bills were assigned to Judiciary C and the committee never met. At the end of the session, Knight made a report and said that all the committee's bills had been carefully considered and after "due deliberation" had been accorded unfavorable reports. Asked when the committee had held its deliberation, Knight replied with the assurance of a true autocrat: "I just held it walking down the hall to this room."

Lobbyists swarmed over the Capitol, sitting on the desks of the legislators and sometimes even sitting in for them. When Askew was still in the House of Representatives, the Senator from Pensacola was Philip Beall, chairman of the committee that dealt with the pulpwood industry. At a scheduled hearing of the committee, Senator Beall was detained elsewhere, and the chief lobbyist for the paper mills sat in the chairman's seat, called the committee to order, explained the Senator's absence, and announced the hearing was forthwith adjourned until the next day.

When Askew was a freshman legislator his reputation as a nondrinker earned him an assignment to the beverages committee. But when he tried to change the law to give the state tighter control of the whisky industry, he was removed from the committee and in the following session of the Legislature was given the chairmanship of the executive communications committee—which had never met since the time it was formed. However, after some research, Askew discovered that the committee was empowered to perform crucial functions in the veto process. As a floor leader for Gov. LeRoy Collins, a liberal, Askew on several occasions activated his committee and employed its powers for the first time to sustain several of the Governor's vetoes.

Reapportionment, which relocated the seat of power from the rural North to the populous South, changed all that. The Pork Chop Gang lost control after 1965 and busted up. Dade (Miami) County, which had four legislators under the old regime, swelled its delegation to 28 under the redistricting. The Senators from the Panhandle had to fight each other for office as the number of seats in that sector was sharply reduced. Reubin Askew, by then a Senator and the most liberal one from the area, survived the cut.

Jerry Alteri of Pensacola wears a pencil thin mustache and a ready smile. During the legislative session he is a registered lobbyist in Tallahassee for a state optometrical association. "Reubin was always a very funny guy in the Legislature. You just couldn't walk into his office and tell him what you wanted. He always asked questions and you had to give him good reasons. And let me tell you, he'd stick me with questions I couldn't answer, and he'd say to me, Jerry, he says, I don't think I can support that, and I'd say, Senator, you got me good on that one! Hey, how can you dislike a fellow like that?"

The Republican party in Florida had been growing steadily in the postwar years; 2,400 new residents moved to the state every week, most coming from rockribbed Republican areas of the Midwest, and even some Yellow Dog Democrats ("Hyad Druther Vote Fur A Yella Dawg Thenna 'Publican") were turning away from the New Frontier and The Great Society. The attrition in the Democratic ranks was the result of the upheaval over integration, and Claude Kirk didn't have to work very hard to get votes in 1966 when he ran for governor, particularly since his opponent, the late Mayor Robert King High of Miami, was a liberal with close ties to both the Kennedy and Johnson Administrations. Kirk relied on his image as a successful businessman who was on time for his appointments and would not fill the ship of state with new taxes.

As soon as the oath of office had been administered, a new Kirk emerged on the public scene: charming, debonair and slightly refreshing compared to the type-cast conservatives who for the most part had preceded him in office. But then came the publicized hiring of a private police force, endless clowning and mugging for the camera, the elevation of his personal publicity corps to almost cabinet status, and finally the driven, chimerical pursuit of the Vice-Presidency that ultimately led to his defeat and shattered the Republican party in the state. Apart from his personal conduct, he had presided over a period that saw the largest increase in taxes in the state's history; even the cane-fishing-pole privilege went under. Kirk had dreamed of Camelot and awakened to Walpurgisnacht.

Perhaps the single most important asset Askew had in the 1970 campaign was the ability to project the image of complete sincerity over television. That, coupled with the promise of a fresh start with a young leader, won him the Democratic nomination over older, better-known opponents, and swept him into office. Kirk, jowly and smarting from his new reputation as a man of worldly pleasures, looked alternately like a bully and a profligate when he attacked Askew as a "momma's boy" and a liberal. Askew's manifest sincerity and concern for the little guy, both visible on a platform of tax reform, were irresistible. He won 56 per cent of the vote, although many people in the state still weren't quite sure what he was all about.

They found out quickly. In his first legislative session, he achieved what no one really thought was possible, even with a reapportioned body that was more liberal and independent than any other Legislature in the South. He got the Legislature, after a prolonged fight, to approve a statewide referendum on tax reform that allowed the people for the first time to vote on the issue in November. It was a masterpiece of cloakroom maneuvering and supplication by a Governor who had 12 years of experience inside the Legislature. He beat the lobbyists at their own game.

Another side of the man was also emerging, a soft tone of moral leadership on issues that disturbed the fabric of the nation. It is at once his strength and his point of greatest vulnerability.

The first hint came one night last spring. A crowd of supporters of Lieut. William L. Calley Jr., a Florida boy, marched to the mansion in Tallahassee and asked the Governor to join the Governors of Alabama and Georgia in the signing of a petition demanding a pardon for the officer just convicted of the massacre at Mylai. Askew refused to sign. He said Calley should be shown some mercy because the entire nation shared in his guilt, since it had placed a gun in his hand. "I do not think," said the Governor, who was just old enough at 17 to become a paratroop sergeant in World War II and still young enough to be recalled as an officer in the Korean war, "that our system has ever taught to kill with impunity, even uniformed enemy soldiers, who are defenseless, and such action can never be condoned."

Months later, at the start of the school year when Wallace and Carter were fanning the antibusing issue, Askew put it all on the line. In a talk at the University of Florida he told the parents of his state that he could not allow "the emotions of the hour [to] become the legacy of a generation."

He went on: "Nobody really wants [busing] . . . yet the law demands, and rightly so, that we put an end to segregation in our society. We must demonstrate good faith in doing just that . . . we must stop inviting by our own intransigence, devices which are repugnant to us. In this way and this way only will we stop massive busing . . . only in this way will we put the divisive and self-defeating issue of race behind us once and for all. And only in this way can we redirect our energies to our real quest—that of providing an equal opportunity for quality education to all of our children."

And weeks later, addressing the state's P.-T.-A. congress: "We cannot achieve equal opportunity in education by passing laws or constitutional amendments against busing—they could deny us what I believe is the highest destiny of the American people. That destiny, of course, is to achieve a society in which all races, all creeds and all religions have learned not only to live with their differences—but to thrive upon them. No other civilization has learned to do that. But we can. And we must."

In the middle of the controversy over busing, the referendum on tax reform was held and Askew carried the fight alone against the special interests who sought its defeat. It was passed by 70 per cent of the vote, a resounding endorsement of the Governor. Within weeks after the vote, the Legislature gave Askew the tax on corporate profits he wanted. It will bring the state an estimated $120-million in revenues this year. Under it, General Motors' tax bill will rise from $1,500 a year to an estimated $2.4-million. The outcome had no relation to the busing issue except to demonstrate that his candor didn't damage his personal standing with the people.

Scene: Reception at Southern Governors Conference in Atlanta, Askew is chatting with the wife of another governor.

SHE. "You've learned the power of office in one year. Most men take a term, and by then it's too late."

Old friends from Pensacola swear that Askew was predicting as a child in grade school that he would one day be Governor of Florida, a monumental conceit for a child whose mother was a housekeeper in a local hotel. "Running for office was something I knew I had to do," he says today. "I have never tried to hide that desire. I feel God has plans for the world and men: If I had any talent I had to use it for public service." His mother was the great influence on him and he continues to dote on her on the night of his tax-reform victory, she was the first person he called, saying, "I just wanted to tell you I love you."

It is impossible to trace with exactness what brings a child from a poor home to manhood in a Governor's mansion. Those inclined to psychologizing must calculate his mother's strength, his religiosity, and his conviction that the welfare of others depends on his ability to provide—a feeling that came early to him as the youngest of six children in a fatherless house.

Scene: Porch of white frame house in Tallahassee. Speaking is Mrs. Alberta Askew, mother of the Governor.

SHE. "He was the most determined boy I've ever seen. Anything he did, he had to do perfectly, even if it was just cleaning the yard."

"The fight over the corporate profits tax brought the special interests out like never before, and public attention was focused on the lobbyists as never before," the Governor said as his twin-engine Grumman plane dipped and bounced on the edge of a cold front on a flight to West Palm Beach for a speaking date a few weeks ago.

He is a tall man with threads of silver gray in his black hair. His eyes are brown and his face is appealing but not quite handsome. He blinks rapidly and hard, a nervous gesture he has learned to suppress when on television or on a public platform.

"This shadow government has never been challenged frontally before," he continued, "but now the public got a good close look at them and I don't believe the public will ever let them run loose again. I think there's a lesson for the rest of the country in what has happened in Florida. It just wasn't luck or an accident. I think we've shown that the office can be responsive to the people. I was told over and over again—you can't be honest with the people. I was sure you could. After my election I got telephone calls from politicians all over the country. They wanted to know how we did it. I told them: Make an inventory of all the sacred cows in your state and take them on all at once. Don't take on one at a time. If you do that you look like Don Quixote. Take them all on and make sure you go after each one."

Askew has done considerably more than enact corporate tax reform. In its first year, his administration prepared programs of far-reaching reforms on education and the court system; overhauled the state penal system and rehabilitation programs, and moved to reduce job discrimination against ex-convicts; adopted no-fault insurance and no-fault divorce laws; extended Workmen's Compensation benefits to migrant workers; moved broadly along the environmental front, especially in south Florida water management and in the enforcement of pollution laws; reduced first-offense marijuana possession to a misdemeanor, and enacted a severance tax on phosphates.

Another accomplishment, one that has received little publicity, is the entry of a number of blacks into almost every level of government in positions of responsibility. Askew has nominated, for example, about 50 of the 65 blacks currently serving on state draft boards; appointed blacks to professional examining and licensing boards where none had ever served before; named the first full-term (nine years) black member of the State Board of Regents, and appointed the first black judge to a court of superior jurisdiction. Blacks now head the state's Department of Community Affairs and the State Division of the Office of Economic Opportunity. A black is the attorney for the Industrial Relations Commission. There are many more, all named by Askew.

"Our region, after substantial prodding," he told a symposium on the New South held this winter at the University of South Florida, "is now freeing itself of fear, hate, ignorance and of the insecurity and isolation prompted by a hundred years of playing the role of the nation's political stepchild.

"A South is emerging which belongs not to the whites and not to the blacks, not to the rich and not to the poor . . . but to the people . . . all of them."

It was the same message he carried shortly after his tax referendum victory last fall to a meeting in Palm Beach of the Council of 100, a consortium of wealthy Florida businessmen. "This is not the end of tax reform," he told them bluntly, "but the beginning—the beginning of a new day, when the people, not the monied interests, are in control of state government." The bankers bit into their cigars, but the Governor wasn't finished. He pointed to a large banner posted above the dais that read: "Build a Better Florida." Turning to the guests seated in the opulence of the Breakers Hotel, he asked what they were doing for the migrants who that night were camped in cold shanties, at the other end of the county. Exactly what Florida, he asked, were they talking about?

"Reubin's no Phi Beta Kappa, but he's sincere as hell. I wouldn't be surprised if he turned down the Vice-Presidency. He believes he has a lot of work to do in Florida."—WALLACE SANDERLIN, Orlando City Commissioner.

Speculation about the Vice-Presidency began shortly after the first Democratic Presidential candidates came into the state to campaign in the primary and decided the Governor's popularity might be transferable. He remained neutral, however, using his position as host to the party convention in Miami Beach in July as a shield against the overtures; he was also aware that the candidates made the same kind of pitch to local political favorites in other primary states. But he grew restless on the sidelines as George Wallace, whipping up antibusing sentiment, showed widespread strength in the state. Finally, in mid-February, there was a development that he could not ignore.

Republican legislators introduced a bill calling for a straw vote on busing to be placed on the March 14 primary ballot. It was rumored in Tallahassee that the White House was behind the mischief, attempting to make busing a central issue and thereby guaranteeing Wallace's role as a spoiler in a primary that was to have shown popular support coalescing on Senator Edmund S. Muskie. Whether or not Askew subscribes to the Nixon-as-troublemaker theory, he is sharply critical of the President's repeated public statements against busing. Askew says of Nixon's position: "Besides being political and expedient, it's just not the kind of leadership the President should provide. I don't like busing, but we've got to break the cycle of black poverty. We can't afford to isolate and not utilize 12 per cent of our people. No large corporation would do it."

Askew's forces in the Legislature tried to stall action on the Republican bill, but the effort failed for the same reason the Governor did not veto the referendum plan: Having carried a prolonged fight on tax reform to the people, Askew could not stand in the way of the public's right to vote on the crucial issue of busing. He agreed to sign the bill after the opposition accepted another question on the straw ballot—one that asks the voters if they believe that an equal education should be guaranteed for every child regardless of race. Askew publicly conceded that voters will overwhelmingly go against busing, but he hoped to blunt a complete Wallace victory by having Floridians renounce any intention of withdrawing into segregation. The move drew him into the primary, and in doing so placed him squarely against George Wallace.

It is a tribute to the Southern view of history that regional politicians who appeal to the common man should automatically be categorized as in the Populist tradition, although that tradition has embraced the most venal racist as well as the utopian dreamer. The Populist movement of the late 19th century was so convulsive in its two or three decades of existence, crashing back and forth between reform and reaction, that it finally collapsed in exhaustion like a hebephrenic adolescent. It is possible, though hardly meaningful, to defect traits of Populism in Huey Long, George Wallace and Reubin Askew; but apart from the fact that each came from a poor background and at one time bucked the Establishment, the three men are fundamentally and irreconcilably different. Long had the closest ties, in time and style, to the old Populists like Tom Watson of Georgia; though Long gave the appearance, at times, of a minor-league race-baiter, he nonetheless understood that the raising of economic conditions for the white South was dependent upon a corresponding improvement in the lives of black people.

Wallace and Askew are Long's lineal descendants and their appeal cuts across the old Populist constituency. The Alabama Governor evokes all the anti-intellectual, sour elements embedded deep inside the psyche of the working class, while Askew, in his preacherlike way, asks the same people to rise above the worst in themselves and meet the challenge of a new day.

The busing referendum thus matches the idealist Askew against the gut-fighter Wallace, who reduces the issue down to allegiance between Us and Them—Them portrayed as faceless statisticians at Harvard, or in an updated version of the old Populist stereotype of the Wall Street banker, as super-rich foundations.

The outcome is far from guaranteed. Idealism rarely wins in a conflict with real fear, and the moral confusion over busing is further complicated by the uncertain nature of its application, particularly in the larger cities where the anxieties of the whites are magnified by considerations other than racial. The antis could, behind the anonymity of the voting booth, vote against the equal education proposition out of pique. Such a vote would not only damage Askew but place a stain on the state that could take a long time to eradicate.

"The rest of the nation has tried to teach us justice in the South by mandate and court order. Now perhaps it is up to us to try to teach them in a much more effective way—by example."—Reuben Askew, Feb. 21.

Why is he doing it? Why has he placed his personal prestige in danger when the polls show that nearly 90 per cent of the voters in the state are opposed to busing? There are perhaps several reasons, and the benefits of the national exposure the Government has received as a result of his stand cannot be completely ignored. Yet the chief reason is an uncomplicated one. There was no one else to do it. John Lindsay, to be sure, had been outspoken on the issue, and Senator Muskie had taken a somewhat softer stand, but these men were certified Northern liberals, who had been the very targets of Wallace's attacks. Consequently, their views had little impact on white Southerners, torn by anxiety and confusion. The rebuttal had to come from one of their own. It had to come from a man like Askew, whose sincerity wasn't questioned. "Reuben may make mistakes,' 'a friend of his once said, "but they are mistakes of the mind, not of the heart." It had to come from a man with his credentials: a Presbyterian elder with a wife named Donna Lou, a poor boy who had worked hard all his life and still liked hamburgers at a drive-in on Saturday night, an Okie from Muskogee who believed—really believed—in the American Dream.

He did it because he felt that many Southerners, and many Northerners, too, had been deluded into thinking a retreat from desegregation was possible or that the goals of a just and equal society could be abandoned once the transition got rough.

"I am convinced," Askew said late last month, "that sitting by and waiting for the inevitable is not the answer. We've been run through the gamut of racial appeals in the South over and over again. . . . And because of our persistent preoccupation with race-related issues, we have all too frequently neglected the real economic and environmental problems of the people—both black and white."

If this reasoning can help turn votes away from Wallace and reduce the size of the expected landslide against busing on March 14, Askew will have scored an impressive personal triumph, and, in so doing, placed himself in a favorable position for the Vice-Presidential nomination. If he fails, and his association with busing becomes a political liability that clouds his future, his decisions still will have marked a moment when a man with faith in the people dared to speak frankly with them.

The ACTING PRESIDENT pro tempore. Does the distinguished Republican leader wish to be recognized?

THE PRESIDENTIAL PRIMARY IN NEW HAMPSHIRE

Mr. SCOTT. Mr. President, the first return is in from the State of New Hampshire, from the community of Dixville Notch, way up in the land of the snows. I am glad to report that President Nixon has skinned through in that precinct by a vote of 11 to 0.

I yield back the remainder of my time.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 190) to provide for an extension of the term of the Commission on the Bankruptcy Laws of the United States, and for other purposes.

The message informed the Senate that, pursuant to the provisions of section 3(a), Public Law 91–129, the Speaker had appointed the Honorable James E. Webb, of the District of Columbia, as a member from outside the Federal Government, to the Commission on Government Procurement, to fill an existing vacancy thereon.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with individual statements therein limited to 3 minutes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The suggestion of the absence of a quorum has been made. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESOLUTION BY GEORGIA HOUSE OF REPRESENTATIVES IN PROTEST OF FORCED SCHOOL BUSING

Mr. TALMADGE. Mr. President, I bring to the attention of the Senate a resolution adopted by the Georgia House of Representatives in protest of forced school busing.

This is an outstanding statement of resolve which reflects the deep concern Georgia parents have for the welfare of their children and the future of public education.

I share that concern and hope that the ill-advised forced busing policy, as dictated by Federal courts and HEW, will soon be abandoned.

I ask unanimous consent that this resolution be printed in the RECORD.

There being no objection the resolution was ordered to be printed in the RECORD, as follows:

A RESOLUTION

Commending the citizens of Augusta and Columbus, Georgia; and for other purposes.

Whereas, in the course of the history of our great Country, our people have risen to stand and fight for our freedom at the appropriate time and occasion; and

Whereas, our forefathers at Boston harbor dumped British tea into the harbor in protest over taxation without representation; and

Whereas, Patrick Henry stood in the well and said, "Give me liberty or give me death!"; and

Whereas, our forefathers joined together, pledging their lives and their fortunes in order to form a representative government; and

Whereas, our citizens, since earning their liberty, have lived by the proposition that ours is a government of the people, for the people and by the people; and

Whereas, ours has been a government of laws rather than of men; and

Whereas, now, in our time, our freedom is threatened by a federal system tending toward a government by men rather than government by laws of, by and for the people; and

Whereas, federal judges are now issuing illegal orders to bus and cross-bus our children out of their neighborhoods, not for better education, but for the purpose of achieving a racial ratio in schools based on color; and

Whereas, such orders, issued by employees of our federal system who do not have to answer to the people, are coercive and oppressive, being repugnant to our Constitution, notwithstanding utterances to the contrary; and

Whereas, the *Wall Street Journal* in its columns has referred to the busing and cross-busing of school children to achieve a racial balance in schools in the following words:

"It could not be done by anything short of a Soviet type dictatorship. And the people would be quite right. The law of a free people ought to prohibit segregation of any of its citizens in any form. A law to compel people to move from one place to another would make our society no longer one of a free people . . . But what we, the elders, have refused to decree for ourselves and our own lives, we have by some torturous logic decreed for our children. However you may dismiss the inconvenience or the cost of this wholesale busing, *we have asked our children to suffer what we will not and the wrong of that cannot be easily dismissed*"; and

Whereas, the citizens of Augusta and Columbus, Georgia, in the true spirit of our past history, have risen up to non-violently protest the busing and cross-busing as ordered by federal judges and other federal employees, such order being contrary to the principles of justice, of our Constitution, and of common sense; and

Whereas, the citizens of Augusta and Columbus stood for freedom while under threat of being jailed for exercising their right to dissent as guaranteed by our Constitution.

Now, therefore, be it resolved by the General Assembly of Georgia that the members of this Body do hereby commend the citizens of Augusta and Columbus for refusing to surrender, without a protest, their children to be illegally bussed out of their own neighborhoods for the purpose of achieving a certain racial ratio in schools.

Be it further resolved that the citizens of Augusta, Columbus and of this State be made aware of this Resolution, commending them likewise to stand and fight against coercion and oppression; that our

Senators and Representatives in the Congress be hereby encouraged to stand and do all in their power to have laws passed which can be effective immediately to nullify illegal orders of federal employees resulting in our children being forcefully bussed out of their neighborhoods to achieve in schools a certain balance based solely on race.

Be it further resolved that the Clerk of the House of Representatives is hereby authorized and directed to transmit appropriate copies of this Resolution to each member of the Georgia Congressional Delegation in Washington, the Georgia Press Association, the governing authority of Richmond County and the governing authority of Columbus, Georgia.

Mr. TALMADGE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RETIREMENT OF REPRESENTATIVE WILLIAM M. COLMER

Mr. BYRD of Virginia. Mr. President, I was sorry to read this morning that Representative William M. Colmer, the chairman of the House Rules Committee, had decided to retire from the House of Representatives.

Representative Colmer has served the people of Mississippi in the House of Representatives with distinction, efficiency, and ability for 40 years.

He has rendered outstanding service to the people of his congressional district and the people of his State. More recently, as chairman of the Rules Committee, he has rendered splendid service to the people of the entire Nation.

Representative Colmer succeeded as Rules Committee chairman the beloved Howard W. Smith of my State. Representative Smith served the people of Virginia in the House for 36 years, and for 14 of those years he served as chairman of the Rules Committee. Representative Colmer and Representative Smith worked very closely together. They are men of the highest integrity and men of great ability and great patriotism.

The statement today by Representative Colmer that he feels the time has come to retire is a decision which I respect. Mr. Colmer is 82 years old. But I do want to say to my colleagues in the Senate that I think Representative Colmer will be greatly missed in the Congress of the United States.

Mr. President, I yield the floor.

THE EXPORTATION OF THE LOCKHEED L–1011

Mr. TAFT. Mr. President, I am alarmed at a recent report that the President's staff is trying to promote the export of the Lockheed L–1011, in order to help the Government's loan guarantee to Lockheed. "I hope it ain't so." In the February 28 issue of Aviation Week, the following item was reported:

L–1011 Offered China

Lockheed L–1011 trijet may be the first large airbus-type transport to fly the routes of Civil Aviation Administration of China (CAAC), the official airline of the People's Republic of China.

The U.S. presidential staff is backing the L–1011 as an ideal product for export because of the government's commitments on a loan guarantee to cover its production (AW&ST Aug. 9, 1971, p. 24). President Nixon has agreed with this staff position in support of Treasury Secretary John B. Connally, Jr., who sponsored the loan project.

Such an inexcusable and outrageous action would be precisely what those of us who opposed the Lockheed bailout warned against last summer. On August 2 and on numerous other occasions, I stated that—

> Even if these guarantees are met, there is strong evidence that Lockheed will have to return to the well.

Those of us who opposed this legislation warned that the Federal Government, to protect its loan guarantee, would tend to prefer Lockheed over its competitors. We warned that the production projections of Lockheed management were faulty, and that Lockheed would have to seek further assistance from the Federal Government. We warned that by rewarding inefficiency we were setting a precedent that would upset the competitive balance in the airframe industry.

In my individual views to the committee report I stated that—

> It seems unlikely that the $250 million loan can do the job its supporters claim it can. There will remain substantial risk of default. According to Secretary Connally, the guaranteed loan will provide only a $100 million margin over Lockheed's peak cash requirement. This is perilously narrow, equal to only about two weeks' expenditures by this troubled corporation. Having $250 million at risk, who would say that the government won't then have heavy pressure for additional guarantees or advances. My bet is that the company will be back for more.

I also warn that the projected sales figures for the Lockheed's L–1011's were uncertain, and that the American taxpayer should not be asked to support this inefficient enterprise at the expense of its major competitors.

What would make this action all the more outrageous is that fact that Lockheed uses foreign-built engines and a high percentage of foreign components in contrast to the DC–10, with which it competes.

By bailing out Lockheed and by now promoting its export to Red China, we would be taking work away from American workers who build the engines and components for the DC–10. When thousands of American aviation workers are out of work, it would show poor judgment to be promoting the export of a plane which is so heavily dependent upon components made overseas.

The loan guarantees made to Lockheed were bad enough. We should not compound that error by having our Government promote the export of the Tri-Star. The employees and management of McDonnell Douglas, General Electric Co., and other aerospace companies should not have to compete against their own Government's sales efforts.

Mr. EAGLETON. Mr. President, I would like to echo the dismay expressed so eloquently by the distinguished Senator from Ohio (Mr. Taft) at recent reports that the administration is promoting the export of the Lockheed L–1011 Tri-Jet to the People's Republic of China. It is apparent that this administration believes in the principles of competition and free enterprise only when its interests can best be served.

Lockheed was a failure in the aerospace industry because it lacked the imagination to compete without the prop of large and wasteful defense contracts. Lockheed lost interest in the civil airframe market and could no longer compete with Boeing, McDonnell Douglas, and others.

Last year the administration asked for an emergency loan guarantee of $250 million to further prop up the lethargic Lockheed operation. I opposed that loan guarantee because I believed it gave Lockheed an unfair advantage and because I do not believe our free-enterprise system can function properly with such a massive Government subsidy of industry. It is obvious now that the Nixon administration is making a blatant effort to protect its investment without regard for Lockheed's competitors in the aerospace market.

This administration continues to refuse to use the mechanisms of the competitive market system to solve the serious and debilitating problem of unemployment in this country. In California, Washington, Massachusetts, New York, and in my own State of Missouri, thousands of aerospace workers are unemployed. This situation has been caused by the administration's mismanagement of our economy and its failure to utilize and enforce its most enduring principle—competition.

President Nixon went to China as the representative of the most successful free-enterprise economy in the world. If this administration is offering Lockheed's L–1011 without regard for its competitors' products, the Chinese will be denied the opportunity to purchase the excellence that only the competitive system can assure.

UNITED STATES-CANADIAN RELATIONS: A TELEVISION INTERVIEW

Mr. CHURCH. Mr. President, from February 16 through 19, I led our Senate delegation to the 14th meeting of the United States-Canadian Inter-Parliamentary Group. While in Ottawa, I was interviewed on the Canadian network's Question Period on the state of relations between the United States and Canada, President Nixon's trip to China, and our transcript of the interview be printed in upcoming national elections.

I ask unanimous consent that the transcript of the interview be printed in the Record.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

Question Period

Intro. The state of our negotiations in trade with the United States doesn't require much elaboration at this stage of the game except to say that if we believe what the experts on both sides are saying that they're very bad. Last week in Ottawa the Canadian-American parliamentary group had a meeting—this is a group of members of the Canadian parlimaent and the United States Congress—and the subject of our trade negotiations was one of the main topics of that meeting, "question period" is very happy to have on the program today one of the leading figures of the American delegation. His name is Senator Frank Church. He is a democrat, the senior Senator from Idaho, Senator Church has had quite a remarkable career. He is only forty-seven now. He was elected to the Senate when he was thirty-two, one of the youngest men ever to reach what the Americans call the world's greatest deliberative body. He is also probably better known in Canada for the fact that he was one of the very first to utter reservations and criticisms about American policy in Southeast Asia at a time when it wasn't a very popular position to take. We're going to have a good deal to talk about with Senator Church today and on our panel—my CTV news colleague in Ottawa, Donald Newman; Douglas Fisher, columnist for the Toronto Sun; and George Bain, columnist for the Toronto Globe and mail. We'll ask Don Newman for the first question.

Q. Senator, you and most of your colleagues this past week in Ottawa have been telling Canadians that relations with the U.S. are great and we don't really have anything to worry about. If that's the case, why is Secretary Connally and President Nixon doing what they're doing to us?

FC. Well, I grant you that Secretary Connally is not known as old softie in Washington—

Q. Or here.

FC. Or I imagine here. We have a very serious fiscal problem. It hasn't been occasioned by our trade relations with Canada and I think it very unfortunate that Canada should be victimized in any way. But the fact, nonetheless, is that our balance of payments deficit this past year almost reached thirty billion dollars. No country can stand that. I remember back in President Kennedy's day when we were given chalk talks by the President himself over a balance of payments deficit of two and a half billion dollars. For the first time in a century, our trade deficit has fallen into the negative. We've devalued the dollar. We're in a very critical fiscal situation. Mr. Nixon, who rode to office as a self-styled conservative businessman president, will by the end of his first term, have added a hundred billion dollars to our debt, a fourth of the entire debt will have been accumulated in this Nixon period. Such is the fiscal difficulty that faces us. So, I think that these current negotiations are an offshoot of that general difficulty. Mr. Connally has been constrained to take a very hard line everywhere in hopes that somehow this problem can be dealt with, these imbalances rectified.

Q. The suspicion here is that the Government—the administration, at least—is anxious to maintain Canada's position as a supplier of raw materials to the American economy. If, as you say, and it's the Canadian position, I'm sure you've heard it this week, it's not our fault that you have this trade deficit, why then are we finding ourselves in this position now, if that isn't the intention of the administration?

FC. Well, it isn't your fault. It isn't anyone else's fault, I suppose. We could say it's only our own fault, but that wouldn't be an accurate assessment either, because most of this problem is the result of the fact that we took the place of the old European empires and tried to keep peace in the world. Whether we've done it well or badly is another question. We assumed the burden and it has been a tremendous burden. We dispense ten billion dollars worth of foreign aid each year, for example, in our efforts to maintain stability in the world at large, to maintain the security of the free world. I am a critic of that foreign policy. I'm not here to defend it. I think we've been excessive in what we've done and I think we've intervened unwisely in some parts of the world, but that's a different question. The cost of our undertaking has been very great indeed. The benefits that have flowed from it, including NATO, and the effective and successful defence of Western Europe, are matters that certainly involve Canada, the well being and security of Canada. So I don't think you can look at this question as though it were a matter of trade alone. You should look at it within the larger context.

Q. One of our difficulties is trying to make up our minds whether we have a special relationship or unique relationship with the United States. I think every country probably thinks it has. But what is your view on our unique relationship or should we consider ourselves just the same as any other and that we're under the gun?

FC. There is no country that is of greater moment to the United States than Canada. One of the things I find so hard to understand when I deal with my Canadian friends—and I have many, I'm happy to say—is this penchant in Canada to think that there is an American attitude of indifference or nonchalance towards Canada, that we tend to take you for granted up here, that we discount the importance of Canada. Now that just doesn't stand up under analysis. Canada is the most important of our trading partners. We do twice as much trading with Canada as we do with our next largest trading partner. We have by far the largest amount of American investment in Canada.

Q. We're aware of it.

FC. —And you're very aware of that. We didn't impose it on you. It was done in accordance with your own laws and presumably it has contributed to your economic development and growth and your present living standards. So I can't imagine a country that is of greater consequence to the United States than Canada. Moreover we're very close neighbors. We share one continent together and, in the main, we've gotten on well. We have our problems—we'll always have our problems—but they're nothing to compare with the kind of problems you find elsewhere in the world, such as England's problem with north Ireland or the problems that have arisen between the people of India and Pakistan in recent years. We have much to be proud of, I think, in the way we've conducted our relations.

Q. Well, the relationships though that we're involved with now are between government and government or executive and executive and there's dealing but you represent another arm that in some ways we haven't got in Canada—that is, another power, the Senate, Congress, and so on. Is there any role that Canada can play at this time in informing, in propaganda, in putting their case, not between executives but with you people because Lord knows you have influence and to a degree you share power in the States?

FC. Well, I think that's what we're doing in this present conference. It's an effort to establish informal contact between Members of the Senate and the House of Representatives of the American Congress and members of your Parliament. We have discussed all of the current problems between our two countries. We get a better idea, a better view, of the Canadian viewpoint this way, and I must say that in the past these conferences have had indirect consequences that have been helpful. Sometimes they've resulted in some corrective legislation addressed to a problem between our two countries. Sometimes they've simply contributed to the betterment of the climate of understanding and that percolates through on both sides.

Q. Essentially the Canadian complaint in these talks that have been going on recently is that Mr. Connally suffers from a degree of commercial astigmatism, that he can only see the recent Canadian surplus on merchandise account and not the larger picture of a persistent and sometimes surplus, most often, very, very large Canadian deficit in the balance of payments generally. Do you give any weight to that argument?

FC. I give weight to the Canadian argument there. I think that it's quite plausible for the Canadians to say you must look at the question of trade within the wider context of the balance of payments situation between our two countries, because there are large dividends and interest payments flowing out of Canada into the United States and can look to your trade surplus as counterbalancing—that is, a favourable balance of trade as between Canada and the United States helps to counterbalance the outflow of capital from Canada into the United States, the repatriation of profit and that sort of thing. Yes, I think the Canadian position is very logical. On the other hand, you can't have it both ways. We were told that there will soon be a report, the Grey Report, that will address itself to the limitation of foreign investment. That's Canada's sovereign right, but if Canada decides to erect artificial barriers to restrict foreign investment in the future, should that be the decision, then, of course, that could chance the negotiating terms. Then the position of the United States, which, as I understand it, has been just to look at trade itself; that we've got to achieve an equilibrium in trade between our two countries—that then would become more logical should Canada decide to restrict the inflow of capital.

Q. Would it excite you at all as a United States Senator, and I mean excite you in the direction of any retaliatory measures, if the Canadian government were to erect some sort of screening mechanism here on foreign ownership or it were to, say, widen what they might call the key sectors which would be reserved for Canadian ownership?

FC. This doesn't disturb me at all, if this is the Canadian decision and it is thought that this would promote the growth and development of Canada. I don't know what form the decision would take, but if it is not retroactive in its application, and if it is not discriminatory against the United States as compared to other foreign investors, then I think——

Q. That's a very important proviso given the fact that it is really against the concentration of American ownership here that these measures would be directed and necessarily be directed and once you introduce that proviso against discrimination you are practically negating what you'd already begun to say.

FC. No, I don't think that's so. I think we're entitled to say treat us as you treat other foreign investors—don't discriminate against the United States as opposed to other foreign investors. You see, it isn't——

Q. Oh, I see——

FC. You see what I mean?

Q. (voice overlap)—Would be quantitative, necessarily quantitative (voice overlap)——

FC. No, no. There might be some implicit discrimination against the United States by virtue of our large amount of investment. What I'm talking about is explicit discrimination. I think we have a right to expect to be treated at least equally with other foreign investors in the future. I have no quarrel with Canada's right to make its decision and I don't think that other Members of Congress would quarrel with that. But I had a conversation the other day with a Canadian newspaperman who phoned me in Washington. He put the same question to me and I said, no, we're not particularly disturbed about it, with these qualifications I've already mentioned. He said, well, that's typical of you Americans; it doesn't matter to you what we do up here in Canada. Then I said, well, what if I had given you the opposite answer? What if I'd said we're extremely disturbed and agitated about this report? Then how would you have replied? And he said, well, that would have proved to me that you Americans are out to take over our economy and don't want us to protect ourselves. So, you see, there wasn't any way to answer the question that he was not prepared to construe against the United States. Now, that's the kind of close-mindedness which I hope won't come to characterise our dealings with one another.

Q. It does lead back to the subject that Doug Fisher raised a few minutes ago, though. Some of us here on this panel have served in Washington as correspondents and while it's nice to hear you say that the Americans generally regard Canada as being of prime importance in terms of their foreign relations, it is certainly not reflected, in my own personal view, in what is seen in the newspapers or heard on the radio or the television and I would like to ask you, are you the recipient of any direct representations by Canadians in your role as a Senator? Do you get any publications from the Canadian Embassy? Do you get any kind of material that is intended to keep you informed about developments in Canada? What kind of a public relations job are we doing in Washington?

FC. Well, I don't get any Canadian magazines or Canadian newspapers. I do have, as a matter of my own interest in Canada, clippings from Canadian newspapers that relate to Canadian-American relations furnished me periodically and whenever there is an article in a Canadian magazine that deals with the Canadian-American question (in an important way) I often will see that article. It is clipped for me and sent to my desk.

Q. The Canadian government is not supplying you as a matter of course with material (of) Canadian events—

FC. No.

Q. —Or any other Canadian organisation?

FC. No.

Q. In November, Senator, you expressed sympathy with our position in seeking an exemption from the ten per cent import surcharge and in fact offered to hold hearings of your sub-commtitee (in) the Senate on the matter if the government—the American Government—didn't remove it. You're now expressing sympathy with our position in the trade talks. Are you also prepared to hold Senate hearings on—

F. Well, I don't sit on the finance committee which would be principally concerned with trade negotiations.

Q. Nonetheless, the import surcharge dealt with trade and you were prepared to hold hearings on that.

FC. Yes, because that was a rather drastic measure which really had foreign policy implications. You see, it gets back to what you mentioned a minute ago. You say it didn't seem to you, when you were serving as a Canadian correspondent in Washington, that we were paying much attention to Canada. That's true but I think the reason for it was not because of the lack of importance of Canada to the United States, but because we didn't have any terribly tough, mean problems with Canada. Fortunately we don't patrol our borders, we don't face off against one another at cannon point. Just look at Vietnam. Could you say that Vietnam is of any great importance to the economy or the security or well-being of the United States? One could hardly imagine a more distant or remote place, clear out on the opposite side of the world, with a more dubious connection with the United States. Yet, look how we've been preoccupied with that little country, one that most people in the United States had never heard of before we went to war out there. So it's a question of what the problems are that tends to monopolize public attention.

Q. You've just raised the subject, Senator, since you're one of the hardy band of brothers in the Senate who took his political life in his hands back in 1965 and opposed the President's policy on Vietnam—what are your observations at the moment on the State of the Nixon withdrawal policy? Do you think he is really intent on getting out of Vietnam or is he intent on maintaining some kind of permanent military presence?

FC. I think he'd like to get out, if there were a way that he could get our prisoners back. Before the election occurs, I think he is going to put this proposition to the North Vietnamese: I will agree to a full withdrawal of the balance of American forces, if you will agree to release the American prisoners.

Q. Does that strike you as a reasonable position?

FC. Well, I would hope that he would make that offer. I've urged it for a long, long time. The difficulty is that it comes so late. His previous withdrawals of our forces have so reduced his bargaining power that it now may not be possible to make the deal. I'm sure the deal could have been made when we had substantial forces in Vietnam, substantial ground forces, so that his bargaining power would have been very great.

Q. Do you think it's likely, Senator—I'm sorry to monopolize this portion of the broadcast—I hope the panel doesn't mind—but do you think it is likely that the United States would ever become involved in such an extensive way without prior approval from Congress in the future?

FC. Well, I would hope not, but I've been in politics long enough not to be sure of these things any more. One would think, after this ordeal in Vietnam, that we'd never again get involved in a war on the mainland of Asia. But our best military men told us not to after Korea. Never again, they said, should we get involved, because the security of the United States didn't require it and such wars entail the endless attrition on our men and resources. Yet, within a few years, we became mired down in an even bigger war in Vietnam. So one wonders whether we'll learn these lessons and remember then. I hope so.

Q. Do you believe that President Nixon's visit to China and his impending visit to the Soviet Union, not that they are related, foretell some fundamental change in American foreign policy or are those visits mainly cosmetic for the purposes of the coming election?

FC. Well, it remains to be seen how much of a substantive change is really contemplated by the President. Of course, just going to Peking is a very big event. It breaks down the barriers that heretofore have prevented any kind of formal official contact between the two governments. Undoubtedly, this visit will lead to an exchange of American and Chinese visitors, maybe to a modest increase in the trade between the two countries, and one would hope that a dialogue will develop between us that, in the long run, will lead to the normalization of relations, the exchange of Ambassadors, and a very complete change of policy. I don't know. We will have to wait and see.

Q. What influence has the Vietnam war, especially in its latter stages, had on the very great change around that has taken place in the mood of the people of the United States that would permit the President to go to China? Now, as Bruce said, I, too, was a correspondent in Washington in the early sixties. I would never have believed this was possible within ten or fifteen years.

FC. I think that, in a way, the American people have been ahead of the Government on this one. We held some hearings in the Foreign Relations Committee a few years ago—four years ago, I think—on the question of China policy. Our best experts came to those hearings, and they all testified against the existing policy and advocated a different policy, an attempt to reach Peking, an attempt to begin to normalize our relations with China. A lot of politicians thought the sky would fall in, that there would be a tremendous protest from the people against such heresy as this. Yet, there was actually very little and maybe we've just misjudged public opinion. Certainly, when the President announced that he was prepared to go to Peking, he had the American people with him. Now, we went through this with the Soviet Union in the days following the First World War. We went through a long period when we refused to recognize the Soviet Union, and the only man in the United States Senate who differed from that policy in either party was William Borah, a predecessor of mine, a very great Senator from Idaho. He was opposed to the policy but he stood alone all during the twenties. But when Roosevelt said, this non-recognition policy is ridiculous; the United States should recognize the Soviet Union; it is there; we must deal with it—everybody said, how wise! and public opinion shifted overnight to the President. I think we've just gone through a repetition of that same cycle.

Q. Are we going to get another repetition, and you have recently seen, I am sure, the television comment putting the finger on General Hurley and his role which seems in retrospect to be pretty stupid back in the forties in detaching the United States from any consideration of the Communists and putting them over on Chiang Kai-shek's side. Now we seem to be right back in the same game with Kissinger being in a sense the messenger boy. Isn't that a tendency of American executives on the world scene to sort of package everything up in personal terms and in a sense sort of bounce around?

FC. Are you talking about the risks of summitry as such?

Q. Yes.

FC. Well, there are risks, of course, but I think in this case nothing less than a dramatic gesture would suffice. Our relations with China have been non-existent for twenty years. We've had a glacier between the two countries. It required a dramatic gesture of this kind to begin to thaw that big a glacier.

Q. But will it put into some kind of administrative procedure that's got some basis, say, in the State Department or is it going to continue to be sort of these big men of the President winging around the world and, you know, as someone who remembers John Foster Dulles and the rest doing this kind of thing, as a foreigner I'd be pretty chary of that.

FC. Well, it's a matter of personal style. This President's style is not to rely upon the State Department, but upon a mini-State Department that has developed within the White House itself, headed up by Mr. Kissinger, who undoubtedly plays a very unique role. I don't think we've had anyone quite comparable to him. Harry Hopkins in Roosevelt's day, Colonel House in Wilson's day but this man—

Q. (Voice overlap)

FC. This complicates our ability to question executive policy because everything that Mr. Kissinger does is done beneath the cloak of executive privilege. We can't reach him or question him the way we can question the Secretary of State.

Q. I know Don Newman's got a question about domestic politics here before this program ends.

Q. Just let me ask you this. What advice are you giving to your Canadian counterparts as you're meeting, or did meet this past week, on Canada-U.S. relations? What should we be doing to strike what we consider a more fair deal with Connally and Nixon?

FC. I didn't give advice to my Canadian counterparts——

Q. Perhaps you would now then.

FC. I wouldn't chance that. The main thing I tried to emphasize was to put this whole problem in some perspective, to understand that we are faced with a very large and difficult financial problem, and that we've got to take some rather strenuous measures to solve it. In time, the American-Canadian trade will be solved, the problems that now exist will be solved satisfactorily for both countries. That has been the record of the past.

Q. We are running out of time, Senator. Who is going to win the Democratic nomination and who is going to win the presidential election?

FC. Well, right now I agree with the general estimate that Senator Muskie is the frontrunner in the Democratic contest. Barring some surprises, I think he'll win the nomination and he has a good chance to win the national election in November.

Q. Will Edward Kennedy run?

FC. I don't think he'll run. I take him at his word that he is not a candidate. If the convention were to stalemate then a genuine draft might develop that could catapult Kennedy into the nomination.

Q. Do you think he is setting things up for that eventuality?

FC. No, I don't think he's setting things up. I think that if a genuine draft were to develop out of a true stalemate at the convention, then he would have no choice but to accept. But the likelihood is that it won't happen.

Q. But he's doing all of the right things to put himself in position——

FC. Well, you would expect him to do the right things. He's a man of great prominence and he does the right things from habit.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT OF THE NATIONAL SCIENCE FOUNDATION—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. BYRD of Virginia) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

I am pleased to submit to the Congress the Twenty-First Annual Report of the National Science Foundation, covering the fiscal year 1971. This report highlights the essential contribution of science to the progress of the Nation and the betterment of the quality of life for every citizen.

RICHARD NIXON.

The WHITE HOUSE, *March 7, 1972.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. BYRD of Virginia) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. BYRD of Virginia). The Chair, on behalf of the Vice President, in accordance with Public Law 85-474, appoints the following Senators to the Interparliamentary Union Meeting, Yaounde, Cameroon, April 3-9, 1972: the Senator from Montana (Mr. METCALF), the Senator from Indiana (Mr. BAYH), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Ohio (Mr. SAXBE).

PUBLIC DEBT LIMITATION—PRIVILEGES OF THE FLOOR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that Mr. Jack Lewis, an aide to Senator SPONG, may be granted the privileges of the floor during the debate today on the amendment of the Senator from Delaware (Mr. ROTH).

The PRESIDING OFFICER (Mr. BYRD of Virginia). Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. BYRD of West Virginia) laid before the Senate the following letters, which were referred as indicated:

REPORT ENTITLED "UNITED STATES FOREIGN POLICY—1971"

A letter from the Secretary of State, transmitting, for the information of the Senate, a report entitled "United States Foreign Policy—1971" (with an accompanying report); to the Committee on Foreign Relations.

LIST OF REPORTS OF THE GENERAL ACCOUNTING OFFICE

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a list of the reports transmitted to the Congress, during the month of February, 1972 (with an accompanying paper); to the Committee on Government Operations.

FINANCIAL REPORT OF LEGION OF VALOR OF THE UNITED STATES OF AMERICA, INC.

A letter from the National Corporation Agent, Legion of Valor of the United States of America, Inc., transmitting, pursuant to law, a financial report of that organization, for the fiscal year ended July 31, 1971 (with an accompanying report); to the Committee on the Judiciary.

POSTPONEMENT OF REPORT UNDER THE COMPREHENSIVE ALCOHOL ABUSE AND ALCOHOLISM PREVENTION, TREATMENT, AND REHABILITATION ACT OF 1970

A letter from the Secretary of Health, Education, and Welfare, reporting, pursuant to law, that the report required under the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 had necessarily been postponed until April, 1972; to the Committee on Labor and Public Welfare.

PROPOSED AMENDMENT OF FISCAL YEAR 1973 AUTHORIZATION BILL FOR ATOMIC ENERGY COMMISSION

A letter from the Chairman, United States Atomic Energy Commission, transmitting a draft of proposed legislation to authorize appropriations to be made to the Atomic Energy Commission, for fiscal year 1973 (with accompanying papers); to the Joint Committee on Atomic Energy.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. BYRD of West Virginia).

Resolutions of the Commonwealth of Massachusetts; to the Committee on Finance:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION INCREASING CERTAIN SOCIAL SECURITY BENEFITS AND RELATED MATTERS

"*Resolved,* That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation providing that the federal old age assistance program be administered by the federal department of health, education and welfare through the social security system; removing the restrictions on the amount of income a person may earn while receiving social security benefits; increasing the minimum monthly payments under the Social Security Act to one hundred and fifty dollars per month per person and two hundred and fifty dollars per month per married couple; providing for an increase in social security benefits of twenty per cent in the year nineteen hundred and seventy-two and ten per cent in the year nineteen hundred and seventy-three; providing that further increases in social security benefits shall not be used by public housing authorities as the basis for increased rentals; providing that social security benefits shall be computed on the basis of the ten highest years of an applicant's earnings; increasing the amount of benefits payable under Social Security Act to widows of retired workers to an amount equal to one hundred per cent of the benefits payable to the worker at the time of his death; providing that there be a cost of living index formula included in the method of computing payments under the social security law; providing for Medicare to include at least one physical examination every year and medicines taken at home; providing that the interest of the social security trust fund shall be used to pay for the cost of the operation of the administration on aging and to pay for the cost of drugs for persons on social security; providing that all Medicare costs be frozen at the current rate to persons on Medicare; providing for the use of the federal general funds to increase social security benefits; providing free and adequate transportation for all persons over sixty-five years of age; providing for the lifting of travel restrictions for the elderly by requiring half fares on airlines, buses and trains during rush hours on a "seat availability basis"; providing for an assistant secretary of housing for the elderly within the department of Housing and Urban Development to administer, plan and coordinate housing programs for the elderly; providing for the reimbursement of cities and towns for amounts paid for the real estate tax abatement for persons over seventy years of age; providing for an increase in funeral benefits from two hundred and fifty dollars to seven hundred and fifty dollars; providing for the lifetime reserve clause for which inpatient hospital benefits may be paid under Medicare to be increased from sixty days to one hundred and twenty days; providing for a cabinet office for the department of elderly affairs; providing for the use of the Office of Economic Opportunity health centers by the elderly; providing for placement of and referral services for cured state hospital and mental health former patients; providing for the establishment of standards for long term care facilities; encouraging colleges and universities as part of intern training to train also in nursing homes; providing that the federal government take over the functions and costs of old age assistance, disability programs and aid to the blind; increasing the federal funding of day care centers for young and old; increasing the financial allotments for administration of programs for the aging; providing that Medicare Part B shall be free to all persons on Medicare; providing that the administration on aging shall be taken out of the Department of Health, Education and Welfare and be made an independent agency; and providing for a guaranteed annual income for a married couple over age sixty-five in the amount of four thousand one hundred and sixty dollars; now, therefore, be it further

"*Resolved*, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of Congress and to the members thereof from the Commonwealth."

Resolutions of the Commonwealth of Massachusetts; to the Committee on Finance:

"Resolutions Memorializing the Congress of the United States To Enact Legislation Providing for the Financing of Public Transportation Costs Through the Federal Aid Highway Systems Fund

"*Whereas*, In view of rising costs of providing public transportation, the determination of a source of funding best suited to meet such costs throughout the United States has become essential; now, therefore, be it

"*Resolved*, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation providing for the financing of public transportation costs through the federal-aid highway systems fund; and be it further

"*Resolved*, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from the Commonwealth."

Resolutions of the Commonwealth of Massachusetts; to the Committee on Foreign Relations:

"Resolutions Urgently Requesting the President of the United States To Call Upon the Soviet Government To Extend to Soviet Jewry Such Basic Rights of Religious Freedom, Emigration and Cultural Activities as Are Granted by the United Nations Declaration of Human Rights

"*Whereas*, In the Soviet Union men and women are denied freedom recognized as basic by all civilized countries of the world and indeed by the Soviet Constitution; and

"*Whereas*, Jews and other religious minorities in the Soviet Union are being denied the means to exercise their religion and sustain their identity; and

"*Whereas*, The Government of the Soviet Union is persecuting Jewish citizens by denying them the same rights and privileges accorded other recognized religions in the Soviet Union and by discriminating against Jews in cultural activities and access to higher education; and

"*Whereas*, The right freely to emigrate, which is denied Soviet Jews who seek to maintain their identity by moving elsewhere, is a right affirmed by the United Nations Declaration of Human Rights, adopted unanimously by the General Assembly of the United Nations; and

"*Whereas*, These infringements of human rights are an obstacle to the development of better understanding and better relations between the people of the United States and the people of the Soviet Union; now, therefore, be it

"*Resolved*, That the General Court of Massachusetts urgently requests the President of the United States to call upon the Soviet Government to permit the free exercise of religion by all of its citizens in accordance with the Soviet Constitution, to end discrimination against religious minorities and to permit its citizens to emigrate from the Soviet Union to the countries of their choice as affirmed by the United Nations Declaration of Human Rights; and be it further

"*Resolved*, That a copy of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States to the presiding officer of each branch of Congress and to the members thereof from the Commonwealth."

A concurrent resolution of the Legislature of the State of Indiana; to the Committee on Finance:

"A Concurrent Resolution memorializing Congress to review the regulations of the Department of Health, Education and Welfare

"Whereas, The Congress of the United States by amendment to the Social Security Act (402a), effective July 1, 1969, as a work incentive, provided for an income disregard in the amount of the first $30, plus ⅓ of the remainder, for employed members of families with dependent children in arriving at the amount of income available to meet the needs as established by the States; and

"Whereas, The Department of Health, Education and Welfare by Regulation 233.20, published in the Federal Register, Vol. 34, No. 19, January 29, 1969, in Section 7, provides that "the applicable amounts of earned income to be disregarded will be deducted from the gross amount of 'earned income,' and all work expenses, personal and nonpersonal, will then be deducted. Only the net amount remaining will be applied in determining need in the amount of the assistance payment."; and

"Whereas, This regulation permits families to have large earned income and continue to receive Assistance to Dependent Children, plus having the medical needs of the family met from public funds; and

"Whereas, It is felt that while the provision for initially disregarding the first $30, plus ⅓ of earned income, provides for work related expense and child care nonetheless continuing such income disregard can be counter productive toward reducing welfare costs and thus serves as a start-up work incentive for recipients of Assistance to Dependent Children: Therefore,

"Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

"Section 1. The Indiana General Assembly hereby respectfully memorializes the Congress of the United States to review the regulation of the Department of Health, Education and Welfare in accordance with the amendment to the Social Security Act to determine if this regulation exceeds the intent of Congress.

"Section 2. Copies of this resolution shall be sent to the Speaker of the House of Representatives, the President of the Senate and to each member of the Indiana delegation to the Congress of the United States."

A resolution of the Legislature of the State of Nebraska; to the Committee on the Judiciary;

"Legislative Resolution 2

"Whereas, Veterans' Day and Memorial Day were changed from their original dates; and

"Whereas, regret and sadness is expressed that those sacred dates were ever changed; and

"Whereas, these two holidays should not, and must not, become national fun days, but rather be a sober reminder to citizens, young and old, of the sacrifices made by those in the Armed Forces in defense of our Country.

"Now, therefore, be it resolved by the members of the eighty-second Legislature of Nebraska, second session:

"1. That the Congress of the United States be requested to change the date of Veterans' Day to November 11 and Memorial Day to May 30.

"2. That copies of this resolution be transmitted by the Clerk of the Legislature to the President of the United States, to each member of Congress from Nebraska, to the Speaker of the House of Representatives and to the President of the Senate."

A concurrent resolution to the Legislature of the State of Florida; to the Committee on Post Office and Civil Service:

"Concurrent Resolution No. 190 Memorializing the President of the States That the U.S. Post Office Issue a Commemorative Stamp Honoring the United Spanish War Veterans

"Whereas, The Spanish-American War was the dawn of this Nation's leadership among the nations of the world, and it marked the last great conflict between the people of a free, self-governing republic and that of an absolute monarchy; and

"Whereas, It was this country's first war for humanity, and the only one hundred percent volunteer army the world has ever known. Twenty thousand volunteers were called, and two million answered those calls. Four hundred and eighty-three thousand served, and one million five hundred and seventeen thousand were not needed. The men came from all parts of our country, the North, the South, the East, and the West. These soldiers wiped out sectionalism, and healed the wounds of civil strife marking the rebirth of a Nation; and

"Whereas, The Spanish War Veteran received no bonus, no war risk insurance, no adjusted compensation, no vocational training and no hospitalization until 1922, twenty years after the Spanish War was over; and

"Whereas, The veterans of all our wars have been brave and worthy sons of America. Millions went to war before the Spanish-American soldier and millions have gone since, yet, he stands unique, distinctive, one who deserves the admiration of all mankind; and

"Whereas, The issuance of a commemorative postage stamp would be a fitting acknowledgment that this country has not forgotten these men: Now, therefore, Be It Resolved by the Senate of the State of Florida, The House of Representatives Concurring:

"That the Florida Legislature urges the President of the United States and the United States Post Office authorities to issue a stamp or stamps commemorating the unique history written by the deeds of the Spanish-American War Soldier, and honoring the United Spanish War Veterans; and

"Be it further resolved that copies of this resolution be transmitted to President Nixon, the Postmaster General, Senators Gurney and Chiles, to each member of the Florida delegation in the House of Representatives, and to the Speaker of the House and President of the Senate.

Two resolutions adopted by the Louisiana Commandery, Military Order of Foreign Wars, New Orleans, La., relating to amnesty for draft dodgers, and praying for the enactment of legislation to keep military graduate students from those universities which have closed their ROTC units; to the Committee on Armed Services.

A resolution adopted by the Lithuanian American Council, Inc., Rochester, N.Y., relating to the proposed visit by the President of the United States to Russia; to the Committee on Foreign Relations.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare:

Bert A. Gallegos, of Colorado, to be an Assistant Director of the Office of Economic Opportunity.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. PEARSON (for himself, Mr. Bible, Mr. Cannon, Mr. Case, Mr. Dominick, Mr. Fannin, Mr. Hollings, Mr. Inouye, Mr. Moss, and Mr. Stevens):

S. 3302. A bill to amend the Airport and Airway Development Act of 1970 in order to make certain airports where the landing area is owned by the United States or an agency thereof eligible for assistance under such Act. Referred to the Committee on Commerce.

By Mr. PEARSON:

S. 3303. A bill to amend the Internal Revenue Code of 1954 to exempt certain agricultural aircraft from the aircraft use tax, to provide for the refund of the gasoline tax to the agricultural aircraft operator with the consent of the farmer, and for other purposes. Referred to the Committee on Finance; and

S. 3304. A bill to provide for the establishment of the Agricultural Hall of Fame National Cultural Park in the State of Kansas, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. MOSS:

S. 3305. A bill to amend the Organic Act of the National Bureau of Standards to provide for the establishment of a National Fire Testing Center, and for other purposes; and

S. 3306. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to require the establishment of standards related to rear-mounted lighting systems. Referred to the Committee on Commerce.

By Mr. BROOKE (for himself and Mr. Pastore):

S. 3307. A bill to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended. Referred to the Committee on the Judiciary.

By Mr. PEARSON:

S. 3308. A bill to provide that the Peace Corps may use foreign currencies during fiscal year 1972 for its expenses in foreign countries. Referred to the Committee on Foreign Relations.

By Mr. BURDICK (for himself, Mr. Hart, and Mr. Kennedy):

S. 3309. A bill to reduce recidivism by providing community-centered programs of supervision and services for persons charged with offenses against the United States, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. THURMOND:

S. 3310. A bill to amend title 10, United State Code, to establish the authorized strength of the Naval Reserve in officers in the Judge Advocate General's Corps in the grade of rear admiral, and for other purposes. Referred to the Committee on Armed Services.

By Mr. CRANSTON (for himself, Mr. Mondale, Mr. Burdick, Mr. Harris, Mr. Hart, Mr. Nelson, Mr. Hartke, Mr. Hughes, Mr. Humphrey, Mr. Kennedy, Mr. McGovern, Mr. Pell, Mr. Randolph, Mr. Tunney, and Mr. Williams):

S. 3311. A bill to provide public service employment opportunities for unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. TOWER:

S.J. Res. 213. A joint resolution to authorize and request the President to issue a proclamation designating October 6, 1972, as "National Coaches Day." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PEARSON (for himself, Mr. Bible, Mr. Cannon, Mr. Case, Mr. Dominick, Mr. Fannin, Mr. Hollings, Mr. Inouye, Mr. Moss, and Mr. Stevens):

S. 3302. A bill to amend the Airport and Airway Development Act of 1970 in order to make certain airports where the landing area is owned by the United States or an agency thereof eligible for assistance under such act. Referred to the Committee on Commerce.

Mr. PEARSON. Mr. President, I am introducing on behalf of myself and Mr. Bible, Mr. Cannon, Mr. Case, Mr. Dominick, Mr. Fannin, Mr. Hollings, Mr. Inouye, Mr. Moss, and Mr. Stevens, a bill to amend the Airport and Airway Development Act of 1970 in order to make certain joint-use airports eligible for the airport development aid program—ADAP.

Section 16(c)(1) of the Airport and Airway Development Act, Public Law 91–258, provides that no airport development project may be approved with respect to any airport unless a public agency holds good title, satisfactory to the Secretary , to the landing area of the airport or the site therefor, or gives assurance satisfactory to the Secretary that good title will be acquired. Under the former Federal Airport Act, the definition of "public agency" included the U.S. Government or an agency thereof. The FAA was able to make grants to State or local airport sponsors for improvements at joint-use airports—that is, military airports which were made available for joint use by civil aviation—necessary to permit appropriate use by civilian aviation.

When the Airport and Airway Development Act was enacted, "the U. S. Government or an agency thereof" was deleted from the definition of "public agency." The purpose of the deletion was to make clear that U.S. Government agencies could not act as sponsors for projects under the AADA. But the deletion, inadvertently I believe, had the effect of precluding grants to non-Federal sponsors of improvements at joint-use airports because the landing area on such airports is owned by the U.S. Government.

Mr. President, the legislation we propose would correct this inadvertent result without making any U.S. Government agencies themselves eligible as sponsors.

There are throughout the United States, its territories and possessions, about 90 military/civil user airports upon which civil aviation depends to complement the basic civil airport system. Most of these airports are identified as weather alternates for scheduled air carriers, but several airfields are open to scheduled air carriers, and several are open to all civil aviation. Because scheduled air carriers and general aviation must depend, in some areas, upon the availability of military airfields for adequate facilities, it seems wholly appropriate that the oversight in the act be corrected to permit local sponsors to submit airport development project applications to improve those facilities.

Therefore, we are offering this amendment to insure that all members of the civil aviation community who support the trust fund through user taxes have equal access to direct benefit from the distribution of trust fund money.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record following my remarks, along with a list of all military/civil user airports effective October 26, 1970.

There being no objection, the bill and list were ordered to be printed in the Record, as follows:

S. 3302

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last sentence of section 16(c)(1) of the Airport and Airway Development Act of 1970 is amended by inserting after "public agency" the following: "or the United States or an agency thereof".

Military/Civil User Airports

ALABAMA

Maxwell AFB.

ALASKA

Adak NS, Allen AAF, Barter Island AFS, Big Mountain AFS, Cape Lisburne AFS, Cape Newenham AFS, Cape Romanzof AFS, Cape Sarichef AFS, Clear NEWS, Driftwood Bay AFS.

Eielson AFB, Elmondorf AFB, Granite Mountain AFS, Kalakaket Creek AFS, Kodiak NS, Nikolski AFS, Northeast Cape AFS, Point Barrow AFS, Point Lay AFS.

Port Moller AFS, Shemyka AFS, Sitkinak CGS, Sparrevohn AFS, Tatalina AFS, Tin City AFS, Utopia AFS, Wainwright AFS.

ARIZONA

Libby AAF, Luke AFB, Yuma MCAS/Yuma Int.

CALIFORNIA

George AFB, Miramar NAS, Palmdale AF Plant 42, Travis AFB, Vandenberg AFB.

FLORIDA

Eglin AFB, Jacksonville NAS, Key West NAS, McCoy AFB, Tyndall AFB.

GEORGIA

Beaufort MCAS, Glynco NAS, Dobbins AFB, Robins AFB.

GUAM

Agana NAS, Anderson AFB.

HAWAII

Barbers Point NAS, Dillingham AFB, Ford Island NAS, Honolulu Int.

IDAHO

Mountain Home AFB.

KANSAS

McConnell AFB, Sherman AAF.

LOUISIANA

England AFB, Polk AAF.

MASSACHUSETTS

South Weymouth NAS.

MICHIGAN

Grayling AAF, Kincheloe AFB, K. I. Sawyer AFB, Wurtsmith AFB.

MIDWAY

Midway NAS.

MISSOURI

Forney AAF.

MONTANA

Malstrom AFB.

NEBRASKA

H. J. Paul ARNG, Offutt AFB.

NEVADA

Nellis AFB.

NEW HAMPSHIRE

Pease AFB.

NEW MEXICO

Kirtland AFB, Cannon AFB.

NORTH CAROLINA

Elizabeth City CGAS, Seymour Johnson AFB.

NORTH DAKOTA

Grand Forks AFB, Minot AFB.

PUERTO RICO

San Juan, Isla Grande.

SOUTH CAROLINA

Charleston AFB.

SOUTH DAKOTA

Ellsworth AFB.

TEXAS

Dyess AFB, Ellington AFB, Kelly AFB, Laredo AFB, Sheppard AFB, Webb AFB.

UTAH

Hill AFB.

VIRGINIA

Langley AFB, Blackstone AAF.

WASHINGTON

McChord AFB, Port Angeles CGAS.

By Mr. PEARSON:

S. 3303. A bill to amend the Internal Revenue Code of 1954 to exempt certain agricultural aircraft from the aircraft use tax, to provide for the refund of the gasoline tax to the agricultural aircraft operator with the consent of the farmer, and for other purposes. Referred to the Committee on Finance.

Mr. PEARSON. Mr. President, I introduce today for appropriate reference a bill to amend the Internal Revenue Code of 1954 to exempt certain agricultural aircraft from the aircraft use tax, and provide for the refund of the gasoline tax to the agricultural aircraft operator with the consent of the farmer.

Mr. President, the legislation I offer today would exempt from the aircraft use tax those aircraft equipped for and exclusively engaged in agricultural aircraft operations in accordance with the provisions of part 137 of title 14 of the Code of Federal Regulations. This provision is designed to treat equitably those crop dusters and other operators engaged in agricultural aviation with respect to the payment of a user tax that provides little direct benefit to them in return.

The new aviation user taxes were authorized in title II of Public Law 91–258, the Airport and Airway Revenue Act of 1970. This act exempts from the 7 cents per gallon tax any fuel used for farming purposes. Section 202(f) of the act—Title II—reads as follows:

> Exemption for Farm use:
>
> "(1) Exemption:—Under regulations prescribed by the Secretary or his delegate, no tax shall be imposed under this section on any liquid sold for use or used on a farm for farming purposes."

My bill would permit those engaged in agricultural aviation to be directly eligible for the exemption from the 7 cents per gallon fuel tax authorized for farming operations. The operator of aircraft engaged exclusively in agricultural operations would be treated as the operator of the farm with respect to the fuel tax, after obtaining the written consent of the owner or operator of the farm.

This legislation is designed to qualify the professional agricultural flyer for the fuel tax exemption. There is no valid reason to exempt owners or operators of farms from the fuel tax used in agricultural aviation while requiring the professional agricultural aviator to pay that tax, or obtain his fuel from the farmer who contracts for his services.

I believe the legislation I introduce today will stimulate the development of that agricultural aviation system so urgently required in our farming regions. I am pleased to note that legislation similar to my bill has been introduced in the other body by the distinguished Representative from Louisiana (Mr. LONG).

I sincerely hope that the House Committee on Ways and Means and the Senate Finance Committee will consider carefully this legislation. The position of the professional agricultural aviator should not be jeopardized by technicalities when he clearly meets the general criteria for exemption from the payment of the gasoline tax.

Mr. President, I request that the text of the bill be printed in the RECORD, immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3303

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4493 of the Internal Revenue Code of 1954 (special rules relating to tax on use of civil aircraft) is amended by adding at the end thereof the following new subsection:

"(c) Exemption of Aircraft Used in Agricultural Operations.—No tax shall be imposed by section 4491 on the use of any aircraft if such aircraft is equipped for and exclusively engage din agricultural aircraft operations in accordance with the provisions of part 137 of title 14 of the Code of Federal Regulations."

SEC. 2. Section 6420(c)(3) of the Internal Revenue Code of 1954 (defining farming purposes) is amended by adding at the end thereof the following new sentence: "For purposes of this subsection and section 6427 (c), if (i) the use of any liquid as a fuel on a farm for farming purposes is an aircraft and by an aerial applicator who was the actual ultimate purchaser thereof, and (ii) the owner, tenant, or operator of the farm has waived in writing (under regulations prescribed by the Secretary or his delegate) his right to any payment, credit, or refund under this title with respect to such liquid, then such aerial applicator shall be treated as the operator of the farm with respect to such liquid."

SEC. 3. The amendments made by this Act shall take effect as of July 1, 1972.

By Mr. PEARSON:

S. 3304. A bill to provide for the establishment of the Agricultural Hall of Fame National Cultural Park in the State of Kansas, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

THE AGRICULTURAL HALL OF FAME AND NATIONAL CULTURAL PARK

Mr. PEARSON. Mr. President, today I introduce a bill which would establish the Agricultural Hall of Fame and National Center, located at Bonner Springs, Kans., as a national cultural park within our system of national parks.

The Agricultural Hall of Fame and National Center was established by an act of Congress 12 years ago. At that time, it was intended that a $5 million, 400 acre complex of 10 buildings would house the most comprehensive collection of agricultural memorabilia possible. The Center was conceived as a memorial to the role which agriculture has had in shaping the greatness of this Nation.

The Center was also intended to be a tribute to private enterprise, depending entirely on funds solicited from private sources and not from Government revenues.

Today, Mr. President, the Center has made significant progress, although it has been able to achieve only part of its original goal. Operating on limited funds, it acquired 275 acres of land 12 miles west of downtown Kansas City, Kans. On that tract, two exhibit buildings have been constructed, and a third is nearing completion. These buildings house a fascinating collection of farming instruments, machinery, and literature which graphically portray the history of agriculture in this country.

Mr. President, the dedicated work of those responsible for the operation of the Center deserves the attention and praise of the agriculture community and the Nation as a whole. Operating on a limited budget, with no relief expected in the foreseeable future, they have labored mightily to construct and administer this monument to a system of agricultural unparalleled in the world today.

To my mind, it is entirely appropriate that the Nation recognize and support the continued development of this Center. It is toward this end that I introduce this bill today.

In 1970, at its annual meeting, the Secretary of Interior's Advisory Board on National Parks, Historic Sites, and Buildings and Monuments recommended study of the Center with a view toward establishing it as a permanent part of our national park system. In 1971, the Board determined that the Center met the criteria for establishing it as a national cultural park.

Identical legislation has been introduced in the House by Congressmen SKUBITZ and SEBELIUS of Kansas. They feel as I do, that with more and continued funding, as well as the expertise available from the National Park Service, the original intent and goal of Congress can be achieved. In my judgment, Mr. President, the establishment of the Center as a national cultural park will serve to remind Americans of their rural heritage. But more importantly, the Center constitutes a symbol of our commitment to a prosperous and secure future for rural America, a commitment which will be felt not only by those living in rural areas, but by all Americans as well.

By Mr. MOSS:

S. 3305. A bill to amend the Organic Act of the National Bureau of Standards to provide for the establishment of a National Fire Testing Center, and for other purposes. Referred to the Committee on Commerce.

NATIONAL FIRE TESTING CENTER

Mr. MOSS. Mr. President, as chairman of the Subcommittee on Long-Term Care of the U.S. Senate, I have investigated many nursing home fires in the past 9 years. Whether the loss of life is great, as in the Fitchville and Marietta, Ohio fires, or whether no one was even injured, as in the fire at Atlantic City, last fall—there are the same imponderables in all of them. Questions for which we have no answers are brought up again and again in the testimony which we hear.

First and foremost, it is obvious that we know very little about what happens in the course of a major nursing home fire. Moreover, experts disagee not only about what causes the fires, but about what procedures could be used to limit their spread. Nor is very much known about what gases are produced in a major fire, and even less about the consequences of the combination of gases which might be produced.

Our research into these matters has been far too slow and far too inadequate. We should by now have developed reliable information which can be distributed to guide State and local fire marshals as well as nursing home providers, so we can halt the traffic series of nursing home fires which checker each year's calendar.

I am, therefore, today introducing a bill to accelerate research in the field of flammability. The issues have vast importance to consumers in general as well as to that portion of our population which must live in nursing homes.

My bill amends the Organic Act of the National Bureau of Standards to provide for the establishment of a National Fire Testing Center. The bill authorizes the Secretary to establish such a Flammability Research Center at the University of Utah. This is in recognition of the excellent facilities and personnel located at that university at the present time.

I first became fully acquainted with these facilities following the September 15 Salt Lake City nursing home fire where six people died. Dr. Irving Einhorn, director of the Flammability Research Center of the university conducted a tour of the burned out nursing home for Utah State officials. I was most impressed with Dr. Einhorn's background and abilities. He testified before my Subcommittee on Long Term Care on September 29 of last year and his entire report on the Salt Lake City fire is included in the record of that hearing.

Accordingly, it was no surprise to learn that Dr. Einhorn and his staff receive numerous contracts from the National Bureau of Standards, from NASA, the Federal Aviation Agency and a host of other Government agencies for research in the flammability field.

What makes the University of Utah's facility most impressive is not only the personnel of the Flammability Research Center and their $2 million worth of equipment, but the extent of the cooperation that exists between the center and the university's schools of medicine, nursing, chemistry, and engineering. Working together these institutions are able to study the total effects of fire.

One of the most important studies being pursued is the toxicological effects of fires; that is, the effects of smoke and gases on the human body. Although most deaths in fires are attributed to smoke inhalation and to carbon monoxide, we really are not sure which gases and in what combination result in death. We know little about the effect of smoke and gases on nerves and tissue. There are many other such secrets and mysteries which have gone unexplained for centuries.

With enactment of the bill I am introducing today, I believe we can take another needed step to protect life and to make fire work for man.

By Mr. MOSS:

S. 3306. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to require the establishment of standards related to rear-mounted lighting systems. Referred to the Committee on Commerce.

REAR MOUNTED LIGHTING SYSTEM

Mr. MOSS. Mr. President, I introduce for appropriate reference a bill to amend the National Traffic and Motor Safety Vehicle Act of 1966 to require the establishment of standards related to rear mounted lighting systems.

I believe this legislation would be an important step toward providing greater protection for the motorist and greater safety on our highways. The bill calls for tougher standards to meet a very specific problem. A mounting tide of opinion points to the long-overlooked deficiency in automobile lighting systems. That deficiency is particularly apparent in rear-mounted warning light systems, which presently rely upon varying configurations and intensity of the same color to signal turns and stops.

I believe it is entirely possible and most desirable to devise a better system; a system that would apply other colors such as amber and green the way our traffic lights currently guide us. Others think this possible, too. Ralph Nader, who is probably the incontestable father of the vehicular safety effort, has voiced his concern in the past over the inadequacies of rear-end lighting systems. Recently a team of his investigators looked into this issue. Through the Center for Auto Safety there is now on file with the Department of Transportation a detailed report showing the need for improved rear-end lighting systems. That report calls for amendments to the proposed lighting standard—standard 108—to allow for testing and adoption of color coding or a red, amber, or green trilight system. This study concludes on this emphatic note:

> Automotive technology has increased far enough . . . for cautionary lights to be installed on every motor vehicle. Researchers have found that color coding is the most efficient method of communicating this information. It is the method that results in the shortest response time and the least amount of confusion. Must the motoring public wait another fifty years while countless more people are maimed and killed, before the superior tri-light system is standardized? Based on the evidence cited in this report, the Center for Auto Safety adamantly recommends the tri-light system, and urges its adoption by January 1st, 1974.

Less anyone think this is a minor safety problem, let me touch quickly on a few facts.

First. Rear-end collisions now run in the range of 4 to 5 million accidents a year according to National Safety Council figures.

Second. Rear enders account for at least one-fourth of all accidents. This pattern has been consistent for the past decade, but some analysts call these figures conservative and say that for accidents involving more than one car, the rear-enders may represent 50 percent of the toll.

Third. Discounting accidents that involve a single vehicle, the rear-end collision causes 10 percent of the traffic deaths and a much higher percentage of the injury cases. National Safety Council figures show that for 1970, 26 percent of the crash injuries resulted from rear-end collisions.

Fourth. Before the Senate Commerce Committee last March, Dr. William Haddon, Jr., President of the Insurance Institute for Highway Safety, cited a national sample of 13,000 closed property damage liability claims handled by one major underwriter in which 46 percent of the claims were traceable to rear-end collisions.

Fifth. The property losses are staggering. They run into the billions, perhaps $5 billion or more considering the losses in claims which do not show up as officially reported accidents.

I have grown disturbed by the repeated delays in the issuance of a revised standard 108. This should have been available to the public some 18 months ago, and I have grown increasingly concerned over the significance of this issue as pointed out by the Center study.

The trilight concept is not new, but like many other good safety features that the industry has been slow to embrace, this one has been long resisted and talked down by the major producers. I like to think of a trilight system as an early warning system. The genius of the idea is that every alert driver knows exactly what the driver immediately ahead is doing. With the trilight or early warning system each car makes a specific signal to the car following well before the driver in the first car actually touches his brake pedal. This vital signal is applied by an ambler light, which flashes on the instant the accelerator is released. Hence the early warning.

I am also spurred to further action because I am aware that General Motors is using early warning devices to safeguard its own drivers who are running emission control test cars on the company's heavily guarded Michigan proving grounds. This application of the trilight system indicates much more than a testing of the early warning concept. For the systems which have been rigged on the emission control test cars imply a solid endorsement of the whole concept.

If early warning is needed to protect test drivers, then why is it not good enough for the motoring public? Mr. President, I ask unanimous consent that the report of the Center for Auto Safety on trilight systems and the text of the legislation I have just introduced be printed in the RECORD.

There being no objection, the bill and report were ordered to be printed in the RECORD, as follows:

S. 3306

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 103 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392) is amended by adding at the end thereof the following: "(i) the Secretary shall, as soon as practicable after the date of enactment of this section, prescribe such standards under this section as may be necessary to insure that motor vehicles be equipped with rear mounted lighting systems as follows: (1) with a green light when the motor vehicle is moving forward under power from its engine, (2) with an amber light when the motor vehicle is moving forward or standing and idling, but not under power from its engine, (3) with a flashing amber light when the vehicle is turning, (4) with a red light when the motor vehicle is being braked through the use of its braking system, (5) such green and amber lights shall not be illuminated simultaneously nor shall they be illuminated when the red lights are illuminated, but either green or amber lights shall be illuminated when the red lights are not illuminated, and (6) such other information with respect to such motor vehicle as the Secretary deems necessary."

(b) The amendment made by this subsection shall take effect no later than August 15, 1973.

CENTER FOR AUTO SAFETY,
Washington, D.C., January 30, 1972.
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION,
Washington, D.C.

Re Petition for Rulemaking—A proposal to amend Federal Motor Vehicle Safety Standard 108, Lamps, Reflective Devices, and Associated Equipment.

DEAR SIR: Enclosed are two copies of a petition for rulemaking, filed pursuant to Section 553.31 of the rules of the National Highway Traffic Safety Administration (49 CFR 553.31), "Petitions for Rulemaking."

The Center for Auto Safety seeks an amendment to FMVSS 108 which would require that the present rear lighting system be changed to a tri-light system. A tri-light system exhibits a green light when there is accelerator pedal actuation, a steady amber light when there is neither accelerator or brake pedal application, a flashing amber light to signal a turn, and a red light when the brakes are applied.

We believe this proposed amendment is practicable and meets the need for motor vehicle safety. We look forward to your response.

Respectfully submitted.

MICHELLE KIMAN,
Intern.
N. LOWELL DODGE,
Director.
BERNARD P. O'MEARA,
Staff Member.

PETITION FOR RULEMAKING

A proposal to amend FMVSS 108 to require incorporation of a tri-light rear lighting system

INTRODUCTION

The following is an excerpt from a speech given by Vincent J. Esposito, Highway Safety Research Engineer, and Dr. Robert Knaff, Leader Task Force Number 1, both of NHTSA, entitled, "Progress in Vehicle Rear Lighting Research". "The fundamental purpose of rear signalling systems is of course to convey, in an efficient manner that information about presence, status, and future status." The present rear lighting system simply does not fulfill these standards.

The tri-light system however, has been found to be far superior in conveying relevant information. It is efficient in the sense that it conveys this information in the format that results in a much shorter response time, and relates messages of presence, status, and future status with the least amount of ambiguity and confusion.

I. THE PRESET REAR LIGHTING SYSTEM—INTENSITY CODING

The main objection to intensity coding is its unreliability in detection in normal and especially emergency conditions. Intensity values fluctuate greatly in different conditions. It is well known that intensity is inversely proportional to the square of the distance from a light source, (doubling the distance, quarters the intensity). Therefore, a distance braking light may be perceived as a presence light. Voltage also varies greatly. Lamps may have light output variations of ± 70% due to voltage regulator variations alone. (Noch, Dunlop, Finch, 1966) Tolerance variations in certain elements for example candle power of bulbs and resistance at contacts, also vary the intensity values. (Systems Associates, Department of Transportation Rear Lighting Contract Report, Section 4–20)

Other variables including corrosion of lenses and reflective parts; wet, dry and dusty conditions; dirt on lenses; background luminescence; and atmospheric conditions such as fog, all alter the values of the brightness perceived by the drivers. "It should be noted that the differences of intensity is (sic) not a desirable means of differentiating between signals unless the signals are always seen under the same conditions of distance, atmosphere and background luminescence because changes in these conditions may easily obscure differences in intensity." ("U.S. Standards for Colors of Signal Lights" Handbook 95, pg. 24). The DOT contract report done by UCLA states that the factors affecting rear lights that are mentioned above, "drastically reduce the perceived intensity ratios".

Increasing the overall intensity will not help, because of the design of the lenses. The present lenses diffuse the light in such a way that increased intensity will produce unacceptable glare. "It is believed that intensity differences for coding brake lights have been carried as far as public acceptance of annoying glare will allow." (UCLA Contract Report)

These changes of intensity also might have detrimental effects of the perception capabilities of the driver. Looking at the same intensity level for long periods of time creates an equilibrium.

"Their [the drivers'] sensitivity can temporarily drop to zero if sudden changes in luminescence occur, and it takes from several seconds to many minutes before the receptors are adapted to the new level." (Judd, Color in Business, Science and Industry)

While this phenomenon may not occur on a lighted freeway or city street, there is a possibility that it may affect driving on a rural road.

The drawbacks of intensity coding become highly consequential in more crucial situations. Upon first sighting a car—either when making a turn, or in the coupling process (when an isolated car encounters other cars), or if the driver is not paying attention to the preceding cars—it is of great importance that the preceding cars' mode (braking, accelerating or coasting) be clearly communicated in the least amount of time. Currently, when a driver is in these situations, when he does not see the change in intensity, it is extremely difficult to be certain of the status of the car ahead. This fact is discussed in the DOT contract reports on rear lighting:

"However, an indicator of state of car, intensity coding is relatively uneffective . . . upon first sighting a car, an oncoming driver may have difficulty in ascertaining whether or not the car is braking." (Bolt, Berenek and Newman, pg. 103)

"If a driver is not paying attention to the lights at the moment of intensification he may find it difficult to tell at which level of intensity they are operating." (Century Reports, pg. 62)

"But if the intensity must be judged in isolation, in the absence of observed abrupt change, or without reference lights for comparison, judgment may be delayed or made impossible." (Century, pg. 69)

Reference lights, as in a red-red system, (a constant red presence light and a separate, high intensity red brake light), might improve brake light recognition, yet this means that a presence light will have to be of a minimum intensity for comparison purposes. But, minimal intensity will not give the driver optimal warning of preceding drivers because the lower candle power will greatly reduce the distance the light penetrates. However, the presence light in the tri-light system, can have a much greater intensity because the coding variable will not be solely dependent on a change of intensity. The superiority of the tri-light system over the red-red system will be discussed more fully in later sections.

As the result of the aforementioned facts, it is clear that intensity coding is not an efficient means of relaying information. This method offers a far lesser degree of safety than other coding systems, such as color, which will be discussed in subsequent sections.

II. COLOR CODING

Color coding is the use of lights of different colors to signify different actions on the part of the driver. This method has been found to be the most dynamic and efficient format to express rear lighting information. The Department of Transportation contracted eight (8) facilities to do research on rear lighting systems. All of the research groups recognize the distinct advantages of color coding.

Ohio State University (OSU): All (of their experimental systems, each of which utilize color coding) in general proved to be superior to the conventional system. (OSU, pg. 90)

Bolt, Berenek and Newman (BBN): Color coding is superior in 2 ways: 1) fewer confusions between running and brake lights are made, and 2) significant decreases in the time required to react to the stopping of a leading car have been found. (BBN, pg. 102)

University of California at Berkeley (UCB): It is recognized however, that coding can be enhanced by the use of color in the lighting system.

University of California at Los Angeles (UCLA; two reports: #1 and #2): Strong consideration should be given to having the brake light a different color from the directional and running lights. (UCLA #1, pg. 79)

Systems Associates (S.A.): The optical characteristics of the eye and the light situation are such that appropriate changes in lighting color may be used to improve the maximal range of perception, as well as the recognition of signal data. (SA, 4–18)

Century Research Group (CRG): Color coding is included in their proposals for future research.

Michigan State University-Highway Safety Research Institute (HSRI): Overall, however, the greatest improvements were found in a system which employed complete functional separation and color coding. . . . The studies carried out in this program have also consistently found such a system to be superior to the others.

The statements and experimental results of these contractors should certainly be strongly considered in formulating a rear lighting standard. These research groups have been studying the problems of rear lighting for five years, and the distinct advantages of color coding have been substantiated (experimental evidence in following sections). There should be no extra time delay before instituting these long needed safety features.

Other groups have also realized that color coding is a major step in improving the rear lighting display: Together these studies suggest that color coding in addition to the intensity coding now used, can be a significant aid in deciding quickly how to react to the action of a lead car. (AMA Vehicle Lighting Committee)

The Illuminating Engineers Society Committee on Motor Vehicle (Exterior) Lighting, suggested in 1964 that yellow turn signals be used to contrast with the red brake lights. In a letter to the Center for Auto Safety, dated December 14, 1971, written by Deputy Traffic Engineer Herbert Keengan, the New Jersey Turnpike Authority indicated their interest in color coding to indicated different conditions. Members of the NHTSA staff have praised color coding: . . . color coding of lighting signals can improve detection and reaction times. (Vincent J. Esposito, Jr. and Dr. Robert Knoff, NHTSA, speech at a fog conference)

Ford President, Lee A. Iacocca, also expressed his desire to change to a color coded system: I think we have to make a big giant step in the area of lighting and signaling. We've had months, years of conversations on mixing lights—you know, green for "go" and red for "stop." ("What You Will Pay for Safer Cars of the Future," U.S. News and World Report, 3/8/71, pg. 35)

Safety Committee of Virginia has advocated the adoption of the tri-light system. The New Jersey State Assembly passed a bill in February 1969, requesting Congress to institute tri-light. The vote was 45–6. In fact, on May 11, 1971, Congressman John Myers of Indiana, with co-sponsors Burke (Mass.), Halpern (N.Y.), Gibbons (Fla.), Morse (Mass.), Charles Wilson (Calif.), and Robinson (Va.) proposed H.R. 8295, requiring the tri-light system in all cars after 1973. This bill is awaiting action in the Committee of Commerce and Finance.

One of the best testaments to the value of the tri-light system is the incorporation of the tri-light system in the description of all of the proposed Experimental Safety Vehicle Cars that have been submitted to DOT. The exception is the AMF ESV, whose designers endorse color coding by the use of a green-red system. The New York Safety Car, Fairchild-Hiller, Battelle, Digitek, and even the Florida State University "Car of the Future," all incorporate the tri-light system. This is further evidence that it is a superior system of intercar communication.

The reason that all of these groups have recommended the tri-light system is because of its compelling advantages. These advantages and the experimental evidence to support color coding will be discussed in the following sections.

III. CONFUSION

The main objection to the tri-light system or color coded systems in general, (as submitted to Docket 69–19), is that a system with multicolored lights is confusing; however, none of these claims have been substantiated. Even Douglas Toms, Chief Administrator of NHTSA, stated . . . "and now I have concluded it is too confusing . . . we will not go to multicolor lights and we are opposing inventors of this system." (Bob Irvin's Column, Detroit News, 9/28/71). When later asked to give the basis for this claim, Mr. Toms stated that it was his personal opinion based on a few driving experiences at the G.M. test track. He did not cite any experiments which support his opinion.

There are, however, much data to show that the present system is confusing, ambiguous, and can result in mistakes or no response at all. In a test done by OSU, there were 11.65% incorrect responses for the present system compared to 0% incorrect responses for the tri-light system (OSU, table 5.7). In an experiment done by UCLA, with the present system, 44 signals were missed, 24 were ambiguous, and only 4 were correct (UCLA 2, pg. 6, fig. 3). The results of an experiment done at HSRI show that there were 40 errors in the present system and only 3 in a color coded system with a green presence light, amber turn signals, and a red brake light. (This is known throughout the rest of the report as a complete color coded system.) There is clearly significantly greater confusion with the present system.

The crash statistics also show that there is definitely a great amount of confusion in determining a stop light from a presence light. In a study of whiplash patients by Dr. Richard D. Worsham ("Acute Sprain of the Cervical Spine," Southern Medical Journal, 56 (3); 252–256, March 1963) 70% of the patients had stopped for a traffic light or a stop sign and another vehicle collided with them from the rear. On a national scale, in 1970, 4.4% of all crashes involved a rear end crash at an intersection with one car stopped, 3.4% with one car turning and one going straight, and 10.4% at a non-intersection with one car stopped. Therefore, the confusion as to the mode of the preceding vehicle (stopped or turning or accelerating) contributed to some 18.2% of all crashes in 1970, or some 2,912,000 crashes (Accident Facts, 1971, pg. 46, 47, National Safety Council). These statistics show the disastrous margin of error resulting from the inadequacies of the rear lights to signal the preceding drivers' actions.

One of the most hazardous driving conditions, when a rear light system is of crucial importance, is in the coupling process (when an isolated car first comes upon other vehicles). In that second when a driver confronts another car, for example, turning a corner, or when driving in fog and suddenly sighting a vehicle ahead, the mode of the preceding cars must be instantaneously communicated so that proper defense actions can be initiated. Kenneth Perchanok delivered a paper on his fog studies to the 2nd Annual Symposium on Vision and Driving, (Berkeley, Calif., July 8–10, 1969). The author found that the isolated cars were going at faster rates of speed than coupled cars. The necessity for an instantaneously recognizable system is even more needed in this unsafe condition when cars maintain high speeds in areas of low visibility. Theobald and Tamburri found that for crashes occuring in fog, when long distance visibility is impossible, there was a much greater chance of 4 or more cars being involved in a single crash. Thus, the lives of more people are endangered. One can see the absolute need to employ that system in which mode recognition is the most clear. One can also see the need for a dual intensity system in these conditions, to increase the sighting distance during atmospheric conditions of low visibility by increasing the intensity.

"In the case of vehicle rear lighting studies, the coupling process appears to be such an area (one in which an attack on a specific problem can improve the situation) for it is the portion of the driving task that places the most unique and critical demands on vehicle rear lighting systems." (UCLA #2, pg. A1, Working Notes, "The Driving Task," 2nd Annual Human Factors Workshop, Highway Research Board, 1/12/69).

A red-red system has been proposed to help eliminate this shortcoming in the rear light array (description in section on intensity coding). This is a definite improvement, but is by no means the optimal system given the present state of the art.

"Confusion errors (i.e. whether a brake light is called a running light or vice versa) are reduced with the introduction of a double red system and are reduced even further with a color change system." (OSU, pg. 85)

This conclusion is based on experiments done by the Ohio State group. UCLA found that a double red system still had a 10% incorrect response rate using the Research Experiment film technique (UCLA #2, pg. 4, fig. 2). In an analysis technique study also done by UCLA, where the signals were evaluated by the use of a computer solely on the message transmitted, a horizontal red-red system had 69% correct responses, and a vertical red-red system only 55% correct.

The confusion factor in the tri-light system will be greatly reduced not only because of color coding, but also because of the specific colors used—red, yellow, green—colors already a popular stereotype. BBN suggests that one employ a "deeply engrained stereotypic system." OSU states that: Any new system must be instantly understandable. Since each driver cannot personally be educated to system changes, the driver must have a natural response to the new information that is presented to him with whatever new presentation codes are used.

The general populus is already educated to the red-yellow-green system, because of the use of these colors in traffic signals. BBN states that the simplest system is the best, and a red-yellow-green system is good because it is a "matter of conditioning."

A green signal will indicate that a car is going, but not that the preceding car is necessarily going at a faster rate of speed than the following car. The driver will still have to exercise caution when a vehicle ahead displays a green light, just as a driver must exercise caution when going through an intersection when the traffic signal is green—he must look for turning cars, pedestrians, speed of the preceding cars, and traffic signs. The green light does not in any sense mean "go man, go," as some have stated.

Another argument against the tri-light is that during the changeover periods, confusion will occur due to the use of both old and new systems on the road at the same time. There is no evidence to prove this, yet again, there is evidence to the contrary. In 1967 at the GM Proving Grounds, tests were done with both systems operating (100 cars total). The results of 541 questionnaires showed that: There was no significant confusion due to the two (2) different tail lights systems operating simultaneously on the Proving Grounds (GM Test Report PG-23062, 4/5/67) HSRI reports that: It should be noted that any of those three steps (stop light separate, complete functional separation, or functional separation with color coding) would be entirely synonymous with present rear lighting systems that are now found on vehicles either in the U.S. or in different parts of the world. (HSRI, pg. 227)

An argument sometimes raised against the tri-light system is that the driver will have more decisions to make, i.e., whether the preceding car with a red light showing was an old car with a running light, an old car with a brake light, or a new car with a brake light. With the new system, because of its standard placement of lamps and color change before brake application, a brake light on a new car will be easily recognizable as one, and a low red light will never be mistaken for a running light on an old car. The present system will still be as confusing as it is now. There will not be any new decisions required if the tri-light system is instituted.

A study that is of utmost importance is one that is an alcohol study done at HSRI, comparing the effects of the present system (No. 1) with a red-yellow-green system with complete function and color separation (No. 8), on subjects with moderate alcohol consumption. (Dose 1: each driver and passenger were given, orange juice in milliliters equal to 1.5 x body weight in pounds. Dose 2: The driver was given the same as dose 1—no alcohol for safety, for the passenger alcohol content of .35 ml. x body weight)

It will also be noted that there were considerably fewer signals missed in system No. 8 in both dose conditions compared with system No. 1. This difference was highly significant statistically. (HSRI, pg. 48).

MISSED SIGNALS: DOSE 2 ALCOHOL MODE

System No.	Turn	Stop	Turn-stop	Stop-turn	System total
1	0	3	22	2	[1] 27
8	5	1	0	0	[2] 6

[1] Present system.
[2] Color coded system.

Since the first priority of NHSTA is to alleviate the incidence of crashes involving drunk drivers, they should do everything possible to design vehicles to provide the highest degree of safety against this hazard; and a red-yellow-green system distinctly aids the drunken driver in distinguishing the mode of the preceding car.

IV. RESPONSE TIME

Another compelling advantage of the tri-light system is that it decreases the response time, which is the time the driver takes to respond to a signal. Because of today's high speed and high density traffic, it is of crucial importance to institute a rear lighting system that will enable drivers to respond the fastest. Decreasing response time by even tenths of a second means a decrease in stopping distance of several car lengths while traveling at 65 miles per hour—95 feet per second. The tri-light system also increases car following stability and traffic flow through the decreased response time and the condition of the amber deceleration light.

There have been differing experiments done by the contractors on the tri-light and other color coded system that show the vast improvements of these systems over the conventional system.

OSU found that the gas pedal response time (a measure of the arousability of the signal) in the daytime in a brake maneuver, was 68% of the time required for the present system. It took 2.33 seconds with the conventional system and only 1.45 seconds with the tri-light. At 65 miles per hour, this difference means a saving of 65 feet—more than four car lengths using 15 feet as a car length. The response time for the coasting maneuver was 4.34 seconds for the conventional system and 2.89 seconds for the tri-light system—a difference of 1.45 seconds which means a saving of 138 feet—almost ten car lengths. (OSU, pg. 53). At night, the response times for braking were 1.02 sec. for the tri-light system and 1.04 sec. for the present system, but in the coasting maneuver, the 3.5 sec. for the conventional was reduced to 0.75 sec. for the tri-light system—a 79% reduction. In this case, the driver would know the mode of the preceding car some 262 feet sooner if traveling at 65 m.p.h.

These tests comparing the tri-light system to the conventional system are very explicit in their results—the tri-light system is far superior in decreasing response time. The following tests were done with the present system and color coded systems (red-green and red-yellow-green) These tests would probably show less of a reduction than the tri-light because they lack a deceleration light (explained in the section on additional information) yet the data do indicate the superiority of color coding in reducing response time.

UCLA tested a green-red system-system "A", with a conventional system-system "C". When measuring the average time taken to release the gas pedal after sighting a signal, system "A" rated 2 (from 1–2 sec. response time), system "C" was rated 3 (from 2–3 sec. response time). The ratings for brake pedal actuation were 3 for system "A" (3–4 sec. response time), and 4 for system "C" (4–5 sec. response time). (UCLA #1, pg. 71.).

The AMA Vehicle Lighting Committee compared a green-red to a conventional system and found that there was a 0.2 second difference (20 feet at 65 m.p.h.)

The results of HSRI tests are shown below, comparing conventional system (#1), with color coded, red-yellow-green system (#8).

GEOMETRIC MEAN OF THE RESPONSE TIME (SECONDS)

System	Turn	Stop	Turn-stop	Stop-turn	Mean
1	1.277	1.067	1.196	2.244	[1] 1.446
8	1.188	1.011	.945	1.032	1.027

[1] Present system.
[2] Color coded system.

Using the Newman-Keules Test (a test for statistical significance) they found that system # 8 was significantly better than system # 1 in the turn, turn-stop, and stop-turn modes. Notice the extremely large difference in the stop-turn task results.

Some experiments also compared the color coded systems with the red-red system. In OSU experiments, comparing response time variance versus the signal, the conventional was 0.6 seconds, and a color change system was 0.3 seconds.

"The response time is decreased when the conventional is replaced by a double red system, and is decreased further when a color change system is substituted for a double-red sytem." OSU, pg. 85)

In AMA testing, the rating of the response time of eight different systems on a scale from one to eight (one being the shortest response time), the conventional system was rated eight, the red-red system was rated 4.5, and the green-red system was rated first with a 0.88 response time. Testing done by Rudolph Mortimer of HSRI showed that for city driving, the mean response time difference between a red-red system and a complete color coded system was 0.291 seconds which at 65 miles per hour is equivalent to a distance of 29 feet. There was a shorter response time in all modes: turn, stop, stop-turn, turn-stop, and especially the turn-stop situation with a distance of 87.4 feet at 65 miles per hour. On expressways the results were analogous with the mean difference of 0.248 seconds (SAE paper 700-388). These tests substantiated the results of his previous tests (HSRI, 1969). In these previous tests, 8 (the color coded system) was significantly better than system 3 (red-red) and system 1 (conventional), in turning; 8 was significantly better than 3, in stopping; 8 and 3 were significantly better than 1 in the turn-stop mode; and 8 was significantly better than 3 and 1 in the stop-turn mode. (P .05) (Table 1.3)

Decreased response time will improve traffic flow. OSU used headway variance as a measure of stability of the following car. In the daytime, the headway variance for the tri-light system was 40% more stable than the conventional system for the brake maneuver. The values for constant velocity and coasting were also smoother—approximately 10% more stable for constant velocity and 15% more stable for coasting. (OSU, Fig. 6–2) These differences were termed "highly significant". (OSU pg. 47) A time series analysis, also done at OSU, measures the response lag between the two vehicles. In the conventional system, this value was 1 to 1.5 seconds. This was reduced to ⅓—less the 0.5 seconds—that value with the introduction of the tri-light system.

"This is a natural result because the tri-light system was designed to give the driver advanced information and permit him to more efficiently track the leading car." (OSU pg. 88)

The tests of the effect of alcohol on driver response time done by HSRI, also show lower response times with the use of the color coded system (again 1 is the conventional system and 8 is the color coded system).

GEOMETRIC MEAN RESPONSE TIME IN ALCOHOL EXPERIMENT BY SEX

System	Male	Female
1	1.314	1.455
8	1.015	1.033

For the males, the mean difference was 0.3 seconds which is a 29 foot difference at 65 miles per hour. The difference for the females was even greater—a 40 foot difference at 65 miles per hour. (HSRI pg. 46).

PASSENGER DOSE (NO. 2) WITH ALCOHOL

System	Male	Female
1	1.441	1.739
8	1.205	1.153

In this comparison, the difference for the males was 0.63 seconds which is 22 feet at 65 miles per hour, and the difference for the females was again greater—0.586 seconds which is 56 feet traveling at 65 miles per hour. (HSRI pg. 47)

"Although alcohol is well known to be significantly involved in fatal accidents and to affect human abilities detrimentally, it was found that the signal system using functional separation and color coding (system #8) produced differences in performance whereas alcohol did not. This could be interpreted to mean the differences in signal system design can provide changes in driver performance greater than these that accrue from moderate alcohol levels, and to suggest a strong safety advantage of the incorporation of concepts found in some of the experimental systems as compared to the present system coding." (HSRI, pg. 220)

In rating the signal system effectiveness, they noted: The mean ratings for system 1 and system 8 were (1) −3.703 and (8) −7.766. It will be noted that these values are close to those in previous tests, showing a strong preference for system 8. (HSRI, pg. 48)

As proven by the research results noted above, significant decreases in response time in both the normal and alcoholic condition, and increases in car following stability in both of these cases, the color coded system has compelling advantages over the conventional system. This constitutes additional evidence for this necessity of the change to the tri-light system.

It should be noted that there are two factors that affect the distance a car travels when stopping. One is the distance traveled during the time it takes for the driver to perceive a change and react which is called the response distance, and the other is the distance traveled while braking which is the braking distance. One must keep in mind that the purpose of good rear lighting systems is to decrease the former—the response distance. New and improved brake systems will have to be initiated to decrease the latter—braking distance. While some of the distance savings reported in this section might seem small in comparison to the total distance traveled—the response time distance plus the braking distance—the values certainly do make an important difference in minimizing the response distance.

V. ADDITIONAL INFORMATION—THE AMBER LIGHT

Inter-car communication is one of the most important components of the driving task.

"A review of accident data indicated to the committee that failure of inter-vehicle communication is undoubtedly a large factor in rear end collisions particularly on high speed freeways." (Joint Vehicular Signal Committee, Status report, 1967)

Frequently, the driver is not alone on the road, and must communicate with the other drivers, without the aid of verbal messages. Therefore, a great part of the communication must come from the rear signal system. In adverse weather conditions when secondary cues such as swaying or relative size of the vehicle are imperceptable, the signal system, a primary cue, must convey all of the driver's intentions. As stated in the introduction, the fundamental purpose of the rear signal system is to convey in an efficient manner information about presence, status, and future status.

The amber light in the tri-light system presents information about status and future status. In respect to status, the amber light communicates coasting information to the following driver—informing him that the preceding driver's foot is not on either the brake or accelerator pedal. According to coasting experiments at HSRI, the average change in relative headway (the distance between two coupled cars), between 31–80 m.p.h., was 15 feet. (This value was for coasting periods between two accelerator pedal applications). (HSRI, Table 7.2) This is an appreciable distance when one notes the closeness of cars traveling on today's urban freeways. Although the figure above is the average, 10% of all coasting was found to last over five seconds. In prolonged coasting situations, the relative headway would be drastically decreased without a positive warning signal to the following driver.

"Such situations could be hazardous and result in rear end collisions. For this reason it may be recommended that a signal be provided to alert the following drivers to such situations." (HSRI, pg. 215)

The present signal system completely ignores this type of deceleration.

Traffic flow is also greatly increased with the use of a coasting signal. Recall that in OSU experiments (see section on response time), response time with the use of the tri-light system reduced by one-third of the time lag with the conventional array. Response time to changes in acceleration was also decreased with the tri-light system. These decreases in response time result in more stable traffic flow.

"Since response time is so crucial in stable traffic flow, the advantage of such a preview type system may be an important aid in producing stable traffic flow." (OSU, pg. 90)

Pierre Devaux, in an SAE paper, stated that it is necessary to create a deceleration light to avoid chain collisions. Both the elimination of the complete surprise factor and the decreased response time will combine to lessen the incidence of chain collisions.

The following drivers' knowledge of future status will also be greatly improved by the inclusion of the amber light, and will greatly reduce the dangers involved in driving.

"The ability of a driver to obtain advanced warning of impending changes in [the] traffic stream ahead of him is an important requirement for safe driving." (Esposito and Knaff report at the Fog Conference at UCLA)

The intention to turn or change lanes will be signalled by the flashing amber light. This is the same information that is presented on the conventional system lights, but in a much more dynamic method because of the color coding (detail in color coding section). In addition to the intention to changing direction, the amber light will also act as a cautionary signal—one that will warn the following driver of the possibility of brake application in the preceding car. It is not intended to be a definite sign of brake actuation, but a warning of that possibility. Therefore, the use of the amber light will increase the drivers' attentiveness and decrease his reaction time if brake action does occur. (BBN, pg. 136).

"One of the decision factors in determining whether a decelerating vehicle will be struck from the rear is the time required for a following driver to detect the lead vehicle deceleration and to make the appropriate response. One of the characteristics of brake lights, as they are commonly implemented, is that they are triggered at a relatively late point in the chain of events that lead up to the braking responses; that is they are actuated by pressure on the brake pedal itself." (BBN, pg. 136)

This amber early warning signal will permit the drivers of following vehicles to adjust their speed earlier in the "chain of events", by noting the deceleration sooner and by putting the driver on guard for the possibility of brake application.

In a questionnaire concerning safety improvements conducted by the Philadelphia Bulletin in which approximately 1,000 readers responded, an advanced warning ranked number two, out of eight safety items, second only to safer tires. This shows that drivers want to know of impending changes in the traffic flow so that they can have adequate preparation time. As a result the risk involved in driving will be decreased.

In addition to the decreased response time reported by OSU in their experiments with the tri-light system, other experimenters have tested early warning devices. Allen found that response time was substantially reduced with a brake light that was triggered by the release of the accelerator pedal. (Graph is included in the section on Other Features—High Mounting.) BBN also did tests to determine the feasibility of an advanced warning signal.

"The results of Experiment #1 show that response time can be decreased even given a situation in which it is very short to begin with, i.e., in which movement time is minimal. The results of Experiment two indicate that the savings in time can be substantial under a more realistic situation, in which an accelerator to brake movement is necessary . . . In summary the results of these experiments support the notion that an early warning signal could be an effective means of decreasing a following driver's response time." (BBN, pg. 161)

"The case for the inclusion of an early warning in the rear light system is, we feel, a reasonably strong one." (BBN, pg. 161) Opponents of the early warning system feel that if the probability of the red light coming on after the amber is not sufficiently high, then the early warning will lose all effectiveness. Contrary to this BBN stated on the basis of experiments they conducted that:

"The effect of the probability variable itself is relatively small." (BBN, pg. 161)

The following driver will be able to determine the cruciality of the braking action of the lead car by observing the length of time the amber light is on. It is probable that the longer the amber light is lit, the less the emergency is at hand. An amber light of a short duration would probably signal more serious brake action. This short amber light not only will warn the driver of brake application but also will bring the driver to a more attentive and alert state in which he can handle the situation better. The amber light in general has been shown to be a greatly beneficial addition to the lighting display.

VI. RED LIGHT VERSUS GREEN LIGHT

One of the reasons why some people are not willing to support the tri-light system is because of the controversy between the use of red light or green light for taillight use. Paul Conolly is the major objector to any green light system. Through careful analysis of his objections, one can see that he is mistaken in many of his allegations, others do not pertain to the driving task, and others can be overcome by means other than color coding to attain the best overall system.

The basis of Conolly's objection to green lights is a result of his ideas about the function of rear lighting. These are: to provide the longest possible detection range; and second, to insure that the driver knows that what he sees is the rear of the car. While it is true that a red light has a slightly longer detection range than a green light at the same candle power, it is believed that this slight edge is really of no consequence—intensity is the determining factor, not color. The Automobile Manufacturers of America (AMA), in it's Report #2 (10/4/66), found that when red and green lights are at equal candle power, red was barely perceptible at 180 feet and green light at 170 feet. To make the green light recognizable at 180 feet the intensity was recommended to be two times that of the red. Yet at conditions above that of barely perceptible only a 16% increase was needed. It is important to keep in mind that this is only a ten foot difference which can be overcome with a slight increase in intensity. Therefore the small increase in visual range should not be considered a reason not to use the tri-light system. AMF states in their Phase I ESV (experimental vehicle) report that,

"Visibility although related to color, is more easily controlled by controlling brightness and saturation." (AMF, Aug. 1966) In an AMA report in 1964 by the Vehicle Lighting Committee, blue-green was termed "excellent" by the raters at both 300 feet and 1,000 feet. Because the results of this experiment were explained as "so implicit" another scheduled test was dropped from the agenda. Century Reports found that on a dark night, green light was seen better than red light (CR, pg. 167). de Boer (1951) in studying airport lighting found that,

"The results . . . justify the conclusion that for the problem of approach lighting, the influence of the color of the lights on visibility is negligible." de Boer, 1951)

The relative visual range of green light in fog is also stated as an objection. However, here again intensity is by far the largest determining factor. Allen states in his book, *Vision and Highway Safety*, that the average ground fog acts impartially to all colors. Also the small differences that do exist are "probably of no significance because of the short ranges usually involved, less that 0.5 miles (800 meters). Studies done by Mortimer at HSRI, show that green-blue light, "suffers relatively no less in transmission through fog compared with red". (Mortimer, HS-700-388). And furthermore:

"The wavelength differences are small particularly when compared with larger attenuating effect of the fog upon brightness of both colors of the distance of the light from the observers." (Mortimer, HS-700-388)

Dr. Dean Judd, author of many books about color and a staff member of the National Bureau of Standards, feels that in haze red holds up more, but if one improves the intensity of the green light, the red has "no edge". In AMA Report #1 (6/8/66) a long distance recognition (3,000 feet) test was run in a 200 foot nighttime fog.

It is not considered that the advantage of red over green observed here is of any consequence at these great distances. (AMA Report #1, 6/8/66)

Middleton (1963) found that red and green penetrate vapor fog equally well. In haze he found a possibility of a small decrease in the penetration of green light but "generally concluded that [the differences in visual detection ranges is] not significantly affected by [the] wavelengths employed". Atmospheric degradation effects of the apparent intensity of the colors can only be adequately overcome by the use of high intensities.

All of these studies do not present a positive case for the superiority of a red light, but certainly do point to the feasibility of a dual intensity system—one intensity for nighttime use, and a higher one for daytime and fog use.

The following of Conolly's points were taken from the article, "Adapting Vehicle and Highway to Suit Man's Visual Limitations Can Bring Big Safety Dividends" printed in the SAE Journal, August 1966.

Conolly's Point No. 1: Front end turn signals (where red is illegal) should be amber.

Laws, as well as standards should be based on available data; if it is found later that another way or a modification of the old way is better, then the law or standard should be changed to take advantage of the advanced technology. Conolly's sole stated reason for requiring that front turn signals be amber is the fact that red lights in the front of an auto are illegal. This attitude is not one of constant reevaluation in order to insure that the motoring public is afforded the highest available level of safety.

Conolly's Point No. 2: The use of green light is not supported experimentally.

This allegation is untrue at this time. The past sections have clearly shown that the systems employing green are of superior quality. Conolly's Point No. 3: Red light retains chromacity (red light can be recognized as red), almost to zero intensity. Other colors appear white at low intensity.

Here, Conolly is misinterpreting the photochromatic interval—that area of intensity levels between the photopic and scoptic nerves where colored light is seen as white.

Red light does remain distinguishable as red almost to "zero intensity"—the level of intensity at which a light of a specific wavelength can no longer be seen. However, zero intensity for red light is much higher than zero intensity for green light. (Green at 10 to the minus seventh ergs per second and red at 10 to the minus four ergs per second.) This means that green light can be seen as green even below the intensity level at which red disappears. Green light is seen at even much lower intensities than ten to the minus seventh, as white light. At this far distance, it would be more beneficial to have the knowledge that there is a car on the road ahead, and as the distance decreases, recognize the color of the green light and know that it is the back of the car. In this sense, seeing the green signal. However it is believed that the photochromatic interval does not affect driving because of the intensity levels involved when driving.

"Even in the most extreme night driving situation, a long drive on an overcast night on a country road with no other traffic, and his instrument panel dimmed down, his own headlights illuminating the road ahead prevent a driver from attaining an adaptation state any nearer to scotopic than the lower end of the mesopic range [the illumination range between the scotopic and photopic ranges, when both the cones—color sensitive materials, and the rods—insensitive to color, are in use]. . . . In the bulk of night driving, the street lighting, roadside lights, the road illuminated by other headlights, the head and taillights of other cars, even moonlight and starlight, or the lights on the driver's own dashboard keep his adaptation state well above scotopic levels." (CR, pg. 102)

At the scotopic levels, there is complete color perception because only the cones of the eye are functioning and they contain the color receptors.

Here Conolly has misinterpreted a phenomenon not even believed to be relevant to driving. This certainly is not a reason to prohibit the use of green lights.

Conolly's Point No. 4: Red is less hazardous for color blind subjects.

Conolly cites about 1.2% of the male population as being protanopes—insensitive to deep red; whereas 5.4% of the male population deuteranopes—they confuse green with white. As Allen notes on page 131 of *Vision and Highway Safety*, it is better to be a deuteranope and see white, then to be a protanope and see nothing. An accident investigation done by Granberg and Danilson concluded that protanopes have more rear end collisons than normal or deuteranopic drivers. Drivers, in some cases, reported not seeing the red light that was right in front of them. This problem could be helped with the proposed standard positioning of the rear lights. When a protanope was driving behind a car that was about to stop, he would first see the green light in position one, then change to the amber light at position two, and if the light in position one did not immediately illuminate after the amber light had gone off, the following color blind driver could presume that the brakes were being applied in the car in front of him. In addition, the standard positioning would help the deuteranope. He would know that a green light was shining in front of him, even without seeing the color, because of the positioning—just as color blind drivers discern a green traffic light signal now. Conolly argues that seeing this green light as white would tend to confuse the drivers and lead them to think that the preceding car was, instead, an oncoming one. However, the differences in intensities are so great, especially with the DOT proposal to double the allowable candle power from 75,000 to 150,000, whereas intensities of tail lamps are many times less than that. This would especially be true with the inclusion of a dual intensity system where the intensities at night would even be lower. Standardizing the shape and size of the taillights to a shape that would contrast with the round headlights, would be an additional aid to the deuteranopic driver.

Also, by having the lamps green-blue, the color blind driver is further aided:

"A filter with peak transmission further toward the blue end of the spectrum than the ones used in these tests which peaked at 492 millimicrons, would provide better discrimination from white for color blind drivers." (Mortimer, HS-700-388)

When Mortimer used a plain green light to test recognition distance in dynamic driving for color blind subjects, he found that at 1760 feet (one third of a mile) all saw the light but not necessarily its color. The average color recognition distance was 1300 feet for all colors.

Conolly's Point No. 5: A green rear lamp will be brighter than a red rear lamp and therefore the ability of the following driver to see ahead and around a vehicle displaying a green light will be impared.

It is true that for a given light source, a green lense has a higher transmittance level than a red lense (using a tungsten filament bulb, for a red lense the percentage of transmittance compared to an unfiltered light source of the same candle power is between 10.64%-17.03%. The value for a green lense is between 10.57%-25.15%.) However, the rear lighting standard should specify candle power at reference points exterior to the lenses. The standard, of course, should be written to produce intensities which are not so high as to cause excessive brightness. It is also true that the brightness of the rear lights as compared with glaring headlights are quite minimal, and this excessive headlight glare should certainly be corrected.

Conolly's Point No. 6: Red sensitivity decreases least with age.

This is true but is not a sufficient reason to prohibit green running lights. As stated in BBN, the red light, because of its high attention demanding qualities, should be reserved solely for braking, when much greater driver perception impact is desirable. Every driver, not only the aged, will benefit from having red only when the brake is actuated. A change to red from another color as in the tri-light system, will add to the effect of the red.

"It should be noted that such partial function separation using a green-blue presence and turn signal would provide an additional code to identify the important stop signal more readily than in an analogous all red system. In such a green-blue and red system the stop signal would be the only red signal which would aid in its identification and detection over and above the effectiveness provided by functional separation. There would seem to be little doubt that in the long run such rear lighting system coding would be highly effective and should reduce rear end collisions." (HSRI, pg. 224)

Conolly's Point No. 7: Red penetrates fog and haze better than green.

This allegation was previously dealt with in this section in the discussion on visual range.

There are also other reasons why red light is not a better choice for use on taillights. There is a problem termed chrome steriopsis that causes approximately two-thirds of the entire population to perceive red as being further away than it really is. Tests done at OSU confirm this:

"The data from this experiment indicate that colors have a high-significant effect in the subject's ability to estimate distances. Red was found to appear further away and blue or blue-green was found to appear closest. (The Effects of Automobile Rear Signal Systems and Characteristics on Driving Performance, by Safford, Rockwell and Banisik, pg. 36.)"

Seeing green as closer than it is will make drivers take more precaution and be more prepared for possible emergency situations, whereas a red light might be dismissed as being too far in the distance to worry about.

There also seems to be a problem of light transmission through tinted windshields which are installed in over half of the American cars.

"To correct for these losses, taillights would need to be five times brighter or of a color other than red (in order to meet the SAE standard 70% transmission of light through windshields, Allen, pg. 130)."

Allen states that red transmisison is less than twenty-five percent in these circumstances.

A report by Ford Motor Company, dated August 1966, states that consumer tests were held with 14,000 people. They "showed a favorable reaction to green lights."

Rank	Lamps	Tail	Turn-brake	Preferences
1	1	G	R	0.70
2	2	G	R	.59
3	2	R	R	.56
4	1	R	B	.53
5	1	A	R	.47
6	1	R	R	.37
7	2	R	R	.30

KEY TO SYMBOLS

1=Only 1 lamp lit at a time, 2=both the tail and brake lights on at the same time, G=green, R=red, B=blue, A=amber.

Compare system No. 1, a green-red system, with system No. 7, the red-red system. The former is the most preferred system, while the latter is the least preferred system, while trial test done by UCLA for film techniques, both green systems and red systems were used.

"Drivers did not appear to show, nor did they report any confusion or aversion to the green running lights." (UCLA, No. 2, pg. 7)

Mortimer stated:

"Studies concerned with color discrimination and vision in clear and fog atmospheres, showed that green-blue would be a practical presence light color." (Mortimer, HS-700-388 abstract)

AMA found that in informal observations in city traffic, with a green tail light twice the intensity of the red light used, that:

"Green was very salient, appeared to cause no significant objectionable glare." (AMA Report No. 2)

The most convincing experiments using green lights are going on every day and have been for quite some time—namely the green signals used on train, airplane, ship and traffic signals.

"This [red-yellow-green] is the most common of all signal systems. It is used for long range lights of aviation, for the navigation lights of ships and for aids for marine navigation with nominally used white lights. With yellow lights it is used for the primary signal systems for railroads." (National Bureau of Standards, Monograph 75, "Colors of Signal Systems", 1967, pg. 43)

In interviews with employees of the Department of Transportation who are involved in areas where green signals are used, each stated that there was nothing detrimental about green lights. Mr. Bishop in Railroad Safety Signals and Lighting stated that there is, "absolutely no problem with green or amber lights." Mr. Bruce Balwin of the Federal Highway Administration signal division, said that there is "no problem with green lights", and that red and green performed the same in fog with the amber performance better. Mr. Gary Alexander of FHWA Human Factors, noted that "There are no problems that we are aware of with the use of green in traffic signals. The color green, especially the hue that is used, is very close to the middle of the spectrum to which the human eye is sensitive."

Mr. Fagin of Federal Aviation Administration Flight Standards said that there is "no problem with green. It provides distance and color contrast with red and white." The signals (green, red and white) are used while circling above airports for anti-collision purposes. The lights used are between 5-40 candle power and are visible for "several miles". In fog he said that no color penetrates any better than any other—that it depends on the intensity. Certainly, in these conditions the green light is of critical importance because an airplane is flying at many times the speed of an auto, with many more passengers, and many more risks. If the green light is satisfactory in these conditions, then certainly it is good for automobile lights.

Conolly's opinion of the importance of the rear lighting system does not adequately take into account the complexity of driving situations. The tri-light system identifies the rear of the vehicle, while also providing added information, plus the information already included in the present rear light system, in a much more efficient manner, as previously substantiated. As shown in this section, there are no compelling reasons not to incorporate green in the rear lighting system. Indeed, there are compelling arguments for its inclusion:

"The case for green running lights is a strong one and the arguments favoring the use of red in that capacity, are for the most part, not compelling." (BBN, pg. 198)

VII. ADDITIONAL FEATURES

1. Dual Intensity System:

A dual intensity system will allow increased daytime and fog visibility of taillights while not causing unacceptable glare at night. Dual intensity, along with high level lights:

"provide drivers with better car-to-car communications." (GM News, 10/21/71)

BBN feels that a dual intensity system has:

"compelling rational basis. (BBN, Conclusions and Recommendations)

They suggest that the level of illumination be automatically dimmed with the actuation of the headlights.

UCB advocates a variable intensity system and feels that every aid possible should be instituted to assist drivers in hazardous situations. UCB has done considerable research on variable intensity systems.

The Digitek ESV report also recommends the dual intensity system:

"It does appear at this time that variable intensity signal lamps (both stop and turn) are desirable at the rear of the vehicle." (Digitek ESV report)

They suggest a manual override switch to allow the driver to brighten his taillights even when the headlights are in use, for fog conditions. The research group at Michigan State University (HSRI) agreed with this:

"It is anticipated that drivers would learn to use a manual override intensity switch appropriately and that it would lead to a reduction in rear end collisions." (HSRI, pg. 240)

Fairchild Hiller, Pierre Devaux, Rudolf Mortimer and others have advocated dual intensity rear lighting. The reason for this support is because these groups and individuals recognize the immense problem of visibility in fog (discussed in the green-red section). It is well documented that increasing the intensity level of the rear lights will result in a greater recognition distance in these dangerous fog situations. Specific dual intensity levels should be standardized by the Department of Transportation, but not intensity ratios.

2. Standard Positioning and High Mounting:

Another area for improvements in rear lighting is the positioning of the lights. The lights will be placed in a vertical arrangement on the back of the windshield supports, or "C" posts, in a sequence of red as the uppermost light, amber as the middle light, and green as the bottom light. It is agreed by many of the contractors that high mounting is preferable. Century Reports agree with the idea of high mounting and feel that it is preferable to the conventional mounting. OSU, in their experimentation, found that to the following driver, high outside lights appear to be nearer to the following driver than the low outside position. For added safety, the closer a light appears, the more careful the following driver will be. UCLA feels that high mounting should be given "strong consideration" (UCLA, #1 pg. 79). HSRI feels that high mounting is safer because at that height, less dirt will be accumulated that would decrease the intensity of the lights, visibility of the vehicles on hillcrests will be improved, and visibility of vehicles further behind the vehicle immediately following will be possible because the lights will be seen through the windshields of several cars. Thus increased visibility of the rear lights will act as an added early warning. This is high mountings' most important advantage.

High placement would also greatly improve visibility in the incidence of ground fog. The following is a quote from the National Transportation Safety Board entitled "Highway Accident Report, Multiple Vehicle Collison under Fog Conditions, Followed by Fires, New Jersey Turnpike, North of Gate 2, November 29, 1969."

"Under some conditions, radiation (ground fog) fog may be very dense close to the ground, but dissipate at say 5 or 8 feet above the ground. Such a condition would enable truck drivers to see other trucks (tractors, semi-trailers) ahead without being able to see cars which actually were nearer. Driver 18 said he saw Tractor-semitrailer 19, and swerved to the left to avoid it, but did not see Vehicle 20 which was right behind Vehicle 19, and struck it." (pg. 42)

With the brake lights almost to the top of the vehicle, this ground fog would be much less dense, and Truck 18 probably would have seen Vehicle 20, and therefore avoided a collision.

A study by Allen (1967) using high placement and a brake light actuated by accelerator pedal release. This showed that high placement does indeed result in a shorter reaction time for the following driver. The results of a computer simulation study of traffic flow, done at Pennsylvania State College, showed that with the use of high mounted brake lights, there would be up to a 35% reduction in rear end accidents.

A compelling reason to require higher taillights in a standard position is to aid color blind drivers in recognizing which taillight is lit. The sequence is the same as traffic signals and is therefore automatically recognizable. Standard positioning will be an added redundancy in the coding system that will benefit all drivers. It will provide yet another means of producing unambiguous information.

3. Matte Black Borders:

The crome borders on decorative grillwork on or near rear lights adversely affect the visibility of the rear lights. Shiny metal surfaces cause concentrated bright light to hit the eyes of the following driver, in the daylight hours, when the sun strikes the chrome at certain angles. This may temporarily blind the following driver or at least serve as an unnecessary distraction. Because of the properties of the chrome and the glare factor there is a problem of a low contrast border surrounding the lights. A dark background color would make the lights show up much more in daylight hours.

Both of these problems can be solved by using a matte black border around the lights and specifying that chrome be no closer than four inches from any light. This will greatly reduce the glare and at the same time provide a high contrast border. This idea has been suggested by both Century Reports and Merrill Allen.

4. Flasher Rate:

The flasher rate on turn signals is unnecessarily and dangerously slow. Many lamps on the road today flash at an incredibly low rate. If the object of a turn signal is to warn the following drivers of an intended turn, then it is only logical to do this in the most efficient manner. In the case of rear lighting, this means incorporating the method which produces the shortest recognition time. The current SAE recommendation is 120 cycles or less per minute. Allen suggests a rate between 4–8 cycles per second (240–480 cycles per minute). Century Reports also advocates a faster flash rate than on present cars. A standard rate of at least 120 cycles per minute should definitely be required as a minimum standard. There should be an on-off ratio of 1:1. When in the off position, the light should go completely off; not just to a lower intensity as on cars now, but completely off in order to provide maximum contrast and faster recognition.

5. Colored Bulbs:

One of the primary coding methods of the tri-light system is color coding, therefore it is important that color be distinguishable if a lense is broken. A good solution is to have the bulb of the light colored. When the lense is broken the light will still be colored and not white as happens with broken lenses on the present system.

Century Systems' allegation that colored bulbs will produce a prismatic effect is false. In the optical system consisting of the light source and the lense, it makes no difference where the colored filter is placed. If there are prismatic effects, they cannot be a result of, or improved by, a relocation of the pigment which colors the light. Locating the coloring on the light bulb will significantly increase the safety of the system, while not causing any added problems. Therefore, the coloring should definitely go on the bulbs in the new system.

COST BENEFIT

The facts:

(1) An HSRI study revealed that in 1967 6,850,000 crashes occurred when cars were facing the same direction. These accounted for 50% of all crashes that year and 10% of the total fatalities.

(2) In some areas, especially those of high traffic density, these statistics are significantly higher. On a rural freeway, 25.5% of all crashes were rear impacts and 6.6% were sideswipes, while on the Ford and John Lodge freeways in Detroit, this number rose to 62% and 55% respectively for rear crashes, and 27% and 35% respectively for sideswipes. Many sideswipes occur when a driver swerves to avoid involvement in a rear end crash.

(3) In a study done by Commack, 92% of the whiplash cases examined resulted from rear crashes.

(4) Based on a study of Iowa crashes, deGravelles and Kelley, in their book *Injuries Following Rear-end Automobile Collisions* estimated that 5% of the total adult population in the country experienced back or neck injuries that were directly related to auto crashes. They calculated that according to the 1965 census approximately 6 million adults sustained back and neck injuries. The authors felt that the number of injuries of this type would increase in subsequent years.

(5) Dr. William Haddon, Jr., President of the Insurance Institute for Highway Safety, in testimony before the Senate Committee on Commerce on 10 March 1971, reported that in a national sample of 13,000 closed property damage liability claims from one of the largest insurance companies, 46% of the claims included rear-end damage.

(6) In 1970 26% of all automobile crash injuries were sustained as the result of rear crashes (*Accidents Facts, 1971,* National Safety Council). Statistics on injuries resulting from sideswipe would have been added to this 26%, however a breakdown for this type of crash was not provided.

The results of an HSRI study on the effectiveness in reducing the crash rate of a full color coded system (#8) compared to the conventional system (#1) are:

(1) There is a 25% projected reduction of turn-stop crashes on two lane rural roads if system #8 is substituted for system #1. A Michigan State Highway Department speed test was used in this calculation. (HSRI, p. 134)

(2) There is a 22% projected reduction of turn-stop crashes on urban expressways if system #8 is substituted for system #1. This figure was calculated from driving situations on Interstate I–71 near Columbus, Ohio.

(3) In addition to crash reduction, the crash velocity of the 99th percentile crash would be greatly reduced with the incorporation of system #8:

Type of driving	System No.	Speed (mph)
Expressway	1	72
	8	46
2-lane rural highway	1	73
	8	52

(4) In a projected comparison between various rear lighting system (see data below), a reduction in crashes was estimated for a change from the conventional system (No. 1) to an all red, complete function separation system (No. 4); a further reduction was estimated for a switch from system No. 4 to a complete color and function separation system (No. 48):

Type of driving	System	Percent reduction in crashes
Expressway	4 over 1	12
	8 over 4	7
	8 over 1	19
2 lane rural highway	4 over 1	12
	8 over 4	10
	8 over 1	22

These estimated crash reduction figures would be reduced even more with the inclusion of the early warning device of the tri-light system.

In a study by Systems Associates (phase I report) the following were listed as positive factors resulting from the implementation of an improved rear lighting system:

"reduced accident losses.

"reduced insurance costs as a result of fewer accidents.

"reduced government costs for accident cleanup.

"reduction in injury and fatality losses.

"possible increase in vehicle value."

System Associates, in their cost/benefit analysis, suggested the use of rear lighting "kits" that would cover the existing rear lights of present cars. This would be much easier and cheaper than replacing the original rear lights. It should be noted that the cost of a retrofit is calculated on the basis of complete replacement—a much more costly process.

It is clear from the figures on present crashes and the estimates of crash reduction with the colored coded system as listed above, that a significant reduction in injuries and fatalities would result from the incorporation of the tri-light system. Cost savings to the consumer would result from interchangeable lenses. Additional savings would result from the higher placement of the lights, on the "C" pillars of the vehicles, which would substantially reduce replacement costs due to breakage of the lenses or lamps. Manufacturing costs would be reduced by eliminating the chrome and fancy grillwork on or near the lenses. But the most substantial monetary savings are the decreases in injury and property costs (hospital, medical, auto body repair, etc.) which would result from the increase in numbers and severity of crashes with the incorporation of the tri-light system. There is *no* basis to a claim that the benefits do not outweigh the costs; the tri-light system should be implemented immediately.

CONCLUSION

Some have argued that instituting tri-light will be in disagreement with the Department of Transportation's policy to require performance standards rather than design standards. The ability of a rear light system to transmit the information to the following driver certainly does constitute a performance standard. Yet the rear lighting standard must have very specific guidelines so that the performance of the following driver is one of confidence and accuracy, rather than one of confusion.

Research comparing several rear light systems has proven that the method used significantly affects the accuracy and speed of the following drivers' response. Systems Associates noted that:

"Performance requirements are essentially determined by the capability of the system to convey appropriate information to the following vehicle driver and are achieved by prudent use of configuration, intensity and color of the rear lighting display." (SA, 4–25)

Confusion and response time will certainly be reduced if the characteristics of the light fixtures on all cars are the same. To illustrate this point, imagine the chaos which would result if traffic lights were all different—in a different position, of different colors, with different information included. In the case of rear lighting, standardization is needed for safety, because of the method of communication is so important. For factors such as structural strength and burn rate, only performance criterion need to be specified—the actual methods used are not what is important, just the result.

The following note is an explanatory note found in the 1926 edition of the Uniform Vehicle Code:

"The National Conference on Street and Highway Safety adopted the principle that yellow should be the color of cautionary lights, and that red should indicate positive danger. In view, however, of reported technical difficulties involved in a rigid application of this principle and the existing widespread use of red for rear lights, such conference, pending further study and recommendation by qualified engineering experts as to the most desirable and feasible color of rear lights, directed that the color of rear lights be designated in the draft as yellow or red." (USV Act IV, 1926, p. 90)

The need for cautionary lights was seen as far back as 1926, almost 50 years ago. The contractors have concluded tests and distinct recommendations supporting the inclusion of cautionary lights have been made. The very fact that such testing has been accomplished proves that automotive technology has increased far enough during this period for cautionary lights to be installed on every motor vehicle. The researchers have also found that color coding is the most efficient method of communicating this information. It is the method that results in the shortest response time and the least amount of confusion. Must the motoring public wait another 50 years while countless more people are maimed and killed, before the superior tri-light system is standardized? Based on the evidence cited in this report, the Center for Auto Safety adamantly recommends the tri-light system, and urges its adoption by January 1, 1974.

Respectfully submitted.

N. LOWELL DODGE,
Director.
MICHELLE KIMAN,
Intern.
BERNARD P. O'MEARA,
Staff Member.

By Mr. BROOKE (for himself and Mr. PASTORE):

S. 3307. A bill to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended. Referred to the Committee on the Judiciary.

Mr. BROOKE. Mr. President, I have introduced today, on behalf of myself and Senator PASTORE, a bill to authorize additional expenditures for the American Revolution Bicentennial Commission, and to amend the basic legislation establishing the ARBC.

The Commission was established on July 4, 1966 to plan, encourage, develop and coordinate the commemoration of the American Revolution Bicentennial. A plan for a nationwide grass-roots celebration has been approved by the Commission and was transmitted to the Congress in 1970 with a strong endorsement by President Nixon of the principal recommendations.

The emphasis in the plan is on local initiatives to be taken by the separate Bicentennial Commissions which have been established in almost all States, the District of Columbia, the Territories, and Puerto Rico. But additional legislation is needed to enable these separate commissions to fulfill their functions. This bill proposes modifications in the original legislation to facilitate the implementation of this approach.

The legislation authorizes a program of project grants to non-profit groups and individuals to assist in developing or supporting worthwhile bicentennial projects. Although they will appeal to people around the Nation and the world, it is anticipated that most of these projects will have a local or regional orientation. By encouraging the development of these projects across the Nation, it is anticipated that the program will serve as an essential inducement and stimulus to a truly national bicentennial commemoration.

The limited Federal financial support is intended to have a catalytic effect on local agencies, private associations, and citizens' groups, and will hopefully result in meaningful participation by significant numbers of people in both the public and private sectors.

This bill does not authorize any appropriation of funds for the project grants. Rather, it is anticipated that the grants can be financed by the ARBC through revenues generated from the sale of bicentennial commemorative medallions and other licensing programs which have already been approved by the Congress. It is the Commission's hope that income from these sources as well as private donations will be adequate in subsequent years to preclude the need for appropriations.

Grants authorized by this program may not exceed 50 percent of the total cost of any project. The projects would be reviewed regularly by the Commission and approved for grant support on the basis of: the Commission's national bicentennial program criteria, the value of the project to a balanced national project to a balanced national program, and the need for grant support.

In addition, the bill grants the Commission discretion to provide that not more than 20 percent of the funds granted in any fiscal year may be made without regard to the 50 percent limitation.

The bill also permits the Commission to match donations, bequests, or devises earmarked for a specific bicentennial project, provided that the grantee matches the combined amount of its original donation and the Federal grant for the program. Thus, each dollar of ARBC funds could result in a total of $4 allocated to the particular project. The criteria for this grant and the sources of the government expenditures would be similar to the program previously discussed.

An additional section of the bill permits the President to authorize the carrying out of Commission functions without regard to traditional procedural provisions of the law pertaining to contracting, acquisition and disposition of property, and expenditure of funds. The proposed section is similar to authority granted by the Congress in section 108 of the Mutual Educational and Cultural Exchange Act of 1961 with respect to Government participation in international fairs and expositions. This exemption is required by the Commission because of the tight deadlines under which it must operate if its efforts are to achieve fruition by 1976. For example, the formal bidding requirements, which often entail more than a year of negotiations, may in many instances be too onerous and time-consuming for a particular contract.

In all cases where Presidential waivers of statutes and limitations of authority are issued, the Commission will exercise such authorization prudently and in accordance with internal controls and procedures.

Also, the supervisory oversight which is regularly provided by the Senators and Representatives who serve as Commissioners will insure that the flexibility will not be abused.

The bill also authorizes the addition of 10 civil service supergrade positions to carry out the functions of the Commission, which will be greatly expanding as we approach the bicentennial years. The additional positions will continue only for the duration of the exercise of the functions of the Commission.

Finally, the bill authorizes an appropriation of $6,712,000 for fiscal year 1973 for ARBC expenses, of which $2,400,000 may be authorized for the operation of the grants-in-aid to the State bicentennial commissions.

Mr. President, the bicentennial commemoration is only a short time away. I am convinced that the celebration can and should be a meaningful national event and that it will provide an appropriate opportunity for rededication to the ideals of the American Revolution, as well as a charting of the course for a new American revolution in the quality of life for all the people of our Nation.

The American Revolution Bicentennial Commission is solely responsible for planning this commemoration. My association with the Commission has demonstrated to me the competence and dedication of both the Commission and its staff. The bill which I have introduced today will assist in the implementation of the worthwhile programs already developed, and encourage the conception and implementation of additional projects. I hope that it will be approved expeditiously by the Congress.

By Mr. PEARSON:

S. 3308. A bill to provide that the Peace Corps may use foreign currencies during fiscal year 1972 for its expenses in foreign countries. Referred to the Committee on Foreign Relations.

Mr. PEARSON. Mr. President, the Peace Corps has carried for more than a decade to the underdeveloped countries of Asia, Africa, and Latin America that youthful idealism and spirit of innovation which has so well served to build this great republic of ours. Now, faced with an impending financial crisis which arises from the long delays in congressional action on the foreign aid program, it has been forced to issue notices to a large number—perhaps as many as 2,000—volunteers now serving overseas that they must put down their spades, close their classroom doors, leave their villages and barrios and come home.

It is my understanding that half of the staff members of the Peace Corps, including those working overseas and those in this country, will also receive notice that their employment must be terminated. In an agency which has been reduced in size from 12,000 volunteers to its present contingent of 6,500 over the past 7 years, this kind of emergency reduction in personnel will be a devastating blow to the present operations and to the future prospects of the Peace Corps.

Mr. President, it is not a matter of asserting the control of Congress over the expanding budget of a Federal agency. The Peace Corps several years ago had a budget as high as $110 million annually. Today, this amount has been reduced to $72 million by the action of both Houses of Congress on the conference report on appropriations for foreign assistance approved by this body last week. The present crisis arises out of the protracted delay in reaching this final action on a measure which provides funds for fiscal year 1972, of which only 4 months remain.

The irony of this situation is that the operation of the Peace Corps and the funding of its volunteer projects in 52 countries have a separate and distinct authorization of the Congress. Yet its effectiveness is severely imperiled because its funding comes in an appropriation bill that carries controversial foreign military and economic assistance programs.

The Peace Corps has sought from its beginnings to achieve a new kind of working association with the common people of the underdeveloped countries and to avoid allowing its energies to be absorbed into the administrative web of official diplomatic activity in capital cities. Rather than establishing a relationship with the host country government alone, Peace Corps volunteers have moved into the interior villages and isolated rural areas, as well as the slums of fast-growing cities, to serve as educators and leaders of self-help and community development projects of direct benefit to the poor.

Yet the Peace Corps will suffer perhaps irrevocable damage, unless an avenue of relief can be found, because its funds have been cut to the bone by the axe which hews at the foreign assistance programs themselves. If this is allowed to happen, I believe we will disrupt and perhaps destroy the Peace Corps without really intending to do so at all.

Some have asked, why not go to private sources such as a foundation to pay the funds needed to keep Peace Corps volunteers in the field to the end of the current fiscal year. If the Peace Corps were not an agency of the U.S. Government, this course of action would be appropriate. But it is an unavoidable part of the problem, Mr. President, that the volunteers overseas are sent there by the United States of America, and while they have volunteered for this service, they represent the people of this country and bear the humanitarian purpose of this Nation. Other volunteer service agencies are supported by religious, philanthropic, and educational institutions, but none of these carries on its work under the authority of this Congress or the direction of the executive branch of our Government. Others mention the willingness of the volunteers to give up part of their readjustment allowances and thus conserve dollar outlays by the agency. One volunteer, who was drafted from the Corps and sent to Vietnam, knowing the condition of the agency's budget, made the Peace Corps the beneficiary of his serviceman's $10,000 life insurance policy. When he was killed in combat, this amount accrued to the Peace Corps. It seems incredible, Mr. President, that the dedication of young people to the humanitarian principles on which our Nation is founded, should go unrewarded because Washington is preoccupied with other, perhaps more dramatic things.

Last week I introduced Senate Concurrent Resolution 66 expressing the sense of the Congress that the United States should enter into negotiations for the use of foreign currencies accrued under Public Law 480 to meet outstanding expenses of the Peace Corps in countries where these funds are held. This course of action could help keep some of the volunteers in the field by calling on the countries where they serve to share the burden of maintaining present Peace Corps contingents through June 30 of this year. I was reluctant to make such a request of governments already supporting part of Peace Corps operations within their territory, but after studying other possible avenues, this seemed to be the most prospective one.

Today, I am introducing legislation to authorize the use of these funds by the Peace Corps. This authorization would be limited to the fiscal year 1972, that is the 4 months remaining before July 1 of this year. It would also be limited to the expenses of the Peace Corps contingent within the country which provides counterpart funds. This would allow our negotiators to sit down with representatives of each Peace Corps host government and discuss solutions to the problem as it applies in their country.

The Peace Corps presently uses counterpart currencies to pay part of its expenses overseas, but under section 104 of Public Law 480, these are required to be reimbursed. I am fully aware, Mr. President, that this provision is intended to prevent "back door financing" of overseas programs. Those who would achieve relief for the Peace Corps' funding crisis, in no way intend to swing open this back door so that all may enter. The purpose of the bill I introduce today is carefully circumscribed in time and application. It is proposed to meet an emergency situation, one which arose not out of bureaucratic incompetence or design, but out of the simple neglect of what happens to be a successful and popular overseas service program.

Young people in America today demonstrate a growing penchant for entering those professions such as law, medicine, social work, law enforcement, which require a lifetime of dedication to the service of other people. It would be untimely and indeed tragic if Government allowed the Peace Corps, which is dedicated to this kind of service, to hang by the rope of congressional neglect. The responsibility of Congress and the executive branch is clearly drawn. We must find a way to reprieve the volunteers who will be called home within the month, through no fault of their own, if an additional source of funds is not found.

Mr. President, the course I recommend carries no cost to the American taxpayer, and would add not 1 cent to the Federal budget. It would have no adverse effect on our balance of payments and would indeed avoid what could be a serious disruption of relationships with governments in the underdeveloped countries. As the United States withdraws its military forces from distant lands, and turns its attention to the priorities at home, it would demean this great Nation should the vital work of the Peace Corps be disrupted—perhaps permanently maimed—because neither Congress nor the executive branch quite got around to providing adequate funds.

We are talking here, Mr. President, about a relatively small sum of money, at the maximum $3.8 million. We truly seek to achieve a period of peaceful negotiation and sheath the swords of war of the 1970's, it is imperative that we withdraw this knife from the neck of the Peace Corps.

By Mr. BURDICK (for himself, Mr. HART, and Mr. KENNEDY):

S. 3309. A bill to reduce recidivism by providing community-centered programs of supervision and services per persons charged with offenses against the United States, and for other purposes. Referred to the Committee on the Judiciary.

COMMUNITY SUPERVISION AND SERVICES ACT

Mr. BURDICK. Mr. President, the recent growth of public concern about corrections in the United States is a welcome opportunity to discuss goals and priorities in this—the least known part of criminal justice. We have heard about such things as the crisis in corrections, and perhaps there is a crisis. But there is, today, an opportunity to talk about the real problems of corrections and its needs for the future.

If there is a need in corrections, it is a need to examine the priorities of the system, and to suggest some new priorities. The legislation which I am introducing today raises the most fundamental questions of priorities by proposing a reordering of correctional priorities.

The bulk of the dollars which Americans spend on corrections today are spent in prisons, on the custody and security of institutions that hold individuals, most of them sentenced to terms of 1 year or more. In 1967, the President's Commission on Law Enforcement and the Administration of Justice, in a task force report on corrections, found that four-fifths of the scarce dollars allocated by the public to corrections was spent on a third of those in the system—the prisoners in the correctional institutions.

There is a certain logic to this, after all. The goals which have been ascribed to corrections include protection, meaning the separation of potentially dangerous offenders from others in society. For many people who come into the criminal justice and corrections systems, it works this way. Former offenders are charged with having committed increasingly serious and violent crimes, and they are sentenced to increasingly long and severe terms of imprisonment.

But all too often, the losers are not inside the prison walls—and I do not mean the undiscovered or unconvicted offenders, I mean victims. The victims are the principal losers in this system because of the personal and financial losses of crime, as well as the fear of crime.

The public also believes that the principal purpose of corrections is what its name implies—the rehabilitation of alleged offenders. If there is such a thing as this crisis in corrections, it is not in corrections itself but in the growing public awareness that the vast majority of crimes are recidivistic. The crisis is the growing realization that much crime has been committed by repeat offenders who have not been rehabilitated by the criminal justice system.

The public has a right to expect that rehabilitation and correction of offenders will be seriously attempted, but I think it is time to recognize that prison is not the best setting, nor is the third, fourth, or fifth contact with the system the best timing for a serious effort at rehabilitation.

If we are to maximize the effectiveness of rehabilitation, it must be undertaken as soon as possible after the individual's contact with the criminal justice system. Delay and institutionalization can only breed indifference and resistence. We must shift the emphasis in the spending of correctional dollars away from what is now closer to the end of a multicrime career, to the beginning in the hope of changing and diverting the individual from future criminal activity.

This process will not be a simple one. It would be irresponsible to suggest that funds destined for the sentenced prisoners can be diverted to other uses. It would be improper to suggest that prisoners be any less secure, the facilities any less humane or the meals any less wholesome. But I believe it is time to think about investing some dollars in the corrections process at an earlier point, in the hope that this investment will yield a reduction in the number of long-term commitments, and a change in priorities from custody and security to rehabilitation and treatment.

The legislation which I introduce today—the Community Supervision and Services Act—would, if implemented, bring about such a change in priorities. Prisons have, and will for the foreseeable future, their place in the correctional process. But I believe that we must move now to initiate an investment in correction in the offenders early in their career in order to have a maximum effect. If this early investment is successful, as experimental results indicate it will be, then we can look upon the day when we will be able to reduce the investment we are making in institutionalization, and the result will be a shift in spending of correctional dollars toward the early stages of what may be a criminal career.

The proposed legislation would use the Federal criminal justice system as an expanded research and demonstration model, to show to the States and localities that such a program works not only in theory, but in a wide variety of places with a wide variety of people.

The day-to-day work would be to identify and respond to certain categories of criminal defendants who need certain rehabilitation services following arrest, but without trial.

Such services would include education, training, counseling and viable job placement. The defendants, the criminal justice system, and society at large stand to gain from this approach through lower costs, a decrease in recidivism, and increased income tax revenues.

Most of the people who would qualify for such a program have one key characteristic in common: they do not believe they can succeed at anything straight, and even if they thought they could, would not know how to go about doing it.

Such an approach is not without its dangers. I believe that the public will only continue to accept this approach of diversion to treatment—without trial—as long as it continues to be effective in diverting individuals from a potential of future criminal activity. This will be the test, but I think public concern about the effectiveness of the criminal justice system is great enough today that the public will give this approach a fair trial.

The concept which is involved here is not new—the police and the prosecutor have always had the option not to proceed when in their judgment a suitable alternative was available. This legislation provides guarantees that suitable alternatives are available, and that there are sufficient safeguards to protect not just the individual, but society as well.

The first successful result of a program operated within these guidelines to come to my attention was pioneered by the Vera Institute of Justice in New York City, and from this has grown the present court employment project operating in three boroughs of the city. With experimental funds from the Department of Labor, added projects have been carried out in six other cities. One of these was found effective in reducing both costs and recidivism when it was subjected to rigorous analysis.

The result has been growing in its public acceptance. The President's Commission on Prisoner Rehabilitation, in April 1970, said that there should be community facilities to provide preadjudication services to defendants, and information about defendants to prosecutors and judges, with the object of diverting as many defendants as possible from the full criminal process.

In December 1971, Attorney General John N. Mitchell, in a major address at the National Conference on Corrections, Williamsburg, Va., said:

> In many cases, society can best be served by diverting the accused to a voluntary community-oriented correctional program instead of bringing him to trial. . . . I believe this program could be expanded to include certain offenders beyond the juvenile age, without losing the general deterrent effect of the criminal justice system.

The legislation which I introduce today would implement this policy, and bring significant changes in the priorities of the correctional system.

There is no guarantee that such a change in strategy will work, but there is data from experiments with such a system that it will not only work, but that it will return a dividend in excess of the investment required.

Therefore, I recommend to the attention of my colleagues the following proposed legislation, urging that they give careful study and attention to the concepts and potential effects which it might have on the criminal justice system.

By Mr. THURMOND:

S. 3310. A bill to amend title 10, United States Code, to establish the authorized strength of the Naval Reserve in officers in the Judge Advocate General's Corps in the grade of rear admiral, and for other purposes. Referred to the Committee on Armed Services.

Mr. THURMOND. Mr. President, I send to the desk a bill to amend title 10, United States Code, to establish an authorized strength of one flag officer of the Naval Reserve in the grade of rear admiral in the Judge Advocate General's Corps of the Navy.

The Judge Advocate General's Corps was established as a staff corps of the Navy on December 8, 1967—Public Law 90–179; 81 Stat. 545. Officers of both the Regular Navy and the Naval Reserve who, before creation of the new corps, were law specialists in the line of the Navy became members of the Judge Advocate General's Corps by operation of the new law. Before passage of the law, reserve law specialists could aspire to flag rank as line officers. The new law, however, removed from Naval Reserve judge advocates the possibility of promotion to flag rank.

Mr. President, only one Reserve law specialist was promoted to rear admiral under the above-mentioned line-officer opportunity. Accordingly, while it is technically correct to state that this bill is designed in part to reestablish career opportunity for Reserve Officers of the Judge Advocate General's Corps, the practical effect is to establish that opportunity in the first instance.

This legislation does not require an increase in the 48 Naval Reserve rear admiral billets presently set by law. It would merely rearrange present billets into a more equitable distribution and thereby correct the present deficiency of excluding Judge Advocate General officers from attaining the rank of rear admiral.

Mr. President, I feel this legislation is needed and will serve the best interest of the Naval Reserve program.

By Mr. TOWER:

S.J. Res. 213. A joint resolution to authorize and request the President to issue a proclamation designating October 6, 1972, as "National Coaches Day." Referred to the Committee on the Judiciary.

Mr. TOWER. Mr. President, I rise today to introduce a joint resolution authorizing the President to proclaim October 6, 1972, as "National Coaches Day."

Thomas Carlyle said:

> The man without a purpose in life is like a ship without a rudder—a waif, a nothing, a no man. Have a purpose in life, and having it, throw such strength of mind and muscle into your work as God has given you.

Thousands of coaches across the Nation have a very special purpose in life. Today when many people are saying that our great country has lost its way, the coach is tirelessly instilling in our youth the attributes they need to broaden their horizons, to mature and to approach life in a purposeful and meaningful manner.

The coach is a special person to millions of schoolage boys and girls. He embodies many of the fine qualities which our youth aspire to attain upon reaching adulthood. His lessons in life—such as pride, competition, cooperation, and determination—are some of the most valuable taught in school today.

The competition that the coach teaches is a constructive tool for the youth to use to develop his abilities. It is not a ruthless or senseless competition. It is more than a scramble for the extra yard on the gridiron or the one-tenth of a second faster time on the last lap of a mile run. It is the development of the desire to give completely to the race of life, and the ability to lead a full, exuberant life.

The coach encourages and develops the ability to cooperate—the sense of teamwork. Every sports fan has marveled at the fine precision of a double play or a down court pass. A youth learns that he can go further with a friend's assistance than he can by himself. It is the beginning of a sense of community cooperation which has played such a critical role in the history of our Nation.

Finally, the coach instills in youth a spirit of determination. He encourages a dreamer to dare to dream—of the great upset, the district playoffs, and the State finals. And he demands the determination, the persistence, and the patience which can often make the dream come true.

For a fine American youth, healthy in body and in mind, I would like to say, "Thanks, coach."

By Mr. CRANSTON (for himself, Mr. MONDALE, Mr. BURDICK, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HUGHES, Mr. HUMPHREY, Mr. KENNEDY, Mr. MCGOVERN, Mr. MUSKIE, Mr. NELSON, Mr. PELL, Mr. RANDOLPH, Mr. TUNNEY, and Mr. WILLIAMS):

S. 3311. A bill to provide public service employment opportunities for unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes. Referred to the Committee on Labor and Public Welfare.

A FULL EMPLOYMENT STRATEGY FOR THE NATION: THE PUBLIC SERVICE EMPLOYMENT ACT OF 1972—S. 3311

Mr. CRANSTON. Mr. President, I introduced for appropriate reference, on behalf of myself and the Senator from Minnesota (Mr. MONDALE), the "Public Service Employment Act of 1972." Also joining with us, as original cosponsors, are the Senators from North Dakota (Mr. BURDICK), Oklahoma (Mr. HARRIS), Michigan (Mr. HART), Indiana (Mr. HARTKE), Iowa (Mr. HUGHES), Minnesota (Mr. HUMPHREY), Massachusetts (Mr. KENNEDY), South Dakota (Mr. MCGOVERN), Maine (Mr. MUSKIE), Wisconsin (Mr. NELSON), Rhode Island (Mr. PELL), West Virginia (Mr. RANDOLPH), California (Mr. TUNNEY), and New Jersey (Mr. WILLIAMS).

PROVISIONS OF THE BILL

The bill would provide funds for more than 1.15 million jobs for unemployed and underemployed Americans.

It would authorize $3 billion this fiscal year, $7 billion in fiscal year 1973, and $10 billion in succeeding fiscal years for a continuing program of public service employment. The amount authorized, but unappropriated for fiscal year 1972 would remain authorized in fiscal year 1973 in addition to the $7 billion.

The legislation I am introducing would operate in much the same way as the Emergency Employment Act—with funds administered largely by the Department of Labor through State and local government prime sponsors. It is similar in its provisions to the program which the Senate passed in September 1970, as part of the Employment and Training Opportunities Act of 1970.

Unlike the Emergency Employment Act, the bill would require that local governmental units seeking funds under the program form broadly representative public service employment councils, representing Government, business, labor, veterans, and unemployed and underemployed persons and poverty organizations; and school and public and private service groups, to help survey the needs for both jobs and services and to help plan the program.

The council would inventory public service and economic development needs, establish priorities and design programs. Mayors, county executives, and other eligible sponsors would file the applications for Federal funds to operate programs. Funding—90 percent Federal—would go through governmental units unless they did not apply, applied and did not qualify, or were not serving adequately the needs of the disadvantaged in a particular community.

In addition, public service job grants could be made to such organizations as community action agencies, model cities programs, community development corporations, United Fund agencies, and other private organizations when the appropriate unit of government was not serving the area or the poverty community in an adequate fashion or if they were approved by the governmental unit.

In areas of especially high unemployment, my bill will authorize funds for a new special employment and economic development program—SEED—for economic development coordinated with public service employment to help these areas become more economically self-sufficient.

The "SEED" program—in section 6 of the bill—is based upon the section 6 program in the Emergency Employment Act that provides funds for areas with 6 percent or higher unemployment even after the national EEA program ends. The Labor Department has identified over 700 areas with such high and unacceptable levels of unemployment in the Nation. Under my bill, up to 25 percent of appropriations would be available for this concentrated attack and could be expended for economic development as well as direct PSE job creation.

Similar to the Emergency Employment Act, my legislation would stress the special need of Vietnam era veterans for jobs. But my bill would go further by providing a priority for such veterans for Public Service Employment—PSE—jobs.

In addition, my bill requires that those on welfare, aerospace workers, older persons, the poor, persons of limited English-speaking ability, and migrants be given a fair share of the available jobs. It further requires that local PSE programs work with local welfare agencies to insure that welfare recipients have ready access to the jobs provided under this legislation.

Public service employment is not the whole answer to the crisis in joblessness the Nation faces. But the bill represents a start. We now have 5.4 million persons unemployed, 604,000 in California. And according to Bureau of Labor Statistics figures, there are at least another 788,000 discouraged workers, men who are not seeking work because they despair of finding it. This is a real unemployment total of 6 million persons. Add to that the 13.7 million Americans working for substandard wages, and we have the enormous dimension of the need—almost 20 million decent jobs. This lack of employment opportunities affects 72 million Americans, taking into account the 3.6 person average family. One million one hundred and fifty thousand jobs would hardly be an overreaction to this great need.

During 1971, average unemployment for all male workers 20 and over was 2,086,000. In February 1972, actual unemployment for Vietnam era veterans 20 to 29 years old stood at 9.7, meaning that from 300,000 to 325,000 returned veterans were then out of work. Moreover, during the last quarter of 1971, unemployment among nonwhite Vietnam era veterans was running 13.8 percent, almost double the rate—7.1—for their white veteran counterparts. And during all of 1971, one quarter of all unemployed recent veterans had been job hunting for an average of 15 weeks.

The latest figures available to me for California's unemployment among Vietnam era veterans is that in the third quarter of 1971 over 55,000 were jobless.

Mr. President, for recent veterans the Federal Government must meet a compelling responsibility. We have asked these men to risk their lives. At a time when they might have been learning the trades of peaceful commerce, we have required them to master the arts of war. My bill thus provides special recognition of the unemployment problems of Vietnam era veterans. Nearly every veteran has received some military training which should enhance his job skills. The Nation owes these men a quick transition to a decent civilian job.

Under my bill, jobs would also be made available for those on welfare who want to and are able to work. I believe welfare recipients are eager to work at decent paying jobs. Many cannot because of a lack of day care facilities; others, because the jobs simply do not exist. Every program that has attempted to supply training and work for those on welfare has had difficulty because of a lack of available jobs. This bill would provide a program to rectify that situation.

Federal standard in my bill would provide for job redesign and civil service reform to assure that entry and advancement in civil service are based on true merit and not on arbitrary standards and tests. The bill also requires that PSE employees be paid the minimum wage, $1.60, or the prevailing wage, whichever is higher.

Our experience with the Emergency Employment Act indicates that jobs cost an average of $7,200 each under that program. However, that bill is very restrictive, providing little funding for training or for administration. A continuing program would require, and my bill does authorize, expenditures for training, administration—kept to the minimum necessary—tools, and necessary supplies and equipment. Up to 15 percent of the total appropriation could be so expended, with an individual grant limit of 10 percent on expenditures for equipment and supplies.

The bill differs substantially from the Emergency Employment Act in other respects.

It is not transitional. The Emergency Employment Act would end when national unemployment fell below 4.5 percent. But 4.5 percent is not full employment. Even 4 percent is too high. In any event, with the national rate down to some acceptable level, in pockets of poverty we would still be faced with destructively high levels of unemployment. What is needed is a continuing program of public service jobs.

For individuals, however, every effort would be made to move them from federally subsidized jobs into permanent jobs in the civil service or appropriate employment in the private sector. Normal turnover in public payroll jobs should make it possible for most of those hired on public payrolls under this act to move on to unsubsidized jobs. For others, the expansion of economic activities in their communities, in part stimulated by this legislation, will afford new job opportunities in the private sector.

THE PROBLEM

With over 5 million Americans unemployed, and at least 13.7 million underemployed—according to the Cost of Living Council—the need for jobs in public service cannot be doubted.

Mr. President, the time has come for this Nation to face up to its responsibility to provide opportunity for work at decent wages for all our citizens.

This has been our stated goal for decades. Franklin Roosevelt made it the keystone of his economic bill of rights, proposed in those hopeful days when World War II was drawing to a close.

We have not fulfilled that promise. And the price we pay is the national humiliation, and the individual and family tragedy of American poverty. Think of it: The most prosperous Nation the world has ever know must face the fact that poverty is its most pressing and persistent domestic problem.

We assert that our society is just and democratic. We want it to be nothing less. Yet the social fabric of our inner cities and rural backlands is torn apart by desperate human need in the midst of extraordinary private affluence. The disastrous consequences of unemployment touch the lives of each of us.

PARTICULARLY NEEDY GROUP

Aerospace engineers, who have built their lives upon service to our Nation in space and defense, are now exhausting their unemployment insurance, and then finding themselves on welfare where that is available—with their children hungry, their pride gone, and their families collapsing.

Veterans who have risked their very lives—and often lost limbs or been otherwise maimed—in the Nation's service are unable to find jobs upon returning to this great, generous Nation. What a cruel expression of our national tribute.

For aerospace engineers and for returned veterans the Nation offers a sympathetic ear, even though there is not always thoroughgoing followthrough. But for inner city youth and those thousands and thousands of people, forced from farms and rural areas in the decades since World War II, for these people who have faced a generation of joblessness and hopelessness, the country is less understanding, feels less responsible, and hence is less responsive in terms of programmatic reforms.

The crisis in welfare is the ugly fruit of our long neglect of full employment as the essential first step in fighting poverty.

Why are most Americans hostile to welfare? Because they believe people ought to work and support their families. And most Americans have been simply unaware of the number of those on welfare who could not work, even if jobs were available, of the lack of adequate job opportunities and the shocking scale of unemployment and subemployment in poverty neighborhoods over the past decades.

SUBEMPLOYMENT

The problem of job-associated poverty is much more serious than most people realize. In 1966, the then Secretary of Labor, W. Willard Wirtz, surveyed the poverty neighborhoods of 10 major cities. He found that the problem was not simply unemployment but part-time and low-paying jobs—jobs that paid below the minimum wage. He also found that many, many workers were so discouraged that they had ceased even to look for work.

Secretary Wirtz put these factors into a "subemployment" index, and determined that over 30 percent of the inner city residents were not able to earn above poverty wages in the ghetto labor market.

In a memo to President Johnson, Wirtz said:

> If a third of the people in the nation couldn't make a living . . . there would be a revolution. This is the situation and the prospect unless action is taken in the nation-within-a-nation, the slums and ghettos.

The Bureau of the Census has just released a followup study of 60 poverty neighborhoods in 51 cities and eight rural areas conducted as part of the 1970 census. The Government did not calculate a "subemployment" index, but all the factors Wirtz considered are available. For Oakland, Calif., for instance, if you add together the unemployed, the hopeless, and discouraged workers who no longer seek jobs, the part-time workers seeking full-time jobs and those working full time but earning less than $2 an hour, we find that a staggering 32.9 percent of the work force of Oakland is unemployed or underemployed.

In the near future, I intend to introduce into the RECORD subemployment rates for all the areas covered by the Census Bureau survey. Preliminary calculations show that subemployment for the Nation's inner cities and poor rural areas now stands at 30 percent—29.2 percent to be exact. This means that nearly one-third of the people in our poverty neighborhoods are unable to earn even minimum wages in the job market. And if we ask how many are unable to earn at $3.50 an hour—the wage level needed to maintain a family of four at the Bureau of Labor Statistics lowest adequate budget, $7,000 a year, we find that 74.5 percent of the people are below that minimum adequate standard in earnings.

For California cities the results are as follows:

San Francisco, 22.8 percent subemployed, 54.5 percent below the BLS adequate family income wage.

Los Angeles, 31.9 percent subemployed, 60.8 percent below the BLS adequate family income wage.

Oakland, 32.9 percent subemployed, 57.8 percent below the BLS adequate family income wage.

Thus, even after 8 years of the poverty program and 10 years special manpower training programs aimed at ghetto unemployment, the problem continues to grow more serious.

It is underemployment—as much as unemployment itself—that is at the roots of the poverty and welfare crisis.

The crisis that faces the aerospace worker's family and the returned veteran has been the gray, hopeless reality faced for the past 20 years by those Americans who have come to the inner city in hopes of better things.

GOVERNMENTAL EMPLOYMENT AND ECONOMIC POLICIES

Between the end of World War II and President Kennedy's administration, the problem was ignored. Under Kennedy, modern economics began to gain acceptance in Washington. Today, even a Republican President declares himself a Keynesian.

How have the new methods worked? They have had some success in stimulating the economy as a whole. But they have not been effective in fighting unemployment where it hurts the worst, among the young, the poor, the black, the Chicano, the Indian, the disadvantaged. They have not produced significantly more jobs and they have contributed to a runaway inflation which has convinced even a President who had long spoken in classical economic terms of the advisability of wage and price controls.

Treasury Secretary Connally in September suggested that perhaps 5 percent unemployment is the best we can do in peacetime. That would mean 4.2 million Americans unemployed with our present work force. As the work force grows in the coming years, it would mean still more unemployed.

What does the good Secretary suggest we do with these people: Stamp them surplus and put them in mothballs? Shall we place them on a permanent dole?

Recently, Secretary of Labor Hodgson asked us to concentrate on the "doughnut and not the hole." He meant the doughnut of the rising number of jobs, not the hole of unemployment.

But a slow rise in the number of jobs is not enough. The Nation normally adds some 1.4 million new workers to the labor force each year. We must run just to stand still.

Describing unemployment as a hole is apt. As Prof. Robert A. Gordon of the University of California told the Joint Economic Committee recently, unemployment is, indeed, a hole in the lives of millions of American workers.

EUROPEAN UNEMPLOYMENT RATES

Is it practical to ask that we do better? Perhaps it would be helpful to compare the American unemployment rates over the past few years with those of the industrial nations of northern Europe. The rates have been adjusted by the Bureau of Labor Statistics to reflect American techniques for the calculation of unemployment; so they represent a fair comparison.

	United States	West Germany	Sweden	Great Britain	France
1961	6.7	0.5	1.4	1.9	1.9
1965	4.5	.3	1.2	2.2	1.8
1970	4.9	.6	1.5	4.0	2.2

Why so great a disparity between their performance and ours? That is a crucial question. Arthur Schlesinger in his book, "A Thousand Days," tells of President Kennedy asking why it was that in England they march on Parliament when unemployment rises above 2 percent. In this country the rate hovers at 6 percent and nobody seems to care.

Most tellingly, Mr. President, a recent Newsweek magazine had a picture of a march in the streets of Paris for full employment, and an accompanying graph showing unemployment in France at the 2.6-percent level.

I do not pretend to have the answer to the question. We have included in our bill a research section directing the Secretary of Labor to look into the structural barriers in the American economy that makes achievement of full employment difficult and to compare this situation to relevant experience in other countries.

But I do know this. The callous attitude toward the unemployed displayed by all too many key leaders in the administration—and by all too many other Americans across the land who have not themselves come face to face with unemployment—plays a crucial role in our inability to defeat unemployment.

As long as the popular impression remains that a man without a job is a man who has failed some personal moral test rather than a person who, in many instances, is a victim of economic forces beyond his control, as long as so much of the Nation hold the small men and the poor personally responsible for the failures of the entire system, just so long will adequate public policy in employment and other crucial field of social policy remain piecemeal and half-way measures.

THE NEED FOR PUBLIC SERVICES

If this Nation were now as prosperous in public goods—in housing and schools, in hospitals and transportation, in parkland and recreation facilities—as some segments of our population are in the goods of private life, then perhaps it would be time to consider resting on our oars and sharing the leisure some enjoy.

But that is not the case. The Nation in fact, is starved for many public goods in the midst of private opulence.

We need the mind and muscle and the hard, good work of all our citizens if we are to meet the enormous challenges of the last quarter of this century, if we are to make a highly technological and growing society a fit habitat for democratic man. We need full employment, not just to provide work and income to individuals, and to sustain their families, but to meet the Nation's needs which are not now being met.

The desperate need for better public services is too well known by all of us who seek a decent life for ourselves and our children in this crowded, impersonal society.

As long ago as 1963 the Commission on Automation and Technology urged public service employment as a manpower policy and documented the need for some 5.3 million jobs.

Greenleigh Associates, a respected firm of management consultants, on contract for the Office of Economic Opportunity, stated that there were at least 4.3 million jobs available in needed public services that could be performed by the unemployed.

The Kerner Commission, in the Spring of 1968 when unemployment stood at 3.6 percent recommended an immediate program of 500,000 jobs based on the Greenleigh and Automation Commission estimate of potential jobs.

The Urban Coalition commissioned Dr. Harold L. Sheppard of the W. E. Upjohn Institute to survey the number of jobs available in large cities. He reported in January 1969 that there were some 240,000 jobs immediately available just in the cities of 100,000 population or more.

Meanwhile, with unemployment rising from 3.4 percent to 6 percent, and the number of unemployed from 2.8 to 5 million, the States and cities have also suffered crushing economic reverses. Tax revenues are down but the demand for services continues to expand.

Ohio, last year, at the height of the tourist season in August, for lack of funds was forced to close its State parks for 2 months and to furlough 3,000 State employees.

In the city of Cleveland, municipal employees have been laid off, and others every 2 weeks face enforced days off without pay.

In New York City, the police force has been cut by 800 men; the public library has had to cut back from 78 to 40 hours a week; and the number of public hospital workers have had to be reduced by 600 since November, 1971.

In Detroit, school recreation programs have been dropped, and recreation areas will not be cleaned up for spring because of the shortage of funds. (And unemployment among young black teenagers in Detroit approaches the 50-percent mark.

East St. Louis Mayor James E. Williams is quoted in Time magazine as saying "we are even begging for paint to fix up our high school" as every municipal department runs on a skeletal staff.

In New Orleans, officials have documented a need for some 300 additional sanitation workers and 350 policemen, but there is no money to hire them.

The examples could be duplicated endlessly. A growing population requires additional services just to stay in place. If our cities are to be made decent places to live, rather than fearful places of want, crime and desperate flight to the suburbs, everyone who has looked closely at the problem has recognized that a substantial expansion of public services is needed.

The administration—while basing its full employment annual budgeting on the assumption that Government income would provide a surplus if the unemployment were down to 4 percent, is now seriously suggesting that the 4 percent level of unemployment is an unrealistic goal.

The President's Council of Economic Advisors now suggests that persistent high unemployment accompanied by rapid inflation has become a structural feature of the American economy.

If the pursuit of full employment through stimulation of the economy as a whole has failed as a policy, if we are reaching unacceptable levels of inflation before coming close to achieving full employment through expansionary economic policies, then the time has come to go beyond such traditional job-stimulation policy.

We must not despair of achieving full employment. We must find other means of achieving it.

A full employment policy at decent wage rates for decent jobs will require very broad scale economic and social policy. It will require extensive programs, including economic growth strategies for depressed areas, funded at a level that promises success. It will require a new policy in housing construction and in transportation. It will require a higher minimum wage, and expanded training programs.

THE PRESENT ADMINISTRATION'S APPROACH

But such a broad strategy can be planned and carried out only by an administration that takes full employment as the highest domestic priority. An administration that sought for 2 years to fight inflation by deliberately increasing unemployment may not be considered likely to undertake such a course. But this administration is beginning to sense the inadequacies of its standard approaches.

Last summer, we had the privilege of welcoming the administration to our ranks in support of the Emergency Employment Act composed of the basic provisions which the President had strongly opposed during the winter and spring of 1971.

President Nixon is not an inflexible man. He astonished the Nation by reversing lifetime policies and announcing his trip to Peking in his search for peace. He surprised the Nation by abandoning long-held views to embrace Keynesian economics to deal with the recession. It is not inconceivable that he will startle the Nation by reversing lifetime policies and deciding to support large-scale public service employment as the way to really deal with unemployment.

I very much hope that President Nixon will respond positively to this legislation, though I have my doubts. In any case, Congress cannot wait upon the initiatives of the White House.

We did not wait upon the White House in drafting and passing the Emergency Employment Act of 1971. The administration now boasts of that program.

We may hope that if this administration dislikes this approach, there will come an administration that will embrace, advocate, and demand this way to deal with the tragedy of employment. I predict that will indeed occur.

In a larger sense, a Congress that seeks to reassert its role in defense and foreign policy must also be forceful in asserting its rights and responsibilities to initiate essential policies on the domestic scene.

The President's Council of Economic Advisers itself recognizes that fiscal and monetary policy alone will not bring us to full employment. The Council states on page 109 of its 1972 annual report:

> When unemployment is high, the development of additional jobs in areas of unmet public needs is possible and desirable. Initiation of the . . . Emergency Employment Act was a major step forward in this area.

The Council attributes much of our current unemployment—too much, I believe—to the larger percentage of teenagers and women now in the labor force.

The Council points out that unemployment, especially among these groups, has not responded, as economic theory would predict, to expansion of the general economy. The report stated:

> The persistence of this large difference (between unemployment rates for teenagers and those for married men) in both good times and bad suggests that factors other than lack of aggregate demand cause the differential.

It is my belief, Mr. President, that the nagging persistence of unemployment, not only for teenagers and women, but for blacks and browns, Indians and migrants, and all persons living in poverty communities in our inner cities and rural areas, is the result of the structure of our economy.

The administration has just taken official note of the seriousness of the underemployment problem. Congress, in extending authority to impose controls on the economy, required that no ceiling be imposed on pay raises given those who are paid a substandard wage. The Cost of Living Council has now defined the level of substandard wage as any pay below $1.90 an hour. The fact is that 15 percent of the labor force—some 13.7 million Americans—now work for wages beneath that Cost of Living Council standard.

In a story printed January 30, 1972, the Washington Post tells how the $1.90 an hour figure was reached. The Pay Board recognized that the Bureau of Labor Statistics low adequate budget—$6,960 for an urban family of four—represents a reasonable figure. The Pay Board lowered that figure to take into account tax cuts and other factors and recommended a substandard wage level of $2.20 an hour.

The Cost of Living Council lowered that figure to $1.90 an hour by calculating that there are an average of 1.7 workers in every American family. However, the fact of the matter is, that for poverty families there are only the equivalent of 0.88 full-time workers per family, so that substandard wage level ought to be considerably above the $2.20 level, if anything. Whatever the administration's calculations are, it is very significant that it has now officially recognized that the poverty line—now set at $4,000 a year for an urban family of four—is not a level of income adequate to support family life.

The administration's family assistance plan, FAP, sets the maximum level for assistance at $4,320, slightly higher than the poverty level. Both the poverty level and the FAP level, however, are arbitrary. They are not based on any actual measure of what it costs to live. In contrast, the Bureau of Labor Statistics' figure of $6,960 is based on an actual market basket of goods needed for an adequate life. The BLS low adequate budget figure comes much nearer to defining the true extent of poverty in this Nation than the commonly accepted "poverty line" indicator. Indeed, the Senate, in passing child development legislation last year in S. 2007, used the BLS figures to establish the level for free child care services.

It is clear that, if we are to provide an adequate supply of jobs at decent wages to all Americans, the Government must undertake direct job-creation efforts. We must continue the beginning we have made. Thus, I have joined with Senator MONDALE and other Senators in sponsoring legislation—S. 3092—to expand and to extend the Emergency Employment Act.

However, important as emergency employment jobs are, I do not believe that they are enough. With 54 million Americans unemployed in February, the EEA at this time is providing only 130,000 jobs—a drop in the bucket. It is time to move beyond "transitional" programs and to begin seriously to consider ways of providing decent jobs at decent pay for all Americans who seek work.

PAYING FOR THE PROGRAM

Where would the money come from? In my opinion, full employment is this Nation's only hope if we are to avoid a society divided between the working citizens and a permanent welfare class. We cannot afford continued, everlasting high rates of unemployment. It is not a question of affording jobs. We cannot afford high unemployment.

The Nation needs full employment a good deal more than it needs a $6.3 billion increase in the already swollen defense budget. We have cut costs in Vietnam from a recent high of $29 billion a year ago to perhaps as little as $8 billion in the fiscal year 1973 budget. We have already lost the chance to make use of the bulk of that so-called peace dividend. We must claim the rest now. The present 8 billion war dollars could be much better used meeting our public needs than lost in the labyrinth of the Pentagon budget.

Prof. George Perry of the Brookings Institution estimates that a reduction in the unemployment rate from 5 percent to 4 percent would lead to an increase in Federal tax revenues of more than $10 billion. That alone could pay for the cost of this program.

Perry has pointed out to the Joint Economic Committee:

> Presently the GNP gap, estimated as the shortfall of actual from potential output at 4 percent unemployment, is nearly $80 billion. We would be giving up roughly $35 billion of the GNP if we settled for a 5 percent unemployment target instead. That, in turn, represents a loss of more than $10 billion in federal revenues. In terms of budget programs, at the same set of tax rates, federal expenditures would have to be lower by about $15 billion in order to stabilize the economy at 5 percent rather than 4 percent unemployment.

While $10 billion of Federal spending for public services and job creation would not result directly in $10 billion in increased Federal revenues, the multiplier effect of the program would be very considerable, leading to substantial stimulation of the economy and very much higher tax revenues in subsequent years. Moreover, in many cases there would be very direct and substantial savings in welfare and institutional costs and supporting services as families are held together through the provision of job opportunity.

A REALISTIC SOLUTION

Is my proposal realistic?

Two years ago, many did not take us seriously when Senator NELSON, chairman of the Employment, Manpower, and Poverty Subcommittee, I, and other members of the subcommittee, proposed a modest public service employment program as part of the comprehensive manpower legislation then being considered. In fact, the President vetoed the legislation after it had passed Congress largely because of its public service employment provisions. But within 6 months Congress had enacted an even larger, though still modest, public service employment program, and the President signed it into law.

Many months have passed. Various policies have been launched and tested. Yet we are still afflicted with an average unemployment rate of 6 percent.

Many questions remain to be answered. How much stimulation to State and local economies can we expect from a great local expansion of public service employment opportunities? In other words, what will be the multiplier effect in terms of job creation of providing funds for 1.15 million new jobs?

What is the proper mix of jobs on public payrolls and jobs with private agencies carrying out public service employment programs?

What percentage of the jobs ought to be allocated to teenagers, middle aged and older workers, minority groups, migrants, those on welfare, and other especially hard-hit groups?

How can we best insure more movement of workers from public service employment jobs onto unsubsidized employment?

What measures can be taken to stimulate economic growth in poverty areas?

We hope that experience with the Emergency Employment Act and hearings on this bill will provide answers to these and other questions that remain to be answered. Much has been learned about public service employment through experience across the land in implementing the Emergency Act. We can profit from that experience in perfecting this new act.

However, the need for more public services and the need for more jobs is desperate. The need is now. The time to act is now.

CONCLUSION

America's promise of democracy and economic opportunity is not a promise for only some of its citizens. It is the promise to all.

Mr. President, for too long we have relied upon the vast natural resources of the country and the natural workings of the economy to meet our obligations for providing adequate employment opportunity. We can do so no longer.

To continue to rely on prescriptions of the past will be to divide this Nation into the separate worlds of the employed and satisfied, on the one hand, and the jobless and the resentful, on the other. It is long past the time when we must develop remedies equal to the seriousness of the problem. It is time for a true full employment strategy for the Nation.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point a brief summary of the bill's provisions, followed by the full text of the bill.

There being no objection, the bill and summary were ordered to be printed in the Record, as follows:

S. 3311

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Service Employment Act of 1972".

STATEMENT OF FINDINGS AND PURPOSES

Sec. 2. The Congress finds and declares that—

(1) continued intolerable levels of poverty in the Nation's cities and rural are in large measure the result of high levels of unemployment and underemployment in those areas;

(2) the Nation has failed to fulfill the commitment made twenty-five years ago in the Employment Act of 1946 to assure maximum levels of employment through public policy;

(3) the unmet need for adequate public services in urban and rural areas and the existence of unused and underused manpower resources in these same areas provide an opportunity for the Nation to solve both problems at the some time;

(4) high unemployment severely limits the work opportunities available to the general population, especially low-income persons, and migrants, persons of limited English-speaking ability, and others from socio-economic backgrounds generally associated with substantial unemployment and underemployment and underemployment;

(5) expanded work opportunities must keep pace with the increased number of persons in the labor force, including the many young persons who are entering the labor force, persons who have recently been separated from military service, and older persons who desire to remain in, enter, or reenter the labor force;

(6) with high unemployment, many low-income persons are unable to secure or retain employment, making it especially difficult to become self-supporting and thus increasing the number of welfare recipients;

(7) many of the persons who have become unemployed or underemployed as a result of technological changes or as a result of shifts in the pattern of Federal expenditures, as in the defense, aerospace, and construction industries, could usefully be employed in providing needed public services;

(8) it is appropriate to assist States and local communities to hire the unemployed to fill unmet needs for public services in such fields as environmental quality, health care and public health, housing and neighborhood improvements, recreation, education, public safety, maintenance of streets, parks, and other public facilities, rural development, transportation, beautification, conservation, crime and fire prevention and control, prison rehabilitation, and other fields of human betterment and public improvement.

It is therefore the purpose of this Act to provide such unemployed and underemployed persons with employment in jobs providing needed public services and appropriate training and related services.

DEFINITIONS

Sec. 3. (a) As used in this Act, the term—

(1) "Secretary" means the Secretary of Labor;

(2) "State" includes the several States and the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands;

(3) "public service" includes, but is not limited to, work in such fields as environmental quality, health care, education, public safety, crime and fire prevention and control, prison rehabilitation, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, veterans outreach, and other fields of human betterment and community improvement;

(4) "health care" includes, but is not limited to, public health services and activities, preventive and clinical medical treatment, voluntary family planning services, nutrition services, and appropriate psychiatric, psychological, and prosthetic services;

(5) "veterans outreach" means the veterans outreach services program carried out under subchapter IV of chapter 3 of title 38, United States Code, with full utilization of veterans receiving educational assistance or vocational rehabilitation under chapter 31 or 34 of such title 38;

(6) "unemployed persons" means—

(A) persons who are without jobs and who want and are available for work; and

(B) adults who or whose families receive food stamps or surplus commodities under the Agricultural Act of 1949 or the Food Stamp Act of 1964 or money payments under title I, IV, X, or XVI of the Social Security Act (1) who are determined by the Secretary of Labor, in consultation with the Secretary of Health, Education, and Welfare, to be available for work, and (2) who are either (i) persons without jobs, or (ii) persons working in jobs providing insufficient income to enable such persons and their families to be self-supporting without welfare assistance;

and determinations under clause (A) shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining persons as unemployed; and

(7) "underemployed persons" means—

(A) persons who are working part time but seeking full-time work;

(B) persons who are working full time but receiving wages below the poverty level determined in accordance with criteria as established by the Director of the Office of Management and Budget.

(b) As used in section 11(c) of this Act, the term "area" means—

(1) where the applicant is an eligible unit of government or an Indian tribe, that geographical area over which the applicant exercises general political jurisdiction, or

(2) where the applicant is a public or private nonprofit agency or institution serving any area within the jurisdiction of an eligible unit of government, that geographical area over which such unit of government exercises general political jurisdiction.

AUTHORIZED APPROPRIATIONS

Sec. 4. (a) There are authorized to be appropriated to carry out this Act $3,000,000,000 for the fiscal year ending June 30, 1972, $7,000,000,000 for the fiscal year ending June 30, 1973, and $10,000,000,000 for the fiscal year ending June 30, 1974, and for each fiscal year thereafter.

(b) The amount authorized to be appropriated for any fiscal year under subsection (a) shall be increased by any amount authorized to be appropriated for the preceding fiscal year which remains unappropriated at the end of such preceding fiscal year.

(c) Notwithstanding any other provision of law, any funds appropriated to carry out this Act which are not obligated and expended prior to the end of the fiscal year for which such funds were appropriated shall remain available for obligation and expenditure until expended.

(d) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation. In order to effect a transition to the advance funding method of timing appropriation action, this subsection shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

FINANCIAL ASSISTANCE FOR PUBLIC SERVICE EMPLOYMENT PROGRAMS

Sec. 5. (a) The Secretary of Labor shall enter into arrangements with eligible applicants in accordance with the provisions of this Act for the purpose of providing financial assistance to public and private nonprofit agencies and institutions for the creation of jobs providing employment for unemployed or underemployed persons in carrying out needed public services.

(b) For the purpose of entering into arrangements with the Secretary under this Act, eligible applicants shall be—

(1) States, counties, cities, and other units or combinations of units of general local government which have established public service employment councils pursuant to plans approved by the Secretary under section 7 in order to carry out comprehensive public service employment programs; and

(2) other public and private nonprofit agencies and institutions (including community action agencies, model cities programs, community development corporations, Indian tribal organizations, and public service agencies and institutions of the Federal Government) when the Secretary determines that (A) the appropriate unit of government eligible under paragraph (1) of this subsection has agreed to such an arrangement, or (B) such unit has not submitted a plan under section 7 or an application for any fiscal year under section 8 which meets the purposes and provisions of this Act, or (C) an applicant described in this paragraph will carry out a public service employment program which more adequately meets the needs of a particular geographical area or community or population group in accordance with the purposes and provisions of this Act.

SPECIAL EMPLOYMENT AND ECONOMIC DEVELOPMENT ASSISTANCE

Sec. 6. (a) There is hereby established a special employment and economic development assistance program. The Secretary shall reserve 25 per centum of the appropriations under this Act for each fiscal year for the purpose of carrying out this section.

(b) The Secretary shall enter into arrangements with eligible applicants meeting the criteria set forth in subsection (c) in order to make financial assistance available, in accordance with the purposes and provisions of this Act, for the purpose of providing employment, for unemployed and underemployed persons residing in areas of substantial unemployment, in jobs providing needed public services, which shall be carried out to the maximum practicable extent, within such areas.

(c) For the purpose of this section—

(1) "area of substantial unemployment" means any geographical area of sufficient size and scope to sustain a public service employment program under this Act and which has a rate of unemployment equal to or in excess of 6 per centum for three consecutive months and such an area shall continue to be deemed an area of substantial unemployment until the rate of unemployment has been less than 6 per centum, on the average, for the succeeding twelve months; and

(2) "eligible applicant" means any unit or combination of units of general local government or any public or private nonprofit agency or institution or Indian tribal orgazation which serves an area of substantial unemployment.

(d) In determining the rate of unemployment for the purposes of section (c)(1), persons who were, at the time of their employment under this Act, being counted as unemployed in determining such rate of unemployment shall continue to be so counted if they continue in such employment.

(e) Whenever the Secretary makes any determination required by subsection (c) (1) of this section, he shall promptly notify the Congress and shall publish such determination in the Federal Register.

(f) The Secretary is authorized to use not to exceed 20 per centum of the amounts available for carrying out this section for any fiscal year to provide financial assistance for economic development, low-cost housing, public works, and economic opportunity programs designed to assist in the long-range improvement of the economy of areas of substantial unemployment. The Secretary may provide financial assistance under this subsection only in accordance with criteria which shall be prescribed by the Secretary of Labor with the concurrence, as appropriate, of the Secretary of Housing and Urban Development, the Secretary of Commerce, and the Director of the Office of Economic Opportunity.

PUBLIC SERVICE EMPLOYMENT COUNCILS

SEC. 7 (a) Any State, county, city, or other unit or combination of units of general local government which desires to be an eligible applicant in order to enter into arrangements with the Secretary under any provision of this Act shall submit to the Secretary a plan for the establishment of a public service employment council which shall—

(1) provide that the chief executive officer or governing body of the unit or units of government establishing such council shall appoint the members of the council and shall designate one member to be chairman;

(2) provide that the council shall consist of an equal number of members representing each of the following groups—

(A) community organizations, including community action agencies, model cities programs, the public employment service, education and training institutions, veterans organizations, and business and labor;

(B) job and service providers, including health, education, environmental quality, child care, recreation, public safety, and social service agencies;

(C) organizations representing low-income persons and other significant segments of the population to be served in accordance with the purposes of this Act;

(3) provide that the chairman of the council shall, with the approval of the council, appoint a staff director who shall supervise professional, technical, and clerical staff serving the council;

(4) set forth procedures under which applications for financial assistance for any fiscal year will be submitted by the applicant which shall be responsible for planning and carrying out services for which financial assistance is provided under this Act, and under which appropriate arrangements will be made for the council's participation in the planning and development of such applications;

(5) set forth the council's plans for conducting, on a continuing basis, surveys and analyses of unemployment and underemployment and needs for public services in the geographical area served by the council, to be used in the development of applications for assistance under this Act;

(6) set forth arrangements assuring that community action programs, agencies, model cities programs, and other appropriate community organizations, will be involved in the development of applications for financial assistance under this Act;

(7) set forth the council's plans for evaluating the effectiveness of programs for which financial assistance is provided under this Act and for periodically reporting full statistical data to the Secretary for such programs; and

(8) describe the geographical area to be served by the council.

(b) The Secretary shall approve plans submitted by units of government under subsection (a) which are consistent with the purposes and provisions of this title and meet the requirements of subsection (a). A plan submitted by a unit of government may be disapproved only if the Secretary, in accordance with regulations which he shall prescribe, has provided—

(1) written notice of intention to disapprove such plan, including a statement of the reasons therefor;

(2) for a reasonable time to submit corrective amendments to such plan; and

(3) an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

(c) The Secretary shall make available not more than 1 per centum of the sums appropriated to carry out this Act for the purpose of paying such amounts as may be reasonably necessary to cover the staff and other administrative expenses of the councils established pursuant to subsection (a). The amount made available for the purposes of this subsection shall be allocated from the funds available to the Secretary under paragraph (2) of section 9(a).

APPLICATIONS

SEC. 8. (a) Financial assistance under this Act may be provided by the Secretary only pursuant to an application from an eligible applicant approved by the Secretary in accordance with the purposes and provisions of this Act. Such application shall set forth a public service employment program designed to create jobs providing employment for unemployed and underemployed persons in carrying out needed public services.

(b) An application for financial assistance for a public service employment program under this title shall include provisions setting forth—

(1) assurances that the activities and services for which assistance is sought under this title will be administered by or under the supervision of the applicant, identifying any agency or agencies designated to carry out such activities or services under such supervision;

(2) a description of the geographical area to be served by such programs, and a plan for serving on an equitable basis the significant segments of the population to be served, including data indicating the total number, and the number in each such segment of unemployed and underemployed and their income and employment status;

(3) a description of the methods to be used to recruit, select, and orient unemployed and underemployed persons, including specific eligibility criteria, and programs to prepare such persons for their job responsibilities, including a description of the special methods to be used to acquaint such persons of limited English-speaking ability with the availability of such programs;

(4) a description of unmet public service needs and a statement of priorities among such needs;

(5) a description of jobs to be filled, a listing of the major kinds of work to be performed and skills to be acquired, and the approximate duration for which participants would be assigned to such jobs;

(6) the wages or salaries to be paid participants and a comparison with the prevailing wages in the area for similar work;

(7) the education, training, and supportive services (including counseling and health care services) which complement and enhance the work performed;

(8) the planning for and training of supervisory personnel in working with participants;

(9) a description of career opportunities and job advancement potentialities for participants;

(10) an indication of the full participation and maximum cooperation among local public officials, area residents, and representatives of private organizations in the development of the program and a description of their respective roles in the conduct and administration of the program;

(11) assurances that public service employment opportunities will be provided on an equitable basis among significant segments of the population of unemployed and underemployed persons whom it is the purpose of this Act to assist;

(12) assurances that priority in filling public service jobs will be given to unemployed or underemployed persons who served in the active military, naval, or air service (as that term is defined in title 38, United States Code) on or after August 5, 1964, in accordance with criteria established by the Secretary (and who have received other than dishonorable discharges); and that the applicant shall (A) in conjunction with the veterans outreach program, make a special effort to acquaint such individuals with the program, and (B) coordinate efforts on behalf of such persons with those authorized by chapter 41 of title 38, United States Code (relating to job counseling and employment services for veterans), or carried out by other public or private organizations or agencies;

(13) that agencies and institutions to whom financial assistance is made available under this Act have undertaken analyses of job descriptions and reevaluations and, where shown necessary, revisions of qualification requirements at all levels of employment, including civil service requirements and practices relating thereto, in accordance with regulations prescribed by the Secretary, with a view toward removing artificial barriers and achieving an equitable distribution of jobs for those whom it is the purpose of this Act to assist;

(14) assurances that due consideration will be given to persons who have participated in manpower training programs for whom employment opportunities would not be otherwise immediately available;

(15) assurances that the applicant will maintain or provide appropriate linkages with manpower programs for the purpose of (A) providing those persons employed in public service jobs assisted under this Act who want to pursue work with the employer, in the same or a similar field of work, with opportunities to do so and to find careers with maximum upward mobility in that field, and (B) providing those persons so employed who do not wish to pursue such work with opportunities to seek, prepare for, and obtain other work;

(16) assurances that all persons employed under any such program, other than necessary technical, supervisory, and administrative personnel, will be selected from among unemployed and underemployed persons;

(17) assurances that special consideration will be given to employing welfare recipients who want and are available for work and that appropriate linkages will be established and maintained with welfare agencies and with other programs making special efforts to assist welfare recipients to become self-sufficient;

(18) assurances that special consideration will be given to employing persons who have become unemployed as a result of technological changes or as a result of shifts in the pattern of Federal expenditures, including unemployed defense, aerospace, and construction workers;

(19) such other assurances, arrangements, and conditions, consistent with the purposes and provisions of this Act, as the Secretary deems necessary, in accordance with such regulations as he shall prescribe.

(c) Programs assisted under this Act shall, to the extent feasible, be designed with a view toward enabling individuals to move into public or private employment or training not assisted under this Act, and toward—

(1) developing new careers, or

(2) providing opportunities for career advancement, or

(3) providing opportunities for continued training, including on-the-job training.

(d) An application or modification or amendment thereof, for financial assistance under this title, may be approved only if the Secretary determines that—

(1) the application is consistent with the purposes and provisions of this Act;

(2) the application meets the requirements set forth in this section;

(3) an opportunity has been provided to the appropriate community action agency, model cities program, and organizations representing significant segments of the population to be served in the area to be served to submit comments with respect to the application to the applicant and to the Secretary;

(4) the approvable request for funds does not exceed 90 per centum of the cost of carrying out the program proposed in such application, unless the Secretary determines that special circumstances warrant the waiver of this requirement.

Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, or services.

ALLOCATION OF FUNDS

SEC. 9. (a) The amounts appropriated under section 4 of this Act for any fiscal year shall be allocated by the Secretary in such a manner that of such amounts—

(1) not less than 80 per centum shall be apportioned among the States in an equitable manner, taking into consideration the proportion which the total number of unemployed and low-income persons in each such State bears to the total number of such persons, respectively, in the United States, but not less than $1,500,000 shall be apportioned to any State, except that not less than $1,500,000 shall be apportioned among the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands; and

(2) the remainder shall be available as the Secretary deems appropriate to carry out the purposes of this Act.

(b) The amount apportioned to each State under clause (1) of subsection (a) shall be apportioned among areas within such State in an equitable manner, taking into consideration the proportion which the total number of unemployed and low-income persons in each such area bears to the total number of such persons, respectively, in that State.

(c) As soon as practicable after funds are appropriated to carry out this Act for any fiscal year, the Secretary shall publish in the Federal Register the apportionments required by subsections (a)(1) and (b) of this section.

TRAINING AND RELATED SERVICES

SEC. 10. For the purpose of providing training and related services, and the acquisition or the rental or leasing of supplies, equipment, materials, and real property necessary to enable persons to be employed in public service employment programs assisted under this Act, the Secretary shall utilize, in addition to any funds otherwise available under federally supported manpower programs, not to exceed 15 per centum of the amounts, appropriated under this Act for each fiscal year.

SPECIAL PROVISIONS

SEC. 11. (a) The Secretary shall not provide financial assistance for any program or activity under this Act unless he determines, in accordance with such regulations as he shall prescribe, that—

(1) the program (A) will result in an increase in employment opportunities over those which would otherwise be available, (B) will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work or wages or employment benefits), (C) will not impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed, and (D) will not substitute public service jobs for other federally assisted jobs;

(2) persons employed in public service jobs assisted under this Act shall be paid wages which shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6 (a) (1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay for persons employed in similar public occupations by the same employer;

(3) funds under this Act will not be used to pay persons employed in public service jobs under this Act at a rate in excess of $12,000 per year;

(4) all persons employed in public service jobs assisted under this Act will be assured of workmen's compensation, health insurance, unemployment insurance, and other benefits at the same levels and to the same extent as other employees of the employer and to the same working conditions and promotional opportunities as such other employees enjoy;

(5) the provisions of section 2(a)(3) of Public Law 89-286 (relating to health and safety conditions) shall apply to such program or activity;

(6) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants;

(7) not to exceed 10 per centum of the funds available for any program under this Act will be used for the acquisition or the rental or leasing of supplies, equipment, materials, or real property; and

(8) every participant shall be advised, prior to entering upon employment, of his rights and benefits in connection with such employment.

(b) Consistent with the provisions of this Act, the Secretary shall make financial assistance under this Act available in such a manner that, to the extent practicable, public service employment opportunities will be available on an equitable basis among significant segments of the population of unemployed and underemployed persons whom it is the purpose of this Act to assist, giving consideration to the relative numbers of unemployed and underemployed persons in each such segment.

(c) Where a labor organization represents employees who are engaged in similar work in the same area to that proposed to be performed under any program for which an application is being developed for submission under this Act, such organization shall be notified and afforded a reasonable period of time in which to make comments to the applicant and to the Secretary.

(d) The Secretary shall prescribe regulations to assure that programs under this Act have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and such other policies, consistent with the purposes and provisions of this title, as may be necessary to promote the effective use of funds.

(e) The Secretary may make such grants, contracts, or agreements, establish such procedures, policies, rules, and regulations, and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this Act, as he may deem necessary to carry out the provisions of this Act, including necessary adjustments in payments on account of overpayments or underpayments. The Secretary may also withhold funds otherwise payable under this Act in order to recover any amounts expended in the current or immediately prior fiscal year in violation of any provision of this Act or any term or condition of assistance under this Act.

(f) The Secretary shall not provide financial assistance for any program under this Act unless he determines, in accordance with regulations which he shall prescribe, that periodic reports will be submitted to him containing data designed to enable the Secretary and the Congress to measure the relative and, where programs can be compared appropriately, comparative effectiveness of the programs authorized under this Act and other federally supported manpower programs. Such data shall include information on—

(1) characteristics of participants including age, sex, race, health, education level, and previous wage and employment experience;

(2) duration in employment situations, including information on the duration of employment of program participants for at least a year following the termination of participation in federally assisted programs and comparable information on other employees or trainees of participating employer; and

(3) total dollar cost per participant, including breakdowns, between wages, training, and supportive services, all fringe benefits, and administrative costs.

The Secretary shall compile such information on a labor market, State, regional, and national basis and shall include such information in the report required by section 13 of this Act.

(g) The Secretary shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participant or any applicant for participation in such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

(h) The Secretary shall not provide financial assistance for any program under this Act which involves political activities; and neither the program, the funds provided therefor, nor personnel employed in the administration thereof, shall be, in any way or to any extent, engaged in the conduct of political activities for purposes which contravene chapter 15 of title 5, United States Code.

(i) The Secretary shall not provide financial assistance for any program under this Act unless he determines that participants in the program will not be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

(j) Programs assisted under this title shall, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement, including civil service requirements which restrict employment opportunities for the disadvantaged and for significant segments of the population whom it is the purpose of this Act to assist.

LEGAL AUTHORITY

SEC. 12. Rules, regulations, guidelines, and other published interpretations or orders issued by the Department of Labor, or any official thereof, in connection with or affecting the administration of any authority under this Act shall contain, immediately following each substantive provision of such rules, regulations, guidelines, interpretations, or orders, citations to the particular section or sections of statutory law or other legal authority upon which such provision is based.

SPECIAL REPORT

SEC. 13. The Secretary shall transmit to the Congress at least annually a detailed report setting forth the activities conducted under this Act, including information derived from evaluations required by this Act and information (1) on the extent to which participants in such activities subsequently secure and retain public or private employment or participate in training or employability development programs, and (2) the extent to which segments of the population of unemployed and underemployed persons are provided public service employment opportunities in accordance with the purposes of this Act.

TECHNICAL ASSISTANCE AND EVALUATION

SEC. 14. From funds available to the Secretary under paragraph (2) of section 9(a) for each fiscal year, the Secretary shall reserve such amount, not to exceed 1 per centum, as he deems necessary to provide for technical assistance to eligible applicant seeking to comply with the requirements of this Act and a continuing evaluation of programs assisted under this Act and their impart on related programs.

RESEARCH

SEC. 15. The Secretary shall carry out a program of research and pilot projects into alternative ways and means to reach full employment defined as job opportunities at adequate wages for all those able and willing to work, including analyses of structural and other barriers to achieving such full employment, including a comparative analysis of the employment and poverty experience of other countries. The Secretary shall transmit the results of research efforts under this section to the Congress and make them readily available to the general public. For the purposes of this section not to exceed $50,000,000 shall be reserved from funds available to the Secretary under paragraph (2) of section 9(a) for each fiscal year ending prior to June 30, 1975.

LABOR MARKET INFORMATION

SEC. 16. (a) In addition to the monthly national unemployment statistics, the Secretary shall gather by survey and publish on a regular basis data on unemployment, underemployment, and job vacancies by State, labor market area, rural area, and city and poverty neighborhoods.

(b) For purposes of this section, underemployment shall include persons who have part-time work but desire full-time work, discouraged workers not in the labor force, and persons earning less than the Federal minimum wage. Separate data shall be collected and compiled showing the total number of persons earning wages at levels lower than that sufficient to provide an annual income at the level of the lower living standard budget for a family of four (adjusted for regional, metropolitan, urban, and rural differences), as determined annually by the Bureau of Labor Statistics of the Department of Labor.

(c) Vacancy data shall include information on (1) how many unfilled jobs are available in the economy, by industry and occupation, (2) what are the capability requirements of such jobs, (3) salaries, wages, and other benefits of such jobs, (4) where jobs are located, and (5) how many and what kind of jobs remain unfilled for sixty days and for ninety days. To develop such data, the Secretary is authorized to require that all job vacancies be reported to the Department of Labor.

(d) Not to exceed 1 per centum of the funds available to the Secretary under paragraph (2) of section 9(a) for each fiscal year shall be available for the purpose of carrying out this section.

ACCEPTANCE OF FUNDS

SEC. 17. The Secretary is authorized to accept and utilize in carrying out the purposes and provisions of this Act funds appropriated to carry out other provisions of Federal law if such funds are utilized for the purposes for which they are specifically authorized and appropriated.

SUMMARY OF THE PUBLIC SERVICE EMPLOYMENT ACT OF 1972

The bill authorizes $3 billion for FY 72, $7 billion for FY 73, $10 billion in succeeding fiscal years for a national program of public service employment and a public service employment-economic development program in areas of severe unemployment. (The authorization for FY 1972 which is not fully realized in appropriations would remain available in FY 1973.)

It is based on the good beginning made under the Emergency Employment Act of 1971. Under the EEA, states, cities and counties across the nation are successfully administering, under contract with the Labor Department, a $1 billion public service employment program with some 130,000 employees.

But unemployment in February stood at 5.4 million Americans (actual numbers for seasonal factors). More than 1.4 million—more than the number of jobs that would be created by the bill—had been unemployed for 15 weeks or more. Youth unemployment stands at 18%, the highest recorded since WW II. Unemployment for minority group veterans continues to be especially severe. Unemployment for blacks stands at twice the national average.

At the $10 billion level, the bill would finance more than one million jobs ($7,210 average per job). The bill authorizes expenditure of 15 percent for training and the purchase of necessary equipment, the latter being limited to 10% of the allocation to any PSE applicant.

The bill reserves 25% of its funds for areas with unemployment over 6 percent, including areas as small as urban poverty neighborhoods, like Bedford-Stuyvesant, Watts and East Los Angeles. For these areas, the bill authorizes a new SEED program (Special Employment and Economic Development). The SEED program is designed to provide a coordinated program of immediate jobs and long-range economic development (including minority ownership and low-cost housing) to help poverty areas become more self-sufficient. Also, public services would be carried out in the depressed areas themselves, to the maximum feasible extent.

Under the Public Service Employment Act of 1972, states, cities and counties (and Indian tribes) seeking to operate public service employment programs would form public service employment councils, broadly representative of government, business, labor, veterans, the poverty community, community action agencies, model cities programs, and unemployed persons; and local public institutions likely to provide employment opportunities, such as education, health, public safety, conservation, sanitation and recreation representatives.

The PSE Councils would survey both the need for jobs and the need for expanded public services and assist in preparing the application for program funds.

Of the funds under the act, 80% would be allocated to states and localities on the basis of unemployment and low-income persons. The balance would be reserved to the Secretary to be distributed at his discretion (including amounts for research—including compartive studies of other countries' experience—pilot projects, evaluation, technical assistance, and special unemployment and underemployment surveys for state and local areas). If local governments do not adequately serve the area or its disadvantaged groups, or if governments agree to direct funding to local groups, direct funding would be permitted to community action agencies, model cities programs, or other non-profit agencies.

The bill also provides priority for Vietnam era veterans in job hiring—and assurances that aerospace workers, those on welfare, older persons, those of limited English-speaking ability, and other groups of the unemployed will receive a fair share of jobs. Special linkages with welfare agencies would be required. It also stresses upward mobility in jobs and the movement of individuals assisted in PSE jobs into jobs *not* funded under the PSE Act.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 639

At the request of Mr. TOWER, the Senator from Georgia (Mr. GAMBRELL) was added as a cosponsor of S. 639, a bill to amend the title II of the Social Security Act to increase the amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title.

S. 2563

At the request of Mr. TOWER, the Senator from Georgia (Mr. GAMBRELL) was added as a cosponsor of S. 2563, a bill to permit individuals who have attained age 56 and are still working to elect to forego any social security benefits attributable to such work and to receive a refund, or income tax credit, for social security taxes paid by them on account of such work.

S. 2574

At the request of Mr. MCGEE, the Senator from Oregon (Mr. HATFIELD), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), and the Senator from New Mexico (Mr. MONTOYA) were added as cosponsors of S. 2574, the national voter registration bill.

S. 2579

At the request of Mr. HARRIS, the Senator from New Hampshire (Mr. MCINTYRE) and the Senator from Vermont (Mr. STAFFORD) were added as cosponsors of S. 2579, the Ocean Mammal Protection Act of 1971.

S. 2751

At the request of Mr. THURMOND, the Senator from New Hampshire (Mr. MCINTYRE) was added as a cosponsor of S. 2751, a bill to amend section 704 of title 38, United States Code, to permit the conversion or exchange of national service life insurance policies to insurance on a modified life plan with reduction at age 70.

S. 2994

At the request of Mr. MCCLELLAN, the Senator from Maine (Mr. MUSKIE) was added as a cosponsor of S. 2994, a bill to provide for the compensation of innocent victims of violent crime in need; to make grants to States for the payment of such compensation; to authorize an insurance program and death and disability benefits for public safety officers; to provide civil remedies for victims of racketeering activity; and for other purposes.

S. 3046

At the request of Mr. MONDALE, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 3046, a bill to provide for accelerated research, development training, and public education in the field of heart, lung, and blood disease.

S. 3070

At the request of Mr. THURMOND, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 3070, a bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations, to provide for such veterans a certain priority in entitlement to hospitalization and medical care, and for other purposes.

S. 3187

At the request of Mr. JAVITS, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 3187, the "National Venereal Disease Prevention and Control Act."

S. 3201

At the request of Mr. GRIFFIN for Mr. SCHWEIKER, the Senator from Alaska (Mr. STEVENS) and the Senator from Oklahoma (Mr. HARRIS) were added as cosponsors of S. 3201, a bill to expand the scope of the National Heart and Lung Institute, to provide for special emphasis on the prevention of arteriosclerosis and the creation of cardiovascular disease prevention centers, and for other purposes.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 272

At the request of Mr. PERCY, the Senator from Florida (Mr. CHILES), the Senator from Nevada (Mr. CANNON), the Senator from Rhode Island (Mr. PELL), the Senator from Colorado (Mr. ALLOTT), the Senator from New Mexico (Mr. ANDERSON), and the Senator from Minnesota (Mr. MONDALE) were added as cosponsors of Senate Resolution 272, expressing the sense of the Senate with respect to the continued support of Radio Free Europe and Radio Liberty.

SOCIAL SECURITY AMENDMENTS OF 1972—AMENDMENTS

AMENDMENT NOS. 998 AND 999

(Ordered to be printed and referred to the Committee on Finance.)

Mr. CHURCH. Mr. President, I submit for appropriate reference two amendments to H.R. 1, the social security-welfare reform proposal.

My first amendment would authorize a 20-percent increase in social security benefits, instead of only 5 percent as provided under H.R. 1.

Joining me as cosponsors of this amendment are Senators WILLIAMS, MONDALE, HARTKE, and PELL.

The reasons for taking this action, I strongly believe, are compelling. Today more than 4.7 million persons 65 and older fall below the poverty line, nearly 100,000 more than in 1968. And their likelihood of being poor is more than twice as great as for the rest of our population. Approximately 25 percent of all persons 65 and older—in contrast to 11 percent for younger persons—now live in poverty.

Today the median income for single aged individuals is only $1,951 a year, just a few dollars above the poverty threshold. Moreover, nearly 70 percent of all elderly women who live alone or with nonrelatives exist on less than $50 per week.

The retirement income problems of the aged have now reached crisis proportions and demand more far-reaching action than proposed in H.R. 1. Quite frankly, adding a few dollars every couple of years to their small monthly social security checks is simply not going to get the job done.

What is needed now is a sufficient increase in social security benefits to make a difference for the elderly. The 20-percent raise I propose would give them the kind of boost for which they have waited so long.

In terms of dollars and cents, my amendment would raise monthly benefits for the typical retired couple from $222 to $269. And for the average retired worker, it would increase his social security benefits from $133 a month to $162 a month.

A principal advantage of this approach is that it would allow large numbers of older Americans to escape from poverty without the necessity of resorting to welfare. Moreover, it would enable many elderly persons to move up a rung or two on the economic ladder.

Mr. President, I am convinced that a new opportunity now exists to make substantial improvements in the economic well-being of older Americans for the following reasons:

First, the Social Security Advisory Council has arrived at the conclusion that a 20-percent increase in social security benefits would be possible without endangering the social security trust fund and with only a modest increase in the payroll tax. I ask unanimous consent that appropriate excerpts from the Council's report be printed at the conclusion of this statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CHURCH. Second, Dr. Arthur Flemming, who is now the President's Special Consultant on Aging, was chairman of that Advisory Council. During a recent hearing conducted by the Senate Committee on Aging, I had an opportunity to question him about the Council's conclusions. He continues to have absolute confidence in the Council's position. Mr. President, I ask unanimous consent that an excerpt from that hearing be printed at the conclusion of these comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. CHURCH. Third, the chairman of the House Ways and Means Committee (Mr. MILLS) announced last week that he supports a 20-percent raise in social security benefits. He stated very forcefully that this could be achieved without jeopardizing the integrity of the trust funds.

Fourth, the White House Conference on Aging has generated much momentum for an increase in social security benefits far beyond the 5-percent proposed in H.R. 1.

WELFARE REFORM FOR THE AGED

Equally important is the need to revamp our old age assistance program. Under H.R. 1, this program would be abolished and replaced with a new income supplement program which would be administered by the Social Security Administration.

The benefits of this approach, I believe, are clearcut. For many elderly persons who receive both old age assistance and social security benefits, this administrative mechanism would provide an efficient single step service without the negative connotations associated with welfare. Additionally, it can lead to significant savings from an administrative standpoint, because this new program would be operated by one well established and successful system, as opposed to the highly proliferated method of doling out old age assistance through the many different State welfare agencies. Moreover, this mechanism can provide substantial savings for the States, since their present welfare costs for old age assistance will be assumed by the Federal Government.

However, the fundamental weakness in this potentially sound approach is that the income standard in H.R. 1 is too low. As presently drafted, H.R. 1 would set a floor under the incomes of all older Americans—$1,560 a year for a single person and $2,340 for an elderly couple. But this standard would still fall about $300 below the existing poverty threshold for an aged individual, as defined by the Government itself, and many older Americans would continue to live in poverty, even if these provisions of H.R. 1 were enacted.

Therefore, my second amendment would raise the income standard to $1,920 a year for a single aged person and $2,400 for a couple. Moreover, it would adjust these standards annually to reflect changes in the cost of living.

Cosponsors of this second amendment are Senators WILLIAMS, MONDALE, HARTKE, PELL, and EAGLETON.

With this approach, it would be possible to wipe out poverty once and for all for all older Americans. Additionally, it would automatically protect them from the bite of inflation in the future.

The need for major improvements in our social security and old-age assistance programs is long overdue. And the adoption of my two proposed amendments would help to accomplish this key objective of the recent White House Conference on Aging.

I hope these amendments will receive the affirmative support of the Senate.

Mr. President, I ask unanimous consent that the text of these amendments be printed at this point in the RECORD.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 998

Beginning on page 282, line 23, strike out all through page 283, line 7, and insert in lieu thereof the following:

"(1) for the 6-month period ending December 31, 1972, $960; or "(ii) for the calendar year 1973, or any calendar year thereafter, whichever of the following is the greater: (I) $1,920, or (II) the amount determined for such year under subsection (h); and".

On page 283, strike out lines 14 through 23, and insert in lieu thereof the following:

"(i) for the 6-month period ending December 31, 1972, $1,200; or

"(ii) for the calendar year 1973, or any calendar year thereafter, whichever of the following is the greater: (I) $2,400, or (II) the amount determined under subsection (h) for such year; and".

On page 284, strike out lines 8 through 17, and insert in lieu thereof the following:

"(A) for the 6-month period ending December 31, 1972, $960; and

"(B) for the calendar year 1973, or any calendar year thereafter, whichever of the following is the greater: (i) $1,920, or (ii) the amount determined under subsection (h) for such year;".

Beginning on page 284, line 22, strike out all through page 285, line 6, and insert in lieu thereof the following:

"(A) for the 6-month period ending December 31, 1972, $1,200; and

"(B) for the calendar year 1973, or any calendar year thereafter, whichever of the following is the greater: (i) $2,400, or (ii) the amount determined under subsection (h) for such year;".

On page 289, between lines 12 and 13, insert the following new subsections:

"Adjustments, To Reflect Increases in the Cost of Living, of Amounts Used To Determine Eligibility for and Amount of Benefits

"(h)(1) As soon after enactment of this Act as may be feasible, and thereafter between July 1 and September 30 of each year, the Secretary (A) shall adjust the amounts used to determine eligibility for and amounts of benefits as set forth in subsection (a)(1)(A)(ii) and (2)(A)(ii) and subsection (b)(1)(B) and (2)(B) by increasing such amounts by the percentage by which the average level of the price index for the months in the most recent preceding calendar year exceeds the average level of the price index for the months in calendar year 1970, and (B) shall thereupon promulgate the amounts so adjusted as the amounts to be used to determine eligibility for and amount of benefits under this title for the fiscal year beginning July 1 next succeeding such promulgations.

"(2) As used in this subsection, the term 'price index' means the Consumer's Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

AMENDMENT No. 999

Beginning on page 10, line 3, strike out all through page 18, line 2, and insert in lieu thereof the following:

"INCREASE IN OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE BENEFITS, AND IN BENEFITS FOR CERTAIN INDIVIDUALS AGE 72 AND OVER

SEC. 101 (a) Section 215 (a) of the Social Security Act is amended by striking out the table and inserting in lieu thereof the following:

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS

"I		II	III		IV	V
(Primary insurance benefit under 1939 act, as modified)		(Primary insurance amount under 1971 act)	(Average monthly wage)		(Primary insurance amount)	(Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
	$16.20	$70.40	------------	$76	$84.50	$126.80
$16.21	16.84	71.50	$77	78	85.80	128.80
16.85	17.60	73.10	79	80	87.80	131.70
17.61	18.40	74.50	81	81	89.40	134.20
18.41	19.24	75.80	82	83	91.00	136.50
19.25	20.00	77.40	84	85	92.90	139.40
20.01	20.64	78.80	86	87	94.60	141.90
20.65	21.28	80.10	88	89	92.20	144.30
21.29	21.88	81.70	90	90	98.10	147.20
21.89	22.28	83.10	91	92	99.80	149.70
22.29	22.68	84.50	93	94	101.40	152.20
22.69	23.08	85.80	95	96	103.00	154.50
23.09	23.44	87.40	97	97	104.90	157.40
23.45	23.76	88.90	98	99	106.70	160.10
23.77	24.20	90.60	100	101	108.80	163.20
24.21	24.60	91.90	102	102	110.30	165.50
24.61	25.00	93.40	103	104	112.10	168.20
25.01	25.48	95.10	105	106	114.20	171.30
25.49	25.92	96.60	107	107	116.00	173.90
25.93	26.40	98.20	108	109	117.90	176.90
26.41	26.94	99.70	110	113	119.70	179.60
26.95	27.46	101.10	114	118	121.40	182.10
27.47	28.00	102.70	119	122	123.30	185.00
28.01	28.68	104.20	123	127	125.10	187.70
28.69	29.25	105.90	128	132	127.10	190.70
29.26	29.68	107.30	133	136	128.80	193.20
29.69	30.36	108.70	137	141	130.50	195.80
30.37	30.92	110.40	142	146	132.50	198.80
30.93	31.36	111.90	147	150	134.30	201.50
31.37	32.00	113.30	151	155	136.00	204.00
32.01	32.60	115.00	156	160	138.00	207.00
32.61	33.20	116.40	161	164	139.70	209.60
33.21	33.88	118.00	165	169	141.00	212.40
33.89	34.50	119.50	170	174	143.40	215.20
34.51	35.00	121.00	175	178	145.20	217.80
35.01	35.80	122.60	179	183	147.20	220.80
35.81	46.40	124.00	184	188	148.80	223.20
36.41	37.08	125.70	189	193	150.90	226.40
37.09	37.60	127.20	194	197	152.70	229.10
37.61	38.20	128.60	198	202	154.40	231.60
38.21	39.12	130.30	203	207	156.40	234.60
39.13	39.68	131.80	208	211	158.20	234.30
39.69	40.33	133.10	212	216	159.80	239.70
40.34	41.12	134.80	217	221	161.80	242.70
41.13	41.76	136.30	222	225	163.60	245.40
41.77	42.44	137.90	226	230	165.50	218.30
42.45	43.20	139.40	231	235	167.30	251.00
43.21	43.76	141.10	236	239	169.40	254.10
43.77	44.44	142.50	240	244	171.00	257.80
44.45	44.88	143.90	245	249	172.70	263.10
44.89	45.60	145.60	250	253	174.80	267.30
		147.10	254	258	176.60	272.60
		148.40	259	263	178.10	277.80
		150.10	264	267	180.20	282.00
		151.60	268	272	182.00	287.30
		$153.20	$273	$277	$183.90	$292.60
		154.70	278	281	185.70	296.80
		156.20	282	286	187.50	302.10
		157.90	287	291	189.50	307.40
		159.20	292	295	191.40	311.60
		160.90	296	300	193.40	316.80
		162.40	301	305	194.90	322.10
		163.80	306	309	196.60	326.40
		165.50	310	314	198.60	331.70
		166.90	315	319	200.30	337.00
		168.30	320	323	202.00	341.20
		170.00	324	328	204.00	346.60
		171.60	329	333	205.80	351.80
		173.20	334	337	207.90	356.00
		174.50	338	342	209.40	361.20
		176.00	343	347	211.20	366.50
		177.70	348	351	213.30	370.70
		179.10	352	356	215.00	376.00
		180.80	357	361	217.00	381.30
		182.20	362	365	218.70	385.50
		183.60	366	370	220.40	390.80
		185.30	371	375	222.40	396.00
		186.80	376	379	224.20	400.40
		188.50	380	384	226.20	405.60
		189.80	385	389	227.80	410.90
		191.30	390	393	229.60	415.10
		193.00	394	398	231.60	420.40
		194.40	399	403	233.30	425.70
		196.10	404	407	235.40	429.90
		197.40	408	412	236.90	435.20
		198.80	413	417	238.60	440.40
		200.20	418	421	240.30	444.60
		201.80	422	426	242.20	449.90
		203.10	427	431	243.80	455.20
		204.50	432	436	245.40	460.50
		206.10	437	440	247.40	462.60
		207.40	441	445	248.90	465.30
		208.80	446	450	250.60	467.90
		210.40	451	454	252.50	470.00
		211.70	455	459	254.10	472.60
		213.10	460	464	255.80	475.20
		214.50	465	468	257.40	477.40
		216.10	469	473	259.40	480.00
		217.40	474	478	260.90	482.70
		218.80	479	482	262.60	484.80
		220.40	483	487	264.50	487.50
		221.70	488	492	266.10	490.10
		223.10	493	496	267.80	492.20
		224.70	497	501	269.70	494.80
		226.00	502	506	271.20	497.40
		227.40	507	510	272.00	499.60
		228.80	511	515	274.60	502.20
		230.30	516	520	276.40	504.90
		231.70	521	524	278.10	506.90
		233.10	525	529	279.80	509.60

"I		II	III		IV	V
(Primary insurance benefit under 1939 act, as modified)		(Primary insurance amount under 1967 act)	(Average monthly wage)		(Primary insurance amount)	(Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
		$234.70	$530	$534	$281.70	$512.20
		236.00	535	538	283.20	514.40
		237.40	539	543	284.90	517.00
		239.00	544	548	286.80	519.60
		240.30	549	553	288.40	522.30
		241.70	554	556	290.10	523.80
		242.90	557	560	291.50	526.00
		244.20	561	563	293.10	527.60
		245.50	564	567	294.60	529.70
		246.80	568	570	296.20	531.30
		248.00	571	574	297.60	533.30
		249.30	575	577	299.20	535.00
		250.50	578	581	300.60	537.00
		251.80	582	584	302.20	538.60
		253.00	585	588	303.60	540.80
		254.40	589	591	305.30	542.30
		255.60	592	595	306.80	544.50
		256.90	596	598	308.30	546.00
		258.10	599	602	309.80	548.20
		259.40	603	605	311.30	549.80
		260.60	606	609	312.80	551.80
		262.00	610	612	314.40	553.50
		263.20	613	616	315.90	555.50
		264.50	617	620	317.40	557.70
		265.70	621	623	318.90	559.20
		267.00	624	627	320.40	561.40
		268.20	628	630	321.90	563.30
		269.50	631	634	323.40	566.10
		270.80	635	637	325.00	568.70
		272.10	638	641	326.60	571.50
		273.30	642	644	328.00	574.00
		274.60	645	648	329.60	576.80
		275.80	649	652	331.00	579.30
		276.60	653	656	332.00	581.00
		277.40	657	660	332.90	582.60
		278.40	661	665	334.10	584.70
		279.40	666	670	335.30	586.80
		280.40	671	675	336.50	588.90
		281.40	676	680	337.70	591.00
		282.40	681	685	338.90	593.10
		283.40	686	690	340.10	595.20
		284.40	691	695	341.30	597.30
		285.40	696	700	342.50	599.40
		286.40	701	705	343.70	601.50
		287.40	706	710	344.90	603.60
		288.40	711	715	346.10	605.70
		289.40	716	720	347.30	607.80
		290.40	721	725	348.50	609.90
		291.40	726	730	349.70	612.00
		292.40	731	735	350.90	614.10
		293.40	736	740	352.10	616.20
		294.40	741	745	353.30	618.30
		$295.40	$746	$750	$354.50	$620.40
			751	755	355.50	622.20
			756	760	356.50	623.90
			761	765	357.50	625.70
			766	770	358.50	627.40
			771	775	359.50	629.20
			776	780	360.50	630.90
			781	785	361.50	632.70
			786	790	362.50	634.40
			791	795	363.50	636.20
			796	800	364.50	637.90
			801	805	365.50	639.70
			806	810	366.50	641.40
			811	815	367.50	643.20
			816	820	386.50	644.90
			821	825	369.50	646.70
			826	830	370.50	648.40
			831	835	371.50	650.20
			836	840	372.50	651.90
			841	845	373.50	653.70
			846	850	374.50	655.40
			851	855	375.50	657.20
			856	860	376.50	658.90
			861	865	377.50	660.70
			866	870	378.50	662.40
			871	875	379.50	664.20
			876	880	380.50	665.90
			881	885	381.50	667.70
			886	890	382.50	669.40
			891	895	383.50	671.20
			896	900	384.50	672.90
			901	905	385.50	674.70
			906	910	386.50	676.40
			911	915	387.50	678.20
			916	920	388.50	679.90
			921	925	389.50	681.70
			926	930	390.50	683.40
			931	935	391.50	685.20
			936	940	392.50	686.90
			941	945	393.50	688.70
			946	950	394.50	690.40
			951	955	395.50	692.20
			956	960	396.50	693.90
			961	965	397.50	695.70
			966	970	398.50	697.40
			971	975	399.50	699.20
			976	980	400.50	700.90
			981	985	401.50	702.70
			986	990	402.50	704.40
			991	995	403.50	706.20
			996	1,000	404.50	707.90

(b) Section 203(a) of such Act is amended by striking out paragraph (2) and inserting lieu thereof the following:

"(2) when two or more persons were entitled (without the application of section 202(j)(1) and section 223(b)) to monthly benefits under section 202 or 223 for May 1972 on the basis of the wages and self-employment income of such insured individual and the provisions of this subsection were applicable in January 1971 or any prior month in determining the total of the benefits for persons entitled for any such month on the basis of such wages and self-employment income, such total of benefits for June 1972 or any subsequent month shall not be reduced to less than the larger of—

"(A) the amount determined under this subsection without regard to this paragraph, or

"(B) an amount equal to the sum of the amounts derived by multiplying the benefit amount determined under this title for May 1972 (including this subsection, but without the application of section 222(b), section 202(q), and subsections (b), (c), and (d) of this section), for each person for such month, by 120 percent and raising such increased amount, if it is not a multiple of $0.10, to the next higher multiple of $0.10; but in any such case (i) paragraph (1) of this subsection shall not be applied to such total of benefits after the application of subparagraph (B), and (ii) if section 202(k)(2)(A) was applicable in the case of any such benefits for June 1972, and ceases to apply after such month, the provisions of subparagraph (B) shall be applied, for and after the month in which section 202(k)(2)(A) ceases to apply, as though paragraph (1) had not been applicable to such total of benefits for June 1972, or".

(c) Section 215(a) of such Act is amended by striking out the matter which precedes the table and inserting in lieu thereof the following:

"(a) The primary insurance amount of an insured individual shall be determined as follows:

"(1) Subject to the conditions specified in subsections (b), (c), and (d) of this section and except as provided in paragraph (2) of this subsection, such primary insurance amount shall be whichever of the following amounts is the largest:

"(A) the amount in column IV of the following table on the line on which in column III of such table appears his average monthly wage (as determined under subsection (b));

"(B) the amount in column IV of such table on the line on which in column II appears his primary insurance amount (as determined under subsection (c)); or

"(C) the amount in column IV of such table on the line on which in column I appears his primary insurance benefit (as determined under subsection (d)).

"(2) In the case of an individual who was entitled to a disability insurance benefit for the month before the month in which he died, became entitled to old-age insurance benefits, or attained age 65, such primary insurance amount shall be the amount in column IV of such table which is equal to the primary insurance amount upon which such disability insurance benefit is based; except that if such individual was entitled to a disability insurance benefit under section 223 for the month before the effective month of a new table and in the following month became entitled to an old-age insurance benefit, or he died in such following month then his primary insurance amount for such following month shall be the amount in column IV of the new table on the line on which in column II of such table appears his primary insurance amount for the month before the effective month of the table (as determined under subsection (c)) instead of the amount in column IV equal to the primary insurance amount on which his disability insurance benefit is based. For purposes of this paragraph, the term 'primary insurance amount' with respect to any individual means only a primary insurance amount determined under paragraph (1) (and such individual's benefits shall be deemed to be based upon the primary insurance amount as so determined)."

(d) Section 215(b)(4) of such act is amended by striking out "December 1970" each time it appears and inserting in lieu thereof "May 1972".

(e) Section 215(c) of such Act is amended to read as follows:

"PRIMARY INSURANCE AMOUNT UNDER ACT OF MARCH 17, 1971

"(c)(1) For the purposes of column II of the table appearing in subsection (a) of this section, an individual's primary insurance amount shall be computed on the basis of the law in effect prior to June 1972.

"(2) The provisions of this subsection shall be applicable only in the case of an individual who became entitled to benefits under section 202(a) or section 223 before June 1972, or who died before such month."

(f) Section 215(f)(2) of such Act is amended by striking out "(a)(1) and (3)" and inserting in lieu thereof "(a)(1)(A) and (C)".

(g)(1)(A) Section 227(a) of such Act is amended by striking out "$48.30" and inserting in lieu thereof "$58.00", and by striking out "$24.20" and inserting in lieu thereof "$29.00".

(B) Section 227(b) of such Act is amended by striking out "$48.30" and inserting in lieu thereof "$58.00."

(2)(A) Section 228(b)(1) of such Act is amended by striking out "$48.30" and inserting in lieu thereof "$58.00".

(B) Section 228(b)(2) of such Act is amended by striking out "$48.30" and inserting in lieu thereof "$58.00", and by striking out "$24.20" and inserting in lieu thereof "$29.00".

(C) Section 228(c)(2) of such Act is amended by striking out "$24.20" and inserting in lieu thereof "$29.00".

(D) Section 228(c)(3)(A) of such Act is amended by striking out "$48.30" and inserting in lieu thereof "$58.00".

(E) Section 228(c)(3)(B) of such Act is amended by striking out "$24.20" and inserting in lieu thereof "$29.00".

(h)(1) Section 203(a) of the Social Security Act (as amended by subsection (b) of this section) is further amended by striking out "or" at the end of paragraph (2), by striking out the period at the end of paragraph (3) and inserting in lieu thereof ", or", and by inserting after paragraph (3) the following new paragraph:

"(4) notwithstanding any other provision of law, when—

"(A) two or more persons are entitled to monthly benefits for a particular month on the basis of the wages and self-employment income of an insured individual and (for such particular month) the provisions of this subsection and section 202(q) are applicable to such monthly benefits, and

"(B) such individual's primary insurance amount is increased for the following month under any provision of this title,

then the total of monthly benefits for all persons on the basis of such wages and self-employment income for such particular month, as determined under the provisions of this subsection, shall for purposes of determining the total of monthly benefits for all persons on the basis of such wages and self-employment income for months subsequent to such particular month be considered to have been increased by the smallest amount that would have been required in order to assure that the total of monthly benefits payable on the basis of such wages and self-employment income for any such subsequent month will not be less (after application of the other provisions of this subsection and section 202(q)) than the total of monthly benefits (after the application of the other provisions of this subsection and section 202(q)) payable on the basis of such wages and/self-employment income for such particular month."

(2) In any case in which the provision of section 1002(b)(2) of the Social Security Amendments of 1969 were applicable with respect to benefits for any month in 1970, the total of monthly benefits as determined under section 203(a) of the Social Security Act shall, for months after 1970, be increased to the amount that would be required in order to assure that the total of such monthly benefits (after the application of section 202 (q) of such Act) will not be less than the total of monthly benefits that was applicable (after the application of such sections 203 (a) and 202(q)) for the first month for which the provisions of such section 1002 (b)(2) applied.

(i) The amendments made by this section (other than the amendments made by subsection (g) and (h)) shall apply with respect to monthly benefits under title II of the Social Security Act for months after May 1972 and with respect to lump-sum death payments under such title in the case of deaths occurring after such month. The amendments made by subsection (g) shall apply with respect to monthly benefits under title II of such Act for months after May 1972. The amendments made by subsection (h)(1) shall apply with respect to monthly benefits under title II of such Act for months after December 1971."

Beginning on page 47, line 4, strike out all through page 53, line 13, and insert in lieu thereof the following:

"INCREASE OF EARNINGS COUNTED FOR BENEFIT AND TAX PURPOSES

"SEC. 105. (a)(1)(A) Section 209 (a)(6) of the Social Security Act is amended—

(i) by striking out "$9,000" and inserting in lieu thereof "$10,200", and

(ii) by inserting "and prior to 1973" after "1971".

(B) Section 209(a) of such Act is further amended by adding at the end therof the following new paragraph:

"(7) That part of remuneration which, after remuneration (other than remuneration referred to in the succeeding subsections of this section) equal to $12,000 with respect to employment has been paid to an individual during any calendar year after 1972, is paid to such individual during such calendar year;".

(2)(A) Section 211(b)(1)(F) of such Act is amended—

(i) by inserting "and prior to 1973" after "1971",

(ii) by striking out "$9,000" and inserting in lieu thereof "$10,200", and

(iii) by striking out "; or" and inserting in lieu thereof "; and".

(B) Section 211(b)(1) of such Act is further amended by adding at the end thereof the following new subparagraph:

"(G) For any taxable year beginning in any calendar year after 1972, (i) $12,000, minus (ii) the amount of the wages paid to such individual during such taxable year; or".

(3)(A) Section 213(a)(2)(ii) of such Act is amended by striking out "$9,000 in the case of a calendar year after 1971" and inserting in lieu thereof "$10,200 in the case of a calendar year after 1971 and before 1973, or $12,000 in the case of any calendar year after 1972".

(B) Section 213(a)(2)(iii) of such Act is amended by striking out $9,000 in the case of a taxable year beginning after 1971" and inserting in lieu thereof "$10,200 in the case of a taxable year beginning after 1971 and before 1973, or $12,000 in the case of any taxable year beginning in any calendar year after 1972".

(4) Section 215(e)(1) of such Act is amended by striking out "and the excess over $9,000 in the case of any calendar year after 1971" and inserting in lieu thereof "the excess over $10,200 in the case of any calendar year after 1971 and before 1973, and the excess over $12,000 in the case of any calendar year after 1972".

(b)(1)(A) Section 1402(b)(1)(F) of the Internal Revenue Code of 1954 (relating to definition of self-employment income) is amended—

(i) by inserting "and before 1973" after "1971",

(ii) by striking out "$9,000" and inserting in lieu thereof "$10,200", and

(iii) by striking out "; or" and inserting in lieu thereof "; and".

(B) Section 1402(b)(1) of such Code is further amended by adding at the end thereof the following new subparagraph:

"(G) for any taxable year beginning in any calendar year after 1972, (i) $12,000 minus (ii) the amount of the wages paid to such individual during such taxable year; or".

(2) (A) Section 3121(a)(1) of such Code (relating to definition of wages) is amended by striking out "$9,000" each place it appears and inserting in lieu thereof "$10,200".

(B) Effective with respect to remuneration paid after 1972, section 3121(a)(1) of such Code is amended by striking out "$10,200" each place it appears and inserting in lieu thereof "$12,000".

(3)(A) The second sentence of section 3122 of such Code (relating to Federal service) is amended by striking out "$9,000" and inserting in lieu thereof "$10,200".

(B) Effective with respect to remuneration paid after 1972, the second sentence of section 3122 of such Code is amended by striking out "the $10,200 limitation" and inserting in lieu thereof "the $12,000 limitation".

(4)(A) Section 3125 of such Code (relating to returns in the case of governmental employees in Guam, American Samoa, and the District of Columbia) is amended by striking out "$9,000" where it appears in subsections (a), (b), and (c) and inserting in lieu thereof "$10,200".

(B) Effective with respect to remuneration paid after 1972, section 3125 of such Code is amended by striking out "the $10,200 limitation" where it appears in subsections (a), (b), and (c) and inserting in lieu thereof "the $12,000 limitation".

(5) Section 6413(c)(1) of such Code (relating to special refunds of employment taxes) is amended—

(A) by inserting "and prior to the calendar year 1973" after the calendar year 1971";

(B) by striking out "exceed $9,000," and inserting in lieu thereof the following: "exceed $10,200, or (F) during any calendar year after the calendar year 1972, the wages received by him during such year exceed $12,000,"; and

(C) by striking out "the first $9,000 of such wages received in such calendar year after 1971" and inserting in lieu thereof "the first $10,200 of such wages received in such calendar year after 1971 and before 1973, or which exceeds the tax with respect to the first $12,000 of such wages received in such calendar year after 1972".

(6) Section 6413(c)(2)(A) of such Code (relating to refunds of employment taxes in

the case of Federal employees) is amended by striking out "or $9,000 for any calendar year after 1971" and inserting in lieu thereof $10,200 for the calendar year 1972, or $12,000 for any calendar year after 1972".

(7) (A) Section 6654(d)(2)(B)(ii) of such Code (relating to failure by individual to pay estimated income tax) is amended by striking out "$9,000" and inserting in lieu thereof "$10,200".

(B) Effective with respect to taxable years beginning after 1972, section 6654(d)(2)(B)(ii) of such Code is amended by striking out "$10,200" and inserting in lieu thereof "$12,000".

(c) The amendments made by subsections (a)(1) and (a)(3)(A), and the amendments made by subsection (b) (except paragraphs (1) and (7) thereof), shall apply only with respect to remuneration paid after December 1971 (except that such amendments shall not apply for purposes of the taxes imposed under sections 3101 and 3111 of the Internal Revenue Code of 1954 with respect to any remuneration paid before the first day of the first month which begins more than 10 days after the date of the enactment of this Act). The amendments made by subsections (a)(2), (a)(3)(B), (b)(1), and (b)(7) shall apply only with respect to taxable years beginning after 1971. The amendment made by subsection (a)(4) shall apply only with respect to calendar years after 1971."

Beginning on page 129, line 13, strike out all through page 134, line 15, and insert in lieu thereof the following:

"CHANGES IN TAX SCHEDULES

"SEC. 142. (a) (1) Section 1401 (a) of the Internal Revenue Code of 1954 (relating to rate of tax on self-employment income for purposes of old-age, survivors, and disability insurance) is amended—

(A) by striking out "and before January 1, 1973" in paragraph (3) and inserting in lieu thereof "and before January 1, 1977"; and

(B) by striking out "after December 31, 1972" in paragraph (4) and inserting in lieu thereof "after December 31, 1976".

(2) Section 3101(a) of such Code (relating to rate of tax on employees for purposes of old-age, survivors, and disability insurance) is amended—

(A) by striking out "the calendar years 1971 and 1972" in paragraph (3) and inserting in lieu thereof "the calendar years 1971, 1972, 1973, 1974, 1975, and 1976"; and

(B) by striking out paragraphs (4) and (5) and inserting in lieu thereof the following:

"(4) with respect to wages received after December 31, 1976, and before January 1, 2011, the rate shall be 4.9 percent; and

"(5) with respect to wages after December 31, 2010, the rate shall be 6.1 percent."

(3) Section 3111(a) of such Code (relating to rate of tax on employers for purposes of old-age, survivors, and disability insurance) is amended—

(A) by striking out "the calendar years 1971 and 1972" in paragraph (3) and inserting lieu thereof "the calendar years 1971, 1972, 1973, 1974, 1975, and 1976"; and

(B) by striking out paragraphs (4) and (5) and inserting in lieu thereof the following:

"(4) with respect to wages paid after December 31, 1976, and before January 1, 2011, the rate shall be 4.9 percent; and

"(5) with respect to wages paid after December 31, 2010, the rate shall be 6.1 percent."

(b)(1) Section 1401(b) of such Code (relating to rate of tax on self-employment income for purposes of hospital insurance) is amended by striking out paragraphs (2) through (5) and inserting in lieu thereof the following:

"(2) in the case of any taxable year beginning after December 31, 1972, and before January 1, 1974, the tax shall be equal to 0.8 percent of the amount of the self-employment income for such taxable year;

"(3) in the case of any taxable year beginning after December 31, 1973, and before January 1, 1975, the tax shall be equal to 1.0 percent of the amount of the self-employment income for such taxable year; and

"(4) in the case of any taxable year beginning after December 31, 1974, the tax shall be equal to 1.2 percent of the amount of the self-employment income for such taxable year."

(2) Section 3101(b) of such Code (relating to rate of tax on employees for purposes of hospital insurance) is amended by striking out paragraphs (2) through (5) and inserting in lieu thereof the following:

"(2) with respect to wages received during the calendar year 1973, the rate shall be 0.8 percent;

"(3) with respect to wages received after December 31, 1973, and before January 1, 1975, the rate shall be 1.0 percent; and

"(4) with respect to wages received after December 31, 1974, the rate shall be 1.2 percent."

(3) Section 3111(b) of such Code (relating to rate of tax on employers for purposes of hospital insurance) is amended by striking out paragraphs (2) through (5) and inserting in lieu thereof the following:

"(2) with respect to wages paid during the calendar year 1973, the rate shall be 0.8 percent;

"(3) with respect to wages paid after December 31, 1973, and before January 1, 1975, the rates shall be 1.0 percent; and

"(4) with respect to wages paid after December 31, 1974, the rate shall be 1.2 percent."

(c) The amendments made by subsections (a)(1) and (b)(1) shall apply only with respect to taxable years beginning after December 31, 1971. The remaining amendments made by this section shall apply only with respect to remuneration paid after December 31, 1971."

EXHIBIT 1

EXCERPTS FROM THE REPORT OF THE ADVISORY COUNCIL ON SOCIAL SECURITY

EARNINGS ASSUMPTION

The Council recommends that the actuarial cost estimates for the cash benefits program be based—as the estimates for the hospital insurance program now are—on the assumptions that earnings levels will rise, that the contribution and benefit base will be increased as earnings levels rise, and that benefit payments will be increased as prices rise.

Actuarial estimates of income to the hospital insurance part of the Medicare program are based on the realistic assumptions that earnings levels will continue, on the average, to rise in the future as they have over the long-range past, and that the contribution, and benefit base will be increased proportionately as earnings levels rise. Benefit outgo under hospital insurance of course increases with the cost of hospital care, and this fact is also taken into account in the hospital insurance cost estimates.

In the same way, the Council believes, the long-range cost estimates for the cash benefits program should be based on the assumptions that earnings levels and the earnings base will rise, and that as prices rise, benefits will be increased accordingly.

Up to now, estimates of the long-range cost of the cash benefits program have been based on the assumption that both earnings and benefits will remain level over the valuation period. The Council recognizes that the assumption of level earnings and level benefits has been adopted as a convenient device for cost estimating purposes and is not intended as a prediction of actual experience. With the use of this device, the estimates do not have to involve assumptions about the long-range movement of wages and prices; at the same time, the establishment of contribution rates based on these estimates results in a very considerable margin of safety in the financing of the program.

This is true because earnings levels will in fact rise (contrary to the assumption used in the estimate), and the additional income from rising earnings is substantially greater, than the benefit liability arising from the higher earnings. Thus, a long-range actuarial surplus is created each time earnings increase. As a matter of fact, if the other assumptions on which the cost estimates are based turn out to the approximately correct, the additional income that develops as earnings rise will be enough to provide for benefit increase that go beyond increases in prices.

Although there are advantages in this estimating technique, the Council believes that disadvantages outweigh the advantages. First of all, the Council believes that the obvious understatement of the dollar figures of program income and outgo that results from projections based on level earnings and level benefits can lead to a misunderstanding of the nature of the estimates. It cannot easily be made clear that both the income and outgo over the long-range shown in the trustees' reports, for example, are really to be expected to reach much higher levels than those shown.

Secondly, the use of the level-earnings assumption for a system that is in fact responsive to increases in earnings and prices results at any one time in a considerable overstatement of the role of interest earnings in financing the program for the long run. As is discussed in part IV, in practice the program has for many years been financed on a current-cost basis and the large funds which would result from allowing scheduled increases in the contribution rates to go into effect never materalized. Thus the portion of long-range benefit costs to be met directly by contributions is in fact larger than the estimates indicate.

More importantly, the Council believes that assumptions concerning such fundamental cost-determining elements as future earnings levels and future benefit levels should be explicitly stated so that they can be examined for reasonableness. To base contribution rates on estimates that assume that earnings, prices, and benefits will remain level is in practice, to assume that as earnings and prices, do in fact, rise, the Congress will act not merely to maintain the purchasing power of the benefits but to provide for real increases in benefit levels. The assumption is, in effect, that when earnings rise, benefits will be increased sufficiently so that the annual cost of the program as a percentage or payroll will be unchanged (after due allowances for any difference between the other assumptions underlying the cost estimates and actual experience).

The Council believes that contribution rates for the cash benefits program should be based on estimates that project the cost of existing law, as kept up to date in terms of prices. It may well be that the Congress will vote real improvements in the program as the general level of living rises in the future. In fact, the Council has recommended that Congress make such improvements on an *ad hoc* basis. But the Council does not believe that financing for such improvements—making them all but inevitable—should be reflected in the contribution rate schedule ahead of time.

Although it recommends that, as a minimum guarantee in the law, benefits be kept up to date with prices automatically and that the contribution and benefit base be kept up to date with earnings automatically, the Council does not believe that the adoption of these automatic provisions is critical to the estimating principles here recommended; these principles are, in the Council's opinion, the best ones to follow for estimating purposes in any event.

In summary then, the Council proposes that the cost estimates for both cash benefits and health insurance be based on the same assumptions concerning the future movement of earnings, with cash benefit levels adjusted for price changes and Medicare cost levels adjusted for price changes therein. The Council believes that estimates based on these assumptions would give the public and the Congress a better understanding of the most likely course of the program. Moreover, professional and peer assessment of the assumptions on which the estimates are based would be more readily obtainable if the assumptions on the movement of wages, prices, and benefits were stated explicitly, as would be the case under the Council's recommendation. The Council believes that the discipline inherent in the contributory program would be strengthened if, at times when improvements in the benefit level that go beyond adjustment for rising prices are considered, the contribution rates are revised at such times to reflect the increased cost that necessarily accompanies the improvements.

CURRENT-COST FINANCING

The financing of the program should be on a current-cost basis, with the trust funds maintained at a level approximately equal to one year's expenditures.

The Council agrees with previous Councils that under compulsory social insurance it is unnecessary and undesirable to depend on trust funds to assure future payment of benefits. As indicated earlier, unlike the situation in private insurance, trust fund accumulations are not necessary to provide for security of payment. Under a compulsory social insurance program, it is proper to take account of future contributions as a balancing item against future benefit obligations; social insurance is soundly financed as long as provision is made to meet all benefit payments and administrative expenses as they occur. The financing of the program has always rested, and will continue to rest, on anticipated future contribution income, which in turn rests on the commitment of the Government to use its taxing power to meet the program's obligations. This is true regardless of the extent to which the commitment is recognized by a particular form of a governmental promise to pay, that is, the holding of Government securities in a trust fund.

Reserve financing is not only unnecessary under social insurance but the Council believes that it is undersirable in financing the general expenses of the Government to rely to any significant extent on borrowing from social insurance trust funds. The general expenses of Government should be met directly through the tax resources of the Federal Government, or, as the case may dictate, by borrowing from voluntary sources. The Council does not believe it is sound policy to support the operations of Government by borrowing from trust funds that grow out of the forced savings represented by social security contributions that are more than currently necessary.

Thus, the Council believes that the trust funds should be held to a reasonable contingency level, and it suggests the level of approximately one year's expenditures. Trust fund balances of this size would be more than ample to meet temporary excesses of outgo over income due to relatively high benefit costs or low social security tax yields in a particular period.

There is nothing new about this recommendation. Over the years, it has been widely recognized that the funds should be held to such a contingency function. Since the mid-1950's, whenever the Congress has provided for major changes in the social security program and set new contribution rates, the intent has ordinarily been to set the current contribution rate at a level judged necessary to provide for relatively small annual increases in the fund.

Although the Congress has restricted the trust funds to a contingency-reserve function so far as actual operations are concerned, the law nevertheless has continued to prescribe future contribution rate increases which, if allowed to go into effect, would produce very large trust fund accumulations. As a result long-range actuarial estimates for the present cash benefits program show a trust fund of nearly a trillion dollars by the end of year 2025. And even medium-range cost estimates indicate a trust fund 15 years from now of only slightly under $200 billion. Since these results will not, in fact, occur under a continuation of the long-standing policy of postponing those increases not found to be currently necessary—a policy which the Council believes to be correct—the financial picture based upon the assumption of such large-scale trust fund growth is misleading.

The Council recommends that the policy of current-cost financing, which has been followed in practice, should be recognized in the provisions of the law. To carry out this recommendation, the contribution rate charged should be sufficient only to result in trust funds equal to approximately one year's benefit expenditures, and the law should be changed to require the boards of trustees to report immediately to the Congress whenever it is expected that the size of any of the trust funds will fall below three-quarters of the amount of the following year's estimated expenditures, or will reach more than one and one-quarter times such expenditures. The trustees should be responsible for proposing changes that would keep the trust funds at the recommended level.

One result of limiting the trust funds to a contingency-reserve function and of making the amounts needed for this purpose the determinant of the contribution rate charged is to postpone until well into the next century any increases in the contribution rates for a cash benefits program with benefits adjusted to price changes. The present rate of 4.6 percent each for employees and employers is more than sufficient to support the cash benefits part of the program for the next 4 decades or more. The contribution rate of 5 percent each for employees and employers now scheduled in the law to be effective for 1973 and the 5.15 percent rate now scheduled in the law to be effective in 1976 are not necessary for meeting current costs. The only function of rates this high is that if they were charged during the next several decades, very large funds would be built up, and the interest earnings on those funds would make it possible to have somewhat lower contribution rates than would otherwise be needed in the next century.

As a matter of fact, a current-cost approach under the Council's recommended actuarial assumptions and methodology shows that the cost of the cash benefits program over the next 3 or 4 decades will be a smaller percentage of estimated covered payrolls than it is at the present time. Costs as a percentage of covered payrolls would then rise somewhat beginning about the year 2010 because of the growth of the retired population relative to the employed population as those born during the high birth-rate years following World War II reach age 65. The table following shows contribution rates that would be sufficient to meet the estimated costs of the cash benefits program under the Council's recommended actuarial assumptions and methodology and to allow for growth in the trust funds. The table indicates the combined employer-employee contribution rates by 2-year intervals for the years 1973 through 1985 and 5-year intervals for the years 1985 through 2045.

Contribution rates

Calendar year:	*Percent*
1973	9.3
1975	8.9
1977	8.8
1979	8.7
1981	8.0
1983	8.5
1985	8.4
1990	8.2
1995	7.9
2000	7.0
2005	7.5
2010	7.9
2015	8.8
2020	9.7
2025	10.4
2030	10.7
2035	10.9
2040	11.2
2045	11.6

This estimate is based on the assumption that prices and wages will rise as follows:

[In percent]

Calendar year:	*Rate of increases*	
	Prices	*Wages*
1971	3.8	6.0
1972	3.4	5.6
1973	3.0	5.2
1974	2.6	4.8
1975	2.3	4.5

MEMBERSHIP OF THE ADVISORY COUNCIL ON SOCIAL SECURITY

Arthur S. Flemming, former Secretary of Health, Education, and Welfare; Chairman 1971 White House Conference on Aging; Chairman.

Bertha S. Adkins, former Under Secretary of Health, Education, and Welfare; Vice Chairwoman, 1971 White House Conference on Aging.

J. Douglas Brown, Provost and Dean of the Faculty, Emeritus, Princeton University.

Walter J. Burke, Secretary-Treasurer, United Steelworkers of America.

Kermit Gordon, President, The Brookings Institution.

Gabriel Hauge, Chairman of the Board, Manufacturers Hanover Trust Company.

Arthur Larson, Director, Rule of Law Research Center, Duke University.

Lee W. Minton,[1] President, Glass Bottle Blowers' Association of the United States and Canada.

Thruston B. Morton, former United States Senator from Kentucky.

Bert Seidman, Director, Department of Social Security, AFL–CIO.

Charles A. Siegfried, Vice-Chairman of the Board and Chairman of the Executive Committee, Metropolitan Life Insurance Company.

Joseph P. Tonelli, President-Secretary, International Brotherhood of Pulp Sulphite and Paper Mill Workers of the United States and Canada.

Robert C. Tyson, Director, and former Chairman of the Finance Committee, United States Steel Corporation.

Dwight L. Wilbur, M.D., Past President, American Medical Association.

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[1] Resigned—replaced by Joseph P. Tonelli.

EXHIBIT 2

EXCERPT FROM SENATE COMMITTEE ON AGING HEARING ON "EVALUATION OF ADMINISTRATION ON AGING AND CONDUCT OF WHITE HOUSE CONFERENCE ON AGING"

Senator CHURCH. I have one final question that I would like to ask. It has to do with the actuarial assumptions for Social Security.

The recommendation of the 1971 Advisory Council on Social Security, which you chaired, Dr. Flemming, urged changing the actuarial assumption pertaining to the Social Security trust fund that wages and salaries subject to the Social Security payroll tax will rise in the years ahead, as they have in the past, to reflect increases in the nation's industrial productivity and capacity to create wealth.

Changing this assumption to anticipated expected escalation of wages and salaries subject to the Social Security tax would permit the Social Security system to be held in actuarial balance without piling up a huge surplus now considered necessary and permit the Social Security benefits to be increased substantially—approximately 20 percent—on present Social Security financing and so provide as the White House Conference on Aging's Report recommends an income standard for older people, in accordance with "American standard of living."

What is the Administration's position on this proposed revision of the actuarial assumptions?

Dr. FLEMMING. I do not know what they have done with that particular recommendation. It is a recommendation that I believe in. You may have noticed that this was a minority recommendation of the Social Security Advisory Council.

The recommendation I know has been under consideration in the Executive Branch, in the Ways and Means Committee, and I assume in the Senate Finance Committee.

But I do not know what position has been taken on it by the Secretary, or by the Director of Office of Management and Budget. Personally, I hope that they will see their way clear to accept that recommendation.

I know you can get a vigorous argument going on it. There are people who feel very keenly that this will be a step in the wrong direction. I know it is going to be controversial, but I grappled with this when I was Secretary. I had recommendations from other advisory councils who went into it very, very carefully.

And the people who went into it who were on the council were all people who were very competent. I would like to see the Federal government go in that direction.

The CHAIRMAN. I certainly would too. I would like to conclude the hearing by turning to——

Senator KENNEDY. Frank, could I ask just one more question? In the President's conference speech, he mentioned towards—he was talking about some of these recommendations—and he said, toward this end I will direct the Social Security Administration to provide an information center for each of the 1190 districts and branch offices to explain our Federal programs for aid to the elderly.

AMENDMENT NO. 1000

(Ordered to be printed and referred to the Committee on Finance.)

Mr. HATFIELD submitted an amendment intended to be proposed by him to the bill (H.R. 1), the Social Security Amendments of 1972.

AMENDMENT NO. 1001

(Ordered to be printed and referred to the Committee on Finance.)

Mr. TUNNEY. Mr. President, on February 24, I introduced a bill, S. 3227, to amend the Internal Revenue Code to allow a normal business deduction for certain child care and other household expenses which are necessarily incurred for an individual to be gainfully employed.

Today I reintroduce the same provisions in the form of an amendment to H.R. 1.

AMENDMENT NO. 1002

(Ordered to be printed and referred to the Committee on Finance.)

Mr. TUNNEY. Mr. President, amid all the complexities of the continuing debate on welfare reform, it is important not to lose sight of a simple basic fact. That fact is that reform of the welfare system, however enlightened and however successful it may be, will not constitute the solution to the underlying problem of persistent poverty in the United States.

Whatever its refinements and adornments, any welfare system is in essence a system for the relief of the more obvious symptoms of poverty, not for the cure of the malfunction in the society which gives rise to the poverty in the first place. Its purpose is to counteract the effects of poverty by supporting those who are unable to support themselves and by smoothing the path as much as possible for those who have the potential to make their way toward independence and self-reliance.

Yet if we are to eradicate poverty from our society, we must do more than cushion its effects. We must attack its root causes directly.

It is my conviction that perhaps the single most effective way in which we can act to eliminate poverty is to work toward the situation where every person who wants to work will be sure of a job, and a job which pays him a living wage for his efforts. It is a truism that people are poor because they do not have the money necessary to meet the basic needs of life in our community. And it is little more than an extension of that to say that many people do not have that money because they do not have a job at all, or they do not have a job which brings in enough day by day and week by week to allow them basic economic independence.

The most direct and immediate action a government can take against poverty is to provide adequate work for the poor. To say this is not to pay homage to the persistent misconception that the welfare rolls are stacked with loafers and cheaters and that the whole problem of mounting welfare costs could be resolved if only some way could be found of compelling them all to work. But it does recognize that a very significant section of the poor—whether they are at present on welfare or not—are poor either because they have no job or because the work they have is inadequate for their needs. This is not the whole story of poverty, but it is an important section of it.

I consider that the provision of public service jobs, viewed from any side, is one of the most cost-effective antipoverty programs there can be. Not only does it take a person from the welfare rolls, and provide for his basic physical needs, it restores the worker's independence and self-reliance. He can support his family. His wife can go shopping for the food and the clothing their children need. He has the dignity and self-respect which, whatever the seers may say about the work ethic, still accompany employment in our society. At the same time he is once more making a positive contribution to the community by his efforts. And the community is getting a positive return for its money.

For these reasons I support the provision of as many public service jobs as possible as an adjunct to the current welfare proposals. I am a cosponsor of the amendments which the distinguished Senator from Connecticut, Senator RIBICOFF, has offered to H.R. 1, and which provide for $1.2 billion for this purpose. The public sector is an open field for the rapid development of employment, with maximum access for those who are in pressing need. No one could say that the various levels of government in America have dealt with all the problems which confront them. No one could say that there are not endless areas in which the best efforts of government are limited by sheer lack of manpower. And there are more such areas opening up all the time. Health, education, environment, services to the aged and disabled, public recreation and cultural facilities—all are areas where needed improvements could be made if only there were more people available to make the improvements.

These are not make work jobs. They must not be. The need is too great and the resources are too limited to indulge in such extravagance. The jobs may be comparatively menial. They may demand higher skills. But they must all put to positive use the worker's capacities and the taxpayers' dollar.

It is an inescapable corollary of this that the jobs must carry with them an adequate level of pay. There can be no justification for requiring or assisting a person to work because he is poor, and yet to pay him at a level which serves only to perpetuate his poverty.

This is neither just nor humane, and it does nothing conducive except in the most marginal way to the solution of the problems of poverty. The net effect is likely to be poor jobs poorly paid and poorly done. Welfare checks and public service employment programs must not become euphemisms for cutting corners in government budgets, for exploiting the vulnerability of the poor to insure a supply of cheap labor for jobs which no one else would be willing to fill.

They must be decent jobs with decent wages.

The problem involved in setting up such a public service employment program lies not in identifying useful areas in which work can be provided, but in distributing the available resources to meet the demand for extra manpower on the one hand and for adequate jobs on the other.

In my State of California alone, it would be possible to use most of the proposed appropriations without venturing into the realms of extravagance and make work. As this is a new program, and as whatever funds are appropriated are doomed to be inadequate to meet the needs of the situation, I feel there must be provision for an equitable division of the available resources between the various areas of the Nation.

Accordingly I am introducing today a simple amendment to H.R. 1 which seeks to channel the funds to the areas of greatest need, the areas where the greatest benefit will be gained from the given outlay. The prime indicator of need in this area will be the number of people who are registered for work or work training under the provisions of the opportunities for families program, and my amendment requires that the money should be spent in the various States in proportion to their respective shares of the national welfare population which has registered for employment under the act.

These will be the people without jobs, or without adequate jobs, whose difficulties are primarily related to lack of appropriate employment. The greatest help should go to those areas where their numbers are greatest and where the investment will have its most direct and most immediate benefit, rather than being distributed on a first-come first-served basis.

Mr. President, I ask unanimous consent that the amendment be printed in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 1002

On page 340, between lines 16 and 17, insert a new subsection (g) as follows:

"(g) The sums appropriate pursuant to subsection (f) (2) shall be expended on public service employment in the various States in accordance with a formula under which the amount expended in any State (from the total available for spending in all the States) bears the same ratio to such total as—

"(1) in the case of the fiscal year ending June 30, 1973, the average number of recipients of aid to families with dependent children in such State during the January last preceding the commencement of such fiscal year bears to the average number of such recipients during such month in all States; and

"(2) in the case of any fiscal year ending on or after June 30, 1974, the average number of individuals in such State who, during the month of January last preceding the commencement of such fiscal year, are registered pursuant to section 2111(a) bears to the average number of individuals in all States who, during such month, are so registered.

FEDERAL ENVIRONMENTAL PESTICIDE CONTROL ACT—AMENDMENTS

AMENDMENTS NOS. 1003 THROUGH 1013

(Ordered to be printed and referred to the Committee on Agriculture and Forestry.)

Mr. HART. Mr. President, this week the Committee on Agriculture and Forestry will begin hearings on H.R. 10729, the House-passed Federal Environmental Pesticide Control Act. While in some respects the House bill is an admirable product, there are many who feel improvements are in order. It is in this spirit that the distinguished Senator from Wisconsin (Mr. NELSON) and I today introduce a series of amendments which we hope will provide a basis for more effective pesticides regulation.

Summarizing, our 11 amendments would operate as follows:

First. Criteria for registration—H.R. 10729 requires that pesticides be registered if there are no "substantial adverse affects" on man or the environment. The amendment we offer would change the standard from "substantial" to "unreasonable." The amendment would thus support the principle that even insubstantial adverse affects should not be tolerated if there are safe substitutes which do the job.

Second. Disclosure of information—The House bill provides that test data in support of a pesticide registration application will not be available to the public until after the pesticide is registered. We would specify that the test data should be available immediately upon receipt by the Environmental Protection Agency, so that any registration that is proposed by EPA could be contested by the independent scientific community and by the public. We would also provide, however, that public disclosures could not reveal trade secrets.

Third. Efficiency and barriers to entry.—The House will requires that in evaluating the acceptability of a pesticide for registration the administrator may not consider the data of any similar pesticide, or for that matter, the data of any other manufacturer of the same pesticide. Our amendment would eliminate this requirement on the grounds that the duplication of test data which would result from it is wasteful and that the provision may pose a barrier to entry of competitors into the market above and beyond those provided by our patent laws.

Fourth. Criteria for general and restricted use.—The House bill provides that pesticides shall be classified for "general use" or "restricted use" depending upon whether "if used as directed" they will lead to substantial adverse affects upon the environment. If classified for restricted use, the administrator may provide that only licensed applicators may administer the pesticide. If the registration system is sound, however, the Environmental Protection Agency will approve only those labels which, if used as directed, will result in safe use. It thus seems hard to visualize how any pesticide will be classified for restricted use under the House bill. Our amendment recognizes the fact that we should be concerned about whether a pesticide is likely to be used in a manner other than as directed on the label. If so, then we would provide for a restricted use classification, and only licensed applicators would be allowed to apply the pesticide.

Fifth. Discretion to structure hearings on cancellation or suspension.—The House bill provides for mandatory formal rulemaking proceedings with respect to cancellations or suspensions of registrations. In many cases, however, we believe that the time-consuming formal procedures will not be necessary to afford an adequate hearing on cancellation or suspension. Our amendment calls for mandatory hearings but leaves it within the discretion of the Administrator of EPA to decide whether the hearings should be formal—with the right of cross examination and the right to subpoena witnesses—or informal—with the right merely to rebut an opponent's testimony. While, all other things being equal, one might prefer to leave this decision to the parties, in many areas of the law, parties have abused formal procedures to delay needed regulatory action. I therefore conclude—somewhat reluctantly—that leaving this decision to the Administrator will best protect public health and safety.

Sixth. Advisory committees.—The House bill requires that the Administrator of EPA refer any question of scientific fact to an advisory committee during any proceeding to cancel a pesticide registration. Since in the past the referral to advisory committees has been a cumbersome and lengthy procedure, our amendment makes the referral discretionary with the Administrator. To insure impartiality on the committees, it is further provided that they consist of equal numbers of representatives from industry, consumer or environmental protection organizations, and the general scientific community.

Seventh. Penalties.—The House bill bill limits penalties against private pesticide applicators to $1,000 for knowing violations of the act. While in most cases this certainly would be an adequate deterrent, in those cases where the applicator is a large farming enterprise, a $1,000 penalty may not be sufficient. Hence the amendment offered raises the limit to $10,000.

Eighth Indemnities.—The House bill requires indemnity payments to manufacturers whose pesticides are removed from the market after registration. We would strike this provision as a precedent which ought to be avoided. An indemnity provision would remove industry's incentive to stay a step ahead of the regulator in insuring a safe product. Moreover, it might breed reluctance on the part of tightly budgeted agencies to remove dangerous products from the market.

Ninth. Judicial review.—The House bill, if read literally, could prevent judicial review of decisions by the Administrator not to remove pesticides from the market. Review is specifically provided only for administrative decisions which are based on public hearings. Thus petitions to ban pesticides might not be reviewable, if such petitions were denied without a hearing. In effect the bill could stop suits such as the current DDT case, which was brought originally as a result of the Administrator's denial of a petition. Our amendment would make clear that all final decisions by the Administrator are subject to review.

Tenth. Citizen suits.—The House bill does not include a citizen suit provision to allow citizens to enforce compliance by private parties when Government agencies fail to act. We would provide citizens with that right and would further allow suits against the Administrator when he has failed to perform a mandatory duty under the act.

Eleventh. Exports.—The House bill exempts pesticides produced solely for export from the requirements of the act. We would provide that while such pesticides need not comply with the standards imposed on domestic products, appropriate test data would have to be submitted to the Administrator prior to export. Furthermore the Administrator would be required to furnish such test data to foreign governments, so that they would be aware of the dangers involved, and to ban the export of pesticides which could adversely affect this country.

Mr. President, I introduce the amendments on behalf of the Senator from Wisconsin and myself for appropriate reference and ask that they be printed in full in the RECORD. While it is both his view and mine that other changes in the bill, above and beyond these proposals, would be desirable, we offer the amendments in an attempt to focus on what appear to us to be the bill's most serious defects. We would urge the Committee on Agriculture and Forestry to look beyond what we suggest and to subject the bill to substantial review and revision before it is reported. To report the bill as it has emerged from the House, I would argue, would result in weakening existing law.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

AMENDMENT No. 1003

On page 17, line 10, strike out "if requested by the Administrator,".

On page 18, beginning with "Except" in line 4, strike out all down through line 9.

On page 36, line 12, immediately following "General.—" insert "Copies of any communications, documents, reports or other information received by the Administrator from any manufacturer shall be made available to the public, at cost, upon identifiable request unless such information may not be publicly released under the terms of subsection (b) of this section."

On page 36, beginning with line 18, strike out all down through line 2 on page 37 and insert in lieu thereof the following:

"(b) Disclosure.—If requested by a registrant or applicant for registration furnishing such information, the Administrator or any officer or employee of the Environmental Protection Agency shall not disclose any information which contains or might reveal a trade secret referred to in section 1905 of title 18 of the United States Code, and is otherwise unavailable to the public, except that such information may be disclosed—

"(1) to other government officials;

"(2) to duly authorized committees of Congress;

"(3) in any judicial proceedings if ordered by a court;

"(4) if relevant in any proceeding under this Act to carry out the purposes of this Act; and

"(5) to the public if necessary to protect their health and safety.

AMENDMENT No. 1004

On page 17, beginning with the comma after "based" in line 12, strike out all down through "registration" in line 16 and insert in lieu thereof: "provided that the Administrator may refer to any applicant's test data in making a determination of the adequacy of the test data of the applicant under consideration."

AMENDMENT No. 1005

On page 20, beginning with "that" on line 20, strike out all down through "not" in line 24, and insert in lieu thereof the following: "that a pesticide which qualifies for registration under subsection (c) of this section is not likely to be used, due to the effectiveness of precautionary labeling, so as to"

On page 21, beginning with "that" on line 3, strike out all down through "restrictions," in line 8, and insert in lieu thereof the following: "that a pesticide which qualifies for registration under subsection (c) is likely to be used, notwithstanding any precautionary labeling which may be required, so as to cause".

AMENDMENT No. 1006

On page 28, beginning with the word "subsection" in line 25, strike out all down through the period in line 10 on page 25, and insert in lieu thereof the following: "this section, the Administrator shall conduct such hearing in accordance with such conditions or limitations as he may make applicable thereto for the purpose of resolving any issue of fact material to any finding made by the Administrator under this section. Any interested person may intervene in such proceeding and participate fully as a party according to the Federal Rules of Civil Procedure".

On page 30, line 4, strike out "the subpena" and insert in lieu thereof "any subpena issued by the Hearing Examiner".

On page 48, line 21, immediately following "(b)" insert "of this section or subsection (d) of section 6".

AMENDMENT No. 1007

On page 29, lines 10 and 11, strike out "Upon the request of any party or when" and substitute in lieu thereof "When".

On page 29, immediately after the period in line 15, insert the following: "Each such committee shall contain substantially equal numbers of scientists representing industry, consumer or environmental protection organizations, and the general scientific community. No member of such committee, other than an industry representative, shall have any economic interest in the pesticide which is the subject of referral."

On page 29, immediately after the period in line 17, insert the following: "In making any determination under this section, the Administrator shall give due consideration to the report, but the findings of the report shall not be binding on the Administrator."

AMENDMENT No. 1008

On page 46, line 23, strike "$1,000" and insert in lieu thereof "$10,000".

AMENDMENT No. 1009

On page 47, beginning with line 13, strike out all down through line 17 on page 48.

Renumber the remaining sections of the bill accordingly.

AMENDMENT No. 1010

On page 49, line 7, strike out "any party at interest" and insert in lieu thereof "or the denial, in whole or in part, of any petition for a rule or order under this Act, any person adversely affected".

On page 49, immediately after the period in line 12, insert the following: "With respect to relief pending such review, no stay of an agency action may be granted unless the reviewing court determines that the party seeking such stay (1) is likely to prevail on the merits in the review proceeding, and (2) will suffer irreparable harm pending such proceedings unless such stay is granted."

AMENDMENT No. 1011

On page 50, between lines 15 and 16, insert a new section as follows:

"CITIZEN CIVIL ACTIONS

"SEC. 17. (a) Except as provided in subsection (b), any person may commence a civil action for injunctive relief on his own behalf, whenever such action constitutes a case or controversy—

"(1) against any person (including (A) the United States, and (B) any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be in violation of any regulation, order, condition of registration, or other requirement under this Act, or

"(2) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this Act which is not discretionary with the Administrator.

The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, over suits brought under this section.

"(b) No civil action may be commenced—

"(1) under subsection (a) (1)—

"(A) prior to sixty days after the plaintiff has given notice of the violation (i) to the Administrator, and (ii) to any alleged violator of the regulation or order, or

"(B) if the Administrator has commenced and is diligently prosecuting a civil action in a court of the United States to require compliance with the regulation or order, but in any such action any person may intervene as a matter of right;

"(2) under subsection (a) (2) prior to sixty days after the plaintiff has given notice of such action to the Administrator. Notice under this subsection shall be given in such manner as the Administrator shall prescribe by regulation.

"(c) In any action under this section, the Administrator, if not a party, may intervene as a matter of right.

"(d) The court, in issuing any final order in any action brought pursuant to subsection (a) of this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such an award is appropriate.

"(e) Nothing in this section shall restrict any right which any person (or class of persons) may have under any other statute or under common law to seek enforcement of any regulation or order or to seek any other relief.

"(f) For purposes of this section, the term 'person' means an individual, corporation, partnership, association, State, municipality, or political subdivision of a State.

Renumber the remaining sections of the bill accordingly.

AMENDMENT No. 1012

On page 16, between lines 6 and 7, insert the following definition:

"(dd) Unreasonable Adverse Effects on the Environment.—The term 'unreasonable adverse effects on the environment' means any risk to man or the environment, taking into account the economic, social and environmental costs and benefits of the use of any pesticide, including the availability of alternative means of pest control."

On page 19, line 11, strike out "substantial" and insert in lieu thereof "unreasonable".

On page 19, strike all of lines 12 and 13.

AMENDMENT No. 1013

On page 50, line 22, immediately after "purchaser" insert ", except that (1) if a statement would be required to be submitted under section 3(c)(1) if such pesticide were produced for domestic use, a statement which complies with paragraphs (A) through (E) of such section shall be submitted to the Administrator, (2) such pesticide shall be subject to section 8, and (3) no pesticide may be exported unless the Administrator determines that the pesticide will perform its intended function without unreasonable adverse effects on the environment of the United States. If the Administrator determines that such adverse effects will result, any person adversely affected by such determination shall have the same remedies as provided for registrants in section 6."

On page 50, beginning with line 23, strike out all down through line 4 on page 51, and insert in lieu thereof the following:

"(b) Notices Furnished to Foreign Governments.—The Administrator shall furnish to the government of the foreign nations to which any pesticide may be exported (1) a notice of the availability of the statement required under section 3(c)(1), (2) all labels approved under section 3, and (3) all orders of suspension and all notices of cancellation or change in classification issued pursuant to section 6.

AMENDMENT OF THE RAIL PASSENGER SERVICE ACT OF 1970—AMENDMENT

AMENDMENT NO. 1014

(Ordered to be printed and referred to the Committee on Commerce.)

Mr. BOGGS (for himself, Mr. ROTH, Mr. COOPER, and Mr. RANDOLPH) submitted an amendment intended to be proposed by them jointly to the bill (S. 2760) to amend the Rail Passenger Service Act of 1970 in order to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing railroad equipment, and for other purposes.

NATIONAL VOTER REGISTRATION ACT—AMENDMENTS

AMENDMENT NO. 1015

(Ordered to be printed and to lie on the table.)

Mr. ERVIN submitted an amendment intended to be proposed by him to the bill (S. 2574) to amend title 13, United States Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purpose of administering a voter registration program through the mail.

AMENDMENT NO. 1016

(Ordered to be printed and to lie on the table.)

Mr. CRANSTON (for himself and Mr. MONTOYA) submitted an amendment intended to be proposed by them jointly to the bill (S. 2574), supra.

RESCHEDULING OF HEARINGS BEFORE THE SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES ON VICTIMS OF CRIME

Mr. McCLELLAN. Mr. President, I wish to announce that the hearings on bills relating to the general subjects of compensation for victims of violent crime and group life insurance programs for persons engaged in law enforcement and related fields will not be held on March 7, 1972, as announced on February 29, 1972, but will be held on March 14, 1972, in room 2228, New Senate Office Building.

NOTICE OF HEARING ON NOMINATION

Mr. BIBLE. Mr. President, I wish to announce that a hearing has been scheduled before the Committee on Interior and Insular Affairs on the nomination of Mr. Jack O. Horton, of Wyoming, to be a member of the Joint Federal-State Land Use Planning Commission for Alaska for next Monday, March 13.

The hearing will begin at 10 a.m. in room 3110, New Senate Office Building. Anyone wishing to present testimony on the nomination of Mr. Horton to this Commission which was created by the enactment of Public Law 92-203, the Alaska Native Claims Settlement Act, is welcome to do so.

Mr. Horton has served in the Department of the Interior for the past 3 years and is quite familiar with matters relating to the State of Alaska.

I ask unanimous consent that a copy of his biographical data be included in the RECORD at this point in my remarks.

There being no objection, the biography was ordered to be printed in the RECORD, as follows:

BIOGRAPHY OF JACK O. HORTON

Jack O. Horton, 34, of Saddlestring, Wyoming, has been nominated by the President for the position of Federal Co-Chairman, Joint Federal-State Land Use Planning Commission for Alaska.

Mr. Horton is currently serving as Deputy Under Secretary of the Interior, having been appointed to that position in August 1971 by Secretary Rogers C. B. Morton.

Mr. Horton was raised on the H F Bar, a family ranch established by his grandfather, the late Congressman Frank O. Horton. He graduated from Princeton University with honors in geology and read in the Honors School of Politics, Philosophy and Economics at Oxford University under a Rhodes Scholarship. He interrupted his studies there to enter the Naval Air Training Command. Receiving his wings in 1962, Lieutenant Horton was assigned to a Naval Airborne Reconnaissance Squadron outside of Tokyo, Japan. For three years, he studied Japanese, travelled extensively throughout the Far East, and was separated from Naval service in 1965 with seven decorations and 165 combat and reconnaissance missions in Southeast Asia. He returned to Oxford and received a M.A. degree in 1966.

Subsequently, Mr. Horton returned to Wyoming where he became Vice President of the H F Bar Ranch. He served for a year and a half as Executive Director of the Wyoming Republican Party.

During 1969, Mr. Horton was employed as an assistant to Russell E. Train, former Under Secretary of the Interior. In this assignment, Mr. Horton was named Executive Secretary of the Federal Task Force on Alaskan Oil Development established by President Nixon in May 1969. He served as Special Assistant to former Interior Secretary Walter J. Hickel and was appointed Deputy Assistant Secretary for Program Policy and then Deputy Under Secretary by Secretary Rogers Morton.

An avid outdoorsman, Mr. Horton was elected to All-American honors in lacrosse in his junior and senior years at Princeton and was a member of the All South of England Lacrosse Team at Oxford. He attended the Swiss National Mountaineering Institute, participated in Wyoming rodeos, and was a hunting guide and ski instructor.

Mr. Horton is married to the former Grace Espy Ford of Savannah, Georgia. They reside in Washington, D.C.

ADDITIONAL STATEMENTS

CONTRIBUTIONS FOR 1972 REPUBLICAN NATIONAL CONVENTION

Mr. SCOTT. Mr. President, I ask unanimous consent to have printed in the RECORD a news release by the Republican National Committee dated November 30, 1971.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

REPUBLICAN NATIONAL COMMITTEE,
Washington, D.C., November 30, 1971.

STAR STORY CORRECTED

The Arrangements Committee for the 1972 Republican National Convention has not taken any contributions from either the Sheraton Corporation or International Telephone and Telegraph Company and does not expect to do so, R. L. Herman, vice chairman of the Committee said today.

Herman, who is Republican National Committeeman from Nebraska, made the statement in response to a story in the November 29 Washington Star which indicated that ITT has pledged $400,000 to help finance the convention.

"Neither ITT nor its subsidiary, the Sheraton Corp., has offered the Republican Party or the Arrangements Committee any money at all," Herman said.

"I understand that an offer was made to the San Diego Civic Committee in order to help San Diego get the convention. If this is so, ITT is to be commended for its civic spirit. However, the Arrangements Committee feels that it would be improper to take such a disproportionate share of the Republican Party's convention needs from a single source.

Herman said, however, that ITT and Sheraton, like most major corporations would be offered opportunities to advertise in the official convention program.

He pointed out that this practice is followed by both the Republican and the Democrat national parties to raise money for their respective conventions. "Proceeds from the program can be used only for convention purposes," Herman said. He pointed out that advertising in the programs is a tax-deductible business expense. "We think that it is entirely fitting and proper that major corporations be allowed to support both presidential conventions openly and forthrightly, just as they are permitted to support any other type of major convention," Herman said.

VISAS FOR FOUR CUBANS

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that there be printed in the RECORD at the conclusion of my remarks correspondence which I have had with Mr. Michael Meyerson of American Documentary Films and with the Department of State concerning visas for four Cubans to attend a Cuban film festival in New York, March 24 to April 2.

It will be noted that the State Department has denied the Cubans' applications for visas. This strikes me as a particularly shortsighted policy. The distinguished majority and minority leaders of the Senate are planning a trip to Communist China. President Nixon and Prime Minister Chou En-lai have agreed to encourage cultural exchanges. This presumably means that the State Department will be issuing visas to Chinese Communist film makers.

I do not understand what there is about the Cubans which makes them so dangerous to the security of the United States when the State Department is apparently not concerned about the Chinese.

This is only one more in a long series of episodes which indicates to me that the State Department's policy toward Cuba should be thoroughly reviewed.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, D.C., March 1, 1972.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR SENATOR FULBRIGHT: I refer to your letter of February 18, 1972 in which you requested that I furnish you with the current status of visa applications made by the Embassy of Czechoslovakia on behalf of four Cubans who wish to attend a film festival scheduled to be held in New York City.

On February 18 the Department formally advised the Embassy of Czechoslovakia, which represents Cuban interests in the United States, that visas for these four Cubans would not be authorized. This decision was consistent with our established practice concerning the admission to this country of persons representing Cuba in an official or unofficial capacity. We authorize the issuance of visas to Cubans representing Cuba on business connected with the United Nations or other intergovernmental organizations in which Cuba is a member. In addition, visas are often issued to private Cuban individuals in urgent need of medical treatment in this country. However, consonant with the Organization of American States policy of isolating Cuba, visas are not normally granted to Cubans representing Cuba wishing to come to this country for other purposes.

I hope that this information has been responsive to your inquiry. However, if you have any further questions please let us know.

Sincerely,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

AMERICAN DOCUMENTARY FILMS,
New York, N.Y., February 14, 1972.

On January 13 of this year, four Cuban filmmakers—Santiago Alvarez, Alfredo Guevara, Saul Yelen and Jorge Fraga—applied for visas to the United States, via the Czechoslovakian Embassy in Washington, which watches over Cuban interests in this country. The filmmakers applied to come to the First U.S. Festival of Cuban Films, to be held at the Olympia Theatre in New York City, March 24, to April 2. The Festival is being organized by the Cuban Film Festival Committee together with American Documentary Films, a non-profit media organization with offices in New York and San Francisco. Also participating in the Festival are the Museum of Modern Art in New York, and that city's educational television station, WNET.

American Documentary Films has received the support of dozens of influential film personalities, critics, and technicians in its attempt to secure visas for the four invited Cubans. Cuban cinema has developed a reputation abroad as one of the most exciting, innovative and substantial in the world, after only 13 years of development. Among film people in the U.S. the reputation is much deserved, as these signatures serve to indicate. "The unofficial cultural blockade of Cuba by the U.S. government has not served to harm Cuba so much as the American people, at whom it is also aimed," said Michael Myerson, International Director of ADF and coordinator of the Festival.

Today, three representatives of ADF and the Cuban Film Festival Committee—Myerson, Rodi Broullion of the Third World Cinema Group, and Sandra Levinson, New York political science professor—visited the State Department, together with Michael Webb of the American Film Institute, to ascertain the Department's response to the visa application, to present the supporting petitions and to press for a speedy decision.

"The granting of the visas is the only decision that can be viable today, as the President is about to depart for a visit to the People's Republic of China, against whom there has been a similar blockade for 20 years," said Myerson. Failure to give the visas without delay, he said, is only a subterfuge for continual cold war in the hemisphere, and should be investigated by Congress. Plans by the Committee and ADF in the face of rejection by the State Department, include bringing the matter before the Senate Foreign Relations Committee. Plans for the Festival in New York City, meanwhile, continue to go ahead. And, Myerson announced, ADF will be bringing the Festival to other U.S. cities.

Among the producers, directors, critics, teachers, actors and actresses and technicians who support the visa applications of the Cuban filmmakers to attend the First U.S. Festival of Cuban Films are:

Don Pennebaker, Jane Fonda, Jack Willis (Director, WNET N.Y.), Herbert Berghoff, David Bienstock (Whitney Museum), Vincent Canby (N.Y. Times), Emile de Antonio,

Ossie Davis, Geraldine Page, Ruby Dee, Faye Dunaway, Jules Feiffer, Barbara Harris, Stanley Kauffman (New Republic),

Saul Landau, Richard Leacock, Dwight MacDonald, Country Joe MacDonald, Burgess Meredith, David Maysles, Norman Mailer,

Jonas Mekas, Arthur Miller, Estelle Parsons, Otto Preminger, Richard Schickel (Life Magazine), John Simon (New York Magazine), Susan Sontag,

Willard Van Dyke (Museum of Modern Art), Amos Vogel, John Lennon, Yoko Ono, Thomas Brandon, Alvah Bessie, Harvey Richards,

Gary Crowdus (Cineaste magazine), Alan Myerson, Shirley Clarke, Don Lenzer, Prof. Standish Lawder (Yale Univ.), Lee Lockwood,

Prof. Leo Hurwitz (NYU), Prof. George Stoney (NYU), Penny Bernstein (WNET NY), Catherine Clarke (WNET NY), Alan Levin (WNET NY), Pete Seeger, Prof. Margot Kernan (Antioch), Rafael Abramovitz.

FEBRUARY 18, 1972.

Hon. DAVID ABSHIRE,
Assistant Secretary for Congressional Relations, Department of State, Washington, D.C.

DEAR MR. ABSHIRE: The attached press release indicates that the Department of State has under consideration visa applications for four Cubans who wish to attend a film festival which is scheduled to be held in New York City.

It would be appreciated if you would furnish me with the current status of these applications at your earliest convenience.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

AMERICAN DOCUMENTARY FILMS,
New York, N.Y., February 17, 1972.

Hon. WILLIAM FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: Enclosed is some promotional material containing information on the upcoming First United States Festival of Cuban Films, to be held in New York from March 24 to April 2, under our sponsorship and with the cooperation of the Museum of Modern Art and WNET (Channel 13), New York's educational television station.

All of the Ambassadors to the United Nations have been invited to attend the opening, and several have already accepted. We would be honored if you could also attend.

As part of the Festival activities, we have invited four leading Cuban filmmakers—Alfredo Guevara, Santiago Alvarez, Jorge Fraga and Saul Yelen—to attend the Festival. Leading universities, such as NYU, Yale, Antioch and others, have asked that the Cubans be allowed to conduct film seminars during their stay. Numerous film personalities, critics, distributors and others—including Vincent Canby of the New York Times, Richard Schickel of Life, Otto Preminger and Burgess Meredith (a more complete list is attached) have petitioned the State Department to expedite the visas.

The visa applications were submitted through the Czechoslovakian Embassy in Washington on January 13. On a visit to Mr. James Kiley, head of the Visas Section of the State Department, on February 14, I was told that the visas are still being processed. Mr. Kiley admitted that this was an unusually long time for processing, but declined to indicate what is involved, or to give any explanation for the delay.

Of course I don't need to point out to you that this is a cultural event. Similar Cuban film festivals have been held, to great critical acclaim and audience response, in Stockholm, Berlin, Paris, and last year in London at the National Film Theatre under the sponsorship of the British Film Institute. The American Film Institute in Washington and numerous universities and film organizations have requested that we send the Festival to other cities after New York. This interest is based not on political partisanship but on the high artistic reputation of these films.

But our fear is that the State Department will treat this matter politically and deny the visas. We call upon you to help us obtain the visas for these Cuban filmmakers.

Please call me at the New York number (on page one) if you have any questions. We would appreciate a copy of any correspondence you might make in this regard. We are also appealing to Senators Kennedy, Church, Javits and McGovern, and to Mayor Lindsay.

Thanking you sincerely for your consideration of this matter, I am

Respectfully yours,

MICHAEL MYERSON,
Coordinator, Cuban Film Festival.

AMERICAN DOCUMENTARY FILMS,
New York, N.Y., February 15, 1972.

FIRST U.S. FESTIVAL OF CUBAN FILMS TO BE HELD IN NEW YORK IN MARCH

The First U.S. Festival of Cuban Films will be held March 24–April 2 at Manhattan's Olympia Theatre, according to American Documentary Films, the Festival organizer. Similar festivals have been held in recent years in London, Paris, Berlin and other world capitals. The featured films and documentaries have captured numerous awards and critical acclaim around the world. This will be the first opportunity for a U.S. audience to view these films. Because they are not going into regular showcase theatres, the Festival may be the only chance for New Yorkers to see them.

Feature films at the Festival include the following prize winners: "Lucia", a trilogy of women's tales at different points in history—1969, 1932, and the present; "Days of Water", Cuba's first color extravaganza about the effects of mysticism and superstition on the old Cuba; "Memories of Underdevelopment", a study of the difficulties of a middle-class intellectual in adjusting to the new revolutionary society; "Manuela", the story of a young woman who joins the guerrillas with vengeance in her heart when her mother is slain by Batista soldiers; "First Charge of the Machete", about the Cuban peasantry who, armed only with machetes, fought against Spain the first war of Independence; "Third World, Third World War", a feature-length documentary about the significance of the Indochina War for the peoples of the world; and "The Adventures of Juan Quin", an adventure film which follows the trials of an innovative peasant who assumes many disguises and roles in the struggle to make his own way. Each feature will be accompanied by a short, and a special program of only short films will also be shown. The Cuban documentary form has become known as the most imaginative and creative cinema of its kind.

American Documentary Films also announces that a series of special afternoon programs of documentary films, seminars and discussions is being planned throughout the 10-day Festival. Four leading Cuban filmmakers have been invited to attend, but their visas have not yet been granted by the State Department. The final afternoon program will be announced pending the outcome of the visa request. The visa application is being supported by dozens of leading film personalities and critics, including Otto Preminger, Jane Fonda, Faye Dunaway, Vincent Canby, Ossie Davis, Burgess Meredith, Geraldine Page, Rip Torn, Jules Feiffer, Estelle Parsons, and Stanley Kauffman.

All seats for the 23 performances at the Festival will cost $3.00. Special group rates are available, as is an 8-performance series ticket for $20.00. For ticket and other information, call 799-7466 or 674-3654.

Other activities related to the Festival are being developed by the Museum of Modern Art and by WNET (Channel 13). American Documentary Films hopes to rotate the Festival to other U.S. cities following the New York series.

THE WYOMING DOCTOR WHO SAVES EYES

Mr. HANSEN. Mr. President, Wyoming is very proud of an eminent physician, Dr. Bud Morgan of Torrington, who is one of the world's leading experts on sight.

Dr. Morgan is, of course, an ophthalmologist, but he has experience that probably is very limited among members of his profession in the United States. Under a volunteer physicians for Vietnam program sponsored by the American Medical Association, Dr. Morgan, in 1967, signed up to help civilians in that war-torn nation. He made four 2-month tours to assist the Vietnamese in the treatment of bizarre injuries and little-known diseases.

Dr. Morgan has continued his work to find cures for eye ailments in this Nation.

On February 20, the Denver Post, in its Empire magazine, published an excellent account of Dr. Morgan's work, written by Zeke Scher. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE WYOMING DOCTOR WHO SAVES EYES

(By Zeke Scher)

Last spring when 11-year-old Shirley Canfield was brought to the building at 110 W. 22nd Ave., just off Main Street in downtown Torrington, Wyo., she had spent four years sitting in darkness.

She couldn't close her eyes—or look sideways or up and down—because part of the eyelids and the eyeball had grown together. Her father, Floyd, a cook, hoped desperately that Dr. Loran Brown (Bud) Morgan might help the child.

For four years in California doctors had been unable to relieve the freak malady that struck Shirley after a penicillin injection for tonsillitis. That was in Santa Rosa in 1967. Shirley's eyes lost their nourishing tears and within six months the normally smooth and moist lining of the eye became like facial skin with blood vessels growing in it.

Besides being in extreme discomfort, Shirley was limited in her vision. She was barely able to count the doctor's fingers held 12 inches from her face. Seeing required light, and light was painful.

Fate brought both Shirley and Dr. Morgan to Wyoming.

Torrington is a southeastern Wyoming town of 4,200 residents. That makes Bud Morgan a small-town doctor. Husky and tall (6 feet, 190 pounds) with ever-present cowboy boots (they're good for his arthritic back) and an easy-riding voice, he could pass for a local rancher.

Morgan is an ophthalmologist, an expert on the eye. Looking into Shirley's tortured face on that initial visit, Dr. Morgan saw dense corneal scars in both eyes. He was reminded of other eyes, other times, in a crowded civilian hospital in Vinh Long, South Vietnam . . .

Dr. Morgan was nearing 50 and his specialized practice was growing daily when the intensity of the Vietnam war in late 1966 brought home to him the predicament of the men, women and children there without medical aid.

His wife and two children winced when he mentioned that the American Medical Association was sponsoring Volunteer Physicians for Vietnam. But they understood when he canceleld appointments and signed up for a two-month assignment in the spring of 1967.

To many of the volunteer physicians, the horrors of life and death in backward, war-torn Southeast Asia prompted a never-again oath after the first tour of duty. Seeing 40 patients a day and performing as many as 15 operations a week—for eight consecutive weeks—was a backbreaking chore under the best of hospital conditions. Vinh Long was not the best.

But Dr. Morgan went back for another two-month tour in 1968. And again in 1969, and for one month in 1970. (Of 27 opthalmologists in the program, only three made two tours. None made three and only Morgan, four.)

Bizarre injuries and diseases that the medical books barely mentioned were a daily problem in Vietnam. And each time Morgan "lost" an eye by removal, he "died a little."

Many of the serious eye cases began as simple infections that had not received adequate treatment. Two accepted principles of eye treatment are to protect the eye from irritation by the eyelid (the edge can act like a razor blade on an infected area) and to provide constant medication. The eye is notorious for resistance to penetration by medicines.

It was obvious to Morgan that a lot more Vietnamese would lose eyes unless some way could be found to protect the damaged eyeball and get continuous medication to it.

The only practical way of getting concentrations of drugs into the eye is by constant, steady flow of the medicine on to the cornea. But how do you get people to stand still; much less keep their eyes open, for such lengthy treatment?

Out of sheer desperation during his third tour in Vinh Long—in February 1969—Morgan molded a soft plastic device to cover the eyeball, figuring it could be used to clean the eye and keep it clean just before surgery. He had long been familiar with the common contact lens—he prescribes them and wears them himself. His on-the-spot invention was a larger lens, something like the first contact lens of the 1940s that covered the entire eye.

At one side of the lens he made a small hole through which a polyethylene tube was attached. The tube fed lactated Ringer's solution, a medicine-carrying fluid, into the eye to bathe it and wash out debris, bacteria and dead cells. A towel caught the fluid running off the patient's face.

"I called it the TLC," says Morgan. "That was for Therapeutic Lens Corneal—not tender loving care, although it could have been."

It worked. Rapid relief of pain was one of the dramatic effects in almost all cases. When he brought his invention back home, its possibilities became even more impressive.

Brian Novacek, for example. In June 1970, 7-year-old Brian was playing with gunpowder on the floor of his garage. He put a match to it. His eyes were open at the instant of explosion and Brian suffered severe corneal burns with large amounts of gunpowder buried in the tissue.

The child was unable to keep his eyes open because of pain, making the use of medicines almost impossible. Dr. Morgan's lens was slipped in place over each eye and the fluid started.

After two hours of irrigation, Brian's pain was gone. The charred skin and gunpowder could be seen washing free from the cornea. At the end of 24 hours, both corneas were clear.

Other examples:

An explosion at the Holly Sugar Co. plant in Torrington threw lime into the eyes of two employes. The lenses were used on them for 90 minutes and neither suffered eye damage.

A 2-year-old boy, playing in the kitchen, poured a bottle of detergent over his head—and into his eyes. After an hour of lens-ing at the office, the child was happily into mischief around Dr. Morgan's cluttered desk.

In all these cases weeks of hospitalization would have been necessary without the benefit of the lens and permanent eye injury could have resulted.

But what about Shirley Canfield—four years later, blind, scarred, tortured?

Shirley's father in January 1971 moved the family from California to accept a job in Lusk, Wyo., 57 miles north of Torrington. He heard about Dr. Morgan and his "magic" lens on a local newscast.

After reciting the history of her eye problem, the father pleaded: "I just want you to use your lens on her."

Morgan admitted Shirley to Goshen County Memorial Hospital in Torrington. Her condition was diagnosed as chronic Stevens-Johnson syndrome, a disease identified in 1922 but with no accepted method of treatment.

The same lactated Ringer's solution was used to bathe Shirley's eyes with the lens, just as in emergency cases. Morgan was as anxious to see what happened as the Canfields.

They saw miracles. After two days of the lens bath, the corneal blood vessels and skin had regressed to the point where Shirley could recognize pictures of large objects. The treatment continued for nine days. By then Shirley was coloring books and watching television . . . and smiling.

Morgan fitted her with glasses that gave her good near vision. He prescribed drops to be placed in each eye every hour, day and night, and the Canfields followed the order religiously, waking Shirley throughout her sleeping hours for the medicine. Subsequently Morgan designed a silicone rubber headband to be worn at night for continuous medication while sleeping.

Last October Morgan received a letter from the Canfields who had moved back to California. It contained a fifth grade arithmetic paper on which Shirley had scored 100. Her mother wrote:

"I thought you would be interested to know Shirley is doing real well. We are so proud for all you have done for her. You must have been sent from heaven. Every day it seems she is doing better and seeing better."

Loran Morgan may have come from heaven but the birth certificate says Pipestone, Minn., Oct. 14, 1918, the fourth of five children born to Mabelle and William Morgan. As far back as he can remember, Loran wanted to become a doctor.

Perhaps it was admiration for an uncle, Paul Brown, who was a physician and surgeon near Chicago and visited Pipestone each summer. Perhaps it was the sad experience when he was 14 of seeing his father—a big, strong outdoorsman and a bank executive—die at 49 of meningitis, just three days after suffering a minor barbed wire wound while he and Loran were rabbit hunting.

Perhaps it was Rollin Moore, his biology teacher who went on to become a physician. Or perhaps it was Fred Noble, his friend since kindergarten and his college roommate who became a dentist.

Whatever it was, Morgan was graduated in March 1943 from the University of Minnesota Medical School and came to Denver's St. Luke's Hospital as an intern. An associate of Morgan at that time recalls him well:

"He was a really good intern, and lots of them weren't. St. Luke's normally had 16 but there were only three interns then—most were in the service—so they really worked hard. In fact, he worked too blasted hard."

He was working so hard that it took him three months to ask the associate for a date, and then another seven months to marry her—Beth Ashburn, newly registered nurse from Torrington, Wyo., and the daughter of a railroader-homesteader.

Morgan had been commissioned a first lieutenant in the medical reserves while in school in 1941 and in December 1943 he was ordered to active duty. He was shipped to Carlisle Barracks, Pa., for medical officers training. Beth followed him and they married on Jan. 19, 1944, at Carlisle Barracks.

For 10 months Morgan received Army training, including parachute jumping. The newlyweds were at Camp Forrest, Tenn., when he was ordered to Europe. Beth returned to Torrington for the duration, except for a visit to St. Luke's delivery room on Oct. 24, 1944, where Elizabeth Ann Morgan was born. Daddy at the time was "somewhere in Europe" with the 466th Parachute Field Artillery Battalion.

On March 24, 1945, 300 of Morgan's unit made the initial jump across the Rhine River into Germany. The toll was high: 50 killed, 100 wounded.

"Two of my aid men were killed and two were wounded," he recalls. "That left 10 aid men and one doctor—me—to take care of 100 casualties in the field."

Morgan can remember that March date because it's on his Bronze Star citation. The unit also got an "arrowhead" for being an advance detachment. He also received the combat medic's badge and three combat stars.

In January 1946 the 27-year-old doctor was discharged as major and he made his first visit to Torrington. The town on the North Platte River, near the Nebraska border, didn't overwhelm him and he mapped plans to practice medicine in Colorado or California, or return to school to specialize in obstetrics and gynecology.

The post-war flood of ex-GIs into the classrooms dissuaded him from returning to college. Empire Zinc Co. of Gilman, Colo., high in the Rockies northwest of Leadville, hired him as company doctor. For two years the Morgans lived in Gilman and he did everything a country doctor does.

By then he was ready for any change, and even Torrington looked better during the summer of 1947 during a visit with Beth's family. Fate took a painful hand: Morgan required an emergency appendectomy—his own—and Dr. John B. Krahl of Torrington did the carving.

While recuperating, Morgan was invited by Dr. Krahl to join him and Dr. O. C. Kildebeck in creating a medical clinic in Torrington. Empire Zinc lost its company doctor to Torrington's new clinic. Beth, meanwhile, made another visit to St. Luke's delivery room on Aug. 17, 1948, for Daniel Towner Morgan.

Morgan was used to hard work and the 1950s in Torrington brought him plenty of it as a general practitioner. While the town is small, the county has more than 10,000 residents and the medical clinic draws patients from a wide area of Wyoming as well as parts of Nebraska, South Dakota and Colorado.

The pace began to take its toll on Morgan, partially because of his own attitudes. It became increasingly difficult for him to live by one of his guiding principles: Never give anyone advice unless you're really qualified to give it.

Patients would go to big city specialists who'd recommend heart surgery or a kidney transplant and then they'd come back to Morgan and ask his opinion. He says: "It became impossible for me to live under those conditions where people had that much confidence in my opinion and my opinion really was not worth having on the subject."

In October 1956 after a period of not feeling well Morgan checked into the Brown Palace Hotel in Denver and visited Rose Memorial Hospital for a series of tests. About 3:30 one morning he got the message: Chest pains that told him to stop the ratrace or else. Medical experts told him the same thing.

At 37, Loran Morgan dropped his general practice. Retirement was out of the question. It was a little late, but why not go back to school and specialize? A fellow ex-Minnesotan in Torrington helped him with the decision.

Dr. Herman R. Anderson, a native of Little Falls, Minn., came to Torrington in 1949. An ophthalmologist, he was smart enough to hang a sign that said "eye physician."

Anderson (he retired last month at 70) suggested that ophthalmology might be the answer for Morgan. Ophthalmologists can pick up more neurological diseases by looking into the eye than any of the other nonneurological specialists. And best of all, you don't have to get up at 3 a.m. to deliver babies.

"I wasn't going to do it, though, unless I could come back to Torrington to practice," Morgan says. "I asked Dr. Anderson if I would be welcomed back."

"Come on back," Anderson replied. "You'll be welcome."

In January 1957 Morgan returned to the University of Minnesota as a student for three years of specialized training. He rented out his Torrington house to farmer-rancher Delphin Nash who, like many other acquaintances, didn't expect Morgan to return to the small town.

"We didn't think an expert like that could make a living here," says Nash, a Wyoming legislator in the 1960s and now Torrington Chamber of Commerce manager.

Three years later to the month—on Jan. 11, 1960—eye-doctor Morgan came back to Torrington. As promised, Anderson welcomed him. In fact, Anderson turned over all his surgery to Morgan and even sold him all his instruments.

Morgan also became chief consultant in ophthalmology for the Veterans Administration Hospital in Hot Springs, S.D. Every Wednesday he's there.

He attended professional seminars at least four times a year to keep up to date. In his "spare" time he served as Wyoming department commander of the American Legion, alternate national executive committeeman for the Legion and secretary of the Wyoming Medical Society. To keep on schedule, he became a pilot and obtained his own small plane.

Morgan proved the skeptics wrong as Torrington increasingly became a medical center and his active files rose to 7,500 names. His staff numbered eight and a new building was constructed to house the latest in equipment. (On Dr. Anderson's retirement, he purchased his building for a lens laboratory.)

Since Vietnam and the therapeutic lens, Dr. Morgan has been in great demand as a speaker. So again he's pushing himself to tell the world about this new hope to preserve vision.

Wyomingites quickly raised a question about the lens: If it works on humans, why not on horses, cattle and even dogs? Why not, indeed. Just west of Torrington is The Veterinary Clinic run by Drs. John Simons, Douglas Booth and Michael Hand. Dr. Morgan and his ace optician, Boyd Freed, went there and molded lenses for a number of ranch animals.

I watched Dr. Morgan slip a lens in the right eye of a Thoroughbred horse and let a liquid flow over it. The horse remained calm and apparently enjoyed the soothing treatment as much as a human.

Freed fitted a number of lenses to rabbits. At Morgan's request, the University of Minnesota undertook research to determine the optimum flow and best type of solution to get maximum penetration of medicine into the eye using rabbits.

"They've already determined the optimum rate of flow over the cornea," Morgan says. "The real problem I want them to solve is the time it takes to get a certain amount of medicine into the eye."

In September 1970 at the annual meeting of the American Academy of Ophthlamology (AAO) in Las Vegas, Nev., Dr. Morgan explained his successful treatment of bacterial infection of the eye using the lens. At the 1971 meeting Morgan was in the audience when Dr. James Allen of Tulane University told the academy: Dr. Mrogan's therapeutic lens is the method for treating such bacterial infections.

"To hear that you have found the approved way to handle an infection is about all that one doctor can expect in a lifetime," says Morgan.

But an even greater thrill was in store for Morgan in San Francisco where he was invited by the University of California School of Medicine to speak at a seminar last December.

In his talk he detailed the strange case of little Shirley Canfield. The critiquing doctor—Dr. A. Edward Maumenee of Johns Hopkins University and AAO president—had complimented him with a four-word comment: "What can I say?" Then Morgan suddenly noticed two familiar faces in the audience.

"Gentlemen," Morgan announced, "I'm happy to say that sitting right over there is the young lady I've just been talking about—Shirley Canfield—and her father."

The Canfields, living in nearby Sacramento, had learned of Morgan's appearance and came to see him. The doctors surrounded Shirley to get a glimpse of the eyes that a year ago were painfully closed in the dark. There was a round of applause—and one of life's most gratifying moments for the ex-GP.

Back in Torrington, few residents realize what Morgan means to the community economically. Del Nash says people come "from all over" to see Morgan, perhaps as many as come in for the sales that make Torrington Wyoming's leading cattle market.

On the verge of exerting a worldwide influence in ophthalmology, if he hasn't already, Bud Morgan remains a humble person—and his cowpoke patients help keep him that way.

Last month a 40-year-old rancher was in the office getting fitted for glasses when he remarked to Morgan, "My friend Mrs. Shafer said she knew you when you were an M.D." After a short, thoughtful pause, the rancher asked: "You give it all up for this?"

If that weren't bad enough, many of his former patients from the 1950s will say—in all seriousness—"I used to go to him when he was a doctor."

And there was the little girl who came up to him and said: "Your boots are sure pretty. But don't you have any dress shoes?" The ophthalmologist proceeded to explain to the child how cowboy boots can help relieve an arthritic back condition: "It bows in the middle of your back and sticks out your stomach."

Morgan, arthritic back and all, still has some ambitious hopes. He'd like to go back to Vietnam and get a much-needed eye program going. He'd like to see a new Torrington hospital with a special eye section. And he'd like to see millions of eyes saved by the use of his lens.

The lens opened a whole new world for Shirley Canfield and may do the same thing for many more. The capital of this bright new world may well be Loran Morgan's Torrington, Wyo.

MISSOURI LEADS VETERANS EMPLOYMENT DRIVE

Mr. SYMINGTON. Mr. President, since June 1971, when the Federal Government initiated a major campaign to reduce high unemployment among veterans, Missouri has been a leader in providing jobs for its young citizens who are returning from active duty in Vietnam and elsewhere. Far too often they have been unable to find work because of continued high unemployment.

The progress for veterans in Missouri is encouraging and could serve as a model for other States. This success is due in large part to the interest and commitment of Missourians in government, industry, and all other sectors of our State.

One of the most enthusiastic efforts was made by the National Alliance of Businessmen in Kansas City and St. Louis, and has received national recognition.

In the four-State NAB region of Missouri, Nebraska, Kansas, and Iowa, 2,200 of the 3,000 jobs found by veterans since June are in Missouri, almost half of the total regional goal of 5,000 in fiscal 1972.

These achievements were praised in a letter received from Mr. Harry E. Stroud, NAB vice president for veterans affairs, who wrote:

> We are particularly proud of the successes achieved by the Alliance in Missouri. Kansas City was our first Metro to take the leadership in a major job fair. This was also the first NAB organization to add a Vietnam-era veteran to their staff. Approximately 1300 veterans were hired as a result of the job fair. Based on this successful experience, St. Louis followed with 800 hires recorded.

The Kansas City program received additional recognition in the NAB publication "Onboard," which described the veterans job fair there and the communitywide effort which contributed to its success. The NAB has recommended the Kansas City fair as a model for fairs in other cities.

We in Missouri are proud of these efforts to assist our veterans and of the particular accomplishments of the NAB. There are still, however, almost 20,000 Missouri veterans out of work; and we hope Missourians will continue with the drive and energy already demonstrated to assist these men and women who have served their country

Mr. President, I ask unanimous consent that Mr. Stroud's letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

National Alliance of Businessmen,
Washington, D.C., February 22, 1972.
Senator Stuart Symington,
U.S. Senate,
Washington, D.C.

Dear Senator Symington: On February 16, 1972, the Chairman of the National Alliance of Businessmen, Mr. John D. Harper, provided President Richard M. Nixon with an interim report on the status of our programs this fiscal year. A copy of this communication is enclosed.

You will note that over 45,000 Vietnam-era veterans have been employed to date as a result of our Veteran JOBS Program. Most of our job pledges and placements result from direct solicitation at the employer's site. However, many of our 163 Metro locations have been active in special veterans events, i.e., job fairs, opportunity days, telephone blitzes, etc. Several thousand placements have resulted.

We are particularly proud of the successes achieved by the Alliance in Missouri. Kansas City was our first Metro to take the leadership in a major job fair. This was also the first NAB organization to add a Vietnam-era veteran to their staff. Approximately 1300 veterans were hired as a result of the job fair. Based on this successful experience, St. Louis followed with 800 hires recorded. In both instances, our Metro Chairmen were heavily involved and draw on the collective resources of their communities. Our chairmen in these cities are as follows:

Kansas City: Paul Henson,* President, United Utilities, Inc.

St. Louis: Jack Minton, President, Bank of St. Louis.

The "Anatomy of a Job Fair" was developed from our Kansas City experience, and subsequently distributed to all NAB field locations. A copy of this will be forwarded to you upon request.

Your interest in the National Alliance of Businessmen is sincerely appreciated. Please call me if you have any questions whatsoever. I would hope to have the opportunity of meeting you in the near future.

Sincerely,

Harry E. Stroud,
Vice President, Veterans Affairs.

Attachment (1).

National Alliance of Businessmen,
Washington, D.C., February 16, 1972.
The President,
The White House,
Washington, D.C.

Dear Mr. President: I am pleased to give you an interim report on the progress of the National Alliance of Businessmen toward its June 30 goals of job placements for the disadvantaged and Vietnam-era veterans.

As you will recall, in a meeting at the White House last June 23, you requested that the Alliance, as part of your six-point program for veterans, take on the important task of finding jobs for 100,000 Vietnam-era veterans, in addition to our continuing program of job placements for the disadvantaged.

As of January 31, our NAB participating companies and metro organizations report that more than 45,200 Vietnam-era veterans had been hired through our Veterans/JOBS program. The accelerating pace of hiring, supported by the follow-up efforts now underway throughout our organization, make clear that we will meet, and probably exceed, our goal of 100,000 veteran hires by June 30.

In addition, hires of disadvantaged Americans under the JOBS program have continued at a strong level. For the first six months of the fiscal year, NAB companies report 102,000 disadvantaged hires. The majority of these hires continue to be under the "voluntary", non-contract NAB program, at no cost to the government.

These results are to the credit of the several thousand loaned executives who have worked on our campaigns across the country this fall. Without the assistance of these men and women, and the cooperation of our partners in the Department of Labor, these accomplishments would not have been possible.

Knowing your continued personal interest in the National Alliance of Businessmen and your support of the principles of voluntary action which it embodies, as well as your desire that every Vietnam-era veteran and every American citizen should find the opportunity for work and advancement, I am pleased to make this report to you personally.

Sincerely,

John D. Harper,
Chairman, National Alliance of Businessmen.

THE GENOCIDE CONVENTION: LEGISLATION PROVIDES CLARITY

Mr. PROXMIRE. Mr. President, legislation to implement the Genocide Convention has recently been introduced in this Chamber. This was essential in order that we might consider this humanitarian treaty with full knowledge of what ratification would entail. Bill S. 3182 amplifies and clarifies any language of the treaty which might have been ambiguous. In the letter of transmittal from Attorney General Mitchell to the President of the Senate, Mr. Mitchell wrote:

> While generally following the language of the Convention, the provisions contain definitions designed to make it clear, without awaiting judicial interpretation, precisely what acts are punishable.

Although debate will undoubtedly continue concerning certain provisions of the treaty, it is important to note that the Attorney General finds the legislation clear and straightforward. The bill and treaty fall well within the boundaries of existing law, and there is no violation of American rights or tradition.

This implementing legislation should lessen the need for further interpretation through judicial review. Critics of the Convention can no longer use the pretext of ambiguity to block passage of this worthy treaty. The language and explanation are before us, and I ask the Senate to move swiftly to endorse the Genocide Convention.

DEATH OF BILL LAWRENCE

Mr. MOSS. Mr. President, last Thursday, William H. Lawrence, a great news correspondent, died in Manchester, N.H., where he was covering the primary election campaign. Mr. Lawrence served for 40 years as a reporter and a commentator. His career covered the administrations of six Presidents.

At the time of his death Mr. Lawrence was on the same front lines where he had ventured so many times in the previous 40 years. Fortunately for all of us he had just completed his memoirs entitled "Six Presidents, Too Many Wars" which will be published next month by the Saturday Review press.

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*Recently replaced by William P. Harsh, Senior Vice President, Hallmark Cards, Inc.

We all knew Mr. Lawrence, and we all will miss his insight, his talent, and his toughness.

Mr. President, I ask unanimous consent that the obituary of Mr. Lawrence, prepared for ABC News by George Merlis, be printed in the RECORD.

There being no objection, the obituary was ordered to be printed in the RECORD, as follows:

A memorial service for ABC News National Affairs Editor William H. Lawrence will be held Thursday, March 9, at 12 noon in the National Press Club in Washington, D.C.

Mr. Lawrence, 56, died last Thursday, March 2, in Manchester, New Hampshire, where he was covering the primary election campaign.

A veteran of 40 years as a reporter, Bill Lawrence's career spanned the administrations of six Presidents. In addition to reporting on domestic politics, he was a war correspondent of great repute and he covered many foreign assignments.

Mr. Lawrence received many commendations and honors. He especially prized his 1965 George Forster Peabody Award—which cited him for his outstanding broadcast reporting of the 1964 Presidential campaign and election. Also, he felt deeply about the Presidency of the National Press Club because he considered it to be recognition from his peers—the Washington press corps.

Last October, Mr. Lawrence returned to ABC News after a six-month leave of absence during which he wrote his memoirs. The book, "Six Presidents, Too Many Wars," will be published next month by The Saturday Review Press.

In it, Mr. Lawrence summed up a career as exciting and varied as the times in which he lived and reported.

Mr. Lawrence worked for ABC News for 11 years. He was known to viewers as an honest and blunt journalist ho reported exactly what he saw. He was a fixture on all ABC News coverage of political campaigns.

The news "beat" he considered the biggest of his career came when, on ABC television in June, 1966, he said he would not be surprised if then-President Lyndon B. Johnson would not seek reelection. In December, 1966, Mr. Lawrence made it a flat prediction that Mr. Johnson would not run. It wasn't until the end of March, 1968, that the President proved him right.

"It got awfully lonely out there on that limb," Mr. Lawrence was fond of telling friends later. He also said he would have been a wealthy man if he has taken all the bets offered against his prediction by colleagues.

One of the prized souvenirs hanging on the wall in his office in the ABC News Bureau in Washington is a reprint of a full-page advertisement which reads, "Even the President of the United States Couldn't Keep a Secret From Bill Lawrence." The reprint is autographed "To Bill Lawrence from his friend, Lyndon B. Johnson."

The walls of Mr. Lawrence's Washington apartment were covered with photographs of the newsmen and notables he covered over the years.

Among those he counted as close personal friends were political figures of widely divergent views, including the late President John F. Kennedy, the late Senator Robert F. Kennedy and Senator Barry Goldwater.

A native of Lincoln, Nebraska, Bill Lawrence attended the University of Nebraska, but left college to join the staff of the Lincoln Star in 1932.

After working for the Associated Press and the Omaha World-Herald Mr. Lawrence joined United Press. Working out of UP's Chicago Bureau. He covered assignments in the Midwest, including the dramatic auto industry strikes of the late 1930's.

His work in covering labor disputes won him notice in UP's executive offices and he was assigned to the news service's Washington Bureau.

With UP, Mr. Lawrence covered his first Presidential election campaign. He was assigned to the Wendell Willkie entourage during Willkie's unsuccessful bid to unseat President Franklin D. Roosevelt.

It was in pursuit of candidate Willkie that Mr. Lawrence caught the attention of the New York Times Washington Bureau Chief, Arthur Krock, who hired him away from UP.

Mr. Krock said Mr. Lawrence phoned the Times Bureau Chief's home one night, seeking Willkie. When Mr. Krock expressed reluctance at drawing Willkie out of a group at the party to come to the phone, Mr. Lawrence used characteristically blunt language in demanding that Willkie be put on the phone.

Mr. Krock complied. In his book, Mr. Lawrence says he assumed that it was a butler or other servant who had answered the phone in Mr. Krock's home.

Mr. Krock, admiring Mr. Lawrence's persistance, hired him in 1941. He said Mr. Lawrence had exhibited, "One of the worst examples of bad manners and one of the finest examples of intensively determined reporting I had ever encountered up to that time."

Mr. Lawrence covered the White House under President Roosevelt and, when World War II broke out, the Times sent him to Moscow as a correspondent.

While there, Mr. Lawrence covered the war on the Eastern Front. He witnessed the liberation of the German concentration camp at Maidanek, near Lublin and described it in a dispatch to the New York Times as a "River Rouge of death," because it reminded him of the highly-mechanized Ford plant near Detroit. The report, the first American eye-witness account of the barbaric victimization of innocent civilians by the Germans, drew expressions of disbelief in the United States when it was published. As with most of his other stories which aroused controversy, Mr. Lawrence was subsequently proved to be correct.

When the war in Europe ended, Mr. Lawrence covered the war in the Pacific for the Times. He reported on the bloody battle for Okinawa and, after Japan fell, was among the first group of journalists to witness the devastation created by the American Atomic bomb at Nagasaki.

Returning to the United States, Mr. Lawrence was assigned for a time to the United Nations. Then he went overseas where he reported on the Communists consolidation of power in the Balkans and Poland and on the Greek Civil War.

Mr. Lawrence went to Korea when the war there broke out, narrowly escaping death twice. With Edward R. Morrow, Mr. Lawrence was supposed to join some other correspondents in a jeep ride toward the front line. At the last minute Mr. Murrow and Mr. Lawrence decided against going. The jeep was destroyed by the North Koreans and the other newsmen were killed. On another occasion, Mr. Lawrence and Mr. Murrow were captured by a unit of nervous Marines. The pair did not know the pass-word. But Mr. Murrow was recognized by the Marines' commander. Mr. Lawrence said later that he felt the Marines were capable of opening fire because they did not know the password.

Although he covered many foreign assignments, Mr. Lawrence's greatest love was the rough-and-tumble of the American political scene.

He covered the Presidential elections of 1940, 1948, 1952, 1956, 1960, 1964, 1968 and was working on his eighth Presidential election at the time of his death.

Mr. Lawrence got his start in broadcasting by serving as the election night anchorman for the New York Times radio station, WQXR, in 1948. He recalled that the radio assignment was proposed to him as "an easy job" because New York Gov. Thomas E. Dewey was expected to win in an early landslide over President Harry S. Truman. Mr. Lawrence, who said he had expected to sign off with Dewy the winner at 11 P.M. on election night, finally stopped talking at 11 A.M. on Wednesday morning after Dewey had conceded.

Mr. Lawrence scored impressive "beats" by being the first to report the names of almost all of the men President-elect John F. Kennedy appointed to his cabinet. Included among those was the designation of Robert F. Kennedy to be Attorney-General. After the story appeared, the New York Times ran an editorial suggesting that Mr. Lawrence was the victim of a "trial balloon." Again, events proved him to be right.

Mr. Lawrence left the Times to join ABC News in 1961. He was mulling an offer from ABC's James C. Hagerty, who was then the President of ABC News, when he received a telephone call from President Kennedy who advised him, "go ahead and take it."

Mr. Lawrence did. He served as the network's White House correspondent from 1961 until 1965.

In those days of black-and-white television, on-camera personnel wore blue shirts. Mr. Lawrence's first batch of television blue shirts were purchased for him by the wife of Chief Justice Earl Warren, who offered to shop for Mr. Lawrence because she was going shopping for the Chief Justice.

One of Mr. Lawrence's favorite stories concerned a former golfing partner of his who became a severe critic of television newsmen, Vice President Spiro T. Agnew.

At a governor's conference, Mr. Agnew lost his voice before he was scheduled to make a speech. Mr. Lawrence sprayed the Vice President's throat with a medicine he carried for his own throat when it became sore.

Some months later, Mr. Agnew leveled his first charges against broadcast journalists, singling out Mr. Lawrence—although not by name—for criticism.

On still another occasion, Mr. Agnew saw Mr. Lawrence and said, "Well, hello, Dr. Lawrence, you haven't been over to treat my throat lately."

Mr. Lawrence responded, "No, Mr. Vice President. Ever since that Des Moines speech, the Secret Service won't let me anywhere near your throat."

Mr. Lawrence had been suffering from pulmonary edema for some time. He had to be hospitalized for the ailment during the Republican Convention in Miami Beach in 1968. However, he came back to report on the air for ABC News during the Democratic Convention in Chicago and he was on hand on election night, providing analysis and offering his unique insights into the voting.

He was featured prominently in television coverage of the 1970 off-year elections and he had begun his reports on the 1972 campaign.

In 1965, ABC News named Mr. Lawrence its Political Editor, a title he held until 1968, when he became National Affairs Editor.

Interpreting broadly his mandate as National Affairs Editor, Mr. Lawrence covered sports as well as politics. He reported on the World Series and on thoroughbred racing's Triple Crown. When he failed to predict correctly the outcome of the three races in the Triple Crown—the Kentucky Derby, the Preakness and the Belmont Stakes—he told friends he was going back to covering politics because it was easier to forecast what a politician would do than it was to project the actions of a horse.

One of Mr. Lawrence's annual delights was acting as moderator of the ABC News Correspondents Tour. The Tour, in which a group of correspondents travel throughout the country, speaking before live audiences and answering their questions, furnished Mr. Lawrence with ample opportunities to exercise his quick wit and to unlimber the opinions he kept to himself during his broadcasts.

Wielding an unforgiving stopwatch, Mr. Lawrence kept his colleague's remarks brief and ventured a bit of instant analysis following most of their answers to audience questions. He enjoyed the reactions of the audience and said he found their questions to be good guides to what concerned Americans.

In an appreciation of Mr. Lawrence's forthcoming book, his New York Times colleague Harrison E. Salisbury called Mr. Lawrence, "The toughest, fastest, best reporter since 'The Front Page.' "

And Senator Barry Goldwater, on a rival network, once said: "I find Bill Lawrence is probably the most effective, consistently effective, down-the-middle reporter we have on the air today."

Among other survivors are a son, William, and a daughter.

CAMPAIGN PROMISES AND ACTUAL PERFORMANCE

Mr. FULBRIGHT. Mr. President, the glaring differences between President Nixon's 1968 campaign promises on the Federal budget and his actual performance are very clearly pointed out in a column written by Mr. Leland DuVall and published in the Arkansas Gazette of February 20, 1972.

Mr. DuVall reviews Mr. Nixon's campaign statements, including his criticism of the previous administration for failing "to keep Federal spending within Federal means," and his pledge for "a new administration committed to the economics of responsibility." In light of the record of the Nixon administration, these statements certainly have a hollow ring.

As Mr. DuVall points out:

> Mr. Nixon, who inherited a balanced budget, is in the process of topping the Kennedy-Johnson deficit in a mere two years.

Mr. DuVall has performed an important service in reviewing President Nixon's glowing promises and his contrasting dismal record. I ask unanimous consent that the column be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Arkansas Gazette, Feb. 20, 1972]

Nixon Should Burn Political Speeches From the Last Race

(By Leland DuVall)

In the American political system, there may be something inherently unfair in the practice of resurrecting the campaign rhetoric of a candidate and reprinting the promises (and his criticism of his predecessors) after he has had an opportunity to keep his pledges. Campaign speeches usually are as perishable as a truckload of strawberries—or a daily newspaper.

The Republican Party should have understood this cardinal rule back in 1968 when Richard M. Nixon was a candidate. They did not. Instead, they preserved the key segments of his political speeches for publication in a two-volume set called "Nixon Speaks Out" and "Nixon on the Issues." There is no easily available record showing who came up with the brilliant idea; therefore, it would be difficult to determine what happened to him after the campaign. No one should be surprised if it developed that he was named to a lowly job in the Agriculture Department and assigned to a district in the Bad Lands of the Dakotas.

This is another way of saying the publication of the books was not such a good idea. It provides a ready reference to what Mr. Nixon said in the fall of 1968 and offers an opportunity to snooping journalists who may wonder how well the performance matched the promises.

Consider this little gem:

"Why are prices rising faster than they have in a generation? Why is the American dollar viewed with greater suspicion in the central banks of Europe than it has been for a century? Why has the purchasing power of the American worker not risen a dime in two years? The answer is one and the same: Because, for five years, this administration (Johnson's) has refused to keep federal spending within federal means. We need more economy in government and less government in the economy.

"The total deficit run up in the Johnson years will amount to more than $55 billion. This massive deficit has wracked and dislocated the economy; the massive deficit has plunged the free world monetary system into a profound crisis of credibility.

"The economy cannot afford four more years of abuse from irresponsible federal managers without suffering grave, and perhaps permanent, damage. The damage done thus far can and must be repaired by a new administration committed to the economics of responsibility." (And so on far into the evening.)

The obvious error here (in addition to the actual publication of the statement in a form that could be easily preserved) was the mention of a figure. Only generalized political statements are safe.

As things turned out, the $55 billion deficit mentioned in the speech was exaggerated. Calculated on a unified basis—which is the one Mr. Nixon used before he switched to the "full employment" budget—the combined deficit of the Kennedy and Johnson administrations comes out to about $53.8 billion.

Mr. Nixon, who inherited a balanced budget, is in the process of topping the Kennedy-Johnson deficit in a mere two years. It may be recalled that the unified Johnson budget for fiscal 1969 showed a surplus of $3.2 billion (after revisions) and the proposals for the following year also produced a small surplus. This splash of black ink was lost in Mr. Nixon's first year and the deficit came to $2.8 billion. In 1971, a period for which Mr. Nixon had full responsibility, the deficit hit $23 billion and the current budget is expected to be in the red by $38.8 billion. (The Office of Management and Budget is holding to the $38.8 billion, despite evidence indicating that the new debt may be significantly larger.)

In view of the fact that the federal budget may be the world's most complex document, no one should be surprised by the fact that it can be interpreted in many ways. The "unified" budget, which is the one that has been used more often in recent years, usually shows smaller deficits than appear when other methods of calculation are used.

The "total" budget may be the most revealing of the lot, since it embraces items that are not even found in the unified budget—both on the receipts and the expenditures side. When comparisons are made here, Mr. Nixon comes off a poor second to the Johnson administration.

The total budget for the five years of the Johnson administration ran up a net deficit of $36.1 billion, of which $25.2 billion was posted in fiscal 1968 when matters got out of hand. The following year, the total budget produced a surplus of $3.2 billion. In all, the deficits added up to $39.3 billion but the one year surplus reduced the red ink.

Mr. Nixon has given little indication that he will be able to reverse the expanding difference between receipts and expenditures. In 1970, his total budget was in the red by $2.8 billion (after promising a small surplus) and in fiscal 1971 the deficit was $23 billion.

In the current fiscal year, the total budget is expected to show a whopping $38.8 billion deficit—and the figure may grow.

Thus it came about that, after all the talk about a "massive deficit" that "wracked and dislocated" the economy and "plunged the free world monetary system into a profound crisis of credibility."

It will be noted that Mr. Nixon fell back to the "full employment" budget last year in the process of explaining why it was necessary to spend more than was being received. He revived an old argument—which had been scorned by Republicans in earlier years—and contended that deficit spending was not inflationary (and, therefore, was not harmful to the economy) so long as the expenditures did not exceed the amount the government would have collected if the economy had been running at somewhere around 90 per cent of capacity and if the unemployment rate had been no higher than 4 per cent. If we accept this premise, Mr. Nixon still is in trouble, despite the fact that he got off the hook in fiscal 1971 with his high-employment logic. Even while the unified budget was showing a deficit of $21.9 billion and the total budget was in the red by $23.3 billion. the Nixon experts still calculated that the full-employment budget was in the black by $4.2 billion.

At that point, matters got out of hand again and fiscal 1972 is producing a $10.5 billion deficit in the full-employment budget. To make matters worse, the proposed 1973 budget will raise that figure to $10.9 billion—which means that another rabbit hole has been closed.

For purposes of comparison, the full-employment yardstick applied to the Johnson years shows a net deficit of $6.2 billion or somewhat less than the Nixon administration is producing in the current fiscal year.

There are two possible solutions to the Nixon dilemma: Find a new way to calculate the deficits in the federal budget or burn the records of the 1968 campaign, making certain that every surviving copy of the two-volume set is on the bonfire.

OPIC AND ANACONDA

Mr. JAVITS. Mr. President, during the debate on the foreign aid appropriations bill, questions were asked concerning the status of the Chilean expropriations as they involved the Overseas Private Investment Corporation. At that time I placed in the Record a letter from OPIC President Brad Mills outlining the situation concerning the Anaconda Co.

Today, I ask unanimous consent that a letter that I received from Mr. John B. M. Place, president of the Anaconda Co., be printed in the Record following the earlier letter from President Mills, of OPIC, also reinserted, so that Senators will have in one context the positions of both parties to a dispute which may soon be submitted to arbitration.

There being no objection, the letters were ordered to be printed in the Record, as follows:

February 2, 1972.

Hon. Jacob K. Javits,
U.S. Senate,
Washington, D.C.

David M. Abshire, Assistant Secretary for Congressional Relations for the State Department, has asked us, by forwarding a copy of his letter to you, to comment further on the current Chilean situation and in particular the Overseas Private Investment Corporation's expropriation insurance coverage of investments of Anaconda Company in the Chilean copper mining industry. Since your constituent, Mr. George T. Wright, on whose behalf Mr. Abshire wrote you, is a stockholder in Anaconda, I can understand his concern.

In 1971 a number of investments of U.S. companies in Chile were taken over by the Chilean Government. OPIC is making every effort to help its insured investors to work out equitable settlements where possible.

With respect to Anaconda, the Agency for International Development (OPIC's predecessor agency) issued three contracts in 1967 providing for insurance against expropriation of certain new investments by Anaconda and its subsidiaries in the Chuquicamata, El Salvador and Exotica copper mines in Chile. The Chuquicamata contract and the El Salvador contract were issued with respect to equity investments in the total amount of approximately $160 million. The maximum coverage under the contracts totalled approximately $235 million.

For the first two years of the contracts (the contract years ending December 28, 1968, and December 28, 1969) Anaconda, as was permitted under the contracts, elected "stand-by" coverage rather than electing to pay the much higher premium for "current" coverage. The effect of stand-by coverage was that there was no insurance protection in force against events such as expropriation occurring during the contract years in question. In 1969 Anaconda agreed to sell its entire interest in Chuquicamata and El Salvador to the Government of Chile.

A majority equity interest (51%) was transferred immediately, and the remaining 49% equity interest was agreed to be transferred between 1973 and 1981, at a time to be chosen by the Government of Chile. Anaconda has stated that it agreed to the sale, at the insistence of the Government of Chile, in order to avoid expropriation of its entire interest.

The Agency for International Development advised Anaconda in 1969 that it considered that no coverage continued under the contracts. AID emphasized that if the sale was deemed expropriatory, it was not covered because coverage had not been kept on current status; and that if it were voluntary, the transformation of the mining enterprises from private U.S. control to government-controlled companies withour prior AID consent contravened the terms of insurance coverage.

Compania Minera Exotica S.A. was not affected by the 1969 sale transaction, and there is thus no dispute as to the insurance coverage for Anaconda's equity investments in Exotica, of approximately $11 million. There is, however, a dispute with respect to approximately $11 million of additional coverage under such contract relating to debt. The debt coverage was with respect to a loan by Anaconda to Exotica. In 1970 the insured loan was paid and a new loan was obtained from a bank, with Anaconda becoming contingently liable as guarantor. This was done without notice to AID. It is OPIC's position that under the terms of the insurance contract this resulted in a termination of coverage, and that the insurance coverage does not extend to Anaconda's contingent liability as a guarantor of the bank loan.

If controversies arising out of the contracts of guaranty are not settled by negotiation, the contract terms provide for binding arbitration in accordance with the then prevailing rules of the American Arbitration Association.

In the 24 years these investment insurance programs have operated, they have helped to mobilize over $5 billion of private U.S. investment in lesser developed countries around the world. A little over $4 million has been paid out in claims to date. OFIC insurance contract obligations are backed by the full faith and credit of the United States Government and by substantial OPIC resources. While the situation in Chile faces OPIC with the prospect of sizeable insurance claims, OPIC has approximately $100 million in reserves and retained earnings currently available to cover insurance claims without Congressional appropriation action.

I hope this detailed explanation will be of assistance to your constituent. If we can be of any further help, please feel free to call on us.

Sincerely yours,

[s] BRADFORD MILLS,
Bradford Mills

THE ANACONDA CO.,
New York, N.Y., February 29, 1972.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: I would like to give you Anaconda's side of its dispute with OPIC, so that the record is complete. OPIC's position is set out in its President's letter to you of February 2, 1972, which is reprinted in the Congressional Record for February 3, 1972.

On February 10, Anaconda and a subsidiary filed claims with OPIC in the total amount of $171,383,000, under three contracts of guaranty.

Of this amount there is no present dispute as to contract coverage for $11,890,000, representing Anaconda's equity investment in the Exotica Company. The possible dispute mentioned by Mr. Mills with respect to debt coverage has not arisen, since the debt involved is not in default and Anaconda's contingent liability under a guaranty has not occurred.

As to the remaining claims, Anaconda strongly disagrees with OPIC's position that coverage was in any manner impaired by the 1969 transactions with Chile. In that year Anaconda transferred 51% of its interests in its Chuquicamata and Salvador properties to the Chilean Copper Corporation, with the support and encouragement of the U.S. State Department, in order to avert expropriation of its entire investments. Anaconda does not claim that expropriation occurred in 1969, and accordingly the status of coverage at that time is, in our view, irrelevant. Anaconda is claiming that its interests were expropriated on July 16, 1971, by actions of the Allende Government, and that it is entitled to recover, to the extent of its covered losses, under the contracts of guaranty. Anaconda disagrees that the 1969 transactions contravened any express or implied term of the contracts with OPIC. Counsel have advised Anaconda that it is unlikely that the position of OPIC to the contrary can be sustained. As Mr. Mills has noted, the contracts of guaranty provide for the settlement of disputes by binding arbitration, and you may be assured that Anaconda will vigorously advance its position in the appropriate forum.

We are particularly concerned that our employees, shareholders, creditors and others with whom we have close and productive relationships have a complete picture of the status of our dispute with OPIC, which is of great importance to our company. I would, therefore, greatly appreciate your reprinting my letter in the Congressional Record, and providing it to any of your interested constituents to whom Mr. Mills' letter has been sent.

Sincerely,

JOHN B. M. PLACE.

UAW STATEMENT ON AZORES PACT

Mr. CASE. Mr. President, the United Auto Workers recently submitted to the Committee on Foreign Relations a statement on the recently concluded executive agreement for the continued use of U.S. bases in the Portuguese Azores. I am pleased to note that the UAW agrees with my position that this agreement should be submitted to the Senate as a treaty.

The Senate took the same position last Friday when it overwhelmingly adopted my resolution (S. Res. 214) calling on the administration to submit the Azores and Bahrain agreements as treaties.

Mr. President, I ask unanimous consent that the UAW statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

UAW STATEMENT ON AZORES

The experience of the last ten years has proved the ease with which minor U.S. undertakings are transformed, by the awful logic of the inevitable next step, into major commitments. Such commitment has frequently been to forces which represent the absolute antithesis of the values of American democracy.

It is for this reason that we wish to express our strong support for the move to have the recent agreement with Portugal, the so-called Azores Pact, submitted as a treaty to the Senate for advice and consent.

The Under Secretary of State, in his statement to your committee, tried to minimize the significance of the agreement by treating each element of the new arrangement as though it were separate and unconnected to the whole. This is specious reasoning. The force of the new Azores Pact lies precisely in its nature as a package deal. The continued U.S. use of the base has been inextricably linked to the granting to the Portuguese of very considerable aid and loans. This is not a simple formalization of an old arrangement. In the last 26 years the U.S. has paid Portugal no rent for the use of the base, total Ex-Im loans to Portugal amounted to under $50 million and even the military aid provided in significant amounts until the mid-sixties totaled less than $350 million. Against that record the sudden assignment of assistance to the value of over $400 million indicates a lurch rather than a slight shift in U.S. policy.

The argument has been made that Portugal has no special need for U. S. assistance at this time. A brief glance at the Portuguese budget indicates the dishonesty of this contention. The colonial wars are placing an increasingly heavy load on the overstrained resources of what remains an underdeveloped country. Not only has Portugal's own expenditure on "defense and security" risen by well over 10% per annum since 1965, but there has also been a sharp rise in military expenditures by the colonial territories. From 1967 to 1970 the military allocation in the Angolan budget more than doubled. The strength and determination of the liberation movements in Angola, Guinea-Bissau and Mozambique have brought them significant victories—the Portuguese are having to intensify their battle to maintain their Empire intact. In this situation U. S. aid of any kind cements us into an alliance against the just struggle for freedom and self-determination being fought by the Africans against their Portuguese overlords.

U. S. aid is particularly important at this juncture because Portugal cannot rely on the loyalty of her own people to help carry her through this difficult time. The long years of political dictatorship and economic exploitation have brought the people of Portugal themselves to the brink of rebellion. The Portuguese people have the lowest average income per head in Europe; there is no democracy inside Portugal—it is a one party state in which workers do not have the right even to organize free trade unions; it is a state in which collective bargaining and the right to strike are proscribed and all opposition is closely scrutinized by a vicious police apparatus. Recent months have seen the arrest and torture of many trade union, student and other leaders inside Portugal itself. Thousands of young men have fled Portugal rather than serve in the colonial wars, and an estimated two million people, mainly men, have illegally sought new work and homes in Europe in the last ten years, driven from their own country by the harsh conditions of existence.

In sum therefore it seems to us the Azores Pact moves into a new area of open commitment to the Portuguese, that this a matter of extreme importance affecting no only U. S. relations with Portugal, but U. S. relations with the whole of independent Africa, where the abhorrence of colonialism and racism is an alive and central issue. If the pact is allowed to continue in force it must inevitably be seen as declaration to the world that the U. S. government has again taken the side of repression against the struggle of millions of people for their freedom and independence.

LATVIANS MAINTAIN NATIONAL IDENTITTY AND CULTURE

Mr. PERCY. Mr. President, I invite the attention of the Senate to an article by Bernard Gwertzman, published in the New York Times of February 27, 1972. It reminds us of the heroic efforts made by the Latvians to maintain their national identity and culture.

Despite the strenuous endeavors of the Soviet Union to "Russify" Latvia, the Latvians continue their resistance.

Mr. President, I ask consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LATVIAN PROTEST HELD AUTHENIC—LETTER CIRCULATED IN EUROPE CHARGES "RUSSIFICATION"

(By Bernard Gwertzman)

WASHINGTON.—A letter attributed to 17 Latvian Communists, complaining about what they say are efforts by Moscow to "Russify" their Baltic republic, has been sent to several foreign Communist parties.

A copy of the letter, which has been published in Western Europe, was made available recently to The New York Times by Latvian émigrés here. United States Government analysts who have studied it say they believe it is authentic and consistent with what was already known of the nationalistic tendencies still prevalent in Latvia, which was forcibly annexed to the Soviet Union in 1940.

The Voice of America has already broadcast the full text to the Soviet Union.

The letter is not signed, but in the body of the document the 17 say: "We are Communists and most of us have been such for 25–35 years and more. We wish only well to socialism, Marxism-Leninism and mankind."

They declare, "We cannot sign this letter," but do not say why.

RUSSIAN CHAUVINISM CHARGED

The chief complaint in the 5,000-word document is that the Soviet leaders are practicing "Great Russian chauvinism" and are seeking to force the smaller Soviet ethnic groups, such as the Latvians, to assimilate with the Russians.

Although an effort was made to redress ethnic problems after Stalin's death, the letter says, current policy is to transfer as many Russians, Byelorussians and Ukrainians—all Slavs—to Latvia and the other Baltic republics of Estonia and Lithuania.

The letter criticizes the creation of new industrial sites in Latvia and the influx of non-Latvian workers. It points out that the republic now has "a number of large enterprises where there are almost no Latvians among the workers, engineering-technical personnel, and directors."

"There are also those where most of the workers are Latvians but none of the executives understands Latvian," it asserts. "There are entire institutions where there are very few Latvians. The apparatus of the Ministry of Interior in Riga, for example, has 1,500 employes, but only 300 of them are Latvians."

The Interior Ministry supervises the police force.

The letter says that about 65 per cent of the doctors do not speak Latvian "and because of this often makes crude mistakes in diagnosing illnesses and prescribing treatment."

"JUST INDIGNATION" CITED

"All this calls forth just indignation in the local population," it declares.

The letter maintains that priority is given to "the progressive Russification" of all life in Latvia, and the assimilation of the Latvians."

There are now about 2.4 million people in Latvia, of whom only about 57 per cent are ethnically Latvian, a drop of 5 per cent in the last decade. Russians make up 30 per cent of the population, a 3 per cent increase. Poles, Lithuanians, Byelorussians, Jews and Ukrainians make up the remaining 13 per cent.

The decrease in the percentage of Latvians living in Latvia has been due not only to the influx of non-Latvians, but also to the exceptionally low birth rate in the republic, combined with an aging Lavian population.

For instance, in 1969, Latvia recorded a birth rate of only 14 per thousand, which is the smallest of any republic in the Soviet Union. Its death rate was 11.1 per thousand, the second highest after Estonia. This means that its natural increase (birth rate minus death rate) was only 2.9 per thousand, also the smallest in the Soviet Union. The natural increase for the Soviet Union as a whole in 1969 was 8.9 per thousand.

RUSSIAN BROADCASTS NOTED

The letter states that although Latvians still are in the majority, two-thirds of the radio and television broadcasts are in Russian. Latvian writers have more difficulty getting their works published than Russians, it says, and "in all republic, city, and district organizations, in most local organizations and in all enterprises, business is conducted in Russian."

"If there is a single Russian in an organization, he will demand that the meeting be conducted in Russian, and his demand will be satisfied," the letter goes on. "If this is not done, then the collective is accused of nationalism."

The letter specifically decries the "loud preaching" of mixed marriages in the republic and says that Latvian language theater groups must produce Russian plays but that Russian language groups rarely have Latvian ones.

The letter was received by the Communist parties of Rumania, Yugoslavia, France, Austria and Spain among others. It calls on them to use their influence with Soviet leaders to improve the state of the Latvian and other ethnic groups.

PAN AM'S HALABY ON CHINA TRADE

Mr. INOUYE. Mr. President, on October 27, 1971, the Senator from Washington (Mr. MAGNUSON), chairman of the Committee on Commerce, and I introduced S. 2754, the Export Expansion Act of 1971. The bill is designed to be a comprehensive program to stimulate American exports by providing new incentives and service to current and potential exporters. In my opening statement during our January hearings on the proposed legislation I said:

> It should be emphasized that we consider this legislation a working paper which may be amended as new ideas and programs are proposed.

Therefore, it was with great interest that I read a recent article on trade with China, written by my good friend Najeeb E. Halaby, chairman and chief executive officer of Pan American World Airways. The article entitled "Hard Sell Won't Work in China," was published in the New York Times of January 24, 1971. The article provides, in my opinion, information of value to Americans who are interested in visiting or doing business with the People's Republic of China.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POINT OF VIEW: HARD SELL WON'T WORK IN CHINA

(By Najeeb E. Halaby)

As a new era in Sino-American relations dawns, the United States businessman who hopes to trade with the Peoples Republic of China must bear in mind that Peking is not just another version of Main Street wtih pagodas. There are considerable differences in the history, culture and perspective of the two societies; the traveler or trader, on either side, who does not recognize and understand these differences will be severely handicapped.

The Western businessman must consider that China does not view her commercial affairs as distinct and separate from her broader interests. And those interests, in turn, have complex roots in the past and branch into wide ramifications for the future.

China, first and foremost, has a strong sense of pride that stems from long survival and many accomplishments—ranging from the invention of gunpowder and the compass to the first inoculation for smallpox. If America has the exuberance of relative youth, China has the patience of great age. The American who takes this difference into account will curb his impatience and not come on either too strong or too fast.

In addition to her sense of pride, China can be characterized as a land profoundly concerned about her security. Such concern is not unnatural in view of the long history of territorial incursions along her 1,500-mile border to the west. The Great Wall of China stands today not as a tourist attraction but as a reminder of her historic concern for keeping the intruder out.

Perhaps the third primary characteristic of modern China is the uncertainty about the future. She is uncertain about the role of Japan as a potential military power in the East, and she is uncertain about how stronger ties between the Soviet Union and the United States will affect her.

As a result of these concerns about the past, present and future, China's foreign trade policy is now a part of diplomatic strategy. The modern-day trader must not only be a diplomat without portfolio but a businessman with briefcase packed with socio-economic data on China. He must realize that China is relatively poor, woefully overcrowded, technologically young and agriculturally underdeveloped. While her gross national product is estimated to be only one-tenth of our own, improved United States commercial ties with China are important both for their long-term economic potential and their short-term political impact.

China's foreign trade is not large, but it is carefully regulated and generally kept in balance. The Chinese in their search for self-sufficiency do not want long-term capital loans or export credits, even for the most enticing projects.

America cannot, of course, expect to sell much from its vast array of consumer goods, many of which are simply not attuned to the economic or social or even ideological conditions of China. While the modern Mao-man is not a member of the Pepsi Generation, China, nonetheless, is stepping up imports in areas in which American industry generally excels.

Among these are transportation equipment, notably locomotives and commercial aircraft. There is interest, too, in electronic equipment, especially telecommunications and computers—fields in which United States concerns have much to offer.

China is also increasingly interested in importing complete industrial plants, undoubtedly to enhance her economic independence and gain access to the latest technology. Where America might have an advantage in such trade, it is still uncertain, however, whether our own Government would allow United States concerns to do this kind of business.

The embargo on United States trade with the Peoples Republic of China never made a great deal of sense. The embargo wasn't a dam; it was a sieve, and the exports of our allies were pouring through it while those of American companies were screened out. Then, too, the American concept of what constitutes military strategic goods has always been highly simplistic. If American business is to compete for the China market, the United States Government should adopt one basic rule: no American concern will be prohibited from or impeded in doing any business with China that she could readily do with any other technologically advanced country.

There is no question that the competition will be fierce and the market is still fairly small. Other nations, especially Japan, are better established and know the ropes. The United States comes to the Chinese marketplace late in the game and under a cloud of suspicion. Yet, if relations between the two Governments are normalized and American and Chinese businessmen approach each other with understanding, the outlook is hopeful.

Mutual understanding can best grow through increased contact. China made the first move with an invitation to the United States Ping-Pong team. We have since sent in teams of scientists and scholars and journalists. It does not seem premature at this point for the United States to suggest an exchange of trade missions with the Peoples Republic of China.

There are no doubt many American tourists, too, who would treasure a trip to China, and encouraging them to come would be a good way for China to earn more of the foreign exchange she needs to finance imports. My own company, Pan Am, for example, has had thousands of requests for tours and visas and travel information since the start of ping-pong diplomacy.

Both sides approach this new phase in Sino-American relations with caution and uncertainty, but, as a Chinese proverb reminds us: "A march of ten thousand miles begins with a single step." It is time we took that first step together.

Mr. Halaby is chairman and chief executive officer of Pan American World Airways.

CAREY HECKMAN, YOUNGEST PARTY PRECINCT DIRECTOR IN MARYLAND

Mr. BEALL. Mr. President, it is always refreshing to see young people take an active interest in the affairs of government. But it is especially impressive when a 17-year-old high school senior is selected to serve in the key post of precinct chairman for his party. Such is the case for Carey Heckman, a student of Walt Whitman High School in Bethesda, Md.

Mr. Heckman, who will be 18 on March 17, is the youngest party precinct director in Maryland and quite possibly in the United States. He was appointed to this pivotal Republican post not only because of his youth, but because of his previous hard work for the party cause. Carey has already grappled in his new job with the countless problems of fundraising, and the result was that his area of responsibility exceeded its goal by 12.7 percent. Clearly, he is a young man with a bright political future.

I ask unanimous consent that the article entitled "Mr. Politics," written by Bruce Levenson and Robbie Wyper, and published in the Washington Evening Star of March 5, 1972, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MR. POLITICS: AT 17, HE'S ALREADY A PRECINCT CHAIRMAN

(By Bruce Levenson and Robbie Wyper)

The Montgomery County Republican party has the youngest party precinct chairman in Maryland, and possibly the United States: a 17-year-old who supports President Nixon and expresses ambitions of becoming a U.S. senator.

Carey Heckman, a senior at Walt Whitman High School in Bethesda, dismisses student government as "Mickey Mouse," devoting his time instead to local and national GOP politics.

He feels that students are apathetic and their government seldom is effective.

Last fall the chairman of the organization committee of the Montgomery County Republican Central Committee, Barbara Eisele, asked Heckman to fill the vacant precinct chairmanship in the Kenwood area of Bethesda.

Heckman, who will be 18 on March 17, said he was "shocked" but quickly accepted the position.

Mrs. Eisele explained that two factors were involved in the selection of Heckman. "We are anxious to involve young people in the party, and Carey, being an intelligent and capable young man, was a likely choice."

Both Democratic and Republic National committees said they did not know of any younger precinct chairman in the country. However, they added there is a possibility that 17-year-olds may hold other party positions.

As precinct chairman, Heckman's main responsibilities are fund-raising and "making sure people come out to vote in the primaries and then, during the general elections, making sure they vote the right way."

The first test of his abilities in his new job came during the party's fund-raising drive last fall. The results were impressive. Contributions in the Kenwood area exceed the goal by 12.7 percent.

The fact that Heckman, a registered Republican, faces a 2-1 Democratic majority in his county and a 10-1 Democratic majority in his immediate neighborhood does not appear to dampen his enthusiasm.

He points to the state's two Republican U.S. Senators, Montgomery's Republican representative in the House, Rep. Gilbert Gude, and County Executive James P. Gleason as an indication of the party's ability to get its candidates elected.

Heckman is a strong believer in partisan politics. "If I have a bad Republican running against a bad Democrat, even if the Republican is a little worse, I would still go with the Republican. With him at least I have some influence; with the Democrat I have none at all."

Heckman's interest in politics dates back to the 1960 presidential election when "believe it or not I was for Nixon. I still don't know why."

In 1968 he still was for Nixon and was active in his campaign as a volunteer. "He and I share the same philosophy that the federal government should do as little as possible. Strong local government, although susceptible to corruption is essential."

Heckman said politics involves "making connections and making yourself visible. . . . I believe in working from the bottom up, meeting people and doing little things first."

He said that he can now walk into Vice President Agnew's office and be recognized by three or four secretaries with whom he worked at GOP headquarters in 1968. "The idea is just to keep plugging along."

He said he would like to be a U.S. senator, "no higher." Does he rate governor higher than senator? "No. Well it depends. As you know, in Illinois Mayor (Richard Daley) is higher than governor. But then that's the Democratic party.

Heckman said he might be susceptible to the temptation of a cabinet position, "but certainly nothing above that."

He said he favors the Nixon-Agnew ticket in the May 16 presidential preference primary. He gives the present administration "high marks" and echoes prevailing party sentiment—"the draft and the war are no longer issues."

Who is his ideal politician? "There is only one person who I think would be the absolute best person and I'm not old enough."

THE ABM DEBATE

Mr. HART. Mr. President, on February 17 and again on February 29, the Senator from Missouri (Mr. SYMINGTON), the Senator from Kentucky (Mr. COOPER), and I have been placing in the RECORD the replies from distinguished scientists to our questions about the so-called ORSA report—the report of the Operations Research Society of America on the ABM debate.

Through inadvertence, we neglected to include the reply of Howard Margolis of the Institute for Defense Analysis. We particularly regret this omission, because Mr. Margolis' comments are extremely thought provoking. I ask unanimous consent that his reply be printed in the RECORD, and we commend it to the Senate.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

A NOTE ON THE PROFESSIONAL STANDARDS OF THE ORSA COMMITTEE ON PROFESSIONAL STANDARDS

About a year ago I wrote a paper dealing with the calculations of supporters and opponents of the Safeguard ABM proposal.[1] What the paper showed was that calcula-

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Footnotes at end of article.

tions on both sides were plainly influenced by broader judgments on the wisdom of the deployment. I then argued that such influences are not only unsurprising but inevitable. Indeed completely "objective" calculations relating to policy issues cannot be expected even when they are not prepared in the context of partisan debate. The conclusion I reached, therefore, was that calculations relating to policy questions are likely to play a really useful role only if they are "looked into, not just looked at." This conclusion seemed to me pretty obvious. Whatever value the paper had, I thought, was in providing a concrete, detailed illustration of the way calculations are influenced by the subjective views and judgments of whoever is doing the calculations.

Now the Operations Research Society of America has published a formal review of the "professional standards" adhered to by participants in this debate.[2] It turns out to be a rather unusual piece of work.

For reading the ORSA report, I saw that the Committee had taken quite a different view of the debate than I had. Where I saw the analyses of both sides clearly influenced by their overall views on the wisdom of the Safeguard deployment, the Committee equally clearly saw the critics of Safeguard behaving badly, committing "abuses of professional standards" in sharp contrast to those who supported Safeguard.[3] I must say, this puzzled me. It still puzzles me. A careful reading of the ORSA report shows *how* the Committee reached its clear-cut verdict. In my judgment, it casts mightly little light on *why* the Committee reached that verdict. Indeed, a number of aspects of the handling of the matter are startling.

It is easy to put your finger on what it is about the Committee report which makes the case look so clear-cut. Although there were many issues in the debate, there were two which received the most attention. One was the question of whether there was a significant risk that the Russian ICBM force would grow (quantitatively and qualitatively) to the point where it could largely wipe out our Minuteman force in a first strike. The second was whether, in those circumstances, the proposed Safeguard deployment would make much of a difference. My own impression, and the impression of everyone I have ever talked to on this matter, including active participants on both sides of the debate, was that (especially in the early stages of the debate) the critics overstated their case against the potential risk to Minuteman and that pro-Safeguard witnesses overstated their case that Safeguard was the best answer to that threat. I emphasize that this does *not* mean that the critics were right and the Administration wrong on the policy issue. As both sides made clear, far more was involved than the questions on which the public debate happened to focus. But a judgment on the public debate would have to be that the outcome was at best a standoff, and more probably that the critics had the best of it, since the question of whether Safeguard would do much good in the event of a threat to Minuteman would seem to be more fundamental than the question of whether a threat to Minuteman was likely to arise. The fact that half the Senate voted against the deployment no doubt reflected this.

How then did the ORSA report come to convey exactly the opposite impression? Very simply. It focused in *great* (although as I will show rather selective) detail on the question of the Soviet threat and almost completely ignored the question of the effectiveness of Safeguard as a response to that threat. Indeed the very fact that the effectiveness of Safeguard was a central issue in the debate is barely mentioned in the ORSA report, much less adequately analyzed. The only explanation offered for this curious situation was the following (p. 1178):

In examining the record of the debate over Safeguard about two dozen issues that fell within the domain of operations research were uncovered. Rather than list and discuss them all, the Committee has attempted to be selective and concentrate on two major issues. There are:

A. Vulnerability of Minuteman and Bombers without additional protection.

B. The Operational Feasibility of Certain Defensive Tactics.

In its "attempt to be selective" the Committee was certainly successful.

But even within this restricted framework, consider the way in which issues were handled. (My sample issue is the most elaborately drawn out example of what can only be called the bias of the report; but many more will be found by any well-informed person who gives the paper a careful reading.) The report devoted 12 pages[4] to an argument between Albert Wohlstetter (favoring deployment) and George Rathjens (opposing deployment) over the risk that the Soviets would build an SS9 force capable of wiping out nearly all of our Minuteman. The ORSA Committee reaches the overall judgment that Wohlstetter got much the better of this exchange. Of that there can be no question. I reached the same conclusion in my own paper. This does not necessarily mean that Wohlstetter was right and Rathjens wrong on the substantive matter. Nor, I should note, did the ORSA Committee claim that was the case. But Wohlstetter certainly did the more careful job of explaining just what his assumptions were and how they were justified. In doing so he had, of course, the very considerable advantage that he was defending the Administration position, and therefore could justify any assumptions based on classified information by stating that he was using official estimates. Rathjens was challenging the official estimates, and unless he was to take it upon himself to release classified information, he had no choice but to make do as best he could with whatever scraps could be gleaned from the public record. By this I don't mean to suggest that full access to information would confirm Rathjens' judgment. I don't know. I make no judgment, and neither did the ORSA Committee, which also, unless they spent a great deal of time and were given access to such material as raw intelligence data, would hardly be in a position to do so. For that reason, presumably, the ORSA Committee also reached no conclusion on the substantive issue. What is clear, and what I think deserves reasonable consideration in judging the adherence to professional standards in the debate, is that here and throughout the total debate, there was inevitably a decided asymmetry favoring those supporting the Administration position. And this asymmetry is naturally further compounded by the vast quantitative disparity between the resources available to critics and supporters of the official position.

But even considering this, Wohlstetter comes out best. Rathjens, in his formal testimony before Congressional Committees, certainly gave an overstated impression of the extent to which very conservative assumptions could indicate that Minuteman would not be gravely threatened. In particular, Rathjens neglected to mention that his calculations, which were presented as a kind of worst case, used an SS9 payload about half as effective as the official estimate released two days earlier.

Wohlstetter made the most of this. On April 23 he and Rathjens both appeared before the Senate Armed Services Committee. The two saw each other the day before, at which time they exchanged information on the assumptions each used in his calculations. (Rathjens had made his initial statement before the Gore Committee a month earlier.) Rathjens presented essentially the same discussion of Minuteman vulnerability he had before.

Wohlstetter supplemented his own statement with a detailed and very effective critique of the Minuteman vulnerability calculations made by Rathjens and other critics of the Administration position. Arguments about this dragged on for some weeks. But although the two sides never agreed on the substance of the issue, by June 5 at the latest all non-trivial aspects of the debate ORSA was judging had been cleared up. For on that date Rathjens (in a letter to the *New York Times*) unambiguously conceded the essential point of Wohlstetter's attack on "proofs" (Wohlstetter's term, not Rathjens', but picked up and used by the ORSA report) that Minuteman survivability would not be threatened.[5] This came two months before the Senate, on August 7, voted on the issue.

In sum then, Rathjens overstated his case. Wohlstetter energetically and skillfully seized the opportunity to counterattack. Rathjens retreated. Score two points for Wohlstetter: one for forcing the retreat, another for undermining his opponent's credibility. Perfectly fair. That is what adversary proceedings are all about. Rathjens would no doubt have done the same to Wohlstetter if their positions were reversed. The net effect was to the public good: senators and others trying to decide about Safeguard had a significant point cleared up; and the critics were taught a lesson that was likely to make them more precise in what they said in the next round.

Now what else is there to say? In the opinion of the ORSA Committee, a great deal. Almost all of the 12 pages the report devotes to this matter is concerned with a detailed critique of Rathjens' handling of the calculations. Much of this degenerates into the most trivial kind of nitpicking. For example, Rathjens at one point said he used a chart put in the record by Secretary Packard and some data released in 1967 to make his estimate of Minuteman vulnerability. "Rathjens' assertion . . . cannot be supported mathematically," reports the Committee. Why? Because you can arrive at the estimate using either the chart or the data, rather than both together. At another point Rathjens is criticized for purportedly misreading the Packard chart, although whether he did so is a matter of dispute over what information Rathjens and Wohlstetter exchanged in a private conversation. The Committee puffs a good deal over that one, and without deeming it worth mentioning to the reader that the "error" (if it occurred) had no effect whatsoever on the estimate Rathjens gave to the Senate Committee.

Although the Committee obviously considered such details highly significant, it apparently did not deem it significant to mention that two months before the Senate vote Rathjens had publicly retreated from the extreme impression that might have been created by his original statement. Nor did the Committee comment on the fact that Rathjens had, after all, provided Wohlstetter with an explanation of how he developed his estimate on the day before they were to testify—plenty of time, given the simplicity of the calculations both sides were doing, for Wohlstetter to thoroughly analyze Rathjens case. Rather, we get the elaborate review of Wohlstetter's claims that the explanation that Rathjens gave was not exactly right. The Committee takes that most seriously.

Indeed the pages virtually brim over with outrage at Rathjens' behavior. Yet a much shrewder comment, I should think, would have been to see that Wohlstetter's performance on this matter smelled powerfully of red herring. The fact is that by Wohlstetter's own account, Rathjens gave him all the information he needed to approximate Rathjens calculation. The whole fuss about Wohlstetter being unable exactly to duplicate the calculation from what Rathjens told him (or

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Footnotes at end of article.

from what he understood Rathjens told him) is trivial, having no significant impact on the validity of it of Rathjens' estimate.

Of course, if the purpose of the Committee was to help Wohlstetter undermine the credibility of the critics, it would be comprehensible why there is this extreme and tendentious focusing on trivia.[6] If, on the other hand, the purpose was to inform members of the technical and political communities on how properly the two sides handled themselves in the overall debate, the situation is very odd. For a non-technical reader, and indeed for technical readers who had not followed the debate closely—as, for example, the vast majority of ORSA's own membership—the impression is given that what is being discussed was an important part of the debate and, further, it naturally creates the impression that the weak showing of the critics on this matter was typical of the debate as a whole.

In the face of the decision of the Committee to focus so heavily on the survivability calculations and to ignore the question of Safeguard effectiveness, and in the face of the way in which those issues which were addressed were handled, it seems relevant to mention the following, all of which are matters of undisputed record.

1. The study was initiated at the request of one of the protagonists (Wohlstetter), a prominent member of ORSA. Wohlstetter's adversaries were not members of ORSA, and indeed took what can only be called a snotty attitude towards the whole matter, arguing that ORSA was presumptuous in undertaking the study and probably incompetent to carry it through properly.

2. The notion that the study should focus on the Minuteman vulnerability calculations was included in Wohlstetter's letter proposing the study. ORSA followed Wohlstetter's suggestion. Wohlstetter's letter requesting the study is printed in the report. But the paragraph suggesting where he wanted it focused is deleted. The report gives no hint that in "attempting to be selective" about what issues to examine, the Committee chose to focus on an aspect of the debate suggested by one of the protagonists: and to largely ignore the issue (Safeguard's effectiveness) which the critics repeatedly asserted was far more important.

3. Beyond the public record, the Committee states that "additional relevant information and analyses performed by individuals and groups both inside and outside the government were obtained to aid in this review." It seems odd—especially in a report which emphasizes so heavily the responsibility of OR experts to state clearly the bases of their findings—that no listing is provided of documents or individuals consulted during the course of the inquiry, much less of the nature of the information and advice that was gained from these consultations.

4. A member of the Committee had been serving in the job of Deputy Assistant Secretary of Defense for Strategic Systems during much of the period of the debate the Committee was to judge. In listing the qualifications of the individuals serving on the Committee, this point is not mentioned.

5. A member of the Committee (the same) had been involved in a serious professional disagreement with one of the critics several years earlier. There is an argument about whether the individual quit or was fired. There is no argument about the fact of the dispute. Nothing of this is mentioned in the report.[7]

6. Five of the 13 members of the ORSA Board of Directors requested a formal review of the document prior to its publication. Their comments requesting the review are included in the report, followed by a rebuttal from the President of ORSA stating that the request was "specious." The report was consequently published without review despite the fact that a very substantial minority of the ORSA Board apparently found some reason to feel uneasy about its character.

What all this adds up to, I'm afraid, is the following:

1. The report is biased, and severely so, against the opponents of Safeguard.

2. Although the report clearly partakes of the character of a judicial proceeding, the normal provisions to assure fairness in such a proceeding were strikingly absent.

3. Such provisions were very clearly needed in this case since the circumstances described in the previous section make it self-evident that *if* the report was to be biased it would be biased in exactly the direction it was biased.

4. I want to emphasize very strongly that nothing I have said provides adequate grounds for an accusation that the ORSA Committee *consciously* stacked the deck. I myself don't doubt that the Committee honestly believed they were giving what by their lights was a proper picture of the debate. As a sometime member of ORSA, I am chagrined at how dim those lights turned out to be.

Let me add a few quantitative points illustrating the qualitative discussion.

1. Suppose we correct the disputed Rathjens calculation for all the errors he purportedly made aside from the less than official payload and the fact that he did not assume reprogramming. Since Wohlstetter was aware of at least those two points before he testified, we can see the extent of Wohlstetter's difficulty in reconstructing Rathjens' calculation. When this is done, I get 202 Minutemen surviving, roughly a fifth, compared to the quarter Rathjens estimated. All I can say is that anyone who really believes that there is an important difference between estimating a fifth and a quarter in all this juggling of uncertain estimates truly does not understand the problem. Indeed, on page 1230 of the report, Senator Jackson, who was closely advised by Wohlstetter, is quoted as using 200 Minutemen as the "minimum survivable" Minuteman which Safeguard was intended to safeguard.

2. There is no analysis of the arguments about Safeguard effectiveness comparable to the handling of the Minuteman vulnerability issue. But the report does deal with aspects of this subject under various headings towards the back of the report. The main point is that the proper way to judge Safeguard is by a comparison of the costs to the U.S. of adding more Safeguard compared to the costs to the Soviets of adding more threatening warheads. Thus the report quotes with approval Sen. Jackson's illustrative case in which an increase in the Soviet threat asserted to cost them $3.6 billion is offset by an additional U.S. investment in Safeguard of $.7 billion: a cost/ratio favorable to the U.S. of better than 5–1. In the sharpest contrast to the elaborate dissections of the critic's calculations of Minuteman survivability, there is no discussion whatever of the way in which this estimate was calculated and the extent to which it must have been contingent on the particular case selected and on necessarily highly debatable assumptions about the performance of Safeguard and the substantially unknowable Soviet choice of penetration tactics and SS9 payloads. Indeed there is not even a comment on the fact this estimate differs by a factor of 5 from Dr. Foster's own estimate (roughly equal) of the cost tradeoffs. As the spread between these two proponents' estimates itself indicates, these numbers can be jiggled to produce plausible—or at least not demonstrably implausible—estimates across a very wide range. In the face of this, the report's criticism of both Foster and his critics for not paying more attention to this numbers game seems naive.

3. The report criticizes Foster for using an estimate for post-reprogramming kill probability of SS9 warheads of .95. Too high, says the Committee (a point I will return to). If .95 is too high for the RV, which is merely flying an unpowered ballistic trajectory after reprogramming, we might, not *un*reasonably, estimate the post-reprogramming kill probability of a defense interceptor (which requires maneuvering, tracking of the incoming RV, precisely timed detonation, etc.) as not likely to be higher than .95. This implies that unless the defender fires more than one Sprint at each incoming RV, *only* 23 attacking warheads are required to reach 90% confidence of destroying the radar. But the report, in a set of calculations used to illustrate the range of uncertainty about achievable Safeguard effectiveness, simply ignores this problem, assuming that the defense is *perfect* except for reprogrammable failures. In this way it provides a range of 290 to 2300 required attacking RVs. Was any calculation by either side in the whole debate *more* likely to be misleading than this one done by the Committee itself? Compare this with the Rathjens purported errors described in point 1, about which the Committee made such a fuss.

4. One of the curious things about the report is that it is not really pro-DOD, rather it is pro-Wohlstetter. Foster, for example, is criticized at several points, albeit more gently than the critics; Wohlstetter is the one participant in the debate who is never criticized, but to the contrary continually commended for setting the right example. A striking illustration of this is that, as I mentioned. Foster is criticized for the .95 kill probability. Wohlstetter's calculation is praised as more realistic. But if we re-do Wohlstetter's calculation we find that *his* probability was .94. One can only stand in awe of the discrimination exercised by the Committee that they were able to determine that Foster's .95 was "too high in our judgment" but Wohlstetter's .94 was realistic.

5. What really happened, I think, and what is illustrated by all these examples, is that the Committee showed a good deal of naivety in the way that formal manipulations of numbers (especially if they could be asserted to be "official estimates" or official "design parameters" etc.) were mistaken for the heart of the debate. There are occasional qualifications and comments reflecting a more sophisticated or more detached point of view. But not enough to have any substantial impact. This overall impression is one of a drastically unrealistic perspective, and that accounts for a great deal of what is wrong with the report.

FOOTNOTES

[1] A note on the SS9-Safeguard Debate. IDA Note N–753, July 1970.

[2] "Treatment of Operations-Research Questions in the 1969 Safeguard Debate," published as Appendix III (pp. 1175–1237) to "Guidelines for the Practice of Operations Research." Operations Research, September 1971.

[3] Section (a), p. 1182. Summary of findings, p. 1776. The summary notes that "by no means was all the analysis (by witnesses outside the Administration) bad." But exceptions cited as exhibiting "high standards of professionalism" turn out to be limited to the work of Albert Wohlstetter in defense of the deployment.

[4] 1182 through 1193.

[5] If the Russians wish to do so, they can build such a capability by the mid-1970s."

[6] Which contrasts sharply with the gentle handling of a few examples of misstatements by pro-Safeguard spokesmen elsewhere in the report.

[7] For the record, I note that I was involved in this dispute, siding with Rathjens.

LOGGING AND MANAGEMENT IN NATIONAL FORESTS

Mr. STEVENS. Mr. President, 97 million acres in our national forests are classified as land capable of producing timber crops. The enormous forests of my State, Alaska, could produce a sustained yield of 1.5 billion board feet of lumber every year—enough to construct close to 100,000 three-bedroom homes. The questions concerning forest management are vital to everyone.

The question of clearcutting, or harvesting a single stand of timber at one time, is a difficult one. But it is imperative that, if a legislative decision is made on this subject, it be based on facts, not clouded by the emotionalism sometimes aroused on issues affecting the environment.

I ask unanimous consent to have printed in the RECORD an article published in the Congressional Quarterly of March 4, 1972, which succinctly outlines the controversy over methods of logging and management in national forests.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CLEARCUTTING: PRESSURES ON CONGRESS FOR DECISION

Clearcutting, the practice of logging off an entire stand of timber at one time, has generated a conflict which could change the future of America's national forests.

Many conservation groups say clearcutting should be restricted on public timberlands, and other values such as recreation, wildlife, soil, water, wilderness and aesthetics should be emphasized.

Timber industry organizations insist that clearcutting is a scientific and effective forest management tool which is essential to supplying the nation's growing lumber needs for housing and other construction.

The U.S. Forest Service regulates timber sales from the 97 million acres of national forest which are designated commercial timberland. The Forest Service generally defends clearcutting but has begun to reconsider.

Congress is being pressured by all these groups as it considers legislation dealing with clearcutting alone and with the broader question of national forest management policy.

The most likely outcome of this debate will be a re-examination of the way national forestlands are governed in the United States.

Executive order

The event which touched off the latest chapter in the clearcutting controversy was the January 1972 proposal of an executive order limiting clearcutting on all public lands. The order would have prohibited clearcutting in areas of scenic beauty, in places where soil erosion might result or where the forest might not regenerate promptly. The Council on Environmental Quality drew up the guidelines and recommended they be part of President Nixon's 1972 environmental program.

Plans for the order were made public Jan. 10 when newsmen learned of a meeting between high administration officials and representatives of the timber industry. *The Associated Press* reported that James R. Turnbull, executive vice president of the National Forest Products Association, and other industry executives had met with Secretary of Agriculture Earl L. Butz and Chairman Russell E. Train of the Council on Environmental Quality.

The *New York Times* reported Jan. 11 that industry representatives had objected to the proposed order on the grounds that it would lead to extensive litigation, and its restrictions on clearcutting would reduce the sale of timber from national forests.

On Jan. 13, the *Associated Press* reported that the President had abandoned plans to issue the executive order because adequate control of clearcutting could be achieved by other means.

Such conservationists accused the administration of caving in to industry pressure in an election year. Butz insisted the decision did not come from the White House but was made jointly by the secretaries of agriculture and interior and the chairman of the Environmental Council.

When Congress reconvened Jan. 18, further criticism of the cancellation came from some members. Sen. Fred R. Harris (D Okla.) called upon the Senate Interior Committee to investigate what he called "blatant collusion" between government officials and timber industry lobbyists. "We ought to know more about this seemingly incestuous relationship between the timber lobby and the government," Harris said in a Jan. 20 letter to Interior Committee Chairman Henry M. Jackson (D Wash.).

The same day, Sen. Gale W. McGee (D Wyo.) told the Senate: "Without exception, the criteria in the executive order were sensible and reasonable."

Proposed legislation

McGee in 1971 introduced a bill (S 1592) to place a two-year moratorium on clearcutting on federal lands and establish a 17-member commission to study the practice of clearcutting and report its findings to Congress. Rep. Teno Roncalio (D Wyo.) introduced an identical bill (HR 8511) in the House. No action was taken on either bill during the first session, but after the executive order was canceled, McGee told a news conference: "Hopefully, the possibility of getting it through now is stronger than ever before."

In an interview with Congressional Quarterly, McGee said: "The cancellation was a conspicuous gap in the administration's effort to become environmentalists overnight." About his bill, he said: "In the two-year interval we'll have cleared the air enough to take some firm policy lines."

McGee announced that his Senate Appropriations Subcommittee on Agriculture, Environmental and Consumer Protection would hold budget hearings March 6 and would ask administration witnesses, including Butz, about the decision-making process behind the executive order cancellation.

McGee said: "One of the questions I will ask Secretary Butz is whether or not it is true . . . that it was on his initiative that timber industry representatives from across the country were called to Washington for the meeting that led so quickly to the death of the executive order."

As for McGee's moratorium bill, a spokesman for the Senate Interior Committee said it was doubtful that the committee would take action on S 1592 during the second session. Instead, the committee has focused its attention on two more comprehensive bills, the American Forestry Act of 1971 (S 350), sponsored by Sen. Mark O. Hatfield (R Ore.), and the Forest Lands and Restoration Act of 1971 (S 1734), introduced by Sen. Lee Metcalf (D Mont.). The bills embody the two conflicting approaches to forest management. In the House, Rep. John D. Dingell (D Mich.) is sponsoring HR 7383, which is identical to the Metcalf bill.

The timber industry generally supports the Hatfield bill, which would channel most proceeds from timber sales on national forests and other public lands into a forest land management fund to be used for reforestation, timber production and enhancement of the forest environment.

Critics, principally the Sierra Club, say the bill's definition of what constitutes sound forest management is vague and weak. They also object to the fund which, they say, would put federal agencies in the position of depending on increasing timber sales to obtain more funds.

The Metcalf-Dingell bill would require a comprehensive plan for the regulation of all timberlands, both public and private. It would emphasize environmental protection and multiple use and prohibit clearcutting on federal lands unless the logging could be proved a "sound forest practice."

Critics, including the National Forest Products Association, contend the bill is overly restrictive of private activity and would impair timber production on national forest lands.

The Senate Interior Subcommittee on Public Lands, under Sen. Frank Church (D Idaho), held hearings on clearcutting practices on national timberlands during 1971. Five days of hearings on clearcutting were held in Washington, D.C., and field hearings on the two bills were held in Atlanta, Ga., Portland, Ore., and Syracuse, N.Y. The subcommittee has scheduled another hearing in Washington on March 10 when more witnesses will testify on the pending bills.

It is uncertain whether either bill as introduced can win enough support for passage in 1972. "It's hard to get something like this through in one Congress," committee spokesman told Congressional Quarterly.

The Forest Service then came out with its own study, which said mistakes had been made but defended clear-cutting in some instances. "Basically at fault," the report stated, "are present organizational and financial systems that continue to emphasize timber management above all other resources despite multiplying evidence that public demands today call for the multiple use the service has better preached than practiced."

Forest Service

In 1905, the service was created in the Department of Agriculture and given responsibility to administer the national forest system. During the 19th century, many forests in the United States, particularly those in New England, the South and the Great Lakes states had been stripped. But Presidents Benjamin Harrison, Grover Cleveland and Theodore Roosevelt began setting aside large tracts in a forest reserve system.

Legislative authority

The basic law which governed the service in its early years was the Organic Act of 1897, which clearly emphasized timber production. Its stated goal was "to improve and protect the forest and to furnish a continuous supply of timber for the use and necessities of citizens of the United States."

The Forest Service today is directed primarily by the Multiple Use—Sustained Yield Act of 1960 (PL 86–517). This law stressed that the national forests should provide the full range of uses and values—timber, recreation, soil, water, wildlife, grazing and aesthetics. Some persons believe, however, that the act contained a built-in problem because of the difficulty of reconciling commercial uses with non-commercial uses.

Conservationists contend that the act is constantly violated, because timber production is dominant at the expense of other uses. Timber men say the law specifically provided that productivity be a major consideration.

Forest Service Chief Edward P. Cliff summed up the problem when he told the Church subcommittee: "The act does not tell us what the appropriate balance is between national forests resource uses. It is not easy to define that balance, either on a nationwide scale or an individual ranger district. Someone will be unhappy with us regardless what we decide."

The service in April 1971 issued a comprehensive study, "National Forest Management in a Quality Environment—Timber Productivity." This report admitted Forest Service errors in the past and identified problems. Among its key recommendations were:

Identification of areas where clearcutting would not be permitted because of environmental impact.

Identification of areas where harvest would be stopped or delayed because of regeneration problems.

Improvement of road-building and other logging techniques.

Development of specific guidelines for clearcutting, which must be approved by forest supervisors.

Acceleration of research.

BACKGROUND

The conflict between conservation groups and the timber industry over logging on the national forests gained public attention during the 91st Congress. Conservationists won that round when the House on Feb. 26, 1970, by a 228–150 roll-call vote, refused to consider the National Forest Timber Conservation and Management Act (HR 12025). The purpose of the bill was to increase timber productivity on national forest lands. (*1970 Almanac, p. 334*)

BITTERROOT NATIONAL FOREST

One of the areas mentioned most frequently in debates over clearcutting is Montana's Bitterroot National Forest. At the request of Sen. Metcalf, a select committee from the University of Montana under Dean Arnold W. Bolle of the forestry school in November 1970 issued a report called "A University View of the Forest Service." The Bolle Report was sharply critical of the Forest Service's management of the Bitterroot forest area.

"Multiple use management, in fact, does not exist as the governing principle on the Bitterroot National Forest," the report said. "Quality timber management and harvest practices are missing. Consideration of recreation, watershed, wildlife and grazing appear as afterthoughts. The problem arises from public dissatisfaction with the overriding concern for sawtimber production. It is compounded by an apparent insensitivity to the related forest uses and to the local public's interest in environmental values."

Some conservationists hailed the Bolle Report as a broad description of what was wrong with the Forest Service nationwide. Part of the Bolle Report was an analysis of a Forest Service task force study of its own management practices on the Bitterroot. The study was itself critical of Forest Service activities and planning.

As a result of the two reports and the public outcry over the Bitterroot, the Forest Service announced major changes in its timber management policy for the area. And according to Montana newspaper reports, the Forest Service did draw up new management plan which incorporate aesthetic and environmental considerations for at least part of the Bitterroot forest.

WYOMING NATIONAL FORESTS

Another area widely criticized for clearcutting is northwestern Wyoming, where the Bridger, Teton, Shoshone and Bighorn National Forests were the subjects of another Forest Service study. As the leadoff witness at the April 1971 hearings on clearcutting, Sen. McGee cited the Bridger forest as one of the worst examples of the misapplication of clearcutting. Rep. Roncalio told the Church subcommittee that clearcutting should not be used in the high mountain forests of Wyoming. "Regeneration, even with hand planting, is often difficult and uncertain. Growth is slow; hence, site exposure is prolonged. Timber yields are usually low. The scars of logging are slow to heal. . . ."

MONONGAHELA NATIONAL FOREST

In August 1970, the West Virginia legislature's Forest Management Practices Commission issued a report critical of Forest Service polices on the Monongahela National Forest. The commission recommended that even-aged management be replaced by all-aged management in the area and that multiple use, particularly recreation and tourism, take precedence over timber harvesting.

CLEARCUTTING: PROS AND CONS

Clearcutting has been the focal point of the wider controversy over national forest management policy primarily because it seems such a drastic logging method.

In a 1972 Sierra Club "Battlebook," *Clearcut*, Nancy Wood writes: "Under this form of so-called 'sound forest management,' an entire mountainside can be stripped of trees, thousands of acres at one whack, running as much as three miles in length and a mile or more in width. Such a practice has an enormously devastating environmental effect which includes soil destruction, stream siltation and a stinging blow to the aesthetic sense."

But "Clearcutting: A Timber Management Tool in Perspective," a paper prepared by the Forest Industries Council, takes the opposite approach: "Clearcutting, or the complete harvesting of a specified stand of trees at maturity, is one practice which has been applied successfully to foster prompt and effective regeneration of desirable species. Consideration of clearcutting as a management tool must be put in perspective since its detractors tend to emphasize short-term aesthetic impacts rather than its long-term contributions to efficient timber uilization and stand regeneration."

Clearcutting has been employed for hundreds of years. In some cases, it merely was the fastest way to extract the greatest number of trees. In other places, it was used consciously by foresters as a scientific harvest method. In Germany, Sweden, Japan and Russia, clearcutting long has been an accepted practice for species which regenerated naturally in cleared forest areas.

Proponents of clearcutting insist that problems arise from misuse of the method, not simply from its use. They say that clearcutting simulates natural events such as forest fire, insect or disease damage, wind storms or floods on a controlled basis so that trees which otherwise would be wasted can be converted to man's use. Clearcutting opponents counter that this argument is based primarily on economic, rather than ecologic, considerations. No tree is wasted, they say, if it enters the natural forest cycle of decay and growth. They say that if man hopes to prevent worldwide environmental crisis, he must stop treating the earth's resources as a commodity and begin viewing them as a trust.

Economics

Always foremost among arguments over clearcutting are economic considerations. The timber industry contends that the economic effects of a clearcutting ban would be disastrous. The National Forest Products Association listed as possible consequences of the proposed executive order: a 40-percent reduction in available timber; increases in the cost of producing lumber, plywood, pulp and paper; curtailment of home construction as a result of lumber and plywood shortages and increased costs, and unemployment resulting from reduced construction activity and loss of jobs in wood industries.

But conservationists accuse the industry of exaggerating the economic impact of clearcutting restrictions and playing on public fears of a lumber or housing shortage.

In a statement at the Senate hearings in April 1971, Dean Bolle said: "The Forest Service and/or the timber industry has been crying timber famine (or scarcity or shortage) for 75 years. Scare tactics have been effective in the past, but they are becoming less so as the years pass and the impending crisis never seems to materialize."

The timber industry has often cited the Housing Act of 1968, which said the nation would need 26 million new housing units by 1978. The Sierra Club and others have called this goal unrealistic and pointed out that if an average of four persons lived in each of these houses it would mean new homes for 104 million people, or half the nation's total population.

But the industry still maintains that high housing goals justify continued timber flow from national forests. "The extent of demand and need for housing is indicated by the fact that approximately two million units were built in 1971 and by the prospect that a like number will be required in 1972," a *National Forest Products Association* report says. "But while lumber and plywood mill inventories were ample at the beginning of 1971, they were dangerously low by the end of the year due to continuing heavy demand for housing."

Regeneration

Foresters generally agree that clear-cutting is the best method to regenerate some species of trees under certain conditions. Seedlings of trees which are "shade intolerant"—including Douglas fir, lodgepole and loblolly pine, black walnut, black cherry and yellow poplar—grow best in full sunlight. These species must be clearcut, foresters say, so that seedlings will not be hampered by the shadow canopy of older trees. Other species are "shade tolerant" and grow well in dense forests, so they can be logged by selection cutting.

But the effectiveness of clearcutting in forest regeneration can vary greatly with terrain, elevation, slope, soil and water conditions. These variations have caused poor results in some areas.

In Wyoming, for example, some clearcut mountain areas did not regenerate for many years despite repeated replanting efforts. Of this failure, McGee once said: "In the high country, when you talk about harvesting timber, you are really talking about wiping out a forest."

As for eastern hardwoods, Professor Leon S. Minckler of the State University of New York college of forestry in Syracuse, N.Y., told the Senate subcommittee: "It is simply not true that clearcutting and even-aged management is necessary to establish more intolerant and available timber species as ash, cherry, oak and yellow poplar. My research . . . has shown clearly that this can be done by group selection or by cutting small patches."

But most foresters agree that proper clearcutting results in prompt and healthy regeneration of desirable species.

Wilderness

Conservationists and the timber industry clash strongly over the question of wilderness preservation. Although more than 14 million acres already are set aside as wilderness or primitive areas, many conservationists want the wilderness system to be expanded. They are especially concerned about what they term "de facto" wilderness, millions of acres of forest which have no roads or development but are not legally protected as wilderness.

"If industry is allowed to continue at its present rate of cutting," wrote Nancy Wood in *Clearcut*, all virgin timber in de facto areas may be gone by 1980."

The industry counters that those who want to lock up more acres in wilderness are not conservationists but "preservationists" who want vast areas of public land for their own limited hiking and backpacking use.

William H. Hunt, president of Georgia-Pacific Corporation, told the Pacific Logging Congress in Portland, Ore., in November 1971: "Under the sweaty backpacks one is most likely to find business executives, professional people and other white-collar workers, plus students working toward their degrees. . . . For all practical purposes, the wilderness experience has become a huge roadless extension of elitism, barred to . . . the man or woman who works too hard on the job to enjoy the physical demands of a return to the coonskin cap."

But wilderness devotees argue that the number of persons using wilderness and primitive areas has tripled since 1964. They speak of the wilderness experience in terms which are almost mystical, describing it as highly personal, deeply enriching and attainable only in areas unaltered by man. They often quote Thoreau, who once wrote: "In wildness is the preservation of the world."

Aesthetics

Closely allied to the wilderness issue is the question of aesthetics. Opponents of clearcutting inevitably describe the stumps, logging roads, skid trails, terraces and burned slash often left on clearcut areas.

Most foresters readily agree that clearcutting looks bad at first, but they are fond of quoting the 1971 Ralph Nader study group report, *Power and Land in California,* which states: "While aesthetic considerations are certainly very important, too few people realize that appropriate logging practices depend on ecological considerations, and good ecology is not always the same as a pleasing appearance in the short run. . . . Categorical criticism of any and all clearcutting, although popular with emotional conservationists, is over-simplistic."

Timber men say that the devastation apparent immediately after a clearcut soon disappears as new growth occurs. The Forest Service claims it now considers aesthetics in the regulation of clearcutting, such as employing landscape architects to adapt clearcuts to natural terrain, cutting smaller areas, clearing up slash, and protecting lakes and streams.

Soil

Of all the testimony presented at the 1971 hearings, perhaps the most startling was that of Robert R. Curry, a professor of environmental geology at the University of Montana. Curry told the subcommittee that clearcutting could cause serious soil nutrient depletion and could result in arid, permanently deforested land. After one to four clearcuttings, Curry said, "the soils of national forests will be unable to support merchantable sawtimber until replenished by slow, geological weathering in 5,000 or more years."

Curry based his testimony in large part on a study at the Hubbard Brook Experimental Forest in New Hampshire, where the land was repeatedly cut and sprayed to test erosion and soil depletion under severe conditions. Other geologists questioned whether its findings could be generalized to all forests. A Forest Service report concluded: "On the basis of currently available information, we find no drastic or irreversible depletion of forest soil nutrient caused by timber removal." Dr. Paul V. Ellefson, director of environmental programs for the Society of American Foresters, said: "As the (Curry) study is debated more and more, I think you'll find that it is discredited."

Water

One of the most important roles of a forest is watershed protection. Conservationists often contend that clearcutting damages water resources through excessive sedimentation caused by soil erosion. They say that litter, top soil and ashes from cut or burned slopes are washed downhill by rainwater to pollute streams, destroy vegetation and harm fish habitat. Hurlon C. Ray, director of the Environmental Protection Agency's regional water quality office in Portland, Ore., told the subcommittee that stream sedimentation in some clearcut areas increased 7,000 times over normal levels.

But foresters maintain that proper clearcutting actually will benefit a watershed, as snow accumulation can be increased and snow melt controlled through clearcut placement. In places where water resources are a problem, they say careful and scientific clearcutting can increase water yield and help relieve water shortages.

Wildlife

The relationship between clearcutting and wildlife is one that is vigorously debated. Many laymen assume that clearcutting destroys wildlife. But in fact, numerous studies have shown that some forms of wildlife flourish in clearcut areas. After logging operations are completed the clearcut area, exposed to sunlight, begins to grow a covering of brush, herbs, berries and other brows which attracts both big game and small animals.

A National Forest Products Association paper on wildlife management states: "forest management is an indispensable tool in the manipulation of wildlife populations, easily the most powerful and dramatic force available to the wildlife manager to produce a high wildlife population."

However, it is this manipulation to which some conservationists object. An editorial in the winter 1971 issue of the Wilderness Society magazine, *The Living Wilderness,* asked: "Why not unmanaged forests?" Before the advent of forestry, it said, "Natural events, such as age and wildfire, opened up the forests for healthy understories, and wildlife prospersed where wildlife was meant to prosper. During intervals when the host forest did not favor a wildlife species, it could move to other environmental establishments."

OUTLOOK

The clearcutting controversy has focused attention on the need for comprehensive management planning on national forest lands. Although there are many points of disagreement between conservation groups, the timber industry and the Forest Service, some common goals have become apparent.

RESEARCH

Most parties to the controversy agree that continued forestry research is desirable, if it is not merely an excuse to delay action. Some foresters feel that implementation of existing knowledge could result in considerable improvements.

"One of the biggest failings we have in forestry is the lack of dissemination of research," says Hardin R. Glascock Jr., executive vice president of the Society of American Foresters. "But foresters aren't a very articulate breed of cats, and the researchers aren't communicating with the land managers. If we were able to put into effect the state of the art, we'd have forestry which would be the envy of the world."

One recent body of research which may be influential in the future are the "Deans' Reports" prepared for the Council on Environmental Quality by the heads of five forestry schools around the nation. The reports generally endorse clearcutting when used properly, but stress that careful guidelines should regulate its use. They also recommend that some forest lands should be classified as intensive timber production areas and managed through scientific cultivation, fertilization and genetics for maximum yield.

A forthcoming study which may be helpful is that of President Nixon's Advisory Commission on Timber and the Environment, which was appointed in September 1971. Under Chairman Frederick A. Seaton (R. Neb. Senate 1951–52), Secretary of the Interior during the Eisenhower administration, the panel is studying broad questions of national forest management policy and will report its findings in July 1972.

Reforestation

Another point of general agreement is on the need for replanting some 5 million acres of national forest land which were damaged by large fires, pest epidemics, or were simply marginal when acquired. The forest service says little progress has been possible because of lack of adequate funds.

Reorganization

Many conservationists are calling for reorganization of the Forest Service, either by transferring it to the Interior Department or placing it in a new Department of Natural Resources, as proposed by President Nixon in his executive reorganization plan.

Senator McGee said the clearcutting issue "has dramatized the incongruity" of having the Forest Service within the Agriculture Department, "especially under Secretary Butz, who is committed to agribusiness."

In the January 1972 issue of *American Forests* magazine, William E. Towell, executive vice president of the American Forestry Association, had this to say about the future of U.S. forest management:

"Clearcutting as we have known it is a thing of the past. No longer will the public tolerate large clearcut blocks on exposed slopes with tangled logging slash—definitely not on public lands and probably not on private lands. Indiscriminate logging roads with little or no thought for soil stability or unsightliness no longer are acceptable. In fact, future logging may have to be done with no roads at all . . . Large blocks of even-aged plantings will be broken up with wildlife food plots and species variation. Forests will be managed for multiple use in fact rather than in theory, with recreation, wildlife and aesthetics equal partners in management planning."

DEFINITIONS

Terms used by professional foresters to describe forest management and timber harvesting:

Even-aged management.—The type of forest management which maintains trees in a given stand at about the same age and size, then harvests all of them so a new stand may grow. There are three basic methods of even-aged management:

Clearcutting—the removal of an entire stand of trees in blocks, patches or strips at one time, whether all are marketable or not; a primary timber production method which may be followed by natural regeneration, artificial seeding or hand-planting of seedlings.

Shelterwood—the removal of marketable trees in a series of cuts to allow natural regeneration of a new stand under the partial shade cover of older trees, which are later removed.

Seed tree—the removal of nearly all marketable trees in one cut, with the exception of a small number of desirable seed bearers to naturally regenerate the area.

Uneven-aged management—The type of forest management which maintains all ages of trees in a given stand at all times to permit continuous natural regeneration. There is one primary method of uneven, or all-aged, management—selection, or the removal of marketable trees singly or in small groups at periodic intervals, resulting in a stand with different ages and sizes intermingled.

FACTS AND FIGURES

There are a total of 187 million acres in America's 154 national forests. Of this total, 97 million acres are classified as commercial forest land, which is defined as land capable of producing timber crops. Logging is carried out by private companies which bid for sales contracts with the Forest Service to harvest timber.

The Forest Service calculates an annual "allowable cut," which is the amount of timber which may be harvested from national forest lands without depleting the forests. This figure is computed in "board feet," which is a measurement equal to a piece of wood one foot by one foot by one inch thick. In 1950, the allowable cut on national forests was 6 billion board feet. In 1960, it had increased to almost 11 billion board feet. In 1970, the figure was 13.5 billion board feet. The Forest Service attributes the increase to technological improvements, changes in classification and increased reforestation.

In 1970, 11.5 billion board feet were harvested. Of this total, 6.4 billion, or almost 60 percent, was removed by clearcutting. Selection cutting accounted for 2 billion board feet, or 19 percent, and intermediate cutting took 1.2 billion board feet, or 11 percent.

HELEN BENTLEY ON STRIKE IMPACT

Mr. PACKWOOD. Mr. President, the Subcommittee on Labor, on which I am privileged to serve, continued its hearings on emergency transportation strike legislation on March 3. Among the excellent testimony presented was that of the distinguished chairman of the Federal Maritime Commission, Mrs. Helen Delich Bentley. Mrs. Bentley's statement was most informative on the impact of longshore and seamen's disputes on the development, stability, and overall health of the Nation's maritime industry.

Her comments are quite timely, in view of the current east and gulf coast dispute, the as-yet-uncertain west coast situation, and the remedial legislation this body will soon be called upon to consider.

I ask unanimous consent that Mrs. Bentley's statement be printed in the RECORD. I commend it to Senators.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY HELEN DELICH BENTLEY, CHAIRMAN, FEDERAL MARITIME COMMISSION, BEFORE THE SUBCOMMITTEE ON LABOR OF THE COMMITTEE ON LABOR AND PUBLIC WELFARE, U.S. SENATE, MARCH 3, 1972

Good morning Mr. Chairman and members of the Committee. I am accompanied this morning by Mr. Robert S. Hope, my special assistant.

I am most happy to appear before this Committee to offer my views on the need for emergency transportation legislation, a subject on which this subcommittee has already held rather extensive hearings.

I understand that there have been referred for the consideration of this Committee nearly a dozen bills to deal with the strikes which have plagued this nation's transportation industry in one form or another for many years. Without attempting to enumerate them all, during the past decade we have had major disruptions in the Longshore Industry in 1962–63, in 1965, in 1968–69 and, of course, the recent two which commenced on the West Coast in July of 1971 and later on the Atlantic and Gulf Coasts, all involving major longshore strikes.

In each instance the U.S. Atlantic and Gulf Coast has been tied up in the strikes. The West Coast has been struck in the more recent transportation crisis. Additionally, lesser disruptions have occurred in the maritime industry some of which consisted of disputes concerning the officers and crews of U.S. flag vessels. Even these latter, although admittedly of lesser impact on our overall economy, have significant adverse effect on shipping and other industries. I would like briefly to identify the principal maritime strikes beginning in 1962 up to and including the most drastic ones of 1971.

	Number of days	Nature
Mar. 16 to Apr. 11, 1962	27	Seamen west coast.
Oct. 1 to 5, 1962	5	Longshore Atlantic/Gulf.
Dec. 24, 1962 to Jan. 27, 1963.	33	Do.
Scattered walkouts commenced late 1964 culminating in a general walkout on Jan. 11, 1965 ending Mar. 13, 1965.	61	Do.
June 16 to Aug. 29, 1965	75	Seamen Atlantic/Gulf.
Dec. 20, 1968 to Feb. 15 to Apr. 13, 1969.	57–115	Longshore Atlantic/Gulf.
Nov. 17 to Dec. 21, 1969	35	Seamen west coast.
July 1 to Oct. 6, 1971	100	Longshore west coast.
Oct. 1 to Nov. 26, 1971	57	Longshore Atlantic/Gulf.

In each of these strikes an entire coast was affected. The first strike in 1962 was a seamen's strike and involved only United States flag ships—therefore the consequential effects upon our economy were not as significant or as disruptive as the others, which involved longshoremen and accordingly for all practical purposes brought movement of our water-borne commerce, including both the foreign and domestic offshore trades to a virtual standstill on the affected coasts. According to the Maritime Administration the recent strikes, up to the time the Taft-Hartley injunction became effective have resulted in a loss of earnings in the seafaring and longshore segments of the maritime industry of $105,407,000, exclusive of fringe benefits.

In addition to these strikes which I categorize as major disruptive ones, there have been numerous actions involving local transportation industries, such as terminals, warehouses, truckers, individual water carriers and others. Although I have made no attempt to identify these, I do not want to leave the impression that they are not serious or that they do not have some significant impact on our economy. According to a table appearing on page 1247 of Hearings before the House Committee on Merchant Marine and Fisheries held during 1963 on identical House Bills 1897, 2004 and 2331, concerning strike legislation with respect to the maritime industry, there were 1510 work stoppages in the water transportation industry during the period 1927 through 1961. Of these, 667 occurred in the post World War II period from 1946 through 1961, and idled during that 16-year period in excess of 12 million man-days. When you consider that these man-days are attributable only to time lost by the maritime industry alone and do not take into consideration lost time occasioned in other industries affected by these stoppages, you get some idea of the tremendous impact that strikes in our maritime industry have on our national economy.

I have consistently taken the position that work stoppages in the maritime transportation industry have serious and lasting adverse effects on our overall economy—and when we have such major disruptions as occurred in the Atlantic, Gulf, and West Coasts in 1971, they have a direct and lasting adverse effect on our fourth arm of defense—the American Merchant Marine.

In a recent appearance before the Subcommittee on Merchant Marine of the House Committee on Merchant Marine and Fisheries, I stated that the creation and maintenance of a sensible labor/management relationship so that shipping services can be provided without the costly interruptions occasioned by strikes in the maritime industry is of the utmost importance. I pointed out the almost irreversible shift of shipper ties from American carriers to foreign flag carriers and the adverse effect on our exports.

In support of its petition seeking an injunction under the Taft-Hartley Act against the International Longshoremen's Association in November 1971, the Department of Justice produced a number of affidavits which had been obtained from Cabinet members and other high ranking government officials. Without exception these affidavits pointed out some of the very serious consequences which followed the ILA's October 1 walkout.

For example, Paul W. McCracken, Chairman of the President's Council of Economic Advisers, assuming a 2-month duration of the strike, estimated a decline from normal levels of exports through the East and Gulf ports alone of $2.6 billion, while imports through the same ports would decline by $2.3 billion. Estimating $1.2 billion exports to be made up (or to have been shipped in anticipation of the strike) as against $1.8 billion of imports estimated to be made up or anticipated, Mr. McCracken comes up with a $1.0 billion *unrecoverable* adverse impact on our international trade balance. As of mid September it was estimated that the West Coast strike had already created an *unrecoverable* loss of $100 million with an additional estimated unrecoverable loss of $80 million if the strike continued through October. It should be noted that the principle impact from the West Coast losses falls upon the agricultural industries. This is so because of a diversification program initiated about three years ago by the Japanese to reduce dependence on U.S. shipments and to expand outlets for Japan's manufactured goods. There are alternative sources of agricultural commodities in Australia and Canada.

In this respect I would like to quote in part from the affidavit of the Secretary of Agriculture:

"There is a critical danger that major portions of our export markets will be lost forever as a result of the longshoremen strikes. American agriculture has already lost markets overseas from the strike on the West Coast. Japan is beginning to question the dependability of the United States as a supplier of agricultural commodities. In recent bilateral discussions with the Japanese, we learned that they are sending missions to other supplying countries of the world to urge that they increase their output especially of grains so as to reduce Japan's dependence on the United States. The strike at the East and Gulf Coast ports will multiply greatly the permanent loss in markets because of the larger quantity of exports which move overseas through these ports."

In a footnote the Secretary points out that during the months of July and August, an estimated $215 million of farm products, which would have moved through West Coast ports, could not be delivered.

Further evidence of the effect of these strikes on our trade balances is found in a telegram of November 24, 1971, to the Maritime Administration, from the President of the Gulfports Agricultural Export Association, which reads in part as follows:

"The threat of Dock Strikes are heavily damaging dollar exports of agricultural commodities. Japan's normal corn and grain sorghum requirements of 777,000 tons per month are usually 70 percent supplied by the United States. On July 30, 1971, Mr. Nubuo Nikki of Marubeni—IIDA, speaking of all Japanese purchases advised us:

'We made a drastic change in the pattern of feed grain purchase. In case of corn, we covered our October and part of November requirements heavily from outside the United States. We bought 250,000 tons from Thailand, 90,000 tons from Argentina and S. Africa and 75,000 tons from U.S. lakehead instead of Gulf. Because of our bitter experiences in the past, we did not take a single bushel of corn from the Gulf ports during the possible strike period this year.' "

At a recent Traffic Management Seminar, Mr. John P. Scally, manager of export traffic distribution services, International Sales Division of General Electric, had the following to say concerning strikes:

"One major reason for our overseas marketing problems is that we cannot be confident of our deliveries. We are continuously faced with transportation strikes, delays, uncertainties or congestion. I have a classic letter from an overseas distributor who says: 'I've lived through your longshoremen's strikes, your transit strikes, your truck and rail strikes, when are you going to run out of excuses?' A strike, or even the anticipation of a strike, leads customers to consider purchasing locally or buying from the countries that can deliver during anticipated strike period in the United States. These customers may never come back."

The threat of strikes cause some companies to attempt to build up expensive overseas inventories to ride out the duration of the strike in order not to lose the foreign markets they have been able to penetrate. This is illustrated in the following observation of Mr. Wilton B. Jackson, Regional Traffic Manager, E. I. duPont de Nemours, Inc.:

"There is too little recognition of what these waterfront and maritime strikes have really cost us. When you, as an exporter, recognize the historic probability of an upcoming strike, you have to plan on an emergency basis to maintain your markets, to hold your competitive position. You cannot afford to lose a market. Therefore, we're all faced with supplying many of our products at a cost penalty of perhaps six to one. Building inventories overseas involves severe working capital penalties, yet it is absolutely essential to protect the market."

The September issue of Traffic Management contains comments of some prominent companies concerning the effects of strikes—several of which I think are pertinent on this same point. For instance, the director of export and marine services, International Paper Co., points out that although three years ago, customers in Europe would await settlement of the strike, today they would cancel out and order elsewhere. Accordingly, the International Paper Co. maintains up to two months' inventory in Europe to preclude disruption in the flow of supplies.

Mr. Arthur Singer, president of Singer Products Co., Inc., exporters of automotive and electronics equipment, stated that the 1968–69 strike cost his firm a minimum of $1 million as a result of lost business and additional expenses. According to Mr. Singer, "Much of the business diverted to foreign competition during that period never returned . . . During that strike, competitors from Germany and Japan seized upon the opportunity to meet our prices, and they grabbed our business. Once they got a taste of it, they never let go—and we suffered that loss ever since."

The policy of the United States, as enunciated in the Merchant Marine Act, 1936, insofar as here pertinent is to foster the development and encourage the maintenance of a merchant marine sufficient to carry its domestic waterborne commerce and a *substantial portion* of the waterborne *export and import* commerce of the United States. I do not believe that there has ever been any exact definition of the word substantial—it apparently differs according to the various trades which our ships ply—however, at the time the Act was enacted there was aspiration towards a 50% goal. Millions upon millions of dollars in Federal aid has been poured into this merchant marine in an effort to achieve those goals. And with what result? The portion of our foreign commerce transported in U.S. flag ships, has declined from a very healthy share in the post World War II period to approximately 5% today. We have allowed other countries to take over our trade. To what extent this has come about because of the impact of strikes on our transportation and manufacturing capabilities would be mere speculation—but I would venture to say that strikes have played no small part in this deplorable failure to carry a substantial portion of our export and import commerce in U.S.-flag ships.

An attempt has been made to check the downhill trend of our merchant marine in the comprehensive maritime program envisioned by the Merchant Marine Act of 1970. This Act contemplates additions to our fleet at the average rate of 30 new ships a year for the next 10 years—a total of 300 new ships. A goodly number of these ships will be of the new progressive types—the *Lash*, the *Container*, the *Seabee*—all requiring the outlay of a tremendous amount of capital—for both ships and equipment. These vessels can be built only if the money can be found to finance them. In the hearings on the Merchant Marine Act of 1970, prominent bankers testified that raising private capital for ship construction is always difficult. Prospective lenders do not believe that American flag shipping offers a sound investment. They are concerned with service and stability which certainly is not in evidence in our strikebound maritime industry today.

Many of our U.S. flag operators are on the brink of disaster—they are continually fighting a losing battle. Strikes which cause them to lose their cargoes to foreign competitors certainly don't help them in financing new ships. A graphic illustration of this can be found in an article which appeared in the Journal of Commerce November 4, 1971. That article pointed out that at times when certain ports in the Atlantic and Gulf range were open during the ILA strike in October and November of 1971 because of sympathy actions of licensed deck officers of the International Organization of Masters, Mates and Pilots, American vessels were immobilized while their foreign competitors freely moved, loading and discharging their cargoes. According to the article at least 8 American companies were so affected. It is my understanding that, because of this refusal to work American flag ships, even cargo which was reserved for carriage in U.S. flag ships under our cargo preference laws was lost to foreign flag ships. Conservative estimates of the loss of revenue to U.S. operators on those shipments alone exceeded $1 million as of October 30th. I don't know what the losses on commercial shipments amounted to—but I dare say they were substantial.

If we are going to allow our U.S. flag operators to be continually pushed to the wall we are not going to get those 300 ships envisioned by the Merchant Marine Act of 1970 built—there will be no private financing available to help.

I could go on and point out to you the many letters or copies of letters which I have received complaining of the strikes and pointing out the serious adverse economic effects on both individuals and to the national economy. Many of these same letters have been submitted to Senators and members of the Congress, if not to members of this Committee, and I assume that they have or will find their way into the record. However, I will be most happy to see that copies of not only those letters but also copies of the affidavits which I referred to are supplied for the record.

I believe that what I have recited is ample to show the serious adverse effect which these strikes have on our economy and to the unfavorable balance of payments. Every dollar in freight revenue lost by a U.S. flag carrier to a foreign carrier helps to tip that balance further against the U.S. Every dollar in exports lost to a foreign competitor (even if that competitor might be a foreign subsidiary of a U.S. manufacturer) further tips the scale against the U.S. trade balance. And don't forget—one lost, that foreign market is difficult if not impossible to recapture.

I am not going to take your time by trying to analyze and compare the various bills which you have before you. There have been and are expert witnesses who are better qualified to do this than am I. But I do want to emphasize my support for the Administration response to this critical problem. The flexible, multi-option approach, which is at the heart of the Administration's emergency dispute proposals, would prevent labor disputes in the transportation industry from escalating into crippling labor strife and would enhance the development of peaceful labor relations in the maritime industry. I urge this Committee to give them speedy consideration.

I understand that the House Interstate and Foreign Commerce Committee in considering emergency dispute legislation, because of opposition from maritime unions, has some reluctance to include maritime transportation within the scope of permanent emergency dispute legislation. A separate bill, which omits the maritime industry, has been introduced and is being considered.

In my view it would be a most serious and grevious omission not to cover this key transportation mode in the legislation. I urge that the members of this Committee take favorable action on the Administration's proposal and include therein the maritime industry.

Gentlemen, that concludes my prepared statement. I hope that I have conveyed to you in some small way the extreme seriousness with which I view strikes affecting the national economy. Some measures must be found to deal with them and I sincerely believe the Administration's proposal provides the necessary basis.

If I or any of my staff can assist in any way with your efforts in this matter please feel free to call upon us.

Thank you.

GUS SCHOLLE

Mr. HART. Mr. President, a few weeks ago, Michigan and the Nation lost one of those rare individuals who combine energy, compassion, and toughness in just the right formula, a formula that allows them to mark a profound mark on their time.

The man was Gus Scholle, labor leader, philosopher, political leader, orator, and untiring champion of the oppressed and the powerless.

Gus Scholle died in February, but the social changes generated by his crusades will be with us for generations.

One of the most sensitive and eloquent obituaries on Gus was written by Philip H. Power, publisher of several newspapers in the Detroit suburbs.

I ask unanimous consent that the article, entitled "Gus Scholle: The Man Who Built the Suburbs," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GUS SCHOLLE: THE MAN WHO BUILT THE SUBURBS

His name was August Scholle, but they called him Gus.

They called him a lot of other things besides that. Labor boss. Honest and blunt. Dictator. Political kingmaker. Tough. Old fashioned. Conservationist. Abrasive. The sly gray fox of Michigan politics.

But one of the things that they didn't say last week when former state AFL–CIO president Gus Scholle died was that more than any one man in Michigan he was responsible for the kind of big political clout the suburbs have today.

That's too bad, because Gus was one of those guys who got a bum rap while he was alive and well, only to have a lot of people come out of the woodwork saying nice things about what a remarkable man he was after he was dead.

For 30 years Gus ran the state CIO and, after the merger of the two big labor federations in 1958, he led the AFL–CIO.

Together with his firm ally, Walter P. Reuther, the late president of the UAW, he believed passionately that the way to help achieve the goals of the working man was to get him involved in politics.

He was one of the main architects of the union-Democratic party alliance which elected G. Mennen Willams and John B. Swainson governor, put the Democratic party on the map, and made the labor movement the strongest political force in the State.

In his political work, the flaming honesty and blunt candor which so characterized his personality made him an easy target for Republicans and political writers. He called former Gov. George Romney "a big clown" when Romney revealed in 1962 that he was seeking divine guidance through prayer while deciding whether to run for Governor.

"Does he think he has a pipeline to God?" Scholle asked.

They worked him over pretty good for that one, and for countless others like it. And as time went on, Gus Scholle had the most consistently bad press of any public figure in the state.

But while that was happening, he started working on the idea that probably has had more political impact on Michigan and brought more power to the suburbs than any other in the past 40 years.

As a resident of Berkley, in Oakland County, he looked at the state legislature and saw that legislative districts were unequal, with the result being a gerrymandered rural-dominated state house and senate. In the 1950's, he pointed out that Oakland County would elect only one state senator to represent 700,000 people, while one Upper Peninsula district could elect a senator to represent only 49,000.

"This means that my vote in Oakland County is only one-twelfth as good as that of a voter living in the smallest district," he thundered. "The state senate represents tree stumps, not people."

Scholle, together with his brilliant Detroit attorney, Theodore Sachs, argued that legislative districting based on both population and land area violated the due process and equal protection clauses of the 14th amendment to the U.S. Constitution.

He took his campaign for "one man, one vote" to the legislature, to the state constitutional convention, to the Michigan Supreme Court, to a three-judge federal panel, and finally to the U.S. Supreme Court.

When the U.S. Supreme Court finally in 1964 issued the landmark "one man, one vote" reapportionment decision, many of Scholle's arguments were cited.

The decision led to reapportionment of Michigan's legislative and congressional districts to make them as nearly as possible equal in population.

It led to representative power in the U.S. Congress and the state legislature for the suburbs in proportion to our booming population, and it will lead this year to even greater suburban representation after the census required redistricting is finished.

Gus even tried out the results of all his work by running in 1970 for Congress in the 18th district, covering Southfield, against popular Rep. William Broomfield.

While he lost that election, the results never deterred him from pushing ahead for what he thought was right. In particular, he served on the state Natural Resources Commission, probably the most powerful force for environmental protection in the state.

His courage and strong principles made him a particularly effective commission member, arguing that the need for environmental concern extended well beyond matters of shooting antlerless deer and to the entire quality of life for urban and suburban regions of the state.

His energy and dedication never flagged. While he fought his terminal illness in Henry Ford Hospital in Detroit, he was constantly on the phone to Lansing, casting his votes for meetings of the commission.

Then, last Monday, he knew the end was near. He left the hospital and went back home to his cabin retreat at Caseville, on Saginaw Bay. There, on Tuesday, with the lake in front of him and a life of tough and effective public service behind him, he died.

I wish we had more men like him.

S. 2994—THE VICTIMS OF CRIME ACT OF 1972 AND THE BRITISH DEBATES

Mr. McCLELLAN. Mr. President, on December 11, 1971, I introduced, along with 16 of my distinguished colleagues, S. 2994, the "Victims of Crime Act of 1972." The bill is a multititled measure which consolidates the provisions of six separate bills that were pending before the subcommittee.

Title I of the bill will set up a Federal program for compensation of victims of violent crime in need and authorize matching grants to States having similar programs.

Title II of the bill will authorize the establishment of low-cost group life insurance for "public safety officers," defined to include police, firemen, and correction guards.

Title III of the bill will provide for a death benefit of $50,000 to "public safety officers" killed in the line of duty as a result of a crime.

Title IV of the bill will strengthen the civil remedies available to victims of racketeering activity.

I am pleased to note that the number of cosponsors of this measure has since risen to 47.

During the recess, the bill was given nationwide circulation. The views of citizens, academies, State officials, insurance companies, police, fire, and correctional officials and others were solicited. Most of the responses are now in. The basic ideas have been fully aired and the remaining issues seem to be largely a question of specific draftsmenship and subcommittee compromise. I am hopeful, therefore, that the Subcommittee on Criminal Laws and Procedures, of which I am privileged to be chairman can after 1 additional day of hearings, now scheduled for March 14 begin to mark up this important legislation.

I make these remarks to alert the Senate that I expect that it should not be too long—perhaps late March or early April—before it will be possible to bring this measure before it for debate and, I hope, swift passage. In this connection, I wish to draw the attention of the Senate to the extraordinary debate that took place in the House of Lords in December 1962, just prior to the adoption of the successful British scheme for the compensation of victims of crime. Many of the issues of principle and detail faced by the House of Lords will have to be faced in our consideration of this legislation. I learned much from this discussion of our distinguished English friends. I trust others will, too.

Mr. President, I ask unanimous consent to have printed in the Record excerpts from the debates.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Crimes of Violence: Compensation for Victims

(Excerpts from 245 Parliamentary Debates, pp. 246–319 (Hansard) (December 3, 1962))

The Earl of Longford rose to call attention to the Report of the working party on Compensation for Victims of Crimes of Violence (Cmnd. 1460); and to move for Papers. The noble Earl said: My Lords, I rise to move the Motion standing in my name on the Order Paper and to call attention to the pressing need for a Government scheme of compensation for victims of violence. I am glad to notice a very distinguished list of speakers to follow me. I am particularly glad to think that the noble and learned Viscount the Lord Chancellor is to wind up the debate, and also that I am to be followed by the noble Lord, Lord Mancroft, whom we have missed so much in the world of crime since he took to business; but I am glad to think that, like myself, he has found no necessary conflict between these interests and I welcome back to the crime lab one of its most distinguished and ardent members.

In moving this Motion, I appear to be pushing at a door which is at any rate ajar. The days have gone by when the late Marjery Fry, that wonderful woman, was ploughing her lonely heroic furrow, encouraged by a few sympathisers, such as the late Lord Drogheda in this House and also, as time passed by, several Members of the House of Commons, of whom Mr. Prentice and Mr. Carol Johnson have introduced Private Members' Bills. Even as recently as June, 1961, the Home Office Working Party, which was set up by Mr. Butler, could argue in their Report that

> "there is little evidence beyond what has been said from time to time in articles in the Press of public opinion about the matter".

Even at that time, or by the time their Report came out in June of last year, they were already outdated, and I am sure that those excellent gentlemen would not deny today the degree of public interest and support if they looked at the Press cuttings which arose, for example, from the recent report of Justice, which, as your Lordships know, is a non-Party society of jurists.

I had the honour to be titular chairman of the Justice Sub-committee, although much greater experts than I did the bulk of the work. The noble Lord, Lord Shawcross, who I am very pleased is going to speak later, as Chairman of Justice, commended our Report in a weighty foreword. Among the newspapers that I studied, perhaps the *Daily Mirror* spoke the most clearly and vehemently. It asked the question:

"Should innocent victims of cosh-thugs and gunmen be paid compensation for injuries which wreck their health and earning power?"

And they gave the answer:

"The Mirror says: Yes. So do all decent citizens".

It would be going hardly too far to add, "So, it appears, do all decent newspapers." *The Times* avoided, as is its wont, too ardent a commitment, but referred to "the strength of public feeling that something should be done about the many melancholy cases that are known to occur" and referred also to the edge this feeling gives to the clamour for penal revenge. *The Times* was good enough to refer to the proposals of our Justice Committee as "novel and well-considered", and that I think was the general tone of the Press.

The *Observer* is confident in claiming that the principle of State compensation for victims of crimes of violence has been by now generally accepted. The *Observer* suggests that all that the Government have questioned is the practicability of any scheme and this question, says the *Observer*, has now been met by the Report of the Justice Committee. Whatever may have been the case a year or two ago, we do indeed seem to have reached the point where the country and the Government are largely at one in agreeing that a scheme is not only desirable but practicable. We seem to have reached the point where the only question which remains is what kind of scheme it should be.

The present Home Secretary, Mr. Brooke, answered Questions on this subject on November 8 in another place. He was asked whether he had studied the Report of the Justice Committee and replied [OFFICIAL REPORT, Commons, Vol. 666 (No. 8), col. 1146]:

"I am studying this important question of compensation for victims of crimes of violence in the light of the report to which the hon. Member refers and also of reports by a Committee of the Conservative Party, by the Bow Group and by the Police Sub-committee of the Association of Municipal Corporations. I am not yet in a position to make a statement, but I hope to be able to before long."

After further questions, he concluded:

"I do treat it as a matter of urgency, and, as I have said in public, I hope that it may fall to me to introduce legislation on this subject, but we have first to decide which of these various different schemes which have been recommended by responsible bodies is the best solution as a whole."

So I think that we can fairly say that the principle is by now virtually accepted.

I would just add this further comment at this point on that aspect of the matter. I quote very strongly and respectfully what the noble Lord, Lord Shawcross, said in his foreward to our Justice Report.

"Justice does not claim . . . that its own scheme is sacrosanct. . . . We welcome this Report by the Committee of the Conservative Party. . . . The Council of Justice . . . has suggested that there should be consultations with the Committee established by the Conservative Party so as to present to the Government at an early date a short statement resolving as we think possible such differences as exist between the two Reports."

That seemed an eminently laudable sugestion, and I would only add, for the benefit of those who were not aware of it, that the Chairman of the Committee of Conservative Members of Parliament, until he became a Minister, was the present Attorney General, which no doubt gives the Report special significance.

I should now say a word or two about the principles involved. Why are we so sure by now that the State ought to accept special responsibility for the victims of violence? One answer, if there were time, would be to take a whole string of individual cases and challenge anyone to deny that in these cases the community ought to provide some compensation where it is not provided at all or, at any rate, to provide much more generous compensation. In view of the time factor, I will take, if I may, only the story to help us focus our thoughts, though it is far from an extreme example of the cause I am submitting, because in this story the victim has a good employer, has received some industrial injury benefit and hopes to receive some disability benefit. No doubt his compensation will be much less than he would receive in a Common Law action, which in this case would be, as the House would appreciate in a moment, clearly futile. There are many cases of much greater material hardship, though I think few more poignant, in one sense, than the one I shall offer to the House.

The House Office White Paper mentions, for example, children, widows and those past working age who do not qualify under any form of National Insurance, and it gives some illustrations. It mentions a nineteen-year old girl whose skull was fractured by a man with a hammer; a girl of eighteen who was brutally attacked by a man in a country lane, who lost her voice and the use of her right hand for several months; a man who kept a general store, whose skull was fractured by a youth with the butt of a revolver; a middle-aged woman who was attacked when returning from a Church Service on Christmas Eve, whose teeth and ribs were broken and who lost the sight of one eye; and it mentions a man who was knocked down and killed in a London street leaving his widow destitute.

Those are cases, admittedly, picked out as extreme cases, in the Report of the Home Office officials. My own example, the one I want to mention briefly, can be studied at greater length in an article written by the noble Lord, Lord Altrincham, in last Thursday's *Guardian*. It concerns a Mr. Kenneth Carew, a young West Indian, recently joined here by his wife, young children and widowed mother, who was employed as a London bus conductor on September 2. On that day, four-teenagers boarded his bus and soon made themselves objectionable. Some or them shouted "Black man" and "rubberlips" at Mr. Carew. He found it difficult or impossible to collect their fares. The bus came to a stop. The teenagers gave the signal for the bus to restart. Mr. Carew, as was his duty, rebuked them, pointing out that it was his job to start the bus. Two of them attacked him, kicking him ferociously. He backed down the stairs, but a final kick caught him full in the face. He was admitted to hospital, where one of his eyes had to be removed.

The week before last two youths, aged sixteen and twenty, were sentenced to five months detention for causing bodily harm to Mr. Carew. In evidence, passengers said that they heard one of the youths say, "We had a fight on the bus and we kicked the conductor's eye out. It was smashing." According to this passenger, one of the youths said the conductor ran screaming down the stairs. In fairness, I should say that counsel for the young man denied that this young aggressor know that Mr. Carew had lost his eye. At any rate, that is the story. Lord Altrincham reports that he was deeply impressed by Mr. Carew's attitude in adversity. He is certainly not indulging in what used to be called "bellyaching." But I need not continue. I cannot believe there is a single Member of this House or the general public who would deny that we, the community, ought to do far more to compensate a young man like Mr. Carew—even where there is a good employer and the Industrial Injuries Act works—than there is any prospect of our doing. I am taking him as one human being whose afflictions injustices are representative of a good many.

When we are faced with that case, or other cases of the same kind, we feel with every fibre of our being that the State ought to accept a much greater measure of responsibility for paying compensation. Yet I suppose it is not easy to point to a simple principle behind our moral convictions in this kind of case. How can we justify requiring the State to pay a higher compensation to the victim of an assult than to the victim of an accident, where there are the same physical consequences? Or, if we come on it from another angle, how can one justify State compensation for the victims of violence without State compensation for the victims of other crimes, such as stealing? In other words, how can we justify compensation for victims of crimes against the person, and not justify it for crimes against property?

Those question are answered at length in our own Justice Report and also in the Report of the Conservative Members of Parliament. If noble Lords will refer to those texts they will find, I think, in each case some arguments which appeal to them more than others. But I must leave noble Lords to make that study for themselves. I do not know whether my own Justice Committee would agree, but I am myself well satisfied with a summary of our reasoning which appeared in the *Law Journal* of November 9. It summarised our conclusions or our points in this way:

"The Justice Committee are of opinion that the State must accept some liability for the victims' injuries because it has a duty both to maintain peace and order and to provide effective civil remedies for wrongs."

A double duty, to maintain peace and order and to provide effective remedies for wrongs: that is how they summarised what seemed to them most important in our replies to the question I have put. I am not myself sure (perhaps the lawyers will tell us) what would be meant by asserting an absolute responsibility in either case. But surely no one will deny that there is on the State a double duty of some kind; to preserve effective peace and order, and to provide effective civil remedies. And where the State fails in both respects, the State can not avoid an essential responsibility for the victim.

To-day, my Lords, we are most of us conscious of the two outstanding factors. The first is the large increase since prewar days in violent crime, though it is still, of course, a small proportion of the total crime. Secondly, we are aware of the fact (to quote paragraph 4 of the Home Office Working Party Report) that the right of the victim of assault against his assailant is seldom exercised—this seems to me a point of the first importance—because as a rule the assailant is either unknown or, if he is known, he has no means and is not worth suing. That, I am sure, is a basic factor in the thoughts of all of us. We are aware that, at a time when other members of the community who are in need of help are increasingly cared for, this particular group of unfortunates are not only not being helped on a par with others, but are actually having a worse time with every year the crime wave continues. Their risks, in a sense, are becoming worse. If I am asked: "Is not this true, to some extent at least, of those who suffer from crimes against property," I do not think I can give what would be regarded as an intellectually coercive answer, though I am very confident about the practical answer which ought to be given. I would certainly reply that what we are now proposing has no necessary implications for victims generally; but we shall be making a start—if you like, an experimental start—in a sphere where the problem is limited in size, where private insurance is much less feasible than elsewhere, and where the public, by a true instinct, is sure that the need and distress are greatest.

The factors I have just touched on, including the recent growth of violent crime, have no doubt helped forward recently the cause of compensating victims of violence. But, mixed up with them, has been a feeling, perhaps as strong and growing stronger, that the criminal himself should make some reparation to his victim. May I say, in passing, that penal reformers (and I hope that I may describe myself as one) have sometimes been rebuked, in this House and elsewhere, for showing too much concern for the criminal and not enough interest in the victim. On the whole, I do not think that is fair. The difficulties of taking an interest in a victim and his family are much greater than some might suppose. I found that out some time ago, when I was anxious to start a society called the Friends of the Victim and it was difficult to know how to get started.

But, my Lords, I am not insensitive to this kind of criticism; and I often ask myself whether there is any justification for it. I have, for example, down on the Order Paper of the House, for "No Date Named", a Motion seeking justice for one Michael Davies who was condemned to death, and who is now widely believed to be innocent, for the Clapham Common murder in 1953. He was subsequently reprieved and seven years later was released. I hope and believe that one day a free pardon will be secured; but I hope also that I never forget that the injustices and sufferings of Michael Davies and his family are not to be compared with those of the murdered boy and his family. I hope that no penal reformers are ever careless in recognising the far greater sufferings of the victims in a matter of that sort. I hope that the active support of penal reformers for our cause to-day will finally nail the false allegation that it is the criminal alone who carries our sympathy.

In a small book on *The Theory of Punishment* which I published last year I looked forward to reparation by the criminal to the victim as occupying a much larger part in any constructive system of punishment in the future. But neither our own Justice Committee nor the Conservative Members of Parliament have shirked the disappointing truth that at the moment it is no good looking to the criminal for any substantial reparation. That will remain so while our penal system remains so backward and unimaginative and while the criminal in prison can still earn, in spite of the recent increase, no more than a few shillings.

Certainly, a really enlightened scheme of compensation for victims of violence would have two sides, the victim's side and the delinquent's side. But the delinquent's side of it cannot be introduced to any real effect—we say something about it in our Report—until there is a long overdue revolution in our penal system and in particular in our prison arrangements. But that must on no account be allowed to hold up the establishment of the first part of a full scheme—the compensation part—even if the State has to foot the bill in the first instance for nearly all of it. The Government White Paper concluded that the cost of a reasonable scheme was unlikely to exceed £1½ million; the Conservative Members of Parliament give a figure of £1 million; the Justice Committee of £1¼ million. All the figures are approximate. For once the Civil Service appear to be the most generous. But if any such scheme is worth introducing, as most of us feel very strongly it is, no one will regard the figures I have mentioned as in themselves prohibitive.

I come to the last section of my remarks, and inevitably I must summarise what is said. To be fully understood, it must be studied in the Report concerned. Granted that a scheme is desirable and that the State should largely pay for it, what should be its main features? The Justice Committee divides its conclusions under the main headings of "Scope of Compensation", "Nature of Compensation", "Position of the Offender", "Administrative Machinery" and "Procedure". Under "Scope of Compensation" it abandons the attempt to provide an *a priori* definition of a crime of violence and defines it instead by reference to a schedule of offences rather more than thirty in number. The offences begin with murder, manslaughter, riot and unlawful assembly, and include grievous bodily harm and bodily harm, rape, unlawful sexual intercourse and incest; though on this last item of incest there were considerable differences of opinion. It also includes attempts to commit those offences.

The Conservative Committee also drew up a schedule of about the same length which is not widely dissimilar, though there are a number of differences. When it came to the nature of the compensation, the choice at first seemed to lie between two types of schemes. On the one hand, there might be something like the Industrial Injuries Scheme, under which periodical benefits are based on loss of faculty and what amounts to a flat-rate principle of subsistence; and, on the other hand, the lump sum awards of the Common Law based on reparation to the victim for his expenses and loss of earnings—which, of course, may differ greatly between two men suffering from the same injury—loss of the amenities of life and loss of life expectancy.

For reasons set out at length in the Report neither principle of benefit seems to the Committee quite satisfactory on its own. The Justice Committee therefore recommend what they call a hybrid scheme, based at once on the needs of the victim and the nature of his injuries. This means, in practice, under their scheme, that victims who are not earning—old people, widows and housewives, for instance—would receive lump sum awards. Those who are gainfuly employed would receive reviewable weekly payments for loss of earnings based on the principle of reparation and not of subsistence. Therefore, presumably, as with Industrial Injury benefits, dependants of a victim should receive a weekly payment related to the income formerly received from the victim, or a lump sum award to cover the cost of resettlement.

The Conservative Committee appear to proceed on a different principle here, for they recommend that compensation should be assessed on the basis initially of Common Law damages. But in order to meet the difficulty that a Common Law damages scheme might result in wide variations of compensation for similar injuries—the difficulty, shall we say, that a rich businessman, if he really lost earnings while away from his business, might get far more than a wage earner for the same injury—they set an upper limit to the amount of compensation payable. It does not appear likely that in practice their awards would differ much from the awards of our Committee, and that conclusion is reinforced by the very similar calculations about the cost of the respective scheme.

As regards the position of the offender, we actually say in our Report:

> "Once the victim has received compensation from the State his right of action against the offender should be taken over by the State, which should seek to recover a contribution from the offender if it is economically practicable, and only to the extent that it does not impede the offender's rehabilitation."

The Conservatives, in their recommendations, which once again should be studied in the text, do not seem to see the problem with eyes very different from ours, but in neither case, as I warned the House earlier, is it expected that there will be, in the near future at any rate, much substantial return from the criminals.

Finally, I come to administrative machinery and procedure. Under our scheme a new tribunal would be created, to be known as the Crimes of Violence Compensation Board, to be composed of a legally qualified chairman, a doctor and a justice of the peace, of whom one should be a woman. The Board would be assisted by a full-time secretary and would move round the country if necessary. There should be, under our scheme, an unfettered right of appeal to the Court of Appeal on any question of fact or law. If there is thought to be any important difference—I do not know whether one would say there is or is not—between the Justice plan and the plan of the Conservative Committee, it lies here. Under the Conservative M.P.'s plan claims would have to be *submitted* in the first place to what they call "a specified official". This gentleman would appear to be a member of a Government Department, whereas our tribunal would be more independent and judicial, which, to us at any rate, seems in favour of our plan. If liability were denied or the claimant were dissatisfied under the Conservative plan he could take the criminal either to the High Court or to the county court, so that in the last resort the victim would finish up in the Court of Appeal under their scheme as under ours.

The House must form its own opinion as to whether these differences are major or minor. I would not myself treat them as major. But surely there is no one who would claim that the difficulties can now be regarded as insuperable. Given the will, and that surely now exists all round, at least one sensible way exists to the goal, and possibly more than one. The present Home Secretary has said that he personally hoped that he would have a chance to bring in legislation on this subject, as I mentioned earlier. If he manages to do so, he will give special pleasure to an old room mate of his like myself—and, may I say, an old friend, which is not always quite the same thing. The pleasure would be added to if a decision could be announced or gently anticipated today by a still older friend in the form of the present Lord Chancellor. But time and political opportunity do not wait even for Home Secretaries and Lord Chancellors.

"The night cometh when no man can work."

I hope and pray that the Government and the Home Secretary will legislate while their sun is still high in the heavens, and will lead us in unison to this elementary piece of justice for the innocent and to the removal of a growing blot and burden on our social conscience. I beg to move for Papers.

LORD MANCROFT. My Lords, the noble Earl, Lord Longford, has introduced this difficult and interesting topic to your Lordships' House in just the sort of speech we might have expected of him, comprehensive, erudite, compassionate and very nearly right. I add this small qualification—and I ought perhaps to join him with his colleagues in Justice, who produced this admirable and interesting Report—that I think in the course of this Report they tend to underestimate the administrative difficulties. It is not, as the noble Earl says, impossible, but I think it is going to be more difficult to produce a workable scheme than either he or his colleagues on Justice think. Therefore in my views no criticism attaches to Her Majesty's Government for not having taken action already upon this matter; it is a very difficult matter. If your Lordships read the three Reports to which the noble Earl referred earlier you will see that they conflict on quite a number of important points, and the Government were wise to wait until they had all the voices collected and could make certain that they were properly informed on a problem which I believe would be more difficult in practice and in principle than is generally realised.

Nevertheless, I feel that the time has come for Her Majesty's Government to act. I think it is no longer a question as to whether some scheme should be devised but merely how it should be devised, and when. What are my grounds for saying this? I think all of us who come to this problem with a fresh mind are brought up straight away against the difficulty of deciding whether we consider that the State has a duty to recompense the victim of violence. I have formed the opinion, for what it is worth, that the State has no absolute duty but has a qualified duty, and I say it for this reason. It is the duty of the State to preserve law and order. If the State fails to do that, then the State has a duty to repay for that failure. It is not good our getting up, as we do so frequently, and imploring the Government to have stricter rules, for instance, about obtaining a revolver, thereby drawing attention to the fact that it is not the duty of the citizen to take the law into his own hands, and then saying that if the State fails to preserve that law and order as we have no rights against the State.

I also think there is an analogy to be drawn from the situation during the war, when the State took upon itself the duty to recompense all those whose property was damaged by enemy action. That was an almost absolute duty, although of course there was a contribution from insurance, as there is to a certain degree from all of us who subscribe to the Welfare State, the scope of which is increasing daily, and which I think would not be stretched beyond acceptance if it were to include the victims of violence. The National Insurance Scheme and the National Assistance Board, I think, are inadequate to fill this need.

We tend to be confused also by the hypothetical standard case. I will not take the terrible case of the bus conductor Mr. Carew, because that is an exceptional one, thank heavens; but the case we always take as an example is the case of Bill Sykes going to a little village shop and coshing an old lady over the head. That appeals to everybody's sentiments and sense of justice at once, but the difficulty is that it is a pretty rare type of case. It is also a straightforward one. The rest are much more difficult; and Bill Sykes's case represents only about 3 per cent of the cases we shall have to deal with.

It is an unfortunate thing that nowadays such is one's fear of being coshed oneself or being involved in some uproar that the police have the greatest difficulty in getting anybody to come to their aid when there is an affray, or to give evidence afterwards. I well remember the late Lord Birkett, of affectionate memory, telling us in this House of a case when he was a young man at the Bar which arose out of an affray on licensed premises in the East End. He was cross-examining one of the witnesses of the affray and he said, "Why did you not come to the aid of the plaintiff?"; and the witness said, "because I did not know he was going to be the plaintiff". That is the real situation which will have to be coped with by administrative action.

There are a few things which must be imponderables in any scheme. Let me for a moment rehearse one or two of the ponderables. First, any scheme we devise must not interfere with the work of the police or the courts. That is important. Second, its cost must be reasonable. We have been given by the noble Earl three sets of figures this afternoon, and perhaps the noble and learned Lord on the Woolsack will be able to bring us up to date in his estimates of cost. We want to be careful here. We are always crying aloud for Government economies, and at the same time proposing new ways of spending money. We all say that Government expenditure must be cut to the bone, "but not my bone". We are all accustomed to hearing our elected representatives in another place saying that there must be a vast reduction in Government expenditure, "but not in my constituency". Let us be quite clear that we are asking for a considerable sum of money to be expended upon this.

The noble Earl has also drawn attention to the need for differentiating carefully the types of crime to which such a scheme might apply, and the three appendices in these three Reports again show the difficulty of reaching a conclusion. What about the risk of fraud, which I think can be considerable? What about the crimes arising out of provocation—families rows, husband and wife squabbles? What about public house brawls and injuries arising out of things of that sort? The noble Earl touched also on the difficulty of coming to a decision in cases of sexual offences. I think this point was highlighted quite recently by the wise words of that wise Judge, Mr. Justice Stable, who observed in a case of rape at the Assizes that he wished that young ladies who got raped would stop getting raped earlier in the proceedings than they do.

We shall also have to consider this important consideration or reparation. I was glad to hear the noble Earl touch upon a subject which he and I have debated in your Lordships' House on many occasions. Of course we must do all we can to put Bill Sykes, to whom we of course give legal aid, in a position not only to support his wife and children whilst he is in prison, but also to give reparation to the little old lady whom he has coshed. How on earth can we do that if we give him no decent work to do in gaol and pay him a pittance for what little work he does? This is an important question of penal reform which we have discussed at length on many occasions. I only wish that the trade unions, who have given a little lead in these matters in the past, would do so more vigorously and try to abolish this old heresy that if you employ a man in gaol and give him a decent wage you are encouraging some form of slave labour. This just is not true. This is a vital point that I think the Government will have to tackle soon.

I returned two or three days ago from a fortnight's trip to South Africa. As the result of that trip to South Africa I am of course the leading authority on all South African affairs, and my book will be published shortly! I did notice, however, that they have a form of punishment in South Africa, largely I think for traffic offences, though not wholly confined to them, which we might well consider here. They send a man to gaol, say for three years, but only at the week-ends. He works during the week to support his family. He earns enough money to make reparation to the man he has knocked down or injured, and yet he is also punished for his offence. This was news to me, and I earnestly commend the Lord Chancellor, when he is next tackling penal reform, to consider this South African example. It has the additional merit of combining the two worst features of those two deplorable institutions—the English week-end and the five-day week. I never discovered whether you are supposed to write a "bread and butter" letter to the Governor of the gaol every Monday morning when you come out.

There are certain considerations, therefore, which govern this subject; and the scheme which the noble Lord favours which may well be the right one. Whatever scheme we eventually devise not only must be fair but must be seen to be fair by everybody. That is why I, for my part, favour damages and the court scheme rather than the one that the noble Earl, Lord Longford, suggested, though I am not going to quarrel with him about that. I think that some pilot scheme should be launched in the same way a legal aid was launched by a pilot scheme.

What advice are we to give to the noble and learned Lord on the Woolsack? I think we can tell him that the Government have been quite right not to be rushed into hasty legislation. They have been quite right to emphasise the difficulty of finding a satisfactory solution. But we think that the voices have now been collected and the time has come for the Government to tell us how they would like to act on this matter. It is going to be difficult, but it is not going to be insuperable. We do not for one moment expect that the Government will be able to produce legislation to-morrow. I ask the Government to disregard the advice of those who say that "this is the thin end of the wedge". The British Constitution is stuck full of wedges which the common sense of the public has never driven home.

I hope we shall not listen to those who suggest that this is a precedent, that no other country has done it. We in this country have always been pioneers in social reform and nearly every form of social reform was once one man's private idea. I hope we shall disregard the advice I saw put forward a few weeks ago in a letter in one of the legal papers—I am sorry I have forgotten which—which said that the scheme would be "difficult to administer, inequitable in execution and illogical in scope."

All right; but "where there's a will, there's a way", or, to be more exact, where there is a political will the Treasury draftsmen will find a way. If we do not believe that looking at the confiscatory legislation that crops up so frequently, in the Finance Acts, the Income Tax law, capital levies, capital gains tax. This is all full of provisions which could perfectly well be described as "difficult to administer, inequitable in execution and illogical in scope". Where the politicians have the will the Treasury draftsmen have jolly well found a way.

Is there a public demand for this? I do not know, but I think there is. I have conducted my own private Gallup Poll over the last few days, and I have found nearly unanimous support for this idea. Admittedly, most people have not studied it with much care. I admit that merely because there is a public demand for something it is not necessary for the Government immediately to do it—otherwise my Right of Privacy Bill would have been on the Statute Book a long time ago! Is it workable? Yes, I think that, with care and interest, such a scheme can be made to work. It need not be expensive and it can come to be understood by everybody as a fair scheme.

I hope that the note upon which I wish to end will not appear unduly cynical. I do not think I am guilty of wild or extravagant language or unnecessary hyperbole if I say that the popularity of the Government is not at the moment at its zenith. Fervent supporters of the Government such as myself frequently pray that the Government should be given more chances to do something which is both popular and right. My Lords, here is their chance.

Lord SHAWCROSS. My Lords, at the outset of the observations with which I am going to burden your Lordships I should perhaps make a personal disclaimer. I shall speak not as a one-time lawyer but as the Chairman of the Society called "Justice", under whose auspices the Committee presided over by the noble Earl conducted its inquiries. I should like, if I may, to say how grateful all of us must be for the way in which the noble Earl led that inquiry, and for the fact that he has introduced this Motion in your Lordships' House to-day.

But Justice, incidentally, is not as the noble Earl suggested, an organisation of jurists. That word is quite foreign to the English legal vocabulary. I well remember a long time ago, when I was a student at the Bar, proposing the toast of the first Earl of Birkenhead, and thinking to flatter him I referred to him as "that great jurist". He took up the phrase and said that he had never been so insulted in his life. Justice is an organisation of practical lawyers, many of them eminent, most of them with a great deal of experience in the ordinary practice of the law. Many High Court Judges belong to it. The present Attorney General was a member of its Council. I can assure your Lordships that the Society, as well as the Committee presided over by the noble Earl, is a most down-to-earth body. Had I not been

Chairman of Justice I doubt whether I should have thought that the fact that I am, or was, a lawyer entitled me in any special way to intrude my views upon your Lordships' House at this time. I am not at all sure that at this stage of this matter this is a problem for lawyers at all.

When it is a question of conducting an inquiry into matters which are obscure, and of producing some objective report about them, lawyers can, of course, be very useful. That service they have already discharged in this matter, both in the Report of the Committee presided over by the noble Earl and in the Report of the Conservative Policy Centre's Committee. When it is a question of drawing up the final details of the scheme, once the policy has been settled, lawyers are again very useful; and I have no doubt that Parliamentary draftsmen will be able to deal with this matter in a most useful and not very protracted way when the Government settle the broad question of policy. That is the problem we now have to consider and decide: not a matter of detail; not, indeed, what the facts are, because these are clear; but what is the policy which we should adopt in regard to this matter? Do we provide some system of compensation for the victims of crimes of violence or do we not?

My Lords, lawyers—and I regret to say this—have not in general, perhaps (of course, there are many notable exceptions), taken a very conspicuous part in promoting reforms in our system of law and administration. A great many beneficent reforms have been accomplished since the days of that very great lawyer, Jeremy Bentham, but in general, apart from the notable exceptions to which I have referred, I think it is true to say that lawyers have not taken a leading part in securing them. I think that our training as lawyers is perhaps inclined to make us a little technical, sometimes tediously technical, and occasionally to make us also a little obstinately obscurantist. But at this present stage of the matter there is nothing which specially concerns a lawyer, except in so far as he may be connected with the administration of the criminal law and that he comes face to face with the sometimes extremely distressing cases more frequently than, fortunately, do ordinary people.

Some ten years has now passed since the late Miss Margery Fry first brought this matter to public notice. That very remarkable woman, in her great concern for the problem of the criminal, never forgot the problem of the criminal's victim. This was certainly not only because she realised, as she did, that the absence of any provision for compensation for the victim tended to accentuate the public's desire for vengeance against the criminal, and so stood in the way of a more efficient system of punishment, but because (as I well remember when I talked to her about this matter, when she was first considering it) she had, as we who knew her all realised, not only an intense sense of justice but also a regard for personal human suffering.

That was a long time ago, and whilst I do not for a moment deny the difficulties that exist in drawing up an appropriate scheme, there has been quite a long time to consider what might be the details of such a scheme. I take it that at this time of day nobody really doubts that some scheme for compensating the victims of crimes of violence should be promulgated, and that these victims should no longer be thrown, as too often they now are, upon the Public Assistance Board: a body which, however human its administration may be—and I believe it to be entirely human—still retains for many respectable people a sort of stigma of the old Poor law.

I do not think that it is necessary or useful to attempt to-day to justify the case for a reform of this kind by any elaborate theoretical or philosophical speculation as to why the State should intervene in a matter of this kind. Exactly the same kind of speculation might have been raised, and indeed many people did raise it, at the time when many of the provisions of the Welfare State which are now taken for granted were first introduced. The noble Earl has referred to public instinct in this matter, and I would venture to say that very often in a matter of this kind public instinct is sound, and should not be disregarded. There certainly is now a public instinct that the Welfare State ought to make provision for these cases. The public do feel, as the Conservative Party's Committee very well pointed out, that the State has a special kind of responsibility, and that they, as members of the public, have a very special kind of responsibility, for the victims of crimes of violence.

The noble Lord who has just spoken reminded the House that it is peculiarly the function of the State to maintain law and order, and that the private citizen is not allowed to take the law into his own hands; indeed, he is not allowed to use against the criminal the same sort of methods that the criminal may use against him. If, then, the State fails, as inevitably it sometimes must, in its duty of maintaining public order, it is right, so runs public feeling in this matter, that the State should see that the victim does not suffer too much.

Nor do I think that it is useful to take time in any over-nice reconciliation of the provisions of any particular scheme in this field with existing arrangements for different classes of case. If one attempted that kind of exercise it would take time, although it would not be impossible to produce a completely logical unity between all the schemes that we have for insurance or compensation of one kind or another. That is, of course, not the way that we normally proceed in this country. There are many institutions which it would be exceedingly difficult to justify on any ground of logic or pure principle. If I may say so, the noble Lord on the Woolsack is one of them, being as he is a member of a political Cabinet, on the one hand, and the head of an objective Judiciary on the other, and at the same time competing with the Attorney General for the thankless task of being the chief legal adviser to the Government. The Constitution of this country is full of anomalies, but the notable thing about it is that it works. I hope that we shall see how well it works later on this afternoon, when the noble Lord on the Woolsack announces the acceptance at least in principle, by Her Majesty's Government of what is suggested in the Reports of these two Committees.

My Lords, I am always a little frightened when I hear it said that this proposal or that proposal will produce difficulties or anomalies. That is almost always the refuge of the little man who is too timid or too lazy to do something new. Of course a scheme of this kind will produce anomalies. What of it? It is an anomaly now that if I go home to-night and my house is destroyed by rioters I shall be able to obtain compensation for it. But, if at the same time, they knock me on the head and injure me for life, I shall not be able to secure a penny. Nor do anomalies of this kind, or practical difficulties in administration, assume any greater importance because somebody elevates them into the category of matters of principle. This again is, of course, a favourite device; but when it is said that something is a matter of principle, nine times out of ten it is nothing of the kind.

The noble Lord who preceded me in addressing your Lordships' House, referred to the possibilities of fraud, to the difficulties which might arise in cases where there has been provocation, to the undoubtedly difficult question of girls who have been assaulted and, in consequence have babies. None of these difficulties is new; they arise every day in the courts of this country. Actions can be brought in the ordinary course, for damages for personal injuries against a person who has committed them, if he is found and if he is worth firing at. When actions of this kind arise, questions of fraud come in at once; questions of provocation have to be taken into account. But the courts do not sit back in dismay: they find no difficulty in solving these questions in the ordinary course of their administration. All these difficulties might have been envisaged—and indeed, they were—when the various schemes of social insurance, that have been introduced progressively into our social system, were first mooted. The difficulties that arise in regard to this little proposal are as nothing compared with those raised when it was first proposed that we should introduce a system of legal aid in this country. So I hope that your Lordships' House will not be dismayed by the difficulties—and there will be difficulties—which will airse in setting up a scheme of this kind and getting it into operation, or by the possible anomalies which it may create. The difficulties, the anomalies and the human suffering are today far greater and this is what we seek to remedy.

My Lords, I take it that the question now is not so much whether as when a scheme should be introduced. Certainly there remains a choice of machinery, as the noble Earl has indicated. There are differences, through not, I think, differences of very great significance, between the various schemes which have been put forward. I myself am certainly not particularly wedded to any one of them. I think that a good and a practicable scheme could be based on either of the two major proposals which have been made in this field; and it certainly would not be beyond the wit of man, and that so exalted type of man, the Parliamentary draftsman to produce a better scheme by a combination of the proposals contained in these two main Reports. This is not, I apprehend, an occasion for attempting to draft the details. The important thing now, perhaps, is that the theoretically better should not become the enemy of the practicably good. Most of us, I feel, would feel satisfied with any of these schemes that have been canvassed in this matter.

For my own part, I would certainly wish to keep alive—although I appreciate the difficulties of it—the possibility of obtaining restitution or damages from the criminal. The difficulties are by no means, as I think the noble Lord, Lord Mancroft, tended to suggest, on the part of the trade unions, although there are difficulties there. Perhaps a major difficulty is that the prisons contain a floating population and it is very difficult to organise that population into any useful and economic form of work. But certainly I agree, if I may say so, with the noble Lord. I should like to see a situation in which prisoners were organised, so far as possible, into doing economic work, for which they were paid reasonable earnings, and in which against the earnings credited to them in that way, there might be claims, perhaps in some order of priority; first, for the victims of their offences; secondly, for the support of ther dependents; and, thirdly, for their own maintenance in prison. But no such possibility as this, of pursuing advantageously claims against those who had committed these crimes of violence, could possibly do away with the necessity for a State scheme. And in a State scheme, I should like to see some provision for compensation for pain and suffering, for physical injury, together with a standard weekly payment for loss of earning capacity, and a payment limited to an assumed earning capacity not too much in excess of that which is contemplated by our industrial injuries legislation.

My Lords, all this can be worked out—and

I cannot believe that it would present them with any overwhelming difficulty—by those whose task it is to implement policy decisions. We ought perhaps to remember (and I am sure the noble and learned Lord on the Woolsack will never forget it) the example of the very great Prime Minister who got things done, and got them done quickly, by the device of presenting a Minute to the head of the appropriate Department:

"Pray let me have within 24 hours, and on half a sheet of writing paper, a scheme to implement the policy decision indicated above."

That is the sort of spirit in which I hope the noble and learned Lord will approach these matters. This is the moment for the policy decision; and in this, as in a number of other matters of Governmental activity, what is needed is courage. If I may say so with great respect to the noble and learned Lord on the Woolsack—the new incumbent of his very great Office—many of us in the law, and outside the law, look to him to start taking a firm step forward to the accomplishment of many needed reforms in our law and in our administration. I commend this scheme to the noble and learned Lord and to your Lordships' House, as a very modest first step in this direction.

THE LORD BISHOP OF CHESTER. My Lords, those of us who are concerned with this social problem owe a great debt of gratitude to the noble Earl, Lord Longford, both for the leadership which he has shown as head of the Committee of Justice which drew up that notable Report which set the issues so clearly before us in this matter, and also for the lucidity with which he has presented his Motion before the House today. I am only sorry, personally, that owing to the untoward climatic conditions prevailing outside this House this afternoon, it may not be possible for me to be in the House as long as I had intended. If, therefore, it is necessary for me to leave before the closing stages of the debate, I hope that the noble Earl, and the noble and learned Lord on the Woolsack, will not in any way construe that as an act of discourtesy.

I think that undoubtedly there has recently been a considerable change in the attitude of the general public towards this matter of compensation for victims of crimes of violence. Not long ago, in such a debate as this, I am confident that we should have heard some such argument as this: "The law cannot provide for every eventuality. In life, we all have to bear a certain amount of injustice. Cases in which injury are caused by acts of criminal violence are very rare, and if indeed one is one of the extraordinary victims of this kind of injustice, then that is just too bad and we have to carry on and bear it as best we can." Such argument has not been used this afternoon, and I think it unlikely that it will be used, for the whole climate of opinion towards this problem has radically changed—and it has changed not only among politicians but also, I think, among the general public.

There is some evidence of this in the fact that the two Convocations, of Canterbury and York, which are representative of a very wide area of public opinion, when they debated the matter of capital punishment not only demanded that it should be abolished but also added a resolution that suitable compensation for the relatives or dependants of the victims of homicide should be provided. I think there is no doubt that, in the general public opinion, this matter is urgent and necessary; and, therefore, as the noble Lord, Lord Shawcross, says in his preface to the pamphlet produced by Justice, the only question which remains is how it should be done, and when.

Nevertheless, there is first this matter of principle which must be established: is this indeed a legitimate claim upon society in general? I believe that the justification for the claim is to be found in spirit which underlies the whole of the Welfare State. We are learning more and more that we are indeed each other's neighbour, and that neighbourliness imposes an obligation upon each to care for the welfare of the other. So we consider it right and proper that in society the more fortunate should care for the less fortunate; that the wealthy should have an obligation towards the poor and the privileged towards the under-privileged. I think that we are learning this lesson especially in the realm of the responsibility for crime in society.

When we have given full place to recognition of the exercise of free will and to the responsibility which each individual has for his own acts, there remains the fact, which has never been clearer than it is to-day, that much crime is the result of the social climate within which our young people are being brought up. So long as society complacently allows adolescents to feast their eyes and minds on glamourished acts of violence; to buy and read, as they can freely, salacious and pornographic literature; and to be surrounded by an atmosphere of indifference to the claims of proper moral standards, then society must accept a large measure of responsibility for the crimes of its citizens, and their consequences. When we witness convictions for crime, it is not merely a case of, "There but for the grace of God go I". In large measure, one is already involved, and is already partly responsible for the act of the criminal. And it follows, therefore, that if society, by its indifference to those things which inculcate proper behaviour, continues to make its contribution to the breeding of criminals, it must also accept a large measure of responsibility for the consequences of criminals' acts.

But if we once accept the principle that it is a legitimate claim upon society as a whole that it should at least in some measure compensate those who are the victims of criminal violence, we are nevertheless faced with a situation which bristles with problems of very kind: putting into practice the principle which we have accepted and giving it legislative form. There are the problems of defining the cases of criminal violence which shall be the subject of compensation; the problem of defining those who shall be beneficiaries under a compensation scheme; the problem of devising a form of administering the scheme; the problem of deciding to what extent it is right and proper to require the criminal to make reparation; and, perhaps most difficult of all, the problem of constructing a system which will be incapable of being manipulated by dishonest and unscrupulous people for their own benefit. All these matters, as the noble Lord, Lord Shawcross, has pointed out, are by no means insuperable, but they will need most careful scrutiny and meticulous examination when the measure to put the principles into effect comes to be drawn up.

I would wish to comment only briefly upon one or two aspects of the many problems which will have to be solved. First, as regards the type of crime which is to be covered, it seems to me that there is a fairly reasonable yardstick in that the scheme should cover only those forms of violence which cannot normally be covered by ordinary insurance schemes. This would exclude crimes which involve the deprivation of property, and would also exclude injury through motor accidents. It would, I believe, be unjust to exclude all injury from sexual violence; and I should hope that it would be possible to include those who suffer mentally as well as those who suffer physically from some act of violence, even though that may be difficult to establish.

Secondly, as to the question of who should be the beneficiaries under a compensation scheme, this is recognised as a particular problem in the various reports that have been produced. The most acute, I suppose, concerns family disputes, for it is here that there is the greatest possibility of dishonest collusion. I should hope, however, that the scheme would make it possible for the children to benefit from its provisions, should they have been the victims of criminal assault by parents who attack their children or are guilty of criminal negligence towards them. The scheme should make it possible for children to receive such compensation as will enable them to establish themselves later in life and to recover from the initial crimes and handicaps to which they have been subjected.

With regard to the liability of the criminal himself, it is, I think, generally accepted that if it is possible to devise a scheme whereby the criminal is required to make some contribution to the compensation, this should be done. It is, however, not so easy as would at first sight appear, for, as has been pointed out, any considerable burden laid upon the criminal might well retard his rehabilitation in society after he has served his sentence. I agree, therefore, with the view of the noble Earl, Lord Longford; and, although it is desirable that a responsibility should be laid squarely upon the criminal himself, yet the implementation of this principle must await such reforms in the penal system as make it a viable proposition.

Finally, I would comment on the type of scheme which should be evolved. I do not believe that the comparison with an industrial injuries insurance scheme is a valid one in this case, since the compensation to be granted must, to some extent, be related to the particular circumstances of the nature and extent of the injury, and to the circumstances of the person injured. I believe, therefore, that the scheme must be based on Common Law damages.

I am impressed and attracted to the argument of Mr. Egerton in his note of dissent in the pamphlet produced by Justice. He points out that a legal remedy for victims already exists in the form of an action for tort; and the reason why it can so seldom be invoked is the ineffectiveness of the remedy against criminals. He points out that all that the State need, therefore, to be asked to do is to see that the judgment which is obtained against a criminal is met from public funds, and therefore the State should underwrite the judgment. I hope that very careful investigation will be given to Mr. Egerton's point of view, for I share the layman's instinct, the legal layman's instinct, against a proliferation of special tribunals to deal with particular matters in judicial cases. If it is possible for the existing courts of the land to deal with this matter I believe that that would be more desirable. If, on further scrutiny, it appears that to work through the existing judicial system would be too slow and cumbrous, then I should support the main contention of the Justice Committee that a separate tribunal should be set up to determine claims for compensation from which there would be appeal to the High Court.

My Lords, in the further consideration that will be given to this important matter the argument will no doubt be put forward that this is not the only form of injustice which has to be borne by certain citizens; that there are other injustices equally pressing; and that we ought not to do anything about the one without remedying the other. I am not myself impressed by this form of argument. I believe that society must progress by dealing piecemeal with each occasion as it presents itself. We have here a clear case of injustice and we ought to do our best to remove it. In doing so, we ought to record our gratitude to those courageous reformers who have had the imagination to see the need and to stir the conscience of the public. Not for the first time has a woman been responsible for goading the conscience of society into facing a situation which it ought not to tolerate. As in the past Florence Nightingale, Octavia Hil, and Josephine Butler, so in our generation Margery Fry has uncovered an area where undeserved suffering is inflicted and has shown the way by which it may, to some extent at any rate, be relieved. I trust that we shall show our gratitude to her for her generous and courageous imagination by making the necessary provisions to take this step towards a juster society.

Lord DENNING. My Lords, we are to-day in search of a principle. I think we shall all agree that there are cases such as have been referred to already this afternoon, like that of the West Indian or the small shopkeeper who was hit on the head; where the State should compensate the victim. But upon what principle? My noble and learned friend, Lord Shawcross, in this introduction to the Report of Justice, pleads for an acceptance of the simple principle that the innocent victim of violent crime should be entitled to compensation from the State for his personal injuries. My Lords, the key word, as I see it, in the principle thus stated is the word "entitled": entitled to compensation from the State; entitled as of right, with all the machinery of tribunals or the courts for the enforcement of it.

Let me say at once that there are some victims of violent crime who should be entitled as of right against the State. I refer, of course, to the policeman who in the course of his duties is killed or injured. There was the case we heard judicially the other day, of a policeman who sprang on the bonnet of a motor car in order to try to catch the offender and was thrust by the offender against oncoming cars and killed. Or there is the case of the gallant naval captain, Captain Binney, some years ago, who stepped into the path of escaping bandits and was run down by them. All those who are killed or injured in the line of duty are entitled to compensation, just like the soldier and sailor killed or injured in the course of war. To those we should all concede entitlement as of right. But once that is dealt with, let me say that it is very difficult to find a principle of entitlement.

It is indeed a misfortune to be a victim of violent crime—one of the greatest misfortunes that can befall any one of us in our path through life. Let us help the victim all we can, by ourselves, with our welfare services, and the State may do all it can of its good nature. But to cast upon the law the task of ascertaining entitlement for the victim of misfortune seems to me an almost impossible task. Let me take a sentence out of the Report of Justice which refers perhaps to one of the most common crimes of all the violent type—that of the husband who kills his wife, the children being left destitute. This is what the Report says:

"We recommend that whenever a person dies as the result of violent crime compensation should be payable to his dependants. If a husband kills his wife the children should not be left without provision for their own maintenance merely because the incident arose out of some domestic disagreement."

My Lords, where will this carry us? In this morning's *Times* newspaper we have such a case reported. Four small children were orphaned as a result of a shooting tragedy at Stockton-on-Tees yesterday. What happened? Husband and wife, a young couple, had separated and parted. As usual, the wife had gone with the four children to her mother. The husband had gone to his mother. I do not know whether the cause was jealousy or what it was, but a few weeks later the husband returned, shot his wife dead, then his mother-in-law and finally shot himself. The four children were orphaned. There are all the welfare services of the State, all the sympathy of neighbours and all the charity which we can afford for these children. But can we go further and say that there is a claim for entitlement, as under the Fatal Accidents Act, for large sums to be demanded as of right from the State? Are these children in any different position from that in which they would have found themselves had their mother and father been drowned in a bathing accident, or both been cut off in a motoring accident? Can we really give entitlement against the State for compensation in the one case and not in the other?

I can call to mind many cases I have tried which could rank as misfortunes. The husband, devoted to his wife kills her, being insane. The father who has a boy of ten to whom he is devoted takes a cerebral tumour; his brain is affected, and he picks his son up and throws him 25 feet into the river below and injures him. These are misfortunes indeed. But are they cases where there is to be entitlement for these misfortunes, as of right, against the State? Of course, if the State were at fault, the State should pay compensation. Miss Margery Fry, whom I had the privilege of meeting, thought that the obligation to the victim of crime rests primarily on society, which has failed to protect him against crime and can alone effectively compensate him. And the report of Justice almost seems to put the blame on the State, because it says:

"The citizen is not normally allowed to carry any weapons which could be used to defend himself against violent attacks."

In the cases I have put, I would suggest that no fault or blame can be attached to the State. Can we really suggest that the State, which, as our State does, provides the best police force in the world—and they do their job very well—is to pay compensation to be assessed on the ground that the State itself is at fault?

I should like to suggest some difficulties that arise. I know that there are many cases (they are given in the Report of the Working Party) where compensation should be given, but I suggest that this is not a matter for lawyers and for legal entitlement. What should happen is that the Government themselves should provide a fund, maybe supported by charitable bodies, too, which can be allotted *ex gratia* for those deserving cases by sympathetic administrators, without all the paraphernalia to entitlement, right at law and tribunals, as the right reverend prelate suggested.

Let me take a case which the Working Party gave and which they suggest, I think rightly, cries aloud for compensation. It is described in the Report as follows:

"A man who was walking with his wife in a London street was knocked down and killed by a drunken stranger, who was subsequently found guilty of manslaughter and sentenced to three years' imprisonment. The widow was left destitute."

Our heart goes out at once: she should receive compensation from the State. But not, I suggest, as a matter of legal right. This case is not distinguishable in principle from the rest, from the case, for example, of the wife whose husband is killed by a drunken motorist. If the one gets compensation from the State, why should not the other? The only reason, I suggest, that the Working Party or Justice did not recommend it, is because the motorist is insured and his insurance company will pay damages. Otherwise there is no difference between being knocked down by a drunken man on foot and being knocked down by a drunken man in a car.

[Lord Denning.]

Let me remind your Lordships that in all cases of violent crime the victim is already, by law, entitled to damages and full compensation from the criminal as of right, if he can find him and get him before the courts. He or she is just as much entitled in law to damages from the violent robber or violent rapist as from the violent motorist. And the violent motorist, with his dangerous driving and drunken driving, is just as guilty of a crime as the violent robber. Wherein lies the difference? The difference is that the State has provide a system of compulsory insurance for motorists, but has not yet provided it for criminals. This proposal at bottom means that the State is asked, as a matter of law, as a matter of entitlement, to underwrite the criminals in their obligation to pay damages. And if the State is to underwrite this as a matter of law, who is to pay the premiums? This is not like compulsory motor insurance, where there are thousands of motorists who pay premiums. The taxpayer must pay the premiums for this compulsory insurance, unless the Government choose to institute compulsory insurance for criminals and collect their weekly contributions.

Indeed, it is not easy to draw a parallel with motor insurance here—although it is drawn—because in the case of victims of crimes it is realised in all these Reports that the victim should recover compensation although the criminal is not found (and he is not found in more than half the cases) and even when found, if he is acquitted. But, after all, he may be acquitted on a legal technicality. In a case of rape, a man may be acquitted, though he is as guilty as could be, because his victim has not corroboration of her story. In all these cases, the Working Party and Justice argue that the victim must be entitled to compensation.

Compare that with motorist insurance. If you want to get damages from a motorist, you must obtain a judgment against the other side, or show that you can get judgment. Even with an escaping bandit, who drives recklessly along the road and knocks you down, you have to get judgment against him. You must know the man. Even though he is not insured, the Motor Insurers' Bureau will pay you if you get a judgment. That is the agreement. But if you cannot find the man and cannot sue him, there is no right at law for you to get compensation from the motorist's insurance. In the case of the escaping bandit which I have put—the man who is not found and escapes beyond trace—if the victim has a right to compensation, ought not the State compensate him? At the moment the Motor Insurers' Bureau may pay *ex gratia*. That is where it comes in, and that is what I suggest should be the position here in cases where it is impossible really to formulate satisfactorily a legal basis of claim.

But even if it were possible, how difficult it is with justice to draw the line. The right reverend Prelate said, "Let us put aside all questions of violence resulting in loss of property, because they are mainly covered by insurance." But the heart-rending cases are not covered. There is the case of the little old couple who have their £500 or £1,000 saved in the house and which the bandit takes. They may be shocked and frightened to death by his entry, but under none of these schemes would that old couple be able to recover that £500 or £1,000.

If this scheme is given as of right now, how can we logically stop at personal injuries? We must cover also the heart-rending cases of loss of property which may ruin a person, or the heart-rending frauds. The right reverend Prelate will know how clergy or poor people have been defrauded and lost all their means. How can you stop at personal injuries? The Report of Justice says that we must allow rape with violent crime to be the subject of compensation, but that we must not give compensation for the psychological effects of rape. Those are the serious consequences in rape, the psychological consequences. Why not give the psychological—

Lord Chorley. My Lords, is the noble and learned Lord quite accurate when he says that the Justice Report does not allow for psychological damages? I understood that it did allow for them in cases where physical injury—

Lord Denning. Cases where there is physical injury, yes.

Lord Chorley. Rape cases are obviously cases where there is physical injury.

Lord Denning. My noble and learned friend Lord Chorley is quite right. The Justice Report confines their exclusion of damages for psychological injuries to where there is no physical injury. But I would suggest that there are many cases of rape where there are only psychological injuries. They are the principal injuries, anyway. The reason why they exclude that is the danger in deciding between the fraudulent claims and those that are not fraudulent. It would be quite impossible to decide. That is one case that they put.

Let me take another case. In the schedule of crimes there sexual crimes are included. For instance, supposing a man of 24 or 25 has sexual intercourse with a girl of 15½, and she has a baby. That is to be the subject of compensation towards the maintenance of the child, as I read the Report. In addition to all the welfare services, such a girl should have compensation to help her maintain the child. What is the difference between that and a girl with whom a man has sexual intercourse when she is 16 years and one month? I would suggest that there is tremendous difficulty in drawing any just and fair line between those victims who should be compensated and those who should not. It is yet another ground for saying, "It is not a case for legal entitlement." It is a case, I suggest, where there should be a fund, well administered, from which payments can be made *ex gratia* to deserving cases. That is the form the scheme should take and—mark you!—I would plead also, as has been done already, for some way in which the criminal can be made to pay his share.

Something has been mentioned about earnings in prison and the difficulty of obtaining it to pay compensation. When I was in Poland I went to one of the big prisons. They had inside the prison a printing works where the men were able to work and produce good printing work for firms outside. They were allocated full wages which were used partly for compensation for the dependents of victims and partly for the prisoners when they came out. It is a long way ahead. Cannot something of that kind be done? I would suggest an *ex gratia* scheme. Perhaps the Government can see their way to contributing enough so that the really deserving cases could be compensated *ex gratia*. I would submit that what is suggested is, as a matter of principle, unworkable and perhaps not right as a matter of legal entitlement, with all the machinery of tribunals and courts.

Viscount Brentford. My Lords, this is an anxious problem, and I think the remarkable and, if I may say so, rather wonderful speech that we have just heard from the noble and learned Lord, Lord Denning, points to the difficulties of the problem. I may say that with the majority of the noble Lord's speech I entirely disagree, but I am anxious not to be side-tracked into referring in detail to the points which he has made and disputing with him, because I should detain your Lordships very much too long. There are certain aspects of what he said with which I most heartily concur.

The first thing I feel about the subject matter we are discussing is that if it is true, as my noble friend Lord Mancroft said, that there is no precedent for a scheme such as this in the social welfare of the world, then I think it is high time that this country set such a precedent. We should lead, and we generally have led, the world in matters of social reform, and if nobody else has yet embarked upon it I think we should seize our opportunity to do so. We have heard a good deal during the debate about the case of the little old lady who gets coshed. I think the reason why we so often connote her in our minds with the crime of human violence is because she has such a sentimental appeal that the Press invariably publicise her case. But I think, too, that it has been made clear that what we might call "the little old lady case" is a very small minority indeed of the total volume of cases in which victims occur as a result of crimes of violence.

I, for my part, have not the slightest doubt that the principle—and I believe it is a principle—is right that there should be compensation payable to such victims. But if, for the purpose of the argument, we accept that for a moment, we immediately begin to run into difficulties, and the first difficulty of course is, who pays? My answer to that would be the person pays who is responsible; and we then get to the exceedingly difficult point of trying to decide who is responsible. I would suggest four categories of responsibility. The first is the State, which has already been referred to; but in mentioning the State as number one I would disassociate it from society and I would treat it purely as the executive of the will of the people in so far as it fails to provide an adequate safeguard to the public. We all know and are very proud of the excellent work and service which our police forces perform throughout the country, but no one could claim that they are or, indeed, could be perfect; and, therefore, to the measure of their imperfection I think they must be held to have some responsibility.

The second category, which has hardly been mentioned this afternoon except to some extent by the right reverend Prelate, I would put as the home, the Church and the teachers who have not succeeded in bringing up, through the educational system, the criminals of this country to a knowledge of the obligations which should be inherent in every citizen. The first responsibility in this category I put upon the home, and I believe that is one which must be lodged there, because clearly the responsibilities of those who bring up the young must extend a very considerable way. It is they who have the first opportunities and who should not shirk those opportunities, of instilling into the human mind not only the principles of right and wrong but the obligations of right and wrong as well. So far as the Church is concerned, I feel that all of us who are concerned with the Church must admit some failure in our obligations, in so far as we have failed to reach such a large number of people in this country with the realisation of the obligations of sin.

My third category is the one which was so very well put by the right reverend Prelate, society itself; and that is why I sought to differentiate the State from society. I would add one extra reason to that given by the right reverend Prelate and that is the tendency of the present time for so many people in society to seek to cast their responsibility on to the State and so to avoid it themselves. The other reason, your Lordships will recall, is the way in which society to-day panders to crime by positively enjoying crime at second-hand as a form of entertainment, in cinemas, on television, in theatres and in reading material, particularly in the popular Press. I consider that society carries very heavy responsibility in this matter.

In the last of my categories of responsibility I would put the criminal. He, of course, is, first and foremost, the primary person of responsibility, and I put him with a very heavy responsibility indeed because the number of criminals who really, genuinely, do not know that they are doing wrong is infinitely small. Practically every criminal knows full well that he is doing wrong; he does it deliberately and he does it for his own personal gain. Therefore I put his responsibility exceedingly high.

My Lords, if we do consider that compensation should be paid, I am in agreement with those noble Lords who have sought to limit the compensation to the effect of personal injuries. I feel that we cannot extend the scheme into compensation for material loss. Even in the case illustrated by the noble Lord, Lord Denning, a large part of the responsibility for the loss by the old couple of their life-savings lies entirely upon them for keeping £1,000 in their house; and I do not think that one can extend this scheme, with any possibility of effecting justice, to questions of compensation for material loss, which, as the noble Lord himself pointed out with great power, is easily and frequently covered by insurance.

There must, of course, be many borderline cases and all borderline cases create cases of hardship, but at the present time the cases to which we have been referring are all cases of hardship, and if we can succeed in eliminating hardship in the vast majority of those cases we shall be meeting the situation very considerably, even if we have to leave a small minority of cases of hardship on the borderline. There must, I think, also be many exemptions to the principle—and here I differ from several of the noble Lords who have already spoken. For my part, I would except from the principle all crimes committed in the home. One reason for this is because of the responsibility, to which I have already referred, which lies upon the home. Another reason is obviously the difficulty of proof; another, that there would be much more difficulty in eliminating fraudulent claims, and, further, much more difficulty in avoiding passing any benefit to the criminal.

As the noble and learned Lord, Lord Denning, indicated, in cases in which children are affected, while they can never be adequately compensated, they, nevertheless, are normally taken care of under the welfare sections of our State. Another group of cases which I, and I think most of your Lordships, would exclude are the cases of sexual offences, excepting, I would suggest, any cases where a conviction has been obtained. That, the noble Lord, Lord Denning, would say, is not logical. I agree with him that that is certainly not logical. But it is practical, and I believe that there again it would be a good thing to do, because it would make possible some form of reparation by the criminal. The other class to which reference has already been made is the case of motoring offences, but I believe that the principle is right and that it can be adequately limited to prevent abuse both on the part of the taxpayer and on the part of the State.

The next question which arises is what compensation should be paid. I have listened to the arguments which have been deployed, and I have studied the Reports which have been made, and I, for my part, reject, as the right reverend Prelate rejected and for the same reasons, the possibility of a scheme based on the analogy of the Industrial Injuries Scheme. I believe that that would be bureaucratic and indecisive, and it would not produce what is wanted. On the other hand, I believe a scheme based on what has been called the court scheme would be perfectly practicable; there is ample precedent for it. It would carry greater confidence in the minds of the public. It would be much more likely to defeat fraudulent claims. It would be much more flexible and it would be able to give awards which would meet the needs of the case.

Finally, we come to the perhaps most difficult question of all: who pays? My conclusion as to that is not unlike the conclusion which was reached by Justice. It is that the State should indemnify the victim. To those who are what I might call pure lawyers in this House that may come somewhat as a shock; nevertheless, I believe it is a sensible shock and a sensible thing to do. The criminal, if found, should be the primary culprit; but, whether found or not, the State should indemnify the victim and should be put into a position to be able to extract from the criminal such damages as the State has to pay to the victim. As we have already said, the State and society are both involved in responsibility, and so it does not seem unreasonable that they should share the biggest part of the responsibility for payment.

Incidentally, such a system would be an excellent answer to the case quoted by the noble Earl who introduced this debate, the case of Mr. Carew. There damage has been done by two youths of sixteen and seventeen, who were sent to prison for short terms. No damages could be extracted from them at the present time. Therefore, under the scheme which I have suggested to your Lordships the State would compensate Mr. Carew; it would thereafter be continuously in touch with the two criminals, through the National Insurance and other schemes, and so when they came out and were earning what probably, in their case, would be very substantial wages, the State would be able to step into the shoes of the victim and recover from them such proper sums as a court would allow to recoup the compensation which had been paid to Mr. Carew.

I reject the principle, which I am glad to say I have not heard in this House this afternoon, that if a criminal is punished he should not also be expected to make reparation. To my mind there are two entirely separate things: first, the breaking of the law which he has committed and for which he is punished, and the second, the damage which he has caused and for which he should make reparation. If an innocent person commits damage as a result of his negligence—for instance, if I am walking down the Strand and suddenly feel the blood surging in my veins at the height of spring and start twirling my umbrella and poke somebody's eye out with the end of it—I am liable to compensate him in damages for my negligence. Why on earth should not a criminal be required to compensate a person in damages if he puts his eye out by hitting him on the head with a pick handle? I can see no difference in it at all, and I am quite sure that reparation should, wherever possible, be extracted from the criminal.

And I believe it can be extracted in very many more cases than noble Lords seem to anticipate. The idea that criminals are all poor people is a very Victorian idea and the idea that they would continue committing crimes if it did not pay them to commit crimes is really an absurdity. I am quite sure the person who takes a part in a smash and grab raid which results in the collection of anything up to £30,000, sometimes even more, will receive as a reward some 10 percent; he will be kept, if he is caught and convicted, free of charge for a couple of years at the taxpayer's expense, and when he comes out he will be quite nicely set up. Why should he benefit from that evilness which he has committed? If we can have some sort of scheme such as I have indicated, then again the State can keep an eye on him, and when they find he is either earning money or spending money they can proceed to recoup a contribution towards the compensation which they have paid.

I feel, therefore, very strongly that in the first instance if it is possible the victim should recover compensation from the criminal. If that is not possible then the State should step in and indemnify. The State should pay the compensation but should retain the right, and retain it for a very long period, if necessary, to recover a proper proportion, if not the whole, of the compensation which it has been required to pay from the criminal. On these lines I believe we could do some justice to a very large majority of the victims who at present do not receive compensation, and at the same time I believe that we should be taking a very serious step forward to take the profit out of crime and so reduce a considerable proportion of the crime that is committed in this country at the present time.

Lord CHORLEY. My Lords, I should like to begin by re-echoing the thanks which so many of your Lordships have extended to my noble friend Lord Longford for initiating this debate this afternoon, and still more for all the work which he and his fellow members of the Justice Committee have put into the solution of this exceptionally intractable problem. Because I entirely agree with those who throughout the course of the debate have pointed out that although the scope of this particular social anomaly is not a very wide one its solution gives rise to very difficult problems indeed.

I hope that the noble Viscount, Lord Brentford, will forgive my not following him in the very interesting analysis which he made of this problem in the earlier part of his speech. I think I ought to say that I hope that your Lordships will not agree with him that certain sections of this area of compensation should, as it were, be cut out. That would lead to a very lopsided scheme and would only accentuate the difficulties of working any scheme which the Government might introduce. It would be much better, I think, to cover the whole of the ground, rather than attempt to cut out injuries arising in connection with family disputes and matters of that kind. I entirely agree with him that very often in the family dispute the victim is a good deal to blame. But the Justice Report certainly, and I think also most of the other Reports which I have looked at on this matter, propose that the tribunal, whatever it is, which deals with these matters should take that into consideration and treat it in a sense in the way contributory negligence is treated when an action for negligence is heard in the courts.

With regard to my noble and learned friend Lord Denning, I was sorry to find that he was not on the side of the angels this afternoon. I usually find myself in agreement with him, but I sometimes think (I hope the noble and learned Lord will forgive my making this little "dig") that it is almost more important to him to be in a minority than to be on the side of the angels. And he has certainly been in the minority of one this afternoon. I think his argument were well met in advance, if I may say so, by the noble and learned Lord, Lord Shawcross, and also by the right reverend Prelate. It is easy enough, in any scheme introducing a new social contribution, to point out that there are anomalies. Lord Shawcross pointed out that in the legal defense arrangements, which have been such an outstanding feature of the administration of law in this country in the post-war period, numerous anomalies were found at the beginning; and, indeed, in the arrangements as originally made those anomalies were obvious. We have been spending the last ten or twelve years gradually getting rid of them, until now the scheme is much better than the one originally introduced.

Lord Denning's general views on questions of this sort, apparently, are views which we left behind at the turn of the century: that the ordinary misfortunes of life should, in effect, be dealt with by the sufferer or dealt with on a charitable basis. The whole history of the last fifty years and more has been against that, and the noble and learned Lord is trying, like Mrs. Pilkington, to sweep back the tide of social progress which has been flowing so strongly over the last fifty years. This sort of argument was advanced from the time of the Employers' Liability Act in 1880, in respect of most every proposal which was brought forward, and eventually put on the Statute Book for relieving the difficulties which are bound to arise in a modern, complex society, and which undoubtedly arise in this connection. The noble and learned Lord worships at the throne of the Common Law. But Common Law just did not provide remedies in all these cases. That is why we have had to have this social legislation and the proposals which are before your Lordships this afternoon, to give a new entitlement based on an Act of Parliament, in my submission on exactly the same lines as many entitlements which certainly did *not exist at* Common Law and were not dreamed of by the common lawyers, but which have been established by the social legislation which we have been so busy enacting over the last fifty years or more.

I said that this was an intractable problem—and so it is. It is not altogether surprising that the Home Office Working Party, whose useful Report has been referred to not too often this afternoon, and who no doubt approached this problem with great good will, appointed by the late Home Secretary, whose interest in this matter we all very well know, and whose work over the whole field of criminal law we all appreciate so much, should have been rather worn down by these difficulties. And certainly in many ways the Report conveys the impression of a defeatist attitude. I myself (no doubt the noble and learned Lord would agree with many of the difficulties which they found) particularly disliked the way it lays down, in rather sub-contentious terms, that the idea that the State had any responsibility in regard to this matter was a fallacious and dangerous doctrine. That is just the sort of point that was continually made when insurance against unemployment, insurance against sickness, insurance against many of the other social problems and difficulties which arise in the modern world, were advanced by the reformer in the earlier years of the century, and continuously and particularly by the Party to which I have the honor to belong over the period immediately after the end of the last war.

Although this problem in this country has only recently received attention, it has quite a long history, and I have been a little disappointed to-day at the lack of appreciation of the fact that proposals of this kind were already being made as far back as the middle years of the last century. This proposal for restitution, as it has usually been called by the continental penologists, was particularly associated with the name of the great Belgian criminologist, Prinz, who was active at the turn of the century; and, of course, in this country it is particularly associated with the name of Miss Margery Fry, to whom I would add my own tribute to those which have been paid this afternoon—a tribute of reverent affection.

Prior to his appointment of the Working Party the Home Secretary had himself asked a Hungarian refugee lawyer and criminologist, Dr. Schaeffer, to prepare a report on the experience of other countries. I was a little disappointed when the noble Lord, Lord Mancroft, suggested that nothing had been done in other countries, because Dr. Schaeffer's report shows that quite a number of attempts have been made to handle this problem in other parts of world. To me it is rather strange that the Home Office Working Party, for whom Dr. Schaeffer's report was apparently prepared, do not seem to pay any attention to it in their Report; nor, so far as I have been able to find out, did the Justice Committee. Yet there is a great deal of extraordinarily interesting work in it, because Dr. Schaeffer made an intensive survey of the arrangements in different countries in many different parts of the world.

I was interested to hear Lord Mancroft talking about his recent experiences in South Africa. He referred to the way arrangements are being made for handling this particular problem. On the whole, it must be confessed that in Europe not a great deal of success has been achieved in dealing with the problem. Few States have been prepared to provide the subsidy which the very character of this problem makes it necessary that the State should provide if victims of violent crime are to be indemnified. The main concentration has, of course, been on providing a more efficient method of getting at the criminal himself. That is the primitive reaction to this problem and one that goes back a long way: in fact, the earliest Anglo-Saxon criminal law was almost entirely concerned with how much the criminal paid to the person he had injured, or to the members of his family. It is only in comparatively recent times that this right of the victim to be compensated has been allowed to drop out.

Of course, if prisoners are able to earn wages, as has been pointed out several times this afternoon, either in prison or by being let out of prison to work in factories or workshops, there is a great deal to be said for this approach of putting the primary responsibility for compensation upon the prisoner himself. That has been done in a number of countries, particularly in France, where, as I expect your Lordships know, for many years now it has been part of the penal system that the prisoner should work and earn ordinary wages such as a man who is not a prisoner earns working in a factory or workshop outside. They have a rather elaborate scheme by which some of the money goes to pay for his upkeep in prison, some to his family, and some towards compensating the victim of the crime. On the whole, Dr. Shaeffer finds that this works with reasonable success. There are similar schemes in Finland and in Turkey; and in Cuba there was a particularly interesting scheme in operation—whether it still exists under the new régime I do not know—by which a fund, as it were, was built up partly by State subsidy and partly by contributions from those criminals who were ordered by the adjudicating court to pay into the fund. The criminal did not directly compensate the victim of the particular crime, but paid into a central fund out of which a court might make an award to a particular victim of crime which would compensate him to that extent. So that there a fund was built up partly by contributions from the State and partly by contribution from the criminals themselves. There is another interesting scheme in Mexico, but I think I have said enough, in quoting from this distinctly interesting book, to show your Lordships that attempts have been made with more or less success in different parts of the world to handle this problem.

We certainly shall not be the first country to deal with it, if and when the Government decide to tackle the matter in the way the noble Earl has begged them to do this afternoon. And, of course, as the Justice Report points out, and as the noble Lord, Lord Shawcross, has emphasised this afternoon from many points of view the victim of crime in respect of property is already compensated, not only under the Riot Act but very frequently under probation orders. An order is made that the criminal who is placed on probation shall compensate the victim of his crime. These probation orders are more often made in relation to damage to property than in respect of injury to the person. That, of course, is very natural, because that type of crime is more satisfactorily dealt with by means of a probation order. It is not every court that wishes to put the violent criminal on probation, and more often, for the sake of the community, he must be shut up in gaol.

This foreign survey emphasises the difficulties and complications of this problem. Like most other noble Lords who have spoken this afternoon, I should be the last to try to skate over them. But we must remember, and remember all the time, that there is here a very real social problem in regard to the needs of these people; it is not just a sentimental matter, but, a very real problem. Although some of the cases which have been referred to by different speakers this afternoon are cases which wring the heart, I do not think one ought to allow oneself to feel that this is just a piece of sentiment. It is a very real social injustice that exists at the present time, and it is one which it is urgently necessary, I think, we should put right as quickly as possible.

My Lords, I do not want to take up a great deal more time, but there are one or two matters arising out of the Justice Report on which I should like to comment upon very briefly before I resume my seat. There is the question of the two types of scheme. I was very much attracted by the ingenious hybrid solution which was suggested by the noble Earl, Lord Longford. On the whole, I tend to agree with the right reverend Prelate and Lord Brentford, that, so far as possible, the matter should be left to the adjudication of the ordinary courts. I would suggest that where a man has committed a crime and has been brought before a court and been found guilty, the tribunal should be allowed to deal with the question of compensation there and then, while the material is before it. In this type of case it is very important to get the matter handled quickly. The main argument against using the ordinary court system is the delays of the law. I should think that this is a type of case that could be dealt with pretty quickly. The lengthy interlocutory proceedings necessary in ordinary litigation would seldom be called for here. Therefore, I think that as a rule this type of case could be got on with quite quickly. There is a difficult period just after the injuries are sustained, and it is important that the matter should be dealt with quickly. That is why I think that the hybrid scheme has a great deal to be said for it.

The EARL OF LONGFORD. My Lords, I do not want to quibble over differences between the schemes, but, as I think I pointed out, under the Conservative scheme—which in this respect is slightly nearer to what is called relying upon the ordinary law than ours is—the case in the first place would go before some special official, presumably a departmental officer. It would not start off in the law courts.

Lord CHORLEY. My Lords, I am not advocating the Conservative scheme in any way. I think that it should be possible to make some sort of arrangement under which payments could start quite quickly and be taken into the final adjustment of the situation which might be reached at a later stage by the judge who tried it.

The industrial injuries method was put forward by Miss Fry, and I remember that she consulted me about this on several occasions at the very beginning. She was not wedded to this scheme in any sort of way, but felt that it provided a possible practical solution. As has been emphasised by more than one speaker, Miss Fry was an exceptionally practical woman as well as being a tremendous idealist. When I said to her that I, as a lawyer, preferred the ordinary procedure of the courts, she said "I agree with you. I should, too—if the thing could be got going". It seems to me that we have now these different methods of industrial insurance, and that in this sort of way it may be much easier to get a favourable response from Parliament and from the Government. The great thing to do is to get something done and to get it done as quickly as possible. I am sure that Miss Fry herself was not in any way wedded to the "Industrial Injuries" method and would have welcome any common sense way of handling this problem.

I entirely agree with what the noble Lord, Lord Shawcross, said about the courts being qualified to handle difficult problems of this kind. They are not always handled quite so as easily, perhaps, as he may have suggested. Some of these cases are very difficult for the judges to deal with. But the point is that they do deal with them, and, on the whole, deal with them in a satisfactory way. I imagine that the reason why straight psychological injury is expected from the Justice Report is because of the difficulties which the courts have found in dealing with such injury in ordinary cases of tort. Many of us think that the courts ought to be more ready in a modern society to deal with such cases, because problems of psychological injury are likely to happen more and more. I was a little disappointed to find that the Justice Report in allowing compensation for psychological injury confined itself only to those cases where there had also been physical damage.

Finally, I entirely agree with what the noble Viscount, Lord Brentford, said about the importance of associating the criminal with the compensation. Even if he cannot actually pay, I think it is very important that it should be brought home to the criminal that he has in fact done injury to some fellow human being. I rather felt that the Justice Report dragged its feet a little on this particular side, and I was glad to hear the noble Earl in his opening remarks take a rather stronger line. Of course, I agree that if the rehabilitation of the prisoner were going to be interfered with by an order that he should pay compensation to the victim, we should not have the order, but I cannot imagine that there are many cases where the rehabilitation of the prisoner is going to be interfered with in that way. In fact, I myself would have said that the moral rehabilitation of a prisoner cannot take place unless he appreciates the injury which he has done to his victim. The prisoner will not in fact be morally rehabilitated unless he realises that he is culpable in that respect and faces up to the fact that every decent citizen will look to him to make some sort of compensation. Therefore I hope that this side of the matter will not be too easily dismissed, and that when the Government come to prepare their scheme they will make some sort of arrangements under which the criminal himself may have this particular aspect of his crime brought clearly home to him.

VISCOUNT COLVILLE OF CULROSS. My Lords, I should like to say how very much I agree with the approach to this problem taken by my noble and learned friend Lord Denning. If in saying that I blacken myself irrevocably in the eyes of the noble and learned Lord, Lord Chorley, opposite, I am very sorry. But I would venture to doubt whether either my noble and learned friend Lord Denning or I myself will necessarily forfeit our angelic status merely by disagreeing with the noble Lord.

My Lords, my noble and learned friend Lord Denning drew a distinction in this case between the entitlement of any person who is the victim of a crime of violence to some form of compensation to be paid to him by the State, and an alternative method of meeting, I think, exactly the same social issue by means of a fund, possibly on the lines of that which only recently may have existed in Cuba—which was referred to by the noble Lord, Lord Chorley—for some form of *ex gratia* payment system not involving any necessary entitlement in law. If that is, as I believe it to be, the correct approach, many of the analogies which have been drawn in all these Reports seem to me to be not only inappropriate and unpractical but even misleading. First of all, they are inappropriate, I think, when talking of the imposition of any liability—to use a neutral word—on the State to pay compensation at all; and even more misleading when it comes to the actual working of any scheme that may be invented.

The Working Party from the Home Office

asked two fundamental questions. They said, first of all, "Why should the State pay at all?"; and, secondly, "If it should pay, why should it pay only in the case of crimes of violence against the person?" I think that both of those questions can be very much more easily answered, and answered in favour of having some payment, if the analogies of tort, or fatal accidents, or some benefits under an industrial injuries scheme are removed altogether from the arena.

There have been many arguments put forward, both in the various Reports on this subject and in your Lordships' debate this afternoon, on why the State should in certain proper cases pay compensation. But none of those arguments seems to me to have gone so far as to make the State's liability analogous to that of an individual in tort, as the law now recognises this to be. That responsibility of an individual results from an act which he himself did, and thereby damaged the person who is claiming the damages from him. Surely that, or the position under the Fatal Accidents Act, which is admittedly one stage removed, is nothing whatever like the situation which the State would have to be in if it were to be made responsible in any way for paying compensation to some of these victims. Then, in an industrial injuries scheme the person receives some sort of compensation, because he has involved himself in a scheme expressly designated to cover the sort of situation which has arisen, and a scheme, moreover, to which he and his employer both, as I understand it, contribute. There is nothing of that nature whatever in any of the suggestions that have been put forward in respect of compensation for victims of crimes of violence.

My Lords, I think that the State is not responsible for payment in the same sense as either in tort or under any of these industrial schemes, but in an entirely different sense altogether, if at all. I do not think there is any known concept that we have in this country—whether in the law or even in social reform—which approximates to the sort of responsibility that we are now seeking to put on the State. So, therefore, I hope that these analogies, which I believe to be false, will not be allowed to fog the issue, because I believe quite firmly, notwithstanding what I have said, that there may well be—and I think there are—proper cases where the State should bear some form of responsibility for payment. But I do not think that it should be based on any of the hard and fast rules which attempts have been made to impart into this concept. If we look at it this way, and avoid any entitlement on the part of the victim to compensation, it seems to me quite logical that the State should, at this stage at least, stop short and pay compensation only in the case of crimes of violence to the person. These will be *ex-gratia* grants and, if the State is making them out of grace, there is no reason why it should necessarily go further in the concept than it feels it can do at any one time.

The Earl of Longford. My Lords, the noble Viscount says that in these cases where he thinks the State ought to pay—I gather he thinks there are quite a number of cases—the State has a duty, a social responsibility. He wants to avoid the word "entitlement", and maybe there is some lawyer's catch here, but it is what most people would understand as a social responsibility, a duty. In that case, surely the individual who is going to receive this benefit is entitled, as the word is used in any ordinary language, to look to the State which has this responsibility towards him.

Viscount Colville of Culross. No, my Lords, I do not consider this to be purely a legal quibble at all. If the noble Earl will wait a little longer so that I may develop my speech, I think he will see that I have another aim, also, in avoiding the word "entitlement".

As I was saying, I do not think that there is anything necessarily objectionable in answering the second question raised by the Working Party, "Why should we stop short at crimes of violence against the person?" If we stick in this matter to this idea of an *ex-gratia* grant in compensation by the State. If that is so, then surely the key word which appears in all these Reports in this connection must be the word "discretion", because the State surely must have the widest possible discretion in deciding which are the proper cases in which to give its liberality to these victims.

I think that this necessarily must indicate the sort of tribunal which would be proper in this case. To start with, I think it must be quick and informal; and, secondly, I think it should be able to find out in the very fullest detail all the facts, and some of the inferences, which it would need to take into account before it distributed public money in this way. I do not believe that the procedure of the courts of law in this country would be the right procedure for these problems.

My Lords, I think there should be, to start with, a basic limitation on the application of the doctrine which we are now discussing. I do not intend to go into the question of the list of offenses which are appended to most of these Reports as being suitable starting grounds for the compensation of the victims, but I think that there should be some such limitation and that it will have to be laid down in whatever statute introduces this new scheme. But once that background has been stated—and, of course, it could probably be extended or contracted if it was found to be wrong—thereafter I believe that, whatever tribunal it should be (and no doubt it would have to be one constituted somewhat on the lines suggested by "Justice"), it would have to be very flexible and it would have to have the widest possible discretion. It would have to have discretion, I suggest, my Lords, to deal with the facts of each individual case entirely on their merits, and this would contain a discretion to look at such things as the domestic situation which gave rise to any particular incident, at provocation or at some such matter as that kind which would qualify the effect and the favour with which they might look upon the particular claimant.

I think they should also go into the facts very fully from the point of view of revealing any fraudulent claims and be able, when in doubt, not to give any compensation on the ground that they suspect a claim of being fraudulent. I think they should also have full discretion to take account of other benefits which a claimant might be able to receive from other sources in the Welfare State, and so thus be able to avoid duplicating, by their jurisdiction, benefits received from elsewhere. I think they should have discretion—and this is a point which seems to have caused great difficulty as between the industrial injuries scheme system and the courts system—to be able to give different sorts of compensation in different cases without necessarily any statutory control whatever. In some cases, they should give a lump sum by way of compensation: in others, they should be prepared to make a weekly payment if that is the more suitable. It does not seem to me to be very difficult to give them the proper jurisdiction to give them the discretion to do that.

Finally, I think the difficult matter of giving compensation even where the criminal himself has been acquitted, whether on a technicality or otherwise, or where no prosecution has been able to be brought, should also be able to be dealt with by the tribunal under its discretion. No doubt at the beginning this discretion would be hard to put into operation, and it might seem in some cases that fairness had not been altogether upheld; but I think that in the end, and probably before very long, some sort of code of practice would emerge, as so often does in the case of these tribunals, which would make it very much easier for them to deal with the cases that came before them.

But, my Lords—and this is where I should like to put one point to the noble Earl opposite—there are inevitably going to be some cases (and quite a lot of cases, too, for one reason or another, whether for domestic reasons, for provocation, for fraud or for some other reason) where a claimant would not get compensation, where it would not be thought proper that he should receive public money as a result of something which may unfortunately have occurred to him. What strikes me as being most important in this field is that that person should, if possible, not feel a grudge against the system which has denied him the compensation that somebody else receives; and I believe that if you state this problem in terms of entitlement from the State of compensation for victims, you are much more likely to leave a grudge in the mind of the unsuccesful applicant than if you merely deal with it on the basis of an *ex gratia* payment, where it is thought proper by a wise tribunal that the claimant should have some money.

From those generalities I should like to put one specific point to my noble and learned friend on the Woolsack, and ask him whether he would be prepared to consider this question a little further, because it is a problem which has been dealt with both by the Conservative Political Centre document, by Justice and by the Working Party, and Justice disagrees with the other two upon the answer to the particular problem. The problem is that of children who are born as a result of crimes of sexual violence—for instance, the obvious crime would be that of rape, but many other crimes of this nature have been put in the Appendices of these Reports, and from all of them, or most of them, it would be possible for children to be born. The Working Party and the Conservative Political Centre have both come down on the side of denying any form of compensation under any scheme for the benefit of these children—and I think, for the most part, for the benefit of their mothers as well. The Justice report, however, has been more forthcoming.

Now, my Lords, leaving out of the question altogether the matter of physical or psychological injury to the mother in the commission of the crime of violence (because that seems to me to be no different from the injury in any other case of crime of violence), there is, I think, a very difficult consideration to be taken into account in respect of the child. The Justice report has pointed out that the existing benefits under the National Insurance Scheme are not intended to cover the full costs and loss of earnings suffered by a mother during the time of her confinement and the birth of her child. This being so, there will no doubt be proper cases, at any rate in my view, where some additional sum might well be awarded to the mother to cover her losses over that period if she, as a result of some hideous crime, has unfortunately had a baby.

Secondly, once the child is born there are further problems which will arise and face this unfortunate woman. She may, despite everything, desire to keep the child, and this may very well, as practice I think has shown, prove best for the child itself—and it will certainly be cheaper for the State than having it maintained at a local authority's expense. However, she clearly will not be able to work in a full-time occupation, and, therefore, in some way her earnings are bound to be smaller than they would otherwise have been. It may be said that she can have the child adopted, but this is not necessarily so, because if the putative father is known to be a violent criminal it may prove almost impossible to get anyone to adopt the child, and, willy-nilly, it may be left with its mother.

Finally, if that happens and she cannot, because of the circumstances of its birth, bear to keep it at all, she may attempt to get the local authority to look after it. But even in that case the local authority is entitled, although I hope that it would not, to demand from the mother a sum of money for the keep of the child. It seems to me that circumstances would clearly arise in some of these cases where a very good case for compensation could occur. I hope that some of the analogies that have been produced in these Reports would not stand in the way of my noble and learned friend in coming down more favorably on the side of the mother in this sort of situation than the Home Office Working Party did before; and possibly, also, in the case where the mother of a child conceived in this way has died in the course of childbirth.

My Lords, the discretion in these cases would certainly have to be used with the greatest care. No doubt there would be children born of young girls under the age of 16, and one knows well from experience at assizes how often they may be consenting parties or, at worst, instigating parties, and clearly the tribunal would have to go very carefully into the facts of the individual case. So, too, would it if incest were to be one of the crimes of violence which came within its ambit. I think it would turn out that the number of cases falling into this category would be very small but, none the less, extremely deserving; and I hope, therefore, that my noble and learned friend will look carefully at this problem and at the points that have been made in the Justice Report on it.

I think the other problem that would arise in this field is the question of the length of time within which the victim of the crime should report the occurrence to the police in order to qualify himself or herself for the attention of the tribunal. In some sexual cases it would be much too short to say the qualifying time should be one week, as has been suggested. I think an extension would be needed if my thesis were to be adopted by Her Majesty's Government. I am sorry to have kept your Lordships so long, but I look forward very much to hearing the reply of my noble and learned friend on the Woolsack, and I hope he will be able to indicate to your Lordships that some scheme of the nature that as been discussed tis afternoon will soon be introduced in some form.

Lord Airedale. My Lords, I should like to say just a word or two. I know that it is getting late, and I promise to be short. First of all, I was delighted to hear the noble and learned Viscount just now coming to the aid of the noble and learned Lord Denning, who came in for some rough handling at Lord Chorley's hands. I too, was going to venture to support the noble and learned Lord, Lord Denning, in his plea for the *ex gratia* fund but I feel that I am something of a lightweight, if not physically, at any rate when it comes to giving support to the arguments of noble and learned Lords. But perhaps the support of two members of the junior Bar is at least better than the support of only one. For what it is worth, I thought the *ex gratia* payment fund scheme had great attraction, and if it should be thought that this might involve a large strain on the Exchequer it is perhaps worth mentioning that the Working Party, in paragraph 13 of their Report, say this on the question of the amount of money likely to be involved in these cases:

> "If this were to become a compulsory contributions scheme, the contribution of even one penny a week from all insured persons would raise far more than would be required for the purpose."

In the context of the sort of sums of money that the Chancellor of the Exchequer has to wrestle with in his annual Budget speeches it would appear that this would not be a very large sum. Furthermore, I suppose, the fund would be replenished to some extent by the reparations that would be received from criminals.

I would make one other point. The noble and learned Lord, Lord Mancroft, in support of this afternoon's Motion, made the plea that the argument should not be used against it that it was the thin end of the wedge. My Lords, even the great eloquence of Lord Mancroft will not stop the use of that argument, and that fact has to be faced. I think the most recent plea for special treatment of people who are injured was mentioned in the *Financial Times* last Monday. It appears that quite a number of people living near London Airport were injured last year by particles of ice and other objects which fell from aircraft. In view of the fact that 160,000 aircraft a year take off or land at London Airport this is, perhaps not so surprising as it would seem at first sight. Of course those people have a legal right to claim damages from the aircraft operator. But in practice it has been found quite impossible in nearly every case to trace the particular aircraft concerned; and even if it were traced the unfortunate injured person would find himself suing somebody in a foreign country, and that would not be very easy for him. So the Association of Municipal Corporations, not surprisingly, put forward a plea for these people that they should receive compensation on some special basis. I do not suppose that they were surprised when their application was turned down.

I think the point is that when a crime of violence occurs it creates much greater abhorrence in people's minds than any accident, unless the accident is of huge proportions. One cannot help feeling that, as time goes on, in the case of a disabled person who has been injured some years previously he and his friends, and society generally, are going to come to take the view: "Does it matter so much how the injury was sustained? It did not happen from any fault of his. Is it right that the amount or question of his compensation generally should depend upon how he sustained his injury? The important thing is that he sustained it through no fault of his own." That being so, I should have thought that where an interval elapses and the question of how the original injury was sustained ceases to matter, the position is reached when these particular victims are going to say: "If a victim of criminal violence is to be compensated, why not us?" As a result, the door is going to be opened wider (at any rate, it is going to be pushed very hard to be opened much wider), than purely on the question of compensating victims of crimes of violence.

It is no use the noble Lord, Lord Mancroft, asking people not to talk about this being the thin edge of the wedge, because it is in a sense, the thin edge of the wedge; and that argument is certainly going to be used. This is not intended to be an argument against the Motion of the noble Earl, Lord Longford. It may be a good thing that the door should be more widely opened but let not the noble Lord, Lord Mancroft, resent the pressure to open the door wider. That is all I want to say.

Lord Silkin. My Lords, this has been a most valuable debate, and although at one time I thought it was going to be one-sided, in the end it turned out that there has been a good deal of difference of opinion, and I believe that that is most helpful. At this time of night, when we are all anxious to hear the noble and learned Lord, the Lord Chancellor, I do not propose to inflict myself on your Lordships for very long.

Although I say that there has been a considerable conflict of views, I think that, in the long run, we shall all agree that every noble Lord who has spoken accepted the doctrine—I will not call it the principle—that compensation in some form should be paid to some victims of violence. I can go as far as that, though it has been suggested that these are merely people who suffer misfortunes like many others and therefore have no particular right to be compensated. Even the noble and learned Lord, Lord Denning, who was the most violent exponent of the doctrine about entitlement as of right, came out with the view that there should be a sum of money set aside by the State for distribution—he called it *ex gratia*, and so did the noble Viscount, Lord Colville of Culross—among people who are the victims of crime.

I cannot help feeling that the noble and learned Lord's bark is worse than his bite, because he has to face up to the implications of the State's providing *ex gratia* payments. The noble Viscount, Lord Colville of Culross, said that they could be paid out at the discretion of the tribunal. Does he mean absolute and unlimited discretion? Would he then give them a maximum that they should pay out? Yes, he would. Would he define the crimes of violence which should lead to compensation?

Viscount Colville of Culross. I said that.

Lord Silkin. I am bound to say that the discretion is gradually being whittled down more and more.

Viscount Colville of Culross. If the noble Lord reads my speech to-morrow, he will see that I set out five distinct heads of discretion which I thought the tribunal should have; and before that point, I said that there should be a list of crimes.

Lord Silkin. I do not think that there is any need for me to read the noble Lord's speech to-morrow, because I remember the heads of discretion he referred to. And they are all items which any tribunal, whether it be a court or the kind of tribunal, having discretion, which the noble Viscount wants to set up, or an informal tribunal, would inevitably have to take into account. Of course, they must take into account the degree of provocation. Of course, they must take into account various other matters. So, although we appear to be starting at different points, it seems to me that we have arrived at the same end: that there should be some body set up to use public monies for the purpose of compensating victims of crimes of violence.

Whether the crimes for which compensation should be paid should be all those set out in the Reports of the various Committees is, to my mind, a Committee point. If the Government are disposed to introduce legislation upon the subject, presumably they will set out a list of crimes in respect of which persons will be able to go to some tribunal and ask for (I must not use the word entitlement) an *ex gratia* payment as compensation. At that stage, we can look at it and see whether or not the schedule of crimes is what we want. The noble Viscount, Lord Brentford, for example, has set out certain crimes for which he thought compensation should not be paid. But these are not big difficulties. What we expect, and what I hope the noble and learned Lord on the Woolsack will be able to tell us, is that he accepts the principle and that he will give the Home Secretary the pleasure, to which he referred last November, of introducing legislation on the subject. Mr. Brooke then said:

> "I hope that it may fall to me to introduce legislation on the subject, but we have first to decide which of these various different schemes which have been recommended by responsible bodies is the best solution as a whole."

No doubt the Government have considered the various schemes and will be able today to give us the benefit of their consideration. What I am hoping to hear from the noble and learned Lord on the Woolsack is that the Government have accepted the principle of compensation, or of *ex gratia* payments (I really do not think we are very far apart), and which of these schemes or which combination of schemes he proposes to introduce.

I do not want to bring the noble Viscount, Lord Colville of Culross, to his feet again, but I would ask him, if there is to be an absolute discretion in the tribunal, whether there would be any appeal. I think that that follows. The noble Viscount was anxious that people should not have a sense of grievance. I do not think that a sense of grievance would be removed, if they felt that discretion had not been properly exercised, or that, on the facts of their case, they ought to have been compensated because the facts were similar to those in another case where a person had received compensation, by telling them that they are not claiming as an entitlement as of right, but are merely claiming an *ex gratia* payment. I think that it is almost unavoidable, if we set up some tribunal of this kind, with discretion, that there should be a right of appeal, if we are to give satisfaction to the general public and to those who are going to make claims.

My Lords, I said that I would not be long. I hope that I am keeping my promise. I felt that it might be useful if I pointed out that there is not all the difference between us that might be indicated by the language used by the noble and learned Lord, Lord Denning, in trying to indicate that he was against entitlement as of right. The fact is that, like everybody else, he would like to see these unfortunate people who are the victims of crime compensated. Indeed, if I gather the tenor of his speech, probably he thinks that this does not go far enough, because some cases are not covered. Well, perhaps they can be covered by an *ex gratia* payment. At any rate, let us deal with those with whom we are definitely concerned today.

The LORD CHANCELLOR (Lord DILHORNE). My Lords, the noble Lord who has just resumed his seat has spent a good deal of his time in making some comments on the suggestion put forward by my noble and learned friend Lord Denning, and the noble Viscount, about a discretionary *ex gratia* scheme. I shall say something with regard to that at a later stage in my speech, if I may.

I should like to start by saying that I am sure your Lordships will agree with me that we have had a most interesting and valuable debate, and that we are all indebted to the noble Earl for spending his 57th birthday—and I should like to wish him many happy returns—in raising this subject on his Motion to call attention to the Report of the Working Party on Compensation for Victims of Crimes of Violence. I hope he will forgive my making the comment that I do not think we heard so much from him, or from other speakers in the debate, about the Report of the Working Party on Compensation for Victims of Crimes of Violence. Most of the debate has been taken up with discussing the Report of the Committee of Justice, over which the noble Earl presided, and perhaps, if I may say so, insufficient attention has been paid to the Report of the Working Party which is the subject the noble Earl selected for debate today. This is, I think, the first occasion on which this subject has been fully discussed in your Lordships' House, although I understand that some time ago the Motion was tabled but circumstances intervened which prevented its discussion. In view of its importance and the wide range of this debate, I hope your Lordships will bear with me if I take up some time in my reply.

Since the Report of the Working Party was published this subject has been studied by a number of outside bodies: the Conservative Party Committee, presided over by Sir Hugh Lucas-Tooth, a Committee of Justice presided over by the noble Earl, the Bow Group and the Association of Municipal Corporations, have all produced reports on this topic. The Government are grateful to them for the work they have done, and for their views. As might be expected, they differ to a considerable extent in their conclusions, but all these bodies agree that the innocent victims of crimes of violence should be compensated for the injuries they suffer, and that that compensation should be restricted to compensation for personal injuries and not be given for loss or damage to property.

I have listened to nearly all of the debate to-day. I was unable, I am sorry to say, to hear the speech of my noble friend Lord Brentford and the whole of the speech of the noble Lord, Lord Chorley, but I think it is right to say that none of your Lordships has differed from these two propositions. There may be, of course, as my noble and learned friend Lord Denning has pointed out in what was, if I may say so with due respect, a very remarkable and interesting speech cases where the injury received by the victim of violence is slight and where the victim of a cruel and heartless fraud suffers far more than a victim of violence. A widow reduced to penury by graud, the loss of his life's earnings by an aged person no longer able to earn, may lead to very considerable suffering: indeed, greater suffering than comes from just a broken bone. But it is, I think, the general view that if there is to be any compensation for the victims of crime, it should be limited to the victims of crimes of violence. For the innocent victims of such crimes we all feel sympathy, but we feel that sympathy alone is not enough. I think that has been the view expressed throughout this debate from all parts of your Lordships' House, despite differences of approach and different attitudes as to how the matter should be dealt with.

I think there is also a general feeling in all sections of society outside this House that something should be done to aid them, and many different suggestions have been received by the Government on that subject. Among the bodies to which I have referred, and in your Lordships' House to-day, there is no unanimity of view as to what should be done. My Lords, if provision is to be made for the victims of violence I should prefer to justify it, if I had to justify it, on the ground that it is right to do it; on the ground, as the Conservative Party Committee has put it, that the public feel a special sense of responsibility for the victims of criminal violence—your Lordships will see that that is a sentence quoted from their Report. I should not seek to justify it on the ground that if a crime of violence is committed the State has failed in its duty to protect the citizens of this country and should on that account pay compensation.

As my noble and learned friend Lord Denning has pointed out, many crimes of violence can occur without the State being at all at fault. The Working Party commented on this proposition basing liability on the ground that the State had failed in its duty, and said—and rightly said, is my belief—that such a proposition is both dangerous and fallacious. I must confess that I was surprised to see that, despite their well-founded observations, the Committee over which the noble Earl presided sought to suggest the existence of an obligation on the part of the State to compensate for crimes of violence. I do not propose to spend more time on this point. If we make provision for compensation in such cases, then at least let us do it, not on account of arguments based on any pseudo-legal principles, or on any alleged breach of obligation by the State, but because it is a right step forward to take in the development of our social policy.

If it is a right step to take, then regard must be had to the problems involved. The Conservative Party Committee in their pamphlet said:

"It would probably astonish most people to discover how many and what important questions must be answered if a workable solution to this problem is to be found."

My Lords, they were quite right. One simply cannot ignore the problems involved. The Working Party drew attention to them, and it is no use shutting one's eyes to them and pretending they do not exist, or have been solved, when in fact they have not.

In his preface to the Report of the Committee of Justice, the noble and learned Lord, Lord Shawcross, went so far as to say:

"There are no great, certainly no insurmountable, practical or administrative difficulties: there is no great involvement of public funds."

I will come to the involvement of public funds later, but to-day the noble Lord said that none of the difficulties is new. That may well be the case: they have been made known and brought to public notice by the publication of the Working Party's Report. But it does not mean that they are any the less difficult. I am not seeking to suggest that the difficulties involved to which attention has been drawn are insurmountable, but they are certainly very formidable. To say that there are not great difficulties is, in my belief, entirely wrong and totally unjustified. No one who has read the Report of the Working Party could fail to appreciate their reality and, my Lords, I feel it to be my duty to remind your Lordships of some of them.

This in itself creates a difficulty for me for I do not want anyone in your Lordships' House or outside to get the impression that the Government are unsympathetic to claims for compensation for such victims. That is not the case. What is the case is that there is no easy solution to these problems, and that is the reason for the time that has been taken and is being taken in considering them. I do not want it to be thought that the Government are against any form of compensation and it would be wrong to draw any such inference from what I am about to say.

While there are some victims of crimes of violence whom your Lordships would unhesitantly say should receive compensation, I venture to suggest that there are other victims of such crimes whose claims to compensation your Lordships would equally unhesitatingly reject. We have had instances in the course of the debate to-day of victims of the first category: the woman, the child, the aged person, who is brutally assaulted and suffers grievous injury. They not only command public sympathy but there is, as I have said, a very real and widespread feeling that they should receive compensation.

But there are other victims of crimes of violence. Take for instance a brawl in a public highway in which, say, half a dozen men are involved and two receive injuries, which may range from cuts and bruises to a fatal stab wound or a fractured skull, and the rest run away. The two who have been injured are victims of a crime of violence. They may, of course, have been two innocent persons set on by a gang. On the other hand, they may have instigated the fight or they may be members of a criminal gang who were attacked in retaliation for some similar injuries inflicted on members of a rival gang. If they instigated the fight, if they were members of a criminal gang, would it be right that they should receive compensation from the public purse, from the taxpayer, for the injuries they have received? Public opinion would, I am sure, react strongly against any suggestion that respectable citizens should, in a sense, subsidise gang warfare by compensating the casualities.

Take another case which may look simple at first sight. A husband beats his wife in their home and does her injury. There is no doubt at all that she is a victim of a crime of violence. She may be wholly innocent or she may have nagged him beyond all endurance. Should she have a claim for compensation? And if she is compensated, may not the offending husband benefit indirectly from his crime? The Committee of Justice suggests that in such a case there should be some procedure analogous to payment of money into court. But even if there were some such procedure, I think the court might find it very difficult to give the wife money without her husband benefiting from it.

My Lords, I have given these two examples to illustrate the need to make adequate and satisfactory provision for distinguishing between victims of violence. At the one end of the scale there will be victims who your Lordships may feel should certainly receive compensation for their injuies; at the other end, those who your Lordships, with equal certainty, would say should not. In between there may be a wide range of cases as to which opinions will differ. And I would just say this, that any scheme, any workable scheme, must provide for distinguishing between the two categories; for drawing a line between the victims of violence.

It is not so difficult to draw up a list of crimes of violence—both the Committee of Justice and the Conservative Party Committee have done that—but it does not follow that every victim of a crime in the list, however it is compiled, should receive money from the State, although I think it was indicated by the noble Earl when he opened this debate that it really was enough to produce a list of crimes of violence. That, in my submission, is not the case.

The Earl of Longford. My Lords, I cannot imagine what gave the noble Viscount the impression that I thought that the whole job had been done by producing a list. I spoke for 31 minutes, which I hoped was long enough, but, of course, I could have gone on for ever.

The Lord Chancellor. My Lords, it may be that if the noble Earl had gone on for ever I should still have been left with the same impression. I based that observation on a passage which I thought he said, but we can no doubt correct it from *Hansard*, or I can correct my impression; at any rate, I am glad to hear from the noble Earl that this is not his view. But the Report of the Committee of Justice dealt very lightly with the procedure for distinguishing between victims of violence.

I want to turn now, if I may, to the size of the problem. The Working Party, in paragraph 26 of their Report, said that the total number of offenses for murder, attempted murder, manslaughter, felonious wounding, malicious wounding, indictable assaults, rape and robbery in England and Wales (excluding murders of children under the age of one) in 1959 was 15,524, of which 10,760 were malicious woundings, the majority of which, in their view, would not warrant compensation. And they felt, if I might remind your Lordships, that the total number of successful claims in 1959 would not have exceeded 5,000, and in their opinion the number would in fact have been considerably less. I mention those figures to indicate the extent of the problem of distinguishing between those who should and those who should not receive compensation where the offenses of violence are known to the police and where there is no doubt that an offense has been committed.

The Working Party thought that this was one of the main difficulties to be overcome in any scheme. But the scheme must not only do that. It must surely also provide adequate safeguards against fraud. There could be fraudulent claims alleging injuries to have been sustained as a result of a crime when in fact there had been no crime; and there could, of course, be fraudulent exaggeration of the injuries received in a crime. Your Lordships, I am sure, would be the first to criticise a scheme which, while it covered the innocent victims, enabled the victims who were not so innocent and the fraudulent to dip their fingers in the public purse. I must confess that I was disappointed to see that the Committee of Justice, over which the noble Earl presided, did not really deal at all thoroughly with this question of fraudulent claims. The Working Party stressed that any scheme for State compensation, if I may quote their words, "must provide means of distinguishing the deserving claimant from the undeserving or fraudulent, means which would be effective in operation and manifestly just."

Where a crime of violence is followed by a prosecution, from the proceedings at the trial it may not be difficult to decide whether or not a victim should receive compensation. My Lords, I find it not possible to agree with the view expressed by the noble Lord, Lord Chorley, that the criminal court which has to deal with the criminal charge should, if I understood the noble Lord aright, then proceed to assess compensation. But in the case where there is a prosecution, where there is a conviction, it may not be so difficult to determine whether the victim is of a character to receive compensation. But it would not, in my belief, be acceptable to your Lordships or to the public that only where there was a prosecution resulting in a conviction should a victim of a crime of violence receive compensation, for so to limit the scheme would debar some genuine, innocent victims from compensation through no fault of their own.

But to extend the scheme to cases where there is no prosecution at all does open the door to fraud. Suppose, for instance, someone falls downstairs and breaks a leg—many accidents occurs in the home. It would be very easy for a dishonest person to claim that he had found an intruder in the house, who pushed him down the stairs and then made his escape. It would not be very easy to establish that the claim was fraudulent. It is easy to say that the police would soon find out if it was; but would they? There might be plenty of suspicion and yet not a shred of evidence that it was. And surely in these days we must be careful, as the noble Lord, Lord Mancroft, said, about placing extra burdens upon the police. One would not want to find them spending time on investigating claims of alleged victims of violence at the expense of the prevention of crime.

Both the Committee of Justice and the Conservative Party Committee include rape among their list of crimes of violence. Indeed it would be difficult to exclude it. The Committee of Justice recognised that where the female had in fact consented she would be under a strong temptation to allege that she had been raped, and it is not unknown, as the Working Party point out, for a woman to do this to protect her reputation. But in view of this temptation the Committee of Justice thinks that a female should not be debarred from compensation just because she cannot prove rape. They think that she should still be able to secure it if the offence is unlawful sexual intercourse or indecent assault. That Committee in their Report say there should be compensation for pregnancy caused by a criminal offence and that the mother of the child should be entitled to some payment by way of contribution towards the child's maintenance.

To prevent fraud they suggest that the victims of crimes of violence should, as a condition precedent to obtaining compensation, be required to report the criminal offence to the police within one week of its occurrence. The noble Viscount, Lord Colville of Culross, drew attention to the shortness of the period. It was an important point. The one week period would mean this: that where there was an alleged rape or unlawful sexual intercourse or other sexual offence the woman would report the alleged offence to the police before she knew she was pregnant, and it was put forward, if I understand it rightly, by Justice as something that would militate against fraud.

I must say that I can see that great difficulty might in some cases arise on the question whether the pregnancy was in fact due to the criminal offence. Suppose, for instance, that shortly after reporting an alleged rape the woman voluntarily associates with a man and a child is conceived. No criminal offence is committed and it is impossible to say whether that pregnancy was the result of the alleged offence or of the subsequent association. The position then might perhaps arise that the State would be liable to pay, if the Committee of Justice's recommendation was accepted, not only compensation for the expense of pregnancy and childbirth but also a contribution towards the maintenance of the other man's child, although none of this resulted from a crime of any kind.

The object of the proposals that have been put forward is that the innocent victims of crimes of violence should be compensated. Yet under the recommendations of the Committee of Justice, if I understand them correctly, it will be open to any girl under 16 who has had intercourse quite willingly and who subsequently becomes pregnant to claim compensation for the expenses of pregnancy and childbirth and a contribution towards the maintenance of the child on the same terms as the victim of a violent rape, provided, and provided only, that she has reported the matter to the police within a week. Although the Committee of Justice contemplate that many claims would be excluded because of the fact of consent or encouragement, it might often be difficult to establish the fact of consent, and compensation might well be paid to a girl who was not an innocent victim of a crime of violence in any natural sense of those words. I cannot believe that that would be right.

The requirement of a report to the police, while it might prevent some fraudulent claims, would not, I fear, be a very effective check against fraud. The noble Viscount, Lord Colville of Culross, asked me to consider carefully the position with regard to the children who was born as a result of sexual offences. I can assure him that the most careful consideration is bound to be given to that problem, and I do not think he is right in concluding that the Working Party in any way expressed a concluded view upon the matter on behalf of the Government. I do not think that the Justice Committee's Report really provides an adequate check against fraud. The fraudulent claimant who could establish that he or she had suffered injuries might well be ready to go to the police and tell a false story of how his injuries were sustained, thinking, as might well be the case, that it would be impossible for the police to secure evidence to show the falsity of his claims.

My Lords, I hope I have convinced some of your Lordships that, whatever scheme of compensation is put forward, whether it be a scheme on the lines of the Conservative Party Committee, a scheme on the lines of the Committee of Justice or any other scheme, it must contain some satisfactory machinery for distinguishing between the deserving and the undeserving claimants and for the elimination of the fraudulent. I believe that these are the two main difficulties, and really they cannot be dismissed by the assertion that there are no great, certainly no insurmountable, difficulties, particularly when the Report of the Committee of Justice puts forward no satisfactory solution of them. Nor can they be dismissed just by saying, as the noble Lord, Lord Shawcross, said today, "All this can be worked out." If we are going to have a practicable scheme some machinery of that kind must be found, and it follows from what I have said that whatever scheme is proposed it will be necessary to provide some body, some tribunal or some court to distinguished between those who should receive compensation and those who should not.

Now, what is to be the position, or what should be the position, if entitlement—I use that word because it occurs in the Reports but I use it, if I may say so to the noble Earl, in its ordinary meaning and with no particular legal quibble attached to it—to compensation is established? What form should that compensation take? You may have a hybrid scheme, but there are two clear cut issues, however you may blend it, in the end: one, a scheme based primarily on weekly payments related to the extent of the disability, payments of the character to which we are accustomed under the Industrial Injuries Scheme and under the War Pensions Warrant, or, alternatively, a lump sum payments putting a monetary value on the injuries sustained, as we are accustomed to in claims for personal injuries in the court.

Of one thing I am sure: that it would not be possible to justify a higher weekly payment for a disability suffered by a victim of violence than can be secured for a similar disability, either by a war pensioner or by an injured person who is entitled to receive industrial injury benefit for which he has paid the necessary insurance contribution. The Committee of Justice recommend that the victim of violence should receive a greater weekly payment. I must confess that I can see no valid reason why, if two persons suffer similar injuries, a victim of violence as a result of crime should receive more from the State in respect of the disability than the injured person or a war pensioner.

The Earl of Longford. My Lords, may I ask the noble and learned Lord whether it is not the case that the Conservative Committee, presided over by the present Attorney General, would also have made a higher offer?

The Lord Chancellor. My Lords, I have not that detail of the Conservative Committee Report present to my mind. My recollection is that the Report came down in favour of the court scheme, quite different from that of Justice.

My Lords, I do not propose to state all the difficulties that any scheme for compensation must surmount. There are others that anyone who reads the Report of the Working Party will see. I think it is true to say (I can assure the noble Earl that these Reports have been most carefully considered) that in regard to all these difficulties the Reports so far produced do not provide a satisfactory solution. Today the noble and learned Lord, Lord Denning, put forward a proposal which I had not heard put forward in public before. He commented on, and drew attention to the use of the word "entitlement". If I understood him correctly he, like the noble Viscount, Lord Colville of Culcross, and the noble Lord, Lord Airedale, was in favour of an *ex-gratia* discretionary scheme, because (if I heard Lord Denning, correctly) of the difficulties which would have to be surmounted in trying to devise any scheme, either on the lines of industrial injury benefit or on the lines of creating a quasi-tort committed by the State, or indeed a theoretical tort on the part of the State. To me it was a most interesting suggestion, and I can assure the noble Lords concerned that it will be given the most careful consideration.

I understood from the noble Viscount Lord Colville of Culcross, that he was suggesting that broad principles should be laid down upon which any tribunal or body which had to administer it would work, but that within those broad principles there should be wide areas of discretion. I listened carefully to the criticisms of the noble Lord, Lord Silkin. I do not know whether it may be possible by some such scheme to overcome some of the difficulties to which the Working Party drew attention. I cannot go further than that today. But, quite clearly, any scheme which is to prove satisfactory must deal with those difficulties in one way or another.

There are two other points on which I should like just to touch. One is the question of the criminal contributing to the sum paid to the victim. That, as the noble Earl said in moving his Motion, raises a big question with regard to what happens in our penal institutions. As the noble and learned Lord, Lord Denning, reminded us, if the criminal can be traced, the victim can sue. Usually, of course, it is not worth doing, and unless big changes are made, the question arises as to whether the criminal has served his sentence, he should be compelled, if he goes straight, to contribute part of his earnings to his victim. At first sight this seems quite attractive. But one must recognise that any such obligation might make it difficult to secure the rehabilitation of the offender, and might tend to make him revert to crime. It is a difficult question, and I cannot suggest to your Lordships what is the correct answer to it.

There is also the further question which was touched upon in this debate and in the Reports: that it is inherent in the proposals put forward that the victim should be able to receive compensation even though there is no conviction. Arguments were advanced by the noble Lord, Lord Chorley, that the compensation should be paid promptly. I think it would scarcely be possible to try the claim for compensation before any pending criminal proceedings were disposed of, for a finding that there had been a criminal assault in proceedings for compensation might tend to prejudice a subsequent criminal trial. If proceedings for compensation were brought after the criminal trial, and the accused had been acquitted at that trial, it must be realised that the result of those proceedings for compensation might amount to a reversal of the verdict of "not guilty" at the criminal trial. This would not be satisfactory. I hope that I have said enough to indicate that there are real difficulties which must be dealt with before any scheme for compensation can be introduced.

I should like now to turn to the question of expense. The noble Lord, Lord Shawcross, has said that there would be no great involvement of public funds, and the noble Lord, Lord Mancroft, to-day drew attention to that aspect. I do not know what, nowadays, is to be regarded as a "great involvement". The Committee of Justice thought that their scheme would involve over £1 million. Even in these days, it is surely wrong to describe that as no great involvement. The Committee based their estimate on the figures given in the Working Party's Report of the estimated cost in 1959. The Working Party described their figures as highly speculative. But, working on the same basis as they did, and taking into account the increases since 1959 in crimes of violence, in the rates of national insurance benefit and in legal and administrative costs, I can tell your Lordships what would have been the estimated approximate cost to the taxpayer in 1961.

In the case of an industrial injuries type of scheme, compensation would amount to £1,166,000, with administrative and other costs of £158,000—a total of £1,324,000. In the case of what I may call the court scheme, compensation would amount to £1,380,000, with administrative and other costs of £516,000—a total cost of £1,896,000. So I do not think that one can say that there would be no great involvement of public funds. What I think is disturbing is the relationship between the administrative costs and the total of compensation. In both cases it seems high, and one would like to find some satisfactory way of reducing it.

I hope that I have not exhausted your Lordships' considerable patience, but this has been an important debate and a valuable one. I have listened with the greatest interest to the views expressed by your Lordships, and I can assure you that they will be most carefully considered. My Lords, inevitably a great deal of my speech has been related to the difficulties involved. I have not referred to all of them. I hope that I have satisfied your Lordships that there are many important questions which must be answered if a workable solution to this problem is to be found. I hope that a satisfactory answer can be found to these questions, and work is being done upon them. I have drawn attention to some of the difficulties, but it should not be inferred that the Government are not sympathetic and are not doing their best to find a satisfactory answer, if one can be devised. May I finally, my Lords, once again express my thanks to the noble Earl for raising this subject?

The Earl of Langford. My Lords, I should like to thank all those who have taken part in this debate; perhaps those who are not present will forgive me if I do not mention them, but I would mention in particular the noble Viscount, Lord Colville of Culross, and the noble Lords, Lord Airedale, Lord Silkin, and of course the noble and learned Lord, the Lord Chancellor. I hesitate to go beyond that list, but I could hardly perhaps pass over the contribution of the noble Lord, Lord Mancroft, for example, or those of the noble Lords, Lord Chorley and Lord Denning, without saying how deeply interesting they were. The noble and learned Lord, the Lord Chancellor, was kind enough, on behalf of the Government, to thank all those who had taken part in these inquiries, and in so far as I am competent to do so, even regarding perhaps the Conservative Committee of Members of Parliament—though it is a long time since I would have been in any position to speak for them—I should like to tender my thanks to him for what he said about our work.

He was also twice good enough to thank me for raising this subject, and mentioned that I had now reached the advanced age of 57, which puts me on an age equality with him if I am equal in no other respects.

However, although exercising all the charity and imagination in the world, he did not feel able to say anything nice about my actual speech. He could not pay me, I noticed, even the mildest compliment in the course of his 40 minutes. Therefore, he will not expect me to go out of my way to say anything nice about his. But, trying hard for a compliment, and remembering what was said about lawyers being superior to jurists—though I had always thought it was the other way round—I should like to say that his speech struck me as that of an eminent lawyer rather than that of a great jurist. I hope I have put that in a way which is entirely complimentary, or thought to be so in legal circles.

The Lord Chancellor felt it was his duty to labour the difficulties, and he certainly did his duty very thoroughly in that respect. I am reminded, of course, of the difficulties which confront all social reformers. I worked for a long time as a humble bottle-washer for the noble Lord. Lord Beveridge, when we were drawing up his Report. There came a moment when Lord Beveridge, as Chairman of a Committee which included about a dozen civil servants, came to the conclusion about a dozen civil servants, came to the conclusion that he would get on better without their services and he duly sacked them. We have had the Beveridge Report and I think most people agree that quite a lot of the Welfare State emerged as a result. I can only give the Lord Chancellor the humble suggestion that he should not pay too much attention, perhaps, to the views expressed in this Working Party's Report *Compensation for Victims of Crimes of Violence*. I felt his speech tonight was not offensive, but rather defensive, if I may say so. He seemed to have some kind of brief to defend the authors of this Report; at any rate, he defended them very adequately and bravely. I will not go into the detailed points.

To be frank, I am sorry that the Government have not gone further forward with their thinking. Of course there are bound to be a lot of difficulties. I will leave the noble Lord, Lord Shawcross, to defend himself, he is fully capable of doing so, and I do not think—to adopt what Sir Winston Churchill once said—that he will feel himself "utterly extinguished" by the Lord Chancellor's censure. However, I am sorry the Government have not gone further forward. I would have hoped the Lord Chancellor would have been able to be more forthcoming. I gather he is not in any way going back upon what the Home Secretary said on November 8. He said then that he hoped to be in a position to make a statement before long, and hoped that it would fall to him to introduce legislation. I hope I can take it that those statements are not affected or damaged in any way by what has been said tonight.

The LORD CHANCELLOR. I would not seek to qualify those statements in one degree.

The EARL OF LONGFORD. For that, at least, I am very grateful. I hesitate to argue further, partly because of the night outside and partly because those of us who care for these things here are so much in the hands of the Lord Chancellor, the Home Secretary and quite a number of officials—who may not like everything I have been saying.

I can only end by recalling a conversation which took place many years ago between the late Lord Birkenhead and an Oxford tutor who was teaching his son. Lord Birkenhead asked the tutor what it was he was teaching his son. The reply was "Political economy". Lord Birkenhead replied, "Political economy? That's a bastard science—neither politics nor economy. But I'll forgive you your bastard science if you will get my son through his preliminary examination." I think we shall all forgive the noble and learned Viscount his inevitably negative reply if he will give us the Bill which, in his heart, I feel sure he is anxious to give us.

My Lords, I beg leave to withdraw the Motion.

Motion for Papers, by leave, withdrawn.

HIGHER MEAT PRICES—IT IS ABOUT TIME

Mr. HANSEN. Mr. President, cattlemen in my State, most of whom realized for the first time this year a price for their product equal to what they received 20 years ago, have been disturbed by rumors that Government will take some action or actions to push prices down because housewives think meat prices are too high.

As one producer put it:

> Wages to workers in other industries have more than doubled in the past 20 years, and the cost of most everything a consumer buys has more than doubled during the same period, while the consumer pays out less of his dollar today for food than was the case 20 years ago. Yet, when cattlemen reach the point where we are finally receiving a decent return, there is a public outcry that prices are too high. I can't understand it.

I cannot understand it, either, Mr. President, and I would hope that, provided with some facts about food prices today and price trends in the past 20 years, most consumers would agree that the cattleman is not getting more than is deserved for his product, and that the consumer is not paying unreasonable prices for beef, given the circumstances.

On February 11, 1972, Donald Rumsfeld, Director of the Cost of Living Council, held a press conference, at which he was asked by a member of the audience about meat prices.

The headlines across the country the next day said the Government was considering permitting increased amounts of imported beef to enter this country in order to push meat prices down. Because I found this possibility very disturbing, in light of the circumstances, I wrote Mr. Rumsfeld, pointing out that livestock producers have been willing to endure the lean years without seeking price supports, provided the industry was permitted to receive the benefits when prices are higher. I commented on the importance of a health agricultural industry to the national economy, and to the economies of rural States like Wyoming.

Mr. Rumsfeld noted in his response to my letter that the Cost of Living Council has not made any recommendations at this point concerning meat import quotas, that his comments at the press conference were in response to a direct question from the audience, and that the points I had made in my letter were being discussed by the Council. He provided a transcript of the press conference, and I ask unanimous consent that at the conclusion of my remarks, my letter to Mr. Rumsfeld, his reply to me and the appropriate excerpts from the February 11, 1972, press conference be printed in the RECORD.

I have been pleased to note the reaction of Secretary of Agriculture Earl Butz concerning the recent discussion over whether or not beef prices are too high, and whether action should be taken to depress prices. The Secretary has said publicly that he is opposed to suspension of the Meat Import Quota Law for the purpose of increasing meat imports, and that he will fight any such effort. I want to commend him for taking this position, and I will help him fight any such action if it is proposed.

Secretary Butz noted in a press release today that consumers can thank agricultural producers for the fact that food prices have not gone up in the past 20 years, while the cost of everything else has at least doubled.

> Consumers this year will pay less than 16 cents for food out of each dollar of take-home pay, compared with 23 cents 20 years ago, Secretary Butz noted. If food costs had gone up in proportion to take-home pay, consumers would pay an average of $286 more per person for food this year.

The Secretary also pointed out that:

> Farmers 20 years ago also got 49 cents from the consumer's food dollar, but got only 38 cents last year—one of the reasons that average disposable income of farm people is only three-fourths as much as for non-farmers.

With specific regard to beef prices, the Secretary said:

> Beef prices at the farm, following a long period of low and inadequate levels, are just now getting back to levels of 20 years ago. As a result, farmers have come under fire from some quarters—yet the prices of many other everyday commodities and services have set new record highs every one of those 20 years. While beef prices have finally climbed back to levels of 20 years ago, those are much cheaper dollars today. Meantime, farmers are paying 2.3 times higher wages for help; farm machinery prices are nearly twice as high; production expenditures have doubled; and farmers' debts have increased five times over levels of 20 years ago.

The Secretary notes:

> City people want a fair wage, and they should get it. Businessmen want a fair return on their investment, and they should get it. And farmers want a fair return for their work and investment—and they aren't getting it, but should.

As I said, I commend Secretary Butz for speaking out for agriculture. I echo his question:

> Isn't it about time that farm prices got a little better?

And I say in reply: "It certainly is."

Mr. President, I ask unanimous consent that Secretary Butz' release of March 6 and an article entitled "Where Meat Price Rises Are Welcome," published in the February 26, 1972, issue of Business Week, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

FEBRUARY 18, 1972.

Hon. DONALD RUMSFELD,
Counselor to the President,
The White House,
Washington, D.C.

DEAR DON: I read with interest the reports of your press conference on Friday, February 11. You stated at that time that an increase in the meat import quota for 1972 is "among the more likely possibilities" for action by the Administration to keep food prices down.

The livestock industry has never asked the government to provide price supports for livestock. The industry has experienced some very tough times, but it is willing to endure the hard years, provided it receives the benefits when prices are higher. Most operators are able to set aside enough to get them through the leaner years.

During the past decade the return on total capital investment realized by the livestock industry has been extremely low. It is difficult to find another industry with a lower return. The significance of this fact for the nation is that young people are finding it increasingly difficult to make a living in the livestock industry. States such as Wyoming whose economies are based on agriculture are finding that their young people are forced to leave the State. This migration from rural areas continues to contribute to the problems being experienced in the nation's cities.

In 1971, the prices to beef producers reached the 1951 price level for the first time. Prices paid for meat products reflect many factors beyond production costs such as processing and convenience packaging. Many of these services have been demanded by the consumers themselves.

The Administration should consider these facts and the consequences of future actions on livestock producers before resorting to an increase in meat import quotas or the imposition of price controls.

Certainly the import quota is one tool which can be used by the Administration for controlling meat prices. The fee schedule for grazing on public lands is another tool within the power of the Administration. It is important to note that the Nixon Administration has increased the average fee for cattle grazing on Bureau of Land Management administered lands from $.33 to $.66 in the last three years.

This action does have a significant impact on livestock producers in my own state of

Wyoming and other public lands states in the West. Marginal operations, usually family owned and run, in these states find that their ability to survive is greatly impaired by these fee increases. If these livestock producers are forced out of business, not only will the local economies suffer, but the decreased supply of livestock will put increased pressure on meat prices.

The President and the Cost of Living Council should be aware of this situation. I have written to the President and his appointees on this subject in the past. It is my hope that the Cost of Living Council will take a very close look at the problem of grazing fees and make its views known to the Department of the Interior, the Department of Agriculture and the Office of Management and Budget. Timely attention to this problem is needed since the grazing fees are scheduled to be increased again next January.

Sincerely,

Clifford P. Hansen,
U.S. Senator.

Cost of Living Council,
Washington, D.C., February 29, 1972.

Hon. Clifford P. Hansen,
Senate Office Building,
Washington, D.C.

Dear Cliff: Thank you so much for your very thoughtful letter concerning the subject of meat prices. As you know, neither I nor the Cost of Living Council have made any recommendation at this point concerning meat import quotas. As you properly indicate, I did respond to a question in a press conference on the subject by indicating that it was a matter that had been discussed by the Cost of Living Council.

I want to assure you that the very important points that you have made about the livestock industry have been a part of those discussions and certainly they will be not only considered by the Cost of Living Council in its deliberations, but also by the President and those in government who have the final responsibility on this subject.

My thanks again for your letter.

Sincerely,

Donald Rumsfeld, *Director.*

P.S.—I thought you might be interested in the attached copy of the February 11, Press Conference.

Excerpts From February 11, 1972, Press Conference Featuring the Honorable Donald Rumsfeld, Director, Cost of Living Council

Member of the Press. Mr. Rumsfeld, let's go to a specific question. I refer to meat prices.

The other day, Mr. Stein said that the question of import quotas was being discussed—which is the Annual Review—and today, Mr. Butts is reported as saying there may possibly be ceilings on food prices.

Without asking you to judge on that, Mr. Grayson has also said that maybe he would recommend meatless days.

What I am wondering is:

What do you propose to do with the meat prices?

These are the three alternatives, and two serious cases, that have been proposed.

Mr. Rumsfeld. The subject of meat prices is, obviously, of interest and concern; and it is under consideration by the Cost of Living Council. At some point, if there is something to announce, it will be announced.

Member of the Press. You are not saying anything about what the Government is considering? Which way it is leaning?

Mr. Rumsfeld. As I say, it is being considered by the Cost of Living Council and others who have responsibility in this area, and, at some point, it will be announced.

Member of the Press. The IRS, Mr. Rumsfeld, has submitted to the Cost of Living Council its Report on Meat Prices.

What has the IRS told you in that report?

Mr. Rumsfeld. I don't have the report before me.

Do you want to comment on that, Earl?

Mr. Rhode. I can briefly summarize:

The IRS was asked, after the November Consumer Price Index showed an increase in meat prices, to make a number of spot checks. They made spot checks all across the country and found that there were only a very small number of violations that they detected.

They did, however, detect some increases in prices, but these were all legal increases; so we found no pattern of violations as a result of that check.

Mr. Rumsfeld. Let me clarify my earlier statement in view of that question.

I would not want to leave the impression that we were concerned about violations of the controls with respect to meat prices. My statement said there was interest, and that the question which was being addressed involved the subject of meat prices, period. Not potential violations!

Member of the Press. This is a systemic question.

Mr. Rumsfeld. That is correct.

Member of the Press. You are not able to tell us anything that you propose to do about it?

Any direction you are leaning towards?

You have had several suggestions from members of the Government. This is what I am saying.

Mr. Rumsfeld. Oh, certainly. The task of the Cost of Living Council is to address those various alternatives, and come to a judgment, and make a recommendation to the President because the solution, obviously—I should not say "obviously"—but, very likely, would not lie within the present jurisdiction of the controls.

Member of the Press. Can I have that again?

You say some solution would not——

Mr. Rumsfeld. One of the things being addressed, obviously, is the question of imports, and that is not under the jurisdiction of the control system, directly.

Member of the Press. Would you consider controls on meat?

Mr. Rumsfeld. I would just as soon stick with what I have said: That the Cost of Living Council is looking into the subject.

Member of the Press. Well, you made an exemption. You exempted meat. Would you reconsider that exemption?

Mr. Rumsfeld. The Cost of Living Council is—I would not want to say what they would consider on that.

Member of the Press. Well, what are you considering, beside imports?

Are you considering possible controls on meat?

Mr. Rumsfeld. There are several options. I have indicated that one of the options is looking at the question of meat imports, and that the Cost of Living Council is looking at that. At some point, the Cost of Living Council and/or the President will make a final decision in this area; and it will be announced.

Member of the Press. Is one of the options removing the exemption for meat?

Mr. Rumsfeld. I have indicated that the Administration is aware of the price situation in meats.

I have indicated that the Cost of Living Council, obviously, is interested in that topic, and is addressing it, and I have indicated that one of the options is the question of meat imports, and I don't believe I want to go beyond that.

Member of the Press. You don't want to say anything about meatless days?

Would you support that?

Mr. Rumsfeld. I have said, with respect to everything, that I think the American people should be cost-conscious in purchasing, and I am not suggesting meatless days, or any particular course of action. In our system, it is proper that individuals make their purchases where they can get the best value for the best price, and reward those who are able to produce the best quality at the best price, and that involves everything.

Member of the Press. That includes the farmer, then.

Another Member of the Press. Mr. Rumsfeld, does the fact that the only specific you mentioned on this is "imports" indicate that imports is the thing you are thinking most strongly of right now?

Mr. Rumsfeld. As has been indicated, it is that time of year, but it is obvious that they are being considered.

I would not restrict anything by what I have said. I am just saying—and that is all I am saying—We are looking at it.

Member of the Press. Why do you mention imports, and no other options?

Mr. Rumsfeld. It was raised in the question.

Member of the Press. Some were controls, and some were——

Mr. Rumsfeld (interposing). Why do I do it?

I suppose I do it simply because it seems to me that that is among the more likely possibilities, and that that is being addressed.

Member of the Press. Thank you.

Another Member of the Press. On the question of imports, I am under the general impression, from a couple of news stories, that the meat is in pretty tight supply in places like Argentina and others where we might logically expect to bring in imports.

Is my impression correct, or have you studied that situation?

How is the supply overseas?

Mr. Rumsfeld. I am advised—I think what I prefer to do is to, essentially, leave what I have said as what I intend to say about the subject of meat.

However, I would add just this one thought, on your question:

I have not been led to believe that if meat imports were altered, that we would have trouble getting additional meat imports in the Country, and that is probably an understatement.

Member of the Press. You are not as happy as Mr. Butz is, about the high meat prices?

Mr. Rumsfeld. Of course, my assignment is in the area of the problems of inflation, and cost of living.

The President and the Administration have to strike a balance, and see that what they do, overall, is sensible from the standpoint of the Country and the economy, overall.

We are interested in it from our vantage point.

Mr. Butz is a Member of the Council, and he expresses his view.

Member of the Press. In a more general sense, do you think it would have been easier to sell this program to the public, and gotten more public spirit behind it, if you brought all the raw agricultural products under the controls?

Mr. Rumsfeld. I would guess that from the standpoint—you say, "public support", generally.

Let's just think of that in a kind of broad sense.

I would guess that if you had included everything, that there would be, initially, public approval of it. It would not last long, because there are other problems and other pressures, in the Society. As a result, the Statute that established and provided the basis for the Economic Stabilization Program exempted such things as taxes, and what-have-you, and the other areas that we found were—I should not say "we"—in most cases, it was found in World War II and in Korea that there are certain areas you simply cannot control the way you can control **other** portion of the economy.

I don't think the kind of support that might be engendered by a more totally inclusive program, would last very long. I think it would erode very quickly, if certain things were included, because of the difficulty created by including them.

[News From the Office of the Secretary of Agriculture]

Secretary Butz Says Farmers Keep Down Cost of Living

Washington, March 2.—Secretary of Agriculture Earl L. Butz told Congress today that "high productivity of farmers, and low farm prices, have kept consumers from paying higher food prices over the last 20 years.

"Record output per man-hour in agriculture, along with a barely modest increase in farm income, are still the most important things keeping food prices reasonable today," Secretary Butz said in a statement sent to each member of the Congress and to each Cabinet member.

"Consumers this year will pay less than 16 cents for food out of each take-home dollar, compared with 23 cents 20 years ago. If food costs had gone up in proportion to take-home pay, consumers would pay an average of $286 more per person for food this year," Secretary Butz said. "Farmers 20 years ago also got 49 cents from the consumers' food dollar, but got only 38 cents last year; one of the reasons that average disposal income of farm people is only three-fourths as much as for non-farmers.

"Consumers can thank their lucky stars that farmers have been willing to stay productive while working for 25 percent less than non-farm people. Food is the No. 1 necessity for all of us each day. We'd bid retail food prices clear out of sight if farmers weren't setting productivity records and if food were short," Secretary Butz said.

"Farm output per man-hour is increasing twice as fast as output per man-hour in manufacturing industries, a record pace that farmers have maintained for many years," Secretary Butz said. "Farmers are supplying consumers with twice as much beef per person as 20 years ago; and farmers are producing four times as much Choice grade beef, which is so popular with consumers.

"Beef prices at the farm, following a long period of low and inadequate levels, are just now getting back to levels of 20 years ago," Secretary Butz explained. "As a result, farmers have come under fire from some quarters—yet the prices of many other every-day commodities and services have set new record highs every one of those 20 years. Even average wage rates are 2.3 times higher than 20 years ago.

"Farm prices are very seasonal and cyclical and competitive," Secretary Butz pointed out. "Hog prices dropped 35 percent in just four months in 1970. Farm prices and incomes are not protected by franchises, patents, licenses, or by escalator clauses, cost-of-living increases or industry-wide contracts," he explained.

"While beef prices have finally climbed back to levels of 20 years ago, those are much cheaper dollars today," Secretary Butz said. "Meantime, farmers are paying 2.3 times higher wages for help; farm machinery prices are nearly twice as high; production expenditures have doubled; and farmers' debts have increased five times over levels of 20 years ago.

"Isn't it about time that farm prices got a little better?" Secretary Butz asked. "City people want a fair wage, and they should get it. Businessmen want a fair return on their investment, and they should get it. And farmers want a fair return for their work and investment—and they aren't getting it, but should," he said.

Secretary Butz sent each member of Congress and each member of the Cabinet a summary of his discussion of food prices, along with background information. "This material may be useful to you as you correspond with people in your own state," he told the Congressmen.

[From the Business Week, Feb. 26, 1972]

Where Meat Price Rises Are Welcome

On the year ended Jan. 31, the price of beef rose more than 12 points on the Consumer Price Index, and the nation's housewives are angry.

But cattlemen are not. They have just finished what they say is their first really good year in almost two decades, and as they meet in Houston this week for the nation's largest livestock show, they are not especially receptive to consumer complaints.

"The last six months is the first time we have had reasonable prices and profits in the last 20 years, and yet we get all this static from Mrs. Housewife," snaps John Trotman, an Alabama rancher and president of the American National Cattlemen's Assn. Adds J. D. Sartwelle, Sr., president of Houston's Port City Stockyards: "The livestock producer and feeder has been subsidizing the American consumer for damn near two decades."

This is only one side of the story, of course, but it is a side that is seldom heard outside cattle country. If housewives feel put upon, cattlemen say they do, too. There is little question, however, that the housewife's bane of recent months is the cattlemen's boon. The sudden spurt in meat prices is directly attributable to an increase in the price producers got for their fattened cattle, up over the past six months to 35¢ from 30¢ a pound for choice steers.

To hear ranchers tell it, these prices mean their business makes economic sense for the first time in 20 years. Depressed prices have meant a string of losses or break-even years for cattlemen, while their own costs have risen. Only now, they say, are prices coming back to the level of 1950–51, and though they were abnormally high then, costs have come up a long way since.

FAT CALVES

Mostly, they say, efficiencies in feeding cattle have kept production just far enough ahead of demand to keep prices relatively stable. In 1950, for example, only about a third of the nation's cattle were sold to feeders. The rest were raised on grass alone. Now three-fourths come from feedlots where calves are fattened on grain. One result is that most calves now reach slaughter weight in 18 months, about one-half the time it takes to fatten a calf on grass.

But at the same time, the business was becoming much more capital-intensive. This is true "not so much because of the cost of labor, but simply because the lack of availability of labor has forced us to turn to machines," according to B. Kleberg Johnson, director and heir of the huge King Ranch. Capital costs have at least trebled since 1950, Johnson estimates, and low cattle prices occurring at the same time have meant a doubling of ranchers' debt. "To subsidize our operations, we all have had to go into hock on our land," Johnson says, "and most of the money we have made in the business since the early 1950s is from appreciation of the land asset and not from operations."

Ironically for the big producers, these rising land values helped encourage marginal operators to stay in the business. "Many ranchers stuck it out for years hoping for prices to improve because they figured they were ahead so long as they made money above their out-of-pocket costs," says Edward Uvacek, an agricultural economist at Texas A&M University. Their production helped keep prices low.

TURNING POINT

The recent turnaround in prices was caused by a combination of circumstances. The Southwest had one of the worst droughts in history last year, and this helped to create the first cattle shortage in a decade. As the drought worsened, many producers, especially in Texas, did not have enough pasture to support brood cows, and thousands were sold for slaughter. Calves were sold early to feedlots for the same reason. The result was a shortage of calves for fattening. By the end of last summer, commercial feedlots began bidding up prices for calves to fatten.

The price rise on live cattle has continued through this year. The average price farmers received for their cattle in January was $31.40 a hundredweight, up from the 1971 average of $28.80. But consumer prices rose even faster, and, in general, the cattlemen blame this on bad buying habits of consumers.

FANCY PACKAGES

Indeed, they say, most of the retail meat price increases in the past 20 years result from consumers demanding individual, well-trimmed meats wrapped in fancy packages and ready for the broiler. "We are quickly reaching the point of absurdity in meat merchandising," says Sartwelle. He cites a Philadelphia chain that ordered hot dogs with only two wieners per package. The package, he says, costs more than the meat.

Cattlemen also complain that they are an easy target for consumer complaints because few people understand the complexities of their business. "The only contact most consumers have with our industry is through 'Bonanza'," cracks Johnson, "and throughout all these years of depressed prices, everyone thought everything was running smoothly and profitably on the Ponderosa."

The cattlemen's joy could be shortlived, however, because there are now 10% more cattle on feed compared with a year ago, and feeders are getting nervous that they will be caught with a lotful of high-priced fattened steers in a declining market. Meanwhile, what seems to worry them most is that the surge of bad feeling about rising food prices will bring them under Washington's price controls. "Beef prices didn't hit the headlines, and we didn't scream for government subsidies when prices hit the skids in the 1950s," says Trotman. "Why should we have to face political heat and government interference now?"

STRIP MINING OPERATIONS IN EASTERN TENNESSEE

Mr. HARRIS. Mr. President, on February 23 I spent the day in eastern Tennessee at the invitation of local people to look at strip mining operations in the area. I return alarmed at the way the coal companies and large landowners proceed to destroy forever one of the most beautiful sections of the United States.

I do not believe that any Senator would support such operations by the coal companies if he could see the human and economic consequences of what is taking place. I urge other Senators to visit these regions themselves.

Mr. President, I have prepared a statement on my visit to eastern Tennessee which I have presented to the Senate Subcommittee on Minerals, Materials, and Fuels, and sent to each of its members. I ask unanimous consent that the statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Strip Mining Should Be Banned

(Statement of U.S. Senator Fred R. Harris)

Mr. Chairman, on February 23 I spent the day in east Tennessee looking at the actual conditions of strip mining there and talking with a great number of people, both for and against.

I believe strip mining should be completely banned. I'm a co-sponsor of legislation, of which Representative HECHLER is the principal author in the House, which would accomplish that result. I also believe that the Congress should prohibit, in the meantime, the Tennessee Valley Authority from purchasing strip-mined coal.

I visited five counties in east Tennessee. Campbell County is typical. Despite the fact that Campbell County has great riches in natural resources, its people are some of the poorest in the Nation. It ranks in the lower 10 percent, economically, of all counties in America. Campbell County—and east Tennessee generally—contain some of the most beautiful and scenic hills and valleys that exist anywhere in the world. Yet, at an accelerated pace, those hills are being ravaged, the streams are being polluted and silted in, fish and other wildlife are being destroyed and the trees are being pushed down the hillside or killed by leaching acids. For private gain, huge land owners and profiteering strip miners are destroying forever a part of America's great natural heritage.

This is not hearsay. I saw it. I did not see it from the air. I saw it from the ground. I drove the backroads. I slogged up and down the ripped-off hills and along the ruined streams.

I spent a great deal of time with some wonderful people there who are members of a new organization, Save Our Cumberland Mountains. I ate in their homes; I listened to what they had to say. I looked from their front porches to hillsides ruined forever, roads closed by rockslides caused by strip mining, houses ruined by flash floods down silted-in streambeds. I heard their justified fears of new floods, not just theoretical fears, but fears expressed, for example, by the mother and grandmother of a young man who had died in the last one in one holler.

I walked along streams with an old deep miner who told me that five or six years ago he had caught small-mouthed bass and other game fish in that stream, where, because of leached acids from the surrounding hills, gutted by strip mining, no living thing now survives.

I talked to mine union officials who have seen their workers put out of jobs by the huge machines.

I went to strip mine sites and saw closeup the incredible damage done to the countryside for such small seams of coal.

I talked to people whose houses have been jarred and faulted by huge strip mine explosive charges.

I was shocked and amazed that this kind of injury could be done to people and to the land and to the streams with complete impunity in the last third of the twentieth century in America.

But I didn't just talk to one side. I met also with representatives of the large landowners and the stripminers. They had no defense against the charge of *ecocide*. They admitted that those slopes, at almost any degree of grade, cannot be restored to their natural condition—or anything near it.

Without exception, no large landowner or strip-miner was able to direct me to any strip mine operation where reclamation had taken place. The topsoil in these hillside strip mining operations has gone down the slope, generally destroying the stream below. It cannot be reclaimed or put back. The silted streambeds—some actually completely covered up—cannot be repaired. The trees and fish killed by acids are gone forever. Even on level ground in the valleys, strip mines have destroyed the ecology forever. They look like mountains on the moon.

The large landowners and strip miners have no real defense to the charge that, because they pay no severence tax on mined coal and the land is assessed too low and mining equipment is not assessed at all, generally, they pay only a small percentage of their fair share of local taxes.

Much of the land in these five counties is owned out of state. Some of it, particularly that owned by the British Corporation—interestingly enough known as the American Association—is foreign owned. Land reform is urgently needed. Some communities can't even get a little bit of land for a school building. Others are denied land for a housing project. "The only thing wrong with these hills", one manager of a large land company is reported to have said, "is people". The strip miners do not want to be bothered with the people. They are pushing them off as rapidly as they can.

There's no way to stop this immoral wasting of human and natural resources except to *stop* it. Strip mining must be banned. We could, then, calmly examine energy needs and alternative sources. Among these would obviously be—with proper safety and other safeguards—expansion of deep mining of coal, with a resultant increase in employment.

We should also, in the meantime, prohibit the Tennessee Valley Authority, for which we have some responsibility, from buying strip-mined coal. The late Senator George Norris and all other original sponsors of the Tennessee Valley Authority and its fundamental concepts—flood control and conservation, in particular—would be saddened if they were alive today and could see the results of TVA's policies. In order to buy cheap coal for its steam generating plants, the Tennessee Valley Authority is a principal purchaser of strip-mined coal. Some of its own lands are being strip-mined. The Tennessee Valley Authority purchases nearly half of the strip-mined coal produced by the five east Tennessee counties I visited. The result is the ruining of streams, destruction of the environment and greatly increased flooding—the kinds of things the Tennessee Valley Authority was set up to prevent.

If the Tennessee Valley Authority were prevented from purchasing strip-mined coal, we could make a major advance in halting this kind of willful violation of basic flood control and conservation principles.

True, the Tennessee Valley Authority makes certain requirements about strip mining. But they don't work. They either are unenforced, or are unenforceable or are unacceptable. I do not believe that any kind of strip mining leaves a situation which can be reclaimed. This is most true on slopes and hillsides—whatever the degree of grade. But it is true everywhere, too.

No compromise is acceptable. We must *stop* strip mining.

I intend to visit, by invitation, strip mining areas in West Virginia and Kentucky soon. There are some differences there, and I will report to the Committee and to the Senate additionally. But I'm confident the basic circumstances and principles are the same everywhere.

State law cannot do the job. There are serious barriers to full enforcement of any State law passed. And differences in State laws would inevitably cause lands in some states to be ravaged in competition with lands in states with more restriction.

The only solution is a *Federal* law uniformly applied throughout the country. And the only workable Federal law is one which does not attempt to work out acceptable levels of ravage and destruction, but simply prohibits this outrageous wasting of the environment, which belongs to us all, and exploits our people.

CONGRESS AND CHINA

Mr. BROOKE. Mr. President, the "Journey for Peace" recently undertaken by President Nixon to Peking is an important step forward in relieving world tensions. The capacity of the leaders of the most powerful, and the most populous nations in the world to discuss their differences frankly and harmoniously represents a major accomplishment in overcoming the barriers of 22 years and 12,000 miles which have divided our governments and peoples.

Communication between our two countries can and will continue. According to the communique issued on Peking, negotiations will move forward in such areas as cultural exchange, tourism, and trade. A high-level U.S. emissary is expected to make frequent trips to Peking to further discussions leading to the establishment of some form of United States and Chinese representation in each others capitals.

Such important discussions, and any agreements which result, are not the responsibility of the executive branch alone. Congress will play a role in approving trade agreements and other arrangements with the People's Republic of China. The advice and consent of the Congress can be particularly useful in securing the kind of broad popular discussion and understanding of the issues involved which is so necessary to a well-founded foreign policy.

Congress and the country are particularly fortunate to have two leaders who are especially well-versed in Chinese affairs. Both the Majority Leader and the Minority Leader have spent considerable time in China and have remained avid students of Chinese politics and culture over the years. Senators MANSFIELD and SCOTT therefore received the strong support of President Nixon in their desire to revisit China, and have been invited by Premier Chou En-lai to visit that country. It is expected that they will be traveling to China sometime during the summer, and that they will spend at least 2 weeks in that country. They cannot help making a rich contribution to our understanding of China and its people, and thus help immeasurably in furthering better relations between our two countries.

Mr. President, I am particularly pleased at the alacrity with which the invitation was extended to the Senate's leaders. It indicates a clear recognition on the part of China's leadership of the role of the Senate in foreign affairs. An interesting analysis of this invitation was published recently in the Christian Science Monitor. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Mar. 2, 1972]

SCOTT, MANSFIELD BID A CAUTIOUS FURTHER STEP

(By Robert P. Hey)

WASHINGTON.—The invitation to Senators Mansfield and Scott to visit China is another cautious forward step in the developing contacts between China and the United States.

It isn't bad politics either, inasmuch as the two men—both China experts in their own right—also are the two top leaders of the United States Senate. Presuming relations between the two nations continue to thaw, albeit slowly, the Congress may eventually be asked to vote on issues which involve mainland China—such as trade agreements.

This is the way the invitation of Chinese Premier Chou En-lai to Senators Mike Mansfield and Hugh Scott is being assessed here. That invitation, made last Sunday in Shanghai, was disclosed Tuesday after the two Senators were among 21 congressional leaders briefed by President Nixon on his historic trip.

Several members of Congress said after the briefing that they felt reassured that Taiwan was not being forsaken by the United States. It is a point Mr. Nixon stressed in his airport speech upon returning to Andrews Air Force Base Monday night from China—no secret deals were made with the mainland China during his trip, he said then.

Senator Mansfield says the visit probably will take place this spring or summer, depending on when he and Senator Scott can fit it in, working around the congressional schedule and recesses.

It's expected the visit will be for at least two weeks. An aide to Senator Scott says President Nixon wants the two Senators to spend at least two weeks in China.

It had been widely known for some while that both Senators Mansfield and Scott wanted to visit China. There even had been some talk that Mr. Nixon might invite them to accompany him on the just-completed trip.

Several other members of Congress similarly have expressed interest in going to China. But this invitation specifically was limited to Senators Mansfield and Scott.

Their background and current interests show why they were natural candidates for a China visit.

Senator Mansfield taught Far Eastern history and government while a professor of history and government at Montana State University from 1933 to 1942; he still is a professor on leave from the university.

His academic specialty is the Far East; and he is chairman of the Far East subcommittee of the Senate Foreign Relations committee. He was stationed in China in 1921–22 while with the U.S. Marines; three times during the middle 1940's he went to China, all before the present Communist regime came to power.

Senator Scott is one of the nation's leading authorities on Chinese art, and has written an authoritative book on the subject. He has one of the country's best private collections of Chinese art. Senator Scott visited China in 1947.

THE PEDIATRIC NURSE PRACTITIONER

Mr. CRANSTON. Mr. President, the Kaiser Foundation medical care program, which had its start in California, has become almost a synonym for innovation and quality in health care. For years, it has pioneered in developing more effective ways of providing health care. At the base of its philosphy is the recognition that effective health care must be preventive, should be rendered to patients who are not hospitalized whenever possible, and must be provided in a manner meeting the patients' emotional as well as physical needs.

An exceedingly sensitive article, published in the Kaiser Foundation in-house newspaper, describes one of the latest innovations of the Kaiser program. This is the establishment of the pediatric nurse practitioner as a basic staff member of the pediatric staff.

The development of this new health professional is one small but significant way of meeting the critical shortage of physicians and the resultant enormous demand for physician time. The Nurse Training Act of 1971 contains amendments I authored, placing special emphasis on the training and education of such nurse practitioners at schools receiving Federal assistance.

The article describes the duties of the pediatric nurse practitioner and the responsibilities she undertakes which relieve the pediatrician from many demands freeing him to devote more time to the serious illnesses of children. Mrs. Feldman, the pediatric nurse practitioner who is the author of the article, describes the program's achievements in a way that clearly expresses her enthusiasm and her commitment to provide personalized and sympathetic quality care to her patients. This affinity between patient and nurse—which she describes so well—and the resulting trust and confidence that develops between them, is a major reason for more and more individuals of Mrs. Feldman's sensitivity being given added responsibilities in patient care.

The article is of interest also because it points out just one of the expanded roles possible for the nurse in which her skills can be much more effectively utilized as a direct provider of quality health care. Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Kaiser Permanente Reporter, Feb. 11, 1972]

PEDIATRIC NURSE PRACTITIONER IN A LARGE GROUP PRACTICE

(By Marie Feldman)

I am one of several Pediatric Nurse Practitioners (PNP's) engaged by The Permanente Medical Group of Northern California. The setting in which we work, the socioeconomic status of our patients and the relations between the providers of care and the members of this prepaid health plan are strikingly different from other PNP settings.

The program in San Francisco and Oakland Medical Centers is both a practical and a research project to measure the efficiency of PNP's in delivering primary child health care and the effects of PNP activities upon patients, pediatricians and PNP's themselves.

Among the factors being evaluated in this controlled study are costs, patient satisfaction, number of office visits with and without appointment; the child's physical growth, significant emotional disturbances, days of hospitalization, drugs prescribed and referrals to pediatricians and other specialists. A group of patients whose well-child care is given primarily by PNP's is being compared with a control group cared for by pediatricians only, with respect to the number of abnormal findings noted during routine well-child examination. Each of these factors presents an intense challenge to the PNP.

EDUCATION

The Permanente Medical Group teaches and employs PNP's in several of its northern California Medical Centers. In San Francisco, where I am employed, the PMG pediatric staff consists of 20 pediatricians, three PNP's, one of whom speaks Spanish, another Chinese, a psychiatric social worker, many nurses and a complement of clerks and receptionists.

The nurse starts her PNP education by many hours of practicing physical examinations in the newborn nursery and learning to record her findings proficiently. She follows pediatricians in the acute-care clinic, practicing intensively the use of the otoscope and stethoscope. She attends the ENT, dermatology, eye and orthopedic clinics, picking up skills along the way. She attends psychiatric conferences, goes to journal club with physicians and residents and spends many, many hours in consultation with individual physicians learning about common problems of children—problems related to speech and hearing, growth and development, and a host of other factors. During these four months, in addition to practicing skills of physical examination, the PNP gains insight into techniques of interviewing and counseling mothers as she works for various physicians.

For the remainder of the training year, the PNP learns and practices as an apprentice, having a physician's help at all times in any area of care about which she may be doubtful.

RESPONSIBILITIES

The PNP's in our medical center perform primary child health care. We take a complete history and make a complete physical examination using basic skills of inspection, palpation, percussion and auscultation with the aid of the stethoscope and otoscope. We make the judgment whether the child is well or ill. We refer the child to a pediatrician or other specialist as needed.

We manage minor illnesses such as uncomplicated upper respiratory infections, diaper dermatitis, cradle cap, colic, disturbances caused by improper feeding, etc. We look for variations in growth patterns and essentials of child nutrition. We order immunizations as needed, and we perform a developmental screening test at specific ages twice during the first year and yearly thereafter.

We see an average of fourteen or more patients daily. We take telephone calls not only from parents of our own patients, but also from many parents calling for a physician in the acute care clinic.

PROVIDING CARE

The PNP in our prepaid group practice setting, where thousands of families are seen monthly by highly trained specialists, helps mothers to meet their families' needs. She knows that mothers need mothering, and she is willing to assume this necessary role of a mother-nurturing person. We feel that we bring to this situation a special sensitivity to problems of mothering. We are acutely aware of how a mother feels about her first baby. We understand her expectations. We are able to take the time to listen to her repeated questions, realizing that our listening alleviates some of her anxiety. Many mothers are too awed by a highly trained physician to mention such matters to him. We create an atmosphere in which a mother can talk about her worries, fears and inadequacies.

In discussions on a woman-to-woman basis and often on a mother-to-mother basis, we give the mothers "something extra." In doing this, we free physicians to apply their time and education to delicate and critical problems of disease. Very often, when I have explained my job to women friends or acquaintances, they have nodded in immediate empathy usually with the comment, "Of course it is sensible to have such a person helping young mothers."

REACTIONS

When I began my career as a PNP three and a half years ago, there was much concern about our acceptance by the mothers of our patients. It was especially feared that women of the lower socio-economic stratum might feel that they were being passed on to a person of lower medical rank than the physician.

Quite a different sort of reaction has been observed. We have been warmly accepted by women of all socio-economic strata, throughout the wide range of lower and middle class groups served by the Health Plan. The highly educated women—teachers, social workers, librarians and others—have said that they feel we are filling a very real need. Many have told us that in responding to them with sympathy and trained understanding, we fill the place of an aunt or mother—someone with whom they can talk on their own level.

I recently received a letter from a mother who had her first baby in our hospital and her second baby on the East Coast. She wrote, "I wish Hannah had you, as Chris did. No one seems to understand me when I try to explain the periodic fussiness. I don't like the word 'colic' because it doesn't tell me much."

ENCOUNTERS

I have talked to many pediatricians who expressed surprise that we have feelings in common about our patients. These encounters have taught me that we and the physicians with whom we work need a thorough exchange of thoughts about these feelings. I have been chagrined to learn that few physicians or nurses recognize the depth of our concern and that few give evidence that they truly understand and accept our role. To achieve full acceptance, we must constantly increase our skills and knowledge, and we must gain much experience as practitioners. We need support and encouragement along the way from our physician associates, our colleagues and allied health workers.

In the final analysis, our ability to fill the needs of mothers while developing our relationships with our co-workers depends on our self-acceptance. The PNP enters a long, difficult adjustment in role change within the medical personnel structure.

I can speak only for myself though I suspect that others may feel somewhat the same. I struggle with my new role. Probably all of us PNP's are dismayed at our inadequacies and proud of our accomplishments. A nurse starting PNP education exclaimed at the "awesome responsibility of white coat and stethoscope." Some have used the word "shock" to describe their sensation of awareness of the extent of skills and knowledge required.

The excellent acceptance accorded us by patients tells us that we are doing a fine job. The outcome of day-to-day experience, for all its ups and downs, encourages us to believe that we are making a valid contribution to the solution of the problem of child health care. Our slow but definite gains in skill, knowledge, and professional rapport, make us increasingly certain that there is a specific place in the total health care complex for this type of nursing job.

LAW AND THE SPANISH-SPEAKING AMERICAN

Mr. KENNEDY. Mr. President, last week, the Georgetown chapter of La Raza National Law Students Association sponsored a national conference on law and the Spanish-speaking American.

They asked the question: "Why are Spanish-speaking people in the United States the victims of the same legal system that protects others so well?"

And in a revealing and eloquent statement on this subject, the distinguished Senator from New Mexico (Mr. Montoya) has documented the failure of law enforcement agencies to treat the Chicano fairly and equitably.

It is a forceful statement reminding us all that the Spanish-speaking citizens of this Nation are not willing to wait any longer for their full rights under the law. As Senator Montoya has said, "Mañana is here!"

Because of the importance of this issue and the interest that other Senators have in this subject, I ask unanimous consent that his address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Manana Is Here!

(Address by Senator Joseph M. Montoya)

We are here to serve notice on America that a double standard of justice and law enforcement is no longer acceptable to her Hispano community.

For one and a quarter centuries our people have been subjected to a system of justice they have been asked to respect, yet which has often not respected them.

The second largest minority group in America today is often denied equal protection of our laws. This is especially true in five Southwestern states, with notable jurisdictional exceptions.

Verbal abuse is common. Beatings are not unknown. Unwarranted arrests are unearthed in many jurisdictions. Double standards and improper use of bail are sad realities.

Underrepresentation in law enforcement agencies is an accepted fact of life. Exclusion from juries is practically total in some areas.

When we raise objections, inquiries and protests are treated as second class actions by second class citizens. At many levels of government, there is no serious inquiry into our concerns.

We ask that America make her system of justice meaningful to all her people. To deny the reality of justice to any of them is to make that system a nullity for all of them.

What response has this treatment drawn from us? Distrust of the anglo and his system of justice. Fear of the anglo and his institutions. Hostility towards the anglo and his way of life. Those feelings are focused on America's system of law enforcement and justice.

While many of our judges and police are fair-minded and apply the law equally, some do not and must be watched because of their proclivity to discriminate against minorities. This situation is cumulative and has produced severe strains in many localities.

The situation is aggravated by inability of many Hispanos to communicate with law enforcement representatives who understand only English.

Many Hispanos know they will be subjected to unduly harsh police treatment. Some will be harassed, receiving treatment disproportionately severe to that imposed on anglos.

Such situations are most severe and unnoticed in small southwest towns. In South Texas, conditions have simply not changed. Law enforcement officers remain determined to suppress attempts to challenge abuses of their authority by Chicanos.

They believe for a Chicano to stand and speak for his rights is an infringement upon their rights. Often it takes a major effort to find a lawyer willing to bring a civil suit against police in these jurisdictions.

There is common use of discriminatory, excessive police force against our people. We each know of cases where this resulted in death. These involve instances where resistance to arrest or attempt to escape police custody is made.

In Stanton, California, an officer stopped a car with two youths in it. He took them in because they lacked proper identification. One ran. A second officer in another car shot an 18-year old dead. The case was dismissed.

A similar incident occurred in Alpine, Texas. We could list dozens more. We have come here to declare the end of permanent open season on us by police who shoot first.

A generation of Chicanos has emerged across the Southwest, often bitterly hostile to police. Anglo juvenile offenders are often released without charge and placed in parental custody. Their Chicano peers, charged with the same offense, are jailed or sent to reformatory.

Often officials do not bother notifying Chicano parents when children are arrested. An average Chicano anticipates law trouble. His pedigree virtually guarantees it in many places.

And what of frequency of arrests on "suspicion" and dragnet "stop and frisk" practices in many neighborhoods? In rural areas, Hispanos, particularly migrants, often find police protection difficult to obtain when needed. In cities, they often feel police are in barrios to keep them in line rather than for protection. Often they prefer family help to seeking out enforcement authorities.

Law enforcement people often blatantly interfere with organizational efforts to improve living conditions. What about the Texas Rangers and the towns of McAllen and Pharr? Ask the farm workers. They know.

In the Southwest, administrative and judicial remedies for illegal police acts are often inadequate for fair, swift redress. Where do we complain? The local law enforcement agency itself? Nothing could be more hopeless.

There is a shortage of lawyers to undertake the task of bringing suits against officers committing such acts. Criminal litigation on the basis of police brutality is rare. Police retaliation against those brave enough to act is swift and often brutal, especially in small towns.

Federal remedies have not been utilized commensurate with existing authority to combat discriminatory actions by police officials. Between January 1, 1965 and March 31, 1969, the Justice Department received 256 complaints of police abuse from Hispanos in five Southwestern states. In that time just two prosecutions were brought. In only one instance was full investigation made.

There is widespread discrimination towards Hispanos on Grand and Petit juries in too many state courts. Only New Mexico, among five Southwestern states, does not require jurors to speak or understand English. Any anglo stands a better chance for jury selection than an educated Hispano speaking no English.

In most areas there is a paucity of Chicanos on venire lists of eligible jurors. The peremptory challenge is used as a punitive force to keep them off panels.

It is just recently that Chicanos appeared on Texas Grand Juries, and then in token numbers. Always the language barrier is offered as an excuse.

Most authorities seem unaware of any obligation to select a cross section of the community for jury duty. The Federal Jury Selection and Service Act of 1968 eliminated the "keyman" system, by which a Federal Jury Commissioner conferred with community leaders he considered knowledgeable to ask them to select potential jurors. Most state juries are still chosen this way. In an average tightly-controlled town, a Chicano has little chance of being picked.

This breeds lack of confidence in impartiality of judgments, reinforcing a feeling of bias. Defendants often plead guilty because of a hopeless feeling too well grounded in fact. Even in civil suits, personal property of an Hispano is often considered as worthless than that of an anglo.

Bail cries for reform. Excessive or no bail for a Chicano is common. A poor person remains in jail. The effect of bail denial is a coerced guilty plea. In some cases, Chicanos are held until a district attorney's office determines if charges will be filed. Meanwhile, that person is questioned and investigations are conducted.

Across the Southwest, legitimate complaints are raised that law enforcement people have not made it clear to Chicano defendants that their initial judicial appearance was not a trial; that they had not been found guilty of a crime. Therefore, many defendants do not show for trial, forfeit bail, and establish a criminal record besides leaving themselves open to future arrest for failure to appear.

Many Hispano families exist on less than $3,000 annually. Counsel is usually out of reach. In misdemeanor cases, court-appointed counsel is rare. Chicanos in lower courts are often on the receiving end of injustices because of poor quality legal representation. Some areas do not maintain legal aid programs to assist indigents in civil matters. Legal aid programs should be expanded to handle some criminal as well as civil actions. This would ensure that more Chicano lawyers handle Chicano clients.

Public defenders are overworked and rarely understand Spanish. Court-appointed lawyers are often unconcerned or inexperienced. Most of the approximately 700 Chicano lawyers practice in urban areas, and are still underrepresented in our profession. In small towns, try and find one. Some lawyers are loathe to take Hispano cases because they are unrewarding financially or too controversial. A guilty plea is too often almost automatic.

Because of previous dismal experiences, Hispanos generally fear courts. They often feel our law and judicial system is used against them, to create and actually perpetuate injustice.

Vigorous condemnation is due enforcement agencies for minimal efforts to equip personnel with a vital bilingual capacity. English is the language of our courts. Many Chicanos know enough to get by, but not enough to understand complicated legal transactions.

Similar difficulties are found with parole and probation personnel. This limits a Chicano's chance of obtaining probation or parole instead of jail. Often parolees cannot understand their rights and are deprived of them.

Lack of interpreters is appalling and unconscionable. How can a Hispano obtain equitable courtroom treatment if no translation is available? New Mexico is unique among Southwestern states in clearly establishing right to interpretation. Shamefully, use of qualified interpreters is not widespread in Southwestern courts. Usually arrangements are makeshift at best. More often than not, a Hispano is given jail or prison because he has no job. The judge feels he must be restrained.

The fear many Chicanos feel towards enforcement agencies could be partially dispelled by increasing our numbers in these organizations at all levels of authority. Here is a common sense approach. Yet recruitment efforts remain minimal. Artificial requirements, such as those for height, are used as effective barriers. A man may be good enough to be a paratrooper or marine in Vietnam, but is too short for state police requirements. Responsibility for failure must be laid on enforcement agencies who don't want to actively recruit them.

Testifying before the U.S. Commission on Civil Rights in 1970, the director of the Texas Department of Public Safety admitted only 38 Chicano patrolmen were employed in the department. He admitted this figure was attained by classifying uniformed officers serving in drivers licenses service and motor vehicle inspection service as "patrolmen."

In 1970, of 58 Federal district judges in the area, two were Spanish-surnamed. Of 961 state judges in 1970, 32, or 3%, were Hispano-surnamed. Of 590 state district attorneys, public prosecutors and assistants, 20, or slightly more than 3%, were Chicano.

Department of Justice figures then showed of a total of 6,079 employees, 448, or 7%, were Hispanos. Most still hold lower grade jobs. In executive and higher level spots, only 9 of 1,068 were Chicano—one third of 1%. They constituted 3 of the top 772 FBI employees in the Bureau of Immigration and Naturalization. In Spring, 1971, the FBI revealed that of its force of 8,000 agents, there were 41 Hispanos. Of 18,592 employees, 257 were Spanish-speaking.

At Justice, in grades 16–18, there was one. And we have not touched on the worst atrocities that have so stunned and shocked us. Rueben Salazar's death comes to mind. And the Rodriguez case in Dallas. There the authorities broke down a man's door, shot him and his wife, and chained him to a hospital bed on what so far appear to be trumped-up charges.

These abuses must end.

We must start with civil actions against law enforcement officers and agencies to enjoin discriminatory patterns of treatment. There must be municipal liability for law enforcement misbehavior. Perfunctory federal investigations seems aimed at intimidating victims rather than bringing malefactors to justice. An increase in Civil Rights Division manpower at the Justice Department is essential. State and local implementation is necessary if our rights are to be protected.

State jury selection systems must be revised, substituting random selection of jurors for "keyman" systems. Undue discretion in hands of judges, jury commissioners or clerks must be eliminated. State courts should be required to maintain records of jury selection by race and major ethnic categories, including Spanish surnames.

State bail reform legislation is essential, particularly to ensure indigent defendants will not be unfairly detained. All persons should be brought before a judicial officer to be charged and given an opportunity to seek release on bail or on their own recognizance without undue delay. Legal help should be made available to all indigent defendants immediately after arrest in all criminal cases.

Jurisdictions with large Hispano populations should establish programs for recruitment, training and employment of court interpreters.

State administrations must set up programs to provide bilingual training for law enforcement personnel.

Affirmative recruitment programs for Chicanos in enforcement agencies is a "must". Promotion should be made a prime goal for Chicanos by state agencies.

Our Federal government should acquire an enhanced sensitivity to a need for more qualified Hispano attorneys in Federal and State courts. The appointment power should be used accordingly. A word is in order here about Civil Rights Commissions, which enter jurisdictions and hold hearings, and then go away. Nothing comes of these actions, laudable though they may be. They must have enforcement powers if they are to be effective.

We are here for reform rather than to recite an endless litany of injustice.

We will no longer endure the unendurable in silence. We will *not allow* further atrocities to be perpetrated upon us in the name of the law.

You are the key. Qualified Chicano attorneys can defeat such evils in fair courtroom combat. It is to you our people look to for alleviation of their situation, and redress of grievances. Activism without violence is the answer, and I know you will make the necessary commitment in your own hearts.

Thank you.

EMPLOYING SCIENTISTS TO ASSIST SMALL BUSINESS

Mr. TOWER. Mr. President, on January 28, 1972, I wrote a letter to Mr. Thomas Kleppe, Administrator of the Small Business Administration concerning the possibility of utilizing our existing surplus of scientists in small business.

On February 24, I received a reply from Mr. Kleppe outlining his agency's response to this critical problem. I am pleased that the Small Business Administration is attempting to work together with other Federal agencies to improve the plight of the American scientific community.

As we all know, Government action has greatly contributed to the distressing economic conditions within the scientific and engineering community. Therefore, I believe it is the duty of Government to take an active role in making available employment opportunities to these men and women who have seen their job security eliminated through no fault of their own.

I was extremely pleased by President Nixon's announcement in his state of the Union message that the administration would seek a variety of methods to utilize our technological capabilities in solving some of our domestic problems. It seems to me that the utilization of scientific talent in small business would be one method of achieving two goals with a minimum amount of public expense. Furthermore, the overall spillover into the private sector would be tremendous because many small businesses would want to permanently retain scientific talent once the initial scientific contribution had been made.

Mr. President, I ask unanimous consent that my letter to Mr. Kleppe and his response to me be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., January 28, 1972.

Mr. Thomas Kleppe,
Administrator,
Small Business Administration,
Washington, D.C.

Dear Tom: The existing surplus of scientific personnel leads me to write you concerning a mechanism whereby scientists may be utilized in the small business area. I understand that you have been providing engineering assistance and NASA technical information through your Technology Utilization Division for some years. An expansion of this program to include scientific talent would seem to be an important development. Furthermore, expansion in this direction would be in the spirit of President Nixon's State of the Union message when he discussed his new initiatives to involve American technology in an effort to solve many of our nation's domestic ills.

Large corporations have discovered that creative technological design must draw from both scientific and engineering sources. This combination is essential to also provide small business with a sound competitive position. The continuing success of the 8A program could be dependent on this type of assistance.

The Small Business Administration is in a unique position to provide creative scientific talent to one of the most important areas of our economy. Your Technology Utilization Division seems to provide a way to utilize scientists rapidly with a minimum of reorganization and development.

I, of course, stand ready to assist you at any time in a discussion regarding the implementation of the ideas outlined here.

Sincerely yours,

John Tower.

Small Business Administration,
Washington, D.C., February 8, 1972.

Hon. John Tower,
U.S. Senate,
Washington, D.C.

Dear Senator Tower: Thank you for your perceptive comments of January 28, 1972. We agree that our Agency is in a unique position to provide creative scientific talent to one of the most important areas of our economy.

Dr. Edward David of the Office of Science and Technology, Executive Office of the President, has told us that we are in line with national goals. What we need is the thrust to make noticeable impact on the economy.

The Wall Street Journal of February 1 emphasized your comment that large corporations must draw from both scientific and engineering sources. The lead article was entitled, "Corporate Giants Now Providing Source Capital for Risky New Business."

We believe that if selected unemployed scientists and engineers could be made available as temporary field representatives to help create new businesses and provide technology know-how to existing businesses, the economy, the small business community, and the unemployed would benefit. Many of the unemployed would find permanent employment as they work to solve technical problems and help create new small businesses.

Combining unemployed engineers with our technology research and transfer program should prove immediately successful and is in the spirit of President Nixon's desire to use American technology to solve our Nation's domestic ills.

Unemployed engineers, scientists, and other highly trained persons seeking employment would be paid on a "when actually employed" basis.

In our efforts to seek the assistance and cooperation of other agencies in this matter, we are now working with the Department of Labor (Mr. Jim Kelley's office) to explore possibilities of a program along the lines you have described. Also, the National Science Foundation is planning a program through which it can help us in this endeavor.

We believe the Small Business Administration can make headway in the areas you suggest. I know your interest in this matter, and I am accepting your offer to help us.

Sincerely,

Thomas S. Kleppe,
Administrator.

THE ROTC PROGRAM

Mr. ALLOTT. Mr. President, today's New York Times contains an editorial which is unnecessarily muddle headed about a complex issue.

The editorial concerns whether colleges and universities which expel the ROTC program from their campuses should be permitted to continue to benefit from receiving the financial support that comes their way when military officers attend their institutions for graduate study.

Chairman Hébert, of the House Committee on Armed Services, believes that universities which expel ROTC should not receive the financial benefits of such officers' studies. I believe Chairman Hébert is correct.

Thirteen institutions have, in the Times' decorous language, "withdrawn" from the ROTC program. This is Newspeak for the action of expelling ROTC from campus, often in violation of moral obligation, and invariably in violation of the rights of the sturdy minority of students who wish to take advantage of the fine opportunities available through ROTC.

The harassment and expulsion of ROTC was a principal pastime of radical students a few years ago, when the suppression of other people's rights was an obsession of the tiny minority of student radicals. Rarely—but too often—these radicals managed to persuade an appeasement-minded school administration to cave in to their demands.

The general argument for expelling ROTC was that the institution in question was too pious to endure the taint of complicity with the Defense Department. It is their right to feel that way. And it is the right of Chairman Hébert to do what he can to help these institutions preserve their piety.

Chairman Hébert is holding the feet of these institutions to the fires these institutions have lit. He is simply saying that they should not sell their self-proclaimed piety so cheaply. If, when the radicals are clamoring outside the dean's office, these schools decide that they cannot bear involvement with the honorable armed services of the Nation, then they should continue to abjure involvement when the question is whether the institutions should receive the financial benefit of receiving fully supported officers for graduate study.

Mr. President, let me be very clear about what I am arguing. I am not addressing the principle that the institution—be it faculty or administration, or both in concert—should not have the right to determine curriculum, accreditation, and related matters—although this right is not so absolute that it should be exercised to override moral obligations.

Nor, Mr. President, am I saying that every change in the status of ROTC on an American campus is equivalent to every other change.

What I am saying is that where ROTC has been expelled, and where moral obligations have been violated, or minority rights ignored, then it is reasonable and equitable for the Defense Department to avoid granting these institutions a benefit.

The New York Times thinks this would be bad because it would prevent officers from attending superior institutions, and thus would injure the Armed Forces. Mr. President, the Times is being disingenuous.

In the first place, there is something unconvincing about this sudden—and, in recent times, unprecedented—profession of concern about the health of the armed services. It is one of the dumb ironies of recent radicalism that ROTC—a prime source of highly trained and well-educated officers—should be a target of leftwing attack. One would have thought that persons critical of the Armed Forces would have welcomed the leavening elements contributed by ROTC. And the Times was not exactly a bastion of resistance when leftwing radicals were bullying institutions.

Finally, Mr. President, the Times is just wrong and insulting when it implies that military officers will suffer cultural deprivation if they do their graduate work at an institution other than one of the 13 schools that have expelled ROTC. There are many other fine schools in this Nation.

Mr. President, so that all Senators can ponder the Times confusion, I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Mr. Hébert's Blacklist

The roster of the 13 colleges and universities which have withdrawn from the Reserve Officers Training Corps program includes some of the most distinguished institutions of higher learning. There can be legitimate disagreement over the place of ROTC on a campus and particularly over the manner in which these programs were terminated under the duress of the radical student movement. But there can be no question that the final decision on this matter rests properly with the universities, which must be free to define their own relationship with the military.

It was therefore entirely out of place for Representative F. Edward Hébert, as chairman of the House Armed Services Committee, to bludgeon the Pentagon into declaring the graduate schools of those thirteen institutions off-limits to advanced study by officers. In blacklisting these schools, Mr. Hébert has called it "morally wrong for the military to spend dollars sending students to a particular college or university which has chosen not to cooperate with the military services." In fact, it would be morally wrong for a university to accept a role as agent for the military in return for special financial considerations.

Mr. Hébert's clumsy pressure tactics can ultimately hurt only the armed services and the taxpayers. The advanced education of officers is financed by the Pentagon, not to support graduate schools but to improve the leadership quality of the military. The Hébert blacklist would prevent some officers from attending the campuses most suitable to their academic goals. It thus shortchanges the armed forces, wastes public funds, and injures the freedom of universities as well.

PERSECUTION IN LITHUANIA

Mr. HARRIS. Mr. President, 54 years ago the people of Lithuania regained their independence—an independence that they had not enjoyed for almost two centuries. Then in 1940 that small eastern European nation was caught up in the pending struggle between Hitler's Germany and the Soviet Union. In 1944, under the guise of national defense, the Soviet Government forcibly annexed the Lithuanian Republic as part of the Soviet Union.

A continuous debate has been going on in the halls of government throughout the world for the last 28 years on whether or not the staged plebiscites which followed gave the Soviet Union the legal right to incorporate the three Baltic States into the Soviet system. This debate will continue but it is not my main purpose today to discuss this. My statement today is neither a condemnation of the "forced" incorporation of Lithuania by the U.S.S.R. nor a "it's done and over with" attitude concerning the actions of the Soviet Union.

What I am deeply concerned with is whether the Soviet Government or any government has a legal or moral right to suppress one people's culture in exchange for its own culture. I firmly believe that it does not. Apart from actual extermination, the greatest injustice one people can do to another people is to totally annihilate their culture—language, custom, traditions, religion, and political beliefs.

Yet from the time of Russia's reoccupation of Lithuania in 1944, the Soviet Government has adopted the policy of "colonization" toward the Lithuania Republic. The "official" Soviet policy is to transform the once independent entity of Lithuania into a Russianized state—complete with the forced teaching of the Russian language and culture and the smothering of the deep religious tradition in Lithuania.

According to a New York Times article of September 27, 1971, approximately 2,000 Roman Catholics from a single parish in the Lithuanian Republic charged in an open letter to the Soviet leadership that "freedom of religion is being curbed by the local authorities." The article went on to report that:

> Lithuanian clergymen were being restricted in the performance of their religious duties and that the petitioner's own parish priest had been arrested for teaching catechism to children.

The article was largely ignored in the West. But it is not too late to offer support to people who demand only the basic human right to believe what they want.

The "freedom to perform religious rights," in fact, is guaranteed in the Soviet constitution. Yet Roman Catholic priests in Lithuania are being prosecuted by the government for teaching religious doctrine to their parishioners.

Mr. President, I hope that our Government and others will use every opportunity to make clear to the Soviet Government that the outside world considers such religious persecution uncivilized and reprehensible. The Soviet Union is a great country and has some of the most talented and creative peoples in the world. Their government should not sully their name and its own by policies which not only will not work but will bring discredit on all who urge them.

THE 122D ANNIVERSARY OF THE BIRTH OF TOMAS MASARYK

Mr. PELL. Mr. President, Tuesday, March 7 marks the 122d anniversary of the birth of a most remarkable man—Tomas Masaryk, first President of the Republic of Czechoslovakia. On this date in 1850, Masaryk was born to parents of humble station in a small town in Moravia. His parents were able to see him through an excellent education which enabled him to win a doctorate of philosophy in 1876.

Upon achieving this distinction, Masaryk embarked on a long and distinguished career in tireless pursuit of his many and varied interests. He taught, gave lectures, and published books on unconventional and unpopular subjects, and produced scholarly works in the fields of sociology and philosophy. He was an advocate of such advanced—for the period—ideas as the 8-hour day and education for women. He became politically active and participated in the Austrian Parliament espousing the cause of a realistic Czech nationalism.

Although before 1914 he thought of the Czechs and Slovaks as a nation within Austria-Hungary, the outbreak of World War II changed this outlook to one of advocacy of Czechoslovakian independence, and he devoted himself to this end throughout the war. In May 1918, he went to the United States where he secured official support for his cause, which resulted in its later adoption by the Allied Powers. Finally, his work found its culmination in November 1918, when he was elected first President of the Czechoslovakian Republic. He served in this post for 17 fruitful years until ill health forced his resignation in December 1935. He died on September 14, 1937, with his beloved country in the hands of his friend and pupil Edward Benes. He was thus spared the agony of seeing his homeland under the heel of its Nazi and Communist oppressors.

Tomas Masaryk is dead, but his memory lives on in the minds and hearts of his countrymen to whom he dedicated his life.

As one who served in Czechoslovakia as a Foreign Service officer, and as one who has immense admiration and affection for Czechoslovakian people and their country, I am delighted today to join with the many Americans of Czech and Slovak origin in paying tribute to their great national patriot.

VETERANS EDUCATIONAL BENEFITS PROGRAM

Mr. TOWER. Mr. President, I am pleased to join the distinguished Senator from Michigan (Mr. GRIFFIN) as a cosponsor of S. 2063. The bill will dramatically improve the administration of the veterans educational benefits program.

The first program of educational benefits—the GI bill—was enacted in 1944. The hostilities of World War II were drawing to a close. Our servicemen were returning from the European and Pacific campaigns. Many of these men and women had forsaken their educations and careers to defend our Nation. In appreciation for their courageous service and in gratitude for their great sacrifices, Congress enacted the Servicemen's Readjustment Act of 1944. The purpose of the legislation was to assist the veteran in making a successful transition to civilian life. It provided him with financial assistance enabling him to obtain a formal education or vocational training. It represented our Nation's commitment to restore lost educational opportunities and to replace necessary employment skills. The success of the GI bill was phenomenal. Over 7,800,000 veterans participated. They had the opportunity to develop their abilities and to acquire new skills—and with the personal growth of each veteran, the potential of our Nation grew.

Since World War II, the GI bill has been extended to the veterans of the Korean war and the Vietnam conflict. Over 13,870,000 veterans have participated in the program since it was initiated.

The Vietnam war is not a popular war. However, this factor should not indeed—cannot—be permitted to affect our duty to assist the Vietnam Era veteran. He has served his country well. He has fulfilled his military obligation. Now, we must strive to assist him in his readjustment to civilian life. Our most significant contribution in this regard is the veteran educational benefit program.

The GI bill needs to be improved and updated. The two basic changes which are required are: first, an advanced payment plan and second, an increase in benefits proportionately with increased costs of education. These modifications will permit more veterans to pursue their educational and vocational training.

S. 2063, which is the legislation that I am cosponsoring with Senator GRIFFIN, provides an advanced payment plan. At the present time, a veteran does not complete his application for assistance under the GI bill until he has actually enrolled and begun class. At that time the Veterans' Administration will begin to process his application. The paperwork involved often delays the veteran's first payment for 2 or 3 months. This discourages a veteran from taking advantage of his GI education benefit if he does not have the personal cash resources to pay for his tuition, books, or dormitory fees at registration time. If he is able to pay for these items on an installment basis, he often does not receive his check from the Veterans' Administration in time to make the payments. S. 2063 simply permits the Veterans' Administration to process an application for educational benefits when the veteran is accepted by a college for enrollment. He will receive his first payment when he actually enrolls. The 2- to 3-month delay, which discourages many veterans, would thus be eliminated and the acceleration of payments would involve no additional expenditures of Government funds.

S. 2161, which is legislation that I cosponsored last July, would provide the second necessary modification of the GI bill. The level of benefits has not kept pace with the increasing costs of higher education and the rapid rise in the cost of living. The GI bill is not designed to pay the entire cost of a veteran's education. It is designed to encourage the veteran to seek further education and vocational training by supplementing his efforts to meet the cost. But the assistance levels for the Vietnam era veteran are far below those provided for Korean veterans due to increases in living and educational costs in the years since that time.

S. 2161 would raise the benefits to levels consistent with the support we offered the Korean veteran. We cannot do less for the Vietnam veteran.

These two measures would greatly increase the number of Vietnam veterans who would participate in the veterans' educational program. In a recent study of the problems facing the Vietnam era veteran in his readjustment to civilian life, which was conducted for the Veterans' Administration by Louis Harris & Associates, Inc., it was indicated that if the level of assistance was raised, 52 percent of those veterans, who were eligible but who had not applied, would apply for the GI bill and an additional 30 percent would consider making application. The study also found that Vietnam veterans considered the educational assistance of the GI bill to be the most positive and beneficial of all veterans' benefits.

I am pleased that so many veterans in Texas have participated in this program. Since June 1966, over 167,000 have received training under the GI bill. Currently there are 64,800 receiving benefits. By June 1973, over 217,000 veterans will have participated in the program since June 1966. I am disappointed, however, that more veterans have not continued their educations. I am particularly concerned because the current unemployment rate of Vietnam veterans between the ages of 20 and 29 is 10.1 percent. This unemployment level is well above that for the comparable age group of nonveterans. In our increasingly complex and technical society, education has become an essential component of successful job placement and career mobility. With an advance payment plan and increased benefits such as I am proposing, more veterans will be able to pursue a higher education or avail themselves of vocational training. This education is the veteran's key to improved employment opportunities and a more successful readjustment to the civilian labor market.

It is in our national interest to develop fully the capabilities and talents of the Vietnam veterans so that they may fully contribute to the welfare of our Nation.

GEOTHERMAL POWER

Mr. BIBLE. Mr. President, the Atlanta Economic Review of December 1971 contains an excellent article entitled "Geothermal Energy, Its Future and Economics." The article was prepared by Joseph C. Horvath and Robert L. Chaffin of the environmental research group of the School of Business of Georgia State University. It is a comprehensive exposition of the status of geothermal power development today and of the growing worldwide interest in geothermal energy.

My work in the Senate on the Geothermal Steam Act of 1970 and on the plowshare geothermal project contained in the Atomic Energy Commission authorization and appropriation for fiscal year 1972 demonstrates my own conviction that our Nation's geothermal resources are a potentially vast reservoir of energy waiting to be tapped for the almost pollution-free generation of electric power.

I think the article is must reading for everyone interested in the energy crisis confronting us today. It is an ably done contribution to the literature on the subject.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GEOTHERMAL ENERGY, ITS FUTURE AND ECONOMICS

(By Joseph C. Horvath and Robert L. Chaffin)

(NOTE.—Exhibits referred to are not printed in the RECORD.)

Although the United States contains only 6% of the world's population, it consumes 32% of the world's energy production. Over the decade of the 1960's, the consumption of energy rose more than 50% in this country. During each 24-hour period Americans use 15 million barrels of oil. Over the course of a year the United States burns more than 20 trillion cubic feet of natural gas and 580 million tons of coal. The Humble Oil and Refining Company concluded:

"The increase in consumption of energy is beginning to outstrip the development of both new and established domestic energy resources. Future energy demand growth can be described in a single sentence: requirements will nearly double between 1971 and 1985."[1]

I. THE ENERGY CRISIS

The energy crisis in the United States is real; it can become severe during the 1970's.

The United States is no longer self-sufficient in supplying its energy resources. The National Petroleum Council projects the energy deficit to fall from an 87.6% self-sufficiency ratio in 1970 to 73.8% in 1980 and 70.3% in 1985. It will probably be a decade or more before synthetic fuels, or manufactured gas from coal and oil from tar sands, will significantly supplement the energy production of the United States.

Since the brownout power failures in the Northeast four years ago, the United States has become concerned in a major way with the insufficient electrical energy resources of the country. The mandate to generate additional electricity is clear, despite the ambitious expansion programs undertaken by the electric power industry. During 1970, more than 200 new generating units were placed in operation, representing a capacity of 26 million kilowatts. At the beginning of 1971, the electrical energy production capacity of the United States totaled 339,050 megawatts. To satisfy projected demand it will be necessary to construct the equivalent of 250 large power plants between 1969 and 1979.[2] "The per capita consumption of electric power has been incerasing roughly five times as fast as population growth."[3] All proven techniques to generate electric power, including geothermal steam processes, must be fully exploited if America is going to maintain the energy base of its standard of living and quality of life.

Power companies in the Southeast have experienced a far more dramatic pace of growth in generating capacity than has the rest of the nation. This is attributable to larger unit uses of electricity for air conditioning and the relatively recent industrialization of the region. In response to increased household industrial demands, the Georgia Power Company has increased capacity from 2,450 megawatts in 1961 to 7,100 megawatts in 1971. This generating capacity must be increased to 18,400 megawatts by 1980 if power resources are to be adequate to nurture Georgia's population and industrial growth. To accommodate projected demands for electrical energy, over the next 10 years the operating utilities anticipate spending $1.5 billion on new facilities in Georgia, $1.5 billion in South Carolina, and $1.7 billion in Alabama.[4] The energy crunch in the southeastern states is acute and immediate.

At a time when generating capacities must be dramatically increased, the electrical utilities in all regions of the United States are confronted with rising prices for fuel oil, coal, and natural gas. Rising variable costs, in turn, raise the price of electricity to the consumer. Fixed costs, including interest, insurance, depreciation, and many types of taxes, have experienced a continuing upward trend. Construction costs have risen disproportionately to other cost components. Delays in bringing new facilities into operation have slowed the ability of utilities to meet public demands. Indeed, inflation has had a serious impact on the cost structure of producing electricity by conventional processes.

An estimated 85% of the electricity produced in the United States today is linked to fossil fuels. The use of fossil fuels in generating electricity accounts for 50% of the sulfur-dioxide, 25% of the particulates, and 25% of the nitrogen-oxide emissions polluting the atmosphere. Nuclear power plants create radioactive wastes and contaminate the environment with thermal pollution. The most immediately feasible energy source to supplement the nation's burgeoning requirements for electric power is geothermal energy, a source that can supply a substantial percentage of the electrical energy requirements of the United States in future years. There are many tens of thousands of locations where the Plowshare Geothermal Program can be utilized. In fact, 50 Plowshare geothermal projects alone could provide one fourth to one third of the total electric generating capacity of the United States.

II. PRINCIPLES OF GEOTHERMAL ENERGY

Geothermal energy is natural heat derived from the earth's magnetic heat; in other words, it is earth-heat. Only a small fraction of the earth's nearly 8,000 miles in diameter is an outer crust, cold-shielding and insulating the biosphere from the tremendous magmatic heat storage inside. We can hardly comprehend the vastness of this energy within our celestial planet. For example, the Atomic Energy Commission calculated that the heat energy contained within one cubic mile of near-surface rock with a temperature of 350° C (652° F) cooled down to 177° C (350° F) is equivalent to 300,000,000 (yes, three hundred million) barrels of oil.[5] The question is how to utilize geothermal energy for the benefit of mankind.

The simplest form of geothermal energy is manifested in natural hot springs whose utilization all over the world dates back to early man. These springs have been employed as healing waters, heating waters, in irrigation and in cooking, and as objects of spectator-recreation (Old Faithful, Yellowstone National Park). Now, however, the concentrated effort of private industry, government, the Atomic Energy Commission, and all those connected with the idea itself is on the utilization of this earth-heat for cheap electric power generation. (See exhibit 1.)

The principle involves tapping this vast underground reservoir and turning the heat into steam, which in turn can generate electric power by turbines. Up to the late 1960's, only dry steam was acceptable. But, with the new Magmamax process,[6] the freon gas exchanger process,[7] and the Lysholm Rotary Expander,[8] any wet steam in large quantities will do. The latest and most promising geothermal process is the Plowshare, advanced by the U.S. Atomic Energy Commission and affiliated companies. The essence of this system is illustrated in Exhibit 2. The concept, basically, is access to the large quantities of heat stored up in hot rock by the use of nuclear explosives. The explosion creates fractured rocks; when water is piped into the cavities created, the heat turns the water into steam, which is piped into the turbine-generator and produces electricity. This is a closed system, as recycled condensed steam

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is piped back into the fractured hot rock cavity. This step in the progress of geothermal energy utilization can and will revolutionize the whole industry.

At this time, there are only a few known original dry steam geothermal areas in the world: Lardello, Italy; Big Geysers, California; and Algeria. The process for opening up wet steam areas brings into use several thousand thermal springs areas in the world and vast underground regions of hot water not manifested on the surface, but identified and tapped by drilling. With nuclear explosives, geothermal energy production will be a reality in most areas of the world that presently lack vast fuel reserves. It would appear that the Ozarks and the Appalachian regions of the United States have the wet-steam geothermal resource; and, with the Plowshare process, the reality of using geothermal electric energy in the eastern United States to the extent of present (1971) production is right at our doorstep. However, a rearrangement of our thinking, traditions, methods of financing, building, and maintaining energy production must be made. Elsewhere in this article the question is asked: Can the utilities meet the demand? We are doubling our electric demand every decade. But the real question is: At what price? If geothermal-produced electric energy costs half or less per unit of kilowatt hour than energy from other fuel, if the capital cost is much less than the capital cost of a nuclear or conventional thermal power station, or hydroelectric dam, then why should the utilities or the general public pay for more costly power? This is the crucible, this is where the future will be made.

The transition from present methods of production will require a decade. This is not too long when we consider the issues involved. A new power generation for industry appeared in the 1960's with an array of countries involved. The doubling of our scientific knowledge every five to seven years will further enhance this new field of power generation. The environmentalists are blocking nuclear and thermal power stations, inducing utilities to spend billions for pollution abatement equipment, stopping the erection of hydroelectric dams, and so on. On the other hand, geothermal power is nearly nonpolluting, is nondestructive to free-flowing streams, and can be feasibly produced in remote areas because of its fairly low transportation cost.

The transition first will be social—ideas will be born and tested, transforming the thinking of nations far faster than do economic considerations. Windfall losses and gains traditionally have not been a part of the experience of most utilities. But a slow, moderate-to-fast growth of the geothermal power industry with less-cost electric energy will change viewpoints, and the marketplace will alter the long history of no risk taking, the regulated and shielded status. Within this decade, the generation of nuclear-fractured hot-rock geothermal steam power will be established.

The initiators will be the oil and gas companies, risk-takers, with long experience in drilling wells into the earth's crust. They are accustomed to exploring anything promising—such as the Gasbuggy [9] method of getting natural gas into a fractured underground cavity by using nuclear devices. However, credit is due first to the few early explorers, entrepreneurs, who against all odds drilled for natural steam at Lardello, Big Geysers, Salton Sea, and in New Zealand. The first privately financed geothermal power plant is the result of the initiative of the Magma Power Company, led by B. C. McCabe, in Big Geysers, northern California. Jackson [10] drilled in Imperial Valley, southern California, and Burbank [11] was an even earlier pioneer, in the 1920's. All these new industrial companies have plans for enlarging their productive capacities, and others are currently coming into the field.

Geothermal energy is a new concept, an unconventional but low-cost energy in both capital cost and fuel cost compared to other methods of producing electric power.

III. HISTORY OF GEOTHERMAL UTILIZATION

The utilization of mineral hot springs and hot caves is as old as man. The culture embracing the use of mineral spring areas spread all over those areas which were conquered by Rome, Greece, Turkey, and other nations. The use of mineral springs in the Christian era was also widespread. In modern times, however, the large-scale application of geothermal energy for space heating and greenhouses materialized in the northern countries, especially in Iceland. These countries have not received sufficient credit and publicity for their successes in these energy utilizations. Iceland, Germany, Hungary, Italy, and other countries demonstrated even in the early twentieth century that natural hot spring areas can be augmented by drilling for hot water. In Hungary, the first drill for natural mineral water was reportedly made in 1867.[12] Other countries followed suit, and the utilization of this natural heat for space heating became widespread and an accepted fact in certain areas, in the Nordic countries especially, but also in middle Europe.

Hungary

Hungary, in the 1930's built a new district of Budapest (called Uj-Lipotvaros) heated by the natural hot water. The source of this abundant supply was made available by drilling in the Danubian Island (Margit Sziget) in Budapest. Uj-Lipotvaros, with a population about 20,000, has been heated with natural hot water since the 1930's.[13] In Budapest alone, nineteen locations have been drilled for hot water, including widespread drillings on the flat Danubian Basin, where no hot springs or volcanic geological activity exists. It is especially startling that a large volume of geothermal hot water has been found in the Great Plains of Hungary (reported by Boldizsar at the U.N. conference).[14] Western Siberia is virtually underlaid with hot water, and this geothermal resource utilization is of major importance in that cold climate.

Geothermal power generation is also considered at the present time, but the application of this natural heat is not limited to a single use. The heat available from these sources of hot steam or water should be utilized for space heating, space cooling, swimming pools, greenhouses, and any other operation which requires hot water and/or heat.

Italy

Geothermal utilization for power generation began only in this century, with the earliest electric generation in Lardello, Italy, in 1904. Recently, increasing power production has been noted in other areas in Italy, especially in Viterbo-Monte Simino. The National Research Council provides substantial financial support for a geothermal center in Italy for advancement of scientific and technological research on geothermics. The International Institute for Geothermal Research sponsored by the United Nations was founded in Italy, and it offers the first international postgraduate course in geothermics.[15]

New Zealand

New Zealand geothermal utilization also dates back to the 1950's, and the 1960's saw substantial progress, as reported in the U.N. paper by Dr. Facca. New Zealand was the first British Commonwealth nation in which any geothermal power was installed and produced electricity.[16] The New Zealand fields are actually wet steam fields and superheated water and they produce enough electricity for their respective regions. A new important geothermal field was recently discovered at Broadlands. In the last decade New Zealand scientists have contributed many studies on this new field of science.[17]

Taiwan

The Free Republic of China has been carrying out an intensive geothermal exploration program since the early 1960's. The Tatun volcanic region was the first choice of the geological exploration, which was completed in 1967. Many wells were drilled and steam and hot water tapped both in shallow wells and in deep wells up to 1,000 meters. Another area is Matsao, which represents a large field of geothermal capacity currently under exploration. Two additional areas have been found and exploratory wells are presently being drilled. Taiwan has been very active in geothermal exploration, and it appears to be very promising, according to the U.N. report.[18]

Algeria

Algeria, in northern Africa, has been undergoing preliminary geothermal exploration by French oil companies. One of these areas is an old Roman spa, known as the Hamman Mescoutine hot spring area.[19] The U.N. report by Dr. Facca points out the geological similarity between this region and the Lardello, Italy, region producing dry steam.

Chile

A geothermal project in Chile, South America, has been sponsored by the United Nations and is presently under way.[20] This is in the El Tatio area. A slim bole drilling technique has been adopted, with a reported resulting heat of 200 degrees. Chile, a volcanic area, has a great potential of geothermal energy.

Colombia

The Cordillera sections of Colombia, South America, have also been active in geothermal exploration.

Yugoslavia

Exploratory work by the Institute of Oil in Zagreb has been going on in Yugoslavia since 1965. Cataloging and mapping of hot springs have been done, and additional fieldwork has been going on, especially in the Macedonian areas of Yugoslavia. These activities were reported at the 1970 Pisa, Italy, geothermal conference.

Czechoslovakia

Czechoslovakia has always been well blessed with hot spring areas. The Hapsburg Dynasty built the Karlsbad and Marienbad areas in northwestern Czechoslovakia for health resorts. In the former Hungarian areas of the Carpathian Mountains, Postyn and others represent surface manifestations. The present-day Slovakia has many natural hot springs areas.[21]

El Salvador

El Salvador is historically noted for its volcanic areas and earthquake-prone land. This small country has a long history of geothermal exploration. The United Nations has been of assistance, especially in the Ahuachapan area. According to the U.N. report, a major commercial field has been discovered.[22]

France

France is not a newcomer to geothermal sciences. Goguel, in the early 1950's, reported a geothermal action, and he made the first model of the utilization of the geothermal field using a convection system.[23] A paper by P. M. Maugis informs us that there is a very large hot water resource available in the Paris Basin, France. The space heating project of the city of Melun is presently under study. However, French geothermal steam exploration is currently more active in the so-called overseas departments of France, especially in West India, Somaliland, and in her former colony of Algiers. France has over 1,200 hot and warm mineral spring areas. Her potential, therefore, is almost un-

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limited.[24] Considering France's lack of coal and oil resources, geothermal energy offers an encouraging alternative.

United States

America has been well endowed with energy resources, coal, oil, and natural gas. Though still limited, the hydroelectric potential is great. But none of these energy resources compares with the energy stored in hot rock, close to the surface. The initiative in this new field has been taken in searching for geothermal energy, using areas with surface manifestations, like hot springs. There are a few thousand hot springs areas in the United States.[25] Geothermal energy can be found near geological fault lines (normal locations of hot springs), as well as in hot rocks fractured by small nuclear explosives. This latest technique is the most promising, and it has been described by the U.S. Atomic Energy Commission.

With a slow and late start, the United States will capture the title of the leading geothermal energy producing nation in the world within the next few years. An early exploration of the Big Geysers, California, in the 1920's, then a reawakening of the same in the mid-1950's, led to the first power plant operated by natural steam in May 1960. Since then, geothermal energy has gained wide acceptance by both investors and the general public. Within the last few years, *Fortune*,[26] *Saturday Review*,[27] *The Wall Street Journal*,[28] and other leading publications have described its principles. Presently, large oil companies and several public utilities are expressing their willingness to use geothermal power.[29] This breakthrough came in the first part of the 1960's when the low cost was demonstrated.

Dr. Facca and Dr. Dam published the comparative figures of power generation in 1964, revealing that the average cost of producing one kilowatt hour was at least half as low as conventional thermoelectric generation, and even as low as 1/6 that of nuclear and hydroelectric power.[30] (See Section X, "Economics of Geothermal Energy," in this article.) The implications of this least cost power generation are almost unlimited.

The turning point also hinged on discovery of a large area of geothermal potential which shattered the early traditional idea of marginal quantity of power.

In the United States, the first geothermal energy was utilized for health resorts, space heating, and as tourist attractions, like Old Faithful Geyser in Yellowstone National Park. With the decline in use as health resorts, most of these hot mineral springs areas went into decay. But, since the 1950's, the demand for outdoor recreation has been growing along with the importance of geothermal areas.

Therefore, geothermal energy, even with its clean power generation, will have to compete with these prime outdoor recreation areas, which are mostly in private hands but surrounded by public lands. Federal legislation has been started on opening up public lands with geothermal possibilities, but prime private resorts will also be affected by this new energy exploitation. In the final analysis, the use of condensed steam, as a hot water from the geothermal power plant, could revitalize the resort industry. This "dirt cheap" utilization of available natural hot water might even have medicinal implications.

In the American history of geothermal utilization, the Salton Sea geothermal area offers a new chapter. While wildcatting, oil and steam with brine and other minerals were found.[31] Potash has been reported in considerable quantity in the steam coming to the surface. At the present, only a limited amount of power is generated there. Considering the utilization of these valuable minerals along with the power source, the industrial future of the Salton Sea geothermal area is unlimited.

IV. WORLD GEOTHERMAL RESOURCE AVAILABILITY

Geothermal energy exists in every part of the world, but in different degrees of economic feasibility. We define geothermal power not only as natural steam brought up to the surface, but also as natural heat within close proximity to the surface, such as hot rock. Thus low-cost natural steam energy is feasible and within the reach of most nations. However, the prime areas are near fault lines, where hot springs, fumaroles, and geysers yield surface manifestations of geothermal energy, and drilling for natural steam, alone, could provide cheap electricity wherever needed. As mentioned previously, there is, however, a method which is more sophisticated and is known as the Plowshare Geothermal method. C. Chapin describes it as follows:

"The basis of Plowshare geothermal power is the use of nuclear explosives to fracture large quantities of high temperature rock in a geothermal area. Water would be circulated through the fractured region extracting heat from the rock and creating steam to run a turbine-generator. The technique does not rely on the heat from the explosive, but uses the heat contained in the rock prior to the explosion. Compared to natural steam fields the geothermal region can be relatively dry and impermeable. The key requirements are a mass of hot (350°C) rock reasonably near the surface (3 kilometers) and a source of water to be cycled through the fractured region." [32]

The Plowshare method has been used for the Gasbuggy project in Colorado to create a large volume of natural gas, which otherwise could not be extracted economically. Investigations are presently under way to use the Plowshare method for producing large quantities of geothermal steam in the United States.

Areas of surface manifestations of geothermal energy, which may include rivers, lakes, or oceans, are usually associated with major and/or minor fault lines, such as volcanic regions and earthquake-prone regions. Sometimes geothermal areas are found many hundreds of miles away from known geothermal surface manifestations—for example, the abundant hot water in western Siberia; the Hungarian Plains; Paris Basin, France; and so on. There are indications that geothermal explorations by the leading industrial nations will lead less developed countries of the world to engage in similar undertakings.

According to the Waring study, there were 5,236 thermal spring areas in the world in the mid-1960's (Exhibit 3).[33] The life spans of hot springs differ and are a function of many factors. The characteristics of hot springs are such that they can plug themselves up with their own mineral deposits on or below the surface. Their total number, therefore, is never constant, but is always changing.

In hot springs areas, it is not certain that steam can be found in commercial quantities. Before the late 1960's, emphasis was placed on dry steam geothermal resources. With the latest technology (see section VI of this article), a large amount of wet steam is sufficient to heat a closed circuit freon-gas, turbine-generator system, or the Lysholm Rotary Expansion can even use "dirty" and wet steam with a high degree of efficiency. In addition, the Plowshare program using atomic devices to fracture hot rock will further open up wet steam geothermal areas for power production.

Japan

In Japan, as elsewhere, the demand for electric power has been steadily increasing since the early 1950's. By accident, while drilling for hot mineral water, the Japanese found steam instead. A private industrial firm, a manufacturer of ferro-alloys and chemical fertilizer, became interested in developing the first geothermal energy for power generation.[34] This area, Matsuwaka, has little surface manifestation, and it produces dry steam.[35] The total capacity of the area has been estimated to be 200 megawatts. Several other places in Japan have been investigated and drilled, and a very active Geothermal Energy Association has been established. Many further ideas are developing.

The U.N. report lists three important ones: low-pressure power plant, rock alteration surveys, and acid cleaning of scaled wells. The Association estimates that Japan has the possibility of developing a 10-million-kw capacity. Japan is also well known for its geothermal utilization for recreation (spas), agriculture, and industry. The Association's quarterly publication is a well-established link between Japan's own exploration, production, and ideas and its overseas equivalents.[36]

Mention must be made of Japanese industrial progress in geothermal power generation. Japan supplies two 55-megawatt power plants for the Big Geysers, California, development, and two 37.5-megawatt power plants for Mexico's Cerro Prieto field. It is most likely that Japan will be side-by-side with America in geothermal development.

Iceland

Iceland, by necessity, has been utilizing its geothermal energy for space heating and for greenhouses. In the last nine years, according to the U.N. report, there has been a steady increase of geothermal utilization in every phase, including electric power, space heating, and in agriculture. The cost of space heating is about half that of fossil fuel heating. Iceland has a long-term plan for the next eight to ten years to spend $4.3 million on geothermal energy.

Turkey

Since the U.N. Rome Conference on New Resources for Energy, the Mines Institute of Turkey has been organized for geothermal exploration of the country. Turkey has many hot springs areas, and investigations from 1962–1967 led Turkey to apply for a U.N. Special Fund Project for geothermal exploration. It discovered one major field, collected and analyzed data on ten other geothermal areas, and has trained a large group of professionals. Turkey's geothermal potential is very large, according to the U.N. report, and its expanding industry is in great need of power. Conditions for large-scale geothermal exploitation are present there.

Mexico

Our southern neighbor has been in the process of exploration for the last two decades. At this writing, a power plant with 75 megawatts is in operation in one area. It is located near Mexicali, close to the border in northern Mexico, and is known as Cerro Prieto in the Gulf of California rift valley. The operating cost has been estimated at 4.1 mills per kwh for a 150 megawatt plant and 4.9 mills per kwh for a 30 megawatt plant. Presently, four active fields are under development, and the Mexican Federal Power Commission has initiated a preliminary survey of all important hot springs areas. Volcanic studies along the geological fault line have been carried out, with 15 seismologic stations. Over 100 geothermal areas are being investigated, and for each of them a feasibility study is under way. In addition, professionals are being trained for geothermal exploration and development.

Mexico's program for geothermal exploration is very praiseworthy. The location of the first International Geothermal Association, meeting near Mexico's Cerro Prieto geothermal field, February 16–18, 1972, reflects this acknowledgment by Mexico's North American neighbor. The meeting will be held in the United States at El Centro, California.[37]

Footnotes at end of article.

U.S.S.R.

The most impressive development of large-scale geothermal work has been done by the Soviet Union. A long period of scientific investigations of geothermal areas resulted in a data bank of information on oil, gas, water wells, mines, and hot springs for the whole country. Dr. Facca reports that very surprising conclusions were offered by the Russians in the Pisa, Italy, Geothermal Symposium. They stated: "Today, it is known that 50–60% of the territory of the USSR is occupied by thermal waters which are available to the economic applications. They are commensurable with the coal, oil, gas, and peat resources taken together."[38]

This statement summarizes several decades of comprehensive Russian geothermal investigation. The British *New Scientist* reported in 1968 that Siberia's hidden heating system is about the size of the whole Mediterranean Sea.[39] The area is also a well-known oil and gas field; oil recovery is by the use of natural hot water. The Russian culture has been characterized by mineral watering places, and these hot water wells are supporting 15 health resorts and similar establishments in the Siberian area. Heating of buildings and hothouses, water supply lines, and iodine recovery are all part of the Russian exploitation. Though hot water was available in large volume, only a small amount of steam, or none at all, existed. The Russians therefore developed the freon exchange—similar to the American Magmamax system using freon gas, which develops 30 atmospheric pressure at 70° C. to 100° C. Hot water of this temperature is abundant in that area. Freon, in turn, rotates the turbine-generator, producing cheap electricity.

Ukrainian physicists went somewhat further in their theoretical utilization of geothermal energy, studying the possibility of an underground explosion fracturing rock and making an underground boiler. This is similar to the American Plowshare program of the Atomic Energy Commission. However, the differences lies in the type of explosives and the location of the power plant. The American program calls for an on-the-surface power plant, on barges or on the ground, while the Ukrainian plant calls for underground power plants.

At present, there are 11 geothermal projects in operation in the USSR, equivalent to 125,000 tons of coal annually. A tenfold increase within this decade has been planned. The Russians' advancement in geothermal exploration is remarkable. In fact, some of their machinery, like that for cooling and heating using lithiumbromic compound, is mass produced. The main point of their development, as brought out in the Pisa Conference, are as follows:

1. Geothermal energy is a common natural resource like hydroelectric energy, coal and oil.

2. Geothermal energy is not limited to the volcanic areas; many sedimentary basins offer commercial geothermal resources.

3. The utilization of hot waters with a temperature above 50°C (122°F) is competitive with the fossil fuels in space conditioning and in many other fields, like agriculture (greenhouses, hydrophonics, frozen foods) and mining.

4. Geothermal energy may change the economy of the circumpolar areas (Siberia, North Canada, Alaska).

5. Hot water below and near the boiling point can generate electric power at a competitive cost.[40]

It is obvious that competition in this new energy field is keen for American geothermal companies, which is healthy for the American industry as well as for the consumer.

U.S. Geothermal Resource Availability

In the United States, surface manifestations of geothermal activities are centered in the West, which, according to the Waring study, accounts for 948 areas and 85.1% of all American thermal springs locations. In comparison, the Midwest contains only 13 spring localities, and the eastern region of the country has 63. Outside the continental United States, Hawaii and Alaska have 89 such areas. There are 1,113 thermal spring locations in the United States, ranging from one individual spring to over 2,000 in one location (Yellowstone National Park, Wyoming). (See Exhibits 4 and 5.)

A considerable amount of geothermal steam resource exists in the Ozark and Appalachian regions. (This statement is based on author Horvath's overseas experience.) Most of these regions have almost no surface manifestations, but hot rocks and underground hot water/steam reservoirs can be found in many places.

The Appalachian region holds great promise for the energy problem on the Eastern Seaboard. From Maine to Georgia the mountain ranges could supply pollution-free electric energy, hot water to heat and cool new and existing cities, and otherwise utilize the so-called waste heat. This same region has been also blessed with great coal resources—the main source of energy up to the 1910's, when oil and natural gas continuously lowered coals' relative share of the total energy consumption of the United States.[41] (See Exhibit 6.)

The entire picture could change in favor of the least cost method of producing electrical energy, which is geothermal. Exploration of this vast underground heat reservoir in the Appalachian region should become a national goal. In a hearing before the U.S. Senate Subcommittee on Minerals, Materials, and Fuels during the summer of 1970, I (Horvath) stated the need for a pilot geothermal plant program in the Appalachian, Ozark, and Rocky Mountain areas.[42] These ideas have since resulted in legislative actions within both the Senate and the House of Representatives. In addition to the thermal spring areas of the United States, there are other locations which might yield commercially sufficient amounts of geothermal steam.

There can be even further advancement, by the Plowshare Program, in certain remote areas of the Appalachian, Ozark, and the Rocky Mountain regions. The availability of geothermal energy is so vast and widespread over the United States that, coupled with a genuine search for new and pollution-free energy at low capital and fuel cost, it cannot fail to have a major impact on our total national energy resource and output.

V. FEDERAL LEGISLATION

In December 1970, the 91st Congress authorized the Secretary of the Interior to dispose of geothermal steam and associated geothermal resources on lands administered by the Secretary of the Interior, on forest lands administered by the U.S. Forest Service, on lands covered by Section 24 of the Federal Power Act, and on land conveyed by the United States subject to a reservation of the geothermal steam or the development and utilization of geothermal resources. Lands within a known geothermal resource area are leased to qualified bidders by competitive bidding, while lands outside known geothermal resources areas may be leased without competitive bidding. Proposed leasing and operating regulations were published in the *Federal Register* on July 23, 1971.

The geothermal leases authorized under Public Law 91–581 have a primary period of 10 years. The lease continues after this time if commercial quantities of geothermal steam are produced or utilized for an additional period of up to 40 years. Geothermal leases may be extended beyond this period; if the lands, on the expiration of the lease extension, are not required by the Secretary of the Interior for other purposes, the lessee has a preferential renewal right for a second 40-year term. An enterprise cannot control federal geothermal leases exceeding 20,480 acres in any single state.

Based on the productivity of the leased acreage, royalty payments range between 10% and 15%. Excluding minerals covered by the Mineral Leasing Act, by-products carry a royalty of 5%. Royalty rates will not be readjusted until the lease has been in production for 35 years.

In compliance with the National Environmental Policy Act of 1969, the U.S. Department of the Interior has issued a draft report entitled *Environmental Impact Statement for the Geothermal Leasing Programs.* The environmental impacts arising from the development of geothermal steam resources are typically local in character. Included in geothermal leases are protective environmental provisions regarding pollution abatement, water pollution, air pollution, erosion control, noise control, sanitation and waste disposal, aesthetics, wildlife, antiquities and historical sites, and restoration of disturbed lands. The probable environmental impacts of the geothermal leasing program have been evaluated for the exploration, test drilling, production testing, field development, power-plant and power-line construction, and full-scale operation phases of development.

The U.S. Geological Survey has classified 1.8 million acres in the western United States as being within known geothermal resources areas, and an additional 95.7 million acres as having prospective value for geothermal steam.[43] Public lands potentially available for geothermal leasing include approximately 451 million acres of public, withdrawn, and acquired lands administered by the Secretary of the Interior in 25 states and approximately 187 million acres of national forests and other lands administered by the U.S. Forest Service in 45 states and Puerto Rico. Most public lands available for geothermal leasing are located in the western states and Alaska, but significant areas with potential geothermal development exist in other sections of the United States.

Bills have been introduced in the Senate of the United States (S. 564) and in the House of Representatives (H.R. 9749) to promote the exploration and development of geothermal resources through cooperation between the federal government and private enterprise. Both these bills declare that "geothermal resources are vital natural resources which should be explored and developed to their fullest potential to supplement the Nation's energy supplies and conserve nonrenewable resources and environmental quality."

The bills propose an appropriation of $10 million to be spent over the 5-year life of the program to establish a federal geothermal resources research program. Title 2 of this proposed legislation authorizes a cooperative resource development loan program between the federal government and private enterprise. Activities related to exploration on private or federally owned lands, technology of power generation from geothermal resources, technology of by-product recovery, and disposal systems for waste products from geothermal resources would qualify for federal loans of up to 75% of project costs, to be repaid in the event the Secretary of the Interior determines that the results of the project have commercial value. A revolving fund not to exceed $20 million would be authorized to implement Title 2 of the bill. On March 24, 1971, a bill (S. 1349) was introduced in the U.S. Senate to authorize the Atomic Energy Commission to undertake a cooperative program to ascertain the feasi-

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bility of using atomic energy to develop the nation's geothermal energy resources.

VI. TECHNOLOGY

The technology of utilizing geothermal resources for power involves three aspects:

1. Exploration
2. Drilling techniques
3. Machinery

Exploration [44]

The earth's normal geothermal gradient is 1° C per 100 feet. Thus, normally, by present technology the heat at 10,000 feet (100° C or 212° F) could not be brought up to the surface economically. Variations do occur though, and in certain areas it *is* possible because abnormally higher heat gradients can be found. Some of the methods of detecting such gradients are as follows:

Earth resistivity—The most popular method of exploration is that using D.C. or A.C. currents, with electrodes spaced at optimum distances. Geothermal fluids are indicated by low resistance. This method is difficult to interpret, however, especially in a hilly, mountainous area. Two additional ways can be rationalized here, though they are yet unproven in geothermal exploration. They are known as magneto-tulleric and radio frequency interferometry.

Seismic—Seismic reflection can be used in geothermal fields for routine mapping of faults, morphology, and certain interfaces between different rock types. This method includes ground noise measurements with or without the use of a computer. In the New Zealand geothermal area, this technique was used at night. It offers great promise in evaluation of geothermal fields.

Temperature—Temperature surveys are important in defining the size and power potential of an anomaly. Usually shallow wells are used in grid or polygon fashion to determine heat gradients. Then intermediate depth surveys further delineate a geothermal area. However, groundwater flow is a major problem for this method.

Infrared radiation—This is an airborne geothermal prospecting tool using satellite or airplane, but too expensive in relation to its usefulness.[45]

Gravity—Hydrothermal activity alters rocks in a geothermal area, and the intensity of prevailing geothermal reservoir temperatures.

Magnetic—In regional investigations, airborne magnetic surveys have proven valuable, but ground magnetic surveys are suitable for local areas. Geothermal alterations or rocks change the magnetic waves. Magnetic surveys are based on this principle.

Chemical prospecting—This is a relatively untested, but theoretically highly recommended, valuable tool, especially where surface manifestations are not present. Some springs reveal anomalies in their dissolved solids content and ionization of the same which are worthy of additional testing. Geothermal fluids, all over the world, are subject to the so-called "oxygen isotope shift." Normal groundwaters do not have such a ratio shift. Therefore, chemical analysis may prove to be the best practical tool of geothermal exploration.

Drilling techniques

Although the drilling technique for geothermal energy is very similar to that of oil and natural gas drilling, cooling the drilling head is more expensive than for oil and gas. Caution is needed also for the crew working with superheated steam and water.

Machinery

There are several problems associated with the transformation of geothermal energy into electric energy, the primary one being associated with the characteristics of the steam itself. If it is dry, having no minerals, wetness, gas or other impurities, the steam can be used directly to turn the shaft of the turbine-generator. But dry steam areas in the world are very scare. Presently, Lardello, Italy. Big Geysers, California; and Hamman Mescoutine, Algeria, are the only known dry steam geothermal fields. It is hoped, however, that with the tremendous exploration activities going on all over the world for low-cost energy resources, additional dry steam areas will be found.

Wet steam areas are more abundant, and they comprise the majority of the fields discovered. Wet steam is a natural phenomena; under certain pressures and superheat in subterranean regions, the hot water over its boiling point cannot turn into vapor. When reaching the atmosphere, it "flashes," it turns into steam. Steam having noncompressible liquid in it can ruin a turbine in a short time. Liquid particles in steam act as hammers against the blades of the turbine. Therefore, different types of equipment are used to take the wetness (liquids) out of the steam before it can be used in turbine systems.

The steam can also have solid particles, which might corrode both pipes and turbines. These must also be removed from the steam before its utilization. Noncondensable gases present additional problems for the engineers. However, theories are available and practical means are already on the market for the "cleaning" component.

Since most of the world's geothermal resources are wet steam, and they cannot be used directly with the turbine-generator system, several innovations have been devised. A major idea is the use of a heat exchanger to put the natural heat contained in large volumes of steam into some other heated element—e.g., freon gas—which in turn is used to rotate the turbine-generator. The Russians developed a binary fluid freon engine, and Magma Energy Corporation developed the Iso Butane techniques.[46] The conceptual power plants models are illustrated in Exhibit 7. Both techniques are usable where large volumes of very hot water or steam exist and ridding the steam of impurities is uneconomical.

The system of conversion is the major breakthrough in utilization of geothermal steam in power generation all over the world. Russian, Hungarian, and French engineers are especially interested as their lands are overlaid with hot water areas. Western Siberia has a subterranean hot water reservoir larger than the size of the Mediterranean Sea. The whole Danubian Basin, also known as the Hungarian Plains in the Carpathian Basin, has a large volume of hot water with hardly any surface manifestation; and the Paris Basin in France has the same. Author Horvath believes there are few such areas in the United States. In the United States it might prove very efficient to utilize the tremendous potential that exists in over 1,100 thermal springs locations.

The most well-known system for wet steam utilization is the Magmamax Power Process. McCabe describes it in the following way:

"The name is distinctive and implies the maximization of magmatic energy and identification with our company. We believe that certain important aspects of this process are unique in concept and therefore may be subject to patent.

"The brief explanation of this process is that we use as a power fluid such gasses as freons, butane, or other. These gases have the characteristics of having low boiling points with comparatively high pressures at low temperatures. The entire flow of the geothermal wells is introduced into heat exchangers at an inlet pressure that does not permit the fluid to flash into steam. The inlet temperature of the fluid will range between 275 to 400 degrees F.

"After passing through the heat exchangers, the fluid will be discharged at the cool end at approximately 130 degrees F. Energy of the fluid represented by the difference between inlet and outlet temperatures is thereby captured and heats the power fluid. This gas is kept in closed circuit and is the propulsive medium actuating the turboexpander directly connected with the electric generator. The gas, after being exhausted from the turboexpander, is then cooled by a conventional cold water condenser. After cooling it is pumped back into the circulatory system.

"All surplus water produced in excess of cooling requirements will be reinjected back into the underground reservoir from which it came, away from the source of primary heat." [47]

A brand new machinery system has been developed by Roger S. Sprankle, of Hydrothermal Power Co., California.[48] The essence of this system is the nonuse of a heat exchanger, where a heat loss of about 20% has to be considered as well as undersirable mineral deposits that can cause additional problems. The Lysholm Rotary Expander System uses a helical screw. Sprankle describes this new invention in the following way:

"The helical screw expander, another type of screw expander, appears to be a better qualified machine for these problems. The screw expander is a unique machine which bridges the gap between centrifugal or axial flow type aerodynamic machines and reciprocating positive displacement machines. The screw expander runs in a slower speed range without the high radial loads and balance problems characteristics of turbines. Corrosion and erosion are still a problem but much less severe by the very rugged bulk nature of the machine. Mineral deposition is not a problem; if anything it is beneficial. The efficiency of the screw expander is to a large extent dependent upon the clearance volume, i.e., the rotor-to-rotor and rotor-to-housing clearance or gap. With mineral deposition occurring, the rotors lap themselves in and continually scrape away excess deposit. Experience indicates that scars left by large solid particles being ingested actually fill in with mineral deposits; the machine is self-healing.

The advantages of the helical screw expander appear evident. In its ability to accept hot water, the helical screw expander can expand directly the steam that is continuously being produced from the hot water as it decreases in pressure through the machine. Thus as the mass flow of steam increases as the pressure drops through the expander, the energy is utilized and not wasted. Other systems can only approach the screw expander's efficiency in its ability to expand directly to condenser pressure.

"Since the helical screw expander is a positive displacement machine, it is able to run efficiently over a wide range of power loads at constant speed. This is of prime importance to power companies in meeting fluctuations in power demand. It also allows the system to be applied to a wide range of geothermal fluid inlet conditions. This will allow one system to efficiently cover a number of different geothermal locations having different pressures, temperatures, and flow conditions.

"Typical efficiencies for the helical screw expander range around 70%. It is my experience that this efficiency is exceeded when the clearance gap is reduced either by mineral deposition or the seal created by the liquid phase." [49] [See Exhibit 8.]

VII. PLOWSHARE CONCEPT OF GEOTHERMAL DEVELOPMENT

In April 1971, the Atomic Energy Commission and four major industrial companies published their findings on the utilization of small nuclear devices underground to bring up the earth's heat in steam form to produce electricity. Under this concept, heat

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is extracted from the hot rocks of the mantle of the earth; it is not necessary to rely on natural hot springs and a related circulation system. The process, mentioned previously, is known as the Plowshare Concept and includes fracturing large quantities of hot rocks, pumping water into the lowest part of the fractured area, and collecting superheated steam on the surface of the underground fractured region (Exhibit 2). The system relies on a closed circuit—a recycling of condensed steam from the turbine back into the hot rock area. This concept will open up geothermal heat energy otherwise not available. In both the United States and overseas, hot rock areas are more widespread than are thermal springs.

As might be expected, most of the hot rock areas are in mountainous regions, and these regions are usually less densely populated. But considering the low-cost, large volume of electrical energy to be derived from this technology, the transmission cost of geothermal electric power does not lessen its competitiveness with power generated by other fuels.

The Plowshare study describes the technological aspects of using small nuclear devices. The heat energy within a cubic mile of hot rock can equal the heat from 300 million barrels of oil. If the initial temperature of the rock is 350° C. (660° F.) and is cooled down to 177° C. (350° F.) using the recycled, closed system, it can support large electric power generating plants. The economic feasibility of such a venture is a function of the cost of fracturing the hot rock, the efficiency of heat extraction, and the quality of steam produced.

The concept dates back to 1964 and is credited to Kennedy,[50] and then to Stewart [51] and Burnham.[52] Two geologically different areas are amenable to geothermal heat extraction through this concept. The first is a steam field with marginal productivity, a category which might include most of the hot springs areas. The second area, and the most likely candidate for the most desirable geothermal steam, is one of intrusions of solid granitic rocks close to the surface.[53] In the western United States, granitic rock intrusions form a wide area, both in the Inter-Mountain Basin and in the Rocky Mountains. These locations are sparsely populated and could provide the base of a major-pollution-free power centrum for the entire United States.

The study discloses the feasibility of available technology for using nuclear devices for heat extraction. It is based on underground explosions of the American and French Atomic Energy Commissions. Though the system is not in use anywhere in the world presently, it is under study in the United States.[54] Seismic, environmental, radiation, and other considerations have been taken well into account in this concept. We have every hope that it will enhance geothermal energy utilization to an unprecedented scale and will be accepted by the industry presently bound to conventional methods and under fire in many circles.

VIII. GEOTHERMAL ENERGY DEVELOPMENT BY OPERATING ELECTRICAL UTILITIES

The Pacific Gas and Electric Company distributes electricity produced at the only commercially operated geothermal power plant in the United States at Geysers in northern California. The first generating unit completed in 1960 had a capacity of 12,000 kw.[55] With the addition of turbogenerators in 1963, 1967, and 1968, the current generating capacity of the Geysers installation, operated by the Union Oil Company, is 82,500 kw per hour. Turbine size has been standardized at 55,000 kw, and the capacity at the Geysers is soon expected to rise to 192,000 kw. The present expansion program of the Pacific Gas and Electric Company anticipates that by 1975 the kilowatt capacity of facilities at the Geysers will rise to 640,000 kw.[56] This capacity is sufficient to supply the demands for electricity of a city the size of San Francisco. The production of this amount of kilowatts of electricity would require the equivalent of about 8 million barrels of oil a year.[57]

The Geysers is a dry steam field that can utilize proven generating equipment. All other proven geothermal areas in the United States are predominantly hot water fields. Prototype equipment, however, has been developed to utilize hot water geothermal resources. Hot water areas are so extensive that electricity generated by geothermal energy reserves is a real potential in all regions of the United States.

IX. ENVIRONMENTAL IMPLICATIONS

Concern is growing that the generation of adequate electrical power through conventional processes will burden the quality of the environment. The placement of new generating capacity in sparsely populated areas is not the ultimate solution to the problem of providing adequate power at minimum environmental costs to urban user areas. This is illustrated by the Four Corners Complex, a $2.5 billion complex being developed by 23 private and public utilities to supply power to Los Angeles, Las Vegas, Phoenix, Albuquerque, and other cities of the expanding southwestern United States.

The first operating plant of the 6 coal-fired generating plants in the complex, a 2,085 mw facility, is probably the dirtiest power plant in the United States. It dumps into the atmosphere daily 250 tons of particulate matter, 236 tons of sulfur dioxide, and 240 tons of nitrogen oxide. Although the plant is being upgraded to conform with pollution standards in New Mexico, it will still pour 38 tons of particlulates into the atmosphere every day even if abatement equipment removes 99% of them. The haze spewing from the generating plant was clearly photographed by the 1966 Gemini space mission.[58] The Four Corners Region, comprised of Utah, New Mexico, Arizona, and Colorado, contains extensive geothermal resources.

Nuclear power plants do not emit the more traditional types of pollution, but do introduce other environmental hazards. If the projections of the Atomic Energy Commission are fulfilled, 600 nuclear power plants will be constructed in the United States over the next 30 years. If these plants are constructed, long-lived radioactivity equal to 500,000 Hiroshima bombs will be produced annually by this single power source in the United States.[59] The radioactivity contamination potential is an ominous threat to the environment of the United States, however fail-safe the technology of the industry may be.

Further, the Atomic Energy Commission is itself questioning the capacity of nuclear plants to survive a breakdown in the cooling system without melting or exploding.[60] While such a probability is remote, it does highlight the perplexity faced by the nuclear power industry in attempting to rationalize the public's ever-increasing demand for power with environmental protection. The environmental regulations adopted by the Atomic Energy Commission require a total environmental impact evaluation, including thermal effects, before a license can be issued. These regulations affect 63 licensing applications involving 91 nuclear power reactors, and 5 plants that obtained licenses after January 1, 1970.[61]

Nuclear power plants are further confronted with ecological realities in disposing of radioactive waste and thermal pollution. More than 80 million gallons of contaminated liquid are now stored in tanks by the Atomic Energy Commission. This radioactive waste must be cooled and retained for an indefinite period. The concentration into a solid form and deep salt mine burial of radioactive wastes (radwastes) is subject to public disclaim. Referring to the proposed storage ground near Lyons, Kansas, U.S. Senator Dole (Kansas) said: "We're eager for new industry in Kansas, but we have our doubts about whether this is the type of industry we want."[62]

Thermal pollution is the most formidable environmental cloud overhanging nuclear power. In the cooling process, waste heat—comprising about two thirds of the energy output of a nuclear power plant—is returned to the water source. If projected nuclear power generating installations are realized, it is estimated that "10 percent of the freshwater runoff in the United States will be used to cool nuclear power plants. This figure is expected to increase to one-third by the end of the century."[63] Atmospheric and thermal pollution are not limitations in the development of geothermal energy.

X. ECONOMICS OF GEOTHERMAL ENERGY

The marketplace is the determinant of all production, its failure or success; and in the dynamic process of supply and demand, the least cost method of producing triumphs, sooner or later. But a new process of producing a particular commodity or service must first be proved in order to be accepted. The Lardello, Italy, geothermal steam plant has proved itself over almost 70 years of some crisis in energy production and exploitation and search for new power resources. Conditions culminated in the U.N. Conference of New Sources of Energy, held in Rome, Italy, in August 1961. Two volumes of the Rome *Proceedings* carried the message across the face of the globe and advanced the many scientific investigations presently going on for locating geothermal steam resources.

The utilization of a large volume of natural hot water for other than power generation has been with us many decades. However, this is gaining a wider production; New Zealand plants, well over a decade; and Big Geysers, California about a decade. The availability of other conventional fuel resources at a low cost killed the first American experiment at Big Geysers, California. Fitch reported in 1927 (quoting *The New York Times* editorial, January 19, 1925) that the General Electric Company had a 35 kw turbine-generator providing power for a town of 2,000 people.[64] But this became only a scientific curiosity, nothing else.

The overall economic expansion in the world after World II led to acceptance—for space heating, greenhouse production of vegetables and flowers, diversified agricultural production and so on. Advancements in technology using large volumes of hot water, "dirty" steam, and so forth, will bring about the development of presently dormant geographic regions during the next decades. In addition, geothermal fluids are considered to be a brand new water, a raw material (most significant in the arid American West and desert regions of the world), and geothermal heat can be used to desalt additional seawater for seashore population centers. The list of natural steam and heat energy uses—almost free for drilling—is almost endless.

Geothermal steam derives its major economic importance from the fact that it can generate electric power. The total installed power capacity using geothermal steam amounted to 385.7 megawatts in 1961, and it increased to 677.6 megawatts by 1970. Although the rate of growth has been slow, presently over 1,000 megawatts are approved and scheduled for completion soon. Compared to the world's capacity, development is still very, very low. Presently, only Italy, Japan, New Zealand, Mexico, the USSR, and the United States are producing electricity from geothermal resources on a large scale. El Salvador, France, Iceland, Taiwan, and Turkey will be the next newcomers to this field; and, as we have noted already, other nations are rapidly exploring this resource.

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In the United States, Big Geysers, California, is the focal point; the Salton Sea area has demonstrated its availability; Nevada will become a major geothermal-power-producing state in this decade; and certain Rocky Mountain states will follow suit. The Plowshare Program opens up new vistas; the Lysholm Helical Screw Expander system, with its skid mounted mobility, makes even the "dirtiest" steam available for power generation; and, thirdly, pressure from conservationists will reduce the expansion of nuclear power plant development in the near future.

Dr. Facca summarizes the economics of a geothermal field: its feasibility is a function of its steam capacity, the output and spacing of individual wells, power demand, and delay time. The optimum size of power plants (in a non-atomic explosive fractured area) is 55 megawatts. The geometry of spacing wells and pipelines to the plant limits the profitability of the size. Therefore, the interrelationship between the geothermal area, pipeline, and power plant is to be considered. The size of the Plowshare geothermal project could be larger, but consideration must be directed at the seismic wave damage possibilities before and during the operating cycle of the field. A seismic power plant construction can add a full 10% to the capital cost of the power plant. But this is a subject of its own.

The main arguments in the economics of geothermal power production lie in cost comparisons with different power plants. Dr. Facca and Dr. Dam list the costs per kilowatt-hour by type of plant, as shown in Exhibit 9.[65] It is evident that geothermal power production has the least cost among known power plant types. Howell, Jr., calculated 2.64 mills for the Salton Sea area geothermal steam field with effluent disposal; without it, its cost would be 4.1 mills for one kilowatt-hour.[66] According to the U.N. report, McMillan calculated 4.91 mills as the total cost per kilowatt-hour at the Geysers, California, plant, while the cost at the other California power plants (conventional thermal) is 7.00 mills per kilowatt-hour. Mori reports, in the same study, that in Japan the power cost of one kilowatt-hour is 4.6 mills. However, in the second power plant the cost will be reduced to 3.1 mills.

Kaufman compares geothermal power costs with other power plants using load factors.[67] Geothermal plants operate at a higher load factor than do any other power plants. Using standard evaluation procedures suggested by the U.S. Federal Power Commission, the following assumptions are made:

1. Base load plant size is 1,500 megawatt.
2. Privately financed operation.
3. Life span: geothermal—20 years; hydro—50; and all others—30.
4. Fuel cost: average cost of coal in Colorado; and average cost of oil and gas in California.
5. Interest rate is 7%.
6. Allowance made for state, local, and federal taxes.
7. Fixed cost: 90%.
8. Variable cost: for coal, oil, natural gas units; 90% for nuclear and geothermal units; and 65% for hydroelectric units.

Using these assumptions Kaufman concludes that geothermal energy is competitive with all other electric power energy sources (Exhibit 10). These calculations are based on present geothermal technology.

The Plowshare geothermal power generation, the Magmamax process, and other freon-gas processes might considerably alter the whole economics of geothermal power production. An extremely valuable invention is the Lysholm Rotary Expander system, which was tested in Cerro Prieto, Well M10, with a 95.5% load factor and a better than 70% efficiency factor. There are these and other not-yet-invented technological breakthroughs. And they will, to a considerable extent, hold the key to the future of this industry.

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[36] The Overseas Liaison Committee's address is: Japan Geothermal Energy Association, Japan Electric Association Building, No. 1–3, Yurakucho, Chiyodaku, Tokyo, Japan.

[37] The American Geothermal Resources Council is organizing this Geothermal Symposium, in El Centro, California. It will be held at the Imperial Valley College. Preregistration will be handled by Professor Sam Dermengian, Citrus College, Azusa, California, 91702.

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TESTIMONY OF JOSEPH L. VICITES, COMMANDER IN CHIEF, VETERANS OF FOREIGN WARS

Mr. SCHWEIKER. Mr. President, on Monday I had the pleasure of introducing Joseph L. Vicites of Uniontown, Pa., commander in chief of the Veterans of Foreign Wars of the United States, at hearings of the Senate Committee on Veterans' Affairs. He was here to present the VFW's legislative agenda for 1972.

As former ranking Republican on the Labor Subcommittee on Veterans' Affairs, before it became a standing committee in the Senate, and as an honorary and regular member of the VFW in Lansdale, Pa., I was honored to introduce National Commander Joe Vicites. He is a strong and articulate spokesman for our Nation's veterans, and I look forward to working closely with Joe and the VFW in years to come.

Commander Joe Vicites' testimony, particularly as it related to our veterans hospitals, was of great interest to me, as I am certain it will be of interest to Senators. Therefore, I ask unanimous consent that my introduction of Commander Vicites and his testimony be printed in the RECORD at this time.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

STATEMENT BY U.S. SENATOR RICHARD S. SCHWEIKER

I appreciate having the opportunity to introduce to you today a fellow Pennsylvanian, Joseph L. Vicites, Commander-in-Chief of the Veterans of Foreign Wars of the United States.

He is a man dedicated to the service of his community, his state, and his nation. I am proud that he has attained a position of national leadership in this distinguished veterans' organization.

Commander Vicites is Clerk of Courts in his home town of Uniontown, Pennsylvania, and is active in a host of civic and community projects. The Uniontown Junior Chamber of Commerce chose him as its Young Man of the Year, and he has headed a fund drive to support programs for retarded children. He also has been active in the leadership of the March of Dimes, The American Cancer Society, the Heart Fund and the U.S.O.

Commander Vicites was inducted into VFW Post 47 in Uniontown in 1946, after serving in the 559th Anti-Aircraft Artillery Automatic Weapons Battalion during World War II. He stepped up to the Office of Commander of the Pennsylvania VFW in 1965, and was elected Junior Vice Commander-in-Chief of the National in 1969. He became Senior Vice Commander-in-Chief in 1970, and Commander-in-Chief last August.

I am delighted that a fellow Pennsylvanian particularly one who is so well qualified, will be given the opportunity to present the VFW's 1972 legislative agenda today, and I am honored to present him to the Committee.

STATEMENT OF JOSEPH L. VICITES

Mr. Chairman and members of the committee: It is a great honor for me to appear before this distinguished Committee to present the legislative program of the Veterans of Foreign Wars of the United States.

For over a quarter of a century the Veterans of Foreign Wars was the leading organization for the Senate to establish a Standing Committee on Veterans' Affairs. This goal was realized when the 91st Congress created this Committee.

There are more than 28 million veterans who, together with their families, represent about one hundred million Americans. This is approximately half of our population. Congresses have approved down through the years comprehensive programs of veterans rights and benefits which include veterans and their dependents from the Spanish-American War to the present Vietnam conflict. Having all veterans programs under the jurisdiction of one Committee makes it much easier and simpler for veterans and their families when they call upon the United States Senate for consideration and assistance regarding veterans legislation and programs.

As most of you know, the Veterans of Foreign Wars of the United States had its de facto origin in 1899. Veterans of the Spanish-American War met almost simultaneously in Pittsburgh, Pennsylvania, Columbus, Ohio, and Denver, Colorado to discuss the plight of their comrades. They subsequently joined forces at a meeting in Denver, where Post No. One, of our organization, still prospers, and carries on the work of its founders.

From that humble beginning, the Veterans of Foreign Wars has grown steadily—until today, we have one million, seven hundred thousand members.

This is the twentieth consecutive year in which we will have realized a substantial increase in our membership. In August, we expect to go to our National Convention in Minneapolis with one million, eight hundred thousand men; and a half million ladies in our Auxiliary.

Our program of service to the veteran and his dependents; to our communities; and to the nation, are principally responsible for this continued growth. These programs, however, do not function or produce results by themselves. Hard work and effective leadership, on every level, are essential to their success.

Many of the men who are responsible for this success are with me here today. They are the Department Commanders, their Staff Officers, National Committee members, and Post and District Officers, who have come from all over this great nation, and from several foreign countries, to attend our annual Washington Conference. Many of them will be visiting with the members of your Committee throughout the day as well as tomorrow night at the Sheraton-Park Hotel.

Neither time nor the purpose of my appearance here will permit me to review the varied programs of the Veterans of Foreign Wars. There is one, however, which both tradition and pride compel me to call to your attention. I refer to our annual Voice of Democracy Program.

This is a script-writing contest, annually participated in by high school students throughout our fifty states, the District of Columbia, the Pacific Areas, and the Panama Canal. The theme this year is "My Responsibility to Freedom."

Five college scholarships, totaling $22,500, will be awarded to the winners of that competition at our Congressional Banquet tomorrow night. The first-place winner will deliver his or her speech, and receive the first prize of $10,000, to be used to further his education at the college or university of his or her choice.

Mr. Chairman and Members of the Committee, the legislative program of the Veterans of Foreign Wars is the product of resolutions officially adopted at our annual National Convention. Approximately three hundred such resolutions were approved at our most recent Convention, which was held in Dallas, Texas August 13–20, 1971.

Immediately following that Convention, our National Legislative and National Security and Foreign Affairs Committees met here in Washington to review those resolutions. As a result of that meeting, a representative list of organizational mandates was selected, recommended, and approved by the various Committees, and by me as Commander-in-Chief, to make up our "Priority Legislative Program" for the current year. That program has been printed in an attractive brochure, and a copy has been furnished to each member of Congress, as well as other persons who have a responsibility to implement and carry out veterans programs.

It would be deeply appreciated, Mr. Chairman, if a copy of the Digest of our National Convention Resolutions, adopted in Dallas, and a copy of the brochure containing our V.F.W. Priority Goals for the current year, might be made a part of my remarks and incorporated in my statement.

Mr. Chairman, and Members of the Committee, I think there can be no doubt that the most pressing concern of my organization is the future of VA hospitals.

On the one hand, the Office of Management and Budget has been pursuing a policy of reduction for many years, with the design of cutting veterans' medical care to an average daily patient load of 60,000 by 1975. On the other, are the efforts of your Committee and organizations such as mine to frustrate this indifference to the medical needs of those who fight our nation's wars.

As you know, this fiscal year, the Congress found it necessary to halt an attempt by the Office of Management and Budget to cut veterans medical care in VA hospitals from 86,000 to 79,000.

The Veterans of Foreign Wars deeply appreciates the tremendous effort made by this Committee and the Congress to provide and maintain adequate funds and personnel for VA hospitals, in spite of the dollar signs which apparently run through the blood streams of the Office of Management and Budget, in so far as veterans are concerned.

The Veterans of Foreign Wars commends your Subcommittee on Health and Hospitals and its Chairman, Alan Cranston, which produced undeniable evidence that the VA medical care system needed more, instead of less, personnel and services.

The Senate and Congress agreed, and added over two hundred million dollars to this year's VA budget to prevent such a cut.

Even more important, the Congress wrote into the bill a prohibition against any reduction in VA hospital care and that is now a part of the law. I quote from Public Law 92–78:

> "* * * the foregoing appropriation shall not be apportioned to provide for less than an average of 97,500 operating beds in Veterans Administration hospitals or furnishing inpatient care and treatment to an average daily patient load of less than 85,500 beneficiaries during the fiscal year 1972."

In spite of this clear and legal Congressional mandate, I am advised that the Veterans Administration is taking care of only 83,000 patients, and cannot possibly care for the authorized number of 85,500 average daily patient load during this fiscal year. Obviously, the Office of Management and Budget has found a way to circumvent the will of Congress.

Yet there are waiting lists at many VA hospitals; and the rejection rate in some of them is excessive—running as high as sixty percent. The Veterans of Foreign Wars is deeply disturbed at this condition. And you may be sure, Mr. Chairman, and Members of the Committee, that we will expend every effort in support of your Committee and the Congress to see that this Congressional mandate is carried out.

We all know that the VA hospital system was created by the legislative acts of many Congresses, and the expenditure of many billions of dollars. It has been a vast and comprehensive undertaking by the official representatives of the people of this nation.

If I may summarize, for the record, the Veterans Administration is presently operating 166 hospitals; 202 outpatient clinics; 16 domiciliaries for elderly veterans; 76 nursing homes; 6 restoration centers; 3 blind rehabilitation centers; and 32 drug units.

The VA medical system, with its annual budget of approximately two billion dollars, took care of seven million of the nation's twenty-eight million veterans last year.

It is staffed by approximately 150,000 physicians, dentists, nurses, and paramedical health employees, on a full-time basis. In addition there are about 83,000 private physicians who take care of veterans on a fee-for-service arrangement in their local communities.

The Veterans Administration is also a major source of medical education, training, and research. For example, the VA system provides training for one-half of the third and fourth year medical students in the nation. During the past year alone it provided training for 53,000 individuals in 60 different categories of health sciences.

VA hospitals and clinics are affiliated with 81 medical schools; 51 dental schools; 287 nursing schools; and some 400 universities, colleges, and junior colleges which provide training for both professional and technical health workers.

In addition, the Veterans Administration has led the way in the field of medical research. It developed the cardiac pacemaker and medication for treating T.B. Both veterans and non-veterans are reaping the benefits of this giant of the health care business.

My organization is gravely concerned for the Veterans Administration's future role should a national health care system be established. We are concerned because the Office of Management and Budget has indicated in correspondence with members of Congress that the future of the VA hospital system is connected with national health insurance proposals now under active consideration by the House Ways and Means Committee.

The Veterans of Foreign Wars is greatly encouraged by an article prepared by the Chairman of the Ways and Means Committee, the Honorable Wilbur D. Mills, entitled "No, to Takeover of VA," which appeared in the February, 1972 issue of our V.F.W. Magazine.

Congressman Mills stated, in the next to last paragraph: "I am convinced we should not recommend federal health care legislation until the Administration provides firm information as to plans for the future of the VA program."

It will be deeply appreciated, Mr. Chairman, if a copy of the article by Congressman Mills, as it appeared in the February issue of the V.F.W. Magazine, may be made a part of my remarks at this point. Thank you. It is our fervent hope that the Congress will agree with him.

My organization is also deeply concerned over the status and the condition of our Vietnam Veterans. And I am proud to report to you, Mr. Chairman, and to the members of this Committee, that the Veterans of Foreign Wars boasts approximately 450,000 members who are veterans of that war.

Our boasting ceases, however, when we consider the fact that the unemployment rate among these young men remains excessively high, in spite of every effort to reduce it.

One of the most successful programs ever established by the Congress is the G.I. Bill. All veterans are grateful for it. The nation as a whole has profited by it.

A priority goal of the Veterans of Foreign Wars is increased assistance to veterans taking education and training under the G.I. Bill. The Veterans of Foreign Wars recommends a substantial increase in the GI Bill rates which will reflect the high cost of tuition, books, and fees.

Respecting jobless veterans, the Veterans of Foreign Wars strongly recommends a substantial increase in the assistance provided to veterans who are taking on-the-job and apprenticeship training under the G.I. Bill. Job training is essential for the hundreds of thousands of veterans who are returning to civil life without any civilian skills.

The Veterans of Foreign Wars also supports an advance payment as soon as practicable for veterans who are going to school or training under the G.I. Bill. There have been some extremely long delays in receiving the first G.I. Bill check, which have worked great hardship on veterans who are entering school for the first time.

The Veterans of Foreign Wars strongly supports pending legislation which would transfer the jurisdiction over national cemeteries to the Veterans' Administration. Our national cemetery system should be continued and expanded. Burial in a national cemetery is a perpetual honor. It should be every veteran's right.

Certainly it should be distinguished from a plot allowance, or other subsidy, which is nothing more than an economic benefit to the veteran's survivors.

We in the V.F.W. have long campaigned for at least one national cemetery in each state, so that every veteran who so desires may be laid to rest in a national cemetery reasonably near his home. We urge the enactment of legislation which will carry out this recommendation.

Our organization will be working closely with this Committee for cost of living increases in the compensation rates for the more than two million veterans suffering from service connected disabilities.

In that regard, the Veterans of Foreign Wars commends this Committee and your Subcommittee on Compensation and Pensions, headed by Senator Talmadge of Georgia. I am referring to the quick action taken by the Subcommittee and then the Committee last fall regarding cost of living increases in the VA pension and dependency and indemnity compensation programs. In addition to the desperately needed cost of living increases, this legislation carried out another V.F.W. priority legislative goal. The increase in the income limitations in the Veterans' Administration pension program, whch, together with the cost of living increases, have prevented any veteran or his widow from having his or her VA pension payment cut or stopped because of the 1971 social security increase or an equivalent increase in other retirement income.

Another matter of great importance to the Veterans of Foreign Wars is keeping the Veterans' Administration intact. To carry out this goal requires leadership and vigilance by the Veterans' Affairs Committees. A good example of what I am talking about concerns drug legislation for veterans.

The traditional way of handling medical programs for veterans, regardless of whether it is for drugs or any other problem, is legislation by the Committees of jurisdiction, namely, the Veterans' Affairs Committees.

When it became established that veterans and servicemen were suffering from drug problems, the Veterans of Foreign Wars urged the Veterans' Administration to immediately establish drug centers at suitable locations to meet this development. We urged the Congress to provide more flexibility for the VA to treat drug dependent veterans, a by-product of the Vietnam war. First, your Committee, together with your Labor and Public Welfare Committee, met in joint session concerning drug addiction among veterans. Subsequently, the House Veterans' Affairs Committee also held hearings on this program and reported a bill (H.R. 9265) which is supported by a mandate approved at our most recent National Convention. This bill, which is pending before this Committee, is the traditional and usual manner of handling legislation regarding treatment of veterans, and we are hoping that your Committee will favorably consider and report this bill before the 92d Congress adjourns.

In the meantime, however, the Senate acted on an overall drug bill (S. 2097) which would create a Special Action Office for drug Abuse and give its Director practically absolute power over the Veterans Administration. S. 2097, as approved by the Senate, would transfer a responsibility of the Veterans' Administration to this newly created office. We are hopeful that the Director of the Special Action Office will keep his hands off the Veterans Administration regarding treatment of veterans who are entitled to drug care. The Veterans Administration is the one single agency responsible for taking care of veterans. The Veterans of Foreign Wars opposes transferring any functions and responsibilities of the Veterans Administration to other Government departments and agencies.

Mr. Chairman, the Veterans of Foreign Wars is as anxious to see the end of the Vietnam War as anyone else, but we want that end to be an honorable one. For that reason we stand firmly behind the President on his eight-point proposal to bring American POWs home.

We strongly oppose bills now pending in Congress which would grant amnesty to draft dodgers who have fled to foreign countries in order to avoid military duty in our armed forces. If these draft dodgers wish to return to this country now that the war is practically over, they should be prepared to suffer the consequences for their crimes. They should never be permitted to return and walk unscathed among honorable Americans who served their country in its hour of need.

In conclusion, Mr. Chairman, may I again express my sincere gratitude for this opportunity to appear before this distinguished Committee.

It is our hope that each of you will be with us tomorrow night at our annual Congressional Banquet at the Sheraton-Park Hotel, where we will be honoring a distinguished Member of the Congress, the Chairman of the Foreign Affairs Committee, the Honorable Thomas E. Morgan of Pennsylvania. He will be ninth recipient of our V.F.W. Congressional Award for outstanding service to the nation.

The dinner will begin promptly at 7:00 P.M., with a reception beginning at 6:00 P.M.

Thank you for your attention.

EQUAL RIGHTS FOR WOMEN

Mr. HARRIS. Mr. President, the Senate will soon consider a constitutional amendment guaranteeing equal rights for women. I intend to introduce into the record several studies and statements which indicate that the need for an equal rights amendment is now as great as ever.

Our society has always restricted women to a different, and therefore often an inferior role. I firmly believe that as long as our laws permit any differentiation on the basis of sex and as long as women are denied the equal protection of the laws, then women will continue to be confined to an inferior status.

During the last several years, the White House has continually said that it has increased the number of women in policymaking positions in the Government. The statistics indicate that the White House has ignored the net results of changes in Government employment.

As statistics from the U.S. Civil Service Commission show, the total number of women in policymaking positions actually decreased from 1969 to 1970—from 173 in 1969 to 158 in 1970. In addition, the statistics indicate that the cutbacks in Government employees have discriminated almost entirely against women, when women occupy only 47 percent of the jobs at the higher grade levels. Women are the least powerful group and therefore they are the ones to suffer from the cutbacks.

One of the most controversial issues surrounding the equal rights amendment has been the question of its impact on protective labor legislation. In my mind, these laws once served a purpose. Now, however, that time is gone and these laws as they are now used are much more repressive than protective.

A study by the U.S. Department of Labor says that:

> Findings of the Equal Employment Opportunity Commission had determined that the special restrictions originally designed to protect women now tend to discriminate rather than protect.

The Labor Department study also shows that these laws are now being abandoned by the States, showing a trend "toward the lessening of restrictions for working women" by repealing outdated and discriminatory laws.

In addition to these studies, Mr. President, I wish to introduce a study by the Equal Employment Opportunity Commission showing that the Bell System—the Nation's largest private employer—"is, without doubt, the largest oppressor of women workers in the United States"; a column on the EEOC report and the Bell System by Nicholas Von Hoffman of the Washington Post; and excerpts from a speech by Wilma Scott Heide, president of the National Organization for Women, in which she indicates the degree of discrimination against women in employment opportunities.

Mr. President, I believe that these materials and the evidence they contain provide overwhelming reasons for the need for an equal rights amendment for women as soon as possible. I ask unanimous consent that this material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FULL-TIME WHITE-COLLAR EMPLOYMENT—GENERAL SCHEDULE AND EQUIVALENT GRADES[1]

	Oct. 31, 1970				Oct. 31, 1969			
Grade groups	Total employment	Number of women	Percent women in grade group	Percent total women employees	Total employment	Number of women	Percent women in grade group	Percent total women employed
1 to 6	1,093,337	504,194	46.1	76.7	1,116,766	517,607	46.3	77.8
7 to 12	690,500	142,994	20.7	21.8	682,214	138,065	20.2	20.8
13 to 15	181,032	7,381	4.1	1.1	174,212	6,896	4.0	1.0
16 plus, above[2]	10,299	158	1.5	.02	10,198	173	1.7	.03
Ungraded[3]	6,533	2,600	39.8	.4	6,402	2,553	39.9	.4
Total	1,981,722	657,327	33.2	100.0	1,989,792	665,294	33.4	100.0

[1] Approximately 76 percent of the total full-time Federal work force and nearly 93 percent of all full-time women employees.

[2] Includes employees whose annual salary rates are above the General Schedule (e.g., Executive Pay Act or Public Law-type positions).

[3] For the most part, ungraded are support staff to the Federal judges and courts throughout the United States.

Note: Women lost 7,967 jobs from Oct. 31, 1969, to Oct. 31, 1970.

Sources: U.S. Civil Service Commission, Bureau of Manpower Information Systems.

STATUS OF STATE HOURS LAWS FOR WOMEN SINCE PASSAGE OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

In 1963, 40 States and the District of Columbia had maximum hours laws for women in one or more occupations or industries.[1] In 1971 only 10 States retain such laws without major exclusions or change of status.

State laws providing special restriction or benefit for employed women in this country were enacted in the early 1900's, primarily to alleviate the poor working conditions and long hours to which women were subjected. After the passage of title VII of the Civil Rights Act of 1964, the status of these laws began to change. By 1969 the Equal Employment Opportunity Commission (EEOC), which administers title VII, had determined that the special restrictions originally designed to protect women now tend to discriminate rather than protect. In a few instances State-required benefits for women, such as premium pay for overtime, were extended to men.

The rapidly changing status of State hours laws specifically shows a trend toward the lessening of restrictions for working women through one or more of the following actions:

States have repealed hours laws or amended them to provide for voluntary overtime or have increased exemptions from hours laws;

State attorneys general have issued opinions invalidating hours laws for all women covered under title VII.

Courts have repeatedly, with few exceptions, invalidated State hours laws for all women covered under title VII.

REPEALS

Since the enactment of title VII, the following 10 States have repealed their maximum hours laws for women:

Arizona—1970.
Colorado—1971.
Delaware—1965.
Montana—1971.
Nebraska—1969.
New Jersey—1971.
New York—1970.
Oregon—1971.
Vermont—1970.
Wisconsin—1971.[2]

ATTORNEY GENERAL OPINIONS

The following 13 jurisdictions have had attorney general opinions which conclude that their hours laws are not applicable to employers covered under title VII:

California—6/24/71.
District of Columbia—3/25/70 (by Corporation Counsel).
Illinois—10/2/70.
Kansas—1969 (by Commissioner of Labor).
Massachusetts—9/30/70, 3/5/71.
Michigan—12/30/69.
North Dakota—4/18/69.
Oklahoma—12/5/69.
Pennsylvania—11/14/69[3].
Rhode Island—6/18/70.
South Dakota—2/27/69.
Washington—5/26/70.
Wisconsin—7/27/70.

The Attorney General of North Carolina has stated that the hours law in that State will remain in effect until a Federal court rules otherwise.

FLSA COVERAGE

Since the passage of title VII, several States have exempted from the State hours law employees who are covered under the provisions of the Federal Fair Labor Standards Act (FLSA).

All employees covered under FLSA are exempt from the State hours laws in:

Maryland—1969.

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[1] The only States without such laws exclusively for women in 1963 were: Alabama, Alaska, Florida, Georgia, Hawaii, Idaho, Indiana, Iowa, West Virginia, and Wyoming.

[2] Another hours law was enacted, however, which applies to women employed in hotels and motels and resorts only; other women are not restricted in the hours they may work.

[3] The Attorney General opinion stated that the State Human Rights Act impliedly repeals the hours law for women, as does title VII.

North Carolina—1967.
Tennessee—1969.
Virginia—1970.

VOLUNTARY OVERTIME

Two States amended their hours laws to provide for extended hours for women on a voluntary basis:

New Mexico—1969.
Texas—1971.

COURT DECISIONS

Federal courts have recently held that the State hours laws conflict with title VII in the following States:

California—1971.
Illinois—1970.
Kentucky—1971.
Louisiana—1971.
Massachusetts—1971.
Ohio—1971.[4]
Pennsylvania—1971.

HOURS LAWS RETAINED

Only 10 States retain hours laws at this time without major exclusions or change in status since 1964. (Some States among these 10 provide for extended working hours for women by special permit from the State labor department under emergency conditions. States vary in definition of emergency and length of time for which such extensions are granted. In Minnesota, however, the labor department may grant a permanent exemption at its discretion; this provision has been used where employers and their employees apply for an exemption from the hours limitation on the basis of sex discrimination.) The States are:

Arkansas.
Connecticut.
Maine.
Minnesota.
Mississippi.
Missouri.[5]
Nevada.
New Hampshire.
South Carolina.
Utah.

STATES WITH EQUAL RIGHTS PROVISIONS

One added development may have a long term effect on State protective legislation. Three States—Illinois, Pennsylvania, and Virginia—have ratified equal rights provisions which are included in their State constitutions. A similar provision will be voted upon by Texas citizens in the November 1972 elections.

(These data were assembled by Marialice Carter under the supervision of Ruth Shinn, Division of Legislation and Standards, Women's Bureau.)

A Study of Equal Employment Opportunity in the Bell System

PREFACE

This paper is an attempt to summarize in a manageable form the results of an intensive investigation of the employment practices of the Bell System operating companies. The investigation was undertaken by the Equal Employment Commission pursuant to a Petition filed with the Federal Communications Commission Docket No. 19143, alleging nationwide patterns of employment discrimination by the Bell System companies on the basis of sex, national origin, and race.

The paper is a distillation of only the most salient features of the patterns of employment discrimination revealed by the EEOC investigation and the policies and practices which are responsible for those patterns. It is intended to facilitate examination of the bulk of evidentiary materials which have been submitted to the FCC.

This paper was written and prepared primarily by David Copus, Lawrence Gartner, Randall Speck, William Wallace, Marjanette Feagan and Katherine Mazzaferri.

Chapter 2. Women in the Bell System: A Study in Sex Segregation

(NOTE.—Charts referred to are not printed in the RECORD.)

INTRODUCTION

Not only is the Bell System the nation's largest private employer, it is far and away the largest employer of women. Females, moreover, are employed in the Bell System at a much greater rate than in industry in general. It has become a cliche that the telephone company is "a good place" for a young girl to get a job.

In this chapter we will see the total sex segregation of the telephone company jobs and the resulting lower pay, poor working conditions, and fewer opportunities afforded to females. The next chapter will elaborate on the company policies and rationalizations which have produced and continue to perpetuate this sexist structure.

In 1968, when AT&T Vice President Walter Straley spoke of the Bell System's "unique competence to play a leading role in the improvement of employment opportunity," he referred, myopically, only to "disadvantaged minorities." If such a unique competence did in fact exist, it ought to apply with even greater force to women. But in 1971 it must be said that the System has failed to meet the challenge; the Bell companies must be characterized as uniquely *in*competent. Although women continue to be employed in very large numbers, they are confined to the most stifling and repetitive jobs. Their compensation is so meager as to make them doubt their own self worth. Their prospects for promotion are in the distant future, if at all. It is little wonder, therefore, that many women flee from telephone jobs almost as quickly as they are attracted to them.

EMMA NUTT TO THE PRESENT—NOT A VERY LONG WAY

The infant Bell companies, like most of their contemporaries in the 19th century, employed only males. Male Operators, however, were considered to be "noisy, boisterous and often rude to subscribers." As a bold experiment, the Telephone Dispatch Company (the predecessor of New England Tel.) employed Emma Nutt as the first female Operator in September, 1878.

The experiment proved to be quite a "success." Women very quickly took over the Operator's job and began to expand their areas of interest into what were then considered strictly male jobs. Female secretaries were employed "because girls would work for a third of the going $30-a-week salary for a male secretary." Mrs. Nutt, having pioneered in the Operator's job, set the pace for telephone women by advancing to Chief Operator, the first supervisory job for women, in 1883, and retiring after 33 years of service.

The number of female employees grew with the rapid expansion of the telephone industry in the 20th century. They were limited, however, to a narrow spectrum of positions in the male dominated world of work. The jobs available to women remained those which were opened experimentally over 90 years ago. Operator and clerical jobs, together with their immediate supervisors, came to be reserved exclusively for females. Whole sections of the Bell System became the women's domain, "where men are managers, customers or husbands." By 1971 more than 400,000 women worked in the Bell System, thus constituting more than half of all operating company employees.

THE SEGREGATION OF JOBS

By way of introduction to sex segregation in the Bell System, it is instructive to examine the myriad of official company documents which deal with employment and employees. A total sex segregation of jobs is reflected in virtually all such Bell System documents. Through pictures of males or females, pronoun reference or through straight-forward identification, all jobs are strictly classified as either male or female.

This sex denotation of jobs is carried consistently throughout company personnel manuals, collective bargaining agreements, job descriptions, company publications, general company advertisements, requisitions for employees, forms relating to employment, memoranda and letters, speeches, bill inserts, turn-over studies, testing studies, orientation materials, interviewer's aids, training manuals, community wage studies, award programs, annual reports, and even reports on affirmative action efforts to improve employment of minorities.

These documents unequivocally identify the following jobs as female: Operator, Plant and Accounting Department clerical jobs, Service Representative, inside sales jobs in the Commercial and Marketing Departments, and first level management jobs in the Traffic and Commercial Departments. Craft jobs, outside sales jobs, and middle and upper level management jobs are always identified as male jobs.

Public image

The rigid differentiation between the sexes in employment at Bell has become a trade mark of the System. The operator's job in particular has come to be recognized by almost everyone as especially suited to women. The telephone company has been described in the press as "the great historical bastion of feminine employment" and the Operator's job as "a female stronghold" of long standing. A newspaper article in February, 1971, reported that, "The idea that Telephone Operators are—must be—women is firmly planted into the public mind." Similarly, the public conceives of all craft workers and all managers as being male. The public's close identification of females with Operators and males with craft workers and management is no accident. It is the direct result of a calculated Systemwide sex segregation.

Only when one sex is totally unavailable for work has Bell resorted to "opposite sex" employment. During World War II women replaced men on most inside craft jobs, particularly Frameman. During strikes and service emergencies men have staffed the Operator's switchboards. These instances were certainly the exceptions, however, and as soon as the crisis had passed, the "normal" sex again took over the job.

A UNIFORM PICTURE

Perhaps the most striking feature of the Bell System's sex segregation is its absolute uniformity. All the operating companies are apparently subject to an immutable law of sex segregation in almost all jobs. The same jobs are allocated to the same sex in every company with the same result—women are consistently locked into the lowest paying jobs with practically no prospect for upward mobility, regardless of their skill or ambition. Every city, irrespective of its size or geographical location, reflects the same segregaton. Minor variations only serve to highlight the pervasive pattern throughout the Bell System.

This consistency is most apparent in the degree to which the major jobs are sex segregated in the operating companies. For the purposes of this report, any major job (a job employing 20 or more persons) that is 90% one sex or the other will be considered to be sexually identifiable and segregated. In the 30 SMSA's, 92.4% of all employees in major job classifications are in sex-segregated jobs.[36] (see Table 4.) There are no cities which may be categorized as "good" on this index. In New York City, the city with the least segregation, 86.0% of all employees are in classifications in which one sex is 90% predominant. An even more distressing statistic is the fact that in the 30 SMSA's, 54% of all employees in major job classifications are in 100% sex-segregated jobs. In seven of the 30 SMSA's *all* of the 25 largest jobs are readily identifiable as belonging to one sex or the other. At least 21 of the 25 largest jobs are segregated in every one of the SMSA's.

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[4] In a State court, a contrary decision is being appealed.

[5] A Federal court in 1970 dismissed a class action to strike down the State hours law.

TABLE 4.—SEX SEGREGATION OF JOBS WITH 20 OR MORE EMPLOYEES, BY SMSA, DEC. 31, 1970

Standard metropolitan statistical area	Percent of all employees in 100 percent sex segregated jobs	Percent of all employees in 90 percent sex segregated jobs
Atlanta	79.8	92.7
Baltimore	61.9	96.3
Birmingham	91.7	92.7
Chicago	36.9	90.0
Cleveland	57.3	95.9
Dallas	81.0	99.2
Denver	58.6	94.4
Detroit	75.1	97.7
El Paso	96.0	100.0
Greensboro	97.7	97.7
Houston	83.1	97.9
Indianapolis	79.4	95.3
Jacksonville	83.6	96.3
Kansas City	87.1	99.3
Los Angeles	27.3	94.7
Memphis	82.2	93.9
Miami	72.0	92.2
Mobile	100.0	100.0
New Orleans	95.2	96.6
New York	38.6	86.7
Newark	74.6	88.7
Norfolk	91.4	100.0
Philadelphia	84.2	95.0
Phoenix	73.9	95 3
Richmond	50.5	91.8
St. Louis	77.1	95.3
San Antonio	96.3	100.0
San Diego	54.1	96.0
San Francisco	27.9	92.5
Washington	58.4	92.9
Total (30 SMSA's)	53.9	92.4

Source: EEOC C-661, EEOC C-690.

Departmental segregation

Because virtually all jobs are sex segregated, whole departments may be designated as male or female in all the companies. Almost half of all females employed in the 30 SMSA's are in the Traffic Department while less than two percent of all males are assigned to that Department. The Traffic Department has been appropriately described by Bell officials as a "nunnery." In contrast, three-fourths of all males are employed in the Plant Department, but only one-eighth of all females. (See Chart 4.) Graphic and statistical presentations of the sex composition of all departments for each of the 30 SMSA's have been prepared and can be found in Exhibit 1, pp. 4–64. Those data very clearly show the sex-segregated nature of all major departments in every location.

The concentration of females in Traffic and males in Plant has two immediate implications. First, because the wages in the Plant Department are much higher than in the Traffic Department, males make more money. Second, the opportunities for promotion within non-management, into management and within management are infinitely better in Plant and, therefore, for males. Later sections will quantify both the wage and promotional disadvantage suffered by women in the Bell System. First, however, a detailed examination will be made of the specific jobs which are sex segregated.

THE MAJOR FEMALE NONMANAGEMENT JOBS

Nationwide, eight out of ten female employees are in three major groups of jobs: Operator (40% of all female employees), Service Representative (8% of all female employees), and clerical and stenographic (32% of all female employees). For almost a century the Bell companies have considered these jobs to be reserved for females.

Operator

At the end of 1970, the operating companies employed over 165,000 Operators, but only 224 (0.1%) were male. Were it not for the token effort of Pacific Tel. there would be almost none. Twelve companies have no male Operators.

Service representative

Bell's recruitment literature says of the Service Representative, "She is the telephone Company." This is a particularly apt description since 99% of all Service Representatives are females. Five companies have no male Service Representatives. In only two companies and four of the surveyed SMSA's does the percentage of male Service Representatives exceed one percent. (See EEOC Exhibit 1, pp. 447, 448.)

Clerical

The third major "female" job group is clerical. In the operating companies 93% of these low paying jobs are held by women. Although seven percent of these jobs are held by men, it should not be assumed that these are the same clerical jobs held by females. Consistent with the over all patterns, most companies reserve a certain few clerical jobs—Utility Clerk, Construction Clerk, etc.—for males. These classifications are usually paid more than "female" clerical jobs. In every SMSA almost all clerical jobs continue to be identifiable as "women's" jobs.

Inside sales

A fourth "female" job group, somewhat smaller than the three discussed above, illustrates the Bell System's segregation of even functionally-related jobs. As observed in Chapter 1, there are two basic categories of sales jobs—inside sales which handles smaller equipment and advertising orders and outside sales which contracts for major customer purchases. Despite the functional relationship between the jobs, they continue to be distinguishable by the sex of the incumbents. Of 1369 inside sales workers in the 30 SMSA's, 95.2% are females; of 4000 outside sales workers, only 8.1% are females. (See EEOC Exhibit 1, p. 451.) In 1971 Southwestern Bell continues to designate its inside sales workers "Telephone Saleswomen."

In short, in 1971 almost every major low-paying job in the Bell System is a "female" job. The introductory description of low-paying jobs (Operator, clerical jobs in Plant and Accounting, Service Representative and inside sales jobs) is also a perfect description of jobs which are almost totally females. The fact that exactly the same jobs are female in city after city and company after company is obviously the result of System policy. The fact that these jobs are also the lowest paying jobs everywhere in the System is also no accident. The contrary situation exists, of course, with respect to the jobs which the Bell System has allocated to males. These jobs are discussed below.

THE MAJOR MALE NONMANAGEMENT JOBS

One-fourth of the operating company employees are in telephone craft positions. Except for the upper level management jobs, these classifications are the most desirable in the System. Not only is the pay a great deal higher and the opportunity for promotion much greater, the job itself is much more challenging and satisfying than the Operator and clerical jobs.

These more attractive craft jobs have never been open to females on the same basis as males. Prior to the effective date of Title VII of the Civil Rights Act of 1964, there were virtually no females in any of the telephone crafts. In 1965 *only three companies* (New England Tel., Ohio Bell and Michigan Bell) employed *any* females in craft jobs.

The passage of Title VII has not, however, been a significant spur to the utilization of females in the telephone crafts. In 1971, although all the companies had at least one female craft worker, in only five companies did the proportion of female craft workers exceed one percent.

Two observations make this gross underutilization particularly distressing. First, it should be recalled that since the Bell System trains for every job, the absence of female craft workers cannot possibly be explained by the lack of "qualified applicants."

Second, each Bell company employed females in craft jobs at rate far below that of other companies in its area. (See Chart 5.) In 1971, only Michigan Bell managed to employ female craft workers at a rate greater than area employers. In most of the operating companies, females are employed in the crafts at a rate only 10–15% of the area all-industries rate.

Of 190,000 telephone craft workers in the operating companies at the end of 1970, 99% were male. The "outside" crafts (Lineman, Installer-Repairman, PBX Installer-Repairman and Cable Splicer) were virtually 100% male. In the 30 surveyed SMSA's there were only nine females in outside crafts (three Repairmen, one Installer-Repairman, one Transmission Man, one Installer, two Station Installers and one Cable Splicer). (See EEOC Exhibit 1, p. 450.)

The Bell System's employment of women in the "inside" crafts (Frameman, Switchman and Test Deskman) is hardly better; all are substantially sex segregated. See EEOC Exhibit 1, pp. 449–450.)

Michigan frameworkers

The Frameman classification is a particularly interesting case study of the Bell Systems' penchant for classifying *every* job by sex. Prior to 1965 only one company, Michigan Bell, employed women in Framework. At Michigan Bell this classification, titled Switchroom Helper, was *totally* female and had been so for at least 20 years. The job was treated in every respect as a "female" *clerical*-type job. The "female" (clerical) test battery was administered to applicants; applicants were required to be between 5'3" and 5'10" tall; the rate of pay was within the clerical range rather than the craft range, promotional opportunities were into lateral clerical jobs rather than to higher-rated crafts or management. The Switchroom Helper's job, though craft in function and identical to the all-male Frameman's job in other companies, was typed in every way as a female classification by Michigan Bell.

After 1965, some companies (though by no means all) realized that females could no longer be excluded from the Frameman's job.. (See the discussion of BFOQ in Chapter 3.) Southern Bell and South Central Bell, to a limited extent, began what amounts to a conversion of a "male" job into a "female" job. By the end of 1970, over 60% of the Framemen in Atlanta, Birmingham and Greensboro/Winston-Salem were "Framedames." The evidence also tends to show that the rate of pay for Framework relative to other crafts also began to reflect its "female" designation in these companies.

In January, 1970, Illinois Bell gave serious consideration to "an all female Frame force similar to Michigan Bell." They concluded, however, that their "hiring problems [among males] were not so critical that they should break toward an all female Frame force." Illinois Bell observed, nevertheless, that, "The Michigan people do still believe this is the way to go."

Most other companies, despite the examples in Michigan Bell and Southern Bell, continued to defend the male craft fortress. At the end of 1970, there were no female Framemen in six SMSA's, and less than five percent of all Framemen were female in eight other SMSA's Despite the fact that Framemen in some cities were all female, only 12% of all Framemen in the 30 SMSA's were female.

The other major inside craft jobs continue to be exclusively male with little indication of any female participation to date. The Switchman classification was only 0.6% female at the end of 1970. Eleven of the 30 SMSA's had no female Switchmen. Females were similarly excluded from the Test Deskman's position, comprising only 1.7% of all employees in that position. In New York, for instance, of 1600 Deskmen, none were female.

In summary, on December 31, 1970, virtually all craft jobs in the Bell System were held by males. Outside craft positions were exclusively male. Females had entered only one inside craft job, Frameman, and that only very selectively. As noted before, males held 92% of the outside sales jobs.

Thus, the description of the sex composition of major Bell System non-management jobs comes full circle. All low-paying, high-turnover, dead-end jobs are female. High-paying, desirable jobs with substantial chances for promotion to middle and upper management are male. It is no surprise, therefore, to find very few females in management jobs above the first level. The following section describes this exclusion from management.

FEMALES AND MALES IN MANAGEMENT

The exclusion of females from Plant craft positions and their concentration in the Traffic Operator's job has serious implications for their respective opportunities for promotion into management. As shown above, the chance for promotion into management within the Plant Department is twice as great as the chance for promotion to management in the Traffic Department. In the operating companies a woman's chances of reaching management are approximately one in eight while a man's chances are one in three. (See Chart 6.) The chances for a male to reach management are thus consistently two or three times the chances for a female.

Even these statistics, however, exaggerate a female's potential for achieving positions of responsibility and commensurate compensation. Of all male managers in the 30 SMSA's 45% are in management level two or above; a meager 6.3% of all female managers have progressed above the initial plateau of management. (See Chart 7.) Even fewer females make it to the highest levels. Of 2650 employees above third level management in the 30 SMSA's, only 31 (1.2%) were female.

Most staggering are the departmental management figures. It has already been observed that most middle and upper level Bell System managers in all departments are either promoted up from craft jobs in the Plant Department or hired directly into management through the IMDP. Chart 7 records the effect of this Bell System policy on the chances of women being promoted to middle management. It is almost inconceivable that in the 30 SMSA's, 99.6% of all non-management employees in Traffic are females, 92.4% of all first level managers in Traffic are female, but only 25.3% of all managers in levels two through five are female. Equally staggering disparities exist in the Commercial and Accounting Departments. It is now clear that in Traffic, Commercial, and Accounting, "men are managers, customers, or husbands." Females fill virtually all low-level jobs but are shut out of management jobs above the first level. For women, the Bell System's fabled "up from the ranks" promotion policy is the height of hypocrisy.

Even the law has not been a significant stimulus to promotion of women within management levels at the Bell System. After examining the distribution of women in management levels for the period between 1966 and 1969, AT&T's task force on women concluded in August, 1970, that—

"Movement during this four year period has been quite slow; for all practical purposes, the only change has been a slight increase in second level jobs held by women."

Staff roles

Moreover, within management levels, females find themselves confined to staff positions and not in the mainstream of management. For instance, 9.1% of all females in management (as defined by the operating companies) are classified as Secretaries, a position that would not be considered management in almost any other context.

Those females in more traditional management jobs are still confined to advisory, support positions. Of the 31 females above District level in the surveyed cities, only three are located in the operating departments. The others fill legal, medical or other specialized support roles. This same finding was emphasized in the report of the AT&T task force on women.

"Only a few of the District and above women managers are *functioning* in line management jobs. The job titles of the vast majority of these managers, regardless of department, indicate either a specialist assignment or a staff role. The few women that do progress in management, do not move into the general management mainstream."

The Bell System's failure to promote females must be classed as one of the most monumental inequities in private industry. Even so, AT&T Chairman of the Board, H. I. Romnes, on December 11, 1970, labeling as "outrageous" the EEOC's charges of "pervasive, system-wide" discrimination against women, stated that the Bell System "recruits, hires, assigns and promotes without discrimination." Romnes reported that females make up 33.5% of the System's managers and professionals. The hollowness of these statements is self-evident.

FEMALE AND MALE WAGES

Although by 1971 all the operating companies had ceased to officially label wage schedules as male or female, the total segregation of jobs had the same inevitable effect. This is not a case of unequal pay for equal work. Females are paid less because they are excluded from all jobs classified at a higher wage.

In the 30 SMSA's 80% of all female employees are in classifications whose maximum basic annual wage is less than $7000; only four percent of all males are in such classifications. (See Chart 8.)

At the more lucrative end of the scale the differences are equally disparate. While 34% of all males are in classifications with a maximum annual salary of at least $13,000, only three percent of all females are so situated. The chance that a female will earn over $13,000 per year is less than one-tenth that of her male counterpart.

Furthermore, males begin at higher wages than females and continue to maintain a greater wage throughout their tenure in the Bell System. The average maximum wage for males in entry level jobs in the 30 SMSA's was $8,613; the average maximum wage for beginning females was $6,114 or only 71% of the male wage. A female in first level management averages $11,194. Should she compare herself to a male in first level management, she would discover that her wage is only 79% of his. When measured in terms of total "occupational position," females' wages were only 75% of the average wage for all employees and only 60% of the average wage of male employees. Graphic displays of the male/female wage distribution and occupational position have been prepared for each SMSA and can be found in EEOC Exhibit 1, pp. 128–188 and pp. 238–299.

By any standard, the exclusion of females from craft jobs and middle and upper management positions is tragic. The psychological toll is incalculable. The toll in turnover is fantastic. The loss in wages is astronomical. The conclusion is inescapable that, in terms of providing equality of opportunity for females, the Bell System has been uniquely incompetent.

SUMMARY

While the majority of the employees in the Bell System are female, almost all jobs in the company are sex segregated.

The Bell System originated and encourages the common conception of certain jobs as male or female.

The sex segregation is uniform from company to company.

The Operator, Service Representative, and clerical classifications are almost exclusively female and contain 80% of all females in the System.

Nearly all craft jobs and middle and upper level management jobs are held by males.

"Male" jobs invariably pay more, are more rewarding, and provide greater promotional opportunities than "female" jobs.

TABLE 5.—SUMMARY OF FEMALE PARTICIPATION IN THE BELL SYSTEM, DEC. 31, 1970

	Total employment	Female employment	Percent female
Officials and managers	88,301	36,295	41.1
Professionals	58,756	12,051	20.5
Technicians	4,791	3,052	63.7
Sales workers	12,113	3,168	26.2
Management	5,814	661	11.4
Nonmanagement	6,299	2,507	39.8
Office and clerical	359,119	348,071	96.9
Secretaries (management)	4,929	4,919	99.8
Clerical and stenographic	141,394	131,677	93.1
Telephone operators	165,372	165,148	99.9
Supervisors/service assistants	13,440	13,437	100.0
Service representatives	33,093	32,740	98.9
Other business office employees	891	150	16.8
Craft workers	192,328	2,120	1.1
Operatives	7,437	119	1.6
Service workers	9,605	4,648	48.4
Total	732,450	409,524	55.9

Source: EEOC W–659.

"A System Designed by Geniuses for Extension by Idiots"

(By Nicholas von Hoffman)

The first voice with a smile was a woman named Emma Nutt. The reason she got the job as America's first female telephone operator in September, 1878, was that the males at the Old Telephone Dispatch Company were "noisy, boisterous and often rude to the subscribers."

Emma worked out so well by the end of 1970 there were more than 165,000 operators, of whom 224 or .1 per cent were male. The voice with a smile was getting a little grouchy, however. By 1968 the turnover in operators with less than six months' experience was running as high as 200 per cent. Indeed, it's been estimated that if AT&T and its affiliated Bell Systems could learn to keep its employees' loyalties, the resultant savings would cut our phone bills by as much 4 percent.

Why does Emma quit? One reason would appear to be that many people can't take working in "a system designed by geniuses for execution by idiots" as one non-AT&T study of the operator's job so feliciously phrased it. There may be other reasons according to the federal government's Equal Employment Opportunity Commission that recently declared that "the Bell monolith is, without doubt, the largest oppressor of women workers in the United States . . . Bell's policies toward women are morally and ethically indefensible and since July 2, 1965, (the date of passage of that year's civil rights act) they have been against the law. Nevertheless, the discrimination continues."

This is unheard of language for any agency of the American government to address to a non-Communist power, especially a major corporation. These sentences appear in a report released by the commission in early December, but despite its calling AT&T "reactionary" and saying that "Bell's culpability is virtually absolute," little attention has been paid to it. Such small editorial comment as has been made seems to have been jocular and mocking, words written by men who haven't read it and seen the documentation showing that the nation's largest, single employer of women—more than 400,000—believes that females should get 60 per cent pay for a full day's work. According to the commission, that's the figure: women who constitute more than half of the System's operating workers, make 60 per cent of the average wage of male employees.

Through the Bell System's elaborate recruiting, hiring and promotion practices, women are trapped and segregated into "the most stifling and repetitive jobs. Their compensation is so meager (average maximum annual wage is $6,114 for beginners) as to make them doubt their own self worth. Their prospects for promotion are in the distant future, if at all."

Emma Nutt did get promoted—to chief operator in 1883, and that's about as far as women get today. They can make it up to the bottom level of management, but only in sexually segregated departments like operator or sales representative. The latter is the woman who takes your order for a new phone. The Bell people counter by saying that there are a large number of women in management but the commission points out that they count secretaries as managerial personnel. The real situation is revealed by a citation from an AT&T task force report on women in management quoted by the commission: "The chance that a given male first level manager will reach district level sometime in his career is about one in four or five. For an incumbent female first level manager, the odds become less than one in 300."

The commission tells us that one of the ways that phone company women are kept barefoot and humble is by preventing—and this is Bell's language in an AT&T document quoted by the Commission—the "contamination of male job classifications by females." The higher paying jobs like repairmen and phone installers are reserved for men. There's no reason for this because Bell requires no previous training or experience for any of its entry level job classification. They teach all their own people so that prior work as an electrican, for instance, doesn't give you any leg up.

Some Bell companies, but not all, use protective health legislation as a ruse for not contaminating their male jobs with women. The commission argues, however, that these laws seldom apply to telephone work and that usually wherever they are challenged, they fail.

Another way to keep the wages down is to keep the men from contaminating the female job categories. Now, since it's highly unlikely that working as an operator would impair a man's health, the phone people have had to come up with other reasons for sexually segregating their workers: "Many times operators' knees, elbows and arms brush their neighbors' bodies. To have men and women—even those with the best intentions and goodwill—working side by side under these conditions would create an intolerable situation."

You can get a copy of this report for free by writing the Equal Employment Opportunity Commission, AT&T Task Force, 1800 G St. NW, Washington, D.C. Besides phone company employees, the husbands of women who work for the company ought to be interested. After all, the dough their wives don't make—estimated at almost a billion dollars a year—isn't going into that joint account, and, certainly, if Emma Nutt's great-great-granddaughter is around, she ought to read it before she goes into the family business.

EXCERPTS FROM A FEMINIST MANIFESTO

(By Wilma Scott Heide, President, National Organization for Women)

NOW, let me share with you some facts and understandings about employment of women. 80% of the functional or absolute illiterates in this country are females. Twice as many girls as boys suffer from malnutrition, the greatest cause of brain damage to children. Unemployment and under-employment among women and girls of *every* race is greater than unemployment and underemployment among men and boys of every race and that doesn't even count the women and girls who have given up finding even the low-paying, generally deadend jobs still reserved for females. These are facts from the sexist U.S. Labor Department's and U.S. Commerce Department's own data and elsewhere. The President's Task Force on Women's Rights and Responsibilities Report called: "A Matter of Simple Justice" notes: "The testimony and published data received by the Task Force indicate that long-established policies of Federal agencies base their efforts to alleviate poverty and discrimination on the assumption that race discrimination is more inflammatory than sex discrimination.

"Sex bias takes a greater economic toll than racial bias. The median earnings of white men employed year-round full-time is $7,396, of Negro men $4,777, of white women $4,279, of Negro women $3,194. Women with some college education both white and Negro, earn less than Negro men with 8 years of education."[1]

Women are the economic support of 1,723,000 impoverished families, Negro males are the economic support of 820,000 families in poverty. One quarter of all families dependent on white women are in poverty; more than one half of families dependent on Negro women are in poverty. Less than one quarter of those families dependent on Negro men are in poverty. Seven percent of those dependent on white men are impoverished. The Women's "Action" Program report from the U.S. Department of Health, Education and Welfare dated January, 1972 notes on page 86 that, according to the 1970 census, the median income of women 65 and over is less than half ($1,397) the median income of men of this group ($2,828). Aged single women and widows are among those with the lowest income position; half the females 65 and over, living alone or with nonrelatives, had income below the poverty level in 1970, and another 13% were considered "near-poor." These are the women living in gentile and not so gentile poverty.

Anywhere from 65 to 85% of the people requiring public assistance (which is their right) and referred to by degrading connotation of "on welfare" are women and their dependent children. First, everyone of us is on public welfare, we just don't call it that. Public transportation including airlines, public higher education, public parks, public highways, public tax benefits, oil depletion allowances are all forms of public welfare. It is grossly insensitive to further insult those poor who need public assistance for survival and can't even afford access to benefits of other forms of public welfare.

THE PRESIDENT'S VISIT TO CHINA

Mr. MONDALE. Mr. President, President Nixon's trip to China is to have far-reaching consequences on the future of American foreign policy. It is still early to judge its impact but I recommend to the Senate a recent analysis by Charles Bailey, Washington bureau chief of the Minneapolis Tribune.

Mr. Bailey, who accompanied the President on his journey, presents a thoughtful perspective on this historic development.

I ask unanimous consent that Mr. Bailey's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Minneapolis Tribune, Feb. 29, 1972]

UNITED STATES APPARENTLY PAID BIG PRICE FOR CHINA AGREEMENT

(By Charles W. Bailey)

ANCHORAGE, ALASKA.—A first reading of the scorecard on President Nixon's encounter with the leaders of Communist China suggests that the American leader gave a lot—and that how much he got in return remains to be seen.

It is impossible to measure at this point the long-range impact of Mr. Nixon's trip on either U.S.-China relations or the larger world political balance. That kind of assessment, as the President said before he went to Peking, will require months and even years.

In the short run, however, Mr. Nixon appears to have paid a substantial price for a limited number of concessions by Mao Tse-tung and Chou En-lai.

On the plus side, the President does come home with the one specific thing he has said all along he wanted: Chinese agreement to establish continuing diplomatic contact, including periodic trips to Peking by high-level officials, and a continuing diplomatic "contact point" for routine business.

In addition, Chou agreed to abandon his previously adamant ban on trade with the United States. While Chinese-American trade won't amount to much in dollar terms in the foreseeable future, the political implications of even a modest commerce are considerable—particularly in China, where Mao has made economic self-sufficiency a cardinal political virtue.

Another significant, if limited, Chinese move was Chou's agreement to set up a program of cultural exchanges—involving reciprocal visits by journalists, scientists, performing artists and others.

Those who accompanied the President to China disagreed on many things, but almost all came away feeling that the mere presence of the Americans had a substantial impact inside China. This was not merely a matter of personal contacts—though even the most skeptical were impressed by the warmth and sincerity of Chinese of all sorts, especially in cosmopolitan Shanghai.

More important, perhaps, is the fact that every Chinese citizen got a loud and clear signal—thanks to the efficient Communist propaganda apparatus—that their leaders from Mao on down regarded increased contact with the U.S. government as a good thing.

But when all of this is said, the other side of the balance sheet remains to be read, and it still weighs heavily. In effect, Mr. Nixon gave Chou everything the Chinese premier could reasonably have expected to extract from him on the one issue Chou regards as the most important between the two nations—the status of Formosa.

The President did not renounce the long-standing U.S. treaty commitment to defend if necessary Chiang Kai-shek's island fortress, nor did he, at least publicly, agree to sever his diplomatic ties with Taiwan, but as a practical matter he seemed to come close to doing something very much like that.

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[1] U.S. Department of Commerce, Bureau of the Census: CPR–60, No. 60, Table 11 and Table 4 in Task Force Report, April, 1970 p. 18.

He pledged the eventual removal of all U.S. military forces from the island—something Chou has vehemently demanded—and he publicly espoused Peking's claim that Taiwan is a province of China—a statement that appeared to rule out any future American support for an independent Taiwan.

A gradual American withdrawal from support of Taiwan has been inevitable since Mr. Nixon began his long courtship of Peking three years ago. But Sunday's Nixon-Chou statement, with its explicit abandonment of the "one-China, one-Taiwan" policy that the United States pushed at the United Nations vote last fall, seems likely to signal a much more abrupt abandonment of Chiang than Mr. Nixon would have liked.

Unmentioned by the communique was the matter of Americans now being held in prison by the Chinese. Mr. Nixon is known however, to have brought up the matter with Chou. If the Chinese decide to release one or more of the U.S. prisoners, that would be another entry on the plus side of the meeting ledger for the United States.

All of this plus-and-minus exercise, however, leaves the root questions raised by Mr. Nixon's visit to China unanswered. Those answers can only come over a long period of time; they will depend much more on subsequent events than on what Mr. Nixon and Chou said to each other; and they will be affected by the domestic Chinese political struggle which even during this past week of ceremony was still visible to the careful eye.

Chou was clearly in charge in Peking, but it was equally clear, from the propaganda display given Mr. Nixon's brief call on Mao, that Chou cannot move closer to the United States without Mao's explicit approval.

Even with that there were signals of possible dissent, Chang Chunchaio, a leader of the Communist party's left wing and the top man in Shanghai, pointedly suggested in his banquet toast Sunday that China would continue "along the road of maintaining independence and keeping the initiative in our hands and relying on our own efforts." Chou, with his long record of survival in the tortuous corridors of Chinese Communist power, could hardly fail to get the message.

Chou, Mao and most other top members of the current Chinese ruling group are old men. For all his intellectual force and sprightliness of demeanor, Chou is obviously physically frail at 73, and neither Mr. Nixon nor anyone else either in Washington or Peking can be sure who will be next at the top in China—or what he will do when he gets there.

Thus the new road which Richard Nixon and Chou En-lai started to travel last week is almost uncharted, by circumstance if not by intention, and whether the Shanghai statement will lead on to true long-range rapproachment is very much in question.

For all its politically self-serving hyperbole, Mr. Nixon's statement Sunday that "this was the week that changed the world" is probably true. The problem is that at this point neither he nor the rest of the world can tell just where we go from here.

RULES FOR LETTERS

Mr. SCHWEIKER. Mr. President, the Reading, Pa., Sunday Eagle has long performed a valuable public service by periodically urging its readers to write to their elected officials. Each Sunday the Eagle prints the names and addresses of the U.S. Senators, Representatives, and State legislators who represent the people of Berks County and vicinity.

Recently, the Eagle expanded on this worthwhile feature by printing "Rules for Letters," a list of guidelines to help its readers write more effective letters to their legislators. These guidelines urge constituents to "be reasonable," to include exact return addresses, and to let their legislators know when they are pleased with their votes on an issue.

In my office, personal responses to mail from the people of my State is a No. 1 priority, as I know it is in the offices of other Senators. I believe the Reading Eagle's "Rules for Letters" would be of great interest to Senators and their constituents; therefore, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

RULES FOR LETTERS

Each Sunday, the Eagle encourages its readers to communicate with their representatives in Congress in Washington and the General Assembly in Harrisburg with publication of the correct address to which such letters should be addressed.

Experience also has shown that letters are more effective if they incorporate certain courtesies. Here are guidelines as compiled by the National Assn. of Mutual Insurance Agents:

1. Write on your personal or business letterhead, if possible and sign your name over your typed signature at the end of your message.

2. Be sure your exact return address is on the letter, not just the envelope. Envelopes sometimes get thrown away before the letter is answered.

3. Identify your subject, clearly. State the name of the piece of legislation you're writing about. Give the House or Senate bill number, if you know it.

4. State your reason for writing. Your personal experience is your best supporting evidence. Explain how the issue will affect you, your family, your business—or what effect it could have on your state or community.

5. Avoid stereotyped phrases and sentences that give the appearance of "form" letters. They tend to identify your message as part of an organized pressure campaign—and produce little or no impact.

6. Be reasonable. Don't ask for the impossible. Don't threaten. Don't say, "I'll never vote for you unless you do such and such." Your congressman and assemblymen probably wouldn't want a vote of that kind, anyway.

7. After you've told your legislator where you stand, ask him to state his position in his reply. As his constituent, you're entitled to know.

8. Timing is important. Begin to encourage approval or disapproval of a bill or to recommend that it be revised favorably, while it still is in committee. Your legislators can be more responsive to an appeal at that time than after the bill already has been approved by the committee.

9. If your legislator pleases you with his vote on an issue, thank him. Everyone appreciates a complimentary letter and remembers it. National and state legislators are no exception.

THE EEOC CONFERENCE REPORT

Mr. DOMINICK. Mr. President, yesterday the Senate passed, by a vote of 62 to 10 the conference report (No. 92–681) for the Equal Employment Opportunity Act of 1972. The report represents substantially the same bill which finally passed the Senate on February 22, by a vote of 73 to 16 after 5 weeks of spirited floor debate. As a long-time proponent of equitable equal employment enforcement and as an active participant in the issue this Congress since the introduction of my orignial bill, S. 2617, on September 30, 1971, I am most happy to be able to endorse a bill which combines strong enforcement machinery against job discrimination on the basis of race, color, sex, religion, or national origin with due process protections afforded to the respondent employers, labor organizations, and employment agencies. In what is now history, the Senate, after several hesitations, wisely decided that our Federal court system provided the best enforcement machinery available. In so doing, the Senate rejected a Commission-held cease-and-desist mechanism which I validly characterized as promoting "star chamber" tactics and opted instead for the impartial deliberation of a lifetime-tenured Federal judge guided by judicial precedent. Once this major decision was made and the rights of all parties to the dispute thus assured of protection, the remaining issues were more easily resolved. Because this bill does contain the Federal court enforcement procedure which I labored so long and hard for, despite minor irritations with the bill, I wholeheartedly support it as a fair, expedient, and necessary piece of legislation.

Additionally, I am pleased that several other minor contributions I made to the legislation survived conference, thus making the process somewhat fairer and more efficacious. Together with the Senator from California (Mr. CRANSTON), I authored an amendment in committee executive session which for the first time provided Federal court redress of Federal Government employees' employment grievances. This amendment prevailed, thus providing the 2.6 million employees of the Nation's single largest employer—the Federal Government—with the benefits of a completely impartial determination of their alleged job discrimination allegations.

Although the actual procedure was not adopted in toto, the report contains the realization of the need for and the concept of expedited court hearings similar to language contained in my amendments 871 and 884. The impaneling of a three-judge circuit court in cases of "general public importance" was discarded by the conference but equal employment cases were generally acknowledged as important enough to deserve an expedited district court hearing at the earliest practicable date. This priority serves to overcome Federal court backlogs which might have frustrated the quick determination of job discrimination disputes.

To reduce the Commission's workload, eliminate duplication of effort, and to recognize the substantial efforts of State fair employment practice commissions, I introduced in committee an amendment which requires the Commission, in determining whether reasonable cause exists to file a charge, to accord substantial weight to final State commission determinations. Fortunately this language prevailed in conference so that the Commission will now not waste its efforts on disposed of State cases.

Mr. President, the conference report makes a reality of promises we in Congress have made to aggrieved employees since we first enacted title VII of the Civil Rights Act in 1964. The Equal Employment Opportunity Commission can now redress these job discrimination grievances through the respected and proven forums of our Federal court system. I am confident that this strong step forward for the Nation's millions of minority employees will be accomplished without harassment or infringement upon the rights of the Nation's employers, labor organizations, and employment agencies.

DEFENSE POSITION PAPER BY NATIONAL GUARD ASSOCIATION OF THE UNITED STATES

Mr. THURMOND. Mr. President, the National Guard Association of the United States has issued a position paper entitled "The Shifting Strategic Balance."

This paper offers a succinct, yet comprehensive analysis of the emerging Soviet threat vis-a-vis declining U.S. military strength.

The Guard Association is to be commended for helping inform and alert the American public to the dangers in ignoring or underestimating the Soviet military buildup.

Everyone recognizes military strength is costly. However, this Nation must pay the price because the tune is now being called by Communist Russia.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NATIONAL GUARD ASSOCIATION OF THE UNITED STATES POSITION PAPER—THE SHIFTING STRATEGIC BALANCE

History offers ample evidence that it is military weakness, not strength, that most often leads to armed conflict between nations. That is one of the realities of world power relationships which great nations ignore only at terrible risk.

There is a growing body of evidence that, despite the harsh lessons of history, the United States is permitting world strategic superiority to shift to its chief adversary, the Soviet Union. Members of a Blue Ribbon Defense Panel which exhaustively studied the U.S. defense posture cited an unmistakable trend in that direction in a supplementary statement to the Panel Report, and declared that "if these observable trends continue, the United States will become a second-rate power incapable of assuring the future security and freedom of its people."

The Soviet Union is the most powerful nation in the Communist system and is still expanding its great military strength. It already has overtaken the United States in a number of areas and has surpassed it in such critical measures of strategic power as long-range missiles and nuclear megatonnage. It is moving steadily toward the first-strike capability that U.S. leaders often have said we cannot permit. Moreover, it has never swerved from its avowed determination to create a world dominated by the Communist system.

The United States for a quarter of a century has been the most serious obstacle to Communist attainment of their objective of global hegemony. Other nations large and small look to us as their shield against aggression and subjugation. Yet today, Americans are witnessing with apparent unconcern the most rapid contraction of their military establishment since World War II, along with a reduction of our relative strategic power vis-a-vis the major Communist powers.

The Nixon Doctrine of strength through international partnership and our national security policy of realistic deterrence are sound, but they are viable only so long as we maintain enough projectable military power and strength of purpose to make the deterrence both real, and credible to others.

There are many indications that we are rapidly approaching the point where both our military strength and our national will can be questioned. The strategic balance is being altered to our disadvantaged and many Americans, including some in positions of national influence and power, not only are accepting this dangerous trend but are actively advocating further reductions in our armed might.

President Nixon very clearly outlined the perils of military inferiority when he said:

"There is an absolute point beyond which our security forces must never be allowed to go. That is the level of sufficiency. Above or at that level, our defense forces protect national security adequately. Below that level is one vast undifferentiated area of no security at all. For it serves no purpose in conflicts between nations to have been *almost* strong enough."

For those, like ourselves, who are apprehensive about the deterioration of our military strength, the task at hand was well-stated by Admiral Thomas H. Moorer, Chairman of the Joint Chiefs of Staff, when he declared:

"Americans must be reawakened to the unassailable fact that they must live in the world as they find it and not as they would like it to be. And in the real world of today and tomorrow, we must have *strength, will* and *pride* if we are to survive."

We are confident that when Americans fully understand the perils of strategic inferiority, they will insist that national security again be given the highest priority among the many difficult tasks confronting our society. For as President John F. Kennedy once pointed out, "Only when our arms are sufficient beyond doubt can we be certain beyond doubt that they will never be employed."

We endorse the Nixon Doctrine and the policy of realistic deterrence, but strongly believe that the present trend toward an unfavorable strategic balance must be reversed.

We are deeply concerned over the drastic reductions in the strength of the Active military forces. The Army, for example, must drop to a strength of little more than 850,000 by 30 June 1972 if it is to meet the man-day ceiling imposed by Congress, and we believe that such a ground force is woefully inadequate under today's circumstances.

We support the Total Force concept on which Secretary of Defense Laird has laid such great stress, and agree that it must be implemented rapidly and fully so that the nation's Reserve Components may play the more important defense role of which they are capable.

We pledge our best efforts to achievement of a zero draft as rapidly as possible. We offer the reminder, however, that the National Guard and Reserves in all probability will not be able to maintain their authorized strengths in the absence of draft pressures unless new membership incentives are forthcoming. Motivated, qualified manpower is the most vital ingredient of military readiness, for the Reserve Components as well as for the Active forces. The drastic reductions in the Active forces mean that the United States no longer possesses the military strength to honor its international defense commitments with the Active forces alone. Additional responsibilities, therefore, have been assigned to the National Guard and Reserves.

If such concepts as self-determination, democratic rule and individual freedom are to survive in this dangerous and imperfect world, it will be because this nation maintained the strength and the will to continue acting as their chief guarantor. Without that guarantee, backed by sufficient defense muscle, freedom will not survive and America, will be in jeopardy.

CHILD CARE AND PRESCHOOL EDUCATION

Mr. TUNNEY. Mr. President, legislation concerning child care and the provision of preschool education on a very broad basis is among the most significant and challenging to come before the Senate in this Congress.

Although the blossoming of general awareness of the importance of the preschool years in the overall development of a child's capacities has been comparatively recent, the foundations of the comprehensive approach to the younger child's needs have been built up gradually over the years.

In the State of California, there has been particular success in many children's centers in providing more than custodial care for the children of working parents. Although the concepts of care and supervision were their historical point of departure, they are now catering to the broad overall development of the child.

An article by Marjorie Stern in the December issue of American Teacher describes the development and character of California Children's Centers

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CALIFORNIA'S CHILDREN'S CENTERS

(By Marjorie Stern)

Early each working day, Mrs. Sanchez, Mr. Wong, and Mrs. Nelson arrive, youngsters in hand, at Sarah B. Cooper Children's Center in San Francisco, and another work- and play-filled day begins for Benito, Jade, and Helen.

From the doorway they smell a good breakfast cooking and hear the teacher's warm greeting as she welcomes the 50 or more children of working or studying parents.

Bright music from the phonograph cart sets the tone for a day filled with painting, coloring, blockbuilding, houseplaying, reading, storytelling, acting, swinging, climbing, and napping—all the learning experiences that bring forth individual personality growth, intellectual stimulation, and social development.

The same program is offered in 30 other San Francisco Children's Centers, all administered under the local school district. They are part of a statewide program of 400 pre- and school-age centers in 80 urban and rural school districts in California, serving over 24,000 children daily.

When federal funds on a matching 50/50 basis became available to states for establishment and expansion of day-care centers and nursery schools by passage of the Lanham Act in 1941, the California legislature had no intention of doing anything more than meeting a wartime emergency created by employment of women with children in industry

In fact, in 1943, when enabling legislation was passed, legislators were particularly wary of placing additional tax burdens on the local taxpayers. They specifically stated their intent that the centers be conducted for the period of the war only as emergency institutions, and were to be discontinued completely within six months after the war ended.

California legislators apparently felt that the obligation was primarily a federal one, and when federal support stopped in 1946, only very reluctantly did they continue appropriations from one year to the next. The reasons given were to continue serving children whose parents needed work as a result of the slowness of economic reconversion and the continued drafting of men into the armed services.

Finally, in 1957, these centers "for care and supervision" were put on a permanent basis by removing their expiration date. This allowed the program to continue until another major legislative change in 1965 renamed them Children's Centers and stated their purpose as "supervision and instruction," an important shift in emphasis.

All along, the entire program has been argued for as one which should be available for parents who otherwise would be heavier burdens on the total tax load if they did not work to support themselves and consequently plow back money into the economy in the form of food, clothing, and shelter for their families.

According to recent California state department of education figures, more than 725,000 children have benefited from this program, wisely placed by the legislature under the department of education. Now such publicly supported child care represents about 20 percent of all day-care or nursery programs licensed or approved by any agency in the state.

The continuing need of serving those who can be kept economically independent, plus the growing percentage of women in the work force, have kept the program growing. Several caegories of parents who either meet the income tests for enrolling their children or who are exempt from the "means" test now benefit. These include one- or two- parent families who need to work because they are sole support or because one parent is physically or mentally unable to work, or who are in need of further training or education; parents whose services are needed as teachers, nurses, or agricultural workers; and parents who are attending state or federal manpower-development or "work-incentive" programs.

For example, Mrs. Sanchez is a widow. Benito is only three years old, and he has two older brothers in elementary school. Their mother is enrolled in a federal "work-incentive" program. The children are being both taught and supervised while she learns. Benito is enriching his learning skills in preparation for school. Her two older boys, instead of playing in the streets until mother comes home after school, play games in the school yard with the young male teacher who is responsible for them and other youngsters until 6 o'clock.

Or the Wongs. They came from Hong Kong two years ago. Mrs. Wong is ill. She is not able to care for Jade all day, yet the little girl is learning English and how to play with other four-year-olds, while Wong can support his family with an easy mind.

Take the Nelsons. Helen Nelson, only two, is shy. She and her mother are new to the city. Mrs. Nelson works as a secretary in a downtown office building, and is Helen's only parent now. Single-parent families make up 80 percent of Children's Center families, yet the Nelson's feeling of aloneness is mitigated by being able to meet other like families at the center. They share baby-sitting and excursions on the weekends, and learn about the city and its services from each other. Mrs. Nelson says, "I notice a big change in Helen already. She is learning so much more here than with the babysitter. She comes home and says, 'I learned that from my teacher.' And everything that helps her, helps me. I couldn't work without the center. Everything is so nice here."

Toward 5 o'clock, Mrs. Sanchez comes to collect her boys. They drag her excitedly to the bulletin board on American Indians they helped make that afternoon. "Do you know what we're gonna do tomorrow, Mom?" says Ricky. "We're gonna start to make baskets and arrows like the Indians." Stories, drawings, photographs, and books about Indians line the attractive learning area which supplements their regular classroom upstairs.

Jade's eyes are shining when she greets her father at dusk. "I touched Shirley, and her tail looks like a snake," she says. Shirley is the school's pet rat, Wong learns, before they go off home.

This center is housed in an elementary school, and is known as a combined center, meaning both nursery and school-age children are cared for here. Some are separate nurseries, built with Lanham Act money. Some in elementary schools are school-age alone. All have separate yards for the two age groups. Thirty of the centers across the state also serve the needs of physically or mentally handicapped children, thus reducing the need for institutional care and maximizing educational opportunities for these special children. Parents are involved in a continuing educative program, and many home pressures are relieved.

Costs are borne by state sources (about 60 percent); parents' fees on a sliding scale, with those parents in the exempt categories paying the highest amount (about 20 percent); and by local districts. Recent law changes make centers eligible for federal funds once more, and eligibility easier for the working poor, as well as to those who either were, are, or might be on welfare rolls.

California's Children's Centers embody the quality standards adopted by the last convention of the American Federation of Teachers: operated under public-school auspices and coordinated with existing public-school education; with trained, licensed teachers, paraprofessionals, and ancillary personnel; an educationally desirable ratio of children to teachers; safe, healthful buildings and play space; family education and involvement; available to nearly all groups of parents immediately needing their services; and accessible to a full range of health, nutritional, guidance, and social services.

Unlike child care elsewhere, California's centers have always been operated under the jurisdiction of the state department of education and administered by local school districts. The school is viewed by most as a community educational institution where the most economical expenditure of funds goes to the most children for the greatest benefit. Foresighted planners realized that whenever children are brought together in groups, they are being educated, for better or for worse, and schools provide the space, services, stability, and continuity necessary to a good educational program. Here, the child's growth and development records are kept consistent with other school records, and can be passed along with him or her. Problems are detected in early childhood and can be corrected before they become irremediable.

In addition to possessing the warm, understanding personalities so desirable for working with young children, teachers and aides meet educational standards set by the state. A kindergarten-primary, elementary, or early-childhood-education credential, or a permit requiring a minimum of 60 units of balanced college work, is a requirement at job entrance, plus further course work at specified intervals for pay increases or job retention.

State colleges and community colleges offer teachers and aides alike numerous courses, both for upgrading their credential or permit, or for a career ladder for paraprofessionals leading to a teaching credential. The new federal funding and guidelines have made it possible for many in the community to both learn and earn in the centers. One aide told us "I like to work here. It gives me something for myself. After 24 years of marriage and four children, I want something for me. And it's what I know best!"

Staff-child ratios compare favorably to the best child-welfare and early education standards—the younger the child, the more adults in attendance. Only six two-year-olds can be assigned to one teacher, eight three-year-olds. and 10 eight-year-olds. Aides are a big help here.

Salaries and working conditions of all employees are written into local school-board policies (California still does not have collective-bargaining contracts). Where Children's Center teachers have joined other union teachers for improvements in hours, holidays, and other benefits, they have made gains. For the same educational preparation, for instance, they may now enjoy the same basic single salary schedule in San Francisco, instead of being forced to accept a substandard pay schedule. Along with union teachers they may have their grievances handled by the local's grievance machinery, and go through the district's grievance procedure as do other teachers. When the centers were made permanent, Children's Center teachers and other employees were made members of the state retirement system.

Health protection is vitally necessary whenever children are brought together. Stringent health examinations and required inoculations for all adults and children assure disease protection and early detection. Every morning, each child is examined for signs of illness upon entrance.

Safety is also an important factor. In addition to centers housed in schools, some have been established in churches or community centers, but all meet state-set fire and safety hazards. Two programs are conducted in public housing built long ago with children in mind.

Best of all, legislative intent and district practice require a learning program far above mere custodial care. A curriculum of social, creative learning experiences and development of language and conceptual skills helps prepare the child for a positive self-identity and useful group life. Teachers meet regularly, under a constantly upgrading inservice program, to learn the newer methods and materials needed to keep the program current with what is known about early-childhood education.

Children's Center parents meet regularly to discuss their children's development and problems, school goals, and to advise the administration on the program's needs. They have proved an effective lobby for improvements.

With the existence of such a strongly supported state framework, legislatively and financially, to build on, with the pattern of experience and resources already established, cries for new systems of child care in California seem superfluous. Every section of public life has given the Children's Centers support and acceptance—industry, business, labor, civic, professional, and lay groups alike. As for program, it is possible to build upon, change, amend, improve, and expand the Children's Centers.

Early-childhood education is not cheap. Class size is not determined by dividing the number of children of a given age by the number of teachers available or that a district can afford. A budget veto prevents program expansion in California this year. Two million dollars cut out cost the state $6 million in federal matching funds. Replacement of 30-year-old temporary buildings, building into present school or public-housing developments—all are first priority. For without space, we cannot begin to talk about lengthening hours, adding more teachers and aides, or increasing the types of families served.

A cost of $150,000 is typical for a newly built and established 50-child center, as cited in "Day Care," recently published by the Office of Economic Opportunity. California's way of using public facilities, or renting church or community centers, together with sharing administrative and supplementary services, such as public-health nurses and doctors, has given us a true head start on good child care.

Hopefully, as we watch the day darken and hear the echoes of the playyard follow the footsteps of the Sanchezes, the Wongs, and the Nelsons away from the center, they can be assured that other generations of children will equally enjoy their benefits.

(Author's note: I wish to acknowledge the invaluable help of the following persons in preparing this article: Irene Church and Lois Tiano, Union Children's Center teachers; Theresa Mahler, former director of Children's Center Division, San Francisco Unified School District; Helen De Renzo and Dolly Ramsey, administrative staff, San Francisco Unified School District; and William N. Roberts, Preschool Educational Programs, California State Department of Education.)

NUTRITIONAL LABELING RECOMMENDED BY FDA AND GROCERY MANUFACTURERS OF AMERICA

Mr. SCHWEIKER. Mr. President, the Food and Drug Administration has released the results of a survey indicating that consumers use nutrition information on labels and showing that the best way of presenting such information is in terms of the recommended dietary allowances established by the National Research Council.

On October 21, 1971, I introduced S. 2734, the Nutritional Labeling Act of 1971. My legislation is designed to assist consumers by requiring that information relating to the nutritional value of commodities be included on the label. The nutritional value would be expressed in terms of the relationship of the amount of each nutrient contained in the food to the total recommended daily requirement of each such nutrient necessary to maintain a balanced diet.

I am pleased, therefore, that FDA will be publishing specific labeling proposals within the next few weeks. The FDA proposal will be similar to the provisions contained in my legislation, although the FDA program would be voluntary rather than mandatory.

The Grocery Manufacturers of America have been working with FDA to develop this new proposal. In fact, in a report to the President from the food manufacturers industry which was prepared a year after the White House Conference on Food, Nutrition, and Health, GMA specifically endorsed the development of nutritional composition guidelines and pledged the support of the industry. This is an excellent example of joint industry-Government cooperation in a vitally important area, and I want to commend both GMA and the FDA for their efforts to assist consumers to learn more about the foods they eat.

Mr. President, I ask unanimous consent that an article from the Washington Post of February 28 be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Labeling Proposals

(By Louise Oettinger)

Houston, Tex.—Food and Drug Administration studies of nutritional labeling show that most consumers use information on labels, and that they make best use of it when the information is given in terms of recommended dietary allowances (RDA) established by the National Research Council, newspaper food editors were told today by Dr. Ogden C. Johnson, director of FDA's division of nutrition.

Specific labeling proposals based on the studies will be published in the Federal Register in three or four weeks and FDA is asking for comments from consumers and food companies within 60 days after publication. One of the studies was carried out by Giant Food, Inc. in Washington.

"We are shooting to have a final document by the first of July," said Johnson. Johnson anticipated at least a two year delay before the FDA would seek to make the standards mandatory.

Minimum daily requirements were set by the government more than 20 years ago to conform with assumed nutritional needs for basic subsistence. But recommended dietary alowances are based upon medical studies of the nutritional requirements of people of many ages and both sexes for maintenance of good health, and may in some cases be twice as great as minimum daily requirements.

The labeling proposals will suggest listing percentage of RDA for eight nutrients—vitamins A, C, B1 (thiamin), B2 (riboflavin), niacin, iron, calcium and protein—plus calories, fat, carbohydrate and protein content by weight. The RDA for adults and children will be used except on specialty products such as those for pregnancy and lactation. The initial nutritional labeling would be voluntary but if adopted would have to be in the FDA's standard form.

The choice of recommended dietary allowances as the standard means virtual abandonment of the (MDR) listing that was often used in the past.

As for the "four basic food groups" (meat, milk, cereals, fruits, vegetables) familiar to many school children, Dr. Johnson said that concept has always been questioned by some nutritionists, and it simply cannot be applied to many modern foods, such as pizza.

Johnson asked food editors to help in FDA's current effort to give consumers the basic information they need in order to choose a nutritious diet from among the hundreds of processed and convenience foods offered by supermarkets by letting their readers know about the proposal and encouraging comments.

The period for receiving comments on another major FDA program, developing nutritional guidelines for such foods as frozen TV dinners, expired Saturday and about 320 comments were received, he said.

The guidelines would guarantee minimum nutrition from these dinners. Since the most constant factor in the diet of most individuals is calories, these guidelines would relate the protein, vitamin and mineral content of the food to its caloric value.

Proposals for additional nutritional guidelines and for complete fat-source labeling are expected to be published before the end of April, Dr. Johnson said.

INTERNATIONAL ECONOMICS

Mr. MANSFIELD. Mr. President, a most interesting article by Jude Wanniski appears in today's Wall Street Journal. It deals with the inadequacies of our present governmental structure in the field of international economics. As the world changes and America's role internationally is evolving to meet the realities of today, it is important that the bureaucracy of yesterday be permitted either to return to seed or be restructured to meet the needs of today.

I ask unanimous consent that the article entitled "When Connally Grabbed the Reins" be included at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Mar. 7, 1972]

When Connally Grabbed the Reins

(By Jude Wanniski)

When Treasury Secretary John Connally was in the middle of his game of showdown poker last autumn with the Group of Ten—the leading finance ministers of Europe and Japan—most of Washington was parroting the line that he was "pushing too hard," "demanding too much" and risking worldwide "trade wars and depression."

Within the administration and on Capitol Hill, heads shook solemnly with the widespread observation that Mr. Connally, somehow, had won the total confidence of Richard Nixon in pursuit of this foolhardy game; but sooner or later, Mr. Connally was bound to stumble, the President would recognize the flaws in the Connally strategy, turn to wiser counsel and set things right. One middle-ranked White House official remarked privately on how outrageously he thought Mr. Connally was bullying Japan: "Why should we risk losing a solid friendship with Japan over a lousy $500 million?"—the amount Connally seemed to be aiming at in trade concessions from Tokyo.

In December, of course, Mr. Connally put it all together at the Group of Ten's meeting at the Smithsonian Institution. The agreement reached, and the benefits to the U.S. that are still flowing from it, far, far surpassed anything Mr. Connally's fiercest critics predicted he could reasonably expect. In fact, the package of currency realignments and trade concessions exceeded the expectations of Mr. Connally's most ardent admirers. Critics of the Secretary's "shock tactics" could only rejoice that Mr. Nixon had, at the last moment, stopped Mr. Connally from trying to squeeze out an even more impressive bargain. (Curiously, many of the same critics are now beginning to complain that he didn't get enough.)

A DISTURBING LESSON

There is an important, disturbing lesson to be learned from these events. Not that Mr. Connally is a helluva man and his detractors are jerks. Nor that pussyfooting with our allies on economic matters is a bum's game, and that tooth and fang is the way to go. Rather, the international monetary/trade crisis of 1971 illustrated how pitifully dependent U.S. interests were on the audacity of one man and what an unsatisfactory arrangement that is for the future of U.S. foreign economic policy-making.

In simple terms, Mr. Connally was successful only because the crisis atmosphere traumatized the existing U.S. institutions—principally the foreign-policy establishment—long enough for him to get the job done. For four months, the Secretary of the Treasury "got away" with grabbing into his own hands the power to make foreign economic decisions that lies fragmented and scattered throughout Congress and the Executive Branch.

Is this any way to do business? Obviously not, and nobody knows better than Mr. Connally himself how crucial it is that the role he played last year be institutionalized. It has now become the conventional wisdom to believe, as Mr. Nixon does, that in the last third of the century international confrontations will occur not over geopolitics or conflicting ideologies, but over economics with the five "economic superpowers"—the U.S., Western Europe, Japan, Soviet Union and China—contesting for markets and resources. Will John Connally, or somebody like him, be around for the next 30 years to employ "shock tactics" on behalf of the U.S., whipping out the club of a trade surtax and threatening global depression every other year?

When Mr. Connally testified before Congress' Joint Economic Committee last month, he acknowledged that the U.S. will have "increasing and continuing disagreement" with its allies over economic competition, but added that the problem could be met "with good grace, reason and logic." Rep. Clarence Brown, Ohio Republican, observed that Mr. Connally was rather a "focal point of irritation," to which the Secretary replied, amid laughter, that "a pearl first starts as an irritation in any oyster."

Still, Mr. Connally was by no means implying that all it will take is good grace, reason and logic. Indeed, to another question, from Rep. Martha Griffiths, Michigan Democrat, he made a startling admission of weakness in the U.S. economic policy-making apparatus. And he volunteered the admission, as if he wished to broadly hint at the implications—an evolving power struggle within the administration.

Mrs. Griffiths had made the familiar, troubled observation that American labor faces painful alternatives in the face of diminishing U.S. competitiveness in world markets: Either American industry continues to flee abroad with production facilities, or it stays home and tries to regain competitiveness through increased automation. In either case, she argued, there will be fewer jobs.

She asked Mr. Connally if the Treasury Department could undertake a study, one that would compare the 500 largest U.S. corporations to 500 leading foreign corporate competitors of the U.S. She suggested the study relate profits, labor costs, cost of materials, plant and equipment, taxes and so forth. "Against what are we competing in the world?" she implored. "It seems to me that we are really flying blind. We are attempting a few little things and they don't work. We are in a whirl that is beyond our imagination."

Mr. Connally could have responded with a simple promise to look into the possibility of such a study, but he went further: "It would be an enormous undertaking. We don't have such a study made. I must confess to you in all candor that I am not sure the American government is organized to fully understand the impact of the situation that you are describing, because we haven't had to cope with it before."

In all candor, Mr. Connally would have confessed that he was sure the American government isn't organized to either understand or cope with the foreign economic problems it faces. This distressing fact is the most sensitive, yet most widely discussed, issue among top Treasury Department officials.

Nobody in Washington seems to know exactly how many official agencies have decision-making power in foreign-economic policy. The U.S. has enjoyed such a huge economic lead over foreign competitors for so many decades that there has been, until very recently, no concern that policy-making in this area has been scattered willy-nilly throughout Washington. Anyone could play.

Peter G. Peterson, executive director of the President's new Council on International Economic Policy until he recently was named Commerce Secretary, described the climate of thinking in his report of Dec. 27: ". . . Our perceptions lagged reality (in) our view that the international competitive superiority of the U.S. was an unalterable fact of life; that our competitive advantage was so great we could easily afford concessions here and there, in an *ad hoc* fashion, in the interest of maintaining flexible and friendly relations with our international partners and developing a prospering world economy."

MR. MALMGREN'S VIEWS

Harald Malmgren, a U.S. negotiator during the Kennedy Round and now one of the closest private analysts of the U.S. foreign economic policy-making apparatus, estimates that there are now at least 60 agencies, departments and institutions that have some decision-making authority in the area. By contrast, there are but five bureaucratic powers with authority in the national security sector: Defense, State, the military, the CIA and the Arms Control and Disarmament Agency. In his recent book "International Economic Peacekeeping in Phase II" (Quadrangle, 267 pages, $8.95), Mr. Malmgren proposes several structural changes in the government to adapt it to the new international economic challenge. The heart of the reform package he offers is a reorganization of the State Department. He argues the necessity of giving State a larger role, if not the lead role, in foreign economic policy.

"If the Department of State were to carry out the functions required in the 1970s and beyond, the department itself would have to be restructured. The Secretary himself would have to take on this task, so that lower level officials in other departments would not be able to bypass him." The Secretary's staff of noncareer officials with expertise in economic policy, and a sense of mission, would have to be placed above the regional bureaus of State. It would also have to build its own ties with Congress and special interest groups, says Mr. Malmgren, to "concern itself with the task of bridging domestic and foreign objectives."

He dismisses the idea that the Council on International Economic Policy could handle this lead role, focusing power in the same way Dr. Kissinger has in the National Security Council. This, of course, was the aim when Mr. Nixon created the new council last year, but already most of those who had a hand in its creation seem disenchanted with its potential.

Treasury officials also cover a lead role in foreign economic policy, having tasted its sweetness during these months with Mr. Connally. But it does seem that, if one could assume the existence of a strong Secretary of State, the State Department would be more logical than the Treasury. After all, it has the ground troops, the embassies and missions, to be able to make policy mesh abroad (or at least keep it from being confounded).

A HARSH VERDICT

The problem, of course, is that after a quarter-century of playing cold war politics, where the aim has been to keep America's allies pro-American, the State Department is emotionally and institutionally unsuited to suddenly becoming the hard bargainer with those same allies. "The people at State," grumps one Treasury official, "have been brought up to believe they don't represent U.S. interests, but the interests of all those other countries." A bit harsh, but not far off the mark.

It was for this reason, after all, that in seeking to bring about an end to "the era of confrontation," Mr. Nixon chose to put the lead strings of power directly into the White House, under the National Security Council and Henry Kissinger. The State Department could not be trusted to break the eggs on time in the making of this omelet.

But as the new era unfolds, if it does, presumably the Kissinger boiler room can be dismantled and the orderly conduct of foreign policy be returned to State, with economics as the centerpiece. Obviously a rather substantial reorganization would have to occur first, and in fact a White House task force is now quietly at work at the drawing boards preparing for the day, perhaps during a second Nixon term, when such a major overhaul would be possible.

When the day comes, it would be no surprise if the man charged with seeing the reorganization through, the new Secretary of State, were John Connally. The task would require good grace, reason and logic. But it will also take a lot of bullying.

WORLD ENVIRONMENT INSTITUTE

Mr. NELSON. Mr. President, mankind's dilemma of how to achieve a decent quality of life today without destroying tomorrow has been further dramatized by the computer model studies done by Dr. Eugene Meadows and his Massachusetts Institute of Technology team.

While these scientists point out that more work is necessary to test and extend computer run results, their preliminary work is a further significant warning that we can no longer proceed in ignorance of the consequences of the spiraling world growth in technology, resource consumption and population.

In a creative proposal responding to the urgent need to understand and resolve global environmental problems, the Senator from Washington (Mr. Magnuson) last year introduced a resolution for a World Environmental Institute. This facility would complement and support current and future scientific efforts on the environment.

With the unanimous adoption of the Senator's resolution, Senate Resolution 399, the Senate put itself firmly on record in support of this concept. Thirty-six Senators cosponsored the resolution.

Senator Magnuson is now proposing U.S. delegation support at the U.N. Conference on the Human Environment for a World Environment Institute.

I join in supporting this worthwhile proposal. Adoption by the U.N. Conference would probably be the most meaningful way possible to launch this vital project.

I ask unanimous consent that Senator Magnuson's testimony on the World Environmental Institute proposal at a hearing by the Secretary of State's Advisory Committee on the U.N. Conference be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Senator Warren G. Magnuson

Chairman Baker, it certainly is a great pleasure to testify before the Secretary of State's Advisory Committee on the 1972 United Nation's Conference on the Human Environment.

As you know, I am deeply concerned about the international consequences of pollution and the importance of global environmental quality. At a time when so much action is still required on our environmental front here in the United States, some might question the wisdom of broadening our efforts to the global scale as is envisioned in Senate Resolution 399 which calls for the establishment of a World Environmental Institute.

I introduced (with thirty-six cosponsors) S. Res. 399 on April 27, 1970; in October 1970, the Senate unanimously adopted that resolution. The Senate, in adopting S. Res. 399, expressed its approval of a World Environmental Institute to serve as an independent, nonpolitical global research center which would disseminate scientific knowledge of environmental problems and their solutions to appropriate political and policy making bodies. In approving my Resolution, the Senate also recommended that United States representatives to the United Nations Conference on the Human Environment propose creation of such an Institute.

The Senate passed the resolution to draw attention to the need for an international institutional approach to environmental science. We are all agreed that we must know what is wrong before we can act to correct it. The U.N. Conference on the Human Environment will provide an opportunity for the nations of the world to present detailed reports on the state of the world's environment. It will also provide an opportunity to discuss appropriate actions that should be taken to deal with existing threats to the world's environment.

On May 25 and 26, 1971, at my behest, the Joint Senate-House Colloquim on International Environmental Science met in the Capitol to discuss the survival of man in the global environment. That Colloquium was sponsored jointly by the Committee on Commerce of the United States Senate and the Committee on Science and Astronautics of the House of Representatives.

A number of internationally recognized scientists and government officials presented statements and papers on the problems of the human environment. The Colloquium attempted to focus on those environmental issues that must be confronted and resolved over the next few decades if we are to achieve the quality of life to which we aspire by reversing the deterioration in our environment that threatens the survival of the human species.

After two days of thorough discussions with the participating scientific and governmental leaders, I came away convinced that the institutional arrangement outlined in S. Res. 399 was absolutely essential if scientists and nations were to have the information necessary to attempt to solve international environmental problems.

Since May, 1971, I have maintained contact with scientific leaders including Dr. Thomas A. Malone, Vice President of the International Council of Scientific Unions and Dr. Henry J. Kellerman, Executive Director of the Committee for International Environmental Programs of the National Academy of Science on the progress and direction of the preparatory work being done for the U.N. Conference in Stockholm.

On December 19, 1971, the United States Senate named Senator Case and me to be its two official representatives to the U.N. Conference on the Human Environment. In light of my strong belief in the need for a World Environmental Institute, the Senate's unanimous passage of S. Res. 399, and my selection as a representative of the Senate to the Stockholm Conference, I sent to Mr. Christian A. Herter, Jr., Special Assistant to the Secretary of State for Environmental Affairs, a letter urging that the United States Delegation to the Stockholm Conference propose and pursue a resolution calling for the establishment of a World Environmental Institute.

In that letter I said, "Regardless of the outcome of the Stockholm Conference, it appears certain that the United Nations is the major decision-making institution for global environmental management. To succeed, the U.N. must have information resources to establish known facts and relate them to the problems at hand, plus research resources to generate new knowledge necessary for optimum decisions.

"The diversity and plurality of research groups in the United Nations specialized agencies, in Member Governments, and in non-governmental scientific organizations is, of course, very helpful. But these fragmented inputs may not add up to the total information base required by the policy making process; they may not be capable of coordinated response in the time frame dictated by the urgency of serious international problems; and they may occasionally represent specialized and conflicting viewpoints. . . .

"I leave the organizational details to those experienced in such matters, but it is my firm conviction as a legislator that we should not let the next few critical years of environmental decision-making go by without establishing a well-staffed, permanent, and close-coupled scientific capability for the U.N. management function."

My resolution, also sent to Mr. Herter, proposes: "That the United States representatives to the Fourth Preparatory Session of the United Nations Conference on the Human Environment, and to the Conference to be convened at Stockholm in June, 1972, propose and urge the adoption of a motion by which will be established the institutional arrangements required to prosecute an effective cooperative international program to correct those global environmental problems which are determined by the U.N. Conference on the Human Environment to merit its attention. Specifically, the United States representatives urge the establishment of:

First: A World Environmental Institute, to act as a global research center, to provide to the appropriate United Nations body and to all nations, research results and analyses of scientific information relevant to environmental problems, as recommended in Senate Resolution 399, 91st Congress, 2nd Session, adopted October 9, 1970; and

Second: A voluntary United Nations Fund for the Environment, to help stimulate international cooperation on environmental problems by supporting a centralized coordination point for the United Nations, as proposed by the President, in his message to the Congress, on the environment, on February 8, 1972; and

Third: A single focal point in the United Nations to provide central leadership, to assure a comprehensive and integrated overview of environmental problems and to develop stronger linkages among environmental institutions.

At this point, I ask the Chairman, if appropriate, to let me place in the Record a copy of my resolution, my letter to Mr. Herter, the transcript of the Joint Colloquium and a copy of S. Res. 399 which is included in the Colloquium transcript.

This testimony indicates what steps I have taken to present the need for a World Environmental Institute. Now, I would like, for a few moments, to expand upon the reasons why I believe that establishment of such an Institute is vitally important.

Last weekend, the Washington Post carried two stories of great significance to those of us concerned about the condition of the world's environment. The first story, by Victor Cohen of the Washington Post, details a computer study, completed by Dr. Dennis L. Meadows of M.I.T., which projects that:

1. "There are limits to material growth, and, if present world growth rates continue, they will probably be reached within 100 years and perhaps in just 50.

2. "The most likely result will be a sudden and by then uncontrollable decline in both industrial goods and, by starvation or illness or other causes, population.

3. "To change present growth trends and establish "global equilibrium"—no growth—will take a fundamental shift in government policies, especially by rich nations; and

4. "To postpone the basic decisions past 1990 may mean disaster."

The second story, entitled "Will We Run Out of Water?" by Claire Sterling of the Washington Post, begins with the following paragraph:

"ROME.—The U.N. Food and Agricultural Organization has just issued a report for the coming Stockholm environment conference saying that the human race is going to run short of water within a century. Jaded though we are about such pronouncements, this one still has some zing. Practically every state on earth is starting to worry about water, a recurrent theme in some 75 country reports for this planet-wide Stockholm meeting. Not all of them have a whole century to turn around in either."

Maybe we are jaded regarding such predictions, but in light of the experience of the United States in environmental matters are we so foolish as to fail to take meaningful steps now to create one well-staffed Institute to deal with such global possibilities? We cannot afford to ignore these problems. We must act now to create a World Environmental Institute that can provide ongoing research and analyses instead of depending, as we do today on sporadic ad hoc reports.

I know that it is not fashionable today to raise the issue of survival when speaking of the environment. We are told not to be alarmists, not to jeopardize public support for environmental programs by raising unjustified fears. But the rate at which the nations of the world are pumping poisons into the air, the water, and the soil makes survival a very real issue in the long run. No portion of the complete chain of life on this planet can die without threatening all other forms of life: the death of the oceans, for example, might seal the fate of mankind.

The issue that this raises is stark: No nation can survive while other nations perish; no country can prosper while other countries pollute the ocean and the atmosphere. Ultimately, for man to continue his existence on this planet, international cooperation and understanding will have to prevail. A pragmatic concern for survival will force us to achieve what an idealistic concern for peace and friendship never could: The realization that we are all brothers, destined to perish or prosper together as a species.

Adlai Stevenson, an American who was really a citizen of the world, summed up this realization long ago. He wrote:

"We all travel together, passengers on a little spaceship, dependent on its vulnerable reserves of air and soil; all committed for our safety to its security and peace; preserved from annihilation only by the care, the work and the love we give our fragile craft."

Ironically, we had to launch spaceships of our own before we saw what Stevenson had seen: Earth is a spaceship herself, on which every member of the human race travels together through the solar system and the infinitive universe. An Apollo astronaut on the lunar surface can block out the vision of our distant planet simply by lifting his thumb. When he looks at earth, he can see no national boundaries, no capitals, no place names, no armies. All he can see is a tiny, shining ball suspended in the black void of outer space.

Most of us will never stand on the moon. That makes our task even more difficult than the astronauts'. We must learn to see earth as the astronauts have seen it, yet we must do so without ever leaving the planet. If we can achieve this vision—and we must achieve it—we will concentrate less on the issues that divide mankind and more on those matters that emphasize our common problems and our interdependence. We will realize that pollution of the Yangtze, the Ghanges, the Rhine or the Dnieper is no less important to our continued existence than pollution of the Missouri and the Potomac. We will learn that DDT is no less hazardous to us all if it is sprayed on the Indian subcontinent instead of on the United States. And we will see that all wastes and poisons from around the world mingle together in our common environment—the air, the water and the soil—to form a blanket of danger that envelopes the guilty and innocent alike.

When we achieve this understanding, we have only two alternatives available: action or despair. To despair is to forget man's greatest talents: his ability to cooperate, his ability to transmit knowledge among peoples, and between generations, his ability to set goals for himself and to work until those goals have been met. Even with these abilities, however, action will not be easy. We will have to overcome centuries of mistrust, generations of conflicting ideologies, and years of suspicion and fear. But we will never be alone: no nation, no government can ignore the issue of survival.

Fortunately, there are many international organizations working today to bring about controls on pollution and harmful substances—the United Nations, NATO and the Organization for Economic Cooperation and Development, to name only a few. These groups are attempting to establish international treaties, inspection procedures and environmental police powers. Their success—and the success of many similar organizations—is essential to all men.

But these organizations, important as they are, cannot provide one vital function that must be performed: the gathering and dissemination of environmental information to all nations of the world. Since each of us has a stake in the environmental quality of other nations, we cannot afford to work only through existing international organizations that include some nations and exclude others.

So, I am proposing, in the resolution sent to Mr. Herter, that a new international organization be created. This organization would serve as a central information center for all nations of the world. Every nation—regardless of its form of government or its international and domestic policies—could consult the Institute for expert advice on all forms of environmental problems. The Institute would serve both as a research center and as a repository of that worldwide pool of knowledge and talent. Through the use of computers, any country could obtain a thorough guide to the scientists and scientific studies around the world that relate to a particular environmental problem.

Under the auspices of the Institute, a continual exchange of scientists and technological information between the countries of the world would be possible on a nonpolitical basis—not simply on the unilateral scale of today but on the multilateral level never dreamed of before. Task forces could be set up—consultants who would work as a team and on request visit the distant parts of the globe to undertake special projects. A constant flow of specialists between the Institute and other public and private research centers throughout the world would insure a balance in the Institute's personnel and purpose.

It is not my intention to supplant the work of those hundreds of research institutions where scientists are now at work on complex ecological problems. On the contrary, the World Environmental Institute would serve as an index to these men and their work—helping to speed the flow of knowledge between those few who discover and those millions who need. The Institute would be an exchange, a reference center, a "clearing house" on environmental information—not a monolithic superbureaucracy. It would be founded on a simple ideal: That the knowledge of environmental problems ought to be held in common by all men and that all men should have access to such knowledge whenever they desire it.

Surely the time has come for the United States to take the lead and to propose creation of the Institute to the nations of the world. The time has come for us to realize that world leadership and world prestige are based on the power of ideas, not on the power of weapons.

In conclusion, I hope that this Advisory Committee will recommend to the Secretary of State that the U.S. Delegation to the Stockholm Conference pursue and propose a resolution calling for, as outlined in my proposal, the creation of a World Environmental Institute. Finally, I want to thank you for this opportunity to present my views on this important question.

BUREAUCRATIC FOULUP PROVES NEED FOR WHITE HOUSE OFFICE FOR DRUG ABUSE PREVENTION

Mr. PERCY. Mr. President, I learned on Thursday of last week, to my utter dismay, that the heroin addict population in the United States is nearly twice the figure currently thought accurate.

The Bureau of Narcotics and Dangerous Drugs in the Justice Department has possessed this information for at least 2 months, but did not make it public until last Thursday, and then only upon direct questioning from a U.S. Senator.

The total number of heroin addicts now is known by BNDD to have reached about 560,000. Until now, Federal officials have estimated the heroin population at 315,000, on the basis of 1969 data.

Even the 560,000 figure may be low. Based on information I have received from a senior economist in the Office of Planning and Program Evaluation in the Treasury Department, we may be dealing with a problem that directly affects as many as 700,000 Americans.

As the ranking Republican member of the Government Operations Committee, and chief sponsor of a comprehensive drug abuse bill (S. 2097) which passed the Senate 92 to 0 in December, I am now involved in a conference with the House which unanimously approved companion legislation.

I am astonished that at the very moment Senate and House conferees are discussing what authorities, resources, and funds are needed to counter the parasitic drug dependence that is afflicting our society, vital information indicating that the drug abuse problem may be twice as severe as was commonly believed has been withheld.

The estimate of 560,000 addicts has been known to BNDD since at least December of last year. The figure was determined from 1971 data, based upon actual police reports using a sample of 70,000 known addicts. The estimate comes from BNDD's Office of Scientific Information.

Accordingly, I have written to John Ingersoll, Director of BNDD, requesting a complete report as to why information so critical to deliberations going on in the Congress, and dealing with administration-inspired legislation, has been kept from us all this time.

We are concerned here with human lives and human anguish wrought by drug dependency, and we are desperately trying to understand the problem. The neglect of the Bureau in failing to bring this information immediately to our attention is, to my mind, inexcusable. The President himself has told us that drug abuse is "Public Enemy No. 1"—an enemy which must be stamped out. We in the Congress agree, and have acted expeditiously to try to implement the President's legislative program for treating drug dependency. I regard this withholding of information as counter to that effort.

As you know, Mr. President, S. 2097 would establish in the White House a Special Action Office for Drug Abuse Prevention with broad powers and would provide, for the first time, for a comprehensive national strategy for all drug abuse programs conducted, sponsored, or supported by every department and agency of the Federal Government.

The measure would also create a National Institute on Drug Abuse within the Department of Health, Education, and Welfare, and would authorize $1.5 billion in grants to States and to public and private agencies over the next 5 years for prevention, treatment, and rehabilitation purposes.

Hopefully, establishment of one single office under Dr. Jerome Jaffe, who will be responsible for coordinating Federal programs and approaches to the drug problem, will assure that countless Federal agencies are no longer working at cross purposes, as was the case in this instance.

AIR BAG SAFETY STANDARDS

Mr. COOK. Mr. President, the National Highway Traffic Safety Administration has promulgated an automobile safety standard which would require passive restraint systems—specifically "air bags"—in all 1976 model cars. Through its standard 208 rulemaking authority, the NHTSA has concurrently removed the requirement for safety belts from the law beginning with 1976 models. I have serious reservations concerning this new regulation. I do not necessarily criticize the air bag provision, but I am seriously concerned about the advisability of deleting the safety belt requirement.

Safety belts have been proved to be a very effective means of reducing the frequency of serious injuries and deaths in auto accidents. In a suburb of Cleveland, Ohio, for example, a local ordinance requiring the use of safety belts has resulted in a 40-percent reduction in injuries for the first year. Obviously many drivers do not use their safety belts. In 1973 new model cars will be required to have a starter interlock system, which will force the driver to fasten the belts before ignition can occur. This is a meritorious requirement.

My purpose today is to indicate to the Senate the apparent lack of reasoning and foresight which has led to a standard which may put thousands of future drivers in serious peril.

On February 10, I wrote to Mr. Douglas Toms, Administrator of the NHTSA, outlining some very basic questions concerning the effectiveness of the air bag, the state of knowledge concerning passive restraint systems, and the advisability of eliminating an inexpensive, proven safety system as a part of the air bag proposal. I feel this letter, which I append to this statement, clearly explains my reservations concerning the NHTSA's actions and proposals. They are commonsense questions which demand logical answers.

Last week I received a response from the Acting Administrator of NHTSA, Mr.

Charles Hartman. I was not only dissatisfied with that response, I was appalled. My questions were unanswered, and the answers indicate reasoning which can only be described as incredible. For instance, I asked why we should eliminate a system costing approximately $10, while we add one costing $100. NHTSA responded that seatbelts cost more than air bags, and they employed an interesting mathematical calculation, the basis of which was that since only 25 percent of seatbelts are used, the cost should be multiplied by a factor of four. They also added the estimated future cost of the starter interlock system. This figuring—remember the "figures never lie" cliche—is very nice, but my point was that the cost of seat belts is already figured into new car prices, and it only costs a minimal amount—approximately $10—to keep a valuable safety device in each car.

Other questions were not answered. For example, I have posed the question of what happens to a child who is not restrained by seatbelts, when a car is stopped sharply, but does not hit anything. The air bags do not deploy, but the child may fly into the windshield and be seriously injured. NHTSA's only response is that they "believe that adequate low-speed protection is provided." Good intentions and subjective beliefs, are not effective means of protecting automobile drivers and passengers; safety belts are.

I urge Senators to study both my letter and NHTSA's response in light of my remarks today. If NHTSA does not alter its air-bag standard to reinstate the safety belt requirement, or offer valid reasons supporting its actions, I intend to offer legislation which would correct this glaring deficiency in the passive restraint standard. I trust that Senators will unanimously support my position after studying this problem.

I ask unanimous consent that the letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

FEBRUARY 10, 1972.

Mr. DOUGLAS W. TOMS,
Administrator, National Highway Traffic Safety Administration, Washington, D.C.

DEAR MR. TOMS: I am concerned about certain aspects of the Department of Transportation's approach to motor vehicle occupant protection.

Particularly distressing to me is the National Highway Traffic Safety Administration's decision in the Standard 208 rulemaking to remove from law the requirement for safety belts in new cars beginning with 1976 models.

I feel strongly that several considerations weigh heavily against the present approach favoring air bags, and together they are a cogent argument for retaining the federal standard requiring lap belts as part of the mandatory safety package—at least until passage restraint systems are proved effective beyond any doubt.

The following are some of the problems causing me to question the wisdom of doing away with lap belts, and which have never been resolved or explained to my satisfaction:

1. In cars equipped with air bags and no belts, what protection does an unrestrained child, too large for an infant seat, have if the driver suddenly spikes the brakes or swerves the car violently? The bags don't deploy, and the child becomes a missile subject to serious and potentially fatal injury. In such an instance, lap belts would safely restrain the child in his seat.

2. DOT statistics indicate 55 per cent of fatalities among passenger auto occupants occur in side, rear-end, and rollover crashes. But it is acknowledged in Docket 69–7 by a leading air bag manufacturer that inflatable cushions are mainly effective in frontal crashes. Belts could save many of the 55 percent who are killed.

3. The law of averages tells us that sometimes air bags won't deploy when they are supposed to, so the potential exists for serious or fatal injuries to people. I believe experts have calculated that the incidence of malfunction may even be such that thousands of inadvertent actuations may occur each year. Doesn't this point to the need for retaining lap belts, even with passive restraints, to eliminate unnecessary death and mutilation?

In addition to instances in which the presence or absence of lap belts directly affects the life and safety of occupants, there are collateral arguments favoring retention of belts. Among these are:

1. The nation has never been so cost-conscious in recent years as it is today, yet DOT is requiring the installation of a passive restraint system which manufacturers say will cost the consumer an additional $200 or so. Is not the consumer entitled to the extra great measure of protection afforded by lap belts, which cost only a fraction of what air bag systems cost? The benefits which would be preserved by the retention of such an inexpensive restraint system are substantial. If we were dealing with alternative restraint systems costing $200 each, a choice obviously would have to be made. However, it seems foolish to me to eliminate a *proven,* inexpensive safety system, while adding an expensive, unproven one.

2. Lap belts also serve to position occupants securely and comfortable in their auto seats. For drivers, this means an extra measure of safety in the event of a violent maneuver that might throw them out of position if they don't have belts. For all occupants in air bag equipped cars, lap belts will restrain them in the optimum position so they get the most protection air bags offer.

3. It is my understanding that the air bags now being tested, and scheduled for installment in 1976 models, deflate in fractions of a second after inflation. If this is so, motorists would have no protection in secondary collisions. For example, if a car hits a guard rail and spins back into the roadway, the passengers and driver have no protection following the initial contact. If lap belts are retained, the occupants of the car will have double (and continuous)—protection.

I am aware of the argument that "safety belts are fine, but only about 30 per cent of the people use them." This is partially the fault of DOT, which has failed to pursue with vigor alternatives which can increase belt use. Apparently the starter-interlock system has considerable merit, if the tests indicating that such systems push belt use over 80 per cent are credible.

As head of the National Highway Traffic Safety Administration, you have it within your power to declare continuation of the lap belt provision in new car safety regulations. I strongly urge you to take this action, and immediately assure motorists that until another system is completely and thoroughly tested under all conceivable conditions and proved safe, they will have the life-giving benefit of lap belts.

I also urge you to formulate a thorough and comprehensive program for determining driving habits and attitudes nationwide and to measure accurately how effective air bags and other passive systems operate, and how effective safety belt systems are working (particularly the promising starter-interlock system).

The alternative, of course, is legislative action, and I believe there exists in the Senate and House today sufficient sentiment and support for my position. I am prepared to initiate action if such is required to maximize safety benefits for American motorists, and to promote the development of a rational and effective safety program by the federal government.

Very truly yours,
MARLOW W. COOK,
U.S. Senator

NATIONAL HIGHWAY TRAFFIC
SAFETY ADMINISTRATION,
Washington, D.C., February 28, 1972.

Hon. MARLOW W. COOK,
U.S. Senate,
Washington, D.C.

DEAR SENATOR COOK: Thank you for your letter of February 10, 1972, concerning our occupant crash protection program.

Before responding in detail to the specific points in your letter, I should first like to note that, in comparing a passive protection system with safety belts, we agree that there are positive and negative aspects of each as one tries to predict the results of all types of crashes. However, the key item is that our occupant crash protection program, moving from today's safety belts to the complete passive protection systems for 1976 models, does the best job, overall.

In regard to your problem number one, the unrestrained child, we believe that adequate low speed protection is provided. The present requirements for passive protection specify that the injury criteria be tested and met at all speeds from zero to 30 miles per hour. Thus, manufacturers must provide, for example, padding to protect at speeds below air bag deployment. This is not to say that a lap belt might not help somewhat at low speeds; however, we do not believe that the usage rate or the payoff would be high enough to warrant requiring their installation in all vehicles. We do plan to continue to require safety belt anchorages, nonetheless, so that those who do want safety belts and who will use them can purchase and easily install them.

The cost of safety belts is not insignificant and is indeed an important factor in the occupant crash protection program. For example, a typical safety belt system with retractors may cost about $40.

If usage warning systems and ignition interlocks are added, this figure would approximately double. This cost, in all cars, must be weighed against usage. At 25 percent usage, the total cost per person using the system could be as high as $300. Conversely, passive protection systems will be used by all car occupants. Our analyses indicate that passive protection systems may yield benefits to our society, in terms of the value of the lives saved and injuries prevented, as high as ten dollars for each dollar spent installing them in all cars.

In regard to your problem number two, Federal Motor Vehicle Safety Standard No. 208, Occupant Crash Protection, copy enclosed, does not require frontal air bags alone in any of the passive system options available to the manufacturer. For cars manufactured after August 15, 1973, the head-on passive protection option retains lap belts with a belt usage warning system. Thus, the combination of a frontal passive system and lap belts offers comprehensive crash protection in all collision modes. For vehicles manufactured after August 15, 1975, complete passive protection in frontal, angular, side, and rollover crashes is required. Only with the advent of this latter "complete" passive protection system will safety belts no longer be required. As stated earlier, safety belt anchorages will continue to be required, even though this complete protection system will offer such a high level of protection that the belts would be, by and large, redundant.

On your problem number three, we are concerned with both air cushions or safety belts over failure of the systems to operate when they are supposed to. It is ironic that many argue that air bags should be abandoned because their reliability is not quite 100% (e.g., 0.9999 or 0.99999) when seat belts, by virtue of their lack of usage alone, are about 25% "reliable."

Inadvertent actuation hazards of air cushions are being attacked in a number of ways. First, reliability is being improved. Secondly, the consequences of indvertent actuation are being minimized. The probability that an inadvertent actuation will take place, will cause a loss of control of the car, and will result in a crash due to loss of control, is very remote indeed.

In regard to your argument number one, favoring the retention of belts, as mentioned earlier, safety belts are not an inexpensive system. Further, they are "proven" only if worn. If not worn, as in at least 75% of the cases, they are of no use whatsoever.

On your second argument, favoring retention of lap belts, keeping the driver in place during even the most severe driving maneuvers, can be done by "passive" techniques, such as contouring the seat to provide side support. On the crash performance aspects, tests with primate subjects at Holloman Air Force Base have shown that, in high-speed crashes, in the 60 mph range, air bags alone provided better protection than air bags combined with lap belts. Baboon test subjects were safely tested in barrier equivalent impacts of 60 mph, using air bag restraint only; whereas, roughly 37% of the subjects were fatally injured in similar tests using a lap belt in combination with the air bag.

In regard to your argument number three, there are, as mentioned earlier, positive and negative aspects of each type of restraint system. For example, in a frontal crash, the air cushion, because of its large area of contact with the body, distributes the crash forces better, thus providing superior protection when compared to safety belts. In rear-end crashes, good, strong seat design (also "passive") is the most important factor, and air cushions or belts are not going to make much difference (note: inflatable, air cushion head restraints are being developed). For side crashes, our complete passive system will probably require strong, padded doors, effective when the occupants are thrown against either side of the car in a crash. Safety belts help if you are hit on the opposite side of the car from where you are sitting. If you are hit on the same side you are sitting, safety belts could trap you in place while the car is crushed in on top of you. In a rollover crash, ejection is the prime cause of death and injury. Our complete passive protection system will require prevention from ejection in rollover crashes.

Recent air cushion designs, for passengers, are retaining their basic inflated shape for longer periods, thus providing multiple impact protection. Also, Allied Chemical Corporation has developed an air cushion system that has provisions for a supplementary inflation source which can re-inflate the air cushion in the event of a second collision.

Your detailed comments and sincere interest in our occupant crash protection program are most welcome. I would be most pleased to have my technical staff present a more complete picture of the latest developments in air cushions and in our overall crashworthiness program to you and the other members of the Senate Committee on Commerce at any time.

Sincerely,

CHARLES H. HARTMAN,
Acting Administrator.

THE ELDERLY FIND PROPERTY TAXES A GROWING BURDEN

Mr. PERCY. Mr. President, many elderly people are beginning to find property taxes an intolerable burden. Thousands of retired homeowners across the country are having to give up their homes because they cannot keep up with rising property taxes. In many cases, their incomes are "fixed." Yet clearly there is nothing "fixed" about taxes, property or otherwise.

My mail on this issue has been both heavy and steady, and I hope that the Senate Special Committee on Aging will be able to devote special attention to the effects of property taxes on elderly homeowners.

One of my constituents, Mr. Arvid C. Olson of Waukegan, Ill., has brought to my attention an article on this subject, written by Pat Krizmis and Alvin Nagelberg, which appeared in the Chicago Tribune of February 29. The article discusses the dilemma faced by thousands of retired homeowners, and I believe it merits the attention of my colleagues.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GOLDEN YEARS TARNISHED

(By Pat Krizmis and Alvin Nagelberg)

The Golden Years—that old American slogan for the elderly—have become a tragic mockery for many senior citizens.

They worked hard to buy a home and pay it off on long-term financing while still funneling money into a savings account for their twilight years. Those years, they dreamed, would be free of debt, and filled with the small comforts of front porch small-talk and puttering in a garden.

But, so many of them were wrong. Real estate taxes are eating away a large chunk of their fixed incomes; many are forced to sell their homes.

CAN'T AFFORD LUXURIES

"We saved all our lives so we would have something now," said Mrs. Elda G., 77, a widow who lives in Ravenswood. "But I just can't afford little luxuries on my income."

Her husband, an engineer, died in 1969 and his pension ended. She now lives on $141 a month Social Security payment and the stocks and bonds the couple accumulated over the years.

MOVE TO APARTMENT

Her latest real estate tax bill was $314 for six months, she said. And as it increases, "I just don't know how I can afford to pay it. I am going to have to move into an apartment—and a small one at that."

"Every available study has shown that people over 62 pay a far greater portion of their fixed incomes on property taxes than other citizens," said the Rev. Leonard Dubi, co-chairman of Citizens Action Program [CAP], "and sometimes that is as much as 10 to 15 per cent." CAP is attempting to get the County Board to sponsor legislation offering increased real estate tax exemptions for people more than 62 years of age.

But for Mr. and Mrs. Sam Snyder, it is too late. They have sold their home in Beverly, where they lived for 35 years and reared their children, and have moved to a one-bedroom apartment in Oak Lawn.

"We hated to sell, but we were priced out of our home," said Snyder [not his real name], a retired blue collar worker. "Our property taxes were soaring and we couldn't dip into our savings—we need them for an emergency."

The couple's real estate tax bill went from about $580 six years ago to about $810 last year. Then they put their home up for sale.

"We didn't want to ask our children for help," said Snyder. "They have their own families now."

"You pay your taxes all your life and you work hard," he said. "You don't mind paying some taxes now, but they [government] could at least keep in mind that we are on a fixed income."

And every year the tax goes up. Real estate taxes in Chicago have soared from $540 million in 1960 to an estimated $1.057 billion in 1971.

But without underestimating the plight of the homeowner, the fact is that his share of the tax is not as great as he may think.

The Chicago Association of Commerce finds that homeowners carry 21.9 per cent of all the city's assessments, altho they represent 50.5 per cent of all the property in the city. Apartments and commercial and industrial property carry a larger share of the burden.

Norman Beatty, executive vice president of the Civic Federation, said: "Taxpayers who are homeowners are not paying too much, but the pie is just too big. The proper relief for homeowners is less use of property taxes to finance government."

QUALITY EDUCATION AND BUSING

Mr. COOK. Mr. President, in March 1970 President Nixon in his message on elementary and secondary school desegregation said:

> Nothing is more vital to the future of our nation than the education of its children; and at the heart of equal opportunity is equal educational opportunity.

I agree.

But, he also stated last August in regard to the issue of busing:

> I have consistently opposed the busing of our nation's school children to achieve a racial balance, and I am opposed to the busing of children simply for the sake of busing.

Again, I agree.

Some would contend that these two statements are contradictory. I do not. Schoolbusing is not really the central issue. Over 40 percent of our schoolchildren, at a cost of $2½ billion annually, are bused to school in this Nation every day for reasons other than school desegregation. If those children who utilize public transportation other than schoolbuses are included, this figure rises to 65 percent. Also, the overwhelming majority of children who reside in suburban and rural areas are bused to school for nondesegregation purposes.

The important issue is how to provide a quality education for every child regardless of race, color, or economic status.

We have failed in our efforts to do so. Our national resources are not yet committed to this concept. The existing financial support for our schools are distributed on an underfinanced and inequitable basis. A special report, "Federal Aid to Public Education: Who Benefits?" prepared by the Select Committee on Equal Education Opportunity had this to say:

> The chief reason for this inequity is that the level of expenditures for education is determined primarily by the wealth of more than 17,000 individual public school districts in the nation. Local taxable resources,

> which provide more than half the revenue for running the public schools, vary immensely from district to district. For the children who live in those districts the quality of education varies accordingly. State aid laws, which supply an additional 42 percent of school revenue, fail to overcome the disparities among districts and in many states actually reinforce them.

The means for providing this quality education for all must come from the Federal Government. It will require a massive infusion of Federal funds for improving the Nation's educational facilities and processes. It is imperative that we commit ourselves to this course.

As a beginning, I voted for the Chiles amendment to S. 659 which would have attempted to make "prize schools" out of disadvantaged schools. It would have attempted to meet the child's needs where they presently attend school. It would also raise educational requirements, and provide for a center for the community, giving a point of pride from which to build the neighborhood and develop leadership. It also would have funded a program of quality education to provide lower pupil-teacher ratios, remedial services, innovative instructional methods and other special projects designed to meet the educational and cultural needs of disadvantaged children where they live. The disadvantaged school was defined as one where not less than 40 percent of the children enrolled are in families with an annual income less than $4,000. This amendment provided that schools considered disadvantaged would receive a Federal payment equal to the amount of 65 percent of the average per pupil expenditure in the State or in the United States, whichever is higher, times the enrollment of students in the particular school. The special funds this amendment provided were to be used only in disadvantaged schools, only for programs and projects designed to meet the special educational needs of educationally deprived children, equipment and facilities or cultural "extras" which help turn the school into a "prize" school that has the possibility of serving as a true center for the community.

This is not to say that the desegregation of our public school systems is irrelevant to quality education. Indeed, President Nixon recognized this in his March 24, 1970, message when he agreed that children benefit from integrated environments where the students are from a variety of socioeconomic, as well as racial and ethnic, backgrounds.

Last year the Senate began to come to grips with this aspect of the problem by passing S. 1557, the Emergency School Aid and Quality Educational Act of 1971. This legislation would provide $1.5 billion in financial assistance to local educational agencies in order to establish equal education opportunities for all children. This bill is again before the Senate in the form of title XXI of the House-passed S. 659.

In regard to the busing problem, many have stated that a vote for the Griffin amendment No. 934 to S. 659 is a vote against the 1954 Supreme Court case of Brown against Board of Education which struck down the dual school system whereby blacks and whites were separated on the basis of race. I cannot accept that interpretation. I supported that decision in 1954; I support it now. One of the reasons for my support was that it also struck down forced busing and allowed a child to attend a school nearest to his home. It made sense in 1954; it makes sense now.

William Raspberry, the noted black columnist for the Washington Post, wrote on February 16, 1972, in regard to busing that—

> This is no brief for a return to the lie of separate but equal. It is an appeal for rational priorities, a plea that we make the test of a school whether it does what schools are supposed to do—educate our children.
>
> It is both evil and illegal to say to a child: You cannot attend this school because it is a white school. But how much better is it to say: You must attend this school because it is integrated and we need you for racial balance?
>
> The ideal is a situation in which race is irrelevant to assignment. Preoccupation with mathematical precision, unfortunately, is not the way to achieve that idea.

In effect, in the Brown decision, the Supreme Court said that school systems must be colorblind in their assignment of pupils to schools. The Griffin amendment is in keeping with this tradition. It would prohibit the busing of school children on the basis of race, religion, color or national origin. It is also colorblind. I support it.

INCOME TAX REFORM

Mr. EAGLETON. Mr. President, we are asked to raise the ceiling on the national debt by $20 billion, to $450 billion. We also know that $20 billion will not suffice—that in June we will be right back here to raise the ceiling again.

As we find ourselves once again about to make a new financial commitment on behalf of the American taxpayers, I think we have an obligation to promise them something in return—namely, an assurance that the revenue system in America is as fair and as efficiently administered as possible.

No one in this Chamber today can give that assurance. Our tax structure is not fair or efficient. It is unfair, regressive, inefficient, and riddled with loopholes. It is rotten.

No activity of the Federal Government is more pervasive than tax collection. The military draft, housing programs, aid to education, projects to build highways, dams, and bridges—all these affect some of the people some of the time. But taxes affect every household in America. They show up on every paycheck stub as withholding deductions. And they provide the decisive clue as to by whom and for whom the Federal Government is run.

As we approach form 1040 day, 1972, there are the usual small annoyances to grumble about. President Nixon boasts that his administration has cut taxes by $22 billion, but the average wage earner's check is less this year than it was last, because withholding rates were adjusted upward. This year's 1040 form itself reminds us that some tax money gets wasted: The Internal Revenue Service sent it out this year by first class mail, an $8 million mistake.

This is small potatoes, however, compared with the built-in faults of the tax system. There are at least 112 Americans with incomes above $200,000 who paid no taxes at all in 1970. For these 112 legal tax evaders, there are thousands who paid almost no taxes. And for every dollar these people do not pay, one more dollar is withheld from the average wage earner's pay envelope.

Our tax rates are supposed to be progressive. Those who can afford the most are supposed to pay the most. Table X in form 1040 says that if your income is over $100,000, you are supposed to pay 70 percent. But nobody pays 70 percent. If he does, he ought to hire an accountant—because the real after-loophole tax ceiling in America today is about 32 percent.

An article in the March issue of the Washington Monthly by editor Taylor Branch tells how even the most widely accepted tax breaks work to favor the rich. Every homeowner who has a mortgage is happy to be able to deduct his interest payments. What this deduction means is that the taxpaying public is helping him buy his house. The trick, however, is to have a big, expensive house because then the public helps much more. A couple whose income is $200,000 and owns a $200,000 home receives about $9,800 in taxpayer help with mortgage interest payments. A couple earning $10,000 a year and paying off a mortgage on a $25,000 house gets $350 a year. The young couple living in an apartment, or the old couple whose mortgage was paid off long ago, or those too poor to pay any tax, get nothing at all.

Consider the $750 personal exemption. At present, the personal exemption is worth $525 in taxes saved to the taxpayer in the highest bracket and only $107 to the taxpayer in the lowest bracket.

As Branch points out, the rule whereby the "haves" get more and the "have-nots" get less applies to corporations as it does to individuals.

Rapid depreciation schedules make it possible for a company with profits of over $25,000 to receive a Government payment of about $12,000 if purchasing $150,000 worth of pollution control equipment. A company with no profits gets no payment. As some have commented before, the Government digs deep into high incomes, but with a sieve.

These so-called "tax expenditures"—taxes the Federal Government might collect but does not—total almost $40 billion a year according to a recent study by the Joint Economic Committee. That comes to roughly one-sixth of all Federal revenues—16 percent of the taxpayer's annual tax bill.

Some of these tax expenditures are entirely justified. They serve the interests of all the people, and their cost is legitimately borne by all the people.

But how do we justify loophole after loophole serving the interests of a few at the expense of the taxpaying public?

What we have in this country is a mass short-form, standard-deduction, personal-exemption taxpayers paying the bill for the special-allowance, accelerated-depreciation, sophisticated, long-form, loophole set.

Mr. President, I will cosponsor a bill to be introduced this week by Senators NELSON, MONDALE, HART, and KENNEDY to close just a few of these more blatant loopholes. The bill will save the American taxpayer $15 billion a year. I would like to point out that this $15 billion is roughly what the administration is talking about raising through a new, regressive, value-added tax. Before we raise taxes another cent, I say we should collect what we can from those who have benefited for so long from the holes in our present income tax structure.

I am also cosponsoring Senator HARRIS' amendment to the bill now before us. This amendment would require the administration to present a tax reform proposal of its own to Congress before May 15, 1972. The idea is to bring the administration into the tax reform debate before we once again face the need to raise the national debt. As a practical matter, Congress can probably not do the job alone.

To be quite candid, I do not expect much from this administration. I am not at all convinced that President Nixon's pledge to tax reform at the beginning of his term of office is alive and well today. In 1969, President Nixon said:

> Special preferences in the law permit far too many Americans to pay less than their fair share of taxes. Too many other Americans bear too much of the tax burden. This Administration is determined to bring equity to the federal tax system.

One need only look as far as the Revenue Act of 1971 to see the results of this determination.

The President threatened to veto the bill as it emerged from the Senate with what he called "budget busting" provisions, such as an increase in the low income allowance and my own amendment to allow a tax credit for those elderly citizens paying property taxes. The President, however, was perfectly content with the permanent loss of revenue embodied in the investment credit, liberalized ADR, and DISC.

The latest we have heard from the administration was Secretary Connally's comfortable assertion that there is no real need for tax reform. I wonder if the majority of American taxpayers, as they fold up and mail their tax returns on April 15, will say the same.

Mr. President, 1972 is the year for tax reform. With national elections coming this fall, I feel that any candidate for President, including the incumbent, who fails to go to the voters with a clear record on tax reform does not deserve their confidence.

As for Congress, before November we shall vote on a fiscal year 1973 budget, calling for $270.9 billion in new spending authority and projecting a $25.5 billion deficit. We will now vote to raise the debt ceiling by $20 billion—and we will raise it again in June.

Mr. President, before Congress approves one appropriations bill, or raises the debt ceiling to yet another plateau, we must resolve to put equity and justice into our tax system.

REV. TRUMAN DOLLAR SPEAKS ON HOUSING FOR THE ELDERLY

Mr. EAGLETON. Mr. President, as chairman of the Senate Subcommittee on Aging, I was pleased to hold hearings in Kansas City, Mo., on March 3, 1972.

Many witnesses appeared before the committee and gave us the benefit of their views on particular areas of concern to older Americans, such as income, health care, nutrition, transportation, employment, housing, and so forth.

Mr. President, I want to call to the attention of my colleagues one statement in particular, that of the Reverend Truman Dollar, pastor of the Kansas City Baptist Temple. In recent years he has served as the principal sponsor of two magnificent homes for senior citizens, Paraclete Manor and Temple Heights Manor. I was privileged to give the dedicatory address at the opening of the latter home.

Mr. President, during the time I have served as the chairman of the Senate Subcommittee on Aging, I have had occasion to visit many homes for the elderly and to meet with the individuals who either sponsor or operate such homes. I can truthfully say that I have not seen a better facility than the recently opened Temple Heights Manor. Furthermore, I can truthfully say that I have not met any individual who can match Reverend Dollar in the dedication, sense of purpose and depth of interest he brings to his work on behalf of our older citizens.

I commend to my colleagues in both Houses of Congress Reverend Dollar's remarks at our subcommittee hearing in Kansas City. His critique of existing housing programs, especially as they relate to housing for the elderly, is one that should challenge us who serve in the Congress to see to it that these programs are better devised and better implemented.

Mr. President, I ask unanimous consent that the Reverend Mr. Dollar's testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY BY REV. TRUMAN DOLLAR

It is not necessary that statistics related to the increase in the elderly population or the mounting social problems arising from this (increase) be cited to the members of this committee. Improved medical skills have graciously given longer life to millions of Americans and no one knows better than the Senate Sub-Committee on Aging the magnitude of unique problems these elderly citizens face. Concern, skilled planning and definitive programs are essential if America solves the needs of our aged.

It is my judgment that the problems are so large and complex that state and local governments cannot adequately meet the needs without federal assistance. However, at the same time, local governments must become involved and cooperate in creating viable solutions. Concerned private non-profit agencies at the local level should provide the initiative to implement the programs. These four levels of cooperation: federal, state, city and private, if given sufficient thought at the federal level can meet the almost shameful crisis of an affluent society that has neglected its aged. Initiative must arise from the private sector, but direction and coordination at the federal level.

The Kansas City Baptist Temple presently operates two senior citizens homes: Paraclete Manor, a 120 unit, nine story 202 project located at 4725 Prospect and Temple Heights Manor, a new Title 236, 149 unit project located at 5420 Blue Ridge Cut-off. I am the President of both corporations and initiated the new project, Temple Heights Manor, since becoming Pastor of the Kansas City Baptist Temple. A multitude of problems have come to my attention in both the administration of Paraclete Manor and the construction of Temple Heights Manor. Temple Heights Manor was one of the first 202 applications converted and funded under the 236 program.

TAX BURDEN MAY DESTROY FEDERALLY SPONSORED ELDERLY HOUSING

Federally sponsored housing for the elderly was specifically designed and funded to operate under the sponsorship of non-profit corporations that would allow city and county tax abatement. Federal requirements for the management of these corporations are so austere as to make virtually impossible the abuse of these corporations for private profit. The benefits of the program are so obvious that there have been four states that have specifically excluded 202 projects from city and county taxes by statute. A host of other states allow tax abatement after examination of the corporate structure which is so carefully supervised by the federal government.

In recent years there has been a growing revenue crisis at the municipal and county levels. Unfortunately, one solution used by these governments is to tax elderly housing. This policy makes little sense when considered in the context of the whole problem. First, it is a direct tax on the elderly whose fixed incomes can least afford the expense in the days of inflation. Second, and of extreme importance, is that the policy is endangering the success of the entire federal housing program for the elderly.

The budgets of elderly housing projects, largely determined by federal guidelines, have not been structured to bear the additional cost of taxation and be economically feasible. Our Regional Director of the Department of Housing and Urban Development, Bob Long, informs me that two projects in our area are already in serious trouble and two others are approaching a financial crisis. In fact every 202 and 236 project in this HUD Region is a potential failure because of the burden of city and county taxes. If these projects are allowed to fall, it will bring the end of federaly sponsored elderly housing and will only serve to illustrate the economic shortsightedness of city and county governments.

Under the federal statute titled "Slum Clearance, Urban Renewal, and Farm Housing" section 1452(g), urban renewal projects are tax exempt. The State of Missouri following the federal pattern in its statute "Urban Redevelopment Corporations Law' section 353.110 made statutory tax abatement provisions to qualify for federal funds.

As a result the Crown Center project with an estimated construction cost of $200,000,000.00 will be relieved of general ad valorem taxes for a period of ten years; and for the next fifteen years thereafter, the assessed tax valuation is not to exceed fifty per cent of the true value.

It may be argued that the economic value of Crown Center makes the tax loss worthwhile. Yet, it must also be taken into consideration that there ar economic losses to Jackson County if 202 and 236 projects fall or are discontinued because of the reluctance of qualified sponsors. This federal money will no longer flow into this county.

I would oppose that unless the individual states agree to prohibit counties and cities from levying taxes on 202 and 236 projects for the elderly that all funds be cut off from that state for this type of housing. There is precedent for such a policy both in the "Slum

Clearance, Urban Renewal, and Farm Housing Act" as well as the "Highway Beautification Act".

It is tragic indeed that while the federal government looks upon elderly housing as an opportunity to assist the needy, the cities and counties look upon them as revenue windfalls. The Presiding Judge of the Jackson County Court, George Lehr, has proposed a Homestead Act to exempt the elderly from real estate taxes. In my judgment the current crisis of federal projects requires equal attention.

ABSENCE OF LONG RANGE PLANNING

Scores of potential sponsors of elderly housing projects have been either eliminated or discouraged by the abrupt change of direction on the part of the Federal Department of Housing and Urban Development. The change of administrations was partially responsible for some of the difficulties.

Those whose 202 applications were in process in early part of 1969 were faced with a confused administration, without guidelines for converting to Section 236 although the Administration had directed this change. Both delays and stringent budget requirements of the new 236 program discouraged many less persistent sponsors. There was a period of several weeks when HUD officials confessed that they had insufficient direction to produce even an application form. So great was the confusion on one occasion in the Washington office, the HUD switchboard operator took two and one half hours to locate the director of elderly housing. She did not know his name nor the division in which he was located. During this morass great sums of money and immeasurable manhours were lost by potential sponsors, architects and attorneys. The deficiencies of the present 236 program and the fear of another such abrupt change has stiffled the initiative of some of our country's most capable sponsors. Long range and consistent guidelines are essential elements of a viable elderly housing program. Bipartisan interest and concern should compel all administrations to be fair, consistent, and implement only such programs that support continuity and confidence.

ABSENCE OF AN ADEQUATE PHILOSOPHY AND COORDINATION

There are now in excess of 28 million citizens who are over 60 years of age. Their physical, social and economic needs are staggering. There are at the same time some 9,712,000 Americans who derive their living from farming. We have a Secretary of Agriculture at the cabinet level to direct the farm program while there is no single administrator even at the Assistant Secretary level to coordinate the program for the elderly. Have we been willing to let elderly programs drag without philosophy or adequate direction because they are politically unorganized? Is hog production and wheat storage more important than the lives of 28 million Americans who have built this great country?

The federal government has divided the responsibility of meeting the needs of the elderly between two cabinet administrations; the Department of Housing and Urban Development and the Department of Health, Education and Welfare. To HUD has been consigned essentially the responsibility for brick and mortar. To HEW the human problems. It seems they have meticulously observed the Biblical injunction "Let not thy left hand know what thy right hand doeth."

While HUD management criteria protects the brick and mortar by providing budget considerations for a full-time manager, engineer and janitor in each project, little thought is given to human needs of the elderly, other than shelter. HEW may be at the same time providing some of the social services as provided by the "Older Americans Act of 1965, As Amended," but invariably on the other side of town inaccessible to the average elderly person who will not or cannot leave the security of his home.

Would it not be an act of great wisdom to wed the "brick and mortar" to the social services in the protective environment of the projects themselves. Is it not possible for HUD and HEW to live in the same house?

Traditionally, it has been sponsors who have had great interest in the human needs of the tenants who have produced successful projects, not those who have excelled in architectural design. It seems only logical that we provide funds for programs; not just buildings. The most likely people to accommodate these needs are the people who care enough to build the buildings. In the two projects of which I am the President, I need a director of social service to meet the personal human needs more than budget and management seminars. We know how to operate a business, but we are more interested in the people.

There is before the Congress presently a by-partisan bill (H.R. 12876) cited as the "Older American's Housing Act of 1972." Among the particulars of the bill is the provision for the appointment of an administrator who would be responsible for all existing 202 and 236 elderly housing projects as well as those to be built in the future. He would be responsible for the supervision and coordination of many other programs related to the elderly. While I strongly disagree with some parts of the bill, I do support the concept of a single administrator of elderly programs. He could operate within either HUD or HEW and should have a position at least at the Assistant Secretary level. His division should be separated from other federally subsidized housing projects and should be directed to wed the buildings with the programs. Surely, the 28 million Americans over 60 deserve this consideration. I predict that unless a comprehensive program is produced some energetic 60 year old executive will retire, become bored with inactivity, and politically unify these elderly Americans. Their vote if unified could be the balance of power in any presidential election.

THE FEDERAL BUREAUCRACY MUST BE TRIMMED

The federal government has attempted to solve the problems of modern America with broad social legislation. A government responsive to social needs has given us the highest standard of living on earth. Yet, we are now encountering grave problems in the administration of these programs.

With each new program has come new agencies, new guidelines, and new administrators. The responsibility for supervision has been delegated to the various cabinet officers. The departments have become so vast, budgets so huge, so complex, so inconceivably unwieldy that it is simply incomprehensible. Almost every inquiry receives the same response, "We don't know the answer. That is the responsibility of another department".

This confusing maze of complex programs, complicated guidelines, and multiplicity of agencies has spawned a whole new profession of consultants. Their only service is to exploit the federal bureaucracy by selling their knowledge of the programs and familiarity with the administrators to less informed, but eligible sponsors. The federal government even allows their fees to be included in the project loans. I chose to personally coordinate our project rather than pay the traditional one per cent fee which would have amounted to $27,000.00.

I should think that the great number of consultants would suggest that the programs need to be simplified. If these consulting services are necessary it would be a better solution for the government to provide them for sponsors. I believe the savings would be considerable and the projects would more closely reflect actual needs. I happen to know that one of these consultants was the primary author of H.R. 12876 introduced in the House of Representatives on February 2, 1972, by Representative Robert Stephens and Representative Ben Blackburn, both of Georgia.

These professional consultants, I think have become in fact the actual initiators of hundreds of projects. They look for possible applications of a federal program which would involve a consulting fee. Then potentially eligible sponsors of the projects are sought out. It just seems to me that the need for solutions to problems should be the motive for federal projects, not the need of a consulting fee.

The government should make known to the eligible sponsors available programs. They should be simplified to the point where the government can work directly with the people sponsoring the projects. Some means must be found to cut through the vast layers of bureaucracy.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

PUBLIC DEBT LIMITATION

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the unfinished business, which will be stated.

The assistant legislative clerk read as follows:

A bill (H.R. 12910) to provide for a temporary increase in the public debt limit.

The Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, it is my understanding that last night the distinguished Senator from Delaware laid before the Senate his amendment. I ask unanimous consent to suggest the absence of a quorum and, when the quorum is called off, to request that the Senator from Delaware be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, it is my understanding—and I inquire of the Chair whether my understanding is correct—that the 30-minute time limitation, under the agreement, on amendments in the second degree, motions, and appeals, would come out of the time on the amendment in the first degree.

The PRESIDING OFFICER. Under the unanimous-consent request agreed to, which was made by the distinguished majority leader, he said, "I modify the unanimous-consent agreement accordingly, to one-half hour on amendments in the second degree, or motions and appeals and whatnot—the usual formula."

Mr. BYRD of West Virginia. Then, that having been the understanding and intention of the distinguished majority leader. I ask unanimous consent that such time come out of the time on the amendment in the first degree prior to 4 o'clock.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I further ask unanimous consent that time on the amendment by the distinguished Senator from Delaware (Mr. Roth) be controlled by and divided between the distinguished author of the amendemnt (Mr. Roth) and the distinguished Senator from Louisiana (Mr. Long) or his designee; and that, further time on any amendments to the amendment, motions and appeals, be similarly divided between and controlled by the mover of such and the distinguished Senator from Louisiana (Mr. Long) or his designee.

Mr. ROTH. Mr. President, reserving the right to object, the Senator from Delaware was not aware that the time was going to be divided by 50 percent when he agreed to the 12 o'clock. I have a number of other speakers and I wonder whether the opponents of the amendment would require that much time.

Mr. BYRD of West Virginia. If the distinguished Senator would allow me, I inquire of the distinguished Senator from Louisiana (Mr. Long) as to whether or not he would be willing to yield additional time from his time allotted, in the event the Senator from Delaware needs such. The distinguished Senator from Louisiana indicates that he would be so willing.

Mr. SPONG. Mr. President, reserving the right to object, may I ask the distinguished Senator from West Virginia if, under the unanimous-consent agreement propounded to the Chair and if amendments would be assured of a half hour's time sometime between now and 4 o'clock this afternoon based upon the unanimous-consent agreement.

The PRESIDING OFFICER. The agreement reads that amendments to the amendment would be in order.

Mr. SPONG. The Senator from Virginia is concerned whether it is possible under the existing unanimous-consent agreement for the Senator from Delaware and the Senator from Louisiana, should they choose, to use all of their time between now and 4 o'clock this afternoon up until the time for the vote.

The PRESIDING OFFICER. It would appear that the Senator from Virginia would have the right sometime between now and 4 o'clock to call up his amendment.

Mr. SPONG. Then the Chair is saying that under the unanimous-consent agreement already agreed to, with the half hour time to come out of the time already agreed upon up to 4 o'clock, would allow the introduction of any amendment and a half hour's time.

The PRESIDING OFFICER. If it were called up before 3:30 this afternoon, the Senator is correct.

Mr. SPONG. I thank the Chair, and I thank the distinguished Senator from West Virginia.

The PRESIDING OFFICER. Without objection, the unanimous-consent request is agreed to.

Under the previous order, the Senator from Delaware is recognized.

PRIVILEGE OF THE FLOOR

Mr. ROTH. Mr. President, I ask unanimous consent that I be permitted to have three members of the staff, Nathan Hayward, Edward A. Barber, Jr., and Robert Davenport, on the floor during debate on my amendment and any vote thereon, including any amendment to the second degree.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, I have called up for the Senate's consideration amendment No. 956 to the bill before us, H.R. 12910, an act to provide a temporary increase in the national debt ceiling.

This will be a familiar motion to many of my colleagues here. In short, it asks that we in Congress establish—for the first time—an airtight lid on Federal outlays—expenditures plus net lending—for the fiscal year ending June 30, 1973.

I have placed this spending limit at $246.3 billion which is the level the President requested in his budget message to the Congress on January 24, 1972. But let me emphasize now that I would be happy to see the Congress impose a lower limit.

Mr. President, this amendment is identical in language to the bill (S. 3123) which I offered on the floor on February 4 of this year. The distinguished majority leader, (Mr. Mansfield), and the distinguished minority leader (Mr. Scott), headed a bipartisan list of 48 cosponsors who endorsed the measure. At that time, the bill was referred to the Finance Committee. It is also identical in philosophy to the measure which I introduced last November and which failed by only seven votes to win the Senate's approval.

Last week, I wrote to the distinguished chairman (Mr. Long) asking that his committee consider the substance of my bill as an amendment to the debt ceiling legislation. The Senator from Louisiana (Mr. Long) has since informed me it was the committee's pleasure to report to the floor a clean debt bill, although a majority of the members have either cosponsored or indicated their support for this lid on Federal spending.

And so Mr. President, I am asking now that the Senate review with me the language of this amendment, to look again at the unsettled state of this Nation's economy, to examine the levels of Federal spending during the past 3 years, to recall the recent comments of our Nation's top officials, and then, with dispatch, to enact, for the first time, a spending ceiling which will apply both to the Congress and to the executive branch.

INTENT OF THE AMENDMENT

As I stated earlier, this amendment would place an absolute lid on fiscal year 1973 outlays at $246.3 billion, the amount proposed in the President's budget. Unlike spending ceilings which have been offered or enacted in the past, this proposal permits no exceptions; if uncontrollable increases are required or the Congress mandates additional spending in one area, there must be equivalent reductions in others. This seems to me to be the only realistic way to keep any meaningful ceiling on Federal spending.

As we all know, the Senate has passed the President's request for devaluation of the dollar. At the time the Banking Committee held hearings on this bill, Treasury Under Secretary Volcker testified that as a result of the devaluation, the United States would become liable for additional dollar contributions to the major international banking and development agencies of which we are a member—IMF, Asian Development Bank, et cetera. The Treasury has indicated that if the Congress approves this dollar devaluation, additional authorizations and appropriations of $1.6 billion will be required to meet these obligations. However, even if these appropriations are approved at any time during fiscal years 1972 or 1973, they will not require any additional outlays until fiscal year 1974. Therefore, I am confident we can accept the dollar devaluation bill without disturbing the proposed budget outlays presented for the fiscal year 1973.

THE STATE OF THE NATION'S ECONOMY

The bill we are considering today is before us as a result of previous Federal efforts to stimulate the private sector of the economy and to reduce unemployment. But, we must recognize that both of these objectives have to be achieved within the overall constraint of stiff measures to curb the inflationary spiral.

Last August, the President took deliberate and far-reaching actions to freeze wages and prices, to attempt to trim some Federal spending for fiscal year 1972, and to selectively reduce taxes and provide other incentives to corporate and private spending. Specifically, his goals included reducing the 6-percent unemployment rate, reversing the devastating imbalance in our foreign trade accounts, increasing manufacturing plant utilization from its laggard levels of 75 percent, and encouraging retail purchases, through higher levels of consumer credit and a moderation of the personal savings which reached a rate of 8.6 percent in the second quarter of 1971.

I think these are goals we all seek, and I should state right here that I am in full support of the actions the President has taken to put a stop to the erosion in people's confidence and the purchasing power of the American dollar.

I am sincerely encouraged by what seem to be preliminary signs of success. The seasonally adjusted rate of unemployment has notched down to 5.7 percent while at the same time some 518,000 Americans have been added to the labor force between December 1971 and January 1972. While our trade balance continues at a serious deficit, the landmark decisions achieved at the Smithsonian Conference in December should begin to generate a shift in these accounts over the next 6 months.

Several key indicators of industrial production have shown upward moves recently, and the price index for all consumer commodities actually showed a decline between December and January for the first time in over 6 months.

But statistics such as these can be

fragile indications of success. The long term trend in wholesale and retail prices continues upward and we are a long way from reaching hard decisions on international trade which will inevitably effect domestic production and our overall economic well being. We should not be lulled into believing our objectives have been met. The American economy is still on the danger list.

The job we all face is an enormous one. It will require the cooperation of individuals, business, labor, and Government. We here in Congress can, and must, set an example for the American people if we wish to enlist the vital support of the public in the fight against inflation. This is an area where the Government must clearly take the lead by putting its own fiscal house in order. Certainly we cannot in good conscience ask labor's cooperation in wage settlements, ask business to hold down prices, and in general, call for sacrifices on the part of every citizen if we are not willing to do the same.

If restraint in spending on the part of the Federal Government were nothing more than the example of leadership the American people have a right to expect from their government, that would be sufficient reason to support this amendment. But the Federal spending has an enormous effect on the general economy of this Nation. Just as it can be an important stimulus to a sluggish economy, it can become, when resultant deficits grow too large, an uncontrollable engine of inflation.

THE RECORD OF FEDERAL SPENDING

Unfortunately, this administration's record has been weak when we look at the deficits accumulated over the last 3 years. For fiscal years 1969 through 1971, Federal deficits totaled $48.8 billion. And today, we are faced with an estimated shortfall of $44.8 billion for fiscal year 1972 alone. This is by far the largest annual deficit since the crisis years of World War II.

I am talking here, of course, about the deficit in regular Federal funds—not including the trust funds which are accounted for under the unified budget of recent years, and not the so-called full employment budget. The money in the trust funds, as we all know, is not money that can be used for general Government purposes, and to use a surplus in trust fund receipts in a given year to offset deficits in the regular budget is to engage in a bit of accounting legerdemain that the Federal Government probably would not approve if it were tried by the average citizen. The unified budget may help to make a bad situation look a little better, but its use does not disguise the fact that the real deficits continue to show up in the growing national debt.

But even keeping in mind the shortcomings of the unified budget as a realistic yardstick for measuring Federal spending, it should be noted that even after that cosmetic has been applied, the predicted deficit for fiscal year 1972 is nearly $39 billion, the highest it has been since this approach was adopted 5 years ago.

A third presentation—the full employment budget—has been sponsored by this administration in an effort to clarify the economic facts of life, namely that we have come to regard some degree of deficit spending as a necessity when the economy is operating below full capacity.

The presumption under this methodology is simply this—calculate total revenues at full employment and then gear Federal spending to equal those. Yet, we will show an $8.1 billion deficit under this formula for fiscal year 1972, in violation of the President's well stated insistence that a full employment balance should be a cardinal rule of responsible fiscal management.

Yet, I am not completely convinced that our trading partners embrace the full employment method of budgeting. Many of our foreign friends see only another total U.S. deficit running near $45 billion. It is these perceived deficits which will continue to place pressure on the dollar, and perhaps erase the small gains we have made in the last few months.

Mr. President, I believe it would be most helpful for my distinguished colleagues to have available this table which shows concisely the Federal deficit between 1963 and 1973 calculated three different ways—Federal funds, the unified budget, and the full employment budget. In addition, it recounts the total gross Federal debt and the annual interest payments for these 11 years.

I ask unanimous consent that this table be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE I.—BALANCES IN FEDERAL FUNDS, UNIFIED BUDGET, AND FULL EMPLOYMENT, LEVELS OF FEDERAL DEBT, AND DEBT INTEREST, 1963–73 INCLUSIVE

[In billions of dollars]

Fiscal year	Federal funds	Unified budget	Full employment budget	Total gross Federal debt at Dec. 31	Total debt interest
1963	−$6.5	−$4.8	+$4.4	$310.8	$9.2
1964	−8.6	−5.9	+2.1	316.8	9.8
1965	−3.9	−1.6	+2.4	323.2	10.3
1966	−5.1	−3.8	−6.1	329.5	11.3
1967	−15.0	−8.7	−10.6	341.3	12.6
1968	−28.4	−25.1	−25.2	369.8	13.7
1969	−$5.5	+$3.2	0	$367.1	$15.8
1970	−13.1	−2.8	+$2.6	382.6	18.3
1971	−30.2	−23.2	−3.2	409.5	19.6
1972[1]	−44.8	−38.7	−8.1	455.8	20.0
1973[1]	−36.1	−25.4	+.7	493.1	21.6
Totals	−197.2	−136.8	−41.0	NA	162.2

[1] Estimates.

Source: Office of Management and Budget.

Mr. ROTH. Mr. President, an analysis of other budget figures shows that government spending has—as we all know—risen steadily over the past decade. In 1960, for example, Federal, State, and local government spending amounted to 27 percent of the gross national product. This year government spending on all levels will account for more than 32 percent of the GNP.

Even more alarming is the fact that Federal spending is becoming less and less controllable. In 1960, income security, veterans benefits and services, and interest payments on the national debt amounted to 34.6 percent of total outlays. In 1972, it is estimated they will equal 40.4 percent.

As a result of the enormous rise in Federal spending, and the failure of tax revenues to keep pace with the spending, the public debt may rise to a record $456 billion from about $311 billion just 10 years ago. Meanwhile, the interest on the debt has climbed from $9.2 billion to an estimated $20.1 billion in the same period.

ADMINISTRATION CALLS FOR A CEILING

Mr. President, when I introduced a similar spending limitation last November, the administration declined to support my efforts, perhaps because the original budget level which I chose, $229.2 billion, was below the anticipated spending as of November. Fiscal year 1972 outlays at that point were projected at $232 billion.

But, now the administration has thrown its full support behind the need for a legislated spending ceiling. On January 24, the President drafted his own statement which he asked Budget Director George Shultz to read during the White House press conference on the budget. The President stressed, and I quote:

> It is vital that the Executive Branch and the Congress act together to stop raids on the Treasury which would trigger another inflationary spiral.
>
> In submitting this budget I am therefore urging the Congress, before it considers any appropriation bills, to enact a rigid ceiling on outlays that will prevent the government from spending more than the $246 billion requested in this budget. That ceiling on expenditures should apply equally to the Congress and the Executive Branch.
>
> We urgently need an absolute limit on government spending. Only thus can we end inflation, stabilize the economy and provide employment and real prosperity for all.

Top members of the President's administration have echoed this call for congressional action several times within the last month.

Secretary Connally has, in fact, supported the concept long before this current series of budget and debt ceiling hearings. Last year, on March 8, 1971, when he testified in defense of an increase in the debt ceiling to its current level of $430 billion, the Secretary said:

> I think this budget (F.Y. 1972) which anticipates a $11.6 billion deficit, is a full employment budget. It always, at least in my mind, is a budget that anticipates a spending ceiling.

I emphasize the last sentence:

> It always, at least in my mind, is a budget that anticipates a spending ceiling.

Well, Mr. President, the administration's forecasts for the calendar year 1971 and fiscal year 1972 proved far too optimistic. The fiscal year 1972 deficit of $11.6 billion—on a unified basis—has more than tripled to $38.7 billion. We may excuse the forecasting, in part, because of congressional action which has increased outlays for fiscal year 1972, but the fact is the Treasury has been forced to steadily increase its borrowings.

Now, just last Monday, Secretary Connally was back before the Finance Committee asking for an additional $20 billion in debt capacity. But, this will only last the Treasury until June 30, 1972. Mr. Connally will be back again this year.

To help persuade the Congress, though, of the administration's stern desire to keep the spending for fiscal year 1973 at a level consistent with a full employment balance, Secretary Connally said:

> I would also like to emphasize the importance of setting an effective limit on budget expenditures. It is the firm policy of this Administration, as enunciated by the President in his Budget Message that "Except in emergency conditions, expenditures should not exceed the level at which the budget would be balanced under conditions, of full employment." This concept of a full employment balance was central to the budget decisions for fiscal 1973. Its meaning is simple. If one adheres to that objective, our deficits will disappear as the slack in the economy disappears.
>
> Success in this effort is essential if our progress against inflation is not to be jeopardized. The result can and will be achieved by exercising vigorous restraint on spending. Our deficits must be reduced.

Budget Director Shultz reinforced this request last Monday in his testimony before the Finance Committee and previously on February 8, 1972, before the Joint Economic Committee. At that time, he commended the distinguished chairman (Mr. PROXMIRE) for cosponsoring the bill from which this amendment developed.

And 2 weeks ago, Federal Reserve Chairman Arthur Burns appeared before the Banking Committee to request a devaluation of the dollar. In a conversation with the distinguished junior Senator from Georgia (Mr. GAMBRELL) Dr. Burns made the following statement:

> I think it is highly important to have finally in this country a legislative budget ceiling, a budget ceiling that would apply to the Congress, that would apply to the Executive, and that would admit of no escape hatches whatever.
>
> I think that would reassure this country. It would reassure people abroad. It would have precisely the broad beneficial consequences that you have in mind.

THE NEED FOR ACTION

I could pursue this litany of support expressed by top officials within the administration, but I think it important to recognize the impact this legislation will have on the confidence of the American people.

Last year, the deficit ballooned to more than three times its original estimate. The year before it was 30 percent more than predicted. We cannot continue to spend endlessly, each year increasing outlays over expectations. The erosion of the consumer's dollar at home and the scrutiny of foreign nations are developments which have reached, and temporarily survived, a crisis situation.

Mr. President, I shall not detain the Senate longer. This amendment is direct, and to the point. It places a firm lid on Federal spending for fiscal year 1973. It allows no leaks in any account.

It uses the President's budget figure of $246.3 billion, but that in no way restricts the Congress to a line item approval of the budget as written. We still have ample room in which to make our priorities known, confidence that our choices must be honored so long as the total of enactments does not exceed this limit.

I think any fears that a ceiling such as this will require drastic cuts in needed programs are entirely unfounded. Surely there is enough "water" in the great complex of programs administered by the Federal Government to absorb this ceiling without any serious effects. If we are to strike a balance between private and public awareness of productivity as the index for increased spending, Government must look to its own operations for new and better ways to achieve greater ends with more efficiently allocated resources.

Adoption of this amendment will show the American people that the Government is willing to exercise a little restraint in the fight against inflation, too. I think the importance of this psychological factor cannot be overemphasized. We are dealing here with one of the most serious domestic problems we have, and its solution is one which demands leadership from the Federal Government and the Congress. I urge the Senate to include this measure in the debt bill.

Mr. PROXMIRE. Mr. President, will the Senator yield me 15 minutes?

Mr. ROTH. I am glad to yield 15 minutes to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I commend the distinguished Senator from Delaware. The Roth amendment should be adopted. In the first place, it is right economically.

We are now functioning under the full employment budget concept. That concept was advanced some 25 years ago by the Committee on Economic Development, a progressive and highly enlightened business group, and pushed along since then by the Joint Economic Committee of the Congress. It is overwhelmingly accepted by the economics profession.

Under the full employment concept, there are disciplines that should be required that are very rarely recognized. That concept says that, whether we have 6 percent unemployment or 4 percent unemployment, the Federal Government should spend that amount of money which the tax system would bring in if there were relatively full employment of about 4 percent. This year that is $246.3 billion.

ECONOMICALLY CORRECT

The reason the full employment budget concept is economically correct is that it provides a stimulus in periods of less than full employment through the deficit which will automatically come about. That is estimated this year at $25.5 billion.

But the full employment budget concept also requires a discipline over Federal spending. It limits the outlays to the revenue which would be produced at full employment. As I said, that is calculated for fiscal year 1973 to be $246.3 billion.

To spend more than that is irresponsible in anybody's book. Almost every economist who has considered it, it seems to me, would have to say that to spend more than the amount limited by the Roth amendment would be irresponsible and inflationary. To spend more defeats the purpose and violates the discipline of the entire full employment budget concept.

TO CONTROL SPENDING, WE MUST CONTROL OUTLAYS

Now there is a second reason why we should put a ceiling on spending. Spending is controlled by the President. What we appropriate and what the President spends are two entirely different things. Money we appropriate this year may be spent this year or next year or the year after that. It is the President through his budget who determines the actual outlays. Congress does not determine that in the short run through appropriations. Therefore, if we wish to control spending or put a ceiling on it, we can do so only by limiting outlays.

When we act favorably on the Roth amendment, we are limiting the President of the United States. Many have argued against the Roth amendment that we are giving the President too much discretion. In a way, we have to give him some discretion, but the real limitation in this amendment is not on the Congress; it is on the President, because without the limitation no matter how much we appropriate, the President can spend more or less. He has enormous appropriated funds from which to spend more and, of course, as we all know, he can spend less.

We cannot do so nearly as well by cutting appropriations.

Take one example only. During the past 5 years, Congress has cut the President's military budget by about $20 billion. But spending is down only $2 to $3 billion. The reason? The President controls the outlays. The Pentagon has a $35 billion backlog of funds. As we cut, they continue to spend.

The clear lesson from that is that if we want to limit spending we have to limit outlays. And that is precisely what the Roth amendment does.

WASTEFUL SPENDING

Finally, this is a good amendment because there are hundreds of wasteful expenditures in the budget which should be controlled. Those funds should be used either to meet our most pressing needs for health, education, housing, and antipollution, or returned to the taxpayers. They should not be wasted on inefficient Federal projects or spending.

Let me examine just a few of them.

Vietnam spending will be down this coming year from an incremental cost of $26 billion 3 years ago. We were spending $26 billion more with the Vietnam war than we would have been spending without the Vietnam war, and in the coming year we will be spending not $26 billion, but about $5 or $6 billion. There should be a $20 billion saving. But where is that peace dividend saving. Overall, we are spending a great deal more in the military area. Actually that saving should enable us to limit the amount of spending without any adverse effect on Federal services or on real obligations that we have to our people or to the Defense Establishment.

The loss of the peace dividend is not due to pay increases. Many people have argued that it is because the pay of military personnel has gone up, that we have to pay more. The fact is that the present 2.4 million men in the armed services are 1.1 million fewer than we had in 1968, and although the pay of each individual member of the armed services is higher, the total pay is almost exactly the same as it was 3 years ago.

The fact is that the peace dividend has been expended by the military in a number of ways, primarily by big costly systems, and also by not cutting back in areas where we obviously can cut back.

President Nixon has said that our allies should pick up a bigger share of the defense burden. They can certainly afford to do it now. But are they doing it? It is obvious that they are not. We are still paying 70 percent of the cost of defending the free world, although our resources are only 45 percent or less. We have the principal burden. In NATO, the North Atlantic Treaty Organization, which was primarily organized to defend Europe, of course, we are a secondary beneficiary and Europe is the prime beneficiary, but we have 300,000 troops there. We have had them there 25 years, since the end of World War II. That number should be cut to 150,000. Meanwhile, we should continue to supply the nuclear umbrella and the naval and air support, and provide a good deal of other expenditures. We could save $2 billion or $3 billion in that area.

Mr. President, I do hope that when the armed services budget comes before the Senate, among the items eliminated will be several big costly new systems now being proposed, which would mortgage billions of dollars of future revenues. Among them are the B–1 bomber. There is $445 million for the B–1 in the budget this year, up from $370 million last year, but it commits us to $10 billion to $12 billion of spending in the future. It is said to be needed as a long range deterrent against the Russians. The Russians, of course, have only one-fourth the number of bombers we have, and there is a serious question as to whether we need this new supersonic bomber in the missile age.

Then we have the ULM, the undersea long distance missile. That item would be boosted from $140 million to $942 million. I would agree wholeheartedly that we must have an invulnerable sea deterrent. I intend to vote for such a deterrent, though I know it is costly. But this is far too big an increase in too short a time, and it is the kind of crash program which too often has resulted in enormous waste.

After all, the paint is not dry on the Poseidon conversions. Poseidon's are invulnerable. We should keep our powder dry, and work for a more effective deterrent at lower cost.

AWACS, the airborne warning and control system: For this item, there is $474 million in the budget, up from only $142 million. That is more than triple. This is a defense against Russian bombers, but Russia has very old bombers which, at best, can make only a one-way flight. The costs of this item for the future are estimated at up to $20 billion.

We have rightly refused to build a heavy defense against missiles. How silly it is to spend billions for a bomber defense in a missile age, when our adversary, the Russians, are not building a bomber fleet, and it is unlikely they will have a bomber fleet.

The F–14 plane: This is theoretically an effort to confront a land-based fighter plane with a carrier based plane. This would be the most expensive fighter plane in our history. Fighter planes used to cost $100,000; but the fighter planes we have on the aircraft carriers already cost $3 million or $4 million. Now this one will cost $16 million apiece. There is $735 million in the budget for 1973, which is, of course, an immense research and development expenditure on a weapons system which, as I say, has a very questionable purpose.

The Cheyenne helicopter, which has been junked once and considered to be a lemon, is up from $9 million to $54 million. We ought to use the Air Force's A–X for support aircraft.

For antisubmarine warfare, we have six duplicate systems, with an ultimate cost of $23 billion. We ought to choose between them. By choosing between land-based and sea-based planes, we could save a great deal.

A new aircraft carrier: For this item, the Navy wants $299 million for "long lead time" items for another carrier. Mr. President, we are the only country in the world now building carriers, which are so vulnerable it is pathetic. An aircraft carrier is as long as three football fields, and travels about 50 miles an hour. It is the most vulnerable weapon system on the face of the earth. A carrier, moreover, costs about $1.7 billion, when you consider the planes on it, the fleet requirements, and so forth.

Overruns on our weapons systems are now up to a fantastic $35 billion, according to the latest GAO report, which I requested.

We now have more three- and four-star generals and admirals than we had in World War II. We have only about one-fifth as many people in the military, but we have 190 top generals and admirals, compared to 130 at that time. We have really gold-plated our operations. Although we now have 900,000 fewer officers, there are 6,000 more colonels, lieutenant colonels, Navy captains, and commanders than there were in 1945.

The ratio of civilians in the military is also up. In 1969, we had 39 civilians for each 100 troops. In 1972, we will have 42 civilians in the Pentagon for each 100 troops.

There is no competition in bidding in procurement. Almost 90 percent of the bidding is by noncompetitive bidding methods. The five biggest contractors got an enormous $6.3 billion—$6.3 thousand million—of our procurement. Half of all the Pentagon contracts go to 25 enormous companies. The top 100 contractors got 72 percent of the total.

The difference in advantage between a medium or small business and a big business depends on whether the bidding is competitive or not. On a competitive contract, small business does very well. On a negotiated contract, of course, the small businessman does not have the lobbyists here in Washington to enable him to get it.

We could save money by having a separate procurement agency independent of the Pentagon, by requiring more competitive bidding, by building prototypes before going into big production, and by keeping most items in research and development, until we are in a position to know what we are doing.

Mr. President, I think a good deal in the way of savings could be accomplished in the military area by the steps I have outlined, some of which are contemplated, of course, but there are other areas in which we could cut as well.

For example, I think few people realize that public works spending this year, in this budget, is up 42 percent. We have had very few, if any, economists come before the Joint Economic Committee who say that these public works projects are justified in terms of the economy, though their proponents argue that they are. Many of them are pure pork barrel. They help get Senators and Representatives elected, but they are not justified in terms of the economy.

In the space area, the space shuttle will cost a great deal this year, but it will cost far more in the future. If we go ahead with manned exploration of space, which many scientists say will not be as productive as unmanned exploration, the cost will be $7 billion a year in peak years. We can accomplish all we need to accomplish with $1.5 billion to $2 billion, with unmanned flight. The shuttle will pay off, according to a Rand study, only if we spend $141 billion in space over a 15-year period from 1975 to 1990.

For us to give that enormous proportion of our resources to seeing whether or not there is life somewhere in the solar system, it seems to me, is immensely wasteful, until we have tried the far more efficient, far lower cost operation of nonmanned, instrumented flight.

In the area of medicare and medicaid, costs have gone through the roof. In 1965, the costs for 1975 were estimated at $4.3 billion. We now estimate those costs at $11.5 billion. The 1990 estimated cost was originally $8.8 billion. Now it is up to $32.8 billion. The medicare deficit over the next 25 years is estimated at $242 billion.

I suggest that any Senator who is interested in saving money look into the Finance Committee report at the scandalous, wasteful expenditures in the medicare and medicaid area.

Mr. President, I ask that the chairman yield me 3 additional minutes.

Mr. ROTH. I yield the Senator 3 more minutes.

Mr. PROXMIRE. The Finance Committee staff study gave a dozen or more ways these costs could be cut administratively.

The Joint Economic Committee study on the Interstate Commerce Commission stated that due to regulation, at least one-quarter of the annual $27 billion cost of transportation in the country was "waste"—pure and simple. By abolishing the ICC, by allowing the various forms of transport to "compete," and by regulating them only for safety and under the Sherman and other antitrust acts, much of this could be recouped. The Government would save a great deal of this.

Other areas of potential savings are enormous. The Joint Economic Committee made a study of Federal subsidies and found that they amount to $63 billion. We also found that there has been no study of subsidies as such in the entire English language. There is not even a monograph on it, although we expend these enormous sums. We are hoping that we can get the General Accounting Office to come in and give us an analysis of all the subsidies the Federal Government pays so that the Senate and the House will be in a position to determine in the future the extent to which we should continue the programs which have outlived their usefulness.

Certainly, a ceiling on the payment to farmers could help a great deal.

Another area is wiser use of our strategic stockpiles.

Also, we need a far more careful and discriminating and critical look at our housing programs—235 and 236—in which there have been big scandals.

In the highway trust fund, we have expended far more in many areas than we should, and there is no effort even to estimate what the benefits and costs are.

Our antipollution program could be handled through an antipollution tax, which has worked well in Germany and in some cities, without a general burden on the taxpayer. The person who would pay the tax would be the polluter, the person who uses the product of the polluting industry, or the industry itself.

With respect to air cargo, we have a C–5A fleet now. It flies empty; it is operated only 3 to 4 hours a day. To be used efficiently, it should be used 15 hours a day. Instead, we are hiring commercial fleets, at great cost to the American taxpayers.

There are many other areas in which I could point out savings. Two of my favorites are these:

One is military foreign aid, where we are spending $6 billion, getting into more mischief than anything else. We have been providing the arms and ammunition to both Pakistan and India, so that they could kill each other, at the cost of the American taxpayers. We could be far more discriminating in cutting down that military assistance program.

The other area is small but symbolic, and it is the Subversive Activities Control Board—a 57 percent increase in the budget for an agency that has done literally nothing for more than 20 years. It has been in existence since 1950, and since 1950 it has yet to be able to expose a single subversive or Communist. The Board rarely has hearings. They have five commissioners, so that they always have an extra man for bridge, I suppose, if somebody has a day off. If anyone can find anything constructive that this organization has done, I would like to know about it. The commissioners receive $36,000 a year, and their output is exactly zero.

Mr. President, to sum up, the Roth amendment is an excellent amendment. There are many, many areas in which we could make reductions and keep well within the limitations provided by the Roth amendment. It is completely sound economically. I hope the Senate will adopt it.

I thank the distinguished Senator from Delaware for yielding me time.

Mr. ROTH. I thank the Senator for his valuable contribution on behalf of my amendment.

(At this point Mr. PROXMIRE assumed the chair.)

Mr. ROTH. Mr. President, does the distinguished Senator from Virginia desire recognition at this time?

Mr. BYRD of Virginia. Yes.

Mr. ROTH. Mr. President, I am happy to yield 15 minutes to the distinguished Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, I support the amendment offered by the distinguished Senator from Delaware. The amendment would put a ceiling on Government expenditures. I think that is badly needed.

The great problem is that a ceiling was not put on before.

The real culprit insofar as these smashing deficits are concerned is fiscal year 1972, the current year. Federal funds expenditures increased in that one year by $19 billion. The proposed increase is considerably less than that for the upcoming year—that is, fiscal 1973.

It is too late now to go back to last year, so I think the Senate and the House would be wise in adopting the proposal offered by the Senator from Delaware for a ceiling on Government expenditures of $246.3 billion. I would prefer a lower ceiling.

Mr. President, prior to 1968, the budget was calculated on an administrative or Federal funds basis. Under the Johnson administration, however, deficits on that basis were so great that President Johnson then brought in a new budget concept—namely, the so-called unified budget.

Under that proposal, the surpluses from the trust funds—mainly the social security trust funds—paid in by the working people of our Nation, to be safeguarded for their benefit when they retire, are utilized to reduce the size of the administrative or Federal funds deficit.

Then we come to the present administration. The deficits under the present administration have been so great, even under the unified concept, that last year the administration went to a new concept—namely, the so-called full employment budget.

What is the full employment budget? That concept says that if we have full employment, we will have a balanced budget at the expenditure figure submitted by the administration. But, of course, we do not have full employment; and even under the full employment concept, the budget deficit for the current fiscal year will exceed $8 billion.

So, regardless of any of the budget concepts that one uses, whether it be the appropriate and proper way of figuring, namely the administrative or Federal funds budget, there will be a smashing deficit, a deficit for the current fiscal year of $45 billion; or whether one uses the unified budget concept, there will be a deficit for the current fiscal year of $38.9 billion; or whether one uses the fictitious full employment budget concept, there will be a deficit of more than $8 billion.

So, any way one looks at it, the financial situation of the Government of the United States is very grave and, in my judgment, desperate.

Worse, for the new year, in the budget that Congress is now working on, the forecast for this coming year is for more deficits.

Even if the administration is correct in its assumptions of the revenues the Government will receive—and I think they are not correct—but even if they are correct, the upcoming fiscal year will have a Federal funds deficit of $36 billion. If we want to take it on a unified budget concept, the upcoming fiscal year will have a Federal funds deficit of $25 billion. If we want to take it on a full employment concept, there will be a deficit also.

Under questioning by me of the Secretary of the Treasury and the Director of the Office of Management and Budget before the Finance Committee last week, both the Secretary of the Treasury and the Director of the Office of Management and Budget stated that they did not expect full employment even though they identify and define full employment as a 4 percent unemployment.

So it is totally inaccurate to say that the budget is submitted to Congress on a balanced basis, even on a full-employment concept. Every knowledgeable official says there will not be full employment. The two fiscal experts say that we will be fortunate if unemployment is reduced to 5 percent by the end of the year.

So, I say, Mr. President, this country is in a desperate position financially.

It is in a situation which I believe is worse than the figures show, because the officials submitting the figures to Congress, both from this and the preceding administrations, one Republican and one a Democratic, have been notoriously inaccurate. I think that the figure submitted in regard to the upcoming budget likewise will be proved to be inaccurate.

Now I want to emphasize, Mr. President, that my views with regard to the Government's finances are not partisan views. As a matter of fact, I am not much of a political partisan.

In the last election, when I was elected to the Senate the second time, I was opposed by the nominee of the Democratic Party and I was opposed by the nominee of the Republican Party. The Democratic nominee said that I voted with the Republicans too much and the Republican nominee said that I voted with the Democrats too much.

I told the people of Virginia that I was not going to swear blind allegiance to either party, that I would vote with the Republicans when I thought they were right and that I would vote with the Democrats when I thought they were right. So, my approach to this matter is not a partisan one. I felt that the smashing deficits of the Johnson administration were the main cause of inflation. I agreed 100 percent with Richard M. Nixon, when he was a candidate for President, when he pointed to the deficit of the Johnson administration of $28 billion and told the people of this country that that was the chief cause for inflation which the Nation was facing. I agreed with him.

Now we come to the present fiscal year and we find that under the present administration we have a Federal funds deficit not of $28 billion but of $45 billion.

The official figures submitted to the Congress by the Director of the Office of Management and Budget and by the Secretary of the Treasury predict another smashing deficit of $36 billion for the upcoming fiscal year.

If we are not in a grave financial condition now, then it is probably rather safe to assume that we never will be in a grave financial condition. What we have been attempting to do is to spend ourselves rich. I submit that cannot be done. We are on an unsound basis. We are living on borrowed money. We are handling our finances in a way that will get us by temporarily, but it will mean that as the years go by the wage earners and their children will be called upon to pay very, very dearly for the reckless spending of their Government. I submit that we cannot look at these figures in any other way than to say that we are handling the taxpayers' funds in a reckless and, in my judgment, improper and inappropriate manner.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The time of the Senator has expired.

Mr. ROTH. Mr. President, I yield 10 additional minutes to the Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, I fully support the proposal of the Senator from Delaware for a ceiling on Government expenditures. Such a ceiling is long overdue. But, while I support it, I want to point out that this is not going to solve the problem.

Even if the ceiling is agreed to, even if the ceiling is adhered to, this Government will end the next fiscal year with another smashing Federal funds deficit—not only a Federal funds deficit but a deficit under any budgetary concept that has yet been submitted to the Congress.

Even if the ceiling is adopted, even if the ceiling is adhered to, there will be a deficit in Federal funds of $36 billion as a minimum, there will be a deficit under the unified budget concept of $25 billion as a minimum, and there will be a deficit under the so-called full-employment concept.

Speaking of the full-employment concept, which states that we will have a balanced budget if—if—such-and-such happens, to me is like saying, "I would not be broke if my uncle had left me $10,000." That is the way it is with the full-employment concept.

Even if one accepts the full-employment proposition—which I do not—by the administration's own assertions, namely, by the two top fiscal officials of our Government, the budget will not be balanced even under the new, and what I call fictitious, concept.

We are not going to solve this problem in a short time. We are not going to solve it even by adopting the amendment, but I think it is important that we take a step toward solving it by adopting the amendment.

We have done so many foolish things.

Besides that, we find such quick shifts of direction. I felt that the new administration was on a sound course the first 2 years of the administration and was making headway and going in the right direction in trying to solve the fiscal problems facing our Nation.

But then a year ago this past January, there was a complete shift, and recommended appropriations were increased by more than $20 billion in that one year. It was deliberately done, as the joint session of the Congress was told by the administration. "We want to deliberately go into a heavy deficit financing program because that is the way to reduce unemployment and create prosperity," the administration told the Congress.

In other words, we want to spend ourselves rich. That is the way to do it.

So we had these tremendous deficits. The current year it is $45 billion on a Federal funds deficit. Next year it will be at least $36 billion.

The shifts, it seems to me, instead of improving the situation, have made it more difficult.

Not only was it recommended that we go into vast new spending programs, but at the same time, and subsequently, it recommended that taxes be reduced so as to further increase the deficit.

Mr. President, in testimony before the Committee on Finance on March 8, 1971—that is a year ago tomorrow—Secretary of the Treasury Connally was asked this question by Senator JORDAN of Idaho:

> Senator JORDAN. What is the likelihood we are going to get proposals for personal income tax cuts, and/or investment tax credits?
>
> Secretary CONNALLY. Senator, in 1969 we gave individuals an enormous amount of tax relief. The effect in 1972 is more than $7 billion. Some other cuts have not even taken place yet. Some will start in January 1972 and others in January 1973. And, to answer your question one way, as a result of prior actions of the Congress, tax cuts are yet to come.

Then he said:

> I do not anticipate that there will be any additional recommendations from the Administration with respect to tax cuts this year in terms of personal income taxes.

That was on March 8, 1971.

Before many months had gone by, there was a recommendation that individual income taxes be further reduced.

Secretary Connally then went on to say:

> This is not to say that the idea is foreclosed becuse nothing that I say should be interpreted to foreclose any course of action to achieve the necessary goals of the Administration.

He continued:

> But secondly, with respect to investment tax credits, I do not anticipate that any such recommendation will be made again to the Congress with respect to those. That particular matter has been adopted twice by the Congress, repealed twice by the Congress, and I do not anticipate that there will be any recommendations with respect to reinstating it this year.

I say again, that was Secretary of the Treasury Connally's testimony before the Senate Committee on Finance on March 8, 1971.

Then 3 weeks later, on April 1, 1971, in a speech before the U.S. Chamber of Commerce here in Washington, Secretary Connally urged the businessmen to go out and spend for new equipment, because the administration would recommend and urge Congress to adopt investment tax credits. The Congress later responded and made the effective date retroactive to April 1.

With such quick shifts in policy as these, it seems to me it is difficult to reach rational solutions to the grave problems we face.

I happen to be one of those who favor the investment tax credit. I think it was a good program when it was used a few years ago.

But when that tax cut legislation came before the Senate to reduce personal and corporate income taxes by $10 billion at a time when the budget deficit was already huge, then I cast my vote against such a reduction in taxes.

All of us like to vote to reduce the people's taxes. We like to vote to reduce corporate taxes. Many like to give special tax benefits wherever it is possible to do so. But I submit, Mr. President, that we are not giving the people anything unless the tax reduction is soundly based. I submit it was not soundly based when the tax reductions were enacted last year.

Just think of reducing personal and corporate income taxes by $10 billion at a time when the Federal deficit was more than $30 billion.

What is going to happen will be that next year there will be recommendations and strenuous efforts made for a substantial increase in taxes.

Mr. President, I wish to read at this time from testimony before the Committee on Ways and Means of the House of Representatives on February 1 of this year, on page 69.

The PRESIDING OFFICER (Mr. CHILES). The Senator's 15 minutes have expired.

Mr. President, before the Committee on Ways and Means, at its February 1 session, committee members inquired of the Secretary of the Treasury and the Director of the Office of Management and Budget as to possible tax increases. Representative CHAMBERLAIN put this question:

> Mr. Secretary and Dr. Shultz, I share the same concerns of other members of the committee that we find ourselves in this situation today. It is not a happy one.
>
> I would like to ask a couple of questions. One is about some comment earlier about a possible tax increase in the future and your suggestion, Dr. Shultz, about not wanting to talk about tax increases.
>
> Do I gather from responses to questions by Mr. Landrum and perhaps others that there is no intention on the part of the administration to make any recommendation regarding the value added tax as a possible source of revenue?
>
> Secretary CONNALLY. Let me respond to that in this way, Congressman. We certainly have no plans to submit any tax bill to the Congress at this time—

I want to emphasize "at this time"—

> Now, this doesn't mean that we are not looking at taxes. We look at them in the Treasury Department all the time. We look at every tax that we hear about that is proposed anywhere in the world—

Yes, I suppose that is true—

> "and we certainly are looking at the value added tax because it is now in operation in about nearly all of the European countries with the exception of one or two. They are constantly bringing it into their system.
>
> Nearly every country in Europe has the value added tax. During the course of these monetary meetings, I asked these finance ministers how they like it, what are the advantages, how does it work, and they think it is a great tax, an excellent system.

Those who are spending the money and recommending these huge expenditures may think it is a great tax. It is a national sales tax, and perhaps some regard it as a great tax. I am not going to pass judgment on it until the recommendation comes in. But I have no doubt that the people who want to spend more and more money think it is a great tax.

Secretary Connally continued:

> We are still evaluating it, but are certainly prepared to say to you today that we are not planning to submit it at this time.

Mr. President, what goes through my mind is the continuing reiteration of "not at this time." Certainly, they are not going to do it at this time.

Taxes are not proposed before elections, just as wars are not proposed before elections.

Taxes and wars come after elections.

I want the record made clear.

I think that come 1973, there will be recommendations for heavy tax increases. I want the record made clear, too, that the Senator from Virginia feels no obligation for the smashing deficits that have been run by this Government. I have fought against these deficits ever since I have been here. I voted to reduce the huge spending year after year. I voted against the tax reduction which further increased the deficits.

I feel no obligation, and will feel no obligation next year, to vote for a smashing tax increase on the people of this Nation, whether it be in the form of a national sales tax, which will hit hard every wage earner in the country, or in the form of an added income tax, which also must come out of the pockets of every wage earner in this country.

I say that it was a mistake to reduce personal and corporate income taxes in 1971. I voted against that reduction, and I want to make clear that I feel no obligation to support any tax proposal that might be submitted to Congress next year.

I say again, just as I said a year ago to the Secretary of the Treasury when he came before the committee for confirmation of his nomination, that these smashing, deliberately created deficits; that whoever happens to be Secretary of the Treasury in 1973 will be coming before Congress for a substantial increase in the taxes on the people of our Nation.

This vast spending has to be paid for. You cannot spend your way to prosperity. It has been tried time and time again.

The people are being deluded into thinking that all we have to do is to spend more money, for the Government to spend more money, and no one has to pay for it.

The Governor of Massachusetts came before the Finance Committee recently and he wanted Congress to appropriate $10 billion more for welfare. He was queried as to where he would recommend the $10 billion came from, should we increase taxes to get that $10 billion to spend on additional welfare or should we add it to the deficit. He said, "Just add it to the deficit."

The thinking on the part of too many people is that all we have to do is spend money—spend more and more money—but no one has to pay for it.

I submit that is misleading and deluding the people. Those who are going to have to pay for it are the hardworking wage earners of this Nation, those in the middle income group.

That is where the bulk of the money comes from.

As a practical matter, that is the only place it can come from.

I am not worried about the wealthy people because they can take care of themselves. The very poor do not have the money to pay any taxes.

It is the middle income group that will be called upon to bear the burden and to pay for the irresponsible spending of the Government of the United States.

Mr. ROTH. Mr. President, I am happy to yield 20 minutes to the Senator from Illinois.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. PERCY. Mr. President, I thank the distinguished Senator.

I think it most appropriate that I make my comments at a time when the disguished Senator from Virginia has been speaking. I know how deeply he feels about the matter of Federal expenditures. And I know how deeply he feels about the integrity of the dollar. If we do undermine the dollar, we undermine the capability of the Senate and the House of Representatives, as well as the executive branch of the Government, to fulfill and carry out our responsibilities. So, I join in the spirit of many of his comments. I do though support an increase in the debt limit because we have no alternative.

Mr. President, I strongly support the Roth amendment to impose a strict ceiling of $246.3 billion on fiscal 1973 Federal outlays—expenditures and net lending.

Under terms of this amendment, there would be no exemptions, not even for so-called uncontrollable items in the budget.

With an estimated fiscal 1972 budget deficit of $38.8 billion, following deficits of $2.9 billion in fiscal 1970 and $23.1 billion in fiscal 1971, and with an estimated $25.5 billion deficit in fiscal 1973, it is obvious that we must get a better handle on Government spending. Continued, massive Federal deficits will only harm this economy and lead to further spirals of inflation.

Federal deficits are a serious problem for at least two reasons. This debt must be financed by borrowing the surpluses of the trust funds, which must be repaid with interest, and by borrowing in commercial financial markets. One effect is to increase the money supply, as banks buy Government paper which then becomes the basis of additional loans, and thus new money. Another is to increase the fixed interest cost of carrying the debt, a sum that totaled $21 billion in 1971, up from $8.1 in 1961.

The last time that this Government had a budget surplus, fiscal 1969, was the direct result of enactment of an expenditure ceiling such as the one we are debating today. As a result of the ceiling enacted in 1968, the fiscal 1969 budget showed a modest surplus of $3.3 billion.

The author of that legislation in 1968 was the senior Senator from Delaware, Mr. Williams, and I think it only appropriate today that the expenditure ceiling amendment is being offered by the junior Senator from Delaware (Mr. ROTH). I supported the bill in 1968 and I support the amendment today.

I think that the figure that the Senator from Delaware is using for the ceiling—$246.3 billion—is a good starting point. It represents the administration's requested budget for fiscal 1973. Through enacting this expenditure ceiling, the Congress will be showing the self-discipline necessary to control Federal spending.

The debt ceiling is no longer, if it ever really was, an effective discipline on the budget. We must raise it in order for the Government to operate and pay its bills. But we do need some discipline and the expenditure ceiling is the way. In this political year I am afraid that without such an expenditure ceiling, many politically popular projects will be funded, regardless of their fundamental economic soundness.

For that reason, I heartily endorse the proposed amendment and commend it to my colleagues.

I would like to point out to my friend, the distinguished Senator from Delaware (Mr. ROTH), that there was a good deal of resistance when his predecessor offered this amendment on the floor. I can recall a good deal of skepticism and concern. Many members of the administration at that time resisted it as arbitrary and capricious and, as someone said at the time, as an attempt to arbitrarily put on a ceiling. Yet I know that from discussion with the administration leaders as they tried to live within the ceiling, as they had to—although there were some exemptions passed, and certainly we provided for exemptions for Internal Revenue agents that needed money and for audits that insured the proper expenditure of funds—that the administration was able to achieve a savings of about $10 billion. It forced the administration to look at priorities and to come to grips with the necessity of establishing priorities in Federal spending.

Sometimes it was perfectly proper to increase one item over the budget amount because something new had to be added. But then we had to go through the agony of finding out—as any family, any business, or any university has to—what amount of money was available and then cutting something.

We are not saying that we have to live within our revenue. Even with the ceiling we will have a deficit of $25.5 billion, which does not take into consideration the trust funds. Counting trust fund surpluses the deficit would be close to $40 billion on the Federal funds basis.

This is a liveable ceiling. I think we know that a figure of $25.5 billion deficit for fiscal 1973 is not accurate. We know that the administration would exceed that figure and we know that Congress will not tolerate reductions in certain expenditures. What we are saying is that what we have to do is to cut someplace else if we increase another account.

Mr. BYRD of Virginia. Mr. President, will the Senator yield at that point for an observation?

Mr. PERCY. I am glad to yield to the distinguished Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, the Senator mentioned a $700 million surplus on a full employment basis. Am I correct in that statement?

Mr. PERCY. The Senator is correct, based on a 4-percent figure. I am not saying that I support this principle. However, this is the principle implemented in our new budget concepts.

Mr. BYRD of Virginia. That is the point I wanted to suggest. This is based on a 4-percent unemployment figure. However, the Secretary of the Treasury and the Director of the Bureau of Management and Budget both, under questioning, before the Finance Committee said that they do not expect to reach a 4-percent unemployment figure. As a matter of fact, they feel they would be very fortunate if, by the end of the year, they are able to reach a 5-percent unemployment figure. So the budget, even on a 4-percent concept, is out of balance as a practical matter at the time it is submitted.

Mr. PERCY. The distinguished Senator from Virginia with his usual perceptiveness in financial matters has put his finger on a very sensitive point here. We are basing it on 4-percent unemployment. Yet discussions as recently as 2 weeks ago indicate that this is not possible.

It indicates that 4 percent is unrealistic as a full employment figure; it is closer to 4.5 percent. We cannot achieve and do not expect to achieve realistically a 4-percent figure. If we base all future planning on this temporary full employment anticipated figure we are basing it on a false premise.

It is a good subject for the Joint Economic Committee to study and we are taking a good look at this situation now. We are just fooling ourselves otherwise. We must deal with reality.

I would like to point out that I took a pledge several years ago, never to put forth a bill that would cost more money than was called for in the budget without pointing out new sources of revenue or some place from which an equal amount of funds could be taken. For instance, I would refer to homeownership for low-income people, feeding programs for the elderly, neighborhood health centers, and things I felt that were clearly needed and necessary and in the long run in the best interest of the Nation.

Then my staff and I had to make studies as to where to find the money. That is where I came up with the idea of taking some funds from the rotation of military personnel.

The Senator knows how we rotate people in the military. For instance, in the Navy from the time the man leaves Annapolis until he retires he rotates his permanent duty station every 15 months. I am speaking of the average naval officer. We simply cut that budget 25 percent. I am happy to be able to report that the Senator from Mississippi (Mr. STENNIS) and the Senator from Arizona (Mr. GOLDWATER) joined me in that measure. In the beginning the measure was resisted, but I think the services are proud now with the fact that they have saved money. The families of the servicemen love it. Here was an item that did not hurt our national defense.

We spend $7 billion feeding the Army, Navy, and the Air Force.

We feed them as they were fed in the days of General Custer. I think we must find ways to use modern techniques instead of feeding these men 200 at a time; I believe it can be done in much larger numbers. My objective is to save 15 percent and provide better food for the Army, Navy, and the Air Force.

That cut does not hurt the national strength. I think it adds to national strength when we save $900 million out of that item and we are able to make a savings.

If Congress were to discipline itself to this type of procedure it would be good for all of us. I think the amendment of the Senator from Delaware is in the spirit of what Senator John Williams tried to do through the years from our side of the aisle, and which the distinguished Senator of Virginia fought for on his side of the aisle. As a powerful member of the Committee on Finance he has fought to see that we have fiscal responsibility, because if we do not have fiscal responsibility then we might as well forget our leadership in the world.

We must get back to the point where we cut down inflation and stop wage increases that go beyond productivity, and which price us out of the world marketplace. We are not going to be able to finance our operations abroad or tourism abroad otherwise. If we do not discipline ourselves it will have a great adverse impact on our Nation.

This is the steady day-by-day grinding work that has to go on in the various appropriation-authorization committees to discipline Congress and the executive branch of Government to live within our means. We are living far beyond our means today.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. BYRD of Virginia. Mr. President, I think the Senator from Illinois is right. I remember 2, 3, or 4 years ago the Senator from Illinois would come into the Chamber, I believe once a week for a while, to bring in excellent suggestions with respect to where our Government could save money and where the Government could effectively, without hurting the national defense or the other agencies of Government, reduce the suggested appropriations.

I remember well when the Senator from Illinois undertook to do just that. I thought he rendered splendid service to the Senate and Congress in doing that.

Mr. PERCY. I am most grateful. I have always had every possible help from the distinguished Senator from Virginia in this effort. Many of us are deeply concerned. All of us must be concerned.

While I have not recently been in Virginia, I have recently been in New Hampshire, as of last Friday. I was very interested to find the reactions of people there were very similar to the reactions of the people of Illinois. They are deeply concerned about this budget deficit and they are highly skeptical of this so-called balanced budget or surplus budget that is presented.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. BYRD of Virginia. That is the best news I have heard in a long time.

Mr. PERCY. People are so aroused that I have just finished writing a letter to the leaders of the State of Illinois, some 12,000 business, civic, and labor leaders, reporting to them the deep concern I have noted, and I have reported to them that this amendment offers the best hope I have seen because here we are not going into uncharted waters.

We followed this course once before in Congress in 1968 and imposed a ceiling. It is excruciatingly painful for everyone whose particular projects had to be cut. Yet this discipline we imposed gave us the first surplus we had in years. It was our work in 1968 that gave us a surplus in the fiscal 1969 budget of $3.3 billion. We never would have had it if we had not taken the action we did. I give credit to the Democratic administration which in that last year in office worked very hard with Congress because we laid down the law to achieve these savings. That was good discipline we went through. I have had to go through it many times in corporate life and in connection with other institutions with which I have been associated. You have to chop out the fat, and we should do it in the Senate and in legislative authorization bills, and in appropriation bills.

I think it is time to go through this disciplinary process in this Government and I do not know of a better administration than the Nixon administration to make this discipline work.

Certainly, the administration supports this amendment. The President would have a new tool so that every time a Cabinet member would come in and want to spend $3 billion he would be told there is a ceiling and that he would have to find a source of revenue or a way to cut his budget or someone else's budget by the same amount in order to proceed.

It is the same process that every well-managed family has to go through. We are a family of 205 million people in this Nation and we have to change our way of life.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. BYRD of Virginia. I wish to set the record straight. The Senator from Illinois mentioned a surplus of $3.5 billion in fiscal year 1969.

Mr. PERCY. $3.3 billion.

Mr. BYRD of Virginia. I would like the record to show that is a surplus only on a unified budget basis. On a Federal funds or administrative budget basis there was a deficit of $5.5 billion. There was a surplus only after we utilized the surplus in the social security trust fund to reduce the deficit in the administrative budget.

Mr. PERCY. I accept the correction. I am very happy to have the last point referred to because the unified budget, we must take into account, did come about as a result of bipartisan support. It had the support of President Johnson, and was also supported by the Republican Members of Congress.

David Kennedy was the chairman of that particular study commission and became the first Secretary of the Treasury under the new administration. The unified budget is not the old accounting basis of income and outgo. It takes into consideration trust funds. That is perfectly true. I was using figures in the unified budget sense, but I am glad to be reminded again that even in that year, when we cut $10 billion out of the deficit, we still had a deficit on the Federal funds basis. I thank my colleague for refining that point.

Mr. BYRD of Virginia. I am delighted to yield 10 minutes to the Senator from New York.

Mr. BUCKLEY. I thank the Senator from Virginia for his courtesy. This is a topic which I think is of the utmost importance, so I am grateful for the opportunity to address myself to it.

Mr. President, I rise in support of the amendment proposed by the distinguished Senator from Delaware providing for a strict limitation on Federal spending for the fiscal year 1973. Since 1917, the Federal debt ceiling has been raised 54 times. Indeed, it is very difficult these days to describe the ceiling on Federal expenditures as a ceiling at all, but rather as a temporary impediment to an insatiable appetite for Federal spending without regard to its economic consequences. The authorized debt ceiling has grown from $4 billion in 1917 to $430 billion in 1971. It has increased by 30 percent in just the past 10 years.

Moreover, because of the compulsion to spawn new Federal programs and because of very substantial increases in uncontrollable programs such as medicare and the housing program, the Federal budget appears to be simply out of control. These increases have caused receipts as a percent of total outlays in the Federal budget to decline from 97 percent in fiscal year 1970 to 83 percent in fiscal year 1972. These deficits and their subsequent impact on the monetary system can only fuel the staggering inflation in prices which the United States has suffered over the past 5 years.

Since the administration has adopted the full employment budget concept as its mechanism for assessing the economic impact of Federal taxing and spending policies, we have as a matter of policy abandoned the easily observed discipline of measuring deficits in terms of red ink and black. Full employment budgetry is a tenable basis for fiscal planning, but it involves its own most difficult disciplines. It is for this reason that it becomes imperative for Congress to impose serious constraints on the aggregate level of Federal expenditures if these expenditures are not to have an inflationary impact. Its importance has been recognized by President Nixon in his statement on a spending limitation of January 24, 1972. In that statement, President Nixon said:

> The budget I sent to the Congress requires spending more than we collect in taxes. . . .
>
> Those who would increase spending beyond the amount budgeted will be responsible for causing more inflation.
>
> It is vital that the Executive branch and the Congress act together to stop raids on the Treasury which would trigger another inflationary spiral.
>
> In submitting this budget I am therefore urging the Congress, before it considers any appropriations bills, to enact a rigid ceiling on outlays that will prevent the government from spending more than the 246 billion requested in this budget. That ceiling on expenditures should apply equally to the Congress and to the Executive branch.
>
> We urgently need an absolute limit on government spending. Only thus can we end inflation, stabilize the economy and provide employment and real prosperity for all.

The President, in his message, recognized the crucial importance of maintaining the rigid limit on expenditures consistent with the amount of revenues that the tax system can produce at full employment. The full employment budget concept, while supportable in principle, is one which is particularly difficult to implement because of the extreme difficulty in adequately forecasting the amount of revenue which would be produced by the tax system under full employment. This is because of the host of influences which come to bear on incomes, profits, rents, and dividends which produce Government tax receipts.

In the international sphere, the United States has recently gone through a very difficult period in its attempt to bring the value of the dollar into line with international economic realities. In large measure, the difficulties of the dollar have been the result of a disproportionate increase in prices for export goods relative to the price levels which have obtained in other countries. In 1971, the United States experienced its first merchandise trade deficit of this century. Yet in the past year, we have continued to fuel the principal source of inflation through the monetary expansion which is stimulated by excessive governmental activity.

The time has come for the Congress to demonstrate in a convincing manner its determination to call a halt to the process. A failure of Congress to impose an effective ceiling on expenditures could jeopardize the stability of the entire international monetary system. In view of the traumatic character of the recent U.S. monetary crisis and its impact on our trading partners abroad, we must find the self-discipline which alone can avert another such crisis.

The high rate of price inflation which we have experienced over the past 5 years has also had a disproportionate impact on interest rates. Over the past decade, our gross national product in nominal terms has grown at an annual rate of nearly 7 percent while Federal spending has grown at a rate of nearly 8 percent. At the same time, the amount of borrowing has grown at an annual rate of 4.3 percent a year while the interest on the debt has grown at an annual rate more than twice as high as the growth rate of the principal, at a rate of nearly 9 percent. This has been reflected in the very high long-term interest rates which affect such critically important sectors of the economy as the housing market. While short term interest rates have declined sharply in recent months as a result of the rapid monetary expansion, there has been no corresponding decline in long-term interest rates.

It is absolutely essential, Mr. President, that Congress enact a rigid spending ceiling if the Federal Government's finances are to be brought under some measure of control. We have imposed price and wage controls on the American people. It is time we imposed equivalent controls on ourselves.

Mr. President, I thank the Senator from Virginia for yielding me this time. I urge all my colleagues to vote in favor of the amendment.

Mr. FANNIN. Mr. President, I would like to commend Senator ROTH for taking the lead in this effort to impose an airtight statutory limit on expenditures and net lending during the fiscal year 1973. Senator BYRD of Virginia is also to be highly commended for his continuing efforts to carry through the fight his father promoted.

The Senator from Delaware is carrying on in the great tradition of his predecessor, our former colleague John J. Williams. For more than 2 decades Senator Williams was one of the most respected voices in this Chamber, and he carried on a constant battle to return fiscal responsibility to Government.

In speaking on this floor on June 22, 1970, Senator Williams urged the passage of an amendment he proposed putting an ironclad ceiling on spending. He said:

> I think either we ought to have a ceiling, or else we ought to cut out the complete farce of pretending we are having one.

Mr. President, I think that we must put an end to reckless Federal spending which Congress has condoned and accelerated in recent years.

This fiscal year we will have a Federal deficit of $38.8 billion or $44.8 billion, depending on which accounting system you choose to use.

President Nixon has proposed a budget of $246.3 billion for fiscal 1973. This will give us an estimated deficit of $28 billion or $34 billion, again depending on whether you use the trust fund surpluses to offset the deficit on a unified basis.

It may be that Members of this body will disagree with how President Nixon proposes to allocate the funds in his 1973 budget, but I do not see how anyone can argue that the budget of $246.3 billion is simply too small a figure.

During the first session of this Congress I introduced Senate Joint Resolution 129, which would require the balancing of budgets over a 2-year span. I still feel very strongly that we should enact this constitutional amendment to force on the Congress the responsibility it has ignored for the past 40 years.

Being a political realist, however, I realize that we need to put a halt to the fiscal erosion before we can hope to reclaim the ground we have lost.

The amendment we are considering would accomplish the purpose of preventing Congress or the administration from compounding the fiscal problems we already have.

This fixed ceiling would be an absolute maximum. It would eliminate the loopholes that have been left in similar ceilings that have made past controls meaningless.

Previously we exempted so-called uncontrollable expenditures such as interest on the national debt, social security payments, and other items. This ceiling would include these expenditures, and it would force the administration to reduce spending and lending in other areas if the so-called uncontrollables exceed estimated levels.

The Senator from Delaware has said that he is confident that the provision would not jeopardize any current Federal programs. Certainly, I would expect that the figure is high enough that it would not result in any cutbacks.

But even if some current programs were jeopardized, we still have no real alternative if we have any hope of returning some confidence to the American economy.

In recent years Congress has enacted program after program with little or no regard to cost.

The spending binge launched in these halls during the 1960's provided today's legacy of unemployment, inflation, and a general lack of confidence in our economy both at home and abroad.

Foreign governments have been awestruck by the failure of our Government to put our economic house in order.

We have our balance-of-payments problem; we have the dollar in serious trouble abroad; we have our first official trade deficit this century—although it is my contention that we have been operating at a deficit for a number of years if proper statistical methods were used.

Mr. President, this amendment is far from what I would like to see done, but it is an important first step. I urge that it be adopted.

Mr. TOWER. Mr. President, I am much pleased to be a cosponsor of the amendment of the Senator from Delaware (Mr. ROTH) to place a firm spending limit on the Federal Government for fiscal year 1973. I have been much concerned with the increasing tendency of Congress to forget that the Federal Government cannot provide all things for all men. Congress has become wrapped up in the glory of distributing Federal benefits according to popular demand, and it has virtually lost sight of the fact that the people of this country actually have to pay for all of these programs and benefits. I believe that the Roth amendment will help bring an end to this excessive spending habit by forcing the Congress to observe an overall spending limit before the appropriations bills are considered and passed this year. This means that the inevitable tendency for programs to receive that extra funding sought by their various respective supporters will be curtailed because the appropriations measures will not be able to go overbudget, at least in the aggregate.

When only the carefully planned and budgeted programs are funded, the people of this country will be getting more effective spending per dollar from their taxes than they have been getting in the past. In addition, an overall spending limit would tend to prevent the large deficits we have been experiencing. These deficits have to be financed with debt obligations of the Government which have added to the inflationary spiral we are now trying to break.

Dr. Arthur Burns, Chairman of the Federal Reserve Board, has explained the need for a spending limit in recent testimony before Congress:

> To maintain the public confidence that is so vital to the achievement of faster economic expansion, I consider it crucial to make tangible progress toward a more balanced fiscal position in the 1973 budget and beyond. Whether or not the projected revenues are realized will depend principally on the strength of economic recovery. On the other hand, the projections of further increases in expenditures are largely within the control of Congress. I would urge, in keeping with the President's recommendation, that the Congress impose a rigid ceiling on fiscal 1973 expenditures—a ceiling to be treated as inviolate except in the event of a grave national emergency. This necessary discipline, which I have urged on other occasions, would go far to reassure the public that the Federal budgetary process is not out of control.

In conjunction with such a spending limit, Congress will have to exercise much greater restraint in creating new programs and in funding existing ones beyond the necessary levels they require. Certainly everyone wants to have an adequate income, a decent living environment, adequate medical services, good educations for their children, safe streets, and other vital elements of a good life. The thing we must realize is that while the Federal Government has some role to play in most of these vital areas, it cannot and should not try to provide them all, itself, through Federal programs. Instead, it should concentrate, whenever possible, on facilitating the private sector and State and local governments to provide these vital elements of a decent life for each of our citizens. The Roth amendment would mark the beginning of a process of easing the Federal Government out of its excessive involvement in all of these areas, and involving instead the people, their State and local governments, and the business sector more heavily in the process of upgrading the quality of life in this country.

Mr. BROOKE. Mr. President, as a cosponsor of S. 3123, I am pleased to voice my support for the amendment now offered by the distinguished junior Senator from Delaware (Mr. ROTH).

With the passage of the pending legislation, our public debt will rise to $450 billion. This is a 50 percent increase in our public debt over the last 10 years, and an increase of more than $100 billion just in the last 5 years. Yet even this amount will not be sufficient to meet our total estimated national debt for this fiscal year, and by the end of the next fiscal year we may be as much as $500 billion in debt.

Clearly, immediate steps must be taken to curb public expenditures. A public debt approaching the level of $2,500 per American is an intolerable burden to place upon our citizens and our children.

Government spending must be controlled, in a comprehensive and organized way. We have passed the point when it is enough merely to reduce expenditures for certain items. We need an absolute, overall ceiling on public expenditures as well. The amendment of the Senator from Delaware would accomplish this goal.

Amendments of this nature have been offered in the past, and have not been approved by the Senate primarily because of the timing; they were offered too late in the fiscal year, and would have resulted in grave disruption of ongoing programs in order to stay within the overall spending ceiling.

This time, the amendment is being offered before the beginning of the new fiscal year, and before any appropriations bills for the new fiscal year have been approved. It cannot be said, therefore, that the effect of a spending ceiling will be disruptive. Far from it. A spending ceiling for fiscal year 1973, enacted at this crucial time, will contribute to stability and order in the appropriations proccess, and in our economic system as a whole.

As President Nixon said in his budget message earlier this year:

> It is vital that the Executive Branch and the Congress act together to stop raids on the Treasury which would trigger another inflationary spiral.
>
> In submitting this budget I am therefore urging the Congress, before it considers any appropriation bills, to enact a rigid ceiling on outlays that will prevent the government from spending more than the $246 billion requested in this budget.

The establishment of a ceiling is a reasonable request; we will be acting responsibly in enacting it. What is more, by enacting a rigid ceiling now, we, the Congress, will have better control over how Federal money is spent. Within this overall ceiling we can determine which programs will be expanded and which reduced. When we add to one budget request, we will know in advance that we have a corresponding duty to reduce another by a comparable amount.

Mr. President, I believe the adoption of a Federal spending ceiling is a step we should have taken long ago. By acting today to approve this measure, we can help to make up for lost time; we can further the vital process of restoring the confidence of the American people in the stability and accountability of our economic and political system.

Mr. President, I urge the adoption of the pending amendment.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 602) to provide for the disposition of judgments, when appropriated, recovered by the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont., in paragraphs 7 and 10, docket numbered 50233, U.S. Court of Claims, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 671) to provide for division and for the disposition of the funds appropriated to pay a judgment in favor of the Blackfeet Tribe of the Blackfeet Indian Reservation, Mont., and the Gros Ventre Tribe of the Fort Belknap Reservation, Mont., in Indian Claims Commission docket numbered 279–A, and for other purposes.

The message further announced that the House had passed the bill (S. 860) relating to the Trust Territory of the Pacific Islands, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 1977) to establish the Oregon Dunes National Recreation Area in the State of Oregon, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 631. An act for the relief of the village of River Forest, Illinois;

H.R. 632. An act for the relief of the village of River Forest, Illinois;

H.R. 2589. An act to amend section 1869 of title 28, United States Code, with respect to the information required by a juror qualification form;

H.R. 9545. An act to amend the Revised Organic Act of the Virgin Islands to provide that the Legislature of the Virgin Islands shall prescribe the minimum age for membership in the legislature;

H.R. 10390. An act to extend the life of the Indian Claims Commission, and for other purposes;

H.R. 10834. An act authorizing the State of Alaska to operate a passenger vessel of foreign registry between ports in Alaska, and between ports in Alaska and ports in the State of Washington, for a limited period of time;

H.R. 12749. An act to authorize appropriations for the saline water conversion program for fiscal year 1973; and

H.R. 12828. An act to amend chapters 31, 34, and 35 of title 38, United States Code, to increase the rates of vocational rehabilitation, educational assistance, and special training allowances paid to eligible veterans and persons; to provide for advance educational assistance payments to certain veterans; to make improvements in the educational assistance programs; and for other purposes.

HOUSE BILLS REFERRED OR PLACED ON THE CALENDAR

The following bills were severally read twice by their titles and referred, or placed on the calendar, as indicated:

H.R. 631. An act for the relief of the village of River Forest, Ill.;

H.R. 632. An act for the relief of the village of River Forest, Ill.; and

H.R. 2589. An act to amend section 1869 of title 28, United States Code, with respect to the information required by a juror qualification form; to the Committee on the Judiciary.

H.R. 9545. An act to amend the Revised Organic Act of the Virgin Islands to provide that the Legislature of the Virgin Islands shall prescribe the minimum age for membership in the legislature; and

H.R. 12749. An act to authorize appropriations for the saline water conversion program for fiscal year 1973; to the Committee on Interior and Insular Affairs.

H.R. 10390. An act to extend the life of the Indian Claims Commission, and for other purposes; and

H.R. 10834. An act authorizing the State of Alaska to operate a passenger vessel of foreign registry between ports in Alaska, and between ports in Alaska and ports in the State of Washington, for a limited period of time; placed on the calendar.

H.R. 12828. An act to amend chapters 31, 34, and 35 of title 38, United States Code, to increase the rates of vocational rehabilitation, educational assistance, and special training allowances paid to eligible veterans and persons; to provide for advance educational assistance payments to certain veterans; to make improvements in the educational assistance programs; and for other purposes; to the Committee on Veterans' Affairs.

PUBLIC DEBT LIMITATION

The Senate continued with the consideration of the bill (H.R. 12910) to provide for a temporary increase in the public debt limit.

AMENDMENT NO. 997

Mr. MOSS. Mr. President, will the distinguished Senator from Louisiana yield to me to present a perfecting amendment?

Mr. LONG. Mr. President, I yield 5 minutes to the Senator from Utah.

The PRESIDING OFFICER (Mr. BEALL). The Senator from Utah is recognized for 5 minutes.

Mr. MOSS. Mr. President, I call up my amendment No. 997 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 1, beginning with line 5, strike out all through line 11 on page 2, and insert the following.

(b)(1) In accordance with the provisions of paragraph (2), the President shall, notwithstanding the provisions of any other law, reserve from expenditure and net lending, from appropriations or other obligational authority heretofore or hereafter made available, such amounts as may be necessary to effectuate the provisions of subsection (a).

(2) In carrying out the provisions of paragraph (1), the President shall reserve amounts from all appropriations Acts at a uniform rate, except that he may reserve an amount from any appropriation Act at a rate which does not exceed such uniform rate by more than 10 per centum. For purposes of applying this paragraph, appropriations or other obligational authority contained in an appropriation act for items which are not controllable shall be disregarded.

Mr. MOSS. Mr. President, this is a perfecting amendment to the Senator from Delaware's proposal. I believe this one modification would substantially strengthen Senator ROTH's amendment and, at the same time, avoid needlessly jeopardizing Congress' responsibility over the Federal purse strings.

As presently worded, the amendment gives the President what amounts to a veto over all congressional appropriation bills. It says, in effect, that if the $246.3 billion ceiling is reached, the Chief Executive will have a full mandate to decide which appropriations will be cut, how much each will be cut, and which appropriations will be left intact.

I believe this is a most dangerous and unprecedented provision. It gives the President the power to totally ignore the spending priorities set by Congress.

Today, the American people and their representatives are in the process of hard deliberation over where to allocate the Nation's scarce resources. The decisions we reach on each of the 14 annual appropriations bills represent that hard thinking. Our judgments carry with them the desires of the people as to where America should put its emphasis during the coming years, I do not think Congress should abdicate this great responsibility.

The present language of Senator ROTH's amendment awards to the executive branch the right to ignore the results of the deliberations reached by Congress. The President would have the right to ignore the priorities we have established. To maintain the $246.3 billion ceiling he would be in a position to cut one appropriation substantially while leaving another, perhaps more favored one, fully intact.

I propose a perfecting amendment that would require the President, in carrying out the provisions of the expenditure ceiling, to cut all controllable appropriations at a relatively uniform rate. Thus if he chooses to cut the education bill by 5 percent he must cut Defense by relatively the same amount. My amendment would state that, whatever percentage he chooses to cut the controllable items in the budget, he must cut all in equal depth.

My amendment would allow for the existence of certain factors that might prevent the rate of reductions from being exactly equal. It gives the President a narrow margin of variation—10 percent. Thus if he cuts one appropriation by 5 percent he could not cut another by more than 5.5 percent. If he were to effect a 2-percent cut in one appropriation he could not cut another by more than 2.2 percent.

I believe that my amendment would give the President a big of leeway but at the same time insure that congressional judgments as to the Nation's priorities could not be ignored—even in this period of fiscal austerity.

In the months ahead, such a perfecting amendment could prove crucial. During the past 2 years, Federal outlays have exceeded the prior estimates made in January.

In January of 1969, the President's budget message estimated fiscal 1970 outlays at $195.3 billion. The actual fiscal year 1970 level of Federal expenditures in fiscal 1970 came to $196.6 billion. In January of 1970, the outlay estimates for fiscal 1971 were put at $200.8 billion. The Federal Government ended up spending $211.4 billion. The Nixon administration has already revised estimates for fiscal year 1972 upward from $229.2 billion to $236.6 billion, indicating the actual figure will be considerably higher than expected.

This is ample evidence that the "spending ceiling" bill we pass will stand a good chance of having a substantial impact in the coming months. For this very reason we must insure that the bill does not hand over congressional prerogatives already seriously eroded by Executive impoundments of recent years.

Mr. President, I ask unanimous consent to have printed in the RECORD a data sheet relative to the spending ceiling proposal.

There being no objection, the data sheet was ordered to be printed in the RECORD, as follows:

DATA RELEVANT TO THE "SPENDING CEILING" PROPOSAL

Recent experience indicates that the proposed $246.3 billion spending ceiling could become a significant factor in the coming months. The ceiling figure is the Administration's outlay estimate for fiscal 1973. For the past three years, such estimates have been exceeded regularly.

FEDERAL OUTLAYS

Fiscal year 1970; January estimate, $195.3 billion; actual expenditure, $196.6 billion.

Fiscal year 1971; January estimate, $200.8 billion; actual expenditure, $211.4 billion.

Fiscal year 1972; January estimate, $229.2 billion; actual expenditure, estimate revised upward to $236.6 billion.

(Source: Congressional Research Service.)

During this same period, Congress has consistently appropriated less than the President's budget requests. This indicates that Congressional restraint on "controllable" items might have no bearing on whether ceiling is exceeded or not.

BUDGET REQUESTS VERSUS APPROPRIATIONS

Fiscal year 1970; request, $142.7 billion; appropriation, $134.4 billion.

Fiscal year 1971; request, $147.8 billion; appropriation, $144.3 billion.

Fiscal year 1972; request, $167.9 billion; appropriation, $165.2 billion, estimate.

Mr. MOSS. Mr. President, I simply stress that the real effect my perfecting amendment would have would be to put in the hands of the President the power, if he exceeds his budget estimates, to cut other appropriations but he cannot cut them at an unequal amount. In other words, he has to spread the cuts across all controllable items, if this Congress believes it is important to have an appropriation of a given amount and feels that commerce or welfare or other cuts would not be made more deeply than into defense or resources, or whatever other appropriation there is.

I think that is the only way we can be assured that our priorities will be observed, to deny the President what would amount to a line item veto.

If the Roth amendment is not modified in this regard, we do hand over to the President, I think, the power to select out an area where he wants to cut, which may be at great variance with the decision of Congress as to the amount which should be appropriated to that particular function of government. It does recognize that some expenditures are uncontrollable, such as the interest on the debt ceiling and other uncontrollable items, but all controllable items would have to sustain the same amount of cut.

Mr. President, I reserve the remainder of any time that I have.

Mr. LONG. Mr. President, does the Senator from Utah desire to have the yeas and nays on his amendment?

Mr. MOSS. Mr. President, I had indicated that I would not necessarily press for the yeas and nays, although I think that this is a very important amendment. I will forgo asking for the yeas and nays until after a short quorum call.

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ROTH. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I oppose the amendment in the second degree. I think it is important to realize that it is the hope of all of us that Congress is going to work its will on the budget.

Our basic proposal is that there be an overall limitation of $246.3 billion. We have proposed that this ceiling be adopted before any appropriations are enacted so that Congress from the very beginning can work its will. There is absolutely no reason why it should be necessary for the ceiling ever to come into play if Congress will, as I hope and believe it will, exercise its self-discipline to keep all appropriations below the limit to be established by my proposed amendment.

Mr. President, one of my basic concerns with the so-called Moss amendment is that if we follow the inflexible formula proposed by the Senator from Utah (Mr. Moss), we may require cuts in programs that Congress does not really intend.

Let me show a few illustrations of what I mean. If, for example, the appropriation for defense should exceed the proposed budget by several billions of dollars so that the ceiling of $246.3 billion would be exceeded, it would then be necessary to make a flat cut across all appropriations regardless of the size or of the priority.

If we were to cut several billions of dollars, for example, out of defense or if we had to cut back several billions of dollars in defense or international affairs, it could, in turn, be necessary that we would have to make substantial cuts in other programs such as social security, medicare, or the school lunch program. In other words, every program should have an equal cut regardless of how important it is.

I suggest that the better course would be for Congress initially to use the required self-discipline to keep the total budget below $246.3 billion and decide in the course of its appropriations from the very beginning how much it feels should be spent, so that it will never be necessary for the President to make cutbacks under the ceiling or the spending limitation.

Mr. President, we are living in a very complex world today. The Federal Government is involved in almost every type of human activity. We are supplying funds not only for the traditional Federal activities, such as defense, foreign affairs, and park lands, but we are also today involved in trying to help the cities bring the poor into the mainstream of American life and to revitalize our economy so that there are jobs for all. I do not think that we can achieve the objective of this Congress by attempting to pursue a formula that provides little or no discretion to the State.

Mr. MOSS. Mr. President, will the Senator yield?

Mr. ROTH. I yield.

Mr. MOSS. Mr. President, is it not true that in the last 3 years Congress has actually appropriated less than the President estimated would be necessary in his budget requests. We have exercised our functions on appropriations, and have provided less than the President estimated.

Mr. ROTH. Mr. President, one of the problems is that, while we have appropriated less, we have at the same time authorized new programs. Many of these programs do not necessarily require appropriations to fund or finance. For example, I have in mind emergency welfare. That would be one example of that. Another example would be that we moved up the Federal pay increase 6 months.

To answer the question, I think we have to say in fairness that Congress has played a part, a role in increasing what the President originally proposed as his budget. I would be the last person to want to blame Congress alone. This is a problem compounded on the part of both the legislative branch and the executive branch.

Mr. MOSS. Then, it is true that the expenditure exceeded the estimates in every one of the last 3 years.

Mr. ROTH. The Senator is correct.

Mr. MOSS. And, therefore, if we have the flat ceiling of limitation and if Congress then chose to authorize some additional expenditure it would place on the Executive the burden of reducing other appropriations to take care of the new authorization for expenditure. Is that correct?

Mr. ROTH. He could cut back either in that program or other programs, as well.

Mr. MOSS. And under the Moss amendment it would require that he cut uniformly across the board and not select any one program to bear the brunt.

Mr. ROTH. Basically what I am proposing is that Congress itself initially use the discipline to avoid the President having to make those cuts. It is true, as the Senator points out, in the event we exceed that ceiling for any reason whatsoever, cuts would have to be made to bring the total expenditure within the ceiling.

Mr. MOSS. The point I was inquiring about, Congress itself makes the decision on the priorities of spending by setting the various appropriations at a given level. If we place an absolute ceiling and then give the President power to step in and cut where he needs to cut to stay within the ceiling, we have then abandoned our congressional authority of saying what priorities we wish to establish. Is that the effect of the amendment?

Mr. ROTH. This Senator believes that the control is basically in our hands, particularly by adopting the amendment at this time. I believe that by careful appropriations beginning immediately we can keep them within this ceiling. I am certain that the proposed ceiling of $246 billion contains a great deal of water as almost every budget of every President in modern times has contained. So I think there is room for flexibility and for Congress to exercise its will.

What I am trying to accomplish by my amendment is to have Congress exercise the necessary discipline to keep the spending down, so that it will not become necessary to have the executive branch step in and make decisions as to where cuts should be made.

What concerns me about the Senator's amendment is that due to the complexities of Government activity today, by adopting a basically unflexible formula we may be cutting down programs no one would feel to be desirable but the Senator from Utah.

Mr. MOSS. I agree with the general proposition of saying what the ceiling is and that we should not go beyond that ceiling, but adding on, if that unhappy event occurs and we go beyond the ceiling, that we do not misrepresent the priorities set by Congress and say the power is in the Executive to say he can make the cuts—so much for each of the different governmental functions.

I thank the Senator.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. ROTH. I yield.

Mr. COOPER. Mr. President, I have listened with interest to the colloquy. I know in the last 2 or 3 years or the last 6 or 7 years there has been discussion about withholding appropriated funds for different programs. The largest withholding has been done from Federal trust funds, highway trust funds. Several times I have asked about these questions. I know what the Senator is trying to get at to be sure they are equal across the board. But practically in all of these programs there is no necessity at a particular time in every agency to spend the funds. For example, in the construction of hospitals, schools, and other facilities, the money cannot be spent until the project has been approved and the contract let, so the rate of spending is not the same in all agencies.

Also, we are introducing more and more the principle of contract authority. Congress authorizes the expenditure of billions of dollars, for example, as we are preparing to do in connection with air and water pollution problems.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COOPER. I thank the Senator.

Mr. ROTH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ROTH. Has all time on the amendment of the Senator from Utah expired?

The PRESIDING OFFICER. The Senator from Utah has 5 minutes remaining.

Mr. MOSS. Mr. President, I did not realize I had time remaining. If the Senator from Kentucky wishes to continue for a minute or two I would let him have the time. Otherwise, I am prepared to yield back my time.

Mr. COOPER. I thank the Senator.

Mr. MOSS. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has expired or been yielded back. The question is on agreeing to the amendment of the Senator from Utah (Mr. Moss) to the amendment of the Senator from Delaware. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Texas (Mr. Bentsen), the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Indiana (Mr. Hartke), the Senator from Minnesota (Mr. Humphrey), the Senator from Washington (Mr. Jackson), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Maine (Mr. Muskie), the Senator from Alabama (Mr. Sparkman), the Senator from Illinois, (Mr. Stevenson), the Senator from North Carolina (Mr. Jordan), and the Senator from Arkansas (Mr. Fulbright) are necessarily absent.

I further announce that the Senator from Connecticut (Mr. Ribicoff) is absent because of illness in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. Jackson), the Senator from Illinois (Mr. Stevenson), the Senator from Georgia (Mr. Gambrell), and the Senator from Indiana (Mr. Bayh) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon) is absent because of death in his family.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The result was announced—yeas 33, nays 50, as follows:

[No. 89 Leg.]

YEAS—33

Anderson
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Church
Cranston
Eagleton
Ervin
Harris
Hart
Hughes
Inouye
Kennedy
Long
Magnuson
Mansfield
McGee
Metcalf
Mondale
Montoya
Moss
Nelson
Pastore
Pell
Randolph
Spong
Stafford
Symington
Talmadge
Tunney
Williams

NAYS—50

Aiken
Allen
Allott
Baker
Beall
Bennett
Bible
Boggs
Brock
Brooke
Buckley
Case
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hatfield
Hollings
Hruska
Javits
Jordan, Idaho
Mathias
McClellan
Miller
Packwood
Pearson
Percy
Proxmire
Roth
Saxbe
Schweiker
Scott
Smith
Stennis
Stevens
Taft
Thurmond
Tower
Weicker
Young

NOT VOTING—17

Bayh
Bellmon
Bentsen
Fulbright
Gambrell
Gravel
Hartke
Humphrey
Jackson
Jordan, N.C.
McGovern
McIntyre
Mundt
Muskie
Ribicoff
Sparkman
Stevenson

So Mr. Moss' amendment to Mr. Roth's amendment was rejected.

Mr. LONG. Mr. President, I yield myself 3 minutes.

What is in process here is something that happens about once every Congress that, in my judgment, should come under the heading of making ourselves look silly.

When I came here 23 years ago, there was a cartoon in the Washington News picturing a Congressman batting himself on the head with a mallet and saying, "Why does not someone make me stop doing this?"

We went through some of this with the Williams amendment a few years ago. That was a proposal to put a tight limit on spending and government employees, and then, having voted that, Congress proposed, in every appropriation bill that involved the employment ceiling, to put the boiler plate tag on it to say, "Notwithstanding the provisions of the Williams amendment, this number of persons shall be hired."

So Congress then started out by saying, "We will not spend or hire more than a certain amount and we will not let the President spend or hire," and then proceeded, in bill after bill, to say that we did not mean all that we said that time.

So Congress voted the authorizations, to begin with, then voted for the Williams amendment not to spend the money or to hire people, and then voted, in a number of bills, to hire the people, notwithstanding the Williams amendment, which led people to say, "Were you serious when you said to it, or were you serious when you said do not do it, or when you came back and said when you said do not do it, you meant do it?"

It reminds me of an old Abbott and Costello show, when the fellows thought they were in trouble with the law, and

Abbott was trying to make up his mind on various questions, and said, "Pack the bag," then "Now unpack it," then "Pack it," and then "Unpack it," until finally Costello gave up and just whistled, and all the clothes jumped in the bag from force of habit.

This business of making ourselves inconsistent is something that does not appeal to me. If the Senate is going to insist on voting for some kind of spending limitation, or say, "Do not spend the money we appropriate," I am going to offer an amendment, before we are through, to say that when we appropriate money that goes beyond the ceiling, it automatically lifts the ceiling by that amount. Then, instead of making ourselves look silly five times by saying "We didn't mean what we said," we will only make ourselves inconsistent once by simply saying that when we pass an appropriation bill that goes beyond the debt ceiling, we lift the ceiling by that amount.

I shall also offer an amendment to say that when expenditures from the Social Insurance Trust Funds, interest on the national debt, expenditures for National Service Life Insurance payments, or farm price supports, all of which are uncontrollable, exceed the debt limit, it does not mean that we have to cut back on something else we have voted to appropriate the money for. To do that, it seems to me, would be to make ourselves look indecisive. So I shall propose, if we must have some sort of limitation, that we have one that will make some sense.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. LONG. I yield.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LONG. I yield myself 2 additional minutes.

Mr. CHURCH. I orginally joined as a cosponsor of this amendment, because I thought there was some sense in trying to establish an overall ceiling. But I must say that, as a result of the failure of the Senate to adopt the perfecting amendment offered by the distinguished Senator from Utah, we are about to delegate to the President unprecedented impoundment authority. We are saying, in effect, that the affirmative power of the purse shall be given over to the President; we shall continue to go through the motions of appropriating money for each Federal program, but the President may, at his discretion, decide how much of that money he will spend for any given program in order to bring the overall amount within the ceiling.

So we are abdicating in the very field where it matters most, where the power of the purse is concerned. Am I correct in my construction of the amendment as it now stands, in the light of the vote just taken?

Mr. LONG. Mr. President, I say to the Senator we are doing even worse than that, because we will have left over and unspent spending authority amounting to about $275 billion from previous years at the end of June 1972. So the President can, if he wishes, spend something appropriated or authorized in previous years, and totally eliminate an item that Congress felt was essential, under this language.

At least my amendment would say that he would be limited on what he could spend from these old appropriations without changing the ceiling. If we are to put it on someone, let us put it on him rather than on us.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LONG. I yield myself 2 more minutes.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. PASTORE. And, as I understand this amendment, the President of the United States would have the authority to set his own priorities. In other words, what he could do is freeze the money for housing for the elderly and allow expenditures for the space shuttle.

Mr. LONG. If he had appropriations for both, I think that is what he could do. Or he could spend the money for something appropriated prior to 1973, that is, that was appropriated in previous years, but is still carried over. There is $166.9 billion that has been appropriated—and has not yet been obligated by contract—to be spent in future years from years before 1973.

I yield to the Senator from Virginia.

Mr. SPONG. I thank the Senator from Louisiana. I ask whether he will yield me 15 minutes for the purpose of calling up an amendment.

Mr. LONG. I will yield to the Senator in a moment.

Mr. President, I would suggest that in terms of thinking about what is important, Senators might do well to refer to page 14 of the committee report, where there is a table showing what the gross national product has been and what it amounts to in terms of constant dollars on a per capita basis. It highlights the fact that during this administration, the Nation has had a very unsatisfactory growth rate and altogether too many people out of work, and that is why we have the unbalanced budget today. The principal reason is that people are not at their jobs and have to draw compensation money out of the Treasury, rather than paying taxes to help support the Government. Because of that sad situation, we have these big deficits, which probably will add up to about $150 billion during this administration. We are going to have more people out of work if we say we are not going to spend to do the things the Nation needs to do at this time.

There has been a net growth, on a per capita basis, averaging one-half of 1 percent per year during these 3 years, with approximately 5 million people out of work during all that time. The principal explanation of the big deficits we have been incurring is that altogether too many people have been out of work.

I yield 15 minutes to the Senator from Virginia.

AMENDMENT NO. 995

Mr. SPONG. I thank the Senator from Louisiana.

Mr. President, I send to the desk amendment No. 995, an amendment to the amendment of the Senator from Delaware, No. 956, which I ask to be modified as follows:

On page 1, line 4, strike out the words "except as provided in subsection (c)." and insert in lieu thereof a period at the end of "000."

On page 2, line 17, beginning with the word "If," strike all through line 22.

The PRESIDING OFFICER. The clerk will state the amendment as modified.

The assistant legislative clerk read as follows:

In lieu of the matter proposed to be added, add the following:

SEC. 2. (a) Expenditures and net lending during the fiscal year ending June 30, 1973, under the budget of the United States Government shall not exceed $246,300,000,000.

(b) Whenever the President determines that appropriations or other obligational authority hereafter made available would require or permit expenditures and net lending during fiscal year 1973 to exceed the limit prescribed by subsection (a), he shall propose, by special message to the Congress, reservations from expenditure and net lending, from appropriations or other obligational authority heretofore or hereafter made available, of such amounts as are necessary to keep expenditures and net lending during fiscal year 1973 within such limit. A proposal under this subsection shall be made to both Houses on the same day and shall be delivered to each House while it is in session.

(c) The President is authorized, after the close of the thirty-day consideration period (as defined in subsection (e)) applicable to a proposal submitted under subsection (b), to reserve from expenditure and net lending the amounts set for in such proposal, unless, before the close of such thirty-day period, the Congress has passed legislation rescinding appropriations or other obligational authority available for expenditure or net lending during the fiscal year 1973 in an aggregate amount not less than the aggregate amount of reservations set forth in such proposal.

(d) During the thirty-day consideration period applicable to any proposal submitted by the President under subsection (b), any proposed legislation to rescind appropriations or other obligational authority shall be highly privileged in both Houses of the Congress and rules similar to the provisions of sections 911, 912, and 913 of title 5, United States Code, shall apply to such proposed legislation, except that amendments to such proposed legislation shall be in order. This subsection is enacted as an exercise of the rulemaking power of the Senate and House of Representatives, respectively.

(e) The thirty-day consideration period applicable to any proposal submitted under subsection (b) is the first period of thirty calendar days of continuous session of the Congress after the date on which the proposal is submitted to the Congress. For purposes of the preceding sentence, (1) continuity of session is broken only by an adjournment of the Congress sine die, and (2) the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the thirty-day period.

(f) In the administration of any program as to which—

(1) the amount of expenditures is limited pursuant to subsection (c), and

(2) the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount appropriated or otherwise made available for distribution,

the amount available for expenditure (as determined by the President) shall be substituted for the amount appropriated or otherwise made available in the application of the formula.

Mr. SPONG. Mr. President, initially, I want to say that I am in sympathy with what the Senator from Delaware is trying to accomplish.

On past occasions, when his predecessor, Senator Williams, offered amendments which sought to put a limitation upon spending, I voted for the amendments. I am concerned at this time, however, about a very grave constitutional question which arises by virtue of the language in the amendment of the Senator from Delaware, and this is the point that the Senator from Utah (Mr. Moss) was trying to meet with his amendment.

If, as pointed out on the floor in the colloquy that just took place involving the Senators from Idaho, Rhode Island, and Louisiana, the Roth amendment is adopted in its present language, we would be sanctioning an item veto. I think the Senate should be aware of this. I am not speaking to an economic matter; I am speaking to what I consider a very grave constitutional question.

On two occasions in the last quarter of a century, the Congress sought by constitutional amendment to adopt an item veto, and that failed on both occasions. What I am seeking to do is the same thing that the Senator from Utah was seeking. I believe I have a better method. I do not believe in across-the-board, proportionate cuts because I think the good suffers with the bad. That has already been pointed out by the Senator from Delaware in opposing the adoption of that amendment.

On the other hand, at a time when Members of this body and of the other body are going throughout the country decrying the loss of congressional constitutional powers to the executive branch of the Government—whether we be talking war powers of the President or the appropriations process—I do not believe it is becoming to sit here and sanction, by adopting the Roth amendment in its present form, a further loss of our constitutional powers to appropriate. It has been called the power of the purse, and that is a good term for it. But, if we adopt this amendment, we will have to say that we colluded in this; that we not only packed the bag and unpacked it, but we gave the bag away as well. It is not a question of merely packing and unpacking it. We will have given it away. We would be the instruments of our own demise, and we would be the instruments by which a responsibility that the Founding Fathers gave us was delegated away. If the desire is to enact an item veto, the way to do it is to amend the Constitution. It should not be done by this method.

I am in sympathy with the ceiling. I have supported the enactment of ceilings on three occasions. I have been disappointed, I say to the Senator from Louisiana, that the bag was opened, almost as soon as it was closed, by virtue of a series of exemptions. I opposed the first of those exceptions and finally just gave up on the floor.

Today, I merely want to put the Senate on notice that if it enacts this amendment in its present form, it will be delegating the power of the purse to the executive branch of the Government. We will be giving to the executive branch of the Government the power to determine, if we go over this ceiling, what programs will be cut. The Founding Fathers did not want this to be done. Everyone who has interpreted the Constitution in the years since it was enacted has been very clear that the item veto was not intended.

I think my proposal is relatively simple. I have taken out the part that would put any doubt that the ceiling meant what it said and could not be raised. All my amendment does is to require the President to notify Congress of the items he proposes to cut in order to eliminate the surplus over the ceiling and to give Congress 30 days in which to act upon that proposal. If Congress fails to act, the President's proposal would take effect. But it would have an opportunity in those 30 days—and this would be a privileged matter in the legislative process with respect to committee consideration and with respect to the order in which it is considered on the floor—to consider the matter and to amend the proposal if it chooses. The amendment incorporates the procedures under title V of the law to assure expedited consideration. It all can be done in 30 days.

This amendment merely says to the President, "You can recommend the items over and above the ceiling to be cut, but there will be a 30-day period in which Congress will have an opportunity to agree with you or to disagree with you, or amend the bill."

The able Senator from Louisiana brought up a point that I do not think has been covered in this debate thus far, and I think we ought to recognize it as an important issue beyond the constitutional proposition that I have discussed. First, if we adopt this amendment in its present language, we would be condoning the item veto by our own action. Second, there are billions of dollars in impounded funds—there are literally billions of dollars sitting around that have been held up—and the President has the power to flood the market with the release of these funds at any time he wishes, thereby triggering the Roth device. I would yield 1 minute from my 15 minutes to ask the Senator from Louisiana if I am correct in that interpretation.

Mr. LONG. That is correct.

Mr. SPONG. I want the RECORD to show that.

Now I am in sympathy with what the Senator from Delaware is trying to do but not with the way he wants to do it. This body is forever talking about the growth of the power of the executive branch and the loss of the power of Congress to the Executive. Yet here we are, sitting here, preparing to give away part of our one sure power, the appropriations process, that the Constitution clearly gives us.

For that reason, I was happy to vote for the amendment of the Senator from Utah (Mr. Moss), and I offer this amendment which I have discussed with the Senator from Delaware (Mr. ROTH) as a means of saying to the President, "We are certainly listening to the recommendations you have to make with regard to what should be cut and what should be the ceiling, but we want to participate in this because the Constitution says that we shall participate in it."

So I offer this amendment as a substitute for the Roth amendment, I point out that I use the same ceiling the Senator from Delaware (Mr. ROTH) has used. All I say is that there should be a 30-day period in which Congress, if it chooses, can participate in the decision over what appropriations are to be cut in order to meet the ceiling.

Mr. President, I reserve the remainder of my time.

Mr. BENNETT. Mr. President, will the Senator from Louisiana yield me 3 minutes in opposition to the amendment?

Mr. LONG. I yield 3 minutes to the Senator from Utah.

The PRESIDING OFFICER (Mr. BEALL). The Senator from Utah is recognized for 3 minutes.

Mr. BENNETT. Mr. President, this is an attractive and an appealing approach to the problem on the surface, but I wonder whether we are stopping to realize what we are doing. Suppose the President sends up a recommendation that we reject, and we go above the ceiling. Then we have taken ourselves above the ceiling and we face the same problem we face now, which is that, as a Congress, we have gradually overspent—sometimes carrying out the budget proposals of the President and sometimes in defiance of the President's budget proposals. But we do that regularly, and then we bump our heads against the debt ceiling, and then we create a problem, not for the appropriations process, but for the Secretary of the Treasury who has to pay our bills.

We are talking again about two completely different problems. The idea of using this bill to try and write some restrictions on the President and then, in the Spong amendment, to say that we will write the restrictions and then will look at them when the President attempts to use them, is to miss the point. The responsibility of Congress in facing the legislation before us is to realize that if we do not raise the debt ceiling, the Secretary of the Treasury cannot pay our bills. We will have financial chaos in this country and in the world. Talk about damage to the dollar. If the word got abroad to Europe that the Congress had denied to the Secretary of the Treasury the power to borrow another dollar, it puts in jeopardy the idea that we are going to be able to pay the bonds they hold abroad by the billions, and we really will be in an impossible situation.

But, rather than face that, we turn our attention to a completely different question, which is: Shall Congress impose on the President a discipline with respect to appropriations that we are not willing to impose on ourselves?

Thus, Mr. President, I hope that the Senate will defeat both the Spong amendment and the Roth amendment because they are not germane to the fundamental problem before us. If these amendments are accepted, they will only delay the vital implementation of the change in the debt ceiling, because within the next few days or at most the next few weeks, the Treasury will face the day when it will not be able to pay our bills.

So, this is an interesting exercise in politics, in economics, and in philosophy; but, it is beside the point.

I hope that the Senate will reject both amendments.

Mr. SPONG. Mr. President, may I ask how much time I have remaining?

The PRESIDING OFFICER. The Senator from Virginia has 6 minutes remaining.

Mr. SPONG. I thank the Chair. I would say, first, to the Senator from Utah that the Senate has to deal with what is before it. I am not a cosponsor of the Roth amendment. The Roth amendment is before us. Since it is before us, the Senator from Virginia is exercising his right and privilege to try to make it a better amendment.

Second, I want to say that the ceiling in the Roth amendment would apply under my amendment. The Senator from Utah is mistaken if he thinks otherwise. Under the amendment that I have introduced here, Congress does not have to agree with the reductions the President recommends, but it clearly would be bound to substitute its own reductions sufficient in aggregate to meet the ceiling. We are bound by law to the ceiling. I would just point that out.

Mr. BENNETT. Will the Senator from Virginia yield, on my time?

Mr. SPONG. I would be delighted to yield.

Mr. BENNETT. Does the Senator from Utah understand, then, that under the amendment of the Senator from Virginia (Mr. SPONG), if the President makes a suggestion which Congress rejects, the ceiling would be breached since Congress insisted on carrying out the expenditures that the President wanted to reduce. Then the President has to come back with another proposal, and we have 30 days to make an alternate proposal. We could not possibly live with that kind of proposition because we would never get the appropriations finished.

Mr. SPONG. I think the Senator from Utah has given this a most complicated interpretation. I would say this to him. The President has always had the right of veto or not to sign a bill. He always has had that right, and Congress, in turn, has always had the right to override his veto. What we are trying to say by this amendment is that it is worth taking the risk of some delay in order to guarantee that Congress will continue to participate in the appropriations process. Unless some change is made in the Roth amendment as written, we will be giving away that right, and we will be sanctioning an item veto which is something that the constitutional theory of this country has always been against.

Mr. PASTORE. Mr. President, may I have a little time?

Mr. ROTH. Mr. President, I am happy to yield 3 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 3 minutes.

Mr. PASTORE. Mr. President, the dialog that just transpired between the Senator from Virginia and the Senator from Utah points out how ridiculous this charade actually is.

First, the President of the United States cannot spend a nickel unless Congress appropriates it. The only power that can place a ceiling on what the President can spend is in the Congress of the United States. That is our responsibility under the Constitution.

What we are actually saying today is that we will appropriate as much money as we want just make it look good to the constituency back home, to prove we are for everybody and everything. We will appropriate anything we wish. But after we have done so we will say to the President of the United States that he cannot spend it. There is a ceiling on how much he can spend.

I tell the Senate that the President of the United States has enough to worry about without giving him this additional responsibility.

We are the ones who are responsible to the taxpayers of this country for the money that is spent. If we do not appropriate it, no one can spend it. I say that if we want to place a ceiling on how much money can be spent, we ought to be a little more prudent on how we appropriate it. That is our responsibility.

What will this do? First, I think that the amendment of the Senator from Virginia makes an improvement on the amendment of the Senator from Delaware. However, on the other hand, I think that the two amendments are unnecessary, as the Senator from Utah has already pointed out.

After all, Mr. President, what is this going to do? It is going to give to the Chief Executive the responsibility of allocating the priorities. And he is going to set these priorities the way he thinks they should be set after the Congress has acted. I think this is all bad.

From now on when an attractive measure comes up for consideration, if we want to do the right thing, rather than be popular, we should be prudent and vote against the appropriation if we do not want the money spent. We should set the ceiling on the floor of the Senate and on the floor of the House and not turn this responsibility over to the President of the United States just because perhaps we may not have the courage to stand up and say what is right and what is wrong.

The whole answer to this from now on is that we should do away with all of this business of placing ceilings on the money after having appropriated the money. Let us appropriate a little less if we have to and set our own ceilings if we want to appropriate a little more because it is to the benefit of the country. No one ought to stop us from doing it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BROCK. Mr. President, will the Senator yield?

Mr. ROTH. Mr. President, I yield 4 minutes to the Senator from Tennessee.

Mr. BROCK. Mr. President, I was very much impressed with the arguments of the Senator from Rhode Island. I agree with his statement insofar as the responsibility of the Congress is concerned. However, I believe that the Senator left out one element of the equation as it relates to the Spong amendment.

The Spong amendment not only permits Congress to appropriate the money and then places a ceiling on it and says that it cannot be spent. It also adds a third factor; namely that, having said it cannot be spent, it says it must be spent if the Congress changes its mind. If the executive branch comes back and tells us they cannot spend it, we will tell them they have to spend it anyway. That is the inconsistency of the Spong amendment.

To talk about the Constitution is somewhat misleading because the President has an item veto today. The President has had an item veto for almost 200 years. I do not know of anyone that has ever been able to seriously challenge the ability of the President to exercise it. It has been done. Every President that I have ever heard of has done it.

The Senator from Rhode Island spoke about a charade. If we are going to speak of a charade in this Congress, it is the charade of placing a debt limitation on the amount of money that can be spent. That is something that has come up once or twice a year in the Congress ever since I have been a Member. I have been here 9 years and have voted on at least 10 debt ceiling increases. Why do we have debt ceilings when they do not mean anything—and when Congress totally ignores any sense of fiscal responsibility and appropriates money for the benefit of its own constituency or for the benefit of the political process?

To me, the best answer is to establish some method by which we can restrain ourselves. When is Congress going to take a look at its own inadequacies in terms of addressing the national priorities? There is no system at present by which the Senate can establish the ranking of the national needs or national priorities. We vote on each piece of legislation as though it is to benefit a specific constituency, a specific area or region of the country. However, no one raises the issue of how any one of these bills fits within the ranking of the national priorities.

I think it is incumbent on us to take a look at what is occurring in this body and in the other body, as well. Are we not being somewhat unfair to the people we are supposed to represent when we put a debt ceiling on, and then say that Congress can exceed a debt ceiling any time it so wishes upon 30-days' notice, regardless of the economic needs or viability of the United States?

I cannot support the amendment. I do not see that it is sympathetic to the Roth amendment. I think it is a device by which we eliminate the effect of the Roth amendment entirely. I cannot see any justification for doing that. If there is any logic in this debate, it is the logic of placing a spending limit on the Congress itself.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SPONG. Mr. President, how much time do I have remaining.

The PRESIDING OFFICER. The Senator from Virginia has 3 minutes remaining.

Mr. SPONG. Mr. President, I would like to say after listening to the Senator from Tennessee that I agree with him on the setting of priorities. He is against raising the debt ceiling. He is against the Roth amendment. He is against my amendment.

I pointed out to the Senate that on page 2 of the printed amendment that Congress is obligated to make a cut in the same aggregate amount as the President proposes. The interpretation that the Senator has put on this is erroneous.

All we are asking is a choice on where the cut shall be made. And we are saying is that it is not up to the President alone to make that choice. The Congress must participate.

Mr. BROCK. Mr. President, what would happen if we do not like the President's cut and say that we want to accept it, and it takes us over the limit?

Mr. SPONG. We have an alternative if it is over the limit. He still has the right to veto, as pointed out by the Senator from Utah. With regard to that, all we can do is to go back to the amount of the cut he proposed.

We do not appropriate more in this process. We are as bound by the ceiling of the Senator from Delaware as the President is in making his proposed reductions. We are participating in the selection process only as to where the cuts shall be made. All we are doing, I might say to the Senator from Tennessee, is having a say in where the priority shall be and not leaving it up to the executive branch.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BROCK. Mr. President, will the Senator yield me 1 additional minute.

Mr. ROTH. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Deleware has 4 minutes remaining.

Mr. ROTH. Mr. President, I yield 1 additional minute to the Senator from Tennessee.

Mr. LONG. Mr. President, does the Senator from Virginia desire the yeas and nays on his amendment?

Mr. SPONG. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BROCK. Mr. President, perhaps I can ask the Senator from Delaware if the Senator from Rhode Island was wrong. He stated that Congress, even if the Roth amendment is adopted, can continue to authorize and appropriate more than the spending ceiling.

Is that not the case?

Mr. ROTH. That is the case.

Mr. BROCK. The bill applies to the spending of these amounts by the President. Congress could appropriate the money, as the Senator from Rhode Island pointed out, and then the Senator would have the situation where the President would cut—under the law, he would have to do it—to a ceiling, and Congress would say, "We do not accept that," and then, under the Spong amendment you would have to exceed the ceiling. That is the inconsistency of the amendment.

Mr. BAKER. Mr. President, I support the amendment of the distinguished Senator from Virginia and would like to take a moment to explain why I do.

I do not view this amendment as being in any way critical of the incumbent President or any particular impoundment of funds by this administration. I have served in the Senate during two administrations, and I clearly recall substantial impoundments by President Johnson, some of which I opposed. Such impoundments have been a fairly common practice of Presidents since the time of Franklin Roosevelt.

Senator Spong's amendment, in my judgment, is an important rectification of an imbalance between equal and coordinate departments of the Federal Government. The Constitution states that the President "shall take care that the laws be faithfully executed." The appropriation of funds for an authorized purpose are laws within this meaning. If the Congress authorizes and appropriates funds irresponsibly—and most agree that the process lacks coherence—the Chief Executive should not bear alone the burden of making judgments as to which funds should be spent and which not. It seems to me that this becomes especially important when the Congress appropriates funds in excess of an overall spending ceiling that the Congress itself has enacted.

I do not view the Spong amendment so much as a reassertion of congressional prerogative as an expression of the willingness of the Congress to assume and exercise its own heavy constitutional responsibility for the expenditure of federally raised revenues. In fact, I think that adoption of the Spong amendment might well prove to be the needed impetus for reforms in the appropriations process, such as those urged so eloquently by Senator Magnuson and others, including the distinguished majority leader. If the amendment is adopted, to borrow the celebrated phrase of an erstwhile fund impounder, Harry Truman, "the buck will stop here," the Congress, where it should stop.

I support the amendment and commend the Senator for proposing it.

Mr. ROTH. Mr. President, I rise in opposition to the amendment. I sustain what has been said by the Senator from Tennessee.

First, it is very important that everyone recognizes that as far as the situation of impounding, or whatever one wants to call it, it is not changed basically by any of the amendments. Every President since the days of Franklin D. Roosevelt has impounded funds and time and time again objections have been made on both the Republican side and the Democratic side. So that is really not the issue here. It is the false issue.

I would like to go to the specific amendment proposed by the junior Senator from Virginia because, as I think was pointed out by the Senator from Utah, it should be understood that at least, in my opinion, this amendment is defective. Under the proposed language of the Senator from Virginia the President is authorized to reserve expenditures unless Congress, in effect, passes legislation rescinding appropriations. In the event that Congress does pass rescinding legislation the President may veto it.

It is not clear in the language of the amendment what would happen in that case. The Senator from Virginia states he intended we would have to go through the same process. But I believe the Senator from Utah very succinctly stated that even if the language did so provide there would be complete chaos in this Government if we had to wait another 30 days to go through the same process originally proposed in this legislation.

I think the amendment should be rejected. I think it should be rejected because essentially what we are trying to do by a spending limitation is to require Congress during the appropriating stages to adopt only those appropriations that would be within the spending limitation.

I should point out that in doing so we are trying to pass this legislation before any appropriation has been passed by Congress.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment of the Senator from Virginia (Mr. Spong), to the amendment of the Senator from Delaware. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Texas (Mr. Bentsen), the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Indiana (Mr. Hartke), the Senator from Minnesota (Mr. Humphrey), the Senator from Washington (Mr. Jackson), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Maine (Mr. Muskie), the Senator from Alabama (Mr. Sparkman), the Senator from Illinois (Mr. Stevenson), the Senator from Arkansas (Mr. Fulbright), and the Senator from North Carolina (Mr. Jordan), are necessarily absent.

I also announce that the Senator from Connecticut (Mr. Ribicoff) is absent because of illness in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. Jackson), the Senator from Georgia (Mr. Gambrell), the Senator from Indiana (Mr. Bayh), and the Senator from Illinois (Mr. Stevenson), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon) is absent because of death in his family.

The Senator from South Dakota (Mr. Mundt), is absent because of illness.

The Senator from Nebraska (Mr. Curtis) is detained on official business, and if present and voting, would vote "nay."

The result was announced—yeas 42, nays 40, as follows:

[No. 90 Leg.]

YEAS—42

Anderson
Baker
Beall
Bible
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cranston
Eagleton
Ervin
Harris
Hart
Hollings
Hughes
Inouye
Javits
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
Metcalf
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pell
Randolph
Spong
Symington
Talmadge
Tunney
Weicker
Williams

NAYS—40

Aiken
Allen
Allott
Bennett
Boggs
Brock
Brooke
Buckley
Cook
Cooper
Cotton
Dole
Dominick
Eastland
Ellender

Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hatfield
Hruska
Jordan, Idaho
Miller
Pearson
Percy
Proxmire
Roth
Saxbe
Schweiker
Scott
Smith
Stafford
Stennis
Stevens
Taft
Thurmond
Tower
Young

NOT VOTING—18

Bayh
Bellmon
Bentsen
Curtis
Fulbright
Gambrell
Gravel
Hartke
Humphrey
Jackson
Jordan, N.C.
McGovern
McIntyre
Mundt
Muskie
Ribicoff
Sparkman
Stevenson

So Mr. SPONG's amendment to Mr. ROTH's amendment was agreed to.

Mr. SPONG. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHURCH. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The **PRESIDING OFFICER.** Who yields time?

Mr. LONG. Mr. President, I yield 4 minutes to the distinguished Senator from Utah.

Mr. BENNETT. Mr. President, we have just embarked, with this amendment, on a very interesting and in some ways very queer process. We have said by the amendment that we will set a ceiling on the amount of money the President of the United States can spend, regardless of how much we appropriate. Then, when he finds we have appropriated more than we will allow him to spend, he has to come back to us and say, "I propose to bring my spending of your appropriations within the ceiling by taking so much money out of this particular activity," say $5 million from the Department of Agriculture. Then we have 30 days to look at that proposal and, at the end of the 30 days, we say, "No, no, you cannot take that out of the Department of Agriculture, you have got to take it from somewhere else." In the meantime, the whole appropriation process is stalled. The men running the departments do not know what they can do, and we have set up a new force which will completely complicate and confuse the situation.

What we think we are doing is putting a discipline on the spending process, and we do it in the name of the fact that we, the Congress, have the right to control the spending process. What we are saying is that we have no power to control spending through the initial appropriation process. We appropriate more than we should, and then we are not going to let the President say how much will be taken out of our excess appropriations and that we reserve the right to do it. So we set in motion a whole series of political pressures against every proposal the President makes to reduce the appropriations for some particular part of our Government.

I am not a prophet ordinarily, but I am going to assume the mantle of one today, and tell the Senate exactly what is going to happen if this amendment remains in the bill.

Actually, we are here to raise the debt ceiling, not to put a limitation on the spending power of the President. But if it should remain in the bill, one of these three things will happen:

We will try to live by this amendment, and we will be frustrated by it.

Or, the second thing that can happen—and I have no hesitation in saying it, because this is what we have done before whenever we have had a spending ceiling on the President—is that we will pass a resolution saying: "This appropriation will be exempted from the ceiling." That is what we did to President Johnson when it was assumed that we could control him because we were appropriating too much money.

But suppose we are too proud to do that, having done it once before, since it completely destroys the whole meaning of what we are trying to do. There is still a third alternative. That alternative is represented by the measure which is before us today.

The bill before us today concerns the necessity for raising the debt ceiling in order that the Treasury may continue to pay our bills. We have faced this problem 38 times since the debt ceiling was first imposed.

The PRESIDING OFFICER. The Senator's 4 minutes have expired.

Mr. BENNETT. May I have 4 minutes more?

Mr. LONG. I yield the Senator 4 additional minutes.

Mr. BENNETT. We have faced that problem 38 times. We have changed the debt ceiling 55 times, sometimes changing it two or three times in the passage of a particular bill.

When we come right up to it, we have to raise it. If we do not raise it, the effects will be traumatic and catastrophic. I do not think this Congress, in the end, wants to face the responsibility of saying to the world and to the American people, as well as to all the employees of the Federal Government, "We are sorry, but we are not going to let the Federal Government get the money it needs to pay your salaries, to pay for your bonds when they come due, and to pay these bills. We cannot do that."

I say the third alternative is the thing we are facing today. If we, by this amendment, put a debt ceiling on the President, and the President says to us, "Well, you have appropriated more than the ceiling, and you will not let me adjust my spending according to your instructions," then all we can do is to raise the ceiling to make it possible for the appropriation process to continue.

Mr. President, this is a charade. It is an attempt on the part of us in Congress to impose a ceiling on the President which we should impose upon ourselves.

In the bill before us, we impose a ceiling upon the Secretary of the Treasury which we should impose upon ourselves. We get him up here once or twice a year and beat him over the head and call him all kinds of names, for things that we have done for which he had no responsibility and which he cannot control.

I think we should face again, for the 39th time, the responsibility we have. We have appropriated the money; we have created the deficits; we and the administration, working together—and I think the two branches of Government can share the blame. Now we find that the Treasury has not enough money to pay for the obligations we have created, and we have got to raise the debt ceiling. By putting this extraneous amendment on the bill, we are simply creating another charade, under which, perhaps before this session is out, we will have to raise the ceiling we impose upon the President.

The sad fact is that we do not have time to fool around with this. The Treasury has got to undertake some important financing this month, possibly next week, and it cannot move until the debt ceiling is raised.

If there are those who really feel that we should impose a ceiling on the President, then I would like to suggest to them that they should bring forward their proposal in the form of a bill on which hearings can be held, on which we can assess the various suggestions offered and develop a rational piece of legislation.

This is offered as an amendment from the floor. No committee has studied it. It has not yet had the scrutiny of the executive departments downtown, as would be the case with an ordinary bill. I hope that the Senate will reject the Spong version of the Roth amendment, and that its proponents will introduce a bill to make it possible for the Committee on Finance to hold hearings and give the matter serious study.

On the face of it, I think we are just adding to the problems we already face. We have got to raise the debt ceiling. Now we are about to say we will create a spending ceiling, which we will probably have to raise before this year is over.

The **PRESIDING OFFICER.** Who yields time?

Mr. LONG. Mr. President, how much time remains?

The **PRESIDING OFFICER.** The Senator from Louisiana has 11 minutes remaining.

Mr. LONG. Is that all the remaining time?

The PRESIDING OFFICER. That is all the time remaining.

Mr. LONG. Does the Senator from Delaware request some of that 11 minutes?

Mr. ROTH. Yes, I do.

Mr. LONG. I yield the Senator from Delaware 5 minutes.

Mr. ROTH. Mr. President, I wish to close by stressing to the Senate several key points which seem to me to mandate such an amendment.

First, the President himself, and key members of his administration have emphasized the urgency of a realistic, but binding limitation, applying to both the Congress and the executive. President Nixon asked that we set a limit at $246.3 billion, the total of expenditures and net lending proposed in this year's budget message. The administration has confidence that this level of spending, which is geared to yield a small full employment surplus should provide the economy with a moderate, but inflationary amount of Federal stimulus.

We have got to face facts this year. Our economy has suffered from rising prices while still in an underutilized state of flux. Witness our idle plants and idle manpower. Yet, we are turning the corner; but as Budget Director Shultz put it before the Finance Committee earlier this week:

> Our success depends a great deal on a sense of discipline imposed by the Federal government.

Second, President Nixon has urged speedy enactment of this measure. In his budget statement, the President emphasized the need to impose a spending ceiling before any appropriation bills are passed. Well, I have recently been informed that the House Appropriations Committee may soon report the first of this year's bills. The legislative branch's appropriation, amounting to some $500 million, could be before this body within several weeks. If we are going to act responsibly, and in accordance with the administration's request, there can be no more expedient time than this.

Third, opponents of this particular vehicle to curb spending, argue that we in Congress can just as easily go on record that we will not, under any circumstances, increase the debt ceiling beyond a level that would be consistent with spending at $246.3 billion. But Congress has never been willing to do this for an entire fiscal year.

C. Douglas Dillon, the very distinguished former Secretary of the Treasury, once testified before the House Ways and Means Committee on this very subject. He said:

> No one is more dedicated to responsible finance and strict expenditure control than I am. But effective control of Federal spending cannot be achieved by restriction at the tag end of the appropriations process when the bills come due and must be paid if the credit of the United States is to be maintained.
>
> The proper place to control expenditures is in the appropriations process.

That is why, Mr. President, I introduced this measure not at the tag end, but right at the beginning of the appropriations cycle.

Mr. President, I ask for the yeas and nays on the Roth amendment.

The yeas and nays were ordered.

Mr. ROTH. Mr. President, I ask unanimous consent that the name of the Senator from Oregon (Mr. HATFIELD) be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, 48 of my distinguished colleagues, headed by the leadership of both parties, cosponsored this measure when I introduced my spending limitation bill on February 4. The language in this amendment is identical. It calls for a fixed spending limit at the $246.3 billion for which the President has asked. There are no exemptions whatsoever. All Government accounts —trust funds and Federal funds—come under its aegis. The only way we can control total debt is to control total spending.

The time is now, Mr. President. If we are sincere in our desire to curb inflation, this Nation's most pressing and pervasive problem, we in Congress must do our part to keep the spending lid on. I strongly urge adoption of this amendment.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. ROTH. I yield.

Mr. CURTIS. I say to the distinguished Senator from Delaware that I believe it is sound procedure to have a spending limit. I can think of no better place for it than on this bill to raise the so-called debt ceiling. I think it is a must. Indeed, many things must be done beyond a mere ceiling on expenditures. We spend because programs have been authorized. They are authorized because they are constantly promoted.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LONG. I yield 2 additional minutes to the Senator.

Mr. CURTIS. Sometimes it is argued that debts really do not matter. The fact remains that, year after year, we are called upon to pay a tremendous sum in interest on the national debt. Approximately $20 billion which could be used to bring tax relief to our people or to end the deficit, or for other good purposes, is used to pay interest on the debt. So the debt is a very heavy burden upon our people, and we should do everything we can to stop, once and for all, the growth of the public debt.

I thank the Senator for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. LONG. Mr. President, in the few minutes remaining to me, I would merely say that, in my judgment, this amendment would create more confusion and problems than it would solve. We would go through the process, first, of authorizing and then appropriating money. Then, having done so, the President would be held to a spending limit so he could not spend what we authorized. He would then send back to us a proposal to cut back what we had authorized. Having then gone through the whole appropriation process, we would go through the whole deappropriation process, selecting item against item and suggesting that we should not cut this item but should cut that. Then, in the event the whole thing failed to pass or the President vetoed it, we would raise the spending ceiling by the difference between his proposal and our proposals.

It is my understanding that the President is determined to stay within the spending limitation he intends to impose on himself, unless unforeseeable circumstances bring about a situation that makes it necessary to go beyond it. Who knows what emergency might come up? So the President reserves the right to spend more if he finds it should be necessary.

Accordingly, Mr. President, I do not think that this amendment should be agreed to as part of this bill. I would point out that we on the Finance Committee are not in a position to judge how much should be spent. The Appropriations Committee should do that. The whole thing would not be a problem if the Appropriations Committee would bring in lower appropriations, or if the Senate would not add to the appropriations on the floor more than should be voted.

I hope the amendment will not be agreed to, so that we can get on with the business of providing whatever debt limit is necessary to carry on this Government for the next several months.

Mr. ROTH. Mr. President, will the Senator yield?

Mr. LONG. How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. LONG. I yield 2 minutes to the Senator from Delaware.

Mr. ROTH. Mr. President, I ask unanimous consent that the name of the Senator from Nebraska (Mr. CURTIS) be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, in closing, I strongly urge my colleagues to support the Roth amendment, as amended. I believe that now is the time for action. By adopting an overall ceiling on spending prior to any appropriation being adopted, we are in a position to put a restraint on both Congress and the executive branch of the Government.

I think it is highly important that we make known to the American people that we are serious about doing something about our economy, about stopping inflation, if we are going to gain their confidence, which is necessary to promote a growing and stable economy.

Also, I think it is important that, as we enter important negotiations abroad in the international field, people abroad recognize that this Nation is serious about its measures to correct the deficiencies of the economy. Therefore, I hope my colleagues will vote in the affirmative.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time has expired. The question is an agreeing to the amendment of the Senator from Delaware, as amended. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from South Dakota (Mr. McGOVERN), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Maine (Mr. MUSKIE), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. RIBICOFF) is absent because of illness in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "nay."

I also announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL) would vote "yea."

I also announce that if present and voting, the Senator from Illinois (Mr. STEVENSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON) is absent because of death in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 53, nays 30, as follows:

[No. 91 Leg.]

YEAS—53

Allen
Allott
Anderson
Baker
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cooper
Curtis
Dole
Dominick
Eagleton
Eastland
Ervin
Fannin
Goldwater
Griffin
Gurney
Hansen
Hatfield
Hollings
Hruska
Javits
Jordan, Idaho
Mathias
McClellan
Miller
Montoya
Moss
Pearson
Pell
Percy
Proxmire
Randolph
Roth
Schweiker
Scott
Spong
Stennis
Symington
Taft
Talmadge
Thurmond
Tower
Weicker

NAYS—30

Aiken
Beall
Bennett
Bible
Cook
Cotton
Cranston
Ellender
Fong
Harris
Hart
Hughes
Inouye
Kennedy
Long
Magnuson
Mansfield
McGee
Metcalf
Mondale
Nelson
Packwood
Pastore
Saxbe
Smith
Stafford
Stevens
Tunney
Williams
Young

NOT VOTING—17

Bayh
Bellmon
Bentsen
Fulbright
Gambrell
Gravel
Hartke
Humphrey
Jackson
Jordan, N.C.
McGovern
McIntyre
Mundt
Muskie
Ribicoff
Sparkman
Stevenson

So Mr. ROTH's amendment (No. 956), as amended, was agreed to.

Mr. ROTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD of Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LONG. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk proceeded to state the amendment.

Mr. LONG. Mr. President, I ask unanimous consent to dispense with further reading of the amendment. I will explain it.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be printed in the RECORD.

The amendment reads as follows:

At the end of the bill insert the following:

MODIFICATION OF LIMITATION ON FISCAL YEAR 1973 BUDGET OUTLAYS

SEC. 3. (a) Notwithstanding the limitation in section 2 that expenditures and net lending (budget outlays) of the Federal Government during the fiscal year ending June 30, 1973, shall not exceed $246,257,000,000 they may exceed such limitation to the extent provided in subsections (c) and (d).

(b) Whenever action, or inaction, by the Congress on requests for appropriations and other budgetary proposals varies from the President's recommendations reflected in the Budget for 1973 (H. Doc. 93–215), the Director of the Office of Management and the Budget shall report to the President and to the Congress his estimate of the effect of such action or inaction on budget outlays, and the limitation set forth herein shall be correspondingly adjusted.

(c) The Director of the Office of Management and the Budget shall report to the President and to the Congress his estimate of the effect on budget outlays of other actions by the Congress (whether initiated by the President or the Congress) and the limitation set forth herein shall be correspondingly adjusted, and reports, so far as practicable, shall indicate whether such other actions were initiated by the President or by the Congress.

(d) (1) In the event the President shall estimate and determine that budget outlays during the fiscal year 1973 for the following items (the expenditures for which arise under appropriations or other authority not requiring annual action by the Congress) appearing in the Budget for 1973, namely:

(i) the item designated (on page 501 of the Budget) "Social insurance trust fund";

(ii) the item designated (on page 162 of the Budget) "National service life insurance trust fund";

(iii) the item designated (on page 501 of the Budget) "Interest"; and

(iv) the item designated (on page 501 of the Budget) "Farm price supports (Commodity Credit Corporation)"

will exceed the estimates included for such items in the Budget for 1973, the President may, after notification in writing to the Congress stating his reasons therefor, adjust accordingly the amount of the overall limitation provided in subsection (a).

(2) In the event the President shall estimate and determine that receipts (credited against budget outlays) during the fiscal year 1973 derived from:

(i) sales of financial assets of programs administered by the Farmers Home Administration, agencies of the Department of Housing and Urban Development, and the Veterans' Administration; and

(ii) leases of lands on the Outer Continental Shelf;

will be less than the estimates included for such items in the Budget for 1973, the President may, after notification in writing to the Congress stating his reasons therefor, adjust accordingly the amount of the overall limitation provided in subsection (a).

(3) The aggregate amount of the adjustments made pursuant to paragraphs (1) and (2) of this subsection shall not exceed $6,000,000,000.

(e) The Director of the Office of Management and the Budget shall report periodically to the President and to the Congress on the operation of this section. Such reports shall be made at the end of each calendar month in 1972 ending after the date of the enactment of this Act and at the end of each calendar quarter thereafter.

Mr. LONG. Mr. President, the amendment is made necessary by the agreement to the Roth amendment. It would exempt from the Roth amendment certain uncontrollable items which I think the Senate should certainly want to exempt from it. For example, I refer to the social security, medicare, unemployment insurance, and Government retirement trust funds. They are items that are determined by the number of people who get sick, the number of people who retire, or the number of people who find themselves out of jobs. It is not determined by the Members of Congress.

The amendment would exempt the outlays from the National Service Life Insurance trust fund which is determined by the number of servicemen and veterans who die. That is something that we cannot very well control. It should be left out. In the third place, it would exempt interest payments on the national debt, which is controlled by the level of interest rates in the country and the amount of debt outstanding, and it is beyond the power of the Secretary of the Treasury or anyone else to control.

It is utterly ridiculous to cut back on a number of other spending accounts in the budget because of fluctuating interest rates.

The amendment would exempt the Commodity Credit Corporation which is required by law to buy farm commodities in order to maintain a certain price. In addition, the amendment would provide that where Congress passes an administration bill in the future which exceeds the administration request, the spending limit is increased to the extent that the appropriation exceeds the budget request. It would simply carry out the theory that Congress has enough sense to know what it is doing.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senator will suspend until the Senate is in order. Senators will please take their seats. There will be order in the Senate.

The Senator from Louisiana may continue.

Mr. LONG. Mr. President, the amendment would simply carry out the theory in future appropriation bills that we, in Congress, have enough sense to know what we are doing and that we mean it when we vote for an appropriation. If we vote to appropriate $100 million more for agriculture or forestry or some particular item over and above what was recommended in the budget, we intend that that amount should be spent and do not intend that it should be taken out of this item or some other item that has been kept within the budget request.

I think this makes commonsense. The alternative is to do what we did under the Williams amendment where, having voted for it, we then proceeded on five or more occasions to pass bills saying that we will do more hiring, notwithstanding the Williams amendment.

Why does the Senator want five occasions to say he means to appropriate what is appropriated in the bill. Obviously he would not be appropriating it, if he did not mean it to be spent?

I think that flexibility is necessary to make the spending limitation work.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second, and the yeas and nays are ordered.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. AIKEN. I do not want to be critical of the Senator's amendment, but would it not nullify the expressed desires of 53 Members of the Senate who just voted for the Roth amendment, as amended?

Mr. LONG. Not at all. Here we have over $200 billion in obligational authority. I am looking at the budget on page 42. There is $289 billion of unspent authority for outlays after fiscal year 1973; $166 billion of the total is carried over from before 1973. So this limitation would apply against all of that. It would apply on all funds that have been impounded by the President.

In effect, what it would do would be to impose a spending limit on all appropriations and all impounded funds held by the President.

Mr. AIKEN. It would nullify all funds appropriated in previous years?

Mr. LONG. It would apply to all funds appropriated in previous years and up to this point; and all those requested in the budget.

Mr. AIKEN. But not to those not appropriated such as so-called trust funds.

Mr. LONG. It would not apply to those items I submitted. How can you control the number of people who are going to die, or how can you control the number of people who will be out of work. I wish you could, but you cannot.

Mr. AIKEN. It would apply to the amendment just passed, and all appropriations affecting health, education, and welfare, and all other programs for which appropriations are made?

Mr. LONG. It would apply to everything up to this point except these four uncontrollable items. Even the Williams amendment limitation left those out.

Mr. AIKEN. And except as further exemptions may be voted by Congress in the future.

Mr. LONG. Of course, Congress can always amend.

Mr. AIKEN. And there will be many exemptions if I judge Congress correctly.

Mr. LONG. I hope to prevent Congress, by my amendment, from doing what it will be forced to do if this amendment is not agreed to. That is to avoid what we saw happen, for instance, under the Williams amendment, where every time a bill was passed that required more employees than allowed under the ceiling to say that number of employees shall be hired, notwithstanding a limitation.

Mr. AIKEN. Then, the Senator from Louisiana hopefully expects this year to be different from previous years and these moves to exempt all other appropriations which may affect this or that section of the country or this group or that group will not be offered if his amendment is agreed to.

Mr. LONG. I did not advocate the spending limitation to begin with, but I do advocate making it practical.

Part of the amendment includes items the previous Senator from Delaware had in his spending limitation; that is, he exempted the social insurance trust funds and the interest on the national debt which are uncontrollable items.

Mr. AIKEN. The amendments of Senator WILLIAMS did not result in a balancing of the budget and did not prevent an increase in the national debt, as I recall. I have partisan pride and I had great respect for his effort. I would give him A for effort but probably D or E for the ultimate success of it.

Mr. LONG. The Roth amendment will not balance the budget. The Williams amendment, with the help of the income tax surcharge did produce a surplus. It might be considered a step in that direction, but certainly it will not balance it.

Mr. AIKEN. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. Mr. President, I wish to ask the distinguished Senator from Louisiana a number of questions. I did not have an opportunity to read the proposed amendment until a few minutes ago.

Am I correct in understanding that, in effect, noncontrollables would be exempted from the spending limitation?

Mr. LONG. Only those uncontrollables that are listed in the amendment on page 2. There are certain other uncontrollable items this amendment would not seek to limit. It affects only those listed on page 2: social security trust funds, national service life insurance trust funds, interest on the national debt, and farm price supports under the Commodity Credit Corporation. On page 3 there are listed:

> Sales of financial assets of programs administered by the Farmers Home Administration, agencies of the Department of Housing and Urban Development, and the Veterans' Administration; and leases of lands on the Outer Continental Shelf.

The last two items are offsetting receipts, and this simply exempts the extents to which they fall short of their estimates.

Mr. ROTH. In other words, if those receipts were less than anticipated the Senator would, in effect, increase the debt ceiling. Is that correct?

Mr. LONG. You would not have to cut back other budgetary items because you were unable to lease some land on the Outer Continental Shelf or did not get as much money in lease revenue as on previous occasions. You simply would not be required to reduce the spending because the income was not as much as in previous years.

Mr. ROTH. But if I may recapitulate, the impact of that section would permit the size of the deficit to be increased by virtue of the fact that you did receive less revenue than was anticipated in the sale or lease, so it permits a larger deficit than anticipated in the budget.

Mr. LONG. But also it provides that the aggregate adjustments for these uncontrollable accounts may not exceed $6 billion.

Mr. ROTH. Does the Senator from Louisiana have any reason to believe, and I refer to part 2, that the revenue received from sales of assets or leases might exceed that in the budget?

Mr. LONG. The evidence in the past shows there is no way to foresee what is going to happen. Let us say the Secretary of Interior would like to make leases. He has some protests in the State governments. The environmental people object. He would like to sell some leases, but he might be restrained by court order. There is no way to predict it.

We in Louisiana just cannot anticipate with any consistency the receipts of revenues from that source.

Mr. ROTH. Could the Senator advise me as to the range in which the leases and sales have varied in the past 2 or 3 years?

Mr. LONG. I do not have those figures right now. I will try to get them for you.

Mr. ROTH. Under paragraph (d)(1) the Senator sets forth, as I mentioned, 4 noncontrollables. Could the Senator itemize what is budgeted for each of these items in fiscal 1973?

Mr. LONG. If the Senator will wait just a minute, I may be able to give him those figures.

With respect to the social security trust fund, it would exempt only an increase above $68.1 million. That is what the estimated expenditure is in 1973.

If the Senator wants to know what the estimate and the actual amounts were in previous years, I can give him that. In 1972, it was $61.9 million, and in 1971 it was $54.9 million.

The Senator asked about the receipts from the Outer Continental Shelf. The 1973 estimate is $1.8 billion. On the other hand, in 1972 there was only $523 million from that source. In 1971 it was $891 million. So there is a great deal of wishful thinking. We might get $1.8 billion, and then again we might not even get the $523 million that we got the year before.

Mr. AIKEN. Mr. President, will the Senator yield for one more question?

Mr. LONG. I yield.

Mr. AIKEN. Will the Roth amendment as amended by the Spong amendment be applicable to the salaries and payments to Federal employees either within or without this country?

Mr. LONG. Yes, it would be.

Mr. AIKEN. It would be. So the 3 million Federal employees might well expect some portion of their salaries to be withheld?

Mr. LONG. That could happen. It could.

Mr. AIKEN. I doubt that it would please them very much if the President or the administration saw fit to do it.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. BENNETT. Mr. President, I want to rise to express my great gratitude and slight surprise at the effect of the amendment which the Senator has offered, which I am going to support.

I stood on the floor here about an hour ago and said that I was going to put on the mantle of a prophet and predict that if the Roth amendment or the Spong amendment were adopted, we would do one of three things before we got to the point where it would become operative: Either we would let it become operative; we would raise the ceiling, or we would create exemptions. Now my friend is making two of them true. He is raising the ceiling and creating exemptions. It is not often that a prophet is vindicated quite so fast.

Mr. LONG. The Senator would be vindicated by five acts instead of one if we do not adopt this proposal. In any event, it is necessary. It will have to happen. If something has to be done, I think we might as well do it at one time rather than do it by five or six different acts.

Frankly, we are going to run out of time in this Congress, in spite of our best efforts to move ahead as fast as we can. We have two national conventions coming up and many other proposals to consider. This action is going to be necessary, and it might as well be added on here instead of having a dozen battles on the floor later on to do what we know we have to do. We might as well do it now in one act.

Mr. BENNETT. Like the King of France, we marched up the hill, and we may as well ski downhill and come down again fast.

Mr. LONG. This does not affect the

Roth amendment with regard to the impounded funds. It leaves alone the effect of all the carry overs of appropriations that have been appropriated until now. When we realize what has to happen with regard to other appropriations and uncontrollable items, there is no doubt that this will have to happen; so it might as well be added now and be done in 1 hour instead of having to do it in 6 or 7 weeks.

Mr. BENNETT. The Senator from Utah agrees with the chairman.

Mr. AIKEN. Mr. President, if the Senator will yield, I had one more question. I am somewhat apprehensive about what could happen to Congress. The chairman will assure us, will he not, that the Roth-Spong amendment would not be applicable to the salaries of Members of Congress or the employees of Congress or would not be applicable to the travel funds of the Congress, which, in my opinion, come to several million dollars a year, or to the maintenance of offices in their home States? He will give us the assurance, will he not, that the Roth-Spong amendment would not be applicable to those?

Mr. LONG. It applies to all of them. The Roth-Spong amendment applies to all of them.

Mr. AIKEN. Does the Senator realize what the effect on Congress might be?

Mr. LONG. Of course, Senator, frankly, if the President wants to do that——

Mr. AIKEN. Over 50 Members of this body have asked for it.

Mr. LONG. I am advised that the administration does not want the amendment. I am advised that the administration wants it to be known that when the Spong amendment is attached to it, the administration is opposed to it. I am inclined to think that if someone proceeded to impose on me something that I felt should not be done and I felt was unwise, I would be inclined to freeze the very items that the Senator has just mentioned and say, "If you want it done—you are the people who think it ought to be done—I will impound those."

Mr. AIKEN. I am happy that so many Members of the Senate expressed their willingness to make this sacrifice if the President finds it necessary.

Mr. BROCK. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. BROCK. Did I understand the Senator correctly to say that the President or the administration is opposed to a spending ceiling?

Mr. LONG. It is my understanding that the administration was opposed to the Roth amendment and was unalterably opposed to the Roth amendment if amended by the Spong amendment. That is the way I understood it.

Mr. BROCK. The Roth amendment and the Spong amendment have been adopted. Now, the question is whether or not the administration supported a spending ceiling. I think the Senator would be the first to admit that the President and the administration very strongly said they would accept a spending ceiling.

Mr. LONG. They did not want it in this form.

Mr. BROCK. They did not want it in this bill because it would delay the bill, but they were in favor of a spending ceiling.

Mr. LONG. They did not want it in this bill and in this form. That is the administration's position. Of course, that is not binding on the Senator from Louisiana or the Senator from Tennessee, but since he brought it up, that is the way it is.

The Senator from Delaware wanted to know the other figures. The figure for outlays by the national service life insurance trust fund is $792 million.

The interest on the national debt, an uncontrollable item, is now $21.2 billion, but it will have to be paid whether it goes down or up.

Farm price supports, $4.3 billion.

These exemptions would apply only to the excess over those figures, and they would be subject to an overall limitation of $6 billion, which we think would be adequate.

Mr. ROTH. Let me see if we can clarify this for those not familiar with the amendment, to see how it operates.

Mr. LONG. First, Mr. President, let me inquire, have the yeas and nays been ordered on this amendment?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. ROTH. Would it be appropriate, if the Senator's exclusions were adopted, to subtract the $68.1 million, the $792 million, the $21.2 billion for interest, and the $4.3 billion for farm price supports from the $246.257 billion spending limit, to get a realistic figure?

Mr. LONG. No. The items which I gave the Senator are within the limits. It is only to the extent that these uncontrollable items exceed those estimates that relief would be provided by permitting the spending limit to rise by the degree to which these uncontrollable items increase up to $6 billion.

If more veterans die than are expected to die, that would not require us to cut back somewhere else on the budget; or if interest on the national debt should go up instead of down, in spite of what little I or some other people can do about it, we would not have to cut back on other items because of that change.

If unemployment increases, that would be the worst possible reason I can think of to cut expenditures. The one thing we ought to do, if unemployment increases, is help by putting people to work. That costs money. But under the Roth amendment, if unemployment increases, we have got to cut Federal spending, and thereby increase unemployment, and fire very needed and useful public employees.

I do not think the Senate wants to do that. I think we have learned something since 1929, and realize there is some value to the so-called built-in stabilizers, to help mitigate the drastic effects. I think everyone would want that, and those on the other side of the aisle in particular. In my judgement, it would be very unwise to put these items on such a basis that, because of net increases in the national debt, or of because an increase in interest rates or an increase in unemployment, or because more people got sick under medicare because of an epidemic of flu, we would have to throw people out of work or cut back in other programs. That does not make much sense.

I have no doubt, if we get around to doing it, that we will try to make our act effective. I know I, for one, would not want to advocate a big increase in social security, and then, having voted it, have to explain to people why they did not get it, after we told them they were going to get it. I am positive that this flexibility should be there, and that is the reason I am offering the amendment.

Mr. ROTH. Will the Senator yield further for a question?

Mr. LONG. I yield.

Mr. ROTH. Is not the impact of the amendment basically to permit $6 billion in spending to be added to the four so-called noncontrollable items, as adjusted, of course, by what happens?

Mr. LONG. Only if there are increases in those categories, yes.

Mr. ROTH. So that other appropriations would not be affected in any manner?

Mr. LONG. Existing appropriations would not be affected, but, as I indicated, future appropriations to the extent that they exceeded the budget requests, would bring about an increase in the spending limit to permit that which Congress appropriated to be spent.

So, to the extent that it exceeded the spending limit, it would bring that about. But that is what we have done anyway. That is what we did when we had other spending limitations. Wherever Congress was concerned enough about wanting to do something that it saw fit to appropriate the money, it put a provision in the appropriation bill in each case, "This shall be done notwithstanding the spending limitation."

Mr. ROTH. I think there is an essential difference. It is true that there are certain exceptions made; but, as I understand the Senator's latter point, every time Congress appropriates more, we will increase the overall spending limitation; is that correct?

Mr. LONG. It is correct to the extent that Congress is working its will.

Mr. ROTH. Actually, the 1968 limitation on spending was more a firm, fixed limitation; it did not provide automatically that if an appropriation went up, the ceiling went up, which I understand would be the effective of the amendment here. I do not believe that is what happened in the 1970 limitation on spending.

Mr. LONG. Well, what happened there was that the ceiling was rigid in the respects that the Senator has mentioned. Thereafter, we would have bills come before the Senate sponsored by the Appropriations Committee, and there would be an amendment on the bill to say that this appropriation would be spent notwithstanding the provisions of the spending limitation. Then we would have rollcalls and debates and a considerable amount of argument and conversation, before we could have a vote on it. We would have to agree or disagree to the key amendment that the President could go ahead and spend what was appropriated notwithstanding the spending limitation.

I do not see any point in having to

spend day after day from now until the end of this session, debating about whether the Senate really means to spend something when it adds an item to an appropriation bill or raises a figure. I would assume it is self-evident, if the Senate wants to spend some funds that they are willing to raise the spending limitation by the necessary amount, if we do not want the President to impound the same money that we are asking him to spend.

So, rather than go through this thing five or six times, I would hope we could settle it now, and agree that when we voted to appropriate more money than the budget had requested for this item, it would mean just exactly what the bill says—that we have authorized the expenditure of that amount of money for that purpose. I submit that to do otherwise is just to deceive the public, after having said, "Spend the money," then saying, "No, don't spend it." When we write a spending limitation, we should anticipate the fact that if we want to spend more than that, we will respect our right to pass a future law to do just that. And when we do it, it should be self-evident that we mean to spend it, and we are not deceiving anybody.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. MANSFIELD. Mr. President, I am in full accord with the amendment offered by the distinguished chairman of the Committee on Finance. He has presented to the Senate some hard, inescapable facts. You cannot blink them away. They have to be paid, and we have to be prepared to see that those payments are not put under any sort of limitation.

I have been somewhat surprised at the amount of criticism being directed at Congress today. One would gather the impression that Congress was a spendthrift, that all we do is spend our time adding funds to budget requests made by the administration, when the exact opposite is true.

If my figures are correct, this administration, at the end of the coming fiscal year 1973, after 4 years in power, will have given to the American people a deficit well in excess of $100 billion—over the 4-year period over which it has prepared the budget. No other administration in my memory can equal that record.

Just to keep the debate in context on the issue of spending, I will ask that a table showing the requests for spending during the past 4 years by the executive branch and how Congress has cut those requests for spending be printed in the RECORD. I note that during the fiscal years 1969 through 1972, Congress has provided the administration with $27 billion less—Congress has provided the administration with $27 billion less—than the administration desired and requested for spending.

So on the question of who should have the lid, I think Congress—that means those of us who serve in this body, on both sides of the aisle, as well as the other body—should realize that where it had control it has done a remarkable job.

I ask unanimous consent that the table be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COMPARISON OF FUNDS REQUESTED OF CONGRESS BY THE ADMINISTRATION AND FUNDS PROVIDED BY CONGRESS IN THE APPROPRIATION ACTS TOGETHER WITH DEFICITS FOR EACH FISCAL YEAR, 1961–72

[Dollars in millions]

Fiscal years	Total amount requested by the respective administrations from Congress for appropriation of money in the appropriation acts	Total amount of money provided by Congress in the appropriation acts	Total amount of money reduced by the Congress from the administration requests in the appropriation acts	Deficit (excess of outlays or expenditures over receipts)	
				Unified budget	Administrative budget
1961	84,010	83,799	−$211	−3,406	−3,856
1962	101,186	96,195	−4,991	−7,137	−6,378
1963	107,204	102,662	−4,542	−4,751	−6,266
1964	110,271	103,799	−6,472	−5,922	−8,226
1965	110,204	106,070	−4,134	−1,596	−3,435
1966	121,720	119,310	−2,410	−3,796	−2,251
1967	144,813	143,884	−929	−8,702	−9,869
1968	162,989	156,917	−6,072	−25,161	−28,379
1969	147,909	133,340	−14,569	+3,236	−5,490
1970	142,701	134,431	−8,270	−2,845	−13,100
1971	147,779	144,274	−3,505	−23,000	−29,900
1972, estimate	163,531	161,981	[1]−1,550	[2]−40,000	

[1] Excludes foreign aid appropriation bill which is pending in Senate. The foreign aid appropriation bill, as passed the House, effects a further reduction in the budget estimates of $1,339.

[2] The budget is not available as of Jan. 20, 1972. This figure was quoted in the press.

Mr. MANSFIELD. Believe me, Mr. President, I am not one who likes to downgrade this body. I like to build up this body, the institution we revere so much, and to lay the facts on the table. I just want to show what Congress has done in relation to the requests of the administration and to emphasize that over a 4-year period we have appropriated $27 billion less than the administration, and that over that 4-year period the administration will have incurred—this administration—a deficit well in excess of $100 billion, a record hard to beat.

I thank the Senator.

Mr. LONG. Mr. President, I do not particularly relish the task of trying to pull this administration's chestnuts out of the fire. I find myself sort of an unwilling soldier for that purpose.

It seems to me that it is just a makework project for us to pass a spending limitation which attempts to control the uncontrollable items, when we know that we cannot control them and would not want to, or which does nothing but mislead and deceive the American people.

I would think that, from this day forward, anyone who thinks enough of an appropriation bill to vote for it will think enough of it to vote for an amendment which says that the amount of money we are appropriating is not to be withheld or impounded because of a spending limitation we voted previously.

The present amendment would say that we did not mean what we said with regard to the previous appropriations. Usually, if there is a conflict between acts, it is the last act that tends to prevail. All I am saying is that, if you pass a future act that says you will spend a certain amount for child care or for public works or for agriculture, you do mean what you say and that you do mean it should be spent.

I yield the floor.

Mr. ROTH. Mr. President, I should like to make a few comments about the proposed amendment.

First, I should like to point out that I have not tried to blame either Congress or the executive branch alone, either the Republicans or the Democrats alone. I think the record makes perfectly clear that there is enough blame to share around the entire Federal bureaucracy, whether it is the executive branch or the legislative branch. One can go back and show deficits in practically every administration since World War II. I do not think it is helpful to try to place the blame. I think that what is important is what this Government is going to do to try to correct the situation, to provide some stability in the Federal fiscal picture, so that we can have a sound growth of the economy.

I might point out that one of the practices of Congress, in addition to appropriations, has been to use backdoor financing that is not incorporated. As was brought out earlier, one of the major exemptions of this type is what we did recently in the authorization for clean water.

Mr. President, I think it is important that everyone recognize what this amendment would do. It is perfectly clear that it would gut the so-called Roth-Spong amendment. If this amendment is adopted, rather than improve the situation, we will have harmed it, because we are going to give a cosmetic appearance that we are trying to do something about Federal spending, that we are trying to correct deficit spending on the part of the Government, when in fact it will mean that there is no practical limitation.

There are two basic parts to the amendment, as I understand it. I have not had a chance to study it carefully. One makes a mockery of the spending ceiling in and of itself, because it would permit that ceiling to rise every time Congress appropriated funds above those proposed in the budget. Consequently, you would have a floating ceiling, and I think that is worse than no ceiling whatever.

I do not think we can tell the people back home that Congress is serious about fiscal responsibility. I think the very contrary would be proved if we adopted this portion of the amendment.

So far as the other phase is concerned, we are exempting four so-called noncontrollables to the extent of $6 billion, if I understand it correctly.

It seems to me that if we really want to have the maximum effect in a spending limitation, we should stay to what we already have, which requires that it be cut back from other portions of the budget if it becomes necessary to increase spending in these so-called noncontrollables.

Mr. President, I think it is time that we adopt meaningful legislation that will mean fiscal responsibility, and it is critically important that we do so. The only way we can accomplish that is to adopt a ceiling, as we have adopted, that applies to Congress as well as to the executive branch. I think that to adopt the amendment proposed by the chairman of the Finance Committee would be a serious step backward, and I therefore oppose the amendment.

Mr. DOMINICK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. (BEALL). The Senator from Colorado will state it.

Mr. DOMINICK. The yeas and nays having been ordered, is the amendment divisible?

The PRESIDING OFFICER. The yeas and nays would not prevent a division of an amendment which is divisible.

Mr. DOMINICK. Is this amendment divisible? My understanding is that it is in two parts, one saying that subsequent appropriations would raise or lower the ceilings and another is on the uncontrollables.

The PRESIDING OFFICER. Where would the Senator desire to divide the amendment?

Mr. DOMINICK. If it is divisible, I think we should have a vote on the question of whether the ceiling by the Roth amendment was raised by subsequent appropriations and another vote on the question of the uncontrollables.

The PRESIDING OFFICER. Does the Senator have a copy of the amendment?

Mr. DOMINICK. No, I do not.

Mr. LONG. Mr. President, I would be glad to give unanimous consent for a separate vote on subsections (c) and (d), if that would accommodate the Senator. He could have it either before or after, however he wants to do it, or a vote on the uncontrollables first. I would be glad to give consent. It would be all right with me.

Mr. DOMINICK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I believe that we have reached some understanding about the division. So, I ask that the amendment be divided and that the Senate vote first on subsections (a), (b), and (c) and thereafter vote on the remainder of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the first part of the Long amendment, consisting of subsections (a), (b), and (c) thereof. On this question the yeas and nays have been ordered, and the clerk will call the roll.

Mr. LONG. Mr. President, that part, may I say, is the part that has to do with the floating ceiling by which if Congress passes a future appropriations bill that exceeds the budget request, the spending limitation would be increased by the amount by which that bill exceeds the budget request.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Maine (Mr. MUSKIE), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I further announce that the Senator from Connecticut (Mr. RIBICOFF) is absent because of illness in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) and the Senator from Illinois (Mr. STEVENSON) would vote "yea."

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON) is absent because of death in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 45, nays 38, as follows:

[No. 92 Leg.]

YEAS—45

Aiken
Anderson
Beall
Bennett
Bible
Burdick
Byrd, W. Va.
Cannon
Cooper
Cranston
Eagleton
Eastland
Ellender
Fong
Harris
Hart
Hughes
Inouye
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
Metcalf
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pell
Randolph
Saxbe
Schweiker
Smith
Stafford
Stevens
Symington
Talmadge
Tunney
Williams
Young

NAYS—38

Allen
Allott
Baker
Boggs
Brock
Brooke
Buckley
Byrd, Va.
Case
Chiles
Church
Cook
Cotton
Curtis
Dole
Dominick
Ervin
Fannin
Goldwater
Griffin
Gurney
Hansen
Hatfield
Hollings
Hruska
Javits
Miller
Pearson
Percy
Proxmire
Roth
Scott
Spong
Stennis
Taft
Thurmond
Tower
Weicker

NOT VOTING—17

Bayh
Bellmon
Bentsen
Fulbright
Gambrell
Gravel
Hartke
Humphrey
Jackson
Jordan, N.C.
McGovern
McIntyre
Mundt
Muskie
Ribicoff
Sparkman
Stevenson

So the first part of the division on Mr. LONG's amendment was agreed to.

The PRESIDING OFFICER (Mr. BURDICK). The question is on agreeing to the second part of the Long amendment, consisting of sections (d) and (e) thereof. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Maine (Mr. MUSKIE), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. RIBICOFF) is absent because of illness in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) and the Senator from Illinois (Mr. STEVENSON) would vote "yea."

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON) is absent because of death in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 71, nays 12, as follows:

[No. 93 Leg.]

YEAS—71

Aiken
Allott
Anderson
Baker
Beall
Bennett
Bible
Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Harris
Hart
Hatfield
Hruska
Hughes
Inouye
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
Metcalf
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Randolph
Saxbe
Schweiker
Scott
Smith

Spong
Stafford
Stevens
Symington
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—12

Allen
Boggs
Brock
Buckley
Byrd, Va.
Cooper
Cotton
Hollings
Proxmire
Roth
Stennis
Taft

NOT VOTING—17

Bayh
Bellmon
Bentsen
Fulbright
Gambrell
Gravel
Hartke
Humphrey
Jackson
Jordan, N.C.
McGovern
McIntyre
Mundt
Muskie
Ribicoff
Sparkman
Stevenson

So the second part of Mr. LONG's amendment was agreed to.

Mr. LONG. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

Mr. MANSFIELD. Mr. President, there will be no further votes tonight, for a number of reasons. We thought we would have two amendments for tomorrow. We may still have two. We know of one which may be offered. So it is quite possible that we may be able to finish with this bill at a reasonably early time tomorrow afternoon.

It is my understanding that the distinguished chairman of the Committee on Finance and the ranking Republican member have indicated that they intend to resume hearings on H.R. 1; and may I say that I have nothing but words of commendation for the distinguished chairman and the work he has done to try to report out H.R. 1. There have been some delays for a number of reasons which are apparent to all, but it is anticipated that sometime around the first of April that bill will be ready to take up in the Senate.

So that is about it, as we stand now. When we conclude the consideration of the pending business, it is the intention of the leadership, in line with its word given over a number of months, that the Senate proceed to the consideration of the Voter Registration Act.

Mr. President, I ask for the yeas and nays on passage of the pending bill.

The yeas and nays were ordered.

ORDER FOR RECOGNITION OF SENATOR WEICKER ON THURSDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on next Thursday, following the recognition of the two leaders under the standing order, the distinguished Senator from Connecticut (Mr. WEICKER) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I assume this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW AND LAYING BEFORE THE SENATE THE UNFINISHED BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the remarks of the able Senator from Wisconsin (Mr. PROXMIRE) on tomorrow, there be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL THURSDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 12 o'clock noon on Thursday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM THURSDAY, MARCH 9, UNTIL 10 A.M., FRIDAY, MARCH 10, 1972

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Thursday, it stand in adjournment until 10 a.m. on Friday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 12 o'clock noon. After the two leaders have been recognized, the distinguished Senator from Wisconsin (Mr. PROXMIRE) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Chair will lay before the Senate the unfinished business.

Mr. President, there will be rollcall votes tomorrow, and the Senate undoubtedly will complete action on the unfinished business, H.R. 12910. The voter registration bill is scheduled to follow the action on the debt limit bill.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and at 5:53 p.m. the Senate adjourned until tomorrow, Wednesday, March 8, 1972, at 12 meridian.

NOMINATIONS

Executive nominations received by the Senate March 7, 1972.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

To be commanders

Robert A. Ganse
Michael H. Fleming
Richard E. Newell
Richard H. Allbritton
Richard J. DeRycke
Ned C. Austin
Jeffrey G. Carlen
John W. Carpenter

To be lieutenant commanders

John W. DeCoste
James M. Wintermyre
Frank P. Rossi
John T. Atwell
Lowell J. Genzlinger
Jimmy A. Lyons
David M. Wilson
Yeager A. Bush
John D. Stachelhaus
Bruce L. Keck
Larry W. Mordock
Victor E. Delnore, Jr.

To be lieutenants

Ronald L. Sellers

To be lieutenants (junior grade)

John D. Busman
Dean R. Seidel
William G. Pichel
Lester B. Smith, Jr.
Dale M. Hodges
Roger J. DeVivo
Stephen M. Dunn
Donald A. Drake
Gregory L. Miller
Lewis A. Lapine
Robert M. Dixon
John L. Robbins
Nicholas A. Prahl
William T. Turnbull
Thomas E. Brown
Jerry S. Crowley
Larry J. Oliver
Gregory R. Bass
Peter S. Hudes
Carl A. Pearson
Leslie R. Lemon
Russell C. Arnold

To be ensigns

Alan J. Pickrell
Craig B. Christensen
Theodore C. Kaiser
Nelson K. H. Lau
Richard W. Permenter
Keith F. Freese
Alton W. Payne, Jr.
James W. Davis
William A. Pagano

U.S. COAST GUARD

The following-named Reserve officers to be permament commissioned officers of the Coast Guard in the grade of commander:

William M. Alexander
Robert W. Atthowe
Benny J. Ballard
Franklin J. Barbosa
Robert G. Batteiger
Robert J. Bell
Stephen L. Best
John I. Bishop
William E. Boland
Henry N. Brandon
William R. Brinkmier
Edward C. Brant
Marvin F. Burgess
Donald L. Burry
Elvin P. Byers
Patton H. Caldwell, Jr.
Robert L. Carlise
Alfred Casieri
Louis A. Chaddick, Jr.
Gregory V. Clement
Robert D. Coleman
Francis N. Crawford
James E. Crosby, Jr.
Robert G. Dashiell, Jr.
Robert A. Dayton
Cyril R. Denike
Robert A. Detzel
John A. Dillingham
Robert P. Donnelly
Gilbert T. Dunn
Edgar A. Ebey
William J. Farrell
Clinton S. Ferris, Jr.
Harvie W. Fitzgerald
Herbert R. Force
Douglas W. Fredericks
Alonzo W. Garrett
William H. Githens
Arthur S. Goldman
Julius A. Goodin, Jr.
Jacob J. Graber
Allen E. Griffin
Jerome L. Grill
James E. Harris
Clifton E. Hayes
Lewis S. Hayes
Alvin D. Hersh
William S. Hewlett
Stanley R. Hyle
Harold R. Jones
Herbert L. Kinard
Harold C. Kingan
Leonard E. Korenek

Ned K. Kulp
James P. Kyne
Robert B. Legge
Peter P. Leto
Jerome P. Lundgren
Peter K. Lyse
Justin M. McCarthy
Charles B. McCormack
Gene W. Miller
John Miller
Patrick D. Mooney
Alan C. Moore
Parker D. Morris
Daniel J. Murphy
Carl T. Nakkula
Damon G. Nalty
Edward J. Northup
John K. Oast
Edward H. O'Keefe
John G. Orewiler
Glen O. Petersen
Harry J. Petrequin Jr.
Kenneth T. Pinhero
Dorothy M. Preuss
Lennard K. Rambusch
Matthew G. Raulf
Robert S. Raymer
Leroy Reid
John Relle, Jr.
John A. Robbins, Jr.
Gerald H. Rockelli
Robert T. Rosenfeld
John P. Rowley, Jr.
John S. Saper
John E. Schroeder
Michael D. Schwartz
Thomas M. Scott
Meyer J. Seltzer
Charles K. Sheckler
John A. Skarzynski
Gerald R. Skinner
Charles R. Smith
Noah M. Smith
Peter W. Spencer
Robert W. Sprick
Edward J. Stauber
Delmar L. Strelow
Robert E. Strunk
Thomas F. Sullivan, Jr.
Harry A. Thorpe
Raymond V. Underwood, Jr.
Roger P. Vance
Thomas A. Vellanti
Donald J. Wagner
Eric H. Wall
Richard T. Whitney
Richard L. Whynot
Albert D. Wittman

U.S. NAVY

Rear Adm. Robert L. J. Long, U. S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

EXTENSIONS OF REMARKS

FOREIGN AID: PRO AND CON

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. HAMILTON. Mr. Speaker, the fiscal year 1972 foreign assistance appropriations bill has finally been sent to the White House, a mere 4 months before the start of fiscal year 1973. This long delay indicates the degree of controversy surrounding our foreign aid programs.

To gain a perspective on this controversy, I urge my colleague to read the following documents. The first is Congressman PASSMAN's comments to the American taxpayer from July 1, 1971, concerning our foreign assistance efforts. I asked the Agency for International Development to respond to my colleague's remarks. The second document is the agency's response, which I have just recently received.

These items follow:

FOREIGN OPERATIONS,
SUBCOMMITTEE ON APPROPRIATIONS,
Washington, D.C., July 1, 1971.

To the American taxpayer:

The attached fact sheets should have your close scrutiny. Our government is continuing to dissipate your resources and wealth in foreign nations all over the world. This unconscionable practice is destroying our world markets, destroying the value of the American dollar and placing an unbearable public debt upon the shoulders of unborn generations. This practice of giving away your wealth is creating inflation and reducing the purchasing power of your dollar which is the equivalent of confiscating your savings. I must speak out again and say forthrightly that the good claimed for this program is not supported by facts.

Our fiscal irresponsibility is so obvious that many foreign nations are again demanding our diminishing gold for the surplus dollars they hold, thus further depleting our limited gold stocks. In some countries, businesses will accept dollars only at a discount. This uncontrolled dissipation of our wealth is pricing us out of world markets. We may well finish this year with a true trade deficit of a billion dollars.

There are approximately Fifty Billion U.S. Dollars floating around in foreign countries. We do not have the gold to redeem these dollars, so they are surplus to the needs of foreign nations for commerce. Do not blame the present Administration for this unbelievable situation because it has been building up for 25 years. The habit of giving away our wealth is so ingrained in the minds of the bureaucrats who give away this money that they cannot overcome the addiction. So, those of us who know the facts must now spread this news throughout the nation and plead for support so as to bring this outlandish, wasteful, ever-growing addiction under control, or else someday surely regret our neglect.

The attached sheets establish beyond any doubt that this program could be termed frustrating, fanatical, frightening and foolish. I am going to expose the wastefulness of this program to the Nation even if it require substantial use of my personal resources. This is an obligation I owe to the American people.

May I explain the attached fact sheets briefly before you read them:

(1) New budget requests for additional authorizations and/or appropriations for foreign assistance, fiscal year 1972, covering loans, grants and credits—*thirteen billion, five hundred twenty-eight million, six hundred twenty-eight thousand dollars.*

(2) Unexpended balance in pipeline from prior years—*twenty-four billion, five hundred sixty-seven million, fifty-five thousand dollars,* including appropriated funds and borrowing authority.

(3) If all new requests are approved by the Congress, the grand total funds available, new and from prior years, will amount to *thirty-eight billion, nine hundred fifty-six million, eight hundred and thirty thousand dollars.*

(4) Net cost of the foreign assistance program (1946–71) including interest on what we have borrowed to give away, amounts to *two hundred twelve billion, eight hundred eighty million dollars.* Many billions of the dollars we pay out in interest on what we have borrowed to give away go to foreign nations and foreign nationals.

(5) During this world-wide spending spree, our gold holdings have been reduced from *twenty-two billion, eight hundred seventy-nine million dollars* to *ten billion, seven hundred thirty-two million dollars.*

(6) Since the inception of the world-wide spending spree, short-term dollar claims against the United States (due now) have increased from *eight billion, six hundred forty-five million dollars* to *forty-one billion, six hundred sixty-six million dollars,* plus other United States indebtedness abroad which amounts to *twelve billion dollars.* If we should be called upon to pay off these short-term IOU's, we could not meet the demand.

(7) Our balance-of-payments situation, since this worldwide spending spree started, has placed our fiscal affairs in a grave position. We have paid to foreign nation *forty-eight billion, eight hundred nineteen million dollars* more than they have paid to us. This situation will continue to worsen until we bring the Aid program under control. As you know, this is what has created such a tremendous dollar surplus in the hands of foreign nations and nationals.

(8) The freewheeling spending program covering the face of the earth has helped push the U.S. Public debt to a figure *eighty-seven billion dollars* above the combined public debt of all the other nations of the world.

(9) Can it be denied that our country has substituted dollars for a sound foreign policy, aid for trade, appeasement for firmness? We have become so addicted to this formula that it is no longer even suggested that it be stopped. *Only the American taxpayers have the power to stop it.*

(10) Until this Administration came into power, we had been borrowing money from the American people to pay for commodities and services which were given free to foreign nations, and then borrowing dollars from foreign nations in order to make our balance-of-payments situation look better than it was.

(11) In the main, the foreign aid program is administered by patriotic Americans, but they are almost completely without banking and business experience. It has been established that it is the fourth and fifth echelon bureaucrats who are involving us in these foreign entanglements. During 1972 alone, some portion of the aid program will be operating in 98 nations of the world, with 54,599 individuals on the payroll. This includes U. S. personnel, foreign personnel and participants. There are now 4,416 projects and subprojects scattered all over the world. While many similar projects in America cannot go forward because of lack of funds, not a single foreign aid project has ever been stopped or slowed down for lack of funds.

Please analyze the attached sheets. They convey a significant message. A careful scrutiny may prompt the overburdened American taxpayer to take the necessary steps to bring this world-wide free spending program under control. Bureaucratic estimates are so unrealistic and unconvincing that the Congress has been able to reduce the budget requests by *twelve billion, three hundred forty-three million dollars* in sixteen years. The total reduction was limited to this amount because of the selfish interests of thousands of lobbyists and the scares peddled by bureaucratic personnel. Yet even after the reductions, the foreign aid program was still greatly overfunded.

Aid should be limited to agencies such as the Export-Import Bank with the disguised credit and grant portion being curtailed and eliminated at the quickest possible date. We should make sure that any aid extended is on a loan basis with reasonable maturity dates and at the same rate of interest we have to pay on the money we borrow to lend.

With my knowledge of this program, if I did not furnish the facts as I have in this report, I would be derelict in my obligation to the American people. I shall do my part to awaken the American people to this state of affairs. I hope that I may have the support of the Congress in my efforts.

Sincerely yours,

OTTO E. PASSMAN,
Chairman.

July 1, 1971—New requests for authorization and/or appropriation for foreign aid and assistance—fiscal year 1972

(In thousands)

1. Foreign Assistance Act (including Military Assistance)	$3,313,000

July 1, 1971—New requests for authorization and/or appropriation for foreign aid and assistance—fiscal year 1972—Continued

(In thousands)

2. Overseas Private Investment Corporation (OPIC)	$25,000
3. Inter-American Development Bank	500,000
4. Inter-American Development Bank (Supplemental)	486,760
5. International Bank for Recon. and Devel. (Supplemental)	246,100
6. International Development Association	320,000
7. Asian Development Bank	40,000
8. Asian Development Bank (Supplemental)	60,000
9. Expanded Multilateral Assistance	35,000
10. Receipts and Recoveries from Previous Programs	370,310
11. Military Assistance (in Defense Budget)	2,250,000
12. International Military Headquarters	74,400
13. Economic Assistance (in Defense Budget)	90,900
14. MAAG's, Missions and Milgroups	262,600
15. Permanent Military Construction—Foreign Nations	106,000
16. Export-Import Bank, Long-Term Credits	2,445,000
17. Export-Import Bank, Regular Operations	1,195,639
18. Peace Corps	82,200
19. Ryukyu Islands	4,450
20. Migrants and Refugees	8,650
21. Public Law 480 (Agricultural Commodities)	1,320,400
22. Contributions to International Organizations	160,680
23. Education (Foreign and Other Students)	51,000
24. Trust Territories of the Pacific	59,739
25. Latin America Highway (Darien Gap)	20,000
Total new requests, foreign aid and assistance, FY 1972	13,528,628

Otto E. Passman,
Chairman, Foreign Operations Subcommittee on Appropriations.

July 1, 1971—Unexpended balance for foreign aid and assistance in pipeline from prior years for appropriation and authorization

(In thousands)

1. Foreign Assistance Act (including Military Assistance)	$4,403,985
2. Export-Import Bank, Uncommitted Borrowing Authority	5,230,600
3. Export-Import Bank, Long-Term Credits	2,937,800
4. Export-Import Bank, Regular Operations	624,600
5. Export-Import Bank, Export Expansion Program	295,000
6. Inter-American Development Bank	2,304,051
7. International Bank for Reconstruction and Development	5,715,000
8. International Development Association	460,000
9. Asian Development Bank	150,000
10. Foreign Military Credit Sales Program	290,000
11. MAAG's Missions and Milgroups	10,000
12. Military Assistance (in Defense Budget)	945,000
13. International Military Headquarters	18,000
14. Economic Assistance (in Defense Budget)	15,000
15. Permanent Military Construction Overseas	$210,000
16. Overseas Private Investment Corporation (OPIC)	203,000
17. Public Law 480 (Agricultural Commodities)	664,439
18. Peace Corps	24,077
19. Contributions to International Organizations	5,808
20. Education Exchange	28,397
21. Ryukyu Islands	1,740
22. Migrants and Refugees	2,264
23. Inter-American Highway	6,100
24. Trust Territories of the Pacific Islands	21,656
Total	24,567,055

Otto E. Passman,
Chairman, Foreign Operations Subcommittee on Appropriations.

July 1, 1971—Total net foreign assistance to 127 nations of the world—fiscal years 1946 through 1971

The five F formula: Frustrating—fanatical—frightening—foolish—factual

(In thousands)

Afghanistan	$373,800
Albania	20,400
Algeria	176,100
Argentina	341,100
Australia	594,400
Austria	1,218,400
Barbados	700
Belgium-Luxemburg	1,742,200
Bolivia	532,000
Botswana	19,100
Brazil	2,738,200
Burundi	7,800
Burma	158,600
Cambodia	613,700
Cameroon	33,500
Canada	46,500
Cen. African Rep	5,600
Ceylon	176,600
Chad	9,800
Chile	1,281,800
China, Rep. of	5,096,500
Colombia	1,119,400
Congo (B)	4,000
Congo (K)	456,000
Costa Rica	188,200
Cuba	43,700
Cyprus	22,400
Czechoslovakia	189,500
Dahomey	12,900
Denmark	873,300
Dominican Rep	483,400
East Germany	800
Ecuador	296,700
El Salvador	145,400
Equatorial Guinea	300
Ethiopia	394,100
Finland	10,300
France	7,059,700
Gabon	7,600
Gambia	3,300
Ghana	264,800
Germany & Berlin	3,652,400
Greece	3,681,900
Guatemala	355,300
Guinea	113,000
Guyana	69,900
Haiti	117,200
Honduras	122,800
Hungary	13,300
Iceland	59,800
India	8,003,600
Indochina	1,535,200
Indonesia	1,343,800
Iran	1,945,700
Iraq	90,600
Ireland	105,700
Israel	992,000
Italy	5,528,500
Ivory Coast	80,000
Jamaica	92,400
Japan	3,419,900
Jordan	710,000
Kenya	77,100
Korea	10,059,500
Kuwait	29,500
Laos	$1,449,500
Lebanon	98,000
Lesotho	12,100
Liberia	217,100
Libya	221,600
Malagasy Rep.	14,100
Malawi	26,400
Malaysia	72,600
Mali	30,000
Malta	8,300
Mauritania	5,000
Mauritius	6,100
Mexico	451,600
Morocco	731,800
Nepal	157,600
Netherlands	2,033,300
New Zealand	58,800
Nicaragua	165,600
Niger	18,900
Nigeria	383,600
Norway	1,127,100
Pakistan	4,484,100
Panama	242,300
Paraguay	131,000
Peru	465,200
Philippines	1,938,600
Poland	437,300
Portugal	432,900
Romania	10,000
Rwanda	8,000
Saudi Arabia	178,800
Senegal	40,100
Sierre Leone	44,100
Singapore	31,300
Somalia	79,300
South Africa, Rep	33,300
Southern Yemen	200
Spain	2,028,400
Sudan	91,000
Swaziland	4,900
Sweden	135,300
Switzerland	45,300
Syrian Arab Rep	56,700
Tanzania	73,400
Thailand	1,592,400
Togo	17,300
Trinidad & Tobago	49,700
Tunisia	699,400
Turkey	5,640,500
Uganda	42,500
United Arab Rep	759,900
United Kingdom	7,209,100
USSR	186,400
Upper Volta	18,500
Uruguay	184,900
Venezuela	317,600
Vietnam	15,213,700
Western Samoa	2,500
Yemen	45,300
Yugoslavia	2,515,600
Zambia	6,100
Bahamas	31,800
Brit. Honduras	5,900
Brunei	14,000
Sou. Rhodesia	1,500
Surinam	9,200
West Indies	8,900
Hong Kong	44,700
Papua & New Guinea	23,700
Ryukyu Islands	403,300
Trust Ter. Pac	284,200
CENTO	54,700
W/W, Regional	15,907,600
Total Net Disbursements to Foreign Nations, 1946–1971	138,446,200
Total Net Interest Paid on What We have Borrowed to Give Away, 1946–1971	74,434,587
Grand Total—Cost of foreign assistance, 1946 through 1971	212,880,797

Of the 3½ billion people of the world, all but 36 million have received aid from the United States.

Otto E. Passman,
Chairman, Foreign Operations Subcommittee on Appropriations.

To whom it may concern:

Gold holdings, July 1, 1971

	Thousands
Gold Holdings, United States, December 31, 1950	$22,879,000
Gold Holdings, United States, December 31, 1970	10,732,000
Gold Holdings, Other Countries of the World, December 31, 1950	10,935,000
Gold Holdings, Other Countries of the World, December 31, 1970	26,108,000

Foreign short-term dollar claims against United States

Short-term Dollar Claims Against United States, December 31, 1950	$8,645,000
Short-term Dollar Claims Against United States, December 31, 1970	41,666,000

U.S. balance-of-payments

1950 Net Deficit	−$1,912,000
1951 Net Deficit	−578,000
1952 Net Deficit	−$1,100,000
1953 Net Deficit	−2,100,000
1954 Net Deficit	−1,500,000
1955 Net Deficit	−1,100,000
1956 Net Deficit	−1,000,000
1957 Net Surplus	+500,000
1958 Net Deficit	−3,400,000
1959 Net Deficit	−3,700,000
1960 Net Deficit	−3,800,000
1961 Net Deficit	−2,400,000
1962 Net Deficit	−2,200,000
1963 Net Deficit	−2,660,000
1964 Net Deficit	−3,006,000
1965 Net Deficit	−1,306,000
1966 Net Deficit	−2,077,000
1967 Net Deficit	−3,650,000
1968 Net Surplus	+93,000
1969 Net Deficit	−7,208,000
1970 Net Deficit	−4,715,000
Net U. S. balance-of-payments deficit (21 yrs.) 1950 through 1970	48,819,000

Gross public debts

Public Debt, United States, December 31, 1970	$391,626,000
Public Debt, All Other Nations of the World (Est.) December 31, 1970	304,160,241
Public Debt, United States EXCEEDS Combined Debt of All other nations of the world by	87,466,049

The above statistics cover (1) Gold Holdings, (2) Short-term Dollar Claims against United States, (3) United States Balance-of-Payments Position, 21 years, (4) Public Debt of the United States, (5) Public Debt of all other nations of the world, and (6) Amount by which our public debt exceeds combined public debt of all other nations of the world. These statistics should be of interest to every American, conservative or liberal.

Otto E. Passman,
Chairman, Foreign Operations Subcommittee on Appropriations.

MUTUAL SECURITY PROGRAM (FOREIGN AID), ANALYSIS ON CONGRESSIONAL ACTION: 16-YEAR PERIOD, 1956–71 INCLUSIVE

Fiscal year	Budget estimate	Appropriation	Reduction below estimate	Percentage below budget estimate
1956	$3,266,641,750	$2,703,341,750	−$563,300,000	17.24
1957	4,859,975,000	3,766,570,000	−1,093,405,000	22.50
1958	3,386,860,000	2,768,760,000	−618,100,000	18.25
1959	3,950,092,500	3,298,092,500	−652,000,000	16.51
1960	4,429,995,000	3,225,813,000	−1,204,182,000	27.18
1961	4,275,000,000	3,716,350,000	−558,650,000	13.07
1962	4,775,500,000	3,914,600,000	−860,900,000	18.03
1963	4,961,300,000	3,928,900,000	−1,032,400,000	20.81
1964	4,525,325,000	3,000,000,000	−1,525,325,000	33.70
1965	$3,516,700,000	$3,250,000,000	−$266,700,000	7.58
1966	3,459,470,000	3,218,000,000	−241,470,000	6.98
1967	3,385,962,000	2,936,490,500	−449,471,500	13.27
1968	3,250,520,000	2,295,635,000	−954,885,000	29.38
1969	2,920,000,000	1,755,600,000	−1,164,400,000	39.88
1970	2,710,020,000	1,812,380,000	−897,640,000	33.12
1971	2,200,500,000	1,940,185,000	+260,315,000	11.83
Total	59,873,861,250	47,530,717,750	−12,343,143,500	20.62

Response to Congressman Passman's Comments on Foreign Aid

AGENCY FOR INTERNATIONAL DEVELOPMENT

Congressman Passman's letter of July 1, 1971 on foreign aid is misleading in several basic respects. For example—

More than half of the items listed in the letter do not fit within any reasonable definition of foreign aid. Those programs which do constitute such assistance total only about $5.9 billion, less than half of Congressman Passman's total.

Most foreign aid does not consist of "giving away our wealth" to other countries in the form of grants or gifts. Over one-half of our bilateral development assistance, including the sale of P.L. 480 commodities, is in dollar-repayable loans and these loans are being repaid. Although much of the world has received help from the U.S., many countries have not received aid for years. For example, in the last six years the number of countries receiving bilateral economic aid through A.I.D. has declined from 74 to 37. No communist country now receives foreign aid from the United States except for limited emergency assistance to relieve human suffering in time of natural disasters.

The United States does not dispense foreign aid indiscriminately all over the world. Over three-fourths of our military and economic assistance is concentrated in 22 countries. One-fourth of the current recipients get only small gifts of food or self-help assistance valued at less than $1 million each.

Whether the amount of foreign aid being provided by the United States is reasonable or unreasonable is a subjective question that obviously reflects the honest opinion of the individual. There are also equally strong critics of various domestic programs. On balance, however, the foreign aid being provided by the United States is not unreasonable compared to our economic capacity or when our efforts are compared to the efforts of other industrialized nations. In 1970, the U.S. ranked 12th among non-communist donor countries in development assistance as a percentage of Gross National Product.

The foreign aid program cannot "live off its pipeline". The "pipeline" consists of funds which are tied up in items already contracted for or in ongoing projects which cannot be abruptly terminated.

Foreign aid is not the cause of our balance of payments problem. In FY 1971 over 85 percent of A.I.D.'s funds were used to buy goods and services from thousands of firms and institutions all over the United States for use abroad. For the most part A.I.D. does not send "dollars" overseas and is not responsible for the large dollar holdings of foreign governments or individuals.

Development of the economies of the poor countries and aid-financed sales of U.S. goods to them for this purpose build rather than destroy commercial export markets for American farms and industries. For example, during CY 1970 U.S. exports to three former economic aid recipients—Iran, Israel and Taiwan—totalled over $1.4 billion. In 1959, only 11 years earlier, these same three countries imported less than $500 million from the United States, including goods financed under the foreign aid. It is fair to conclude, therefore, that aid and the resulting development lead to greatly increased trade.

If foreign aid were limited to agencies such as the Export-Import Bank and to commercial terms, there would be on aid. Aid is intentionally concessional in order to help the poor countries in their economic development effort. The poor countries desperately need low-interest, long-term loans to provide the capital and foreign exchange without which they cannot work toward development. These countries cannot afford to pay back the money we lend them at the same rate at which we borrow it. If they could pay the higher rates, they could borrow on the commercial market, and there would be no need for a development loan program.

The following table shows FY 1972 requests for a new appropriation for programs which can properly be described as U.S. Government foreign aid. (These amounts will decrease, of course, if the Congress appropriates less than the level requested.)

"Foreign aid" programs

(In millions)

Economic assistance (Item 1)	$2,348.0
Military Assistance Grants and Foreign Military Sales (Item 1)	1,215.0
Receipts, Recoveries and Reimbursements (Item 10)	370.5
Subtotal, "Foreign Aid"	3,933.5
Other assistance	
Inter-American Development (Items 3 & 4)	*125.0
World Bank (IBRD) (Item 5)	*24.6
International Development Association (Item 6)	320.0
Asian Development Bank (Item 8)	60.0
Peace Corps (Item 18)	82.2
P.L. 480 (Item 21)	1,320.4
Subtotal, "Outer Assistance"	1,932.2
Total, FY 1972 Request	5,865.7

*Does not include budgetary requests for callable capital, which provide backing for Bank borrowing in the private capital market, but remain in the U.S. Teasury.

* * * * *

(The total net budget authority requested by the President for all U.S. Government activities in FY 1972 is $248 billion. All assistance listed above totals less than 2½% of the total budget request, and development assistance amounts to only about 1½%.)

Foreign assistance can take many forms, such as assistance for economic and social development, support for private enterprise in the recipient country, assistance to maintain economic and political stability in threatened countries, and military assistance.

Many items, which Congressman Passman includes in his total of $13.5 billion, however, cannot reasonably be considered "foreign aid" under any concept of that term.

The 25 "foreign assistance programs" listed by Congressman Passman represent all transfers of resources from the United States to foreign countries for any purpose, as well as programs which do not transfer significant resources but do relate to foreign countries.

Insofar as economic assistance is concerned, the U.S. Government accepts the international definition. Such assistance includes all transfers of financial resources and technical services to less developed countries and multilateral institutions by official agencies of the donor nation which, as their main objective, promote the economic development and welfare of developing countries (including security-related economic assistance). However, to be considered assistance, the financial terms must contain some element of subsidy as compared with commercial loan terms. Military assistance is defined according to similar criteria.

Thus, the criteria for an expenditure of public funds to be foreign aid are (1) that the principal purpose is to help other countries and (2) that the terms are concessional.

Many of the programs on Congressman Passman's list assist the recipients, but do not meet the first criterion of foreign aid, because their primary benefits accrue directly to the United States. For example, the provision of arms and equipment in Vietnam and the U.S. share of the support for International Military Headquarters cannot be considered foreign aid since their primary purpose is the support of U.S. military operations overseas. Export-Import Bank loans have as their primary purpose the promotion of U.S. exports.

The Department of Defense now funds some limited economic or social rehabilitation activities in Vietnam, but these are related to its war zone responsibilities for highway maintenance or improvement, communications, and the provision of medical services and supplies to civilian war casualties.

As a secondary benefit, the U.S. administration of the Ryukyu Islands may provide the islands with roads and buildings, but the primary benefit accrues to the strategic defenses of the United States. Thus the cost of the U.S. military presence in the islands cannot be considered a part of the foreign assistance account.

Other programs on Congressman Passman's list which also cannot be considered foreign assistance are the construction and maintenance of U.S. military bases abroad and foreign sales of military or other types of equipment at commercial interest rates.

UNEXPENDED FUNDS

Congressman Passman's listing of the pipeline of unexpended balances for foreign assistance activities from prior years covers many programs, some of them noted above, which are not considered to be foreign aid. Moreover, the list includes funds which are not intended to be spent, such as callable capital subscriptions to international financial institutions, which remain in the U.S. Treasury as backing for bonds issued by these institutions.

Unexpended funds, or pipelines, consist of those funds appropriated to a government agency, committed by the agency for specific purposes, but not spent by the end of a fiscal year. It includes funds expended for long-lead time items which have not yet been delivered.

Most government agencies have financial pipelines. The total pipeline for all U.S. Government agencies at the end of fiscal year 1971 was about $102.5 billion. The A.I.D. pipeline at that point was $3.2 billion, or about 3% of the total. The military assistance and credit sales pipeline was $1.6 billion, for a total Foreign Assistance Act pipeline of $4.8 billion.

Pipelines build up when agencies undertake projects that cannot be completed within a single fiscal year. It may take five years or more to complete a hydroelectric project, for example. When A.I.D. lends a country $10 million to buy American equipment and pay American engineers for such a project, part of the $10 million will show up in the A.I.D. pipeline for several years. A balance will remain until the last generator or transformer has been delivered and installed, and the final payments have been made to the American manufacturers and engineers.

The so-called pipeline for military assistance, in most cases, represents the undelivered balance, rather than unexpended funds—that is, funds expended on orders placed with U.S. industry for military equipment which has not yet been delivered.

Pipelines give rise to a frequent question: "Why can't pipeline funds be used to run the foreign aid (or defense, or space) program, instead of seeking new appropriations?"

They can't be used, very simply, because nearly all these funds are already being used to complete projects or activities that are *already* under way or for equipment *already* ordered but not yet delivered. If these funds were pulled out of the pipeline, it would mean breaking international agreements, leaving projects unfinished and wasting the initial expenditures, and forcing American industries to take losses on orders partially produced or on investments in production for which there is suddenly no customer.

Whenever funds are not needed to complete a project or a project is not carried through according to plans, the funds are "deobligated", or recovered for use during that fiscal year. Such recoveries total some 4% of the total A.I.D. pipeline and 6–7% of the military assistance pipeline during any one year. A.I.D. and the Department of Defense estimate the anticipated recoveries each year and subtract that amount from their request to the Congress for new funds. These recovered funds are then applied against current needs.

CUMULATIVE FOREIGN AID COSTS

The 26-year cumulative total of $212.88 billion for Congressman Passman's list of programs for "net foreign aid" costs includes an attribution of interest costs of $74.4 billion for the period 1946 to 1971. It is not correct to attribute such costs of Federal borrowing to foreign aid, which under any definition is a small portion of the Federal budget. The factors which contribute to the public debt arise from overall government expenditures, including defense and space programs as well as all domestic programs, and cannot be logically attributed to any one government agency or activity.

Excluding the interest attribution, the remaining $138.4 billion includes:

Over $22 billion for economic assistance (mostly to Western Europe during post-war reconstruction and the Marshall Plan) to countries now considered in the "developed" category and no longer receiving economic assistance—a confirmation that assistance has accomplished the objective of helping countries achieve sound and viable economies:

Over $18 billion for U.S. surplus agricultural commodities made available under P.L. 480 sales and grant programs, most of which would have been expended in any event in support of U.S. domestic agriculture programs;

Over $41 billion for military assistance and credit sales—almost half to the developed countries of Europe, Japan and Australia—which has helped maintain free-world security and offset further increases in U.S. military costs.

The total amount of cumulative net assistance to all countries since 1946 is simply not relevant to the President's current request for economic and military assistance to a limited number of "less developed" countries to be used in an effort to move them into the "developed" category or to help them maintain adequate defenses.

GOLD HOLDINGS, DOLLAR CLAIMS, AND BALANCE OF PAYMENTS

The decline in United States gold reserves to $10.3 billion and the increase in short-term dollar claims to $41.7 billion during the past 20 years reflect the large deficits in the U.S. balance of payments recorded during that period. These deficits represent the shortfall of receipts in the total of *all* private and governmental transactions between the U.S. and the rest of the world. They are caused by such factors as tourist and military spending abroad, the competitiveness of foreign goods and American private investments abroad. Our foreign assistance programs are but one relatively small portion of these transactions. It is not appropriate to attribute this decline in our gold holdings, or the increase in dollar claims, or the cumulative deficit in the U.S. balance of payments, to foreign assistance programs.

The United States is making a concerted effort to eliminate the deficit in our balance of payments. A number of the measures outlined by the President in his New Economic Policy are designed to strengthen this effort. However, foreign aid is not the cause of our balance of payments problem. In fact, at present the A.I.D. program has a positive direct impact on our balance of payments—the program resulted in a net inflow of $79 million in FY 1971. This is because, for the most part, U.S. goods and services—not dollars—are sent abroad. Only $272 million, or 14% of A.I.D.'s total expenditures in FY 1971, were spent abroad. This outflow of dollars was more than offset by $351 million of return flow in receipts from interest and amortization payments on outstanding loans.

In the longer run, foreign aid actually helps our balance of payments by building markets for U.S. exports. As countries develop, they increase their ability to purchase agricultural and manufactured goods from the United States. Moreover, A.I.D.-financed sales help create preferences for U.S. products. U.S. exports to the developing countries have more than doubled over the past ten years. This increase was made possible by the rapid economic growth of the less developed countries, to which the United States and other industrialized countries contributed through foreign aid programs.

BORROWING FROM THE AMERICAN PEOPLE AND FOREIGN NATIONS

The U.S. Government has never borrowed from the American people specifically to pay for foreign aid. Foreign aid programs are funded out of annual Congressional appropriations and constitute only about 2% of the President's budget. The budget is financed primarily from federal taxes. Tax receipts are supplemented by the sale of securities by the U.S. Treasury. Although these securities represent a loan from those who buy them, the individuals do so willingly and receive interest on their investments. There is no way of distinguishing which of these federal revenues are used to finance the foreign aid appropriation.

Similarly, the U.S. Government does not borrow from foreign nations to pay for foreign aid. Other governments choose to hold dollars for various reasons, including the fact that the dollar is a reserve currency. These dollars are usually held in a form—such as U.S. Treasury securities—which will earn interest. Since the U.S. pays interest on these securities, in a technical sense they can be called "loans". However, these "loans" were not entered into for the purpose of providing funds for foreign aid.

ADMINISTRATION OF THE A.I.D. PROGRAM

The overriding objective of nearly all less developed countries is creation of a viable economy which will permit them to stand as free and independent nations able to engage in international trade as equal partners with the developed countries. As the keystone of our foreign policy with the less developed countries, our foreign assistance programs support their efforts to develop. These programs are complex and require dedicated people of many skills and backgrounds. In fact, the United States is recognized internationally as having the most competent group of people engaged in development assistance today. The Administrator of the foreign aid program personally approves the level of assistance to be provided to each country. Moreover, in the case of major assistance programs, the President personally approves the levels of assistance. It is therefore incorrect to state that fourth and fifth echelon bureaucrats are solely responsible for decisions on the foreign assistance program.

Carrying out foreign assistance programs requires people of different backgrounds—not only persons with banking and business experience. Many people working on capital lending programs do have banking or business backgrounds. However, technical assistance programs require skilled specialists in agriculture, education, public health and other technical areas. Other programs require a knowledge of the total economy of a country, its agricultural production capacity and so on. Thus, economists and other specialists participate in formulation and implementation of assistance programs.

Of the nearly 55,000 individuals cited in Congressman Passman's letter as "being on the payroll", nearly 13,000 are foreign nationals being trained under the economic assistance program for employment in their own countries. Another 8,500 are trainees under the Military Assistance Program. In addition, Congressman Passman's number of personnel is considerably expanded by including over 8,500 Peace Corps Volunteers, trainees and related personnel. The actual number of direct-hire American personnel administering A.I.D. programs is now only 6,298—while the Military Assistance Program accounts for over 4,000 more. To the extent possible, our overseas missions employ foreign nationals to reduce the number of American employees, and therefore the cost of U.S. assistance activities.

Development assistance projects cannot be stopped in mid-stream without breaching international agreements. However, because of the severe reductions in the President's requests for economic assistance, many projects have been severely cut back. Other projects were necessarily dropped or postponed, prolonging the process of development and, in many instances, increasing the cost, not only to countries receiving our assistance but to the United States as well.

COMMENTS ON INDIVIDUAL ITEMS

Comments on each of the 25 items on Congressman Passman's list follow. The figures listed are the amounts requested by the President, not the amounts that may ultimately be appropriated.

Item 1.—Foreign Assistance Act (including Military Assistance) ($3,563,000,000): This is the traditional "foreign aid program" and represents the budget request for the economic and military programs and activities authorized by the Foreign Assistance and Foreign Military Sales Acts, for which funds are appropriated under Titles I and II of the Foreign Assistance and Related Programs Appropriation Act. The original request of $3,313,000,000 was increased by $250 million to provide funds for relief and rehabilitation of refugees from East Pakistan and Humanitarian relief in East Pakistan.

Item 2.—Overseas Private Investment Corporation (OPIC) ($25,000,000): This is an installment of $25 million required to build OPIC's insurance and guaranty reserves back to a point where they maintain investor confidence in the program and are adequate to meet valid claims, with less possibility of resort to the full-faith-and-credit backing of the U.S. Treasury. These liquid reserves are required to discharge promptly liabilities under political risk insurance and commercial risk guaranties. This item should not be charged to foreign aid unless or until it is spent.

Items 3 and 4.—InterAmerican Development Bank ($261,760,000):

The amounts included in the Committee list ($500,000,000 plus $486,760,000 supplemental) were based on preliminary budget estimates and have been revised to reflect changes as a result of Congressional action before the aid of FY 1971. The current request includes (a) $50,000,000 for the second installment of the U.S. share of the $1.5 billion replenishment of the Fund for Special Operations authorized in 1970, carried forward as not appropriated in the FY 1971 supplemental; (b) $75,000,000 toward the U.S. share of an increase of $400,000,000 in paid-in capital, of which $25,000,000 is carried forward as not appropriated in the FY 1971 supplemental; and (c) $136,760,000 as the balance of the U.S. share of callable capital carried forward as not appropriated in the FY 1971 supplemental.

An important part of U.S. support for multilateral development assistance efforts, the contribution to the Fund for Special Operations and the paid-in capital subscription will enable the Inter-American Development Bank (IDB) to increase the loans made to Latin American countries on a concessional, long-term basis. On the other hand, U.S. subscriptions of callable capital are kept in the U.S. Treasury, enabling the IDB to market the equivalent value of its bonds. None of the money has ever had to be called. Therefore, while the concept of callable capital can be considered as foreign assistance, no monetary amount can legitimately be charged to its account.

Item 5.—International Bank for Reconstruction and Development ($246,100,000): These funds are for the U.S. share of subscriptions to the special $2.2 billion increase in the Bank's capital stock, approved by the Board of Directors, effective December 31, 1971. The $2.2 billion includes an increase of $222 million in paid-in capital and increase of $2 billion in callable capital. The U.S. share includes $24.6 million of paid-in capital and $221.5 million in callable stock. The latter is to be kept in the U.S. Treasury as backing for the Baak's bonds. As in the case of items 3 and 4, it is misleading to include the full amount of callable capital in a total of foreign assistance requests. The Bank relies on sales of its obligations in world capital markets for the bulk of the funds it lends to member developing countries.

Item 6.—International Development Association ($320,000,000): These funds are for the first installment of the U.S. contribution to the current replenishment of the resources of the International Development Association (IDA) and meet the criteria of official development assistance. IDA assistance is made available on a low-cost loan basis as an alternative or supplement to higher interest loans to member developing countries which are in the most difficult financial circumstances. Over a 3-year period, the total U.S. contribution will amount to $960 million, while other developed countries will contribute $1,440 million. Thus, replenishment of IDA's resources will total $2.4 billion—40% from the United States and 60% from other countries.

Items 7 and 8.—Asian Development Bank ($60,000,000): The amounts included in the Committee list ($40,000,000 plus $60,000,000 supplemental) were based on preliminary budget estimates and have been revised to reflect changes as a result of Congressional action before the end of FY 1971. The $40,000,000 request has been deferred until FY 1973. The $60,000,000 has been carried forward as not appropriated in the FY 1971 supplemental. The total $100,000,000 authorization being sought represent the proposed U.S. contribution to the consolidated Special Funds of the Asian Development Bank. With these funds the Bank will be able to make loans on concessional terms to finance priority projects and programs contributing to the development of the region.

Item 9.—Expanded Multilateral Assistance ($35,000,000): The $35,000,000 included in the Committee list was based on a preliminary estimate of contingency needs for contributions to the International Finance Corporation and the African Development Bank. Since it was subsequently decided that neither will be requested in FY 1972, the amount should not be counted as a part of the total request for foreign assistance in FY 1972.

Item 10.—Receipts and Recoveries from Previous Programs ($370,485,000): The amount included in the Committee list ($370,310,000) was based on a preliminary budget estimate and was subsequently revised to $370,485,000. These funds are receipts and recoveries from A.I.D. and Military Assistance (MAP) activities. Each year estimates are made on the amount of recoveries from prior year programs and receipts of payments of principal and interest on past loans that will become available for re-use in the programs. The amount of new appropriations requested for these programs is accordingly reduced by the estimated level of receipts and recoveries in both cases.

Item 11.—Military Assistance (in Defense Budget) ($2,250,800,000): This item is almost entirely for equipment for the armed forces of Vietnam, Laos and Thailand and for costs associated with support of allied forces in South Vietnam. Funding authorities for these activities were transferred to the Defense budget (P.L. 89–374, March 1966 and P.L. 90–66, September 1967). A small amount is for the U.S. share of certain NATO activities. These costs are part of the U.S. overseas defense operations and, therefore, not foreign aid.

Item 12.—International Military Headquarters ($72,300,000): The amount included in the Committee list ($74,400,000) was based on a preliminary estimate and was subsequently reduced to $72,300,000. The money is used for the U.S. share of the operating support of International Military Headquarters and as such is not foreign assistance, but defense preparedness. Because it is an expenditure in support of U.S. forces, the IMH account was transferred to the Department of Defense budget in 1969.

Item 13.—Economic Assistance (in Defense Budget) ($90,900,000): These activities, funded some years ago as a part of normal development assistance efforts by A.I.D. on a lesser scale, were transferred to the Defense Department budget as the rising military conflict in Southeast Asia altered their character. They were judged to be so closely related to the conduct of military operations that they were properly a Defense Department, rather than an A.I.D., funding responsibility. For example, highways and railways are important military lines of communication, and extraordinarily heavy use, coupled with sabotage and other wartime damage, call for maintenance and repair programs far beyond A.I.D.'s normal programs in such areas. Similarly, the need for medical services and facilities expanded significantly beyond the scope of a normal economic assistance situation. While these activities are similar in kind to those A.I.D. conducts in other countries, they are part of the U.S. military effort, which is different in magnitude, scope and purpose, and should not be counted as foreign assistance.

Item 14.—MAAG's, Missions and Milgroups ($261,600,000): The amount included in the Committee list ($262,600,000) was based on a preliminary estimate and was subsequently reduced to $261,600,000. It is not foreign aid, but an estimate of the pay and allowances of U.S. military personnel, and operation and maintenance related to Military Assistance Advisory Groups, Military Missions and Military Groups, including certain elements of the military assistance command in Vietnam. The funds requested for FY 1972 are part of the regular U.S. armed services budget request. Such items as pay and allowances under this account would be paid to military personnel regardless of their assignment.

Item 15.—Permanent Military Construction—Foreign Nations ($106,000,000): Funds are annually required for the construction and maintenance of U.S. bases in other countries. These bases are used by the U.S. military and are essential to the protection of U.S. security interests. This item is part of the normal Department of Defense budget request and serves primarily for the defense of the United States. As such, it does not constitute foreign aid.

Item 16.—Export-Import Bank, Long-Term Credits ($2,445,000,000): The primary objective of the Ex-Im Bank is—as it has been for over 30 years—the promotion of U.S. export trade throughout both the developed and less developed areas of the world. A commendable by-product of the Bank's activties has been to spur economic growth in Africa, Asia and Latin America, but its principal function is to bolster U.S. commercial sales to these areas as well as to developed countries. It is therefore not foreign aid.

The $2,445 million figure is the Bank's estimate for equipment and services loan authorizations (formerly called long-term loans) in FY 1972 within the overall Congressional limitation on Ex-Im Bank operations. These loans are made at an interest rate (now 6%) which, alone or in combination with commercial bank financing, permits U.S. exporters to meet officially-supported foreign export credit competition.

Item 17.—Export-Import Bank, Regular Operations ($1,195,639,000): The same comments made with respect to the Bank's long-term credits apply to commodity authorizations, emergency foreign trade authorizations and other activities of the Bank—their primary objective and result is the promotion of U.S. export trade. They are not aid on concessional terms to less developed countries.

Item 18.—Peace Corps ($82,200,000): As a part of the U.S. bilateral development assistance effort, Peace Corps volunteers perform a variety of functions (teaching, public health, community development, etc.) overseas. They provide needed services in less developed countries, improve the knowledge of the United States in these countries, and broaden their own understanding of the less developed world.

Item 19.—Ryukyu Islands ($4,450,000): Pursuant to a treaty with Japan, the United States has been responsible for the administration of the Ryukyu Islands. The U.S. Army has provided this administration. U.S. presence in the Ryukyus has been motivated primarily by defense concerns; it has not been aimed at developing a self-sustaining economy. Although construction of roads, airfields and barracks may constitute permanent improvements at the site of such a military installation, benefits to the economy as a whole have been incidental to military uses. On June 17, 1971 the U.S. and Japan signed an agreement providing for the transfer of administrative control of the Ryukyus to Japan sometime in 1972. Following the turnover this item can be expected to be dropped.

Item 20.—Migrants and Refugees ($8,650,000): In 1962, legislation unrelated to economic development in the less developed world or other foreign assistance purposes provided authority for aid to migrants and refugees in various parts of the world for humanitarian reasons. This aid is extended both on a multilateral basis, through contributions to the Inter-governmental Committee for European Migration and the U.N. High Commission for Refugees, and bilaterally to European, Chinese and Tibetan refugees.

Item 21.—Public Law 480 (Agricultural Commodities) ($1,320,400,000): P.L. 480, the "Food for Peace" program, began as a program administered by the Department of Agriculture for the sale and donation of surpluses of U.S. agricultural commodities which could not be sold on commercial markets. This program continues to support and utilize domestic farm surpluses; it also develops and expands export markets for U.S. agricultural commodities.

At the same time, it permits the United States to provide millions of hungry persons in the less developed countries with food and to contribute to their economic development on a concessional basis. It is therefore a legitimate part of the foreign aid program. The Food for Peace program serves both domestic and foreign purposes, and priorities are determined according to agricultural as well as foreign policy criteria. The $1,320.4 million requested by the Department of Agriculture is the estimated amount necessary for appropriation to reimburse the Commodity Credit Corporation for costs involved in the program.

Item 22.—Contributions to International Organizations ($160,680,000): These are assessed contributions and are appropriated to the State Department primarily to help pay the U.S. share of operational costs of the United Nations and several other international bodies to which the United States belongs pursuant to treaties, conventions or specific Acts of Congress. They are not foreign aid, but dues and other costs of membership in these organizations. They should not be confused with funds appropriated under the Foreign Assistance and Related Programs Appropriation Act for *voluntary* contributions to international organizations, which are used mostly for development purposes and are covered by item 1.

Item 23.—Education (Foreign and Other Students) ($51,000,000): These are educational and cultural exchange activities. The United States makes available funds—largely in foreign currencies—to send Americans abroad and bring foreign nationals to the United States for educational, scientific and cultural purposes. These funds obviously are not intended to promote "foreign assistance" objectives; rather, they are intended to strengthen relations and understanding between the United States and other nations.

Item 24.—Trust Territories of the Pacific ($59,739,000): The Trust Territories of the Pacific Islands are those islands that the United States captured from Japan during World War II and for which the United Nations assigned administrative responsibilities to the United States. Although the inhabitants of the territory are not U.S. citizens, they travel in foreign countries under the protection of the United States in the same manner as U.S. citizens. Many U.S. domestic programs, such as the school lunch program, extend to the territory. In addition, the Department of State represents the Trust Territory in all matters pertaining to foreign affairs. Moreover, the Congress itself considers the area to be a domestic area to the extent that all legislation pertaining to the area goes before the House and Senate Interior Committees and the Interior Subcommittees of the respective Appropriation Committees. These funds can hardly be considered foreign aid.

Item 25.—Latin America Highway (Darien Gap) ($20,000,000): The Federal Aid to Highways Act of 1970 contained a provision authorizing $100 million for construction of the Darien Gap Highway linking Colombia and Panama. On the basis of this authorization, an initial U.S. contribution of $5 million was appropriated in FY 1971. The FY 1972 Department of Transportation appropriation request contains an additional $20 million for this purpose. The Darien Gap project will provide the final link in the 14,000 mile Pan American Highway system running from Alaska to Argentina, thereby contributing to the regional economic integration in an area of major interest to the United States.

AMERICAN LEGION DAY ON THE HILL, A FITTING WAY TO CELEBRATE THE LEGION'S 53D ANNIVERSARY

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 1972

Mr. MATSUNAGA. Mr. Speaker, it gives me great pleasure to join the distinguished chairman of the Veterans' Affairs Committee, the gentleman from Texas (Mr. TEAGUE) in paying well-deserved tribute to the American Legion on its 53d anniversary.

The facts of American Legion accomplishment make impressive reading:

Membership of about 2.7 million, plus another million members of the Legion Auxiliary.

Sixteen thousand posts across the Nation and around the world.

Four hundred twenty-five thousand new members who are veterans of the Vietnam conflict.

Sponsorship of Junior Legion baseball for 46 years.

Active support for such activities as Boys' and Girls' State and Nation, high school oratorical contests, and musical and marching units.

But this array of statistics does not measure the worth and impact of the American Legion. Since its charter by the Congress in 1919, few organizations have done more to advance the principles upon which our country was founded. In effective and nonpartisan manner, the Legion has worked to strengthen the character of America's people.

One of its most important concrete achievements is reflected in the existing veterans' legislation, designed to aid returned servicemen in a variety of ways. That is what brings more than 1,000 representatives of the Legion to Washington this week, for meetings and hearings to refine and publicize their legislative aims. The Congress and the country owe a substantial debt to the Legion for its illumination of these important issues.

Mr. Speaker, the American Legion has

always defended steadfastly the principles of freedom and democracy outlined in our Constitution. It is my privilege to join today in honoring this fine organization.

BISHOP MUZOREWA ON AFRICAN OPPOSITION TO THE RHODESIAN SETTLEMENT

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. DIGGS. Mr. Speaker, Bishop Abel Muzorewa, head of the Methodist Church in Rhodesia and chairman of the African National Council, met with me and other members especially interested in African affairs, include members of the Congressional Black Caucus, on Thursday, February 17. The African National Council is the leading voice of the Zimbabwean opposition to the settlement proposals. The Council was organized just 2 months ago on the 16th of December to coordinate the strong spontaneous rejection to the proposal. No issue in the last 10 years has so united the people of Zimbabwe as the issue of their acceptance or rejection of these proposals; the reaction of rejection was one of spontaneity and unanimity.

The visit with the Bishop, who informed us on present events in Rhodesia, was greatly enlightening on the spirit of total opposition of the Zimbabweans to the settlement. Bishop Muzorewa, who was educated in the United States and holds degrees from Central Methodist College, Fayetteville, Mo., and from Scarritt College, Nashville, Tenn., stressed that he and the 5½ million Zimbabweans have great respect for this country, but that he has been grieved and hurt by the decision of this country, which has been called the leader of freedom, to break the Security Council's sanctions against Rhodesia and that he can only hope that our Government will, in the interest of freedom in the whole world, reverse that decision.

In his meeting with us, Bishop Muzorewa reiterated his support of sanctions and the position of the Zimbabweans accepting sanctions as the price they are prepared to pay to secure their freedom. "Do not," he declared, "for a moment withhold sanctions on the pretext of helping us." He emphasized that there are ample means, if there is the will, of solving the problem of Rhodesia without shedding one drop of blood.

Mr. Speaker, I insert in the Record the moving statement which the Bishop made before the Security Council on February 16.

The statement follows:

STATEMENT BY BISHOP ABEL MUZOREWA TO UNITED NATIONS SECURITY COUNCIL, WEDNESDAY, FEBRUARY 16, 1972 AT 3 P.M.

It is a great honour for myself and for the people of Zimbabwe to be invited by the three African members of the United Nations Security Council to put before you the feelings and grievances of 5½ million suffering human beings in my country. The body I represent, the African National Council, is the only body in Rhodesia that has any right to speak for the vast majority of the population of that country.

WHAT IS THE A.N.C.

The A.N.C. was formed in December 1971 as a spontaneous grassroots reaction to the announcement of the terms of the Anglo-Rhodesian proposals. Although having a formal structure it represents the demands of African people in the country to express their view as to the terms of the Settlement. A.N.C. is not a political party and is not interested in building up a large membership as such, but is prepared to join with any person of any political party or organisation who wishes to say "No" to these proposals. A.N.C. claims to represent the overwhelming number of people in the country—who have rejected these proposals as being unacceptable to them. The objectives of the A.N.C., therefore, are to explain and expose the dangers of accepting the settlement proposals and to co-ordinate the campaign for their rejection. The A.N.C. calls for a nonviolent rejection of the Settlement terms, a demand which it believes is inevitable as a conclusion for those who are engaged in testing opinion.

We are determined that history shall not record that the Africans of Rhodesia accepted the betrayal of their birth rights. We are supported in this stance by a wide spectrum of opinion in Rhodesia, including teachers, farmers, workers, students, and the churches, and indeed even some of the Chiefs have risked their positions to oppose the Anglo-Rhodesia settlement proposals together with us.

The Home/Smith deal which we have been presented with is both racist in substance and in its consequences. It is based on the illegal and racist 1969 Rhodesia Front Constitution and its claim to provide majority rule is ridiculed by constitutional experts; it is also a deliberate attempt to deceive millions of people into thinking that they might have freedom in a police state. But even if the proposals were in fact what Sir Alec Douglas Home says they are, their implementation assumes the good faith and honour of Mr. Smith and the Rhodesia Front Party. I am sure most of you here will agree with me the record provides no good reason why any sensible person should make that assumption. The history of Rhodesia is a long, sad and sordid record of betrayal and broken promises. The illegal regime of Mr. Smith is an outfit of men who have already torn up the 1961 Constitution, and now the British Government apparently in all seriousness believes that it is unreasonable that the Africans should not trust him to respect the present constitutional proposals.

The African National Council puts forward the following specific criticisms behind its rejection of the settlement proposals embodied in the document Annex 1 entitled "Why the ANC says NO to the Settlement Proposals".

WHY THE A.N.C. REJECTS THE PROPOSALS

Both before and after U.D.I. the British Government has carried on a dialogue with the Rhodesian authorities to the complete exclusion of the recognised African leaders. The basic demand of the A.N.C. is that no settlement of the Rhodesian problem can be achieved without the active participation by the African people, through the leaders of their choice, in the actual process of negotiation leading to any settlement to be approved by them. The A.N.C. accordingly rejects these proposals which have been arrived at without consultation with the people of Rhodesia. Further, the A.N.C. believes that after the cynical disregard for law represented by U.D.I., the 1969 so-called "Republican Constitution" is a high-water mark in such lawlessness and can never be made the basis for any settlement. The A.N.C., on behalf of overwhelming majority of people in Rhodesia, cannot in any circumstances accept a settlement whose result, directly or indirectly, is the legalisation of U.D.I. and the Republican Constitution. The A.N.C. believes that the present proposals do not amount to any significant amendment of the 1969 Constitution. Unlike previous occasions when the fate of the country was being considered, the African people can at least say "No" to these proposals and attempt to block them, even though they have not been consulted during the stages of their negotiation. This is the first and last chance for the African people to pass a verdict on white minority rule. To our mind they are a constitutional fraud, a prescription for increased racial bitterness, the making of an inevitable bloodbath and an insult to the dignity of every African in Rhodesia. The proposals, contrary to some arguments do not decolonise Rhodesia; rather, they "recolonise" the country, and to ensure the success of this dangerous and dishonourable venture the British Government seems prepared to subsidise it. Our rejection of these proposals is therefore unanimous.

Despite all the intimidation of the African people by their employers, the Government, the police, the District Commissioners and the British Government, they have been unanimous in their rejection of the Anglo-Rhodesian Settlement Proposals. The world has been told by the Smith regime that only four people, the Todds and the Chinamanos, have been detained and only 14 people were killed since the arrival of the Pearce Commission in Rhodesia. But the information available to the A.N.C. is that 31 people were killed by the police in Gwelo, Salisbury, Umtali and Shabani following the disturbances that took place during the first week of the work of the Pearce Commission and that 250 were detained and 1,000 were arrested—those that stood up for their dignity in rejecting the Proposals.

A. The A.N.C. calls upon the Security Council to press the U.K. Government to honour the principles of U.N. Resolution 1514 of the 14th of December, 1960 on the granting of independence to colonial countries and peoples which principally declares that "the subjection of the peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and cooperation."

B. The A.N.C. requests the U.N. to accept the African expression of "No" to the Anglo-Rhodesian Settlement proposals as a genuine reflection of the 5½ million Africans who, despite intimidation, have expressed their political attitude against racialism of the Smith regime backed by the British Government.

NONRECOGNITION

The A.N.C. is suspicious that the British Government is going to find an excuse to implement the most unacceptable proposals by blaming it on "African intimidation."

Already their Foreign and Commonwealth Secretary, Sir Alec Douglas Home, has indicated that this is the last chance and there will be no other constitutional conferences even if the answer is an overwhelming "No." Now one wonders why the Commission was ever sent to test the acceptability of the Settlement Proposals if the only desirable answer was "Yes". With this in mind, the African people are already preparing themselves for a long confrontation with the racist regime and therefore calls upon the international community not to recognize the imposed independence by the British

Government. We realize that the British Government is desperate to get rid of the problem, to trade with Rhodesia, to give the regime international respectability, and most important, to open channels of investment in Rhodesia. This is most unacceptable to the Africans. We, therefore, call upon the Security Council not to change its present attitude which forbids member states from having economical or diplomatic relations with the Smith regime. We know, too, that in order for the sanctions to be withdrawn the Security Council must give its consent and that the General Assembly should accept Rhodesia as one of its members. We are totally opposed to this and we can only accept a situation where Rhodesia becomes a member of the U.N. following a government elected under "one man, one vote".

ECONOMIC SANCTIONS

Even in spite of violations there is no question of the effectiveness of sanctions, hence the Smith regime's desire for settlement. The economy is gradually grinding to a halt due to the lack of foreign currency, necessary capital for the advancement of the economy and the lack of machinery and vehicular spare parts used in the Army, Airforce, railways and industrial sectors.

The Africans accept sanctions as a price for their freedom and declare as our enemy any person who claims on our behalf that sanctions should be withdrawn to alleviate African suffering through lack of employment. In fact, sanctions were never designed to hit Africans and indeed this has been the effect because it is the farmers, the miners and importers and exporters that have suffered as a result of sanctions. None of these is African.

The A.N.C. calls upon the Security Council and the states who supported the cause for human freedom to intensify sanctions by fully blockading Beira and Lourenco Marques under Chapter 7 of the United Nations Charter for all goods that are exported or imported into Rhodesia. Without the facilities offered by the Portuguese through these ports, the Smith regime would have long collapsed.

It is our determination to see racism eradicated, and this can be achieved only by getting rid of the present regime in Salisbury. The A.N.C. hopes that the U.N. now recognizes that Britain has defaulted on its responsibility to promote majority rule in Rhodesia because its policies in southern Africa are influenced by racial considerations, and this explains why she has not been able to stand to the principles enshrined in the United Nations Charter. The African people of Rhodesia have been deeply shocked by the blatant disregard for the U.N. Charter, for human suffering in Rhodesia and for international law by the United States in violating the Security Council Resolution which imposed sanctions on Rhodesia. The purchase of chrome by the United States, in my opinion, had no other motives apart from encouraging and boosting the morale of the racist regime in order to make it defy the world. I was wondering whether it is not time someone investigated to establish whether or not the United States violated the law. If it did, it is time someone brought the United States before the International Court of Justice. Whatever the motives, the Africans believe it is an expression of bad faith.

ASYLUM FOR REFUGEES

All along the British Government has been claiming an international prerogative to look after Africans who are victims of the regime, who escaped either from detention or police surveillance. But what we have seen is that many of these victims have been ignored, sometimes deported from country to country and, in other countries, sent home to face persecution by the police. I call upon the Security Council to confer proper international refugee status for the refugees and the granting of asylum to those who find it necessary to leave their territory. This is going to alleviate the suffering which the African people of Rhodesia have put up with during the last six years since UDI.

IMMIGRATION

Africans in Rhodesia have been extremely surprised to see streams of Europeans continuing to come to Rhodesia displacing them from their land and their jobs despite the Security Council Resolution of May, 1968 which explicitly calls upon the member states not to allow their citizens to migrate to Rhodesia. I hope that from now on member states will do their best to stop these immigrants who continue to prop the racist regime in Rhodesia.

SOLUTION TO THE PROBLEM

When we asked for freedom we are in no way saying that the settlers should be expelled from our country. On the contrary, we are seeking for a peaceful and just means of racial co-existence in order to avoid the impending bloodshed. We call upon the British Government to assist those white people who do not want to live under majority rule to leave the various parts of the world where there are white governments, and in this we are prepared to pay the price of the repatriation, as was the case in Kenya. The sum of 50 million pounds, which the British Government believes they were generously giving us, could best be used in repatriation of those that would like to leave the country. We are aware that over 140,000 whites out of a total of 243,000 still hold British citizenship and only 35,000 have no other home, while the rest came from various European and Commonwealth countries. It is, therefore, clear to us that African life is being made impossible by foreign citizens. We call upon the member states of the United Nations, the World Bank, the Commonwealth Development Corporation and other international organizations to participate in this scheme, in solving the problem as they did in Kenya in 1962–63. We are prepared to sit down and frame a constitution acceptable to us as a whole with those white people who accept non-racism which is brought by majority rule.

POSTMASTER BENUCCI NAMED TO POST

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. RODINO. Mr. Speaker, my dear friend, former district secretary and the present postmaster of Newark, N.J., the Honorable Joseph J. Benucci, has recently been named acting manager for the Newark Sectional Center of the Postal Service. His new role is described in the following editorial of the Newark Star Ledger. I share the sentiments expressed in the editorial that "he can be relied upon" and I wish Joe much success and my warm congratulations upon his new assignment which was earned by his able and effective leadership and administration:

JOURNEY BY MAIL

Anyone who has checked recently on his mail delivery needs no reminder that service has not improved with the creation of the U.S. Postal Service.

It's taking as long or longer for a first-class letter to reach New Jersey cities from out of town mail boxes.

The promised speed and improved efficiency that were to come with the restructuring of the Post Office Department into an independent, government-owned corporation have failed to materialize.

The only noticeable difference is that it now costs one-third more to mail a first-class letter.

If anyone can bring about improvements it's Newark Postmaster Joseph J. Benucci. Since 1962 he has done much, against great odds, to speed delivery and expedite the handling of outgoing mail.

Benucci has now been named acting manager for the Newark Sectional Center of the postal service. The center is made up of 59 associate offices in Essex, Hudson, Union and parts of Bergen and Middlesex counties.

His job will be to coordinate mail processing operations, customer services, training, transportation and other management operations. He has set his sights on better service, and he can be relied upon to do everything possible to deliver . . . quickly.

ASSOCIATIONS FOR MILITARY COLLEGES AND SCHOOLS STRENGTHENED BY MERGER

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. TEAGUE of Texas. Mr. Speaker, the military colleges and schools in America have taken a very important step to preserve and advance this very vital and traditional academic institution.

It is an honor to announce to you, Mr. Speaker, and my colleagues in Congress, the merger of the two national associations representing the educational institutions which offer a program of military training. As a result of their simultaneous annual conventions recently held in Washington, D.C., the Association of Military Colleges and Schools founded in 1914, and the National Association of Military Schools founded in 1950, have combined into the Association of Military Colleges and Schools of the United States—AMCS. Several points of contention between the two associations concerning the qualifications of member institutions have been settled, and the new expanded and strengthened AMCS will now represent virtually all of the major military schools in America.

I am confident this merger will offer a better service to the member institutions, as well as provide a more efficient and extensive clearinghouse of information for those young Americans seeking an education which includes a military program designed to assist them in preparing for a military career. Most importantly, this new and expanded association will enhance the image of military schools and broaden the understanding of their function.

It is a personal honor to also announce, Mr. Speaker, that my friend, and our former colleague, Mr. J. T. Rutherford, will serve as the executive director for the new AMCS. It is gratifying to know that this able and dedicated man will provide the direction and administration for this very important association.

I have had the opportunity to attend several national meetings of the AMCS and I have been greatly impressed with their concern and commitment to establish a curriculum of the highest academic excellence. Combined with this academic excellence, the very nature of military training provides a student with an experience in leadership and personal character development which will stand him in good stead for the rest of his life. I believe, Mr. Speaker, that the military schools in this country are providing not only a great service to the young men and women attending them, but they are providing a valuable pool of talent from which America will draw its future leadership and direction.

In these times of great controversy over America's military posture in the world, it is commonly believed that the youth of America have turned their backs on the military. This is not true. Despite the present economic situation in America, which would lead us to believe that a privately financed education would be on the decline, the private institutions offering an education combined with military training, as well as those public schools and colleges with military training programs, report a renewed interest in their schools and an increase in their enrollments. If indeed there was an antimilitary spirit in the American youth and their parents, the tide has turned.

My interest in, and support of, military schools and colleges is more than academic. I am certain that my years as a student at Texas A. & M. University in College Station, Tex., provided me with the motivation to become a public servant and to serve in this great body of legislators. It is a great privilege to now represent the people of the Sixth Congressional District of Texas which includes my alma mater, Texas A. & M., and also Allen Academy in Bryan, Tex., another outstanding school combining a military training program with an excellent record of academic instruction. Both of these schools are member institutions of the newly expanded AMCS.

Mr. Speaker, I am proud to speak in behalf of the military educational institutions in America and their now strengthened national association, The Association of Military Colleges and Schools of the United States. I call on you, and each of my fellow Members of Congress, to take an active interest in these colleges and schools and support them in their efforts to provide this valuable service to America.

As an extension of my remarks, I include a press release from the AMCS concerning the recent merger:

ASSOCIATIONS FOR MILITARY SCHOOLS MERGE

WASHINGTON, D.C.—The Association of Military Colleges and Schools (AMCS) and the National Association of Military Schools (NAMS) announced a merger of the two organizations following their simultaneous annual conventions held in Washington, D.C.

The merged organization will retain the name of the older association, The Association of Military Colleges and Schools of the United States (AMCS) which was founded in 1914. The AMCS brings 30 member institutions to the merger, while the younger NAMS organization has 24 member institutions. AMCS now represents 54 military educational institutions in 23 states, the District of Columbia and Puerto Rico.

"The new revitalized AMCS will strengthen the association and its members, as well as provide a greater service for young Americans seeking an education at a military school." said Col. Charles Stribling III, the newly elected national president of AMCS. Col. Stribling is the President of the Missouri Military Academy in Mexico, Missouri.

According to J. T. Rutherford, Executive Director of AMCS, a merger of the two associations has been in the talking stage for the past several years. A merger has been rejected in the past because qualifications for membership were different in th two associations and never settled. The agreement to hold simultanous annual conferences in Washington allowed negotiations which resulted in the merger.

Member institutions in the new AMCS are required to meet two basic qualifications. They must be accredited by a state or regional accreditation board, and they must have a military training program approved by the Department of Defense. Member institutions not presently meeting these qualifications have a probation period of five years to receive academic accreditation, and three years to establish a Department of Defense approved program of military instruction.

Officers of the new AMCS elected at the Washington conference were: President—Col. Charles Stribling III, President of Missouri Military Academy; Vice President—Col. Keith G. Duckers, Superintendent of St. Johns Military School; Secretary—Col. Raymond R. Kelly, Superintendent of Howe Military School; Treasurer—Col. A. F. Muzyk, Superintendent of St. Johns College High School.

In addition to the elected officers, the following representatives of member institutions will serve on the executive committee: Col. Wesley P. Smith, President of Lyman Ward Military Academy and immediate past President of NAMS; Col. Ralph A. Lucas, Superintendent of Castle Heights Military Academy and immediate past President of AMCS; Col. Arvin S. Williams, President of Randolph-Macon Academy; M/Gen. James W. Duckett, President of The Citadel; Col. L. P. Risher, Headmaster of Camden Military Academy; and Capt. Raven O. Dodge, Headmaster of Admiral Farragut Academy.

The AMCS will be based in Washington, D.C. at 1660 L Street, N.W.

LIGHT ON CRIME

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. KOCH. Mr. Speaker, my correspondence and discussions with constituents reflect the growing concern with the menace of street crime. I have attempted to make practical proposals to deter what has become an intolerable situation in New York City. My blow the whistle on crime campaign and my bill to relieve our local police of the responsibility to guard foreign missions are two of these recommendations with which you are perhaps familiar.

On March 1, I introduced a bill, H.R. 13522, to establish a Federal light on crime program. This legislation would mandate the expenditure of $30 million in each of the next 3 years specifically for the purchase and installation of high pressure sodium type lights. The funds would come in grants made directly to local governments and would be matched on a 50–50 basis by the locality.

High pressure sodium lights are able to illuminate a city street far better than our traditional street lighting. They, in a sense, turn night into day and their effectiveness as a deterrent against crime is undeniable.

In Washington, D.C., after installation of high-level lighting in high crime areas, crime decreased by 31 percent. Prior to installation, the crime rate for these same areas had gone up 12 percent.

Gary, Ind., installed 5,000 new street lights. Criminal assaults dropped 70 percent and robberies 60 percent.

In Chattanooga, Tenn., crime in a 12 block area dropped 70 percent after lighting.

Statistics are available for many more cities including some parts of New York City. It is simply outrageous that we are forced to feel like prisoners in our own homes after dark; given the potential impact of a light on crime program, it is not only outrageous but unnecessary. This program I am proposing involves relatively low costs, and can have an immediate impact on reducing street crime. This is a program designed to light our streets for people rather than just for cars; it is a program designed to return the streets to the people.

New York City and other localities have initiated their own, successful high level lighting plans on a limited scale, combining private and local government funding. Some such light illuminates parts of our own East Side even now. But in a time of budgetary crisis in local government, it is clear that the Federal Government should provide funding for high intensity lighting. An infusion of Federal funds would allow the type of massive lighting program which I believe we need in our urban areas, and which localities can never finance alone. Rather than having only individual blocks sporadically lighted, Federal funding could conceivably insure that whole communities would be illuminated, to the benefit of residents and merchants alike.

I hope that the Congress will give prompt consideration to H.R. 13522. We must do what we can to move the country to the day when we can all "see the light" and end the terror in our streets.

MASSIVE BUSING: A WASTE

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. HOGAN. Mr. Speaker, as the issue of busing has come to the forefront of attention in this country, black and white Americans have been pointing out in no uncertain terms that busing schemes are wasteful and counterproductive. Not only does racial busing destroy the concept of the neighborhood school, it wastes funds which could be better used to improve the quality of education. It sacrifices quality education in favor of the establishment of artificial quotas of pupils.

Instead of insuring equality, massive busing falsely reinforces in the minds of children the idea that whites are somehow superior to blacks. In a recent Washington Post column about racial busing, black columnist William Raspberry wrote:

> The ideal is a situation in which race is irrelevant to assignment. Preoccupation with mathematical precision, unfortunately, is not the way to achieve that idea.

I certainly agree. The column, entitled "Massive Busing: A Waste," presents a cogent argument against racial busing—though I must add that I do not accept Mr. Raspberry's arguments against a Constitutional amendment to end racial busing—and I insert the column into the Record:

Massive Busing: A Waste

If this weren't an election year, it just might be possible to do something rational about school integration and busing.

But not only is it an election year; it is also a year in which all sorts of people, in all parts of the country and of all political persuasions are expressing their strong misgivings about the prospects of massive busing for the purpose of racial integration of public schools.

And with that kind of mandate, you can count on the politicians to see their duty—and overdo it. Already presidential candidate Jackson is pushing "freedom of choice." Haven't we heard that one before?

Others are talking up constitutional amendment.

It's a bit of an embarrassment, all things considered, but I happen to agree with Vice President Agnew on this one. I agree with him that massive busing solely for purposes of racial integration is a waste. And I agree with his opposition to a constitutional amendment as the way to end the waste.

The artificial separation of people, in schools or out, based on their race is wrong. It is, for one thing, psychologically destructive of the minority members who are separated out.

But to send black children chasing to hell and gone behind white children is also wrong and psychologically destructive. It reinforces in white children whatever racial superiority feelings they may harbor, and it says to black children that they are somehow improved by the presence of white schoolmates.

My favorite nightmare is of all the white people in the country moving to Alaska, and all the black children in the country following them in an endless line of buses.

Integration is a noble goal. But there comes a time when thoughtful men wonder with Joseph Alsop: "Is it really worth it?"

If white people, either because they wish to avoid contact with black people or for any other reason, choose to move far from where most black people live, how can it make sense—in terms of education or common sense—to send black kids chasing after them?

At some point, it becomes obvious that there must be a cheaper way to achieve the goal which is the education of our children.

But even the goal gets confused. Some of the advocates of massive busing, it seems to me, are being guided by the wrong ideal.

They start off with the asumption that in melting-pot America, racial integration is a good thing. But they take the melting pot metaphor altogether too literally, and it becomes their goal to make every classroom of every school (and every block of every neighborhood) an accurate cross-section of the makeup of the total population.

They would like to put us all into that metaphorical melting pot and ladle out enough portions of homogenized American to fill every schoolroom, workroom and living room in the country.

Well, what's so ideal about mathematically precise distribution of human beings? What's so inherently evil about a block in which all the homeowners (or a classroom in which all the pupils) happen to be black? Or white?

This is no brief for a return to the lie of separate but equal. It is an appeal for rational priorities, a plea that we make the test of a school whether it does what schools are supposed to do—educate our children.

It is both evil and illegal to say to a child: You cannot attend this school because it is a white school. But how much better is it to say: You must attend this school because it is integrated and we need you for racial balance?

The ideal is a situation in which race is irrelevant to assignment. Preoccupation with mathematical precision, unfortunately, is not the way to achieve that idea.

But no constitutional amendments, please. The effort that route would require would be bound to make too many of us feel that we were solving the problem of education in a pluralistic society. It would in fact solve nothing at all, except to return us to where we were the day before yesterday.

The Vice President was right again when he said:

"I think that there is almost a Pavlovian reaction. Whenever a subject becomes highly controversial, you must turn to a constitutional amendment. I think these things are capable of being handled within the normal statutory framework and constitutional framework of our existing Constitution."

But only if we deal with the situation and stop looking for new ways to run.

HORTON PAYS TRIBUTE TO FLORA LARUE ON 82D BIRTHDAY

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. HORTON. Mr. Speaker, too often we in Congress are prone to generalize about America's elderly citizens, about their problems, their hopes, and their important role in our culture. I think, once in awhile, it is important to look at the individual to gain an insight into the human side of America's elderly.

There is a remarkable and refreshing woman in my congressional district who has just celebrated her 82d birthday. Since she has done so much for me, countless other individuals, her community and her Nation, I would like to pay special tribute to her today.

Flora LaRue was introduced to me several years ago and, at the time of this introduction, it was mentioned that it would be difficult to find anyone who had contributed more in service to fellow Americans. Her devotion to the church and community activities are evidenced in Flora's love for people through her teaching, the many hours spent in civic work, her official duties as conference officer in Central New York's Women's Conference Organization and Flora's dedication to her local political organization.

Flora is perhaps one of the most inspiring people I have ever met. She radiates a warmth and sincerity which is heartwarming in today's fast moving "can't take the time for that" world. Her life has seen countless joys and sorrows and Flora has acknowledged each of these as a blessing to her life which she is eager to pass on to others. Her story has been told and her example has been cited many times through those who are fortunate enough to know her. This story is again revealed through the newspaper articles which follow:

Nearly 100 Guests Honor Mrs. Flora LaRue

Nearly 100 guests greeted Mrs. Flora LaRue in her home, 126 Washington Street, on Sunday, Jan. 30, 1972 at an open house in honor of her 82nd birthday.

Her daughter, Mrs. Jerome Lillyquist, assisted by Mrs. Irene Cutter, Mrs. Clarence Nesbitt, Miss Mary Ella Fraher, Mrs. Douglas Wehrlin and Mrs. Lewis Black, greeted the guests and presided over the tea table.

Best wishes and appreciation were extended to this remarkable woman for her activities during the years in the First United Methodist Church and in the local community, in her official duties as conference officer in the Central New York Women's Division of the Church, teaching in summer youth camps and participation in local political organizations.

Following graduation from high school, Mrs. LaRue was graduated from Teacher's Training Class after which she taught 4 years in District School No. 1, Town of Manchester.

Last summer her pupils in the local community and those who came north for the summer planned a reunion for her in Perkins Park, Newark.

Former students unsolicitedly expressed their sincere appreciation for the little devotions which they had together at the beginning of each school day and the effect it had on their lives during the years.

Mrs. LaRue is active in her home duties using her wheel chair mornings and her walker in the afternoons to assist in the use of her prothesis.

Mrs. LaRue has been well known and highly esteemed in her community for many years. Last Sunday her many friends took the occasion of her birthday to pay tribute to her.

Friends Pay Tribute To Flora LaRue

(By Ethel Mae)

Mrs. Flora LaRue of 126 Washington St., Palmyra, well known and highly esteemed in her community for many years, was greeted at an Open House in her home by approximately 100 guests on Sunday afternoon, January 30, 1972, on the occasion of her 82nd birthday.

When I met with Mrs. LaRue on Monday afternoon I came away inspired and in awe of this gracious and remarkable lady. Her warmth is reflected in her lovely home and one immediately feels drawn to her—and welcome.

Is I returned home to write about our visit I though about her name, "Flora," which means "flower," and how appropriate a name it is! Indeed she is as beautiful, refreshing, colorful and individual as any flower I have ever seen.

Mrs. LaRue's activities were curtained only temporarily since the amputation of her right leg some time ago. Her mornings are spent in a wheel chair and she "graduates" to her walker in the afternoons to assist in the use of the prosthesis (artificial limb). With these aids she is still able to do her own housework, cooking, etc., and she gave me a demonstration on how she can still bake a pie!

She was born in Manchester, N.Y. and after high school was graduated from Teacher Training Class. Four years were spent teaching in District School No. 1. (Although she has many pleasant memories, her fondest includes a special day last summer when several of her former pupils who live in this area, along with several who had come north for the summer, held a reunion in her honor at Perkin's Park in Newark.

Many expressed their sincere appreciation for the devotion they had together at the beginning of each school day and the effect it has had on their lives over the years.

Her late husband, Alvin LaRue, was a contractor and real estate broker and after his death Mrs. LaRue followed in his footsteps selling real estate in association with Dennis Cook of Fayette St., Palmyra.

Mrs. LaRue is admired and respected for her service to her beloved United Methodist Church; civic work in her community; her official duties as conference officer in Central New York's Women's Conference Organization; teaching in summer youth camps; and devotion to her local political organization.

Another favorite pastime was giving a helping hand to her late son-in-law, Jerome Lillyquist, in his jewelry store on Palmyra's Main St.

Her daughter, Mrs. Jerome (Arlene) Lillyquist is a teacher in the Palmyra-Macedon Central School, Mrs. LaRue's grandsons, Michael and Timothy, reside in Tuscon, Ariz., and Boston, Mass, respectively, and her two great grandchildren are Michael's sons.

Assisting her daughter, Arlene, in greeting guests at Open House on Sunday were dear friends, Mrs. Irene Cutter, Mrs. Clarence Nesbitt, Miss Mary Ellen Fraher, Mrs. Douglas Wehrlin and Mrs. Lewis Black, all of whom also presided at the tea table.

Mrs. LaRue enjoys having her friends drop in for a visit—anytime—but beware! If you have a preconceived notion that you might drop in to brighten her day I'm sure you'll find—as I did—that she will brighten yours!

H.R. 9615 SHOULD BE REPORTED TO HOUSE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. BIAGGI. Mr. Speaker, the Rules Committee has had before it since September of last year, H.R. 9615, which would correct certain inequities in the immigration laws of this country. This bill has been delayed far too long and should be reported out immediately.

While it took the Rules Committee 4 months to schedule its first hearing on this bill, all the blame cannot rest with that Committee. They subsequently scheduled hearings on January 20 and 27 and again on February 22.

While the bill does not go far enough for certain countries, such as Greece, it would clear up most of the backlog in the fifth and sixth preference categories and at the same time eliminate inequities in the law that have produced a disadvantageous situation for formerly privileged countries of northern Europe.

I urge both the Rules Committee and the Judiciary Committee to work together to report this bill to the full House membership at an early date. To assist my colleagues in understanding the need for this bill, I am including in the RECORD an excellent evaluation of the bill by the American Committee on Italian Migration:

H.R. 9615: ANALYSIS AND EVALUATION

WHAT IT CONTAINS

Immigrants from previously undersubscribed countries, e.g., Ireland, England, etc., would be allocated additional visas to the extent of 75%, less the numbers issued during the previous fiscal year, of the average number of visas available to these countries in the ten-year period 1955 to 1965. The visa numbers to be issued shall not exceed 7,500 for any such foreign state. Labor Certification does not apply in reference to any such visas issued.

Furthermore, H.R. 9615 carries a section providing for the issuance of special immigrant visas for brothers and sisters of U.S. citizens, from any country whose registrations were pending on July 1, 1964, who qualify as fifth preference immigrants under Section 203(a) (5) of the Immigration Act of 1965 and for whom petitions have been filed with the Attorney General prior to July 1, 1971; a number equal to 25% of the number of these pending registrations shall be allocated and distributed over a four-year period to any such country. Special immigrant visas not used by the fifth preference described above shall drop down into the sixth preference category.

The bill is limited to a four-year period, during which time the additional numbers would be distributed.

WHY THIS BILL

a. *To alleviate a situation of distress* experienced under the new law by the formerly privileged countries.

According to the formula devised, the following countries would benefit by an additional total of 32,887 visas:

Germany	7,500
Great Britain	7,500
Ireland	4,096
Poland	2,970
U.S.S.R.	1,562
Norway	1,461
Netherlands	1,379
Sweden	1,232
Czechoslovakia	1,017

b. *To eliminate the backlog* created under the Walter-McCarran Act of 1952. According to the formula devised, the following countries would benefit by an additional total of 39,764 visas:

Italy	28,680
Greece	2,166
Poland	1,922
Portugal	1,897
China	1,405

EVALUATION

We feel this bill is *fair*. The new law has unwittingly produced a situation of disadvantage for formerly privileged countries. When the 1965 Act was first formulated, a five-year phase-out period was contemplated in order to give the privileged countries a realistic opportunity to adjust to the new system. The phase-out period, instead, was reduced to two and one-half years. As a consequence, immigration from Ireland, for instance, has dwindled from an average of 5,000 before 1965 to little more than 1,000 at present.

On the other hand, the three-year phase-out period was also not sufficient to clear existing backlogs as it was intended.

This bill seeks to eliminate the remaining inequities in the present law.

We feel this bill is also *realistic*. The total number of additional visas is 72,531. A temporary annual increase over four years of 18,000 immigrants, only half of whom will enter the labor force, can hardly be conceived of as a hardship on our economy.

IMPACT ON U.S. EMPLOYMENT SITUATION

Any proposed increase in the current labor market through immigration is greeted with categorical opposition by some spokesmen for organized labor. Though understandable, the fears expressed by these exponents are completely unfounded. The total number of immigrants, over and above present limitations which could be admitted in any one year is 18,000. It must be pointed out that this number includes spouses and minor children of the principal applicants. Therefore, a conservative estimate of the actual number of immigrants who will enter the labor market is approximately 9,000. In a total labor force of 86 million an increase of 9,000 workers—many of whom will fill jobs left begging by local manpower—can hardly be considered to threaten either the economic stability of the United States or the job security of the American worker.

OBJECTIONS RAISED

a. This bill is a *return to national origins.*

It should rather be considered as a facilitation for the formerly privileged countries to become adjusted to the new system of selecting our future immigrants.

b. This bill *perpetuates a system of piecemeal legislation.*

It rather corrects once and for all the inequities of discrimination which under the old law created the need for emergency legislation.

NOTES

1. The Dennis Amendment

In the course of the Congressional iter thus far, H.R. 9615 has met with opposition in the form of an amendment offered by Rep. David W. Dennis (R-Ind.) which sought to change the permanent immigration law by eliminating from the 5th preference the category of "married" brothers and sisters of U.S. citizens. The rationale behind this amendment is the contention that the 5th preference would otherwise be perpetually oversubscribed.

It is our opinion that such an amendment is completely unwarranted. H.R. 9615 is an emergency bill seeking to solve limited areas of concern; the proposed amendment, instead, brings about a substantial change in the permanent law.

Furthermore, the fear of the recurrence of backlogs is completely unjustified by the evidence available. At present in the Eastern Hemisphere only Italy and the Philippines have a backlog in the fifth preference. The Philippine problem stems from the fact that all 20,000 numbers are pre-empted by the first three preferences. The Italian problem is caused by the huge backlog existing when the new law went into effect. (It must be recalled that this backlog was accumulated over years of discrimination under the 1952 Act.) The new registrations under 5th preference are in balance with the numbers available, as can be proven with the 1970 figures:

1970 fifth preference registrations

Country:	
Philippines	10,975
Italy	8,745
Greece	8,185
Portugal	5,929
China	4,404
Yugoslavia	1,150
Great Britain	1,140

2. More on the Italian backlog

According to the Visa Office of the State Dept. the total Italian fifth preference registration as of July 1, 1971, is 86,054. The same office advises that 64,000 of these have been reached by the American Consulates as of January 25, 1972. On that date, in fact, the cut-off date for Italian 5th preference was March 1, 1970. The "live" Italian backlog, therefore, is about 22,000. The difference between the figure 86,054 (the backlog on the books) and the figure of 22,000 is the mortality rate. The reasons behind it are various, but irrelevant to this discussion. The realistic backlog we are to contend with is 22,000, and H.R. 9615 is more than adequate to bring up to date the Italian fifth preference and to grant some numbers also to the Italian sixth preference which has been closed for years.

CONCLUSIONS

1. The bill H.R. 9615 is fair and realistic.

2. The Dennis Amendment is unwarranted, unwise and detrimental, and therefore totally unacceptable.

3. H.R. 9615 should be enacted as introduced and *without any amendments.*

ITT CASE SHOWS HOW THINGS GET DONE FOR BIG BUSINESS IN WASHINGTON

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. EVINS of Tennessee. Mr. Speaker, Miss Mary McGrory in a recent column in the Washington Star, makes some very timely and interesting observations concerning the current controversy over a gift by International Telephone & Telegraph to the Republican Party.

Miss McGrory evidences justifiable concern over the influence of big business on the executive branch of our Government—even on the Justice Department which, under the law, is charged with the responsibility of defending the people of this Nation against exploitation by antitrust law violations, massive trusts, conglomerates, and mergers, in the public interest.

Because of the interest of my colleagues and the American people in this matter, I place the column by Miss McGrory in the RECORD herewith.

The column follows:

THE ITT CASE SHOWS HOW THINGS GET DONE

(By Mary McGrory)

"Kleindienst" in German means "little service."

It is, of course, the name of the attorney general-designate, who is accused of having rendered a large service to a giant corporation that had some trouble with the Justice Department and, even so, made a handsome present to the Republican National Convention in San Diego.

The question is whether International Telephone & Telegraph gave the Republican $400,000 or $100,000—the figure is in dispute—out of hope or gratitude.

Richard Kleindienst asked to meet with the Senate Judiciary Committee, which just a week ago had unanimously approved him to become what Richard Nixon gratingly calls, "the president's lawyer."

Half the town turned out for the show yesterday. Hearings have gone out of style and this one gave off long-denied vapors of scandal at the top.

Columnist Jack Anderson, who originated the charges of Kleindienst's "tilt" towards ITT, sat in the front row, spoiling to finish him off. His big weapon: A secret memo from a lady-lobbyist for ITT, who dropped all the big names that led to the White House and the President.

What transpired during the long day was a heady glimpse of how things get done in Washington between the biggies of government and business.

There was also a picture of the altruistic corporation preoccupied with the "economic statesmanship" now being peddled in the business magazines. They think not of themselves, when caught in the toils of antitrust, we are told, but of their stockholders, the "ripple effect" on the economy, the adverse impact on the balance of payments.

And there was also a new view of Kleindienst, the hardliner out of the far right, the ogre to peace groups that have pleaded in vain for parade permits and never got an audience for the "ripple effects" of their enterprise.

Kleindienst has an angry face and a truculent manner, but not for Felix Rohatyn, an international financial wizard and a director of ITT.

Kleindienst, who had never heard of Rohatyn, granted him an interview on request. He had four subsequent meetings with him. He was "impressed" with his recital of the "ripple effects" that would follow the "harsh and rigid" settlement proposed by Richard McLaren, then chief of the Justice Department's Antitrust Division.

Sen. Edward M. Kennedy, the champion of the Mayday tribes whom Kleindienst caused to be jailed by the thousands, elicited from the attorney general-designate the fact that the meeting was not, after all, completely out of the blue.

Kleindienst bore Kennedy's questioning with unconcealed resentment and impatience, but was to change his tune somewhat. Kennedy asked him about a man named Ryan. Kleindienst dismissed him as a "casual social acquaintance," a neighbor in suburban McLean, Va., whom he sometimes saw at neighborhood Christmas parties.

But he came back 15 minutes later, his recollection refreshed, and said that Ryan at a springtime gathering may have asked him to see "someone in the company" who could explain the "domestic consequences" of the antitrust action.

Kennedy told the hearing after lunch that Ryan was John Ryan, deputy director of the ITT Washington office.

Why, some of the Democratic senators inquired, had Kleindienst seen Rohatyn at all? He had told Democratic National Chairman Lawrence O'Brien in a letter that he had never been involved in the ITT negotiations.

They were not negotiations, Kleindienst said, and as an "officer of the government" he had been merely doing his duty.

He had arranged and sat in on a meeting with Richard McLaren and Treasury officials. The outside financial economic expert was provided by the White House, "probably Peter Flanigan."

The mention of that name, notoriously solicitous of the boardroom, caused a titter in the hearing room.

McLaren seemed authentically pained that the settlement was being disparaged. He saw it as "stopping a juggernaut." Rohatyn called it "the largest divestment in the history of world enterprise."

The oddest part about the whole affair is that the settlement might have turned out as it did even without Kleindienst's intervention. McLaren has the reputation of being the toughest antitrust chief of recent history, far more zealous than any Kennedy or Johnson appointee. He has since been made a federal judge, a circumstance that does not greatly aid in the appearance of things.

Sen. Philip A. Hart, D. Mich., observed sadly that 90 percent of the people who read the story would not believe it.

"It is another chapter in the history of why people lack faith in the system," he told Kleindienst, who has perfect faith in the system and does not trouble himself about the way things look. He expects the Democrats not to believe him when he says that the settlement and the largesse "have 100 percent nothing to do with Republican party politics." He is not concerned with "ripple effects" of the revelations, and he expects to be confirmed as attorney general.

HON. ANDREW P. MILLER SPEAKS ON PROPOSED CRIMINAL CODE

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. DOWNING. Mr. Speaker, the Honorable Andrew P. Miller, attorney general of the Commonwealth of Virginia, recently appeared before Senator MCCLELLAN's Subcommittee on Criminal Laws and Procedures in connection with the proposed Federal criminal code.

I feel the presentation by Virginia's attorney general is outstanding, and I would like to share the text of his testimony with my colleagues.

I am pleased to insert this statement by the Honorable Andrew P. Miller in the RECORD for the benefit of all Members:

STATEMENT OF TESTIMONY OF THE HONORABLE ANDREW P. MILLER, ATTORNEY GENERAL OF VIRGINIA

On January 7, 1971, the National Commission on Reform of Federal Criminal Laws submitted to the President and Congress its final report on a proposed new federal criminal Code which would, if enacted, replace the existing criminal laws found in Title 18 of the United States Code. The proposed Code would, I feel, do significantly more than merely revise the existing laws. It would in effect substantially restructure intergovernmental relations.

My first comment is with regard to the basic jurisdictional section for all offenses committed under the code. Although I am told that the intent of the Code Commission was not to increase but to merely re-define the limits of federal jurisdiction, I cannot help but feel that the effect of § 201(b) may run counter to that intent. Under this "piggyback jurisdiction" section, many crimes which have previously been exclusively the province of state law enforcement will be brought under the federal umbrella. The benefit of this section is said to be that it permits lesser penalties for non-serious crimes which can be graded as misdemeanors, leaving the piggy-back base for aggravating the penalty when such conduct is a means of committing a more serious offense. I note that the wording of § 201(b) apparently would not require the government to prosecute for the lesser crime, but would allow federal authorities to go directly to the major crime simply by showing that federal jurisdiction existed for the lesser one. As a practical matter, in view of the liberality of the sentencing provisions, which are relatively lenient and provide primarily for concurrent sentences, this consideration would be of little significance. In any event, the operation of this section will bring innumerable offenses within federal jurisdiction.

This assumption is of additional significance to Virginia and all of the States due to the operation of the concurrent jurisdiction provisions (§§ 707–708). While the code does provide that federal jurisdiction is not preemptive or exclusive, federal prosecution is an *absolute* bar to state prosecution, while state prosecution is a bar to federal prosecution *unless* the Attorney General of the United States certifies that the interests of the United States would be unduly harmed if federal prosecution were barred. Such a federally imposed prohibition on state prosecutions may be unconstitutional, and in any event will certainly be damaging to relations between state and federal governments. Although this provision may be of little current effect in Virginia in view of § 19.1–259 of the Code of Virginia which provides that a federal prosecution is a bar to prosecution in Virginia, the General Assembly which enacted § 19.1-259 doubtless did not foresee the type of expansion of federal jurisdiction which is made possible by this Code. Even if § 19.1-259 were not amended, these sections may result in a race to the courthouse between state and federal law enforcement officials, except that if the federal officials lose the race, they can still disqualify the winner.

Section 201(g) provides a jurisdictional base which I believe could create the same broad opportunity for the expansion of federal jurisdiction as § 201(b), although it does not now appear as a base for as many offenses as does § 201(b). For example, any homicide could be said to interfere with the victim's right to travel, thereby "affecting" interstate commerce. Section 201(i) appears to provide that the mere fact than an item of property happens, at the time it is stolen or destroyed, to be on a truck or a railroad car which may later cross a state line should give rise to federal jurisdiction, regardless of whether the item itself would still have been aboard. Like § 201(g), this section is susceptible of too broad an interpretation. Any justifiable purpose of these two sections in honoring established concepts of federal jurisdiction over interstate traffic is amply covered by the provisions of §§ 201 (h) and (j). Similarly, § 201(h) could serve its purpose by providing for jurisdiction only where the victim or defendant crosses a state line, thereby eliminating the possibility of federal jurisdiction where the only connection with interstate travel might be a person who is an unwitting agent of the defendant.

In addition to my objection to these jurisdictional bases, I note that the last sentence of § 201 provides for plenary federal jurisdiction where no base is specified for a given offense. Although it appears that the reason for this is to avoid the necessity of defining jurisdiction over clearly Federal crimes such as those defined in Chapters 11, 12, and 14, this provision opens the door for future expansion of plenary jurisdiction over other crimes as was done by the 1970 Drug Act (whose plenary jurisdiction over drug offenses is found in the proposed Code).

Another jurisdictional provision which is of special importance to the citizens of Virginia is § 209 which deals with assimilated offenses. This section, of course, provides that conduct which occurs on a federal enclave is a federal offense if it would be a state offense in the state where the enclave is located, and there is no federal law penalizing such conduct. Since Virginia has a substantial number of naval installations, army and air force bases, and other federal enclaves all along the metropolitan corridor from Washington to the Tidewater area, this provision is of concern to Virginia because it further provides that the maximum penalty for such offenses is a misdemeanor. As the Commission's comment indicates, such offenses as bigamy, incest, and illegal abortion are felonies in Virginia, and the reduction of these and other offenses to misdemeanor status can only have the effect of creating sanctuaries from state laws. The Commission admittedly sought to minimize this possibility, but I cannot agree that the misdemeanor penalty provides sufficient deterrence, and I see no reason why the felony penalty could not be assimilated as well.

At this point may I say that I believe several features of the Code are good ones. The grading technique, for example, may as a valuable byproduct generate a new respect for the criminal law by eliminating one of the oldest complaints voiced by the public especially and convicted criminals in particular: the wide variations in sentencing and punishment for different persons in different jurisdictions, or in the same jurisdiction, who are charged with and convicted of the same crime. I might further compliment the Commission on its overall drafting technique, which as Senator McClellan pointed out, states each offense in a succinct manner and avoids the prolixity of present statutory language.

Regardless of my compliments to the Commission for its work in reorganizing the Federal Criminal Laws, and I do believe that the Congress and the Department of Justice are to be commended for their efforts to keep their own house in order, I cannot emphasize too strongly my criticism of the proposals for expansion of federal jurisdiction into areas which have always been reserved to the citizens of each State. While it is true that under the proposed Code, Virginia would continue to have concurrent jurisdiction with the federal authorities for offenses, which are violations of both federal and state law, let me remind you that under the proposed Code, federal prosecution would be an *absolute* bar to state prosecution. When the crimes are strictly federal in nature, such as mail fraud or counterfeiting, this section would be of little effect and little consequence. If, however, the proposed set of jurisdictional bases are enacted into law, the scope of conduct which would be federally punishable would increase tremendously.

This is not to say that state criminal courts would be put out of business immediately, since the federal court system is not presently equipped to handle the huge caseload that would result if federal jurisdiction were exercised in every case. For several years, discretionary abstention would have to be practiced by federal authorities in many cases until more courtrooms, judges and prosecutors could be added to handle a criminal docket that would probably be one thousand per cent of what it is now, together with all of the appeals and habeas corpus actions that inevitably stem from each criminal case. Indeed, it is quite likely that the federal judiciary would never attempt to exercise its jurisdiction over every available case for the very reasons I have just mentioned. Even if this assumption proves to be well founded, however, I am opposed to the federal government having the opportunity to pick and choose which Virginia cases it would like to try.

Additionally, while I am not opposed to the sentencing scheme itself, I do feel that the general tenor of the provisions would undoubtedly result in sentences much more lenient than those now being imposed. I note that the sentencing judge must given written reasons for imposing a minimum sentence (§ 3201(3)), or for imposing a long sentence for certain dangerous offenders as specified by the statute (§ 3202), and on appeal the sentence itself would be subject to modification in addition to a review of the conviction. Once again, this would be less significant were it not for the expansion of the federal jurisdiction over so many crimes pursuant to § 201(b). The effect here would be to remove from the community, as it is represented by the jury, the right to express itself regarding the punishment to be meted out.

One further area in which I am quite concerned at the prospect of expanded federal jurisdiction is that which deals with bribery, coercion, and influencing of state and local officials. The bribery sections (§§ 1361-1369), for example, would impose a federal felony penalty on anyone who knowingly offers, or accepts, a "thing of value" as consideration for the recipient's "official action" as a "public servant" or his violation of a known legal duty as a public servant. Specially excepted from the definition of "thing of value" is "concurrence in official action in the course of legitimate compromise among public servants". The purpose of this exception, of course, is to exclude "log-rolling" from the scope of the offense, but this highlights the subtle dangers hidden in these sections.

Please do not misinterpret my concern in this area as an implication that Virginia officials are in any way involved in any wrongdoing. On the contrary, Virginia has an excellent record with regard to the integrity of its public servants. What I am very concerned about is the possibility of the federal courts deciding what is and what is not "legitimate compromise" in Virginia's government. When you consider again that federal prosecution would be an *absolute bar* to state prosecution, this would remove from the states the opportunity to prosecute their own officials, and at the same time create an implication that State governments, like teenagers learning to drive, are not capable of handling this responsibility on their own.

It is interesting to note that the Commission justifies this type of creeping federalism by saying that these provisions "recognize a federal interest in preserving the effectiveness of local law enforcement, particularly against subversion by organized criminals." (Comment to § 1368). What they also do, however, is ignore or subvert the state's interest in keeping its own house in order, an interest that is *not* delegated to the federal government by the Constitution. In the original draft of the proposed code, the Commission wanted to use all twelve of their jurisdictional bases, as well as any instance where an elected local official was involved, to create jurisdiction over state and local governmental activities. In the Final Report, however, "concerns about federalism" led to a cutting back of the jurisdictional bases to four:

(1) where the offense is committed within the special maritime or territorial jurisdiction of the U.S.;

(2) where piggy-back jurisdiction could be invoked;

(3) where the mails or telephone were used; and

(4) where there was movement of persons across state lines in connection with the offense.

One does not have to possess a great deal of imagination to see that almost every offense could somehow be fitted into one of these broad categories.

Finally, I believe that adoption of the proposed Code will require criminal lawyers to learn two sets of laws for the same crime—one federal and one state. I believe consideration should be given to the adoption of a rule similar to that of *Erie* v. *Tompkins*, whereby State substantive law would be assimilated into federal trials, where a crime was committed against a federal public servant or against federal property. This rule would apply in such non-enclave situations where the federal courts have jurisdiction to try crimes in which the Government has a substantial interest. If § 201(b) is to be retained as a jurisdictional base, the necessity for the adoption of this rule for *all* prosecutions brought in federal courts solely by reason of that section is even more urgent, since the same substantive law should apply to prosecutions against defendants whose crimes otherwise are distinguished only by the happenstance of federal jurisdiction. Federal enclaves, of course, would continue to be governed by federal law and the Assimilative Crimes Act. Since most federal judges were state judges or lawyers before going on the federal bench, such a system would be of no inconvenience to them, and I am sure the same could be said of Government prosecutors.

I hope you do not feel that I have been an unnecessary alarmist in my criticism of these proposals, which are, after all, the work of many sincere and dedicated individuals over a period of four years. I must point out, however, that with the exception of Howard R. Leary, who as police commissioner of New York City served on the advisory committee, neither the Commission itself nor the advisory committee had members representing state or local law enforcement interests. Quite naturally a commission which is established by Congress and composed largely of federal officials, cannot help but come up with a product that, even with all good intentions, results in a greatly expanded federal role. I say "with all good intentions" because I do not believe that the Commission or its staff are seeking to foreclose on state courts as to their exercise of criminal jurisdiction. Nevertheless, federal inches have a way of turning into federal miles. I believe that it is my responsibility as Attorney General of the Commonwealth of Virginia to bring these matters to your attention. I seek to insure that, whatever the final resolution may be, it reflects the will and desire of the citizens of the Commonwealth of Virginia as much as that of the federal authorities.

In conclusion, therefore, may I respectfully recommend that the following changes be made in the proposed code:

(1) redraft § 201 omitting Paragraph B, G and I and changing the word "person" in Paragraph H to "victim or defendant";

(2) omit the last paragraph of § 201 and provide separate jurisdictional provisions for each offense or group of offenses;

(3) bring the concurrent jurisdiction provisions of §§ 707 and 708 in line by either making a state prosecution an absolute bar to federal prosecutions, or by allowing the Attorneys General of the several states to certify that the interest of their state would be unduly harmed if state prosecution were barred;

(4) provide in § 209 that assimilation of offenses would include assimilation of the state penalty as well, as is now provided in 18 U.S.C. § 13.

(5) make the provisions of § 1361 through 1367, which relate to bribery and intimidation, applicable to *Federal* public servants only.

COMPREHENSIVE AND DEVELOPMENTAL CHILD CARE SERVICES—A MUST

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. BADILLO. Mr. Speaker, the President veto, last December, of the Economic Opportunity Act Amendments of 1971, nullified the hopes of the citizens of this Nation for a meaningful and comprehensive child care program. Congress has attempted to recoup this loss. The House, under the leadership of the gentleman from Kentucky (Mr. PERKINS) has incorporated into H.R. 12350 a greatly expanded Headstart program which will, unless the President chooses to veto the measure or impound the funds, do much to reach the neediest of our children. But, valuable as this provision is, I do not believe that it goes far enough. I believe now as I believed last year that this Nation needs and must have a comprehensive program of child care which will be available to all children whose parents want to avail themselves of the service. For this reason, I take great pleasure in introducing here on the House side the measure which was introduced on the Senate side by Senators MONDALE and NELSON.

This bill contains provisions to meet, as far as possible, the objections that the President expressed to the vetoed measure in his measure to Congress. Some of the objections could not be met, of course, without gutting the entire program. However, I believe that my colleagues will agree that the legislation's provisions represent a very reasonable compromise.

PRIME SPONSORSHIP—DELIVERY SYSTEM

In order to meet the administration's objections that the locally based administrative structure was unworkable, the population criteria for prime sponsorship was raised from 5,000 to 25,000, thus reducing by two-thirds the number of localities eligible to administer their own programs. In order to retain local initiative and involvement in areas where the State will be prime sponsor, however, the bill provides for the establishment of program areas—not to exceed 50,000 in population—with councils composed of parents and representatives of the localities to participate in the approval of the child care plan and projects for that area.

ELIGIBLE CHILDREN

Priority will be given to children from families with an annual income below the lower living standard budget determined by the Bureau of Labor Statistics—currently $6,900 for an urban family of four—by reserving 65 percent of all Federal funds for children from such families. The fee schedule agreed to by the administration, providing free services to children from families with incomes up to $4,320 and a fee limitation of $316.00 on an urban family of four earning $6,900 are retained. The remaining 35 percent of the funds may be spent to include children whose families have an income above the lower living standard budget. Priority under this provision will be given to children with the greatest need—those of working mothers or single parents. Ability to pay will be taken into account in applying the sliding fee schedule.

EFFECTIVE DATE AND COSTS

To meet administration objections concerning costs, the effective date has been postponed 1 year—to the beginning of fiscal 1974—and the authorization for the first program year has been cut by 25 percent to $1.5 billion—which includes the existing authorizations for Headstart programs during that year.

NEEDS OF MINORITY GROUP AND BILINGUAL, MIGRANT AND INDIAN CHILDREN

Year-around programs are funded for migrant children and for youngsters living on Indian reservations. In addition, each locality must provide equitably for the needs of minority group children, with particular emphasis on the needs of children coming from bilingual background.

PROTECTION OF EXISTING HEADSTART PROGRAMS

Funds are set aside to assure continuation of existing Headstart programs target groups at no less than the 1972 level, and the first $500 million of the fiscal year 1974 authorization is reserved for programs serving poor children, with priority given to continued assistance for Headstart projects. In addition, community action and Headstart agencies will be given an opportunity to comment on the comprehensive child development plan in their area before it is approved by the Secretary.

TECHNICAL ASSISTANCE AND TRAINING

Assistance will be provided for local community groups and governmental agencies to develop comprehensive child development programs and to train the professionals and paraprofessionals, especially members of the community, necessary to conduct quality programs.

Mr. Speaker, I believe that the measure I am introducing today is desperately needed by the children of our country. I ask my colleagues on both sides of the aisle to support the measure and would welcome the cosponsorship of all Members of the House who are interested in comprehensive child development.

For the convenience of my colleagues, I am inserting at this point the text of the bill into the RECORD:

H.R. 12350

A bill to establish Comprehensive and Developmental Child Care Services in the Department of Health, Education, and Welfare

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act be cited the "Comprehensive Child Care and Child Development Act of 1972".

SEC. 2(a) The Congress finds that—

(1) child care programs must build upon the role of the family as the primary and most fundamental influence on the development of children and must be provided only to children whose parents or legal guardians request them;

(2) many of the over three million children of preschool age living in poverty do not receive adequate health care, nutrition, and educational opportunities;

(3) there are over five million preschool children and twenty million school-age children whose mothers are working full or part time but there are fewer than seven hundred thousand openings in licensed day care facilities to serve them;

(4) comprehensive family-oriented child care programs, including a full range of health, education, and social services, can enhance the opportunity for children to attain their full potential;

(5) children with special needs must receive full and special consideration in planning any child care programs with priority to preschool children with the greatest economic and social need;

(6) while no mother should be forced to work outside the home as a condition for using child care programs, such programs are essential to many parents who undertake or continue full- or part-time employment, training, or education;

(7) comprehensive child care programs not only provide a means of delivering a full range of essential services to children, but can also furnish meaningful employment opportunities for many individuals including older persons, parents, young persons, and volunteers from the community; and

(8) it is essential that the planning and operation of such programs be undertaken as a partnership of parents, community, and State and local government with appropriate assistance from the Federal Government.

(b) It is the purpose of this Act (1) to provide child care centers and services of high quality to children whose parents request them, with priority for those children who need them most, (2) to recognize and build upon the experience and success gained through the Headstart program and other child care programs, (3) to provide quality child care services, with emphasis on programs for children of preschool age regardless of economic, social, and family background and full day care services for children of working mothers and single parent families, (4) to provide that decisions on the nature and funding of such programs be made at the local level with the full involvement of parents and other individuals and organizations interested in child care, and (5) to establish the legislative framework for comprehensive child care services.

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. (a) For the purpose of carrying out this Act, there is authorized to be appropriated $1,500,000,000 for the fiscal year ending June 30, 1974. Any amounts appropriated for such fiscal year which are not obligated at the end of such fiscal year may be obligated in the succeeding fiscal year.

(b) For the purpose of providing training, technical assistance, planning, and such other activities as the Secretary deems necessary and appropriate to prepare for the implementation of this Act, there is authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973.

ALLOCATION OF FUNDS

SEC. 4. (a) The amounts appropriated for carrying out this Act for any fiscal year after June 30, 1973, shall be made available in the following manner:

(1) $500,000,000 shall first be used for the purpose of providing assistance under titles I, II, and V of this Act for child care programs focused upon young children from low-income families, giving priority to continued financial assistance for Headstart projects;

(2) not to exceed 10 per centum of the remaining amounts so appropriated shall be used for the purpose of carrying out titles II, III, IV, and V of this Act, as the Secretary deems appropriate; and

(3) the remainder of such amounts shall be used for the purpose of carrying out Title I of this Act.

(b) (1) From the amounts available for carrying out comprehensive child care programs under Title I of this Act, the Secretary shall reserve the following:

(A) not less than that proportion of the total amount available for carrying out such Title I as is equivalent to that proportion which the total number of children of migrant agricultural workers bears to the total number of economically disadvantaged children in the United States, which shall be apportioned among programs serving children of migrant agricultural workers on an equitable basis, and to the extent practicable in proportion to the relative numbers of children served in each such program;

(B) not less than that proportion of the total amount available for carrying out such Title I as is equivalent to that proportion which the total number of children in Indian tribal organizations bears to the total number of economically disadvantaged children in the United States, which shall be apportioned among programs serving children in Indian tribal organizations on an equitable basis, and to the extent practicable in proportion to the relative numbers of children in each such program;

(C) not less than 10 per centum of the total amount available for carrying out such Title I, which shall be made available for the purposes of section 102(2)(H) (relating to special activities for handicapped children);

(D) not to exceed 5 per centum of the total amount available for carrying out such Title I, which shall be made available under section 104(f)(3) (relating to model programs).

(2) The Secretary shall allocate the remainder of the amounts available for Title I (except for funds made available under paragraphs (1) and (3) of this subsection) among the States, and within the States among local areas, so as to provide, to the extent practicable, for the geographical distribution of such remainder in such a manner that—

(A) 50 per centum thereof shall be apportioned among the States, and within each such State among local areas, in proportion to the relative numbers of children through age five in each such State and local area, respectively; and

(B) 50 per centum thereof shall be apportioned among the States, and within each such State among local areas, in proportion to the relative numbers of economically disadvantaged children of working mothers and single parents in each such State and local area, respectively.

For the purposes of clauses (A) and (B) of this paragraph, there shall be excluded those children who are counted under clauses (A) and (B) of subsection (b)(1) of this section.

(3) Not to exceed 5 per centum of the total funds allotted for use within a State pursuant to paragraph (2) shall be made available to enable States to carry out the provisions of section 513(a) of this Act.

(c) Any portion of any apportionment under subsection (b) for a fiscal year which the Secretary determines will not be required, for the period for which such apportionment is available, for carrying out programs under this Act shall be available for reapportionment from time to time, on such dates during such period as the Secretary shall fix, to other States or local areas on an equitable basis, taking into account the original apportionments to the States and local areas. Any amount reapportioned to a State or local area under this subsection during a year shall be deemed part of its apportionment under subsection (b) for such year.

(d) In determining the numbers of children for purposes of allocating and apportioning funds under this section, the Secretary shall use the most recent satisfactory data available to him.

(e) As soon as practicable after funds are appropriated to carry out this title for any fiscal year, the Secretary shall publish in the Federal Register the allocations and apportionments required by this section.

TITLE I—COMPREHENSIVE CHILD CARE PROGRAMS

PROGRAMS ASSISTED

SEC. 101. The Secretary of Health, Education, and Welfare shall provide financial assistance to prime sponsors and to other public and private agencies and organizations pursuant to plans and applications approved in accordance with the provisions of this title for the purpose of carrying out child care programs for children whose parents or legal guardians request them, including—

(1) preschool programs providing full-day services and activities for children when there is no parent at home to provide care;

(2) preschool programs providing part-day services and activities designed to prepare children for school in the years before they enter the elementary school grades;

(3) in-home services and consultation to assist families with children of preschool age in providing for the healthy growth and development of each child's full potential;

(4) day care programs providing services and activities (including recreation and tutoring programs) for school-age children at times when school is not in session and there is no parent at home to provide care, including after-school and, where necessary, before-school hours and during summer and other vacation periods;

(5) parent and child centers, special programs for children with identified needs (including but not limited to handicapped children), and followthrough and other supplementary services and activities, involving the participation of parents.

USES OF FUNDS

SEC. 102. Funds available for this title may be used (in accordance with approved applications) for programs including the following services and activities:

(1) planning and developing child care programs, including the operation of pilot programs to test the effectiveness of new concepts, programs, and delivery systems;

(2) establishing, maintaining, and operating child care programs, which may include—

(A) comprehensive health, nutritional, education, social, and other services to assist children in attaining their full potential and to prepare children for school;

(B) full-day and part-day child care services (including after-school and summer programs), with appropriate health, nutritional, education, social, and other services;

(C) food and nutritional services;

(D) rental, lease or lease-purchase, mortgage amortization payments, remodeling, renovation, alteration, construction, or acquisition of facilities, including mobile facilities, and the acquisition of necessary equipment and supplies;

(E) programs designed (i) to meet the special needs of minority group, Indian, and migrant children with particular emphasis on the needs of children from bilingual families for the development of skills in English and the other language spoken in the home, and (ii) to meet the needs of all children to understand the history and cultural backgrounds of minority groups which belong to their communities;

(F) medical, dental, psychological, educational, and other appropriate diagnosis, identification, and treatment of visual, hearing, speech, nutritional, and other physical, mental, and emotional problems;

(G) prenatal and other medical services to expectant mothers who cannot afford such services, designed to help reduce malnutrition, infant and maternal mortality, and the incidence of mental retardation and other handicapping conditions, and postpartum and other medical services (including family planning information) to such recent mothers;

(H) incorporation within child care programs of special activities designed to identify and ameliorate physical, mental, and emotional handicaps and special learning disabilities and, where necessary because of the severity of such handicaps, establishing, maintaining, and operating separate child care programs designed primarily to meet the needs of handicapped children including emotionally disturbed children;

(I) preservice and inservice education and other training designed to prepare professional and paraprofessional personnel and parents and other family members to provide child care related services;

(J) Dissemination of information in the functional language of those to be served to assure that parents are well informed of child care programs available to them and may become directly involved in such programs;

(K) services, including in-home services, and training in the fundamentals of child care, for parents, older family members, and others functioning in the capacity of parents, youth, and prospective parents;

(L) programs designed to extend comprehensive prekindergarten early childhood education techniques and gains (particularly parent participation) into kindergarten and early primary grades (one through three), in cooperation with local educational agencies;

(M) such other services and activities as the Secretary deems appropriate in furtherance of the purposes of this Title; and

(3) staff and other administrative expenses of Child Care Councils established and operated in accordance with this Title.

"STATE PLAN

SEC. 103 (a) The Secretary shall approve a plan submitted by any State which sets forth satisfactory provisions for establishing and maintaining a State Child Care Council which meets the requirements of section 105 and which sets forth provisions for carrying out activities under the supervision of such Council for the purposes of—

(1) identifying child care goals and needs within the State;

(2) assisting prime sponsors other than the State in the establishment of Child Care Councils and strengthening the capability of such Councils to effectively plan, supervise, coordinate, monitor, and evaluate child care programs;

(3) providing for the cooperation and participation of State agencies providing child care and related services, including health, family planning, mental health, education, nutrition, and family, social, and rehabilitative services, in the development and implementation of the comprehensive child care plan of the State and where requested by any local prime sponsor;

(4) encouraging the full utilization of resources and facilities for child care programs within the State;

(5) disseminating the results of research on child care programs;

(6) conducting programs for the exchange of personnel involved in child care programs within the State;

(7) assisting public and private agencies and organizations in the acquisition or improvement of facilities for child care programs;

(8) monitoring and evaluating federally-assisted child care programs and projects within the State;

(9) assessing State and local licensing codes as they relate to child care programs within the State; and

(10) developing information useful in reviewing prime sponsorship plans under section 104(g) and comprehensive child care plans under section 106(b)(3).

(b) A State applying for designation as prime sponsor for geographical areas within the State which are not otherwise served by a local prime sponsor shall, in addition to the provisions required to be included in its prime sponsorship plan in accordance with section 104, set forth in its State plan adequate provisions—

(1) for designating local program areas each of which shall serve a geographical area covered by (A) a unit of general local government, or (B) units of general local government serving a total population of not more than fifty thousand persons;

(2) for establishing and maintaining with respect to each local program area a local policy council composed so that (A) not less than half of the members of each such council shall be parent members who shall be chosen initially by the parent member of Headstart policy committees where they exist, and at the earliest practicable time by the parent members of project policy committees established pursuant to section 107 (a)(2) of this title, and (B) the remainder shall be public members appointed by the chief executive officers or the governing bodies, as appropriate, of the units of general local government within the local program area;

(3) to assure that project applications shall be approved by the Child Care Council only if previously approved by the local policy council for the appropriate local program area;

(4) to assure that contracts for the operation of programs through public or private agencies or organizations shall be entered into only if previously approved by the local policy council for the appropriate local program area; and

(5) for the development and preparation with full participation and approval of the appropriate local policy council of that portion of the comprehensive child development plan to be submitted by the State which affects each local program area.

PRIME SPONSORS OF CHILD CARE PROGRAMS

SEC. 104. (a) In accordance with the provisions of this section, a State, unit or combination of units of general local government, Indian tribal organization, or public or private nonprofit agency or organization, meeting the requirements of this title may be designated by the Secretary as a prime sponsor for the purpose of entering into arrangements to carry out child care programs under this title, if the Secretary determines that any such applicant for prime sponsorship designation has the capability of effectively carrying out child care programs under this title and has submitted a satisfactory prime sponsorship plan which—

(1) describes the prime sponsorship area to be served;

(2) sets forth satisfactory provisions for establishing and maintaining a Child Care Council which meets the requirements of section 105;

(3) provides that such Council will be responsible for developing and preparing a comprehensive child care plan for each fiscal year and any modifications thereof;

(4) sets forth arrangements under which such Council will be responsible for planning, supervising, conducting, coordinating, monitoring, and evaluating child care programs in the prime sponsorship area;

(5) in the case of an applicant which is a State or a unit or combination of units of general local government, provides for the operation of programs under this part through contracts with public or private agencies or organizations, including but not limited to community action agencies, single-purpose Headstart agencies, local public and private educational agencies and institutions, community development corporations, parent cooperatives, organizations of Indians, and employer and employee organizations, which will serve children in a community or neighborhood or other area possessing a commonality of interest; and

(6) sets forth satisfactory provisions for coordination with educational agencies and providers of educational services;

(7) provides assurances that such Council will, by contract or other arrangement with State, local, or other public or private nonprofit agencies or organizations, provide, where available—

(A) child-related family, social, and rehabilitative services;

(B) health (including family planning) and mental health services;

(C) nutrition services; and

(D) training of professional and paraprofessional personnel.

(b) The Secretary shall approve a prime sponsorship plan submitted by a State if he determines that the plan so submitted meets the requirements of subsection (a) of this section and sets forth adequate arrangements for serving all geographical areas under its jurisdiction except for areas with respect to which local prime sponsors are designated under this section.

(c)(1) The Secretary shall approve a prime sponsorship plan submitted by a unit of general local government which is (A) a city having a population of twenty-five thousand or more persons, or (B) a county or other unit of general local government having a population of twenty-five thousand or more persons (excluding the number of such persons included within the population of any city which is designated as a prime sponsor under clause (A) of this paragraph), if he determines that the plan so submitted meets the requirements of subsection (a) of this section and includes adequate provisions for carrying out comprehensive child care programs in the area covered by such unit of general local government.

(2) In the event that the area under the jurisdiction of a unit of general local government described in clause (A) or (B) of paragraph (1) of this subsection includes any common geographical area with that covered by another such unit of general local government, the Secretary shall designate to serve such area the unit of general local government which he determines has the capability of more effectively carrying out the purposes of this Title with respect to such area and which has submitted a plan which meets the requirements of subsection (a) of this section and includes adequate provisions for carrying out comprehensive child care programs in such area.

(d) The Secretary shall approve a prime sponsorship plan submitted by a combination of units of general local government having a total population of twenty-five thousand or more persons (excluding the number of such persons included within the population of any city which is designated as a prime sponsor under clause (A) of subsection (c)(1)), if he determines that the plan so submitted meets the requirements of subsection (a) of this section and includes adequate provisions for carrying out comprehensive child care programs in the area covered by the combination of such units of general local government.

(e) The Secretary shall approve a prime sponsorship plan submitted by an Indian tribal organization if he determines that the plan so submitted meets the requirements of subsection (a) of this section and includes adequate provisions for carrying out comprehensive child care programs in the area to be served.

(f) The Secretary may approve a prime sponsorship plan submitted by a unit or combination of units of general local government regardless of population size or by a public or private nonprofit agency, including but not limited to a community action agency, single-purpose Headstart agency, public or private educational agency or institution, community development corporation, parent cooperative, organization of migrant agricultural workers, organization of Indians, employer organization, labor union, or employee or labor-management organization, if he determines that the plan so submitted meets the requirements of subsection (a) of this section and includes provisions setting forth—

(1) arrangements for serving children in a community or neighborhood or other urban or rural area possessing a commonality of interest in any area (A) with respect to which there is no prime sponsorship designation in effect, or (B) with respect to any portion of an area where a designated prime sponsor is found not to be satisfactorily implementing child care programs which adequately meet the purposes of this title, or (C) for making available special services, in accordance with criteria established by the Secretary, designed to meet the needs of economically disadvantaged or preschool children or children of working mothers or single parents; or

(2) arrangements for providing comprehensive child care programs on a year-round basis to children of migrant agricultural workers and their families; or

(3) arrangements for carrying out model programs especially designed to be responsive to the needs of economically disadvantaged, minority group, bilingual, or preschool children.

(g) The Governor shall be given not less than thirty nor more than sixty days to review applications for prime sponsorship designation submitted by any applicant other than the State, to offer recommendations to the applicant, and to submit comments to the Secretary.

(h) A prime sponsorship plan submitted under this section may be disapproved or a prior designation of a prime sponsor may be withdrawn only if the Secretary, in accordance with regulations which he shall prescribe, has provided (1) written notice of intention to disapprove such plan, including a statement of the reasons therefor, (2) a reasonable time in which to submit corrective amendments to such plan or undertake other necessary corrective action, and (3) an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

(i)(1) If any party is dissatisfied with the Secretary's final action under subsection (h) with respect to the disapproval of its plan submitted under this section or the withdrawal of its prime sponsorship designation, such party may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such party is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(2) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence. The Secretary may make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall be conclusive if supported by substantial evidence.

(3) The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(j) When any unit or combination of units of general government or other prime sponsor is maintaining a pattern and practice of discrimination against minority group persons, the Secretary shall approve the application for prime sponsorship of an alternative unit of government or public or private nonprofit agency or organization in the area which will equitably serve minority and economically disadvantaged persons.

(k) In the event that a State, a unit or combination of units of general local government, or an Indian tribal organization has not submitted a comprehensive child care plan under section 106 or the Secretary has not approved a plan so submitted, or where the Secretary has not designated or has withdrawn designation of prime sponsorship under this section, or where the needs of migrants, preschool-age children, or the children of working mothers or single parents, minority groups, or the economically disadvantaged are not being served, the Secretary may directly fund projects, including those in rural areas without regard to population, that he deems necessary in order to serve the children of the particular area.

CHILD CARE COUNCILS

"SEC. 105. (a) Every State and other prime sponsor designated under section 104 shall establish and maintain a Child Care Council composed of not less than 10 members as follows—

(1) not less than half of the members of such Council shall be parents of children served in child care programs under this part; and

(2) the remaining members shall be appointed by the prime sponsor to represent the public, but (A) not less than half of such members shall be persons who are broadly representative of the general public, including government agencies, public and private agencies and organizations in such fields as economic opportunity, health, education, welfare, employment and training, business or financial organizations or institutions, labor unions, and employers, and (B) the remaining members, the number of which shall be either equal to or one less than the number of members appointed under clause (A), shall be persons who are particularly skilled by virtue of training or experience in child development, child health, child welfare, or other child care services, except that the Secretary may waive or reduce the requirement of this clause (B) to the extent that he determines, in accordance with regulations which he shall prescribe, that such persons are not available to the area to be served. At least one-third of the total membership of the Child Care Council shall be parents who are economically disadvantaged. Each Council shall select its own chairman.

(b) In accordance with procedures which the Secretary shall establish pursuant to regulations, every State and other prime sponsor designated under section 104 shall provide, with respect to its Child Care Council—

(1) in the case of the Child Care Council of a State, (A) that the parent members described in paragraph (1) of subsection (a) of this section shall be chosen by the parent members of local policy councils established pursuant to section 104 of this title, and (B) that the public members described in paragraph (2) of subsection (a) of this section shall be appointed by the Governor of the State;

(2) in the case of the Child Care Council of a prime sponsor other than a State, (A) that the parent members described in paragraph (1) of subsection (a) of this section shall be chosen initially by the parent members of Headstart policy committees where they exist, and at the earliest practicable time by the parent members of project policy committees established pursuant to section 107(a)(2) of this title, and (B) that the public members described in paragraph (2) of subsection (a) of this section shall be appointed by the chief executive officer or the governing body, whichever is appropriate, of the prime sponsor;

(3) for such terms of office and other policies and procedures of an organizational nature, including nomination and election procedures, as are appropriate in accordance with the purposes of this part;

(4) that such Council shall have responsibility for approving basic goals, policies, actions, and procedures for the prime sponsor, and for planning, general supervision and oversight, overall coordination, personnel, budgeting, funding of projects, and monitoring and evaluation of projects each year according to criteria established by the Secretary; and

(5) that such Council shall, upon its own initiative or upon request of a project applicant or any other party in interest, conduct public hearings before acting upon applications for financial assistance submitted by project applicants under this title.

COMPREHENSIVE CHILD CARE PLANS

SEC. 106. (a) Financial assistance under this title may be provided by the Secretary for any fiscal year to a State or other prime sponsor designated under section 104 only pursuant to a comprehensive child care plan which is submitted by such prime sponsor and approved by the Secretary in accordance with the provisions of this title. Any such plan shall set forth a comprehensive program for providing child care services in the prime sponsorship area which—

(1) provides that programs or services under this Act shall be provided only for children whose parents or legal guardians request them;

(2) identifies child care needs and goals within the area and describes the purposes for which the financial assistance will be used;

(3) meets the needs of children in the prime sponsorship area, to the extent that available funds can be reasonably expected to have an effective impact, with priority to children who have not attained six years of age;

(4)(A) provides that funds received under section 103(a)(1) will be used for child care programs and services focused upon young children from low-income families, giving priority to continued financial assistance for Headstart projects by reserving for such projects from such funds in any fiscal year an amount at least equal to the aggregate amount received by public or private agencies and organizations within the prime sponsorship area for programs during the fiscal year ending June 30, 1973, under section 222(a)(1) of the Economic Opportunity Act of 1964, and (B) provides that programs receiving funds under section 103(d) will give priority to providing services for economically disadvantaged children by reserving not less than 65 per centum of the cost of programs receiving such funds for the purpose of serving children of families having an annual income below the lower living standard budget as determined under paragraph (5) of section 601;

(5) gives priority thereafter to providing child care programs and services to children of working mothers and single parents not covered under paragraph (4);

(6) provides procedures for the approval of project applications submitted in accordance with section 107;

(7) provides, in the case of a prime sponsor located within or adjacent to a metropolitan area, for coordination with other prime sponsors located within such metropolitan area, and arrangements for cooperative funding where appropriate, and particularly for such coordination where appropriate to meet the needs for child care services of children of parents working or participating in training or otherwise occupied during the day within a prime sponsorship area other than that in which they reside;

(8) provides that, to the extent feasible, each program within the prime sponsorship area will include children from a range of socioeconomic backgrounds;

(9) provides comprehensive services (A) to meet the special needs of minority group children and children of migrant agricultural workers with particular emphasis on the needs of children from bilingual families for development of skills in English and in the other language spoken in the home, and (B) to meet the needs of all children to understand the history and cultural background of minority groups which belong to the communities;

(10) provides equitably for the child care needs of children from each minority group and significant segment of the economically disadvantaged residing within the area served:

(11) provides, insofar as possible, for coordination of child care programs with other social programs (including but not limited to those relating to employment and manpower) so as to keep family units intact or in close proximity during the day;

(12) provides for direct parent participation in the conduct, overall direction, and evaluation of programs;

(13) includes to the extent feasible a career development plan for paraprofessional and professional training, education, and advancement on a career ladder;

(14) provides that, insofar as possible, persons residing in communities being served by such projects will receive jobs, including in-home and part-time jobs and opportunities for training in programs under title II of this Act, with special consideration for career opportunities for low-income persons;

(15) provides for the regular and frequent dissemination of information in the functional language of those to be served, to assure that parents and interested persons in the community are fully informed of the activities of the Child Care Council and of delegate agencies;

(16) assures that procedures and mechanisms for coordination have been developed in cooperation with agencies and organizations carrying out preschool programs and administrators of local educational agencies and nonpublic schools, at the local level, to provide continuity between programs for preschool and elementary school children and to coordinate programs conducted under this title and programs conducted pursuant to section

222(a)(2) of the Economic Opportunity Act of 1964 and the Elementary and Secondary Education Act of 1965;

(17) establishes arrangements in the area served for the coordination of programs conducted under the auspices of or with the support of business or financial institutions or organizations, industry, labor, employee and labor-management organizations, and other community groups;

(18) sets forth provisions describing any arrangements for the delegation, under the supervision of the Child Care Council, to public or private agencies, institutions, or organizations, of responsibilities for the delivery of programs, services, and activities for which financial assistance is provided under this title or for planning or evaluation services to be made available with respect to programs under this title;

(19) contains plans for regularly conducting surveys and analyses of needs for child care programs in the prime sponsorship area and for submitting to the Secretary a comprehensive annual report and evaluation in such form and containing such information as the Secretary shall require by regulation;

(20) provides that services for handicapped children, at both the State and local levels, will be used wherever available in programs approved under the plan;

(21) provides assurances satisfactory to the Secretary that the non-Federal share requirements will be met;

(22) provides for such fiscal control and funding accounting procedures as the Secretary may prescribe to assure proper disbursement of and accounting for Federal funds paid to the prime sponsor;

(23) provides that special consideration will be given to project applications submitted by public and private nonprofit agencies and organizations with ongoing programs; and

(24) provides assurance that in developing plans for any facilities due consideration will be given to excellence of architecture and design, and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project).

(b) No comprehensive child care plan or modification thereof submitted by a prime sponsor under this section shall be approved by the Secretary unless he determines, in accordance with regulations which the Secretary shall prescribe, that—

(1) each community action agency or single-purpose Headstart agency in the area to be served previously responsible for the administration of programs under this part or under section 222(a)(1) of the Economic Opportunity Act of 1964 has had an opportunity to submit comments to the prime sponsor and to the Secretary;

(2) the local educational agency for the area to be served and other appropriate educational and training agencies and institutions have had an opportunity to submit comments to the prime sponsor and to the Secretary; and

(3) in the case of a plan submitted by a prime sponsor other than the State, the State Child Care Council has had an opportunity to submit comments to the prime sponsor and to the Secretary.

(c) A comprehensive child care plan submitted under this section may be disapproved or a prior approval withdrawn only if the Secretary, in accordance with regulations which he shall prescribe, has provided (1) written notice of intention to disapprove such plan, including a statement of the reasons therefor, (2) a reasonable time to submit corrective amendments to such plan or undertake other necessary corrective action, and (3) an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

(d) In order to contribute to the effective administration of this Act, the Secretary shall establish appropriate procedures to permit prime sponsors to submit jointly a single comprehensive child care plan for the areas served by such prime sponsors.

PROJECT APPLICATIONS

SEC. 107. (a) Financial assistance under this title may be provided to a project applicant for any fiscal year only pursuant to a project application which is submitted by a public or private agency and which provides—

(1) that funds will be provided for carrying out any child care program under this title only to a qualified public or private agency or organization, including but not limited to a community action agency, single-purpose Headstart agency, public or private educational agency or institution, community development corporation, parent cooperative, organization of migrant agricultural workers, organization of Indians, private organization interested in child development, employer or business organization, labor union, or employee or labor-management organization;

(2) for establishing and maintaining project policy committees composed of not less than 10 members as follows—

(A) not less than half of the members of each such committee shall be parents of children served by such project, and

(B) the remaining members of each such committee shall consist of (i) persons who are representative of the community and who are approved by the parent members, and (ii) one person who is particularly skilled by virtue of training or experience in child development, child health, child welfare, or other child care services, except that the Secretary may waive the requirement of this clause (ii) where he determines, in accordance with regulations which he shall prescribe, that such person is not available to the area to be served;

(3) for direct participation of such project policy committees in the development and preparation of project applications under this title;

(4) that adequate provision will be made for training and other administrative expenses of such project policy committees (including necessary expenses to enable low-income members to participate in council or committee meetings);

(5) that project policy committees shall have responsibility for approving basic goals, policies, actions, and procedures for the project applicant, and for planning, overall conduct, personnel, budgeting, location of centers and facilities, and direction and evaluation of projects;

(6) that programs assisted under this title will provide for such comprehensive health, nutritional, education, social, and other services, as are necessary for the full development of each participating child;

(7) that adequate provision will be made for the regular and frequent dissemination of information in the functional language of those to be served, to assure that parents and interested persons are fully informed of project activities;

(8) that with respect to child care services provided by programs assisted under this title—

(A) no charge will be made with respect to any child who is a member of any family with an annual income equal to or less than $4,320 with appropriate adjustments in the case of families having more than two children, except to the extent that payment will be made by a third party (including a public agency); and

(B) such charges as the Secretary may provide will be made with respect to any child of any other family, in accordance with an appropriate fee schedule established by him, based upon the ability of the family to pay, which payment may be made in whole or in part by a third party in behalf of such family, except that any such charges with respect to any family with an income of less than the lower living standard budget (as determined in accordance with paragraph (5) of section 601) shall not exceed the sum of (i) an amount equal to 10 per centum of any family income which exceeds the highest income level at which no charges would be made with respect to children of such family under subparagraph (A) but does not exceed 85 per centum of such lower living standard budget, and (ii) an amount equal to 15 per centum of any family income which exceeds 85 per centum of such lower living standard budget but does not exceed 100 per centum of such lower living standard budget, and, if more than two children from the same family are participating, additional charges may be made not to exceed the sum of the amounts calculated in accordance with clauses (i) and (ii) with respect to each such additional child;

(9) that children will in no case be excluded from the programs operated pursuant to this title because of their participation in nonpublic preschool or school programs or because of the intention of their parents to enroll them in nonpublic schools when they attain school age;

(10) that programs will, to the extent appropriate, employ paraprofessional aides and volunteers, especially parents, older children, students, older persons, and persons preparing for careers in child care programs;

(11) that no person will be denied employment in any program solely on the ground that he fails to meet State or local teacher certification standards;

(12) that programs assisted under this title will provide for the utilization of personnel, including paraprofessional and volunteer personnel, adequate to meet the needs of each participating child;

(13) that there are assurances satisfactory to the Secretary that the non-Federal share requirements will be met; and

(14) that provision will be made for such fiscal control and fund accounting procedures as the Secretary shall prescribe to assure proper disbursement of and accounting for Federal funds.

(b) A project application may be approved by a prime sponsor upon its determination that such application meets the requirements of this section and that the programs provided for therein will otherwise further the objectives and satisfy the appropriate provisions of the prime sponsor's comprehensive child care plan as approved pursuant to section 106.

(c) A project application from a public or private nonprofit agency which is also a prime sponsor under section 103(f) shall be submitted directly to the Secretary, together with the comprehensive child care plan.

(d) A prime sponsor may disapprove a project application only if it provides to the project applicant a written statement of the reasons therefor. Such project applicant may submit an appeal to the Secretary requesting the direct approval of such application or modification thereof. Any such appeal shall include such comments, including the project applicant's response to the prime sponsor's statement of reasons for disapproval as the project applicant may deem appropriate or as the Secretary may require.

(e) A project application submitted directly to the Secretary may be approved by the Secretary upon his determination that it meets the requirements of subsection (a) of this section.

ADDITIONAL CONDITIONS FOR PROGRAMS INCLUDING CONSTRUCTION

SEC. 108. (a) Applications for financial assistance for projects including construction may be approved only if the Secretary determines that construction of such facilities is essential to the provision of adequate child care services, and that rental, lease or lease-purchase, remodeling, or renovation of adequate facilities is not practicable.

(b) If any facility assisted under this title shall cease to be used for the purposes for which it was constructed, the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds unless the Secretary determines in accordance with regulations that there is good cause for releasing the applicant or other owner from the obligation to to so. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

(c) All laborers and mechanics employed by contractors or subcontractors on all construction, remodeling, renovation, or alteration projects assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

(d) In the case of loans for construction, the Secretary shall prescribe the interest rate and the period within which such loan shall be repaid, but such interest rates shall not be less than 3 per centum per annum and the period within which such loan is to be repaid shall not be more than twenty-five years.

(e) The Federal assistance for construction may be in the form of grants or loans, provided that total Federal funds to be paid to other than public or private nonprofit agencies and organizations will not exceed 50 per centum of the construction cost, and will be in the form of loans. Repayment of loans shall, to the extent required by the Secretary, be returned to the prime sponsor from whose financial assistance the loan was made, or used for additional loans or grants under this Act. Not more than 15 per centum of the total financial assistance provided to a prime sponsor under this Title shall be used for construction of facilities, with no more than 7½ per centum of such assistance usable for grants for construction.

(f) In the case of a project for the construction of facilities and in the development of plans for such facilities due consideration shall be given to excellence of architecture and design and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project.

USE OF PUBLIC FACILITIES FOR CHILD DEVELOPMENT PROGRAMS

SEC. 109 (a) The Secretary, after consultation with other appropriate officials of the Federal Government, shall within eighteen months after enactment of this Act report to the Congress with respect to the extent to which facilities owned or leased by Federal departments, agencies, and independent authorities could be made available to public and private nonprofit agencies and organizations, through appropriate arrangements, for use as facilities for child care programs under this Act during times and periods when not utilized fully for their usual purposes, together with his recommendations (including recommendations for changes in legislation) or proposed actions for such use.

(b) The Secretary may require, as a condition to the receipt of assistance under this Title, that any prime sponsor under this Title agree to conduct a review and provide the Secretary with a report as to the extent to which facilities owned or leased by such prime sponsor, or by other agencies in the prime sponsorship area, could be made available, through appropriate arrangements, for use as facilities for child care programs under this Act during times and periods when not utilized fully for their usual purposes, together with the prime sponsor's proposed actions for such use.

PAYMENTS

SEC. 110 (a) In accordance with this section, the Secretary shall pay from the applicable allocation or apportionment under section 103 the Federal share of the costs of programs, services, and activities, in accordance with plans or applications which have been approved as provided in this Title. In making such payment to any prime sponsor, the Secretary shall include in such costs an amount for staff and other administrative expenses for the Child Care Council not to exceed an amount which is reasonable when compared with such costs for other prime sponsors.

(b) (1) Except as provided in paragraphs (2) and (3) of this subsection, the Secretary shall pay an amount not in excess of 90 per centum of the cost of carrying out programs, services, and activities under this Title. The Secretary may, in accordance with such regulations as he shall prescribe, approve assistance in excess of such percentage if he determines that such action is required to provide adequately for the child care needs of economically disadvantaged children.

(2) The Secretary shall pay an amount equal to 100 per centum of the costs of providing child care programs for children of migrant agricultural workers and their families under this title.

(3) The Secretary shall pay an amount equal to 100 per centum of the costs of providing child care programs for children in Indian tribal organizations under this title.

(c) The non-Federal share of the costs of programs assisted under this title may be provided through public or private funds and may be in the form of cash, goods, services, or facilities (or portions thereof that are used for program purposes), reasonably evaluated, or union or employer contributions. Fees collected for services provided pursuant to section 107(a)(8) shall not be used to make up the non-Federal share, but shall be used by the project applicant for the same purposes as payments under this section, except that, in the case of projects assisted under a comprehensive child care plan, such fees shall be turned over to the appropriate prime sponsor for distribution in the same manner as the prime sponsor's allocation under section 106(a)(4).

(d) If, with respect to any fiscal year, a prime sponsor or project applicant provides non-Federal contributions for any program, service, or activity exceeding its requirements, such excess may be applied toward meeting the requirements for such contributions for the subsequent fiscal year under this title.

(e) No State or unit of general local government shall reduce its expenditures for child care programs by reason of assistance under this title.

TITLE II—TRAINING, TECHNICAL ASSISTANCE, PLANNING, AND EVALUATION

PRESERVICE AND INSERVICE TRAINING

SEC. 201. The Secretary is authorized to make payments to provide financial assistance to enable individuals employed or preparing for employment in child care programs assisted under this Act, including volunteers, to participate in programs of preservice or inservice training for professional and nonprofessional personnel, to be conducted by any agency carrying out a child care program, or any institution of higher education, including a community college, or by any combination thereof.

TECHNICAL ASSISTANCE AND PLANNING

SEC. 202. The Secretary shall, directly or through grant or contract, make technical assistance available to prime sponsors and to project applicants participating or seeking to participate in programs assisted under this Act on a continuing basis to assist them in planning, developing, and carrying out child care programs.

EVALUATION

SEC. 203. (a) The Secretary shall, through the Office of Child Development unless the Secretary determines otherwise, make an evaluation of Federal involvement in child care activities and services, which shall include—

(1) enumeration and description of all Federal activities which affect child care;

(2) analysis of expenditures of Federal funds for such activities and services;

(3) determination of the effectiveness of such activities and services;

(4) the extent to which preschool, minority group, and economically disadvantaged children and their parents have participated in programs under this Act; and

(5) such recommendations to the Congress as the Secretary may deem appropriate.

(b) The results of the evaluation required by subsection (a) of this section shall be reported to the Congress not later than eighteen months after the date of enactment of this Act.

(c) The Secretary shall establish such procedures as may be necessary to conduct an annual evaluation of Federal involvement in child care programs, and shall report the results of each such evaluation to Congress.

(d) Prime sponsors and project applicants assisted under this Act and departments and agencies of the Federal Government shall, upon request by the Secretary, make available, consistent with other provisions of law, such information as the Secretary determines is necessary for purposes of making the evaluation required under subsection (c) of this section.

(e) The Secretary may enter into contracts with public or private agencies, organizations, or individuals to carry out the provisions of this section.

(f) The Secretary shall reserve for the purposes of this section not less than 1 per centum, and may reserve for such purposes not more than 2 per centum, of the amounts available under paragraphs (2) and (3) of section 103(a) of this Act for any fiscal year.

FEDERAL STANDARDS FOR CHILD CARE SERVICES

SEC. 204. (a) Within six months after the enactment of this Act, the Secretary shall, after consultation with other Federal agencies and with the Committee established pursuant to subsection (c) of this section, promulgate a common set of program standards which shall be applicable to all programs providing child care services with Federal assistance under this Act, to be known as the Federal Standards for Child Care Services. If the Secretary disapproves the Committee's recommendations, he shall state the reasons therefor.

(b) The Federal Interagency Day Care Requirements, as approved by the Department of Health, Education, and Welfare, the Office of Economic Opportunity, and the Department of Labor on September 23, 1968, shall be applicable to all programs providing child care services with Federal assistance under this Act.

(c) The Secretary shall, within sixty days after enactment of this Act, appoint a Special Committee on Federal Standards for Child Care Services, which shall include parents of children enrolled in child care programs, representatives of public and private agencies and organizations administering child care programs, and specialists and others interested in the care and development of children. Not less than one-half of the membership of the Committee shall consist of parents of children participating in programs conducted under section 222(a)(1) of the Economic Opportunity Act of 1964 and title IV of the Social Security Act and title I of this Act. Such Committee shall participate in the development of Federal Standards for Child Care Services and modifications thereof as provided in subsection (a).

DEVELOPMENT OF UNIFORM MINIMUM CODE FOR FACILITIES

SEC. 205. (a) The Secretary shall, within sixty days after enactment of this Act, appoint a special committee to develop a uniform minimum code for facilities, to be used in licensing child development facilities. Such standards shall deal principally with those matters essential to the health, safety, and physical comfort of the children and the relationship of such matters to the Federal Standards for Child Care Services under section 204.

(b) The special committee appointed under this section shall include parents of children participating in child care programs and representatives of State and local licensing agencies, public health officials, fire prevention officials, the construction industry and unions, public and private agencies or organizations administering child care programs, and national agencies or organizations interested in the care and development of children. Not less than one-half of the membership of the committee shall consist of parents of children enrolled in programs conducted under section 222(a)(1) of the Economic Opportunity Act of 1964 and title IV of the Social Security Act and title I of this Act.

(c) Within one year after its appointment, the special committee shall complete a proposed uniform minimum code for facilities and shall hold public hearings on the proposed code prior to submitting its final recommendation to the Secretary for his approval.

(d) After considering the recommendations submitted by the special committee in accordance with subsection (c), the Secretary shall promulgate standards which shall be applicable to all facilities receiving Federal financial assistance under this Act or in which programs receiving Federal financial assistance under this Act are operated. If the Secretary disapproves the committee's recommendations, he shall state the reasons therefor. The Secretary shall also distribute such standards and urge their adoption by States and local governments. The Secretary may from time to time modify the uniform code for facilities in accordance with procedures set forth in this section.

TITLE III—FACILITIES FOR CHILD CARE PROGRAMS

MORTGAGE INSURANCE FOR CHILD CARE FACILITIES

SEC. 301. (a) It is the purpose of this title to assist and encourage the provision of urgently needed facilities for child care programs.

(b) For the purpose of this title—

(1) The term 'child care facility' means a facility of a public or private profit or nonprofit agency or organization, licensed or regulated by the State (or, if there is no State law providing for such licensing and regulation by the State, by the municipality or other political subdivision in which the facility is located), for the provision of child care programs.

(2) The terms 'mortgage', 'mortgagor', 'mortgagee', 'maturity date', and 'State' shall have the meanings respectively set forth in section 207 of the National Housing Act.

(c) The Secretary of Health, Education, and Welfare is authorized to insure any mortgage (including advances on such mortgage during construction) in accordance with the provisions of this section upon such terms and conditions as he may prescribe and make commitments for insurance of such mortgage prior to the date of its execution or disbursement thereon.

(d) In order to carry out the purpose of this section, the Secretary of Health, Education, and Welfare is authorized to insure any mortgage which covers a new child care facility, including equipment to be used in its operation, subject to the following conditions:

(1) The mortgage shall be executed by a mortgagor, approved by the Secretary of Health, Education, and Welfare, who demonstrate ability successfully to operate one or more child care programs. The Secretary of Health, Education, and Welfare may in his discretion require any such mortgagor to be regulated or restricted as to minimum charges and methods of financing, and, in addition thereto, if the mortgagor is a corporate entity, as to capital structure and rate of return. As an aid to the regulation or restriction of any mortgagor with respect to any of the foregoing matters, the Secretary of Health, Education, and Welfare may make such contracts with and acquire for not to exceed $100 such stock or interest in such mortgagor as he may deem necessary. Any stock or interest so purchased shall be paid for out of the Child Care Facility Insurance Fund, and shall be redeemed by the mortgagor at par upon the termination of all obligations of the Secretary of Health, Education, and Welfare under the insurance.

(2) The mortgage shall involve a principal obligation in an amount not to exceed $250,000 and not to exceed 90 per centum of the estimated replacement cost of the property or project, including equipment to be used in the operation of the child care facility, when the proposed improvements are completed and the equipment is installed.

(3) The mortgage shall—

(A) provide for complete amortization by periodic payments within such term as the Secretary of Health, Education, and Welfare shall prescribe, and

(B) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per annum on the principal obligation outstanding at any time as the Secretary of Health, Education, and Welfare finds necessary to meet the mortgage market.

(4) The Secretary of Health, Education, and Welfare shall not insure any mortgage under this section unless he has determined that the child care facility to be covered by the mortgage will be in compliance with the Uniform Minimum Code for Facilities approved by the Secretary pursuant to section 205.

(5) The Secretary of Health, Education, and Welfare shall not insure any mortgage under title I of this Act comments concernceived from the prime sponsor designated under Title I of this Act comments concerning the consistency of the facility with the prime sponsor's comprehensive child care plan.

(6) In the plans for such child care facility, due consideration shall be given to excellence of architecture and design, and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project).

(e) The Secretary of Health, Education, and Welfare shall fix and collect premium charges for the insurance of mortgages under this section which shall be payable annually in advance by the mortgagee, either in cash or in debentures of the Child Care Facility Insurance Fund (established by subsection (h)) issued at par plus accrued interest. In the case of any mortgage such charge shall be not less than an amount equivalent to one-fourth of 1 per centum per annum nor more than an amount equivalent to 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any one time, without taking into account delinquent payments or prepayments. In addition to the premium charge herein provided for, the Secretary of Health, Education, and Welfare is authorized to charge and collect such amounts as he may deem reasonable for the appraisal of a property or project during construction; but such charges for appraisal and inspection shall not aggregate more than 1 per centum of the original principal face amount of the mortgage.

(f) The Secretary of Health, Education, and Welfare may consent to the release of a part or parts of the mortgaged property or project from the lien of any mortgage insured under this section upon such terms and conditions as he may prescribe.

(g)(1) The Secretary of Health, Education, and Welfare shall have the same functions, powers and duties (insofar as applicable) with respect to the insurance of mortgages under this section as the Secretary of Housing and Urban Development has with respect to the insurance of mortgages under title II of the National Housing Act.

(2) The provisions of subsections (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 of the National Housing Act shall apply to mortgages insured under this section; except that, for the purposes of their application with respect to such mortgages, all references in such provisions to the General Insurance Fund shall be deemed to refer to the Child Care Facility Insurance Fund, and all references in such provisions to 'Secretary' shall be deemed to refer to the Secretary of Health, Education, and Welfare.

h(1) There is hereby created a Child Care Facility Insurance Fund which shall be used by the Secretary of Health, Education, and Welfare as a revolving fund for carrying out all the insurance provisions of this section. All mortgages insured under this section shall be insured under and be the obligation of the Child Care Facility Insurance Fund.

(2) The general expenses of the operations of the Department of Health, Education, and Welfare relating to mortgages insured under this section may be charged to the Child Care Facility Insurance Fund.

(3) Moneys in the Child Care Facility Insurance Fund not needed for the current operations of the Department of Health, Education, and Welfare with respect to mortgages insured under this section shall be deposited with the Treasurer of the United States to the credit of such Fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Secretary of Health, Education, and Welfare may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued as obligations of the Child Care Facility Insurance Fund. Such purchasers shall be made at a price which will provide an investment yield of not less than the yeld obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

(4) Premium charges, adjusted premium charges, and appraisal and other fees received on account of the insurance of any mortgage under this section, the receipts derived from property covered by such mortgages and from any claims, debts, contracts, property, and security assigned to the Secretary of Health, Education, and Welfare in connection therewith, and all earnings on the assets of the Fund, shall be credited to the Child Care Facility Insurance Fund. The principal of, and interest paid and to be paid on, debentures which are the obligation of such Fund, cash insurance payments and adjustments, and expenses incurred in the handling, management, renovation, and disposal of properties acquired, in connection with mortgages insured under this section, shall be charged to such Fund.

(5) In order to provide initial capital for the Child Care Facility Insurance Fund and

to assure the soundness of such Fund thereafter, there are authorized to be appropriated such sums as may be necessary, in addition to any amounts which may be made available by the Secretary pursuant to section 4(a)(2) of this title.

TITLE IV—FEDERAL GOVERNMENT CHILD CARE PROGRAMS

PROGRAM AUTHORIZED

SEC. 401. (a) The Secretary is authorized to provide financial assistance for the purpose of establishing and operating child care programs (including the lease, rental, or construction of necessary facilities and the acquisition of necessary equipment and supplies) for the children of employees of the Federal Government.

(b) Employees of any Federal agency or group of such agencies employing eighty or more working parents of young children who desire to participate in a program under this part shall—

(1) designate or create for the purpose an agency child care committee, the membership of which shall be broadly representative of the working parents employed by the agency or agencies; and

(2) submit to the Secretary a plan approved by the official in charge of such agency or agencies, which—

(A) provides that the child care program shall be administered under the direction of the agency child care committee;

(B) provides that the program will meet the Federal Standards for Child Care Services promulgated under section 204 of this Act;

(C) provides a means of determining priority of eligibility among parents wishing to use the services of the program;

(D) provides for a scale of fees based upon the parents' financial status; and

(E) provides for competent management, staffing, and facilities for such program.

(c) The Secretary shall not make payments under this section unless he has received approval of the plan from the official in charge of the agency whose employees will be served by the child care program.

PAYMENTS

SEC. 402. (a) Not more than 80 per centum of the total cost of child care programs under this title shall be paid from Federal funds available under this Act.

(b) The share of the total cost not available under paragraph (a) may be provided through public or private funds and may be in the form of cash, goods, services, or facilities (or portions thereof that are used for program purposes), reasonably evaluated, fees collected from parents, or union or employer contributions.

(c) If, in any fiscal year, a program under this title provides non-Federal contributions exceeding its requirements under this section, such excess may be used to meet the requirements for such contributions for the succeeding fiscal year.

(d) In providing financial assistance under this title, the Secretary shall, insofar as feasible, distribute funds among the States according to the same ratio as the number of Federal employees in that State bears to the total number of Federal employees in the United States.

TITLE V—RESEARCH AND DEMONSTRATION

DECLARATION OF PURPOSES

SEC. 501. The purposes of this title are to focus national research efforts to attain a fuller understanding of the processes of child development and the effects of organized programs upon these processes; to develop effective programs for research into child development; and to assure that the result of research and development efforts are reflected in the conduct of programs affecting children through the improvement and expansion of child care and related programs.

RESEARCH AND DEMONSTRATION PROJECTS

SEC. 502. (a) In order to further the purposes of this title, the Secretary shall carry out a program of research and demonstration projects, which shall include but not be limited to—

(1) research to determine the nature of child development processes and the impact of various influences upon them, to develop techniques to measure and evaluate child development, to develop standards to evaluate professional and paraprofessional child care personnel, and to determine how child care and related programs conducted in either home or institutional settings affect child development processes;

(2) research to test alternative methods of providing child care and related services, and to develop and test innovative approaches to achieve maximum development of children;

(3) evaluation of research findings and the development of these findings and the effective application thereof;

(4) dissemination and application of research and development efforts and demonstration projects to child care and related programs and early childhood education, using regional demonstration centers and advisory services where feasible;

(5) production of informational systems and other resources necessary to support the activities authorized by this title; and

(6) integration of national child development research efforts into a focused national research program, including the coordination of research and development conducted by other agencies, organizations, and individuals.

(b) In order to carry out the program provided for in subsection (a), the Secretary is authorized to make grants to or enter into contracts or other arrangements with public or private nonprofit agencies (including other Government agencies), organizations, and institutions, and to enter into contracts with private agencies, organizations, institutions, and individuals.

COORDINATION OF RESEARCH

SEC. 503. (a) Funds available to any Federal department or agency for the purpose stated in section 501 or the activities stated in section 502(a) shall be available for transfer, with the approval of the head of the department or agency involved, in whole or in part, to the Secretary for such use as is consistent with the purposes for which such funds were provided, and the funds so transferred shall be expendable by the Secretary for the purposes for which the transfer was made.

(b) The Secretary shall coordinate, through the Office of Child Development established under section 602 of this Act, all child development research, training, and development efforts conducted within the Department of Health, Education, and Welfare and, to the extent feasible, by other agencies, organizations, and individuals.

(c) A Child Care and Development Research Council, consisting of a representative of the Office of Child Development established under section 602 of this Act (who shall serve as chairman), and representatives from the Federal agencies administering the Social Security Act and the Elementary and Secondary Education Act of 1965 and from the National Institute of Mental Health, the National Institute of Child Health and Human Development, the Office of Economic Opportunity, the Department of Labor, and other appropriate agencies, shall meet at least annually and at such more frequent times as they may deem necessary, in order to assure coordination of child care and development and related activities under their respective jurisdictions and to carry out the provisions of this title so as to assure—

(1) maximum utilization of available resources through the prevention of duplication of activities;

(2) a division of labor, insofar as is compatible with the purposes of each of the agencies or authorities specified in this paragraph, to assure maximum progress toward the achievement of the purposes of this title; and

(3) recommendation of priorities for federally funded research and development activities related to the purposes of this title and those stated in section 2.

ANNUAL REPORT

SEC. 504. The Secretary shall make an annual report to Congress summarizing his activities and accomplishments during the preceding year under this title; the grants, contracts, or other arrangements entered into during the preceding year under this title, and making such recommendations as he may deem appropriate.

TITLE VI—GENERAL PROVISIONS

DEFINITIONS

SEC. 601. As used in this Act, the term—

(1) "Secretary" means the Secretary of Health, Education, and Welfare;

(2) "State" means the several States and the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

(3) "child care programs" means programs provided on a full-day or part-day basis which provide the educational, nutritional, social, medical, psychological, and physical services needed for children to attain their full potential;

(4) "children" means individuals who have not attained the age of fifteen;

(5) "economically disadvantaged children" means any children of a family having an annual income below the lower living standard budget (adjusted for regional and metropolitan, urban, and rural differences, and family size), as determined annually by the Bureau of Labor Statistics of the Department of Labor.

(6) "handicapped children" includes mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children or children with specific learning disabilities who by reason thereof require special education and related services;

(7) "program" includes, but is not limited to, any program, service, or activity, which is conducted full or part time, in child care facilities, in schools, in neighborhood centers, or in homes, and includes child care services for children whose parents are working or receiving education or training.

(8) "parent" means any person who has day-to-day parental responsibility for any child;

(9) "single parent" means any person who has sole day-to-day responsibility for any child;

(10) "working mother" means any mother who requires child care services in order to undertake or continue full- or part-time work, training, or education outside her home;

(11) "minority group" includes, but is not limited, to, persons who are Negro, American Indian, Spanish-surnamed American, Portuguese, or Oriental, and, as determined by the Secretary, children who are from environments in which a dominant language is other than English and who, as a result of language barriers, do not have an equal educational opportunity, and, for the purpose of this paragraph, Spanish-surnamed Americans include persons of Mexican, Puerto Rican, Cuban, or Spanish origin or ancestry;

(12) "bilingual" includes, but is not limited to, persons who are Spanish surnamed, American Indian, Oriental, Portuguese, or others who have learned during childhood to speak the language of the minority group of which they are members and who, as a result of language barriers, do not have an equal educational opportunity;

(13) "local educational agency" means any such agency as defined in section 801(f) of the Elementary and Secondary Education Act of 1965;

(14) "institution of higher education" means any such institution as defined in section 1201(a) of the Higher Education Act of 1965.

OFFICE OF CHILD DEVELOPMENT

SEC. 602. The Secretary shall take all necessary action to coordinate child care programs under his jurisdiction. To this end, he shall establish within the Department of Health, Education, and Welfare an Office of Child Development, administered by a Director, which shall be the principal agency of the Department for the administration of this Act and for the coordination of programs and other activities relating to child care.

NUTRITION SERVICES

SEC. 603. In accordance with the purposes of this Act, the Secretary of Health, Education, and Welfare shall establish procedures to assure that adequate nutrition services will be provided in child care programs under this Act. Such services shall make use of the Special Food Service Program for children as defined under section 13 of the National School Lunch Act of 1946 and the Child Nutrition Act of 1966, to the fullest extent appropriate and consistent with the provisions of such Acts.

SPECIAL PROVISIONS

SEC. 604. (a) The Secretary may make such grants, contracts, or agreements, establish such procedures, policies, rules, and regulations, and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this Act, as he may deem necessary to carry out the provisions of this Act, including necessary adjustments in payments on account of overpayments or underpayments. Subject to the provisions of section 605, the Secretary may also withhold funds otherwise payable under this Act in order to recover any amounts expended in the current or immediately prior fiscal year in violation of any provision of this Act or any term or condition of assistance under this Act.

(b) The Secretary shall prescribe regulations to assure that programs under this Act have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.

(c) The Secretary shall not provide financial assistance for any program, service, or activity under this Act unless he determines that persons employed thereunder, other than persons who serve without compensation, shall be paid wages which shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 206), if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay for persons employed in similar occupations by the same employer.

(d) The Secretary shall not provide financial assistance for any program under this Act which involves political activities; and neither the program, the funds provided therefor, nor personnel employed in the administration thereof, shall be engaged, in any way or to any extent, in the conduct of political activities in contravention of section 603 of the Economic Opportunity Act of 1964.

(e) The Secretary shall not provide financial assistance for any program under this Act unless he determines that no funds will be used for and no person will be employed under the program on the construction of so much of any facility as is for use for sectarian instruction or as a place for religious worship or on the operation or maintenance of any facility other than in connection with the use of such facility for child care programs.

(f) A child participating in a program assisted under this Act shall not be required to undergo medical or psychological examination, immunization (except to the extent necessary to protect the public from epidemics of contagious diseases), or treatment if his parent of guardian objects thereto in writing on religious grounds.

WITHHOLDING OF GRANTS

SEC. 605. Whenever the Secretary, after reasonable notice and opportunity for a hearing for any prime sponsor or project applicant finds—

(1) that there has been a failure to comply substantially with any requirement set forth in the plan of any such prime sponsor approved under section 106; or

(2) that there has been a failure to comply substantially with any requirement set forth in the application of any such project applicant approved pursuant to section 107; or

(3) that in the operation of any program or project carried out by any such prime sponsor or project applicant under this Act there is a failure to comply substantially with any applicable provision of this Act or regulation promulgated thereunder;

the Secretary shall notify such prime sponsor or project applicant of his findings and that no further payments may be made to such sponsor or applicant under this Act (or in his discretion that any such prime sponsor shall not make further payments under this Act to specified project applicants affected by the failure) until he is satisfied that there is no longer any such failure to comply, or the noncompliance will be promptly corrected. The Secretary may authorize the continuation of payments with respect to any project assisted under this Act which is being carried out pursuant to such plan or application and which is not involved in the noncompliance.

ADVANCE FUNDING

SEC. 606. (a) For the purpose of affording adequate notice of funding available under this Act, such funding for grants, contracts, or other payments under this Act is authorized to be included in the appropriations Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to effect a transition to the advance funding method of timing appropriation action, subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

PUBLIC INFORMATION

SEC. 607. Applications for designation as prime sponsors, comprehensive child care plans, project applications, and all written material pertaining thereto shall be made readily available without charge to the public by the prime sponsor, the applicant, and the Secretary.

FEDERAL CONTROL NOT AUTHORIZED

SEC. 608. No department, agency, officer, or employee of the United States shall, under authority of this Act, exercise any direction, supervision, or control over, or impose any requirements or conditions with respect to, the personnel, curriculum, methods of instruction, or administration of any educational institutions.

NONDISCRIMINATION PROVISIONS

SEC. 609. (a) The Secretary shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect to such program specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

(b) No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with, any program or activity receiving assistance under this Act. The Secretary shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken by the Secretary to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if on the ground of sex that person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with, any program or activity receiving assistance under this title.

LIMITATION ON RESEARCH AND EXPERIMENTATION

SEC. 610. The Secretary is directed to establish appropriate procedures to ensure that no child shall be the subject of any research or experimentation under this Act other than routine testing and normal program evaluation unless the parent or guardian of such child is informed of such research or experimentation and is given an opportunity as of right to except such child therefrom.

PARENTAL RESPONSIBILITY

SEC. 611. Nothing in this Act shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to the moral, mental, emotional, or physical development of their children. Nor shall any section of this Act be construed or applied in such a manner as to permit any invasion of privacy otherwise protected by law, or to abridge any legal remedies for any such invasion which are otherwise provided by law.

(b) In order to achieve, to the greatest degree feasible, the consolidation and coordination of programs providing child care services, while assuring continuity of existing programs during transition to the programs authorized under this title, the Economic Opportunity Act of 1964 is amended, effective July 1, 1974, as follows:

(1) Section 222(a)(1) of such Act is repealed.

(2) Section 162(b) of such Act is amended by inserting after "day care for children" the following: "(wherever feasible, through child care programs under title V of this Act)".

(3) Section 123(a)(6) of such Act is amended by inserting after "day care for children" the following: "(wherever feasible, through child care programs under title V of this Act)".

(4) Section 312(b)(1) of such Act is amended by inserting after "day care for children" the following: "(wherever feasible, through child care programs under title V of this Act)".

(c) The Director of the Office of Economic Opportunity and the Secretary of Health, Education, and Welfare shall take all necessary steps to coordinate programs under their jurisdictions which provide day care, with a view to establishing, insofar as possible, a common set of program standards and regulations, and mechanisms for coordination at the State and local levels.

(d) (1) Section 203(j)(1) of the Federal Property and Administrative Services Act of 1949 is amended by striking out "or civil defense" and inserting in lieu thereof "civil defense, or the operation of child care facilities".

(2) Section 203(j)(3) of such Act is amended—

(A) by striking out, in the first sentence, "or public health" and inserting in lieu thereof "public health, or the operation of child care facilities".

(B) by inserting after "handicapped," in clause (A) and clause (B) of the first sentence the following: "child care facilities,", and

(C) by inserting after "public health purposes" in the second sentence the following: ", or for the operation of child care facilities,".

(3) Section 203(j) of such Act is amended by adding at the end thereof the following new paragraph:

"(8) The term 'child care facility' means any such facility as defined in 541(b)(1) of the Economic Opportunity Act of 1964."

AMNESTY FOR RESISTERS AND DESERTERS?

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. MICHEL. Mr. Speaker, like a good many of my colleagues, I have been a little concerned about the hearings before a subcommittee in the other body dealing with the question of amnesty for those young men who have resisted the Vietnam war by violating the Selective Service Act or those have chosen to desert after serving on active duty for a time.

To say the least, the timing of these hearings is questionable and in that regard I was interested to read an editorial appearing in the March 3, 1972, edition of the Chicago Tribune entitled "No Time for Amnesty", and another editorial from the March 4, 1972, edition of the New Haven Register entitled "Ill-Timed Debate on Amnesty". I ask that the text of both editorials be placed in the RECORD at this point.

The articles follow:

[From the Chicago Tribune, March 3, 1972]

NO TIME FOR AMNESTY

In his eagerness to find historical precedent for granting amnesty to Viet Nam War resisters, a proposal being considered by his Senate judiciary subcommittee's investigation of Selective Service procedures, Sen. Edward M. Kennedy told his committee members that "after the Civil War we gave amnesty to traitors."

He might as well have stabbed every southern Democrat in the heart. A fellow committee member, Sen. Strom Thurmond [R., S.C.], rose wrathfully to the occasion, saying he would never allow that word [traitor] to be used to describe his Confederate-soldier grandfather or any other citizens of states which seceded from the Union.

Mr. Kennedy's unfortunate analogy could not have been more inaccurate. Those who wore Confederate grey took up arms to fight for a cause. In the case of Viet Nam, amnesty is being sought for those who refused to take up arms, who went to prison or fled overseas to avoid the draft, or even, by some for those who deserted from the Army rather than serve in Viet Nam.

Kennedy has said that he generally favors unconditional amnesty for all at the end of hostilities in Viet Nam, a far more liberal approach than that proposed by Sen. Robert Taft [R., Ohio]. Taft has introduced a bill granting amnesty after hostilities to all, except deserters, who would agree to serve three years in the military or accept alternative work in civilian government service.

No amnesty proposal is acceptable to Curtis W. Tarr, director of Selective Service. Tarr told the subcommittee at its opening session Monday that granting amnesty to young men who avoided the draft rather than fight in Viet Nam would wreck the military induction process and would be unfair to those who had served willingly. Even if amnesty were coupled with alternative civilian service it would seriously impair inductions, Tarr said.

It is estimated that between 30,000 and 70,000 draft dodgers are in Canada. Several hundred more, including many deserters, are in Sweden. Some 500 have been sentenced to prison for draft evasion. Another 6,000 draft registrants face possible prosecution, Tarr said.

Enactment of any amnesty law now, said Tarr, might some day prove to be an unwelcomed tradition, jeopardizing the safety of the nation in future conflicts. The draft director also testified that it would set a dangerous precedent for selective acceptance of laws. Mr. Tarr is on solid ground. Amnesty is a risky measure not only until after the war but also until a durable volunteer army is established.

[From the New Haven Register, March 4, 1972]

ILL-TIMED DEBATE ON AMNESTY

This is a most unpropitious time to conduct a national debate on the issue of amnesty for Vietnam War resisters who have deserted the armed forces or violated draft laws. The emotionalism stirred by the Senate Judiciary subcommittee hearings show the climate is not favorable for dragging out the amnesty argument.

While the Vietnam War still goes on discussion of amnesty is premature. Granted. President Nixon is winding down the American involvement at a steady pace. The light at the end of the tunnel can be glimpsed. Yet the possibility of complete American withdrawal in the not-too-distant future seems even more reason for postponing the amnesty decision. Why get into this divisive, soul-searching question now if the atmosphere for calmer consideration might develop before long?

The timing of the hearings is suspect on political grounds in this presidential-election year. Doves, having been deprived of the war itself as a vital political issue, are attempting to substitute the amnesty question for it.

Discussion of amnesty is out of order with American prisoners of war being held in Vietnam. This point has been made by President Nixon, who has taken an attitude that allows all sides to strike a bi-partisan stance on amnesty.

With the U.S. trying to withdraw honorably from Vietnam, with American soldiers still dying, suffering and serving in the war, amnesty discussion can only rub salt into old wounds and revive bitterness. There will be time enough, when the war is over, to talk about amnesty more thoughtfully.

PRESIDENT NIXON'S TRIP TO CHINA

HON. GLENN R. DAVIS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. DAVIS of Wisconsin. Mr. Speaker, President Nixon's epochal trip to China has aroused great interest, and captured the imagination of Americans of all ages.

Among those affected were the young boys and girls of Mrs. Cloninger's kindergarten class at the Heyer School, in Waukesha, Wis. As a tangible outlet of their interest, these young people wrote a song entitled "President Nixon" and while I cannot set forth the musical score here, I can relate the words as follows:

President Nixon is very good,
And he is strong and kind.
He took a trip to China
Love and Peace to find.

Who among their elders could more directly and simply express their feelings in relation to one of the great events of our day?

RATIFICATION OF TREATIES BETWEEN WEST GERMANY AND THE SOVIET UNION AND POLAND

HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. MATHIS of Georgia. Mr. Speaker, America and the free world have a vital interest in the debate now underway in the German Bundestag over ratification of treaties between West Germany and the Soviet Union and Poland.

It would appear that Chancellor Willy Brandt's Ostpolitik brings few, if any, advantages to West Germany and her traditional allies while offering many concessions to East German, Polish, and Russian Communists. Past concessions to communism in return for future promises of security and the easing of tensions have always turned out to be in the best interests of the Communists.

We all recognize that the outcome of the treaties will quite properly be decided by the German people themselves. However, in view of the fact that we have stood side-by-side with Germany for the past quarter century, I feel it is proper for concerned Americans to make their feelings known about this country's stake in the formation of a rather precarious political policy.

So that Members of Congress and those who read the CONGRESSIONAL RECORD may be better informed on this important issue, I would like to share excerpts from a speech by Dr. Franz Josef Strauss in the German Bundestag on February 24, 1972. Dr. Strauss' remarks follow in abbreviated form:

REMARKS OF DR. FRANZ JOSEF STRAUSS

George Ball held several days ago a remarkable speech in Zurich, the Winston Churchill memorial speech. He said that the Soviet Union does not want to march into Western Europe with brutal display of military might, in order not to provoke America, but that its instrument is at present rather a slow infiltration and the psychological ensnarling of the adversary.

Is this statement not being daily confirmed by certain events in the interior of our country?

May I ask another question, not of the Government, but of all of us: Why does the

Soviet Union praise the policies of Brandt, and denunciate the policies of Kiesinger as aggressive ones, while allegedly Brandt's policy is only a continuing development of Kiesinger's policies?

The signature of the Federal Republic of Germany under the confirmation of the Soviet ownership in Europe is only a first step. The next aim is the European Security Conference which has been urged by the Soviet Union with a great energy, and propagated by her state propaganda machine in the same way as by the propaganda machines of her allies.

The European Security Conference is the next step on this way of the Soviet Western strategy. The result should be—

A European peace order,

The recognition of the Soviet status quo by all partners in the conference according to the example of the Moscow Treaty,

A total military and political-psychological control of the Soviet power sphere,

The exploitation of the economic possibilities of the individual West European partners,

The prevention of the West European unification through the deceiving alternative: "Do you want an all-European cooperation or a West European creation of blocks?",

Political and psychological assistance for the withdrawal of American troops, and

A free rear enabling a concentration against China at the same time as an expansion of our own Soviet influence into the West.

The individual elements and objectives of this policy should be once fully brought to our attention all together. This policy is logical and represents one closed whole, and the West German treaties with the East play only the role of a forerunner and opener for further steps. This should be made clear in public in our country, and only after it, we should form our judgment whether an "Aye" or a "No" for these treaties is justified.

VOICE OF DEMOCRACY CONTEST

HON. PIERRE S. (PETE) du PONT

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. DU PONT. Mr. Speaker, it is my privilege to introduce into the RECORD today the speech of the winner of the VFW Voice of Democracy Contest in Delaware, Kevin F. McCardle.

Mr. McCardle's speech is an excellent one, recognizing a simple truth that is too often overlooked today: That freedom involves responsibilities as well as rights. I would like to publicly congratulate Mr. McCardle on his success and recommend his speech to the membership:

MY RESPONSIBILITIES TO FREEDOM

Freedom is not, as some people think, made up entirely of rights. Freedom is a two-way street with both rights and responsibilities moving in both directions. No one has a greater claim to freedom than anyone else, but anyone who does work for his freedom can lay hold to his claim.

Freedom is an ideal for which I must strive, and once it is reached, I must fulfill the responsibilities it entails. Take for instance—voting, voting is a right that comes with my freedom, but it is not only a right, it is also a responsibility, a responsibility to see that the government, which gives me freedom, stays or gets into power. I must fulfill this obligation for myself, my friends, and my posterity.

Another right to which freedom entitles me is the right to free speech. And again, this is not only a right; it is also a responsibility. I am, in fact, obligated to speak for that in which I believe; but more than that, I am obligated to speak against that which I feel is wrong. I must advocate peace, and condemn unjust war; I must stand out for freedom where unjust imprisonment reigns; and I must openly state my beliefs in honesty and truth, and do my utmost to have them prevail.

These two instances are quite specific, but freedom's rights and responsibilities are found in even the most basic concepts and ideals of human life. Thomas Jefferson shows us this in a very eloquent way in the "Declaration of Independence" when he cites our "inalienable rights to life, liberty, and the pursuit of happiness." He then goes on to tell us, and all humanity, of our responsibility to see to it that a government, that will provide these rights, is put into power. In this way, he confirms the idea of having responsibilities to freedom, not only for ourselves, but for others, too.

The major problem is, though, that many people do not take advantage of the freedom they have, and thus they feel they have no responsibilities toward it. But things are different in my case, I realize what a great role freedom has played in my life, and for that reason, I feel obligated to it.

I see freedom in human life, in my ability to choose my religion, in every newspaper article, in my right to vote and right to free speech, in my "inalienable rights to life, liberty, and the pursuit of happiness," and above all, I see freedom in America. For it is in America where I have realized all of the above freedoms, and I see everyone else's ability to do the same.

Henrik Ibsen, a well-known Norwegian dramatist, once wrote, "The most dangerous foe to truth and freedom in our midst is the compact majority." Maybe so, but I think this could be better paraphrased to express my feelings if it were stated, "The greatest advocate of truth and freedom is the unbound and unfettered individual." Because individualism stands out only where freedom reigns, and only an individual can fulfill his responsibilities to freedom. It is a never-ending circle—as long as freedom prevails, so will the individual; and as long as one individual prevails, just one, so will freedom.

I am an individual.

I will not let freedom die.

UNDERSTANDING PRISONS AND PRISON REFORM

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. SEIBERLING. Mr. Speaker, since last May, the Judiciary Subcommittee on Prison Reform, under the chairmanship of our distinguished colleague, Mr. ROBERT KASTENMEIER, has been holding hearings on the corrections crisis in America. The subject is an unusually complex one and the subcommittee has a monumental task in developing legislative solutions. In the meantime, many other Members of Congress are, I am sure, groping for a better understanding of the nature of the problem in our Nation's prisons. One of the best things I have seen for helping to get a "feel" of the problem is a series of articles on Ohio penal institutions by Ysabel Rennie, which appeared recently in the Akron Beacon Journal.

Ohio's new administration under our distinguished Governor, John J. Gilligan, is deeply concerned and is reviewing the archaic system which he has inherted. However, the problems of Ohio prisons, as outlined by these articles, are undoubtedly common to many other States and to the Federal prison system as well.

The articles raise a basic question, which we would all do well to consider in the coming months: How can we hope to create a sane, safe, humane society when our "correctional" institutions remain bastions of cruelty and anarchy?

Mrs. Rennie's articles follow:

PRISON IS A WALL AROUND PROBLEMS—I

(By Ysabel Rennie)

A prison, someone has said, is essentially a wall built around problems.

Ohio's prisons are seven in number, and will shortly be eight. They range from the fearsome medieval dungeons of the Mansfield Reformatory and the Ohio Penitentiary at Columbus to the campus-like openness of the Women's Reformatory at Marysville.

All of them, the best and the worst, are wastebaskets of unresolved problems: Drug addiction, alcoholism, mental illness, poverty, ignorance—all the puzzles society at large has failed to solve.

Who are the people in Ohio prisons? What are they doing there? What are we doing to them that will make some dent in this awesome problem we call Crime in the Streets?

During the year 1971 the Governor's Task Force on Corrections visited prisons and parole offices, talking to prisoners, officials, chaplains, psychologists, psychiatrists, social workers, parole officers and guards.

These articles will tell you some of the problems we found, some of the solutions we proposed.

The proposals came from all of us. This view of the prisons, however, is my own—what I personally saw and heard.

Dr. Simon Dinitz, president of the American Society of Criminology and a member of our Task Force, warned us that if we were looking for criminals we should not find most of them behind bars.

For every hundred reported felonies, he said, only 2.4 pct. in Ohio results in a prison sentence. Since only one felony in eight is ever reported to the police, this means that in Ohio, one person goes to prison for every 333 felonies committed.

How do we pick the one we punish for the hundreds of criminals who go scot-free?

One of the first things that strikes an outsider who talks to many prisoners is that most of them are poor. Rich people, by and large, do not go to prison.

Another thing you notice is how many are black. As one New York prisoner told a reporter, "How come you're always reading about the Mafia, but all you see in prison is black faces?" In Ohio you see many more—47 pct.—than can be explained by our population mix.

Finally, it is striking to anyone raised on the stereotype of the criminal, how much inmates look like people you see on the street Take off the uniform, and you would not notice the difference.

Where they have been out of society many years, you will find them distinctly old-fashioned. One ex-forger of my acquaintance, who has spent most of the years since 1928 in the Ohio Penitentiary, always opens doors, lifts his hat, walks on the curb side of the walk when he is with a woman—courtesies which have disappeared from civilian life.

The older prisoners are very conservative. They disapprove of long hair, hippies and crime in the streets. One inmate wrote me from Lima: "I'm afraid to come out. Life seems so dangerous out there."

An ex-inmate, 24 years in prison, and three months on parole, was held up in a parking lot and his watch and money were stolen. After murmuring, "What a time to be without my '.38," he said: "I'm beginning to see what the law-and-order types are talking about."

The older inmates may have a different profession—crime—but they accept their punishment philosophically. They disapprove of the young inmates who are today increasingly challenging the justice of our criminal justice system.

We found a generation gap in prison, not only between the old and the young, but between the young and the younger. One 30-year-old Lebanon called the 20-year-olds "hot daddies," and said: "They're nothing but trouble."

But all our prisoners are products of a special educational system supported for generations by the taxpayers of Ohio. It turns out that finely honed instrument of destruction, the professional criminal.

"When I was at Mansfield," said one former prisoner, "I locked with guys who were in my cottage at BIS (the Boys' Industrial School). When I went to the OP, the same guys were in my dorm there. And years later, when I went to Marion and Chillicothe, they were there, too. It's like going to prep school and then seeing the same faces in college. You've known them all your life."

This may, who did 24 years in Ohio prisons, started as an 11-year-old knocking down ears of corn in farmers' fields. The judge sent him to the Boys' Industrial (now Fairfield) School.

He told how, as a child, he was punished there by being made to toe a red line "until I dropped" Once he was beaten with a leather paddle six inches wide.

"They made us strip. Then they wrung out our shirts in cold water and made us put them back on. They stood us against the wall and beat us so hard I still have the scars."

This "schooling" leaves scars, not only on the flesh, but in the character as well. There are thousands of men like this in Ohio prisons.

Of the men entering the penitentiary, 60 pct. have been in prison before. One penologist has called our institutions "factories for the creation of monsters," and the evidence is strong that he is right.

Our reform schools do not reform, our correctional institutions do not correct and our penitentiaries do not make anybody penitent.

From Andrew Jackson's time to the present, Ohio has been building massive prisons with high walls and fences. Our latest, Lucasville, probably will cost $50 million before it is through. One cynical ex-con has called it "America's most modern 15th century edifice."

We must be doing something wrong. What is it?

Ohio Prisons Have One Thing in Common: All Are Too Big—II

(By Ysabel Rennie)

The first thing that strikes you when you visit our prisons is that most are in the middle of nowhere. The second is that they are too big.

The three receiving institutions, to which all felons are committed by law, are:

Ohio Penitentiary, Columbus, population 1,800. Maximum security. For males over 30. Murderers and second offenders are sent here regardless of age. Founded in 1834, it has been considered obsolete since the Civil War.

Ohio State Reformatory, Mansfield, population 2,150. Maximum-minimum security. For first offenders 16–30. Opened in 1896, this gray stone fortress contains the largest single cellblock in the world—1,200 men in 600 cells, six tiers high.

Ohio Reformatory for Women, Marysville, population 290. Medium-minimum security. The only institution for women, it has no walls and in appearance rather resembles a small rural college surrounded by farms.

The remaining four prisons are transfer institutions for men from Mansfield or the penitentiary:

Lebanon Correctional Institution, population 1,450. Medium-minimum security. Opened in 1959, Lebanon is for men 16–20 from the southern half of the state who are not problem cases. All single cells.

Marion Correctional Institution, 1,150. Medium-minimum security. Built 1954. For low-risk inmates from the penitentiary. Twelve dorms, six cellblocks.

Chillicothe Correctional Institution, population 1,050. Medium-minimum security. Built in the 1920s, CCI was taken over from the federal government in 1966. It is for older offenders, and because of its openness and relatively relaxed discipline is considered the Riviera of the penal system. General population in dorms, psychiatric patients in cellblocks.

London Correctional Institution, population 1,400. Medium-minimum security. No very youthful offenders are sent here because its open dorms are an invitation to sexual attack. Formerly the London Prison Farm.

An eighth institution, Lucasville, awaits completion in Scioto County. Holding 1,650, is a maximum security prison, 22 acres under one roof. Because of its ceramic tiled walls, crushed terrazzo floors, and electronic hardware, it may be the most expensive prison ever built—about $50 million.

Lucasville will house most of the inmates from the penitentiary, which will then become the reception and diagnostic center for the system.

These prisons are all too big. Penologists say no institution should hold more than 500 prisoners, and 300 is better. (In the Netherlands, prisons hold 80 to 100—a size at which "rehabilitation" becomes more than a word.)

With the exception of the penitentiary, our prisons are all too isolated. It is difficult for families to visit. It is difficult to recruit professional staff. Work furloughs, from such a base, will be all but impossible: the job opportunities are in the cities.

Ohio's prison exists like feudal fiefs of the Middle Ages, separate, self-contained, and owing allegiance to no one but a distant, understaffed central Division of Correction which long since abdicated all control over them.

As a result, each prison has its own philosophy, with different rules on visitation, discipline, dress, censorship, education, work and institutional life. A man transferring from one prison to another may find that his toilet articles or books, which were formerly acceptable, are now contraband.

In some prisons, the governor's task force on corrections discovered, all four grandparents were considered relatives, and could visit. At another two grandparents were considered relatives, but the other two were "friends." If the inmate had another friend on his list, they could not visit.

We found some prisons permitted an inmate three friends, some two, some one. Marysville allowed no friends except by special permission of the superintendent, or, in the case of men friends, of the Adult Parole Authority.

Until September 1971, women inmates were allowed only one two-hour visit a month. The staff explained: "Women don't really like to see visitors—it upsets them and interferes with their therapy." And when we asked why, the reply was: "Because women are different."

Each institution defended its way of doing things, no matter how bizarre it might seem. "Only a person who has spent time in corrections," officials told us, "can understand why we do things as we do."

We found the inmates did not understand. This lack of understanding was a major obstacle to therapy.

Each institution has developed rules, regulations, customs and even folklore the way a ship collects barnacles. Furthermore, it considers them indispensable to navigation.

Strong leadership is needed from the top. In the central office we found one overworked commissioner, two deputies (one of whom was sick much of last year) and one harried assistant. They could barely answer their mail, let alone run the prison.

In California, by contrast, the central office has hundreds of employes—50 in research alone.

Our prison bureaucracy is not top-heavy, it is bottom-heavy: it needs a much bigger staff. The Task Force also recommended civilian advisers to give it contact with the world.

Dr. John Vermeulen, former chief of psychiatric services, once said "we who work in prisons spend so many years inside we become more institutionalized than the inmates."

It was in recognizing this problem that the Task Force recommended a civilian board or committee. It might be viewed with apprehension by officials—nobody likes kibitzers looking over his shoulder.

But civilian advisers would bring community standards to prisons because they would ask the question they would ask the question "why?"—something many administrators find difficult to answer.

New Convicts Suffer Degradation Initiation—III

"When you go to prison," a former inmate once told me, "the first thing that happens is that you can't pay your bills."

An iron gate has slammed on a man's identity, his personality, his family, his friends, his financial responsibility and his civil rights. He undergoes what penologists call the "degradation ceremonies".

A man had a first name and a last. Now he has a last name and a number.

His hair is shorn. If he lets it grow again, he will be punished.

He is stripped to the buff, sprayed with delousing powder and examined in every orifice of his body.

"The guard was going down the line," a middle-aged man remembered. "I squatted for him to search my rectum. Then he stuck the same fingers in my mouth—and the next guy's rectum, and his mouth. I remember praying: 'Oh, God, let him wash his fingers!' But he didn't."

The new inmate is given a battery of tests—IQ, personality, scholastic aptitude. At the penitentiary they take nearly two days, and occupy 70 pct. of the staff time for the Department of Pschological Services. They are then noted in the inmate's "pocket" (file).

They may be looked at from time to time—when he goes to Classification for a job assignment, or when he goes before the Parole Board.

But they do not determine his work assignment. Institutional needs do that. Indeed, we could not find that the tests made any difference at all to his life in prison.

This is run according to the book—the rules and procedures of each institution. The "Inmate Manual" summed up the rules succintly:

"Never ask an officer 'why,'" it advised him. "Merely do what he tells you."

To live by the rules, you must know the rules—but most rules are unwritten. A Lebanon inmate said: "These are rules that a child should be under—walking too slow, walking too fast, crossing the center line of the hallway, talking too loud. They're not even posted—you learn them when you get a ticket."

The inmate might get a ticket for whistling, feeding birds, hiding dentures, wearing two-toned shoes or leaving knots in the sheet on laundry day. An inmate, chewing on a blade of grass, was written up for "grazing."

Once he has received a ticket, the inmate must stand trial. He may explain his side of the case. He may not call witnesses, and he may not contradict the officer. To do so would make him guilty of a major infraction—"lying to or about . . . a correctional officer."

Prison courts go by different names: the Rules Infraction Board (OP), Resident Behavior Committee (Mansfield), Major Court, Minor Court (Lebanon)—the names differ, but the procedures are the same. Two officers and one member of the treatment staff conduct the hearings.

I attended a hearing at Mansfield. One prisoner was charged with going to the paint shop without a pass. Said an officer, reprimanding him: "Supposing your mother came to visit and we couldn't find you?"

Another prisoner was charged with walking away from the steam table in the dining room. He explained: "I just wanted a breath of fresh air."

A third inmate who worked in the dining room, was accused of giving one inmate two helpings of pineapple. "I did," he admitted. "He was the last man in line, and we had pineapple left over. It would have been thrown out."

These solemn proceedings occupy the full time of two custodial officers and a psychologist or social worker, and they go on in every institution. Thousands of cases are heard each year—more than 6,000 at the Penitentiary alone. These are known to the inmates as "the Kangaroo Court."

At Marysville the trial comes after the punishment. The women are sent to solitary confinement by the matron who writes the ticket. Only after they have served their sentences are they called before the committee, which discusses in a motherly way how they may improve their conduct.

All Ohio prisons have what are called "correctional cells" by authorities—prisoners call them "the Hole." These are the jail-within-a-jail where troublemakers serve sentences for misbehavior.

At newer prisons, like Marion and Lebanon, "The Hole" is clean and well-lighted.

At Mansfield, "The Hole" is an area of unlighted cells in a building without windows. A dim light burns in the corridor, while in their cells, the prisoners lie, silent and in darkness, stretched out on their bunks.

When I was there, the temperature was in the 90s. All my eyes could make out were arms reaching toward the bars.

"The Hole" at the Penitentiary is also without windows. There are 36 correctional cells, two of them "strong cells" with solid steel doors. Until a year ago they contained no furniture, no bedding, no water and no toilet. Inmates, lie on the cement floor, naked, using strips of toilet paper for a bed. They urinated through a hole in the front wall, and defecated on the floor.

All Ohio prisons had "strong cells" like this. But Bennett Cooper as commissioner of Correction ordered mattresses, toilets and running water installed in these strip cells. When we visited the prisons, this was being done.

In addition to short-term confinement, there is long-term isolation where inmates are kept in idleness for months or years. Here, they may neither work nor study. They wait, they hate. They count the days until they can get revenge on the society which keeps them there.

Prison "Snitching" Compounds Fear—IV

(By Ysabel Rennie)

"No man is an island," wrote John Donne, but in prison every man is an island—alone, despairing, afraid.

Prisoners fear not only their keepers, they fear each other. It is a fear fostered by prison life, and compounded by the snitch system.

One penitentiary official told us: "Half the men in this place are compulsive finks." By this he meant that custody officials do not have to enlist informers. Their problem is to fight them off.

"When I was in the deputy's office," one former inmate told me, "we got so many anonymous 'kites' (messages), we didn't know where to put them."

Why do prisoners compound their misery by informing on each other?

For many, ratting obeys some inner psychological compulsion. In any society of captives, there are informers.

Some snitch to win favors, such as a transfer to the honor dorm, or a chance to be with the sex partner of their choice—a common reward for informers.

Some do it to get even with an enemy, or get his job. A totalitarian society breeds spies the way garbage breeds maggots—and prison is the model of totalitarianism. It takes a special kind of man to resist the pressures of the system—and all too often, he pays a special price.

There are two types of prisoners, the inmate and the "con." The con is tough, loyal and intransigent, and he despises his captors. He never snitches on another inmate. He adopts the values, good and bad, of the prison society. Some solid cons "do their own time" and stay out of trouble.

Others by their very intransigence, are in trouble all the time. These are the hardnosed "incorrigibles."

The hard-nose is the first man to be thrown in "The Hole," the last to get parole. He would rather be drawn and quartered than be caught snitching.

On the administration's scale of values, which rewards cooperation, he is at the bottom of the ladder. To fellow-inmates he is an object of fear and respect.

It is the peculiar failure of our prisons that to be "rehabilitated"—to adopt administration standards—a man must report on his fellows, while to be upright with them ties him to a criminal code of values.

Sooner or later, each inmate makes a choice between these traps. It is a choice that will leave him permanently maimed, no matter what he does.

Burrage Thorpe (not his real name) is an inmate at the O.P. During the 1968 riots he decided to help the administration—a decision which put him down on the wrong side of the snitch line. His life has been in danger ever since.

"You have no defense in here," he told the Governor's Task Force. "When Koloski was warden he protected me. Nobody does that now. I tried to see the warden. I was told: 'The Warden will see you in two and a half years.'"

Dan Osmond (also not his name) is the kind of inmate called "con." To him the administration is the enemy, and he wouldn't give any member of it the time of day. He is absolutely loyal to his friends—but during the 1968 riot at the OP he threw a knife at another prisoner who was running through the yard. "I had to," Dan explained. "He was a rotten snitch."

He has spent more time in "The Hole" than out of it. Once, after the riots, the guards in C & D block played Russian roulette against his temple. "Say your prayers, Osmond," they said, clicking the gun, "you're going to die!"

His crime was smuggling word out to the families of prisoners who had been stomped, maced and beaten in the "up-tight block."

It would not occur to Osmond to keep quite about this—threats would never deter him. He has himself been thrown into a strip cell naked on the bread-and-coffee diet which was standard there.

There is almost no indignity which he has not suffered. He is an "incorrigible"—but he would never betray a fellow inmate.

Osmond had fallen into one trap; Thorpe into the other. Prisons daily confront men with such choices.

Larry Conway (not his real name) was once locked in a cell with three other men. One had an annoying habit of humming to himself. One day a cellmate told Larry: "Tomorrow I'm going to kill The Hummer."

"What could I do?" said Larry. "If I told the deputy, he wouldn't believe me. If I insisted, he'd lock me up in Five Annex (the psychiatric ward of the hospital)."

The next morning, Conway's cellmate took a razor and cut the Hummer's throat. "I just turned my head to the wall and pretended I was asleep."

In a prison there are no options, only stark necessities. What prevails is the war of all against all—inmates against keepers, inmates against each other.

Outside we have laws, and sometimes they are enforced. But law stops at the gate. More crimes are committed against prisoners in penitentiaries and "correctional institutes" than against anyone else, anywhere else.

Thorpe was right when he said: "You have no defense in here."

Each prisoner makes his own peace with that fact, and men are daily destroyed by it.

Separation—The Real Anguish of Prison—V

(By Ysabel Rennie)

"Henry Walters" (not his real name) is a young black inmate at Lebanon, Ohio's newest and one of its most isolated institutions. His grade achievement level is 3.8 years: He can barely read and write.

When the Governor's Task Force on Correction saw him, he was facing the reclassification committee made up of custody and treatment staff. The psychologist noted from his file that since arriving at Lebanon six weeks earlier, Henry had received no visits or letters.

"Doesn't your family get over to see you, Walters?" the psychologist asks kindly. How many letters and visits he receives will some day weigh heavily with the parole board.

"No, sir. My folks don't have no way to get here."

The psychologist, still kindly, presses: "I see you have not received any letters since you came to us."

There is a look of anguish on the boy's face, but he swallows hard. "No, sir," he says in an almost inaudible voice. "My mother don't write too good."

It is probable Henry's mother is not able to write at all. His family has no car. The nearest public transportation, the Greyhound bus, comes no closer than the town of Lebanon, which is miles down a country road. Henry, who is not much more than a child, may never receive any letters or visits while he is in prison.

"Jack Williams" is a white inmate at Marion, serving time for traffic manslaughter.

When Jack went to prison in 1968, his wife lost the $12,000 home they were buying. Then she suffered a mental breakdown and was sent to the Massillon State Hospital. When she got out, she began to drink heavily, and her visits grew fewer and fewer.

"Williams" wrote anguished letters to her, but she did not reply. Instead, she filed for divorce under an Ohio law which makes imprisonment grounds for divorce. In his despair, he ran from a work detail and tried to go home to her. This cost him additional time in prison.

Separation is the real hell of prison.

I remember an inmate I met several years ago at Marysville. Shyly, she showed me the snapshots of her children who were growing up without her. The youngest, 10 years old, was born in prison and taken away from her mother at birth. As this woman spoke of her children, her eyes filled with tears.

"Don't ever let anyone tell you it is necessary to punish people in prison," she said.

"Being separated from everyone you love is punishment enough."

Under the rules then prevailing at the women's reformatory (and only modified last Fall), this mother, no matter how many children she had, could receive just one two-hour visit per month. The reasoning behind this restriction: That it would impress women with the importance of their families to their happiness and security—an importance, presumably, which they might otherwise overlook.

Only members of the immediate family may visit Ohio prisoners automatically and family is defined differently at each place.

Married women may not visit male inmates. Under this rule, a married aunt is barred. So is a sister-in-law unless accompanied by her husband.

The Task Force interviewed a black inmate at London whose wife had died. He had a two-year-old son who was being cared for by his wife's mother. Under the censorship then prevailing (and since lifted by order of Gov. Gilligan), he could not write to find out how his baby was. She still cannot bring the child to visit him: The "married woman rule" forbids it.

Under such restrictions, marriages wither, families are separated, children grow up never knowing their parent.

Prisoners coming out of our institutions are like Enoch Arden returning from the dead. For years, all they have associated with have been felons. Yet, on parole they are no longer allowed to do so. What other friends have they?

The Task Force has recommended an end to visiting lists. Any well-behaved person should be able to see an inmate. How can we complain of "unsuitable" visitors when prisoners daily associate with criminals?

Ohio made a giant step forward in August 1971, when it barred censorship of first class mail. The archaic visiting rules should go the way of the correspondence rules: They are quite simply indefensible.

We claim to value family ties, but we deliberately destroy them. As a result, at places like the penitentiary, two-thirds of all inmates never receive a visit.

We say community contacts are therapeutic, but we create a impenetrable thicket of regulations against them.

All this we do in the name of "rehabilitation"—that central mystery of the looking glass world we call "corrections".

SEX DEPRIVATION BASIS OF MOST EVILS IN PRISON—VI

(By Ysabel Rennie)

A former Massachusetts inmate called it "16 out of 24 hours of lusting in a cage." It is the inmate's most persistent problem—sexual deprivation.

Oddly enough, this worst of prison evils is the product of the first reform, when John Howard, scandalized by the mingling of male and female prisoners in 18th Century English jails, campaigned for the separation of the sexes. Howard won his point with parliament and we have had homosexuality in prisons ever since.

An ex-inmate once told me, "In prison, nine stabbings in 10 are over sex."

Every conceivable evil flows from this insult to human biology. The young man, going into prison, has only four choices, all of them bad. He can:

Fight off the homosexuals, and run the risk of killing or getting killed.

Fail to fight, and be gang-raped.

Find a lover who will protect him—hopefully, a strong, dangerous man who can fight off other attackers.

Refuse to work and be sent to solitary confinement. This will mean no recreation, work, pay or schooling, perhaps for years. It will also go against his record for the parole board.

Jack Webster (a pseudonym) was sent to the penitentiary at 17 to serve a life sentence for second degree murder. His life has been a hell ever since.

Once he appealed for protection. Prison officials made an obscene joke, at which "they all had a big laugh. But I didn't see anything to laugh about, so I walked out of the office.

"I am currently confined in C & D block upon my own request. I'm trying to figure the best way to solve my problem without getting additional time. So far I have not found a solution."

Children as young as 14 have been sentenced to the penitentiary by vindictive judges who had the choice of trying them as juveniles, and preferred to "throw the book at them." What happens to such children, in such a place, does not bear thinking about.

In the course of time, some of them become "jailhouse turnouts," indistinguishable from women in voice, manner, carriage and psychology.

They clean, cook and sew for their partners. Some become prostitutes, selling themselves for cigarettes or pills. The other men fight over them—sometimes they kill over them.

It is prisons which create these "girls," who are always referred to by "she." Officials seek to control them by locking them onto the "homosexual range." Some of them spend their entire prison careers in solitary confinement.

One such is a young black whom I shall call Jeremy. "I am profoundly effeminate," he confessed. Since his admission to the penitentiary in 1966 he has always been in maximum security, shut away from other prisoners.

After the 1968 riots, when inmates were terrorized by guards in C & D block, Jeremy broke down and had to be sent to the Correction Psychiatric Unit at Chillicothe. In November 1971, he was well enough that he asked for transfer into the general population at Chillicothe.

Instead, officials informed him he was going to be transferred back to C & D block at the penitentiary—that he would never be released into population. When he heard the news, Jeremy slashed his wrists. He is once again confined as a psychiatric casualty.

In California, family visiting is now permitted. At Tehachapi two small bungalows have been set aside where a prisoner's wife and children may spend 45 hours with him in a normal home environment. At other California prisons, there are apartments.

Twenty-four countries permit conjugal visitation. This includes not only wives but girlfriends. But Ohio wardens point out that letting wives visit does nothing for the unmarried inmate. That is why the governor's Task Force on Corrections has recommended home furloughs as a better solution.

When mail censorship ended, male and female prisoners began to write each other. Some even became engaged by mail, and exchanged rings.

Martha Wheeler, superintendent of the Women's Reformatory, expressed her disapproval of this correspondence "which serves to undermine their therapy and reinforces an identification with losers . . ."

"I hope these tragic and silly games will cool off," she said.

But there are pastimes more tragic than this lonely hearts correspondence. They are played out every day in every prison, where men without women, and women without men, seek relief—and sometimes lose their lives—in the covert, degrading game of prison sex.

EDUCATION GETS A LOW PRIORITY—VII

(By Ysabel Rennie)

If you look at the brochures put out by the Ohio Department of Mental Hygiene and Correction, you will get the impression of busy, industrious inmates learning new skills.

One flyer shows them in computer programming, shoemaking, tailoring and auto mechanics. There are courses in machine shop, welding, radio-TV repair, refrigeration and appliance repair.

But here are the catches:

The State provides no budget for vocational training. Equipment is obsolete—most courses, a waste of time.

Though the youth institutions have certified instructors, most others rely on guards or inmates to teach courses.

The last published figures (from 1969) showed only 7 pct. of inmates in any kind of vocational training. The commonest reason for enrolling is to impress the Parole Board.

It is almost impossible to get into a vocational course until a few months before meeting the Board. At the Penitentiary we were told: "You have to bribe the inmate clerks to get into one. You have to pay off the inmate instructors to get diploma."

This was confirmed by a man whose job is training former inmates for the job market.

"Most of the diplomas aren't worth the paper they're printed on," he told me. "OP inmates buy them from instructors. Even when the certificates are legitimate, the processes are so out of date they might as well not have taken the training."

Academic schooling is better. Most teachers are certified, although some prisons use inmate instructors, "aides." Mansfield and Lebanon have accredited high schools, and offer a few introductory college courses. Again, however, there are problems:

The State does not budget for education. Wardens equip their schools out of building maintenance funds. As a result, education and maintenance both suffer.

Except at Mansfield and Lebanon, most schooling is part-time and goes through the eighth grade.

For schooling beyond grade school, adult institutions rely heavily on the International Correspondence School, which the inmate must pay for himself. At London we were told "The ICS is handled by inmate clerks. Inmates pay clerks off in cigarets to take care of their lessons." Wherever correspondence courses are taken, inmates sell each other school lessons.

The classes I observed were imitations of public schools, which inmates found boring—and dropped out of—as children. What prisons require is imaginatiive adult education.

Although the average grade achievement of Ohio prisoners in sixth grade, only literacy courses are required. If an inmate doesn't want to be educated, he doesn't have to be.

On the other hand, if he wants an education, every obstacle may be put in his path.

For example, at the Ohio Penitentiary you cannot go to school unless you have a full-time job—which runs during school hours.

At Lebanon, if you miss more than 12 days, or get four court tickets for anything, including walking across the center line of the hallway, you are dropped from school. Yet, as one official commented: "You are not kicked out of the tag shop for this."

At all prisons, putting a man in "The Hole" means keeping him from study. He may not attend school, take his books with him, or keep up with his school work.

When I questioned this sense of priorities, a prison superintendent told me: "You must remember that most inmates are in prison because of a lack of discipline in their lives. Discipline may be more important for them than school work."

Perhaps. But I have met former inmates who spent years in Ohio prisons who cannot fill out an employment application or write their names. I wonder how far this "discipline" will carry them in our modern society?

The job scene is no better than the education scene. Inmates earn a nickel an hour, of which they may spend three cents and must put two cents away for gate money. Most jobs are housekeeping chores. As for Ohio Penal Industries, these are barred from competition in the market place. By law, they may not sell to private buyers. By federal statute, their products may not cross state lines.

The result is a concentration on such manufacturers as prison uniforms, state flags, license plates and state office furniture. Demand for such items is limited—manufacture, sporadic. This is why the Task Force saw inmates sometimes standing or sitting against the wall with nothing to do.

Idleness is the curse of prisons. Where five inmates do the work of one, nobody learns to do anything well. Inmates, who make five cents an hour, do about a nickel's worth of work. The lesson they learn is how to goldbrick.

Without a real commitment in funds, without a change in law, without a kind of public commitment we have never as a people shown, our prisons will remain dreary warehouses.

Frankly, as a Task Force we were skeptical that such a commitment is forthcoming. That is why we recommended a new direction for corrections. Prisoners, so far as possible, should be treated in the community, where they can work at real jobs and go to real schools.

There are risks involved—but nothing like the risks of turning out ignorant, hostile, unschooled men with no credentials in anything but crime.

GUARDS KEY PEOPLE IN PRISONS—VIII

(By Ysabel Rennie)

Prisoners and penologists alike agree that not psychologists, not chaplains, not social workers but guards are the key people in corrections.

At the Ohio Correction Academy, a penitentiary officer asked his teacher, "If we're the key people, how come we're not treated like we're the key?"

A public opinion poll some years ago showed that on an occupational esteem index, prison guard is second from the bottom, above garbage collector.

But at Lebanon, Associate Superintendent George Stevens told my group: "In the Cincinnati suburb of Wyoming, a garbage collector makes $3.92 an hour. My c.o.'s (correctional officers) start at $2.77. After 11 years, they get $3.33 an hour. After 18 years, they get $3.65 an hour—30 cents less than the garbage collector."

In January 1971, Ohio Penitentiary guards went on strike. Talking to them, the Governor's Task Force on Corrections found pay was a lesser grievance than the indignities they suffered.

One told us: "The brass treat us like we were inmates." Talking to me privately, another said: They expect us to come in on our hands and knees, carrying our sticks in our mouths."

To inmates, guards are "hacks" or "screws." To many officials, also, they are ignorant, unqualified men—"job-hoppers and drifters," one penitentiary official called them.

Another said "only two or three in 20 are real good people who will stay."

It is ironical that the same people that destroy an inmate's morale—the contempt everyone feels for him—is the same problem that demoralizes the guard.

His is an unenviable position. He is poorly paid. He may have no more than an eighth grade education (most have never graduated from high school).

He may receive three weeks' on-the-job training in firearms and in how to shake down an inmate, or he may receive one week's training in these skills.

Then he is turned loose in the shops and cell blocks among inmates whose hatred for him is matched by his hostility to them.

It takes a psychologist—trained or natural—to manage prisoners. Some officers instinctively have the gift. Others become fearful and punitive. They fall into the "we-and-they" trap that ensnares captors and captives alike, and makes a mockery of treatment.

Guards and prisoners play a destructive game of cops-and-robbers. Prisoners lie and deceive—guards spy, harass and punish, sometimes cruelly.

Prisoners at the penitentiary showed us scars where, they said, they had been clubbed, blackjacked, kicked in the head or even dragged downstairs by the heels with their heads banging on the steel steps.

In short, what prevails between captors and captives is an adversary relationship. So long as it continues, prisons will be, not rehabilitative, but destructive to the men confined in them.

Can something be done about this relationship, or is it inherent in the prison situation?

To find out, Phillip G. Zimbardo, a professor of psychology at Stanford University, last Summer picked two dozen mature, stable college students from middle-class homes.

Half of them, by a flip of the coin, were designated "prisoners"—the other half, "guards." The "prisoners," after being picked up by Palo Alto police, were taken to a "jail" in the basement of the psychology department.

There they were stripped, deloused, put into uniform, given a number, and locked in a cell, where they were supposed to spend two weeks.

At the end of six days, the experiment had turned so grimly realistic that Ziombardo had to close down his "jail." In his own words, "In less than a week, the experience of imprisonment undid a lifetime of learning . . . We were horrified because we saw boys ('guards') treat other boys as if they were despicable animals, taking pleasure in cruelty, while other boys ('prisoners') became servile, dehumanized robots who thought only of escape, of their own individual survival, and of their mounting hatred of the guards."

If this can happen in a college lab, with educated young men, what must our prisons be like?

"Them" and "us": this is the rock on which corrections founders.

The Ohio Correction Academy, which opened with federal funds in March 1970, is trying to change this feeling.

It provides an imaginative two-weeks' course for correctional officers who have had at least six months on the job. Guards are taught about officer-inmate relations, prison management, treatment, communications, cultural differences, and many other subjects important to their jobs.

But this training began hind-side-to—with privates and sergeants, instead of "brass." "When we were finished," a guard said, "The man told us: 'Now don't go back and try this out at the Ohio Penitentiary.'"

Can this, or any other course, solve the adversary relationship that prisons breed? We simply do not know.

Prisons are a reality. So long as men are locked up, others will be assigned to guard them.

What penologist Howard Gill calls "the clinical imperative" demands that we do all in our power to make the guardians more sensitive to the ways in which they treat the captives.

The much despised, often misguided and sometimes destructive prison guard is really a normal human being, much like the rest of us. In his shoes, would we do any better?

He should be trained, paid and treated like the key man in corrections, because that is what he is. Potentially psychologist, teacher, guardian, he is the great undeveloped resource in the field today.

NO. 1 COMPLAINT: OHIO PAROLE—IX

The No. 1 complaint of Ohio prisoners is neither harassment, idleness, degradation, separation nor personal insecurity. It is the parole system.

The indeterminate sentence is one of the great "reforms" of this century. Alas, like so many others, it has turned out to be a way of to a hell paved with good intentions.

At one time prisoners served a "flat" sentence—so many years, depending on the offense. Then the concept of "rehabilitation" was introduced.

Under this model, prisoners were supposed to go to prison, not primarily for punishment, but to be reformed, so that they would come out better men.

If they had poor work habits, the theory went, they would learn to labor. If they could not read and write, they would be educated. If they were mentally disturbed, they would receive therapy.

This being so, it followed that you should keep a criminal in prison until he was reformed. Ohio, along with other states, adopted the indeterminate sentence. Thus, a man convicted of unarmed robbery was sentenced to from one to 25 years; a burglar one to 20; an armed robber 10 to 25 years.

A parole board was created to answer the awesome question: Is this man ready for society? Has he so changed his attitudes, enhanced his skills, or improved his psychological adjustment while he has been inside that it is safe to let him out? Or does he need more time?

Once a month members of our seven-man parole board visit each of Ohio's seven prisons, hearing inmates whose appointed time has come. Approximately 60 pct. of those heard are granted parole. The others are given continuances—"flops" they are called—of up to five years.

Male inmates at these hearings looked like the condemned awaiting execution. Women inmates, awaiting their turn, were openly sobbing, black and white clinging to each other for support.

But when the women's names were called, they dried their tears, threw back their heads, and marched in to the board with smiles on their faces. They were as poised (outwardly) and as frightened (inwardly) as an actress on opening night. They were, in fact, playing for their lives.

On the table before the panel of two or three hearing members were the inmates' "pockets"—dossiers which had been building since their first tangle with the law: arrest records, juvenile detention records, convictions, test scores showing education, intelligence and psychological adjustment.

How meaningful is that long institutional court record? What does "insolence" mean? "Fighting"? "Disrespect"?

How does an inmate answer hostile letters which may contain untrue information, if he does not know of their existence?

George Jackson, who at 18 robbed a gas station of $70, spent 11 years in California prisons and was repeatedly denied parole.

The reason: a letter his father wrote to San Quentin officials in 1961, saying "he should not be released in his present frame of mind . . . Don't let him fool you with the many faces he is capable of showing."

The letter, which became a permanent, and secret, part of Jackson's file virtually guaranteed him against parole.

Our present indeterminate sentence laws are based on two fallacies:

That you can predict whether an individual will do well on parole. Research studies have repeatedly shown this is untrue.

That by leaving an inmate in prison for an additional number of years, he will become more "rehabilitated." Quite the opposite, in fact, occurs.

Over the past 30 years, California has tried more kinds of treatment programs than any prison system in the world. The conclusion:

there are no known treatment techniques which will reduce repetition or crime.

If we cannot predict parole outcome, if prisons do not rehabilitate, but in fact corrupt the men locked up in them, then the indeterminate sentence, which prolongs incarceration for years and years, is an injury, not only to the individual, but to society itself.

The Task Force concluded that sentences should be shorter, that we should let most inmates out at the end of their minimums, and that we should begin at once to seek alternatives to imprisonment.

SOCIETY MUST STOP TAKING REVENGE ON PRISONERS—X

(By Ysabel Rennie)

"It is particularly difficult to train for freedom within prisons," says penologist Norval Morris. "It is like trying to train an aviator in a submarine."

Ohio's prisons—America's prisons—are failing. We are at a crossroad when we begin to acknowledge what has been evident for nearly two centuries—that imprisonment is no answer to crime.

Would more education, vocational training and psychotherapy make a difference? In 1961 the UCLA School of Social Welfare evaluated 100 reports on correctional programs. Their conclusion: That prisoners who had undergone this "rehabilitation" were no more likely to succeed on parole than prisoners who had not.

The total of evil influences in prison is so much greater than the total of good influences, "therapy" included, that no one is better for the experience. You do not throw laundry into a sewer and expect it to come out clean. You do not put a man in prison to reform him.

We do not know at present of any form of "rehabilitation" that rehabilitates. We cannot say for sure that any form of "deterrence" deters.

America has the longest prison sentences and among the highest reported crime rates in the world. We are turning out criminals the way General Motors turns out cars.

When a man steals $87, he is sent to the penitentiary. If he makes off with a multimillion dollar corporation; if he pollutes the Great Lakes or a river system; if he promotes a dangerous drug, manufactures defective cars or turns out a product which produces lung cancer, he has a chance of being made chairman of the board.

Ninety-nine pct. of our criminals are at large. We have so woven our net of criminal justice that we catch only the minnows. The sharks go free.

If punishment is to deter crime, it must reach all who offend—the rich, the poor, the white, the black, those who can afford good lawyers and those who cannot.

But do we really want to send all offenders to prison?

If we did, our expenditures on prisons in Ohio alone would be, not $25 million a year, but over $8 billion. Would the taxpayers sit still for this much "law and order"?

It costs a quarter as much to supervise a man on probation as it does to lock him up. Furthermore, when he is on probation he can work and support his family, who must now receive welfare. All studies show that recidivism (repetition of crime) is no higher for those receiving probation than for those going to juvenile or adult institutions. In fact, a major California study of juveniles showed it is 50 pct. lower.

Why, then, cling to prisons as the answer to crime? Because they meet a deep psychological need—to punish. We want to see the prisoner suffer—a feeling which runs so deep that reformers ignore it at their peril.

John Irwin, a professor of sociology at San Francisco State College, is a penologist who was once a prisoner. If the public wants "its pound of flesh," he says, give it to them. His suggestion: Short, tough sentences, for punishment only. Stop pretending to rehabilitate.

The principle of tort liability is well understood in common law. If you carelessly run into my car, you owe me restitution. Why should the criminal not make whole those he has injured?

"Ideally," writes one former Ohio prisoner, "corrections would be an ultimate form of Christianity: The 'Go and sin no more' that Christ said to Mary Magdalene. He did not tell her to pay $25 and costs, or serve 30 days."

Since the public does demand its pound of flesh, however, the question becomes: How do we punish the offender without punishing society even more? This will require a change in our thinking, and in those deep, instinctual feelings that make us want to injure, rather than restore the criminal.

St. Augustine wrote: "No one is fit to inflict punishment save the one who has first overcome hate in his heart."

Could it be because we have forgotten this that our system of criminal justice is failing?

FEDERAL CITIZENS ANTICRIME PATROL ASSISTANCE

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mrs. HICKS of Massachusetts. Mr. Speaker, today I have introduced a bill to provide Federal citizen anticrime patrol assistance grants to residents' organizations. I feel that public safety and security can best be achieved through cooperation between the general public and local law enforcement officials.

The purpose of this legislation is to encourage and assist through a program of local residents' organizations, efforts by citizens, through such organizations regularly to patrol and otherwise watch over local facilities and human activities vulnerable to crime, and to report criminal or suspicious activities to the proper law enforcement authorities and thereby to help deter or resolve crimes.

Citizen crime-fighting organizations have been in existence in some communities for a number of years, the oldest and one of the largest having been formed in Chicago in 1919.

Concern over the rising danger that crime imposes has spurred formation of innumerable neighborhood crime patrols in scores of cities in recent years. These volunteer groups attack crime in many ways, but basically they keep a protective eye on the community in which each member resides. This preventive approach of unarmed citizens acting responsibly and effectively to solve a community problem has significantly lowered criminal activity in the high-crime problem areas. The anticrime patrols put more people on the street, thus forcing the street criminal to cease his activity or be observed.

They also increase citizen involvement and concern. Yet many such patrols have floundered for lack of financial assistance.

I am today introducing legislation—the Citizen Anticrime Patrol Assistance Act—that would permit the Federal Government to begin now to assist responsible citizen projects and to reward active community protectors. This legislation would provide direct Federal assistance to such citizen groups that qualify by submitting plans for "crime watch services." To obtain funds such groups must first demonstrate a need for assistance, consult with local police in developing the plan, and establish that the plan would not infringe upon constitutional liberties.

The act provides for special authorizations of $50 million in 1973, $75 million in 1974, and $100 million in 1975 to be disbursed by the Law Enforcement Assistance Administration.

The idea of providing aid to supplement existing police services provides needed money for the growth of such groups, and such growth would provide the community with a greater ability to control and reduce crime. The chance to provide a worthy and necessary service for one's community is often disavowed because of the helpless feeling of being one against many and that one's contribution is futile. However, on an organized basis, a new price in "community" often emerges. Such patrols would involve members who would not be too uninvolved to provide emergency assistance when a robbery was being committed against a neighbor. A protective instinct is healthy for neighbors to feel toward one another, much like the biblical Good Samaritan concept, in which one reaches out instinctively to help another in distress.

I read with great interest the recent poll taken by Life magazine concerning the fear of crime in our country. Sadly, 78 percent of the respondents from urban areas admit to being afraid in their own homes. This indicates a disastrous situation when the threat of crime causes citizens to alter their own lives, taking security measures which amount to making a fortress of their home. Window bars, watchdogs, and alarm systems are widely used.

When queried as to whether he would be willing to pay additional taxes in order to get better police protection, the response from citizens in all parts of the U.S. and from communities of every size was a resounding 70 percent "yes". Better police protection is desirous, but until the courts give police the deserved authority to perform their job, and more money is available to hire more police we cannot rely wholly on the police to stem the tide of crime.

It occurs to me that crime prevention should not be the exclusive province of the police department at any rate. Direct citizen action to assist law enforcement in fighting crime has become an absolute necessity in this day of rampant disrespect by a few for the rights of many. Anticrime Citizen Patrols may well be the answer to reestablishing a feeling of loyalty and trust within the community in which one chooses to reside.

SERTOMAS SPEAK UP FOR FREEDOM

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. BAKER. Mr. Speaker, Sertoma International, has just completed its annual Freedom Week Activities recognizing newly naturalized Americans and focusing upon our heritage of individual liberty.

I was honored to participate in a portion of this observance in my hometown in Chattanooga, Tenn.

On this occasion, I want to commend Sertoma clubs throughout the Nation and particularly those in the Third Congressional District of Tennessee for their splendid patriotism and service to their fellow Americans.

In Chattanooga, Sertoma has distributed 25,000 copies of our Declaration of Independence to junior high school students since the freedom program was initiated in 1960. This year, club members distributed over 5,000 such copies and took time from their regular occupations to speak to students about our American heritage.

Each year, the Sertoma Club of Chattanooga also presents its Freedom Award to an outstanding citizen or institution of the community for contributions to preservation of the American way of life. This year's recipient, Luther Masingill, exemplifies the highest qualities of leadership and patriotism.

In connection with this year's activities, it was my recent privilege to judge the second annual "Speak Up for Freedom" contest sponsored by the Highland Sertoma Club of Chattanooga. Six outstanding high school orators from the Chattanooga area competed All the entries were excellent, and the moving occasion testified to the high caliber of our youth today. As film star Chill Wills, who emceed the program, put it:

I don't think we're going to run out of leadership when we have young people like these.

The winner, Miss Alecia Scott of Red Bank High School in Chattanooga, presented an inspiring and thoughtful speech demonstrating a mature understanding of freedom and our responsibility to preserve it. I recommend it to my colleagues as worthwhile reading.

The essay follows:

WITHIN OURSELVES OUR FUTURE LIES

(By Alecia Scott)

"Freedom is a hard-bought thing—
A gift no man can give,
For some, a way of dying,
For most, a way to live."[1]

In this country both concepts of freedom are true—early Americans died to insure freedom for those who were to live in the future; today, we enjoy freedom because these patriots gave their lives for liberty. The American type of freedom began back in 1776 when Thomas Paine, Benjamin Franklin, and Thomas Jefferson were expressing their desires for and ideas about freedom in documents that live and breathe today. During these Revolutionary times, the Thirteen Colonies cried out for freedom from taxes, from the King, from the Old World; and against impossible odds and insurmountable difficulties, they got what they wanted. Since those times that tried men's souls, freedom has changed from meaning that an individual has rights to meaning that each individual has his own concepts and interpretations of these rights.

The liberties outlined in the Bill of Rights in our Constitution are applicable to you and me in very personal ways. Freedom means an amending process which has changed the law to allow many teenagers to exercise their voting privileges this year. In this free society, we can choose which college we want to attend, but that college can also deny us admission. Freedom involves a respect for the government and the right to disagree with its officials. Freedom of religion means a person can go to church three times a week, twice a year, or not at all. As a part of the free enterprise system, we can choose our occupation, but we will find ourselves in competition with others who have chosen the same career.

We can read the newspapers or watch the news on television; at the same time, the freedom of the press insures the right of the journalist or commentator to interpret the news as he sees it. Freedom is the knowledge that an individual's rights and liberties end where another person's begin.

Since her very conception, America has been a beacon of freedom, guiding our leaders and setting an example for all other nations. Millions of soldiers have died to preserve our liberty, and the leaders of this government have kept the country's freedom intact. But the real molder of the past and determiner of the future is the voter, he who elects the administrators of the law. Without the voter there would be no elected government to make laws, to state policies, or to impose freezes. Only by being concerned enough and by becoming involved enough to vote can an American feel that he is doing his share for his country. Patriotism and oratory are fine qualities, but neither will be as effective as a trip to the polls on election day. With the traits of dedication, involvement, and courage instilled in each American, the United States will continue to be strong and unconquerable as the motto of Girls' State suggests: "Forward forever, backward never, within ourselves our future lies." People, the voters, America's concerned citizens—these have preserved her freedom thus far and are her security for the future.

Freedom may have a different definition to each individual, but freedom is also a universal feeling. As long as people exist, an inborn desire for personal liberties will exist. Freedom may be everyone's right, but its preservation is truly everyone's responsibility. My own concept of an individual's role in the protection of our freedom is summarized in a paraphrased contemporary song: "Let there be freedom on earth, and let it begin with me."

COASTAL CASE STRONGER

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. BOGGS. Mr. Speaker, last Thursday, the Louisiana delegation and other Members of the Congress met with Ashton Phelps, the publisher, and George W. Healy, Jr., the editor, of the New Orleans Times Picayune, to discuss the need to share with coastal States the revenue of mineral production on the Outer Continental Shelf.

At the present time, the Federal Government rightly shares with inland States 37½ percent of the revenues generated by mineral production on lands within their borders. Coastal States, which provide the public services which make offshore mineral production possible, are not afforded the same treatment.

The Times Picayune, led by its able editor, George W. Healy, Jr., has directed its editorial attention to the inequities of the present treatment of inland States. I am inserting a recent column by Mr. Healy, and calling it to the attention of my colleagues:

COASTAL CASE STRONGER

(By George W. Healy)

As more facts become available, the more it becomes obvious that sharing by the federal government with coastal states of its growing revenues from offshore lands is a necessity.

That is our opinion—confirmed by new information becoming public practically every day.

Desirability of revenue sharing with the coastal states to end inequities which have penalized those states long has been apparent.

Now, developments indicate that this sharing is essential if the nation's mounting need for energy is to be met.

Atlantic Coast states, understandably, have expressed opposition to exploration and production from the Outer Continental Shelf beyond their shores, despite acute needs for energy in those states.

There are two reasons, we believe, for this opposition. They know less about offshore production than do Texas, Louisiana and other states which have gained valuable experience in the past quarter century. Also, and probably more important, there is no incentive for them to encourage production of riches from federal lands off their coasts if that production will cost them dearly and if those riches will not be shared with them to compensate for their added costs.

Inland states which have received substantial funds from revenues produced on inshore federal lands are concerned, rightly, that cancellation of mineral lease sales which already have affected offshore federal lands production may spread.

Abandonment of exploration for and production of oil and gas from inshore federal lands would adversely affect states which during the four years 1968–1971 received $217,584,900.28 as their share of revenues produced from these lands.

Figures obtained recently from the Bureau of Land Management of the United States Department of the Interior show that Wyoming in these four years received $75,722,939.53 as its share of revenues from inshore federal lands; New Mexico, $48,779,079.30; Alaska, $32,492,099.29, and other states amounts ranging from $13,505,058.39 downward.

During the same period federal lands off the Louisiana coast produced revenues in excess of $3,000,000,000. None of this revenue was shared with Louisiana.

The inland states which share federal lands revenue, in our opinion, deserve every dollar which they receive. They provide services which make possible productivity of these federal lands. They also forgo collection of taxes from these lands.

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[1] "Song of the Settlers," by Jessamyn West.

Coastal states perform many governmental services which make possible production of oil, gas, sulphur and other minerals from offshore lands. They also forego tax collections. Had they been collectible, severance taxes on natural resources extracted from federal lands off the Louisiana coast 1955–1968 would have placed $397,356,668.42 in this state's treasury.

Louisiana is not alone in being discriminated against by the existing revenue-sharing policy of the federal government. Texas, Florida, California, Oregon and Washington also have received no part of the substantial revenues which have been produced from federal lands off their coasts.

Other coastal states will suffer, we predict, unless the Congress passes laws treating offshore federal lands as inshore federal lands are treated for purposes of revenue sharing.

The growing demand for energy already has led to extensive exploration in the Outer Continental Shelf off coastal states which now have no offshore production.

Litigation has not righted the wrong being done coastal states. The time is here for Congress to act.

Federal inshore revenue-sharing—Division of Receipts: 1968-71

Alabama	$42, 842. 93
Alaska	32, 492, 099. 29
Arizona	781, 634. 93
Arkansas	78, 121. 02
California	12, 958, 508. 67
Colorado	12, 688, 575. 20
Florida	67, 525. 35
Idaho	1, 025, 023. 22
Indiana	2. 00
Kansas	652, 440. 37
Louisiana	1, 660, 368. 21
Michigan	62, 926. 20
Minnesota	549. 48
Mississippi	61, 239. 69
Missouri	18. 00
Montana	11, 926, 881. 77
Nebraska	14, 696. 35
Nevada	2, 014, 283. 73
New Mexico	48, 779, 079. 30
North Dakota	842, 189. 68
Oklahoma	708, 601. 70
Oregon	682, 479. 15
South Dakota	767, 126. 74
Utah	13, 505, 058. 39
Washington	49, 651. 98
Wisconsin	37. 40
Wyoming	75, 722, 939. 53
Total	217, 584, 900. 28

THE ALTERNATIVES TO BUSING

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. HOGAN. Mr. Speaker, the idea of busing schoolchildren to achieve an artificial racial balance has troubled me since its inception, and my concern has grown as my district has struggled with the terrible problems it causes.

I realize that in every argument against a particular policy there must be workable solutions offered in its place. In the case of busing, I have long argued that we must not saddle our children with finding solutions to our own problems of bigotry and prejudice—we must attack the problems by insuring equality in jobs, in pay, in housing, and every other aspect of our society.

At the same time, we must work to provide quality education rather than concentrate on artificial and unworkable schemes of racial balance.

The Evening Star recently published an editorial entitled "The Alternatives to Busing" stressing the importance of quality education over "dysfunctional schemes" of racial balance. While I do not agree with their arguments against a constitutional amendment to block racial busing, I do think they have made some excellent points regarding other possible legislation to insure equality in education. I now insert the editorial into the RECORD:

[From the Washington Star, Feb. 18, 1972]

THE ALTERNATIVES TO BUSING

Professor Charles V. Hamilton, a Negro scholar, has written in the Harvard Educational Review that segregationists must be fought at every turn. Then he added: "But in our determination to defeat them, let us not devise plans that are dysfunctional in other serious ways."

His comment goes to the heart of the great dilemma and current political furor over school busing. For some 18 years, this country has labored to comply with the Supreme Court decision that the races may not be separated by law in the public schools. We have nearly reached the point where de jure segregation, Old South style, with its dual facilities, is dead. And many communities are very happy with the result. Meanwhile, however, the courts have kept raising the ante, forcing school districts to go ever farther to integrate the schools. The Mehrige ruling in Richmond, requiring wholesale city-suburban shifts of black and white students, is the latest example. Pending cases in Detroit and Denver could require even more sweeping schemes.

And with it all has come the reaction. Opposition to busing involves many different sorts of feelings and considerations. Chief among them though, are some very valid concerns among both white and black parents. They fear what Professor Hamilton caled the "dysfunctional," the upsetting of personal life and normal school practice to the point of more than canceling out the purported educational gains that come from integration.

Clearly, something must be done. But it is of paramount importance that the right thing be done, that the balance be struck is morally and intellectually right.

At this point, the burden of initiative is with President Nixon. For he has pledged to move against busing as a device to achieve racial balance. And he has told conservative congressmen he will study several anti-busing alternatives, including a constitutional amendment. Any number of such amendments are now before Congress. The important point, though, is that the success of the amendment tactic could well depend on whether the President decides to support or reject it.

We believe he should reject it. Not because such an amendment would, as some say, "trivialize" the Constitution. In fact Representative Norman F. Lent's proposed amendment, banning school assignments on the basis of race, simply would constitutionalize the ideal inherent in the 1954 Supreme Court decision.

Yet it would have a negative effect. It would undercut some of the desegregation already achieved, perhaps resulting in the rollback of successful school plans in both North and South. Even at best, it would appear prosegregationist, and this is something the administration and Congress should want to avoid. On such a sensitive front, appearance is part of reality.

Legislation is by far the better route. In the first place, as Vice President Agnew recognized, it is more flexible. Second, it means Congress would do what it should have done long ago—play a role in this issue side by side with the courts.

But what kind of legislation? The proper congressional committees might well start with the bill suggested by Professor Alexander Bickel of Yale and Representative Richard Preyer of North Carolina. It avoids discrimination or conflict with the Supreme Court. It would seek to combat racial isolation, and would give any student the right to transfer from a school in which his race is in the majority to one in which his race is in the minority. But by far its most important provision aims squarely at equalizing the resources of schools and school districts.

It has long been our view that the key to dealing with the inadequacies of inner-city and other predominately black schools is to so improve those schools that quality education can, and does, take place. This can only be done, of course, at great financial cost. Yet whatever that cost, decisive action has become imperative. If the drift to ever bigger busing plans is to be checked, and we agree it should, the only feasible alternative is to preserve racial justice, which is quite different from racial quotas, and to assure truly equal educational opportunity.

GIUSEPPE MAZZINI, 1805–72

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. COLLIER. Mr. Speaker, next Friday, March 10, will be the centennial of the passing of the patriot, Giuseppe Mazzini, who devoted his entire adult life to the cause of Italy's unification. The 67 years of his earthly pilgrimage between his birth at Genoa in 1805 and his death at Pisa were crowded with varied experiences, but his lifelong goal was the incorporation of the conglomeration of Italian states, most of which were dominated by Austria, into one nation.

The account of the long journey from fragmentation to unification is largely the story of four men, each of whom played a significant role in the drama. Vittorio Emanuele II, the King of Sardinia, was the leader; although Mazzini desired a republic, he settled reluctantly for a monarchy. Cavour was the politician, Garibaldi was the soldier, and Mazzini was the patriot; all were essential to the cause of securing independence from foreign domination and domestic jealousies.

Mazzini overcame the handicap of delicate health, he surrendered his literary ambitions, he endured long exile in foreign lands, he was well acquainted with poverty, he underwent imprisonment, and was for a time under sentence of death. In the end the cause to which he gave his all triumphed gloriously.

Let me close my remarks by reading two tributes, one from Thomas Carlyle, the other from Garibaldi. In a letter to the London Times, written on June 15, 1844, the historian said, in part:

> I have had the honour to know Mr. Mazzini for a series of years, and whatever I may think of his practical insight and skill in worldly affairs, I can with great freedom testify to all men that he, if I have ever seen one such, is a man of genius and virtue, a man of sterling veracity, humanity, and

nobleness of mind, one of those rare men, numberable unfortunately but as units in this world, who are worthy to be called martyr souls; who in silence, piously in their daily life, understand and practise what is meant by that.

A score of years later, at a luncheon in London, Giuseppe Garibaldi, who was famous throughout Europe and the Americas as "the Liberator," acknowledged his debt to his fellow countryman in these eloquent words:

> I am going to make a declaration which ought to have been made long ago. Among us here is a man who has performed the greatest services both to my native land and to freedom. When I was young and had nothing but aspirations, I looked for a man who could counsel and guide my young years. I sought him as a thirsty man seeks water. I found him. He alone had kept alive the sacred fire; he alone watched while others slept. He has always remained my friend, filled with the love of country, filled with love for the cause of liberty. This man is my friend Giuseppe Mazzini. I drink to him, to my friend, to my teacher.

Mr. Speaker, Mazzini's devotion to the cause of human liberty, while expended in behalf of his native land, was unbounded. We in America, who have enjoyed freedom for almost two centuries and who have done so much to advance freedom elsewhere, can well spare a moment to pay tribute to a great patriot—Giuseppe Mazzini.

HARTKE-BURKE BILL DESERVES DEFEAT

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. FRENZEL. Mr. Speaker, the Minneapolis Tribune editorial of February 17 contained an analysis of the potentially disruptive effect which the Burke-Hartke bill would have on our Nation's economy.

In the March 2 Tribune, Harry Heltzer, chairman of the board of Minnesota Mining and Manufacturing, responded with an excellent letter to the editor outlining the positive effect on domestic employment that the multinational efforts of his company have produced.

I commend these two articles to my colleagues:

[From the Minneapolis Tribune, Feb. 17, 1972]

Hartke-Burke Bill Deserves Defeat

Never in recent years has the debate between trade-liberalization advocates and protectionists been so sharply focused as now, For the first time since 1967 there is concrete evidence of progress toward international reduction of trade barriers. A precedent of the opposite kind is the trade-restriction bill introduced in Congress by Sen. Vance Hartke, D-Ind., and Rep. James Burke, D-Mass.

Among many other retrogressive provisions, the bill would set quotas to reduce imports some 40 percent from 1971 levels. The Emergency Committee for American Trade calls the proposal "the most sweeping attack against the international operations of business ever introduced in Congress." If the Hartke-Burke bill has any virtue, it is that of sharply defining one issue: A prerequisite to trade liberalization and economic growth is the bill's defeat and replacement, in the next year or so, with a trade act restoring to the President negotiating authority lost when that provision of the Trade Expansion Act of 1962 expired five years ago.

Legislation similar to Hartke-Burke (although not quite so restrictive) was defeated in 1970 by common sense and warnings of the retaliatory measures that other countries could take against American exports. The same arguments apply now, reinforced by positive signs that appeared last week. From Japan on Wednesday and from the Common Market Friday, the United States gained concessions to increase U.S. exports in several categories. The concessions were nominal; more significant was the agreement by the Europeans, Japanese and Americans to enter into worldwide trade negotiations in 1973.

According to William Eberle, President Nixon's chief trade negotiator, the agreements are an expression of "political will" to reduce inequities and barriers to trade. We think he is right in expressing hope that trading partners are becoming aware that liberalization is in the best interests of all and right, too, in warning of the painstaking preparations necessary to give such negotiations a chance of success. An essential bit of preparation, as well as a means of demonstrating the U.S. political will on trade, would be decisive congressional rejection of the Hartke-Burke bill.

The Hartke-Burke Bill

I agree with the conclusions expressed in your editorial of Feb. 17 "Hartke-Burke bill deserves defeat." The sponsors and supporters of this proposed legislation have identified a serious problem—that certain U.S. industries are hard-pressed to compete with products from other countries—but their proposed solution falls far wide of the mark.

The solution lies not in protectionist policies that are sure to lead to retaliatory measures by other governments, but through controlling inflation, negotiating agreements for a freer flow of goods between countries and increasing our rate of growth in productivity. We will all benefit through increased job opportunities and lower prices paid by consumers.

The Hartke-Burke sponsors have charged that multinational companies are "exporting jobs." A recent survey of 158 multinational firms by the U.S. Chamber of Commerce indicates that during the decade of the 1960s these companies grew 31 percent in terms of new U.S. jobs, compared to the national average growth of just 12 percent. Similar surveys by the National Foreign Trade Council, the Emergency Committee for American Trade and others support these findings.

Our own experience at 3M also supports this: Since 1951, when we entered international markets, our employment has grown from 12,000, with only a handful of jobs dependent upon export activity, to some 40,000 persons employed in the United State. We estimate that one out of eight of our U.S. employees owes his job to 3M's overseas operations.

That means that a lot of jobs for employees in and around Alexandria, Cottage Grove, Fairmount, Hutchinson, New Ulm, Northfield, Pine City and St. Paul are dependent on our global business, as are others in Brookings, S.D., and Cumberland, Nekoosa, Wausau and Prairie du Chien, Wis.

In addition, we consider ourselves a kind of "export department" for many of our suppliers, who may not recognize the extent to which they are engaged in international trade.

You can see why we are alarmed—as all U.S. consumers should be—by proposals such as Hartke-Burke, which would turn back the clock to the days of the Smoot-Hawley Act by encouraging the raising of protectionist walls by our trading partners.—Harry Heltzer, chairman of the board, 3M Co., St. Paul.

FACTIONAL DIVISION OF THE NORTH OF IRELAND: A REPORT

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. BIAGGI. Mr. Speaker, the violence in Northern Ireland continues to take lives, on both sides of the conflict. As of February 28, 1972, 252 people had lost their lives since August of 1969.

I have been extremely active in trying to bring about a solution to the tragic situation in Northern Ireland. I have introduced legislation calling for an end to hostilities, the withdrawal of British troops, and the holding of a plebiscite of all of Ireland to determine the question of national reunification.

I have also introduced legislation to provide 25,000 emergency refugee visas for residents of Northern Ireland. This would provide speedy entry into the United States in time of emergency in much the same way as this Nation provided for the Hungarians and the Cubans in the past.

Just last week I testified at hearings on the problem before the House Foreign Affairs Committee, Subcommittee on Europe.

In order that my colleagues may be fully aware of the information on the situation in that strife torn nation, I am including for the record a report written by Mr. Fred O'Briain. Mr. O'Briain completed his undergraduate work in 1965, his law degree in 1969, and a master's degree in 1971. He is currently employed by the U.S. Government as an attorney in the Bureau of Customs.

I believe that my colleagues will benefit from reading this report.

The first half of the report follows:

Factional Division in the North of Ireland

(By Fred O'Briain)

Problems exist today in Ireland because they were left unsolved in 1921 when the two Irelands were created to appease opposing religious and political factions. Religious bigotry has been the tool utilized by the ruling elite in the North of Ireland to polarize the Catholic and Protestant working class citizens. There has been an ingrained religious prejudice in Ulster dating from its establishment in 1921 and extending from 1689 when the Protestant William of Orange defeated the Catholic King James at the Battle of the Boyne.

This traditional prejudice is important in understanding the people of Ireland since it plays such an important role in their everyday life. Both religious groups conjure up past heroes and martyrs whenever there is an outbreak of violence and there have been a multitude of them since 1921.

The Prime Ministers of Ireland, Northern Ireland, and Great Britain are meeting to discuss the problems of Ulster. Their meetings have temporarily ended but will be renewed and this is quite an accomplishment. The three had never come together in the past and the fact of their meeting will hopefully bring necessary concessions from all partys, but it will take time. Fifty years of partition can't be erased by a few conferences. Long range solutions can be worked out, but there is a need for some temporary measures otherwise Ireland will have a civil war that could permanently damage any hopes for a settlement. From my own opinion that I garnered during a stay in Belfast this past August, I would say that the people would rather have a neutral peace-keeping force deployed in their country rather than the British Army that is now there. They have become despised by both religious factions. The Ulster Police can't maintain order because they are overwhelmingly Protestant and the Catholics won't accept them. The British Army has failed to stop terrorism by both the Irish Republican Army and the various Protestant counterparts. Perhaps a neutral United Nations Peace-Keeping Force could be brought in to the Province by consent of Britain and also stationed on the border of the two Irelands to stop illegal use of the border. I believe that the people would be more receptive to an impartial third party.

The partition of Ireland in 1921 was the one single incident that the people of the North of Ireland could point their finger at as the spark that kept burning and erupted again in August, 1971. "Ever since 1921, when the Irish Free State (which later became the Republic of Ireland) got its independence and the six largely Protestant counties of Ulster elected to remain within Great Britain, there had been fierce and intermittent protests from the outnumbered and underprivileged Catholics."

The Government of Ireland Act, 1921, established a separate parliament for the six counties of Antrim, Armagh, Derry, Down, Fermanagh, and Tyrone. This area, slightly less than a fifth of the island in extent, but with about a third of the population, was designated Northern Ireland in the Act.

In the area selected for inclusion in Northern Ireland, there were about two Unionist (pro Britain) votes for each anti-Unionist vote, but the distribution of these was very unbalanced. Most Unionist votes were centered in the industrial area around Belfast, the provincial capital. Anti-Unionist were disseminated around the six counties.

Political allegiance remained closely linked to religious persuasion; in other words, the pattern of political opinion still followed closely the real patchwork of the two opposed cultures dating to the plantation days when English settlers were brought in to rule the native Catholics. Protestant elites ruled under the Unionist party with the working class being exploited especially the Catholics. The elite used religious bias to polarize poor Catholics and Protestants.

What most people do not realize is the fact that the Government of Ireland Act was not expressly designed to create a permanent partition of Ireland. After its opening clause, which provided for the establishment of the two parliaments in the country, it went on to provide for the establishment of a council of Ireland, with a view to the eventual establishment of a parliament for the whole of Ireland, and to bringing about harmonious action between the parliaments and governments of Southern Ireland and Northern Ireland and to give powers to the two parliaments to establish a parliament of all Ireland.

This provision aimed at the ultimate unification of Ireland or at least at a federal solution which would bring about harmony between the two governments and allow administration of certain common services affecting the whole country.

No group in Ireland was enthusiastic about the act: Ulster Unionists regarded it, they said, as the "Supreme Sacrifice," though it is true that they soon became very attached to the settlement, which can best be described as Unionist Home Rule. Nationalists (pro-Republic) in Ulster still hoped for union with the Republic, but in the meantime they would have preferred government from Westminster, while Southern Unionists were naturally opposed to partition which left them a tiny minority in the Republic.

The problems that exist today in Ulster are not really different from the ones that existed in 1922. They were merely postponed 50 years, and if they are not settled now, the violence and repressive tactics of the government will persist and never abate. Solutions or at least concrete steps to solutions must be taken.

Among both Catholics and Protestants the creation of a perfect impenetrable bigotry begins just beyond infancy. It is a mighty barrier against nonviolent solutions. Before they learn nursery rhymes, Catholic children mouth Republican verses, and Protestants take active pride in King Billy, the same William III who defeated James II at the Battle of the Boyne. Children speak ugly epithets with angelic smiles, and enthusiastically accept the crippling burdens of the past. The bigotry between the two religious factions has led Catholics to lean on the Irish Republican Army (IRA) for protection against guntoting Protestants and the British Army.

Serious outbreaks of violence occurred in 1969 in Ulster when Catholics and Protestants scuffled daily. The Catholics protested intolerable conditions which Protestants wished to keep them in to maintain dominance. The troubles of 1971 are a continuation of 1969. The violence of 1969 was so serious a threat to peace in the North of Ireland that British troops were brought in to keep the peace and to insure minority Catholics their rights, but this set of circumstances has been altered and Catholics consider the troops their oppressor as do the Protestants. Concessions were made by the ruling Unionist government to Catholics and were put on the Statute Books and are as follows:

1. one-man, one-vote was instituted to apply to local council elections, as it has always applied in Parliamentary elections.

2. the proposal for re-organization of local government are being considered from recommendations of an impartial review body.

3. a local ombudsman has been appointed to deal with grievances against local council and public bodies. The ombudsman is entirely independent of the government.

4. a ministry of community relations has been set up,

5. as well as a development commission to study improvements in impoverished areas,

6. and a housing authority to deal with the creation of a control housing organization.

7. the re-shaping of local government is being considered.

Catholics have inferior housing and a higher rate of unemployment than their Protestant counterparts. In conjunction with these reforms it was stated that the old rule that required an individual to write his religion on his application for employment was abolished.

These reforms were on the books, but in practice an applicant was verbally asked his religion so the reform was not put into practice by employers and abuse was not prosecuted by the government. Extensive unemployment was rampant in Catholic areas as high as 48% in one. This leaves many people ripe for violence with time on their hands. Violence broke out in August 1971 because reforms were ignored in practice and it should have been expected.

Ordinary Catholics in the ghettos of Belfast will tell you they would have felt themselves defenseless without the support of the IRA. They may express their horror at the methods employed by the IRA, but there is no doubt about their gratitude. This goes back to the troubles of the summer of 1969, when a mob of Protestants swarmed into the Ardoyne, one of the worst ghettos, drove families from their homes at gunpoint and burned down rows of homes. On that night, the frightened Catholics went to the homes of known members of the IRA Regulars (the less violent branch) to seek aid, but did not find them able or willing to help so they went to the IRA Provisionals and received the protection they sought.

The Provisionals see their role as a defensive one, to protect Catholics from attack by British troops. They kill without regret because the British Army now has orders to kill rioters. One Provisional said: "We must match gun for gun. This is what people rely on us to do. It is our duty." This alienates the Protestants and incites riot.

To maintain their standing with the people the IRA need issues to bargain with the populace. They have those issues; the desire of most Catholics and many Protestant Republicans to unite with the Republic of Ireland in the South; the number of "Rifle Clubs" in Ulster (all are Protestant controlled); and the absolute exclusion of Catholics from reasonable participation in the Stormont Government.

Fear of the British troops because of their change in role has been exploited by the IRA. The British troops in Ulster are no longer a peace-keeping force; they have become an army of occupation. Internment has clinched it. The measures which were to have prevented civil war have, in fact, created it. The British Army has become an instrument of Stormont's policy, doing Stormont's dirty work. The troops should be withdrawn and let the chips fall as they may is the opinion of a lot of people in Great Britian. The soldiers in Ulster have lately faced an impossible situation. There is a limit to the length of time you can use troops as policemen, partly because it is not what troops are trained for: partly because they earn public contempt. A soldier with a gun he may not use is a fool, and he knows it. Today, the soldiers look frightening, as they are intended to look. They also look partial, where they were intended to be impartial.

WRIGHT BAZEMORE OF VALDOSTA, GA., NAMED "COACH OF THE YEAR"

HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. MATHIS of Georgia. Mr. Speaker, few men are recognized as a legend in their own lifetime. But one such man is Coach Wright Bazemore of Valdosta, Ga., who is being honored by the Valdosta Touchdown Club on March 9.

Recently named "Coach of the Year" and inducted into the Georgia Athletic Hall of Fame, Coach Bazemore has retired with a 290–43–6 record—one not likely to be matched by a mere mortal.

He ended his 31-year career as head coach at Valdosta High School with a team that brought home his 15th State championship title—eight in the past 11 seasons. Valdosta defeated Avondale, a suburb of Altanta, 62–12 in the finals of State AAA playoffs.

Wright Bazemore's remarkable career started in Fitzgerald, just 60 miles as the crow flies from where he now calls home. He earned the maximum number of letters in four sports at Fitzgerald High, an on two occasions he scored 10 touchdowns in a single football game. This record still stands, of course, in Georgia Prep sports.

As a coach, Wright Bazemore has won every award there is to win at the State and national levels. Last year he was named National Prep Coach of the Year. He is the only person inducted in the

Georgia Sports Hall of Fame as both a coach and player. In addition to winning 15 State championships, Coach Bazemore has won two State runners-up and his Wildcats have finished No. 1 in the country four times.

These statistics and honors tell us a great deal about the man. Yet, they do not tell the whole story. They do not tell how much Coach Bazemore has meant to the youth of Valdosta. His contributions are immeasurable.

No other man has earned the admiration and respect of so many young athletes.

No other high school coach has made it possible for so many boys to attend college on a football scholarship.

No other adult has recognized and developed so much potential in high school students.

Since the coach's decision to retire was announced to the public, his telephone has been ringing constantly. Many of the calls are from parents who want their sons to have the opportunity to play football for Wright Bazemore.

That, in itself, tells you a lot about the reputation and character of the man. But Coach Bazemore said something recently that impressed me even more. When asked why he never accepted one of the many offers to coach college football, he answered:

> I am cocky enough to think I could have succeeded in college, but I couldn't stand the thought of having to go through all that recruiting, being forced to tell fibs and do all the things that are necessary to get the good boys.

A man who feels that way thinks about more than winning. Yet he wins. I, too, wish that my sons could play for him.

To say that Coach Bazemore will be missed is the understatement of the year. To say that he will be long remembered is obvious.

Coach Bazemore has fans all over the country. But his most loyal fans are the people of Valdosta, Ga. I join my friends of "Football City" in wishing Coach Wright Bazemore good health and much happiness in his retirement.

A CRAM COURSE IN AMERICAN GOVERNMENT

HON. DONALD D. CLANCY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. CLANCY. Mr. Speaker, about 50 seniors from Cincinnati high schools are in the Nation's Capital this week for what could be termed a cram course in American government.

This is not the typical sightseeing jaunt which lives on in memories but does not add much to knowledge about the way our Government operates.

These students are scheduled to meet with Speaker CARL ALBERT, Minority Leader GERALD FORD, Minority Whip LESLIE ARENDS and numerous other Members of Congress. They will attend congressional committee hearings and have opportunities to talk with members.

On Wednesday, they are scheduled to tour the Supreme Court and are to meet with Justice Potter Stewart who is from their hometown of Cincinnati. They will discuss legislative procedures with Senators ROBERT TAFT, Jr. and WILLIAM B. SAXBE, of Ohio, and talk with congressional staff members about office routines.

Friday, they will go to the White House and, following a tour, they will meet with officials there about operations of the executive branch of our Government.

From this, you can readily see why I have described this to be a cram course in American government. I believe these young people will be better citizens for what they do, see, and talk about here this week.

This is the first year for this type of program which is being coordinated by the greater chamber of commerce. My office and that of my Cincinnati colleague, Congressman WILLIAM J. KEATING, have been in charge of arrangements here.

We feel that these are above average high school students who have the potential for being leading citizens in the future. They were selected on the basis of scholarship, civic interest, good citizenship, and leadership. They and their schools are:

Greg Calloway, Woodward High School; Edward Cole, Wyoming; Michael Phelps, Lockland; Dick Sammis, Mariemont; Eileen Davis, St. Ursula; Eloise Louis, Taft; Karen Siebel, Taylor; Rhonda Beckman, Ursuline Academy.

Sandra Ingram and Tim Maas, Walnut Hills; Michael Vilardo and Deborah Rose, Withrow; Michael Conroy, Purcell; Patricia Bill, Seton; Tikie Hamman, St. Bernard; Linda Espelege, Mother of Mercy; Paul Thiemann, St. Xavier.

Janet Droste, Mount Notre Dame; Michael Bowman, Norwood; David Brown, Oak Hills; Patty Donohue, Our Lady of Angels; Marianna Beale, Donna Grant and Steve Sexton, Princeton; Arthur McAdams, Indian Hill.

William Schmitz, LaSalle; David Davis, Madeira; Mary Ann Buescher, McAuley; Jon Riehle, McNicholas; Ted Lagregren; Mount Healthy, Lori Breiner and Guy Mailly, Aiken; Ralph Keil and John Robeck, Anderson; April Laskey, College Preparatory.

Thomas Diamante and Casper Budde, Elder; David Haberstroh, Harry Rosenbluth and George Morton, Finneytown; Thomas Kitchen, Deer Park; Mark Naschang, North College Hill, and Robert Haas, Greenhills.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

DR. SAMUEL M. GENENSKY: TRIUMPH OVER ODDS

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. CHARLES H. WILSON. Mr. Speaker, the President's Committee on Employment for the Handicapped has made a laudable choice in honoring Dr. Samuel M. Genensky, of Santa Monica, Calif., as an outstanding handicapped individual. Truly, this gentleman has distinguished himself as an innovator, a scholar and, most importantly, a humanitarian.

"Blind" since birth, Dr. Genensky's left eye is totally useless while the vision in his right eye is approximately 8/500. In fact, of the 400,000 Americans classified as legally blind, 60 percent have better vision than Sam Genensky.

Yet for the past 14 years, Dr. Genensky has been a mathematician and systems analyst with the Rand Corp. where his myriad contributions include organizing Rand's research on domestic problems and, under an HEW grant, developing "Randsight," a unique functional classification system to recognize differences among the visually handicapped which, when adapted and supported, can greatly upgrade opportunities for this disabled minority. Randsight is the first important aid to the visually handicapped since the invention of eyeglasses.

Sam Genensky's singular achievements are in great part due to his avoidance of all self-indulgence by refusing, since childhood, to see himself as handicapped. This perseverance, coupled with the love and support of his mother and, later, his wife and children, has enabled him to overcome what for others would be an insuperable hurdle.

Education, to Sam, was the keystone of a full and productive life. While he attended special education classes in the lower grades, his achievements were such that he was admitted to public high school in New Bedford, Mass. Of this education he says:

> I took my exams in better light, otherwise I asked no quarter.

For, by his ingenious methods of study and particularly his discovery of the usefulness of binoculars—now, at Rand, his binoculars require a special security clearance when he travels on classified business—Sam Genesky compiled a remarkable academic record. From high school, he went on to graduate magna cum laude from Brown University, then receiving his MA in mathematics from Harvard University and, in 1958, his Ph. D. from Brown.

Because he knows the importance of the "things unseen," Sam Genensky is dedicated to showing the way to other visually impaired persons. The inspiration of his personal experiences has been disseminated through written articles in professional journals, by lobbying efforts with schools and medical institutions, and by scores of personal contacts with the handicapped to help them plan their future education and long-range vocational goals.

By honoring Sam Genensky, the President's Committee on Employment for the Handicapped recognizes his determination, intelligence, and compassion while also recognizing the need for improved moral and financial support for research into the education and training of the "handicapped" for useful positions in our society. And, by means of this award, the Rand Corp. is indirectly cited for its foresight in employing men like Dr. Genensky; certainly, Rand's confidence has been more than justified. For, while we can do everything possible to prepare the handicapped for productive lives, unless industry opens the door of opportunity to these valuable persons, we will have nothing but a stalemate.

Dr. Samuel Genensky can certainly be an example to all that it is not what we are born with that shapes our lives, but rather what we do with what we have. His success is not so much measured by the position he has attained, but by the obstacles he has overcome on the way.

GIRLS IN ACTION

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. NATCHER. Mr. Speaker, March 12 commemorates the 60th anniversary of the Girl Scouts of America, and it is with great pleasure that I take this opportunity to commend this wonderful group for its many fine achievements. Brought over from England in 1912 by Juliette Low, Girl Scouting has obtained great heights over the years. More than 3½ million girls, aged 7 through 17, actively participate in a wide range of activities geared to instill them with patriotism and a sense of service.

Scouting has spread throughout the world enriching over 75 countries with its high ideals and numerous contributions. Through international foreign exchange programs and as part of their Action '70 plan, young girls all over the world learn from each other and exchange ideas, heritages, and cultures thereby helping to bridge the dark chasm of prejudice caused by ignorance and fear. An understanding and an appreciation for the differences of the background and customs of various nations are promoted and the girls gain a mutual insight into each other's problems. Their expressions of peace, good will, and trust set forth a fine example for all to follow.

While Action '70 focuses on improved relations among people, Eco-Action focuses on man and his environment. The program, which is just beginning, is designed to make the girls aware of their environment and of their relationship to their surroundings. They learn the interdependence and interrelation of elements within the environment and the necessity for preserving the balance of nature. Their activities are adjusted to remedy a particular problem in a community and their projects are geared specifically to that need. Ideally, involvement encompasses everyone from the individual on through the troop and the community. The Scouts work toward preserving and improving the land and providing a framework in which their programs can be continued.

Scouting is not necessarily limited to the young. The Girl Scouts reach out to people of all ages and give them an opportunity to participate in their programs. They also provide a wide variety of services to the elderly. They visit them in hospitals and nursing homes and do all that they can to help brighten the day of someone less fortunate than they; they organize shopping and delivery services for those unable to leave their homes; they "adopt" older persons as grandparents and give them the attention and affection to which every human being is entitled. This association with our older Americans is by no means one-sided. The beauty of age is that it provides one with hindsight and knowledge. The Girl Scouts know this and greatly appreciate the opportunity to learn from these people, many of whom serve as teachers and consultants in creative arts, nature-study ecology, citizenship, and health and safety programs. Together, these two generations help prepare America and Americans for a better tomorrow.

I am extremely happy to see the continual rise in the membership of the Girl Scouts of America. The Second Congressional District of Kentucky has greatly benefited from the activities of these dedicated young girls who have initiated a paper recycling project. The girls man newspaper pickup stations one Saturday every month. This successful project has received the full cooperation of the general public throughout the entire council and the girls' enthusiasm and willingness to work have greatly bolstered the community spirit.

Mr. Speaker, for 60 years the Girl Scouts have honorably served their country and helped improve the lives of many Americans. These young girls have learned and taught others the joy, satisfaction, and pride derived from service and achievement. I wish them every success and hope that they will continue to grow so that they can expand their influence to reach the lives of those who have not yet been exposed to their high ideals and many worthwhile programs.

WORLD COUNCIL OF CHURCHES BACKS INSURRECTION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. RARICK. Mr. Speaker, several reports which appeared in the Reader's Digest in October and November 1971 again point out the need for reform in tax-exempt foundations.

Many dedicated Christian missionaries return from their world ministry disillusioned that Christianity is losing in the war against communism. Judging from these reports it is little wonder that Christianity has lost its appeal when the tithes, offerings, and contributions of church people are being used to further communism, be it labeled Marxism, socialism, or a dozen other more palatable terms.

The author of the articles, Clarence W. Hall, raises the questions:

> Preaching the gospel of racial justice, the World Council of Churches is using church power and church funds to back insurrection in the United States and Africa. Is this what Christ taught? Has this 'ecclesiastical United Nations' become just another platform from which Communists seek to flay the free world?

I include the articles by Clarence W. Hall in the RECORD at this point:

MUST OUR CHURCHES FINANCE REVOLUTION?

(By Clarence W. Hall)

In 1948, the World Council of Churches was born in a burst of ecumenical euphoria. To many Christians the event promised to end, once and for all, the "scandal of division" that for centuries had divided Christendom into hundreds of competing and sometimes hostile sects.

During its 23 years of operation, the WCC's achievements have been considerable. It has managed to bring into common fellowship some 252 denominations in 83 countries committed to "study, witness, serve and advance the common unity." It has helped settle tens of thousands of displaced persons and feed millions of the world's hungry. And it has, quite properly, insisted that Christians have a duty to bring their Christian ethic to bear on their society. Lately, however, the council not only has involved itself in issues that many consider outside its rightful realm, but has entered into actions that are rapidly destroying the very unity it professes to support.

One such action was the launching in September 1970 of a "Program to Combat Racism." Using a special WCC fund to aid 19 "liberation" movements, most of them in southern Africa fighting to wrest power from ruling white minorities, the program seemed laudable enough. But when old African hands read the list of recipients of this WCC largess (the first $200,000 taken from Council reserve funds), they blinked in disbelief. Of the 19 beneficiaries, 14 were known to be engaged in guerrilla activities, many of them terrorist. Worse, four of the most generously financed groups are avowedly communist. At least three of the four, according to the London Institute for the Study of Conflict, are receiving arms from the Soviet Union. All four have records of bloody terrorism not only against whites but against those black Africans who repudiate their terrorist methods.

With announcement of the grants, the world press erupted in condemnation. The London *Times* declared: "Christian authorities have no business to support organizations avowedly engaged in the use of terror, whatever their grievances and however sincere they may be. Militant Africans will now claim their activities have church backing and blessing." Germany's *Die Welt*, blasting the "theologians of revolution," said flatly: "Christian faith and terrorist power are incompatible."

Perhaps the most acid reaction came from Malcolm Muggeridge, distinguished British commentator: "What is objected to in the contribution made to the freedom-fighters is not their cause, but the association of the name of Christ with it. The freedom-fighters seek to overthrow the white oligarchies now ruling over South Africa, Rhodesia and the Portuguese colonies. A perfectly laudable enterprise. What, however, have such upheavals to do with advancing the Kingdom of Christ—presumably, the essential purpose of the World Council of Churches? Is Kenya more Christ-like because Jomo Kenyatta now rules over it? Or the Congo because President Mobutu is in charge? Chuck it, World Council of Churches!"

But the WCC showed no intention of chucking it. Instead, it took a second action that raised hackles even higher. Late last year, the WCC, a longtime opponent of the Vietnam war, launched a campaign to raise $210,000 in support of American draft-dodgers and deserters in Canada and Sweden. While the Council piously disclaimed any intention to encourage evasion of military duty—which would be perilously close to inciting treason—its youth division was circulating an issue of the magazine, *Risk*, dedicated to the virtues of doing precisely that. "You must go beyond the question of conscientious objection," the editors told their young readers. "The *just* men desert." One author asserted that any commanding officer who gave orders offensive to the objector was "a criminal. The courage of those who openly and fearlessly resist men who issue such commands merits supreme commendation."

INCENDIARY IMPRECISION

The storm whipped up by these two actions shows no signs of abating. Thoughtful Christians everywhere are asking: Is it the churches' business to finance revolution, support violence, incite to civil disobedience?

Out of its long commitment to the "social gospel," the WCC counters: "It is not enough for Christians to seek to save souls and improve individual characters. Christians must be concerned for the structures of society." This, to the WCC, means changing the structures by whatever means are most effective. "As Christians," says the Council, "we are committed to working for the transformation of society. In the past, we have usually done this through quiet efforts at social renewal, working through established institutions. Today, a significant number of those who are dedicated to the service of Christ and their neighbor assume a more revolutionary position."

Reaching out to establish theological backing for their views, some churchmen reach absurdity. One freely quoted in WCC circles is William Stringfellow, an Episcopal lay theologian, who wrote: "According to the gospels, Jesus was not a non-conformist, not just a protester. He was a criminal revolutionary." Another, Harvey Cox, Harvard professor of divinity, recently commented that Jesus "died the death reserved for those guilty of insurrection."

Although church liberals talk glibly of revolution, they becoming vague when pressed to spell out what they mean by the incendiary word. "Revolution means one thing to church leaders in one area," a WCC spokesman at its Geneva headquarters told me, "and quite another elsewhere. People in a given situation must figure out for themselves what form it should take." Such imprecision leaves the door wide-open everywhere. If violent action can be mandated to South Africa, then why not to any social order, including the American, which one might deem inequitable?

NATURAL CHOICE

The World Council's progression from peaceful change to revolution first became plain at a "World Conference on Church and Society," which it sponsored in Geneva in 1966. To this two-week meeting came 420 participants representing 164 churches in 80 countries. The usual clerics and theologians were there. But, in addition, a number of the economists and political "experts" present were of such a stripe that the conference became, as one observer noted, "a debate between leftists and extreme leftists."

Speakers called for a fundamental "restructuring of the world economy," a shifting of millions of employed workers from developed countries to those in the developing stage, even though such forced migration would "necessarily imply temporary dislocation and possible suffering for a large number of people." All this was to be financed by an "international tax" levied on the "have" nations, of at least two percent of their gross national product. Examining these grandiose suggestions, one observer commented: "If this is not a call for world socialism, what is it?"

By the time the 1966 conference was over, the WCC was firmly committed to aiding revolutionary change. But where to start? Bogged down in the complexities of "restructuring" the world economically, socially and politically, yet chided by radicals to get going on some clear-cut issue, the conference settled on racism. To WCC activists, the choice was a natural, since in their view racial injustice is society's worst evil today and is largely at the root of lack of economic development.

BLACKMAIL AND BOMBAST

The methods used to engineer acceptance of the Program to Combat Racism provide sharp insight into the World Council. First, the Council's secretariat submitted a summons to action at the 1968 General Assembly in Uppsala, Sweden. Heavy emphasis was put on what WCC staffer Baldwin Sjollema (now the Program's director) called "the church's complicity in benefiting from and furthering white racist oppression." Though nobody explained how the church had so benefited, the assembly contritely agreed to the development of a "crash program" of unspecified nature.

With this mandate, the WCC staff and a "committee on race" heated up the issue by sponsoring a "consultation" at London's Notting Hill in May 1969. Its purpose: "To advise the WCC on an ecumenical program of action to eradicate racism." Its chairman - Sen. George McGovern. Participants included a number of black-power militants.

Red-hot rhetoric prevailed, one of the most "moderate" speeches being that of a black minister, the Rev. Channing E. Phillips, who said: "We believe that if the church is to attack racism significantly, then it must be willing to be not only an institution of love but an institution of power. Where a society does not permit restructuring power, the church ought not to shy from aiding and abetting the development of the only other power available—the power of violence."

Even this, however, was talk too tame for the militants. A Negro identified as George Black leaped to the platform to demand from white churches millions of dollars in "reparations" for ills done to Negroes—$12 million to defend such "political prisoners" as Huey P. Newton, Eldridge Cleaver, H. Rap Brown; $77 million to support various "liberation" movements; $48 million to establish a propaganda publishing house dedicated to Malcolm X and Che Guevara. Quoting Mao Tse-tung—"Political power grows out of the barrel of a gun"—Black ended: "We shall have our freedom, or your Christian society, your Christian banks, your Christian factories, your Christian universities, and your fine churches will be leveled forever."

Amazingly, this bombastic attempt at blackmail was taken seriously. The delegates spent nine hours discussing it, finally putting to the WCC a recommendation that it "support the principle of 'reparations' as a way of producing a more favorable balance of economic power throughout the world."

Another recommendation by the "consultation" included the demand that the WCC and member churches apply economoic boycotts against corporations and institutions doing business in countries considered racist (such as South Africa) and that "all else failing, the churches should support resistance movements, including revolutions."

The WCC's next step was to present the Notting Hill recommendations, with only a little cooling down of the more inflammatory phrases, to the WCC's 120-member Central Committee, whose function it is to set council policy. The committee soon set up a special fund to support the program as then developed, the only important change being to drop the demand for "reparations" (Asian and African delegates had made it plain that they felt no obligation to award big money to tthe relatively well-off Negroes of the United States).

During the next months the committee on race worked out specifics and decided on which African "liberation" groups were to get Council funds; no mention was made of approving violence. With no further reference back to member churches, the WCC's 15-man Executive Committee rubber-stamped the formal Program tc Combat Racism. "I've never seen a smoother job of steamrollering," one insider at Geneva told me.

Only in September 1970 was the program announced publicly. The controversy that then boiled up was the most acrimonious the WCC had ever faced. Church leaders who had given the ambiguous "crash program" their blessing two years before now insisted they had no idea the WCC would go this far. Resentment was especially strong among West German churches, which, because they pay approximately a fourth of the Council's operating budget (U.S. churches pay 50 percent), feel they should have some say as to how its funds are used. Typical was the reaction of one parishioner in Munich who wrote his bishop: "I respectfully warn that if church funds are given to this cause, I must leave the church. I cannot reconcile it with my conscience to support terrorism and violence."

The backlash was vitriolic in Great Britain, too. Even the Archbishop of Canterbury, a former WCC president and outspoken crusader against racism, denounced the program as "counterproductive," certain to harden the apartheid stand of white government authorities in Africa. But the decision stood.

WRONG BUSINESS?

The mood set by the World Council has spread to individual denominations in this country, and parishioners are deeply disturbed. For example, many thoughtful Presbyterians were roused to loud protest last May when the United Presbyterian Church in the U.S.A. contributed $10,000 to the defense fund for Angela Davis, awaiting trial on charges of murder and conspiracy in the August 1970 attack by black militants on California's Marin County courthouse—an attack that left Judge Harold J. Haley and three others dead.

Similar outrage has recently shaken the Presbyterian clergy and laity over a church gift of $25,000 for the bail and defense of a Black Panther accused of plotting public bombings. Controversy among Episcopalians was set off by their church's $40,000 grant to the "Alianza of New Mexico"—an organization dedicated to virtual guerrilla war aimed at establishing a separate Chicano nation in the southwestern United States—and again by the church's gift to the "Black Manifesto" movement. Chief agitator of the movement is black militant James Forman, who, on a Sunday morning in May 1969, forced his way to the pulpit of New York's Riverside Church to demand from churches and synagogues $500 million as "reparations" to black people—a figure he later raised to $3 billion. In an introduction to the printed Manifesto, Forman made plain the aims of the movement by saying: "We are dedicated to building a socialist society inside the United States, where the total means of production and distribution are in the hands of the State—led by black people." Four months later, at a special convention described as "one of the most turbulent in church history," the Episcopal Church voted $200,000 to Forman's movement.

Such actions, usually railroaded through by small cliques of radicals within denominations, have sparked a growing "pocketbook revolt" among the laity. The result, top church officials admit, has been widespread withholding of contributions and even alarming losses in membership.

Concerned Christians the world over are asking: Does the present ardor of the World Council and some member churches for political, social and economic revolution merely betoken errors in judgment made by well-meaning but naive Christian leaders? Or are these the moves of desperate men who are no longer sure what their mission is, and have lost faith in orderly change and in the potency of Christianity's age-old weapons—reconciliation and love—which over the ages have again and again transformed both men and their societies?

In 1968 the University Christian Movement voted itself out of existence. Vacating its offices in New York's Interchurch Center, it posted a sign on the doorway: *"Gone Out Of Business . . . Didn't Know What Our Business Was."*

That could happen to the church. And it would be a tragic loss.

WHICH WAY THE WORLD COUNCIL OF CHURCHES?

(By Clarence W. Hall)

An event rated by the World Council of Churches as among its most important milestones occurred at the Council's Third General Assembly in New Delhi, India, on November 20, 1961. It was the reception of the Soviet-approved Russian, Rumanian, Bulgarian and Polish Orthodox churches into full membership in the WCC. After years of Soviet abuse of the Council as a "facade for Western imperialism," the Kremlin was allowing its state-controlled churches to join this ecclesiastical United Nations.

Jubilant WCC leaders forecast a great Christian advance. To them it meant that the Council was on its way to becoming, at long last, truly "ecumenical"—a word which in the WCC lexicon means "the whole household of faith, embracing all races, all nations, all branches of the Church."

To ensure that nothing would mar the historic moment, no speeches were allowed when the Eastern churches were voted in. The ballot was secret, and nobody challenged the new members' statistics when they claimed a total membership of 70 million—a patently inflated figure, but one that assured them outsize representation in the assembly and on committees deciding WCC policy. The occasion was one for rejoicing, not for heeding such dour predictions as that of the Cincinnati *Enquirer*, which warned that receiving these churches would only give "international communism yet another platform from which to assail the free world."

One especially beaming man at New Delhi that day was Dr. Eugene Carson Blake, now general secretary of the WCC. A heavy-set, hearty man with an expansive friendliness and a stubborn devotion to his aims, Blake first roiled U.S. public opinion in 1954 when he wangled official government permission to bring to the Council's Second Assembly at Evanston, Ill., a delegation of Czech and Hungarian theologians. Heading the delegation was Dr. Josef Hromadka of Prague, a hostile critic of everything American who, at the convention's close, returned behind the Iron Curtain to launch malicious attacks on America. One of his mildest descriptions of the United States was "a nation of gangsters."

Then, in June 1956, Blake arranged for a visit to America for a covey of Russian churchmen led by Boris Dorofeyevich Yarushevich, known as Metropolitan Nikolai, the second-ranking prelate of the Russian Orthodox Church. Nikolai's venom toward the United States had been made plain earlier in East Berlin, where he delivered a diatribe on U.S. action in Korea, citing as incontrovertible facts such alleged U.S. atrocities as "executions without trial and inquisitions secret and public; dreadful tortures of victims—the cutting off of ears and noses and breasts, the putting out of eyes, the breaking of arms, and legs, the crucifixion of patriots, the burial alive in communal graves of women with children at their breasts, the scalping of Korean patriots for 'souvenirs.'"

It was Nikolai who, five years later, shepherded the Russian Orthodox representatives into WCC membership.

A LOSS OF IMPARTIALITY

Since then, what *has* been the extent of Soviet-bloc influence on World Council policy and program? Has it been as sinister as many conservative Christians claim, or are these troubled people only "religious reactionaries who see communists under every bed," as WCC staff members claim?

There is no denying that the admission of the Soviet-bloc churches brought a swift change to the Council's balance of powers; their presence on WCC commissions and committees gave them a virtual veto over decisions not to their taste. As one dissenter grumbled: "Until now we've boasted that 'the world dictates the agenda.' Now the dictating is being done by the Russians."

Moreover, it is plain that their presence has resulted in the WCC's loss of whatever international impartiality it once had. Never notably supportive of Western-style democracy, the Council now appears to side always with the views of those whose nations are anything but free. In its early days, the WCC was given to lumping capitalism and communism together as equally anti-Chirstian, equally socially pernicious. Lately, however, belittlement of free-world society has increased to a steady roar; that of communism is muted to a whisper. Says John P. Roche, former chairman of the Americans for Democratic Action: "Anti-Americanism has become a substitute for the Nicene Creed as the focus of Christian unity."

Covering the 1966 WCC conference for *Christian Century*, the acknowledged voice of liberal Protestantism in America, editor Harold E. Fey wrote that he was "profoundly shocked" by the viciously anti-American talk heard there. What shocked Fey most was the fact that our representatives would not fight back. Indeed, many of them joined in the diatribes. While other WCC delegates almost always spoke in concert with the policies of their respective governments, those from America, in an excess of "penitence," seemed bent on outdoing their country's detractors.

"CURIOUS SELECTIVITY"

Although students of World Council activities may disagree as to whether the presence of the Russian churchmen actually dictates anti-West positions, there are few who will not agree that it heavily influences them. As William C. Fletcher, a Soviet expert at the University of Kansas, points out in a forthcoming study financed by the Royal Institute of Financial Affairs, London: "The primary objective which Soviet foreign policy hoped to achieve from Russian participation in the World Council of Churches was, of course, to influence its activities in such a way that the Council's decisions and actions would be conformable to Soviet interests."

How conformable these have been recently, say WCC critics, is seen in what one called the "curious selectivity" reflected in Council political action and humanitarian concern. The Cuban missile crisis, for example. In 1962, only a few months after the Eastern churches were seated, officers of the WCC issued a statement expressing "grave concern and regret" over the "unilateral military action taken by the United States." The statement contained not a word about the Soviets' unilateral military action in putting the missiles in Cuba in the first place. And later, while pretending to stand against economic blockades anywhere that brought hardships to people, it called for an immediate end to the boycotts of Castro's Cuba, at the same time demanding boycotts, both governmental and private, against Rhodesia and South Africa.

The WCC hesitates to blame Russia for anything. Consider the Czech crisis. Within 24 hours after the Soviet move into Prague on August 21, 1968, virtually every free church body in the world had publicly condemned the brutal aggression. Not the Council. A week later, after Soviet goals had been achieved, Blake issued a tepid and scarcely noted objection.

The Council's "curious selectivity" also becomes highly visible in its choice of those it helps. For example, a sizable community of Christians in the southern Sudan have long been fighting for the survival of their community against a government determined to do them in. Repeated appeals to the WCC for help have been ignored. But while the Council could find no money or public sympathy for the plight of the Sudanese, it was able, in April 1970, to scrape together $25,000 toward a shipment of 16 tons of medical supplies and equipment to the Vietcong in South Vietnam—saying it had made the gift out of "concern for all those who suffer."

CAPITULATION

Nowhere has the World Council been more delinquent than in its refusal to champion the tens of thousands of persecuted religionists in the Soviet Union—those minority religious groups *outside* the Soviet-approved churches. In the WCC Geneva files are exhaustive documentations from these groups who have refused to bow to Moscow; evidence abounds of wholesale closing of churches, of thousands of Christians harassed or sent to labor camps for nothing more than having Bibles, opening their homes to religious services, instructing their children in religion.

Concerning the Council's last General Assembly—at Uppsala, Sweden, in 1968—the Rev. Knut Norberg, president of a consistory of the Lutheran Church in Sweden, said indignantly: "Problems related to race, violence and oppression were discussed freely and passionately. But as soon as prevailing conditions behind the Iron Curtain became the order of the day, stony silence reigned." Asked Norberg: "How can an ecclesiastical universal assembly refuse to take notice of the ever-growing appeals from deportation camps, prison cells and torture chambers where fellow-Christians are suffering and even dying? Is it a matter of tactics? If so, it means total capitulation to the Soviet Union and its Marxist-Leninist religion."

Are the Iron Curtain country churches in the Council, whatever the sincerity of many of their representatives, being used to further Soviet aims? After months of hearings in a 1960 case involving an attempt by the Moscow Patriarchate to regain control of St. Nicholas Cathedral in New York City, which in 1924 had renounced Moscow's jurisdiction, the New York State Court of Appeals concluded that "no other view is possible than that the Russian Church is a tool exploited by the communist rulers." Similarly, a defected Soviet secret-police officer testified before the U.S. Senate Subcommittee on Internal Security that "it is impossible in the Soviet Union to serve God without serving the state security." In the mid-1960s, the same committee made public a heavily documented series of studies on "Church and State in the USSR." The Senate studies stated: "In every communist country, the governments have established committees to exercise surveillance over all religious activities. . . ."

MURMURS

Today, one of the World Council's ploys in seeking more togetherness with the communists has been its initiation of "Marxist-Christial dialogues"—promptly hailed by communists as "a development of vast importance in the rise of new liberalizing currents in the world of religion." While such talkfests between clergy and communists in many countries have produced no visible evidence of Marxist mind-changing, the increase in Marxist thinking among Christian liberals has been considerable. And that, says Martin E. Marty, professor of modern-church history at Chicago University's divinity school, despite the fact that "the 20th century has seen many thousands of Christain martyrs at the hands of people who called themselves Marxists." Marty also notes that many American theological facilities now contain "Marxian analysts and sympathizers," adding that this "evokes little stir."

A considerable stir, however, was evoked recently when a busload of tourists, visiting the WCC's Ecumenical Center in Geneva, found a roomful of Marxists diligently propounding their theories in one of the dialogues held there. Listening at the door, one tourist angrily demanded: "Isn't this taking ecumenism a little far?" Murmured another: "I wonder who's converting whom."

Both are good questions. Answers to them are of the deepest concern to Christianity's billion adherents the world over.

ECOLOGY PLUS COMPUTER SCIENCE EQUALS CAR POOL

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. DEL CLAWSON. Mr. Speaker, an article in the February 24 issue of the Fullerton, Calif., Daily News Tribune describes a project undertaken by the students of California State College at Fullerton deserving of recognition and commendation. At this point in the RECORD, the article is included to illustrate just what can be done to harness modern technology to ecological concern given sufficient ingenuity and group commitment. The article follows.

[From the Daily News Tribune, Feb. 24, 1972]

ECOLOGY PLUS COMPUTER SCIENCE EQUALS CAR POOL

FULLERTON.—Ecology and computer science have joined hands at California State College, Fullerton, where students have initiated a computerized car pool.

The pool, which will help combat smog and cut down on the expense of operating a car, has already attracted more than 300 students, faculty and staff at the Fullerton commuter campus.

"We're really excited about the potential," said Robert Religa, coordinator of the project. "We set up a table for signups earlier this month, and we already have enough concerned persons to begin the pool."

The idea behind the computerized car pool (CCP) is to bring Cal State's commuter population together in car pools with the help of a computer, Religa said.

GIVEN SUPPORT

The idea was first discussed during the summer. During the fall, Religa received the support of the associated Students' Ecology Commission and the housing office, and the cooperation of the college's computer center.

Religa, a computer science student from Whittier, then developed maps of the area showing concentrations of students in Orange, Los Angeles and San Bernardino counties.

Each prospective participant's home is found on one of four maps. The coordinates of each commuter's homes are considered, along with class or work schedules and transportation needs, Religa said.

This data is then fed into a computer, which will feed out the most logical matchups.

COORDINATE RIDES

"We're equipped to match up as many as six persons per car," he said. "But, more realistically, we will probably end up with about three per car."

Rides will be coordinated as far away as Burbank. Most of the riders, though, will come from Long Beach, Pomona, South Orange County, Santa Ana and Whittier.

"Our service is not just limited to Cal State students, faculty or staff," he said. "We hope to get participants from businesses and shops near Cal State, since we're all in this fight for ecology together."

There is no cost to participate in the CCP.

"Besides, the computerized car pool will save people money, since they will share costs. With this project, they can save money and help the environment at the same time," he said.

Persons interested in joining the CCP may contact Religa at the college's housing office, 870-2168.

A RESPONSIVE GI BILL

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. ANNUNZIO. Mr. Speaker, we have before us a comprehensive bill to increase and improve veterans' GI bill benefits, H.R. 12828. The Veterans' Education and Training Amendments of 1972 provide needed assistance increases and program improvements to keep the GI bill responsive to the needs of our veterans to whom we owe so much. I commend the Veterans' Affairs Committee and the gentleman from Texas, the Honorable OLIN E. TEAGUE, for the innovative and progressive bill which they have reported. This is only a further example of the Veterans' Affairs Committee's fine efforts over the years on behalf of our veterans.

Over 3 million veterans have received training under the GI bill programs, and in December 1971, 1.1 million beneficiaries were in training. This is a program of which the Congress can well be proud. However, changing times present new problems which require new solutions. It should be our goal to provide an up-to-date, responsive GI bill so that both our veterans and our country may benefit. I believe H.R. 12828 provides this type of needed improvement.

The education and training amendments provide a 14-percent increase in assistance across the board. This increase reflects the increase in the cost of living, and rising costs of tuition and books. At the present time, a single veteran attending school full time receives $175 monthly assistance. H.R. 12828 would increase this to $200 per month. The bill also provides corresponding increases for those veterans with dependents.

In order to accelerate the impetus for our veterans to enroll in apprenticeship and on-the-job training, H.R. 12828 increases the financial assistance for these programs by 48 percent. Experience derived from implementation of the Veterans' Readjustment Benefits Act of 1966, which H.R. 12828 extends, indicates that this is the area where the greatest need has occurred, and it is anticipated that the 48-percent increase will be helpful in stimulating job opportunities for our veterans.

This bill provides a new program of advance payments to enable veterans to receive advance assistance at the beginning of the term to cover the extra expenses which arise at that time. This is the kind of program which keeps the GI bill responsive to the needs of our veterans.

Another important improvement in the GI bill proposed in H.R. 12828 is the expanded program for the eligible wives and widows of our veterans. These women need the opportunity to pursue secondary level training as is provided to veterans in apprenticeship and on-the-job training and correspondence courses. These women are in most cases supporting the children of our loyal veterans who have died in service to their country, and they need all the help that we can give them.

These amendments also remove the inequitable dependency restrictions for women veterans to receive dependency allowances for their husbands. This change will place women veterans on an equal basis with those they have served with as equals.

The changes proposed by H.R. 12828 have a central theme—to make veterans' education and training benefits more responsive to the needs of this country's deserving veterans. H.R. 12828 is a comprehensive proposal to change veterans' benefits for the better. We have, over the years, put together a good solid program of education and training for those who have served their country well. This bill will keep that valuable program up-to-date and will realistically respond to the needs of our veterans.

I support the Veterans' Education and Training Amendmends of 1972. I believe our veterans deserve nothing but the best.

THE USE AND ABUSE OF AMPHETAMINES OR "SPEED"

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. SCHMITZ. Mr. Speaker, according to testimony presented early in February to the Public Health and Environment Subcommittee of the House Interstate and Foreign Commerce Committee on which I serve, by the Commissioner of the Food and Drug Administration and the Director of the Bureau of Narcotics and Dangerous Drugs, up until the middle of last year American drug manufacturers were producing 10 pills containing amphetamines—known to its illicit users as "speed"—for every man, woman, and child in the United States each year. Under new regulations adopted by the Food and Drug Administration a few months ago, that total is reduced to six of these pills for every American per year.

That is still far too much of a dangerous, habit-forming, stimulant drug, especially when we realize that it has only three uses that are even claimed to be medically legitimate—and that two of these claims are open to grave challenge.

The most common medical use of amphetamines is in treatment of overweight, or obesity—the so-called diet pills. This use grows out a side effect of these drugs: along with temporary stimulation, they depress appetite. But the testimony before our committee cast serious doubt on the need for large-scale use of amphetamines in obesity cases, especially in light of the danger of addiction which would make the cure much worse than the disease.

By far the least common use of amphetamines is the only one that appears wholly justified—as a treatment for narcolepsy, a kind of sleeping sickness. It is estimated that there may be as few as 25,000 narcoleptics in the entire country.

But the most peculiar and disturbing legal use of amphetamines is on young children said to be hyperactive because of minimal brain dysfunction, a disorder hardly definable since its very name indicates that no brain impairment can be found. When given to young children, amphetamines act opposite to their effect on adults—instead of stimulating, they depress the child and make him drowsy. No one knows why the effect in children is reversed, or exactly how long it remains reversed and when and how the effect switches to that so eagerly sought after by the adolescent "speed freak."

Yet despite the rapid spread of amphetamine abuse and addiction and the virtual impossibility of defining how active a child has to be in order to be deemed hyperactive, the use of these drugs on children in the lower grades in school is becoming increasingly frequent. It was first exposed in Washington at hearings held by Congressman CORNELIUS J. GALLAGHER's Special Investigating Committee on the Invasion of Privacy, of the House Government Operations Committee, on September 29, 1970.

Testimony at this hearing brought out evidence of substantial dosage of children with an amphetamine pill called Ritalin in public schools in Omaha, Nebr., and Little Rock, Ark. In both cases the testimony seemed to indicate an informal but very real collaboration between public school authorities and local medical personnel and clinics involved in the study and distribution of amphetamine-containing drugs. The result of this collaboration, according to the testimony, was to cause comparatively large numbers of schoolchildren to take Ritalin regularly, with heavy pressure brought to bear on parents reluctant to agree—including threats of retaliation upon their children in school.

There does seem to be an actual disorder involving hyperactive behavior in some children. But clearly there is great potential for abuse in a diagnosis like this, which lazy or incompetent public school teachers and administrators can so easily apply to any child causing problems they cannot handle because of their own shortcomings—problems which they may think, or be persuaded, can be solved by this drug. Every parent knows how active some perfectly normal young children are, or can be in an environment where discipline is lacking and their minds are not challenged.

In a special statement presented to the Public Health and Environment Subcommittee, I pointed out the particular dangers of the growing use of Ritalin on children in the lower grades of our public schools, describing in detail a case brought to my attention from a source I know from personal experience to be trustworthy. It involved a 7-year-old boy whose tests showed him to be in the highest 1 percent in intelligence of the whole State of Maryland, and who was found by both a psychiatrist and a pediatrician to be perfectly normal, but nevertheless, at the insistence of his public school, was put on Ritalin for a period of several months while learning almost nothing. When his mother finally transferred him to a private school and took him off the drug, he progressed rapidly and is now doing outstanding work.

When adults and public institutions set examples like this, is it any wonder that a destructive drug culture flourishes among our young people?

NEW YORK STATE CIVIL SERVICE EMPLOYEES AWARD PRESENTED TO AN OUTSTANDING AMERICAN, LUCILE DEGEORGE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. BIAGGI. Mr. Speaker, I would like to call the attention of my colleagues to a very dear friend of mine and an outstanding American, Mrs. Lucile DeGeorge.

Mrs. DeGeorge was recently presented the New York State Civil Service Employees Award, by the New York State Employees Brotherhood Committee. This organization represents 16 State employees organizations throughout my State. The award is presented annually to the State career employee whose daily life exemplifies the true spirit and sincere dedication to the principles of brotherhood.

This fine lady was presented the award this year for several reasons. She has devoted a lifetime of service to her country and community. Her forceful leadership in many social and philanthropic causes is well worth this commendation.

Let me briefly outline some of her noble deeds in the interest of her fellow man and the awards which have already been bestowed upon her.

One of the most distinguished ladies in Italo-American circles, Mrs. DeGeorge was the recipient of the Star of Solidarity by the Republic of Italy in 1968, which was presented by the Consul General of the Government of Italy. She was also a recipient of the Brotherhood Award from the Queens branch of the National Conference of Christians and Jews. Moreover, she is the founder of A.M.I.T.A.—American Italian Awards for Women of Achievement—the Montessori Lodge of the Sons of Italy Order and the Women Columbians, a group affiliated with the Grand Council of Columbia Associations in Civil Service.

In addition, she received the "Woman of the Year" award from the Ladies Auxiliary of the Esca Club and the Certificate of Appreciation from the Department of the Army. Being a woman of outstanding drive and dynamic leadership she still finds the time to be an active member of the Queens County Chamber of Commerce. It is not surprising, therefore, that Mrs. DeGeorge is listed in "Who's Who of American Women."

Mr. Speaker, this is the first time that an Italo-American has been selected by the New York State Employees Brotherhood Committee, Inc., to be presented with this outstanding award. But this is only one of many firsts accomplished by this elegantly courageous woman. For example, she was the first woman from a lodge of the Order of the Sons of Italy in America, Inc., to have been designated for this honor from the State of New York. Another is that Mrs. DeGeorge is the first member of any Columbia Association to be singled out for this award.

Indeed, the list of accomplishments and awards received by this lady is too extensive to list here. But it is an honor and privilege to know Lucile DeGeorge, and to see her rewarded for her imaginative and tireless involvement on behalf of her fellow man, especially children. She has been instrumental, for example, in helping to provide scholarships for gifted and deserving students of all races, religions and ethnic origins.

Once again I wish to commend Mrs. DeGeorge for all that she has done to foster brotherhood amongst her fellow man and to congratulate her on receipt of this particular award. She certainly deserves it.

ESTONIAN INDEPENDENCE DAY

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. STEELE. Mr. Speaker, 54 years ago, Estonia declared her independence. Twenty-two years later she was to lose her freedom once again as did all the Baltic countries during World War II when the Soviet Union signed the Nonaggression Pact with Germany. Today we commemorate the anniversary of free Estonia, and renew our hope that Estonia will one day again be free.

Throughout the history of Estonia, there has been a continuing struggle by the Estonian people to maintain their own culture and identity. They have repeatedly asserted their own culture against that of the nations which have occupied their country.

In 1905, the Estonian people participated in the Russian Revolution in order to overthrow the existing Russian regime which was repressing any Baltic and specifically Estonian nationalism. Demands were made but not answered until 12 years later when the Provisional Government ascended to power in Russia. In November 1917, a Communist puppet regime was established and maintained in the cities by martial law. However, Estonian nationalism continued in the countryside.

On February 23, 1918, the Germans drove the Communists out of Estonia on their march into Russia. The Estonians had no desire to be governed by the Germans either, however, and on February 24, 1918, Estonia symbolically proclaimed her independence. Despite the German refusal to accept the proclamation of independence and the suppression of Estonia which followed, a provisional government was established in secret and operated throughout the German occupation.

In November 1918, the Germans withdrew from Estonia. Once again the Soviet Union attempted to occupy and control Estonia. With the mobilization of forces by the Provisional Government, Estonia was able to maintain her independence. On February 2, 1920, a peace treaty was signed between Estonia and the Soviet Union. The Soviet Union voluntarily and forever renounced any sovereign rights over Estonia.

Estonia remained free and independent until the advent of World War II. The Nonaggression Pact signed by Germany and the Soviet Union in 1939 left Estonia in the Soviet sphere and by July 1940, Moscow once again controlled Estonia. On August 6, 1940, Estonia was incorporated into the Soviet Union.

During the 22 years of freedom, Estonia was a prosperous and growing nation carving out her own destiny. Now under the control of the Soviet Union, Estonia has not only lost her national independence, but under the intense pressure of Russification, is in danger of losing her national culture and identity.

On this anniversary of Estonian Independence, let us in America remember this small, valiant nation and hope for the future when Estonia will be free to grow as an Estonian state once again.

AVONDALE SHIPYARDS

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. BOGGS. Mr. Speaker, I have noticed in the public press the past few days several attacks which seem to me to be entirely irresponsible on one of the leading shipyards in the United States—the Avondale Yard. This yard has built hundreds of millions of dollars worth of ships, both for private enterprise and the Government. Most, if not all, of these contracts have been obtained as a result of competitive bidding.

To attack the competence of the yard or the integrity of its officials is most unfair.

If there is to be any type of investigation I will insist that all parties be heard and that other shipyards engaged in the construction of the Navy destroyer escort vessels be required to testify as well.

It is my information that settlements substantially higher than that offered to Avondale have already been paid to at least one other American shipyard for comparable work.

Avondale Shipyards, located 1½ miles up river from the Port of New Orleans, was founded in 1938 primarily as a barge repair company. With better than 11,000 employees the company is now the principal manufacturing employer in the State of Louisiana and a major contributor to the economy of the State and to the Nation.

Several years ago Avondale completed a $38 million, privately financed, expansion program which has made the shipyard one of the most modern and competitive in the United States. Today, at a time when the Nation is endeavoring to revitalize our decaying American flag merchant marine, this yard is turning out both commercial and military ships at a fantastic rate.

The first step in the program was the acquisition of additional land adjacent to the original shipyard. This new area of approximately 100 acres was used to provide modern steel storage facility, a sophisticated shop for the cutting and preparation of steel plate, and a larger prefabrication area. Removing these functions from the original building site also made possible a more efficient layout in the hull erection and launching area.

Once prepared, engineering drawings and other information are forwarded to the numerical control section of the mold loft for programing. Here information taken from the drawings is plotted mathematically.

After lofting has been accomplished, this information is sent to the computer section where a paper tape is prepared. Information extracted by the mold loft is readily converted to tape form, after which the tape is returned to the engineering department for checking. The computers, all operated by competent technicians, are housed in a specially constructed building to assure positive and accurate operation at all times.

Avondale's tape controlled drafting machines are among the most precise instruments of their kind ever built and include the largest machine of this type in the world. In normal operation under tape control, a pen details the tape fed information in drawing form. Such drawings vary in complexity from a simple plate nesting to a drawing which may show both left and right hand details of a specific element.

Steel is received on the Avondale yard either by ship, rail, or barge and is delivered, by rail, to the vast storage facility. Here it is identified and stored horizontally. Two massive stock cranes, with a magnetic beam, straddle the 240-foot wide storage area and deliver the plate to either stand-by storage or to the conveyor line.

Servicing the structural shop is a tracked captivator machine which lifts one end of a preselect plate from the line, by means of a traveling overhead hoist, and as the car moves under the plate a magnetized set of rollers lifts the plate onto the captivator. The plate is then carried to a cross-traveling conveyor which directs it through a rotary shot blast machine, a washing device, a drying oven, a paint spray machine, and another drying oven before delivering it to the plate shop for cutting and forming.

The primed plate is lifted, again by electromagnetic cranes, onto the cutting platens where tape controlled burning machines cut them to the desired dimensions. Multiple burning heads, synchronized with the tape program allow cutting of multiple plates to identical dimensions. The speed of operation, as well as the accuracy of cutting, makes this method particularly adaptable to shipbuilding.

After they have been cut, the steel shapes are then moved to the prefabrication area for use in the construction of hull modules or other sections.

Various ship sections are prefabricated in a large building area after which they are moved to the assembly platens through the use of specially designed wheeled vehicles. Bow and stern sections, each of which is fitted to the hull at a particular stage of construction, are normally fabricated in close proximity to the assembly line.

In its modernization and expansion program Avondale has considered all segments of its operation. The machine shop, for example, has been specifically designed for the machining of parts and assemblies essential to ship construction. From taper boring to the turning of line shafts, from the grinding of a locking pin to the facing of a flange, precision has been the guiding factor.

All shops are laid out to facilitate a logical flow of materials and all production schedules are keyed to the master plan. Mechanization is here also in tape controlled machines.

The automatic handling and cutting equipment are being used in conjunction with a radically new method of ship construction. This "shipbuilding machine" is used for the mass construction of destroyer escorts. It consists of five basic positions. In the first position the hull is assembled in an inverted position to allow the advantages of downhand welding. Once assembled the hull is moved sideways into a series of massive turning rings where it is rotated to an upright position, the virtually complete vessel is ready for launching.

During the past year Avondale delivered six massive commercial cargo vessels and three high endurance cutters for the U.S. Coast Guard. The yard also delivered six destroyer escorts for the U.S. Navy. In addition, during this period, Avondale Shipyards laid the keels for three more cargo vessels and three

Navy escort ships and launched five more destroyer escorts.

Contracts signed in 1971 included seven more LASH type cargo vessels and five giant offshore drilling rigs. Three of these rigs are for American oil production companies, two others are for Norwegian interests and will be used for exploration and drilling in the North Sea.

The LASH vessels—a total of 18 attained in competitive bidding or through negotiation—are the only ones of this class to be built by an American shipyard. The destroyer escorts, involving multiple ship contracts for the years 1964 and 1966, total 27 vessels. The high endurance Coast Guard cutters represent 11 such ships to be contracted by the shipyard.

Building two offshore drilling rigs for foreign interests is a breakthrough in being competitive with overseas builders and is a plus factor toward our Nation's balance-of-payment interests.

During the lean times the management of Avondale, poising to meet the challenge that now faced them, elected to keep the Avondale team intact and channeled its skills and know-how into such peacetime pursuits as constructing dredges, fishing boats, offshore oil rigs, components for locks and dams, sugar mill equipment, and marine repair. Once again, Avondale's role in the national economy became clear.

Today, Avondale boasts many times the number of employees who were on the payroll at the close of World War II. There is, however, a considerable difference in the size and type or craft being turned out today at Avondale than in 1945, and the volume of production has increased in greater proportion than the increase in the number of employees. Today a multiplicity of machines and tools, coupled with the same type of know-how, special skills and that "something extra" that gave birth to the old Avondale Marine Ways, helps keep a steady parade of ships marching across the yard to the batture for launching in the Mississippi River.

Service Foundry Division, like its parent company, prides itself on being a specialist on the one hand, but truly diversified on the other. A list of products, other than marine, includes lock and dam machinery, valves and manifolds, bearings, sugar mills and numerous foundry products in both ferrous and nonferrous metals. A further breakdown reveals that for the sugar industry alone, a complete range of products from a single cane knife to a complete mill is available, including mill housing, mill and crusher gearing, mill roll bearings, feed rolls, intermediate carriers, mill rolls and shafts, bedplates, crown wheels, and all other mill components.

All items manufactured at Service Foundry are designed with the customer in mind, and only materials that insure a prolonged life are used.

The Bayou Black Division, is strategically located in the midde of the "Oil Patch," 12 miles east of Morgan City and 20 miles west of Houma, La., on some 200 acres. The primary function of Bayou Black is to serve the offshore oil industry and its prime location is enhanced by its access to multiple transportation facilities. The yard is bounded to the north by U.S. Highway 90 and Bayou Black to the east and south. Bayou Black ties into the intracoastal waterway system 3½ miles from the yard, providing ready access to the Gulf of Mexico. In addition, the yard is also served by a spur track from Southern Pacific railroad's main line.

While the facility is set up primarily to serve the offshore oil industry, it is equipped to, and does accomplish steel fabrication of any industrial nature. The tools and equipment, including two of the most modern pipe mills in the Gulf South are the latest—permitting the utilization of the most up-to-date and efficient methods of steel fabrication. Specialized work areas, strategically located in the yard, are used to prepare the various steel components prior to assembly or erection. From the first step, cutting steel plate to size, prior to rolling and welding to make the pipe sections, to the loadout of the completed structure, all phases of fabrication and erection are handled with maximum efficiency.

The fabrication of ocean-going barges, floating oil storage units, drilling structures—both fixed and mobile—(submersible-floating)—types, attest to the diversity of Avondale's Bayou Black Division.

Repair work at Avondale is handled primarily at either the Main Yard or at the Harvey Repair Yard, with the facilities of each geared to provide 7 day a week round-the-clock service. The Harvey Repair Yard provides maximum repair facilities by means of its well equipped shops, five drydocks and a complete propeller manufacturing and repair department.

At Harvey the machine shop, electrical and electronic shop and the drydocks offer the most complete repair service in the Gulf South. An awareness of down time cost to an operator is evident and a quick turn around on any job from a propeller repair to a replacement of a single chock is stressed.

The Harvey Yard is proud of its reputation as the most complete one-stop repair facility in the Gulf South and, as the Main Yard continues to produce major ships, the repair facilities of both the Harvey Yard and the Main Yard increase in direct proportion.

Marine Paint & Varnish Co. and Standard Paint & Varnish Co., situated on 22 acres on the West Bank River Road about a mile upriver from the Harvey Canal, have the most complete paint manufacturing process in the South. Standard and Marine Paints manufacture and stock complete lines of products for architectural, trade sales, and contractor uses. Emphasis is also placed on paints and coatings for the marine, industrial, and product finishing fields.

Avondale's Industrial Division is a major supplier of doors, hatches and scuttles for ships under construction at the main yard, and the Westwego facility, as well as other shipyards throughout the world.

An expansion program now under way at this division will enable them to build barges on a production line basis in the near future.

In conjunction with the expansion program Avondale also obtained and developed another area at Westwego, La. This shipyard has turned out high endurance Coast Guard cutters, barges 300 feet in length and, in 1971, completed almost 500 lighters for the LASH system. Presently on hand are orders for 921 of these lighters. This yard is also building the superstructures for the offshore drilling rigs now under construction.

A floating drydock at the Westwego yard handled 249 vessels of various types during 1971.

The Steel Sales Division, established just 4 years ago, is already one of the major steel suppliers in the Southeastern part of the United States. Customers range from small welding shops to major fabrication and manufacturers.

There are four departments within the division. Brokerage sales are handled for direct shipments from the mill to the larger users. The mill depot department operates on large orders from stock and the machine department handles the smaller runs. A newly added aluminum and stainless steel department is beginning to show progress and a steady growth is anticipated during the coming year.

The Avoncraft Division of Avondale Shipyard is a manufacturer of pre-engineered porcelain enamel on steel buildings. It also fabricates prepainted galvanized and raw steel including steel for the oil, utility and chemical industry.

Avoncraft builds primarily light gage, high quality buildings such as gasoline service stations, car wash tunnels, and truck stops for the oil industry. They also do extensive remodeling of old buildings for the same group.

This division is also a leader in the manufacture and installation of porcelain enamel covers for outdoor electrical generating units.

Somehow, Avondale has gathered the most talented and productive people that the shipbuilding industry has ever known into one organization.

These are not all production people or engineers or supervisors, but a mulitplicity of talents ranging from the lowest paid to the highest—each one a valuable individual, endowed or trained to the particular skills of his craft and with the ability to work safely.

It is these craftsmen—the willing worker with the rudimentary skills necessary to learning his craft and the desire to excel—that has set the corporation apart from others in the shipbuilding industry.

Avondale has found these persons—in the swamplands of Louisiana, among the overflow of the big cities, and in allied industries where initiative was stifled—and many of them have moved rapidly through the ranks to positions of greater pay and added responsibility.

In keeping with the laws set up by God and man, the value of each employee is in direct proportion to his overall contribution. No contract that Avondale has attained can be completely successful without a sincere effort on the part of every person within the corporation.

As the corporation profits, so does each individual and the result is evidenced in more jobs and the security of steady work, the financial return in which the individual's wages and benefits are the major share.

Yes, Avondale has a billion assets in its people who have a wholesome attitude toward their work, people who give an honest day's work, people whom the corporation would not trade for any other working group in the world.

CREDIT FRAUD

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. KOCH. Mr. Speaker, I am introducing legislation today to close a loophole in our Code of Crimes and Criminal Procedure that became evident in the Second U.S. Circuit Court of Appeals' decision on February 23 dismissing the indictment against a Harlem furniture company for fraudulent collection practices. The Court of Appeals' action reversed a previous conviction by a lower court.

The ruling, U.S.A. against Boneparth, written by Judge Wilfred Feinberg, while acknowledging that the appellants' practice was unconscionable, held that the Federal statute did not apply to merchants collecting their own debts.

The bill H.R. 13579, I am introducing would clarify section 712 of title 18 to specifically bring persons attempting to collect their own debts under its prohibition against misusing official sounding names in order to convey the false impression that any agency of the Federal Government is involved in the collection. The Court of Appeals' decision limited the application of this section to collection agencies.

The Harlem furniture company involved in the case that has pointed to the need for corrective legislation used financial disclosure forms purportedly issued by the U.S. Funds Bureau headquartered in Washington, D.C.

Judge Feinberg is quoted by the New York Law Journal of February 24, 1972, as having stated in his decision:

> We reached this conclusion with a heavy heart because the record reeks from the unconscionable practices of (the) appellants.
>
> The company operated a furniture and appliance store in Harlem. Most of the sales were made on credit, so that liquidation of accounts receivable was a constant problem.
>
> The company did not use a collection agency but collected its own bills. Collections were pursued with understandable persistence. But when all else seemed to fail the company chose to resort to sheer trickery.

Mr. Speaker, while the present law, enacted in 1959 may have originally been aimed at unscrupulous practices of collecting agencies, there surely was no intent to give immunity to those making their own collections. It is important that the Congress act promptly to close this loophole.

The text of H.R. 13579 follows:

H.R. 13579

A bill to amend section 712 of title 18 of the United States Code, to prohibit persons attempting to collect their own debts from misusing names in order to convey the false impression that any agency of the Federal Government is involved in such collection.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 712 of title 18 of the United States Code is amended—

(1) by inserting "(a)" immediately before "Whoever, being in the business of collecting"; and

(2) by adding at the end thereof the following new subsection:

"(b) Whoever, in order to collect his own debts or obligations, employs in any communication, correspondence, notice, advertisement, or circular the words 'national', 'Federal', or 'United States', the initials 'U.S.', or any emblem, insignia, or name, for the purpose of conveying and in a manner reasonably calculated to convey the false impression that any such communication, correspondence, notice, advertisement, or circular upon which any such word, initials, or emblem, insignia, or name appears is an official document of any department, agency, bureau, or instrumentality of the United States or in any manner represents the United States shall be fined not more than $1,000 or imprisoned not more than one year, or both."

RALPH L. QUESINBERRY OF CHAGRIN FALLS, OHIO, NAMED ATHLETIC DIRECTOR OF YEAR FOR SECONDARY SCHOOLS

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. MINSHALL. Mr. Speaker, I am very proud to announce that one of my constituents, Ralph L. Quesinberry of Chagrin Falls, has been named national winner of the Athletic Director of the Year Award on the secondary school level.

He has the honor of being the first winner of what will be an annual award program sponsored by the National Council of Secondary School Athletic Directors and the Schering Corporation, a pharmaceutical firm.

More than 30,000 secondary school athletic directors throughout the country were invited to submit applications. Ralph Quesinberry was selected from among six regional finalists by an independent selection committee composed of former outstanding athletes who have distinguished themselves in their chosen professions.

In addition to a cash award presentation on Saturday, March 25, in Houston, Tex., Mr. Quesinberry will also be honored by national distribution of a 16 mm. color documentary film in which he plays a feature role. Filmed on location, the motion picture will be shown to thousands of his colleagues who play a vital role in using sports as a catalyst in uplifting and improving their schools and communities. The film will then be shown across the Nation on television and before school and civic organizations.

Mr. Quesinberry spent his entire childhood in Tiffin, Ohio, where he was graduated from the Tiffin Junior Order Home. He showed such great promise as an athlete there that he received a football scholarship to Bowling Green University and later became captain of the team. He graduated in 1946 and seven of his classmates became coaches.

After receiving his Bachelor of Science degree, he went to Kent State University where he earned his Masters in 1953.

It was during those formative years at Tiffin and Bowling Green that he developed a warm and intense interest in helping young people and in student participation.

Mr. Quesinberry served in the U.S. Army, spent 2½ years overseas, and was honorably discharged on Christmas Day, 1945. He took his coaching credentials to Chagrin Falls, where he soon found his niche in life.

He has spent 26 years teaching at Chagrin Falls High School while at the same time putting in 16 years as football coach, 3 years as basketball coach, 20 years as a track coach, 5 years as a golf coach, 2 years as swimming coach and 10 years as athletic director. He also served as a volunteer and later as a paid staff member of the community recreation program for 18 years.

During his first year at the coaching helm, Quesinberry produced an undefeated, untied team which tallied 233 points to its opponents 22. It was a great football year. That was in 1947.

Over the 16 years of Ralph Quesinberry's head coaching career his Tigers won 83, lost only 35 and tied 10 games. This works out to a .704 win average, one of the highest among active grid coaches in Greater Cleveland.

No matter what caliber of football material Quesinberry had to work with, his squads always reflected fine coaching and superb conditioning.

HONORED BY CITY FATHERS

When Quesinberry stepped down as coach with an eye to the athletic directorship, the city fathers, then headed by Mayor James H. Solether, honored him with a proclamation and a "Ralph Quesinberry Day."

He was honored at a civic banquet, and many former students sent him letters and wires. One wire came from Marshall R. Jennison, M.D., Columbus. It read:

> Dear Coach: there are many present tonight who played well for you and your school and have much to thank you for. As one whose contributions were more modest and mostly from the sidelines, let me say that I also consider it a privilege to have been a member, however small, of one of your teams.

Today, at Chagrin Falls High School, it is the zest for sports and fitness which Quesinberry instills in the whole program he directs. During the summer it is the Blooper League, the Little League and Pony League. He has initiated such sports as intramural volleyball, tumbling, and Saturday morning basketball and fitness classes.

HE LOVES AND HELPS YOUNG PEOPLE

Many townspeople attest to the warm and personal interest he takes in students, both boys and girls.

Wrote Charles D. Barber of Chagrin Falls:

> The highest compliment that I could pay Ralph would be to say that there is no man I would rather have coach my own son than Ralph Quesinberry because of the favorable impact and influences he has on young people. Fortunately, for our family, our three youngsters have had the privilege of knowing and being positively influenced by Ralph Quesinberry. Our community has enjoyed the fruits of this man's labor of love for competitive sports.

Over the years, he has arranged for countless college interviews, written hundreds of recommendations, and has given unstintingly of his own time and money visiting college campuses with prospective students. For summer-time jobs, he is literally a walking employment agency.

Not too long ago, he bought a vacant lot adjacent to his home, had it blacktopped, and turned it over to children in the neighborhood for a playground.

He organized numerous community projects to help with unusual cases or problem children.

He has opened the gymnasiums of the community and has given his own time freely to participating students in the community, as well as black students from neighboring communities.

In 1962, he was honored by the Jay-Cees as "Man of the Year" for his contributions to school children.

Only this last fall, Mr. Quesinberry helped organize a public dinner honoring two outstanding members of the community for the giving of their time and financial support to many community projects.

Mr. Quesinberry is married to the former Marjorie (Peg) Hagadorn, whom he courted while a student at Bowling Green. They have three children, David, 22, who holds a Bachelor of Science degree in Health and Physical Education from Bowling Green; Tom, 19, a freshman at Ohio University, majoring in Health and Physical Education; and Susan, 15, a high school sophomore and a candy striper at Highland View Hospital.

CHINA TRIP

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. MICHEL. Mr. Speaker, we have all had the opportunity to read the comments of the Washington and New York media with respect to the President's recent trip to China but I think it is also helpful and instructive to read the impressions of newsmen and editors back at the grassroots.

In that regard, I read with interest three editorials in the Peoria Journal Star dated February 24, 27, and 29 entitled, respectively, "The Great Turnaround," "The Second Impressions," and "We Didn't Do All the Giving." These editorials provide some insights and impressions which may be of interest to my colleagues and I include the text of these editorials in the RECORD at this point:

THE GREAT TURNAROUND

One of the most intriguing things about the whole China episode is the coverage of it, which has had a shattering effect on the former mind-sets of so many journalists.

Our own "stable" is the most dramatic example.

William F. Buckley, the "conservative" columnist, has been in the business for three years, largely, of defending Richard Nixon from the assaults of the left-wingers.

Josep Kraft, the "liberal thinker," has spent the same three years, generally, finding a rigid, selfish, short-term, expedient and mistaken purpose in just about anything Nixon does.

Three days in China, and our "anti-Nixon" and "pro-Nixon" columnists seem to have traded places!

Buckley remains hung up on "shaking the bloody hands" of the old Communist killer-chiefs and sees the camaraderie of the meeting with apparent horror and disgust—so far.

Kraft, true to form, first calculated that the whole trip was a meaningless, empty farce with no real function or purpose other than political showmanship. The "cool reception" in terms of street crowds he interpreted as evidence that the Chinese would treat Nixon at arm's length, and put him in the humiliating position of a beggar at court.

But after the prompt meeting of Nixon and Mao and the sudden splurge of coverage on Chinese press and radio and television Kraft was dumfounded and reversed himself completely. (Read Kraft's column on this page today.)

Finally, Kraft has perceived what President Nixon has been saying for two years as the real reality: that the future of America and China is in a future world in which both will inevitably be among the "Big Five." (Nixon has been pointing this out in "view-of-the-world" press briefings for background ever since he started such special briefings across the country years ago. And Nixon has been repeatedly telling us his goal was not "peace, now" but "a generation of peace."

Those like Kraft with a stereotyped self-view of Nixon refused to listen and kept looking for the "instant expediency" and the "rabbit from the hat trick."

Now, Joe Kraft sees the point. Whether or not this trip means anything to America's problems this year, it makes a massive change for posterity.

The facts of life are that a Communist regime, which came to power amid rivers of blood, rules 800,000,000 people and is establishing its own "base" of philosophy and world view and its own "mind-sets" for a long time to come.

For 20 years, part of that legend-building has included a fixed and virulent hatred of the United States.

The central figure of the whole modern and probably future Chinese "legend"—the Lenin of China—is Mao, and Mao is nearly 80 years old.

The question affecting posterity is whether it will develop based on "inevitable" and eternal hatred toward the U.S., or whether the new generation of leaders, generating Mao and Maoist traditions, will come to power with a reasonable future attitude toward what the U.S. is and possible accommodation with it in a peaceful manner.

Crudely put, the question is how rigid will China's future tradition be—or how flexible.

Mao's public seal on the Nixon visit and the resulting broad publicity and smiling, warm "imagery" being blasted at the Chinese people is a long step toward making sure that Chinese youth and American youth do not enter the future already mortgaged to enmity.

The past is bloody, indeed, but we serve nobody by dealing in a past whose chief leaders—Chiang Kai-shek, Mao Tse-tung and Chou En-Lai are all very elderly men today.

There is a service to posterity, at least, by the remarkable and apparently successful move that Nixon has made to "tear up the mortgage" and change the basic attitude toward America of a major section of the world's people—not just a regime.

In three days, with a massive assist from the whole Red China propaganda machine, Nixon has changed the "image" of the United States in Chinese modern tradition and legend-building.

And if Joe Kraft is an example, he may have made his first dent in that much more difficult task—changing the "image" of Richard Nixon that has been as stereotyped and self-inflicted on many U.S. intellectuals, newsmen, and others as were the Chinese myths about us all.

Now we wait to see if William Buckley will take his eyes off the horrid past, too, to see the future potential involved which is where the action is. The past is too late to change.

In the past 13 years, we have pointed out, again and again, that what is said on the world stage by Communist leaders is totally unrealiable and often pure "tactics"—and that the place to look for what is "real" is in the controlled propaganda that they direct at their own people.

Too often, the soft words spoken by Red leaders and blazoned in the Western press were not even reported to the home folks.

(I was in Russia when the first high Russian official visited the U.S. and his every remark was a headline in America, and his every word "analyzed" for great significance about future relations. Yet, in Russia, none of these things were told the Russian people where anti-American propaganda continued to dominate the media.)

The splurge of friendly and warm publicity deluging the people of China now is the real measure that means something.

This time, at least, the "double game" we have watched Communist diplomacy playing so often is not being played against us.

It does open the door of the future—even if that is the future involving other Chinese inheritors and other American administrations.

That door appeared to be slammed, locked and bolted a very short time ago.

We ought not go overboard as to what this means in our relations there tonight . . . but it gives posterity a much freer hand to solve problems which otherwise threaten the most massive loss of human life in history.

Responsibility requires that we now concern ourselves more about that possible future blood-bath than those of the past.

C. L. DANCEY.

REALITY IN CHINA: THE SECOND IMPRESSIONS

The contingent of newsmen in China do not get much exposure to the "common man" there, but even though they are reduced to interviewing their official interpreters and talking to their official drivers while the private real business of the trip goes forward, it is having an impact.

It is hard to get realistic impressions in a strange country in one week. I recall vividly that "first impressions" of a series of activities in the Soviet Union a few years ago were exciting and even almost entrancing—for a while. That is because they were so "new," and one did not yet realize the difference between the new experience and what the same thing is like as an external standard. Later some of the same "charming" practices assumed as opposite impact—as near intolerable.

"It's a nice place to visit but I wouldn't want to live there," is a saying that is commonplace amongst us that grows from this very important time difference.

A Reuters correspondent who was in Peking for some years in the late 60's (and ended up in solitary confinement simply as blackmail against British policy in Hong Kong) described how exhilarating and impressive it was in the midst of the Cultural Revolution to see the masses of Chinese carrying Mao's "Little Red Book" with them wherever they went and chanting Mao's saying with great enthusiasm.

After a couple of weeks of this, however, he began to get tired of it. After a couple of months of it, he began to realize how horribly sickening it must actually be for those mobs who were so obviously obliged to do it, day in and day out, with slavish, humiliating and boring monotony.

Things change with prolonged exposure to truer dimension than they have in the first burst of experience.

But even in a week, tidbits of the Chinese reality are emerging for many of the visiting reporters. One catches the flavor of a driver who looked incomprehending when asked what happens if you break the speed limit, and could only reply, "You don't understand, that IS the speed limit."

Another catches the papered-over pathos of a Peking intellectual who was arbitrarily yanked from his job and plunked down in a commune three years ago, his family split up, while he worked as a peasant among peasants. He was yanked out again, temporarily, to meet the interpreter needs of this visit—and will be sent back again when it's over.

He has still not seen his children, and has no idea when, if ever, he will see them again or be allowed to leave the commune and his peasant chores to resume a more "normal" life for his own background, training and abilities.

We see him, on top of this sad situation, earnestly proclaiming that he doesn't mind a bit and that peasant work is a "great opportunity."

It will not hurt future reporting attitudes here in the United States that these commentators and correspondents have discovered a human frame of reference in the controlled society as well as a broadly intellectual concept of that way of life.

It is one thing to have a basic "understanding" and theory that "they do things differently . . . which is their right" and thus a surface comprehension at the intellectual level of the idea of a controlled or totalitarian society. It is another thing to see it even by the smallest glimpses, through the eyes of individual human beings who must do as they are told, who have no say over their future, who know nothing but what is carefully selected as suitable, and who must give verbal approval of whatever is done to them whether they like it or not.

Russians and Chinese, like any other human beings, once we contact them at the personal and social level, are not hobgoblins. They are people like us.

After that real awareness and the shock that they aren't all that different comes the second realization (if one experiences anything like a real "immersion" in a Communist culture) that, as human beings like us, the pervasive tyranny imposed on their daily and personal lives is horribly humiliating, endlessly depressing, and often tragic.

Their feelings are what anybody's feelings would be—except that their feelings must be suppressed and "proper" "official" attitudes loudly expressed.

Part and parcel of this endless repression is the confusing fact that any startling break in the routine is so exhilarating it can be almost intoxicating—and a Westerner may see Communist citizens animated, laughing loudly, and, indeed, at times acting as if under the stimulus of "pep pills."

I have experienced this many times in Russia.

The "pep pill" is the presence of an American. It can be like a visit from a man on the moon. It provides a rare holiday atmosphere.

This is less true in Russia today than a few years ago—depending somewhat on where you go. It is, apparently, very true in China today at a "stage" much like Russia or East Germany a few years ago.

It ought to serve as a "balancing" experience of the human realities of this level of regimentation—together with the hopeful reality in terms of international affairs that the future may be rendered more peaceful than the past.

There are grounds for enthusiasm about the China development—and grounds for sobriety. We ought not confuse the two realities.

We are going to have to deal intelligently and realistically with both.

C. L. DANCEY.

WE DIDN'T DO ALL THE GIVING

With tunnel visions (and some political prejudice) a good many U.S. observers seem to insist on "analyzing" the Chinese communique as if the "generalizations" about China's policy are meaningless and the U.S. is doing all the "giving."

Far from it, it seems to me, if you keep in mind the constant and significant "double-play" of controlled societies as to what they in the past have often told us and the world as compared to what they have described as policy to their own people in their own controlled media.

When you look at what China has been preaching through all its propaganda media for 20 years and see that they now come forward with a public pledge, likewise broadcast by all their own controlled media throughout China as the policy of Mao and Chou, it is a very significant change.

They have publicly pledged that both China and the U.S. will not seek hegemony over any other Asian nation, and that they will respect the territorial integrity of existing small nations, and that their formal policy is one of peace not conquest.

The other fact of life ignored by those who blandly skip over China's commitments in this communique is the fact that unless China proceeds to act as promised we are not "giving away" a single thing!

Every promise we have made, large or small, by the terms of the communique is contingent upon their good behavior.

Even the removal of a mere 10,000 U.S. military still doing odd jobs in Taiwan is a gradual, long term, stretched out commitment depending on China's future actions.

Even such little things as "cultural" and "journalistic" exchanges are pushed into a slow developing future process depending on China's future actions.

Even the simple development of normal, de facto, diplomatic relations between nations such as we have long carried on with the Soviet Union and a host of distasteful governments, left and right, is pushed into a cautious, long-term future activity depending on future Chinese actions in keeping her pledges.

If China does "behave," no U.S. policy would be sacrificed, because it has always been our policy to resist expansion and nothing more. Indeed, it would mark the success of that policy.

If China does not behave, we will have lost nothing because the whole deal will be just another broken contract which binds nobody. We will just be back at the beginning.

It must be presumed that there were powerful forces involved to oblige China to seek out this display of new association with the U.S. and this drastic change in her internal propaganda and policy vis a vis the United States and regarding the communization of Asia.

It must be presumed that China thinks it to her advantage—or necessity—to behave for a few years. Doubtless that intention is temporary.

But a few years are very important, because who knows what changes or conditions may develop during such a hiatus?

In a few years the leadership in China, for example, must inevitably change . . . and there is significance in Nixon's insistence on exchanging a toast or shaking the hand of every Chinese official in reach at every formal affair.

In the odd intensities of internal Chinese politics, he sought to involve every possible future power personally in this contact and this activity.

It is easier to get into these things than it is to get out of them, and Nixon did all that can be done to make it difficult for the future echelon of China to restore the full "bogeyman" image of the United States—that prevailed for 20 years—as an instrument of politics in the Chinese Communist party in future power struggles.

He has gone an amazingly long way to give the future, there and here, more fluidity.

The task will be to make the most of that . . . but it simply puts us on the playing field with more room to move—it doesn't tie us down. It frees us.

It does the same for the Chinese.

And this added fluidity both places is an improvement over the rigid images of the past which locked us onto a collision course.

C. L. DANCEY.

MONTHLY CALENDAR OF THE SMITHSONIAN INSTITUTION

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. SMITH of New York. Mr. Speaker, it is my privilege to insert in the RECORD the Monthly Calendar of the Smithsonian Institution. The March Calendar of Events follows:

1972 KITE CARNIVAL

Under the direction of Paul E. Garber, Historian Emeritus, National Air and Space Museum. Sponsored by the Smithsonian Associates and Parks for All Seasons, National Capital Parks.

March 18: Illustrated lecture entitled *The History and Design of Kites,* by Paul E. Garber. 1:30 p.m., Natural History Building Auditorium.

March 26: Kite Day. Open flying for all kite enthusiasts. The Park Service will provite entertainment, free kites (bring tails!), and a Kite Clinic for repair. 12 Noon–5 p.m. Washington Monument Grounds.

April 1: Kite Competition (No recreational flying will take place this day). Rain date will be April 2. Washington Monument Grounds.

Washington Area Competition. 10 a.m.–1 p.m.—registration and flying (registration closes at 12 Noon). 1:30 p.m.—awards presentation.

National Kite Competition. 2–3:30 p.m.—flying. 4 p.m.—awards presentation.

For detailed information on competition rules and eligibility, write Kites, the Smithsonian Associates, Smithsonian Institution, Washington, D.C. 20560.

MARCH AT THE SMITHSONIAN

MARCH 1, 1972

Exhibition: Second Floor Gallery, National Collection of Fine Arts, devoted to American landscape painting and opening in honor of the American park system's centennial. Works range from early 19th century through the years of exploration and establishment of the Yellowstone area and include artists Moran, Leutze and Bierstadt. Permanent exhibition.

Concert: *Danzi Woodwind Quintet* in a program of works by Cage, Denisov, Escher, Haydn, and Reicha. 8:30 p.m., Baird Auditorium, Museum of Natural History. For ticket information call 381–5395. Presented by the Division of Musical Instruments and Resident Smithsonian Associates.

Free film theatre: *Annanacks*—A group of Eskimos faced with extinction and its successful struggle to establish the first Eskimo cooperative in Canada; *Eskimo Artist Kenojuak*—the daily life of Kenojuak and her people. Two-film program at 12:10 and 1:10 p.m. Natural History Building auditorium.

Design film: *The Music Rack*. Artist Wendell Castle is shown making a complex plywood music rack. Continuous half-hour showings from 11 a.m.; last showing 2:30 p.m. Grand Salon, Renwick Gallery.

MARCH 2, 1972

Creative screen: *Symmetry*—Mathematical ballet of symmetries in controlled progression from simple to complex figures; *Magic Machines*—Excellent photography, glockenspeil musical background and commentary by artist-sculptor Robert Gilbert on his ingenious kinetic sculpture contraptions. Continuous half-hour showings from 11 a.m.; last showing 2:30 p.m. Lecture Hall, National Collection of Fine Arts.

Seminar in Origin of Life, Genetic Engineering and Evolution: *Gene Therapy: The Need, Experimental Approaches and Social Implications*. Lecturer: H. Vasken Aposhian, University of Maryland. Sponsored by the Consortium of Universities of the Washington metropolitan area and the Smithsonian Institution. 7:30 p.m., History and Technology Building auditorium.

Free film theatre: *Annanacks: Eskimo Artist Kenojuak*. Repeat. See March 1 for details.

MARCH 3, 1972

Seminar: *Man's Predicament in the 1970's*, by Governor Rolf Edberg, Swedish statesman and humanist. Gov. Edberg's book, *On the Shred of a Cloud* prompted the forthcoming U.N. Stockholm Conference on the Human Environment. 10:30 a.m., Baird Auditorium, Natural History Building, Public is invited. Sponsored by the Office of Seminars and the Office of Environmental Sciences.

MARCH 4, 1972

Creative screen: *Symmetry; Magic Machines*. Repeat. See March 2 for details.

MARCH 5, 1972

Exhibition: *Art from D.C. Public Elementary Schools*. Paintings, drawings, papier maché constructions, batiks, and ceramics by elementary school students. National Collection of Fine Arts, through April 10.

MARCH 8, 1972

Luncheon forum: *F–4 Phantom II—Most Successful Jet of All Time*. Informal discussion led by F. Michael O'Brien, President, University College Students Association. Room 449, Smithsonian Institution "Castle" Building, 12 Noon—Bring your lunch.

Free film theatre: *The Unexplained*—Documentary on investigations into unexplored frontiers of knowledge; including communicating with dolphins in their own language, and the Continental Drift theory. 12:10 and 1:10 p.m., Natural History Building auditorium.

Design film: Corning Museum of Glass films on the design and manufacture of glass. Continuous half-hour showings from 11 a.m., last showing at 2:30 p.m. Grand Salon, Renwick Gallery.

MARCH 9, 1972

Seminar in Origin of Life, Genetic Engineering and Evolution: *Use of Bacterial Genes in Human Cells*. Lecturer: Carl R. Merril, National Institute of Mental Health, 7:30 p.m., History and Technology Building auditorium. Sponsored by the Consortium of Universities of the Washington metropolitan area and the Smithsonian Institution.

Free film theatre: *The Unexplained*. Repeat. See March 8 for details.

Smithsonian adventure: CBS–TV. *Ninety Days to Survival*. Second program in the "Smithsonian Adventure" series. This hour-long documentary is based on the Colorado River explorations of the late John Wesley Powell. In the Washington, D.C., area, the program may be seen on WTOP–TV, Channel 9. 9 p.m. EST.

MARCH, 11, 1972

Lecture: *Contemporary American Painting and Sculpture*, by Adelyn D. Breeskin, Curator of 20th Century Painting and Sculpture. National Collection of Fine Arts Lecture Hall, 3 p.m.

MARCH 14, 1972

Illustrated lecture: *Spode—The Creator of Bone China*. Robert Copeland of Spode Ltd, discusses the development of Spode china and its manufacture as a mirror of taste over 170 years. 8:30 p.m., History and Technology Building auditorium. Presented by the Resident Smithsonian Associates.

MARCH 15, 1972

Design Film: *The Music Rack*. Repeat. See March 1 for details.

Free film theatre: *The Pink City*—The history, architecture and art of Jaipur, India; *The Dot and the Line*—Academy Award winning cartoon. Two-film program at 12:10 and 1:10 p.m. Natural History Building Auditorium.

MARCH 16, 1972

Audubon lecture: *Our Glorious National Parks*. Edward M. Brigham, Jr., former Director, Kingman Museum of Natural History in Battle Creek, Mich., presents his color film of the wilderness, waterfalls and many other unique features of our National Parks. 5:15 and 8:30 p.m., Natural History Building auditorium. Sponsored by the Audubon Naturalist Society.

Seminar in Origin of Life, Genetic Engineering and Evolution: *Alteration of Maize Protein Synthesis by Mutual Genes*. Lecturer: Edwin T. Mertz, Purdue University. 7:30 p.m., History and Technology Building auditorium. Sponsored by the Consortium of Universities of the Washington metropolitan area and the Smithsonian Institution.

Creative screen: *The Responsive Eye*—The explosive excitement of an art opening at the Museum of Modern Art. Continuous half-hour showings from 11 a.m.; last showing 2:30 p.m. Lecture Hall, National Collection of Fine Arts.

Free film theatre: *The Pink City; The Dot and the Line*. Repeat. See March 15 for details.

MARCH 17, 1972

Lecture: *Bell Canto in Jazz and Popular Singing*. A lecture with recordings, by Henry Pleasants, a distinguished music critic and author of numerous books and articles praising popular music at the expense of contemporary "art" music. History and Technology Building, 2nd floor; 8 p.m. Presented by the Division of Musical Instruments.

Illustrated lecture: *The Great Dismal Swamp of Virginia*, by William E. Ashley, Issac Walton League and Alvah Duke, Lake Drummond Tours. The program combines a color film and an account of the historical and biological importance of the area, including a discussion of current efforts for preservation. 8 p.m., Natural History Building auditorium. Sponsored by the National Parks and Conservation Association.

MARCH 18, 1972

Creative screen: *The Responsive Eye*. Repeat. See March 16 for details.

MARCH 21, 1972

Illustrated lecture: *The Three Laughers of the Tiger Valley*, by Professor John Rosenfield, Harvard University. One of a series on oriental art. The Free Gallery of Art. 8:30 p.m.

The film and the producer: Portions of *The Everglades and The American Prairies*, together with a new film, *The Power Crisis*, presented by Craig Fisher, Independent documentary film maker. Natural History Building auditorium, 8:30 p.m. Sponsored by the Resident Smithsonian Associates.

MARCH 22, 1972

Luncheon form: *Progress Report on Skylab*. Informal discussion led by John H. Disher, Deputy Director of Skylab Program, NASA. Room 449, Smithsonian Institution "Castle" Building. 12 Noon—Bring your lunch.

Exhibition: *Jack Lenor Larsen Retrospective*. One of the major innovators in the field of weaving, Larsen created the first woven wool stretch fabric and introduced such oddities as ribbon and nylon horsehair to power looming. He also wove the theater curtain at Wolf Trap Farm. The Renwick Gallery, through May 31.

Design films: To be announced. Continuous showings from 11 a.m.; last showing at 2:30 p.m. Grand Salon, Renwick Gallery.

Free film theatre: *Nehru*. Nehru, at age 73, talks of his past and India's history. 12:10 and 1:10 p.m., Natural History Building auditorium.

MARCH 23, 1972

Seminar in Origin of Life, Genetic Engineering and Evolution: *Cloning-Recent Advances in Embryo Transplantation*. Lecturer: E. S. E. Hafez, Wayne State University. 7:30 p.m., History and Technology Building auditorium. Sponsored by the Consortium of Universities of the Washington metropolitan area and the Smithsonian Institution.

Free film theatre: *Nehru*. Repeat. See March 22 for details.

National capital shell club: *Study group* conducted by staff members of the Smithsonian's Division of Mollusks, 7:30 p.m. *Monthly meeting and slide program*, 8:15 p.m. Room 43, Natural History Building. Public is invited.

MARCH 25, 1972

Music from Marlboro. Selections by Mozart, Schumann, and Schubert performed by Nerine Barrett, piano; Isidore Cohen, violin; Anie Kavafian, violin; Nancy Cirillo, viola; Timothy Eddy, cello; and Julius Levine, double-bass. 5:30 p.m., Natural History Building auditorium. For ticket information, call 381–5395.

Lecture series: *Underwater History and Treasure Discoveries*. Speakers are scheduled from 9 a.m. to 3:30 p.m. in the History and Technology Building and include Mendel Peterson, Smithsonian Curator of Historic Archeology, discussing "Cannons as Clues to Sunken Ship Identification." For detailed schedule of speakers and topics, call Mrs. Bennett, 659–8800.

MARCH 28, 1972

Free film theatre: *India—The Bewildered Giant*. This film, made last year, faces the problems of India today. 12:10 and 1:10 p.m. Natural History Building auditorium.

MARCH 29, 1972

Free film theatre: *India—The Bewildered Giant*. Repeat. See March 28 for details.

MARCH 31, 1972

Exhibition: *WW II Fighters*. This remarkable era of air and space history is depicted in a unique exhibit that includes the recreation of a front line fighter airfield. Visitors may "eavesdrop" on crew conversations and see mechanics repairing aircraft. Uniforms, medals and aircraft models of the period are among the many other items displayed. Arts and Industries Building. Closing indefinite.

Museum Tours

Highlight Tours, conducted by Smithsonian volunteers, begin at the Info Desks by the Mall entrances, on the following schedule:

Museum of History and Technology: Monday through Friday, 10:30, 11:30 a.m. Saturday and Sunday, 10:30, Noon, 1:30, 3 p.m.

Museum of Natural History: Saturday and Sunday. By appointment, call 381-6471.

Arts & Industries Building (Air & Space Museum): Saturday, 10:30, 11, 11:30 a.m., 1, 2, 3 p.m. Sunday, 1, 2, 3 p.m.

National Collection of Fine Arts: Saturday and Sunday, 2:30 p.m. (Tour begins at 9th Street entrance.

The French Cook

Julia Child—A Triple Entente for the Ides of March. Demonstration of French cooking. March 7, 1:30 or 8:30 p.m.

Plain and Fancy Gourmet—A Basic Four: Meat, Fowl, Fish, and Pastry. Cooking series under the direction of Edith Vanocur, author and gourmet chef of national newspaper and television. Four weekly sessions on Wednesdays at 8 p.m. or Thursdays, 1 p.m. (beginning March 8 or 9).

Attendance by prior registration only. Julia Child demonstration only—$10. Entire series, including Julia Child demonstration—$30. For further information and application, call The Smithsonian Associates, 381-5157.

Foreign Study Tours

For members of the National and Resident Associates. For further details on tours, listed below, write to Miss Schumann, Smithsonian Institution, Washington, D.C. 20560.

Australia and New Zealand: March 24–April 28.

Mexico and Guatamala: April 3–22.

No-Tour Tour: Dulles-Paris-Dulles. May 29–June 19.

Eastern Turkey: May 30. Waiting list only.

Greece and Yugoslavia: June 12–July 10.

No-Tour Tour: New York-Amsterdam-New York. July 17–Aug. 17.

King Arthur's England: July 12–Aug. 2.

The Pilgrimage Road: Sept. 11–Oct. 9.

No-Tour Tour: Dulles-London-Dulles, Sept. 11.

Russia: Sept. 12–Oct. 13.

Pakistan and Afghanistan: Oct. 9–Nov. 8.

Continuing Exhibitions

ANACOSTIA NEIGHBORHOOD MUSEUM

The Evolution of a Community. The history of Anacostia from 1608 through World War II. Through May.

ARTS & INDUSTRIES BUILDING (AIR AND SPACE MUSEUM)

Ballooning: Man's First Aeronautical Adventure. The entire story of ballooning from earliest ideas to a modern science. On display indefinitely.

Reading Is Fundamental. This exhibit describes an action program to make books a way of life for all of America's children. Through Jan. 1973.

FREER GALLERY OF ART

2500 Years of Persian Art. Decorative work from manuscripts, metalwork, ceramic objects and architectural decorations. Through December 1972.

MUSEUM OF HISTORY AND TECHNOLOGY

Music Machines—American Style. As part of this exhibit, films are shown continuously as follows:

Mar. 3–9 MGM Musicals
Mar. 10–16 Musicals of '30s II
Mar. 17–23 MGM Musicals
Mar. 24–30 Musicals of the '30s I

NATIONAL COLLECTION OF FINE ARTS

Contemporary Paintings and Sculpture. Works from the permanent collections, including some never-before displayed. Through March 8.

NATIONAL PORTRAIT GALLERY

Washington in the New Era (1870–1970). Portraits, manuscripts and photographs depicting the history of Washington's black community. Through June 2. For group tours call 381-6347.

THE RENWICK GALLERY

Woodenworks. Through July 9.

Design Is. . . . On Display indefinitely.

James Renwick in Washington. A study of the architect's career. On display indefinitely.

Selections from the Index of American Design. Through Jan. 1973.

The Glass of Frederick Carder. On Display indefinitely.

Pueblo Pottery. Through Jan. 2, 1973.

American Architecture. Photographs by the late Frank Roos. Through March 24.

Hours

Smithsonian museums: 10 a.m.–5:30 pm., 7 days a week.

(The Smithsonian "Castle" Building will be closed March 2.)

National Zoo buildings: 9 a.m.–4:30 p.m., 7 days a week.

Anacostia Neighborhood Museum: 10 a.m.–6 p.m., weekdays; 1–6 p.m., weekends.

Demonstrations

MUSEUM OF HISTORY AND TECHNOLOGY

Musical Instruments, from the Smithsonian's collection. Monday, Wednesday, Friday, 3 p.m. Hall of Musical Instruments, 3rd floor.

Music Machines—American Style. Mechanical and electronic music machines. Monday, Tuesday, Thursday and Sunday, 1:30 p.m., 2nd floor.

Spinning and Weaving. Tuesday, 10:30 a.m.–12:30 p.m.; Wednesday through Friday, 10:30 a.m.–12:30 p.m. and 1:30–3:30 p.m.

Radio Smithsonian

Radio Smithsonian, a program of music and conversation growing out of the Institution's many activities, is broadcast every Sunday on WGMS-AM (570) and FM (103.5) from 9–9:30 p.m. The program schedule for March:

5th—*Concert.* Malcolm Bilson plays music for the fortepiano.

12th—*A Conversation with Dr. Edward Teller.*

19th—*How Birds Communicate,* with Dr. Gene Morton of the Smithsonian Chesapeake Bay Center; *The Art of John Held, Jr.* Mrs. Held talks about her late husband, the creater of the flapper cartoons of the '20's.

26th—*Science at the Smithsonian.* An interview with Dr. David Challinor, Smithsonian Assistant Secretary for Science; *Israel: An Archeologist's Dream,* with Dr. Avraham Biran, Director of the Department of Antiquities and Museums of Israel, and Dr. Gus VanBeek, Smithsonian Curator of Old World Anthropology.

Smithsonian Puppet Theatre

Eureka!—The story of a small boy, Murphy, his unusual friend Worm and their travels through time and ideas. A new fantasy performed by Allan Stevens and Company and presented by the Division of Performing Arts. Wednesday through Friday, 10:30 and 11:30 a.m.; Saturday and Sunday, 10:30 a.m., 12:30 and 2:30 p.m., in the History and Technology Building auditorium. Admission: $1 children; $1.25 adults; group rates available for 20 or more. Tickets are on sale at the box office, or call 381-5395.

Domestic Tours

A Musical Weekend in Washington: April 28–30. Splendid music, tours of the Smithsonian, Kennedy Center, Filene Center, and social events in private Georgetown homes, and historic houses. A tour for people who love music. Sponsored by Friends of Music at the Smithsonian and the Division of Musical Instruments. For information and reservations write to Mrs. Lois Howard, Division of Musical Instruments, Smithsonian Institution, Washington, D.C. 20560. Reservation deadline: April 1.

The Smithsonian Associates sponsor tours listed below. For further details, write Mrs. Kilkenny, Smithsonian Associates, Washington, D.C. 20560.

Death Valley: April 14–20.

Northern Pueblo Indians: June departures.

Navaho Land: June departures.

Windjammer Cruise: June 25–July 1.

Solar Eclipse: July 5–11. Prince Edward Island.

Archaeology Dig: August 6–12. New Hampshire.

(Note: Trips are also available for instructors and advanced students in archaeology, anthropology, geology and ecology who desire exception field experience.)

THE PRESIDENT'S CHINA VISIT: "A SINGLE STEP"

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. BRAY. Mr. Speaker, the following could, with but few variations, have come from the White House newsroom recently:

> In this critical posture of affairs in China it is deemed appropriate to define the attitude of the United States as far as present circumstances permit this to be done. We adhere to the policy initiated by us in 1857, of peace with the Chinese nation, of furtherance of lawful commerce, and of protection of lives and property of our citizens by all means guaranteed under extraterritorial treaty rights and by the law of nations. . . .
>
> . . . The purpose of the President is, as it has been heretofore, to act concurrently with the other powers, first, in opening up communication with Peking and rescuing the American officials, missionaries, and other Americans who are in danger; secondly, in affording all possible protection everywhere in China to American life and property; thirdly, in guarding and protecting all legitimate American interests; and fourthly, in aiding to prevent a spread of the disorders to the other provinces of the Empire and a recurrence of such disasters. It is, of course, to early to forecast the means of attaining this last result; but the policy of the Government of the United States is to seek a solution which may bring about permanent safety and peace to China, preserve Chinese territorial and administrative entity, protect all rights guaranteed to friendly powers by treaty and international law, and safeguard for the world the principle of equal and impartial trade with all parts of the Chinese Empire. . . .

With a very few minor changes, this could have been a statement from the White House, upon President Nixon's return from Peking. It was issued under the administration of another Republican President—William McKinley—but there the resemblance stops. Those words make up the major part of Secretary of State John Hay's circular letter of July 3, 1900, to the U.S. embassies in Berlin, Paris, London, Rome, and St.

Petersburg, and to our missions in Vienna, Brussels, Madrid, Tokyo, The Hague, and Lisbon. It spells out in more detail Hay's "open door" policy toward China, first initiated in 1899. It also serves as a reminder of the first major premise that must be considered when evaluating President Nixon's recent trip, and for that matter in any consideration of United States-Chinese relations: There is no real hard-core, long-term reason why the United States and China cannot be friendly.

A word about Hay and "open door"—there is more pertinence to that part of our diplomatic history than we realize. After Japan had annexed Formosa, and occupied Korea, in the last decade of the 19th century, Russia, England, and France had begun to secure permanent leases on important harbors from a weak and unsteady Chinese central government. The country was in very real danger of being sliced up and parceled out in various forms to the European powers and Japan.

This would have been a military menace, it would have had a very adverse effect on Chinese-American trade, and, last but not least, there was the very real and warm feeling on the part of the American people for China and the Chinese, fostered by medical and Christian missionaries. For that matter, I believe the feeling is still basically there. I do not maintain that this country is ready to ignore nor forget the points of conflict between the United States and China over the past 20 years. But I am saying this feeling of closeness, that I do not believe the United States has ever really had for any other country, has never died. Perhaps it explains to some degree the high level of curiosity that we have always had for China, and the equally high level of excitement and interest over President Nixon's recent trip.

John Hay, who began his career in public life as secretary to Abraham Lincoln, and closed it by serving as Secretary of State under both McKinley and Theodore Roosevelt, came up with the "open door" policy in 1899 to try and head off this threatened disintegration of China. It could have foundered on the Boxer Rebellion, of 1900, an ill-fated attempt on the part of Chinese radicals and fanatics to throw all foreign devils out of China. The United States did take part in the expeditionary force to relieve the besieged legations in Peking, but Hay sent the note quoted above to the European powers most directly concerned with China to try and avert any new attempt to divide and rule.

It worked; to what degree is still argued. Some say Europe and Japan accepted it with their fingers crossed, just to please Hay and the American public. China was still weak, and, it is true, the empress dowager, last "strong" ruler of the dying Manchu dynasty, permitted the navies of the various powers to patrol Chinese territorial waters. But, it should be noted, these same navies spent a lot of their time and energy in suppressing the Chinese pirates, who preyed on oriental and occidental alike.

I do not say for a moment that all of our relations with China, or with any other country, for that matter, have been totally blameless. There is not a nation on earth that could claim this. But, on balance, we tried to get off to a good start. We are making the attempt again, now.

We are dealing today, as we dealt then, with a nation completely unlike any other on earth. Barbara Tuchman, in her "Stilwell and the American Experience in China," summed it up in words I have never seen equalled:

> Throughout her history China had believed herself the center of civilization, surrounded by barbarians. She was the Middle Kingdom, the center of the universe, whose Emperor was the Son of Heaven, ruling by the Mandate of Heaven. Convinced of their superior values, the Chinese considered that China's greatness was owed to principles of social order formulated by her sages and administered benevolently by a learned elite over a harmonious whole. All outsiders whose misfortune was to live beyond her borders were "barbarians" and necessarily inferiors who were expected, and indeed required, to make their approach, if they insisted on coming, bearing tribute and performing the *kowtow* in token of humble submission.
>
> From Marco Polo to the eighteenth century, visiting Westerners, amazed and admiring, were inclined to take China at her own valuation. Her recorded history began in the third millenium B.C., her bronzes were as old as the pyramids, her classical age was contemporary with that of Greece, her Confucian canon of ethics predated the New Testament if not the Old. She was the inventor of paper, porcelain, silk, gunpowder, the clock and movable type, the builder of the Great Wall, one of the wonders of the world, the creator of fabrics and ceramics of exquisite beauty and of an art of painting that was sophisticated and expressive when Europe's was still primitive and flat.

This is worth remembering. It is quite true that, during the great cultural revolution of the middle and late sixties, the Chinese Communists seemed to go out of their way to destroy or denigrate a good many things from China's past. But a national attitude, a cultural attribute, cannot be blotted out overnight—and overnight, in the chronicle of countries, means possibly decades. There is a lot evident in Communist Chinese attitudes and pronouncements of today that stem quite directly from the attitude of that country which did not even have a ministry of foreign affairs before 1898. They felt they did not need, and they certainly did not want, any outside interference. All contact by aliens was dealt with by the Hall for Governance of Barbarians.

Now, when it comes to evaluation not only of the President's trip, but of any future United States-China contacts or activities, this country could quite easily lose its head—literally and figuratively. Already a distressing imbalance is noticeable. The left shrieks that the whole trip was solely political and the results have been disappointing, and Henry Kissinger should be made to explain his role before committees of Congress. I would only point out here that the custom of bypassing the Department of State more or less began with Woodrow Wilson, became an art under Franklin D. Roosevelt, and was further developed by John F. Kennedy.

At the other end of the spectrum, we hear "sell out" and "Munich"—bad reasoning and worse history.

As is so often the case, neither extreme is remotely close to the reality of the situation. And, as is equally often the case, there is danger of the extremes of opinion swamping reality to the point where future developments can be badly crippled.

The Department of State has used the term "aberration" to describe the last two decades of United States-Chinese relations, and I believe to a great degree this is accurate. "A deviation from the normal or the typical" is one definition of the word, and what could have been more of a deviation from relations up until 1949 than the situation since that time?

We are also inclined to forget that negotiations have been going on directly between the two countries since 1954 in Geneva and Warsaw. At that time Chinese and American officials began talks on settling the Korean war; general questions of bilateral relations followed. An agreement on repatriation of citizens was signed 17 years ago, in which each country permitted citizens of the other, wishing to do so, to return home.

First, dispel the idea that the President, somehow, went to Peking in a kowtow position, hat in hand, as a supplicant, seeking Mao's and Chou's favor. Now, to be sure, he has had the idea in mind for a long, long time—probably before he was elected, and, although it was not commented on nor realized at the time, he alluded to such a visit in his January 1969 inaugural address, with these words:

> We seek an open world . . . in which no people, great or small, will live in angry isolation.

And, I may ask, what great people, at that time or since, were living in "angry isolation," except the Red Chinese?

No—Peking wanted him. The risks to Peking in extending the invitation were far greater than any to the President, at least as far as the Orient is concerned. Consider: Red China, just late last year, had gone through its second great internal shake-up in 5 years, with the as-yet-unsolved mystery of the disappearance of Lin Piao. The first was the great cultural revolution and the Red Guard madness of 1966–68.

The Lin Piao case is one of those mysterious incidents of inner turmoil peculiar to Communist countries. The sudden fall from grace and disappearance of Lin, hailed for years as Mao's "close comrade in arms," and the accompanying removal, by some means, of other top officials, meant a power struggle of major proportions had rattled the Peking government. Some China observers think that it may have been a Mao-Chou move against the military. Eliminated with Lin, the Defense Minister, were also the chief of staff of the Red Chinese Army, the commander of the Air Force, the naval commissar and logistics chief, and half the active members of the highest decisionmaking body of China. It is equivalent to sudden removal—and disappearance—of Secretary of Defense Laird, Gen. William Westmoreland, Gen. Thomas Ryan, and

Adm. Elmo Zumwalt plus half the top brass of the Pentagon—with no explanation given out for domestic or foreign consumption.

Mao had more or less unleashed the military against the Red Guard, back in 1968, to curb the excesses of his youthful rioters. Rumors had reached the West that the Army, under Lin, took a delight in its job of getting things quieted down again, and had in more than one instance resorted to the firing squad and machineguns to show the Red Guard that they were not yet masters of the country. Following this, the growth of the military, plus Lin's penchant for saber-rattling, may well have meant Mao decided Lin's usefulness was at an end.

Also, American bombers continued to hammer North Vietnam, and there were 8,600 American military men on Taiwan. Given all of these factors, given the importance of "face" in the Orient—and it is, most certainly, a wonder that the President was allowed to go at all. He would not have, unless China did not need us.

Remember—what civil defense and armaments measures China has taken since early 1969 have been aimed at the Soviet Union. The massive air raid shelter and tunnel program of 1969 was from fear of Russian attack. Russian manpower had doubled along China's western frontier; there were new airfields being built in Mongolia; nuclear missiles were concentrated along the Manchurian border, and the March 1969 clashes between Chinese and Russian troops had sounded the alarm in every village of China. In June 1969, we know now, Soviet long-range bombers had been redeployed from Europe, to stage exercises which simulated attacks on major targets in North China, including key nuclear facilities. And some of the heaviest Russian troop concentrations on China's western borders are where the Chinese Eastern Railway goes from Russian soil onto Chinese soil, at the Manchurian frontier, heading for Harbin and Vladivostok. This is the same area where the Russo-Japanese War began over 70 years ago.

All this merely underscores for the present and future what the past has made into cold historical fact: there is no real long-term reason for enmity between China and the United States, but there are a good 20 centuries crammed full of reasons why China and Russia hate each other.

Some would have it that the Chinese did not take President Nixon's visit seriously. But the London Economist noted:

The unexpected reception by Mao a day earlier than scheduled was a gesture of respect to the leader of the world's most powerful nation by the leader of the most populous.

This, and the subsequent manner in which the Nixon/Mao visit was handled by China's official daily, Jenmin Jih Pao: this paper has not yet reported manned moon landings, deposition of Lin Piao, entry of Britain into the Common Market, nor the India-Pakistan war, yet two of its six pages of pictures and announcements were given over to pictures of President Nixon and Mao, and accounts of the visit. This was Mao's way—and this evaluation is shared by long-time China watchers—of telling the people of China that the anti-American slogans did not mean much anymore, and also that the President's visit had the old man's blessing.

Much is said, incidentally, about what will happen when Mao dies. He is not dead yet. Until he does, he is a very real force to be reckoned with, and to all intents and purposes, he is still running the country.

And, to underscore what significance the Chinese give to it all, my latest edition of Peking Review, 7–8 for February 25, 1972, is outstanding in all the hundreds of issues I have received since I began taking this weekly—mailed directly from Peking—around 6 years ago: There is not one anti-American article, slogan or word in it. The first page carries the pictures of the Nixon-Mao meeting, and four more pages of pictures and text deal with the visit. To be sure, next week's might go back to something closer to the old practice, but, as they told their own people by the way Jenmin Jih Pao treated it all, they are telling the world through Peking Review that this is something to be taken seriously.

And do not forget the slogans that were up at Peking Airport to greet Chou when he returned after seeing the President leave at Shanghai:

Resolutely Support Chairman Mao's Revolutionary Line in Foreign Affairs.

This had, I venture to say, two purposes: to underscore yet again the points made, which I have cited, in Jenmin Jih Pao, and Peking Review, and also to serve notice to any enemies Chou might have made as a result of the President's visit, or anything else, that Mao was backing Chou, and what Chou did. So, in effect, oppose Chou and you oppose Mao. And you do this at your own risk.

There has also been a major structural shift in world power politics. U.S. Senator Barry Goldwater spelled it out in his March 1, 1972, statement of support for the President's China visit:

> . . . this is not 1960; it is 1972, and the world situation which we now confront is an entirely new ball game. Where before there were only two superpowers—ourselves and the Soviet Union—to consider, we now have five power blocs to consider in the development of foreign policy. In addition to Russia and the United States, there is Red China, which is a growing nuclear power; there is Japan, which is rapidly becoming the most important economic power in the Far East; and there is the community of western Europe, which is beginning to solidify its aim and objectives. . . .

And, as a result of the President's visit, the United States is now the only major world power of the five blocks Senator Goldwater enumerated which can deal on more or less cordial terms—and I use that word guardedly—with the other four.

Now, that alone and by itself will not prevent conflict. The idea that contact between two peoples will mean peace is totally wrong. The American Civil War should have demonstrated that. But we have moved into a much more favorable position, vis-a-vis other countries.

WHAT'S AHEAD FOR TAIWAN?

In the short run, no change. In the long run, very probably the same: no change. To say there was a "sellout" or "betrayal" simply does not take account of the facts of the case.

First, Taiwan is a long ways from being a weak country that cannot defend itself. Its own army is around 540,000 men. It still receives military aid from the United States but on a diminishing scale—as do most other countries. For fiscal year 1970, Taiwan got $37.9 million in direct aid—down from $115 million in 1968—and $63 million in excess military hardware. Taiwan's booming economy also enabled it to buy $37 million worth of U.S. military supplies, up from only $1.2 million worth in the whole period 1950–64.

Second, there is much misunderstanding over what "withdrawal" of U.S. forces means. The communique says:

> . . . (the U.S.) affirms the ultimate objective of the withdrawal of all U.S. forces and military installations from Taiwan. In the meantime, it will progressively reduce its forces and military installations on Taiwan as the tension in the area diminishes.

Mark this well: there is no final date set, and the last part of the above statement, "as the tension in the area diminishes," refers, no doubt at all, to Vietnam. At the end of the Vietnam war our forces there will be reduced. But total withdrawal? That could be years ahead.

U.S. naval patrols of the Formosa Strait were discontinued in 1969. Reconnaissance flights over the Chinese mainland, by planes based on Taiwan, have also been over with for some time but this is due primarily to vastly better spy satellites. There is not space here to go into new developments of this type of reconnaissance, but one expert put it this way, talking about a new satellite:

> It could snap a picture of Chairman Mao lighting a cigarette in Peking, and the picture would be on the President's desk in Washington before Mao had time to blow out the match.

That is not too much of an exaggeration.

We have now, on Taiwan, in terms of men, 8,600 troops and 6,500 dependents. The main unit is a transport aircraft wing of C–130's with a theaterwide role. As U.S. involvement in Vietnam dies down, this wing would have been phased out, or moved—as would well over half the troops there, who are connected with Vietnam, directly, and went there for that reason in the first place. We have no fighter-bombers there, and no nuclear weapons. There have never been at any time since the 1955 mutual defense treaty was signed any more than 10,000 men—and never were there any ground combat troops.

The first Formosa Straits crisis in 1956 saw only 2,665 U.S. military advisers and technicians on the scene, and this number was cut back as the Nationalists were trained and reequipped. There have been—and no doubt will continue—frequent joint United States-Chinese air and naval maneuvers.

Really, it is odd enough that Peking would sign any statement of common principles with the United States, of any sort, while U.S. planes continued to bomb North Vietnam and U.S. troops remained on Taiwan, and especially if this statement did not give a definite date for a pullout. Also, we may be quite certain that Henry Kissinger had made it clear to Chou, in advance, that the United States would continue to uphold its treaty commitments. But Peking has never made an issue of the treaty, anyway. It is the U.S. presence on Taiwan that is the sore point.

To say that U.S. withdrawal gives the green light to Peking infers an immediate, mammoth air-sea assault against Taiwan by Peking. How anyone can conceive of this happening is beyond me, for some very good reasons.

First, the Red Chinese do not have the amphibious capacity for such an operation. I do not know right offhand the ratio of attackers to defenders, for an effective amphibious assault, but it is quite high. In terms of men, yes, Peking has men; in terms of ships and landingcraft, no, absolutely not.

Second, and even more important, the Red Chinese know full well that such a move on their part would be welcomed by the Soviet Union. It would mean Peking's attention would be given to the East—with the Soviet Union poised in the West, for what? A preemptive first strike against Peking? This is talked of in Soviet military circles. Given the situation of a couple of million Red Chinese troops all crowded onto the coastline facing Taiwan, with their supplies and equipment, and all of the Red Army's time and attention given to hammering at Chiang Kai-shek—just what sort of a temptation would that be to the Soviet general staff?

An attack on Taiwan by Peking at this time—or at any time in the foreseeable future, as long as Peking and Moscow are at each other's throats—is almost totally out of the question. Chiang Kai-shek was allied with the Soviets once before in his career. If he chooses to follow the old dictum that "The enemy of my enemy is my friend," then he may well take up that position again. Peking knows it, and Peking fears it. Peking, I am sure, is not going to do anything to tip him in that direction any sooner than he might normally move.

THROUGH A GLASS, DARKLY . . .

This country will get a close, firsthand, on the spot look at a society run and guided in ways we cannot dream of. To be sure, it has been relatively easy enough over the past two decades to get a good idea what was going on inside Red China. Reading accounts of visitors, and reading Red Chinese publications themselves, made it absolutely clear that Chinese society was being changed and restructured at a truly hideous cost in human life and dignity.

A lot of persons failed to believe, or refused to believe, or just plain ignored the facts. But there were incidents during the President's trip, now being reported and mulled over, that have given a lot of persons pause for thought.

For instance, the oddly unsettling affair at the Ming tombs; there were, the Americans noticed, many well-dressed families around on what seemed to be an ordinary holiday outing. Almost every family had a transistor radio; the children were well-dressed; there were badminton sets and jump ropes.

But it was a Potemkin Village illusion. Remember your history—how Prince Grigori Potemkin, a Russian nobleman, had built fake villages, seemingly inhabited by happy peasants, to show to and thereby impress the Empress Catherine the Great?

The families at the tombs had been placed there by local authorities. After President Nixon's party left, Chinese officials were seen collecting the radios and the toys, and the little girls were removing the bright ribbons from their hair. According to one account, Chou himself was asked about this, and replied:

> You know, we don't claim we are perfect and we make mistakes. This was a mistake that we made, which was wrong and which we shouldn't have done.

On one hand, the highly popular Red Chinese ballet "Red Detachment of Women," which was given for the Presidential party, is a good indicator of how far apart we are in some respects. The ballet is thoroughly political, in every aspect, and making the arts completely subservient to political themes, motives, and objectives is something that does not have complete and total acceptance in the West. But before we dismiss it too hastily, let us remember that "Richard III," one of Shakespeare's most famous historical plays, is less history than political propaganda. Shakespeare and the writers he used for source material were intent on one thing: glorifying the reigning house of the day in which he wrote, the Tudors. And the Tudor dynasty had been estsablished only by the first of them destroying Richard III and seizing the throne. So, so much for "politicization" of the arts.

Admitted, though, the theme of the ballet grates rather harshly on our ears, whether we care for ballet or not. A slave girl is tortured by a wicked landlord, and left for dead. Revived by rain, she joins the Red Army and falls in love with a political commissar. Together they attack the evil landlord, but her hatred makes her shoot at him too soon, and he escapes. She sees the error of her ways in that she has confused her desire for personal vengeance with the need for party discipline. After self-criticism, she matures. When her lover, the commissar, is killed, she replaces him as leader of the company.

From official program notes for the ballet, with translation provided by Peking:

> After the battle is over, Party representative Hung Chang-ching teaches the fighters that revolution is not a matter of taking personal revenge, but of emancipating all mankind. Her class consciousness raised, Wu Ching-hua follows the company commander in energetically practicing marksmanship and grenade throwing.—Arriving at the revolutionary base and seeing the red flag, Wu Ching-hua cannot hold back her tears: 'Red flag, oh, red flag, today I've found you at last! '. . .Wu Ching-hua angrily denounces to her dear ones the towering crimes of the tyrant of the South . . .

Granted, this is pretty hard to take. But let us never forget that we also have, in translation from that same language, such phrases in English as Opener of Brightness—for the Morning Star; Lengthener of Roads, for the Evening Star; Far-Off Cloudy River, for the Milky Way; Jade Scales, for the first three stars that form the tail of the Great Bear—(or the Handle of the Big Dipper, whichever you wish)—Lady of the Han River, for the star Vega and two others in the constellation Lyra. Also these terms: The Mountains of Nine Sorrows, the Peak of Returning Joy, the Song of the Rainbow Skirt and the Coat of Feathers—(which was composed by Emperor Ming Hua after a visit to the Paradise of the Moon)—the Glory of Purity Palace, the Palace of Endless Days, and the Peak of Returning Joy.

The examples I have given do not come from contemporary Communist Chinese writings. They are from the classics. But they are there; they exist; they are part and parcel of that country's history. And, cultural revolution and Red Guard notwithstanding, there is nothing to suggest that they have been totally eliminated from China's cultural heritage. After all, consider the paradox of the Ch'in Emperor, Shih Huang-ti, who ruled in the second century, B.C., and unified the country as it had never been before. He brought peace, stability, order, abolished feudalism, and built the Great Wall. He also ordered destruction of all books of significance, except the authorized version of Ch'in history. The only works exempted were those of a technical nature, and reading in general was disapproved. Shih Huang-ti is remembered by the Chinese for nothing, except as "He Who Burned the Books."

No one is being asked to forget nor ignore the darker sides of Chinese history, whether under the Communist or not. This would be foolish; it would be equally foolish to pretend that Communist China did not exist and could be ignored.

AND WHAT GOOD CAME OF IT AT LAST?

These things are measured in decades and can only be evaluated long after the initial moves that put events in motion. The visit did not herald instant peace in the world, for one thing. Our defenses are strong, and staying that way; we are not disarming. As one example, there is the new arming of our B-52's and F-111's with SRAM—short-range attack missiles. Able to travel for 3 minutes at several times the speed of sound, once they are launched 75 miles from target, there is practically no defense against them.

Neither are the Communist Chinese asleep. They will probably have an ICBM by 1974, with a range of 3,000 to 6,000 miles. For the present, they are deploying new ones with 1,500 to 2,500 mile ranges, with storable liquid propellant, meaning it can be kept underground and not be susceptible to sneak attack, such as the old ones that were fueled with kerosene and liquid oxygen.

Are we going to get big trade bonanzas? Mao himself said in 1949 that "Wherever there is business to do, we shall do it" but if we think there is an instant market of 700 million in China, then we are following a myth. Communist China has followed a hard and shrewd trade and bargaining line. There is no indication this will change. The highly respected English newspaper, the Manchester Guardian, asked how the Chinese could reconcile their concern for pollution with their option to buy three of the new supersonic Concorde planes. But, as the Guardian observed, concerning President Nixon's visit and trade chances:

> It illustrates the temptation which must face the Chinese as they welcome to Peking the most powerful salesman of the biggest trading company in the world.

It is true that the administration relaxed restrictions on trade with Red China, not long ago. It is also true that we are not about to compromise national security over it. Two requests to ship products to China have been denied, on national security grounds. One dealt with vibration testing equipment, which could be utilized for missile testing. The other item is not even named.

Will an instant settlement of the Vietnam war result? Not instant, that is for sure. The North Vietnamese have not cared much for Chinese advice ever since 1954, when Chou En-lai talked Ho Chi Minh into accepting terms at Geneva which denied Hanoi sovereignty over the South. China is not above thinking of its own interests first, however, and to Peking, right now, an understanding with the United States on Soviet Russia very probably comes ahead of caring for the sensibilities of Hanoi.

There is precedent for this. During the height of the Soviet-Chinese border war, in 1969, Soviet arms and supply trains that had to cross China to get to North Vietnam were stopped intermittently by the Communist Chinese. This move was aimed at Moscow, but its most immediate and deadly effect was on Hanoi. I doubt if Hanoi has forgotten—or forgiven—this.

What effect will there be on our relations with the rest of Southeast Asia? That remains to be seen. The simple fact of the matter is that the President is trying to wind down the cold war—and not at the expense of anyone else. I happen to believe him when he says of the trip, and the communique, that—

> We have done all this without giving up any U.S. commitments to any other country.

And, I might add, I think reaction of some countries, like Japan's is in especially bad grace, when you consider the amount of American treasure and/or blood expended on behalf of these countries since 1945.

A SINGLE STEP

The President did not go to Peking in a spirit of appeasement, nor of truculence. If someone still wants a definition, well, then, let us say that at the least it was a cautious attempt to get off dead-center the most nagging and crucial and also the largest foreign policy question facing us—what to do about Red China. At the most, perhaps we can say that he was magnanimous. And before anyone faults that, I would refer him to this comment by the great political conservative Edmund Burke, the English statesman:

> Magnanimity in politics is not seldom the truest wisdom, and a great empire and little minds go ill together.

Half of all Chinese literature is poetry. It sometimes seems the other half is all proverbs. "Confucius say" has become a standard phrase for the English language, and while I do not know if Confucius said the following or not, it is a Chinese proverb remarkably appropriate for the President's visit:

> The journey of a thousand miles begins with a single step.

And make no mistake about it. The journey, figuratively, will be in the neighborhood of a thousand miles. But, also, make no mistake: That first step had to be taken, and it has been taken; probably it can date from the instant the President's feet touched Chinese soil at Peking airport.

No one is going to be so foolish as to say with certainty where this will lead. It may make things better. It may not change them at all. One thing for certain, it cannot make them any worse. We must remember Walt Whitman's injunction:

> Now understand me well—it is provided in the essence of things that from any fruition of success, no matter what, shall come forth something to make a greater struggle necessary.

This merely means that there is no end to solving the world's problems. There is no philosopher's stone for statesmen to rub, and create instant peace and tranquillity for all nations, for all time.

In all the centuries of recorded human history there have been very few years with the world totally free of war or some conflict. Yet, the fact that mankind has always sought an end to war is in itself encouraging.

The following poem was written some time in the eighth century A.D., during the early T'ang dynasty, by Li Po, one of China's greatest lyric poets. Titled "Fighting on the South Frontier," it has about it a certain timeless quality; the last two lines are from Confucius:

> Last year we fought by the springs of Sankan River,
> This year we fight on the Tsung-ho roads,
> We have dipped our weapons in the waves of Chiae-chi Lake,
> We have pastured our horses in the snows of the T'ien mountains,
> We have gone into battle ten thousand li away,
> Our three armies are utterly exhausted.
> The Huns think of slaughter as a kind of ploughing,
> From of old they have seen only white bones in the yellow sands.
> Where the Ch'in Emperors built walls gainst the Hun barbarians,
> The sons of Han burn beacon fires.
> The beacons burn without ceasing.
> There is no end to war!
> On the field of battle men grapple each other and die,
> The horses of the fallen utter lament to heaven,
> Ravens and kites peck men's guts,
> And flying away, hang them on the boughs of dead trees.
> So men are smeared on the desert grass,
> And the generals return empty-handed.
> Know that weapons of war are utterly evil—
> The virtuous man uses them only when he must.

CONGRESSMAN LENT ON NEIGHBORHOOD SCHOOLS

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. LENT. Mr. Speaker, because I have had so many requests both from my colleagues and from citizens across the Nation on the question of forced busing, I enter here my recent testimony before the House Judiciary Committee on House Joint Resolution 620, my proposed constitutional amendment relative to neighborhood schools.

In the statement, I have attempted to broadly cover the question of involuntary busing, its legal and legislative background, and its effect on education in America. I am hopeful that my constituents, my colleagues in the House, and the many people who have written me on this troubling problem will find it useful.

The testimony follows:

TESTIMONY OF THE HONORABLE NORMAN F. LENT ON HOUSE JOINT RESOLUTION 620 BEFORE SUBCOMMITTEE NO. 5, HOUSE COMMITTEE ON THE JUDICIARY, MARCH 1, 1972

Mr. Chairman, distinguished members of the subcommittee, I appreciate your affording me this opportunity to testify on behalf of my proposed Constitutional amendment, House Joint Resolution 620, which now has the overt support of nearly 150 Members of the House.

House Joint Resolution 620, as you are aware, provides for an amendment to the Constitution of the United States relative to neighborhood schools. It reads as follows: "Sec. 1—No public school student shall, because of his race, creed, or color, be assigned to or required to attend a particular school." "Sec. 2—Congress shall have the power to enforce this article by appropriate legislation."

Mr. Chairman, communities throughout this Nation are in a state of turmoil or are being threatened with turmoil because of numerous court orders calling for the achievement of "racial balances" in our public schools. The Nation's traditional "neighborhood school" system is being systematically dismantled in an effort to attain the utopian goal of racially numerical exactitude in public schools. It is my firm belief that if remedy is not forthcoming, these rulings will succeed in making a complete shambles of the Nation's public school systems.

The most far-reaching court decision to date, the so-called Richmond decision, has required the consolidation of all school districts in three counties into one entity, charged with the responsiblity of achieving a relative racial balance throughout.

Los Angeles is facing the most massive and costly busing order yet imposed on any city—one that would transport 240,000 youngsters for distances ranging up to 25 miles and at an estimated cost of $180 million over the next eight years.

Other cities confronted with court orders to forcibly bus include Kalamazoo, Indianapolis, Seattle, Denver, Tulsa, Oklahoma City, Detroit, Las Vegas, Nashville, Jacksonville, Corpus Christi, Mobile, Norfolk, Savannah, New Orleans and San Francisco.

Mr. Chairman, I'd like to relate to the subcommittee a typical citizen complaint. As the sponsor of this legislation which has received much attention, I have received literally thousands of similar letters:

"DEAR SIR: I am the wife of a Fayetteville attorney, the mother of two school-age children, and a former public school teacher. I was educated in the public schools of New York City and believe very strongly in the neighborhood school concept and freedom of choice.

Next week, my seven-year-old daughter, a second-grader, is to be bused to a distant school on the other side of a dangerous highway. We live just five minutes away from our neighborhood school. I can't believe that this is being allowed to happen in the United States of America." (From a letter dated 10/17/71, signed by Mrs. Joe H. Morris, Fayetteville, N.C.)

Clearly, Mr. Chairman, the public is looking to the Congress for relief from these sweeping, court-ordered busing edicts. The purpose of House Joint Resolution 620 is to return control of education to local school boards, to preserve the neighborhood school system, and to eliminate forced busing and the threat of school district consolidation to achieve purely arbitrary racial balances.

THE LEGAL BACKGROUND

In *Brown vs. Board of Education*,[1] the U.S. Supreme Court held that Negroes cannot be "denied admission to schools attended by white children under laws requiring or permitting segregation according to race." This ruling has been universally understood to mandate the elimination of racially-separate public schools established and maintained by state action.

In the second *Brown* case,[2] the Supreme Court instructed the District Courts to proceed "with all deliberate speed" to admit the parties to the cases "to public schools *on a racially nondiscriminatory basis* . . ." (emphasis mine).

Under this decision, little Miss Linda Brown, who had been previously required to attend an all-black school several miles from her home in Topeka, Kansas, was permitted entrance to her neighborhood school without regard to her skin color.

The principle enunciated in the *Brown* decisions was that the Constitution requires that states must not, on the basis of a child's race or color, designate where he is to attend public school. To do so, said the court, violated the Equal Protection clause of the Fourteenth Amendment to the Constitution.

For twelve years after the *Brown* decisions, no court suggested seriously that *Brown* did anything more than condemn racial segregation in the public schools. Indeed many decisions [3] specifically so stated; the cases holding that *Brown* condemned segregation but did not compel integration. It was not until *U.S.* v. *Jefferson County Board of Education*,[4] that any circuit court suggested that *Brown* did more than prohibit segregation; yea, that it compelled integration. It was in *Jefferson* that the concept of a school board's "affirmative duty" to eliminate the "last vestiges of a dual school system" and establish a "unitary" system, found its inception.

From *Jefferson*, Mr. Chairman, followed a proliferation of irreconcilable individual decisions culminating in *Swann* v. *Charlotte-Mecklenberg Board of Education* [5] which held that the same Fourteenth Amendment requires that States *must*, on the basis of a child's race or color, designate where he is to attend public school. Indeed, we have come full circle from the *Brown* cases.

House Joint Resolution 620 is intended to restore the rule of the *Brown* cases to our Constitution, our laws and our institutions and to reverse *Swann* and other departures from the *Brown* mandate of color blindness imposed by the Fourteenth Amendment's guarantee of equal protection of the laws.

I have been somewhat amused that the very clear and unambiguous language of H.J. Res. 620 should have been the subject of such an excess of scholarly attack by a bevy of law professors who have variously described the amendment's language as "misleading", "delphic", and "devastatingly simple".

Interestingly enough, many of these very same critics are ardent supporters of the Civil Rights Law of 1964, which, at Section 2000c (b) defines "desegregation" in Title IV of that law:

" 'Desegregation' means the assignment of students to public schools and within such schools without regard to their race, color, religion or national origin, but 'desegregation' shall not mean the assignment of students to public schools in order to overcome racial imbalance."

Indeed, it is difficult to square the many critics' snipings at H.J. Res. 620 with their vehement support and acclaim of the 1964 Civil Rights Law.

The fact is that H.J. Res. 620 utilizes the typical language of most all of our anti-discrimination statutes in the fields of fair housing,[6] financing of housing,[7] public accommodations,[8] Federally-assisted programs,[9] equal employment opportunity [10] and voting rights.[11]

As you are well-aware, Mr. Chairman, we now have laws on the books which condemn virtually every aspect of discrimination based on race, color or creed.

But *none* of these laws presume to mandate any form of forced integration or to establish any sort of a quota system—for this would be just as repugnant to the American system as is state-enforced segregation.

The *Brown* decision's mandate pioneered this policy of colorblindness in the field of education, and I believe it should continue to be retained in our law. The principal thrust of the Court, in *Swann*, on the other hand, is to require the assignment of students to the public schools in this Nation *on the basis of race*, in order to achieve racial balances or quotas.

I believe it is difficult to reconcile these two cases. Where is the line to be drawn between allocating people by law to schools or other institutions or facilities according to color to promote segregation, and doing the same thing to promote integration? The underlying principle in both cases is racism! If it was wrong in 1954 to assign a black child to a particular school on the basis of race, it is just as wrong to do the same thing to other children in 1972. This "Jim Crowism" in reverse, as practiced by our courts, is what H.J. Res. 620 is aimed at stopping.

WHY AN AMENDMENT?

The reason I have proposed an Amendment to the U.S. Constitution, as opposed to a statute, lies in the fact that all previous statutes to accomplish the very same end have been proven ineffective or they have been stricken down as unconstitutional.

The New York State neighborhood school law which I authored as a State Senator in 1969,[12] containing language much the same as H.J. Res. 620, was held unconstitutional by decision of a three-judge Federal panel in Buffalo.[13] This decision was affirmed without opinion by the U.S. Supreme Court on May 3, 1971.[14]

A similar North Carolina statute was held unconstitutional in *Board of Education vs. Swann* [15] on similar grounds— that is, it violated the Equal Protection requirement of the Fourteenth Amendment. The court noted that "(t)he legislation before us flatly forbids assignment of any student on account of race".[16] The court, however, went on to strike down the provision because race was an indispensable factor needed to desegregate the schools and statutory bars prohibiting it absolutely interfered with the "Constitutional obligation to eliminate existing dual school systems".[17]

Federal statutory limitations directed against busing, which appear in Title IV of the Civil Rights Law of 1968,[18] have been completely disregarded by the courts and have proven totally ineffective. The U.S. Supreme Court has taken the position that the statute does not take away is historic equitable powers to remedy conditions of alleged *de jure* segregation by massive cross-busing plans.

Indeed, the distinctions which formerly existed between *de jure* and *defacto* segregation appear to be disappearing at the hands of lower Federal Court judges who have literally tortured obvious cases of *de facto* segregation into "findings" of *de jure* segregation.

For these reasons, Mr. Chairman, I believe that any further statutory efforts by Congress to restrict busing would meet the same fate as the New York and North Carolina statutes. The Constitution is what the judges say it is, and they have said the Equal Protection Clause overrides such statutes. The only way to "cure" the judges' interpretations is to present the Court with a principle having equal footing with the Fourteenth Amendment, a principle of law similarly enshrined in the U.S. Constitution.

THE EDUCATIONAL QUESTION

Now that I've touched on the legal niceties, gentlemen, the real policy question in this entire matter should be: "Do we want quality education for all children?" I only wish, Mr. Chairman, that we could come to agreement today on the fact that forced busing had produced some really substantive results in upgrading education in this Nation—then these hearings could take a positive tone.

But the fact is that forced busing has not proven to be a substantive educational tool in improving our childrens' achievement or learning capacity.

At a time in our history when schools across the country find themselves going to split shifts just so all children can *go* to school; when numerous school districts are in such dire financial straits that they are forced to cut back on the number of teachers rather than hire additional ones; when many school systems face such austere budgets that they have been forced to decimate or drastically curtail sports programs and other extracurricular activities that contribute so much to the total development of our children—then what possible reason on earth can there be to require hard-pressed taxpayers to spend hundreds of millions of dollars to hire or buy buses and employ bus drivers so our children might have a daily bus ride to a more distant school.

There are those children, to be sure, who are educationally-deprived. They need extra help. But I think it is ludicrous to suggest that one hour or two hours per day of traveling across town in a bus is going to enhance their education. Learning problems, Mr. Chairman, are student problems. They know no social, racial, or genetic heritage.

The artifacts of busing—district consolidation, destruction of the neighborhood concept of education, and the like have not been, and in all likelihood will not be, successful if the goal is to improve the quality of education.

If, on the other hand, the object is to get complete social and racial integration ratios, then the numbers game can be attained, but it will be attained at a sacrifice neither economically nor educationally sound. Children should not be subjected to the hazards of crosstown busing regardless of their race solely to permit the attainment of a desired racial quota any more than they should be required to give up their identity as individuals within a school that, because of the size of its enrollment treats them as computerized subjects rather than responsive human beings.

I am positive that the people of this country would much rather part with their hard-earned tax monies to go toward meaningful educational programs to help deprived youngsters acquire the missing elements of culture that middle-class pupils take for granted.

I'm well-aware, Mr. Chairman, that witnesses will follow me here championing

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Footnotes at end of article.

forced busing as the only way to remedy unequal educational opportunities. But just as many critics of this amendment have mistakenly appraised its intent as "racist", so have many civil rights leaders who have not experienced first-hand the resulting educational disruption that comes with busing mistakenly seized on busing as another milepost to be achieved in the onward march for full civil rights. Largely because of continuing monetary deprivation in the inner city schools, they have cast their lots with busing as the only foreseeable savior of education for the ghetto child.

But we need only take a close look at our native New York, Mr. Chairman, to see how that thought has deteriorated after years and years of trial and experience.

As you well know, in 1969, at the urging of New York City civil rights leaders, the New York City School System was "decentralized" into more than 20 "community controlled" school systems. The experiment in forced busing, which had begun nearly 10 years earlier, was largely acknowledged as a failure.

Martin Mayer, an authority on public schools and American education authored an article in the New York Times entitled "Close to Midnight for New York Schools" (May 2, 1965). Mr. Mayer's thoughts emerged in the midst of ongoing busing plans in New York, and I recall when I read them how much respect I had for Mr. Mayer because he was big enough to admit that forced busing had been a failure after championing it for so long:

"Not long ago, many of us felt that a large share of the Negro failure in these (New York City) schools was itself a product of segregation, but almost nobody whose opinion is worth considering believes it today. Public confidence in the New York City school system is fearfully low and dropping. White children are leaving the city's public schools at a rate of 40,000 a year and the Allen Report, in a little-known passage, predicated a rate of 60,000 per year in the near future.

"Of the leaders of the school system itself, the nine-member Board of Education and the 20-odd deputy and associate superintendents, only a handful have children who attend or ever did attend the New York City public schools. Even worse, the Negro middle class has almost entirely disappeared and of the Negro leaders of the integration drive, the Wilkinsons and the Clarks, the Farmers, the Joneses and the Rustins, the Youngs and the Galamisons, not one has or ever had a child in the New York City public schools."

Mr. Chairman, there are numerous other authorities which I could cite and you could certainly counter with appraisals of forced busing's educational value or lack of it. I think that is pointless, for an impasse would surely result.

But one of the most convincing impressions on my thought came just two weeks ago when the National officers of the Congress of Racial Equality requested a meeting with me to determine how they might assist in backing my amendment. That meeting was an extremely fruitful one and the CORE officers reiterated their opposition to forced busing. CORE rejects the concept that, in order to learn something, a black child must ride across town in order to sit next to a white schoolmate. I think we can all imagine why this notion is viewed as both condescending and arrogant by blacks.

In essence, Mr. Chairman, I think it is imperative that we return to a position of mutual trust where local school boards are charged with education; where legislators are charged with making our laws—and the judiciary must cease assuming both roles in absentia.

I am hopeful, Mr. Chairman, that this subcommittee will see fit to report my proposed amendment to the full committee as written so a truly effective remedy for this educational deterioration can be offered to the American people.

Thank you.

FOOTNOTES

[1] 347 U.S., 483 (1954).

[2] 349 U.S. 294, 300–301 (1955).

[3] Bell v. School City of Gary, Indiana, 324 F.2d 209 (7th Cir. 1963), *cert. denied,* 377 U.S. 924 (1963); Deal v. Cincinnati Board of Education, 369 F.2d 55 (6th Cir. 1966), *cert. denied,* 289 U.S. 847 (1967); Briggs v. Elliott, 132 F.Supp. 776 (E.D. S.C. 1955).

[4] 372 F.2d. 836 (5th Cir. 1966), *ff'd en banc,* 380 F.2D. 385, *cert. denied* 389 U.S. 840 (1967)

[5] 402 U.S. 91 S. Ctt. 1267 (1971).

[6] Public Law 90–284, Title VIII, Fair Housing. Sec. 804 . . . it shall be unlawful . . . to refuse to sell or rent . . . a dwelling to any person because of race, color, religion or national origin".

[7] Public Law 90–284. Title VIII, Fair Housing. Sec. 805—". . . it shall be unlawful for any bank . . . to deny a loan or other financial assistance to a person . . . because of the race, color, religion or National origin of such person . . ."

[8] Public Law 88–352. Title II, Public Accommodations. Sec. 201(a)—"All persons shall be entitled to the full and equal enjoyment of all the goods, services, facilities, privileges, advantages and accommodations . . . without discrimination or segregation on the ground of race, color, religion or national origin."

[9] Public Law 88–352. Title VI, Nondiscrimination in Federally-assisted Programs. Sec. 601—"No personn . . . shall, on the ground of race, color or national origin, be excluded from participation in . . . any program receiving Federal financial assistance."

[10] Public Law 88–352. Title VII, Equal Employment Opportunity. Sec. 703(a)—"It shall be an unlawful employment practice for an employer (1) to fail or refuse to hire or to discharge an individual . . . because of . . . race, color, religion, sex, or national origin; or (2) to limit, segregate or classify his employees . . . because of . . . race, color, religion, sex or national origin.

[11] Public Law 89–110. Voting Rights Act of 1965. Sec. 2—"No voting qualification or requisite to voting . . . shall be imposed . . . by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color."

[12] New York Unconsolidated Laws. (Ch. 342, L. 1969)

[13] Lee v. Nyquist, 318 F. Supp. 710 (D.N.Y. 1970), *aff'd* 402 U.S. 935

[14] Nyquist v. Lee, 402 U.S. 935 (1971)

[15] 402 U.S. 43 (1971)

[16] *id.,* at 45.

[17] *id.,* at 46.

[18] 78 Stat. 241, 246; 42 U.S.C. 2000c.

IN MEMORY OF COMFORT A. BERRY

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. HUNT. Mr. Speaker, I was profoundly saddened to learn that a very dear friend of mine, Miss Comfort A. Berry, recently passed away. I first had the pleasure of meeting Miss Berry when she was an Army captain serving as a nurse in a field hospital at Cerignola, Italy, where she ministered to many of the flying units then engaged in the Italian campaign. I was one of the recipients of her professional care for which I am eternally grateful.

After the war, Miss Berry returned to California where she continued with her nursing profession until her death on January 5, 1972. I knew her and will always remember her as a gracious lady, an excellent nurse, a most cherished friend and a fine American. She will be missed by all who knew her, but her memory will live on.

A tribute has been paid to Miss Comfort Berry by the Concord, Calif., Community Hospital where she practiced her nursing profession, and I would like to include it at this point in my remarks:

> Miss Comfort A. Berry, who passed away after a short illness, will long be remembered by all here at Concord Community Hospital.
>
> Her long, faithful service here at the hospital has touched many lives. She had been with Concord Community Hospital for 25 years, and was the only recipient of a 25 year pin at our last Christmas party where she was also given a standing ovation.
>
> **Her dedication, devotion, and loyalty was** evident throughout the growing years of the hospital. The traits that "Miss B" has should inspire all of us to carry on—as she did—to help bring about the Medical Center that she envisioned and was working toward!

H.R. 256—REQUESTING THE ESTABLISHMENT OF THE FIRST NATIONAL MEMORIAL IN THE UNITED STATES TO GEN. THADDEUS KOSCIUSZKO

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mrs. HICKS of Massachusetts. Mr. Speaker, I am gravely concerned relative to the disposition of H.R. 256 and similar bills requesting the establishment of the first national memorial in the United States to Gen. Thaddeus Kosciuszko. On January 25, 1972, John W. Larson, Assistant Secretary of the U.S. Department of the Interior sent a report to Hon. WAYNE N. ASPINALL, chairman, Committee on Interior and Insular Affairs on the above bills stating that the Department of the Interior could not recommend enactment of the bills because of the report from the Advisory Board on National Parks, Historic Sites, Buildings and Monuments.

Commissioner Edward Pinkowski of the Philadelphia Historical Commission has challenged this report and in a communication states the following:

> I want to challenge this report and show you that it is nothing more than a trick to sacrifice a hero of the American Revolution.
>
> There were three points in the Advisory Board's report. Each one was designed to deceive the American people and to hide the historical significance of the house that Kosciuszko occupied at 301 Pine Street in Philadelphia. They might be listed as follows:
>
> 1. Short Stay.
> 2. Unrelated to American Revolution.
> 3. Alterations of house.

SHORT STAY

The first objection of the Advisory Board to U.S. ownership of 301 Pine Street was that "Kosciuszko's association with this house lasted only 6 months."

Actually it was 8 months, not 6, but the length of time is not critical to its historical significance. President Abraham Lincoln was in the house across the street from Ford's Theater in Washington, D.C., only a few hours, but that did not make the house less significant. What happened there makes it significant.

It also does not matter how long Kosciuszko stayed at what is now known as 301 Pine Street in Philadelphia.

The Advisory Board said that he did not live there long enough to give it historical significance.

Tommyrot.

Members of the Advisory Board apparently do not know the rich and varied heritage of America that lives on in houses from its past.

There is no doubt that Kosciuszko lived at 301 Pine Street. Here is a house you can see and touch. This is physical evidence of a man who helped to achieve American independence. Kosciuszko left clues to his military service, his personal life and his accomplishments in the dwelling that survived him. Small things may, like the relics of saints, help to nourish our gratitude to Kosciuszko for his services in the cause of American independence, and keep his name alive and warm in our affection.

If the Advisory Board had applied the same argument against the house in which Lincoln died from an assassin's bullet as it does to General Kosciuszko's last residence in America, it would have been condemned for dehumanizing one of the greatest Presidents we ever had.

I think that Nathaniel A. Owings, chairman of the Advisory Board, and John W. Larson, Assistant Secretary of the Interior, have stooped pretty low in their efforts to dehumanize Kosciuszko.

No matter how long Kosciuszko lived there, no other place can tell the story of his life as well as the small, three-story house he occupied in Philadelphia. The Advisory Board failed to grasp the significance of the house. During the fighting for freedom of the 13 American colonies Kosciuszko was content to sleep in a tent. It is amazing that I discovered the house 6 years ago and that it is the only house the Nation could call the general's.

The Philadelphia Bulletin, one of the largest newspapers in the country, recently observed that "for lack of a shrine to commemorate his services," Kosciuszko strides through American history like a hero without a home. It editorialized that the country needs "a place for General Kosciuszko to put away his spyglass and maps, within sight of Independence Hall where the Declaration he fought for was signed. It made the restoration an eminently proper measure for Congress to approve."

When the Senate Committee on Interior Affairs held public hearings on similar legislation, Senator Vance Hartke said that the argument of the Advisory Board that Kosciuszko lived at Third and Pine Streets only briefly deserved no more than a simple retort, "So What?" He said:

> The point is that he did live there, and because he did live there, the home has become a monument and symbol to more than 12 million Americans of Polish descent.

George B. Hartzog, Jr., director of the National Park Service, was one of the witnesses who followed Senator Hartke on January 26. After making his statement, Hartzog was questioned by Senator Frank Church on Kosciuszko's stay in this house. It turned out that Hartzog had no strong arguments against 301 Pine Street as a Kosciuszko shrine other than to condemn it as a boarding house and Kosciuszko as "a transient occupant."

If the Department of the Interior wants to kill the efforts of many U.S. Senators and Representatives to make 301 Pine Street a fitting memorial to General Kosciuszko because it was a boarding house and took in roomers, what about another boarding house, located at Seventh and Market Streets, in Philadelphia, where the Declaration of Independence was written by another boarder, none other than Thomas Jefferson?

Thomas Jefferson, who came to Philadelphia as one of the delegates from Virginia to the Continental Congress, rented rooms in the boarding house at Seventh and Market Streets from Jacob Graff, in May 1776, just as Kosciuszko did at Third and Pine Streets from Mrs. Ann Relf in October 1797. What difference did it make that either Jefferson or Kosciuszko was a transient occupant.

The difference is that the Department of the Interior has asked President Nixon to set aside $557,000 in his next budget for the reconstruction of the boarding house in which Jefferson wrote the Declaration of Independence but not one cent for a shrine to commemorate Kosciuszko's services. How long, oh, how long, will the Department of the Interior practice double standards in its historic preservation program?

UNRELATED TO AMERICAN REVOLUTION

Another false claim of the Advisory Board is that Kosciuszko did not live on Pine Street until 15 years after the time of his principal significance in American history.

If the Advisory Board or the Department of the Interior judged other historic houses on the same basis as it has General Kosciuszko's residence in 1797–98, it would be laughed right out of Washington, D.C.

If it considered the restoration of Frederick Douglass' home in Anacostia under the same guidelines, for example, the Nation would not have today a symbol of the achievements of one of its greatest abolitionists because Douglass rose to greatness before he made his home there in 1877.

Just as Douglass became a world figure in the endless struggle for human rights, so did Kosciuszko before him. When Kosciuszko was at Mrs. Relf's boarding house in 1797–98, he could not afford anything better. His only means of livelihood was the pension he received from the Federal Government for his military services during the American Revolution. The small, three-story house at 301 Pine Street is symbolic of Kosciuszko. The Nation apparently does not have another house so closely identified with him.

To argue that the house is unrelated to the American Revolution is pure bunk. Anyone who knows the story of Kosciuszko's life is familiar with his personal motto: "For your freedom and ours." He came to America in 1776 to fight for the freedom of the inhabitants of the Thirteen Original Colonies. He devoted his life to helping all men and women realize their freedom.

Many authorities of the Declaration of Independence know that not all the provisions Thomas Jefferson wanted in it were adopted by Congress. The abolition of slavery was one of them.

When Kosciuszko was at Mrs. Relf's place in 1797–98, Thomas Jefferson, then Vice President of the United States, was his most frequent visitor. Incidentally, Jefferson, while he was presiding over the Senate, was, as Hartzog would call him, a transient occupant in a boarding house on Fourth Street, between Market and Chestnut Streets, where he remained much of the time he was Vice President. The conversations and lifelong correspondence between the two men form one of the most unusual friendships in the world.

The talks that the two held at Mrs. Relf's picked up part of the original draft of the Declaration of Independence and transformed it into a personal document. One day in April 1798, when John Dawson, a congressman from Virginia, and John Barnes, Jefferson's banker, were present, Kosciuszko wrote on a piece of rag paper:

> I beg Mr. Jefferson that in case I should be without will or testament he should bye out of my money so many Negroes and free them. That the restante sums should be sufficient to give them education and provide for their maintenance, that is to say each should know before; the duty of a cytyzen in the free government, that he must defend his country against foreign as well as internal enemies who would wish to change the Constitution for the worst, to inslave them by degree afterwards, to have good and human heart sensible for the sufferings of others. Each must be married and have 100 ackres of land wyth instruments. Cattle for tillage and know how to behave to neybourghs, always wyth kindness and ready to help them to themselves frugal; to their children give good education, I mean as to the heart and the duty of their country, in gratitude to me to make themselves hapy as possible.

After signing his name, T. Kosciuszko, and passing it to the two witnesses for their signature, he sent what he wrote to Jefferson and asked him, when he had "a quarter of hour, to finish what I have" begun. Jefferson was pleased with the document because it reflected, in a personal way, the provision which was left out of the Declaration of Independence in 1776. It was part of the unfinished business of the American Revolution. Undaunted by the misspelled words, the crudeness of style, and other imperfections, Jefferson changed the words in the will to meet legal requirements and returned it to Kosciuszko for another copy in his own handwriting.

In the Congressional Record and other publications is the text of the will and testament that Kosciuszko turned over to his close friend, Thomas Jefferson, on May 5, 1798, when he left the dwelling at Third and Pine Streets to undertake a secret mission to France. It does not hurt to read it again and again and again. It shows that the General's involvement with American history did not end when he put away his boots, sword, spyglass and maps. It is ironic that both the Declaration of Independence and this will were created in 18th century boarding houses.

It is important to remember that the following statement came out of the small house at Third and Pine Streets in Philadelphia:

> I, Thaddeus Kosciuszko, leaving America, hereby dispose and declare, on my failure to return, my friend Thomas Jefferson authorized to use all my possessions in the States of America to buy any of his slaves and the slaves of others and in my name to give them freedom and the opportunity in education; prepare them for their new life by training them in their moral obligations that they might become good neighbors, good fathers and mothers, husbands and wives; that by training them in their civic duties, they might become defenders of their own freedom and their country; and, in general, teach them anything that might make them happier and useful. I name the above mentioned Thomas Jefferson as the executor of my Will.
>
> THADDEUS KOSCIUSZKO.

There is no doubt that the man who stood out as a military engineer at Saratoga, West Point, Yorktown and other defenses and his compassion for all mankind was a true American patriot. The Advisory Board itself admitted that he was a figure of such significance in American history as to merit appropriate memorialization.

Mr. Larson, however, shocked me when he wrote in his report that "Kosciuszko has been memorialized in a fitting manner." What does he mean? Is the rock garden at West Point a symbol of Kosciuszko's achievements? Would the stone on the site of the Saratoga battlefield explain the impact of Kosciuszko's military planning on the outcome of the battle? The statue of Kosciuszko in Lafayette Park, across the street from the White House in Washington, is not a living memorial.

What all of us expect for a patriot of such importance is a tangible and living memorial in which to keep the momentoes of his active and satisfying life—the will and testament which shed his concern and support of the emanicipation of slaves in America, paintings that he made and presented to his friends, letters signed by General Washington, his correspondence with Jefferson, the sword he used in the War of Independence, and many other valuable items.

Now, in bills sponsored by a number of Members of Congress, we have a chance to turn the house where Kosciuszko lived in 1797–98 into a national treasure, a tangible form of recognition, a shrine to this man who fought and worked all his life for the freedom of mankind.

ALTERATIONS OF 301 PINE STREET

The third objection raised to this legislation by Nathaniel A. Owings and members of the Advisory Board is that the house at 301 Pine Street has been greatly altered since Kosciuszko lived there.

This objection is as fallacious as a counterfeit bill.

Whatever changes were made, they did not destroy the original shape of the small, strongly constructed brick dwelling and many distinguishing characteristics of 18th century architecture. Its original floor joists support the walls, and most of the old floor boards, the same ones that Kosciuszko walked on, are still intact. The brick chimney on one side of the roof, the two windows in the attic, the roof, and the sheltering eave over the front windows and door look practically the same as when the house was built by Joseph Few in 1775. The changes can be readily traced. The plan of the house made in 1796 is available so that as a whole the house can be made to look as it was in Kosciuszko's time.

I am afraid that Larson and other officials of the Department of the Interior did not read President Nixon's budget for the next year before rejecting the legislation to save the Kosciuszko house on the basis of the Advisory Board's report.

In the President's budget, for example, more than $1 million is set aside to rebuild the brick house where Benjamin Franklin died on April 17, 1790. The house was demolished in 1812. The Kosciuszko house has been continuously occupied from 1775 to the present time. Why this discrimination?

The budget also provides about $950,000 for reconstruction of the Old City Tavern at Second and Walnut Streets in Philadelphia. Unlike the Kosciuszko house, the Department of the Interior does not have any plans which show its use in the 18th century. The upper floors of City Tavern were burned out in 1834 and the rest of the building was torn down in the 1850's. How can the Department of the Interior spend almost $1 million for a fake tavern and reject the restoration of the Kosciuszko house because of its alterations? Why this discrimination?

The budget has $557,000 for the reconstruction of the Graff House on Seventh Street, where Jefferson wrote the Declaration of Independence. The site is now occupied by a hot-dog stand. How can the Department of the Interior spend this money for a replica of a boarding house in which Jefferson was a transient occupant and still turn down the Kosciuszko house because it was a boarding house and Kosciuszko one of its lodgers? Why this discrimination?

There is only one Kosciuszko, and there is only one place left in America to commemorate his services to the cause of American independence in a fitting manner. That's 301 Pine Street in Philadelphia.

I certainly trust that the Committee on Interior and Insular Affairs will report favorably on H.R. 256.

RAILROAD RETIREMENT BENEFITS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. WALDIE. Mr. Speaker, the President of the United States has often shown his desire to spend increasing sums on the American military budget, on wasteful technical experiments like the SST, and on ever more beautiful frills for the White House guard.

Yet, as the following letter indicates, the President has shown himself to be consistently opposed to providing similar benefits to men and women who work for the Government, for private industry, and in this case for the American transportation industry.

We now must await the report of the Presidential appointed Railroad Retirement Study Commission. But while we wait, we should remember the past record of the administration on this issue. And we should remember the motivations which led to the demand for this report.

With this in mind, I would like to enter the letter of Mr. Edward Hubbard of Alamo, Calif., into the CONGRESSIONAL RECORD.

The letter follows:

ALAMO, CALIF.,
February 18, 1972.

Hon. JEROME R. WALDIE,
Congress of the United States,
Cannon House Office Building,
Washington, D.C.

DEAR SIR: As a retired member of the United Transportation Union, I would like to recall the heated debate, which concerned the financial status of the railroad retirement fund, when Congress enacted legislation to increase benefits under the Railroad Retirement Act by fifteen percent (15%) in 1970.

The White House presented testimony against the increase in benefits unless it was financed by an increase in taxes, as did the Bureau of Budget, and the Chairman of the Railroad Retirement Board, Mr. Habermeyer.

U.T.U. proposed at that time to change the investment procedures used by the Secretary of the Treasury to invest railroad retirement funds because the Department of the Treasury was allowing us only the average minimum rate of interest return on our funds, which by law are invested in United States Treasury Notes. U.T.U. insisted that we were entitled to the highest rate of return available on investments. The house passed an amendment allowing us this new rate.

The White House, Bureau of the Budget, and the Treasury Department immediately unleashed a massive lobby attack against us in the United States Senate. Their excuse for opposition to our amendment was that it would then be necessary to change the investment policies of *all* trust funds handled by the Treasury Department at a cost of $2.5 billion.

Our answer was, we have been subsidizing the Federal Government long enough. If this continues, then the Federal Government should subsidize our pension plan.

The Administration, through their lobbying campaign, was able to prevail in the Senate by using the $2.5 billion scare. Some of our friends on the committee were misled by this huge figure.

Before the joint Conference Committee, we managed to get a compromise which will yield about $7 to $8 million more in interest to our railroad retirement fund over the next few years, thanks to Chairman Harley Staggers. During the House and Senate Committee hearings, there was considerable conflict in the testimony presented about long-term financial viability of the railroad retirement account.

Spokesmen for the Treasury Department, Bureau of the Budget, and Chairman Habermeyer of the Railroad Retirement Board, painted a bleak picture for the future of railroad retirement.

They say the system must have continued increases in taxes from the parties to survive, and the rate now being paid may in some cases be prohibitive. This was the pitch used by the Administration, of course, as a reason to merge railroad retirement into Social Security. Habermeyer said that the deficit after passage of this legislation would be $83 million per year. Mr. Neil Speirs, member of the Railroad Retirement Board for labor, testifies that passage of the bill would leave an actuarial deficit of about $30 million per year. Mr. Lester P. Schaene, former counsel for the Railroad Retirement Board and Attorney for the Congress of Railway Unions, testified that we have never had a deficit of income as against out-go. He also testified that our bill was self-financing and that there would be no impact, and, that we have always added to the reserve in the account. We agree with Mr. Schaene. It is said that the Congress became confused, as a result of considerable conflict of testimony. Why should they? Most of the members are prominent attorneys, therefore well educated. Why should it become necessary, for Congress to create a study commission to study such a simple matter as the Railroad Retirement System?

What about the cost of this particular commission? Will it be deducted from the Railroad Retirement Fund?

I hasten to explain that the Congress did not create this study commission. It was created by President Nixon. In a recent interview on CBS Television, in answer to a question by Walter Kronkite, former President L. B. Johnson answered, quote L.B.J. "All this talk and rumors that you hear about Congress being to blame for this, and for that, is a lot of hog-wash. Congress can do nothing without the approval of the President, who has oodles of power." Now more about this study commission; if there was such a large deficit in the retirement service fund, and the future picture of the entire retirement system was so bleak, as pointed out by the President's Henchmen, why did he wait until Congress enacted legislation granting a fifteen percent (15%) to retire to start action against the entire retirement system?

Now the personnel of this study commission will be hand picked by Mr. Nixon. Congress will have no say at all, much less the retired members. Nixon will know in advance what the result will be, when they report to Congress on June 30, 1972.

There is quite a divergence between a deficit of $83 million per year, as testified by Mr. Habermeyer, and that of $30 million per year, as testified by Mr. Speirs, or that of $00 as testified by Mr. Schaene.

In my youth, I received much less than a common school education, yet I can instantly detect that the testimony of one of the above three men is spurious. A strong sense of perjury comes over me.

The study commission was charged to do the following:

1. Conduct a study of the railroad retirement system and its financing for the purpose of recommending to the Congress on or to prove adequate levels of benefits therebefore June 30, 1972, changes in such system under on an actuarially sound basis.

2. Such study shall take into account—eight (8) separate parts of the retirement system under title of—A. B. C. D. E. F. G. H.

Of course the railroad retirement system obviously includes the Railroad Retirement Board itself, yet not one time in any item, from A tc G, mentions the Retirement Board.

The same thing applies to the small interest rate, which the Treasury pays us on our reserve fund, in contrast to the maximum high rate which they charge the railroads, Industry, agriculture, many business firms, as well as many foreign countries, not a word about this shall come from the study commission.

How can the Treasurer claim a deficit in the retirement fund when he is taking in more money than he is paying out.

I call upon the entire membership of both houses of Congress, to contemplate the date of June 30, 1972, when the Railroad Retirement Study Commission will make their report to Congress. Be prepared to combat the Administration forces who will be on hand to defeat all legislation beneficial to retired railway employees.

I implore you to support, and lend your influence, in passing H.R. 8065 by Representative Harley Staggers. Also H.R. 8733 by Congressmen Dingell and Carney. Also strive to retain H.R. 6444 or better.

In the above three bills, if enacted into law, they would add millions of dollars to our reserve fund, with practically no expense to the Federal Government.

According to White House Henchmen, there are one million and fifty thousand persons, drawing benefits from Railroad Retirement. Most of them have no other income. Thousands of them are ill and in and out of hospitals at regular intervals. With the cost of living rising day by day, they are having a hard struggle to stay alive, as all of them are old and decrepit.

In 1970 Congress, with compassion for the suffering of others, enacted legislation to increase benefits under the Railroad Retirement Act by fifteen percent (15%).

Why did the White House act so quickly and so vehemently in opposition to this amendment? Simply because Congress failed to consult him first. The President mustered all of his forces to combat the increase and although it became effective January 1, 1971, he delayed the signing until Congress would assure him that they would create a study commission to study the entire Railroad Retirement System. His aim at first was to have the study commission report back to Congress on or before July 1, 1971. A Senate amendment changed it to June 30, 1972. We got our first increase check in July, 1971.

This delay gave the President plenty of time to gather and instruct his hand picked study commission, and to let them know the nature of their report when returning before the Congress. Does Mr. Nixon think for a moment that the Congress and the one million fifty thousand annuitants are naive enough to think this study commission will render a report not favorable to the Administration?

By way of recompense, for appointment to this study commission, each member represents a potential block of votes in the coming election. The total number of votes could be in the thousands. But if the one million and fifty thousand annuitants vote against him, it will mean an inglorious defeat.

In view of the President's outrageous, scandalous action against the Railroad Retirement System, how can he expect to receive the annuitants vote? Verily, without a substantial labor vote, how can he expect to be re-elected?

All of this political noise and intrigue brought about by a supposed deficit in the Railroad Retirement Reserve Fund, which does not exist, according to Lester P. Schaone, former counsel for the Railroad Retirement Board.

In all of this action, against the Railroad Retirement System, neither the President or any of his henchmen have said one word about the enormity of our national deficit.

Very truly yours,

EDWARD D. HUBBARD.

GEN. HERBERT D. VOGEL

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mr. DUNCAN. Mr. Speaker, recently the Tennessee Legislature adopted a resolution expressing appreciation for the work of Gen. Herbert D. Vogel as Chairman of the Board of the Tennessee Valley Authority from 1954 to 1962. This was a most fitting gesture on the part of the legislature.

General Vogel was indeed an outstanding Chairman under whose guidance TVA made great progress.

I insert in the RECORD at this point the resolution paying tribute to General Vogel:

RESOLUTION

A resolution to express appreciation to General Herbert D. Vogel for his work as Chairman of the Board of the Tennessee Valley Authority from 1954 to 1962.

Whereas, General Herbert D. Vogel served from September 1, 1954, to June 20, 1962, as Chairman of the Board of Directors of the Tennessee Valley Authority; and

Whereas, During his service on the TVA Board of Directors, he contributed a great deal to the benefit of the Tennessee Valley Authority and the State of Tennessee; and it is fitting that the General Assembly of Tennessee take official recognition of his contribution; and

Whereas, During his chairmanship, the 1959 amendment to the TVA Act was passed giving the agency the authority to issue revenue bonds to finance construction of its power facilities. This legislation has been of immeasurable value in enabling TVA to meet the growing demand for electric power across the region, thus contributing to the progress which has taken place in the area generally; and

Whereas, TVA's local flood damage prevention programs gained national prominence during the time General Vogel was Chairman of the Board. Under his direction, TVA in 1959 submitted to the President and the Congress a report outlining the importance of such programs to the overall development of the region and suggesting its application nationally; and

Whereas, One of the nationally significant TVA actions under General Vogel's chairmanship was its stand against identical bidding on TVA contracts. Investigations of the practice by the Justice Department opened the door to the prosecution and conviction of major electric manufacturing companies and some of their officials for antitrust violations; and

Whereas, During his tenure TVA also proposed development of the area between Kentucky Lake and Lake Barkley in western Tennessee and Kentucky as a national recreation and conservation education area. This is the project which became the nationally-recognized Land Between the Lakes; and

Whereas, As TVA Chairman, General Vogel placed great emphasis on the concept of total water resource development. He believed that a lake should be developed not only for flood control, navigation, and electric power, but that in addition the shorelines should be used for industrial growth and recreation development. TVA's Melton Hill project, which was proposed and begun during his administration, is an excellent example of this concept of water resource development. It was his views along these lines which led to his support of the Tellico project; and

Whereas, General Vogel was born in Chelsea, Michigan, on August 26, 1900, the son of Lewis P. and Pearl M. (Davis) Vogel. He married Loreine Elliott on December 23, 1925, and they have two sons, Herbert D. and Richard E. Vogel; and

Whereas, He attended the University of Michigan from 1918–1920 and received his B.S. degree at the U.S. Military Academy, West Point, New York, in 1924. He also holds the following degrees: M.S. in Civil Engineering, University of California, 1928; E.D., Berlin Technical University, 1929; C.E., University of Michigan, 1933; and

Whereas, He was appointed Second Lieutenant in the Corps of Engineers, U.S. Army, in 1924 and advanced through the grades to Brigadier General in 1954; and

Whereas, He was founder and Director of the U.S. Waterway Experiment Station at Vicksburg, Mississippi, from 1930–1934; and

Whereas, During his military career, he served in the following places and capacities: Fort Leavenworth, Kansas; Hawaii; Fort Belvoir, Virginia, 1934–1940; District Engineer, Pittsburgh, Pennsylvania, 1940–1943; Southwest Pacific (G–4, USASOS; Chief of Staff, Intermediate Section of Oro Bay, New Guinea; Commanding Officer, Base M, Philippines), 1944–1945; District Engineer, Buffalo, New York, 1945–1949; Engineer of Maintenance, Panama Canal, 1949–1950; Division Engineer, Southwest Division, Dallas, Texas, 1952–1954; and

Whereas, He was Lieutenant Governor of the Panama Canal Zone from 1950–1952; and

Whereas, He also served as Vice President and Director of the Panama Railroad Company from 1949–1950 and of the Panama Canal Company from 1950–1952; and

Whereas, In addition to his TVA service, he served on the following boards and committees: Beach Erosion, 1946–1949; Mississippi River Commission, 1952–1954; Board of Engineers for Rivers and Harbors, 1952–1954; Chairman, Arkansas-White-Red Basins Inter-Agency Committee, 1952–1954; and

Whereas, He was a member of the Permanent International Commission of the Permanent International Association of Navigation Congresses from 1957–1964 and was named an Honorary Member in 1967. He is also a Fellow of the Royal Society of Arts; a member of the U.S. Commission of Large Dams, the American Power Conference; a life member of the American Society of Civil Engineers; a member of the National Board of Directors of the Society of American Military Engineers; and a member of the Order of the Caraboo.

Whereas, He has been awarded the Distinguished Service Medal and the Legion of Merit; was an instructor at the Army Engineering School from 1938–1940, where he taught River and Harbor Engineering, Flood Control Engineering, and Public Speaking; has written numerous technical articles and papers on the subject of Experimental Hydraulics, appearing in Civil Engineering, Engineering News-Record, Military Engineer, Proceedings and Transactions, ASCE—1930–1940; he was an advisor to the World Bank from 1963–1967 and became its resource development engineering consultant in 1967; he is listed in Who's Who in Engineering (1931), American Men of Science (1933), and Who's Who in America (1954); he is affiliated with the Army and Navy Club in Washington, D.C., and the Downtown Club, Dallas, Texas; he is a Registered Professional Engineer in New York, Texas, Tennessee, and the District of Columbia; now therefore,

Be it resolved by the House of Representatives of the Eighty-Seventh General Assembly of the State of Tennessee, the Senate concurring, That deepest appreciation is expressed to Herbert D. Vogel for his tireless efforts in behalf of TVA and the people of Tennessee.

Be it further resolved, That copies of this Resolution be sent to General Herbert D. Vogel, 3033 Cleveland Ave., N.W., Washington, D.C.; Mr. A. J. Wagner, Chairman of the TVA Board of Directors, Knoxville, Tennessee; and all members of the Tennessee congressional delegation.

LEGISLATION PROGRAM OF VETERANS OF WORLD WAR I

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 7, 1972

Mr. THURMOND. Mr. President, the national officers and other distinguished leaders of the Veterans of World War I of the U.S.A. appeared before the Committee on Veterans' Affairs of the U.S. Senate and presented their legislative program for the year 1972. It was my privilege to preside at this meeting on February 10, 1972.

Among those present were: National commander, J. B. Koch; national senior vice commander, A. O. Soderholm; national claims director, Elliott Nefflin; national legislative director, Herbert M. Houston, and members of the national legislative committee.

The editor of the Torch, Dallas Halverstadt; the national president of the ladies auxiliary, Fairy Harrell; the senior vice president, Bess Johnson; junior vice president, Emma Walla; and the treasurer, Elva Miller were also present.

Mr. President, I ask unanimous consent that the statement of Mr. Herbert Houston, the chairman of the Legislative Committee of the Veterans of World War I be printed in the Extensions of Remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY HERBERT M. HOUSTON

Mr. Chairman and Members of this Distinguished Committee: We wish to thank you for the privilege of appearing before you today to present the views of the Veterans of World War I of the U.S.A., Inc., as expressed in the resolutions from the departments of our organization to our last National Convention on legislation.

We wish also to express our appreciation for the time contributed and efforts made in your behalf for veterans benefits.

You have been instrumental in obtaining benefits for America's veterans beginning with World War II and continuing to include the Veterans of Vietnam which is a tribute to you and to this nation. No such benefits or comparable benefits were accorded the Veterans of World War I, and it is this gap in our pension benefits laws we continue to call to your attention. It was because of this neglect that World War I Veterans united in pressuring the Congress to pass legislation which would prevent the returning veterans from World War II from experiencing the hardships they experienced after World War I. The experiences of this effort by World War I Veterans in lobbying in behalf of the G.I. Bill reads like an adventure story. They were determined that their sons would have greater consideration than they received.

There were hundreds of thousands of Veterans of World War I who became casualties of the post war conditions. Far more casualties resulted from the by-products of the war than were suffered on the battlefield. This we feel has not been realized by the victims, nor the Congress and our citizens.

Thousands of so-called shell-shock victims were the result of the psychological shock resulting from the battlefield, plus an equal shock of indifference when they faced civilian life. Had there been some provision in benefits to enable them to adjust to civilian life many of them could have been more useful citizens and made a greater contribution to our national life.

Thousands of others were equally casualties of the war who, because there was no way for them to obtain an education or to obtain technical skills, have been deprived of their potential as citizens because of their wartime service.

Had there been similar benefits to the G.I. Bill of later years, these thousands of veterans who have been, and now are in dire privation, could be compared to the veterans of later wars who have become business men, lawyers, doctors or other more productive citizens, because of rehabilitation.

Mr. Chairman, we realize it is too late to recompense these veterans for their loss, for thousands have died; however, for those who remain we feel that special consideration can and should be made for them so they may have benefits in their latter years to at least partially compensate them for what they feel has been discrimination for the past 50 years.

These, the less fortunate of World War I Veterans, according to a survey in 32 of the 50 States reveal that 27% of them are in a welfare status, and 40% in the poverty class.

We are aware that for some, their plight can be attributed to their own responsibility; however, the far greater majority are the responsibility of the government for neglect to them that was provided for others.

These World War I Veterans have been told down through the years that there was just not enough money to grant their request for equal consideration with veterans of other wars; namely, a general pension for prior wars, and the G.I. Bill for World War II and subsequent wars, while at the same time billions of dollars have continued to be spent in foreign aid, year after year for 53 years, amounting to more than 175 billion dollars.

If it was a question of economy, the Veterans of World War I would gladly render their wholehearted support but since the Public Laws pertaining to veteran's benefits portray the situation clearly attesting that this is not the case, we continue to petition the Congress for special consideration.

PENSIONS

Mr. Chairman, a Resolution was adopted at our National Convention in September, 1971 giving us a mandate to work for a general pension for the Veterans of World War I, H.R. 3650 was selected for this. A Resolution was adopted giving us a mandate to work for the program in effect the previous year. On this we are supporting H.R. 12504, and companion Bills H.R. 12622 and H.R. 12636, S–3070 and we earnestly urge your consideration of these Bills.

COMPENSATION

The Veterans of World War I are very much concerned that compensation payments for those veterans whose disabilities resulted from active duty service in war time.

Anyone who assumes that the Veterans of World War I, of the U.S.A. is only concerned in pension benefits are wrong.

For many thousands of World War I Veterans, the compensation payment which were awarded for disabilities incurred in the line of duty were later cut off as a result of the Economy Act are, and have been one of the evidences of discrimination against the World War I Veterans down through the years. Many of these aging veterans on the pension rolls today are service connected drew compensation until they were cut off in the lower classification by the Economy Act.

Since no other generation of veterans have been affected in this manner, we wish to use our influence in whatever way we can to prevent similar action being taken to the veterans of any subsequent war.

Another concern of our organization is the down grading of the uniformed services of our country by so many in our society today including the news media, many of our colleges and far too many civic organizations, even including some of the clergy. We feel it is time for a renewal of the patriotic spirit which made us the great country we are. In this connection, it is our feeling that increased emphasis be placed upon respect for our national honor, respect for veterans who wear the uniform in defense of our country and proper consideration be given those who bear the marks of batttle.

Our government finds funds to support foreign governments and their peoples to the tune of billions of dollars. Some of this goes to those nations we have fought in previous wars and some to nations who are our enemies today. All those billions of dollars are expended while the veterans of war who have sustained our nation down through the years by their service are asked to survive on a meager recompense for the time and sacrifice they have made.

It is our opinion, Mr. Chairman, that compensation payments are badly out of line with respect to the consideration they purport to represent.

And it is our opinion that it is time to bring the compensation tables of percentage payments more in line with the current cost of living standards. Therefore, we recommend the following increase in all percentage classifications as follows:

Percent:	
10	$45
20	90
30	135
40	180
50	225
60	270
70	315
80	360
90	405
100	495

In our opinion the present tables of percentages are ambiguous and we strongly recommend the increase.

HOSPITALS

Our experience in the conversations with those involved and by letters reveals that there exists many improvements to be desired in our veterans hospitals. We continue to have complaints regarding those who are denied admittance into Veterans Administration hospitals. These come from the most deprived cases where they are direly in need of nursing home care, and cannot get into a nursing home unless through a Veterans Administration hospital. These cases we refer to are those without funds for a private nursing home, and, or funds for hospitalization.

NURSING HOMES

It has been the opinion of our organization for years that the time limit be eliminated regarding the time a patient may stay in a Veterans Administration nursing home, or a nursing home under contract with the Veterans Administration. Some, though the numbers be small, have no where to go, and no one to care for them when they are released from a nursing home.

These are denied admittance to the Veterans hospital because there is no room. They are put on a waiting list, with no where to wait. We urge legislation to correct this.

Our recommendation is that the hospitals be required to admit these cases, or that patients be admitted to a nursing home upon the recommendation of their family physician.

CEMETERIES AND BURIAL ALLOWANCE

Our organization received resolutions from five States asking that National Cemeteries to be provided for their States, these were adopted.

We recommend that action be taken to provide National Cemeteries in areas when investigations have proven a shortage in burial space for veterans.

For those who desire to be buried in a cemetery other than a National Cemetery, we recommend that the burial allowance be $400.00 with an additional $150.00 to go to the veteran's family to apply toward the purchase of a lot.

Our organization adopted a resolution at our last National Convention asking for the erection of a suitable monument to General John J. Pershing in our nation's capital.

We solicit the influence of this distinguished committee to implement this, and have it in place for the 1976 sesquicentennial.

On the subject of non-service connected pensions, we made request for a special consideration for the Veterans of World War I.

We would like to make the following recommendations, Mr. Chairman, with regard to the pension law now in effect:

On income limitations, for the veteran and widow, $3,000.00 per year.

On income limitations, for the veteran with dependents income limitations be increased to $4,200.00 per year.

With regard to the spouse's income, we recommend the first $2,500.00 of the spouses income not be charged against the veteran in determining income for pension purposes.

We thank you, Mr. Chairman, for the privilege of presenting the views of the Veterans of World War I for your consideration.

NORTHERN VIRGINIA QUESTIONNAIRE RESULTS

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mr. BROYHILL of Virginia. Mr. Speaker, on Tuesday, February 8, 1972, I announced to the House my intention to submit a questionnaire to all of the estimated 170,000 registered voters of the 10th Congressional District of Virginia. An exact copy of the poll I intended to make was printed in the CONGRESSIONAL RECORD on the following day. The questionnaire was mailed out to the registered voters on the weekend of February 11 and 12.

The results from the poll were completed and computer tabulated on March 1.

I obtained a wealth of information from the 32,291 replies I received to my questionnaire. Those responding represent a sample of 18.5 percent of the approximately 170,000 questionnaires I mailed out.

In my view this is an important poll. Northern Virginia voters, because of their average high income per capita and because of the high educational level of its citizens, constitute perhaps the most sophisticated congressional constituency in our Nation. Moreover, in presidential elections since 1956, the 10th Congressional District of Virginia has reflected an almost exact percentage of the votes cast nationwide for the Office of the President of the United States. The views expressed by the citizens of the area I have the pleasure and good fortune to represent, therefore, are important to me and are, in my judgment, important to each Member of the Congress.

The poll results below show a percentage response to each question submitted in my questionnaire by five separate age brackets, including the 18- to 20-year-old group, each age bracket by sex, and whether the respondent is a Federal or non-Federal employee. The poll also shows totals for each break-out and grand totals for each question.

The detailed results of my poll follow:

FEBRUARY 1972—BROYHILL QUESTIONNAIRE

	Federal and non-Federal									Federal									Non-Federal								
	All			Male			Female			All			Male			Female			All			Male			Female		
	Yes	No	Undecided	Yes	No	Undecided	Yes	No	Undecided	Yes	No	Undecided	Yes	No	Undecided	Yes	No	Undecided	Yes	No	Undecided	Yes	No	Undecided	Yes	No	Undecided
1. DO YOU FAVOR FORCED BUSING OF SCHOOL CHILDREN ACROSS CITY AND COUNTY BOUNDARIES TO ACHIEVE A RACIAL BALANCE?																											
Unknown	6	81	13 978	6	81	13 503	6	82	12 475	7	81	12 207	7	84	9 119	7	78	15 88	5	81	14 771	5	80	15 384	5	83	12 387
18 to 20	14	75	11 710	15	72	13 396	14	78	8 314	13	80	7 104	10	83	7 49	16	78	6 55	14	74	12 606	15	71	14 347	13	77	10 259
21 to 26	18	75	7 2,067	19	74	7 964	18	76	6 1,103	20	76	4 582	21	76	3 267	19	76	5 315	18	74	8 1,485	18	73	9 697	18	75	7 788
27 to 35	14	81	5 4,547	16	79	5 2,233	13	82	5 2,314	17	77	6 1,609	20	76	4 1,015	14	80	6 594	12	82	6 2,938	13	82	5 1,218	12	82	1,720
36 to 55	5	91	4 14,031	6	90	4 7,183	5	91	4 6,848	6	90	4 5,757	7	90	3 3,768	5	92	3 1,989	5	91	4 8,274	5	91	4 3,415	5	90	5 4,859
Over 55	2	94	4 9,958	2	94	4 5,328	2	93	5 4,630	3	94	3 2,782	3	94	3 1,878	2	95	3 904	2	93	5 7,176	2	95	3 3,450	2	92	6 3,726
All	7	88	5 32,291	7	89	4 16,607	6	88	6 15,684	8	88	4 11,041	8	88	4 7,096	7	89	4 3,945	6	88	6 21,250	6	89	5 9,511	6	88	6 11,739

FEBRUARY 1972—BROYHILL QUESTIONNAIRE—Continued

	Federal and non-Federal									Federal									Non-Federal								
	All			Male			Female			All			Male			Female			All			Male			Female		
	Yes	No	Undecided	Yes	No	Undecided	Yes	No	Undecided	Yes	No	Undecided	Yes	No	Undecided	Yes	No	Undecided	Yes	No	Undecided	Yes	No	Undecided	Yes	No	Undecided
2. DO YOU FAVOR THE PRESIDENT'S PLAN FOR TROOP WITHDRAWAL FROM VIETNAM?																											
Unknown	64	11	25 978	66	9	25 503	62	14	24 475	69	12	19 207	73	10	17 119	62	14	24 88	63	11	26 771	64	9	27 384	62	13	25 387
18 to 20	60	24	16 710	60	24	16 396	60	25	15 314	66	25	9 104	69	22	9 49	63	27	10 55	59	24	17 606	59	25	16 347	59	24	17 259
21 to 26	60	29	11 2,067	59	31	10 964	60	27	13 1,103	61	29	10 582	64	29	7 267	58	28	14 315	59	28	13 1,485	58	31	11 697	60	26	14 788
27 to 35	68	21	11 4,547	69	21	10 2,233	66	20	14 2,314	67	22	11 1,609	69	22	9 1,015	63	23	14 594	68	20	12 2,938	69	21	10 1,218	67	19	14 1,720
36 to 55	76	15	9 14,031	77	15	8 7,183	75	14	11 6,848	76	15	9 5,757	76	16	8 3,768	75	14	11 1,989	76	14	10 8,274	78	14	8 3,415	75	14	1 4,859
Over 55	77	12	11 9,958	79	13	8 5,328	75	12	13 4,630	78	15	7 2,782	78	15	7 1,878	76	14	10 904	77	12	11 7,176	80	12	8 3,450	75	11	14 3,726
All	74	16	10 32,291	75	16	9 16,607	72	15	13 15,684	74	17	9 11,041	75	17	8 7,096	72	17	11 3,945	73	15	12 21,250	75	15	10 9,511	72	15	13 11,739
3. DO YOU FAVOR AMNESTY FOR DRAFT EVADERS?																											
Unknown	13	61	26 978	9	65	26 503	16	57	27 475	14	70	16 207	10	79	11 119	20	57	23 88	12	58	30 771	9	60	31 384	15	57	28 387
18 to 20	44	40	16 710	47	37	16 396	40	44	16 314	37	52	11 104	36	53	11 49	38	52	10 55	45	38	17 606	49	35	16 347	40	42	18 259
21 to 26	36	54	10 2,067	34	55	11 964	37	53	10 1,103	34	56	10 582	33	59	8 267	35	52	13 315	36	53	11 1,485	35	53	12 697	37	53	10 788
27 to 35	24	65	11 4,547	24	67	9 2,233	24	63	13 2,314	26	65	9 1,609	27	64	9 1,015	25	67	8 594	23	65	12 2,938	22	69	9 1,218	24	62	14 1,720
36 to 55	13	77	10 14,031	11	81	8 7,183	15	73	12 6,848	12	80	8 5,757	12	81	7 3,768	13	77	10 1,989	14	76	10 8,274	10	81	9 3,415	16	72	12 4,859
Over 55	9	81	10 9,958	8	85	7 5,328	11	76	13 4,630	10	83	7 2,782	9	85	6 1,878	11	78	11 904	9	80	11 7,176	7	85	8 3,450	11	75	14 3,726
All	16	74	10 32,291	14	77	9 16,607	17	70	13 15,684	15	77	8 11,041	14	79	7 7,096	17	73	10 3,945	16	72	12 21,250	14	76	10 9,511	17	69	14 11,739
4. DO YOU SUPPORT THE ADMINISTRATIONS WAGE-PRICE CONTROL PROGRAM?																											
Unknown	55	15	30 978	57	13	30 503	54	17	29 475	60	17	23 207	62	15	23 119	57	20	23 88	54	14	32 771	55	13	32 384	53	16	31 387
18 to 20	53	22	25 710	53	23	24 396	54	20	26 314	57	29	14 104	55	32	13 49	60	27	13 55	53	20	27 606	52	22	26 347	53	18	29 259
21 to 26	58	26	16 2,067	58	26	16 964	58	26	16 1,103	58	29	13 582	61	29	10 276	55	30	15 315	58	25	17 1,485	56	25	19 697	59	24	17 788
27 to 35	62	24	14 4,547	63	25	12 2,233	61	22	17 2,314	62	25	13 1,609	63	25	12 1,015	61	26	13 594	62	23	15 2,938	62	25	13 1,218	62	21	17 1,720
36 to 55	68	18	14 14,031	69	19	12 7,183	68	18	14 6,848	68	20	12 5,757	68	20	12 3,768	68	19	13 1,989	68	18	14 8,274	70	18	12 3,415	68	18	14 4,859
Over 55	73	13	14 9,958	76	13	11 5,328	70	13	17 4,630	73	16	11 2,782	74	16	10 1,878	71	17	12 904	73	12	15 7,176	76	12	12 3,450	70	12	18 3,726
All	68	18	14 32,291	69	18	13 16,607	66	18	16 15,684	68	20	12 11,041	69	20	11 7,096	66	20	14 3,945	67	17	16 21,250	69	17	14 9,511	66	17	17 11,739
5. DO YOU SUPPORT THE ADMINISTRATIONS GOAL OF AN ALL-VOLUNTEER ARMY?																											
Unknown	49	21	30 978	49	21	30 503	50	20	30 475	62	21	17 207	62	22	16 119	62	20	18 88	46	20	34 771	45	21	34 384	47	20	33 387
18 to 20	78	12	10 710	80	9	11 396	75	15	10 314	72	19	9 104	75	16	9 49	69	21	10 55	79	11	10 606	80	8	12 347	76	14	10 259
21 to 26	68	21	11 2,067	70	20	10 964	66	22	12 1,103	69	22	9 582	71	23	6 267	67	21	12 315	68	21	11 1,485	69	19	12 697	66	22	12 788
27 to 35	59	29	12 4,547	58	31	11 2,233	59	26	15 2,314	57	32	11 1,609	59	32	9 1,015	56	32	12 594	59	27	14 2,938	57	31	12 1,218	61	24	15 1,720
36 .o 55	63	25	12 14,031	61	28	11 7,183	64	22	14 6,848	60	29	11 5,757	60	30	10 3,768	62	27	11 1,989	64	23	13 8,274	63	26	11 3,415	65	21	14 4,859
Over 55	58	26	16 9,958	60	28	12 5,328	57	25	18 4,630	59	30	11 2,782	58	31	11 1,878	60	26	14 904	58	25	17 7,176	61	26	13 3,450	56	24	20 3,726
All	61	25	14 32,291	61	27	12 16,607	61	23	16 15,684	60	29	11 11,041	60	30	10 7,096	61	27	12 3,945	61	24	15 21,250	62	25	13 9,511	61	22	17 11,739
6. WOULD YOU VOTE FOR RICHARD NIXON FOR A SECOND TERM AS PRESIDENT?																											
Unknown	43	20	37 978	46	17	37 503	40	24	36 475	47	26	27 207	52	23	25 119	39	29	32 88	42	19	39 771	44	15	41 384	40	23	37 387
18 to 20	33	36	31 710	33	36	31 396	34	37	29 314	40	29	31 104	34	30	36 49	45	29	26 55	32	37	31 606	32	37	31 347	31	38	31 259
21 to 26	35	40	25 2,067	37	39	24 964	33	41	26 1,103	36	42	22 582	42	36	22 267	31	46	23 315	34	39	27 1,485	36	39	25 697	34	39	27 788
27 to 35	43	32	25 4,547	45	31	24 2,233	41	33	26 2,314	38	38	24 1,609	40	37	23 1,015	35	40	25 594	45	29	26 2,938	49	27	24 1,218	43	31	26 1,720
36 to 55	51	24	25 14,031	52	23	25 7,183	50	25	25 6,848	47	27	26 5,757	48	26	26 3,768	47	28	25 1,989	53	21	26 8,274	57	19	24 3,415	51	23	26 4,859
Over 55	58	20	22 9,958	59	19	22 5,328	57	20	23 4,630	54	23	23 2,782	54	23	23 1,878	56	23	21 904	60	19	21 7,176	62	17	21 3,450	58	20	22 3,726
All	50	25	25 32,291	52	24	24 16,607	49	26	25 15,684	47	28	25 11,041	48	27	25 7,096	46	30	24 3,945	52	23	25 21,250	55	21	24 9,511	50	25	25 11,739

	Federal and non-Federal									Federal									Non-Federal								
	All			Male			Female			All			Male			Female			All			Male			Female		
	Yes	No	Undecided	Yes	No	Undecided	Yes	No	Undecided	Yes	No	Undecided	Yes	No	Undecided	Yes	No	Undecided	Yes	No	Undecided	Yes	No	Undecided	Yes	No	Undecided
7. DO YOU FAVOR COMPLETION OF INTERSTATE HIGHWAY 66 FROM THE BELTWAY I-495 TO WASHINGTON, D.C., TO HELP SOLVE NORTHERN VIRGINIA'S TRANSPORTATION PROBLEM?																											
Unknown	56	12	32 978	59	11	30 503	54	12	34 475	63	18	19 207	67	20	13 119	57	15	28 88	55	10	35 771	57	9	34 384	53	11	35 387
18-20	52	30	18 710	48	31	21 396	57	29	14 314	57	36	7 104	55	40	5 49	60	32	8 55	51	29	20 606	48	29	23 347	56	29	19 254
21 to 26	56	31	13 2,067	58	29	13 964	54	32	14 1,103	59	31	10 582	58	34	8 267	59	28	13 315	55	31	14 1,485	58	27	15 697	52	34	18 786
27 to 35	61	28	11 4,547	64	28	8 2,233	59	29	12 2,314	60	31	9 1,609	62	30	8 1,015	57	33	10 594	62	27	11 2,938	65	25	10 1,218	60	28	12 1,720
36 to 55	73	17	10 14,031	77	15	8 7,183	68	19	13 6,848	74	17	9 5,757	76	17	7 5,768	70	19	11 1,989	72	16	12 8,274	77	13	10 3,415	68	15	14 4,859
Over 55	71	15	14 9,958	76	14	10 5,328	66	16	18 4,630	73	16	11 2,782	76	15	9 1,878	67	18	15 904	70	14	16 7,176	75	13	12 3,450	66	15	19 3,726
All	69	19	12 32,291	72	17	11 16,607	65	20	15 15,684	71	20	9 11,041	73	19	8 7,096	66	22	12 3,945	68	18	14 21,250	72	16	12 9,511	64	20	16 11,739
8. DO YOU FAVOR THE CONSTRUCTION OF LOW AND MODERATE-COST, TAX-SUPPORTED HOUSING IN EACH NORTHERN VIRGINIA COMMUNITY TO REDUCE THE NUMBER OF SUCH HOUSING UNITS IN THE DISTRICT OF COLUMBIA?																											
Unknown	15	52	33 978	14	54	32 503	16	50	34 475	19	61	20 207	17	66	17 119	21	55	24 88	14	50	36 771	13	51	36 384	15	49	36 386
18 to 20	32	44	24 710	31	43	26 396	33	45	22 314	42	51	25 104	24	53	23 49	23	50	27 55	33	43	24 606	32	42	26 347	35,	44	29 257
21 to 26	35	50	15 2,067	32	53	15 964	37	48	15 1,103	34	55	11 582	29	63	8 267	38	49	13 315	36	48	16 1,485	34	49	17 697	37	47	11 789
27 to 35	32	56	12 4,547	31	57	12 2,233	32	55	13 2,314	34	54	12 1,609	36	53	11 1,015	32	55	13 594	30	57	13 2,938	28	61	11 1,218	32	55	16 1,728
36 to 55	20	67	13 14,031	20	68	12 7,183	21	66,	13 6,848	20	69	11 5,757	20	69	11 3,768	19	70	11 1,989	21	66	13 8,274	19	68	13 3,415	22	64	13 4,850
Over 55	14	72	14 9,957	14	74	12 5,327	14	69	17 4,630	14	74	12 2,782	15	75	10 1,878	14	73	13 904	14	71	15 7,175	13	74	13 3,449	14	68	14 3,729
All	21	65	14 32,290	20	67	13 16,606	22	63	15 15,684	21	67	.12 11,041	21	68	11 7,096	21	66	13 3,945	21	64	15 21,249	19	66	15 9,510	22	62	18 11,736
9. SHOULD THE UNITED STATES CONTINUE TO EXTEND ECONOMIC AND MILITARY ASSISTANCE TO OTHER NATIONS?																											
Unknown	24	37	39 978	26	37	37 503	22	38	40 475	30	43	27 207	35	44	21 119	23	43	34 88	22	35	43 771	23	34	43 384	21	36	43 387
18 to 20	39	38	23 710	42	37	21 396	35	41	24 314	40	47	13 104	42	48	10 49	38	45	17 55	39	37	24 606	42	35	23 347	35	40	25 259
21 to 26	42	38	20 2,067	43	37	20 964	41	38	21 1,103	45	37	18 582	46	37	17 267	45	37	18 315	41	38	21 1,485	42	37	21 697	40	39	21 788
27 to 35	49	32	19 4,547	53	30	17 2,233	45	34	21 2,314	54	29	17 1,609	59	26	15 1,015	47	34	19 594	46	34	20 2,938	48	34	18 1,218	45	33	22 1,720
36 to 55	41	39	20 14,031	45	37	18 7,183	36	41	23 6,848	43	39	18 5,757	47	37	16 3,768	36	43	21 1,989	40	39	21 8,274	44	37	19 3,415	37	40	23 4,859
Over 55	32	46	22 9,957	35	45	20 5,327	28	46	26 4,630	37	46	17 2,782	40	44	16 1,878	31	50	19 904	30	46	24 7,175	33	46	21 3,449	27	46	27 3,726
All	39	40	21 32,290	42	39	19 16,606	35	41	24 15,684	43	39	18 11,041	46	37	17 7,096	37	43	20 3,945	37	40	23 21,249	39	40	21 9,510	34	41	25 11,739
10. DO YOU FAVOR COMBINING ANNUAL AND SICK LEAVE WITH FULL CARRY-OVER PROVISION?																											
Unknown	63	28	9 207	61	31	8 119	65	26	9 88	63	28	9 207	61	31	8 119	65	26	9 88									
18 to 20	75	17	8 104	73	22	5 49	78	12	10 55	75	17	8 104	73	22	5 49	78	12	10 55									
21 to 26	68	23	9 582	67	24	9 267	69	22	9 315	68	23	9 582	67	24	9 267	69	22	9 315									
27 to 35	70	21	9 1,609	71	20	9 1,015	68	22	10 594	70	21	9 1,609	71	20	9 1,015	68	22	10 594									
36 to 55	67	25	8 5,757	67	25	8 3,768	67	25	8 1,989	67	25	8 5,757	67	25	8 3,768	67	25	8 1,989									
Over 55	60	33	7 2,782	61	33	6 1,878	59	33	8 904	60	33	7 2,782	61	33	6 1,878	59	33	8 904									
All	66	26	8 11,041	66	27	7 7,096	66	26	8 3,945	66	26	8 11,041	66	27	7 7,096	66	26	8 3,945									

This poll clearly indicates that northern Virginians will again firmly support Richard Nixon for President in 1972; are adamantly opposed to forced school busing to achieve a racial balance; favor the President's troop withdrawal plan from Vietnam, 3 to 1; oppose amnesty for draft evaders, 3 to 1; support the administration's wage-price control program by substantial numbers; are fairly enthused with the goal for an all-volunteer army; by well over a two-thirds majority, want Interstate Route 66 in northern Virginia completed; are emphatically opposed to construction of low- and moderate-cost, tax-supported housing in their communities to reduce ghetto housing problems in the District of Columbia; are opposed to foreign economic and military aid programs as presently administered; and Federal employees favor combining their annual and sick leave as one leave system, providing they are permitted to fully carry over their total leave from year to year.

Some interesting impressions of the poll results follow:

First, 18- to 20-year-olds generally appear more conservative than the 21- to 26-year-old age group. This could indicate that this 18- to 20-year-old group is less inclined to radicalism than were their counterparts in the sixties. It could also indicate a more thoughtful and pragmatic approach to problems and less emotionalism in making decisions and taking actions on problems. An exception, which was expected, is shown with respect to amnesty for draft evaders and support for an all-volunteer army.

Second, both 18- to 20- and 21- to 26-year-old groups appear less interested in the poll than other more adult age groups, indicating at this time that younger voters will most likely continue to vote in smaller numbers than older age groups. This analysis is commensurate with this group's participation in past elections. I find this trend disappointing. I had hoped that a higher percentage of the younger voters would express their opinions on these vital questions in this poll.

Third, the poll also indicates that the 18- to 20-year-old age groups led the poll with the largest number of undecided answers in most all categories.

Fourth, with few exceptions, the overall poll shows little variance from past voting patterns. It reinforced the old political theory that the older the voter the most conservative he votes. Of significance, over 74 percent of those responding to the poll were above 36 years old.

Fifth, although males slightly outnumbered females in responding to the poll, females invariably were generally less conservative than males.

Sixth, also, Government employees appear to be slightly more liberal in their views than non-Government employees.

NOMINEE LIST AVAILABLE FOR PURCHASE

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 7, 1972

Mr. METCALF. Mr. President, I am pleased to announce that the American Society of Corporate Secretaries has decided to market one of its principal products. Heretofore the society refused to sell its annual nominee list, a document most helpful to persons who wish to decode the street names by which many banks, insurance companies, and other institutions hide their control of the votes in major corporations, especially in the energy industry.

After the society refused, last year, to sell the nominee list to a newspaper editor, and to an attorney in a rate case, I placed the 1971 edition in the Congressional Record—June 24, 1971, part II.

Last month I asked the society for a copy of its 1972 edition. I have received that copy, along with a letter from Executive Director John S. Black, Jr., stating that:

> This list is available now by action of our board of directors to anyone who wishes to purchase a copy.

The purchase price, according to the society, is $20.

Mr. President, I compliment the society upon its decision to make this important information available. It should be most useful to stockholders, rate case participants, the Justice Department, regulatory commissions, and academic communities.

Until the regulatory commissions decide to require reporting companies to answer the questions asked of them regarding common stock ownership, the commissions can, by use of the nominee list, easily advise Congress and the public as to the identity of the institutions which are now listed as street names.

Mr. President, I ask unanimous consent to have printed in the Record the February 28 letter I received from Mr. Black and with his letter to members of the society, which appears in the 1972 edition of the nominee list, and which describes the material therein.

There being no objection, the items were ordered to be printed in the Record, as follows:

American Society of
Corporate Secretaries, Inc.,
New York, N.Y., February 28, 1972.

Hon. Lee Metcalf,
U.S. Senate,
Washington, D.C.

Dear Senator Metcalf: In response to your letter of February 21, we are pleased to send you a complimentary copy of the 1972 edition of our Nominee List. You will be interested to know that this List is available now by action of our Board of Directors to anyone who wishes to purchase a copy. Previously, it was available for distribution to our members and for purchase by any bank or broker for their use in stock transfer work and in proxy solicitation.

Very sincerely yours,
John S. Black, Jr.,
Executive Director.

American Society of
Corporate Secretaries, Inc.,
New York, N.Y.

To the Members of the Society: This *Nominee List* is for the benefit of members and will be invaluable in proxy solicitation and stock transfer work.

Part I contains an alphabetical listing of nominees with their employer identification numbers. Part II is arranged by state, and by custodian or principal within the state. Part III is an alphabetical list of investment funds and foundations, etc., with custodial banks and the nominees which they use.

Through the cooperation of many banks, investment funds and members of the Society, we have been able to learn the nominees which custodial banks use for these funds. In many, if not most cases, custodial banks use these nominees for other beneficial owners and they should not be considered an exclusive nominee for the particular fund listed.

Some banks use different nominees for various departments and relationships. The Society, in an effort to increase the value of the *Nominee List*, has endeavored to learn the purposes of a given nominee. The areas of relationship are:

(a) Estates.
(b) Living and testamentary trusts.
(c) Pension trusts.
(d) Investment management accounts.
(e) Corporate trust accounts.
(f) Safekeeping or custody accounts (domestic).
(g) Safekeeping or custody accounts (foreign).
(h) Legal and common trust funds.

Nominees for which one of the above descriptions is applicable are coded with the appropriate letter immediately after the nominee name.

During the year an updated desk copy of the *Nominee List* is on hand at the National Office of the Society. Since it is to the benefit of all concerned to eliminate the use of duplicate nominee names, it is suggested that any proposed names be checked against this list, by phone or mail, before the nominee is formed.

Every effort is made to keep the *Nominee List* up to date. In the latter part of 1971 all users of nominees herein listed were asked to verify the information in our files. All resulting changes have been processed and will appear in this edition. If members note any new nominee names, the National Office would appreciate receiving word so that the names may be kept on pending record and confirmed for future editions.

John S. Black, Jr.,
Executive Director.

ALPHA KAPPA STATE TO PUBLISH "PIONEER WOMEN TEACHERS OF CONNECTICUT"

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mrs. GRASSO. Mr. Speaker, over the years, women teachers have made countless contributions to the development of education in Connecticut. It is most admirable and fitting that the Alpha Kappa State society of Connecticut's women teachers has recently published a wonderful tribute to the foresight and accomplishments of the women who laid the foundation for the State's splendid school system.

"Pioneer Women Teachers of Connecticut, 1767–1970," edited by talented Helen M. Sheldrick of Winsted, chronicles the teaching careers of 23 women whose impact on the profession is still profoundly felt. From Sarah Pierce and Prudence Crandall to Ellen Porter Hubbel of Bristol and Mrs. Isabelle Pearson of Winsted, each pioneer had her own hopes, dreams, ambitions and achievements in the challenging field of education. "Pioneer Women Teachers of Connecticut, 1767–1970" is a most worthy achievement. Alpha Kappa State members prepared each chapter of this project which was begun in 1946.

Included in the book which is divided into three parts are the following: Part I—Early Pioneers—Sarah Pierce, Emma Willard, Lydia Sigourney, Catherine Beecher, and Prudence Crandall; Part II—The Pioneers: Maria Sanford, Caroline Hewins, Dr. Marietta Kies, Dr. Marion Parker Whitney, Fannie Smith, Ida Keigwin, Mary Hooker, Dr. Alice Hamilton, Ellen Porter Hubbell, Benita Virginia Slocum, Dr. Katherine Blunt, and Mary Kingsbury; and Part III—Modern Pioneers: Mrs. Isabelle Pearson, Prof. Edna Baxter, Grayce E. Long, Vina M. Aherne, Elizabeth C. Sonier, and Sister Mary de Lourdes.

The book, published by Dowd Printers in Winsted, Conn., is well worth reading, for it is a splendid commentary on the State's colorful women educators. For the interest of my colleagues, an article regarding the book which appeared in a recent issue of the Keynote, the Alpha Kappa State publication, follows:

Alpha Kappa State To Publish "Pioneer Women Teachers of Connecticut"

Alpha Kappa State has dreamed of publishing a book about the *Pioneer Women Teachers of Connecticut* ever since its members began to search the archives and discovered that Connecticut Educators had accomplished so many "firsts".

In the beginning, back in 1946, the members were content to have a chapter member write-up such early educators as Fannie Smith, Prudence Crandall, or "the dancing teacher", Benita Virginia Slocum. These manuscripts were carefully prepared for "the book" which would sometime be published, and meanwhile some were published in *The Connecticut Teacher* with the carbon copy and a figurine of the teacher concerned placed on file in the Connecticut College Library at New London.

The first pioneer teacher to be reviewed was Miss Fannie Smith whose biography was written by Miss Lucy S. Curtiss of Bridgeport, and appeared in the January 1946 issue of the *Connecticut Teacher*. Gradually several more biographies were added to the file, including the life of Mrs. Isabelle Pearson of Winsted who retired from active service in June 1956, after a long record of service. But for one reason or another she declined to have a figurine dressed to resemble her. Her autobiography, however, formed a part of the Alpha Kappa State exhibition at the International Delta Kappa Gamma Society convention, conducted that year at Bal Harbour, Florida. Then as the time and effort involved seemed prohibitive the project was dropped but not forgotten.

However, in 1969, when Alpha Delta State, Ohio; Beta Beta State, Hawaii; Alpha Rho State, Oregon; and several others began to publish books on their Pioneer Teachers, Alpha Kappa State members again raised the question concerning the *Pioneer Women Teachers of Connecticut*.

State President Josephine Bree appointed Hannah Griswold, chairman of the committee, to be assisted by Helen Hogan, Harriet Foley, and Helen M. Sheldrick, the editor, with Josephine Bree serving in an eff-officio capacity.

The committee decided to divide the book into three sections: Early Pioneers, Pioneers, and Living Pioneers. The complete manuscript now at the Dowd Printers, Winsted, contains the biographies of twenty-three Connecticut Women Pioneers in Education and it is expected it will run about 350 pages. The copy is written in an informal style by the members of Alpha Kappa State who either knew these Pioneers personally or were well-acquainted with their relatives or descendants.

Two of the Pioneers are direct descendants of early settlers of Connecticut who with the Reverend Thomas Hooker journeyed down the Pioneer Valley Trail to settle Hartford in 1636. Miss Ellen Hubbell of Bristol, and Mrs. Mary Mather Hooker of Hartford can claim this honor. Miss Sarah Pierce wrote her own textbooks and founded the first instittiution in the United States for the higher education of women, in Litchfield, in 1792. Miss Catherine Beecher, who attended that school, founded a similar school for young ladies known as the Hartford Seminary. Emma Willard who also founded a school for girls, was forced by the mothers to paste heavy brown paper over pictures of the heart, arteries, and veins to "preserve the girls' modesty and frequent agitations". Prudence Crandall established the first school for Negro girls in Canterbury in 1833. Fannie Smith founded the first kindergarten in Bridgeport. Dr. Marietta Kies was the first woman to receive a doctoral degree in Philosophy, 1889, at the University of Michigan; Dr. Alice Hamilton was the first woman to be permitted to attend classes at the University of Leipzig, Germany, provided she did not make herself "conspicuous". And back to Mrs. Mary Hooker, the mayor of Hartford's wife, she has the distinction of being the first women to speak in the House after being elected to the Connecticut Legislature in 1921. These are only a few of the highlights achieved by the Pioneer Women Teachers of Connecticut whose lives represent a continued service to the state and cover a period of over 200 years of active service.

But, if there is one thing which the book proves, it is that education has come a long way since the days when a member of the local school board counted out the sticks of wood to be burned in the cast iron stove during the week for Miss Ellen Porter Hubbell, for these are the women who have been the trail blazers.

TRIBUTE TO JOE HEAVEY: EARTHQUAKE HERO SUCCUMBS

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 7, 1972

Mr. CRANSTON. Mr. President, one of California veterans' greatest friends died in San Diego, Calif., on February 6, 1972.

He was Joseph F. Heavey, who, just exactly 1 year before his death, performed heroically during the devastating February 9, 1971, earthquake which struck VA's San Fernando Hospital with a loss of 46 patients and employees.

Joe Heavey, who began his distinguished civil service career with VA in 1946, was the acting hospital director at San Fernando at the time of the earthquake.

It was a tragic time and would have been more tragic, except for Joe Heavey. He performed personal acts of heroism, he worked around the clock for several days to help save more patients and employees caught in the debris, he was everywhere where help was needed.

Rescue operations were under his superb direction, and the phrase, "uncommon dedication," took on a new meaning from his efforts. He was tireless in his efforts following the earthquake. He was everywhere at the site, helping and directing the evacuation and transfer of patients, the treatment of the injured, and the recovery of bodies.

His sure hand was effectively evident in the immediate post-earthquake days in helping to bring order and cohesion in taking care of patients and employees, and in arranging hundreds of procedural remedies so that the job of caring for sick and disabled veterans could go on.

Joe Heavey received the highest honor the Veterans' Administration can award. Administrator of Veterans Affairs Donald E. Johnson presented him with VA's Exceptional Service Award with Gold Medal. At the time of the presentation, Mr. Johnson said:

> Joe Heavey has the rare quality of personal dedication, and service to veterans has been his guiding principle for 25 years. I am proud that he is a member of the VA family.

At the time of the earthquake, Joe Heavey was himself recovering from a heart attack. Yet he gave of himself in a totally unselfish way without regard to his own precarious health. I cannot help believe that Joe Heavey's heroism shortened his own life. As chairman of the Subcommittee on Health and Hospitals of the Veterans Affairs Committee and a Californian, I know I speak for all members of the committee and the entire Senate in paying special tribute to this highly dedicated, truly brave man. We are all lessened by his passing, and we mourn his tragic death.

NAMIBIA: RACE ISSUES SIMMER IN REMOTE TROUBLE SPOT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mr. FRASER. Mr. Speaker, Namibia—South-West Africa—is administered by the Republic of South Africa even though its 1920 League of Nations Mandate has been revoked by the United Nations. Frederic Hunter, a staff correspondent of the Christian Science Monitor, has written an excellent article examining the present political situation in Namibia. This appeared in the Monitor, March 1, 1972. An article by Peter Younghusband was printed in the March 6 issue of Washington Post. It, too, provided a good look at Namibia and at U.N. Secretary General Kurt Waldheim's trip to South Africa. I insert both articles in the RECORD.

SOUTH-WEST AFRICA: RACE ISSUES SIMMER IN REMOTE TROUBLE SPOT

(NOTE.—South Africa has administered South-West Africa under a League of Nations mandate since 1920. Last year that mandate was revoked by the World Court—a decision which helped spark a political awakening among the area's nonwhites. Now, with the forthcoming visit of UN Secretary-General Kurt Waldheim, observers are wondering what the next act will be in a little-known but important race-relations drama involving the UN and South Africa.)

(By Frederic Hunter)

WINDHOEK, SOUTH-WEST AFRICA.— South-West Africa is one of the world's remotest regions, a broad expanse of dry, sparsely populated, desertlike flatland broken by occasional hills. It is the last place one would expect to find news of global significance.

But important things are happening here.

And the coming visit to South-West Africa by United Nations Secretary-General Kurt Waldheim could well bring them to a climax.

His visit could also pave the way for an eventual settlement of the long-standing UN-South African dispute over this territory—although the history of that dispute offers bleak prospects for a settlement.

MANDATE RIGHTS MAINTAINED

South Africa maintains its right to a 1920 mandate over the territory, bestowed by the League of Nations and since revoked by the United Nations. A settlement would almost certainly involve long, detailed negotiations which the UN might still eventually reject.

But there appears to be greater flexibility in the South African position than is generally supposed. Whether this appearance translates into reality remains to be seen.

Settlement of the South-West dispute would undoubtedly lead to dismantling the more onerous examples of white exploitation of blacks.

The Ovambo (black) compound in Katutura Township outside Windhoek is one such example. This compound symbolizes the worst aspects of South Africa's presence in South-West Africa.

Katatura has played an important role in sparking the political awakening and economic rebellion of the territory's nonwhite peoples.

Looking like a prisoner-of-war camp, the Ovambo compound is enclosed by high brick walls with shards of glass embedded in the top Conditions like these led 13,000 Ovambo contract workers to strike in mid-December.

crippling South-West White Africa's economy.

SLAVERY COMPARISON

South-West's contract-labor system has been likened to slavery. Contracts range from 12 to 18 months during which workers are separated from their families.

Pay is low. Employers and white administration officials insist that few workers receive just the minimum legal wage of 30 South African cents (about 45 cents U.S.) per day. But at least some receive no more than that.

Moreover, employer attitudes are clear. There is, for example, the view of J. P. Ratledge, general manager of the Tsumer Corporation, in which 58 percent of the shares are owned by two American firms, Newmont Mining and American Metal Climax.

In a telephone interview, Mr. Ratledge commented: "I do not subscribe to the attitude that if a company—by its initiative, skills, and so on—makes big profits, it's necessary to distribute them to labor."

It is not yet entirely clear exactly what sparked the black labor strike. In a customary reaction, the South African Government has blamed foreign agitators and meddling clerics.

But most observers who have been to South-West Africa, talked to nonwhites and their spokesmen, and seen the nonwhite labor conditions regard this view as an indulgence in wishful thinking.

On-the-spot observations suggest that labor grievances themselves sparked the strike—combined with a series of catalytic events stimulating nonwhite political awareness.

Among the grievances are low wages, bad living and working conditions, strained employer-employee relations, inability to change jobs freely, and long periods of separation from families.

Further, the system itself is a grievance. It has tended to treat the Ovambos as mere labor units whose youth and strength could be exploited for the increase of white wealth.

SETTLEMENT SOUGHT

The South African Government moved to settle the strike in mid-January. But, it did so in a manner consistent with its overall Bantustan (black homelands) policy by negotiating an agreement with its own appointed Ovamboland Legislative Council (OLC).

The agreement resembled an international treaty. At no time did the South African Government or the white employers actually negotiate with the black strikers.

Yet the new agreement does offer some substantial improvements on the former contract system. It transfers labor recruiting operations to the OLC.

This marks a progressive step—even though the strikers reject the council as their legitimate bargaining agent. Under the earlier recruiting system, an organization controlled by employers handled all recruiting functions, including determination of wages.

Under the new system, a contract worker now may change jobs outside Ovamboland without being forced to return home and without liability to criminal prosecution for leaving his original employer.

But the new system ignores basic worker grievances. It initiates no tangible moves toward bettering living conditions or permitting families to accompany workers.

It gives Ovambos no effective bargaining power with employers. Ovambos must approach employers individually while employer groups can organize—and have done so—to keep wages at a low level.

Despite South African Government claims to the contrary, it is not yet clear that the new agreement has, in fact, solved the labor problem. The government claims that more than 6,000 workers from South-West's northern territories have taken jobs since the settlement. That is less than half the total number of strikers.

But no agreement would settle the Ovambo strike—if it sought exclusively to resolve labor grievances.

The strike is most significantly a political act. It has triggered extensive political activity inside Ovamboland by men who oppose the OLC's exclusive hold on political decisionmaking.

To control the potentially explosive situation, the South African Government has reinforced its police and military units in Ovamboland. Clashes between police and political activities have resulted in the death of at least eight Ovambos. In early February, the South African Government placed Ovamboland under what amounts to emergency regulations.

A political awakening has also occured outside Ovamboland. It has taken the form of growing contacts between the territory's various indigenous peoples. In November and mid-February conferences were held in Rehoboth, 50 miles south of here.

At the first conference, the territory's nonwhite peoples affirmed their common desire for an independent South-West Africa. In February they discussed federal forms of government by which they would jointly rule the territory.

Even with these new disruptive factors, it is UN Secretary-General Waldheim's visit that possesses the real potential to bring change to the territory. The visit springs from a Security Council mandate requesting Dr. Waldheim to make contact with the South African Government about its equivocal position in South-West.

The Waldheim visit is generally regarded in South Africa as coming at an inopportune time. Nonetheless, the official position is that the republic has "nothing to hide" in South-West Africa. Indeed, it considers Ovamboland itself a showpiece of enlightened development.

It seems clear that South Africa had more to lose by withholding an invitation to Dr. Waldheim than by extending one. According to prominent Afrikaner Nationalist editor Piet Cillie, the visit should at least produce a "lowering of temperatures" between the UN and South Africa.

Hopes are expressed in Cape Town, where the South African Parliament now is meeting, that Dr. Waldheim will act in the European tradition of a civil servant, coming to the republic without the political preconceptions which South Africans generally ascribe to his predecessor U Thant.

Some observers believe that South Africa possesses little room to maneuver on the South-West issue. They regard the territory as vital to South Africa's defense. They argue that South-West Africa provides the republic's heartland with a sizable buffer under South African control. It also offers South Africa a territory on which to maintain forward military bases close to the black-ruled north.

CREDIBILITY FACTORS

These are considered important factors lending credibility to the South African Government's campaign to emphasize the threat posed by the African liberation movements and the Communist Chinese presence in Tanzania and Zambia.

Some analysts believe that South Africa could not afford to make concessions over the physical control of South-West Africa until at least Zambia and Zaire proved themselves neutral in terms of South Africa's position on the continent.

Some observers contend that concessions to the UN over the physical control of South-West would lead to the downfall of South African Prime Minister John Vorster. His popularity has already waned due to economic difficulties and his failure to pursue a coherent race-relations policy.

But other analysts, including government officials both here and in the republic, see possibilities for compromise.

There is a surprising amount of speculative talk—much of it on a "don't-quote-me" basis about means by which the South-West impasse could be overcome.

Although difficult to evaluate, this talk suggests that more basis for compromise exists than is generally supposed. Indeed, according to analysts in South Africa, the republic and the UN are agreed on the principle of self-determination for South-West.

But the two differ on approach.

The UN favors self-determination for the territory as a geographical unit. South Africa espouses self-determination for the territory's individual population groups.

This latter approach deserves particular consideration in a vast, sparsely populated, desertlike territory like South-West, South African analysts claim. They emphasize that the costs of establishing and maintaining an effective administration over so large an area, populated by less than 1 million people, could be considerable.

This is especially true, they stress, when one considers that the ethnic and cultural differences between the population groups suggests a potential for serious conflict if the territory achieves independence as a geographical unit.

OPEN-MINDED OUTLOOK

South African spokesmen give the impression that their government would openmindedly consider any proposals which sought to resolve the South-West problem "on the basis of the factual situation and of practicalities."

One official notes that South Africa has felt for some time that a useful purpose would be served if "you could sit around a table and look at the South-West situation coldly."

Speculative talk repeatedly returns to the possible revival of a partition plan suggested by the UN Good Offices Committee in 1958. The plan envisages dividing South-West Africa into two roughly equal parts by creating a border along the 22nd parallel.

South Africa would surrender control of the northern territory to the UN. This contains most of the areas presently designated as Bantustans for the Ovambos (population: 342,000), Okavangos (50,000), Hereros (49,000), Damaras (65,000) and others. Such a surrender would constitute a major concession by South Africa.

The future of the southern territory thus created remains less clear. It would include virtually all South-West's white population, some 90,000 persons.

Since the whites outnumber the other main southern groups, the Coloreds (28,000), the Namas (33,000) and the Rehoboth Basters (16,000), their self-determination objectives could not be ignored.

The whites might well desire links with or incorporation into the republic. Other arrangements could be made, however, including continued South African control by virtue of either a fixed or indefinite extension of the mandate.

POLITICAL ROADBLOCKS

While the basis for compromise may exist, practical political problems reduce the likelihood of its actually taking shape.

Both sides in the dispute—South Africa and the UN's Afro-Asian bloc—approach the problem from fairly rigid positions. Both justify their stances from standpoints of legality and morality.

In supporting a partition-plan compromise, both sides would open themselves to sustained criticism. It could undermine their positions, even trigger unsought political change.

There must be serious doubt about the South African Government's ability to educate its Afrikaner constituency to accept such a concession if the government were actually willing to offer it.

There is also serious question about the willingness of South Africa's more outspoken opponents to accept a compromise which might place the republic in a favorable light.

But gradual steps toward a compromise might eventually defuse a nagging world trouble spot. They would almost certainly foster better black-white relations on the continent.

That, in turn, would improve the prospects of both black-African development and white-African survival.

Waldheim To Tackle Namibia Problems

(By Peter Younghusband)

Cape Town, South Africa, March 5.—U.N. Secretary General Kurt Waldheim arrives in South Africa Monday for a close-up look at one of the world organization's most prolonged and emotional issues—the 25-year-old wrangle by Afro-Asian nations to wrest the trust territory of Southwest Africa away from South African control.

Waldheim's arrival coincides with the Southwest African problem reaching a new crescendo of bitterness. The territory (called Namibia by the United Nations) faces industrial chaos as the result of labor unrest which has affected the rich fishing and mining industries.

Among the hardest hit are copper mines at Tsumeb, about 200 miles from the Southwest African capital of Windhoek, which are largely owned by the American Newmont Mining Corporation.

Ovamboland, the northernmost and most populous region of the territoy, is in a state of near rebellion as dissatisfied strikers sent home from the industrial areas further south spread their discontent.

The South African government has flown in police reinforcements and troops to maintain order in the area, but eight Ovambos have died in recent clashes with police patrols.

The Anglican bishop in Southwest Africa, the Rt. Rev. Colin O'Brien Winter, his secretary David de Beer and a local priest, the Rev. Stephen Hayes, have had deportation orders served on them by the South African government, which alleges that they have helped to incite the strikes and the Ovambo uprising.

Hotly denying the charges, Bishop Winter intends to petition Waldheim immediately on his arrival in Cape Town with claims that the unrest in Southwest Africa is due entirely to the oppression and injustices of the South African government's racial segregation policy.

It is now Waldheim's unenviable task to probe this maelstrom.

Southwest Africa, a little larger than the state of Texas, has a sparse population of only 700,000. Of these about 70,000 are whites. The Ovambos (population 350,000) are the largest indigenous tribe and provide most of the territory's industrial and farm labor.

Other ethnic groupings include the Kavangos, Damaras, Hereros, Namas—and a tempestuous half-breed community, about 16,000 strong who rejoice in the name of the "rehoboth bastards."

Southwest Africa was a German colony until World War I when occupied by South African troops. Trusteeship of the territory was then granted to South Africa by the old League of Nations.

South Africa has continued to administer the territory ever since, refusing to relinquish control to the United Nations which it does not recognize as the legal and logical successor to the League of Nations where Southwest Africa is concerned.

Incensed at the fact that the South African government extends its apartheid race ideology to Southwest Africa, the Afro-Asian bloc at the United Nations has long called for South Africa's expulsion from the territory and for it to become the independent state of Namibia. The General Assembly approved a resolution calling for South Africa's expulsion from the territory in 1966.

Last year these demands were heavily underlined by a World Court advisory opinion that South Africa's continued presence in the trust territory was illegal.

The South African government clings to its mandate to control the territory for two important reasons. One is that Southwest Africa is fabulously rich in diamonds, copper and other minerals, has a strong cattle industry and its coastline possesses one of the world's biggest and richest fishing grounds.

The other reason is purely a strategic one: The handing over of Southwest Africa to U.N. control and allowing it to become, ultimately, an independent black-governed state would expose South Africa's flank to a 1,500-mile border across which African nationalist liberation movements could launch guerrilla attacks.

The government claims, in fact, that African nationalist political organizations, with support from the Anglican and Lutheran churches, are behind the mass strike over the Christmas period by 13,000 Ovambo workers and the more recent strife in Ovamboland.

The South African government points out, too, that it has poured millions of dollars into the development of Ovamboland and the other tribal homelands in its own recipe of bringing the nonwhite peoples to independence—by the creation of several mini-states based on their ethnic and territorial groupings.

But the government has also admitted that the main grievance stated by the strikers—the migratory labor contract system by which they are recruited and employed—held sufficient injustice to merit their walkout.

Under this system some laborers have been paid as little as $5.22 and $2.12 a week, provided with inadequate food and housing and not permitted to bring their families with them to their place of work.

The government has taken steps to improve these conditions, but not yet to the satisfaction of all the strikers. Although most of the 13,000 have returned to work, industrial unrest continues.

Waldheim's visit was authorized by the U.N. Security Council session held in Addis Ababa, Ethiopia, last month. His mandate was: "to initiate contacts with all parties concerned with a view to enabling the people of Southwest Africa to exercise their right to self-determination and independence."

The secretary general has no illusions as to the difficulty of the task ahead of him. Before leaving New York he said: "A majority of states have voted to remove South African control over the mandated territory. It is clear that one cannot solve such a difficult question in a few days, but I hope we can make progress."

South Africa's Premier John Vorster announced his willingness to receive Waldheim in Cape Town to discuss "the self-determination of the non-white peoples" and to allow him to proceed to Southwest Africa.

He added: "However, if he wants to come to South Africa to act as the mouthpiece of the extremists of the Organization of African Unity and others, and to put across resolutions taken in that connection, he will still be very courteously received by us, but I can tell him in advance that he will be wasting his time."

JOHN KEMP, A SUCCESS DESPITE MULTIPLE HANDICAPS

HON. MILTON R. YOUNG

OF NORTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 7, 1972

Mr. YOUNG. Mr. President, I was real pleased and interested to read a feature story in the Washington Daily News of March 1 about a very good friend of mine, Mr. John Kemp, formerly of Bismarck, N. Dak.

The story dealt with Johnny's remarkable accomplishments despite the fact that he is a congenital quadruple amputee. This young man, who was the National Easter Seal Child in 1960, when still living in Bismarck, has refused to let these multiple handicaps keep him from making a career for himself. He is currently a student in the School of Law at Washburn University, Topeka, Kans.

Mr. President, Johnny Kemp is one of the nicest and most personable young men I have ever known. He accomplishes more with his handicaps than most people who have no handicaps. He cannot help being a tremendous inspiration, not only to handicapped people, but to everyone who comes to know him. I have followed his career with great pride ever since he was a young boy. He was president of his high school class and vice president of the 1971 graduating class of Georgetown University before entering law school. He is also the youngest member of the board of directors of the National Easter Seal Society and is currently serving as chairman of their national youth action committee. These are but some of the things Johnny Kemp does as he conquers what would be an insurmountable problem for most people.

Mr. President, I ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Headstrong Rejection of Handicap

(By Nancy Roberts)

When John Kemp was born without arms or legs, a doctor advised his parents to take him home, place him in a basket, and make him as comfortable as possible for the rest of his life.

Fortunately they chose to disregard this bit of advice. And because they did, John Kemp has accomplished more in 22 years than many of his peers. Today he uses his mind rather than his body.

Vice president of the 1971 graduating class of Georgetown University, he was also president of his high school senior class. Now studying law at a mid-western university, he's also the youngest board member in the 53-year history of the National Easter Seal Society.

Prime mover in the success story of this young man is his father, who convinced him that despite being a congenital quadruple amputee, he was not handicapped. Fitted with artificial arms at age 2 and artificial legs at age 3, John is convinced there are not absolute limits to his abilities. He can't manage a conventional ice cream cone, but, loving sports, he throws a great fast ball and learned early to catch a baseball well. Tying a necktie is one of his biggest problems, but he was marble champ of his block in Bismarck, North Datoka, and operated one of the largest paper routes in his community. Altho he never could manage to ride a bicycle, he now skillfully drives an automobile.

While his personal achievements in adapting his condition to everyday situations are outstanding, so are his efforts to help people. He was named "National Easter Seal Child" in 1960 and followed up his tour by serving as a page at the World Congress of the International Society for the Rehabilitation of the Disabled.

In December, 1970, he served as a delegate from Kansas to the White House Conference on Youth, and at the Youth Committee of the President's Committee on Employment of the Handicapped.

His most recent efforts to help the handicapped center around galvanizing the youth of the nation to help those who are less fortunate. Toward this goal, he is serving as chairman of the Easter Seals National Youth Action Committee of which he is a very active charter member.

EVILS OF FORCED BUSING BEING EXPOSED—JUDICIARY COMMITTEE CONTINUES HEARINGS ON ISSUE

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mr. FISHER. Mr. Speaker, "quality education" is being used as a favorite smokescreen by politicians who support forced busing, but are afraid to face the wrath of public resentment being registered against this form of tyranny.

The real truth is that improved quality of education is not involved. Every educator who is honest about it knows that the quality of public education is deteriorating, because of this monstrous policy of dragging schoolchildren away from their local schools, often located across the streets from their homes, and forcing them to be transported long distances on the invalid and unsupported theory that by some magic they will absorb more education by being mixed with youngsters who happen to be of a different race, religion or color.

How utterly absurd can they get? Experience refutes this strange theory. I am convinced American parents are unimpressed. Only the naive, the uninformed, and the gullible will be fooled by this crude display of duplicity.

A subcommittee on the judiciary is currently holding hearings on a proposed constitutional amendment which would outlaw forced busing and at the same time restore the traditional integrity of the neighborhood school in this country. Under leave to extend my remarks I include testimony I recently presented to that committee:

STATEMENT BY REPRESENTATIVE O. C. FISHER

Mr. Chairman, I welcome this opportunity to testify in behalf of proposals which would amend the Constitution by providing that no public school student shall be assigned to or required to attend, or forbidden to attend, a particular school because of his race, creed, color, or economic class.

I would hope the resolution, if and when reported by this committee, will make crystal clear this prohibition shall be binding on all federal agencies, bureaus, departments, and courts.

Because of the projection of the forced busing concept, we face in this country an anomalous situation, which has become too intolerable for the people to bear. Every national and local poll I have seen, including the Gallup poll, confirms the fact that some 80 percent of all Americans are opposed to this form of tyranny—and they demand, and are entitled to have, something done about it.

Mr. Chairman, as you well know, there has been a lot of side-stepping and double-talk on this issue. There are those who say, "Yes, of course, I'm against busing, but this is not the way to do it." Another one says, "I'm against busing, unless it's done to provide 'quality' education."

Now, these excuses are invalid. They are used by those who are apparently afraid to take a firm stand on the issue and are unwilling to do something about it. They blow hot and cold at the same time. So often we hear the voice of Esau but we see the hand of Jacob. We have reached the point where you are either for or against the forced busing concept period. In my opinion the American people are in no mood to accept phony excuses.

If a particular school is below the educational standard of another school located 10 miles away, the answer is not in buying a bus, hiring a driver, and hauling a bunch of the children to the more favored school, and vice versa. The answer and the only proper answer lies in actions to improve the standards of the school which may be deficient in some respect.

The fact is that forced busing is for one purpose only—not to improve educational opportunities but for racial mixture purposes. Indeed there is much evidence that the forced busing lends itself to the lowering of educational standards, along with other undesirable effects.

Busing has nothing to do with neighborhood integration; we already have that. Today no child is denied admittance to any public school because of that child's race, creed, or color.

When you talk about taking children out of their neighborhood schools and forcing them to travel 10, or even 20 miles, you are tinkering with the health and safety of those youngsters. You are striking a blow at a basic American freedom. You are attacking the neighborhood school concept, so dear to the hearts of all Americans, regardless of race. You are undermining the integrity of the public school system in this country.

Mr. Chairman, forced busing has become not only a national issue but a national scandal. Busing costs money—vast amounts of money—money that should be used for educational purposes, and to improve any schools that need it for that purpose. The courts have made it clear that the only real and permanent answer to this problem is a constitutional amendment—unless, of course, this committee should prefer legislation to limit the jurisdiction of the courts as applied to pupil assignments.

I am confident this committee will recognize the urgency of this matter and will proceed to report a resolution which will allow every member of the House to vote on it—one way or another. Surely it is recognized that the American people are entitled to this consideration.

ADDRESS BY REPRESENTATIVE LESLIE ARENDS AT 12TH ANNUAL AMERICAN LEGION CONGRESSIONAL BANQUET

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 7, 1972

Mr. THURMOND. Mr. President, on March 1, 1972, the Honorable LESLIE C. ARENDS, of Illinois, spoke before the American Legion's 12th Annual Congressional Banquet. I am very much impressed by his remarks and would like to bring his speech to the attention of the Senate.

Representative ARENDS and I are active members of the American Legion. Because of his vantage point, he can well appreciate the flexible legislative programs which the Legion has evolved, year after year, to meet the changing conditions and needs of our country. The Legion, through its various proposals, have done much for a better understanding and appreciation of what it means to be an American. This is particularly true at local community levels where our veterans' problems must be approached.

In the words of Representative ARENDS:

> Of course America is not perfect. Perfection means completed, and we have only begun. We will always be striving for a better tomorrow for all Americans.

I stand with Representative ARENDS that to be an American is not a right, but a privilege. Further, it is an obligation that goes hand in hand with citizenship and should be borne with honor. These interesting remarks deserve the attention of Congress.

Representative ARENDS is looked upon as one of the most distinguished statesmen in our country today. He has served in the House of Representatives for 37 years and has an outstanding record. He is a credit not only to his constituents but to the entire Nation. As a man of great ability and staunch character, he is courageous in his actions and truly a great American.

Mr. President, I ask unanimous consent that the address be printed in the Extensions of Remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY HON. LESLIE C. ARENDS

I cannot possibly convey to you how proud I am to have been selected by such an outstanding organization as The American Legion for this coveted distinguished public service award.

When I consider the national stature and prestige of The American Legion, and the contribution you have made for the preservation and promotion of our American ideals of liberty and justice . . .

And, when I consider the nature and extent of the service rendered by those previously honored with this award—I am made humble in my pride. I wish I could be as worthy.

To have my name inscribed in this manner on the public service "honor roll" of The American Legion is much more meaningful to me personally than you realize. What makes it so meaningful is that I would not have become a Member of Congress, much less be standing here this evening, had it not been for the vigorous, tireless support I received from Legionnaires and the Ladies of the Auxiliaries when I first ran for Congress.

As a World War I veteran I had been active in Legion affairs and was privileged to serve as the District Commander in my area. In the 1934 Congressional election it was suggested that I become a candidate for the Republican nomination for the seat in Congress then held by a Democrat.

I had never been a candidate for public office. I was young and inexperienced and had meager financial resources. My home was in one of the smallest towns in the smallest county in the District. Relatively few, except for my Legion comrades, thought I had much of a chance.

But we took that chance! And, thanks to the tireless efforts of the Legionnaires and thanks to the persistent efforts of their Ladies, I won the Republican nomination by the slim margin of less than 500 votes and went on to win a seat in Congress.

The honor you bestow upon me this evening thus has special significance to me. It was my friends in The American Legion of the 17th District of Illinois who launched me on my Congressional career. Receiving this award means to me that I have not betrayed the confidence they first placed in me as a fellow Legionnaire many years ago.

I must say that I have had no regrets to have made service in the Congress my life work. It has for me been a rewarding experience, and by that I do not mean financially. While the demands are great, I can think of nothing more stimulating and more satisfying than being a spokesman for the people you represent and having a voice, however small, in your country's destiny.

But service in the Congress is not without its frustrations and disappointments, and I suspect I have had more than most Members. You will know what I mean—and I hope sympathetically—when I remind you that during my nineteen consecutive terms since 1935 only two of them have been in Republican controlled Congresses.

Needless to say, over the years I have been well acquainted with the legislative programs of The American Legion as they evolved, year by year, to meet changing conditions and circumstances, and presented to the respective Congresses. No one could be more aware of the long continual fight you have waged, and continue to wage, for the welfare of our deserving veterans and their dependents.

Nor can anyone be more appreciative than I of all that you have accomplished.

The accomplishments of The American Legion go beyond making certain that we, as a Nation of free people, discharge our obligation to those who sacrificed in defense of our freedom. Through various programs, particularly at the local community level, you have done much for a better understanding and a deeper appreciation of what it means to be an American.

To be an American is not a right, either by birth or by acquisition. It is a privilege. It is more than that. It is a life-long obligation to an ideal, with duties and responsibilities. To wear the uniform of the United States is an honor.

This is the doctrine which The American Legion has enunciated since its inception 53 years ago. And this will be the doctrine upon which I will evaluate any proposal of amnesty for those who evaded military service. When our distinguished American Legion Commander testified this morning on amnesty legislation before the Kennedy Subcommittee on the Senate Judiciary Committee he expressed my views, and I am sure yours, when he said that this is not the time to be considering amnesty for draft evaders when our American boys are held as prisoners-of-war and when our boys are still fighting in Vietnam and there is no peace.

And to those who persist in pointing out what is wrong with America, ignoring all that is right with America, I would say: of course, America is not perfect. Perfection means completed, and we have only begun. We will always be striving for a better tomorrow for all Americans.

What of this better tomorrow for which we are striving. It would not be worth the living—however well-fed, well-clothed, well-housed and well-educated we all may be—if we are not safe and secure in our freedom. As President Nixon stated in his recent "State of the Union" address: "There could be no more misguided priorities than one which would tempt others by weakening America, and thereby endanger the peace of the world."

It is written in the Good Book, "What is a man profited, if he shall gain the whole world, and lose his own soul." We might ask our liberal friends who complain so vigorously about defense expenditures when there are so many social needs, "What would the American people have profited if every social need is met, and we lose our own freedom."

We recognize there are many social needs to be met and there are budgetary limitations on what the Federal Government can do to meet these needs. We are realistic enough to recognize that expenditures for social programs have much more popular appeal than expenditures for national defense.

And, I might add, we also understand the realities of politics, particularly in an election year.

This may explain, but it does not justify, the attacks some of our social planners—in and out of Congress—have been making in our defense budget. It would be no exaggeration to say that some of them would have us disarm unilaterally to make more funds available for social purposes. I have yet to hear any of them advocate an increase in taxes to meet what they consider to be neglected needs.

All of us recognize there are these social needs. I have supported programs to meet those needs.

All that I ask—and all that The American Legion has ever advocated—is that a sufficient portion of our national resources—a sufficient portion, no more and no less—be committed to our national defense to assure our freedom.

Let us take a look for a moment at this defense budget that they consider so excessive.

The fact is, for the first time in 20 years defense spending has been brought below the level of human resources spending.

The fact is, the new budget for next fiscal year allocates, for the first time, more money to the Department of Health, Education and Welfare than to the Department of Defense.

The fact is, our defense spending in the current fiscal year has fallen to 7 percent of our gross national product and will be down to 6.4 in fiscal year 1973, compared to 9.5 percent in 1968.

The fact is, there has already been a reordering of the priorities, and there should be no higher priority than our country's safety and security.

Those are the facts, and yet the social planners complain. They try to create the impression that we are under the insidious influence of a military-industrial complex, whatever that is. The mere fact that 60 percent of our defense budget represents personnel costs belies any influence by a mythical military-industrial complex for unnecessary weapons procurement.

In considering the size of our defense budget it should be borne in mind that we have entered upon a costly program for phasing out the draft and the establishment of an all-volunteer force. A recruit, for example, with less than one year of service received $78 a month in July of 1963. As of January of this year his pay became $288 a month, and this does not include numerous fringe benefits.

Our program for the establishment of an all-volunteer force is expensive. But it is what the American people want, and the American people must be prepared to pay the price.

It may be that in raising the level of pay of recruits and young servicemen to comparability with private employment we will still not get an all-volunteer force. Even if we do not, to pay comparable salaries to our servicemen is, in my judgment, the only fair and equitable thing to do. It is something we should have done a long time ago. If we are going to be in a position of requiring some men to be subject to a draft, we do not want to be also in a position of forcing them to accept unjustly low pay because of that draft.

It should also be borne in mind that inflation has had a tremendous impact on the size of the defense budget in terms of dollars.

Like everything else, a gun, a ship, an airplane, a tank and all other weapons, cost more than three or four years ago. In terms of constant dollars—that is making allowance for inflation—our defense budget is 30 percent less than for fiscal year 1968, which was the wartime peak and 8 percent less than the 1964 prewar level.

There is no denying that a defense budget of $83.5 billion is a tremendous sum. But I am confident the vast majority of the American taxpayers are willing to bear this burden as long as it is necessary for our country's security, and provided we get a dollar's worth of defense for each dollar expended.

In a "State of the World Report" President Nixon said: "It is essential that the United States maintain a military force sufficient to protect our interests and meet our commitments."

The measure of sufficiency is not the number of dollars we spend annually on our defense establishment. The measure is whether it is sufficient to ensure the continued safety and security of our country and to maintain peace. Our objective is not to make war, but to deter war.

In keeping with this objective, the size and nature of our national defense is necessarily dictated by the nature of the world in which we live, by the threat and potential threats we face.

The size and nature of our national defense is also dictated by our treaty commitments and by what our allies contribute to our mutual security.

I am constrained to add parenthetically that in my opinion our allies have been contributing all too little and we have been overcommitted.

It is on these premises—not what the military might like to have, be it Army, Navy or Air Force; nor what industry might want, be it aerospace or shipbuilding; nor what any of the Presidential aspirants may advocate, be he hawk or dove—it is on a basis of actual need that our Committee on Armed Services makes its evaluation of our defense posture and a determination of what should be authorized.

Our Committee is currently engaged in making such an inquiry into our defense needs. And in this connection I should like for you to know that I have always been proud of the non-partisan manner in which our Committee has dealt with all matters pertaining to our national defense.

This has been, and continues to be, our Committee policy, whoever is President and whatever the political complexion of the Congress.

It is hardly necessary to tell you that Soviet Russia continues to be the principal threat to our national security and to the maintenance of peace. But I do not believe the American people are fully aware how grave that threat has become. In the field of nuclear arms Soviet Russia has caught up with us. Their development and deployment of strategic nuclear weapons has been faster than we anticipated.

In testifying before our Committee a couple of weeks ago, Secretary of Defense Laird said something to which I am sure we would all subscribe to:

"The American people may perhaps be willing to accept parity in regard to the deployment of strategic nuclear weapons; but, in my view, they will never accept a position of inferiority."

As we all have known, Soviet Russia is far ahead of us in total number of submarines and has been engaged for several years in a large ship-construction program. We, however, have placed great reliance on our lead in a ballistic-missile type submarine, such as the Polaris. Last year we estimated that the Soviet ballistic-missile submarine force will probably not equal ours until 1974. We now find that they will equal our ballistic-missile submarine force next year and by the end of the year could have a force larger than ours.

We are building no new ballistic-missile submarines.

We cannot permit Soviet Russia to gain control of the seas and to have such nuclear strategic superiority as to be able to blackmail us. It is imperative that we maintain a strategic sufficiency as a deterrent to this growing threat. And above all, it is imperative that we maintain a technological superiority.

Many of the weapons systems Soviet Russia is now producing are the product of its stepped up research and development efforts. As Defense Secretary Laird stated before our Committee, "The USSR has now reached a position where—unless we take appropriate action—there could be new surprises and new 'sputniks'."

You will recall how shocked we were and how panicky we become when Russia launched its "Sputnik" in 1957.

It is because of this threat that the President has recommended an increase in defense spending, with the emphasis on research and development that we can maintain technological superiority. We are determined to have now, and in the future, a national defense of such size and nature that no one dare risk an attack on us. To be safe and secure in our freedom and maintain peace is our sole objective. Our military strength is our guardian.

But we all recognize that a peace based solely on the off-setting military might of great powers is an uncertain one, and a costly one. We seek a peace founded on better understandings, mutual respect and mutual trust and an end to the cold war.

That was the purpose of our President's historic trip to China where, after more than 20 years of isolation and hostility, he has brought about better understandings between two peoples of different idealogies. He has paved the way for future accords.

We pray that his forthcoming trip to Russia will be as successful a journey for peace.

For my part I am proud of our President. Mark you that I say our President, for he is the President of all of us, he has given new direction to our foreign policy. He is bringing an honorable end to the war in Vietnam that the sacrifices made there will not have been entirely in vain. He has emphasized in 1969 that while we will honor our treaty commitments, we cannot and will not undertake all the defense world.

These past three years have been years of transition: from an era of containment and confrontation to an era of conciliation and negotiation.

Our defense plans depend upon our foreign policy. One implements and supplements the other. Both relate to our national security. The President is also Commander-in-Chief of all our armed forces.

With this separation of powers, as between the President and the Congress, it logically follows that it is imperative there be maximum cooperation between the two, whoever is the President and whatever the political complexion of the Congress. It is my view that politics should stop at the water's edge. And it is my view that at no time should partisan considerations enter into our decisions with respect to foreign policy or with respect to our national defense.

If we are to achieve a generation of peace for which we aspire, it is essential that we give our President the maximum cooperation and support. And it is essential that we make certain that we have a national defense second to none. As President Nixon said in his "State of the Union" Address, "Strong military defenses are not the enemy of peace. They are the guardians of peace."

Let the world know that while the American people love peace, want peace and will work tirelessly for peace, we love freedom even more. I commend you, The American Legion, for your own tireless efforts in behalf of the peace we love and the freedom we cherish even more. In receiving this award at your hands I am both proud and humble. I pledge my best efforts to prove myself worthy.

HON. CHET HOLIFIELD'S DISTINGUISHED PUBLIC SERVICE RECORD

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mr. ALBERT. Mr. Speaker, for more than 24 years I have had the pleasure to serve in the House with the gentleman from California (Mr. Holifield). During those years I have at all times found him to be fair in his dealings with his colleagues, forceful and well-prepared in debate and diligent in meeting his committee responsibilities. It is apparent as well that his efforts have been approved by the people of his 19th Congressional District in California.

Because of his moderate but progressive approach to issues, Congressman Holifield holds the respect of his colleagues on both sides of the aisle. He is a man of principle and commitment, and his commitments are as good as his word. He has also refused to "soapbox" issues of fleeting but popular appeal, preferring to work in areas of less glamor but much greater importance to the Nation. His contribution in the field of nuclear energy will come to be recognized, in my opinion, as "statesmanlike" in the classic sense of the word.

Congressman Holifield is the dean of the California congressional delegation, which will be the largest State delegation in Congress in 1973—45 members. This prestigious position has been held by only a handful of men over the years. It is a tribute to a man who has worked hard and long for California and the Nation. These few men like the gentleman from California (Mr. Holifield) who have made the House the great institution that it is, have made singular contributions to the Nation through their tenure and committee positions. I think it would be fitting at this point in the Record to insert a summary of Congressman Holifield's distinguished public record:

Biography of Congressman Chet Holifield of California: Congressional Service and Committee Assignments

Congressman Chet Holifield, who represents the 19th Congressional District of California, resides in Montebello, California. He was born in Kentucky, educated in the public schools of Arkansas, and has lived in Montebello, California since 1920. He has been engaged in the retailing of men's clothing for over 40 years. He is a member of the Christian Church and various Fraternal and civic organizations. Chet Holifield, and his popular and attractive wife, Cam, have four daughters and 15 grandchildren and one great granddaughter.

He was elected to the 78th Congress in 1942 to represent the newly formed 19th Congressional District and has served his constituency continuously since then. He has been re-elected by overwhelming majorities of votes in each of his 15 elections. Because of his 15 terms in Congress, he is in the eighth seniority group in rank. Congressman Holifield's work for his constituents and state has won approval and commendations from substantial organizations such as the Los Angeles Board of Supervisors, city councils, the Metropolitan Water District, and his efforts have been endorsed by countless scientific and civic groups, labor unions, veterans groups, government employees associations, consumer groups and business organizations. His record on behalf of civil liberties for all citizens regardless of race, color, national origin, or creed is unsurpassed.

Congressman Holifield is now serving as Chairman of the important House Committee on Government Operations, and as Chairman of that Committee's subcommittee on Legislation and Military Operations. He served for ten years as Chairman and Vice-Chairman of the Joint Congressional Committee on Atomic Energy, and now serves as the ranking House of Representatives Member on that Committee.

An indication of the respect for his integrity and judgment that his colleagues in Congress have for Congressman Holifield, was his appointment by the Speaker of the House to serve on the committee on Congressional ethics, the Committee on Standards of Official conduct.

Congressman Holifield's Committee on Government Operations has for years investigated waste and inefficiency in the Federal Government. As a result of those investigations, Congressman Holifield introduced a bill to establish a blue-ribbon commission of 12 members to make a study of all Federal procurement practices and procedures in order to eliminate waste of the taxpayers' money. That bill became law and Mr. Holifield now serves as Vice-Chairman of the Commission on Government Procurement.

As a member of the Joint Committee on Atomic Energy, since its beginning in 1946, Congressman Holifield has been outstandingly active in the field of atomic energy legislation. Hearings that he has held as a member of this committee have developed the most far-reaching information on the effects of radiation on man, the environmental effects of producing electrical power, and the problems of civil defense in case of an atomic war.

Congressman Holifield always has insisted on civilian rather than military control of the atom. He is a constant and vigorous proponent of a strong program of research to develop the peaceful uses of atomic energy including its use as a clean, cheap, non-polluting source of electrical energy. The Congressman has always insisted that the benefits of atomic research and development be safeguarded for the benefit of the private citizens of the United States whose taxes have been invested so heavily in this huge enterprise.

As the Chairman of the House Committee on Government Operations he has been responsible for some of the most important developments in good government over the past century. He authored the legislation which established the General Services Administration, that body which does most of the purchasing for civil departments of Government. The G.S.A. also has custody over all Federal buildings and the disposal of Federal properties.

He served on the Hoover Commission which recommended 45 Presidential reorganization plans, and he helped in the passage of 39 of these plans into law. During the 89th

Congress, Congressman Holifield held hearings and managed a bill which created the Department of Housing and Urban Development. In the 89th Congress he also authored a bill which created the Department of Transportation, another Cabinet-level department. Thus, he became the only Representative in our history to manage legislation creating two Cabinet-level departments in a single Congress. These departments have allowed the Government to modernize itself and keep up with our rapidly changing times.

In 1967 Mr. Holifield managed the President's Reorganization Plan for the District of Columbia, creating a mayor-council form of government, the first major reform of the National Capital's governmental machinery in over 90 years. He has personally handled more than 45 reorganizations plans of the Federal Government, including the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and the Consumer Protection Agency.

Congressman Holifield also authored and obtained passage of a bill which established the Cabinet Committee on Opportunities for the Spanish Speaking People within the Office of the President. The purpose of this Committee is to assure that citizens of Spanish speaking origin have access to, and fully share in Federal educational, health and job opportunities programs. The first two directors of the Committee were residents of Los Angeles County.

PUBLIC SERVICE AWARDS AND RECOGNITION

The California Congressional Recognition Plan, a privately endowed, nonprofit educational organization, has cited Congressman Holifield eleven times as an outstanding Congressman.

The academic world has honored Congressman Holified three times by awarding him honorary degrees: Whittier College, doctor of laws; East Los Angeles College, associate of arts; Lynchburg College, doctor of laws. In 1967 he received the coveted Congressional Distinguished Service Award of the American Political Science Association. This honor is given only every other year to two Congressmen, one from each party, for exceptional and outstanding public service.

Chairman Holifield is known as "a Congressman who does his homework," and because of his hard work, attention to detail, and expert knowledge, he has been signally honored. He has been appointed to numerous National Commissions and Advisory Committees by five Presidents, Truman, Eisenhower, Kennedy, Johnson and Nixon. He has served as Congressional Advisor to the U.S. Delegation at the international conferences on the peaceful uses of atomic energy in Geneva, Switzerland. He also has been chosen to represent the United States at several of the General Conferences of the International Atomic Energy Agency in Vienna, Austria, and Tokyo, Japan. He has served as Advisor to the U.S. Delegation, First International Symposium on Water, Desalinization, and the Conference of the Committee on Disarmament in Geneva, Switzerland, five times, most recently in 1971. He was also a delegate to the Strategic Arms Limitation Talks (SALT) in 1971 in Helsinki, Finland.

In 1965, President Johnson requested Mr. Holifield to chair an ad hoc committee of Western Senators and Representatives to develop an agreement between privately and publicly owned utilities to use, in California and Arizona, the excess electrical power from the Bonneville Dam in Washington State. Because of this work, for which he was commended by the President, California and Arizona now receive about 3 million kilowatts of cheap, smog-free, electricity from Bonneville Dam through Pacific Intertie.

Congressman Holifield's 30 years of service in the House of Representatives have earned him a position of leadership. The honors and responsibilities which have come to Mr. Holifield have given him wide knoweldge and experience and have earned him the respect and confidence of his colleagues, the other leaders of Congress and of the Executive Departments.

CONGRESSIONAL SENIORITY AND SPECIFIC SERVICES TO CONSTITUENTS IN THE 19TH DISTRICT

Congressman Holifield is Dean of the California Delegation and because of his leadership ability he has been in an excellent position to guide legislation of importance to California and to the Nation through difficult debates on the Floor of the House of Representatives. During the 90th and 91st Congresses, he was instrumental in winning a major victory in the battle against air pollution. Aided by his skillful leadership, the Congress voted to permit California to set air pollution standards which are stricter than those imposed by the Federal government. Mr. Holifield mapped the strategy for the Floor fight on the California amendment, and with the help of his California Colleagues, secured passage of the legislation.

The 19th Congressional District, which he is privileged to represent, has always been Mr. Holifield's foremost concern. As a result of his efforts, the district has benefited in many ways. He was able to obtain over a million dollars for flood control in the district; he has helped all of the school districts obtain Federal funds for bilingual educational programs and other special projects. He helped obtain funds from the Office of Economic Opportunity for the Rio Hondo Community Action Council. He has obtained funds for the Rio Hondo College Police Training facility, the Flood Ranch renewal project in Santa Fe Springs, the Montebello Transit System, Montebello and Cerritos public libraries, Whittier College science buildings, and many other worthy district projects. Through his help, Norwalk has acquired park land and Pico Rivera, a municipal golf course. Mr. Holifield was credited by the former Secretary of Transportation as being largely responsible for obtaining 90 percent of the funds for the new Century Freeway.

Mr. Holifield has been a staunch advocate of Federal grants to the schools of his district and has secured many thousands of dollars in administrative educational facility grants and student loans under Federal guarantees.

Mr. Holifield has had a continuing concern for the American consumer. In 1943, he was fighting for grade labeling of food. Since that time, he has voted and worked for more than 90 consumer protection laws dealing with product safety, truth in packaging, truth in lending, low interest rates, housing and many more items used by consumers. He has never voted against a consumer protection law.

Lately, many public officials have discovered pollution of the air and water and have publicly stated their concern. Mr. Holifield has been speaking out on the problems of pollution for many years. His voting record shows that he has supported more than 200 environmental and conservation laws during his Congressional service.

His positive leadership has resulted in projects to bring excess water from Northern California to the water short areas of the South, the release of beach lands from military control, and the establishment of hundreds of parks and recreation areas. In November of 1965, Congressman Holifield spoke before the American Association for Contamination Control on the dangers and hazards of contaminatiton of man's environment. For years he has been urging the pollution-free production of electrical energy by means of atomic generators. His work on the 1967 Air Quality Act has been noted. These are just a few indications of his foresight and concern for the public welfare.

In addition to obtaining Federal funds for Post Offices, hospitals, libraries, community facilities and his work to obtain a clean environment, Congressman Holifield has assisted many thousands of people in his district in the problems that they have had with the various branches of the Federal government. His competent full-time local staff in Pico Rivera, consisting of Bill O'Donnell and Florence Odemar, have provided assistance to people who had problems with the Veterans' Administration, Social Security, the Armed Forces, Internal Revenue, Immigration Services, and almost all branches of the Government. He has also provided assistance to many individuals and businessmen who were contracting with the Federal government. Numerous letters of appreciation from grateful residents indicate the importance and effectiveness of this kind of Congressional work.

Congressman Holifield's Congressional career has been characterized as one of hard work, integrity and leadership. A National figure recently said of him, "He knows what his goals are at all times, and he has the ability, the experience, the determination, the strength of character combined with high resolve and patriotism, to perform his duties in the best interest, as he honestly conceives it, of this nation."

THE PROPERTY TAX GYP

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 7, 1972

Mr. METCALF. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks Ralph Nader's March 4 article regarding property taxes, published in the New Republic. This subject is to be considered this spring by Senator MUSKIE's Subcommittee on Intergovernmental Relations.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE PROPERTY TAX GYP

(By Ralph Nader)

The local property-tax controversy is beginning to boil up. Presidential candidates are giving us their ideas for relief. The President is considering asking Congress to enact a "value added tax," better named a national consumer tax, to lighten the property-tax burden. Exactly how this is to be done hasn't been explained. Nor do we know how a consumer sales tax, which leans hardest on folks who aren't rich, is going to do anything more than fool the small taxpayer into thinking he's come out ahead.

Little attention is being given to the enormous revenues lost to local governments because many large property holders, mostly corporations, are grossly underpaying or avoiding this tax. The administration of the property tax is riddled with political and patronage interference. Dozens of citizen-taxpayer reform groups in cities and towns know that the rich pay less, the poor pay more, and schools and other municipal services that rely on such revenues are cut back or deteriorate. Late last year some school systems shut down temporarily because they ran out of money.

Among the candidates, only Senator Muskie, who intends to open hearings on property taxes next month, has put his mind to these problems. Other candidates are talking about exchanging one tax for another or boring more holes into an already swiss-cheese tax system.

Based on recent studies from various states and the detailed information sent to our property tax newsletter by local citizen-researchers, an estimated $7 billion per year, at least, is being denied local communities because many corporations don't pay their fair share of property taxes under existing state law.

Through underassessment of large commercial, industrial, and natural resource property and through special low-tax zones, which shelter industries from the tax burdens but not the services of the nearby community, the small home owner and businessman take on a heavier load. Furthermore, a kind of tax blackmail has been practiced by large corporations who play off one jurisdiction against another in order to exact tax concessions as the price of remaining in or entering a community. Here are some samples of the abuses:

1. Underassessment of oil and gas properties belonging to such firms as Atlantic Richfield and Texaco in Ector County, Texas, has cost the county school board $7 million in the past seven years. Similarly, timberlands in East Texas are extraordinarily underassessed, with the windfall millions going to such giants as International Paper, Boise Cascade and Champion-US Plywood.

2. Another huge company, Union Camp, escapes paying over $3 million annually in property taxes to the city of Savannah, Georgia, largely due to a special industrial zone it rammed through the state legislature when the city was on its economic knees during the depression.

3. A 1970 study by law students at the University of Texas found that industrial and commercial properties in the Houston area were assessed at around 13 percent of fair market value, while residential properties were assessed at 31.9 percent.

4. In the coal-rich regions of Appalachia, the coal companies, already enjoying federal depletion allowances, present their own assessments to most tax commissioners. Even if a commissioner wants to check the figures, he lacks the technical know-how and the backing of his superiors, who are often tied to the coal industry. Self-assessment by the highly profitable coal compaines drains millions of dollars from the coal-rich but revenue-starved mountain counties with their impoverished school systems. Acres of coal land conservatively worth $200 to $500 per acre are assessed at $10 per acre. Other large coal acreages have not even been reported to the assessors.

5. The vast US Steel plant in Gary, Indiana is under-assessed by anywhere from $100 million to $500 million. The township's assessor says that the company in effect presents its own tax bill by refusing to provide information on its capital investments. US Steel has even refused to take out city building permits in order to preserve the secrecy of its property values. As a company town, Gary has neither the staff nor resources nor political courage to fight big steel in the courts, especially when badly needed city revenues can be tied up indefinitely pending litigation. In Chicago, the Citizens Against Pollution have estimated that underpayment of property taxes to that city amounts to $16.4 million per year.

Many other special privileges, stemming from raw political power, or sheer illegality, reduce by many millions of dollars the rightful taxes due from rural-areas in California held for speculation, from timber regions in Maine, and from new commercial buildings in the large cities. In Chicago, the assessor got contributions for his recent re-election campaign from several very wealthy realtors. Several of those realtors owned new buildings, which were given preferential assessments by the assessor.

Reforms of the property-tax system have been urged in studies dating back to the 19th century. Now that the financial bind pinches, it's time to carry out those old recommendations. Assessors must be properly trained, given adequate resources, insulated from politics and required to operate openly with full disclosure of assessment decisions. Realistic assessments regularly updated and the abolition of preferential exemptions, reductions and industry zones will close many loopholes. There is also no reason why a progressive property tax, as used in Australia, can't be used to help smaller property owners. Finally, procedures for easy and quick property-tax appeals should be established.

The Muskie hearings will explore how Washington can lend technical and financial assistance to put these reforms into effect. The federal government could also provide more revenues to state and local units if it closed the gaping holes in federal tax laws that let corporations and millionaires escape the payment of billions of dollars.

PLIGHT OF AMERICA'S FARMERS

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mr. GROSS. Mr. Speaker, the plight of the American farmer is not well known to the general public. Perhaps this is to be expected because the bulk of our citizens live in urban areas and come from nonfarm families.

Since the majority of my colleagues also represent nonfarm districts, it is only natural that their interests are centered on the problems of their constituencies rather than on the problems faced by the Nation's farmers.

It should never be forgotten, however, by any of us that agriculture is the single most vital industry in this country. If the problems of the farmer are not effectively dealt with the ultimate result will be that we will awake some morning to find that there is nobody left down on the farm.

I need not explain the calamity that would befall the United States if that should happen.

The Department of Agriculture recently compiled some figures that illustrate dramatically that the farmer is the forgotten man in today's economy, and is not receiving a fair return on his investment.

I include the Department's summary for insertion at this point in the Record:

Farm Prices and Food Prices

FARM PRICES ARE NOT HIGH

The 5% to 6% increase expected in farmers' realized gross income in 1972 is a reasonable figure.

Realized gross income from farming in 1971 was $58.6 billion. The United States Department of Agriculture is forecasting a $3 to $3½ billion increase for 1972, bringing the figure to $61.6 to $62.1 billion, an increase of 5% to 6%.

Farm meat prices are not high.

Broiler prices at the farm are about the same as last year, and less than the 1967–69 average.

Average farm hog prices in January were 13% less than in January two years ago, and 17% less than in January six years ago.

Farm beef cattle prices recently reached the level of 20 years ago, but what other prices are just getting up to the levels of 20 years ago? The cost of many things people buy have set a record high every one of the last 20 years. And if you deflate present beef prices in line with today's cheaper dollars, today's beef prices are a long way under the level of 20 years ago.

Meats are free to respond to market demands and meats are very competitive with one another. There are no price supports on meat and no production controls.

Cyclical production of livestock deals with farm prices, often harshly.

Livestock prices are very cyclical and seasonal. Hog prices were low just a few months ago. These cyclical and seasonal forces cause wide fluctuations in livestock prices completely apart from general conditions in the economy. Hog prices dropped 35% in four months in 1970. Farm production responds to higher prices. Ceilings on farm prices are counter-productive because they reduce production rather than increase supplies.

Live cattle futures prices from April through December this year are $2 to $4 per hundred lower than present live prices, indicating that the trade is expecting lower prices in the months ahead.

Live hog futures prices from April through December range from the present live price level to more than $2 per cwt. lower.

Prices received by farmers for food are not inflationary.

Farm prices for food products are up only 6% from 20 years ago.

Wholesale food prices are up 20% from 20 years ago.

Retail food prices are up 43% from 20 years ago.

The increase in food prices is primarily because of higher wages.

Average wage rates per hour of production workers in manufacturing are 2.3 times higher than 20 years ago. They were $1.56 per hour in 1951 and $3.57 for 1971.

The average hourly earnings of food marketing employees is 2.5 times higher than 20 years ago—$1.31 then, and $3.24 in 1971.

The largest increases in the cost of food are for food eaten away from home where labor and services are the main ingredients of food cost. Total food expenditures away from home have risen 79% in the last 10 years and the price index for food away from home has increased more than 50% in the last 10 years.

Farmers receive only 38¢ from the dollar consumers spend for farm-raised food; this is down from 49¢ 20 years ago.

Food is one of the most reasonable buys available.

Production of farm food is a very competitive business and this keeps margins low.

Retail food prices have not advanced as much as the other main categories in the cost-of-living index.

Twenty years ago people paid 23% of their take-home pay for food; in 1971 they spent 16% of their take-home pay for food; and in 1972 they are expected to spend less than 16% of their take-home pay for food.

BEEF PRODUCTION HAS EXPANDED TREMENDOUSLY

Total beef production is 2½ times higher than 20 years ago.

Farmers produced and marketed 8.8 billion pounds of beef in 1951 and 21.9 billion pounds in 1971.

Beef supplies per capita are twice as large as 20 years ago.

Beef consumption per capita was 56.1 lbs. in 1951 and was 114.3 lbs. in 1971, an increase of 2.0 times.

Production of Choice grade beef is nearly 4 times larger than 20 years ago.

One-third of our beef was Choice grade beef in 1951; now 60% of our beef produced is Choice grade. Thus the total production of Choice beef is 4.0 times larger than 20 years ago.

Imports of beef have risen even faster than U.S. beef production.

Imports of beef and veal are 1.7 times

larger than 10 years ago and are 3.7 times larger than 20 years ago.

FARM PRICES HAVE NOT REACHED FAIR LEVELS

Output per man hour on farms is an example for the nation.

Output per man hour on farms is 3.3 times higher than 20 years ago; while in manufacturing industries, output per man hour is 1.6 times greater than 20 years ago. Thus output per man hour on farms is increasing twice as fast as in industry—an unmatched efficiency.

One farm worker is supplying three times as many with food as 20 years ago.

In 1951 one farm worker supplied 16 people with food; now he produces enough for 51 people, which is more than three times as many as 20 years ago. This is unmatched anywhere else in the world, or before in history.

High farm productivity has released people to produce other wealth.

In 1951 one person out of 7 was living on a farm producing agricultural products; now one person in 21 lives on a farm. This has released people to produce other wealth and services and is primarily responsible for the unequaled affluence of the nation.

Farmers' costs have gone up sharply.

Farmers are paying 2.3 times higher wages for help than 20 years ago.

Farm machinery price levels are nearly double what they were 20 years ago (1.9 times higher).

The level of all prices that farmers pay has gone up nearly 50% from 20 years ago, and farmers' total production costs have nearly doubled (1.9 times higher).

Farm real estate taxes per acre are 3.8 times higher than 20 years ago.

Farmers are less able to pass along their costs than other major economic groups. Farmers are unprotected by franchises, patents, territories, licenses, and by size. They do not enjoy industry-wide contracts, nor escalator clauses, nor the economic ability to force higher prices and hold them.

Farm investments have doubled in 20 years.

Farm investment in the food and fiber producing plant of the nation (land, buildings, livestock, etc.) has risen from $152 billion in 1951 to $335 billion on Jan. 1, 1972, which is 2.2 times larger.

This plant's resources must be conserved and the growing investment must be capitalized from farm net income, which has increased only 6% from levels of 20 years ago.

Farm debts are nearly five times larger than 20 years ago.

The amount of debt owed by farmers has risen from $13.1 billion in 1951 to $65.5 billion in 1972 (5.0 times larger).

The per capita disposable income of farm people is only three-fourths as much as the per capita disposable income of non-farm people.

Farm people have only three-fourths as much income per capita as non-farm people, even though farmers' income must cover both their rate of return on a $335 billion farm business as well as representing the hourly return on their labor.

Farm people have to rely on off-farm income for half of their total net income, which even then brings their income up to only three-fourths of the per capita disposable income of non-farm people.

SPEAKER ALBERT AND MISS DUBROW HONORED BY DOORMEN'S SOCIETY

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1972

Mr. SIKES. Mr. Speaker, the Members of the House have ample reason to appreciate the good service of the doormen who serve this representative body ably and effectively. Their courteous and constant efforts reflect credit upon them and upon the House. It probably is known to most Members of the House that there is a Doormen's Society which has been in existence for a year and a half. The society is the organization of the men who man the doors at the House Chamber—men who must know the names and faces of hundreds of Congressmen, congressional aides and news reporters. The president of this society is the Chief Doorman of the House, Mr. Warren H. Jernigan. Last week Mr. Jernigan presided over a reception and buffet given by the Doormen's Society in the Rayburn House Office Building. On that occasion, awards were presented to the society's designees for man of the year and sweetheart of the year.

Speaker of the House, the Honorable CARL ALBERT of Oklahoma, was named man of the year and Miss Evelyn Dubrow, who is legislative representative of the International Ladies Garment Workers Union, AFL–CIO, was selected as sweetheart of the year. They were selected by secret ballot by a bipartisan committee. The honorees were awarded plaques at ceremonies last week on Capitol Hill. Former Speaker John W. McCormack made the presentation to Representative ALBERT. It is interesting to note that Mr. McCormack was the first recipient of the man-of-the-year award.

In accepting the award Speaker ALBERT praised the doormen for their professional skills in knowing the ins and outs of the House Chamber.

It was my privilege to bestow the award on Miss Dubrow as the first winner of the sweetheart award. Miss Dubrow has served in a labor liaison capacity with Congress for 13 years. She also is vice chairman of the Labor Advisory Committee of the Office of Economic Opportunity. She is a charter member of the Doormen's Society. In addition to the plaque she was given a bountiful heart-shaped box of candy.

A number of Members of Congress were on hand for the event, including several committee chairmen, such as Representative GEORGE H. MAHON, of Texas, Appropriations; Representative W. R. "BOB" POAGE, Texas, Agriculture; Representative THOMAS E. "DOC" MORGAN, Pennsylvania, Foreign Relations; and Representative GEORGE P. MILLER, California, Science and Astronautics.

VETERANS' EDUCATION AND TRAINING AMENDMENTS OF 1972

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mr. WOLFF. Mr. Speaker, yesterday the House voted favorably upon H.R. 12828, Veterans' Education and Training Amendments of 1972, of which I am a cosponsor. I would like to take this opportunity to thank my colleagues for their valuable support for this important piece of legislation.

Over the years, the GI bill has given millions of veterans a unique opportunity to pursue a higher education. There is surely no question that the GI bill has been a resounding success for those who, for financial reasons or otherwise, would have been prevented from going on to college or learning a trade, and the evidence has been the growing numbers of veterans who have taken advantage of the benefits the program offers.

Since the Congress enacted the original Veterans' Educational Assistance program, however, the costs for tuition and related expenses have risen considerably, to the point where the existing provisions for educational benefits became inadequate to meet the growing needs of the veteran. The legislation passed by the House yesterday recognizes and meets this need, I am happy to say, by raising the basic educational allowance for a single veteran from the present $175 to $200 per month, a 14-percent increase over the existing allowance. The rates for veterans with dependents would also be increased proportionately. Additionally, this legislation, for the first time, would equalize benefits under the education and training programs for spouses of male and female veterans.

Clearly, this expanded program will go a long way toward meeting the need for more liberal benefits for vocational rehabilitation, special training and educational assistance allowances for this Nation's veterans. I am indeed proud to have cosponsored this important and far-reaching piece of legislation, and I call upon my colleagues in the House to join me in urging for speedy action on this bill in the other body.

BELOIT, WIS.: ALL-AMERICAN CITY

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mr. ASPIN. Mr. Speaker, it is my pleasure and great privilege to call to the attention of my colleagues the city of Beloit located in my congressional district in Wisconsin. It has recently received the great honor and distinction of being designated one of the All-American Cities of 1972. It is an honor and recognition that is richly deserved.

Beloit has a reputation in my congressional district for being a city populated with people willing to cooperate and work with each other in trying to solve problems affecting all groups in the community. Beloit has devised a highly sophisticated system to interlocking action groups that have been able to come up with possible solutions to the problems of race relation and pollution.

I think it would be fair to say that Beloit citizens have found that no community mission is impossible as long as it is understood that everyone connected with a problem has a chance to participate in the formulation of a solution. The city and citizens of Beloit are a classic example of what concerned citizens can do to reverse a downward spiral and the fortunes of a city.

Beloit is very fortunate to have as many citizens as it does concerned about the future of its city and fortunate also to have citizens who can work well with each other. The team-effort concept is very much a vital part of Beloit and has contributed substantially to the generally optimistic feeling in the city. Particular recognition and thanks should go to Mr. Gus Nelson, the leader of the committee that has pulled together what was done and presented it to the reviewing committee for the All-Americans Award in Atlanta.

The prime example of citizen cooperation that I would like to call to the attention of my colleagues is the affiliate artist program that was started in Beloit more than 4 years ago. It was designed to support young artists in the development of their own careers. In 1971, more than 30 artists spent a week moving through Beloit giving concerts—or "Non-certs" as they are called by citizens—everywhere there was a small crowd. The week was brought to a climax at the Beloit festival which drew 5,000 listeners. Out of a community of 36,000 a crowd of 5,000 is truly outstanding. This program promises to continue to grow and to bring a touch of culture and music to the many citizens of the Beloit community.

Mr. Speaker, it is with a great deal of pride that I point to Beloit, Wis., as one of the "All-American Cities."

LOUISVILLE INTERNATIONAL JETPORT

HON. GENE SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mr. SNYDER. Mr. Speaker, in the continuing controversy over the proposed Louisville International Jetport, I wish to provide my colleagues and the public with some additional information which bears heavily on the proposed jetport. These figures, obtained from the U.S. Department of Transportation, deal with the size, in acres, of jetports currently serving communities of over 1 million in population. The Louisville metropolitan area is well under 1 million—826,553, according to the latest census.

These statistics, which are the most recent the Department can furnish, are further evidence of the fact that the proposed 35,000-acre Louisville Jetport is totally unrealistic in size.

The figures, which follow, include some of the biggest cities and the busiest airports in the world:

	Acres
New York:	
J. F. Kennedy	5,200
LaGuardia	647
Newark	2,167
Chicago, O'Hare	7,200
Los Angeles, International	3,600
Philadelphia	2,500
Detroit	4,800
Boston	2,003
Pittsburgh	360
St. Louis	1,850
Washington:	
National	650
Dulles	9,980
Cleveland	1,650
Baltimore, Friendship	3,231
Buffalo	704
Minneapolis	2,930
Greater Cincinnati	3,500
Milwaukee	1,888
Kansas City	600
San Diego	487
Dallas	1,878
Atlanta	2,307
Miami, International	2,699
Proposed Louisville International jetport	35,000

TRIBUTE TO THE LATE HONORABLE W. FRED DUCKWORTH

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mr. WHITEHURST. Mr. Speaker, on Friday evening, March 3, 1972, Norfolk, Va., lost a great man, and I lost a neighbor and good friend.

The Honorable W. Fred Duckworth, former mayor of the city of Norfolk, was shot down just a few blocks away from his home in a vicious, senseless attack, and we all mourn his loss.

It is not often that a man can leave a city as his memorial, but in the case of Fred Duckworth, this is true. In his 12 years as mayor, Mr. Duckworth saw our city grow and develop dramatically under his leadership, and we are all in his debt.

Mayor Duckworth was a man to whom duty was all important, and he was never deterred by adverse criticism or swayed by public opinion in the course of doing what he believed was best for the city. He was a man of great integrity and outspoken honesty, and he will be greatly missed.

Mr. Speaker, I am introducing at this point in the RECORD several of the fine tributes paid to him by the Norfolk newspapers. Mrs. Whitehurst joins me in expressing our deepest sympathy to Mrs. Duckworth and their daughter, Mrs. Philip Farrand.

The tributes follow:

[From the Ledger-Star, Mar. 4, 1972]

BLUNT, DYNAMIC MAYOR LED NORFOLK FORWARD

(By Gene Owens)

NORFOLK.—He wasn't your ordinary striped pants, silk-hat wearing, baby-kissing, ribbon-cutting mayor, this blunt-spoken man who was shot down on the streets of the city whose modern face he helped to shape.

W. Fred Duckworth, mayor of Norfolk from 1950 to 1962, was a man who "breaks all rules for a successful politician with outspoken frankness and a drive to get things done," as a contemporary newspaper reporter wrote in 1958.

It was Duckworth who infused a ceremonial office with the force of his personality and made the mayorship of Norfolk one of the weightier offices in Tidewater.

He also plugged hard for area-wide cooperation—so hard, in fact, he sometimes alienated those he was trying to unite.

At the time of his death he was president of Tidewater Virginia Development Council, whose formation he had promoted vigorously.

"He picked it up when it was falling apart," remarked Roy B. Matrin Jr., Duckworth's successor as mayor of Norfolk. "He's held it together through the years. It may not have accomplished all the things he wanted it to, but I'm afraid it may pass out of the picture with Fred Duckworth gone."

Martin was first appointed to City Council while Duckworth was mayor. Although younger than Duckworth by some quarter of a century, Martin shares some of his characteristics—his blunt, outspoken manner and his aggressive approach to the office.

Martin credits Duckworth with bringing "the teamwork concept into being in the city of Norfolk in modern times," and ranks that as one of Duckworth's major contributions.

Duckworth was the fourth in a line of post-war mayors who had sought to remove politics from the functioning of city council.

Martin further cites Duckworth's advocacy of the massive urban renewal program, which put tall buildings and public housing back where slums and a sleazy tavern district once had been.

The "teamwork concept" has survived into the Martin era, although it has been weakened to an extent by the election of three men who are not counted on the Martin "team."

"I think for years we had a team that, although they differed on various issues . . . there was no question they were working as a team," the mayor said.

He also feels Duckworth made a significant contribution by pushing through the annexations of parts of Princess Anne and Norfolk counties, which gave the city some growing room before city-county mergers barred further annexations.

"And of course, the MacArthur Memorial will always be a memorial to him, said Martin.

Duckworth's advocacy of Norfolk expansion and his opposition to the mergers that created the cities of Virginia Beach and Chesapeake rubbed some of Norfolk's neighbors the wrong way.

But Sidney S. Kellam, long-time political power at Virginia Beach and a man who negotiated eyeball to eyeball with Duckworth, came through it with a healthy respect and admiration for the man.

"He was always forceful in his views and fair in his dealings—open and above-board," said Kellam, who has worked closely in harness with Duckworth during the past few years on the Tidewater Virginia Development Council (TVDC), the Hampton Roads Bridge and Tunnel Commission and other undertakings.

"I've disagreed with him many times, but it never made any difference in our friendship," Kellam said last night.

Duckworth was not a man to deal in the niceties of diplomacy and his blunt way of putting things often ruffled feelings.

But, as Kellam put it, "You always knew where he stood."

Paul Schweitzer, who served as school board chairman during the stormy Massive Resistance era, recalls that Duckworth "could bawl you out and get all over you for something, but the next minute he would be back with you, praising you for something you had done."

Duckworth appointed Schweitzer to the school board and Schweitzer later served on City Council as a member of the Duckworth team.

"His decisions sometimes didn't appeal to everybody," observed Schweitzer, but "Whatever he did or whatever he said was for the benefit of the city."

In the minds of most people, Duckworth probably is remembered best for the role he played in establishing the memorial to Gen. Douglas MacArthur in Norfolk. MacArthur was Duckworth's hero, and as mayor he took the lead in advocating renovation of the old Norfolk City Hall as a final resting place for the general. He later became president and treasurer of the MacArthur Memorial Foundation.

But Lewis L. Layton, who also served on council with Duckworth, thinks of Duckworth in a larger context.

"I think he should be best remembered as the father of the foundation of modern Norfolk," he said. "Most of the changes—the facelifting improvement of the city—were undertaken and carried forward during the time that he was mayor of the city. He had a tremendous ability to get people to work with him. During his time most of the urban renewal was carried out."

Duckworth was born June 20, 1899, in the little mountain town of Brevard, N.C. In 1920 he joined the Ford Motor Company and in 1931 became branch manager of the Charlotte, N.C., assembly plant—the youngest ever appointed to that position by the company up to that time.

He came to Norfolk in 1936 as manager of the assembly plant here. When the Navy took the plant over for wartime use in 1942, Duckworth became executive assistant to the War Production Board's regional director in Cleveland. Eight months later he became regional director.

In 1944 he bought out a Norfolk dealership and turned it into Cavalier Ford.

He was elected to City Council in 1950 on a coalition ticket and was made mayor that year.

One of his first moves was to expand the participation of business, industrial and civic leaders in the city's decision-making process. He increased the number of such individuals on non-paying commissions and committees from between 35 and 40 to between 150 and 200.

The Hampton Roads Bridge-Tunnel and the Chesapeake Bay Bridge-Tunnel also resulted in part from Duckworth's efforts. He was vice chairman of the Chesapeake Bay Bridge-Tunnel Commission and a member of the State Highway Commission at the time of his death.

Duckworth was one of a line of mayors who prided themselves on giving the city of Norfolk a clean government. When a newspaper article in 1958 showed that Duckworth's firm received a small amount of business from the city while he was serving as an unpaid member of the Committee Relating to the MacArthur Memorial and the Municipal Bond Commission, Duckworth promptly resigned the two positions with a terse note that referred to the article and observed, "They think there is some conflict of interest with my connections with the city government."

Duckworth's incredible energy always amazed those who knew him.

"I'm going too fast and I know it," said Duckworth in 1957.

"I have often wondered what kind of whipcord this man was made of," said retired banker John S. Alfriend, speaking at a luncheon following Duckworth's retirement. "He possesses to a high degree integrity, imagination, drive and force. He has no patience with inactivity and no inclination to move but one way—forward."

Age was beginning to slow Duckworth. He underwent major surgery in 1970 and his frequent walks were to ease a circulation problem in his legs.

"I told him several months ago, 'you'd better stop walking around in this neighborhood you're in,' " said Edward J. Brickhouse, a former member of Duckworth's City Council.

But Duckworth wasn't about to give up those walks.

"He was very ritualistic," recalls Jeanne Hazlewood, who worked with him as exhibit manager for TVDC.

"He took those walks the same time in the morning and the same time at night. You could set your clock by him. He liked to walk around the neighborhood at the crack of dawn and meet the ladies with their poodles—whoever happened to be up at that time of day."

Duckworth is survivied by his wife, Gertrude Summers Duckworth; a daughter, Mrs. Philip S. Farrand of Norfolk; three sisters, Mrs. Pierre E. Bellotte of Norfolk, Mrs. Ewing Parsons of Roanoke and Mrs. Charles G. Rose Jr. of Fayetteville, N.C.; and two grandchildren.

His body will be taken from Twiford Funeral Chapel in Norfolk to St. Andrews Episcopal Church for funeral services at noon Monday. The Rev. Roger Snyder, the Rev. George D. Heath and Dr. Andrew Bird will officiate. Burial will be in Forest Lawn Cemetery. The family has requested that flowers be omitted. Among those expected to attend is Mrs. Douglas MacArthur, widow of the general Duckworth admired so much.

Former City Councilman Linwood F. Perkins summed up the virtually unanimous opinion of W. Fred Duckworth:

"No one had to second-guess him. He spoke his mind."

SAD NEIGHBORHOOD RECALLS FRIENDLY MAN

(By Jack Dorsey)

NORFOLK.—The neighborhood where former Norfolk Mayor W. Fred Duckworth took his daily walk was saddened today over his death Friday night. Many couldn't believe it had happened.

Throughout the Riverpoint area between North Shore Road next to the Algonquin House where Duckworth lived and Little Creek Road at Major Avenue where he was found neighbors gathered in groups of twos and threes and talked of the tragedy this morning.

It seemed everyone knew the 72-year-old man from his daily walks up and down Major Avenue. Some told how they looked forward to his brief visits with them.

"He would always talk to you," said Charles Snell of the 7400 block of Major Avenue.

"Kids would come up and walk with him or he'd stop and pass a few moments.

"He asked me to walk with him a couple of times but he had such a fast gait that I told him I didn't think I could keep up," Snell said.

A father and his son out walking today on North Shore Road, both said they had seen Duckworth frequently.

"Usually he was alone but he would stop and talk on occasion," said Charles E. Starling of the 7400 block of North Shore Road.

Another neighbor, E. L. Bass, also of Mayor Avenue, termed the slaying "terrible" and said he only hoped the assailant was found.

"Duckworth was my boss in the early '40s when he was manager of the Ford Plant," Bass said. "He was a good man. It's just hard to believe that such a thing has happened."

Duckworth's daily walking was rarely interrupted except for the worst of weather, according to Snell and others who saw him.

Snell said the former mayor would dress for the weather and carried an umbrella for the rain or to ward off dogs.

Duckworth was found with an umbrella Friday night. Neighbors said he was also known to have carried a walking cane on occasion.

Most of the neighbors said that Duckworth walked at least once a day down Major Avenue to Little Creek Road and back. They said he would sometimes make the trip twice a day. But most agreed he always walked during the daylight hours.

"My wife was telling me just last week that we hadn't seen Mr. Duckworth during the day but that she had seen him walking later at night," said Snell. "Maybe he had to work later recently."

Two other families, both of which live less than 50 yards from where Duckworth's body was found, also talked of the tragedy today.

Mrs. A. B. Schnell said she and her husband had just started looking at a 7:30 p.m. television show Friday and heard rapid shots from outside. She said she didn't think of them as gun shots and really paid no attention. It was several minutes later that police arrived, she said.

"He always had a cheerful word for you," said Schnell while sitting today in the warm greenhouse of a neighbor across the street, Mr. and Mrs. K. J. Jens.

"We saw him often as he would walk down this way. It was usually in the daytime though," Schnell said.

"It's a terrible thing," said Mrs. Jens. "We've never had anything like this happen in our neighborhood before."

Her husband said he was reading about 7:30 p.m. Friday when he heard the shots.

"It was just like someone taking a piece of paper and slapping it against a desk," Jens said.

Both couples said they frequently exchanged greetings with Duckworth.

A group of children riding their bicycles through the neighborhood today said they used to ride along on their bicycles with Duckworth as he walked along the street.

"He was really a nice man and he would always say 'hi' to us," said one of the youngsters.

W. FRED DUCKWORTH

The violence which last night took the life of W. Fred Duckworth on a quiet residential street near his home has in itself stunned and will deeply trouble this community.

It scarcely needs to be said that the maximum police effort is in order—and indeed this was quickly marshaled—to bring such measure of justice as is possible under the law and this vicious crime warrants. As well as to search out new safeguards against the kind of on-the-street risk which other law-abiding citizens are demonstrably running, too.

But adding greatly to the distress in this particular tragedy is the eminence of the victim, who had been one of Norfolk's most forceful mayors, and the caliber of civic performance so abruptly brought to an end. The whole Tidewater region has been immensely well served by Mr. Duckworth, and the record is overflowing with the evidence.

Aside from his long position of leadership in the business community, he played his most outstanding role as the head of the Norfolk City Council from 1950 to 1962. His was a take-charge manner of operation, and while this brought him criticism there was never any question as to his placing of the city's interests foremost, nor as to the effectiveness of his efforts.

He was the spearhead for a great deal of the dramatic transformation which Norfolk has experienced. Moreover, he was able to strike a hard-headed balance between what was possible—his approach was highly optimistic—and the fiscal and other limits under which a municipality has to operate.

After his retirement as mayor and councilman, that same pragmatic optimism was continued in various forms of service to the community. The chief focus of his concern became the Tidewater Virginia Development Council, a regional agency for attracting industry, but he was active in many other ways as well.

One of his deepest interests was the MacArthur Memorial Foundation, of which he was president—an outgrowth of the prime part he took in having General MacArthur agree to Norfolk as a final resting place and in establishing the Memorial as a national point of attention. He also contributed his talents to the Virginia Highway Commission, of which he was a member; the Chesapeake Bay Bridge-Tunnel Commission (vice chairman); the United Communities Fund, and his church (First Presbyterian), in addition to filling such posts as a directorship at Virginia National Bank and the chairmanship of the Tidewater Small Business Investment Corporation.

In his conduct of serious affairs as well as in everyday conversation, Mr. Duckworth employed a drawing bluntness which could become quite crisp on occasion, and this, with some balancing good humor, made for a dynamic combination.

His candor cut through much of the fog that can afflict public activity, his fear of criticism was virtually nil and his do-something philosophy got many worth-while things done. In the process he earned staunch friends and wide respect.

At his death now, especially under such shocking circumstances, a whole array of citizens left inevitably in his debt will share with Mr. Duckworth's family and close associates their grief and their loss.

[From the Virginian Pilot, Mar. 5, 1972]

HE LED NORFOLK WITH WORDS AND ACTION

(By Jim Henderson)

NORFOLK.—W. Fred Duckworth arrived in City Hall with the blunt statement that "I don't know anything about politics—I'm just a businessman."

Then he proceeded with tireless energy to drive the city through its greatest period of development.

In the 12 years from 1950 to 1962, a record term for a Norfolk mayor, the city saw the expansion of redevelopment into downtown, the establishment of an industrial park, the construction of tunnels to Portsmouth and the Peninsula, the beginnings of a link to the Eastern Shore, strides in highway construction, the beginning of a library and a civic center, the conversion of the old courthouse building into a memorial and crypt for Gen. Douglas MacArthur, and the designation of Norfolk as an All-American City.

Each development bore some mark of the energetic North Carolina mountaineer-turned-industrialist who arrived in 1936, looked around, and glumly concluded that he didn't like what he saw, but stayed nonetheless to become the city's dominant personality during his years as mayor.

Duckworth epitomized the go-getter folk hero of the period of industrial growth between the two world wars—brusque, pragmatic, impatient with delay and red tape, intolerant of nonsense.

His penchant for direct action carried over into the conduct of municipal affairs.

"I've got his scars all over me and I cherish every one because he was a real man," recalled one City Council veteran of the Duckworth years.

Never given to mincing words, Duckworth openly dismissed the official history of Norfolk as a dull book and nettled traditionalists by calling the Confederate statue a pigeon roost. Miffed at what he considered a lackluster performance, he rebuked the city's legislative delegation in 1962, saying that "Norfolk hasn't gotten a thing" from that year's General Assembly.

Under Duckworth's strong leadership—often criticized as one-man rule—the council operated as a "team" on which a dissenting vote occasioned raised eyebrows.

The most notable dissent was that of now Mayor Roy B. Martin Jr., who refused to go along with the closing of the secondary schools in 1958 that hastened the end of Massive Resistance to integration.

Duckworth viewed the school closing as a swift solution to a nagging problem. "We did it to bring the matter to a head," he said later, "and I do feel it had some effect on getting it straightened out on the state level."

The school crisis "was one of the most difficult periods of the 12 years," he said. "We tried to turn away and duck it. The council had no business being mixed up in it because we had absolutely no control over the situation."

One goal unrealized by Duckworth was consolidation of the south Hampton Roads area under a metropolitan government, with Norfolk as the "Manhattan" of a borough system—a plan that appealed to Duckworth.

High among achievements that pleased him was persuading Gen. MacArthur to choose Norfolk as his burial place and the residuary of the documents of his military career. Duckworth accomplished this in the usual manner—rather than engage in tedious negotiations he went directly to the general in New York, braced him face to face, and got his acceptance.

"A very tough-minded man," said a childhood acquaintance who has followed Duckworth since the early days in the mountain town of Brevard, N.C. "He was that way as a kid. He was shrewd and honest."

Duckworth was "looked on with a certain amount of awe" by his Brevard neighbors as "a shining example of how well a young country boy could do when he went to town." He had a year and a half at Davidson College behind him when he went to work at the Ford Motor Co. plant in Charlotte, N.C., in 1920.

Starting at the bottom, Duckworth worked up to become in 1931 the youngest—at 32—manager of the Ford plant. He left Charlotte to manage the Ford operation in Memphis in 1933, and moved on to Norfolk as manager in 1936 when the Tennessee operation was closed down.

An acquaintance from those days recalled that Duckworth was smitten with neither the people nor the place when he arrived in Norfolk. But the man who was to become synonymous with Norfolk—and the city's First Citizen in 1956—stayed on until the government took over the plant in World War II and he was swept up by the war effort.

In 1942 Duckworth went to Cleveland as deputy regional director of the War Production Board. He stayed until 1944, when he took over the Ford agency in Norfolk, now Cavalier Motor Co. He stayed on as Cavalier's president until 1957, when he became chairman of the board.

Duckworth didn't slacken his pace when he left City Hall. He stepped in as president and general manager of Tidewater Virginia Development Council, a regional industry-hunting organization he helped found. He also was a state highway commissioner and a member of the governing body of the Chesapeake Bay Bridge-Tunnel, and retained membership in an array of clubs and organizations.

Still the unreconstructed businessman when he left the mayors' office, Duckworth looked back at his reign with unpolitical candor.

"As a businessman I would say the 12 years were slow," he said. "We haven't accomplished things as rapidly as I would have liked."

A MAN RESPECTED, REMEMBERED

NORFOLK.—The city councilmen and civic leaders who knew W. Fred Duckworth repeatedly used the word "great" Saturday to describe the man.

Thomas F. Maxwell, who was city manager for six years under Duckworth, said, "He was a great person as well as a great mayor."

"He was extremely quick-minded and could understand a problem very quickly and was quick to make up his mind," Maxwell said. "His whole personality was one of getting the job done and in the right way."

Sam T. Barfield, commission of revenue, said, "I lost a great friend."

Barfield, a former councilman, had many a verbal duel with Duckworth in the early 1960s. But, Barfield said Saturday, "From those battles grew a mutual respect. For the last seven years we have been very close. The man has contributed an awful lot to this city."

Barfield recalls that Duckworth was a champion of redevelopment. But he was also cautious about taking federal money.

He often said, "Let's check the strings before we take the money," Barfield related.

Lewis L. Layton, another former councilman who served with Duckworth, recalls "his extreme kindness."

The former mayor had a rough front which didn't always show what was behind it, Layton said, but, "He would help anyone on anything they asked him to."

Duckworth's chief contribution to Norfolk, Layton said, was his "steady push for progress. He never lost sight of the fact that Norfolk needed to grow."

Paul T. Schweitzer said, "One of the most educational four years of my life was serving on the City Council with Mr. Duckworth as mayor.

"I am simply stunned that such a thing could happen in our city. It would be bad enough to lose Mr. Duckworth under any circumstances. But, to be murdered in cold blood is simply unbelievable."

Schweitzer said Duckworth's chief contribution during his 12 years as mayor was "the leadership he brought to the city."

J. Pretlow Darden, who preceeded Duckworth as mayor, said, "It's just a tragedy. He goes down as one of our great Norfolk citizens. He had the courage to support the things he thought was in the best interest of the city."

Former Gov. Mills E. Godwin Jr. called Duckworth a distinguished citizen with "strong opinions, great drive, and determination."

When Godwin was governor, he appointed Duckworth to the State Highway Commission and later to the Chesapeake Bay Bridge-Tunnel Commission.

Godwin said Saturday, "I had long been an admirer of him. I had watched the progress that he had brought about in Norfolk. I felt he was a dynamic individual with a sense of urgency about those things he was committed to."

Sidney S. Kellam, a longtime political power at Virginia Beach, fought with Duckworth in the early 1960s over annexation. But, later the men served together on the Tidewater Virginia Development Council and the Chesapeake Bay Bridge-Tunnel Commission.

Kellam said, "The community has lost one of its outstanding citizens. He was forthright, straightforward and determined."

Linwood F. Perkins Sr., a former councilman, said, "He made a statement and he stuck by it."

Perkins added, "He was a man with terrific drive. Norfolk is a better place because of Mr. Duckworth and his leadership in urban renewal."

Edward J. Brickhouse, who went on to the City Council when Duckworth went off, said, "I admired the man so much. He was outstanding. He was successful in everything he went into."

Mayor Roy B. Martin Jr., who succeeded Duckworth as mayor, said, "This is a great tragedy."

Martin was appointed to the council in 1953 by Duckworth and served with the former mayor nine years. Martin added, "Fred Duckworth's death is a loss to the entire city as well as to me personally."

REDESIGNATION OF VETERANS DAY AND MEMORIAL DAY

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mrs. GRASSO. Mr. Speaker, on January 23, 1972, a resolution to redesignate

November 11 as Veterans Day and May 30 as Memorial Day was passed by the Department of Connecticut, Italian American War Veterans of the United States, Inc.

These commemorative days mark significant events. They are solemn occasions in the life of our Nation. For all of us, Veterans Day and Memorial Day are special occasions; for veterans, the meaning and memories associated with both are even more poignant. Therefore, we should give the most careful consideration to the views and wishes of the veterans organizations in designating these national holidays.

I am inserting in the CONGRESSIONAL RECORD the resolution passed by the Department of Connecticut, Italian American War Veterans, at a January meeting:

RESOLUTION

Whereas: The thirtieth day of the month of May was designated as Decoration Day or Memorial Day shortly after the war between the States ended, and has been traditionally observed since and,

Whereas: The eleventh day of the eleventh month at 11 A.M. marked the event of the Armistice ending World War I, and shortly after World War II the eleventh day of the eleventh month was officially designated as Veterans Day and has been traditionally observed since and,

Whereas: The Congress of the United States by law has designated the last Monday in May as Memorial Day and the fourth Monday in October as Veterans Day, and,

Whereas: We believe that these changes of our traditionally observed holidays are against the wishes and beliefs of the great majority of the veterans and their families,

Now therefore be it resolved, The Department of Connecticut, Italian American War Veterans of the U.S. INC., does hereby request and petition the Governor and the General Assembly of the State of Connecticut and the President and the Congress of the United States of America to repeal the existing law and return to the traditional observance of May 30th as Memorial Day and November 11, as Veterans Day .

This resolution was duly acted upon and passed at our regular meeting of the Department of Connecticut, Italian American War Veterans of the U.S. Inc. on January 23, 1972.

FTC JURISDICTION AND POWERS TO PROTECT CONSUMERS BROADENED BY DECISION OF SUPREME COURT

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mr. EVINS of Tennessee. Mr. Speaker, the U.S. Supreme Court in a recent opinion broadened the jurisdiction and powers of the Federal Trade Commission in holding that the FTC authority is not limited to "the letter and spirit" of antitrust laws and statutes, but extends further to include general protection of consumers who have suffered injury from unfair and deceptive business practices.

Because of the interest of my colleagues and the American people in this most important matter of consumer protection, I place in the RECORD herewith, excerpts from this case, Federal Trade Commission against the Sperry & Hutchinson Co.:

> In reality the question is a double one: First, does (the law) empower the Commission to define and proscribe an unfair competitive practice, even though the practice does not infringe either the letter or the spirit of antitrust laws? Second, does (the law) empower the Commission to proscribe practices as unfair or deceptive in their effect upon consumers regardless of their nature or quality as competitive practices or their effect on competition? We think the statute, its legislative history and prior cases compel an affirmative answer to both questions.
>
> Legislative and judicial authorities alike convince us that the Federal Trade Commission does not arrogate excessive power to itself if, in measuring a practice against the elusive, but congressionally mandated standard of fairness, it, like a court of equity, considers public values beyond simply those enshrined in the letter or encompassed in the spirit of the antitrust laws.

The Federal Trade Commission wanted and needed this broader authority and the action by the Supreme Court obviates the necessity of further consumer legislation and the creation of a Department of Consumer Affairs, as some have advocated. The Nashville Tennessean in a recent editorial on the court decision entitled "FTC Can Get To Work Now"—and I echo this admonition and sentiment.

Because of the interest of my colleagues and the American people in this most important matter of consumer protection, I place the editorial in the RECORD herewith:

[From the Nashville Tennessean, Mar. 3, 1972]

FTC CAN GET TO WORK NOW

The Supreme Court gave the Federal Trade Commission stronger powers to protect consumers by ruling that a regulatory agency's authority is not limited to moving against antitrust violations.

In a 7-0 decision written by Justice Byron R. White, the court said the FTC may go beyond the letter or even the spirit of antitrust laws and act against all kinds of immoral or unfair trade schemes.

This is good news to a consuming public which it seems is being victimized more openly all the time by shoddy products, poor workmanship and fast-buck schemes.

The White House Office of Consumer Affairs says it is being swamped by complaints from consumers who claim they have been gypped in one way or another and demand that they be given some protection by government.

Their complaints, the office says, range from discovery of metal pieces, hair, and other foreign matter in various kinds of canned foods to the conscienceless refusal of supposedly reputable manufacturers to make good on defective merchandise they have sold to the public.

The government would be helpless to protect the consumer from flagrant swindles if it could not proceed against offenders except under the antitrust laws, which apply generally to other areas of consumer gouging such as price fixing and the reduction of competition.

The FTC has been giving indication in recent months of wanting to do something worthwhile in consumer protection. The agency should now make the widest possible use of the new powers it has been given by the Supreme Court.

COMMUNICATIONS ISSUES I: THE FTC'S COUNTER-ADVERTISING PROPOSAL

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mr. HELSTOSKI. Mr. Speaker, after being mired for decades in a swamp of bureaucratic lethargy, the Federal Trade Commission suddenly came to life a few years ago as an energetic and effective consumer protection agency. And, under the chairmanship of Miles Kirkpatrick, the Commission has continued to expand in its record of success as an advocate of the rights of American consumers.

One of the most imaginative and potentially far-reaching of the FTC's recent actions was its counter-advertising proposal to the Federal Communications Commission. Briefly stated, this suggestion recommended that the FCC, under the Fairness Doctrine, require broadcasters to air responsible rebuttals to advertising claims which fall into one of four categories:

First, advertising asserting claims of product performance or characteristics that explicitly raise controversial issues of public importance; second, advertising claims which rest upon or rely upon scientific premises which are currently subject to controversy within the scientific community; third, advertising stressing board recurrent themes, which affect the purchase decision in a manner that implicitly raises controversial issues of current public importance; and fourth, advertising which is silent about the negative aspects of the advertised product.

In connection with this proposal, the FTC has urged that broadcasters sell counter-advertising time to those able to purchase it, and make free air time available to those citizens with something of significance to say who cannot afford the advertising rates. And, I would add, the Federal Trade Commission, has carefully limited its proposal, recognizing that the right to counter-advertising cannot be unrestricted. As the FTC pointed out, this is not an equal time proposal but simply an extension of the Fairness Doctrine to include controversial advertising claims, just as it now encompasses controversial political subjects and other issues.

The need for adoption of a proposal such as the FTC suggests should be clear to anyone who, from time to time, joins television advertisers' "captive audience." We are all familiar with the massive advertising campaign undertaken by the Standard Oil Company of New Jersey and its affiliates on our Nation's airwaves. This huge petroleum corporation is not content with lobbying Members of Congress and other officials in order to preserve its special tax status and to avert effective regulation of its environmentally harmful activities. It now purchases blocks of air time on such programs as the NBC Saturday Evening News to persuade the American public that its marine drilling activities are a boon, not a danger, to the environment.

If we believe the ads forced on the viewing public every few minutes for half an hour at a time, the fish in the Gulf of Mexico never had it so good until Standard Oil came along and started drilling. The ads, of course fail to mention the fish's opinion of the Chevron drilling operation explosions in the Gulf, the massive pollution which resulted, or the gross violations of Federal safety regulations which caused the oil spill.

Another type of ad, which presumably would be covered by the FTC's counter-advertising proposal, is that broadcast ceaselessly by the Bayer Aspirin manufacturer, the Sterling Drug Co. In obviously staged citizens' meetings the earnest Bayer Man convinces an extraordinarily attentive audience that Bayer is clearly superior to all other types of aspirin. The Bayer Man sells us the facts about aspirin and fields questions from worried housewives, who apparently have nothing better to do with their time than attend mass meetings on the subject of aspirin. If this type of advertising catches on, I suppose we shall soon be viewing public rallies at Madison Square Garden in support of "pucker power."

In any case, the Bayer Man engages in a quasi-scientific doubletalk about Bayer Aspirin merits. Misleading and insignificant distinctions are created, and, despite the protests of the American Medical Association, one of its studies on pain relievers is cited as a virtual endorsement of Bayer's superiority. In fact, the American people are not getting the facts on aspirin from the Bayer Man. He neglects to mention that the chemical components of, and manufacturing process for, aspirin are so tightly regulated by the Food and Drug Administration that all types of aspirin are virtually identical. The American public is also not informed that Bayer Aspirin costs approximately four times as much as the ordinary, but virtually, identical generic brand to be found in any supermarket. Bayer's multimillion dollar media campaign is a classic example of advertising creating a false demand for a product. The consumer needs some type of aspirin as a pain reliever; he is convinced by television ads that Bayer is somehow so superior that he should pay about 75 cents for it while an essentially identical product is available for only 19 cents; the 56 cent difference in price is attributable to financing an advertising campaign to create a false demand for Bayer, and the vicious circle remains unbroken.

These are only two examples where counter-advertising could aid the American consumer in receiving facts rather than commercial propaganda from his television set. Yet another, perhaps, is the media campaign being conducted by the Association of American Railroads, to promote "America's Railroads." In recent weeks, a spokesman for the railroads has been describing to the American public the allegedly unfair treatment of the Nation's railroads under Federal regulatory law and has urged enactment of the Surface Transportation Act which is now pending in the House Transportation Subcommittee. Although I and others on that subcommittee agreed to cosponsor this measure so that it might receive consideration, I cannot condone the railroads' media blitz in its behalf. The railroads ads do not discuss the merits or demerits of this bill; the American people are being asked to take his word for it that enactment of the Surface Transportation Act is vital to the national welfare. This type of political advertising is as eroding of rational public discourse on public policies as 30-second campaign spots. I object very strongly to such attempts to bombard the American people with propaganda in the absence of any discussion of the bill's provisions, or its merits. If the counter-advertising proposal of the FTC were adopted the American viewing public might at least have the benefit of the views of such public groups as the National Association of Railroad Passengers on the questions of railroad regulation and subsidies.

Mr. Speaker, to paraphrase FCC Commissioner Nicholas Johnson, the counter-advertising proposal is one means whereby the American consumer can talk back to his television set. The proposal was discussed further, quite compellingly and in considerable detail by FTC Chairman Kirkpatrick in a speech on February 28. So that my colleagues may be aware of the Federal Trade Commission's rationale for this bold policy suggestion, I include the text of Mr. Kirkpatrick's speech at this point in the Record:

REMARKS OF MILES W. KIRPATRICK, CHAIRMAN, FEDERAL TRADE COMMISSION

Over 100 years ago John Stuart Mill observed that "Not the violent conflict between parts of the truth but the quiet suppression of half of it, is the formidable evil; there is always hope when people listen to both sides: it is when they attend only to one that errors harden into prejudices, and truth itself ceases to have the effect of truth by being exaggerated into falsehood."

Mill's observation contains the essence of the Federal Trade Commission's recent counter-advertising Statement. It is to that Statement that I would like to address my remarks today.

The Statement was filed on January 6, 1972, in response to the Federal Communications Commission's notice of inquiry titled: In the Matter of the Handling of Public Issues Under the Fairness Doctrine and the Public Interest Standards of the Comunications Act *, Part III: Access to the Broadcast Media as a Result of Carriage of Product Commercials. In its Statement, the Commission set out the four basic economic facts which undergird our indorsement of the concept which has become known as "counter-advertising." First, advertising plays a significant role in the maintenance of our free economy. Second, broadcast advertising—some $3.6 billion a year represents a large quantum of economic power. Third, broadcast advertising—especially television advertising—is a uniquely effective method of getting across the advertiser's message. Fourth, television is a one-way street; despite broadcast advertising's enormous impact, no one but the advertiser gets to talk.

Having thus delineated the dimensions of the general economic situation, the Statement next discussed several limitations on the FTC's ability to deal effectively with all economic problems of broadcast advertising which may affect competition in consumer products. We cannot regulate it all because we lack the resources to do so. Even if we had unlimited resources, we should not regulate it all for the simple reason that not all of it—indeed relatively little of it—directly violates any laws enforced by the FTC.

Each advertiser is free to pick and choose among the many things he could say about his product to select the things he actually does say. Unless the advertiser by his selectiveness materially misleads the consumer, the Commission cannot second-guess the advertiser's emphasis. That leaves the consumer with an incomplete set of facts when he may wish to know more, or, indeed, needs to know more if he is to make a "rational" purchase decision.

In the heart of its Statement, the Commission said:

"The Commission believes that counter-advertising would be an appropriate means of overcoming some of the shortcomings of the FTC's tools, and a suitable approach to some of the failings of advertising which are now beyond the FTC's capacity. While counter-advertising is not the only conceivable technique, regulatory or otherwise, for ameliorating these problems, it may be the least intrusive, avoiding as it does the creation of additional governmental agencies or further direct inhibitions on what advertisers can say. Counter-advertising would be fully consistent with, and should effectively complement, the enforcement policies and regulatory approaches of the FTC, to foster an overall scheme of regulation and policy which would deal comprehensively with many important aspects of advertising, to insure with greater certainty that advertising serves the public interest.

"Any attempt to implement a general right of access to respond to product commercials must allow licensees a substantial degree of discretion in deciding which commmercials warrant or require access for a response. Certainly, it is implicit in the foregoing discussion that not all product commercials raise the kinds of issues or involve the kinds of problems which make counter-ads an appropriate or useful regulatory device. It is equally clear, however, that the licensee's discretion should be exercised on the basis of general rules and guidelines which would *interalia,* specify the general categories of commercials which require recognition of access rights.

"The FTC believes that certain identifiable kinds of advertising are particularly susceptible to, and particularly appropriate for, recognition and allowance of counter-advertising, because of characteristics that warrant some opportunity for challenge and debate. Such an opportunity has not been afforded sufficiently by means of broadcast news or other parts of programing, and it is unlikely that it will or can be so afforded by such means at any time in the future. Hence, it is believed that challenge and debate through counter-advertising would be in the public interest with respect to [certain] categories of advertising."

The first category we proposed is advertising asserting claims of product performance or characteristics that explicitly raise controversial issues of public importance. This category, which, since 1967, has been treated by the courts and the FCC as requiring fairness doctrine treatment in certain cases,* comprehends ads raising explicitly such controversial issues of public importance as pollution and auto safety.

The second category is advertising stressing broad recurrent themes, which affect the purchase decision in a manner that implicitly raises controversial issues of current public importance. Here we mentioned, for example, food ads which may be viewed by some as encouraging poor nutrition habits. This category, too, has received at least implicit court approval.

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* Docket No. 19260.

***Television Station WCBS–TV*, 8 F.C.C. 2d 381 (1967), *aff'd Banzhaf* v. *FCC*, 405 F.2d 1082, (D.C. Cir. 1968), *cert. denied* 396 U.S. 842 (1969). *Friends of the Earth* v. *FCC*, U.S. App. D.C. ———, ——— F.2d ——— (No. 24, 566, August 16, 1971).

A third category is advertising claims which rest upon or rely upon scientific premises which are currently subject to controversy within the scientific community. While the FTC is empowered to take formal action to eliminate deception resting on scientific claims, such action might create the unfortunate misimpression that the government has an official preference for one side of the controversy. Counter-advertising would avoid that government intrusion.

The fourth category is advertising which is silent about negative aspects of the advertised product. This category is self-explanatory.

That, then, is in summary our rather modest counter-advertising Statement. Today, I would like to add some perspective by discussing, and I hope, answering, some of the comments which have been made about counter-advertising. In effect, I will attempt to demonstrate the utility of counter-advertising by engaging in some myself.

I would like to take up first the charge that the FTC is shirking its regulatory responsibilities by passing the buck to the FCC, and that one of the reasons we prefer counter-advertising to our own regulation is because we feel ourselves unduly constrained by our procedures. Neither point is correct.

The FTC is empowered by law to put an end to unfair or deceptive advertising if it would be in the public interest to do so. We intend to continue to use this power to enforce the law as vigorously, rapidly, and effectively as we can. The purpose of counter-advertising is not to end false claims but to permit private groups and individuals in appropriate cases to dispute claims with which they disagree. Obviously, of course, there may be some situations in which a claim is susceptible of both FTC regulation and counter-advertising.

In a sense, that is the case now. Anyone can write a letter to the editor or print a leaflet or testify before a Congressional committee about advertising which he believes raises issues of explicit or implicit public controversy, rests on unresolved scientific premises, or fails to discuss negative aspects of a product. None of this activity is a substitute for FTC action in a proper case; rather, it complements FTC action. All that counter-advertising would do is permit one who wishes to comment on broadcast advertising to do so over the same airwaves which carried the ad in the first place.

The charge that we seek to abridge advertisers' procedural rights surprises me. Subjecting a respondent to a cease and desist order is of significant legal force; a cease and desist order carries serious penalties for violation and the FTC will continue to afford full procedural and substantive rights to all subject to its procedures. But to argue that no advertiser should be criticized, or commented upon, or discussed, or praised, for that matter, without due process of law, trivializes due process. Advertisers frequently comment on each other's products. That is called competition. Magazines and newspapers often praise or criticize ad campaigns. These are called editorials. But when we propose that the public be allowed to comment on TV about TV ads, we are charged with attempting to bypass our responsibilities. There may be some criticisms of substance of counter-advertising, but that certainly is not among them.

Let me emphasize, too, that we have not proposed an equal time doctrine. We did not suggest that each broadcast commercial should trigger a right to a free reply. We specifically and quite willingly, I might add, deferred to the FCC with respect to the mechanics and implementation of counter-advertising. We suggested that it might be appropriate for the FCC to prohibit in some categories replies to particular ads, allowing only general replies to all advertising for broad product categories. We recognized the necessity of strictly limiting the frequency, number, and duration of reply ads.

We did recommend that the FCC require that anyone who was willing to pay for time be permitted to buy it, and we recommended that the FCC require licensees to provide some free time to those unable to pay for it.

It has been said that, if implemented, counter-advertising would drive advertisers off the air because they would not wish to run their messages in the same medium which permits attacks upon them. This, our critics say, would bankrupt broadcasters and ultimately deprive the public of free TV. If this were truly so, I suppose Ford would never advertise on the same network as Chevrolet. But, more seriously, I am deeply concerned by the notion that the majority of advertisers are able or willing to play the game only if the rules free them from any disagreement. In the first place, all advertising involves at least the implication that a competitor's product is less desirable than one's own. Some ads expressly criticize the much maligned "Brand X" or even name the competing product. I see no reason why counter-advertising should be any more deleterious to Product X than ads by the maker of Product Y. Why, in any event, should an advertiser have the right to monopolize the consumer's attention by trumpeting the virtues of his product when a consumer who learned of an aspect undesirable to him might not buy it if the attention monopoly were ended?

Then it is said that the presence of counter-ads will create a Tower of Babel, a multiplicity of ads so great that no one will be able to sort out anything. As I have already mentioned, the FTC did not propose that the FCC require limitless counter-ads. On the contrary, we explicitly recognized the desirability of limits as to frequency, duration and number. For example, we made the modest suggestion that it might be appropriate to cluster the free time in one prime five minute block per week. Nor did our proposal contemplate that all individuals or groups be granted access. Rather, we were concerned with increasing the points of view to be accommodated. Not all licensees will grant free time to all counter-advertisers.

It is enough that each licensee accomodate a few counter-advertisers.

But how, it is asked, will licensees, without risking the wrath of the FCC, sort out those who wish to counter-advertise and arrange them? How, I ask, do licensees select among the variety of public interest spots now available to them? Obviously, they exercise their best judgment, consistent with their obligation to further the public interest, convenience, and necessity. Since there has never been a license denial for failure to select wisely, I believe the broadcasters' continued best judgment will be quite adequate to the task of selecting counter-ads.

And, if the broadcasters select, how is the consumer to make any sense of the welter of ads and counter-ads? The answer depends on what a consumer is supposed to learn from counter-advertising. If a consumer is supposed to receive a flash of absolute revealed truth complete with breadth and depth of understanding, from an ad or a counter-ad, clearly inadequate. Just as an ad for a product tries to catch a consumer's interest, give him a piece of information, and induce him to consider the advantages of a product, so a counter-ad should catch his interest, give him a piece of information, and induce him to consider other aspects of a product. The key is the word "consider." No product ad is a dissertation with footnotes. It is a prod to thought, a spur to action. Neither must a counter-ad answer all the consumer's questions. If it encourages him to reflect, to think twice, to weigh for himself, to seek more information, a counter-ad will have done quite enough.

Without belaboring the point, I think those who would protect the consumer from too much information do him a real disservice. No consumer can know everything about all products any more than any voter can know everything about all issues. With respect to the electorate, Thomas Jefferson said:

"I know no safe depositary of the ultimate powers of the society but the people themselves, and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion." The analogy to counter-advertising is apt.

It has also been claimed that counter-advertising in broadcast advertising violates the first Amendment, because the First Amendment no more permits the government's requiring that material be broadcast than it permits the government's banning or censoring of broadcast material. Some broadcasters are saying that their right of free speech will be unconstitutionally burdened by requiring them to run counter-advertising. The trouble with this argument is that it ignores the question of whose First Amendment rights are at issue. As the Supreme Court held in Red Lion:

"It is the right of the viewers and listeners, not the right of the Broadcasters which is paramount . . . It is the purpose of the First Amendment to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail, rather than to countenance monopolisation of that market, whether it be by the Government itself, or a private licensee. It is the right of the public to receive suitable access to social, political, esthetic, moral, and other ideas and experiences which is crucial here. That right may not constitutionally be abridged either by Congress or by the FCC."[*]

But it is further argued that requiring access to television unfairly discriminates against broadcasters as compared to other media which carry advertising. This argument, of course, ignores the differences between television and other media.[**] A consumer who watches television must take evasive action which would do credit to Snoopy as the Red Baron if he is to avoid all television commercials and still watch TV. As a practical matter, most people will agree that the television viewer is a member of the advertiser's captive audience.

We trade regulation lawyers are not often dealers in the First Amendment, but the concepts behind the antitrust laws and the First Amendment do seem to converge at counter-advertising. If I were a potential monopolist—of ideas or of goods—I would revel in a system which lets me speak and sell at will but barred all those who would speak with ideas rather than with competing products. It is against just such monopolization that counter-advertising is aimed.

Another criticism is that no one will be able to regulate the counter-advertisements because their ads will be protected by the First Amendment. Thus, it is argued, advertisers who are held by the FTC to ever more rigorous standards of veracity will be subjected to attack which may be totally untruthful and totally unregulated. While this argument has surface appeal, I believe it is misplaced. I think *New York Times Co.* v. *Sullivan*[*] is authority for the proposition that the First Amendment will not protect those counter-advertisers whose falsehoods are delivered with "actual malice"—that is, when the counter-advertiser knows his statement is false or he acts with reckless disregard of whether his statement is false or not.

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[*] *Red Lion Broadcasting Co.* v. *FCC*, 395 U.S. 367, 389 (1969).

[**] *Television Station WCBS-TV*, 8 F.C.C. 2d 381 (1967), *aff'd Banzhaf* v. *FCC*, 405 F. 2d 1082 (D.C. Cir. 1968), *cert. denied* 396 U.S. 842 (1969).

That leaves those who, through their innocent mistakes, deceive. In some instances such innocent missstatements would be constitutionally protected, although clearly this would not be the case for those counter ads that constitute purely commercial speech.*** I believe that we should risk the possibility of a few such distortions in order to achieve the balancing benefits that an effective counter-advertising mechanism would create for the American consumer. While our case for counter-advertising does not rest upon First Amendment considerations, it is perhaps noteworthy that chancing the possibility of some innocent distortion by counter-advertisers is fully consistent with the First Amendment's purposes.

I do not find at all persuasive the arguments leveled at our Statement. Perhaps what is even more striking is that every critic has in effect said "Yes, but . . ." Actually, our fundamental proposition, *i.e.*, that broadened access rights for counter-ads may make sense as a matter of national economic regulatory policy, has gone virtually unchallenged. Instead, detractors have concentrated on alleged adverse side effects that would overwhelm the conceded good our proposal would accomplish.

For the reasons expressed in the original Statement, I continue to believe that Counter-Advertising would materially contribute to the goal of a healthy and informed marketplace. In short, I do not fear that our proposal would burn the barn to roast a pig. I am confident that, whatever the niceties of unsettled or disputed questions of law that bear on our proposal, the FCC and the Courts will fashion procedures in accordance with the public interest.

I had thought our counter-advertising Statement a small contribution to the FCC's inquiry about the fairness doctrine, and I still think so. The ensuing outcry has surprised me. Perhaps now that you have heard me out you will agree that the proposal is a reasonable one and one that deserves consideration.

In closing, let me say that reasonable men may, I suppose, differ as to the merits of the Federal Trade Commission's proposal. I would hope, therefore, that the matter will be made the subject of rational discourse and reasoned examination. To quote from the remarks of a third learned gentleman of over one hundred years ago—"Men are never so likely to settle a question rightly as when they discuss it freely." Those are the words of Thomas Babington Macauley in 1830, equally descriptive, I suggest, of the purposes of counter-advertising as of the kind of discussion that should surround the consideration of that proposal.

Thank you.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

THE TAIWAN CONCESSIONS: A RED CHINESE VICTORY?

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mr. MILLER of California. Mr. Speaker, the Oakland Tribune has recently carried an editorial entitled "The Taiwan Concessions: A Red Chinese Victory?" that I want to share with my colleagues.

The publisher of the Oakland Tribune is the Honorable William Knowland, former U.S. Senator from California and former Republican leader of that body. Senator Knowland has always had a keen interest in the Orient. This is understandable, because we from California face the Orient and affairs on the shores of the Pacific are of common interest to us all.

It was my privilege to serve with Bill Knowland in the California Legislature and here in the Congress and I am sure that the question posed by this editorial is one that all of us are concerned with and would like to know its answer.

The editorial follows:

[From the Oakland (Calif.) Tribune, Feb. 29, 1972]

THE TAIWAN CONCESSIONS: A RED CHINESE VICTORY?

When President Nixon revealed last July he was going to Peking for a face-to-face summit with the leaders of Communist China, the question of Taiwan was generally acknowledged to be the starting point for any accord that might be reached.

At that time, we labeled the whole venture a "gamble where the odds are heavily against (the United States) from the start." Our concern for the integrity of this nation's solemn treaty obligation with the Taiwan government was shared by many diplomatic observers familiar with the powerful, conflicting forces churning about in the frothy geopolitical cauldron of Asia and the Far East.

Now that the President's epic journey to the heartland of Chinese communism has ended, the worst fears of last summer seem fully confirmed, and the "gamble" appears only to have paid off in terms of a signal diplomatic victory for Premier Chou En-lai and his Marxist government in Peking.

By failing to confirm in the joint communique with Chou the U.S. commitment to protect Taiwan against external attack, the President even seems to have gone far beyond the previously announced Nixon doctrine abdicating the U.S. role of a global, anti-Communist force. Remaining aloof and neutral in another's dispute is one thing; ignoring a promise to protect a friend is quite another.

The United States now acknowledges Chou's long-standing claim that Taiwan is part of China, and the promise of eventual withdrawal of all U.S. troops from the island seems to portend the day when an armed invasion will be launched by Communists secure in their knowledge that there will be no U.S. response.

Chou promises to "liberate" the 15 million Chinese on Taiwan, but as the reporters who accompanied Mr. Nixon related, there are already precious few liberties under the Chinese Communists. All mainland Chinese life is so closely controlled that true freedom and true liberty, even approximating the American meaning, are simply not known and not permitted.

But all this Mr. Nixon has known for many years. Is the President now prepared to sacrifice the Nationalist government and the Taiwan people to a life of Marxist slavery in order to find an accommodation with Chou En-lai?

There were no counter-concessions by Chou or by Red party Chairman Mao Tse-tung, and until these Red leaders show evidence beyond mere words of a true intention to work towards Asian peace, then the President's virtual disavowal of a solemn American treaty obligation seems both unprofitable and potentially dangerous.

Indeed, the people of Taiwan may be excused for reacting with the same uncomfortable nervousness as did the people of Czechoslovakia after Britain's Prime Minister Neville Chamberlain returned from Munich with the proud announcement of his "peace in our time" deal with Chancellor Adolph Hitler of Nazi Germany.

NIXON PROPOSES VISITS TO MOSCOW AND HAVANA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mr. RARICK. Mr. Speaker, while the public attention continues on the President's recent trip to Red China, little attention is being directed to his forthcoming visit to Moscow.

The repercussions from the China trip have not been fully analyzed as to its impact with our Latin and Central American friends and the situation is further aggravated by news leaks that one of the results of the Moscow trip could be a Nixon visit to Havana—after the fall elections, of course, so as not to alienate the anti-Communist Cuban refugees in the United States—especially those who have become voting citizens.

I ask that related newsclippings follow:

[From the Washington Post, Feb. 4, 1972]

NIXON VISIT TO RUSSIA IS DISCUSSED

Secretary of State William Rogers and Soviet Ambassador Anatoly Dobrynin discussed at length yesterday President Nixon's trip to the Soviet Union in May and agreed on further talks.

The two men began what amounted to a catalog of the possible agenda issues, U.S. officials said. Most of the issues were discussed in passing as problems that might be raised at or affect the Soviet-American summit.

State Department officials expressed private satisfaction that their boss would be heavily involved in the substantive preparations for the Moscow visit. This contrasts with the planning for the forthcoming Peking summit, which was handled almost exclusively by presidential adviser Henry A. Kissinger and his staff.

Rogers called Dobrynin in for what was described as a "tour of the horizon" upon the Soviet ambassador's return from Moscow. Dobrynin was in the Soviet Union for about

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***New York Times v. Sullivan*, 376 U.S 254, 265-6 (1963).

two months and reportedly held intensive talks on the Kremlin's American policy.

Among the subjects reviewed at yesterday's meeting were the strategic arms limitation talks, a European security conference and mutual balanced force reductions in Europe. The two men reportedly did not discuss China or Vietnam.

State Department spokesmen said that Rogers asked Dobrynin whether Moscow plans to receive former NATO Secretary-General Manlio Brosio, the designated allied negotiator on troop cuts. Dobrynin reportedly answered that he could not say. Brosio has been waiting for a Soviet invitation for months.

Rogers and Dobrynin are also said to have discussed such purely bilateral matters as American efforts to open a consulate in Leningrad. Washington has been holding up the opening of a Soviet consulate in San Francisco pending completion of arrangements in Leningrad.

Meanwhile, it was announced that the Soviet-American maritime talks held at the State Department since Jan. 25 are being adjourned to give both governments a chance to consider their progress.

Among the problems for the talks were the opening of Soviet and U.S. ports to each other's merchant shipping.

Washington is interested in getting port rights in Leningrad. Vladivostok and other harbors. The Soviets want to be able to load and unload cargoes in East Coast and Great Lakes ports.

Except for a major recent exception to load American grain on Soviet ships, the International Longshoremen's Association has refused to handle Soviet merchant shipping, which has been able to use only West Coast ports.

[From the Washington Star, Feb. 15, 1972]

RUSSIAN AT U.N. SEIZED AS A SPY AGAINST UNITED STATES

NEW YORK.—A 32-year-old Soviet citizen who works as a translator for the United Nations Secretariat was arrested last night on espionage charges outside a restaurant in Patchogue, N.Y., according to Robert Morse, attorney for the Eastern District of New York.

Morse said the suspect, Valeriy Ivanovich Markelov, who has worked for the U.N. since 1967, was arrested on charges of having classified information pertaining to the F14 fighter plane.

The Federal Bureau of Investigation said the case had been under investigation since the fall of 1970, when Markelov made the acquaintance of an engineer employed at the Grumman Aerospace Corp., in Bethpage, N.Y.

"From the inception of the case, Grumman officials and the engineer directly involved cooperated fully with the FBI" a spokesman for the FBI said.

The FBI said Markelov gave the engineer a portable copying machine and a 35-mm camera with which to reproduce the classified material.

"Markelov had 11 separate meetings with the engineer at various restaurants in the New York area, and persistently requested confidential data concerning the new plane," the FBI said. According to the FBI spokesman, all of the meetings were observed by federal agents.

John F. Malone, the New York regional FBI director, said Markelov was arrested at 8:30 p.m. outside the Long Island restaurant after he had met with the engineer inside and received "classified documents."

[From the Baton Rouge (La.) Morning Advocate, Mar. 3, 1972]

CASTRO MIGHT OKAY DIALOG WITH UNITED STATES

WASHINGTON.—Cuban Prime Minister Fidel Castro is telling intimates he is no longer inflexibly opposed to resuming a more friendly relationship with the United States.

Diplomats attuned to Castro's thinking say there has been a decided change in his views since last September when he declared that Cuba has "no intention or desire of resuming relations with Yankee imperialism."

The first evidence of the emergence of a "New Castro" came in Chile last Nov. 25 when he declared that an era of U.S.-Cuban friendship might be possible after the Nixon administration leaves office.

In private conversations, Castro has made it known that the statement was no slip of the tongue. One diplomat, who asked not to be quoted by name, spent 45 minutes with Castro not long ago and said Castro's position toward a dialogue with the United States is unmistakably more flexible than it was just a few months ago.

Another Castro expert who has detected a change in the prime minister's attitude is Prof. James D. Theberge, director of Latin-American studies for the Center for Strategic and International Studies of Georgetown University.

Theberge said he has received information indicating that Castro is "astoundingly well-informed" about the position of a number of U.S. newspapers and editorial writers on U.S.-Cuban relations.

In an interview, Theberge said that Castro's concern over the viewpoint of U.S. opinion makers could be aimed at giving him a "feel of the possibilities of resuming a dialogue."

Theberge said Castro's apparent reappraisal of his hardline anti-American stand stems primarily from a desire to free Cuba from what has become an almost total dependence on the Soviet Union.

In the economic sphere, Theberge said, the Kremlin is demanding more and more say on how Soviet economic resources are to be used in Cuba. He said Castro might find the Soviet presence more tolerable if Cuba showed some sign of economic progress. In Cuba, even sugar is rationed.

U.S. officials say Castro has given them no direct signal of a desire for resuming a dialogue and there is some question as to whether the Nixon administration would agree to talks prior to the November elections.

Nixon administration political strategists, recognizing the anti-Castro sentiment among Cuban refugees remains strong, say that a show of flexibility toward Castro before November could cost the Republicans thousands of votes.

Nixon has said, however, that the Cuban issue could come up during his May summit consultations in Moscow.

According to Theberge, another of the reasons for Castro's apparent policy switch is that he is obsessed with the fear that the Moscow summit meeting could produce a U.S.-Soviet understanding at the expense of Cuba's security interests.

POLITICAL MORAL SEEN IN PEKING APPROACH

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mr. DERWINSKI. Mr. Speaker, Eliot Janeway is an internationally recognized economist whose column is carried regularly by the Chicago Tribune Press Service. The Chicago Tribune of Monday, March 6, comments in a most timely fashion on key questions stemming from the new American contacts with Peking.

Mr. Janeway's column follows:

POLITICAL MORAL SEEN IN PEKING APPROACH

(By Eliot Janeway)

NEW YORK, March 5.—China is the big power with the least developed economy. Hers is the smallest role in the world economy. She plays it by keeping her foreign trade on a cash basis.

China's sensitivity to power relationships goes far to explain her preference for paying cash and letting the credit go. A recent experience of credit dependence is fresh in the minds of her wary leaders. It threatened to trap them, and they have shown their determination to avoid running the risk again.

Russia had sold airplanes and other equipment to China on credit before the family quarrel between Moscow and Peking erupted. When the Kremlin moved to exert a creditor's squeeze on China, the response from across the Great Wall was to pay Russia off and send her salesmen packing.

The political moral has not been lost on Russia's satellites in Eastern Europe. They would have more bargaining power with Moscow if they too had managed to pay Russia in cash and let the credit go.

MORAL WAS LOST

But the moral has been lost on America. Trade is one of the aims of the preliminary Presidential probe in Peking; and credit entanglements are to be one of the means. American exports will now be one of the measures of whether "the week that changed the world" changed it for better or for worse. China has the dollars to pay cash on the barrelhead for enough airplanes to put Seattle, Los Angeles, St. Louis, Wichita, Cincinnati, Hartford, and Fort Worth back on overtime. Moreover, she is loading up on more every day. For she has the very best paying business in America hitting the cash register for her.

No conjecture is needed to identify her profiteering from it; and it is one good business in America not within reach of the regulatory operations of President Nixon's Price Board. No less an authority on the present day China trade than Gen. Creighton W. Abrams has just identified it.

While the President was in Peking, Abrams singled out China as one of the Big Three Asiatic sources of the pernicious American blight known as the drug traffic; Peking's satellites in Laos and Cambodia are the other two.

CASH IS NOT PROBLEM

China is making as much money out of the American dope trade as she is making trouble for America with it. Therefore, cash is scarcely a limitation on her ability to buy the many staples of the American way of life she lacks.

Nevertheless, credit will be the official lubricant of the American trade flow about to be started up with China. Relying on it will put America in the position of literally using her own money to buy any sales she proposes to make with China.

Being banked by America will put China in the position of having the use of the goods she gets from America without having to pay for them until after they have paid for themselves. This means that the dollars pouring into her treasury from American drug trade will be hers to use elsewhere.

ASSESS THE CHANGE

China's flexibility in switching her negotiating stance vis-a-vis America from a cash to a credit basis needs to be assessed in terms of the main preoccupation of Communist strategy. This is not profit, but power. It is not economic, but political. It treats peacetime negotiation as an extension of wartime combat, and trading as a way of fighting.

Considering China's willingness to let America bank her against the background of her fear of falling into Russia's clutches speaks for itself. Everyone knows that China has good reason to be afraid of Russia. Now everyone will know that China no longer sees any reason to be afraid of America. The economics of handout is the fellow-traveler of the politics of kowtow. The fear-conscious world of Asia will count it that way.

But freedom from fear of the other side meets only one of Communism's two conditions for making war by doing business. Positively weakening the other side is the other. Letting America pay for the privilege of making up for China's capital deficiencies will weaken America more than the most militant Marxist-Maoist bravado.

NEED DOLLAR INFLOWS

America's most pressing financial need is for new dollar inflows from overseas. Subsidizing still more exports that bring in no money is the surest guarantee that the present crisis of confidence will intensify.

The continuing spectacle of American subsidized exports flooding foreign markets without soaking up surplus dollars is bound to encourage still more destructive world wide speculation against present currency parities. The dollar is bound to be the principal victim.

More government borrowing threatens even worse damage to the dollar than more foreign giveaways. Peking's willingness to go along with Washington's offer to dig the United States Treasury into a deeper hole shows that China's government is more realistic about the sources of national strength than America is.

THE DECEPTION OF THE GREEK JUNTA'S "CONSTITUTION"

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mr. FRASER. Mr. Speaker, the junta of Greek colonels that seized power in April 1967, was not composed of high-minded constitutional reformers. The coup was a power grab, raw, and crudely disguised.

Soon after they seized power, however, the colonels shed their military uniforms and began to play on the device of "a new constitution." This was to buy time, to serve their apologists, and generally to deceive American opinion.

The junta's 1968 constitution was written in secret by the junta's appointees, was never openly debated, and was voted upon under conditions of martial law. The people had a choice between no constitution at all—undisguised dictatorship—and a flawed document which offered a small hope of some future change at some unspecified date. Given this choice among evils, the people voted for the junta's constitution. But we should not be deceived regarding the genesis or the character of this constitution, despite the gleeful boasts of the junta and its apologists that ratification represented popular support.

The central aspect of the junta's constitution is that is designed to give the army permanent control of the nation. As for its provisions on individual rights, most continue to be suspended.

The following analysis of the 1968 constitution, prepared by Greek intellectuals, is worth reviewing as the Congress begins an examination of the United States-Greek home-porting arrangement:

THE JUNTA CONSTITUTION OF 1968

(The colonels have promulgated a Constitution known as the "Constitution of 1968." What follows is an analysis of this Constitution.)

On April 21, 1967, a conspiracy of colonels belonging to the Greek intelligence services seized power using a NATO contingency plan under the code name "Prometheus." Exactly one week after power seizure Mr. Rusk reassured American opinion that King Constantine "has called for an early return to parliamentary government. We are now awaiting," Rusk continued, "concrete evidence that the new Greek government will make every effort to re-establish democratic institutions which have been an integral part of Greek political life."

This 'return to democracy,' heralded and promised time and again by American statesmen, has never materialized. Instead, as is carefully documented by the Council of Europe, the Greek people have been subjected to an unabating reign of terror and intimidation which continues to this day. The junta and its sponsors, with an eye to world opinion, promulgated the Constitution of 1968 not for the purpose of espousing the democratic ideal, but, as it will be seen below, *for the purpose of legalizing and perpetuating the junta and granting it a permanent status.*

THE RIGGING OF A REFERENDUM

On September 29, 1968, the Greek junta held a referendum on its new constitution. Mr. van der Stoel, Rapporteur on the situation in Greece, made an extensive report to the Consultative Assembly of the Council of Europe. In January 1969, he made, inter alia, the following observations:

"28. The referendum was held under martial law. During my visit to Greece in April 1968, I received contradictory replies from different members of the Greek Government to the question whether martial law would be raised during the referendum campaign and at the time of the referendum itself. Mr. Pipinelis, Minister of Foreign Affairs, assured me that the referendum would be absolutely free and honest. In his personal opinion, he said, the state of siege should be raised for the referendum. The reality was different."

"31. During the whole 'discussion' on the Constitution, political leaders and political parties had no real opportunity to state frankly their views. Not a single meeting of political parties to discuss the draft Constitution could be held. Everything possible seems to have been done to isolate the political leaders from the people. Furthermore, some of them, and some of the leading political figures, were in prison, deported or under house arrest. Many others were under constant police supervision. Thus, there was no organized political opposition in the campaign."

"34. Before the referendum, the Greek people were for seventeen months subjected to an enormous one-sided official propaganda campaign by the government which monopolized all propaganda media since the coup d'etat and suppressed any opposition campaign. As I mentioned in my September report, I have received repeated reports concerning pressure which was exercised on village notables to use their influence to secure a safe majority in their village."

"45. On 3 November 1968, at the funeral of George Papandreou, which gave rise to the first important mass demonstration against the regime, the favourite slogan was 'OXI' (no), a delayed protect against the constitutional referendum. Ignoring martial law a huge crowd of Greeks—300,000 according to certain press reports—shouted: 'We want freedom,' 'You are still the Prime Minister,' 'Down with Tyranny,' etc."

As expected, the results of the referendum: nearly 92% 'yes,' 8% 'no,' with 22.5% abstentions despite harsh penalties for failure to vote.

THE NATURE OF THE CONSTITUTION

The 1968 Constitution demonstrates its fundamental purpose:

(1) The Army is organized as a fourth, independent power which is not controlled by the elected representatives of the people, although it is integrated into the NATO command structure. The Army *is administratively autonomous.* Its decisions are binding on the Minister of Defense. It is further empowered to "protect the social order . . . against external and . . . internal enemies."

(2) As if that were not enough to defeat the will of the Greek people, a *Constitutional Court* is constituted with life tenure for its members to maintain control over the political life of the country. This Court decides irrevocably which citizens and parties may participate in the political process on the basis of their political beliefs. The Court is empowered to dissolve parties and to depose Deputies.

(3) The Constitution also forbids the elected Parliament to consider issues *of foreign or defense policy,* and imposes severe restrictions on *individual rights, freedom of the press,* and *labor activity.*

Thus, the Greek Army is licensed to operate as an *occupation force.* The parliament is reduced to *Quisling status* to provide political support for the Army, and the Greek people *reduced to political impotence.* A glance at the Constitution and how it operates:

THE ARMED FORCES: A FOURTH BRANCH OF GOVERNMENT

The new Constitution establishes a fourth, district and inviolable constitutional power—namely, the armed forces of the nation. Article 131 provides the following:

"1. Promotions and retirements of the regular officers of the armed forces are effected by Royal Decree, issued on the recommendation of the Minister of National Defense, following a decision of the service councils constituted of highest ranking officers, as provided by law."

"2. *If the Minister of National Defense disagrees with the decision of the council, he may within a mandatory time limit of fifteen days, after having taken notice of the decision, submit same to an appellate council of broader composition, by highest ranking officers.*"

"3. The assignments and transfers of the higher and highest rank officers of the armed forces are effected by service councils comprised of highest rank officers as provided by law."

"4. *The decisions of the councils in accordance with the provisions of this article are binding for the Minister of National Defense and the administrative acts issued in execution thereof are not subject to review by the Council of State.*"

Thus, under the colonels' constitution the armed forces are formally, as well as in substance, beyond the reach of the civilian government. They constitute a self-governing body, whose objectives and basic structure are given by Article 129.

"1. The armed forces . . . have as their mission, to defend the National Independence, territorial integrity of the country and *the existing political and social system against external or internal enemies.*"

"2. The administration of the armed forces shall be exercized by the Government through the Chief of the Armed Forces. He, as well as the Chiefs of the Army, Navy and Air Force are selected, from amongst those having the qualifications according to law, by the Supreme Council for National Defense, constituted as provided by law."

To insure that they will indeed protect "the existing political and social system against . . . internal enemies," Article 130 provides the following:

"1. The members of the armed forces owe faith and allegiance to the Country, the national ideals and the national traditions and serve the Nation."

"2. *The mission and the capacity of a military man is absolutely opposed to idealogies aiming at the overthrow or the undermining of the existing political or social regime or the corrupting of the national conscience of the Greeks, or associated with the principles and programs of parties outlawed.*"

Article 49 maintains the King as the symbolic head of the Armed Forces.

FURTHER SAFEGUARDS FOR PERMANENT ARMED FORCES DICTATORSHIP

The Council of the Nation

The Council of the Nation is a new institution patterned after the Crown Council of old. This supreme body shares with the titular Chief of State, the King, his substantive powers. The Council of the Nation consists of five members at most, one of whom is *the chief of the armed forces*. Thus the Army bureaucracy is raised to the top echelon of the state. Article 54 provides the following:

"2. The Council of the Nation shall be comprised by the Prime Minister, the Speaker of the Parliament, the leaders of the two most powerful parties in Parliament, as long as one of them is not also Prime Minister, the President of the Constitutional Court and *the Chief of the Armed Forces.*"

The Council of the Nation has substantial powers in the formation and dissolution of governments. Article 43, section 1, provides that,

"The King shall dismiss the Government after hearing the opinion of the Council of the Nation."

Section 3 of the same Article states:

"In the event after general elections, no party wins the absolute majority in Parliament, the Parliament, after electing its Praesidium, shall propose a Prime Minister by the absolute majority of the totality of its members, and the King appoints him. *If during this ballot no one obtains the absolute majority, the King shall then appoint the Prime Minister after first having obtained the opinion of the Council of the Nation.*"

And in section 4 of the same article, we read,

"4. *In every other case except that provided in art. 93.3 the King shall appoint the Prime Minister after having obtained the opinion of the Council of the Nation.*"

Article 46 further provides that,

"The King may dissolve Parliament after having heard the opinion of the Council of the Nation."

THE CONSTITUTIONAL COURT: A POLITICAL POLICEMAN

An even more intriguing feature of the new constitution is the creation of the Constitutional Court. This new body assumes supreme supervisory powers over the political process as a whole. As provided in Article 98, its members are appointed for life by the current Council of Ministers—namely, the leadership of the military regime. Its members are selected from the highest court, the universities and from amongst public personalities in the political, social, economic, cultural and intellectual realms. In practical terms, of course, these categories must be understood in terms of the purges, exiles and defamation campaigns which Greece has experienced under the military regime.

The sweeping powers of the Constitutional Court are described in Article 106.

"1. The Constitutional Court decides on the meaning and the extent of the competencies of the Chief of State, the Speaker of the Parliament, and of the government, in accordance with the constitution, upon application of the Government, the Speaker of the Parliament or a Party recognized according to the Constitution and the rules of Parliament . . ."

"2. The Constitutional Court decides a) on appeals against legislative or administrative acts, on the preparation or carriage of elections, as well as on the validity of the election of deputies, whether they refer to electoral violations in carrying them out, or *lack of qualifications* . . . c) *On every other case submitted to its jurisdiction by the present Constitution.*"

"3. *The decisions of the Constitutional Court are irrevocable. They are published by order of its President in the Government Gazette, and from the time of their publication, the decisions are res judicata to all.*"

The dictatorial substance of the powers granted the Constitutional Court in sections 2.a) and 2.c) or Article 106 is spelled out in Article 58.

"1. Political parties shall be founded freely by Greek citizens having the right to vote. These parties through their activity shall express the will of the people and must contribute to the advancement of the national interest."

"2. The organization, the program and the activity of the parties must be governed by national and democratic principles. Their leaders and governing committee must be elected by representative conventions of their members. *The charter of every party must be approved by the Constitutional Court which decides as to the conformity of its provisions in relation to the Constitution. No party shall have the right to participate in elections if its Charter has not had the aforementioned approval.*"

"4. *The general functioning of the parties, as more specifically provided by law, shall be subject to the continuous supervision of the Constitutional Court, which shall have the right to dissolve any party whatsoever whenever it ascertains serious violations of the Constitution or the laws.*"

"5. *Political parties whose aims or activities are manifestly or covertly opposed to the fundamental principles of the form of government or tend to overthrow the existing social system or endanger the territorial integrity of the Country or its public security, shall be outlawed and dissolved by the decision of the Constitutional Court, as provided by law.*

"6. *The deputies of the party being dissolved shall be declared deposed of their office, and the seats held by them in Parliament, shall remain vacant until the termination of the parliamentary period.*"

Thus the parliamentary process becomes a mockery of democratic institutions. But there are more safeguards. Under Article 61, section 2, no one can be proclaimed a *candidate*, or be elected *Deputy* if:

"f) *he has been irrevocably convicted for active participation in a party, organization, association or union whose aim is the preparation and application of ideas tending to overthrow the existing political or social system or the detachment of part of the territory, for life.*"

Furthermore, in Article 56, section 2, we find:

"Those irrevocably convicted to a penalty whatsoever for acts or activities directed against the existing political or social system shall be denied the right to vote."

In sum, the Constitutional Court becomes a political policeman—an organ of ideological control over the parliamentary process which guards the enormous powers of the military establishment against the voice of the people.

This does not, however, complete the analysis. Far and beyond these provisions, the Constitution of 1968 establishes other "constitutional guarantees" that democracy shall not rear its head again in Greece.

THE EMASCULATION OF PARLIAMENT

Under the conditions detailed above, the Parliament assumes a Quisling status, and its functions are not worthy of specific mention. There are exceptions, however, which illustrate beyond doubt how the constitution *functions*. These exceptions deal with matters which are put *beyond the competence of the elected representatives of the people.*

Article 77, section 3, provides that:

"The establishment of (Parliamentary) *Investigation Committees on matters pertaining to foreign policy or to the defense of the country is not permitted."*

Again, Article 23 states:

"2. Emergency Law No. 465 of the year 1968 'on amendment and completion of some provisions of Law 1880/1951 on ship taxation' enlarging the protection of Greek merchant marine beyond the one afforded by act 13 of legislative decree 2687/1953 'Concerning investment and protection of foreign capital' *cannot be amended.* Subsequent law to be issued only once and for all may amend it only to confer additional protection."

"3. Emergency Law 89 of the year 1967 'Concerning establishment in Greece of Foreign commercial and industrial companies' and Emergency Law 378 of the year 1968 supplementing the above, *cannot be amended.* Subsequent law to be issued only once and for all, may amend them only to confer additional protection."

Thus in matters of foreign affairs, national defense and foreign investment, the Parliament (the people) is excluded. The junta's enactments on foreign investment, which have turned Greece into "open territory" to foreign business interests, are made a permanent feature of the legislative structure.

THE NONRIGHTS OF THE CITIZEN

Under the 1968 Constitution, *individual rights* are strictly limited. Article 9 provides that:

"1. Every person has the right to the free development of his personality provided he does not infringe on the rights of others and *does not violate the constitutional order and the moral code.*"

Article 14 establishes a peculiar concept of *freedom of the press.*

"4. Seizure of printed matter, either before or after publication is prohibited. *By exception, seizure after circulation is permitted by order of the public prosecutor;* (a) *because of insult to the Christian and any other known religion;* (b) *because of insult to the person of the King, the Crown Prince, their wives and children;* (c) *because of a publication which* (1) *discloses information on the organization, composition, armament and deployment of the armed forces, or on the fortifications of the country,* (2) *is patently rebellious, or aims at overthrowing the regime, or the existing social system or is directed against the territorial integrity of the Country or creates defeatism, or constitutes an instigation or attempt to commit a crime of high treason,* (3) *intends to protect or diffuse for political explanation, views of outlawed parties or organizations,* and (d) because of indecent publications manifestly offending public decency in cases provided by law."

"6. Press offenses are deemed offenses whose author is taken in the act, and are brought to trial without preliminary examination, as provided by law. Violations of this provision by the competent public prosecutor constitutes a serious disciplinary offense."

Thus printed matter is put under the direct and forceful control of the judicial branch of government which interprets and applies sweeping restrictions. Since the radio and television are also under the direct administrative control of the government, all mass communications media are in substance at the disposal of the new establishment.

The *rights of association and strike* are limited by the provisions of Article 19.

"2. Every union of persons, the purpose or activity of which, are directed against the territorial integrity of the Country, or *the principles of the regime or the social order or the security of the State* or the political or civil liberties of the citizen shall be prohibited. It is dissolved by Court decree.

"4. The right of association of civil servants may be subject to certain restrictions by law. The same restrictions on the right of association may be imposed on employees of Local government bodies, or other legal entities of public law, public enterprises, and public utilities."

"5. Resort to strike for the purpose of achieving political or other ends unrelated to material or moral interests of the workers shall be prohibited."

"6. Strike of any form by civil service personnel of any kind, personnel of local government bodies or of other legal entities of public law, shall be prohibited. The participation of such personnel in a strike is considered itself as a submission of resignation."

Article 15 abolishes the secrecy of *private communications.* It states that:

"The secrecy of letters and of all other means of correspondence is inviolable. *A law defines the guarantees under which the judicial authority is not bound by secrecy, for reasons of national security and public order or for the revelation of heinous crime.*"

EMERGENCY POWERS

The 1968 Constitution contains one final feature which can be employed if all other constitutional safeguards and protections against democracy fail. These are the sweeping provisions of Article 25, which state that:

"1. In case of war, mobilization due to external dangers *or serious disturbance or patent threat to the public order and the security of the Country from internal dangers,* the King on the recommendation of the Council of Ministers may suspend by Royal Decree throughout the Country or in part thereof the operation of articles 10, 12, 13, 14, 15, 18, 19, 111, and 112 of the Constitution or some of them, and put into effect the then applicable law on 'State of Siege' and to establish extraordinary tribunals. This Law may not be modified while in operation."

THE NATION BELONGS TO THE ARMY

Thus the Constitution of 1968 provides the colonels' junta with all the legal paraphernalia necessary to legitimize their indefinite stay in power. The Chief of the Armed Forces administers an internal security force which is bound to the preservation of a totalitarian ideology. The bureaucrats of the Constitutional Court have sweeping powers over parties, party platforms and qualifications of candidates for Parliament. The press is gagged. Individual rights are reduced to a dead letter. The right to vote becomes a privilege granted or not depending on the citizen's political views and political record.

The 1968 Constitution sanctions the continuation of martial law by other means. It is designed to forge a permanent link between the military regime of Greece and the global strategists, as well as with the economic interests which they expedite. It might well be called "Crowned Neo-Colonial Militarism."

SUPPORT GROWS FOR HOMEBOUND TUTORING PROGRAM FOR HOMEBOUND YOUNGSTERS

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mr. BADILLO. Mr. Speaker, last October, with 77 cosponsors, I introduced H.R. 11131, a measure that would create a supportive tutoring system for homebound, handicapped youngsters through the employment of college students. The bill was developed with the active cooperation of 47 States and is designed to benefit the estimated 1 million youngsters in our Nation who for short or long periods of time are prevented from attending classes in our public school system.

Interest in the measure has been growing and colleges also, who would participate in the development of local programs of tutoring in cooperation with special education departments, are becoming increasingly aware of and interested in the measure. I am very pleased and proud, therefore, that another 23 Members of the House have decided to join me in reintroducing this bill. This brings the number of cosponsors up to 100, representing 31 States.

For the convenience of my colleagues, I am inserting in the RECORD a list of the new cosponsors. For their perusal, also, I am including here some of the comments I have been receiving from colleges throughout the Nation:

LIST OF NEW COSPONSORS

MEMBERS OF CONGRESS

Bill Alexander.
William A. Barrett.
Mario Biaggi.
Edward P. Boland.
Hugh L. Carey.
Dominick V. Daniels.
John Dellenback.
Ronald V. Dellums.
John G. Dow.
Henry B. Gonzalez.
Julia Butler Hansen.
Margaret M. Heckler.
Floyd V. Hicks.
Walter B. Jones.
Joseph M. McDade.
Parren J. Mitchell.
F. Bradford Morse.
John M. Murphy.
James G. O'Hara.
Bertram L. Podell.
Ogden R. Reid.
Frank J. Thompson, Jr.
Charles A. Vanik.

REACTIONS TO H.R. 11132 FROM INSTITUTIONS OF HIGHER EDUCATION

ARIZONA

Northern Arizona University—"I reviewed the bill and shared it with a few of my colleagues. Those of us who read it agreed that this piece of pending legislation is viable and merits support."

CONNECTICUT

The University of Connecticut—"You and the co-sponsors are to be commended for the proposed legislation to aid homebound handicapped youngsters."

FLORIDA

University of South Florida—"I have discussed the provisions of the Bill with several of my university colleagues and others in our local public school system and have found all to be in favor of its intent and objectives. I am convinced . . . that this approach contributes much to both the student and tutor."

GEORGIA

Georgia State University—"The proposed tutorial program would be beneficial for both teachers in training and homebound students."

HAWAII

Honolulu District—"We will be looking forward to the passage of your bill to aid the homebound, handicapped youngsters since it will have a great impact on the education of handicapped youngsters throughout the nation."

IDAHO

Idaho State University—"I think that your concept is an excellent one and should bear excellent results. Certainly homebound children need and deserve educational opportunities equal to that of their ambulatory peers."

Moscow School District—"The district is most interested in your efforts to provide services to handicapped students who are homebound and unable to attend regular school.

The district is most anxious to assist legislation seeking to provide services to the homebound, and would like to be kept informed of the Bill's progress and development."

INDIANA

Indiana University—"I read with interest H.R. 11131 . . . I can see how this financial aid might benefit both the homebound child needing assistance and the college student needing financial aid."

ILLINOIS

Southern Illinois University—"In general, I feel that the provisions you are requesting will further extend services to handicapped children. Your proposed plan would permit tutorial services to be provided for all homebound handicapped children included under the Education of the Handicapped Act."

KENTUCKY

University of Kentucky—"The enabling legislation . . . appears to provide for a more ready entry of handicapped populations into professions serving handicapped children. Further, it would appear to provide an element of very essential service for a nationally neglected population."

MASSACHUSETTS

Northeastern University—"Please accept my congratulations on a thoughtful and extremely important bill."

MINNESOTA

Moorhead State College—"I give my wholehearted endorsement to this measure. Our department would be most anxious to participate in such a program."

MISSOURI

University of Missouri—"Dr. Leon Johnson . . . who is in charge of our program for training teachers of the handicapped . . . shares my enthusiasm for your proposed bill. The procedure that you proposed would dovetail quite closely with the program we presently operate."

MISSISSIPPI

University of Southern Mississippi—"I do not find any particular fault with the intent of the proposed H.R. 11131. The Homebound have been neglected in our attempt to help children with special needs."

NEW MEXICO

New Mexico State University—"We offer our full support to H.R. 11131 concerning homebound children . . . If we can be of any assistance in gaining support for this worthy bill, please call on us."

NEW YORK

State University of New York at Albany—"In my estimation, the lack of effectiveness of current programs for homebound students is directly related to the small amount of time that is devoted by professional teachers to the homebound student. . . . Tutorial work . . . would probably considerably improve the academic as well as the possible personal effectiveness of the homebound pupil.

NORTH CAROLINA

University of North Carolina—"Please let me express my support for H.R. 11131, the bill to aid homebound, handicapped youngsters through the establishment of a tutoring program."

East Carolina University—"I would like to take this opportunity to congratulate you on the sponsorship of a meaningful legislation as H.R. 11131. It is my belief that this is a most significant piece of legislation and will be of great service to both handicapped children and college students."

OHIO

College of Communication—"I am struck particularly by aspects of your bill that might favor a veteran, the vocationally handicapped or other categories. Right now I have two students applying for admission to my program. One of them is totally deaf and the other is totally blind. There is serious doubt whether we can carry them through four years of college to meet state certification requirements; but they very well might qualify for a rich and rewarding professional career in specialized programs possible under your bill."

Ohio State University—"I am very interested and in support of the bill you are sponsoring (HR 11131) to aid home-bound, handicapped youngsters through the establishment of a tutoring program."

OKLAHOMA

Central State College—"Enclosed is a copy of the program goals for our university students who teach homebound classes on the ward. I shall involve as much interest as possible for your proposed legislation."

PENNSYLVANIA

University of Pittsburgh—"The basic idea of utilizing college students as tutors and instructional aides under the direction of qualified teachers is a constructive concept that has many immediately apparent advantages. As a Department of Special Education and Rehabilitation we would strongly support the utilization of college students in the education of exceptional children."

Slippery Rock State College—"This bill is in accord with modern educational thinking in that it will be a great stride towards providing equal educational opportunity for all children."

SOUTH DAKOTA

Augustana College—"I have read your proposal (H.R. 1131) rather carefully.

"I feel that this is an excellent idea and should be supported."

TEXAS

University of Texas at Austin—"In my experience with this type of handicapped child and youth, it has been distressing to me to learn that over the past fifteen years these youngsters are being more and more excluded from appropriate educational programs."

"You and your colleagues certainly are to be congratulated on this legislation and I certainly know that many agencies . . . will be most interested and supportive."

TENNESSEE

Memphis State University—"I have read with considerable interest H.R. 11131 introduced by you on October 6, 1971. I assure you of the support of this institution and the Department of Special Education and Rehabilitation. I would further like to state my reasons for my enthusiasm for such a far-reaching program." (detailed comments.)

VIRGINIA

Norfolk State College—"Your bill is certainly timely and would be a significant step toward the provision of quality instruction for homebound, handicapped children."

College of William and Mary—"This is to inform you that the Division of Special Education at the College of William and Mary endorses your bill, H.R. 11131. The proposed bill will, if enacted, provide a vital service to a number of children in public schools."

WASHINGTON

Washington State University—"I will be most anxious to hear of the disposition of the bill and will be watching the Digest for reports of action."

Eastern Washington State College—"I would like to say that we are fully in support of this bill and hope you are able to successfully enact it into law. If I can be of further assistance, feel free to contact me."

NATIONAL HOUSING CONFERENCE TRIBUTE TO THE HONORABLE WILLIAM A. BARRETT, HOUSING SUBCOMMITTEE CHAIRMAN

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mrs. SULLIVAN. Mr. Speaker, I am sure I speak for all of the members of the House Committee on Banking and Currency, and particularly for those of us who serve on the Subcommittee on Housing, in noting with great pleasure and appreciation the citation awarded last night to our colleague, Congressman William A. Barrett, of Pennsylvania, by the National Housing Conference.

Congressman Barrett has served on the Subcommittee on Housing since its formation in 1955, and has been its chairman since 1965, following the retirement from Congress of our first chairman, the Honorable Albert Rains of Alabama. These two gentlemen have been chiefly responsible in the House for initiating, guiding or shaping the legislation of the past 18 years which has brought about vast changes and improvements in the housing conditions of the American people.

As former Congressman Rains said last night as the main speaker at the 41st annual banquet of the National Housing Conference at which awards were made to Congressman Barrett and to Senator Allen J. Ellender, of Louisiana, we tend to become so bogged down in the mechanics of housing bills and the details of programs that we sometimes fail to see and appreciate the impact of this legislation on the lives of our citizens.

He spoke of flying over the United States and seeing vast housing developments, nursing homes, acres upon acres of college dormitories, the residential areas of medical centers, public housing, housing for the elderly, facilities for the group practice of medicine and related health disciplines, redeveloped cities and new towns, and then you begin to understand what the legislation on which we have worked so hard really means to this country.

TWO DAYS' WORK PER DAY

"Bill" Barrett, in the nearly 8 years in which he has been chairman of the Subcommittee on Housing, has been a deeply dedicated, indefatigable hard worker who has demonstrated unbelievable patience in conducting hours and days and weeks of hearings into all aspects of housing legislation. He is always willing to give of his own time to listen to the ideas and suggestions and criticisms of public officials, builders, lenders, suppliers, and experts in all fields related to housing, just as he patiently and endlessly listens to vast numbers of people in his own congressional district of Philadelphia who bring to him each night a myriad of problems which he attempts to resolve.

Congressman Barrett usually puts in 2 full days of work every day—first in Washington and then in Philadelphia. Despite this incredible schedule of work, he brings to his assignment as chairman of the Housing Subcommittee a quiet, attentive, genial, unhurried, and friendly attitude which wins the cooperation of the Members and also of the interest groups with which we discuss housing policy. It is a formula for getting things accomplished, and in his case it works remarkably well. His innate courtesy and friendliness are matched by his compassion for those who need the help of the housing legislation we enact in order to achieve the national goal of a decent home in a suitable environment.

RESOLUTION BY NATIONAL HOUSING CONFERENCE

Truly loved by his colleagues in the Congress, Congressman Barrett last night received from one of the most prestigious of the public interest segments of the housing movement, the National Housing Conference, a plaque containing the following resolution adopted by the membership of the NHC at this year's annual meeting and presented to Mr. Barrett by Nathanial S. Keith, NHC president:

In Tribute to Representative William A. Barrett

The National Housing Conference honors Congressman William A. Barrett for his 26 years of vigorous and able representation of the first congressional district of Pennsylvania and Philadelphia in the House of Representatives, and for his foresight and leadership in providing effective housing and community development legislation.

As one of the original members of the Housing Subcommittee of the Committee on Banking and Currency, Congressman Barrett has provided leadership and initiative in all the legislation the Housing Subcommittee has handled in its history.

As Chairman of the Housing Subcommittee since 1965, Congressman Barrett has demonstrated the high qualities of leadership so necessary in the field of housing and community development legislation. Major legislation enacted under this chairmanship includes the Housing and Urban Development Act of 1965, the Model Cities Housing Act of 1966, the Housing and Urban Development Act of 1968, urban mass transportation legislation, and most recently the Housing and Urban Development Act of 1970.

In honoring Congressman Barrett for his distinguished career, we look forward to his continuing leadership in the years ahead.

By Resolution of the Membership of the National Housing Conference, Washington, D. C., March 5, 1972.

SPECIAL DRUG ACTION OFFICE PROPOSED

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mr. SYMINGTON. Mr. Speaker, it appears certain a Special Drug Action Office bill will become law sometime this March if the House and Senate can reach agreement on the differences in the two versions. However, regardless of the final form of this important legislation, the public and the business community remain the most important factors in any alleviation of the drug abuse problem. Public and business support of drug abuse prevention legislation improves the effectiveness of what Congress passes into law.

In this regard ,the McDonnell Douglas Corp., could well serve as the model of corporate responsibility with its program aimed at helping its employees and the St. Louis community resolve alcohol and drug abuse problems. McDonnell Douglas' commitment to rehabilitation is evidence of the concern this firm has for its employees.

The St. Louis region is fortunate to have the kind of business community it does for the St. Louis offices of Western Electric and General Motors have begun similar drug abuse prevention programs.

I would call to the attention of my colleagues a news story describing the McDonnell Douglas effort; it was written by John M. McGuire and appeared in the St. Louis Post-Dispatch, February 21, 1972.

At this point I insert the news item in the RECORD:

CORPORATE PROGRAM ON DRUG ABUSE

When a McDonnell Douglas Corp. employe is frequently absent on Monday morning or the day after payday, it does not go unnoticed.

And if another McDonnell worker appears listless or even irascible, this too is officially recognized.

Even changes in the way an employe dresses might come under the scrutiny of some corporate executive.

These behavioral differences may even be jotted down by a supervisor or senior executive. However, all this is not part of a personnel spy system, some sort of Big Brother activity that results in punitive measures.

It is what the giant aerospace corporation calls its employe assistance program, a corporate-wide aid for the employe who may be suffering from alcoholism, the effects of drug misuse or behavior disorders which result in absenteeism and deteriorating job efficiency.

Basically, the program is intended to identify the problem at the earliest possible stage, get the employe to recognize he has a problem and then help him by recommending agencies where he can seek assistance.

When the program was first implemented more than a year ago, Donald W. Douglas, corporate vice president-administration, said that the main objective of the plan was "to retain valued employes." Of course, the profitability aspects of a productive workforce also were considered, a McDonnell spokesman said.

In its early stages, the assistance program was geared primarily to the problem of excessive drinking. Later, the words drinking and alcoholism were deleted from the program, as the scope was broadened to include drug-related troubles and emotional disturbances.

Despite the corporation's commitment to the rehabilitation plan, Douglas, in an administrative bulletin, indicated that the firm's patience was not unlimited. "If he (the troubled employe) does not honestly attempt to modify his conduct, it would become grounds for termination."

The guiding force behind McDonnell's assistance program is Robert C. Krone, corporate vice president-personnel.

Krone has long been active with the Greater St. Louis Council on Alcoholism ("My friends inveigled me to take the position") and the St. Louis Foundation for Alcoholism and Related Dependencies.

When Krone speaks his fervor comes through, as he talks in a low key but intense fashion.

He feels strongly that the success of any legislative efforts to increase rehabilitation centers for the treatment of alcoholism and drugs will depend ultimately on industry.

"After all," he says, "industry maintains machines. Why not maintain people? "We're sadly lacking in treatment facilities."

On the average, noted Krone, a typical industry or large business will have about six per cent of its work force affected by excessive drinking. At McDonnell, the assistance program has become so widely accepted that 31 per cent of those treated were self-referrals.

Krone says he wants to expand the concept. He has been urging other firms to initiate similar programs. So far, the Pittsburgh Plate Glass Co., with facilities here and in Crystal City, Mo., the United States Postal Service and Western Electric Co. have started programs.

Moreover, McDonnell officials have made presentations to top echelon management and union officials at such places as Cupples Co. Manufacturers, and Lever Brothers, where assistance programs are being considered.

Other companies that have expressed an interest in starting a McDonnell-type aid program include ACF Industries, Inc., Brown Group Inc., Chrysler Corp., Ford Motor Co., Granite City Steel Co. and Missouri Pacific Railroad.

"The head of Kennecott Copper Corp. (of which Peabody Coal Co. of St. Louis is a subsidiary) has said that if industry does not become involved in this problem, within 10 years there will not be a society for industry to work in," said Krone.

A major problem, he added, is our continuing movement toward a pill-oriented society. About 19,000,000 persons take sleeping pills every night. And of course, "the 'under 30' tendency toward the dry chemicals (drugs), that are illegal, is well known."

Another large employer in the St. Louis area, General Motors Corp., has an extensive national program for assisting troubled workers. It is similar to what McDonnell Douglas is doing.

Clifford Merriott, a Detroit-based corporation officer involved in the program, said the assistance plan involves corporate-wide screening of employes, with the same agency referral when alcoholism or drug misuse is detected. Employes with problems are given a medical leave.

Merriott said that so far GM has experienced a success ratio of 65 to 66 per cent. "This indicates that it's pretty well worth it in the salvation of trained employes."

Krone is also attempting to get labor involved in dealing with the problem. He had high praise for the United Automobile Workers and its president, Leonard Woodcock, for that union's involvement in a national rehabilitation effort.

"I'm ashamed to say," he added, "that so far the major union in our plant (the International Association of Machinists) has not participated in the program to any real extent."

At McDonnell Douglas it is emphasized, from Krone on down, that supervisors are not to diagnose the employe's problem, but merely monitor job performance and attendance. There is also an immediate check by persons administering the program into the relationship between the supervisor and the underling.

Occasionally, Krone admits, there will be a case where an aberrant behavior report turns out to be nothing more than deep seated animosity between boss and worker. In these situations, no consultation takes place and frequently there is a personnel reassignment.

Under its program, McDonnell uses an employe assistance co-ordinator to oversee the operation of the plan and conduct counseling sessions.

In addition, McDonnell will see to it that guidance and counseling are made available to members of the employe's family, since the firm recognizes that behavioral problems of a family member could affect on-the-job performance.

P. Don Sparks, who helps administer the assistance program for the corporation, outlined the differences between the effects of alcoholism and drug misuse.

The body tolerance to alcohol is greater "and more sinister," he said, whereas drug addiction and the reaction to it is more immediate.

Both Sparks and Krone talked about dress and appearance as an indicator of possible personal troubles. With the alcoholic executive, Krone explained, it is not uncommon for the man to dress fastidiously, even overdress, in an effort to hide his drinking problem.

Sparks told of helping a 14-year-old daughter of a McDonnell executive who had become a second-stage alcoholic.

He is concerned that more and more young people are turning to the excessive use of alcohol instead of drugs because they feel it is less harmful.

Krone says it has been McDonnell's experience that problem drinking spans all levels on the corporation's organizational chart.

He cited one case of a young executive, considered one of the corporation's "real comers," who fell victim to alcoholism but was saved through the program.

He is now one of its most ardent volunteers, said Krone.

THE RESTRUCTURING OF THE UNDP

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mr. FRELINGHUYSEN. Mr. Speaker, Rudolph A. Peterson, newly installed Administrator of the United Nations Development Fund, will now oversee the implementation of reforms which were begun under his predecessor, Paul G. Hoffman. These changes, it is hoped, will help make the UNDP a more effective instrument for delivering development assistance. I insert in the RECORD an article on the coming changes, published in the Pre-Investment News of the UNDP.

The article follows:

REFORMS FOR UNITED NATIONS DEVELOPMENT FUND

The first 19 country programmes, outlining assistance to be given by the UNDP under its new concept of development co-operation, go before a newly-enlarged UNDP Governing Council, meeting for its Thirteenth Session from 12 to 28 January in New York. The governing body of the UNDP also will take up a budget that calls for an estimated $288 million to be spent on economic and social development projects throughout the world this year.

At this session the Council will welcome a new Administrator, Rudolph A. Peterson, United States, who succeeds Paul G. Hoffman. Council President for the session is H. E. Kastoft of Denmark.

The innovation of country programmes is a major step towards fulfilling the 1970 Governing Council Consensus to restructure UNDP to effectively deliver increasing development assistance.

In the past, the UNDP Administrator has submitted individual projects to the Governing Council for approval at semi-annual sessions. The number and type of projects was based on requests by developing countries and on the amount of voluntary contributions each year to UNDP.

Under the new system, governments of developing countries are informed of the amount of UNDP financing that they can expect annually over a three-to-five year period. Through 1976, the Programme anticipates contributions of nearly $2,000 million. Each developing country is informed about the level of resources—known as Indicative Planning Figures (IPF)—that it can expect from UNDP for the planning period. For example, Colombia, one of the first nations to prepare a country programme, has an IPF of $20 million for the 1972–76 period.

Governments determine their priority needs for technical, preinvestment, institution-building, training and other projects that normally do not call for heavy direct capital investment. With the aid of the UNDP Resident Representatives, the governments then prepare a country programme that indicates the timetable for the projects.

ADVANTAGES

Among many advantages expected from the new system is more rapid arrival of experts and equipment, a fundamental problem that plagues most international and bilateral development assistance programmers.

A second major advantage will be the coordination by developing countries of all pre-investment assistance, whether from bilateral or multilateral sources, on the basis of development plans.

A third advantage cited by experts who have helped put the new concept into operation is the impetus given to economic and social development planning, and co-ordination of government ministries.

Finally, the programming process provides for annual reviews of priorities and progress, so that any needed adjustments can be made.

PAYING TWO-THIRDS PLUS

The Governing Council also will consider 108 new large-scale country and inter-country projects and additional assistance for 12 on-going projects in countries that have not so far submitted country programmes.

The new projects will cost an estimated $309 million. Developing countries receiving UNDP assistance for these projects will be paying over two-thirds of the cost, and UNDP is to provide an estimated $100 million.

Most of the UNDP contribution will finance internationally recruited experts for development projects. Equipment purchases are expected to amount to over $19 million, and over $10 million in sub-contracts will be awarded. The balance will go mainly for training abroad and fellowships.

MAIN EMPHASIS

In most regions the main emphasis of the new projects is on education and training.

In Asia and the Far East, the Administrator states in summarizing his recommendations, a number of projects are closely linked to investment and production. One of these is a tin and tungsten exploration and development project in Burma. In Mongolia, the new programme will help set up an experimental and demonstration plant for use of scrap leather. Another Asian project will provide technical support to East Asian governments in off-shore prospecting.

In Africa, projects include additional support for forestry training and demonstration in the People's Republic of the Congo, which earns almost 60 per cent of its foreign exchange through its forestry projects. An intensive programme will be launched in Ethiopia to eradicate the cattle-destroying rinderpest—a project linked to a regional effort being carried out by the Scientific, Technical and Research Commission of the Organization of African Unity.

In the Middle East, the UNDP will undertake its first project in the newly-independent nation of Bahrain in a bid to help the Government strengthen its agricultural services. In Greece, UNDP will help establish five centres for higher education—a field for which the Government has budgeted $33 million and secured a $13.9 million loan from the World Bank.

NEW TECHNOLOGIES

In three of the Europe, Mediterranean and Middle East nations, new techniques in information management are the focal points of UNDP assistance. These projects are taking place in Israel, Morocco and Tunisia.

In Latin America, two-thirds of the new projects are aimed at education and in-service training. The transfer and adaptation of new technologies, however, underlie a number of other new ventures. These include a Brazilian proposal to develop agricultural production through the use of nuclear technology and an Argentine project to set up a centre for the use of computers in health programmes.

TRANS-NATIONAL PROJECTS

The Administrator also has an additional 45 regional and 15 inter-regional projects expected to cost more than $6 million this year. Examples of these projects include a typhoon programme and a venture to improve fertility and water control for high-yield cereals in Asia; assistance in leprosy control in Africa; a centre for educational planning and administration for Arab states, and assistance to a Latin American centre for the study of the conservation and restoration of cultural property.

Inter-regional projects encompass such fields as airport fire control; eradication of the desert locust; training in computer science, and disease prevention.

During the council session there will be concurrent meetings of a budgetary and finance committee which was established last year.

GOVERNING COUNCIL MEMBERSHIP EXPANDS

The UN General Assembly has increased the membership of thte UNDP Governing Council from 37 to 48.

The enlarged Council will have 27 members from the developing countries including 11 from Africa, 9 from Asia (including Yugoslavia) 7 from Latin America. Twenty-one will be elected from developed countries—17 from Western Europe and industrialized nations of other regions and 4 from Eastern European countries.

As in the past, members of the enlarged Council will be elected for a three-year term from among the Members of the UN, specialized agencies and the IAEA.

In a resolution adopted last month, the General Assembly stated that the enlargement of the Council was necessary in view of the strengthened and expanded UNDP programme, and in view of the growth in UN membership since the establishment of the UNDP.

The members of the Governing Council which have been elected by the Economic and Social Council for terms varying from 1 to 3 years are:

TERM OF OFFICE EXPIRES ON
31 DECEMBER 1972

Austria, Cameroon, Cuba, Denmark, Guatemala, India, Iran, Italy, Ivory Coast, Japan, Mexico, Morocco, Philippines, USSR, United Kingdom, United States.

1973

Australia, Belgium, Brazil, Canada, Central African Rep., France, Indonesia, Kuwait, Libyan Arab Rep., Norway, Pakistan, Romania, Sweden, Uganda, Zaire, Zambia.

1974

Bulgaria, Ecuador, Ethiopia, Fed. Rep. of Germany, Finland, Iraq, Lebanon, Netherlands, Nigeria, Poland, Switzerland, Trinidad and Tobago, Turkey, Upper Volta, Uruguay, Yugoslavia.

POST 366 OF THE AMERICAN LEGION CELEBRATES 50TH ANNIVERSARY

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mr. EILBERG. Mr. Speaker, on Saturday, March 4, I had the honor to be a guest speaker at the 50th anniversary ceremonies of the Cpl. John Loudenslager Post 366 of the American Legion.

The Loudenslager Post, at 7976–78 Oxford Avenue, Philadelphia, is in the Fourth District of Pennsylvania, which I represent. It has a long and distinguished record of service to veterans and the community, and I was proud to be asked to take part in the golden anniversary celebration.

The post is almost as old as the American Legion itself and its history is something the Legion and all veterans can point to with pride.

A local newspaper, the Breeze, recently printed the story of the Loudenslager Post as its lead article. At this time I enter that history into the RECORD:

LOUDENSLAGER POST TO MARK GOLDEN ANNIVERSARY ON SATURDAY

(By Helen Blaker)

The term "blast off" was unknown in 1922 when Corp. John Loudenslager Post No. 366 of the American Legion was organized, but one can easily imagine it fitting the occasion.

The "launching" of this premier service organization of the Fox Chase-Rockledge area took place in old Wilson Hall (destroyed by fire in 1922) in the Northeast Shrine Club with many prominent citizens present and music furnished by the Fox Chase Band.

The fledgling Post was named to honor Corp. John Loudenslager who was killed in action at Chateau Thierry in July 1918 at the age of 17. He was the only bona fide Fox Chase boy to be killed in action in World War I. The original wooden cross from his grave in France is now enshrined in a memorial at the Post Home in Fox Chase.

C. Wilson Fry, or "Wid" as he was known to his friends, was the prime mover in organizing the new Post and was elected its first Commander. Under his capable leadership and that of 49 Commanders to follow him, (no one has served more than one term) the Post has mushroomed from 70 men to a 900-member organization with a broad history of accomplishments and activities.

To mark 50 busy years of patriotic dedication to "God and Country" the Legion has planned a gala celebration on Saturday evening, at the Northeast Shrine Club, and has invited numerous officials of the national organization to aid in commemorating the auspicious event.

The famed Loudenslager Glee Club will also perform at the dinner festivities.

The local post has come a long way from its modest beginnings, starting out meeting at the Rockledge school hall for $1.00 a year and janitorial fees. The men set out ambitiously to raise funds for their own Post Home and ran motion picture benefits, a series of boxing bouts at the Shrine Club and carnivals.

In 1925 they purchased the property at 8308–10 Pine rd. and got busy with renovations and maintenance.

With hard work they managed to pay it off by 1938, despite the fact that they were in the midst of the country's worst depression.

By this time, however, the Post Home also housed a remarkable array of satellite organizations. In 1940 the list of such units and memberships included the Post with 216 members; Auxiliary—68; Boy Scout Troop—41; Girl Scout Troop—20; Sea Scouts—20; Honor Society—55; Son's Band—38; Girls Color Guard—10; Glee Club—40; Junior Orchestra—18; Junior Baseball Team—15; and Scout Bugle and Drum Corps—28.

In addition, Public Speaking, Music and tap dancing classes were also held at the Post Hall, the main meeting room being 15 ft. wide by 28 ft. long.

Time marched on and in 1943 the group purchased the former Fox Chase Bank & Trust building, the current Post Home at 7976–78 Oxford av., and proceeded with extensive alterations to suit their needs. The mortgage was paid off in only three years.

The latest improvements have been the installation of air-conditioning and wall-to-wall carpeting.

Mrs. William S. Wilkinson, mother of John Loudenslager, presented the Post with its first Post Flag. She was a loyal friend and affectionately known as "Mother Wilkinson" to all the men of the Post until her death in 1961.

The first national colors were presented by Mr. E. Frain of the Home Defense League.

Since then the process has been reversed with the Legion making countless donations of American flags to boy and girl scouts, cubs and brownies, churches, schools and sundry organizations including one to the Radar Base in Thule, Greenland.

The first Memorial Day service conducted by the Post was held at the Lawndale Theater (now the Abbey Playhouse) and attended by more than 500 people. Since then they have conducted a parade through the community with services at Lawnview Cemetery.

Many still recall the imposing figure of the late Gen. John Gentner, a past commander, astride his horse organizing the Memorial Day parade for many years.

The Post also decorates the grave of each veteran in Lawnview, Trinity Oxford, and St. Mary's Cemeteries each year with flags and flowers.

Half the nearly 500 geraniums are bought by the Post and half donated by the children of our local schools. At one time they also covered Monetfiore Cemetery, but this is now handled by the Jewish War Veterans.

There is a special Corp. Loudenslager stained glass window at the Memorial Church of the Holy Nativity, Rockledge, where the family attended. Along side this is a plaque bearing the names of the local men who served from the parish in World War I. Each Memorial Day the Post sends a wreath to the church in their memory.

In 1927 Post #366 assumed sponsorship of Scout Troop 206, which met in the building weekly, and at times the men feared their boys would tear down the building with their exuberance. However, they were permitted to actually demolish the old barn at the rear of the property, and were on their way to digging a new basement and foundation when the project was shelved for more ambitious plans, reports Historian and Past Commander, E. Paul Kunst.

He is also Commander of the Fifth District.

The minutes of 1932 reveal "Comrade Barney Peppelman (of Rockledge) was appointed a committee of one to clean out the barn." An interesting discussion must have prompted this entry as "Barney" as he was known to his buddies, was not famous for his reticence.

In fact, Past Commander Willian Schollenberger recalls, "Barney arrived at the meeting late one night and by way of apologizing for the delay commented, 'Sorry I'm late, fellas. We had an unexpected visitor—My wife had a baby'; nevertheless, he found time to get to the meeting anyway."

Rockledgite, Clarence Saltiel, remembers, "The troop had a Drum and Bugle Corps until the late 50's. When the weather was bad they practiced indoors at the old Post Home. If you think modern rock bands are loud, try a 32-piece drum and bugle corps in a 15 x 28 room with an 8-ft. ceiling!

"The highlight of their numerous activities was participating in the 1937 National Convention parade in New York City. With their completely new uniforms and equipment they were proud to be the only Scout Troop in the 16 hour parade!"

Another highly sucessful program has been the Junior baseball team, organized by George Watts in 1927, one of its few Life Members. They often won the district and city championship and in 1956 and 1957 they won the state championship, the only Philadelphia team to accomplish this feat!

Since 1960 their manager has been Benny Culp, former Phillies catcher. Several Loudenslager players have gone on to big league contracts, the most notable being Roy Campanella, who played for the team in the 30's, and is a member of the Baseball Hall of Fame.

Years back there was a Girls Color Guard which marched with the 40-piece band. Ethel Hibbs, now Mrs. Clarence Saltiel, and Betty Rankin, now Mrs. Fred Fite, are two former active members of this group who still live in the community.

The Women's Auxiliary added a new dimension to the Loudenslager Legion family and no small part of the Post's success was due to help received from the ladies.

They have been particularly active in the fields of welfare and rehabilitation in various hospitals. For their own area they put on a saucy floor show each year which everyone looks forward to with eager anticipation.

The Junior Auxiliary for girls under 18 takes care of activities for the distaff set. Unlike the "Sons of the Legion" their participation has been continuous since they started many years ago.

The Glee Club was organized in 1933 by the late Carl Brendlinger. The first director of the all male group was William T. Davies, who also directed the choir at Holy Nativity Church and the Glee Club rehearsed there for several years.

Harry W. MacMillan, Jr., was the first accompanist and now the only remaining original member. He served as director since 1953.

Their first concert was in the Trinity Oxford Community House back in 1934, and since then the club has sung at Woodrow Wilson Junior high and Northeast high school and at countless special performances in hospitals, churches, Convention Hall, the Academy of Music Stage Door and radio and T.V. programs, as well as Memorial Day services at Lawnview in the chapel.

The present Post Home is designated as an official fall-out shelter and in case of attack, is probably the safest place in town, especially the old bank vault area downstairs, which is now the Post Canteen. This basement area was once the scene of a minor catastrophe when a delivery man pumped 2,000 gallons of fuel oil down the wrong pipe and it wound up four inches deep over the entire floor!

The late Harry Winklespecht, who was custodian at the time, discovered the mess and some say his exclamations still echo throughout the building!

A prime concern of the Legion is the care and rehabilitation of their sick and disabled comrades, veterans of all wars, and mindful of this responsibility always have an Active Service Officer available to assist veterans and their families, now in the capable hands of P C. Bernie Lawler. They hold parties for and visit disabled vets in hospitals and the ladies take them useful gifts.

Throughout the community the Legionnaires have recognized people for their outstanding contributions by presenting them with a Distinguished Service Award. Among those so honored have been Father Burke, Pastor of St. Cecilia's in 1938; Charles M. Dudley, principal of Woodrow Wilson jr. high in 1951, and the late Rev. Herbert Jones of Holy Nativity in 1969.

Present Post Commander, Carl Unrath, is optimistic about the Post's future, saying, "We now have well over 125 Viet-time members who take an active part in Legion affairs and I see no reason to expect a decline in the American Legion in the foreseeable future, even if as we all fervently hope, there are no future wars to provide new veterans. That bridge can and will be crossed when it is reached.

"In the meantime the goal of Post No. 366 is to continue to expand its policy of service to God, Country and Community, particularly in the areas of youth development and veteran rehabilitation."

THE AMNESTY ISSUE

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, in recent weeks the question of whether to grant amnesty to draft evaders and resisters has received increasing attention in the media and especially in the other body. We have observed a parade of witnesses present strong and emotional arguments on both sides of this question before the Kennedy subcommittee, and this has left some of us in a rather ambivalent state on the issue. At the extreme poles we have heard opposition to amnesty either because it carries with it the stigma of guilt or because it deals too leniently with those who have refused to serve their country. In between these poles, it seems to me, there have been the more reasoned and rational voices which have recognized that some form of amnesty will eventually be necessary as part of an overall attempt at national reconciliation once the war is over.

In this regard, Mr. Speaker, the Sunday Star of March 5 carried an excellent editorial entitled, "Amnesty: An Idea Whose Time Will Be Later." The editorial points out that while the time is not yet ripe to grant amnesty, it is not too soon to begin fashioning the best possible solution which avoids the extremes of leniency and recrimination—a solution aimed at a "maximum of justice" and "within a general framework of reconciliation for all." At this point in the RECORD, Mr. Speaker, I include the full text of that editorial and commend it to the reading of my colleagues.

The editorial follows:

AMNESTY: AN IDEA WHOSE TIME WILL BE LATER

Tens of thousands of young men (no one knows the exact number) evaded the Vietnam war illegally and are now on the run or living in Canada, Sweden or elsewhere abroad. Should they be given amnesty? If so, should it apply only to draft-resisters, or also to deserters, and should this amnesty be tied to certain conditions of atonement? Or should these young men continue to be prosecuted, which means that most would remain in exile?

As borne out by the varied testimony before Senator Kennedy's Judiciary subcommittee last week, these are questions that touch the raw emotions generated by the war itself. The emotions run the full spectrum, from a fervent ennobling of the draft dodger as above the law and the party sinned against, to the furious portrayal of the exiles as self-indulgent cowards to be written off by their country indefinitely.

The major questions must be faced. If, as we believe, the time is not now ripe to grant amnesty to those who chose not to serve their country, it is nevertheless time to begin fashioning the best possible, over-all solution. It should be a solution that avoids the excesses of both leniency and recrimination, seeking instead a maximum of justice.

The war is indeed winding down. But it is not over. We still have men in Vietnam, and some are fighting, and a few are dying, adding to the 55,000 Americans who already have died in the conflict. Other Americans languish in North Vietnamese prison camps. To the champions of immediate, universal amnesty, all this is irrelevant. It is not. To welcome home now the draft-dodgers and deserters, as if what they did was guileless or incidental, would be a monumental affront to those who have performed their duty, and continue to perform it. And so the point can be made that whatever amnesty plan is devised should be tied to a date, perhaps next year, when the war—or America's participation in it—can reasonably be expected to be ended.

There is ample precedent for amnesty in this country. George Washington pardoned participants in the Whiskey Rebellion, Abraham Lincoln pardoned Union deserters on condition they finish their enlistments, and after the Civil War, Andrew Johnson granted amnesty to soldiers of the Confederate Army. More recently, 16 months after VJ Day, President Truman established an amnesty board that eventually pardoned some 1,500 men of the 15,000 who had refused to fight in World War II. That ratio of numbers is not particularly instructive for the current situation. Yet the idea of an amnesty board is a good one, for it would permit review of individual cases and circumstances, both among the draft resisters and the deserters.

Distinguishing between those two big classes of deliberate non-combatants presents a specific difficulty in an already complex issue. Legislation introduced by Senator Robert Taft, Jr. of Ohio, a moderate-to-conservative Republican, and Representative Edward I. Koch, a New York democrat, spells out amnesty conditions for draft evaders but conspicuously excludes the deserters. This same dual approach has been endorsed by that firm anti-militarist, Senator McGovern. Is it right?

Historically, desertion has been viewed as an extremely serious offense. That is as it should be. Yet, in the context of the last several years, what is the guilt difference between the young, perhaps uneducated soldier who began to question the war only after he was inducted, and the more sophisticated offspring of the middle-to-upper class who began his own evasive tactics before his draft call was imminent? To consider amnesty only for the draft-dodger could be read as a form of elitism. At the same time, to excuse desertion as but the reflex action of the uninformed is dangerous and patronizing.

The truth is: Some of the more educated draft evaders were truly motivated by anti-war ideal; some were skulking opportunists, or they fooled themselves, or were fooled by Doctor Spock and other aging surrogates of the impressionable and impatient young. Some of the less educated deserters were late bloomers in the anti-war movement; others were schemers who may well have accepted duty in Germany but who bugged out when ordered to Vietnam; still others went over the hill for no other reason than to escape discipline for hitting an officer or robbing the cash box. All of which is to say that each group includes a great diversity of individuals. Each group includes the leaders and the led, those who were influencers of, and those who were influenced by the gathering anti-war movement, those who plotted their way meticulously and those who acted on impulse to gain asylum from duty and danger. The argument builds then, for the kind of tribunal that can judge individual cases on their merits.

Another imperative of any reconciliation plan is that the amnesty be conditional. This is, in a sense, a contradiction of terms, because the word "amnesty" derives from the Greek word for "forgetfulness." Yet the concept should be clear enough, and it is central to the legislation proposed by Taft and Koch. They believe amnesty should be coupled with the requirement of two (Koch) or three (Taft) years of service in the peacetime military or in civilian activities such as the Peace Corps or hospital work. When that service is completed, amnesty then would take effect. It is a defensible concept. The number of years of service, of course, must still be settled. It could be made standard for the typical evader-in-exile, with flexibility provided for some of the individual cases to be judged by review boards. And there is good reason why this arrangement should be accompanied by clemency for draft evaders who went to jail rather than abroad.

The middle course of conditional amnesty will be opposed by those at both poles of the argument. Yet it is noteworthy that the American public, though still sharply divided, favors the conditional amnesty route over a more liberal approach or no amnesty at all. According to a Newsweek poll taken by the Gallup organization in January, 7 percent of Americans favor outright, unconditional amnesty for draft-dodgers. A majority, 63 percent, favors the Taft-Koch approach requiring alternate service, while 22 percent oppose amnesty of any sort.

The problem with the unconditional-amnesty argument is its basic assumption that the draft-dodgers did nothing wrong and therefore have no debt to pay. "Premature morality," it is called. The assumption is facile and untenable. The law was there to be obeyed. If the consequences of obedience—that is, service in Vietnam—was abhorrent to some, the route of disobedience and resistance was open. It had been pioneered before, notably in the field of civil rights. Yet it is the low form of civil disobedience that leads the resister to break the law and then cry for amnesty. It is the high form that recognizes the law can be broken but the penalty must be paid. And in this case, the nation will demand that the draft resisters and deserters pay a penalty, mild in form though it may be.

The problem with the rigid anti-amnesty argument is that it is totally open-ended. It presumes a kind of permanent banishment, together with long jail terms for those who filter back. And this, in the years ahead, will appear increasingly out of line with reality and the American way.

Time surely will make a difference. Neither the Taft bill nor anything like it appears to have a chance of passing in this election year. By next year, assuming our pullout from Vietnam is virtually complete, the climate of opinion may well have reached the point where an amnesty plan may be both feasible and justifiable. This war, after all, has been America's most divisive. Those who prosecuted it, as well as those who ran away, made their share of mistakes and indulged in a degree of self-deception. As the idea grows of putting the war behind us, so will the idea of conditional amnesty within a general framework of reconciliation for all.

TRIBUTE TO BARBARA GORICH

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mr. ANDERSON of California. Mr. Speaker, most of us have known individuals who have unselfishly devoted their time and their energy to the service of their community and their fellow man.

However, few of us have had the honor of knowing an individual who has had such a dramatic and widespread effect on improving the quality of life in their community as Mrs. Barbara Gorich of San Pedro, Calif.

For over 28 years, Barbara has been identified with every aspect of community affairs in the San Pedro area. To each program she has brought concern and understanding; but, above all, she has brought a philosophy which has permeated her every deed: A philosophy of justice and dignity to every human being.

In a very real sense, the progress of the community of San Pedro is a history of the contributions of Mrs. Gorich.

The list of posts which she has held, organizations which she has served, projects which she has aided, and ideas which she has fostered, is omnibus.

As a community leader, Barbara's activities speak for themselves.

For three terms, Barbara Gorich served as president of the San Pedro Coordinating Council—an organization that she has served in various capacities for 28 years. She served as a director of mental health, chairwoman of the local United Services Organization, director of Women for Good Government, a member of the Compensatory Education Advisory Council of Los Angeles City Schools, and chairwoman of the City of Hope Drive.

In addition to providing leadership, Mrs. Gorich has actively participated in numerous worthy programs, a partial list of which includes the Homer Toberman Settlement House, United Crusade, Free Clinic, Retarded Children, Salvation Army, Boys Club, March of Dimes, Cancer and Heart Drives, YWCA, and the YMCA.

Barbara is a member of the Harbor Human Relations Council, Woman's B'nai B'rith, Beth El Sisterhood, San Pedro Jewish Sisterhood, and the Chamber of Commerce.

Both the mayor of Los Angeles and the former Governor utilized Mrs. Gorich's talents by selecting her as the 15th area chairman of the Community Advisory Council on Youth, as community chairman of the Adult for Youth Program, and as a member of the Governor's Advisory Commission on Youth.

As evidence of her concern for the youth of the harbor area, Barbara has undertaken projects which would help and guide young people toward a more active involvement in community projects. Through her guidance, the San Pedro Coordinating Council sponsored Camp Archie Shields at Portuguese Bend. This project, which has been enjoyed by 25,000 youngsters, has taken care of yearly Christmas parties for children from needy families. In addition, the camp operates a youth employment service.

To give the community a new look of beauty and cleanliness, Mrs. Gorich helped the chamber of commerce in recruiting over 500 young people and adults to participate in Operation Clean Sweep.

Barbara has worked in cooperation with the harbor division of the police department to give the youth of the area a better appreciation of the law and its enforcement.

She has consistently encouraged and aided the Wilmington-San Pedro Youth Opportunity Center, the Teen Posts and the Headstart programs. In fact, she is credited with saving a Teen Post from being evicted from its building by personally interceding with the owners of the building and appealing in the Teen Post's behalf. Barbara also has assisted the various programs connected with the EYOA—Adult Neighborhood Participation Project—and parks and recreation activities.

She has encouraged the training for youth jobs at the U.S. Public Health Service Clinic in San Pedro.

In order to help minority students with English, Barbara Gorich started yet another program: adopt a little brother or sister, whereby high school students tutor the children who need help and encouragement.

Barbara has worked to eradicate the drug menace in the harbor area. She was cochairman of the Kiwanis Club's Drug Alert project, and she has participated in youth forum sessions on drug abuse.

Mrs. Gorich actively participated in the proposal for the San Pedro Courthouse, the Beacon Street urban renewal project, the San Pedro Fisherman's Fiesta, Los Angeles birthday festivities, and many more community efforts.

Barbara's efforts have not gone unnoticed. She was honored with a testimonial dinner by the San Pedro Chamber of Commerce. Appointed ambassador-at-large by the mayor, she spoke before the San Antonio, Tex., City Council where she was appointed "Alcalde de la Ciudad de la Villita" by San Antonio Mayor McAllister.

Mr. Speaker, to list all of her contributions would take hours, and those of us who know her dedication cannot adequately express our gratitude for her years of service.

In addition, those of us from the harbor area know that first of all, she is a wife to her understanding husband, Rudy.

Mr. Speaker, Mrs. Barbara Gorich is a tremendous asset to our country and to our community. If ever our Government begins to recognize individuals as "national treasures," I will place Mrs. Gorich's name in nomination for that honor, for, indeed, she deserves that recognition.

AMERICANS FOR CONSTITUTIONAL ACTION PRAISE HILLIS' VOTING RECORD

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mr. BRAY. Mr. Speaker, the voting ratings given Members of Congress by the well-known Americans for Constitutional Action are recognized as reliable indicators of a Congressman's dedication to fiscal soundness, economic stability, a strong national defense posture and the general principles of constitutional government.

My good friend and colleague, Congressman Elwood "Bud" Hillis of the Fifth Indiana District, is only in his first term in the House of Representatives, but ACA has already cited him as a "good addition" to the Congress. It is a pleasure to insert ACA's commendatory letter to Bud Hillis into the Congressional Record:

Americans for Constitutional
Action,
Washington, D.C., March 3, 1972.

Hon. Elwood Hillis, M.C.
Longworth House Office Building,
Washington, D.C.

Dear Congressman Hillis: Americans for Constitutional Action wishes to congratulate you on your voting record for the First Session of the 92nd Congress. Our ACA rating, just recently published for 1971, shows you have a fine conservative voting record, of which residents in Indiana's Fifth District can be proud.

As you may know, our recent ACA voting study revealed a sharply increased conservative trend by House Republicans in 1971, thanks to Congressmen like yourself. Whereas House Republicans in 1969 had an overall ACA rating of 60 percent, and a 69 percent rating in 1970, last year that figure rose to a pleasing 76.6 percent.

In its current anaylsis, ACA selected voting records from 24 major roll call votes in the Senate and 29 major votes in the House on issues including school busing, strong national defense posture, welfare, appeasement of Communism, increased spending by the Federal bureaucracy, food stamps to strikers, etc.

Your votes on these important issues proved you to be a good addition to the conservative voting block of the House in the 92nd Congress. We hope you will keep up the good work.

Sincerely yours,
Charles A. McManus,
President.

MONEY FOR THE PEACE CORPS: MONEY FOR PEACE

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mr. MIKVA. Mr. Speaker, last month, a House-Senate conference committee settled on an appropriation for the Peace Corps. It was disappointingly low, several million dollars less than the $77.2 million which had been authorized by the Senate and which we had fought for unsuccessfully in the House. As a result of the compromise appropriation, the Peace Corps will have to make rather substantial cuts in its programs for the last 4 months of this fiscal year. That is a tragedy because the Peace Corps has been very effective. It has been a symbol of what the people of this country can do to help the people of less fortunate countries.

I would hope that Congress will help restore some of those programs by voting for the full authorization when the next Peace Corps budget comes up for consideration. It is a small price to pay for the cause of world peace and understanding. I would like to insert in the Record copies of the letter I sent to the President before the conference committee's decision and a copy of the reply from the White House. My colleagues may find them of interest.

The letters follow:

February 2, 1972.

The President,
The White House,
Washington, D.C.

Dear Mr. President: I am deeply concerned about the drastic cut imposed by the House in the Peace Corps appropriation for fiscal year 1972.

This is not the time to cut the Peace Corps. The number of volunteers applying and requests for volunteers by participating countries is rising for the first time in five years. Almost unique among Federal government agencies, the Peace Corps has actually cut its administrative expenses.

From a peak of over 15,000 volunteers and trainees in 1966, the Peace Corps enrollments declined to 10,600 in 1969 and have further declined to 7,900 at the present time. Thus, the strength of the Corps has been cut almost in half in the past five years. These cuts were justified by a steady decline in the number of volunteers and requests for volunteers. But this trend has now reversed itself. There is no longer any justification for continuing to reduce Peace Corps appropriations. Requests are up 50 percent over last year. The number of applications has risen by 50 percent in the last two years. The $68 million would entail cutting the Peace Corps in half once again. Such a move at this time could only be interpreted as an intent to abolish the program altogether.

Nor should the Peace Corps be phased-out because of administrative inefficiency. The Corps cut its administrative costs $3 million since last year. It has cut administrative personnel by 29 percent.

At a time when the world is speculating about the growth of a new American isolationism, this nation must confirm its concern for the welfare of other nations.

The financial struggle of the Peace Corps is only another indication of how this country has misplaced its priorities. The Peace Corps needs about $80 million to operate effectively. $80 million is the cost of 66 Mark 48 Navy torpedoes. $80 million is the cost of three F-15 fighter planes, and $80 million is the amount of money this country spent every other day last year to fight the war in Southeast Asia.

There is quite a difference in the emphasis—between peace and war.

I urge you to make clear your commitment to a fully-funded Peace Corps, and to specifically stress to the Senate and the House-Senate Conference Committee that it is your strong wish that the appropriation be restored to $77 million.

Sincerely,

ABNER J. MIKVA,
U.S. Congressman.

THE WHITE HOUSE,
Washington, D.C., February 4, 1972.

Hon. ABNER J. MIKVA,
House of Representatives,
Washington, D.C.

DEAR MR. MIKVA: This will acknowledge and thank you for your letter of February 4 to the President urging support for full funding of the Peace Corps.

The President supports the budget request he made a year ago for the entire foreign assistance program for fiscal year 1972. As you know, that bill contained $82.2 million for the Peace Corps. Other items included $762 million in supporting assistance, $703 million in military assistance and $1.4 billion in development and humanitarian assistance. It has been unfortunate that Congress failed to recognize the benefits of all elements of the foreign assistance program.

You may be assured that your letter will be brought to the President's attention and also shared with the appropriate members of the staff.

With cordial regards,

Sincerely,

WILLIAM E. TIMMONS,
Assistant to the President.

ARGUMENTS AGAINST ABORTION

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mr. HOGAN. Mr. Speaker, it seems obvious to me that we have an obligation to uphold the constitutional principle of the right to life and yet abortion proponents continue to advocate that we ignore the laws which proclaim and protect the rights of the unborn child.

Mary Kay Williams shares my concern for the unborn child, and she has written a series of six articles on abortion for the North Carolina News Service. The pieces explore the various ramifications of abortion, including such critical issues as the relationship of abortion with personal conscience, the law, maternal health, population control, unwanted children, and women's liberation.

Mr. Speaker, I insert the first of the articles, "Abortion and Women's Lib," into the RECORD, with the remaining five to be submitted on succeeding days.

The article follows:

I. ABORTION AND WOMEN'S LIB

(By Mary Kay Williams)

What passes for thoughtful arguments in favor of abortion is often a series of slogans, cliches, and misrepresented facts. You've heard them all before . . .

"A woman should have the right over her own body". . . . "An unplanned child will be an unwanted child". . . . "An unwanted child will be a battered child". . . . "Life is tough enough without being born handicapped". . . . "It's a private matter between a patient and her doctor". . . . "Abortion may be wrong, but I don't want to impose my morality on anybody else."

The slogans for abortion proceed like a comfortable litany. One can get used to them. Nice people start saying them. Gradually they become so respectable that they go unchallenged. And this is their danger.

In this service, we'll be exploring some of these cliches and slogans against other data. First we consider what some extreme types in women's lib have to say about abortion.

They begin by maintaining that a woman should have the right over her own body. When the question is raised whether this right clashes with the right to be born, their response is usually that this is a private matter—that the fetus (the unborn child) is only a part of the mother's body like her appendix or her tonsils.

This is the point to challenge—this collision of rights between the fetus to continue life and the mother to control over her body. The basic question: is the fetus just a part of the mother's body, no different from her tonsils? Rhetoric may say one thing. But what do doctors and lawyers say? And what do pregnant women think?

The essential humanity of the unborn child has been established and recognized by all the modern sciences of embryology, fetology, genetics, biology, and perinatology (the study of life from conception until after birth). They affirm that:

1. Fetal tissue is unique. There never was nor ever will be again another piece of tissue identical to it. It is very closely related to all the other tissue in a person's body.

2. Fetal tissue is different from the parent organism. Ask any biologist. He will tell you that the chromosomes and genes of the fetus are fixed at conception, and are different from that of the parents. And so while a mother's tonsils are hers and hers alone, the fetus is not a part of her body in the same way.

3. The fetus has an independent life. This is a dramatic discovery. It was reached by the new and exciting science of fetology—the study of life in the womb. What it means is that the mother is a passive carrier, but the fetus is largely in charge of the pregnancy. This is why obstetricians treat the fetus as a second patient, different from the mother. And by doing so, they support the conclusions of world-famous Dr. H. M. I. Liley who pioneered in studying the fetus of the mother's womb. After decades of research, Liley concluded that the fetus "is neither an acquiescent vegetable nor a witless tadpole as some have conceived him to be in the past, but rather a tiny human being independent as though he was lying in a crib with a blanket wrapped around him instead of his mother."

The medical evidence is indisputable. Scientific advancements have made the fetus more protectable than ever before. One cannot continue to say that the fetus is no different from the tonsils, or that the mother should have a death-control over that fetus. A woman can have control over the rest of her body, but the fetus is not just another part of her body.

There are pro-abortion lawyers who argue that life begins at birth or at viability (i.e., the ability to survive outside the womb). Using the above-mentioned medical data, the distinguished law firm of Shea and Gardner addressed this argument in a brief to the U.S. Supreme Court.

"Life begins at conception and for practical medical purposes can be scientifically verified within 14 days. Within three weeks, at a point much before 'quickening' can be felt by the mother, the fetus manifests a working heart, a nerve system, and a brain different from and independent of the mother in whose womb he resides; the unborn fetus is now a living human being. It is universally agreed that life has begun by the time the mother realizes she is pregnant and asks her doctor to perform an abortion."

If one needs further evidence of fetal recognition, look to law. Law has traditionally upheld the rights of the fetus:

1. The fetus can inherit by will and by intestacy.

2. The fetus can be the beneficiary of a trust.

3. The fetus can sue for injury. For example, if the fetus is harmed when the mother is hit by a car or an assailant, that fetus can sue to recover damages.

4. The fetus is protected by the criminal statutes on parental neglect.

5. The fetus can be preferred to the religious liberties of the parents. For example, some religious sects do not allow blood transfusions, and the hospital must comply. But if the life of the fetus depends on a blood transfusion, the court can order the hospital to override the mother's objection in favor of the greater concern—the life of the unborn child.

Feminists say that most women believe in abortion. Yet it is widely known that black women and women of other minorities are highly suspicious of abortion and birth control programs. They often regard them as a not-so-subtle form of genocide. To many blacks, ghetto abortion clinics and zero population growth sound too much like "zero black babies!"

This is why family planning was condemned by a recent conference convened by the official black health institutions in America, and black members of the U.S. House of Representatives. The conference polled a unanimous vote to urge better maternal and child health care—a position pro-life groups would readily agree with.

Probably the most substantial data on how the over-all American population views abortions is the recent analysis by Dr. Judith Blake, chairman of the department of demography at the University of California.

While personally favoring abortion, Dr. Blake had to conclude from her research that some 80 percent of the population disapproves the legalization of easy abortion. Also contrary to the radical feminist line, Dr. Blake found that women under 30, as well as college-educated women, have negative attitudes toward abortion.

Most surprising of all, the Blake research pinpointed the strongest promoter of easy abortion to be the white, upper-class, liberal, educated non-Catholic male. In the light of this discovery, it may well be that the women's movement is playing into the hands of a group they oftentimes denounce as chauvinists—fighting for a cause which might not be their own.

THE 53D ANNIVERSARY OF THE AMERICAN LEGION

HON. WALTER S. BARING

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 1972

Mr. BARING. Mr. Speaker, it is my pleasure today to pay tribute to the members of the American Legion who have carried on the fine tradition of helping to care for America's war veterans.

The active programs of the American Legion and other veteran's organizations have played a key role in assisting the U.S. Congress in formulating beneficial Federal programs to aid the deserving men and women who have served this Nation in the uniforms of the American soldier, often at great risk to their lives.

Equally as important, Mr. Speaker, the American Legion has steadfastly led this Nation's people in maintaining patriotism and love of country. It is this firmness of conviction by American Legion veterans and other such dedicated groups of veterans that helps support America and keep our Nation strong.

Mr. Speaker, I am grateful to have this opportunity to state my faith in our soldiers and honor the veterans of the American Legion. I salute their efforts.

MARK V. TINIAKOS—OUTSTANDING JOURNALIST

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mr. ANNUNZIO. Mr. Speaker, I rise today to call the attention of my colleagues to the accomplishments of Mark V. Tiniakos who is assistant editor of one of the outstanding ethnic newspapers in my city of Chicago—the Greek Press.

A few months ago Mark Tiniakos was honored by issuance of a proclamation by Gov. Richard B. Ogilvie of Illinois in recognition of his outstanding contributions to the Greek people in Chicago and Illinois.

Mark Tiniakos has served as assistant editor of the Greek Press for many years and has regularly contributed feature articles to the Hellenic Free Press; the Greek Star Newspapers, edited in Chicago; the National Tribune, edited in Detroit; the Hellenic Review, channel 26—WCIU-TV; and "The Hellenic Hour," WOPA-FM radio.

In addition to completing more than 10 years in the newspaper, television, and radio media, Mark has been a pioneer in support of the Pan-Hellenic Student Association, acting as president and one of its founders. The Pan-Hellenic Student Association of Chicago and Illinois is an organization of Greek-American students from colleges throughout Illinois who in recent years migrated to our State from Greece for the purpose of extending their education and for becoming specialists in their respective fields or professions. Included in the activities of this association are public lectures, civic meetings, classical dramatic stage presentations, student counseling, and employment assistance. His undertakings in this area gained for him the respect and admiration of his fellow citizens, and especially, the staff of the Consulate General of Greece and international, national, and local political and civic leaders.

Mr. Tiniakos has also given distinguished service as an officer of the Greek Independence Day parade committee. In 1970, he served as publicity chairman and in 1971 he served as assistant executive secretary and treasurer. This committee is responsible for sponsoring an impressive parade in Chicago, marking the anniversary of Greek Independence Day. It is a civic and patriotic event which is eagerly awaited by the residents of the Chicagoland area.

The Greek-American community of Chicago is proud to include Mark V. Tiniakos as one of its members who has steadfastly and conscientiously, with undiminishing vigor and industry, made a niche for himself in the hearts of his fellow men. I extend my warmest congratulations to him on his contributions to the Greek-American community in Chicago and my best wishes for continuing success as he serves his fellow citizens in the years ahead.

Mr. Speaker, at this point in the RECORD, I would like to include the proclamation issued in honor of Mark V. Tiniakos on October 29, 1971, by Governor Ogilvie. The proclamation follows:

STATE OF ILLINOIS—PROCLAMATION

There are many gaps which develop when members of one culture join another. Many times new modes of behavior and new means of communication must be developed just to understand and be understood within another country's society.

Those who enter a new culture must absorb a tremendous amount of new living knowledge and at the same time maintain their individuality. In meeting this task of both assimilation and maintenance of cultural individuality, mass communications plays a vital role.

Mr. Mark Tiniakos has, through painstaking and dedicated efforts in the journalistic field, worked to bridge and fill the societal gaps in the Greek-American community in Chicago.

He has contributed to the Greek Press newspaper, the Greek Star, the National Tribune, the Hellenic Review, Channel 26 and the Hellenic Hour.

He has also been a pioneer in support of the Pan-Hellenic Student Association acting as president and one of the founders.

Therefore, I, Richard B. Ogilvie, governor of the State of Illinois, proclaim the week of October 31, as Greek-American Week in tribute to this individual's efforts for the recognition of the Greek people in Chicago and Illinois.

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the State of Illinois to be affixed.

Done at the Capitol, in the City of Springfield, this 29th day of October, in the Year of Our Lord one thousand nine hundred and seventy-one, and of the State of Illinois the one hundred and fifty-third.

RICHARD B. OGILVIE.

A TRIBUTE TO MR. SIM DeLAPP

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mr. MIZELL. Mr. Speaker, as we move closer to 1976, the 200th anniversary of America's independence, we will be paying tribute more and more frequently to the heroes of our past: Men and women who played leading roles in the birth of a nation, or in helping her grow to maturity, or in leading her as she assumed the awesome responsibilities of a global power.

Particular attention will doubtless be paid to those responsible for making democracy thrive in this country, those who made real the dream of government "of the people, by the people, and for the people."

The names of Washington, Jefferson, Lincoln, and others come readily to mind in thinking of these giants of democracy, but there are other names, perhaps not so familiar, whose contribution to popular sovereignty, the foundation for democracy, has been great and lasting.

One such name is Sim DeLapp, the guiding light and inspirational force for the Republican Party in North Carolina for much of this century.

Like other States of the South, North Carolina was for many years in the grip of one-party domination, a travesty of democracy that restricts the right of the people to choose the policies of government they will follow and limiting the exercise of popular sovereignty.

Mr. DeLapp is largely responsible for changing all that in North Carolina. For years, it has been said, the Republican Party in our State could hold its convention in a telephone booth. But today, we have strong candidates challenging each other for the right to run as Republican nominee for U.S. Senate, Governor of North Carolina, and U.S. Representative, in addition to many State and local offices.

The two-party system is at last a reality in North Carolina, and the Republican Party and the people of North Carolina owe a large debt to Sim DeLapp for making it so.

One of those most indebted to him stands before you today. I first met Mr. DeLapp in Chicago many years ago, when I was pitching for the St. Louis Cardinals and he was attending a Republican National Convention. Little did I know then that he would be the man most responsible for my being here today as the Representative of some of America's finest people, the constituents of the Fifth District of North Carolina.

Mr. Bill Maynard, a talented staff writer for the Thomasville, N.C., Times, recently wrote a profile article on Mr. DeLapp, in which he describes many of the challenges, the setbacks, and the successes that have been a part of Mr. DeLapp's remarkable political life.

The story of this deeply patriotic and totally dedicated man will, I believe, make for interesting and inspirational reading for my colleagues on both sides of the aisle. I commend it to their attention, and insert it in the RECORD at this time for their consideration:

SIM DELAPP—A "POLITICIAN'S POLITICIAN"—HE MADE THE GRAND OLD PARTY IN DAVIDSON COUNTY

(By Bill Maynard)

LEXINGTON.—Sim DeLapp can remember the days when he had to beg Republican friends to sacrifice themselves on the political altar against Democrat opponents. He even had to pay their filing fees before they would run for office.

In those lean years, beginning with the Great Depression and lasting until about the time Eisenhower came on the scene, the

Davidson County GOP was doing well just to fill the ballot with a slate of candidates.

Republicans like DeLapp struggled just to keep the party in existence. Since then times have changed.

The Republicans are in power now in Davidson County, holding all five county commissioner seats, both State House seats, and the U.S. congressional seats.

More than anyone else, Sim DeLapp is the man who has made the county GOP what it is today. Mr. Republican, Davidson County, he's the classic example of the dedicated behind-the-scenes politician.

"He has seen the party come from its infancy to its position of influence today," says Thomasvillian Joe Berrier, one of five county commissioners who are deeply indebted to DeLapp.

"If there hadn't been someone of his calibre, the county probably would have become a one-party county long ago, and stayed that way.

"Though he says he has retired from politics," Berrier continued, "no one really believes it, not even Sim. He is still tremendously respected and influential."

DeLapp says he is retired, at least in comparison to what he used to do, but he also admits that "people laugh at me when I say that."

The Lexington lawyer has been to five national conventions as a delegate and to one as a state campaign chairman (for Eisenhower in 1952).

From 1942 until 1950 he was state chairman for the GOP. From 1950 until 1964 he served as general counsel of the state party.

For years he was the Davidson County GOP.

DeLapp received his law degree from Duke University in 1921 and started his Lexington law practice the next year. But he was in politics long before then, even before he could vote.

"It all started in 1906 when I was eight and my father ran for sheriff. He won by 104 votes," recalls DeLapp. "I was sick one night and woke up to a crowd outside the house singing in celebration of my father's election victory.

"For about a month thereafter I heard talk of things like throwing out ballot boxes to beat him, that being a Democratic county."

As a boy, then as a young man, and finally as an adult, DeLapp has been deeply involved in every election since 1906—until the last campaign, when DeLapp says he only gave a few speeches.

"I give a few talks," he says, "but I don't assume the responsibility of running a campaign any more. The last time I lined up a ticket was in 1966."

As a teenager he hung around headquaters during campaigns, handing out buttons and literature to people who came by. He went with his father to political rallies and grew up on politics.

In 1922, fresh out of law school, he was offered the county chairmanship.

"The party leaders had a meeting that year after the elections. We had been badly beaten," DeLapp remembers. "They said the county would never go Republican again because all of the new people moving into the county were Democrats. So they turned the problem over to Sim.

"I was young and told myself things wouldn't be like that if I had anything to do with it. Beginning in 1922 I sort of took charge and ran every campaign from then until 1956."

DeLapp's law office became GOP campaign headquarters from June to November of every election year.

"I'd be out of my office from June to November doing party work," he recalls. "Almost every night there was a precinct meeting of some sort. The only way to keep the party alive was to keep stirring.

"I just made a bare living. I let my grocery bill get behind for months, but somehow I made it. My grocer was good to me."

DeLapp recalls that those were the days "when I was working my fool head off and we weren't getting anywhere."

The Great Depression just about finished off the party, and DeLapp. He had to pay most of the filing fees out of his own pocket, or from what he could raise.

"That was the hardest time of all," says DeLapp. "It was awfully hard to get anybody to run for anything. They always thought they'd lose—and they did. But we always made it a close fight."

Not only was politics expensive to DeLapp, it was very unpopular and sometimes dangerous.

"Politics in the Thirties was terribly bitter," he recalls. "You had to have guts to work for the minority party." He was temporarily very unpopular in those lean years, working in a Democratic county, but it passed. He adds that the challenges he faced during those years gave him a confidence in himself that later made his law practice the success that it became.

One particular incident in 1938 he recalls as one of the two hottest hornets' nests of his long career.

"I was the only Republican on the county elections board," he reminisces. "We had been beaten pretty bad. I sat there and challenged every ballot I thought the Democrats had forged, and every time I spoke up the whole courthouse crowd hissed and booed.

"That was the hottest thing we've ever had.

"I thought, 'Boy, my name is mud now. They'll really take me for a ride.'

"Everyone was angry at me since I had some ballots thrown out. A couple of lawyers came up from Wadesboro and were beaten up. A few Democrats had been drinking one night and they said they'd get me. A friend got his pistol and sat on my front porch all night just in case there was any trouble.

"That's how bitter it got. But everyone eventually made up. One man who tried to have me taken off of the elections board later became a close friend."

That year was perhaps the low point of the GOP in Davidson County.

Slowly DeLapp's long years of labor began to reap political dividends. In recognition of his dedicated party work, he was named state GOP chairman in 1942.

Another four years later DeLapp's county organization finally won power, for the first time since pre-Depression days.

DeLapp's Republicans held power off and on in Davidson County until 1958, and then in 1966 they returned after an eight-year dry spell.

The last year in which DeLapp took a really active role in the party's campaign was 1966.

"In late January of '66 I broke my hip and was layed up at home in a wheelchair. I was still busy from January until late March lining up the ticket."

Davidson County Sheriff Fred C. Sink and U.S. Rep. Wilmer Mizell, are two of the men DeLapp persuaded (or picked) to run that year.

The Republicans swept every public office in the county, down to justice of the peace.

A year earlier DeLapp walked into the second of the two hot "hornets' nests" of his career—at a meeting of the Southern Synod Evangelical and Reformed Church in Lexington.

DeLapp was invited to address the synod, which was openly supporting the civil rights movement. He suggested that someone else give the address, since he felt he didn't agree enough with the church leaders.

He finally agreed to speak—one conservative Republican to a group of reformist churchmen.

He didn't let the audience intimidate him. He said exactly what was on his mind.

He attacked what he termed were the permissive attitudes the liberals were spreading, the lawlessness of demonstrators in the streets, the unwillingness of able-bodied people to do honest work for an honest living, the inflated federal welfare rolls that were corrupting the nation with free handouts.

While DeLapp spoke, church leaders walked out.

Later he recalled that he had never seen so much hate in people's eyes as he did at that meeting. He was accused of everything evil under the sun—except dishonesty and bearing malice.

DeLapp believes firmly in the tenets of conservative Republicanism, because he believes they are best for the country.

"His politics is a result of a great concern for the country," says county commissioner Joe Berrier. "He has been a tremendous scrapper for what he believes in, but he has never held malice toward anyone. Even though one may disagree with him, no one has lost respect for his integrity and honesty."

Though his philosophy may sometimes be called old-fashioned today, it is nevertheless honest; and his motives are honorable.

And that's more than can be said about most politicians today.

He has turned down many a chance to gain political favors, because his philosophy would not let him.

If there are injustices being done in the nation, and DeLapp readily admits that there are many, the old political pro feels the only sensible way to right them is through political action.

WHAT'S GOOD FOR THE PEOPLE IS GOOD FOR THE GOVERNMENT

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mr. ZWACH. Mr. Speaker, the Internal Revenue Service has stated that Federal, State, and local governments have been exempted from most of the price controls of the economic stabilization program.

However, wages and prices for the people who pay these governmental costs, fees, taxes, and levies are pretty much frozen within restrictive guidelines.

Our people are concerned. How can they pay higher utility rates, higher tuition costs, higher permits and licenses when their own income is frozen?

This dilemma is well expounded in an editorial written by Richard G. LeMasurier in the February 24 issue of the Paynesville Press. I insert that editorial into the CONGRESSIONAL RECORD at this point:

WHAT'S GOOD FOR THE PEOPLE IS GOOD FOR THE GOVERNMENT

(By Richard G. LeMasurier)

An alarming news release from the Internal Revenue Service last week stated federal, state and local governments have been exempted from most of the price controls of the Economic Stabilization Program (Phase II). When a government can impose serious wage and price restrictions on its people, and then exempt themselves from these restrictions, the threat of total governmental control looms dangerously close overhead.

George O. Lethert, Internal Revenue Service District Director for Minnesota, said the new price control regulations published in the Federal Register on January 27, 1972, allow federal, state and local governments to adjust prices on any work, service, publication, facility, license, or other similar items of value performed, furnished or issued by the governmental unit. Plus, tuitions and other charges for schools, college or universities owned and operated by a state or local government have also been exempted under this Price Commission ruling, as have charges for water and sewage disposal services.

Since such a large percentage of a person's income is spent on taxes, tuitions, license fees and other governmental charges it is disastrous to let these increase at will, while a business or individual's income must remain stable. What happens is that the percentage of income spent on governmental charges will increase out of proportion to the fixed income.

In a study by State Auditor Rolland Hatfield on the property tax structure a few years ago, it was reported that 12.2 per cent of the income of a Minnesota family of four with an adjusted gross income of $3,500 was spent for state income, property and sales taxes. A percentage that drops to 6.8 per cent for the same sized family earning $50,000.

When tuitions, licensing fees, assessments and all the other governmental charges are figured in that 12.2 per cent figure looks closer to 15 per cent.

A family with an income around $10,000 paying, for example, 10 per cent of their income for government services may suddenly, without warning, find themselves paying 15 or 20 per cent for those same services while the income stays at $10,000.

It is obvious runaway inflation on government charges cannot be withstood by families who can't get raises, or business that can't raise prices.

The end effect will be more unemployment and more on the welfare rolls. Employment depends on industry; and industry locates where the business climate is favorable. If the United States governments State, Local and Federal insist on grabbing all they can get in taxes and other charges, but dictating a freeze on personal profits, American industries are going to slowly dwindle away.

Inflated government costs are as harmful as increased labor demands in pricing American industry out of business. Already, many Minnesota firms are moving to other states because of our state's anti-business climate, and when no states are favorable for business, these industries will move right out of the country.

A fair economic stabilization program, one that will work, is a program where costs for individuals or business are froze along with wages and prices; such a freeze would include taxes, fees and all government charges.

It is unnerving to watch the government do exactly as it wishes with total disregard of the financial welfare of its people. Once a government has control of its people financially the people's ability to influence their own destiny is diminished, because nothing speaks quite so loudly in this country as money.

While "total government control" might be a bit too "1984-ish," it cannot be denied the governmental exemption to the wage/price freeze carries serious political implications for the future of this country.

OPINION POLL

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mr. MINSHALL. Mr. Speaker, under leave to revise and extend my remarks, I wish to insert my March 1972 opinion poll of the 23d Congressional District, Ohio, in the RECORD.

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., March 1972.

DEAR FRIENDS: Through the years your response to the Minshall Opinion Poll has helped make my voice in Washington genuinely representative of the 23rd Congressional District. Combined with first-hand information gained in committee hearings and House debate, the consensus obtained from these polls is most important in helping me to reach legislative decisions. Further, on matters of Administration policy-making, I always call the results of the questionnaires to the attention of the White House and the President's Cabinet.

As in the past, a copy of the poll is being sent to every home in the District. If you wish additional copies, please call my Cleveland office, 2951 New Federal Building, telephone **522-4382.**

Returns run into the tens of thousands so you can understand why it is not possible for me to answer each one individually. All will be carefully tabulated and results made known in a future "Washington Report" newsletter.

No envelope is needed for the attached self-mailer. Simply cut along the dotted line, fold with return address outside, stamp, and mail. Please do not staple or tape together as this slows the tabulating process. Should you have any specific question or problem requiring my assistance, I would appreciate your sending it separately from the poll in order to avoid delay in giving your request top-priority action.

Thank you for giving me the very valuable benefit of your views through this questionnaire, and please do not hesitate to call on me whenever I can be of service to you.

With best wishes,
Sincerely yours,
WILLIAM E. MINSHALL,
Member of Congress.

MINSHALL OPINION POLL

1. Do you feel the President's trip to China was worthwhile? Yes. No. Undecided.

2. Total yearly costs of the United Nations run more than $1 billion of which we pay about 36%. Should we reduce our contribution? Yes. No. Undecided.

3. Do you agree with the way President Nixon is ending U.S. ground combat involvement in Vietnam? Yes. No. Undecided.

4. Would you grant amnesty to the men who left our country to avoid the draft if they agree to 3 years of some sort of federal service? Yes. No. Undecided.

5. A Blue Ribbon Defense Panel reports the Soviet Union is achieving military superiority over the U.S. Should we maintain arms parity with Russia? Yes. No. Undecided.

6. Do you favor continuing the present wage-price control program? Yes. No. Undecided.

7. Would you support a "value added tax" (3% national sales tax) if it lowers your local property taxes? Yes. No. Undecided.

8. Are you willing to pay higher taxes for completely nationalized health care for all? Yes. No. Undecided.

9. Should the minimum hourly wage be raised from $1.60 to $2.00? Yes. No. Undecided.

10. Do you support my constitutional amendment to guarantee *local* control of schools and school busing? Yes. No. Undecided.

11. Are you in favor of federally-subsidized public housing in your neighborhood for low-income and welfare families? Yes. No. Undecided.

12. Now that 18-year-olds can vote, should they also be subject to adult civil and criminal laws? Yes. No. Undecided.

13. Should the Constitution be amended to guarantee equal rights for women? Yes. No. Undecided.

14. If the 1972 presidential election were held today, who would be your choice for President? Answer:

15. What is the most important issue facing the Nation today? Answer:

Your Age: —— Occupation: —— City and Ward: ——.

COMMUNIST CHINA AND NARCOTICS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mr. CRANE. Mr. Speaker, at a time when there is a euphoric feeling that peace may be at hand with the Communist Chinese, a feeling not borne out by the fact that the Peking Government continues to sponsor subversion and terror throughout Asia, one important question remains unanswered and, to a large measure, unasked.

That question is this: How involved is Communist China in the flow of narcotics in Southeast Asia and elsewhere in the world?

The Communists deny any involvement, and our Government agrees with the official Peking denials. There does, however, seem to be more to the story than this.

Recently, a former British official in the Far East, A. H. Stanton Candlin, reported that:

> When President Nixon goes to see Chou En-Lai, he is seeing the biggest drug pusher in the world.

Mr. Candlin makes a compelling case, and while up to date evidence is lacking, the denials of any Communist Chinese involvement in narcotics seem less than credible.

We do know, for example, that the Chinese Communists have a record of past involvement in this area. In 1950, after they established control of the mainland, Henry Anslinger, U.S. Narcotics Chief, placed an American complaint before the United Nations to the effect that the Communist Chinese were smuggling narcotics into Japan.

In a recent column discussing this subject, Allan C. Brownfeld reports that:

> His (Anslinger's) evidence was overwhelming and proved that during the early 1950s China was heavily engaged in the illicit drug trade. Mr. Anslinger testified in 1955 before the Senate Judiciary Committee. He declared that Red China "had singled out the United States as a primary target for its illicit traffic in opium and heroin."

Mr. Brownfeld reports that during a recent visit to the Far East:

> American officials in Hong Kong and elsewhere in that area declared without a doubt that "Communist China is not responsible for narcotics." They were, however, the only ones to say this. Americans outside of the government, and officials of other governments expressed the view that Communist China was deeply involved. They pointed out that answers received from American officials were "political" answers, meant not to damage the President's efforts at "reconciliation" with the Communist Chinese.

At a time when thousands of young Americans, particularly servicemen in Vietnam, are becoming addicted to heroin and other dangerous drugs, it is incumbent upon our Government, if it is sincere in its desire to stem the tide of such drugs, to investigate the possible involvement of Communist China in their production and distribution.

Mr. Brownfeld raises a number of important questions. I wish to share his column, which appeared in Roll Call of February 24, 1972, with my colleagues, and insert it into the RECORD at this time:

COMMUNIST CHINA AND NARCOTICS

(By Allan C. Brownfeld)

As President Nixon meets in Peking with Communist Chinese leaders there is one subject which does not appear to be on the agenda, but which many concerned observers, both in this country and abroad, would like to see discussed. That subject is the question of Communist China's involvement in the world-wide traffic in narcotics and dangerous drugs.

Speaking to a small group of legislative aides on Capitol Hill, A. H. Stanton Candlin, a British narcotics expert who has spent many years in the Far East, declared this month that "When President Nixon goes to see Chou En-Lai he is seeing the biggest drug pusher in the world, with 80,000 acres under cultivation."

This idea is neither new nor novel. According to Mohammed Hassanein Heikal, editor of Cairo's semi-official Al Ahram newspaper and a confidant of the late Egyptian President Nasser, Premier Chou En-Lai told Nasser in 1965 that Communist China planted opium in Vietnam, hoping to demoralize U.S. troops there with drugs.

Even a brief review of the facts with regard to narcotics addiction now afflicting American servicemen in Vietnam leaves open the question of where the massive amounts of heroin, not to mention marijuana and other drugs, are coming from.

This writer recently discussed that question while in the Far East. American officials in Hong Kong and elsewhere in that area declared without a doubt that "Communist China is not responsible for narcotics." They were, however, the only ones to say this. Americans outside of the government, and officials of other governments expressed the view that Communist China was deeply involved. They pointed out that the answers received from American officials were "political" answers, meant not to damage the President's efforts at "reconciliation" with the Communist Chinese.

U.S. spokesmen, up to the highest level, have consistently asserted that 80% of the heroin brought into the United States is manufactured from Turkish opium. Originally, the Bureau of Narcotics and Dangerous Drugs calculated this figure not just for Turkish opium, but for Middle Eastern and especially Iranian opium. Iran remained a major opium producer and purveyor long after 1955, when it prohibited the planting of poppy. Cultivation was again authorized in 1969.

Turkish authorities have been restricting poppy cultivation from 21 to 9 provinces, with most of the planting restricted to four. As of June, 1971, all cultivation was prohibited. Production itself was curtailed long before 1971. During this same period, heroin consumption in the U.S. and elsewhere went up dramatically. With a dynamic growth of consumption in the U.S. and elsewhere, and a concurrent reduction in the output of Turkish opium, the contribution of Turkey to the American heroin market cannot possibly have remained static at the 80% level.

There is some undisputed history with regard to the past involvement of the Communist Chinese in opium and heroin production. In the course of the long march from southern China to the Yenan caves in Shensi, some 400,000 Communists were forced into a mountainous region which lacked agricultural and other income-producing resources. The Communists turned to the cultivation of opium as the most expeditious means of survival and of financing the "protracted struggle."

They began to market their product by 1938–39, and they were helped in their efforts by the Japanese who rescinded the prohibition on opium smoking that had been imposed by the Chinese Nationalist Government. The Japanese were anxious to stimulate opium consumption among the Chinese and the Communists were eager to trade opium for metals, including gold, and they reportedly also used opium as a bank reserve.

According to Mr. Stanton Candlin, the Chinese Communists are now using a policy of "psycho-chemical warfare," first used by the Japanese on the Chinese themselves in the 1920s and 1930s. the Japanese established brothels and spread morphine. It was done by intelligence services of the army and the Chinese method being used today "can be traced to the Japanese. They saw it done to themselves and they are improving on it." Much of this material is set forth in the volume, "Traffic In Narcotics" by Henry Anslinger, former U.S. Narcotics Chief.

In 1950, after the Chinese Communists established control of the Mainland, Mao forbade opium smoking in China and a few opium growers were executed with great publicity. Yet shortly thereafter, Commissioner Anslinger placed an American complaint before the United Nations to the effect that the Communist Chinese were smuggling narcotics into Japan. His evidence was overwhelming and proved that during the early 1950s China was heavily engaged in the illicit drug trade. Mr. Anslinger testified in 1955 before the Senate Judiciary Committee. He declared that Red China "had singled out the United States as a primary target for its illicit traffic in opium and heroin."

In a speech of September 21, 1961, Rep. Francis E. Walter (D-Pa.) referred to Communist Chinese "dope warfare" against American and United Nations troops during the Korean War. He added that many of the narcotics were peddled "at bargain prices by young women pushers near all military installations in Korea." He stressed that the products were of high quality and reported that during 1952 the Japanese police arrested over 2,000 pushers near American installations. He stated that opiates were coming into Hong Kong, Burma, and Thailand from the North, and he quoted the U.N. Commission on Narcotics Drugs as the source of this information. During the Korean War, U.S. troops found an opium processing plant in Pyongyang which was producing prepared opium and morphine.

Heroin addiction among American troops in Vietnam steadily rose toward epidemic proportion beginning in December, 1969. It has also been stated that a heavy heroin influx followed shortly after the Cambodian invasion in the spring of 1970. This influx was estimated from service deaths resulting from drug overdoses by Assistant District Attorney John Steinberg of Philadelphia who investigated the Vietnam drug scene in the fall of 1970 as a special consultant to the Senate Subcommittee to Investigate Juvenile Delinquency. Shortly after the Cambodian operation "large quantities of heroin began arriving in Vietnam . . . uniform packaging and refining indicated a single highly organized source."

Reviewing the available information, Professor Stefan T. Possony, Senior Fellow at the Hoover Institution of Stanford University, stated that "I am satisfied that while much detail remains hidden and statistical accuracy is not attainable, the overall story has emerged rather clearly. The various sources have—on the whole—been mutually confirmatory. The sources do reveal a cleavage of opinion on the role of Maoist China, but I believe this difference can be resolved. I also want to record that denials of Chinese Communist involvement which I have seen were in the nature of flat assertions and were never accompanied by analysis."

Professor Possony notes that "In terms of production, the Chinese Communists have the capacity of replacing suppliers like Turkey who may go out of business. They are also able to satisfy a larger market and/or growing market demands." It is high time that this question was discussed openly.

OMAHA'S "GLASPHALT" EXPERIMENT

HON. JOHN Y. McCOLLISTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mr. McCOLLISTER. Mr. Speaker, in this era of national concern for the quality of the environment, I should like to call attention to a resourceful, imaginative, and eminently productive environmental program undertaken by the citizens of Omaha in my home State. I believe that this continuing program, now well into its second year, is without equal—not only with respect to its effectiveness and scope but also in terms of community involvement. It stands out as a shining example for other communities facing similar environmental problems.

One of its unique aspects is the recycling of used glass bottles and jars collected by the community into an experimental new road-paving material known as "glasphalt." This method of recycling was decided upon after it had been determined that the cost of shipping the waste glass to bottle-manufacturing plants outside the State would negate the economic benefits. The nearest glass container manufacturing plants are located in Oklahoma and Illinois.

The driving force behind this program is a woman who has contributed immeasurably to the cause of environmental improvement in Nebraska, and I would like to acknowledge her achievements publicly at this time. She is Mrs. Les Anderson, chairman of the Governor's Council To Keep Nebraska Beautiful and chairman of its sister organization, Keep Omaha Beautiful, Inc.

In late 1971, Mrs. Anderson received a special award from Keep America Beautiful, the national antilitter organization, in recognition of the leadership and inspiration she provided in organizing the Omaha environmental program and in keeping it moving in the face of obstacles and difficulties that would have daunted a less courageous soul. And Midlands—the Sunday magazine of the Omaha World-Herald—designated Mrs. Anderson its "Woman of the Year."

Her first success—the repaving of an Omaha street with glasphalt made from jars and bottles collected by Omaha residents—received nationwide publicity. The event itself, and the painstaking efforts that preceded it, have been admirably recounted in an article in the November 1971 issue of American City magazine, and I would like to request permission to insert it in the CONGRESSIONAL RECORD at this time. The article follows:

GLASPHALT PAVES DOWNTOWN CITY BLOCK

How does a community recycle its discarded bottles when it has no glass-container plant within reach to accept the bottles for reprocessing?

Citizen groups in Omaha, Nebr., found a way. They organized their own glass recycling project. They first collected bottles and arranged to have them processed into "glasphalt," a blacktop paving material that contains crushed glass for aggregate. Omaha officials cooperated by paving a downtown city block with recycled glass.

THE BEGINNING

The Omaha project evolved within the much broader framework of a statewide environmental program.

In the winter of 1970–71, Mrs. Les Anderson, chairman of the Governor's Council to Keep Nebraska Beautiful, began to map plans for a three-pronged "Nebraska Environmental Action Month" which was to include litter clean-up drives, tree-planting activities and the collection of waste glass and paper for recycling. But the nearest glass container plants where the salvaged bottles could be recycled were in Illinois and Oklahoma, nearly 400 miles away.

However, Mrs. Anderson had heard about glasphalt. And she knew that several industrial concerns, a real estate developer and the University of Missouri (Rolla) had sponsored glasphalt paving projects on a test basis. First off, she interviewed glass container industry experts to familiarize herself with the technology and economies of glasphalt. On the basis of this knowledge, the city of Omaha seemed like a good place to start. Next she talked to Omaha's City Engineer Marvin Staven. He assured her of the city's complete cooperation, if she could deliver the glass.

GETTING OTHERS TO HELP

Working through Keep Omaha Beautiful and other civic-minded groups, Mrs. Anderson was convinced that she could round up the 60 or more tons of old bottles required to pave a city block, if a network of collection centers could be set up where people could bring the glass. To get the ball rolling, she developed local publicity pointing out that Omaha was going to get a glasphalt street and urging residents to start saving bottles for it. The promotion manager of a local supermarket chain, offered to make space available in eight store parking lots for bottle collection sites.

A refuse hauling contractor, whose firm uses large bins to collect garbage at Omaha business establishments and industrial plants agreed to place bins with capacities of four to eight tons on the eight supermarket parking lots designated as collection centers.

To crush the glass Mrs. Anderson's group located a stone crushing plant. The manager agreed to crush any bottles the drive might produce.

The bottle collection drive—and a simultaneous paper drive—were set for the first week in April. The collection was timed to coincide with the high school spring recess, so there would be plenty of student volunteers available to help. Boys and girls from eight school ecology clubs manned the bins at the eight collection centers, and the bottles began to pour in. In addition to being inundated with bottles, the collection sites were also deluged with a flood of paper bags and cartons in which the bottles had been delivered. These were taken to paper collection centers staffed by the Salvation Army.

SUCCESS

The week-long bottle drive yielded 30 tons of glass, or about enough to make glasphalt for a half a city block. Mrs. Anderson, deciding that more was needed, organized a second bottle roundup in May. By early June enough bottles had been collected (about 65 tons) to pave an entire block.

In August the blacktop made from crushed bottles salvaged from litter and solid waste was laid along an entire block in the central city.

City Engineer Marvin Staven expects to extend the glasphalting of Omaha's streets to one project per year. He anticipates using approximately 100 tons of glass in each project. This, he estimates, will produce about 500 tons of glasphaltic concrete. He plans to purchase a hammermill-type crushing unit to process the glass.

As the article in the American City indicated, Omaha's 1971 glasphalt paving project was just the beginning of Mrs. Anderson's environmental crusade.

Since that time, under her inspired leadership, citizens of Omaha have collected 100 additional tons of glass and huge amounts of scrap metal and paper. The city has agreed to purchase the glass from "Keep Omaha Beautiful" for $4 a ton for recycling into glasphalt. Meanwhile $2,000 worth of crushing equipment has been purchased to process the reclaimed jars and bottles into cullet suitable for use in glasphalt.

The glass has been stored outdoors in a fenced-in area at an outlying landfill site. But plans are now well advanced for a permanent, fully-equipped collection center to be located within the city.

This will be a one-stop waste reclamation center, where Omahans can deposit wastepaper and used metal cans as well as empty jars and bottles. The city has offered the use of land and a small but adequate structure. It is anticipated that proceeds from the sale of the crushed glass to the city and from the sale of salvaged paper and metal to commercial outlets will more than pay all operational costs in addition to compensating "Keep Omaha Beautiful" for the modest start-up costs.

Meanwhile I am happy to report that Governor Exon has again designated the period from April 15 to May 15 "Nebraska Environmental Action Month." This will give added impetus to the far-reaching environmental action programs now underway not only in Omaha but throughout Nebraska.

JUDGE MICHAEL ZIMMER

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mr. DULSKI. Mr. Speaker, a long and colorful career of public service was brought to a close last week when the Honorable Michael E. Zimmer stepped down as a member of the city court in my home city of Buffalo, N.Y.

I have known Judge Zimmer for nearly three decades as a close personal friend, as a dedicated public servant, and as a respected member of the city court.

Judge Zimmer was known for his harsh voice but no one questioned his fairness as a member of the judiciary. Behind that harsh voice was a man with a big heart. He was tough, but he still had compassion.

Above all, Judge Zimmer loved his country. He was impatient with those who failed to show due respect for their country and its flag. He came up the hard way, worked his way through school and college and is ever grateful for the opportunities he has had as an American.

I am arranging to give Judge Zimmer a flag which has been flown over the U.S. Capitol especially for him. I can think of no more appropriate gift for this outstanding citizen of whom my city is so proud.

Mr. Speaker, as part of my remarks I include an article and an editorial:

[From the Buffalo (N.Y.) Evening News, March 1, 1972]

JUDGE ZIMMER, A TOUGH FIGHTER, IS RETIRING AFTER LONG COURT CAREER OF TOUGH DECISIONS

(By Tom O'Grady)

After three dozen years as a civic leader, fighting politician, stern and colorful city court judge, it isn't likely that Michael E. Zimmer will fade into obscurity.

Judge Zimmer is quitting his court job today, ten months earlier than he'd have to, but he still shows himself to be in vigorous good health, keenly interested in law and a close follower of events.

He has had a career that began here—some people called him a "carpetbagger"—in 1923 when he arrived in Buffalo from his native Pennsylvania with a high school education, one year of junior college, a strong back, big fists—and ambitions.

Young Zimmer, one of 13 children from a coal-mining family, had worked his way through St. John Kanty Prep School, Erie, Pa., and financed his law school the same way.

Getting his degree, he plunged into civic endeavers, particularly on the East Side, where he became a member of 18 organizations.

He fought his first political battle and had to take on the Bar Association of Erie County during it in 1935 when he became an independent candidate for a Democratic nomination for City Court Judge.

FIRST BID FOR JUDGESHIP

Then 33, he beat an organization-endorsed candidate, Thuman W. Stoner, in the primary, becoming the first candidate from the Polish East Side to gain a major party nomination for the judiciary.

The would-be judge put on a fierce campaign, first trying to rally women by "getting the mothers and grandmothers out of the kitchen" to register and vote.

In 1937, during the Depression, there was a much-sought opening on the City Court bench due to the death of Judge George P. Burd.

Most of the judges then, headed by the late Chief Judge George W. Woltz, were Republicans but several Democrats had gained the office, which then paid $6525 a year with an extra $350 for chief.

There was a wide split within the Democratic Party with two big factions.

A four-hour meeting was held in the Porter Ave. residence of Mayor George J. Zimmerman on Sunday, June 13, 1937. It was attended by a large group of East Side figures.

They urged a Zimmer appointment. There were an estimated 200,000 Polish-Americans in Buffalo then, and Mr. Zimmer was living at 984 Fillmore Ave, with his wife, the former Victoria Siudzinski, and one child.

APPOINTED TO COURT

Mayor Zimmermann appointed Judge Zimmer the next day.

In the November elections, running for the unexpired four-year term, Judge Zimmer lost to the Republican candidate, Charles T. Yeager, who later became surrogate and recently died.

In 1938, Judge Zimmer was given an appointment by Mayor Thomas L. Holling as executive secretary of the City Planning

Board. Two years later, after another appointment to City Court following the death of Judge Peter Maul, Judge Zimmer went on that year to win election to an unexpired seven-year term.

Judge Zimmer is of medium height, stocky build and has a ruddy complexion, which heightens and flushes with the intensity of interest he displays.

His courtroom manner appears to show an underlying toughness but for persons who have observed him closely his toughness hasn't meant harshness but an even-handed attempt to know fully any matter before him.

A tendency to brush aside legal technicalities and take over questioning of witnesses often drew strong objections by lawyers that sometimes escalated into heated sessions that left the walls resounding.

Judge Zimmer became known for some pet phrases, such as asking a lawyer what he was "bellyaching" about. Later he became addicted to use of the expression "ball of wax" to explain what he was trying to do over objections.

"SAME BALL OF WAX"

"It is the same ball of wax," he would say in a somewhat pleading manner. Another expression he had for a long time was "humbug."

"It is humbug," he would sing out when he thought the legal arguments were becoming specious. "Don't give me that, Counselor. It is humbug!"

He always told persons taking the stand, singing it out: "Put your hand on the Holy Book." His name for the Erie County Penitentiary was "the workhouse."

Judge Zimmer favored the old state law providing for up to six months in the penitentiary, now reduced to a maximum of 15 days, for persons convicted of public intoxication.

Once he made a decision that a defendant had lost control of his drinking, he would sentence him.

"Six months in the workhouse," he would declare. "You need to dry out. It will save your life."

He never sentenced anybody without a complete background check, and favored probation and fines. For those who violated probation or became a menace to the community he didn't hesitate to impose penitentiary sentences up to the maximum and sometimes commented he wished he could give more.

FEARLESS, BLUNT-SPEAKING

Influence meant nothing to him, only determining the facts and making a proper judgment. He feared nobody and often was blunt-speaking, making statements from the bench that often astounded persons in the courtroom.

"And now," he loudly declared once after three accused burglars were brought before him, "let's see what these crumb bums are in for."

He lambasted a politician in open court one day for walking in and attempting to whisper something to him, declaring: "Nobody is going to put me behind the eight ball. He will be thrown in jail."

Not that Judge Zimmer didn't try to help people, but he wanted everything out into the open. He was meticulous in his record keeping, taking full sets of notes of his own and making complete docket entries in a fine handwriting.

In 1947 Judge Zimmer had another stiff election challenge but won a good victory, this time for his first full 10-year term. Two years later he tried for chief city judge, losing to John W. Ryan Jr.

FAMILY COURT BID FAILS

In 1957 there was another exhausting election campaign to go through, but he won a second 10-year term. Two years later he tried for the old Children's Court, had another clash when the Erie County Bar Association failed to endorse him, and lost to Judge Raymond R. Niemer.

Democratic County Chairman Peter J. Crotty and Judge Zimmer attacked the Bar Association and the committee involved as being motivated by Republican political leanings in its ratings.

In 1967, his term again up, Judge Zimmer didn't have to campaign. The Bar Association gave him its highest rating of well qualified and he had the endorsement and nominations of all parties, Democrat Republican, Conservative and Liberal, for a third 10-year term.

Although some lawyers tried to duck Judge Zimmer, who was the delight of courtroom spectators, most often the litigants—be they complainant or defendant in criminal cases or plaintiff and respondent in civil cases—would walk out of his courtroom satisfied over having been given a day in court, regardless of the outcome.

He would plant himself in the high-backed swivel chair, take on everything that was on the calendar, give everybody a chance to have his say and clean it up.

His most earnest effort was to clarify and bring the matters to a final conclusion and he would stay until midnight if necessary.

[Editorial from Buffalo Evening News, March 2, 1972]

JUDGE ZIMMER RETIRES

City Court will be a little less colorful with the retirement this week of Judge Michael Zimmer, a stern and outspoken man who served ably on the bench for more than 30 years. He overcame imposing odds, political and otherwise, to win and hold his judicial position. Despite some unorthodox courtroom habits, he usually left litigants with a feeling that he had decided their case in a spirit of common-sense fairness. Those qualities served him and the community well, and we join others in wishing him a healthy, happy retirement.

ETHICS IN GOVERNMENT

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mrs. MINK. Mr. Speaker, there has been a great deal of discussion recently about the growing sense of mistrust that the people have for their elected officials. Corruption at every level of government seems, at times, commonplace. Congress has spent many hours talking about the problem and proposing solutions for it. Some of the possible solutions are embodied in the latest campaign spending legislation. It is a start, but we still have a long way to go in restoring the confidence of the people in their government.

Ultimately, the people themselves decide what kind of Government they want—a government they can believe in and trust or a Government they view with suspicion and doubt. The people have the final decision because they determine which men and women will represent them in the State legislatures, in the city councils, and the Congress. That determination is made at the ballot box.

My distinguished colleague from Illinois, Congressman ABNER J. MIKVA, recently wrote an article about ethics in government. It appeared in Hyde Park Voices, a community newspaper in Chicago, and I insert the text of the article in the CONGRESSIONAL RECORD:

POLITICAL ETHICS

People have started to take a new and unusual interest in government and politics lately . . . and not simply because 1972 happens to be a Presidential election year. Given the cause, it cannot be considered a healthy interest. Hardly a week goes by without another instance of scandal or corruption or dishonesty in public office . . . and Illinois has done so well at it that the state has gained national distinction in the area. First, there was the Secretary of State. His salary was never more than 30 thousand dollars a year but, when he died, he left a tidy estate of two million dollars . . . part of it stacked in a shoebox. A few months later, a Chicago alderman vanished . . . along with 100 thousand dollars in federal funds. Most recently, the Cook County States Attorney was indicted . . . so was a prominent federal judge, charged with bribery and tax evasion while he was Governor. While all of this was going on, there were disclosures about a number of public officials who owned race track stock—stock that returned a rather remarkable profit. 1971 was a banner year for political scandal.

Each instance of dishonesty cannot be considered separately. There is a cumulative effect, and an attitude develops . . . as it is developing in this country now . . . that equates public office with scandal, public officials with deceit, public trust with contempt. It puts politics in the gutter. Public service is an honorable profession though, and it does not belong there. For every committeeman or legislator or alderman who takes a bribe, there are a thousand other honest officials. They do their best . . . in a modest, unspectacular and scrupulous way . . . and that is the highest form of public service. Corruption in government is particularly corrosive. The thousand honest public officials are somehow tainted by the one dishonest official. So long as most men and women in government are honest, corruption is twice as vicious.

Paul Powell is not really important . . . just as each instance of dishonesty in itself is not really important. So, people should not be terribly troubled by the legacy of Paul Powell, but they might well be alarmed by the legacy of the system . . . the legacy of public indifference . . . that endorsed, elected and encouraged him . . . year after year after year. And, they might well be alarmed by the legacy of the system that picked the successor to Paul Powell . . . a man whose family had an interest in the racetrack business he was supposed to regulate.

No political system ever will be able to rid itself completely of political corruption. That does not mean we should not try and, in Illinois at least, we are not even close. We must try because so much more is at stake than just the money that is lost through corruption. (If corruption in government hangs in the balance, taxes still would not go down.) A way of government hangs in the balance. The agenda of unfinished business in this country is awesome, and we will never be able to end the war . . . or properly educate our children . . . or fight the drug problem . . . unless the people have faith and confidence in the men and women they elect to govern them.

George Bernard Shaw once said that democracy is the only device that insures that people will be no better governed then they deserve. If there is scandal in government . . . if there is corruption . . . it is the people's fault. They have the power and the responsibility to vote politicians out of office if they are not honest . . . but only rarely do the people exercise it. Paul Powell was elected Secretary of State twice and, before that, he was elected time and again to the state legislature. Many of the people who voted for him knew about his influence peddling . . . knew about his way of doing business . . . knew about his rather comfortable relationships with some race tracks and trucking firms. They kept sending him back to the state capitol in Springfield because he was a nice guy or because he was strong on some social issues. Given Paul Powell's sense of propriety and honesty, the state could have done without his vote on increasing aid to the elderly.

Most public officials . . . from alderman to President . . . are no wiser, no stronger, than the people they represent. They have the same tendencies and the same weaknesses. Indeed, that may be why some people find it awkward to rail against dishonesty in government when they try to pay off a city official for a favorable zoning ruling . . . when they cheat on their income tax . . . or when they clip a 5-dollar-bill to their drivers license in case they are stopped for speeding. It is hypocritical . . . to say the least. However, there is a double standard that ought to be imposed on public officials. When the people elect someone to office, they are entitled to expect him to be—not just above criminal behavior—but above suspicion. To warrant the public's trust, an official must meet stricter standards than private citizens expect of each other.

Until that millenium when all men are honest, there must be legislation that helps the voters determine whether or not a public official has met those standards. To begin with, there must be complete disclosure of financial holdings and income. Disclosure is the essence of any reform simply because it would be impossible to eliminate every single conflict of interest. After all, having children in public schools and voting on an education appropriation constitutes a "conflict of interest" in the strictest sense of the phrase. However, with complete disclosure, the people would know where a public official has interests, and then they can determine whether the interests conflict with his public responsibility.

There should be a board established at each level of government—a board made up of private citizens and public officials—to help determine what constitutes a conflict of interest and to decide whether the holdings should be liquidated or put in a blind trust. Finally, this country must have campaign reform. If there is corruption at this point in the political process . . . if a candidate has to sell his soul to get the money for his campaign . . . a law requiring complete disclosure would be meaningless.

There are some encouraging signs. Although Congress did not pass the most comprehensive campaign spending reform legislation . . . because of the veto threatened by the President . . . it did approve a Democratic proposal to make political contributions of up to 50 dollars deductible on an individual's income tax. (A person has the option of taking a tax credit of up to 25-dollars.) Public financing of political campaigns is still a long way off . . . but we have made a beginning. There is also a stirring in Illinois. That much scandal has to generate demand for reform, and perhaps the legislature is finally beginning to respond to public pressure.

Good ethics legislation will help but, in the final analysis, the people decide what kind of standards and principles their public officials must have. It is not too much to ask that our public officials distinguish between private gain and public trust. If they cannot make the distinction, they do not merit the office.

EASTERN ACTS TO PROTECT NONSMOKERS

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mr. YOUNG of Florida. Mr. Speaker, Eastern Airlines, one of the largest air carriers in the world, has joined in the campaign to provide separate seating for smokers and nonsmokers on public transportation. In compliance with the intent of H.R. 4776, the Nonsmokers Relief Act I introduced early last year, Eastern has sent me the following telegram:

> We know of your interest in separating smokers from nonsmokers on airplanes. You will be pleased to hear that Eastern Airlines as a result of consumer comments will soon start setting aside seats on our aircraft in a special area for smokers. We are already providing this service on a few of our flights and we expect the procedure to go into system-wide operation this coming April 10. (Signed) Russell L. Ray Jr., vice president of consumer affairs.

Eastern joins an ever-growing number of transportation companies who are voluntarily complying with the intent of the Nonsmokers Relief Act. The mail that has flooded into my office in support of this bill proves conclusively that the overwhelming majority of Americans feel as I do—that on one should be forced to inhale dangerous tobacco fumes.

Since the Nonsmokers Relief Act was introduced, American Airlines, United Airlines, and Trans World Airlines—and now Eastern Airlines—have agreed to provide separate seating for smokers and nonsmokers.

Groups as varied as the Railroad Passengers Association and the American Medical Association House of Delegates also have supported this measure. The Interstate Commerce Commission has ruled that separate seating must be provided aboard buses.

The U.S. Surgeon General in a recent report said the health of a nonsmoker could be adversely affected if he is forced to inhale tobacco fumes from others, particularly in a confined area. H.R. 4776 would protect the rights and health of millions of nonsmokers—without placing a burden on those who choose to smoke.

Every American should have the right to breathe unpolluted air; he should not be forced to inhale the noxious fumes from others. While many carriers are now providing separate seating, others are not. The Congress should act promptly on the Nonsmokers Relief Act to protect the rights and health of all Americans.

SENATE—*Wednesday, March 8, 1972*

The Senate met at 12 o'clock meridian and was called to order by Hon. ADLAI E. STEVENSON III, a Senator from the State of Illinois.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty and ever-living God, as we bow in this midday moment of prayer, we commit ourselves anew to Thy divine sovereignty, to Thy revealed word and to the guidance of Thy spirit. Remove from us all that obstructs our understanding of Thy will or impedes our doing it. While we cherish the rich heritage of the past make us willing to discard what is outworn and to welcome the truth which is new in promises of a better world. We plead not for security but for loyalty. What we pray for those who labor here, we pray for those everywhere in the service of this Nation.

Breathe through the things that are seen the peace of the unseen and the eternal. We pray in the Redeemer's name. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 8, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ADLAI E. STEVENSON III, a Senator from the State of Illinois, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. STEVENSON thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on March 6, 1972, the President had approved and signed the act (S. 960) to designate the Sycamore Canyon Wilderness, Coconino, Kaibab, and Prescott National Forests, State of Arizona.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 247. An act for the relief of Albert G. Feller and Flora Feller; and

S. 888. An act for the relief of David J. Crumb.

The message also announced that the House had passed the bill (S. 1975) to change the minimum age qualification for serving as a juror in Federal courts from 21 years of age to 18 years of age, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 1974. An act for the relief of Mrs. Gloria Vasquez Herrera;

H.R. 2052. An act for the relief of Luz Maria Cruz Aleman Phillips;

H.R. 2131. An act for the relief of the Howrey Lumber Co.;

H.R. 3413. An act for the relief Dr. David G. Simons, lieutenant colonel, U.S. Air Force, retired;

H.R. 4050. An act for the relief of Maria Manuela Amaral;

H.R. 5299. An act for the relief of Maj. Henry C. Mitchell, retired;

H.R. 5315. An act for the relief of Gary R. Uttech;

H.R. 6201. An act for the relief of Lesley Earle Bryan;

H.R. 6820. An act for the relief of John W. Shafer, Jr.;

H.R. 6907. An act for the relief of Matyas Hunyadi;

H.R. 7011. An act for the relief of Adriano Botelho Moniz; and

H.R. 7641. An act for the relief of Chung Chi Lee.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H.R. 1974. An act for the relief of Mrs. Gloria Vasquez Herrera;

H.R. 2052. An act for the relief of Luz Maria Cruz Aleman Phillips;

H.R. 2131. An act for the relief of the Howrey Lumber Co.;

H.R. 3413. An act for the relief of Dr. David G. Simons, lieutenant colonel, U.S. Air Force, retired;

H.R. 4050. An act for the relief of Maria Manuela Amaral;

H.R. 5299. An act for the relief of Maj. Henry C. Mitchell, retired;

H.R. 5315. An act for the relief of Gary R. Uttech;

H.R. 6201. An act for the relief of Lesley Earle Bryan;

H.R. 6820. An act for the relief of John W. Shafer, Jr.;

H.R. 6907. An act for the relief of Matyas Hunyadi;

H.R. 7011. An act for the relief of Adriano Botelho Moniz; and

H.R. 7641. An act for the relief of Chung Chi Lee.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, March 7, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, with the approval of the distinguished minority leader, I yield at this time to my colleague from Montana (Mr. METCALF) for the purpose of calling up two conference reports.

DISPOSITION OF JUDGMENTS RECOVERED BY CONFEDERATED SALISH AND KOOTENAI TRIBES—CONFERENCE REPORT

Mr. METCALF. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 602) to provide for the disposition of judgments, when appropriated, recovered by the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont., in paragraphs 7 and 10, docket numbered 50233, U.S. Court of Claims, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of Mar. 1, 1972, at pp. 6307–6308.)

Mr. METCALF. Mr. President, in view of the fact that the House of Representatives, which acted first on the conference report, has previously printed the report, together with the joint statement of the conference committee, I ask unanimous consent that the printing of this report by the Senate as a separate document be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. METCALF. Mr. President, the fundamental difference between the two versions of S. 602 relate to the manner in which the Confederated Salish and Kootenai Tribes are to be authorized to utilize their judgment funds. The Senate-passed version of this measure authorized the tribes to distribute 80 percent of the judgment funds on a per capita basis to enrolled members and to retain 20 percent for reservation development programs. The official governing body of the two tribes endorsed this allocation of the funds.

The House version of S. 602 authorized a 90 percent per capita distribution of the judgment funds to enrolled members and retention of 10 percent for reservation development programs.

The conferees reached what I consider to be a reasonable compromise on the differences between the two versions of S. 602 by authorizing an 85–15 percent allocation of the judgment fund.

Mr. President, I move the adoption of the conference report.

The motion was agreed to.

DIVISION AND DISPOSITION OF FUNDS APPROPRIATED IN FAVOR OF BLACKFEET TRIBE AND GROS VENTRE TRIBES—CONFERENCE REPORT

Mr. METCALF. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 671) to provide for division and for the disposition of the funds appropriated to pay a judgment in favor of the Blackfeet Tribe of the Blackfeet Indian Reservation, Mont., and the Gros Ventre Tribe of the Fort Belknap Reservation, Mont., in Indian Claims Commission docket numbered 279–A, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of March 1, 1972, at p. 6308.)

Mr. METCALF. Mr. President, in view of the fact that the House of Representatives, which acted first on the conference report, has previously printed the report, together with the joint statement of the conference committee, I ask unanimous consent that the printing of this report as a separate document by the Senate be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. METCALF. Mr. President, in order for my colleagues in the Senate to fully understand the underlying reasons for my objections to the House amendment to S. 671, it is important to review the legislative history of this measure in the Senate and the House of Representatives.

The purpose of S. 671, which Senator MANSFIELD and I introduced, was to divide an $8,679,814 judgment, plus accumulated interest of about $1,152,578 between the Blackfeet Tribe and the Gros Ventre Tribe on a basis of 73.2 percent and 26.8 percent respectively, and to authorize the use of the money. In addition the Secretary of the Interior was authorized to make an advance $150 per capita payment to enrolled members out of the funds set aside for the Blackfeet Tribe. The remainder of the funds for both tribes was to remain in an appropriate depository until the Blackfeet and Gros Ventre adopted plans satisfactory to the Secretary and approved by Congress.

In addition to the standard language providing for exemption of per capita payments from Federal and State income taxes and protection of the shares of minors and incompetents, S. 671 also provided that per capita payments would not be considered as a financial resource in determining eligibility for public assistance. Both the Department of the Interior and the Office of Management and Budget reported favorably on S. 671 and the Department witness testified in favor of its enactment at a hearing on the bill on February 24, 1971. This measure was subsequently ordered favorably reported by the full committee, passed by the Senate and sent to the House of Representatives.

Because of other legislative priorities, several months elapsed before the House was able to consider S. 671. During the interim period, the Blackfeet and Gros Ventre Tribes approved plans on the manner in which they desired to distribute their respective share of the judgment funds to be paid on a per capita basis to enrolled members and that the balance be used for program purposes in each reservation. In the case of both tribes, the funds proposed for per capita distribution amount to about 89 percent of the total.

When the House moved to consider legislation on the Blackfeet/Gros Ventre judgment award, the administration recommended that H.R. 9325 be enacted, if amended to incorporate the newly expressed wishes of the Blackfeet and Gros Ventre Tribes. And even though the administration had previously approved language in S. 671 providing that per capita payments should not be considered as a financial resource in determining eligibility for public assistance, they expressly disapproved similar exempting language in their report on H.R. 9325.

H.R. 9325 was ordered favorably reported by the House Interior Committee, passed by the House, its provisions substituted for the text of the Senate-passed S. 671, which was then passed by the House and returned to the Senate.

On December 15, 1971, I stated on the Senate floor that this measure (S. 671) would have to be carried over into the second session of the 92d Congress because the Senate had no legislative history from the Gros Ventre and the administration on the manner in which that group planned to utilize its share of the judgment funds.

On February 8, 1972, an open informational hearing was held before the Senate Subcommittee on Indian Affairs to receive testimony from Mr. Earl Old Person, chairman of the Blackfeet Tribal Business Council on the House amendment to S. 671.

Mr. Old Person underscored the importance of protecting the per capita payments of tribal members who were receiving some form of welfare assistance. He described the unusually severe winter in Montana, which has inflicted undue hardships on the Indian people because of their depressed socioeconomic conditions. I quite naturally concurred with Mr. Old Person's position and committed myself to seek to restore this welfare exemption provision to S. 671 during the conference with the House.

The administration filed a statement at the February 8 subcommittee hearing which indicated the need for an additional amendment to S. 671, if the Gros Ventre distribution provisions were to remain in the bill. This was necessitated because both the Gros Ventre and the Assiniboine Tribes reside on the Fort Belknap Indian Reservation and both happen to share in judgment awards.

Mr. President, I was pleased that the conferees on this measure agreed to the restoration of the provision which exempts per capita payments from being considered as a financial resource in determining eligibility for various forms of welfare assistance. In addition, I was persuaded to see the merits of retaining the House provisions which provide a means for the Gros Ventre Tribe to utilize their share of the judgment award.

Mr. President, I move the adoption of the conference report.

The motion was agreed to.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar, under New Reports.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nomination on the Executive Calendar, under New Reports, will be stated.

OFFICE OF ECONOMIC OPPORTUNITY

The second assistant legislative clerk read the nomination of Bert A. Gallegos, of Colorado, to be an Assistant Director of the Office of Economic Opportunity.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

TRANSPORTATION OF MAIL

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a mesage from the House of Representatives on S. 996.

The ACTING PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 996) relating to the transportation of mail by the U.S. Postal Service which were on page 1, strike out all after line 2 over through and including line 25 on page 2, and insert:

> That the Secretary of the Treasury is authorized and directed to pay, out of money in the Treasury not otherwise appropriated, the sum of $23,891.26 to Ross Aviation, Inc., and the sum of $11,667.02 to Sedalia, Marshall, Boonville Stage Line, Inc.
>
> Sec. 2. The payments made pursuant to section 1 of the Act shall be in full settlement of all claims by Ross Aviation, Inc., and Sedalia, Marshall, Boonville Stage Line, Inc., against the United States arising out of—
>
> (1) the requirements imposed on air taxi mail transportation operators by the Postal Service or the Federal Aviation Agency, or both, regarding necessary aircraft equipment, continuing aircraft crew training, and operational procedures, and
>
> (2) newly imposed or increased landing and ramp fees, or both, charged by airports as a result of increased air taxi mail transportation operations—
>
> during the period commencing July 1, 1967, and ending December 31, 1968.

On page 3, line 1, strike out "Sec. 4." and insert "Sec. 3."

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

TRUST TERRITORY OF THE PACIFIC ISLANDS

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 860.

The ACTING PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 860) relating to the Trust Territory of the Pacific Islands which were, on page 1, strike out lines 3 and 4.

On page 1, line 5, strike out "Sec. 101." and insert "Sec. 1."

On page 2, line 5, strike out "Sec. 102." and insert "Sec. 2."

On page 2, line 5, strike out "section 101" and insert "section 1."

On page 2, line 13, strike out "Sec. 103." and insert "Sec. 3."

On page 2, line 20, strike out "section 101" and insert "section 1."

On page 2, line 25, strike out "Sec. 104." and insert "Sec. 4."

On page 2, line 25, strike out "section 102" and insert "section 2."

On page 3, line 4, strike out "Sec. 105." and insert "Sec. 5."

On page 3, line 8, strike out "Sec. 106." and insert "Sec. 6."

On page 3, strike out all after line 12 over to and including line 17 on page 15.

Mr. STEVENSON. Mr. President, as passed by the Senate on May 4, 1971, the bill contained four titles dealing with economic development, settlement of war and postwar claims, immigration, and the enlistment of Micronesians in the U.S. Armed Forces. As the bill has been returned from the House it now contains only one title, that dealing with the expansion of the economic development loan fund in order to assist the territory in developing a visible economy.

The portion of the bill that had been title II, to provide for the settlement of outstanding claims, has been taken care of in other legislation enacted during the 92d Congress (Public Law 92-39).

As the author of S. 860, it had been my hope that title III of the Senate-passed version, amending the Immigration and Nationality Act regarding the entry of Micronesians into the United States, would be enacted this year. However, I recognize there is some difficulty with the problem. At the direction of President Nixon, negotiations are presently underway with the Status Commission appointed by the Congress of Micronesia to work out a satisfactory United States-Micronesian relationship once the existing trusteeship arrangement has been terminated. Undoubtedly this immigration question and the tariff relationship between the United States and the trust territory will be included in legislation that will subsequently be sent to the Congress. Therefore, I do not think it necessary for the Senate to insist upon the original language contained in S. 860.

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

INDIAN CLAIMS COMMISSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 654, H.R. 10390.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

H.R. 10390, to extend the life of the Indian Claims Commission, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. FANNIN. Mr. President, the committee report on S. 2408, extending the Indian Claims Commission for another 5 years, reflects unanimous committee action on the bill.

So that the legislative history on this fourth 5-year extension of the life of the Indian Claims Commission may be entirely clear, it is necessary and appropriate for me as the ranking minority member of the Indian Affairs Subcommittee to speak on two matters as to which the language of the report might otherwise create uncertainty.

First, as implicit in the bill itself, the intent of the committee is to permit one further 5-year extension only upon an express understanding and direction that at the end of that extension, no more extensions will be granted. To provide for cases, if any, remaining to be adjudicated at that time, the bill provides that they shall be determined by the Court of Claims. Nothing in the committee report should be taken as indicating any other intention.

Second, the report refers to the matter of so-called accounting claims which are apparently being accepted by the Indian Claims Commission even though certain time periods for accrual of claims and filing of claims are set forth in the basic act.

In our considerations of S. 2408, the committee did not attempt to become involved in determining the propriety of the acceptance and adjudication of such claims.

Therefore, notwithstanding references in the report to such cases, the intention of the committee, without a doubt, was neither to approve or to disapprove the said proceedings of the Indian Claims Commission and the report cannot be cited for either proposition in the event it should be suggested.

Mr. President, the history of our dealings with the Indian people of this country is marked with occurrences, including legislation and treaties from which controversies have arisen.

It benefits no one, least of all our Indians, to permit vagueness to pervade legislation pertaining to their rights and claims, and I am particularly sensitive to being amply assured that the laws we pass are clear so that the Indians understand the legislation which affects them.

It is important to the Indians, their attorneys, the Indian Claims Commission, and the relevant governmental agencies to understand our intention as to further extensions so that they may be guided thereby. In this regard, the old axiom, "Justice delayed is justice denied," can hardly be more appropriate.

Mr. MANSFIELD. Mr. President, I move to strike out all after the enacting clause and insert in lieu thereof, the text of S. 2408, Calendar No. 651, the companion Senate bill, as reported with an amendment by the Committee on Interior and Insular Affairs.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment in the nature of a substitute.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill H.R. 10390 was read the third time and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that S. 2408 be postponed indefinitely.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

OPERATION OF A FOREIGN REGISTRY PASSENGER VESSEL BETWEEN THE STATES OF ALASKA AND WASHINGTON

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 655, H.R. 10834.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read the bill, as follows:

H.R. 10834, authorizing the State of Alaska to operate a passenger vessel of foreign registry between ports in Alaska, and between ports in Alaska and ports in the State of Washington, for a limited period of time.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, I am particularly pleased that we are considering today S. 1297, the bill I introduced to permit the State of Alaska to operate the MV *Wickersham* between ports of the United States until the State of Alaska can obtain a replacement meeting the requirements of the Jones Act. The companion bill is H.R. 10834.

Mr. President, the importance of this bill to the State of Alaska cannot be overemphasized. As many of my colleagues are aware, the southeastern portion of Alaska is almost entirely dependent upon sea and air transportation. In fact, a great bulk of the vehicles imported into the State come by sea. Because there are no extensive roads permitting travel up from the lower 48, the marine highway system—a network of ferries operated by the State of Alaska—is truly a major highway link between southeastern Alaska and the rest of the United States. In order to expeditiously move people and vehicles as well as merchandise over that system, it is vitally necessary that every ship be operational. For over 3 years now, the *Wickersham* has been laid up the vast majority of the time, because it was prohibited from operating because of the terms of the Jones Act. Within the last month, the State of Alaska has completed legal requirements and has entered into a contract with a shipbuilding company for a replacement vessel. This bill we are considering today will permit the *Wickersham* to operate legally in the meantime.

The *Wickersham*, Mr. President, was a vessel not built in the United States but in Norway. It is, therefore, excluded under the Jones Act from carrying passengers between one domestic port and another. Congress has been reluctant to legislate any exception to the Cabotage laws. I understand this position. The United States cannot operate effectively if we must be dependent upon foreign shipping.

However, this has severely curtailed the use of the MV *Wickersham*. As a result, because so much capital of the State marine highway system was tied up in this vessel, the service the State of Alaska could provide to its citizens in the southeastern part of the State has been severely curtailed. An idea of the utilization of the marine ferry system may be found in certain figures. Prior to the inauguration of the marine ferry system in 1963, projections were made that 46,000 passengers and 13,000 vehicles by the end of the fourth year of operation would be carried. All estimates were surpassed in the first year alone when approximately 84,000 passengers and 16,000 vehicles were carried. This rapid rate of increase has continued. Because of the loss of the *Wickersham*, for some time the State has experienced a financial loss of at least $500,000 a year. When the *Wickersham* was operating, it earned $1.8 million a year and carried 29,000 passengers and 5,500 vehicles. Expenses were over $2.7 million for the *Wickersham*. As you can see, it has just not been possible to economically operate the *Wickersham* with its capacity not being fully utilized.

This waiver of the Jones Act will mean that the *Wickersham* can earn an additional revenue approaching $500,000 a year. During the 2- to 3-year period for construction of a replacement vessel, additional cash receipts to the State of Alaska treasury to the date of its sale will be between $1.5 and $2 million. These funds will be used to pay for the replacement vessel needed for our marine highway system. For this reason, I strongly urge my colleagues to support this bill. It will exempt the *Wickersham* from the prohibitions of the Jones Act presently precluding its use between ports in other States and the State of Alaska. It will permit this exception for a period commencing on the date the Secretary of Commerce determines that the contract for the replacement vessel has been entered into and terminating either upon delivery of the replacement vessel or at the end of 3 years, whichever first occurs.

The ACTING PRESIDENT pro tempore. The question is on the third reading and passage of the bill.

The bill (H.R. 10834) was read a third time and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the companion Senate bill, S. 1297, be indefinitely postponed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Chair now recognizes the distinguished Senator from Pennsylvania (Mr. Scott).

Mr. SCOTT. Mr. President, I yield back my time.

Mr. MANSFIELD. Mr. President, I want to thank the distinguished Senator from Wisconsin (Mr. Proxmire) for allowing us to proceed with this necessary business at this time.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin (Mr. Proxmire) is recognized for a period of not to exceed 15 minutes.

A GOVERNMENT GUARANTEE OF FULL EMPLOYMENT

Mr. PROXMIRE. Mr. President, a recent column in the New York Times argued that too much attention has recently been given to the problem of unemployment. More specifically, it argued that too many words have recently been spoken before the Joint Economic Committee on the question of unemployment.

I take strong exception to this point of view. No chairman, of course, wishes to be told that too many words have been uttered before his committee. A far more important reason to dissent from this view is the simple fact that unemployment is our most pressing economic problem. So long as it remains a problem, I intend to go on talking about it. I hope others will do likewise.

I will concede, however, that not all of the words spoken on unemployment during the recently concluded annual hearings of the Joint Economic Committee represented useful contributions to an analysis of the problem and its possible solutions. Indeed, much of what administration witnesses had to say on unemployment was designed more to obfuscate than to illuminate. The Secretary of Labor's admonition to "look at the doughnut not the hole" does not take us very far. Obviously if 6 percent of the labor force is unemployed, then the other 94 percent have jobs of some sort. But of what help is this in discovering the causes of and cures for excess unemployment? Likewise, I question the value of being told over and over that employment is at an all-time high. So is the labor force; so is the population.

As one nongovernment witness pointed out, the number of nonaddicts undoubtedly reached a new high, but this would hardly be accepted as evidence that the problem of heroin addiction is being solved.

Today I want to do three things. First, I want to try to outline the true dimensions of the unemployment situation. Second, I want to offer my definition of the full employment goal toward which our policies should be directed. Third, I want to outline the program which to me represents the best available means of reaching that full employment goal.

THE DIMENSIONS OF UNEMPLOYMENT

In 1971 the official unemployment rate averaged 5.9 percent. It was not materially changed in the early months of 1972, but the figures I am going to cite will be annual figures for last year because of the greater availability and reliability of annual information. There was an average of 5 million persons officially counted as unemployed last year. Large as that number is, it is only one part of even the official count of enforced idleness. The official statistics tell us that there were 774,000 "discouraged workers" last year. These are the persons who, out of despair of finding a job, cease even to look and are not therefore counted in the official estimates of the labor force. In addition to the unemployed and to those too discouraged to even get counted as unemployed, there were 2.4 million who worked part time because no full-time job was available. They are the part-time unemployed. By estimating the full-time job equivalent of the weekly hours during which these part-time workers were unemployed, one obtains the equivalent of another 1.1 million who should be added to the unemployment count. Adding up these three categories, one finds that even by the official statistics there were last year the equivalent of 6.9 million persons who were in fact unemployed. This would be 8.1 percent of the labor force—after adjusting the labor force to include the discouraged workers.

I ask unanimous consent to have printed in the Record a table setting out these and related data.

There being no objection, the tabulation was ordered to be printed in the Record, as follows:

TOTAL OFFICIALLY MEASURED UNEMPLOYMENT, 1969–71

[Thousands of persons]

	1969	1970	1971
Unemployed	2,832	4,088	4,993
Discouraged [1]	574	638	774
Part-time unemployed [2]	852	1,010	1,143
Total	4,258	5,736	6,910
Unemployment rate [3] (percent)	5.2	6.9	8.1

[1] Those not in labor force because they think they could not find a job.

[2] Full-time equivalent of part-time unemployment of those who work part time because of slack work, material shortages, or inability to find full-time job. "Full-time" defined as 40 hours per week.

[3] Unemployed plus discouraged plus full time equivalent of part-time unemployed as percent of civilian labor force adjusted to include discouraged.

Source: Bureau of Labor Statistics.

Mr. PROXMIRE. Mr. President, the 6.9 million to whom I have referred above are the unemployed we are able to count. Many other potential workers remain out of the labor force in a recessionary period. They do not get counted even as discouraged workers because they offer other reasons for not participating in the labor force. A married woman, for example, may wish very much that she had a job, may have very genuine need of additional income, but may not seek work because she quite correctly assesses the face that her chances of finding a good job are negligible. Nonetheless, she may respond to the employment survey that she does not work because of home responsibilities, neglecting to mention the lack of job availability.

To take another example, we know that the number of social security recipients goes up more rapidly in a recessionary period. Many of these persons would prefer to continue working. They choose early retirement as a poor substitute for the good job which is no longer available. Yet they do not show up in the unemployment statistics.

These are two examples of numerous situations in which people leave the labor force for lack of good job opportunity. The available statistical data do not provide us with any good estimate of the number of such people who are in fact unemployed, in the sense that they would be available for productive work if their services were more in demand. What we can say is that there is a large number of such persons. The number of unemployed contained even in the expanded estimate of 6.9 million which I made above is a very minimal estimate.

In this analysis I have not touched on the number of workers who work for less than minimum wages. Nor have I touched on the enormous numbers of people who, because of job discrimination, held much less challenging and well-paying jobs than those for which they are qualified. Nor have I adjusted for the number of people enrolled in manpower training programs—many of whom would otherwise be counted as unemployed.

It is not necessary to go into detail on each of these points to establish my basic thesis that the failure of our economy to utilize the available labor resources is gigantic; it is a major social problem of our times. The timidity of policy; the continued discussion of the bogeyman of "tight labor markets" is incredibly misplaced in the fact of this vast reservoir of unutilized and underutilized labor.

THE GOAL OF FULL EMPLOYMENT

When the Employment Act was first introduced in 1945, it was entitled the "Full Employment Bill." In its declaration of policy it contained the following language:

> All Americans able to work and seeking work have the right to useful, remunerative, regular, and full-time employment, and it is the policy of the United States to assure the existence at all times of sufficient employment opportunities to enable all Americans who have finished their schooling and who do not have full-time housekeeping responsibilities freely to exercise this right.

During consideration of this bill, there was much discussion not only of what full employment meant, but even whether full employment was desirable. As enacted, the Employment Act of 1946 was a compromise which contained neither the language quoted above nor any other definition of full employment.

During the years since the enactment of the Employment Act of 1946, there has been increased acceptance of the desirability of full employment. We no longer hear it publicly argued that we must maintain an adequate "pool of unemployed." At times the more sophisticated modern arguments about the inflation-unemployment trade-off may serve as a disguise for this same old argument. Nonetheless, I think a genuine commitment to the goal of full employment has over the last 28 years come to be far more universally shared.

This commitment continues to lack the force it should have because we have yet to arrive at an agreed upon definition of full employment. Do we associate full employment with an unemployment rate of 3, 4, or 5 percent? Or does the rate of unemployment associated with full employment vary with time and place?

I want to suggest a definition which, if it will not serve for all times and all places, might at least serve as a useful guide to policy in the United States in the 1970's. I make no claim to originality. Indeed, I want to return to language of the full employment bill of 1945, which I quoted earlier. Full employment should mean today what the drafters of that legislation took it to mean then: That all Americans able to work and seeking work can freely exercise their right to useful, remunerative, regular, and full-time employment.

To say that all Americans able to work and seeking work have a right to useful, remunerative, regular, and full-time employment is most emphatically not to say that the unemployment rate should be zero. We cannot have either an efficient economy or a free society unless people have a right to quit one job and seek another and to enter and leave the labor force in accordance with their own needs and desires. Nor can we have an efficient economy unless an employer is free to dismiss an employee for good cause. What the right to employment means is that the person who changes jobs or the entrant to the labor force be able to find a suitable job without undue delay. Lord Beveridge explained this well in 1944 when he said that "Those who lose jobs must be able to find new jobs at fair wages within their capacity without delay." He went on to explain that this meant that while there would be unemployment, perhaps equal to 3 percent of the labor force, there would be no long-term unemployed.

To put this in the terminology used by economists today, this would mean that the definition of full employment I suggest would allow for frictional unemployment. Precisely what the unemployment rate associated with frictional unemployment may be is difficult to determine, but the best recent scholarly studies indicate that it is something less than 3 percent of the labor force.

The eventual employment goal should be an unemployment rate representing minimum necessary frictional unemployment; that is, somewhere below 3 percent. Achievement of this objective will require great improvements in the structure of our economy; improvements which eliminate the structural unemployment arising from discrimination and from poor geographical distribution of job opportunities. These reforms will require a continuing effort over many years. We must be realistic enough to recognize the fact that there exist pockets of structural unemployment which will be extremely difficult to eradicate. Even allowing for the fact that some of these pockets will remain for a long time, I believe that a sustainable unemployment rate of approximately 3 percent is achievable within the next 5 years.

I wish it could be achieved sooner. Perhaps it can, but it would be foolish not to face the facts. Reducing unemployment to 3 percent and sustaining this rate means allowing time for needed structural reforms to take place. Five years may be needed, but let us do it sooner if we can.

Because the longer-term goal of a 3-percent unemployment rate cannot be achieved quickly, there is need for an interim target. I propose the specific setting of an interim target of 4-percent unemployment. This is the same interim target which was established by the Kennedy administration in the early 1960's. This is the unemployment rate used in the calculation of the full employment budget. I do not suggest this target just because it has been used before and has become somewhat customary. I propose it because it is a goal which can be responsibly achieved as soon as possible.

I wish I could suggest that we make it our goal for the end of this year. But it would be foolish to delude ourselves that this can be done. It would be a disservice to the public to arouse false hopes.

The administration has told us that the unemployment rate will be "in the neighborhood" of 5 percent by the end of this year. But there was not a single non-Government witness to appear before the Joint Economic Committee's annual hearings who thought that current policies would reduce unemployment to 5 percent by the end of the year. Five and one-half percent was the most common prediction and a number of witnesses shared my own doubt that with present policies we will do even that well.

The honest thing to tell the public is that new policy initiatives are required to bring unemployment below 5 percent by the end of this year and to bring it to 4 percent thereafter. These targets are realistic and achievable. I do not think the public should accept a policy which does not commit itself to these targets.

What of inflation? Of course, if we do nothing to avoid inflation, a lower unemployment rate may bring with it higher rates of inflation than most of us wish to tolerate. But why not do something effective about inflation? Why not have a price-incomes policy which effectively counters the monopoly pricing power of big business? Unfortunately, despite the elaborate phase II machinery, we do not have this at this moment.

Recent testimony before the Joint Economic Committee has effectively exposed phase II price control for the virtual sham that it is.

Why not have a manpower policy that does something effective to counter discrimination? We have been trying. We have made progress. We can move faster and do more.

We can accomplish enough along these lines before the end of next year to make it quite safe to reduce the unemployment rate to 4 percent without undue inflation. We can accomplish enough within 5 years to make it safe to bring the unemployment rate to 3 percent. The public should not settle for a policy which aims for less.

A GUARANTEE OF FULL EMPLOYMENT

What is the responsible public policy which will provide the jobs needed to achieve these reductions in unemployment? The best answer is the obvious one. The question is why we have delayed so long.

The sensible, effective way for the Government to reduce unemployment is to move at once to an expanded program of public service employment. Not only will the Federal Government thus spend its money in a way which we know will create jobs, but they will be useful jobs. It is in the public sector that labor is needed, that vital work waits to be done. Furthermore, public service employment is the noninflationary way to create jobs. We will not be creating shortages either of skills or of materials in the high-wage, high-price sectors of the economy.

I propose that the Government undertake at once to guarantee the American public that it will fund the hiring of a sufficient number of public service employees to bring the unemployment rate to below 5 percent by the end of this year.

How many additional public service jobs would this involve? It is impossible to know precisely. The very adoption of a firm commitment would give a great boost to confidence in the private economy and a spur to private employment. Furthermore, each public service employee hired would engender a "multiplier" effect. The increased income and increased expenditure by public service employees would create new consumer demand and lead to expanded employment in the private sector.

Specifically, I propose that the Government provide for 100,000 new jobs a month until the unemployment problem is licked. I propose no WPA or leaf raking jobs. I propose that every American who is willing and able to work and who is seeking work should have a useful, regular, full-time job.

To sum up, America has much work to be done. There are services to be performed in antipollution, health services, education, housing, city services, and industrial production. America has almost 5 million people now out of work who are looking for work. Why not put the two together? Why not put those who are seeking jobs to work on the jobs that need to be done?

Americans are rightly concerned about the Government providing welfare payments to those who are unwilling to work. But what is wrong in providing a job for those who are willing to work?

If the Government started now to provide 100,000 new, constructive, needed jobs each month, the combination of these jobs plus those provided by the expected pickup in the economy would reduce unemployment below 5 percent in 6 to 8 months. If we fail to do this, it could take years for unemployment to drop below 5 percent if the pickup continues as sluggish as it now is.

At $500 per month per job, this program would cost about $2 billion in the first year. But the reduction in the cost of unemployment compensation and welfare payments, and the multiplier effect of having productive, employed Americans instead of nonproductive, unemployed Americans, would almost pay for the program. Under the multiplier effect, each new job produced, either by Government or private industry, brings employment to about 2 additional people.

With 4.9 million Americans fully unemployed; with another 2.4 million Americans working only part-time; with another 775,000 discouraged workers who have left the labor force because they have been unable to get a job month after dreary month; with industry operating at only 74 percent of its capacity; and with tens of thousands of jobs needed to be done in public service, antipollution, health, and other needs, the time has now come when the Government should become the employer of last resort.

Society must provide useful and needed work to every American citizen who is willing and able to work.

PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with a limitation of 3 minutes for each Senator recognized.

NEW HAMPSHIRE'S PRESIDENTIAL PREFERENCE PRIMARY

Mr. COTTON. Mr. President, it is unnecessary to remind the Senate that yesterday a presidential preference primary was held in New Hampshire which marks the opening of the presidential campaign of 1972. The results of that primary are far more significant than the many polls because for the first time the people of a State, even though a small State, have spoken. With only a few scattered precincts yet to be heard from, President Nixon has received 69 percent of all the votes cast in the Republican primary. Final returns might give him 70 percent, but probably not. His nearest competitor received 20 percent.

Already I hear certain commentators comparing the President's 69 percent this year with the 78 percent he received in New Hampshire 4 years ago. The point I wish to make is that when the news media simply makes that comparison and stops there, their statement is not only unrealistic but completely misleading.

Four years ago President Nixon's only opponent threw up his hands and withdrew his candidacy at least a couple of weeks before the primary, thanking his supporters and asking them not to vote for him. So Mr. Nixon was virtually unopposed although another name was still printed on the ballot. Four years ago Richard Nixon had the active support of the largest newspaper with the widest circulation in the State. Four years ago Richard Nixon was able to personally campaign in the State and made several appearances in New Hampshire.

This year the President, conforming to his avowed intention not to campaign before the convention, made no appearance and took no part in the campaign. This year both the extreme right and the extreme left were opposed to him so he had the opposition not only of the conservative press but nearly all of the liberal as well. This year he had two vigorous opponents, one of whom conducted a constant and intensive campaign with an extensive organization for many weeks.

Despite all this, the Republican voters in New Hampshire went to the polls and gave the President their overwhelming support. I hope that all the Nation which watched New Hampshire yesterday will make no mistake and accept no half truths. In the light of the circumstances, the President's 69 percent this year represents an even greater endorsement than the 78 percent he received 4 years ago.

THE EFFECT OF THE LESNIK MEASURE ON GUN VIOLENCE

Mr. MANSFIELD. Mr. President, on November 19, 1969, S. 849—the so-called Lesnik amendment to the Gun Control Act—was passed by the Senate. That measure—named in memory of a young marine from Fishtail, Mont., who was cruelly gunned down in a restaurant here in Washington—imposed mandatory and additional prison sentences upon criminals who choose to resort to firearms when perpetrating their acts of violence. I had introduced S. 849 in the hopes that such mandatory and separate penalties would help curtail incidents of gun violence in our society.

I must say that after passing the Senate unanimously, versions of the bill later were incorporated into two separate acts: Public Law 91-358, signed into law on July 29, 1970 and known as the District of Columbia Court Reform and Criminal Procedure Act of 1970; and Public Law 91-644, Omnibus Crime Control and Safe Streets Act Amendments, signed on January 2, 1971, applicable on a national basis.

I was gratified indeed that such a concept was written firmly into the lawbooks. Restraining the criminal use of firearms with the deterrent of mandatory and separate prison sentences is an essential step in the fight against crime and violence. By making the use of firearms during a crime grounds for additional punishment, it is hoped that the criminal will be less apt to resort to such a weapon when undertaking his invidious acts. To be sure, as finally written, the Lesnik law provides needed leeway, but only in the case of the young first offender. For a subsequent offense, there can be no way out. There is simply no excuse. The offender must be punished.

It is my hope that the desired results are being achieved with these relatively new sentencing procedures. Now that the law has been in effect for over a year, it is important that the results are analyzed. That is part of our job as legislators.

In pursuing this responsibility, I have written to the Acting Attorney General requesting all the available data in regard to the use of the Lesnik law. What I am seeking to establish is the extent to which the courts have been employing these sentencing procedures. It is only with such information that we can truly learn if the Congress of the United States is furnishing the proper and adequate tools in the battle on crime.

I ask unanimous consent, Mr. President, that my letter to the Acting Attorney General be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARCH 3, 1972.

Hon. RICHARD G. KLEINDIENST,
Acting Attorney General of the United States,
U.S. Department of Justice, Washington, D.C.

DEAR MR. ATTORNEY GENERAL: On January 2, 1971, the President signed into law PL 91-644, an act to amend the Omnibus Crime Control and Safe Streets Act and for other purposes. Prior thereto, on July 29, 1970, the President signed PL 91-358, dealing with crime and the court system within the District of Columbia.

Title II of the former law (PL 91-644) contains a provision that imposes stricter sentences against felons carrying firearms during the commission of crimes for which prosecution lies in any court of the United States. Specifically it imposes a separate and additional penalty for the act of carrying a firearm—separate from and in addition to the underlying crime itself. It imposes as well a mandatory sentence. In the case of second offenders, the sentence for using or carrying the firearm runs up to 25 years and cannot be suspended by the court; nor can probation be granted nor can the sentence run concurrently with the sentence for the underlying crime. Similarly Section 205 of PL 91-358, establishes for the District of Columbia certain additional and mandatory sentencing procedures for crimes committed with or while carrying firearms.

Since both laws have been in effect in excess of a year, it would be most helpful to undertake a review of the experiences under them. I would thus appreciate your full report concerning the courts' compliance with these sentencing procedures, including the number of first and subsequent offenders sentenced thereunder, terms of sentences, courts involved, nature and type of underlying crime in which the firearm was carried or used and any other pertinent data the Department may have at its disposal on this question.

Your cooperation is greatly appreciated. I look forward to your report in this matter at your earliest convenience.

Yours very truly,

Mike Mansfield.

EXTRADITION TREATY WITH ARGENTINA—REMOVAL OF INJUNCTION OF SECRECY

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Treaty on Extradition between the United States and Argentina, signed at Washington, January 21, 1972—Executive F, 92d Congress, second session—transmitted to the Senate today by the President of the United States, and that the treaty with accompanying papers be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the Record.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered; and, without objection, the President's message will be printed in the Record.

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty on Extradition Between the United States of America and the Republic of Argentina, signed at Washington on January 21, 1972. I transmit also, for the information of the Senate, the report of the Acting Secretary of State with respect to the Treaty.

The Treaty, the first to be signed with a Latin American country since 1961, significantly updates the present extradition relations between the United States and Argentina and adds to the list of extraditable offenses both narcotic offenses, including those involving psychotropic drugs, and aircraft hijacking.

The Treaty will make a significant contribution to the international effort to control narcotics traffic. I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

Richard Nixon.

The White House, *March 8, 1972.*

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Stevenson):

A resolution of the Senate of the State of New Jersey; to the Committee on Banking, Housing and Urban Affairs:

"A Senate Resolution memorializing the Senate of the United States to undertake a study and investigation of the appraisal and lending practices of the Federal Housing Administration

"Whereas, The news media from time to time has reported the existence of unconscionable practices in the evaluation and mortgaging of real property in depressed areas resulting in undue financial hardship to many citizens of this and other states; now, therefore

"Be it resolved by the Senate of the State of New Jersey:

"1. The Senate of the United States is memorialized to undertake a study and investigation of the appraisal and lending practices of the Federal Housing Administration and to cause to be terminated any unconscionable practices as may be found to exist.

"2. The Secretary of the Senate shall cause a copy of this resolution signed by the President and attested by the Secretary to be transmitted to the Secretary of the Senate of the United States and to the Senators of the United States from the State of New Jersey."

EXECUTIVE REPORTS OF COMMITTEE ON COMMERCE

Mr. PEARSON. Mr. President, as in executive session, for Mr. Magnuson from the Committee on Commerce, I report favorably sundry nominations in the National Oceanic and Atmospheric Administration and in the Coast Guard which have previously appeared in the Congressional Record and, to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Robert A. Ganse, and sundry other persons, for permanent appointment in the National Oceanic and Atmospheric Administration; and

William M. Alexander, and sundry other Reserve officers, to be permanent commissioned officers of the Coast Guard.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. PEARSON:

S. 3312. A bill to establish a Commission to study and appraise the organization and operation of the Executive Branch of the Federal Government. Referred to the Committee on Government Operations.

By Mr. BROOKE:

S. 3313. A bill to establish a National Corrections Academy for the purpose of providing Federal, State, and local corrections personnel with vocational training and continuing education and guidance on methods of treatment and rehabilitation of criminal offenders. Referred to the Committee on the Judiciary.

By Mr. BURDICK (for himself, Mr. Hughes, Mr. Humphrey, Mr. Mansfield, Mr. McGee, Mr. McGovern, Mr. Metcalf, and Mr. Mondale):

S. 3314. A bill to amend the Agricultural Act of 1949, as amended, to extend the repayment period for price support loans made on the 1972 and 1973 crops of corn, feed grains, and wheat. Referred to the Committee on Agriculture and Forestry.

By Mr. MATHIAS:

S. 3315. A bill for the relief of the estates of certain former members of the U.S. Naval Reserve who were killed on January 8, 1967, while their airplane was taking off from Andrews Air Force Base, Md. Referred to the Committee on the Judiciary.

By Mr. McCLELLAN (for himself, Mr. Harris, Mr. Fulbright, and Mr. Bellmon):

S. 3316. A bill to grant the consent of the United States to the Arkansas River Basin Compact, Arkansas-Oklahoma. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PEARSON:

S. 3312. A bill to establish a commission to study and appraise the organization and operation of the executive branch of the Federal Government. Referred to the Committee on Government. Referred to the Committee on Government Operations.

Mr. PEARSON. Mr. President, I introduce, for appropriate reference, a bill for the establishment of a commission to study and appraise the organization and operation of the executive branch of the Federal Government.

Briefly, this measure proposes the creation of a commission with duties and responsibilties similar to those of the highly successful Hoover Commissions of 1947–49 and 1953–55. The bill is similar to one I have introduced in the past and which received widespread support.

I, of course, recognize that the President has asked for an extensive reorganization of the executive branch based on the recommendations of a Presidentially appointed commission known as the Ash Commission. It has become regrettably apparent that the President's proposals have very little chance of enactment by this Congress. The President's proposals have languished in committee because of substantive and partisan objections. It is imperative, however, that we continue to examine the organization and management of the Federal Government so that it may operate more efficiently and so that it may become more responsive to the needs of every American.

One of the most legitimate and serious criticisms of Americans is that their Government does not respond promptly and adequately to their needs. In the conduct of their personal business with Government agencies, individual Americans are often overwhelmed at the complexity of accomplishing such simple objectives as obtaining social security benefits, applying for veteran's educational or disability payments. Small cities or school districts are inundated with paper if they should be so audacious as to request Federal assistance for a local program. The Federal agencies themselves often become hopelessly snarled in their own redtape if one of their number should be so bold as to have an original, imaginative idea.

Each American knows the truth of the condition of his Government. He recognizes that some duplication of effort and some mismanagement of human and financial resources cannot be avoided in a government as large as one needed to govern 220 million Americans, but he may quite legitimately demand that these conditions be reduced to the absolute minimum. That, Mr. President, is the objective of the legislation which I introduce today.

Mr. President, twice in the last 25 years, commissions appointed jointly by the Congress and the President have studied the organization and administration of the Federal Government and made recommendations for its reorganization. These commissions, known as Hoover Commissions, were among the most effective advisory bodies in our Nation's history. Their recommendations were widely accepted and enacted into law. The cost of their study was returned many times over by the increased government efficiency and direct savings from elimination of governmental duplication. Let us examine the record of the Hoover Commissions.

The first Hoover Commission proposed 273 recommendations in its final report. Of these, 196 or 72 percent were adopted. They included reorganization of the Department of State, creation of the General Services Administration, revised budget and accounting procedures, and the vital National Security Act Amendments of 1949.

The second Hoover Commission reported in 1955 and achieved similar success. It proposed 314 recommendations of which 200 were adopted, an acceptance rate of 64 percent.

Since the last Hoover Commission issued its report, four Presidents have added new departments and agencies. Since 1955, we have witnessed a proliferation of Federal agencies to administer the great social legislation in the fields of health, education, and equal opportunity. We have undertaken research on the moon and on the floor of the oceans. In short, our Government has expanded greatly, and perhaps unnecessarily, since 1955.

It is time that we once again step back and see what we have created. We know that our great bureaucracies do not function properly at all times. We know that they waste tax dollars through duplication of activities and mismanagement of physical resources and personnel. We cannot afford to limp along with piecemeal reorganizations by the Congress or the Executive. Both the executive and legislative branches of our Federal Government must cooperate if we are to succeed in these efforts. The proposal I introduce today is a time-tested vehicle for mobilizing the resources of this Nation to undertake the formidable task of Government reorganization.

We cannot allow an unresponsive, wasteful bureaucracy to smother our ideals and goals for a humane, just, and prosperous society. Our Government must become a vehicle to facilitate the efforts of Americans to achieve the great promise of our Republic. A thorough reorganization of our Government based upon recommendations of the commission proposed in this bill, could go far toward creating a government to match the energy, imagination, and inventiveness of the American people.

By Mr. BROOKE:

S. 3313. A bill to establish a National Corrections Academy for the purpose of providing Federal, State, and local corrections personnel with vocational training and continuing education and guidance on methods of treatment and rehabilitation of criminal offenders. Referred to the Committee on the Judiciary.

NATIONAL CORRECTIONS ACADEMY ACT

Mr. BROOKE. Mr. President, I have long been concerned with the quality of rehabilitational services offered to criminal offenders. In my visits to prisons and in meeting both with men in prison and with ex-offenders, I have been deeply impressed by the desire of many of these men to change their lifestyles and to become constructive members of society.

Concurrently, I have been deeply disturbed by the statistics and the nearly unanimous individual testimony which indicates the clear and intolerable failure of our correctional system to respond to and channel these constructive desires.

Public attention to our prison system is on the upsurge, as work stoppages, petitions, riots, and experimental reforms have filled our newspapers and television reports. The most shocking event was the tragic uprising at the Attica State Prison in New York last September in which 42 men—prison officials as well as inmates—were killed. It was a tragedy of haunting dimensions whose consequences will remain seared on the Nation's conscience for years to come.

The confrontation at Attica could have happened in many prisons throughout the Nation, and may indeed be repeated in the future. I fervently pray that such will not be the case. But if we are to prevent a reenactment of this event, we must take quick and comprehensive steps to insure that prisons truly serve the purpose for which they are maintained: That is, to facilitate the correction of criminal offenders so that when they are released to the community they may contribute to the betterment of society and not to its decline.

In my judgment, the simplest and most effective step which the Congress can take to correct the abuses of the past and provide a better future is to establish a mechanism to assist corrections officials throughout the Nation improve the quality of treatment and rehabilitation within our prisons.

Although there are currently more than 125,000 employees in corrections-related work throughout the Nation, statistics of the Federal Bureau of Prisons show that only one-fifth of this number are actually treating offenders. Thus, approximately 25,000 persons must meet the very real needs of the more than 1,300,000 adult and juvenile offenders who, on an average day, are confined in corrections institutions of all kinds throughout this country. That is one professional correctional worker for every 52 inmates.

The figures are even more shocking when we realize that there is only one psychiatrist for every 4,000 prisoners in U.S. adult penal institutions, or one social worker for every 250 prisoners, while there is a custodial employee for every seven inmates.

In short, the critical need in corrections is for personnel in the trained professions. Personnel must be more effectively utilized and prison management itself must be conducted on a more orderly and constructive basis. Yet nowhere in this country can correctional personnel receive a comprehensive course of training related specifically to their work. There are no standards which must be attained in order for a man or woman to qualify for specific responsibilities in corrections.

While there have been few professional studies on the background and education of corrections personnel, available data indicates that fewer than one-third of all employees are college-educated and more than two-thirds of all administrators and supervisors lack post-undergraduate training.

While these figures are not conclusive, and while it is also true that an individual needs more than advanced educational background in order to gain the qualities essential for a competent and helpful prison employee, the data nevertheless indicates a clear failure of the system to stress education as a criterion for placement or promotion. Although some local institutions do make attempts at staff training, these brief programs often lack the breadth and depth of training which is vitally needed at every level of the correctional field: for executives, managers, supervisors, professionals, clerical, trades and crafts, and administrative support personnel.

Therefore, I have introduced today a bill to establish a National Corrections Academy which would make available to Federal, State, and local corrections personnel the necessary training and education in methods of prisoner treatment and rehabilitation.

The Academy would serve as a training ground for corrections officials who serve in all levels of the corrections system. It would provide training and guidance for new employees as well as for experienced officials seeking specialized background for positions of increased responsibilities. Although the Academy would be physically located in one center in a major metropolitan area, it would also serve as an information center for studies and research by public and private agencies and would publish and disseminate to corrections officials throughout the Nation studies on such issues as the prevention of crime and recidivism, the training of corrections personnel, and the rehabilitation and treatment of criminal offenders. And the Academy would be expected to make a significant effort to hold training sessions, either live or through audiovisual aids, for appropriate officials throughout the Nation.

The bill also proposes the establishment of a Coordinating Council for National Corrections Training which would be an independent governmental body composed of individuals with experience in each of the significant elements of corrections study as well as five representatives of the general public. The Council would establish the overall policy and supervise the operations of the Academy; also, the Council would work closely with the Director of the Academy who would have responsibility for its day-to-day activities.

Especially in its formative years, the Academy would need the direct supervision of the many experts who would serve on the Council. Simply because so little is known about the proper operation of a high-quality, full-service training institution for corrections personnel, it can be expected that there will be a need for experimentation and application of concepts not previously attempted on a broad scale in this country.

The novelty of the concept is also the principal reason for only establishing a single institution. Before any additional facilities are established, we should make sure that we know how to do the job properly.

Every student who is selected to attend the Academy would receive a reasonable stipend and allowances under regulations to be established by the Council. In return, the student would agree to serve for at least 2 years in an appropriate function in the corrections field. In the event that the student does not fulfill the terms of his agreement, he would be obligated to repay 50 percent of the stipends and allowances which he had received under this bill.

The bill does not set out the specific curriculum nor the length of time in which a student would be required to attend the Academy. However, due to the large number of programs which would be created by the Council, there would be a varying length of attendance by students, ranging from a period of several weeks up to a term of perhaps 2 years. It is also expected that the courses of instruction at the Academy would include background in such areas as the criminal justice system, the responsibility of an employee, parole and probation, intrapersonal relations, disciplinary process, drugs, security, legal rights of inmates, emergency plans, counseling, interviewing, homosexuality, public relations, and records.

Because of the virgin territory which this bill covers, however, I believe that the Council, with its high level of expertise and experience, would be better prepared than the Congress to establish the specific programs of the Academy. The Council's activities would, of course, be subject to regular congressional review.

In developing this proposal, I have benefited greatly from the advice and suggestions of a large number of corrections officials and other experts across the country. The case for a national corrections academy was aptly summarized by Mr. Kenneth L. Hardy, the Director of the Department of Corrections in the District of Columbia.

> Corrections is a complex field with many areas of activity. The scope of complexity is further complicated by the wide variety of programs from the local jail with part-time staff to the large institutions with a myriad of multi-functional staff. Philosophies in corrections differ not only nationally, but even in adjoining states and counties.
>
> For corrections to be effective, we must have some national guidance and direction. This can best be achieved through a national academy where ideas and philosophies could be exchanged and evaluated and, further, from where new national direction could be introduced . . .

In a speech before the Nation's first Conference of Corrections, held in Williamsburg, Va., last December, then Attorney General John N. Mitchell proposed the creation of a National Corrections Academy that would concentrate on learning, research, and training for Federal, State, and local corrections personnel.

I strongly believe that a National Corrections Academy is an idea whose time has come. It is wanted by respected corrections officials throughout the Nation. Even more, it is necessary if we are to reform our prison systems so that they can play a positive role in our criminal justice system. The corrections component is a vital link in our legal apparatus; when it fails to do its job of rehabilitating the offender, then the entire system suffers accordingly. We can develop the finest police forces and prosecutors in the world, but our efforts will be to no avail if the arrest and sentencing is followed by a period of incarceration which only embitters and further alienates the offender, sending him back into society prepared only for further criminal activity.

I urge the Senate to give early consideration to this proposal to establish a National Corrections Academy.

Mr. President, I ask unanimous consent that there may be printed in the RECORD a copy of the bill as well as a representative sampling of letters which I have received from professionals across the Nation with regard to this proposal. While I do not necessarily agree with each detail in all of the letters, I believe that each letter aptly states the need for a National Corrections Academy. The letters are from Mr. Peter B. Bensinger, director of the department of corrections for the State of Illinois; Mr. John J. Buckley, sheriff of Middlesex County in the Commonwealth of Massachusetts; Mr. Edward M. Davis, chief of police, Los Angeles, Calif.; and Mr. Kenneth L. Hardy, Director of the Department of Corrections in the District of Columbia.

There being no objection, the bill and letters were ordered to be printed in the RECORD, as follows:

S. 3313

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the "National Corrections Academy Act."

FINDINGS AND PURPOSE

SEC. 2. The Congress finds that—

(1) more than 1,200,000 individuals are either being detained in corrections facilities throughout the Nation or have been released but are being kept under the close supervision of the corrections system;

(2) the rate of recidivism among released offenders is alarmingly high, and that the economic cost of crimes committed by those offenders is an undue national burden;

(3) there are more than 130,000 personnel employed in more than 4,000 correctional institutions throughout the Nation, and a significant number of these employees are not adequately prepared to handle the difficult and important assignments which they have assumed; and

(4) the principal function of our nation's corrections system must be to rehabilitate criminal offenders so that they will be able to make a constructive contribution to society upon their return to freedom.

DEFINITIONS

SEC. 3. As used in this Act—

(1) "Academy" means the National Corrections Academy;

(2) "Council" means the Coordinating Council for National Correctional Training;

(3) "Corrections Personnel" includes officers in corrections facilities, probations officers, juvenile authorities, vocational rehabilitation and training officers, and other auxiliary personnel, including lay persons, engaged in the treatment and rehabilitation of criminal offenders;

(4) "Director" means the Director of the Academy as defined in Section 6.

ESTABLISHMENT OF THE ACADEMY AND THE COORDINATING COUNCIL

SEC. 4. (a) There is hereby established a National Corrections Academy.

(b) There is hereby established a Coordinating Council for National Corrections Training. The Council shall be composed of fifteen members as follows:

(1) the Commissioner of Education:

(2) the Administator of the Law Enforcement Administration in the Department of Justice;

(3) a member of the probation community appointed by the Attorney General;

(4) a member of the correctional community appointed by the Attorney General;

(5) an educator appointed by the Secretary of Health, Education and Welfare;

(6) an urbanologist appointed by the Secretary of Housing and Urban Development;

(7) a criminologist appointed by the Attorney General;

(8) a psychologist or psychiatrist appointed by the Secretary of Health, Education and Welfare;

(9) an individual, who by reason of experience or training is acquainted with the special problems of the poor and law enforcement, appointed by the Director of the Office of Economic Opportunity;

(10) a criminal court judge appointed by the Chief Justice of the United States;

(11) five individuals representative of the general public, including at least one qualified ex-offender, who are specially qualified to serve on the Council, appointed by the President of the United States.

(c) Members of the Council appointed pursuant to Clauses (3) through (11) of subsection (a) of this section shall be appointed by and with the advice and consent of the Senate.

(d) Appointed members of the Council shall serve terms of five years, except that—

(1) of those initially appointed, three shall serve terms of two years, three shall serve terms of three years, three shall serve terms of four years, and four shall serve terms of five years as designated by the President at the time of appointment.

(2) in the event an appointed member should resign or be removed from the Coun-

cil such vacancy shall be filled in accordance with the provisions of Section 4(b) of this Act but only for the unexpired portion of the vacant term, and

(3) members of the Council may be removed by the President for neglect of duty or malfeasance.

(e) A majority of the members of the Council shall constitute a quorum.

(f) The members of the Council shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Council.

(g) The Council is authorized without regard to the provisions of Title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of Chapter 51 and Subchapter III of such Title relating to classification and General Schedule pay rates, to appoint and fix the compensation of the President of the Council. The President shall, by reason of training or experience, be specially qualified to carry out the duties of the office, serve at the pleasure of the Council, be an ex officio member of the Council and carry out such duties as may be assigned to him by the Council.

FUNCTIONS OF THE ACADEMY

Sec. 5. (a) The Academy is authorized to offer the following instruction:

(1) Executive workshops and seminars to provide an opportunity for top management officials in the correctional system to meet, study, evaluate and evolve philosophies which can develop a consensus for a national direction on corrections policy. Similar programs should be made available at appropriate places throughout the nation in order to afford a significant number of corrections personnel the opportunity to study management and supervisory techniques and skills as they apply to the correctional setting.

(2) A correctional staff college to provide educational experience for middle-level personnel who have experience in corrections. This program would offer these personnel an adequate opportunity to study and prepare themselves for positions of increased responsibility in corrections.

(3) A basic course of instruction for persons seeking initial employment as corrections officers.

(4) Specialist training to offer instruction to full- and part-time support personnel including but not limited to chaplains, doctors, dentists, nurses, business managers, food service personnel, recreation workers, counselors, psychiatrists, vocational instructors, and social workers.

(5) Extensive background training for in-service staff personnel. Efforts should be made to make available curriculum materials, audio and visual assistance, and other pertinent resources for the training of personnel who have not otherwise obtained adequate instruction in corrections policy.

(6) Community based programs to develop meaningful and organized efforts to successfully re-integrate the ex-offender into society.

(7) Any other instruction established by the Council to be appropriate for corrections personnel.

(b) The Academy is authorized to serve as an information center for data obtained from studies and research by public and private agencies on criminal behavior and recidivism, including, but not limited to, programs for prevention of crime and recidivism, training of corrections personnel, and rehabilitation and treatment of criminal offenders. The Academy is also authorized to publish and disseminate the data and studies in an appropriate manner.

FUNCTIONS OF THE COUNCIL: DIRECTOR AND STAFF OF ACADEMY

Sec. 6. (a) The overall policy and operations of the Academy shall be under the supervision of the Council.

(b)(1) Under the general supervision of the Council, the Academy shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of four years. The Director of the Academy shall receive basic pay at the rate provided for at level III of the Executive Service under section 5314, Title 5, United States Code.

(2) If the Office of Director is left vacant, by resignation or otherwise, the President shall appoint a successor who shall serve for the unexpired portion of the term of office.

(c) The Council shall report annually to the Congress on its operation and the activities of the Academy, and recommend to the Congress further legislative action which may appear desirable.

FACILITIES

Sec. 7. (a) A suitable permanent location for the Academy shall be selected by the Council. In making its determination, the Council should seek a location in a metropolitan area where university and government assistance would be readily available. The Academy shall not be affiliated with any existing university or government body.

(b) The Director, with the approval of the Council, shall—

(1) acquire such property as may be necessary after the location has been selected pursuant to subsection (a), and

(2) make such arrangements as may be necessary or desirable for the construction, equipping, and physical organization of the Academy.

(c) The Council shall provide adequate opportunity for correspondence courses and for the distribution of educational material to corrections personnel not attending the Academy.

AUTHORIZED STUDENTS

Sec. 8. The authorized number of students at the Academy shall be determined each year by the Council. Reasonable efforts shall be made to insure that students are admitted so that geographic regions will be fairly represented on the basis of population and need, and that adequate representation is given to personnel in all levels of government and in all functions of the corrections system.

STIPENDS

Sec. 9. Every student shall receive during the period of instruction such reasonable stipends and allowances as the Council determines to be necessary.

AGREEMENTS

Sec. 10. (a) Each student selected for admissions to the Academy shall sign an agreement, that unless separated, he will complete the term of the course of instruction for which he has been accepted.

(b) Following his term of education, he shall serve for a period of not less than two years in an appropriate function in the corrections field. The Director of the Academy shall have the power to approve or disapprove the service which the student has accepted.

(c) In the event that the student shall voluntarily terminate his course of instruction, or terminate his service with the corrections agency prior to the end of two years, he shall be required to repay 50 per centum of the stipends and allowances received under this Act. Appropriate exceptions to this requirement may be made by the Director pursuant to guidelines issued by the Council.

ADMINISTRATIVE PROVISIONS

Sec. 11. The Council is authorized—

(1) without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of such title relating to classification and General Schedule pay rates, to appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act;

(2) to procure temporary and intermittent services to the sum estimate as is authorized by section 3109 of title 5, United States Code;

(3) to promulgate such rules and regulations as may be necessary to carry out the provisions of this Act;

(4) to acquire and hold necessary real and personal property;

(5) to accept in the name of the Council any money or property, real, personal, or mixed, tangible or intangible, received by gift, bequest, or otherwise;

(6) to use the services, personnel, facilities, and information of Federal executive agencies and those of State and public agencies and private organizations pursuant to an agreement with the head of any such agency.

APPROPRIATIONS AUTHORIZED

Sec. 12. There are authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1973, and such sums thereafter as may be necessary to carry out the provisions of this Act.

Department of Corrections,
Springfield, Ill.

The receipt is acknowledged of your letter dated 22 December 1971, stating that Senator Edward W. Brooke proposes to introduce legislation designed to create a National Academy of Corrections.

Thank you for soliciting my recommendations as to the structure and objectives of such a center. In particular, you have asked me to focus on what I believe such a facility should provide in order to achieve its goals.

Your own observation that Senator Brooke proposes to incorporate into his legislation "many new and constructive concepts of education and training" is extremely encouraging and the distinction he makes between education and training is especially pertinent.

I, too, urge that provisions in the new legislation be made for both *education* as well as *training* and that the following differentiation be articulated:

(a) Training as a process of bringing individuals to desired levels of competence in correctional skills;

(b) Education as a process for conditioning individuals to make sound judgments, to weigh alternatives, and to select proper courses of action, resulting in the development of people competent in their value judgments.

The question of what training and what education the Academy should provide hinges upon what is determined to be the contemporary functions of correctional workers. Obviously a professional worker should have that particular training and education which fits him for what he seeks to do. Major educational emphasis involves personality theory, social, abnormal and clinical psychology, criminology, criminal typology, cultural anthropology, learning theory, penology, etc. Training involves supervised clinical experience including internships, externships and practicum courses, after or in connection with the educational process. It becomes obvious that the need for sound theoretical underpinning beneath a project of this kind cannot be underestimated.

If the Academy trainee plans to specialize in management and administration, further concentrated training is necessary and this may need to be gotten apart from and in addition to academy training. Many people, despite the fact that they complete the formal and basic course work, must follow the practice of getting on-the-job training from experienced but successful practitioners.

All education and training in corrections should lead to certification and/or registration which, in turn, can be achieved on the basis of the intrinsic characteristics of correctional practice rather than on the basis of external, formal and merely objective criteria superimposed by some governmental licensing agent.

It would seem desirable to so formulate the language of your proposal so as to allow for wide administrative discretion in the development of the Academy itself. I strongly urge you to avoid placing into law too restrictive covenants which could easily serve to circumscribe innovation and research, experimentation and evaluation processes.

The legislation creating a National Academy of Corrections, also, should provide for an Advisory Council composed of representatives of the universities, training centers, and professional correctional administrators who have demonstrated competence.

Obviously, the fiscal note or appropriation should be adequate to fund the Academy program so as to accomplish its objectives which should be to provide for the education and training of women and men, including ex-offenders, toward the attitudes and the intellectual and professional competencies and skills essential for effective performance of the tasks of correctional personnel. The major focus would be to professionalize the occupation of corrections workers and to provide leadership and programs fully responsive to the rapidly changing needs in social justice.

In summary, it can be stated that it is not difficult to marshall a plethora of expert evidence to document the feasibility and validity of an Academy designed to provide both education and training for correctional workers. In order to outline its structure, curricula, staffing patterns, costs, facilities and site location, philosophy and the like, I would recommend that you may desire to confer with a number of reputable organizations in the field. These would include National Training Labs, an organization of professional behavioral scientists located in Washington, D.C.; the American Society for Training and Development in Madison, Wisconsin; the North America Research Group on Management in Rochester, New York; Leadership Resources, Inc., also of Washington, D.C.; and the American Management Association of New York City. You are aware, of course, of the expertise available from such groups as the National Council on Crime and Delinquency, the American Correctional Association, and from such university based operations as the Center for the Study of Crime, Delinquency, and Corrections at Southern Illinois University in Carbondale; the Center for Studies in Criminal Justice in the Law School at the University of Chicago; and the Institute of Contemporary Corrections at Sam Houston University in Huntsville, Texas.

The proceedings of an Arden House Conference on "Manpower and Training for Corrections" provides background information of import. The Council on Social Work Education in New York City published a book of some 260 pages of the proceedings and this is available through the Library of Congress (Catalog Number 65-25739).

There is one other reference I commend to your attention: the report entitled "Developmental Laboratory for Correctional Training," a study jointly sponsored and financed by the Office of Law Enforcement Assistance in the U.S. Department of Justice and the Center for the Study of Crime, Delinquency, and Corrections of Carbondale. This is the result of a U.S. Department of Justice Grant No. 041.

I trust that my comments are responsive to your request of 22 December 1971. I shall appreciate hearing from you further as to the progress made by Senator Brooke with his legislative proposal.

Sincerely yours,

PETER B. BENSINGER,
Director.

THE COMMONWEALTH
OF MASSACHUSETTS,
Middlesex County, Mass.

I am pleased to hear of Senator Brooke's plan to introduce legislation to the Congress to create a National Academy of Corrections. Such an Academy is needed as the entire corrections field is in the throes of incredible change. It is imperative that the individuals administering the system are properly trained to deal with this change. New ideas, approaches and programs are imperative if we hope to update the Nation's prisons. The training of professional individuals in the correction field regarding these new concepts is the key to modernizing our correctional system.

I visualize the proposed Academy as sort of a "West Point" of penology. The Academy should be conceived on three basic premises. First, the training provided should be balanced between custodial duties and rehabilitative concepts. Secondly, the Academy should train men to deal with both the short and the long term inmates. Thirdly, it must train men who work in the State, County and local correction systems, where a large number of our nation's criminal population are housed.

Regarding the first point—presently custodial matters occupy 95% of our efforts and the money devoted to corrections. The remaining 5% is left for the rehabilitation process. A barrier now exists between the concepts of security and rehabilitation. This barrier must be broken down and the two ideas integrated. The day of the guard, who was simply a "turnkey" is over.

Because of the social awareness of inmates' rights, the more well-educated type of inmate now incarcerated, and the public's awareness of the failure of our correction system, the administrators and staff of prisons must provide more than custodial services. The guards must be more sensitive to the needs of the individual inmate as a human being. He should be trained in the area of human behavior and human relations. While still experienced in the custodial and disciplinary functions of a guard, he should be educated in the social sciences.

The Academy should provide men with courses in counseling, psychology, human behavior, the treatment of drug addicts and alcoholics, family counseling, social work, vocational counseling and other related topics. Emphasis should be placed on the role of and the proper administration of fair discipline. The difficult problem of how to handle the radical prisoner should be included. Courses in prison administration and reporting procedures should be covered.

In essence, the Academy philosophy should be dedicated to producing a truly well-rounded professional officer, whose expertise is two-fold; custodial and rehabilitative. The Academy must strive to develop men who will function effectively, professionally and humanely working to change the attitudes of those under his care.

Secondly, the Academy should recognize the innate differences between the short term and long term institution. The problem faced by the staffs of these two types of institutions, while basically the same, require distinctly different approaches. To try to educate the future officer in one overall, master curriculum would not prepare him for the job he might face. Short term institutions demand a flexible, mobile rehabilitative program which is characterized by intensive counseling. The longer term institutions can be less flexible and mobile but must have more depth and long term goals.

Finally, there are more inmates in the State, County and local prisons than in the federal system. The men who are employed by the former group need training in the updated method of corrections. Obviously, the federal system should not be ignored but those in the other areas of corrections should definitely be included. The Academy must be dedicated to the entire system which is faced with the problem.

I have only outlined what I think are the 3 most basic criteria in formulating a National Academy of Corrections. If I can be of any further help to the Senator, please contact me. And give my best to Ed.

Regards,

JOHN J. BUCKLEY, *Sheriff.*

DEPARTMENT OF POLICE,
Los Angeles, Calif.

Thank you very much for an opportunity to comment on legislation you are proposing for a National Academy of Corrections. I attended the correctional conference in Williamsburg, Virginia, recently where Attorney General John Mitchell announced that the national administraton would attempt to create such an academy. Chief Justice Burger was also present and indicated his full support.

I think the idea is a splendid one. The National Academy conducted by the Federal Bureau of Investigation has filled a vital need in the broadening and training of police administrators to allow them to properly discharge their duties. This excellent school has spread good police administrative culture nationwide and has had a profound impact on the quality of the police service in this country. I am sure that a properly administered National Academy of Corrections can accomplish the same thing in the correctional field.

The people of this country are in great fear of crime, and demand better protection. There has been more effort put into solutions for the problem, by far, than has gone into a definition of the problem of crime on the streets.

Our most recent research indicates that the problem in America today is not really one of a criminal society, nor one of under-policing, but is rather one of a trial judiciary which has, to a great extent, bought a proposition that home-based rehabilitation is the only answer. These courts have therefore turned loose, in the past decade, a high percentage of dangerous offenders back into the streets on probation.

The expertise, the staffing, and other resources have not been bolstered in the probation field to allow the proper handling of dangerous criminals in the community. This contributes to recurring cycles of crime by the same individuals. For those offenders who are sentenced to correctional institutions, the outlook is extremely bleak for any amelioration of their violent attitudes and dispositions, but rather it almost automatically follows that the prisoner sentenced to an institution is going to come out a worse person than when he went in. This is the dilemma that faces the nation in controlling crime and violence in America.

I would therefore suggest that the National Academy of Corrections embrace within its curricula not only the frequency of offenders within penal institutions, but also the proper standards for a sentence of probation and the proper standards for home-based probationary supervision, with appropriate guidelines for realistic caseloads and with appropriate training for not only probation officers but the necessary behavioral scientists who should be assigned to work with probation officers.

The portion of the curricula which deals with training in the institutional setting should certainly set forth standards for the proper staffing of an institutional correctional program. Most prisons are staffed only by people with a responsibility for preventing escape or disorder. The resources allocated prison administrators do not generally allow for any constructive efforts to do the other important functions necessary to improving the chances that an eventually released prisoner will not return to a life of serious crime.

The correction-based training should therefore embrace specialized training for teachers who would teach in penal institutions—many convicts being functionally illiterate and needing the most fundamental grammar school and high school subjects. It should include the training of diagnostic personnel from both the medical and behavioral science fields, and it should include the training of behavioral scientists to gather research data to measure the effectiveness of programs, as well as the training of behavioral scientists used to do intensive personal and group work designed to change the attitudes of prison inmates. Such training should also include the training of teachers of vocational schools in the special problems of teaching within such penal institutions.

These viewpoints do not come from a man with any expertise in the correctional field, but merely reflect the sentiments of a policeman with more than three decades of experience in constantly reprocessing the failures of the correctional system. Because the correctional system is so far removed from public scrutiny, it is by and large a highly anachronistic profession. In the years since Dostoevski wrote his treatise on the subject, little has changed. Now great quantum leaps must be made.

From an economic standpoint, it can be said with great conservatism that money spent intelligently on the back end of the system of criminal justice in the unobserved field of corrections is probably the most important way to maximize the criminal justice system. It can also be safely said that if this end of the system can be made to work effectively for the first time, that there will be more effectiveness for the dollar by increasing our efforts in rehabilitation than we could get through doubling police forces or doubling the number of judges.

Thank you for an opportunity to communicate with you on this matter.

E. M. DAVIS,
Chief of Police.

DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS,
Washington, D.C.

I want to sincerely thank you for the opportunity to offer my thoughts concerning the establishment of a National Academy of Corrections. I believe strongly in and heartily endorse legislation for a proposal of this type. My support and commitment for such a cause is herewith offered. We in the correctional field *must* begin to unify nationally in a progressive and enlightened way in order to effect constructive change within the correctional setting. A National Academy of Corrections would facilitate, through the medium of conflict-free training experiences, the *way* through which this change *can* and *will* take place.

Large systems such as the D.C. Department of Corrections can and do make adequate attempts at staff training. However, they cannot possibly develop and provide all the training programs necessary for all aspects of the correctional setting. Staff training is vitally needed at every level of the correctional field; for executives, managers, supervisors, professionals, correctional, clerical, trades and crafts, and administrative support personnel. People's minds are to a large extent developed through *experiences* and from this they rationalize their assumptions which, in turn, they act out through attitudes. This National Academy of Corrections should produce a climate for change in the personnel of the organizations it serves for furthering the reintegration of the offender into the basic fabric of the community, by sharpening and redefining both correctional and non-correctional skills employed by the staff personnel through enlightened training experiences.

The integrating of the correctional setting into and with the community will be and is a *key* to the effective accomplishment of rehabilitating offenders who will become a constructive part of the community again. If set up properly, this community based involvement with the correctional setting will afford training opportunities for all staff personnel on a national level in one of the newest and most open areas for development in the correctional field. This National Acadamy of Corrections should have strong ties with all forward looking levels and activities of the society as a whole. These ties to the community will form the basis from which successful constructive rehabilitating and reintegrating programs will come.

The resident, offender, inmate, is a civilian who has *momentarily* been judged by his peers to be wrong and has been placed in the correctional setting for rehabilitation. Reintegrating this human being back into society as a positive, productive, independent and free individual *who will not return* to the correctional setting as a loser is our *one* and *only* reason for existence. *When we fail, society fails.*

Corrections is a complex field with many areas of activity. The scope of complexity is further complicated by the wide variety of programs from the local jail with part-time staff to the large institutions with a myriad of multi-functional staffs. Philosophies in corrections differ not only nationally, but even in adjoining states and counties.

For corrections to be effective, we must have some national guidance and direction. This can best be achieved through a national academy where ideas and philosophies could be exchanged and evaluated and, further, from where new national direction could be introduced.

Our own Department has had a beginning experience in developing and implementing training on a regional basis during the last year in the form of a Regional Training Academy for Maryland, Virginia and the District of Columbia. Over 700 participants attended our Department's Regional Training Academy seminars. These personnel came from seven states, Puerto Rico and the federal government and represented over 40 different agencies. There were many valuable ideas which were shared and experienced in these training sessions. But by far the greatest experience was the sharing of new ideas and concepts as they related to the correctional setting, especially those which are positive and forward looking. The whole direction of the correctional setting in this country should be redirected and revitalized towards more enlightened and humane programs. New theories which have been researched could be advanced from these meager beginnings. A key to the start would be convincing top managers that their part and role in this revitalization is of the utmost importance, for without them *no change can take place.*

To accomplish the foregoing thoughts which I have offered, a National Academy of Corrections would need the following:

(1) Complete support by the federal government with funds being provided not only for staff and faculty, buildings and institutions, equipment and staff support, but also for tuition-free courses, per diem and travel for all participating students. This is necessary since many of the personnel who will attend will be from small local or rural jails or correctional settings with either limited or no budgeted funds for allowing personnel to attend a national academy of this level. This provision for funds to defray all expenses involved by a participant would be one of the keys in affecting a national change in our correctional philosophies of all levels of the system.

(2) The Academy should have complete flexibility in its direction of its operation. It should be an individual operation administratvely under the Justice Department. However, it should not be tied to any particular system or location. The Washington, D.C. area, as an example, would probably make an ideal place for the setting of the National Academy because it would offer the complete range of community involvement coordination with federal agencies and be at the center of the national picture.

(3) The tying of this National Academy of Corrections to any university or facility which would assist in developing its programs should not be allowed since the Academy would be endeavoring to develop a national consensus for the correctional setting. It would behoove it to seek every avenue for a new and positive concept which could be adopted to its use by providing an arena where new ideas could be discussed and evaluated.

(4) The National Academy would be a permanent facility situated near a large city such as Washington, D.C. with universities and government agencies together with a community setting from which programs could be developed.

(5) The staff and faculty should not only be able to give courses or conduct seminars in residences but also have the added ability to visit anywhere within the country and render the same programs on agency site locations. In addition, the staff should be able to work extensively with universities and with training and development specialists in specialized areas. Also, correspondence courses should be offered for home study use.

(6) The emphasis of the Academy's direction should be towards community involvement and community based programs in endeavoring to reintegrate the offender back into the community as a positive and productive individual. To do this, it is imperative that the Academy have strong ties to the community society and the nation as a whole.

The development of curriculum should require careful study. I feel that the following areas should certainly be included:

(1) *Executive Workshops and Seminars:* Top managers must meet, study, evaluate and evolve philosophies which can develop a consensus for a national direction for our correctional philosophy.

(2) *Management and Supervision.* Workshops and seminars for managers and supervisors should be made available at the Academy and at local places throughout the country. These programs should afford correctional personnel from state and local levels the opportunity to study management and supervisory techniques and skills as they apply to the correctional setting.

(3) *Correctional Staff College.* An educational experience should be developed for mid-level managers at the midpoint of their careers in corrections similar to military staff colleges. This program could offer mid-level members about six months of residence study and prepare them for future top level positions within corrections. A referral system could quite conceivably be developed from these promising young managers with opportunities for growth by pointing them to various agencies to which they could be transferred.

(4) *Special Skills Seminars.* These training sessions would be provided for handling difficult prisoners; developing community resources; public relations; in the use of advance technologies, etc. The seminars could be developed and offered at the Academy and should also be made available to local jurisdictions by presenting them in various regional offices.

(5) *Specialist Training.* The Academy should offer training in staff support specialities, i.e., chaplains, dentists, doctors, nurses, business managers, psychologists, social workers, etc. All of these come to their positions with professional skills, however, they

have little or no correctional background. Therefore, a professional correctional oriented program for background information and philosophy could be offered to these highly valuable and needed personnel.

(6) *Curriculum Materials.* All correctional personnel will not be able to attend the Academy, therefore, curriculum materials, group studies, films and tape libraries and other pertinent resources should be made available to assist in training personnel in their local areas where they are employed.

(7) *Basic Skills.* Nevertheless, there will be a need for correctional training in all the areas of basic skills. Many small correctional facilities would benefit greatly from this added ability of the Academy to train their line personnel.

(8) *Community Based Programs.* This is a whole new area where training is needed. There are many programs which have been developed in the last few years which may fail as a result of inadeqautely trained staff Currently, training is not available to help the administrator of his personnel in these new areas of corrections. A National Academy could develop positive and meaningful programs along these lines. The future success of the correctional field lies in its community programs and how successful they will be in reintegrating the ex-offender back into society.

These thoughts are only a few which I have offered. I certainly hope that they will be helpful as a beginning. As I mentioned earlier, a complete organizational structure would be needed for the Academy. The development of the structure would need a great deal of thought. Our Department's experience has proven that if you offer meaningful training sessions, they will be appreciated and used by the correctional officers who are eager to take part in improving the system. As I mentioned before, to be really effective the National Academy will have to provide not only the training but also the funds to allow all to participate.

My Department and myself stand ready to help you in any way that we may. I have a very capable Training Administrator who might add additional light on this matter. His name is Mr. John W. Sisson, Jr. and he would be willing to assist you in any way possible if you need additional thoughts or information on this Academy.

I sincerely hope that my suggestions and thoughts will be helpful to you. Please be assured that I am at your service if clarification or further assistance is desired.

Sincerely,

KENNETH L. HARDY,
Director.

By Mr. BURDICK (for himself, Mr. HUGHES, Mr. HUMPHREY, Mr. MANSFIELD, Mr. MCGEE, Mr. MCGOVERN, Mr. METCALF, and Mr. MONDALE):

S. 3314. A bill to amend the Agricultural Act of 1949, as amended, to extend the repayment period for price-support loans made on the 1972 and 1973 crops of corn, feed grains, and wheat. Referred to the Committee on Agriculture and Forestry.

Mr. BURDICK. Mr. President, I am today introducing a bill requiring the Secretary of Agriculture to extend price-support loans on the 1972 and 1973 crops of corn, feed grains, and wheat for a period of 3 crop years.

The purpose of this bill is to make it possible for producers, rather than the Government, to maintain control of the reserves of these grains which are carried forward from one year to another.

At the present time the price-support loans are due before the end of the crop year in which they are made. The Secretary of Agriculture at his discretion may, and often has, extended them for longer periods. Because of the low market prices and producer discontent he already has announced that the loans on the 1971 crops of wheat, corn, and grain sorghum will be extended for a second crop year. But in 1973 the Secretary of Agriculture may terminate the loans now outstanding on up to a billion bushels of corn and grain sorghum and 500 million bushels of wheat.

I can see no justification for placing these reserves at the close of every crop year under the control of the Secretary of Agriculture where they may be taken over by the Commodity Credit Corporation, moved into storage in terminal elevators and sold at the legal minimum resale prices in domestic markets—or sold in foreign markets without restrictions.

Under this proposal, producers of wheat, corn, and other feed grains in 1972 and 1973 would be assured that they could maintain control of their crops for 3 years in the future if they placed them under price-support loans.

This would not in any way increase Government risks or costs as producers assume all risks associated with maintaining their stored grains in good condition.

Producers would be free to repay their loan at any time at their discretion. If the market price reached full parity during the 3-year period the Secretary of Agriculture would be authorized to terminate the loans and sell the grains, thus preventing further price rises.

Mr. President, this is a bill which should have been adopted 10 years ago. When the Government has stocks of grain in its possession and prices begin to rise, for whatever reason, pressure develops for their sale when market prices reach the legal minimum.

In past years, it has sometimes been charged that the Secretary of Agriculture terminated loans and sold CCC stocks in order to prevent market price increases.

This proposal would eliminate the possibility of this charge. It would permit producers to continue to control their reserves for a period of up to 3 crop years if they wish to do so. In effect, this bill establishes a short-term security reserve of wheat, corn, and feed grains.

By Mr. MCCLELLAN (for himself, Mr. HARRIS, Mr. FULBRIGHT, and Mr. BELLMON):

S. 3316. A bill to grant the consent of the United States to the Arkansas River Basin Compact, Arkansas-Oklahoma. Referred to the Committee on the Judiciary.

Mr. MCCLELLAN. Mr. President, for myself, the senior Senator from Oklahoma (Mr. HARRIS), the junior Senator from Arkansas (Mr. FULBRIGHT), and the junior Senator from Oklahoma (Mr. BELLMON), I introduce, for appropriate reference, a bill to grant the consent of the United States to the Arkansas River Basin Compact, signed on behalf of the States of Arkansas and Oklahoma at Little Rock, Ark., on March 16, 1970.

The ratification of this compact by the States of Arkansas and Oklahoma marks another stage in our efforts to enhance the development of the water resources of the Arkansas River Basin and to protect the total environment of the entire region. A principal purpose of this compact is to provide for the apportionment of the waters of the Arkansas River between the States of Arkansas and Oklahoma. An interstate administrative agency to be known as the Arkansas-Oklahoma Arkansas River Compact Commission would be established to administer the agreed upon water apportionment. Of particular importance to all residents of the region are those provisions of the compact which will encourage the maintenance of active antipollution controls to further reduce the natural and manmade pollution in the waters of the Arkansas River Basin.

I am introducing this bill by request of the Arkansas-Oklahoma Arkansas River Compact Committee. It is my understanding that there is precedent for this type of compact and that this compact very closely follows the terms of that precedent. I believe that this is the type of compact that can be more simply handled should the provisions of S. 907, passed by the Senate on March 1 of this year, be enacted into law. However, work on this compact actually began prior to the introduction of S. 907. I urge that this specific water apportionment compact be speedily enacted, however, rather than delayed until the more general compact authorization contained in S. 907 becomes law.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2939

At the request of Mr. BROCK, the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 2939, a bill to establish a National Commission on Corrections.

S. 3158

At the request of Mr. WILLIAMS, the Senator from Oklahoma (Mr. HARRIS) was added as a cosponsor of S. 3158, a bill to establish within the Department of Health, Education, and Welfare and Office for the Handicapped to coordinate programs for the handicapped.

S. 3231

At the request of Mr. PACKWOOD, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 3231, a bill relating to the reimbursement of actual travel expenses of Senators and employees of Senators.

S. 3291

At the request of Mr. PACKWOOD, the Senator from Washington (Mr. MAGNUSON) was added as a cosponsor of S. 3291, a bill to amend the Tariff Schedules of the United States with respect to the rate of duty on certain types and uses of fish netting and fish nets.

S. 3299

At the request of Mr. STEVENS, the Senator from Oregon (Mr. PACKWOOD) was added as a cosponsor of S. 3299, a bill to amend the act prohibiting certain fishing in U.S. waters in order to revise the penalty for violating the provisions of such act.

SENATE JOINT RESOLUTION 202

At the request of Mr. Williams, the Senator from Oklahoma (Mr. Harris) was added as a cosponsor of Senate Joint Resolution 202, to express the sense of Congress that a White House Conference on the Handicapped be called by the President of the United States.

SENATE RESOLUTION 275—SUBMISSION OF A RESOLUTION TO AUTHORIZE SENATORS TO HIRE INTERNS

(Referred to the Committee on Rules and Administration.)

Mr. STEVENS. Mr. President, the resolution that I am introducing today on behalf of myself and the distinguished Senators from Kentucky (Mr. Cook), Massachusetts (Mr. Brooke), Florida (Mr. Chiles), Colorado (Mr. Dominick), Georgia (Mr. Gambrell), Alaska (Mr. Gravel), Oregon (Mr. Hatfield), New York (Mr. Javits), Utah (Mr. Moss), Oregon (Mr. Packwood), Rhode Island (Mr. Pell), Pennsylvania (Mr. Scott), California (Mr. Tunney), and New Jersey (Mr. Williams), will permit each Member of the Senate to employ student interns in his office. It specifically authorizes each Senator an amount up to $3,600 each fiscal year for such purposes in addition to all other staff and allowances. These young people are to be paid in the amount of $300 gross rate per month each.

Each such student intern must be a bona fide student in high school or at an institution of higher education.

Mr. President, this program is, I believe, one well worthy of the Senate's full support. For a number of years most Senators have had young people on their staff in various capacities at various times. Of course most student interns have worked in the Senate during their summer vacation. However, some have not. This practice of employment during the school year has become especially prevalent lately. Many colleges and universities now permit students to study in Washington or even to take a quarter of a semester off and receive full academic credit for the time they spend working on the Hill. For this reason, the bill is not limited to summer employment.

Nor do I believe that the bill should be limited to those who are already attending college. Many high school students are of an age and sufficient maturity to participate fully in many activities and contribute significantly to the offices in which they work. For several years I myself have made a practice of bringing qualified Alaskan high school students to Washington in the summer. These young people have contributed immeasurably to the success of my office. They have proven that the young people of today are better educated, more mature, and more conscious of the legislative process and the vast problems confronting our society than ever before. For this reason I believe that the U.S. Senate should do all it can to encourage and promote the participation of young people of high school age and above in the governmental process.

For several years the House of Representatives has had a similar program which has proved to be beneficial to all concerned. As a matter of fact, I understand that a resolution was recently introduced to virtually double the extent of the program in the House of Representatives. This resolution received wide cosponsorship on both sides of the aisle. Several weeks ago I sent around a letter similarly seeking cosponsors of the resolution we are today introducing. As you can see, Mr. President, a number of Senators from both sides of the aisle and all parts of the country have joined with the Senator from Kentucky (Mr. Cook) and myself as cosponsors. Such support indicates, I believe, the enthusiasm with which this program has been greeted by all.

Although, as I indicated previously, many students have worked for various Senators in the past, up until now there has been no additional funding for them. Consequently, this program has been somewhat limited in scope and only available in many cases to those who could afford to pay their own way. This practice excludes many deserving and well-qualified students. Therefore, I urge that this resolution be acted upon expeditiously by the Senate and that sufficient additional funds be appropriated in order that our young people may be paid this summer.

I have sent to each Senator a personal letter asking that he cosponsor this bill. I urge my colleagues to do so and support this program which I believe has such great merit.

Mr. President, in order to permit as many other Senators as possible to respond prior to the first printing of this bill, I request that printing be delayed until Friday, March 10, 1972.

Mr. President, I ask unanimous consent that this resolution be printed in the Record at this point.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

S. Res. 275

Resolved, That (a) notwithstanding any other provision for funds, each member of the Senate shall have made available from the contingent fund of the Senate until otherwise provided by law, an amount not to exceed $3,600 to hire additional employees during the period July 1 to June 30, inclusive, each fiscal year. The additional employees, to be known as "United States Senate Student Interns", shall be paid at the gross rate of $300 per month each. Such allowance and such interns shall be in addition to all allowances and personnel made available to such Member under other provisions of law.

(b) No person shall be paid compensation as a United States Senate Student Intern who does not have on file with the Sergeant-at-Arms at all times during the period of his employment, a certificate that such intern was during the academic year immediately preceding his employment a bona fide student at a high school or at a post high school educational program.

Sec. 2. The Senate Committee on Rules and Administration shall make such regulations as may be necessary to carry out this Act.

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT—AMENDMENT

AMENDMENT NO. 1017

(Ordered to be printed and referred to the Committee on Agriculture and Forestry.)

PROTECTION FOR FARMERS AND FARMWORKERS AGAINST THE HAZARDS OF AGRICULTURAL CHEMICALS

Mr. STEVENSON. Mr. President, the Senate Agriculture Committee is presently holding hearings on H.R. 10729. This is an important piece of legislation that, by changing the focus of the Federal Insecticide, Fungicide, and Rodenticide Act, could provide a more equitable and effective regulatory scheme for the control of the manufacture, distribution, and use of pesticides.

As the committee deliberates on this legislation, I hope it will not overlook the effects on farmers and farmworkers that can accrue from the unscrupulous use of agricultural chemicals. Many such chemicals are harmful not only to the environment but also hazardous to man and particularly to those who are most closely associated with farming.

The Migratory Labor Subcommittee, which I now chair, conducted 3 days of hearings during the 91st Congress on pesticides and the farmworker, which indicated the great need to protect farmers and farmworkers who are subjected to the unseen perils of toxic chemicals, gases, and airborne particulates. Special attention must be paid to providing explicit statutory protection of the farm and rural community faced with these hidden dangers. These citizens number in the millions, and include, among others, the self-employed family farmers as well as migrant and seasonal farmworkers. Injury and fatality figures are very high. An expert from the Department of Health, Education, and Welfare estimated that, during subcommittee hearings in 1970, possibly as many as 800 workers were killed and over 80,000 were injured each year by the improper and unwise use of agricultural chemicals.

To protect these citizens living and working in rural America, I today propose an amendment to H.R. 10729, the bill now being considered by the Agriculture Committee. In this regard, the committee must be commended for taking the opportunity to hear witnesses from a broad and representative community of people concerned about the welfare of all those in rural America.

Sections 1 and 2 of my amendment make it clear that a pesticide is misbranded within the meaning of section 2(q)(1) of the act if the directions or warnings do not adequately protect the health of farmers, farmworkers, and others who may come into contact with pesticides or pesticide residues.

Section 3 provides that test data may be relied upon to support an application for registration under section 3(c) of the act only if the tests are conducted in accordance with applicable law and participation therein is based on a free, voluntary, and informed choice.

Section 4 makes it clear that a pesticide shall be classified for restricted use if it might otherwise cause injury to farmers, farmworkers, or others who may come into contact with the pesticide or its residues.

Section 5 makes it clear that certified applicators must be competent to take measures needed to protect the health of farmers, farmworkers, and others who may come into contact with pesticides or pesticide residues.

Mr. President, I ask unanimous consent that the text of my amendment be printed at this point in the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 1017

On page 11, line 16, change the semicolon to a comma and insert the following immediately thereafter: "including the protection of the health of farmers, farmworkers, and others who may come into contact with such pesticides or pesticide residues; or".

On page 11, line 21, change the period to a comma and add the following immediately thereafter: "including the protection of the health of farmers, farmworkers, and others who may come into contact with such pesticides or pesticide residues.".

On page 17, line 16, change the semicolon to a comma and add the following immediately thereafter: "*Provided*, That the Administrator shall not rely on test results submitted pursuant to this subsection unless he determines that (i) the tests were conducted in accordance with applicable federal, state, or local law, and (ii) participation in the tests was the result of a free, voluntary, and informed choice by each participant.".

On page 21, insert the following immediately following line 9: "farmer, farmworker, or other person who may come into contact with the pesticide or pesticide residues,".

On page 23, line 22, change the period to a comma and add the following immediately thereafter: "and such competence shall include the ability to undertake such measures as the Administrator may by regulation require to protect the health of farmers, farmworkers, and others who may come into contact with such pesticides or pesticide residues.".

AMENDMENT OF THE SMALL BUSINESS ACT—AMENDMENT

AMENDMENT NO. 1018

(Ordered to be printed and referred to the Committee on Banking, Housing and Urban Affairs.)

Mr. CRANSTON (for himself and Mr. Javits) submitted an amendment intended to be proposed by them jointly to the bill (S. 3166) to amend the Small Business Act.

NATIONAL VOTER REGISTRATION—AMENDMENT

AMENDMENT NO. 1019

(Ordered to be printed and to lie on the table.)

Mr. ERVIN submitted an amendment intended to be proposed by him to the bill (S. 2574) to amend title 13, United States Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purpose of administering a voter registration program through the mail.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 955

At the request of Mr. Stevenson, the Senator from California (Mr. Tunney) was added as a cosponsor of amendment No. 955, intended to be proposed to the bill (H.R. 1), the Social Security Amendments of 1972.

AMENDMENT NO. 1016

At the request of Mr. Cranston, the Senator from California (Mr. Tunney) was added as a cosponsor of amendment No. 1016, intended to be proposed to the bill (S. 2574) the voter registration bill.

OVERSIGHT HEARINGS ON THE ADMINISTRATION OF THE OUTER CONTINENTAL SHELF LANDS ACT ON MARCH 23 AND 24, 1972

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record a statement by the distinguished Senator from Washington (Mr. Jackson) together with certain questions and policy issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

Oversight Hearings on the Administration of the Outer Continental Shelf Lands Act, March 23, 24, 1972

(Statement by Senator Jackson)

On March 23rd and 24th the Committee on Interior and Insular Affairs will hold oversight hearings on the administration of the Outer Continental Shelf Lands Act and the nation's ocean resource policies. The hearing will be convened at 10:00 a.m. in Room 3110 of the New Senate Office Building, and is being held pursuant to the National Fuels and Energy Study authorized by Senate Resolution 45.

Nearly twenty years ago the Senate Committee on Interior and Insular Affairs reported legislation which was enacted into law as the Outer Continental Shelf Lands Act. This Act has brought several billion dollars worth of revenues into the Federal treasury resulting from bonus bids, rentals and royalties paid by OCS lessees. The Outer Continental Shelf has proved to be a major source of energy supply and has satisfied a substantial part of this nation's growing demand for oil, natural gas, and other minerals. Yet, at the same time, unfortunate accidents—fires, oil spills—have occurred on the Outer Continental Shelf as a result of drilling and production operations conducted there. These accidents have caused environmental damage and threatened fish and wildlife, recreational and other important ocean resource values. The risks associated with development of the resources of the shelf have led many people to raise basic and fundamental questions concerning the relevance and the adequacy of the goals, the policies and the administrative strategies which guide OCS management and Federal ocean resource policies.

In addition to fundamental questions of purpose, additional questions have arisen involving jurisdiction, the adequacy of the Federal management system to administer the OCS Act, procedures related to National Environmental Policy Act environmental impact statements, economic costs, the consideration of alternative sources of oil and gas, and many others. These questions and others require Congressional review.

Witnesses invited to appear before the Committee on March 23 and 24 are as follows:

March 23—The Honorable Rogers C. B. Morton, Secretary of the Interior.

March 24—Russell E. Train, Chairman, Council on Environmental Quality.

Dr. Robert White, Administrator, National Oceanic and Atmospheric Administration.

Subsequent to the March 23 and 24 OCS overview hearings additional hearings will be held at which time concerned Congressmen and selected witnesses representing interested states, environmental organizations, and industry will be invited to present their views. The Committee also plans further hearings late this spring on OCS lease bidding policy alternatives and the advisability of and possibilities for revenue sharing with the states as part of its consideration of Federal land management policies during another phase of its Nation Fuels and Energy Policy Study authorized by Senate Resolution 45.

Mr. President, I regret that time limitations make it impossible for the Committee to hear the testimony of all of the individuals and organizations that will want to appear. The Committee will, however, receive statements for the record and they will receive a careful review and evaluation in connection with the Committee's formulation of recommendations for an Outer Continental Shelf policy.

Representatives of the Administration as well as invited witnesses at future hearings are being asked to direct their testimony to specific questions and policy issues which the Committee has prepared. Mr. President, I attach these questions and policy issues to my statement:

Questions and Policy Issues Related to Oversight Hearings on the Administration of the Outer Continental Shelf Lands Act To Be Held by the Senate Committee on Interior and Insular Affairs, Pursuant to S. Res. 45, March 23 and 24, 1972

The following questions are directed towards developing historical and background information on the legal and management regime for the Outer Continental Shelf (OCS) as well as significant policy issues concerning the OCS. Issues which are *not* covered in this paper are those relating to OCS Lease Bidding Policy alternatives and possibilities for revenue sharing with the States. These issues will be examined in later hearings.

A. THE PRESENT LEGAL REGIME FOR THE OUTER CONTINENTAL SHELF

1. What Federal statutes directly contribute to or constitute the exising legal regime for the management of the resources of the OCS (including relevant Executive Orders or other executive branch policy statements and relevant court decisions)?

2. What, in summary form, is the major goal or purpose of each of these statutes, orders or policy statements (e.g. resource development, oceanographic research, fish and wildlife protection, pollution control, etc.)?

3. Which entities within which Federal agencies have been assigned OCS responsibilities and what formal and informal coordinating relationships (inter-agency committees, memoranda of understanding, etc.) exist among these agencies regarding OCS administration? (Provide organization chart showing agencies and their links.)

4. What changes in the existing legal regime or Federal organizational structure for management of the OCS have been proposed or recommended by Federal advisory committees or by the Administration and what, in summary form, is the purpose of these recommended changes?

5. What additional changes in the existing legal regime or Federal organizational structure merit Congressional consideration and review?

B. HISTORICAL DATA

What is the available statistical information related to OCS oil, gas, sulfur, and salt leasing, drilling production, income and related information for the period 1953–1971?

1. Geological and Geophysical Exploration:

(a) Permits Granted by Number, Years, and Areas Covered.

2. Leasing:

(a) Lease Sales by Years, States and Products.

(b) Producing and Non-producing Leases by Years and States.

3. Development:

(a) Well Status:

(i) By Years.

(ii) By Years, and States.

(b) Well Activity:

(i) By Years.

(ii) By Years, and States.

(c) Unit Plans, Number of, by Years.

4. Production and Revenue:

(a) Statistics by Years:

(i) Oil and Condensate, and Gas Production.

(ii) Revenue and Production Values.

(iii) All Leasable Minerals—Value and Royalty.

(b) Production, Value, and Royalty by Products:

(i) Oil and Condensate.

(ii) Gas.

(iii) Natural Gasoline and L.P.G.

(iv) Salt.

(v) Sulfur.

(c) Production, Value and Royalty, by Years, States, and Products:

(i) California—Oil and Condensate, Gas, Gasoline, and L.P.G.

(ii) Louisiana—Oil and Condensate, Gas, Gasoline and L.P.G., Salt, Sulfur.

(iii) Texas—Oil and Condensate, Gas, Gasoline and L.P.G.

(d) Summary of Bonuses, Minimum Royalties, Rentals, Shut-In Gas Payments, Royalties, and Total by Years, States, and Products:

California, Florida, Louisiana, Oregon, Texas, Washington, Total by States.

5. Total Offshore and United States Production of Oil and Condensate, and Gas:

(a) Total Offshore "State" and "Federal OCS" Production by Years and States—Oil and Condensate, Gas.

(b) Total United States and Outer Continental Shelf Production of Crude Oil and Condensate, and Gas.

6. What has been the average excess, shut-in or reserve producing capacity for oil and gas on the OCS in each year?

What portion of this capacity has resulted from:

(a) Market demand prorationing?

(b) MER prorationing?

(c) Lack of pipeline connections?

(d) Economic factors?

7. How much natural gas has been vented or flared on OCS leases in each year? How much (if any) royalty is collected on this gas?

8. What volume of petroleum resources have been lost in oil spills or consumed by accidental fire in connection with OCS developmental activities? How much, if any, royalty is collected on these resources?

9. What proportion of OCS lease acreage and petroleum production has been accounted for by oil "majors", "minors", "independents", and non-oil companies (or by another appropriate classification of enterprises)?

10. How many offshore drilling rigs have been:

(a) Present on or adjacent to the OCS, or

(b) Working on the OCS in each past year?

C. SUPPLY

1. What are the best available estimates of the volumes of crude oil, natural gas, natural gas liquids, and other minerals by type, on the Outer Continental Shelf lands (between the seaward boundary of submerged lands under state jurisdiction and the seaward edge of the U.S. continental rise), for areas adjacent to each coastal state, by region, and for the total OCS area?

Estimates should be provided of total and recoverable:

(a) Known or proved reserves,

(b) Marginal and

(c) Submarginal potential resources (or for a similar gradation of resource categories by recoverability and uncertainty; definitions should be provided for each category).

2. Inasmuch as recoverability is influenced by technological and economic factors, what influence can be anticipated on the foregoing estimates from:

(a) Technological advances,

(b) Price changes?

D. INFORMATION FOR DECISIONMAKING AND MANAGEMENT

1. What kinds of information, including geological and geophysical information, do the Federal agencies review, evaluate or consider in connection with identifying those areas most appropriate for an OCS lease sale and for determining the individual tracts offered in such sales? What is the source of such information?

2. Using such information, to what extent can the most promising acreage be identified, and with what degree of confidence can recoverable petroleum reserves be estimated prior to drilling

(a) In a geological province;

(b) In a sale area; and

(c) In a lease tract?

3. What are the advantages and disadvantages, from the point of view of maximizing resource development, lease revenues, safety and environmental protection, and from the standpoint of cost, of using the present informational system for identifying promising acreage prior to lease sales compared to:

(a) The Federal government conducting its own expanded geological and geophysical surveys,

(b) Purchasing such information from private surveyors,

(c) Requiring members of the petroleum industry to submit on a confidential basis their exploratory data and resulting assessment,

(d) Developing new sources of information, in addition to geological or geophysical information,

(e) Any combination of these alternatives?

E. PRESENT DECISIONMAKING AND MANAGEMENT PROCEDURES

1. What is the procedure currently used by the Federal agencies for determining, on a short range (one-year), intermediate range (five-year), and long range (five years and beyond) basis:

(a) The demand or need for OCS production?

(b) The sequence, size and timing of sales?

(c) The location, size, and shape of specific tracts offered for lease?

2. What is the procedure currently used by the Federal agencies for taking into account recreational, fish and wildlife, and other environmental values in choosing tracts to be leased?

F. LEASE ADMINISTRATION

1. What, in general, are the current procedures for lease supervision and inspection? Are there concrete indications of improved surveillance and compliance over past experience? To what extent has the risk of accidents such as those which occurred near Santa Barbara and offshore Louisiana been reduced, and to what factors are reductions (if any) due?

2. What measures (including in-house and consultant studies under way or recently completed) have the Federal agencies taken or planned regarding improvement of OCS administration?

G. JURISDICTIONAL ISSUES

1. What jurisdictional issues remain unresolved regarding:

(a) The seaward limits of the OCS?

(b) The seaward limits of state jurisdiction?

(c) The authority of the Secretary of the Interior

(i) to suspend and extend leases?

(ii) to promulgate "conservation" regulations?

(iii) to permit or authorize the use of the OCS for purposes other than mineral development?

What is the effect of the lack of resolution of any such issues on the effectiveness with which the OCS is administered; to what extent are they or can they be responsible for delays in lease sales?

2. Provide a summary of pending proposals for offshore terminals, supertanker facilities, offshore nuclear facilities, and other development projects which in whole or in part would be located on the OCS. What, if any, Federal permits and/or licenses are required under present law for these projects? Is additional Federal legislation dealing specifically with proposals of this nature required or desirable?

3. What formal or informal procedures are used by the Federal agencies to ascertain and consider the interests and views of individual coastal States regarding Federal leasing and management decisions for OCS lands?

4. What should the role of State government be with respect to Federal decisionmaking concerning:

(a) Exploration?

(b) Leasing?

(c) Environmental regulations on OCS lands bordering the States' jurisdiction?

5. Are there high priority research or administrative programs related to OCS administration that remain unfunded, underfunded, or short of personnel?

H. ECONOMIC COSTS

1. What has been the average cost (exclusive of bonuses, royalties, and other "rents") of:

(a) Exploration,

(b) Development, and

(c) Production of petroleum (oil, natural gas and natural gas liquids) from the Outer Continental Shelf?

2. How have these average economic costs compared to the average economic cost of:

(a) Petroleum from domestic onshore areas, and

(b) The landed prices of imports?

3. What are the anticipated economic costs of petroleum produced from future OCS leases and how will these costs compare with:

(a) The anticipated costs of alternative sources of hydrocarbons from onshore areas (including new energy sources such as liquid or gaseous products of coal and oil shale), and with

(b) The landed prices of imports?

4. To the extent that OCS production is an alternative to imports, what is the expected net impact per unit of petroleum production upon the U.S. balance of payments? (The balance of payments impact of imports includes net foreign investment and foreign earnings of U.S. petroleum companies, and producer country imports from the U.S. financed by petroleum earnings.)

I. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) AND THE OCS

1. In view of the recent Louisiana offshore sale court decision, what changes in procedure, if any, do the Federal agencies contemplate to satisfy NEPA environmental impact statement requirements?

2. In light of existing and projected demands for energy and the simultaneous requirement to protect the marine environ-

ment, what alternative sources of energy, other than OCS petroleum from future leases, are readily available and at what economic costs and environmental risks?

3. What would be the economic, security of supply, and environmental consequences of alternative strategies for the scheduling of OCS resource development (e.g., postponing development and consumption of these resources until the need for them is greater, due to increased costs or unavailability of imported oil)?

J. ENVIRONMENTAL PROTECTION

1. What are the nature and magnitude of environmental risks and problems related to OCS oil and gas development in:

(a) Geophysical exploration?

(b) Drilling and production?

(c) Undersea pipeline construction and operation?

(d) Tanker operation?

(e) Port and processing facilities?

(f) Onshore pipeline construction and operation?

To what extent is each of the above a matter of:

(a) Chronic waste discharges in water?

(b) Episodic (accidental) waste discharges in water?

(c) Air pollution?

(d) Siltation, hydrodynamics?

(e) Congestion and conflicting land uses?

(f) Navigation safety?

(g) Aesthetics?

2. Summarize experience with environmental effects of offshore oil and gas operations in:

(a) Gulf Coast;

(b) California;

(c) Cook Inlet;

(d) Overseas.

For each of the above areas indicate the number of wells drilled, the number of mishaps which have occurred and the consequence of each such mishap to the state of the ambient marine and estuarine environment. What different or additional environmental effects are anticipated in connection with operations offshore in:

(a) Atlantic Coastal areas;

(b) Gulf of Alaska;

(c) Bristol Bay;

(d) Arctic Ocean?

3. What, in summary, are:

(a) Treaty,

(b) Federal statutory,

(c) Regulatory and lease-contract provisions governing liability of OCS lessees for damages and cleanup costs arising from oil and gas operations conducted pursuant to OCS leases?

4. What follow-up action was taken by Interior, the Environmental Protection Agency, the Coast Guard and other Federal agencies after each OCS mishap and what interagency agreements and plans, related to coordinated Federal handling of any future OCS mishaps, have been made as a result of these experiences?

5. What quantitative information is available about the total costs of past mishaps on the OCS, including oil and gas lost, private and government cleanup costs, loss of fish and wildlife, damage to tourism, reduced property values, and administrative costs?

6. What contingency plans and cooperative arrangements have been effected by industry regarding accidents in offshore oil and gas operations? How would these affect response time, total cost, and environmental impact? Are further measures desirable or required?

7. What additional geological, biological, engineering or other information is necessary with regard to improving the environmental safety aspects of offshore oil and gas operations? Is there research that ought to be completed before *any* further offshore leasing? Are there specific instances or areas in which leasing should be postponed pending completion of further studies? What time effort and costs would be involved in this research?

8. What is the state of scientific knowledge on the effect of oil spills on fish and wildlife and the marine environment? What is the level of Federal funding for research and development in this area? Are there research opportunities which are not being pursued for lack of funding?

K. SANCTUARIES

1. How many times has the authority granted to the President in the Outer Continental Shelf Act to withdraw areas of the OCS from leasing been used to establish marine preserves?

(a) Where are the areas, when were they withdrawn or designated, and what is their size?

(b) What, if any, proposals for further withdrawals or designations are under active consideration?

(c) What criteria govern decisions to establish a marine preserve?

2. Should the Congress determine, on a case by case basis, the circumstances under which tracts of OCS lands should be established as marine preserves or sanctuaries?

3. Are there instances in which highly promising OCS acreage should be permanently reserved from development for recreational, ecological, or aesthetic reasons? What cost-benefit standards should be applied to proposals for reservations of this type? What other standards or considerations should be applied to proposals for reservations of this type?

4. What role do coastal States play with respect to Federal determinations concerning the establishment of marine sanctuaries on OCS lands seaward of the State's jurisdiction?

5. If a short term (two-year) or long term (five- to ten-year) moratorium were established and all OCS operations were suspended:

(a) From what probable alternative sources would petroleum demand be filled?

(b) To what extent, if any, would these alternatives reduce the risk of coastline oil pollution?

(c) What new environmental risks would be associated with alternative sources of supply?

L. STRATEGIC RESERVE

1. What consideration has been or should be given to development of OCS tracts and holding production in ready reserve in the event of disruptions in foreign or other sources of supply?

ADDITIONAL STATEMENTS

THE GOLDEN YEARS—A TIME OF TRIUMPH OR TRAGEDY

Mr. WILLIAMS. Mr. President, last week the distinguished Senator from West Virginia (Mr. RANDOLPH) addressed the Annual National Veterans Affairs and Rehabilitation Conference of the American Legion which met in Washington, D.C. His address on problems of the aged to the several hundred visiting Legionnaires was received with enthusiasm as demonstrated by their applause on several occasions during its delivery and a standing ovation at its conclusion.

Senator RANDOLPH's timely remarks are of interest to all Senators. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE GOLDEN YEARS—A TIME OF TRIUMPH OR TRAGEDY?

(Speech by Senator JENNINGS RANDOLPH, 49th Annual National Veterans Affairs and Rehabilitation Conference, the American Legion, March 1, 1972, Sheraton Park Hotel, Washington, D.C.)

I am greatly honored to be asked to speak this morning. As the nation's largest veterans organization, you have a long history of responsibility and concern. You represent the interests of this country's veterans, and you also voice the concerns of the American public on policy and direction. This is a large undertaking, but you have met both challenges well. I salute your spirit and dedication.

My role in this important conference is two-fold. As a member of the Veterans Affairs Committee, which was created last year, I am aware of your intense interest in legislation directly affecting your veteran constituency. And, as a member of the Special Committee on Aging, I know that there are legislative matters which are in the public weal, but go directly to the problems and concerns of your membership.

Contrary to that popular refrain, old soldiers DO die—about 318,000 of them failed to answer muster in 1971. Their suffering and sacrifice in the cause of honor and freedom does *not* fade away, but the nation's memory of their deeds is becoming increasingly obscured by the idealistic notion that, somehow, from this moment on, all mankind will live in peace. Somehow, from this moment on, love and brotherhood will stifle the baser instincts of greed and the lust for power. Would that it were so.

At the end of the last fiscal year, the Veterans Administration reported that the average age of the nation's 28.3 million veterans in civilian life was 44.5 years. That's only a slight increase over the previous year because 975,000 recently separated Vietnam era veterans were folded into the statistics. A more significant figure, I feel, shows that the nation's two million veterans 65 years or older did *not* decline for the first time in the past six years. And projections are that during the next 20 years, their number is expected to increase three-fold.

I wish I could tell you what life will be like for these six million veterans and their fellow elder citizens in the years ahead. I wish you could tell me. About the best we can do is review the recent past and current happenings which may indicate where we are heading.

The 1970's can be either a period of triumph or one of despair for older Americans. The facts are hard to conceal. We know that nearly 5 million persons 65 and older live in poverty, an increase of 100,000 since 1968. We know that approximately 6 million may be living in sub-standard, dilapidated or deteriorating housing. We know that the average annual health care bill for an older American is approaching $800—three times that of persons in the 19-to-64 age category and six times that for individuals under age 19.

Three months ago an historic White House Conference on Aging was called to come to grips with these very problems and to develop a national policy on Aging. That Conference concurred with the Senate Committee on Aging in assessing the gravity of the wide array of problems facing the elderly. That Conference was significant in another respect: One day after the White House Conference closed, the Senate approved the highest level of funding yet for the Older Americans Act. This action raised the Administration's original funding request of $29.5 million to a total of $100 million—or a 239 percent increase over the initial sum sought.

Legislative action on several far-reaching measures is underway in our Subcommittee on Aging of the Labor and Public Welfare

Committee. The first of a series of field hearings on proposals to extend and expand the Administration on Aging is scheduled today (March 1) in Kansas City. Other hearings are in process on measures which would expand aging research, and create a national institute on gerontology. The subcommittee, of which I am a member, is marking up the Older American Community Service Employment Act (S. 555) and the Older Workers Employment Act (S. 1307), and is studying similar proposals aimed at full utilization of the skills and experience of our older Americans—one of our largest wasted resources. It is my privilege to be the chief sponsor of S. 1307. These legislative proposals also can help our people offset the merciless march of inflation over their already inadequate retirement incomes.

In the past, our nation has made too little progress in terms of maximizing employment and service opportunities for older persons. Many older workers are now being eased out of the work force. Only about 17 percent of all persons in the 65-plus age category have jobs, usually part-time and in lower-paying employment.

Many persons now in the 40's and 50's also are discovering that advancing age may become a problem long before traditional retirement. It may occur when age makes it difficult to locate a new job, although we now have a law prohibiting such discriminatory practices.

The Senate Finance Committee is now considering the many far-reaching proposals for income strategy contained in H.R. 1, the omnibus Social Security-Welfare Reform bill. We know that the 5 percent increase proposed in the House-passed bill is not enough. For our senior citizens, inflation already has taken away the benefits increases scheduled to take effect in June H.R. 1.

I feel that the Senate version of H.R. 1 will make solid improvements in our Social Security, Medicare and income supplement programs to the elderly. These improvements are needed now—not in two or three years—if the aged are to escape from the economic treadmill which keeps them running but going nowhere.

In 1970, for example, the Administration proposed a 7 percent increase in Social Security benefits. This kicked up such a storm of criticism that the ante was raised to 10 percent. The significant point is that neither of these proposals would have kept pace with the rise of prices since the last Social Security increase. Only because of bipartisan Congressional insistence did the elderly win a 15 percent increase. The Administration threatened to veto this measure because of its "inflationary" impact. But fortunately, the measure was tacked onto a tax proposal that the President could not veto.

Again last year, Administration spokesman urged the Congress to limit any cost-of-living adjustment in benefits to 5 percent. This request was later eased up to 6 percent. Again, the proposed gain would have been wiped out by the time the elderly received their first checks. And again, a bipartisan Congress ignored the advice of the Administration and approved a stop-gap 10 percent rise.

The net impact of these actions is that Social Security recipients are now receiving about $4 billion more in benefits that they would have received if the Administration had prevailed.

There is another problem which crops up every time the Congress improves Social Security benefits. About four out of five veteran pensioners also receive social security. Since the benefits under the veterans' pension program are related to income, they are reduced when social security benefits go up. In virtually every case, the social security increase is greater than the decrease in the veterans' pension, but even so the veteran or widow is denied a portion of the earned social security benefit increase that other beneficiaries receive.

In order to keep veteran retirees on a par with other citizens, our Veterans' Affairs Committee reported two bills—both of which I cosponsored—providing for cost-of-living increases last year. Both were enacted into law. One bill—now Public Law 92–198—prevents erosion of a veteran's pension because of inflation by providing for a cost-of-living boost, together with an increase in the maximum income limits to an amount which will accommodate these social security increases. Had not Congress acted, more than 1.1 million veteran pensioners would have suffered reductions scheduled to go into effect on January 1.

The second bill—now Public Law 92–197—provides cost-of-living increases in dependency and indemnity compensation benefits to approximately 176,000 widows, 46,000 orphans, and 68,500 needy parents of veterans who died from service-incurred injuries.

In discussing the problems of the Older Americans, I realize that I have focussed almost exclusively on the economic aspects. But economics is at the root of many of the other problems, such as poor health, poor housing, isolation and loneliness, malnutrition and lack of mobility.

Today there are more than 20 million Americans—one out of every 10 of our citizens—65 or older. That combined number is nearly equivalent to the total population of 20 of our states.

Equally important, each year, 1.4 million Americans will have their 65th birthday. By the year 2000, approximately 45 million individuals will have become newcomers to this age group.

Today our nation has a unique opportunity to make advancing age—which is euphemistically called "The Golden Years"—a time of fulfillment and reward, instead of neglect and despair. It is significant that, at this time, there is already broad agreement on many crucial policy goals we should adopt. There is agreement on the course of action our nation must take now and in the future.

In your resolutions and policy statements, your organization has expressed a comprehensive concern for the problems of all of America's people. This concern extends beyond your communities and beyond your membership. Your real interest lies in the future of this society and this country.

The problems of aging that I have outlined provide a tough test of our ability to respond as a democratic and humane people. I feel that, with your continued concern and support, we can meet this test successfully.

RADIO FREE EUROPE AND RADIO LIBERTY

Mr. SCOTT. Mr. President, Mr. Stefan Korbonski, chairman of the Assembly of Captive European Nations, has written a letter to the editor of the New York Times in which he makes several points in support of the continuation of Radio Free Europe and Radio Liberty. I ask unanimous consent that the letter and an editorial also published in the Times of March 6 be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the New York Times, Mar. 16, 1972]

Save Radio Free Europe

To the Editor:

In connection with your Feb. 22 editorial "Saving Free Voices," I would like to emphasize that the liquidation of Radio Free Europe either by extinction or by policy decision would be interpreted by the peoples of Bulgaria, Czechoslovakia, Hungary, Poland and Rumania as the final recognition by the United States of the present status quo and of the permanency of the Soviet rule in East Europe.

Surely, it would not kill their striving for independence but, paradoxically, might result in shifting their hopes toward the People's Republic of China, which alone of the great powers shows some interest in East European countries regaining their independence. This interest was demonstrated by several announcements of the Peking Government and, not so long ago, by the vehement condemnation of the Soviet invasion of Czechosolvakia by the present Chinese delegation to the United Nations. It is also being demonstrated by Radio Peking broadcasts to East Europe and by Radio Tirana broadcasts to Poland.

In addition, the closing of Radio Free Europe would represent an unwarranted gift to Soviet Russia, which through its own and satellite facilities pours "hate America" propaganda 900 hours daily in 78 languages.

Stefan Korbonski,
Chairman, Assembly of Captive European Nations.

[From the New York Times, March 6, 1972]

A Senate Majority Speaks

A majority of the members of the United States Senate has sponsored a resolution designed to back continuation of Radio Free Europe and Radio Liberty.

What makes the move extraordinary is that the primary immediate aim of the sponsors is to put pressure on the Senate's conferees to end their deadlock with House conferees on this issue, a stalemate that threatens the swift demise of both these major communications links to Eastern Europe. Now that a majority of the Senate has spoken, there can be no moral basis for the continued obduracy of that chamber's conferees.

Their present tactics, if successful in terminating these broadcasts, can only benefit the Kremlin. Its bitter enmity to these radio voices has long emphasized their importance in filling a communications void by providing information otherwise unavailable.

ENERGY, ENVIRONMENT, AND PEOPLE—ADDRESSES BY SENATOR MOSS

Mr. BIBLE. Mr. President, in the last several months the Minerals, Materials, and Fuels Subcommittee of the Committee on Interior and Insular Affairs has held many days of hearings on key issues in the energy crisis. As chairman of the subcommittee, the Senator from Utah (Mr. Moss) has been in a strategic position to question some of the most knowledgeable people of the country on the supply of energy we now have, the projected demand for it, and what we must do to meet this demand.

In two recent speeches in Utah, Senator Moss summarized some of the things he has learned. On the same day, February 17, he spoke at Brigham Young University, in Provo, and at an American Institute of Mining Engineers meeting in Salt Lake City. I ask unanimous consent that the texts of the two speeches be printed in the Record.

There being no objection, the addresses were ordered to be printed in the Record, as follows:

ADDRESS BY SENATOR FRANK E. MOSS AT BRIGHAM YOUNG UNIVERSITY, PROVO, UTAH, FEBRUARY 17, 1972

MINERALS AND THE ENERGY OUTLOOK

Judging from my mail, a great many geologists and petroleum and mining engineers are beginning to wonder what Washington is doing about the Mining and Minerals Policy Act of 1970.

You will recall in 1970, Public Law 91–631 set forth the policy of Congress to be: a continuing national interest to foster and encourage private enterprise in the development of economically sound and stable domestic mining, minerals, metal and mineral reclamation industries; to encourage the orderly and economic development of domestic mineral resources, reserves, and the reclamation of metals and minerals; to encourage mining, mineral, and metallurgical research, including the wise and efficient use of our natural and reclaimable mineral resources; and to encourage the study and development of methods for the reclamation of mined land.

That law is of immeasurable significance to the mining industry and to the American society, for the impact of mining affects a great swath of companies and individuals all across the country. No one should know this better than a westerner, nor a Utahn for that matter, for while Brigham Young was not too happy with the soldiers who were the first to take up mining prospecting in the Salt Lake Valley when they came over the mountain with Capt. Conner, President Young was more than willing to encourage mining when, for example, he sent the saints down into Ironton, in Iron County, to search out the ore and start an iron foundry to meet the needs of the settlers.

We needed mining activity and its related industry in this state then, and we need it now. For the proper support of our population, and development of our resources and technology.

Now with this enunciated national policy of fostering and developing an economically sound and stable mining industry, I am sure many of you are wondering whether the legislation which has been introduced, such as measures to repeal the 1872 mining laws, bills to revise the 1920 mineral leasing act, and the host of bills covering surface mining, are really meeting the national policy of fostering an economically sound, stable domestic industry.

In the meantime, while all of this is going on in the halls of Congress, environmental activists plot strategies to obtain the necessary funding for court injunctions to stop energy oriented developments all around the country, and in another segment of the population the curtain is going up on a drama entitled "Energy Crisis."

Let me begin by telling you that after having listened to the testimony of many expert witnesses through the first year of the energy study authorized by S. Res. 45, I am convinced that we have an energy crisis.

Let me give you an example.

Not too many weeks ago the headline on the front page of the "Washington Post" read: "Gas company limits sales, cities shortage." The first two paragraphs of the story read as follows: "Washington Gas Light Co. announced yesterday that new sales of gas, 'for an indefinite period of time' will be restricted to single family residences.

"Citing a severe shortage of natural gas throughout the Nation, Washington Gas said the drastic new policy is the only method by which it can assure adequate service for present customers." Here at home, nothing quite that severe has happened—but on the east coast 50% of our gas needs are now being met by imports.

Dr. Ralph Lapp, noted scientist and a program pioneer in the nuclear energy program pointed out that if the fuel mix in the year 2000 is the same as it is now, then the U.S. will require for the year 2000:

15 billion barrels of crude oil annually;

74 trillion cubic feet of natural gas annually;

1.6 billion tons of coal annually.

By comparison, our 1970 consumption of crude oil and gas liquids was 5.3 billion barrels, but we only produced 3.5 billion barrels that year. Natural gas consumption in 1970 amounted to 22 trillon cubic feet, and coal production was 590 million tons, of which 70 million tons were exported.

Dr. Lapp paints a gloomy picture. He said, as for our oil prospect: That the U.S. reserves in the lower 48 states and offshore are already being exploited near their maximum pumping capacity and will probably be pushed to a peak production of about 4 billion barrels per year in mid-decade. Thereafter, they will decline. By 1985 when demand reaches 10 billion barrels per year, the U.S. may be importing two-thirds of its petroleum.

As for our gas prospect: Proven reserves of natural gas, including Alaskan, amount to less than 300 trillion cubic feet (TCF). The United States has already burned up 400 TCF of natural gas, and assuming a year 2000 consumption of 50 TCF, we will demand 1,200 TCF in the last three decades of this century. New gas finds lag behind increased demand and for the past four years proved reserves have dropped.

The coal prospect: Domestic coal reserves probably exceed 1,600 billion tons, but problems of production, sulfur content and transportation are formidable. Strip mining, approaching 50% of all U.S. coal production, involves environmental insult and may be curtailed or drastically slowed. Underground mining is labor limited and is unlikely to provide 1.6 billion tons of coal for the year 2000.

Research and development of nuclear power goes ahead. We are making progress on a nuclear breeder reactor—but significant impact on our local energy demand is decades away.

Research in the fields of solar energy and in geothermal steam continues, but we cannot yet see or predict any sizable impact to our energy resources.

With these statistics facing us, it is inevitable that we face a true crisis in supply and demand of energy. Add to this the environmental issue now sweeping the country and it is indeed a formidable situation. It is not insurmountable.

In President Nixon's statement to Congress of February 8, 1972, he said:

". . . We must come to grips with the basic factors which underlie our more obvious environmental problems—factors like the use of land and the impact of incentives or disincentives built into our economic system. We are gaining an increasingly sophisticated understanding of the way economic, institutional, and legal forces shape our surroundings for good or ill—the next step is learning how to turn such forces to environmental benefit."

For those of us born in the west, the grandeur and the beauty—the open space—the freedom of the spirit—our environment . . . is an ever present, soul lifting experience. Degradation of that environment is not acceptable. The accommodation must come, however, in finding ways to meet our energy crisis while preserving the environment.

What we are really talking about is an investment in human capital. When Carlyle said in 1839, "What constitutes the well being of man?" He asked the same question we are faced wtih today. The factors which constitute the well being of man require a reconciling of environment and energy needs. More may not be better, but less is not better either.

One way in which we can hopefully accomplish this accommodation and meet the national policy of minerals is in a reexamination of our laws related to mining. Many of our laws are behind the times. Some revision with built-in environmental protection is only commonsense and good husbanding of a resource as any farmer knows.

As I see it, we need:

1. Stepped-up energy research to conserve energy and use it more efficiently.

2. New and more acceptable means of energy production.

3. New ways to use the sources of energy which we now have in a "clean" way.

4. Federal laws to reclaim surface-mined lands and to prevent uncontrolled surface mining in the future.

5. Incentives for mineral discovery and development including some revision of the 1872 mining law in a manner which will still allow a little miner to prospect for and develop needed mineral resources.

6. An increase in our efforts to find the more difficult reserves of the clean fossil fuels offshore and inland.

7. Economic incentives—and to encourage capital investment to finance development and environmental protection of natural resources and energy supplies, and new facilities for their use.

Some of these needs may be met with help from new legislation I have sponsored and introduced. S. 635 is an amendment to the Mining and Mineral Policy Act of 1970 and has as its purpose the supporting and stimulating of mining, mined land reclamation, underground reservoir utilization, mineral economics, and related environmental research, and the training of an adequate number of scientists, engineers and technicians in such fields.

This will be done by the establishment of an appropriate research and training center in each State through matching grants for the purpose of assisting each participating State in establishing and carrying on the work of a competent and qualified mining, minerals, and related environmental research institute or center.

With Senator Bible of Nevada and Senator Allott of Colorado, I introduced S. 2542, to establish a system for the development of mineral resources on public lands of the United States. The 1872 mining law is being attacked on all sides so S. 2542 meets that problem and has the support of the American Mining Congress.

In its report entitled "one-third of the Nation's land," the Public Land Law Review Commission found that the public interest requires that exploration, development, and production of minerals on public land be encouraged—not merely permitted by maintaining a continuing invitation to the private sector to explore for and develep minerals on the public lands. The proposed bill just mentioned incorporated many of the recommendations contained in the report of the Public Land Law Review Commission.

I co-sponsored S. 1846, which is a bill to hasten development of coal gasification and S. 2455 which is my own surface mining bill. I have just flown over heavily surface mined areas of Tennessee and Kentucky and I am more convinced than ever of the need for surface mining legislation to correct abuses of the past and prevent any continuance of such abuses.

As you are well aware, the western United States and the intermountain-northern Rocky Mountain region are highly mineralized. Coal fields in Montana, Wyoming and Utah approximate 68.7 million acres. There are approximately 23.35 billion tons of strippable coal in Montana covering 770,000 acres, of which 425,000 are public lands.

Wyoming, North Dakota and Montana, along with six other western States, contain over 53 percent of the Nation's total coal reserves. There are an estimated 16 million acres of oil shale and more than 11 million acres are believed commercially operable.

The western phosphate field in Idaho, Utah, Montana, and Wyoming covers some 96 million acres.

With this great wealth, we must assure that the West, with its potential for mineral development, does not become another Appalachia.

I have also seen that land reclamation and adequate protection are possible and that reclamation of disturbed lands can be accomplished. This we must do.

I pledge to you my support for continuing the National Mining and Minerals Policy Act balanced with adequate enforceable environmental protection. The well being of our people requires it.

Speech of Senator Frank E. Moss, D–Utah, AIME, Salt Lake City, Utah, February 17, 1972

ENERGY AND PEOPLE

The subject is "energy"—but I cannot speak to you about energy without beginning with people. There are more of us today than ever before—and while there are affluent Americans of varying degrees—there are 25½ million poor people of this country—a group whose size grew by 5% (1.2 million) in 1970 after a constant 10 year decline—people who want jobs, decent housing, and schools for their children.

The needs of our people are all around us. It is rather shocking to think of people hungry in the State of Washington—or anywhere else in this country. No longer can we use the western prerogative and say—pick up your stakes. Go West—find something new—make a new living. 25½ million people cannot grub stake in the West—or form communes in the East.

Lost productivity, declining tax revenues, growing unemployment (up to 6.3% a week ago in Utah), and the high social costs of regional depression—is the result of stifled economic growth.

How we meet our essential energy needs will play an important part in the manner in which this Nation meets the needs of its people. One of the most critical areas of national importance today lies in balancing our requirements and responsibilities to arrive at a sound national energy policy. Meeting our projected energy requirements means meeting our duties and obligations to our people in providing to them the means to achieve their own economic security. Many of our people need the benefits of energy, both to be used by them in providing for their simple creature comfort, which they do not now have, and energy to be used for them in creating new jobs and new opportunities.

As Senate chairman of the Subcommittee on Minerals, Materials and Fuels, and as a corollary to the ongoing study of energy now being conducted under S. Res. 45, I have presided over hearings in Washington and around the country and I have listened to respected, knowledgeable and concerned witnesses for industry, Government, utilities and private citizens on the subject of energy, and I am convinced that we do face an energy crisis.

Until recently, the United States has faced serious concerns for the adequacy of its energy supply only in unusual circumstances such as mobilization for war. Many sources of energy—coal, oil, gas, hydroelectric, and nuclear—have generally been available in this country in abundant supply. Productive capacity has been ample and alternative sources have been available. As a result, industry and other consumers have been supplied with energy in suitable amounts, of acceptable quality, and at reasonable prices. Today it is different.

The statistics on the national energy situation today are overwhelming. We face staggering policy issues in the energy field related to

1. Declining exploration for domestic supplies;
2. Dwindling oil and gas reserves;
3. Insecure foreign oil supplies;
4. Tieup in building the trans-Alaska pipeline;
5. Escalating demands for energy which are growing at a much faster rate than long-term averages;
6. Increasing costs because of new environmental standards;
7. Problems of electric power generation, transmission and siting;
8. Nuclear energy and the breeder reactor; and
9. Offshore drilling and leasing.

The level of public concern over these energy issues and environmental problems associated with energy runs high.

New factors never before considered now are paramount. Everyone wants the electricity that generating plants produce but nobody wants the plants. And so it goes across the country.

There must be wise and intelligent public discussion of our energy needs in terms of the environment and more importantly they must be considered in relation to our economic system, our foreign policies, and national security. These questions are not too delicate or too sensitive for reasoned public debate.

Within this framework of the overall problem, I would like to discuss with you four specific areas of the total energy scene which cover some of the very interesting hearings I have conducted in my work on the Senate Interior Committee and which should be of particular interest to mining, metallurgical, and petroleum engineers.

SURFACE MINING LEGISLATION

First, as to surface mining legislation, we have some ten bills before us which, in varying degree, would put into effect regulations for reclamation of surface mined lands. The issues as I see them developing from the proposed bills and the testimony presented include:

(1) What lands will be covered—Federal, State, Indian, and private.

(2) What minerals will be covered.

(3) What is the appropriate measure of responsibility between the Federal and State governments and which agency or combination of agencies at the Federal level should have the administrative responsibilities.

(4) How to fund for enforcement and regulation. Suggested sources include appropriation, fines, fees, and forfeitures from permits, bonds, and sale of reclaimed lands.

(5) What reclamation standards and requirements should be written into the bills; should there be detailed provisions or general guidelines.

(6) Whether there should be a total, partial or outright banning of surface mining. Prohibition of surface mining for coal, prohibition of coal mining underground in wilderness areas and prohibition in national forests at the discretion of the forest service.

(7) Time schedule. When would the legislation be operable.

(8) What provisions should be made for administrative and judicial review of determinations and requirements under the act.

(9) What to do about orphan and other unreclaimed lands.

The role of government should be the formulation of basic policies and the setting of standards. Whatever the outcome of the legislation, it is bound to affect the role which you play in the mining industry and will certainly affect the energy situation.

COAL GASIFICATION

We must look to a completely new energy technology to augment natural gas.

I therefore cosponsored a bill to expedite the development of coal gasification. I need not point out to you that Utah and the west have abundant low sulfur content coal. U.S. Geological Survey estimates that there are 1,605 billion tons of recoverable coal in our Nation, and noted that coal can be converted to meet our energy needs in all forms, and is not limited to the production of electricity.

A synthetic gas plant would have to produce a minimum of 250 million feet per day. A 25-year coal reserve would have to be assured. Depending upon the quality of the coal, mines capable of producing from 5 to 10 million tons per year would be required to serve each plant.

Endorsement of the proposal in S. 846 to carry out the accelerated program through a coal gasification development corporation came from other congressional Senators and Representatives, the National Association of Regulatory Utilities Commissioners, the Consolidated Edison Company of New York, Pullman, Inc., Burns and Roe and others. These witnesses expressed the view that, while some risk was involved, that the technology was sufficiently advanced for a demonstration plant to be built. With the urgency connected with this program such risks could be justified.

Development of the technology for producing a high Btu pipeline quality gas (approximately 950 to 1000 Btu per cubic foot) is a recognized national research priority and is included in our energy study. This technologic capability is needed to relieve disparities between projected demands and available supplies of natural gas.

Clean fossil fuel requirements force us to search to processes of developing oil from coal, and to oil from fossil deposits of tar sands and oil shale.

OIL SHALE

I also introduced a bill, S. 2510, last year, first session patterned after the coal gasification corporation bill to form an industry-government corporation for the development of new energy sources, including tar sands and oil shale.

A preliminary hearings on this measure indicated that industry was waiting to see the results of the interior department's prototype leasing program and the conclusion of the department with reference to my bill is that it is premature.

We will watch with much interest the attempts to bring oil shale into commercial development. These vast oil shale resources of Utah, Colorado and Wyoming can supply us with much needed energy and improve the economic climate of the west.

OFFSHORE RESERVES

Proven reserves of natural gas have dropped from a 20-year to a 13-year supply and oil reserves have fallen from a 13-year to a nine year supply.

Our concern over these energy supplies is matched by a concern for the environment illustrated by hearings on marine sanctuary bills to restrict drilling offshore from California.

Hearings were held on the bills November 1 and 4, 1971 at which time industry representatives expressed concern that energy needs of the Nation could not be served if offshore lands were, in effect, locked up.

Subsequent to the hearings the House passed H.R. 9227. This bill, among other things, authorized the Secretary of Commerce to designate marine sanctuaries necessary for preserving or restoring esthetic values. In conference, title III of H.R. 9727 which contained the marine sanctuary provision was deleted, and on December 9 Senator Nelson introduced S. 2971 to designate marine sanctuaries as far seaward as the outer edge of the continental shelf.

The whole policy question of the leasing of outer continental shelf lands considering the Atlantic Coast as well as the California coast will be considered by three committees—interior and insular affairs, commerce, and public works sitting together will be aired in a hearing scheduled in late March. Hopefully from this joint effort, we can reach an appropriate solution.

It is of vital importance that we utilize the resources of our State and the country but the utilization must be within the gambit of our newly aroused environmental conscience.

I look to you and to the universities and research centers for help. We are past due on overhaul of our general technology. We face greater technical difficulties in utilizing our mineral resources for a new energy technology. We need reduction of waste, more efficient utilization of energy, better transportation of energy, stronger pipe, better insulation. All of these changes we need and you and your colleagues can supply the know-how.

We have to re-think almost everything we have going for us, re-assess and evaluate—find a better way or a totally new way. The challenge is tremendous.

There have been abuses and waste of our resources, and abuses continue to degrade the environment. We do need to take a new look at the old ways and reexamine, evaluate and develop new techniques.

But the West would not have been won if we had stopped the minute the first settler turned a furrow. No cities or towns would have been developed, rivers would still run unchecked, flooding valley floors.

As you well know, I have helped carve out parks, monuments and recreational areas throughout the State and throughout the country. I would maintain some wilderness untrammelled, reserve a wild river, set aside fantastic scenery, preserve a quiet, beautiful place for all to see but there is more to living on this planet earth than simply reserving these things in a pristine forest for those few who can afford the pleasure.

It is time we considered all of the people.

People need an expenditure of energy. When you do not have a job you do not worry about who drops a candy wrapper or a beer can in a primitive area. You worry about a job and feeding your children. And we should worry about creating energy to serve more jobs.

I would be the spokesman for jobs and people. I would preserve for my grandchildren a beautiful country, but I do not want this just for the privileged few. Let us be sensible. Do you close down a paper mill in the interest of stopping pollution and turn the inhabitants of the surrounding town into poverty, or do we correct the long list of technological violences to the earth and build from there. It is simply not "bigger is better", nor "more is better", but it is the quality of life that must be better, and it takes energy to keep a viable economy—and producing.

Let us correct abuses of the past and the ongoing present, but let us also turn our American knowhow into constructing a qualitative, better life. I am tired of hearing about energy versus the environment. For me, it is energy and the environment for the people.

WHALE OIL SUBSTITUTE

Mr. SCOTT. Mr. President, it is fairly common knowledge that many species of whales are in danger of becoming extinct. The U.S. Department of the Interior has placed eight species of whale on the endangered species list. Existing importation contracts on oil from these whales were allowed to be honored until December 2, 1971, but after then no whale products were allowed to be imported. The Commerce Department also has terminated all domestic whaling licenses as of the end of 1971.

Whale and sperm oil is used in the manufacture of hundreds of products, such as lubricants and cosmetics. The United States imported about 200 million pounds a year, with one-fourth of that consisting of sperm whale oil.

When it became clear that the importation of whale oil would be banned, many scientists began looking for substitutes. One of them was Alex D. Recchuite, a young chemist at Sun Oil Co.'s research center in Marcus Hook, Pa. His company makes more than 50 products containing sulfurized sperm oil. Mr. Recchuite came up with a synthetic product which can be used in place of sulfurized sperm whole oil.

I ask unanimous consent to have printed in the RECORD an article from the Sun Oil Co. magazine, Our Sun, written by Bud Davis, describing briefly the history of whaling and the development of Mr. Recchuite's accomplishment. I cite this incident, Mr. President, as an example of what industry can accomplish when presented with challenges of all kinds, be they environmental, consumeristic, or other. This is how one company met its responsibility to the environment and to its customers.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GIVING THE WHALE A FIGHTING CHANCE

(By Bud Davis)

William Beebe, 1877–1962, American naturalist and author: "The beauty and genius of a work of art may be reconceived, . . . but when the last individual of a race of living things breathes no more, another heaven and another earth must pass before such a one can be again."

I found the book I was looking for stuffed in the bottom of a dusty packing carton back under the eaves of the third floor: *Moby Dick*, by Herman Melville—the greatest account of whaling ever written.

I had read it about eight years ago for an English course, then packed it up with the rest of the paperbacks and moved the whole carton from place to place because you just can't throw out your old college books, even if you figure you'll never read them again.

Finally, I located the passage I was looking for—one where Melville questioned whether whales could ever be hunted to extinction. After a long discussion in which he noted the great effort it took to capture and kill a whale and the "impregnable Polar citadels" to which the whales could retreat, he concluded that the whale is "immortal in his species, however perishable in his individuality."

Unfortunately for the whale, Melville's prediction was wrong. Today, the number of blue whales—largest creatures ever to inhabit the earth—is down to less than 1,000, reduced from 100,000 at the turn of the century. "If they were left alone for fifty years or so, they might recover," says one whale expert.

Seven other species, including the sperm whale that Melville wrote about, are in danger. Thus, conservationists rejoiced when the U.S. Department of Interior placed these eight whales on the endangered species list last December. The order allowed existing importation contracts to be honored until Dec. 2, 1971, but after then, no whale products were permitted to be imported. In addition, the Department of Commerce terminated all domestic whaling licenses as of Dec. 31, 1971.

An informal survey I conducted assures me I was not alone in thinking that whaling was a thing of the past—an industry forced out of business by Drake's discovery of crude oil. Thus, I could not understand why it was significant that Sun Oil Company had developed a synthetic product which could substitute for the sulfurized oil of the sperm whale.

However, I soon learned a number of things about whaling in general and sperm oil in particular. Although whaling is nearly nonexistent in the U.S., it is still a major industry in Japan and Russia. The U.S. imports about 25 to 30 percent of the world's whale oil and sperm oil production—or 200 million pounds a year, and these imports are used in hundreds of products from lubricants to lipstick and from ink to soap.

One-fourth of the U.S. whale oil consumption is in sperm oil. This substance like all whale oils, comes mainly from the blubber of the whale, but it is differentiated from the rest of the whale oils because of its unique chemical characteristics. (The sperm whale got its name, by the way, from the mistaken belief that the waxy solid which separates from the oil is the coagulated semen of the whale. This solid was called spermaceti, or "sperm of the whale," and thus the species became known as the sperm whale.)

In Melville's day, the raw sperm oil was used to light lamps. Now, it can be hydroylzed, hydrogenated, epoxidized, polymerized sulfonated, chlorinated or sulfurized for a variety of uses. The most common of these is sulfurization. Nearly half the 50 million pounds of sperm oil consumed in the U.S. is sulfurized and used as an additive in special cutting and lubricating oils.

At the time the ban on whale imports was announced, sulfurized natural sperm oil was the only known substance which could give these oils the required resistance to high temperatures and pressures. Without it, a sizeable amount of machinery in the U.S. might literally grind to a halt.

In anticipation of the ban, many researchers began looking for a sulfurized sperm oil substitute. One such scientist was Alex D. Recchuite, a young chemist at Sun Oil Company's research center in Marcus Hook, Pa.

Late in September 1970, Mr. Recchuite discovered how to make a synthetic sulfurized sperm oil. "Sun sells more than 50 products containing sulfurized sperm oil—mainly industrial lubricants—and we knew an embargo could be instituted at any time," he explained. "So our gear oil lubricants group started looking for a substitute early in 1970.

"I got involved in the project in a roundabout way. The gear oil group was testing everything on the market—unsulfurized as well as sulfurized sperm oil substitutes. I was in the research center's metal working group at the time, but the men in gear oils asked us to help out because we had more experience with sulfurization."

At first, all Mr. Recchuite did was sulfurize the straight sperm oil substitutes that were brought to him. But each time, he became more involved in the project. "A few of the substitutes seemed to have the right properties," he noted, "but they were very costly. Others were easily sulfurized, but would not dissolve in the base oil. Still others were very difficult to sulfurize at all."

Then one day Mr. Recchuite came up with what he calls a "harebrained idea" for a synthetic product that would be inexpensive, easily sulfurized, and soluble in a variety of base oils. With the help of his co-worker, Edward Jolly, he made some of the product and took it to the gear oils laboratory for testing. "To our surprise, it worked just fine," he recalled as though he was still surprised. "So we applied for a patent."

The process was licensed to Mayco Oil and Chemical Company, of Bristol, Pa., a firm with extensive experience in sulfurization and the ability to get the discovery into commercial production quickly.

It is now being marketed to Sun and many other firms under the trade name Maysperm. But when I questioned Mr. Recchuite about its composition, he said he couldn't reveal that, since the patent approval is still pending. All he would say was that the products from which it is made are far more readily available than Sperm oil ever was.

Alex Recchuite's discovery came none too soon for the sperm whale. In Melville's time, the whale had a fighting chance of getting the best of his pursuers. The main ship could go no faster than the wind would carry it, and the small whaleboats used to approach the leviathans were not much larger than a rowboat you might go fishing in.

The harpooner, who stood in the bow of the whaleboat, used only his own muscle to drive the harpoon into the whale's blubber, and the crew often went for a "Nantucket sleigh ride" when the great beast would dive to the bottom in his attempt to get away.

In 1865, however, a Norwegian named Svend Foyn invented a gun that could fire a harpoon into a whale from a distance. The harpoon had an explosive head that would detonate deep in the whale's body and cause mortal damage.

The whale's odds have been getting worse ever since. Here is how science writer John A. Barbour, in his book, *In the Wake of the Whale*, summarized the whaling industry as it moved into the twentieth century:

"The stage was set for the last, great stage of modern whaling, the stage that was to see the demise of the world's great whales under the modern weapons and techniques of man.

"New ships were built, powered by steam, with a bigger capacity; these were huge floating butcher shops where whales could be pulled aboard and cut up, boiled down, processed for market. Tankers would pump the oil from the factory ships and take it to home port. At the same time the catcher boats, now bigger and faster, staked out more whales and still more."

The slaughter reached its peak during the 1930's. Ironically, the only thing that saved the whales then was a war between men. After World War II, however, whaling resumed on nearly the same scale as before. Although the United States virtually withdrew from the industry, it still imported large quantities of raw whale oil and whale products.

I remember my English professor saying that *Moby Dick* is more than just a story about whaling—that it is symbolic of the struggle between man and the elements and that the great white whale, Moby Dick, symbolizes all that is wild and uncontrollable in nature.

I suppose it was a good symbol at the time, but somehow today's mechanized fleets of whalers would make even Moby Dick seem like a minnow used to bait a fisherman's hook.

In the 120 years since Melville wrote the book, man has firmly established his mastery over most of nature. Inventing an inexpensive synthetic substitute for sulfurized sperm oil may seem like a minor accomplishment when set against the moonlanding headlines of today, but it is an indication that man is also learning the responsibility that accompanies his mastery of nature.

CHICAGO CITY COUNCIL URGES CONGRESS TO CONTROL PISTOLS

Mr. STEVENSON. Mr. President, on Thursday, February 24, 1972, the Chicago City Council unanimously passed a resolution memorializing Congress to outlaw handguns and to establish strict requirements for the use and ownership of long guns. The vehicle of city council proposed, and thereby endorsed, was S. 2815, the bill introduced by the senior Senator from Michigan (Mr. Hart).

I ask unanimous consent that at the conclusion of my remarks the city council resolution be printed. It was originally introduced last December 30 by Fifth Ward Alderman Leon M. Despres, and the City Council Committee on Federal and State Legislation which handled the bill added the final, "further resolved," clause.

The problems that guns and in particular handguns pose to the city of Chicago and its citizens reflect the national situation. There are some 463,000 registered guns in Chicago alone, and no one can begin to hazard a guess as to how many unregistered guns exist. The 1968 estimate of the Eisenhower Commission put the nationwide figure of guns at 90 million, of which about 31 million were handguns.

Nationwide it is known that handguns are used in a disproportionate number of crimes wherein guns are used. In Chicago, Francis P. Kane, the city's deputy public works commissioner, has estimated that 75 percent of the city's killings are by handguns.

The resolution itself notes that in recent weeks a Chicago police commander was shot and hurt by a handgun when he ordered a robber to surrender in the Loop. The FBI recently released figures showing that in 1971 125 policemen were killed throughout the Nation, 73 percent of them by handguns.

The city council resolution states that—

> Chicago patience is exhausted by the endless sickening and lethal shots from handguns in its streets and buildings.

Not only is Chicago's patience exhausted, but so is the patience of a nation. As the city council resolution further states, "a single city cannot solve the problem." The problem must be solved at the national level. That means that we in Congress must face up to our responsibilities within the Constitution, to provide for the national welfare and to establish domestic tranquillity by controlling the possession of handguns.

I ask unanimous consent that the resolution be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution Memoralizing Congress To Outlaw Handguns by Enacting S. 2815

Whereas: Chicago's patience is exhausted by the endless sickening and lethal shots from hand guns in its streets and buildings. The only use of hand guns is to kill and maim people. So long as hand guns can be privately owned, no one is safe. Outlawry of hand guns by a single city cannot solve the problem; hand guns should be outlawed nationally, as other nations have outlawed them.

The destruction in Chicago from hand guns is beyond belief. In the last few days, for example, a Chicago police commander was shot and hurt by a hand gun when he commanded a robber to surrender in the loop; two boys, 17 and 18, were shot and killed by a hand gun in an alley on the west side; and a father of three young children was killed by a hand gun which discharged accidentally as he fell down the stairs of his home on the south side.

Chicago knows the problem. Chicago knows that hand guns must be outlawed. Chicago knows that the hand gun lobby must be overcome in the interest of protecting life and safety.

Be it resolved by the City Council of Chicago: The City of Chicago urgently memorializes the Congress of the United States to meet a national emergency by enacting S. 2815, which prohibits the ownership and manufacture of hand guns by all persons (except the Armed Forces, law enforcement officials, and, as authorized by the Secretary of the Treasury, licensed importers, licensed manufacturers, dealers, antique collectors, and pistol clubs).

Be it further resolved by the City Council of the city of Chicago: The City of Chicago urgently memorializes the Congress of the United States to draft legislation or amend S. 2815 to establish strict requirements for the use and ownership of long guns, as well as hand guns.

USE OF NATIONAL GAS-TAX REVENUES FOR MASS TRANSIT

Mr. CRANSTON. Mr. Persident, I was very much pleased to read an editorial published in the San Francisco Sunday Examiner and Chronicle of January 16, 1972, praising Henry Ford II for his stand on the use of national gas-tax revenues for mass transit.

I have long been an advocate of realinement of our national transportation priorities. I believe that gasoline-tax revenues must be made available to further the development of mass transit systems in our major metropolitan areas.

Senator Weicker has introduced legislation which would establish a trust fund for mass transit. I support this measure as an important step in diverting some of our highway funds for use in improving mass transit.

I commend both Henry Ford II and the editors of the San Francisco Sunday Examiner and Chronicle for their support of this goal. I ask unanimous agreement that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Ford's Transit Idea

The solid and apparently invulnerable front maintained by the so-called "highway lobby" (automobile manufacturers, auto clubs, road-builders, truckers and oil companies) to preserve the inviolability of gasoline-tax revenues has suffered its first defection.

Henry Ford II has broken ranks with a recommendation that the Federal Highway Trust Fund be tapped for the development of rapid transit. This is the fund that amasses $5 billion or $6 billion annually from the Federal tax of 4-cents a gallon on gasoline, and which has been used exclusively—thanks to the watchful eye and political clout of the "highway lobby"—for building the nation's freeway system.

Though proposals have frequently risen for channeling bits of those billions toward systems of mass transit, they have been promptly shot down by lobby artillery.

At the State level, California became familiar with the lobby's fire-power as measure after measure for diverting gas-tax funds was done to death in the Legislature. Such diversion required—and still does—amendment of the State Constitution which provides that those funds be used only for State highways and local streets and roads. In 1970, a measure for the required amendment reached the voters in the still-remembered Proposition 18, designed to alleviate some of the problems that the automobile created. It would have permitted gas-tax revenues to be used for research into air pollution and for construction of rapid transit systems.

It, too, died under attack by the "highway lobby," an attack which resulted in suits against various oil companies and other alleged contributors to a war-chest of disputed legality.

The Legislature has since enacted a bill that will serve some of that proposal's purpose without touching the sacrosanct gas-tax fund. It does so by extending the State sales tax to cover gasoline.

This measure, it is estimated, will provide some $150 million a year to bolster the unprofitable public transportation systems in the metropolitan areas, and will give counties of lesser population some $40 million a year for road and street improvements.

This is, to be sure, a far cry from the goal of regional mass-transit systems that are convenient enough and inexpensive enough to lure millions of citizens away from their automobiles, reduce highway congestion, eliminate the need for more and more freeways, and cut down air pollution from automobile exhausts.

But it is a start, and Henry Ford's conversion to the idea that gas-tax funds be invested in study, research and development of mass transit and never mind the "highway lobby," raises hopes that the goal may yet be attainable.

THE OCCUPATIONAL SAFETY AND HEALTH ACT AMENDMENTS

Mr. PEARSON. Mr. President, on February 29, the distinguished Senator from Nebraska (Mr. CURTIS) introduced a bill amending the Occupational Safety and Health Act in a number of worthwhile and constructive ways. I applaud the Senator's efforts as an attempt to strengthen the act in a manner which will bring the original intent of the legislation into clear focus, and I was pleased to cosponsor this legislation.

When the Williams-Steiger bill was approved by the Senate in 1970, it was hoped that many of the tragic and unnecessary injuries and illnesses associated with occupational pursuits would be eliminated. The figures made available to us at that time indicated over 250 million man-days per year lost as a result of on-the-job injuries or illness with a resultant $1.5 billion wage loss to employers. Enactment of Federal standards designed to prevent such staggering losses in the future was needed, and I voted for passage of the act for this reason.

Since that time, Mr. President, it has come to my attention that the enactment of the OSHA has created many more problems in addition to those it was intended to solve. Although the act consolidates previously enacted statutes which heretofore had never been effectively enforced, it was not anticipated that it would work an increasing hardship on retailers, small manufacturers, and farmers who are now experiencing difficulties in complying with the law.

Many concerned citizens in Kansas have written me expressing their hope that Congress could enact modifying legislation, designed to ease the burdens which the OSHA has forced upon them. Many of these employers have indicated that full compliance with the abundant regulations will cost more than they can afford. Some have said they will be forced out of business unless some relief can be obtained.

Last but by no means least, Mr. President, many farmers have written me indicating what I feel are legitimate complaints concerning this act.

Is it fair to expect a farmer, employing one or two hired hands, to be subject to the same regulations, the same standards, and the same requirements as an agri-businessman employing hundreds or thousands more people? Can we legitimately expect a retailer employing less than 25 workers to expend thousands of dollars complying with regulations originally intended to satisfy requirements which may or may not relate to his particular situation? Finally, can a small farmer or retailer be expected to maintain the same lengthy records which many of their larger and more prosperous colleagues complete, often with specially hired individuals?

A most disturbing weakness of the OSHA is its dependency upon the so-called National Consensus Standards. Under the provisions of the act, as outlined in the Federal Register, the Secretary of Labor is required to establish—

> As rapidly as possible and without regard to the rule-making provisions of the Administrative Procedures Act . . . standards with which industries are generally familiar, and on whose adoptions interested and affected persons have already had an opportunity to express their views.

The effect of this provision has been to deny the Department of Labor and its subordinate, the Occupational Safety and Health Administration, the proper authority to make an administrative determination as to what standards shall apply under certain conditions, or whether such standards are necessary in all cases.

Mr. President, no one is denying that these standards could serve as a basic and highly useful guide to the promulgation of more effective and more up-to-date regulations. But in forcing the Labor Department to comply with them, a necessary administrative review process has been bypassed, denying employers the right to "their day in court" during the formulation of regulations directly affecting their livelihood. Instead, employers have been obliged to sift through a massive set of regulations, determining for themselves which should be applied, and how they should be applied.

Once these determinations are made, it is left to the employer to implement these regulations as best he can, often at great expense. Unfortunately, however, compliance is made with the knowledge that some time in the near future, the present standards may be replaced, requiring the employer to repeat the same process and incur an additional expense.

Mr. President, in our determination to provide all workers with a useful and effective law relating directly to their working conditions, we reflected the determination of the vast majority of American people who desired responsive and immediate action by Congress. It therefore seemed logical to adopt the standards which had already been formulated by such responsible groups as the American National Standards Institute and the National Fire Protection Association.

But in our acceptance of these standards, we failed to acknowledge that they were not at that time compulsory, that many employers in the same business already had their own, differing procedures in effect, and that the effect, of complete and almost immediate compliance could provoke widespread confusion, disillusionment, and disaffection among many who could normally have been expected to support the provisions of the act.

It seems to me, Mr. President, that this does little to promote confidence in the Government, and I believe that unless corrected, the OSHA as presently worded could seriously impede our efforts to provide for the safety and welfare of the Nation's work force.

In my judgment, the legislation before us can correct this situation by creating a more effective partnership of public and private representatives working toward a common goal, a partnership that all can respect and enforce in good faith.

Briefly stated, this bill would authorize the following:

An exemption of small businessmen, manufacturers, and farmers employing less than 25 individuals.

A delay in the effective date of 1 year with regard to employers who have more than 25, but fewer than 100 employees.

An amendment requiring the Secretary of Labor to evaluate all the current regulations, distinguish the various facets of a given form of business, and determine if the rule should apply to each facet.

A requirement for the Secretary to publish the estimated average or maximum cost of compliance with each regulation.

A provision authorizing the Secretary to provide technical advice and consultation to employers with 100 or less employees to assist them in complying with the OSHA.

An amendment with relation to the "national consensus standards," providing that they shall not have equal status with other requirements adopted in concurrence with the usual rulemaking procedures as defined under the Administrative Procedures Act. This amendment would be accomplished not by completely disallowing the regulations promulgated up to the present time, but by specifying that no penalty or other action could go into effect unless the Secretary had assured the employer's receipt of a requirement and had given him 30 days to comply or seek administrative review.

A provision for compensation of expenses for employers who have had to comply with existing regulations but may have to incur additional expenses when such regulations are changed pursuant to the Administrative Procedures Act.

An amendment providing that if the usual administrative rulemaking procedures were not followed, failure to comply with the rule would not constitute negligence or wrongdoing on the part of the employer.

An amendment to relieve employers from absolute liability in the event he had made a concerted effort, in good faith, to comply with a regulation.

An amendment to provide that no employer shall be responsible for fines and other penalties under the act if he can prove that the requirement he is alleged to have violated would not have effectively constituted an improvement of the health and safety of his employees.

An amendment to permit the Secretary, where appropriate, to make provisions for initial medical exams for employees and follow-up exams thereafter at periodic intervals.

An amendment authorizing the formation of employee safety committees by waiving provisions of other statutes regarding management-labor relations.

Finally, an amendment to assure early compliance by making available to the Secretary, in the event of an alleged violation, the option of entering into an agreement with the employer for prompt compliance, rather than imposing a penalty for failure to comply.

Mr. President, all these provisions deal with providing a basis for fairness in the employer's attempt to comply with the OSHA. In our effort to enact this legislation, we are not attempting to circumvent the intent of this law. Rather, we are modifying and perfecting weaknesses which, if neglected any longer, could well result in negating a law which seeks to provide standards of safety for employer and employee alike.

In the end the bill represents a gesture of good faith to the American people, the vast majority of whom recognize the need for job safety and have themselves undertaken to provide ways of ending occupational injury or illness. The law as amended can still deal effectively with willful violation of its provisions. But let us not place everyone on that same low level. Let us recognize that for the most part, Americans are concerned with the common good, that individual initiative still exists, and—most important—that the Government should seek to supplement, not supplant, the basic will of the people.

CIVIC LEADERSHIP IN ASPEN, COLO.

Mr. ALLOTT. Mr. President, the November–December 1971 issue of the Planners Notebook contains an article entitled "Preserving Urban Open Space: Locally-Financed Acquisition and Civic Leadership Are Key," written by Mr. Herb Bartel, AIP regional planner, Aspen, Colo. Mr. President I ask unanimous consent that the complete text of the article be printed in the RECORD at the conclusion of my remarks.

The article illustrates what a dedicated citizenry can do to preserve our natural environment. I am proud of the civic leadership shown in Aspen, Colo. This city, which has a permanent population of 2,500, has accomplished a seemingly impossible task. The success of the Aspen open space program can be attributed entirely to the extent of citizen commitment in both time and money. And, Mr. President, this was accomplished without Federal funds. To use the words of Mr. Bartel:

> A significant point is that public dollars were used in this case to set the pattern for future development which would maintain meadow areas in their open, natural state. It is important to note that not all land can be purchased as open space, but that public dollars can set the pattern for desirable land development as well as maintain important natural heritage.

Mr. President, much can be learned from the example set by Aspen, Colo. I commend their efforts and the article to the Senate.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PRESERVING URBAN OPEN SPACE: LOCALLY FINANCED ACQUISITION AND CIVIC LEADERSHIP ARE KEY

(By Herb Bartel)

(NOTE—Aspen, Colorado, has used a variety of approaches to preserving its urban open space and is working on additional techniques to make it easier for property owners to donate land as well. The ideas and methods shown in this case study have applicability to many urban communities. This type of program, as many others, relies heavily on citizen acceptance of the need and civic leadership at many levels to carry on the program.)

During the past year, residents of Aspen, Colorado, have voted for a 1% sales tax and a 10-year general obligation bond in order to achieve preservation of urban open space and the view of Aspen Mountain from the city. And, an Environmental Defense Fund has been established by the Mayor to attract no-interest loans by private individuals for study projects or open space emergencies.

This was done without an actual plan for open space; but the issues which were highlighted and the initial land acquisition have helped set the framework for a continuing open space program in Aspen. The city planning office will have a major role to play in recommending future sites to be acquired or preserved as open space in cooperation with private land owners.

To date, $4 million has been expended for open space land acquisition under the two programs. This represents a considerable investment for a city with a permanent population of only 2500 persons, and the major parcel of land acquired was very prime residential land zoned for subdivision. This case study is meant to show the various techniques used to acquire and preserve open space in Aspen, since many of them can be used elsewhere in the country. It is also meant to show the significance of public education and political leadership in such an endeavor today, given the pressures of urbanization and the market.

Aspen, Colorado, is a mountain resort town well known for skiing. It has a permanent population of 2500; this jumps to 20,000 during the winter season. The Ski Corporation is a major force in the city; and the tourist business is a major employer.

Aspen is situated close to much land that is public domain. This makes it difficult for citizens to see the necessity for preservation of urban open space within and surrounding the city, since it appears that there is limitless open land all around. However, the land that is not public domain, the city and its immediate vicinity and the Aspen Mountain area especially, is subject to the same pressures for urbanization as elsewhere in the country. In addition, there is the demand for tourist accommodations such as hotels, ski lifts and the like; and pressures of normal urbanization and tourism are usually brought to bear most heavily on those areas within or immediately adjacent to the most scenic part of the area between the city and Aspen Mountain.

It is precisely because of this type of pressure last year that a sufficient crisis developed which escalated Aspen's interest in preserving open space. Development was encroaching upon the west end entrance to Aspen. At the same time, plans were being made for development of the only open half block in the commercial core of the city.

The city of Boulder, Colorado, in 1967 had approved an additional 1% retail sales tax, 40% of which was specifically earmarked for the establishment of a greenbelt area. Therefore, some precedent had been set in the state for both the possibility of a tax and for a purposeful open space program.

THE CRISIS AND THE TAX

The west end approach to Aspen is particularly significant because of its beauty. A golf course is located there, but the area was until this year zoned for subdivision development. Early in 1970 it was learned that there were plans being made for subdivision of the golf course. It was owned by a private company which had prepared its own development plan.

The land in this area sells for about $15,000 an acre, unsubdivided. Subdivided lots in this area, roughly 15,000 square feet each, sell for approximately $12,000 per lot.

The natural beauty of the area gives a significant and sweeping view to the visitor to Aspen and offers a great contrast for the city's citizens. The threat to this natural beauty became enough to generate community interest in saving it.

The major beginning step was of particular significance to the eventual success of the endeavor. Elected officials were encouraged by community interest to form an open space committee. The Chairman was Councilman Vare. In addition, a two-man staff was created for this committee; and it was funded by citizen groups, including the Parks Association and the Chamber of Commerce and Visitors Bureau. Citizens generally were encouraged to participate by donating time and money for the development of an open space program.

Councilman Vare worked actively with the committee and spearheaded its activities. This gave the program some weight.

The major responsibility of the committee staff was the development of open space proposals and the public relations which must accompany selling such an undertaking to the public. The staff reported to the city council and the open space committee. The two staff persons were interested citizens, not professionals, hired for this purpose. They worked in office space donated by the Chamber of Commerce.

The City Council made an early determination to hold a special election to consider the adoption of a 1% open space tax to be used in acquisition of open space and development of community facilities.

The first priority of the open space committee then became the open space sales tax election. The job of keeping elected officials informed of the activities of the committee was aided greatly by the fact that one of the elected officials was active on the committee. An information campaign was developed by the staff which included weekly reports to the newspapers, literature relating to open space and conducting public meeting in which influential speakers commented on the importance of the open space program for the Aspen area. The significance here was that there was a staff of two people preparing the community for the open space election. Weekly newspaper reports included such information as notices for all hearings, all public meetings concerning open space, discussions of the advantages for the local adoption of the 1% open space tax. Since Colorado has a statutory limit of 7%

there are advantages for the tax being collected and used locally.

Also included in the weekly reports were development proposals and background material on them for the target area on the approach to Aspen which was a key area in developing community interest for the program.

Newspaper articles included information on why open space was important, the importance of timing and acquisition of open space, why the west end entrance to Aspen was an important target area for open space, how open space acquisition could be financed and who would pay. On the last point, naturally, the winter tourists who came for the scenery and use of the mountain would help pay for the preservation of the beauty of the area.

In addition, a design was prepared for an 18-hole golf course in the west end entrance area to show that the land in fact could be used for a golf course and still be "open."

Highlighting the west end approach "crisis" while giving specific examples of its useful purpose was a public relations package that sold. The citizens of Aspen passed the 1% sales tax ordinance in September, 1970, only four months after the campaign began.

Important sections of the ordinance follow:

> Ordinance No. 16 (series of 1970). Introduction. An ordinance concerning revenue and levying a 1% sales tax upon the selling of tangible personal property.
>
> At retail upon every retailer and the furnishing of services in the City of Aspen, Colorado, operative and effective on and after January 1, 1971; providing that said revenues shall be expended by the city council for the payment of food tax refunds, and for the acquisition of real property including open space or the construction of capital improvements for muncipal purposes, or the payment of indebtedness incurred for such acquisition or construction of capital improvements for municipal purposes, for the expenditures necessary to protect such property against loss, damage or destruction; . . .
>
> Section 7. Expenditures and Earmarking of Revenue. All revenue from this retail sales tax collected by the City of Aspen in any fiscal year shall be set aside in a separate fund entitled Land Acquisition Including Open Space and Capital Improvements Fund. The monies of said fund shall be expended by the City Council for the acquisition of real property including open space or construction of capital improvements for municipal purposes, and for the payment of indebtedness incurred for such land acquisition including open space or construction of capital improvements, food tax refunds payable by the City, and for such expenditures as may be necessary to protect the real properties including open space acquired or the capital improvements constructed from any and all, threatened or actual, damages, loss, destruction or impairment from any cause or occurrences.

Aspen's open space acquisition ordinance went into effect in January 1971. There is no percentage breakdown between open space acquisition and capital improvements. (The 1967 1% sales tax passed by Boulder earmarks only 40% of the tax collected for open space with the remaining 60% designated for streets and highways for both land acquisition and construction.) Some of the Aspen revenues will be used for capital improvements; but the Aspen sales tax ordinance has more flexibility for open space acquisition than any other in the state.

Once the ordinance was passed, the city went about getting appraisals for the land at the west end entrance to Aspen and acquiring options to purchase it. One owner held the 210 acres desired, which included the golf course and a natural stream. This was a one-mile strip on one side of the highway approaching Aspen. Of the total of 210 acres, 56 were seen to be highly eligible for Bureau of Outdoor Recreation matching funds for the purchase. These included the stream and other natural features. Application was made to BOR accordingly, and the application was reviewed and recommended or favorably commented upon by various state and federal agencies. These included the Colorado Department of Highways and the State Planning Office. However, due perhaps largely to the high cost of the land, the application was denied in March 1971.

Aspen, therefore, had to acquire the entire 210 acres itself and with its locally-raised revenues. This cost $3.7 million, and it is expected to take about 15 years to pay off at presently projected rates of income from the sales tax.

The golf course has been rezoned as park, and it is operated and maintained by the city.

In the winter of 1970 the Mayor of Aspen, Mrs. Eve Homeyer, learned that there were plans for the development of the only remaining half block in the commercial core of the city. Although the city had no immediate plans for the land, great general concern was felt for preserving open, undeveloped space in the commercial core and the view of the mountain from within the City. It was also recognized that the acquisition was a step in maintaining the vitality of the core which could only be accomplished later at much greater cost.

After private negotiations between the Mayor and the owners of the land, the latter agreed to resell the land to the city at the price they had paid and additional legal costs. Because such monies cannot be expended by the city without public authorization in the form of an election decision, a call for private funds went out to supply a "down payment" that would hold the land until an election could be called. The Mayor and Councilmen conducted a campaign for funds, and contributions came in from citizens and organizations. An $85,000 holding payment was raised. Pledges came from the Ski Corporation, development companies, the bank, businesses and individuals. These pledges were to be refunded by the property owner if a bond issue was unsuccessful, and redeemed by a bond issue itself if successful.

An election date was designated, and again the Mayor and Councilmen took the lead in campaigning for the bond issue by speaking on the radio, taking out ads in the newspaper, and explaining the need for land acquisition to civic organizations. The Planning and Zoning Commission expressed its support, and various private organizations actively supported the bond issue.

The bond issue, a general obligation bond payable over a 10-year period, passed by nearly a 2–1 margin in an August special election. The land was used for commercial core parking in the winter, and it was planted as a flower garden last summer.

Ruby Park, as the parcel is now called, was $300,000 for acquisition only. The bond issue was only for acquisition. The summer planting and maintenance was financed by the city Park Department. It cost about $1,000, including the plants and salary of the maintenance employee.

A direct result of the experience of acquiring this land was the establishment by the Mayor of an Environmental Defense Fund. The basis of the fund is no-interest loans by private individuals which may be used for emergencies or for study projects. The money is expended at the discretion of a three member committee, one of which is the Mayor, and may be redeemed by the contributor on 30 days' notice. A portion of the Fund is currently being used to study the feasibility of establishing a theatre facility for the City.

Another park, at the edge of the commercial core, was recently developed through the efforts of a Councilman, Francis Whitaker. The Councilman had for some years been concerned with a quarter block of empty land that served primarily as an ever increasing eye sore as it collected trash and parked campers.

He contacted the out of state owner with a request to help in cleaning up the site. The long time owner of the land replied that he had no immediate plans to develop the land, and he offered to lease it to the city for $1 a year. In addition, he pledged $5,000 for the development of a park on the site. Mr. Whitaker negotiated with the owner with the result that the city acquired use of the land, the owner continued to pay taxes on it, and the Park Association received $5,000 to fund a park. Subsequently, the park design and considerable labor have been volunteered to the project.

Once the park is completed, it will be maintained by the City for the length of the lease.

Another method of preserving open space in Aspen also has a precedent. The Ski Corporation was interested in building a new lift and terminal point farther up the mountain. The old lift has historical significance in that it was the first ski lift built in Aspen, now famous for the sport. Also, the old lift area, which was to be abandoned, was in a key scenic area on the mountain. The planning agency suggested to the Ski Corporation that it find a way to keep the bull wheel and the first few towers as an historic attraction. The Ski Corporation agreed it would not tear down the entire lift and would keep the most important parts. The Corporation also deeded the area of the old lift to the city, and it is in the process now of being designated an historic area. This, also, will preserve both the open space on the lower part of the mountain and will add something of interest to the city. The city will maintain the historic site.

FUTURE PLANS

The city planning staff will play a key role in helping determine future sites which should be acquired or in some other way preserved as open space. It will be our role, in conjunction with other city agencies, to be alert to the various possibilities for leasing or donation of land to the city for such purpose.

We are now working on provision of a trust arrangement to make it easier for private property owners to donate land to the city. We will have to continue the "sales" campaign to the citizens about the need for urban open space as the immediate crises are not there to focus upon. We are trying to define the value of the view of the mountain from the city and other such scenic values in terms of their worth to the city and its citizens so that this can be explained and described.

CONCLUSIONS

The success of the Aspen open space program is attributed entirely to the extent of citizen commitment in both time and money. Specifically, it depended upon the energetic involvement of the elected officials in combination with efforts of planning commission members and community groups to implement the program. It should be remembered that no planning office was functioning at the time.

Community interest was kept high by a carefully presented information campaign; and the intensity with which the program was conducted assured that interest in the project would not be lost.

Of major significance was the fact that an over all open space plan was not prepared. In contrast, target land acquisition areas were determined which had the support of the City Council. Moreover, no specific plans were prepared for the use of the target area lands; the only emphasis was on the need to acquire the lands for public ownership. The significant role of the ad hoc campaign information staff was a careful identification of the case for open space as contrasted to the development of a specific open space plan.

A word of caution to those developing open space programs for high evaluation areas is the fact that approval of grant in aid funds is difficult; as mentioned earlier, application was made for Bureau of Outdoor Recreation funds which were greatly needed to increase the effectiveness of the program. Funds, however, were not granted.

Communities which have extensive areas of public domain should be constantly on the alert to carry on continuing programs to indicate the importance of the open space lands to insure that at a later date land will not be considered for sale merely as a source of revenue. A major point in the Aspen program is that those segments of the community that felt public domain lands were adequate to serve the open space needs of the community, have never had complete answers to their question, "Why additional open space?" when over three quarters of the area is public domain.

A great deal of work still remains to be done even though, for a short distance, the open character of the valley approaching Aspen has been maintained and a desirable development pattern has been set for future projects that will occur in the area.

A significant point is that public dollars were used in this case to set the pattern for future development which would maintain meadow areas in their open, natural state. It is important to note that not all land can be purchased as open space, but that public dollars can set the pattern for desirable land development as well as maintain important natural heritage.

Planners are encouraged to employ the techniques that made the Aspen program a success.

UTAH AND EARTHQUAKE PREDICTION

Mr. MOSS. Mr. President, with the memory of the 1971 California earthquake still in mind, it is important that we take action to create the capability of predicting earthquakes before further disasters engulf more of our population centers. The 64 deaths and over $500 million in property damages might have been avoided had an adequate earthquake warning system been in operation.

My State of Utah is susceptible to earthquake damage similar to that suffered by Los Angeles and San Francisco. The Wasatch Fault is one of the major fault areas in the country and runs through central Utah. We know from past studies that 90 percent of the earthquakes recorded have occurred on fault lines. Utah has averaged at least one earthquake per year since 1950. With hindsight, scientists were able to see the buildup of tension recorded on their strainmeter that occurred before the 1969 earthquake in Salt Lake City.

Earthquake prediction is a perfect application of science and technology to a present problem that afflicts society. As a nation we have invested much and must continue to invest more in basic research. The early work in geophysics and seismology is now ready to benefit society directly. In the past we have often misdirected the use of technologies; we have here an opportunity to direct the work of science toward an extremely practical and needed benefit for mankind.

I am a cosponsor of S. 3173, introduced by Senator CRANSTON on February 15. The purpose of this bill is to develop rapidly an earthquake warning system here in the United States. It adopts the procedure of establishing a 5-year plan, already in existence by the U.S. Geological Survey, that would develop predictive technique. This is not pie-in-the-sky thinking. Japanese scientists were able to give warning about the impending Matsushiro earthquake in 1966. They had adequate equipment for this purpose. We do not have similar networks established.

Russia is implementing a warning system this year. They hope to be able to gage the magnitude of earthquakes within 0.5 on the Richter scale. There is no reason that the United States should be behind these two industrialized societies. Our earthquake prediction needs are at least as great as theirs.

I am proud of the activity of the University of Utah and other concerned organizations in the State of Utah. Prof. Kenneth L. Cook, professor geophysics and director of the University of Utah seismograph stations has sent me some very interesting material regarding the work of their stations in seismology. I am going to include some of the material he has submitted to me at the conclusion of my remarks. One of the most commendable developments in Utah occurred in the summer of 1970, when equipment previously put to military use was transferred to civilian application. The Federal Government's Uinta Basin Seismological Observatory, 10 miles southwest of Vernal, Utah, had fulfilled its mission for the military and was about to be dismantled. Through the work of Dr. Cook and the cooperation of the National Science Foundation, this facility was turned over to the University of Utah for use in its studies of earthquakes.

In addition to the series of centers scattered throughout the State, the University of Utah and the Colorado School of Mines have established facilities in the Granite Mountain Record Vault, owned by the Church of Jesus Christ of Latter Day Saints. With this kind of cooperative effort, Utah now has the kind of network that could be used as a foundation for earthquake prediction. If S. 3173 can be enacted, then California, Nevada, Utah, and other areas with such facilities can become a nucleus for experimentation in earthquake prediction.

Utah has a long history of earthquakes. There have been 609 earthquakes between the years of 1850 through 1965. The Logan earthquake in 1962 caused $1 million worth of damage, though luckily no injuries occurred. One tremendous fault line crosses the population centers of this State and other faults are scattered throughout the State, so Utah has a high potential for earthquakes. In recognition of this threat, the U.S. Coast and Geodetic Survey has reclassified Utah to its highest quake prone classification, zone No. 3. This change occurred in 1969.

While the time is ripe for action, we must realize that miracles will not occur overnight in this area. The development of an adequate system will take a great deal of time and research, and it is much easier to recognize the signs leading to earthquakes through the use of "hindsight" than it is to predict them before they occur. I am including at the end of my comments an article by Dr. Darroll Wood, a scientist at the U.S. Geological Survey's National Center for Earthquake Research in Menlo Park, Calif. Dr. Wood is cautious about expecting immediate breakthroughs. We do, however, know that other countries are establishing useful systems, and we must seize the opportunity now of moving forward and providing this needed benefit to citizens of our country.

I ask unanimous consent that the following materials except for maps and pictures be printed in the RECORD immediately following my remarks. "Earthquake Hazards in Utah," by Kenneth L. Cook, 1967 and 1970; "U. Gets Uinta Basin Center for Earthquake Study," from the Salt Lake Tribune of Saturday, July 25, 1970; "Are Earthquakes Predictable?" an interview with Dr. Darroll Wood in the Hughes Aircraft Co. publication "Vectors," Winter, 1971; and "What L.A. Has Taught Utah About Quakes," an editorial from the Deseret News of Wednesday, February 9, 1972.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

EARTHQUAKE HAZARDS IN UTAH

(By Kenneth L. Cook, professor of geophysics and director, University of Utah Seismograph Stations)

Reprinted from Governors' Conference on Geologic Hazards in Utah, December 14, 1967, Utah Geological and Mineralogical Survey Special Studies 32 May 1970.

(NOTE.—Figures referred to are not printed in the RECORD.)

In discussing the earthquake hazards in Utah, the following questions will be treated:

(1) Why do earthquakes occur in Utah?

(2) Where do earthquakes occur in Utah?

(3) How large and dangerous are the earthquakes?

(4) What are we now doing about the earthquake problem?

(5) What more should we be doing?

WHY DO EARTHQUAKES OCCUR IN UTAH?

A belt of seismicity extends northward from the East Pacific Rise, along the Gulf of California and through western Arizona, central Utah (figure 1), southeast Idaho, western Wyoming, western Montana, and into British Columbia. This active seismic belt coincides with a branch of the great world-encircling rift system, in which the earth's crust is being extended or stretched. Utah lies on this belt of seismicity.

Extensions of the earth's crust result in its breakage into large and small blocks of rocks which move relative to each other along the faults or fracture zones between adjacent blocks. Earthquakes occur when the built-up stresses along these fault zones exceed the resistance of movement. During and after sudden release of the stress, displacements of the ground can often be observed and measured. The energy that is released at or near the fault zone travels away from it and gives rise to seismic waves which can cause damage. In Utah the earthquakes are related to the fault zones, and most of the major earthquake damage can be expected at or near them. The point of origin at depth of the earthquake is the focus or hypocenter; the point on the surface of the earth vertically above the focus is the epicenter.

The forces causing the movement of the

large crustal blocks probably originate within the earth's mantle. Along the belt of seismicity in Utah, the top of the mantle is about 25 to 30 km (15–18 miles) below the earth's surface. The movements of the blocks are continuing today; therefore the earthquakes continue to occur. Most of the earthquakes in Utah probably have a depth of focus of 33 km or less, with some as deep as 40 km.

WHERE DO EARTHQUAKES OCCUR IN UTAH?

Figure 1 shows the earthquake epicenter map of Utah (Cook and Smith, 1967). The northerly trend of the earthquake epicenter belt through central Utah should be noted. The six most active fault zones in Utah, with the approximate number of earthquakes documented from 1850 through June 1965 in parentheses (Cook and Smith, 1967), are:

Hansel Valley fault zone (9), north of Great Salt Lake,

East Cache fault zone (18), along the eastern margin of Cache Valley in northern Utah,

Wasatch fault zone (105), extending for about 160 miles along the western foot of the Wasatch Mountains between Collinston and Levan.

Thousand Lakes fault zone (15), in central Utah,

Sevier-Tushar (or Elsinore) fault zone (51), which includes Sanpete Valley in central Utah,

Hurricane fault zone (40), extending southward from the Cedar City area to the Grand Canyon of Arizona.

The largest damaging earthquakes in Utah from 1850 to 1965 are listed in table 1.

TABLE 1.—LARGEST DAMAGING EARTHQUAKES IN UTAH[1] 1850 THROUGH JUNE 1965 (COOK AND SMITH, 1967)

Date (GCT)	Approximate magnitude (Richter scale)	Location of greatest damage
Nov. 10, 1884	6.1	Northern Utah-southeastern Idaho; severe damage.
Nov. 14, 1901	6.7	Richfield; about 35 shocks.
Nov. 17, 1902	6.1	Pine Valley; 2 shocks.
Oct. 6, 1909	6.7	Garland, Hansel Valley.
Sept. 29, 1921	6.1	Elsinore; ($100,000 damage).
Oct. 1, 1921	6.1	Do.
Mar. 12, 1934	6.1	Kosmo (Hansel Valley).
Aug. 30, 1962	5.7	Logan ($1,000,000 damage).

Fresh fault scarps at the mouths of Big and Little Cottonwood canyons and along the Wasatch front north of Nephi are evidence of recent (probably within 300 years) earthquakes of a Richter magnitude of probably at least 7.1 or 7.2. Table 2 shows the approximate vertical displacements along the fault scarps and the probable Richter magnitudes of the earthquakes. The writer assumes that each of these fresh fault scarps, which are 10 to 20 feet in height, was formed during a single earthquake. This assumption is reasonable in view of the similar fault scarps that were formed during (1) the Dixie Valley-Fairview Peak earthquake, Nevada (in 1954, with a Richter magnitude of 7.2) and (2) the Hebgen Lake earthquake, Montana (in 1959, with Richter magnitude of 7.1). The vertical displacement along the faults during these earthquakes (table 2) was of the same order of magnitude as the amount of vertical displacement observed along the recent fault scarps along the Wasatch fault. It can therefore be assumed that these earthquakes were of comparable magnitude.

TABLE 2.—APPROXIMATE VERTICAL DISPLACEMENTS ALONG RECENT (WITHIN PROBABLY 300 YEARS) FAULT SCARPS AND RICHTER MAGNITUDES (ACTUAL OR ESTIMATED) OF CERTAIN LARGE EARTHQUAKES IN WESTERN UNITED STATES

Date (GCT)	Magnitude (Richter scale)	Approximate amount of vertical displacement (feet)	Location of fault scarp or name of earthquake
Probably less than 300 years ago.	Probably at least 7.1 to 7.2.	15[1]	Wasatch fault[2] (at mouth of Big Cottonwood Canyon).
Do	do	20[3]	Wasatch fault[2] (at mouth of Little Cottonwood Canyon).
Do	do	18–20 early)[4] 10–12 (latest)[4].	Wasatch fault[2] (at mouth of ravine north of Naphi).
Mar. 12, 1934	6.1	2	Kosmo (Hansel Valley).
Dec. 16, 1954	7.2	12[5]	Dixie Valley-Fairview Peak, Nev.
Aug. 17, 1959	7.1	15	Hebgen Lake, Mont.

[1] Maximum of 60 feet in 3 separate movements. The last movement, which is listed above, was about 15 feet.

[2] Estimates of number of movements and approximate amount of vertical displacement of Wasatch Fault are from R. E. Marsell, oral communication, December 1968.

[3] 1 movement only, which amounted to 20 feet.

[4] 2 movements of mouth of ravine, including 1 that cut the flood plain.

[5] On east side of Fairview Peak, there occurred 12 feet of vertical and 12 feet of horizontal displacement. On the west side of Dixie Valley, there occurred 7 feet of vertical displacement. These movements occurred during the same earthquake episode.

HOW LARGE AND DANGEROUS ARE EARTHQUAKES IN UTAH?

From 1850 through June 1965, at least 609 earthquakes occurred in Utah; at least 38 of these were damaging, that is, at least dishes or windows were broken, plaster was cracked, or bricks toppled from chimneys (Cook and Smith, 1967). More than 90 percent occurred along or in association with the known fault zones. At least 15 earthquakes had an estimated Richter magnitude of 6.0 or greater. Two earthquakes (Richfield in 1901 and Hansel Valley in 1909) had an approximate Richter magnitude of 6.7 (table 1). During the Hansel Valley earthquake of 1934 (magnitude of 6.1), near Kosmo on the north shore of Great Salt Lake, a two-foot fault scarp was formed. From 1950 through June 1965, Utah experienced 13 damaging earthquakes, an average of nearly one per year.

The Logan earthquake in 1962 (magnitude of 5.7) caused about $1 million in property damage in that densely populated area; fortunately there was no injury to the people.

Since 1962, when a more complete seismograph network was installed in Utah, many more earthquakes were recorded than in any previous comparable time. The increase in number is doubtless primarily the result of improved detection and interpretation techniques rather than an increase in seismicity in the region. The data show recent earthquake activity in the Ephraim (1961), Cache Valley (1962) and Levan (1963) areas, and earthquake swarms (many small earthquakes) in the Lehman Caves (1963), Richfield (1967), and Scipio (1968) areas.

The zone of seismicity through central Utah, the area in which 85 percent of the state's population lives, is currently classified zone 2 by the Uniform Building Code. The Coast and Geodetic Survey (ESSA) of the U.S. Government released a map on January 14, 1969 (Algermissen, 1969), showing areas in the United States where earthquake damage could occur (figure 2). This map reclassifies the zone of seismicity through central Utah as zone 3. This zone has greater potential seismic risk than zone 2 and is subject to earthquakes of approximately magnitude 7.1 on the Richter scale (Karl Steinbrugge, 1968, oral communication).

WHAT ARE WE NOW DOING ABOUT EARTHQUAKES?

Installation of a more complete network of permanent seismograph stations throughout the state in 1962 is a major step in detection of earthquakes and in studying their effects by defining the active seismic areas. Figure 5 shows the locations of the permanent seismograph stations in Utah.

Table 3 shows the organizations which operate the stations. For most seismograph stations in the state, the University of Utah has a cooperative arrangement with other universities, colleges and the federal government for the operation, repair and maintenance of the stations. Some stations are operated independently by the federal government; however, the data from these stations are obtained and used for the determination of the epicenters of earthquakes in Utah.

TABLE 3.—PERMANENT SEISMOGRAPH STATIONS IN UTAH

Name	Location	Organization
Cedar City (CCU[1]	Cedar City	University of Utah and College of Southern Utah.
Dugway (DUG)	Dugway	University of Utah and CGS.[2]
Flaming Gorge (FGU)	Flaming Gorge dam area	CGS.
Glen Canyon (GCA)	Glen Canyon dam area.	CGS.
Logan (LOG)	Logan	Utah State University and University of Utah.
Price (PCU)	Price	University of Utah and College of Eastern Utah.
Salt Lake City (SLC)	Salt Lake City.	University of Utah and CGS.
Unitah Basin Observatory (UBO).	Vernal area.	Advanced Research Projects Agency, U.S. Department of Defense.

[1] Letter designations (CCU, etc.) correspond with those on map in figure 3.

[2] CGS indicates Coast and Geodetic Survey, Environmental Science Services Administration, U.S. Department of Commerce.

The epicenters are determined for all earthquakes in Utah of sufficient magnitude to be detected at three or more stations. These data and other information such as date, time, latitude and longitude, Richter magnitude, and depth of focus if available, are published quarterly in the University of Utah Seismological Bulletin. The UNIVAC computer at the University of Utah permits immediate computation of epicenters of earthquakes as the data are obtained from the stations in the network.

A set of portable seismograph equipment is being assembled from components purchased by the Utah Geological and Mineralogical Survey. This equipment will be used to monitor earthquakes, aftershocks and earth movements along and in the vicinity of the active faults in Utah.

A study of possible small displacements (creep) along the Wasatch fault in the Salt Lake City region was initiated several years ago. The study is a cooperative project between Professor Clifford G. Bryner of the Civil Engineering Department of the University of Utah and the Coast and Geodetic Survey, Environmental Science Services Administration. Many survey markers installed on either side of the Wasatch fault are observed yearly. The purpose of the study is to ascertain whether small movements are taking place.

To study the earth movement caused by local earthquakes and announced underground nuclear explosions in Nevada, strong-motion seismographs have been placed intermittently in different parts of Salt Lake City. It is anticipated that the earth movement from the same seismic event (earthquake, underground nuclear explosion, etc.) would vary considerably over the same city, depending on such factors as type of soil, depth to bedrock, etc.

WHAT MORE SHOULD WE BE DOING ABOUT EARTHQUAKES?

The first step should be to protect the water supply of Salt Lake City, About 90 percent of all the water used by the city flows across the Wasatch fault in pipes that would be broken by a major earthquake. Fire, an inevitable companion of earthquakes in a populated area, would be out of control without water to fight it. More lives were lost and more property damage occurred in the San Francisco earthquake in 1906 as a result of fire than directly from the shaking incident to the earthquake. Specially designed flexible water pipes should be laid across the Wasatch fault to help insure a water supply. Such pipes have been laid in areas in California where pipes cross the San Andreas fault.

All public and private buildings where large numbers of people gather—schools, churches, theaters, hotels, apartment houses, office buildings, etc.—should have earthquake-resistant features incorporated into their design by the architects in accordance with the zone 3 rating for this region.

Studies that involve research in earthquake prediction should be encouraged and supported by the people of Utah.

The Wasatch fault zone should have first priority. The research should include the following:

1. Various types of geologic mapping should be done and geophysical surveys made to locate the traces of the Wasatch fault zone more accurately. The geophysical surveys should include seismic refraction and reflection methods, and gravity and magnetic surveys.

2. The Wasatch fault zone should be instrumented with:

a. Portable seismographs to detect small tremors.

b. Strainmeters, to measure buildup in cumulative strain that may occur before an earthquake.

c. Tiltmeters.

d. Instruments for measuring creep along the fault.

e. Measurements of telluric currents and earth resistivity which may change before an earthquake.

f. Magnetometers, to measure the changes in magnetic flux that are associated with earth movements.

g. Tidal gravity meter. The possible correlation between earth tides and earthquakes should be studied further.

3. Strong-motion seismographs should be installed in new high-rise buildings in Salt Lake City to record their response to earth movements during an earthquake. This information will assist in the design of future buildings in the same general area.

The permanent statewide seismograph station network in Utah should be expanded.

We should not panic but should start immediately to take steps to alleviate the severity of earthquakes when they occur, to support earthquake research with the end to predicting their occurrence, and to design buildings, dams, and bridges to resist the effects of earthquakes.

ADDENDUM

Since this paper was presented in 1967, two horizontal quartz-type 100-foot-long strainmeters (oriented north-south and east-west) were installed in the Granite Mountain Records Vault, Little Cottonwood Canyon, Salt Lake County, in a cooperative project between the writer and Dr. Maurice W. Major of the Colorado School of Mines. The project is supported by the Environmental Science Services Administration. The large cumulative buildup in strain (up to 50 x 10^{-8}) that was measured on the strainmeter during several days prior to two earthquakes (during January 23 and February 16, 1969) in the Salt Lake City area is encouraging evidence that it may be possible to predict earthquakes along the Wasatch fault at some time in the future. (Cook and Major, 1969).

The following additional equipment is planned for installation in the Granite Mountain Records Vault during 1970:

1. A 45° leg on the present strainmeter to help resolve the measurements of strain.

2. Two tiltmeters (designed by the Timmin Research Corporation) each 100 feet long, oriented north-south and east-west, respectively.

3. A three-component seismograph, to monitor seismically the strain steps that have been observed and tilts which are expected to be observed in association with earthquakes (or microearthquakes) in the vicinity of the vault.

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[From the Salt Lake Tribune, July 25, 1970]

University of Utah Gets Uinta Basin Center for Earthquake Study

VERNAL.—The University of Utah has taken over management of the federal government's intricate Uinta Basin Seismological Observatory 10 miles southwest of Vernal, adding a wide range of highly-sensitive earthquake and earth-movement detection equipment to the university's research capability.

Dr. Kenneth L. Cook, professor of geophysics and director of the university seismograph stations, said the observatory will be a great scientific asset to Utah. The addition, he added, vastly increases the university's ability to detect and research earthquakes.

The research, too, may eventually lead to methods of predicting earthquakes.

According to Dr. Cook, one of the most active belts of seismicity in the United States extends through central Utah, along the Wasatch Fault. The state was recently reclassified by the U.S. Coast and Geodetic Survey as Zone 3, where major earthquakes can occur.

NEED CONTINUED RESEARCH

"Because of the earthquake hazard in Utah, it is imperative that the knowledge of seismicity here be continued and augmented," the university geophysicist declared.

Earth-movement monitoring equipment

installed by the government at the Uinta Observatory is about 100 times more sensitive than anything currently being used in the state's seismograph stations.

"The new equipment will allow our researchers to detect and analyze much smaller earthquakes than they could in the past," said Dr. Cook. "Epicenters can also be more accurately located and plotted."

The observatory—which has cost the U.S. millions of dollars since it was built in 1962—was scheduled to be dismantled and demolished early this year, but Dr. Cook convinced government officials the installation could be converted from military purposes to peacetime earthquake research. The National Science Foundation has granted the university $48,000 to finance observatory research during 1970 under the direction of Dr. Cook.

Originally, the purpose of the observatory was to detect and identify underground nuclear explosions around the world. The station was part of a national network which included similar installations in Oklahoma, Tennessee, New Mexico and Oregon.

Two of the original geotechnical personnel, Nils W. Hofman and Galen D. Cary, who elected to remain in Vernal after the observatory was closed last January, have been employed by the university to continue operation on a reduced scale. Mr. Hofman was designated station manager and engineer and Mr. Cary will serve as research analyst.

The observatory is located on a four-square-mile section of the federal domain administered by the U.S. Bureau of Land Management between Asphalt Ridge and the Green River. It consists of a specially-insulated central recording building and an array of 15 seismometers, 10 of which are anchored to bedrock in 250-foot-deep holes drilled in a "Star of David" pattern throughout the test area.

INCLUDES SMALL WAREHOUSE

The installation includes a small warehouse filled with spare parts to maintain the equipment.

Observatory equipment is so sensitive that it can, for example, record blasting at the open pit mine at Bingham Canyon, some 120 miles away. These earth movements, as well as earthquakes, are continuously recorded on 16 mm film. The installation also includes equipment for recording on magnetic tape for computer analysis.

Dr. Cook said as industry grows and population increases in Utah, it is becoming more important that the pattern of seismicity be improved to facilitate the selection of safer locations for dams, bridges, roads and public and private buildings.

Are Earthquakes Predictable?

Following the February 9, 1971 earthquake that centered near Sylmar, California, a suburb a few miles northwest of Los Angeles, a flurry of seismological observations were begun in that area. To learn more of this activity, Vectors recently visited the U.S. Geological Survey's National Center for Earthquake Research in Menlo Park, California to talk with Dr. Darroll Wood. The following excerpts are from that interview and are generally confined to the potential of predicting earthquakes.—ed.

Vectors. Dr. Wood, as a research geophysicist what are your major activities here at the Center?

Wood. My primary activity is in the field of low frequency seismology. I am studying the problem of prediction of the response of the earth to loading from meteorological and ocean tide sources, and the response of the earth to the lunar-solar tidal forces. More recently, I've been looking into the application of tilt meter and tidal gravimeter measurements as a tool for differentiating between the response just mentioned and the response of the earth to stress increments that may precede strong earthquakes.

Vectors. Can an earthquake be predicted?

Wood. It is rather widely recognized now that indeed premonitory signals of all sorts do occur, but there is no statistical experiment performed as yet, either on historical data or on current data, that is at all convincing.

Vectors. Do you foresee a time when earthquakes will be predicted?

Wood. Yes. But not all earthquakes in a given region will be predictable. The accuracy of the prediction in time and space may vary with the magnitude of the event. Hopefully, accuracy goes up with the magnitude of the event. The lead time may also vary considerably. I feel that we will be able to give warnings on the order of a few minutes before we can extend it to hours or days. I think the problem of earthquake prediction is at present a matter of technology. There's really little theory to apply.

Vectors. Would a warning of a few minutes be valuable?

Wood. I have been told by many that even a 30-second warning for some industrial procedures is extremely important. Just 30 seconds. I have also been told for some limited applications that if we could give a correct warning just 20 percent of the time it would be useful. Realistically, this much warning time would be a significant step forward and beneficial to industries where dangerous experiments are being conducted, to schools, hospitals, police and to public utilities where electricity, gas or other types of fuel flow could be shut off.

Vectors. How do you think earthquake forecasting will be achieved?

Wood. Perhaps the best analogy is to compare the techniques used to predict stock market trends. We need to get our own Dow Jones averages, as it were, by gathering data from various geophysical measurements over a sufficient period of time. We then could compare the historical data with the current information and analyze for trends, or, really, look for deviations from predicted patterns derived during non-earthquake periods. Data will have to be gathered and analyzed in real-time. The roll of interactive computer technology will be immense.

Vectors. When you speak of prediction, do you mean both the epicenter and the overall area?

Wood. Well, I can tell you what I think we will have to be capable of doing. I believe that we have to predict to within 20 miles of where an event is going to take place. And if we are going to talk about predictions for the public at large, not merely for industries where I said a few seconds of warning is sufficient and a 20 percent accuracy is acceptable, a large scale predictive effort would have to be accurate to within half a day. As to the size of the event, I think we'd have to be within one magnitude at the worst. I would like it to be within a half magnitude. But this is an immense task, and by most people's standards impossible. But the payoff is so fantastic that it's worth a scientist investing three to five years of his life in the effort.

Vectors. Is California singularly cursed with earthquakes?

Wood. No. Not at all. The world is a hotbed of seismic activity, mostly the continental and coastal regions ringing the Pacific, which is a vast, vast area. But there are also major seismic activities in many other parts of the world. Russia, the Middle East, and so on.

Vectors. Isn't the famed San Andreas fault one of the major faults?

Wood. Yes, indeed. It appears onshore near Cape Mendocino and extends to the Gulf of Mexico. During the past 20 million years the area seaward of the fault has moved northward an incredible 700 miles, and the creep continues at about the rate of two inches per year.

Vectors. Is all the San Andreas visible to the unaided eye?

Wood. It is very long and is quite visible. Without much training and with the unaided eye, someone with a little schooling can walk the fault line in many of the fault areas. Nearly all of the fault is visible from an airplane. But paradoxically our preoccupation with the San Andreas fault may be part of the drawback to gaining comprehensive information, to developing a pattern from which we can have, perhaps, one-day forecasts. We are so preoccupied with the bigness of the San Andreas that data-gathering may be suffering in other areas.

Vectors. But isn't the San Andreas a valuable source of measurements?

Wood. To be sure, and we use it as a laboratory, much more so than any other area. But perhaps we should be studying the microseismicity of smaller faults, as well, such as that fault associated with the San Fernando earthquake near Sylmar. Incidentally, tilt and tidal gravity have been continuously recorded since April 21, 1971 on the grounds of the Olive View Hospital in Sylmar.

Vectors. What specifically have you learned from the earthquake in Sylmar?

Wood. The Sylmar earthquake has shown us that a so-called moderate earthquake of 6.6 or 6.7 magnitude, the same size as the Long Beach disaster in 1933, can produce ground accelerations, or ground movements, both horizontally and vertically that exceed the acceleration of gravity, which, of course, is 32 feet per second per second. If this is all we learn from the San Fernando Valley earthquake, it will remain probably as the most important fact for earthquake engineering we've ever come across. This is to say, a moderate earthquake can produce very strong accelerations. The results we have obtained are far more definitive than what was concluded from the Long Beach earthquake. We must reset our building standards.

Vectors. Did you learn valuable data from the buildings themselves?

Wood. Yes, we did. The implacement of what we call "strong motion" instruments, which are recording seismographs that are triggered by strong motion, in the major buildings of Los Angeles revealed much information. Even though the buildings did not come down, we did learn structure by structure how these buildings behaved during a moderate earthquake. As a result we can more accurately predict whether these same buildings could survive a larger event.

Vectors. Is there any one instrument that shows promise of helping to predict earthquakes?

Wood. Perhaps no one particular instrument. But a type of instrument which measures minute tilting of the ground looks very promising and we're placing our bets on it.

Vectors. Why is tilt the best measurement?

Wood. We want to measure tilt, not because it is necessarily the best measurement to take, but it turns out to be the easiest to make. There is a very wide range of resolution in tilt measurements, some to parts in 10 to the eighth, all the way down to one part in a hundred, which incidentally, is very crude. But the parts in 10 to the eighth are very sensitive measurements and show the daily fluctuating of the earth due to the solar and lunar induced tides.

Vectors. Are earth tides similar to ocean tides?

Wood. Yes. Both are sinusoidal waves.

Vectors. What is tilt?

Wood. Physical tilt is the angular change of the surface. However, even if there is no deformation of the surface there is still tilt, and that tilt is the ratio of horizontal acceleration of gravity divided by the vertical acceleration.

Vectors. What are the elements of earthquake prediction?

Wood. If one is to go into earthquake prediction, he'll have to go into not only where, but when and how big. And the "how big" has to scale in some way physically for the experiment. We've found that for events of magnitude four and greater, the size of the anomaly is on the order of the range of the daily tide induced in the earth's crust. So I feel that one must necessarily measure tilt from a few parts in 10 to the sixth to parts in 10 to the eighth, which is one part tilt to 100 million parts distance. Or put another way, an elevation change of the thickness of a fingernail over a distance of 62 miles. The tiltmeter by Hughes Aircraft Company has a tilt sensitivity of one part in 10 to the eighth. However, for the seismic events of below magnitude three, which occur about 3000 times per year in the San Francisco Bay area alone, the anomaly is not definitive. It's only those earthquakes greater than magnitude four which are potentially predictable. But we don't have sufficient data to statistically test this.

VECTORS. Does the San Andreas provide the most reliable earthquake prediction pattern?

WOOD. Currently the answer is no. But permit me to elaborate. No one has consistently predicted large events on the basis of some repeatable pattern of foreshock activity. But time/space patterns have been observed, for example in Alaska and Turkey.

The most striking pattern is a westward migration in Turkey of the five out of six earthquakes greater than magnitude seven along the Anatolian fault from 1939 to 1957. Even more striking is the fact that they moved westward at the rate of 80 kilometers per year with an occurrence interval of 250 kilometers. This sequence has all the ingredients of where, when and how big—had the seventh event not fallen eastward of the sixth event.

Patterns such as these do not exist for the San Andreas, at least for one reason, because we do not yet have such a population of magnitude seven events.

We have looked into the microseismic activity along the San Anreas for space/time patterns with unimpressive results for the three years of data we have accumulated. On the other hand, it is known that the major earthquakes in the San Francisco Bay area which occurred in 1836, 1868 and 1906 were followed by 12, 13 and 47 years, respectively, of few, if any, moderate sized tremors.

At the end of each of these quiet periods, events greater than magnitude five resumed with a frequency of about 18 month intervals.

The most recent onset was 1954, but no one knows when the big one is due. But exciting new evidence from Russia suggests that certain characteristics of earthquakes below magnitude five change in a given region in such a way that they act as indicators of a major event. So, perhaps, earthquakes can be used to predict earthquakes in a meaningful way.

VECTORS. For a variety of applications?

WOOD. Yes, and when one thinks of the range of applications of earthquake prediction, the range of accuracy in time and space can also vary. A few seconds warning would give children the chance to get under their desks to avoid breakage of windows and flying glass. Police and disaster agencies would be much better off knowing what was about to happen, especially if power and communication loss were imminent. It doesn't take much imagination to figure out how we could put predictions to use in the time frames I mentioned—one year, a day, perhaps a second would help.

WHAT LOS ANGELES HAS TAUGHT UTAH ABOUT QUAKES

Just a year ago today, a "moderate" earthquake killed 64 persons and caused an estimated $1 billion in damage when it hit the heavily-populated Los Angeles area.

As a result of that quake, at least 96 school buildings were written off as unsafe because of quake damage, and many other buildings were similarly condemned.

After the quake, a National Research Council panel found that ground motions induced by a moderate quake can be considerably more violent than had previously been believed. As a result, one expert estimated that building codes would need to be about 25 percent stricter.

That's something for Salt Lakers to think about, because the city has many of the same earthquake problems as Los Angeles. But unlike L.A., Salt Lake City has never had an earthquake fatality and property damage has been minimal.

Despite the quiescent nature of the Wasatch Fault line, there's plenty of reason for concern as the area grows both in population and in complexity of buildings and other structures that could be severely damaged by a heavy quake.

Fortunately, a new and stiffer building code has been instituted in the Utah area since the Los Angeles quake. Buildings now must conform to Zone 3 requirements for quake resistance—the stiffest category. Previously, the area was required to meet only Zone 2 requirements, which were much less rigid.

That means that any new building now must meet stiffer requirements for energy-absorbing qualities. The design of any large building is subject to a great deal of engineering analysis according to height, materials, and quake-safety features before it can even be approved for construction.

One result of this is that the cost of large buildings in particular has been significantly increased. But such quake-resistant structures also will show substantially less quake damage than otherwise if they should be subjected to a stiff tremor—and that alone may well be worth the increased price.

Safety of the population is also another benefit to be derived from better quake-resistant buildings. A study done after the L.A. quake dramatically points out the reason.

One expert figured that if a quake of the intensity of the great San Francisco Bay area disaster of 1906 hit L.A.'s San Andreas Fault today, it would cause 3,100 deaths and $48 billion in property damage.

Those are sobering statistics, especially when translated to Utah and what might happen if a severe shock hit the Wasatch Fault. The trend, hopefully, is in the right direction in recognizing the potential dangers now and in building for them.

PRESIDENT FAILS TO RESPOND TO PRIMARY CONCERNS OF AGING CONFERENCE

Mr. EAGLETON. Mr. President, two of the primary concerns which emerged from the White House Conference on Aging late last year were an adequate floor of income for the elderly and expansion of medicare to cover the cost of prescription drugs.

In his address to the closing session of the conference, President Nixon recognized those concerns. He told the delegates:

> Any discussion of recommendations for dealing with the problems of the aging would not be complete without recognizing the strong support expressed at this conference for extending Medicare coverage to include prescription drugs, and for accelerating the rate at which the income floor comes into effect under H.R. 1.
>
> As you know, these proposals involve very difficult budgetary problems for the Government.
>
> However, because of the interest which conference delegates have expressed in these changes, I have directed the Domestic Council to carefully consider both proposals and to make recommendations to me at an early date.

On February 3, at a joint hearing of the Subcommittee on Aging of the Labor and Public Welfare Committee and the Special Committee on Aging, I questioned Dr. Arthur Flemming, Chairman of the White House Conference and Special Consultant to the President on Aging, about the progress of the administration's consideration of these proposals.

Dr. Flemming responded that the President had not yet arrived at any conclusions on those two issues, but that a decision would be made and the Congress would be advised.

On March 2, the President sent to Congress a message on health care, including his recommendations with respect to medicare. Glaringly absent from his message was any reference to prescription drug coverage.

Also, the Congress has received no recommendation from the President with regard to acceleration of the income floor for the aged, blind, and disabled under H.R. 1.

Mr. President, the Senate Finance Committee is now meeting in executive session on H.R. 1. I find it quite discouraging that the President has so far failed to submit recommendations on these two important and timely issues.

In the absence of a response from the administration, the Senate's responsibilities are clear.

The Senator from New Mexico (Mr. MONTOYA) has worked long and tirelessly to develop a proposal for covering the cost of prescription drugs under medicare part A. I am a cosponsor of his bill (S. 936), and I am very hopeful that the Finance Committee will include the Senator's proposal in H.R. 1.

I have submitted an amendment to title III of H.R. 1 to eliminate the phase-in of the income floor for the aged, blind, and disabled. My amendment would set the initial benefit levels at $150 for a single person and $200 for a couple and provide for annual cost-of-living adjustments in these levels.

If the recommendations of the White House Conference on Aging are to be anything more than volumes on a dusty shelf, there must be constructive responses by the executive branch, the Congress, and State and local governments.

The Senate can begin to meet its responsibilities by including in H.R. 1, in addition to a substantial increase in social security benefits, an adequate floor of income for all of the elderly and medicare coverage of prescription drugs.

EARTHQUAKE PREDICTIONS

Mr. CRANSTON. Mr. President, one of the valuable dividends from President Nixon's trip to China will be the exchange of scientific information and scholars that has been promised by both the President and the People's Republic of China.

I am especially concerned that we move immediately to include a geologic and geodetic team from the United States in the first delegation to China.

And I would hope that team would include American experts on earthquakes and, especially, those who have been doing research on earthquake prediction.

The Chinese have records of earthquakes dating back 3,000 years—the only nation in the world with such records. The country has been plagued by earthquakes throughout its history and it is deeply interested in the possibility of predicting earthquakes and even, perhaps, controlling them. Their records show that in the past 3,000 years there has been a major earthquake every 6 years on the average. In 1556 A.D. a quake in Kansu Province killed 820,000 persons.

J. Tuzo Wilson, of the University of Toronto, an internationally famous geophysicist, recently spent 3 and a half weeks in China and reported on Chinese earthquake research in the Saturday Review of February 19.

I ask unanimous consent that Mr. Wilson's article be printed in the RECORD.

I shall quote here one paragraph from Mr. Wilson's excellent article because of its special importance to legislation on earthquake research which I have introduced:

> If the rate at which earthquakes release energy could be controlled, the damage they inflict might be considerably reduced. Before control can be seriously thought of, however, the nature of quakes must be better understood. This understanding requires international cooperation, which one hopes will be improved by the talks between President Nixon and Chairman Mao scheduled next week. Although the West has much to offer to collaborative research, only the Chinese can supply the long historical records and epicenter distribution now missing from planetary tectonic patterns.

Mr. President, my Earthquake Prediction Act of 1972, introduced on February 15, would create a 5-year program with the ultimate objective of establishing the Nation's first earthquake prediction-warning system, a system that has the potential of saving tens of thousands of lives in a major earthquake and perhaps millions of dollars in property damage.

It is clear from Mr. Wilson's report on Chinese earthquake research that a key element of my legislation, prepared before the President's trip and before I had this information on Chinese geological programs, should include provisions and authorization for international cooperation.

I shall amend my legislation to provide that authority but meanwhile I am writing to President Nixon to ask him to consider inclusion of geologists and geophysicists on any American delegation of scientists which may be visiting China in the near future.

The study of earthquakes is only one scientific opportunity which is presented in our new open door to China. I supported the President's trip to China. It was a great succses. Still greater benefits lie ahead. We must move now to insure the reaping of those benefits and further improve our relations with that country.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MAO'S ALMANAC—3,000 YEARS OF KILLER EARTHQUAKES

(By J. Tuzo Wilson)

Earthquakes have always been one of China's great scourges. In the last three millenniums, there has been a major quake every six years on the average, including what is probably the most destructive tremblor ever recorded anywhere. It shook Kansu Province so severely in A.D. 1556 that falling buildings and walls killed more than 820,000 persons recorded by name. Nobody knows how many were killed whose names were not recorded. Small wonder then that the regime of Mao Tse-tung has instructed the Institute of Geophysics and the Institute of Geology of China's Academy of Sciences to concentrate on the predicting of earthquakes.

I discovered this emphasis last autumn when, as a guest of the Academy of Sciences in Peking, I spent three-and-a-half weeks in the People's Republic of China. I had visited Mao's China thirteen years before, when I was president of the International Union of Geodesy and Geophysics and was exploring the possibilities of bringing Peking back into the world community of science. On that first visit I saw the rudiments of a seismological network started in 1951 [see "Red China's Hidden Capital of Science," *SR*, Nov. 8, 1958] and was impressed by the dedication and skill of the scientists responsible for its operation. But my observations at that time did not prepare me for my 1971 discovery that the Chinese have information that we lack in our efforts to predict earthquakes. This information has not been reported in the West.

Of greatest interest are the Chinese discoveries about the distribution of earthquakes and the cycles of seismic activity. These are based upon records that go back more than 3,000 years and are considered reliable over the past 2,752 years. From them Chinese seismologists have put together a four-stage model of the process that first accumulates and then releases the energy that causes earthquakes. The only other study that is at all comparable covers the seismic history of the eastern Mediterranean over the past 2,000 years, and it does not reveal the clear cycles of activity shown in the Chinese records.

If the rate at which earthquakes release energy could be controlled, the damage they inflict might be considerably reduced. Before control can be seriously thought of, however, the nature of quakes must be better understood. This understanding requires international cooperation, which one hopes will be improved by the talks between President Nixon and Chairman Mao scheduled next week. Although the West has much to offer to collaborative research, only the Chinese can supply the long historical records and epicenter distribution now missing from planetary tectonic patterns.

My wife, Isabel, and I entered China via Rangoon, flying along the great Irrawaddy River to Mandalay, then over the Burma "hump" and across the plains of China. Monsoon clouds hid most of the landscape until we neared Shanghai at dusk, but I was surprised by the extent of water—rivers, lakes, canals, and flooded paddy fields—that reflected the bright moonlight off the vast delta. I was even more surprised by the twinkles of tiny electric lights that marked the countryside: none of the brilliance of Western cities, but proof of extensive electrification.

Shanghai's airport resembled that of a city in the central plains of North America except for one thing: It was virtually deserted. The absence of planes, automobiles, and bustle focused our attention on a long double line of cheerful young Chinese dressed in blue track suits, enthusiastically clapping. They formed a welcoming corridor for our traveling companions, a group of young Africans and Arabs bound for the great Afro-Asian Table Tennis Friendship Invitational Tournament soon to begin in Peking. Loudspeakers boomed martial music and exhilarating choruses.

The sound was more Russian than Chinese. It combined with the architecture of the airport's imposing new terminal and the four Ilyushin planes on the tarmac to suggest to us that we might have flown over the wrong mountains and landed in the Soviet Union. Frequently during the following weeks we had reason to recall the close connections that had existed between China and the Soviet Union up to 1960. Our hosts often reminded us, however, that those connections had been completely broken.

Isabel and I were met by half a dozen charming and attentive scientists, officials, and interpreters. They expressed sympathy for our fatiguing, long journey and led us into the terminal, where we sat in easy chairs and were offered Chinese tea and cigarettes. I had scarcely been asked for the baggage checks and my passport when the bags appeared. Isabel's passport, our health certificates, and all questions of foreign currency were waived. We were foreign friends, guests of the academy. It was the simplest and most gracious entry I recall making into any country.

We spent the night at a wonderful old hotel in Shanghai. It was identified only by a street number, but I have surmised, since leaving China, that it must originally have been Victor Sassoon's Cathay Hotel. It overlooked the Whampo River near a clock tower that chimed "The East Is Red."

The next morning we boarded a crack steam train, one of the more appealing aspects of a bygone age. The engine had four scarlet drive wheels, three red flags between its eyebrows, and gold Chinese characters on its tender. As we rolled past the field and villages of the Yangtze plain on our way to Peking, we could see people working everywhere. A young interpreter who pointed out improvements on every side apologized rather unnecessarily for his lack of fluency in English. He mentioned his greater familiarity with Russian, from which he had recently switched because he could foresee no future for Russian interpreters in China.

We were met at the Peking station by the acting director of the Institute of Geophysics, the deputy director of the Institute of Geology, a senior scientist named Mrs. Woo, several officials from the foreign relations section of the Academy of Sciences, two interpreters, and a Canadian Embassy counselor whose black-felt hat towered above the blue Mao caps. We were greeted cordially and then driven to our hotel, where we were told to "rest yourselves a little and then we shall return to discuss the program."

I had hoped to be able to return to the places I had visited in 1958, in order to assess the changes wrought by the Cultural Revolution. It had swept through the academic life of China like a typhoon, shutting off all scientific publications, essentially closing universities for four years, and sending the professors out to plant rice, work in factories, or otherwise gather firsthand knowledge of workers and peasants so as to be able to apply academic knowledge to the problems of the countryside while undergoing re-education in the thought of Chairman Mao.

My 1958 visit had taken me to Peking, Sian, Lanchow, and Canton. However, I was told that Lanchow was out of the question for 1971, apparently because cities as far inland as it is are unprepared to receive visitors with traditional Chinese graciousness. The substitute itinerary we agreed upon included all the other cities I had seen in 1958 plus Yenan (famous as the point where Mao's monumental "long march" in the early 1930s ended), Nanking, Shanghai, and Hangchow. Relatively, this would expose me to the Chinese equivalent of a chunk of North America bounded by the cities of New York, Atlanta, New Orleans, Chicago, and Winnipeg.

Once we were settled in our quarters, I mentioned to my hosts that I had brought along illustrative slides and would be happy to lecture on plate tectonics, the modern version of continental drift theory that is now popular in the West, if it were thought that there might be any interest in the subject. My offer was immediately seized upon and arrangements made for me to lecture to eighty scientists. Their reception was favorable, and I was asked to conduct two additional seminars, each of which was attended by about thirty persons. The questions raised were numerous, and the caliber of some made me aware that the study of earthquakes, the boundary markers of the rigid plates that occupy the earth's surface, had a very high priority in the Chinese scientific community.

Another evidence of that priority was visible at a research center I had visited in 1958. Then it was known as the Institute of Geophysics and Meteorology. It had four sections, dealing with meteorology, seismology, geomagnetism, and geophysical prospecting. The Cultural Revolution streamlined it, and it is now called simply the Institute of Geophysics. "In keeping with socialist reconstruction," the acting director, Dr. Ku, told me, work in meteorology and in prospecting has been transferred to national government ministries, and provincial governments have taken over some of the regional field stations. The institute now concentrates on prediction of earthquakes, "because scientific work should serve the needs of the people." The phraseology has a certain propagandistic tone; yet it is rooted deep in Chinese history. Not that earthquakes in China are more frequent or severe than in many other countries. But their widespread distribution over a land with a dense population housed in buildings poorly constructed of heavy materials has resulted in the deaths of more people than have perished anywhere else on account of earthquakes.

The presently constituted institute occupies about one-third of the building that houses the administrative services of the Academy of Sciences. Dr. Ku, who wrote the letter inviting me to China in the academy's name, is a most cheerful and charming man of about my own age. He speaks English well, having studied for a year at the Colorado School of Mines.

Aside from heading the Institute of Geophysics, Dr. Ku belongs to the new executive body that runs it: the revolutionary committee. Such revolutionary committees, which include all categories of employment in three age groups, are now in charge of every institution in China.

The members of the revolutionary committee with whom we met were not at all formidable. All were extraordinarily keen about the development of their institute and anxious to tell us about it. They said the staff had recently been trebled to 300 people, only one-third of whom are employed in the building the others were assigned either to factories where scientists team with mechanics in designing and manufacturing geophysical instruments or are attached to seismographic and geomagnetic stations in the countryside. There are twelve major seismographic stations, operated jointly by the institute and provincial governments. They conform more or less to the seismological networks of the United States, Canada, or the Soviet Union. Eight smaller stations are ranged within 100 miles of Peking and 150 still smaller regional stations are strung farther out. The most modern equipment is used to telemeter seismic observations from the outlying stations into Peking. The signals are apparently digitalized, for I saw a man working on telemetering equipment that had neon lights as counters. Two girls were making changes in circuitry according to his directions, with great dexterity soldering components into printed circuit boards about five inches square. Elsewhere in the building I saw the institute's electronic computer, installed in a newly painted, air-conditioned room. It had been made in Peking, and I was told that the number on it—DJS6—meant that it ran on transistors. Attached to it were a plotting table, a photoelectric printout, and a teleprinter, all of Chinese manufacture.

Four lines of research are being followed in pursuit of the institute's chief task—the predicting of earthquakes. One entails analysis of geomagnetic phenomena. Another employs tilt meters designed to register deformation of the earth's crust and thus identify quake warning signals. A continuous record of small earth shocks and micro-earthquakes is being kept in order to define active faults in the earth's crust along which much larger earthquakes might be expected to occur.

The attention to fault lines in China seems to be new. I heard nothing of it on my 1958 visit, and I have seen no reference to it in the literature since then. Although I was not told so, it could be a natural offshoot of the historical study of large earthquakes, which has long been the specialty of Dr. Lee Shan-pang, a former California Institute of Technology student of Professor Beno Gutenberg and author of a three-volume classic on the subject. I had a long discussion with Dr. Lee to try to clarify the point. He told me he had published a revised edition of his great historical work, in which he added records in the Manchurian language to those compiled in Chinese. Tibetan and Mongolian earthquake history remains to be incorporated.

The earliest records he had found were from 1198 B.C. These he did not consider reliable. But he plotted the location and magnitude of 530 major earthquakes that had occurred in China since 780 B.C. By his estimation, all of these had reached a magnitude of six or greater on the Richter scale of measurement. Dr. Lee, Dr. Ku, and the revolutionary committee of the Institute of Geophysics allowed me to photograph a manuscript map of those 530 quakes. Seventeen of them were graded as greater than magnitude eight, and about eighty were between magnitudes seven and eight.

The map had so little topographic orientation that I had difficulty reconstructing it and might have failed had I not unexpectably come upon two other printed maps elsewhere in China. These appeared to be different versions of the manuscript map, were drawn to a scale of 1:4 million and were dated 1970. I was surprised to see them because I knew that no scientific journals have been published in China since 1966. My comment on this circumstance seemed to embarrass my hosts, one of whom remarked that the maps had not been issued because their interpretation of the earthquake pattern continued to be a matter of hot debate. Not wishing to give offense, or to enter into any internal Chinese controversy, I glanced at the maps only long enough to see that both of them showed the location and magnitude of earthquakes with the date beside each epicenter and that one map related the epicenters to important features of the tectonic geology of China.

Anyone with a grasp of modern geophysics could have seen at a glance that the earthquakes marked on the maps were concentrated along definite lines of tectonic weakness. One of these lines goes straight north from Kunming and crosses the Yellow River. Another extends down the Red River to Hanoi. A third cuts across the Yellow River near Sian to the neighborhood of Peking. Other quake epicenter lines pass along the Altai and Tien Shan mountains, encircle Tibet, underlie Taiwan, and skirt the Russian border at Vladivostok.

It seems to me that the Chinese maps support the modern Western concept that the earth's surface is broken into a series of moving plates and that earthquakes occur along the boundaries of the plates—the very subject my lecture had focused on. But the Chinese grasped my Western ideas only slowly and vaguely. They were immersed in their own views, showing that although they get copies of Western scientific journals, they do not read them closely. I got the same impression when I repeated the lecture in Sian, Nanking, and Shanghai.

In contrast to that hiatus between Oriental and Occidental thought is the work the Chinese have done in applying the observational techniques of the late Caltech professor Hugo Benioff. With instruments derived from his, they have plotted the rate of energy release along the great faults revealed by their maps. Thanks to their long historical record, they have fixed the dates and magnitudes of earthquakes along each line over a range of time unequaled anywhere else in the world.

They have found that they can divide the earthquake history of each tectonically active area into cycles. Each cycle has four stages. During the first stage, which may last a century or more, the strain on the rocks accumulates. Only a few small earthquakes occur in this period. The second stage is one of transition, during which earthquakes become larger and more frequent. In the third stage the main energy is released. There is one huge earthquake, possibly followed by a few other large earthquakes within a short span of years. The fourth stage of the cycle is characterized by lesser aftershocks, completing the cycle.

In Shansi Province, west of Peking, for example, one cycle extended from A.D. 1000 to 1370. A second cycle ran from 1370 to 1750, culminating in a big shock near Peking that killed 100,000 people. A third cycle started in 1750. It is now in stage two and may be approaching stage three. If stage three is at hand, great shocks are expectable in the near future in the vicinity of Peking. The Chinese did not quite admit this to me, but such an anticipation would be an obvious explanation for the stress that is being laid on the predicting of earthquakes in China today.

Applying their earthquake energy release model to eastern Yunnan, the Chinese have recognized one cycle from 1500 to 1820 and a second that began about 1830. The disastrous third stage of this second cycle is not worrying them; they think it accounted for the so-called Assam earthquake of 1950, near the border of India and China. Dr. Lee says the epicenter of the Assam quake was not in Assam or anywhere else in India, but in Cha-yu County, Yunnan Province, China.

In contemplating ways to mitigate earthquakes in the future, it would be helpful to know whether the land mass of China is broken into a series of small tectonic plates or if there is another reason for the diffuse pattern of earthquakes centering in the vast region of China, Mongolia, and Turkistan. Often severe earthquakes occur in that region, apparently at random. The rest of the world is interested in this enigma because tectonic plates interact; the motions of one plate may generate motion in other plates. Moreover, correct interpretations of Chinese seismicity could provide an understanding of other, less active, but still potentially dangerous areas of scattered earthquakes, such as the lower St. Lawrence River and Mississippi River valleys.

Chinese earthquakes recorded during the past decade on the network of seismographs scattered through other lands around the globe have been mostly minor ones, and their pattern is too diffuse to be interpreted. However, the pattern of major shocks recorded by the Chinese over the past 2,752 years is much clearer. The Chinese themselves recognize the importance of a structural boundary separating the country approximately along the meridian of 105 degrees east longitude. West of this line, earthquakes follow the mountains in generally east-west trends. Most of the mountains are young or at least still volcanically active. East of the 105 degrees east meridian, the situation is different. In the southeast, the great plain of China is very stable. The same is not true of northern China. One important active fault crosses Shantung Peninsula in a northeasterly direction and at an angle to the Kunming-Lanchow break previously mentioned here. Some Chinese geophysicists call this line across Shantung the Tancheng-Lukiang transcurrent fault and compare it to the San Andreas Fault on the opposite side of the Pacific. These scientists attribute the Tancheng-Lukiang tectonic activity to the same source that has been invoked to explain the activity in California: northward motion of the tectonic plate that carries a slice of the Pacific coast of China, Korea, Siberia, and the Pacific Ocean floor past the rest of China.

Perhaps the most active locus of earthquakes in all of China is an S-shaped belt beginning north of Peking and extending to Sian and Lanchow. Great shocks occurred along it in A.D. 1303, 1556, 1679, and 1695. Isabel and I followed the lower loop of the S in flying from Peking to Sian. A flat-bottomed valley in which our plane landed was partly filled with sediment to a depth of 20,000 feet. The valley had started to form less than thirty million years ago, when the surrounding plains were uplifted.

From my very imperfect knowledge of the subject, I can draw only two possible explanations for the existence of the S-shaped fault line. One is recent uplift and volcanism beneath the fault due to deep-seated upwelling from the earth's interior such as produced the East African rift valleys and the basin now filled by Lake Baikal. The alternate explanation is that much of China constitutes a small tectonic plate that has broken away from the rest of Asia along this line of faults and that this plate is pushing southward toward Indonesia between the northward motion of India on the one side and that of the Pacific basin on the other.

The seriousness with which the Mao regime in China approaches puzzles such as these is emphasized by its issuance to the Academy of Sciences Institute of Geology the same directive that went to the Institute of Geophysics: "Predict earthquakes." On a wall of one of the rooms in the Institute of Geology headquarters I saw a geological map of China scaled 1:3 million and published in 1960. My hosts immediately pointed out some of its main features to me. I could see structural lines corresponding to the earthquake belts. My hosts confirmed my observations. I asked if anyone had tried to ameliorate or control release of earthquake energy by pumping water into or out of the ground near active faults, as has been done in Colorado. The reply was negative. Indeed, throughout my stay in China, I got no intimation whatever of any Chinese attempt to couple prediction with earthquake control.

It may be that the Chinese just do not feel close enough to a reasonable coupling of prediction and control to discuss the problem. However, I saw much ingenuity employed in seeking an understanding of earthquake mechanisms. In one series of laboratories, experiments are under way with plastic and clay models of the fault lines through China. The models are made by covering suitably shaped plates with clay or plaster. The plates are then set in motion and the changes in the clay or plastic observed. Another research group is using a vibration table to study various forms of vibration on rocks. Mass spectographs made in China are determining the ages of rocks in relation to the behavior of the rocks. A simple model of electron microscope made in Nanking is identifying clay mineral molecules. A 1,000-ton press capable of generating and maintaining temperatures up to 3,600 degrees Fahrenheit is testing the response of various rocks to high temperatures and pressures comparable to those prevailing deep in the earth's crust.

Future progress in China's quest for knowledge about earthquakes will depend only partly on Chinese scientists. The responsibility and the opportunity are shared by the revolutionary committees that ultimately govern the quality of scientific research. On the whole, I judge the committee members I met to have been well chosen. Clearly, however, the unaccustomed authority has placed a strain on some of the eager but untried young men, and some of them are quite nervous. Plainly, the system will be subject to many great arguments. The success of its operation must depend heavily on personalities. Everywhere I went I was reminded that the system is new and experimental. It is, like much else in China, in a state of change. Although the Chinese might not like to admit it, they are busy emulating the West in trying to create an industrial society as fast as they can. It is my opinion that the industrialization the Japanese have accomplished in the past century the Chinese can accomplish on several times the scale in the next. Ironically, all of this is occurring at a time when many North Americans are hankering for a simpler, even a rural, existence.

THE HUMAN COST OF COMMUNISM IN VIETNAM

Mr. ALLOTT. Mr. President, a new committee print has just been published which deserves the attention of all Senators, and wide dissemination among responsible citizens.

The print is from the Judiciary Committee's Subcommittee To Investigate the Administration of the Internal Security Act and Other Internal Security Laws. The print is entitled "The Human Cost of Communism in Vietnam."

This important print is a compendium of documentation of the pain inflicted on Indochina by decades of Communist agitation and war.

This documentation is especially useful at a time when we are facing a drive by a few persons to terminate all material support to the brave, embattled and remarkably successful people of South Vietnam.

I commend the subcommittee for its work, and I recommend its print to all Senators.

Mr. BUCKLEY. Mr. President, the Senate Committee on the Judiciary, Subcommittee on Internal Security, has produced the third in its series of studies on the human cost of communism. The most recent study, entitled "The Human Cost of Communism in Vietnam," follows upon highly professional studies of Soviet communism and Chinese communism. These documents represent a significant contribution to our understanding of the true nature of communism and practice. There is a tendency among some individuals to romanticize the Chinese and other Communist revolutionaries in Asia. The material contained in this important study should dispel any rationale for romanticizing Vietnamese revolutionaries. In North Vietnam, Bernard Fall estimated that at least 50,000 individuals were executed during the agrarian reform campaign alone in the mid-1950's. Other estimates concerning the entire cost of Communist consolidation in North Vietnam range as high as 500,000, based on information provided by individuals who held high positions in the North Vietnamese Government.

In South Vietnam, civilian victims of Communist terrorism include 36,000 killed and 53,000 kidnapped between 1957 and 1971. Indeed this is not terror for narrow military objectives but rather a calculated instrument of disruption to intimidate any civilian cooperation with the South Vietnamese Government.

Horrifying as the results of Communist rule in the past 20 years in North Vietnam and portions of South Vietnam have been, even more horrifying would be the probable costs of a Communist victory in Southeast Asia. This important study has collected information from North Vietnamese military officers who reported that 3 to 5 million South Vietnamese citizens are on the Communists' "blood list," and that at least 10 to 15 percent of those would pay with their lives, and another 40 percent would be imprisoned; the remainder would have to undergo thought reform.

Mr. President, I ask unanimous consent that the introduction from this very important study be printed in the RECORD.

There being no objection, the introduction was ordered to be printed in the RECORD, as follows:

THE HUMAN COST OF COMMUNISM IN VIETNAM

I. INTRODUCTION

(By Senator JAMES O. EASTLAND, Chairman, Senate Subcommittee on Internal Security)

This is the third in a series of studies on the human cost of communism published by the Senate Subcommittee on Internal Security.

The first study, "The Human Cost of Soviet Communism," was prepared by the renowned British Sovietologist, Robert Conquest.

The second study, "The Human Cost of Communism in China," was written for the Subcommittee by Professor Richard L. Walker, Director of the Institute of International Studies at the University of South Carolina and one of this country's foremost China scholars.

In attempting to assess the human cost of communism in Vietnam and to come up with some kind of estimate of the human cost of a Communist victory, it was our conviction that a reasonable assessment could be achieved through a compendium of excerpts from the most authoritative writings on the subject.

The American ground combat role in Vietnam is now rapidly drawing to a close. No one can say at this juncture whether the Communists will continue to spurn the very generous terms that have been offered to them and to reject any settlement that offers them less than total victory. But, in any case, the era of unlimited American assistance is already ended. The scale of future assistance, in addition to being very much reduced, is bound to be determined within relatively narrow limits.

The assertion that a Communist victory in South Vietnam would result in a ruthless massacre of those the Communists regard as their enemies has been challenged by certain critics of American policy—especially by those critics who believe that the situation is hopeless, that we should cut our losses, terminate our aid program, accept the terms offered by the Communists, and reconcile ourselves to a Communist takeover of all Indochina. For understandable reasons, such critics want desperately to believe that the course they advocate is not attended by the danger of a major bloodbath.

There are others who believe that there is a fighting chance that the Communists may yet come to terms or be held in check, and that it would be politically and morally wrong to withdraw all aid, fold our hands, and accept a Communist victory as foreordained. They see scope for hope in the remarkable successes achieved by the Vietnamization program, the grave disorganization of the Chinese Communist armies in the wake of the Lin Piao purge, and the massive social and political stresses that have become apparent in North Vietnam.

But whatever one believes, the record set forth in this study is something that every honest man will want to keep in mind in assessing the future of our Indochina policy.

It is, of course, impossible to provide mathematical proof for the proposition that a Communist victory in South Vietnam would result in a bloodbath. But there are documents and historical indices that permit one to make an intelligent assessment of what is likely to happen if a Communist regime ever should come to power in Saigon. And an examination of the totality of these documents and historical indices point to the almost certain probability that a Communist victory would be followed by a bloodletting that would rival the worst bloodlettings that have taken place in Communist countries to date.

The documentation that follows presents a wide range of estimates of what might be expected in the wake of a Communist takeover in South Vietnam.

The lowest estimate was that made by Stephen Hosmer in his superbly researched study of terror as an instrument of Communist policy. Always exceedingly careful never to overstate himself, Hosmer considers the possibility that the Communists may decide to limit the bloodletting under certain circumstances—but then goes on to state that, should a Communist regime decide to deal severely with members of the groups listed for repression, he finds it difficult to believe that the number of victims would be much less than 100,000, and that the total might well be very much higher than this.

Professor P. J. Honey of London, widely recognized as one of the foremost authorities on North Vietnam in the free world, predicts that "on the basis of past Communist deeds, and given the size of South Vietnam's population, the minimum number of those to be butchered will exceed one million and could rise to several times that figure."

Colonel Tran Van Dac, a North Vietnamese officer who defected after 24 years in the Communist movement, informed the press that the Communists, if they win, will slaughter up to 3,000,000 South Vietnamese who have resisted them so bitterly for so many years.

After North Vietnamese colonel, Le Xuan Chuyen, who defected after 21 years membership in the Communist Party, asserted that 5,000,000 people in South Vietnam are on the Communists' "blood debt" lists; that 10 to 15 per cent of these would pay with their lives; that another 40 per cent would be imprisoned; and that the rest would have to undergo "thought reform."

Douglas Pike, author of the definitive work "The Viet Cong," who made an in-depth study of the organized mass killings carried out by the Communists during their brief occupation of a portion of Hue, concludes his study with these ominous words:

The meaning of the Hue Massacre seems clear. If the Communists win decisively in South Vietnam (and the key word is decisively), what is the prospect. First, all foreigners would be cleared out of the South, especially the hundreds of foreign newsmen who are in and out of Saigon. A curtain of ignorance would descend. Then would begin a night of long knives. There would be a new order to build. The war was long and so are memories of old scores to be settled. All political opposition, actual or potential, would be systematically eliminated. Stalin versus kulak, Mao versus landlord, Hanoi Communist versus Southern Catholic, the pattern would be the same: eliminate not the individual, for who cares about the individual, but the latent danger to the dream, the representative of the blocs, the symbol of the force, that might someday, even inside the regime, dilute the system. Beyond this would come Communist justice meted out to the "tyrants and lackeys." Personal revenge would be a small wheel turning within the larger wheel of Party retribution.

But little of this would be known abroad. The Communists in Vietnam would create a silence.

The world would call it peace.

Given the 15 broad categories of political opponents whom the Communists have included in their "blood debt" list, Pike indicates that the estimate of several million victims, if the communists win, may not be excessive.

That there would be a massive bloodletting is something that is taken for granted by virtually every serious student of Vietnamese affairs. And the probability is that the final toll would be somewhere in the range indicated by Professor Honey, Douglas Pike, and the two North Vietnamese colonel-defectors.

What are some of the indices that point to this probability?

First, there is the merciless body of Communist doctrine—from Lenin to Stalin to Mao Tse-tung to Ho Chi Minh—which justifies and insists on the imperative need for mass terror.

Second, there is the historical record of Communist bloodlettings—in the Soviet Union, in Red China, in North Vietnam, and wherever they have come to power.

Third, there is the record of the Communist terror in South Vietnam during the entire period of the so-called insurgency, including the merciless massacres of men, women and children at Dak Son, Duc Duc and other places.

Fourth, there was the Hue massacre with its systematic killing, which exacted a toll of 5,700 civilian victims, who, according to captured Communist documents were considered "wicked tyrants" or "counter-revolutionaries", who owed "blood debts" to the people.

Fifth, there is the considerable body of evidence of Communist intentions contained in captured documents and in the testimony of defectors.

Let us examine some of the precedents and some of the testimony.

THE SOVIET PRECEDENT

V. I. Lenin told his followers that "not a single revolutionary government can dispense with the death penalty for exploiters (i.e., for landlords and capitalists)." And when the Leningrad Party in June 1918 sought to restrain elements who were engaging in undiscriminate mass terror, Lenin rebuked the Leningrad Party in these words: "This is unheard of. The energy and mass nature of the terror must be encouraged."

Lenin's directives on the need for mass terror were honored to the hilt both in his lifetime and after his death. In his monumental work, "The Great Terror," and in the study which he subsequently prepared for the Subcommittee on Internal Security, Robert Conquest came up with the staggering finding that well over 20,000,000 human beings were executed or killed in other ways by the Soviet authorities in successive waves of terror, in the decades after the Bolshevik Revolution. He made the further point that this was a computation, and that the real figure might be closer to 30,000,000. If the casualty roll was extended to include the victims of the civil war and the famine and typhus which followed it, then the aggregate figure for the human cost of Soviet communism would be somewhere between 35,000,000 and 45,000,000 human lives.

There was a time, during the 30's and 40's, when it was fashionable among intellectuals to disbelieve or challenge the accounts of mass terror that were brought out by refugees and defectors and critical observers. So determined were they to defend the nebulous belief that Soviet communism represented some kind of brave new world, that they swallowed uncritically Moscow's tortured justification of the purge trials of the 30's—at the same time as they damned as "reactionaries" and "extremists" all those who sought to set forth the facts about a mass terror that had already cost many millions of human lives.

But then at the 20th Congress of the Communist Party of the Soviet Union in 1956 Khrushchev made his famous speech on the crimes of the Stalin era—and suddenly it became clear that the charges of mass terror made by the so-called "extremists" and "reactionaries", were, if anything, understatements. Today the mountain of evidence that has become available makes it impossible—even for the most determined sympathizer—to challenge the basic facts about the Soviet terror, or the general parameters of the computation made by Robert Conquest.

About the human cost of Soviet communism, therefore, we need not argue. The facts are in. The record is unchallenged.

THE CHINESE PRECEDENT

An ardent Leninist and Stalinist, Mao Tse-tung added some refinements of his own—like public mass executions—to the pioneering terrorism of his Soviet antecedents. In one of his earliest published works, in March 1927, Mao wrote that a revolution cannot be . . . "kind, courteous, restrained and magnanimous." He said that for the revolution to succeed, "To put it bluntly, it is necessary to create terror for a while in every rural area."

In the case of China, the documentation on the Communist terror, while not nearly so voluminous as it is in the case of the Soviet Union, is nevertheless extensive enough to permit estimates within wider margins. In the study which he prepared for the Subcommittee, it was Professor Walker's estimate, after having studied all the evidence, that communism in China, from the time of the first civil war (1927–1936) until today, has cost a minimum of 34 million lives, and that the total might run as high as 64 million lives.

THE NORTH VIETNAMESE PRECEDENT

A dedicated disciple of Lenin, Ho Chi Minh, gave early proof that he understood the importance of liquidating all political opposition. His most formidable rival in the early 20's was Phan Boi Chau, a greatly respected nationalist leader, considered by many to be the Sun Yat Sen of Vietnam. Ho Chi Minh—at that time Nguyen Ai Quoc—eliminated Phan Boi Chau as a rival by arranging to deliver him to the French Security Service for a reward of 100,000 piastres. He subsequently justified his action with the explanation that he needed the money to finance party activities. (See p. 103).

During the final days of World War II, with

Japan teetering on the brink of collapse, Ho Chi Minh and the Indo-Chinese Communist Party staged a coup which gave them control of most of North Vietnam. Ostensibly the "Provisional Government of the Democratic Republic of Vietnam" was a coalition nationalist government, including representatives of other nationalist parties as well as the Communists. With unerring Machiavellianism, Ho Chi Minh played off one nationalist group against the other, and played off the nationalists against the returning French and the French against the nationalists. Meanwhile the assassins and the execution squads were busy. Ngo Ton Dat, the son of a leading Vietnamese Nationalist, has estimated that during a two-month period in the Fall of 1945, some 10,000 people were killed in Hanoi and its immediate environs. The myth of the "coalition government" survived into 1946, while the killing continued unabated. When the charade had played itself out, Ho Chi Minh had achieved the physical elimination of all potential political rivals, including the influential Vietnamese Trotskyist movement. So thorough was his political purge, that by 1947 there was virtually no political personality left alive in Vietnam to challenge his influence. (See pages 11–13.)

At a later date, the North Vietnamese Communists openly bragged about their cleverness in exploiting the "united front" tactic to divide their opponents and ultimately to destroy them, both in the events leading up to the coalition government of 1945–46, and currently in South Vietnam. An article in "Hoc Tap" (Hanoi), the Party's theoretical organ, in September 1966, put the matter this way:

> On the basis of keeping firm in strategy, our Party cleverly applied its tactics: On the one hand, it cleverly took advantage of the regional and temporary contradictions of the enemy to sow division among him. On the other hand, it united with anyone who could be united, won over anyone who could be won over, neutralized anyone who should be neutralized, completely isolated the imperialists and their most dangerous lackeys, and concentrated the spearheads of the attacks on them to overthrow them.
>
> The policy of founding the Indo-Chinese Democratic Front between 1936 and 1939, the Viet Minh Front between 1941 and 1951 and the Lien Viet Front after the August Revolution; the decision of signing the 6 March 1946 Preliminary Accord (on French troop entry into North Viet-Nam) the present NFLSV policy of upholding the mottoes of independence, democracy, peace and neutrality, and so forth are the typical examples of the clever application of the following instruction of Lenin:
>
> "It is possible to defeat a stronger enemy only through displaying great effort and under the necessary condition of taking advantage very minutely, very attentively, very carefully and very cleverly to any rift among the enemy, even the smallest contradiction among the interests of various bourgeois groups and factions in each country . . ."

The word "neutralize" is, of course, a communist euphemism for "destroy." Summarizing the purges which took place after the August 1945 revolution, Bernard Fall wrote:

> In a series of swift stabs, he [Giap] destroyed the back country strongholds of the nationalist parties; executed hundreds of Vietnamese nationalists and even such old comrades in arms a the Trotskyite leader Ta-Thu-Thau, a personal friend of Ho Chi Minh. Finally, on July 11, 1946, Giap launched a country-wide purge of nationalist leaders and closed down Viet-nam, the last opposition newspaper.[1]
>
> . . . The coalition government in the National Assembly was similarly decimated. By the end of 1946, the non-Communist representatives had been reduced from 70 seats to 20 in attendance and of the 20 all but two voted with the Communists. Of the two, one was arrested and the other went into hiding.[2]

Looking back upon this period, the leaders of the Vietnamese Communist movement concluded that they had killed—not too many people—but too few people. Truong Chinh, at present the No. 2 man in Hanoi and the recognized theoretical leader of the Party, put it this way:

> We admit that because of the extremely intricate situation in our country and the relatively limited strength of the Vietnamese revolution, it was not possible to carry out a systematic elimination of the counterrevolutionary elements on Jacobean or Bolshevik lines. . . . However, it is to be regretted that energetic, timely and necessary measures to counteract all possible dangers in the future were not taken immediately upon the seizing of power and before any foreign intervention, at a time when the reactionaries in the country were still at a loss, and had not had time to reorganize themselves. . . . We regret only that the repression of the reactionaries during the August period was not carried out more fully, within the framework of the possibilities. . . . For a newborn revolutionary power to be lenient with counter-revolutionaries is tantamount to committing suicide.[3]

If they failed to kill enough people in the wake of the August 1945 revolution, the Vietnamese Communists more than made up for this failure when the Geneva agreement of 1954 established them in undisputed control of North Vietnam. The body of evidence about the mass terror in North Vietnam suffers from major gaps because the North Vietnamese Communists did not publicize their killings, while the handful of foreigners who were there, with few exceptions, had their movements severely restricted. Though the Communists killed in every village, the people in one village generally remained ignorant of the killings in neighboring villages. For this reason, the range of estimates is even wider than it is in the case of China. Bernard Fall placed the human cost of the Agrarian Reform campaign alone at a minimum of 50,000 executed and 100,000 imprisoned. Hoang Van Chi, a leading nationalist who held important posts under Ho Chi Minh, placed the post-Geneva toll at 500,000. This estimate generally coincides with the estimate of Gérard Tongas, a Frenchman who was originally sympathetic to Ho Chi Minh, but who was revolted by what he saw in North Vietnam in the post-Geneva period and put his observations into a book captioned "I Lived in the Communist Hell."[4]

THE SOUTH VIETNAMESE PRECEDENT

About the Vietcong record of terror in South Vietnam there can also be little dispute, because the facts are too well established. Since 1960, when the insurgency was first getting under way, Communist terrorists have killed over 36,000 South Vietnamese civilians (more than 16,000 were killed in the three-year period 1969–1971); they have kidnapped 54,000 (18,000 kidnappings occurred from 1969–1971); and they have, in addition, wounded several scores of thousands.

As Stephen Hosmer points out, these offical figures are, if anything, underestimates because many incidents go unreported.

The terror is not savagery for savagery's sake. Neither is it the work of undisciplined soldiers, operating without instruction or in violation of existing instructions (as a unit of American soldiers did at My Lai). On the contrary, it is a deliberate policy, conceived at the highest level and communicated in detailed directives to Vietcong units at all levels.

What is the purpose of this terror? As Stephen Hosmer puts it:

> The primary object of repression is the disruption and demoralization of the GVN's civilian and military bureaucracies, and is achieved, in the first instance, through the physical removal (by assassination, execution after capture, or incarceration) of substantial numbers of military and civilian officials, cadres, and intelligence personnel who perform important services for the GVN and who are not easily replaced. Another, broader purpose is to demoralize, neutralize, and paralyze those other government officials and cadres who may themselves escape repression for a time but who are fully aware of the fate of their less fortunate colleagues. Thus, by assassinating a selected number of hamlet officials in a given district, the Vietcong hope to frighten other officials enough to force them to resign their positions; or to flee to the district town for protection (go into "exile"); or to become so security-conscious that they no longer carry out their prescribed duties effectively.

Organized terror—of a ruthlessness and on a scale that defies civilized comprehension—has been a cardinal aspect of Communist policy from the very first day of the Vietcong insurgency. By and large, the Western world knows only of a few of the more massive and gruesome terrorist incidents—like the massacre which took place in the Montagnard Village of Dak Son in December 1967, when the Vietcong, attacking with flamethrowers, moved from hut to hut, incinerating alive more than 250 villagers, two-thirds of them women and children. In addition, 200 Dak Son villagers were kidnaped, never to be heard of again. But the thousands of small incidents of terror—equally merciless, equally gruesome, and which account for far more victims than the big incidents—with exceedingly rare exceptions, go unreported.

It did not make the press, for example, when on October 27, 1969, the Communists booby-trapped the body of a People's Self-Defense Force member whom they had killed—so that when relatives came to retrieve the body, four of them were killed in the explosion. Nor did it make the press in May 1967, when Dr. Tran Van Lu-y told the World Health Organizatoin in Geneva that over the previous 10 years Communist terrorists had destroyed 174 dispensaries, maternity homes and hospitals; had mined or machine-gunned 40 ambulances; and had killed or kidnaped 211 members of his staff.

If the Free World knew little or nothing of this day-to-day terror despite the presence of hundreds of correspondents in South Vietnam, what chance is there that the Free World would know anything at all about the bloodletting that would inevitably take place in South Vietnam if the Communists came to power, expelled the Western press corps, and then proceeded to deal with their enemies?

THE PRECEDENT OF HUE

During the Tet offensive of 1968, the communists occupied a portion of the city of Hue for 26 days. When they were driven out on February 24, some thousands of civilians were missing. In 1969, a series of mass graves containing the bodies of missing civilians were discovered. Some of the victims had been shot, some had been clubbed to death, some had been buried alive. As more and more graves were discovered, the confirmed toll ultimately rose to 2,750. Counting those still missing—who must be presumed abducted or executed—the estimated civilian toll, according to Douglas Pike, comes to 5,700.

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[1] "Profile of Giap" by Bernard Fall in Vo Nguyen Giap, *People's War, People's Army* (New York: Praeger, 1965) p. xxxvi.

[2] Ibid.

[3] Truong Chinh, *The August Revolution*, 2nd edition (Hanoi: Foreign Languages Publishing House, 1962) pp. 41–43.

[4] The estimates vary, in part, because some of them refer only to the victims of the Agrarian Reform period, whereas others include the victims of the post-Geneva terror and those of the continuing terror after the Agrarian Reform bloodletting had terminated.

It was established that the killings were in no sense random, but were carried out on the basis of explicit directives and from prepared lists of names, the Commmunists moving through the streets methodically with their clip boards and pulling the victims from their houses. A Vietcong after-action report captured in April 1968, boasted:

> We eliminated 1,892 administrative personnel, 38 policemen, 790 tyrants, 6 captains, 20 second lieutenants and many non-commissioned officers.

Hanoi Radio on April 27, 1969, made this revealing comment on the discovery of the mass graves:

> . . . in order to cover up their cruel acts, the puppet administration in Hue recently played the farce of setting up a so-called committee for the search for burial of the hooligan lackeys who had owed blood debts to the Tri-Thien Hue compatriots and who were annihilated by the Southern armed forces and people in early May Than spring (Tet).

". . . What happened in Hue," says Douglas Pike, "should give pause to every remaining civilized person on this planet. It should be inscribed, so as not to be forgotten, along with the record of other terrible visitations of man's inhumanity to man which stud the history of the human race. Hue is another demonstration of what man can bring himself to do when he fixes no limits on political action and pursues uncautiously the dream of social perfectibility."

If the massive and systematic killings which the Communists perpetrated in Hue over a brief 4-week period are any indication of their intentions if they succeed in imposing their rule on South Vietnam, then clearly the estimates that they may kill from 1,000,000 to 3,000,000 South Vietnamese are in no way exaggerated. And in the years that followed this initial bloodletting—if the precedents established in the Soviet Union, Red China, and North Vietnam have any application—there would come further waves of terror and mass killings that might add many hundreds of thousands more to the final toll of victims.

While the focus of this compendium is on Vietnam, it is not unreasonable to assume that a communist victory in Indochina would have roughly the same consequences for the peoples of Cambodia and Laos as it would for the people of South Vietnam.

THE LISTS OF NAMES

That Hue may indeed be considered a pattern for the future, is apparent from Stephen Hosmer's section dealing with the Communist "blacklists." "For some years," Hosmer points out, "the Communists have assiduously compiled blacklists of large numbers of persons in both urban and rural areas whom they choose to classify as 'tyrants,' 'reactionaries,' 'counterrevolutionaries,' spies, or simply opponents of their movement." Hosmer quotes a top-secret Communist directive from Region II:

> Have the enemy situation in hand to serve the common activities of eliminating traitors in cities; carefully keep the names and records of counterrevolutionary individuals; classify these elements and suggest an examination to be able to take the initiative to eliminate them in every situation and prepare the coming counterrevolution repression.

The facts are in, the record is clear, the auguries of things that may come to pass are delineated with frightening clarity. The only question is whether the free world will pay heed to this record and to these auguries.

* * * * *

I wish to express my gratitude to the subcommittee staff, in particular to Mr. David Martin who served as editor for the project, for putting together this remarkable broad and impressive compendium of excerpts and items dealing with the record of Communist terror in North and South Vietnam. I also wish to thank Mr. Max Friedman for his volunteer assistance on the project.

I wish to thank Praeger and Co. for their permission to reproduce excerpts from "The Two Vietnams" by Bernard Fall; from "From Colonialism to Communism" by Hoang Van Chi; from "Vietnam: The Dragon Embattled" by Joseph Buttinger. I also wish to thank the Rand Corporation for permission to reproduce excerpts from "Viet Cong Repression and Its Implications for the Future" by Stephen T. Hosmer and the text of "On the Question of Communist Reprisals in Vietnam" by Anita Lauve Nutt. Finally, I wish to thank "Southeast Asia Perspectives," (published by The American Friends of Vietnam) for permission to reproduce excerpts from "Vietnam: If the Communists Won" by P. J. Honey.

HOT MEALS FOR SENIOR CITIZENS

Mr. PELL. Mr. President, on June 14, 1971, I held a hearing for the Special Committee on Aging in Woonsocket, R.I. One of the chief topics of concern at the hearing was the lack of a nutritional program for the senior citizens in Woonsocket.

Commenting on the condition of senior citizens in Woonsocket, Mr. Ambrose Duarte, executive director of the local community action agency, told the committee:

> We started a program because we were aware that many of the senior citizens of Woonsocket had poor nutritional habits, and that many of them were living alone. As a result of their living alone, and isolated from the rest of society, their eating habits began to deteriorate to the point where they were not eating at all.

Unfortunately, the nutritional program to which Mr. Duarte referred had not been refunded by the Office of Economic Opportunity, and many senior citizens in Woonsocket had been left without the possibility of obtaining much-needed hot meals.

Included on the agenda at the time of the hearing was S. 1163, a bill which I cosponsored with the Senator from Massachusetts (Mr. KENNEDY). The bill would provide $250 million over a 2-year period for the establishment of hot-food programs for persons over 60 years of age in community gathering places, such as churches, clubs, and senior citizen clubs.

I am delighted to note that S. 1163, after being reported by the Committee on Labor and Public Welfare, of which I am a member, was passed by the Senate yesterday and sent to the President for his signature. The bill, if fully funded, would provide $500,000 in fiscal year 1973 and $750,000 in fiscal year 1974 to the State of Rhode Island for a program of weekly hot meals for senior citizens.

The need for this program was substantiated not only by Mr. Duarte but also by other witnesses, such as Mrs. Rebecca Doss, director of the Office of Senior Opportunities and Services in Woonsocket; Mrs. Ida Wheeler, director of food lift information program in Woonsocket; and Mr. Joseph Roy. These Woonsocket citizens can be proud that their testimony played a role in building the support that made the passage of this much-needed hot-meals program possible.

THOMAS GARRIGUE MASARYK

Mr. SCOTT. Mr. President, March 7 is a hallowed day for the people of Czechoslovakia, Czechoslovakian-Americans, and all free people. On this date 122 years ago, the liberator and first president of the Czech Republic was born, Thomas Garrigue Masaryk. He forged the friendship of the United States with the Czech people; friendship that is still very much in evidence today, despite Communist domination of the government.

All of those who have died for freedom in Czechoslovakia and Eastern Europe will not be forgotten by the citizens of those stricken countries. Citizens of the United States remember their sacrifices. Jan Masaryk who died in 1948 and the patriots killed by the Russian tanks in 1968 had a goal in mind. Jan Masaryk held the goals of peace and sovereignty of Czechoslovakia high when he was killed in 1948. Twenty years later, that idea was still alive when freedom fighters went out into the streets with rocks to try and stop Russian tanks. Such heroism will someday reap its rewards.

To conclude, I am reminded of some very appropriate words by Thomas Carlyle in his book, "The Hero as a Poet." He said:

> Adversity is sometimes hard upon a man; but for one man who can stand prosperity, there are a hundred that will stand adversity.

America will never ignore the thousands of Czechs who stand adversity every day.

ANNUITY FOR WIDOWS OF ANY U.S. JUSTICE

Mr. CASE. Mr. President, few areas of public service demand such an arduous and selfless commitment as that required of a justice of the U.S. courts. The burden of a position within the Federal judiciary, however, is experienced not only by the justice himself, but is shared, more often than not, by his spouse as well. For this reason, and as tangible evidence of our respect for the contribution of the Federal judiciary. I want to record my support of S. 2854, introduced by the Senator from North Dakota (Mr. BURDICK), which provides for the payment of an annuity to the widow of any U.S. justice. The bill will be reported shortly, I understand, and I hope the Senate will act promptly on it.

ACREAGE LIMITATIONS OF RECLAMATION LAW

Mr. CRANSTON. Mr. President, the California Labor Federation, AFL–CIO, has been a consistent champion of the provisions of the reclamation law dealing with the 160-acre limitation. Two weeks ago, the executive secretary-treasurer of the State Federal, John F. Henning, addressed a letter to the Attorney General-designate which raises substantial questions about current Justice Department actions and attitudes regarding the enforcement of this part of Federal law.

Because I know that Senators are concerned with the ongoing activities of the Justice Department, I believe that Mr. Hennings' letter will be of interest to them.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CALIFORNIA LABOR FEDERATION,
AFL–CIO,
San Francisco, Calif., February 22, 1972.
Attorney General-Designate RICHARD KLEINDIENST,
Department of Justice, Washington, D.C.

DEAR MR. ATTORNEY GENERAL-DESIGNATE: Once again within the space of a year the Justice Department faces this question: Shall it appeal a federal district judge's decision rejecting the government's contention that acreage limitation provisions of reclamation law apply to a federal project in California?

Last Spring the case concerned Imperial Valley where above a quarter of a million acres are receiving water in excess of the legal limit. This time it concerns Tulare Lake Basin where, among other giant landholdings, is the 100,000-acre "farm" which received $4,370,657 in farm payments from the U.S. Treasury in 1969, the highest in the nation. (Congressional Record, volume 116, part 7, page 9640.) In the same county 63 payees received $13,114,322.

The failure to apply in Imperial Valley the acreage limitation law controlling monopoly and speculation dates from a 1933 administrative letter issued by the Secretary of the Interior in the closing days of the Hoover Administration. The Justice Department's own brief in district court described the letter truly in these words:

It "must be considered for what it was: A partisan effort by a lame duck administration to effect, by administrative interpretation, an exemption that proponents of the (Boulder Canyon Project) Act never dared risk seeking directly."

The issue is enduring. An Imperial Valley newspaper reported in 1949 that Congressman Richard Nixon, then running for a seat in the United States Senate, had "declared he is against the 160-acre limitation." The statement, said the Browley News on October 31, "should prove popular with people of Imperial Valley." The district judge who validated on January 5, 1971 the original "lame duck" administrative exemption of 1933, was nominated to the federal bench in San Diego by President Nixon on February 19, 1970.

In advance of the judge's opinion of January 5, 1971, a Valley newspaper reported that "both sides made statements in December they would appeal if they lost," (Brawley News, January 6, 1971) and another newspaper reported that the judge himself said of the case that he wanted to "get it on its way to the Supreme Court" (Sacramento Bee, February 23, 1971.)

Nevertheless, the Justice Department declined in the Spring of 1971 to appeal the adverse decision, thus leaving it to landless persons seeking access to the land promised by the acreage limitation law to carry the burdens—financial and otherwise—of appeal to higher courts. This the landless litigants are doing without government help.

For the Justice Department, Solicitor General Erwin N. Griswold publicly has assumed responsibility for the government's decision not to appeal. He explained to a protesting Kansas woman that after considering the matter—

"Carefully and thoroughly, and over a considerable period of time" he "became convinced that (a) we would not win the case in the court of appeals, and (b) we should not win it." (Solicitor General Erwin N. Griswold to Mrs. Stephen L. Stover, June 1, 1971. Cong. Rec., Dec. 10, 1971, S21299.)

Solicitor General Griswold, for whatever reasons, failed to advise the Kansas protester that three top government lawyers held views contrary to his own on the applicability of acreage limitation law to Imperial Valley. Two solicitors of Interior and his own predecessor, Solicitor General J. Lee Rankin, each had held that acreage limitation law *does* apply under the Boulder Canyon Project Act. (M–33902. 71 I.D. 533; M–36675, 71 I.D. 496, 555). These contrary views strongly imply that, upon appeal, courts would uphold the original contention of the Justice Department now abandoned by Solicitor General Griswold.

There are other peculiarities in the Solicitor General's public explanation of his decision not to appeal. He opens his response to the Kansas protester by criticising a *New Republic* article of May 8, 1971 that she had cited, entitled "Water, Water for the Wealthy," as a "one-sided presentation of a rather complicated situation." He continued:

"You would not know from the article, for example, that the project for the irrigation of the Imperial Valley started about 1900 and was virtually completed by 1920, without any participation by the federal government."

This comment is both in error, and curious, coming as it does from the Solicitor General who himself omits from his own letter so much that is relevant. In the years 1905–07 the Colorado River broke its banks, created the Salton Sea, and threatened to inundate the entire below sea-level valley. Responding to appeals for financial aid, the Congress authorized contribution of one million dollars toward the costs of closing the gap. The President expended nearly the entire amount authorized, surely a substantial participation in the development of Imperial Valley. (36:1 Stat. at Large 883. 1910.)

Even after closing the gap in the levee the hazard of a fresh breach remained, threatening complete inundation. This danger was an impelling reason for Valley interests to seek greater federal participation. In words of the Supreme Court, even after closing the breach—

"The threat of flood remained at least as serious as before. Another troublesome problem was the erosion of land and the deposit of silt which fouled waters, choked irrigation works, and damaged good farm land and crops." (Arizona v. California, 357 U.S. 546, at 553).

This second step in federal participation took the form of constructing Hoover Dam and the All-American Canal.

A further omission from the Solicitor General's letter to the Kansas protester was the frank characterization by a participating official in the administrative exemption given by Secretary of the Interior Ray Lyman Wilbur in 1933, as illegal. Attorney Northcutt Ely was Executive Assistant to the Secretary at the time, and gave instructions for preparation of the letter exempting Imperial Valley. Only three years earlier he had recorded as his view, both that the law *does* apply to Imperial Valley, and that it *should* apply. On November 4, 1930 he wrote:

"I see nothing to do but enforce it unless the Imperial Irrigation District can get new legislation. In any event enforcement of the requirement would undoubtedly have a salutary effect on suspected speculative activities in that locality." (71 I.D. 528)

As to the illegality of granting the administrative exemption in which he participated in 1933, Mr. Ely apparently either adhered, or returned, to his original 1930 views. Fourteen years later, in 1944, he testified before Congress that although acreage limitation law remained "on the books," as to Imperial Valley it simply "has been ignored." (Senate Commerce Subcommittee hearings on H.R. 3961, 78th Congress, 2d session, 632). Solicitor Griswold in his public letter of explanation, made no reference to these admissions by a participating official that the exemption was illegal.

It is dangerous to paraphrase statutory language, and Solicitor Griswold does this. Justifying support for exemption of Imperial Valley he recites that "The federal project did not reclaim any land in the Imperial Valley." The statutory language, however, is quite different, and quite clear. Two passages from the law may be recited, neither of them requiring the reclaiming of land by the project as a condition of its application. The original 1902 statute states:

"No right to the use of water for land in private ownership shall be sold for a tract exceeding 160 acres to any one landowner, and no such sale shall be made to any landowner unless he be an actual bona fide resident on such land, or occupant thereof residing in the neighborhood of said land, and no such right shall permanently attach until all payments therefore are made." (43 USC 431.)

A later enactment by Congress in 1926 states that—

"No such excess lands so held shall receive water from any project or division if the owners thereof shall refuse to execute valid recordable contracts for the sale of such lands under terms and conditions satisfactory to the Secretary of the Interior . . ." (43 USC 423e).

Congress did not establish reclamation of land as a requirement of applying acreage limitation. The question is, Does the land "receive water?" As to Imperial Valley the answer is clear; it receives water through the Boulder Canyon Project Act.

Solicitor General Griswold informed the Kansas protester, as well as the public: "I issued a statement saying that my determination was applicable to the Imperial Valley only, since that was the only place that had this sort of history."

The Solicitor General did not inform either the public or the Kansas protester that while his decision whether or not to appeal the Imperial Valley decision was pending, the Attorney General received a lengthy and detailed letter from Senator Clinton P. Anderson, Chairman of the Senate Subcommittee on Water and Power Resources, saying:

"I earnestly recommend that this case be appealed for the reasons set out in my enclosed letter to Solicitor Melich of the Department of the Interior." (Anderson to Attorney General John Mitchell, March 26, 1971.)

In his accompanying letter to the Interior Solicitor, Senator Anderson elaborated:

"Were Judge Turrentine's decision to be limited in its impact to the Imperial Irrigation District alone, appellate review would be warranted. The Boulder Canyon Project itself is a reclamation project of the first magnitude . . . Beyond that, and of perhaps greater compelling consequence is the fact that the impact of Judge Turrentine's opinion goes considerably beyond the present scope of Colorado River water service to the Imperial Irrigation District . . . To begin with, a holding that a provision such as section 14 of the Boulder Canyon Project Act is not itself sufficient to render excess-land limitations applicable to a particular project calls into question the applicability of the excess land laws not only to all irrigation projects receiving a water supply from Hoover Dam storage but to other projects authorized by Congress with language similar to Section 14. An obvious example is Coachella . . . A further example is the Central Arizona Project itself, for the excess land laws are not mentioned in the Colorado River Basin Project Act and are applicable only if incorporated into that Act by reference. The same is true of the upper Colorado River Basin projects authorized by the Colorado River Basin Project Act . . . Yet another example is the Central Valley Project . . . The uncertainties introduced by the reading Judge Turrentine gives to section 14 exist whether or not the lands involved have a pre-project history of irrigation . . . A second area of uncertainty introduced by the opinion deals with the relationship between excess-land limitations and pre-project use of water. These uncertainties are westwide in their implications. Most federal reclamation projects are supplemental water projects." (Senator Clinton P. Anderson to Solicitor of Interior Mitchell Melich, March 26, 1971.)

This carefully elaborated analysis by the Chairman of the Senate Water Resources Committee, warning of dangers in allowing the Turrentine decision to stand without appeal, is not convincingly brushed aside by Solicitor General Griswold in his fiat assertion to a private citizen that "the determination with respect to the Imperial Valley has no application to other projects where there was actual reclamation of land as a result of the project." (Griswold to Stover, June 1, 1971.)

The 1902 reclamation law in the same sentence, quoted above, established two conditions for receipt of water, namely, (1) acreage limitation, and (2) residence of the farmer on the land or in the neighborhood. Landless persons in Imperial Valley brought suit to enforce the residency requirement; the Justice Department took no part in the suit. Within months after Solicitor General Griswold declined to appeal the San Diego Federal District Court decision exempting Imperial Valley from acreage limitation law, another federal judge sitting on the same bench handed down a decision that the residency requirement does apply, notwithstanding that the administrative arm of government has not enforced it for 55 years. (Yellen v. Hickel, partial summary judgment, No. 69–124–Murray, Nov. 23, 1971.) This decision is the logical opposite of the first decision that Solicitor General Griswold refused to appeal, saying he "would not win."

It may be that owners of reclaimed lands in Imperial Valley (or elsewhere) will oppose the Murray decision, perhaps arguing to them the injustice of now applying to them a long nonenforced law. At any rate the Chief Counsel of Imperial Irrigation District used this argument before a Senate Committee in 1958. Speaking at the time of the acreage limitation provision he pled that the law is not "workable under all circumstances," and not "at all in an area where . . . it is fully developed, where men by the sweat of their brows have bought and acquired the land and have it and have worked it."

Hardly had the Imperial Irrigation District Chief Counsel finished his plea for equity for landowners benefitting from an unenforced law, than he answered himself. Speaking in reference to an administrative interpretation that allows an owner of "excess" lands to farm reclaimed lands for ten years before disposing of them under the acreage limitation law, and of the attractiveness of this measurable delay in enforcement to a particular owner of "excess" lands seeking government reclamation to water them, the Chief Counsel told the Senate:

"He thinks if he can get water for ten years on there without having to sell it, he can make enough out of it so he can afford to sell the land at any old price." (Harry W. Horton, Chief Counsel, Imperial Irrigation District, Hearings before Senate Subcommittee on Irrigation and Reclamation, 85 Cong., 2 sess, on S. 1424, S. 2541, and S. 2442, 85, 89, 1958.)

In other words, as the Supreme Court pointed out, reclamation law deprives no one of his property, but only places a ceiling on his speculative gains from a public investment.

The Justice Department now faces the question: Will it now support the court's validation of residency by enforcing it? Will it oppose the decision, perhaps joining with absentee and corporate landowners? Will it leave the defense of the law to resident farmers and the landless?

As noted at the beginning of this letter, the Justice Department again has to decide within a limited time whether to appeal a Fresno federal district court decision that acreage limitation does not apply to giant landholdings in Tulare Lake Basin, California. (U.S. v. Tulare Lake Canal Company et al. In the Eastern District of California, No. 2483 Civil, Jan. 6, 1972.) In course of passage, the authorizing bill for the project was altered to assure application of reclamation law, and the Senator in charge of it gave this assurance on the Senate floor in response to questioning:

"The Senate amendment made not only the California projects, but all such projects subject to the irrigation law . . . As I stated a while ago, section 8 of the bill clearly places reclamation uses of waters from all projects authorized in this bill under the Secretary of the Interior, and under the applicable reclamation laws." (Conf. Rec., December 12, 1944, 9264.)

Will the Justice Department again abandon its own case and again leave it to family farmers and the landless to carry their own defense as best they can?

The founding fathers of reclamation were clear as to the purposes of the law. In 1902 Congressman (later Speaker) Oscar Underwood, of Alabama, threw Southern support behind the pending reclamation bill with these words:

"These lands are being opened to settlement for all the people, whether they now reside in the East, South, or West. The farm boys in the East want farms of their own. It gives them a place where they can go and build homes without being driven into the already overcrowded cities to seek employment . . . If this policy is not undertaken now, this great Western desert will ultimately be acquired by individuals and great corporations . . . They will acquire the waterways and water rights . . . and become land barons . . . I believe the passage of this bill is in the interest of the man who earns his bread by his daily toil." (S. Doc. 446, 376. Ser. 4249. 1902)

There are persons, of course, who take a less statesmanlike view of the relation of people to land. Complaining recently of the acreage limitation law, it was said that—

"Western United States have been forced to live under an archaic and ridiculous law, fostered by provincialism and eastern political jealousy, for over a hundred years and thereby subjugating economic realism to petty political tyranny . . . Is it really fair or just for nearly two-thirds of a geographic area in America to subject the Western third of the nation to a form of vassalage? Maybe this is what causes the seeds of a civil war." (Robert W. Long, Senior Vice President, Bank of America. Western Water News, September, 1969.)

This statement overlooks that the western waters belong for the most part to the nation, and that the East, Middle West and South largely finance and subsidize western reclamation.

In contrast, Republican President Theodore Roosevelt, who sponsored acreage limitation and signed the reclamation bill into law, later explained its purposes in statesmanlike words to the Commonwealth Club of California:

"Now I have struck the crux of my appeal (for the excess land law). I wish to save the very wealthy men of this country and their advocates and upholders from the ruin they would bring upon themselves if they were permitted to have their way. It is because I am against revolution; it is because I am against the doctrines of the Extremists, of the Socialists; it is because I wish to see this country of ours continued as a genuine democracy; it is because I distrust violence and disbelieve in it; it is because I wish to secure this country against ever seeing a time when the 'have-nots' shall rise against the 'haves'; it is because I wish to secure for our children and our grandchildren and for their children's children the same freedom of opportunity, the same peace and order and justice that we have had in the past." (7 Transactions of the Commonwealth Club 108.)

By what process does the Justice Department balance the weights of law, and of politics? Is law and order less necessary in the conduct of government bureaucracy than in the conduct of citizens on the streets?

Under your leadership what, if anything, will the Justice Department do:

1. To invalidate reclamation contracts on the Sacramento River negotiated under conditions of conflict of interest that have resulted both in failure to reimburse the Treasury for 19 years' use of project water and in wholesale violation of acreage limitation law?

2. To assure reclamation law's observance on the California State Water Project which, after Congress debated six days and refused to exempt from acreage limitation law, the bureaucracy exempted de facto anyway?

3. To assure law's observance by the bureaucracy when projects improve ground waters as well as surface waters?

4. To assure law's observance by the bureaucracy on the San Luis unit of Central Valley Project, where the Bureau of Reclamation began construction of a half billion dollar project when two-thirds of the lands to be served were legally ineligible to receive its benefits and continues construction while vast ineligibility continues?

5. To appeal a federal district judge's decision rejecting the government's contention that acreage limitation provisions of reclamation law apply to a federal project in California?

These questions of national policy—depending on how they are resolved—can have a significant impact on the taxes paid and the welfare burden borne by the 1.6 million AFL–CIO union members represented by this Federation. In view of this I would appreciate a reply to these questions at your earliest convenience.

Sincerely yours,

JOHN F. HENNING,
Executive Secretary-Treasurer.

SOLUTIONS TO METROPOLITAN TRANSIT

Mr. ALLOTT. Mr. President, I have commented on many occasions that genuine transit experts are few and far between in the United States. Newspapers and magazines have been filled with misleading and unrealistic articles proposing solutions to urban transit problems by nonexperts who would be wholly incapable of building or operating a transit system if they were ever called on to do so.

There is no question in my mind that our Nation's press would be far better advised to look toward Europe for real solutions to metropolitan transit than to rely on the advice of gimmick salesmen who picture the American commuter being whisked home in 4 minutes flat through a gravity tube.

Because there has been so little of a realistic nature written on the subject, I was particularly gratified to read a paper presented by Mr. Stewart F. Taylor at a transportation engineering conference in Seattle, Wash.

Mr. Taylor, a highly reputable consultant with the prestigious firm of Day and Zimmerman in Philadelphia, is respected for his brilliant study of medium density transportation systems in Europe and elsewhere.

His paper concludes, in part, by noting that—

> In spite of strenuous effort toward improving this country's mass transportation, it has long maintained a disturbing trend of passenger loss and obsolescence. In contrast, the transit industry throughout much of Europe has benefitted from extensive upgrading and modernization. One important mode involved in this process is the limited tramway. Through evolutionary development it has assumed a vital role in the transit scheme of dozens of cities.

This conclusion is certainly correct and, as Mr. Taylor notes, solutions of this type are applicable in the United States as well.

I was responsible for an amendment to the fiscal year 1971 appropriations bill which provided the first earmarked funds for the development of light rail in the United States by the Department of Transportation. Unfortunately, this program has not progressed as well as it might have. I am hopeful that all concerned officials at UMTA will read Mr. Taylor's paper and will make a greater effort to get the "light rail" program moving ahead.

I ask unanimous consent that Mr. Taylor's paper be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

THE LIMITED TRAMWAY

(By Stewart F. Taylor)[1]

(NOTE.—Plates referred to are not printed in the RECORD.)

INTRODUCTION

Urban mass transportation in the United States is, on the whole, in a physical and financial decline, and attempts by both conventional and advanced approaches have thus far largely failed to reverse the trend. Rapidly changing economic and sociological conditions which basically characterize American cities require that any new transportation technology have a considerable degree of flexibility both in its initial application and in future stages of development. A transit mode that has been widely adopted in Eastern and Western Europe, known as the "Limited Tramway," exhibits a sufficient measure of flexibility to meet this requirement. This paper will discuss the limited tramway's various characteristics of flexibility and demonstrate how these attributes qualify it as a candidate for extensive development in the United States.

THE GENERAL FAILURE TO REVITALIZE TRANSIT

Over the past decade this country has witnessed widespread research and development toward revitalizing urban mass transportation. Unfortunately these efforts have not been notably successful. Automobile usage continues to rise, and transit patronage remains in its relentless decline which began at the end of World War II. Private enterprise has largely abandoned the industry, and many systems are in serious financial difficulty. Hundreds of cities have seen transit completely disappear.

A principal reason for this condition is the general failure to apply technological improvements displaying a potential for practical, commercial success. Given the close interaction of urban functions such success must be measured by a full range of criteria: marketability, economic soundness and community acceptance. A brief review of major transit developments will indicate how one or more of these requirements have not been met.

The bus mode

With regard to the bus mode, vehicle technology has made significant strides—at least from the operator's viewpoint. Standardization has aided in holding down first costs, while increases in power plant efficiency have had a beneficial effect on fuel and maintenance expenses. For the passenger, dimensions have increased, ride qualities improved and air conditioning widely introduced. But in spite of these advancements the bus mode suffers from an increasingly crippling handicap: it must function on arteries shared by general traffic. Trip times are therefore lengthened, schedules less reliable and vehicles more crowded during the peak commuter hours when patronage reaches its highest levels. The end result is increasing public disaffection toward the bus mode.

Extensive publicity has been generated over the concept of exclusive or reserved lanes as a means for separating buses from traffic congestion. This technique was first utilized some thirty years ago and has merit in the line haul portion of bus operations where uninterrupted lanes can be barricaded for long distances. Its limited acceptance—in spite of widespread promotion—must be attributed to the political aspects of closing already scarce traffic arteries for limited utilization. Applying the concept in downtown areas is even more questionable where constant policing in every block would be essential.

Rapid transit

Another conventional approach to improved public transportation is rail rapid transit. Here, too, there has been little progress: only one totally new system has been completed in the last 35 years. Elaborate, intensively promoted proposals for such systems have been rejected by Atlanta, Los Angeles, Seattle (on two occasions) and San Francisco. A number of other cities developed costly plans which were shelved before they reached the referendum stage. Clearly the failure of community acceptance must be principally attributed to the high cost of these schemes. Los Angeles voters, for example were asked to commit themselves to a $2 billion program. The only two projects to reach construction stage—California's BART and Washington's Metro—have been plagued with unexpected cost escalation and tightening revenue sources.

More advanced concepts

In the more revolutionary realm of improved transportation the record is equally poor. Scores of concepts have been trumpeted over the last decade, but not one has been successfully carried forward into sustained, commercial transit service. Technological feasibility aside, the recurring roadblocks have been questionable economics and the absence of community acceptance. Radically new systems will undoubtedly find their way into urban life, but the adoption of the untried will be slow. Meanwhile the deterioration of public transportation goes on.

EUROPEAN DEVELOPMENTS AND THE LIMITED TRAMWAY

In contrast to discouraging trends in the United States, urban transit throughout most of continental Europe exhibits popularity and vitality. A prime cause of this is the strong financial participation by national governments in the modernization of local systems. This brings about the accomplishment of costly improvements which are so urgently required in most large cities yet are beyond local funding capability.

A notable aspect of European developments is the widespread adoption of new technology. For example, in the bus field a refreshing variety of attractive and efficient designs has been brought about by a common effort to match vehicle configuration and performance to specific service requirements. High capacity rapid transit is in operation or under construction in at least 20 cities of Eastern and Western Europe in contrast with only seven metropolitan areas in the United States. Another transit mode that has been largely ignored by this country is the limited tramway. This technology has many similarities to conventional rapid transit but falls short of the latter in speed and capacity. On the other hand, it uniquely combines certain characteristics of flexibility which make it a logical candidate for application in America.

Limited tramway vehicles are electrically powered and operate singly or in trains on steel, dual-rail tracks. System flexibility can be found in the following aspects: 1) route location; 2) engineering; 3) operations; 4) system function; and 5) technological improvement. Each will be briefly considered.

(1) Route location

Tramway power collection is usually effectuated by vehicle contact with a suspended overhead wire as opposed to a ground mounted third rail. This feature, together with somewhat lower maximum speeds (approximately 50 mph vs 75 mph), permits a much wide selection of route sites than is possible for both rail modes to be underground—a location that is prohibitively expensive for the limited capacity bus. Beyond the core area land values make tunneling economically unsound for all modes. However, the twin dangers of high speed and exposed power conductors require rapid transit surface rights-of-way to be heavily protected from intrusion. This limits their location to aerial structures, freeway medians or completely separate routes usually in wide cuts or fills. On the other hand, the tramway can also be situated in boulevard medians or shared rights-of-way such as railroads or high voltage power transmission lines. The wide variety of route location and environment can be seen in Plates 1 through 6, which depict current European practices.

The less obtrusive characteristics of the tramway also enable it to be brought to the surface a shorter radial distance from the urban core area. The significance of this is that capital construction costs of subways are at least ten times greater than those of surface lines. Under some circumstances tramway routing will require street crossings at grade which introduces the possibility of traffic interference and schedule disruption.

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[1] Project Manager—Transportation, Day & Zimmerman Consulting Services, Philadelphia, Pennsylvania 19103.

It has been found, however, that operating performance is far superior to general rush hour traffic and not appreciably less than the more costly rapid transit mode.

(2) *Engineering*

Flexibility is also inherent in engineering aspects of the limited tramway. Route segments can be planned to meet particular speed requirements, passenger volumes, and general traffic and land use conditions obtaining at the inauguration of service. For example, in early years of service these factors could call for surface operation with few protective devices, so that such route segments could be constructed at minimum capital costs far less than high capacity rapid transit. The likelihood of community support for at least a nucleus of marketable transit service would therefore be strengthened. Then with the onset of higher area population densities, greater traffic volumes and heavier passenger loadings, these same segments could be upgraded first by short sections of tunnel under critical intersections and then by longer, continuous subway lines under entire sections of the city. This staged approach would likewise result in a more acceptable burden to local taxpayers, and each incremental improvement would further enhance preexisting service.

Flexibility is also possible in station planning. During early years of operation less costly low platform structures would be appropriate at certain suburban stations, while high loading points—such as in the Central Business District—would require higher platforms to facilitate shorter dwell times. A mix of the two types of stations within the same system is a frequent aspect of the tramway mode. At each station, vehicle-mounted devices expose the appropriate number of steps to match platform height. Then, as with route configuration, individual station platforms could be altered in subsequent years as loading volumes warranted.

(3) *Operations*

The mass transportation of passengers in an urban environment falls into three processes: 1) collection in the origin area, 2) line haul from origin area to destination, and 3) distribution in the destination area. The bus mode can perform all three, but under current conditions of rush hour congestion it is most successful in the peripheral collection or distribution process. In contrast, rapid transit is usually relied upon to perform the line haul operation because of its higher speed, greater station spacing and limited coverage. These two modes complement each other in the total movement of travelers, but inherent in this arrangement is the necessity for at least one mode transfer.

The limited tramway, on the other hand, is capable of operating effectively in a system which provides all three services. Because of lower unit costs, described above, more extensive geographical coverage can be achieved with a given amount of capital. For example, more diverging branch lines can be constructed for use by vehicles in the collection role. These cars can then operate at relatively high speeds on separated, "trunk line" routes to the destination zone—the Central Business District on an inbound move—where close station spacing provides for convenient distribution. The necessity for passenger transfer is thereby materially reduced. The importance of this virtue can be found in a recent federally sponsored consumer survey where no mid-journey transferring was the third (out of 32) characteristic most desired by urban travelers. An outstanding example of this operational flexibility of the limited tramway can be found in Cologne, Germany (population 1,400,000), where upon scheduled completion of a downtown subway network, buses will operate on only one street through the core area of approximately 1.7 square miles. Sixty-six per cent of the present 186-mile tramway network lies in reserved rights-of-way, and 15 per cent will ultimately be located underground.

Another aspect of tramway operational flexibility is the practice of coupling two or more self-powered vehicles together in trains to meet varying load demands. Total capacity of 500 passengers (seated and standing) is not unusual, and such trains are operated with a single employee. With the incessant rise in labor costs, the inability of the bus to be utilized in this manner will be an increasingly serious drawback in the years ahead.

On at least one tramway system the advantages of branch line collection/distribution and multiple-unit operation are effectively combined. In Gothenburg, Sweden at a point where a trunk line splits into two routes, a second operator comes aboard an outbound train and takes control of the transportation. The two sections quickly and unobtrusively uncouple from each other and proceed along their divergent tracks. They are scheduled to go to the junction simultaneously where they are hooked together for transportation into the city. The second operator leaves his car to wait for his train for a repetition of the procedure. Coupling and uncoupling are handled from the operator's compartment.

(4) *System function*

Flexibility of the limited tramway is further demonstrated in the variety of transportation roles it can fulfill. In some cities it serves as lateral feeder to high capacity, radial rapid transit. On the other hand, a new line which was opened in the past two years can only be characterized a high speed trunk line. The initial segment is 5.1 miles long and there is only one intermediate station. Four-car trains of conventional equipment make the run in exactly ten minutes.

In other areas where population centers are closely spaced the tramway performs an intercity transportation role. In the Ruhr District of Germany, for example, limited tramway systems now in operation will form the basis for an eventual 130-mile high speed network linking such important industrial cities as Dusseldorf, Essen and Dortmund. Finally, the tramway mode can serve as the backbone of all urban transportation in providing a full range of integrated services. The previously described Cologne system is an example of this, where buses will eventually be assigned to largely peripheral feeder functions.

(5) *Technological improvement*

Figure 1, above, indicates that line capacity of the limited tramway, as expressed in passengers per hour per direction, is less than half that of rapid transit. It is significant to note, however, that a recent analysis of transportation problems in urban areas indicated that the peak hour volume of commuters moving by all public and private modes in a single traffic corridor exceeded the figure of 20,000 in only five United States cities, all of which have high capacity rapid transit systems either in operation or under construction.

On the other hand, demographic projections indicate a national trend toward conglomeration in urban areas, while recent developments point to intense residential and commercial concentration in corridors served by attractive mass transportation. It would therefore be sound from both engineering and urban planning viewpoints to be able to apply appropriate technology which would increase the speed and capacity of a transit mode. European developments indicate that the limited tramway provides this wherewithal. In many cities it is only a preliminary step toward the implementation of high performance rapid transit. Permanent way structures, such as track, tunnels and stations, are constructed of a design to ultimately serve as maximum capacity facilities merely by the introduction of larger and faster rolling stock. Devices such as centralized, automated train monitoring and control are added in a building block pattern.

Because the limited tramway is appropriate to so many situations it has been developed in at least 36 cities throughout Europe. Thousands of vehicles are now in service. This fact supports the likelihood of continued technological improvement, as the cost of this effort can be spread over a high volume of future production.

CONCLUSION

In spite of strenuous effort toward improving this country's mass transportation, it has long maintained a disturbing trend of passenger loss and obsolescence. In contrast, the transit industry throughout much of Europe has benefitted from extensive upgrading and modernization. One important mode involved in this process is the limited tramway. Through evolutionary development it has assumed a vital role in the transit scheme of dozens of cities. Because of the varied and continuously changing requirements of public transportation, the unique features of flexibility displayed by the limited tramway have been a key to its popularity. These same characteristics appear to have application in the United States for more effectively solving near-term transportation problems in a wide range of urban environments.

FREEDOM OF INFORMATION IS DIFFICULT AT HUD

Mr. **EAGLETON.** Mr. President, this week the House began a long series of hearings into the administration and effectiveness of the Freedom of Information Act of 1967. Members of Congress, present and former government officials, and legal experts are testifying on the operation of the law and proposed amendments to improve it.

These hearings are quite timely because, after 5 years, it is plain that the Freedom of Information Act needs patching up. The public's right to know is being frustrated constantly in defiance of a clear congressional mandate to make government records available.

A recent effort by the St. Louis Globe-Democrat to obtain information contained in records of the Department of Housing and Urban Development was a classic example of bureaucratic resistance and frustration of the public's right to know.

A several-months-long investigation by two Globe reporters was made even more tedious by HUD-created delay and overly involved procedures.

When Globe reporters sought information on FHA mortgages, they found that HUD's system for identifying records was extremely complicated. Once the reporters identified the records, they found the system for retrieving information from those records was even more complicated. Because the St. Louis files are stored in HUD's Washington office, the reporters were forced to come to Washington. When they asked for the names of the appraisers who work in the St. Louis office of HUD, they were told there would be a delay in making the decision. The decision has not yet been made.

When the Globe made a formal request to the Washington office of HUD for the names of appraisers who appraised specific properties, the request was formally denied. The reason? The names were said to be "interagency memorandums," and were matters "which would constitute a clearly unwarranted invasion of personal privacy."

"Inter-agency memorandums" and "invasions of personal privacy" are, of course, listed as exceptions under the Freedom of Information Act of 1967. The established policy of the executive branch has been to interpret these exceptions as broadly as possible, as I believe to be the case in regard to the Globe's request. Given the already overbroad language of the exceptions in the statute, that covers a lot of ground.

Passed by a unanimous Congress over the strenuous objections of President Johnson, the Freedom of Information Act placed government studies, memos, and reports within the public domain, providing that any person may have access to them. If any agency denies a request for information, the citizen can take his case to court where the burden is on the agency to justify its refusal.

Unfortunately, while the letter of the law was changed in 1967, the spirit of the bureaucrat remains the same. His ingenuity in circumventing the Freedom of Information Act has been noteworthy—high fees for searching out and duplicating documents, long delays, and a knack for mingling information accessible under the Freedom of Information Act with material falling among its exceptions—and then claiming that the whole file is classified or that separating the data will be too time consuming.

Here, for example, is what the Globe's investigative reporters, Bob Teuscher and Harry Wilson, found in the case of FHA mortgage insurance records:

The only means of locating a file is by case number—there are no records by name of mortgagor or specific property. A person interested in the history of a specific property must locate the owner and determine the case number from the owner's records before he can pursue the case with FHA. When the number of properties reaches into the hundreds, the task becomes almost overwhelming.

Once the case numbers are determined, the investigator must make an appointment in Washington to study those files. When a case is closed in the local office, the relevant folder is shipped to Washington, and so the expense of a cross-country trip is added to the agency's per-hour rate for disclosing and duplicating material under Department regulations. Agency personnel, acting in effect as babysitters, read out specific information from the files in response to specific questions rather than allowing the investigators to look at the records—adding the cost of their labor to the mounting bill.

HUD's refusal to link individual appraisers to the specific properties they appraised was contained in a letter to the Globe dated February 23, 1972, from George Hipps, director of the Single Family and Land Development Division of HUD in Washington.

"A determination has been made pursuant to the regulations," he wrote, "that there is a need in the public interest to withhold such information."

To the contrary, I believe the public interest requires that such information be made public. Under the act, as currently interpreted, the only recourse is to seek court action to compel HUD to release the names of appraisers and specific properties they appraised. Suits are now pending and on appeal to force HUD to release the names in Pennsylvania and Tennessee.

For those who cannot afford the costs of litigation, their frustration and growing mistrust of the Government grows. I believe the act should allow the disclosure of the information sought by the Globe. If the courts interpret the law to mean that it need not be disclosed, then the law should be changed. Should that be the case, I intend to submit an amendment to the law to allow the names of the appraisers to be linked with the specific properties they appraised when the legislation now being considered in the House reaches the Senate.

Hopefully, Congress will begin to fight back more forcefully in the coming months. Congress can strengthen the mandate of the act by clarifying its language and speeding up the process of disclosure. The press, however, has a major responsibility in this area. The press is the conduit through which information, if it flows at all, flows to the average citizen. It is critical to all of us that the press continue to dig as hard as it can to get as much information as possible. It is also important that Congress take steps to make that digging process—as it applies to Government records—less costly and time consuming.

At the heart of the matter is accountability. As citizens of a free Nation we cannot allow Government officials to operate in the shadows, keeping from our view everything except what they want us to know—and what we find out despite them.

Government officials must be made to recognize that the refusal to inform the public fully breeds a mistrust of the Government far greater than the risk of any disclosure they may seek to prevent.

S. 3311—THE PUBLIC SERVICE EMPLOYMENT ACT OF 1972: NATION'S MAYORS CALL FOR 1 MILLION NEW PUBLIC SERVICE JOBS

Mr. CRANSTON. Mr. President, yesterday I introduced, with the cosponsorship of 15 other Senators, S. 3311, a bill to provide public service employment opportunities for unemployed and underemployed persons, and to assist State and local communities in providing needed public services. Joining me as the principal cosponsor of this vitally important measure was the Senator from Minnesota (Mr. Mondale). The other 14 cosponsors were: the chairman of the Labor and Public Welfare Committee, the Senator from New Jersey (Mr. Williams); the chairman of the Subcommittee on Employment, Manpower, and Poverty, of the Labor and Public Welfare Committee, the Senator from Wisconsin (Mr. Nelson); and Mr. Burdick; Mr. Harris; Mr. Hart; Mr. Hartke; Mr. Hughes; Mr. Humphrey; Mr. Kennedy; Mr. McGovern; Mr. Muskie; Mr. Pell; Mr. Randolph; and Mr. Tunney.

My bill would provide funds for more than 1.15 million jobs for unemployed and underemployed Americans in the first full year of operation. It would authorize $3 billion this fiscal year, $7 billion in fiscal 1973, and $10 billion in succeeding fiscal years for a continuing program of public service employment. In areas of especially high unemployment, it would authorize funds for a new special employment and economic development program—SEED—for economic development coordinated with public service employment to help these areas become more economically self-sufficient.

In addition, S. 3311 would give priority for hiring under this program to Vietnam era veterans. Persons on welfare, aerospace workers, older persons, the poor, persons of limited English-speaking ability, and migrants would also be insured a fair share of the available jobs.

Mr. President, this morning at the Employment, Manpower and Poverty Subcommittee hearings on manpower and public service employment legislation, chaired by the distinguished Senator from Wisconsin (Mr. Nelson), I listened with great interest to each mayor call for an expanded and permanent public service jobs program like that I introduced yesterday.

These witnesses, Mr. President, were members of the Legislative Action Committee of the U.S. Conference of Mayors/National League of Cities, which called for the creation of 1 million public service jobs. They included my old and good friend Mayor Norman Mineta of San Jose, Calif.; Mayor Lee Alexander of Syracuse, N.Y.; Mayor John Driggs of Phoenix, Ariz.; Mayor Kenneth Gibson of Newark, N.J.; Mayor Roman Gribbs of Detroit, Mich.; and Mayor Wesley C. Uhlman of Seattle, Wash. In addition, Mayor Richard J. Daley of Chicago and Mayor Henry W. Maier of Milwaukee submitted written testimony for the record.

I ask unanimous consent to have printed in the Record those excerpts from the testimony of these distinguished gentlemen dealing with the need for a broadened, permanent, public service employment program. Their testimony underscores my remarks yesterday citing the crucial need for such a program.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Mayor Wesley C. Uhlman, Seattle, Wash.

I am Wesley Uhlman, Mayor of Seattle, Washington. The Mayors before you today are members of the Legislative Action Committee of the United States Conference of Mayors. A little over one year ago this committee appeared before you urging the passage of the Emergency Employment Act of 1971. For over five years Public Service Employment, the creation of one million public service jobs, has been and still is a priority goal of the U.S. Conference of Mayors. Our appearance in February 1971 was the first step toward the passage of legislation providing for a viable public service employment program. For your determined efforts and your leadership, Mr. Chairman, we express the appreciation of the Mayors throughout America. But more important, we appear here today as representatives of the thousands of previously unemployed who are now working in cities throughout America. And even more important, we express on behalf of those workers, their deepest appreciation.

The stark truth, however, is that in the nation's cities there are today thousands and literally millions who are without jobs—without a decent wage and in many cases, without an opportunity to provide a livelihood for his or her family. It is for those "forgotten Americans" that we appear here today. One year later, we come here again to say that we must not stop. We cannot tolerate a condition in this country which precludes the opportunity for jobs to millions of Americans now crying out for work. Jobs must be created. The Emergency Employment Act must be expanded. As we have said so many times before, each day passes and we see a shortage of vital services within our cities. We at the local level also witness daily the frustration of our citizens who cannot find meaningful employment. It only makes sense, Mr. Chairman, to match the shortage of vital services with the shortage of vital jobs and, therefore, result in thousands of our citizens working in suitable jobs making a meaningful contribution by providing vital city services in communities throughout our land.

We, the nation's Mayors, refuse to accept a national unemployment rate of 6.0 per cent. As those officials closest to the people, we cannot accept an unemployment rate for black youths in our urban poverty areas which stands at 38 per cent for the annual average in 1971.

Neither can we accept an unemployment average for 1971 for overall youth at 21.7 per cent. We estimate that of the more than 21 million 16 to 21 year olds in the country, 3.5 million will be looking for and unable to find work this summer. And to make the situation more critical, because of financial crises, schools will be closed earlier this year in many cities. These figures are bleak, but we do not lose hope. Indeed, Mr. Chairman, that is the very reason we appear here today—to give you our view of what must be done to develop our greatest natural resource, our people.

* * * * *

JOB CREATION

The primary need, therefore, in manpower programming today is clearly job creation. In the past we have attempted to answer this need by categorical training programs. These, however, have not responded as well as we had hoped. The problem lies in our inability to forecast adequately the availability of jobs, the fluctuation of the job market or the types of people who become unemployed. This makes the rapid readjustment of resources from one program to another impossible. I suggest we can overcome those problems by allocating more resources to job creation and giving local government the responsibility to devise programs that will respond to fluctuations in the economy. The Public Employment Program (PEP) is an excellent example of a good program designed and implemented by local government.

Mr. Chairman, since this program is both immediate in its impact and flexible enough to be adapted to local needs, it is clearly one of the most important pieces of legislation in several decades.

When the Emergency Employment Act was being discussed before Congress recruitment would exclude minorities, returning Viet Nam veterans, and the disadvantaged. These predictions have been clearly demonstrated to be unfounded. For example, in the Seattle area we have provided jobs for 3,658 unemployed people, 1,049 of them in the city. Twenty-four per cent of these people are minorities—24%, although minorities are only 12% of the city's population. Thirty-five per cent are Viet Nam era veterans, over 11% are disadvantaged. Equally significant is a report from our office of Human Resources which shows that through the PEP program we have been able to accomplish long overdue modifications of outdated and absurd civil service requirements which have affected nearly 200 jobs.

The effects of these changes will be to make these positions available to disadvantaged and minorities who have long been excluded by arbitrary Civil Service requirements. The ability to read and write has been waived for many jobs; high school graduation or GED requirements have been deleted for many more. In other job categories we have been able to change the requirements so that we can substitute experience for education. Changes in height, age or other standards have been implemented to broaden the eligible population and remove discriminatory requirements. This has been accomplished even though all PEP positions are under Civil Service.

The severe national and local unemployment, coupled with unmet public service needs, creates an unique opportunity for job creation. The success of the Emergency Employment Act, and the growth of local governmental competence brought about by EEA planning and implementation have paved the way for greater effort in this field. In fact, the opportunities for constructive employment provided by this program have followed in the best traditions of our society which extols the person who works and contributes to a better community. A Federal commitment to meet public service needs through job creation can go even further in reducing the ancillary social and economic costs of severe unemployment.

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Again, Mr. Chairman, we urge an expansion of the Emergency Employment Act, creating more public service jobs for the unemployed in our cities.

We the nation's Mayors stand ready to assist you in any way during your deliberations on manpower legislation. We, too, pledge our joint efforts toward our common goal: The opportunity for a decent job for every American.

MAYOR NORMAN MINETA, SAN JOSE, CALIF.

First, I want to say a few things about public service employment.

San Jose is the fourth largest city in the State of California. With a population of 481,000 it is the central city of Santa Clara County whose total population is over one million. Our county's urban area is 25th among the nation's most populous urbanized areas. Approximately 30 percent of our city's population is composed of racial and ethnic minorities, with a large percentage of these being welfare recipients in urgent need of manpower training and employment.

The majority of new jobs created in our County during the past two decades have been in aerospace and aerospace-related activities. Therefore, when the nation experienced the cutback in the aerospace industry, Santa Clara County experienced a loss of over 5,000 jobs in 1971. This factor, plus some curtailment of our fruit canning industry, produced our unacceptably high unemployment which averaged between 6 and 8 percent in 1970 and the greater part of 1971.

At the same time the City Government, because of lack of sufficient operating funds, was forced to make $2,000,000 in budget cuts for the 1972 fiscal year. In terms of personnel this meant we had to eliminate 186 positions from our budget. Ordinarily this would have resulted in the loss of urgently needed city services for our already economically damaged community. However, the $2,937,000 in assistance we received from the Emergency Employment Act allowed the City to hire 313 residents to perform these vital services and other services which we would not have otherwise been able to provide to our residents. Further, many of the employees we have hired have been residents of our Model Cities area. They account for approximately $463,000 of the wages that the PEP hirees receive. Thus, through the infusion of this new take-home pay, the PEP program is helping us bring about the improvement of this area of our city.

The second point I wish to make concerns the triggering mechanism for the present Section 6 funds.

There would have been an even quicker impact on our employment situation in San Jose if the triggering mechanism of Section 6, which provides additional funds for areas where the unemployment rate is 6 percent or greater for three consecutive months, had been incorporated into Section 5. By staggering the funds into Section 5 and 6, the effect on our City's delivery of services was also staggered. It woud have been far better if we could have received the total allocation as a single sum, which would have enabled us to develop a total overall program. As it was we planned our program on the basis of a firm figure received from Section 5, and a guestimate of what we would get from Section 6.

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MAYOR ROMAN S. GIBBS, DETROIT, MICH.

The EEA program recently allowed us to hire 1,687 city employees . . . to perform valuable city services. Another 1,555 jobs were administered through the City . . . and placed in Detroit public schools.

These positions allowed the City and the school system to provide many of the basic and much-needed public services . . . we could not supply before.

For example: These new jobs enabled the City to open library branches at expanded hours . . . we hired 241 patrolman trainees who will hopefully graduate to our police acedemy . . . we assigned 150 new employees to our Health Department, and they are performing such tasks as administering vision and hearing tests to children in our schools . . . and combatting the ever-increasing level of lead poisoning afflicting young children in the inner city.

We hired 171 new bus drivers . . . we reopened all galleries of our fine art museum through the addition of new musuem guards . . . and the schools are deriving the benefits of hiring new teachers, teacher's aides, clerks and maintenance workers.

These additions to city services are obviously valuable and needed. But let me tell you why they are critically useful to the city of Detroit . . . at this time in the city's history.

Detroit, like many other American cities, is suffering the dual crises . . . of fiscal and unemployment problems.

Let me detail . . . the score of Detroit's unemployment problem . . . and the damaging effect . . . the city's fiscal difficulties have had in this most crucial area.

The fact is . . . that Detroit averaged an unemployment rate of 10.8 percent . . . for all of 1971. And in the inner city . . . there was 20 percent unemployment . . . one of every five potential workers without a job. These are devestating figures. They are crippling to a city . . . and a people . . . reaching for social stability . . . after a period of turmoil.

Yet . . . pressing financial difficulties in Detroit . . . have compounded this grave problem.

Last month . . . to effect a partial reduction on an estimated $30 million budget deficit . . . the city had to lay off 717 employees

. . . and eliminate 790 full and part time jobs which will not be filled.

The EEA help, therefore, has been invaluable. It has allowed us to rehire some of those workers we were forced to lay off. However, I have one serious reservation about the EEA program.

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EEA has already helped tremendously. But there are still many essential services that we cannot fully provide . . . many needs we cannot meet . . . because of our financial crisis.

Further programs and grants are needed—to staff our police force . . . to increase our desperately needed drug treatment programs . . . to further our efforts in the field of health . . . the provide adequate recreation and help for our very young . . . and our very old.

We are struggling in Detroit . . . we are struggling for survival . . . we are striving for growth. And our efforts . . . are on behalf of a million and a half people . . . many of them elderly . . . many of them unemployed . . . many of them poor.

I maintain that the struggle can be won. I truly believe this . . . and it will happen if we will combine our efforts now . . . at this historically crucial time for Detroit and so many other cities.

MAYOR LEE ALEXANDER, SYRACUSE, N.Y.

What we call programs too often prove to be little more than gestures. My city receives Emergency Employment Act funding, for example. Three hundred jobs have been created for one year with $2.5 million in Federal funds. But, there were more than 4,000 applications for these jobs as soon as they were announced.

* * * * *

Fifth, expansion of public sector employment. This means recognition that funding public sector jobs most become a permanent element in the employment equation. It is apparent that the private sector cannot realistically be expected to absorb the available manpower.

At the same time, cities are becoming less able to provide basic services. By funding public sector employment we accomplish two things: First, we provide jobs for those who would not otherwise have them. And second, we help the cities to provide those services which, obviously, cannot be provided without human beings.

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MAYOR KENNETH A. GIBSON, NEWARK, N.J.

Unemployment and underemployment are critical factors which affect not only the social and economic life of the city, but also the cost and delivery of its public services. The incidents of welfare assistance, which a city must provide, is closely correlated to the rise and fall of local unemployment. The education system must be made to respond to the changing needs of the job market for skills and training. Public health facilities must be expanded to provide satisfactory medical care for those who cannot afford to pay for it themselves. Where expectations for secure employment are low, crime and drug abuse are high. I could draw further connections, but the point is clear—a Mayor must give careful attention to manpower policies because employment conditions effect many, perhaps all of the services for which he is responsible.

Both unemployment and underemployment in most big cities are devastating problems.

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More recently, the passage of the Emergency Employment Act has begun to create necessary public service jobs for the unemployed. I think that all Mayors can applaud these legislative accomplishments, but we would say to you that much more must be done. The Emergency Employment Act has created a very valuable program. Sections 5 and 6 have provided Newark with $6.5 million; another $2.3 million has been received for the city's welfare demonstration project. These funds have provided jobs and career training for over 1,000 men and women. But the program is a temporary one and there are still many, many people who have neither jobs nor hope of obtaining them.

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MAYOR JOHN D. DRIGGS, PHOENIX, ARIZ.

As stated, an increase in the availability of general funds to augment manpower services in Phoenix is essential to a healthy community, especially monies to aid in serving the disadvantaged who make up 30% of those in need of employment assistance. In addition, the Federal government should include in new legislation a permanent trigger mechanism similar to that of the Emergency Employment Act, whereby monies would be automatically available for public service employment during periods of moderate recession. Paralleling this, a special fund should also be established to aid specific areas suffering from particularly severe rates of unemployment due to peculiar regional economic problems.

In support of the effectiveness of this triggering mechanism as a concept which should be utilized in future comprehensive manpower legislation to aid in stabilizing economic growth, I cite the successes of the Public Employment Program (EEA) in Phoenix. Additional to the obvious effect of offering employment to the unemployed and underemployed thereby decreasing the rate of unemployment, the City of Phoenix was able to: (1) provide better services to the community, (2) offer meaningful work experience and training to the hardcore unemployed, (3) objectively examine personnel procedures and the problems they present to those seeking initial work experience, and (4) increase minority hiring.

If enacted and funded, a comprehensive manpower bill of the nature outlined above (containing prime sponsorship, decategorization, decentralization, and a permanent triggering mechanism) can help Phoenix and many other cities overcome three of our most pressing problems—jobs for the underemployed and unemployed, adequate City services for the community, and sustained economic growth.

MAYOR HENRY W. MAIER, MILWAUKEE, WIS.

The thrust of my statement will center on the Emergency Employment Act and the need to enlarge and make permanent this highly successful vehicle for providing employment opportunities in the public service.

The first point that I would like to make is that in Milwaukee, the Emergency Employment Program has met the aims embodied in the original legislation.

It has provided meaningful employment opportunities for the unemployed

It has provided the manpower necessary to aid our City in accomplishing a number of tasks which could not have otherwise been undertaken due to the fiscal straightjacket which binds Milwaukee as well as her sister central cities

It has provided job opportunities for those segments of the labor market which have been hit hard by our recent economic downturn

It has given at least a ray of hope to those which continue to find themselves outside of the economic mainstream of American life

Over 70% of Emergency Employment Act jobs created in Milwaukee have gone to veterans.

Over 45% of Emergency Employment Act jobs created in Milwaukee have gone to minority group members.

Emergency Employment Program participants are actively at work today in Milwaukee contributing to an improved quality of life in their community. Jobs created under the program represent a wide variety of public service areas.

People are hard at work on projects improving the quality of our environment. They are hard at work on projects aimed at improving the quality of public health and safety. They are hard at work in a number of vital public service areas where our needs far exceed our meager resources.

While I am pleased with the success of Milwaukee's initial experience with the Emergency Employment Act, I would strongly urge that the program be placed on a permanent basis as quickly as possible. If cities are to design, implement and coordinate public employment programs with maximum efficiency, the program must be removed from the temporary restrictions contained in the original legislation.

As well, to effectively meet the problems of unemployment and growing needs of our cities, the Emergency Employment Act should be expanded to provide a greater impact on the dual goals of full employment and an improved quality of life in our nation's cities.

MAYOR RICHARD J. DALEY, CHICAGO, ILL.

Although my chief interest is, of course, with the City of Chicago, I know that the Mayors of all large cities are extremely concerned about the persistent problem of unemployment and the role of local government in doing something about it. As you know, people look to local government for solutions to a wide range of problems that affect their lives. This is true in the areas of health, public safety, transportation, education and, of course, employment. Thus, by the very nature of our system, local officials are expected to respond when tens of thousands of men and women are out of work. Whether the Mayor of a large city wants this role or not, it is his.

And make no mistake, it is within our nation's large cities that the major impact of manpower legislation will be felt. This is where the bulk of the unemployed and the disadvantaged are concentrated. Because of this, we in the nation's large cities are constantly aware of the urgent nature of this problem. I want to share my experiences, insights and opinions with you concerning the deployment of federal manpower resources in urban areas. And I want to urge you to give serious consideration to increasing the ability of Mayors to respond the voices of the unemployed who expect our help.

PUBLIC SERVICE EMPLOYMENT

To begin, I believe that priority should be given to the creation of a *permanent* public employment program to offset long-term, chronic unemployment among older workers, the disadvantaged, minority groups in the nation's large cities. The Emergency Employment Act of 1971 has demonstrated that the public sector can successfully utilize manpower from the vast pool of the unemployment to deliver high quality government services. At the present time, the unemployment roles contain technicians and engineers, temporarily displaced by shifts in the economy, and others who, under "normal" conditions, would be gainfully employed. We are all confident that in time these "temporarily unemployed" people will be back on the job. But the bulk of the unemployed, even today, consists of those people who lack skills, education, experience or opportunity and who are permanently underemployed if not unemployed. I suggest that the time has come for Congress to take a major step toward solving the problem of persistent unemployment by providing federally-funded jobs in local government for those who cannot be absorbed by private industry even in the best of times. I see no other way for government to ensure a stable family life for the disadvantaged while, at the same time, enabling the cities to provide desperately needed services.

One year ago, when I appeared before this Committee to urge passage of the Emergency Employment Act of 1971, I asked that you give serious consideration to this problem of chronic unemployment. I noted at the time that there are regional and local pockets of unemployment regardless of national or even regional economic conditions. Figures released only last Friday underscore the fact that a downward turn in unemployment nationally may not be felt in a particular locality or even in an entire state. In fact, as the national picture brightens, some areas experience even greater joblessness. The seasonally adjusted rates for February, 1972 show that while national unemployment declined .2% from the January level, the unemployment rate actually went up .3% for the State of Illinois and .4% for the Chicago area. Last year I suggested that an attack on joblessness triggered by a national unemployment rate of 4.5 percent would fail to aid older workers, minorities, non-English speaking and others who, to be frank, live their entire lives in a state of economic depression. The Congress then incorporated Section Six into the Emergency Employment Act, thus establishing a special fund to assist those special pockets of poverty. The wisdom of this decision has been borne out by the ability of local government to utilize the otherwise "permanently unemployed" to provide high quality services in education, health, sanitation, recreation, etc. The success of the Emergency Employment Act of 1971 has proven, I believe, that public service employment is a concept whose time has come. Now local government must be given adequate financial resources to extend its benefits to even more people.

ADDITIONAL MATERIALS OF THE UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT

Mr. BAKER. Mr. President, on February 28 I made a statement concerning the United Nations Conference on the Human Environment scheduled for Stockholm in June of this year. I indicated that the Secretary of State's Advisory Committee, of which I am chairman, would have additional materials available for public comment.

In keeping with our national policy of an open and free government, I am pleased to call to the attention of Members of Congress and the interested public the following materials which have been made available for public comment by the Advisory Committee with the cooperation of the Department of State:

First. Draft conventions on endangered species and a world heritage trust in the form of working papers being considered, and subject to amendment, by interested Government agencies.

Second. The United Nations Intergovernmental Working Group on Conservation draft convention on conserving certain islands for science.

Third. The Convention on Conservation of Wetlands as approved by the Final Act at Ramsar, Iran.

Fourth. A statement of guiding principles on the international economic aspects of environmental policies supported by the United States and under consideration by the Organization for Economic Cooperation and Development.

Fifth. A brief statement of the U.S. objectives for the Conference.

Sixth. A copy of the Convention for the Conservation of Antarctic Seals including the U.S. addendum.

I ask unanimous consent that the materials outlined above be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

SECRETARY'S ADVISORY COMMITTEE
ON THE 1972 UNITED NATIONS
CONFERENCE OF THE HUMAN ENVIRONMENT,

March 6, 1972.

DEAR SIR: Enclosed are materials concerning subjects related to the Stockholm Conference which should be considered in addition to the issue papers you received previously from the Secretary of State's Advisory Committee. These materials deal with conventions; international trade and economic policy positions, and objectives for the Conference.

The Action Plan for the Stockholm Conference includes recommendations relative to proposed conventions on (a) The Export, Import and Transit of Certain Species of Wild Animals and Plants; (b) Islands for Science; (c) Conservation of the World Heritage; (d) Wetlands, and (e) Ocean Dumping. The U.S. is developing its positions on the above and in so doing is taking into consideration comments made by the Advisory Committee on the IUCN drafts ((a)–(d)) circulated in November, 1971. The conference on endangered species has had to be postponed, although the U.S. hopes strongly that it can be held during 1972, and interested agencies in the U.S. are developing a proposed draft convention. It is still in the form of a working paper that is being considered and may be amended by interested U.S. Government agencies. It is attached (still without appendices) for your information, but as a preliminary draft not ready for publication (Enclosure A). The attached draft convention on the World Heritage Trust should also be considered as tentative and not ready for publication (Enclosure B).

A draft position concerning an ocean dumping treaty is being developed and should be available for comment in the near future.

The proposal for a convention on Islands for Science is still being considered in the form of the United Nations Intergovernmental Working Group on Conservation draft (Enclosure C).

Also enclosed is the Convention on Conservation of Wetlands approved at Ramsar, Iran. The U.S., while it favors a convention on this subject, would have liked to see stronger provisions in some respects and is determining the action it would take should this Convention be opened for signature at Stockholm (Enclosure D).

The United States has taken the view that due to the composition of the participating countries and the nature of the Stockholm Conference, the Conference is not an appropriate forum in which to deal with trade problems arising from environmental control measures. With regard to the international economic aspects of environmental policies, a statement of guiding principles supported by the United States and under consideration by the Organization for Economic Co-operation and Development (OECD) is enclosed (Enclosure E).

A brief statement of United States objectives for the Conference is also enclosed for your information (Enclosure F).

Your attention is directed to the fact that the International Whaling Commission, of which the United States is a member, is meeting shortly after the Stockholm Conference. A major issue in this connection is illustrated by the recommendations passed by the Senate and the House in 1971 calling for a moratorium on the taking of whales.

Finally, for your information and consideration, a copy of the Convention for the Conservation of Antarctic Seals, together with the United States' addendum is enclosed (Enclosure G). This convention will be open for signature at London June 1 to December 31, 1972.

You are invited to testify on any of these matters at any of the hearings scheduled. It should be noted, however, that we will need any written comments by March 24, 1972, in order to give them appropriate consideration prior to presentation of the Advisory Committee's report to the Secretary of State which is scheduled for April 21, 1972.

All comments should be addressed to Richard A. Hellman, Executive Director, Secretary's Advisory Committee, Department of State, Room 6807, Washington, D.C. 20520. Phone: (202) 632–8932.

Sincerely,

RICHARD A. HELLMAN,
Executive Director.

[ENCLOSURE A]

CONVENTION ON THE EXPORT, IMPORT, AND TRANSIT OF CERTAIN SPECIES OF WILD ANIMALS AND PLANTS

The Contracting States,

Recognizing that the animal and plant wildlife of the earth in its many beautiful and varied forms is an irreplaceable part of the life-sustaining ecology of the earth which must be protected for this and the generations to come;

Conscious of the ever-growing value of certain species of animal and plant wildlife from a cultural, aesthetic, nutritional, scientific and economic point of view;

Recognizing a need to undertake separate and joint action for the conservation, restoration, and rational utilization of certain species of animal and plant wildlife both within national boundaries and in the high seas by encouraging, establishing, and maintaining measures to accomplish these purposes for an optimum sustained yield result;

Recognizing that the people within the sovereign nations are and should be the best protectors of that wildlife which occurs within their own national borders, such wildlife being precious to them most particularly;

Recognizing that the adoption of national measures of control of hunting, killing, capture or collection of certain species is essential to their adequate protection;

Recognizing, however, that each nation requires the cooperation of importing nations in policing its exports of wildlife and in protecting its wildlife from excessive commercial use in international trade;

Recognizing also that a further important measure for ensuring such protection is the regulation and control of the export, import, and transit of specimens of these species;

Conscious of the urgency of taking such measures without delay with respect to these species;

Have agreed as follows:

Comment: The second and third preambular paragraphs are new. The second paragraph of the January 11 preamble has been deleted.

ARTICLE I

Definitions

For the purpose of this Convention:

(a) "Species" means a subspecies as well as a species;

(b) "Specimen" means any representative, dead or alive, of a species of wild animal or plant included in Appendices I, II or III or any part of a specimen or any one of its products, except seeds, and shall also include any article or substance containing such parts or products or which has been fabricated or manufactured from them, except an article of clothing or jewelry being used by a private person for his personal needs which is not for resale;

(c) "Scientific purpose" includes in the case of species listed in Appendices II and III, educational, research, and propagative purposes, but does not include import or export for the principal purpose of public exhibition; but in the case of Appendix I species means only the purposes of restoration of the species and human health research.

(d) "Mark" means any indelible imprint, lead seal or other suitable means of identifying a specimen or product of specimen, designed in such a way as to render its imitation by unauthorized persons as difficult as possible;

(e) "Scientific authorities" means the national scientific authorities to be designated by each Contracting State in accordance with Article VIII;

(f) "Management authority" means the authorities within a Contracting State which issue and receive Import and Export Permits and which supervise the implementation of this Convention within that State;

(g) "Rescue centers" means the facilities or areas available to Contracting States where living animal specimens, having been found to be illegally removed from their native habitat, may be held in accordance with Article IX;

(h) "Origin" means, in connection with a State, the State of birth or germination or the State in which removal from the wild occurred.

Comment: Definitions (a) and (b) in the January 11 draft have been combined. It has been suggested that new definition (b) should exclude cultivated plants (but see revised Articles III and V). Definition (c) is altered. A definition of "Management Authority" (competent authority) has been added. Definition (h) is new.

ARTICLE II

Fundamental principles

1. In order to facilitate the protection of certain species of plants and animals identified in Appendices I, II, and III, the Contracting States shall permit the export, import, and transit of specimens only in accordance with the provisions of this Convention.

2. Appendix I shall include all species threatened with extinction, the export, import and transit of which must be subject to particularly strict regulation in order to ensure their survival and must be authorized only in exceptional circumstances.

3. Appendix II shall include all species which are not yet threatened with extinction but the export, import and transit of which must be subject to control in order to avoid undue exploitation incompatible with their survival.

4. Appendix III shall include all species identified by a Contracting State as being subject in territories under its jurisdiction to regulation for the purpose of preventing or restricting commercial exploitation which, if undeterred, would threaten the species with undue depletion or with danger of extinction within such territories.

5. Appendix IV includes all species included in Appendices I and II, which are inhabitants of the high seas during all or a portion of their lives.

Comment: The last phrase of paragraph 2 is new. It has been suggested that States be required to adopt international standards for the taking possession, import or export of Appendix IV species and on humane shipment of living specimens. It has also been suggested that Appendix II species be listed in Appendix I and that Appendix II then be omitted. It has also been suggested that the criterion of disappearance from a significant part of habitat be written into Appendix II as an expansion of its scope.

ARTICLE III

Export of specimens

1. The export of specimens shall not be permitted except:

(a) where export is to a destination in a Contracting State; and

(b) upon presentation of a valid Export Permit granted in accordance with Article IV.

2. Notwithstanding the provisions of paragraph 1 of this Article, a Contracting State may permit exportation of specimens to a State not a party of this Convention:

(a) if the specimen has been bred in captivity or cultivated; or

(b) if the export is for a scientific purpose; and

(c) upon presentation of an Export Permit, granted in accordance with Article IV, which states that the importation of the specimen will be in accordance with the laws of the non-Contracting State.

Comment: Paragraph 2 is altered substantively to provide for export of non-wild specimens to non-Contracting States. It is argued that prohibiting the export of cultivated specimens to non-Contracting States would violate MFN provisions of the GATT since it would not be within the conservation exception.

ARTICLE IV

Export permits

1. Export Permits referred to in the preceding Article may only be granted:

(a) after proof of the lawful nature of the killing, capture or collection of the specimen has been provided, or

(b) if the exporter proves that the specimen is or derives from an animal bred in captivity or a cultivated plant, or

(c) where a specimen is being re-exported, after proof of the lawful import has been provided, or

(d) if a specimen is being exported to be returned to its place of origin or to be sent to a rescue center in accordance with the provisions of Article IX.

Notwithstanding any other provision of this Article, no Export Permit shall be granted for the shipment of a living animal specimen unless the exporter also makes satisfactory proof that the specimen will be shipped in a humane fashion.

2. In addition, where a species is listed in Appendix I, an Export Permit may only be granted:

(a) where the specimen is to be exported for scientific purposes;

(b) with the assent of the Scientific Authority of the issuing State which shall place its stamp on the permit as evidence of its determination that the export is for scientific purposes; and

(c) on condition that the number of the appropriate Import Permit referred to in Article VI has been communicated beforehand to the Management Authority issuing the Export Permit.

3. Such Export Permits shall be valid only if they conform to the model set out in Appendix V and if they are issued by the Management Authority of the Contracting State and on behalf of that State. If the original language of an Export Permit is neither English, Spanish, nor French, it shall be accompanied by a translation into one of those languages. Each Contracting State shall communicate to the Depositary Government the name and address of the Management Authority competent to issue Export Permits in that State. A separate export permit shall be required for each shipment of specimens, provided that if at any point the shipment is divided into two or more separate shipments, duplicates of the original permit certified by the authority issuing the original permit must accompany each such subshipment.

4. The description of the specimen given in the Export Permit shall enable the specimen in question to be distinguished by species and subspecies, and, whenever appropriate and feasible, a mark shall be used in conjunction with the description to identify the specimen. Each Export Permit shall bear an export control number assigned by the issuing Management Authority.

Comment: It has been suggested that requirements for export and re-export be separated and that all functions relating to permits be confined to one Authority. Paragraph 5 has been deleted (See Article XII). The last sentence of paragraph 4 is new.

ARTICLE V

Import of specimens

1. The importation of specimens shall not be permitted except:

(a) when importation is from a provenance in a Contracting State;

(b) upon presentation of a valid Export Permit granted in accordance with Article IV; and

(c) where a species is listed in Appendix I, upon presentation of a valid Import Permit granted in accordance with the following Article.

When these conditions are fulfilled, the Management Authority of the importing State shall where appropriate and feasible affix a further mark upon the specimen denoting such fulfillment. When entry into the importing State is permitted in accordance with the foregoing, a copy of the Export Permit which covers the shipment shall be retained, cancelled, and filed by the Management Authority for reference in the event of subsequent re-export, or for other purposes.

2. Notwithstanding the provisions of paragraph 1 of this Article, a Contracting State may permit importation from a State not a party to this Convention of specimens whose origin is in such State:

(a) if the specimen has been bred in captivity or cultivated, unless a specimen is or derives from a species listed in Appendix I;

(b) if the import is for a scientific purpose; and

(c) if the export was in accordance with the laws of the non-Contracting State.

3. Notwithstanding the provisions of paragraph 1, a Contracting State may permit the introduction of specimens listed in Appendix IV into territories under its jurisdiction without the presentation of an Export permit provided:

(a) the specimen was taken in the high seas and has not been introduced into a place under the jurisdiction of another State; and

(b) in the case of a species listed in Appendix I, upon presentation of a valid Import Permit granted in accordance with Article VI; and

(c) in the case of a species listed in Appendix II, upon making a record, which shall be publicly available, of the number or volume of specimens introduced.

Comment: The last sentence of paragraph 1 is new. Paragraph 2 has been revised similarly to paragraph 2 of Article III. Paragraph 3 is new.

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ARTICLE VII

Transit and exhibitions

1. The provisions of this Article shall apply notwithstanding the provisions of Article III and of paragraph 1 of Article V.

2. Provided that the conditions of import of Article V are fulfilled for importation into the Contracting State to which a specimen is consigned, no further permits or restrictions shall be required or imposed in respect of that specimen whilst in transit within that State. No endorsement or clearance of Export Permits may be required by a Contracting State as to any shipment of specimens which

pass through that Contracting State in bond or in transshipment without entry.

3. A specimen being transported as the property of a circus, menagerie, or other traveling exhibition may be exported or imported without permits provided that the exporter or importer is able to provide proof to the Management Authority of the Contracting State that the animal was acquired before this Convention came into force or in accordance with the provisions of this Convention after that date.

Comment: The last sentence of paragraph 2 expands on the material deleted. Paragraph 3 contains a new provision that proof be made to the Management Authority.

ARTICLE VIII

Scientific authorities

1. Each Contracting State shall designate a national Scientific Authority responsible for ruling on requests for the import or export of specimens listed in Appendix I and for import or export of specimens from or to non-Contracting States for scientific purposes. The Scientific Authority shall approve requests before it only when it considers that the import or export in question is for scientific purposes and will not be detrimental to the survival of the species concerned. Before ruling on the requests before it, the Scientific Authority may, whenever it thinks it desirable, seek the advice of the Council.

2. The Contracting States shall communicate to the Secretariat the name and address of the Scientific Authorities thus designated.

Comment: The import and export of specimens to or from non-Contracting States for scientific purposes has been added to the matters ruled on. The basis for ruling has been re-stated.

ARTICLE VII BIS

(a) At the time of the deposit of an instrument of ratification or accession of this Convention, each Contracting State may convey to the Depositary Government, and, after this Convention enters into force, to the Secretariat, a list of species which is subject to regulation in territories under its jurisdiction for the purpose mentioned in paragraph 4 of Article II. Such list shall be deemed to be incorporated in this Convention as part of Appendix III. The list shall include the scientific and common names of each species, together with the best available description or key to identification of each species. A revised list may be submitted by January 1 of each year to the Depositary Government, or the Secretariat, as the case may be. The Depositary Government or the Secretariat shall transmit copies of the original and revised lists to all Contracting States.

(b) With respect to species listed only in Appendix III, the requirements of Article III and of paragraph 1 of Article V shall apply only to those specimens exported from the Contracting State adding the species to Appendix III.

ARTICLE IX

National measures

1. The Contracting States shall take the necessary legislative measures:

(a) to prohibit and penalize any export, import or transport, or attempted export, import or transport of specimens in violation of the provisions of this Convention;

(b) to prohibit and penalize the possession of specimens imported in violation of the provisions of this Convention and in particular to prevent the exhibition and offering for sale of the specimens in question; and

(c) to provide for the confiscation of the specimens referred to in subparagraphs (a) and (b) above.

2. The Contracting States shall take steps to ensure that the measures called for under this Convention are implemented by persons possessing the appropriate qualifications, zoological or botanical as the case may be. In particular, import and export authorities shall be instructed concerning the names and appearances of species listed in the Appendices and the laws of Contracting States regarding species listed in Appendix III. In this regard Contracting States may seek the assistance of Scientific Authorities and the Council.

3. As far as possible Contracting States shall ensure that the clearance of specimens through any formalities required on export, import or transit is carried out with the minimum of delay, and to facilitate such clearance a Contracting State may designate ports of exit and ports of entry at which specimens must be presented for clearance.

4. A Contracting State may issue certificates of origin or other documents, or institute a registration system to aid in meeting the requirements for export or import permits, or to aid in the identification of specimens and plants or animals and parts or products thereof which are not specimens.

5. Where a living specimen has been confiscated, it shall be entrusted to the Management Authority of the State concerned, which shall return the specimen to its place of origin, or, should this prove impracticable or likely to endanger the animal's survival, send it to a rescue center or to such other place as the Management Authority thinks appropriate.

6. In order to facilitate the choice of the measures referred to in the preceding paragraph, and the choice of a rescue center, or other appropriate place, the Management Authority shall obtain the advice of a Scientific Authority and shall whenever it thinks it desirable, consult the Council referred to in Article XI.

7. Each Contracting State shall take the necessary and appropriate measures to control the taking or collecting of specimens, and to undertake and encourage national land use planning which avoids unnecessary destruction of the habitat of threatened or endangered plants or animals.

8. At the time this Convention enters into force for each Contracting State, it shall forward to the Council a true copy of all national laws and regulations applicable to species listed in Appendix III, together with such explanations or interpretations as the Council may seek. Amendments to such laws and regulations shall be reported to the Council as they are adopted.

9. Each Contracting State shall report to the Council on the implementation of this Convention in its territories prior to each regular meeting of the Assembly.

Comment: It has been suggested that paragraph 1 contain an explicit requirement that States impose the burden of proof on persons claiming that a representative of a species is not a specimen or that it was acquired before the Convention came into force, that States provide certificates of origin for specimens, and that they penalize shipment not meeting humane standards set by the Council.

The 2nd paragraph has been expanded. The deletion of paragraph 4 has been suggested.

The replacement of paragraph 5 with another paragraph specifying more specific means of disposal and differentiating among the Appendices has been suggested.

Paragraphs 8 and 9 are new.

ARTICLE IX BIS

1. There is hereby established an Endangered Species Protection Organization (hereinafter referred to as the "Organization") which shall consist of an Assembly, a Secretariat headed by a Director, and in accordance with the provisions of Article XI, a Council. The headquarters of the organization shall be in

2. The Organization shall have legal personality and may sue and be sued. The legal representative of the Organization shall be the Director.

3. The Organization, its assets, income, including contributions, and other property shall enjoy in all Contracting States exemption from all direct taxation.

4. Within six months after the date of entry into force of this Convention, the Organization and the Government of the State in which the headquarters is located shall conclude an agreement relating to such other privileges, immunities and exemptions as may be appropriate for the proper function of the Organization.

Comment: It continues to be suggested that the IUCN be the Secretariat.

It has been suggested that the Organization should have an independent scientific advisory committee.

ARTICLE X

Assembly

1. The Assembly shall consist of one representative of each Contracting State and shall meet in regular session each two years. The first meeting shall be convened by the Depositary Government within three months of the date on which this Convention enters into force. A special session may be convened if one-third of the Contracting States so request or if requested by the Council in accord with Article XIV.

2. The Assembly shall review the operation of this Convention and make recommendations for improving its efficiency. It shall examine the report presented to it by the Council, together with any matters which the Council or a Contracting State shall have brought to its notice. The Assembly shall exercise such powers as are conferred upon it under any Article of this Convention.

3. The Assembly shall appoint the Director of the Secretariat, make provision for the appointment by the Director of such other Secretariat personnel as may be necessary, and determine the terms and conditions of service of the Director and other personnel.

4. Until the establishment of the Council pursuant to Article XI, the Assembly shall exercise all powers and duties given to the Council.

5. The Assembly shall establish its own rules of procedure, which shall be consistent with the provisions of this Convention, and shall elect a Chairman and such other officers as it deems advisable to serve for terms specified in the rules of procedure. The terms of office shall be no longer than the election of their successors at the second regular session of the Assembly after the election of the incumbent officers. Incumbent officers may be re-elected. The Assembly may establish any temporary or subsidiary body it considers necessary.

6. Decisions of the Assembly shall be taken by simple majority of those present and voting, each representative having one vote. A quorum of the Assembly in meeting shall consist of representatives equal in number to a majority of Contracting States.

7. Unless invited to meet elsewhere by a Contracting State or an international organization, the Assembly shall meet at the headquarters of the Organization.

Comment: The first paragraph has been changed to provide for regular sessions and to delete the provision for work by correspondence.

The last sentence of paragraph 5 has been deleted.

The last sentence of paragraph 6 has been deleted.

ARTICLE XI

The Council

1. At its first meeting after the number of Contracting States exceeds fifteen, the Assembly shall establish a Council consisting of not more than fifteen members who shall be representative of Contracting States having special competence in matters pertaining to this Convention. The number of representatives of Contracting States members of the Council may at any time be in-

creased by a decision of the Assembly, provided that the number shall not exceed thirty. In electing members of the Council, the Assembly shall endeavor to secure an equitable geographical distribution of the Contracting States.

2. The term of office of a member of the Council shall be two years. A member shall be eligible for re-election.

3. The Council shall elect a Chairman and such other officers as it deems advisable. The Council shall adopt its own rules or procedure consistent with the provisions of this Convention, and may establish any temporary or subsidiary body it considers necessary. Decisions of the Council shall be taken by a simple majority of members of the Council, each member casting one vote. A quorum of the Council in meeting shall consist of two-thirds of the members. The Council shall decide the date and place of its meetings. It may vote by correspondence, but shall meet at least annually. Any Contracting State not represented on the Council may send an observer to attend its meetings.

Comment: It has been suggested that in paragraph 1, scientific and medical research be mentioned as an element of special competence.

Paragraph 2 has been revised.

ARTICLE XII

Functions of the Council

1. The Council may carry out or cause to be carried out whatever scientific and technical studies it considers necessary including studies requested by the Assembly consistent with the purposes of this Convention. In particular, the Council shall have the following functions:

(a) To study the advisability of adding species to or deleting species from those listed in Appendices I, II, and IV and to suggest to the Contracting States any amendments to these Appendices, in accordance with the provisions of Article XXIII. In so doing, the Council will base its recommendations on special scientific studies it has available, the best existing world scientific data on the species being considered and upon the lists of endangered species or subspecies drawn up by the International Union for Conservation of Nature and Natural Resources and other organizations concerned.

(b) To provide the Contracting States with copies of all scientific and technical studies carried out by or at the request of the Council and all other scientific and technical information necessary or useful for the proper implementation of this Convention, especially on the means of identifying specimens. In particular, the Council may identify subspecies which are difficult to distinguish from the species of which they are a part, and recommend, where appropriate, that the entire species be listed in an Appendix;

(c) To recommend, where appropriate, that Contracting States terminate the export and import of species listed in Appendix I for the purpose of human health research;

(d) To study and recommend appropriate standards of humane packaging and shipment of specimens for adoption by the Contracting States;

(e) The Council shall publish a compilation of Appendix III species including their scientific and common names and the names of Contracting States submitting the name of each species. The publication shall be revised as required to be kept current and shall be furnished to each Contracting State in English, Spanish, or French as each Contracting State may request. The publication of Appendix III species including their national laws and a list of the nations or regions to which each species listed in the Appendices is indigenous.

(f) The Council shall perform such other functions as are given to it under this Convention and such other duties as it may be authorized to perform by the Assembly consistent with the provisions of this Convention.

2. (a) The Council shall review information supplied by the Contracting States on the implementation of this Convention in their territories, including legislative and other measures taken, the numbers of Import and Export Permits issued in respect of specimens and products of specimens, enforcement proceedings instituted and such other information as may be relevant. In addition, the Council may request such further information from Contracting States regarding Permits issued and legislative and other measures taken to implement this Convention as it considers necessary.

(b) The Council may make such comments and suggestions as it considers appropriate on the information referred to in the preceding paragraph, to the State concerned and to regular or special meetings of the Assembly.

(c) The Council shall present at each regular meeting of the Assembly a report on the implementation of this Convention.

(d) The Council shall consider and approve or disapprove budget estimates and financial statements submitted to it by the Director and forward budget estimates to the Assembly for examination and final approval.

Comment: The last sentence of paragraph 1(b) and subparagraphs (c) and (d) of paragraph 1 are new. Paragraph (e) is new and former paragraph (e) has been redesignated (f).

ARTICLE XIII

Secretariat

1. The Secretariat shall assist the Assembly and the Council in the discharge of their duties and functions and shall perform such other functions as are assigned to it by this Convention.

2. The chief administrative officer of the Secretariat shall be the Director who shall:

(a) appoint the personnel required for the administration of the Organization;

(b) take all appropriate measures with a view to the proper administration of the Organization's assets;

(c) receive such voluntary contributions as may be made to the Organization;

(d) prepare financial statements and budget estimates for each financial period of the Organization for submission to the Council;

(e) collect payment from Contracting States of their respective shares of the budget;

(f) assist the Council in the preparation of the report referred to in Article XII;

(g) prepare, collect and circulate the papers, documents, agenda, minutes and information that may be required for the work of the Assembly, the Council, and temporary or subsidiary bodies; and (h) perform such other duties as are assigned to him by the provisions of this Convention or the decision of the Assembly and Council consistent therewith.

3. In the performance of their duties, the Director and the Secretariat shall not seek or receive instructions from any Government or authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials. Each Contratcing State undertakes to respect the exclusively international character of the responsibilities of the Director and Secretariat and to refrain from seeking to influence them in the discharge of their duties.

4. The Director, with the advise of the Council and the approval of the Assembly, may make such arrangements with any interested international or private organization for use of staff and facilities as will reduce the administrative costs of the Organization.

ARTICLE XIII BIS

Finances

1. Each Contracting State shall bear the salary, travel and other expenses of its representatives to the Assembly and the Council and of its representatives on temporary and subsidiary bodies.

2. The Assembly shall establish a financial period not to exceed two years, and shall approve the budget for that period. The budget, to the extent not met by voluntary contributions from governmental and non-governmental sources, shall be financed by the contributions of the Contracting States according to a method of apportionment determined by the Assembly, provided that the portion of no Contracting State shall be greater than ten percent of the portion of the budget financed by contributions, other than voluntary contributions, of the Contracting States.

3. The Director shall submit budget estimates to the Council at least three months before the appropriate meeting of the Council. The Council shall examine the estimates and shall recommend the budget to the Assembly for final examination and approval. The budget as recommended by the Council shall be sent to Contracting States at least three months before the appropriate meeting of the Assembly.

ARTICLE XIV

Implementation

1. The Contracting States agree to supply to the Council and to each other, information on the implementation of this Convention in their territories including legislative and other measures taken, the numbers of Import and Export Permits issued in respect of specimens, enforcement proceedings instituted and such other information as may be relevant. The Contracting States shall cooperate in providing scientific and technical information requested by the Council or by the Assembly.

2. If, in the light of information it possesses, the Council has reason to believe that any of the provisions of this Convention are not being observed by one or more of the Contracting States, or that the conservation of one or more species listed in the Appendices I and II of this Convention is endangered by the issuance of an excessive number of Export Permits, the Council shall consult with the Contracting State concerned with a view to clarifying and rectifying the situation. The Council shall report on the consultations to the next meeting of the Assembly. If the Council so decides, and the Contracting State concerned consents, the Council may conduct an inquiry on the territory of the Contracting State. The inquiry shall be carried out by one or several persons appointed by the Council with concurrence of, and in cooperation with, the authorities of the State concerned.

3. If the Council and the Contracting State concerned fail to reach agreement on details of the inquiry within four months from the closing of the meeting at which the inquiry was approved by the Council, the Council shall notify the other Contracting States and may bring the matter before the next regular meeting of the Assembly or may request that a special meeting of the Assembly be convened. The Assembly shall then consider the matter and may decide to recommend that all Contracting States cease the export, import and transit of specimens to or from the Contracting State in question.

4. When it appears, as a result of an inquiry as provided for in paragraph 1, that the Contracting State is not observing a provision of this Convention, the Council shall draw the attention of that Contracting State to this non-observance and shall consult with it with a view to remedying the situa-

tion. The Contracting State shall then take measures to rectify the situation and provide information thereon to the Council.

5. If the Council decides that the measures taken in the preceding paragraph are not adequate to meet the provisions of this Convention and if a provision or provisions of this Convention are not observed, and the breach thereof is serious and repeated, the Council shall notify the other Contracting States and may bring the matter before the next regular meeting of the Assembly or may request that a special meeting of the Assembly be convened. The Assembly shall then consider the matter and may recommend specific measures to the Contracting State in question. If such a Contracting State does not agree to implement such recommendations within one year's time from the closing date of that meeting, the Assembly may recommend that all Contracting States suspend the export, import and transit of specimens to or from the Contracting State in question until that Contracting State observes the terms of this Convention.

6. When it appears, in the light of the consultation or inquiry or information in possession of the Council that it is necessary to restrict or prohibit the export of specimens of certain species listed in Appendix I or II from a certain Contracting State, the Council shall submit the recommendation to an annual meeting of the Assembly for its approval. Should the Contracting State to which an approved recommendation is addressed not put it into effect, the Council shall notify the other Contracting States and may bring the matter before the next regular meeting of the Assembly or may request that a special meeting of the Assembly be convened. The Assembly shall then consider the matter and may decide to recommend to all Contracting States that they cease importing from the Contracting State in question specimens of one or more species referred to in the recommendations of the Council.

Comment: In paragraph 2, the prerequisite of a State's consent to an inquiry on its territory has been made explicit.

ARTICLE XV

Effect on national legislation and international conventions

1. The provisions of this Convention shall in no way affect the right of Contracting States to adopt:

(a) stricter measures regarding the conditions for the export, import,taking, possession, and transport of specimens or the complete prohibition thereof;

(b) measures restricting or prohibiting the import, export, taking, possession, or transport of species or subspecies not listed in Appendices I, II or III of this Convention.

2. The provisions of this Convention shall in no way affect the provisions of any national measures or the obligations deriving from any convention concerning other aspects of the export, import, taking, possession, or transport of specimens which may subsequently enter into force in the Contracting States, including, in particular, but without limitation, any measure pertaining to the customs, public health, veterinary or plant quarantine fields.

Comment: This Article has been altered in an attempt to clarify it.

ARTICLE XVI

Signature

This Convention shall be open for signature at -------- from -------- until -------- It shall be open for signature by all State members of the United Nations or of any of the specialized agencies or of the International Atomic Energy Agency or party to the Statute of the International Court of Justice.

ARTICLE XVII

Ratification

This Convention shall be subject to ratification. Instruments of ratification shall be deposited with the Government of -------- which shall be the Depositary Government.

ARTICLE XVIII

Accession

This Convention shall be open for accession by any States belonging to any of the categories mentioned in Article XVI. Instruments of accession shall be deposited with the Depositary Government.

ARTICLE XIX

Designations

The designations of the competent authorities referred to in Article IV and VI and of the Scientific Authorities referred to in Article VIII, shall be communicated to the Depositary Government at the same time as the instruments of ratification or accession are deposited.

ARTICLE XX

Territorial application

1. This Convention shall apply, in respect of any Contracting State, to the territories for the international relations of which that State is responsible.

2. A Contracting State may declare that the provisions of this Convention shall not apply to one or more of the territories for the international relations of which that State is responsible, and shall notify the Depositary Government accordingly. Such declaration may be made at the time of signing, ratifying or acceding to this Convention or at any time thereafter; in the latter case the declaration shall come into force four months after notification to the Depositary Government.

3. Any Contracting State making a declaration under this Article may revoke that declaration. Such revocation shall come into force four months after notification to the Depositary Government.

4. Notwithstanding the provisions of paragraph 1 of this Article, this Convention shall not apply to the area to which the provisions of the Antarctic Treaty apply. Permits under this Convention shall not be required in respect to specimens originating in that area, but the Contracting States agree, in connection with such specimens, to abide by the various measures agreed by the Contracting Parties to the Antarctic Treaty.

ARTICLE XXI

Entry into force

1. This Convention shall come into force four months after the date of the deposit of the tenth instrument of ratification or accession with the Depositary Government.

2. For each State which ratifies this Convention or acedes thereto after the deposit of the tenth instrument of ratification or accession, the Convention shall come into force four months after the deposit by such a State of its instrument of ratification or accession.

ARTICLE XXII

Reservations

The provisions of this Convention shall not permit of reservations.

ARTICLE XXIII

Amendments to Appendices I and II

1. The Council may, on its own initiative or at the request of one or more Contracting States, propose amendments to Appendices I, II and IV.

2. Proposed amendments shall be communicated to the Contracting States by the Secretariat. They shall be considered accepted and shall enter into force for all Contracting States six months after the date on which notification of the proposals is made to them by the Secretariat.

3. However, should a Contracting State notify the Secretariat of an objection during the period of six months referred to in the preceding paragraph, the entry into force of the amendment shall be suspended until four months from the date of the notification to the other Contracting States by the Secretariat of the presentation of the objection.

4. Upon the expiry of the four months period of suspension referred to in the preceding paragraph, the proposed amendment shall come into force for all the Contracting States which shall not have raised an objection. However, if objections have been raised by the majority of the Contracting States, the amendment shall not come into force.

5. Any Contracting State that has raised an objection may withdraw the objection at any time and if the amendment in question is then in force it shall come into force for that Contracting State immediately, but if at that time the entry into force of the amendment in question is suspended, it shall enter into force pursuant to paragraph 4. Withdrawal of objections after a four months period of suspension shall not result in the entry into force of an amendment not otherwise entering into force pursuant to paragraph 4.

ARTICLE XXIV

Amendments to Appendix IV

1. On its own initiative or upon the request of one or more Contracting States, the Council shall submit to the Contracting States any proposed amendment to Appendix V. This proposal shall be communicated to the Contracting States by the Secretariat.

2. The amendment shall come into force for all Contracting States three months after notification from the Depositary Government of its acceptance by a majority of the Contracting States.

ARTICLE XXV

Revision

1. After the expiration of a period of three years from the date on which this Convention comes into force, a proposal may be made for its revision by any Contracting State or by the Council. This proposal shall be communicated to the Contracting States by the Secretariat.

2. Any such proposal shall be considered by the next Assembly which may recommend that a Conference of Contracting States be convened at an appropriate time and place with a view to examining the proposal.

3. At the request of one-third of the Contracting States, the Secretariat shall take action leading to the convening of a Conference of Contracting States at a time and place to be proposed by the States making the request.

ARTICLE XXVI

Denunciation

Any Contracting State may denounce this Convention by written notification to the Depositary Government. The denunciation shall take effect twelve months after the Depositary Government has received the notification.

ARTICLE XXVII

Depositary

1. In addition to other depositary functions specifically set forth herein, the Depositary Government shall inform all signatory and acceding States of signatures, deposits of instruments of ratification or accession, entry into force of the Convention, notifications of denunciation, dates of entry into force of amendments of the Appendices, names and addresses of the Scientific Authorities designated by Contracting States pursuant to Article VIII, and names and addresses of the competent authorities communicated pursuant to Articles IV and VI.

2. As soon as this Convention enters into force, a certified true copy thereof shall be transmitted by the Depositary Government to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

ARTICLE XXVIII

The original of this Convention, in the English, Spanish and French languages, each version being equally authentic, shall be deposited with the Depositary Government, which shall transmit duly certified copies thereof to all Contracting States.

In witness whereof the undersigned, being duly authorized to that effect, have signed this Convention.

Further Comment: The following rearrangement of Articles XVI through XXVIII has been suggested by the State Department's Treaty Office. For convenience, the rearrangement has not been made pending inter-agency agreement on a draft.

The Appendices are not included in this revision.

(NOTE.—(a) indicates new number; (b) indicates present number.)

(a) Article XVI, (b) Article XX—Territorial Application.

(a) Article XVII, (b) Article XXIII—Amendments to Appendices I and II.

(a) Article XVIII, (b) Article XXIV—Amendments to Appendix IV.

(a) Article XIX, (b) Article XXV—Revision.

(a) Article XX, Article XXII—Reservations.

(a) Article XXI, (b) Article XXVI—Denunciation.

(a) Article XXII, (b) Article XVI— Signature.

(a) Article XXIII, (b) Article XVII—Ratification.

(a) Article XXIV, (b) Article XVIII—Accession.

(a) Article XXV, (b) Article XIX—Designations.

(a) Article XXVI, (b) Article XXI—Entry into Force.

(a) Article XXVII, (b) Article XXVII—Depositary.

(a) Article XXVIII, (b) Article XXVIII—Final Provision.

WORLD HERITAGE TRUST CONVENTION CONCERNING THE PRESERVATION AND PROTECTION OF NATURAL AREAS AND CULTURAL SITES OF UNIVERSAL VALUE

The General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting in Paris from ———, 1972, at its seventeenth session,

Noting that certain areas and sites throughout the world are of exceptional interest and of universal natural or cultural significance,

Noting, that such areas and sites are part of the heritage of all mankind and hence should be preserved for the benefit of all mankind,

Recognizing that the natural and cultural heritage of the world is threatened with damage or destruction by changing social and economic conditions as well as by natural causes.

Considering that the deterioration or disappearance of any significant cultural site or natural area constitutes an impoverishment of the heritage of all nations of the world,

Considering that it is for mankind as a whole to ensure the preservation and protection of natural areas and cultural sites of universal value,

Recognizing, however, that national measures to preserve and protect this heritage are often inadequate due to the costs of such preservation and to insufficient available economic, scientific and technical resources,

Considering that international assistance to complement national measures to preserve and protect this heritage may often be in the interest of all mankind,

Recalling UNESCO's Constitution which stipulates in Article I, paragraph (c), that "the Organization will maintain, increase and diffuse knowledge; by assuring the conservation and protection of the world's inheritance of books, works of art and monuments of history and science, and recommending to the nations concerned the necessary international conventions,"

Considering that there is now urgent need for the adoption of an international convention establishing an effective and permanent system of registering and preserving natural areas and cultural sites of universal value,

Having decided, at its sixteenth session, that this question should be made the subject of an international convention,

Adopts this ——— day of ———, 1972, the Convention:

I. DEFINITIONS

Article 1

For the purposes of this Convention, the following shall be considered as:

(a) *"Natural Areas"*—land areas, including internal waters, of outstanding universal value, including unique or otherwise significant geology, physiography, flora or fauna, important examples of natural ecosystems of special interest to science, natural landscapes or seascapes of great beauty, and areas of importance to wildlife conservation, education, and recreation;

(b) *"Cultural Sites"*—sites which are of outstanding universal value because they reflect a significant event or stage in the development of world civilization, including sites of major anthrological, archeological, architectural, or historic importance;

(c) *"World Heritage Register"*—a list of natural areas and cultural sites as defined above and considered by the Board of the World Heritage Trust to have outstanding significance for the heritage of all mankind and hence to merit international recognition and measures of preservation and protection;

(d) *"Parties"*—those States which are parties of this Convention.

Article 2

For the purposes of this Convention, international preservation and protection of natural areas and cultural sites means the establishment of a permanent system of international cooperative efforts to indentify, protect, and preserve these areas and sites.

II. WORLD HERITAGE TRUST COMMITTEE FOR THE PRESERVATION AND PROTECTION OF NATURAL AREAS AND CULTURAL SITES OF UNIVERSAL VALUE

Article 3

(a) There is hereby established with the United Nations Educational, Scientific and Cultural Organization the World Heritage Committee for the Preservation and Protection of Natural Areas and Cultural Sites of Universal Value, hereinafter called "the Committee," which shall be composed of one representative of each State Party to this Convention.

(b) The first meeting of the Committee shall take place during the first ordinary session of the UNESCO General Conference after this Convention enters into force. Thereafter the Committee shall meet regularly at least every two years during the ordinary session of the General Conference of UNESCO, or with 90 days' notice upon call of the Director-General. Extraordinary sessions may be convened at any time with 90 days' notice upon request of at least one-third of the Parties or upon request of the Board.

(c) The Committee shall establish its own Rules of Procedure and shall elect a President and such other officers as it deems advisable. Each officer shall serve for a length of time designated in the Rules of Procedure but no term of office shall extend for more than four years. Each term of office shall begin at the end of the session of the Committee during which the election for that office was held, and shall end with the commencement of the next succeeding term. Incumbent officers may be reelected.

(d) Decisions of the Committee shall be made by affirmative vote of a simple majority of those present and voting, each representative having one vote. No decision shall be valid unless a quorum equal to a simple majority of the Parties to this Convention is present and voting.

(e) The Committee shall meet at the headquarters of UNESCO unless a majority of the members of the Committee decide to meet elsewhere.

(f) The Committee shall elect the World Heritage Board, hereinafter called "the Board," which shall be composed of 15 State Parties to the Convention. In electing the Board the Committee will be guided primarily by three criteria: (1) the balance of concern for both natural areas and cultural sites; (2) representation from those States having highly developed programs of preservation of natural areas and cultural sites; and (3) an equitable geographical distribution.

(g) The Committee shall regularly report to the UNESCO General Conference on activities of the Committee, of the Board and of States under this Convention.

(h) The expense of participation on the Committee shall be borne by the States represented.

III. WORLD HERITAGE TRUST BOARD

Article 4

(a) There is hereby established a World Heritage Trust Board, hereafter to be called "the Board," which shall be elected in accordance with Article 3(f).

(b) The term of office of Board members shall extend from the end of the Committee session during which they were elected until the end of the second subsequent ordinary session of the Committee.

(c) The term of office of seven members designated at the time of the first election shall, however, cease at the end of the first ordinary session of the Committee following that at which they were elected. Those seven positions shall then be filled as described in Article 4(b) above.

(d) States members of the Board shall choose as their representatives persons with expertise in the preservation and protection of natural areas or cultural sites and otherwise qualified to carry out the responsibilities of the Board.

(e) The expense of participation on the Board shall be borne by the States represented.

Article 5

The Board shall adopt its own Rules of Procedure which shall follow so far as appropriate the UNESCO Rules of Procedure. The Rules of Procedure shall permit observers from intergovernmental and nongovernmental organizations and private individuals invited by the Board to participate without vote in its work under conditions specified by the Board.

Article 6

In general, programs primarily involving natural areas shall be carried out by IUCN and those primarily involving cultural sites by ICOMOS under appropriate contracts of work agreements calling for appropriate compensation. Where a particular area or site incorporates significant representation of both a natural area and a cultural site the expertise of both IUCN and ICOMOS shall be drawn on as appropriate. Representatives of IUCN and ICOMOS shall be invited to participate regularly as advisers in the deliberations of the Board.

Article 7

1. The World Heritage Board shall have the following powers and functions:

(a) To establish the World Heritage Register, hereafter called the Register, and to select, with the assent of the appropriate State or States, specific areas or sites representing natural and cultural resources to be inscribed therein, and to call attention to the selection of such areas and sites by appropriate designation and ceremony;

(b) To establish criteria for recognition of specific sites or areas of outstanding significance for the heritage of all mankind and for inscription in the Register:

(c) To compile an inventory, based upon inventories submitted by States Parties to the Convention and upon its own investigations, identifying areas and sites throughout the world which might qualify for inclusion in the Register;

(d) To administer the World Heritage Trust Fund, hereinafter called "the Trust Fund," which shall be used for the identification and preservation of natural areas and cultural sites inscribed in the Register;

(e) To consider and determine action to be taken on requests for the provision of technical and financial assistance to Parties to this Convention in compiling their national inventories and in the management and preservation of areas and sites inscribed in the Register;

(f) To establish standards for the management and preservation of areas and sites included in the Register, to conduct periodic surveys to ascertain the current status of such areas and sites and to ensure that standards are being met, and to notify the representatives of the States Parties to this Convention of the need for corrective action when warranted;

(g) To remove from the World Heritage Register, after consultation with the appropriate State, areas and sites receiving inadequate management, protection, or preservation;

(h) To cooperate with other organizations, governmental and nongovernmental, promoting objectives related to those of the World Heritage Trust, and to promote educational programs to foster the objectives of the Trust;

(i) To submit to the Committee reports regarding the implementation of this Convention and the identification, management, protection and preservation of natural areas and cultural sites inscribed in the Register.

2. Before inscribing an area or site in the Register, the Board shall notify all States Parties to this Convention of the proposed inscription. If any such State objects to the inscription of all or any part of an area or site, it shall so advise the Board within ninety days of the transmittal of the notification, specifying whether it objects to the inscription of all or portion of the area or site; if a portion, which portion; and the grounds for the objection. If the Board shall have received any objections within ninety days, it shall refrain from inscribing the area or site or portion thereof objected to unless the objections made are withdrawn or unless all Parties making objections assent to the inscription.

3. Each Party shall submit to the Board as soon as possible an inventory of natural areas and cultural sites within its own territory which might qualify for inclusion in the Register. The State may add to such inventory at any time. All areas and sites on the inventory shall be described precisely and shall be delineated on a map with the area or site boundary identified by latitude and longitude. Each submission shall be supported by an exposition of the significance of the areas or sites included in the inventory.

4. Parties shall manage, protect and preserve in accordance with standards established by the Board each area or site inscribed in the Register in their own territory, and where appropriates shall enact and enforce appropriate legislation, and shall conclude international agreements in the case of sites on international boundaries.

IV. WORLD HERITAGE TRUST FUND FOR THE PRESERVATION AND PROTECTION OF NATURAL AREAS AND CULTURAL SITES OF UNIVERSAL VALUE

Article 8

1. The World Heritage Trust Fund for the Preservation and Protection of Natural Areas and Cultural Sites of Universal Value, hereafter called "the Trust Fund," is hereby established.

2. The Trust Fund shall be administered by the Board and shall constitute a trust fund in conformity with the relevant provisions of the Financial Regulations of UNESCO.

Article 9

1. The Board may accept contributions, gifts, or bequests to the Trust Fund from any source, and shall actively solicit financial support for the Trust Fund from States, appropriate international organizations and nongovernmental organizations and from private groups and individuals with particular interests in the preservation of natural areas and cultural sites.

2. Interest earned from sums loaned from the Trust Fund to States shall become part of the capital of the Trust Fund.

3. The Board may accept any other voluntary contributions, whether or not in cash, provided that the purposes for which the contributions are made are consistent with the policies, aims and activities of the Board and the Committee and provided that acceptance of contributions which directly or indirectly involve additional financial liability for the Committee or the Board shall require the consent of a majority of the members of the Board.

V. SECRETARIAT

Article 10

The Committee and the Board shall be assisted by a Secretariat appointed by the Director-General of UNESCO. The Secretariat shall prepare the documentation and provisional agendas required for the meetings of the Committee and of the Board. The expense of the Secretariat shall be borne by UNESCO.

VI. NATIONAL MEASURES OF PROTECTION AND PRESERVATION

Article 11

The Parties to this Convention recognize the duty to preserve for future generations the natural areas and cultural sites of universal value situated within their respective territories. To fulfill that duty those States undertake to devote an appropriate measure of their own resources as well as international assistance which they may be able to obtain.

Article 12

1. The Parties further recognize that those areas and sites constitute a universal heritage, which the international community as a whole has a duty to preserve.

2. Accordingly, the Parties undertake, in conformity with this Convention, to contribute scientific, technical, artistic and financial assistance to international programs for the preservation of natural areas and cultural sites, while fully respecting the sovereignty of the States within the jurisdiction of which such areas and sites are situated.

5. Each State Party to this Convention shall take positive action to mitigate the effects of disturbances to areas or sites inscribed in the Register caused by natural phenomena or human intervention, and shall notify the Board immediately of any such disturbance, of the mitigating action being taken, and of the need, if any, for assistance from the World Heritage Trust Board.

6. Each Party shall respect all areas and sites inscribed in the Register by refraining so far as possible from acts which might damage them.

Article 13

The Parties to this Convention shall encourage the establishment of public and private national foundations or associations with the purpose of encouraging financial contribution toward the preservation of natural areas and cultural sites inscribed in the Register.

Article 14

The Parties to this Convention shall assist periodic international fundraising campaigns for the benefit of the World Heritage Trust Fund and shall facilitate fund-raising by appropriate organizations.

Article 15

Each Party to this Convention shall make periodic reports to the Board in a manner to be determined by the Board, giving information on the legislative and administrative provisions adopted and on other actions taken pursuant to this Convention, together with details of the experience acquired in this field.

VI. INTERNATIONAL ASSISTANCE

Article 16

1. Any Party to this Convention may request international assistance for preservation and protection of natural areas or cultural sites within its territory which have been inscribed in the Register. Each State shall submit with its request all information and documentation requested by the Board.

2. The Board, or IUCN or OCOMOS acting pursuant to the Board's authorization, may offer assistance to any State, whether or not a Party to this Convention, and whether or not such assistance was requested, if a natural area or cultural site within the territory of that State is threatened by serious damage and if the Board considers that area or site to be of universal value.

Article 17

1. The Board shall define the procedure by which requests for international assistance from the Fund shall be considered and shall specify in particular the content of the request, which should describe the nature of the problem, the work that is necessary, the cost thereof, the relative urgency of the request, and a statement why the resources of the requesting State do not allow it to meet the expenses unaided. Such requests should be supported by expert analysis whenever possible.

2. Requests involving natural calamities and disasters should, by reason of the urgency of the work which they may involve, be given priority consideration by the Board.

3. Before coming to a decision, the Board may carry out such studies and consultations as it deems necessary.

Article 18

Assistance granted by the Board may take the following forms:

(a) Studies concerning the artistic, scientific and technical problems raised by the preservation of natural areas or cultural sites in question;

(b) Expert assistance in carrying out preparatory studies, technical assistance and skilled labor to ensure that the approved work is correctly carried out, and training and equipment which the State cannot provide;

(c) Low-interest or interest-free loans;

(d) The granting, in exceptional cases and for special reasons of non-payable subsidies.

Article 19

Major grants of aid shall be preceded by detailed scientific and technical studies. These studies should draw upon the most advanced techniques for the restoration and preservation of natural areas or cultural sites, and must have as their aim the objectives of this Convention. The studies must also aim to find ways of making rational use of available resources from within the appropriate State.

Article 20

The financing of work necessary for the preservation of natural areas and cultural sites of universal value shall, in general, be borne only in part by the international community. The contribution of the beneficiary State must, with limited exceptions authorized by the Board, constitute a substantial portion of the resources devoted to each program.

Article 21

In return for the assistance granted by the Board, the beneficiary States must undertake to act upon the approved project within a definite time-limit and to continue to manage and preserve the areas or sites according to standards established by the Board.

VII. EDUCATIONAL PROGRAMS

Article 22

1. The Parties to this Convention shall endeavor by all appropriate means, and in particular by educational and informational programs, to strengthen the attachment of their peoples to the areas and sites that become part of the natural and cultural heritage of mankind.

2. The Parties shall fully publicize both threats to these areas and sites and also the preservation and restoration activities which are undertaken with international cooperation.

Article 23

The Parties to this Convention which receive international assistance under this Convention and which undertake programs for the preservation of natural areas or cultural sites within their respective territories, shall take appropriate measures, including adoption of programs to make such areas and sites available for public enlightenment and enjoyment, to publicize the importance of the area or site preserved and the effectiveness of international cooperation.

VIII. FINAL CLAUSES

Article 24

Reservations to this Convention shall not be permitted.

Article 25

This Convention is drawn up in English, French, Russian and Spanish, the four texts being equally authoritative.

Article 26

1. This Convention shall be subject to ratification or acceptance by States members of the United Nations Educational, Scientific and Cultural Organization in accordance with their respective constitutional procedures.

2. The instruments of ratification or acceptance shall be deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Article 27

1. This Convention shall be open to accession by all States not members of the United Nations Educational, Scientific and Cultural Organization which are invited to accede to it by the General Conference of UNESCO.

2. Accession shall be effected by the deposit of an instrument of accession with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Article 28

This Convention shall enter into force three months after the date of the deposit of the instruments of ratification, acceptance or accession of at least 15 States. It shall enter into force with respect to any other State three months after the deposit of its instrument of ratification, acceptance or accession.

Article 29

This Convention shall apply to all territories for the international relations of which a State Party is responsible, unless that State notifies the Director-General of UNESCO of a specific exception at the time that State deposits its instrument of ratification, acceptance or accession. Such exceptions may be withdrawn at any time by notice to the Director-General and shall be effective immediately upon such notice.

Article 30

1. Each State Party to this Convention may denounce the Convention on its own behalf or on behalf of any territory for whose international relations it is responsible.

2. The denunciation shall be made by an instrument in writing, deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

3. The denunciation shall take effect six months after the receipt of the instrument of denunciation.

Article 31

The Director-General of the United Nations Educational, Scientific and Cultural Organization shall inform the States members of the Organization, the States not members of the Organization which are referred to in Article 27, as well as the United Nations, of the deposit of all the instruments of ratification, acceptance and accession provided for in Articles 26 and 27 and of the notifications and denunciations provided for in article 30 respectively.

Article 32

1. This Convention may be amended by the General Conference of the United Nations Educational, Scientific and Cultural Organization. Any such amendment shall, however, bind only the States which accept the proposed amendments.

2. If the General Conference should amend this Convention, the Convention shall be open to subsequent ratification, acceptance or accession only in its amended form.

Article 33

In conformity with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Article 34

Nothing in this Convention shall alter the rights or obligations of States under international law as codified in the 1958 Geneva Convention on the Territorial Sea and Contiguous Zone, the 1958 Geneva Convention on the High Seas, and the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict.

Done in Paris, this ______ day of ________, 1972, in two authentic copies bearing the signature of the President of the __________ session of the General Conference and of the Director-General of the United Nations Educational, Scientific and Cultural Organization, which shall be deposited in the archives of the United Nations Educational, Scientific and Cultural Organization, and certified true copies of which shall be delivered to all the States referred to in Articles 26 and 27 as well as to the United Nations.

CONVENTION ON CONSERVATION OF CERTAIN ISLANDS FOR SCIENCE

The contracting states,

Realizing that islands, because of isolation, limited size and other environmental characters, tend to develop specialized but often comparatively simple biotic communities;

Realizing the special value to science of islands as locations for the study of evolution, genetics, population dynamics, interaction between species and many related topics;

Realizing that island ecosystems, particularly of small and remote islands, having evolved in isolation, are vulnerable and easily disrupted by disturbances arising from human activities;

Desiring therefore in the interests of mankind to conserve selected islands as sites for scientific studies;

Have agreed as follows:

ARTICLE I: LIST OF ISLANDS

1. Each Contracting State may designate any suitable island (or portion thereof) or groups of islands under its sovereignty for inclusion in a List of Islands of International Importance to Science, hereinafter referred to as "the List", which is maintained by the Secretariat referred to in Article X. For the purpose of such designation an island shall include the surrounding waters subject to national jurisdiction, and such reefs, shoals and low-tide elevations as may occur therein, to the extent the Contracting State shall specify. When designating an island (or portion thereof) for inclusion in the List, the Contracting State shall describe its position and the marine or other boundaries concerned as precisely as possible; this information shall be shown on a map to be deposited by the Contracting State with the Secretariat within twelve months of the notification to the Secretariat of the designation.

2. An island (or portion thereof) shall be designated by a Contracting State for inclusion in the List on account of its international significance in terms of particular characteristics of its biotic communities, its endemic forms of flora and fauna, or the outstanding opportunities it offers for pursuing important lines of scientific study.

3. The Advisory Committee referred to in Article VIII may, if it so decides, suggest to a Contracting State that the State should designate an island (or portion thereof) or group of islands under its sovereignty for inclusion in the List.

4. Designation of an island (or portion thereof) for inclusion in the List shall not prejudice the sovereignty of the Contracting State over the island (or portion thereof) concerned. By the conclusion of this Convention the Contracting State shall, however, be deemed to have given their consent to the principle that the conservation of the islands (or portion thereof) included in the List shall be a matter of joint concern.

5. Each Contracting State shall submit its first designation of an island (or portion thereof) to be included in the List when signing this Convention or when depositing its instrument of ratification or accession, as provided in Articles XIII and XIV.

6. Any Contracting State proposing:

(a) to designate for inclusion in the List any additional islands (or portions thereof) under its sovereignty, or to designate any additional portion of an island or a portion of which has already been included in the List; or

(b) to withdraw, on grounds of urgent national interest, an island (or portion thereof) included in the List, shall at the earliest possible time so inform the Secretariat.

ARTICLE II: PROTECTION

1. A Contracting State shall protect and manage any island (or portion thereof) designated for inclusion in the List by the adoption and enforcement of such legislative or other measures as may be appropriate.

2. A Contracting State shall inform the Secretariat of the form of protection and management accorded to each island (or portion thereof) designated for inclusion in the List, and shall inform the Secretariat of any changes in the degree of protection and management that it may at any time effect.

ARTICLE III: CHANGES IN STATUS

1. The Secretariat shall notify the Advisory Committee when it has been informed by a Contracting State that it has decided to withdraw, on grounds of urgent national interest, an island (or portion thereof) included in the List, or to change the degree of protection or management accorded to an island (or portion thereof) included in the List.

2. Upon receipt of such notification the Advisory Committee may, if it so decides.

consult with the State concerned on alternative measures. If following such consultation the State concerned wishes to maintain its decision, the List shall be amended accordingly and the matter brought to the notice of the next meeting of the Contracting States.

3. Changes in the List other than those specified in paragraph 1 of this Article shall be made by the Secretariat as soon as it receives information from a Contracting State. The Advisory Committee shall be informed of all such changes in the List.

ARTICLE IV: ENVIRONMENTAL DISTURBANCE

1. When as a result of either natural phenomena or man-made intervention, significant environmental disturbance occurs on an island (or portion thereof) included in the List, the Contracting State concerned shall take appropriate action to mitigate such disturbance to the extent feasible and possible.

2. A Contracting State shall notify the Secretariat of any such environmental disturbance which may occur and the mitigating action which is to be taken.

3. In the event that a Contracting State may become aware of any environmental disturbance on an island (or portion thereof) included in the List which is not part of the territory of that State, it shall inform the Secretariat of the disturbance. The Secretariat shall in turn immediately inform the Contracting State within whose territory the island (or portion thereof) in question is included.

ARTICLE V: COOPERATION IN SCIENTIFIC RESEARCH

1. In order to promote international cooperation in scientific research, the Contracting States agree to take the following steps, to the extent feasible and practical:

(a) Information shall be exchanged regarding plans for scientific programmes to be undertaken on islands (or portions thereof) included in the List, so as to permit maximum economy and efficiency of operations;

(b) Scientific personnel wishing to undertake scientific research on islands (or portions thereof) included in the List shall be encouraged to do so; and

(c) Scientific observations and results of research undertaken on islands (or portions thereof) included in the List shall be exchanged and made freely available.

2. In implementing this Article every encouragement shall be given to the establishment of co-operative working relations with those specialized agencies of the United Nations and other international organizations having an interest in scientific research relating to islands.

3. In order to promote international cooperation in scientific research relating to islands, the Contracting States agree, subject to the provisions of paragraph 4 below, to accord scientific observers and research workers and their supporting staff, whose names have been approved by the Advisory Committee, freedom of access to any island (or portion thereof) included in the List for the purpose of carrying out scientific observations and programmes of scientific research which have been approved by the Advisory Committee.

4. Any person who is given access to an island (or portion thereof) included in the List under the provisions of this Article must comply with all rules and regulations governing the admittance of foreign nationals to the territory of the Contracting State concerned and shall be bound by the laws of that State whilst within its territory, including any provisions relating to the conservation and use of the island (or portion thereof) in question. The Contracting State shall, subject to such compliance and provided there is no impediment under those rules and regulations, issue to a person approved by the Advisory Committee a permit to enter and remain in its territory for a period approved by the Advisory Committee for the specific purpose of making scientific observations and carrying out programmes of scientific research, which have been approved by the Advisory Committee, in the island (or portion thereof) in question.

5. The Advisory Committee shall approve proposals for scientific observations and programmes of scientific research to be undertaken on islands (or portions thereof) included in the List only when it considers:

(a) that they are soundly based and fully justified;

(b) that they will not result in undue ecological disturbance; and

(c) that they do not conflict or interfere with existing or already approved programmes of scientific observation and scientific research.

ARTICLE VI: BAN ON CERTAIN ACTIVITIES

1. Islands (or portions thereof) included in the List shall be used for peaceful purposes only. Any measures of a military nature, such as the establishment of military bases and fortifications, the carrying out of military manoeuvres, or the testing of weapons, shall be prohibited.

2. This Article shall not be construed as preventing the use of military personnel or equipment for scientific research or other peaceful purposes.

3. Any nuclear explosions in islands (or portions thereof) included in the List and disposal of radioactive waste material therein shall be prohibited.

4. The disposal of toxic materials, including heavy metal residues, in islands (or portions thereof) included in the List shall be prohibited.

ARTICLE VII: MEETINGS OF REPRESENTATIVES OF CONTRACTING STATES

1. Meetings of Representatives of the Contracting States shall be held at suitable intervals and places, and at intervals of not less than once every three years.

2. At such Meetings the Representatives of the Contracting States shall review the operation of this Convention and make recommendations with a view to improving its efficiency. They shall examine reports presented to them by the Advisory Committee, together with any matters which the Advisory Committee may wish to bring to their notice.

3. Decisions shall be taken by simple majority of those present and voting; a quorum shall consist of a majority of the Contracting States. The Meeting shall elect a Chairman and draw up its rules of procedure.

4. The first Meeting of Representatives of the Contracting States shall be held within twelve months of the entry into force of this Convention, in accordance with arrangements to be notified to Contracting States by the Depositary.

ARTICLE VIII: THE ADVISORY COMMITTEE

1. The first Meeting of Representatives of the Contracting States shall elect an Advisory Committee. The number of members of the Committee shall be determined by a decision of the Meeting.

2. Each Contracting State may nominate one candidate, having a special competence in matters pertaining to this Convention. Due regard shall also be given in the election of members to ensuring a balanced geographical distribution of the members of the Committee.

3. The members of the Committee shall remain in office until the next three-yearly Meeting of Representatives of the Contracting States. A member shall be eligible for reelection once and thereafter shall be eligible for re-election only after a lapse of three years.

4. The Committee shall elect its Chairman and draw up its rules of procedure. It shall decide the date and place of its meetings and may work by correspondence.

ARTICLE IX: FUNCTIONS OF THE ADVISORY COMMITTEE

1. The Advisory Committee may carry out or cause to be carried out whatever studies it considers necessary to ensure the proper functioning of this Convention. In particular, the Advisory Committee shall have the following functions and duties:

(a) To discuss all matters relating to the List;

(b) To consider information regarding changes in the ecological character of islands (or portions thereof) included in the List and environmental disturbances thereof;

(c) To present to each Meeting of Representatives of the Contracting States a report on the implementation of this Convention and recommendations regarding the conservation of islands (or portions thereof) included in the List; and

(d) To examine and rule on proposals for scientific observations and programmes of scientific research to be undertaken on islands (or portions thereof) included in the List submitted by or on behalf of scientific observers and research workers, and to make recommendations to the Contracting State concerned in respect of such proposed observations and programmes, their duration, and the personnel who are to undertake them.

2. The Advisory Committee may establish sub-committees concerned wither with specific regions or subjects to assist it in the discharge of its functions.

ARTICLE X: SECRETARIAT

1. The ------------------------------ shall perform Secretariat duties under this Convention until such time as another organization is appointed by a majority of two-thirds of all Contracting States.

2. The Secretariat duties shall be, *inter alia:*

(a) to assist in the convening and organizing of the Meetings of Representatives of the Contracting States specified in Article VII;

(b) to maintain the List of Islands of International Importance to Science and to be informed by Contracting States of any proposals for additions to or deletions from the List, in accordance with Article I, and of the degree of protection and management accorded (or of any changes relating thereto), in accordance with Article II; and

(c) to assist the Advisory Committee in the discharge of its duties and functions.

ARTICLE XI: EFFECT ON EXISTING TREATIES

This Convention shall be without prejudice to the operation of any treaties in force relating to the exercise of sovereignty or other rights by States.

ARTICLE XII: SIGNATURE

This Convention shall be open for signature by -------------- at -------------- until 31 December 1972.

ARTICLE XIII: RATIFICATION

This Convention is subject to ratification. The instruments of ratification shall be deposited with ---------------- hereby designated as the Depositary.

ARTICLE XIV: ACCESSION

This Convention shall remain open for accession by any State eligible to sign under the provisions of Article XII. The instruments of accession shall be deposited with the Depositary.

ARTICLE XV: TERRITORIAL APPLICATION

1. This Convention shall apply, in respect of any Contracting State, to the territories for the international relations of which that State is responsible.

2. A Contracting State may, when ratifying or acceding to this Convention, or any time thereafter, declare that the provisions for the international relations of which that State is responsible, and shall notify the Depositary accordingly.

3. Any Contracting State making a declaration under this Article may revoke that declaration by notification to that effect to the Depositary.

ARTICLE XVI: ENTRY INTO FORCE

1. This Convention shall come into force four months after the date of deposit of the fourth instrument of ratification or accession with the Depositary.

2. For each State which ratifies this Convention or accedes thereto after the deposit of the fourth instrument of ratification or accession, the Convention shall come into force four months after the deposit by such a State of its instrument of ratification or accession.

ARTICLE XVII: REVISION

1. After the expiration of a period of three years from the date on which this Convention has come into force, a proposal for its revision may be made by any Contracting State by notifying in writing the Depositary which shall communicate it to the other Contracting States.

2. Upon request from at least a third of the Contracting States, a conference of Contracting States shall be convened by the Depositary with a view to examining such a proposal.

ARTICLE XVIII: DENUNCIATION

Any Contracting State may denounce this Convention after a period of three years from the date on which it entered into force for that State by written notification to the Depositary. The denunciation shall take effect twelve months after the Depositary has received the notification.

ARTICLE XIX: DEPOSITARY

1. In addition to other depositary functions specifically set forth herein, the Depositary shall inform all signatory and acceding States of signatures, deposits of instruments of ratification or accession, and notifications of denunciations received by it, and of the entry into force of the Convention.

2. This Convention shall be registered with the Secretariat of the United Nations by the Depositary.

ARTICLE XX: FINAL PROVISION

The original of this Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Depositary, which shall transmit duly certified copies thereof to all Contracting States.

In witness whereof the undersigned, being duly authorized to that effect, have signed this Convention. Done at ——— this ——— day of —— 19——.

ANNEX

Explanatory notes and possible alternative provisions for convention on conservation of certain islands for science

(Draft Text of Convention Dated October 1971)

The principal objective of the Convention is to set aside certain islands or parts of islands (generally, remote and uninhabited islands) as reserves for scientific studies.

The Convention envisages that the Contracting States will co-operate in scientific research in these islands and will permit accredited research workers to have access to the islands for work on approved programmes of research.

The original proposal for action of this kind was made at the 11th Pacific Science Congress (Tokyo, August 1966). Following further discussions, IUCN prepared a draft text for the Convention and this was endorsed at the Regional Symposium for the Conservation of Nature—Reefs and Lagoons, convened by the South Pacific Commission in Noumea, New Caledonia, in August 1971. It was later endorsed at the 12th Pacific Science Congress, Canberra, August 1971.

The present draft is not confined to action in any specific region but covers islands throughout the world. It has been prepared in the light of views expressed by the Intergovernmental Working Group on Conservation (IWGC) at United Nations Headquarters, New York, 14 to 17 September 1971.

Note 1: See Article I, paragraph 1. The present draft provides alternative wording to that considered by the IWGC. It is intended that protection should normally include offshore marine and sub-marine elements as well as the land areas.

Note 2: See Article IV, paragraph 3. As the Convention is expected to cover a number of remote and uninhabited islands, this provision has been included so as to widen the reporting base.

Note 3: See Article VIII, paragraph 1. The suggestion has been made that "the Advisory Committee: should be entitled the Scientific Committeee".

Note 4: See Article VIII, paragraph 2. The Advisory Committee is to consist of experts acting in their personal capacity rather than as the representatives of the States nominating them.

Note 5: See Article X, paragraph 1. It will be necessary to decide on the Secretariat. An existing international body (either intergovernmental or non-governmental) may be asked to undertake these duties.

Note 6: See Article XII. It was earlier proposed that the so-called Vienna clause be used here permitting States that are members of the United Nations or its specialized agencies to sign. The IWGC left this point open for future decision.

The provisions for the place of signature will depend on a decision as to whether the Convention will be open for signature at the Stockholm Conference and thereafter somewhere else, yet to be decided. This final point might appropriately be linked to the decision on the Depository (see Note 7 below).

Note 7: See Article XIII. The Depository has yet to be chosen. It can be one of the Contracting States, the United Nations or one of its specialized agencies, or another intergovernmental body.

Note 8: See Article XX. If the Convention is to be opened for signature at the Stockholm Conference it seems desirable that it be available in these five languages.

CONVENTION ON WETLANDS OF INTERNATIONAL IMPORTANCE, ESPECIALLY AS WATERFOWL HABITAT

The Contracting Parties, recognizing the interdependence of Man and his environment;

Considering the fundamental ecological functions of wetlands as regulators of water regimes and as habitats supporting a characteristic flora and fauna, especially waterfowl;

Being convinced that wetlands constitute a resource of great economic, cultural, scientific and recreational value, the loss of which would be irreparable;

Desiring to stem the progressive encroachment on and loss of wetlands now and in the future;

Recognizing that waterfowl in their seasonal migrations may transcend frontiers and so should be regarded as an international resource;

Being confident that the conservation of wetlands and their flora and fauna can be ensured by combining far-sighted national policies with co-ordinated international action;

Have agreed as follows:

ARTICLE 1

1. For the purpose of this Convention wetlands are areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres.

2. For the purpose of this Convention, waterfowl are birds ecologically dependent on wetlands.

ARTICLE 2

1. Each Contracting Party shall designate suitable wetlands within its territory for inclusion in a List of Wetlands of International Importance, hereinafter referred to as "the List", which is maintained by the bureau established under Article 8. The boundaries of each wetland shall be precisely described and also delimited on a map and they may incorporate riparian and coastal zones adjacent to the wetlands, and islands or bodies of marine water deeper than six metres at low tide lying within the wetlands, especially where these have importance as waterfowl habitats.

2. Wetlands should be selected for the List on account of their international significance in terms of ecology, botany, zoology, limnology or hydrology. In the first instance, wetlands of international importance to waterfowl at any season should be included.

3. The inclusion of a wetland in the List does not prejudice the exclusive sovereign rights of the Contracting Party in whose territory the wetland is situated.

4. Each Contracting Party shall designate at least one wetland to be included in the List when signing this Convention or when depositing its instrument of ratification or accession, as provided in Article 9.

5. Any Contracting Party shall have the right to add to the List further wetlands situated within its territory, to extend the boundaries of those wetlands already included by it in the List, or, because of its urgent national interests to delete or restrict the boundaries of wetlands already included by it in the List and shall, at the earliest possible time, inform the organization or government responsible for the continuing bureau duties specified in Article 8 of any such changes.

6. Each Contracting Party shall consider its international responsibilities for the conservation, management and wise use of migratory stocks of waterfowl, both when designating entries for the List and when exercising its right to change entries in the List relating to wetlands within its territory.

ARTICLE 3

1. The Contracting Parties shall formulate and implement their planning so as to promote the conservation of the wetlands included in the List, and as far as possible the wise use of wetlands in their territory.

2. Each Contracting Party shall arrange to be informed at the earliest possible time if, the ecological character of any wetland in its territory and included in the List has changed, is changing or is likely to change as the result of technological developments, pollution or other human interference. Information on such changes shall be passed without delay to the organization or government responsible for the continuing bureau duties specified in Article 8.

ARTICLE 4

1. Each Contracting Party shall promote the conservation of wetlands and waterfowl by establishing nature reserves on wetlands, whether they are included in the List or not. and provide adequately for their wardening.

2. Where a Contracting Party in its urgent national interest deletes or restricts the boundaries of a wetland included in the List, it should as far as possible compensate for any loss of wetland resources, and in particular it should create additional nature reserves for waterfowl and for the protection, either in the same area or elsewhere, of an adequate portion of the original habitat.

3. The Contracting Parties shall encourage

research and the exchange of data publications regarding wetlands and their flora and fauna.

4. The Contracting Parties shall endeavor through management to increase waterfowl populations on appropriate wetlands.

5. The Contracting Parties shall promote the training of personnel competent in the fields of wetland research, management and wardening.

ARTICLE 5

The Contracting Parties shall consult with each other about implementing obligations arising from this Convention especially in the case of a wetland extending over the territories of more than one Contracting Party or where a water system is shared by Contracting Parties. They shall at the same time endeavor to co-ordinate and support present and future policies and regulations concerning the conservation of wetlands and their flora and fauna.

ARTICLE 6

1. The Contracting Parties shall, as the necessity arises, convene Conferences on the Conservation of Wetlands and Waterfowl.

2. These Conferences shall have an advisory character and shall be competent inter alia:

(a) to discuss the implementation of this Convention;

(b) to discuss additions to and changes in the List;

(c) to consider information regarding changes in the ecological character of wetlands included in the List provided in accordance with Paragraph 2 of Article 3;

(d) to make general or specific recommendations to the Contracting Parties regarding the conservation, management and wise use of wetlands and their flora and fauna;

(e) to request relevant international bodies to prepare reports and statistics on matters which are essentially International in character affecting wetlands.

3. The Contracting Parties shall ensure that those responsible at all levels for wetlands management shall be informed of, and take into consideration, recommendations of such Conferences concerning the conservation, management and wise use of wetlands and their flora and fauna.

ARTICLE 7

1. The representatives of the Contracting Parties at such Conferences should include persons who are experts on wetlands or waterfowl by reason of knowledge and experience gained in scientific, administrative or other appropriate capacities.

2. Each of the Contracting Parties represented at a Conference shall have one vote, recommendations being adopted by a simple majority of the votes cast, provided that not less than half the Contracting Parties cast votes.

ARTICLE 8

1. The International Union for Conservation of Nature and Natural Resources shall perform the continuing bureau duties under this Convention until such time as another organization or government is appointed by a majority of two thirds of all Contracting Parties.

2. The continuing bureau duties shall be, inter alia:

(a) to assist in the convening and organizing of Conferences specified in Article 6;

(b) to maintain the List of Wetlands of International Importance and to be informed by the Contracting Parties of any additions, extensions, deletions or restrictions concerning wetlands included in the List provided in accordance with Paragraph 5 of Article 2;

(c) to be informed by the Contracting Parties of any changes in the ecological character of wetlands included in the List provided in accordance with Paragraph 2 of Article 3;

(d) to forward notification of any alterations to the List, or changes in character of wetlands included therein, to all Contracting Parties and to arrange for these matters to be discussed at the next Conference;

(e) to make known to the Contracting Party concerned, the recommendations of the Conferences in respect of such alterations to the List or of changes in the character of wetlands included therein.

ARTICLE 9

1. This Convention shall remain open for signature indefinitely.

2. Any member of the United Nations or of one of the Specialized Agencies or of the International Atomic Energy Agency or Party to the Statute of the International Court of Justice may become a party to the Convention by:

(a) signature without reservation as to ratification;

(b) signature subject to ratification followed by ratification;

(c) accession.

3. Ratification or accession shall be effected by the deposit of an instrument of ratification or accession with the Director General of the United Nations Educational, Scientific and Cultural Organization (hereinafter referred to as "the Depository").

ARTICLE 10

1. This Convention shall enter into force four months after seven States have become Parties to this Convention in accordance with Paragraph 2 of Article 9.

2. Thereafter this Convention shall enter into force for each Contracting Party four months after the day of its signature without reservation as to ratification, or its deposit of an instrument of ratification or accession.

ARTICLE 11

1. This Convention shall continue in force for an indefinite period.

2. Any Contracting Party may denounce this Convention after a period of five years from the date on which it entered into force for that Party by giving written notice thereof to the Depository. Denunciation shall take effect four months after the day on which notice thereof is received by the Depository.

ARTICLE 12

1. The Depository shall inform all States that have signed and acceded to this Convention as soon as possible of:

(a) signatures to this Convention;

(b) deposits of instruments of ratification of this Convention;

(c) deposits of instruments of accession to this Convention;

(d) the date of entry into force of this Convention;

(e) notifications of denunciation of this Convention.

2. When this Convention has entered into force, the Depository shall have it registered with the Secretariat of the United Nations in accordance with Article 102 of the Charter.

In witness whereof, the undersigned, being duly authorized to that affect, have signed this Convention.

Done at ——— this ——— day of ——— 19—, in a single original in the English, French, German and Russian languages, in any case of divergency the English text prevailing, which shall be deposited with the Depository which shall send true copies thereof to all Contracting Parties.

GUIDING PRINCIPLES CONCERNING THE INTERNATIONAL ECONOMIC ASPECTS OF ENVIRONMENTAL POLICIES

INTRODUCTION

1. The guiding principles described below concern mainly the international aspects of environmental policies with particular reference to their economic and trade implications. These principles do not cover for instance, the particular problems which may arise during the transition period following the implementation of the principles, instruments for the implementation of the so-called "polluter pays principle", exceptions to this principle, transfrontier pollution, or possible problems related to developing countries.

A. Guiding principles

(a) Cost allocation: the Polluter Pays Principle

2. It is evident that environmental resources are in general limited and that their use, production and consumption activities may lead to their deterioration. When the cost of this deterioration is not adequately taken into account in the price system, the market fails to reflect the scarcity of such resources both at the national and international levels. Public measures are thus necessary to reduce pollution, and to reach a better allocation of resources, by ensuring that prices of goods depending on the quality and/or quantity of environmental resources reflect more closely their relative scarcity and that economic agents concerned react accordingly.

3. In many circumstances, in order to ensure that the environment is in an acceptable state, the elimination of pollution beyond a certain level will not be practical or even necessary in view of the costs involved.

4. The principle to be used for allocating costs of pollution prevention and control measures that will encourage rational use of scarce environmental resources and avoid distortions in international trade and investment is the so-called Polluter Pays Principle. This Principle means that the polluter should be financially responsible for the above mentioned measures decided by public authorities to ensure that the environment is in an acceptable state. In other words, the cost of these measures should be reflected in the cost of goods and services which cause pollution in their production and/or consumption processes. Such measures should not be accompanied by subsidies that would create significant distortions in trade and investments.

5. This principle should be an objective of Member countries; however, there may be exceptions or special arrangements, particularly for a transitional period, provided that they do not lead to significant distortions in international trade and investment.

(b) Environmental Standards

6. Differing national environmental policies, for example with regard to the tolerable amount of pollution and to quality and emission standards, are justified by a variety of factors including among other things different pollution assimilative capacities of the environment in its present state, different social objectives and priorities attached to environmental protection and different degrees of industrialisation and population density.

7. In view of this, a very high degree of harmonisation of environmental policies which would be otherwise desirable may be difficult to achieve in practice; however it is desirable to strive towards more stringent standards in order to strengthen environmental protection, particularly in cases where their low levels at present would not be fully justified by the above mentioned factors.

8. Where valid reasons for differences do not exist, Governments should seek harmonisation of environmental policies, for instance with respect to timing and general scope of regulation for particular industries to avoid unnecessary disruption of international trade patterns and the international allocation of resources which may arise from diversity of national environmental standards.

9. Measures taken to protect the environment should be framed as far as possible in such a manner as to avoid the creation of non-tariff barriers to trade.

(i) Product Standards

10. Where products are traded internationally and where there could be significant obstacles to trade, Governments should seek common standards for polluting products and agree on the timing and general scope of regulations for particular products. In cases where such standards do not exist, Governments should endeavour to define them in common as fast as possible and to adopt them.

National Treatment and Nondiscrimination

11. Measures taken within an environmental policy, regarding polluting products, should be applied in conformity with the provisions of the GATT to the principle of national treatment (i.e., identical treatment for imported products and similar domestic products) and the principle of non-discrimination (identical treatment for imported products regardless of their national origin).

Procedures of Control

12. It is highly desirable to define in common, as rapidly as possible, procedures for checking product standards from the environmental point of view. Procedures for checking conformity of standards should be mutually agreed so as to be applied by an exporting country to the satisfaction of the importing country.

(ii) Production Standards

Compensating Import Levies and Export Rebates

13. In accordance with the provisions of GATT, differences in environmental policies should not lead to the introduction of compensating import levies or export rebates, or measures having an equivalent effect, designed to offset the consequences of these differences on prices. Effective implementation of the guiding principles set forth herewith will make it unnecessary and undesirable to resort to such measures.

B. Consultations

14. Consultations on the above mentioned principles should be pursued. In connection with the application of these guiding principles, a specific mechanism of consultation and/or notification or some other appropriate form of action should be determined as soon as possible taking into account the work done by other international organizations.

U.S. OBJECTIVES FOR THE STOCKHOLM CONFERENCE

To focus world attention on the problems of the environment. Action can result only if the public understands the nature of these problems and supports efforts to ameliorate them. Many developing countries are concerned that environmental considerations will interfere with economic development. It is becoming increasingly clear, however, that environment and development are not necessarily mutually exclusive and that developing countries are coming to recognize that environmental problems (e.g., urbanization, management of natural resources—including soil and water) are real and urgent.

To lay the basis for international action, whether by convention, agreement or other mechanism, to deal with global environmental problems of immediate concern. Marine pollution, conservation of rare species and habitats of unique character, transportation of hazardous substances, the release of chemical substances into the environment, etc., all require urgent attention. Although it may not be possible at the present time to establish international pollution standards (atmospheric and geographic conditions of various countries differ widely), it should be possible to get agreement on international criteria as to the effect of certain pollutants, whether borne by air, water or remaining in the soil, on the health of humans and on the environment as a whole. On the basis of these agreed-to criteria, national governments can establish such standards appropriate to their particular circumstances.

To develop a framework for determining what is happening to man, his environment, and the natural resources available to him. In effect, this requires the coordination of existing systems for monitoring human health, the atmosphere, the oceans and the terrestrial environment, and the availability of international scientific advice as to priorities for action, research, and evaluation, and the best possible use of existing resources.

To develop a mechanism for the exchange of national experience in solving specific environmental problems. A preponderance of the problems of environmental degradation can be solved only on a local or national basis. These problems include, in particular, degradation associated with human settlements—inadequate housing, sanitation, transportation; and the mismanagement of natural resources—soil erosion, inadequate storage of water, destruction of forests. As a matter of national sovereignty and in practical terms, international agreements to deal with such matters are not feasible. The emphasis, therefore, should be on research, comprehensive planning, and the exchange of information on national experience. The existing mechanisms for disseminating practical experience and practical solutions between countries are woefully inadequate.

To encourage and stimulate regional arrangements to deal with key regional problems, such as conservation and purification of water, management of soil, urbanization, forestry. The training of experts in ecology, research and the exchange of environmental information for the most part can best be carried out on a regional basis. It is a basic premise of the U.S. that contiguous countries having common climatic conditions, common geography, and common problems can provide the most effective solution to their own regional problems. Therefore, great emphasis should be given to encouraging regional efforts. This might apply, for example, not only to the countries of Southeast Asia or of Central America, but equally to countries bordering the Rhine, the Danube, the Baltic or, for that matter, the Great Lakes. The initiative for such regional action has clearly to come from the countries concerned. However, stimulation and encouragement could be provided on an international basis.

To foster training and education in the field of environment. Competence within a country to deal with environmental degradation is a key element to national action. This involves training and education including such matters as the development of school curricula in which the study of ecology is an integral part. Although environmental education and training are primarily a national responsibility, international assistance can be useful.

To demonstrate the relationship between environmental management and economic development. An effort would be valuable to help the developing countries avoid the serious mistakes made by the industrialized countries in the course of their own development. It would also emphasize the positive contribution that intelligent environmental management can make to enhance the developing process.

To conserve irreplaceable natural and cultural resources. Examples include: (a) establishing a World Heritage Trust to preserve for future generations the natural, historic and cultural heritage of all mankind; (b) reinforcing existing efforts to protect endangered species of flora and fauna; and (c) establishing an international mechanism to preserve genetic stocks.

To establish within the United Nations a clear focal point for leadership and coordination in the global environmental field. At the present time, environmental activities are scattered throughout the entire UN family of agencies, and the result is dispersion and unnecessary duplication of effort. Although the U.S. is convinced that global action with respect to the environment can best be carried out within the framework of the UN, a more effective and better-integrated administrative mechanism than now exists must be agreed to at Stockholm.

CONVENTION FOR THE CONSERVATION OF ANTARCTIC SEALS

The Contracting Parties,

Recalling the Agreed Measures for the Conservation of Antarctic Fauna and Flora, adopted under the Antarctic Treaty signed at Washington on 1 December 1959;

Recognizing the general concern about the vulnerability of Antarctic seals to commercial exploitation and the consequent need for effective conservation measures;

Recognizing that the stocks of Antarctic seals are an important living resource in the marine environment which requires an international agreement for its effective conservation;

Recognizing that this resource should not be depleted by over-exploitation, and hence that any harvesting should be regulated so as not to exceed the levels of the optimum sustainable yield;

Recognizing that in order to improve scientific knowledge and so place exploitation on a rational basis, every effort should be made both to encourage biological and other research on Antarctic seal populations and to gain information from such research and from the statistics of future sealing operations, so that further suitable regulations may be formulated;

Noting that the Scientific Committee on Antarctic Research of the International Council of Scientific Unions (SCAR) is willing to carry out the tasks requested of it in this Convention;

Desiring to promote and achieve the objectives of protection, scientific study and rational use of Antarctic seals, and to maintain a satisfactory balance within the ecological system,

Have agreed as follows:

ARTICLE 1.—SCOPE

(1) This Convention applies to the seas south of 60° South Latitude, in respect of which the Contracting Parties affirm the provisions of Article IV of the Antarctic Treaty.

(2) This Convention may be applicable to any or all of the following species:

Southern elephant seal *Mirounga leonina;*
Leopard seal *Hydrurga leptonyx*;
Weddell seal *Leptonychotes weddelli*;
Crabeater seal *Lobodon carcinophagus;*
Ross seal *Ommatophoca rossi;* and
Southern fur seals *Arctocephalus* sp.

(3) The Annex to this Convention forms an integral part thereof.

ARTICLE 2.—IMPLEMENTATION

(1) The Contracting Parties agree that the species of seals enumerated in Article 1 shall not be killed or captured within the Convention area by their nationals or vessels under their respective flags except in accordance with the provisions of this Convention.

(2) Each Contracting Party shall adopt for its nationals and for vessels under its flag such laws, regulations and other measures, including a permit system as appropriate, as may be necessary to implement this Convention.

ARTICLE 3.—ANNEXED MEASURES

(1) This Convention includes an Annex specifying measures which the Contracting Parties hereby adopt. Contracting Parties may from time to time in the future adopt other measures with respect to the conservation, scientific study and rational and humane use of seal resources, prescribing *inter alia*:

(a) permissible catch;

(b) protected and unprotected species;

(c) open and closed seasons;

(d) open and closed areas, including the designation of reserves;

(e) the designation of special areas where there shall be no disturbance of seals;

(f) limits relating to sex, size, or age for each species;

(g) restrictions relating to time of day and duration, limitations of effort and methods of sealing;

(h) types and specifications of gear and apparatus and appliances which may be used;

(i) catch returns and other statistical and biological records;

(j) procedures for facilitating the review and assessment of scientific information;

(k) other regulatory measures including an effective system of inspection.

(2) The measures adopted under paragraph (1) of this Article shall be based upon the best scientific and technical evidence available.

(3) The Annex from time to time be amended in accordance with the procedures provided for in Article 9.

ARTICLE 4.—SPECIAL PERMITS

(1) Notwithstanding the provisions of this Convention, any Contracting Party may issue permits to kill or capture seals in limited quantities and in conformity with the objectives and principles of this Convention for the following purposes:

(a) to provide indispensable food for men or dogs;

(b) to provide for scientific research; or

(c) to provide specimens for museums, educational or cultural institutions.

(2) Each Contracting Party shall, as soon as possible, inform the other Contracting Parties and SCAR of the purpose and content of all permits issued under paragraph (1) of this Article and subsequently of the numbers of seals killed or captured under these permits.

ARTICLE 5.—EXCHANGE OF INFORMATION AND SCIENTIFIC ADVICE

(1) Each Contracting Party shall provide to the other Contracting Parties and to SCAR the information specified in the Annex within the period indicated therein.

(2) Each Contracting Party shall also provide to the other Contracting Parties and to SCAR before 31 October each year information on any steps it has taken in accordance with Article 2 of this Convention during the preceding period 1 July to 30 June.

(3) Contracting Parties which have no information to report under the two preceding paragraphs shall indicate this formally before 31 October each year.

(4) SCAR is invited:

(a) to assess information received pursuant to this Article; encourage exchange of scientific data and information among the Contracting Parties; recommend programmes for scientific research; recommend statistical and biological data to be collected by sealing expeditions within the Convention area; and suggest amendments to the Annex; and

(b) to report on the basis of the statistical, biological and other evidence available when the harvest of any species of seal in the Convention area is having a significantly harmful effect on the total stocks of such species or on the ecological system in any particular locality.

(5) SCAR is invited to notify the Depositary which shall report to the Contracting Parties when SCAR estimates in any sealing season that the permissible catch limits for any species are likely to be exceeded and, in that case, to provide an estimate of the date upon which the permissible catch limits will be reached. Each Contracting Party shall then take appropriate measures to prevent its nationals and vessels under its flag from killing or capturing seals of that species after the estimated date until the Contracting Parties decided otherwise.

(6) SCAR may if necessary seek the technical assistance of the Food and Agriculture Organization of the United Nations in making its assessments.

(7) Notwithstanding the provisions of paragraph (1) of Article 1 the Contracting Parties shall, in accordance with their internal law, report to each other and to SCAR, for consideration statistics relating to the Antarctic seals listed in paragraph (2) of Article 1 which have been killed or captured by their nationals and vessels under their respective flags in the area of floating sea ice north of 60° South Latitude.

ARTICLE 6.—CONSULTATIONS BETWEEN CONTRACTING PARTIES

(1) At any time after commercial sealing has begun a Contracting Party may propose through the Depositary that a meeting of Contracting Parties be convened with a view to:

(a) establishing by a two-third majority of the Contracting Parties, including the concurring votes of all States signatory to this Convention present at the meeting, an effective system of control, including inspection, over the implementation of the provisions of this Convention;

(b) establishing a commission to perform such functions under this Convention as the Contracting Parties may deem necessary; or

(c) considering other proposals, including:

(i) the provision of independent scientific advice;

(ii) the establishment, by a two-thirds majority, of a scientific advisory committee which may be assigned some or all of the functions requested of SCAR under this Convention, if commercial sealing reaches significant proportions;

(iii) the carrying out of scientific programmes with the participation of the Contracting Parties; and

(iv) the provision of further regulatory measures, including moratoria.

(2) If one-third of the Contracting Parties indicate agreement the Depositary shall convene such a meeting, as soon as possible.

(3) A meeting shall be held at the request of any Contracting Party, if SCAR reports that the harvest of any species of Antarctic seal in the area to which this Convention applies is having a significantly harmful effect on the total stocks or the ecological system in any particular locality.

ARTICLE 7.—REVIEW OF OPERATIONS

The Contracting Parties shall meet within five years after the entry into force of this Convention and at least every five years thereafter to review the operation of the Convention.

ARTICLE 8.—AMENDMENTS TO THE CONVENTION

(1) This Convention may be amended at any time. The text of any amendment proposed by a Contracting Party shall be submitted to the Depositary, which shall transmit it to all the Contracting Parties.

(2) If one third of the Contracting Parties request a meeting to discuss the proposed amendment the Depositary shall call such a meeting.

(3) An amendment shall enter into force when the Depositary has received instruments of ratification or acceptance thereof from all the Contracting Parties.

ARTICLE 9.—AMENDMENTS TO THE ANNEX

(1) Any Contracting Party may propose amendments to the Annex to this Convention. The text of any such proposed amendment shall be submitted to the Depositary which shall transmit it to all Contracting Parties.

(2) Each such proposed amendment shall become effective for all Contracting Parties six months after the date appearing on the notification from the Depositary to the Contracting Parties, if within 120 days of the notification date, no objection has been received and two-thirds of the Contracting Parties have notified the Depositary in writing of their approval.

(3) If an objection is received from any Contracting Party within 120 days of the notification date, the matter shall be considered by the Contracting Parties at their next meeting. Contracting Parties shall notify the Depositary within 120 days from the date of closure of the meeting of their approval or rejection of the original amendment or of any new amendment proposed by the meeting. If, by the end of this period, two-thirds of the Contracting Parties have approved such amendment, it shall become effective six months from the date of the closure of the meeting for those Contracting Parties which have by then notified their approval.

(4) Any Contracting Party which has objected to a proposed amendment may at any time withdraw that objection, and the proposed amendment shall become effective with respect to such Party immediately if the amendment is already in effect, or at such time as it becomes effective under the terms of this Article.

(5) The Depositary shall notify each Contracting Party immediately upon receipt of each approval or objection, of each withdrawal of objection, and of the entry into force of any amendment.

(6) Any State which becomes a party to this Convention after an amendment to the Annex has entered into force shall be bound by the Annex as so amended. Any State which becomes a Party to this Convention during the period when a proposed amendment is pending may approve or object to such an amendment within the time limits applicable to other Contracting Parties.

ARTICLE 10.—SIGNATURE

This Convention shall be open for signature at London from 1 June to 31 December 1972 by States participating in the Conference on the Conservation of Antarctic Seals held at London from 3 to 11 February 1972.

ARTICLE 11.—RATIFICATION

This Convention is subject to ratification or acceptance. Instruments of ratification or acceptance shall be deposited with the Government of the United Kingdom of Great Britain and Northern Ireland, hereby designated as the Depositary.

ARTICLE 12.—ACCESSION

The Convention shall be open for accession by any State which may be invited to accede to this Convention with the consent of all the Contracting Parties.

ARTICLE 13.—ENTRY INTO FORCE

(1) This Convention shall enter into force on the thirtieth day following the date of deposit of the seventh instrument of ratification or acceptance.

2. Thereafter this Convention shall enter into force for each ratifying, accepting or acceding State on the thirtieth day after deposit by such State of its instrument of ratification, acceptance or accession.

ARTICLE 14—WITHDRAWAL

Any Contracting Party may withdraw from this Convention on 30 June of any year by giving notice on or before 1 January of the same year to the Depositary, which upon receipt of such a notice shall at once communicate it to the other Contracting Parties. Any other Contracting Party may, in like manner, within one month of the receipt of a copy of such a notice from the Depositary, give notice of withdrawal, so that the Convention shall cease to be in force on 30 June of the same year with respect to the Contracting Party giving such notice.

ARTICLE 15.—NOTIFICATION BY THE DEPOSITARY

The Depositary shall notify all signatory and acceding States of the following:

(a) signatures of this Convention, the deposit of instruments of ratification, acceptance or accession and notices of withdrawal;

(b) the date of entry into force of this Convention and of any amendments to it or its Annex.

ARTICLE 16.—CERTIFIED COPIES AND REGISTRATION

(1) This Convention, done in the English, French, Russian and Spanish languages, each version being equally authentic, shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, which shall transmit duly certified copies thereof to all signatory and acceding States.

(2) This Convention shall be registered by the Depositary pursuant to Article 102 of the Charter of the United Nations.

In witness, whereof, the undersigned, duly authorized, have signed this Convention.

ANNEX

1. *Permissible Catch*

The Contracting Parties shall in any one year, which shall run from 1 July to 30 June inclusive, restrict the total number of seals of each species killed or captured to the numbers specified below. These numbers are subject to review in the light of scientific assessments.

(a) in the case of Crabeater seals *Lobodon carcinophague*, 175,000;

(b) in the case of Leopard seals *Hydrurga leptonyx*, 12,000; and

(c) in the case of Weddell seals *Leptonychotos weddelli*, 5,000.

2. *Protected Species*

(a) It is forbidden to kill or capture Ross seals *Ommatophoca rossi*, Southern elephant seals *Mirounga leonina*, or fur seals of the genus *Arctocephalus*.

(b) In order to protect the adult breeding stock during the period when it is most concentrated and vulnerable, it is forbidden to kill or capture any Weddel seal *Leptonychotus weddelli* one year or older between 1 September and 31 January inclusive.

3. *Closed Season and Sealing Season*

The period between 1 March and 31 August inclusive is a Closed Season, during which the killing or capturing of seals is forbidden. The period 1 September to the last day in February constitutes a Sealing Season.

4. *Sealing Zones*

Each of the sealing zones listed in this paragraph shall be closed in numerical sequence to al sealing operations for the seal species listed in paragraph 1 of this Annex for the period 1 September to the last day of February inclusive. Such closures shall begin with the same zone as is closed under paragraph 2 of Annex B to Annex 1 of the Report of the Fifth Antarctic Treaty Consultative Meeting at the moment the Convention enters into force. Upon the expiration of each closed period, the affected zone. shal reopen.

Zone 1—between 60° and 120° West Longitude.

Zone 2—between 0° and 60° West Longitude, together with that part of the Weddell Sea lying westward of 60° West longitude.

Zone 3—between 0° and 70° East Longitude.

Zone 4—between 70° and 130° East Longitude.

Zone 5—between 130° East Longitude and 170° West Longitude.

Zone 6—between 120° and 170° West Longitude.

5. *Seal Reserves*

It is forbidden to kill or capture seals in the following reserves, which are seal breeding areas or the site of long-term scientific research:

(a) The area around the South Orkmov Islands between 60° 20′ and 60° 56′ South Latitude and 44° 05′ and 46° 25′ West Longitude.

(b) The area of the southwestern Ross Sea south of 76° South Latitude and west of 170° East Longitude.

(c) The area of Edisto Inlet south and west of a line drawn between Cape Halet at 72° 19′ South Latitude, 170° 18′ East Longitude, and Helm Point, at 72° 11′ South Latitude, 72° 11′ South Latitude, 170° 00′ East Longitude.

6. *Exchange of Information*

(a) Contracting Parties shall provide before 31 October each year to other Contracting Parties and to SCAR a summary of statistical information on all seals killed or captured by their respective flags in the Convention areas, in respect of the preceding period 1 July to 30 June. This information shall include by zones and months:

(i) The gross and net tonnage, brake horsepower, number of crew, and number of days' operation of vessels under the flag of the Contracting Party:

(ii) The number of adult individuals and pups of each species taken. When specifically requested, this information shall be provided in respect of each ship, together with its daily position at noon each operating day and the catch on that day.

(b) When an industry has started, reports of the number of seals of each species killed or captured in each zone shall be made to SCAR in the form and at the intervals (not shorter than once a week) requested by that body.

(c) Contracting Parties shall provide to SCAR biological information concerning in particular

(i) Sex;

(ii) Reproductive condition; and

(iii) Age.

SCAR may request additional information or material with the approval of the Contracting Parties.

(d) Contracting Parties shall provide to other Contracting Parties and to SCAR at least 30 days in advance of departure from their home ports, information on proposed sealing expeditions.

7. *Sealing Methods*

(a) SCAR is invited to report on methods of sealing and to make recommendations with a view to ensuring that the killing or capturing of seals is quick, painless and efficient. Contracting Parties, as appropriate, shall adopt rules for their nationals and vessels under their respective flags engaged in the killing and capturing of seals, giving due consideration to the views of SCAR.

(b) In the light of the available scientific and technical data, Contracting Parties agree to take appropriate steps to ensure that their nationals and vessels under their respective flags refrain from killing, or capturing seals in the water, except in limited quantities to provide for scientific research in conformity with the objectives and principles of this Convention.

Such research shall include studies as to the effectiveness of methods of sealing from the viewpoint of the management and humane and rational utilization of the Antarctic seal resources for conservation purposes. The undertaking and the results of any such scientific research programme shall be communicated to SCAR and the Depositary which shall transmit them to the Contracting Parties.

ADDENDUM

The following statement was made by the Representative of Chile:

"The Delegation of Chile states that the reference to Article IV of the Antarctic Treaty contained in Article I of the present Convention signifies that nothing specified therein shall confirm, deny or impair the rights of the Contracting Parties as regards their maritime jurisdictions and their declared juridical position on this matter."

The following statement was made by the Representative of the United States of America:

"The Delegation of the United States of America believes that the Convention should contain stronger provisions for the observation of operations and enforcement of regulations, especially with regard to the use of observers of the Contracting Parties with each others' sealing expeditions. Opposition to stronger provisions has chiefly arisen not from commercial but from juridical interests.

"Nevertheless, the Convention is a new and valuable International Agreement, achieved in advance of the development of commercial sealing in the Antarctic, that contains many provisions important to the conservation of seals and their protection against over-exploitation. We understand exploratory commercial sealing ventures may be imminent.

"In order not to diminish the progress achieved by this Conference in international cooperation for effective conservation in the Antarctic, the delegation of the United States of America has decided to sign the Final Act and will submit the Convention for its Government's consideration."

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

PUBLIC DEBT LIMITATION

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate H.R. 12910, which the clerk will state by title.

The assistant legislative clerk read the bill by title, as follows:

A bill (H.R. 12910) to provide for a temporary increase in the public debt limit.

Mr. SPONG. Mr. President, I want to discuss an amendment which I submitted a few days ago, amendment No. 993. Without asking unanimous consent that certain Senators be made cosponsors of the amendment, I would like to state at this time that the following Senators, in addition to the Senator from North Carolina (Mr. ERVIN), with whom I submitted the amendment, are cosponsors of the amendment: Senator CANNON of Nevada, Senator McGOVERN of South Dakota, Senator SYMINGTON of Missouri, Senator CRANSTON of California, Senator GAMBRELL of Georgia, Senator NELSON of Wisconsin, Senator PELL of Rhode Island, Senator CHURCH of Idaho, Senator CHILES of Florida, Senators RANDOLPH and BYRD of West Virginia, and Senator MANSFIELD of Montana.

Mr. President, after considering the actions taken yesterday by the Senate in connection with H.R. 12910, and after consulting with the Senator from North Carolina (Mr. ERVIN), who is the chief sponsor of legislation in the field, I have elected not to call up my amendment No. 993 to permanently control executive impoundments of appropriated funds.

There are two major considerations involved here:

First, the question of Executive impoundments is a matter of longstanding dispute between the Congress and the executive branch. It touches on basic constitutional questions affecting the proper division of constitutional functions. I believe the subject merits the full deliberation of this body in its own right and, unless absolutely essential, not as an amendment to the debt limit bill. Hearings have been held on Senator ERVIN's bill and the likelihood is that it will come before this body to be debated and voted on as a separate piece of legislation.

The second point I want to make today is that as a result of yesterday's Senate action, I do not believe it is any longer essential to consider the impoundment question as an amendment. While there remains some uncertainty, if not confusion, about what the Senate did accomplish on Tuesday, my understanding of the impact of the Roth, Spong, and Long amendments is as follows:

The Senate has established a spending ceiling for fiscal year 1973 of $246,257,000,000. Under the Spong amendment, should that ceiling be exceeded by virtue of fiscal year 1973 appropriations or the expenditure of prior year appropriations and trust funds, the President would recommend reductions sufficient to keep the total outlays below the established ceiling. Congress would then have 30 days to approve or amend the President's proposal, except that it would be bound to the aggregate amount of spending reductions required to meet the ceiling.

Under Senator LONG's two amendments, certain uncontrollable items such as interest on the national debt and social security insurance payments would be totally exempt from the ceiling. Second, his amendment provides that where Congress appropriates more for any one department than the President has requested, or appropriates less, the ceiling would be adjusted accordingly, although it would never be adjusted below the $246 billion figure which is now part of the bill.

As I understand it, the Long amendment affects only congressional appropriations in fiscal year 1973. The ceiling, however, is established for all budget outlays in fiscal year 1973, including expenditures of prior appropriations and some trust fund moneys. Should the net outlays exceed the ceiling even as adjusted by virtue of the Long amendment, the President will be required to recommend reductions to the Congress in order to live within the ceiling, whatever that figure may happen to be. Congress then would have the option of amending the President's proposal with respect to particular reductions to be made.

As I view the combination of these amendments, they would give the Congress limited control over impoundments which are made for the purpose of meeting the expenditure ceiling. Again, this is only limited control and it would apply only during fiscal year 1973. But, to the best of my knowledge, this is the first time Congress has acted to deal with the question of impoundments.

What I am suggesting here is that the Senate has made some progress through the Spong amendment toward resolution of this difficult constitutional issue. I would like Congress to go further, and I hope that it will when it considers Senator ERVIN's bill. But, again, I think that bill deserves attention in its own right, and for that reason I do not intend to call it up today.

Mr. President, one of the major programs affected by Executive impoundments has been highway construction. I know that actions of the executive branch to withhold authorized funding of these projects is of great concern to the distinguished chairman of the Public Works Committee (Mr. RANDOLPH) who is a cosponsor of the Ervin bill and amendment No. 993. As a measure of Senator RANDOLPH's deep concern about the withholding of these funds, I ask that a telegram from the chairman to the President be printed in the RECORD at this point.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The Congress will very shortly begin development of the Federal-aid Highway Act of 1972.

Construction of the Interstate Highway System, our principal road-building activity since 1956, is now more than three-quarters completed. We must, therefore begin formulating a new highway program to meet the needs for highway transportation services that continue to exist.

For us to do this, and for the States to carry out an orderly highway program, it is essential to know that the authorized level of funding will be available from year to year. During the past five years, the withholding of highway obligational authority by the Executive Branch has made impossible the accurate long-range planning that a highway program requires.

Such action also has delayed the completion of important highway segments and contributed to increases in their ultimate cost.

On September 20, 1971, Transportation Secretary John A. Volpe, announced the release of $400 million in previously impounded highway funds. I indicated that I hoped this action was a signal that the Administration recognized the importance of full funding of the highway program. However, further administrative restrictions have been imposed on the ability of States to choose what types of projects they will undertake.

The most recent reports indicate that Presidentially-imposed impounded highway obligational authority now totals $6.2 billion. In light of the pressing highway transportation needs and of the urgency for developing a new highway program, I continue my appeal for you to direct the release of all impounded highway funds so that existing commitments can be met and the Congress can develop a new program with the knowledge that it can be implemented.

JENNINGS RANDOLPH,
Chairman, Committee on Public Works.

Mr. ERVIN. Mr. President, will the Senator yield for some questions?

Mr. SPONG. I am pleased to yield to the distinguished Senator from North Carolina.

Mr. ERVIN. I should like to ask the distinguished Senator from Virginia if the Constitution of the United States does not deny to the President what is known as an item veto.

Mr. SPONG. My interpretation of the Constitution is that it does deny to the President of the United States an item veto.

On yesterday I tried to point out to the Senate that there have been two attempts in the past quarter of a century, and many prior to that, to constitutionally give that right to the President, and they have both been defeated in this body.

Mr. ERVIN. The Constitution requires the veto of an entire legislative proposal; and when that occurs Congress has an opportunity to override the veto by a two-thirds majority of both Houses of Congress and to make its will effective. Is that correct?

Mr. SPONG. That is correct.

Mr. ERVIN. I will ask the Senator if a practice has not grown up and if it is not followed with increasing frequency by Presidents of both political parties to simply impound funds which have been appropriated by Congress, and by so doing to refuse to expend them for the purpose for which they were authorized by Congress.

Mr. SPONG. That has been the practice. As the Senator from North Carolina has said, it has been the practice of Presidents of both parties. I believe it probably goes back to the Wilson administration in its inception.

But it has been growing through the years, to the extent that the will of Congress in appropriation matters, the exercise of which is given to them under the Constitution, has been thwarted not only by the present administration but by past administrations.

Mr. ERVIN. I ask the Senator from Virginia if the effect of impoundment of funds by the President is not ultimately that of an item veto, without the beneficial aspects of an item veto. By that I mean when the President impounds funds which Congress has appropriated for specific projects, Congress is denied the right to override this impoundment under existing law, and the effect is that the President very effectively assumes control of the power of the purse, which the Constitution contemplates shall be exercised by Congress rather than by the President.

Mr. SPONG. The Senator from North Carolina is correct. I do not wish to go too far afield, but I think there are two parallel developments that have taken place over the period in history that we are discussing, going back to the First World War. One is in the field of foreign affairs, where the executive agreement has grown into use to the extent that the treaty ratification functions of the U.S. Senate given to it under the Constitution have been in large measure bypassed; and the second is the matter which the Senator from North Carolina has just related in his question, where not only the appropriations process but the veto process has been bypassed by the manner in which funds have been impounded.

Mr. ERVIN. Do not the provisions of the amendment which the distinguished Senator from Virginia has offered, with my cosponsorship and that of the distinguished Senator from West Virginia (Mr. RANDOLPH), undertake for the first time to rid Congress of the impotency which the impoundment of funds by the President imposes upon Congress?

Mr. SPONG. That is the purpose. The

measure of the Senator from North Carolina, on which he has conducted full hearings and with which I am in full accord, provides a period of time during which he has to report to Congress concerning impoundments, and gives to Congress an opportunity to express itself on the particular measures for which funds have been impounded.

Mr. ERVIN. As the Senator has stated, the bill requires the President to report to Congress the impoundment of any funds by him or by an officer of the executive branch of the Government with his authority; and the bill provides, in effect, that this report shall constitute a privileged matter, and that unless Congress within a period of 60 days confirms the action of the President or of the executive official in impounding the funds, it would be the duty of the executive branch of the Government to expend those funds in accordance with the will expressed by Congress in the bill appropriating such funds.

Mr. SPONG. That is correct; and if the Senator from North Carolina will allow me, I would like to recite the particular instance which prompted my interest in the Senator's bill during his hearings.

We have in northern Virginia, between Alexandria and Arlington, a body of water that has flooded numerous times in the last 15 or 20 years. It is known as Four-Mile Run.

After several efforts to secure an appropriation and before that to secure certification of the Corps of Engineers that the proper cost-benefit ratio existed, we finally succeeded. The Senator from Virginia had to find a special act passed maybe 8 or 9 years ago, to enable the Public Works Committee to authorize funds for this project.

Shortly thereafter, based on that authorization, we obtained an appropriation to begin the project. Funds for the appropriation had never been in the budget submitted by the executive branch of the Government.

The money was authorized and appropriated, but the executive branch of the Government, through the OMB, froze funds for all items that were not in the budget for that year. So, here we had a specific project which Congress in its wisdom determined was of an emergency nature, but because it was not in the initial budget the money was impounded, and a start on the project was delayed for a period of time as a result. Congress had no opportunity to do anything about it.

Mr. ERVIN. And notwithstanding the fact that Congress in that particular instance had clearly expressed its intention to put an end to these disastrous floods, the executive branch of the Government, in legal effect, impounded those funds, and every time an exceedingly heavy rain came, the people residing in that area suffered the very damage which Congress had undertaken to prevent them from suffering.

Mr. SPONG. That is correct.

Mr. ERVIN. Now, this amendment and the bill which is pending in the Committee on the Judiciary both recognize that under certain circumstances a President may act wisely in impounding funds, in many instances.

Mr. SPONG. That is true, and I do not mean to imply by the introduction of the amendment that many of the decisions with regard to impoundment have not been wise.

Mr. ERVIN. Yes. The amendment itself provides that upon the making of the reports to both Houses of Congress by the President in respect to the impoundment of funds, any Member of Congress can offer a resolution which would give approval to the impounding of the funds by the President, and that that resolution should not be referred to any committee, but on the contrary should be treated as a privileged matter, and Congress in its wisdom could call up the resolution for action; and it provides that there should be a limited time for consideration of the resolution, which cannot be amended, and that Congress can approve the impoundment of the funds if Congress considers that the action of the President in impounding the funds was a wise action, does it not?

Mr. SPONG. That is correct. The measure gives Congress an opportunity, within a limited time, as a privileged matter, to approve or disapprove of an executive decision that has been made.

Mr. ERVIN. And is there not a provision embodied in the resolution which gives the President an opportunity to point out to Congress all of the reasons which prompted him to impound the funds, so that Congress can have the views of the President in the event a resolution approving such impoundment is offered in either House of Congress?

Mr. SPONG. That is true.

Mr. ERVIN. And so the amendment and the bill similar to the amendment now pending in the Senate Judiciary Committee are efforts to restore the power of the purse to Congress, and to enable Congress to deal with a matter with which they have been unable to deal on account of the impounding of funds in the past, and at the same time leave it open for Congress to agree with the wisdom of the President's act in impounding the funds, if Congress believes the reasons given are sufficient?

Mr. SPONG. That is true; and the effect of the legislation, if enacted, would be to negate the practice which presently constitutes an item veto contrary to the Constitution.

Mr. ERVIN. And it, in effect, deals with this problem in a way that makes effective the power of Congress to act where Congress thinks that the expenditures should be carried out in accordance with its original intent?

Mr. SPONG. That is true.

Mr. ERVIN. I thank the Senator from Virginia for the illuminating position he has taken with respect to this question of impoundment, and to commend him on the wisdom of not calling up the amendment for a Senate vote at this time, because, as he states, the amendment would be annexed to a temporary bill which would go out of existence very speedily; and I think it is necessary for us to have permanent legislation on this subject.

The bill which embodies the same provisions as the amendment has been reported favorably by the subcommittee to which it was referred, the Subcommittee on the Separation of Powers, and now is pending before the full Judiciary Committee. I believe that it will be possible to get action by the full Judiciary Committee within a relatively short period of time. I believe that this course of action would be much better than adding the amendment to a bill which is temporary in nature. I note that the bill is called a bill to raise the temporary debt limit, and I think that is an appropriate title.

The most temporary thing in existence is the debt limit. If my recollection serves me correctly, if we raise the debt limit at this time, it will be the 19th time that the debt limit has been raised since 1965.

As I say, it is the most temporary thing. It is an exercise in futility to have a debt limit when Congress raises the debt limit every time the President asks it to do so. I think we ought to go ahead and pass one bill of a permanent nature that allows the executive branch of the Government to dive just as deeply as it wants into the sea of financial irresponsibility. Now we enjoy so much the exercise of setting fictitious, India-rubber, expandable debt limit that we raise it two or three times a year. It has become a favorite legislative exercise in what I call a species of legislative gymnastics.

I have voted consistently against raising the debt limit, and I think we are going to have to continue to do so and to make it more rigid. I do not think we are going to get any financial responsibility or any fiscal sanity in the administration of the fiscal affairs of the Federal Government until we clamp down on this matter and get a debt limit which is not so temporary in nature that it is raised every 3 or 4 months.

I thank the Senator for yielding.

Mr. SPONG. I thank the Senator from North Carolina.

In addition to the fact that the Senator's bill has now cleared his subcommittee and will be considered by the entire Judiciary Committee, Representative ANDERSON, from Tennessee, has introduced this measure in the House, with well over 125 cosponsors.

I think that the questions of impoundments and of the item veto having been touched yesterday in the amendment to the Roth amendment which I offered, they will be subjects that this body and Congress as a whole will have to face up to.

Mr. ERVIN. I might advise the Senate and the distinguished Senator from Virginia that, notwithstanding my strong opposition to the impoundment of funds approved by Congress at the insistence of the President, I wish there were some way we could impound the debt limit.

I do not know whether the Senator from Virginia has had his amendment inserted in the RECORD. If not, I would suggest that it be inserted in the RECORD at this point, so that the Members of the Senate may be apprised of the provisions of the amendment which contain identical language that is in the bill now pending before the Judiciary Committee.

Mr. SPONG. Mr. President, I ask unanimous consent to have the text of my amendment No. 993 printed in the RECORD.

I again thank the Senator from North Carolina.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

At the end of the bill insert the following:

That (a) whenever the President impounds any funds appropriated by law out of the Treasury for a specific purpose or project, or approves the impounding of such funds by any officer or employee of the United States, he shall, within ten days thereafter, transmit to the Senate and the House of Representatives a special message specifying—

(1) the amount of funds impounded,

(2) the specific projects or governmental functions affected thereby, and

(3) the reasons for the impounding of such funds.

(b) Each special message submitted pursuant to subsection (a) shall be transmitted to the Senate and the House of Representatives on the same day, and shall be delivered to the Secretary of the Senate if the Senate is not in session, and to the Clerk of the House of Representatives if the House is not in session. Each such message shall be printed as a document of each House.

SEC. 2. The President shall cease the impounding of funds set forth in each special message within sixty calendar days of continuous session after the message is received by the Congress unless the specific impoundment shall have been ratified by the Congress in accordance with the procedure set out in section 4 of this Act.

SEC. 3. For purposes of this Act, the impounding of funds includes—

(a) withholding of funds (whether by establishing reserves or otherwise) appropriated for projects or activities, and the termination of authorized projects or activities for which appropriations have been made, and

(b) delaying the expenditure or obligation of funds beyond the close of the fiscal year in which expenditure or obligation was intended by Congress in appropriating such funds.

SEC. 4. (a) The following subsections of this section are enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by this section; and they shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(b)(1) For purposes of this section, the term "resolution" means only a concurrent resolution of the Senate or House of Representatives, as the case may be, which is introduced and acted upon by both Houses before the end of the first period of sixty calendar days of continuous session of the Congress after the date on which the President's message is received by that House.

(2) The matter after the resolving clause of each resolution shall read as follows: "That the Senate (House of Representatives) approves the impounding of funds as set forth in the special message of the President dated ———, Senate (House) Document Numbered ———."

(3) For purposes of this subsection, the continuity of a session is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the sixty-day period.

(c)(1) A resolution introduced with respect to a special message shall not be referred to a committee and shall be privileged business for immediate consideration. It shall at any time be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. Such motion shall be highly privileged and not debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) If the motion to proceed to the consideration of a resolution is agreed to, debate on the resolution shall be limited to ten hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution shall not be in order. It shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to, and it shall not be in order to move to consider any other resolution introduced with respect to the same special message.

(3) Motions to postpone, made with respect to the consideration of a resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate.

Mr. SPONG. Mr. President, the Senator from Virginia wants to make it very clear that he does not disapprove of all the impoundments that have taken place. But I believe it is time that this body and the other body jointly reclaim a measure of the constitutional authority they have. As long as the item veto practice, through impoundments, exists, I think the Constitution or the spirit of the Constitution is being violated.

Mr. ERVIN. The Senator from Virginia has expressed my views on the subject a hundred percent correctly in the statement he has just made.

Mr. SPONG. I thank the Senator.

I yield the floor.

The ACTING PRESIDENT pro tempore. The bill is open to amendment.

Mr. LONG. Mr. President, I have a technical and conforming amendment. I am informed that it requires unanimous consent to be considered. I ask unanimous consent to offer the amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The amendment will be stated.

The legislative clerk read as follows:

In subsection (a) of section 3 (as added by the amendment proposed by Mr. Long)—

(1) strike out "$246,257,000,000" and insert "$246,300,000,000"; and

(2) strike out "(c) and (d)" and insert "(b), (c), and (d)".

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. GOLDWATER. Mr. President, during the years that I have served in the Senate I have never voted to increase the debt limit. It is an exercise in futility and, frankly, a little dishonest because no matter how fast we raise the limit we always spend more than we have limited ourselves to.

I think it would be much wiser and certainly more in keeping with honesty if we merely did away with the debt limit instead of going through this annual exercise we are engaged in.

ANNOUNCEMENT OF POSITION ON VOTES

Mr. STEVENSON. Mr. President, I was necessarily absent from the Senate yesterday, March 7, 1972. During the time the Senate was in session, it held four record votes on which I was not previously positioned. If present and voting, I would have voted "yea" on Senator SPONG's amendment to the Roth amendment, "yea" on Senator ROTH's amendment as amended by Senator SPONG's amendment, and "yea" on each of Senator LONG's two amendments.

Mr. BROCK. Mr. President, in almost the same breath the Senate yesterday adopted the Roth amendment placing a ceiling on the amount of Federal expenditures and then immediately adopted an amendment which effectively takes the substance out of its early position.

Specifically, I refer to the adoption of the Long amendment, which, simply stated, makes it possible for Congress to appropriate over the budget request with impunity.

Instead of having an expenditure ceiling to curtail overspending by Congress, we now have an elastic expenditure ceiling that permits us to extend this ceiling each time an appropriations bill exceeds the spending limit.

In this time of inflationary crisis the Nation looks to Congress for consistency of action. Last year we passed legislation to continue wage and price controls and by doing so shored up some American suspicions about the Congress sincerity to stop inflation. In this action we said to the Nation that Congress will do all in its power to protect its citizens by keeping wage and price increases in reasonable limits and maintain their purchasing power.

The Senate has failed to redeem its pledge to the American people. It has failed to keep the faith with action taken to control the private sector. The Senate will act to limit the freedoms of the American people but it will take no action to limit its freedom to spend their hard-earned dollars.

If we are to restore economic prosperity to this country, we must discipline ourselves. We have a primary responsibility to the American people to cease our incessant raids on their savings.

As I stated earlier, it was my decision to oppose the extension of the public debt limit, if the Senate failed to pass meaningful legislation to restrain congressional spending. I am prepared to honor this commitment and I urge Senators to consider this course.

Mr. DOMINICK. Mr. President, once again we seem to be going through our annual charade of raising the debt limit. Each year we set a limit on the public debt and each year as we approach that limit, we raise it again. In spite of this, we still have the nerve to refer to this as a debt limit or ceiling. Clearly it is not. It is like a race with a movable finish line. If we impose a limit, it should be just that with no extension of the finish line. If we cannot adhere to it, we should just eliminate the debt ceiling and confer carte blanche spending powers on Congress. Since 1961 when I entered the House, Congress has dealt with the debt limit on 19 separate occasions—almost twice per year. During that time we have increased the permanent limit by $115 billion and the temporary limit by $157 billion. We are told that we will have to raise it again before July 1, 1972.

Mr. President, although I cannot be here for the vote, I would not support this type of monkey business with congressional spending of public tax funds. The days of doing things by mirrors should be ended.

Before the next consideration of this problem, I will be exploring the effects of repealing the "debt nonlimit." I will probably be offering an amendment to repeal it so that future charades cannot be continued and only congressional restraint will be involved.

Mr. BYRD of Virginia. Mr. President, I shall vote against this measure increasing the debt ceiling. I shall do so as a means of protest.

I feel that both the Congress and the administration are living in a fool's paradise in regard to the Nation's financial affairs.

The smashing Federal funds deficits being run by the Federal Government—$30 billion last year, $45 billion this year, and $36 billion next year—are dramatic evidence as to just how grave and how desperate is the Government's financial situation. So I shall vote against this measure as a protest.

According to official Government figures, the national debt at the end of June 30, 1973, will total $493 billion.

The significant and startling aspect of this is that a little more than 25 percent of this total will have been a result of only 4 years of deficits. For the 4 fiscal years 1970, 1971, 1972, and 1973, the accumulated Federal net deficits will total $124 billion. This figure is a little more than 25 percent of the total estimated public debt of $493 billion as of June 30, 1973.

Yes, Mr. President, I feel that both the Congress and the administration are living in a fool's paradise insofar as the Nation's finances are concerned.

There is no willingness on the part of either Congress or the administration to put a ceiling on expenditures. As a matter of fact, in this current fiscal year, the administration recommended an increase of more than $19 billion in Federal fund appropriations.

Mr. President, I shall vote against the legislation. In my judgment, unless Congress and the executive branch are willing to face the fiscal facts, our Government will sink even deeper into debt. Already, the total national debt is greater than that of all the other countries of the world combined.

Mr. President, I ask unanimous consent that a table I had prepared giving receipts, outlays, and deficits for the period 1954–73 be published at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1954-73 INCLUSIVE

[In billions of dollars]

Year	Receipts	Outlays	Surplus (+) or deficit (−)	Debt interest
1954	62.8	65.9	−3.1	6.4
1955	58.1	62.3	−4.2	6.4
1956	65.4	63.8	+1.6	6.8
1957	68.8	67.1	+1.7	7.2
1958	66.6	69.7	−3.1	7.6
1959	65.8	77.0	−11.2	7.6
1960	75.7	74.9	+.8	9.2
1961	75.2	79.3	−4.1	9.0
1962	79.7	86.6	−6.9	9.1
1963	83.6	90.1	−6.5	9.9
1964	87.2	95.8	−8.6	10.7
1965	90.9	94.8	−3.9	11.4
1966	101.4	106.5	−5.1	12.0
1967	111.8	126.8	−15.0	13.4
1968	114.7	143.1	−28.4	14.6
1969	143.3	148.8	−5.5	16.6
1970	143.2	156.3	−13.1	19.3
1971	133.7	163.7	−30.0	20.8
1972 [1]	137.8	182.5	−44.7	21.2
1973 [1]	150.6	186.8	−36.2	22.3
20-year total	1,916.3	2,141.8	225.5	241.5

[1] Estimated figures.

Source: Office of Management and Budget and Treasury Department.

Mr. ERVIN. Mr. President, I made the statement a moment ago to the effect that Congress habitually, over stated periods, engages in the legislative mockery of establishing an alleged debt ceiling which neither the executive branch nor, I am constrained to say, the legislative branch intends to have any credibility.

During recent months, America was shocked to discover that the European nations had lost confidence in the American dollar. I was hoping that that shock would result in Congress, as well as the executive branch, taking serious stock of the financial state in which this Nation finds itself today.

The practice of frequently imposing a debt limit—always at higher sums—is not the only thing that we use to delude ourselves about. If my recollection serves me right, at the end of this fiscal year, the United States will have balanced its budgets only seven times in 43 years. During those 7 years in which it did balance its budgets, the sum total of all the surpluses for those 7 years was approximately the same amount as the deficit which this Nation occurred during the first year of the present administration.

There is a second method by which we delude ourselves. We talk about our national gross product. We brag on the fact that the national gross product has risen very much during the past 43 years.

Now, the gross national product is supposed to be the sum total of the value of all the goods and services produced in the United States during a given year.

Someone has said that we are the only nation on earth which puts all of its performance, both good and hideous, in one package and then brag on that package. He was speaking in respect to the gross national product.

Let us consider what the gross national product consists of.

It consists of the payment made to Americans for good, honest services, and for the value of the goods which they, by hard labor, produce.

If the gross national product stopped at such things as that, no one would have any occasion to criticize it or to question its accuracy.

But, Mr. President, the gross national product does not stop with counting the products of honest labor and the compensation gained by honest labor. Even the sale price of plastic back scratchers is included in the gross national product, as well as the cost of funerals. The gross national product includes the bombs we drop in Southeast Asia. During the years of their production, it has included helicopters and airplanes lost in Southeast Asia.

During this period of 40-odd years, the population of the United States has grown 62 percent. Those who brag on the gross national product leave that fact out of consideration.

Manifestly, today, the people of the United States require 62 percent more products to satisfy their demands than they did when the population was 62 percent less than it is now.

Necessarily, a population which has increased 62 percent during this time of fiscal folly, has to produce at least 62 percent more products to stay even with the economic state of the country as it existed 40-odd years ago.

But those who brag on the gross national product ignore the increase in our population and just talk about the increase in our gross national product.

Another observation about the gross national product is that it is just as full of inflation as a mangy hound dog is of fleas. It costs $2.44 now to purchase an amount of goods or services that a dollar would have purchased at the time we began to go on this financial binge. So, although our gross national product has increased through inflation, as intimated a while ago, every time the price of beefsteak goes up, or shoestrings, so does the gross national product.

We delude ourselves into thinking that we can continue to engage in all of these fiscal follies because of the increase in our gross national product. It is very significant that part of the increase in the national debt, and a very substantial part—somewhere in the neighborhood of $140 billion principal and an untold amount of interest—has been given away by the American people to approximately 125 separate foreign nations.

The greatest expert on foreign aid is Representative OTTO PASSMAN of Louisiana, who heads the subcommittee which deals with the question of foreign aid primarily. The story is told, as it appeared in the Washington press, that on one occasion the administrator of the foreign aid program appeared before Representative PASSMAN's subcommittee. Representative PASSMAN made inquiry of the administrator as to the number and names of foreign nations to which the department under his control was then extending foreign aid. The administrator turned somewhat red as a result of embarrassment because of his own ignorance. He told Representative PASSMAN that he was sorry that he could not supply that information then, but he would supply it for the record.

He went back to his department and undertook to determine the number and the names of foreign countries to which his department had been supplying foreign aid. He was unable to find an answer that satisfied him. Then he did what we all often do. He called the Library of Congress and asked the Library of Congress to inform him as to the number and names of foreign countries which, under his supervision, was then being extended foreign aid.

After some days of research the Library of Congress was unable to secure sufficient information to answer the question correctly. It then, knowing that Representative PASSMAN was an expert on this subject, called Representative PASSMAN and inquired of him as to the names and the numbers of foreign nations to which the United States was extending foreign aid at that time so that they might be able to give an answer to the interrogation submitted to them by the administrator of the foreign aid program.

It has been a queer thing that this country has recklessly squandered its resources and money on foreign aid among foreign nations as a sailor squanders his monthly stipend in a reckless manner for his own enjoyment. The tragic fact is that the United States has had to borrow money to give away. If an individual were to borrow money for the purpose of giving it away, his family and his friends would institute an inquisition of lunacy and procure the appointment of a guardian to manage his affairs.

However, if an American politician advocates that the United States borrow money for the purpose of giving it away, he is likely to be elected President or chosen to be a Member of the Senate or a Member of the House of Representatives. And if he fails to attain any of these offices by the election route, he is most certain to be Secretary of State.

I intend to do as I have done in the past, vote against raising this most temporary national debt limit. I think we are going to have some drastic experiences in the financial field before we recover our financial stamina.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on passage of the bill. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, 1 week ago I participated in a colloquy here on the Senate floor, joined by the distinguished Senators from Virginia (Mr. BYRD), Wisconsin (Mr. PROXMIRE), Georgia (Mr. GAMBRELL), and Tennessee (Mr. BROCK).

At that time, I announced my intention to introduce my original spending limitation bill (S. 3123) as an amendment to the debt ceiling legislation (H.R. 12910), now pending before us. It seemed to me then, as it still does, that increases in our national debt can only realistically be reduced, or eliminated, if we in Congress apply a dependable brake on total Federal spending. Without such a ceiling, raising the debt becomes an unavoidable measure. It is a bit like locking the barn door after the horse has been stolen.

During last week's discussion, I made it quite clear that I could not support a further increase of $20 billion in permissible debt unless it was accompanied by a spending ceiling with some real clout.

Yesterday, the Senate passed such a measure by adopting, 53–30, my spending-limitation amendment, as modified by language introduced by the distinguished junior Senator from Virginia (Mr. SPONG). But, within the space of an hour, the teeth were extracted from that measure by another amendment.

By adopting its language, the Senate has exempted from the discipline of a ceiling four major categories of so-called uncontrollable Federal expenditures—social security, national service life insurance, debt interest, and farm price supports. Further, this preemptory measure permits the ceiling to be raised whenever Congress passes appropriations in excess of those recommended in the President's budget for fiscal year 1973.

Both of these provisions permit, in effect, total spending for the upcoming year to run its course, unbridled by the discipline of a strict ceiling that would have applied both to the executive branch as well as the Congress.

Mr. President, I first introduced the notion of a no-exemption ceiling last November, when estimates for fiscal year 1972 spending had climbed more than $3 billion over the original January estimate. Just 2 months later, the President reported that spending will reach $236.6 billion this fiscal year, more than $7 billion above his original figure.

Coupling this with congressional actions to reduce taxes and a general shortfall in revenues because of lower GNP figures, we must return to our constituents this year with news the Federal deficit for fiscal year 1972 will almost certainly exceed $45 billion, the largest since the crisis years of World War II.

Further deficits in fiscal years 1969–71 have helped fuel a general inflation which has eroded the purchasing power of the dollar some 23 percent in 5 years. Furthermore, the dismal record of actual versus estimated deficits augurs still greater overruns than the $36 billion deficit predicted for fiscal year 1973.

Next year if history acts as any precedent, the administration will inherit a legacy of mounting Federal debts. Faced with the possibility of renewed inflation and further international pressure on the dollar, we in Congress may be asked to levy new taxes on the American people, a most unwelcome, and I feel avoidable, step.

I am deeply troubled by the ambivalence of those who call for genuine fiscal responsibility one minute and then destroy the very legislation which would achieve that end. A ceiling full of holes is, in some respects, worse than no ceiling at all, for it deludes the public into believing that Congress has taken a stand against runaway spending when in fact it has not.

President Nixon, in his budget message January 24, personally called for a strict limitation on spending. My amendment was exactly that. His Treasury Secretary and Budget Director both called for this language in several sets of congressional testimony. The chairman of the Federal Reserve Board applauded the effort. Yet, the administration refused to support my measure, timely and germane though it was, fearful that any encumberance to the debt ceiling bill might delay its passage.

The debt ceiling will, no doubt, be increased now, and again in June when the administration will be forced to come back for an additional borrowing limit. But, it does so without my vote and without the effective ceiling we need to hold the spending line in fiscal 1973.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the passage of the bill. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Maine (Mr. MUSKIE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Alabama (Mr. SPARKMAN), and the Senator from South Dakota (Mr. MCGOVERN) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. RIBICOFF) is absent because of illness in family.

On this vote, the Senator from West Virginia (Mr. RANDOLPH) is paired with the Senator from Alabama (Mr. SPARKMAN).

If present and voting, the Senator from West Virginia would vote "yea" and the Senator from Alabama would vote "nay."

I further announce that, if present and voting, the Senator from Connecticut (Mr. RIBICOFF), the Senator from Washington (Mr. JACKSON), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Iowa (Mr. HUGHES), would each vote "yea."

Mr. GRIFFIN. I announce that the

Senator from Iowa (Mr. MILLER), the Senator from Illinois (Mr. PERCY) and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Colorado (Mr. DOMINICK) is detained on official business.

On this vote, the Senator from Iowa (Mr. MILLER) is paired with the Senator from South Carolina (Mr. THURMOND). If present and voting, the Senator from Iowa would vote "yea" and the Senator from South Carolina would vote "nay."

On this vote, the Senator from Illinois (Mr. PERCY) is paired with the Senator from Colorado (Mr. DOMINICK). If present and voting, the Senator from Illinois would vote "yea" and the Senator from Colorado would vote "nay."

The result was announced—yeas 53, nays 29, as follows:

[No. 94 Leg.]

YEAS—53

Aiken
Allott
Anderson
Baker
Beall
Bennett
Bentsen
Bible
Boggs
Brooke
Burdick
Byrd, W. Va.
Case
Church
Cooper
Cranston
Curtis
Dole
Eagleton
Fong
Griffin
Hart
Hruska
Inouye
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
Mondale
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Saxbe
Schweiker
Scott
Smith
Stafford
Stevens
Stevenson
Symington
Taft
Tower
Tunney
Williams
Young

NAYS—29

Allen
Bellmon
Brock
Buckley
Byrd, Va.
Cannon
Chiles
Cook
Cotton
Eastland
Ellender
Ervin
Fannin
Fulbright
Gambrell
Goldwater
Gurney
Hansen
Hatfield
Hollings
Jordan, N.C.
Metcalf
Montoya
Proxmire
Roth
Spong
Stennis
Talmadge
Weicker

NOT VOTING—18

Bayh
Dominick
Gravel
Harris
Hartke
Hughes
Humphrey
Jackson
McGovern
McIntyre
Miller
Mundt
Muskie
Percy
Randolph
Ribicoff
Sparkman
Thurmond

So the bill (H.R. 12910) was passed.

Mr. LONG. Mr. President, I wish to make two motions that are necessary to expedite the passage of the bill.

First, I move that the Senate reconsider the vote by which the bill was passed.

Mr. CANNON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LONG. Mr. President, I now move that the Senate insist on its amendments to H.R. 12910 and ask for a conference with the House on the disagreeing• votes thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. LONG, Mr. ANDERSON, Mr. TALMADGE, Mr. BENNETT, and Mr. CURTISS conferees on the part of the Senate.

NATIONAL VOTER REGISTRATION ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 427, S. 2574, so that it will become the pending business.

The PRESIDING OFFICER (Mr. GAMBRELL). The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 2574) to amend title 13, United States Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purpose of administering a voter registration program through the mail.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Post Office and Civil Service with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "National Voter Registration Act".

SEC. 2. (a) Title 13, United States Code, is amended by adding at the end thereof the following new chapter:

"Chapter 11—NATIONAL VOTER REGISTRATION ADMINISTRATION

"Sec.
"401. Definitions.
"402. Establishment.
"403. Duties and powers.
"404. Qualifications and procedure.
"405. Registration forms.
"406. Distribution of registration forms.
"407. Prevention of fraudulent registration.
"408. Penalties.
"409. Financial assistance.
"410. Regulations.

"§ 401. Defininitions

"As used in this chapter—

"(1) 'Administration' means the National Voter Registration Administration;

"(2) 'State' means each State of the United States, the political subdivisions of each State, and the District of Columbia;

"(3) 'Federal office' means the office of the President, the Vice President, a Senator, a Representative, or the Delegate to the Congress;

"(4) 'Federal election' means any primary, special, general, or other election held for the purpose of nominating or electing candidates for any Federal office, including any election held for the purpose of expressing voter preference for the nomination of individuals for election to the Office of President and Vice President and any election held for the purpose of selecting delegates to a national political party nominating convention or to a caucus held for the purpose of selecting delegates to such a convention;

"(5) 'State and local election' means any election other than a Federal election; and

"(6) 'State or local official' means any individual who acts as an official or agent of a government of a State to register qualified electors, or to conduct or supervise any Federal election in a State.

"§ 402. Establishment

"(a) There is established within the Bureau of the Census, Department of Commerce, the National Voter Registration Administration.

"(b) The President shall appoint, by and with the advice and consent of the Senate, an Administrator and two Associate Administrators for terms of four years each, who may continue in office until a successor is qualified. An individual appointed to fill a vacancy shall serve the remainder of the term to which his predecessor was appointed. The Associate Administrators shall not be adherents of the same political party. The Administrator shall be the chief executive officer of the Administration.

"§ 403. Duties and powers

"The Administration shall—

"(1) establish and administer a national voter registration program for Federal elections in accordance with this chapter;

"(2) collect, analyze, and arrange for the publication and sale by the Government Printing Office of information concerning elections in the United States;

"(3) provide assistance to State and local officials concerning the national voter registration program and election problems generally;

"(4) obtain facilities and supplies and appoint and fix the pay of officers and employees, as may be necessary to permit the Administration to carry out its duties and powers under this chapter, and such officers and employees shall be in the competitive service under title 5, United States Code;

"(5) appoint and fix the pay of officers and employees for temporary services as authorized under subchapter II of chapter 1 of this title for temporary employees of the Bureau of the Census;

"(6) prepare and submit to the President and the Congress a report on its activities, and on voter registration and elections generally in the United States, immediately following each biennial general Federal election; and

"(7) take such other action as it deems necessary and proper to carry out its duties and powers under this chapter.

"§ 404. Qualifications and procedure

"(a) An individual who is a qualified elector under State law except as to duration of residency but who is a resident of a State on and after the thirtieth day before a Federal election, shall be entitled to register and vote in a Federal election in that State.

"(b) An individual registered to vote under the provisions of this chapter shall be entitled to vote in a Federal election.

"(c) Whenever a Federal election is held in any State, the Administration may, upon the request of any State or local official, furnish officers and employees and such other assistance as the Administration and the State or local official may agree upon to assist in the registration of individuals applying to register in that State under the provisions of this chapter.

"§ 405. Registration forms

"(a) The Administration shall prepare voter registration forms in accordance with the provisions of this section.

"(b) Printed registration forms shall be designed to provide a simple method of registering by mail to vote in Federal elections. Registration forms may be a perforated double postal card and may include the following on the first part of the postal card—

"(1) printed instructions for completing the registration form;

"(2) a printed statement of the requirements of State law for voting in Federal and State and local elections, other than the requirements of duration of residency;

"(3) space for the individual to write his name, address, and political party preference if appropriate;

"(4) a printed statement that the individual is a qaulified elector under the laws of the State except as to duration of residency, and that the individual—

"(A) has been a duly qualified resident of the State for the period required by State law to be a qualified elector voting in any State or local election, or

"(B) will be a resident of the State on

and after the thirtieth day before the next Federal election

and an appropriate space for the individual to indicate which statement is applicable to him;

"(5) a printed statement of the penalties of law of the United States and the State for fraudulent registration to vote, and a place for the individual to sign a certification that he is a qualified elector of that State;

and may include the following on the second part of the postal card—

"(6) a printed statement that the individual is a qualified elector in the State and that his name has been placed on the list of registered electors;

"(7) a printed statement that the individual is a qualified elector in the State only for Federal elections, and that his name has been placed on the list of registered electors for Federal elections;

"(8) a printed statement that the individual is not a qualified elector in the State and that his name has not been placed on the list of registered electors;

"(9) a space for a written explanation of the reasons why paragraph (2) of this section is applicable to the individual; and

"(10) an appropriate space for the State or local official to indicate whether paragraph (6), (7), or (8) of this part of the postal card is applicable to the individual.

"(c) Registration forms shall provide adequate space on the reverse side of the form for the writing of the name and address of the individual submitting the form for registration to vote, and the second part of the form shall be completed and promptly returned by the State or local official to the applicant at the address on the form. A returned form shall not be forwarded to another address but shall be returned to the State or local official mailing the form. The possession of such form indicating that the individual is entitled to vote in any Federal election for which he qualifies shall be prima facie evidence that the individual is a qualified and registered elector entitled to vote in any such election but shall not be required for presentation to cast his ballot.

"(d) Registration forms may be prepared in a language other than English when the Administration deems such a language is appropriate.

"§ 406. Distribution of registration forms

"(a) The Administration is authorized to enter into agreements with the Postal Service, with departments and agencies of the Federal Government, and with State and local officials for the distribution of registration forms in accordance with the provisions of this section.

"(b) Any agreement made between the Administration and the Postal Service shall provide for the preparation by the Administration of sufficient quantities of registration forms so that the Postal Service can deliver registration forms to each postal address in the United States and to each Armed Forces installation in the United States for the number of individuals at that address or installation who may be qualified electors and for the preparation of a reasonable quantity of such forms for public distribution at any post office, postal substation, postal contract station, or on any rural or star route.

"(c) The Postal Service shall distribute the registration forms to postal addresses and Armed Forces installations not earlier than forty-five days or later than thirty days prior to the close of registration for the next Federal election in each political jurisdiction in any State.

"(d) Whenever the Administration determines that the circumstances of a Federal election, other than a biennial general Federal election, present such difficulties of compliance with the provisions of this section as to justify an exception, it may issue such rules and regulations for the preparation and distribution of registration forms as it deems suitable, or for cooperative assistance with State and local officials.

"(e) This section shall not be construed to place any time limit upon the general availability of registration forms in post offices and appropriate Federal, State, and local government offices pursuant to agreements made under this section.

"§ 407. Prevention of fraudulent registration

"(a) Whenever a State or local official has reason to believe that individuals who are not qualified electors are attempting to register to vote under the provisions of this chapter, he may notify the Administration and request its assistance to prevent fraudulent registration. The Administration shall give such reasonable and expeditious assistance as it deems appropriate in such cases, and shall issue a report on its findings.

"(b) Whenever the Administration or a State or local official determines that there is a pattern of fraudulent registration, attempted fraudulent registration, or any activity on the part of any individuals or groups of individuals to register individuals to vote who are not qualified electors, the Administration or the State or local official may notify the Attorney General, and the Attorney General may bring a civil action suit in an appropriate United States district court or the United States District Court for the District of Columbia for a restraining order, a preliminary or permanent injunction, or such other order as he deems appropriate to prevent such registration.

"§ 408. Penalties

"(a) Whoever knowingly or willfully gives false information as to his name, address, residence, age, or other information for the purposes of establishing his eligibility to register or vote under this chapter, or conspires with another individual for the purpose of encouraging his false registration to vote or illegal voting, or pays or offers to pay or accepts or offers to accept payment either for registration to vote or for voting shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(b) Any person who deprives, or attempts to deprive, any other person of any right under this chapter shall be fined not more than $5,000, or imprisoned not more than five years, or both.

"(c) The provisions of section 1001 of title 18, United States Code, are applicable to the registration form prepared under section 405 of this chapter.

"§ 409. Financial assistance

"(a) The Administration shall determine the fair and reasonable cost of processing registration forms prescribed under this chapter, and shall pay to each appropriate State an amount equal to such cost per card multiplied by the number of registration cards processed under this chapter in that State.

"(b) The Administration is authorized to pay any State which adopts the registration form and system prescribed by this chapter as a form and system of registration to be a qualified and registered elector for State and local elections in that State. Payments made under this subsection may be made without regard to whether the State changes its requirements for duration of residency to be a qualified elector. Payments made to a State under this subsection may not exceed 15 per centum of the amount paid that State under subsection (a) of this section for the most recent general Federal election in that State.

"(c) The Administration is authorized to pay any State which adopts the registration form and system prescribed by this chapter as the form and system of registration to be a qualified and registered elector for State and local elections in that State and reduces any duration of residency requirement otherwise in effect to a period not exceeding thirty days prior to any Federal or State and local election. Payment made to a State under this subsection may not exceed 30 per centum of the amount paid to that State under subsection (a) of this section for the most recent general Federal election held in that State.

"(d) Payments under this section may be made in installments and in advance or by way of reimbursment, with necessary adjustments on account of overpayments or underpayments.

"§ 410. Regulations.

"The Administration is authorized to issue rules and regulations for the administration of this chapter."

(b) The table of chapters of title 13, United States Code, is amended by adding at the end thereof the following:

"11. National Voting Registration Administration .... 401"

Sec. 3. (a) Section 3202(a) of title 39 United States Code, is amended—

(1) by striking out "and" at the end of clause (4);

(2) by striking out the period at the end of clause (5) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof:

"(6) mail relating to voter registration pursuant to sections 405 and 406 of title 13."

(b) Section 3206 of title 39, United States Code, is amended by adding the following new subsection:

"(d) The National Voter Registration Administration shall transfer to the Postal Service as postal revenues out of any appropriations made to the Administration for that purpose the equivalent amount of postage, as determined by the Postal Service, for penalty mailings under clause (6) of section 3202(a) of this title."

(c) Section 404 of title 39, United States Code, is amended—

(1) by striking out "and" at the end of clause (8);

(2) by striking out the period at the end of clause (9) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new clause;

"(10) to enter into arrangements with the National Voter Registration Administration, Bureau of the Census, for the collection, delivery, and return delivery of voter registration forms."

Sec. 4. Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(131) Administrator and Associate Administrators (2), National Voter Registration Administration, Bureau of the Census."

Sec. 5. There are authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

The PRESIDING OFFICER. The pending question is on agreeing to the motion of the Senator from North Carolina (Mr. Ervin) to recommit the bill.

Mr. McGEE. Mr. President——

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. McGEE. Mr. President, I suggest the absence of a quorum, without relinquishing my right to the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McGEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. Mr. President, I have prepared some remarks explaining the pending legislation to which a pending motion to recommit is on the record at the present time. Therefore, I should like to say just a word or two about what the measure proposes to do, before spelling out the rest of my comments.

This Voter Registration Act would simply provide that, under the Bureau of Census, a voter registration administration would be set up which would provide for mailing to all householders. This would operate under the present Census Bureau mechanism and the post card combination would make it possible for the recipient to register in his State, wherever he was.

He would do this by returning the post card to the election authorities in his State, not to the Federal Government. Once the card was received by the registration officials in his State, he would be officially added to the roster of voters. This is very similar to the roster now existing under the Federal Registration Act of 1970, affecting only the election of the President of the United States. This measure would extend such registration to all Federal election offices. That would mean the President, the Vice President, Senators, and Members of the House of Representatives.

It would further provide that in those elections, 30 days would be the longest residence requirement permissible in any State, and the consequence would be to simplify the registration process in the country.

The reason is that a study of the last nationwide election—namely, 1968—reveals that 47 million people otherwise eligible did not vote; and the study that was made by George Gallup of those 47 million people disclosed that many of them did not vote because of various obstacles in the registration procedures.

There always will be a number of people who will not vote, no matter what happens, and you cannot legislate that behavior pattern. But because of the many who say they would vote if it were possible to work out these registration difficulties, it is important that we seek reform with effective safeguards, so this will be possible.

We have a great deal to say in our country about free elections. Yet, our track record on this is not as high as I suspect it ought to be or we would like it to be, and any number of the other representative democracies in the world have a far higher percentage than we have.

The point is that 60 percent of the eligible voters in this country in the last presidential election voted. To put it another way, and rather starkly: While the successful candidate for President of the United States, President Nixon, received 43 million votes in winning the election, 47 million people did not vote.

It is this discrepancy we genuinely seek to correct.

The voter registration procedure, by using the Bureau of the Census and the postal system to convey the cards, has been bared for questions raised by people genuinely interested in improving the voting procedures in this country. One of those questions involves fraud—there is fear expressed that, by dealing in the postal mechanism, fraud would lend itself to groups taking advantage of this process of registering voters.

I think the record should show that one State, North Dakota, has no registration. We have a few areas which have limited registration under these processes, and we tend to confuse abuses to the system that have occurred in voting, in casting ballots, with the processes of registration. Abuses of the registration process have been minimal, at the very most, and this is not where the abuses lie.

To begin with, there is almost no incentive at the registration level to attempt the kind of abuses that have come to be associated with the casting of the ballot itself. Therefore, in this process we will have made it possible for all voters in the country to vote in a way that we have already set up for them to vote in all presidential elections even now, under the Voting Rights Act of 1970. Given the process now on the books, we are confident that it would be but a very small step to make this applicable to all Federal elections. This would not apply to State elections—they will continue to be handled by State officials.

Very frankly, S. 2574 contains a provision to help a State defray some of its costs, if it has extra costs in this form of additional registration—up to 15 percent of the costs. Also, they would be assisted to another 30 percent of the cost if they were to adapt their State requirements to this mechanism.

But there is nothing compulsory about it. There is nothing mandatory. It is up to the State's exercise of its own options in this regard.

The measure would provide that post card registration would be in order up to 30 days before the election and that no State could deny an individual the right to vote, if he could establish the fact that he was resident in that State. His signature would be the affidavit to the authenticity of it, subject to the preparation of the voter registration rolls that ordinarily proceed in every State under the circumstances.

A question has been raised with regard to how you could rely upon something as informal as a post card to validate this. The answer to this is simple. The IRS accomplishes the same result with the tax form. This is done by mail and is authenticated by a process which, in that case, is centralized in the various offices of the Internal Revenue Service. But in this instance, the validation would be left in the hands of the States, but the authenticating order by mail would seem to contain intrinsically less incentive to abuses than certainly the returning of one's income tax returns.

In some States, Texas is an illustration, they have a registration process now available with coupons printed in the newspapers. This could be handled in many other illustrations to suggest that registering voters is not really the problem in terms of curbing abuses and that, if we are indeed concerned with fraud, we should concern ourselves with the largest fraud of all, and that is the system that discourages 47 million Americans from registering in the first place.

This measure is offered in order to correct this obvious gap in our electoral process.

I would add, Mr. President, because the pending matter is a holdover from the preceding session of Congress; a motion will be upcoming to modify the pending motion. As I understand it, from the Senator from North Carolina, Mr. ERVIN, he wishes to recommit this measure to the Committee on the Judiciary. Because of this, perhaps it is necessary to explain the background of the circumstance.

In matters involving voting procedures, under the rules of the Senate, these measures do not ordinarily go to the Committee on the Judiciary in the first place, except with the unanimous consent of this body. Normally, they would be assigned to the Committee on Rules and Administration. This was waived at the time it was submitted, and the Parliamentarian of the Senate determined that, because of the mechanism in the bill lodged in the Bureau of the Census, it would require that it be assigned to the Post Office and Civil Service Committee which has jurisdiction over that bureau. This was not assigned by unanimous consent, exempting the rules, it was assigned by the Parliamentarian because it was within the jurisdiction, under those circumstances, of the committee that held the hearings on the bill, that had committee deliberations on the bill, and reported S. 2574.

I would think, Mr. President, that in times like these in particular, when we are being watched for the example we set for the rest of the world, we not be caught nit-picking the fearful possibilities of a measure that is elementary and simple both in its concept and in its operation.

I believe it genuinely to be in the best interests of the electoral process in this land that we make it easier to register rather than to continue the difficulties or the obstacles which are present in the diverse systems that currently prevail among the 50 States.

To recap, Mr. President, this measure says very simply and very bluntly that in Federal elections for the President, for the Senate, and for the House of Representatives, there should be a fairly uniform and universal set of requirements for the right to vote, including registration in preparation for that right to vote.

It could not be put in simpler terms than that. S. 2574 accomplishes this.

Turning to my prepared remarks, Mr. President, the pending business of the Senate today is a bill designed to increase national voter participation in Federal elections by making it easier for citizens to register to vote.

In recent weeks, critics of this proposal have raised a variety of boogey-men to characterize S. 2574 as some monstrosity of administrative procedure designed to wreck State voter registration systems, enroll millions of ineligible voters on the elector lists, and create a general mess in the electoral process.

These issues have been raised, I contend, because those who oppose this legislation have some innate fear of mass participation in the electoral process in this country. The straw issues which the opponents of S. 2574 raise are no more than that—harrassment designed to obscure the genuine merit of this legislation and create fear in the minds of the public that the bill does something awful to representative government in the United States. Nothing could be farther from the truth, unless the opposition calls participatory democracy "something awful."

The facts are that S. 2574 sets out a simple administrative procedure to help citizens vote for their President, Vice President, Senators and Representatives by establishing a National Voter Registration Administration within the existing Bureau of the Census to arrange for the distribution of a simple postal card through the U.S. Postal Service to all residences in the Nation, to be filled out by the eligible voter in each household, and returned to the local registration official, who will place the voter's name on the rolls if it is not already there. It does nothing more than that. The Bureau of the Census already does a substantially similar task in the biennial census, as well as business and agricultural censuses which are taken periodically.

Now the reason why we need such a system is fairly obvious from even a cursory examination of the evidence. In the United States today, just about 60 percent of the eligible voters actually register and vote in presidential elections, when the turnout is the greatest. That is the lowest percentage of voter turnout in the free world. There are undoubtedly several reasons for this lack of participation, but one reason which we in S. 2574 will attempt to resolve is that it is not always easy to register to vote. The working men and women in this country cannot always make it to the courthouse to sign up. If you are out in the oil fields roughnecking, or taking care of five or six kids at home, or working a night shift and sleeping in the daytime, there are plenty of reasons why you can't get down to the county clerk's office to register to vote.

Many States have methods designed to help these eligible voters, but precious little is said about them. In my own State of Wyoming, county clerk offices are open on Saturday to help citizens register to vote. But all too often the Saturday opening is a one-shot affair, with little publicity given the occasion. And in any event, there are still many who cannot get to town regardless of when the office is open. The aged, the infirm, the rural resident, the housewife without transportation, all of these people make up the preponderance of those who do not register and vote. They are as entitled to vote as any others, and their Congress should see to it that the system of registration does not disenfranchise them because of its complexity or cumbersomeness.

In 1968, approximately 47 million adult Americans did not vote in the presidential election. Some of those perhaps were not eligible under prevailing State law because of residency requirements. Others are not going to vote regardless of what we do. But this fact stands out above all others: when there were no registration laws in our States, voter participation was quite high. When registration laws were enacted, participation sank below 50 percent in most States.

Why were these laws enacted in the late 1890's? Was it to prevent fraud, to insure fair elections? Far from it. We all know why they were enacted. They were enacted to prevent people from voting. The poll tax in some States, the grandfather clauses in others, the effort to discriminate against some nationalities—the oriental in the Western States and the European immigrants in the Eastern States—these were the real reasons. And they were effective. They still are. Because there is no doubt that the people who do not register to vote these days are largely those on the bottom end of the social and economic ladder in this country.

If real representative government in the United States is going to prevail, it must be structured so that all can participate. In this modern day, there is no earthly excuse for a registration system which tends to limit the free exercise of citizenship. There can be no justification for sustaining a system which prevents the unwary from knowing and using what is commonplace to the informed.

The major arguments against S. 2574, as they have been presented in the debate heretofore and in the written views of three members of the Committee on Post Office and Civil Service are threefold: first, that, the committee did not have jurisdiction over the legislative matter, which, as far as the merits of the bill are concerned, is irrelevant; second, that it is of doubtful constitutionality; and finally that it would lead to wholesale fraud.

Let me answer each of these charges. The Legislative Reorganization Act of 1946, as amended, gives the Committee on Post Office and Civil Service direct jurisdiction over the Postal Service and the collection of the census and statistics, generally, among other duties. S. 2574 relates directly to those two functions—the Bureau of the Census will conduct a registration program with the cooperation of the Postal Service.

At the time S. 2574 was introduced by me, with several cosponsors, and there are now 24 cosponsors of the bill, I am glad to say, of all regions of the Nation, it was referred to the Committee on Post Office and Civil Service by the presiding officer upon the advice and counsel of the distinguished Parliamentarian of the Senate. There were other bills of a similar nature also referred to our committee, and our extensive hearings on this legislation encompassed them all. No witness appeared to testify that we were in the wrong ball park. No Senator raised any objection to our consideration. Several, indeed, appeared to urge the necessity for speedy and effective action.

Why, then, do we hear this argument today. The answer—the truthful answer—is simply delay. Anything to put off consideration of a bill to bring more people to the polls in 1972. Refer the bill to the Committee on the Judiciary, which has considered some other voter registration legislation in the past having to do primarily with civil rights. This bill does not relate to civil rights, and would be inappropriate in the committee. But do it anyway, the opponents of S. 2574 say, so that we will not have the threat of massive voter registration through an effective federal system.

The second argument against S. 2574 is that it is unconstitutional, that it places the Federal Government in a business clearly reserved for the States. This argument was raised in our committee hearings last fall by the Deputy Assistant Attorney General, who, I might add, had been in office about 3 days and admitted his virtually complete unfamiliarity with either the bills before the committee or the issues involved. But the issue has been raised, anyway. It is, like all of the arguments raised against this legislation, purely specious. It is no more unconstitutional for the Federal Government to intervene in the planning and execution of Federal elections for officers of the Government of the United States than it is for the Federal Government to support argiculture prices for every farmer in the land, lend money to the Penn-Central Railway, build a 41,000 mile Federal-State highway system, appropriate billions of dollars for higher, secondary, and elementary education of State and local school system, or any other social or economic program which characterizes our Nation today.

As long ago as 1932, Chief Justice Evans Hughes recognized the validity of Federal laws in the election process, at a time when the Supreme Court was not so liberal on social issues as it has been recently. And yet that Supreme Court decision—Smiley against Holm—was a unanimous verdict by the Court.

In the 1970 Voting Rights Case, Oregon against Mitchell, the Supreme Court upheld the Federal registration period for presidential elections being established by Federal law by a vote of 8 to 1.

So, in my view, the arguments of constitutionality are the same as the arguments about the committees' jurisdiction, the raising of a grave constitutional crisis to avoid the enactment of a progressive bit of legislation. Like State Rights, it is an argument invariably heard in the defense of a selfish vested interest fighting off the inevitability of progress.

The third argument proposed against S. 2574, and the argument given most publicity, is that of fraudulent registration. It seems that out of nowhere, a great mass of ineligible voters will appear to sign post cards and return them to the county clerk to register.

Well now, in the first place, that just is not so. Anyone who is interested in fraudulently registering to vote can do so today, and undoubtedly some do. All you have to do is go to the county clerks' office and sign up. Contrary to the impression which some seem to believe, ineligible voters tend to resemble eligible voters. It would be helpful if those who do not meet State voter qualifications wore bright green clothing with a large pink hat and had an ineligible countenance on their face, but they do not. They are shockingly similar to everybody else. And if they are interested in voting in violation of State laws, they are certainly able to do so if they will sign an affidavit of their eligibility. Although there may be such instances, I have never heard of a clerk in the county clerk's office carefully scrutinizing the credentials of a registration applicant to make sure that he fulfills the residency and age requirements.

Under S. 2574, there is nothing to change the county clerk's authority to examine the credentials of a registration applicant. As a matter of fact, all our bill does is to offer assistance to any State or local official who believes that fraud is occurring in this post card registration system. And the Bureau of the Census will send in voter registration investigators to examine the evidence and assist the county clerk in getting the job done right.

If the clerk receives a postcard from John Jones which says he is eligible to register, and the clerk doubts the truth of the statement, there is no provision for John Jones to get on the voter rolls notwithstanding the clerk's decision in this bill. He may go to court, either a Federal court under the Voting Rights Act of 1965, which is an entirely separate law, or he may proceed under applicable State law.

So the fraud just is not there. If the State officials suspect it, they can ask for help from the Federal Government to investigate it, and they will get it. If they wish to proceed on their own, they may. As is the case with the other issues raised against this bill, the issue of fraud is just another goblin in the night designed to frighten the Senate into rejecting this legislation. I cannot believe that 24 Senators, Southerners, Northerners, Westerners, men of many persuasions, would endorse and sponsor legislation of this sort if they had any idea at all that it could lead to election fraud. That is just beyond the realm of reasonable possibility.

During the coming days, I am sure other arguments will be made by those who oppose greater voter turnout, and various defects in this bill will be spotlighted. I do not claim that we have a perfect bill, and amendments to improve the bill, to make it more responsive to the needs of the people and the legitimate machinery for voter registration in our States today will certainly be supported by those of us—one-fourth of this Senate—who look upon this legislation as a vital part of the democratic process.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent that two additional assistants from the committee be admitted to the floor until completion of this business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. Mr. President, I yield the floor.

Mr. ERVIN. Mr. President, I ask unanimous consent that I may withdraw the motion originally made to recommit this bill to the Post Office and Civil Service Committee.

The PRESIDING OFFICER (Mr. ROTH). Without objection, the motion is withdrawn.

Mr. ERVIN. Mr. President, I move that the bill be referred to the Committee on the Judiciary.

This is a very simple bill. It proposes to change the laws which have prevailed in this country every since 1789 and to take the registration of voters in Federal elections substantially out of the hands of the State and to put them into a new agency in the Bureau of the Census.

The bill illustrates the fact that the staff of the Committee on Post Office and Civil Service know a lot about postal cards but virtually nothing about elections. I say that with all due respect.

Mr. President, this is a highly dangerous bill. In the hands of an unscrupulous organization, it would virtually permit the stealing of the Presidency of the United States. It would abandon all of the safeguards which human experience has shown are needed to safeguard elections and to make it certain that no one shall vote in an election unless he is qualified by the laws of the State, subject to the residency requirements now enforced or proposed to be enforced for Federal elections.

As I said, since 1789 the power to pass on the qualifications of voters and to register voters for all elections, Federal, State, or local, has resided in the States, where it rightly belongs.

During recent years, we have witnessed the constant centralization of power in Washington. I suppose it is a symptom of "Potomac fever." One of the things that is passing strange to the Senator from North Carolina is the fact that so many Members of Congress come to the conclusion, shortly after they reach this body, that the people that sent them here have not got sufficient intelligence to run their own affairs and to administer Central Government requirements, and that these powers must be taken away from the people in the locality and reposed in some executive official who is elected by nobody to do anything and who is responsible to nobody and who dwells on the banks of the Potomac River.

If my memory serves me correctly, there are 50 States in the Union. And in these 50 States, there are 184,000 separate election precincts in which people cast their votes for presidential electors, Senators, Representatives in the House of Representatives, and all State and local officials.

This is a proposal that the power to register voters be really taken away from the State and local election officials in these 184,000 election precincts and be given to three bureaucratic Solomons in the Bureau of the Census. Every safeguard that the State laws now throw around the elections to prevent the stealing of elections is ignored by this bill. And I fear that they are abolished by this bill.

I say that because there is a rule of law that when the Congress enters into a field of legislation in which the States have operated, the courts often hold that the action of the Congress has supplanted the capacity of the States to act and State laws are nullified and State officials are denied the power to take action.

The distinguished Senator from Wyoming mentioned the fact that in one State—I believe he said North Dakota—which is a rural State, the local election officials know everybody who resides in their precinct—and he said they have no registration requirements. It is easy to see how that kind of system can operate in a rural community. But that kind of system will not operate in a center of population such as New York, Chicago, Kansas City, or Los Angeles, where the largest proportion of the voting population in the United States now reside. In these cities and in other American cities, it is rare that the man who lives in an apartment house even knows the names of people even in the adjoining apartments.

It may be said that there is no danger of election frauds. Yet, some years ago they had quite an investigation of an election in Kansas City. As a result of that election, the district attorney wrote a book in which he recounted what the investigation of that election disclosed. The investigation of that election disclosed the information, according to this district attorney, that the names of scores and scores of people had been placed upon the registration books as having resided in vacant lots or in filling stations and that votes had been cast in the names of those people.

I had a man tell me on one occasion many years ago that he was in the city of Chicago in destitute circumstances. He said that on election day he went to a party headquarters in a certain section of the city of Chicago to seek a little economic sustenance so that he might keep body and soul together a few more days. They made him a proposition that they would give him a dollar for each vote that he cast in the election.

That man gave me his solemn assurance that he was taken to 17 different precincts and voted 17 different times under 17 different names and that he received $17 for so doing.

This bill does away with every safeguard under the existing practices in the 184,000 election precincts in the United States. A man or a woman who desires to exercise his or her franchise has to go to the registrar in person and answer such questions as the registrar may put to him or to her in respect to their qualifications for voting. This bill contemplates that the State or local registrar will never see the voter whom they undertake to register by postal card. As a matter of fact, this bill contemplates that the election official will be denied access to all information about the qualifications of a person, who is called an individual, except the information which is set forth by that individual or by somebody for that individual on a postal card.

History tells us that George Washington was a truthful man and that Ananias was a monstrous liar. When we look at a written instrument which is signed by George Washington and a written instrument which is signed by Ananias, we cannot tell the difference between them. That is the reason that courts of law require that witnesses be produced in person and be subject to cross-examination, and that those who are to determine the facts see them in person, because it is very easy to tell the difference between George Washington and Ananias if one sees them in person and has an opportunity to observe their conduct and their demeanor.

It has been on this basis that all election laws have been administered down to this date. And even with such safeguards as that, we have had on occasion monstrous frauds practiced in elections. It is one of the strange things that many men who would not steal a penny of anyone else's money are willing to steal elections. And yet this bill throws into the discard every provision of existing law which is designed to enable State and local officials to determine whether or not a fraud is being practiced upon them.

As a matter of fact, under this bill, if a State or local election official receives one of these postal cards through the mail he is not even given the opportunity to find out if there is any such person in existence who bears the name which has been signed to that postal card. There is not a provision in the bill that gives him that right or that power. He is not given any right when he receives a postal card under the provisions of the bill to determine whether that postal card is a forgery or not. He is not given any power to do anything under this bill except to read the postal card and on the basis of the reading of that postal card he is required to make an adjudication.

He is required to make an adjudication without knowing whether a single human being exists whose name is signed to that postal card and without any ability to find out whether the postal card was a forgery or whether there is a word of truth in the statements made on the postal card.

But more than that, Mr. President, under this bill he is required, on the basis of this statement on the postal card, to make an adjudication on what the postal card says without investigation, with respect to a man whom he has never seen and whom he does not even know exists or even if he has been created by the Lord God Almighty from the time of the beginning of this world until the time he receives the postal card.

If he finds out there is some rascality, if he finds out there is some fraud being performed, if he finds out somebody is trying to impose upon him and get registration when he is not eligible to be registered, he cannot do a thing about it.

I say that for this reason. The language on page 19 of the bill, section 407 states:

> Prevention of fraudulent registration. (a) Whenever a State or local official has reason to believe that individuals who are not qualified electors are attempting to register to vote under the provisions of this chapter, he may notify the administration—

The administrator and his two assistants here in Washington—

> and request its assistance to prevent fraudulent registration. The administration shall give such reasonable and expeditious assistance as it deems appropriate in such cases, and shall issue a report on its findings.

Who, in dickens, is it going to issue the report to? In other words, when the State or local official finds out somebody is trying to practice a fraud on him he cannot do anything about it; he has to notify some folks up here in Washington.

Well, under existing law he can go to the nearest justice of the peace, swear out a warrant against the person, and proceed against him, but where the existing law is superseded by a congressional enactment, the probability is that the court will interpret existing law to have ceased to exist. It is very interesting to read the next section. Where there is an effort to perpetuate a gigantic fraud upon the people, such as that reported by the District Attorney's office as having been perpetrated in Kansas City some years ago, what can the poor State and local official do? Nothing; not under this bill. They cannot get a warrant; they cannot consult the local prosecuting attorney. They have to come up here and take it up with the Attorney General of the United States.

Here is what section (b) states on page 19:

> (b) Whenever the Administration or a State or local official determines that there is a pattern of fraudulent registration, attempted fraudulent registration, or any activity on the part of any individuals or groups of individuals to register individuals to vote who are not qualified electors, the Administration or the State or local official may notify the Attorney General, and the Attorney General may bring a civil action suit in an appropriate United States district court or the United States District Court for the District of Columbia for a restraining order, a preliminary or permanent injunction, or such other order as he deems appropriate to prevent such registration.

Mr. President, under the present law if a man fraudulently registers he can be challenged by any citizen or he can be challenged by the State or local election official, and then he has to prove his qualifications.

But that is not so under this bill when anyone thinks there is a fraud being perpetrated—that is, anyone charged with election irresponsibility. He cannot do anything in the world but consult his Attorney General.

From my experience as a practicing lawyer it usually takes the Attorney General's office about 6 months to investigate anything and by the time the 6 months has passed the election is over and the fraudulent voters have cast their votes and perhaps determined the destiny of the United States.

But if the Attorney General, after investigation, decides to do anything about it to put a stop to fraudulent voting he has to bring a lawsuit and the lawsuit amounts to nothing unless he first gets the U.S. marshal to go and find this voter and serve him with the complaint in the action.

There is not a syllable in this bill that has any reasonable tendency to prevent the gravest kind of rascality being practiced under this bill. There is no provision challenging voters; there is no provision that gives any State or election official the right to deny registration to a man whose testimony he does not believe. He is bound to act solely on the statement of that man on a postal card, without even knowing, as I said, whether the man actually exists, or, if he exists, whether the signature to the postal card is a forgery or not.

The distinguished Senator from Wyoming says that the Parliamentarian referred this bill to the Committee on Post Office and Civil Service. I concede that is so. I do not criticize the Parliamentarian for making such reference, because the truth of it is that when this bill was introduced there was not very much said about regulating the election laws. It just talked some phrases about the Bureau of the Census.

With all due deference to everybody, I say facetiously, but I also say it seriously while I say it facetiously, that they gave the Parliamentarian a wolf dressed up in sheep's clothing, and on that basis he sent this bill to a committee that has no more jurisdiction in the field of elections than I have to select lingerie for the Queen of Sheba.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. McGEE. I would be interested in the Senator's expanding more on that last disqualification of himself, which was laden with interesting ramifications.

Mr. ERVIN. Well, I would say to my distinguished friend from Wyoming that if I sought to expend my jurisdiction in a manner comparable to the expansion of the jurisdiction of the Committee on Post Office and Civil Service, I would presume the right to select lingerie for the Queen of Sheba, but I do not believe in expanding my jurisdiction even in such desirable circumstances as would be involved in that case.

Mr. McGEE. I appreciate not only his eternal sense of humor but his dry wit in so many of these situations where my good friend from North Carolina draws parallels and suggests analogies. I would like to submit that perhaps that is a bit overdrawn, but even making just allowances for it, the jurisdiction of the Committee on Post Office and Civil Service encompasses the Bureau of the Census. This bill was a simple procedure for registering individuals. The process ability of the Census Bureau was attested to by the Director of the Bureau. He said they could indeed meet the requirements of the preparation of these rolls and mailing the cards. The postal system, while it might be open to question to some persons, can deliver the post cards. So the real test comes in those being returned to the States where the recipients of the post cards claimed to be residents, and there the same procedures apply for validating the registration.

There is nothing new in the procedure. It is the device of permitting one to register because he could not get down to register in the hours during which registration was permitted, 9 to 5, because he was a laboring man on the job or he was on the road or he was traveling through the country. It was somewhat to overcome those barriers that this procedure was suggested, while the registration process remains essentially the same.

Mr. ERVIN. No. Show me any place in the bill where the registrar can summon the man before him.

Mr. McGEE. I did not hear that.

Mr. ERVIN. Show me any provision in the bill which provides the registrar with any right except to look at the postal card.

Mr. McGEE. And validate the registration. In other words, these procedures are used at the present time to validate any registration. If some stranger walks in whom the registrar has never known, and says "I live at 4221 Sheridan," that is all the registrar knows about him.

Mr. ERVIN. There is nothing in the bill that says he may see anything except what is on the postal card, and he cannot find out whether the man who wrote the postal card actually exists, and he cannot find out whether the postal card is a forgery, and he cannot find out whether the statements on the postal card are true or false.

Mr. McGEE. The same procedures that exist for the validation of any registration pertain to this case.

Mr. ERVIN. Will the Senator accept an amendment which I might offer which provides that all the State laws which give the State or local official the opportunity to summon the man before them and to take evidence on this point shall not be affected by this bill?

Mr. McGEE. Not only that; it provides that if there is any reason to suspect fraud—and it specifies suspicion of fraud—they shall use the usual procedures which are used to validate it.

Mr. ERVIN. Here is a copy of the bill. Will the Senator show me where that appears in it? I have read the bill backward and forward, and have not found it. It says that when he suspects fraud he has to notify the people in Washington, the administrator and his two assistants.

Mr. McGEE. It says he may ask for that help only if he feels he cannot handle it at the State level, and the hope is that he will be able to handle it at the State level.

Mr. ERVIN. Where does it say he will handle it at the State level?

Mr. McGEE. Under State law today. This does not change the State law today and it says it does not change it.

Mr. ERVIN. Where does it say it?

Mr. McGEE. If it does not change State law, it need not say it does not change it. We are not altering State law.

Mr. ERVIN. Oh, yes. That is what they said when Congress passed a law in reference to conspiring to overthrow the Government by force and violence. It never said anything about changing State law. Yet when the State of Pennsylvania prosecuted a man named Nelson for conspiracy to overthrow the Government by force and violence, and the State and the Federal Government both had laws applying to that, the court here held that the Federal law entirely superseded the State law and the State had no power to prevent people from overthrowing the Government by force and violence.

Mr. McGEE. The Senator's allusion is to conspiracy to overthrow the Government. We are not dealing with conspiracy to overthrow the Government, as the Senator well knows, in this legislation.

If he will turn to page 19 of the bill, he will see there is no preemption anywhere of that law. I challenge the Senator to show any preemption of the law at the State level. It says on page 19:

> Whenever a State or local official has reason to believe that individuals who are not qualified electors are attempting to register to vote under the provisions of this chapter, he may notify the Administration and request its assistance to prevent fraudulent registration.

Mr. ERVIN. It says when he discovers rascality, instead of doing anything about it, he has to notify the people in Washington. That is exactly my objection.

Mr. McGEE. He does not have to; it says he may.

Mr. ERVIN. In fact, he does not have to do it; he may.

Mr. McGEE. That is correct.

Mr. ERVIN. He may not notify anybody.

Mr. McGEE. He determines the registrars' rolls.

Mr. ERVIN. Oh, no. It says that, if he discovers that individuals who are not qualified electors are attempting to register, he cannot deny them the right to register; he can only tell the administration up here about that and hope it will do something to prevent fraud.

Mr. McGEE. The Senator, of course, disagrees with me about what the intent of the committee is. Would the Senator be willing to submit an amendment that would make crystal clear the point he is making now—that this does not preempt the normal procedures of validation of registration? If the Senator would, I would be very much interested in entertaining such an amendment.

Mr. ERVIN. It is not that.

Mr. McGEE. Will the Senator submit such an amendment?

Mr. ERVIN. I will try to, if I can get off the Senate floor long enough to do so.

Mr. McGEE. If we could arrange for him to do that now, would the Senator be willing to address himself to that question? It would be very helpful if, in his judgment, as he has made very clear, there is an ambiguity.

Mr. ERVIN. Yes; it is not only ambiguous, it leaves it open for the courts to hold that the State law is entirely superseded.

Mr. McGEE. There is no one in this body who has more respect for the knowledge of constitutional law and its implications in all of our legislation, whatever it may be, that the Senator from North Carolina has always displayed than I have. I have great respect for that. That is the reason I ask sincerely for a moment or point where he would find it possible to do so. It would be helpful to the committee to have an amendment of that sort submitted.

It would be very helpful.

Mr. ERVIN. I will show the Senator. I would say, with all due respect to the committee, that I do not blame the committee. The committee has been doing what the Postmaster General used to do, seeking to stop people from reading postal cards.

Look at this, on page 17:

> Registration forms shall provide adequate space on the reverse side of the form for the writing of the name and address of the individual submitting the form for registration to vote, and the second part of the form shall be completed and promptly returned by the State or local official to the applicant at the address on the form.

Promptly. He is not even allowed time to investigate. It tells him what he, the State official, has to do. There is not a syllable in this whole bill that says that the State election official has any power to do anything except to pass on what the postal card tells him. He cannot even find out whether the man who purports to sign the postal card exists, or whether the postal card is a forgery, or whether the information on the postal card purports to be true.

Mr. McGEE. Would the Senator be willing to have a quorum call right now? I would be happy to sit down with the Senator. It would be helpful to me.

Mr. ERVIN. May I ask the Senator how long the Senator and his committee had to review this bill?

Mr. McGEE. We spent several months on the bill. We felt this provision was clear. The Senator does not feel it is clear.

Mr. ERVIN. But does the Senator actually mean to sit down right here at this desk and write an amendment to the bill to avert the disastrous consequences of a bill that the committee took several months to draw? I do not believe I am prepared to do that right on the spur of the moment.

Mr. McGEE. When would the Senator be prepared to do it?

Mr. ERVIN. Mr. President, I would suggest to the Senator that on page 17, line 4, we add, after the word "individual.", substantially the following language:

> The State or local official shall have the power to conduct such an investigation as is necessary or appropriate to enable him to determine whether the person whose name purports to be signed to the postal card exists, and if so, whether the statements made on such postal card by the person whose name is appended thereto are true or false. In so doing, the State or local election official shall notify the individual whose name purports to be signed to the postal card, and give him an opportunity to appear before the State or local election official and establish his qualifications to register under the terms of this bill.

I might also add to that:

> This Act shall not be construed to repeal or impair the validity of any State law conferring upon a State or local official the power to determine by such means as the State law permits the qualifications of persons who seek to register under this Act.

Mr. McGEE. Provided that it does not deny them the right to register up to 30 days before the election.

Mr. ERVIN. Well, that would be elsewhere in the bill. It would not be needed right there.

I think something like that could be added.

Mr. McGEE. On the matter of procedure, as I understand the parliamentary situation right now, I would be out of order to request that amendment at this point, because this is, in effect, an amendment to an amendment. We do have some perfecting amendments that we want to talk about and consider as soon as we are off of this pending parliamentary question, and we could consider them in that context, and that would give us a little time to refine this language.

Mr. ERVIN. Well, I might say to my good friend from Wyoming, that is one of the reasons I am asking that this bill be referred to the Committee on the Judiciary. It is the committee which has handled virtually every election bill that has been presented to the Senate since I came to the Senate almost 18 years ago, and it has staff members who are rather expert in drafting legislation relating to elections.

Mr. McGEE. We appreciate the expertise of the committee. We think, as I say, Mr. President, that we are not totally inept on our committee in this regard, and that is why we would appreciate the refinement of the constitutional background of the Senator from North Carolina, whose specialty in that category has heretofore been shared; he has shared it generously with almost every committee in this body, and we are asking him to share it with us now. Whatever the legislation, we can always refine it and improve it. But this does not address itself to the part of the question about the expertise for putting together this mechanism for making it easier to register for Federal elections.

Mr. ERVIN. Mr. President, one of the strange things about our legislation in this body is that Congress shows a solicitude for people who show no solicitude for themselves. The process of registering to vote is a simple process. There is no difficulty about registering. In many areas of this country, they have registration systems such as that which prevails in my county. The books are open for registration throughout the year. A man can go before the election official in my county on any day except a Sunday or holiday during the year, and register to vote. Since they have abolished the literacy test, for all practical intents and purposes the questions that are addressed to him are relatively simple, about where he resides, what precinct he resides in, how long he has resided there, and whether he has been convicted of a felony or whether he has been committed to any hospital for the insane, or is an imbecile. When he gets through with that—it takes less than 10 minutes—the man is registered.

Why, in view of that, my good friend from Wyoming is so solicitous to procure the registration of people who do not care enough about America and are not concerned enough about our Government or concerned enough about their right to vote to take the trouble to spend 15 or 20 minutes to appear before an election official and register is something I am incapable of comprehending. I would hate to see the destiny of my country entrusted to people who are so little concerned about registration that they will not take 15 or 20 minutes out of 3 or 4 years—sometimes out of a lifetime, because in many States registration is permanent.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. ERVIN. Yes.

Mr. McGEE. Had the Senator had the benefit of our rather extended deliberations on this matter, I think he would have been impressed, as I was, with the numbers of individuals who were willing to say to us things such as those I quote now from a letter from a lady which has come more recently to my attention: That she is a working woman, and when she finally got some time off from work and went down to register, she found the local official in her community at that particular moment—it happened to be in Indianapolis—had gone out for coffee, and she was asked to wait.

She had to come back, because she did not have that much time off. So she went another day. That time there was some little matter of personal convenience involved, and she finally made three trips, and got registered.

Our question was, How many would have the patience to make three trips on three different days, when it could be resolved so easily this way? The number of such cases is attested to by a survey that was made of the 47 million—not 47,000, but 47 million—who did not vote last time, which suggested that many of them did not vote because of obstacles in the path of registering, not because they were too lazy to go down there, not because they did not care, not because they were indifferent, not because they could not mobilize their energies to exercise their franchise, but because of variables between the States, surely not in North Carolina or Wyoming, but in the other 48 States where they found it difficult to register and were simply, in Federal elections, trying to remove those variables.

Mr. ERVIN. There is a great deal more to it, in my opinion, with all due respect.

I have been concerned with elections ever since I got to be 21 years of age. I have done much to register voters. I have found no great difficulty in people registering. To tell me that these people do not know about elections and where to go—in every newspaper appears information about where to go to register, every little county paper in this country. It comes over the radio; it comes over TV. Every one of these 47 million people who did not go out to vote had access to television or to radio, and they heard the politcians begging and pleading with them to come out and give them their votes; and they did not care enough about voting to go out and do it.

This sob stuff about elections—if a person cannot get registered, he can find a politician who will see that he gets registered.

Mr. McGEE. There are groups in this country that have been very active in registering voters in both political parties—the labor unions, the League of Women Voters, the voter registration committees that serve communities in civic action programs in many ways—and they will all attest to the Senator, as they did to the committee, that even as they organized those registration programs, so that the people are eligible to vote in the election, they still encountered these barriers to registration procedures. They got some; they got large numbers; but they were not able to get still larger numbers because of the variables. We have many extreme cases.

Mr. ERVIN. I say to the Senator that every community I know of has civic clubs that assist in registration drives. If a person does not have an automobile, the club will transport him to the registrar. With respect to all this stuff about difficulty getting registered, from my experience and my observation—I mean no reflection at all—I think it is so much hogwash.

Mr. McGEE. It may be hogwash that 47 million people did not vote, but it is pretty important hogwash, I say to the Senator, particularly when many of them said they could not vote because of the difficulties in registration.

Mr. ERVIN. Who talked to 70 percent of 47 million people?

Mr. McGEE. This is a sampling study of the 47 million people which George Gallup conducted, to try to pin down the difficulty as tightly as he could.

We know that there are voters in this country who could not care less. If you drove up with a car, they would not vote. We are talking about those who would like to vote and who, for many other reasons, found it impossible to register, whether it was their working hours, whether it was the inconvenience of hours in which the registrar stations were open, whether it was the early date on which they had to be registered before interest had been whipped up in an election. It varied in many different States.

We simply are seeking to remove any alibi anybody has that they did not vote because they could not register, and I think this would do it.

Mr. ERVIN. Why not amend this bill to let them vote by post card, if they are too lazy to go to the polls?

Mr. McGEE. If the Senator wants to submit an amendment to that effect, I am sure it will be in order here.

Our point is that the voting can be formalized and validated through the registration process. That is why we have it. Some areas do not even register except when and as they vote.

The Senator has suggested that we ought to say specifically that, so that we do not put the local authorities out of business. We had no intention of putting the local authorities out of business. I ask the Senator if we might not draft that language, so that in order, and in a parliamentary way, we could weigh that as an amendment; and I am hopeful that we will still go through with that, because it would be very helpful.

Mr. ERVIN. About the easiest thing a man can do in this country today is vote. It takes less time to register and vote than it does to go to a picture show or to go to a football game or a basketball game. I do not know anything that is more simple in this country than registering and voting. Everybody appeals to them to go out and vote. All the politicians ask them; the civic clubs ask them. Many people just do not care enough about this Government to take 30 minutes out of a 4-year period or a lifetime to go to a registrar and register. I really do not think you are losing too much in losing the votes of people who do not care enough about voting to take that little amount of trouble.

Going to the question of jurisdiction, let us see what the jurisdiction of the committee is that handled this bill.

The Standing Rules of the Senate, on page 37 of Rules and Manual of the United States Senate, 1971, read as follows:

> Committee on Post Office and Civil Service, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects.

First. The Federal civil service generally.

This bill has nothing to do with the

Federal civil service. It does not regulate it in any respect, except incidentally, with respect to the multitude of employees that would be added to the Bureau of the Census.

Second. The status of officers and employees of the United States, including their compensation, classification, and retirement.

This has no relation whatever to that.

Third. The post service generally, including the railway mail service, and measures relating to ocean mail and pneumatic-tube service; but excluding post roads.

The bill has nothing to do with that.

Fourth. Postal-savings banks.

This bill has no reference to postal-savings banks.

Fifth. Census and the collection of statistics generally.

This bill has nothing to do with the census or the collection of statistics.

Sixth. The National Archives.

The bill does not have the remotest connection with the National Archives.

It would be just as well to introduce a bill here, to get it referred to this committee, to give the Post Office Department jurisdiction of divorce cases, on the ground that love letters go through the mails and sometimes precede the marriages which end up in divorce.

I cannot imagine a bill more alien to the jurisdiction of the committee than this bill is to the jurisdiction of the Committee on Post Office and Civil Service. This bill is to revise all the election laws in the United States, and certainly the Committee on the Judiciary has jurisdiction, as set forth on page 35 of the book to which I have referred. It has jurisdiction of "all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects."

No. 5 reads:

> Revision and codification of the statutes of the United States.

This is a revision of the statutes of the United States relating to elections for Federal officials. I maintain that, as a matter of custom, the Committee on the Judiciary has had jurisdiction of bills like this; but certainly the Rules Committee has a far greater claim on this bill than does the Committee on Post Office and Civil Service.

I read from pages 38 and 39 of the book to which I have referred:

> (D) Matters relating to the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; Federal elections generally; Presidential succession.

Clearly, Mr. President, the Committee on Rules and Administration has jurisdiction—either the Rules Committee or the Judiciary Committee has jurisdiction of this bill. The committee which reported the bill had no jurisdiction whatever over the subject matter of the bill. If we can give that committee jurisdiction by making reference to the Bureau of the Census, then that committee has jurisdiction over everything, because the Bureau of the Census takes a farm census, so that would give the Post Office and Civil Service Committee jurisdiction over farming and agriculture.

Thus, I hope that the Senate, at the appropriate time, will vote in favor of referring this matter to the Judiciary Committee.

It is a right queer thing to convert the Post Office and Civil Service Committee into a committee on election laws, but that is what this bill proposes to do.

I assure my good friend from Wyoming that while I cannot shed any actual, crocodile, or political tears over people who are unwilling to take 20 to 30 minutes out of their lives to go and register to vote, I will be glad to prepare an amendment which will make certain that the preeminence doctrine shall not apply so as to oust the States from their jurisdiction in this field, and to make it clear that, any provisions in the bill notwithstanding, the right of a State or local election official to seek the truth shall not be thwarted by a postal card.

Mr. McGEE. Mr. President, I appreciate the offer of my good colleague from North Carolina because his wisdom in this field is very important to the success of a procedure like this. I would likewise hope very much that such clarifying language would be drawn in such a way that, shall we say, diliatory tactics could not be used or recourse had to avoiding the intent of the law, which we already have on the books under the Voting Rights Act of 1970 in regard to the length of residency requirements, and that sort of thing. Again, we are seeking to try to make this at the Federal level, for Federal office alone, workable so that a citizen who lived in North Carolina and moved to Wyoming, or vice versa, would not be penalized, because of the variables involved.

Mr. ERVIN. Let me say to my good colleague from Wyoming that anyone who moves from North Carolina to any other spot on earth penalizes himself most severely.

Mr. McGEE. I would agree with that. It is one of the most glorious areas I have ever found. I need more invitations to go down there. I would say that the poor judgment of quite a number of North Carolinians is reflected in the fact that we have a very large contingent of them, for some reason, that do now reside in Wyoming. They are fine citizens. Whatever the basis for their judgment was, it is not my privilege to know.

I am confident that we can work out clarifying language in that regard to protect the uncertainty, the doubt, or any misgivings the Senator has in regard to what happens through the process of validating this registration list that would become available in each of the States.

During the course of the colloquy here, I have been advised that in the election of 1968, the national average of those who voted and who were eligible was over 60 percent; that in the Senator's own State, 17 percent of white eligibles and 49 percent of black eligibles to vote did not vote.

I just cannot make strong enough the suggestion nationwide that there is something more involved in this than the indifference, the "don't care," or the laziness of many people. There are several million people whom we will never change by any kind of legislation, or even duress. But there are literally tens of millions of other Americans who would like and who say that they would like this chance to be permitted to vote and, therefore, it is only in that context that this bill was motivated.

I am just as interested in good government and responsible government, and not fraud, and not abuse, as the Senator from North Carolina is.

We are persuaded that in this procedure we do not aggravate anything not already currently aggravated in the process we have. We always have a few who will try to abuse or try to get away with it, but we try to discourage them and to apprehend those who do, if that is possible.

Mr. ERVIN. We had a controversy about trying to keep people from voting and the Civil Rights Commission reported that in the county in which I live, there were 104 and I believe it is three-tenths of 1 percent of the minority race of voting age registered. So there is no difficulty getting registered there. Notwithstanding the fact that my State has been placed in a "conquered province" status by the Voting Rights Act of 1965, in my county I would say that virtually everyone votes. We have two aggressive political parties down there. If anyone comes to my county, either Democrat or Republican, they will drag the citizens to the polls as quickly as they can, if they are found not to be registered. They will see that they are registered.

I want everyone to be allowed to vote if they want to vote, but the trouble with the post card is that some will try to vote more than once with it.

Mr. McGEE. I, too, suspect there could be abuses there. It is a specter constantly put before us, but I believe we will find those to be minimal indeed. It will be serious whenever that happens. Voting abuses are far more serious. There is nothing quite the equal of fraud in the election process, especially in a country which brags about its free elections, in a country that turns up with 47 million people not voting. That does not happen in Germany. That does not happen in France. That does not happen in Britain. That does not happen in Scandinavia.

What is the reason it happens here?

Are we lazier people? Do we not care as much?

I think part of the reason is difficulty in the registration procedures in this country, and that is the explanation, not the quality of our people.

Mr. ERVIN. When we were debating the Voting Rights Act, they were going to penalize my area of the country, because a lot of citizens did not turn out to vote. I pointed out on the floor of the Senate, when Richard M. Nixon was running for the Presidency in 1960, how low the vote was in California.

I pointed out the fact that when the candidate for the Democratic nomination in Massachusetts was running for President and the Republican candidate for Vice President was running, I pointed out how low the vote was in Massachusetts. I asked former Senator Morse to explain that, and he said perhaps it was because of the kind of candidates running, that people did not care to come out and vote for them. I do not know. The candidates certainly did all they could to get the people to come out and vote.

I do seriously say, though, that I do not favor turning this over to the Federal Government; but I do say that this bill should be amended to make it certain that it will not be construed to let Congress preempt the powers of the States or to repeal any law of any State which gives an election official the right to determine the truth with respect to voter qualifications. There is no law which gives him the right to invoke action by the States against fraudulent voting.

Mr. McGEE. Mr. President, what would be preempted here would be only the written requirements in terms of the different intervals of time required in some of the States. There would be no difference in its application in that since then the Voting Rights Act of 1970 was passed and is already on the books.

This would simply use the same voter lists, for example, in each of the States. It is specifically spelled out in our record that none of those would preempt the State's roll in all State elections. We simply set up a uniform, minimum length of time for a residence requirement, and the voting lists are all prepared and already in the hands of the States. The cards are all mailed back within the States.

The fact that there are those who feel that there would be, the first time around at least, an excessive manpower burden is answered by the fact that under the legislation we would make available manpower assistance because of that first congestion.

It is obvious under our present procedures that the great bulk of people are still going to be registered in the old process. They are those who are already on the registration books and are already registered. And those who participate and are active in statewide and local elections would, as they do now, go down to the courthouse and register. For Federal elections we are simply adding this help, and other things are left intact at the State level.

Mr. ERVIN. Mr. President, we had some hearings before the Judiciary Committee on this problem. Most every State official that had supervision of elections came and said that it would be a most unfortunate thing to have to have two sets of registration books—one for State and the other for Federal elections.

We had the Secretary of State of New York, the Secretary of State of Nebraska, and the Secretary of State of Mississippi appear. They made a very strong case to the effect that this would do nothing but introduce confusion into the election process. And I agree with them.

Mr. McGEE. We already have those two lists. The act of 1970 set the two lists up. It is all on the list. All they have to do to create what the Senator has described as two lists is simply to put a check mark in front of those who are entitled to vote in the Federal elections. We are not adding a new list. We are simply adding the Federal offices, the Senate, and the House of Representatives, to those lists already in existence in every State by the act of 1970. Nothing new is created.

Mr. ERVIN. Nevertheless, I agree with those election officials. It would create a great deal of confusion. I think it is very unfortunate to provide for this. I will draw an amendment which I hope the Senator will accept because I do not favor the bill. I think we ought to leave stand a system that has endured since 1789 down to date, a system that has some merit in it. I would hate to see that system abolished.

I do not think that we ought to create confusion in watching over the Federal elections in 184,000 precincts.

Mr. President. I yield the floor.

Mr. McGEE. Mr. President, I will respond to the Senator for a moment and will then yield the floor to the ranking minority member of the committee.

I would say that as we look back over our history on the question, we have gone through several cycles as we have matured and grown up. Until the 1880's we had no such thing as registration. Somehow, we had a rather reputable history in this country in those days. And we brag about the roots of the Republic, our Founding Fathers, and the great leaders we had in those days. Yet, there was no registration. However, because of a sudden influx of circumstances connected with the industrial revolution and the large cities, the registration process was instituted as a stepping stone along the way. And we still insist on it. However, because of the phenomena of modern communications due to the automobiles, the airplanes, and due to the job shifting that goes on, because of the seasonal employment opportunities across the country in many sections of the country that were not available in the 1880's or the 1790's, we are simply trying to update the process of learning that we have all gone through in terms of more effective participation in the voting process in this country.

This is the next step. It does not take away what we have learned. It simply refines it in accordance with the technology and the phenomena of modern communications with respect to the number of people voting. Therefore, the purpose of S. 2574 is to take note of the new factors in our midst in the hope that we will maximize the process of election rather than minimize it.

It is not without point that 90 percent of those who have been registered to vote vote. However, those who could not register, for whatever reason, are the ones that this is aimed at. I think it is very much to the point that the only study that I know of that was made of some measurable dimension of those who did not vote in 1968, suggests that nearly three-fourths of them say that they would have voted and would have liked to have voted had they not been prevented through one registration blockage or another, depending on which State or which area of the country they liven in or the nature of their jobs that produced it. It is to those that this measure is addressed.

Mr. ERVIN. Mr. President, the people who take polls took a poll in 1948 that showed that Thomas Dewey was going to be the next President. They asked about one person out of every 100,000 how he felt about it. They then multiplied that to get 47 million. The polls are not very reliable.

Mr. McGEE. Mr. President, might I say, if I might go back as a sometimes student of political science, that no one knows better than I the variable of some polling techniques. We know a great deal more about them than we used to. It is an invaluable device. For some reason, most of us in this body pay a great deal of money to have polls taken. We learn a great deal from them. They may be off a half a percent or so. In the old days the Reader's Digest took a poll that was a catastrophe for some. The tightness of the election in 1948 was another. However, that should not detract from the science of learning that has matured and sophisticated over the years. To dismiss the polling technique as totally unreliable, I think, would deny us one of the means we have of trying to be a little wiser about some of the vast uncertainties that confront us.

I would make that personal petition, that we not dismiss the only known study on a nationwide pattern that I know of. We will probably learn, perhaps in someone's master's thesis at some university, what error was made by Mr. Gallup at that time. If we know of another, let us get it. It is the best answer that we have now. It is suggested many would have voted if the process of registration could have been mastered by them at that time for reasons that they felt would have been restrictive. I think the intent of the States has to be respected until we have much better evidence than we have now that this is a bunch of skulduggery with respect to this matter and that they were lying when they testified.

Mr. ERVIN. A man has to make up a pretty good excuse to justify not exercising his privilege to vote.

Mr. McGEE. I think so, too.

Mr. ERVIN. So all of us, when we try to justify something we fail to do or to find an excuse for something we did do, try to put the blame on someone else.

Mr. McGEE. Or some higher reason.

Mr. ERVIN. The 47 million people who did not vote did not take the trouble to go down and register.

Mr. McGEE. We are trying to remove an excuse, if one wishes to put it at the lowest motivating level. We think enough of these people are believable so that if we get only 5 or 10 percent of them, it is worth the effort. I suspect we will get more than that who will become participating voters.

Mr. ERVIN. I think the Senator is placing an awful burden on those already overburdened people to take the postal card down to the post office. Perhaps someone should pick it up from them and then they would not have to make that effort.

Mr. McGEE. The postman, of course, could pick them up. The important thing is to get them voting. It is the voting process we are seeking to refine. We should not lose sight of that, even if we register only 2, 3, or 5 million people. In my judgment it will be much higher than that; but whatever it is, who is to fault the addition of those who are not voting to the rolls so they will vote? We are working in the right direction. We are not working in that direction if we are trying to prevent that from happening.

I yield the floor.

Mr. FONG. Mr. President, the Senate is again considering S. 2574, the National Voter Registration Act. This is the third time the 92d Congress has taken up this very bad piece of legislation. When I say "bad piece of legislation," I mean it is a very bad piece of legislation. On the two previous occasions, debate began on this bill with the full knowledge that no final vote would be taken on it.

As I stated during our last debate, I was puzzled as to the reason for taking up the bill during the rush of the closing days of the first session of the 92d Congress.

At that time there were many other more urgent pieces of legislation on which action should have been taken and we should not have been taking up the time of the Senate with fruitless debate on a bill that was not going to be acted upon at that ime.

Today we are again being asked to debate S. 2574. The passage of time has not improved the outlook for passage of the bill and has even focused more strenuously and strongly on the very harmful effects of the provisions of S. 2574. The bill is primarily intended to change the registration process so as to influence certain votes in this presidential year.

The measure, as reported by the committee, contains a very strong minority report against its enactment. Since the report was filed, I have received a number of inquiries from persons interested in the bill. All have voiced strong opposition to the enactment of this measure. Many wanted to be heard, and feel that they were not given the opportunity to voice their disapproval because they were not apprised of the limited number of hearings we would have on the bill.

Mr. President, if this bill were enacted:

First, it would change drastically the manner of voter registration in the whole United States;

Second, it would impose Federal controls and guidance on the States;

Third, it would impose Federal controls and guidance on State and local political party organizations;

Fourth, it could create an overpowering Federal Voters Registration bureaucracy to influence elections;

Fifth, it would change radically our traditional and well-established voter registration systems;

Sixth, it would multiply the opportunities for fraud in elections;

Seventh, it would impose Federal registration costs in excess of a hundred million dollars per presidential election year; and

Eighth, it would have serious, adverse implications on our entire system of elections and our system of government.

The main thrust of S. 2754 is to establish a national voter registration system operated by a Federal agency, the National Voter Registration Administration. The NVRA would be a new Federal agency located within the Bureau of the Census, Department of Commerce.

It would utilize the services of the U.S. Postal Service to distribute Federal voter registration cards to every postal address in the United States no earlier than 45 days nor later than 30 days before every Federal election. Assumedly, such cards would be addressed to "householder" or "resident."

These mail voter registration cards would be returned by the prospective registrant to the State or local government voter registration office. The State office would process the cards, registering the applicant as a voter in the next Federal election, and billing the Federal Government for processing of the cards.

The bill sets a 30-day durational residency requirement in a State for voting in Federal elections in that State.

In other words, a person would have to be in the State at least 30 days before the Federal election.

The NVRA would also, on request, assist the State or local governments in putting the national voter registration system into effect in their States and in processing the registration cards.

Federal payments would also be made to a State if the State establishes a registration system for State and local elections similar to that instituted by the provisions of this bill for Federal elections. Payments would be 15 percent of the amount paid to the State for processing the registration cards. This amount would be increased to 30 percent if, in addition to instituting a State and local voter registration system similar to that contained in the bill for Federal elections, the State adopted a 30-day durational residency requirement for its own elections.

In other words, if the State instituted the mail registration provisions of this bill, it would get 15 percent of the card processing cost; and if it went another step further, that is, if it required only 30 days' residence in the State, then it would get 30 percent of the cost.

The bill authorizes State officials to call in the Federal Government should they suspect fraud in voter registration applications and also establishes criminal penalties for convictions of fraud.

Mr. President, there are important policy and constitutional questions involved in this bill.

Control of voter registration qualifications have traditionally been left to the States. In the past, the Congress has legislated in the field of voter rights only when it believed that voting rights were being violated by noncompliance with the due process or equal protection clauses of the Constitution.

In the absence of consistent and overwhelming evidence that such was the case, the Congress has refrained from acting in the field of voting rights.

In other words, unless there was evidence of fraud or evidence of people being refrained from exercising their voting rights the Federal Government has not interfered.

It must be pointed out that the Federal Government shares many powers with the States in this field. This is our federal system. However, it has left control of most voting rights entirely up to the States and even to the political parties. These include regulations on voting supervision, protection of voters, duties of inspectors and canvassers, publication of election returns, tallying of election returns and election of delegates to national political party conventions.

The legislation would inject the Federal Government into an area traditionally left to the States—that of voter registration.

The injection of the Federal Government into voter registration is done only for convenience reasons and not because a constitutional right was being violated. There is no violation of any constitutional right here. Any individual, if he wishes to vote, can register. He is not barred from registering, and there is no impairment of his constitutional rights.

This would be done for what can only be typified as convenience reasons and not because a constitutional right was being violated. It is my opinion that, in the absence of consistent and overwhelming evidence that constitutional rights are being violated in the application of voter registration laws and practices by the States, the Congress should not act in this area.

Another serious policy consideration arises out of the bill's definition of "Federal election" and the qualifications it sets for voting in such elections.

The bill defines a Federal election as—

> Any primary, special, general or other election held for the purpose of nominating or electing candidates for any Federal Office, including any election for the purpose of expressing voter preference for the nomination of individuals for election to the Office of President and Vice President and any election held for the purpose of selecting delegates to a national political party nominating convention or to a caucus held for the purpose of selecting delegates for such a convention.

In other words, the Federal Government is going to inject itself into the sphere of electing delegates to the national conventions or political party caucuses.

The impact of this definition when considered together with the voter qualification provisons of this bill is staggering, unprecedented, and highly questionable.

Under the bill any individual meeting the State voter qualification laws except as to durational residency—under the bill he must be a resident of the State on and after the 30th day before a Federal election—may vote in a Federal election.

In other words, he has to be there for 30 days. As long as he is in the State, he can vote if he has been there for 30 days.

This means that any such individual can vote not only in the primary and general elections but also in elections held for the selection of State delegates to a political party's national convention regardless of political party affiliation or lack of affiliation. This would also apply to the selection of local delegates to State political conventions—and the Federal

Government is going to inject itself into that field—if the party's nominees for congressional offices would be selected by such State political party conventions.

The Congress has traditionally left such areas to State supervision and to State political party regulations. It should not overturn this longstanding tradition at this time. To do so would be to strike a critical blow to our present strong two-party political system and even destroy third parties.

A real constitutional question arises concerning the election of presidential electors. It appears from the definition of a "Federal election" under this bill that the election of presidential electors is a "Federal election," however, no mention is made of presidential electors in the bill itself. It only refers to the election of President and Vice President as a "Federal election." The question here is whether the election of presidential electors is an election of a Federal or a State official. If it is the election of a State official, then the Federal voter registration requirements contained in this bill do not apply.

In reference to presidential electors, article II, section 1, clause 2 of the Constitution provides:

> Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the Whole Number of Senators and Representatives to which the State may be entitled in the Congress . . .

The sole authority of Congress respecting presidential electors under the Constitution is to "determine the time of choosing the electors, and the day on which they shall give their votes . . ."—article II, section 1, clause 4—and not the manner of appointing electors.

The Supreme Court has held that presidential electors act by authority of the States and are not Federal officials—*In re Green*, 134 U.S. 377, 379 (1890); *Ray* v. *Blair*, 343 U.S. 214, 224–225 (1952). These were cited by Justice Harlan in his dissenting opinion in the case of *Oregon* v. *Mitchell*, 400 U.S. 112 (1970). Therefore, this bill, although aimed particularly at voter registration for presidential elections may not accomplish its purpose at all.

Now on the subject of mailings, mailing costs and mailing list, under the provisions of this bill, the NVRA would be required to mail out Federal voter registration forms before each Federal election. This means that there would have to be at least three national mailings of such forms during presidential election years and in some States the possibility exists that even four or more mailings would have to be made. These mailings would precede elections of: first, delegates to State political party conventions; second, delegates to national political party conventions; third, candidates for Federal offices in primary elections; fourth, candidates for Federal offices in general elections. In those years when only congressional seats were being decided the number of mailings would be less.

The costs of printing, distributing, delivering, and providing postage-free return for Federal voter registration forms have been estimated by the Census Bureau to be easily in the neighborhood of $15 to $20 million per mailing. The cost for establishing an address system for these mailings is estimated at from $5 to $10 million.

Because mailings would have to be made for State political party conventions, primary elections, general elections, and possibly others, the cost per presidential election year may run in the neighborhood of $120 million. Off-year elections may cost a bit less.

These cost estimates do not include payments to the States for processing the returned registration cards; nor payments to the States for bringing State and local election registration laws into line with the Federal mail voter registration systems; nor payments to the States for adopting a 30-day durational residency requirement; nor for staffing and other administrative costs necessitated by the establishment and operation of the National Voter Registration Administration.

In other words, Mr. President, we have not taken into account the cost which would accrue to the States, and which the Federal Government would have to pay if the States complied with every provision of the Federal statute; and that would be very high.

It is obvious that the costs of operating this Federal voter registration system are very high. However, the system and its attendant costs must also be judged on the basis of how many additional qualified voters it will bring into the polling booths. And this has been one of the main arguments made by the distinguished Senator from Wyoming for this bill.

The proponents of this measure contend that approximately 47 million potential voters are being barred from voting in Federal elections because of overly stringent State voter registration requirements and procedures.

I have here, Mr. President, a list of the voter registration procedures and closing dates for each State. The list shows that these provisions are not stringent. In Alabama, for example, registration closes 10 days before election. They do not have night or Saturday registration.

Alaska, 14 days, and they have night and Saturday registration.

Arizona, the eighth Monday before election, and they have night and Saturday registration.

Arkansas, 20 days, and they infrequently have night and Saturday registration.

In California—which is a very big State—their registration closes 54 days before election. California is not backward; it is a very liberal State. They have night and Saturday registration. If you wish to register at night or on Saturday, you may go down to the registrar's office and register.

Colorado, 32 days, with no night and Saturday registration. Connecticut, 4 weeks before election, and it has night and Saturday registration.

Delaware, the third Saturday in October. Delaware is a very progressive State, but it does not have night and Saturday registration.

District of Columbia, 30 days. Florida, 50 days. Hawaii, the fifth day after the primary. Idaho, 2 days.

I ask unanimous consent that the entire list be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

PROPOSED FEDERAL REGISTRATION OF VOTERS—HOW THE STATES NOW PROVIDE FOR VOTER REGISTRATION

State election laws vary in considerable degree, particularly with regard to time and method of registration and to residency requirements. The latter frequently differ by county and precinct within individual States.

Given below, current to the month of publication, are relevant provisions of law for each State as published in November 1971 by the Committee on Post Office and Civil Service of the U.S. Senate.

State	When registration closes before election	Night/Saturday registration	Residency requirements		
			State	County	Precinct
Alabama	10 days	No	1 year	6 months	3 months.
Alaska	14 days	Yes	do	30 days in election district	
Arizona	8th Monday	Yes	do	30 days	
Arkansas	20 days	Infrequently	do	6 months	1 month.
California	54 days	Yes	90 days	90 days	54 days.
Colorado	32 days	No	3 months		32 days.
Connecticut	4 weeks before	Yes		6 months	
Delaware	3d Saturday in October	No	1 year	90 days	30 days.
District of Columbia	30 days	Yes	1 year (school board) 30 days other.		
Florida	do	Yes	1 year	6 months	
Georgia	50 days	Discretionary	do	do	
Hawaii	5th day after primary	Yes	do		
Idaho	2 days	Yes	6 months	30 days	
Illinois	28 days	Discretionary	60 days		30 days.
Indiana	29 days	Yes; also door to door	6 months	60 days (township)	Do.
Iowa	10 days	Yes	do	60 days	
Kansas	20 days	Only prior to last day of registration.	do	30 days (ward or township)	
Kentucky	59 days	Yes	1 year	6 months	60 days.
Louisiana	30 days	Yes	do	do	3 months.
Maine	Varies	Some	6 months	3 months	
Maryland	5th Monday before	Yes, in some counties	do	28 days	28 days.
[illegible]	31 days	Yes		6 months	

State	When registration closes before election	Night/Saturday registration	Residency requirements		
			State	County	Precinct
Michigan	5th Friday before	Yes	6 months	5th Friday prior	
Minnesota	20 days	Yes			30 days.
Mississippi	4 months	No	1 year	1 year	6 months.
Missouri	28 days	Varies	do	60 days	
Montana	40 days	Discretionary	do	30 days	30 days.
Nebraska			6 months	40 days	10 days.
Nevada	2d Friday before	Yes	do	30 days	Do.
New Hampshire	5th Saturday before	Yes	do		
New Jersey	Varies	Checklist system	do	40 days	
New Mexico	40 days	Yes	1 year	90 days	30 days.
New York	42 days	Yes	3 months	3 months	10 days.
North Carolina	4th Saturday before	Yes	1 year		30 days.
North Dakota [1]		Yes	do	90 days	Do
Ohio	No statewide registration		6 months	40 days	40 days.
Oklahoma	40 days	At option of county	do	2 months	20 days.
Oregon	10 days	Yes	do		
Pennsylvania	30 days	Yes	90 days	60 days	60 days.
Rhode Island	50 days	Yes	1 year	6 months	
South Carolina	60 days	Yes	do	do	3 months.
South Dakota	30 days	No	180 days	90 days	30 days.
Tennessee	15 days	No	1 year	3 months	
Texas	30 days	Not specified in law	do	6 months	6 months.
Utah	do	Local option	6 months	60 days	
Vermont		Yes	90 days	90 days	
Virginia	Checklist system		6 months		30 days.
Washington	30 days	On closing Saturday	1 Year	90 days	Do .
West Virginia	do	Yes	do	60 days	
Wisconsin	do	Yes, in some counties	6 months		10 days.
Wyoming	15 days	Discretionary	1 year	60 days	Do.

[1] There is no registration for North Dakota voters. If a voter is voting for the first time, he must bring along someone who can verify that he has lived in the State, county, or precinct for the required amount of time.

Mr. AIKEN. Mr. President, will the Senator yield for a question?

Mr. FONG. I am happy to yield to the Senator from Vermont.

Mr. AIKEN. I have just been reading the bill, and to tell the truth I do not like the looks of it. I think it is an open invitation for dishonesty at election time.

I was just reading page 19, subparagraph (a):

> Whenever a State or local official has reason to believe that individuals who are not qualified electors are attempting to register to vote under the provisions of this chapter, he may notify the Administration and request its assistance to prevent fraudulent registration.

Suppose that corrupt officials in some district say, "We would like to bring in a couple of hundred voters and have them register." There is nothing here to require him to report fraudulent registration, is there?

Then I go down farther. On line 18, it says:

> The Administration or the State or local official may notify the Attorney General.

They are not required to notify the Attorney General, and there again, it seems to me you could have collusion, and by not attempting to control unqualified voters who have registered in one or two or maybe 10 different towns, where the election officials are not too honest, it seems to me that we would have an open invitation there.

Why not say, shall notify and let them be subject to punishment themselves if they do not notify the proper enforcement officials when people attempt to register dishonestly? Why should it be may here instead of shall?

Mr. FONG. Mr. President, the distinguished Senator makes two very salient points. As he points out, here you can have tremendous collusion between dishonest voters and State officials, and it is an invitation for fraud.

Mr. AIKEN. It is an open invitation, I would say.

Mr. FONG. Yes.

Mr. AIKEN. If he desires to notify the Attorney General, he can do it. If he is in collusion with the fraudulent voter, he may do it, but there is no requirement.

If he reports people who fraudulently attempt to register to the Attorney General or enforcement officer, they shall do something about it. Why not say he shall notify the enforcement officers?

I have not read the whole bill. I am just to page 19, and the more I read, the less I like it.

Mr. FONG. The Senator has put his finger on one of the important parts of the bill which——

Mr. AIKEN. There can be collusion between election officials of a community, and as many fraudulent registrations as they get, if they are not complained of, they can get away with it and then go to the next registration point, and so on. Things like that have been known to happen in the past, and I just hope that the bill can be amended to make it work, or otherwise I do not see how I could possibly support it.

Mr. FONG. I thank the distinguished Senator for bringing out this point.

Mr. McGEE. Mr. President, will the Senator yield for a comment on that point?

Mr. FONG. Yes; I am happy to yield to the Senator from Wyoming.

Mr. McGEE. The question of the Senator from Vermont is very germane to the language here that the State official may appeal to the Federal voter registration official.

Mr. AIKEN. No; they may complain.

Mr. McGEE. By appealing, I do not mean to appeal a case; I mean to call upon them for help.

Mr. AIKEN. Yes.

Mr. McGEE. The reason for the word "may," the basic condition that was written in here, was that we are not assuming that anybody is fraudulent; that the States are the commanders. The whole emphasis here is that the States are in charge of their electoral processes, that we are changing only the length of time. But if they feel that they are swamped or that something has got out of hand, they can petition. It is not crammed down their throats. They petition to the Federal Government for the extra manpower help, just as they are left the option of appealing for manpower help in processing the preparation of the registration rolls to begin with.

Mr. AIKEN. This says "State or local official may."

Mr. McGEE. We were advised that in some States the jurisdiction for that lay at the local level, and in some States there was a State central electoral commission. To cover whatever the situation was in each State, it was left in that vernacular.

Mr. AIKEN. We know that in the distant past there have been occasions of fraudulent voting, fraudulent mass voting. I am happy to say that it has been disappearing in the last generation.

I do not think we want to take a chance on bringing back what some might call the good old days and make that practice possible. Let us tighten it up, if we are going to enact the bill.

Mr. McGEE. That is a good point. But I think we ought to bear in mind that most of the frauds were in the voting process, not in the registration process. We have known of a few cases—the Kansas City case was cited, in which they were registering tombstone names, and this sort of thing, in order to get people qualified to vote. These are the rare instances. They are no longer with us. There is nothing here that incites that kind of procedure.

In any State where this may be resorted to, it gives them the option of seeking help if they feel it is out of hand.

The basic assumption in any free society, such as this, is that you start with the mechanism assuming that it is not prostituted or broken down in some other way.

Mr. AIKEN. I hope we will remove all temptation we possibly can.

Mr. McGEE. I would hope so, too. It may be that the Senator would want to offer a refining amendment on that.

Mr. AIKEN. I am not expert in this field. But I do recall that even in simon-pure New England, a bundle of ballots was picked up on the sidewalk 2 years ago this November, in a very good town. So some still have the idea, anyway.

We have to teach them to exercise restraint and remove temptation from their path.

Mr. McGEE. There is an understandable misapprehension or misgiving about it. I agree.

Mr. FONG. The Senator from Vermont has touched upon a very sensitive part of this bill—the question of opening opportunities for fraud.

In the present-day situation, the person who registers has to appear personally and swears under oath that this is he and that what he has said is correct. Here we have a situation in which the post office, under the Census Bureau, will send you a card. Suppose it is sent to the distinguished Senator from Vermont and the Senator wishes to register a tombstone—say, Mr. A. Tombstone—and sends it in.

Mr. AIKEN. He might just want to register as John Smith.

Mr. FONG. Or Mary Doe, and sends that name in. Who knows that the distinguished Senator from Vermont was the man who instigated that postcard? That postcard goes in, and they receive it, and it is supposed to be correct in every detail, and they register that name—John Smith. Then, on election day someone comes around who says, "I am John Smith," and he votes.

This really opens a great deal of opportunity for fraud, and I am afraid that we are going to be registering many tombstones.

Mr. AIKEN. I think we have made some improvement in the last generation or more, because in the past there were frequent demands for recount of ballots after an election, and frequently the recount would change the result. However, in the last few years—I would say the last 10, 15, 18, or 20 years—demands for recount have seldom changed the result of the election. In fact, sometimes the one who challenges comes out with a few less votes than he had before.

There are only a few places in the country I suspect today, and I would not name them, because we hope that conscience will get the best of them and that we will not have any places where there is fraudulent counting of ballots or fraudulent registration.

The effort is very laudable, but a good many places have been paved with good intentions that did not work out too well.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. FONG. I yield.

Mr. McGEE. I say to the senior Senator from Vermont that there is a tendency, in viewing any of the new processes, to lump fraud into a pretty broad category. Most of the fraud in our political history has generally been at the ballot box, not at the registration level. So we hope to separate that concept.

There have been frauds at the registration level. They commit frauds today, under the present system, at the registration level. A voter who wants to register fraudulently now can do so. Therefore, I am suggesting that we not overdraw this particular prospect. We try to discourage it. As the Senator has said, we try to improve. But none of it quite equates, even then, the fraud, I suspect, of so many millions of people who do not vote in our system, because of the variables in registration procedures among the States; and the contrast, as we mentioned earlier, between the percentage of our voters eligible to vote who do vote is so much higher in the other English-speaking countries, or the democratically-structured countries, than in ours.

We are trying to get at some of the reasons why. It cannot be that our people are more indifferent or are less capable or have other negative qualities that make this percentage lower. We have reason to suspect that one of the explanations lies in the variability among the registration procedures among the States, in a population that is so mobile, that moves around so rapidly in so many different areas, or the phenomenon of the accumulated population centers. It is an attempt to get at that as one of the factors that may change the percentage of participation in what we loosely call free elections.

Mr. AIKEN. I have noticed that sometimes what appears to be fraud turns out to be error or misunderstanding or something like that. I do not think people even at election time are any less honest. In fact, I think they are more honest, on the whole. Perhaps they are watched closer. That helps, too. But let us make it as easy as possible for everybody to be honest in the registration and the counting of the vote.

Mr. McGEE. This system does not tamper with any of the present procedures for validating the voters, for checking the registration lists or the rolls. This all goes to the appropriate election officials. The poll watchers are there; the checkers of the rolls are there; the validation of the address is there. None of that is changed.

Mr. AIKEN. But this would eliminate the necessity for a would-be voter to appear before the proper person in a community. In Vermont, he has to swear that he is going to be a good man.

Mr. McGEE. The signature on the card is the same validation under oath as on the income tax return, which we do by mail.

Mr. AIKEN. In Vermont, we have the Freeman's Oath; and he would not have to register under any party, under this.

Mr. FONG. He could register as to party.

Mr. AIKEN. Or as an independent, as a good share of the people in Connecticut do.

Mr. McGEE. That would be up to the procedures.

Mr. AIKEN. He would have to comply with State law before he got registered by mail.

Mr. McGEE. No. He would have to be eligible to vote regardless of that, in a Federal election. That would mean that others in the State who had registered, not in this fashion, would be eligible under all regular procedures.

Mr. AIKEN. That would be for local and State officials, he would not be required.

Mr. McGEE. That is right. He would not be eligible to vote for them.

Mr. AIKEN. For President, Vice President, the Senate, and the House.

Mr. McGEE. Yes, President, Vice President, the Senate, and the House.

Mr. FONG. Also delegates to Congress—presidential electors; delegates to the national political party conventions and delegates to political party caucuses. It goes far beyond just voting for President and Vice President and congressional delegations.

Mr. AIKEN. Is it contemplated that there will be a vote on this today?

Mr. McGEE. No. We have an agreement that there will be no vote on it tonight.

Mr. AIKEN. Very good. That will give me an opportunity to look at the bill.

I thank the Senators from Hawaii and Wyoming very much for their information.

Mr. FONG. Mr. President, addressing myself to the question of why so many people do not register, the proponents of this measure contend that approximately 47 million potential voters are being barred from voting in Federal elections because of overly stringent State voter-registration requirements and procedures.

The Bureau of the Census took a survey of 50,000 households in November 1968—note the figure, Mr. President—50,000. It is not like the Gallup poll, of 1,500, 1,300, or 400 people. This is a survey taken by the Bureau of the Census of 50,000 households in November 1968, to determine the extent of voter participation and the reasons for such participation or nonparticipation in that year's presidential elections.

Of the 50,000 households surveyed, 26,942 households reported they did not register to vote. The question asked on voter nonregistration was, "What was the main reason—this person—was not registered to vote?"

The answers were recorded in one of the following categories:

Not a citizen of the United States—10.6 percent—10.6 percent that did not vote because they were not citizens of the United States.

Had not lived here long enough to be qualified to vote—11.2 percent—11.2 percent said they had not lived here long enough to be qualified to vote.

Not interested, just never got around to it, dislikes politics, and so forth—53.3 percent—53.3 percent said they were not interested, or they never got around to it or they did not like politics.

Unable to register because of illness, no transportation, could not take time off from work, and so forth—13.5 percent—13.5 percent said they were unable to register because of illness, or they did not have transportation, or they could not take off time from work.

Other reason—9.5 percent.

Do not know—2.2 percent.

About 53.3 percent of those not registered said they did not register, because they were not interested, never got around to registering or disliked politics: 11.2 percent said they did not meet the residence requirements; 13.5 percent said they were ill, did not have transportation or could not get off from work; 10.6 percent were not citizens; 9.5 percent gave other reasons; and 2.2 percent did not know.

The 53.3-percent figure is most revealing and flies in the face of the reasons given by the proponents of this bill for its enactment. To put the blame for the majority of nonregistrants on State registration requirements or procedures is not substantiated by this comprehensive Census Bureau survey, that is, of over 50,000 households in America.

In addition, even if this bill were enacted, it is highly questionable that it alone would persuade the 53.3 percent and possibly some of the others to actually register to vote in Federal elections.

Certainly there must be some other less expensive and less bureaucratic way to register the 10 to 25 percent who gave indication that they would have registered had it not been illness, lack of transportation, or inability to get off work or other reasons.

Another very serious policy consideration is the question of whether a Federal agency should be established and involved in national voter registration efforts.

The NVRA would be empowered to establish and administer a national voter registration program for Federal elections in all their ramifications. Its duties would also include collecting, analyzing and arranging for publication of voting data; assisting State and local officials in operating the Federal voter registration system; assisting State and local officials in establishing such a system in their local elections, if requested; and, also, assisting State and local officials in solving election problems generally.

The breeding of an overpowering Federal bureaucracy involving itself in a number of aspects of not only Federal, but State and local elections as well, is entirely possible under the provisions of this bill. It becomes an even greater possibility when consideration is given to the possible collusion of National and State or local political party organizations or State and local government officials and Federal officials, should the national administration be of the same political faith as a State or local administration.

The free passage of voter registration and party affiliation information between State and local officials on one hand and the national administration on the other becomes an awesome tool for controlling elections and amassing great political power in our country.

Marshaling the great manpower and technical resources of the Federal Government with the information on voter registration and participation gathered by State and local government sources in this voter registration system presents a picture that the Congress should consider very carefully.

As to registration by mail and the opportunities it presents for fraud, this bill multiplies the opportunities for fraud.

At present, except in very unusual circumstances voter registration procedures by most States require the individual desiring to register to appear in person before a registrar at the time of registration. This bill allows prospective voters to register by mail for Federal elections. No personal appearances before any government official are necessary until the time of voting.

In view of the fact that the residency requirement under the bill is only 30 days before election day and registration is accomplished by mail, the opportunities for fraud are increased tremendously. The time allowed for checking registration rolls is cut to a minimum, especially if a precinct or voting district has a large voter population.

The bill has no cutoff date as to when registration cards must be received by the registration office in order for the voters to be put on the registration rolls. The bill only cites that the cards are to be mailed out to addressee no earlier than 45 days or later than 30 days before election day.

It is entirely possible that only a few days will be available for registration list inspectors to have the opportunity to inspect such lists before election day. It is entirely possible cards would not be returned until election day.

It is obvious that the opportunities for fraud under the provisions of this bill are many, and the safeguards for prevention of such fraud as the bill is written are few. These reasons alone are sufficient for defeat of this measure.

The present Federal law which imposes no durational residency requirement would also be changed. The bill reinstates a durational residency requirement for presidential and other Federal elections despite the abolition of such a requirement in the Voter Rights Act of 1970. This would appear to be the case because section 404(a) of S. 2574 states that—

> An individual who is a qualified elector under State law except as to duration of residency but who is a resident of a State on or after the thirtieth day before Federal election, shall be entitled to register and vote in a Federal election in that State.

We doubt that Congress intends to undo such a fundamental aspect of the 1970 law as this for presidential elections.

Other sections of the bill also raise serious problems.

First, section 305(b)(4)(B) appears to establish an absolute requirement of bona fide residency, whereas present Federal law—42 United States Code 1973aa-1(3)—permits a certain class of nonresidents—that is, those who have left a State less than 30 days before a Presidential election—to vote in the State of their former residence. A liberal reading of this provision would disenfranchise such persons before they have ever had the opportunity to exercise the franchise extended in 1970.

Second, section 308 imposes a penalty of not more than $10,000 or imprisonment of not more than 5 years, or both, for falsifying information given on the registration forms or for conspiring with others for the purpose of encouraging such fraud. It also imposes a fine of not more than $5,000 or imprisonment of not more than 5 years or both for depriving or attempting to deprive anyone of his rights to register under the provisions of this bill. It then imposes the criminal penalty provisions of section 1001 of title 18, United States Code, to additionally enforce the provisions of this bill.

There are two problems raised by this penalty section. One, section 1001 of title 18, United States Code, imposes these penalties for false representations in "any matter within the jurisdiction of any department or agency of the United States." The question arises whether because the registration forms are filed with State or local officials and not Federal officials, they fall within the coverage of section 1001.

The Federal Government under the provisions of this bill appears to be a mailing institution. Once the registration cards are delivered, the responsibility of the National Voter Registration Administration ceases. The cards are not to be returned to the NVRA or any other Federal agency. Instead, they are to be returned to the State or other local official charged with registering voters.

Therefore, because section 1001 mandates its criminal penalties only on matters "within the jurisdiction of any department or agency of the United States," and the forms once delivered to the addresses are no longer the responsibility of the NVRA, it appears not to fall within NVRA's jurisdiction, and the penalties cited in section 1001 cannot be levied on registrants who submit false information on the cards.

Third, it is interesting to note that only a State official may request Federal assistance to prevent fraud. And we have discussed this problem with the distinguished Senator from Vermont. As the bill reads, this precludes any type of Federal investigations for fraud except when a State official requests it. Because Federal investigations in such instances are dependent upon a State request, for practical purposes there would be no remedy where the State official is himself involved in fraud, since it is highly unlikely he would request the investigation on himself.

Fourth, with respect to the same section, any suit filed by the Federal Government after an investigation requested by a State official would be filed in the District of Columbia or any other U.S. court of competent jurisdiction. However, the ability to subpena witnesses to appear in person is in serious doubt as rule 4(f) Federal Rules of Civil Procedure allows a witness to be subpenaed only within 100 miles of the court. In some cases the location of the fraud may well be beyond 100 miles from where the appropriate U.S. court sits.

The difficulties imposed by this section in such cases is a very real one and should not be handled as lightly as it is in this bill.

A severe indictment can be made of this bill on the basis of committee jurisdiction and expertise. And this is the question which is before us today.

Rule 25-1"1" states that matters relating to civil liberties shall be referred to the Committee on the Judiciary. Bills dealing with voting rights and registration for Federal elections have in the past been referred to and considered by the Committee on the Judiciary.

Page 35 of the Standing Rules of the U.S. Senate, dated January 3, 1971, reads as follows:

> Committee on the Judiciary, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and

other matter relating to the following subject:

1. Judicial proceedings, civil and criminal, generally.

The Senate Committee on Post Office and Civil Service received this bill on voter registration because contained in it were references to the U.S. Postal Service and Bureau of the Census. These two Federal agencies were to produce, distribute, monitor, and deliver Federal voter-registration cards. However, the primary thrust of the bill was to establish a national voter-registration system.

The discussions in the Committee on Post Office and Civil Service on this measure centered not around the participation of the U.S. Postal Service or the Bureau of the Census in the national voter-registration system, but rather whether or not such a national voter-registration system should be established.

It is essential in considering legislation of this importance that the Judiciary Committee, which has the expertise arising out of many years of experience in the field, consider such legislation. Constitutional questions, impact on State laws, imposition of criminal penalties, and a multitude of other questions attending the establishment of a national voter-registration system should be given much greater consideration in the Judiciary Committee than the Post Office and Civil Service Committee gave S. 2574. The Post Office and Civil Service Committee had one executive session of less than 1 hour's duration on the bill.

The Civil Rights Act amendments of the 1960's, the Voting Rights Act of 1965, the Voting Rights Act of 1970—all of these were considered by the Senate Judiciary Committee. The Federal agency charged with overseeing voting rights is the Justice Department. Here the bill seeks to establish a National Voting Rights Administration in the Bureau of the Census, Commerce Department. This appears to be setting up a system without coordination between Federal agencies and is inviting problems that can and must be avoided.

With all due respect to the expertise of the committee members and staff of the Post Office and Civil Service Committee in attempting to write legislation on voter rights and registration, the bill continues to have many deficiencies and should be re-referred to the Judiciary Committee for hearings and careful examination.

In conclusion, Mr. President, I wish to repeat what I said at the outset: If this bill were enacted—

First. It would change drastically the manner of voter registration in the whole United States;

Second. It would impose Federal controls and guidance on the States;

Third. It would impose Federal controls and guidance on State and local political party organizations;

Fourth. It could create an overpowering Federal voter registration bureaucracy to influence elections;

Fifth. It would change radically our traditional and well-established voter registration systems;

Sixth. It would multiply the opportunities for fraud in elections;

Seventh. It could impose Federal registration costs in excess of a hundred million dollars per presidential election year; and

Eighth. It would have serious, adverse implications on our entire system of elections and our system of government.

The bill, as I stated before, is primarily intended to change the registration process so as to influence certain votes in this presidential year.

The 1972 election year is now upon us. The aspirants to the office of President of the United States have taken to the campaign trail. Most of the State legislatures are already meeting and will probably have adjourned their 1972 sessions before the measure now before us will have been fully debated by the Senate. This is critical to the implementation of the provisions of S. 2574 because of the effects this bill would have on their State election laws. If enacted, the various State legislatures would either have to be called into special sessions for consideration of possible changes in their State laws to comply with the mandates in this bill or allow their 1972 elections to be held in accordance with the provisions of S. 2574, thereby insuring mass confusion in not only the 1972 presidential elections but also in the congressional elections and the selection of State delegates to the national political party conventions.

I say mass confusion because the provisions of the bill would go into effect immediately upon enactment. The Federal Government would have to establish and put into operation a vast new bureaucracy which would have to research every State's laws regarding the selection of presidential candidates; members of the electoral college; candidates for U.S. Senate seats; candidates for U.S. House of Representative seats; State delegates to political party conventions; special election possibilities for those seats; and, the further possibility of challenges to the actions of the national political party conventions themselves.

This bureaucracy would then have to implement the provisions of this bill by telling all of the State and local voting registrars of the provisions of this bill and how they would be implemented. Among the instructions to be issued from this Federal bureaucracy would be the striking of all State, county, and precinct residency requirement laws in excess of 30 days. From the table on residency requirements printed in the majority report on S. 2574—which I have presented here as part of the RECORD—this would affect all except one State. The mass confusion that would result from such action alone even this far into the election year is not only obvious but shocking. This problem becomes more acute with every passing day.

The State and local political party organizations and conventions would likewise be in convulsive throes of confusion because S. 2574 dictates that any eligible voter in the particular State could vote in the selection of the party delegates to the national political party conventions. This would be done in utter disregard of the voters' political party affiliations or nonaffiliations—all of this would have to be done prior to the July or August national conventions—either that or face the possibility of innumerable court challenges because of noncompliance with the law as stated in this bill.

It must be pointed out that the possibility of court challenges and suits against the Federal Government, the several States and the political party organizations for noncompliance with the provisions of this bill should it become law before the 1972 general election.

Nor should the fact that utter confusion on the State and local levels will probably occur if this bill becomes law in 1972. The critical time problem of disseminating this information to the precinct level for all of the elections which this bill affects is in my estimation absolutely impossible.

Evidence of this can be seen by referring to the 1970 Voting Rights Act. I have been advised by the Civil Rights Division of the Justice Department that many States have not been able to implement the provisions of that act even 2 years after it became law. I understand even the Congress in writing the new election law for the District of Columbia violated provisions of the 1970 act.

I have asked the Justice Department for more information on this problem and shall advise the Senate on it when I receive this additional information.

Even if this legislation were enacted tomorrow the massive job of establishing and putting into operation the Federal Voter Registration Administration, disseminating information on all of the charges mandated by this bill to the various States and other political subdivisions and then attempting to insure compliance is an impossible task for 1972.

Mr. President, as it is an impossible task to implement this law for this year's presidential election, it is reasonable and makes good sense, and it is logical to refer this bill to the Committee on the Judiciary to take a good look at it. There are many matters in this bill which come within the jurisdiction of the Committee on the Judiciary: Constitutional questions, impact on State laws, the heavy criminal penalties of $10,000 or 5 years in jail, are precedents for this voting rights bill to be referred to the judiciary committee.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, I am pleased to give my strong support to the bill on which the Senate begins debate today—S. 2574, the National Voter Registration Act. I commend Senator GALE MCGEE, the chairman of the Committee on Post Office and Civil Service, for the excellent work he has done in bringing this measure to the Senate floor, and I hope that it will receive the prompt enactment it deserves.

In large part, the story of American democracy has been written in the long line of successful efforts throughout our history to expand the franchise and to broaden the base of political participation in our society. Six of the last 12 amendments to the Constitution have been concerned with extending the right to vote. Hand in hand with these great amendments have come a series of landmark decisions by the Supreme Court and far-reaching laws enacted by Congress—each a historic victory in our continuing effort to insure the broadest possible exercise of the right to vote.

Now we have reached the next great frontier—the archaic and obsolete system of voter registration that operates each year to deny the vote to millions of our citizens. Not for more than half a century, not since 1920, when the Nation adopted the 19th amendment and extended the vote to women, have we had the opportunity to take a step capable of expanding the franchise for so many millions of our citizens. The bill before the Senate today has the potential to become another major milestone in our democracy, and I hope that Congress will be equal to the challenge.

SUMMARY OF S. 2574, THE NATIONAL VOTER REGISTRATION ACT

S. 2574, the National Voter Registration Act, contains seven principal provisions:

First, it establishes a simple post card system for voter registration in all Federal elections throughout the Nation. Any citizens otherwise qualified to vote will be able to register to vote in such elections merely by filling out a post card form and mailing it to the local registration office.

Voting lists and lists of registered voters will continue to be compiled by local officials, as they are today. There will be no Federal compilation of voters, no centralized Federal registration file, no Federal takeover of local procedures, and no Federal encroachment on State rights.

Second, the bill establishes a period of 30 days residence prior to an election as the maximum residence qualification that may be imposed for voting in Federal elections. In effect, the 30-day ceiling already applies to voters in presidential elections, in accord with title II of the Voting Rights Act of 1970, which was sponsored by Senator BARRY GOLDWATER of Arizona as a Senate floor amendment that year and was overwhelmingly approved by the Senate. Thus, this provision of S. 2574 extends the Goldwater amendment to Senate and House elections. If adopted, the provision would reduce the impact of burdensome residence requirements, which operate now to disfranchise millions of mobile Americans who change their residence every year and are thereby prevented from voting for their Senator or Representative.

Third, the bill requires State and local registration officials to permit a qualified applicant to register to vote in all Federal elections up to 30 days prior to such elections, thereby maximizing the opportunities for eligible voters to participate in the election process.

Fourth, the bill includes strong civil and criminal provisions to prevent fraudulent voter registration. The maximum criminal penalty for fraud is a fine of $5,000 and imprisonment for 5 years. In addition, State and local officials are authorized to request Federal assistance for the prevention of fraud, and the Attorney General is authorized to bring appropriate civil actions in such cases.

Fifth, the bill provides financial reimbursement to the States to pay the full cost of processing the post card registration forms. Thus, the bill imposes no financial burden on the States.

Sixth, the bill contains specific financial incentives to encourage State and local governments to accept the post card form for registration in non-Federal elections, and additional incentives to reduce residence requirements for voting in such elections. States which accept the post card form for non-Federal elections may receive an extra 15 percent in addition to the Federal payment they receive to cover the cost of processing the post card forms for Federal elections. States which not only accept the post card form for non-Federal elections, but also reduce their residence requirements to 30 days for such elections may receive an extra 30 percent.

Seventh, to carry out the program, the bill establishes a National Voter Registration Administration within the Census Bureau in the Department of Commerce. The functions of the new Administration will be to administer the Federal program, to assist State and local officials in carrying out the program, and to compile and publish voting information and statistics.

THE SHAME OF VOTER REGISTRATION IN AMERICA

For a nation that likes to call itself the greatest democracy in the history of the world, the present system of voter registration in America is a national scandal, a stain on our basic political process. Incredible as it may seem, of all the fundamental rights that Americans hold dear, the way we exercise the right to vote is the one we have neglected most.

Time and again, we have fought to extend the franchise, in order to insure that every citizen has the right to share in the political life of the Nation through participation at the polls.

But after every milestone, we always rested on our laurels. We left the job half done. For millions of Americans, the right to vote they had newly won was a thing they could admire, but never use.

And registration was the villain. For generations—indeed, throughout the 20th century—every American who sought to exercise his right to vote has had to run a gauntlet of arbitrary, unfair, and obsolete requirements of voter registration. Confronted by such requirements, millions of potential voters fall by the wayside at each election, and millions more refuse to even try.

And when I say millions, I mean millions. Take the figures for presidential elections, the elections in which Americans traditionally have the strongest incentive to participate. In the election of 1960, 39 million eligible American voters failed to go to the polls. In 1964, the figure rose to 43 million. In 1968, it rose to 47 million. By 1972, if the trend continues, there will be 56 million Americans who do not vote.

If any single figure has come to symbolize the crisis of voter turnout in America, it is the figure for 1968—47 million lost voters. Of the 120 million potential voters in the presidential election that year, only 73 million—or 61 percent—actually went to the polls. Forty-seven million people stayed home, at a time when the candidates of the two major parties were receiving only 31 million votes each.

The voting record of America becomes even more dismal when we compare it to the record of other Western democracies; 2 years ago in Britain, 72 percent of the eligible voters went to the polls, and they called it one of the lowest turnouts in British history. In recent elections in other European nations, the turnout has been even higher—75 percent in Ireland, 76 percent in Canada, 80 percent in France, 87 percent in West Germany, and 89 percent in Sweden and Denmark.

We know that the situation has not always been this way in the United States. Consistently, throughout the latter half of the 19th century, voter turnout in our presidential elections ranged in the neighborhood of 70 to 80 percent. Twice, it exceeded 80 percent. Only once did it drop as low as 70 percent.

Since 1900, however, we have not seen even the 70-percent level again. Seven times in this century, the turnout fell below 60 percent. Twice it fell below 50 percent. Clearly, in spite of the enormous progress that the 20th century has brought us in so many other areas, we have moved backward in the crucial area of voter participation.

The cause is not far to seek. Study after study in recent years has demonstrated that the heart of the problem is our archaic system of voter registration. It is no accident that the sharp decline in voter turnout at the beginning of the 20th century coincided precisely with the advent of voter registration legislation.

As historians have shown, the present pattern of voter registration in literally every State is a legacy of the wave of electoral reform that swept America at the turn of the century. In part, registration was adopted as a means to end widespread voting frauds and other abuses that marred elections in city after city across the Nation. In part, registration was also adopted for the darker purpose of discouraging minorities and other ethnic groups from going to the polls, especially black citizens in the South.

Today, in spite of the enormous progress we have made in so many other areas of public life, we are still using voter registration methods which were, perhaps, sophisticated at the turn of the century, but which are generations out of date today.

To paraphrase the famous epigram of Justice Oliver Wendell Holmes, it is revolting to have no better reason for a rule of law than the fact that it was laid down in the time of William McKinley. It is still more revolting if the grounds upon which it was laid down have vanished long since, and the rule simply persists from blind imitation of the past.

In almost every other sphere in which governments now operate—at the Federal, State, or local level—they use the tools of the modern world, especially in the area of communications with the people. If governments collected taxes the way they register voters today, they would be so bankrupt that neither revenue sharing nor the value-added tax could bail them out. Why is it that Americans pay their taxes by mail, when they still have to register to vote by methods as obsolete as the Pony Express or the Model T?

There is ample evidence that reform in voter registration is the key to improvement in voter turnout. The figure I have cited—61 percent voter participation in 1968—does not tell the whole story. In fact, 82 million Americans were registered to vote in 1968. Of that number, fully 73 million—or 89 percent—went to the polls and cast their ballots on election day.

Put another way, of the 47 million citizens who stayed home on election day in 1968, the vast majority—38 million or 81 percent—were not registered to vote. They could not have voted, even if they had wanted to. Only 19 percent of those who stayed home on election day were registered to vote.

This is the real lesson for the future. Americans who register are Americans who vote. If our goal is to bring America to the polls, the place to start is with voter registration.

Again and again in recent years, detailed studies have demonstrated that the crisis in voter turnout is caused by voter registration, not voter apathy. An extensive study of voting behavior in 104 cities in the 1960 election concluded that registration requirements are a more effective deterrent to voting than anything that normally operates to deter citizens from voting once they have registered. According to the study, 80 percent of those who failed to vote in 1960 were disfranchised by the burden of existing registration requirements.

Similar studies on the 1968 election also concluded that the most significant impediment to the exercise of the franchise is the registration requirement. On the basis of a survey conducted in December 1969, for example, Dr. George Gallup found that registration requirements, rather than lack of interest, explained the minimal voter turnout. Similarly, the report of the Freedom To Vote Task Force, published in 1969, found that registration systems posed the most serious single impediment to full participation in the Nation's elections. And, in Texas, which until this year was notorious for its early closing deadline for voter registration, a recent study concluded that for every additional month the registration books stay open before election day, an additional 2.7 percent of the population would be registered.

The results of the current population survey taken by the Bureau of the Census after the 1968 election are not to the contrary. The minority views in the Senate committee report on S. 2574 point to the survey's finding that, of those who were not registered in 1968, 53.3 percent said they had not registered because they were: "Not interested, just never got around to it, dislike politics, et cetera;" 13.4 percent said they were "Unable to register because of illness, no transportation, couldn't take time off from work, et cetera."

Surely, these figures do not make the case that voter apathy is the major cause or even a principal cause of low voter registration. In the first place, 13.4 percent of the persons in the sample, representing several million potential voters nationally, are admittedly disfranchised by obstacles to registration. These persons alone deserve the immediate assistance of the registration procedures that would be available under S. 2574. In the second place, the 53.3 percent figure in the sample is misleading and inconclusive. We do not know, for example how many persons in that category found the existing registration procedures so cumbersome and confusing that they "just never got around to it."

And small wonder they did not get around to it. In State after State throughout the country, we see the chaos and confusion in our present registration system. Wherever we look, we find that registration is an obstacle course for the voter instead of the highway to the polls it ought to be.

The defects of the present system are not confined to any State or geographic region. They go by names like early closing deadlines, unreasonable purges of the voting rolls, unfair reregistration requirements, inaccessible registration offices, and lack of absentee registration. The burdens are almost endless:

In some States, registration closes months before the election. A recent study cited 15 States in which the registration books closed more than a month before the election. Often, the closing date is much earlier. Such early closing deadlines serve no legitimate administrative purpose. In 1968 in Idaho, for example, the registration books were closed only 2 days before the election, and 72 percent of the eligible voters cast their ballots on election day.

In many of the Nation's cities and counties, there is no real local registration office. The only place a citizen can register to vote is at city hall or at the central downtown office of the board of elections.

In other cities, the problem is even worse. The only place to register may be the county courthouse outside the city limits.

In thousands of rural areas, registration means a long and time-consuming journey into town.

For millions of residents in communities like these, the inconvenience of a trip downtown or out of town or into town is an insurmountable barrier to registration. Often, the expense of the trip or the loss of income or time away from the job is sufficient by itself to inhibit registration—in effect, a tax that denies the right to vote as surely as the outlawed poll taxes used to do.

For millions of the Nation's elderly, disabled, or sick—those who simply do not have the physical ability to travel to the registration office to register in person—the lack of any effective procedure for absentee registration means that they are denied the right to vote at all.

And, those who find their way to the registration office often learn that their problems have just begun. Frequently, the office is open only a few hours a day, or a day or two a week. Sometimes, it may be necessary to make an appointment in advance. Other times, the registrar simply shuts the office early, if no applicants arrive that day. In still other cases, all but the most determined voters give up in the face of the endless lines and waiting periods they find inside the door of the registration office.

Such examples are legion. The ones I have cited could be multiplied many times over. They are found in almost every State. But they are enough, I think, to identify the problem and to demonstrate the need for early and effective action by Congress.

At a single stroke, by enacting the simple procedure of post card registration—registration by mail—S. 2574 would end virtually all of the manifold injustices and intolerable burdens that now exist. Left to individual State initiative, the reform we need will never happen. Registration is a national problem, and it demands a national solution. Without legislation at the Federal level, the inertia of nearly a century of past and present practice will continue and we shall lose this timely and fertile opportunity to make Government more responsive to the people.

As in so many other situations, the burden of our complex and capricious registration system weighs especially heavily on disadvantaged groups in our society.

Only 66 percent of the Nation's black citizens were registered in 1968, while the figure was 76 percent for the white population.

Only 53 percent of those in families with incomes of less than $3,000 were registered in 1968, while 82 percent of those in families with incomes between $10,000 and $15,000 were registered.

Only 69 percent of the nation's manual workers were registered to vote, while 83 percent of the Nation's white collar workers were registered.

Only 49 percent of those with a formal education of 1 to 4 years were registered in 1968, while 87 percent of those with a college degree were registered.

Clearly, on the basis of these statistics, the burden of our present registration system falls most unfairly on the poor, the black, the less educated, and the blue collar workers.

But it is not just the disadvantaged and the working man who are caught by the existing system. The chaos and the defects of the system are not confined to any single population group or geographic region. They trap us all—the businessman in his office, the housewife in her suburb, the worker in his factory, the doctor in his clinic. Rarely, in fact, has any movement for reform so clearly cut across all political, economic and social lines.

Nor is the movement for reform a partisan affair. As the Freedom To Vote Task Force so eloquently stated in its report in 1969:

> Registration efforts must not be concerned with how people vote. The important consideration is that they vote. We can live with decisions made by a full electorate, but those who do not participate may be unwilling to live with decisions they have no voice in making. We must do everything within our

power to encourage them to vote. Let the people choose.

Indeed, it is a tribute to the growing bipartisan interest in the problem that the man who has done the most so far in this area is Senator BARRY GOLDWATER, whose amendment in the Senate in 1970 accomplished important reforms in registration requirements for voting in presidential elections. That amendment was a major landmark in congressional recognition of the problem, and it serves as an important precedent for the goal we seek today.

Now, in S. 2574, Congress has the opportunity to breathe new life into the political process in America. There is perhaps no more important step we can now take to make our democracy responsive to all the people. If we act to end the morass of voter registration, we can revitalize all our public institutions and build a stronger nation to meet all the other great challenges we face at home and overseas.

THE BURDEN OF UNFAIR RESIDENCE REQUIREMENTS

Impediments to the right to vote of a different sort, but no less burdensome for millions of citizens, are the hundreds of different State and local residence requirements that now exist throughout the Nation. Typically, under present voting laws, a potential voter must fulfill three different residence requirements before he is entitled to vote—he must have resided in his State for periods ranging from 6 months to a year; he must have resided in his county for periods from 30 days to 6 months; and, he must have resided in his precinct for periods from 10 to 30 days. In some jurisdictions, the minimum residence requirement is lower; in many, it is substantially higher.

Decades ago, perhaps, in a quieter and less mobile era of our history when these residence requirements were imposed, their burden was not as large as it is today. But now, the burden is immense. The Census Bureau estimates that every year, 20 million Americans, or 10 percent of the population, move their residence from one State to another. On the average, each family in the Nation moves its residence once every 4 years.

The plight of the disfranchised mobile voter in America is well known. As many experts have emphasized, the right of a citizen to travel freely from State to State is one of our fundamental rights protected by the Constitution. Too often, however, the exercise of that right triggers the loss of an even more basic constitutional right, the right to vote.

In the Goldwater amendment of 1970, Congress took a significant step to alleviate the burden of these so-called durational residence requirements by, in effect, reducing such requirements to 30 days for voting in presidential elections.

Now the time is ripe for Congress to go further. S. 2574 shows the way by making the same 30-day requirement applicable to all Federal elections.

VOTER REGISTRATION AND THE PREVENTION OF ELECTION FRAUD

There can be no legitimate concern that adoption of S. 2574 will in any way enhance the likelihood of election fraud. As noted, the bill contains ample antifraud provisions to prevent abuse of the postcard system. In addition, the bill preserves the most effective fraud-prevention device that is widely used today—the ability to compare the signature of the voter at the polling place with the signature on his registration card in the official files. Thus, the signature on the post card form mailed by the registrant under S. 2574 will be available at the polling place to verify his identity on election day.

It is difficult to believe that the face-to-face registration procedure used in virtually every State today can be any more effective in preventing election fraud than the post card registration procedure proposed by S. 2574. The voter arrives at the polling place long after the face-to-face encounter is forgotten. Inevitably, the official at the polling place is not the official who registered the voter weeks or months before. All that exists to verify the identity of the voter on election day is his signature card in the registration file—precisely the same procedure that will be available under S. 2574.

An additional significant point on this issue is the experience of certain States in recent years. North Dakota has no system of voter registration at all, yet detailed studies have concluded that election fraud is negligible in that State. The same conclusion has been reached on the basis of experience in States like California, Idaho, and South Carolina, which have experimented in recent years with universal voter enrollment programs. By contrast, as the hearings on S. 2574 brought out, the incidence of election fraud tends to be greatest in those States that have the most complicated systems of voter registration.

The import of this point is clear. The fraud we have to fear today is not the sort of "individual" fraud that any reasonable system of voter registration can prevent. The real fraud we have to fear is the so-called "institutional fraud"—fraud carried out with the connivance on acquiescence of unscrupulous local officials at the polling places on election day. That is a problem which will exist whether or not we enact S. 2574. No serious contention can be made that the pending bill will contribute in any substantial way to that or any other kind of fraud.

CONSTITUTIONAL JUSTIFICATION

1. GENERAL LEGAL PRINCIPLES

Both the Constitution itself and a long line of decisions by the Supreme Court clearly demonstrate that Congress has ample authority to enact uniform registration and residence requirements to protect and enhance a citizen's right to vote in Federal elections. In light of the strong precedents, no substantial doubt can be raised against the constitutionality of S. 2574, the National Voter Registration Act.

To be sure, the Constitution grants to the States the primary authority to establish qualifications for voting. Article I, section 2 of the Constitution and the 17th amendment specifically provide that the voting qualifications established by a State for members of the most numerous branches of the State legislature shall also be used to determine the qualifications of those who may vote for U.S. Senators and Representatives. Although the Constitution contains no specific reference to qualifications for voting in presidential elections, it has traditionally been accepted that the States also have primary authority to set the qualifications for voting in this area as well.

But, Article I, section 2 and the 17th amendment are only the beginning of the analysis, not the end. The power of the States to set voting qualifications is not unlimited. The scope of State power must be read in light of all the other great provisions of the Constitution, including the 14th and 15th amendments. Clearly, the States cannot adopt voting qualifications that contravene these amendments. No one believes, for example, that the States have the power under article I, section 2 or the 17th amendment to deny the vote to a person because of his race or religion.

In fact, the Supreme Court has consistently and specifically held that the Equal Protection Clause of the 14th amendment prohibits certain unreasonable State restrictions on the franchise:

In *Carrington* v. *Rash*, 380 U.S. 89 (1965), the Court held that a State could not withhold the franchise from residents merely because they were members of the Armed Forces.

In *Harper* v. *Virginia Board of Elections*, 383 U.S. 663 (1966), the Court held that a State could not impose a poll tax as a condition of voting.

In *Kramer* v. *Union School District*, 395 U.S. 621 (1969), the Court held that a State could not deny the vote to residents in school district elections merely because they owned no property in the district or had no children attending district schools.

It was in the Kramer case that the Supreme Court most clearly stated the constitutional test that applies to State and local laws restricting or denying the franchise:

> Any unjustified discrimination in determining who may participate in political affairs . . . undermines the legitimacy of representative government. Therefore, as the Court made clear, it is not enough that a law limiting the franchise may arguably serve some *permissible* interest of the State. Rather, as the Court stated, a more exacting standard applies: "the Court must determine whether the exclusions are necessary to promote a *compelling* State interest." *Kramer v. Union School District*, supra, at 626, 627. (Emphasis added.)

In addition to decisions like those in the Carrington, Harper, and Kramer cases, in which the Supreme Court held that the equal protection clause itself was sufficient to invalidate State laws unreasonably restricting the franchise, another important line of cases establishes that Congress has broad power to legislate in this area as well, pursuant to authority delegated by various provisions of the Constitution.

In *South Carolina* v. *Katzenbach*, 383 U.S. 301 (1966), the Court unanimously upheld the constitutionality of the Voting Rights Act of 1965, including, specifically, the provision authorizing Federal registrars to be used to register voters in States falling under the requirements of the Act.

In *Katzenbach* v. *Morgan*, 384 U.S. 541 (1966), by a majority of 7 to 2, the Court upheld the constitutionality of a statute passed by Congress overriding State literacy requirements in English and conferring the franchise on Puerto Rican voters in New York who were literate in Spanish.

And, in the most recent and most important precedent for S. 2574, *Oregon* v. *Mitchell*, 400 U.S. 112 (1970), the Court not only sustained the constitutionality of a Federal statute lowering the voting age to 18 for Federal elections, but also upheld the constitutionality of two other important provisions in the Voting Rights Act of 1970.

The provision abolishing State literacy requirements altogether, not only for Federal elections, but for State and local elections as well, the Court sustained this provision unanimously, by the vote of 9 to 0.

And, the Goldwater amendment, reducing residence requirements for voting in presidential elections to 30 days, and requiring the States to make available appropriate absentee registration and absentee voting procedures for such elections. The Court sustained this provision by the overwhelming majority of 8 to 1, with only Justice Harlan dissenting.

The Mitchell case is especially significant with regard to the constitutionality of S. 2574, not only because of the wide latitude the Supreme Court gave to Congress in the specific area of establishing residence requirements for voting, but also because it is a recent decision of the Burger court giving a strong indication that the present members of the Supreme Court will adhere to the earlier decisions establishing basic protections for the right to vote. Given these well established legal principles it is clear that the two most important constitutional questions potentially raised by S. 2574—the powers of Congress to legislate in the area of registration and residence requirements—are easily answered in a way that gives ample justification for their constitutionality.

2. THE CONSTITUTIONALITY OF THE VOTER REGISTRATION PROVISIONS OF S. 2574

With respect to voter registration, the source of the authority of Congress to act by statute is article I, section 4 of the Constitution, which provides:

> The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof but the Congress may at any time by law make or alter such Regulations, except as to the Place of Choosing Senators.

Forty years ago, in *Smiley* v. *Holm*, 285 U.S. 355 (1932), the Supreme Court considered the extent to which article I, section 4 confers power on Congress to regulate Federal elections. Speaking for a unanimous Court, Chief Justice Charles Evans Hughes established a broad reach for that power which has been unchallenged in subsequent years, and which uses language directly applicable to the authority of Congress to enact legislation in the area of voter registration. As Chief Justice Hughes stated:

> It cannot be doubted that these comprehensive words (the words of Article I, Section 4. . . . "Times, Places and Manner of holding elections for Senators and Representatives") embrace authority to provide a complete code for congressional elections, not only as to times and places, but in relation to notices, *registration*, supervision of voting, protection of voters, prevention of fraud and corrupt practices, counting of votes, duties of inspectors and canvassers, and making and publication of election returns; in short, to enact the numerous requirements as to procedure and safeguards which experience shows are necessary in order to enforce the fundamental right involved, 285 U.S., at 366 (Emphasis added.)

Subsequently, in United States versus Classic, 313 U.S. 299 (1941), the Supreme Court ruled that Congress had ample constitutional power to protect congressional elections from fraud committed either by the State or by an individual. In explaining its decision, the Court emphasized that the exercise of the franchise derives from the States only "to the extent that Congress has not restricted State action by the exercise of its powers to regulate elections under article I, section 4. Id. at 315.

In other words, the States have the power under article I, section 2 to establish voter registration requirements in the first instance, but Congress has the power to modify or alter those requirements under article I, section 4.

As these historic decisions make clear, article I, section 4 of the Constitution provides Congress with sufficient power to establish registration requirements for Federal elections. Such requirements are clearly part of the "Manner" of holding Federal elections, and there is no substantial constitutional issue involved in S. 2574, insofar as the authority of Congress to legislate in the area of voter registration is concerned.

3. THE CONSTITUTIONALITY OF THE RESIDENCE PROVISIONS OF S. 2574

The constitutional power of Congress to enact uniform residence requirements for voters in Federal elections is equally clear. As the Court observed nearly a century ago in the *Slaughter-House* cases, 16 Wall. 36, 80 (1879), the right to travel from State to State—to become a resident of any State, whether for purposes of voting or other reasons and to enjoy the same rights as other residents of the State—is a privilege of national citizenship. See also *Crandall* v. *Nevada*, 6 Wall. 35 (1868); *Passenger Cases*, 7 How. 283 (1849). Recent decisions by the Court, such as *Shapiro* v. *Thompson*, 394 U.S. 618 (1969), and *United States* v. *Guest*, 383 U.S. at 757–760 (1966) have amply confirmed this basic constitutional right: the right to travel.

In Oregon against Mitchell, supra, as already noted, the Burger Court sustained the constitutionality of the Goldwater amendment to the Voting Rights Act of 1970, and ruled that Congress has authority to reduce residence requirements for voters in presidential elections. The basis of the Court's decision was the broad power of Congress to protect the right to travel.

The reasoning of the Justices in Oregon against Mitchell with respect to the power of Congress to set residence requirements for presidential elections is equally applicable to other Federal elections as well. Existing residence requirements for congressional elections are no less restrictive of the right to travel than those for presidential elections. Indeed, in discussing the validity of the residence provision for presidential elections in Oregon against Mitchell, Justice Stewart, in an opinion joined by Chief Justice Burger and Justice Blackmun, observed that:

> ". . . While Section 202 applies only to presidential elections, nothing in the Constitution prevents Congress from protecting those who have moved from one State to another from disenfranchisement in any Federal election, whether congressional or presidential."

No clearer words could be found to sustain the constitutionality of the residence provisions of S. 2574. Indeed, the language of Justice Stewart is so squarely in point that it may be read as an invitation to Congress to complete the task it began in 1970, and to extend the 30-day residence requirement to all Federal elections.

If any further support were needed, it is sufficient to point out that all three Justices in the Mitchell case who subscribed to the statement quoted—Justice Stewart and Blackmun and Chief Justice Burger—were dissenters from the separate 5 to 4 ruling of the Court in the same case holding that Congress had the power to reduce the voting age to 18 as a qualification for voting in Federal elections. Thus, although legislation by Congress in certain areas of voting qualifications, such as the voting age, may raise a substantial constitutional issue, no such issue arises in the case of legislation in the area of residence qualifications. Clearly, there is broad agreement among the present members of the Burger Court that such legislation is a valid exercise by Congress of its powers under the Constitution, and no substantial issue can be raised on this point with respect to the constitutionality of S. 2574.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. ROTH). The Chair, on behalf of the Vice President pursuant to the provisions of section 123(a), Public Law 91–605, appoints the following Senator as a member of the Commission on Highway Beautification: the Senator from Vermont (Mr. STAFFORD), in lieu of the Senator from Connecticut (Mr. WEICKER).

ORDER FOR RECOGNITION OF SENATOR WEICKER ON FRIDAY, MARCH 10, 1972

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order recognizing the distinguished Senator from Connecticut (Mr. WEICKER) tomorrow for not to exceed 15 minutes be vacated and that that order be transferred to Friday with respect to the same Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TRANSACTION OF ROUTINE MORNING BUSINESS AND LAYING BEFORE THE SENATE THE UNFINISHED BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately following the remarks of the two leaders under the standing order, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes, and that at the conclusion of the morning business the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I assume this will be the final quorum call today.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the Senate will convene tomorrow at 12 o'clock noon. After the two leaders have been recognized under the standing order, there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes, at the conclusion of which the Chair will lay before the Senate the unfinished business, S. 2574, a bill to establish a voter registration program.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and at 4:34 p.m. the Senate adjourned until tomorrow, Thursday, March 9, 1972, at 12 o'clock meridian.

CONFIRMATION

Executive nomination confirmed by the Senate March 8, 1972:

OFFICE OF ECONOMIC OPPORTUNITY

Bert A. Gallegos, of Colorado, to be an Assistant Director of the Office of Economic Opportunity.

HOUSE OF REPRESENTATIVES—*Wednesday, March 8, 1972*

The House met at 12 o'clock noon.

Father Joseph Inverardi, of the Consolata Society for Foreign Missions, Washington, D.C., offered the following prayer:

God, Father of Wisdom, of Life, of Justice, and of Peace, we bow before You in prayer. We seek Your light, that we may legislate according to what is good and well-pleasing in Your sight.

Keep us open, we pray, to the wishes, the needs, and the pleas of those who elected us. Help us to build for them a truly human community, rich in goodness and freedom, and safe from all dangers.

We ask for Your help, that, through the wisdom of our vision and of our laws we may always be a new people, a new beginning of hope and peace in this wide, uncertain world.

You are the future of men. Be our helper and our protector, both now and for all generations, and forever and ever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 1163. An act to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal projects, nutrition training and education projects, opportunity for social contacts, and for other purposes; and

S. 2423. An act to amend the Federal Aviation Act of 1958 to provide for the suspension and rejection of rates and practices of carriers and foreign air carriers in foreign air transportation, and for other puposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1058. An act to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, so as to authorize certain grapefruit marketing orders which provide for an assessment against handlers for the purpose of financing a marketing promotion program to also provide for a credit against such assessment in the case of handlers who expend directly for marketing promotion.

The message also announced that the Vice President, pursuant to Public Law 85–474, appointed Mr. METCALF, Mr. BAYH, Mr. HOLLINGS, Mr. HUGHES, Mr. SCOTT, and Mr. SAXBE to be delegates on the part of the Senate to attend the Interparliamentary Union Meeting to be held in Yaounde, Cameroon, April 3 to 9, 1972.

WE SHOULD GRANT NO AMNESTY TO DRAFT DODGERS

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I view with great distaste and moral indignation the proposals by some to grant amnesty, conditional or otherwise, to those American citizens who have fled the United States to avoid being drafted.

Many men who served in Vietnam differed with our Government's decision to send them there, but they went anyway. Thousands of them were wounded, a large number maimed for life; too many were killed. Some are being held as prisoners of war. In the face of these sacrifices how can we possibly consider amnesty for those who took the unlawful way out by evading the draft or deserting?

Lawlessness is one of the serious ills of our society. Strict enforcement of the law and just punishment of offenders are absolutely necessary and are demanded under our constitutional system of government. We should apply the same system of justice to those who break the law requiring military service as we apply it to those who break any other law.

BEST WISHES TO ARTHUR BRANDEL

(Mr. HENDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENDERSON. Mr. Speaker, I would like to direct the attention of my colleagues on the House Post Office and Civil Service Committee, as well as every Member of Congress, to the recent notice in the financial section of one of the Washington metropolitan daily newspapers, of the newly established Washington newsletter for mail users—Post Age.

Editing this weekly "inside" Washington newsletter for mail users is a veteran Washington correspondent, Arthur Brandel. "Art" has covered the House Post Office and Civil Service Committee, as well as Capitol Hill and the Federal agencies for a number of years.

I am certain the important mail users will welcome this new publication which will highlight information for mail users concerning developments at the U.S. Postal Service, the Postal Rate Commission, the House and Senate Post Office and Civil Service Committees, as well as the House and Senate Judiciary Committees.

I am sure all "Art" Brandel's friends extend to him their best wishes in his new endeavor.

ADMINISTRATION'S NEW ECONOMIC POLICY IS BEING EFFECTIVE

(Mr. CONABLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CONABLE. Mr. Speaker, last month our unemployment rate, as seasonally adjusted, dropped to the lowest level since October 1970. Since December 1971 the rate has dropped from 6 to 5.7 percent. This reduction reflects a strengthening economy.

The February reduction was broadly based. The decline was marked among adult women, whose overall rate dropped from 5.5 to 5 percent. Among industry groups, the largest movement took place in durable goods manufacturing, where the rate declined from 6.7 to 6.1 percent. The strong drop in this sector is especially encouraging because it is a good indication that our expansionary new economic policies are taking effect; increased activity in manufacturing is generally one of the first signs of an expanding economy. Among occupational groups, the rate for white-collar workers declined from 3.6 to 3.3 percent and the rate for professional and technical workers from 3.1 to 2.5 percent. The substantial drops in these sensitive areas indicate that business is acquiring more highly skilled employees in anticipation of strong growth during 1972.

The large drop in the unemployment rate for Vietnam veterans during February was also encouraging. The rate declined from 8.5 percent in January to 7.4 percent in February, which is the lowest rate in more than a year. The rate for veterans aged 20 to 24 years dropped to 9.7 percent in February from 12.3 percent in January. In the service-producing industries, employment rose by 150,000 during February. Since August 1971 service-producing employment has increased by almost 1 million jobs.

Mr. Speaker, in my opinion, this broad-based reduction in unemployment in the last 2 months, when viewed in conjunction with the recent good news regarding factory orders, durable goods, housing, and increasing business plans for investment in new plant and equipment, augurs well for very strong growth during 1972 and gives evidence that the administration's new economic policy is being effective.

CALL OF THE HOUSE

Mr. GERALD R. FORD. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 64]

Anderson, Tenn.
Ashbrook
Baring
Belcher
Bingham
Blatnik
Clark
Clausen, Don H.
Clay
Collier
Dellums
Diggs
Eckhardt
Edwards, La.
Galifianakis
Gallagher
Gaydos
Goldwater
Gray
Hébert
Hull
Johnson, Pa.
Jones, Ala.
Kyros
McCloskey
McKevitt
Macdonald, Mass.
Miller, Calif.
Mollohan
Obey
Pelly
Powell
Pryor, Ark.
Reid
Riegle
Sandman
Scheuer
Shipley
Stanton, J. William
Steiger, Wis.
Stubblefield
Teague, Calif.
Teague, Tex.
White
Wright

The SPEAKER. On this rollcall 386 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MOTION TO SEND TO CONFERENCE OMNIBUS EDUCATION AMENDMENTS OF 1972

Mr. PERKINS. Mr. Speaker, pursuant to the provisions of clause 1, rule XX, and by the direction of the Committee on Education and Labor, I move to take from the Speaker's table the bill, S. 659, with the Senate amendment to the House amendment thereto, disagree to the Senate amendment, and request a conference with the Senate.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Pursuant to the provisions of clause 1, rule XX, and by direction of the Committee on Education and Labor, Mr. Perkins moves to take from the Speaker's table the bill S. 659, with the Senate amendment to the House amendment thereto, disagree to the Senate amendment, and request a conference with the Senate.

The SPEAKER. The gentleman from Kentucky (Mr. Perkins) is recognized for 1 hour.

Mr. PERKINS. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. Ruth) 5 minutes for purposes of debate only.

Mr. RUTH. Mr. Speaker, I intend to offer a motion to insist on the language of the Broomfield-Ashbrook-Green amendments which relate to busing.

The Broomfield amendment simply states—all court orders which require busing shall be postponed until appeals have been decided or the time for their appeals has expired.

The Ashbrook-Green amendment is twofold. The Ashbrook amendment states that Federal funds administered by the U.S. Commissioner of Education are not to be used for transportation of teachers or pupils or the purchase of transportation equipment to overcome racial imbalance or to carry out a plan of racial desegregation.

The amendment of Mrs. Green further strengthens the Ashbrook amendment by saying that Federal bureaucrats could not order or encourage State and local officials to use State and local funds for purposes—that is busing—for which Federal funds could not be used under the Ashbrook amendment.

Mr. Speaker, to this Member the instruction of conferees is not usually a desirable position. However, as conditions vary, procedures must follow suit so I would like to state four reasons for making this motion:

First. Today the busing situation is of great concern to the people of the Nation far beyond normal, but from a highly emotional state.

Second. While the decision has been made by the courts, the constituents of the Congressmen in this Chamber look to them and not the courts for help.

Third. As the legislative branch of Government, our only recourse is to limit funds or to limit the action of Federal agencies. On this issue the House has taken a stand and should do all possible to reaffirm it.

I point out that both of these amendments passed by over 100 votes in the House and also I vividly recall the amendment on desegregation which was added to this bill was soundly defeated when it contained no antibusing language and passed easily when this language was added.

Fourth. The Senate version of this bill has language in it which makes these amendments which are so important to this House meaningless.

Mr. Speaker, I thank the gentleman from Kentucky for yielding.

Mr. PERKINS. Mr. Speaker, I yield 5 minutes to the distinguished minority leader, the gentleman from Michigan (Mr. Ford) for purposes of debate only.

Mr. GERALD R. FORD. Mr. Speaker, I thank the distinguished chairman of the House Committee on Education and Labor for yielding me time at this point to supplement the remarks made by the gentleman from North Carolina (Mr. Ruth).

First, I think it is wise and appropriate to explain what the procedure will be as we go down the road on the legislation this afternoon.

The chairman of the Committee on Education and Labor has moved to send to conference the higher education bill and the emergency school aid bill. We are now in the process of 1 hour of debate or as much time out of that 1 hour as the chairman of the committee allocates.

At the conclusion of debate on the motion, the gentleman from North Carolina (Mr. Ruth) will move to instruct the conferees to insist that the conferees uphold the House on the Broomfield amendment which prevailed by a vote of 235 to 125; to insist on the Ashbrook amendment which was approved in the House by a recorded teller vote of 233 to 124; and to insist that the House conferees uphold the House on the Green amendment which was approved by a vote of 231 to 126.

I am told that the chairman of the Committee on Education and Labor, after the gentleman from North Carolina (Mr. Ruth) has been recognized and has moved to instruct, will move to table the Ruth motion. There will be no debate on the motion to table.

We will have a rollcall vote in the House. Those who want to instruct the conferees should vote "no." Those who want to let the conferees go to the conference with the Senate unobstructed should vote "yea" on the motion to table.

At this point let me interject one suggestion——

Mr. LANDRUM. Mr. Speaker, will the distinguished gentleman yield to me at that point?

Mr. GERALD R. FORD. I yield to the gentleman from Georgia.

Mr. LANDRUM. Can the gentleman advise whether the motion of the gentleman from North Carolina (Mr. RUTH) to instruct the conferees will involve the three amendments which the gentleman has mentioned: The Broomfield amendment, the Ashbrook amendment, and the Green amendment?

Mr. GERALD R. FORD. That is correct.

Mr. LANDRUM. They will all be in one vote.

Mr. GERALD R. FORD. It will be a package, that the conferees in each instance and in relation to all of them should stand up for the House version.

Mr. LANDRUM. I thank the gentleman.

Mr. GERALD R. FORD. I merely quote statistics. I pass no judgment. But I think the facts are accurate. Of the 20 House conferees prospectively selected to represent the House on the higher education bill and the emergency school aid bill containing the antibusing amendments, only three of the House conferees out of the 20, or 15 percent, voted for the Green amendment. Their personal sentiments are obvious.

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Kentucky.

Mr. PERKINS. The conferees have not yet been appointed.

Mr. GERALD R. FORD. I understand that certain names have been selected, and if I am in error, I would like to have the gentleman correct me. But on the basis of information given to me, I think what I have said is accurate or reasonably accurate.

If we turn to the Ashbrook amendment, only four out of the 20 prospective House conferees voted for the Ashbrook amendment. What I am saying is that although the conferees have an obligation to uphold the House version, their own voting record in the House of Representatives on the three issues was one of less than enthusiasm for any one of the three amendments. Therefore, as much as I dislike instructing conferees—and I do—I think we must emphasize and reemphasize to our House conferees that the House believes in the Broomfield, the Ashbrook, and the Green amendments. I therefore urge that the House vote down the motion to table.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. PUCINSKI) for the purpose of debate only.

The SPEAKER. The gentleman from Illinois is recognized.

Mr. PUCINSKI. Mr. Speaker, I know there is going to be considerable discussion and debate on the amendment to instruct the House conferees on busing, and I am sure the House will work its will as it always has on other occasions. Regardless of what happens to the instructions being suggested by Mr. RUTH, the fact of the matter is that a careful study of the emergency school bill, with all of the programs that are incorporated in that bill, will indicate that we can live with the amendments adopted by the House barring expenditure of Federal funds for busing and still provide an enormous amount of emergency assistance to schools all over this country which are being integrated. It would be my hope that we do not get hung up on this busing issue to the extent that this entire bill fails to be enacted as quickly as possible. Hundreds of schools urgently need help in working out problems related to integration and I want to help them as quickly as possible.

The $1.5 billion of emergency aid is urgently needed, and I hope this debate over busing would not hold up final action on this important and historic legislation.

If we can act expeditiously, we can get this money into these schools even for the remainder of this school year, but surely we can have this money in time for these schools to do some intelligent planning by September 1, for their fall term.

Second, may I remind the House that the higher education bill, which has institutional and student loans, and aid to community colleges and vocational education, will expire midnight, June 30. There are now loan officers all over this country who are being asked by students: "What will be the program next September when we return to school?" The loan officers are unable to answer those questions and tens of thousands of student loan applications are being held up.

So it would be my hope that we can find some way of getting this legislation finally adopted and enacted, sent to the President, and get the money appropriated. There are enormous benefits in this bill. It would be my hope we do not obscure these benefits in a rough and tumble fight over busing.

Mr. PERKINS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, initially let me discuss briefly the background relative to my motion. Last week there was an objection to my unanimous-consent request to go to conference with the Senate. Subsequently—yesterday, March 7—the Committee on Education and Labor met in open session with a quorum present and directed me to move that the House request a conference with the Senate on S. 659. The motion was approved on a rollcall vote with 24 affirmative votes and no negative votes. My motion then is pursuant to the provisions of clause 1 of rule 20 of the House and by direction of the Committee on Education and Labor.

Mr. Speaker, I sense that there will be no debate on my motion. The debate will occur rather on a second motion which will be made to instruct conferees. Let me state first that I personally feel that the conference committee should have as much flexibility as possible in attempting to resolve differences between the House and Senate versions of a bill. In connection with this bill, Mr. Speaker, I believe that maximum flexibility is essential.

As my colleagues well know, the legislative history surrounding the higher education bill has been both long and difficult. We have worked on this bill for more than 2 years. There have been many days of debate in the other body, both on the original bill and more recently on their amendment to the House amendment. Here in the House we debated and amended this legislation for 5 consecutive days.

It is a bill which is comprehensive in nature, one which will have an impact principally in higher education but also at every other level of education. There are thousands of institutions and millions of students who will be directly affected by its provisions.

There are innumerable and great issues which still must be resolved. It is not a one-issue bill, which the proponents of this motion would lead us to believe. It is a disservice to the American people to allow this one issue to overcome and dominate in the crucial and closing hours of this bill.

Our analysis shows that there are over 250 substantive differences between the House and the Senate. Authority for virtually all higher education programs expire in June. Our backs are against the wall. Adoption of the instruction motion here today will reduce our flexibility and work against rather than for early enactment.

Mr. Speaker, my greatest concern is that these instructions will further complicate and delay an already complicated situation which has gone far beyond our expectations with respect to time. It was November when this House of Representatives completed action on the higher education bill. It is now March. This should illustrate why we should be eliminating rather than stimulating controversy. In the conference, instructions on the part of the House will further delay and complicate the situation.

Our conference proceedings obviously will be more difficult—more tenuous—if the House conferees are bound on one or more issues. I believe that this House acted wisely in November when there were no instructions at the time conferences were appointed. Nothing has happened during the intervening time to necessitate the virtually unprecedented motion to instruct conferees even before the first conference session.

To the contrary, the fact that it is now March makes it even imperative that we move in regular order and expeditiously work to complete action.

It just does not stand to reason that on an important piece of legislation of this type we should be proceeding in such an unusual fashion. We must not let this one issue overshadow and perhaps destroy the greatest higher education bill which, to my way of thinking, has ever been written. As I have said, we have worked for over 2 years on this bill.

I have every confidence that we will work out a good bill and bring it back here by the week after the Easter recess, so that the Appropriations Committee can act within 3 or 4 weeks, if you will not tie our hands.

There are similar amendments in the two versions of the bill, and we must have some flexibility to work out what is in the best interest of the schoolchildren of this country.

That is what we have in mind, as

House conferees, if we are permitted to work our will, to work for the welfare of the schoolchildren of the country and the betterment and expansion of higher education opportunity.

Mr. Speaker, I urge that the motion to instruct be defeated.

The SPEAKER. Does the gentleman from Kentucky desire to yield further time?

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, I, of course, will vote against instruction. That is not a new position for me to be in. It has been a consistent position for 40 years of legislative life. I have never voted to instruct the conferees between House and Senate conferences.

I would rather say to you all, and to the chairman of the committee, since I understand I am supposed to be named one of the conferees, if he so desires I would just as soon the chairman not name me to go to any conference where I am bound by any restriction from using whatever good judgment the Lord granted me.

This is a very serious situation. We are not talking about some of the things we ought to be talking about, a 5-year bill of $22 billion or a 4-year bill of $20 billion. We are not talking about how this money is to be allocated and whether there ought to be some serious thought given to it.

I can see, if this House is so minded—and it probably is—to instruct and bind the conferees on this issue, that the Senate might just take the same position, and then we will get to the very proper place we should have been a long time ago.

We drop the issue from this authorizing bill and put in the appropriation bill.

This amendment properly belongs in an appropriation bill. It does not have a darned thing to do with the Higher Education Act insofar as the determination of where to spend the money, which programs are to be agreed upon, which are to be stopped, which are to be added to or cut back.

We are saying, "you have no right to confer on one issue in this bill". The whole bill is in danger of having one of two things happen, either a stalemate in the conference or dropping both provisions of the House and the Senate.

I would say I prefer that kind of a situation. This ought to go into the money appropriations, where the money is allocated and where it is to be spent. There is no provision in this bill for busing. How then can we restrict the use of moneys for or against a provision not contained in the authorizing bill before us.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. PERKINS. Mr. Speaker, I yield 2 additional minutes to the gentleman from Pennsylvania.

Mr. THOMPSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield to the gentleman from Georgia.

Mr. THOMPSON of Georgia. If this is put in an appropriation bill, that is a temporary measure. Appropriation bills last for only 1 year. The gentleman well knows that if we are to have any legislation that is going to get at the heart of the matter it must be in a permanent legislation. This is permanent legislation. It was held to be germane by the Parliamentarian.

Mr. DENT. There is nothing permanent in the legislative field. Every new election brings in new legislators, and they can change all the acts on the books if they so desire.

If we do not have a yearly appropriation bill we do not need an authorization bill, because unless the money is provided by appropriations what good is the authorization? So that is not a strong argument.

I have no strong feelings one way or the other except about binding the hands of the conferees. I fought on this floor, in every instance since I have been a Member, against any binding of the powers and the rights of conferees.

What is a conference for? What is the idea behind it? To try to iron out differences between the two legislative branches. I think there must be over 200 differences in this legislation, but you are tying the success of the conferees and the welfare of the educational institutions of the United States to an issue that can never be argued calmly. It is one of those temperamental and emotional situations, where, no matter which side you are on, you are bound by what your district demands.

I think that the vote of this House when they expressed their position on it was perfectly all right. The majority voted for it, and it was perfectly all right. However, when you bind the hands of the conferees you can bind them on any one of the differences, no matter what they are. So I say, if you are going to do that, why do you not write in the legislation exactly the way you want it and dispense with having a conference and just pass the legislation as you would and as you are doing now for only one item of the differences between House and Senate.

What you are doing is legislating here. You are not talking about anything else but legislating to bind the hands of the conference.

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Mississippi (Mr. WHITTEN) for the purposes of debate.

(Mr. WHITTEN asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. WHITTEN. Mr. Speaker, for many years I have worked hard to bring about the vote we have here today.

For more than 5 years I have pointed out that all education was being made secondary to the drive by the U.S. Department of Education and Federal judges to force the assignment of students based on race against the wishes of their parents, for the sole purpose of establishing a racial balance even though all public schools were open to students of all races, that is "desegregated" as that term is defined in the Civil Rights Act of 1964.

I have pleaded with the Department, have tried cases before hearing examiners, met with President Johnson and twice have written President Nixon urging each of them to stop the drive of the Federal courts and of the Department of Education to destroy quality education.

For the last 2 years amendments I wrote and offered on this floor have been a part of the law.

These provisions of law, sections 309 and 310 of Public Law 92–48, making appropriations for the Office of Education for the current fiscal year, are as follows:

SEC. 309. No part of the funds contained in this Act may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students; to force on account of race, creed, or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

SEC. 310. No part of the funds contained in this Act shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Actof 1964, Public Law 88–352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed, or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

The Washington Post had this to say about my amendments in an editorial which I present:

THE WHITTEN AMENDMENT

Yesterday the House reattached the fabled Whitten amendment to the compromise Labor-HEW appropriation bill. The Whitten amendment is the name given to one or more amendments (their form changes slightly from year to year) which Mississippi Congressman Jamie Whitten appends annually to Labor-HEW appropriations bills. There is a vast gulf between the Whitten amendment's noblesounding language and its actual intent. On its face, the Whitten amendment would merely prohibit the Department of HEW from using its funds in such a way as to force school children to attend schools which are against the choice of their parents or to be bused to schools not of their choice; and it also would prohibit HEW from using its funds to abolish particular schools. The busing part was put in as sort of come-on by Mr. Whitten who knows that "forced busing" is a specter which Northerners profoundly fear, and who also knows that school desegregation in the South often tends to require *less busing* than does the maintenance of the illegal dual school system.

So the busing proviso is there to gain Northern support—never mind that the federal government is already forbidden by statute to compel busing to overcome de facto segregation. The important part of the Whitten amendment is that which would prevent HEW from carrying out the provisions of the Civil Rights Act of 1964 or following the directives contained in several Supreme Court decisions in relation to the dismantling of the South's dual school system. It would give a reprieve to districts like those Mr. Whitten represents which have been flouting the law for 16 years and which are now complaining, via their representative in Congress, that the Supreme Court on Oct. 29 acted summarily and in indecent haste. Mr. Whitten's amendment, in short, is designed to maintain the validity of officially imposed school segregation in the South. This fact is one of the worst kept secrets on Capitol

Hill—or any place where school desegregation is the subject of even remotely serious discussion.

Mr. Nixon has been aware of the importance of the Whitten amendment for some time, and he has taken a very interesting position on it. In the autumn of 1968, when he was a candidate for President, and when the Whitten amendment was a hot item in the House, Mr. Nixon authorized Melvin Laird to tell House Republicans that he—Mr. Nixon—*opposed* the Whitten amendment and hoped they would vote against it. That got a nice splash in the press and—rather more important—provided the narrow margin that defeated the Whitten amendment.

In 1969, Mr. Whitten was to come back with his amendment on the new Labor-HEW appropriations bill. That summer, the Attorney General informed the relevant members of the House that the Nixon administration in fact did *not* oppose the Whitten amendment; so the Whitten amendment was passed by a narrow margin in the House.

Then at the end of summer, Secretary Finch told the Senate that the Nixon administration *did* oppose the Whitten amendment; things were a bit far gone by then, however, so it took a king-sized battle mounted by Secretary Finch and Minority Leader Scott to keep the thing off the Senate version of the appropriation bill. And Secretary Finch did some very intense lobbying to get the House to accept the Senate's language. As recently as Feb. 6, Mr. Nixon's commissioner of education, James E. Allen, Jr., informed a Senate subcommittee of the reasoning behind the administration's continuing opposition to the Whitten maneuver:

"The Department continues to oppose such proposals because they not only conflict with the decisions of the Supreme Court but further would seriously restrict the enforcement efforts under Title VI to eliminate discrimination."

A short while after the commissioner made his statement, Mr. Ziegler, the President's spokesman, let it be known that Commissioner Allen did not speak for the administration. Then, Monday, emerging from the White House, Minority Leader Ford disclosed that the President favored the "thrust" of the Whitten amendment. In thrust, perhaps, but not, as you might say, in drift. Or in substance, but not in form. Or—who knows?—In form but not in substance. By afternoon, Secretary Finch informed the House Rules committee that he *opposed* the Whitten amendment and believed himself to be speaking for the administration.

There—as of the moment of writing—you have the position on the Whitten amendment that Mr. Nixon has evolved. The good Lord kows it is subject to change before the ink is dry, but we think that, over all, it has certain interesting, permanent features. One is that it is highly mobile, and the other is that it is rarely if ever enunciated by Mr. Nixon himself—only by those who speak for him on all sides. It will be interesting to see whether Secretary Finch's word is the last word when the bill goes to the Senate.

Mr. Speaker, if Federal judges would abide by an act of Congress, the Civil Rights Act of 1964, Public Law 88-352, 78 Stat. 246, would have held the courts and the President in check and prevented present educational chaos—for that act provides:

TITLE IV—DESEGREGATION OF PUBLIC EDUCATION

DEFINITIONS

SEC. 401. As used in this title—

(a) "Commissioner" means the Commissioner of Education.

(b) "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance. . . .

These provisions are simply being ignored. I have called on President Nixon to support the action of the Congress. This I did in October and again in December—I received promises from his assistant but no action.

Congress has spoken many times on this issue. I quote here from the Congressional Quarterly of December 11, 1971, page 2559, which carried an article entitled "Busing Opponents: New Friends in the House." Under the title appear the following references:

References

1971—Anti-busing amendments to higher education-desegregation aid bill, Weekly Report p. 2386, 2310, 2276; President Nixon on busing, p. 1830, 1829; Whitten amendments to education appropriations bill, p. 1468, 1304, 843, 842; Supreme Court decision on busing, p. 928; desegregation statistics, p. 199; vote 236(T), 239(T), p. 2332, 2333; vote 31(T), p. 875, 874.

1970—Whitten amendments to education appropriations bills, 1970 Almanac p. 266, 264, 262, 260; 144, 143, 142, 141, 133; vote 106, p. 40–H, 41–H; vote 20, p. 8–H, 9–H; CQ book, *Civil Rights: Progress Report* 1970, p. 49–52.

1969—Whitten amendments to education appropriations bill, 1969 Almanac p. 554, 553, 549, 548; vote 167, p. 78–H, 79–H.

1968—Whitten amendments to education appropriations bill, 1968 Almanac p. 603, 600, 598; vote 214, p. 92–H, 93–H.

Busing Opponents: New Friends in the House

Long-time opponents of busing school children to desegregate public schools found themselves the core of a new majority in the House of Representatives in 1971.

As some southern members had predicted, many Representatives from outside the South—in 1971 for the first time feeling real pressure for school desegregation in their districts—ignored their past statements and voted to delay or bar the use of busing for desegregation.

A prime example of this shift was the position adopted by James G. O'Hara (D-Mich.), for years one of the leaders of the floor fights to cut anti-busing language out of appropriations bills.

Late in September, a federal judge ordered that a metropolitan-wide desegregation plan be developed for Detroit, where he found the schools deliberately segregated. Within weeks, O'Hara was assuring his constituents—chiefly working-class Detroit suburbanites—that he felt court-ordered busing exceeded constitutional requirements. He said he stood ready "to do whatever is necessary by way of further legislation or a constitutional amendment to prevent implementation of the (Detroit desegregation) decision by cross-district busing."

DESEGREGATION PRESSURE MOVES NORTH

Detroit was not the only non-southern city feeling pressure. The *de jure-de facto* distinction which had shielded the North from desegregation requirements was crumbling before the findings of federal courts. Judges were holding that school desegregation in non-southern cities was often just as much the result of official action (*de jure*) as that in the South and was thus within the reach of court orders.

When school opened in the fall of 1971, the South—where statistics showed desegregation progress had moved far ahead of the rest of the country—was relatively quiet compared to bus bombings in Pontiac, Mich., protesting a desegregation plan and the Chinese-American-led boycott of the San Francisco schools, which were desegregating through busing.

Even before the Detroit ruling, a federal judge had found the city schools of Indianapolis, Ind., deliberately segregated. He suggested that a metropolitan-areawide desegregation plan, almost inevitably requiring substantial busing, be developed.

The Department of Health, Education, and Welfare (HEW) had begun proceedings to terminate federal funds to several non-southern school districts charged with violating federal school desegregation requirements. The districts included Ferndale, Mich., Wichita, Kan., Prince Georges County, Maryland, and Boston, Mass.

And as these moves kindled adverse reaction to desegregation outside the South, anti-busing sentiment was given additional impetus in August when President Nixon reaffirmed his opposition to busing for racial balance in the schools. Chief Justice Warren E. Burger a few weeks later said that, although the Supreme Court had upheld the use of busing and racial ratios as interim means of eliminating segregation, it had not required that every school be racially balanced.

THE BUILDING OF A MAJORITY

The new anti-busing majority showed its muscle on several votes in 1971, most impressively in November when it succeeded in adding strong anti-busing language to a massive higher education-desegregation aid bill enacted by the House. These amendments:

Postponed—until all appeals had been settled or the time for them had expired—the effective date of any federal court order requiring busing.

Forbade the use of all federal education funds for busing to overcome racial imbalance and forbade federal pressure on local school agencies to spend state or local funds for busing.

A substantial majority of House members—235 and 233, respectively—approved these amendments. More than half of those votes were cast by Representatives from states outside the South. Fifty-six Democrats from northern and western states—considered the most liberal voting group in the House—voted for the first amendment, which five of their number sponsored; 50 voted for the second. Only half that number had ever supported anti-busing proposals before those votes.

Development of this anti-busing majority can be traced through the years 1968–1971 by comparison of seven key House votes on anti-busing provisions during those years.

1968. The federal government began to move its desegregation efforts north in 1968. The Justice Department filed its first non-southern desegregation suit in April against an Illinois district, followed by suits against Indianapolis, Tulsa, Okla., and East St. Louis, Mo. HEW announced revised school desegregation guidelines, for the first time they applied to northern as well as southern districts.

But on the key anti-busing vote in the House in October, only 71 non-southern members—12 of whom were Democrats—opposed a move to weaken anti-busing language. The House voted, 167–156, virtually to nullify a provision it had earlier approved as part of the Labor-HEW appropriations bill. The provision forbade HEW to withhold funds from districts in order to require them to move further, by busing or other methods, to desegregate their schools. This provision was called the Whitten amendment after its author, Jamie L. Whitten (D., Miss.).

Among the non-southern supporters of the Whitten amendment were nine California members, 11 from Pennsylvania, eight from Ohio, Edward J. Derwinski (R., Ill.)—in whose district the first non-southern desegregation suit had been filed—and William G. Bray (R., Ind.)—whose district included part of Indianapolis.

1969. There was little significant change in members' positions on the busing issue in 1969, a fact not indirectly related to the ambiguity which surrounded the new Administration's school desegregation policy. Aside from issuing a warning to Chicago that it must speed up the desegregation of its public school faculties and filing suits against the schools of Waterbury, Conn., and Madison, Ill., the Administration took little action outside the South on the matter.

Once again the House version of the Labor-HEW appropriations bill contained the Whitten amendments, but the House in December adopted Senate-added language to nullify them. On the key vote, the House rejected, 181–216, a motion to kill the nullifying amendment. Only 75 non-southerners—17 of whom were Democrats—voted for the motion.

1970. The first key vote closely resembled the 1969 vote, coming during final House consideration of the second Labor-HEW appropriations bill for that year. (Mr. Nixon vetoed the first.)

The second bill also contained the Whitten amendments to which the Senate had added weakening language. Once again anti-busing forces were defeated when the House voted 164–222 to reject a motion to kill the proposal that the House accept the weakening language.

Only 61 non-southerners voted for the motion, but a significant number of them, 26 were Democrats.

Perhaps the most significant of the position changes registered by northern Democrats on this vote, in early March, was that of Roman C. Pucinski (D., Ill.), a high-ranking member of the House Education and Labor Committee and—until 1966—champion of every civil rights measure which came to the House floor.

The racial fears of his predominantly white constituency, reflected in a close re-election fight in 1966; brought about a shift in Pucinski's position. The federal warning to the school system of his hometown of Chicago may also have had its effect. In 1970 Pucinski cast his first record vote with anti-busing forces; in 1971 he was one of the leaders of the anti-busing majority.

In February, a desegregation order for Los Angeles was handed down, requiring substantial busing; in March, a similar plan was ordered for Pasadena, Calif.; in April, the HEW Department moved to cut off federal funds to Ferndale, Mich., schools, and the Detroit school board sparked vehement protest by changing school district boundaries in order to foster more desegregation.

In June, the House cast its second key vote on the busing issue. For the first time on a significant vote, the anti-busing forces prevailed. The House agreed, 191–157, to kill a motion which required House conferees on the education appropriations bill to agree to Senate action dropping the modified Whitten amendment. The provisions were retained, but the victory was chiefly symbolic: HEW officials said the language would have no effect.

Ninety-nine non-southern Representatives—only 18 of them Democrats—joined the anti-busing forces in this victory. Significant among these were H. Allen Smith (R Calif.) who represents part of Pasadena and William S. Broomfield (R Mich.) who represents Ferndale.

1971. Anti-busing forces won again in April when the House refused, 149–206, to cut the Whitten amendment fom the education appropriations bill for fiscal 1972. Among these voting with the opposition were 108 non-southern members, 23 of whom were Democrats.

By the time the House voted in November on the anti-busing amendments to the higher education-desegration aid bill, the uproar in San Francisco and Pontiac, Detroit, Indianapolis and other urban and suburban neighborhoods had been translated into constituent pressure. The impact was obvious:

Michigan Representatives voted 15–1 for the Broomfield amendment delaying the effect of court orders requiring busing. Six other Michigan Representatives, including O'Hara, sponsored the amendment.

Reflecting similar shifts, the delegations of Connecticut, Illinois, Indiana, New York, Ohio, Pennsylvania and Wisconsin voted lopsidely for the amendment.

Most long-time opponents of busing were delighted with the new majority position which they had attained with the votes of their northern allies. But some were disgruntled by the immediate success of the northern protest. The Alabama and South Carolina delegations split on the Broomfield amendment, 5–3 and 3–3; the Georgia delegation voted against it 1–6.

Jack Edwards of Alabama (R) cast one of the negative votes, explaining: "We are busing all over the 1st District of Alabama. . . . A lot of people say to me, 'How in the world are we ever going to stop this madness?' I say, 'It will stop the day it starts taking place across the country, in the North, in the East, in the West.'

"And so busing is ordered in Michigan and the first thing the members from Michigan do is come in with this amendment and ask us to delay it for them. But, my friends, we are not going to stop the busing as long as we let them off the hook the minute it hits them. Let it hurt them, and we will get their votes as we try to stop busing once and for all."

FURTHER REFERENCES

1968. Labor-HEW Appropriations Bill, fiscal 1969. Motion to adopt Senate language weakening Whitten amendment barring HEW from withholding federal funds to force busing or other actions to desegregate schools beyond freedom-of-choice plans. A vote against the motion was a vote for restrictions on busing. Adopted 167–156; R 67–77; D 100–79 (ND 96–12; SD 4–67), Oct. 3, 1968. (Vote 214, 1968 Almanac p. 92–H, 93–H)

1969. Labor-HEW Appropriations Bill, fiscal 1970. Motion to table (kill) motion instructing House conferees to agree to Senate action weakening Whitten amendments. A vote for the motion was a vote for restrictions on busing. Rejected 181–216: R 90–84; D 91–132 (ND 17–216; SD 74–6), Dec. 18, 1969. (Vote 167, 1969 Almanac p. 78–H, 79–H)

1970(1). Labor-HEW Appropriations Bill, fiscal 1970. Motion to table (kill) motion instructing House conferees to agree to Senate action weakening Whitten amendments. A vote for the motion was a vote for restrictions on busing. Rejected 164–222: R 63–107; D 101–115 (D 26–110; SD 75–5), March 3, 1970. (Vote 20, 1970 Almanac p. 8–H, 9–H)

1970(2). Office of Education Appropriations Bill, fiscal 1971. Motion to table (kill) motion instructing House conferees to accept Senate action deleting Whitten amendments. A vote for the motion was a vote for restrictions on busing. Adopted 191–157; R 107–35; D 84–122 (ND 18–117, SD 66–5), June 30, 1970. (Vote 106. 1970 Almanac p. 40–H. 41–H)

1971 (1). Office of Education Appropriations Bill, fiscal 1972. Amendment to delete Whitten amendment. A vote against the amendment was a vote for restrictions on busing. Rejected 149-206: R 35-117; D 114-89 (ND 108-23; D 6-66), April 7, 1971. (*Vote 31(T), Weekly Report p. 874–875*)

1971 (2). Higher Education Act of 1971. Amendment delaying the effective date of any court order requiring busing, until all appeals have been acted upon or the time for them has expired. A vote for the amendment was a vote for restrictions on busing. Adopted 235-125: R 129-17; D 106-108 (ND 56-90; SD 50-18), Nov. 4, 1971. (*Vote 236(T), Weekly Report p. 2332, 3323*)

1971. (3). Higher Education Act of 1971. Amendment barring the use of federal funds for busing or of federal pressure to require school boards to spend state or local funds for busing. A vote for the amendment was a vote for restrictions on busing. Adopted 233-124: R 125-20; D 108-104 (ND 50-94; SD 58-10), Nov. 4, 1971. (*Vote 239(T), Weekly Report p. 2332, 2333*)

Mr. Speaker, hundreds of schools have been closed. The education of thousands of students have been retarded, all because Federal judges and officials of the U.S. Department of Education have insisted they know what is better for a child than does the child's parents. Remember, all public schools are open to all.

Mr. Speaker, I hope the House here today will once again by an overwhelming majority tell the President, the Federal judges and the people that the people's branch, the Congress, is going to assert its right to protect the well-being of all Americans and the rights of their children to a quality education.

Mr. PERKINS. Mr. Speaker, I yield such time as he may use to the gentleman from California (Mr. EDWARDS) for the purposes of debate.

Mr. EDWARDS of California. Mr. Speaker, I rise in opposition to the motion to instruct the conferees.

Mr. Speaker, we have before us today an opportunity to make a renewed, firm commitment to the achievement of integrated education of high quality for our Nation's youth. As we consider the instructions to the House conferees concerning the Omnibus Education Amendments of 1972, we must keep certain facts clearly in mind despite the heated rhetoric over the busing issue which has raised emotion to a fever pitch at the expense of reason.

The primary fact is that quality education is the most important goal, and no matter what position we take in the current busing debate, we all agree on that.

The second fact is that quality education is not achievable for minority group children in American society in segregated schools. The Supreme Court in the Brown against Board of Education decision found in 1954 that segregated school systems which purported to offer education which was "separate but equal" in reality offered black children a second-class, inferior education. The Court declared unconstitutional the laws that established segregated school systems and ordered that desegreation be accomplished "with all deliberate speed."

The third fact is that the Brown decision was not sufficient to accomplish the desegregation for which it called. The 10 years which immediately followed Brown saw little progress toward the desegregation of de jure segregated school systems in the South. The years immediately after Brown were marked instead with defiance of Federal court authority, epithets hurled at little children, and stands in the schoolhouse door. It was not until the early 1960's and the flowering of the civil rights movement that blacks were able to move the conscience of the Nation and achieve legislation to implement the Brown decision. In 1964 the Congress passed the Civil Rights Act which included authorization for the Attorney General to file suit against segregated school districts—title IV—and gave the Federal Government authority to terminate funding in those districts which refused to desegregate. Between the date of passage of the Civil Rights Act of 1964 and 1968, 10 times more desegregation was accomplished than in the 10 years between 1954 and 1964.

The fourth fact is that even though the efforts of the Federal Government were significant in achieving a national increase in integrated education, continual roadblocks placed in the way of desegregation by certain States and local communities forced the Supreme Court to act once again in affirmation of the principles laid down in the landmark Brown decision. The Supreme Court held, in the case of Swann against Charlotte-Mecklenburg, 1971, that the busing of schoolchildren to achieve racial integration is an acceptable remedy for de jure segregation. It also held, and this is a fact which has been ignored in the current heated debate on the issue, that busing will only be required when it is reasonable and does not place undue burdens on schoolchildren. Busing, as a means of achieving desegregation was resorted to by the court, it must be remembered, after years of refusal by local communities to accept other means of integration which did not involve busing such as school pairing, redrawing of attendance lines, location of new facilities in central or integrated areas, educational parks, consolidation, and regional planning.

The fifth fact is that the so-called busing problem arises directly from the problem of housing segregation in this country. The Civil Rights Oversight Subcommittee of the Committee on the Judiciary, of which I am chairman, has just completed a series of hearings on quality of opportunity in housing. The testimony my subcommittee received shows conclusively that the forced ghettoization of minorities has produced the segregated communities which today make necessary in some cases the use of buses to bring together white, black, and brown children in the same school classroom. If we had open communities, if every person was free to live where he chose to live, we would have integrated education in our neighborhood schools and there would be no need to bus to achieve racial integration.

The sixth fact is that opposition to busing is seen by minorities as a further indication of hostility in the majority society to their legitimate aspirations. Just as the phrase "law and order" in the 1970 elections was seen as a code word denoting a negative disposition toward minorities, the antibusing position is being interpreted as opposition to integrated education. This feeling by the minority community is certainly not irrational, given the long and sordid history of the busing of black children past white schools to maintain a system of segregated education and the lack of opposition in any segment of American society to either this busing or the busing of white children for any purpose until integrated education was placed at the end of the bus ride. This fact is compounded by the frustration which has been eloquently expressed by witnesses who have appeared before my Civil Rights Oversight Subcommittee over the new sophistication of those who oppose equality of opportunity.

Some racists no longer openly oppose integrated housing or greater employment opportunities for minorities or integrated education. Instead they purport willingly to agree with each of these high-minded goals, opposing only any reasonable means of achieving them. So they are not against integrated housing, but they do oppose "forced integration of the suburbs"; they are not in favor of employment discrimination, but they do oppose "preferential hiring," quotas, and what they term "discrimination in reverse"; they are not against integrated education, but they do oppose "forced busing." Although the arguments and rationale are different, the message to the minority community is the same.

The seventh fact is that busing does work to achieve integrated education. Busing is just one of several ways in which integrated education can be achieved. It is not always the best way to achieve this important goal, but in some cases it may be the only way.

The Civil Rights Commission has recently completed a study of five cities in which busing has been used extensively for the desegregation of schools. These cities included Tampa-Hillsborough, Fla.; Pasadena, Calif.; Pontiac, Mich.; and Winston-Salem and Charlotte-Mecklenburg, N.C. The Civil Rights Commission study showed that behind the headlines and the parental unrest in these cities busing was operating effectively to desegregate the school systems and that there was a wider degree of acceptance among the children than that shown by their parents. Civil Rights Commission figures further show that busing, both voluntary and court ordered, has produced important progress toward desegregation. In the 1970–71 school year, nationwide, the number of black students in majority white schools was 33 percent, an increase of 10 percent from the preceding year. In the same year, the number of black students in 100-percent minority schools decreased to 14 from 40 percent only 2 years earlier. Significantly, only 12.5 percent of all public school students were isolated in all white or all minority schools in the fall of 1970, as compared to 19 percent in 1968. Thus the last 3 years of significant busing activity has produced a significant increase in the desegregation of our Nation's public schools. There is no equivalent evidence that the busing which has achieved this remarkable record has resulted in any negative effects on the education of the children involved.

Given this record of Supreme Court decisions permitting only busing that is reasonable and not likely to harm the education of the child; given the record of achievement toward desegregation of the busing which has been accomplished both voluntarily and under court order in many communities of this Nation; and given the need to affirm the protection offered minority citizens by a Constitution which provides full equality of opportunity, I suggest most emphatically that we vote against any amendments to instruct the conferees.

Mr. PERKINS. Mr. Speaker, I yield 5 minutes to the gentlewoman from Oregon (Mrs. GREEN) for the purposes of debate.

Mrs. GREEN of Oregon. Mr. Speaker, I had really not intended to speak today, and I am sure my colleagues understand the very difficult position I am in as chairman of the Subcommittee on Higher Education and the second member on the full committee. I have tremendous respect and admiration for my chairman.

Ordinarily I must say that I am not enthusiastic about instructions to conferees, but I think I agree with my colleague from North Carolina that in certain situations we perhaps have to consider the situation at that time and then vote on that basis.

I have looked at the list of people who will be or have been, as I understand it, recommended to the Speaker to be appointed as conferees. Out of the 20, if my information is correct on it, there are only three of those 20 conferees who voted for the Ashbrook-Green amendment as it was finally adopted in the House.

Not only 17 of the ones being recommended for conferees voted against the amendment, but Mr. Speaker, of even deeper concern to me and something which I think the whole House should consider in revising its rules is this: Some of the conferees who are to be appointed have already made public statements that they will not defend the position of the House. This occurs before we've even sat down for the first conference session. Senate conferees may thus be led to believe that the House is a pushover for this version of busing amendments.

I am aware that the rules of the House require every House conferee to support the position of the House whether or not he agrees with the position of the House, because each one goes over there as a representative of the House position, and not to represent his or her own personal views. I am also keenly aware this rule does not always prevail.

When we have a situation where the amendments which are so sensitive and so important to this country, when those amendments were adopted by almost a 2-to-1 vote in the House—and the Ashbrook-Green amendment, as I recall it, was adopted by a vote of 233 to 124—when the vote for the amendments was almost a 2-to-1 vote and then in the conference committee the conferees voting against the amendments number almost 7 to 1, then I suggest that instructions may well be in order.

If representative government and if democracy means anything, perhaps we ought to look on this particular step in the legislative process. The conference committee is many times the most important step in the legislative process. It is behind closed doors; no record of the proceedings is kept. Yet this also is public business and the public has as much right to know who voted in what way—as the public has a right to know who voted in which way on a recorded teller vote in the House. In fact, very often, votes in the conference committee are far more critical than are House teller votes.

We talk about congressional reform—why has the conference committee—this step in the legislative process—escaped all scrutiny by those who would reform? Many other items pale into insignificance compared to this crucial part in drafting legislation and making laws for 200 million people.

Mr. LANDRUM. Mr. Speaker, will the distinguished gentlewoman yield?

Mrs. GREEN of Oregon. Yes; I am glad to yield to the gentleman from Georgia.

Mr. LANDRUM. With respect to the gentlewoman's statement on the margin of the vote in the House on the amendment in question here, would the gentlewoman also tell the House what the margin in the Senate on the same amendment was? Was it not one vote only?

Mrs. GREEN of Oregon. It was a one-vote margin—48 to 47—on one of the most critical votes on busing.

Mr. LANDRUM. If the gentlewoman will yield further, is that the subject embodied in these amendments?

Mrs. GREEN of Oregon. That is correct.

Mr. LANDRUM. If the gentlewoman will yield further, the majority of those suggested by the chairman as conferees voted against the amendment. When this bill was before the House and that makes it all the more important and even imperative in my judgment that the conferees in this case be instructed?

Mrs. GREEN of Oregon. Let me express even a deeper concern.

The gentleman from Illinois referred to the higher education bill and the importance of it, and I share that view. But let me tell you what I fear; I fear that the Senate conferees have already been led to believe—because some of the House conferees have made statements that the House conferees will be willing to recede—that its provisions will prevail and I think this would be sad, because if I can read figures—and I think I can—the vote on the busing was passed by almost 2 to 1 and if we come back to the House with a conference report on which we have worked probably for many weeks, and if there is not a meaningful provision in regard to busing, I would have great fear that all the efforts involved in those many weeks of conferences will go down the drain and the House will not accept the conference report. This would mean the defeat of the entire higher education bill.

Therefore, reluctantly today, I am opposing the motion to table.

The SPEAKER. The time of the gentlewoman from Oregon has again expired.

Mr. PERKINS. Mr. Speaker, I yield the gentlewoman 1 additional minute.

Mrs. GREEN of Oregon. I am going to vote against the motion to table and I am going to support the motion to be made by my good friend and colleague on the House Education and Labor Committee (Mr. RUTH), because I think we will have a better chance to come back from the conference with a better conference report because the Senate conferees will know how strongly the Members of the House feel and we will not come back with a conference report strong in rhetoric and weak in substance and one that the House will reject.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Speaker and my colleagues of the House, we can argue the pros and cons of whether or not we will or should instruct the conferees until doomsday. But, that is not the issue at the moment. The issue at the moment is whether or not you have got your stomach full of what the courts and Federal agencies are doing to force busing in this country and ignore the needs of education.

Now, if you are sick and tired of having the courts and the Federal agencies coerce or order busing—to gain participation in Federal programs, you have one choice under the circumstances which will be presented to us today. When the motion is made to table, the motion to be offered by the gentleman from North Carolina (Mr. RUTH) to instruct the conferees, you should vote "no." You cannot interpret a vote of "yes" which is a vote not to instruct except to say to your constituents and the people of this country, "I like busing; I am for it."

Mr. Speaker, this is one vote that the people of this country are going to look at, and our constituents are going to look at. So, if you vote "no" on the motion to table you have taken a position against forced busing. You are voting for a sound educational practice.

If you vote "yes" then you have said, "I like it, I want some more."

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. ERLENBORN).

Mr. DICKINSON. Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Speaker, I am unalterably opposed, and always will be, to busing schoolchildren many miles each day, solely to achieve specified integrated ratios.

The people of Alabama, and of our second district, are good, law-abiding citizens. They have made, and are making, every effort to comply with what they believe is the law of the land—the Civil Rights Act of 1964.

Forced busing in many cases takes children out of their friendly neighborhood schools, many within walking distance, and places them in a totally alien environment many miles away from home.

Forced busing not only has a detrimental effect on children who are taken from their familiar environment where they have established good friends, but it is most expensive to maintain a massive busing system.

Education costs are rising fast enough, so why should we accelerate those costs by instituting and maintaining massive forced busing systems that the parents and children do not want in the first place?

As parents, we are concerned about our children's education. We want the best education available for them, but, at the same time, we want our right under the Constitution—freedom of choice—the law of the land.

Under the forced busing system, if a child chooses to go to a school two blocks from his home, he may be denied that right and be bused 20 miles to another school.

We must secure for all the citizens of the United States their inalienable right—freedom of choice.

Forced busing is not the answer.

I believe the following article by David Lawrence, an eminent columnist, is of particular interest in this regard:

BUSING BECOMES A NATIONAL ISSUE

(By David Lawrence)

WASHINGTON.—Voter sentiment on the question of the forced busing of students to public schools far from home in order to correct "racial imbalance" has been reflected in the efforts of Congress these last few days to work out some kind of solution to the "busing problem," particularly as it relates to the appropiration of federal funds for education.

The issue has more to it than merely satisfying the grievances of parents who want their children to go to neighborhood schools. It has to do also with the fact that most suburban areas have been built up with homes that many of the people living in the cities cannot afford. Hence, they are unable to move to places where they might send their children to better schools.

The dispute has been growing more and more widespread as citizens have learned about the possibility that school districts might be suddenly combined, with city and adjacent suburbs regarded as a single unit in which extensive busing of students is required. Members of both the House and the Senate are feeling the pressure from the voters to clear up this situation. There are various bills designed to simplify the question, but thus far it doesn't look as if any of the measures proposed is going to end the controversy.

It will be recalled that Congress in 1964, when it enacted the Civil Rights Act, stipulated that desegregation "shall not mean the assignment of students to schools in order to overcome racial imbalance." Appropriation bills have provided heretofore that federal funds could not be used to force the busing of pupils for this purpose. But these efforts on the part of Congress have not had the desired effect or stopped the courts from ordering such busing.

The problem arises not merely in the South but in all parts of the country, especially where there are cities with a heavy population of Negroes next to suburbs which are virtually all white. The argument is being made that every child has a right to get the best kind of education and to be transported, if necessary, to the schools where this can be obtained. It would require busing between the city schools, which generally are regarded as inferior, and the suburban schools. What this would mean, of course, is that "racial imbalance" would be corrected and integration would be enforced. The idea that such a process of cross-busing between districts would ensue is not yet clearly established. But some federal court rulings have encouraged the belief that this will be the trend in the next two years or more unless the Supreme Court reverses the decisions of the lower courts which have aroused so much opposition.

Up until recently, desegregation orders have been confined mostly within school districts where state laws had brought about a racial discrimination in the first place. In other areas, especially in the north, where "racial imbalance" has emerged due to natural causes and the evolution of neighborhoods in various states with a large Negro population in the cities and predominantly white populations in the suburbs, there has been no accusation that the segregation was deliberate.

What Congress faces now, however, in the row over busing is the existence of a feeling in many parts of the country that buses will be used to transport students from the cities to the suburbs so that "racial imbalance" can be corrected. If the lower courts order such action to be taken and are upheld by the Supreme Court, the only remedy will be an amendment, but this concept has not been supported by a two-thirds majority partly because of a belief that the Supreme Court will probably not sustain the lower courts.

So the real answer probably will not come until the Supreme Court rules on some of the pending cases dealing with busing. When that occurs and if its decision affirms large-scale busing between cities and suburbs, Congress will be under pressure to take action at once. This happens to be one of the most widely discussed domestic questions in the country today in relation to the presidential campaign.

Mr. ERLENBORN. Mr. Speaker, first of all let me make it clear that I intend to oppose the motion to instruct the conferees. I did support the Broomfield amendment. I think the Ashbrook amendment is consonant with what the House has done in the past. I think the Green amendment goes too far. I may be one of the conferees, and I would rather go to the conference uninstructed. But let me also state that I do understand the frustration of those who speak about the conferees from the Committee on Education and Labor not standing up for the position of the House. And I would think maybe the chairman of the committee, the gentleman from Kentucky, and the gentleman from Pennsylvania, the chairman of our Subcommittee on Labor, might be a little embarrassed telling the House that they should not be instructed when one of the other items of business today is the EEOC conference report, where there were 21 items in difference, and 18 were resolved in favor of the Senate and no fight having been put up to sustain the position of the House, and this is not at all unusual for the Committee on Education and Labor.

Now, it happens that I will support the EEOC conference report, because fortunately we won the major issues in the House, and one or two improvements were made in the conference. But I can understand the frustration that the Members of the House must feel when they see conferees from the Committee on Education and Labor being appointed to go to conference, and nine times out of 10 they go there already committed to sell out the position of the House.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. QUIE).

Mr. HOGAN. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Maryland.

Mr. HOGAN. Mr. Speaker, I urge my colleagues to vote to instruct the conferees to stand firm in support of the House position on busing. The so-called Scott-Mansfield amendment in the Senate version of this Higher Education bill is a sham. It is meaningless. The gentlewoman from Oregon (Mrs. GREEN) very eloquently stated the case for this position.

In all the discussion and debate on this subject, I hear little or no comment on HEW-ordered busing which is the very heart of the problem and the controversy. The matter of court-ordered busing seems to have overshadowed what, to me, is a more serious problem. We cannot overlook the actions of an arbitrary Federal bureaucracy, both now and in the future in ordering busing for racial balance. These bureaucrats consider themselves immune to policies enunciated by President Nixon and what is clearly the position of Congress.

There is a very excellent publication, "Understanding School Desegregation," published by the U.S. Commission on Civil Rights which was recently made available. In the opening paragraph in order "to understand fully where we are now and to form a sound basis for determining courses of action for the future," this pamphlet explains the basis for the Supreme Court's action in the famous Brown case this way:

> In the South, this doctrine typically had resulted in the enactment of laws requiring or officially sanctioning racially separate, or "dual" school systems. Thus, regardless of factors such as the proximity of the school to a child's home, children were assigned to school on the basis of their race. Busing frequently was required and black and white children alike were bused as far as 50 miles or more each day to assure *perfect racial segregation.*

Today, what is Prince Georges County in my district being asked to do? Exactly what was found to be unconstitutional in the Brown case in order to assure perfect desegregation.

HEW has taken this paragraph from the U.S. Commission on Civil Rights and substituted only one word, "desegregation," for "segregation." HEW is now doing what was criticized so vehemently and properly in the pre-Brown era. HEW now has "regardless of factors such as the proximity of a school to a child's home—assigned—children—to schools on the basis of their race"—busing frequently is required directly or indirectly and black and white children alike are bused as far as 50 miles or more each day to assure perfect racial desegregation.

I have studied the words of the Scott-Mansfield amendment. I have talked to my colleagues. I am fully convinced that the Scott-Mansfield amendment does nothing to restrict or restrain HEW in its arrogant interpretation of the law. I am convinced that HEW can and will take actions similar to that taken against Prince Georges County in my district last year and this. If we accept the Scott-Mansfield words, we have accomplished nothing in restraining the arbitrary actions of HEW which are directed at the court-ordered busing. That is not the major part of the problem.

In my district, HEW's position is that the school board "since 1954–55 tended to reinforce, perpetuate and expand a (dual) system." The first of two actions brought by HEW was rejected by a hearing examiner. But HEW has appealed to the courts so the Prince Georges County School Board is now faced with the expense of fighting the full legal weight of the Federal Government. The second action comes up for hearing later this month. What the result will be I cannot predict, but already these HEW actions, not yet proved, have had their vibrations among the Federal agencies. Not only is HEW cutting off $14 million in Federal aid to our schools but HUD had approved a Model Cities program using the school facilities for adult education which included remedial education and cultural enrichment programs for blacks. Because of HEW's unproved allegations, roughly a million dollars for this purpose has been cut off. The Department of the Interior and the General Services Administration are involved in other retaliatory actions against Prince Georges County schools. Most asinine of all, the Atomic Energy Commission, I am told, has withdrawn three films from use in Prince Georges County schools because of HEW's citation. In addition, GSA has refused to sell surplus electric fans to Prince Georges PTA's.

The Prince Georges County School Board is in a difficult position. It operates the 10th largest school system in the country. Its area is eight times the size of Washington. Its distance from one end to the other is greater than the distance from the far end of Washington to the far end of Baltimore. It serves an area where the population is exploding. Its white enrollment expanded 300 percent and its black enrollment increased 600 percent since 1955. In spite of this massive explosion, there is only one all-black school and four all-white schools in the county even though the blacks and whites are somewhat concentrated. It is ridiculous to say, as HEW does, that the board has "perpetuated a dual system." Some of our schools are in racial imbalance because the neighborhoods they serve are in racial imbalance.

There is no school district in the Metropolitan Washington area which has had the problems of integration as Prince Georges County. This was probably the reason it was picked by HEW. You cannot integrate the Washington, D.C., school system, which is over 90-percent black. You cannot integrate the Montgomery County school system, which is over 90-percent white. Only Prince Georges County offered the great space and the race diversity needed for HEW's social experimentation. Only Prince Georges County is unique in the Washington metropolitan area where blacks have a real opportunity for house ownership. The number of homes owned by blacks exceeds that of all surrounding counties combined. It is this unique condition which has compounded for Prince

Georges County the problem of racial balance since the Brown case.

HEW imposes, according to its bill of particulars, the following rules for Prince Georges County which could not otherwise be imposed in the Metropolitan Washington area:

First. Every school should have a one black to four white teacher ratio.

Second. No school should be over 90-percent white.

Third. No school should be over 30-percent black with the black student ratio increasing.

Implicit in any attempt to meet HEW demands is a massive busing program which would disrupt the school system, waste millions in taxpayers' money and make meaningless the concept of the neighborhood school and not contribute toward integration of our society. Also implicit in HEW demands is the necessity for flexible attendance zones which might have to be changed yearly to accommodate shifting racial patterns. In other words, children might change schools every year.

One black mother complained to me that she has seven children in five different schools. She has three children attending three different junior high schools. The entire family life is disrupted by schoolbus schedules.

I see HEW's actions as direct bureaucratic efforts to impose arbitrary busing yardsticks on a particularly vulnerable area with no reasonable consideration of the physical or educational facts. Using the lever of $14 million in Federal impact funds, it has seized upon one of the largest, most progressive systems in the country in an effort to compel it to adopt a 1-to-4 yardstick, disregarding the facts that Prince Georges County already spends $5 million annually for busing, is No. 1 in Maryland in school construction, is No. 1 in teachers' salaries for bachelor's degrees, is close to the top in per pupil expenditures and serves what seems to be the only fair housing area for blacks in the Metropolitan Washington area.

As I read section (a) of the Scott-Mansfield amendment, Federal funds for busing to maintain racial balance would not be used without the express request of local officials. This does not mean, however, that HEW could not withhold Federal funds if it found as in section (b) it was "constitutionally required." In the Prince Georges proceedings, HEW is attempting now to establish arbitrary yardsticks as "constitutional requirements." This same approach could be taken under the Scott-Mansfield provision. If these yardsticks are valid now, they would be unchanged under the proposed legislation. And, it looks as if a schoolboard must be prepared to go through the courts even if it wins at the local level.

The exception that funds be not made available for transportation when the time or distance to travel is so great as to risk the health of the children means little. Certainly, in the Prince Georges case, HEW has given absolutely no consideration to distance. It will be the courts which will decide this issue, not HEW. But, does it not seem unusual that it has become necessary for Congress to legislate a health requirement to impose upon our Federal bureaucracy, particularly the Department of Health, Education, and Welfare?

Scott-Mansfield provides a stay of action until appeals are exhausted but these are for cases between local agencies or consolidation of agencies. Prince Georges County's case is within a single agency. Thus, it would not keep HUD from redistributing moneys under its model cities program when HEW issues an order to a single system. It did not keep the Atomic Energy Commission from withdrawing films from an indicted school system.

The HEW-Prince Georges County School Board action is obviously headed through the courts, regardless of who wins the initial actions. It does seem strange, however, that this type of action would be treated differently than a case involving different local agencies or a consolidation of agencies.

On the basis of very concrete experience of HEW's action in the Prince Georges School Board case. I must urge my colleagues in the strongest language possible to support the motion to instruct the House conferees to stand firm in support of the House-passed Broomfield, Ashbrook, and Green amendments in an effort to prevent the arbitrary and arrogant abuse of power on the part of HEW officials, as I have found them in my district.

Mr. QUIE. Mr. Speaker, a person who expects to go to conference, as I do as the ranking minority member, usually would not want to be instructed, and I will vote against the motion to instruct and for the motion to table.

It is my intention to go to the conference and support the position of the House on the amendments in question, because there was a clear decision on the part of the House on those amendments. The Broomfield and Ashbrook amendments are amendments that most people understood when they voted last year. I cannot say this of the Green amendment, that most people understood it, but on the Ashbrook amendment and the Broomfield amendment there was a clear understanding. Naturally we have to work out the differences between the House and the Senate so there has to be some give on the part of the managers of the House.

We cannot come back here with just our own language. I think I understand the mood of the House. The mood of the House is that they would not accept the Senate language whether we were instructed or not. I wish we could have had the conference papers come back to the House first, so that we could then have had a motion to recommit here, if necessary. That is not possible because of the actions of the other body. They did not request a conference evidently since in doing so the House would have considered the conference report first and the Senate would have been left with the only choice of voting the conference report up or down. So I can understand those who would like to instruct the conferees. As a person who did not vote for the Ashbrook-Green amendment, but as a person who wants to do the best possible for the House, I certainly could not vote to be instructed to make no change in that undesirable amendment.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, I think the gentleman from Minnesota (Mr. Quie) brings up a very important point. If the House and Senate conferees agree to a version so the House is sold out, and the papers go to the other body first, and then come back over here, the House has one choice, and that is to either vote up or down the whole package. There will be no motion to recommit, and the House will never have an opportunity to identify itself with the disagreement on the busing issue.

So I very strongly say that we ought to defeat the motion to table, and instruct the conferees.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I have listened with some attention to the debate here, and I do have a question that does not relate to the matter before us that I would like to direct to the distinguished chairman of the committee.

Mr. QUIE. I would suggest the gentleman secure his own time for that purpose, because I do not have sufficient time.

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. PERKINS. Mr. Speaker, I yield to the gentleman from Michigan (Mr. Dingell).

Mr. DINGELL. Mr. Speaker, I thank my good friend, the chairman of the committee.

I would ask the gentleman if he would explain to me why the House is going to have 20 conferees and what the advantage to this body is to send a group that large to confer with the Senate.

Mr. PERKINS. Let me say to my distinguished colleague, the Higher Education Subcommittee has 12 members. It has been customary that all members of the subcommittees be conferees, although there is no rule to that effect. In this instance, we take the entire Higher Education Subcommittee. I have suggested these names to the Speaker.

This legislation is a comprehensive measure and includes bills from other subcommittees. Therefore, in addition, I have suggested the names of the gentlemen from California (Mr. Hawkins), from Washington (Mr. Meeds), and from Kentucky (Mr. Mazzoli).

Mr. DINGELL. I do not have any quarrel to raise with my friend, the gentleman from Kentucky. But I have been here a while and I have never heard of a panel of conferees this large. It seems to me, it is almost as if it were being set up so that there could not be a resolution of the conflict between these two bodies; that is that such a panel of conferees has to be almost unworkable.

Mr. PERKINS. As I have indicated, this is a comprehensive and far-reaching piece of legislation. In addition to the higher education aspects of the bill, there are provisions affecting elementary and secondary education, Indian education, and youth camp safety, to name just a few. It is obviously essential that the Higher Education Subcommittee members be conferees, but it is also important and necessary that other members of the Committee on Education and Labor who have worked hard and long on these other areas serve on the conference. Having the expertise of the committee fully represented in the conference committee will in my judgment insure expeditious handling of the conference, so long as our hands are not tied by instructions.

Mr. DINGELL. I thank the gentleman, but I think it is extraordinary.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CORMAN).

Mr. CORMAN. Mr. Speaker, I rise to respond to my colleague and good friend on the Committee on Ways and Means, the gentleman from Louisiana (Mr. WAGGONNER).

He told the House there was only one issue: If you vote "for tabling" or "against instructing the conferees" you are voting for more busing. I suggest that is an oversimplification. As I listened to the minority leader discuss why he was voting for "instructing," I assumed it was because he had grave misgivings about the integrity of the conferees.

Other Members, both today and on similar occasions in the past have indicated that as a matter of policy they would never vote to instruct conferees. There are probably a variety of reasons why one may vote for or against instructing these conferees in this instance, but I would like to make my own position clear. I am going to vote against instructing the conferees because I support busing as a reasonable and necessary tool for school districts to desegregate our public schools throughout this land, including my own congressional district. I support busing students as vigorously as did those local school officials in the State of Louisiana who in 1953 bused 49 percent of their children to racially segregated schools.

If we had never had slavery in this country, we would never have had segregation. If we had never had segregation, we would not now be agonizing over how to desegregate.

How can we look at our present racially segregated schools, so destructive of human dignity, so wasteful of human resources, and say that we lack the wisdom, the compassion, the political courage to replace such a system with equal educational opportunities for all our children in racially integrated schools.

More than the present is at stake. Unless our public schools are desegregated, we shall never reach the full potential of this Nation.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. BADILLO).

Mr. BADILLO. Mr. Speaker, I rise in opposition to the motion to instruct.

There is a very important issue that is involved here—but it is not the technicality of whether the will of the House or that of the Senate shall prevail. It is, more importantly, whether the Members of the House and the Senate are going to abide by their oath of office and uphold the Constitution of the United States.

The U.S. Supreme Court has said that it is unconstitutional to have segregated schools, and that busing is one of the means by which such segregation may be ended. If you believe in upholding the Constitution of this country, you will vote for upholding the decisions of the Supreme Court.

It is important that this debate be held, and it is important that we have a record vote because we should know whether the Members of the House and of the Senate believe in upholding the Constitution.

The issue is not a question of the majority. It is not a question of whether it is the will of the House by two-thirds vote or three-fifths or 99 percent. The issue is that the purpose of the Constitution is to protect the rights of the minority.

There are some basic issues where you do not go by a majority vote. You do not go by a majority in the House or in the Senate by a majority vote on the Constitution. That is why we have a written Constitution. Because we say in some areas, the rights of the minority must be protected.

If we vote to defy the U.S. Supreme Court—if we vote not to uphold the Constitution of the United States—then what we are saying is that we no longer believe in the written Constitution and we are voting against much more than busing—we would be voting against the traditions of this country since it was begun.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. HAWKINS).

Mr. HAWKINS. Mr. Speaker, it certainly is not my desire to participate in a discussion of the question of busing. Whether or not busing is desirable I believe is pretty much a local matter and should be left to local school officials where not in conflict with the Constitution. But it seems to me that it is a sad commentary on this House when a bill which contains more than $20 billion of assistance for the children of this country, a bill in which many very wonderful concepts are included, such as student assistance, the type and manner in which we are going to assist educational institutions, many things upon which I agree and disagree with the gentlewoman from Oregon—that we would be spending this time talking about busing, which is incidental, and not talking about the manner in which we are going to spend that $20 billion.

It seems to me we have seized upon the least important element in this bill in order to try to instruct the conferees.

I also feel that the motion is repugnant in that if a conference committee is going to be conceived in such a way that nobody is going to change his position, there is no reason to have a conference committee. We may as well discontinue the concept of the conference committee.

I would hope that we will discontinue this idle gesture of trying always to relate to the problems in education the very controversial and emotional subject of busing, and that we will certainly get on to the problem of trying to find what is wrong with American education and how we can maintain supremacy as a nation in the field of education, leaving aside at least momentarily the emotional issue of busing.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOWARD).

Mr. HOWARD. Mr. Speaker, I thank the chairman for yielding. On this difficult question we have heard from many spokesmen, from the majority and the minority. We have heard from the chairman of the committee. We have heard from the minority leader. We have heard many views expressed. But we have not heard what might be a very important view, and it is a legitimate question: Where does the President of the United States stand on this vote? We have been told that the President is concerned, that he has held meetings, and that he is having discussions. While he is meeting and having discussions and thinking about it, we are going to vote today. I understand that the President has said that he will have his views made public sometime following the Florida primary.

Mr. Speaker, I feel that if we instruct the conferees and if we bind them to a narrow view, then we will not be able to consider the views of the President. I believe we will be saying that we do not care what the President of the United States feels. So I think in deference to the President we should give the conferees enough leeway so that they may consider the President's views, and we can only do that by tabling the motion which is before us now.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield?

Mr. HOWARD. I am happy to yield to the gentleman from Louisiana.

Mr. WAGGONNER. The gentleman raises the question about where the President of the United States stands. I think the minority leader of the U.S. House of Representatives speaks today for the President here in this House Chamber, and he has very definitely said that he is going to vote against the motion to table.

Mr. HOWARD. Then I take it we should follow the views of the minority leader in saying we should not consider the views of the President when he makes those views known.

Mr. WAGGONNER. Mr. Speaker, if the gentleman will yield further, I think the gentleman should follow the dictates of his own conscience and constituents and not be dictated to by the President or anybody here.

Mr. HOWARD. I certainly will, and I will vote to table the motion.

Mr. PERKINS. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. CAREY).

Mr. CAREY of New York. Mr. Speaker, I call upon my colleagues to vote according to the dictates of their consciences at this time, recognizing that we are really voting on the preservation of the democratic procedures in this body. We are not going to vote on the personalities of the conferees. They are not properly called conferees. They are the managers on the part of the House at the conference, being appointed by the Speaker. I would respect the ability, the probity, and the integrity of every

Member appointed as a conferee to do his or her job on behalf of the House or I would not want to be seated next to him.

If the Scott-Mansfield amendment were offered in the House, it would get the same vote as did the Broomfield amendment, the Green amendment, or whatever other amendment you are worried about here. There is, therefore, little substance to this issue, save what demagoguery may make of it.

I suggest that an issue is being concocted more with a view to the vote in the Florida primary than concern for the children of the United States.

We should send the managers on the part of the House to the conference, expecting them to do a fair job for the House position, to negotiate and to mediate with the minds of our children uppermost in every vote they cast in the conference.

I have gone to conference for 7 years as a former member of the House Education and Labor Committee. We used to take the Senate to the cleaners regularly and uphold the House position. This happens not just with this committee. Look at the Appropriations Committee and the Ways and Means Committee—and the Foreign Affairs Committee most recently. The House managers regularly do their homework and bring back conference reports we can vote on with due respect for the position adopted in our bodys.

I do not agree that with a conference report we do not have a remedy. We have a remedy. We can vote any conference report down, and appoint new conferees, and reject the conference report. That is the democratic way. Let us not judge the work of the managers of the conference before we send them over to meet with the Senate. Let us stand together in the House by upholding the conferees appointed by the Speaker, and urge them do a fair job for the people of the United States.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. CAREY of New York. I yield to the minority leader.

Mr. GERALD R. FORD. Does the gentleman not think it is much better for us to have a motion to instruct, to protect the House position? If we do not like what the conferees do, where the Senate takes the papers and acts first, we will not have that opportunity except a vote to uphold or defeat the conference report.

Mr. CAREY of New York. Correct; and we can defeat an inadequate effort.

Mr. GERALD R. FORD. We have the option only to accept the whole conference report then or reject it. That is not comparable to a motion to send the conferees back to conference with instructions. If we really want to identify with an issue, we had better vote now to table the motion to instruct.

Mr. CAREY of New York. I see it clearly. The minority leader would rather identify with the issue of busing in terms of the Senate language versus House language and not identify with the issue of improvement of education of the children of America.

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Speaker, it is obvious that the bill before us does not represent the action or attitude of the House, particularly on the antibusing amendments. By a vote of nearly 2 to 1, the House very clearly stated its position for strong antibusing provisions. Yet the House conferees apparently abandoned the House version of the Higher Education Act after only token support. At the very least the House conferees should have brought the measure back in disagreement. Instead, their action today asks the House to reverse the will of two-thirds of its membership. I feel that we have no choice, but to vote for the motion to instruct the conferees to adhere to the House passed antibusing amendments.

The attitude of the American people on the subject of massive busing should no longer be in question. Congress can and should take action. The courts have lost touch with reality on this question as they have on so many others.

This problem should be taken out of their hands. Judicial interpretations of our laws and the Constitution have resulted in chaos in our educational system. We are faced with ever more frequent court decisions requiring ever more extensive busing when we should be extending every effort to attain and increase quality in our educational system.

As the numbers of busing plans and orders expand and proliferate, so does the resentment and rejection of busing. Black or white, rich or poor, northerner or southerner, no one likes to be pushed around, no one wants their children arbitrarily moved about like pawns on a chess board. Parents are losing interest and confidence in their public schools. They are no longer supporting the schools as in the past and more and more bond issues for school needs are being voted down. This loss of support, together with the higher costs of education today, has produced a financial crisis in our school system. Add to this the violence which busing has produced—bombings and burning of buses, picket lines, and fires and disturbances in the schools and, understandably, parents fear for their children's safety. Where possible they move their children to a more peaceful and desirable situation. Where impossible there is tension and growth of hatred instead of any promised equality of opportunity. This busing is accomplishing nothing more than the destruction of our system of education and the polarization of our peoples.

Congress has the responsibility and the opportunity to resolve this problem forthwith. It is time for action. The hour is now.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. THOMPSON).

Mr. THOMPSON of Georgia. Mr. Speaker, the people of America are crying out for action from the Congress and from their elected leaders. Those of us who have been very aggressive in insisting on a constitutional amendment recognize that there may well be a legislative solution to the busing dilemma and are willing to give it a try. This vote may well be the only time this year that we are going to have an opportunity to vote on a legislative solution to the busing problem in America. We must insist on the House position.

I was distressed when I saw a list of the conferees who were to uphold the House position, and I found that of the 20 conferees named, only three voted in favor of the Green amendment, which is the basic amendment in this area. Yet this House voted 2 to 1, almost 2 to 1, in favor of the Green amendment, but our conferees are 6 to 1 against the House position.

It is very evident that if we are to have a legislative solution, we must try this. If this works, we will not need the constitutional amendment. If it does not work, then we will have to proceed with a constitutional amendment, because the people of this Nation are crying out to have their voices heard. Abraham Lincoln in February of 1865 made this statement or one substantially close to it. He said that the people are the rightful masters of both the Congress and the courts, not to subvert the Constitution, but to throw out those who had attempted to do so themselves.

Let us let the people's voice be heard through the vote of their elected representatives today and bring a stop to busing.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, for 18 years now the courts in this land have attempted to effect some reasonable desegregation of the public school systems in America. Now as a Member of this body, I am witnessing the spectacle of the U.S. Senate attempting to restrict these judicial decisions and the House of Representatives attempting to further outdo the Senate in the restrictions.

It puts me in a very difficult dilemma. I think it is a very shameful day in the history of public education, and the attempts in America to desegregate the racial polarization that has been with this country since its inception, that I would hear so many of my colleagues, friends of the civil rights movement, telling me they have to vote in a way they do not believe in, that they are going to vote to indicate their opposition to busing when they know they do not believe it, that they will sign discharge petitions that they do not support.

So far as I am concerned, I suppose I would rather see us have a straight up-and-down vote on what we are going to do to the Constitution, than to have the two bodies of the Congress vying to show which one is more opposed to one of the judicial solutions than the other.

I deplore what is going on here today, and I urge those Members of conscience to take their stand. Let us make the indication to at least some of the Americans that we are willing to have a day come in America when the Congress will lead the way to racial integration in the schools and hopefully in every other walk of life.

"You can run, but you cannot hide," Joe Louis once said. Now the courts in case after case are saying to this Nation—"you can run but you cannot hide"—you might delay and you might fulminate but equality will come. No matter what the women with antibusing slogans emblazoned on their T-shirts may tell us equality is inevitable and undeniable, and if a racial balance in our schools is necessary to achieve that equality, it must come.

For the Congress to deny the legitimate use of busing to achieve racial balance in the schools and to pass the amendments to the 1971 omnibus education bill, is to compromise the work of the courts, the constitutional principles of equality and justice, and to set back the modest progress of the 1964 Civil Rights Act. You can run, but you cannot hide legislation which graces bigotry and discrimination with the sanction of law. By such action, the House would harness the discretionary power of the courts to its own will—separate and unequal school systems. And, in so doing, it would ratify the perpetuation of separate and unequal societies, despite compelling constitutional and moral arguments against their continued existence. For, to make busing the issue of the hour, and to make the black and the poor students the sacrificial lambs, the Congress turns its back on the inescapable problems of unemployment, low-paying jobs, and racially segregated patterns of housing, of which busing is only a symptom.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Massachusetts (Mrs. HICKS).

Mrs. HICKS of Massachusetts. Mr. Speaker, I rise in support of the motion to instruct the conferees not to deviate from the House-passed antibusing amendments.

It is not my policy to interfere with the negotiating power of the conferees but the selection of the House conferees alarms me. From the 20 conferees selected to represent the House on the higher education bill which contains three antibusing amendments only three of the conferees voted in favor of Congresswoman GREEN's amendment and only four voted in favor of Congressman ASHBROOK's amendment.

Thus, the overwhelming majority of the House conferees oppose the position of the House on the antibusing and neighborhood school amendments.

I am fearful that in the conference the Scott amendment which will not prevent forcible busing will prevail.

The decision to forcibly bus or not to forcibly bus for the purpose of racially balancing the schools should not be determined by an appointive school board or by any Federal bureaucracy but rather by the people themselves or as a substitute by the elected officials expressing the will of the people.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. DRINAN).

Mr. DRINAN. Mr. Speaker, in the matter of human equality, our society has survived—very narrowly—the devastating injuries inflicted by the malignant slogans of the past. We have survived phrases like "no colored need apply," "separate but equal," and "freedom of choice."

Today we are confronted with a new slogan, a new excuse for inaction in the area of equal opportunity—the word "busing." The Chairman of the U.S. Commission on Civil Rights, Father Theodore M. Hesburgh, stated last week in his testimony before the House Judiciary Committee in opposition to House Joint Resolution 620, the so-called antibusing amendment:

> First, it is an anti-school desegregation amendment. But even this is an understatement of the effect of House Joint Resolution 620. It is also fundamentally an anti-black amendment. Its effects greatly transcend the wall of the classroom. We are really asking whether we are going to give minority citizens an opportunity to learn, to earn, and to live at the same level as the rest of society, or whether we are going to forget about the future of generation of minority children. Where you go to school—the quality of the education you receive and the attitude which you acquire towards learning—has a determinative effect upon your life. A slum school can have, as our courts have recognized, an effect upon children which could probably never been undone.

It has been reported that the President desires to preside over the 200th anniversary of the founding of the United States. However, the President has displayed no particular interest in presiding over the 20th anniversary of the seminal 1954 decision of the U.S. Supreme Court, Brown against Board of Education.

That decision, as elaborated and refined by such subsequent Supreme Court decisions as Green against School Board of New Kent County, Alexander against Holmes County Board of Education, and, most recently, Swann against Charlotte-Mecklenburg Board of Education, constitutes the fundamental law of the United States on the question of school integration. That law in most respects is unequivocal.

Brown in 1954 held that "separate but equal" public educational facilities are unconstitutional under the 14th amendment. A 1955 ruling of the Supreme Court required that school desegregation efforts be made "with all deliberate speed." In 1968, the Court in Green stated with perfect clarity that the concept of the dual school system did not meet the constitutional test, and that "freedom of choice" plans were unconstitutional. In the 1969 Alexander case, the Court stated that—

> The obligation of every school district is to terminate dual school systems at once, and to operate now and hereafter only unitary schools.

Finally, in June 1971, the Court in Swann stated that the constitutional requirement of unitary school systems required in some circumstances that school attendance zones be redrawn in order to eliminate segregation.

The Justices in the *Swann* case also noted that "bus transportation has been an integral part of the public school system for years" and stated that the ordering of busing is a proper remedy to achieve integration. However, the Court clearly did not hold that any use of busing under any circumstances is permissible:

> An objection to transportation of students may have validity when the time or distance of travel is so great as to either risk the health of the children or significantly impinge on the educational process.

Our Nation has been very slow to comply with the law. During the 10 years between 1954, when the Brown decision was announced, and 1964 only 3 percent desegregation of public schools took place. In the 5 years following passage of the landmark 1964 Civil Rights Act, 30 to 40 percent desegregation took place.

The U.S. Commission on Civil Rights has scrutinized in several reports the Federal effort to assure integration of public schools. The Commission concluded its massive, 1,100 page 1970 study, "The Federal Civil Rights Enforcement Effort," by stating:

> The basic conclusion of this report is that the great promise of the civil rights laws, executive orders, and judicial decisions of the 1950's and 1960's has not been realized. The Federal Government has not yet fully geared itself to carry out these legal mandates of equal opportunity.

A November 1971 follow-up study by the Civil Rights Commission, "The Federal Civil Rights Enforcement Effort: One Year Later," commented in these terms on Federal efforts to assure equal public educational opportunity:

> In sum, the performance of HEW in carrying out its school desegregation responsibilities has not matched the strength of the compliance mechanisms available to it. There has been an overall decline in the standards by which [the HEW Office for Civil Rights] determines Title VI compliance and a growing reluctance to make full use of the compliance mechanisms it has developed.

There is substantial evidence that voluntary and court-ordered integration efforts have been dramatically, albeit partially, successful. In the 1970–71 school year, nationwide, the incidence of black students in majority white schools was 33 percent, an increase of 10 percent from the preceding year. The number of black students in all-black schools has declined from 2.5 million in 1968–69 to 914,000 in 1970–71.

At the same time, the failures to achieve anything remotely resembling integration on a national basis are pervasive and shameful. As Father Hesburgh recently testified, 86 percent of the black students in Atlanta's public schools in the fall of 1971 attended schools that were 80 to 100 percent black. In Detroit, the percentage of black students attending schools that were 80 to 100 percent black was 79 percent; in Boston it was 63 percent; in Houston in was 86 percent; and in Milwaukee it was 79 percent. To quote the Chairman of our Civil Rights Commission once again:

> These figures are illustrative; they tell a story of racial separation that is dramatized every day in schools throughout the country.

Thus, we do not approach the issue of busing in a vacuum of social policy; rather, we approach it in the context of the fulfillment of a national goal shared by nearly every American of good will. That goal was described as follows by President Nixon in his March 24, 1970, statement on school desegregation. The President stated:

> It is clear that racial isolation ordinarily has an adverse effect on education. We also know that desegregation is vital to quality education—not only from the standpoint of raising the achievement levels of the disadvantaged, but also from the standpoint of helping all children achieve a broad-based human understanding that increasingly is essential in today's world.

When we speak of the use of busing as a means to accomplish that goal, we do not suggest that busing is the only such means, nor that it is the best means under all circumstances. Many other techniques have been and are used to desegregate schools. Schools have been integrated by changing the grade structure of the system, by redrawing attendance zones, by multischool pairing, and by the construction of new facilities. Indeed, as we approach a society in which equal opportunity is afforded in the fields of housing and employment as well as education, it is highly likely that such alternate techniques will predominate even more than they do today. Moreover, limitations on the use of busing are specifically sanctioned by the Supreme Court, which, in Swann, stated in plain language that—

> Busing will not be allowed to significantly impinge on the educational process.

It is also imperative to note that when we urge the use of busing to achieve integration in some circumstances, we are not advocating the introduction of a new, dangerous or untested activity. To the contrary, as Mrs. Lucy Wilson Benson, the president of the League of Women Voters of the United States, Dr. William T. Coleman, Jr., president of the NAACP Legal Defense and Educational Fund, Inc., and others have testified, busing and public education have traditionally been inseparable in our country. In fact, historically, busing "was an important strategic device in maintaining racial discrimination and segregation in the public school," according to Dr. Coleman. A 1967 pamphlet prepared for HEW, "Race and Place; A Legal History of the Neighborhood School," details the pervasive use of busing to promote segregation.

Between 1954 and 1969, our national fleet of school buses grew from 150,000 to 238,000 for reasons wholly unrelated to desegregation. Setting forth statistics supplied by the Departments of Health, Education, and Welfare, and Transportation, Mrs. Benson has shown that in the 1960–61 school year, when there was virtually no busing employed to facilitate integration, 13,106,779 public school children out of a total public school population of 36,281,000 rode a total of 1.5 billion miles on buses. That year, 186,000 schoolbuses were used at a total public expense of $505,754,515. In the 1970–71 school year, 40 percent of our public school children—65 percent when you include those using public transportation—rode to school each day for reasons that have nothing to do with school desegregation. Thus, in the 1970–71 school year, 19,617,600 public school children out of a total public school population of 45,905,000 rode a total of 2.2 billion miles on buses. About 256,000 vehicles were used at a total public expense of $990,000,000.

Other statistics demonstrate that 18 million students were bused to school, at public expense, and for reasons unrelated to desegregation, in 1969–70, and that "accidents were proportionately and considerably fewer than those associated with any other form of home-to-school transportation, including walking," according to the testimony of Dr. Coleman before the House Judiciary Committee last week.

As the editors of The Nation have so aptly pointed out:

> "Anti-busing," not busing, is the issue. Busing is a familiar, long-tested technique; there is nothing inherently unfair or arbitrary about it. . . . It is absurd to say that "compulsory busing has failed" when it has so seldom been fairly tested.

The conventional wisdom would have it that the support by elected officials of the use of busing under any circumstances is tantamount to political suicide. I believe that the people of our country are a great deal more perceptive than some suggest. Emotional and strident attacks which employ the word "busing" to stir up public clamor insult the intelligence of millions of Americans who believe in quality education and human equality.

The people and their secular and spiritual leaders are beginning to object in a concerted way to the use of "antibusing" as a slogan for slowing the progress toward desegregation. I have received, for example, the following letter from the Massachusetts Board of Rabbis, representing all of the branches of the Jewish community in my State, which sets forth precisely and eloquently their views on this matter. I fully endorse this statement, and bring it to the attention of my colleagues:

MASSACHUSETTS BOARD OF RABBIS,
Boston, Mass., March 3, 1972.

Hon. ROBERT F. DRINAN,
Cannon Building,
Washington, D.C.

DEAR CONGRESSMAN DRINAN: The Massachusetts Board of Rabbis representing rabbis of all branches of the Jewish Community in our Commonwealth, opposes efforts in our Congress that would set back all progress over the last two decades toward integration in education and expanded opportunity for all Americans. These regressive efforts are being done under the guise of "anti-busing amendments." These efforts are damaging in the extreme to the cause of desegregation in American public schools. We believe that these "anti-busing" efforts are really anti-civil rights amendments. We urge you, therefore, to do whatever you can to defeat these efforts, many of which are themselves of dubious constitutionality, and all of which would contribute to a poisoning of the educational, racial and social atmosphere in the United States at this very crucial time.

Sincerely yours,
Rabbi EPHRAIM BENNETT,
President.
Rabbi JUDEA B. MILLER,
Social Action Chairman.

Mr. Speaker, the black and white and rich and poor children of the United States, upon whose minds and spirits the burden of the future of our society will fall, will never be children again. In the next few years, the educational imprint on which our civilization depends will be cast. Today we vote on a proposal which would commit this House to conditioning the granting of all Federal aid to education upon busing prohibitions which will almost certainly be unacceptable to the Senate. Those prohibitions, if imposed, may result in the total collapse of Federal educational programs. Such a step would be more than drastic; it would be catastrophic. In the name of "antibusing" we would be compromising the future prospects of our children and our country. I do not urge the universal use of busing. I am, however, unequivocally committed to the belief that we can far more easily tolerate the discomfort of reasonable busing plans to effect desegregation than we can tolerate the alternative. I seriously doubt that our Nation can survive another generation of segregation, unequal opportunity, and access by minorities only to education which is inferior.

We owe to our children much more than an emotional outburst on this issue, the resolution of which will cast an indelible mark on each of their lives.

Mr. BROWN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. DRINAN. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. I thank the gentleman for yielding. The gentleman in his remarks referred to these amendments as antiblack amendments. I must disagree with his statement. I do not know what the situation is in Massachusetts, but a survey of the black community in the city of Detroit has indicated with a high degree of reliability that blacks as well as whites—maybe not in exactly the same degree, but a majority in each instance—oppose the busing of students for the purpose of accomplishing racial balance. I, therefore, feel it is both unfair and inaccurate to term this effort by the gentleman from North Carolina and these amendments as antiblack.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. PERKINS. Mr. Speaker, I yield 1 additional minute to the gentleman from Massachusetts.

Mr. DRINAN. I do not think that the wishes or the apparent wishes of either black or white parents in this particular regard should be controlling. I said that we should not have unreasonable busing, but I think that we are all committed to the proposition that we want integrated and racially balanced schools, and in many circumstances in Detroit and in Boston I do not believe we can bring that about without reasonable busing plans.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. DRINAN. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Is not the other side of the coin that the gentleman just expounded the fact that in the Senate amendment what they really say is it is all right to bus a black child, but not bus a white child? Is that not what the Senate is really saying? Does not it make more sense to treat all children alike; if you are to bar busing why not treat all youngsters equally and bar busing completely?

Mr. DRINAN. I defer to your interpretation of it.

Mr. PUCINSKI. That is what they are saying.

Mr. DRINAN. Thank you very much.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Missouri (Mr. Randall).

Mr. RANDALL. Mr. Speaker, we have heard a lot here today that if we are interested in preserving the democratic process we will not instruct the conferees. To some of us that is not much of an argument. For my part I shall support the motion to instruct conferees and vote against the motion to table.

It is interesting to note that most of those who have spoken against instructing the conferees today were not too long ago—maybe 2, 3, or 4 years in favor of instructing the conferees in a certain education bill. The very same ones who are today complaining against tying the hands of the conferees a little while back wanted very badly to tie the hands of the conferees. They know what I am talking about. That was the case of the Joelson amendment, a few years ago.

Nearly all of us are interested in increasing the authorization for higher education. If we are really interested in higher education I think we should remember the admonition of the gentlewoman from Oregon that if we do not instruct the conferees and if they take conference report will not be adopted the Senate provisions on busing, the and the higher education bill be defeated. This is the most important vote so far this year and even in this entire Congress.

It is really going to be a vote, when all is said and done, as to whether we will get the chance to vote for the conference report on the higher education bill. Yes, if you please, this vote will determine the fate of the emergency school aid bill of $1.5 billion which will go down the drain if we have a weak busing conference report return from the other body.

If we fail to instruct the conferees and they yield to the other body—then as suggested by the minority leader, Mr. Ford, we will have only one vote, up or down on the conference report and if it is weak on busing, the conference report will be defeated.

So this business about instructing conferees is really most important. True, busing is an emotional issue but there have been some others in the past. If we cut through all of the red tape and subterfuge—and quit the talk about the democratic process, then we will vote down the motion to table, proceed to instruct the conferee to take the House or so-called tough stand against busing. Only by such a course can a good higher education bill survive the very emotional controversy of busing of children.

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from North Carolina (Mr. Fountain).

Mr. FOUNTAIN. Mr. Speaker, I rise in opposition to the motion to table and in support of the motion to instruct.

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from North Carolina (Mr. Henderson).

Mr. HENDERSON. Mr. Speaker, the Higher Education Act, as reported to the House (H.R. 7248), contained numerous provisions authorizing employment of personnel without regard to the civil service and classification laws, and provided for numerous additional positions in grades GS–16 through GS–18, the supergrades.

You will recall that during consideration by the House of H.R. 7248, the gentleman from Iowa (Mr. Gross) and I raised numerous points of order against those provisions. The points of order were sustained and the bill finally adopted by the House did not contain authority for the appointment of personnel without regard to the civil service laws or provisions authorizing additional supergrades.

The susbstitute amendment passed by the Senate goes far beyond the provisions originally contained in the House-reported bill in violating the jurisdiction of the Post Office and Civil Service Committee.

Mr. Speaker, we have not been able to obtain an engrossed copy of the Senate-passed bill, and have had to reply on the Congressional Record in attempting to ascertain just what provisions the Senate has included in its substitute amendment.

A cursory examination of the Congressional Record shows that the Senate amendment contains provisions which actually classify at least 39 positions in grades GS–16, GS–17, and GS–18. For example, section 142 of the Senate amendment establishes a Teachers Corps and provides that the Director shall be in GS–18, and the Deputy Director shall be in GS–17. As another illustration, section 301(b)(5) establishes a Bureau of Elementary and Secondary Education, and provides that the Associate Commissioner shall be in GS–18, four Division Directors shall be in GS–17, and four additional positions shall be in GS–16.

Mr. Speaker, these are merely examples of the provisions that are contained in this legislation. They violate all standards which are prescribed by Congress for the classification of positions and the placing of positions in the supergrades. They do not provide for any control by the Civil Service Commission, and, in fact, do not even permit the Civil Service Commission to determine whether or not the duties of these positions justify the occupants receiving the rate of pay attached to a supergrade position. I wonder how many more Division Directors or Commissioners there are in the Department of Health, Education, and Welfare who will be clarmoring for similar treatment in subsequent legislation.

Mr. Speaker, I would like to inquire of the gentleman from Kentucky whether or not he will insist that the conferees on the part of the House maintain the House position in this matter, and insist that the conference substitute include no provision that specifically classifies a position in one of the supergrades.

Mr. Speaker, I would like to invite the attention of the conferees to another matter that is included in the Senate amendment, and here again, it is in direct violation of the jurisdiction of the House Post Office and Civil Service Committee. Title VIII of the bill establishes a Foreign Service scholarship program. Section 1207 of the amendments to the Higher Education Act of 1965 under title VIII establishes an entirely new program for Government employees to pursue education, training, or research, or a course of study under this program.

I would like to point out to the conferees that existing provisions of law, as contained in chapter 41 of title 5, United States Code, already establish a very elaborate training program for Federal employees, and now we have a new proposal that obviously will conflict in many respects with the existing training program. Obviously our committee has not had an opportunity to evaluate this matter and determine whether or not changes to the existing law should be made.

I believe it to be totally irresponsible that another program be established without thorough evaluation being given by our committee of how these two programs may conflict.

I sincerely urge that the conferees eliminate this feature from the conference substitute.

Mr. Speaker, I want to point out again that the Post Office and Civil Service Committee has the primary jurisdiction on all matters relating to the civil service. We are currently holding hearings and conducting extensive studies on a new program that has been recommended by the administration to replace the existing supergrade structure by a new Federal Executive Service. The existing program should not be proliferated piece by piece as is proposed by the Senate provisions.

One again, I urge the conferees to eliminate all of the provisions relating to the supergrades and the provisions which would include Federal employees under the Foreign Service scholarship program.

I include the following:

TOP LEVEL POSITIONS PROPOSED IN THE SENATE AMENDMENT TO THE HIGHER EDUCATION ACT OF 1971 (S. 659)

Section 142, page S2345:

The Teacher Corps: Director, GS–18; Deputy Director, GS–17; total 2.

Section 183, page S2353:

The Community College Unit: Director, GS–17; total 1.

Section 202, page S2355:

Bureau of Occupational and Adult Education: Associate Commissioner, GS–18; 3 positions, GS–17; 7 positions, GS–16; total 11.

Section 301, page S2355:

Education Division of HEW: Commissioner, Level IV; Deputy Commissioner, Level V; 6 positions, GS–18; total 6.

Section 301, page S2355:

The National Foundation for Post Secondary Education: Director, Level V; Deputy Director, GS–18; 3 additional positions, GS–18; total 4.

The Director is given authority to appoint for terms not to exceed 3 years and without regard to civil service of classification laws, technical and professional employees not to exceed one-fifth of the number of full time regular technical or professional employees of the Foundation.

Section 301, page S2357:

The National Institute of Education: Director, Level V; Deputy Director, GS–18; 3 positions, GS–18; total 4.

Section 301(b)(5) as amended by the Cranston Amendment, page S2709:

Bureau of Elementary and Secondary Education: Associate Commissioner, GS–18; 4 Division Directors, GS–17; 4 positions, GS–16; total 9.

Section 441, page S2360:

Office of Indian Education: Deputy Commissioner, GS–18; total 1.

Section 505, page S2362:

Bureau of Consumers' Education: Director, GS–17; total 1.

Grand total, 39.

Mr. PERKINS. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the debate thus far fails in my judgment to recognize the most important issue involved here today. Here it is March and we do not have authorizations for the higher education programs for next year. Authorizations for student aid programs have already expired. I do not think that any of us intentionally would want to complicate an issue of such grave importance to the extent that we may bring about a delay or get no bill at all this year.

I want to say to you frankly that we cannot afford any further delays. We cannot afford to narrow the areas of flexibility that we need with the Senate in working out these many issues and differences.

I will do my very best, if instructed, to bring back a bill within a reasonable time, but I say to you quite frankly, if you do not instruct us and let us have the flexibility, notwithstanding the issues, we will bring back an acceptable higher education bill the week after the Easter recess.

Mr. Speaker, we have a crisis in higher education today. This House has said overwhelmingly that we will do something about that crisis. The way to do something about it is provide us with this flexibility that is always accorded conferees. With that flexibility we will have at an early date, a good conference report and the greatest higher education bill ever enacted.

Mr. PERKINS. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The motion was agreed to.

MOTION OFFERED BY MR. RUTH

Mr. RUTH. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. RUTH moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the House amendment to the bill S. 659 be instructed to insist upon the provisions contained in sections 1701 and 1703(b) of the House amendment.

MOTION OFFERED BY MR. PERKINS TO TABLE MOTION OFFERED BY MR. RUTH

Mr. PERKINS. Mr. Speaker, I move to lay the motion on the table.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky (Mr. PERKINS) to lay on the table the motion offered by the gentleman from North Carolina (Mr. RUTH).

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. PERKINS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 139, nays 270, not voting 22, as follows:

[Roll No. 65]

YEAS—139

Abourezk
Abzug
Adams
Addabbo
Anderson, Ill.
Ashley
Badillo
Barrett
Begich
Bergland
Boggs
Boland
Bolling
Brademas
Brasco
Brown, Ohio
Burke, Mass.
Burton
Byrne, Pa.
Carey, N.Y.
Carney
Celler
Chisholm
Clay
Collins, Ill.
Conte
Conyers
Corman
Culver
Daniels, N.J.
Dellenback
Dent
Diggs
Donohue
Dorn
Dow
Drinan
Dwyer
Eckhardt
Edwards, Calif.
Erlenborn
Evans, Colo.
Fascell
Findley
Flood
Foley
Fraser
Frenzel
Gallagher
Gonzalez
Green. Pa.
Gude
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Wash.
Holifield
Howard
Jacobs
Jonas
Karth
Kastenmeier
Keith
Koch
Leggett
Link
McCormack
McFall
McKay
Madden
Mailliard
Mallary
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Minish
Mink
Mitchell
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, N.Y.
Nix
Obey
O'Neill
Patten
Pepper
Perkins
Pike
Podell
Preyer, N.C.
Price, Ill.
Quie
Railsback
Rangel
Rees
Reid
Reuss
Robison, N.Y.
Rodino
Roncalio
Rooney, N.Y.
Rosenthal
Rostenkowski
Roush
Roybal
Ruppe
Ryan
Saylor
Scheuer
Seiberling
Sisk
Smith, Iowa
Steiger, Wis.
Stokes
Symington
Thompson, N.J.
Udall
Ullman
Van Deerlin
Vanik
Waldie
Whalen
Yates
Zwach

NAYS—270

Abbitt
Abernethy
Alexander
Anderson, Calif.
Andrews
Annunzio
Archer
Arends
Ashbrook
Aspin
Aspinall
Baker
Belcher
Bennett
Betts
Bevill
Biaggi
Biester
Blackburn
Blanton
Bow
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collins, Tex.
Colmer
Conable
Cotter
Coughlin
Crane
Curlin
Daniel, Va.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Denholm
Dennis
Derwinski
Devine
Dickinson
Dingell
Dowdy
Downing
Dulski
Duncan
du Pont
Edmondson
Edwards, Ala.
Eilberg
Esch
Eshleman
Evins, Tenn.
Fish
Fisher
Flowers
Flynt
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frelinghuysen
Frey
Fulton
Fuqua
Galifianakis
Garmatz
Gettys
Giaimo
Gibbons
Goldwater
Goodling
Grasso
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Hagan
Haley
Hall
Halpern
Hammerschmidt
Harsha
Harvey
Hastings
Hays
Hébert
Heinz
Henderson
Hicks, Mass.
Hillis
Hogan
Horton
Hosmer
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Keating
Kee
Kemp
King
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Lennon
Lent
Lloyd
Long, La.
Long, Md.
Lujan
McClory
McClure
McCollister
McCulloch
McDade
McDonald, Mich.
McEwen
McKevitt
McKinney
McMillan
Mahon
Mann
Martin
Mathis, Ga.
Michel
Miller, Ohio
Mills, Ark.
Mills, Md.
Minshall
Mizell
Mollohan
Monagan
Montgomery
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
O'Hara
O'Konski
Passman
Patman
Pelly
Pettis
Peyser
Pickle
Pirnie
Poage
Poff
Price, Tex.
Pucinski
Purcell
Quillen
Randall
Rarick
Rhodes
Roberts
Robinson, Va.
Roe
Rogers
Rooney, Pa.
Rousselot
Roy
Runnels
Ruth
St Germain
Sandman
Sarbanes
Satterfield
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shoup
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Stephens
Stratton
Stuckey
Sullivan
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Vander Jagt
Veysey
Vigorito
Waggonner
Wampler
Ware
Whalley
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion

NOT VOTING—22

Anderson, Tenn.
Baring
Bell
Bingham
Blatnik
Clark
Collier
Dellums
Edwards, La.
Gaydos
Hull
McCloskey
Macdonald, Mass.
Mathias, Calif.
Miller, Calif.
Powell
Pryor, Ark.
Riegle
Shipley
Stanton, J. William
Stubblefield
White

So the motion to table was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Dellums for, with Mr. Baring against.

Mr. Blatnik for, with Mr. Stubblefield against.

Mr. Bingham for, with Mr. Shipley against.

Mr. Miller of California for, with Mr. Collier against.

Mr. Macdonald of Massachusetts for, with Mr. Mathias of California against.

Until further notice:

Mr. Clark with Mr. Bell.

Mr. Hull with Mr. McCloskey.

Mr. Anderson of Tennessee with Mr. Powell.

Mr. White with Mr. Riegle.

Mr. Gaydos with Mr. J. William Stanton.

Mr. NEDZI changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The SPEAKER. The gentleman from North Carolina (Mr. RUTH) is recognized for 1 hour on his motion.

Mr. RUTH. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. Broomfield) for the purposes of debate only.

Mr. BROOMFIELD. Mr. Speaker, I rise to stress the importance of retaining the House language of the amendment to stay busing orders until all appeals have been exhausted.

The effect of our amendment would be to stay the order of any U.S. district court requiring the transfer or transportation of students to achieve a balance among students with respect to race, sex, religion, or socioeconomic status, until all such appeals in connection with such order have been exhausted or until the time for taking an appeal has expired without one having been taken.

This is a matter of simple equity and fairness. I am proud to say that I introduced this measure originally with the bipartisan support of six other Members from the State of Michigan: Mr. Dingell, Mrs. Griffiths, Mr. William Ford, Mr. McDonald, Mr. Nedzi, and Mr. O'Hara.

Let me say first of all, and I think I am restating the feelings of the other Members who sponsored this amendment, that we were motivated by a sense of fairplay for the defendant school district to a busing decision. Our amendment merely allows the defendant the opportunity to plead his case at the forum of his last resort before busing takes effect.

The House recognized the basic equity of this approach last November when it was overwhelmingly approved on a teller vote with clerks by a vote of 235 to 125. The record will show that it received the bipartisan support of members from all over the Nation.

On the other hand, the Senate, in the so-called Mansfield-Scott amendment, has adopted a version of our amendment which is both inadequate in scope and grossly inequitable in application. The crucial difference is that the House amendment applies to orders requiring the transfer or transportation of any student or students "from any school attendance area prescribed by competent State or local authority"; while the Senate language would apply to transfers or transportation of students "from one local educational agency to another."

Accordingly, it applies only to those limited situations in which a court might order transfers across school district lines. Thus far, there have been very few instances of such orders. The overwhelming majority of court orders require busing within a school district, between various attendance zones. The House language is constructed to cover both situations, since any transfer from one school district to another would include and would constitute a transfer "from a school attendance area prescribed by competent State or local authority."

The Senate version is not only far more restricted in its coverage but would be absolutely unfair in application. The organization of school districts varies from State to State, all the way from a single district comprising the entire State of Hawaii to 1,665 within the single State of Nebraska. Between those extremes there is enormous variation. Maryland, for example, has only 24 school districts, one in each county and in the city of Baltimore, while Michigan has 628 school districts.

Obviously, these districts vary in geographic size, number of pupils and in all sorts of other ways with no established pattern. A small, rural district might have hundreds of attendance zones. In one metropolitan area there might be a single district which covers many attendance zones, while in a similar area in another State there might be numerous local school districts. Clearly, the only fair way to treat the problem of court-ordered busing is by attendance zones, rather than school districts. That is the House approach. The Senate approach would introduce a host of inequities because there is no uniform method of school district organization.

Mr. Speaker, the other body would have us discriminate against some busing orders. Some orders would be stayed pending appeal and other would not. We should write the law so that it applies uniformly to all cases which involve busing, otherwise, this law will be by definition, unfair. The Mansfield-Scott amendment is in effect telling some school boards that you will have a chance to appeal before lower court orders go forward, while it is telling the vast remainder that they will not have that same opportunity.

The Senate amendment does introduce an additional situation in which the orders of U.S. district courts would be stayed pending appeal—that is where the order, as in Richmond, Va., is for the merger of two or more school districts into a single new district in order to achieve racial balance. Although such an order undoubtedly includes the transfer of pupils from one attendance zone to another, and thus would be covered by our amendment—otherwise there would be no point to the order—the House conferees should have no objection to adding this feature to the language of the House version so long as the rest of the House amendment is preserved intact.

Mr. Speaker, the Senate has taken the language of our amendment and they have twisted it just enough to undercut its true intent. They have tried to render it meaningless. They are attempting to evade the clear intent and purpose of the overwhelming majority of this House. But, most important, the Mansfield-Scott version of section 1701 is attempting to evade the views and feelings of millions of Americans, both black and white, who oppose forced busing.

It is for all these reasons but, most especially, so that this House will continue to truly represent the American people that I respectfully suggest that we retain the original language of the amendment to stay court ordered busing.

So, Mr. Speaker, I would urge everyone to support the instructions to insist on this amendment when the House and Senate meet in conference.

Mr. GERALD R. FORD. Mr. Speaker would the gentleman from Michigan yield.

Mr. BROOMFIELD. Yes; I would be delighted to yield to the distinguished minority leader.

Mr. GERALD R. FORD. I would like to ask the gentleman several questions. First, is the Broomfield amendment retroactive?

Mr. BROOMFIELD. Yes; it is.

Mr. GERALD R. FORD. It is retroactive in its entirety?

Mr. BROOMFIELD. In its entirety.

Mr. GERALD R. FORD. The second question is this: Your amendment states that the effectiveness of "any order" to achieve a racial balance of students "shall be postponed."

Now, does that mean that it would affect orders which have already been put into effect or put into partial effect? In other words, all would be suspended pending final appeal?

Mr. BROOMFIELD. That is correct.

Mr. GERALD R. FORD. Let me ask one other question.

The SPEAKER pro tempore (Mr. Boggs). The time of the gentleman from Michigan has expired.

Mr. RUTH. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. GERALD R. FORD. Mr. Speaker, if the gentleman will yield further, is it the intent of the author of the amendment that this stay during an appeal of any order shall be equally applicable not only to orders involving forced busing but to desegregation cases generally?

Mr. BROOMFIELD. Yes; it would be, in both cases.

Mr. GERALD R. FORD. I thank the gentleman.

Mr. RUTH. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. Brown) for purposes of debate only.

Mr. BROWN of Michigan. I thank the gentleman for yielding.

Mr. Speaker, I find myself in a bit of a dilemma with respect to this question, a dilemma that is occasioned because I feel very strongly about the so-called Broomfield amendment. I think it is entirely appropriate. As a lawyer I think it is essential. But, I have doubts about the other amendments which are incorporated in the motion to instruct.

I have already seen many cases where an opportunity for any kind of a hearing on the merits has been denied with respect to implementation of racial balance plans that have been affirmatively ordered by lower courts and where the appellate courts have never looked beyond the findings of the lower court, the district court, even all the way to the U.S. Supreme Court. This means that an erroneous determination made at the local level, at the district court level, is perpetuated and a school district is required to abide by it irrespective of the ultimate merit of that determination pending such time as a final decision is made.

I therefore think that the so-called Broomfield amendment is absolutely essential. I am much distressed, however, about the so-called Ashbrook and Green amendments. I think that the Ashbrook amendment in particular goes further than is necessary to accomplish what would be the will of this House if the will of this House could be expressed with greater clarity than it is expressed in the Ashbrook amendment.

It was my intent to consider seeking your support to vote down the previous question on the Ruth motion in order that I might amend the amendments that the motion to instruct would incorporate. I would have, had I been able to, but I find that from a parliamentary standpoint it is impossible, I would have amended the motion of the gentleman from North Carolina (Mr. RUTH) to provide that the House insist that the House managers insist in the conference on section 1701 of the House bill, and that section 1703(b) would be complied with by the House managers as I would amend it. That amendment, or those amendments on 1703(b) would read as follows, had I had that opportunity to offer them, and I quote:

> No funds appropriated for the purpose of carrying out any applicable program may be used for the transportation of students (or for the purchase of equipment for such transportation) in order to effect racial balance in any school or school system.

That would be all that I would incorporate so far as the Ashbrook amendment is concerned. In the Green amendment the only change I would make is to change the words "urge, pursuade, induce," to the word "coerce," so that it would read——

The SPEAKER pro tempore (Mr. BOGGS). The time of the gentleman from Michigan has expired.

Mr. RUTH. Mr. Speaker, I yield 1 additional minute to the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. It would read:

> No officer or employee of the Department of Health, Education, and Welfare (including the Office of Education) or of any other Federal agency shall, by rule, regulation, order, guideline, or otherwise (1) coerce or require any local education agency, or any private nonprofit agency, institution, or organization, to use any funds derived from any State or local sources for any purpose for which Federal funds appropriated to carry out any applicable program may not be used—

And ensuing language.

But let me say, Mr. Speaker, before my time expires, I think the adoption of the Broomfield amendment is so essential with regard to this legislation that despite my disagreement with the Ashbrook and Green amendments as worded, that I intend to support the motion to instruct. I think every Member of the House should do likewise.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Michigan. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, when we instruct conferees we certainly want them to uphold the spirit as well as the wording of the House position. On the other hand, I think we can get interpretations that will clarify and will be helpful when the law is finally written.

For example, I do not recall which amendment it is now, but it says that no officer of the Federal Government——

The SPEAKER pro tempore. The time of the gentleman from Michigan (Mr. BROWN) has again expired.

Mr. RUTH. Mr. Speaker, I yield 2 additional minutes to the gentleman from Michigan (Mr. BROWN).

Mr. GERALD R. FORD. Mr. Speaker, I believe the amendment says that no officer of the Federal Government can take certain actions. I am sure that means no officer of the Department of HEW can take that action.

On the other hand, I think it would be reasonable to say that the Attorney General under his oath of office to uphold the law of the United States can go into court to carry out the law of the land as it has been determined.

What I am saying is that you can differentiate between HEW which has no specific obligation to carry out the law of the land in the courts on the one hand, and the Department of Justice where the Attorney General has taken an oath of office to carry out the law of the land.

An officer of the Department of Justice of the Federal Government can enter into proceedings in court, where I do not think HEW representatives can take action to undermine the intent of the Congress in Administrative action.

I am talking about the amendment offered by the gentlewoman from Oregon. I believe that my interpretation would be correct in this instance, and if it is not, I would appreciate the gentlewoman's comments on that.

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Michigan. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Speaker, I think the gentleman has explained it correctly. I think the important thing here is that the spirit and the intent of the House be upheld.

I interpret that by instructions by working with the Senate, if the spirit and intent can be upheld. You could refine it to carry out that spirit and intent. Then I would assume that would be what the House would want.

Mr. BROWN of Michigan. I am very pleased to hear the gentlewoman from Oregon express her view in that regard because I think another area of it covered by the Ashbrook amendment where it refers to even the transportation of teachers is inappropriate.

Inasmuch as I believe most of us would agree that the assignment of faculty to accomplish an integrated faculty is not something that the House wants to absolutely prohibit, but nevertheless under the Ashbrook amendment it would be prohibited.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. RUTH. Mr. Speaker, I yield 5 minutes for purposes of debate only to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, next Tuesday the voters in Florida will engage in a presidential primary. At the same time they will have the opportunity to vote on several questions, one being—Do you support an amendment to the Constitution of the United States to prohibit forced busing? Or, in other words, to preserve neighborhood schools.

Yesterday, March 7, more than 10,000 students at 28 schools and colleges throughout Florida—students 18 years of age and over—voted in a preliminary ballot on the same candidates and questions.

I would like to give you some of the figures. I think you will find them very interesting when you see that in the Democratic primary, the results were as follows:

McGovern got 1,784.

Chisholm was second with 1,373.

Muskie was next with 1,096.

Lindsey was next with 1,085.

Humphrey got 643.

McCarthy got 160.

Wallace got 986.

Jackson got 749.

Mills got 24.

Hartke got 24.

Yorty got 16.

I point out these figures to our colleagues so they can see without a doubt that the philosophical trend established by this vote was very definitely liberal in that they voted strongly, better than 60 percent, for acknowledged liberal candidates.

Despite the very liberal vote for the candidates—the students voted strongly for the amendment to prohibit busing, more than 60 percent, or 6,119 of these students voted "yes"—they would support an amendment to the Constitution to prohibit busing; and only 4,334 voted "no."

In that philosophical atmosphere I think that is an overwhelming vote for neighborhood schools.

Let me add another item of interest. Those same people voted 6,315 for an amendment to the Constitution to allow voluntary prayer in schools, while only 2,882 voted against. So if by any chance the House is wavering in its determination to preserve neighborhood schools and to oppose forced busing, I believe this information just recited should go a long way toward strengthening that determination. Incidentally, in the Republican side of that primary vote, President Nixon received an overwhelming 90 percent of those voting as Republicans.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman.

Mr. ROUSSELOT. Mr. Speaker, I rise in support of the motion to instruct the conferees to support the House position which included the Broomfield, Ashbrook, and Green amendments to the original legislation voted out by the House of Representatives. The gentleman from North Carolina (Mr. RUTH) has been absolutely correct in his statements that the position that the House of Representatives took on November 4, 1971, on these three amendments clearly and overwhelmingly supports the American people in their belief that massive busing does not contribute to excellence in education and, therefore, Federal funds should in no way be used to advance the purpose of massive busing.

Mr. Speaker, I rise in support of the motion to instruct the conferees for the following reasons:

First. The Ashbrook amendment, which passed by a very substantial vote on November 4, 1971—231 ayes to 126 noes—established a clear prohibition as part of the General Education Provisions Act that—

> No funds appropriated for the purpose of carrying out any applicable education program may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system.

Mr. ASHBROOK, who is a distinguished member of the Labor and Education Committee, was merely responding to an overwhelming number of school administrators who have found it impossible and totally impractical to try to establish a so-called racial balance by any program of massive busing. More important, most educators that I have talked to in my own district have made it clear that massive busing does not contribute to the improvement of education and, therefore, should not be mandated by anybody.

Second. The Green amendment, which was also passed by a substantial majority in the House of Representatives on November 4, amends the Federal education laws by stating that—

> No officer or employee of the Department of Health, Education, and Welfare (including the Office of Education) or of any other Federal agency shall, by rule, regulation, order, guideline, or otherwise, (1) urge, persuade, induce, or require any local education agency, or any private nonprofit agency, institution, or organization, to use any funds derived from any State or local sources for any purpose for which Federal funds appropriated to carry out any applicable program may not be used, as provided in this section, or (2) condition the receipt of Federal funds under any Federal program upon any action by any State or local public officer or employee which would be prohibited by clause (1) on the part of a Federal officer or employee.

Mrs. GREEN has been a long-time member of the Labor and Education Committee and could never be accused in any way of being opposed to the advancement of education. Mrs. GREEN'S amendment, which could be upheld here today, obviously prevents Federal employees from trying to encourage local school boards or State government boards of education from believing that they can receive Federal funds directly or indirectly for massive busing because she does not believe, and I think she is correct, that it will contribute to better education. Mrs. GREEN stated:

> I think the evidence is overwhelming that busing is not the answer to the very complex school problems of today.

This is a good summary of the reasons why we should support the House position. Mrs. GREEN further stated on November 4:

> The schools are deteriorating before our eyes. They are decaying. We have many social problems. We cannot find enough money for our classrooms.

And then she properly concludes that diverting Federal funds from massive busing are not proper conditions under which to improve education for the children.

Third. The Broomfield amendment, which was passed by a substantial majority on November 4—235 ayes to 125 noes—is an important addition to the general education codes and should be supported by the House once again. The basic point of the Broomfield amendment was, and still is, that no U.S. district court and/or Federal court shall require the transfer or transportation of any student or students from any school attendance area prescribed by competent State or local authority for the purposes of achieving so-called racial balance until all appeals have been taken and/or until the time for such appeals has expired. In other words, those who disagree with such busing programs have a full opportunity under the Constitution and through the courts to appeal such mandates or orders. That is an appropriate and just position which we should reaffirm here today.

Mr. Speaker, I again urge the full support of the motion to instruct by the gentleman from North Carolina (Mr. RUTH).

Mr. STEPHENS. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman.

Mr. STEPHENS. Mr. Speaker, I appreciate the gentleman from Florida yielding to me. I rise in support of the motion of Mr. RUTH of North Carolina and urge that we vote to instruct our conferees on this legislation to stand firm on the House position against the use of Federal funds for busing students. I am also glad to join again my Georgia colleagues all of whom have voted for and supported every move to stop the busing of students.

Mr. MIZELL. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman.

Mr. MIZELL. Mr. Speaker, I rise in support of the motion of my colleague, the gentleman from North Carolina (Mr. RUTH).

Mr. Speaker, I want to take just a moment to express my strong support for the motion introduced by my distinguished colleague from North Carolina (Mr. RUTH) to instruct the House members of the conference committee on this higher education bill to insist on keeping the antibusing amendments we have passed by overwhelming margins.

As the Federal Government body closest to the people, we have accurately reflected the people's will in passing a series of strong measures aimed at reducing or eliminating the massive busing of schoolchildren simply for racial balance.

Recent Gallup polls have shown that while a great majority of the American people favor integration, an almost equal majority opposes the use of massive busing to achieve court-ordered racial balances.

I believe it is safe to say that the amendments we have passed on this subject are far more appreciated by the American people, and far more effective in solving the busing problem, than the much weaker measures passed by the Senate.

The point, Mr. Speaker, is to solve the problem, not to run away from it or simply delay its entrance into other areas of the country. I have said that on the basis of past experience, it will probably take a constitutional amendment to really solve the problem. But if these amendments we passed last November, which have now become important issues for the conference committee, can solve the problem sooner, then I say so much the better.

Thus, I believe it is imperative that we instruct our conferees to hold fast to the Green, Ashbrook, and Broomfield amendments, and I urge my colleagues on both sides of the aisle to join me in so voting.

Mr. LENT. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman.

Mr. LENT. Mr. Speaker, I rise in support of the motion to instruct the conferees.

Mr. Speaker, although I have some misgivings about the eventual effectiveness of these amendments should they be retained in the reported bill, I believe strongly that the amendments, which we adopted so convincingly last fall, truly reflect the will of the American people, and every effort should be made to have them included.

While I suspect that these provisions may meet the same fate at the hands of the courts as many of our previous legislative efforts in this direction, the consensus seems to be that we ought to afford another opportunity for judicial interpretation. Further, it certainly appears unlikely at this juncture that the other body is prepared to adopt one of the proposed constitutional amendments to remedy the forced busing dilemma, so I would certainly be amenable to permitting one more examination of our very clear legislative intent in this matter.

I would be remiss, however, if I did not point out the fact that many of my constituents, along with thousands of people across the country who have written me on this matter, are not convinced that these milder legislative remedies are going to be truly effective in curbing some of the more exotic forced busing schemes which have been ordered.

In vigorously supporting this motion, I only hope that we will not be forced to return here 6 or 8 months hence with collective "egg on our faces" with hundreds of constituents saying "I told you so."

Mr. Speaker, I hope my many colleagues who feel as I do about this matter will lend their support to this motion in order that we may present the strongest position possible in the deliberations with the other body.

Mr. RUTH. Mr. Speaker, I yield myself such time as I may use.

The SPEAKER. The gentleman from North Carolina is recognized.

Mr. RUTH. Mr. Speaker, as we approach the vote, one of our primary concerns seems to be instructing conferees. We seem to have a sacred cow here. I am going to try to explain to you that this is really not a sacred cow. Congressmen feel they must be flexible, and as conditions change, procedures must vary. Indeed, we are flexible, because several Members today have gotten up and spoken on how horrible it is to instruct conferees, and those same Members thought it would be a marvelous idea to instruct the conferees when we were discussing the Mansfield amendment. The inconsistency connected with this committee is appalling.

Busing is a very serious situation, and this also puts it in a different light. To me, it is an opportunity to express for myself and my colleagues once again my strong feeling about busing. I am pleased to be able to take this stand to instruct the conferees.

Once again, with regard to the Education Committee, the situation is normal. The will of the House and the will of the Education Committee are entirely different. This certainly sheds some light on some of the reasons why we cannot be too concerned with this sacred cow.

We have another old Education Committee practice. We have all this necessary legislation on our right hand, which absolutely must be passed, but on our left hand we have a little bit of undesirable legislation which we must digest in order to get the goodies over on the right. Goodness knows, I am fed up with this type of situation.

So I say to you, ladies and gentlemen, the handwriting is on the wall. We fail to meet our responsibilities as Congressmen if we fail to instruct the conferees in this instance, or another way of saying it, if we fail to instruct the conferees, we will be throwing a House rabbit into a Senate briar patch.

Mr. FREY. Mr. Speaker, will the gentleman yield?

Mr. RUTH. I yield to the gentleman from Florida.

Mr. FREY. I would like to compliment the gentleman on his remarks and associate myself with his statement. Furthermore I would like to compliment him on his leadership in this field. We sorely need it. I am delighted that the gentleman is providing it.

Mr. RUTH. I appreciate the remarks of the gentleman from Florida.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. RUTH. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to the motion which has been offered by the distinguished gentleman from North Carolina (Mr. RUTH) to instruct House conferees. It is ordinarily my policy to vote against such motions on the grounds that it is not wise to limit the prerogatives of conferees chosen by the House to attempt to fashion a compromise on legislation which has passed the other body in a different form. However, I feel impelled to state additional reasons why I think this particular motion to instruct is unwise.

Last evening I had the opportunity of attending the annual dinner of the Veterans of Foreign Wars. One of the program events was the recitation of the prize-winning oration in the Voice of Democracy Contest by a young American from Hawaii, Evan M. Spangler. He stated the proposition that to be born free is an accident, and that he was a free American by the accident of birth. However, to remain free and to earn that birthright of freedom for ourselves and generations yet to come, we must look upon our freedoms—so gratuitously conferred—as a challenge to translate to reality the ideals of freedom, democracy, and equal rights which are such an important part of the American system. We are currently facing a challenge to freedom in the very tempestuous and troubled area of our Nation's schools. Although 18 years have passed since the decision of the U.S. Supreme Court in Brown against Board of Education of Topeka, we have still not attained the goal of an educational system which provides quality education to all of our children regardless of race, color, or creed. However, we have made some very measurable progress toward that goal. The question which confronts us now is whether or not we shall continue the long march thus begun or whether we shall, acting on the impetuosity of the moment and under the stress of considerable emotion, yield to the impulse to find a temporary palliative for the situation which confronts us.

I would be the first to agree that in many respects the Congress has been derelict in expressing itself on matters of educational policy, particularly as they reach this problem of racial isolation in the schools. We have for too long a time cast almost the entire burden upon the courts of our land to define both the pace and the means whereby the fundamental right of receiving a quality education shall be attained. The vice of the motion to instruct is that it would identify the House with a position on this subject which is essentially negative in character. We would interfere with the judicial process in desegregation cases until such time as the Supreme Court has finally acted or until the period for appeals had run; we would totally prohibit the use of Federal funds to purchase transportation for students or teachers in an effort to desegregate our schools.

This position, commonly known as the Ashbrook amendment, is particularly objectionable in that it would literally make it impossible in many places even to dissolve a dual system and would permit the continuation of the most egregious examples of racial discrimination in the classroom simply because no other alternative to busing was immediately available. This clearly would turn the clock back almost a score of years, and continue the kind of total racial isolation which can only lead to an increasingly polarized, divided, and hostile society.

In short, Mr. Speaker, the amendments which would be embraced within the motion to instruct do not in any sense of the word constitute a constructive solution to this most nettlesome question of how we should go about eliminating the remaining redoubts of segregation which exist in our land. The suggestion was made earlier during the debate that a vote against the motion to instruct is a vote for busing, and, indeed, an indication of complete approbation of busing as a tool to achieve an end to segregation in every instance. This represents a wholly unwarranted conclusion.

I for one certainly agree with what the U.S. Supreme Court said in the Swann case that such factors as the health of the child and the effect on busing on the integrity of the educational process are factors to be considered. The framers of the Mansfield-Scott amendment wisely imported this language into the amendment which the Senate adopted to the higher education bill, and which they chose in preference to an outright ban on busing in any conceivable circumstance.

There certainly can be situations where massive busing by violating these precepts could be wholly counterproductive, and I would vigorously oppose them. On the other hand to adopt the blunderbuss approach of the Ashbrook amendment and discard entirely the use of the school transportation system as an option in ending illegal and unconstitutional segregation in the classroom is equally fallacious.

I have had the opportunity recently to examine the provisions of the National Educational Opportunities Act introduced in the Congress by the distinguished gentleman from North Carolina (Mr. PREYER) and the distinguished gentleman from Arizona (Mr. UDALL). It seeks to set out a national legislative policy to improve and equalize educational opportunities, and also to provide incentives for the elimination of the vestiges of segregation which still hold us. I doubt that even the authors claim that it is the last word that can be written on this difficult subject.

However, it does provide a thoughtful rationale for those of us who believe that rather than adopting the wholly negative approach of the Ashbrook amendment we should be seeking to find positive ways to implement quality education on a nonsegregated basis. Some of the options mentioned in the bill are: Community school systems, magnet schools, educational parks, the right of a student to transfer from a school in which his race is in a minority to a school in which his race is in a majority, a requirement of an "equalization of resources" and the elimination of such disparities as overcrowding, higher pupil-teacher ratios, and inadequate plant facilities.

It would accomplish its goal of quality education by requiring each State to draw up a State plan for the elimination of segregation and the achievement of equal educational opportunity as a condition for the receipt of funds under titles I and III of the Elementary and Secondary Education Act as well as other educational benefits provided by the Federal Government. The great virtue of this approach is that it represents a positive effort to move us in a reasonable way toward the yet distant goal of equality in education.

It provides incentives, and it also by the same token would contain some penalties for those who do not aspire to that goal. It does not rely simply on busing as a means of eliminating racial isolation, but it provides a wide range of options which can accomplish the same purpose.

In conclusion, Mr. Speaker, I repeat that I believe the time has long passed when we in the Congress should continue to passively acquiesce in court ordered solutions. The courts were never designed to run our education system. In many cases they have been thrust into the arena of the present complication simply because of a lack of leadership on our part in defining the objectives of education in our country, and the means whereby that can be carried out. I hope that we can defeat the motion to instruct, and thus get on with the far more important task of playing this positive and constructive role.

Mr. FOUNTAIN. Mr. Speaker, will the gentleman yield?

Mr. RUTH. I yield to my colleague from North Carolina.

(Mr. FOUNTAIN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. FOUNTAIN. Mr. Speaker, I rise in support of the motion to instruct the House conferees to stand by the House-enacted provision relating to one of the most serious domestic issues of our time, the forced busing of schoolchildren—especially over long distances—to achieve racial balance.

The Nation desperately needs the kind of legislation which will serve to keep substantially intact our neighborhood school system and preserve quality education in our public schools.

America's public school system is now under attack from many quarters. This is true North, South, East, and West.

Consequently, our task is clear, the Congress must act responsibly to restore a sense of sanity to the school situation and enable our educators to get back to the job of providing a quality education to each and every child in America. The time for action has come.

If recent polls are to be believed, perhaps four-fifths of the American people—Americans of every race, creed, color, and national origin—share my strong distaste for the forced busing of students over crowded highways in order to achieve the highly elusive, judicially imposed racial balance.

Bear in mind that, though the courts may learnedly discourse upon the distinctions between de jure and de facto in our country, the line has been drawn so fine that most Americans conclude that the distinction really lies in the eye of the beholder.

No section of our Nation can take a detached view of the problems of busing. It is no longer a sectional matter. The Mason-Dixon line is no longer an iron curtain. This is a national issue.

In any event, the dual school system in the South has long since been done away with. That is not the question of 1972. Desegregation or integration in our schools is an established fact. The question today is whether or not American public education is to be built up or torn down. The question is whether or not we are willing to put the welfare of the children first—all children—or whether we want to leave them at the mercy of Federal judges and Federal bureaucrats whose main interests seem to be in the arithmetic of racial balance.

A brief review of the deviant course of judicial construction upon the Constitution amply serves to demonstrate the imperative need for expeditious congressional enactment of appropriate measures.

The U.S. Supreme Court in both Brown against Board of Education cases—Brown I and Brown II—declared that State-imposed racial segregation in public education was contrary to the equal-protection clause of the 14th amendment.

The mandate laid down in the Brown decisions was that the Constitution requires that States must not, on the basis of a child's race, or color, designate where he is to attend school.

It was not until 12 years after the decision in Brown I that the circuit court in United States against Jefferson County Board of Education, in a surprising stretch of judicial imagination, first divined that Brown I did more than prohibit segregation; yea, that it commanded integration.

The approach conceived of in Jefferson said school boards have an "affirmative duty" to eliminate the "last vestiges of the dual system" and establish a "unitary system." This decision left the courts in confusion and gave rise to a proliferation of judicial decisions irreconcilable in their results.

This confusion is understandable when one realizes, that the decisions are such, for example, that a school district in Cincinnati, Ohio, was told that the existence of all-black schools was of no constitutional consequence, while, in one short sentence, all of the schools of the fifth circuit were "put on notice" that the all-black schools of the South must be integrated or abandoned in 3 weeks.

Now, 17 years after enunciation of the principle of racial neutrality by the Brown court, the pronouncement of the High Court in the Swann decision brings us full circle to the pre-Brown days. Our Constitution, according to the Swann court, not only permits the assignment of students to public schools on the basis of their race, but, in fact, demands it.

Accordingly, the court in Swann affirmed the lower court order imposing a racial balance requirement of 71 percent white and 29 percent black on all of the schools of the Charlotte, N.C. system, this being the racial composition of the entire school system.

It would be absurd to contend that this result was contemplated by the Court in 1954 and 1955 when the Brown decisions were announced.

But, more importantly, what does all of this mean in human terms. A good hard look at the history and current situation in busing is all it takes to realize that programs of forced busing have had the effect of destroying the long established neighborhood school concept. This has been a tragic mistake.

Busing is based on an educational fallacy, as well as false constitutional logic, and not only wastes taxpayers' money, but is disruptive to the child, the school, family and neighborhood.

The nationwide lack of success with busing programs could easily have been predicted, since busing a child many miles to school is by no stretch of the imagination the same as providing him with a favorable educational environment. Many educators feel that busing in reality creates new tensions and anxieties at a time when a child is already beset with the many problems which go along with adolescence and growing up.

Busing removes a child from one of his most powerful sources of security—his neighborhood or community. It may place him in an atmosphere to which he can only react with anxiety. Whether a community or a neighborhood is rich or poor, well kept or run down, there is no place like home.

Just the fact that a child, black or white, is being bused into a different neighborhood has a negative effect, for it forces upon the black child society's judgment that there must be something inferior with his own neighborhood. This prompts fear and resentment, and rightly so.

Beside children and families, neighborhoods and communities also suffer when busing programs are instituted on a wholesale basis. The entire community is disrupted and thrown into upheaval. We have all read about what is happening as the result of the Richmond, Va., decision.

It is regrettable but true that busing has often been closely related to bitter community conflict. It has caused violence. In Denver, where a busing program to speed up integration had been started in the fall of 1969, someone bombed and burned 23 schoolbuses. Ironically, some of the buses were only used to take handicapped children to special education classes.

I am told that when busing was introduced into the public schools of Brooklyn Heights, N.Y., 6 years ago, the school became the center of a terrible controversy, which has intensified through the years rather than abated.

Community groups in that area—some for and some against—have, I understand, fought with such intensity during the entire 6 years that parents with schoolage children have moved out of the area, neighbors once friendly have stopped speaking to each other, and the school itself has become a place where proper education is almost impossible.

Even the pattern of disruption to individual lives and community organization might conceivably be justifiable upon some basis of demonstrable improvement in the educational product of the public schools. But this has not been the case. There is no demonstrable improvement. Busing is a 100 percent, unadulterated failure.

Forced busing for unreasonable distances through heavy traffic from one well established neighborhood to another for the sole purpose of bringing together an arbitrary percentage of children of different races is unwise, unnecessary, and injurious to the health, education, and general well-being of our children.

Mr. Speaker, the present crisis demands that the Congress do everything in its power to examine the busing issue and to resolve it sensibly.

Mr. BENNETT. Mr. Speaker, will the gentleman yield?

Mr. RUTH. I yield to my colleague from Florida.

(Mr. BENNETT asked and was given permission to extend his remarks at this point in the RECORD).

Mr. BENNETT. Mr. Speaker, I believe that the conferees should be instructed to follow the House position. The House has spoken eloquently with a heavy vote. The Senate has spoken weakly, with a very marginal vote.

Mr. Speaker, I think the best solution to the problems of busing lies in a constitutional amendment.

House Joint Resolution 30, introduced by me on January 22, 1971, is the earliest introduced constitutional amendment before the Congress. Shortly after I submitted it, I asked that hearings be held on this subject.

But at that early time in 1971, there was apparently in the Judiciary Committee a feeling that hearings would not be held at any time in the near future and I was so advised by letter. So as time went on, I introduced the first discharge petition in the 92d Congress on this subject; and as months passed, a great interest has now mounted into what is apparent to me to be a strong majority opinion in the country and in the House of Representatives in favor of an amendment of this type.

The original constitutional amendment which I introduced on January 22, 1971, was not as perfectly drafted as could have been wished, although it was the best that I could come up with at that time. I have now introduced House Joint Resolution 1073, as a substitute for House Joint Resolution 30. The purpose is identical but the wording is improved in House Joint Resolution 1073. Therefore, I am supporting House Joint Resolution 1073. It is a very brief amendment and reads as follows:

> Section 1. No student shall be compelled to attend a public school other than the one nearest his residence.
>
> Section 2. The Congress shall have the power to enforce by appropriate legislation the provisions of his article; and to ensure equal educational opportunities for all students wherever located.

The vast majority of the people of this country, of all races and economic positions, favor strongly the idea that no student should be compelled to attend a public school other than the one nearest his residence. There are many thousands of black people as well as of white people in the district which I represent; and many in both groups have strongly urged me to actively work for a constitutional provision such as above recited and none have voiced opposition to this point of view. I am, of course, most familiar with the problem of busing in my own district, Jacksonville, Fla. Currently about 43,000 students there are bused for racial ratios and by the end of this year the court orders make the figure 63,000 to be bused for racial ratios. The current costs in Jacksonville for court-ordered busing are $825,000 and 100 extra buses, and by the end of this year the figures are $1,175,000 and 150 extra buses for this purpose.

My congressional district is 30 miles wide and the school district is as wide and covers over 800 square miles. People are bused in this tremendous district through the downtown traffic all the way acrosss town—black people and white people—and they are furious about it.

To bus students long distances across cities, large and small, and thus to deprive them of their time for study and their time for recreation and their time for being with their parents in character-molding activities, is a penalty that neither this generation nor any other generation should have to pay. Children go to school to learn. Busing neither adds to their learning in the usual educational processes nor in any other.

People in low-income brackets experience the greatest difficulties because of the current busing situation. Every minute that they can have their children with them is important to them since they are not financially fixed so that they can buy some things and services that those in the wealthier groups can buy. Also, when busing becomes particularly intolerable to them, they do not have a chance to place their children in private schools. Neither do they have the chance to have these children perform household duties that are important in low-income bracket families to hold the family together.

Most important, however, is the denying to these people of the opportunity to be with their children in character-molding activities which are now difficult because of the long periods of time that these children must be away from their home influences.

I want to emphasize that the amendment that I propose would not deprive anybody of anything. It is not a return to the old dual school system. It would not prevent a student being assigned to a school more distant than his neighborhood school if he or his parents preferred the other school for some reason. It just prevents this being forced upon him.

Further, it attempts by the last sentence of the amendment to insure that equal educational opportunities for all students, wherever located, will be attained; and it puts the responsibility on Congress to do this. Various suggestions were made to me as to how to place this responsibility on Congress. Some suggested that the right to equal educational opportunity should be asserted as a constitutional right in the ordinary formula for the establishment of rights. I would have no objection to that result, but I did not put it in the wording which I introduced because I did not know how that sort of wording could be enforced by the courts since the local governments have the basic responsibility to run schools and I see no reason to change that. The way I have worded it in my constitutional amendment is workable because, while leaving schools' management in the grassroots, the responsibility is put on Congress to equalize educational opportunities throughout the United States in a way which would not give rise to individual lawsuits but instead give rise to legislation of a guideline and fund-producing type. This, I take it, is what is most needed.

I believe the constitutional amendment which I have introduced is a workable, clean provision, behind which all Americans can rally for the improvement of the education for the youth of our country. I believe that such an amendment would have so much support that if the House Judiciary Committee brings it out for our consideration it can become the law of the land within less than a year. Other amendments, less popular on other subjects, have been enacted in less time.

Mr. RUTH. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. PUCINSKI) for the purposes of debate only.

The SPEAKER pro tempore (Mr. BOGGS). The gentleman from Illinois is recognized.

Mr. PUCINSKI. Mr. Speaker, I thank my colleague for yielding. As I said earlier in the debate today, it would be my hope that we can put this busing issue to rest as quickly as possible and move on with this bill. It should be perfectly clear by the vote just taken that the feeling in this House reflects to a great extent the feeling of the American people on this question of busing.

The motion to table was defeated 2 to 1. A nationwide survey shows 77 percent of the American people are opposed to busing. So it is obvious to me that unless we take the action proposed by our colleague, the gentleman from North Carolina, we are going to go to conference and be unable to reach agreement and have to come back to the House for more rancor.

Meanwhile, the clock will continue to run, and the emergency school bill, which offers so much hope to deal effectively with the problem of integrating America's schools, will be delayed further. This bill has had a rough time for the last year and a half. There were those who predicted it would never come to fruition. We are now at a point where we have an opportunity to effectively help school districts deal with this problem in a very effective manner.

For this reason, I would hope we would accept the amendment offered by the gentleman from North Carolina so we can put to rest this needless debate in busing which has divided the Nation.

Let us try to get this legislation approved and sent to the President's desk and get appropriations for it.

The bill adopted by the House has an amendment which I hope will be retained in conference, although it is not a subject of the instruction resolution. It is a neighborhood school amendment which provides that—

> Nothing in this title shall be construed as requiring any local educational agency which assigns students to schools on the basis of geographic attendance areas drawn on a racially nondiscriminatory basis to adopt any other method of student assignment.

Mr. Speaker, the key words are: "racially nondiscriminatory." I believe this is an important provision of the bill.

This is the first time that the legislative branch of Government has attempted to define a neighborhood school.

As I said earlier, the amendments passed by the Senate are not good faith amendments. They say, among other things, that it is all right to bus black children as they have been bused for the last 100 years. It is OK to have the black children get up at 6 o'clock in the morning and be bused all over the place, but do not try to bus their white counterparts. I submit this kind of discrimination will never stand up in judicial review.

I tell the Members the amendments we have adopted in the House when this bill was before us can be worked out. If anybody will take the time to read the whole school bill, he will find a constellation of exciting projects being made available to public schools all across this country to deal with this problem. It seems to me the issue is to finally move this bill, because there are thousands of school districts around the country that need this money.

I submit the debate over busing will prove nothing one way or the other. It is a battle that will be determined by the Court. It would seem to me the wise thing for us today is to adopt the resolution offered by the gentleman from North Carolina and see if we cannot get this money to the school districts of America.

Mr. DERWINSKI. Mr. Speaker, as a matter of principle and as a Member of Congress properly concerned over the quality of education, I am opposed to busing of schoolchildren merely for the sake of racial balance. Widespread busing to meet racial quotas is proving disruptive to our school system, making it difficult for parents to have access to schools and teachers. Money is being spent on busing that should be spent on education. Those who equate racial balance with quality education completely misstate the situation. It was and is wrong to bus children on a mandatory basis for any reason except to provide sound education.

Withholding of Federal funds as a club over local schools to compel racial quotas is wrong.

The obligation of our institutions of learning to provide the finest possible education for the students under their jurisdiction. To give integration priority over sound educational administration creates more problems than it solves and works to the detriment of the student, the teacher, and the taxpayer.

I do not believe the Justice Department, HEW, nor the courts have respected nor properly interpreted the intent of Congress in this area. Therefore, I have introduced a bill to preserve the rights of elementary and secondary students to attend their neighborhood schools. It was and is wrong in the South to bus children to obtain racial segregation; it is just as wrong to bus children on a mandatory basis for any reason except to provide sound education.

Therefore, Mr. Speaker, since I am fearful that the committees that have legislative jurisdiction will not produce legislation that is needed to control court-ordered excessive busing plans, I am supporting the motion this afternoon to instruct the House conferees to insist on language previously adopted when the higher education bill was passed last November in this body.

Mr. ANDERSON of California. Mr. Speaker, I am opposed to the forced busing of schoolchildren, not because I am opposed to integration, but rather, because I so strongly support the neighborhood school concept.

For centuries, we have placed a special emphasis on the family unit, and we have felt that it is the parents' right to educate their children until the child reaches the age of school attendance.

Some countries do not agree with this principle. They take the children away from the parents and the child is raised by the State. The parents are allowed to periodically visit the children.

We have rejected this philosophy, and rightly so.

If we agree that the home and the security it provides is best for a child's development, then we must agree that the front yard, the block, and the familiar surroundings of the neighborhood are equally conducive to a child's development.

The point we should be debating today is quality education. How do we elevate all schools to such a standard that all children—rich or poor—receive a superior education? How do we provide a child with the tools he or she needs to compete in today's society?

The point, Mr. Speaker, is that every diploma should have an equal value, whether earned in a disadvantaged area, or in a wealthy area.

I firmly believe that we have an obligation to improve all of our schools so as to provide a quality education for all of our children.

I know that some of our schools in the disadvantaged areas are not equal. I know that graduates from some of our schools are not qualified to compete with graduates from other schools.

But, rather than force the busing of children to an alien environment, we must expend more of our energy and more of our resources to elevate the quality of those schools to a superior level.

The education a child receives should not depend on the location of the school; neither should a child's education depend on the resources of the community. Instead, we must provide an equal education to every student, and that education can best take place at a superior school located close to the family, and close to the familiar surroundings of the neighborhood.

Mr. FLYNT. Mr. Speaker, I support the motion to instruct the House conferees to insist on the House position on the antibusing amendments to S. 659. Overwhelming opposition has arisen all over the United States to mass busing required by court orders, and we have the opportunity today to correct past mistakes. At the same time the Congress must bridle and rein the sincere but misguided zealots who have distorted the Civil Rights Act of 1964 by ordering mass busing of public school students as an experiment for social change to the detriment of quality public school education in the United States.

Busing schoolchildren long distances, past schools in their neighborhoods equipped to teach them, in the name of improving educational opportunities for any segment, large or small, is the height of experimental folly which has proven nothing more than the fact that our Government is capable of dangerous, expensive, and nonproductive experimentation with the lives, futures, and general welfare of our children.

Mr. Speaker, the time has come, indeed it has passed, when our efforts should be directed toward the improvement of education in all our public schools wherever they are located, thereby strengthening community interest, confidence, and pride in all public schools and the educational process.

Mr. Speaker, the House today has an opportunity to remove an experimental failure from the public educational structure in our country and to transform our public school systems into educational institutions rather than laboratories for social change. Our children are not guinea pigs but human beings.

Mr. Speaker, I support the motion to instruct the House conferees to insist on the House amendments to S. 659.

Mr. STOKES. Mr. Speaker, I rise to express my opposition to all efforts to instruct House conferees to insist on any of the antibusing amendments adopted during the proceedings on S. 659.

The emotional furor over busing has obliterated the substantive issue of the need for excellence in education for all students. The phrase "quality education" has been so abused that it may become a euphemism for segregated schools. It is in danger of becoming, to blacks, a code phrase like "law and order." The heat which has been generated has cost us the support of some formerly ardent white spokesmen for civil rights. The busing furor is a symptom, like pain, of the effort which has been made to carry out the mandate of Brown against Board of Education and title VI of the Civil Rights Act. Busing has been used successfully in many communities. The courts have required it because it works.

If my antibusing colleagues who profess commitment to excellence in education for all students are sincere, they will support open housing efforts, broadly based school financing, and some busing where it is required by local court decrees. Let us stop arguing about the pain and get to work on the disease: Our dual school system, one for the affluent and the white and one for the poor and the minorities.

The conferees will have an exceedingly difficult task in reconciling the basic provisions on higher education. The busing issue never belonged in this bill. I hope the House will not bind the conferees to these ill-conceived antibusing amendments adopted in a heated marathon session.

Mrs. ABZUG. Mr. Speaker, the debate on this motion to instruct disgraces us all. For those of us who were actively engaged in the struggle for civil rights in the 1950's, it is hard to believe that today, in 1972, we are debating actions which would retain the remnants of racial segregation in our public schools. We have reached this sorry state because this administration and its allies on both sides of the aisle have encouraged and aided the resurgence of this narrow-minded view.

The Nixon administration has failed in its obligation to the people of this Nation. It has failed to extricate us from the enervating, soul-sapping war in Southeast Asia. It has failed in its management of the economy. It has failed in the undertaking of the desperately needed review and revitalization of our basic institutions. But most culpably and most tragically, it has failed to provide the moral leadership to permit this Nation to continue the commitment to desegregated education which was begun under the Eisenhower administration almost 20 years ago.

The antibusing amendments which the House affixed to the Higher Education Act were no more and no less than another attempt to turn back the clock to a time when racial segregation of schools was the accepted state of affairs of education in this country. Nearly 20 years ago, the Supreme Court ruled that separate educational facilities were inherently unequal; from that historic decision is derived our present effort to assure quality integrated educational opportunity for all Americans. Busing is not the only means for achieving this end, but it is an acceptable means, and we cannot ignore the fact that the attacks upon busing as a means are really disguised attacks upon the end—quality integrated education. Those who claim that busing has nothing to do with racial segregation are either fooling themselves or trying to fool others. Forced busing has become a code word for racism as surely as Jim Crow represented that same concept 25 years ago.

Today we are debating whether to instruct the House conferees on the Higher Education bill to insist upon the antibusing amendments with which we hysterically adorned that legislation. We must reject the motion to instruct the conferees, as we should have rejected the amendments in the first instance, because unequal educational opportunity, for which antibusing provisions are a code phrase, is contrary to every fundamental principle upon which this country is built.

Mr. DORN. Mr. Speaker, again to deny Federal aid to those school districts already busing is grossly unfair. In my congressional district school districts have now been busing for many years. Some of the busing was a result of HEW decrees and Federal court orders. Much of it has been voluntary.

The dual school system is a thing of the past in my area of South Carolina. There is no way to return to a segregated school system. Most of my people would oppose a dual school system even if it were possible to reincarnate this relic of the past.

The unitary school systems now in operation throughout my district is made largely possible by the busing of pupils. There is no way my schools can continue to operate and function properly without busing.

In the schoolyard of my hometown high school at this moment there are 88 buses. To deny Federal aid to continue this busing operation is to hamper and hamstring quality education.

The result will be increased property taxes on the citizens of my district, taxpayers who are already saddled with excessively high taxes, local communities which are desperately seeking means to raise revenue. It would be incredible to tax them further to bus schoolchildren and deny them urgently needed Federal funds.

Mr. Speaker, I will oppose the motion to instruct the House conferees to stand by the amendment which would prohibit Federal aid for school busing. I will not support an amendment which will foster hardship on my people, while permitting other areas of the country to abandon school busing. This to me is grossly unfair and smacks of dual justice.

Mr. Speaker, if we have to bus, and we do, then my plea is to aid school districts which are busing, so more money will be available for superior education.

To deny the 2,000 or more school districts that are busing under Federal court orders the $1.5 billion in the original bill smells of political trickery and a cruel hoax perpetrated on law-abiding people who entered into busing agreements in good faith.

Mr. Speaker, this is a good bill, urgently needed for higher education in this country. We need this extra money to aid those districts already busing, so that our schoolchildren will be better equipped for higher education in the future.

GENERAL LEAVE

Mr. RUTH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this matter in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. RUTH. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina (Mr. RUTH).

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. QUIE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 272, nays 140, not voting 19, as follows:

[Roll No. 66]

YEAS—272

Abbitt
Abernethy
Alexander
Anderson, Calif.
Andrews
Annunzio
Archer
Arends
Ashbrook
Aspinall
Baker
Belcher
Bennett
Betts
Bevill
Biaggi
Biester
Blackburn
Blanton
Bow
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collins, Tex.
Colmer
Conable
Cotter
Coughlin
Crane
Curlin
Daniel, Va.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Denholm
Dennis
Derwinski
Devine
Dickinson
Dingell
Dowdy
Downing
Dulski
Duncan
du Pont
Edmondson
Edwards, Ala.
Eilberg
Esch
Eshleman
Evins, Tenn.
Fish
Fisher
Flowers
Flynt
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frelinghuysen
Frey
Fulton
Fuqua
Galifianakis
Garmatz
Gettys
Giaimo
Gibbons
Goldwater
Goodling
Grasso
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanna
Harsha
Harvey
Hastings
Hays
Hébert
Heinz
Henderson
Hicks, Mass.
Hillis
Hogan
Horton
Hosmer
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Keating
Kee
Kemp
King
Kluczynski
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Lennon
Lent
Lloyd
Long, La.
Long, Md.
Lujan
McClure
McCollister
McDade
McDonald, Mich.
McEwen
McKay
McKevitt
McKinney
McMillan
Mahon
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Michel
Miller, Ohio
Mills, Ark.
Mills, Md.
Minshall
Mizell
Mollohan
Monagan
Montgomery
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
O'Hara
O'Konski
Passman
Patman
Pelly
Pettis
Peyser
Pickle
Pirnie
Poage
Poff
Price, Tex.
Pucinski
Purcell
Quillen
Randall
Rarick
Rhodes
Roberts
Robinson, Va.
Roe
Rogers
Rooney, Pa.
Rostenkowski
Roush
Rousselot
Roy
Runnels
Ruth
St Germain
Sandman
Sarbanes
Satterfield
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shoup
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Stephens
Stratton
Stuckey
Sullivan
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Vander Jagt
Veysey
Vigorito
Waggonner
Wampler
Ware
Whalley
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.,
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion

NAYS—140

Abourezk
Abzug
Adams
Addabbo
Anderson, Ill.
Ashley
Aspin
Badillo
Barrett
Begich
Bergland
Bingham
Boggs
Boland
Bolling
Brademas
Brasco
Brown, Ohio
Burke, Mass.
Burton
Byrne, Pa.
Carey, N.Y.
Carney
Celler
Chisholm
Clay
Collins, Ill.
Conte
Conyers
Corman
Culver
Daniels, N.J.
Dellenback
Dent
Diggs
Donohue
Dorn
Dow
Drinan
Dwyer
Eckhardt
Edwards, Calif.
Erlenborn
Evans, Colo.
Fascell
Findley
Flood
Foley
Fraser
Frenzel
Gallagher
Gonzalez
Green, Pa.
Gude
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Wash.
Holifield
Howard
Jonas
Karth
Kastenmeier
Keith
Koch
Kyros
Leggett
Link
McClory
McCloskey
McCormack
McCulloch
McFall
Madden
Mailliard
Mallary
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Minish
Mink
Mitchell
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, N.Y.
Nix
Obey
O'Neill
Patten
Pepper
Perkins
Pike
Podell
Preyer, N.C.
Price, Ill.
Quie
Railsback
Rangel

Rees
Reid
Reuss
Robison, N.Y.
Rodino
Roncalio
Rooney, N.Y.
Rosenthal
Roybal
Ruppe
Ryan
Saylor
Scheuer
Seiberling
Sisk
Smith, Iowa
Steiger, Wis.
Stokes
Symington
Thompson, N.J.
Udall
Ullman
Van Deerlin
Vanik
Waldie
Whalen
Wolff
Yates
Zwach

NOT VOTING—19

Anderson, Tenn.
Baring
Bell
Blatnik
Clark
Collier
Dellums
Edwards, La.
Gaydos
Hull
Macdonald, Mass.
Miller, Calif.
Powell
Pryor, Ark.
Riegle
Shipley
Stanton, J. William
Stubblefield
White

So the motion was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Anderson of Tennessee for, with Mr. Dellums against.

Mr. Stubblefield for, with Mr. Blatnik against.

Mr. Shipley for, with Mr. Miller of California against.

Mr. Baring for, with Mr. Macdonald of Massachusetts against.

Until further notice:

Mr. White with Mr. Bell.

Mr. Gaydos with Mr. J. William Stanton.

Mr. Clark with Mr. Powell.

Mr. Hull with Mr. Collier.

Mr. Pryor of Arkansas with Mr. Riegle.

Mr. PODELL changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair appoints the following conferees: Mr. Perkins, Mrs. Green of Oregon, Messrs. Thompson of New Jersey, Dent, Pucinski, Daniels of New Jersey, Brademas, Hawkins, Scheuer, Meeds, Burton, Mazzoli, Quie, Bell, Reid, Erlenborn, Dellenback, Esch, Steiger of Wisconsin, and Hansen of Idaho.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 12910. An act to provide for a temporary increase in the public debt limit.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 12910) entitled "An act to provide for a temporary increase in the public debt limit," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Long, Mr. Anderson, Mr. Talmadge, Mr. Bennett, and Mr. Curtis to be the conferees on the part of the Senate.

APPOINTMENT OF CONFEREES ON H.R. 12910, TEMPORARY INCREASE IN PUBLIC DEBT LIMIT

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 12910) to provide for a temporary increase in the public debt limit, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas? The Chair hears none, and appoints the following conferees: Messrs. Mills of Arkansas, Ullman, Burke of Massachusetts, Mrs. Griffiths, Messrs. Byrnes of Wisconsin, Betts, and Schneebeli.

CONFERENCE REPORT ON H.R. 1746, EQUAL EMPLOYMENT OPPORTUNITY ACT OF 1972

Mr. PERKINS. Mr. Speaker, I call up the conference report on the bill (H.R. 1746) to further promote equal employment opportunities for American workers, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of March 2, 1972.)

Mr. PERKINS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement of the managers be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER. The gentleman from Kentucky is recognized.

Mr. PERKINS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I need not tell the Members of this body of the importance of the conference report on H.R. 1746, the Equal Employment Opportunity Act of 1972. This measure was debated vigorously and at substantial length in both Houses of the Congress.

Each body of the Congress expressed a preference for judicial enforcement as an alternative to administrative "cease and desist authority" as a means of enforcing title VII of the Civil Rights Act. The conferees, therefore, did not have to deal with that issue which had so divided Members of both Houses.

The conference itself was not lengthy, in part because the differences were not great. Each difference was carefully considered, however.

The conference report which I present to the House today is one of which we can all be proud. In evidence of that belief I would point to the fact that all the conferees signed their names to the conference report.

Among the conferees there were some very deeply felt differences. The resolution of those differences, however, as so often happens, has produced a legislative product which is substantially better than either of the bills which the conferees considered.

The conference resulted in legislation that will provide fair and effective enforcement of the equal employment provisions of the Civil Rights Act. The conference report provides a mechanism and a procedure that will, I am certain, prove to be both fair and effective, one which will protect the rights of both the employer and employees.

The conferees spent considerable time dealing with the detailed provisions covering the procedure for filing and processing charges of discrimination brought by individuals who feel they have been unfairly treated because of their race or their sex. An effort was made to insure a speedy and an equitable resolution of such charges which is in the interest of both the employee and the respondent employer or labor union.

The conferees contemplate that the Commission will continue to make every effort to conciliate as is required by existing law. Only if conciliation proves to be impossible do we expect the Commission to bring action in Federal district court to seek enforcement.

There will be some expansion of coverage of title VII. Beginning 1 year after enactment all employers employing 15 or more full-time employees and all labor organizations with 15 or more members will be covered. The present law calls for coverage of employers and labor unions of 25 or more employees or members.

Coverage has been expanded also to include the employees of State and local governments, governmental agencies, political subdivisions of States and the District of Columbia departments and agencies. In expanding coverage to State and local government employees the conference exempted elected officials and persons chosen by such officials to work on their personal staffs, as well as appointees to policymaking positions at the highest level of the department or agency of the State or local government. It was our intention to exclude cabinet members of Governors and persons with comparable responsibility at the local level. Where a State or local government agency is involved, and conciliation has proven impossible, it is the Attorney General rather than the Commission who is authorized to bring action in the case.

Another provision which I am sure may be of interest to the House is the transfer of the Attorney General's "pattern or practice" jurisdiction which is transferred to the Commission 2 years after the enactment of this law. During the interim period there will be concurrent jurisdiction. This transfer will be subject to change, however, in accordance with any Presidential reorganization plan that would contemplate a different result if that reorganization plan is not vetoed by the Congress under the usual procedure.

I will not go on at great length discussing the final resolution of the many matters of procedure which are spelled out in the conference report. The provisions of the conference report are, however, dealt with in more detail in a section-by-section analysis which I include in the Record following my remarks.

I do, however, urge all my colleagues to support the conference report. The section-by-section analysis follows:

SECTION-BY-SECTION ANALYSIS OF H.R. 1746, THE EQUAL EMPLOYMENT OPPORTUNITY ACT OF 1972

This analysis explains the major provisions of H.R. 1746, the Equal Employment Opportunity Act of 1972, as agreed to by the Conference Committee of the House and Senate on February 29, 1972. The explanation reflects the enforcement provisions of Title VII, as amended by the procedural and jurisdictional provisions of H.R. 1746, recommended by the Conference Committee.

In any area where the new law does not address itself, or in any areas where a specific contrary intention is not indicated, it was assumed that the present case law as developed by the courts would continue to govern the applicability and construction of Title VII.

SECTION 2

This section amends certain definitions contained in section 701 of the Civil Rights Act of 1964.

Section 701(a)—This subsection defines "person" as used in Title VII. Under the provisions of H.R. 1746, the term is now expanded to include State and local governments, governmental agencies, and political subdivisions.

Section 701(b)—This subsection defines the term "employer" as used in Title VII. This subsection would now include, within the meaning of the term "employer," all State and local governments, governmental agencies, and political subdivisions, and the District of Columbia departments or agencies (except those subject by statute to the procedures of the Federal competitive service as defined in 5 U.S.C. § 2102, who along with all other Federal employees would now be covered by section 717 of the Act.)

This subsection would extend coverage of the term "employer," one year after enactment, to those employers with 15 or more employees. The present standard for determining the number of employees of an employer, i.e., "employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year," presently applicable to all employers of 25 or more employees would apply to the expanded coverage of employers of 15 or more employees.

Section 701(c)—This subsection eliminates the present language that provides a partial exemption for agencies of the United States, States or the political subdivisions of States from the definition of "employment agency" to reflect the provisions of section 701(a) and (b) above. States agencies, previously covered by reference to the United States Employment Service, continue to be covered as employment agencies under this section.

Section 701(e)—This subsection is revised to include labor organizations with 15 or more members within the coverage of Title VII, one year atfer enactment.

Section 701(f)—This subsection is intended to exclude from the definition of "Employee" as used in Title VII those persons elected to public office in any State or political subdivision. The exemption extends to persons chosen by such officials to be on their personal staffs, appointees of such officials to be on their personal staff, appointees of such officials on the highest policymaking levels such as cabinet members or other immediate advisors of such elected officials with respect to the exercise of the Constitutional or legal powers of the office held by such elected officer. The exemption does not include civil service employees. This exemption is intended to be construed very narrowly and is in no way intended to establish an overall narrowing of the expanded coverage of State and local governmental employees as set forth in section 701(a) and (b) above.

Section 701(j)—This subsection, which is new, defines "religion" to include all aspects of religious observance, practice and belief, so as to require employers to make reasonable accommodations for employees whose "religion" may include observances, practices and beliefs such as sabbath observance, which differ from the employer's or potential employer's requirements regarding standards, schedules, or other business-related employment conditions.

Failure to make such accommodation would be unlawful unless an employer can demonstrate that he cannot reasonably accommodate such beliefs, practices, or observances without undue hardship on the conduct of his business.

The purpose of this subsection is to provide the statutory basis for EEOC to formulate guidelines on discrimination because of religion such as those challenged in *Dewey* v. *Reynolds Metals Company,* 429 F2d 325 (6th Cir. 1970). *Affirmed by an equally divided court,* 402 U.S. 689 (1971).

SECTION 3

This section amends the exemptions allowed in section 702 of the Civil Rights Act of 1964.

Section 702—This section is amended to eliminate the exemption for employees of educational institutions. Under the provisions of this section, all private and public educational institutions would be covered under the provisions of Title VII. The special provision relating to religious educational institutions in Section 703(e)(2) is not disturbed.

The limited exemption from coverage in this section for religious corporations, associations, educational institutions or societies has been broadened to allow such entities to employ individuals of a particular religion in all their activities instead of the present limitation to religious activities. Such organizations remain subject to the provisions of Title VII with regard to race, color, sex or national origin.

SECTION 4

This section establishes the enforcement powers and functions of the EEOC and the Attorney General to aid in the prevention of unlawful employment practices proscribed by Title VII of the Civil Rights Act of 1964.

H.R. 1746 retains the general scheme of the present law which enables the EEOC to process a charge of employment discrimination through the investigation and conciliation stages. In addition, H.R. 1746 now authorizes the EEOC, in cases where the respondent is not a government, governmental agency of political subdivision to file a civil action against the respondent in an appropriate Federal District Court, if it has been unable to eliminate an alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion. The Attorney General is authorized to file civil actions against respondents that are governments, governmental agencies or political subdivisions if the EEOC is unable to achieve a successful conciliation.

Accordingly, section 4 of H.R. 1746, amends section 706(a) through (g) of the present act to accomplish the stated national purposes of achieving equal employment opportunity as follows:

Section 706(a)—This subsection empowers the Commission to prevent persons from engaging in unlawful employment practices under sections 703 and 704 of Title VII of the Civil Rights Act of 1964. The unlawful employment practices encompassed by sections 703 and 704, which were enumerated in 1964 in the original Act, and as defined and expanded by the courts remain in effect.

Section 706(b)—This subsection sets out the procedures to be followed when a charge of an unlawful employment practice is filed with the Commission.

Under present law, a charge may be filed by a person aggrieved under oath or by a member of the Commission. As amended, this subsection now also permits a charge to be filed by or on behalf of a person aggrieved or by a member of the Commission. Among other things, this provision would enable aggrieved persons to have charges processed under circumstances where they are unwilling to come forward publicly for fear of economic or physical reprisals.

Charges (whether by or on behalf of an aggrieved person or a member of the Commission) must be in writing and under oath or affirmation and in such form as the Commission requires.

The Commission is to serve a notice of the charge on the respondent within ten days. It is not intended, however, that failure to give notice of the charge to the respondent within ten days would prejudice the rights of the aggrieved party. The Commission would be expected to investigate the charge as quickly as possible and to make its determination on whether there is reasonable cause to believe that the charge is true. If it finds that there is not reasonable cause to believe that the charge is true, it shall dismiss the charge and notify the complainant and the respondent of its decision.

If the Commission finds reasonable cause, it will attempt to conciliate the case. Nothing said or done during the Commission's informal endeavors may be made public or used as evidence in a subsequent proceeding without the written consent of the parties covered.

The Commission would be required to make its determination on reasonable cause as promptly as possible and, "so far as practicable," within 120 days from the filing of the charge or from the date upon which the Commission is authorized to act on the charge under section 706(c) or (d). The Commission, where appropriate, would be required in making its determination of reasonable cause to accord substantial weight to final findings and orders made by State or local authorities under State and local laws.

This subsection and section 9(a)–(d) of the bill clarifies existing law to carry out the intent of the present statute to provide full coverage for joint labor-management committees controlling apprenticeship or other training or retraining, including on-the-job training programs as reflected in *Rios* v. *Enterprise Assn., Steamfitters Local No. 638,* 326 F. Supp. 193 (S.D.N.Y. 1971).

Sections 706(c) and (d)—These subsections, dealing with deferral to appropriate State and local equal employment opportunity agencies, are identical to sections 706 (b) and (c) of the Civil Rights Act of 1964. No change in these provisions was deemed necessary in view of the recent Supreme Court decision of *Love* v. *Pullman Co.,*——— U.S.———, 92 S. Ct. 616 (1972) which approved the present EEOC deferral procedures as fully in compliance with the intent of the Act. That case held that the EEOC may receive and defer a charge to a State agency on behalf of a complainant and begin to process the charge in the EEOC upon lapse of the 60-day deferral period, even though the language provides that no charge can be filed under section 706(a) by the person aggrieved before the expiration of sixty days after proceedings have been commenced under the State or local law. Similarly, the recent circuit court decision in *Vigil* v. *AT&T,* ———F. 2d———, 4 FEP cases 345 (10th Cir. 1972), which provided that in order to protect the aggrieved person's right to file with the EEOC within the time periods specified in section 706(c) and (d), a charge filed with a State or local agency may also be filed with the EEOC during the 60-day deferral period, is within the intent of this Act.

Section 706(e)—This subsection sets forth the time limitations for filing charges with the Commission.

Under the present law, charges must be filed within 90 days after an alleged unlawful employment practice has occurred. In cases where the Commission defers to a State or local agency under the provisions of section 706(c) or (d), the charge must be filed within 30 days after the person aggrieved receives notice that the State or local agency has terminated its proceedings, or within 210 days after the alleged unlawful employment practice occurred, whichever is earlier.

This subsection as amended provides that charges be filed within 180 days of the alleged unlawful employment practice. Court decisions under the present law have shown an inclination to interpret this time limitation so as to give the aggrieved person the maximum benefit of the law; it is not intended that such court decisions should be in any way circumscribed by the extension of the time limitations in this subsection. Existing case law which was determined that certain types of violations are continuing in nature, thereby measuring the running of the required time period from the last occurrence of the discrimination and not from the first occurrence is continued, and other interpretations of the courts maximizing the coverage of the law are not affected. It is intended by expanding the time period for filing charges in this subsection that aggrieved individuals, who frequently are untrained laymen and who are not always aware of the discrimination which is practiced against them, should be given a greater opportunity to prepare their charges and file their complaints and that existent but undiscovered acts of discrimination should not escape the effect of the law through a procedural oversight. Moreover, wide latitude should be given individuals in such cases to avoid any prejudice to their rights as a result of government inadvertence, delay or error.

The time period for filing a charge where deferral is required to a State or local antidiscrimination agency has been extended to 300 days after the alleged unlawful employment practice occurred or to 30 days after the State or local agency has terminated proceedings under the State or local law, whichever is earlier. This subsection also restates the provision of Section 706(b) requiring a notice of the charges to the respondent within ten days after its having been filed.

Section 706(f)—This subsection, which is new, sets forth the enforcement procedures which may be followed in those cases where the Commission has been unable to achieve voluntary compliance with the provisions of the Act.

Section 706(f)(1)—Under this subsection, if the respondent is not a government, governmental agency, or political subdivision and if the Commission is unable to secure a conciliation agreement that is acceptable to the Commission within 30 days from the filing of the charge or within 30 days after expiration of any period of reference under subsection (c) or (d) it may thereafter bring a civil action against the respondent in an appropriate district court. In cases involving a government, governmental agency, or political subdivision, the Commission will not bring the case before a Federal District Court. After the Commission has had an opportunity to complete its investigation, and to attempt conciliation, the Commission shall then refer the case to the Attorney General who may bring the case to court. The aggrieved party is permitted to intervene in any case brought by the Commission or the Attorney General under this subsection.

With respect to cases arising under this subsection, if the Commission: (a) has dismissed the charge, or (b) 180 days have elapsed from the filing of the charge without the Commission, or the Attorney General, as the case may be, having filed a complaint under section 706(f), or without the Commission having entered into a conciliation agreement to which the person aggrieved is a party (i.e. a signatory) the person aggrieved may bring an action in an appropriate district court within 90 days after receiving notification. The retention of the private right of action, as amended, is intended to make clear that an individual aggrieved by a violation of Title VII should not be forced to abandon the claim merely because of a decision by the Commission or the Attorney General as the case may be, that there are insufficient grounds for the Government to file a complaint. Moreover, it is designed to make sure that the person aggrieved does not have to endure lengthy delays if the Commission or Attorney General does not act with due diligence and speed. Accordingly, the provisions described above allow the person aggrieved to elect to pursue his or her own remedy under this title in the courts where there is agency inaction, dalliance or dismissal of the charge, or unsatisfactory resolution.

It is hoped that recourse to the private lawsuit will be the exception and not the rule, and that the vast majority of complaints will be handled through the offices of the EEOC or the Attorney General, as appropriate. However, as the individual's rights to redress are paramount under the provisions of Title VII it is necessary that all avenues be left open for quick and effective relief.

In any civil action brought by an aggrieved person, or in the case of a charge filed by a member of the Commission, by any person whom the charge alleges was aggrieved, the court may upon timely application of the complainant, appoint an attorney and authorize the commencement of the action without the payment of fees, costs, or security in such circumstances as it deems just. The Commission, or the Attorney General in case involving a governmental entity, upon timely application and subject to the court's discretion, may intervene in such a private action if it is certified that the private action is of general public importance. In addition, the court is given discretion to stay proceedings for not more than 60 days pending the termination of State or local proceedings or efforts by the Commission to obtain voluntary compliance.

In establishing the enforcement provisions under this subsection and subsection 706(f) generally, it is not intended that any of the provisions contained therein shall affect the present use of class action lawsuits under Title VII in conjunction with Rule 23 of the Federal Rules of Civil Procedure. The courts have been particularly cognizant of the fact that claims under Title VII involve the vindication of a major public interest, and that any action under the Act involves considerations beyond those raised by the individual claimant. As a consequence, the leading cases in this area to date have recognized that many Title VII claims are necessarily class action complaints and that, accordingly, it is not necessary that each individual entitled to relief be named in the original charge or in the claim for relief. A provision limiting class actions was contained in the House bill and specifically rejected by the Conference Committee.

Section 706(f)(2)—This subsection authorizes the Commission or the Attorney General, in case involving a government, a governmental agency or political subdivision, based upon a preliminary investigation of a charge filed, to bring an action for appropriate temporary or preliminary relief, pending the final disposition of the charge. Such actions are to be assigned for hearing at the earliest possible date and expedited in every way. The provisions of Rule 65 of the Federal Rules of Civil Procedures shall apply to actions brought under this subsection.

The importance of preliminary relief in actions involving violations of Title VII is central to ensuring that persons aggrieved under this title are adequately protected and that the provisions of this Act are being followed. Where violations become apparent and prompt judicial action is necessary to insure these provisions, the Commission or the Attorney General, as the case may be, should not hesitate to invoke the provisions of this subsection.

Section 706(f)(3)—This subsection, which is similar to the present section 706(f) of the Act, grants the district courts jurisdiction over actions brought by the EEOC, the Attorney General or aggrieved persons under this title and provides the venue requirements. Such jurisdiction includes the power to grant such temporary or preliminary relief as the court deems just and proper.

Section 706(f) (4) and (5)—Under these paragraphs, the chief judge is required to designate a district judge to hear the case. If no judge is available, then the chief judge of the circuit assigns the judge. Cases are to be heard at the earliest practicable date and expedited in every way. If the judge has not scheduled the case for trial within 120 days after issue has been joined he may appoint a master to hear the case under Rule 53 of the Federal Rules of Civil Procedure. The purpose of this provision is to relax the very strongest requirements of Rule 53 which preclude appointment of a master except in extremely unusual cases.

Section 706(g)—This subsection is similar to the present section 706(g) of the Act. It authorizes the court, upon a finding that the respondent has engaged in or is engaging in an unlawful employment practice, to enjoin the respondent from such unlawful conduct and order such affirmative relief as may be appropriate including, but not limited to, reinstatement or hiring, with or without back pay, as will effectuate the policies of the Act. Backpay is limited to that which accrues from a date not more than two years prior to the filing of a charge with the Commission. Interim earnings or amounts earnable with reasonable diligence by the aggrieved person(s) would operate to reduce the backpay otherwise allowable.

The provisions of this subsection are intended to give the courts wide discretion exercising their equitable powers to fashion the most complete relief possible. In dealing with the present section 706(g) the courts have stressed that the scope of relief under that section of the Act is intended to make the victims of unlawful discrimination whole, and that the attainment of this objective rests not only upon the elimination of the particular unlawful employment practice complained of, but also requires that persons aggrieved by the consequences and effects of the unlawful employment practice be, so far as possible, restored to a position where they would have been were it not for the unlawful discrimination.

SECTION 5

This section amends section 707, concerning the Attorney General's "pattern or practice" authority to provide for a transfer of the "pattern or practice" jurisdiction to the Commission two years after the enactment of the bill. The bill further provides the Commission with concurrent jurisdiction in this area from the date of enactment until the transfer is complete. The transfer is subject to change in accordance with a Presidential reorganization plan if not vetoed by Congress. The section would provide that currently pending proceedings would continue without abatement, that all court orders and decrees remain in effect, and that upon the transfer the Commission would be substituted as a party for the United States of America or the Attorney General as appropriate.

Under the provisions of this section, the Commission's present powers to investigate charges of discrimination remain. In addition, it now has jurisdiction to initiate court action to correct any pattern or practice violations.

SECTION 6

This section amends section 709 of the Civil Rights Act of 1964, entitled "Investigations, Inspections, Records, State Agencies."

Section 709(a)—This subsection, which gives the Commission the right to examine and copy documents in connection with its investigation of a charge, would remain unchanged.

Section 709(b)—This subsection would authorize the Commission to cooperate with State and local fair employment practice agencies in order to carry out the purposes of the title, and to enter into agreements with such agencies under which the Commission would refrain from processing certain types of charges or relieve persons from the record keeping requirements. This subsection would make two changes in the present statute. Under this subsection, the Commission could, within the limitations of funds appropriated for the purpose, also engaged in and contribute to the cost of research and other projects undertaken by these State and local agencies and pay these agencies in advance for services rendered to the Commission. The subsection also deletes the reference to private civil actions under section 706(e) of the present statute.

Section 709(c)—This subsection, like the present statute, would require employers, employment agencies, labor organizations, and joint labor-management apprenticeship committee subject to the title to make and keep certain records and to make reports to the Commission. Under the present statute, a party required to keep records could seek an exemption from these requirements on the ground of undue hardship either by applying to the Commission or bringing a civil action in the district court. This subsection would require the party seeking the exemption first to make an application to the Commission and only if the Commission denies the request could the party bring an action in the district court. This subsection would also authorize the Commission to apply for a court order compelling compliance with the record keeping and reporting obligations set forth in the subsection.

Section 706(d)—This subsection would eliminate the present exemption from record keeping requirements for those employers in States and political subdivisions with equal employment opportunity laws or for employers subject to Federal executive order or agency record keeping requirements. Under this subsection, the Commission would consult with interested State and other Federal agencies in order to coordinate the Federal record keeping requirement under section 709(c) with those adopted by such agencies. The subsection further provides that the Commission furnish to such agencies information pertaining to State and local fair employment agencies, on condition that the information would not be made public prior to the institution of State or local proceedings.

SECTION 7

This section amends section 710 of the Civil Rights Act of 1964 by deleting the present section 710 and substituting therefor and to the extent appropriate the provisions of section 11 of the National Labor Relations Act (29 U.S.C. § 161). By making this substitution, the Commission's present demand power with respect to witnesses and evidence is repealed, and the power to subpoena witnesses and evidence, and to allow any of its designated agents, agencies or members to issue such subpoenas, as necessary for the conduct of any investigation, and to take testimony under oath is substituted.

SECTIONS 8 (a) AND (b)

These subsections would amend sections 703(a) and 703(c)(2) of the present statute to make it clear that discrimination against applicants for employment and applicants for membership in labor organizations is an unlawful employment practice. This subsection is merely declaratory of present laws as contained in the decisions in *Phillips* v. *Martin-Marietta Corp.*, 400 U.S. 542 (1971); *U.S.* v. *Sheet Metal Workers International Assn., Local 36*, 416 F. 2d 123 (8th Cir. 1969); *Asbestos Workers, Local 53* v. *Vogler*, 407 F. 2d 1047 (5th Cir. 1969).

SECTIONS 8(c) (1) AND (2)

These subsections would amend section 704(a) and (b) of the present statute to make clear that joint labor-management apprenticeship committees are covered by those provisions which relate to discriminatory advertising and retaliation against individuals participating in Commission proceedings.

SECTION 8(d)

This subsection would amend section 705 (a) of the present statute to permit a member of the Commission to serve until his successor is appointed but not for more than 60 days when Congress is in session unless the successor has been nominated and the nomination submitted to the Senate, or after the adjournment sine die of the session of the Senate in which such nomination was submitted.

The rest of the subsection provides that the Chairman of the Commission on behalf of the Commission, would be responsible, except as provided in section 705(b), for the administrative operations of the Commission and for the appointment of such officers, agents, attorneys, hearing examiners, and other employees of the Commission, in accordance with Federal law, as he deems necessary.

SECTION 8(e)

This subsection would provide a new section 705(b) of the Act which establishes a General Counsel appointed by the President, with the advice and consent of the Senate, for a four (4) year term. The responsibilities of the General Counsel would include, in addition to those the Commission may prescribe and as provided by law, the conduct of all litigation as provided in sections 706 and 707 of the Act. The concurrence of the General Counsel with the Chairman is required, on the reapportionment and supervision of regional attorneys.

This subsection would also continue the General Counsel on the effective date of the Act in that position until a successor has been appointed and qualified.

The Commission's attorneys may at the Commission's direction appear for and represent the Commission in any case in court, except that the Attorney General shall conduct all litigation to which the Commission is a party to in the Supreme Court pursuant to this title.

SECTION 8(f)

This subsection would eliminate the provision in present section 705(g) authorizing the Commission to request the Attorney General to intervene in private civil actions. Instead, this subsection permits the Commission itself to intervene in such civil actions as provided in section 706. Where the respondent is a government, governmental agency or political subdivision, the Attorney General should be authorized to seek intervention.

SECTION 8(g)

This section amends sections 714 of Title VII of the Civil Rights Act of 1964 by making the provisions of sections 111 and 1114 of Title 18, United States Code, applicable to officers, agents and employees of the Commission in performance of their official duties. This section also specifically prohibits the imposition of the death penalty on any person who might be convicted of killing an officer, agent or employee of the Commission while on his official duties.

SECTION 9 (a), (b), (c), AND (d)

These subsections would raise the executive level of the Chairman of the Commission (from Level 4 to level 3) and the members of the Commission (from Level 5 to Level 4) and include the General Counsel (Level 5) in the executive pay scale, so as to place them in a position of parity with officials in comparable positions in agencies having substantially equivalent powers such as the National Labor Relations Board, the Federal Trade Commission and the Federal Power Commission.

SECTION 10

Section 715—This section, which is new, establishes an Equal Employment Opportunity Coordinating Council composed of the Secretary of Labor, the Chairman of the Equal Employment Opportunity Commission, the Attorney General, the Chairman of the United States Civil Service Commission and the Chairman of the United States Civil Rights Commission or their respective designees. The Council will have the responsibility to coordinate the activities of all the various branches of government with responsibility for equal employment opportunity. The Council will submit an annual report to the President and Congress including a summary of its activities and recommendations as to legislative or administrative changes which it considers desirable.

SECTION 11

Section 717(a)—This subsection provides that all personnel actions of the U.S. Government affecting employees or applicants for employment shall be free from discrimination based on race, color, religion, sex or national origin. Included within this coverage are executive agencies, the United States Postal Service, the Postal Rate Commission, certain departments of the District of Columbia Government, the General Accounting Office, Government Printing Office and the Library of Congress.

Section 717(b)—Under this subsection, the Civil Service Commission is given the authority to enforce the provisions of subsection (a), except with respect to Library of Congress employees. The Civil Service Commission would be authorized to grant appropriate remedies which may include, but are not limited to, back pay for aggrieved applicants or employees. Any remedy needed to fully recompense the employee for his loss, both financial and professional, is considered appropriate under this subsection. The Civil Service Commission is also granted authority to issue rules and regulations necessary to carry out its responsibilities under this section. The Civil Service Commission shall also annually review national and regional equal employment opportunity plans and be responsible for review and evaluation of all agency equal employment opportunity programs. Agency and executive department heads and officers of the District of Columbia shall comply with such rules and regulations, submit an annual equal employment opportunity plan and notify any employee or applicant of any final action taken on any complaint of discrimination filed.

Section 717(c) and (d)—The provisions of sections 706(f) through (k), concerning private civil actions by aggrieved persons, are made applicable to aggrieved Federal employees or applicants for employment. Such persons would be permitted to file a civil action within 30 days of notice of final action by an agency or by the Civil Service Commission or an appeal from the agency's decision, or after 180 days from the filing of an initial charge with the agency, or the Civil Service Commission.

Section 717(e)—This subsection provides that nothing in this Act relieves any Government agency or official of his or its existing equal employment opportunity obligations under the Constitution, other statutes, or under any Executive Order relating to equal employment opportunity in the Federal Government.

SECTION 12

This section allows the Chairman of the Commission to establish ten additional positions at the GS–16, GS–17 and GS–18 levels, as needed to carry out the purposes of this Act.

SECTION 13

A new Section 718 is added which provides that no government contract, or portion thereof, can be denied, withheld, terminated, or superseded by a government agency under Executive Order 11246 or any other order or law without according the respective employer a full hearing and adjudication pursuant to 5 U.S.C. § 554 et. seq where such employer has an affirmative action program for the same facility which had been accepted by the Government within the previous twelve months. Such plan shall be deemed to be accepted by the Government if the appropriate compliance agency has accepted such plan and the Office of Federal Contract Compliance has not disapproved of such plan within 45 days. However, an employer who substantially deviates from any such previously accepted plan is excluded from the protection afforded by this section.

SECTION 14

This section provides that the amended provisions of Section 706 would apply to charges filed with the Commission prior to the effective date of this Act.

Mr. QUIE. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Speaker, I take the floor today to support the conference report on H.R. 1746.

As I mentioned earlier today, I am not entirely happy with the results of the conference. Out of some 21 major differences between the House and the Senate, the House conferees or a majority of them, though not all, gave in to the Senate 18 times while the House maintained its position three times. It is not as good a record, I must say, in all honesty, as I would like to have come back to the House with.

I guess I should also say that we must be quite thankful we won our point on the floor of the House and the Senate on the major issue, or that, of course, would have also been lost in conference; but we have won that point. I refer to the question of whether the EEOC should have cease-and-desist authority or authority to go into court to enforce a complaint that title 7 of the Civil Rights Act has been violated. Since that was won in both the House and Senate on the floor and the conference report therefore includes court enforcement provision, which was the key provision, I do support the conference report.

There are a few things I would like to discuss concerning the conference report, but first I will be happy to yield to my colleague from Indiana.

Mr. DENNIS. I thank the gentleman for yielding.

I would like to simply say that one of the things which I am afraid you did yield on which concerns me and gives me real reservations about this conference report is the matter of applying this law down to the small employer who only has 15 people or less working for him.

Now, a law of this kind, whatever its beneficial objective, is a great trouble and harassment, as the gentleman knows, to people in business. Large corporations can probably live with it, but it is a great imposition on the small businessmen on Main Street that you and I represent to have to be hailed into court and pay lawyers like myself, as well as accountants, and so forth.

It is a great regret to me that the House receded down to that point where we are going to bother every little fellow on the street with five or six employees.

Mr. ERLENBORN. I thank the gentleman for his contribution.

All I can say is that it could have been worse. The original bill reported by our committee—which was rejected on the floor when the substitute was adopted—would have reduced the coverage down to eight.

The bill as passed by the Senate reduces coverage to 15 employees. This is contrasted to 25 employees as is presently in the law.

In the conference we did recede to the Senate and adopted the figure of 15. I think it might have been reasonable at that point to compromise at 20 employees or even try to hold it to 25, but the majority of the conferees of the House did recede to the Senate on the figure of 15.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. Yes; I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Speaker, I appreciate the gentleman yielding.

I simply want to acknowledge the leadership that has been exhibited by the gentleman in the well, the gentleman from Illinois (Mr. ERLENBORN). I signed the conference report. I must admit that I am not happy about all of the concessions that were made. However, I think on balance it does provide a needed strengthening of the EEOC. For that reason I urge the support of the House of the conference report.

On balance, however, I must say in all honesty, if it had not been for the kind of work that was done both here in the House and in the other body, my fear would be that we would not have been able to come out with as good a product as this one represents.

I do want to pay tribute to the gentleman from Illinois for what he has done for so long in working with this bill and in helping strengthen the work of the EEOC.

Mr. ERLENBORN. I thank the gentleman for his kind words and also acknowledge the help which he has given to me and other members of the committee all along on this bill.

Mr. Speaker, one of the other areas where additional coverage would be included as a result of the conference report is the extension of the authority of the Federal EEOC to State and local governmental employees. There was an amendment adopted in the conference committee, an amendment to the bill as it came out of the other body, and I think it was a good amendment and I am happy that the conference did adopt it.

In extending coverage to State and local employees the House bill, as reported, and the bill in the other body just made a blanket extension to small State and local employees without any exception. It was pointed out on the floor of the other body that this would even cover elected officials at the State and local level. In other words, it would have been conceivable when the mayor won his race as mayor of the city that the losing candidate——

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. QUIE. Mr. Speaker, I yield the gentleman 5 additional minutes.

Mr. ERLENBORN. As I was saying, the losing candidate could conceivably go to the Commission and charge that he lost the race because there was discrimination against him because of race, sex, or national origin and if the Commission had cease-and-desist powers, they could vitiate the election. I think that would probably not be the case but it would have been possible and they could have seated the defeated candidate.

In the other body, an exemption was made for elected officials and immediate legal advisers. In the conference, an additional qualification was added, exempting those people appointed by officials at the State and local level in policy-making positions.

I think this represents another good provision that the conference added in the report.

In the extension of this authority to State and local employees, it was also made clear that the Attorney General would have the authority to bring the action in court rather than the attorneys for the Commission. This was made explicit in the bill as it was passed in the other body. Besides this, there is a transfer of jurisdiction for pattern of practice matters from the Attorney General to the Commission in a phase program over the next 2 years.

I think we should make it clear that at least this conferee believes it was the intention of the conference that in the case where a pattern or practice action is brought against State or local officials that suit should be brought by the Attorney General rather than by the Commission. There seems to be a conflict here, a conflict of jurisdiction going to the Commission by the suits against local units of government, that the authority to bring them rests in the Attorney General. I believe the latter should take precedence in the pattern or practice actions against a unit of local or State government, it should be brought by the Attorney General. I believe that was the intention of the conference.

Educational institutions will now be covered as a result of receding to the Senate bill. Religious institutions will be covered, but with a broad exemption for anyone employed by the religious institution rather than only those people who might be utilized in religious work per se. So that I think it was clearly the thought of the conference that if a religious institution is engaged in a profitmaking venture they still are not covered by the provisions of this act.

I did agree with one of the places where we receded to the Senate in extending coverage to joint labor-management committees. These are committees that often operate the programs of apprenticeships, particularly in the building trades, and up until the present time they have not been covered in the definition. I think they should be. If there is any place where discrimination is practiced, I think clearly it has been practiced in the apprenticeship programs.

So, extending the authority to the EEOC into this area is I think a good thing.

I will not take the time to go through all of the rest of the differences between the House and the Senate.

Let me reiterate that some three provisions of the House prevailed over the Senate where some 18 Senate provisions prevailed over the House. It is hardly even-handed, and it hardly is the sort of record to give confidence on the part of the Members of the House generally in the conferees appointed by the Committee on Education and Labor.

I hope that that committee will have a better record some time in the future. I think the lack of confidence that is generated by conferences such as this lead to actions such as were taken earlier today on the floor of the House in instructing conferees from the Committee on Education and Labor concerning the higher education bill.

I do not like the practice; but if I want to accomplish legislatively what I think this House wants, I may find myself in the position of having to file a motion to instruct conferees from the Committee on Education and Labor based on the kind of record that they have established in this conference, and in the past.

Mr. CORMAN. Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from California.

Mr. CORMAN. Mr. Speaker, I would like to inquire of the gentleman from Illinois whether he thinks that the Attorney General would be more vigorous or less vigorous than the Commission in the bringing of suits.

Mr. ERLENBORN. I do not know how you would define "vigorous." I can tell you this: the Attorney General in the pattern or practice suits under title VII of the Civil Rights Act of 1964, since its passage, has not lost one suit. The number of cases is not exceptionally great, but the number of people affected has been, because pattern or practice can cover many people in one case. The Attorney General has had an excellent record in this area, under both administrations. This is not in any way a partisan comment.

Mr. CORMAN. If the gentleman will yield further, the gentleman raised a point as to where we are putting the jurisdiction, and I just wondered whether we got better enforcement from the Attorney General.

Mr. ERLENBORN. Let me allay the gentleman's fears as to whether that was the reason for it. The rationale behind giving the Attorney General the authority to bring suit in the cases affecting State and local governments is that there could be a constitutional conflict as to whether a Commission would have authority——

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. QUIE. Mr. Speaker, I yield 1 additional minute to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. It is because there could be a constitutional conflict as to whether an administrative agency of the Federal Government could exercise authority against State and local elected officials.

It did seem clear that the Attorney General could bring suit in the Federal court in those cases. That is my jurisdiction was extended to the Attorney General to bring suit where State and local units of government are involved.

The point I am trying to make is the apparent conflict between this and the transfer of the pattern or practice jurisdiction that the Attorney General now exercises. It is my feeling that the conferees intended that the Attorney General have the pattern or practice jurisdiction as it affects the State and local units of government.

Mr. CORMAN. I am still not quite certain as to whether the gentleman felt there ought to be a transfer because of the vigorous enforcement of the Attorney General or whether the gentleman thought the Commission was too vigorous in the first place.

Mr. ERLENBORN. I think the Attorney General's record has been good.

The judgment was made to take the pattern or practice jurisdiction from him, but I think the decision has also been made that where the State and local units are concerned, the Attorney General should bring suit.

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker and Members, I am here today, first, to thank the members of the conference committee on both sides for taking a very broadminded view of the problem that we faced.

I think this is one of the finest conferences I have served on in many years. We tried to thrash out and solve the problems on the basis of give and take and understanding. There were quite a few differences between the provisions in the House passed bill and the Senate passed bill.

However, the conferees, in what I think was a very unselfish and statesmanlike approach, developed for the House and the Senate a piece of legislation that all the conferees of both the House and Senate were able to sign willingly.

There were some major differences in some of the provisions dealing with enforcement. We did not see quite eye to eye on them, but we ended up with a much better provision than the provision contained in the old act.

We hope that the thousands of cases that are piling up will now be taken up and that the backlog of cases and new cases that come before the Commission can be handled expeditiously.

The bill, H.R. 1746, as reported by the conference committee represents 5 years of legislative activity during which time several attempts were made to adopt some form of enforcement procedures which the EEOC could effectively use to enforce title VII of the Civil Rights Act of 1964.

This conference report represents the result of a very active bipartisan effort to achieve meaningful employment opportunities for all citizens in this Nation. As such, I honestly believe it reflects the efforts of both the House and Senate toward this end.

Mr. Speaker, I want to pause just a moment to give my regards and respect to the gentleman from California (Mr. HAWKINS) who has been working night and day for the passage of this legislation for the better part of 5 years, taking upon himself the chores that I, as chairman, could not take on because of the press of other committee business.

If anybody is to be considered the prime mover in getting this legislation to this point today so that we can vote for it and be assured that we are doing something toward enforcing equal employment opportunities in our country, it is Mr. HAWKINS.

Mr. PERKINS. Mr. Speaker, will the distinguished gentleman from Pennsylvania yield?

Mr. DENT. I am happy to yield to the chairman.

Mr. PERKINS. First, let me state that the untiring work and the determined efforts of the distinguished gentleman from Pennsylvania brought about, more than anything else, the important legislation that we have on the floor today. He succeeded because of his great effort and those of the gentleman from California (Mr. HAWKINS). They have lived with this legislation over a period of years, and I certainly do not want to detract one particle from the good work of the minority in connection with this legislation. But above everyone else, the distinguished gentleman from Pennsylvania (Mr. DENT) stayed on top of this legislation. He stayed with it and never gave in even when that appeared to be the wisest and practical thing to do.

This legislation is a great tribute to the distinguished chairman of the subcommittee (Mr. DENT). He has devoted great effort and long service trying to get the legislation enacted. I certainly want to pay my compliments to the distinguished gentleman from Pennsylvania and to his entire subcommittee for a job well done.

Mr. DENT. Thank you very kindly, Mr. Chairman, and I am sure that all members of the committee recognize your ever-present help at any time we needed it during consideration of the measure.

I also want to pay my respects to the ranking minority member, who probably is the best "devil's advocate" in the whole Congress of the United States, because if there are any faults in any legislation of ours, JOHN ERLENBORN will find them. I sometimes find fault with my colleague from Illinois because I sometimes think he finds fault when there is no fault to be found. But in the final analysis he does do his homework. In every instance where we have had a knotty problem to iron out, he has been of great help.

The bill provides for the much-needed expansion of coverage of title VII to include employees of educational institutions. State and local governments, and employers, and labor organizations with 15 or more employees or members. The special position of State and local governmental employers has been recognized, however, by a specific exemption for certain State and local government employees, as well as a requirement that State and local agencies may only be sued by the Attorney General. Changes have also been introduced in the prohibition against religious discrimination which represent improvements over the present law.

Certain needed changes in the provisions for the filing of charges with the Commission have also been introduced. These would allow a charge to be filed on behalf of an aggrieved individual and provide for a longer period of time during which the charge may be filed. The positions of both the House and Senate bills regarding the ability of the individual to sue when the Commission's action is unsatisfactory and the ability of the courts to grant preliminary relief, where appropriate, have been retained.

The key to the whole legislation is the enforcement powers granted to the Commission, the ability to go into the Federal district courts to enforce compliance with the act. This enforcement proposal, which was essentially the same in both House and Senate versions of the bill, is that which this Congress has agreed to as best for the EEOC. While originally I, and many of my colleagues on this floor, favored the administrative cease-and-desist enforcement approach over that of court enforcement, I am now satisfied that, along with the other provisions contained in the legislation, the EEOC would be given sufficient tools to enforce the provisions of title VII.

The conference bill contains additional provisions which I consider vital to the effective enforcement of title VII. It would, 2 years after enactment, transfer the Justice Department's "pattern or practice" jurisdiction to the EEOC. This provision would eliminate the overlapping enforcement powers which would otherwise be inevitable if both the EEOC and Justice Department could bring suits to enforce violations of title VII. The jurisdiction to sue State or local governments would, however, remain solely with the Justice Department so that no overlap would occur in this area.

The conference report also retains certain important provisions with respect to recordkeeping and Federal-State relations regarding equal employment opportunities enforcement. The compromise also provides certain added protections for employees of the agencies responsible for enforcing title VII.

This legislation would impose requirements of due process on the Federal contract compliance program for the first time.

While I am not completely happy with the way the bill has turned out, the majority of the Congress has spoken. The conferees have spoken. So I compliment them for at least getting to that point where we have made some advancement in enforcement.

We have come out with a piece of work that I think will stand a long time. We may now very well be on the road to a more peaceful existence in the field of employment in this country as a result of this bill.

Most people just want to work. That is all. They want an opportunity to work. We are trying to see that all of us, no matter of what race, sex, or religious or ethnic background, will have equal opportunity in employment.

This bill has been a long time coming. I hope the House will accept this legislation and the work of the conferees.

Again I thank both the minority and the majority members of the conference for their great support of the legislation.

Mr. Speaker, I include the following:

PROCEDURE WHERE NO STATE EQUAL EMPLOYMENT OPPORTUNITY LAW EXISTS

(1) A charge must be filed within 180 days after the occurrence of an alleged unlawful employment practice.

(2) After a charge is filed, the Commission must serve a notice of the charge on the respondent within ten days.

(3) The Commission must then investigate the charge, after which it must make a determination whether there is reasonable cause to believe that the charge is true. The Commission shall make its determination of reasonable cause as promptly as possible and, so far as practicable, within 120 days.

(4) If it finds no reasonable cause, the Commission must dismiss the charge: if it finds reasonable cause, it will attempt to conciliate the case.

(5) If the Commission is unable to secure a conciliation agreement, that is acceptable to the Commission, it may bring a civil action against any respondent in an appropriate federal district court. In the case of a respondent which is a government, governmental agency or political subdivision, the Commission shall take no further action and notify the Attorney General who may bring a civil action.

(6) If the court finds that a respondent is engaging in an unlawful employment practice charged in the complaint, the court may enjoin the respondent from engaging in the unlawful employment practice and grant such affirmative relief as it may deem appropriate including, but not limited to, reinstatement, with or without backpay. Backpay liability is limited, however, to no more than that accrued during the two years prior to the filing of a charge with the Commission.

(7) In the event that the Commission dismisses a charge or if within 180 days from the filing of the charge the Commission or the Attorney General has not filed a civil action or entered into a conciliation agreement to which the aggrieved person is a party, the Commission or the Attorney General will notify the aggrieved party. Within ninety days after the receipt of such notice the person aggrieved may bring a civil action against the respondent. Should such a private action be brought, the Commission or the Attorney General (where a government or political subdivision was involved) may seek to intervene in the action.

PROCEDURES WHERE STATE EQUAL EMPLOYMENT OPPORTUNITY LAW EXISTS

(1) A charge must be filed within 180 days after the occurrence of an alleged unlawful employment practice.

If a charge is initially filed with a state or local agency, such charge must be filed with the Commission within 300 days after the alleged unlawful practice has occurred or within 30 days after receipt of notice that the state or local agency has terminated its proceedings.

(2) Where a state or local equal employment statute exists, the EEOC must wait 60 days after state or local proceedings have been commenced, unless those proceedings have been terminated sooner, before it can act on a charge. The deferral period is extended to 120 days during the first year after enactment of a state or local law.

(3) Once the deferred is concluded, the Commission must serve a notice of the charge on the respondent within ten days (presumably, this is duplicative of the state or local proceedings).

(4) The Commission must then investigate the charge, after which it must make a determination whether there is reasonable cause to believe that the charge is true. The Commission shall make its determination of reasonable cause as promptly as possible and, so far as practicable within 120 days.

(5) If it finds no reasonable cause, the Commission must dismiss the charge; if it finds reasonable cause, it will attempt to conciliate the case.

(6) If the Commission is unable to secure a conciliation agreement, that is acceptable to the Commission, it may bring a civil action against any respondent in an appropriate Federal district court. In the case of a respondent which is a government, governmental agency or political subdivision, the Commission shall take no further action and notify the Attorney General who may bring a civil action.

(7) If the court finds that a respondent is engaging in an unlawful employment practice charged in the complaint, the court may enjoin the respondent from engaging in the unlawful employment practice and grant such affirmative relief as it may deem appropriate including, but not limited to, reinstatement, with or without backpay. Backpay liability is limited, however, to no more than that accrued during the two years prior to the filing of a charge with the Commission.

(8) In the event that the Commission dismisses a charge or if within 180 days from the filing of the charge the Commission or the Attorney General has not filed a civil action or entered into a conciliation agreement to which the aggrieved person is a party, the Commission or the Attorney General will notify the aggrieved party. Within ninety days after the receipt of such notice the person aggrieved may bring a civil action against the respondent. Should such a private action be brought, the Commission or the Attorney General (where a government or political subdivision was involved) may seek to intervene in the action.

Mr. QUIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we can see by reading the signatures on this report, the majority and the minority are together in supporting this conference report. The greatest amount of credit for putting the bill into a shape which I can support has to go to the gentleman from Illinois (Mr. ERLENBORN), not only for his work in this House, but also for his work with the Members of the other body in straightening out the matter. I say that as one who once introduced a bill giving cease and desist enforcement powers to the EEOC, but I believe the action taken in this legislation is right, and, therefore, I am supporting it. The gentleman from Illinois has been most convincing.

There are some provisions of the Senate which, I think, are advantageous which the House accepted and which I strongly support. I would say two that come to mind are the ones affecting religion. One is the definition of religion and the other is the provision exempting employees of religious organizations. I think that was a good move on our part.

There are some parts I do not like. If we had the chance to bring the bill back with a motion to recommit, I think I would have stood here and asked Members to recommit the bill back to the conference with instructions. I hope this body will take a look at the rules we operate under, so that both Houses will have a chance on the conference report to recommit back to the conference if Members do not like some part of the bill.

The part I feel especially is bad is the feature on the statute of limitations in this bill, which is not 2 years prior to enactment of this bill, but rather 2 years prior to the charge being brought by anyone. Some of those may have been pending for 2 or 3 years already, so we are talking now of probably 5 years in which back pay can be requested.

I just do not think that was a wise decision. I think the House would have stood by the position of those of us who felt that this was unwise, and that the 2-year statute of limitations in this bill should have been 2 years prior to the enactment of the act. I think that would have been advisable.

But we have to look at this report in total. The question is now whether we want to vote down the conference report because there are some parts we disagree with. I do not think we should do that.

I think there is improvement for the EEOC in this bill, and we have to give credit to those who have been working on this. One of those who should be given great credit is the gentleman from California (Mr. Hawkins) who really has taken the lead to give more strength to EEOC to eliminate discrimination. I think despite the fact that this is not everything he wanted, this is a substantial stride forward, and one in which he can also take pride as a result of the action of the committee.

I urge support for the conference report.

With that, Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. Gross).

Mr. GROSS. Mr. Speaker, I thank the gentleman from Minnesota for yielding to me.

Mr. Speaker, on page 21 of the report, I note this language:

> The Senate amendment provided the Commission with authorization for an additional 10 positions at GS–16, GS–17, and GS–18 level. The House bill had no such provision. The House receded.

Of course, "receded" means the House surrendered to the Senate.

I wonder if there was any recognition on the part of the House Committee on Education and Labor that there is a committee of the Congress which is supposed to deal with supergrades, which is supposed to deal with pay increases and that sort of thing. I wonder if the gentleman from Kentucky could give me some reason why the House rolled over and played dead on this issue.

Mr. PERKINS. Let me say to my distinguished colleague——

Mr. GROSS. I cannot hear the gentleman. He is usually a little more vocal, at least a few decibels higher.

Mr. PERKINS. Let me say to my distinguished colleague from Iowa that after the Senate put this provision in the bill——

Mr. GROSS. I am aware of that. I just read the fact that they did.

Mr. PERKINS. Let me make the explanation. I wrote to the chairman of the Post Office and Civil Service Committee of the House, Congressman Dulski, and invited him to look the situation over, as to whether he felt the Commission needed these additional people.

Be that as it may, the conferees felt, in view of the broadening of the coverage in the bill, that the number selected by the Senate was a reasonable number. It was the will of the conference that we give them some additional personnel that we felt they needed. I do not consider it any surrender by any means.

Mr. GROSS. If the Post Office and Civil Service Committee, which is the proper committee, should come along and take some of the employees away, or bring out legislation to take some of the employees away from this equal employment opportunity setup, I can see the gentleman raising a little unshirted hell around here over the fact that the jurisdiction of his committee was being invaded. And that is precisely what you did here.

Let me call your attention to something else as we go along.

Mr. PERKINS. I would much prefer——

Mr. GROSS. Just a minute. I will yield to the gentleman later.

The House just sent the Higher Education Act to conference. When that bill originally came to the House it contained numerous provisions authorizing employment of personnel without regard to the civil service and classification laws, and it provided for numerous additional positions in grades 16 through 18, which of course are the supergrades. The gentleman from North Carolina (Mr. Henderson) and the gentleman from Iowa, presently addressing the House, made points of order against that bill and knocked those provisions out. Now you are going to conference with the other body, and I have no doubt that when you come back from that conference there will be many more supergrades. You will have fattened that bill along with this one, and will have done so without any regard for the jurisdiction of the proper committee of the Congress.

Mr. DENT. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes, I yield, if the gentleman has any reasonable explanation for invading the jurisdiction of the committee.

Mr. DENT. The gentleman will have to be the judge of whether it is reasonable or not, but it is not a precedent-setting action here.

Mr. GROSS. I did not say anything about a precedent. I said it was overstepping the committee.

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. GROSS. Mr. Speaker, will the gentleman yield me 3 additional minutes?

Mr. QUIE. Mr. Speaker, I yield 3 additional minutes to the gentleman from Iowa.

Mr. DENT. May I be permitted to answer?

Mr. GROSS. Yes, certainly.

Mr. DENT. This House without question or any discussion, when it created the Commission on Aging, created the grade jobs that were required to perform the duties we prescribed under the Commissioner on Aging. This is another Commission. If the jobs are not created in the legislation we bring forth we would not have anybody to administer the act and the provisions we put into the bill.

This has gone on ever since I have been a Member of Congress, where we create new duties and create jobs to go with them. We did not overstep our jurisdiction. The Senate put it in, very frankly.

Mr. GROSS. You accepted it, did you not? Your responsibility is equal to theirs, in the conference.

Mr. HENDERSON. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from North Carolina.

(Mr. DULSKI, on request of Mr. Henderson, was granted permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DULSKI. Mr. Speaker, I am very disappointed to learn that the conferees have retained the Senate provision authorizing additional supergrade positions.

Section 12 of the conference substitute authorizes the Chairman of the Equal Employment Opportunities Commission to place an additional 10 positions in grades 16, 17, and 18 of the General Schedule.

Mr. Speaker, I realize that the exchange of correspondence on the inclusion of the 10 additional supergrades which I had with the gentleman from Kentucky, Chairman Perkins, came too late, since the conferees already had reached agreement. I appreciate the suggestion made by the gentleman from Kentucky in his letter of March 1, 1972, that our committee hold the necessary hearings and consider the justification for the 10 positions authorized. I will include copies of these letters as a part of my statement.

Mr. Speaker, this is yet another example of legislation that is reaching the House floor with provisions that violate the statutory standards and controls relating to Federal employment.

The Committee on Post Office and Civil Service has primary jurisdiction over all matters relating to the civil service, including matters relating to the compensation, classification, and retirement of Federal employees. The standards, controls, and limitations relating to these matters are spelled out very specifically in title 5 of the United States Code.

Our committee feels that any exceptions to such statutory standards and controls should be granted only in the most unusual circumstances and only when fully justified before our committee.

In the present case we have had no request and no opportunity to consider whether there is any justification for authorizing 10 additional supergrades for the Equal Employment Opportunities Commission.

I realize, of course, that little can be done at this point to eliminate the supergrade authority from the conference report. However, I would strongly advise the Equal Employment Opportunities Commission to forego the use of such authority until the Post Office and Civil Service Committee has had the opportunity to consider the overall needs of the Government for additional supergrade positions.

In that regard I wish to point out that on March 28, the Subcommittee on Manpower and Civil Service of the Post Office and Civil Service Committee will begin hearings on the administration's proposal to establish a Federal Executive Service.

During the course of those hearings, I am going to ask the members of the subcommittee to give serious consideration to repealing all recently enacted provisions of law, such as the one we are now considering, which authorize additional supergrade positions, unless such supergrade authority was considered and approved by our subcommittee.

In lieu of the separate supergrade authorities which I will seek to have repealed, I will propose an increase in the aggregate number of supergrade positions under section 5108(a) of title 5, United States Code, to take care of any additional supergrades that are proven to be needed pending completion of the study for the new Federal Executive Service.

The letters follow:

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., February 29, 1972.

Hon. CARL D. PERKINS,
Chairman, Committee on Education and Labor, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: In reviewing the provisions of the Senate amendment to H.R. 1746, the Equal Employment Opportunities Enforcement Act of 1972, I note that section 13 authorizes the Chairman of the Equal Employment Opportunities Commission to place an additional 10 positions in GS-16, GS-17, and GS-18.

As I have indicated to you several times recently, this is the type of authorization which I am firmly convinced should be considered by our Committee before being approved by the House. We have had no request and no opportunity to consider whether or not there is any justification for authorizing 10 additional supergrades for the Equal Employment Opportunities Commission.

Mr. Henderson, Chairman of our Subcommittee on Manpower and Civil Service, has scheduled hearings to begin in March on the overall question of replacing the so-called supergrade positions with a new Federal Executive Service. At that time, a review will be made as to whether or not any additional supergrades are needed pending completion of the study for the new Federal Executive Service.

Since we have received no request on behalf of the Equal Employment Opportunities Commission, and in view of the pending study, I strongly recommend that you and the conference of the House urge that the Conference Report not include authority for additional supergrades for the Equal Employment Opportunities Commission.

With kindest regards,
Sincerely yours,

THADDEUS J. DULSKI,
Chairman.

HOUSE OF REPRESENTATIVES,
March 1, 1972.

Hon. THADDEUS J. DULSKI,
Chairman, Committee on Post Office and Civil Service, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I am sorry you and I did not have an opportunity to discuss earlier the provisions of the Senate amendment to H.R. 1746, the Equal Employment Opportunities Enforcement Act of 1972.

The Conferees on that matter completed their deliberations last night. The Conference Report is, I understand, in page proof already and Chairman Williams of the Senate Committee on Labor and Public Welfare is most anxious to file the Conference Report today and have the Senate take up the measure tomorrow. I can understand your concern about the authorization of additional supergrades for the Equal Employment Opportunities Commission. The possibility of your concern was, in fact, discussed by the Conferees on our side. Since the provision was in the Senate bill, however, and since the Parliamentarian's office assured us that the provision being in the Senate bill made it a conferencable item, we felt in the situation that existed yesterday evening when the matter was considered that it was imperative that we take the Senate language.

As I indicated before, if I had received your communication of concern earlier than this morning we might have come to a different conclusion but under the circumstances it appears to be too late now to resolve the matter as you desire. I would suggest, however, that Mr. Henderson, Chairman of your Subcommittee on Manpower and Civil Service, continue with his hearings on the replacement of the super-grade positions with the new Federal Executive Service, including his review of the need for additional supergrades pending completion of the study for the new Federal Executive Service. Specifically, I would recommend that he review the situation of the Equal Employment Opportunities Commission and I assure you that I will do everything I can to cooperate with him and with you in that connection.

Obviously, if your Committee after reviewing the matter feels that the Conference has authorized an excessive number of supergrades or has authorized an insufficient number I would expect to give the same serious consideration to the recommendations of your Committee that I always give the recommendations of any other Chairman of any other Committee.

With best wishes,
Sincerely,

CARL D. PERKINS,
Chairman.

Mr. HENDERSON. I thank the gentleman for yielding, and I want to say that I, too, agree with him that the jurisdiction of the Civil Service Committee of the House has not been abided by here. The legislative committees, of course, have the authority to grant the positions that may be needed, but here what they have done is set the salaries for those persons they determined to be required and have exempted them from the Civil Service Act without any testimony saying why they should be exempted. As the gentleman from New York will convey to the Members of the House in his extension of remarks, he puts us on notice that our committee intends to do something about this.

Mr. GROSS. They might at least have gone to the Civil Service Commission pool for supergrades rather than to establish them by this process.

Mr. HENDERSON. I thank the gentleman for yielding.

Mr. GROSS. Mr. Speaker, I also note on page 9 of the report this language:

SEC. 714. The provisions of sections 111 and 1114, title 18, United States Code, shall apply to officers, agents, and employees of the Commission in the performance of their official duties. Notwithstanding the provisions of sections 111 and 1114 of title 18, United States Code, whoever in violation of the provisions of section 1114 of such title kills a person while engaged in or on account of the performance of his official functions under this Act shall be punished by imprisonment for any term of years or for life.

Not even the language that is to be found in all statutes of this kind—not even the inclusion of "upon conviction." No one bothered to write into this provision that an individual must first be tried and convicted before being sentenced to prison for life.

Mr. Speaker, I yield back the balance of my time.

Mr. DENT. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, in answer to the criticism about the job situation and supergrades, we did not say or do anything that has not been done before time and time again. What we said—or, rather, what the Senate insisted on—is that the Chairman of the Economic Opportunity Commission, subject to standards and procedures prescribed by this chapter, may place—may place—an additional 10 positions in the Economic Opportunity Commission in GS-16, GS-17, and GS-18 for the purposes of carrying out title 7 of the Civil Rights Act of 1964. It says he may if it is needed.

We heard absolutely nothing from any committee of the House until the day after the conference was over, when we received a note from Mr. DULSKI, the chairman of the Committee on Post Office and Civil Service, and an answer was given to him by the chairman of our full committee, and all of the oversight on this particular matter was taken into account.

These jobs are still within the jurisdiction of the Post Office and Civil Service Committee. We did not do anything but provide the jobs when needed to fulfill the duties of the Commission.

Mr. GROSS. Will the gentleman yield?

Mr. DENT. I am happy to.

Mr. GROSS. And you probably did not have one word of evidence as to whether the 10 additional supergrades were needed. Did you? You took the word of the people across the way, and they probably held no hearings and had no justification as to whether a single supergrade was necessary.

Mr. DENT. In answer to the gentleman, I might say that if you go into a conference, and you do not have any regard for the other body's position, then you should never go into conference. You have to accept the view that they made the study. We did not make the study, I assure you.

Mr. QUIE. Mr. Speaker, I yield the gentleman from Illinois 3 minutes.

Mr. ERLENBORN. If the gentleman from Pennsylvania would respond to a question, I would appreciate it.

Did I understand the gentleman correctly a minute ago to say you did not hear from Chairman Dulski until after the conference was completed?

Mr. DENT. That is exactly what the chairman told me. I never heard from them at all.

Mr. ERLENBORN. I thank the gentleman for that answer. It does surprise me, and maybe we should ask the chairman of the committee (Mr. Perkins), because I raised this question in the conference.

Mr. DENT. That is right.

Mr. ERLENBORN. And I was told that, "yes, they did have a letter from Chairman Dulski," but that, "you know, he always writes letters like that to show that he is trying to protect the jurisdiction of the committee, but we do not take it very seriously."

I also recall it was agreed that, if Chairman Dulski were really serious about this, he would back down and remove these provisions from the conference report.

Mr. DENT. I know that the gentleman from Illinois does not want to give the wrong impression; but, in order to stop it right at this point and get at what we believe to be the truth, with reference to this matter and with reference to the interchange between the chairman of the Committee on Post Office and Civil Service and the chairman of the Committee on Education and Labor, you know it has been said that a lie will get halfway around the world before the truth is known. The letter was not in the hands——

Mr. ERLENBORN. Mr. Speaker, I ask for regular order.

I would like to ask the gentleman from Kentucky (Mr. Perkins): Is it not true that you advised us in the conference that you had received the letter from Chairman Dulski?

I would be happy to yield to the gentleman, the chairman of the committee, to respond to that question.

Mr. PERKINS. The chief clerk of the committee informs me that we had a letter from Mr. Dulski on another subject matter along the same lines, but on other legislation, not on this legislation, before we went to conference, but that the letter on this particular subject and on the conference report did not arrive until the day after we completed the conference.

My recollection is refreshed by the clerk of the committee who answers the mail.

Mr. ERLENBORN. I thank the gentleman for that answer. It was my understanding from what the gentleman said in the conference that he knew Chairman Dulski felt that this invaded the jurisdiction of his committee. I understood the gentleman in the conference to say he received a letter from the chairman and, if the chairman was serious about it, it would be understood that this matter would be taken out of the bill. I just want the record to be straight.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Minnesota.

Mr. QUIE. As I recall the situation, the Senate conferees agreed that if a point of order could be raised against this section, or if a separate vote could be held on the section, then they would recede. Since that was not the parliamentary situation they went ahead.

So, there was full realization in the conference that this was a serious matter and we were concerned about the Post Office and Civil Service Committee's jurisdiction.

Mr. DENT. Mr. Speaker, I yield myself 1 minute.

The letter in question was the letter to the chairman daling with the provisions of the Fair Labor Standards Act, and covers civil employees under civil service. That was the letter that was talked about, but the chairman said he had a letter and it had nothing to do with this legislation.

I am informed by the Clerk that we did not receive any remonstrance against this particular feature and had not received one single remonstrance having to do with three other instances contained in bills which were passed by this House.

Mr. PERKINS. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. Corman).

Mr. CORMAN. Mr. Speaker, I want to conclude the thoughts which I started earlier in my exchange with the gentleman from Illinois (Mr. Erlenborn). Specifically I wondered whether the conferees favored giving enforcement to the Attorney General rather than to the Commission, because they thought he would be more vigorous or less vigorous in protecting the rights of blacks against job discrimination. I must say that having watched the former Attorney General, Mr. Mitchell, for 3½ years, if I were a black man I would not be as comfortable with him representing me as I would be with the Commission representing me. The gentleman from Illinois (Mr. Erlenborn) pointed out that the former Attorney General has never lost a case in this field. I am reminded that when I went to law school we were told that if you never lose a lawsuit it may be because you are not trying enough of them.

Mr. RARICK. Mr. Speaker, I had voted against this legislation when it was first considered and, if anything, it is worse now.

Supposedly it seeks to eliminate all discrimination in hiring and employment practices but in reality and by actual experience the thrust of the legislation is to give special advantage to certain applicants and unqualified jobseekers. The real discrimination under this bill is against the employers, the investors, and the management people who know what jobs they have and the qualifications they seek but can be forced to accept the least qualified because the more qualified may be of the majority.

The equal opportunity employment legislation would make discrimination illegal and a crime. Yet, let us be honest about it, discrimination is an act of freedom and I dare suggest that discrimination can never be removed from this country as long freedom remains in our land. I can never vote for a bill that gives special consideration to one group at the cost of denying freedom to another. Compensatory rights are nothing but special interest privileges, and to make this the law of our land is a mockery of morality even though it is camouflaged under the name of social justice.

To those who sincerely feel that this legislation is necessary to help the unskilled and untrained, I can only say that in Sunday's Washington paper the "Help Wanted" section was 29 pages in length and many of the positions offered were for unskilled people.

An example of the extreme provisions of this conference report is that section on page 9 captioned "Forcibly Resisting the Commission or Its Representatives." Section 714 reads in part:

> Notwithstanding the provisions of sections 111 and 1114 of title 18, United States Code, whoever in violation of the provisions of section 1114 of such title kills a person while engaged in or on account of the performance of his official functions under this Act shall be punished by imprisonment for any term of years or for life.

Nothing is said about arrest, trial, or conviction. The word "kill" is not even qualified with the usual criminal expression "maliciously" or "willfully." This section of the law may be a good demonstration of the justice intended by the equal opportunity employment legislation.

The seriousness of such a poorly drawn bit of legislation is that the unqualified word "kill" without any indication of intent could even extend to an EEOC employee killed in an automobile accident. If any EEOC people are killed, is the involved party to be imprisoned without even the equal opportunity for a hearing or trial?

I intend to cast my people's vote against this police state type legislation.

Mr. PERKINS. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SCHMITZ. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 303, nays 110, not voting 18, as follows:

[Roll No. 67]

YEAS—303

Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews
Annunzio
Arends
Ashley
Aspin
Aspinall
Badillo
Barrett
Begich
Belcher
Bell
Bergland
Biaggi
Biester
Bingham
Blanton

Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Buchanan
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Caffery
Carey, N.Y.
Carney
Carter
Cederberg
Celler
Chamberlain
Chisholm
Clark
Clausen, Don H.
Clay
Cleveland
Collins, Ill.
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Daniels, N.J.
Danielson
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Dow
Drinan
Dulski
du Pont
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Fulton
Fuqua
Galifianakis
Gallagher
Garmatz
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Halpern

Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Hunt
Jacobs
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
Kluczynski
Koch
Kyl
Kyros
Latta
Leggett
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McClure
McCormack
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
Madden
Mailliard
Mallary
Martin
Mathias, Calif.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Miller, Ohio
Mills, Ark.
Minish
Mink
Minshall
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Konski
O'Neill
Patten
Pelly

Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Preyer, N.C.
Price, Ill.
Pucinski
Purcell
Quie
Railsback
Rangel
Rees
Reid
Reuss
Rhodes
Robison, N.Y.
Rodino
Roe
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
Ryan
St Germain
Sandman
Sarbanes
Saylor
Scheuer
Schneebeli
Schwengel
Sebelius
Seiberling
Shriver
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Springer
Staggers
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stokes
Stratton
Sullivan
Symington
Talcott
Teague, Calif.
Terry
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waldie
Ware
Whalen
Whalley
Widnall
Wiggins
Williams
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Tex.
Zablocki
Zion
Zwach

NAYS—110

Abbitt
Abernethy
Archer
Ashbrook
Baker
Bennett

Betts
Bevill
Blackburn
Bow
Bray
Brinkley

Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burleson, Tex.
Byron
Cabell

Camp
Casey, Tex.
Chappell
Clancy
Clawson, Del
Collins, Tex.
Colmer
Crane
Curlin
Daniel, Va.
Davis, Ga.
Davis, Wis.
Dennis
Derwinski
Devine
Dickinson
Dorn
Dowdy
Downing
Duncan
Edwards, Ala.
Fisher
Flowers
Flynt
Fountain
Frey
Gettys
Griffin
Gross
Hagan
Haley

Hall
Hammerschmidt
Hébert
Henderson
Hutchinson
Ichord
Jarman
Jonas
Jones, N.C.
Jones, Tenn.
King
Kuykendall
Landgrebe
Landrum
Lennon
Long, La.
McCollister
McMillan
Mahon
Mann
Mathis, Ga.
Mayne
Michel
Mills, Md.
Mizell
Montgomery
Nichols
Passman
Patman
Poff

Price, Tex.
Quillen
Randall
Rarick
Roberts
Robinson, Va.
Rogers
Rousselot
Runnels
Ruth
Satterfield
Scherle
Schmitz
Scott
Shoup
Sikes
Smith, Calif.
Snyder
Spence
Steiger, Ariz.
Stephens
Stuckey
Taylor
Teague, Tex.
Thompson, Ga.
Waggonner
Wampler
Whitehurst
Whitten
Wilson, Bob
Young, Fla.

NOT VOTING—18

Anderson, Tenn.
Baring
Collier
Edwards, La.
Gaydos
Hull

Macdonald, Mass.
Mikva
Miller, Calif.
Murphy, Ill.
Murphy, N.Y.
Powell

Pryor, Ark.
Riegle
Shipley
Stanton, J. William
Stubblefield
White

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Mikva with Mr. Collier.

Mr. Anderson of Tennessee with Mr. Powell.

Mr. Shipley with Mr. Riegle.

Mr. Stubblefield with Mr. J. William Stanton.

Mr. White with Mr. Baring.

Mr. Macdonald of Massachusetts with Mr. Hull.

Mr. Murphy of New York with Mr. Miller of California.

Mr. Murphy of Illinois with Mr. Gaydos.

Messrs. BRAY and TEAGUE of Texas changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING CLERK OF THE HOUSE TO MAKE CORRECTION IN THE ENROLLMENT OF H.R. 1746, EQUAL EMPLOYMENT OPPORTUNITIES ACT

Mr. PERKINS. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 554) and ask unanimous consent for its immediate consideration.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 554

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 1746) to further promote equal employment opportunities for American workers, is authorized and directed to make the following change: In paragraph (a) of Section 4, strike out "Sec. 705." and insert in lieu thereof "Sec. 706."

Mr. GROSS. Mr. Speaker, reserving the right to object, just what is proposed to be accomplished by this resolution?

Mr. PERKINS. If the gentleman will yield, there was a technical error in numbering a section of the act. It was made by the staff, and was not detected in the report until after the report had been printed.

Mr. GROSS. It is then purely a technical amendment to the bill?

Mr. PERKINS. That is correct.

Mr. GROSS. It does not change the substantive language of the bill?

Mr. PERKINS. That is correct. It is just a renumbering.

Mr. GROSS. Simply a renumbering of the sections?

Mr. PERKINS. That is correct.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days within which to extend and revise their remarks on the conference report on the EEOC.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

TRANSPO 72 AUTHORIZATION

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 879 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 879

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11624) to amend the Military Construction Authorization Act, 1970, to authorize additional funds for the conduct of an international aeronautical exposition. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 11624, it shall be in order to take from the Speaker's table the bill S. 3244 and to consider the said Senate bill in the House.

The SPEAKER. The gentleman from Florida (Mr. PEPPER) is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 879 provides an open rule with 1 hour of general debate for consideration of H.R. 11624 authorizing additional funds for Transpo 72. After passage of the bill, it shall be in order to take S. 3244 from the Speaker's table and consider the same in the House.

The purpose of H.R. 11624 is to authorize an additional $2 million for the conduct of an international transportation exposition, Transpo 72.

In the 1971 Military Construction Authorization Act $3 million was authorized for the purpose of Transpo 72 based on preliminary cost estimates. Since then costs have increased for site preparation, utilities installation, sanitary, restaurant, and communications facilities, and vehicle parking and control. Need for the additional $2 million is based on recent engineering studies.

The exposition is planned to take place at Dulles Airport in May of this year, Mr. Speaker, and I urge the adoption of the rule in order to expedite passage of the legislation.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I yield to the distinguished gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

Is not this the same bill which was defeated in the House under suspension of the rules last December?

Mr. PEPPER. I am advised that the bill was not authorized under suspension of the rules recently, and, therefore, the matter came to the Committee on Rules. I understand that there was a vote on the floor.

Mr. GROSS. Yes; that was last December 6.

Mr. PEPPER. I believe it was.

Mr. GROSS. Let me ask the gentleman, why not let nature take its course, instead of providing that the Senate bill can be substituted to just let nature take its course and see what happens?

Why should the Committee on Rules be called upon to mandate the Senate bill to be substituted for this little monstrosity—or for this big monstrosity?

Mr. PEPPER. The gentleman will allow me to yield to the able chairman of the Committee on Armed Services, the distinguished gentleman from Louisiana (Mr. Hébert) to answer this question.

Mr. HÉBERT. Mr. Speaker, I will be very happy to answer that question. It was a case of expediting the bill. The Senate was so informed, if they passed the bill, we would take action on this side. It was a preferential procedure—instead of us passing the bill on this side and to let it rest on the Senate side and where we may have run into a delay, that we did not want to run into. This is purely a matter of judicious operation such as the gentleman from Iowa would be proud to be a part of.

Mr. GROSS. Mr. Speaker, will the gentleman from Florida yield?

Mr. PEPPER. I yield to the gentleman.

Mr. GROSS. This confirms what I thought was a little evasive action to prevent nature from taking its course. In other words, to prevent the normal legislative procedure to take place, and to get this rolled through because time is running out on this bobtailed thing that you propose to put on now at Dulles, I guess.

Mr. PEPPER. Mr. Speaker, I yield further to the gentleman from Louisiana.

Mr. HÉBERT. The gentleman from Louisiana, having had the experience of many years observing the gentleman from Iowa in his wisdom and his resourcefulness, decided to follow that course, and I hope I have set a good example and that the pupil will at least equal the master in this respect.

Mr. GROSS. I wish the gentleman had directed those compliments to the taxpayers of this country who have to put up the money for this kind of a deal—but I accept them on behalf of the taxpayers.

Mr. HÉBERT. Through the gentleman from Iowa who is known as the taxpayers' defender, I extend it to the taxpayers as well.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I concur in the statement made by the gentleman from Florida (Mr. Pepper) in explanation of the rule.

May I simply add that I know of no objection from the Department or the Office of Management and Budget or from the executive branch. I believe this amount of money has already been appropriated in an appropriation bill so we are just going to catch up with this authorization so that we can now spend it.

Mr. Speaker, I urge the adoption of the resolution, House Resolution 879.

Mr. PEPPER. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

IN THE COMMITTEE OF THE WHOLE

Mr. HÉBERT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11624) to amend the Military Construction Authorization Act of 1970, to authorize additional funds for the conduct of an international aeronautical exposition.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11624, with Mr. Abbitt in the Chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Louisiana (Mr. Hébert) will be recognized for 30 minutes, and the gentleman from California (Mr. Gubser) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. Hébert).

Mr. HÉBERT. Mr. Chairman, the legislation before the House, H.R. 11624, which amends the Military Construction Authorization Act of 1970, is for the purpose of authorizing additional funds for the conduct of an international aeronautical exposition.

The exposition, now referred to as Transpo 72, is scheduled to be conducted at Dulles International Airport beginning next May 27. The President assigned responsibility for the conduct of the exposition to the Secretary of Transportation who determined that the exposition will include all forms of transportation and not be strictly an aeronautical exposition. However, aeronautics will play a dominant role in the exposition, and this includes military aviation.

The planners of the exposition, under Secretary Volpe, anticipate that the exposition will make a considerable contribution to the domestic economy through stimulating the sale of new transportation concepts and systems within our own economy as well as abroad. Also, they are hopeful that the exposition will help make governments at various levels, industry, and the public aware of a number of solutions offered by technology to our many transportation problems. Therefore, our committee believes that the additional funds to be expended pursuant to the additional authorization contained in this bill would be a most productive investment.

Our committee brought this legislation to the floor on December 6, 1971 under suspension of the rules. The vote was 33 votes short of having a two-thirds majority. I am convinced that the vote was due to a misunderstanding in connection with the $2 million increase in authorization requested by the Department of Transportation. A number of Members have advised me they understood from remarks on the floor during the debate on this bill, under suspension of the rules, that the increase in authorization was due to a cost overrun. This is where the misunderstanding originated.

The current authorization level of $3 million was based on preliminary cost estimates made by the Department of Transportation last year. Based upon final engineering studies, they have arrived at a more precise cost estimate and are recommending that the present authorization be increased to a total of $5 million.

The primary reasons for the increase are: The inability to accurately estimate costs until the master plan and engineering design were completed, and inflation, which has accelerated at a rate in excess of that anticipated in the published cost estimating handbooks used in developing the original cost estimates for Transpo 72.

The Appropriations Committee, in Public Law 92–184, has already appropriated the $2 million subject to authorizing legislation. The Senate, on March 1, 1972, passed S. 3244, a bill identical to H.R. 11624, the bill before you.

So, therefore, it is the recommendation of the Committee on Armed Services that the House pass H.R. 11624, at which time, in accordance with the rule, we will ask that the language in the Senate bill, which as I have said is identical to H.R. 11624, be substituted, thereby making it possible to immediately send the bill to the White House for Presidential signature. In that way the funds already appropriated can immediately be put to work, and our Nation can go forward with production of Transpo 72.

(Mr. ARENDS (at the request of Mr. GUBSER) was granted permission to extend his remarks at this point in the RECORD.)

Mr. ARENDS. Mr. Chairman, I rise in support of H.R. 11624.

The purpose of this bill is to increase from $3 million to $5 million the funds authorized for appropriation under the fiscal year 1970 Military Construction Authorization Act, as amended, for the conduct of an international aeronautical exposition. The exposition, referred to as Transpo 72, is scheduled to be conducted at Dulles International Airport on May 27, 1972, through June 4, 1972. The responsibility for the conduct of the exposition has been delegated to the Department of Transportation.

An exposition of this magnitude does not happen overnight. The original concept—that of an air show—came into being in the mid-1960's when Federal Aviation Administration personnel began studies of the feasibility of conducting an international aeronautical exposition in the United States.

The late chairman of our committee, L. Mendel Rivers, took an interest in the idea and promoted the concept in Congress. With the backing of the executive branch and through the efforts of Chairman Rivers, Congress authorized the initial exposition.

As planning for the exposition began, it became evident that a simple air show was too limited a concept to accurately reflect the stature of the United States as an innovative and responsible world leader in technology and products. The exposition format was broadened to include all modes of transportation and the name was changed to the United States International Transportation Exposition.

Secretary of Transportation John A. Volpe, to whom President Nixon had entrusted the responsibility for production and management of the exposition, coined the acronym "Transpo 72" to embrace the exposition's dedication to the total transportation spectrum. Committees of distinguished representatives of industry and government were formed to assist the Secretary in creating an exposition truly reflective of the myriad aspects of the transportation industry.

The Department of Transportation advises that they anticipate that the exposition will make a considerable contribution to the domestic economy through stimulating the sale of new transportation concepts and systems within our own economy as well as internationally.

I believe this is meritorious legislation and it should receive the support of every Member of this body.

Mr. GUBSER. Mr. Chairman, speaking for the minority, we wholeheartedly endorse this bill. As we all know, one of the bright spots in our continuing balance-of-payments problem is the American airframe industry; and certainly, if we wish to continue marketing our airframe products around the world, it behooves us to do what France and England have been doing for many, many years—that is, having such an event as is authorized by this bill. This transportation show is nothing more than good business.

Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I rise in support of H.R. 11624 which would increase to $5 million the funds authorized to conduct Transpo 72, the International Transportation Exposition which will be held from May 27 to June 4 of this year at Dulles Airport.

Transpo 72 is being run under the able direction of the Department of Transportation and I am privileged to serve on the Secretary's Committee for the exposition. As such, I can readily attest to the need of the additional $2 million that passage of this bill will make possible. The money will be used to meet the increased costs of site preparation, utilities, installation, sanitary, restaurant, and communications facilities, as well as vehicle parking and control.

We are all well aware of the many problems that plague our transportation systems today: The poor condition of rail passenger service, the paralysis of rush hour traffic that afflicts the commuter, inadequate airport facilities, breakdown in the shipping of goods across the country, and so on. The exposition will focus on these crises and the actions that can be taken to overcome them.

Great progress has been made on the 300-acre site where 250 exhibitors, including those from industry, our States, and foreign governments, will be represented. Much of the transportation exhibits will be in actual operation. As an example, four types of people movers will be available for sample rides. There will also be daily demonstrations of land, water, and air vehicles. Precision flying demonstrations by American and foreign military, civilian, and acrobatic teams will highlight the last 2 days of the exposition.

Mr. Chairman, I am convinced that this exposition will generate much goodwill for this Nation. And, as a practical matter, it will make a considerable contribution to the domestic economy by encouraging the sale of new transportation concepts and systems.

I urge my colleagues to endorse passage of this legislation.

Thank you.

Mr. McFALL. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from California.

Mr. McFALL. I join my colleague from Massachusetts in support of the legislation. We have looked at it in our subcommittee, and we both agree that it will be a fine exposition. They are out of money. They must have this money which has been appropriated already, but for which authorization is needed. The Department is in the middle of providing facilities. If they do not get the authorization, the air show will not be able to go forward.

Mr. HÉBERT. Mr. Chairman, I have no further requests for time.

Mr. GUBSER. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I have always been puzzled as to why this bill came out of the House Armed Services Committee. It seems to me it properly belonged in the Interstate and Foreign Commerce Committee because from what I have been able to read about this thing, it is not an airshow. Reading a a Republican newsletter the other day, I noticed a picture of some kind of Ford vehicle with large wheels under it. I do not know what it is supposed to be, but if it is an airplane somebody forgot to put wings and a tail on it. The picture shows it being unloaded out at Dulles Airport. What is proposed is not an airshow, and I do not think the committee ought to try to sell it to anyone as such. I have a copy of a letter indicating the Airline Pilots & Owners Association do not want anything to do with this deal because they say it is not an aviation show.

However, it is apparently going to cost the taxpayers $5 million. Will somebody confirm or deny that this thing is going to cost $5 million?

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Massachusetts.

Mr. CONTE. We held hearings in the Appropriation Committee, and it will cost $5 million. A lot of the project will consist of permanent improvements to Dulles Airport.

Mr. GROSS. Permanent improvements for the "white elephant" known as Dulles Airport?

Mr. CONTE. The gentleman from Iowa has a right to his own opinion, but I think Dulles Airport is one of the finest airports in the world, and when easier access to the airport is provided, it will be one of the busiest airports in the world.

Mr. GROSS. It has been a loser to the tune of $5 to $7 million a year since they landed the first plane out there several years ago, and the gentleman knows it.

Mr. CONTE. Will the gentleman yield further?

Mr. GROSS. I yield.

Mr. CONTE. The gentleman is absolutely correct, but if you look at the record you will see that its revenues have increased steadily over the years. In 1970, total revenues exceeded $4.2 million. In 1971, this figure grew to over $5 million. And the estimates for 1972 and 1973 are $5.5 million and $5.9 million, respectively.

Moreover, during our transportation appropriations hearings last year, testimony indicated that in 1972 for the first time, before the application of interest and depreciation charges, the airport is expected to return an operating profit of $210,000.

Dulles Airport, I dare say, will be in the black in 5 years. And FAA officials bear me out on this prediction.

Mr. GROSS. The one thing some people do so well around here is to use the taxpayers' money to subsidize white elephants such as stadiums, cultural palaces, and airports, and you are about to subsidize another flop. This thing was beaten under a suspension of the rules last December 6. I had hoped that would be the end of it, but apparently it is impossible to kill off a snake just by chopping off a piece of the tail end. The snake of spending keeps right on growing.

I would like to know from someone whether the public is going to be charged admission to this show, of whatever nature it is. Can anybody tell me whether they are going to charge admission, after plunking $5 million of the taxpayers' money into it?

Mr. CONTE. If the gentleman will yield further, of course, the people are going to be charged admission. As I said, this is not just an air show. All forms of transportation will be represented. And there will be a definite effort to stimulate sales. I am confident that the exhibits will be a boon to the domestic transportation industry and that it will help our balance of payments. There will be rapid transit exhibits, people mover exhibits—all modes of land, sea, and air transportation will be on display.

Mr. GROSS. This will take care of the deficit in the balance of payments, will it?

Mr. CONTE. As I said, and I repeat it, I believe Dulles will be in the black in 4 or 5 years.

Mr. GROSS. Are you also going to charge the public for parking their automobiles out there?

Mr. CONTE. Yes.

Mr. GROSS. Plus admission fees?

Mr. CONTE. I am fairly sure about the admission fees.

Mr. GROSS. That is what I am trying to find out.

Mr. CONTE. They will also be charged to park their cars.

Mr. GROSS. I am just trying to find out whether the promoters and exhibitors will get all the gravy, and what will be left for the public who pay the bills.

Mr. GUBSER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

Mr. GUBSER. I cannot profess to say whether any admission charge will be made, or a charge for parking. I suppose there will be. However, I do not think the admission charge or the parking fee constitute the entire story. I think at the last Paris Air Show it was estimated the American industry took more than $27 million in orders from customers because of their displays at the Paris Air Show. Some of that is going to be profit, and 52 percent of that is going to flow into the U.S. Treasury in the form of corporation taxes, so there is an indirect flow back into the Treasury, plus the fact that we will be maintaining a strong airframe industry, which is about the only bright spot in the balance-of-payments picture that I have been able to find.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GUBSER. Mr. Chairman, I yield the gentleman from Iowa 5 additional minutes.

Mr. GROSS. Will the gentleman please go ahead. I have not heard the payoff yet.

Mr. GUBSER. I have finished

Mr. GROSS. Are you going to exhibit our military aircraft out there and try to sell those, too?

Mr. GUBSER. I think there can be further explanation as to why this emanated from the Armed Services Committee. This for a very long time was a very fond dream of the late Mendel Rivers, chairman of our committee. He very definitely tried to promote an American counterpart to the English Farnborough Show and the Paris Air Show.

Mr. GROSS. Where was that first show? I did not get that.

Mr. GUBSER. Farnborough.

Mr. GROSS. Where and what is that?

Mr. GUBSER. It is an air show sponsored by the English Government

Mr. GROSS. Along with Paris, is that an equally good place for the Members of Congress to junket to?

Mr. GUBSER. At any rate, Chairman Rivers started this, and at first it was to be an air show. Then the Department of Transportation decided it was a great opportunity to make it into a transportation show, and the idea grew and expanded, but it did originate in the House Armed Services Committee, and I presume that is why we now handle it.

Mr. GROSS. And the committee just continued it because it was fashionable; is that it?

Mr. GUBSER. And economical. It makes good business sense. Just as the gentleman's State has the greatest State show, the Iowa State Fair to display agricultural products, so American industry must display its products.

It is comparable to the Iowa State Fair, only it is the aircraft and transportation industry instead of corn and hogs.

Mr. GROSS. I was talking about the continued jurisdiction in the Armed Services Committee. I note in this Republican newsletter it says that Secretary of Transportation John A. Volpe said the show is aimed at focusing attention on administration efforts to upgrade transportation.

I do not know whether there is any political connotation to this or not. Perhaps someone can explain that.

Mr. CORMAN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

Mr. CORMAN. I thank the gentleman for yielding.

I do not serve on either committee, but I do remember that this Congress agonized for a long time about building a supersonic airplane. As it turned out, the Armed Services Committee brought us a program under which we were going to spend some $25 billion during this decade for a supersonic airplane to carry bombs, and the poor Interstate and Foreign Commerce Committee brought out a bill providing for $2 billion for a supersonic airplane to carry people, and we decided against that. If I were pushing this program I would be mighty pleased if I found a way to have it come out of the Armed Services Committee.

Mr. GROSS. I have been told that it is proposed to charge admissions of $3 a head for adults and $1 each for children to take a look at this deal. I do not know whether there is any truth to that or not. I wish somebody would tell me if they are going to charge admission out there, and, if so, how much?

Mr. HÉBERT. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Louisiana.

Mr. HÉBERT. If the gentleman would like to have my response, it is my understanding a fee will be charged. I do not know. I am not managing the affair.

Mr. GROSS. So you started out by asking for $750,000 for this deal, did you not? The $750,000 was the camel's nose under the tent.

Mr. HÉBERT. The $750,000 was asked for originally for strictly an air show, as the gentleman from California has explained already. The Department of Transportation was designated by the President to be the party to put the show on at Dulles and, taking charge of it, decided to expand it into a transportation exhibition. That is why the amount of money requested grew.

Mr. GROSS. Now it has ballooned into $5 million. The $750,000 has ballooned into $5 million.

Mr. HÉBERT. I would not call it a balloon, but perhaps a little popsicle. But it is well worth the taste, for the size of the popsicle, because we are going to get our money back.

Mr. GROSS. That $750,000 was the all-day sucker that was handed to Congress?

Mr. HÉBERT. I knew it was too small for the gentleman from Iowa to swallow, so we have to have a little bit more.

Mr. GROSS. I can only say, "Don't you believe it." Where I come from $750,000 is still a pretty fair wad of money.

I know what the House is going to do with this thing. The House is going to approve it with the greatest of ease.

But I would like to find out what this word "penultimate" means as it is used in the bill. It is spelled p-e-n-u-l-t-i-m-a-t-e.

Mr. HÉBERT. What is the word?

Mr. GROSS. Penultimate.

Mr. HÉBERT. I am not from the Ivy League intellectuals, So I cannot tell the gentleman.

Mr. GROSS. Can any of the experts who drew up this bill do so? What is a "penultimate sentence"?

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Missouri.

Mr. HALL. I will tell my colleague from Iowa that means "next to the last."

Mr. GROSS. The next to the last sentence. Is there some reason why it could not have stated it in good, plain English?

Mr. HÉBERT. That was a very fine diagnosis.

Mr. GROSS. Mr. Chairman, the diagnosis of the condition of the American taxpayer is not good these days and I am not going to be a party to saddling him with a $5 million expenditure for some kind of a show that will last for 1 week at a white elephant airport.

I am opposed to this boondoggle.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. BROYHILL of Virginia. I rise in support of H.R. 11624, to amend the Military Construction Authorization Act of 1970 to authorize additional funds for the conduct of an international transportation exposition at Dulles International Airport in my congressional district.

Northern Virginians are looking forward with enthusiasm to the exciting opening of Transpo 72 on May 27, when we will be welcoming more than a million visitors from across the Nation and around the world to our community, there to view demonstrations of every means of transportation now operating or on the drawing board.

Entertainment by the Air Force Thunderbirds, the Navy's Blue Angels, the Army's Golden Knights parachute team, international flying teams, and acrobating performers will provide much excitement for our visitors. But of far more importance to most, I am sure, will be this opportunity to study and learn from visual demonstrations of the four new rapid transit systems on display, and the huge exhibit halls where exhibits from 45 nations will be housed. As a part of the Metropolitan Washington area, northern Virginia is already facing a transportation crisis, as my colleagues know. Similar crises already exist or are just around the corner in most of our Nation's cities and in many foreign countries. I believe Transpo 72 and the ideas it will bring to those charged with solving transportation problems will prove a major step away from transportation chaos in the years to come.

Mr. Chairman, I urge adoption of H.R. 11624.

Mr. HÉBERT. I have no further requests for time, Mr. Chairman.

Mr. GUBSER. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 709 of the Military Construction Authorization Act, 1970, as amended (83 Stat. 317, 84 Stat. 1224), is further amended by deleting from the penultimate sentence thereof "$3,000,000" and inserting in its place, "$5,000,000".

The CHAIRMAN. Are there any amendments to be proposed?

Mr. GRAY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not take the time of the Members of the House but merely wish to say, having operated an airport for 7 years and presently owning a helicopter and being interested in the aviation business, I think this is a very meritorious bill.

With 53 countries displaying their wares, the money recouped and the profits from the sale of the aircraft will far more than compensate for this small amount of money being put up.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ABBITT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 11624) to amend the Military Construction Authorization Act, 1970, to authorize additional funds for the conduct of an international aeronautical exposition, pursuant to House Resolution 879, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 278, nays 109, not voting 44, as follows:

[Roll No. 68]

YEAS—278

Abbitt
Abernethy
Abourezk
Adams
Addabbo
Alexander
Annunzio
Arends
Ashley
Aspinall
Baker
Begich
Belcher
Bennett
Bergland
Betts
Blackburn
Boggs
Bolling
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burton
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Colmer
Conte
Corman
Cotter
Coughlin
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Delaney
Dellenback
Dellums
Denholm
Dent
Dickinson
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
du Pont
Dwyer
Edmondson
Edwards, Ala.
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Galifianakis
Gallagher
Gettys
Giaimo
Goldwater
Gonzalez
Grasso
Gray
Green, Oreg.
Griffin
Griffiths
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hébert
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hunt
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Karth
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Kuykendall
Kyros
Landrum
Leggett
Lennon
Link
Lloyd
Long, La.
McCloskey
McClure
McCormack
McDade
McDonald, Mich.
McFall
McKay
McKevitt
McKinney
McMillan
Madden
Mahon
Mailliard
Mallary
Mann
Matsunaga
Meeds
Melcher
Metcalfe
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
O'Neill
Passman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Preyer, N.C.
Price, Ill.
Purcell
Quie
Quillen
Randall
Rees
Reid
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rostenkowski
Rousselot
Roybal
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scott
Sebelius
Seiberling
Shriver
Sikes
Sisk
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Spence
Springer
Staggers
Steed
Steele
Stephens
Stratton
Sullivan
Symington
Talcott
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Tiernan
Udall
Ullman
Vander Jagt
Waggonner
Wampler
Ware
Whalen
Whalley
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wyman
Young, Tex.
Zablocki
Zion
Zwach

NAYS—109

Abzug
Anderson, Calif.
Andrews
Archer
Aspin
Badillo
Bell
Bevill
Biaggi
Biester
Bingham
Blanton
Brademas
Burlison, Mo.
Byron
Camp
Chisholm
Clawson, Del
Cleveland
Collins, Ill.
Collins, Tex.
Conable
Conyers
Crane
Davis, Wis.
de la Garza
Dennis
Derwinski
Devine
Dow
Drinan
Eckhardt
Edwards, Calif.
Eilberg
Eshleman
Findley
Flynt
Gibbons
Goodling
Green, Pa.
Gross
Hamilton
Hechler, W. Va.
Heckler, Mass.
Hungate
Hutchinson
Jacobs
Jonas
Kastenmeier
Koch
Kyl
Landgrebe
Latta
Lent
Long, Md.
Lujan
McClory
McCollister
McEwen
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Mazzoli
Michel
Miller, Ohio
Mitchell
Moss
Obey
O'Konski
Price, Tex.
Railsback
Rangel
Rarick
Reuss
Rooney, N.Y.
Rosenthal
Roush
Roy
Runnels
Ruppe
Ruth
Ryan
Scherle
Scheuer
Schmitz
Schneebeli
Schwengel
Shoup
Skubitz
Slack
Snyder
Stanton, James V.
Steiger, Ariz.
Stuckey
Taylor
Terry
Thomson, Wis.
Thone
Van Deerlin
Vanik
Veysey
Vigorito
Waldie
Wydler
Wylie
Yates
Yatron
Young, Fla.

NOT VOTING—44

Anderson, Ill.
Anderson, Tenn.
Ashbrook
Baring
Barrett
Blatnik
Boland
Bow
Brasco
Celler
Clay
Collier
Diggs
Dingell
Edwards, La.
Fish
Fraser
Fulton
Fuqua
Garmatz
Gaydos
Hawkins
Hays
Hull
Jones, Tenn.
McCulloch
Macdonald, Mass.
Mikva
Miller, Calif.
Murphy, Ill.
Murphy, N.Y.
O'Hara
Patman
Powell
Pryor, Ark.
Pucinski
Riegle
Shipley
Stanton, J. William
Steiger, Wis.
Stokes
Stubblefield
Thompson, N.J.
White

So the bill was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey, with Mr. Anderson of Illinois.

Mr. Blatnik with Mr. Fish.

Mr. Hays with Mr. Bow.

Mr. Dingel with Mr. McCulloch.

Mr. Mikva with Mr. Hawkins.

Mr. Shipley with Mr. Collier.

Mr. Macdonald of Massachusetts with Mr. Powell.

Mr. Stubblefield with Mr. Ashbrook.

Mr. Jones of Tennessee with Mr. Riegle.

Mr. Brasco with Mr. Clay.

Mr. Miller of California with Mr. Smith of California.

Mr. Pucinski with Mr. Diggs.

Mr. Fulton of Tennessee with Mr. J. William Stanton.

Mr. Anderson of Tennessee with Mr. Steiger of Wisconsin.

Mr. Garmatz with Mr. Pryor of Arkansas.

Mr. Gaydos with Mr. Patman.

Mr. Murphy of New York with Mr. Baring.

Mr. Fraser with Mr. Stokes.

Mr. Barrett with Mr. White.

Mr. Fuqua with Mr. Smith of Iowa.

Mr. Murphy of Illinois with Mr. Boland.

Messrs. KOCH, OBEY, and CONABLE changed their votes from "yea" to "nay."

Mr. ROE changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. HÉBERT. Mr. Speaker, pursuant to House Resolution 879, I call up from the Speaker's table for immediate consideration the bill S. 3244.

The Clerk read the title of the Senate bill.

The Clerk read the Senate bill as follows:

S. 3244

An act to amend the Military Construction Authorization Act, 1970, to authorize additional funds for the conduct of an international aeronautical exposition

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 709 of the Military Construction Authorization Act, 1970, as amended (83 Stat. 317, 84 Stat. 1224), is further amended by deleting from the penultimate sentence thereof "$3,000,000" and inserting in its place "$5,000,000".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 11624) was laid on the table.

GENERAL LEAVE

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CITIZENS OBJECT TO FOUL LANGUAGE USED OVER WNET IN "A WINTER SOLDIER"

(Mr. HOWARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HOWARD. Mr. Speaker, outraged citizens of the Third District of New Jersey have been deluging my home and office with telephone calls this morning, protesting the television program "A Winter Soldier," which was aired last evening over WNET, channel 13, an educational channel with a viewing area encompassing 17 million men, women, and children in the New York, New Jersey, and Connecticut areas.

"A Winter Soldier" is a discussion program which has Vietnam veterans describing their activities in Southeast Asia. The objections, Mr. Speaker, were not because their views were pro- or antiwar, or concerning our involvement in Southeast Asia. My people do, however, object strongly to the use of public airways for the use of foul and filthy language, which was available to the listening audience.

As an educational channel, Mr. Speaker, schoolteachers in my district urge children to watch this station, assuming they will be informed and educated. They were certainly informed and educated last night. Not only were the viewers of channel 13 rudely insulted by the language last evening, but WNET plans to give them another dose by rebroadcasting this program at 10:30 tonight.

I have sent telegrams to Chairman Dean Burch of the Federal Communications Commission, and to Mr. James Day, president of WNET, to urge cancellation of this rebroadcast.

I have further requested Mr. Burch to himself view and listen to a tape of this program, and take appropriate action.

FARM SUBSIDY PROGRAM COSTS THE TAXPAYER, BUT FOR NO BENEFIT

(Mr. ANDERSON of California asked and was given permission to address the House for 1 minute to revise and extend his remarks and include extraneous matter.)

Mr. ANDERSON of California. Mr. Speaker, according to studies, the American taxpayer works from January 1 until May 1, of each year simply to pay his taxes to the Federal, State, and local governments. In other words, a taxpayer works for 4 months out of the year to pay for the services he receives from government.

One of these government services involves a program of Federal payments to agribusinesses for not growing crops.

In fact, last year the Federal Government paid more than $3.1 billion in farm subsidies.

What does this mean to the average worker in our country?

It means that each and every worker in America labored approximately 1½ days in order to pay his share of the cost of the farm subsidy program.

Where does this day-and-a-half pay go?

A major portion of it goes to sugar barons. The Hawaiian Commercial and Sugar Co. received Federal payments totaling $1,277,725, and the U.S. Sugar Corp. received $1,267,041 from the Federal Government.

In fact, in 1971, 1,105 agrigians received Federal payments totaling over $55.2 million.

What does the taxpayer get for his day-and-a-half pay?

For his efforts, the taxpayer is rewarded with the privilege of paying higher prices for sugar. Because of the sugar subsidy program, each worker in America pays over $6 a year more for his yearly supply of sugar. While the American consumer pays 13 cents a pound for sugar, the Norwegian consumer—who does not have the benefit of the sugar industry program—pays only 7 cents a pound. The English consumer pays only 8 cents a pound, and the Mexican consumer pays only 5 cents for a pound of sugar.

EVEN THE ADMINISTRATOR COLLECTS FUNDS

A particularly sad commentary on the farm subsidy program is that even the man hired by the administration to supervise the program is collecting a Federal subsidy. While he runs the program and collects a fat Government salary with one hand, he collects a Government subsidy of $39,111 for not growing crops on his own farm. In addition, the Administrator's brother is collecting $55,000 in Government handouts not to grow crops on his farm.

SAVE TAXPAYER $3.1 BILLION BY ELIMINATING PROGRAM

Mr. Speaker, the answer to this waste of the taxpayer's money lies in severe restriction on the amount any conglomerate may receive in the form of a farm subsidy.

Presently, there is no limit on the amount a sugar baron may receive from the Government.

However, under the cotton, wheat and feed grain program, no farm may receive more than $55,000 in payment for each crop.

Mr. Speaker, I am opposed to this program and I feel that no one should benefit simply by agreeing not to grow a certain crop.

In order to save the taxpayer $3.1 billion and to let the worker keep his day-and-a-half wages, I urge the abolition of the farm subsidy program.

At this point, I insert in the RECORD an article which appeared in the March 8 Washington Post:

$1 MILLION SUBSIDIES WENT TO TWO FIRMS IN 1971

(By Don Kendall)

The government says only two firms, both in the sugar business, got million-dollar farm subsidies last year, compared with nine in 1970.

According to an Agriculture Department list just made public, the biggest recipients last year were the Hawaiian Commercial and Sugar Co., Puunene, Hawaii, $1,277,725; and the U.S. Sugar Corp., Clewiston, Fla., $1,267,401.

The list did not show a subsidy payment in 1971 for the J. G. Boswell Co., Corcoran, Calif., which led the 1970 list with $4.4 million in federal payments.

A department spokesman said he understood the Boswell firm sold or leased out all or most of its 1971 cotton allotments, a practice permitted by law.

The Agricultural Act of 1970 put a lid of $55,000 per crop in payments an individual farmer may receive in the government's cotton, wheat and feed grains programs.

Sugar payments are regulated by another law and are not covered by the $55,000 limitation. Also exempted are farms operated by states and other government bodies or on Indian reservations.

Other subsidy leaders of the past and their payments for 1971 compared with 1970 included:

Giffin, Inc., Huron, Calif., $160,912 in 1971 and $4,095,114 in 1970; South Lake Farms, Fresno, Calif., $24,111 and $1,875,454; Salyer Land Co., Corcoran, Calif., $66,492 and $1,547,174; and Vista del Llano Farms, Firebaugh, Calif., $273,518 and $1,105,762.

The California list showed a 1971 payment of $55,000 to Howard Frick, Bakersfield, whose brother Kenneth E. Frick, administers farm programs as head of the Agricultural Stabilization and Conservation Service in USDA.

Kenneth Frick has a share of the family farm operation but it is being held in trust, he has said. The record showed a payment of $39,111 to K. Frick, Bank of America Trust, Bakersfield, Calif.

In all last year, more than $3.1 billion in government farm payments went to 2,396,094 recipients. That compared with more than $3.6 billion to 2,424,687 farms in 1970.

The lower subsidy total last year, however, has been attributed to reduced benefits for some crops, not to the $55,000 limit.

A breakdown of 1971 payments showed there were 1,105 payments of $50,000 to $55,000 in 1971 compared with only 452 in 1970.

In all, counting exempted types of farms, sugar payments and combinations for several crops, the department showed 1,192 payments last year of more than $55,000 each.

A TRIBUTE TO THE SOUTH BEND TRIBUNE AND FRANKLIN D. SCHURZ, JR.

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, today, March 9, 1972, is an historic date in South Bend, Ind. It marks the 100th year of service to South Bend and the surrounding areas of northern Indiana and southern Michigan of the South Bend Tribune.

This same date also marks the retirement of Franklin D. Schurz as editor and publisher of the Tribune, thus ending a distinguished newspaper career spanning almost 50 years.

Under the leadership of Mr. Schurz, Mr. Speaker, the South Bend Tribune has achieved international reknown for pioneering in typographical and mechanical innovations in the newspaper industry. This achievement was acknowledged in 1969 when Mr. Schurz received a citation from the American Newspaper Publishers Association which read:

> With the highest esteem and gratitude; for outstanding services to newspapers as first president of the ANPA Research Institute and for dedicated and constant support of newspaper research and new technology.

But Mr. Speaker, Franklin D. Schurz and the South Bend Tribune stand for much more than technological pioneering. In these 100 years, a span of time which has seen the demise of thousands of newspapers all over the country, the South Bend Tribune has never missed a single day of publication.

More important, Mr. Speaker, this newspaper has both held firm to the highest standards of newspaper tradition and has shown dedication to the betterment, growth, and advancement of the whole Michigan area.

And Franklin Schurz has set a personal example of this concern for civic welfare by his willingness to give of himself in positions of high-community leadership. In these past 35 years, hardly any activity involving civic and community affairs has been carried on without his encouragement, interest, and active participation.

On a personal note, Mr. Speaker, I well remember the occasions after the closing of the Studebaker plant in South Bend in 1963 when Mr. Schurz, accompanied by another great South Bend civic leader, Paul D. Gilbert, came to Washington to join me in many meetings with Federal officials to help our community overcome this crucial economic crisis.

Second only to his love of South Bend and the Tribune, has been Franklin Schurz' dedication to the whole field of newspapers. It is significant, Mr. Speaker, that, at the Tribune's centennial banquet in South Bend on Monday, March 6, at the head table were Wes Gallagher, general manager of the Associated Press; Mims Thomason, president and general manager of United Press International; laws degree on Mr. Schurz at this year's American Newspaper Publishers Association.

Also at the head table was Rev. Theodore M. Hesburgh, CSC, president of the University of Notre Dame and Chairman of the U.S. Civil Rights Commission, who took the occasion to announce that Notre Dame will confer an honorary doctor of laws degree on Mr. Schurz at this year's commencement exercises.

It also is significant that one of Mr. Schurz' last acts as editor and publisher of the Tribune was to announce the setting up of 30 annual scholarships for Tribune carriers planning to attend college.

Mr. Speaker, I consider it a privilege and honor to add my voice to the chorus of congratulations on the South Bend Tribune's 100th birthday and to wish Franklin D. Schurz, Sr., health and happiness in his well-earned years of retirement and to express to him my warm, personal regards.

WEST VIRGINIA'S TRAGEDY A LESSON ON COMPLACENCY

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, the whole Nation has been shocked by the tragedy, now known as the Lorado disaster, that occurred in West Virginia a few short days ago. I think the whole matter was accurately summed up by a recent editorial in the Akron Beacon Journal: "West Virginia's Tragedy a Lesson on Complacency." That editorial, commenting on the attitude of some officials and some of the companies involved, states:

> It is an offense to all for one of those responsible to call it piously "an act of God."

God did not make the slag piles. They were made by men. The potential danger was known long before this tragedy occurred and could have been avoided if men had acted in time.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman.

Mr. HECHLER of West Virginia. Mr. Speaker, I am pleased that the gentleman from Ohio called attention to this disaster which as of this morning has taken 113 lives, with 60 still missing. I hope that this will change the attitude of public officials toward the protection of people in their homes rather than handling those industries which create these disasters with kid gloves.

I appreciate the fact that the gentleman from Ohio called attention to the need for vigorous action in order to protect the people of the Nation.

Mr. SEIBERLING. I thank the gentleman from West Virginia, who for so many years has fought to protect the people of West Virginia, and, in fact, coal miners throughout the Nation, from being subjected to unconscionable hazards to their health and safety. As I recall, the gentleman from West Virginia (Mr. HECHLER) himself was one of the first to warn publicly of the danger caused by these slag piles. This tragedy is a direct result of the practice of mining corporations, and increasingly nowadays the strip mining corporations, of passing a great part of the real costs of their operations on to society as a whole. The people who perished in this disaster and those who were made homeless have paid a terrible price for this practice.

The price will not have been paid in vain only if we in Congress recognize that this is a national problem, requiring a nationwide policy to protect the land and the people from further destruction at the hands of the mining companies.

The text of the Akron Beacon Journal editorial follows:

WEST VIRGINIA'S TRAGEDY A LESSON ON COMPLACENCY

Mickey Porter is right. When a man-made time bomb goes off and the resulting deaths are counted in scores, it is an offense to all for one of those responsible to call it, piously, "an act of God."

And yet it is too easy to belabor the villians in a tragedy like the West Virginia flood that brought death to a known 71 and perhaps many more last weekend.

It should not have happened. It is a frightfulness that it did, and when the full story is known, if ever, many may be held accountable.

There was plenty of warning. Five years before that haphazard dam of coal mine tailings at Lorado let go and loosed a lethal torrent down Buffalo Creek Hollow, a federal geologist warned that this could happen.

Gov. Arch Moore, who was then in Congress and was sent a letter on the geologist's report at the time, by implication now blames the coal company and his predecessors in the state house.

Rep. Ken Hechler (D-W. Va.) blames the Bureau of Mines in the U.S. Department of the Interior.

One spokesman for the company blames

the state—for arguing down corrective action proposed by the company.

And some by implication blame the victims—for staying on in a known danger area, and failing to take heed when warned just before the flood came.

In any case, nothing effective was done. And now there are all those dead, and a representative of the Pittston Co., which owned the mine involved, can have the insensitivity to tell reporters, anonymously:

"The dam was incapable of holding the water which God poured into the lake."

And yet . . .

From the little revealed in the press reports, the disaster looks more like the outcome of a tragic combination of habit, carelessness, complacency and maybe stupidity than the result of villainy.

Yes, there was warning. But consider the form.

A mudslide of mine waste in Wales in 1966 killed 121 and brought a great stirring of search for like danger points in the U.S. One outcome was a 1967 U.S. Geological Survey report that 30 coal mine waste dams in West Virginia were either unstable or could be washed out by overflow of high water. Lorado's was listed as stable but vulnerable to washout.

Letters calling attention to the report went to all officials with any power to influence corrective action. But even if each official so notified had then checked the report, buried down in the long list, he'd have found only this to ring the alarm on Lorado:

"Large deep lake at rear of bank. Dike at northeast edge . . . could be overtopped and breached. Flood and debris would damage church and two or three houses downstream, cover road and wash out railroad . . ."

This doesn't sound much like the 71 or more dead and "through the 16-mile hollow, not a habitable dwelling" we know about after the disaster. To visualize this horror would have called for an engineer's knowledge of the exact circumstances at the site, plus a more vivid imagination than most of us have.

It was like another sign saying "Danger: Deer Crossing" or "Look out for falling rocks." A thing only half-noticed as you pass it repeatedly on the highway.

There was no sense of urgency.

Well, now we know it was urgent—too late to save whole families or to comfort new orphans and widows and widowers and parents whose children died.

For the Buffalo Creek disaster, everything will be sifted, and if there was actionable guilt should be assigned.

But there were 29 other similar danger points cited in West Virginia in that 1967 report.

Will the companies, and the States, and the Bureau of Mines, and the people who live in the danger areas all be as sleepy and slow and complacent about the ones still there waiting for an extra-heavy rain?

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. Miller) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's pioneers of progress and in so doing renew our faith and confidence in ourselves as individuals and as a Nation.

Albert Taylor and Leo Young of the United States created the first known radar system in 1922.

SCHOOLBUS SAFETY BILL GAINS SUPPORT

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. Aspin) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, today I am reintroducing the School Bus Safety Act with an additional 26 cosponsors, 16 Democrats and 10 Republicans. This brings the total number of cosponsors of this legislation to 79. Wisconsin Senators Gaylord Nelson and William Proxmire have introduced the bill in the Senate.

The School Bus Safety Act, which was originally introduced last year, would establish for the first time Federal safety design standards for all schoolbuses. It would also require the Transportation Department to investigate all schoolbus accidents resulting in a death, require schoolbus manufacturers and dealers to inspect and test drive each schoolbus before it is sold, and require DOT to build a prototype schoolbus.

I am extremely pleased with the number of concerned organizations that have endorsed this legislation. They include the National Education Association, Physicians for Automotive Safety, the American Association of School Administrators and Citizens for a Safer School Bus. In addition, I am also very pleased that one of the House cosponsors is our distinguished colleague from California (John Moss) who is the chairman of the Commerce and Finance subcommittee which has jurisdiction over the schoolbus safety bill.

Since we have no powerful lobbies behind the bill, it will be an uphill battle all the way. But I am very encouraged by the dramatically growing support for the School Bus Safety Act in the House and by the number of citizen groups who have endorsed it. I am particularly pleased and very thankful for the support I have received from my own constituents and from citizens across the country.

Clearly, widespread citizen support is essential if we are to successfully buck the self-interest of most of the schoolbus manufacturers. The School Bus Safety Act may be an idea whose time has come, but a great deal more work will be required to get it through the House in the near future.

REPRESENTATIVE ALEXANDER RE-INTRODUCES SMALL COMMUNITIES PLANNING, DEVELOPMENT AND TRAINING ACT OF 1972

The SPEAKER. Under a previous order of the House the gentleman from Arkansas (Mr. Alexander) is recognized for 10 minutes.

Mr. ALEXANDER. Mr. Speaker, today it gives me pleasure to re-introduce the Small Communities Planning, Development and Training Act of 1972 with 31 cosponsors. I originally introduced this bill, now numbered H.R. 13273 on February 22. A title-by-title analysis of it was a part of my introductory speech and appears in the Congressional Record of February 22 on pages 5050–5054.

Joining me today in sponsoring this bill are: James Abourezk of South Dakota, William R. Anderson of Tennessee, Nick Begich of Alaska, Ray Blanton of Tennessee, Bill Burlison of Missouri, Phillip Burton of California, Patrick T. Caffery of Louisiana, George E. Danielson of California, Mendel J. Davis of South Carolina, Frank E. Denholm of South Dakota, John G. Dow of New York, John J. Duncan of Tennessee, Walter Flowers of Alabama, Don Fuqua of Florida, Lee H. Hamilton of Indiana, William D. Hathaway of Maine, Henry Helstoski of New Jersey, David Henderson of North Carolina, William L. Hungate of Missouri, Richard H. Ichord of Missouri, Spark M. Matsunaga of Hawaii, Romano L. Mazzoli of Kentucky, John Melcher of Montana, F. Bradford Morse of Massachusetts, David R. Obey of Wisconsin, Jerry L. Pettis of California, Harold Runnels of New Mexico, James W. Symington of Missouri, Charles Thone of Nebraska, Morris K. Udall of Arizona, and Jim Wright of Texas.

The listing of home States of the colleagues who have joined me in the sponsorship of this bill demonstrates, I believe, that the critical situation facing small communities and nonmetropolitan areas is a national one. There are Representatives sponsoring this bill from Maine to Florida, New Jersey to Hawaii, Alaska to Arizona.

In introducing this bill and working for its enactment, we are asking that greater emphasis and attention be paid to the needs of nonmetropolitan America. The problems of these areas are very similar to those of metropolitan areas. The principal differences are related to population concentration. High health care readily available to local residents is required in Harrisburg, Ark., just as it is in Memphis, Tenn.

This same comparison can be made for housing, education, transportation, recreation, job opportunities, water distribution systems, and waste treatment. Titles I, II, and III of the Small Communities Planning, Development and Training Act of 1972 are designed to help local, county, and State governments to achieve their goals of a better life for their citizens.

Titles IV and V are equally important. The National Community Affairs Institute established under title IV would provide research and technical assistance in the movement toward resolution of the problems besetting nonmetropolitan America. And, title V calls for the establishment of a fellowship program which would encourage and assist talented students who wish to concentrate on solutions to problems involved in total community development efforts.

AREAS OF HIGH UNEMPLOYMENT DESPITE PRESS REPORTS THAT NATION'S UNEMPLOYMENT RATE DROPPED BY 0.2 PERCENT DURING FEBRUARY

The SPEAKER. Under a previous order of the House the gentleman from Massachusetts (Mr. Burke) is recognized for 5 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, before too many more Members take to the Well of this House to wax eloquent over press reports of the fact that the Nation's unemployment rate dropped by .2 percent during February of this year to a record high low level of 5.7 percent, I want to divert the Members' attention, if I may, to at least one notable exception to this trend—if you can call it that. I will leave it to Representatives of other high unemployment areas to bring their own firsthand reports to Congress in the days ahead. Speaking for Massachusetts, however, I am unhappy to report that once again Massachusetts, under this administration, seems to be excluded from any favorable economic developments which might be occurring in other sections of the country. The fact is, the day before the administration announced the national unemployment figure of 5.7 percent, officials in the Commonwealth of Massachusetts had the distinctly unpleasant task of announcing that the unemployment rate in that State reached the highest level it has since 1959, or a level of 7.5 percent. Even this statistic does not tell the whole story of the genuine economic problems confronting many of the citizens of the Commonwealth. In my own city of Brockton, the unemployment rate is back up once again to the staggering level of 8.3 percent.

In other words, Mr. Speaker, I hope that my colleagues will sympathize with me if I refrain from displaying too much enthusiasm over the national unemployment rate. As long as there continue to be such obvious pockets of unemployment, well above the national average, prevailing in certain sections of this country, then I find it difficult to take too much comfort from national averages. I would like to go even further and warn my colleagues that when pressure begins to build up in a few more weeks for a further extension in unemployment benefits and they learn that the welfare rolls in Massachusetts are among the highest in the Nation once again this year, I hope that what I say here today will be remembered. Things are far from well in my State and unless something is done and done well before the November election, then we will have to cease referring to the problem in Massachusetts as cyclical but one which is symptomatic of a continuing economic decline. All my constituents know is that one firm after another seems to be closing its doors, layoffs are widespread, and the predicted upturn just has not occurred. I hope, therefore, that we will be excused from joining in any national celebration in the .2 percent decline in the unemployment rate today. Thank you very much for bearing with me in my latest tale of woe and pain as we busy ourselves with the Nation's business.

Some other statistics the Members might be interested in, indicating clearly that Brockton is not alone in all the major cities in Massachusetts in its problems:

Lowell stands at 11.7 percent.

New Bedford stands at 11.7 percent.

Fall River stands at 9.9 percent.

Lowell-Haverhill area stands at 9.9 percent.

Springfield, Chicopee-Holyoke area stands at 7 percent.

In other words, all well above the national average.

AID FOR EMIGRATING SOVIET JEWS

The SPEAKER. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 5 minutes.

Mr. FULTON. Mr. Speaker, for many months, the distinguished Members of both this body and the Congress' other Chamber have spoken most eloquently of problems confronting Soviet Jews, particularly those seeking emigration to a new homeland—Israel.

For many months, we have heard testimony and reports concerning Soviet persecutions and arrests of Jewish citizens, and the need for American diplomatic action to help make a new Exodus for them reality.

Finally, we see in newspaper accounts that Soviet restrictions on emigration to Israel have, to a degree, been eased. This does not, however, assure these people a bright new day. Israel is a nation already bearing the strains of heavy burdens. For survival, its budget must be developed tilting precariously in favor of defense expenditures. Surely, a sudden influx of immigrants would cause Israel's military or domestic problems—or both—to suffer. Clearly, our time for talk of Israel immigrant aid should now be superseded by action.

Therefore, I am today introducing legislation which would provide $85 million in Federal funds to the State of Israel, for use in assisting resettlement of Soviet Jews. The money, to be made available to Israel through the Secretary of State, would help supply needed housing, clothes, food, medical care, education, and training to persons deserving a better way of life.

This will be a fine means of proving what we have been saying for months in support of "Man's Humanity to Man."

WV—SPIRG

The SPEAKER. Under a previous order of the House the gentleman from West Virginia (Mr. STAGGERS) is recognized for 10 minutes.

Mr. STAGGERS. Mr. Speaker, if the average reader is mystified by a new set of initials appearing in the public press with increasing frequency, there is no cause for alarm. It is only modern shorthand for the name of an organization of serious and determined college students. They propose to do something about an unsatisfactory environment, and preliminary indications are that they are organizing for action in a way that would meet the approval of the most sophisticated business enterprise. In my opinion, these young people should be encouraged—and also assisted, so far as they need assistance.

I just noticed an item in a magazine which seems to fit the situation exactly. It reads:

> Progress involves remodeling the house we call civilization. It's like remodeling your home while still living in it.

Any home needs constant remodeling. A remodeled civilization is the home in which these college students are about to take up their residence, whether they like it or not. Nobody is in better position to do the remodeling that will best suit their purposes. I congratulate them on starting the remodeling before they move in, so to speak.

They are fortunate also, I think, in starting research on the subject of ecology while the resources of our colleges are still readily available. They will have the assistance of the other social sciences which will necessarily be involved in any changes in our way of living. Our whole system of production and distribution may be involved. It is a big problem, a complicated one.

Also of interest to these young people will be the recent attention given to demography as a factor affecting ecological changes.

I have abiding faith in the youth of today. I feel that they are better informed, more mature, and more responsible, considered as a group, than any preceding generation. Recent legislation recognizing their political and social maturity received my unhesitating support. They know that they will have to live with what they build, and that fact assures us that their mistakes will be few and far between.

U.S. PUBLIC HEALTH SERVICE HOSPITAL AND OUTPATIENT CLINIC OPERATIONS

The SPEAKER. Under a previous order of the House the gentleman from Louisiana (Mr. BOGGS) is recognized for 5 minutes.

Mr. BOGGS. Mr. Speaker, as you know, the U.S. Public Health Service presently operates eight general hospitals and 30 outpatient clinics in various parts of our country. These hospitals bear the primary responsibility for the health care of our merchant seamen, members of the uniformed services, and their dependents.

Each of these facilities, moreover, represents an integral component of a community health system. They are hospitals upon which communities have come to rely and around which plans have been made and programs implemented.

In several cities, for example, the U.S. Public Health Service hospitals are a source of valuable clinical experience for students at nearby medical schools. The USPHS hospital in Staten Island started the Nation's first program to train physician's assistants. Its sister hospital in Baltimore is a leading center for the treatment of brain tumors. The Seattle hospital possesses one of the most advanced cancer treatment units on the west coast. In my city, New Orleans, the USPHS hospital is making similar contributions, and plans are being made to expand its role in our community's growing health complex, as we struggle to meet the growing health crisis which our country now faces.

In view of this, it is somewhat astonishing that the Department of Health, Education, and Welfare would undertake to uproot and shut down eight hospitals and 30 outpatient clinics with a proven record of efficient health care.

It is altogether incredible that HEW would seek to circumvent the express will of the Congress that these hospitals remain open by permitting them to languish and die by default.

The price of HEW's policies was accurately assessed in a recent column by Judith Randal in the Evening Star. I am inserting that column in the Record and calling it to the attention of my colleagues:

Eight Hospitals Are Not Expendable

(By Judith Randal)

If you look at the organizational chart of the Department of Health, Education and Welfare you see that, as surgeon general Dr. Jessee L. Steinfeld is at least the nominal head of the United States Public Health Service. Had you called his office last week, however, and asked to talk to him about the service's 8 general hospitals and 30 outpatient clinics, you would have been told by a secretary that "this is a subject Dr. Steinfeld does not discuss."

It is not a subject that anyone else in authority at HEW or, for that matter, at the White House is eager to discuss either, as myriad numbers of Americans, including senators and congressmen, have discovered in the last two months. Tens of thousands of letters and telegrams of protest have poured in since it became known that the administration is thinking of closing the facilities that stretch from the Virgin Islands to Alaska, with almost nary a reply.

Furthermore, when HEW belatedly sent inspection teams to the hospitals in mid-January and requested meetings with community and patient representatives, among others, local health planning and public health service officials were specifically instructed to exclude certain Democratic congressmen and the press. Meanwhile, with the decision still pending, staff resignations are coming thick and fast and medical students and interns who must decide by March 1 where they want to continue their training in July are hesitant to apply for PHS posts.

This nation has some 7,300 hospitals. Eight fewer which serve only about a million patients annually would seem expendable, particularly if it would save taxpayers $15 million to $21 million a year. However, there is more to the situation than meets the eye and the future of the health care system in this country as a whole is one of the issues at stake.

The money question alone is of dubious validity as the closing of the hospitals and clinics would not absolve Washington of financial responsibility for the health care of the merchant seamen, Coast Guard personnel and other federal beneficiaries who have traditionally been the core of the PHS clientele.

HEW originally suggested that the Veterans Administration take over, but its hospitals already have more business than they can handle and also face budget cuts. Buying care on a contract basis from the private sector, another possibility, is no bargain either. The average per diem in a PHS hospital is less than $70—physician services, drugs, x-rays, diagnostic tests and all. In a "civilian" institution, room-and-board alone typically comes to $90 to $115 a day.

Even more serious, however, are the philosophical inconsistencies which closing the PHS facilities would entail. Administration officialdom talks a good deal these days about solving the health care crisis by stepping up the production of doctors and new categories of health personnel, stressing areawide health planning and instigating innovative arrangements to provide better care for the poor and the middle class. Someone should remind them that PHS already is heavily committed to these goals.

For example, whereas most hospitals consist of rival departments that share a central heating system, the PHS units have pioneered in relating their components to one another in a logical way. The idea is that if the space effort can be coordinated, the health care effort can be too.

And then there is the PHS hospital on Staten Island, which started the nation's first program to train physicians' assistants and now is helping other centers to train more. And the PHS hospital in Baltimore—incidentally a leading center for the study and treatment of brain tumors—which has geared itself to provide care for 25,000 people in a ghetto area where there is only one doctor and no dentists or pharmacies. Other hospitals cannot do the job, and the local medical society, the health facilities planning council and the City of Baltimore have embraced the plan.

As for the physician shortage, medical schools in Boston, Galveston, New Orleans and Seattle depend heavily on their PHS hospitals to provide experience for their students. The dean of the University of Washington School of Medicine has said that, if the Seattle hospital goes, their plans to expand enrollment will likely go too. Nor does he know what would become of the hospital's cancer treatment and research unit, finished about a year ago at a cost of almost $1 million, which is the most advanced on the West Coast.

Two laws are on the books—the Partnership for Health Act and the Emergency Health Personnel Act—which would permit the PHS to maintain and further its community involvement. What, then, is the administration's objection?

Money is cited as the reason. Admittedly, the hospitals, most of which were built in the 1930s, are not as modern as they could be. However, they compare favorably to most of the nation's private hospitals, many of which date from the same period. If it takes $180 million over a five-year period to update them to optimum standards, as HEW estimates, there is good reason to believe it would be money well spent. And they could continue to operate and provide quality care for considerably less than that.

Meanwhile, the hospitals are dying by default.

DRUG TRAFFIC IN THAILAND

The SPEAKER. Under a previous order of the House the gentleman from New York (Mr. Wolff) is recognized for 15 minutes.

(Mr. WOLFF asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. WOLFF. Mr. Speaker, it was with some surprise that I noted the comments of our colleague from Florida in yesterday's Record on the subject of U.S. efforts to stem drug traffic in Thailand.

Oddly enough, his comments were based on the fact that more heroin was seized in fiscal year 1972 than 1971.

The fiscal years to which our colleague referred actually amounts, according to his statement, to some 97 pounds of heroin and 645 pounds of opium.

Our Bureau of Narcotics and others told me during my recent study mission to the Far East that some 50 tons of raw opium and an unknown amount of morphine derivative is being shipped out of the port of Bangkok in 11 trawlers which are known to us. This traffic then finds its way to the United States via Hong Kong.

After I read this statement, a newspaper report came in from Bangkok, an AP report from Bangkok, which stated as follows:

> A top Thai official has labeled as "unfounded slander" a request from a U.S. congressman that President Nixon cut off economic and military aid to Thailand because it had failed to halt the flow of narcotics to the United States.
>
> Rep. Lester Wolff, D-N.Y., said Thursday in Washington that ranking Thai Government leaders were involved in drug traffic to the U.S. and urged the Government to cut off aid.
>
> Gen. Prapass Charusathiara, Deputy Chairman of the ruling National Executive Council and Commander in Chief of the Army, said Wolff's charges were unfounded. Prapass said Thailand had been fighting opium production for over a year and "we can almost boast there is no poppy cultivation in Thailand."

I read a note from today's news ticker from the AP, Bangkok:

> The Thai Government burned 26 tons of opium Tuesday night—

I do not know how long it takes poppies to be cultivated, but it seems that they were able to grow 26 tons in about 1 week.

Continuing with the quote:

> The Thai Government burned 26 tons of opium Tuesday night and officials said it was a rebuttal to a New York Congressman's charge that Thailand isn't doing enough to stop illegal drug traffic.

I commend them for burning the 26 tons.

> The opium was worth nearly $1 million in Thailand and about $47 million on the U.S. street market.

I might say at this point that it is estimated that approximately 30 tons of raw opium produced in Turkey comprises about 60 percent of the United States consumption of heroin and again I note that the Thai Government burned 26 tons in one night:

> It was soaked with gasoline, set afire on OP pyres in the northern city of Chiang Mai and burned for five hours. Then a bulldozer buried the ashes.
>
> Authorities said the drug was collected this time from tribesmen in the mountains of two northern provinces bordering regions of Burma and Laos where opium is cultivated. The tribesmen got land, cattle and seed in return.

It goes on to say that:

> Thai officials were stung last week when Rep. Lester L. Wolff demanded that Washington cut off all aid to Thailand. He charged that Thai officials are winking at the drug traffic.

It surely seems hardly a matter of coincidence that on the same day that I revealed my information about the Thailand drug traffic that the Director of the Bureau of Narcotics and Dangerous Drugs announced a new program of coordinated efforts between local Thai enforcement people and our BNDD agents. I feel that Mr. Ingersoll's press conference may well have been scheduled in order to counterbalance my findings which were in part first pointed up in Jack Anderson's syndicated column which appeared around the country on Sunday, February 26.

Antidrug efforts in the Far East have represented the most dangerous kind of tokenism—tokenism in the deployment of less than 20 BNDD agents in the entire area who are used, actually, in an effort to cut off this major flow of the drug traffic.

We are jeopardizing the lives of our young people here at home by not forcing an end to the drug traffic that exists in that area of the world.

The fact that more than 75 of our colleagues from both parties and from all regions of the Nation have already joined in supporting our efforts to apply greater pressure on the Thai Government by cutting off all economic and military aid is, I think, indicative of the seriousness with which the Congress views the continued drug trafficking in the Far East.

I hope that the Committee on Foreign Affairs will hold hearings on this.

I do say that the efforts of the Thai Government at this time in burning these 26 tons of opium are to be recognized and applauded.

NATIONAL CIVIL SERVICE LEAGUE HONORS MR. CLARKE H. HARPER

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. McFALL) is recognized for 15 minutes.

Mr. McFALL. Mr. Speaker, the National Civil Service League has recently announced its annual career service awards for 10 outstanding civil servants—including one employee of the Congress. The National Civil Service League is a group of outstanding citizens dedicated to the continued excellence of the career civil service. The annual awards are given to 10 people who have personified the high standards of job performance, which best defines the league's goals. Two of the awards are for specific acts of outstanding merit, and eight for sustained superior performance over many years. It is one of these eight that I wish to recognize today—Mr. Clarke Harper of the Federal Aviation Administration in the Department of Transportation. Mr. Harper's citation will be somewhat as follows:

> Mr. Harper, the Associate Administrator for Administration for the Federal Aviation Administration has achieved a record of dedication to the public service and to economy and efficiency in Government that demonstrates the finest example of a civil servant and fully characterizes the purpose of the National Civil Service League Award. He started from a clerical position in the Home Owners Loan Corporation, and by dedication, hard work and a high degree of native intelligence has risen to a position warranting an executive pay level. He has pioneered the development of advanced financial management techniques as well as techniques for evaluation and appraisal of agency programs. His recognition by a succession of agency Administrators and Congressional Committees is ample testimony to his continuing excellence in the Federal Civil Service.

Clarke Harper began his Government career in 1934 in the payroll office of the Home Owner Loan Corporation where he worked until 1942. From that time except for 2 years in the Air Force in World War II, he has held successively more important jobs in the supply and budget offices of the Civil Aeronautics Administration and later in the Federal Aviation Administration where he is now the Associate Administrator for Administration. By any criterion his career epitomizes the best of the career civil service. He has served—and served well—under a dozen Administrators of both parties. I am sure that any of them will attest to his dedication to furthering their policies and their goals with all his energy and talents. That is the mark of this man. I have become acquainted with him through his appearances before the Appropriations Committee. I have seen a forthright and knowledgeable witness who enjoys a reputation with the committee for his integrity and the excellence of his work in the furtherance of his agency's budget proposals.

Gentlemen, the National Civil Service League was wise in its decision to honor Mr. Clarke H. Harper—I wish there were more like him.

TO END DISCRIMINATION — WE NEED COMPLETELY AFFIRMATIVE ACTION

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. PODELL) is recognized for 15 minutes.

Mr. PODELL. Mr. Speaker, as a member of a minority group, I am well aware of this Nation's legacy of discrimination against several minorities. To redress that discrimination, various Federal officials have begun widespread implementation of an affirmative action program, proposed by Presidential Executive order. The program requires federally assisted institutions and Federal contractors to take positive steps to end discrimination. I have and will continue to support this goal, as well as the active recruitment and training programs necessary to make it a reality.

Unfortunately, anything but affirmative results are likely to be produced from the way the affirmative action program has been initially implemented. The current procedures for implementation of affirmative action goals are bound to cause more discrimination and to instill more rifts in our society.

These problems arise because Federal guidelines on affirmative action are just not very well thought out. In particular, the two weakest parts of the program are its definition of a discriminated minority and its implicit use of discriminatory quota systems in employment.

The first problem occurs because nowhere in the Federal documents establishing the affirmative action program is there a definition of what constitutes discrimination or who has been discriminated against. In practice, however, most Federal contractors have only considered plans to end discrimination against black and Spanish-surnamed males—and sometimes women. Such a practice fails to recognize the existence of discrimination in employment against many other people. Discrimination comes in many forms—for example, religious discrimination—against Jews—and discrimination on the basis of national origin—discrimination against Italo-Americans.

As a result of my deep concern with the discrimination that many of us face in this country, I have asked the Nixon administration to broaden their concern so as to include religious and national origin discrimination. John Wilks, the Federal coordinator of affirmative action programs, has told me that the administration is considering an extension of the program to more than racial discrimination—and it is taking this action in response to my request.

An outline of a first effort to deal with national origin and religious discrimination was published in the Federal Register a short time ago. A first effort is not enough—we need affirmative action to end religious and national origin discrimination, not merely affirmative plans.

I have been trying to get action in Congress too. In this past session of Congress, I successfully introduced amendments to the Economic Opportunity Act of 1971, which had the effect of expanding the definition of disadvantaged groups to include religious and national origin groups. The amendments passed by a unanimous voice vote. But what has happened since? Not much. We impatiently wait for the administration to act.

The second major difficulty with the program is the way the local enforcement officers seem to measure progress. The chief standard used so far is the percentage of employees who are minority group members—as specified above. This standard is used in almost all the Affirmative Action plans that I have seen. If the percentage of minority employees is less than the percentage of such minorities in the general population, discrimination is said to exist.

Such a measure of discrimination is logically fallacious and statistically invalid. It proves nothing. It says nothing about and does not measure the difference in the likelihood of employment that may exist between two applicants because of discrimination. There are, of course, more sophisticated measures of discrimination. Although more sophisticated measures require more energetic enforcement, only use of those valid measures will help end all discrimination in the long run.

For now, the percentage standard necessarily leads to ethnic quota systems and new discrimination. In a city like New York, it discriminates against one disadvantaged minority to help another. Many teachers of the Jewish faith or Italo-American background have feared or been threatened with denial of teaching positions or advancement and the demand that they be replaced by black teachers. The quota system begs the question: "Who's next?" Will blacks be forced to give up their newly won gains in a few years hence to make room for some newly discovered minority—say South Asian immigrants? This kind of quota game is endless and is no answer to discrimination.

In part, it even adds to the problems of those minority groups currently favored by the quota game. For example, by denying black and Spanish-surnamed students, teachers chosen on merit only rather than by quota, the students suffer and their ability to overcome discrimination suffers.

The use of quota systems is unfortunately part of a larger problem. The suburban outlook which controls the White House and Albany is increasingly pitting one minority or disadvantaged group against another. Each discriminated group is told to "go after" the others if it wants anything. In the end, this guarantees that energies will be directed to minor adjustments in the distribution of the diminishing goods and services in the city. None of us can benefit by fighting over these few scraps.

THE IMPORTANT CONTRIBUTION OF THE U.S. SAVINGS AND LOAN INDUSTRY TO THE HOUSING GUARANTEE PROGRAM

(Mr. MORGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MORGAN. Mr. Speaker, 10 years have now passed since the executive branch, acting at the direction of the U.S. Congress, had established a program for guaranteeing private American investments in approved housing projects in the developing countries.

Conceived as an undertaking to share our technical know-how and financial support in order to help resolve the critical housing shortages which have plagued most of the countries of Latin America, the housing guaranty program has helped to bring decent housing within reach of thousands of persons who otherwise would not have been able to get it.

Expanded to other areas of the world, as of December 31, 1971, this program has guaranteed the largest part of $328 million in American investments in housing projects and housing institutions—$297 million in Latin America and $31 million in other parts of the world.

This is an impressive record—and one which could not have been achieved without the dedicated effort of the staff of the Agency for International Development which administers the program, and the active participation of many private institutions—banks, insurance companies, savings and loan associations, and others—in the United States.

In recent years, this private-public partnership for better housing opportunities for the peoples of the developing countries has been stimulated through the enactment of legislation which made it possible for the Federal Home Loan Bank System of the United States, and its member savings and loan associations, to become involved in it.

In 1965, the Congress—with bipartisan support—amended the Home Owners Loan Act so as to make it possible for Federal savings and loan associations in the United States to invest up to a maximum of 1 percent of their assets under the AID housing guaranty program.

Two years later, a further amendment authorized the regional Federal Home Loan Banks to serve as channels through which the individual U.S. savings and loan associations might with greater facility participate as lenders in the program.

As a result of those enactments, the savings and loan associations and the Federal Home Loan Banks have become a very important source of financial resources for the housing guaranty program.

I believe that this fact deserves to be noted and that our savings and loan industry, the Federal Home Loan Bank Board and the Federal Home Loan Banks should be congratulated for their contribution to its growth and development.

I am especially pleased that my good friend, Mr. Joseph Jefferson, president of the First Federal Savings and Loan Association of Washington, Pa., and a member of the executive committee of the U.S. Savings and Loan League, has been an active supporter of this program and that the institution he heads, as well as others in my State, have contributed to its advancement.

PERSONAL EXPLANATION

(Mr. DOW asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DOW. Mr. Speaker, last Wednesday, March 1, I was unable to vote on rollcall No. 58, House Resolution 847, providing funds for the Committee on Education and Labor. This was because buzzers in my office malfunctioned and I was unaware that the Members were voting on this important resolution. Had I been present, I would have voted "aye."

THE FAA DICTATES—PART III

(Mr. KARTH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KARTH. Mr. Speaker, in remarks I made yesterday I noted my relief when the FAA's Administrator, Mr. John H. Shaffer, pledged to remain neutral in the decision concerning the siting of and the necessity for a second major airport in the Twin Cities. Since local officials had expressed a great deal of concern to me over the "clout" that the Administrator held over their heads in reaching a decision on the airport, I wished to assure them that the Administrator had, at this point, no jurisdiction in the local decisionmaking process.

Additionally, the Administrator's pledge of neutrality seemed to be a clear statement of his intentions to halt any kind of "unofficial" arm-twisting in the case.

Acting upon the Administrator's word, I told local officials and concerned environmentalists of the Administrator's new posture.

With the air thus cleared, the local decisionmakers, the mayor of St. Paul, and other elected and appointed officials proceeded with their work and ended up rejecting the airport site that thousands of citizens and environmental groups had strenuously objected to and the Administrator had actively promoted. This action was by a 9-to-5 vote on December 10, 1970.

In the light of the Administrator's pledge to stop bludgeoning us, I was surprised to see him publicly label this rejection by the duly authorized local officials as "shortsighted"—Minneapolis Star, December 12, 1970. He also raised the threat of stepping in and designating an airport site. Such a threat was obviously premature since the local officials had only rejected one of several possible sites at this point.

The Administrator might well have been advised to spend more time ascertaining ways of saving tax dollars instead of spending them.

I have personally suggested he work out a plan wherein all private aircraft would use the several other airfields in the area, thereby discontinuing the use of the international airport. If this was done, we would not need a second airport for perhaps 25 years or more.

It is most difficult for me to understand why the Federal Aviation Administrator refuses to recognize all the environmental, operational, economic, and social factors that apply to this metropolitan area, in his haste to build another $350 million airport which we may not even need.

In the published report in the December 12, 1970, edition of the Minneapolis Star the Administrator further said—in addition to his remarks concerning local official's "short-sightedness"—that it was "unfortunate" that "we have been drowned in a sea of rhetoric and arrested progress" in the argument over the location of a second airport.

The sea of rhetoric the Administrator must have been referring to was the opinion of local State and Federal elected officials, environmentalists, the Department of the Interior, and the State department of conservation that placing a second airport at the site under consideration would destroy a unique wildlife refuge abutting that site, and that it may well have an adverse effect upon air safety.

Casting aside these concerns, the Administrator said, surprising in the light of his comments, that he was not taking sides.

Having violated his pledge of neutrality, I wrote the Administrator again. The opening paragraphs of my letter are self-explanatory:

> I must again ask you to clarify your position concerning the placement of a second major airport in the St. Paul-Minneapolis area.
>
> Since I am in daily contact with citizens concerned with the location of this airport, I often serve as a connection between the federal bureaucracy and these concerned citizens.
>
> Specifically, in answer to a large number of inquiries on the subject of the "Ham Lake Airport Site" I have told constituents of your pledge to remain neutral on this local controversy.

I then reminded the Administrator of his published remarks that contradicted his written pledge as well as subsequent telephone assurances. As I told the Administrator, this kind of action causes me to report one thing to requests from constituents while the newspapers report another.

> I wrote, therefore, the purpose of this inquiry is to determine where you really stand on this issue.

In addition, my letter to the Administrator included a copy of an extremely well-written letter from a constituent that had brought the Administrator's published remarks to my attention. That letter raised serious objections to the Ham Lake site. It turned out that the author of the letter was an executive with Northwest Airlines. As would any Congressman, I forwarded the letter to the appropriate Federal official for comment.

The Administrator's reply to my request for clarification was one of the more interesting and possibly disturbing I had ever received from a Federal bureaucrat.

That reply will be the subject of my report tomorrow.

TO PROVIDE A DESIGNATION IN BRAILLE ON PAPER MONEY

(Mr. RARICK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, I am today reintroducing with 52 new cosponsors legislation to "provide for paper money of the United States to carry a designation in braille indicating the denomination."

To date, I have been joined by 56 of our colleagues in introducing this legislation to assist the blind and visually handicapped in our society. This legislation will provide invaluable aid to the approximately 430,000 people in America classified as legally blind and lend assistance to the over 1 million Americans who suffer from severe visual impairment as they seek to adapt to a self-sufficient role in our society—independent and useful to themselves, to America, and to the world.

This idea is not new; in fact, the Netherlands has enjoyed some degree of success with a type of braille marking on its currency. I urge our colleagues to lend their support to this bill, legislation that would give invaluable assistance to our blind and visually handicapped as they seek employment and the freedom of financial independence.

CLOSING A LOOPHOLE IN THE CONTROLLED SUBSTANCES ACT

(Mr. HORTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HORTON. Mr. Speaker, I am pleased to reintroduce today with additional sponsors a bill to close a serious loophole in our drug control laws. This legislation, which has been introduced in the other body by Senator THOMAS EAGLETON, would amend the Controlled Substances Act to prevent licensed dealers and handlers of dangerous substances from carelessly allowing them to fall into the wrong hands.

The need for this legislation is clearly demonstrated by an incident which occurred in my congressional district. A surgical supply company, registered under the Controlled Substances Act to distribute drugs, sold its warehouse to the city of Rochester for an urban renewal project. When it removed its inventory from the warehouse, the company left behind large quantities of amphetamines, barbiturates, and assorted drug paraphernalia which were outdated and had lost their commercial value. Shortly thereafter, these chemically unstable, highly dangerous drugs found their way into the hands of drug abusers in Rochester.

When this incident was investigated by the U.S. attorney for the western district of New York, in conjunction with officials of the Bureau of Narcotics and Dangerous Drugs, it was determined that the company had not violated any Federal law. In fact, there was no ground even for the revocation of the company's Federal registration.

Those charged with responsibility for the sale and handling of dangerous drugs for legitimate medical purposes must adhere to high standards to insure that they do not, through carelessness or negligence, become the source of drugs for those who have no legitimate use for them. This clearly was our intent when we passed the Controlled Substances Act in 1970. But experience has shown that at least one area of that law needs to be strengthened.

The legislation I have introduced provides the authority for criminal action against those licensed to handle dangerous drugs who do not take the proper safeguards in handling and disposal of these materials. It would also authorize revocation of Federal permits in cases where this is warranted.

Mr. Speaker, I have found considerable interest in and support for this legislation. Without question, it should be among those steps we in Congress take this year to deal with the drug abuse problem.

The sponsors of the bill are as follows:

LIST OF SPONSORS

Edward G. Biester, Jr., of Pennsylvania.
Jonathan B. Bingham, of New York.
James T. Broyhill, of North Carolina.
George E. Danielson, of California.
Bill Frenzel, of Minnesota.
Sam Gibbons, of Florida.
Ella T. Grasso, of Connecticut.
Seymour Halpern, of New York.
Richard T. Hanna, of California.
James F. Hastings, of New York.
Norman F. Lent, of New York.
Romano L. Mazzoli, of Kentucky.
F. Bradford Morse, of Massachusetts.
John E. Moss, of California.
Charles B. Rangel, of New York.
Robert A. Roe, of New Jersey.
Charles W. Sandman, Jr., of New Jersey.
Victor V. Veysey, of California.
John Ware, of Pennsylvania.

NATIONAL EDUCATIONAL OPPORTUNITIES ACT

(Mr. UDALL asked and was given permission to extend his remarks at his point in the RECORD and to include extraneous matter.)

Mr. UDALL. Mr. Speaker, I was proud to join RICHARDSON PREYER last week in the introduction of the National Educational Opportunities Act. His detailed explanation of the bill, which appeared in last Thursday's RECORD, is excellent; and I want to add only a few general thoughts.

In all the history of great and powerful nations the story of America has been something special: For this is the first time in man's history a major nation of diverse races, cultures has been able to succeed and survive. But there is a time bomb ticking away which threatens all of us, and a central issue of 1972 is whether we have the sense and the will to defuse it.

In many respects the Civil Rights revolution of the 1960's was a striking success. But in the area of education we have largely had a psychological victory and practical failure. Many of our southern friends told us that things were not all so simple, and that there would be different reactions when the tough school integration problem came north. We know now much of what they said was right.

But integrated education is now working in many places in the South even as it falters in the rest of the country. I am conviced that there are men and women of good will in every part of this country who will make good faith efforts and reasonable sacrifices to continue the progress toward an integrated society which gives equal opportunity to all.

If we are to prevent this country from coming apart, it is necessary that our leaders be willing to lead, that hard truths be faced, that old preconceptions be challenged by all of us.

The plain fact is that a fair share of that desperately needed moral leadership burden has not been assumed by the White House, or by the Congress. Instead, both branches have unloaded on the courts the problem of coping with complex, emotional, and deadly serious social problems.

In this country we tend to overload institutions which work well. Our schools are responsible for much of our success as a nation; and because they have worked so well, we continue to dump on them everything from sex education to driver instruction and, if some had their way, religious training. Because our courts have served us so faithfully in resolving disputes, we are inclined to load them down with such social problems as alcoholism, the failures of marriage and the family, the burden of automobile accidents, and all the rest.

The time has now come for Congress to stop second-guessing the courts and harrassing them from the sidelines; the time has come for us to provide some sensible guidelines and responsible leadership in the field of education and racial relations. We can begin to meet our responsibility by giving careful consideration to this bill so carefully drafted by Professor Bickel, and so courageously sponsored by Congressman PREYER. We can do so by finding ways to offer black children real equality without stirring up unnecessary white resentment by choosing methods which are inherently distasteful, devisive, and counterproductive.

John F. Kennedy said once that—

> While we did not all come over on the same ship . . . we are all in the same boat.

Indeed we are. America's white majority simply cannot and must not turn its back on 25 million fellow citizens.

This legislation will not please those who want to go back to 1954, or those who do not understand the deep emotions and fears which many parents rightfully or wrongfully feel. But no single proposal I have heard holds more promise for a workable, permanent accommodation. I am, as I stated earlier, proud to be a cosponsor.

A NATIONAL RESEARCH PROGRAM TO COMBAT HEROIN ADDICTION

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, today I am entering in the RECORD the second in a series of letters from outstanding Americans commenting on a report and legislation proposed by the Select Committee on Crime. The report, "A National Research Program To Combat the Heroin Addiction Crisis," recommends the undertaking of significant medical research to find a drug that will effectively prevent, treat, or cure heroin addiction.

Today's letters, received from mayors throughout the country, follow letters inserted earlier from various Governors. In the days ahead I will be entering responses from other officials as well as from members of the scientific community.

The letters follow:

CITY OF CINCINNATI, OHIO,
February 14, 1972.

Hon. CLAUDE PEPPER,
Chairman, Select Committee on Crime, House of Representatives, Congress of the U.S., Washington, D.C.

DEAR CONGRESSMAN PEPPER: Acknowledging your letter of December 31, 1971, may we say that the increasing problem of heroin addiction is a reality in our city as it is everywhere in the country.

Since methadone, Naloxone and cyclazocine have proven inadequate for the cure of heroin addiction, an experimental program is needed to find a drug which will effect a cure. The proposed expenditure of $50 million in search of an inexpensive substitute for heroin would certainly be worthwhile in comparison with the $2 million now allocated for research.

Any profits resulting from a successful drug substitute would help reimburse the Government's original investment of 90% of research costs, the large drug companies absorbing 10%. This plan is fair to private industry and a step in the right direction toward resolving this most serious problem.

Sincerely,

WILLIAM A. MCCLAIN,
Acting City Manager.

CITY OF DALLAS, TEX.,
January 24, 1972.

Hon. CLAUDE PEPPER,
Chairman, Select Committee on Crime, House of Representatives, Washington, D.C.

DEAR CHAIRMAN PEPPER: Thank you for your recent letter outlining your Committee's recommendation to the House Speaker that a national research program be established to combat the heroin addiction crisis.

While Dallas is not believed to have the staggering incidence of drug addiction that plague some other major cities, we, nonetheless, acknowledge drug usage has become more widespread and is considered one of the City's most serious problems.

In our opinion, the federal government, as you have suggested, should support research on the drug addiction problem. On the other hand, State and local governments should devote their energies to bringing together professional, adult, and youth groups to discuss the drug problem and make known the results of federally sponsored research programs. To develop a drug abuse dialogue in this City, the Dallas City Council recently adopted the enclosed ordinance which establishes a drug abuse council. Our plan is to have professionals talking to youth and youth ultimately talking to other youth. In this way, we are hopeful that all Dallas young people will become aware that drug usage can lead to deadly consequences.

Your taking the time to furnish me your committee's recommendation is very much appreciated. I am hoping that in the future a close partnership between the federal and local government can be further developed to eliminate the insidious threat drugs pose to our Nation's young people.

Sincerely,

W. S. MCDONALD,
City Manager.

CITY OF SACRAMENTO, CALIF.,
February 2, 1972.

Hon. CLAUDE PEPPER,
Chairman, Select Committee on Crime, House of Representatives, Congress of the United States, Washington, D.C.

DEAR MR. PEPPER: The recent report compiled by the Select Committee on Crime regarding "A National Research Program To Combat The Heroin Addiction Crisis" was received and reviewed.

The Committee's statistics, on the increase in the rate of heroin addiction throughout the United States, were most disturbing. It was noted, however, that this nationwide trend was in line with that which has been noted in our own city.

The points detailing the urgent need for a government financed program to conduct extensive medical research into the development of an effective treatment for heroin addiction were well taken. The possibility that a suitable narcotic antagonist might be developed is heartening, but there seems little doubt a rapid expansion of current research programs is indeed needed.

When the human misery and high cost of rising crime resulting from the increase in drug abuse are considered, the fifty million dollar price tag on the Committee's proposal does not appear exorbitant. The contracting with experienced private drug firms on a cost-sharing basis and reimbursement of the government from any research derived profits would seem a sound and realistic approach to the problem.

It is with the above points in mind that I feel I can express my sincere approval for the Committee's proposal.

Very truly yours,

R. L. RATHFON,
City Manager.

CITY OF DAYTON, OHIO,
January 31, 1972.

Hon. CLAUDE PEPPER,
Chairman, Select Committee on Crime, House of Representatives, Congresss of the United States, Washington, D.C.

DEAR CONGRESSMAN PEPPER: I have reviewed your recommendations and proposed legislation to establish a national research program to combat the heroin addiction crisis. As City Manager of a large city, I am acutely aware of the serious nature of the drug addiction problem which confronts our communities and threatens our nation as a whole.

I concur in your articulated concern that sufficient funds be channeled into the development of the desperately needed medication to deal with heroin addiction. As you have pointed out, the present use of millions of dollars for medical research will pay off in future billions of dollars saved as a result of lower exependitures in the areas of law enforcement, corrections and medical needs.

In addition, such medical research monies would assist in preventing the additional ravaging of our nation's human resources by heroin addiction.

I wish you success in your proposed legislation.

Sincerely,

JAMES E. KUNDE,
City Manager

CITY OF TULSA, OKLA.,
January 14, 1972.

Hon. CLAUDE PEPPER,
Chairman, Select Committee on Crime, House of Representatives, Congress of the United States, Washington, D.C.

DEAR REPRESENTATIVE PEPPER: I appreciated receiving your letter of December 31, 1971 and the report on the National Research Program to Combat the Heroin Addiction. Tulsa is struggling with minimal community resources to offset the apparent rising use of addictive drugs and the obvious difficulty in providing adequate treatment facilities for addicts.

While I am not aware of other legislation which might deal in this same area, I would like to commend the effort to find any methods of treatment to lessen or eliminate heroin addiction.

Such a solution would obviously give present addicts a positive course of assistance which is simply not available today. I am forwarding this information to our Drug Abuse Committee Coordinator for the Tulsa area for review and comment. Many thanks for sending this material to me.

Sincerely,

ROBERT J. LAFORTUNE,
Mayor.

CITY OF GRAND RAPIDS, MICH.,
January 27, 1972.

Hon. CLAUDE PEPPER,
Chairman, Select Committee on Crime, House of Representatives, Congress of the United States, Washington, D.C.

DEAR MR. PEPPER: In response to your recent invitation for comment on a proposed national research program to combat heroin addiction, I have asked some key staff members to review the proposal and report to me.

My reaction to your proposal, and that of my staff members who deal directly with the control of drug abuse, is one of complete support and encouragement. We are very much in need of a better answer to rehabilitation problems than the basic one now available to us, which consists in a continual perpetuation and expansion of expensive methadone treatments.

We wish you success in your search for a better answer.

Sincerely,

JOSEPH R. GRASSIE,
City Manager.

CITY OF ALEXANDRIA, VA.,
January 24, 1972.

Hon. CLAUDE PEPPER,
Chairman, Select Committee on Crime, House of Representatives, Congress of the United States, Washington, D.C.

DEAR MR. PEPPER: Thank you for the opportunity to review and comment on your Committee's recommendations. Just as the President has recognized the severity of our drug problem on a national scale, the City of Alexandria has determined that steps must be taken on a local level to deal with this emergency. Thus, the City has begun attacking drug abuse on a broad front ranging from methadone treatment to public school education.

In undertaking these programs, it is realized that because of the lack of experience in this area even limited progress must be considered success. I am truly concerned about this lack of knowledge and also about the lack of ongoing research uncovered by your committee.

For states and localities to attain a higher degree of success in their fight against drug abuse, it is essential that the Federal government provide the tools with which to work. Therefore, I support your recommendation that fifty million dollars be appropriated for the development of a new preventative drug. Furthermore, I am aware that drug addiction is as much a social phenomenon as a chemical one, and I would like to see expanded research into the social pathology of drug abuse.

We are faced with a difficult task, but I believe that your Committee has pointed the way toward a viable solution. Every citizen stands to benefit from the implementation of your proposals.

Sincerly,
Wayne F. Anderson,
City Manager.

City and County
of Honolulu, Hawaii,
February 22, 1972.

Hon. Claude Pepper,
Chairman, Select Committee on Crime, House of Representatives, Congress of the United States, Washington, D.C.

Dear Chairman Pepper: Forgive me for this tardy reply to your December 31, 1971 letter concerning the need for "medical research necessary to develop a treatment drug capable of controlling and terminating heroin addiction."

I have read in its entirety House Report No. 92–678, which accompanied your letter.

In my opinion, the proposed approach is the only one which offers any real hope for the solution of the host of problems caused by heroin addiction.

Sincerely,
Richard K. Sharpless,
Managing Director.

Lincoln Council on
Alcoholism and Drugs, Inc.,
Lincoln, Nebr., January 31, 1972.

Hon. Claude Pepper,
Chairman, Select Committee on Crime, House of Representatives, Congress of the United States, Washington, D.C.

Dear Congressman Pepper: Mayor Sam Schwartzkopf, City of Lincoln, Nebraska, has referred to me your letter of December 31, 1971, and the report of the Select Committee on Crime regarding a national research program to combat the heroin addiction crisis. As the Assistant Director and Drug Coordinator for the Lincoln Council on Alcoholism and Drugs, Inc., I am keenly interested in any program which would aid in the attack against drug abuse and drug dependency. This is particularly so in the area of treatment and rehabilitation.

Upon reading the report, I am disturbed and somewhat, alarmed at the present ongoing efforts being conducted toward prevention, treatment and curing of heroin addiction. The Select Committee on Crime has brought to light a serious deficiency in this nation's efforts to curb drug abuse and dependency. It is fair to say the available antagonist and methadone type drugs are not adequate as lasting solutions to heroin addiction.

I personally feel and I am certain that Mayor Schwartzkopf would concur that the key to development of a drug or chemical substance which would prevent, treat, or cure heroin addiction must lie in research conducted by private industry due to the tremendous resources and expertise available to them. If federal funding would serve as a catalyst for the initiation of large scale efforts in this regard, it is tax dollars well spent. Further, if such a drug was discovered, it would unquestionably be the most significant breakthrough in combatting drug abuse and drug dependency in the United States. Also, the impact of a successful project like this toward the reduction of heroin related crime would be great.

I hope this will be of some value and encouragement to you and your committee in its efforts regarding this matter.

Sincerely yours,
Eric McMasters,
Drug Coordinator

City of Fort Lauderdale, Fla.,
January 26, 1972.

Representative Claude Pepper,
Select Committee on Crime, House of Representatives, Congress of the United States, Washington, D.C.

Dear Congressman Pepper: This is in response to your solicitation for comments December 31, 1971 concerning the Select Committee on Crime's recommendations for a national research program to combat the heroin addiction crisis.

The citizens of the City of Fort Lauderdale share your Committee's concern regarding the necessity for developing and funding Federally-sponsored programs aimed at the present drug abuse crisis and specifically, heroin addiction. Intensified research to produce a chemical substance that will aid in the control of heroin addiction is certainly necessary to produce the desired results in the minimal time frame.

The Committee's recommendation that $50 million be allocated to pharmaceutical companies to undertake this research, with the stipulation that the Government's contribution to the program be refunded from the drug company's profits upon successful completion of the project, seems a most feasible approach. The fact that heroin-related crime has been estimated at more than $3 billion a year by the Bureau of Narcotics and Dangerous Drugs both minimizes the proposed expenditure and emphasizes the need for concentrated efforts in solving this National problem.

Our law enforcement authorities view this proposal favorably, since they recognize that the punitive approach alone will not solve the overall drug problem. In addition, we have surveyed the agencies dealing with narcotics rehabilitation in Broward County who are members of the Broward Manpower Planning Council, which is administered under the City of Fort Lauderdale. These agencies generally agree with the approach, with some arguing that a behavioral rehabilitation program being necessary to ensure the success of any overall drug rehabilitation program.

Thank you for forwarding a copy of this report enabling our staff to keep abreast of current developments in this most vital area of drug abuse. I would appreciate receiving other reports presently being planned by your Committee i.e. the national program for the treatment and rehabilitation of narcotics addicts, the international control of narcotics, the law enforcement effort, and organized crime's influence on drug traffic. If I can be of assistance in the future, please do not hesitate to contact me.

Very truly yours,
R. H. Bubier,
City Manager.

WHY PRISONERS RIOT

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, recent newspaper reports indicate that the longest and most complete inmate strike ever known by Federal prison officials has been underway since February 14, 1972, and prison authorities are mystified as to the causes. All 1,350 inmates in the Federal penitentiary at Lewisburg, Pa.—one of four or more prisons currently experiencing inmate strikes—have refused to work for 2 weeks. The Federal officials in Washington, D.C., indicate that the inmates have not used or threatened violence. Nevertheless, the strikes are in progress—and letters from these inmates to the Select Committee on Crime of the House of Representatives indicate there is considerable tension at Lewisburg and at other prisons.

The year of 1971 was unprecedented in our Nation's history in terms of the number of deaths and injuries that resulted from inmate uprisings in prisons throughout the country. Fifty persons died—including 43 inmates and prison employees at Attica—and hundreds of others were injured. Our Select Committee on Crime conducted hearings to investigate the reasons for the turmoil in our country's prisons, and with my colleagues on the committee I heard the views of penal authorities who advocate reform, ex-inmates who have turned away from a life of crime, and inmates who are serving sentences in State institutions.

I am convinced that the reform of the prisons, as well as the entire criminal justice system, can be a highly significant contribution by the Congress and the Government of our country. Crime in our Nation costs the taxpayers billions of dollars a year. The operation of State, Federal, and local correctional facilities alone reach a record $1.7 billion in the fiscal year ended June 30, 1971. The estimated cost of incarceration to the public ranges from about $2,000 to $7,200 a year per inmate. And, it was once estimated, that it cost the American taxpayers $200,000 to support one offender in a lifetime of crime, apprehension, and incarceration. Yet, the most recent Federal Bureau of Investigation reports indicate that three out of four men who are released from prison return to a life of crime—and most of these men are young men, in their early 20's.

One of the penal experts who testified before the Select Committee on Crime was Dr. Vernon Fox, a professor of criminology at Florida State University in Tallahassee, Fla. Dr. Fox has stated that:

> Other directions have to be implemented in the correctional field for the return to society of those offenders in whose lives society has had the authority to intervene because of crime. Programming is done by personnel, so improvement has to be through personnel. Since more than three-fourths of the monies used in the correctional field are for personnel, and when about 65 per cent of the personnel budget is in the custodial classifications, then one of the improvements of a correctional program has to be in the upgrading of the correctional officer.
>
> The correctional officer should be upgraded to a correctional counselor so he can support

and participate in the total treatment program. The correctional officer is the one person who the inmate sees 95 per cent of the time. An educational and training program would be most beneficial for these men who greatly influence the attitudes of the inmates in their charge.

Secondly, while the physical plant is never as important as personnel, it can greatly enhance or hinder a program for inmates. There is no rehabilitation going on in large, bastille-type penitentiaries that house thousands of inmates in rural areas, miles away from families, friends and urban, community services that may be influential in turning a man from a life of crime. Smaller, correctional complexes around urban areas are more desirable. This is more costly than personnel, but the returns may prove to be considerable. Of course, a maximum custody institution for hard-core offenders will undoubtedly always be needed, but it should be placed near a university where we can learn from experimental diagnostic and treatment programs with them. In any case, the large central prison creates an artificial environment that is counterproductive to the correctional purpose, and some of the present efforts have to be expended in counter-balancing the ill effects of institutionalization.

Mr. Speaker, I would like to introduce into the RECORD following my remarks Dr. Fox's paper, "Why Prisoners Riot," which was originally published in Federal Probation in March 1971:

[Reprinted from Federal Probation, March 1971]

WHY PRISONERS RIOT

(By Vernon Fox, Ph. D.)

Finding valid, consistent, and reliable information as to why prisoners riot defies most standard methods of gathering data on human behavior. Official reports and most articles on the subject focus on overcrowding, poor administration, insufficient financial support, political interference, lack of professional leadership, ineffective or nonexistent treatment programs, disparities in sentencing, poor and unjust parole policies, enforced idleness of prisoners, obsolete physical plant, and a small group of hard-core and intractable prisoners.[1] Psychological viewpoints focus on aggression and acting-out personalities in the prison population.[2]

Yet, while all the conditions mentioned in the sociological approaches exist in most prisons, the majority have not experienced riot. Further, all major prisons hold aggressive, hostile, and acting-out people. This leads to concern as to why these factors have been identified as causes of riot when riots when riots have occurred in a small minority of prisons.

An examination of official reports following riots discloses a similar propensity for generalities and platitudes regarding causes of riots. These same conditions are consistently identified as causes of riots almost everywhere. The purpose of official reports, of course, is political in the sense that they give assurance to the general public after a riot that the remaining power structure in the prison has analyzed the causes, taken corrective measures, and merits the confidence of the public in that their interests will be protected.

Investigating committees from governors' offices, legislatures, or other political directions seek simplistic answers that seem to structure their interpretations in accordance with the best interests of their own identifications. Reinterpretation of the situation has to occur frequently. Sometimes, the focus is on the predisposing causes, such as poor morale among inmates fostered by poor food or injudicious or misunderstood paroling policies. Sometimes, it is more aimed at the precipitating causes, such as a confrontation between an officer and some inmates. Sometimes, it has been explained as an attempted mass escape that the administration successfully contained.

Many consultants who are invited from outside the jurisdiction as impartial experts tend to protect the person or group who invited them, which is ethical and logical. Diplomatic writing is a consultant's art. Other consultants invited from outside generally are not sufficiently well acquainted with the nuances and underlying intricacies of the power structure to understand as well as they might all the factors entering into a local situation. Whether the governor or the legislative committee chairman of an opposite political party was the source of the invitation seems to make a difference in the tone of the report.

An impartial investigator must be aware of the political climate and what will and what will not be accepted in some political settings. Some reports have been rejected by political leaders, others have been used for political purposes, while many have just been shelved. In any case, the use of these reports for finding the real causes of riots must be tempered pending corroboration from shelved. In any case, the use of these reports may set the tone for further interpretation by the news media, political leaders, and writers of documentaries.

Identifying the causes of riot, then, is tenuous when official reports or statements *after* the riot are considered alone. Clearer vision can be obtained from news reports written *during* the riot. In decreasing order of validity and reliability, the materials that comprise this presentation are from (1) news stories during 20 serious riots since 1940 as reported in *The New York Times* during the action, (2) this writer's experience during the Michigan prison riot in 1952, (3) lengthy discussions with inmates involved in four prison riots, (4) conversations with prison personnel involved in seven prison riots, (5) literature concerning prison riots, (6) official reports and official statements *after* the riot, and (7) general literature on aggression, civil disturbances, and violence.

Causes must be divided into *predisposing* causes and *precipitating* causes. Just as in civil disobedience, there has to be a "readiness" to riot. Then, there has to be "trigger." Too frequently, the predisposing causes have been used as causes for prison riots and the precipitating causes have been identified as causes for civil disorder. Neither is a cause, in itself. The total social situation, with emphasis on the interaction or lack of it between dominant people and subjugated people, either in the prison or in the ghetto, must be evaluated to determine why people riot. It cannot be based simplistically in overcrowding, political interference, lack of treatment programs, or any other simple answer.

PATTERNS OF RIOT

The way to make a bomb is to build a strong perimeter and generate pressure inside. Similarly, riots occur in prisons where oppressive pressures and demands are generated in the presence of strong custodial containment. Riots are reported more frequently from custodially oriented prisoners. Even the riot in 1962 in the progressive and relatively relaxed District of Columbia Youth Center at Lorton, Virginia, involved suppression, real or imagined, to the Black Muslims.

Riots are spontaneous—not planned—detonated by a spontaneous event. The inmates know who has the weapons and who has the force. The inmates know that no administration ever has to negotiate with them. Planned disturbances end in sitdown strikes, slowdowns, hunger strikes, and self-inflicted injury. Escapes do not begin with disturbances unless they are planned as a distraction, though the disturbance may end in escape attempts. The spontaneous event that detonates the riot may be almost anything from a fight in the yard that expands, someone heaving a tray in the dining hall, to a homosexual tricking a new officer to open his cell, as happened in the Michigan riot in 1952. Violent riots must happen spontaneously. Otherwise, they would not happen. There has to be pressure, though, that builds up the predisposition or readiness to riot and a spontaneous precipitating event to trigger or detonate the riot.

Riots tend to pattern in five stages, four during the riot and one afterward. First, there is a period of undirected violence like the exploding bomb. Secondly, inmate leaders tend to emerge and organize around them a group of ringleaders who determine inmate policy during the riot. Thirdly, a period of interaction with prison authority, whether by negotiating or by force, assists in identifying the alternatives available for the resolution of the riot. Fourthly, the surrender of the inmates, whether by negotiating or by force, phases out the violent event. Fifthly, and most important from the political viewpoint, the investigations and administrative changes restore order and confidence in he remaining power structure by making "constructive changes" to regain administrative control and to rectify the undesirable situation that produced the riot.

The first stage of the riot is characterized by an event that triggered the unbridled violence. The first stage is disorganized among the prisoners and, too frequently, among the prison staff as well. It is at this point that custodial force could alter the course of the riot but, in most instances, custody is caught by surprise and without adequate preparation so that there is little or no custodial reaction other than containment. As a result, the riot pattern is permitted by default to move to the second stage.

The second stage is when inmate leaders emerge and the administrative forces become organized. Inmate leaders who emerge from this violence are people who remain emotionally detached sufficiently so that they lend stability to the inmate group. They "don't panic." They "keep their cool." As a result, they attract around them lesser inmate leaders or "ringleaders" who, similarly, do not panic but need to be dependent upon "the boss."

In this manner, an inmate leader can gather around him probably two to six "lieutenants," each with some delegated authority, such as watching hostages, preparing demands, and maintaining discipline in the rest of the inmate group. Further, the inmate leader, like most political leaders, takes a "middle-of-the-road" position where he can moderate the extremes and maintain communication. In a prison riot, some inmates want to kill the hostages. Other inmates want to give up and surrender to the administration. The inmate leader controls these two extremes in a variety of ways and stabilizes the group into a position in the center.

The third stage is a period of interaction between inmates and prison officials. It has taken several forms, though they can be classified generally into (1) negotiation and (2) force or threat of force. No administration has to negotiate with prisoners, but the chances for negotiation are greater when the prisoners hold hostages. The chances for force or threat of force are greater when the prisoners do not have hostages.

In either case, the decision on the part of the inmates to surrender is subject to the general principles of group dynamics. When the inmate group is cohesive and their morale is good, the prisoners will maintain the riot situation, whether faced with force or negotiation. When the group cohesion begins to disintegrate by some inmates wanting to surrender, others wanting to retaliate, and the leadership wanting to maintain the

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status quo, the administration may manipulate it for an early surrender. This disintegration of group cohesion may be promoted by negotiation or by force or threat of force, depending upon the situation.

In case of negotiation, the group cohesion is diminished by the administration's demonstrated willingness to negotiate and by the personality of the official negotiators who convey a feeling of trust and confidence. The group can be disintegrated, also, by gas, rifle fire, and artillery shelling, all of which have been used recently in American prison riots. The less destructive approach, of course, is to await disintegration of cohesion by periods of inaction that places strain to hold the group together on the leadership by fatigue and impatience. Faced with this situation, the leadership frequently has to look for an honorable way out of a disintegrating situation.

The fourth stage, or surrender, may be the inmates' giving up after being gassed and shot at or they may surrender in an orderly way either after force or threat of force or by negotiation. Political interference at the wrong time in the prison riot can affect the total situation in terms of negotiation, surrender, and subsequent investigations and administrative decisions.

The fifth stage, that of investigations, consolidation of the remaining power structure, personnel and policy changes followed by political fall-out, is really the most important stage, since it sets policy for the prison and the system for years to come. Editorials and news commentators suggest solutions and interpretations. Administrators have to respond satisfactorily to pressures from interest groups. This is why "get tough" policies become important after riots, even though they tend to intensify the problems.

Riots do not occur in prisons or correctional institutions with exceedingly high morale. Neither do they occur in prisons where the morale is so low that the prisoners endure penal oppression in a docile manner or break their own legs and cut their own heel tendons. Riots occur in prisons where inmates have medium to high morale and where some conflict appears in the staff, probably between treatment and custodial philosophies, and probably when the program is in a state of transition from one type of procedures and objectives to another.

Riots occur in prisons where there is a tenuous balance between controlling behavior and changing behavior. If there is a full commitment to either, riots do not occur. The riot itself, however, results in a political decision to *control* behavior. Consequently, the behavior changing in treatment forces always loses in a riot, at least in the immediate future.

There is also a direct relationship between news coverage by the mass media and the incidence of demonstrations, riots, and civil disturbances.[3] This is one reason why riots tend to cluster in terms of time.

One of the factors that contributed to the prison insurrections of 1952 was the decision of the administration to reverse the drift toward greater inmate control.[4] Abuses of official rules were curbed, preferential treatment for favored prisoners was eliminated, and the social system of the prison was "reformed" in the direction of the image of what the free community thought a maximum-security institution should be.

DURING THE RIOT

Guidelines for action during the riot are important. The custodial staff is frequently untrained and the administration is just as frequently caught by surprise. Action during the riot has to be planned ahead of time and modified according to the situation.

During the first stage of a riot, the disorganized inmates could well be effectively faced with force. As a matter of fact, most riots appear to have been vulnerable to custodial force in the early stages because of the disorganization on the side of the inmates. If disorganization occurs on both sides, however, then the riot cannot be contained early. Immediate custodial action could have altered the course of several riots. The lack of training, preparation, or even expectation of riot has resulted in disorganization on both sides for hours.

During the second stage, after the inmates have organized and their leadership begins to emerge, there is the question as to whether force should be used. No prison administration ever needs to negotiate with rioting prisoners. The prisoners know this. If hostages are held, then negotiation becomes a real possibility, depending upon other factors. If the inmates holding the hostages are young, reformatory-type people with short sentences and have not already demonstrated their capability to kill, if they are psychiatric patients who cannot organize into a team, or if their majority can see parole sometime in the future, then negotiation is not necessary. In the Michigan riot of 1952, the decision to negotiate was not made until after the files of the inmates holding the hostages in 15-block had been reviewed. In that situation, negotiation was apparently the only way to save the lives of the hostages. This was supported by subsequent reports by inmates, nationally known clinical psychologists, and consultants brought in for impartial investigation.

The third stage of the riot is determined by the nature of the situation. If no hostages are held or if the prisoners holding hostages are not hardcore intractables with nothing to lose, then force or threat of force is appropriate. If the hostages are considered to be in serious danger, the administration is placed in a real dilemma in determining action because lives have to be considered in relation to public and internal reaction and consequences. If waiting for fatigue to reduce the cohesion of the rebellious inmate group will accomplish the objective, then force is not necessary.

The fourth stage of the riot is the surrender. The regaining of custodial control is all that is needed. Any further action beyond the basic need has to be for public consumption or for the satisfaction of the prison administration.

The fifth stage of the riot is the aftermath where investigatons, reinterpretations, and scapegoats are involved. There is not much the prison administration can do about this because the real power lies in the political structure. Free movement of newsmen and free access to information, both inmates and staff, is the only logical approach to take during this period. In this way, the administration can demonstrate that it is attempting to hide nothing, that is recognizes it has problems, and is openly and honestly seeking the best solutions.

In summary, official reaction to riot is dependent upon the situation. As in judo, the reaction is determined by the action of the adversary. No negotiation is needed where no hostages are held or where they might be held by short-term prisoners not considered to be dangerous. Out-waiting might be an approach in doubtful situations. An overshow of force is becoming decreasingly effective in American society and it invites unnecessary derision from some segments of the public.

ADMINISTRATIVE DO'S AND DON'TS

Discretion, rather than negotiation or force, is at issue while handling a riot. A basic principle of police work or any other type of social control in a democratic society is to use the minimum amount of force and destruction needed to accomplish the objectives.[5]

Discretion is based on knowledge. Consequently, the first approach for a correctional administrator to improve his program is to increase the educational level of his staff by more selective recruitment and by inservice training. In modern democratic society, inservice training should be directed toward the social and behavioral sciences. This can be achieved by bringing neighboring junior colleges and universities into the educational program of the prison.[6] An understanding and knowledgeable prison staff from the custodial employee to the warden is important in the discretionary or decision-making process. It is this staff that determines whether a confrontation occurs or is avoided and, if it occurs, how it will be handled or accommodated. This is why they need to know social problems, personality development and problems, criminology and correctional procedures, as well as the law, particularly as it relates to civil rights.

The correctional officer is the key to riot prevention, although a rough and harsh custodial lieutenant, captain, or deputy warden can use policies and behavior to neutralize the good work of a hundred officers. The entire custodial force has to be treatment-oriented, just as the entire treatment staff has to be aware of cusodial problems, in order to emerge with an effective correctional program.

Readiness to riot results from the predisposing causes, such as bad food, oppressive custodial discipline, sadistic staff quick to write disciplinary charges against inmates, and general punitive attitude by administration and line personnel. The precipitating cause that "triggers" the riot is very seldom the real cause. As previously mentioned, a bomb is made by constructing a strong perimeter or casing and generating pressure inside. It blows at its weakest point, but it has to be detonated. The detonation is not the "cause" of the explosion, although it "triggered" it.

During the riot, the inmates want to smash the system that keeps them hopeless, anonymous, and in despair, and they will destroy at random.[7] They become so alienated from society that they regard violence as right and proper. Good treatment programs and an accepting custodial staff tend to reduce this problem. A relaxed atmosphere in a prison that avoids this alienation is most important for the eventual correctional objective and to avoid riots.

How to achieve a relaxed atmosphere is sometimes difficult for the administrator because it appears that he is "taking sides." Custodial personnel are generally concerned with good discipline, which is sometimes interpreted as "nipping problems in the bud" and is translated into overreaction to minor offenses and oppressive custodial control. Many treatment personnel, on the other hand, are in a relaxed atmosphere because it tends to lower the inmates' defenses and permit casework and psychotherapy to be better achieved. The inmates, of course, find the relaxed atmosphere more comfortable, so they favor it. This places the treatment staff "on the side of the inmates," although for different reasons. It is sometimes difficult for an administrator to interpret to the custodial staff the reasons for promoting a relaxed atmosphere in the prison. This is another reason for providing education and inservice training in behavior and social problems to all staff.

Good food, plentiful and well prepared, is important to maintaining a prison. Napoleon's famous remark that an army marches on its stomach could be applied to any group of men. Food becomes a primary source of pleasure to men deprived of many of the comforts of normal life. Consequently, the prison administration cannot realistically compute food costs on the basis of nutritional needs alone. The emotional needs are important. An institutional program can make a lot of mis-

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takes if it has a good kitchen that provides plenty of food. Conversely, food is tangible item on which can be focused all the discontents and deprivations of the prison. Many riots have begun in or near the dining room. Food simply becomes a tangible substitute target for other complaints. Consequently, an administrator should spend a little extra time and effort to find a good steward to handle food services and pay special attention to the food budget.

Despite the other abuses, riots do not occur in prisons that are essentially run by inmates. There are some Southern prisons where selected inmates carry guns and guard other inmates. All the generalities attributed to riot causation exist, but no riots have occurred in these prisons. This is because the inmate leaders have a vested interest in the status quo and will protect it.

Inmate leadership is present in all prisons, as leadership is present in all groups of people. The constructive use of inmate leadership is an obvious way to avoid riots. Some type of inmate self-government that involves honest and well supervised elections of inmate representatives to discuss problems, make recommendations and, perhaps, even take some responsibilities from the administration could be helpful. Possibilities might be some control of those activities related to formalized inmate activities like manuscripts sent to potential publishers, pricing hobbycraft items for sale, or processing inmate activities like Alcoholics Anonymous or chess clubs.

In an era when movements to unionize prisoners appear, such as in West Germany and Sweden, and when litigation initiated by inmates result in court rulings that change conditions and procedures within the prisons, it is in the interest of the administration to know the inmates' thinking and their action. In any case, downward communication is not enough.

The pattern could be taken from student government functioning under a university administration. It could be taken from a civilian government operating under military occupation by the victors after a war, such as those civilian governments in Germany and Japan after World War II. The pattern in the Federal Bureau of Prisons and some other systems has been the inmate council, where elected inmates discuss problems and appropriate policies with the prison administration, making recommendations and suggestions.

A suggestion box system for inmates might be instituted if other approaches appear to be too innovative. Regardless of how it is organized, it should promote upward and downward communication between inmates and prison administration and it should provide the inmate leadership with a vested interest in the status quo.

In summary, good communication can avoid the predisposing causes of riot. Whether by inmate council, inmate self-government programs, suggestion boxes, or free up-and-down communication of any type, knowledge by the inmate leadership of situations and their reasons can eliminate most predisposing causes. Establishment of the therapeutic community where inmates take responsibility for the improvement of other inmates, such as in the Provo Experiment in Utah in 1958-1964, the Minnesota State Training School at Red Wing, and some other places, would also provide a vested interest for the inmates in the institution and its program, as well as a constructive attitude. Raising the educational level of the prison staff, especially the correctional officers, would reduce the predisposing causes. Their better understanding of personality development and social problems would provide them with the capacity for discretion that would, in turn, reduce the precipitating causes. Prison riots can be eliminated when upward and downward communication, combined with discretionary use of authority, reduces the probability of serious confrontation that should not have to occur in a democratic society.

FOOTNOTES

[1] A succinct and comprehensive review of the literature is found in Clarence Schrag, "The Sociology of Prison Riots," *Proceedings of the American Correctional Association, 1960*, New York, 1961, pp. 136–146.

[2] For example, see the late Dr. Ralph Banay's excellent articles on causes of riots in *The New York Times*, July 26, 1959, sec. VI, p. 8; August 9, 1959, sec. VI, p. 2; August 16, 1959, sec. VI, p. 72.

[3] David L. Lange, Robert K. Baker, and Sandra J. Ball, *Violence and the Media*. Washington, D.C.: United States Government Printing Office, November 1969, p. 614.

[4] Gresham M. Sykes, *The Society of Captives*. Princeton, N.J.: Princeton University Press, 1958, p. 144.

[5] See George E. Berkley, *The Democratic Policeman*. Boston: Beacon Press, 1969.

[6] For suggested curricula, see Vernon Fox, *Guidelines for Correctional Programs in Community and Junior Colleges*, American Association of Junior Colleges, Washington, D.C., 1969, and "The University Curriculum in Corrections," Federal Probation, September 1959. Also see *Criminology and Corrections Programs*, Joint Commission on Correctional Manpower and Training, Washington, D.C., 1968.

[7] "Violence and Corrections," *The Correctional Trainer*, Southern Illinois University, Carbondale, Vol. I, No. 4, Spring 1970, pp. 56–91.

NARCOTICS AND DANGEROUS DRUG CONFERENCE

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker on Wednesday, February 16, 1972, Paul L. Perito was designated Deputy Director of the Special Action Office for Drug Abuse Prevention. Mr. Perito served as Chief Counsel of the House of Representatives Select Committee on Crime for 18 months. In that time he proved to be an assiduous worker and an exceedingly able and competent committee counsel. The committee views Mr. Perito's selection for his present position as not only a recognition of his outstanding ability and accomplishment, but as an indication that the administration has been cognizant of the Select Committee on Crime's contributions in the drug abuse field.

Recently Mr. Perito delivered an address to a Narcotics and Dangerous Drug Conference in West Palm Beach, Fla. A copy of that address follows:

Narcotics and Dangerous Drug Conference

(Presentation of Paul L. Perito)

This Nation, along with many others throughout the world, is struggling to respond to the realization that many of its citizens are using drugs for non-medical purposes. The problem is extremely complex. Different groups are using a variety of drugs in a number of distinct patterns. Each pattern of use represents a different set of risks to the user and to society.

For example, there are obvious differences between the problems of housewives who use too many diet pills or tranquilizers and the problems related to urban delinquents using heroin. There are also differences between these problems and those that arise when college students use marijuana, high school students experiment with hallucinogens, junior high school students sniff glue, or tension ridden businessmen overuse alcohol. But one common theme is obvious—people are using a variety of pharmacological substances to alter their mood and their behavior.

Because of these myriad differences obscured by the term "drug abuse," we will not find any quick or simple solutions. There are no easy or facile answers. But we must work to understand the broad parameters of this problem and to evolve a national response and strategy to cope with this crisis. We must act to reduce the human and social toll of drug abuse. We must also reduce the morbidity and mortality especially associated with compulsive heroin use.

Under President Nixon's leadership, the Federal Government has, for the first time, launched a comprehensive and coordinated attack on this multifaceted problem of drug abuse. For the first time, reducing the toll of drug abuse has become a national priority, both in our domestic policy and in our foreign policy.

It is helpful to view the problems of drug abuse as an equation, with the "supply" of illicit and licit drugs on one side, and the "demand" for them on the other. The Special Action Office for Drug Abuse Prevention is the focal point of Federal efforts on the "demand" side of the equation, but I would like to briefly sketch the "supply" side. Usually the supply side includes the national, international and local aspects of drug trafficking activity.

The President, in his determination to halt the flow of narcotics into this country, has raised to the level of a major foreign policy objective the goal of reducing the supply of heroin entering this country from foreign sources. He has appointed a special group to oversee all diplomatic efforts to reduce the supply of heroin. On September 7, 1971, the President announced the creation of a Cabinet Committee for International Narcotics Control. The committee is chaired by the Secretary of State. Its other members include the Secretaries of Defense, Agriculture, Treasury, and the Director of the CIA, the Attorney General, and the United States Ambassador to the United Nations. The Committee has the responsibility for coordinating and supervising all U.S. Government efforts to interdict the flow of narcotics into the United States. This committee has, among other things, played an active role in the campaign to convince other nations of the world that heroin addiction is their problem as well as our own. Some of these efforts have been uniquely successful. For example, the Turkish Government pledged to eliminate all opium cultivation at the end of the 1971 crop year and in addition passed a strict licensing law to control the production of opium during 1972. A government decree issued by the Turkish Prime Minister (Erim) bans the growing of opium poppies after June 30, 1972. On another front, and in the area usually referred to as the golden triangle we have crossed another critical juncture. On September 28, 1971, the United States and Thailand signed a memorandum of understanding pledging a strong mutual effort to control and eliminate the flow of narcotics from and through Thailand. We are making similar efforts to decrease the supply of heroin flowing from other nations.

Despite our best efforts and unflinching commitment on the part of dedicated Federal law enforcement officers, heroin still reaches the shores of this country. Once heroin enters our borders, it becomes the responsibility of Federal, State and local law enforcement agencies. On the Federal level, the budget for antidrug law enforcement has been increased from $32.1 m in FY 69 to $164.4 m in FY 72. This increase in funding has been accompanied by a series of organizational changes to make our law enforcement efforts more effective. Recently, the President created a new office of drug abuse law enforcement within the Justice Department to focus on prosecuting the so-called middle level pushers who have until now remained virtually untouched.

Like our diplomatic efforts, our law enforcement efforts have had some measure of success. The amount of heroin seized has risen from 24 pounds in FY 65 to 937 pounds in FY 71, the amount of cocaine from 37 to 360 pounds in the same period. However, our most knowledgeable law enforcement officials on the Federal level advise us that we are probably intercepting not more than 10 to 20% of the heroin which flows into our country. However, despite our best efforts, there continues to be both a supply and a demand for drugs which escape the law enforcement dragnet. Since men are willing to break State and local laws and since the profits to be made are staggering, we must attempt not only to continue our law enforcement efforts, but, at the same time, take all steps necessary to reduce the demand for drugs.

Last June 17, the President created, on an interim basis, the special action office for drug abuse prevention within the Executive Office of the President. At the same time, he named Dr. Jerome H. Jaffe as head of the special action office as well as his special consultant for narcotics and dangerous drugs. In creating the special action office, the President took a bold and new approach to the problem of coordinating the Federal Government's response to a national problem.

The novelty was not the creation of the office itself, but rather the concept that a national problem required for its solution a national strategy, a national program that would be implemented by various agencies under the leadership of a policy planning and coordinating group.

It may come as a surprise to you—it certainly came as a surprise to us—that some 13 Federal agencies were to one degree or another involved in aspects of drug treatment, rehabilitation, training and education and research. Unfortunately, no agency has clear responsibility for any one aspect, thus causing considerable duplication and overlap, as well as gaps in service.

The President's mandate to our office was clear: In his June 17th message to Congress, he said:

"This office provide strengthened Federal leadership in finding solutions to drug abuse problems. It would establish priorities and install a sense of urgency in Federal and federally supported drug abuse programs and it would increase coordination between Federal, State and local . . . efforts."

The powers needed to carry out this unique charge could not be provided by presidential order alone, so the President asked Congress to grant the special action office considerable authority. We were extremely fortunate in having in Congress two men also deeply dedicated to ending the drug crisis in America: Congressmen Paul Rogers and Claude Pepper. The legislation submitted by the President was exhaustively examined by Congressman Rogers' subcommittee on public health and the environment and, with amendments, was passed by the House of Representatives last week by a vote of 380 to 0. I think that that vote is testimony to the dedication and wisdom of Congressman Rogers and the excellent work done by his subcommittee. Differences between the House bill and a Senate-passed version must still be ironed out, but we are confident that we will soon have the authority to back up our presidential mandate.

In addition to the strong support which Congressman Rogers lent to this bill, we also received considerable help from the Chairman of the House Select Committee on Crime, Claude Pepper, Congressman from Miami. Congressman Pepper, for whom I had the pleasure of serving as the Chief Counsel on the Crime Committee, has been looking into the multiple problems of the relationship of crime to compulsive drug use. His committee has also deeply considered the multiple problems of treatment, rehabilitation and education and how the Federal Government should expand research into the areas of narcotic antagonists. He and Chairman Rogers have lead a strong fight to greatly expand research into narcotic antagonists and that battle has resulted in congressional endorsement of an increased authorization for research and development of pharmacological compounds which can be used in the treatment of drug dependent persons.

I said earlier that we would develop a national strategy to combat drug abuse and addiction. I want you to know that this national strategy will not be merely a fancy document that will be read and then ignored. In fact, it will be a living document with specific goals.

Because of the particular social and medical problems associated with the use of heroin, we are focusing our initial efforts on that drug. Our primary goal is to provide treatment for all addicts when they want it and need it, not after months of waiting, or only after they have been arrested and convicted of a crime. There must come a time when no citizen will be able to say that he committed a crime to get drugs because he could not get treatment. This commitment, of course, means that we must be willing to help develop or strengthen treatment facilities in virtually every community in this country. This is not to say that the Federal Government will provide complete financial support for these facilities. Health care, after all, has always been a prerogative of State and local governments, as well as the private citizen. But we can provide financial support and, perhaps more importantly, the technical assistance needed to make programs effective.

We have already begun to tool up for fulfilling this commitment by designing a national training center for drug treatment and rehabilitation. With the cooperation of several Federal agencies, we have created this center to help fill the pressing need for trained personnel to operate drug treatment centers. At first, the center will train "trainers", persons who can spread across the country and share their training with others. In time, the center will offer training in all aspects of drug abuse treatment, research, education and training to a wide variety of audiences. State and local government decisionmakers, for example, need to know something about drug abuse if they are to intelligently allocate taxpayer monies for programs. We will have courses especially designed for this group.

Treating and rehabilitating drug addicted persons are not our only priorities, however. We must find a way to reduce the number of new users joining the drug culture yearly. We will not judge ourselves successful if we merely treat the failures of earlier prevention efforts; we must develop new methods to reverse the incidence of drug use.

While our work has just begun, we can point with pride to evidence of the President's determination to support our programs. In the past three years, Federal expenditures for treatment and rehabilitation have risen nearly 600 per cent. In research, education and training programs, the increase has been 500 per cent. Much of this increase has taken place since last June, when the President created our office. A tangible result of our efforts has been the doubling of Federally funded drug treatment programs since last June, from 78 to 166.

In addition, total budgetary commitments reflect the concern of this administration about the problem which the President has termed "Public Enemy Number One." In 1969, the Federal budget contained $77.1 M for all drug abuse activities on both sides of the supply-demand equation. In 1972, we are spending $474.5 M, and the President has asked Congress to authorize $594.2 M for fiscal 1973.

To ensure that this money is spent wisely and where it is most needed, we are developing a system to acquire health care statistics concerning drug abuse. In many ways, our ignorance about the number and location of drug users is shameful. From census data, we know with far greater certitude how many Americans have indoor plumbing than how many Americans are addicted to heroin. Yet if we are to target our money where it is most needed, we not only have to know how many addicts there are, but where they are. We'd also like to know when they started using drugs, so that in the future we can judge the effectiveness of our prevention efforts.

Because the possession and use of narcotics is in most cases a criminal offense, collection of the needed health care statistics is not an easy matter. We must develop a system that guarantees to the addict confidentiality, so that he is not deterred from seeking treatment because he is afraid of being thrown in jail. Since addicts are among the world's most distrusting people, it is clearly not an easy task.

Yet, given the creative power our office can bring to bear, we do not view it as an insoluble problem. For example, we recently set out to develop a system that would prevent a patient from registering in more than one methadone maintenance program at a time. If an addict can register in more than one program, it is obvious that diversion, and the risk of accidental overdose, can occur. In solving this problem, we worked within the confines of confidentiality—after all, while we didn't want an addict registered in two programs, we certainly didn't want to scare him away from one. We explored a number of ways of identifying people including using fingerprints; but most of them had unpleasant connotations to the addict-patient. With the help of the National Bureau of Standards, we hit upon using a photograph of the ball of the right foot. The ball of the foot is every bit as unique as a fingerprint; it can be coded and classified, and by using a special camera, it doesn't even require the messy ink used in fingerprints. And as far as the addict is concerned, he simply doesn't associate foot photographs with the law and possible trouble for himself. We pilot tested this project in a methadone clinic in Washington, D.C., and were quite pleased with the results.

It works like this: When an addict registers at a clinic for the first time, the photo is taken, given an identifying number and sent to a central clearinghouse. There the photo is classified and the files searched to see if a duplicate exists. If none does, the photo is assigned a randomly selected seven-digit number and filed. If there is a duplicate in the files, we know the addict is presently or has been a patient at another clinic. Then it's a fairly simple process to make sure that only one of the two clinics provides the patient with methadone. An important point to note is that at no time does the clearinghouse know the identity of the patient. The doctor-patient relationship is preserved, no one is scared away, yet we have a way of preventing methadone diversion.

I tell you this both as an example of the kind of problem-solving our office does and as an example of the kind of interagency cooperation we can foster. Let me assure you of one thing: While we have policy control over Federal efforts, we have no intention of dictating operating procedures to local programs.

No central group, no matter how technically expert, can hope to know in depth the needs, aspirations, and resources of every community in this country. We have made a real effort to form working partnerships with knowledgeable people throughout the country. For notwithstanding everything I have said this morning about Federal efforts, the ultimate solution to the drug abuse problem in this country depends on a vast working partnership between Federal, State, and local governments as well as private citizens. Just as the problem of drug abuse is everyone's problem, so too will its solution require the help of everyone in this country. Together we must find a way to reduce the human toll of drug abuse. I solicit your aid in this most urgent endeavor.

AMERICANISM ESSAY CONTEST

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, it was with great satisfaction and pride that the Sabal Palm Elementary School in my district, in conjunction with the parent-teachers' association sponsored an Americanism essay contest. Young Americans were therein accorded the opportunity to expound on the virtue and greatness of our Nation of which they will so ably become a part. I want to commend to my colleagues and any one who may read the RECORD these two winning essays by Laurie Schwartz and Elizabeth Marcus. I am certain that after reading these two outstanding papers, we all may be reassured of the reverence and understanding of today's youth for the tradition of our democratic way of life.

The essays follow:

THIS IS MY COUNTRY

(By Elizabeth Marcus)

This is my country and I'm glad it is. I consider myself lucky to live in such a fine nation. But maybe all of us don't feel the same way about our country as I do. People take for granted what we have here. Let's take a view of our country. It started out from wilderness when Columbus first came here. Hundreds of years passed. We formed a source of government. Our country grew and grew to become the most powerful nation in the world. It all started out from land no one knew about to become as powerful as it is today. Look how man has used reasoning to build such a great nation. Now let's take a view of America as it is today. People love the nation and others don't. The others haven't learned to appreciate the freedoms we have. We have something other people may never have and that is justice, liberty, and freedom. So just remember when someone asks you what country you're from with pride say "America." You'll be glad you did it. That is why . . . this is my country and I love it.

THIS IS MY COUNTRY

(By Laurie Schwartz)

This is my country means history, culture, discoveries, heroes, wars and peace. Men trying to make our country the best. Discoveries which make our country prosper. New means of equipment to help and produce necessary supplies like food. Men fighting to protect our lives no matter what the risk. For this and many reasons more I am thankful. Schools and teachers provide an education for all.

People, places and things make our country what it is today. Our goal is to achieve peace and harmony for all men. Everyone does his part in making a country no matter how menial the job may be—without people working together and helping each other our civilization would crumble. There are good and bad in every race; only the mature and responsible will survive.

With as many rich and average Americans there are twice as many poor. I think more men and women should extend a helping hand in helping those who are not as fortunate as yourself. To plan ahead for future generations and not make life all leisure time is proof of maturity. Offer assistance to those who are in most need of it. Yes, this is my country in every way.

THE PRESIDENT'S TRIP TO CHINA

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include the text of President Nixon's report on his trip to China given on his return to Washington, D.C., February 28, as well as his comments at the Veterans of Foreign Wars annual banquet last evening.)

Mr. GERALD R. FORD. Mr. Speaker, only 9 days since President Nixon returned from his historic visit to China, we have had a great deal of first-, second-, and third-hand commentary and even some instant books already published about this event. This is all to the good, and the general reaction to this bold peace initiative has been favorable. However, I feel that the best authority on the President's meetings with the leaders of China must be the President himself, and for that reason insert at this point the full texts of President Nixon's own remarks on the trip, immediately upon his return to Washington last February 28, and again last evening at the annual Congressional Awards dinner of the Veterans of Foreign Wars, at which the distinguished chairman of the Committee on Foreign Affairs, Mr. MORGAN, was deservedly honored. The texts of the President's remarks follow:

REMARKS OF THE PRESIDENT UPON ARRIVAL FROM THE PEOPLE'S REPUBLIC OF CHINA, ANDREWS AIR FORCE BASE, FEBRUARY 28, 1972

Mr. Vice President, Members of the Congress, Members of the Cabinet, Members of the Diplomatic Corps, and ladies and gentlemen:

I want to express my very deep appreciation, and the appreciation of all of us, for this wonderfully warm welcome that you have given us, and for the support that we have had on the trip that we have just completed, from Americans of both political parties and all walks of life across this land.

Because of the superb efforts of the hardworking members of the press who accompanied us—they got even less sleep than I did—millions of Americans in this past week have seen more of China than I did. Consequently, tonight I would like to talk to you not about what we saw, but what we did, to sum up the results of the trip and to put it in perspective.

When I announced this trip last July, I described it as a journey for peace. In the last 30 years, Americans have in three different wars gone off by the hundreds of thousands to fight, and some to die, in Asia and in the Pacific. One of the central motives behind my journey to China was to prevent that from happening a fourth time to another generation of Americans.

As I have often said, peace means more than the mere absence of war. In a technical sense, we were at peace with the People's Republic of China before this trip, but a gulf of almost 12,000 miles and 22 years of noncommunication and hostility separated the United States of America from the 750 million people who live in the People's Republic of China, and that is one-fourth of all of the people in the world.

As a result of this trip, we have started the long process of building a bridge across that gulf, and even now we have something better than the mere absence of war. Not only have we completed a week of intensive talks at the highest levels; we have set up a procedure whereby we can continue to have discussions in the future. We have demonstrated that nations with very big and fundamental differences can learn to discuss those differences calmly, rationally, and frankly, without compromising their principles. This is the basis of a structure for peace, where we can talk about differences, rather than fight about them.

The primary goal of this trip was to reestablish communication with the People's Republic of China after a generation of hostility. We achieved that goal. Let me turn now to our joint communique.

We did not bring back any written or unwritten agreements that will guarantee peace in our time. We did not bring home any magic formula which will make unnecessary the efforts of the American people to continue to maintain the strength so that we can continue to be free.

We made some necessary and important beginnings, however, in several areas. We entered into agreements to expand cultural, educational and journalistic contacts between the Chinese and American people. We agreed to work to begin and broaden trade between our two countries. We have agreed that the communications that have now been established between our governments will be strengthened and expanded.

Most important, we have agreed on some rules of international conduct which will reduce the risk of confrontation and war, in Asia and in the Pacific.

We agreed that we are opposed to domination of the Pacific area by any one power. We agreed that international disputes should be settled without the use of the threat of force and we agreed that we are prepared to apply this principle to our mutual relations.

With respect to Taiwan, we stated our established policy that our forces overseas will be reduced gradually as tensions ease, and that our ultimate objective is to withdraw our forces as a peaceful settlement is achieved.

We have agreed that we will not negotiate the fate of other nations behind their backs, and we did not do so in Peking. There were no secret deals of any kind. We have done all this without giving up any United States commitment to any other country.

In our talks, talks that I had with the leaders of the People's Republic and the Secretary of State had with the office of the Government of the People's Republic in the foreign affairs area, we both realized that a bridge of understanding that spans almost 12,000 miles and 22 years of hostility, can't be built in one week of discussions. But we have agreed to begin to build that bridge, recognizing that our work will require years of patient effort. We made no attempt to pretend that major differences did not exist between our two governments, because they do exist.

This communique was unique in honestly setting forth differences rather than trying to cover them up with diplomatic double talk.

One of the gifts that we left behind in Hangchow was a planted sapling of the American redwood tree. As all Californians know, and as most Americans know, redwoods grow from saplings into the giants of the forest. But the process is not one of days or even years; it is a process of centuries.

Just as we hope that those saplings, those tiny saplings that we left in China, will grow one day into might redwoods, so we hope, too, that the seeds planted on this journey for peace will grow and prosper into a more enduring structure for peace and security in the Western Pacific.

But peace is too urgent to wait for centuries. We must seize the moment to move toward that goal now, and this is what we have done on this journey.

I am sure you realize it was a great experience for us to see the timeless wonders of ancient China, the changes that are being made in modern China. And one fact stands out among many others, from my talks with the Chinese leaders. It is their total belief, their total dedication, to their system of government. That is their right, just as it is the right of any country to choose the kind of government it wants.

But as I return from this trip, just as has been the case on my return from other trips abroad which have taken me to over 80 countries, I come back to America with an even stronger faith in our system of government.

As I flew across America today, all the way from Alaska, over the Rockies, the plains, and then on to Washington, I thought of the greatness of our country, and most of all, I thought of freedom, the opportunity, the progress that 200 million Americans are privileged to enjoy. I realized again this is a beautiful country, and tonight my prayer and my hope is that as a result of this trip, our children will have a better chance to grow up in a peaceful world.

Thank you.

REMARKS OF THE PRESIDENT TO THE CONGRESSIONAL AWARDS DINNER, VETERANS OF FOREIGN WARS, SHERATON-PARK HOTEL, WASHINGTON, MARCH 7, 1972

Commander Vicites, all of the distinguished guests and all of the very honored winners of the Voice of Democracy Contest who are here tonight, and my friends, and I can say also my comrades of the Veterans of Foreign Wars:

I am honored to be here for two very important reasons: First with regard to the Veterans of Foreign Wars; and second with regard to the honored guests tonight.

Your Commander has spoken very generously of my participation over many years, not only as a member, but also as a speaker on many occasions before various meetings of the Veterans of Foreign Wars, including, of course, several conventions and several dinners of this type. I would like to say a word to those who are members of the Veterans of Foreign Wars, those who are leaders from all over the United States:

I want to tell you something about what your support has meant to the man, whoever that man is, who happens to be President of the United States. The man who is President of the United States has to make many difficult decisions. Some of them are decisions that have to do with domestic affairs in which there is legitimate controversy and in which men and women of good will can have very vigorous differences of opinion.

Others are matters that affect the security of the Nation in which there are also differences of opinion, but also, there are some issues in which whoever happens to be President of the United States must have assistance far beyond his party; he must have assistance from the Nation, from people of both parties, from men and women who put the country first and the party second.

Over the past three years there have been numbers of occasions when I have had to make some decision in the field of foreign policy that were somewhat controversial. I remember on many of those occasions that I have asked for the assistance and support of the Veterans of Foreign Wars, and whatever that decision was, whether it was a decision that was necessary to keep America strong through developing a system of defense against nuclear weapons, whether it was a decision to defend American men who were fighting abroad by taking action that was terribly difficult but terribly important for their survival, whatever the decision was, I can say that on occasion after occasion when I have talked to whoever happened to be the Commander of the Veterans of Foreign Wars, whether it was Chief Rainwater or Commander Vicites, I have asked them and never have the Veterans of Foreign Wars been found wanting when the chips were down.

The Commander has referred to the fact that I have returned from a journey. That journey, to many people, meant perhaps more than a realist would recognize that it should mean, and that is that because a trip has been taken, because the leader of a very powerful nation, the United States of America, was meeting with the leader of the most populous nation of the world, that this meant that peace was going to be something that we could assume, something that now made it no longer necessary for us to maintain the strength, the strength in arms, even more important, the strength in character which America has had in the past and which it needs at the present time.

Let me put that trip, perhaps, in its proper perspective in just a moment. The trip was necessary, necessary because, as we look at the history of this organization, I think of the fact that most of us who are members were veterans of World War II. I think of the fact that for the veterans of World War II, their younger brothers fought in Korea and their sons fought in Vietnam, and the great question of our time is simply this: Are their grandchildren, are those who sit here, these winners, are they and their children going to fight in another war?

We look at those wars: World War II, Korea, Vietnam. It is most significant to note that each of them, for the United States, came from the Pacific. World War II began in the Pacific for America. Korea came from the Pacific, and Vietnam, of course, came from the Pacific. So the great question is: Can we, those of us who have positions of leadership, develop a new policy, a new relationship, which will not guarantee peace, because that can never be sure, but which will provide a better chance that we can have peace in the future?

As I said over and over again on this recent journey, there is no question about the differences that we have with the leaders of the most populous nation in the world, differences that are deep in philosophy, and very deep in terms of our views about the world. But there is also no question about this: That is that if the most populous nation in the world, and the nation at the present time that is the most powerful nation in the world, if they do not communicate, the chances of our having peace in the Pacific and peace in the world is very dim.

If, on the other hand, we can establish a process by which we can talk about our differences, rather than fight about our differences, the chance that these young people in front of us can grow up in a period which we did not enjoy, a generation of peace, is infinitely better.

That is why the trip was necessary, and that is why we took it. I do not hold out any false hopes. I would only say that in this period when we are entering negotiations with those who could be our enemies, not only there but in other parts of the world, the need for the United States of America to maintain its strength, its military strength, its economic strength, and above all its moral and spiritual strength, its faith in this country, its belief in America has never been greater, because if we are to have peace in this period ahead, it will not come if America, with all of its power and all of its wealth, withdraws into itself and refuses to play the role that it must play, play it not for purposes of conquest and not for purposes of domination, but for purposes of using our power so that the world may be one in which nations and peoples with different philosophies can live together, rather than die together.

And so at this particular instant, there has never been a time when we needed in this country more men and women like the men and women who proudly belong to the Veterans of Foreign Wars, who believe in this country, who recognize the need for strength, who also appreciate the necessity for negotiation. There has never been a time when we needed people who thought along those lines more.

I remember talking with President Eisenhower once, and he said something very significant, very early in his Administration. He said, "There is no one who hates war more than someone who has seen a lot of it." Of course, he was a great example of that truth.

That could be said of all of the Veterans of Foreign Wars. And yet you, as Veterans of Foreign Wars, you know that if we are to have peace, it will not come through weakness, and on the other side it will not come through belligerence, but it will come through strength, and the willingness to negotiate a new era in which we can have peace, peace through strength and conciliation at the very highest level.

That brings me to our honored guest tonight. I have been thinking of these dinners I have attended. I have been thinking of the men who I have appeared with on the occasion of these dinners, appeared for and spoken in behalf of.

Senator Jackson, a man who, when all these great issues have come before the Senate, stood very firm for the cause of a strong United States, for putting the country above party.

I think of Congressman Arends, a man who could always be counted upon through all the years that I have known him. I have not known him quite as long as he has been in the Congress, but almost, but a man who always, like Senator Jackson, put the country first and his party second.

And I think tonight of Doc Morgan. Now, Doc Morgan is going to follow me, so I had better say nice things about him. In speaking of Doc Morgan, I want to speak of the House of Representatives because he, as you know, is the Chairman of the Foreign Affairs Committee of the House of Representatives. I think of Doc Morgan, Speaker Carl Albert, Chairman George Mahon of the Appropriations Committee, who is here tonight, of Tiger Teague, the Chairman of the Veterans Affairs Committee. It occurred to me as I mentioned those names—they are all Democrats. As I mention those names, it occurs to me, too, that the immediate past Commander of the VFW and the present Commander of the VFW are Democrats. So why am I here?

I am here for this reason: One of the most eloquent of all the men who have served in American political life was the Senator from Indiana around the turn of the century. All of you have read about him, you have read Bower's Life of Beveridge. This great Senator from Indiana made perhaps some of the greatest speeches ever heard in the Senate or in this country. He once said something that I thought was very simple, but very eloquent. That was that one who is a partisan of principle is a prince of statemanship. Those are the men we honor tonight.

I could speak of Doc Morgan in terms of his years of service on the Foreign Affairs Committee, Chairman of that committee since 1959. I know that every time I, in my three years in this office, have called upon him, he has not been found wanting. I know that whether we speak, and I now mention those in the House of Representatives with whom he has worked, whether it is Speaker Albert, or the former Speaker, Speaker McCormack, or George Mahon or Tiger

Teague, and let's get one Republican in it, or Les Arends, that whenever an issue came up that involved this nation, its security, its strength, the peace that we all want, he was a man who was a partisan, a strong partisan, but a partisan for principle, and therefore a prince of statesmanship.

I honor him tonight as a prince of statesmanship.

MOORHEAD HITS NIXON ACTION ON SECURITY CLASSIFICATION EXECUTIVE ORDER

(Mr. MOORHEAD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MOORHEAD. Mr. Speaker, I want to make one thing perfectly clear to the President of the United States. This morning he issued a new Executive order on classification. All of us, of course, will give this document careful review, but the Congress may want to write its own statutory law on this important and sensitive matter. The subject has been under detailed study since last year by the Foreign Operations and Government Information Subcommittee of the House Committee on Government Operations. We politely sought the final draft of the Executive order last month, but the request was politely denied as none of Congress' business until the last nail was driven into the coffin. Well, that is all right—we reserve the right to bury that coffin with a law passed by the Congress of the United States.

I urged the President in a House speech March 1 not to try and head off congressional action. He, of course, is entitled to accept or reject what some of us consider to be good advice. On the other hand, we can reject his. I thought the House would like to know we plan to continue our public hearings and hope to come up with a proposed law for the consideration of the Congress. It was the Congress which initiated the Freedom of Information Act—not the executive branch. And we believe Congress should now bring into reality a practical classification law which will insure the maximum flow of Government information to the American people while at the same time protecting the truly vital defense and state secrets of our Nation.

THE MODERN ARMY OF THE SEVENTIES

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, it was an honor for me to interview the Army Chief of Staff, Gen. William C. Westmoreland, shortly after he crossed the Remagen bridge on the Rhine River in 1945. At that time, General Westmoreland was a colonel and chief of staff of the 9th Infantry Division. The night was pitch black and rainy when he crossed the Rhine, lying on the hood of a jeep to help direct his men across the damaged structure in the first breaching of the Rhine defensive barrier.

Last Friday, General Westmoreland visited West Virginia and delivered two outstanding addresses at Charleston, W. Va., and at Concord College in Athens, W. Va. There follows the text of General Westmoreland's address in Charleston, W. Va.:

THE PROFESSIONAL MODERN ARMY OF THE SEVENTIES

(By Gen. William C. Westmoreland)

It it a personal pleasure to be with you today. I certainly appreciate your warm and friendly reception. This is my first public appearance in your great state. I must say that I am much impressed with the scenic beauty of the Mountain State. It is a welcome change from crowded Washington and the Pentagon.

It is a professional pleasure to visit West Virginia where her citizens have not forgotten the meaning of patriotism. West Virginia has always been distinguished by her many sons who have served our country so well and by her strong desire for independence and freedom. Certainly your state motto—"Mountaineers Always Free"—accurately symbolizes your state's historical actions and attitudes. Although I must admit that as a young boy growing up in South Carolina, my early impression of your people was an unfair one of Virginia Yankees who left that marvelous southern state of Virginia in 1861.

Ladies and gentlemen, it will not be surprising to you that my remarks today will focus on your Army . . . an Army experiencing a period of sweeping transition. Hopefully, this assessment from my vantage point will provide you with some useful insights to add to what you already know or have heard about the Army's role in defense of our Nation, the objectives we seek, and what we are doing to field a professional, modern Army in the seventies.

As you know, the Army continues to decrease in size as the Vietnam War is concluded. Let me say that the Army's mission in Vietnam, although a complex one, has been virtually accomplished. Our Nation's objective in Vietnam was not to achieve a "military victory" in the classical sense. Our success in Vietnam cannot be measured in purely military terms. We have prevented the communist domination of South Vietnam. We have expanded the area controlled by the free world forces, denying resources and support to the Viet Cong and thus allowing a greater freedom for the people of South Vietnam—a freedom which provides the South Vietnamese with better local government, and improved commerce, transportation and way of life. For example, in South Vietnam—

The gross national product has increased 60 percent in 6 years, and the inflation rate has declined 60 percent in 5 years.

Since 1964, rice production has increased by 20 percent, and fish caught and processed have increased by 51 percent.

Since 1965, over 2,900 kilometers of hard surfaced roads and 728 bridges have been constructed. The number of schools have increased by almost 50 percent with 91 percent of the Vietnamese children in the eligible age group attending.

Over 80 percent increase in school teachers has taken place, and almost 350,000 acres of land have been placed under cultivation.

Additionally, a three-year-old land reform program called the "land-to-the-tiller-program" has resulted in approximately 871,000 acres being distributed to new owners. There are many other significant statistics and indicators to show the progress made in South Vietnam in recent years, but time does not permit me to mention them.

The U.S. Army was directed to improve the capacity of the South Vietnamese to resist communist aggression, and it would seem that the South Vietnamese government now has in substantial measure achieved this capability . . . a capability that was developed behind the shield provided by U.S. forces.

One action which is unprecedented in scope and cost savings and yet has received very little notice is the current retrograde of supplies and equipment from Vietnam. The Services now have shipped about 1.8 million tons of war materiel valued at approximately $4.5 billion out of Vietnam. Also, there remains approximately a million tons of materiel in Vietnam that either will be reclaimed or turned over to South Vietnam for nation building purposes. This tremendous savings of materiel and money is truly a remarkable achievement.

Ladies and gentlemen, I recently returned from a Far East trip. I visited numerous U.S. and allied units and installations in Vietnam and met with many civilian and military leaders. I found the confidence and professional competence of both American and allied forces in Vietnam to be high . . . despite the impression given by some observers. While our efforts in Vietnam have not completely ended, the overall performance of our Army there has been splendid. We can be justly proud of our efforts in Vietnam. I know that history will record that, under the most complicated and difficult of circumstances, the United States Army conducted itself in a manner characterized by honor, dedication to duty, and professionalism. Yes, there have been individual exceptions to such a performance, but these have indeed been pitifully few.

Today, the Army is substantially reducing its size in order to come within lower budget ceilings and to cope with the effects of continuing inflation. The Army continues to experience its most rapid demobilization since the end of World War II. By 1 July of this year, the Army will be at an approximate strength of 860,000. This is a reduction from over one and a half million men in 1968 . . . or a 44 percent reduction in just four years . . . and is approximately 100,000 below the Army's strength at the beginning of the Vietnam War in 1965. During the next fiscal year the Army will reach a strength of 841,000 . . . the lowest since 1950. Certainly, there is a strength level below which the Army cannot be prudently reduced if we are to perform our mission in support of national commitments . . . even with selected Reserve Component units at an unprecedented state of readiness.

I believe any further reductions in the strength of the Army will entail risks in our search for peace. The Army . . . together with the other Services . . . is faced with maintaining national security and furthering national interests against threats that have not diminished, give no signs of decreasing in the near future, and in some cases are actually increasing.

Turning now to current U.S. strategic concepts—the Nixon Doctrine and the Strategy of Realistic Deterrence, we find that for the Army these mean—

A reduction in our oversea deployments, while still maintaining, however, our forward posture in Europe and the Pacific;

A smaller supporting base in the United States;

Increased importance for our CONUS-based strategic reserves, with a corresponding critical need for strategic air and sea lift;

A greater role for advisory and materiel assistance to allies; and

A greater reliance—in fact, the greatest ever—on National Guard and Reserve Forces.

However, these changes do not mean a smaller role for the Army in the seventies. In fact, the Nixon Doctrine places a heavy reliance on the role of general purpose forces—those nonstrategic tactical forces our Nation relies upon for military actions short of general nuclear war. President Nixon has stated: "General purpose forces . . . now play a larger role in deterring attacks than at any time since the nuclear era began."

As a result, the Army has a continuing important role in supporting deterrence, flexible response, and collective security. Its power—the power of the Army—must be professional, rapidly deployable and rapidly expandable. Its capability must be suitable for employment throughout the full spectrum of both war and peace time requirements.

Today, our Army has the highest level of combat experience of any army in the world. We are building on that experience to make the Army the finest in the history of our Nation. A comprehensive series of programs are already in being—programs designed:

To better structure our forces in view of anticipated missions;

To update our operational concepts and battlefield control systems;

To modernize our equipment and facilities;

To improve our management practices;

To streamline our logistical procedures; and

To insure the continued vitality of our research, development and testing programs.

The Army is also involved in numerous programs:

To improve both individual and unit training;

To keep our vast educational system current and responsive to Army needs; and

To improve the professionalism and quality of our people.

The Army is people. To strengthen the Army, we must capitalize on the energies and talents of our people. This past Christmas, I received a Christmas card from an infantry lieutenant and his Special Forces detachment. He said his men were proud of what the Army was doing in this difficult transition period. He added, "God is helping us but we have to work like it all depends on us." The strength of young soldiers . . . their pride, their desire, their values, and their skills . . . as portrayed in that Christmas card . . . is a great part of the Army's strength. It is this strength—the strength of our young soldiers, molded by capable and dedicated officers and noncommissioned officers—that will provide us with a source of power to build the type of Army our country needs to meet the challenges of the seventies.

As I mentioned earlier, we are taking numerous actions in preparing the Army for its future missions. Of all of these actions, the most important ones are those which are devoted to improving the professionalism—the quality, motivation and skill—of our people.

The achievement of the highest standards of professionalism is our overriding concern. All else is secondary. Let there be no doubt about that. Nevertheless, the Army is a flexible organization—unafraid of new ideas, and with the courage to experiment with new methods. Those methods that serve our purpose will be adopted, those that do not will be abandoned. In all cases our standard will be high.

Some of our people-oriented programs have attracted much attention in the press. Our Army programs, however, are far more substantive and fundamental than those few items that have received considerable publicity. For example, we are eliminating excessive instability within our ranks that developed as a result of Vietnam. Officers and men will now enjoy the personal as well as professional advantage of being in one area for a longer period of time and serving in units which have the advantage of personnel continuity. We are eliminating those negative aspects of Army life that have irritated soldiers for years and have caused them to expend energy and effort in nonsoldierly pursuits. Others actions taken include increased pay, improved barracks and living conditions, improved facilities and services for both the soldier and his family. All of these actions will take money and time. Our efforts are improving the attitude of our soldiers and providing them with more time for important training. A soldier who can devote more time to his essential tasks is a better trained, more confident, happier, tougher, more professional soldier.

The key to achieving a more professional, modern Army is leadership—both officer and noncommissioned officer. We are fortunate to have within our ranks today an abundance of quality leadership. We are taking advantage of the present period of transition to refine this quality leadership through leadership boards and teams, leadership and group communications training and higher standards for promotion and schooling. Because the Army is being drastically reduced, we are required to reduce our officer and noncommissioned officer strengths. Some competent leaders will be forced to leave the Army due to this reduction in force. Purely from a personnel management point of view, this reduction will improve the leadership quality of our Army for only the very best of our officers and noncommissioned officers will remain.

From the beginning of our Nation's history, the American people have relied on Army leaders to lead our young Americans in uniform. This reliance has been fully justified. Within our corps of officers and noncommissioned officers there is an assumed competence, integrity and honor . . . an assumed mutual trust that one officer places in another. Where there are aberrations—when these standards are violated—they receive publicity just because they are so very foreign to what all of us expect of our Army leaders. There have been only a very few who have betrayed their trust. Needless to say, I am proud of our Army . . . and I am proud of its leaders.

But internal efforts are not enough. Our need now is to match the substantial progress made in enhancing professionalism and improving Service life within the Army through achievement of better public understanding and support. This is imperative if we are to attract and retain quality people in the numbers required.

From my travels about the United States, I know that there is a tremendous amount of latent goodwill and admiration for the Army. This must be transformed into the active public support so greatly needed during this time of transition.

I can think of no better way to engender that type of support than through organizations such as yours here today. Certainly, the dedication of this day in your great city as Military Appreciation Day is a prime example of the type of support that our men and women in the military need and appreciate. I solicit your continued support and best efforts in this regard as we strive to ensure this Nation a strong, ready and responsive, quality Army. I know the Army can count on you; and you can count on the Army . . . as always.

In closing, let me say what a personal pleasure it has been to join you today.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Aspinall, from close of business on March 9 to March 20, 1972, on account of trip to Micronesia, semiofficial.

Mr. Burke of Florida (at the request of Mr. Gerald R. Ford), on March 9, 1972, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. Forsythe) and to revise and extend their remarks and include extraneous matter:

Mr. Halpern, for 10 minutes, today.

Mr. Miller of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. Mazzoli) to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 10 minutes, today.

Mr. Aspin, for 10 minutes, today.

Mr. Alexander, for 10 minutes, today.

Mr. Burke of Massachusetts, for 5 minutes, today.

Mr. Fulton, for 5 minutes, today.

Mr. Staggers, for 10 minutes, today.

Mr. Boggs, for 5 minutes, today.

Mr. Wolff, for 15 minutes, today.

Mr. McFall, for 15 minutes, today.

Mr. Podell, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Nedzi, and to include extraneous material.

Mr. McMillan, and to include extraneous material.

Mr. Landrum to revise and extend his remarks during his colloquy with Mrs. Green of Oregon.

(The following Members (at the request of Mr. Forsythe) and to include extraneous matter:)

Mr. Gubser.

Mr. Broyhill of Virginia.

Mr. Blackburn.

Mr. Bob Wilson in two instances.

Mr. McKinney.

Mr. Zwach in two instances.

Mr. Schwengel.

Mr. Forsythe.

Mr. McClure in five instances.

Mr. Collins of Texas in five instances.

Mr. Hosmer in two instances.

Mr. Cederberg.

Mr. Veysey in nine instances.

Mr. Findley.

Mr. Halpern in two instances.

Mr. Lujan.

Mr. Baker.

Mr. Belcher.

Mr. Byrnes of Wisconsin.

Mr. Horton in two instances.

Mr. Derwinski in two instances.

Mr. Dellenback in two instances.

Mr. Bray in three instances.

Mr. Hunt.

Mr. Bell.

Mr. McClory.

Mr. Price of Texas.

Mr. Wyman in two instances.

Mr. Schmitz in two instances.

Mr. Nelsen.

Mr. McCollister in five instances.

Mr. Rousselot.

Mr. Hillis.

Mrs. Heckler of Massachusetts.

Mr. Smith of New York.

Mr. Michel in two instances.

Mr. Kemp.

Mr. Keith in two instances.

Mr. Gross.

(The following Members (at the request of Mr. Mazzoli) and to include extraneous matter:)

Mr. Thompson of New Jersey in two instances.

Mr. O'Hara.

Mr. Gonzalez in two instances.

Mr. Rarick in three instances.

Mr. Dingell in four instances.

Mr. Fraser in three instances.

Mr. Dow in three instances.

Mr. Hagan in five instances.

Mr. Miller of California in three instances.

Mr. Pryor of Arkansas.

Mr. Alexander in six instances.

Mr. Danielson in two instances.

Mr. Burke of Massachusetts in two instances.

Mr. Mahon.

Mr. Leggett.

Mr. Fulton in two instances.

Mr. Rodino in two instances.

Mr. Brinkley.

Mr. Matsunaga in five instances.

Mr. James V. Stanton.

Mr. Annunzio in two instances.

Mr. Daniel of Virginia.

Mr. Rooney of Pennsylvania in five instances.

Mr. Rees.

Mr. Harrington.

Mr. Bingham in three instances.

Mr. Wolff in four instances.

Mrs. Mink in two instances.

Mr. Begich.

Mr. McFall.

Mr. Monagan in three instances.

Mr. Galifianakis in two instances

SENATE BILLS REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1058. An act to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, so as to authorize certain grapefruit marketing orders which provide for an assessment against handlers for the purpose of financing a marketing promotion program to also provide for a credit against such assessment in the case of handlers who expend directly for marketing promotion, to the Committee on Agriculture.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 190. Joint resolution to provide for an extension of the term of the Commission on the Bankruptcy Laws of the United States, and for other purposes.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 53 minutes p.m.), the House adjourned until tomorrow, Thursday, March 9, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

1716. Under clause 2 of rule XXIV, a communication from the President of the United States, transmitting a request for an appropriation to pay claims and judgments rendered against the United States (H. Doc. No. 92–262) to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McMILLAN: Committee on the District of Columbia. H.R. 11773. A bill to amend section 135 of title 4 of the District of Columbia Code to exclude the personnel records, home addresses and telephone numbers of the officers and members of the Metropolitan Police Department of the District of Columbia from the records open to public inspection; with amendments (Rept. No. 92–903). Referred to the House Calendar.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 9802. A bill to authorize the Commissioner of the District of Columbia to enter into contracts for the payment of the District's equitable portions of the costs of reservoirs on the Potomac River and its tributaries, and for other purposes. (Rept. No. 92–904). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 11417. A bill to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing railroad equipment, and for other purposes; with amendment (Rept. No. 92–905). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 13533. A bill to amend the District of Columbia Redevelopment Act of 1945 to provide for the reimbursement of public utilities in the District of Columbia for certain costs resulting from urban renewal; to provide for reimbursement of public utilities in the District of Columbia for certain costs resulting from Federal-aid system programs; and to amend section 5 of the act approved June 11, 1878 (providing a permanent government of the District of Columbia), and for other purposes (Rept. No. 92–906). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 12410. A bill to provide for the evidentiary use of prior inconsistent statements by witnesses in trials in the District of Columbia; with amendment (Rept. No. 92–607). Referred to the Committee of the Whole House on the State of Union.

Mr. PATMAN: Committee on Banking and Currency. H.R. 13560. A bill to provide for the striking of medals in commemoration of the First U.S. International Transportation Exposition (Rept. No. 92–908). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER (for himself, Mr. Abourezk, Mr. Anderson of Tennessee, Mr. Begich, Mr. Blanton, Mr. Burlison of Missouri, Mr. Burton, Mr. Caffery, Mr. Davis of South Carolina, Mr. Dow, Mr. Duncan, Mr. Hamilton, Mr. Hathaway, Mr. Helstoski, Mr. Ichord, Mr. Matsunaga, Mr. Mazzoli, Mr. Melcher, Mr. Obey, Mr. Pettis, Mr. Runnels, Mr. Symington, Mr. Thone, Mr. Udall, and Mr. Wright):

H.R. 13634. A bill to establish more effective community planning and development programs (and expand the related provisions of existing programs) with particular emphasis upon assistance to small communities; to the Committee on Banking and Currency.

By Mr. ALEXANDER (for himself, Mr. Danielson, Mr. Denholm, Mr. Flowers, Mr. Fuqua, Mr. Henderson, Mr. Hungate, and Mr. Morse):

H.R. 13635. A bill to establish more effective community planning and development programs (and expand the related provisions of existing programs) with particular emphasis upon assistance to small communities; to the Committee on Banking and Currency.

By Mr. ANDERSON of Tennessee (for himself, Mr. Dulski, Mrs. Chisholm, Mr. Foley, Mr. Nichols, Mr. Nix, Mr. Pickle, Mr. Pike, Mr. Rooney of Pennsylvania, Mr. Roush, Mr. Roybal, Mr. Ryan, Mr. Symington, Mr. White, Mr. Wright, Mr. Yatron, and Mr. Zablocki):

H.R. 13636. A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may approve the President's action or require the President to cease such action; to the Committee on Rules.

By Mr. ANNUNZIO:

H.R. 13637. A bill to provide for the issuance of a special postage stamp in February 1973 in honor of the 500th anniversary of the birth of Nicholas Copernicus—the great Polish astronomer and father of modern science; to the Committee on Post Office and Civil Service.

By Mr. ASPIN (for himself, Mrs. Abzug, Mr. Badillo, Mr. Brasco, Mr. Buchanan, Mr. Derwinski, Mr. Fascell, Mr. Gallagher, Mr. Hansen of Idaho, Mr. Hechler of West Virginia, Mrs. Heckler of Massachusetts, Mr. Heinz, Mr. Horton, Mr. Lent, Mr. McKay, Mr. Meeds, Mr. Miller of California, Mr. Mollohan, Mr. O'Hara, Mr. Perkins, Mr. Rosenthal, Mr. Roybal, Mr. Tiernan, and Mr. Veysey):

H.R. 13638. A bill to amend the National Traffic and Motor Safety Act of 1966 to authorize design standards for schoolbuses, to require certain standards be established for schoolbuses, to require the investigation of certain schoolbus accidents, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ASPIN (for himself, Mr. Wydler and Mr. Yatron):

H.R. 13639. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize design standards for schoolbuses, to require certain standards be established for schoolbuses, to require the investigation of certain schoolbus accidents, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BARRETT:

H.R. 13640. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

H.R. 13641. A bill to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BENNETT:

H.R. 13642. A bill to amend chapter 67 (relating to retired pay for nonregular service) of title 10, United States Code, to authorize payment of retired pay at reduced percentages to persons, otherwise eligible, at age 50, and for other purposes; to the Committee on Armed Services.

H.R. 13643. A bill to expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials; to the Committee on Government Operations.

By Mr. CELLER:

H.R. 13644. A bill to amend the Administrative Conference Act; to the Committee on the Judiciary.

H.R. 13645. A bill to amend chapters 113 and 117 of title 28, United States Code, to authorize district courts to order the service of documents and the taking of depositions in foreign countries, upon the application of administrative tribunals, and for other purposes; to the Committee on the Judiciary.

H.R. 13646. A bill to authorize the position of crier-clerk within the judicial branch of the Government of the United States, and for other purposes; to the Committee on the Judiciary.

H.R. 13647. A bill to provide for a within-grade salary increase plan for secretaries to circuit and district judges of the courts of the United States; to the Committee on the Judiciary.

By Mr. DELANEY:

H.R. 13648. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. DELLENBACK (for himself, Mr. Quie, Mr. Steiger of Wisconsin, and Mr. Hansen of Idaho):

H.R. 13649. A bill to provide for the consolidation and coordination of all Federal child care and child development programs and to insure that they will be effective to attain their intended objectives; to the Committee on Education and Labor.

By Mr. DENT:

H.R. 13650. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committtee on Ways and Means.

By Mr. DORN:

H.R. 13651. A bill to amend the Occupational Safety and Health Act of 1970 to exempt any nonmanufacturing business, or any business having 25 or less employees, in States having laws regulating safety in such businesses, from the Federal standards created under such act; to the Committee on Education and Labor.

By Mr. EILBERG:

H.R. 13652. A bill to provide for paper money of the United States to carry a designation in braille indicating the denomination; to the Committee on Banking and Currency.

By Mr. FULTON:

H.R. 13653. A bill to authorize the Secretary of State to furnish assistance for the resettlement of Soviet Jewish refugees in Israel; to the Committee on Foreign Affairs.

H.R. 13654. A bill to amend the Clayton Act by adding a new section to prohibit sales below cost for the purpose of destroying competition or eliminating a competitor; to the Committee on the Judiciary.

By Mr. GETTYS:

H.R. 13655. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. GONZALEZ:

H.R. 13656. A bill to prohibit tampering with odometers on motor vehicles, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mrs. GRASSO:

H.R. 13657. A bill to amend the Federal Food, Drug, and Cosmetic Act, relating to food additives; to the Committee on Interstate and Foreign Commerce.

H.R. 13658. A bill to retain May 30 as Memorial Day and November 11 as Veterans Day; to the Committee on the Judiciary.

By Mr. HARRINGTON (for himself, Mr. Begich, Mr. Bingham, Mr. Burton, Mrs. Chisholm, Mr. Collins of Illinois, Mr. Edwards of California, Mr. Fraser, Mr. Halpern, Mr. Hansen of Idaho, Mr. Hathaway, Mr. Helstoski, Mr. Kemp, Mr. Leggett, Mr. Link, Mr. Morse, Mr. Pepper, Mr. Podell, Mr. Ryan, Mr. Runnels, Mr. Sarbanes, Mr. Symington, and Mr. Charles H. Wilson):

H.R. 13659. A bill to provide for the establishment of projects for the dental health of children to increase the number of dental auxiliaries, to increase the availability of dental care through efficient use of dental personnel, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HASTINGS:

H.R. 13660. A bill to direct the Secretary of Agriculture to release on behalf of the United States conditions in a deed conveying certain lands to the State of New York and to provide for the conveyance of certain interests in such lands so as to permit such State, subject to certain conditions, to sell such land; to the Committee on Agriculture.

By Mr. HASTINGS (for himself and Mr. Mills of Arkansas:

H.R. 13661. A bill to amend title 44 of the United States Code to designate the Daniel Reed Library at the State University College of Fredonia in Fredonia, N.Y., as a depository library; to the Committee on House Administration.

By Mr. HORTON (for himself, Mr. Biester, Mr. Bingham, Mr. Broyhill of North Carolina, Mr. Danielson, Mr. Frenzel, Mr. Gibbons, Mrs. Grasso, Mr. Halpern, Mr. Hanna, Mr. Hastings, Mr. Lent, Mr. Mazzoli, Mr. Morse, Mr. Moss, Mr. Rangel, Mr. Roe, Mr. Sandman, Mr. Veysey, and Mr. Ware):

H.R. 13662. A bill to amend the Controlled Substances Act; to the Committee on Interstate and Foreign Commerce.

By Mr. JONES of Tennessee:

H.R. 13663. A bill to enable wheat producers, processors, and end-product manufacturers of wheat foods to work togther to establish, finance, and administer a coordinated program of research, education, and promotion to maintain and expand markets for wheat and wheat products for use as human foods within the United States; to the Committee on Agriculture.

By Mr. KARTH:

H.R. 13664. A bill to amend provisions of the Internal Revenue Code of 1954 to authorize the refund of tax on distilled spirits, wines, rectified products and beer lost or rendered unmarketable due to fire, flood, casualty, or other disaster, or breakage, destruction or other damage (excluding theft) resulting from vandalism or malicious mischief while held for sale; to the Committee on Ways and Means.

By Mr. McMILLAN:

H.R. 13665. A bill to establish the Office of Youth Commissioner in the District of Columbia, to establish the Youth Commission, and for other purposes; to the Committee on the District of Columbia.

By Mr. MINSHALL:

H.R. 13666. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence; to the Committee on Ways and Means.

By Mr. RARICK (for himself, Mr. Abbitt, Mr. Daniel of Virginia, Mr. Rousselot, Mr. Stephens, Mr. Hagan, Mr. Stuckey, Mr. Dulski, Mr. Mathis of Georgia, Mr. Montgomery, Mr. Ashbrook, Mr. Hungate, Mr. Denholm, Mr. Myers, Mr. Brinkley, Mr. Crane, Mr. Nichols, Mr. Flowers, Mr. Bergland, Mr. Jones of Tennessee, Mr. Zion, Mr. Landgrebe, Mr. Thone, Mr. McMillan, and Mr. Spence):

H.R. 13667. A bill to provide for paper money of the United States to carry a designation in braille indicating the denomination; to the Committee on Banking and Currency.

By Mr. RARICK (for himself, Mr. Halpern, Mr. Ware, Mr. Dowdy, Mr. Hosmer, Mr. Morse, Mr. Steiger of Arizona , Mr. Archer, Mr. Mikva, Mr. Byron, Mr. Ichord, Mr. Kemp, Mr. Roe, Mr. Cleveland, Mr. Sebelius, Mr. Melcher, Mr. Carter, Mr. Brown of Michigan, Mr. Sandman, Mr. Pepper, Mr. Frenzel, Mr. Evans of Colorado, Mrs. Hansen of Washington, Mr. Davis of Georgia, and Mr. Matsunaga):

H.R. 13668. A bill to provide for paper money of the United States to carry a designation in braille indicating the denomination; to the Committee on Banking and Currency.

By Mr. RARICK (for himself, Mr. Rodino, Mr. Dent, Mr. Fountain, and Mr. Long of Louisiana):

H.R. 13669. A bill to provide for paper money of the United States to carry a designation in braille indicating the denomination; to the Committee on Banking and Currency.

By Mr. RUNNELS (for himself and Mr. Thompson of Georgia):

H.R. 13670. A bill to repeal the Gun Control Act of 1968, to reenact the Federal Firearms Act, to make the use of a firearm to commit certain felonies a Federal crime where that use violates State law, and for other purposes; to the Committee on the Judiciary.

By Mr. SEBELIUS:

H.R. 13671. A bill to repeal the provisions of law which relate to the check off procedure for financing presidential election campaign; to the Committee on Ways and Means.

By Mr. STRATTON:

H.R. 13672. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. TEAGUE of Texas (by request) (for himself, Mr. Carney, Mr. Danielson, Mr. Dorn, Mr. Dulski, Mr. Edwards of California, Mrs. Grasso, Mrs. Heckler of Massachusetts, Mr. Helstoski, Mrs. Hicks of Massachusetts, Mr. Hillis, Mr. Pucinski, Mr. Satterfield, Mr. Saylor, Mr. Scott, Mr. Teague of California, Mr. Winn, Mr. Wolff, Mr. Wylie, and Mr. Zwach):

H.R. 13673. A bill to amend title 38 of the United States Code, to promote the care and treatment of veterans in State veterans' homes, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. THOMPSON of Georgia (for himself, Mr. Pettis, and Mr. Springer):

H.R. 13674. A bill to amend title 18, United States Code, to prohibit any officer or employee of an air carrier to pay money to any person on account of any attempt or threat to hijack, damage, or destroy any aircraft operated by such air carrier, and for other purposes; to the Committee on the Judiciary.

By Mr. TIERNAN:

H.R. 13675. A bill to amend the Tariff Schedules of the United States to provide for the duty-free entry of mica films; to the Committee on Ways and Means.

By Mr. WOLFF:

H.R. 13676. A bill to authorize the Federal Communications Commission to investigate the American Telephone & Telegraph Co. and its subsidiaries; to the Committee on Interstate and Foreign Commerce.

By Mr. ZION:

H.R. 13677. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mrs. ABZUG:

H.R. 13678. A bill to amend the national defense loan program to provide that the obligations of student borrowers to make payments on their loans shall be suspended while they are performing alternative service under the Military Selective Service Act; to the Committee on Education and Labor.

By Mr. BERGLAND (for himself, Mr. Obey, Mr. Link, Mr. Abourezk, Mr. Smith of Iowa, Mr. Melcher, Mr. Andrews, Mr. Roush, Mr. Thone, Mr. Bevill, Mr. Hamilton, Mr. McCormack, Mr. Denholm, Mr. Fraser, Mr. Evans of Colorado, Mr. Aspin, Mr. Roy, Mr. McMillan, Mr. Jones of North Carolina, and Mr. Foley):

H.R. 13679. A bill to amend the Agricultural Act of 1949, as amended, to require the Secretary of Agriculture to make advance payments to producers participating in wheat and feed grain programs; to the Committee on Agriculture.

By Mr. BRAY:

H.R. 13680. A bill to amend title 5 of the United States Code with respect to the observance of Memorial Day and Veterans Day; to the Committee on the Judiciary.

By Mr. EDWARDS of California:

H.R. 13681. A bill to promote development and expansion of community schools throughout the United States; to the Committee on Education and Labor.

By Mr. HOGAN:

H.R. 13682. A bill to amend title 18 of the United States Code to define and limit the exclusionary rule in Federal criminal proceedings; to the Committee on the Judiciary.

By Mr. KEMP:

H.R. 13683. A bill to amend the Flood Control Act of 1970; to the Committee on Public Works.

By Mr. KOCH (for himself, Mr. Collins of Illinois, Mr. Reid, Mr. Delaney, Mr. Dow, Mrs. Grasso, Mr. Horton, and Mr. Mazzoli):

H.R. 13684. A bill to amend the Urban Mass Transportation Act of 1964 to provide emergency grants for operating subsidies to urban mass transportation systems on the basis of passengers serviced; to the Committee on Banking and Currency.

By Mr. KYROS:

H.R. 13685. A bill to amend chapter 7, title 24, United States Code, to provide that the cost of setting Government-issued grave markers, not to exceed $100, be borne by the Department of Defense; to the Committee on Armed Services.

By Mr. NELSEN:

H.R. 13686. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. PURCELL (for himself and Mr. Frenzel):

H.R. 13687. A bill to enable wheat producers, processors, and end-product manufacturers of wheat foods to work together to establish, finance, and administer a coordinated program of research, education, and promotion to maintain and expand markets for wheat and wheat products for use as human foods within the United States; to the Committee on Agriculture.

By Mr. SLACK:

H.R. 13688. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

By Mr. VANIK (for himself, Mr. Minshall, Mr. Mosher, Mr. Seiberling, Mr. J. William Stanton, Mr. James V. Stanton, and Mr. Stokes):

H.R. 13689. A bill to amend the act of August 13, 1946, relating to Federal participation in the cost of protecting the shores of the United States, its territories, and possessions, to include privately owned property; to the Committee on Public Works.

By Mr. CLEVELAND:

H.J. Res. 1094. Joint resolution to create a select joint committee to conduct an investigation and study into methods of significantly simplifying Federal income tax return forms; to the Committee on Rules.

By Mr. ECKHARDT:

H.J. Res. 1095. Joint resolution authorizing and requesting the President to proclaim April 1972 as "National Check Your Vehicle Emissions Month"; to the Committee on the Judiciary.

By Mr. GALIFIANAKIS:

H.J. Res. 1096. Joint resolution to authorize and request the President to issue a proclamation designating the period from March 12, 1972, through March 19, 1972, as "International Demolay Week"; to the Committee on the Judiciary.

By Mr. COLLIER:

H. Res. 880. Resolution commending the Girl Scouts of the United States of America on its 60th birthday; to the Committee on the Judiciary.

By Mr. FOLEY:

H. Res. 881. Resolution expressing the sense of the House that the full amount appropriated for the fiscal year 1972 for the Farmers Home Administration's farm operating loan program and waste facility grant program authorized by the Consolidated Farmers Home Administration Act of 1961, be released and made available by the administration to carry out the objectives of these programs; to the Committee on Appropriations.

By Mr. GALIFIANAKIS:

H. Res. 882. Resolution expressing the sense of the House of Representatives that the full amount appropriated for fiscal year 1972 for the Farmers Home Administration's farm operating loan program and waste facility grant program authorized by the Consolidated Farmers Home Administration Act of 1961, be released and made available by the administration to carry out the objectives of these programs; to the Committee on Appropriations.

By Mr. GROSS:

H. Res. 883. Resolution expressing the sense of the House of Representatives that the President should suspend, in accordance with section 481 of the Foreign Assistance Act of 1961, economic and military assistance and certain sales to Thailand for its failure to take adequate steps to control the illegal traffic of opium through its borders; to the Committee on Foreign Affairs.

By Mrs. HICKS of Massachusetts:

H. Res. 884. Resolution expressing the sense of the House with respect to the Soviet Union's violations of human rights and basic freedoms, in contravention of the United Nations Universal Declaration of Human Rights; to the Committee on Foreign Affairs.

By Mr. STAGGERS:

H. Res. 885. Resolution providing expenses for the Committee on Interstate and Foreign Commerce; to the Committee on House Administration.

By Mr. WOLFF (for himself, Mr. Karth, Mr. Daniels of New Jersey, Mr. Moss, Mr. Collins of Illinois, Mr. Van Deerlin, Mrs. Chisholm, Mr. Madden, Mr. St Germain, Mr. Link, Mr. Delaney, Mr. Ryan, Mr. Kluczynski, Mr. Pepper, Mr. Diggs, Mr. Green of Pennsylvania, Mr. Vanik, Mr. Hanley, Mr. Annunzio, Mr. Nedzi, Mr. Sarbanes, Mr. Terry, Mr. Alexander, Mr. Addabbo, and Mr. Kastenmeier):

H. Res. 886. Resolution expressing the sense of the House of Representatives that the President should suspend, in accordance with section 481 of the Foreign Assistance Act of 1961, economic and military assistance and certain sales to Thailand for its failure to take adequate steps to control the illegal traffic of opium through its borders; to the Committee on Foreign Affairs.

By Mr. WOLFF (for himself, Mr. Mitchell, Mr. Dellums, Mr. Seiberling and Mr. Scheuer):

H. Res. 887. Resolution expressing the sense of the House of Representatives that the President should suspend, in accordance with section 481 of the Foreign Assistance Act of 1961, economic and military assistance and certain sales to Thailand for its failure to take adequate steps to control the illegal traffic of opium through its borders; to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

RURAL DEVELOPMENT ACT

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. BYRON. Mr. Speaker, on February 23, 1972, the House of Representatives passed landmark legislation in the field of rural development, one of the most important pieces of legislation to pass this chamber in the 92d Congress. I refer to the Rural Development Act of 1972.

This bill, H.R. 12931, which I cosponsored, will go far in reversing the recent trend for the rural population to move to the cities. I was happy to see this bill pass the House overwhelmingly by a voice vote. I would hope the Senate will act with equal dispatch in passing the Rural Development Act so that it can become public law this year. With 75 percent of our population living on 2 percent of the land, the need for this legislation is obvious.

The first goal of the Rural Development Act is to slow down the need for rural residents to leave their homes because of poor living conditions. We cannot guarantee them a good income. That is not what this bill undertakes to do. But it does attempt to give those in rural areas better living conditions and to that extent make it practical to live in rural areas. If we can do this—and I think we can—we must try to make it desirable and possible for the people to return to rural America.

How does this bill try to deal with this monumental task? It proposes to work through two existing agencies of the Department of Agriculture, the Farmers Home Administration and the Soil Conservation Service. The bill gives the FHA new areas of responsibility. It authorizes loans to rural residents, including farmers, to establish and operate small businesses in rural areas, to try to create jobs in those areas.

It authorizes loans to industry which will locate in rural areas, taking special care to prohibit industrial pirating from urban areas. These loans must be geared to improving the environmental climate of rural America by creating employment and otherwise improving life in rural areas.

Loans are also authorized for community services and facilities such as fire houses, equipment, ambulances, and rescue equipment. Civic centers can be built with these loans.

Recognizing that it is vital that every effort must be made to combat and prevent the pollution of the environment, the bill authorizes loans and grants for pollution abatement. In line with the new Federal standards for meat processing plants, financing is provided to help small meat packers remain in business by meeting Federal standards.

The bill increases the amount of money authorized for small community water and sewer programs. The House voted on the floor to raise this level from $200 million to $500 million.

The small watershed and the resource, conservation and development programs of the Soil Conservation Service are made more flexible by providing assistance in such areas as municipal and industrial water supply, water quality management, pollution abatement and control, and other areas such as fire protection and solid waste disposal.

This is really an excellent bill, which I feel sure, will enhance the quality of life in our rural areas and help make America in general a better place to live.

THOMAS GARRIQUE MASARYK

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mrs. GRASSO. Mr. Speaker, March 7 is the 122d anniversary of the birth of Thomas Garrique Masaryk—statesman, scholar, journalist, and philosopher. Masaryk, recognized as the father of modern Czechoslovakia, epitomized the many virtues of his people. His accomplishments firmly establish him as one of the premier figures in the struggle for self-determination and personal freedom during the past 100 years.

Czechoslovakia, reborn after 300 years of rule by the Austrian monarchy at the close of World War I, is comprised of remarkable people who have continually clung to high goals and firm moral purposes. More than any other individual, Masaryk—through his moral and political leadership—drew together these people and helped them form a state which symbolized democracy in Central Europe in the years folowing World War I.

Masaryk embodied great ideals. More important, he lived by the ideals he held. His entire life was a constant search for truth in whatever he undertook. His accomplishments constitute a long and impressive list. He was one of the finest journalists of his day. A respected and open-minded scholar, and professor at Charles University, Masaryk influenced those individuals who would lead Czechoslovakia in the hall of nations. As one of the leading philosophers of his day, Masaryk combined a moral and religious humanitarianism with an emphasis on the individual in society. As a statesman, Masaryk not only helped secure his country's independence, but at the age of 68, began a term of 17 years as President of Czechoslovakia.

Relying on his own beliefs and on the teachings of the great Czechs of the past, Masaryk emphasized the distinct nationalism of his people. While helping to create and nurture the revitalized Czech consciousness, Masaryk at the same time believed that democracy was the necessary continuation of the Czech traditions of Jan Hus and others. His influence on the leading national figures of the day made Masaryk the leading spokesman for Czechoslovakian national independence at the beginning of World War I. Joined by such distinguished nationalists as Eduard Benes and Milan Stefanik, Masaryk initiated an international campaign to acquaint the Allies and the people with the Czechoslovakian cause. By the conclusion of the war, Masaryk had become recognized as a great leader among statesmen.

His achievements as President of Czechoslovakia have immeasurable significance. The brilliance, sincerity, and inherent goodness of the man were not affected by the increased and burdensome responsibilities envolved in creating and recreating a new nation state. Yet, throughout these times, he remained faithful to the ideals which had guided him throughout life.

We can learn much from this great hero of democracy. His words are a testimony to the essential idea to which we Americans must continually address ourselves:

> Democracy is the only way to achieve political, economic and social justice and to realize man's love for man.

Moreover, he considered democracy the political form of the humane ideal. In other remarks, Masaryk challenges all freedom-loving men:

> Democracy is not alone a form of state and of administration. It is a philosophy of life and an outlook upon the world.

The life of Thomas G. Masaryk, dedicated to the pursuit of truth, the nationalism of Czechoslovakia, and the democratic ideal, is an inspiration to all of us, a source of great pride for all Czechoslovakians, and a message of hope for mankind.

NEWS BULLETIN OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mr. WHITEHURST. Mr. Speaker, I am inserting into the RECORD the weekly news bulletin of the American Revolution Bicentennial Commission. The bulletin is compiled and written by the staff of the ARBC communications committee.

The bulletin follows:

BICENTENNIAL BULLETIN, MARCH 6, 1972

A feasibility plan for a network of Bicentennial Parks will commence soon, so that the results may be presented to the full ARBC "for consideration at the earliest possible date," as directed by a resolution that was unanimously approved by the ARBC on February 21. As requested, ARBC Chairman David J. Mahoney presented the Bicentennial Parks concept and the resolution to the Governors and their representatives at the National Governor's Conference and the National Bicentennial Conference.

At the full Commission meeting on February 21, the battle against Sickle Cell Anemia received the official recognition of the ARBC as part of its national bicentennial program. In its resolution the ARBC also awarded use of the official symbol to the National Medical Association in the efforts to eradicate the eugenic disease which affects at least 10% of the Nation's black population. NMA President, Dr. Emerson C. Walden noted, "that by linking their goals with ours, both the NMA and the ARBC will reinforce in American minds that there does exist a real commitment in the interest of human lives and health which underlies the Bicentennial commemoration and reflects the relevance of that commemoration."

The Rhode Island Bicentennial Commission, under Chairman George F. McDonald, Jr., held a Bicentennial Planning town meeting at Rhode Island College on Saturday, February 26. Governor Frank Leicht and citizens from all parts of Rhode Island joined Chairman McDonald in furthering plans for the commemoration of the many Revolutionary War events in that state. One of the highlights of the meeting was the slide presentation by Michael Kreski of the Rhode Island School of Design, illustrating his innovative ideas for the Bicentennial.

Florida Lieutenant Governor Tom Adams has been appointed Chairman of the Florida ARBC by Governor Reubin Askew, to succeed Pat Dodson who remains a member of the Commission. Lt. Governor Adams serves as Florida's Secretary of Commerce, who is directly responsible for the state ARBC and all bicentennial activities.

Dr. Richard P. McCormick of the ARBC was the main speaker at a dinner for the 25 top winners of a Bicentennial model building contest sponsored by the Building Contractors Association of New Jersey on February 19. The assignment for the contest which was open to high school students was "Create by design and construct a model of the building that will be the New Jersey Pavilion in the 1976 Bicentennial Exposition." First place prize of $500 went to William Sitler and Bruce Muller, sophomores at North Warren Regional High School. The winning models were displayed at the State Museum in Trenton, N.J.

"The Spirit of '76 Committee" of the American Legion met in Washington during the Legion's annual winter meeting and Director Jack I. LeVant was invited to brief the nine member group. John A. Jones, Chairman of the "Spirit Committee" and Hollis Hull, Assistant Executive Director of the Legion both pledged their support to the Nation's 200th anniversary celebration. The one hour meeting was filled with the exchange of program ideas between the Legion and the ARBC. The "Spirit of '76 Committee" has been charged by the full membership of the American Legion to develop a national program of involvement for 2.7 million plus members, and its one million auxiliary. The Legion will conduct its 1975 National Convention in Philadelphia.

Arthur C. Kaufmann, Chairman of the Independence National Historical Park Advisory Commission, Philadelphia, has announced that the Liberty Bell will be moved for the bicentennial from Independence Hall into a new bell tower within Independence Park some two blocks away. The new structure is expected to be completed in 1974 to provide greater exposure for the crowds expected for the bicentennial and also to provide greater security for the national treasure.

Savannah, Georgia's elegant Customhouse, a Bay Street landmark since 1852, has been designated an Historic Customhouse and made part of the Bureau of Customs' contribution to the Bicentennial Era.

The Maryland Environmental Trust has begun a Bicentennial program to encourage the restoration of the Free State's rivers and streams to the condition in which they existed at the time of the American Revolution. In announcing "a living Bicentennial program," Trust Chairman George S. Wills sated, "The important thing about this program as it relates to the Bicentennial is that stream-river restoration and conservation can be contemporary and important to today's environmental problems."

A five-man Bicentennial Coordinating Committee has been appointed by the Legislative Council of the Speech Communication Association to provide the Association leadership in planning and implementing a comprehensive bicentennial program in 1976. A wide range of potential activities is currently being considered by the committee, which will meet for the second time in Chicago this month.

The Late Affair Has Almost Broken My Heart, a book on the military aspects of the American Revolution in the Southern colonies will be published in the Spring of 1972 by Chatam Press. The book traces the careers of the 4 leading protagonists Lord Cornwallis and Col. Tarleton on the British side and Gen. Nathaniel Greene and Gen. Daniel Morgan on the American side.

TAIWAN TRADE TO SURPASS THAT OF MAINLAND IN 1972

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mr. FISHER. Mr. Speaker, under leave to extend my remarks I include an interesting and revealing article which recently appeared in Free China Weekly. It follows:

TAIWAN TRADE TO SURPASS THAT OF MAINLAND IN 1972

Wong Yi-ting, director of the Board of Foreign Trade, said Feb. 23 that the Republic of China's foreign trade will surpass that of the China mainland before the end of this year.

Speaking at a press conference at the Government Information Office, Wong said free China's two-way trade soared to US$4.08 billion in 1971, up US$1.03 billion over 1970. The foreign trade of the mainland under the tyrannical rule of the Chinese Communists was about US$4.7 billion last year.

Wong predicted that the Republic of China's foreign trade will continue to grow rapidly.

"Within two or three years," he said, "our country will become the No. 2 trade power in Asia, second only to Japan."

The United States, which bought US$880 million worth of Taiwan products last year, remained the country's biggest trade partner. A favorable balance of US$290 million was registered for the Republic of China.

Exports to the United States accounted for 41.1 per cent of the total exports, he said.

The foreign trade director said free China will have to sell more metals, machinery and electronic products to the U.S. from now on because of the import control on textiles by the U.S.

Other top trade partners of free China in 1971 were Japan, Hongkong and Germany.

Canada was listed fourth on the list, with imports from Taiwan of US$113 million.

Wong said the Republic of China is doing whatever it can to narrow the trade gap with Japan, which soared to US$500 million last year in favor of the island empire.

Meanwhile, the China Credit Service (CCS) predicted that free China's foreign trade will reach US$5,400 million this year.

In its *ROC Trade Forecasts for 1972*, CCS said Chinese exports will amount to US$2,870 million and imports to US$2,530 million, resulting in a favorable trade balance of US$340 million.

The CCS projection is substantially higher than the official prediction. Government leaders had predicted a growth rate of around 20 per cent for the current year.

Last year, free China's two way trade amounted to some US$4,000 million with a surplus of US$180 million.

STANFORD UNIVERSITY AND THE PRESERVATION OF ACADEMIC FREEDOM

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. FRASER. Mr. Speaker, on January 5, 1972, the advisory board, Stanford University issued its decision in the matter of Prof. H. Bruce Franklin.

The decision of the board that Franklin should be immediately dismissed was subsequently accepted by the university's president, Richard W. Lyman, and the Stanford board of trustees.

As Dr. Lyman pointed out in his February 23 remarks before the San Jose Stanford Alumni Club, disciplinary cases against tenured faculty members are not numerous. This makes each case especially important and it is especially important that the university's position in the Franklin case be understood.

A colleague recently described Lyman as having the seldom seen combination of stamina, high intelligence, and great compassion. I understand that this description is not overdone. Lyman's San Jose remarks which follow testify to his understanding of what a university is and the challenges it faces.

The remarks follow:

REMARKS BY RICHARD W. LYMAN

What the Chairman has said in that very generous introduction may well be true, although I often wonder where courage ends and foolhardiness begins.

The hardest thing that a University President has to do, I think, is to try to bridge the yawning canyons of noncommunication among the various groups that comprise or care about the University. In many ways he is in the best position to see how all the pieces fit together. He is in the best position to understand how differently the various groups perceive the University, its nature, purpose, and problems. Students, alumni, staff members, faculty, not to mention non-University but crucial elements like the various branches of government—these groups are all diverse within themselves, of course; it is difficult to think of a generalization about student attitudes that would hold true across the whole student body, for example. But among the groups there are also great differences. And at times I come close to despair in facing the task of helping them towards some mutual understanding.

I've perhaps been particularly conscious of this lately, when several issues have been raised about which the differences of opinion have been so great that attempts at explanation of one to another seem all but hopeless. The arguments over the Indian symbol; the protracted, often embittered, and soul-wracking controversy over military recruitment and the use of Stanford facilities by so-called "war-related" industries; and the diverse and often passionate reactions to the decision to dismiss Professor H. Bruce Franklin; in all of these there exist these huge differences in perception that leave one almost ready to doubt whether the parties at issue are in fact speaking the same language.

I don't propose to go into all of these, except insofar as you may wish to raise them in your questions—mainly because I want to get to the question period as quickly as possible. But I'd like to say a few words about the Franklin case, because it is so especially important that the University's position be understood, and my incoming mail tells me that all too often it is not.

On the one hand there are some all-but-hysterical outcries against our alleged trampling of both Constitutional rights and academic freedom—often these two are hopelessly confused, or simply assumed to be synonymous, by the writers. Here's a small sample:

"DEAR PRESIDENT LYMAN: It is with consternation that I notice in the January 6th edition of the *New York Times* that an associate professor of English at Stanford, H. Bruce Franklin, may be dismissed from the faculty because he has been forthright in the exercise of his personal political freedom.

"That this consideration is possible at Stanford is a symptom of deterioration in the conscientious fibre of the University. If Professor Franklin is dismissed, it will be proof of the extension of that deterioration and an irretraceable step in the direction of reducing Stanford to a second-class seat of learning.

"In expressing his convictions with vigor Professor Franklin has demonstrated the individuality which is the birthright of every American. This courage deserves promotion, not dismissal."

On the other hand, and far more numerous, there are the letters and cards from all over the country that say—well, let me quote from a couple of real ones, rather than paraphrasing:

"By all means fire Professor Franklin, an 'avowed Maoist.' Also fire all the 38 Academic Council members who made the recommendation that the charges against Franklin be dropped."

"May I commend you on your long overdue action in ousting these ungrateful radicals. I would strongly suggest that the teaching staff as well as the student body should be reviewed again, and anyone showing any trace of being a radical be fired or sent home without any second thoughts."

Now you'll have noticed that the two kinds of message I've been describing and quoting have this in common: both rest on the assumption that Mr. Franklin was dismissed because he held radical beliefs, and expressed them. The critics say we're guilty of thought-control, and that our decisive action will set off a train of similar repressive moves throughout American higher education. And many who are congratulating us enthusiastically think the same thing—only they welcome the idea.

I don't think it can too often be reiterated that this view of the Franklin case misreads its meaning, and does so in a way that is seriously damaging, *both* to academic freedom and to on-campus discipline. The Advisory Board majority themselves put it about as clearly as it can be put:

"The real issue in these hearings is Professor Franklin's behavior on the offenses charged, not his political views. Diversity of political views is a great asset to the University. The charges here, however, are incitement to use of unlawful coercion and violence and increasing the danger of injury to others as means to achieving Professor Franklin's goals; it is that behavior, not his political views and their expression, which we judge unacceptable. Indeed, we note with approval that others holding and expounding extreme political views are today highly respected members of the Stanford faculty. Our decision silences neither political dissent nor criticism of the University. The only speech or behavior repressed by this Board's findings is that which clearly urges and incites others to unlawful coercion or violence, or to acts likely to increase the risk of injury to other persons. We believe such behavior should be restrained; insistence on such standards of faculty conduct will not chill open and the robust dissent on this or any other campus."

One visitor to the campus last month remarked upon the Advisory Board decision as "a great educational document." He meant to convey his admiration for the care with which he thought the Board has attempted to delineate the issues of faculty responsibility, had sought a proper balance between the rights of the institution and the rights of individuals within the institution, and had tried to break new ground—disciplinary cases against tenured faculty members are not exactly numerous in recent history—while at the same time avoiding the creation of dangerous precedents or excuses for the abuse of power by university administrators. I think that this visitor was right, and that in the longrun the Advisory Board's work will be generally seen as a landmark on the road to true freedom for universities.

How we use our freedom is, I suppose, the most important question we can be asked. The contemporary American university is a unique historical phenomenon. It does within one institution what in other countries generally requires several kinds of institutions. We offer a liberal arts education to liberate the minds of undergraduates; we train postgraduates for a variety of professions, some more esoteric than others; we also try, however imperfectly, to be good corporate citizens; Stanford is, after all, one of the biggest employers, biggest consumers, biggest landowners in Santa Clara County. (Yes, I know we're not entirely in Santa Clara County, but San Jose is, and *most* of Stanford is.)

That's a tall order. It's small wonder, in a time when society is at odds with itself over so many issues, that the University gets caught in the crossfire time after time. That is where the difficulties of communication come in. And that is where the question period ought logically to begin, for, to be effective, communication must be a two-way street.

I thank you.

MITSUBISHI WORLD AIR CENTER SALES, SERVICE PACT TOLD

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mr. MILLER of California. Mr. Speaker, the Oakland International Airport is one of the most active on the Pacific Coast, not because of the flights in and out of the airport, but because it is the center for a number of supplemental carriers that are highly important to the defense and economy of this country.

The largest of these, and, as a matter of fact, the largest in the country, is World Airways with headquarters in the World Air Center at the Oakland International Airport.

The World Air Center is under the direction of Mr. Edward J. Daly, chairman of the board and its chief executive officer. Mr. Daly has built this company up since World War II and it now takes on a new complexion as being the sales and service center for Mitsubishi Aircraft International.

I make as a part of these remarks an article that appeared in the San Leandro Morning News on March 2, 1972:

MITSUBISHI WORLD AIR CENTER SALES, SERVICE PACT TOLD

Mitsubishi Aircraft International of San Angelo, Texas, and World Air Center, Inc., of Oakland, have announced the signing of World Air Center as Sales and Service Representative for the Mitsubishi MU-2 executive propjets. World will have sales and service responsibility in 11 Western states: California, Oregon, Washington, Idaho, Wyoming, Montana, Utah, Nevada, Arizona, Alaska and Hawaii.

The MU-2 executive prop-jets (three models—the MU-2F, G and J) are manufactured by Mitsubishi Heavy industries, Ltd., in Japan, parent company of Mitsubishi Aircraft International. The basic fuselage, wing and tail sections are shipped to the U.S. where they are assembled, completely outfitted with interior and electronics, painted and made ready for sales in Mitsubishi Aircraft International's production facilities in San Angelo, Texas. American-made components represent more than 60 per cent of the plane's cost.

World Air Center, Inc., is a wholly-owned subsidiary of Oakland-based World Airways, Inc., the largest supplemental air carrier operating in the world today. Commenting to Makoto Kuroiwa, President of Mitsubishi Aircraft International, Edward J. Daly, Chairman of the Board and Chief Executive Officer of World, said, "We are delighted to be affiliated with Mitsubishi. Mitsubishi Heavy Industries is one of the largest manufacturers in the world. It is engaged in 46 major industries including aircraft and aerospace, ship building, construction, insurance, power generation, iron and steel, mining, petroleum, chemicals, transportation, textiles, pulp and paper, agriculture, and many others. Aircraft design and manufacture is a major segment of the Mitsubishi enterprises and the company has produced a fine business aircraft. I've watched this aircraft continue to gain the respect of corporate pilots throughout the U.S. As a high-speed executive prop-jet, the MU-2 has no peer in speed and performance in its category."

World Air Center's corporate Aviation Division located at Oakland's International Airport will handle sales and service for the MU-2. World is a complete total maintenance facility developed for full support of corporate aircraft ranging in size from light twins to large jet aircraft.

R. N. Dargie, Executive Vice President of World Air Center, and James S. Hayhoe, Director of Corporate Aviation, have stated that the Corporate Aircraft Division of World Air Center proposes to occupy the present World facilities upon completion of a new $12 million maintenance complex at Oakland International Airport. The huge new 60-acre complex, located near World's present facility, is expected to be finished early next year. As originally projected—and subject to satisfactory negotiations—World would lease the facility from the Port of Oakland.

William D. Eikenberry, Mitsubishi's marketing chief, present for the signing of World, said, "Our expanding sales of the MU-2 requires an organization of World's capability and experience. We are extremely proud to have them represent us in the West. World Air Center will be a tremendous asset to our marketing efforts and in service and support to MU-2 owners."

THE TRAGEDY OF VIETNAM: THE COST

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mr. HELSTOSKI. Mr. Speaker, in his typically incisive manner, David Brinkley, of NBC News, last week attempted to give the American public a brief, but tragically complete, accounting of the costs of our disastrous involvement in Indochina. Reams of statistics have been produced on the human monetary costs of this misguided, immoral war, but Mr. Brinkley's short commentary says it all. As we read his remarks and reflect upon the mindlessness of this war, we can only ask why the President continues it, and why Congress allows him to continue it, for another day:

COMMENTARY BY DAVID BRINKLEY

Yesterday, the Senate voted to raise the price of gold . . . to make official what had happened already—the devaluation of the dollar. Meaning that in relation to other currencies, the dollar is worth less.

To a great extent, it's one more side effect of the Viet Nam war. One of many. The others are familiar:

An inflation that already made the dollar worth less even before it was devalued.

The loss of about 50 thousand young Americans and the wounding of a quarter of a million more.

The killing of hundreds of thousands of Viet Namese men, women and children . . . and the physical devastation of their country.

The waste of far more than 100 billion of the American taxpayers' money that could have been spent on something useful. Plus another 100 billion added to the Federal debt.

Serious damage to the morale and discipline of the American armed forces themselves, not to speak of young soldiers hooked on Viet Namese heroin.

Severe disorders in the United States . . . riots and killing . . . anger and alienation of a generation of young Americans . . . more hostility in a country already having too much.

A reduced public confidence in their political system.

Plus My Lai, draft evaders, profiteering and a great deal more.

All of it taken together make the Viet Nam war the biggest blunder in American history. The biggest.

We build monuments to our successes. As a reminder in the future, we might build a monument to this, a historic blunder.

They might also put a speakers' platform on it and require that any future political leader anxious to join other countries' warmongering make his speeches from this platform. To persuade anybody, a speech from that platform would have to be pretty good.

NIXON REPORTS ON CHINA

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mr. DUNCAN. Mr. Speaker, there was a very interesting statement among the editorials in the Knoxville, Tenn., News-Sentinel of March 1 concerning the President's visit to China and the results of his meeting with Chou En-lai.

I would like to include the editorial at this point:

Nixon Reports on China

On his return from China, President Nixon denied he had made any secret deals there or given up any U.S. commitment to any other country, meaning Taiwan.

This assurance is welcome, because in the communique he issued with Premier Chou En-lai he clearly moved away from the Taiwan-based Nationalist regime, this country's ally.

It was unseemly for the United States to pledge to remove its forces from Taiwan—a matter that should first be discussed with the Nationalist—in a joint statement with the Chinese Communists.

Quite clearly, Chou demanded language that would undercut the Nationalists, and Nixon made the concession as his price for starting to improve relations with mainland China and its 800 million inhabitants. History will report whether he made the right choice.

That said, we cannot agree with charges coming from Sen. Hubert H. Humphrey on one side and the John Birch Society on the other that the President deviously sold out the Nationalists or invited the Communists to overrun Taiwan.

It is ironic to hear Humphrey talk about Nixon pulling the rug from under the Nationalists (who after all did lose their civil war) when he is a leader of a group of Democratic hopefuls who are competing to pull the rug from under South Vietnam, which has not yet lost its struggle.

In his airport-arrival statement, Nixon clarified his policy for the gradual removal of U.S. troops from Taiwan. He said "our ultimate objective is to withdraw our forces as a peaceful settlement is achieved."

It is difficult to quarrel with that goal. So long as there are token American forces on Taiwan and our defense treaty is in effect, an attack from the mainland is unthinkable. And once a peaceful settlement is reached, there will be no need for a U.S. military presence.

Most of the political talk about "abandoning" the Nationalists and leaving them "at the mercy of the Communists" strikes us as illogical and uninformed. If Peking were to decide on a military solution, these are among the problems it would face:

To cross the 100-mile-wide Formosa Strait, without having notable air or sea power. To land on an island held by a well-equipped army of 500,000 men. To embark on an amphibious military adventure in the East while one million hostile Russians are massed on the country's northern borders.

The people this country saw on its TV screens meeting with Nixon did not seem that crazy.

In all likelihood, the agreements between Peking and Taiwan will take many years, will be peaceably negotiated and, being made by the Chinese themselves, will make more sense than if we Americans try to do it for them.

RUSSIANS FLEE DISTRICT OF COLUMBIA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. RARICK. Mr. Speaker, what the future holds for the District of Columbia if home rule is granted may be indicated by the recent announcement that the Soviets now numbering more than 400 people at the Russian Embassy in Washington have purchased "a vacation resort" 50 miles from Washington, D.C.

Included in the property purchased to assist the Russians in fleeing Washington are two three-story neo-Georgian mansions, one of which consists of 31 rooms.

I think that the story speaks for itself and ask that the related newsclipping follow.

[From the Washington Post, Mar. 8, 1972]

Russians Buy Resort Site

(By Douglas Watson)

The Soviet government bought 45 acres and two neo-Georgian mansions on Maryland's Eastern Shore yesterday as a vacation resort for Russian diplomats here, ending years of searching for such a facility.

The Chesapeake Bay property, part of the 1,600-acre Pioneer Point Farms estate in Queen Anne's County, was purchased for slightly more than $1 million from developer Charles G. Rist.

Embassy First Secretary Vladimir N. Orlov said the estate's three-story, 31-room Hartfield House will serve as the summer residence for the Russian ambassador. Noting that the mansion has a 3,000-bottle wine cellar, Orlov said, "I think we'll find a proper use for it."

He said the estate's other three-story mansion, Mostley Hall, will probably be used to house other embassy officials on summer and weekend vacations. A summer camp for the diplomats' children, which was held on rented property in Charles County last year, may also be moved to the estate.

Orlov noted the concern of some local residents and said, "I don't think these fears have any ground." He said the Russians intend to obey local laws despite their diplomatic immunity.

A State Department official said, however, that the land bought by the Soviets now has the same "inviolable" status as all embassy property, which is regarded as foreign soil.

He pointed out that American diplomats in the Soviet Union have a dacha (country house) on seven acres outside Moscow as a vacation retreat and that the American ambassador lives in a large Moscow mansion, Spaso House, while Dobrynin has been limited to an apartment at the Soviet embassy at 1115 16th St. NW.

The Russians had previously obtained State Department permission to buy the estate. The State Department spokesman said the American dacha is leased from the Soviet government, because, "You can't purchase any land in the Soviet Union."

The Russian diplomats and their families here, who total more than 400 people, are prohibited from traveling more than 25 miles from Washington without special State Department permission. Orlov said he hopes a general exception will be made for travel to the estate, which is about 50 miles from Washington, five miles west of Centreville, Md.

Rist, developer of the Charnita resort community near Gettysburg, Pa., bought the Pioneer Point Farms estate three years ago for more than $2 million. He said yesterday his salesmen will start this weekend selling off the remaining 1,555 acres in lots of five acres or more to anyone who wants to buy.

The Soviet Embassy which expects to soon begin building a new embassy building on the site of the former Mt. Alto Hospital, had considered "several dozen" vacation places in Maryland and Virginia before yesterday's purchase, Orlov said.

TIMOTHY BURKE TREADWELL

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. MONAGAN. Mr. Speaker, Sunday morning, February 20, a great tragedy struck the family of First Selectman Timothy Burke Treadwell of Newtown, Conn., and the town of Newtown itself. Tim Treadwell died in a fire which destroyed the home where he resided with his wife and three young sons. Tim Treadwell was a young man of great promise and potential in public life and politics. He had served his town of Trumbull with great vigor and enthusiasm, and as it was stated in an editorial of the Newtown Bee:

> The outpouring of fellow officials, townspeople and personal friends at the funeral service in Trinity Episcopal Church . . . gave evidence of the place of affection, esteem and admiration in which Tim was held, not only in Newton but in the neighboring towns which he also served through the Regional Council of Elected Officials, the Fairfield County First Selectman's Association, and the Connecticut Council of Mayors.

Mr. Speaker, I enclose editorials of eulogy which appeared in the Danbury, Conn., News-Times and the Newtown, Connecticut Bee.

The eulogies follow:

Editorial Ink Drops

TIM TREADWELL

The untimely death of Tim Treadwell deprives a family of its father and a town of its elected leader. In both cases the loss is tragic.

The outpouring of fellow officials, townspeople and personal friends at the funeral service in Trinity Episcopal Church on Wednesday afternoon gave evidence of the place of affection, esteem and admiration in which Tim was held, not only in Newtown but in the neighboring towns which he also served through the Regional Council of Elected Officials, the Fairfield County First Selectmen's Association, and the Connecticut Council of Mayors.

Those who knew Tim well and watched him in the performance of his duties in office have long been impressed with his energy and stamina. Prompted by his love for Newtown and his desire that its future be protected and insured, he made it a part of his administration to watch over the proceedings of all boards and meetings which might influence that future.

If Tim had a fault, it was his personal attention to matters which might safely have been delegated to others. And yet, within our memory, no First Selectman has worked as hard serving the town as did Tim from the day of his first appointment in April, 1968, to the day of his death last Sunday. Regardless of long hours or road blocks intentionally thrown in his way, we are sure he considered his job as a labor of love for his town.

Others will remember Tim for his enthusiasm of youth, his devotion to duty, his unbounded energy, his tendency to always look ahead, tackling projects which he believed would work for the future benefit of the town. He was thoughtful and kind by nature, and an obvious gentleman by training and habit.

Beyond all that, we will never forget the help he extended to us when this newspaper changed from letterpress to the offset method of printing in 1967. We thought our staff was prepared for the change, but unexpected problems were soon encountered.

Tim was then with the Varityper Division of Addressograph Multigraph Corporation and knew the offset process much better than we did. Seeing our trouble, he rolled up his sleeves without being asked and worked long hours with us until the problems were solved. It was the sort of service beyond the call of duty which seemed to afford as much satisfaction to him as it did relief to us.

Coupled with his sense of the need for future town and district planning, Tim has always shown much interest in young people. It seems most appropriate, therefore, that a Timothy Treadwell Memorial Fund is being established for a future Youth Center in Newtown.

It is high tribute to Tim that his place in town will not be easily filled. His years in office deserve a capable successor. May we suggest, in townwide appreciation of Tim, that partisan politics be played in low key in the search for that man.

FIRE TRAGEDY IN NEWTOWN

The sympathy of many people throughout this area goes to Mrs. Timothy Treadwell and her three young sons in the tragic death of First Selectman Treadwell of Newtown in the Sunday fire which destroyed their home.

It is tragedy enough that a young father has been taken from his family, but the sense of tragedy is compounded by the loss to the town of Newtown of its chief executive and to the area as a whole of one of its most vigorous municipal leaders.

Mr. Treadwell represented a newer generation of first selectmen who recognize that the problems and challenges of today are not limited to the town which elects them.

Accordingly, he was active in the Regional Council of Elected Officials, serving as its treasurer, president of the Fairfield County First Selectmen's Association and a member of the Connecticut Conference of Mayors.

He was also not content with merely meeting the problems of the present or catching up with those of the past. He sought to anticipate problems of the future by good planning and effective early action so that his town and the area as a whole would be better places in which to work and live.

Fire tragedies occur so often in winter months, yet they usually seem remote to most people. Mr. Treadwell's untimely passing is a reminder of how swiftly and savagely fire can strike, not only when unexpected but where unexpected.

His death leaves a void which will be most difficult to fill.

FEDERAL CIVILIAN EMPLOYMENT, JANUARY 1972

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. MAHON. Mr. Speaker, I include a release highlighting the January 1972 civilian personnel report of the Joint Committee on Reduction of Federal Expenditures:

FEDERAL CIVILIAN EMPLOYMENT, JANUARY 1972

Total civilian employment in the Executive, Legislative and Judicial Branches of the Federal Government in the month of January was 2,864,976 as compared with 2,865,902 in the preceding month of December. This was a net decrease of 926.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Federal Expenditures.

EXECUTIVE BRANCH

Civilian employment in the Executive Branch in the month of January totaled 2,825,029. This was a net decrease of 1,494 as compared with employment reported in the preceding month of December. Employment by months in fiscal 1972 follows:

Month	Full-time employees in permanent positions	Change from previous month	Temporary, part time etc.	Change from previous month	Total employment	Change from previous month
July 1971	2, 521, 703	+1, 391	381, 448	+18, 755	2, 903, 151	+20, 146
August	2, 524, 098	+2, 395	366, 062	−15, 386	2, 890, 160	−12, 991
September	2, 527, 518	+3, 420	317, 021	−49, 041	2, 844, 539	−45, 621
October	2, 529, 832	+2, 314	303, 236	−13, 785	2, 833, 068	−11, 471
November	2, 528, 233	−1, 599	300, 254	−2, 982	2, 828, 487	−4, 581
December	2, 525, 858	−2, 375	300, 665	+411	2, 826, 523	−1, 964
January 1972	2, 552, 297	+26, 439	272, 732	−27, 933	2, 825, 029	−1, 494

The major factor in the net increase of 26,439 in full-time permanent positions in the month of January 1972 was the reclassification to permanent status, under the terms of recent labor-management agreements, of approximately 30,000 Postal Service employees previously classified as temporaries.

Administration orders announced last August were directed at reductions in the category of full-time permanent employment, but little significant change has been apparent in this regard in the overall totals to date. However, it is noted that small reductions were reported in the months of November and December, and in January there would have been a reduction of about 4,000 if the Postal Service reclassification was excluded for comparative purposes. This would indicate that there may be some trend toward the projected June 1972 level of 2,531,500.

Changes in total employment in January in Civilian Agencies of the Executive Branch as compared with civilian employment in Military Agencies were as follows:

	January	December	Change
Civilian agencies	1, 698, 671	1, 696, 691	+1, 980
Military agencies	1, 126, 358	1, 129, 832	−3, 474
Total, civilian employment	2, 825, 029	2, 826, 523	−1, 494

The civilian agencies of the Executive Branch reporting the largest decreases in January were Postal Service with 2,531 and Agriculture with 1,586. The largest increases during the month were reported by Treasury with 6,982 and Veterans Administration with 996. The changes in Agriculture and Treasury were largely seasonal.

In the Department of Defense the largest decrease in civilian employment was reported by Navy with 1,610.

Total Executive Branch employment inside the United States in January was 2,639,512, a decrease of 181 as compared with December. Total employment outside the United States in January was 185,517, a decrease of 1,313 as compared with December.

LEGISLATIVE AND JUDICIAL BRANCHES

Employment in the Legislative Branch in January totaled 31,752, an increase of 536 as compared with the preceding month of December. Employment in the Judicial Branch in January totaled 8,195, an increase of 32 as compared with December.

In addition, Mr. Speaker, I would like to include a tabulation, excerpted from the joint committee report, on personnel employed full-time in permanent positions by executive branch agencies during January 1972, showing comparisons with June 1970, June 1971, and the budget estimates for June 1792:

FULL-TIME PERMANENT EMPLOYMENT

Major agencies	June 1970	June 1971	January 1972	Estimated June 1972 [1]
Agriculture	82, 912	84, 252	83, 469	83, 000
Commerce	25, 427	28, 435	27, 738	28, 500
Defense:				
Civil functions	30, 297	30, 063	30, 340	30, 600
Military functions	1, 129, 642	1, 062, 741	1, 061, 323	1, 011, 000
Health, Education, and Welfare	102, 297	104, 283	106, 319	102, 000
Housing and Urban Development	14, 661	16, 030	15, 864	15, 200
Interior	59, 349	57, 570	57, 089	56, 900
Justice	38, 013	42, 662	42, 727	45, 100
Labor	10, 217	11, 352	11, 864	11, 800
State	23, 618	23, 398	22, 934	22, 700
Agency for International Development	14, 486	13, 477	12, 826	12, 400
Transportation	63, 879	68, 482	67, 871	66, 400
Treasury	86, 020	90, 135	94, 186	98, 500

Major agencies	June 1970	June 1971	January 1972	Estimated June 1972[1]
Atomic Energy Commission	7,033	6,920	6,804	6,700
Civil Service Commission	5,214	5,324	5,183	5,600
Environmental Protection Agency[2]		5,959	7,114	8,000
General Services Administration	36,400	38,076	36,148	39,400
National Aeronautics and Space Administration	31,223	29,478	28,332	27,500
Panama Canal	14,635	13,967	13,903	14,200
Selective Service System	6,665	5,569	5,809	6,200
Small Business Administration	4,015	4,004	4,008	4,000
Tennessee Valley Authority	12,657	13,612	13,767	14,000
U.S. Information Agency	9,989	9,773	9,598	9,400
U.S. Postal Service	565,618	564,782	[3] 593,489	[4] 613,400
Veterans Administration	148,497	158,635	161,250	162,700
All other agencies	29,807	31,333	32,342	34,300
Contingencies				2,000
Total[5]	2,552,571	2,520,312	2,552,297	2,531,500

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[1] Source: As projected in 1973 budget document; figures rounded to nearest hundred.

[2] Established as of Dec. 2, 1970, by transfer of functions and personnel from Interior, HEW, Agriculture, Federal Radiation Council and Atomic Energy Commission.

[3] Reflects reclassification to full-time permanent status of approximately 30,000 Postal Service employees previously classified as temporaries.

[4] Includes approximately 39,000 postal employees subject to reclassification under a labor-management agreement.

[5] January figure excludes 2,844 disadvantaged persons in Public Service Careers programs as compared with 2,778 in December 1971.

HON. SILVIO O. CONTE CHOSEN "MAN OF THE YEAR" BY DUCKS UNLIMITED

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. BURKE of Massachusetts. Mr. Speaker, last Friday, in Newton, the Massachusetts Chapter of Ducks Unlimited presented our esteemed colleague, the Honorable SILVIO O. CONTE of Massachusetts, with their "Man of the Year" award.

Over 450 members and friends of Ducks Unlimited attended an annual banquet to pay tribute to our colleague's outstanding accomplishments in the field of conservation and environmental protection.

I would like to take a moment today to commend both the organization which gave the award and the man who was chosen to receive it.

The Massachusetts Chapter of Ducks Unlimited, under the leadership of State Chairman, Winthrop G. Dow, Jr., has done an outstanding job raising money for the establishment and maintenance of migratory waterfowl nesting areas and refuges. Nationwide, this nonprofit, nonpolitical organization has raised $25 million, setting aside $18.5 million for wetland refuges in Canada. Presently, the organization controls 2 million acres of wetlands, including 9,000 miles of shoreline.

No one is better suited for the "Man of the Year" award than my friend and colleague, SILVIO O. CONTE. We have all watched him fight to protect migratory waterfowl and clean up the environment. Appointing him to the Migratory Bird Conservation Commission was one of the best, and most appropriate, appointments this body has made.

In order that all my fellow Members of the House can appreciate the full significance of this award, I would like to insert into the RECORD the introductory remarks made at the Ducks Unlimited banquet by Mr. Charles G. Carothers III, Special Assistant to the Assistant Secretary for Fish, Wildlife, and Parks, Department of the Interior.

The remarks follow:

This evening is certainly a double pleasure for me: I have the opportunity to enjoy the annual Boston reunion of Ducks Unlimited and the honor to introduce one of the outstanding conservationists in the House of Representatives, Congressman Silvio O. Conte.

Before we present Congressman Conte with the Man of the Year award, I'd like to take a minute to refresh your memories of his many battles to preserve and protect our environment, particularly migratory waterfowl. He fought long, hard and successfully to overturn a Department of the Interior ruling which permitted the shooting of eagles from aircraft. He was instrumental in setting aside lands to preserve the condor from extinction. He helped to secure the passage of the National Wild and Scenic Rivers Act and the bill which created the Redwoods National Park.

On the local front, Congressman Conte pried loose a $40,000 appropriation to the University of Massachusetts for wildlife research and fought many battles to prevent the construction of the Dickey-Lincoln power project in Maine.

Moreover, he was one of the five original cosponsors of legislation to protect the Atlantic Salmon from present international fishing practices.

Nationwide conservation groups have long recognized that Sil Conte will go to bat on their behalf. In 1970, he was one of only 20 local, state and national elected officials to be endorsed for re-election by the prestigious League of Conservation Voters.

That same League of Conservation Voters has again recognized Sil's conservation accomplishments. Just this week the League cited Sil for his "outstanding" record on key environmental issues in the Congress.

He and 13 other House members scored 93 on a scale of 100 for 15 selected House votes in 1971 on environmental issues. The 93 score was the highest attained by any member of the 435-member House.

His 93 percent score compares with the average score in the House of 41 percent, and the average of all New England congressmen of 65 percent. Our "man of the year" was the only Massachusetts congressman to receive the highest rating, and one of only three in New England.

So you can see that Congressman Conte has been working for us in 1971, and throughout his 14 years in the House of Representatives.

I can vouch for this personally, because I've seen him in action on the Migratory Bird Conservation Commission. During his tenure on that Commission (since 1965), 18 new wildlife refuges have been created. The Commission has approved the acquisition of 225,218 acres of wetlands and nesting areas and the lease of an additional 10,000 acres. The Commission has overseen the expenditure of nearly 50 million dollars to preserve and protect migratory waterfowl and other species. Sil Conte has had a perfect attendance record at Migratory Bird Conservation Commission meetings—he hasn't missed a single one of the 27 meetings held since his appointment. That's an unusual and praiseworthy accomplishment in Washington.

So he's been fighting for us. Nowadays, there's a general lack of information on the role of the sportsman in game management and wildlife preservation. Too few people know that the sportsmen have been the prime movers in the effort to preserve endangered species and clean up the environment. Ducks Unlimited is a prime example of such accomplishments. Sil Conte's work in the Congress is another example of a sportsman's personal commitment to wildlife protection and preservation.

Sil Conte is one of us. On the trip up, we swapped stories of hunting trips. The top prize had to go to the Congressman's three-day marathon journey when he spent two days in Stuttgart, Germany, then flew for a day's hunting outside of San Antonio. Afterwards, he arrived at 3 a.m. in the morning in Enid, Oklahoma, for a day's try at quail. Other men might have collapsed at this point, but Sil Conte made it home in time to travel out to the eastern shore of Maryland to close the goose season.

I've always believed that no one can appreciate natural beauty, and the need to protect it, like the sportsman. Nowhere will you find a better example of that theorem than Sil Conte. And nowhere could you have found a more fitting recipient of your Man of the Year Award than Congressman Silvio O. Conte.

ADMINISTRATION CAN NO LONGER IGNORE THE NEEDS OF RURAL AMERICA

HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. GALIFIANAKIS. Mr. Speaker, how long must our farmers suffer from lack of FHA operational loan funds?

As of today, 22 States are completely out of operational funds, and many others will be in the immediate future.

It is unconscionable that the additional $75 million which the Congress wisely appropriated for FHA operational loans is being impounded by the Office of Management and Budget.

How long can OMB turn a deaf ear to the pleas of thousands of small farmers, the very lifeblood of our Nation, who rely on FHA operating loan funds for their economic survival.

I would like to urge my colleagues to join me in support of a measure I introduced today calling for the release of the $75 million impounded funds. The administration must be forced to recognize that they can no longer ignore the needs of rural America—the very lifeline of our economy.

AGENT DONALD DUCK: ENEMY OF THE PEOPLE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. DERWINSKI. Mr. Speaker, an interesting article by Mr. James Goodsell on the propaganda techniques of the leftist regime in Chile which wishes to discredit the United States and our free enterprise system was carried on the perspective page of the Chicago Tribune of Wednesday, March 8.

Mr. Goodsell, a correspondent for the Christian Science Monitor, is knowledgeable of developments in South America, and I am pleased to insert his article in the RECORD.

The article follows:

AGENT DONALD DUCK: ENEMY OF THE PEOPLE

(By James Nelson Goodsell)

SANTIAGO, CHILE.—Donald Duck and his fellow Walt Disney cartoon characters have come under sharp attack in a best-selling book published here which takes them to task for being agents of the capitalist system.

The book, "Para leer al Pato Donald" ["How to Read Donald Duck"] accuses the whole Disney organization of being "class enemies" of Chile's Marxist-oriented government. The book notes that a variety of Disney comic books are regularly issued here and that the Disneyland Club has become quite popular among Chilean children.

Within a few weeks after the book was issued in late December, it had become a much sought-after title in bookstores despite its relatively steep price of more than $2 a copy at the official dollar-escudo exchange rate.

COMPLEXITIES ARE HIDDEN

Its authors, Ariel Dorfman and Armand Mattelart, are leftist supporters of the Marxist-oriented government of Salvador Allende Gossens. Dorfman is a literary critic who works for the juvenile publishing division of Quimantu, the state publishing firm. Mattelart is a Belgian sociologist who heads Quimantu's mass communications division.

Quimantu has launched a variety of youth publications since it took over the facilities of Zig-Zag last year, one of Chile's most prestigious publishing firms. Many of these new publications compete with Disney comic books.

The authors of the new book attacking the Disney entourage maintain that "there are many complexities hidden behind the simplicity adopted by Donald Duck." They argue that in the Disney world, the characters are in the service of "neo-capitalism" and a consumer's society where man is only a cipher.

They claim that the Disney comic books are a threat to "the Chilean reality" because they advocate such "bourgeois" institutions as free enterprise. The Allende government is committed to taking Chile along the road to becoming a full-fledged socialist state.

ATTACKS UNCLE SCROOGE

"As long as the smiling face of Donald Duck parades innocently thruout Chilean cities, as long as Donald Duck means power and collective representation," the authors comment, "then imperialism and the bourgeoisie can sleep peacefully."

In this connection, the Chilean study takes Donald's rich Uncle Scrooge McDuck to task for taking advantage of people to amass his fortune. Numerous cartoon samples of Disney comic strips are included in the Chilean book. There is one, for example, that shows Scrooge McDuck swapping a cheap watch for "Genghis Khan's crown of gold and precious stones."

All this attack on Donald Duck and the menagerie of Disney characters, however, has had virtually no effect on the sales of Disney comic books. Indeed, bookstore dealers in Santiago say if anything, that the sales have increased.

COMMENTS ON OUR JUNIOR COLLEGES

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. THOMPSON of New Jersey. Mr. Speaker, the junior colleges of this country are the most rapidly growing sector of American higher education. They have exhibited great vigor and imagination in making educational opportunities more broadly available particularly to minority students, in providing vocational education as well as academic training, and in serving the communities in which they are located.

In response to requests from myself as well as other Members of both the House and Senate, Mr. Frank Mensel of the American Association of Junior Colleges has prepared some detailed comments on the House and Senate versions of S. 659, the Higher Education Bill. On the eve of the conference on this bill I would like to give my colleagues the benefit of Mr. Mensel's report. While I do not endorse all of its recommendations, I have found it to be extremely stimulating and helpful both with regard to this specific legislation and in setting out some of the problems faced by these dynamic institutions of higher education.

The report follows:

REPORT FROM FRANK MENSEL

STUDENT FINANCIAL AID

By landmark legislation enacted since World War II—the GI Bill, the National Defense Education Act, the Vocational Education Act, and the Higher Education Act, among others—the United States has moved steadily toward universalization of post-secondary education opportunity. S. 659 offers perhaps the boldest step yet in this direction, in seeking in the Senate version of the bill to extend the entitlement concept of the GI Bill to all the needy students who feel they qualify for studies beyond high school. Significantly this standard has the strong backing of the Nixon Administration.

The so-called Pell standard, or entitlement approach in the form of the Basic Educational Opportunity Grant, also has wide backing among the nation's two-year college leaders. Those who support it contend that it will work to the increased advantage of both low-income and middle-income students, which constitute the greater enrollments of the community colleges. It will, in their view, sharply increase *both* the college *enrollment, persistence* and *completion* rates among the low-income students, because it will provide immediate assistance to the vast numbers of such students who already are attempting to complete a community college education without the benefit of federal financial aid of any kind. Even though the community colleges typically draw heavily, and in many cases almost proportionately, from the lowest income quadrant (see the testimony of A. A. Canfield, former state director of the community college system of Washington State, before the Pell Subcommittee in the Senate, July 21, 1970), the "automatic" grants as authored by Chairman Pell would substantially enhance their chances of completing their course of study. Such grants would establish a largely uniform national standard, and would eliminate the grave inequities of the present system based on state allotments and regional panel approvals. Community colleges have been hampered in their support of sharply rising low-income enrollments, because their requests for aid have so often been pared by the state formula and regional review processes. Appendix A is a sample of correspondence which illustrates how hard some community colleges have been hit by these arbitrary cuts.

Community college sentiment supports the entitlement approach in the Senate bill. The rationale for this position runs strongly in the vein of the more detailed analysis supplied by the staff of the Washington office of the College Entrance Examination Board, contained in Appendix B, and used by permission of that office.

One aspect of the Pell approach, however, which concerns many community colleges is its tendency to penalize the colleges which charge very low tuitions or no tuntion at all. It could tempt the community college systems which charge no tuition or very low tuition to increase their fees, despite the maintenance of effort stipulation. Since the general thrust of S. 659 is so clearly toward the universalization of post-secondary opportunity, the legislation should encourage more schools to reduce or eliminate tuition, at least in lower division programs.

An important step which S. 659 could take in this direction, and thus blunt the disturbing tendency just cited, is one that the community colleges have strongly urged in the past—elimination of the local matching funding in student financial aid programs, especially for the colleges which charge no tuition or very low tuition (e.g., $100 or less per term).

The House and Senate versions both take another major stride toward broader opportunity, by providing much broader eligibility in the student financial aid programs for the half-time student. This will strengthen both the enrollment and persistence of the low-income students. Junior colleges universally commend the authors of both bills for this vital reform. Appendix C is an unofficial position paper from a staff member of the College Entrance Examination Board which summarizes current thinking about student financial aid programs and legislation as they impact on students and colleges.

Both bills also take important and commendable steps to help veterans who, as some analysts have observed, can at least presently do better financially on unemployment compensation than they can under present educational benefits. Both the House amendment providing a special work-study program for veterans and the Senate provision discounting VA benefits by 50% in their income eligibility for student financial aid have strong community college support. Community college leaders also have suggested that the student financial aid concept go even farther for veterans, and that they qualify uniformly for the Pell grants, with no burden upon them to prove need.

INSTITUTIONAL GRANTS

The junior colleges were among the earliest advocates of annual direct federal grants based on enrollment or credits earned to help colleges operate. Our ranks are linked with the larger higher education community in firm support of the Green formula as adopted in the House bill.

Community college testimony and support

apparently were a factor in the development of this concept, which initially emerged as a major legislative proposal in the Green omnibus bill of the last Congress, H.R. 16098. Community college advisers were called by Chairman Edith Green into deliberations which helped develop the broader formula now embodied in the House bill.

The reasons the junior colleges have given broad support to this concept and formula are several:

1. It strengthens rather evenly the greater college and university community, both as a marketplace of opportunity and as a national training base so essential to the growing emphasis upon post-secondary preparation for technical and professional careers. A general shrinkage of this marketplace, as threatened by college closings, can only frustrate the national goal of universal opportunity. The Green formula offers both an immediate and long pull remedy against the financial crisis in higher education.

2. It also gives the college the broader, more flexible funding base they need to accelerate the reforms which so many colleges recognized as needed long before the critics began clamoring for them.

3. And for the community colleges specifically, the Green formula offers a substantial "equalizer" in federal funding. Since historically the junior colleges have not shared fairly in many of the categorical federal programs for higher education, their leadership vigorously support the direct capitation grants as a way of bypassing the obstacles and biases of the grantsman and categorical processes.

It is argued by some that community colleges could realize greater federal funding potentially under the cost-of-education institutional support approach embodied in the Pell student aid reforms than under the Green formula. This postulation, however, is predicated upon the full, or nearly full, funding of the Pell student aid programs. The Green formula, on the other hand, rests on no such contingency and would be the source of immediate help, assuming it is funded in its own right.

Some data, although sparse in amount, exists which helps to show how institutional aid or cost-of-instruction funds would impact on two-year schools.

An AAJC compilation, using only Mrs. Green's formula for institutional aid of FTE times $100 shows that for 1970, at full funding levels, two-year schools would receive $167 million. The formulas add on $100 for the first 200 students in each college. This would require $36 million more, and another add-on for the next additional 100 students enrolled would require another $18 million; or a total of $221.5 million. A doubling of lower division grants to cover FTE's representing low-income enrollments would add for 1970, $41.7 million; making a total of $263.1 million for full funding. For 1971, the costs would jump to $190 million, $38 million, $19 million, and $47.5 million; or a total of $294.3 million.

Table No. 1 shows state by state amounts required for full funding of Mrs. Green's formula. No information is available for the costs of funding the part of the House formula which is based on funds received by the colleges for EOG, work-study, loans, and veteran's benefits.

TABLE 1.—MRS. GREEN'S FORMULA APPLIED TO COMMUNITY/JUNIOR COLLEGES[1]

State	Number of schools	Full-time enrollment plus ½ part-time enrollment	$100 times FTE	Add-on for 1st 200 students	Add-on for next 100 students	Total
Alabama	22	18, 135	1, 813, 500	1, 320, 000	400, 000	3, 535, 500
Alaska	8	2, 701	270, 100	168, 400	40, 000	478, 500
Arkansas	8	4, 203	420, 300	240, 000	160, 000	820, 300
Arizona	12	24, 627	2, 462, 700	360, 000	240, 000	3, 062, 700
California	96	460, 481	46, 048, 100	2, 839, 800	1, 825, 500	50, 713, 400
Colorado	14	18, 221	1, 822, 100	420, 000	280, 000	2, 522, 100
Connecticut	21	18, 152	1, 815, 200	574, 000	367, 800	2, 857, 000
Delaware	5	6, 314	631, 400	150, 000	100, 000	881, 400
District of Columbia	4	2, 436	243, 600	120, 000	60, 000	423, 600
Florida	32	91, 185	9, 185, 500	975, 200	620, 000	10, 780, 700
Georgia	23	18, 848	1, 884, 800	663, 000	378, 400	1, 926, 200
Hawaii	7	8, 674	867, 400	210, 000	107, 400	1, 194, 800
Idaho	4	7, 217	721, 700	102, 800	60, 000	884, 500
Illinois	54	93, 646	9, 364, 600	1, 560, 000	1, 003, 300	11, 907, 900
Indiana	4	6, 070	607, 000	116, 300	40, 400	773, 700
Iowa	26	21, 721	2, 172, 100	776, 600	477, 300	3, 426, 000
Kansas	24	16, 015	1, 601, 500	720, 000	374, 100	2, 695, 600
Kentucky	22	10, 759	1, 075, 900	660, 000	393, 400	2, 129, 300
Louisiana	7	5, 638	563, 800	210, 000	134, 100	907, 900
Maine	6	2, 586	258, 600	180, 000	118, 600	557, 200
Maryland	17	28, 095	2, 809, 500	508, 000	263, 400	3, 580, 900
Massachusetts	33	38, 116	3, 811, 600	990, 000	620, 000	5, 421, 600
Michigan	35	82, 032	8, 203, 200	1, 050, 000	665, 000	9, 918, 200
Minnesota	22	17, 751	1, 775, 100	634, 800	367, 500	2, 777, 400
Mississippi	25	21, 765	2, 176, 500	768, 000	424, 700	3, 369, 200
Missouri	22	24, 943	2, 494, 300	660, 000	365, 500	3, 519, 800
Montana	3	1, 727	172, 700	90, 000	60, 000	222, 700
Nebraska	9	5, 511	551, 100	270, 000	180, 000	1, 001, 100
Nevada	1	202	20, 200	30, 000	400	50, 600
New Hampshire	5	1, 474	147, 400	150, 000	43, 300	340, 700
New Jersey	22	22, 808	2, 280, 700	589, 000	343, 600	3, 213, 300
New Mexico	9	4, 220	422, 000	360, 000	140, 000	922, 000
New York	59	138, 264	13, 826, 400	1, 752, 200	1, 070, 000	16, 648, 600
North Carolina	62	41, 756	4, 175, 601	843, 200	901, 800	6, 920, 600
North Dakota	7	5, 797	579, 700	210, 000	101, 200	890, 000
Ohio	34	42, 638	4, 263, 800	1, 006, 400	586, 000	5, 856, 800
Oklahoma	16	10, 198	1, 019, 800	480, 000	280, 000	1, 779, 800
Oregon	15	36, 664	3, 666, 400	450, 000	260, 000	4, 376, 400
Pennsylvania	47	58, 435	5, 843, 500	1, 385, 000	787, 000	8, 015, 500
Rhode Island	3	6, 239	623, 900	90, 000	60, 000	773, 900
South Carolina	26	19, 554	1, 955, 400	480, 000	372, 600	2, 808, 000
South Dakota	2	325	32, 500	45, 800	4, 700	83, 300
Tennessee	14	8, 806	880, 600	420, 000	260, 000	1, 560, 600
Texas	54	83, 804	8, 380, 400	1, 590, 000	947, 700	10, 918, 100
Utah	5	6, 629	662, 900	150, 000	100, 000	912, 900
Vermont	5	2, 482	248, 200	150, 000	80, 000	478, 200
Virginia	25	27, 592	2, 759, 200	750, 000	427, 600	2, 936, 800
Washington	24	63, 941	6, 394, 100	720, 000	480, 000	7, 594, 100
West Virginia	7	3, 581	358, 100	197, 000	71, 200	526, 300
Wisconsin	28	27, 565	2, 756, 500	823, 200	443, 600	3, 023, 300
Wyoming	7	5, 174	517, 400	210, 000	140, 000	867, 400
1970 total	1, 042	1, 670, 033	167, 003, 300	36, 384, 700	18, 027, 500	[2]221, 415, 500
1971 estimate	1, 079	1, 899, 918	189, 991, 800	37, 824, 700	18, 987, 500	[2]246, 804, 000

[1] Data developed by AAJC.

[2] Using the Canfield projections, we can estimate that 25 percent of 2-year school enrollments are from low-income families. This would add for 1970, $41,700,000 to the cost of fully funding Mrs. Green's formula (total $263,100,000) and for 1971, $47,500,000 (total $294,300,000).

Another compilation, by the U.S. Office of Education, Table No. 2, assumes funding at the $100 million level. The two-year colleges, at that funding level, would receive $16.5 million if the House formula were adopted, and $32.6 million if the Senate formula were adopted and student aid provisions were previously fully funded. The costs of instruction grants in the Senate formula would require appropriations of $540.8 million for the two-year schools at full funding. It must be emphasized that the state by state comparison in Table No. 2 is based on funding of only the $100 million level for both the Senate and the House formulas.

MR. PELL'S FORMULA VERSUS HOUSE FORMULAS AT $100m FUND LEVEL

State	Senate amount	House amount
Alabama	$572, 940	$305, 185
Alaska	3, 413	4, 474
Arizona	610, 038	262, 125
Arkansas	82, 590	75, 395
California	7, 144, 577	3, 342, 688
Colorado	438, 754	200, 927
Connecticut	496, 219	225, 151
Delaware	$138, 264	$76, 833
District of Columbia	95, 134	54, 683
Florida	1, 604, 741	831, 150
Georgia	510, 532	322, 809
Hawaii	175, 000	[1]105, 000
Idaho	141, 381	83, 495
Illinois	2, 329, 143	1, 116, 120
Indiana	75, 082	45, 606
Iowa	530, 603	292, 650
Kansas	498, 616	279, 198
Kentucky	43, 076	110, 902
Louisiana	65, 452	26, 290
Maine	2, 121	2, 295
Maryland	677, 560	323, 612
Massachusetts	1, 022, 488	473, 095
Michigan	1, 759, 607	790, 732
Minnesota	539, 938	297, 508
Mississippi	674, 697	390, 070
Missouri	424, 071	315, 082
Montana	48, 701	35, 221
Nebraska	116, 219	83, 563
Nevada	6, 918	6, 724
New Hampshire	28, 685	20, 159
New Jersey	838, 159	418, 976
New Mexico	37, 079	18, 286
New York	2, 160, 010	1, 181, 279
North Carolina	1, 077, 740	501, 183
North Dakota	122, 620	46, 735
Ohio	444, 896	189, 306
Oklahoma	336, 609	238, 985
Oregon	$610, 499	$245, 111
Pennsylvania (branch schools not included)	816, 502	416, 352
Rhode Island	79, 564	24, 184
South Carolina	326, 999	174, 398
South Dakota	8, 301	10, 453
Tennessee	275, 644	199, 579
Texas	1, 958, 102	1, 011, 186
Utah	189, 602	92, 176
Vermont	50, 177	30, 268
Virginia	567, 111	248, 130
Washington	1, 320, 966	520, 898
West Virginia	54, 937	39, 686
Wisconsin	487, 458	136, 679
Wyoming	149, 977	287, 798
Total	32, 648, 670	16, 468, 704
With full funding	540, 808, 100	(2)

[1] Approximate.

[2] Amount unknown.

Source: Data obtained from the U.S. Office of Education. Several experts have suggested that the results of this table are skewed in those States (i.e., Kentucky) where OE analysts failed to properly account for schools having large numbers of economically disadvantaged students which receive EOG, work-study, and NDSL funds.

If the community colleges were to consider solely their own interest, they could only support the Senate's provision for cost-of-instruction grants which follow the federally aided students. But while the two-year colleges are acutely squeezed by financial pressures, the financial crisis in higher education reaches well beyond community colleges—touching such staggering issues as accountability, adjustment to rapidly changing market and social forces, and even survival itself. Though the community colleges are a growing bulwark for the resolution of such issues, they constitute only one element of a total solution. In the interest of both an early and total solution, and in support of the principle of direct grants, two-year colleges remain fast in support of the Green formula as a first measure in this direction.

TITLE X (COMMUNITY COLLEGES) AND CAREER EDUCATION

The Senate bill in Title X captures the main elements of the original Comprehensive Community College bill, authored by Chairman Harrison A. Williams Jr., and a staunchly supported by the junior college constituency from its inception three years ago.

The primary thrust of Title X is to give the States the planning incentives and help they need to put their higher education house in order, to strive for both comprehensiveness and convenience in the services their post-secondary system offers, to reduce program waste and duplication among different institutions in overlapping service areas, and to develop further as desired the comprehensive colleges (two-year and/or four year as proposed in the Carnegie Commission Reports) to deliver such services.

We know from these Carnegie Commission Reports and their supporting studies, as well as from the College Entrance Examination Board's Willingham Study, that the very availability of the comprehensive low-cost college largely serving commuter students—which in the overwhelming number of present instances is the two-year community college—has a profound impact toward the universalization of post-secondary options and opportunity. Such studies show that accessibility is still the first factor in whether young adults try college—and that such a college makes an immediate and substantial difference in the college-going rates of the young adult population.

This is clearly borne out in the college-going rates of the States that already have strong community college systems. The States which have such systems have, in effect, put the college opportunity in the form of comprehensive post-secondary services within both the cost and commuting reach of upwards of 90% of the population. Those States without such systems show much lower availability of the low-cost college opportunity, and at the same time, a lower rate of college attendance.

Title X is viewed here as a strong and essential complement to the section of the House bill which provides much broader support for career education and occupational studies on the post-secondary level. Community college leaders were consulted in the formulation of this program—Title XIV of the House bill—and it is gaining wide support in community college ranks. (AAJC's Commission on Legislation has not met recently enough to react formally as a body to Title XIV.)

The community college concept and mission is ideally suited as a systems base, or delivery system, for the broad-gauge programming called for in Title XIV of the House bill.

The community college stand on these aspects of the legislation has been succinctly stated by President Frank M. Chambers of Middlesex County Community College, in letters of Jan. 27, 1972 to Rep. Dominick V. Daniels and other members of New Jersey's Congressional delegation:

"DEAR CONGRESSMAN DANIELS: I am most grateful for your informative letter of January 11, and for your open-mindedness towards our needs and toward Title 10 of S. 659.

"Certainly the equivalent Title in the House Bill which provides only for planning assistance to perfect State systems is a step in the right direction.

"It simply does not go far enough. To give substance to the new State plans we need, then, the development support that Title 10, S. 659 provides. We need it for two reasons: First, as you agree, because we bear the brunt of the opportunity explosion in higher education; and, second, because the Community Colleges have been short-changed in most of the existing federal categorical programs. With the exceptions of construction and equipment aid and developing institution support, we have fared like a stepchild in most higher education programs. This is partly explained by the fact that Community Colleges are so underrepresented in the professional staffing of U.S. O. E. The Community Colleges now enroll about 3,000,000 Americans—in numbers served, they are far and away the largest segment of the higher education community. About one-half of all freshmen now start their college work in the Community Colleges. We need in U.S. O. E., to champion and coordinate the programming for two-year colleges, the kind of new office or unit which Title 10 proposes.

"In my view, Title 10 is an ideal complement to the great new post-secondary career education title which the House Bill contains. Community colleges are in public education the main engine of the post-secondary career education developing in our nation today, and to achieve the fuller promise of the career education programming, which this Title of the House Bill provides, you need the community college systems which Title 10 would support; in other words, one Title is systems development, the other is programs development and they mesh, ideally, toward the same great objective. Thus, I vigorously support both provisions.

"We, in the Community Colleges, look ahead to the Conference Bill meshing the best features of both Bills as the greatest landmark ever achieved in legislation for higher education. We appreciate the great contributions of the House Bill and, particularly, your own profound leadership in the whole effort. . . . Our movement is making remarkable strides, thanks in large measure to the growing recognition Congress has been giving the Community Colleges. . . .

"Sincerely,

"PRESIDENT CHAMBERS."

Features of Title X which are regarded by AAJC's Commission on Legislation as essential to the final legislation are, in addition to the state planning incentives already embodied in both the House and Senate bills:

1. Sliding-scale short-term development and expansion support, meant to help ensure that the new colleges will be built in target areas where they are needed most, e.g., the inner city.

2. Sliding-scale leasing assistance for temporary facilities.

3. A high-level unit in the Office of Education to monitor and coordinate federal assistance to community colleges.

4. Stipulation and deadline requiring States to bring the several state plans, including this proposed plan, in the various federal programs for vocational and higher education, into harmony with each other.

The community colleges have long since tired of hollow assurances from the bureaucracy that community colleges would soon receive stronger staffing and broader support specifically addressed to their tremendous growth and needs within the framework of existing programs and staff deployment. However, with the exception of the several junior college specialists serving to such profound advantage in USOE's Division of College Support, the community college leadership in the various other existing federal services and programs amounts essentially to tokenism.

More than any other element of education, the community colleges already are the delivery system for the post-secondary career education in progress in the States. Such programming, in fact, constitutes a massive element of the community colleges, which are rapidly emerging as the backbone of the post-secondary manpower development effort—the most glaring weakness of which at this point is the lack of federal support.

Career education is hardly someone's new brainchild—it is a huge reality in the community colleges. Its impact is sketched in some detail on p. 4 of our June 22, 1971, letter to Senator Pell (Appendix D), which covers information he requested when S. 659 was still in his Sub-Committee markup.

STRENGTHENING DEVELOPING INSTITUTIONS

Community colleges have registered strong approval of the Senate's modifications of Title III and the support for Strengthening Developing Institutions, but also for the House's larger authorization. Another jump in the administration's budget request for this program shows again what a versatile and effective response Title III has been to pressures on higher education for new services and diverse institutions. The greater number of new colleges opening in the 1970's as in the last decade, will be community colleges serving new target areas, with substantial non-traditional, non-white enrollments. Unless the omnibus bill sharply increases the community college set-aside (which neither bill yet does), then discretionary authority over the spending should be extended, as the senate bill proposes, to allow a still more flexible and changing response to the rapidly changing college complexes. At least three eligible community colleges badly need direct help under this program for every one now helped—and that number will rise sharply as a great many of the community colleges built in the last several years becomes eligible under the five-year limitation that presently precludes their participation. Community colleges have long urged that the five-year limitation be eliminated entirely.

FACILITIES

The community colleges want to maintain the separate line-item support for facilities now in effect under Section 103 and the recent education appropriations acts which have carried Section 103 as a separate line. They also prefer the concep+ of a flexible set-aside, as embodied in the Senate bill.

Lumping Sections 103 and 104 support into either a single authorization and/or a single funding line would only leave the fast-growing community colleges at the mercy of the state facilities commissions which are still, in most cases, dominated if not controlled by the traditional institutions. This would be contrary to the congress' policy action in the last three years, which has responded to growth pressures on the community college by giving them the lion's share of the construction grants.

For the next decade, the greater expansion pressures are likely to continue to fall at the community colleges' doors. The recent studies which show community college construction needs for this decade as roughly $6 billion, and those of the traditional institutions as two or three times greater than that, are not a realistic estimate of the community college expansion. This is true because such studies cannot effectively gauge the space needs of proposed community colleges which at this point are only on the drawing boards.

The Carnegie Commission Reports forecast the construction of some 230–250 such colleges in this decade. AAJC forecasts run still higher.

Senator Cranston emphasized this same point to the Senate Appropriations' Committee in its recent hearings on national priorities, when he noted: "I have mentioned the community colleges. They are the fastest growing segment of education, particularly in the enrollment of disadvantaged and nontraditional students. For the budget to again recommend zero funding for community college construction is to propose the crippling of both higher and vocational education, since the two-year colleges are taking such a tremendous share of the growth load in both areas. The whole current authorization of $936 million annually could be spent to great national benefit on community colleges. It would, in fact, hardly dent the backlog of their urgent facility needs. Almost every estimate made of community college growth in the last two decades has fallen for (sic) short of their actual growth, and I think this applies again in the current estimates of their facility needs because such estimates cannot begin to recognize the true space needs of the many community colleges which are at present only on the drawing board."

POST-SECONDARY FOUNDATION

The community colleges and AAJC's Commission on Legislation have given wide and persistent support to the proposal of a National Foundation for Post-Secondary Education, or Higher Education. Hopefully, the Foundation, as well as the Institute, would lead education as a national priority still closer to cabinet status.

The provision for the Foundation should specify in more detail who would constitute the board, thus to ensure equal representation for community colleges, vocational education, and the business colleges. If the board were dominated by university and traditional college interests, the same interests might well monopolize the grants. The Senate's preference for calling it the Foundation for Post-Secondary Education is regarded as a wise emphasis.

Likewise, the professional staff for the Foundation should be drawn proportionately from the several major segments of post-secondary education.

LIBRARIES AND INSTRUCTIONAL MATERIALS

Community colleges have been added to the nation's higher education community at an average of nearly one per week for the last five years. It is estimated that 230 to 300 more two-year colleges should be planned and constructed by 1980 to meet the needs of the steadily mounting enrollments who desire post-secondary education at economical rates with near-by and open door access. The present colleges and ones yet to be built are and will be in pressing need of library facilities, library materials, and other learning media. The Senate's provision of an increased annual authorization of $130 million is entirely appropriate to these pressing needs.

The community college view coincides with that of the American Library Association, carried here as Appendix E by permission of ALA, and it stresses support of the Senate's Section 112 permitting the Commissioner of Education to waive the maintenance of effort requirement on grants for acquisition of library resources and also clarifying, through conforming language, that basic grants are entitlements.

COMMUNITY SERVICES

The Senate's changes in this program are clearly preferred over the House's simple extension of it. This is a program which in operation has consistently resisted the participation of the community colleges. More than 90% of the funding has gone to four-year colleges and universities, when in fact the community colleges are ideally suited for implementing this program.

By earmarking $5 million for grants to colleges in the Standard Metropolitan Statistical Areas, to meet urban problems keyed to national priorities, the Senate provides a new dimension and flexibility that will help give the program new direction, encourage wider community college participation, and redress the imbalances of the past.

EDUCATIONAL PROFESSIONS DEVELOPMENT

Higher education has been vigorously pursuing self-reform and innovation on many fronts, particularly in the community college segment. The development and retraining of college administrators and teachers, as fostered by the Education Professions Development Act, has contributed enormously to this effort. Yet public reaction prods the colleges toward a still faster revamping of directions and services. This period of accelerated change will require still greater support for staff and faculty development. These trends and demands easily justify the Senate bill's authorization of $600 million.

The House version of the bill provides for fellowships for nursing schools. Adoption of this provision should aid community and junior colleges in meeting the nation's critical need of providing qualified allied health professions personnel.

STATE SCHOLARSHIP PROGRAMS

The community college position also strongly supports the Senate's authorization of $50 million for state scholarship incentives. Various states already have scholarship programs, which augment the federal student financial aid programs, and serve students whose needs are ignored in the federal programs, particularly as they apply in community colleges. All states will be encouraged by this provision to develop such programs.

A BRIGHT IDEA

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mr. DUNCAN. Mr. Speaker, a constituent of mine sent me a most refreshing idea recently and I would like to call this to the attention of my colleagues in the House of Representatives. Mrs. Bruce A. Booher, of Corryton, Tenn., suggests that we have a "slow day" each month, a day when speed limits of 30 miles an hour are imposed on our roads and everybody slows down.

I think this is an excellent suggestion and perhaps some of our towns could proclaim such a day. I urge my colleagues to give some thought to this idea, and I thank Mrs. Booher for her letter which follows:

FEBRUARY 15, 1972.

Hon. JOHN J. DUNCAN.

DEAR SIR: Please read one foolish letter, it won't do any good but neither will it do any harm and it's such a beautiful thought. I was just sitting here thinking what a wonderful thing it would be if there could be one day a month called "The slow day." This would be a day when no one could drive over thirty miles an hour on certain streets and roads. This would give our old folks a day to go out and do the things they need to do and it would not hurt the rest to slow down either. I have these friends who are over seventy, never had an accident but they love to go and nearly every Wednesday they go up to Union County to see their son, each time I see them leave I pray they will make a safe trip. I know you are interested in our young people because you have written me about my son who is in the Navy. I appreciate this as I do love my son but, this is his first service to his country in any way. I feel he will appreciate his country more in the future for having served if and when he gets back safely. He's not my first son to go and won't be the last, my husband and three other sons served before him and I have one more. However the old folks have served their country too and for a much longer time. They paid the taxes that built these roads so wouldn't it be great to have one day that they could use them and really enjoy doing it?

Thank you very kindly for letting me sound off.

Sincerely,

MRS. BRUCE A. BOOHER.

APPEARANCE OF SENATOR ERVIN BEFORE SUPREME COURT OF THE UNITED STATES

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, March 8, 1972

Mr. BYRD of Virginia. Mr. President, the Northern Virginia Daily of March 3 contains an excellent editorial on the forthcoming appearance of the senior Senator from North Carolina (Mr. ERVIN) before the Supreme Court of the United States.

This is not the first time that Senator ERVIN has argued before the Nation's highest Court since he began his service as a U.S. Senator. His deep knowledge of constitutional matters commands respect both in the Senate and in the Nation.

The issue now before the Court, concerning which Senator ERVIN plans to present arguments, involves military surveillance of civilians. This is a basic civil rights issue, one in which Senator ERVIN long has taken a firm stand on the side of guaranteeing individual liberty and dignity.

The Northern Virginia Daily is published at Strasburg, Va. The editor and general manager is Mr. James J. Crawford.

I ask unanimous consent that the editorial, entitled "Ervin and the High Court," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ERVIN AND THE HIGH COURT

If all goes as Sen. Sam J. Ervin Jr. expects, we are going to be witnesses to a rare spectacle sometime this spring—the sight of a United States senator arguing a case before the Supreme Court. The venerable North Carolina Democrat, long known as one of the most ardent congressional defenders of constitutional liberties, plans to take up the cudgels against military surveillance of civilians.

A case involving this issue is now before the Supreme Court. It arose when a number of individuals and groups sought an injunction against the Army and Secretary of Defense Melvin R. Laird to halt military snooping into their affairs. The U.S. District Court in Washington threw out the case, but subsequently the Circuit Court of Appeals reversed this decision and ruled that the defendants were entitled to a hearing. Then the government appealed to the Supreme Court, which is expected to decide the issue before its adjournment in June.

Ervin's involvement as a lawyer in the case began only when he was engaged as counsel by several church-related groups that are intervening. In a sense, therefore, he does not stand at the heart of the matter.

In another sense, the fact that Senator Ervin is personally taking a hand in the case serves to underscore its importance. That has been evident all along: military surveillance of civilians engaged in the exercise of their First Amendment rights poses a fundamental question of American civil liberty. The point is given new emphasis by this esteemed senator's decision to go beyond his role as chairman of the Senate Constitutional Rights subcommittee, which already has held hearinges on the subject.

HIGHWAY TRUST FUND

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. ZWACH. Mr. Speaker, there is considerable discussion being heard relative to the highway trust fund.

Some people say it contains excessive funds that should be diverted for other uses.

For those who are concerned about this question, I would like to insert into the CONGRESSIONAL RECORD, with your permission, testimony presented before the House Public Works Committee by Wendell Huber, highway engineer of Otter Tail County in behalf of the Minnesota Good Roads committee.

The article follows:

TESTIMONY BEFORE PUBLIC WORKS COMMITTEE

Mr. Chairman and members of the Committee. My name is Wendell P. Huber, Otter Tail County Engineer, Fergus Falls, Minnesota and currently President of Minnesota Good Roads, Inc. Minnesota Good Roads, Inc. is the one organization whose only purpose is promoting better highway transportation systems in the State of Minnesota. (See attached list.) It is in this second capacity that I stand before you today. There is a great deal currently being written and indeed much discussion in some circles to the effect that excessive money is available for highway construction. As proof of this statement, the balance in the highway trust funds is cited. Nothing could be further from the truth. The Federal Highway Trust Fund reflects Federal cutbacks, holdbacks or just plain not releasing full apportionments to the states and in no way reflects the needs for roads and highways back home.

The Minnesota Department of Highways today finds their system in a poor state of repair due in part, to the concentration of funding on the interstate System these past 16 years. Needs studies show that as a bare minimum, the State of Minnesota should be spending 100 million dollars annually on their 12,2000 mile Trunk Highway System to provide even the basic safety and mobility required—Today they are spending only half of that and after this current biennium when the state highway bond funds are depleted, this figure will drop to a third or less.

The same plight exists in our counties and municipalities throughout the state. I tell you here today that in Minnesota we have thousands of miles of roads that are not surfaced yet—We have hundreds of miles of roads that are not even graveled yet—We have people in rural Minnesota that for as much as six weeks every year, cannot get to their normal medical facilities or the local seat of government to conduct necessary business. Surfaced roads would go a long way towards taking care of these people and their basic transportation needs.

I say that before people start preaching excess highway funds, let them look across rural America and see where we really stand presently as far as serving our people.

In our handout today, is a map of Minnesota showing our substandard highways and bridges on the state system and I say the counties and municipalities are no better off.

Release the Federal Administration created trust fund balances and we'll try to put them to vital use serving the people of our state.

You'll notice I said, try to put them to use because unfortunately the flow of Federal highway funds is not the whole problem, as vital as it may be.

The highway, road and street programs across this nation are today buried in procedures and red tape. The TOPICS program that our urban counties are trying so desperately to move ahead with are fraught with procedures—the Federal wage determinations on a county by county basis serve only to delay projects from letting at the 11th hour. Area or regional wage rates would much better serve the purpose than our present county by county method.

In June of 1971, before a Subcommittee of the Committee on Public Works, on Investigations and Oversight, it was testified to that where we used to have five procedures prior to preparing plans, specifications and estimates and four afterward, we now have eighteen procedures that must be accomplished prior to PS&E and still four after—and more boxes are being added to the preliminary flow chart every day.

In our rural counties, we have people living on the land that cannot get to where they want to go during long periods every year without driving as much as 50 to 75 miles out of their way if at all to find a road that is passable, much less to freeway standards.

Somewhere along the way, the cart has gotten before the horse and if our aim is to provide reasonable transportation to rural America, then we must re-evaluate present-day policies. To me, it is incomprehensible to require the same lengthy procedures and agency clearances to get the farmer out of the mud that is required to construct a modern multi-lane urban freeway.

Some counties in Minnesota have recently passed resolutions to the effect that they cannot afford to use federal funds in their road projects because the federal funds are literally eaten up by red tape procedures before one spade of dirt is turned.

If the purpose of red tape has been to bring the road program to a standstill in this Country, the goal has been very nearly accomplished as I stand before you today.

In Summary: First of all, we want to impress upon you the need for preserving the dedication of the Highway Trust Fund. Our argument on this is that there is not enough money available even now, to make the highway improvements which the people want and need. I'm referring not only to our State Trunk Highways, but also to County Roads and Municipal Streets. And where we're really in a bind is on the problem of bridge replacement . . . a particularly pressing problem in our State. Secondly, we hope that some means can be found to prevent the repeated interruptions of the Federal Highway Trust Fund, the holdbacks and the cutbacks. When such holdbacks occur, our five-year programs are out the window and there is a great deal of bad feeling from people who have been promised a certain road improvement, then suddenly find they are not going to get it on schedule.

Last, but certainly not least, those of us who are connected with the actual building of roads are deeply concerned about the great amount of red tape involved, even on very small projects where it costs us almost as much in manpower to get Federal Aid as the amount we eventually receive. We think there are some reasonable solutions to this problem.

I wish to thank this Committee for allowing me time today to testify on a matter of grave concern and vital importance to the people back home. Thank you again.

PETER BIERSTECKER: VOICE OF DEMOCRACY

HON. JOHN W. BYRNES

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. BYRNES of Wisconsin. Mr. Speaker, the Veterans of Foreign Wars sponsor a national "Voice of Democracy" speech contest for young people each year. This years' first place winner for the State of Wisconsin is Peter Bierstecker of Combined Locks, Wis.

Peter's speech concentrates on the responsibilities we all have as a result of the freedoms which we enjoy in our country. I feel that his thoughts are particularly relevant to our country today. It is with great pleasure that I include his fine speech in the RECORD:

SPEECH OF PETER BIERSTECKER

I'm an American who believes that my heritage is the greatest gift I have ever received. An American who knows that this gift is a product of effort and, at times, even death. An American high schooler who is constantly discovering new advantages of being born free, and who, at the same time, is growing to realize that because I have been given freedom, I have also been given responsibility.

What have I learned about my responsibility to freedom? Every day living has pointed out to me that responsibility goes hand-in-hand with freedom. For instance:

I remember when I was six years old and sadly discovered that Santa Claus was, in reality, my parents. Next year my "Want List" was smaller, because I knew my parents had to pay for the presents. Today I am free to ask my government for assistance, but I have a responsibility to ask only for necessities, because I know there is no Santa Claus and the taxpayers will have to "foot the bill."

All my life I have lived in a comfortable house, but I learned that every time I cut the grass or shoveled the snow, this house became more and more "my home." I guess it's because you only truly possess something after you have earned it. Some day I hope to have a home of my own, and maybe, by respecting the property and personal rights of others now I can earn this right.

My home has been more than comfortable—it's been democratic. I have always been able to "tell my side of the story." This privilege has made me aware that, along with freedom of speech, comes a duty to listen to others and their opinions, to know what I'm talking about, and to study and examine issues carefully before expressing my opinions.

This past year, I learned to drive a car, and gained a greater knowledge of the unity of freedom and responsibility. I keep the car clean and replace the gas I've used, but this is only a minor part of the responsibility I owe my parents for the use of their car. Because I have been given the right to drive, I have a duty to operate their car as they would—with care and concern for every other person on the road. This same principle can be applied to my use of American freedoms: because I have the right to worship as I please, it is my duty to respect the religious beliefs of others; because I have the right to trial by jury, I should remember that a person is innocent until proven guilty, and I should not pass judgment; and when I have the right to vote, it will be my responsibility to use my vote intelligently.

Yes, I am an American teenager who realizes what he has been given—the right to eat, sleep, work, speak, pray and live as I desire. My responsibility to these freedoms is clear. My role is to help preserve, protect, and defend these rights so that all future Americans can be born free, just as I was.

TAXES: A POLITICAL ISSUE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. DINGELL. Mr. Speaker, the Christian Science Monitor of February 7, 1972, carried a fine editorial on tax policy which I would like to share with my colleagues. Therefore, I include the text of the editorial at this point in the RECORD:

TAXES: A POLITICAL ISSUE

As the horde of candidates for the Democratic presidential nomination stampedes across the political arena in search of issues that President Nixon may not already have preempted, the question of taxes appears to have growing appeal.

Up until recently, it looked as though Mr. Nixon had even that one sewed up, in the form of a value-added tax (VAT). But for a variety of reasons, discussed below, Mr. Nixon spoke quite vaguely about VAT in his State of the Union message, and he stressed the tentativeness of a VAT plan he submitted Saturday to an advisory commission for study.

Meanwhile, all the problems which give rise to calls for tax reform remain very much in the public mind. Democratic hopefuls, naturally, wish to keep them there. Which is why two contenders, Senators Edmund Muskie and George McGovern, both chose this past week to come out specifically against the VAT and to put forth alternative possibilities of their own.

Senator Muskie narrowed his focus onto the housing problems of elderly Americans. He proposes to add a $1 billion item to the federal budget to guarantee every over-65 American a decent home. At the same time, his plan would offer incentives to the states to reform their crushing property tax structure. To qualify for federal help, the states would have to publish data comparing the assessed value of every parcel of property with estimated market value, thus exposing any instances of preferential tax treatment.

Senator McGovern's plan addresses itself to the cost of running public schools and the relationship of that cost to the property tax. Under his proposal, the federal government would pay at least one-third of all costs of public elementary and secondary school education. This federal budget item could mount to $24 billion by 1976. Based on the number of schoolchildren, plus allowance for special conditions, the states would automatically receive 75 percent of the earmarked funds.

Other Democratic contenders may be expected to throw their own position papers into the hopper of political debate. Before the public is buried under a mountain of conflicting and piecemeal tax proposals, this might be a good time to take another look at the value-added tax which is generating the current campaign tax debate.

SEARCH FOR A TAX CURE-ALL

The value-added tax exists as a major fixture in European tax structures. All member countries of the European Economic Community already have it, or will have it this year. In 1970 France, Germany, Luxembourg, and the Netherlands collected between 24 and 40 percent of their revenues from it. Denmark, Norway, and Sweden depend almost as heavily on the VAT.

But it has been tried only once in the United States. Michigan adopted it in 1953 and dropped it 13 years later in favor of a corporate income tax. It began to get serious national attention only a couple of years ago as the Nixon administration cast about for means of financing its revenue-sharing proposal to help cities and states out of their ever-worsening financial plight. Another appealing factor was the VAT's potential for helping exports, since it can be rebated under rules of the General Agreement on Tariffs and Trade, while direct taxes cannot.

Like Senators Muskie and McGovern, the Nixon administration also sees VAT as a means of persuading states to reform their property tax laws and take some of the burden off home-owners. And with deficits mounting to $80 billion over his four-year term in office, Mr. Nixon is also understandably anxious to offset this political liability with an increased revenue take.

The revenue-gathering power of the VAT is impressive. For each 1 percent imposed, it will yield an estimated $5 billion. Mr. Nixon's tentative plan offers a roughly 3 percent tax rate, which would yield about $13 billion after rebates to the lower and middle income public.

The assumption here, of course, is first that the United States needs more tax revenues; and second, that the VAT is the best means of getting them. These assumptions are certainly arguable. Some will fault the first on grounds that the government should cut back on costs.

Opposition to the second assumption, that the VAT is the best new available tax source for financing government at all levels, comes from many directions. But most challenging of these are those fiscal watchdogs who insist that the United States needs a thorough structural reform in the name of equity. It is to this school of thought that we address the third part of this discussion.

TAX FAIRNESS, THE REAL QUESTION

A recent analysis of the gap between rich and poor in the United States, done by Joseph Pechman of the Brookings Institution, concluded that the lowest fifth of American families gets only 3.2 percent of the national income, while the top fifth gets 45.8 percent. The shocker in these figures was that the gap is apparently much bigger than economists had believed, and that it has possibly grown wider since 1966.

One of the reasons for this is germane to this discussion of taxes and tax reform: federal graduated individual and corporate income taxes have been deliberately trimmed back in the last five years, to the advantage of the well-to-do.

While the personal income tax is theoretically based on a sliding scale from 20 to 70 percent, with the rich paying relatively more than the poor, Mr. Pechman's study finds the tax base riddled with special provisions. As a result, few high-income persons pay the theoretical rate.

The cost of this system of exemptions to the federal government is enormously high. A Treasury Department study of the total cost of selective tax reductions to individuals and corporations (which the Treasury innocuously calls "tax aids") showed that these "aids" cost the federal government $36.5 billion in 1968 and $44 billion in 1969.

The more recent Brookings Institution study on erosion of the personal income tax dug deeper than the earlier Treasury version. In it Mr. Pechman included some items not normally considered income, but which are just that for the individual concerned. By his reckoning, if the federal government were to eliminate all such "tax aids," the government could raise an additional $77 billion a year under current tax rates.

It is against such reckonings that adoption of Mr. Nixon's value-added tax, or any alternative which any Democratic presidential candidate might come up with, must be considered.

Cynics will argue, with reason, that meaningful tax reform—meaning closing of loopholes, perhaps including even tax-free municipal bonds, capital gains write-offs, and oil depletion allowances—is at any time an exercise in futility from a practical political standpoint, and most especially so in an election year.

Perhaps so. But the fact that it subbornly recurs as an issue tells us that systematized tax privileges stick in the public conscience like a bone in the throat. The name of this game is economic justice. And no politician on the 1972 campaign scene understands that game more clearly than George Wallace, that fisher of votes from the deepening pools of blue-collar discontent.

Mr. Nixon has attempted to deal with the tax fairness issue by offering a system of rebates to the lower-earning public in his VAT proposal. This would relieve the tendency of the new tax to penalize the poor to the advantage of the rich and would thus improve its chances of passage. But this would not redress the basic regressiveness of the total tax structure. Until the entire system is geared to making every citizen pay his fair share of taxes, without exception or privilege, debate over tax mechanics will not win either the sympathy or the votes of the American people.

LEGISLATION CALLING FOR THE FCC TO INVESTIGATE THE A.T. & T.

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. WOLFF. Mr. Speaker, residents of the greater New York City area, as well as citizens throughout this Nation have been outraged by the rising costs of telephone service accompanied by deteriorating service by their local telephone companies. All of us recognize the vital role that telephone service plays in our Nation's system of instant communications, for without the telephone, most business and government operations would grind to a halt. To maintain high quality service at the lowest cost, the Federal Communications Commission has been mandated by law to carry out investigations of the price and rate seting policies of American Telephone & Telegraph Co., the parent corporation for nearly all telephone service in the country. Such a study, Mr. Speaker, has never been completed by the FCC. With growing requests by local telephone affiliates for rate increases, it is incumbent upon the FCC to conduct a detailed study of A.T. & T.'s rate structuring, profit and expenses in order to provide the data necessary to facilitate informed judgments and decisions on these requests. Therefore, I am introducing legislation today calling for a full and complete investigation of the A.T. & T. rate structure and I call upon my colleagues in the House to join me in urging that this legislation be enacted as soon as possible.

TURKISH GOVERNMENT BANS OPIUM GROWING

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. LEGGETT. Mr. Speaker, the Turkish Government deserves commendation for its no-nonsense prohibition on opium growing.

During the past decade, many Americans have felt resentment toward the Turks. We felt they were profiting from the export of a product which was responsible for half our urban crime and which turned life into a living hell for hundreds of thousands of young Americans. It was a standard sick joke that the Turks could not stop opium production because 50,000 families depended on it for their livelihood. From 1958 through 1970, the Turkish Government reduced the number of provinces in which opium growing was permitted from 42 down to seven, and then down to four in 1971. Despite this, opium production increased year by year until it exceeded 150 tons annually.

Recognizing the effect of this production upon the American people, the Turkish Government has now taken drastic action. It has absolutely banned the planting of opium from 1972 onward. At the same time, it has given its farmers fair compensation: During 1971, the Government Office of Soil Products bought up all the opium the farmers could produce. From now on, each of these farmers will receive an annual government payment equal to the value of his 1971 crop, minus the value of any other crop he grows on the same land. Thus, opium growing can be abandoned without financial hardship.

Of course, some farmers may try to reap a windfall by accepting the government payments and at the same time planting opium for illegal sale. But I am hopeful that the Turkish police will do the necessary enforcing.

The American people owe the Turkish people a vote of thanks.

The press release from the Turkish Embassy follows:

TURKISH RADIO BROADCAST ON BAN OPIUM CULTIVATION

Dear listeners, for many years opium poppy cultivation and opium have been a subject of international relations.

"Opium smoking" and "Opium addiction", which have become more and more widespread in some countries, have become an important health problem for governments. Especially in recent years, the use of opium, heroin and other narcotics has reached such dimensions in the United States, as to cause a national danger for American youth and the country itself

As everyone knows, the Republic of Turkey is a country which cultivates the opium poppy from which opium is derived. Whereas opium was grown in 17 provinces in 1933, 29 provinces grew opium in 1940, 35 provinces in 1945, 38 provinces in 1948, 39 provinces in 1952, 40 provinces in 1955, 41 provinces in 1956 and 42 provinces in 1958.

In 1961 at a conference in New York, all international agreements in connection with narcotics were combined. A new agreement was signed, called "the 1961 Single Convention on Narcotics", the Republic of Turkey participated in this convention. The characteristics of this convention are: in countries where the opium poppy is cultivated, opium poppy planting will not be free but will be subject to official licensing. This has been called licensing of opium poppy cultivation. In this way an attempt was made to control the production of narcotics at its source.

Narcotics are used in the manufacture of medicines and in other beneficial ways. In fact, it is with this intention that the cultivation of opium poppy is permitted. But addiction to heroin, an opium derivative, and similar drugs are harmful to health. The fact that this threatens a whole generation has caused nations to jointly undertake preventive measures. The 1961 agreement is a step in this direction.

Although addiction to narcotics has not become extensive in Turkey as yet, the Turkish Government, for humanitarian reasons and because of international interdependence in this matter, signed and approved the 1961 agreement.

The 1961 opium agreement not only controls opium planting through licensing, but also commits signatory nations to fight against opium smuggling. A serious and effective fight was to be made against smuggling, and if that were not successful then the planting of opium should be entirely banned. This is the most important commitment of the 1961 agreement.

Thus Turkey began to decrease the number of provinces in which opium planting was permitted. The number of provinces decreased to 35 in 1961, to 25 in 1962 and to 16 in 1964. It increased to 19 provinces in 1965 and to 21 provinces in 1966; but as of 1967 it decreased again to 18, to 11 in 1968, to 9 in 1969, to 7 in 1970 and to 4 provinces in 1971.

The Turkish Grand National Assembly, through passage of law No. 812, approved the agreement which became effective for Turkey as of June 22, 1967. The licensing law, necessitated by this agreement was accepted by the Turkish Grand National Assembly in 1971.

NATO's Committee on Challenges of Modern Society, the United Nations Economic Council's Commission on Narcotics, UNESCO and the Interparliamentary Union are interested in this matter. A fund was established at the United Nations to fight against narcotics.

Our country also became a party to the agreement signed in Vienna against synthetically produced narcotics and psychotropic substances.

As we pointed out earlier, Turkey from the outset has in all sincerity and seriousness begun to put into effect the International agreements which she has signed and approved. First she reduced the number of opium planting provinces year by year, then she established an organization to fight against smuggling.

Because of the press, the public in the United States of America believes that most of the heroin and narcotics, the use of which is spreading in that country, is smuggled in from Turkey; this belief is so widespread that the feelings of great appreciation for Turkey, generated in that country during the Korean War, have now turned, although extremely unjustifiably so, into feelings of near-hatred in virtually every American family. The American government, seeing this, offered aid to Turkey for a more effective application of the 1961 agreement and for prevention of smuggling. In 1968, a $3 million agricultural products development and control agreement was signed, allocating one and a half million dollars to the Ministry of Agriculture and an equal amount to the General Command of Gendarmerie.

One factor which drew attention as the number of opium planting provinces in our country decreased, was this; although the number of provinces decreased, production did not decrease.

The amount of opium sold to the Office of Soil Products, which holds a monopoly on opium, was 119 tons in 1967, 125 tons in 1968, 128 tons in 1969, 63 tons in 1970 and 149 tons in 1971. It is evident that these figures do not compare with the number of decreased provinces.

In addition it is claimed that a large amount of opium is being smuggled out of Turkey. A point drawing special attention is that the Office of Soil Products, which could buy only 63 tons in 1970, bought 149 tons in 1971. Although the number of opium planting provinces was down to nine in 1969 and to seven in 1970, from the latter crop, 90 more tons of opium could be purchased. The reason for this was that the governments of July 1971 announced by radio day after day, again and again, that the planting of opium would be totally banned in 1972; that an indemnity would be paid to growers in the last 7 provinces; that the rate of calculation for indemnity would be based on the quantity of opium delivered through the Office of Soil Products in 1971. Thus sales of smuggled opium in comparison to 1970, decreased. At the same time, it was discovered that at least 90 tons of opium had been smuggled in 1970. Smugglers could not do much business in 1971.

Following March 12, the following was said in connection with opium in the program of the first Erim Government:

"Our government, which believes that opium smuggling has become a disaster for all the world's youth and above all else damages humane feelings, is seriously determined to deal with this problem. A better means of livelihood will be demonstrated for opium growers and they will be supported."

Previously, when the area of opium poppy cultivation was reduced from 47 provinces to 7, no compensation was paid to the farmer deprived of his crop. He planted other crops and more or less made a profit. Today the government has found the means of compensating the loss of growers in the three provinces where cultivation was banned in 1971, and the last four provinces where cultivation will be banned in 1972.

Two types of aid will be provided to the growers in these last seven provinces; compensation will be paid for giving up opium poppy cultivation; long range studies will be prepared and investments made for new crops, or for income in some other way.

The first Erim Government, with a decree dated June 30, 1971, banned all opium poppy cultivation in Turkey as of 1972. At the same time, it was announced by radio and other means of mass communication reaching the growers, that growers who turned in their crop of opium to the Office of Soil Products in 1971 would receive indemnity for their opium crop loss in coming years. The indemnity would approximately equal the amount received for his 1971 crop, after income from production in his field, or some other crop such as wheat, for example, is deducted. Thus growers in the seven provinces will suffer no losses in the coming years from being deprived of opium poppy cultivation.

Meanwhile, the Government is having studies made in order to decide which crops can best replace the opium poppy in these seven provinces where the opium poppy was previously grown.

An agreement has been reached with the government of the USA on this subject. American experts who have come and will return to Turkey in February, will make trips to this area, probably making the province of Afyon their center. They will continue their studies, and at the end establish in a report, together with our experts, what should be done in this area. After this investment projects will be prepared. The aim is the development of areas in these seven provinces as pilot areas for the modernization of Turkey's agriculture and agricultural industry. Starting from here, modernization of agriculture throughout Turkey will continue with great speed.

As it will be understood from explanations thus far, the reason for the banning of opium poppy cultivation in Turkey is the fact that smuggling could not be combatted through any other means. As smuggling could not be prevented there was no other alternative but to fulfill our commitment in the International Agreement of 1961. That is why opium poppy cultivation has been entirely banned throughout Turkey. But in order not to deprive the grower of his legal and lawful income because of this decision, short- and long-term measures have been taken and are being taken. Efforts are even being made to provide a better income than before.

A better level of income for less effort will be provided to the opium grower. So the grower has no reason to complain of the banning of cultivation. Yet from time to time, here and there, one hears fine sounding phrases which are not based on facts about opium and the poppy. Sometimes they go to such extremes on this subject as to point out photographs of the fields where the opium poppy was cultivated in 1971, captioning them as "barren fields where no poppy cultivation could be made."

As for the opium smugglers, it is a fact that they are suffering losses in the millions from 1971 as a result of the latest banning decision of the government. It is no great problem for them to sacrifice a few million Turkish Liras in order to have this decision revoked. On the subject of opium, therefore, one should carefully distinguish between the efforts of smugglers and the benefits to growers. If one misses a point, he can be tricked by the smugglers. Smugglers have met with losses and will continue to lose. But the opium planter will definitely secure a better income. In addition, the use of Turkey's name as a poisoner, dragging youth to disaster, and the source of American and world public opinion against Turkey, will be eliminated.

President Nixon's announcement over radio, television and in the press on June 30, with his Secretary of State on one side and the Turkish Ambassador on the other, praising Turkey's decision to ban, was sufficient to turn public opinion of 200 million Americans in favor of Turkey. In addition, Governments of several States have officially thanked Turkey and the Turkish Government for this humanitarian decision.

AMERICAN INDUSTRY AND THE POLLUTION PROBLEM

HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. CEDERBERG. Mr. Speaker, on December 7, 1971, I was pleased to bring to the attention of my colleagues a speech by Mr. Carl A. Gerstacker, chairman of the board, the Dow Chemical Co., discussing the challenge of the pollution problem and the opportunity and the initiative which this problem places before industry.

As we all know, industry has borne the brunt of the blame for the existence of many of our pollution problems. The various industries have been accused of a lack of sensitivity to both the people and the environment. I think that this is a vast overstatement of the reality. The truth of the matter is that we, as individuals, have made demands on industry and technology in a way which overlooked the vacuum which existed in our knowledge about the effects of many new products.

While this does not mean that industry is relieved of its share of the burden for our present difficulties, I think it does indicate that, in the proper context, industry can and will shoulder its responsibility for the resolution of the problems which we now face.

Along these lines, another address of Mr. Gerstacker has come to my attention which I believe is worthy of the attention of my colleagues. Hopefully the people in industry who are responsible to the leaders of our Nation's corporations will give some attention to the message contained in his latest speech.

In addressing the Detroit Economic Club, Mr. Gerstacker had the attention of some of the giants of American business. His message was a simple one: American business and industry must grasp the opportunity laid before them by the pollution problem, take the initiative in its resolution.

The Dow Chemical Co., whose corporate headquarters are in my congressional district, has made great strides in this direction. And not without the profit motive. As Mr. Gerstacker notes, the profit motive is central to good corporate business. To eliminate the problem of waste by developing new uses for manufacturing byproducts not only eliminates a pollution problem, but increases productivity and profits. Businesses must look at this kind of opportunity and the Dow Chemical Co., has initiated a broad, companywide, mechanism to meet these challenges.

I believe that this type of corporate, and other achievements in the pollution control area noted in the speech, responsibility and initiative deserve recognition and I offer Mr. Gerstacker's remarks for my colleagues' consideration.

The remarks follow:

PROFITS AND POLLUTION

(By C. A. Gerstacker)

When it was proposed that I speak here today, the suggestion was made that all I had to do was tell you how to make money out of solving every one of your pollution problems. I hope none of you came literaly expecting me to do that, because if I could I'd be the richest, most expensive management consultant in the world today. I *will* give you some of my thoughts on how I think we ought to go about our anti-pollution efforts, but you'll have to take it from there.

In checking out the records I find that I last addressed this distinguished organization in October, 1966, and that as chairman of the National Export Expansion Council I urged you at that time to work on developing your exports to help the nation solve its balance of payments problem. I know this is a powerful group, because apparently my message eventually got to the right people. Only five years later we finally did something about the balance of payments problem (although the problem is not solved and is worse than ever), and we are working a lot harder on encouraging exports today than we were in 1966.

Thank you for heeding my dire predictions on international problems.

I know it won't take the members of the Economic Club of Detroit as long to get to work on the nation's pollution problems.

We have now been working on these problems, of course, for a very long time. Like our economic problems, they are tough, baffling, frustrating problems, not easy to dramatize, difficult to galvanize public opinion behind, and frustrating in their solutions—but basic to our national progress.

My message today is very simple; it is that solving pollution problems is good business as well as good citizenship. It can be profitable. So let's get at it, with energy and enthusiasm, now.

Does that shock you? Some of my business friends and competitors are questioning my sanity, or they are claiming that I'm merely trying to attract attention. But it is true that we at Dow Chemical believe that eliminating pollution can be profitable.

Why do we stress profits? Because they are the lifeblood of the American free enterprise system. They are the spur that makes it move and work. They separate the worthwhile from the needless, success from failure. They are the discipline that makes business run more productively than government.

I could harangue Dow managers, Dow scientists, superintendents and workmen all day long about our being good citizens and about conducting themselves properly, and maybe they would listen and do something—but only maybe. If I talk profits, on the other hand, they really vibrate, and they want to do something about it, enthusiastically, now. They know profits affect their jobs, their pay, and their future.

Pollution usually affects not us, but someone else, downwind or downstream, so we need more than an ordinary motivation to do something about it. We need the profit motive which drives us all—and that is why Dow is stressing that solving pollution is good business as well as good citizenship.

One of the major lessons of the recent past is the ubiquity of our environmental problems. We have learned, the hard way I suppose, that pollution pays no attention to boundaries, either municipal, state or national.

We have learned that what we put in the river at Detroit directly affects Lake Erie, Toledo, Cleveland, and points beyond. We have learned that what a Canadian company puts in the St. Clair River may affect the fish in Lake St. Clair and the recreational facilities of an entire region's sportsmen; what happens in Canada affects Michigan.

I am chairman of the U.S. Task Force on the Environment of the Advisory Council on Japan-U.S. Economic Relations. It may seem strange to you that a businessman from a chemical company in Midland, Michigan, would be more than casually concerned about pollution levels and laws in Japan. Let me explain.

As the world's lesser-developed nations strive to raise their standards of living, and as the non-industrial nations work to become industrialized, we are reaching a level of industrialization, and consequently of pollution danger, that now threatens all of us on the space ship Earth.

Some of the more pessimistic of the environmental experts insist that it is already too late, that unless we make incredibly difficult changes within the next few short years we will have soiled our earthy home beyond repair. I do not agree with the doomsday school of ecology. I believe we need good, sound international standards and controls, and we need them promptly—standards for environmental performance and controls on the strains that we are placing upon our environment.

On the one hand, we are attempting to eliminate hunger and poverty and pestilence from the earth, with increasing, but not universal, success; and on the other hand, while we are providing a higher material standard for these millions of people, this means using up more of our natural resources and, inescapably, putting more pressure on our environment to produce what humans need. Do the needs of humans come first? I believe most of us would agree that they do.

There are many aspects of the problem that we have barely touched. If, for example, we pass laws in this country dealing with automobile emissions and make some kinds of after-burner compulsory, or if we make air bags mandatory, shouldn't we then provide the technology to make them available to other automobile manufacturers, around the world, who market their products in this country?

If Japanese laws required some safety device on automobiles driven in Japan, wouldn't we expect them to tell us how to make it?

We need international understanding on these matters rather promptly, before we get into needless, endless, and endlessly difficult international bickering on this kind of subject.

Further, if we in the U.S. develop special knowledge about environmental contaminants, shouldn't this knowledge be common knowledge, available to all nations—assuming it is knowledge that has a bearing on human health?

American science has turned its attention to these problems, and indeed, much of the focus of the world's scientific world is now turned to the problems of the environment; and we can expect an increasing flow of environmental knowledge as time goes on. We do need international devices to encourage and facilitate the proper flow of this information across national boundaries and language lines.

This is important to us as businessmen because the costs of environmental clean-up enter into our overall costs and into our ability to be competitive not only with our domestic rivals in the United States but on a global level as well. If for example, U.S. business pays the cost of pollution solving, but the Japanese government pays the cost in Japan, we U.S. business people will have another cost disadvantage.

If we do not reach agreement on these matters, we may soon have another barrier to international trade, and a significant one.

I believe the United States should take the lead in establishing standards of excellence and equity in environmental matters and in developing international agreements on such standards.

As you may know, the United Nations is holding the first large-scale international meeting on this subject in Stockholm this June; and hopefully this will be a big first step to such accords, which to date have consisted mostly of tentative bilateral exchanges of ideas and proposals, as is the case between the Japanese and ourselves.

While international understanding is important and should get our priority attention on a governmental level, I believe we should also be working on the problem at the company level, especially those of us employed by international companies.

One of the reasons international agreements are important is that otherwise we are going to see the rise of havens where pollution is tolerated in the interest of jobs—and we are already getting indications that some of the underdeveloped nations, eager for industrialization, will invite industry to come to them regardless of pollution problems. We must avoid the setting up of pollution havens by international agreements before they get started.

We in industry don't have to wait for strong national pollution control programs or international agreements, of course. We can decide it's in our own self interest to build and operate clean plants everyplace in the world. To be competitive and to avoid later, costly clean-up of old plants we should be installing our best waste prevention technology now.

Another step we can take in this regard is to lay down global guidelines for our own companies in the pollution control area. We at Dow Chemical are currently fashioning the guidelines that we expect Dow Chemical plants around the world to observe.

We are looking at all the aspects of pollution, from air pollution and odor problems to noise and water problems, and a wide range of potential pollutants running from antimony to zinc, and we are attempting to set goals for Dow plants that will make then not only good citizens—we have alway tried to be that—but environmentally sound operators, protectors both of the environment and of the public health.

It will be the goal of each Dow location, in the 23 states and 20 foreign countries where we operate, to meet or better our guidelines or the government's standards, whichever are tougher.

We believe we are the first company to take such a step, so I'd like briefly to explain how we see these global pollution control guidelines working. I should mention that more than 30 per cent of our gross plant is outside the United States.

In each of our major plant operations we have established an Ecology Council, and these Councils are assigned responsibility for overseeing the implementation of our environmental guidelines in cooperation with a corporate Ecology Council at our headquarters in Midland. The corporate Council includes top officers of the company, and regionally the Councils include the presidents or general managers of geographic regions.

On the basis of the overall guidelines, local plants can develop specific plans for meeting environmental needs, including such matters as these:

Pollution control is a line responsibility and is one of the factors considered in the performance of line managers—in other words, in whether he gets a salary increase.

Every Dow employee is responsible for environmental protection in the same way he or she is responsible for safety, quality, equal opportunity, and productivity.

Our basic attack is one of reducing wastes and conserving our raw materials. We therefore engineer waste prevention or reduction into the plants we build, and no capital is authorized for plant construction unless the plans include the prevention of waste problems.

At each site we have programs to contain accidental losses and emergency plans to deal with the major losses that might result from a natural disaster or some other unanticipated event.

We will conduct periodic baseline studies to determine the natural, or baseline, levels, of various environmental constituents, and we'll check to see if changes have occurred, and we'll continually try to identify the constituents of our effluents and emissions and evaluate their impact upon the environment.

At each Dow location, regardless of size, at least one competent person will be assigned to coordinate environmental matters.

We'll continue to cooperate with government agencies in developing and enforcing effective and realistic environmental standards.

We will not consider landfill for waste disposal, unless it is safe and truly the most effective method. Likewise, deep well disposal is out as a long-term solution, and so is ocean dumping of chemical wastes. The only exception would be where we are returning like to like, as for example returning salt water to the ocean, or spent brine to a brinewell.

In some parts of the world environmental laws are conspicuous by their absence; but we are telling our managers, no matter where they are located, that they must meet the Dow guidelines regardless of lack of local standards or laxity of enforcement.

Let me return to one of these guidelines, because it is the key to the message I have been preaching to my business friends: "Our basic attack is one of reducing wastes and conserving our raw materials." I have been saying that spending a lot of money on a waste disposal facility should be the last thing a good businessman does—and I mean a businessman who really has the public's well-being at heart. If we are going at it the right way we should first look at all the yield losses in our manufacturing operations, and analyze and evaluate them. What we should then do is to convert these yield losses into salable product, if we can. And our goal should be to eliminate such losses entirely. We paid money for those raw materials; let's not waste them. If we avoid wasting them we not only conserve our materials and have more product to sell but we don't have the expense of disposing of them as wastes.

In our business, we are going at it this way, and we believe that we can save enough money so that we can at least break even, or get the job done—on balance—at no net cost. Our goal is to make a profit on it—and we have made good profits on our capital spent for pollution control so far.

Perhaps I should cite a few examples for you cynics who are still doubtful.

At Dow's Midland (Michigan) plant, we are installing 28 cooling towers, at a cost of $7.2 million, to reuse our cooling water. Better operating efficiency and lower water costs will give us a 10 per cent return on this investment. That's not great, but it's not bad, either.

The Dow Corning Corporation, at Hemlock, Michigan, invested $2.7 million to recover chlorine and hydrogen previously lost to the atmosphere in making silicon metal. The savings in operating costs are $900,000 per year—not a bad return.

Hercules spent $750,000 to reduce the solids discharged into the Mississippi and is now saving $250,000 yearly in material and water costs as a result.

Dow's Midland Division has saved $6 million in materials that were previously lost to the sewers, in the last three years alone.

Seven pollution control projects, when installed in our fourteen latex plants around the world, at a capital cost of about $2 million, are expected to cut operating costs by almost $2 million per year.

Through a project to save chlorinated solvents now being vented, Dow's Freeport, Texas, plant expects to save $100,000 per year with a capital investment of only $125,000.

The profit motive should apply to consumers and the public as well. You all have heard about the phosphate problem in lakes and streams and are familiar with the efforts to reduce the amount of phosphates in detergents. Taking phosphates out of detergents is the expensive—to the consumer—way of solving this pollution problem. The housewife will have safer and better detergents at a lower cost if the phosphates are removed at the sewage treatment plant. Detergents only contribute about half of the phosphates; the balance comes from human and animal wastes. Dow Chemical has a process that will remove up to 90 per cent of the phosphates—not just the detergent half—in the sewage plant, at a cost of about $2 per person per year. We have proven this process in sewage plants in more than 40 cities, including a recent government-sponsored major demonstration in Grand Rapids. The capital cost is very low—in Grand Rapids it was less than $1 per person.

And now, let me offer my hearty congratulations to the great city of Detroit.

I am pleased to report that we have just signed a one-year contract with the city to make use of the same technology. Detroit will use waste pickle liquor in its treatment, followed by the application of Dow flocculating agents to remove the phosphates. We have been working with the city of Detroit since 1968 in developing and testing this phosphate removal system.

Why don't you people in other cities urge your own local governments to follow Detroit's example and use this efficient way to remove phosphates and save the taxpayer's money and the housewife's money?

I have one further point I'd like to discuss, and that is product stewardship. As you know, the government has been increasing our accountability for our products by leaps and bounds in recent years. You in the automobile business have seen your responsibility for your product extended to areas that you were never accountable for before, mainly in the safety area, and this extension of responsibility is happening in all of industry.

Industry is being asked to assume complete stewardship over the products it makes, ranging all the way from the mining of the raw materials through to the end of the product's life, including the packaging material. And in the case of products like the automobile, this includes disposal of the battered, worn-out junk heaps sometimes left on streets or vacant lots to rust and decay.

Industry must put on the mantle of product stewardship itself, before it is forced upon us by public opinion, by the consumer organizations, and by the government.

At Dow we are attempting to take on this role as completely and as swiftly as we can. We call it product stewardship, and the Federal government is calling it "advanced analysis", but it is the same thing. If you don't mind my again citing examples from my own company, let me give you an illustration or two of the kind of activity this represents:

In Los Angeles we arranged to have polyethylene milk bottles collected and re-extruded into irrigation pipe; this produces a useful product from a waste disposal problem.

Because of our long experience in dealing with hazardous chemicals we at Dow know a great deal about employee exposure to chemicals and other work hazards and about preventing injury from these hazards. We are now making this technology available to others who may not have the size nor the experience to work out safe operations involving such hazards. We call this our *Environmental Health Services.*

We also have a great deal of know-how in the area of industrial analytical chemistry. If you need to know the level of mercury in a food product, or the residue of a chemical on a harvest of fruit, or you can't determine what chemical is showing up in your effluent, we know how to find out, and we also offer this service, and we call it our *Interpretive Analytical Services.*

We are also increasingly concerned with the general or specific impact of various products on the environment—sometimes this is the impact of new products, sometimes the impact of products we sell in some new use, sometimes it is the impact of an old product in a use that no one ever got around to analyzing. We have assembled a corps of experts that we call our Environmental Testing Advisory Board, and it is their job to tell us what the environmental impact is or will be.

It is critical to our business and to solving the ecological problems of our day to consider these matters at all stages in the development of new products. It is critical that environmental tests be conducted in relation to the proposed end uses of a new product.

In the political and emotional climate of today new products are going to face increased marketing restrictions if they have not been proven environmentally, so we are being just as careful as possible not to allow any new problem out of our research laboratories and to find the answers to some old problems along the way, as well.

The day is gone when a chemical manufacturer could dismiss responsibility for his product when it left the plant fence. The day is gone when any manufacturer could ship it and forget it. The day of full product stewardship is here.

It is time for us to accept that, and live by it.

I have covered the subject of pollution with a fairly broad brush. In the process, I have tried to point out those aspects of the problem that have most significance to us as businessmen today.

In conclusion, however, let me say this: I do believe with a passion in the profit motive, and I really believe that if we hitch the profit motive to some of our problems, we will get them solved. Pollution control will continue on forever if we see it simply as a drag on earnings, as a necessary nuisance, classified as overhead. If we see the opportunity in pollution and exploit that opportunity to the hilt, then we will help our earnings, and we will solve our pollution problems, and we will solve the nation's pollution problems. But we need that profit incentive.

Doing something simply because it's good citizenship is not enough. It doesn't really motivate. So I urge you to harness the profit motive to your pollution problems. Try it. I think you'll like it.

Dow Chemical U.S.A.,
Washington, D.C., February 28, 1972.

Hon. Elford A. Cederberg,
Rayburn House Office Building
Washington, D.C.

Dear Al: Enclosed is a copy of the speech which Carl Gerstacker presented to the Economic Club of Detroit on February 22, 1972. You had indicated a desire to receive a copy of this and, hence, we are forwarding a copy to you.

Sincerely yours,
Charles T. Marck, *Manager.*

SBA HELPS STIMULATE OUR ECONOMY

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. LUJAN. Mr. Speaker, the Small Business Administration has been doing more than its share to help stimulate our economy, and under the fine leadership of its Administrator, Thomas S. Kleppe, the results have been most satisfying.

Mr. Kleppe recently spoke in Albuquerque, N. Mex., in my congressional district, and I would like to insert for the Record some of his remarks made at that time:

[From the Albuquerque Journal, Feb. 24, 1972]

SBA Chief Says Agency Helps Increased Economy

No other federal program can add the multipliers to the nation's economy that the Small Business Administration can, and its record as a catalyzer in job creation and economic development will prove it.

This was the message brought to Albuquerque recently by the nation's Small Business Administrator, Thomas S. Kleppe.

"Our real purpose can be expressed in a single word: 'Jobs,' " said Kleppe, and all our resources and attention are going toward the making of more jobs.

Projections by the New Mexico Governor's Comprehensive Manpower Commission indicate that 125,000 jobs will be required by 1977 to bring the state's employment up to the national average, Kleppe said adding:

"The SBA wants to do its part. Obviously we can't do the job alone, but we have the resources and the expertise to help New Mexico reach that goal."

During the last fiscal year, in New Mexico, the SBA increased its loan activity 174 per cent dollarwise, from $6.5 million to $17.8 million, Kleppe reported.

And the SBA's local development corporation program, with a combined investment of more than $1.6 million in federal and private capital, has helped create or save more than 500 jobs in New Mexico, Kleppe said, adding:

"We believe that it is important for each community to set up job goals, to publicize those goals and then institute community planning to reach them."

The SBA does not go out and promote itself and its services to minority enterprises, Kleppe said. Last year 19 per cent of all loans went to the minorities, but the agency addressed itself both to minorities and majorities. Assistance to minorities in New Mexico runs a little higher than the national average.

The cumulative loss rate, nationally, on SBA loans is 4 per cent, but the "trouble" rate runs about 10 per cent, Kleppe said. In New Mexico the "trouble" rate is running about 15 per cent, but it's on its way down.

It was pointed out to Kleppe that one New Mexico loan, which originated in Denver, and another which originated in Washington—perhaps the two most publicized in the state—went "sour."

"You're talking about something very close to my heart—something very close to the President's heart," Kleppe said. "That is decentralization of government. We need government near the people, where the action is, and that's what we're doing. We're delegating our authority to the regional offices, and they're delegating it to the district offices like the one in Albuquerque."

Kleppe, a former North Dakota congressman, said he had reduced the staff of the central SBA in Washington from 897 to 777, sending 120 "out into the field where they're needed."

Fred S. Neumann of Dallas, regional SBA director, who accompanied Kleppe on his visit to Albuquerque, said the outlook for revitalization of Sandia Indian Industries, Inc., an SBA-supported enterprise in Albuquerque, is looking better.

"There are a lot of things to be worked out, but the U.S. Postal Service has granted an extension," said Neumann. "Pat Rutherford (head of the Dallas-based management and development firm, Land-Air, Inc.) has a good track record, and if anyone can salvage the operation, Pat will do it. He's putting a lot on the line."

Kleppe was here to address a noonday meeting of bankers and leaders of other segments of the New Mexico financial community.

"The cooperation of the banking community with SBA has been very good—excellent," said Kleppe, "but we have a wide area in which we can work. Of the 30,000 banks in the United States, only about a third are signed up to cooperate with the Small Business Administration."

BOY SCOUTS OF AMERICA—BUILDING MANPOWER FROM BOYPOWER

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. BAKER. Mr. Speaker, I recently received an inspiring progress report about a tremendous force for good in our country, the Boy Scouts of America. This fine organization can boast of many outstanding accomplishments in 1971, and I want to take this opportunity to share them with my colleagues in Congress.

In 1976, just 4 years from now, our Nation will celebrate its 200th birthday. This significant year also represents a target date for the Boy Scouts of America. By then, it expects to reach its goal of involving in its programs a representative one-third of all boys of Scouting age.

To date, the success of Scouting is phenomenal. Some 4½ million boys from third grade through high school are currently involved in its activities. This represents one in every four American boys between the ages of 8 and 16. In 25,000 cities and towns across America, Scouting is a potent force.

In my own State of Tennessee, approximately 117,000 youths and adult volunteer leaders are involved in the Boy Scout program, with total membership expected to increase by 19,000 this year.

The Boy Scouts of America is the first and largest youth organization chartered by Congress. This huge private organization stands willing and ready to help in every State in our Nation. It offers an organized, contemporary, and universal program to help tackle such problems as drug abuse, pollution, juvenile delinquency, and unemployment.

The year 1971 was a year of which the Scouts can well be proud. Project SOAR—Save Our American Resources—culminating in Scouting's Keep America Beautiful Day June 5, turned out 19,255 Tennessee Scouts and 3,736 adult volunteers. In a single day, these Scouts gathered 442 tons of litter, spruced up 1,298 acres of Tennessee parklands, and cleaned up 1,307 miles of Tennessee roadways and rivers. Nationwide, over 1 million Boy Scouts cleaned up 558,000 tons of litter. So successful was the project the executive board has renewed it for another year.

Operation Reach, the Boy Scouts' nationwide fight against drug abuse, was successfully tested in pilot projects last year. I understand these will be extended into Tennessee and other States in 1972.

My own State of Tennessee, with its abundant natural resources and scenic beauty, has contributed to opportunities for Scouts in our area. Its six Scout councils maintain nine camps, covering more than 3,500 acres. More than 12,500 Tennessee Boy Scouts and Explorers enjoyed use of their facilities last year.

In addition, 570 disadvantaged boys attending from our inner cities had their first chance to learn about nature and outdoor living. Scouts from all parts of the country enjoy 25 camping facilities and 10 historic or wilderness trails in Tennessee approved for the Boy Scouts of America National Campways tour program.

Tennesseans are leaders in the Scouting movement. Cited in my report for their participation on a national and regional basis were Dr. Chambless Rand Johnston and E. B. Stahlman, Jr., Nashville; Herbert G. Stone, Kingsport; Paul Borda, Memphis; and Louis J. Williams, Chattanooga.

We can make no better investment for the future of our cities than Scouting. This program has given many young men and adults their first glimpse of life outside the ghetto and has offered them a sense of community spirit and pride. There are now more than 50,000 Boy Scouts sponsored by housing authorities in housing projects. In these areas, the constructive Scouting programs have drastically lowered vandalism and juvenile crime. By encouraging job training and information, Scouting is helping to reduce hard-core unemployment in our inner cities. More than 2,000 urban teens are members of law enforcement Explorer posts, helping to build new respect for law and order in former high crime areas.

I salute the Boy Scouts of America in Tennessee and throughout the Nation for their past achievements and wish them well as they pursue future goals. The Boy Scouts are living proof America's manpower does indeed begin with boypower.

POST-VIETNAM ARMY

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. DANIEL of Virginia. Mr. Speaker, to hear some describe it, one would think that the post-Vietnam Army is on the verge of collapse as a result of morale, race, drug, and discipline problems. That such is not the case is well known to me and my colleagues who have visited Army posts in recent months. Seeing firsthand what is happening dispels quickly false impressions created by misleading news accounts.

Such was the case with Mr. John A. Crown, a journalist, who visited Fort Benning, Ga., recently and writes how his conception of the Army was changed from one of skepticism to that of being highly impressed. As he says in his article published in the National Observer:

> The most striking aspect was the unexpected *esprit de corps* from private to commanding general. At the risk of being ostracized by the Marines, I submit that it compares favorably with that elite force.

I have visited Fort Benning and was similarly impressed, but I have visited several other Army posts including Fort Carson, Fort Ord, Fort Bragg, and Fort Dix and can report that Fort Benning is not an isolated case. The leadership throughout the Army has responded to the many challenges of this turbulent period with foresight, wisdom, and a keen insight into the makeup of today's youth. While we by no means are certain of the success of efforts to obtain an all-volunteer Army by the summer of 1973, I am confident that, however the necessary manpower is obtained, our Army will be a well led, disciplined and effective fighting force in which this Nation can take great pride.

Mr. Crown's article follows:

[From the National Observer, Mar. 4, 1972]

How the Army Changed the Marine Vet's Mind

(By John A. Crown)

As a Marine Corps veteran, I am a firm believer in volunteering for military duty. But I associate volunteering with elite forces, not with so ponderous an organization as the U.S. Army.

So I have been skeptical of the Army's program to dispense with the draft and, by July 1, 1973, depend upon volunteers for all its manpower. My skepticism has been set forth at length on the editorial pages of the Atlanta Journal, my full-time employer.

Partly because of these published views, the Army invited me to visit Fort Benning, "the home of the infantry," which is some 100 miles southwest of Atlanta. The idea was to get a firsthand exclusive view of how the modern volunteer army is taking shape. Army parlance for it is an acronym: VOLAR.

AN ARMY SCENARIO

I knew the Army wanted me to see the most favorable parts of the VOLAR program to convince me that it's working. So, predictably, I didn't hear many gripes or doubts voiced by enlisted men, though I found some reservations expressed by noncommissioned officers. Clearly, though, the over-all attitude I found at Fort Benning was one of enthusiasm for the program, especially among the officers running it.

Though I had arrived there as a declared doubter about VOLAR and skeptical that I would get a full view of its minuses as well as its pluses, I came away impressed. Maybe I was "had," but I concluded that if the remainder of the Army could meet the pace set by the 197th Infantry Brigade, VOLAR might work.

The most striking aspect was the unexpected *esprit de corps* from private to commanding general. At the risk of being ostracized by the Marines, I submit that it compares favorably with that elite force.

In November 1970, Forts Benning, Carson, and Ord were selected as sites for pilot runs of Project VOLAR. Fort Bragg was added a bit later, and subsequently 12 additional posts or locations were included. VOLAR is scheduled to end by July 1 and the desirable aspects applied Army-wide as money permits.

Each of the first four Army posts in Volar was allowed to concoct its own plan for handling soldiers so that they would be induced to re-enlist.

COZY TWO-MAN ROOMS

The Fort Benning plan encompasses 136 items aimed at attracting and retaining volunteers. Examples include elimination of "hurry up and wait," ensuring that off-duty soldiers are not awakened for morning cleanup, giving a half holiday on payday for handling personal affairs.

To any veteran, the most obvious changes are in the barracks and the mess halls.

Within the Volar barracks of D Company, 1st Battalion, 29th Infantry, the rows of bunks so familiar in my day have given way to two-man rooms, each with a door. Within each room are two bunks, which can be arranged to personal taste. In addition, the Army provides two wall lockers, a desk, chairs, curtains, and a rug. The two occupants can select the room color from a variety of water-base paints and paint the walls to suit themselves.

With no squad bays and no reveille, I inquired how the soldiers get up in the morning. "The squad leaders take care of that," was the laconic reply, which I interpreted to mean that there is still some old with the new.

Within each room the decorations seemed to be up to the individual. I saw on the walls such diverse items as American flags, centerfolds and other illustrations from Playboy, antidrug posters, and engineer maps of Fort Benning complete with training schedules.

In the barracks' day rooms are the highly publicized beer-vending machines. "They get sick before they get drunk, so beer is no problem," was one captain's comment.

THE "PEPSI GENERATION"?

It should be understood that two-man rooms and beer-vending machines aren't available now for recruits in any Army basic-training units. They were briefly, in a Volar experiment at Fort Ord, but were eliminated after about two months.

The Army said it was easier to maintain order and discipline among recruits housed in open barracks. As for the beer, says an Army spokesman in Washington: "The vendors aren't making much money. The recruits, as members of the Pepsi generation, seemed to prefer soft drinks."

In the Fort Benning Volar unit which is not a basic-training outfit, men no longer mass for movement into mess halls equipped with long tables and backless benches. The meal hours are posted, and each soldier supposedly comes in at his convenience, signs the book to signify he's eaten, and goes down an inviting-looking cafeteria line. He then goes to a four-man table, sits in a chair, and has his meal.

"I like it," was the straightforward comment from a volunteer from Tuscaloosa, Ala. "The food's good, and I get enough, but I still go to the snack bar."

PHYSICAL-TRAINING FUN

Army cooks still do the cooking, but the old bugaboo—kitchen police—is a thing of the past. It is performed by hired civilians.

It was a cold, wet, and raw day in February when I watched the 18- and 19-year-old volunteers of the 2nd Battalion, 10th Field Artillery, undergo physical-training tests. Manifest was the spirit of humor on the part of both noncommissioned instructors and the men. There was a sense of competitiveness too, as each soldier sought to excel.

Ask any of the men in Volar why they volunteered, and you get a wide variety of reasons and guesses. Most frequently cited are the unit-of-choice plan and proximity to home. Along with this is the elimination of former restrictions on how far a man can travel on a week end.

Pvt. Arlis Woodall of Sanford, Fla., says he signed up to "stabilize myself for 16 months." He likes the Volar approach because it lets him go home on week ends to "rest up," and "it gives me a chance to be myself."

Volar "seems to be working fine for me," says Pvt. Russell Johnson of Darlington, S.C. "It's doing its thing and should do it in the future." And Pvt. Lindbergh Williams of Atlanta remarks: "I contrast Volar with the scientist and his experiment. We're the guinea pigs. It's up to us and our leaders to make Volar work."

First Sgt. Jerry A. Holloman says Volar is working, at least at company level, but that it "does nothing more than what good units in the Army have been doing for years." He says of the volunteers: "There's not much change from 22 years ago. There may be a few discipline problems, but like most young Americans, they need someone to motivate and teach them."

From Staff Sgt. John J. Fones comes a similar reaction: "Some aspects of Volar are working really fine. Discipline, however, is in need of work." He says the volunteers "look about 50–50 to me. Some look good and the other half needs work, but there is a higher educational level, and that makes things easier."

PUTTING A GOOD FACE ON IT ALL

Fones believes that "the future for an all-volunteer Army is not that bright, but there are some things, like the five-day work week, which are good. The lower-rated enlisted man, though, is getting as much as we are, the noncommissioned officers, and there is nothing for them to work for."

Sgt. Frank E. Toles says the volunteers have "a pretty good attitude and know what's going on. They should have a good attitude since they're volunteers in the first place."

An optimistic attitude prevailed among all the soldiers I talked to in a field-firing exercise by the 1st Battalion, 29th Infantry. Each man said he was attracted by the benefits of the new Army, and some looked ahead to the veterans' benefits. There seemed to be a feeling that they were making a contribution and doing something "meaningful" as volunteer soldiers.

"What we are aiming for is elimination of menial nonsoldier duties, and to put in their place meaningful training," says Lt. Col. Henry Doctor, Jr., chief of Fort Benning's Volar Project and former deputy commander of the 197th Infantry Brigade, the Volar unit there.

"We believe that ego involvement is vital. We believe that pride is instrumental, and that a soldier's conviction that he is making a contribution is essential to success. We want to attract the good people and keep them in."

Just last week, Maj. Gen. Albert H. Smith, the Army's recruiting boss, complained that the Army isn't yet meeting its enlistment quotas for combat branches despite recent pay raises that doubled a recruit's pay to $288 a month.

The shortage could be eased, the general said, if the Army were permitted to begin paying an authorized $3,000 bonus for enlistment in combat units. Defense Secretary Melvin R. Laird is resisting Army pressure to begin the bonuses until the full effect of the pay raise on enlistments is clear.

Nevertheless, testimony before the House Armed Services Committee by Pentagon manpower chief Roger Kelley showed that enlistments for the combat branches rose sharply in 1971 to 26,874, far more than the 3,106 in 1970. He said this was one of the "further signs of progress toward an all-volunteer force."

When the 197th Infantry Brigade was designated a Volar unit in December 1970, its initial mission was to recruit its own volunteers. An all-volunteer brigade by June 1973 was the goal. But recruiting has been so aggressively pursued that this has been moved up a year.

"We are going to become an all-volunteer brigade by the summer of 1972," says Col. Edwin L. Kennedy, the soft-spoken Mississippian who commands the unit.

"Not only did the brigade lead the way for the entire army in the unit-of-choice recruiting program in 1971," he adds, "but at the same time it continually improved in every aspect of mission accomplishment."

Unit-of-choice is the first step in VOLAR. A volunteer can choose his basic-training site, which is an innovation. More important, he can choose the unit to which he will be assigned after basic training. He is guaranteed a minimum of 16 months with that unit.

"I chose the 197th because I can get home every week end," says a volunteer from Atlanta. "I chose Fort Ord, Calif., for basic training because I'd never been to California."

But he admits he was somewhat disappointed with Fort Ord. He had expected a Hollywood-type climate rather than that experienced in northern California.

THE 197TH "BELONGS"

The 197th has Alabama, Georgia, Florida, and South Carolina as its assigned recruiting area—although anyone anywhere can choose it. Recruiters from the 197th working with the Army Recruiting Command, crisscross the four-state area looking for volunteers who will measure up. Their message is that the 197th "belongs" to those four states.

"We're filled all our combat-arms slots with volunteers, and now we're well into all the administrative assignments," Colonel Kennedy remarked.

"We're concentrating on the AWOL rate, and it is low. We're concentrating on racial harmony, and we've had no incidents. We're concentrating on narcotics, and there is a lot of self-policing—we get tips. Basically, it's a matter of individual responsibility. We give 'em a job to do and they do it.

"Despite the popular view, they don't lie around the barracks smoking marijuana, and asking people 'Why?' all the time," Colonel Kennedy said.

The 197th Infantry Brigade is not the entire Army. It is a long way from here to an all-volunteer Army. It is even longer to a sustained all-volunteer Army, once the novelty and initial enthusiasm fade.

But a first step is essential, and the 197th seems to be off to a good pace.

EFFECTS OF NUCLEAR POWER

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. DOW. Mr. Speaker, rising public concern about the effects of nuclear power has been reflected by increased attention in the Nation's press. As of the first of the year the AEC noted 22 nuclear reactors were operable, 54 being built and 52 projected with reactors already ordered. This rush to blanket the Northeast with nuclear power plants has been called "one of the most dangerous and misguided steps ever taken by man," by an eminent biologist, Mr. LaMont C. Cole of Cornell University.

Now an outstanding physicist whose experience dates from the World War II's Manhattan project has sounded a warning that unfortunately was not widely picked up by the press. An acknowledged authority on nuclear weaponry and the problem of radioactive fallout from weapons testing, Dr. Lapp is equally at home in the field of civilian nuclear power reactors.

In a number of articles in the New York Times and the New Republic, Dr. Lapp has examined the question of the safety and siting of the huge reactors that are nearing completion, like the world's largest to date at Indian Point, Westchester County, N.Y. He does not like what he sees. He has specifically warned that reactors proposed for Newbold Island in the Delaware River, 5 miles from Trenton and 11 miles from Philadelphia, should not be licensed because by 1980, there will be about 750,000 living in the 10-mile high risk zone around the reactor. Scientists at Harvard and MIT are repeating these warnings at special Rule Making Hearings on the Adequacy of the AEC Interim Guidelines for Emergency Core Cooling Systems. They contend the reactors are too powerful. There is little possibility of protective systems which would be called into play in the event of a pipe break to quench the core before a meltdown and the consequent breaching of the containment. What would follow this sequence of events would cause tens or hundreds of thousands of deaths for miles downwind and require the evacuation of hundreds of thousands of miles and cost billions, it is held. Would anyone be able to calculate the genetic damage to future generations which Dr. Edward Teller in 1970 termed infinite?

Dr. Lapp is a respected advocate of nuclear energy. His views are sought by members of the Joint Committee on Atomic Energy and members of the Atomic Energy Commission. When he speaks out of deep personal concern as he did on the first day of the ECCS hearings, we should listen to his recommendations.

I commend to my colleagues his remarks:

NUCLEAR POWER SAFETY AND EMERGENCY CORE COOLING

(By Ralph E. Lapp)

My name is Ralph E. Lapp. A Statement of Qualification was filed with this Board on Jan. 7, 1972.

I appreciate this opportunity to appear as a participant in discussing an issue of serious concern to the future growth of nuclear-electric power in this country. My studies in the fossil fuel sector of our energy economy convince me that new power sources are essential to the nation's well-being and that uranium-based power represents the only available option for the United States in the near decades. Thus I appear before this Board as an advocate of nuclear energy. However, I am deeply concerned that the present light water generation of nuclear power reactors may not employ an adequate margin of safety to create public confidence in them.

As of Jan. 1, 1972 a total of 23 nuclear generating units, rated at 10 million kilowatts of electrical power, are in operation. Industry has accumulated about 100 reactor-years of experience with power reactors. It might be thought that this record, laudable as it is, should instill confidence in the safety of this new power source. However, this experience has been primarily with reactors of modest power; Shippingport (90Mw), Yankee (175Mw) and Dresden-1 (200Mw) for which emergency core cooling is less of a challenge than in the 500–800 Mw class, for which about a fifth of the experience applies. Of course, there is no experience with the 1,000 Mw units, then we have about 18 reactor-years of record, i.e. 18 years of operation of all reactors normalized to a 1,000 Mw level.

The fact that there has been no major thermal emergency (ECC accident or LOCA, loss-of-coolant, accident) in the past is of little statistical significance. An accident probability of 0.01 per reactor per year or one chance that a reactor will exhibit an ECC accident in one year's operation is not acceptable as a public risk. This would mean a 25 percent chance of accident over the 25 year life of the power unit. Life time operation of four such units would obviously be hazardous in the extreme. Deployment of large numbers of reactors requires that the individual reactor risk must be extremely small since the total risk is summed.

The dramatic increase in power levels imposed upon reactor design a concomitant rise in power density and this, in turn, posed an emergency core cooling problem which, apparently, presented itself to the AEC's Regulatory Staff with the Consolidated Edison application for a construction permit (Indian Point 2 application of Dec. 1965, awarded Oct. 14, 1966 for an 873 Mew PWR.)

It was on Oct. 12, 1966 that the Advisory Committee on Reactor Safeguard (ACRS) stressed the need for emergency core cooling systems of high reliability and for investigation of the thermal behavior of uncovered cores.

On Oct. 27, 1966 the Director of Regulation appointed a task force "to conduct a review of power reactor emergency core cooling systems and core protection." A year later the Ergen task force filed its final report "Emergency Core Cooling" containing 12 conclusions. The Ergen report defines a large number of technical unknowns in the ECC field and makes many recommendations. The report could scarcely be regarded as a confidence-builder for the nuclear industry. It is significant that ACRS (letter of Feb. 26, 1968) found itself in "substantial agreement" with some conclusions of the Ergen report. It is even more significant that thereafter, in letters dated March 20 and Nov. 12, 1969, ACRS reemphasized its recommendations on additional safeguards and research on ECCS. This repeated emphasis, including reiteration on June 22, 1971 in testimony before the Joint Committee on Atomic Energy, supports my view that safety research in the ECC sector is lagging behind time goals consonant with the safe deployment of large power reactors.

This safety gap which has opened up between the accomplishments of AEC-industry research and development and the reality of the AEC's Regulatory approval of nuclear-electric stations appears to me as most significant and for this reason I would like to direct my testimony to it.

As a specific example, I call attention to the long time delays which have been occasioned in the LOFT, loss-of-fluid test facility at the National Reactor Testing Station (NRTS). I wish to emphasize this particular facility since LOFT essentiality to reactor safety is described by the AEC as follows:

"LOFT is the only integral test in the world planned to carry out a major loss-of-coolant accident experiment which integrates all of the accident initiation, response, and consequence phenomena into a single test with engineered safety systems in operation.

Additionally, it can be noted that:

(1) LOFT is the focal point which provides a fundamental sense of direction to water reactor safety investigations,

(2) as a live reactor in an accident made it makes investigators face reality, and

(3) it provides a central vehicle to build and hold a competent technical staff in a vital national program."

(Source: Joint Committee on Atomic Energy hearings, FY 70, Pt. 2, p. 957.)

The conceptual design of LOFT was completed in 1963 and Kaiser Engineers was the firm selected as architect engineer for the facility. AEC testimony in 1964 stated: "This experiment is scheduled for test operation in late 1966." (JCAE Authorization FY 65, p. 764.) Testimony last year (JCAE Au. FY 72, Pt. 2, p. 855) stated that LOFT was 60 percent complete in its construction and that initial operation was scheduled for late 1973.

Thus it appears that LOFT is seven years behind schedule and that high temperature operations will be delayed until 1975. Given the present timetable for deployment of nuclear stations, the LOFT experiments take on the character of a *post facto* safety program.

LOFT is not an isolated example of slippage in time-framing of the reactor safety research program. If we look at the AEC's WASH–1146 "Water Reactor Safety Program Plan" (Feb. 1970) we find a tabulation of 50 individual programs in reactor safety, 15 of which are classified as *Class A Priority* defined (p. I–14): "*A*. This is applied to *very urgent, key* problem areas, the solution of which would *clearly* have *great* impact, either directly or indirectly, on a major critical aspect of reactor safety." (Emphasis as in original document.)

In addition, 20 of the programs are stipulated as *Class B Priority* meaning, "This is applied to problem areas which are *demonstrably of high interest* due to their *potential effect* on reactor safety." Many of these programs relate to the ECC issue, yet the document shows them extending over a 4 to 5 year time span, beginning in fiscal year 1970.

It is difficult for me to reconcile the fact that much AEC safety research is in the future tense, whereas power reactors are in operation. It seems to me that this situation places the AEC's Regulatory Staff in an awkward position when it is called upon to approve new plant construction and operation. The position will be very much more awkward when utilities come in with reactor designs employing higher power densities. Aerojet Nuclear Corporation (pg. II–22) Au Hrg FY71 Pt. 1 p. 133) stated:

"While the resolution of the ECCS issue is believed acceptable for most present reactors at listed powers and power densities, the Committee is not now prepared to advise on the acceptability of ECC systems for higher power density cores. Experimental work is required to provide a basis for evaluation of operating and accident behavior at higher power densities. The ACRS also notes that more experimental work is required to establish the degree of safety and conservatism in current ECC systems."

I note that the Dec. 28. 1971 statement of Aerojet Nuclear Corporation (pg. II–22) states:

"The development of analytical models used to analyze and predict the events of loss-of-coolant accidents in water-cooled reactor systems should be complemented with experimental tests which provide data to evaluate and verify the solutions of the analytical models. Without such experimental tests and resultant data, meaningful confidence limits cannot be established for the analytical models."

When, over a year ago, LOFT semiscale tests indicated a deviation of experiment from the predictions of calculational codes, the Regulatory arm of the AEC established a task force to review the data and in June 1971 Interim Criteria for ECCS were stipulated. In a number of public statements (New Republic, Jan. 23, 1971) I proposed application of limits to reactor power levels and conservative siting policy to reduce the population at risk to the radioactive consequence of a thermal catastrophe. The AEC Regulatory Staff (p. 1–32 of its January 27, 1972 testimony) rejected such proposals in favor of the evaluation model approach. But how good is such a model when it lacks experimental verification?

LOFT experiments later in this decade will test the predictive capabilities of analytical models but complete verification may not be attained since LOFT is a 55 Mwt reactor and application of the results involves a scale-up of more than a factor of 60. Furthermore, a limited series of LOFT experiments can test only certain ECCS efficacies. Indeed, a full-scale test with an operating power reactor would provide only a single set of results applicable only to the specific accident mode and core history of the reactor. There will always remain unresolved aspects of verification and for this reason the AEC will have to exercise conservatism in its regulatory role. This is tantamount to saying that reactors can not be made absolutely safe and that there will always be some element of risk for people living in the vicinity of a power reactor.

The siting of nuclear-electric stations adjacent to large populations imposes extraordinary responsibilities on the regulatory agency which must license these plants. A nuclear power plant constitutes a unique metropolitan hazard both in nature and in potential magnitude. I can think of only one parallel of comparable risk, namely, siting a large population in a valley directly below a high dam. In such a case there is direct, line-of-vision perception of the threat and graphic comprehension of the consequences of a dam failure. It is, of course, a low probability event. Given no earth disturbance, such as a seismic shock, people could put confidence in the engineering record of the dam builders, but rare events, such as earthquakes, can have high consequences and this is precisely the statistical situation posed by siting nulear plants near metropolitan populations.

However, the layman is not apt to have line-of-sight perception of the nuclear risk. If he objects to the siting of a nuclear plant in his vicinity, he is at a disadvantage in intervening to oppose the nuclear action. In order to match wits with the nuclear utility, the intervenor needs time, money and availability of competent technical authority. I would estimate that perhaps $500,000 is the sum needed to fund an adequate intervention. Very often an intervenor finds it almost impossible to obtain the services of qualified persons to serve as experts. Too often, the intervenor has felt that he was in contest with not only the utility and the nuclear vendors, but also with the Atomic Energy Commission. If local intervention is to serve as a check on deployment of unsafe reactors or on unsafe siting, then intervenors must have access to some independent authority with which to challenge the organized technical resources of the utility.

As an example of the problem of democratic application of checks and balances in a nuclear issue, I cite the 163 page statement submitted here today by the AEC Regulatory Staff. On page 2 of the Foreword states:

"As the testimony indicates, the technical data available today have been combined with complementary conservative assumptions and procedures in the evaluation models. Together, these give reasonable assurance that a design meeting the criteria will provide adequate protection to the health and safety of the public."

But if we were to turn back the clock to the days before the Semiscale tests 845–851, and assume that the Regulatory Staff had then been required to prepare a statement like the 163 page testimony submitted today, would it not have been quite different in its character? Would "reasonable assurance" as now posited have been as conservative as today's? We are not given a definition of what the Regulatory Staff means by "reasonable". In any event the health and safety of a large population is being decided by a small population of experts who put their trust in evaluation models whose predictive capabilities are subject to future verification. It is significant that neither the statement of Aerojet Nuclear Company nor the testimony of Milton Shaw defines the time scale for LOFT. The long delays in bringing the LOFT reactor into operation constitute a serious deficiency in the AEC's reactor safety research program and point to a need for examination of the mechanisms by which the AEC Regulatory Staff coordinates its research needs with the AEC's Division of Reactor Development and Technology. It would be pertinent to know how the Regulatory arm of the AEC has expressed its concern over the long delays in the LOFT and other safety programs.

In his testimony (p. 3) Mr. Shaw states:

"The background and pertinent information pertaining to our safety R&D program and its relationship to other ongoing R&D programs and to the U.S. civilian power program have been presented in many official AEC publications and covered in depth in annual testimony before the Congress (references 4–7, 10, 11)."

I submit that the AEC's safety program is deficient in publication of up-to-date and critical evaluations. I admit that this deficiency is being corrected and the situation is improving. But I have taken the time to recheck the literature references cited by Mr. Shaw and I find that the AEC's safety program has been inadequately dealt with in Congressional hearings. In some years the Joint Committee on Atomic Energy glossed over the issue with no critical examination of the program. The most recent literature cited by Mr. Shaw (AEC Licensing Procedure and Related Legislation, Hearings before the Joint Committee on Atomic Energy, 4 Parts, 2090 pages) is almost exclusively devoted to regulatory matters with only little attention given to reactor safety. One would have thought that the Idaho Semiscale Experiments would have been treated in detail by the Joint Committee. Instead, the issue was dealt with by calling Mr. Shaw from the audience during a hearing to testify briefly on the problem. The Joint Committee concerned itself with studying means of expediting the licensing procedures. There exists an urgent need for the Joint Committee on Atomic Energy to hold public hearings on the vital issue of reactor safety.

I do not wish to appear to be unduly critical of the Atomic Energy Commission, but the nature and magnitude of potential nuclear risks demand a public accountability which imposes unusual responsibilities upon the AEC. Our democracy must invent mechanisms for dealing with technological risk so that checks and balances are applied to the decision making of the AEC. The emergency core cooling issue involves such complex technology, as illustrated by the technical details of the 163 page AEC Regulatory Staff testimony, that I doubt if we have arrayed here today adequate talent to challenge the testimony. I note that a total of ten Regulatory Staff personnel sponsor the testimony. We have almost a full score of AEC or AEC contractor personnel of high technical qualification to back up the AEC's presentations before this Board.

Summarizing my position—I believe that the Atomic Energy Commission has allowed reactor safety research to lag so that its Regulatory Staff is called upon to judge reactor applications without an adequate experimental base which verifies the evaluation models and checks out the calculational codes of the safety statements submitted by the utilities. Furthermore, it is my opinion that new mechanisms are required to provide independent checks and balances for the protection of the public health and safety in areas where high power reactors are sited.

It appears to me that part of the explanation for the faltering AEC safety program in ECCS may be ascribed to the undefined role of the nuclear industry in this area. There was apparently a belief within the Atomic Energy Commission that it had fulfilled its promotional aspects of reactor development during the late 1960's and that it was up to industry to assume responsibility for the safety of the reactors which were being marketed. In this connection the Advisory Committee on Reactor Safeguards (JCAE Au. Hrg. FY71 Pt 1 p. 115) commented:

"We are unable to determine what factors determine industry vs. AEC funding of reactor safety research programs, other than in those cases where the AEC discontinues support. Then the decisions is clearly up to industry."

It is my own impression that interest within the AEC shifted from safety research on water reactors to programs oriented toward the power-breeder and that this also accounts, in part, for deficiencies in the present water reactor safety program.

The proprietary nature of certain reactor safety information developed by nuclear vendors may be tantamount to a classification of data which denies intervenors access to information vital to their efforts. I believe that this point will be amplified by attorneys who are participating in this hearing.

In conclusion, I wish to summarize some suggestions and recommendations which may be constructive in increasing public confidence in nuclear power safety:

1. Require the Atomic Energy Commission to submit an annual report on progress in nuclear reactor safety programs. I would suggest that this report include the separate comments of the Regulatory Staff and of the Advisory Committee on Reactor Safeguards.

2. Amend the Atomic Energy Act to require biennial public hearings of the Joint Committee on Atomic Energy for the purpose of investigating the current status and adequacy of the AEC-nuclear industry safety programs.

3. Direct the Atomic Energy Commission to issue specific criteria for the siting of power reactors, defining the allowable population at risk as a function of distance from the reactor site. (The absence of specific criteria has allowed escalation of the population at risk to a point where the Newbold Island facility would, if approved, "see" 0.75 million people within a radius of 10 miles.)

4. Encourage the nuclear industry to redesign reactor cores to effect a reduction in power densities so as to ease the burden on the ECC system in the event of a coolant accident.

5. Require power derating of the 1,000 Mwe class reactors of the pressurized water type which are sited so as to have more than 10,000 persons at risk within a radius of 10 miles from the reactor.

6. Direct the Atomic Energy Commission to initiate a program to develop core restraint systems (i.e. "core-catchers") as part of a defense-in-depth safety system to insure the public safety and protect the environment. (I would add that such a safeguard becomes essential for offshore reactors since a meltthrough could result in extensive marine contamination.)

AN INTERVIEW WITH A RED CHINESE REFUGEE

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. ROUSSELOT. Mr. Speaker, despite the seeming wish of so many Americans from the highest echelons of our Government down to the man in the street, to deceive themselves about the reality of life in Communist China, there continues a steady stream of refugees from behind the Bamboo Curtain who relate firsthand knowledge of the almost total lack of real freedom present for the average Chinese.

Hong Kong remains the chief destination of mainlanders seeking to escape the rigors of Mao Tse-tung's so-called paradise. Recently one of these mainlanders, 27-year-old Yu Kuo-hun, was interviewed on Taiwan which he had finally reached, by Mike Thompson, at the time, director of regional and State activities for the Young Americans for Freedom.

The interview appears in the March, 1972 issue of YAF's monthly publication, New Guard.

It is my hope that my colleagues will profit by reading this evidence of the continuing subjugation of the Chinese people on the mainland of Asia by their Communist masters. The interview follows:

AN INTERVIEW WITH A RED CHINESE REFUGEE

(By Mike Thompson)

CHRISTMAS IN CHINA

Last fall Mike Thompson, then YAF's Director of Regional and State Activities and currently Administrative Assistant to a member of the Federal Home Loan Bank Board, travelled to Southeast Asia to report on the South Vietnamese elections. On his way home, Thompson stopped in Nationalist China, where he interviewed Yu Kuo-hun, a 27-year-old Chinese who fled the mainland in March 1971. Yu escaped into Hong Kong, and had been in Nationalist China for only three days when Thompson interviewed him.

THOMPSON. I understand that you have just come from the mainland—that you have just fled Communist China.

YU KUO-HUN. Yes.

THOMPSON. What made you leave mainland China?

YU KUO-HUN. The main reason for me to escape is that I can no longer endure the Communist tyranny and I can't have a living on the mainland—that is the mode of power that drove me to escape to freedom.

THOMPSON. Could you give me an idea of what life is like today on mainland China?

YU KUO-HUN. Oh, yes. I would like to start with my own life. Since my parents left me at home, only my grandmother and I were left behind. My grandmother was a very old woman so we could find no way to make a living. We lived a very hard life. At that time we *experienced* the cultural revolution—we really had nothing/almost nothing to eat and little to clothe ourselves. My grandmother died of starvation. So I was alone. I traveled around looking for petty jobs. I could get 9 feet of cloth for my travels every year and 2 pails of rice for food every day. How far you travel—you have to apply for a travel permit. But it is even very hard to get a short distance travel permit. The job situation is rather bad on the mainland. So this is not only my case—but the case of almost everyone.

THOMPSON. Are there any freedoms allowed to the people on mainland China?

YU KUO-HUN: On the mainland the people do not have freedom—we don't have freedom to travel—we don't have the freedom not to travel; we don't have the freedom to speak—we also do not have the freedom not to speak; we don't have the freedom to read—we also do not have the freedom not to read. What I say means that if they ask you to do something—to go somewhere, you have to; but, if you want to go of your own accord you are not allowed to do so unless you obtain a permit. As I said before it is rather difficult to get a permit. For speech it is the same thing. Nobody can whisper to one another—nobody can talk in the sly among one another. If you whisper you may be suspected of something harming to the Communists. So, people are not allowed to talk or whisper. However, if you don't talk—if they ask you to talk and you do not talk you are also to be punished. When you are asked to say something—you must say something. You are not allowed to read other kinds of books unless you are forced or compelled to read something for Mao. Mao's quotations—we must read Mao's quotations in the morning as well as the evening. If you don't read aloud you are suspected of concealing hatred against Mao. On the mainland, in fact, we don't have any kinds of freedom.

NO FREEDOM TO WORSHIP

THOMPSON. Is there any freedom to worship on mainland China?

YU KUO-HUN. There is certainly no freedom of worship on the mainland. All the monasteries, temples and churches were destroyed. It became more serious during the cultural revolution [but] even before that no religion was allowed to stay on the mainland. So all the Bibles and scripts of religion were buried. One of my uncles was a Catholic priest. Since the Communists know that he is a priest he was forced to go with them for a parade. He was asked to put on a foolish cap and wear the priest robe. Then he was paraded around the city showing the people that this was the end of the priest. Besides this there are also other punishments; both physical and mental.

THOMPSON. You lived on mainland China during the Red Guard movement. Could you give us an idea of what life was like at that time and what it's been like since?

YU KUO-HUN. The cultural revolution started out of the [power struggle], because the faction in power fought against the militants. This started a revolution. This means that when they started to fight each other as a result the Red Guard was started. The Red Guard was divided into several sections and they fought among themselves. They had formed groups for this man or that man's faction and feuded with one another. As a result many people died of such fighting. But the situation became even worse when the Red Guard started to plunder the warehouses and tried to beat and run the officials like magistrates, governors and villages heads. They tried to beat them and take them out of the popular lead as other individuals and their properties were snatched away. Everything was in great disorder. These people's peasant property was taken away. So the situation was in great chaos. Not until the Red Guard movement was reduced in intensification did the fighting among them reduce a lot; but, after the movement all those who had made trouble were given a similar punishment as the magistrates were before them. So when everything had piped down the magistrates sought their revenge . . . When they found out who had done harm to them they took retaliatory action. These people were either put in jail or punished by other means—such as they were sent to the frontier for hard labor. As for the students who were very active in the movement—after the movement the students were sent to labor farms for hard labor and they are not allowed to go to the schools—so, they had to suspend their studies. They have to work as slave animals. This is the way the Communists handled the Red Guard movement and also the aftermath.

RED GUARDS UNCONTROLLED

THOMPSON. Who controlled the Red Guard movement? Were any of your friends in it? What was their attitude towards you?

YU KUO-HUNG. As a matter of fact the Red Guard movement wanted to oust Mao Tse Tung—as I mentioned—before the power struggle they wanted to eliminate him. So, they started the movement. Initially nobody controlled the Red Guard. The Red Guards controlled themselves. Later on the situation became very confused. It seemed that nobody could control anybody. Many of my friends were in the Red Guard movement—some of whom received punishment later on for their part in the movement.

THOMPSON. What happens to people on the mainland who question the writings of Mao Tse Tung or are you allowed to question the writings of Mao Tse Tung?

YU KUO-HUN. Nobody dares openly to criticize Mao Tse Tung. A person—a farmer for example—would be sent to the frontier at hard labor. If soldiers or Communist officials happen to criticize Mao they will receive even more severe punishment. On the mainland people are told that Mao Tse Tung is the savior of mankind—without him the world will be plunged into complete chaos. Nobody can or dares to criticize Mao.

THOMPSON. Does the present regime on the mainland headed by Mao Tse Tung represent the people of China?

YU KUO-HUN. Mao's regime cannot represent the will of the Chinese people but outwardly it seems that Mao controls the mainland because the people are innocent people and unarmed—they cannot start a rebellion and fight against Mao openly because if they do they will be suppressed very easily—annihilated very easily. So they know that they could do nothing against him. If you show any sign of anti-Mao or anti-Communist feelings you will be in danger of being put to death or imprisoned. So the people hate Mao but cannot fight against him. Thus, I say Mao cannot represent the people because the people's will does not go with him.

THOMPSON. Would the people in Communist China support an effort to replace the present regime with a government which would allow more freedom for the people?

YU KUO-HUN. Of course the Chinese people wish for a government that can give them more freedoms. A desire for freedom is human by instinct. So the Chinese people wish to replace the Mao regime with another regime, which can give more freedom to the people.

LIFE MISERABLE

THOMPSON. If I have calculated correctly I believe you were about 5 years old when Mao Tse Tung came to power on the mainland. That means that you have been able to live during the entire period and are able to compare what life is like now to what it was 24 years ago. In our country, there are those who say that life in Communist China has improved significantly. Would you comment on that?

YU KUO-HUN. When I was young I felt rather miserable because I did not have enough food or decent clothes to wear. So I decided to go out—looking for petty jobs. I thought outside life might be better; but, in fact, it is the same as my native home. I traveled for several years and I usually had about 1½ pails of rice [pail is a small amount used as minimum wages]. This was ½ pail per meal of rice. I found that on the outside better places could offer only 3 pails a day. This barely satisfied you for a meal. So I found the situation as bad as my home town. I traveled almost every corner of Kwangtu Province. The livelihood there was the same as my home town. I was also told that people said that life in Taiwan or Hong Kong was better. But when I arrived in freedom I found it was just like heaven. I never imagined that it would be like this in the free world. When I arrived here—walking under the trees and going to the shops to buy anything I wanted I found that people can talk with one another freely—any form of talking they like. Life on the mainland and life in the free world constitute a striking contrast.

THOMPSON. Then you left mainland China through Hong Kong?

YU KUO-HUN. Yes.

THOMPSON. How long ago were you on the mainland?

YU KUO-HUN. I escaped to Hong Kong in March of this year.

THOMPSON. Do you have any friends—or did you have any friends on mainland China who have fallen victim to the regime of Mao Tse Tung and for what reasons did these people fall victims?

YU KUO-HUN. I had several friends who had fallen victim to the Mao regime. One in particular was the son of a farmer. During the Red Guard movement he was very active—he fought against the faction in power. When the movement was subdued the faction came to power again. My friend was arrested and tortured badly. Later on he was put in jail—I have no knowledge of what has happened to him. There were many friends like that.

THOMPSON. So there are many people you personally know who are in jail on mainland China?

YU KUO-HUN. I have one uncle who worshipped God who is still in jail. Because of his religion he was a good, gentle man who never did anything bad to people—he always helped the people. But now he is dead.

THOMPSON. Do you have a hope to return to mainland China someday in any type of capacity whether before or after mainland China is free?

YU KUO-HUN. So long as the Mao regime is in existence I do not want to go back because I don't want to suffer more in the future.

MILITARY SUPPORT FOR REVOLT

THOMPSON. If there were an effort to free the mainland would some in the military support such an effort, or would the military support Mao?

YU KUO-HUN. It is a sure thing that once popular China starts a counter-attack that some military forces on the mainland will stand up against Mao and in favor of us. Even now there are many, many uprisings taking place on the mainland. Take Quang Che—even now there are many inner forces strongly opposed to the Communists. Once there is any sign of an attack the Communist forces will automatically stand by us against the Communists.

THOMPSON. Do these guerrilla forces have support among the people?

YU KUO-HUN. Of course the people will stand by these guerrillas—in other words the people will stand by our national troops because they need them and they know that once they go back to the guerrillas the people will be liberated. So they will join in the fight with the guerrillas wholeheartedly.

THOMPSON. So, different from Communist guerrillas, for instance, in Vietnam, who have to forcibly tax the people in order to get their food and supplies, the people on mainland China are willingly supporting the guerrilla movement against Mao Tse-tung?

YU KUO-HUN. The Chinese people at large will support a victory of the guerrilla forces unconditionally. Also, if these people can be furnished with worth-while equipment they will join the guerrillas.

THOMPSON. You mentioned earlier the fact that there were uprisings against Mao Tse Tung—does this mean that the control that Mao Tse Tung has from Peking is not necessarily throughout the country so that farther away from Peking, for instance, the control is less and less?

YU KUO-HUN. Yes.

THOMPSON. Now that you are in a free country what do you plan to do?

YU KUO-HUN. Become either a worker or businessman.

THOMPSON. What is the feeling of the people on mainland China toward Chiang Kai-Shek?

YU KUO-HUN. The people on the mainland worship CKS very much because before the war and the fall of the mainland CKS managed very well and was the leader of the people.

THOMPSON. Even someone like you who was quite young when the Communists came to power on the mainland?

YU KUO-HUN. The old people always tell us secretly. So in comparison we feel that CKS is much better than Mao.

THOMPSON. So the only way that today's generation on mainland China can learn about the past is in secret discussions with the older people just as in all the other Communist nations?

YU KUO-HUN. Yes, the past life is told secretly by the old people.

THOMPSON. Could you give us a definition of what freedom means to you now that you've experienced it for about six months?

YU KUO-HUN. I had no knowledge of freedom; had no experience of freedom in the past; but, now I have come to a place where I can think freely, breathe fresh air—do not have to do anything I don't want to—I feel at peace. There is no worry—just happiness. This kind of feeling I never felt before.

THOMPSON. Tell him finally that there are millions of people in the United States who hope someday that all the people on mainland China can feel the same way.

AMNESTY

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mrs. ABZUG. Mr. Speaker, the question of the thousands of Americans who, for reasons of conscience, refused to participate in our military activities during our involvement in Indochina is a difficult and trying one.

Louis Lusky, who is a professor of law at my alma mater, Columbia Law School, has been very active in this area and had an excellent article in last Sunday's National Observer which I am inserting in the RECORD at the conclusion of my remarks.

I think that there are two basic principles which should guide us in our effort to exonerate and reconcile war resisters: first, relief should be afforded not only to those who declined to enter the military, but also to those who became aware of the wrongness of our involvement subsequent to entry into the Armed Forces; second, our approach should not, and must not be a punitive one.

The article follows:

[From the National Observer, Mar. 11, 1972]

AMNESTY FOR WHOM, AND HOW MUCH?

"Why should we forgive these traitors and cowards, pardon their crimes, welcome them back from Canada and Sweden?"

The question is asked whenever amnesty for war resisters is debated. There are myriad variations on this same theme; sometimes the bluntness is softened, sometimes the rightness or wrongness of the war is acknowledged to be relevant, sometimes distinctions are recognized between those who have fled and those who have submitted to punishment. But the core of the question is constant. It always starts with "Why" and it always is premised on the following assumptions:

(1) That those who have broken the law to show their opposition to the war in Southeast Asia are "traitors" (meaning "disloyal" rather than actually guilty of treason as defined by Article III, Section 3 of the U.S. Constitution).

(2) That those who have broken or evaded the law in order to avoid service in the war are also cowards.

(3) That the society can well do without these people if they choose to leave or stay away, and can well relegate them to the status of fugitives, convicts, or ex-convicts if they elect to return or remain.

(4) That the only real problem is how to be fair to these law violators (and their families)—the remaining 200,000,000 or so of us having nothing to worry about except the general ethical responsibility to let the punishment fit the crime.

(5) That the "we" (Why should *we* forgive) does not include the law violators, but include only the great law-abiding majority who have made the laws and have at least acquiesced in the war.

Believing that each of these assumptions is fallacious, I shall try to show that the dominant concern for amnesty is a concern for the welfare of society as a whole, and that prepossession with the problem of fairness to the violators involves a sad distraction from the main point. Secondarily, I shall mention a few undisputed facts that, in my opinion, cast serious doubt on the accuracy of the first three of the five listed assumptions—facts that suggest that amnesty may be called for even if we disregard the needs of the larger society and seek nothing but fairness to the law violators. In addition, I shall very briefly describe the legal tools that are available to do whatever the American people ultimately say they want done—as they may say at the polls this November.

First, let us examine the root question, the starting point for appraisal of any proposal for public action: Whose ox is being gored? The fourth and fifth of our five propositions both say, in different ways, that fairness to the lawbreakers is our only concern. I submit that, though by no means unimportant, it should not be even our primary concern. I say that our primary concern is to thrust this long and divisive war into history as completely and rapidly as we can, to let time get on with its healing, to cleanse our society of a continuing legal fallout whose half life is measurable in decades, and—without denying ourselves the honor of mourning the dead, supporting the crippled, and comforting the bereaved—to turn our minds and hearts to the future.

LESSONS CAN BE LEARNED

Dirty and frightful as the war experience has been, lessons can be learned from it that may help us deal with future challenges in a manner more humane, more effective, and less expensive: The war has demonstrated that a society such as ours, in which the people have the ultimate power of decision (however long the exercise of that power may be delayed), will tear itself apart if led into a war whose necessity cannot be made clear to all or nearly all of the people. The war has also done much to liberate us from the fiction, so carefully nurtured by Sen. Joseph McCarthy and his latter-day disciples, that communism is a unitary, monolithic phenomenon comparable to a killing disease—leprosy, say, or tuberculosis—which we are honor bound to fight wherever we find it, and which we can effectively handle with the same sovereign remedies where-ever and whenever it shows itself. The war has done a great deal to dispel the dogma that our nation (militarily encumbered, as it is, by its dependence on consent and its humanitarian ideals) can lick anyone we elect to fight, and the still more dangerous dogma that a "white" nation can lick a "nonwhite" nation in any fair and equal combat. The war has also reminded us, as we have not been reminded since the Great Depression, that our liberties are fragile—lovely flowers that flourish and blossom only in the sunlight of common consent—and that our society can remain open only if the policies of our Government command the support, or at least the acquiescence, of nearly everybody (not just a 51 per cent majority).

All these lessons, and others too, will serve us well when we grapple with the problems of today and tomorrow, if only we can allow ourselves to learn. But our ability to understand and profit from the dearly bought experience is, and will remain, gravely impaired so long as the legal debris of the Southeast Asia war remains to distract us, so long as our eyes are blinded by the ashes of dead issues.

What is this legal debris? Let us suppose that tomorrow morning the fighting ends and all war prisoners are sent home. (For years we have been told that the war's end is imminent; and it is a good bet that it will in fact end, or practically end, no later than a few weeks before the November election.) What, then, will our situation be? At that time we shall have terminated the war in its international aspect only. On the domestic side these quite substantial vestiges will remain—and, barring amnesty, will remain for years and decades to come:

(1) Tens of thousands of objectors to the war have broken the criminal law and, if not already prosecuted, are subject to prosecution. Numerically, the largest groups are draft refusers (or evaders) and participants in illegal demonstrations. The great majority have engaged in nc act that has involved or threatened injury to any person, or substantial damage to (or theft of) any property; but some few have committed assault, arson, burglary, and perhaps worse.

(2) Some of these people have exiled themselves in Canada, Sweden, and other foreign countries. Others, who have not fled, either (a) have been convicted and have completed their sentences, or (b) are presently being prosecuted, or (c) are subject to prosecution.

(3) This last group—those who are subject to prosecution but have not yet been arrested or indicted—is by far the largest. The war's end may lead most prosecutors to ignore them in favor of more dangerous offenders. Even so, however, each of them (and probably his spouse and close associates) will know that prosecution may ensue—at any time before the applicable statute of limitations has run (and some of them run a long time)—if anything is said, published, or done that awakes the prosecutor's unfavorable attention. The violator will in effect be a probationer, and as such he will have reason to keep his mouth shut on controversial issues. His one venture in political expression—opposition to the war by illegal means—may prove to be his last.

(4) Almost without exception, these violators believe—perhaps rightly, perhaps not—that they have served rather than harmed the United States by revealing, through their law-breaking or self-exile, the depth of their own conviction that the war has been wrong, helping to speed the general realization (which all agree has now come) that the war must be ended. Millions of others share that belief, and will continue to proclaim the injustice of continued punishment, prosecution, or *de facto* probation. To that extent—and it is a large extent—the divisive effect of the war will be prolonged.

(5) The rankle will not die away as soon as prosecutions are ended and sentences served. The stigma of criminal status—the status of the ex-convict—will still rest on those who have suffered it. The status carries with it various political and civil disabilities, heavier in some states than in others: disability to vote, to hold public office, to obtain public employment; ineligibility for admission to the professions such as law, medicine, and teaching, or for admission to other licensed callings such as taxi driving and liquor retailing; and so on.

(6) The law violators are numerous enough, and are sufficiently dispersed geographically, to spread these effects throughout the land. The problem is thus a national one, and—arising as it does from a national war, involving as it does our national political health—it can only be dealt with effectively and uniformly through Federal action.

These are the conditions that will face us when the war is over. But should we postpone until then our consideration of the problem? I do recognize the accuracy of President Nixon's prediction that amnesty—though it will surely come. as he says, just as it has come (in one form or another, and not always under the name of amnesty) after every divisive rebellion or foreign war—will be delayed until our prisoners are back home and American servicemen (except perhaps for volunteers) no longer fight in Southeast Asia. It does not follow, however, that we ought to wait until then to lay the political groundwork. It is not too soon to initiate public debate on the scope and timing of the amnesty—the amnesty that history and the President say is inevitable, and which the President, on Jan. 2, declared he would be "very liberal" in granting when the time comes. There are enough months left before the November election for public opinion to crystallize, for candidates to be queried on their amnesty views, and thus for the people's will to be expressed at the polls.

Nor is it too soon to lay the legal groundwork. It is true, as President Nixon has reminded us, that clemency for Federal offenses is an executive function. Article II, Section 2 of the Constitution gives pardoning power to the President. But Congress also has a part to play.

At a minimum, Congress can and should shoulder part of the political responsibility—for amnesty, particularly if relatively quick and broad, will require political courage of a high order; this long war has been divisive—by a concurrent resolution affirming congressional approval and support of whatever amnesty it thinks the public interest demands. That is the least that Congress can do, or at any rate it is the least that I think Congress *should* do.

There is explicit, though not indisputable, authority that says Congress itself has the power to grant amnesty. The Supreme Court has so declared on more than one occasion, though always in cases that involved other issues and did not squarely present the question of congressional amnesty power. An amnesty statute would constitute an assumption of full political responsibility by Congress. It would also constitute the most authoritative expression of the will of the American people, a consideration the importance of which will be explained in a moment.

To avoid any lingering Constitutional doubt (and to avoid the wrangling of Constitutional experts that delayed enactment of the 1964 Civil Rights Act), the effectiveness of the statute might be made conditional upon affirmative Presidential action. That is to say, the bill might stipulate that it would become law only if the President signed it, or approved it by later public proclamation—not if he simply failed to sign it (which ordinarily allows a bill to become law) or vetoed it (unless it were then enacted over his veto and he or his successor later approved it by proclamation). Politically, such a limitation is of small importance in view of the unlikelihood that the bill would pass at all without support from the White House.

It may be said that such a concurrent resolution or statute would be premature at the present time because the war is still being fought. Perhaps this is so, although the objection might be at least partially obviated by a provision delaying the effective date until the President proclaimed that hostilities had ended or been reduced to such a level as to justify the effectuation of amnesty.

But let us assume that specific amnesty action is deemed to be premature for the time being. There is still grist for the congressional mill. It is certainly not too soon to provide the President with all the authority he needs for full and effective amnesty, even though he may not exercise it for a while. Congress has followed this course before. For example, the President was vested with authority to fix prices, wages, and rents long before he saw fit to exercise it. When the time did come, he was in a position to act without delay for congressional action.

PRESIDENTIAL POWER LIMITED

True it is that the President already has plenary power to grant clemency to Federal offenders, both military and civilian. True it is that such clemency can take the form of full pardon (with erasure of guilt—as is done in cases of mistaken identity), or remission or reduction of punishment. True it is that reasonable conditions—perhaps an oath of allegiance, as after the Civil War; perhaps alternative public service, as proposed by Senator Taft and others—can be attached. There are, however, certain things that the President probably lacks power to do without congressional authorization. He probably lacks power to restore the citizenship of those who have relinquished it in protest against the war; it is Congress that possesses the naturalization power. And he surely lacks power to grant clemency to the many violators of state law, a category that includes most of the illegal demonstrators.

As a matter of fact, some Constitutional lawyers may well say that this latter group cannot be granted clemency even by Congress and the President acting in concert. They may say that the power resides only in the respective state governors. My own opinion is otherwise. I believe that Congress has an untried but available Constitutional resource in the "privileges or immunities clause" of the Fourteenth Amendment. As I have written before:

"Section 1, after providing that all persons born or naturalized in the United States and subject to its jurisdiction are its citizens, goes on to provide: 'No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.' The clause has been little used, largely because of a restrictive—and, I believe, erroneous—interpretation by the Supreme Court in 1873 in the Slaughterhouse Cases. But the original purpose of the clause is precisely applicable here. The purpose was to enable Congress, by defining the privileges and immunities of Federal citizenship, to afford protection against hostile state action. The newly freed slaves were, of course, the main subjects of concern, but the clause is not limited to them.

"If Congress believes that our national interest requires the early restoration of domestic harmony and that such harmony will be promoted by amnesty for antiwar demonstrators and others, then Congress has the power to grant them amnesty. What it takes is a declaration by statute that it is a 'privilege and immunity' of United States citizens to gain annulment of convictions and other legal disadvantages suffered by reason of specified acts of opposition to the war. If Congress so provided, the amnesty could be conditioned upon Presidential activation, and it could be made subject to such conditions (for example. an oath of allegiance) as Congress might impose or empower the President to impose."

A JUDGMENT ON THE WAR

It remains to consider how broad the amnesty should be. That depends ultimately upon whether our concern extends to the condition of our whole society, or whether we interest ourselves only in fairness to the violators; and that question is intimately linked with the judgment that the American people make upon the rightness or wrongness of the war itself. If the war is found to have been the basic mistake from which all else flowed, those who opposed it sooner and more vigorously than the rest of us are to be regarded as having performed a service through their illegal acts. They may well have sped the general realization of the war's true character; at any rate, that was their purpose and their hope. This realization has gradually come into focus as we have read the Pentagon Papers, as we have learned the shabby factual basis of the recently repealed 1964 Gulf of Tonkin Resolution (which, in the absence of a formal congressional declaration, is generally taken to mark the beginning of the war). If the violators have served the United States by their submission to punishment or self-exile—acts which, it may be said, have connoted courage much more often than cowardice—amnesty should be broad, quick, and unconditional.

A strong case can be made for the proposition that Americans did pass adverse judgment on the war no less than four years ago. In my opinion the 1968 Presidential election, in which both major candidates won nomination on an end-the-war program—and in which President Lyndon B. Johnson (who indeed had won the 1964 election on a no-war platform) declined to run for the stated reason that he feared his candidacy would hamper his peacemaking efforts—was a clear condemnation of the war. If it was, most Americans have said that the war has been a bad one at least since 1968, if not since its beginning.

This November the people will have another opportunity to express themselves, if the issue is adequately framed in the Presidential and congressional races. Should the people reaffirm what I think they said in 1968, it logically follows that every American should be relieved of every legal disadvantage he would not have suffered if the war had never begun (or, at the least, any such disadvantage that he incurred after the 1968 election). That implies not only remission of criminal penalties but erasure of criminal status, for every offender whose crime would not have been committed but for the war.

It is desirable that amnesty be granted openly and officially if premised on the wrongness of the war—not bit by bit in the form of quiet military discharges given to deserters, or case-by-case leniency accorded by clemency commissions or parole boards. The candid admission of error is beneficial not only to the individual soul, as the churchmen tell us, but also to the body politic. The French profited from their painful recognition of the wrong done to Captain Dreyfus. The Germans profited from their even more painful recognition of the wickedness of Hitler and his Nazis. We Americans, if we truly believe that the war in Southeast Asia has been a bad mistake, would benefit—both in self-esteem and in our relations with the rest of the world—by making express and official acknowledgment of the error, and doing it sooner rather than later.

Full amnesty might not, however, be thought appropriate in all cases. It would not be illogical, though administratively difficult, to limit clemency to those whose offenses were motivated wholly or partly by conscientious opposition to the war. (To be sure, such a limitation would discriminate in favor of the articulate young men who are capable of explaining their feelings in religio-philosophical lingo; and relatively few of them come from Appalachia or Harlem). Neither would it be illogical (though, again, administratively difficult) to deny full clemency to those whose offenses have been "violent"—not an easy term to define; does it include sit-ins? the scrambling of draft board records?—and who, by such acts of arson and assault, have revealed themselves as menaces to their neighbors. Even with these limitations, however, most acts of criminal opposition to the war would be pardoned.

If, on the other hand, it turns out that most Americans can agree only that the war should be put behind us, amnesty will be narrower. There may be liberation of prisoners, but no erasure of the stigma of conviction or restoration of political and civil rights. There may be amnesty for Federal offenders (most of whom are draft refusers) but not for state law violators (most of whom have been prosecuted for some form of violence or near-violence, though the great majority have done no more than block the transport of draftees or engage in other illegal demonstrations).

DANGERS IN UNJUST ACTION

In appraising the desirability of limitations upon amnesty, however, one somber fact must not be ignored. Attica stands as a reminder of the difficulty and human waste involved in punishment of people who believe themselves to have been unjustly convicted, and the primitive crudity of the methods our penologists have thus far devised for dealing with them.

And in deciding whether clemency is due to such offenders as the Berrigans, we should ask ourselves this question: Had John Brown's body *not* lain a-mouldering in the grave when the Civil War ended—if, instead, he had been serving a prison term—would he have been accorded less generosity than Jefferson Davis and Robert E. Lee?

Only a crystal ball could tell us how the amnesty problem will eventually be resolved. Much may depend on *how* the war ends. Should it cease at a defined moment—perhaps with the aid of the United Nations, whose competence in this regard has suddenly increased with the admission of mainland China; perhaps as a result of President Nixon's trip to Peking; perhaps as a result of a congressional act of punctuation—amnesty is likely to be quicker. Should the war trail off as gradually as it began, amnesty may be slow in coming.

But come it will. And it is now time for every American to examine his own thoughts and opinions; to make them known to all who will listen; to call upon candidates for statements of position; and to carry his convictions with him into the voting booth on Nov. 7.

THE PRESIDENT AND EDUCATION

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1792

Mr. PUCINSKI. Mr. Speaker, throughout the United States property taxes are placing a crushing burden on many homeowners. One of the reasons for this burden is that we are relying to an undue degree on property taxes as the basic method for financing our elementary and secondary schools.

Recently, courts in four States have ruled that this undue reliance on property taxes is a violation of the U.S. Constitution.

I believe that the time has come for the Federal Government and the States to assume a greater share of the cost of financing elementary and secondary education, and to relieve the local property taxpayer from this crushing burden.

On March 17, 1971, I introduced a bill, the National Partnership in Education Act, which would have the Federal Government assume one-third of the cost of elementary and secondary education in this country. The National Education Association and other interested parties, including the U.S. Commissioner of Education, Sidney Marland, have endorsed this concept.

Mr. Speaker, I am pleased to bring to the attention of the House a recent editorial broadcast on station WGN in Chicago which speaks responsibly on the burning issue of property tax reform. This editorial is in keeping with the finest traditions of broadcasting.

I would urge the Members of the House to read this editorial to gain a better perspective on the emerging currents in school finances.

The editorial follows:

THE PRESIDENT AND EDUCATION

As President Nixon reported on the State of the Union, he said he was not going to offer Congress a mass of politically-appealing proposals which would have small chance of passage, especially in the highly-charged political atmosphere of a Presidential election year. Instead, the President called on Congress to resist political pressures, giving statesman-like attention to still pending domestic programs he has placed before it.

There was, however, one new program of significance, not spelled out in detail, but certainly demanding attention before Congress quits Washington for the hustings. The program, to be outlined in a special message. calls for a greater federal role in funding elementary and high school education. The courts in four states, as the President pointed out, have found that reliance on varied local property taxes makes public education less than equal, based on the money available for schools from district to district.

"Soaring school costs and soaring property tax rates," the President said, "now threaten both our communities and our schools." We agree with the President and await the specifics of his plan to aid education.

In the meantime, if Congress really wants to begin serious consideration of the problem, it has at least one bill before it. Offered by Chicago Congressman Roman Pucinski, it calls for the federal government to provide one-third of the cost of public primary and secondary education. This bill could provide a vehicle for starting the debate, and the sooner the better.

IN PRAISE OF AN EDITORIAL

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. KEITH. Mr. Speaker, on Monday night, February 28, 1972, President Richard M. Nixon returned from the most important trip any President of the United States has ever undertaken.

His motives for going, his apparent change of thought on China, what he accomplished and the impact of the journey, have all been—and probably will continue to be—discussed and questioned; questioned at all levels of governments and by private citizens across the country and around the world.

A recent editorial in the Quincy Patriot Ledger deals with the enmities that existed and, of course in varying degrees, still exist between this country and the People's Republic. It traces some of the policies this country has had toward China in the past quarter century. The editorial gives us an insight into what China is today in terms of population and fiscal matters. It looks at the President's visit and concludes that we should all hope that the journey was a beginning of better relations—and more importantly, greater understanding—between the two nations.

Mr. Speaker, this thoughtful editorial from the Patriot Ledger from the hometown of John Quincy Adams, is, I feel, worthwhile reading for my colleagues in the Congress.

The editorial follows:

OFF TO CHINA

"Our enmities are not immutable, and we must be prepared realistically to recognize them and deal with their cause."

This sentence from President Nixon's foreign policy report this year serves as well as any to illustrate the theme behind the President's journey to China on which he departs tomorrow.

It is an historic visit which will symbolically put behind the two nations nearly a quarter-century of militant estrangement. But one should not expect dramatic new breakthroughs in American-Chinese relations resulting from this visit.

For much of the postwar period, the United States has pursued a policy of encircling the Communist-held mainland to prevent feared Chinese expansion. Militant talk of fostering worldwide wars of national liberation by Peking, the absorption of Tibet and then the Chinese intervention in the Korean War prompted such concerns.

"The Soviet and Chinese Communists know that their combined power can dominate the Eurasian continent. If the other nations of Europe and Asia stand alone, they will be unable to resist the iron embrace of international communism," Secretary of State John Foster Dulles declared in 1955.

At the time, of course, China and Russia were allies in what looked like a massive "Communist monolith" with the means and intent of rolling over unprotected nations. By the end of the decade, however, nationalist concerns in Moscow and Peking had produced cracks in the monolith, and early in the 1960s, there was a dramatic split. If enmities are not immutable, neither are alliances.

During the 1960s, there developed a kind of parallel interest in the United States and Russia in containing China—for example, during the Sino-Indian border clash and later in 1965, when both Russia and the United States sent warnings to Peking not to intervene in the India-Pakistan war. American intervention in Indochina seemed to serve Russian purposes by blocking potential Chinese expansion to the south, as the combined Soviet-American interest in the Indian subcontinent guarded that area.

The upheavals of the Cultural Revolution in 1966 further sapped Chinese strength and fragmented centralized political control. In short, within a decade, the perceptions and realities of Chinese power and Chinese intentions have dramatically changed. The China we are now dealing with is politically divided, economically weak, militarily inferior, predominantly concerned about Russia, and seemingly prepared to end its long self-imposed isolation from the world.

It is a land of slightly more total area than the United States, but less than half the territory of the Soviet Union, containing about four times as many people as the United States. Its population is half-literate, mostly unskilled, and poor—a gross national product about half that of the current American budget and with a per capita national income of $145, compared to Russia's $2,000, and America's $5,000. China has accomplished a great deal under Mao Tze-tung by itself, at great human cost, and is proud of those achievements.

What can we expect of the Nixon visit? Probably very little in terms of major agreements.

As another token of good will, the President has just extended to China the same trading terms as those with the Soviet Union, which are less favorable than the more liberal trading opportunities given Poland, Romania and Yugoslavia. But there is not a great deal we can trade with China.

There may be a live-and-let-live statement, a recital of discussions of differences, perhaps a willingness to have exchanges of travelers, and so on. But one cannot expect anything really major. And in actuality, many of our differences with China involve third parties and general regional interests—we have no national territorial disputes with China, no arguments over fishing rights or oil or similar resources.

But we do differ in outlook. To Chinese, American intentions in Asia probably do not look benign. Here is this far-off country, the United States, talking of its peaceful intentions and protecting the "free world," yet sending its warships from thousands of miles away steaming up and down Chinese seas for two decades, marching perilously close to Chinese borders during the Korean War, putting half-a-million soldiers into Southeast Asia in recent years and building the world's mightiest nuclear arsenal while speaking timorously of the Chinese "nuclear threat."

To the Chinese, who historically have not had especially happy relations with Westerners, U.S. concern about the Chinese dragon gulping down neighboring Asia in the face of such massive American military display must seem curious and directed by other motives.

The Chinese are likely to be polite, correct and cautious to their wealthy American visitor with his train of technicians, advisers and elaborate technological gear. They may not even take swiftly to the idea of extensive economic relations with the United States (except for aid without strings), given the past of economic exploitation by Westerners, and certainly not to talk of arms control, given the great imbalance in modern weaponry.

The President himself has noted: "My visit to Peking in February will certainly not bring a quick resolution of the deep differences which divide us from the Peoples Republic of China. But it will be a beginning, and it will signal the end of a sterile and barren interlude in the relationship between two great peoples. Finally, it will represent a necessary and giant step toward the creation of a stable structure of world peace."

Let us hope that this journey does represent a beginning toward more fruitful relations, at least toward greater understanding of each other's intentions.

REDUCING SMOKE FROM JET ENGINES

HON. PAGE BELCHER

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. BELCHER. Mr. Speaker, in these days of lagging timetables and target date slippages, it is heartening to find any project running ahead of schedule—and doubly so when that project involves environmental protection.

That is why I was gratified to learn this week that the American Airlines Maintenance and Engineering Center in Tulsa is 3 months ahead of schedule in its $1.75 million program to reduce smoke from the jet engines that power its Boeing 727 Astrojets.

This jet-smoke reduction was committed to by the airline industry 2 years ago and is scheduled for completion by the end of this year.

I am proud of my constituents who are responsible for these pace-setting efforts of American Airlines in Tulsa. I also salute American for its continuing concern and leadership in the field of environmental protection, as outlined by Orlan A. Soli, its Tulsa-based vice president for maintenance and engineering, in a progress report which I submit for inclusion in the CONGRESSIONAL RECORD at this point:

TULSA, OKLA., Feb. 29.—American Airlines is three months ahead of schedule in its $1.75 million program to reduce smoke from the jet engines that power its Boeing 727 Astrojets.

Orian A. Soli, vice president-maintenance and engineering, said that more than 75 per cent of the airline's 358 JT8D engines have been converted to a new configuration that is virtually smoke-free.

American is one of 31 airlines that are spending some $30 million to convert 3000 jet engines in accordance with an agreement developed by airlines, the Department of Transportation and the Department of Health, Education and Welfare. The agreement calls for conversion of the engines by the end of this year.

The modification involves changes in the combustion system (or "burner cans") inside each engine. The changes prevent formation of the carbon particulates which are the source of the "black smoke" visible from the exhaust of the JT8D engines.

"Already most of our 98 standard and stretch model 727 aircraft are equipped with the modified engines," Soli said. He noted that the airline's new DC–10 and Boeing 747 aircraft are powered by new engines which emit little if any visible smoke.

American has long been concerned with engine smoke and noise, Mr. Soli said. In the early 1960's it was the first airline to equip its four-engine fleet with "cleaner" fanjet combustors for the JT8D engine offering its findings to the rest of the industry. And in the case of the DC–10 American wrote environmental specifications into the contracts for the plane and the engine.

"VOCABULARY GROWTH" BY RUTH FRAGER

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. MONAGAN. Mr. Speaker, the Members of the House of Representatives are rarely at a loss for words, but if a silent moment should ever arise, there now exists a nonpartisan remedy available to politicians of any persuasion, and in fact to any citizen. This remedy, an excellent and entertaining new book entitled, "Three Dimensions of Vocabulary Growth," is coauthored by a good friend of mine, Mrs. Ruth Frager of Shelton, Conn.

Mrs. Frager developed the idea for her book while serving as chairman of the English Department at Housatonic Community College in Bridgeport, Conn. She and her coauthor, Lewis M. Paternoster, decided to translate one of their frequent discussions of vocabulary building into a readable and interesting method of increasing everyday word power.

The result is a textbook which makes the usually arduous chore of learning new vocabulary fun but effective. For the information of my colleagues, I include an excellent article by W. C. Rockwell on both Mrs. Frager and "Three Dimensions of Vocabulary Growth" which appeared in the February 3 edition of the Suburban News.

The article follows:

RUTH FRAGER COAUTHORS A NEW COLLEGE TEXTBOOK

(By W. C. Rockwell)

At a loss for words? You know the frustration of groping vainly in the cloudy recesses of your memory; the aimless snapping of your fingers; the closed eyes grimace accompanied by an annoyed shake of the head. The word escapes you doesn't it?

It's not an unusual situation. In fact, it is so common among the millions who can converse in English at all, that two professors of Housatonic Community College in Bridgeport decided to do something about it.

The result is a new textbook that is as diverting and entertaining as any of the popular word games like cross word puzzles, scrabble, jumbles and the latest derivatives of these.

The book is called "Three Dimensions of Vocabulary Growth" and if you are a devotee of the Readers' Digest department called "Increase Your Word Power" you are going to want to know more about this intriguing paperback which is, in many respects, a product of Shelton.

Mrs. Ruth L. Frager, wife of Shelton's former mayor, Charles Frager, co-authored the book with Lewis M. Paternoster of Bridgeport and much of the actual work was done in Mrs. Frager's home studio at 43 Cold Spring Circle.

Both authors are assistant professors of English at the Housatonic Community College where Mrs. Frager is chairman of the English Department. They spent a little more than three years at the task which was started about five years ago. The two years hiatus (See Lesson 12, page 52 of the book. It means a gap where something is missing and comes from the past participle of the Latin "haire" meaning "to yawn") anyway the two years gap between compiling and writing the book was the period in which the two authors were in search of a publisher.

HOW IT HAPPENED

The idea for the book developed, as those things generally do, from frequent conversations and discussions with other professors concerning some of the problems of teaching English, especially to students whose reading abilities were somewhat less than sharp.

They decided that if a textbook book could be devised which would make vocabulary building a more lively and interesting aspect of learning perhaps it would be a decided benefit to those students who found it difficult to sharpen their reading and grasp of ideas.

"Well," said Paternoster, "why just talk about it. Let's do it. Let's compile such a book and put it to use."

So they did. Part of the time they worked in Mrs. Frager's basement studio, part of the time in her office at the college. Paternoster had had some similar experience in compling textbooks when he worked with Dr. Don Parker of Science Research Associates where he co-edited two college preparatory Reading Laboratories.

ABOUT THE AUTHORS

Paternoster was reading coordinator with the Stratford school system for 13 years, taught in adult education for seven years and was a part time lecturer at Housatonic College until his full time appointment there in 1969. He received both his BS in English and his MS in secondary education with emphasis in reading from the University of Bridgeport. He is a member of the International Reading Assn., the Connecticut Association for Reading Research and a member of the Northeastern area two-year College Reading Assn. He resides with his wife and two daughters in Stratford.

Mrs. Frager, well known in Shelton where she has made her home for the past 10 years, was married to former Mayor Charles Frager in 1964. Five years later she, herself, went into active politics when she became a Democratic candidate for alderman from the Second Ward.

She was formerly married to the late William W. McCracken, an artist and is the mother of three daughters, Mrs. Emily Nelson of Manchester; Peggy McCracken, a staff member at Houghton-Miflin, publishers in Boston; and Mrs. Susan Anders, of Charleston, W. Va. There are two grandchildren, Christopher and Heather Nelson of Manchester.

Mrs. Frager received the BA in English with special honors from Smith College and her Master's from Wesleyan University. She has a fellowship at Yale University in American studies and her poetry has been published in National Anthology High School Teachers and other publications.

She was raised in Stratford and returned there after graduation from college to teach in the public school system in which she was named department chairman for Stratford and Bunnell High schools in 1957. She resigned the position in 1966 when she joined the Housatonic family.

She took active part in the planning and creation of the college as a member of the Regional Advisory Council on which she served as secretary. She resigned the position when she was appointed to the faculty and during the Spring of 1970 she served as Dean of faculty in the absence of Dean Ekstrom.

ABOUT THE BOOK

Mrs. Frager has taught at the University of Bridgeport, College of Education, on a part time basis over a six year period and was the first woman member of the Bridgeport Engineering Institute.

The textbook, already in use at Housatonic Community College, presents three methods for learning new words, the basic technique of the three methods being to learn some additional fact about a word when learning the word itself and its definition.

The first dimension, according to the preface of the book, is based on "an interesting history behind" the word. "Words with stories behind them," say the authors, "remain fresh and vivid in the memory and become a permanent part of one's working vocabulary."

Etymology constitutes the second dimension, in the authors' opinion. "Etymologies are especially valuable as memonic devices they are often evoked by the word itself," says the preface.

The third dimension has to do with words which "fall naturally into categories or groups of words with related meanings," according to the preface. "When a new word is learned it can be placed in such a category and distinguished from other words related to the same general idea. The new word then becomes a ready and precise vocabulary tool that can be used with effectiveness and confidence."

Probably no professor of English would condone this suggestion but the average "word buff" can find much of interest merely by delving into the book at random, on a desultory (see page 16) basis, so to speak.

But then, even the authors say "words are more eloquent than anything that could be said about them. To understand that fact is to be well on the way to vocabulary growth."

(Reader's Digest, note: My next rating on your "It Pays to Increase Your Word Power" will be in the (20 to 19 correct' bracket.)

GIRL SCOUTS HONORED

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. McCLURE. Mr. Speaker, this week Congress is paying tribute to one of the Nation's most respected organizations—the Girl Scouts of the United States of America. March 6 marked their 60th anniversary, and it provided us with an opportunity to reflect upon the high ideals and accomplishments that have made scouting a worldwide bond of friendship.

The Girl Scouts have succeeded in accomplishing true peace and understanding between their international membership. Their efforts to unite the young people of the world have succeeded where our similar efforts among world leaders have fallen short of the mark. A record like that of the Scouts deserves our true appreciation and encouragement.

And, so, I join my colleagues in the U.S. House of Representatives to add my sincere congratulations to a long list of supporters of the Girl Scout movement.

DIPLOMATS FACE A RISING TIDE OF VIOLENCE

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. SMITH of New York. Mr. Speaker a recent excellent article in the Christian Science Monitor focuses on an increasingly serious problem: the rising tide of violence directed against diplomats. The article points out that the "list of crimes committed against foreign diplomats and their property around the world is growing at an alarming rate. It runs the gamut from kidnaping and assissination to annoying verbal taunts and ink splashing."

Mr. Speaker, I am sponsor of a bill H.R. 10502, which is directed at this problem. This important new legislation would provide for optional Federal jurisdiction in this area, which is, after all, one of Federal responsibility. The legislation would fill an inexcusable void in our current legislative scheme. I am hopeful that the Judiciary Committee, which is holding hearings on the legislation on March 16, will find itself able promptly to report the bill favorably, and that the full House will likewise give prompt and favorable attention to the bill.

Mr. Speaker, I am inserting in the RECORD the article "Diplomats Face a Rising Tide of Violence," Christian Science Monitor, February 29, 1972, second section, page 7:

DIPLOMATS FACE A RISING TIDE OF VIOLENCE

(By Lucia Mouat)

WASHINGTON.—Sniper fire into a room where four children are sleeping in the Soviet mission to the United Nations . . . firebombing of the British Embassy in Dublin and repeated bomb threats against the British Embassy in the United States . . . assault and robbery of an employee of the Embassy of New Zealand in Washington.

Whether motivated by politics or simple economics, the list of crimes committed against foreign diplomats and their property around the world is growing at an alarming rate. It runs the gamut from kidnapping and assassination to annoying verbal taunts and ink-splashing.

Diplomacy, as a member of the U.S. delegation to the United Nations put it during a debate on the subject last November, is no longer, if it ever was, a "career of calmness and tranquillity." Increasingly, he noted, it is a "calling of danger."

In dedicating a small park next to the State Department that same month to the memory of foreign-service officers who lost their lives while stationed overseas, Secretary of State William P. Rogers in effect underlined the point where he observed that natural disasters and disease as causes of death had given way in more recent years to sniper fire, bombings, and the like.

In the United States alone, some 127 incidents involving foreign officials and property were reported during the past year. Forty-one of these involved attacks on Soviet missions and personnel—ripe targets for those protesting Moscow's treatment of Soviet Jewry. Bomb threats and similar kinds of harassment without follow-up action are not included in either figure.

"PRICE OF FREE SOCIETY"

In a practical sense, there is only so much that the United States can do. Though concerned and embarrassed by such incidents, U.S. officials argue they are in part the price of a free society.

Other nations—particularly the Soviet Union—are not so easily convinced. Soviet diplomats, pointing to what they see as effective and official crackdowns on such groups as Washington antiwar protesters and the Black Panthers, insist that where there is a will, there is a way. They say Washington could do far more than it does to curb the militant activities of such groups as the Jewish Defense League.

Soviet officials further argue, with considerably more success, that penalties for attacks on foreign diplomats and property tend to be light. They have asserted that few if any are in jail as a result of the many attacks against Russians in the United States, in the last year or so, and U.S. officials have to admit that the record tends to confirm the charge.

In fact, the blame, if that word can be used, lies more in the legal process of delays, appeals, and free-on-bail provisions aimed at ensuring a fair trial than in the actual penalties. Many of the incidents which do occur are purposefully just a shade within the law.

For its part, the United States has stepped up its preventative efforts in recent years. Two years ago President Nixon expanded the White House police force to form a special executive-protection service contingent which now numbers 800 men and steadily patrols Washington's embassy row. And secret-service agents now protect visiting dignitaries.

LEGAL FRONT CONSIDERED

Washington is also in the midst of a fresh effort to tighten up protection on the legal front.

Under present law, the mugging of a diplomat is treated much the same as the mugging of anyone else and is generally subject to local rather than federal jurisdiction. Legislation sent to Congress by the Departments of State and Justice and now pending in subcommittee would bring the United States a step nearer many other nations where national criminal law prevails by extending federal jurisdiction to crimes involving foreign and U.S. officials.

Included in the broad definition of crime under the new legislation would be kidnapping (even if no interstate transportation is involved), property damage, and the relatively hazy area of harassment. Drawing upon an existing New York statute, the new legislation defines it to include trailing an official in a public place after having been told not to do so, indulgence in abusive language, and, among other things, communicating with such foreign officials anonymously by letter or telephone.

Those "selling" the legislation stress its logic. They say that since foreign and domestic policy can be affected my such acts, they should come under federal jurisdiction. Currently, federal officials can only urge, without any guarantees, that local authorities cooperate in any enforcement measures they suggest.

MISSING DIMENSION

Proponents of the new legislation say it would also add a certain dimension of order to federal law which has been missing. They point to the fact that 30 percent of this country's public officials, for instance, now are covered by federal criminal statutes. But, they add, while the list now includes a postman, it excludes such people as Secretary of State Rogers and a prosecuting attorney for the Department of Justice.

Backers of the new legislation expect several changes to result from it. Speedier prosecution of cases, for example. Case loads are often extremely heavy in local courts. Also, in the case of the Soviet attacks, there have been charges that New York City courts have been subject to strong Jewish pressure to be lenient on those charged with crimes. In more than one case, there has been a hung jury.

The Soviets have frequently pointed to Rabbi Meir Kahane, head of the Jewish Defense League, as an example of a man who has been arrested several times but who is free enough to keep on making threats and becoming involved in several incidents.

PRIMARY RELIANCE CITED

In July Rabbi Kahane was given a five-year suspended sentence and fined $5,000 after pleading guilty to a charge of conspiracy to manufacture explosives. He was free to go to Israel for three months shortly afterward to confer with friends there.

Hopes are that the new legislation may also enable federal authorities, who have less-limited resources generally than local authorities, to move in fast and extensively on investigation of a case. Primary reliance then as now, however, would be on local police as in the case of New York City to do the day-to-day protective work.

The job is extremely costly. New York police, who have maintained an especially heavy patrol on the Soviet mission to the UN since the sniper incident last fall, spend about $2.5 million a year to protect foreign missions. Protection of the new Peking delegation accounts for about one-fifth of the total.

Also in the hopper as a change in tradition in handling attacks on foreign diplomats is a move to broaden extradition powers. Normally this has been confined to return of a fugitive who committed a crime on home soil. Recently an extraterritorial aspect has been developing within the law. This aims at return of the fugitive although the offense was committed in another country as long as a U.S. official was involved in the attack.

Most of the current treaty efforts in this area seek to lock up the loophole allowed for political offenses by tightening the definition, and to ensure that the fugitive who has committed a crime against a foreign official, find no safe haven in any country.

SENATE NOD AWAITED

A treaty with members of the Organization of American States, signed by President Nixon last February and now awaiting Senate approval, would exempt just such attacks on diplomats from the category of political offenses allowed under most extradition agreements. The fugitive would no longer have an easy "out."

An even tougher, and certainly broader, legal convention on the subject is expected to come before the International Law Commission meeting next summer for discussion. This would offer similar assurance, if concluded, that there is no safe haven for those committing acts of terrorism—whether against diplomats or anyone else.

Both treaties are seen as supplements to existing domestic legislation and extradition treaties. One of the major problems, of course, is catching the fugitive in the first place. In parts of Latin America it is practically impossible. Once caught, the fugitive would usually be dealt with under existing domestic law. However, if he should seek refuge in a neighboring country on grounds he had committed only a political offense, the new treaties might help secure his extradition and prosecution.

For its part, the United States has recently reviewed its own security measures abroad, usually in cooperation with local authorities in each place. Marine guards posted at each embassy, largely to protect it from incidents inside the premises, are considered a deterrent.

INCIDENTS PROTESTED

"When there are chronic problems, It's usually where local authorities don't have the resources or the capability of catching dissidents," says one State Department lawyer.

The United States vigoriously protests incidents abroad, however, if it has reason to believe that they are government stimulated or that the government failed to take proper preventative action in the light of a known threat. When cars of the U.S. diplomats and journalists in the Soviet Union, for instance, were damaged after dissidents in this country set fire to Soviet cars, the connection appeared all too obvious to authorities here.

Foreign officials tend to feel that once they have complained about such incidents to the State Department here, they have done all, if not more, than is required. There is an understandable reluctance to appear in court as a complaining witness in the case and to undergo cross-examination. This adds to the U.S. burden in trying to resolve such incidents smoothly.

Politically motivated attacks ride with the tide of events and presumably will continue to a degree so long as instigators think there is something to be gained by them. The diplomatic community feels it has had quite enough and that its effect has been minimal.

When Sir Geoffrey Jackson, former British ambassador to Uruguay, was released after being held eight months by Tupamaro guerrillas, he was careful to stress his continuing affection for the Uruguayan people. But he was emotionally relentless on one point; "This business of ambassador-snatching is counterproductive and self-defeating. . . . It has got to end."

ECONOMIC OPPORTUNITY ACT

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. BEGICH. Mr. Speaker, on February 16, 1972, there was debate on the House floor regarding the extension of the Economic Opportunity Act. During this debate, Congressman QUIE, of Minnesota, placed a table in the CONGRESSIONAL RECORD with statistical information on the number of Headstart children being served in my State. The percentage figures regarding Alaska are wrong and misleading. I wish to correct the RECORD by inserting a letter I received from the executive director of the

Rural Alaska Community Action Program, Inc.:

RURAL ALASKA COMMUNITY
ACTION PROGRAM, INC.,
Anchorage, Alaska, March 3, 1972.

Hon. NICK BEGICH,
Congressman from Alaska, House of Representatives, Longworth House Office Building, Washington, D.C.

DEAR CONGRESSMAN BEGICH: Frank Peterson has sent me a copy of the Congressional Record from the U.S. House of Representatives for February 16, 1972 in which the debate on the extension of the Economic Opportunity Act took place. During that debate, a table was presented by Congressman Quie which purported to show the number of eligible children for Head Start in the state and the number served. This chart appears on page 1063.

The chart would seem to indicate that 99% of the eligible children in Alaska are served. It simply is not true and I don't know what figures are used, but they are very misleading. As you are well aware, our Head Start programs operate in only 38 villages throughout the state. There are over 200 villages in the state and most of these villages contain a number of children who are eligible for the program. Our estimate, based on current population figures, show that there are at least 4,785 children in rural Alaska who are not served by the program. Our estimates would show that at least 3/4 of these children were eligible for Head Start.

I thought it was important to bring these figures to your attention as it is my understanding that already in Washington, D.C. there is a great hesitancy to fund programs in Alaska because of the Land Claims Settlement and the oil lease sale. Of course, we here in Alaska realize that neither of these situations are going to immediately solve the problem of low income people in the state. It is hoped that sometime in the not too distant future the economic problems of rural Alaska will begin to be solved, but I don't anticipate any major change in the living conditions in rural areas for at least five to ten years. Therefore, I think it is totally inappropriate for the kind of information whch Congressman Quie used to be circulated throughout Washington, D.C.

I would be glad to discuss this with you further at anytime. I do plan to be in Washington, D.C. the week of March 20 and would be glad to talk with you then.

Sincerely yours,

JOHN SHIVELY,
Executive Director.

GREEN BAY, WIS., PRESS-GAZETTE URGES PASSAGE OF MATSUNAGA LEGISLATION FOR SHORESIDE FACILITIES AT U.S.S. "ARIZONA" MEMORIAL

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. MATSUNAGA. Mr. Speaker, strong bipartisan support has been demonstrated for my bill to provide shoreside facilities for use of visitors to the U.S.S. *Arizona* Memorial at Pearl Harbor, Hawaii. Fully 135 Members of the House have sponsored the legislation.

Further evidence of the widespread favorable reception for my measure is a recent editorial in the Green Bay, Wis., Press-Gazette, urging passage. For the information of my colleagues and other readers of the RECORD, I offer for inclusion at this point the text of that editorial:

[From the Green Bay Press-Gazette, Dec. 7, 1971]

A MUSEUM FOR PEARL HARBOR

The United States has been shaken to the core on a number of occasions during its history, but few events have been as traumatic to citizens as the Japanese attack on Pearl Harbor on Dec. 7, 1941—30 years ago today. The news that the attack had virtually destroyed the United States Pacific fleet in the harbor galvanized the nation to action and marked the beginning of our direct involvement in World War II against Japan, Germany and Italy.

The story of the Pearl Harbor attack is just that to many in the under-40 age category although it will go down in history as one of the nation's most crushing defeats in battle. More than 3,000 servicemen were killed in the attack, moving President Roosevelt to call Dec. 7 "a date which will live in infamy." A measure of the impact the sneak attack had on the nation is that most citizens living in 1941 can vividly recall what they were doing when the news was flashed over the radio shortly after noon on that Sunday three decades ago.

Today, one of the highlights of a visit to Hawaii is a trip to the Arizona Memorial in Pearl Harbor. The beautiful pure white memorial lies astride the battleship by that name which was sunk in the attack. The Arizona, whose outlines can still be seen just under the harbor's surface, holds the bodies of more than one thousand men. The memorial is reached by boat from a somewhat nondescript if neatly kept ferry landing where only a few faded photographs and some narrative accounts fail to show the ferocity and success of the Japanese mini-submarines and bombers.

Plans are now afoot to obtain congressional approval of funds to construct a museum and theater on a 9.5 acre site near the boat landing, from which some 700,000 visitors a year are taken to the Arizona Memorial. Both the National Park Service and the Navy support the memorial park plan which, in the words of its sponsors, "will add an educational dimension to this experience (visiting the Arizona Memorial) which does not now exist." The project deserves congressional support.

WHILE YOU ARE UP, GET ME A GRANT

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. JAMES V. STANTON. Mr. Speaker, a tongue-in-cheek column by the talented Cleveland Press writer, Rudy Zappi, was called to my attention recently by Mayor Emil J. Lisy, Jr., the distinguished mayor of Maple Heights, Ohio. The column makes a point about which I have been particularly concerned in recent months: That although huge sums are appropriated for certain Federal programs, these funds, rather than going to fulfill the program's goals, are absorbed by the bureaucracy. I have been asserting this myself in connection with my emergency crime control bill, H.R. 11813, now heading for hearings before the House Judiciary Committee.

I commend Mr. Zappi's column to the attention of my colleagues:

WHILE YOU ARE UP, GET ME A GRANT

(By Rudy Zappi)

It's clear to me how Government money is spent to get things done.

Consider the omnibus bill which was constructed to fight crime. It makes lots of money available to help reduce the crime rate.

A city can do a great deal with, say, half a million dollars.

But first, the Government hires an administrator at a salary of about $50,000. He hires 12 staff members at around $20,000 each. The staffers start out by making a feasibility study at a cost of $100,000.

The staffers conclude after a six-month study that crime ought to be reduced. So they put together a program.

A supervisor is hired to carry out the program, and an executive director is hired to help him. The program the staff put together authorizes the supervisor and his exec to come up with a plan.

They go to work. Their salaries total $52,000, and the plan costs $57,990. The supervisor and the exec come up with a plan to give the Police Department a new radio.

There is $10 left from the original half million dollar grant, and the decision is made to give all of it to the Police Department.

Unfortunately, the radio costs $16.52. So a committee is formed to tackle the problem. The members are local volunteers recruited from the Welcome Wagon.

The committee sponsors a spaghetti dinner in a pool hall and throws open the doors to the public. Expenses for the dinner come to $75 and the take at the door totals $78 for a $3 profit.

In order to make up what is needed to buy the radio, the mayor lays off six firemen for three and a half minutes, thereby saving $3.52 which is transferred to the police radio fund.

JIMMY DRIFTWOOD

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. ALEXANDER. Mr. Speaker, a recent article appeared in an Arkansas publication reporting the work of Jimmy Driftwood, of Timbo, Ark.

Mr. Driftwood has skillfully promoted the folklore of Arkansas and the Ozark region for many years and is to be commended for his excellence, skill, and dedication to the restoration and preservation of those values which are pridefully retained by those of us from the Ozark region.

I recommend this article to my colleagues:

JIMMY DRIFTWOOD

Is James Morris a successful school teacher-farmer who keeps the music of his ancestors alive as a hobby, or is Jimmy Driftwood a professional folksinger who relaxes with Hereford cattle, Hampshire hogs, and other farm activities?

Admittedly, he can't take whitefaced cows or banded hogs into New York's Carnegie Hall, the Newport Festival, or California's Berkeley Folk Festival, but he can take his homemade guitar, handed down from ancestors, out into the pasture to serenade his livestock, or even plink an ancient tune on the pickin' bow while Cleda, his wife, works with her bees.

Around Timbo and Mountain View, Ark., they are Mr. and Mrs. Jim Morris. In the music and record world, he is Jimmy Driftwood.

When Jimmy Driftwood wasn't busy making the record "The Battle of New Orleans," which sold more than two million copies, or "Tennessee Stud," which also made platter history, he was helping farrow pigs or delivering calves on their Stone County farm in the shadow of Ozark Mountains, or helping Cleda hive a swarm of bees, or take out a few supers of amber honey from their own sweet clover hayfields.

And, if need be, he can go back to setting up remedial reading clinics, while Cleda teaches exceptional children as they did while they lived in Baton Rouge, La. He could even go back to his desk in the Snowball, Ark., school. He began teaching in an eight-grade, one-room school before he had finished high school, and for a quarter of a century, he was a teacher, principal of a consolidated school, superintendent of an independent system, county supervisor, and forever and always sawing on a fiddle, picking a guitar or banjo, and becoming "Doctor of American Folklore."

He also uses rhythm-percussion instruments, such as gourds with grooves filed crosswise on their necks, and rubbed with a stick, or a new switch on the weapon used by the Biblical Samson for killing Philistines, the jawbone of an ass. He rubs the teeth with a stick to produce a snare-drum-like effect, or he beats on the bone to get a sound something like that from a minstrel's bones.

The guitar he favors is odd shaped and it was made by his grandfather. His ancestor carved the neck from a fence rail, thin sides from an ox yoke; the top and bottom from the headboard of an old bedstead brought by his grandfather from Tennessee.

Hand him any of the traditional folk instruments, and Jimmy will play it. He spends considerable time experimenting with pickin' bows—they look like archery bows, with a single guitar string tuned to D, one end wound round an ebony key such as used on a violin or ukulele. It is plucked with a plectrum, or "Pick" as the Rackensackers call it. Jimmy makes pickin' bows out of barrel staves, pieces of home-cured walnut polished like a fine gunstock, and other kinds of wood—he's forever trying to find what wood produces the best sound.

He puts one end of the pickin' bow in his mouth, and changing shape of cheeks and lips, controls both pitch and volume, much as boys do with oldfashioned jewsharps. He says the pickin' bow may have been man's first musical instrument.

Jimmy plays fiddles too, but he tunes them in the mountaineer manner, rather than in the conventional GDAE range used by violinists.

With Jesse Stuart, the mountain poet of W-Hollow in Kentucky, Jimmy Driftwood is determined to preserve and perpetuate the rugged and simple art forms of our ancestors brought to this country from England, Ireland and Scotland. For years they have tried to get together on a stage at the same time, and they missed it recently by moments.

His songs and ballads, some of them handed down from mouth to ear for centuries, have set more than three and a half million platters spinning, and Prof. Jim Morris insists he can teach more history through folk music than some can with whole libraries of books.

IOWA FARMERS HOME ADMINISTRATION DOES OUTSTANDING JOB

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. SCHWENGEL. Mr. Speaker, the First Congressional District of Iowa, which I am privileged to represent, has seen a great expansion of industry. Along with this industrial expansion in southeastern Iowa, it is interesting to observe the input of the Farmers Home Administration, an agency of the U.S. Department of Agriculture, into the rural areas.

On December 31, just passed, a little over 1,000 families were living in modest but nice homes in the rural areas of my district as a result of having received loans to purchase or build from the Farmers Home Administration. These loans, made to low- to moderate-income families are not only providing a decent place to live for these families but also providing benefits to the community and industry.

The number of new homes being built or purchased with loans from the Farmers Home Administration is significant. Since the start of the current fiscal year, 55 loans have been made to purchase or build new homes in my district. This represents a significant impact on the homebuilding industry of the district, as well as providing an increased tax base in the community and a decent place for families to live.

Along with the housing loans in my district are 32 sewer or water loans to towns of less than 5,500 population. Most of these loans are in towns with a population of 1,000 or less. These loans represent a total of $2,610,000. We could better look at this amount, Mr. Speaker, as being an investment in progress. An investment that will be repaid.

Let me give you a couple of examples of these loans. The town of Houghton, with 119 residents, now has a waste disposal system where just a few years ago they were faced with a lawsuit, because of drainage from their septic tanks. Denmark is an unincorporated town of about 350 residents where many local wells were providing water unsafe for human use. By the time this community holds its annual festival this fall, residents will be enjoying pure water from their new water system provided by a loan from FHA.

Farmers in my district have also received help from the services of the Farmers Home Administration. As of December 31, 1971, 552 families had operating loans and 1,286 families had farmownership loans. These operators of family farms are still in business and are contributing to their own and the community welfare, because of the loans and supervision received from FHA.

One of the real exciting services furnished by FHA is loans to young families to start farming. Mr. Robert R. Pim, Iowa FHA State director, is a big booster for this part of their program. He reports 38 families in my district have been helped to start farming the past 3 years. These families, mainly in their twenties, wanted to make farming their lifework and the Farmers Home Administration has provided the opportunity.

The record of the Farmers Home Administration provided in the First Congressional District of Iowa can be duplicated in every rural congressional district. The services provided by FHA help millions of Americans to have a better life. We owe a debt of gratitude to Administrator James V. Smith and his staff for the excellent job they are doing all over our country.

One of the reasons the Farmers Home Administration has such an outstanding record in the First District and Iowa is the leadership provided by the FHA Iowa State director, Robert R. Pim. Bob Pim is doing an outstanding job. He and his staff are sensitive to the needs FHA can fill.

"CONGRESSMAN JOHN L. McMILLAN" BY ANN RICHARDSON

HON. JOHN L. McMILLAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. McMILLAN. Mr. Speaker, I insert in the CONGRESSIONAL RECORD a letter and paper written by Miss Ann Richardson, who attends Roy Hudgens Academy at Lake City, S.C.

You will note she received a grade of 99 on her paper. I hope the Members will take time to read this young lady's paper.

FEBRUARY 10, 1972.

DEAR CONGRESSMAN MCMILLAN: Thanks so much for giving me the material for this paper. My teacher seemed to like it very much.

I thought possibly you might be interested in how it turned out. Thanks again.

My family sends their best regards.

Sincerely,

ANN RICHARDSON.

CONGRESSMAN JOHN L. MCMILLAN

(By Ann Richardson)

The Constitution provides "All Legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Have you ever visited Washington, D.C., when Congress was in session? Two summers ago, we made such a visit, with the office of our Congressman at the top of our list. We had written him prior to our trip that we were coming, and he replied that he would arrange some tours for us that the average visitor to Washington would not see.

Upon entering the Sam Rayburn building, which houses the offices of most members of Congress, we found the office of our own Congressman just a few doors from the front door on the first floor. That in itself told me that he was very influential in Congress, since he could be assigned an office in the most prominent area of the building.

It gave me a thrill just seeing his name and South Carolina on a plaque on the office door.

Upon entering his office, we were thrilled to meet natives of our own area who were there serving on his staff. There were people from Florence, Marion, Mullins, Mytle Beach, and other towns around our home.

We were given special passes to gain entrance into some places in Washington and upon leaving, we were given a personal escort from his office to visit the Library of Congress and the Capital.

Now who is this man, whom any visitor would immediately feel had a great deal of influence in our nation's capital? He is of course none other than our own John L. McMillan, Congressman from the great state of South Carolina, Sixth District.

Almost his entire life since completing college has been spent in serving the people of his district of South Carolina. When Congressman Gasque died, John L. McMillan was then serving as assistant to Congressman

Gasque, so Mr. McMillan successfully ran for the office that was left vacant. He has served ever since, having never been defeated.

The Dean of South Carolina Congressman before Mr. McMillan had never been from this area, but now for a number of years, the dean of all Congressmen is Congressman McMillan from our area. He is also the sixth ranking Congressman in the entire United States Congress. He is known as the "mayor of Washington" since he has been chairman of the committee that rules the District of Columbia for so many years.

Who is this man and where did he come from? Here are some facts about his younger years and his accomplishments as gathered from official government records as published in Washington.

John L. McMillan was born on a farm at Mullins, S.C. He is the son of the late M. L. and Mary Alice Keith McMillan. He was educated at Mullins High School and attended the Universities of North Carolina and South Carolina. McMillan also attended the University of South Carolina Law School and National Law School in Washington, D.C.

McMillan was a member of the All Time Star football team of South Carolina. He was selected on the All-State Football team for four years and the All-Southern team for one year.

In 1938, McMillan decided to run for Congress of the sixth district. The sixth district has nine counties; they are Florence, Horry, Georgetown, Williamsburg, Tee, Marion, Dillon, Darlington, and Marlboro. He had a great advantage and this advantage was that he had been a clerk of the House Pension Committee for six years before he filed for Congress, and before completing his college career, he had worked as a congressional secretary for three years. McMillan was selected over five opponents.

In 1940, McMillan was reelected over one opponent by a majority of 18,000 votes. He was reelected in 1942 over two opponents by a majority of 17,000 votes. Then again in 1944 without opposition, McMillan was without opposition in 1948, 1950, 1952, 1954, 1956, 1958, and 1960.

In 1960, McMillan was selected by the Speaker of the House to represent Congress of the United States at the Interparliamentary Union in London, England. McMillan also represented the Congress at the Interparliamentary Union in Tokyo, Japan in 1961.

McMillan defeated his opponent by a vote of 48,000 to 10,500 in 1962. In 1964, he ran against a Republican opponent. He was reelected by a vote of approximately 50,000 to 25,000.

In 1966, McMillan was reelected over a Republican opponent by a vote of 43,000 to 26,000. He was reelected in 1968 primary over one opponent by a vote of approximately 23,000. In the general election over a Republican opponent, McMillan won by approximately 19,000 votes.

The last election, which was in 1970, McMillan had about a 28,000 majority vote. In the general election, he was elected over a Republican by 21,000 majority.

Since the first run in 1938, John McMillan has been elected every two years. Many times the election has been rough. McMillan will run again in 1972.

Congressman John McMillan has always been considered a conservative as reflected in his voting record while in Congress. While serving in Congress under five Presidents, he has constantly tried to reduce the budgets of Government thus saving the taxpayers money. His critics often make light of his being the "mayor of Washington", but his record shows that he has done quite a bit more than that. He has supported Industrial Development for his district, several funds for rivers, bridges and beach development, help secure military bases for this area, besides securing Federal Buildings and Post Offices for his people back home.

Since all Congressmen serve on committees in Congress, Mr. McMillian serves on the Agriculture Committee. He is now Vice-Chairman of the thirty-seven member Agricultural Committee. He is the Chairman of the Forestry, sub-committee and Vice-Chairman of the Tobacco Committee. He is one of the four Congressmen who created the Farm Home Administration which helps the farmers secure loans from the agency to build homes, buy equipment and other things. Since ⅔ of the United States Congressmen are not from farming areas, he is in a constant battle to help pass laws to improve the life of the people in the rural areas.

The economy of this area depends on tobacco, cotton and farm products. People from the west, midwest and north are not interested in the farm problems of our area, so all the help we get in Washington comes from Congressmen like Mr. McMillian and other Congressmen representing the interests of the people they serve.

When election time comes around again this year, you will again hear the name John McMillian for Congress, Sixth District of South Carolina. This will give you some background of the one who has represented us so well for 32 years. There is no substitute for seniority, power and prestige in the Legislative Halls of Congress.

INFORMATION

1. Meet the Member—Joseph McCaffrey, Dec. 10, 1969.

2. 1971 Congressional Directory, 92nd Congress, 1st Session, Government Printing Office, Washington, D.C.

3. John G. McMillan, Portrait Acceptance, May 18, 1966, U.S. Government Printing Office.

5. Florence Morning News, Wednesday, November 17, 1971.

Graded 99 by Mrs. McLaughlin, Roy Hudgens Academy, Lake City, S.C.

ST. BENEDICT'S PREPARATORY SCHOOL CLOSES

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. RODINO. Mr. Speaker, the closing of St. Benedict's Preparatory School in Newark, N.J., an institution which has been committed to providing quality education and contributing to the viability of the city, is indeed a great loss. The following recent editorial which appeared in the Advocate well describes the problems with which St. Benedict's and other institutions and our cities are presently confronted.

I too wish to commend the dedication and invaluable contributions of St. Benedict's, the monks and lay personnel who for so long were a vital segment of our community. They will be sorely missed. It is my hope that in the years ahead we will meet the challenges which will permit and support the kinds of public and private ventures that are essential in providing the greatest number of options and diversity which have traditionally been available in our cities and which can provide a wide range of opportunities for the self-realization of our citizens.

ST. BENEDICT'S PREP

It is with sadness that we reflect on the announced closing of St. Benedict's Prep. The sadness is for many reasons, but especially for the loss of such quality education as that which characterized St. Benedict's, and for the loss to the City of Newark of such an outstanding institution.

It would be tragic, however, if sadness over St. Benedict's closing obscured our concern for the problems to which St. Benedict's finally succumbed. If these problems hit St. Benedict's one at a time, it might have survived, but taken together, they proved impossible to overcome. The problems are more really described as sets of problems.

One of these sets of problems is that of the cities. At this point, to say that the cities of America are in crisis is a truism. What applies to any city in America applies more so to Newark. Its ills are legion. The fact that 45% of the housing in Newark is sub-standard provides one small glimpse of the extent of its problems. St. Benedict's could hardly be immune from the problems that have scarred the face of Newark.

Another set of problems centers on education. Education—public, private, and parochial—is beset with a welter of problems from the questioning of the viability of "school" as an institution to the methods of financing any segment of education.

A third set of problems centers on Catholic education and the particular burdens that accompany it. Too often the problems of Catholic schools have been oversimplified to the point that they are identified with the dwindling number of religious personnel. However, the situation of Catholic schools was radically altered before religious communities experienced a significant loss of personnel. In 1950 religious accounted for approximately 90% of the staffing in Catholic schools while in 1967 they accounted for 55% of the staffing. The ratio of religious to lay teachers was significantly changed before religious communities experienced notable losses in personnel.

We honor the monks of St. Benedict's for their century of commitment and we pray that they will find new alternatives to maintain their presence in Newark.

We ask you to honor as well the commitment of those who served so well, so long in other schools. We ask you, too, to consider the larger picture only sketched here.

The enormity of the problem demands among other things, courage, and courage is a lonely virtue.

SALUTE TO SYD CASSYD

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. REES. Mr. Speaker, a quarter of a century ago, Syd Cassyd, a journalist who had produced his first television show in New York on May 7, 1945, saw the need for a group which would act as a central source of information on the arts and sciences of television, soon to become the world's most vital communications tool.

Becoming the fountainhead of this new group dedicated to the advancement of television, he called together a few men in borrowed quarters and spearheaded the formation of the Academy of Television Arts and Sciences. His peers at the meeting made him chairman pro tempore until the first president could be elected. He later became the president, after having declined the honor at the first few meetings.

In November 1949 the group changed its charter and Mr. Cassyd became president of the first National Academy of

Television Arts and Sciences with its base in Hollywood and with two branches, one in Washington, D.C., and the other in San Francisco. In 1955, when the charter was again revised, the organization added seven more chapters throughout the Nation.

Over the past 25 years, this professional society has functioned in many areas of education, government, and the television industry. It has set standards of performance and achievement which are recognized each year by the awarding of the famous Emmy Award. Many of the national prominent names in the television industry had their first contacts with leaders of the arts and the industry in the halls of the academy meetings.

Because of Mr. Cassyd's accomplishment and vision in foreseeing the necessity for a group which would embody the high ideals on which he based the structure of the Academy of Television Arts and Sciences, some time ago he was presented with an Honorary Emmy Award.

At this time, as the presentation of the 1972 Emmy Awards approaches, I would like to offer by salute to the founder and first national president of the Academy of Television Arts and Sciences, Mr. Syd Cassyd.

FISHERMEN SHOULD BE HEARD

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. DINGELL. Mr. Speaker, an interesting editorial appeared in the March 3 edition of the Seattle Times which clearly explains the status given the American fisherman by the U.S. Government. Specifically, the editorial brings out the fears within the fishing industry that the State Department plans to use fisheries as "trading stock" to win defense-related objectives at the upcoming United Nations International Law of the Sea Conference.

It should be added that the fishing industry feels it is imperative that they have the best delegate possible to represent them at next year's conference. They want our colleague from Washington (Mr. PELLY) who is retiring from Congress at the end of this year to be their representative, and I wholeheartedly support this suggestion. I urge all support possible from the Congress so that Mr. PELLY will represent U.S. fisheries at the International Law of the Sea Conference.

Meanwhile, I insert the aforementioned editorial and a resolution from the National Federation of Fishermen at this point in the RECORD:

FISHERMEN SHOULD BE HEARD

Congressman Pelly took note the other day of some progress in both the Atlantic and the Pacific "in the long fight to protect both our United States fisheries and our American fishermen."

Pelly cited a Danish-American agreement that will protect North American salmon from high-seas net fishing by the Danes and a recent stiffening of the State Department treatment of nations like Ecuador that harass and seize American fishing vessels on the high seas.

But a still bigger battle over American fisheries lies on the horizon: Preliminary meetings for the United Nations International Law of the Sea Conference, to be held this year in New York City and Geneva, and the conference itself next year in Geneva.

Pelly notes that "our nation's fishery interests could suffer reverses unless these meetings are attended by representatives of the American fishing industry."

Thus far, though, the administration has largely cold-shouldered such suggestions, leading to fears within the industry that the State Department plans to use fisheries as "trading stock" to win defense-related objectives at the conference.

It is a familiar story to American fishermen. They must first fight to win support within their own government before they can hope for success in dealing with foreign governments.

RESOLUTION

Whereas; the Law of the Seas Conference to be held in Geneva in 1973, is now in the preparatory stage, and

Whereas; the United States preliminary proposals are at this point neither satisfactory nor adequate to protect the United States fisheries, and

Whereas; it appears that the Department of State has disregarded demands of meaningful representation by the U.S. fishing industry and must provide legitimate representation to all facets of the fishing industry, and

Whereas; the National Federation of Fishermen represents groups of fishermen in all categories of fisheries, including, but not limited to, salmon, tuna, halibut, shellfish and bottom fish, and thus has an overriding interest in the world fishery and not just an individual specie, and

Whereas; because of this interest and numbers of fishery unions and associations we represent, we must insist on having a voice in the selection of people who in the final analysis will decide our future, and the future of the U.S. fishing industry, in the Geneva Conference,

Now therefore be it resolved, we insist on due recognition as the only national organization in this fishery field and that consultations between our Federation and the Department of State be initiated at the earliest opportunity on the representation question.

Be it further resolved, that in addition to other men who may be appointed, we must strongly recommend the Honorable Thomas M. Pelly, Congressman, whom we consider the outstanding advocate for the fishery affairs in the United States, be appointed to represent the U.S. fishing industry. His long service in the Merchant Marine and Fisheries Committee of the House of Representatives, and his experience and intimate knowledge of fishery legislation and problems within the industry, must be utilized for the benefit of the industry and the American people who have a great interest in our ocean resources.

Be it finally resolved that this resolution be sent to the President of the United States, Richard M. Nixon.

Respectfully submitted by the Executive Board of the National Federation of Fishermen, this 17th day of February, 1972.

RALPH A. ENNIS,
President.

FIRST INTERNATIONAL GEOTHERMAL CONFERENCE

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. VEYSEY. Mr. Speaker, on February 15 and 16 of this year the newly formed Geothermal Resources Council held its first meeting in El Centro, Calif. Over 600 participants attended.

This was the largest conference ever held and the first international one to discuss the exploration and development of geothermal energy.

This astonishing attendance from 46 States and several foreign countries bespeaks the widespread interest in geothermal energy and portends further development in this potential source of nonpolluting power and fresh water for the benefit of mankind.

It is altogether appropriate that the first meeting of the Geothermal Resources Council convened in El Centro, for the surrounding Imperial Valley is the site of the potentially most valuable geothermal deposit in the world.

For the information of my colleagues I insert below a newsstory on the conference from the San Bernardino, Calif., Sun-Telegram of February 28, 1972:

THEY ARE ALL GETTING ON THE GEOTHERMAL POWER BANDWAGON

(By Quentin Foley)

EL CENTRO.—If there were any lingering doubts that development of geothermal resources was an idea whose time had come, those doubts were erased at the first national conference held here by the Geothermal Resources Council.

The purpose of the newly formed international organization is to encourage the exploration and development of geothermal resources to produce power, obtain fresh water and extract minerals.

"If we had gotten 100 to come to our first conference we would have considered it a success," said one council official. Organizers planned for a maximum of 200.

When reservations topped 300, council officials began to suspect they were boosters of an "in" idea.

Reservations topped 400 and worried council officials tried to limit the number but reservations just kept coming. They exceeded 500, then went over the 600 mark before finally stopping at 640.

It was the largest group ever gathered in one place in the nation to discuss geothermal resource development. It was a chance for the geothermal lease holders, financiers and governmental people to get together with the power company people and make a package.

People came from all over 46 states and several countries.

The oil men were there from Oklahoma and Texas for geothermal leases are the same as oil leases, and geothermal wells are drilled just like oil wels.

The big money men were there from Philadelphia, New York and Boston for the depletion allowance is the same for geothermal well drilling as it is for oil well exploration.

The big government men flocked in from Washington, D.C., for geothermal is a novel way to build an empire and many governmental departments are involved in geothermal resource development and management.

The big land owners were there from places like San Francisco. At least four were there from Southern Pacific Land Co., which owns about 2.8 million acres of land in California alone, 1.5 million acres of it in Southern California.

Politicians were there in abundance because geothermal resource development, a "safe" thing to support, and this is a big election year.

The geologists and university professors were there with the engineers for they are the ones who have to furnish the theory and technical knowledge—the brains.

They were all there. The wildcatters, speculators and wheeler dealers.

One executive of a big oil company explained how he "had his neck clear out to here" since convincing the directors to "get their feet wet and invest a few bucks in this thing."

"We're a little late getting aboard the bandwagon," he said. "But we'll be on it right up to here, from now on."

Union Oil Co. was the oil company pioneer in geothermal development, combining leases in 1967 on 9,500 acres with 5,500 acres under lease to Magma Power Co. and Thermal Power Co. in the Geyers area of Northern California where currently Pacific Gas & Electric Co. is generating 192,000 kilowatts of electricity. This year PG & E's Geysers generating capacity will be increased to 302,000 kilowatts.

The Geysers, 90 miles north of San Francisco, was first discovered by a hunter-explorer-surveyor William Bell Elliott in 1847.

It was 1960 before its first power generating plant, a 12,000 kilowatt unit, was in operation.

The only geothermal field in the United States in operation today, its future capacity has been estimated at 1,000 to 2,000 megawatts of electricity compared to the capacity of the geothermal field in Imperial Valley which has been estimated at between 20,000 and 30,000 megawatts by the most optimistic. Currently 35,000 megawatts of power are used in all of California.

The United States is far behind other nations in developing gethermal resources.

Roman documents 2,100 years old tell of the steam field at Larderello, south of Florence, Italy. During the 19th century, the Larderello geothermal field was harnessed for industrial heating and mechanical power. Now it produces more than 400,000 kilowatts of electricity.

In New Zealand, the Wairkei field supplies 192,000 kilowatts of power and in Mexico, the Cerro Prieto field, about 10 miles south of Mexicali, will start producing 32,500 kilowatts in May or June and 75,000 kilowatts by August.

Japan and Russia are far ahead of us in utilizing geothermal resources, James Koenig, executive officer of the California Division of Mines and Geology, told the conference on opening day in the Imperial Valley Country Club near Holtville.

The Mexican geothermal power plant, in fact, uses Japanese special alloy turbines.

Koenig noted that most of the underdeveloped countries of the world seem to have the greatest potential for geothermal production.

Mexico has over 120 geothermal fields and has started exploratory and development work on some.

A 30,000 kilowatt plant is going into production in San Salvador which will supply a sizable chunk of that nation's energy demand, Koenig said.

"In some of tne smaller nations, development of geothermal resources will enable that nation, to a great extent, to take its first major step into the modern era," he said.

The Japanese now import 70 per cent of their energy and by 1980 will import 90 per cent of their energy. Western United States is an energy importer, Koenig said.

New Zealand was once an importer of energy, but no longer. Development of both natural gas and geothermal resources has enabled New Zealand to cease being an importer of energy.

"The United States and Japan would like to follow in New Zealand's footsteps," Koenig said.

The development of geothermal power is the only way they now see to accomplish this.

Other nations exploring geothermal possibilities include The Philippines, Nicaragua, Turkey, Hungary, Czechoslovakia and Chile. All together some 25 nations are now entering the list.

In 1967 the Bureau of Land Management set aside over 1 million acres of public land for its geothermal potential and 892,351 acres were in California.

There are at least 17 known geothermal fields in California. Italy has developed a method of finding fields where there are no visible signs of geothermal activity on the surface such as geysers, volcanoes or hot springs.

Already the state legislature has appropriated $50,000 more for geothermal studies in the Imperial Valley, and Congress has appropriated $800,000 for a prototype power plant there. The Bureau of Reclamation will start drilling an exploratory well in the East Mesa area of Imperial Valley in late April or early May according to Robert L. Littleton, the bureau geologist at Boulder City, Nev.

The bureau has already put down a series of test wells in the area.

Southern California Edison Co. has announced it will do exploratory geothermal work with Getty Oil Co. in the Imperial Valley early this year after sinking two dry wells with Getty at Mono Lake.

"We have $1.2 million in the budget for drilling exploratory geothermal wells this year," said Dr. C. M. Swinney, manager of energy resources research and development for Edison.

A predecessor company, Sierras Power Co., investigated geothermal resources in the Imperial Valley in 1925 by drilling near Mullet Island just west of Niland in the Salton Sea area. Edison has been out of the action, however, until this past year but is now coming back like many others.

ARTHRITIS AND HOUSE JOINT RESOLUTION 1029

HON. DAVID PRYOR

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. PRYOR of Arkansas. Mr. Speaker, because of public apathy, chronic diseases have by tradition been given little priority by Federal health agencies, although they affect many more Americans than do the acute diseases. Therefore, I would like to speak to you regarding arthritis and House Joint Resolution 1029. It is apparent that we Americans prefer to react to crises, rather than to a continuing need for improved health care. Thus, the aging, the chronically ill, and the handicapped become second-class citizens—shunted aside with token Federal support.

In a chronic disease, such as arthritis with which over 17 million Americans are afflicted—one in every four families—there is no crisis point, no time at which the progress of the disease can be dramatically reversed and the patient returned to a state of normalcy. The chronic disease comes to stay, often forever.

Can anything then be done to treat chronic disease? The answer is "Yes." Thanks to medical research and to the improved use of newly discovered drugs.

In the case of gout, for example, which is one of the some 80 forms of arthritis, the painful swelling and inflammation can be alleviated in all but a few cases through a continuing and regular treatment with certain prescribed drugs. And even in the most severe form of arthritis, rheumatoid, crippling can usually be prevented by prompt treatment as soon as the symptoms are properly diagnosed.

But how many of our physicians are properly trained to diagnose and treat an arthritic patient? There are only 2,200 members of the American Rheumatism Association, the only professional grouping of internists, orthopedics, pediatricians, physiatrists, and other medical specialists with special training and experience in the rheumatic diseases.

If the treatment of the 17 million arthritics were to be left to the "rheumatologists," therefore, there would be one specialist for every 7,725 arthritics. These specialists, like others, tend to cluster in the large metropolitan areas of the Nation where they are near to clinical research facilities. Few specialists are to be found in the less populated sections of the country such as Arkansas. Yet, Public Health Service surveys find arthritis to be more prevalent in rural than in urban areas. For example, in this State there are only seven rheumatologists and an estimated 180,000 arthritics. Thus, instead of the national average of one rheumatologist per 7,725 patients, which is sad enough, the Arkansas ratio is one rheumatologist per 25,795 patients.

Arkansas is very fortunate in two respects, that is it has: First, a very active arthritis foundation chapter with a program of home care physical therapy with more than 1,200 patients receiving care; and second, the Leo N. Levi National Arthritis Hospital in Hot Springs, a hospital designed especially for the treatment of arthritis.

There is no Arthritis Clinical Research Center in Arkansas, in fact there are only 34 such special centers in the county, and many are clustered in a few States such as California, Georgia, Illinois, Massachusetts, New York, Pennsylvania, and Virginia.

Federal funding of arthritis research has only recently reached $10 million annually, although there has been a National Institute for Arthritis and Metabolic Diseases since 1951. The total budget of this Institute for 1972 is over $150 million yet only slightly over $13 million goes to support research and training in the field of arthritis and the rheumatic diseases.

To try to help make up the difference between the need for a greatly expanded research and training program and for much improved patient services, the Arthritis Foundation was established in 1949 to bring the arthritics' message of need to the American public. The foundations' 75 chapters, including our own in Arkansas, raise over $9 million each year for local and national research, training, professional and public education, clinics, and a variety of patient services. Without this public support, the plight of the average arthritic in this country would indeed be tragic. Now, however, there is hope for those afflicted with this Nation's No. 1 crippling disease. There is a beginning, and we have to be thankful for that.

Yet, as a nation, we have not yet begun to give near adequate recognition to the serious proportions of arthritis which has disabled 3¼ milion Americans, and, except for heart and respiratory conditions, causes more work absences than any other disease. It is time that such national recognition be given to such a major health problem.

It has been my privilege to introduce in the House of Representatives on January 26, 1972, a resolution for a National Arthritis Month, to be so proclaimed for the month of May 1972, by the President of the United States. I call on my fellow Representatives to join with me in the support of House Joint Resolution 1029 and to join with the Arthritis Foundation in the fight against this crippler—arthritis.

CONGRESSMAN ARCHER ADVOCATES PLAN TO REDUCE CONSTRUCTION COSTS

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. COLLINS of Texas. Mr. Speaker, Congressman BILL ARCHER of Houston has always been active in productivity plans for correcting inflation. Last Thursday he made a thought-provoking talk to the Legislative Conference of the Associated Builders and Contractors here in Washington. He called on labor to lead the way by relating labor rates to increased productivity in building. This sound approach by Congressman ARCHER is a suggestion that merits careful consideration. The following is Congressman ARCHER'S speech:

> I want to express my appreciation for the opportunity to meet here with you tonight to say a few words concerning a topic of mutual interest, the need for repeal of the long-outmoded Davis-Bacon Act. As you know, last year, along with five of my colleagues in the House, I introduced a bill that would repeal that law. Since that time I have been encouraged by a demonstration of support from around the country, much of which, I might add, has come from members of ABC. Your national office has been of great assistance to me and my staff in this matter. But we have only scratched the surface, and much remains to be done to convince a majority in Congress that repeal is in the best interest of all Americans.
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> Our nation is now engaged in a complicated effort to combat the evil of inflation. But unless we address ourselves to the underlying causes, we will continue to treat only the symptoms of the inflationary spiral. The time has come to stop the mis-education of the American public and to admit openly and frankly that the chief cause of runaway inflation (aside from continual massive deficit spending by the federal government) is the monopoly power possessed by many large labor organizations. It must be recognized that, as in the case with most monopolies, including those in business, they cannot exist or continue without the assistance and protection of government.
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> The January 17, 1972 edition of the *Wall Street Journal* contains an editorial entitled, "Cross Purposes in Construction." Referring specifically to the operation of the Davis-Bacon Act, the editorial says: "While the pay board is struggling to get wages under control, a number of federal laws are working effectively to push wages up. It isn't exactly novel for the government to be working at cross purposes but this instance is especially astonishing."
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> "Especially astonishing" is exactly the correct phrase to use, for the irony is that, at the same time that the construction trades enjoy the highest wages of all industries, they suffer from the highest unemployment rate. During 1970, unemployment in construction averaged 9.7 percent, which was about twice as high as the 4.9 percent level for industry as a whole. I understand that unemployment in the construction industry continues to linger in the 9 to 10 percent range. As Dr. Howard Kershner points out in his new book, *Dividing the Wealth*, "When unions, supported by government, established rigid wage structures they make it impossible for the more highly paid workers to offer their output on a reciprocal level to less well paid men to whom they wish to sell their goods. Thus, they create unemployment for themselves."
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> The fact that the Davis-Bacon Act has operated to inflate construction wage rates above their fair market value is beyond question. Whatever justification that may have existed for the passage of this law in 1931 has disappeared with changed conditions over the years.
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> As you know, the principal stated obective of the Act was to protect communities from the depressing influence of lower wages at which workmen might be hired elsewhere and brought into the communities on construction work. The objective was to be accomplished through contract conditions requiring payment of not less than minimum wages based on wages prevailing in the communities to be protected. However, the latest report on the implementation of the Davis-Bacon Act, issued July 14, 1971 by the General Accounting Office, stated in part that the wage rates prescribed by the Labor Department under the Act "were significantly higher than the prevailing wages in the areas and had substantially increased the cost of construction borne by the federal government." The effect is significant, as the total dollar amount of federally financed contracts reached $28 billion in 1970.
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> The Wage Determination Branch of the Labor Department, which according to recent figures has 127 authorized employees, was expected to determine wage rates on some 59,000 contract awards totaling about $30 billion in value during 1971.
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> The GAO report determined that the Department of Labor has consistently engaged in practices which have resulted in increases in the cost of federally supported construction. GAO's reviews, made over the past decade for selected construction projects, indicated that, as a result of minimum wages being established at rates higher than those actually prevailing in the area of the project, construction costs increased 5 to 15 percent. Well, I don't have to relate many more specifics because most of you are painfully aware of the ill effects of Davis-Bacon. However, I would like to point out another example of how the Act causes the government to operate at cross purposes against itself. In a recently concluded study authorized by the American Enterprise Institute for Public Policy Research, Dr. John P. Gould, an economist at the University of Chicago, said, "High prevailing wage determinations appear to discourage nonunion contractors from bidding on federal construction. . . . This means that nonunion contractors are less competitive and that the government has to pay a premium price for construction work, and that the bargaining power of the unionized construction workers is strengthened substantially."
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> Dr. Gould goes on to demonstrate in some detail that the Davis-Bacon Act would tend to cause inflation even if local wages were accurately reflected in the determination of prevailing wages. He says, "This is because the Davis-Bacon Act per se may alter the market structure and the nature of competition in the industry."
>
> What will happen in the industry without Davis-Bacon? We can look at a recent example, the period in early 1971 when President Nixon temporarily suspended the law. Unfortunately, the suspension lasted only a little more than a month. But the reaction of some union leaders was proof that the suspension was indeed operating to check the upward escalation of construction wages. In a syndicated column on April 10, 1971, labor reporter Victor Riesel made the following comment: "Why the sudden anger? Well, in one New England city some operating engineers' wages had been sliced from about $6.50 an hour to $3.50. As new bids were coming in after the Davis-Bacon suspension, contractors were cutting their wage costs. At Wright-Patterson Air Force Base in Ohio, the bid on some family housing units came in for some $400,000 less. At some projected family units in Arizona, the bid came in for $50,000 less. At a proposed small El Paso, Texas, hospital the bid returned $51,000 less than the previous bid. These were but symptoms—but there were hundreds of them."
>
> There are some who will undoubtedly say that repeal of the Davis-Bacon Act is "anti-labor," but nothing could be further from the truth. Inflation hurts us all, and it must be brought under control. Repeal of Davis-Bacon is one major step in the right direction.
>
> In closing, I want to thank you for your recent efforts in lobbying for repeal. I hope that you will continue those efforts. Specifically I would urge you to—
>
> Write, or visit, your Congressman to urge support for this legislation;
>
> Write to all Members of the House Committee on Education and Labor to urge immediate hearings on this matter;
>
> Inform your employees of the pitfalls of Davis-Bacon; after all, it is their jobs which are at stake;
>
> And lastly, please send to me the specifics of any ill effects caused by the Davis-Bacon Act which you can personally testify to.
>
> Again, thank you for the opportunity to be here tonight, for without the support of persons such as yourselves, we could not hope to achieve any measure of success.

ANDY GENDRON AWARDED NATIONAL GOLD MEDAL FOR PATRIOTISM BY FREEDOMS FOUNDATION

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. HUNT. Mr. Speaker, it is with the deepest pride that I bring to the attention of the Members of this body the award of the Freedoms Foundation 1971 Annual George Washington Gold Medal Award for Patriotic Activities to my very good friend Andrew Gendron of my hometown of Pitman, N.J.

I have the greatest respect for Andy Gendron who is known to his community first as a true and loyal American, and his comment upon his selection of the Freedoms Foundation Award embodies an ideal to which we should all aspire:

> I respect the privilege and responsibility of being an American and will continue to put forth every effort to extol and defend the great virtues of this country and our freedom. I will as vigorously continue to work for the improvement that is always possible in any society so our children, and our children's children, will be able to enjoy the wonderful heritage of a free people that our forefathers so intelligently conceived and fought to attain.

Mr. Speaker, a bit of the background that led to Andy Gendron's selection for this award is recited in the following article that appeared in the Pitman Review:

ANDY GENDRON AWARDED NATIONAL GOLD MEDAL FOR PATRIOTISM BY FREEDOMS FOUNDATION

The Freedoms Foundation at Valley Forge announced this week that Andrew D. Gendron of Pitman was selected for national honors as the recipient of their 1971 Annual George Washington Gold Medal Award for Patriotic Activities.

The George Washington Gold Medal Award was presented to Gendron for a number of patriotic accomplishments in 1971 and recent years. The nomination consisted of a portfolio of his writings, speeches and related achievements. The portfolio was submitted by Mary Catherine Gendron, wife of the awards recipient.

The portfolio included an editorial featured in the Pitman Review titled, "The Most Wonderful Freedom of All." This editorial was on the United Fund and "Freedom's Golden Rule . . . the freedom to help your fellowman in need." The editorial was also submitted for special consideration in Gendron's behalf by Walter Sibley, Executive Director of the United Fund of Gloucester County.

When asked to comment on his selection as recipient of the Freedoms Foundation Medal, Gendron said, "I am indeed grateful to be so fortunate as to have lived all my life in so wonderful a country . . . and to be honored by an institution so highly respected by the great leaders and people of this nation."

Andy Gendron continued, "I respect the privilege and responsibility of being an American and will continue to put forth every effort to extol and defend the great virtues of this country and our freedom. I will as vigorously, continue to work for the improvement that is always possible in any society, so our children, and our children's children, will be able to enjoy the wonderful heritage of a free people that our forefathers so intelligently conceived and fought to attain."

Gendron added that he was very proud to receive the honor because "it really means that I was able, in some small way, to help make my fellowman more aware and appreciative of the truly great privilege we enjoy as citizens of the United States of America."

The Freedoms Foundation is honoring Gendron for "Patriotic Activities," cited his "outstanding accomplishment in helping to achieve a better understanding of America and Americans."

The Freedoms Foundation is dedicated to the principle that freedom belongs to all people, "and that only by thoughts and acts in their everyday lives can the American people preserve and extend their liberty under law."

The Foundation was established at Valley Forge in March 1949. It is a nonprofit, nonsectarian, and nonpolitical organization. The Freedoms Foundation acts to encourage all citizens to "speak up for freedom" through its National and School Awards program.

Andrew Gendron is an executive at RCA Parts and Accessories, where he is manager of Accessories Merchandising. He is a member of the RCA "P and A's" Management Club Steering Committee and a recently organized Environmental Committee.,

Gendron is a Pitman Borough Councilman and President of the Council. In addition, he is Director of Public Safety with responsibility for the Police Department, Fire Department, Ambulance Corps, Rescue Squad, Court Clerk and Building Inspection.

Gendron is also Deputy Director of Public Property. He also writes a "Public Safety At Work" column which appears regularly in the Review.

Andy Gendron has been an active member of the Board of Directors and the Executive Committee of the United Fund of Gloucester County. In 1971, Gendron was General Campaign Chairman for the United Fund in Gloucester County.

Gendron was recently honored by the Southern New Jersey Council of the Boy Scouts of America for his "Service to Boyhood." In 1970, the Elwood Kindle Post No. 49 of the American Legion selected Gendron as "Citizen of the Year."

Several of Gendron's writings have been read into the Congressional Record. Gendron was instrumental in developing the idea for a special resolution called "Freedom with Responsibility" in addition to other writings associated with the "Appreciate America" campaign.

"I will particularly cherish the Gold Medal Award because it was made by a distinguished jury of men and women from throughout the country, who have high principles, loyalty and faith in the American way of life," Gendron asserted. "They are dedicated individuals who support the American credo with action and fervor. I respect their aims and accomplishments and am proud to be singled out by so honorable a group . . . and a foundation that has been acclaimed and held in high esteem for its patriotic objectives and achievements . . . the Freedoms Foundation at Valley Forge."

"COMMUNITY CONCERN": A BACKGROUND REPORT

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. KEMP. Mr. Speaker, it is my pleasure to introduce into the RECORD, for the benefit of my colleagues, an outstanding example of volunteerism at the community level to help make the society we all live in better.

"Community Concern" is a sincere expression of five individuals who care about opening up the availability of services both to and for the community.

The theme of the report is indeed a noble and worthy concept. As the report states:

> We believe it absolutely essential that the broadcast possible grassroots involvement be developed.

I agree.

I know my colleagues would be interested in what a group of concerned citizens is doing privately in cooperation with Government.

I want to lend my support to this project and strongly commend these individuals on their outstanding efforts on behalf of their community.

I wish them success, and pledge my best efforts to work with them for the benefit of our community and our country.

Mr. Speaker, I include a report on "Community Concern" at this point in the RECORD:

COMMUNITY CONCERN: A BACKGROUND REPORT

In a variety of ways, the lives of those who live in the Towns of Evans and Brant run parallel with many others. With others, we share similar styles of labor and leisure . . . similar joys and frustrations . . . similar hopes and dreams. And, with others, we share a certain fearfulness, generated by those continuing challenges which we see assaulting our traditional values.

In a recent survey, leaders of our community listed the following order of priority concerns:

1. Family Breakdown.
2. Drugs among youth.
3. Youthful offenders.
4. Alcoholism.
5 Marital enrichment.

As you will recognize, even those priority concerns are shared by others . . . and the only thing that makes them unique . . . the only thing that sets them apart as being special . . . is the realization that they are our problems. Others may have similar ones, but these are ours and they influence that context within which we are attempting to discover meaning . . . within which we are trying to raise our children, nurture our marriages, and spend our retirement years.

What we've said so far is really nothing new . . . we've all known that those areas of concern exist . . . we all know that from time to time certain groups of civic minded individuals have emerged in an effort to do something constructive about those concerns. But, if we take a realistic look at the situation, with full appreciation for all of those efforts that have thus far been expended, certain questions become obvious.

1. We have all been told that Erie County has a variety of services available for its residents. But who among us knows the correct contact to make to assure deliverance of the proper service at the moment of greatest need?

2. A handful of interested citizens may present their concerns to the county, but what kind of pressure can they realistically assert?

3. In order to develop and coordinate a meaningful program that is both therapeutic and preventive, a full time effort is required. Who among us has such time available?

4. We have been told that County, State, and Federal funds exist to provide meaningful programs to meet community needs. But those funds can only be released to legally incorporated groups which have been specifically authorized to deliver designated services, but where among us is there such a group?

5. All of us are aware that a united effort has more hope of being effective than does an individualistic one, so wouldn't a coordinated effort be advantageous?

In addition to those questions, a survey, conducted in our area in the Spring of 1970 by the Children's Aid Society for the Erie County Department of Mental Health, clearly indicated that community leaders felt a real need for a community mental health center that would be "Readily accessible to the people of the community; and that would be staffed by professionals and neighborhood trained para-professionals. The para-professionals were seen as an important link between the professionals and the people seeking counseling services. Easy communication with those that seek help from a community health center was felt to be important if the center is to maintain a reputation in the community as a place where real help is offered . . ."

Out of those questions and concerns, a focus developed on the need for a legally authorized incorporation to provide "on the scene" assistance through a co-ordinated effort under the guidance of a full time staff. Consequently, the following men began meeting in the early summer (1971) to develop a plan of action:

Pastor Donald F. Anderson (Chairman), Holy Cross Lutheran Church, Farnham.

Mr. David A. Burchett, Assistant Superintendent, Lake Shore Central Schools.

Mr. Daniel J. Corgett, Field Representative, Erie County Migrant Committee.

Mr. Richard A. Horwood, Superintendent of Institutional Care and After Care, Erie County Family Court, Village Justice, Farnham.

Mr. Carl F. Ulmer, President, Evans National Bank of Angola.

With the legal assistance of Mr. Phillip Brothman, this group has now been incorporated by the State of New York under the corporate title of *Community Concern of Evans and Brant, New York, Incorporated* as a not for profit corporation to "by a community-based effort . . . provide a helping relationship to persons in social or emotional stress and, in conjunction therewith, to perform such services as family unit counselling with adults, youth, and children, crisis counseling and referral services. . . ."

To be more specific, Community Concern sees its function as five fold:

1. To provide such training opportunities as are requested by existing groups in our community so that their expertise in dealing with individuals can be developed.

2. To develop additional programs to better enable our community to express its concern for its own.

3. To provide opportunities for community self help groups to meet under the guidance of an enabler.

4. To function in an advocacy role and to develop additional advocacy groups focused on matters of community or individual concern.

5. To act as a central referral and coordinating agency between our community and existing governmental programs so that a more rapid deliverance of service can be provided.

No one is more sensitive than are the incorporators that at the present time, their incorporation title, i.e. Community Concern, is at best a misnomer. At the present time, it is an expression of five individuals who care about opening up the availability of services both to and for the community.

We believe that it is absolutely essential that the broadest possible base of grass roots involvement be developed. Because of this concern, every possible attempt is being made to contact every organization in our geographic area, to share with them what we are attempting to do, and to urge them to nominate a representative from their organization to serve on a Community Advisory Board.

The purpose of this Community Advisory Board will be to reflect the composite of the community, to meet on a periodic basis, to review request for program assistance and developments and to thus assure that the concerns of the community will not only be heard but will be met. An additional function of those who would serve on such an advisory board would be to channel information back to those organizations which they represent.

We believe that in such a development, our combined focus will become more clear, our awareness of present and impending needs can be sensitized, our pooling of insights can be creatively utilized in enhancing our life together. If such a concern can emerge and be co-ordinated, our present thinking, which, of course, is open for negotiations, leads us to believe that the following staff positions need to be filled.

A full time administrator who can serve as a facilitator in the development of a community support system that can be reflective of, and address itself to, matters of community concern. It would be preferable if, in addition to strong administrative skills, this individual would have expertise as an enabler who could offer training sessions to community paraprofessionals and volunteers.

A second full time staff position would be filled by one who would concentrate his/her efforts on enabling meaningful concern to be expressed to youth and family related issues. We believe that the focus of this staff person should be on assisting those who haxe expressed a need for help . . . and that such assistance, if it is to be viable, must maintain the strictest of confidentiality.

A third full time staff position would be filled by one who would be able to assist area school officials, clergy, etc. as well as individuals to relate to proper county services that could be helpful in specific situations. An additional responsibility would be to assist the community to develop ways (such as FISH and advocacy groups) in which it can express its concern for its own.

Such a program will, of course, necessitate funding. But here, too, certain possibilities are being explored. The Upper New York Synod of the Lutheran Church in America has already guaranteed a grant of $7,000.00 seed money which will be available in 1972. As a participant with two other similar groups . . . one in Collins/North Collins and one in Springville, Community Concern, through Gowanda State Hospital has applied for a grant from the National Institute of Mental Health.

Discussions are presently under way with the Erie County Department of Mental Health in an effort to obtain their approval of our proposed program so that they can match, on a dollar for dollar basis, the moneys that are locally raised. It is also possible that through their connections, Town, Village, and School officials might be able to open up some additional possibilities for funding.

In addition, we believe that there may well be at least some private citizens who may wish to make personal contributions. Some organizations may wish to do the same.

We believe that this program can become a reality and can be in operation by early fall of 1972. But, if that is to emerge, we need your interest. It's our community . . . and it will be and become exactly what we want it to be.

MY RESPONSIBILITY TO FREEDOM

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. BOB WILSON. Mr. Speaker, it is a great pleasure to include in the CONGRESSIONAL RECORD the winning Voice of Democracy Contest speech from the State of California. The winning speech was delivered by Mr. Gary Sterling Ness, of San Diego, Calif., a resident of my congressional district and a senior at Clairmont High School. All of us in San Diego are very proud of Gary and I am happy to share with my House colleagues his thought-provoking speech, entitled "My Responsibility to Freedom":

MY RESPONSIBILITY TO FREEDOM

(By Gary S. Ness)

Do I have a responsibility to freedom? Maybe not. Maybe I can ignore my heritage and let the government tell me I'm free. Maybe the rights and privileges I have now can never be taken away from me by anyone. Maybe. That's an extremely dangerous word. And in this case it's wrong.

What would happen if I or anyone chose to ignore their heritage, their rights and privileges? Probably the government they lived under would tell them they were "free". And they would be. But they'd be free in the worst sense of the word. Because they'd be free from decisions. Decisions like where to live, where to work, and what to learn. They'd be free alright. But what freedom!

The "freedoms" that those people would be given would be freedoms from duties and responsibilities; but that type of freedom is freedom from liberty, honor, and, believe it or not, from freedom itself. I'm certain that what I've just said is ambiguous, but before you judge it let me explain my beliefs.

First, what is freedom? Above all, freedom is responsibility. Responsibility to yourself, to protect your inalienable rights that are guaranteed you in the Constitution of the United States of America.

But freedom is also responsibility to others. The responsibility of protecting other peoples' rights, as well as our own. Why protect other's rights? One example can be found in the statement of a man released from a Nazi concentration camp after the fall of the Third Reich. This is his story.

"First they came to get the Jews, but that didn't bother me because I wasn't a Jew. Then they came to get some of the devout Catholics, but that didn't really concern me because I wasn't a Catholic. Then they came to take the Protestants and I pleaded for help, but no one was left to help me."

That story shows how we must protect our freedom. Sure, we could recognize liberties and rights just for ourselves, but taking all the privileges we want for ourselves would sooner or later damage someone else's rights; and then what would happen when someone came to take away our rights? Then, just like the man in the concentration camp, there wouldn't be anyone left with the right to help us.

The United States was founded on the ideal of freedom as responsibility. We have freedom of the press, providing the publisher takes the responsibility of printing material that won't infringe upon the rights of the people who will be exposed to it. We have freedom of speech, but only when the speaker accepts the responsibility of not slandering other people's opinions and ideas merely because he doesn't agree with them. We have the freedom to pursue happiness in our own way, but only when the person seeking happiness accepts the responsibility of respecting other people's rights at the same time.

All the rights and freedoms given to us by the Constitution are based on one premise; the premise that the people who have those rights will be mature, responsible citizens.

We, as responsible citizens, must work to maintain the freedom of ourselves and our fellow-citizens. How do we do it? The answer is in the subject of this speech. Responsibility.

We can show our responsibility by showing our concern. We can tell our opinions to our elected officials and see that the government suits our needs through our power of voting. We can respect other people and their rights; the same rights we have. We can work within and for our government, through our laws.

Throughout my speech I've referred mostly to "we". The subject was "My Responsibility to Freedom". But, what I've said is valid because it applies to me, you, and every citizen who will bear the responsibility of freedom.

I've stated *our* responsibility to freedom. Our responsibility that *is* freedom.

PERSECUTION WITHIN THE SOVIET UNION

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. DOW. Mr. Speaker, the persecution of intellectuals in the Soviet Union who dare to stand up in defense of the human and constitutional rights of the people of the Ukraine is not well documented in the West. During the week of January 10, the Ukrainian KGB again displayed their callous disregard for human rights by rounding up 19 prominent Ukrainian intellectuals. Their "crime" was that they had courageously demanded that the Soviet regime abide by its own laws in the Ukraine.

A concerned and articulate constituent of mine, Mr. Paul Nedwell of Poughkeepsie, N.Y., has long been a vocal opponent of such activities in the Soviet Union. Recently Mr. Nedwell has written to Peter Shelest, First Secretary of the Central Committee of the Communist recent act of suppression in the Ukraine. In his letter Mr. Nedwell very perceptively points out that the Soviet policy is, in reality, nothing more than a vain attempt to stem the tide of national rebirth of the Ukraine nation by branding as criminals all those with the courage to speak up in defense of basic human rights.

I commend to my colleagues Mr. Nedwell's letter.

POUGHKEEPSIE, N.Y.,
February 2, 1972.

PETER SHELEST,
First Secretary of the Central Committee of the Communist Party of Ukraine, Central Committee Building, Ordzhonikidze Street, Kiev, Ukr. S.S.R.

DEAR FIRST SECRETARY PETER SHELEST: The recent news from Ukraine that 19 Ukrainian intellectuals had been arrested by the Ukrainian KGB during the week of January 10th in Kiev and Lviv for the "crime" of courageously standing in defense of the human and constitutional rights of the Ukrainian people has aroused the indignation of the entire Ukrainian Community in the West and has stirred Ukrainians young and old to protest against this new act of repression in Ukraine. These 19 men—among whom are numbered Vyacheslav Chornovil, Ivan Svitlychny, Ivan Dzyuba and Evhen Sverstiuk, names well known to many in the West—acting through proper Soviet channels, simply demanded that the Soviet authorities in Ukraine abide by their own laws and that they respect the human and constitutional rights of the Ukrainian people. And what was the reply of the Soviet authorities to their legitimate, and entirely lawful, demands? Arrest and imprisonment!

Discarding all show of genuine justice, the Soviet authorities in Ukraine are attempting in vain to stem the tide of the national rebirth of the Ukrainian nation by throwing into prison all those who would dare to stand in defense of their own people's human and constitutional rights. And to all who would question the justice of their actions, they merely reply that these defenders of the rights of man are mere "criminals." You would do well to heed the words of another persecuted Ukrainian intellectual, Valentyn Moroz, written in his recent statement, "Instead of a Last Plea," which was presented to the court during his second illegal trial in Ukraine. In this statement Moroz said:

"You persist in repeating that those who are in prison are just criminals. You close your eyes and act as though there were no problem. Very well. With such an unwise assumption you might be able to last for perhaps ten more years. But what then? The new processes in Ukraine and all over the Soviet Union are just beginning. The rebirth of Ukraine is not yet a mass phenomenon, but do not be quick to rejoice. It will not always be that way. In an era of total literacy, when there are 800,000 students in Ukraine and everyone owns a radio, every social phenomenon becomes a mass phenomenon. Is it possible you do not understand that you will soon have to deal with social trends on a mass scale? The new processes are only beginning, and your repressions have already ceased to be effective. What will happen next?"

It is not too late to restore the reign of justice in Ukraine. It is not too late to renounce the outdated politics of repression. But there is only one way out for the Soviet regime in its present precarious situation. And for some enlightenment on this one way out, you would again do well to note Moroz's words in his above-mentioned statement. Touching on this one way out, Moroz wrote:

"There is only one way out: renounce the outdated politics of repression and find new forms of coexistence with the new trends which have already anchored themselves irrevocably in our life. Such is reality. They have appeared without asking permission to do so and have generated new circumstances which demand a new approach. For persons called upon to handle governmental matters there is enough to think about."

I herein protest against the illegal actions of the Soviet authorities in arresting these 19 Ukrainian intellectuals and appeal to you, in the name of justice, to restore freedom to these men, and also their former jobs. If not, your regime will only be weakened a little more by the righteous indignation you arouse in the Ukrainian masses by your actions in regard to these honest men.

Sincerely yours,

PAUL NEDWELL.

THE CHINA TRIP

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. FORSYTHE. Mr. Speaker, James T. Housewright, president of the Retail Clerks International Union and editor of its publication, the Advocate, commented in the March edition about President Nixon's trip to China.

Mr. Housewright urges Americans to be patient and not to expect miracles from the China trip and the scheduled visit to the Soviet Union. I fully support the points made in Mr. Housewright's editorial and I am including it in the RECORD at this point:

MR. NIXON: WE SALUTE YOUR JOURNEY EAST

As I write this editorial, President Nixon is making history. His trips to China and Russia are perhaps the most dramatic events in his years as President, and I hope they lead to his most successful accomplishments.

The stakes are extraordinarily high, for the trips may well presage a new period in international relations, one where the peoples in our troubled world can breathe more freely.

President Nixon realizes how crucial, yet how difficult, is this task. The news commentators, unusually impressed by his meticulous preparation for the trips, reported him spending many hours studying the intricacies of Sino-Soviet politics. He plowed through the transcripts of the Kissinger-Chou En-lai conversations, and immersed himself in a mountain of briefing papers.

So he went forth prepared. And without illusions.

However, many Americans may be so swept up in the drama that their expectations become impossible to meet. This will be unfortunate for, I fear, hard world realities are sure to deflate fanciful expectations.

Let us remember what the President is attempting. As he said in his State of the World message, "There has been virtually no contract between Mainland China and the American people for two decades." Relations with Russia of course existed, but they too have been remote and strained.

Indeed, for all his vaunted ability in the international field, President Nixon would need superhuman finesse to show immediate, significant and tangible results from the China trip.

The President is more hopeful about his visit to Russia, but again I urge people to be patient.

In fact, in their very nature the trips must produce some good. They open up lines of communication, and more importantly, they create face-to-face relationships. These are intangibles, so hard to measure or get excited about, yet so necessary to ease international tensions.

And this goes to the core of our support for the trips. As James Reston pointed out, even a slight easing of world tensions makes the President's gambit, in Reston's words, "a useful journey."

We would put it more strongly.

All of man's hopes and achievements have been marred in the past two decades by a terrible background threat, nuclear holocaust.

It is to Mr. Nixon's credit that he is grasping a chance to ease this danger, for as he has said, "Contact now might help avert a disastrous catastrophe later."

So we salute the journey East and wish the President success in the quest we all seek together: world peace.

STRIP MINE BILL HAS TEETH

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. NEDZI. Mr. Speaker, the February 29, 1972, issue of the Dayton, Ohio, Daily News, carried a column by its outdoors editor Dave Bowring on strip mining legislation, H.R. 12443, introduced by my friend and colleague Congressman JOHN D. DINGELL, of Michigan.

I would like to share Mr. Bowring's thoughts with all of my colleagues and I include the text of his column at this point in the RECORD:

STRIP MINE BILL HAS TEETH

(By Dave Bowring)

Not everybody has his finger in the coal mining pie.

At least not Rep. John D. Dingell (D-Mich.), whose HR 12443 presently awaits the pleasure of the House Committee on Interior and Insular Affairs.

The bill reveals a loss of patience on the part of federal government in waiting for individual states to enact and enforce effective legislation governing the reclamation of strip mined lands in the U.S.

Rep. Dingell's bill, in brief, calls for federal jurisdiction before and after mining has taken place. The legislation would require the Secretary of the Interior to draw up "a national plan for the restoration of all lands in the United States upon which any strip mine operation has been or is being carried out." The plan would control the minimization of adverse effects on the environment, and require that mined lands be returned to "their condition prior to the date which any such mining operation began."

You can't ask for plainer language than that.

Should the bill pass, no owner or operator of a mine not covered by an Interior-approved reclamation plan, would be permitted to sell coal in interstate commerce.

The bill would authorize the Secretary of the Interior to purchase, or acquire by condemnation, any stripped lands provided (1) no plan for restoration of those lands has been approved by the Secretary, or (2) the lands are covered by an approved plan, but the owner or operator does not comply with the plan.

The Secretary is also given authority to restore any unreclaimed land, and to assess the owner or operator the fair market value for such restoration. Such land would then become wildlife and recreation lands under state or federal administration.

In a letter to this writer, Rep. Dingell explained his reasons for submitting the bill. "The intent of my legislation is that mine operators shall be obliged to pay the cost of restoring strip mined lands as a cost of doing business. Unless they undertake to do so according to a plan approved by the Secretary of the Interior, the operator would not be able to sell or offer for sale in interstate commerce, any coal or other material obtained from his mine."

Rep. Dingell continued, "After considerable reflection upon the need to be able to utilize our natural resources in accordance with sound environmental principles, I reached the conclusion that a program along the lines proposed in my bill would be in the public interest."

Ohio should support HR 12443 fully, but it won't. Not while Hanna Coal Co. president Ralph W. Hatch insists Hanna will have to shut down operations if the "tough" strip mine bill is not watered down to the point where profit margins for stripped coal remain unchanged.

Not while a state senator indicted for illegal strip mining on national forest land serves on a senate committee hearing amendments for that "tough" bill.

And not while Daily News-tested strip mine ponds, called "sweet water reservoirs" by their creator, tests out at an acid pH below 3.0. The pond in point is near McArthur, O., but is typical of such impoundments throughout southeastern Ohio.

Rep. Wayne N. Aspinall (D-Colo.) serves as chairman of the Interior and Insular Affairs committee. Rep. Aspinall has a long history in giving such legislation as Rep. Dingell's every bit of non-support he can muster.

It is not likely HR 12443 will pass the committee, at least not as proposed. There must be loopholes, or the bill will be pigeon-holed to die a natural death.

But those wishing to see Ohio and the entire country benefit can write to Reps. Wayne Aspinall, John P. Saylor, or any of the 37 other representatives on the Interior and Insular Affairs committee voicing support. There are no Ohioans on the committee.

Address your letters to either Rep. John D. Dingell, or the above-named individuals care of the U.S. House of Representatives, Washington, D.C. 20515.

Let's make mine reclamation more than just "lipstick on a corpse."

MONTEREY PARK CLERK APPOINTED TO ELECTION LAW ADVISORY COMMITTEE

HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. DANIELSON. Mr. Speaker, for several years the Nation has been crying out for reform in our election laws. I am proud to note that in my own State of California the legislature has decided to do something about it and has established a joint committee for the revision of the California Elections Code, together with a select advisory committee to aid the joint committee in its efforts.

I am even more proud that one of my constituents Laurie McMillan, the city clerk of Monterey Park, has been appointed to serve as a member of that advisory committee.

Mrs. McMillan becomes one of four city clerks to serve on the advisory committee—there are 477 city clerks in cities throughout California. The committee also includes the State Attorney General and the Secretary of State in California.

Qualifications used in selecting members include: Integrity, knowledgeable experience, education, length of service in office, honesty, intellect, professionalism, and qualifications based upon service in matters of election legislation and administration.

It is an honor for Monterey Park and the 29th Congressional District to have Laurie McMillan serving in this very important and vital capacity. I am attaching two newspaper articles that give additional information on the task of this committee and on the experience and affiliations of Mrs. McMillan:

[From the Monterey Park (Calif.) Progress]

CITY CLERK NAMED TO COMMITTEE

City Clerk Laurie McMillen has been appointed by Senator Mervyn M. Dymally to the Advisory Committee to the Joint Committee for the Revision of the Elections Code.

During the 1971 Session, the California Legislature established a Joint Committee to revise the California Elections Code.

An Advisory Committee was established to aid the Joint Committee in its deliberations.

COMPOSITION

The statewide committee is comprised of 19 appointees, four of whom are City Clerks from a field of 477 City Clerks in the state. Mrs. McMillen is the only Clerk from a general law city and will represent this segment of municipal government.

Other members of the committee include State Attorney General Evelle Younger and Secretary of State Edmund Brown, Jr.

Joint committee members are Senator Mervyn M. Dymally, chairman; Senators Dennis E. Carpenter and Arlen Gregorio, Assemblymen William L. Brown, Jr., Paul Priolo and Henry A. Waxman.

Mrs. McMillen said, "to be selected for appointment on this committee is indeed a high honor and a privilege, not only for me personally, but to my City of Monterey Park and its citizens.

"I shall be proud to serve on this august body and dedicated towards making contributions which will assist legislative determinations for the revision of the California Elections Code.

STUDY FACTS

The Committee is authorized and directed to ascertain, study and analyze all facts relating to the revision of the elections code.

OFFICES

City Clerk McMillen holds affiliations and office with the following organizations:

Director, Southern California City Clerk's Association; Editor, "A Matter of Record," So. Calif. City Clerk's Assn. tabloid; Charter Secretary, California State Association of Local Elected Officials; Political Activity Committeewoman, International Institute of Municipal Clerks.

Vice-Chairman, Legislative Action Committee, So. Calif. City Clerk's Assn.; sole City Clerk representative to the County Clerks' Association and the joint City and County Legislative Action Committees; 8th term on the League of California Cities Election City Clerk's Handbook Revision Committee, with the special assignment of revising and rewriting the chapter relating to elections; So. Calif. City Clerk's Association liaison representative to the California State Legislature; and a Deputy Registrar of Voters.

CLERK GAINS STATE POST

City Clerk Laurie McMillen has been appointed by Senator Mervyn M. Dymally to the Advisory Committee of the Joint Committee for the Revision of the Elections Code.

During the 1971 session, the California Legislature established a joint committee to revise the California Elections Code. As prescribed by law, an advisory committee was established to and the Joint Committee in its deliberations.

The background of each committee appointee was thoroughly investigated regarding integrity knowledgeable experience, education, length of service to office honesty, intellect, professionalism and qualifications based upon service in matters of election legislation and administration with city and county professional associations from government agencies of various levels and the League of California Cities.

The prestigious statewide committee is comprised of 19 appointees, four of whom are city clerks from a field of 477 city clerks in the state, Monterey Park's City Clerk, McMillen, is the only city clerk from a general law city and will represent this segment of municipal government.

As set forth in the new law of the government code, other members of the committee include State Attorney General Evelle Younger, Secretary of State Edmund Brown, Jr., San Diego County Registrar of Voters Charles Sexton, Alameda County Registrar of Voters Rene Davidson, and former Secretary of State, H. P. "Pat" Sullivan, who is now Assistant to the Registrar of Voters of Los Angeles County. The latter has been named chairman of the Advisory Committee.

Joint committee members are Senator Dymally, chairman; Senator Dennis E. Carpenter, Senator Arlen Gregorio, Assemblyman Willie L. Brown, Jr., Assemblyman Paul Priolo, and Assemblyman Henry A. Waxman, vice chairman.

In accepting her appointment, Mrs. McMillen said, "to be selected for appointment on this committee is indeed a high honor and a privilege, not only for me personally, but to my city of Monterey Park and its citizens, and I shall be proud to serve on this august body and dedicated towards making contributions which will assist legislative determinations for the revision of the California Elections Code."

This is the first time legislation to revise the elections code has materialized. There have been many proposals considered by the State Legislature over the years. The last revision of the elections code was in 1935, and only on a modicum basis, when the section of the California laws relating to elections was removed from the public code. This also is the first time in the state's history that the committee will be funded by the legislature, with its members receiving no compensation.

A TRIBUTE TO FREDERICK LOEWE

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. VEYSEY. Mr. Speaker, one of the most outstanding composers of our time is Frederick Loewe, whose home is in my district. The residents and communities of the Coachella Valley in California have honored him by declaring March 11 Frederick Loewe Day, and I would like to take this opportunity to pay tribute to the man whose music for the stage and screen have given us such timeless and beautiful melodies as "It's Almost Like Being in Love," The Heather on the Hill," and "On the Street Where You Live."

Born in Vienna, Austria, on June 10, 1904, Mr. Loewe was the son of a famous operetta tenor, the original star of Oskar Strauss' "The Chocolate Soldier," and creator of the role of Prince Danilo in Franz Lehar's "The Merry Widow." At the age of 2 he accompanied his father on tour in the United States. Already a skillful pianist at age 4, at 9 he composed the tunes for a music hall sketch in which his father toured Europe, and at 15 he wrote "Katrina," a popular song that sold 2 million copies in Europe. He studied piano with two noted European musicians, Ferruccio Busoni, and Eugene d'Albert, and at 13 he had begun his concert career, as soloist with some of Europe's leading symphony orchestras. He was awarded the Hollander Medal in Berlin in 1923 and studied composition and orchestration with Nickolaus von Reznicek before deciding to accompany his father to America in 1924.

Arriving in the United States, Mr. Loewe gave a concert at Town Hall in New York, followed by a week's engagement at the Rivoli Theatre. Since neither of these led to concert engagements, he tried teaching music and played at Greenwich Village night clubs. When music failed to provide a living, he worked as a bus boy in a cafeteria and as a riding instructor at a New Hampshire resort. A brief career as a flyweight boxer ended with a knockout in his ninth bout, after which Mr. Loewe decided to test his luck out West, trying cowpunching, gold mining, and carrying mail on horseback over the mountains in Montana, before returning to New York City.

He found work playing a piano in a Yorkville brauhaus, and in 1935 his song, "Love Tiptoes Through My Heart" was bought for the musical play "Petticoat Fever." His musical, "Salute to Spring," was presented in St. Louis in 1937, and in 1938 his musical play "Great Lady" reached Broadway. Unfortunately, it ran for only 20 performances, despite a notable cast including Dorothy Kirsten and choreography by Jerome Robbins.

At the Lambs Club in 1942 Loewe met the lyricist Alan Jay Lerner, and they shortly joined forces to become one of the most successful teams in theatrical history. With Lerner contributing the words and Loewe the music, they produced together such outstanding musical plays as "Paint Your Wagon," "Brigadoon," "My Fair Lady," "Gigi," and "Camelot."

The musical is a uniquely American contribution to the entertainment world, and its development in the past three decades owes a great deal to the talent of Frederick Loewe, whose songs will continue to be enjoyed for generations to come.

Frederick Loewe Day is indeed a special day for all of us who enjoy exceptional music.

THE TRIP TO CHINA

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. KEITH. Mr. Speaker, it is gratifying to me to see an editorial from the newspaper of one of the oldest towns in the country that praises President Nixon's recent trip to China in his continuing effort for world peace.

I am speaking of a recent editorial in the Plymouth, Mass., Old Colony Memorial.

The editorial, entitled "The Trip to China," looks, briefly, at the President's past posture regarding China and his apparent transition in the cause of peace and the cause of understanding.

It notes that when one considers the President's frame of reference prior to the visit, one must credit him with having enormous amounts of courage to reverse our policy on Vietnam, and even more courage to seize the "forbidding nettle of China."

The editorial concludes that the trip to China was a lunar landing of sorts, across unfathomable political spaces. That landing, I feel, is a giant step toward world peace.

Mr. Speaker, I am pleased to offer this worthwhile editorial from the Old Colony Memorial from Plymouth—which is generally conceded to be America's hometown—to my fellow Congressmen:

THE TRIP TO CHINA

What will come of President Nixon's trip to China? Why did he go there in the first place? Millions of Americans have been asking themselves these questions.

Well, always remember it is the prerogative of all Presidents to change their minds on big issues. They can hardly avoid it, as the whole world bears down on them.

Still, with Nixon anti-communism has been a political way of life, his very stock in trade. For years and years, with unwavering conviction, he portrayed communism as the devil's invention, spawned in treachery and conspiracy, a political abortion. It is perfectly obvious, as in the case of Russia or China, that communism may arise spontaneously in certain historical situations. But Nixon never gave an atom's weight to this objective consideration.

Even as late as 1968 Nixon was running Red China into the ground. Again and again he vowed never to come to terms with Peking, in any way, shape or fashion. The tie to Formosa and Chiang Kai-shek was sacred.

Did Nixon, the 1968 campaigner, really mean what he was saying? Or was he merely playing up to his conservative constituency, the diehards who stuck by him and financed his comeback all through years of frustration?

He was in fact buttering them up, we think, telling them what he knew so well they loved to hear. Inside Nixon's head the scene was quite different. By the time he got into the White House he had become a much different man from the Nixon of the Alger Hiss and vice presidency days.

In the interim he had traveled widely, enduring intense political adversity in the wilderness. During this period he had ample time to face up to hard facts. It became crystal clear to him, we believe, that it is folly to expect other nations and peoples, however desirable for them or us, to think, feel and behave like Americans. The weight and thrust of the past, language, race economics simply do not permit it.

By the time Nixon reached his supreme goal and was safely installed on Pennsylvania Avenue he had advanced to what might be called a Machiavellian level of sophistication in affairs of state. And "Machiavellian" here is not all intended to be a negative description.

He had come, that is, to see the world, however dangerously explosive a mixture of forces and forms it might be, as something to be accepted and to be dealt with coldly in its own shifting terms. He had ceased to think in terms of absolutes, of black and white, right and wrong, good and bad. To be a world statesman, and we think that of all Nixon's ambitions this is the most powerful, he had come to feel he needed a more flexible idiom than the one peculiar to American conservatism.

It was this change—or inner growth, if you view it objectively—which led Nixon to take the truly bold step of disengaging from Vietnam, though of course with long terminal bombings to keep the generals and the conservatives happy. It was exactly the kind of thing a man of Machiavellian persuasion might do. We think that it is in the same hard, calculating and cautious spirit that President Nixon is exploring the enigmas of China.

Meanwhile, and this is the most deep-seated motivation, he is ensuring himself a permanent niche in history, a position of such manifest importance, fail or succeed, that even the most disappointed conservatives and skeptical liberals must fall silent.

Considering the narrow frame of reference from which Nixon sprang it took enormous courage to reverse policy on Vietnam and even more guts to reach out and seize the forbidding nettle of China. Nixon has come a long, long way since the days when he was monotonously cutting up Helen Gahagan Douglas for "being soft on communism."

It is a fascinating spectacle, a real drama of the spirit. But will anything come of it, for us and for the world?

Just to see and be seen in itself is a good thing. Also reassuring is the fact that Nixon proved himself big enough to take the inititive and go to China, rather than wait for the Chinese to come here. It is a tonic thing when a man dares to walk right into the erstwhile enemy camp. In a word, Nixon has accomplished a kind of lunar landing across unfathomable political spaces, proving it can be done, setting a spectacular diplomatic example. This is heartening, too.

All Americans, we strongly feel, should wish him the very best of luck on his great adventure.

MANY PROBLEMS FACE VIETNAM VETERANS

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. BRINKLEY. Mr. Speaker, on February 29 of this year the Honorable Richard L. Roudebush, a former member of this body who is now Assistant Deputy Administrator of Veterans' Affairs, was the keynote speaker at a meeting of the Columbus, Ga. Kiwanis Club. In his excellent address, Mr. Roudebush presented an in-depth discussion of the problems which face many of our Vietnam era veterans—and what we can do to help alleviate these problems. Mr. Speaker, I would like to bring to the attention of my colleagues the full text of Mr. Roudebush's remarks.

The remarks follow:

MANY PROBLEMS FACE VIETNAM VETERANS

It was good of you to invite me to be with you today. I must say . . . the South has not lost its charm . . . as evidenced by that fine introduction . . . and the warm reception I have received since arriving in your city.

This area is not unfamiliar to me. Four years ago . . . next August I spent several weeks in traction in the La Grange, Georgia hospital. Two of the persons in the plane crash with me were hospitalized here in Columbus.

Following my recovery . . . my good friend and former colleague . . . "Bo" Calloway "jokingly" sent me a bill to cover the cost of replacing a few acres of pine woods he said were destroyed on his property . . . attempting to land our plane on the 10th hole of the La Grange golf course. I am sure many of you will recall when this happened.

Seriously, we were terribly lucky in that experience and I can't say enough about the splendid care I received while hospitalized . . . or the warm friendship of the people who called on me.

Before discussing some of the things we are doing in the Veterans Administration . . . I would like to share with you my impressions of your city. In terms of recent growth . . . I understand you have done rather well.

No doubt your expansion has caused some growing pains . . . but to the visitor . . . it would seem you are handling these problems very well . . . and frankly . . . I am impressed with what I have seen.

Proud as you must be of your growth and prosperity . . . I need not remind you that Columbus is not only competing for new industry with every other city in Georgia . . . but with every other city in the United States as well . . . and the fact that you are moving forward . . . simply means there has to be an excellent "team-effort" here in your undertakings.

I know that many of you in this room have a voice in the decision-making process of Columbus so it is a privilege for me as we discuss ways to help the Vietnam era veteran.

Just as no one city or state or nation can go it alone . . . you by your actions . . . have said to the Vietnam veteran in Columbus that he need not go it alone. Here . . . and on behalf of America's nearly 29 million veterans . . . and our VA family of 183,000 employees . . . we salute you for the manner in which you are approaching some of the special problems of the Vietnam era veteran. I assure you our job would be a lot easier if there were more leadership displayed as you have in Columbus.

Through the miracle of television . . . these past days we have shared with our President . . . the historical visit to the People's Republic of China. Television has become a personal thing with us. We depend on it for our news. We have little difficulty relating to events because the eyes of the camera . . . have become our eyes. Few would deny that the TV news media has had a terrific impact on our opinions . . . consciously or unconsciously . . . especially as we have watched the news accounts of the war in Vietnam. TV is a great creator of public opinion . . . sometimes for the better . . . sometimes for the worse.

Please don't misunderstand. I am not suggesting that we refrain from watching television news broadcasts . . . what I am saying is that we are now unable to escape the realities of situations graphically presented to us.

But the fact remains during the past 7 or 8 years . . . we have been with our young men in uniform trudging through the rice paddies of Vietnam. We have seen the helicopters in evacuation situations. We have visited . . . through the television media . . . the field hospitals . . . and shared Christmas and Thanksgiving dinner with our men in Vietnam. There isn't an individual in this room that hasn't felt as if he has been there. There isn't an individual in this room that hasn't had a lump in his throat on many occasions.

It has been a long and grueling war.

But now . . . thank God . . . our thoughts are turning to a full generation of peace. Our desire to end the war . . . in an honorable way . . . in a way that will hopefully realize this generation of peace. American involvement has all but ground to a halt . . . and our attention in this hour is focused on the veteran. And this is as it should be. The problem is that this winding-down process has not been an easy one. History tells us the transition from wartime to a peacetime never is. Thus we find an average of 90,000 men being separated from service and returning to the labor market each month . . about one million last year . . . and unemployment of the unskilled is taking its toll.

And while we are on the subject of unemployment, I recall Treasury Secretary Connally's recent response to a congressional committee member's question relating to "what would be an acceptable rate of unemployment to the Nixon Administration?" After a point by point exchange the inquisitor finally got down to a figure of our percent asking would this be acceptable. If my memory serves me correctly Secretary Connally said "There is no acceptable rate of unemployment." And on this point I think we all agree.

Now we have all heard a great deal about the unemployment rate hovering around 5.5 or 5.9 percent, but I think it would serve a useful purpose if we put these figures into proper perspective. Just who are we talking about?

The Bureau of Labor Statistics of the Department of Labor tells us there were 5,216,000 Americans unemployed in December 1971, representing a national rate of 5.5 percent. Of this total figure, a little over 2 million were males 20 years of age and over, 1.7 million were females 20 years of age and over. And interestingly nearly 1.4 million were "teen-agers" between 16 and 19 years of age.

Of the 2.1 million men nationally "without jobs" we were told 341,000 were veterans. That is 341,000 too many. But let me continue as I call your attention to the results of a Louis Harris survey recently conducted nationwide on this subject. This was a stratified random sampling of 2,003 Vietnam era veterans, 786 employers and 1,490 households researched in this poll.

Ninety-three percent of the veterans and 88 percent of the employers agreed that employers were interested in hiring the vet . . . yet only 53 percent of the employers agreed that veterans should be given hiring preference. This we should change, and I think we can. Next, of the employed veterans interviewed more than half reported receiving special attention because of their military service. I am not so sure you can average averages but before commenting on the next item, I would like to offer an obvious opinion of my own. One of the things that is going to have a bearing on the outcome is what is the picture at each end of the spectrum you are averaging . . . and this was really brought home in the Louis Harris report. The portion of minority ex-G.I.'s not working was found to be 21 percent and 31 percent for those without a high school education. Any way you slice it, this is staggering. Think about it, 31 out of every 100 minority veterans is out of a job, according to the Harris report. If you would ask me for a quick solution to this problem I can give it to you in one word, education. This is the only answer. Educate these men in some kind of trade or skill so they can be useful, productive members of society. And I would add, we, in the Veterans Administration have the tools to help do this through our OJT and apprenticeship programs and the Department of Labor's manpower development training programs. The laws are already on the books for us to do these things, and we are making progress, and we will continue to make progress as long as cities like Columbus and States like Georgia continue to lead the way.

While the Nation's unemployment rate was hovering around 5.5 or 5.9 percent at the end of December, Georgia's unemployment rate was 3.4% . . . the sixth lowest in the Nation. Your achievements are no accident. It just did not happen. As early as 1966, Pete Wheeler, Georgia's State director of veterans service, had the foresight and wisdom to conduct a "supermarket of veterans benefits" at your auditorium here in Columbus. In my own mind this one-day counseling service set the pattern for the rest of the Nation to follow. Recognizing Mr. Wheeler's contributions as I do, I am hard put to single out one individual in this community because as I said earlier you have had a "team effort" here, but I would be remiss if I didn't compliment your mayor, J. R. Allen, for his selection of Charles Daley to chair his "jobs for veterans task force." Mr. Daley's outstanding military record and his civic contributions are known to us in Washington and Mayor Allen could not have selected a more capable person with a genuine interest in veterans affairs to head his jobs for veterans task force.

I suppose there would be merit in trying to describe the "typical" Vietnam veteran to you . . . but I am not going to do this today. Because we cannot think of the Vietnam veteran only in terms of statistics. The Vietnam veteran is an individual. He has likes and dislikes. The Vietnam veteran has hopes and aspirations. The Vietnam veteran is no different than we once were. The Vietnam veteran served his country well and with distinction and he fought in . . . the longest, loneliest . . . least-understood war . . . in our Nation's history.

Times have changed since the days of World War II. Today's world somehow seems more complicated. For many of you that are businessmen . . . I would venture your methods of operation are a lot more complicated than when you entered business. Inflation . . . cost of doing business continually on the rise . . . taxes . . . pressures of meeting the payroll. For a businessman to survive today requires your best efforts 365 days a year. You and I understand these problems. Unfortunately, however, not all of the Vietnam veterans entering the labor market . . . many for the first time, understand these things. Many will be approaching you with few skills to offer. I would remind you that instead of having the opportunity to learn a trade or furthering their education . . . their recent past has been occupied in our military. Others do have specialized skills. But as a whole . . . the Vietnam veteran presents a maturity and dedication . . . a willingness to learn . . . which will make him a fine employee.

You and I both know that through our tax dollars we are going to see that the medical needs of the disabled veteran are met. You and I both know your Government is going to continue to show sympathetic understanding and provide assistance to the widow and orphan. This same grateful Nation is too going to make it possible that this veteran receives education and training . . . rehabilitation if needed and will provide subsistence . . . while receiving such benefits.

But what about the veteran who just somehow doesn't have the desire or the aptitude for college? This is the veteran that causes us great concern. This is the man who wants a "piece of the action." This is the man that only the private sector of the economy can help. And this is where you as the business and industrial leaders of Columbus fit into the picture. In America we like slogans. We like catchy tunes and jingles that relate to the products we buy. This is true of administrations too. I can recall . . . as I know many of you can "The New Deal". Then there was "The Fair Deal". The "Great Society" came along and others. I would like to think the Vietnam era veteran is going to get "A Square Deal". And I think he will. If we all pull together. Though the employment of veterans is not a Veterans Administration responsibility, . . . We do look upon our role as a full partner and we need your help in hiring the veteran.

What we do ask of you is that you consider the veteran . . . in a preferential way.

First, we feel he will be a better employee (and worker) for having served in the Armed Forces. Experience has taught us he is more mature. Experience has taught him that discipline and sacrifice make him more aware of the value of a good job . . . with a future.

Think back when you were getting started in business. You worked hard. You earned your way. You probably had a family along the way, and you probably had an understanding wife by your side . . . hard work . . . honesty . . . faith in God . . . this is the American way. And this is what the Vietnam veteran wants. A chance to earn his way and build a future. To share in the good life he defended with his life.

Competition is keen . . . we have already established that. But let's keep in mind that these young men are entering the labor market . . . many for the first time. Let us show the Vietnam veteran understanding and compassion . . . Let us give him a chance . . . He took a chance for us in defense of freedom.

I am beginning to sound like our preacher criticizing the faithful Sunday morning worshipers . . . these words should be for other ears . . . so let me repeat what I said a moment ago. I wish more of our cities and States across this great land had the leadership and concern that seem to exist here in your city and Georgia.

Now for a few brief remarks about some of our programs in the Veterans Administration. One of the most important is, of course the delivery of medical care. Through our complex of 166 hospitals, we last year treated over 800,000 patients in-house and more than 8 million on an outpatient basis.

Interestingly, as an endorsement of VA medicine the President's budget for 1973 calls for more dollars to operate the VA medical programs than ever before. Also included in this budget was the largest request for hospital construction and modernization expenditures in the past 21 years. In December the President signed into law a 6.5% increase in nonservice connected pension rates for approximately 1.6 million veterans and widows. The Veterans Administration is conducting first time in history combat briefings to servicemen on veterans benefits. Since this program began nearly 2 million G.I.'s have been briefed on Federal benefits designed to assist them, by trained VA specialists.

The VA has opened assistance centers . . . we call them USVAC's . . . as part of our massive outreach program in an effort to search out the veteran and tell him of our programs rather than to wait for him to come to us.

In the area of education, G.I.'s are returning to colleges at record rates and we expect legislation will soon be passed to increase the monthly education allowances by about 14 percent. In addition to the many many things we are doing, our VA people are counseling soon to be released service personnel right here at Fort Benning.

As an employer the Veterans Administration is trying to set the example, with nearly 14,000 Vietnam veterans on our payrolls. The VA has operated or co-sponsored more than 100 job fairs or job marts throughout the U.S. for veterans where we try to bring together the recruiters and job seeking veteran. It would be difficult to estimate how many thousands of veterans have responded to these efforts, but through our 72 U.S. veterans assistance centers we helped find employment for more than 55,000 Vietnam era veterans.

One final measure of our growth and success of the G.I. bill program would be to note the cumulative total enrollment under the present Vietnam era G.I. bill . . . which is less than six years old . . . already far exceeds the 2.4 million veterans trained in the 13 years of the Korean G.I. bill.

I really get "wound up" on this subject . . . but I see by the clock I must let you go as many of you must get back to your offices and places of business. Before closing, however, I would like to leave one thought with you. True, we haven't produced any hard job offers today, but I would hope there is greater awareness . . . keeping in mind that one of the really great strengths of this Nation is that in time of need we somehow find a way to accomplish our objectives. So I won't say today marks the beginning because you have already started in Georgia. The awareness is here and for your efforts and the efforts of all Georgians . . . on behalf of veterans . . . from the bottom of my heart . . . thank you.

PRESIDENT NIXON IS KEEPING HIS WORD

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. McCLORY. Mr. Speaker, last week the President of the United States withdrew an additional 4,500 soldiers from Vietnam.

On January 20, 1969, there were 532,500 Americans enduring the perils of an Asian war. Today, there are 119,600 Americans in Vietnam who are planning to come home.

Mr. Speaker, President Nixon is keeping his word.

DEVELOPMENT OF AIR PRODUCTS IS INTERNATIONAL SUCCESS STORY

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. ROONEY of Pennsylvania. Mr. Speaker, a dramatic story of industrial success has been written during the past quarter century by an industry which settled in the Lehigh Valley of Pennsylvania in 1946 and, during the intervening period, has grown from an employer of 140 persons to an international employer of more than 9,000.

Air Products and Chemicals, Inc., its corporate headquarters occupying a large new complex at Trexlertown, Pa., near Allentown, is among the leading producers of industrial gases and a pace setter in the field of cryogenics—the science of ultracold temperatures.

Founded in Detroit in 1940 by Leonard P. Pool, now chairman of the board, Air Products began its rapid growth on a concept of producing industrial gases on site, adjacent to major customers. Its developments in the field of cryogenics have given Air Products a role in America's space exploration. It has developed a line of liquid nitrogen food freezers and in 1971 its processes and cryogenic equipment were utilized in the development of the world's first liquefied natural gas plant in Libya.

Recently, the spectacular growth of this firm was featured in a report published by the Sunday Call-Chronicle, of Allentown, Pa. I invite the attention of my colleagues to that article which traces the development of this important industry:

DEVELOPMENT OF AIR PRODUCTS IS INTERNATIONAL SUCCESS STORY

When Air Products and Chemicals, Inc., first settled in the Lehigh Valley area in 1946 the entire company, then called Air Products, Inc., consisted of just over 140 people and a small facility in nearby Emmaus. Today the company employs over 9,000 people worldwide, including over 1,300 in the Allentown area alone. That first small building now serves as offices for just one of the company's various departments, as Air Products' corporate headquarters were moved in 1958 to a larger complex in Trexlertown.

Air Products and Chemicals, Inc., was founded in Detroit late in 1940 by Leonard P. Pool, present chairman of the board. The company based its existence on a new concept of industrial gas supply—building gas-producing facilities adjacent to major customers—creating "on-site" supply of industrial gases. This new concept was coupled with cryogenics (the science of ultra-cold temperatures) and creative marketing to make Air Products a pacesetter in the production and marketing of low-cost industrial gases.

After locating in the Lehigh Valley, Air Products set out to establish its industrial gas business. In its early years the company had primarily been a supplier of oxygen generators to the government but now sought to expand into the commercial industrial gas market.

In 1947 Air Products built a tonnage oxygen plant for the Weirton Steel Co. of Weirton, W. Va., having a production capacity that was equal to about ¼ of the entire oxygen production in the United States at that time.

SALES $20 MILLION

Air Products' sales and geographic coverage steadily increased through both acquisitions and expansion of the company's existing technological capabilities. By the end of the 1956 fiscal year, after 10 years in the Lehigh Valley, the company's sales were just over $20-million.

The company continued to expand worldwide, increasing its industrial and medical gas coverage, diversifying into chemicals and catalysts and moving into such specialized technical areas as miniature cryogenic systems for space, communications and electronics applications, specialty gases, food technology, liquefied natural gas (LNG) and liquefied helium programs.

Air Products and Chemicals, Inc., ended its 1971 fiscal year, after 25 years in the Lehigh Valley, with sales of almost $308 million. It was the company's 11th consecutive year of record sales, net income and earnings per share. The company's Industrial Gas Division provided a major contribution to successful operations in 1971, with sales of merchant industrial gases as bulk liquids and in high pressure cylinders achieving record levels. The Specialty Gases Department continued its strong growth during the past year. Its activities were expanding to include markets interested in specialty chemicals, primarily on the research and development level. Air Products recently announced the addition of over 300 chemical intermediates to this department's existing product line. These new markets are expected to play an important role in the department's progress in 1972.

The company's line of Cryo-Quick liquid nitrogen food freezers experienced continued growth worldwide. A new freezer model was introduced offering ease of cleaning, economy of operation and increased processing capacity. The new Cryo-Quick freezers are already being used as the exclusive freezing method by one of the world's leading processors of quality frozen hamburger patties.

The company's liquefied natural gas (LNG) programs experienced significant progress in 1971. Air Products' processes and cryogenic equipment were an integral part of the world's first major LNG plant, successfully started in Libya during the year. Four giant cryogenic heat-exchangers were completed and shipped. These units will be used in what will be the world's largest LNG plant, now under construction at Brunei, on the Island of Borneo. The company is also involved in two domestic LNG plants in New England.

A joint venture was formed by Air Products with a major New England utility to purchase one of the plants. Air Products also constructed above-ground storage facilities for this plant. The company designed, manufactured, and is presently completing construction of the second LNG plant for another New England utility. Air Products has long-term operating and maintenance contracts for both domestic LNG plants.

The company's Chemicals Group activities were significantly expanded with the acquisition early in 1971 of the Chemicals and Plastics business of Airco, Inc. (formerly Air were integrated and reorganized along major product lines.

Air Products' Industrial Gas and Chemicals business should continue to make strong progress. Although capital expenditures for 1972 will be substantially below 1971 levels, it will be higher than that spent in 1970. Much of the record 1971 capital expenditures were made in Europe for new plants which increased fixed assets there by 50 per cent, thus providing capacity for sales in future years. Capital expenditures are expected to grow beyond 1972.

As worldwide markets for traditional products continue to grow, Air Products is also developing new markets by offering new products, resulting from research and development efforts.

SUCCESS PREDICTED

These ingredients indicate another successful year of operation in 1972—the 26th year in the Lehigh Valley.

As Air Products grew with the Lehigh Valley, and Allentown in particular, the company became increasingly interested in community affairs. The company contributes both time and financial support to numerous organizations in the Lehigh Valley and Allentown, involved in such worthwhile areas as youth groups, education, hospitals, health services, and other civic groups. Air Products' employes are also encouraged to take active interest in the affairs of the community, as indicated by significant employe involvement in such worthy programs as Junior Achievement of Lehigh Valley and the Lehigh Valley United Fund, among others.

After 25 years of operation in the Lehigh Valley, Air Products and Chemicals, Inc., remains sincerely interested in contributing to the further growth and advancement of the home of the company and the numerous Lehigh Valley residents who, as Air Products employes, have made the past 25 years rewarding, not only for the company's business success, but for the many lasting relationships developed over the years.

A MIGRATION

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. ZWACH. Mr. Speaker, O. B. Augustson, publisher of the West Central Daily Tribune at Willmar, Minn., is a veteran historian of the rural scene.

His newspaper circulates in the heart of our Minnesota Sixth Congressional District countryside. We have long stood shoulder to shoulder fighting for a rebirth of countryside America.

Recently I read an editorial by Mr. Augustson which I would like to share with my colleagues and all of those who read the CONGRESSIONAL RECORD.

These are not new words, nor new ideas. They are being repeated over and over again by those who know and understand the problems of the countryside in the hope that a wider understanding can be developed and workable remedies brought forth.

Mr. Speaker, with your permission, I insert this editorial by Mr. Augustson in the RECORD:

A MIGRATION

A news article in our issue of Wednesday surely caught our eyes. A statement by former Governor Harold LeVander and a comment he made at a Republican gathering in Hennepin County. LeVander took occasion to make a major point on grave national problems and cited so many of them in the largest cities.

Said Gov. LeVander: "Maldistribution of population in the United States is the No. 1 cause of the country's problems." And again: "Thirty years of mass migration from farms to the cities has left the cities suffocated with festering slums and many serious problems while the small towns are starving for jobs."

Amen to all this. And we rejoice to hear these remarks and these observations from the Governor. But may we be pardoned for saying it—isn't that exactly what we have been yelling about out here in rural Minnesota the past ten to fifteen years? Probably during a period when few would listen or even noticed the handwriting on the wall?

This has been the cry of rural America for a decade and a half ever since Ike got into the White House—a man by the name of Ezra killed 90% parity and a group called the Committee for Economic Development decided that millions of farmers should be forced off the land.

In the meantime those big cities were worrying about the food surplus even tho they should have known that all Americans were not well fed and that half of the world goes to bed hungry. They also worried about the federal funds for parity even tho they should have realized that was the finest investment the nation could make and was the finest shot in the arm of the nation's economy.

But now the chickens have come home to roost. Finally they see that the nation has gone down the wrong road. Now they sense that a bum deal was made. Now it is apparent that a thoughtless course is one to be regretted.

So with the mistakes of the past some are now scurrying to do something about the situation in rural America—trying to pick up the pieces. They did not worry one iota about how rural America was being wrecked. Not a crocodile tear was shed. It was all right. But now that the big cities have found themselves in trouble—now because the trouble is in their own laps—how feverishly they want to do something. Sounds like the old saying—closing the barn door after the horse is gone.

In high places the price of commission—in the big cities the price of omission. But don't blame the Governor—blame all the big wigs in the federal administrations and then include a vast urban population that was bent on killing the golden goose and biting the hand that was feeding them.

RURAL DEVELOPMENT ACT APPROVED

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. McCLURE. Mr. Speaker, we recently approved the Rural Development Act, which I had the pleasure of supporting in an effort to revitalize our agricultural communities. At the time that vote was taken, the remarks of a constituent were freshly imprinted in my mind, and I want to take this opportunity to share them with my colleagues. They need no word of explanation, except to tell you that W. LaMar Bollinger is a professor of economics at the College of Idaho in Caldwell and he has recently concluded a study on the economic and social impact of rural depopulation in the northern Magic Valley of Idaho. His remarks follow:

America's love affair with the city has ended and the people are suing for divorce. The Watts riots in 1965 came exactly 100 years after the conclusion of the Civil War in 1865. During that entire century, cities were regarded as the Promised Land, and young adults abandoned the countryside by the millions, eagerly seeking fortune and adventure in the glamorous cities of our land. Within five short years the enhancement of the cities disappeared. Ghettos, racial tensions, uncontrolled crime, traffic snarls, rising taxes, and smog which choked man and plants alike abruptly severed America's love affair with cities.

Now all eyes are focused on the dilapidated towns of Rural America. The price tag for saving our cities is prohibitively high. With a much smaller public investment the public facilities in our rural towns could be upgraded and people would rediscover a quality of life that satisfies them.

Following is a clipping from the Idaho Free Press, published in Nampa, Idaho, January 1, 1972, outlining some of the preliminary conclusions which Professor Bollinger reached in his study of rural depopulation. The full report will be published by the Commission on Population Growth and the American Future in a volume entitled "Population Redistribution."

The clipping follows:

RESIDENTS CALL LOW POPULATION BIG ADVANTAGE

CALDWELL.—Low population density, long an economic and political liability to Idaho, has become the number one advantage of this state. Prof. LaMar Bollinger of the College of Idaho Economics Department reached this conclusion after analyzing a poll taken from a 20 per cent sample of alumni from 10 Southcentral Idaho high schools in Jerome, Gooding, Lincoln, and Camas counties, for these alumni registered a strong preference for low population density with its attendant advantages as the number on criteria for evaluating the livability of a geographic region.

The advantages which these alumni associated with low population density were identified in very specific terms as follows: closer personal relationships, relaxed atmosphere, a better place to raise a family, greater community participation, low level of pollution, absence of big-city problems, lower cost of living, and to some people, small schools are regarded as an advantage because they offer closer personal relationships and opportunities for leadership to a larger percentage of students.

The significance of these particular characteristics is enhanced by the fact that open-ended questions were used in the questionnaire for the purpose of avoiding any distortion of the results either by choice or arrangement of the characteristics selected by the questioner. Only four per cent of 538 respondents failed to write down in his own words the values which he regarded most advantageous to the communities in which he had spent his youth. Therefore, the conclusions have greater validity and significance than if the respondents had been asked to check a selected list of characteristics, Bollinger pointed out.

A valuable aspect of this study is that the respondent group was in a unique position to assess the strengths and weaknesses of the quality of life in Idaho, since 81 per cent of them were born in Idaho and all of them graduated from high schools north of the Snake River in Southcentral Idaho. Fundamentally, they had a common economic, social, and geographic background for the first 18 years of their life and, as a group, they know this region very well and were not expressing an opinion concerning a region on the basis of limited knowledge.

After graduating from high school, 85 per cent of the respondents took some form of advanced education, ranging from short-term courses in trade schools to doctorate degrees. Despite the fact that there are no colleges or trade schools within the four-county area, 68 per cent of these alumni stayed in Idaho for post high school education.

Thereafter, their paths separated widely and half of them remained in Idaho and half of them migrated elsewhere.

An especially interesting finding of this study is that the alumni, who migrated elsewhere in search of better job opportunities had occasion to experience and judge the advantages and disadvantages of Southcentral Idaho very similarly to the group which elected to spend their adult years in Idaho, Bollinger reported. In a fast-changing world, it is pertinent to observe that twice as large a per cent of the alumni who migrated out-of-state—most to metropolitan areas—specified the relaxed atmosphere in Idaho as an advantage.

When asked to list advantages in order of importance to them, Idaho's much-heralded outdoor recreation was voted second as the number one advantage and placed first as the number two advantage. This priority indicates that outdoor recreation is a much-appreciated avocational activity available primarily for weekend or vacation enjoyment, but an increasing number of people in the late Twentieth Century have become disillusioned with the economic attractions of metropolitan areas and are rearranging their priorities in favor of an environment in which they are not submerged as individuals and can rediscover the identity in the community and experience more satisfying relationships with other people.

Low population density has its disadvantages as well, and the Idaho and non-Idaho alumni both reflect awareness of the following limitations: educational opportunities, especially higher education; shopping facilities; recreational facilities; medical facilities; and cultural deprivation. All of these characteristics subtract from the livability of a region, but the two really big disadvantages unquestionably account for the heavy stream of outmigration which resulted in a continuous population decline for two successsive decades in Camas, Gooding, Jerome, and Lincoln counties. Limited job opportunities and low wages are both economic "gut" issues which virtually determine the scale of living in a commercial, as contrasted with a subsistence, economy and heavily constrain the lifestyle of its people. Here it is significant to observe that the alumni who moved out-of-state reveal their frustration concerning the limited job opportunities, especially for professional people, in their home communities.

In general, the Idaho and non-Idaho alumni perceived the advantages of Southcentral Idaho similarly, but the non-Idaho alumni by a ratio greater than 2:1 expressed their disappointment in not finding jobs in their home towns to match their ambition. On the other hand, Idaho alumni show more sensitivity to the low wage scale, a fact well-established by the U.S. Department of Commerce which shows Idaho alternating with New Mexico as the lowest per capita income state in the West. Idahoans read in the newspapers about union-management wage settlements on the East or West Coasts which seem fantastic to them, friends and relatives who stop to visit them speak disapprovingly of the low wages in this area, and each payday confirms the reality of this disadvantage. Not unexpectedly, however, eight per cent of the Idaho alumni expressed their strong satisfaction with this region by writing (usually in bold print) NONE for disadvantages.

It is now apparent that the crisis in our cities which surfaced in the late 1960s has produced a decided shift in values regarding a desirable place to live. The uncontrollable rise in crime, confrontation in the streets between the law and lawless, distressing congestion of traffic, occasion explosive tension between different racial and ethnic groups, and the soaring rise in smog has tarnished the glamour of the city, accelerated the flights from the urban core to the suburbs, and is now pushing people into the open country-side beyond. In one century the farm-to-city migration has moved into reverse gear and the 1970 U.S. Census of Population attests that the rural non-farm population rose sharply during the last decade.

Bollinger's conclusions from his survey of high school alumni offers a very timely interpretation of the July 1, 1971, population estimate for Idaho released by the Census Bureau last week. As of July 1, 1971, Idaho's population was estimated to be 732,000, a gain of 15,000 people over the estimate for the same date in 1970 and 19,000 people more than the 1970 census taken in April. Since the population gain for Idaho for the entire decade of the 1960s was 46,000, the average annual increase was 4,600.

Accordingly, the Census Bureau estimates that the growth of population during the last year exceeded by three times the average growth for the previous decade and reversed a 30-year drought of outmigration. Currently the excess of births over deaths in Idaho approximates 8,000 people a year. It follows, then, that the net migration into Idaho during the twelve months between July 1, 1970 and July 1, 1971 was about 7,000.

Undoubtedly current economic conditions are partially responsible for this reversal of migration, but this 20 per cent sample of 3,970 graduates for the decade 1957–66 from the high schools in Jerome, Gooding, Lincoln, and Camas counties signifies a recent fundamental shift in personal values of the American people which may portend a whole new array of problems for Idaho as it copes with a new generation of migrants.

This past summer Bollinger prepared a study on "the economic and social impact of rural depopulation upon selected counties in Southcentral Idaho" for the U.S. Commission on Population Growth and the American Future. This report will be released by the Commission in 1972. This study endeavored to discover the basic economic and social impact of the agricultural revolution upon farmers, the business and professional people in rural towns, and the consequences of these changes for youth. A report on "What happened to yesterday's Youth?" is to be released by Bollinger sometime this month and he will analyze results from his alumni survey concerning advanced education, the selective factors in migration, occupational status, and hopeful signs that Idaho's Brain Drain has been significantlv reduced within the last five years. At that time the advanced education and geographical distribution of alumni of the individual high schools sampled will be reported.

BUFFALO, LACKAWANNA HOST TO NEW POLISH AMBASSADOR

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. DULSKI. Mr. Speaker, a few days ago my home district of Buffalo and Lackawanna, N.Y., had the honor of playing host to the new Polish Ambassador to the United States, Witold Trampczynski. It was his first visit in the United States outside the Nation's Capital.

Our community, one of the largest centers of Americans of Polish descent, rolled out the red carpet and all levels of government joined with our citizens in giving the Ambassador a fine welcome.

The Ambassador's visit came at a time when our Nation is looking to a stimulation of trade with Soviet bloc countries including Poland.

Indeed, there are authoritative reports that Poland is seeking permission for a $20-million loan from a Buffalo bank. Poland is said to be seeking a total of nearly five times that amount from banks in the United States.

Ambassador Trampczynski was the guest of Charles R. Diebold, president of the First Empire State Corp. Mr. Diebold is one our more prominent citizens who has a great and dedicated interest in both our community's cultural and economic welfare and in its relation to our county of Erie and State of New York.

Assisting with arrangements for the Ambassador's visit was my good friend, Henry J. Osinski.

Mr. Speaker, in the light of the great interest in the trade potential with Soviet bloc countries, I include as a part of my remarks an editorial on this subject.

I am also including a story and editorial on the Ambassador's visit:

[From the Bufflalo (N.Y.) Evening News, Mar. 2, 1972]

FACILITATE TRADE WITH POLAND

The Nixon administration has taken an active role in stimulating trade with Soviet-bloc countries, and following a trip there last year, Commerce Secretary Stans spoke optimistically of increasing exports to Russia, now only about $200 million a year, by billions of dollars. Already sales of several hundred million dollars worth of grain, machinery and other equipment have been arranged, with highy beneficial effects in cutting the U.S. trade deficit.

Mr. Stans is reported to have recommended to President Nixon the granting of export credits and the dropping of high tariff rates in order to further expand American sales behind the iron curtain. There is some indication that any final decision is being delayed pending the outcome of negotiations on a wide range of political subjects. There has been speculation that an announcement may come at the time of the summit talk in Moscow in May.

In the meantime, however, Mr. Nixon has congressional authority to remove trade barriers with other Communist countries when it is, in his judgment, in the national interest to do so. He has already extended Export-Import Bank credits to Romania, a maverick Communist country with which Mr. Nixon has established a special relationship. Another country under active White House consideration for the same Export-Import Bank treatment is Poland.

Poland already has the benefit of regular U.S. tariff rates, but the problem of financing is holding up American export deals just waiting to be made—some substantial ones right here on the Niagara Frontier. Poland spent some $90 million in the U.S. last year, and is reported hoping, with proper financing, to raise this to about $200 million. Secretary Stans spoke out for the granting of credit to Poland on his trip there last year, noting that "the opportunities to increase industrial cooperation with Poland are quite large."

While these encouraging developments in the way of nourishing international trade are taking place, it is disconcerting to note actions in Albany that point in exactly the opposite direction, toward the self-defeating trap of protectionism. The Assembly has passed a bill that would sharply limit the purchase of foreign goods by municipalities. The result, of course, would be higher costs for the taxpayer and an invitation to foreign countries to erect similar barriers to our own exports. We trust the State Senate will show more sense and reject this bill.

[From the Am-Pol Eagle, Buffalo, N.Y., Mar. 2, 1972]

AN AMBASSADOR COMES TO BUFFALO

Witold Trampczynski, named just three weeks ago as Poland's Ambassador to the United States, made his first visit outside Washington, D.C. last weekend and the city chosen for this historic occasion was Buffalo.

We feel that it should be considered an honor for Buffalo that the ambassador chose our city for his first official visit outside Washington. The choice of Buffalo is testimony to the strength of Buffalo's Polish American community. It is also testimony to the great reputation for hospitality that Polonia has earned through its welcome for other visiting Polish dignitaries.

The political implications of Ambassador Trampczynski's visit to Buffalo should not be considered. His visit here was not of a political nature.

Instead, he came to Buffalo as a Pole who wished to meet with Americans of Polish descent. Of course we do not deny that some official business was conducted during his stay in Buffalo; discussions concerning an economic agreement with a local bank which would result in increased trade between Poland and the United States were held and so were discussions about the possibility of an academic exchange program between Krakow's Jagiellonian Institute and a local university.

But the primary purpose of the Ambassador's visit remained social. He wanted to meet with persons in the community and this he did. Polonia satisfied this desire and welcomed the Ambassador, a fellow Pole, in a manner in which we are confident he will not soon forget.

Such a display of warmth and hospitality for all persons who share our Polish heritage is something we have been hoping for since this newspaper began publication. We are gratified to see that our Polonian community has accepted the fact that a Pole is always a Pole before he is anything else.

[FROM THE AM-POL EAGLE, Buffalo, N.Y., Mar. 2, 1972]

POLISH AMBASSADOR VISITS AREA

On February 7 of this year Witold Trampczynski presented to President Nixon Letters of Credence accrediting him as Ambassador Extraordinary and Plenipotentiary of the Polish People's Republic in the United States. Ambassador Trampczynski remained in Washington for the first three weeks in his new position but soon decided that it was time to see something of America and visit with Americans who shared a Polish heritage with him.

Chosen as the first stop on a three-week tour that will take him to a number of major American cities was Buffalo. Ambassador Trampczynski said Buffalo was chosen because it has the highest percentage of Polish Americans in the United States. It is believed, however, that also taken into consideration is the reputation for hospitality that Buffalo has earned in previous welcomes for Polish dignitaries.

The ambassador arrived in Buffalo late Thursday evening accompanied by Consul General Kazimierz Cias, Dr. Mieczyslaw Klimaszewski, rector of the Jagiellonian Institute in Krakow and vice president of the Polish government, and Stanislaw Biniek, secretary to the ambassador.

His official tour of the Western New York area began early Friday morning with a stop at One M & T Plaza to view a lobby display of Polish Poster Art. He then met with County Executive Edward V. Reagan and Mayor Frank A. Sedita who extended welcomes to the visiting Polish dignitary. Next stop on the agenda was a tour of Stan Jasinski's WUTV-Channel 29 studios on Grand Island, Mr. Jasinski, the first Polish American to be granted a television license by the Federal Communications Commission in this country, taped a half-hour program with the ambassador. The program will be shown at a later date.

Following the tour was a luncheon hosted by the ambassador at the Polish Village Restaurant. Attending the luncheon were 50 community leaders who had an opportunity to meet with Poland's newest representative in the United States in an atmosphere of congeniality and friendship. Later that afternoon Ambassador Trampczynski met with Dr. Robert L. Ketter and Dr. E. K. Fretwell, presidents of the University of Buffalo and Buffalo State University College. An evening reception at the Adam Mickiewicz Library and Dramatic Circle on Fillmore Ave. honoring the dignitaries accompanying Ambassador Trampczynski to Buffalo concluded Friday's formal program.

An important meeting forced Ambassador Trampczynski to fly to Washington late Friday but he returned to Buffalo early Saturday morning for a tour of Niagara Falls. After a luncheon held in his honor at a Niagara Falls restaurant, the ambassador returned to Buffalo for a tour of Villa Maria College.

Saturday evening's program was taken up with a dinner reception at the Buffalo Club hosted by officials of the Manufacturers and Traders Trust Company and attended by some 50 guests. By far the most extravagant event in honor of the ambassador's visit to Buflalo, the reception was hosted by Charles R. Diebold, president of the First Empire State Corporation, and Claude F. Shuchter, president of M & T Bank. Arrangements for the gala reception were handled by M & T vice president Henry J. Osinski.

It has been reported that Poland is seeking a $20 million loan from the M & T Bank to expand its trade in the United States. The loan is currently awaiting approval of the Import-Export Bank. The loan is said to be just one of a series of loans totaling $116 million sought by the Polish government in various cities throughout the United States.

Ambassador Trampczynski left Buffalo early Saturday morning. His next two stops on his American tour will take him to New York City and Boston.

THE HOWARD P. MACE NOMINATION: AN ADDENDUM

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. FRASER. Mr. Speaker, February 9 I wrote to the Secretary of State requesting his comments on a letter to Senator J. William Fulbright reprinted in the Congressional Record, volume 117, part 29, pages 38105 and 38106.

I have received an answer from David M. Abshire, Assistant Secretary for Congressional Relations in the State Department. He writes, in part:

> The letter in question alleged that the employment of Mr. Charles Mace, the brother of Mr. Howard Mace, in an important position in the United Nations came about as the result of improper pressure within the Department of State. Specifically, it suggested that Mr. Howard Mace induced Deputy Assistant Secretary Herz to use his influence to secure the position in Geneva for his brother. . . . The Department has checked its records

and is in a position to categorically refute these allegations and innuendoes as totally baseless.

Mr. Speaker, the State Department's response to the charges in the letter previously printed in the RECORD merit our attention. The Abshire letter follows:

FEBRUARY 29, 1972.

Hon. DONALD M. FRASER,
House of Representatives,
Washington, D.C.

DEAR MR. FRASER: The Secretary has asked me to reply to your letter of February 9 in which you requested us to comment on the letter of Mr. John D. Hemenway that appeared in the Congressional Record of October 28, 1971 (p. 38105). Even though the nomination of Mr. Howard P. Mace as Ambassador to Sierra Leone is no longer pending, certain misstatements about the Department contained in Mr. Hemenway's letter should be corrected in order that the record be clear.

The letter in question alleged that the employment of Mr. Charles Mace, the brother of Mr. Howard Mace, in an important position in the United Nations came about as the result of improper pressure within the Department of State. Specifically, it suggested that Mr. Howard Mace induced Deputy Assistant Secretary Herz to use his influence to secure the position in Geneva for his brother. A chronology of "pertinent facts" was supplied by the letterwriter, which was supposed to show a cause-and-effect relationship between Mr. Herz's own assignment in the Department and "considerable pressure on the executive area of IO (Mr. Herz's area)" to secure the UN assignment for Mr. Charles Mace.

The Department has checked its records and is in a position to categorically refute these allegations and innuendoes as totally baseless.

Mr. Martin F. Herz was assigned to the Department of State in April 1970 and reported for duty in June 1970. Our records show that on March 18, 1970 the High Commissioner for Refugees, Prince Sadruddin Aga Khan, interviewed a panel of American candidates in Washington for the post of Deputy High Commissioner. On May 13, 1970 our Mission in Geneva informed us that Prince Sadruddin Aga Khan had recently selected Mr. Charles Mace to be his Deputy. Our records also show that Mr. Mace was known to Prince Sadruddin from his earlier assignment to the U.S. Mission in Geneva and that he had personally applied for the position directly to the UN High Commissioner. Neither Mr. Herz nor Mr. Howard Mace had any part whatsoever in the process of recruitment or appointment of Mr. Charles Mace to the position of Deputy High Commissioner.

The letter addressed to you also contained an insinuation—to make it appear that some kind of deal had been made—that Mr. Howard Mace may have been responsible for the designation of Mr. Herz as Deputy Assistant Secretary in the Bureau of International Organization Affairs (IO). This is not so. Mr. Herz was personally selected for that position from a number of available officers by the Assistant Secretary, IO. Actually, neither Mr. Mace nor anyone in his office had recommended Mr. Herz for the appointment.

The substance of the foregoing was conveyed by me to Chairman Fulbright in a letter dated November 17, 1971.

You also inquired about the status of Mr. Howard Mace's nomination as Ambassador to Sierra Leone and about his present position. At the request of Mr. Mace, his nomination was not resubmitted when the Congress reconvened in January. He is being assigned to the position of Consul General in Istanbul.

I hope that the above information will be helpful to you and will serve to clarify the record.

Sincerely yours,
DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

TESTIMONY OF JOSEPH L. VICITES, COMMANDER IN CHIEF, VETERANS OF FOREIGN WARS

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. HILLIS. Mr. Speaker, yesterday Mr. Joseph L. Vicites, the commander in chief of the Veterans of Foreign Wars, testified before the House Committee on Veterans' Affairs.

As a member of the Veterans Committee, I certainly support the objectives of the VFW and pledge my full support of programs which will aid the veterans of our Nation.

His testimony is so timely that I want to insert it in the RECORD at this point and hope that all Members will take the time to read it:

STATEMENT OF JOSEPH L. VICITES

Mr. Chairman and members of the committee, it is a great privilege for me and my comrades to appear before this distinguished Committee to present the current legislative program of the Veterans of Foreign Wars of the United States.

Each of us is aware, Mr. Chairman, that you and the members of your Committee honor not only our organization, but all American veterans by permitting us to come here year after year.

We are deeply grateful for your understanding of our problems; the generosity you demonstrate; the intelligent and enlightened programs you initiate; and the support and assistance you invariably provide to veterans and their dependents.

In our opinion no other Congressional Committee is so completely dedicated to nonpartisan service and the purpose for which it functions.

As most of you know, the Veterans of Foreign Wars of the United States had its de facto origin in 1899. Veterans of the Spanish-American War met almost simultaneously in Pittsburgh, Pennsylvania, Columbus, Ohio, and Denver, Colorado, to discuss the plight of their comrades. They subsequently joined forces at a meeting in Denver, where Post No. One, of our organization still prospers, and carries on the work of its founders.

From the humble beginning, the Veterans of Foreign Wars has grown steadily—until today, we have one million, seven hundred thousand members.

This is the twentieth consecutive year in which we will have realized a substantial increase in our membership. In August, we expect to go to our National Convention in Minneapolis with one million, eight hundred thousand men; and a half million ladies in our Auxiliary.

Our many programs of service to the veteran and his dependents; to our communities; and to the nation, are principally responsible for this continued growth. These programs, however, do not function or produce results by themselves. Hard work and effective leadership, on every level, are essential to their success.

Many of the men who are responsible for this success are with me here this morning. They are the Department Commanders, their Staff officers, National Committee members, and Post and District Officers, who have come from all over this great nation, and from several foreign countries, to attend our annual Washington Conference. Many of them will be visiting with the members of your Committee throughout the day, as well as tonight at the Sheraton-Park Hotel.

Neither time nor the purpose of my appearance here will permit me to review the varied programs of the Veterans of Foreign Wars. There is one, however, which both tradition and pride compel me to call to your attention. I refer to our annual Voice of Democracy Program.

This is a script-writing contest, annually participated in by high school students throughout our fifty states, the District of Columbia, the Pacific Areas, and the Panama Canal. The theme this year is: "My Responsibility to Freedom."

Five college scholarships, totaling $22,500, will be awarded to the winners of that competition at our banquet tonight. The first-place winner will deliver his or her speech, and receive the first prize of $10,000, to be used to further his or her education at the college or university of his or her choice.

Mr. Chairman, may I present the state and territorial winners to you and your Committee at this time. They are seated directly behind me, just a few rows back. Thank you.

Mr. Chairman and Members of the Committee, the legislative program of the Veterans of Foreign Wars is the product of resolutions officially adopted at our annual National Convention. Approximately three hundred such resolutions were approved at our most recent Convention, which was held in Dallas, Texas, August 13 to 20, 1971.

Immediately following that Convention, our National Legislative and National Security and Foreign Affairs Committees met here in Washington to review those resolutions. As a result of that meeting, a representative list of organizational mandates was selected, recommended, and approved by the various Committees, and by me as Commander-in-Chief, to make up our "Priority Legislative Program" for the current year. That program has been printed in an attractive brochure, and a copy has been furnished to each member of Congress, as well as other persons who have a responsibility to implement and carry out veterans programs.

It would be deeply appreciated, Mr. Chairman, if a copy of the Digest of our National Convention Resolutions, adopted in Dallas, and a copy of the brochure containing our V.F.W. Priority Goals for the current year might be made a part of my remarks and incorporated in my statement.

Mr. Chairman, and Members of the Committee, I think there can be no doubt that the most pressing of my organization is the future of VA hospitals.

On the one hand, the Office of Management and Budget has been pursuing a policy of reduction for many years, with the design of cutting veterans' medical care to an average daily patient load of 60,000 by 1975. On the other, are the efforts of your Committee and organizations such as mine to frustrate this soulless indifference to the medical needs of those who fight our nation's wars.

As you know, this fiscal year, the Congress found it necessary to halt an attempt by the Office of Management and Budget to cut veterans medical care in VA hospitals from 86,000 to 79,000.

The Veterans of Foreign Wars deeply appreciates the tremendous effort made by this Committee to provide and maintain adequate funds and personnel for VA hospitals, in spite of the dollar signs which apparently run through the blood streams of the Office of Management and Budget, in so far as veterans are concerned.

Your Subcommittee on Hospitals, headed by Chairman David Satterfield produced undeniable evidence that the VA medical care system needed more, instead of less, personnel and services.

The House Appropriations Committee agreed, and added over two hundred million dollars to this year's VA budget to prevent such a cut.

Even more important, the House Appropriations Committee wrote into the bill a prohibition against reduction, and that is now a part of the law. I quote from Public Law 92–78:

". . . the foregoing appropriation shall not be appropriated to provide for less than an average of 97,500 operating beds in Veterans Administration hospitals or furnishing inpatient care and treatment to an average daily patient load of less than 85,500 beneficiaries during the fiscal year 1972."

In spite of this clear and legal Congressional mandate, I am advised that the Veterans Administration is taking care of only 83,000 patients, and cannot possibly care for the authorized number of 85,500 average daily patient load during this fiscal year. Obviously, the Office of Management and Budget has found a way to circumvent the will of Congress.

Yet there are waiting lists at many VA hospitals; and the rejection rate in some of them is excessive—running as high as sixty percent. The Veterans of Foreign Wars is deeply disturbed at this condition. And you may be sure, Mr. Chairman, and Members of the Committee, that we will expend every effort in support of your Committee and the Congress to see that this Congressional mandate is carried out.

We all know that the VA hospital system was created by the legislative acts of many Congresses, and the expenditure of many billion of dollars. It has been a vast and comprehensive undertaking by the official representatives of the people of this nation.

If I may summarize, for the record, the Veterans Administration is presently operating 166 hospitals; 202 outpatient clinics; 16 domiciliaries for elderly veterans; 76 nursing homes; 6 restoration centers; 3 blind rehabilitation centers; and 32 drug units.

This VA medical system, with its annual budget of approximately two billion dollars, took care of seven million of the nation's twenty-eight million veterans last year.

It is staffed by approximately 150,000 physicians, dentists, nurses, and paramedical health employees, on a full time basis. In addition there are about 83,000 private physicians who take care of veterans on a fee-for-service arrangement in their local communities.

The Veterans Administration is also a major source of medical education, training, and research. For example, the VA system provides training for one-half of the third and fourth year medical students in the nation. During the past year alone it provided training for 53,000 individuals in 60 different categories of health sciences.

VA hospitals and clinics are affiliated with 81 medical schools; 51 dental schools; 287 nursing schools; and some 400 universities, colleges, and junior colleges which provide training for both professional and technical health workers.

In addition, the Veterans Administration has led the way in the field of medical research. It developed the cardiac pacemaker, and drugs for treating TB. Both veterans and non-veterans are reaping the benefits of this giant of the health care business.

My organization is gravely concerned for the Veterans Administration's future role should a national health care system be established. We are concerned because the Office of Management and Budget has indicated in correspondence with members of Congress that the future of the VA hospital system is connected with national health insurance proposals now under active consideration by the House Ways and Means Committee.

The Veterans of Foreign Wars is greatly encouraged by an article prepared by the Chairman of the Ways and Means Committee, the Honorable Wilbur D. Mills, entitled "No, to Takeover of VA" which appeared in the February, 1972 issue of our V.F.W. Magazine.

Congressman Mills stated, in the next to last paragraph: "I am convinced we should not recommend federal health care legislation until the Administration provides firm information as to plans for the future of the VA program."

It will be deeply appreciated, Mr. Chairman, if a copy of the article by Congressman Mills, as it appeared in the February Issue of the V.F.W. Magazine may be made a part of my remarks at this point. Thank you. It is our fervent hope that the Congress will agree with him.

My organization is also deeply concerned over the status and the condition of our Vietnam Veterans. And, I am proud to report to you, Mr. Chairman, and to the members of this Committee, that the Veterans of Foreign Wars boasts approximately 450 thousand members who are veterans of that war.

Our boasting ceases, however, when we consider the fact that the unemployment rate among these young men remains excessively high, in spite of every effort to reduce it.

One of the most successful programs ever established by the Congress is the GI Bill. All veterans are grateful for it. The nation as a whole has profited by it.

Your Committee has developed and recommended a bill which carries out in greater part a priority goal of the V.F.W. for increased assistance to veterans taking education and training under the GI Bill. Your bill, as reported by this Committee, and approved by the House, will increase the rates for tuition, books, and fees by 14 percent.

It is noted too, that another provision in the bill proposes a 48 percent increase in on-the-job and apprenticeship training rates for jobless veterans under the GI Bill.

With no disrespect intended, Mr. Chairman, I note also that the distinguished ladies in your Committee appear to have struck a blow for "Women's Lib." A provision in H.R. 12828 accords women veterans the same status as male veterans, in so far as the veteran's spouse is concerned, under Veterans Administration laws. We in the V.F.W. support this provision.

The Veterans of Foreign Wars strongly supports the legislation pending in this Committee which would transfer the jurisdiction over national cemeteries to the Veterans Administration. Our national cemetery system should be continued and expanded. Burial in a national cemetery is a perpetual honor. It should be every veteran's right.

Certainly it should be distinguished from a plot allowance, or other subsidy, which is nothing more than an economic benefit to the veteran's survivors.

We in the V.F.W. have long campaigned for at least one national cemetery in each state, so that every veteran who so desires may be laid to rest in a national cemetery reasonably near his home. We urge the enactment of legislation which will carry out this recommendation.

Another matter of great importance to our membership is that of keeping the Veterans' Administration intact. Every year there are attempts being made to transfer VA programs to other agencies. This year there seems to have been a movement in the Congress to diminish the Veterans' Administration's jurisdiction over veterans programs. The most conspicuous example is legislation establishing a Special Action Office for Drug Abuse Prevention. This legislation creates a Drug Czar who will have the power of life and death over the VA regarding the treatment of veterans suffering from drug addiction.

We applaud your efforts, Mr. Chairman, to exempt the VA from this legislation. We also applaud Congressman Satterfield who, as a member of the Commerce Committee, had language put in the bill which tells this Drug Czar, in effect, to leave the Veterans' Administration alone. Your Committee, Mr. Chairman, has already developed and reported a veterans drug bill, now pending in the Senate, which is the traditional and proper way to handle this problem in so far as veterans are concerned. I refer to H.R. 9265, which was endorsed at our Dallas Convention. This is the bill that the V.F.W. will be pressing the Senate to approve.

Our organization will be working closely with your Committee for cost of living increases in the compensation rates for the more than two million service connected disabled veterans.

The Veterans of Foreign Wars is as anxious to see the end of the Vietnam War as anyone else, but we want that end to be an honorable one. For that reason we stand firmly behind the President on his eight-point proposal for peace in Indochina to bring American POW's home.

We strongly oppose bills now pending in Congress which would grant amnesty to draft dodgers who have fled to foreign countries in order to avoid military duty in our armed forces. If these draft dodgers wish to return to this country now that the war is practically over, they should be prepared to suffer the consequences for their crimes. They should never be permitted to return as heroes.

In conclusion, Mr. Chairman, may I again express my sincere gratitude for this opportunity to appear before this distinguished Committee.

It is our hope that each of you will be with us tonight at our annual Congressional Banquet at the Sheraton-Park Hotel, where we will be honoring one of your distinguished colleagues—the Chairman of the Foreign Affairs Committee, the Honorable Thomas E. Morgan of Pennsylvania. He will be the ninth recipient of our V.F.W. Congressional Award for outstanding service to the nation.

The dinner will begin promptly at 7:00 P.M., with a reception beginning at 6:00 P.M.

Thank you for your attention.

THE WORTH OF GOLD

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. PUCINSKI. Mr. Speaker, I should like to call to the attention of my colleagues an article which appeared in the January 1972 issue of the South Africa International quarterly on the worth of gold, written by Dr. J. E. Holloway.

Since the House will shortly be debating the dollar devaluation bill, which recently passed the Senate, and since there are great differences of opinion between students of economics and monetary affairs on the role of gold in international monetary systems, this article is both timely and informative.

Dr. Holloway, one of the world's foremost authorities on gold, looks at possible alternatives for international monetary systems and says why in his view gold holds the key to an equitable solution.

Dr. Holloway's credentials are impeccable. Having received his doctorate from the London School of Economics, he became a lecturer and professor between 1917 and 1925 in South Africa. He later served as Director of Census and Statistics from 1925–33; economic adviser to the Treasury, 1934–37; Secretary for Finance, 1937–50; South African Ambassador to Washington, 1954–56; South African High Commissioner in London, 1956–58; South African delegate to Bretton Woods Conference, 1944; former alternate governor of the International Monetary Fund; director of companies; economic consultant to leading mining house, and executive trustee of the South African Foundation.

The brilliance and clarity of Dr. Holloway's article becomes readily apparent to the reader, and I heartily recommend it to my colleagues.

Mr. Speaker, the article follows:

THE WORTH OF GOLD[1]

(By J. E. Holloway)

Twenty years ago I had the honour of presenting to the two societies here represented a paper called 'The Debacle of Money'.[2] In that paper I ventured a prophecy in the following words: '. . . if gold is not correctly priced it will in time work havoc with any monetary mechanism, whether that mechanism be the gold standard or a managed currency'.

A devaluation is basically a change in the gold content of a currency. Dr. Franz Pick states that 400 devaluations in 82 countries took place between 1949 and 1969. The aspect of gold with which I shall deal is not its price, but I shall have something to say about the havoc which has overtaken managed currencies.

There is much confusion and lack of understanding not only among the general public but also among some economists about the worth or utility of gold. On the one side there are those who refer to it contemptuously as 'a barbarous relic' or 'only fit to adorn lavatories'. At the other extreme it is being used to an increasing extent to facilitate some of the most advanced processes undertaken by man, such as electronics and flying into outer space.

In between these, gold is being used to an ever greater extent in jewelry, the arts and a variety of other industrial productions. Furthermore an attempt to demonetise it has been firmly resisted by the great majority of central bankers who know that for every dollar by which the monetary price is reduced the central banks of the world would have to write off more than a billion dollars as losses in their balance sheets.

Why do I speak of the 'worth', and not of the value of gold? The English language is fortunate in having two words in which to express these two related but widely different concepts. This is of great assistance for clear logical or scientific thinking. One also finds the terms 'value in use' and 'exchange value', but 'worth' is more concise and accurate, because *worth* derives from the intrinsic properties or qualities of an article or a service. As long as these properties or qualities remain unchanged the worth remains unchanged. It is something measurable by objective standards. Value can be changed by a change in human wants, for example by what is called the demonetization of gold, but the intrinsic properties of the metal remain constant.

Value is the personal or subjective appreciation of the utility to a given person at a given time of the properties or qualities of an article. It is changeable under the influence of a great variety of circumstances or needs. It is entirely subjective and therefore can never be intrinsic. One need only think of the difference in the value of a cup of water in the middle of a desert and in the middle of a lake to understand that value is never intrinsic. The use of the word 'value' is more likely to confuse than to assist clear thinking.

It is the worth of gold with which this dissertation is concerned.

The value of an article to the individual derives from its ability to satisfy a human need. The word 'worth' therefore can be equated with utility but worth is a more definite word. Marshall defined utility as the capacity to satisfy wants. The satisfying of human wants is a fundamental concept in all economic thinking. The individual is the only judge of that utility to himself. The reason why the individual desires to possess a given article is beside the point. It is this desire that gives it value.

Against this background let us try to classify the various utilities of gold in the scheme of the present-day desires of human beings to possess it. For this purpose a second distinction must be defined. Gold has a use as a *commodity*, but it has another use as a *service*.

In the use of gold as a commodity, it generally becomes part of another commodity; a watch, a brooch, a tooth, an electronic circuit and so on. In the use of gold as a service it generally retains its identity, qualified by weight—a commercial bar, a kilo or tola bar, or a coin—or by caratage, and it retains its anonymity.

The confusion in the minds of many people who regard the utility of gold as limited, is that they think in terms of gold merely as a commodity, and overlook the far greater utility which it possesses when it renders a service. The economics of the two utilities differs greatly. In the economics of a consumable article, the producer wants its monetary value to be high, and the user is interested in its cheapness. In the case of an indestructible, such as a service which does not wear out, both the producer and the user want the price to be high. This has a significant bearing in the worth of gold in a monetary system.

The most common use of gold as a commodity is ornamental. In this guise it is truly protean: jewelry, gold thread for the ornamentation of vestments and regalia or the saris of Indian women, objects of religious veneration, articles of artistic excellence—the list is inexhaustible. As long as not only human veneration and human vanity but also human love for beauty and the arts persists so long will this demand for gold persist.

The second commodity use is that of conserving the ever useful human teeth. Although numerous substitutes are used this demand remains so substantial as to require nearly 100 tons of the metal annually.

A third category is found in the wide field which one might describe as other industrial uses. This comprises gold entering into industrial processes in which, unlike the case in ornamental use, the gold loses its identity. The list includes gold salts, alloys and gold leaf, but very important are the growing needs of the electronic and space industries where the resistance of the metal to atmospheric forces makes it particularly useful and in some cases almost indispensable.

The importance of isolating these uses from the monetary or service use of gold is that large industries must have the metal to enable them to remain in business. The demand, therefore, is continuous and rather inelastic. It has been estimated by various research agencies that in the non-communist world the present demand for gold as a commodity of industry is at least equal or even greater than the current production, and that the demand grows at an annual rate of between 7 and 12 per cent.

We must now give attention to the function of gold as a service. The first and much the largest use of the metal for this purpose is the gold reserves of central banks and state treasuries. These consist largely of the hoards accumulated over the past ages of human history. These may be defined as the *public monetary hoards*, or gold reserves.

There is, secondly, a substantial accumulation of *private monetary hoards*. The size of these is difficult to estimate. It is frequently overlooked that this is a monetary use. This private hoarding is resorted to by persons who prefer to keep their own gold reserves. Basically these consist of bars, coins and medallions, but there is also a great variety of other forms, which fall primarily into the next category, and, therefore, increase the difficulty of making a quantitative estimate of their size.

The next classification is a combination of monetary and commodity uses of gold deeply rooted in the social customs of many countries. In France the custom of keeping a family reserve of gold is deeply rooted. In India and other Eastern countries the giving of gold presents on definite occasions, e.g. births and marriages, is part of the way of life and sometimes of the religious mores of the community. Similarly the compulsory use of durable saris by various groups in contradistinction to the western use of annual fashions absorbs a large amount of gold thread. Although these uses are primarily commodity uses, they can be converted into monetary uses under the influence of economic stress. The failure of a monsoon in India after the gold revaluation in 1933 brought out a very large quantity of the metal to pay for imports of grain.

Associated particularly with the last two uses, there is, in a market in which the price of gold fluctuates, a further demand for the metal by what may best be described as the dealer element. In all markets there are people who make a living by buying what they consider is cheap, and selling when they consider that this is advantageous or necessary to balance their books. This involves carrying certain, not necessarily very large stocks, but constitutes a highly sensitive demand element for gold. Economic text-books generally point out that this dealer element is a stabilising price factor, but these so-called 'speculators' have recently come in for a considerable amount of unjustified abuse. Let us now have a brief look at the marketing of gold. The principal service demand comes from central banks. Under the Bretton Woods plan an official price was fixed by international agreement for dealings between members of the International Monetary Fund, a limitation which is often overlooked. There is, however, another demand side, which includes both the commodity and the service uses. That is the private demand for gold. In 1948, and on subsequent occasions, the price in this market became substantially higher than the official price.

The Fund Gold Policy of 1947 had sought to secure an almost complete demand monopoly for the Fund by attempting to prevent its members from dealing in the market, except at the official price and subject to conditions laid down by the Fund. South Africa demonstrated in 1951 that this was in conflict with both the wording and the intent of the Agreement. The Fund's Gold Policy was quietly dropped. Members of the Fund, however, continued exercising a measure of control by rationing supplies for the private demand at the fixed price.

In 1960 the private demand again outbid the official hoarders. This led to the establishment of the Gold Pool, which sold gold freely at the official price to all comers, except to the citizens of countries which made private possession of gold illegal.

By 1968 the private demand had again outbid the official hoarders by depriving them of a very large quantity of gold. This caused the collapse of the Gold Pool and the two tier system was inaugurated.

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[1] A paper delivered before the Economic Society of South Africa and the S.A. Institute of International Affairs at the University of the Witwatersrand, Johannesburg on 27 October, 1971.

[2] S.A. Journal of Economics, June 1951.

The next stage was reached when the succession of international monetary crises caused the collapse of the international agreement by which the official price was fixed. The U.S.A. and the most important members of the Fund withdrew from the obligations they had undertaken to maintain that price, and the market price remained the only effective demand price.

So much for the broad distinction between the commodity and the service utilities of gold. The commodity use is readily understood.The service use is that of serving as a means of final payment between debtors and creditors.

There can be various stages at which final payment is made. A gold coin standard places payment in gold within everybody's reach, a gold bullion standard places it within the reach of only relatively rich persons, a gold exchange standard places it within the reach of governments only. The details of how these standards work are concerned with the type of monetary mechanism and need not detain us here. The important point is that at all stages gold is the means of final payment.

A means of final payment is clearly essential in any monetary mechanism. There is no one so foolish as not to see that if there is no means by which creditors can be paid, there will in time be no new credit and the monetary system will collapse, but is gold the only conceivable final means of payment? This is the crux of the question of the service worth of gold.

In certain circles of monetary thought the question has been raised whether it is not possible to render this service to mankind in a way that is more efficient or at least not less efficient, and which is less costly, or at least not more costly than digging gold out of the ground. On this question there has emerged in our time a great cleavage in the thinking of monetary economists. Since the service use of gold is by far its most important use, it follows that an affirmative answer to this question must have a serious bearing on the question of the worth of gold. The choice between these alternatives leads us directly to the fundamental question: what are the essential desiderata of money?

The most fundamental concept is that money would never have been invented until there was use for it. This means, in simple language, that there must have been production, surplus to the personal or family needs of the producer, before money could have been invented.

The principle is that money is the result and not the cause of production, and that money is only a link in the chain of production. Today this is frequently lost sight of. People, observing the rôle of credit in production confuse credit with money.

If a person has a surplus to his requirements, which he wishes to exchange, a device called money can be of very great use to him. All text-books make this plain. It is the magnitude of this utility which lead a distinguished author, Geoffrey Crowther, to say: "Money is one of the most fundamental of all man's inventions." This is no overstatement since the division of labour and particularly the international division of labour would be severely restricted but for this invention.

If in primitive times a person had to exchange the product of his labour for something which he knew would not have equal worth to him, he would have preferred to hold on to his own surplus. No exchange would have resulted, and no money would have been invented.

It is, therefore, a fundamental desideratum of money that worth must be compensated with equal worth. It is not accurate to say value for equal value because value cannot be intrinsic and is a most volatile concept. It follows also that the longer in point of time the worth remains equal, the greater the advantage, not only to the production of commodities, but also to the equitability and the maintenance of distributive justice in the whole social system. The invention of money was possibly the first essay in human history in the art of conservation.

Capital, as an economic force, is the surplus of production which can be used for further production. Without capital accumulation and its use in investment there can be little material progress.

The accumulated capital, like the accumulation of all goods, requires a receptacle or store in which it can be kept safely, with as little deterioration as possible. For capital to operate most efficiently, one of the prime requirements is that it should be possible to withdraw it from the store at short notice.

There are therefore two desiderata with which money must comply if it is to carry out its salutary function in the process of production and in the maintenance of distributive justice. These are as follows:

(*a*) worth must be compensated with equal worth in order to make money a satisfactory measure of exchange. I shall call this *the principle of integrity; and*

(*b*) the money received must retain its quality of worth for a long time so as to make it a satisfactory store or receptacle in which surplus production can be preserved safely, and from which it can be retrieved at short notice when it is required for further production. I shall call this *the principle of enduring worth.*

Not only is a final means of payment essential. It is also essential that the means of payment shall be equitable. On this depends such vast utilities in human endeavour as the division of labour on an international scale, the sanctity of contracts, the possibility of long term contracts involving vast constructions and millions of wage earners without the necessity for periodical renegotiation, caused by a change in the denominations in which values and prices are expressed. An instrument of payment, which does not provide for this stability must inevitably involve the great international mechanism of production in recurrent crises. I repeat that it is production which is the cause of money, the supreme purpose for the existence of a monetary mechanism.

Let us now return to the alternative conflicting views on what constitutes money. It is clear that the exchanger of goods or services must receive "a something" to serve as proof that he is entitled to receive an equivalent return for the worth with which he has parted.

What shape must this "something" take? The first and older school of monetary thought maintains that this must be a commodity which human beings want and continue to want. This school makes the point that a commodity has intrinsic properties and measurable dimensions. There can be no test of equality where there is no possibility of measurement. If the point that it must be a commodity is conceded, there is no argument that gold has beaten all other commodities which can be considered for this rôle.

The opposing school, however, does not concede the point that the "something" must be a commodity, claiming that a fiduciary instrument, created and maintained by proper authority, can serve this purpose equally well, and that it can be created with a minimum of effort, unlike gold which demands expensive mining operations. This approach is, therefore, essentially authoritarian.

Theoretically the possibility of such an ideal instrument serving the purpose of money may be conceded though even as a commodity money must satisfy certain essential requirements in regard to the inherent and intrinsic properties of the chosen commodity, so also must authoritarian money comply with essential requirements in regard to the attributes of fiduciary instruments.

If these conditions are satisfied it can be claimed that mankind has a choice between two forms which money can take, viz. a suitable commodity or a suitable fiduciary instrument. Through the ages no other device to serve as money has been found. We have a choice of one or the other. We have no third choice.

What is the common factor in these intrinsic properties in the case of commodity money and in these attributes in the case of authoritarian money? The common factor can be summed up briefly in the two essential desiderata of money: the principle of integrity and the principle of enduring worth. *These are the moral principles of money.*

The world has had thousands of years of experience of the way in which commodity money has complied with the moral principles of money. It knows that the compliance has never been perfect; but it also knows that the validity of the principles has never been questioned.

The world is not without experience of the way in which money, dependent for its worth on the decrees or actions of established authority, has complied with the moral principles of money.

The question which faces us today is the manner in which established authority has maintained the essential attributes of fiduciary money. The experience of history, however, includes also the manner in which established authority has behaved towards the intrinsic properties of commodity money.

The record is not reassuring; quite the contrary. Throughout the ages, authoritarianism has made repeated onslaughts on the moral principles of money. To quote but a few examples we have the authoritarianism of the Roman Caesars (which in the time of Diocletian caused the Empire to fall into near anarchy); the debasements of Philippe le Bel in France, and of the early Tudors in England; the monetary schemes of John Law, the *assignats* of the French Revolution; the total collapse of all money in Germany under the Weimar Republic.

The most searching experiment into the feasibility of a monetary mechanism, in which all citizens have had to place their reliance in the maintenance by authority of the worth of a fiduciary instrument, has been made by our generation. During the currency of this experiment the richest and most powerful nations have denied the citizen, whatever may be his standing and importance in the productive sphere, the right of being paid in the alternative instrument, which constitutes money, namely a worth-possessing commodity. All other nations have had perforce to follow suit.

We have reached a critical phase now in the conduct of this experiment: the emergence of a tantalising series of crises. It is well, therefore, to evaluate the manner in which fiduciary money has stood up to the test, set by the desiderata of real money. The fiduciary instrument, a promise to pay, has lost all semblance of reliability. Worth given for it has continuously been requited with lesser worth. It has lost the quality of enduring worth to such an extent that it is no longer a store of worth.

Until recently, while the citizen has had no option but to accept it, central banks were still in the favoured position that they could exchange it for a commodity possessing final worth. This, too, has gone.

The authoritarian system has led the world to a pass where there is now no final means of payment. What still served in this capacity until recently is securely locked up by its custodians who manifest a remarkable obstinacy in keeping it to themselves. The producers are left out in the cold.

The richest and most powerful country

has declared in the words of its President that it will for the time being decline ". . . to convert dollars held by foreign central banks into gold or other monetary assets".

This is the greatest default in the long history of money. It has been committed by the greatest capitalist country in the world. Not in vain did Lenin say that "the best way to destroy the capitalist system was to debauch the currency".

We must face the fact that there is no real money operating in the world today. All the real money is securely locked up in the vaults of central banks or in the safe depositories of dealers and private hoarders. None of it is operative even between central banks except for small quantities and in exceptional circumstances.

There is no means of final payment. Instead of this, vast quantities of acknowledgements of debts are floating round the world under the guise of money and nobody knows what they are going to be worth next week or next year. Nowhere are the issuers of these promises to pay prepared to honour their bonds in something that has real worth.

Our generation has experienced the ultimate in the operation of Gresham's law. All the good money has been driven out of circulation. The only means of payment in circulation, even among central banks, consists of unredeemed I.O.U's. Gresham's law evidently requires reformulation: 'Bad debts will drive good debts out of circulation.' The process is already in operation.

Real money is the only real worth in the monetary mechanism. Unredeemable promises to pay are but unsubstantial *ersatz*.

It is not possible to run a monetary mechanism without real money. Fiduciary instruments of payment have reached the end of the road. They have lost their respectability and have destroyed their credit-worthiness. The only thing that is left over for central banks, which have reposed their faith in them, is to write off colossal losses.

Of the two instruments of payment available to mankind there is only one left, only gold.

"If gold is not correctly priced it will in time work havoc with any monetary mechanism whether that mechanism be the gold standard or a managed currency."

The price of gold has now done that to both. Nowhere in the world is real money available to the citizen, be he rich or be he poor; but it would be a mistake to think that the problem set by a moneyless money-economy can be solved by merely changing the price of gold. More is needed.

The worth of gold as a service to mankind lies in its ability to make the monetary mechanism function smoothly and efficiently. To borrow an analogy with biological processes, it serves like a vitamin or a trace element to keep the body healthy. The quantities required for this purpose are exceedingly small. The working presence of those small quantities is a *sine qua non*.

The working presence: in any monetary mechanism, unless authority is prepared to leave the instrument of final payment free to operate without let or hindrance of any kind whatever, nationally or internationally, the working presence will not be there. This absence in time will work havoc with the mechanism, whether that mechanism be the gold standard or a managed currency.

FULTON SALUTES SERVICE RETIREES' ASSOCIATION

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. FULTON. Mr. Speaker, retirees from the U.S. uniformed services—men and women who have devoted 20 years or more to the service of their country—deserve the appreciation of all our citizens. Therefore, I take special interest in an organization, the Retired Association for the Uniformed Services—RAUS—which seeks to help assure these retirees' financial security.

This is a relatively new organization, established in June 1970. Its national headquarters are in Nashville, Tenn.

RAUS is a nonprofit organization dedicated to the purposes of upholding and defending the U.S. Constitution; supporting the national defense; and promoting the personal security and welfare of its membership by supplementing or replacing benefits lost on retirement.

RAUS' membership consists of officers and enlisted men and women either retired or pending retirement from the seven uniformed services—the Army, Air Force, Navy, Marines, Coast Guard, Public Health Service, and National Oceanographic Atmospheric Administration.

In December, RAUS opened its job-placement service, which assists members and nonmembers alike. Members pay no fees for the service. Experienced, professional employment counselors who have complete knowledge of general business and job requirements and specifications in their particular areas are provided.

Other services RAUS is providing or intends to provide include a monthly newspaper for members; a retiree credit union; housing assistance; group-rate insurance; a member discount program; special assistance to widows and senior citizens; a legislative committee in Washington; and welfare programs sponsored by local chapters.

So RAUS is a useful, working organization, and it continues to grow. It is, I understand, the first national organization of its kind whose membership is open to all uniformed-services retirees. I welcome this chance to bring it to my colleagues' attention.

WEST'S THIRST FOR WATER IS QUESTIONED

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. DINGELL. Mr. Speaker, the New York Times of January 17, 1972, carried a lengthy analytical article under the heading "West's Thirst for Water Is Questioned." I insert the text of the article at this point in the CONGRESSIONAL RECORD:

WEST'S THIRST FOR WATER IS QUESTIONED

(By Anthony Ripley)

DENVER, January 16.—The constant hunt for water, an expensive and almost compulsive tradition in the American West, is coming under increasing criticism, and the big projects designed to bring more of it to arid land are running into trouble.

The 17 states west of the 100th meridian, which cuts north and south through Dodge City, Kan., have always been chronically short of rainfall.

Ambitious men have solved that shortage with dams, canals and water diversion projects that are among some of the greatest civil engineering works in the nation.

Now, it appears, a fundamental reassessment is beginning of the need for future projects of this sort. The reassessment runs squarely into the teeth of the ancient Western belief that water alone is the key to all growth in the West and that the future rests in bringing in more water regardless of the cost.

Many people are coming to the shocking conclusion that, dry though it is, the Southwest in particular has plenty of water if man would only cure his sloppy and wasteful habits.

Some of those habits include leaky municipal water systems and a failure to recycle municipal sewage water. But the most extravagant and wasteful habits, these critics say, belong to the farmers of the Southwest and they raise a basic national question:

Should the Government pay farmers not to till the soil in states with high rainfall while it subsidizes farm irrigation in states with low rainfall?

From the beginning, little effort has been made in the Western states to impose any restrictions on the use of water. As a result, in the view of the critics, the distribution of the available supply **is often unbalanced and** sometimes **highly irrational.**

In Arizona, for example, 90 per cent of the water supply goes to agriculture, which contributes only about 10 per cent of the state's economy.

A dramatic picture of such water use is visible to passing motorists on Interstate Highway 10 in Pinal County, Ariz., between Phoenix and Tucson.

So much water has been drained from underground wells to irrigate farmland that the land has literally sunk and cracked apart.

John Kulinovich, district engineer for the Arizona Highway Departmant, says he does not know how deep the split in the earth is nor does he know of any permanent solution to the problem. He only knows it goes for miles across the nearby fields.

SPLIT KEEPS COMING APART

The split keeps coming apart as the land subsides so highway workers fill the crack and patch it two or three times a year.

Many farms in Pinal County have sucked the underground water table so dry that the sinking earth has twisted and broken off their well casings.

The giant diesel pumps stand idle at the Battaglia farms near Eloy this time of year as an occasional farmer nearby plows up his land, leaving a heavy trail of dust behind the plow.

In Arizona, underground pools of water supply most of the water used. The supplies are being drained at an annual loss of 3.5-million acre feet of water. (An acre foot of water is the amount it takes to cover an acre of land one foot deep or 326,000 gallons.) That is almost the precise amount used yearly to irrigate lands for feed grains and animal forage, low value crops easily grown in high rainfall areas of the Eastern United States, according to a 1966 study by economists at the University of Arizona.

But the defenders of the status quo are adamant. One of their leading spokesmen is Ellis L. Armstrong, commissioner of the Interior Department's Bureau of Reclamation. His agency has built $6-billion worth of dams and irrigation projects in 17 Western states since 1902.

In a speech to the University Council on Water Resources in July, 1970, Mr. Armstrong said: "Water is hard to come by (in Arizona) as it is in most of the West. So don't seriously talk to Arizonans about giving up any existing water or abandoning any plans for further development unless your shooting iron is ready for the quick draw."

BIG PLANS FOR THE FUTURE

The Bureau of Reclamation is sending out for more water in the traditional way. It is drawing plans that make its spending for the first 70 years look tiny.

But as Bureau of Reclamation engineers

work on drawings and studies and graphs a number of changes are stirring that may blunt their most ambitious plans:

In Arizona, politicians are beginning to say privately that the $1.4-billion Central Arizona Project to bring Colorado River water to Phoenix and Tucson is not a necessity but only a fringe benefit, a marginal insurance policy for the future.

In Washington, the National Water Commission is drawing up national plans and policies to be ready by 1973 on such subjects as whether water should be used in the dry Southwest to irrigate farmland for low-value crops that can be grown without irrigation elsewhere.

The Army Corps of Engineers, builder of flood control dams and projects, is taking a broader view than its traditional engineering projects. Instead of proposing dams, levees and river channel straightening projects it is considering such alternatives as flood-proofing houses, and discouraging builders from putting up construction on areas prone to flooding.

Municipal water departments are beginning to consider the recycling of waste water from sewage treatment plants. Tucson, Ariz., is trying to sell its treated waste water to farmers and copper mines in the area. Denver is quietly investigating public attitudes on using purified waste water in the city's drinking water system.

Groups like the Sierra Club and Friends of the Earth, spurred by the National Environmental Policy Act of 1969, usually called the Environmental Protection Act, which requires a list of alternatives to major Federal projects, are forcing re-examination of water plans both in the courts and among the administrative agencies of government.

"We're passing over the threshold to a new sort of approach," said Dr. Gilbert F. White of the University of Colorado's Institute of Behavioral Science.

WATER HABITS CALLED WASTEFUL

Dr. White, a professor of geography, has headed a number of national water study groups, among them committees of the National Academy of Science and the National Research Council.

American water habits, he maintains, have always been wasteful. More than 11 years ago he spoke of this public attitude in a lecture at the University of Arizona.

He said: "Many an area has been like the proverbial drunkard who thinks the best corrective for excessive use is another little drink, or a large one early the next morning."

Professor White said he had been encouraged by changing attitudes at the Corps of Engineers. He said it was once one of the nation's most rigid and bureaucratic agencies but now has softened its approach to rigid dam building.

Also encouraging, he said, was a realization on the part of many cities that they must be more prudent in handling water. Leakage in municipal water systems, he said, runs 10 to 30 per cent in many municipalities and up to 50 per cent in some sections of Chicago.

Sending out for more water rather than wide use of the present supply is what Dr. White calls "the quick technological fix" and is still in great style in the United States.

California's program is now 99 per cent finished, water officals in the state said, with a $2.8-billion system of aqueducts and dams to bring water from the rivers near San Francisco to the Los Angeles area.

HUGE PROJECT IN ARIZONA

The central Arizona project, which took more than 20 years to guide through the Congress, is beginning to stir. It will bring Colorado River water from Lake Havasu behind the Parker Dam on the western Arizona border across the state and down to Phoenix and Tucson.

In Texas, voters by a slim margin turned down a $3.5-billion bond issue. The vote only temporarily delayed plans to bring Mississippi River water west across Louisiana, then through reverse flow up the Sabine and Red Rivers, into the Rio Grande Valley and into the Rio Grande Valley and into the high plains area of West Texas, according to officials of Water Inc., of Lubbock. Most of the entire program, which is expected to cost $10 to $12 billion, will be paid for, they hope, by the Bureau of Reclamation and the Corps of Engineers.

But perhaps the most ambitious scheme, still in the talking stages, is called the North American Water and Power Alliance. It would take water from the Peace and Fraser Rivers in Canada, move them into the Columbia River System, then to the Central Valley of California, then south to the lower Colorado River Basin.

Southwest water problems arise because of a geographic accident of the West. The great heavy clouds of moisture that form and blow ashore from the Pacific Ocean lose most of their wetness over the Sierra Nevada and coast ranges.

The southwest states stand in their arid shadow, except where tall mountains reach up for a share of light rain in the summer and dry, powdery snow in the winter.

When the snows of winter melt, the water runs down the rivers, most of it evaporating and some of it seeping into underground pools to recharge them.

POOLS DON'T RECHARGE

In West Texas, however, the pools do not recharge. Irrigators there are pulling up ancient ground water for irrigation from the southern bed of the immense Ogallala Pool that extends under five states. Farmers take a depreciation allowance on their taxes for the used water and wait for the giant Texas water plan to solve future problems. In 1970, 65,214 wells in the high plains of Texas were drawing out 5.5-million acre feet of water a year.

In Arizona, farmers appear to be the only ones that will immediately benefit from the Central Arizona Project, along with speculators who have purchased holdings along some proposed aqueduct routes and dam sites.

For the cities of Tucson and Phoenix, the project appears only as a marginal one, at high cost to city dwellers.

Frank Brooks, director of water and sewers in Tucson, noted the city had grown from 35,000 in 1940 to 350,000 in 1970 and is the largest city in the world to get all of its water from underground wells.

"We know the city of Tucson is not going to run dry in the next 20 years," he said in an interview.

Jack D. Johnson, associate director of the Office of Arid Lands Studies at the University of Arizona sees much more water, a 100- to 300-year supply under Tucson.

"Nobody knows," Dr. Johnson said. "They've never bothered to determine what's there."

At present in Phoenix, the Salt River Project, an early Bureau of Reclamation effort has transformed itself into a major public utility and provides water for about $3 an acre foot.

Water from the central Arizona project is expected to cost $50 to $70 an acre foot to Phoenix, while costs to irrigating farmers is set at only $10 an acre foot.

OVERDRAWING BANK ACCOUNT

Wesley Steiner, executive director of the Arizona Water Commission, which was formed to handle the central Arizona project on a state level, noted the annual overdraft of well water.

"The real question is, when do you face up to the future?" he asked in an interview. "You know you are overdrawing your bank account. The project is the cheapest new source of supply that will ever be available to you, but it's going to cost a lot more than you are now paying."

Because it is unpopular to speak out publicly against the project, most prominent Arizona men keep silent if they have any doubts.

One, who asked that his name not be used, said that the need for the project was marginal, the price high and the amount of water coming into the area insufficient to cover the annual loss from draining off well water.

Not everyone has been silent. Such groups as the Sierra Club and Ralph Nader's Center for the Study of Responsive Law, along with economists, geologists and geographers, have raised questions about the project and, sometimes have been publicly attacked for their efforts.

Environmentalists managed to defeat a key portion of the project before it passed Congress in 1968. They blocked construction of two hydroelectric power dams in the Grand Canyon that were to help finance the project and provide power for its pumps to move water over hills and mountains into Central Arizona.

Instead of the twin dams, a giant coal-fired power plant is being built at Page, Ariz., which will burn 22,000 tons of coal daily from the Black Mesa deposits on the Navajo Indian Reservation.

There is widespread opposition to the project, too, because it will flood out most of the Fort McDowell Indian Reservation where 300 Yavapai-Apaches live. And many environmentalists and wildlife experts are also appalled at one provision that calls for chopping down riverbank trees that supposedly drink too much water.

STATE DEPARTMENT DEMOTED BY NIXON

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. RARICK. Mr. Speaker, now that the duties and prerogatives of the State Department have been taken over by Herr Kissinger and his handful of self-appointed international experts, the traditional State Department bureaucracy is anachronous.

What annoys the State Department heirarchy most are the embarrassing discussions at cocktail parties. The super foreign agents no longer call at the State Department; they are received by and converse with Henry personally.

The schism has become so pronounced that in Washington it makes the front page of the paper. It is further brought to light by a copy of a letter I received on Department of State letterhead, dated February 15, 1972:

Sickness at Foggy Bottom

The State Department is sick, some say dying.

"If I thought this humiliation were going to go on for another 20 years, I'd get out tomorrow," said one middle-level Foreign Service officer.

"Morale is worse now than at any time since the days of McCarthy's witch-hunt," said another angrily.

They both were speaking of the way the Nixon administration has demoted the State Department from the upper reaches of major U.S. foreign policy making in most areas.

But does it matter? Does it matter that Secretary of State William P. Rogers did not attend the President's meeting with the legendary Chairman Mao, or that Henry A. Kissinger—who did—has set up a "little state department" in the White House?

On the top floor of the State Department, the reply is an emphatic no. Rogers and his chief aide, Undersecretary of State John N. Irwin II, both are soft-spoken, gentlemanly and quite likeable men. First and foremost, they consider themselves to be loyal members of a team led by a President more experienced in foreign affairs than they.

For them, the things that matter more than the parochial malaise of Foggy Bottom, with its hand-wringing and hurt feelings, are the real achievements of Nixon's own foreign policy.

"The first question ought to be whether the system is working well overall for the good of the nation," said Irwin, in a rare interview. There, in the inner sanctum of his paneled office, he spoke slowly, quietly, making points with the careful hesitation of the 59-year-old aristocratic New York lawyer he is.

"It may well be that the Department of State plays a different role than before," he said, noting that Nixon has moulded the National Security Council system in the White House to his own liking.

The State Department pours more information into that foreign policy mechanism than ever before, Irwin maintained—through committees chaired by Kissinger or by regional assistant secretaries of state.

(He did not say so—although he could have—that one of those assistant secretaries, Joseph J. Sisco, with all the aggressiveness of Kissinger, has broken the White House monopoly on decision-making in one key area. He clearly is in charge of policy toward the Middle East, under Rogers.)

Irwin noted that the longstanding personal friendship between Rogers and Nixon is another guarantee of a State Department voice at the top.

"The ascendency of the White House you speak of," he continued, "is after all the ascendency of a President, of a man with great experience and ideas in foreign relations.

PROUD OF ROLE

"Looking back over three years, I think it has been a successful foreign policy. But the media always approach it from a negative, critical point of view . . . The media always seem to seek after who did most the developing policy, rather than after whether it is successful overall."

Down the hall, Rogers, in a separate interview, took up where Irwin left off.

"I am very proud of the way foreign policy is being conducted by the Nixon administration," he said with uncommon force." I cannot think of a time that foreign policy has been so strongly supported by the public. I am proud to play a part in the formulation and execution of that policy, and I am proud of the role of the State Department in it."

That is where Rogers parts company with increasing numbers of the 3,000 professional Foreign Service officers under him. Some of them are not proud of the State Department role in Nixon foreign policy. Indeed, many doubt that they have any more than a fact-gathering and messager-type role to play.

No one disputes the President's constitutional right to conduct his own foreign policy, nor are the general lines of that policy a matter of much argument among the professionals.

WHO SHOULD ADVISE?

They do worry, however, that President Nixon's unique conduct of foreign policy with Kissinger's apparatus may be maiming a vital institution of government. Nixon has taken the skeletal National Security Council system run by McGeorge Bundy and Walt Rostow in the Kennedy and Johnson administrations and turned it into an institution which rivals—even dominates—the State Department.

What is in question is who or what should be the chief adviser and coordinator of foreign policy advice going to the President. Rogers and Irwin, with their passion for secrecy—particularly about what goes from them to the President—have created the lowest of profiles for the department.

"What we want is the knowledge that we influence policy, not only collect and report the facts that go into it in the White House," said one youngish but highly regarded officer, obviously irritated over the way State Department advice was ignored in the recent Nixon "tilt" toward Pakistan in the Indo-Pakistan war.

The suspicion has grown that, from the beginning, Nixon's aim was to whittle down the influence of the professionals. Nixon's suspicion of the foreign affairs bureaucracy dates back to his days as vice president in the 1950s when the liberalism and apparent inefficiency of the State Department were a frustration to the militantly anti-communist Nixon of those days.

In 1969 he began his own presidency by appointing Henry Kissinger to be his right hand man in the White House. The dynamic geopolitician from Harvard University had written the previous spring, months before his appointment, about how he would circumvent the bureaucracy in important decision-making.

"Some of the key decisions are kept to a very small circle while the bureaucracy continues working away in ignorance of the fact that decisions are being made . . . ." wrote Kissinger in an essay for the Security Studies project of the University of California.

"One reason for keeping the decisions to small groups is that when bureaucracies are so unwieldy and when their internal morale becomes a serious problem, an unpopular decision may be fought by brutal means, such as leaks to the press or congressional committees. Thus the only way secrecy can be kept is to exclude from the making of the decision all those who are theoretically charged with carrying it out."

In this scheme of things the secretary of State is not meant to be chief formulator of foreign policy, chief adviser on foreign policy, or even its chief spokesman. In retrospect, it seems Nixon indicated as much in a televised spectacular when presenting his Cabinet to the nation in January 1969. His close friend, Rogers, was chosen, Nixon said, because he is a "superb negotiator," the lawyer best suited for the coming "period of negotiations."

That implied a mechanical job for Rogers. In practice, the critics charge, Rogers has acted for three years as an affable trail boss riding herd over the bureaucracy, reminding professional subordinates where their loyalties should lie and curbing any public show of independence.

"He always tells us we are here to help the President, not to feed our own egos," said one man who has seen the operation first-hand.

HE LOOKS THE PART

"He does not have any real confidantes in the department," said an officer close to the top. "His interests, unlike Kissinger's, do not lie in overall conceptions of foreign policy, nor even in the nuts and bolts of carrying it out. He still acts very much like the corporate labor relations lawyer he is, working behind the scenes to arrange, to fix things for the boss."

"He's a secretary of State right out of central casting," said another. "He looks the part, he likes the part. But what really concerns him is how things look, not the way they are done."

These brutal assessments may or may not be true of the real "Bill" Rogers.

But curiously enough, the Rogers formula has effectively controlled the department. It has worked because the Foreign Service officers corps traditionally is disciplined and loyal. It has worked because generally the foreign affairs bureaucrat, by nature, will not take action unless pushed to do so. And the formula has worked because Rogers, behind his wall of public diffidence, is a strong-willed man able to keep dissident subordinates in line.

One thing that does appear true is that Kissinger's early prophesy of secrecy has been self-fulfilling under the Nixon system. The centralization of all decision-making in the White House has led to less and less information being circulated in both the State Department and Pentagon.

FEARS ARE FED

The resulting disaffection, no doubt contributed, as Kissinger predicted, to the famous leak (although apparently not from the State Department) of the "Anderson Papers," which gave details of secret meetings on policy in the Indo-Pakistan war.

The leak plus others about ambassadors' recommendations from overseas, have fed a kind of paranoia about secrecy in the State Department. Last summer, when the New York Times revealed new U.S. proposals in the strategic arms talks before Washington had even communicated them to the Russians, Rogers asked key officers in the department to undergo lie detector tests. It subsequently was argued that he wanted only to prove to the President that State was not responsible for the leak. But the impact inside the building was quite the opposite—the incident was taken as a poignant reminder that the days of McCarthy might not be gone forever.

Today, according to informed sources, the top floor of the department has put strict limits on circulation of messages from U.S. ambassadors among the country desk officers who are fundamentally concerned with sorting out policy toward those countries. The messages, part of a numberless quantity arriving daily, now are read first by the regional assistant secretary for State concerned, and then forwarded to Rogers' secretariat for decision on wider distribution.

RECEIVES AMBASSADORS

While the restrictions multiply in Foggy Bottom, over at 1600 Pennsylvania Avenue Henry Kissinger and his staff of 175—many of them talented Foreign Service officers "on loan"—have steadily taken over more of the prized prerogatives of State.

For instance, Kissinger now receives leading ambassadors—such as Soviet ambassador Anatoly F. Dobrynin and French Ambassador Charles Lucet—on his own. Their meetings are unpublicized, and they deal with the most delicate decisions of foreign policy.

"It's gotten so that no ambassador in town considers himself worth his salt unless he has been to see Kissinger. That leaves the State Department for more 'routine' affairs," scoffed one Foreign Service officer.

Kissinger's on-the-record and off-the-records briefings for the press are also regarded as another nail in the coffin of the State Department. While Rogers is not notably articulate—he detests press conferences—Kissinger emerges as the brilliant spokesman speaking with all the assurance of first-hand knowledge.

Former Undersecretary of State George Ball has written that this White House "court" conduct of diplomacy must have predictable results. He and others charge that professional ambassadors, such as William J. Porter at the Vietnam peace talks in Paris, see their roles downgraded as Kissinger takes on secret negotiating missions for his President. The inevitable outcome is a crippling of the institution they represent.

Blank has testified to the fact. A year ago he caused an uproar by attacking on the floor of the Senate Kissinger's role and by sympathizing with Rogers. The secretary of State, he said, had become the laughing-stock of the cocktail circuit.

This January Symington returned from a fact-finding trip to Asia and Europe with details of how this Kissinger role—which bypasses Congress—is undermining the status and authority of the State and Defense departments.

SECRETARIES IGNORED

"As but one illustration," he said of his talks in the field, "various people asked if I thought they could meet certain members of the White House staff if they came to Washington; but not one person, at any time, mentioned either the secretary of State or the secretary of Defense."

An even more immediate example is the current trip around Asia of Assistant Secretary of State for East Asian Affairs, Marshall Green, who was in the presidential party in China. His job is to reassure U.S. allies of continuing American devotion. After a press report last week that the Japannese government did not feel reassured—partly because Green was not in the Nixon-Kissinger talks with Chou En-lai—the State Department issued a formal statement affirming that Green is the "senior Asian expert" in the U.S. government, acting on the advice and responsibility of the President.

"The trouble is that this steady sapping of self-confidence is self-perpetuating," said one worried senior official. "Up until recently I thought all the talk of bad morale was the usual background music, but now I really fear that it can undermine the institution."

Matters have reached the point where the chief manager of the department, Deputy Undersecretary William B. Macomber, openly speaks of the danger.

REFORMS OVERSHADOWED

"Denigration of the State Department by people either inside or outside the department," he said during an interview, "is contrary to the national interest. If it keeps up, it will eventually weaken this essential asset to the government."

For Macomber and those around him, the tragedy is that this talk of sagging morale and seething revolt overshadows the real reforms Rogers has introduced in the department. By most accounts, Macomber—with Rogers' backing—has laid over the past two years the groundwork for a more humane and efficient State Department.

Computers have been introduced in a big way to streamline the paperwork. A new system of case-by-case, country-by-country studies of overall U.S. policy called Policy Analysis and Resource Allocation (PARA) is operating. For the first time also the State Department is soon to have a union charged with representing the rights of all 9000 permanent foreign service personnel.

Furthermore Rogers has set up a grievance system, where there was none before. It allows officers to appeal slights in promotion or illegal use of authority. Although critics charge that the "interim" system is not independent enough of the State Department management, it is generally expected that pressure from Congress and from the new union will produce an acceptable compromise by this summer.

Under Rogers, Macomber has also moved to soften the brutality of the "selection-out system"—whereby officers failing of promotion were forced to resign without adequate pension. Under a new "threshold" design, any officer who crosses into middlegrade ranking after a five-year "apprenticeship" is guaranteed 20 years tenure and full retirement benefits later.

COMPETITION GROWS

Ironically, though, the bulge of talented middle-level officers resulting from this more humane system, coupled with an excess of top-grade officers left over from previous days—is feeding the morale problem. For instance, Class 4 officers, most of whom have 15 years of experience, find themselves in cut-throat competition with their fellows for dwindling overseas assignments and for hard-to-get promotions to the next higher grade.

Add to that the forced elimination of jobs—cutbacks totalling 24 percent ordered for budget-cutting purposes by the Johnson and Nixon administrations—and you have the ingredients for an enormous morale problem. Career officers find themselves competing for fewer and fewer jobs which simultaneously seem less and less important to the conduct of foreign policy.

Rogers appears unruffled by the crescendo of criticism coming his way. If the National Security Council system did not exist, he said in the interview, it would have to be created.

"National security policy cuts across many departments of government," he explained. "There is a need for a mechanism in the White House to get an above-the-department view for the President on major matters, where there are conflicts within the government."

Rogers knew, he said, that the "many talented people" in State felt disappointed about not being in on the early stages of planning for Nixon's trip to China. "Everyone likes to be in on the action," he said. But once the trip was announced, he said, the President made maximum use of State Department expertise and was most appreciative of it.

CANNOT ALWAYS TRAVEL

Both Rogers and Irwin maintained that what escapes the press is the capable handling by the State Department of that 98 percent of American foreign policy which is unglamorous but vital.

If morale were so bad, asked Rogers, why were Foreign Service applications almost doubled last year—up to 15,000 from 8,000 in 1970? (Some observers attribute the increase as much to the tight job market and greater State Department emphasis on recruits for administration and consular affairs as to enhanced status of the diplomat.)

Rogers refused to talk on-the-record about Kissinger's personal excursions in secret diplomacy in Paris and China. But in a recent interview with another reporter he was quoted as noting that "as secretary, I can't take all the trips, if only because of the protocol involved. . . ." Presumably he meant that his highly visible position in the government precludes secret trips abroad.

But a senior department officer, while respecting Rogers and his view of the office, disagreed. He recalled that John Foster Dulles, Eisenhower's powerful secretary of State, had once considered setting up shop in the White House basement to oversee American foreign policy without the encumbrance of ceremony or publicity.

"But he finally rejected the idea," said the officer. "Dulles saw that you cannot have authority without responsibility." The tight shop run by Kissinger is "riding for a fall," he added, because too many able men with essential information are being cut out of the policy-making process.

After all, he agreed, it probably would be better for the institutions of government—for Congress, for the State Department, even for the presidency—if the dynamic Mr. Kissinger were Secretary of State and the diffident Mr. Rogers moved over to the White House.

But neither he nor any other student of the Nixon method thinks that switch is likely.

DEPARTMENT OF STATE,
Washington, D.C., February 15, 1971.

Hon. BLANK,
The Senate,
Washington, D.C.

DEAR SIR: We, the State Department officers, are alarmed by a steady decline of the Department participation in our foreign policy. As concerned citizens we are compelled to express our concern about many serious consequences of decisions undertaken without any participation of the State Department, and in many cases even against its better judgement.

The American foreign policy, as shaped by the presidential advisers like Mr. Rostow and Mr. Kissinger, has involved our country in wars which are damaging to our international prestige. There was no doubt that the President could have moved faster to get out of Vietnam; considering his campaign pledge that he would end the war, it is remarkable that the U.S. is still involved three years later, and at a cost of 20,000 American lives.

The involvement of the United States in conflicts in Asia and the Middle East has brought about the neglect of some other very important regions such as Latin America where Communism is spreading larger and larger, The State Department has not prepared the most important policy-making moves like the Chinese one. As a result we have only a fragmentarily shaped foreign policy and this deprives the Congress of its constitutional prerogative of control over one of the most important government activities. The President and Mr. Kissinger worked alone over the problem of what the U.S. interests are in the Indian subcontinent. While the State Department officials concluded that India would be satisfied with a victory limited to East Pakistan, the White House came up with what was described as "certain" knowledge that India aimed at threatening the survival of West Pakistan itself. The U.S. interests in South Asia were wrecked by American support of the loser, and our bargaining position in far more important areas was seriously threatened.

The State Department needs a lot of reforms to make American diplomacy more creative and effective for the 1970's. But the Department is downgraded to control no more than seven per cent of all our foreign policy resources. Even in U.S. embassies abroad only about 20 per cent of officials and employees are listed as State Department personnel.

There is a puzzle as far as the role played by Mr. Rogers is concerned. By tradition, the Secretary of State is supposed to be the President's chief adviser in foreign policy. Mr. Rogers is an experienced negotiator. He has a great feel for public opinion. He knows that present commitments abroad are way out of whack with the national mood. He has been more often right than wrong on most of the broad issues.

How could it happen that his effectiveness as Secretary of State is being reduced to next to nothing? The truth is that Mr. Kissinger is getting more and more control over the Foreign Service. The critical aspects of intelligence analysis has been taken out of the hands of professionals and vested in the President's chief adviser who is insulated from Congressional scrutiny. And this is a point for discussion how Congress will succeed to retain a measure of at least restraining influence over our foreign and military policies.

The State Department is being steadily pushed out of its natural track and Mr. Kissinger plays a cool game from the posture of strength. All concerned Americans consider that the presidential adviser shouldn't conduct the NSC meetings. This function should belong to a member of the Executive. We strongly feel it should be the Secretary of State.

And who is Mr. Kissinger? He is a naturalized citizen and a man who often behaves like a fun-loving Rasputin. The point is: Is he good enough as the President's chief adviser? It is needless to say that after three years of his tenure we are still very deeply involved in South East Asia. Backing Israel the Nixon administration is losing $2 billion a year in the Middle Eastern oil revenues. Careful consideration ought to be given to that loss because of our already embarrassingly unfavorable balance of payments. Many previously pro-U.S. lands as Jordan or Turkey, are now simmering with dislike for the U.S. and it could be but a matter of not too long a time before similar emotions spread to Saudi Arabia. We doubt whether the first priority given to the trip to China is motivated strongly enough by our raison d'etat. We are of the opinion that Mr. Nixon should go to Moscow first and to Peking later. Committing himself otherwise he has lost a good bargaining position. It is doubtful whether abandoning our ally in Taipei would set a good example to other nations. Besides, Chinese emigre circles may turn pro-Communist.

We are deeply puzzled and dismayed by some policy statements coming from the White House and concerning the Middle East. These statements have undercut—perhaps fatally—some delicate diplomatic initiatives undertaken by Mr. Rogers. Mr. Kissinger's comments on the Middle East and the India-Pakistan war reinforced the impression that it had been the White House alone that had decided, without any consultation with the Department, to talk tough to Moscow on behalf of Israel and Pakistan.

In summary, we cannot stand the situation that Mr. Kissinger outranks Mr. Rogers in exercising his influence upon the course of American foreign policy. We hope that time will come when State Department will take a strong lead in the making of our foreign policy for the benefit of all Americans.

We believe the time is ripe for an effort to change this situation and we trust you will give this letter a proper consideration.

We do not sign this letter because we are aware of the consequences the disclosure would have for our career prospects.

Sincerely yours,

State Department Officers.

THE 122D ANNIVERSARY OF THOMAS GARRIGUE MASARYK

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. PUCINSKI. Mr. Speaker, today, March 7, marks the 122d anniversary of the birth of the great liberator and first president of Czechoslovakia, Thomas Garrigue Masaryk.

During the 19th Century, a Czech and Slovak national revival flowered under the leadership of intellectuals amid general conditions of economic improvement. Influenced by the rising tide of political nationalism enveloping Europe during 1848, the peoples of Bohemia and Slovakia, along with the Hungarians, revolted against the all-German rule of the Austrian Emperor. These revolts were ruthlessly suppressed. In 1867, the Hungarians achieved the status of equality with the Austrians in the newly created dual monarchy of Austria-Hungary, but the Czechs and Slovaks remained a subjugated people until World War I.

Masaryk was educated at universities in Vienna and Leipzig and became a professor of philosophy and sociology in a university in Prague in 1882, writing extensively on philosophical, sociological and political subjects. He served as a member of the Austrian parliament from 1891 to 1893, and again in 1907.

When World War I broke out, Masaryk was still in the Reichsrat, but escaped to the West in December 1914. For the next 4 years, he and his pupil, Eduard Benes, along with other Czechs and Slovaks, carried on their campaign for freedom and independence from various countries of Europe and the United States. Masaryk and Benes inspired people wherever they went, and enlisted the support of thousands of Czechs and Slovaks to fight on the side of the Allies.

The Czechoslovaks were fortunate in having Thomas G. Masaryk as their most prominent spokesman. Equally fortunate were the Slovaks in having Milan R. Stefanik as their leader. Both men saw the destiny of their respective nations best achieved in political unity. On October 14, 1915, Masaryk, then in Paris, officially inaugurated the movement for independence, and in January of the following year organized the Czechoslovak National Council with Stefanik, Dr. Eduard Benes, and himself as its leaders.

Masaryk believed that if the aspirations of his young nation were to be achieved, they had to establish a military force which could contribute to the Allied cause in the war and thus win for the Czechoslovaks the right to become a participant in the negotiations for a peace. Accordingly, Czechoslovak legions were formed abroad to serve in the Allied forces and an underground organization was also established to work within the homeland.

Finally, Masaryk believed that the Czechoslovaks must get the support of America, specifically agreement with Americans of Czechoslovak extraction and the political support of President Wilson. In 1918, the United States provided support, for which Masaryk expressed his gratitude to President Wilson and the American people.

From this moment onward, the movement toward independence coincided with the waning military fortunes of the Central Powers. The Czechoslovak National Council won recognition as Czechoslovakia's legitimate government. An interim government was established in Paris on October 14, and on October 18, 1918, this government proclaimed the independence of the Czechoslovak nation by a declaration published in Washington.

Independence having been won and proclaimed, the Czechoslovaks thereupon set out to establish their first republic, with Thomas G. Masaryk as President.

The constant reelection of Masaryk served as testimony to the enormous affection and respect the Czechoslovak people had for their founding father. He resigned in 1935 due to advanced age and ill health, and was followed by Dr. Benes to the presidency. The death of Masaryk on September 14, 1937, spared him from the perfidy of the Munich agreement and its aftermath.

After struggling against the Nazis, in 1948 the proud and democratic Czechoslovak people were taken over by the Communists.

Since that time, the Communists have tried every imaginable means to destroy the spirit of Masaryk, and failing that, they have tried to make him a prophet of communism. They have gone so far as to destroy the monuments of Masaryk. However, none of these tactics have worked and the inspiration and guiding example of Masaryk is greater today than ever before. "Be honest—tell the truth—I shall continue to watch over you," Thomas Masaryk used to tell the Czechs. His words still echo throughout the country, to the consternation of the Communist rulers.

Even the spectacle of the Russian tanks rolling into Czechoslovakia in 1968 could not alter the peoples' feelings for freedom and liberty, for they know that long after communism is nothing more than a heap of rubble in the pages of history, they will again have a republic guided by the hand of their greatest statesman and founding father, Thomas Garrigue Masaryk.

Mr. Speaker, it is with the greatest respect and honor that today I pay tribute to the memory of Masaryk on the 122d anniversary of his birth.

THE DEFENSE DEPARTMENT'S ROLE IN BUILDING A BETTER AMERICA

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. GUBSER. Mr. Speaker, recently, former Deputy Secretary of Defense David Packard became the 10th individual to receive the distinguished citizen award of the Palo Alto Chamber of Commerce. This was awarded in recognition of the great contributions Mr. Packard made while serving as Deputy Secretary, as well as contributions to his home community of Palo Alto.

As a trustee of Stanford University and industrialist in the San Francisco Bay Area, Mr. Packard has taken the lead in assisting minority races and upgrading the social and economic status of underprivileged citizens in the area. He has truly earned the title of "Distinguished Citizen."

In accepting the award, Mr. Packard delivered an excellent address which throws the light of truth upon government and the role the Defense Department plays in building a better America. His efforts in the Department of Defense were in fact a continuation of the constructive steps he took in behalf of minorities and the underprivileged as a businessman in Palo Alto, Calif.

I have taken the liberty of titling Mr. Packard's remarks as "The Defense Department's Role in Building a Better America," and wish to insert the full text of that speech in the Congressional Record. I commend it to all of my colleagues:

Remarks by David Packard

Mrs. Packard and I want to thank you for the warm and friendly welcome home from Washington. You do me a great and undeserved honor to place me in the company of the nine persons previously named Distinguished Citizens of the Palo Alto Chamber of Commerce. And tonight, in these brief remarks, I'd like to begin with some words of one of those past recipients of the award, the late President Herbert Hoover.

Fifty years ago Mr. Hoover published a slim volume titled *American Individualism*. In it was a sentence which should be written on these walls tonight:

"We cannot ever afford," said Herbert Hoover, "to rest at ease in the comfortable assumption that ideas always prevail by some virtue of their own."

"There have been periods of centuries," Mr. Hoover wrote, "when the world slumped back toward darkness merely because great masses of men became impregnated with wrong ideas . . ."

Surely he must have had in mind the great power of Government propaganda, which had been so evident on both sides during World War I. And certainly all of us, as individual American citizens, must continue to evaluate critically the official explanations of any public authority.

But there is another sort of propaganda about which I presently am even more concerned: Call it the anti-Government line, or—if you dare to be as vague as the peddlers of the line—call it "anti-establishment."

Probably most of the businessmen and industrialists in this audience have been targets of such propaganda attacks. You have been told that your profits are excessive and your products shoddy. If you engage in commercial operations beyond the borders of this country, you are automatically labeled "imperialists."

None of you have received the great honor from these anti-American propagandists and hate mongers that I have. If there are mad bombers in this country, they are probably in front of Rickey's tonight.

There is, of course, more noise than substance in such charges, but the cumulative effect of their constant repetition can be very persuasive.

There is an old adage which says "For evil to triumph, good men need only do nothing". This can also be stated in this way—For evil ideas to prevail, good men need only to remain silent.

Fortunately, good men and women of the Stanford community did not remain silent, and the purveyors of evil ideas have been exposed at the University.

Unfortunately, some of these purveyors of evil ideas have moved into your high schools and it is high time for at least a few good men and women in Palo Alto to speak out.

And nowhere, during the past three years, have the assaults been more vicious and less deserved than in the campaigns against the military profession. The fate of the ROTC and the recruiting officers on many of our most prestigious university campuses, including Stanford, is one unfortunate result of this anti-military campaign.

Because I've had the opportunity, over the past three years, to become acquainted with a good many professional soldiers, I'd like to use my remaining time to speak out on their behalf.

I'll start at the top with the Joint Chiefs of Staff. They are not only outstanding American citizens—professionals of the highest ability—but at the same time knowledgeable about, and sensitive to, the problems of our society.

As I worked with the men and women in the Defense Department over these three years, I became greatly impressed with the high caliber of people who serve their nation in defense. I worked closely with the Joint Chiefs, the other top officers in each Service, and I had many occasions to visit with men and women in units large and small all over the world. You will find no more capable, dedicated, fine American men and women in any business organization, any city or county government, any school or university, than you will find in American military units and bases wherever they may be. This country can be proud of the military people who provide its security. It has been especially disturbing to me to witness the bitter, often vicious, criticism of the military in the press, on TV, in many of our more liberal universities, and even by Congressmen—who, of all people, should know better.

I can understand disillusionment with Vietnam policy going back to 1966 or so, but the military does not deserve criticism for the policy—it was dictated and completely directed from 1964 on by the civilians in the Administration and in the Department at that time. The officers and servicemen and women in the Army, the Navy, the Air Force, and the Marines simply did what they were asked to do. They were asked to do an almost impossible job, and they did it well.

We asked our military people in the spring of 1969 to re-orient the emphasis to Vietnamization—to help the South Vietnamese develop their own defense capability so American forces could come home. The Vietnamization policy has been successful beyond everyone's expectation—most of our forces, over 400,000, have been brought home—South Vietnam can now defend itself from the Communist invaders without help from American forces. When the emotion on this issue dies down this will be recognized as a great accomplishment by American military people.

One point that is often overlooked is that the role of our military services has not been just to defend America. It has also been to develop America. One of the earliest examples of this is the part the Army played in the western movement in American history—in winning of the West.

One of the most exciting things I was able to do while I was in the Pentagon was to encourage a renewal of involvement by military people in attacking some of the serious social problems of America. Early in 1969 Secretary Laird and I set forth a statement of Human Goals for the Defense Department. These goals were stated as follows:

To attract to the defense service people with ability, dedication, and capacity for growth;

To provide opportunity for every one, military and civilian, to rise to as high a level of responsibility as his talent and diligence will take him;

To make military and civilian service in the Department of Defense a model of equal opportunity for all regardless of race or creed or national origin, and to hold those who do business with the Department to full compliance with the policy of equal employment opportunity;

To help each serviceman at the end of his service in his adjustment to civilian life; and

To contribute to the improvement of our society, including its disadvantaged members, by greater utilization of our human and physical resources while maintaining full effectiveness in the performance of our primary mission.

Let me cite some of the results of the application of these Human Goals to Defense affairs.

We established a Domestic Action Program. In 1971 the Department hired 46,000 young people, 76% of whom were disadvantaged youths.

In addition, we asked every military base and every military activity in the country to use their resources to support educational, recreational, and cultural programs for disadvantaged youths. Over 2.4 million young people participated in these programs across the country last year. In 1969, the year I came to the Department, there were only 250,000 young people involved. I am kind of proud that ten times as many youngsters had a better summer in 1971 because of what we could do in the Defense Department.

People all over the country including you people in Palo Alto are being exposed to a largely distorted story about many aspects of your government—in particular about the military—about the fine men and women in the Defense Department who make it possible for you to sleep safely and soundly in your homes. You can be proud of the people who serve you in the uniform of their country. Don't let them down.

Mrs. Packard and I are pleased to be back in this great community, and I am deeply grateful for this award. Thank you very much.

CONGRESS MUST HALT FURTHER RAIDS ON PROPERTY OWNERS OF DISTRICT OF COLUMBIA AND GOUGING OF U.S. TAXPAYERS

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. GROSS. Mr. Speaker, the proposal to saddle upon the taxpayers of the entire country the construction of a sports arena and so-called convention center in Washington, D.C., at a cost of more than $100 million, is beyond belief.

Not only will this be a rape of property owners in the city whose businesses and properties it is proposed to take from them by condemnation proceedings if they do not supinely surrender, but it will take these properties from the tax rolls and again Congress will hear the leeching demands of the city government that still more money must be taken from the U.S. Treasury to cover the loss in tax revenues.

All this in the name of fun, sport, and amusement.

Mr. Speaker, the city of Washington, D.C., is worse than insolvent. It cannot peddle bonds for municipal purposes such as construction without a Federal guarantee of such bonds. Until it puts its financial house in order Congress must put a stop to its annual raids on the U.S. Treasury and the taxpayers of the country.

Mr. Speaker, I submit for printing in the RECORD at this point a petition, certain newspaper articles, and other material bearing on this subject:

A PETITION TO THE CONGRESS OF THE UNITED STATES AND THE HOUSE PUBLIC WORKS COMMITTEE

(Presented by Mount Vernon Religious, Civic, Chinese & Business Associations, Washington, D.C.)

DEAR CONGRESSMAN GROSS: We send you for your information and comment the following items:

1. A *Chicago Tribune* article, "Chinatown Asks Nixon's Help" of March 2, 1972 by Willard Edwards. This article was published on the editorial page, and shows the great and growing national concern about the proposed convention-sports center *to be built with Federal tax funds.*

2. A letter from the Chairman of the Prince Georges County Council, Winfield M. Kelly, to Rep. Kenneth J. Gray, Senators Mathias and Beall, and Rep. Hogan, about the sports arena-convention center-motel complex at nearby Largo, Md. Chairman Kelly writes that "The site is in close proximity to the Capital Beltway an existing Metroliner Station and a Metro Station programmed for 1975–76. In addition, since there are no existing buildings on the tract, the developers do not face the problems of relocation of residents and businesses that will be involved at the Mount Vernon Square location. . . . In light of the resistance the downtown complex is encountering from organizations and individuals in the Mount Vernon Square area, we thought we should provide you with this report on the status of the Prince Georges County project." Note that this complex is being built *without* Federal funds, and that

the Mount Vernon Square project would compete with it, and jeopardize its success, *by use of Federal tax funds*.

3. A letter from Mayor Walter E. Washington to the Reverend S. Everett Guiles of Turner Memorial AME Church. Referring to the threatened destruction of Greater New Hope Baptist Church, and Turner Memorial AME Church, and the destruction which the project, even as scaled down from 25 acres to 15 acres, the letter points out that he had learned from Capitol Hill that as a result of the opposition expressed, Congressman Gray publicly announced that the proposal would be reconsidered; that he appreciated how "the responsible citizen leadership view the proposition," and that he hoped "that from the exchange of views there will emerge a mutually agreeable conclusion." Mayor Washington shows here a genuine concern for people and justice.

4. A WMAL–TV editorial of March 1, 1972 saying that: "We don't believe that trading off a large section of Chinatown, the Greater New Hope Baptist Church, and the stores that make up 'Furniture Row' for a sports-convention complex, no matter what its financial potential, is a good bargain. If the idea is to revitalize an area, then revitalize what is there, keeping intact the character of the neighborhood. If location and convenience is paramount, then why not the previously-considered Union Station site. The room to build is already there. Metro is coming and so are the freeways. So is a visitors Center. By moving the sports-convention complex, we could have all of this, and Chinatown, too."

We believe the American voters and taxpayers are entitled to know all about what is planned for the American Revolution Bicentennial and as a Memorial to President Eisenhower, so we request that you include this letter and its attachments in the *Congressional Record*.

5. The statement of the Rev. S. Everett Guiles to the House Public Buildings Subcommittee on February 17 in which he says: "I also plead for preserving not only our churches, but the 129 large and small businesses, the 3,000 jobs they provide, the city's tax base, the historic Chinatown area, the employes, the families, the residents of our area. We all ask, why destroy 3,000 good jobs to provide 1,500 jobs where our Black employes can hawk beer, sell peanuts, and park cars? We ask, isn't fulfilling the needs of the people, many of whom are still without enough to eat and lacking job opportunities and decent housing, more important than building a place to shoot hoops, blow noisemakers, and park 5,000 cars?"

6. The *Washington Post* editorial, "The Convention and Sports Arena Complex" of February 23 which says that "to build this complex, as originally proposed [by the House Public Buildings Subcommittee] across eight city blocks south of Mount Vernon Square, would further impair rather than restore the economic health of the downtown business district. To destroy the 129 business establishments of Chinatown and furniture row, to say nothing of two active churches, is hardly a way to 'revitalize' them." The *Post* editorial makes clear that the whittled-down plan of 15-acres would, at most, save only "the heart of Chinatown, along I Street NW, between 6th and 7th Streets, as well as the Turner Memorial African Methodist Church from the bulldozers. But that did not satisfy the opponents of the Mount Vernon Square site." *Why should it?*

Mrs. Igna G. Yaeger, Chairman of Businessmen Opposing the Convention-Sports Center, and co-chairman of the Mount Vernon Religious, Civic, Chinese, and Business Associations, in a recent petition to Congress and the House Public Works Committee, says the entire sports-convention complex is illegal because the Public Buildings Act of 1959 requires that any building costing more than $100,000 must be justified by President Nixon as being in "the national interest", and Since the Public Buildings Act of 1959 is the Act of Congress under which this $100-million project is being advanced, to avoid a probable defeat on the House Floor, it is clear that a Presidential-detailed-justification that this complex is in "the national interest" must be provided. We respectively hereby request the Congress and the House Public Works Committee members, and President Nixon, to provide such a detailed "justification determination" at once, before any further steps are taken on this huge project. We also request full conformance with the National Environmental Policy Act, and the National Housing Act. Respectfully yours,

For the Mt. Vernon Religious, Civic, Chinese & Business Associations: William Yee, Leon Weinraub, Inga G. Yaeger, George Moy, George Frain.

[From the Chicago Tribune, Mar. 2, 1972]

Chinatown Asks Nixon's Help

(By Willard Edwards)

Washington.—Now that his Asian travels are over, President Nixon has found another Chinese problem on his very doorstep.

He is being implored by desperate Chinese-American business leaders to save an area 10 blocks from the White House from destruction by bulldozer.

They have been joined in the plea by black leaders, including the ministers of two large churches, hundreds of home owners, and more than 125 merchants from the section known as Washington's Chinatown, who would be driven from the neighborhood.

On the 25 acres thus cleared, a $108 million convention center, sports arena complex, and 5,000 car parking facility would be erected and financed by tax-supported, tax-guaranteed bonds. It would be named for the late President Eisenhower.

The controversy aroused by this proposal might be considered only a local issue, but it has, in fact, implications to all taxpayers. It involves the often arbitrary methods of urban renewal planners who use federal power to clear out established owners and tenants for the benefit of powerful interests. If the subsequent projects incur deficits, all taxpayers lose.

In this case, the interests are indeed mighty.

They include the Washington Board of Trade, the Bicentennial Committee preparing for the celebration in 1976 of the 200th anniversary of the nation's independence, the Board of Realtors, and the District of Columbia City Council.

Congress initially appeared willing to go along. The House public buildings and grounds subcommittee, headed by Rep. Kenneth J. Gray [D., Ill.] approved the project a month ago and prepared to urge full committee approval.

Then a storm broke. Residents of the area protested that the subcommittee listened only to proponents of the proposal, refusing to hear those who would be displaced. Speeches on the House floor noted that Congress has been deceived in the past by plans for memorials that were originally advanced as involving no cost to taxpayers but ended up costing millions. The Robert F. Kennedy Stadium and the John F. Kennedy Arts Center are both in financial trouble.

Gray will never forget the ordeal he suffered five years ago when he sponsored a headquarters for foreign governments and was accused by Rep. H. R. Gross (R., Ia.) of seeking to establish "an international drinking club" at taxpayers' cost. The Women's Christian Temperance Union inspired thousands of protesting letters from his district. He is thus sensitive to the political consequences of financing memorial buildings with public money.

Belatedly, Gray gave a hearing to the spokesmen for the Chinese community, the ministers of the two churches, and the proprietors of several large funiture stores in the area. Impressed by their arguments, he suggested the 25 acres might be whittled down to 15 acres and pledged that "Whatever happens, Chinatown, the two churches, and furniture row will be saved."

Opponents remained unsatisfied. In a letter to Nixon, they asked him to visit the area and decide for himself whether a sports arena would not create more problems than benefits.

They noted that the government owns nearly half the land area in the District of Columbia. Why undergo huge acquisition costs, to the profit of land speculators, when there were available federal sites now vacant which would be equally suitable? Why destroy homes, businesses, jobs, and a taxpaying area to erect another white elephant which would eventually become another burden to the taxpaying public?

"We are united here, black, white, Chinese, churches, and businesses," the residents wrote. "We are dedicated to living in harmony with our fellow man. Shouldn't this be your goal, as well as ours?"

These are good questions deserving of answer. They have too often gone unanswered in a society which, in recent years, seems bent on improvement of cities by demolition, regardless of injustices to individuals.

Prince Georges County Council,
February 24, 1972.

Hon. Kenneth J. Gray,
House of Representatives,
Public Works Committee,
Washington, D.C.

Dear Representative Gray: The purpose of this letter is to apprise you of the developments concerning the proposal for a sports arena-convention center in Prince George's County, information that bears directly upon the recent action of the Public Buildings Subcommittee is approving funds for a similar facility in the Mount Vernon Square area.

You may be aware that a suburban Maryland concern, Potomac Sports Ltd., entered into an agreement last August with the Maryland-National Capital Park and Planning Commission for use of a site at Largo for a sports arena-convention center-motel complex. The site is in close proximity to the Capital Beltway an existing Metroliner Station and a METRO Station programmed for 1975–76. In addition, since there are no existing buildings on the tract, the developers do not face the problems of relocation of residents and businesses that will be involved at the Mount Vernon Square location.

No less than two years has already been invested in the planning of the Prince George's complex and the principals in the venture are very confident that they can win any race with those promoting similar facilities in downtown Washington. Moreover, they have been encouraged in their discussions with major ice hockey and basketball league officials about the prospects of obtaining major league franchises.

From information we have received from Potomac Sports Ltd., it appears that they will soon have firm financial commitments, clearing the way for construction and opening of the facility in late 1973.

In light of the resistance the downtown complex is encountering from organizations and individuals in the Mount Vernon Square area, we thought we should provide you with this report on the status of the Prince George's County project.

With kindest regards, I remain

Sincerely,

Winfield M. Kelly, Jr.,
Chairman.

GOVERNMENT OF THE
DISTRICT OF COLUMBIA,
February 28, 1972.

Rev. S. EVERETT GUILES,
Turner Memorial,
Washington, D.C.

DEAR REVEREND GUILES: Mayor Washington asked me to acknowledge receipt of your letter of February 4, 1972, in regard to the proposal to establish a convention hall-sports arena in the neighborhood of yours and Reverend C. H. Hamilton's church.

Please attribute the tardiness of this acknowledgement to me, and accept my apology.

Subsequent to the delivery of your letter, the Mayor told me that he had had personal contacts both with you and Reverend Hamilton. He also learned from Capitol Hill that as a result of the reactions voiced and the opposition expressed, Congressman Gray publicly announced that the proposal would be reconsidered.

The Mayor asked me to thank you and Reverend Hamilton for your explicit delineation of the impact of this proposal on your churches, and on your community; and the alternative site that you recommended.

Your communication was timely and invaluable, he said, in its reflection of what is at stake and how the responsible citizen leadership view the proposition.

The Mayor observed that he thoroughly understands and appreciates the concern that were set out in your letter. He also appreciates the rationale of the Administration. It is hope that from the exchange of views there will emerge a mutually agreeable conclusion. You may be assured that he will do what he believes is best in contribution toward that end, the Mayor said.

Sincerely yours,
ROBERT L. TAYLOR,
Special Assistant to the Mayor.

WMAL EDITORIAL: CENTER SITE

Last month we renewed our support for the proposed convention center and sports arena in downtown Washington.

But we omitted mentioning the proposed Mt. Vernon Square site, and for good reason. At the time we were not completely sold on that location. In the weeks since, we have become considerably less enamored of that site. It's expected these days that any project planned for the center city is going to displace someone or something, urban density being what it is.

However, in this case, we don't believe that trading off a large section of Chinatown, the Greater New Hope Baptist Church, and the stores that make up "Furniture Row" for a sports-convention complex, no matter what its finanical potential, is a good bargain.

If the idea is to revitalize an area, then revitalize what is there, keeping intact the character of the neighborhood. If location and convenience is paramount, then why not the previously-considered Union Station site?

The room to build is already there. Metro is coming and so are the freeways. So is a Visitors Center. By moving the sports-convention complex, we could have all of this, and Chinatown, too.

STATEMENT OF REV. S. EVERETTE GUILES TO THE HOUSE PUBLIC BUILDINGS SUBCOMMITTEE ON THE CONVENTION-SPORTS CENTER

I cannot understand how your committee can see only good in the proposed convention center-sports arena, which is the latest instance of "Negro removal by urban renewal".

I am privileged to speak here today on behalf of the Greater New Hope Baptist Church, and my own Turner Memorial Methodist Church and our combined membership of nearly 4,000 families; both of these great churches which serve the inner city Negro population, would be destroyed.

I also plead for preserving not only our churches, but the 129 large and small businesses, the 3,000 jobs they provide, the city's tax base, the historic Chinatown area, the employes, the families, the residents of our area.

We all ask, why destroy 3,000 good jobs to provide 1,500 jobs where our Black employes can hawk beer, sell peanuts, and park cars?

We ask, isn't fulfilling the needs of the people, many of whom are still without enough to eat and lacking job opportunities and decent housing, more important than building a place to shoot hoops, blow noisemakers, and park 5,000 cars?

How can anyone be for a convention-sports arena as a plan to benefit the city in view of the Kennedy stadium which is a financial disaster? Why destroy "Furniture Row" on 7th Street with its $20 million annual business volume, its jobs, and its taxes?

Why not avoid the displacement and heartbreak by building the project on government land, at Union Station, or in the suburbs?

We have gone to Congress to bring this situation to the attention of many Congressmen and their staffs! we have met with Rep. Fauntroy, Rep. Gude of Maryland, and Rep. Dorn.

Congressman Grover's staff told us many Committee members are opposed to the project, and that probably a majority of the Committee are with us.

We ask this Subcommittee and Congress to give mature, responsible study to our side of this issue.

[From the Washington Post, Feb. 23, 1972]

THE CONVENTION AND SPORTS ARENA COMPLEX

We share the Board of Trade's enthusiasm for building a convention center and sports arena in downtown Washington in time for the bicentennial celebrations in 1976. But to build this complex, as originally proposed, across eight city blocks south of Mount Vernon Square, would further impair rather than restore the economic health of the downtown business district. To destroy the 129 business establishments of Chinatown and furniture row, to say nothing of two active churches, is hardly a way to "revitalize" them.

This argument, ardently advanced by the Chinese community, the furniture store owners and the ministers of the two churches at a lengthy hearing last Thursday night, seems to have persuaded Rep. Kenneth J. Gray (D-Ill.), chairman of the House Public Buildings and Grounds Subcommittee, of the need to whittle down the project from 25 to 15 acres. This would at least save the heart of Chinatown, along I Street NW, between 6th and 7th Streets, as well as the Turner Memorial African Methodist Episcopal Church from the bulldozers. But that did not seem to satisfy the opponents of the Mount Vernon Square site.

Many of them concede that a convention hall would be nice to have in the central business district. The majority of convention goers arrive by air, so they don't need much parking. They tend to spend liberally on hotels, restaurants, amusements and shopping sprees. And they would take all this in on their way from the meetings to the cultural and sightseeing attractions on the Mall.

A sports arena, on the other hand, brings downtown more problems than benefits. Most sports fans would come by car from the suburbs. They would further congest the city streets and require a great deal of parking space. They would spend little downtown. Hockey and basketball teams insist on easy access for their franchises. The Metropolitan Washington Planning and Housing Association, among others, suggests therefore that the sports arena be separated from the convention hall and located elsewhere.

But this, we fear, might defeat the whole project. There are many advantages in combining the two facilities. The sports arena could supplement the convention hall meeting space for the large conventions that constitute half of the market for which Washington wants to compete. The two facilities would share parking and effect other economies of scale. And Congress, which holds the purse strings is probably more interested in the sports than in the convention aspect of the complex, which is to be named in honor of Dwight D. Eisenhower.

So we would keep the package intact and move it back to Union Station where it was originally to be located. At Union Station the combined convention center and sports arena would be directly accessible by both Metro and freeway. There is space for ample parking over the railroad tracks. There would be no displacements of businesses and homes. The complex would be right next door to the new Visitors Center and all its services, including the tour-mobiles to take convention goers around.

If the downtown business district is made attractive and conveniently accessible from Union Station, as provided for under the recently adopted urban renewal plan, the convention goers will still take their money there. In fact, new apartment houses and hotels at Mount Vernon Square and a refurbished Chinatown with all its potential charm and bustle would give them an added incentive.

CULTURAL GENOCIDE

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. BELL. Mr. Speaker, earlier this year I was a guest of the Soviet Union and toured Russia with my colleagues on the Select Subcommittee on Education.

While there, I also took the opportunity to visit and talk with a number of Jews about their life. The repercussions of our trip—particularly my activities and those of Congressman SCHEUER—received national coverage.

I believe it unnecessary to recount the details of these incidents but it is still significant to note once more that the publicity our visit elicited clearly illustrates the extreme sensitivity of the Soviet Government to one of their more serious domestic problems, and it is encouraging to witness their awareness of this difficulty.

I made it a point following this trip that a process of "cultural genocide" is being directed against the Jewish people in the Soviet Union, and in support of this view, I offer a letter which was forwarded to me by a group of Soviet Jews, including several whom I met in Moscow.

Even though emigration policies have become somewhat less rigid in Russia during the last few years, I think the free world has an obligation to keep itself informed about this matter. And since this letter poignantly describes the plight of some Soviet Jews today, I strongly recommend careful consideration of its contents. The letter follows:

APPEAL TO THE MEMBERS OF CONGRESS OF THE UNITED STATES

To you, members of Congress, the highest legislative organ of the United States of America, appeals a group of Jews of the Soviet Union.

In correspondence with the Soviet law and clauses of the General Declaration of Human Rights (art. 13, cl. 2) we submitted to the authorities of the USSR a petition about our departure for Israel. But against the obligations of the USSR Government to fulfill regulations, stipulated by the articles of the General Declaration we are for a long time unlawfully refused in permission to leave.

All of us were compelled to leave our former jobs and most of us don't work anywhere for a long time. Thus neither at present nor in future we are of any value for the Soviet Union as specialists. But nevertheless Soviet authorities feel, probably, sort of satisfaction, opposing our useful activity for the welfare of the Jewish State, for the good of mankind. We believe that such inhuman policy of the Soviet authorities, aimed at suppression of socially useful activity of a whole category of people just because they have decided to move to their national Motherland, can not but meet censure from the part of international public.

Having in vain used all possibilities of appealing to Soviet authorities, we appeal to you for the first time. We are kept in this country like hostages, like slaves contrary to international law, contrary to common sense, contrary to the interests of human society. But hostagery and slavery are the disgrace to civilized world living in the last quarter of the 20-th century. Even two centuries ago your great predecessors Lincoln and Jefferson called to society to put an end to slavery and injustice and we hope that you, members of the Congress of the USA will follow these best traditions and use your vast influence to help us in the name of restoration of human rights, in the name of justice.

Yours respectfully

Polsky Victor, Lerner Alexander, Abramovitch Pavel, Begun Yosef, Korenfeld Yilia, Slepak Vladimir, Prestin Vladimir, Shapiro Gavriol, Svechinsky Grigory.

Gurwitz Sergey, Orlov Boris, Lwovsky Petr, Machlis Vladimir, Gershovitch Ada, Kogan Boris, Lubarsky Lazar, Klyachkin Michail, Markish David, Smelyansky Emmanuil, Goldbers Stella.

SOCIETY IS INDEBTED TO ITS LAW ENFORCEMENT OFFICERS

HON. B. F. SISK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. SISK. Mr. Speaker, the work of those who insure that we have an orderly framework of society around us to pursue our individual goals in life, are too little appreciated and not often enough given the moral and psychological support they need.

A valued constituent of mine, Mr. Raymond C. Johnson of Fresno, has called my attention to this with a copy of an article which he wrote and which was printed in the Fresno Guide on December 6, 1971.

I should like to submit it for the consideration of all Members of Congress. I include the text of Mr. Johnson's article at this point:

SHOULD APPRECIATE POLICEMEN

(By Raymond C. Johnson)

Whenever we see a policeman; a deputy sheriff or for that matter any law enforcement officer, doing his work, a feeling of pride should be felt. For these are men who first have a conviction of protecting others, and seeing that the law is enforced which protects society.

This type of work is no longer just a job, but a highly trained profession. Behind that uniform is a qualified man.

Without laws to govern us, we are faced with the grim picture of anarchy. So the law enforcement officers job is extremely important.

Society is indebted to these men—for everyone of us is aware that an over abundance of hardship faces today's law enforcement officer. Just last year over 14,000 of these dedicated men were beaten, stabbed, or shot. About 150 died in the line of duty. These men had families and children, who will continue to suffer, because of the maladjusted behaviour of some crackpot with a criminal mind.

During a meeting of the 25th anniversary held in Washington, D.C., for former agents of the F.B.I. on Oct. 22, 1971, Director J. Edgar Hoover remarked that: "Disregard for law and order is encouraged by hatemongers, extremists and others who assert that revolution against society is justified and necessary—and that men should be permitted to murder, rob, loot and pillage with impunity to achieve their goals". Hoover further asserts that: "Disregard for law and order is the anarchistic banner for those who want the rule of no rule—who profanely proclaim that all of the values of the past have failed mankind and that real progress can only be achieved by discarding tradition, demolishing our democratic institutions, and ultimately destroying our existent society."

It is truly unfortunate that some educators on our college campuses teach a doctrine which encourages today's youth to disrespect law and order. And if they don't like a law, to break it. Such educators are not true Americans but agents of a foreign power who have a hatred for America and seek the destruction of this nation by falsely educating today's youth.

This nation, which our fore-fathers proudly conceived has resulted in the greatest nation on earth. Let us not sell this country short, but instead re-educate those who seek to destroy America.

A SICKNESS AT STATE

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. HARRINGTON. Mr. Speaker, Tuesday evening's Washington Star contained an interesting article by Mr. George Sherman entitled, "A Sickness at State." Mr. Sherman's article raises some very basic questions about the role of the State Department, the morale of the Department, and the role of Mr. Kissinger.

Mr. Sherman's article bears further unfortunate testimony to the fact that the Henry Kissinger-Richard Nixon administration is destroying in a calculated manner, the morale and aggressiveness of the Foreign Service Corps and the State Department itself. "State" is sick and neither Mr. Nixon, Dr. Kissinger, nor Secretary Rogers seem to care.

Unquestionably the State Department's importance in the formulation and execution of American foreign policy has diminished markedly during the past 3 years. Mr. Sherman writes.

> The suspecion has grown that, from the beginning, Nixon's aim was to whittle down the influence of the professionals. Nixon's suspicion of the foreign affairs bureaucracy dates back to his days as vice president in the 1950's when the liberalism and apparent inefficiency of the State Department were a frustration to the militantly anti-communist Nixon of those days.

James Reston once said that the State Department buildings look distressingly similar to a chewing gum factory in downtown Los Angeles. Today the mythical chewing gum factory may very well have the same kind of impact on the making of U.S. foreign policy as the State Department. The White House and Dr. Kissinger are openly acknowledged as the origin of most of our foreign policy planning, with Secretary Rogers retaining a somewhat ceremonial position.

The question for the Congress is not whether the Secretary of State is relegated to the role of a glorified press spokesman, the President properly should design the role for his Cabinet officers, for it is the President who has the ultimate responsibility for their actions. However, the present arrangement, by design, prevents the Congress from getting the kind of information it needs to make the kind of intelligent decisions required. Dr. Kissinger is in fact the Secretary of State, but unlike Mr. Rogers, the cloak of executive privilege drapes Dr. Kissinger.

The President in a letter to Representative John E. Moss on April 7, 1969, said that—

> The scope of executive privilege must be very narrowly construed.

The President went on to say,

> Under this Administration executive privilege will not be asserted without specific Presidential approval . . . . This administration is dedicated to insuring a free flow of information to the Congress and the news media—and thus to the citizens.

The reality of the situation is the administration is dedicated to clandestine diplomacy. Dr. Kissinger has not testified before Congress either in public hearings or executive session, despite the fact that it is he, along with his White House State Department, who formulates U.S. foreign policy. It is a blatant misrepresentation of fact for this administration to claim that it is dedicated to insuring a free flow of information to the Congress when in reality the little "free flow" we have seen in the past has come from enterprising columnists and others.

We face two problems. First, immediate steps must be taken to revise the use of executive privilege. The problem with Dr. Kissinger has become so acute that as Mr. Sherman's article suggests,

> It probably would be better for the institutions of government—for Congress, for the State Department, even for the presidency—if the dynamic Mr. Kissinger were Secretary of State and the diffident Mr. Rogers moved over to the White House.

Recognizing that Dr. Kissinger is not likely to be named Secretary of State, Mr. Nixon should allow Dr. Kissinger to testify before Congress without having the Congress have to seek legislation methods to force the President to do so. Second, Mr. Nixon must assume his thus far abdicate responsibility to rebuild the morale and efficiency of the State Department. If Mr. Nixon does not take major initiatives to build the Department, major policy blunders such as the U.S. treatment of the Indo-Pakistani war will become common place.

I commend Mr. Sherman's article, "A Sickness at State" to your reading:

DEMOTED BY NIXON—A SICKNESS AT STATE

(By George Sherman)

The State Department is sick, some say dying.

"If I thought this humiliation were going to go on for another 20 years, I'd get out tomorrow," said one middlelevel Foreign Service officer.

"Morale is worse now than at any time since the days of McCarthy's witch-hunt," said another angrily.

They both were speaking of the way the Nixon administration has demoted the State Department from the upper reaches of major U.S. foreign policy making in most areas.

But does it matter? Does it matter that Secretary of State William P. Rogers did not attend the President's meeting with the legendary Chairman Mao, or that Henry A. Kissinger—who did—has set up a "little state department" in the White House?

On the top floor of the State Department, the reply is an emphatic no. Rogers and his chief aide, Undersecretary of State John N. Irwin II, both are soft-spoken, gentlemanly and quite likeable men—first and foremost, they consider themselves loyal members of a team led by a President more experienced in foreign affairs than they.

For them, the things that matter more than the parochial malaise of Foggy Bottom, with its hand-wringing and hurt feelings, are the real achievements of Nixon's own foreign policy.

"The first question ought to be whether the system is working well overall for the good of the nation," said Irwin, in a rare interview. There, in the inner sanctum of his paneled office, he spoke slowly, quietly, making points with the careful hesitation of the 59-year-old aristocratic New York lawyer he is.

"It may well be that the Department of State plays a different role than before," he said, noting that Nixon has moulded the National Security Council system in the White House to his own liking.

The State Department pours more information into that foreign policy mechanism than ever before, Irwin maintained—through committees chaired by Kissinger or by regional assistant secretaries of state.

(He did not say so—although he could have—that one of those assistant secretaries, Joseph J. Sisco, with all the aggressiveness of Kissinger, has broken the White House monopoly on decision-making in one key area. He clearly is in charge of policy toward the Middle East, under Rogers.)

Irwin noted that the long-standing personal friendship between Rogers and Nixon is another guarantee of a State Department voice at the top.

"The ascendency of the White House you speak of," he continued, "is after all the ascendency of a President, of a man with great experience and ideas in foreign relations."

PROUD OF ROLE

"Looking back over three years, I think it has been a successful foreign policy. But the media always approach it from a negative, critical point of view. . . . The media always seem to seek after who did most the developing policy, rather than after whether it is successful overall."

Down the hall, Rogers, in a separate interview, took up where Irwin left off.

"I am very proud of the way foreign policy is being conducted by the Nixon administration," he said with uncommon force. "I cannot think of a time that foreign policy has been so strongly supported by the public. I am profound to play a part in the formulation and execution of that policy, and I am proud of the role of the State Department in it."

That is where Rogers parts company with increasing numbers of the 3,000 professional Foreign Service officers under him. Some of them are not proud of the State Department role in Nixon foreign policy. Indeed, many doubt that they have any more than a fact-gathering and messenger-type role to play.

No one disputes the President's constitutional right to conduct his own foreign policy, nor are the general lines of that policy a matter of much argument among the professionals.

WHO SHOULD ADVISE?

They do worry, however, that President Nixon's unique conduct of foreign policy with Kissinger's apparatus may be maiming a vital institution of government. Nixon has taken the skeletal National Security Council system run by McGeorge Bundy and Walt Rostow in the Kennedy and Johnson administrations and turned it into an institution which rivals—even dominates—the State Department.

What is in question is who or what should be the chief adviser and coordinator of foreign policy advice going to the President. Rogers and Irwin, with their passion for secrecy—particularly about what goes from them to the President—have created the lowest of profiles for the department.

"What we want is the knowledge that we influence policy, not only collect and report the facts that go into it in the White House," said one youngish but highly regarded officer, obviously irritated over the way State Department advice was ignored in the recent "tilt" toward Pakistan in the Indo-Pakistan war.

The suspicion has grown that, from the beginning, Nixon's aim was to whittle down the influence of the professionals. Nixon's suspicion of the foreign affairs bureaucracy dates back to his days as vice president in the 1950s when the liberalism and apparent inefficiency of the State Department were a frustration to the militantly anti-communist Nixon of those days.

In 1969 he began his own presidency by appointing Henry Kissinger to be his right hand man in the White House. The dynamic geopolitician from Harvard University had written the previous spring, months before his appointment, about how he would circumvent the bureaucracy in important decisionmaking.

"Some of the key decisions are kept to a very small circle while the bureaucracy continues working away in ignorance of the fact that decisions are being made . . ." wrote Kissinger in an essay for the Security Studies project of the University of California.

"One reason for keeping the decisions to small groups is that when bureaucracies are so unwieldy and when their internal morale becomes a serious problem, an unpopular decision may be fought by brutal means, such as leaks to the press or congressional committees. Thus the only way secrecy can be kept is to exclude from the making of the decision all those who are theoretically charged with carrying it out."

In this scheme of things the secretary of State is not meant to be chief formulator of foreign policy, chief adviser on foreign policy, or even its chief spokesman. In retrospect, it seems Nixon indicated as much in a televised spectacular when presenting his Cabinet to the nation in January 1969. His close friend, Rogers, was chosen, Nixon said, because he is a "superb negotiator," the lawyer best suited for the coming "period of negotiations."

That implied a mechanical job for Rogers. In practice, the critics charge, Rogers has acted for three years as an affable trail boss riding herd over the bureaucracy, reminding professional subordinates where their loyalties should lie and curbing any public show of independence.

"He always tells us we are here to help the President, not to feed our own egos," said one man who has seen the operation first-hand.

HE LOOKS THE PART

"He does not have any real confidantes in the department," said an officer close to the top. "His interests, unlike Kissinger's, do not lie in overall conceptions of foreign policy, nor even in the nuts and bolts of carrying it out. He still acts very much like the corporate labor relations lawyer he is, working behind the scenes to arrange, to fix things for the boss."

"He's a secretary of State right out of central casting," said another. "He looks the part, he likes the part. But what really concerns him is how things look, not the way they are done."

These brutal assessments may or may not be true of the real "Bill" Rogers.

But curiously enough, the Rogers formula has effectively controlled the department. It has worked because the Foreign Service officers corps traditionally is disciplined and loyal. It has worked because generally the foreign affairs bureaucrat, by nature, will not take action unless pushed to do so. And the formula has worked because Rogers, behind his wall of public diffidence, is a strong-willed man able to keep dissident subordinates in line.

One thing that does appear true is that Kissinger's early prophesy of secrecy has been self-fulfilling under the Nixon system. The centralization of all decision-making in the White House has led to less and less information being circulated in both the State Department and Pentagon.

FEARS ARE FED

The resulting disaffection, no doubt contributed, as Kissinger predicted, to the famous leak (although apparently not from the State Department) of the "Anderson Papers," which gave details of secret meetings on policy in the Indo-Pakistan war.

That leak plus others about ambassadors' recommendations from overseas, have fed a kind of paranoia about secrecy in the State Department. Last summer, when the New York Times revealed new U.S. proposals in the strategic arms talks before Washington had even communicated them to the Russians, Rogers asked key officers in the department to undergo lie detector tests. It subsequently was argued that he wanted only to prove to the President that State was not responsible for the leak. But the impact inside the building was quite the opposite—the incident was taken as a poignant reminder that the days of McCarthy might not be gone forever.

Today, according to informed sources, the top floor of the department has put strict limits on circulation of messages from U.S. ambassadors among the country desk officers who are fundamentally concerned with sorting out policy toward those countries. The messages, part of a numberless quantity arriving daily, now are read first by the regional assistant secretary of State concerned, and then forwarded to Rogers' secretariat for decision on wider distribution.

RECEIVES AMBASSADORS

While the restrictions multiply in Foggy Bottom, over at 1600 Pennsylvania Avenue Henry Kissinger and his staff of 175—many of them talented Foreign Service officers "on loan"—have steadily taken over more of the prized prerogatives of State.

For instance, Kissinger now receives leading ambassadors—such as Soviet Ambassador Anatoly F. Dobrynin and French Ambassador Charles Lucet—on his own. Their meetings are unpublicized, and they deal with the most delicate decisions of foreign policy.

"It's gotten so that no ambassador in town considers himself worth his salt unless he has been to see Kissinger. That leaves the State Department for more 'routine' affairs," scoffed one Foreign Service officer.

Kissinger's on-the-record and off-the-record briefings for the press are also regarded as another nail in the coffin of the State Department. While Rogers is not notably articulate—he detests press conferences—Kissinger emerges as the brilliant spokesman speaking with all the assurance of first-hand knowledge.

Former Undersecretary of State George Ball has written that this White House "court" conduct of diplomacy must have predictable results. He and others charge that professional ambassadors, such as William J. Porter at the Vietnam peace talks in Paris, see their roles downgraded as Kissinger takes on secret negotiating missions for his President. The inevitable outcome is a crippling of the institution they represent.

Sen. Stuart Symington has testified to the fact. A year ago he caused an uproar by attacking on the floor of the Senate Kissinger's role and by sympathizing with Rogers. The secretary of State, he said, had become the laughing-stock of the cocktail circuit.

This January Symington returned from a fact-finding trip to Asia and Europe with details of how this Kissinger role—which bypasses Congress—is undermining the status and authority of the State and Defense departments.

SECRETARIES IGNORED

"As but one illustration," he said of his talks in the field, "various people asked if I thought they could meet certain members of the White House staff if they came to Washington; but not one person, at any time, mentioned either the secretary of State or the secretary of Defense."

An even more immediate example is the current trip around Asia of Assistant Secretary of State for East Asian Affairs, Marshall Green, who was in the presidential party in China. His job is to reassure U.S. allies of continuing American devotion. After a press report last week that the Japanese government did not feel reassured—partly because Green was not in the Nixon-Kissinger talks with Chou En-lai—the State Department issued a formal statement affirming that Green is the "senior Asian expert" in the U.S. government, acting on the advice and responsibility of the President.

"The trouble is that this steady sapping of self-confidence is self-perpetuating," said one worried senior official. "Up until recently I thought all the talk of bad morale was the usual background music, but now I really fear that it can undermine the institution."

Matters have reached the point where the chief manager of the department, Deputy Undersecretary William B. Macomber, openly speaks of the danger.

REFORMS OVERSHADOWED

"Denigration of the State Department by people either inside or outside the department," he said during an interview, "is contrary to the national interest. If it keeps up, it will eventually weaken this essential asset to the government."

For Macomber and those around him, the tragedy is that this talk of sagging morale and seething revolt overshadows the real reforms Rogers has introduced in the department. By most accounts, Macomber—with Rogers' backing—has laid over the past two years the groundwork for a more humane and efficient State Department.

Computers have been introduced in a big way to streamline the paperwork. A new system of case-by-case, country-by-country studies of overall U.S. policy called Policy Analysis and Resource Allocation (PARA) is operating. For the first time also the State Department is soon to have a union charged with representing the rights of all 9000 permanent foreign service personnel.

Furthermore Rogers has set up a grievance system, where there was none before. It allows officers to appeal slights in promotion or illegal use of authority. Although critics charge that the "interim" system is not independent enough of the State Department management, it is generally expected that pressure from Congress and from the new union will produce an acceptable compromise by this summer.

Under Rogers, Macomber has also moved to soften the brutality of the "selection-out system"—whereby officers failing of promotion were forced to resign without adequate pension. Under a new "threshold" design, any officer who crosses into middle-grade ranking after a five-year "apprenticeship" is guaranteed 20 years tenure and full retirement benefits later.

COMPETITION GROWS

Ironically, though, the bulge of talented middle-level officers resulting from this more humane system, coupled with an excess of top-grade officers left over from previous days—is feeding the morale problem. For instance, Class 4 officers, most of whom have 15 years of experience, find themselves in cut-throat competition with their fellows for dwindling overseas assignments and for hard-to-get promotions to the next higher grade.

Add to that the forced elimination of jobs—cutbacks totalling 24 percent ordered for budget-cutting purposes by the Johnson and Nixon administrations—and you have the ingredients for an enormous morale problem. Career officers find themselves competing for fewer and fewer jobs which simultaneously seem less and less important to the conduct of foreign policy.

Rogers appears unruffled by the crescendo of criticism coming his way. If the National Security Council system did not exist, he said in the interview, it would have to be created.

"National security policy cuts across many departments of government," he explained. "There is a need for a mechanism in the White House to get an above-the-department view for the President on major matters, where there are conflicts within the government."

Rogers knew, he said, that the "many talented people" in State felt disappointed about not being in on the early stages of planning for Nixon's trip to China. "Everyone like's to be in on the action," he said. But once the trip was announced, he said, the President made maximum use of State Department expertise and was most appreciative of it.

CAN'T ALWAYS TRAVEL

Both Rogers and Irwin maintained that what escapes the press is the capable handling by the State Department of that 98 percent of American foreign policy which is unglamorous but vital.

If morale were so bad, asked Rogers, why were Foreign Service applications almost doubled last year—up to 15,000 from 8,000 in 1970? (Some observers attribute the increase as much to the tight job market and greater State Department emphasis on recruits for administration and consular affairs as to enhanced status of the diplomat.)

Rogers refused to talk on-the-record about Kissinger's personal excursions in secret diplomacy in Paris and China. But in a recent interview with another reporter he was quoted as noting that "as secretary, I can't take all the trips, if only because of the protocol involved. . . ." Presumably he meant that his highly visible position in the government precludes secret trips abroad.

But a senior department officer, while respecting Rogers and his view of the office, disagreed. He recalled that John Foster Dulles, Eisenhower's powerful secretary of State, had once considered setting up shop in the White House basement to oversee American foreign policy without the encumberance of ceremony or publicity.

"But he finally rejected the idea," said the officer. "Dulles saw that you cannot have authority without responsibility." The tight shop run by Kissinger is "riding for a fall," he added, because too many able men with essential information are being cut out of the policy-making process.

After all, he agreed, it probably would be better for the institutions of government—for Congress, for the State Department, even for the presidency—if the dynamic Mr. Kissinger were secretary of State and the diffident Mr. Rogers moved over to the White House.

But neither he nor any other student of the Nixon method thinks that switch is likely.

BLACKBURN OPPOSES CONSTITUTIONAL AMENDMENT

HON. BEN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. BLACKBURN. Mr. Speaker, on Monday, March 6, I had the privilege of testifying before the House Judiciary Committee in opposition to the busing of schoolchildren to achieve racial integration.

In my statement, I oppose a constitutional amendment on the grounds that this approach is unwise, unnecessary, and too cumbersome. I believe that the Congress should enact legislation and that it has the right to do so under clause 5 of the 14th amendment.

For the information of my colleagues, I am inserting my statement in the RECORD:

TESTIMONY OF CONGRESSMAN BEN B. BLACKBURN

Mr. Chairman and Members of the Committee: Hearings are being conducted today because policies affecting the operation of public school systems throughout the United States have been instituted by court decrees. These policies, which are meeting a broad resistance from all areas of the country, generally require the transportation of schoolchildren from the school facilities most convenient to their homes to school facilities at varying distances from their homes in order to achieve, what the courts have determined to be, a desirable racial mix in individual schools.

Parents, demonstrating a very human instinct to keep their children as close to home as possible during their educational periods, are objecting to these policies. School boards and school revenue authorities, finding that the financial burdens imposed by such massive transportation requirements, combined with the increased complication of scheduling classes, are protesting likewise. In some school systems extracurricular activities have been curtailed, if not eliminated, because of the combination of financial burdens and scheduling complications. Many parents and school boards are expressing fear that the quality of education is suffering under the policies now being promulgated and implemented under Court decrees.

I personally fear that their concerns are valid. When courts initiate policies which the majority of the people do not support, then grave questions arise as to the proper role of government in the affairs of the citizens in a democratic society. The courts are an instrument of government. In a constitutional democracy, the ultimate authority for government action is the will of the people. The will of the people is expressed first in the legal document which gives authority to government, the Constitution itself. It has always been my understanding that the role of the courts in our government is to protect the citizenry against abuses of the executive or legislative branches of government when either of these two branches, or both, exercise authorities not granted in the Constitution.

These hearings are testimony to the fact that the people of the United States are becoming alert to the danger that their desires can be subverted by the courts themselves. The courts are no longer content to prevent excesses of authority by the other two branches of government but have now assumed the role of a legislative body.

When the courts assume a legislative function and promulgate policies that are not supported by the will of the people, then a duty arises on the elected representative branch of government, that branch which reflects the will of the people, to take affirmative and responsible action to bring national policies into a position more consistent with the will of the people. To fail to do so is to permit a tyranny of the Judiciary.

Indeed, I am of the opinion that the courts are themselves in violation of clear constitutional limitations. For example, Article I, Section 7, Clause 1 of the Constitution provides that revenue measures arise out of the Lower House: "Article I, Section 7. All Bills for raising Revenue shall originate in the House of Representatives. . . ."

It is obvious that in the enactment of the Constitution, the people of this country demonstrated a high concern for the protection of their pocketbooks. So that unpopular invasions into their pocketbooks could be rectified by calling to account at the next general election those who impose tax burdens, the people insured a direct link between themselves and the policymaking organ of government which exercises the most direct impingement upon their financial affairs.

When the courts impose substantial financial burdens on the school systems of our country, the courts are imposing a tax. Local taxing authorities and school boards either have the option of decreasing the quantity, or quality, of academic services in order to meet the cost of additional transportation expenses to comply with busing requirements or, such authorities must increase revenues by increasing tax burdens on local citizens. Yet, the citizenry who must bear the additional taxes cannot call to account the court responsible for imposing.

A challenge has been posed to the Congress. Recent public opinion polls reveal that currently approximately 80% of Americans oppose the transportation of school children over long distances where such transportation is not necessary.

It is the Congress which is the instrument of government charged with the responsibility of reflecting the will of the people in government policy. When government policy runs counter to the will of the people, then government has ceased to be the servant of the people. Do we as Congressmen have the right to remain silent when the people who have placed such trust in us are demanding relief from government abuses. The fact that these abuses have arisen from the judicial branch of government makes them no less onerous and makes our responsibility to respond even more clear.

The court decisions which are creating the problem arise under the provisions of the Equal Protection Clause of the 14th Amendment. In the enactment of the 14th Amendment, the framers of that amendment specified the authority of the Congress to enforce the provisions of that Act.

Specifically, Clause 5 of the 14th Amendment states, "The Congress shall have the power to enforce the provisions of this article." The Supreme Court regards Clause 5 as a positive grant of power by the people to the Congress to be used in the enforcement of the 14th Amendment. In *Ex parte Virginia*, 100 U.S. 339, at page 345 the Court states: "It is the power of Congress which has been enlarged. Congress is authorized to *enforce* the prohibitions by appropriate legislation. Some legislation is contemplated to make the amendments fully effective."

When the 14th Amendment was on the Floor of the Senate under discussion in 1867, Senator Jacob M. Howard of Michigan described Clause 5 as "a direct affirmative delegation of power to the Congress," and added, "It casts upon Congress the responsibility of seeing to it, for the future, that all sections of the amendment are carried out in good faith and that no state infringes the rights of persons or property. I look upon this clause as indispensable for the reason that it imposes upon Congress this power and this duty. It enables Congress in case the state shall enact laws in conflict with the principles of the amendment, to correct that legislation by a formal congressional enactment." Con. Globe, 39th Cong., 1st Sess., 2766, 2768 (1866).

Clause 5 of the 14th Amendment is a logical extension of Article I, Section 8, Clause 18 of the Constitution in which the Congress is given the general power ". . . to make all laws which shall be necessary and proper for carrying into execution. . ." the powers vested by the Constitution in the government of the United States.

There have been proposals advanced before this Committee that to meet the demands of the public for relief from court-ordered transportation schemes the Congress should enact a constitutional amendment prohibiting "busing" of school children. I am not in agreement with such suggestions. The United States Constitution is a document intended for promulgation of statements of broad public policy. One of its principal purposes, as repeated throughout THE FEDERALIST PAPERS, and as specified in the first 10 Amendments, is to limit the parameters of Federal activities as they might impinge on individual freedoms. The Constitution should not become a legislative vehicle to deal with particulars of the day-to-day mechanics of government operation.

The proposal for a constitutional amendment is unrealistic in the present political climate. The Senate, within the past week, by a narrow vote has defeated legislation dealing with the subject matter of school busing. To suppose now that the same Senate would adopt by a ⅔ vote a strong constitutional amendment is unrealistic.

Securing ratification of a constitutional amendment requires the cooperation of state governments as well as federal action. The mere mechanics of securing passage of a constitutional amendment complicates and would delay the granting of relief to the American public. Thus, on several grounds, I am opposed to the proposed constitutional amendment as being unwise, unnecessary, and too cumbersome.

It is my suggestion that the Congress exercise the authority which it now possesses under Clause 5 of the 14th Amendment. I suspect that the courts, having plunged into the thicket of school administration and financing would welcome congressional direction. The courts were never intended to be legislative bodies. They operate in the confines of narrow rules of evidence. Conflicting attorneys, in presenting their cases are seeking to serve the immediate needs of their clients. The courts can only act on the basis of facts presented before them and differing skills and resources of legal counsel have a great influence on the factual basis upon which a court can act. In short, a court, proceeding in accordance with established rules of evidence and legal procedures is not equipped to legislate or formulate new public policies which have wide-ranging and direct effects on our citizenry.

The question of racially segregated versus racially integrated schools has been long since laid to rest both in the courts and in the minds of our citizens. The matters of increasing concern to our citizens are those of quality and equality in educational opportunity to all of our children in the public school systems and, increasingly, the convenience and expense involved in delivering those educational opportunities.

Let me suggest that legislation embodying the following general principles would be adequate. (1) There shall be equality of educational services in each school in a school system; (2) Each child shall be first designated to attend the school most convenient to his home, providing that school attendance zones are not created in such a manner as to create or perpetuate segregation and (3) It shall be provided that any child will have the right to transfer, upon reasonable notice, to any other school within the same school system at no expense to the school system.

In the final analysis we are dealing with a question of the will of the people when their desires are being overruled by a instrument of government, the courts. The legislative branch of government is a co-equal branch with that of the courts. As that branch of government most responsive and responsible to the will of the people, it is our duty to act as a co-equal branch of government and specify limits and conditions within which the judiciary may act in establishing government policy.

PAR VALUE MODIFICATION ACT, BEFORE THE COMMITTEE ON BANKING AND CURRENCY

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. McCLURE. Mr. Speaker, the House Committee on Banking and Currency has recently concluded hearings on the proposal to devalue the U.S. dollar. The Senate has already approved the devaluation, and I understand that the matter will be before us here in the House very soon.

Because the issue is so vital, I feel it is important that my colleagues give the many, many schools of thought their most careful consideration.

At the time I offered my testimony to the committee, I had the pleasure of arranging for the remarks of Mr. Charles R. Stahl, president of economic News Agency and publisher of Green's Commodity Market Comments, to be read into the proceedings. I insert at this time these pertinent comments into the CONGRESSIONAL RECORD for the benefit of the Members.

The comments follow:

PAR VALUE MODIFICATION ACT, BEFORE THE COMMITTEE ON BANKING AND CURRENCY

(Transcript of the full and prepared text of the testimony submitted on March 6, 1972, by Charles R. Stahl, president of Economic News Agency and publisher of Green's Commodity Market Comments)

My name is Charles R. Stahl and I live in Princeton, New Jersey. I am president of Economic News Agency and publisher of a biweekly review devoted solely to monetary matters and precious metals. I believe that some of the distinguished members of this Committee are aware of my publication. Senator Sparkman once read excerpts from one of my editorials on the floor of the Senate and then gave the article to President Nixon who studied it before discussing monetary matters with Charles de Gaulle, the President of France. The title of that editorial was "In Defense of the Dollar" and it was reproduced in the Congressional Record of February 17, 1969, page 3449. Two of my other articles were introduced into the Congressional Record, one by Congressman Brooks from Texas on October 23, 1967, page 29616 and one by Congressman Reuss from Wisconsin on November 23, 1970, page 38407.

The name of my publication may be a misnomer; it is called *Green's Commodity Market Comments* even though it deals strictly with precious metals and monetary matters. We are known, among other things, for the unique record as far as predicting the fluctuations in the price of gold are concerned. In the last five years we called correctly every important swing in the upper tier gold price. The Wall Street Journal paid me the compliment of being "consistently right about gold." Incidentally, in 1967 I was the one who was first on record with the proposal for the two-tier gold system which was adopted in March 1968.

A short review of the dollar's role in recent years may be helpful in understanding the 1971 monetary crisis and the reason for the December 18th realignment of currencies including the necessity to revalue the price of monetary gold by not less than 7.89%. The United States gold reserves reached their peak of $24.6 billion on 1950. Twenty years later, by the end of 1970, they stood at about $11 billion and the loss of gold accounted at $35 per ounce represented a decline of about $14 billion in U.S. reserves assets. It was a splendid business proposition and another proof of Yankee ingenuity.

During those 20 years the book value of U.S. foreign assets and investments rose from $54 billion to $166 billion, a net increase of $112 billion. The market value of those assets, of course, exceeds the book value considerably. The yearly income from U.S. investments abroad amounted to $10.5 billion in 1969. It was $11.4 billion in 1970 and I estimate that it was about $16 billion in 1971. In excess of $3 billion of the 1971 foreign earnings represent profits for those U.S. multinational corporations who hedged in the foreign exchange markets or, to put it more bluntly, who went short U.S. dollars against purchase of Japanese yen, German marks, Swiss francs, etc. This windfall profit of about $3 billion may or may not appear in 1971 income statements of those companies because some of the forward currency transactions, even though showing a profit at the end of 1971, might not have been completed at that time.

But whatever the case, the net result of the realignment of currencies must have caused a windfall profit to U.S. corporations and/or their affiliates abroad in excess of $3 billion. The income from U.S. foreign investments in 1971, without counting the windfall profits from currency realignments, should be somewhere between $12–$13 billion and that is approximately the amount of the dollar value of all the gold we lost during the 20 years if accounted at $35 per ounce. So the decline in the total gold reserves from $24.6 billion in 1950 to the current level of $9.6 billion was extremely beneficial to the expansion of U.S. economic influence the world over and it helped create the largest earner of foreign currencies. In spite of the outflow of dollars as well as gold from the U.S. to acquire those assets abroad, the dollar remained strong and its hegemony remained, for all practical purposes, unchallenged until the end of 1969, with the exception of the last quarter of 1967 and the first quarter of 1968 when the foreign dollar pool amounted to $30.5 billion, of which more than 50% were owned by central banks. Whenever more than 50% of dollars abroad are owned by central banks the red flag of impending monetary trouble is up. However, the adoption of the two-tier gold system in March 1968 saved the day and thereafter the dollar holdings of central banks declined from $15.6 billion to $11.9 billion by the end of 1969, at which time they just about equaled the U.S. gold stocks of $11.8 billion. Those $11.9 billion were the *only* dollars that could have been exchanged for U.S. gold since the balance of dollars in foreign hands—at that time approximately $28 billion—was wandering along the paths of the Eurodollar market and could not have been converted into gold *unless* first acquired by central banks. Because foreign central banks need about $15 billion in working balances, there was no danger of a run on U.S. gold reserves at the end of 1969. Including reserve position in IMF and convertible foreign currencies, U.S. reserves assets at the end of 1969 amounted to $16.9 billion, a very comfortable amount reflecting well the strength of the world's leading currency and by far the single largest reserve assets of any country member of the IMF.

When the dollar was riding high in 1969 and the gold price in the free market declined from $43.82½ in March of that year to below $35 by the end of the year, that was the best time to make changes in our monetary system. In June 1969 I wrote an article on the subject and suggested that it was in the best interest of the U.S. to perpetuate this system of dollar convertibility into gold at the fixed parity of $35 per ounce and I am quoting from Green's Commodity Market Comments issue of June 25, 1969:

"There are approximately $35 billion held abroad; $10.7 official plus $24.3 Eurodollars. The value of gold held by the U.S. Treasury at the end of April (accounted at the monetary price of $35 per ounce) was $10.9 billion and *exceeded* the $10.7 billion held by foreign central banks and other official organizations that have the right to claim gold for their dollars. At the present time, $24 billion of the Eurodollar market are not convertible into gold.

The moment is propitious to demand that *henceforth* any transfer of dollars from individuals, private corporations or banks to national banks or international organizations, be accompanied by an affidavit declaring that such dollars came into foreign hands as a result of legitimate commercial transactions. No justification should be required on any amount up to and including the $10.7 billion currently held by foreign central banks. However, a chain affidavit should be submitted on all dollars over and above the $10.7 billion setting forth full details as to the ownership and origin of these dollars from the moment they left the United States.

In June, July and August 1969 I had an exchange of correspondence on the subject of the above proposal with The Under Secretary of the Treasury for Monetary Affairs, Paul A. Volcker. The Under Secretary first thought that my proposal would require the institution of exchange controls and it was his belief that such measures should be avoided whenever practicable. My argument that the traffic of dollars in and out of the U.S. would be completely free under my proposal and the only difference it would cause would be that dollars obtained through commercial transactions would have a higher exchange rate than non-purpose dollars brought an admission from The Under Secretary that maybe my proposal ". . . does not involve exchange controls. . . . Nevertheless, the mechanics of implementation require essentially the same paraphernalia of controls, and I think we could agree such a system would leave much to be desired compared to a unitary rate structure at realistic exchange rates." My warning was repeated in the beginning of 1970 and I quote from the March 25, 1970 issue of Green's Commodity Market Comments:

". . . the Eurodollar market could be the first step towards real internationalization of the capital market. However, if it remains unregulated, it might become the harbinger of destruction to our monetary system. From this country's point of view, it is important to prevent Eurodollars 'owned' by foreign commercial banks or branches of U.S. banks abroad from becoming potential claims against U.S. gold if acquired by the central banks of foreign nations.

"The role of gold in our monetary system is diminishing but at the present time, it has not diminished sufficiently to accept lightly the threat of another run on U.S. gold. 49% of the world's liquidity is still represented by gold. During the second half of this decade, gold will be demonetized or nearly demonetized but this is a long way off. Therefore, the present calm on the monetary front should be used for further strengthening the system. . . . Transfer of dollars from individuals, private corporations or commercial banks to foreign central banks or international organizations should be accompanied by an affidavit declaring that such dollars came into foreign hands as a result of commercial transactions. Dollars for which no chain affidavit can be produced will have to find their own market level and will sell at substantial discount. The two-tier dollar market . . . would prevent flight of capital from the United States and would preserve U.S. gold reserves. The value of U.S. gold reserves at the present time corresponds to the approximate amount of dollars held by foreign central banks. Because the current level of central banks' dollar holdings is at a working minimum, no conversion to gold is envisaged *unless* central banks have to absorb huge quantities of Eurodollars."

Since the above was written the dollar holdings of foreign central banks have increased by more than 400%. By the end of 1970 the amount of dollars owned by central banks had jumped by about $10 billion and represented close to 50% of the total foreign pool of $43 billion. At the end of 1970 total U.S. reserves assets amounted to $14.5 billion out of which gold represented approximately $11 billion. The deterioration of the dollar's status accelerated in 1971. This was due to the policies of benign neglect which was not only detrimental to the prestige of the dollar but arrogant in its posture to our friends abroad because it disregarded the needs of smaller nations for whom balance of payments problems always had a greater importance than for the U.S. The U.S. balance of payments deficit represents only a fraction of our GNP. But the economic policies of smaller countries are disrupted if they have to accept more dollars than are required for the maintenance of adequate reserve assets; the influx of dollars creates unneeded liquidity in foreign banking systems, therebv contributing to the inflationary trends in different countries. Central banks which accept dollars print (increase the supply of) local currency in exchange.

A glance at one of the Swiss National Bank's weekly statements gives a good illustration of the potentially destructive forces of irresponsible money movements. During the week ending August 13, 1971, two days before President Nixons' speech on August 15, the Swiss National Bank's foreign exchange reserves increased by more than 200%. In one week, over $2 billion moved into Switzerland, swelling the balance sheet of the Swiss National Bank by 40%. Since a country whose Gross National Product is only $22 billion cannot possibly absorb in one week an influx of dollars representing 10% of its yearly GNP, it had to turn around and try to get rid of those dollars, but it could not obtain gold for them, nor find any willing takers. Nolens volens, the Swiss had to issue (print) 8.8 billion Swiss francs (to prevent the build-up of inflationary forces, 5.6 billion of those francs were temporarily frozen). This influx of dollars into a country which only a few months before had to revalue its currency by 7% and whose exports run at about 80% of its imports must ultimately end in a catastrophe, especially since the Swiss foreign trade represents over 31% of its GNP. Switzerland cannot absorb a further influx of dollars, because it either will be ruined bv inflation or be obliged to revalue its currency ad nauseam, thereby provoking a depression.

Incidentaly, the influx of dollars into foreign central banks' coffers had the effect of diminishing the percentage of gold as a reserve asset. At the end of 1960 gold represented 63% of central bank reserves. By the end of 1969, the ratio had dropped to 49%, and currently gold represents slightly less than 37% of the free world monetary reserves. The gold holdings of central banks actually changed very little, but because of SDR distribution, and particularly because of the flight away from dollars which central banks had to buy, gold now represents a smaller percentage of world liquidity. The world liquidity now exceeds $100 billion and in excess of 50% is represented by dollar holdings. Those dollar holdings of foreign central banks corresponds to about 80% of the total foreign dollar pool of approximately $62 billion.

Since the dollar will be eliminated as a reserve asset, obviously gold will have to play a more important role than heretofore, at least during the transition period until a new reserve asset is agreed upon. When President Nixon announced the divorce of the dollar from its gold convertibility in August 1971, this single move, as paradoxical as it may seem, put gold precisely back into the spotlight of the international monetary system from which the U.S. Treasury has been trying to remove gold for years! If the cancellation of the dollar/gold convertibility had not been announcd in 1971, the Treasury would probably have been successful in its endeavor to demonetize or nearly demonetize gold sometime in the second half of this decade. However, the premature cut of the dollar/gold link will not only strengthen the position of gold in the monetary system, it will also preclude the use of any national currency as a reserve asset by central banks in the future.

To better understand the reason behind the statement just made by me, one should compare dollars to chips in a gambling casino: it was the Bretton Woods agreement which provided the United States with a license to operate the casino—the only casino in the world where all players were obliged to use American chips. In order to get those chips, some nations gave their national currency; others mortgaged their industrial growth, or sold their industries to U.S. businesses. For more than a quarter of a century, the players trusted the management of the casino to be willing to cash in the chips on demand. However, on August 15, 1971, the management of the casino declared that from now on the chips were no longer convertible, and those who did not like it could go fly a kite.

Before suspending the rights of players to cash in their chips, the United States had allowed every Tom, Dick and Harry to help themselves to the use of its chips, and to flood the world with them. And flood they did. At the end of 1970, the United States' assets abroad had a book value of $166 billion. For those assets, which earned about $12–$13 billion last year alone, the sellers got our chips—now unredeemable. The suspension of the dollar/gold convertibility has effectively destroyed the very foundation on which our monetary system was built. However, repudiation by a country of its pledge to exchange paper currency into gold is not an American invention. Other nations have gone back on such pledges before; as a matter of fact, the list of those nations is quite impressive, and includes England, France, Germany, etc.

Because of this sad experience, it is now generally agreed, and surprisingly enough this view also appears to represent the current position of the U.S. Treasury, that, in the future, neither the dollar nor any other national currency should be used as a reserve asset. Please do not misunderstand me. The role of the dollar will still be very important, because it will remain the intervention currency. But it will not be considered a reserve asset, which means that foreign central banks will not be obliged to add dollars to their reserves. This will have the effect of eliminating the inflationary pressure abroad which was caused by the flight from the dollar.

The currency realignment of December 18 will help diminish the U.S. balance of payments deficit provided that the flight of the non-purpose dollars will stop. The average realignment in favor of the U.S. is about 12% when weighted according to the volume of trade done with major U.S. trading partners (except Canada which continues to float its currency). To facilitate the proper functioning of the new exchange rates a minimum U.S. concession is required and that is the agreement to change dollar gold par value from 1/35 troy ounce of gold being equivalent of $1.00 to 1/38 troy ounce of gold being the equivalent of $1.00. The realignment of currencies including this revaluation of the price of monetary gold in terms of dollars will aid our balance of payments position and a speedy Congressional approval of the Par Value Modification Act will cement the first step to bring the western world away from a monetary chaos. Before suggesting some additional measures which I believe could help restore the dollar's standing and create an improved monetary system, a short review of the Eurodollar market may be in order.

Contrary to popular belief, the Eurodollar market was not invented by some ingenious American or hard-bargaining Swiss, but by a Communist banker. This market came to life in 1957 because the Soviet Union was reluctant to keep its dollar balances in the United States. In order to prevent a potential seizure by the U.S. Government, the Soviet Union kept its dollars hidden behind the flags of Great Britain and France via Russian-owned banks (Moscow Narodny Bank in London and Banque Commerciale pour l'Europe du Nord in Paris). By the end of 1958, other European countries joined the Eurodollar game. It coincided with the time when their balance of payments problems were resolved. An accumulation of dollars by leading European countries began partly as a result of their trade surplus and partly because of heavy U.S. industrial expansion in Western European countries and the highly sophisticated methods employed by certain Americans to avoid paying taxes. Today the multi-national corporations are a major factor in the Eurodollar market. These multi-national companies now produce $450 billion worth of goods and about one-half of this sum represents sales by foreign affiliates of American companies. Over-exporting of American know-how as well as the American dollar to invest in direct production facilities abroad had to boomerang. We are now in Phase II of this phenomenon. The first phase was the creation and growth of the uncontrolled Eurodollar market which resulted in the breakdown of our monetary system on August 15, 1971 when the freeze on domestic prices and wages was imposed and the chill of our relations with our friends abroad accomplished. The multi-national companies represent an economic power second only to that of the United States. The corporate affiliates of U.S. companies alone represent the fourth greatest economic power in the world. U.S. direct investments abroad by exporting jobs and importing products manufactured in low-wage countries contributed to the slowdown of our domestic economy. Please do not misunderstand me. I am not against direct investments abroad, but a better control must be exercised over the multi-national companies than heretofore. As I mentioned before, the pressure on the dollar came because of hedging and short-selling activities of the American corporate affiliates abroad. It was they and not the gnomes of Zurich who were dumping the dollars by the billions. Those multi-national companies must be subjected to the priorities of the national economy of the country which provided the original capital and know-how, otherwise an irreparable damage to our system might occur.

All dollars deposited with banks in locations outside the United States, whether they are banks of a foreign country or branches of U.S. banks, are called Eurodollars regardless of whether they are owned by the Americans, Japanese, Canadians, or Europeans. One would assume that the dollars abroad are there as a result of some legitimate commercial transactions, through American tourists spending abroad or through purchases or grants by the U.S. Government. This is how it should be but "it ain't necessarily so!" Many Americans who had a friend at The Chase Manhattan Bank were persuaded to transfer their dollar accounts from domestic branches of this bank to its foreign establishments. Some were likewise induced by other prominent financial institutions in this country.

Statistics recently released show that in 1970 assets of overseas branches of U.S. banks, members of the Federal Reserve System, again dramatically increased by $11.5 billion, or 28%. As of December 31, 1970, the total assets of overseas branches of U.S. banks stood at $52.6 billion. Seventy-seven new branches were opened during the year, bringing the total of U.S. banks' overseas branches to 536, a new record. U.S. banks have 44 branches in the United Kingdom and Ireland, with assets of $29.6 billion; 72 in continental Europe, with assets of $9.5 billion; 61 in the Bahamas, with assets of $4.4 billion; 79 in the Far East, with assets of $4.4 billion; 223 in Latin America, with assets of about $2 billion, plus some other branches scattered around the world. Since Eurodollars on deposit with those banks are subject to few regulations, they cross borders at will, and occasionally cause irreparable damage to the Western world's economy.

If it were not for the close to 15 billion Eurodollars' injection in 1969–70 "to help" the banking and corporate liquidity in this country, the Administration's original economic plan would have worked and the inflationary period as well as the recession (made to order) would have been a matter of the past by now. As it happened, the $15 billion "foreign loans" helped to promote the continuation of the inflation and necessitated a longer period of tightening domestic money screws, thereby prolonging the recession. The net result was that inflation receded at a slower rate than expected and the recession or whatever the Administration called it, extended beyond the period originally projected.

There now exists another danger that once the liquidity of the Eurodollar market is curtailed as it must be, a chain of bankruptcies of major financial corporations or banks in Europe (foreign or American-owned) may be triggered. Private banks which operate in the Eurocurrency market create money either without reserve requirements or in a manner normally reserved for central banks only. For example, any short sale of forward dollars against Japanese yen, German marks, Swiss francs, or whatever, creates a "new supply" of forward dollars, thereby increasing temporarily the liquidity of the Eurodollar market. A proof of the destructive forces in the Eurodollar market was offered when at the end of August, 1971 yearly interest rates in excess of 200% were paid for overnight use of Eurodollars by those wanting to cash in profits on their purchases of foreign currencies.

Before the end of August 1971, I proposed an eight-point plan on how to overcome the monetary chaos. I presented my plan to the Treasury and it was also published on September 8 in Green's Commodity Market Comments. Portions of the plan were since adopted and various speakers at the International Monetary Fund meeting last September in Washington advocated some of mine or similar proposals. Six points of my plan remain unfulfilled and they are as follows:

1. Stateless money like Eurodollars, Euromarks, etc., which were one of the main causes of the breakdown of the monetary system, should fall under the jurisdiction of the IMF as a first step towards the creation of a worldwide central bank.
2. SDRs at the present time are not convertible into gold, but they do have a gold par value. In the future, SDRs should be convertible into gold in the same proportion as gold is maintained in the assets of the IMF.
3. Settlements of balance of payments deficits should not be permitted through any means other than transfer of SDRs. Those nations which do not have enough SDRs would have to borrow them for that purpose from the IMF.
4. 10% of each central bank's assets should be transferred to the IMF in exchange for SDRs, and thereafter at the rate of 5% of the remaining assets per year until a certain pre-determined quota is reached. Such quota may be based on the current voting percentage of each IMF member or on a new system yet to be determined.
5. The dollars held by foreign central banks should be repurchased by the U.S. over a period of 20 years at the rate of $1.5 billion per year.
6. The direct expenses connected with the defense of the Western world and incurred by the U.S. abroad should be split evenly.

The August 15, 1971, repudiation of the dollar/gold convertibility will be recorded by monetary historians as a landmark decision concerning not only those directly engaged in gold warfare, but also many in the hinterland. Over the last 6,000 years, innumerable gold wars were fought. The Roman civilization grew on such wars; so did the empire of Alexander the Great, whose capture of Ecbatana earned him 10 million ounces of gold, and that of Persepolis, 7 million ounces of gold. The Egyptian Pharaohs Thotmes I and Amenhotep II fought Syria to seize her gold treasures; the sea power of Crete collected gold from the North Aegeans, Carpathia and Ireland. Emperor Trajan captured 8 million ounces of gold from the Dacians; Pizarro, the conqueror of Peru, got 200,000 ounces of gold from the Inca Atahualpa, etc.

With the progress of civilization, gold wars became more sophisticated. During our generation, gold wars were fought not on battlefields but in the privacy of the world's chancelleries or the majesty of the White House. Our generation's Gold War I ended in January 1934, when President Roosevelt decided to increase the price of gold from $20.67 to $35.00 per ounce. Gold War II was terminated in March 1968 when the drainage of large amounts of gold from the pool operated by central bankers brought the two-tier gold system into being.

The outcome of Gold War III will be decided by the action of this Congress.

The original gold standard was started in England in 1816 and lasted until 1914. During 92 years out of those 98 years, the value of gold remained fixed at the rate of £13.17.10½ per ounce. But in the previous century, between 1700 and 1800, when the gold standard did not even exist, the price of gold was also stationary. After World War I, the exchange rate flexibility, hailed today as a superior monetary system by those who did not study history, proved disastrous. The gold exchange standard did not fare any better. Since time immemorial man's folly has created monetary problems with recurring consistency, and neither the pure gold standard, nor the semi-gold standard, nor flexible rates, nor rigid rates, have been able to steer the foreign exchange markets through calm waters forever. Deflation and inflation, prosperity and recession have occurred under each of the monetary systems ever invented by man. Debasement of money existed even at a time when paper money was not in use. For example, the gold content of French coins fell from 3.2 grams to fine gold in 1351 to 0.29 gram in 1795, a debasement of over 90%, and the gold content of British coins fell by almost 80% between 1257 and 1816. Of all the world's monetary systems, the most successful one, in absolute terms as well as proportionately, was the one agreed upon at Bretton Woods in 1944. It was based on the dollar/gold convertibility. The main objectives of the International Monetary Fund, to help members attain economic growth and to expand world trade, were achieved; the world trade increased from $60 billion in 1950 to approximately $300 billion last year. But the mechanism to correct the balance of payments deficit of countries whose currencies were used as reserve assets failed. This potential danger was recognized more than ten years ago, and those who wanted to protect our monetary system pointed out the absurdity of using national currencies as international reserves. The creation of Special Drawing Rights was intended to take the burden from national currencies acting as international reserves. But before the SDRs were able to prove itself, the suspension of the dollar/gold convertibility played havoc with our monetary system. Still it will be ultimately through the use of the SDRs that the proper functioning of the free world monetary system will be restored.

As far as the acceleration of the reflow of dollars from abroad is concerned, and in order to prevent future flights from the dollar, the repeal of the prohibition for U.S. citizens to own gold may be helpful. Legalization of gold ownership in this country would effectively eliminate the need for private individuals and corporations to seek foreign haven in order to protect themselves against real or imaginery dangers of holding dollars. It is estimated that in excess of $6 billion worth of gold bullion stored outside the U.S. is illegally owned by U.S. citizens or corporations. An amnesty would bring, if not all of this gold into the U.S., at least a substantial part of it and, therefore, no outflow of dollars would take place for new purchases of gold from abroad. Further, a higher price for the yellow metals would make certain gold deposits in the U.S. economically minable.

According to the U.S. Bureau of Mines, we could mine in this country 25 million ounces of gold up to the price of $46 per ounce; 176 million ounces up to $110; and 237 million ounces up to $140. We pay a subsidy to farmers for not growing grain. We could well justify payment to miners for producing gold. Incidentally, those 237 million ounces of gold at the free market price represent close to $12 billion worth of gold, or about $9 billion at the monetary price. If added to our current reserves, it would double our present monetary gold stock. The U.S. industrial consumption of gold oscillates between 6 and 7 million ounces per year and we have to import between 4 and 5 million ounces. Domestic production in 1970 was 1.7 million ounces but due to a copper strike in 1971 it was slightly less last year. Our imports of gold for industrial purposes represents an outlay of between $220–$280 million per year. A subsidy paid to the domestic mining industry would eliminate this drag on our balance of payments.

I am one of the few persons who does not have a hang-up on gold—one way or another. I realize that gold is an important store of value, and justifiably exercise great monetary influence; but the improvement of communications networks now permits the transfer of money from one country to another by telephone, cable or telex and accomplishes an exchange from one currency to another simultaneously, thereby diminishing the role of gold as a store of value and as a protection against inflation, confiscation, devaluation, etc. Besides not being electronically transferable, gold has another disadvantage: it can be easily stolen, even from a bank vault. I am speaking from experience. My family owned what was known before World War II as the largest jewelry concern in Middle and Eastern Europe. We owned watch factories, silverware factories, manufactured jewelry and had a wholesale organization as well as retail jewelry stores in several countries. When the Soviet troops marched into Poland in 1939, most of our merchandise was stolen or confiscated. When the Soviet troops entered Hungary in 1944, the wall to one of our stores which was built inside a huge vault was dynamited in order to permit entry to steal the loot. Since we anticipated that this could happen, we had deposited a vast number of gold and diamond objects with the Swiss Embassy in Budapest, hoping that at least this part would be safe, but the troops violated the extra-territorial rights of the Swiss Embassy and our deposit was lost. Let this be a memento to all those who believe that gold provides the ultimate security as far as conservation of assets is concerned. On the other hand, I must state that the gold, platinum and diamonds which my wife and I carried on ourselves during World War II or had hidden personally were of enormous assistance to us. The moral of this story is obvious. Too much gold will not necessarily help you but it is prudent to have some.

There were times when I advised the purchase of gold bullion to U.S. licensed dealers and those of my foreign readers who could legally do so. Other times I advised short sales of gold bullion. From the very beginning, I was in favor of the creation of the SDRs and in favor of demonetization or near-demonetization of gold sometime before the end of this decade. However, I am a realist and when the gold/dollar convertibility was stopped on August 15th, it became obvious that a hike in the monetary gold price would be the least concession the U.S. would have to agree to in order to straighten out its problems with other members of the Group of Ten and the IMF.

Contrary to popular belief, I don't think that once the gold ownership in this country is legalized that the price will run out of sight. I expect that the price of gold will oscillate between $47–$53 per ounce for a good while with maybe an occasional flare-up to esoteric level immediately after trading gold bullion begins on U.S. commodity exchanges. In the long term, of course, it is a question of economics and the price of gold in the free market will be ruled by the supply and demand factors. I am on record that by the end of the decade, the price of gold should be in excess of $130 per ounce. South African proven gold reserves are only 500 million ounces at the $35 per ounce level. But if the price increases by 100% then South African gold reserves would increase by 150%. Still not enough to satisfy the growing industrial demand. The Bureau of Mines estimated the range of demand in the

U.S. for primary gold in the year 2000 to be between 19 and 30 million ounces. The low and high forecasts over the next 30 years correspond to annual growth consumption rates of 3.4 and 4.8% respectively. Assuming the low growth figure for gold consumption, the cumulative demand for gold between now and the year 2000 would be close to 360 million ounces in the U.S. At the high growth figure, approximately 480 million ounces of gold would be used between now and the year 2000. The range of demand for the rest of the world in the year 2000 is confined to between 43.4 and 69.2 million ounces. The cumulative total for the rest of the world would amount to 966 million ounces on the low side and 1.2 billion ounces on the high side. The combined cumulative demand (U.S.+world) between now and the year 2000, at the high consumption figure, would be approximately 1.7 billion ounces. Obviously, the production of gold in the next 30 years cannot keep up with demand and this might be true regardless of the price. It has been estimated that gold recovery over the last 6000 years represented a total cumulative production to date of slightly over 2½ billion ounces. 30% of this total was mined in the last 20 years. Over the years, South African mines have produced 960 million ounces which at $35 per ounce represented more than $33 billion.

There is very little likelihood that a discovery of major new gold fields can be made, except in the Soviet Union, where prospecting so far has not been very thorough. It is known, however, that recently the Soviet Union has begun a new search for gold, and has had some success in this endeavor. South Africa's current production is about 32 million ounces per year and this represents approximately two-thirds of the world production. The figure usually mentioned is about 75%–80% of world production but I believe that the Soviet Union's gold production is larger than generally accepted, hence the lower percentage for South Africa's share. There are more than 50 gold mines in South Africa, which are controlled by seven holding companies. South African statistics show that in order to produce one ounce of gold, 3 tons of ore have to be processed, requiring 38 man-hours to do the job and 1,400 gallons of water. The electrical power used for that purpose would equal what an average household uses in 10 days. In addition, it takes 300 to 600 cubic feet of compressed air and varying quantities of chemicals, including cyanide, zinc, acids, lime and borax. All this effort to produce one ounce of gold could only start after an initial $50 million was spent to establish a deep-level mine in order to reach ore economically minable. In South Africa, about 75 million tons of rock are brought to the surface every year and crushed to yield finally about a ten-foot cube of pure gold. All of this activity creates a flow of newly-mined gold that in recent years added little to the monetary reserves of central banks. The commercial consumption by 1975 will equal new production and thereafter should exceed it. Obviously, gold cannot remain forever a component of our monetary system. At the moment, however, it is too early to think in terms of demonetization or near-demonetization of gold.

Our Treasury and some newspapers often gloat in their condemnation of the so-called foreign gold speculator. I think that this may be a good place to clarify the record. There are very few gold speculators that I know of in the sense we define the word speculation. Ninety-nine percent of the people abroad buy gold solely for protection as a kind of insurance of the last resort. A real gold hoarder could not care less whether he makes any money on his gold holdings as long as he does not lose any. I never heard of any substantial gold hoarder who bought gold for capital appreciation purposes. It is only since 1967 when the American money abroad began active and illegal participation in gold bullion market that some purchasers of gold thought in terms of buying gold in order to double or triple their money. The people of India, Mid-East, France and other places where gold hoarding is a tradition buy gold because it offers advantage over paper money at times of distress. Gold can be easily verified as to its genuineness. A simple acid test will do. Who knows, however, if some foreign paper currency is counterfeit or not. Besides who knows about the rate of exchange between one currency and another at a time of war or riots when one is cut from the rest of the world.

There is no valid reason why the U.S. citizens should be prevented from gold ownership. I am convinced that such gold ownership can have no detrimental repercussion on our monetary system even during the period of transition when gold is still being used as a component of the monetary reserves. As a matter of fact, I believe that legalization of the gold ownership in this country would be beneficial to our balance of payments problems because it will act as a deterrent to the outflow of dollars from this country. Further, a higher gold price—in both tiers, monetary and free market—will improve our chances for trade with the Soviet Union and People's Republic of China. Both countries have substantial amounts of gold bullion. I estimate that the Soviet Union's gold assets accounted at the free market price represent the equivalent of $7–$8 billion and that of China $3–$4 billion. If we really want to trade with them then there is no reason to cry about Russia and China having more chips. And as far as South Africa is concerned, the increase in the monetary price of gold would have no influence on the amount of gold sold by that country for its balance of payments reason since already for a second year in a row the entire gold production of South Africa is being disposed on the free market.

ANNUNZIO URGES ISSUANCE OF A COMMEMORATIVE POSTAGE STAMP IN HONOR OF 500TH ANNIVERSARY OF THE BIRTH OF NICHOLAS COPERNICUS, THE FATHER OF MODERN SCIENCE

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. ANNUNZIO. Mr. Speaker, today I am introducing legislation to authorize the Postmaster General to issue a special commemorative postage stamp in 1973 in honor of the 500th anniversary of the birth of Nicholas Copernicus—the great Polish astronomer and father of modern science.

Copernicus was born in Poland in 1473, but he gave so much to the world, that he has been honored the world over for his achievements. In tribute to Copernicus and in recognition of the notable contributions of Polish Americans to the advancement of our own country, I feel it is indeed fitting and appropriate that a postage stamp of this kind be issued to coincide with the quincentennial celebration in 1973 of Copernicus' birth.

Copernicus was outstanding in many fields—he distinguished himself as a theologian, scholar, painter, poet, physician, lawyer, economist, soldier, statesman, and scientist. But above all, he was such an eminent astronomer that his theories formed the basis for modern astronomy. It was he who disproved the idea that the earth is in the center of the universe and formulated the theories which led to modern-day space exploration.

Mr. Speaker, at this point in the RECORD, I include a brief biography about Nicholas Copernicus which appeared in the Autumn 1971 edition of Promień, the Polish National Alliance Youth Leaders magazine.

The article follows:

NICHOLAS COPERNICUS

Copernicus is rightfully called the Father of Modern Science because his teachings permitted thousands of successive scientists to unfold human knowledge in a multitude of fields to the point where the United States was able to make a successful landing on the moon. Incidentally, the large Copernicus crater on the moon, one of its most prominent landmarks, was named after the astromer in 1651 by Father G. B. Riccioli of Bologna.

Copernicus' theory stirred the minds of men of many nations. In the constantly expanding realm of scientific achievement, the fundamental work of Copernicus looms as more and more important. The saga of space exploration is bewildering.

The true nature of matter, time and motion has been given tremendous impetus during the International Geophysical Year (July 1, 1957 through December 31, 1958). A most ambitious program was dependent not only on the 30,000 scientists and technicians from sixty-six countries who combined their efforts on a gigantic scale with huge funds and most highly developed equipment, but employed the accumulated and combined knowledge of every kind of mathematician, physician, astronomer and other scientists over the centuries. Rockets, satellites orbiting the earth, craft directed to other celestial bodies and endless similar projects depended on many men of many nations.

An extraordinary man of the world of enormous vision, who filled an important niche in mankind's knowledge of the heavens, was Nicholas Copernicus. It was he who disapproved the theory that the earth is in the center of the universe in very much the same way and at about the same time that others were proving the earth was round and not flat. He placed the sun in the center, thereby evolving the solar system with the earth but one of the planets in the complex. It was said that "he stopped the sun and bade the earth to spin".

This planet of ours in its dash around the sun makes 1,110 miles a minute. In its daily rotation a point on the equator makes about 1,000 miles an hour. Our entire solar system is but a detail in the stupendous galaxy of stars which requires 200 billion years to complete its orbit. In addition to galaxies, astronomers are today concerned with quasars which are 100 times brighter than galaxies and strong emitters of radio waves. We and our planets are, relatively speaking, mere specks of dust.

Nicholas Copernicus was born in Toruń, Poland on February 19, 1473, so he was but a young man when America was discovered. He studied canon law and kindred subjects at the Universities of Krakow, Bologna, Padua and elsewhere. Sciences in general and astronomy in particular attracted him, however, he was interested in celestial motions and observed their phenomena with the naked eye to prove his calculated predictions. This was a hundred years before Galileo introduced the telescope and nearly 400 years before photography was developed, so that Copernicus made drawings of star and planet positions to support his theory.

After four years of study in Krakow where Copernicus made great strides in acquiring knowledge in science and in the humanities, he was attracted to Italy to continue his studies there. This was a period of impressive achievements in navigation, discoveries and the fine arts—all emanating from northern Italy. It was a period when Columbus made efforts to prove that the earth was round and not flat, when his voyages led to the discovery of America. It was a period when Michelangelo impressed the world with his genius as a sculptor, painter and poet. It was the time when Leonardo da Vinci (1452–1519) was making a name for himself as painter, sculptor, architect, militar ystrategist and inventor. This was also the time when the paintings of Raphael (1483–1520) were attracting attention to the eminent draftsman and colorist—when these great Italians were enlarging the horizons of man's knowledge, skill and achievements. It is little wonder that Copernicus was attracted to Italy which was bustling with progress in every direction.

Through the protection of his uncle, Lucas, the Bishop of Varmia, Copernicus was made a canon of the church with a substantial stipend which allowed him to supplement his study of medicine with his particular scientific work. After the bishop died, Copernicus was administrator of the domain, and had occasion to propound a monetary law on currency.

About 1515, he began to concentrate all his efforts on the heliocentric system, and gathered data in support of his theory. He spent long solitary years in his work, concentrating on his calculations and observations which finally formed the basis of his De Revolutionibus Orbium Coelestium (Concerning the Revolutions of the Heavenly Spheres). After many setbacks the book which immortalized Copernicus became a reality with the first printed copy reaching the great scientist on his very death bed on May 24, 1543.

Many copies of this first edition published in Latin in 1543 are still preserved and most of these have come to light in 1943 during the widespread observances of the 400th anniversary of the death of Copernicus. It is interesting to note that on Feb. 22, 1923, Frederick E. Brasch reported in the Boston Herald "As far as is known, the Boston Athenaeum Library and the library of the Massachusetts Institute of Technology are the only libraries in the United States possessing a copy". In Prof. Stephen P. Mizwa's 1943 book on Copernicus, the title page of a copy of the first edition at the Royal University at Uppsala, Sweden, is shown and mention is made of another copy in possession of the New York Public Library. By the time the Copernicus celebrations ended (late in 1943), Prof. Mizwa, president of the Kosciuszko Foundation, acting as secretary of the Copernican Quadricentennial throughout the United States discovered seventeen copies in the United States without the MIT copy which in the meantime had disappeared.

It would be well to keep in mind that the first book, from movable type as the Holy Bible, invented by Johann Gutenberg (1397–1468), was printed in 1452, only 21 years before Copernicus was born and only 91 years before Copernicus' book was printed.

The book forms the basis of all modern astronomy on which Kepler discovered the ellipticity of the planetary orbits, Sir Isaac Newton worked out the physics of celestial motion, Albert Einstein his theory of relativity, etc. Copernicus made it plain that the fixed stars, including the sun, were a comparatively rigid group and that other bodies like our planets including the earth, as well as our moon had peculiar motions of their own as compared with the fixed stars. The starry heavens were given a fixed foundation with the planets and their satellites correctly staged. This was a bold act on the part of Copernicus in view of centuries of faulty doctrines, deeply rooted in and supported by the church.

Copernicus was a true scholar, a thinker with broad interests and achievements, a theologian, a painter and a poet, a physician and a lawyer, an economist, a soldier, a statesman and a scientist. The world knows him as an astronomer. The great American astronomer, Simon Newcomb, has noted that "there is no figure in astronomical history which may more appropriately claim the admiration of mankind through all time than that of Copernicus".

The 500th anniversary of Copernicus' birth will be aptly observed by all high institutions of learning, by astronomical observatories, by historians, mathematicians, scientists and bibliographers. Musical compositions have been inspired to honor Copernicus. Tributes will be paid from far and wide. Quincentennial observances will be conducted in all parts of the world. The Copernicus University in Wroclaw is preparing an impressive program. The many monuments and memorials will gather huge crowds of admirers.

Many countries will issue postage stamps to recall the achievements of Copernicus and it becomes paramount for the United States, as the leader in the space race, to add its postal tribute to a great scholar. We hope that the issue will be in keeping with the dignity of America in its dominant position among nations.

The stature of Copernicus, even before the present nuclear competition, has been so great that Poland and other countries have honored him with postal issues for the past 50 years. While we could dwell on the many tangible ways in which Copernicus is being and will be venerated on his 500th anniversary, we will limit this booklet to the postage stamps that have been issued to honor the man and his works.

Inasmuch as Copernicus belongs to the great mass of humanity as much as he belongs to Poland, and inasmuch as American citizens of Polish descent form a large industrious, creative and otherwise helpful segment of our population, we are suggesting that the postal issues be a common effort, that similar or identical stamps, save for the name of the issuing country and for the denomination, be identical or nearly so. This would create a significant bond among nations where unity is now so sorely needed.

Above all, here is a tabulation of the Copernicus stamps and is followed on subsequent pages by illustrations and descriptions. Stamps issued by Poland up to June 1971 are shown on page 8 and stamps issued by others than Poland up to June 1971 are shown on page 9. The last column in both tabulations refers to the page on which the stamp is illustrated and described. As mentioned on page 31, it is the intention to issue a supplement for the stamps that will be issued after June 1971 for the Copernicus quincentenary.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

ANOTHER BOUT OF REPRESSION IN THE U.S.S.R.

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. O'HARA. Mr. Speaker, earlier this year, the secret police of the Soviet Union carried out a new wave of repression against intellectuals in Ukraine—one of the captive nations which has been under Soviet domination for nearly half a century.

Unhappily, most of the American people were unaware of these newest attempts to throttle those in Ukraine who dare speak out in defense of human rights—even though these human rights are supposed to be "guaranteed" by the Constitution of the Soviet Union.

The Associated Press carried a brief story on its wires, and the New York Times published this story on January 15, in something less than a prominent position. The Baltimore Sun of the same day carried a story of similar length which originated in that newspaper's Moscow bureau. Certainly there were no glaring headlines, such as have accomapnied other instances of oppression in the Soviet Union. There has been no public outcry in this country or abroad. As a nation, we seem to have lost our capacity to care about the repression of citizens of Ukraine, who have been arrested for the expression of views unpopular to the Soviet Government—even though their actions have remained well within the law.

Radio Free Europe, in a research paper prepared for the use of its editors and policy staff, has put its finger on the problem with the following analysis of this newest wave of repression:

> The one common feature in this unedifying spectacle is, apparently, that no ruling Communist party of any hue is strong enough to tolerate opposition, even when it is expressed by legal means and even when it operates within the bounds of the constitution.

I believe, Mr. Speaker, that we should voice our strongest condemnation of these latest infringements of basic human rights. I would hope that the United Nations Human Rights Commission will investigate the conditions in Ukraine, before this systematic destruction of the Ukrainian cultural heritage achieves the goals of the leaders in the Kremlin: The forced Russification of the Ukrainian people.

Mr. Speaker, I include, at this point in my remarks, the articles from the New York Times and the Baltimore Sun, as well as the Radio Free Europe research paper of January 17, 1972, on this subject:

[From the Baltimore Sun, Jan. 15, 1972]

UKRAINIAN DISSIDENTS REPORTED HELD

Moscow.—In a sweeping action against Ukrainian "nationalists," Soviet secret police have arrested 11 leading dissident intellectuals in the Ukraine, reliable sources said yesterday.

Among those held by police is Vyacheslav Chornovil, author of the "Chornovil Papers," an account of the trial and prison camp experiences of 20 Ukrainian intellectuals convicted in 1966 for nationalist agitation.

After the account was written, Mr. Chornovil was sent to prison in 1967 for three years. It was published later in the west.

ARRESTED IN LVOV

He was one of seven persons arrested Wednesday in Lvov, a city in the Western Ukraine where nationalist feeling against Russians is reported to be especially strong.

Four people were taken into custody in the Ukrainian Republic capital, Kiev, Thursday. They include Ivan Svitlychny, a former literary critic who has been particularly active in the nationalist movement.

The sources said the arrests were preceded by a series of raids by Soviet secret police on the homes of intellectuals in Kiev and Lvov.

Those held are all charged with dissemination of "deliberately false fabrications defaming the Soviet state." Conviction on the charge carries a maximum, three-year sentence.

Despite the round-up of dissidents that led to the 1966 trials, the Ukraine has continued to be a source of trouble for Moscow. Like the dissidents centered in Moscow, the Ukrainians have their own underground newspaper, the Ukrainian Herald, to chronicle their battles with the authorities.

Some of them, disturbed by what they consider to be the Russification of the Ukraine, have called for secession from the Soviet Union—a right technically guaranteed in the Constitution.

In the most famous recent case, Valentin Moroy, a teacher, was sentenced in 1970 to nine years in prison and five years in exile on a charge of anti-Soviet agitation.

Mr. Chornovil was called as a witness at that trial, but refused to testify on the grounds that it was being held secretly, in violation of Soviet law.

[From the New York Times, Jan. 15, 1972]

SOVIET ARREST OF 11 IN UKRAINE REPORTED FOR ANTI-STATE ACTS

Moscow, January 14.—The Soviet secret police have arrested 11 Ukrainians apparently on suspicion of nationalist activity, reliable sources said today.

All were held under an article of the Ukrainian criminal code that prohibits dissemination of "deliberately false fabrications defaming the Soviet state," the source said. The article carries a maximum sentence of three years' imprisonment.

Four of the persons were arrested Thursday in Kiev, the Ukrainian capital, the sources said. Among them, they added, was Ivan Svitlichny, a literary critic.

A Ukrainian underground publication, Ukrainsky Visny (Ukranian Herald), says that Mr. Svitlichny is one of several intellectuals whom the security police have tried to discredit.

The sources said that the seven other arrests were made Wednesday in Lvov, the main city in the western Ukraine and generally considered one of the strongest centers of Ukrainian nationalism.

The seven arrested were reported to have included a former television journalist, Vyacheslav Chornovil. Mr. Chornovil, in his early 30's, was sentenced in November, 1967, to 18 months in a labor camp for compiling an underground account of secret police methods used in rounding up about 100 Ukrainian intellectuals in 1965 and 1966.

About 20 of those arrested then were eventually tried in secret in 1966 on charges of anti-Soviet agitation and propaganda.

They were sentenced to labor-camp terms ranging from six months to six years.

ANOTHER BOUT OF REPRESSION IN THE U.S.S.R.

SUMMARY

In mid-January 1972, the largest wave of arrests and house-searches in the USSR since December 1970 was reported. In the Ukraine Chornovil and Svetlichny were arrested, while Dzuba's house was searched, as well as the flat of Pyotr Yakir in Moscow. The action includes a case in Leningrad, and upwards of forty victims may be involved. This paper explains the background and attempts to find a reason for the current bout of nervousness and repression in the Kremlin.

The biggest wave of repressive action in the USSR since the arrests connected with the alleged attempt at hijacking an aircraft in December 1970 took place last week. Preceded by a number of house searches carried out by the Ukrainian KGB, including a search of the house of Ivan Dzhuba, the prominent literary critic, it appears to have begun in earnest on January 12, when seven people were arrested in Lvov.[1] Among them were Vyacheslav Chornovil, the author of "The Chornovil Papers."

On the following day, the action spread to Kiev, where another four arrests were made, and this time the most prominent victim was Ivan Svitlichnv, another literary critic. All are so far charged with "spreading deliberately false fabrications defaming the Soviet state," for which the maximum penalty is three years imprisonment.

On January 14, there were eight police raids on homes in Moscow, including the flat of Pyotr Yakir, the prominent member of the civil rights movement who is the son of the Red Army general liquidated in 1937.

Pyotr Yakir was told by the KGB men who searched his apartment that the action was connected with a case in Leningrad, about which nothing is yet known except that it was referred to as "No. 38."[2] There is some reason, therefore, for thinking that there may be about forty separate people involved, although the Moscow raids have not, apparently, yet led to arrests. But since the KGB were searching for papers, books and documents, of which they removed a large number from Yakir's flat, it seems probable that they are accumulating the evidence for future arrests in the capital.

This marks the first occasion on which administrative action has been taken against Yakir, who in recent years has seemed to be protected by his famous name and by the Party's guilty knowledge of the terminal injustice perpetrated against his father during Stalin's purge of the Red Army leadership.

The issue in the Ukraine is apparently the age-old problem of "Ukrainian nationalism," which is known to have caused Pyotr Shelest, the hard-liner who is First Secretary of the Ukrainian CP, to make several threatening and ominous speeches in recent months. Chornovil, for example, has only been at liberty for about two years since his last release, having been sentenced to detention in November 1967 for his detailed account of at least fifteen trials of Ukrainian writers, scientists, lecturers and others in the nationalist faction.

Ivan Dzhuba, whose house was searched by the KGB, has been in the spotlight since 1969, when a study written by him called "Internationalism or Russification?" led to his expulsion from the Kiev branch of the Ukrainian Writers' Union.[3] Dzhuba himself denies that he is a nationalist, but he would not deny that he is against excessive Russification. It is the latter stand which has probably led to the KGB's invasion of his home on this occasion. Dzhuba was a member of the group of Ukrainian writers called the *Shestidesyatniki* (the "men of the sixties"), which had a program of cultural freedom and of active propagation of the national language as a defense against the intrusion of Russian.

Ivan Svitlichny has long been of interest to the KGB. A University lecturer from Lvov, Mikhail Osadchy, who was sent to prison for two years in 1965 as a nationalist, has written an autobiographical novel, *Bilmo*,[4] in which he graphically describes his interrogation by the KGB concerning Svitlichny:

"Surely the conversation was not only about literature? You certainly talked about politics as well. He must have had comments, asserted or denied something. Of course, we understand that you didn't say anything like that to him, but he told you, and you as an honest and respectable man should tell us everything. . . ."

"Svitlichny owns a large library, which books did he lend you? Which did you take home? You, as an educated man, must have noticed that he had a number of rare books which could have been given to the Academy's library. Why did he not do so? . . . Everybody complained that the article "The Trial of Pogruzhalsky" was confiscated from you, that the library was burnt, that valuable books were destroyed which were much needed by the Ukrainians. Why didn't Svitlichny replace the burned books? He could have helped the public much more than by merely lending them to you; and then you pass them on to someone else and so it goes—you know—the whole irresponsible gamut."

At the 1965 trial of Osadchy, Svitlichny was called as a witness, and part of the indictment against Osadchy claimed that he had "received anti-Soviet literature from Svitlichny." It looks as though the new trials now pending will be remarkably reminiscent of the 1965 one, and also of the trial of Shevchenko (the Ukrainian national poet, 1814–1861) under the Czars. Ocadchy recalls bitterly that the examiners more than a hundred years ago put the same questions to Shevchenko as the magistrate had to him:

"Why did you write the poems? . . . Who are these people, and why did you mention their names in your letters?"

Truly it can be said that with Russian and Soviet attitudes to nationalism, *plus ça change, plus c'est la même chose.*

One of the reasons for the raid on Yakir's flat in Moscow was probably the KGB's desire to take revenge on him for his memoirs, the first part of which is called "Childhood in Prison," and describes his fourteen years in Stalin's jails after the arrest of the whole family in 1937.[5] So far only the first part has appeared, covering the years 1937–1944, and the KGB may be understandably anxious to prevent the second part, which presumably covers 1937–1944, and the KGB may be understandably anxious to prevent the second part, which presumably covers 1944–1951 from appearing even via *Samizdat*.

But there is also a direct link between Yakir and the Ukrainian arrests, in that one of those arrested in Kiev is Leonid Plyuschch, who is known to have signed several protest petitions in which Yakir had played a prominent part, and to which he was a co-signatory.

The savage sentence passed on Vladimir Bukovsky, who has spent a quarter of his life in jail and is now behind bars again for another seven years, with five more in exile to follow, and the public attack in *Literary Gazette* last week on Solzhenitsyn taken together with the explusion from the U.S.S.R. of Congressman J. H. Scheuer for merely calling on Professor Lerner (a distinguished Jewish cyberneticist who has been dismissed from his job for asking to be allowed to emigrate to Israel) all seem to indicate that the Kremlin is having a bad fit of nerves at present. No adequate explanation of this nervousness has been forthcoming, if one excludes *Pravda's* article by B. Bolshakov on January 13, which finds Messrs Strauss-Hupe, Kintner, and Possony guilty of declaring an eternal conflict against the U.S.S.R., Mr. Dean Rusk of fanning liberalism among the CPs of Eastern Europe, the West of "inciting" the nationalist fever in

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Footnotes at end of article.

the Croatian Party, Messrs. Rostow, Whitman, Tinbergen and Sorokin of founding the "convergence theory," Prof. Brzezinski of "bridge-building," Herman Kahn of predicting a "softening" of the Soviet regime, Dr. Morton Schwartz of foreseeing "one-party pluralism" in Czechoslovakia, and the anti-communist strategists in general of encouraging "*dissidenstvo*" in the socialist countries.

The fact that Bolshakov leaves the word for dissidence in English, giving it only a Russian ending, suggests strongly that the present Politiburo gambit is to try to blacken the civil rights movement and the nationalists in the U.S.S.R. by smearing them with the charge of collusion with foreign powers. Bolshakov argues that Sik, Loebl, Garaudy, Fisher *et al.* are only followers of the "renegade Kautsky," who also believed in convergence between "democratic capitalism" and "democratic socialism." He fears the use made by "the cohorts of anticommunism," i.e., Maoism, since Mr. Sulzberger revealed that in the early fifties the State Department had foreseen that the Maoists might one day be "as unfriendly to Russia as to the U.S.A."

Bolshalkov is especially worried about the differentiated approach now used by the West towards the socialist countries, because of a "secret memorandum" from USIA dated 1967, which advocated "using every opportunity to strengthen Mao's supporters because the U.S.A. desired his group to remain in power since its work is directed against the CPSU and other CPs." This "memorandum" was dug up by Bolshakov out of the columns of a weekly published in Ceylon called "Tribune"!

The serious aspect of this type of fabrication is that it indicates the true source of the Kremlin jitters—the obsessive fear that President Nixon may get on fairly well with Chairman Mao when it comes to containing the U.S.S.R. This fear is apparently so great that the present moment, when even the most liberal ruling Party in the world finds itself compelled to purge its nationalists (in Croatia) on a large scale, when Husak is carrying out a wave of arrests of dozens of Czechoslovak liberals, and when the Chinese Party is busily sweeping away the remnants of Lin Piao's followers, is seen as an opportunity to settle accounts with some of the dissident leaders in Moscow, Leningrad and the Ukraine.

The one common feature in this unedifying spectacle is, apparently, that no ruling Communist party of any hue is strong enough to tolerate opposition, even when it is expressed by legal means and even when it operates within the bounds of the constitution.

FOOTNOTES

[1] Reuter, 14 January 1972, citing *Ukrainsky Vysnik.*

[2] Reuter, 15 January 1972.

[3] See CAA Report No. 0441, "The Case of Ivan Dzhuba," *RFER,* 16 January 1970.

[4] *Suchasnist,* Munich, Nos. 11 and 12, November and December, 1971. See CAA Report No. 1253, "Bilmo-Glaucoma," *RFER,* 3 January 1972.

[5] *Russkaya Mysl,* Paris, 28 October 1971, 11 November 1971, 2 December 1971.

U.S. NEWS & WORLD REPORT TELLS HOW A PRESIDENT IS CHOSEN

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. BRAY. Mr. Speaker, the prestigious weekly magazine U.S. News & World Report often performs notable public services with its articles.

The March 6, 1972, issue carries a special report on "How a President Is Chosen," which is without doubt the best I have ever seen on this subject. It is especially timely and pertinent. U.S. News is to be congratulated for this, and I am happy to insert the article into the CONGRESSIONAL RECORD:

HOW A PRESIDENT IS CHOSEN

In simplest outline, how is a President chosen? First, a candidate campaigns within his own party for its nomination. He must win his party's nomination at a national convention. If a candidate is himself a President seeking reelection, the nomination is usually his for the asking.

After the convention comes a period of competition with the nominee of the other major party and perhaps the nominees of a third or fourth party. The showdown arrives on Election Day. He must win more votes than any other nominee in enough States and the District of Columbia to give him a majority of the electoral votes. If he does all these things, then he has won the right to the office of President of the United States.

What qualifications does the Constitution lay down for those who would become President? A President must be at least 35 years old, must have lived within the U.S. for 14 years, and must be a "natural-born citizen." What a natural-born citizen is, as a presidential qualification, has never been legally defined. No person can be elected President more than twice. Nor can a President be elected more than once if he has served better than half the term to which another President was elected.

When will the nominees of the two major parties be known? As the sitting President, Richard Nixon will be the nominee of his party, barring completely unforeseen events, and is to be nominated at the Republican National Convention that starts in San Diego, Calif., on August 21. The Democratic nominee will not definitely be known until the Democratic Convention meets in Miami Beach, Fla., beginning on July 10.

When does a candidate begin to campaign? Often a year and half or two years before Election Day, he starts to travel extensively about the country to discuss national and international issues. He keeps in touch with State leaders of his party. He tends to visit the politically important States more and more frequently. His supporters raise money for his expenses. Gradually he builds a staff that writes his speeches, works on research and contacts Governors, State chairmen and prospective contributors. Sometimes he declares his candidacy openly, sometimes not. In any case, it is usually apparent that he is a candidate by the start of the election year.

Talking about candidacies, what is meant by the term "dark horse"? A dark horse is a potential candidate who is relatively unknown and given almost no chance for the nomination. James A. Garfield in 1880 and Warren G. Harding in 1920 were Republican dark horses who reached the White House. Wendell Willkie in 1940 was one who did not. John W. Davis, a dark horse, won the Democratic nomination in 1924. This year few if any presidential aspirants are considered real dark horses.

What is a favorite-son candidate? He is a party leader, often a Governor or Senator, who seeks to control his State's delegation to the national convention. He is seldom considered a serious contender. His motives may vary. He may wish to avert a party split in his State as presidential candidates fight over convention delegates. Sometimes a favorite son is advanced by party leaders as a way of keeping their State's delegation independent until signs point clearly toward a winner. Or a favorite son may use his delegation for bargaining purposes, hoping to swing it to the winner at a crucial moment in the convention.

What is a bandwagon movement? In a successful bandwagon movement, a candidate creates the impression he is the inevitable winner. He pressures important party leaders to "hop aboard the bandwagon" by declaring their support of his candidacy, implying that otherwise they risk his disfavor. His supporters point to primary victories as sure signs of his nomination.

Similar tactics may be used at the convention. In 1960, John F. Kennedy, a Catholic, won a primary victory in West Virginia, one of the most Protestant States in the country. This gave bandwagon impetus to Mr. Kennedy's campaign. The bandwagon, however, does not roll for many candidates.

PRIMARIES IN THE STATES

How are delegates to a national convention chosen? In several ways. They can be elected by the voters in State primary contests. They can be chosen by party conventions in the States. In some States, central committees select some delegates. In a few States, at-large delegates will go to the Republican and Democratic national conventions because of the office they hold, such as membership on their party's national committee.

Ths year, Georgia Democrats have introduced an entirely new procedure. A mass meeting open to any Democratic voter will be held to elect four delegates in each of the State's 10 congressional district. Later, the 40 delegates thus chosen will select 13 delegates-at-large to complete the Georgia delegation.

How does a State presidential primary work? There are two kinds of primaries: One, a delegate-selection primary in which delegates to the national convention are chosen. Two, a presidential-preference primary, in which voters over a whole State express a direct choice on which presidential candidate they prefer.

In some States, a single vote for a candidate is also a vote for a slate of delegates expected to vote for him at the convention. In some other States, the voter casts two ballots: one in the presidential-preference contest and another for convention delegates.

What State offers an example of a primary combining delegate selection and presidential preference? Florida, among other States, has this type of primary. The Democratic National Committee allotted 81 voting delegates to Florida. Of these, 61 are elected by the voters in 12 congressional districts. In each district the presidential candidates' names are listed on the ballot. A vote for a candidate is a vote for a slate of convention delegates committed to him.

That one vote is also a vote for the candidate in the Statewide presidential-preference contest. This preference contest determines which candidate wins the 20 other delegate votes. Twelve of the 20 delegates go to the winner of the Statewide presidential-preference poll. The remaining eight delegates are selected by the Florida Democratic State Executive Committee. They, too, must go to the winner of the presidential-preference vote.

All told, how many presidential primaries are there in 1972? Twenty-three. They are: New Hampshire, March 7; Florida, March 14; Illinois, March 21; Wisconsin, April 4; Massachusetts and Pennsylvania, April 25; District of Columbia, Indiana, Alabama and Ohio, May 2; Tennessee, May 4; North Carolina, May 6; Nebraska and West Virginia, May 9; Maryland and Michigan, May 16; Rhode Island and Oregon, May 23; California, New Jersey, New Mexico and South Dakota, June 6; New York, June 20. Arkansas was scheduled to hold a primary on June 27 this year, but it now appears likely that the State will drop its primary.

Do all States that have Democratic primaries hold a presidential-preference contest? No. This year four States—Alabama, Ohio, Souh Dakota and New York—hold primaries for selection of convention delegates, but voters will not be able to express a presidential preference. In California the names of the presidential candidates are listed on the ballot, but the contest, as in some other States, is usually not regarded as a presidential-preference poll because voters are technically voting for a slate of delegates, not the candidates.

Ten States, in addition to the District of Columbia, hold both a delegate-selection and a presidential-preference primary: New Hampshire, Florida, Illinois, Wisconsin, Rhode Island, Massachusetts, Pennsylvania, Nebraska, Maryland and Oregon.

Some States are given the option of holding or not holding a preference primary.

What is a binding presidential-preference primary? Florida is an example. The delegates to the national convention elected in congressional districts are bound to vote in the convention for the winning candidates in their districts. The at-large delegates and those selected by the Democratic State Executive Committee are bound to vote for the State-wide winning candidate. Many other States have similar rules.

How long must the bound delegates vote for their candidate? In Florida's case, a delegate must vote at the convention for his candidate until that person receives fewer than 35 percent of the votes needed for nomination, or until the candidate tells the State delegation it can vote for somebody else, or until two convention ballots have been taken.

The rules binding delegations vary somewhat from State to State. In most States, delegates are not bound to stay with one man to the end if a deadlock develops.

Are some presidential-preference primaries nonbinding? Yes. In a few States—for instance, Illinois and West Virginia—the results do not bind the convention delegates to vote for the winning candidate. They are advisory only.

What is an "uncommitted delegation"? In some States, slates of delegates are pledged to a candidate. Some delegates are listed only as favorable to a candidate. And some delegates are shown as uncommitted to any candidate. In many instances these delegates are genuinely uncommitted. But in other cases delegates uncommitted to a presidential candidate are unofficially committed to a party leader. For instance, Mayor Richard Daley of Chicago, the most important Democratic leader in Illinois, has seen to it that uncommitted slates are entered in congressional districts in the Chicago area and in a few districts downstate. Actually, the delegates in these slates will be controlled by Mayor Daley.

Are voters of one party allowed to vote in the primary of another party? This is not permitted in most State primaries, but there are exceptions. Wisconsin holds an open primary where voters can cross over from one party to another. Democrats can vote in the Republican primary rather than in their own, and Republicans can vote in the Democratic primary. This year, some Wisconsin Republicans are expected to vote for the Democratic candidate they figure would be easiest for Mr. Nixon to defeat. Or they may vote for the Democratic candidate most in line with their own thinking on issues.

There are a few other States where voters can cross over by complying with a few technical qualifications. Political analysts find it difficult to determine why or how many voters cross party lines.

How is a candidate's name placed in a presidential primary? In Florida, Wisconsin, Massachusetts, Tennessee, Nebraska, Maryland and Oregon, State authorities place a candidate in their primaries if he is mentioned prominently in the news as a presidential possibility. He can take his name out by signing an affidavit stating he has no intention of becoming a candidate—except in Oregon and possibly in Nebraska.

In some States a candidate can get on the ballot by filing a petition signed by a required number of voters. Often a filing fee must be paid. Always there is a filing deadline, about a month or two before the date of the primary contest.

Senator Edward M. Kennedy of Massachusetts insists that he is not a candidate for the 1972 Democratic presidential nomination. Will his name, nevertheless, be entered in the Oregon primary? If Senator Kennedy's name is entered by the Oregon secretary of state, a Republican, there will be nothing he can do to remove it. Oregon will be one of the most closely watched primaries because of the array of Democratic candidates competing there.

Under Nebraska law, Senator Kennedy's name may be placed in the Nebraska primary regardless of Mr. Kennedy's wishes, provided it is entered in the Oregon primary.

There is often talk of a write-in campaign for a candidate in some State primaries. What does this involve? Some States allow a voter to cast a ballot for a person whose name has not been entered in the primary. The voter simply writes in the person's name on the ballot. In a few cases, write-in votes have been important. In the 1968 primary in New Hampshire, 27,520 voters wrote in President Lyndon Johnson's name—4,257 more write-in votes than the regular votes received by Senator Eugene McCarthy.

However, the relatively strong showing of Mr. McCarthy, who had vigorously attacked the record of the President, was considered a damaging blow to any re-election plans of the President. He announced shortly afterward that he would not run again.

Why does a candidate go through the grueling business of one State primary after another? Why not just concentrate on a few? One reason: There is no better way for him to prove widespread support—that he is a winner. Also, ducking a primary is often taken as a sign of weakness. Sometimes a candidate who needs to become better known feels a primary victory will bring his candidacy to national attention. There is another important reason, particularly true this year when there are so many primaries: A candidate can pile up a considerable number of delegate votes by winning these contests.

Primary victories provide momentum to a bandwagon movement, too. In 1960, John F. Kennedy won all the primaries he entered. After that he was unstoppable.

In 1960, Mr. Nixon lost the presidential election and two years later he was beaten for the California Governorship. But in 1968 a string of primary victories helped Mr. Nixon shake his reputation as a loser.

This year the primaries are likely to prove crucial for the Democratic contestants. More than 2,000 voting delegates will be selected in primaries. That is approximately two thirds of all the delegates who will vote at the Conventiton. No one candidate will, of course, win all these delegates. But a good showing in the most populous primary States could prove an enormous help to a candidate.

Why is the California primary considered so important? A huge block of delegate votes at the Democratic National Convention—271—is at stake. That is more than any other State's except New York's 278. Of particular importance: California's is a winner-take-all primary. The victorious candidate goes to the Convention with all of California's 271 votes in his pocket. That's almost 18 per cent of the votes needed to win the Democratic nomination. Moreover, the California primary is set for June 6, little more than a month before the Convention. The momentum could carry over to the Convention and put the California winner over the top.

Are there other winner-take-all primary States? Yes. There is Massachusetts, with 102 delegate votes at the Democratic Convention; South Dakota, with 17; Oregon, with 34; and Rhode Island, with 22. The District of Columbia, with 15 delegate votes, also holds a winner-take-all primary.

How do party conventions within the States select national-convention delegates? In the Democratic Party, most often members gather in wards, townships or precincts and elect delegates to an intermediate convention, say a county convention. This convention chooses delegates to a State convention who usually meet at the congressional district level also.

This year, in the Democratic Party, no more than 25 per cent of the National Convention delegates from a State can be selected in the State convention. The rest must be picked at a lower-level convention, mostly at the congressional-district meetings. The exceptions to this rule are Alaska, Delaware, Nevada, North Dakota, Vermont and Wyoming. All these States are too small in population to warrant a multitiered convention system.

What States hold conventions to pick delegates? These States: Alaska, Arizona, Colorado, Connecticut, Delaware, Hawaii, Idaho, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, North Dakota, Oklahoma, South Carolina, Texas, Utah, Vermont, Virginia, Washington and Wyoming. Arkansas is likely to become another convention State. The following States combine conventions with presidential-preference primaries: Indiana, Michigan, North Carolina, New Mexico and Tennessee.

How are the convention and primary methods combined? Take Tennessee as an example: Congressional-district conventions elect 80 per cent of the State's delegation to the Democratic National Convention. The State convention selects 20 per cent. A binding presidential-preference primary on May 4 determines how the National Convention delegates vote. The delegates selected by the congressional-district conventions are bound to the presidential-preference winner in their districts. The delegates selected at the State convention must vote for the Statewide presidential-preference-primary winner.

Does the Republican Party use the State primary and convention systems to select delegates? Yes, and in many of the same States as the Democratic Party. However, the Republican primaries and conventions this year will attract far less attention than the Democratic, since it is taken for granted that virtually all the National Convention delegates will go to President Nixon.

THE NATIONAL CONVENTIONS

Just what is a presidential-nominating convention? It is a large meeting within a political party made up of delegates chosen from the States, the District of Columbia and the territories. The convention meets every presidential-election year and picks the party's presidential and vice-presidential nominees. In both major parties, a simple majority of the delegate votes is enough to win the nomination. At the Democratic Convention, this is 1,509 votes out of a total of 3,016; at the Republican, 674 out of 1,346.

At the Democratic Convention, there will be 87 more delegates than delegate votes. The reason is that some of the delegates will cast fractional votes.

At the Democratic National Convention, how are the delegate votes allotted? There are a total of 3,016, divided as follows:

Alabama	37
Alaska	10
Arizona	25
Arkansas	27
California	271
Colorado	36
Connecticut	51

Delaware	13
D.C.	15
Florida	81
Georgia	53
Hawaii	17
Idaho	17
Illinois	170
Indiana	76
Iowa	46
Kansas	35
Kentucky	47
Louisiana	44
Maine	20
Maryland	53
Massachusetts	102
Michigan	132
Minnesota	64
Mississippi	25
Missouri	73
Montana	17
Nebraska	24
Nevada	11
New Hampshire	18
New Jersey	109
New Mexico	18
New York	278
North Carolina	64
North Dakota	14
Ohio	153
Oklahoma	39
Oregon	34
Pennsylvania	182
Rhode Island	22
South Carolina	32
South Dakota	17
Tennessee	49
Texas	130
Utah	19
Vermont	12
Virginia	53
Washington	52
West Virginia	35
Wisconsin	67
Wyoming	11
Canal Zone	3
Guam	3
Puerto Rico	7
Virgin Islands	3

At the Republican Convention, how are the votes allotted? There are a total of 1,346, divided as follows:

Alabama	17
Alaska	12
Arizona	18
Arkansas	18
California	96
Colorado	20
Connecticut	22
Delaware	12
D.C.	9
Florida	40
Georgia	24
Hawaii	14
Idaho	14
Illinois	58
Indiana	32
Iowa	22
Kansas	20
Kentucky	24
Louisiana	20
Maine	8
Maryland	26
Massachusetts	34
Michigan	48
Minnesota	26
Mississippi	13
Missouri	30
Montana	14
Nebraska	16
Nevada	12
New Hampshire	14
New Jersey	40
New Mexico	14
New York	88
North Carolina	32
North Dakota	12
Ohio	56
Oklahoma	22
Oregon	18
Pennsylvania	60
Rhode Island	8
South Carolina	22
South Dakota	14
Tennessee	26
Texas	52
Utah	14
Vermont	12
Virginia	30
Washington	24
West Virginia	18
Wisconsin	28
Wyoming	12
Guam	3
Puerto Rico	5
Virgin Islands	3

What if a delegate becomes ill, or cannot vote at the convention for some other reason? If a convention delegate is unable to vote, his place is taken by an alternate delegate. The Democrats will have 1,897 and the Republicans 1,346 alternate delegates.

Are there laws laid down for cónduct of the national conventions? No, a presidential-nominating convention operates outside State or federal law. It organizes itself and sets its own rules. It oversees the seating of delegates. It draws up a platform of positions the party supports. It hears a keynote speech and installs a permanent chairman. Most important, it selects the presidential and vice-presidential nominees of the party. Through its national committee, the convention also organizes the party for the campaign and for the period extending to the next national convention four years later.

Will the 1972 national conventions differ from those of previous years? Yes, particularly the Democratic. A major goal of both conventions is to tighten the convention agendas to hold the attention of nationwide television audiences.

The Democrats will limit nominating and seconding speeches for each candidate to 15 minutes. Demonstrations are banned, but if a demonstration does occur, it will subtract time from the 15 minutes allotted to the demonstrators' candidate. Seating of State delegations in the Convention hall and the order in which the State ballot have been selected by lot, rather than by alphabetical order as in the past. Members of the major Convention committees—rules, platform and credentials—are elected, not appointed. The platform committee will hold at least eight regional meetings over the country to discuss issues.

The biggest Republican change: The Convention is scheduled to last three days instead of four as in 1968. Generally, speeches will be fewer and shorter. Demonstrations will be allowed, but participants wil be limited to delegates and alternates. President Nixon is almost certain to appear in person to deliver the acceptance speech.

Both Democratic and Republican conventions will have more women, young people and representatives of blacks and various ethnic groups among their delegates than in the past.

There has been widespread talk of reforming procedures for selecting delegates to the Democratic Convention. What has been done? Since its 1968 Convention, the Democratic Party has adopted many reforms. Among them: State delegations are to include women, young people and minority groups in reasonable proportion to their numbers in each State. Limitations are placed on the selection of a convention delegate who is a Governor, U.S. Senator or other officeholder. The entire process of delegate selection must be carried on in the calendar year of the Convention, and voting by proxy has been abolished. The matter of how and when candidates' slates for Convention delegates are to be chosen is to be given adequate public airing. In States that use the State convention method, at least 75 per cent of the delegates must be elected in congressional districts or smaller governmental units. Although not mandatory, States that use the primary method are encouraged to elect at least 75 per cent of their delegates in congressional districts. The purpose is to give wide geographical representation to a State's delegation.

One of the Democratic reforms does away with the unit rule. What does that mean? Under the unit rule at a convention, a bare majority in a State's delegation—one more than half the members—decides how all its members vote. The Democrats have now forbidden use of the unit rule, not only at the Convention, but anywhere in the delegate-selection process, from the lowest level on up. The unit rule has long been banned at the Republican Convention.

Is there a possibility that a deadlock—in which no candidate can get a majority—will develop at this year's Democratic Convention? History shows chances are much against a deadlock. The winner in 20 out of all 35 Democratic Conventions held to date was picked on the first ballot. The nominee was selected on the second ballot in three Conventions, and on the third in one Convention. Franklin D. Roosevelt, in 1932, and one other nominee won on the fourth ballot. A deadlock can be said to start developing after the fourth ballot.

Only nine times has the voting gone beyond the fourth ballot. One of those times was in 1860 at Charleston, S.C., when 57 ballots failed to produce a nominee. A second Convention in Baltimore nominated Stephen A. Douglas on the second ballot.

The worst deadlock came in 1924 when John W. Davis was nominated on the 103rd ballot.

Before 1936, Democratic Conventions nominated by a two-thirds majority. That year the Convention changed to requiring only a simple majority. In the nine most-recent Conventions, all nominees have won on the first ballot except in 1952, when Adlai Stevenson won the third ballot.

How is a vice-presidential nominee chosen? With a few exceptions, he is chosen by the presidential nominee. Usually a presidential candidate keeps his own counsel on his choice for a running mate until after his own nomination. The reason: Should premature word leak out, rejected vice-presidential aspirants might swing votes to other candidates.

After a candidate wins the presidential nomination, he huddles with party leaders. They weigh several factors. Sometimes geographical balance for the ticket is sought by picking a man from another section of the country. Religious balance sometimes comes into play. Often ideological balance is sought—a "moderate-conservative" to go with a "liberal." At other times, a presidential nominee may seek to promote party unity by giving the nod to a running mate who is not well known and thus noncontroversial. Sometimes a presidential nominee may pay off a political debt in making his choice.

After the decision is made, the convention goes through the routine of balloting for a vice-presidential nominee. But the presidential nominee is virtually certain to get the man he wants.

Does a vice-presidential nominee really swing many votes to the ticket? No, at least not in great numbers, say the experts. Many practical politicians feel that about the best that can be expected of the No. 2 man is for him to swing his own State. However, at times, that one State can be vitally important. In the close race of 1960, Lyndon Johnson, the Democratic vice-presidential nominee, was given much credit for helping his home State of Texas go for John F. Kennedy. Mr. Johnson was also credited with nudging some of the other Southern States into the Democratic column. The influence of the vice-presidential nominee is not usually as evident as it was that year.

How and when are the party platforms drawn up? The Republican Resolutions (platform) Committee meets this year in San

Diego a week before the Convention. The Democratic Platform Committee is holding regional hearings over several weeks before the Miami Beach Convention starts.

Each State picks a man and a woman Convention delegate for the Republican committee, making a panel of about 100 members. The Democratic committee consists of 150 members appointed according to the population of the States. Both committees submit to their conventions a set of principles and policies on issues—the platform. Minority reports may be filed. Then the conventions vote on the committee recommendations and on amendments.

When a President is running for re-election, he has the dominant voice in shaping his party's platform. Many political analysts say that platforms usually are far less meaningful than the campaign statements of the contending nominees.

What is the function of the credentials committee of a convention? A credentials committee rules on disputes over seating of delegates. For instance, in 1912, the Republican Convention's Credentials Committee rejected supporters of former President Theodore Roosevelt in favor of delegates pledged to President William Howard Taft. The Roosevelt men bolted the party, formed the Progressive (Bull Moose) Party, causing a split in Republican ranks that led to the election of the Democratic nominee, Woodrow Wilson.

Forty years later, in 1952, another Republican credentials fight involved Robert A. Taft, the former President's son. The credentials committee favored Taft supporters, but strategists of Dwight D. Eisenhower challenged them on the Convention floor and won.

At the 1968 Democratic Convention, fights flared over seating delegates from a number of States. The credentials committee ruled in favor of a racially integrated delegation from Mississippi that challenged the "regular" delegation because it included only one Negro. At the same time, the committee turned down challenges from supporters of Eugene McCarthy who sought to bar delegates partial to Hubert Humphrey. The Convention itself backed up the credentials committee.

WHEN CAMPAIGN GETS UNDER WAY

Once the conventions are over, what are the next steps? First the Republican and Democratic nominees huddle with their top advisers to map out strategy. They decide which States will be pivotal, and plot a campaign that concentrates on those States. Staffs are enlarged and speaking schedules roughed out. Voting-registration drives are planned. As the days pass, money starts to flow into a wide range of activities. Much of it is poured into television programs, some nationwide. Special appeals are made to various segments of the electorate—ethnic, professional, sometimes religious. "Citizens" groups are formed to attract dissident members of the opposite party and independents.

Vast armies of party workers are sent out to distribute campaign literature, ring doorbells, make phone calls, drum up rallies. At the same time, the presidential and vice-presidential nominees are crisscrossing the country by airplane, addressing carefully staged meetings, holding press conferences, conferring with local politicians, touching base with major contributors, shaking hands with thousands of people.

The big labor organizations and the big-city political "machines" generally fall in line behind the Democratic nominee. The Democratic nominee is sure to appeal for party loyalty—there are more registered Democrats than registered Republicans. This year, he will attack the Nixon Administration's record. President Nixon, as the Republican nominee, will defend his record. But the chances are that he will not make as many personal appearances as his Democratic rival.

When does the campaign really hit full stride? After Labor Day the campaign is well under way. But many political observers say that the mass of voters does not start to think seriously about politics until the baseball World Series ends in early October. By then, the campaign issues are pretty well drawn. The nominees are hammering on the main themes over and over again, with local variations. They try to take advantage of news developments, sometimes trip themselves up with ill-considered, off-the-cuff remarks. They spring surprises to capture headlines.

Sometimes a President not running for re-election will make dramatic announcements to help the nominee of his party. On Oct. 31, 1968, for example, President Johnson called a halt to the bombing of North Vietnam, a move regarded as helpful to Hubert Humphrey, the Democratic nominee. A President running for re-election maintains much maneuverability. He is in a position to take actions that get headlines. There is speculation that President Nixon will come up with some surprising announcements in October as Election Day nears.

Do public-opinion polls influence the outcome of presidential elections? The voters, the party professionals, and the nominees themselves follow the leading polls carefully. It is debatable whether voters are actually swayed by the results of public-opinion polls. Most experts say they are not. But, though not infallible, the polls do give a fairly good idea of how the campaign is going, whether one nominee is far ahead or whether it will be a race down to the wire. In addition to the opinion surveys that appear in the papers, many private polls are taken for the nominees, to determine what issues are most important to the voters.

How much money is spent on presidential campaigns? It is impossible to nail down exact amounts, but spending by both parties runs into millions. One estimate is that 10 million dollars was paid out just to win Mr. Nixon the Republican nomination in 1968, and that more than twice that amount was spent by the Democratic candidates in the 1968 primaries.

Campaign spending after the conventions has been estimated at 25 million dollars for Mr. Nixon, 10 million or more for Mr. Humphrey, and 9 million for Governor George Wallace, the third-party nominee. Estimates for Mr. Nixon's entire 1972 re-election campaign run from 34 million to 40 million.

Where does the money go? It is spent on staff salaries, office rent, hiring halls, television programs, airline fares, radio and newspaper advertising, telephone bills, public-relations and advertising agencies, printed material, billboards, stickers, hotel rooms, private polls, mailing charges, and many other things.

Do the Republicans usually spend more than the Democrats? Not always, but in recent years the Republican Party has been better financed than the Democratic Party, which started 1972 more than 9 million dollars in the red. The Democrats are expected to have more trouble raising money for the 1972 campaign than the Republicans. For one thing, the large field of Democratic contenders in the primaries soaks up much available Democratic money even before the Convention starts. The Republicans have no such problem. Their prospective nominee, the President needs comparatively little money for primary races.

However, the Democrats have one big factor in their favor: Labor unions, with a few exceptions, are geared to help the Democratic nominee. The AFL-CIO, through its political offshoot, COPE (Committee on Political Education), puts on registration drives, distributes millions of pamphlets, works to get out the vote through telephone drives, house-to-house canvassing, transporting voters to the polls and by other means.

Exactly what has Congress done to limit spending by presidential candidates? The bill recently approved by Congress and signed by the President puts some limits on campaign spending, but it does not set an over-all ceiling. Before the conventions, each presidential candidate may spend up to 13.9 million dollars on advertising of all sorts. After the conventions, each presidential ticket is limited to another 13.9 million dollars on advertising. There is an escalator clause that allows for an increase of several hundred thousand dollars in both amounts because of inflation.

Only 60 per cent of the preconvention and postconvention advertising funds can be spent on radio and television commercials. Neither a presidential nor a vice-presidential candidate may spend more than $50,000 of his own or his family's money. Aside from these restrictions, and those on advertising, a presidential candidate can spend all he wants.

Is the much-talked-about youth vote expected to affect the 1972 election? More than 25 million people aged 18 through 24 will be eligible to vote this year in their first presidential election. Nearly 11.5 million youths aged 18 to 20 were recently enfranchised by the 26th Amendment to the Constitution.

Many of these young people will not take the time to register and vote. Even so, in sheer numbers, the youth vote this year is almost certain to be larger than ever before. In a very close race, it could swing the balance in some States. So far, many more young voters are registering Democratic than Republican.

SHOWDOWN ON ELECTION DAY

How many people usually vote in a presidential election? In 1968, more than 31,785,000 people voted for Mr. Nixon and a little more than 31,275,000 for Mr. Humphrey. Mr. Wallace received 9,906,000 votes, and minor-party nominees were given 245,000 votes. The total of more than 73 million set an all-time record. Experts say that, with millions of young people newly eligible, the total vote this year could go beyond 80 million.

The turnout of voters in 1968 amounted to 67.8 per cent of the voting-age population of 116,535,000 at that time. In that year, the proportion of young people voting—those up to age 25—was less than for any other age group. A higher percentage of men voted than women, more whites than nonwhites, and more employed people than unemployed.

The U.S. Census Bureau estimates that the voting-age population in 1972 is 139,642,000.

If a party's nominee dies between convention time and Election Day, how is he replaced? The national committee of his party has the authority to select a new presidential nominee.

How is Election Day established? Federal law places it on the Tuesday immediately after the first Monday in November, in the fourth year after the previous election of a President. This year, Election Day comes on November 7.

And is the President actually elected on that day? No, not strictly speaking. The presidential electors, popularly known as the Electoral College, are elected that day. However, except in rare cases, it is easy to translate the nationwide popular vote into electoral votes. Thus, almost always, the next President is known. The real winners—the presidential electors—are ignored in the news.

ROLE OF ELECTORAL COLLEGE

What role do the presidential electors play? When the voters go to the polls on Election Day, they are actually voting for the electors, who later meet to elect the President and Vice President. For instance, the person who votes for the Democratic nominee really votes for the electors in his State who are selected to vote later for the Democratic nominee. If a person wants to vote for the Republican candidate, he votes for a different set of electors.

Some States list only the names of the electors on their ballots under party headings. In others, the names of the presidential and vice-presidential nominees together with the names of the electors are listed. But most States print merely the names of the presidential and vice-presidential nominees on their ballots.

Do the presidential electors vote by States? All the victorious electors in one State vote for the presidential nominee who captures the most popular votes in that State. The electors are not divided proportionately among the presidential contenders within a State. It's a winner-take-all proposition. However, there is one exception—Maine's four electoral votes must be divided this way: Two electoral votes go to the Statewide winner, the other two to whoever wins in each of the State's two congressional districts.

In the past, there have been instances where States' electoral votes have been split, but they have been rare.

Could President Nixon lose the 1972 election, even if he draws more popular votes on November 7 than his opponents? Yes, he could win more popular votes and yet lose. That is because the electors vote by States. Assume this situation: Mr. Nixon carries some of the highly populated States by overwhelming margins, but loses other populous States by narrow margins. It then would be possible for him to win more popular votes on November 7 than his Democratic opponent and yet not get enough electoral votes to win.

Has a nominee ever won more popular votes than an opponent and yet lost the Presidency? Yes. In 1824 Andrew Jackson achieved a margin of more than 37,000 popular votes over John Quincy Adams, but not enough electoral votes to gain the Presidency.

In 1876 Samuel J. Tilden, a Democrat, won approximately 250,000 more popular votes than Rutherford B. Hayes, a Republican. A commission of eight Republicans and seven Democrats awarded 22 contested electoral votes to Mr. Hayes for a total of 185 electoral votes to Mr. Tilden's 184. Mr. Hayes became President by a margin of one electoral vote.

In 1888 Grover Cleveland, a Democrat, drew better than 90,000 more popular votes than Benjamin Harrison, a Republican. Yet Mr. Harrison became President because he won a majority of the electoral votes.

It is interesting, too, that several Presidents have been elected even though they did not get a majority of the total popular vote although they won more votes than their competitors. In these cases, there were more than two nominees. These "minority" Presidents include Abraham Lincoln in 1860, James A. Garfield in 1880, Grover Cleveland in 1884 and 1892, Woodrow Wilson in 1912 and 1916, Harry Truman in 1948, John F. Kennedy in 1960, and Mr. Nixon in 1968. But all won a majority of the electoral votes, and thus the Presidency.

How many electoral votes will it take to win in 1972? It will take 270, which is a bare majority of the total 538 electoral votes of the States and the District of Columbia. The same applies to electing a Vice President.

When and where do the electors meet? This year the electors meet on December 18 in their State capitals. The District of Columbia electors meet in Washington, D.C. Each elector casts one vote for a presidential nominee and one vote for a vice-presidential nominee. The results are sent by registered mail to the president of the U.S. Senate, the incumbent Vice President.

Must an elector always vote for the presidential nominee of his party? No, but in almost every case he does. For instance, a Republican elector elected on November 7 is personally committed to vote on December 18 for the Republican presidential nominee. Some State laws even require that an elector vote for the nominee of his party. However, if he does not, and votes for the nominee of another party, his ballot must be counted as he actually voted. There have been rare cases where electors switched their votes.

How are electors allotted among the States? Each State gets a number of electors equal to its full delegation in Congress—the number of its members in the House of Representatives plus two Senators. There is one variation of this, and it applies this year:

When a presidential election comes two years after a census, then the allotment of presidential electors is based on the size of the State delegations in the new Congress to be elected at the same time the President is elected. For instance, as a result of reapportionment of congressional districts based on the 1960 census, 38 Representatives have been representing California in the House. This entitled California to 40 electoral votes—38 men in the House plus two Senators—in the 1968 presidential election. However, because of population growth as measured by the 1970 census, California will be entitled to 43 seats in the new House to be elected this year. Thus, 45 presidential electors, not 40, will cast votes next December 18 in California.

Are there other changes in congressional delegations that affect the electoral-vote count this year? Yes. These States gain one electoral vote each: Arizona, Colorado and Texas. Florida gains three. The following States lose one electoral vote each: Alabama, Iowa, North Dakota, Ohio, Tennessee, West Virginia and Wisconsin. New York and Pennsylvania lose two electoral votes each.

How many electors does each State and the District of Columbia get? In 1972 the States get the following number of electors or electoral votes:

Alabama	9
Alaska	3
Arizona	6
Arkansas	6
California	45
Colorado	7
Connecticut	8
Delaware	3
Florida	17
Georgia	12
Hawaii	4
Idaho	4
Illinois	26
Indiana	13
Iowa	8
Kansas	7
Kentucky	9
Louisiana	10
Maine	4
Maryland	10
Massachusetts	14
Michigan	21
Minnesota	10
Mississippi	7
Missouri	12
Montana	4
Nebraska	5
Nevada	3
New Hampshire	4
New Jersey	17
New Mexico	4
New York	41
North Carolina	13
North Dakota	3
Ohio	25
Oklahoma	8
Orgeon	6
Pennsylvania	27
Rhode Island	4
South Carolina	8
South Dakota	4
Tennessee	10
Texas	26
Utah	4
Vermont	3
Virginia	12
Washington	9
West Virginia	6
Wisconsin	11
Wyoming	3

A special case is made of the District of Columbia which has no voting delegation in Congress. It receives 3.

Can a President and a Vice President come from the same State? Yes, although it is extremely unlikely that a convention would nominate two men from the same State. The Constitution says that the presidential electors of a State can vote for only one man when both presidential and vice-presidential nominees come from their State. They cannot vote for one for President and the other for Vice President.

To pose a hypothetical example, assume both presidential and vice-presidential nominees are from Kentucky. The electors of all other States and the District of Columbia could vote for both candidates. However, the presidential electors of Kentucky could vote for only one of the two men because both are residents of Kentucky. Presumably, they would vote for the head of the ticket, rather than his running mate.

However, if the presidential nominee from Kentucky won by a decisive margin in the Electoral College, he probably would carry his vice-presidential nominee into office without Kentucky's electoral votes.

What happens if the winner of the popular vote on November 7 dies before the Electoral College meets on December 18? Remember, a President is not actually elected until the electors meet. Also, the electors are technically free to vote for whomever they wish. There are no good precedents to follow in case a nominee dies during this period. Many experts say that apparently the national committee of the deceased nominee's party would attempt to provide another nominee.

Where are the electoral votes counted? At 1 p.m. on Jan. 6, 1973, members of the Senate and House meet in the House chamber. The president of the Senate, who is the incumbent Vice President, presides. Certificates showing how the electors voted are opened and counted.

How is a President selected if no nominee gets a majority of the electoral votes? The Constitution requires a majority of the full Electoral College for election. If no presidential nominee gets a majority, then the decision is turned over to the House of Representatives. It chooses a President from among the three men with the most electoral votes. The House votes by State delegation, with each delegation casting one vote. A majority of the members of each delegation determines how the State's single vote will be cast. If members of a delegation are evenly divided, then that State's one vote is not counted. A majority of all the States is needed for election. The District of Columbia's nonvoting delegate is not entitled to vote.

Has the House of Representaatives ever decided an election? Yes. The election of 1800 resulted in 73 electoral votes each for Thomas Jefferson and Aaron Burr. Jefferson won on the 36th ballot in the House. The election of 1824 gave Andrew Jackson 99 electoral votes, John Quincy Adams 84, William H. Crawford 41, and Henry Clay 37. Since no one received a majority, the election went to the House. Adams won on the first ballot.

How is a Vice President chosen if no nominee wins a majority of the electoral votes? In that case the Senate selects a Vice President from the two men with the most electoral votes. Each Senator casts one vote, and election requires a majority of the full membership.

Could a third-party nominee this year throw the presidential contest into the House of Representatives? It's possible, but not likely. More likely is a strategy of swinging the balance in the Electoral College. If neither the Republican nor Democratic nominee commands the needed 270 electoral votes this year to win the Presidency, a third-party nominee with a block of electoral votes might bargain with both the major-party nominees and then turn his electoral votes over to the nominee who more nearly conforms to his own views, giving that nominee enough votes for the Presidency.

What happens if the President-elect dies after the Electoral College elects him, but before he takes office? The Vice President-elect becomes President when the new term starts.

What happens if the election has been thrown into the House and that body is deadlocked over its choice when the new term starts? The Vice President-elect acts as President until a President qualifies for office.

When does the new President take office? The present presidential term ends at noon on Jan. 20, 1973. The President-elect starts functioning as President the second he is sworn in.

ROAD TO THE WHITE HOUSE

CANDIDATE

A candidate takes two main paths to win delegate votes at his party's national nominating convention—one in States that choose delegates in primaries, the other in States that choose delegates in party conventions.

PRIMARIES

Voters in primary States choose delegates to the national convention in two general ways—in some States, by electing delegates directly; in others, by showing a preference for a presidential candidate.

LOCAL CONVENTIONS

Precinct or township meetings in a State choose delegates to county conventions, which in turn elect delegates to congressional district and State conventions.

DISTRICT CONVENTIONS

Conventions of congressional districts select the bulk of the State's delegates to the national convention.

STATE CONVENTIONS

A State convention chooses the State's remaining delegates to the national convention.

NATIONAL CONVENTIONS

Delegates choose the nominees of each major party—with the Democratic Convention this year starting July 10, the Republican, August 21.

ELECTION DAY

Voters, in choosing between candidates, actually pick presidential electors, known as the Electoral College—people expected to support a specific candidate. Election Day this year is November 7.

ELECTORAL COLLEGE

Presidential electors meet in State capitals on December 18 to cast their electoral votes, to be officially counted in Washington on Jan. 6, 1973. A majority of electoral votes—270 out of 538—is needed for election as President. The winner will be sworn in on Jan. 20, 1973.

CLAYTON ACT AMENDMENT

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. FULTON. Mr. Speaker, I rise to introduce a bill opposing monopoly, prohibiting sales of goods below cost for the purpose of destroying competition or eliminating a competitor.

While it is true that unfair pricing legislation already exists in the form of section 3 of the Robinson-Patman Act, this bill is unique in its allowance of Clayton Act penalties for private-sector loss compensation. Such penalties could take the form of injunctive relief or monetary damages.

This measure would help protect small, independent businesses in industries where too often, predatory pricing is a way of life. It would allow businessmen injured by unfair pricing—and in Nashville, those especially hurt are independent bakeries and dairies—to sue industrial cutthroats. It would open a path for recouping of some, if not all, undercut losses. It would encourage the voluntary halt of this unscrupulous practice.

Mr. Speaker, there are today only one-tenth as many independent bakeries and dairies as there were at the end of World War II. I believe unfair pricing has been a primary cause of this shrinkage in producer numbers.

And I believe this legislation—applied in every industry—would be a most effective means of reversing what to me, and I am sure to most of my colleagues, has been a most unwholesome and competition compromising trend.

FLORIDA YOUTH PRIMARY CONVENTION

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mrs. MINK. Mr. Speaker, I recently received some materials describing a unique undertaking by the high school youth of Florida which I find highly commendable.

Student representatives from 500 high schools throughout Florida will participate in a Florida Youth Primary Convention and vote. The purpose of this primary is to give the young citizens of Florida a firsthand opportunity to meet with the candidates running in the Florida presidential primary, to hear the candidates' views on the major issues and to pose questions of concern to the candidates. Almost all of the candidates for President of both political parties will address the convention and respond to questions from the delegates. After the candidates have appeared, ballots will be cast, and a winner from each party will be announced.

This convention is scheduled for March 10 and 11 at the North Miami Beach Senior High School. The program is being sponsored by "Teen's Voice: Students Interested and Active in Government," a nonpartisan group of students interested and concerned in public affairs.

While I am not a candidate in the Florida primary and will not be attending this convention, I heartily applaud the efforts of these young people to involve themselves in the important political activities of the Nation. They are making every effort possible to inform themselves on the many issues and candidates involved in this year's presidential campaign. The youth of Florida have clearly demonstrated that they truly deserve the responsibility and trust that Congress belatedly bestowed upon them in lowering the voting age to 18.

I have long supported lowering the voting age for I knew that when given the opportunity our young citizens would react responsibly. My faith in the ability and maturity of our teenage citizens has been amply rewarded by the efforts of these young people in Florida.

To those who opposed and feared the enfranchisement of our younger citizens, I would suggest that they study the amazing response and interest that the high school students of Florida have displayed. Their response and interest in the important political affairs of our Nation is little short of amazing. They have a keen desire to be informed, knowledgeable citizens. I would suggest that these students might well be more informed and aware of the vital issues facing our country than a great many people who already have the right to vote.

The great amount of effort expended on this undertaking by the Teen's Voice organizers and the attending delegates is to be hearily applauded, for they have set a high standard for all the youth of our Nation. It is quite likely that this is the largest effort of its type in the Nation. But while this may be the most comprehensive youth group effort, it is merely indicative of the activities and interest being displayed around the Nation by our youth.

I certainly wish the very best to these students who have displayed so much maturity and invested so much effort to make this statewide Florida Youth Primary such a magnificent project. I know that the convention and primary will be an outstanding, unqualified success.

BUSING: THE BIG FREEDOM ISSUE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. RARICK. Mr. Speaker, despite the attempts of several Presidential aspirants to sweep the busing furor under the rug by stressing that quality education, not busing, is the question of paramount importance, forced busing continues as the No. 1 freedom issue.

The contention that quality education can take place only within a setting where there is a mixture of white and black students by percentages determined by the whim of a Federal judge or an unelected HEW bureaucrat is without proof of improving anything. To the contrary, education and the children suffer.

Forced busing to achieve integration is not an end in itself but is being pursued to set the stage for neighborhood and housing integration, to destroy ethnic cultures, to promote mongrelization, and to condition parents by a gradual process of total surrender of their children as wards of the Federal Government. These conditions are necessary for the controlled society being forced upon the American people by the social planners.

All Americans must face up to the fact that can no longer be hidden from view—the attempt to forcefully integrate this country's schools is a tragic, costly failure.

A recent article on busing as the big issue points out the widespread nationwide opposition to forced busing. I insert the news article and an editorial on the "Un-Neighborhood School" at this point:

[From The Evening Star, March 7, 1972]

Busing: The Big Issue, 3—New Problems Arise

(By John Mathews)

Pontiac, Mich. and Pasadena, Calif. are 1,965 miles apart by air and are widely different in history and local tradition, yet both are now experiencing the painful wrench of complete, court-ordered desegregation and busing.

Beyond that initial trauma, both cities are beginning to face a new generation of problems, pushed to the surface by desegregation and busing, which could be shared in the future by many communities in the North and the South.

Pontiac is a gray industrial city 25 miles north of Detroit, the blue collar home of General Motors' huge Pontiac Motor Division and its GM Truck & Coach Division. It was the scene Aug. 30 of the dramatic firebombing of empty school buses and of angry, chanting, bus-blocking pickets when schools opened under a systemwide school busing plan, the result of a federal court's desegregation order.

Pasadena is the smog-shrouded, palm-studded, established Los Angeles bedroom suburb, proud possessor of the California Institute of Technology and Jet Propulsion Laboratory, and home also of a substantial black and Chicano population, some the grandchildren of the servants of the rich. It was the first large, non-Southern city to fully desegregate its schools under a federal court order, beginning in September 1970.

Last Friday at 8:45 a.m., Dr. Dana Whitmer, Pontiac's gray-haired school superintendent, was telling a reporter that the atmosphere of city schools was relatively calm and he was hopeful it would remain that way. Suddenly, the "hot line" phone on his desk rang. He picked it up. "You've got a sit-in at Lincoln, Don?" he asked. "How many kids? Where are they? Oh, outside the office. We'll send some help right away."

Immediately the cool professional swung into action. He summoned to his office some experienced troubleshooting aides to dispatch to Lincoln Junior High School, which is several blocks from the school department's service building on North Saginaw where the buses were bombed last August.

"Who's involved—black or whites?" an aide asked as he reached for his coat. When he was told both races, he answered, "Good, that might be a healthy thing."

And a healthy thing it seemed to be.

There, sitting in Lincoln's auditorium, were the white sons and daughters of Pontiac Motor factory workers, many originally from Appalachia, who walk to school; and black kids, who are bused in from southwest Pontiac below Orchard Lake Road; and middle-class whites who live in the comfortable Indian Hills area north of Orchard Lake, where official street signs pointing towards the blacks' side of the street proclaim: "Criminals Beware, Neighborhood Watched By Area Citizens."

All those 14-, 15- and 16-year-olds—black kids, white kids, rich and poor kids—were no longer fighting each other as they had back in September when buses carrying blacks had to go through lines of white pickets shouting "Nigger Go Home," and the buses carrying whites were branded "Nigger Lovers."

Those Lincoln students were now getting together to protest, as they put it, "the lousy food they throw at us here," and what they consider overly tight discipline. "They won't let us go to the john during the class, they're so uptight," said one teen-ager, clad in work boots and dungarees.

Just a week ago, another gray-haired school superintendent, Pasadena's Dr. Ralph W. Hornbeck, also had a problem with a Lincoln School, this time an elementary school in the California city.

At a public hearing in Pasadena last Tuesday, Hornbeck had to face an angry audience of blacks from the Lincoln School neighborhood in the western section of the city and whites from Southeast Pasadena. Hornbeck had recommended to his school board that it close Lincoln to save money and to maintain the racial balance required by the courts.

Before desegregation in Pasadena a year and a half ago, Lincoln was a virtually all-black school in a rundown black neighborhood where the story has it the sixth graders used to get an arithmetic lesson by counting the human traffic in and out of some houses of dubious repute across West Peoria Street from the school.

Since desegregation in September 1970, Lincoln has been an integrated school with white students in the 4th, 5th and 6th grades bused 6½ miles across town from the white Southeast. The blacks in kindergarten through third grade ride buses 20 minutes in the other direction to attend school in the white neighborhood.

The school board of the Pasadena Unified School District—five members: the board president, a Chinese-American; a blackman; an Italian-American and two "Anglo-Caucasian" women—heard speaker last week oppose the closing of Lincoln.

Blacks objected vehemently to their children having to give up the benefits of attending a neighborhood school for at least three of their seven years of elementary schooling. Whites wanted the non-neighborhood school for them kept open, because if their children had to be bused, they said, at least they shouldn't be switching schools every year and they particularly shouldn't be leaving a school where everyone seemed to have confidence in the staff.

In an emotion-choked voice, Hornbeck stunned the audience by announcing that he had changed his mind and was now asking the school board to keep Lincoln open. The board ratified his change of heart on a 4-1 vote which some thought was a surrender to community pressure.

Black and white parents, teachers and some students stood and cheered lustily, and the school board went back to trying to find other ways to save money and avoid a $1.8 million deficit. On some future agenda, the board also would have to confront the issue of how to keep a racial balance at schools like Lincoln, a problem caused by the 3 percent rate at which whites are leaving the school system for all-white communities around Pasadena.

The student sit-in in Pontiac and the Pasadena school board's decision are in a sense symbolic illustrations of a whole new array of real problems school districts are facing now in the war of the initial trauma of desegregation.

Many of these "second generation" problems exist regardless of the fact of desegregation, although they definitely are pushed to the surface because of it.

The second generation problems go to the heart of basic educational questions such as these:

How can the nation's public schools guarantee equal educational opportunity, not only to low-income, low-achieving students in an integrated setting resulting from busing, but also to average and above-average middle-class students?

Are the schools really committed for the first time historically in the elementary schools and in the junior highs to mixing children by race, but perhaps even more significantly to mixing children of differing social classes and economic backgrounds?

Will teachers and school administrators, accustomed to teaching only white students or black or the poor or the affluent, learn rapidly how to deal with schools and classrooms with a truly democratic racial and economic mix?

Will middle-income parents—black and white—stick with the schools and wait until the needed money and expertise arrive to bring off successfully racial and class integration?

Or, will an irritated and angry public intentionally starve city schools and accelerate the phenomenon of white flight to the suburbs?

As Pasadena's Hornbeck said last week a few hours before he faced that angry audience of Lincoln parents:

"My prime interest in integration is educational, rather than sociological. Integration here in Pasadena has shaken us out of our ruts and forced us to think about what we are doing as educators."

Only a few minutes before he received that "hot line" call about the student sit-in, Pontiac's Whitmer had a similar thought:

"Progress in education seems to occur only when people are forced to change. Maybe we will look back in a few years, and we may be able to say that the changes taking place today made us change for the benefit of all the kids. But the jury is still out on that one."

That sit-in at Pontiac's Lincoln Junior High School was not a racial incident, everybody seemed to agree. "It's whites and blacks against teachers," said a girl with an Afro. The sit-in was an instant replay of that surge of student disaffection with schools that has occurred thousands of times before in junior and senior high schools across the nation.

No one was hurt during the sit-in. A fire extinguisher was deliberately squirted or accidentally knocked off the wall and trash littered the hallways.

Some students were serious about discussing the issues with the trouble-shooters sent from the school administration building. But most students took off for a nearby hamburger carryout, and school officials shut down the school around noon.

It was the first early school closing in Pontiac this year, said John F. Perdue, director of school community and human relations, compared with countless other closings because of racial incidents during the half dozen years before desegregation.

What was surprising to an outside visitor was not that Lincoln had a sit-in, but that it had not happened sooner and had not been more serious. If any school anywhere has had to bear the brunt of the often meat-ax approach of instant school desegregation, it has been Pontiac's Lincoln Junior High School.

Lincoln, the city's five other junior highs, its two senior high schools and its 27 elementary schools had to desegregate last September because U.S. District Judge Damon Keith ruled that the school district for 15 years had followed a "purposeful pattern of racial discrimination" in locating schools and drawing attendance zones.

Last May, the 6th U.S. Circuit Court of Appeals sustained Keith's decision, and, in October, the U.S. Supreme Court let it stand.

As in most desegregation cases, Keith did not draw up a busing plan but directed the school board to propose a desegregation plan, which obviously would include more busing.

The board decided to have no more than

40 percent minority students in any school and no less than 20 percent. As of last October when the count was taken, Pontiac schools had 21,286 students: 57.7 percent white, 37.3 percent black and 5 percent with Spanish surnames.

The intricate plan devised by school administrators required the busing of about 8,700 students, some 5,500 more than the previous year, for trips averaging about 20 minutes one-way. The busing costs around $700,000 from a total school budget of nearly $22 million.

On the elementary level, the desegregation plan shuffled students in order to get rid of neighborhood school segregation which included six schools last year with black enrollments of 90 percent or more and 11 schools with 90 percent or more white enrollments.

Now, most elementary schools are around 60 percent white and 40 percent black, with the exception of two schools where whites and Spanish-Americans add up to a bare 50 percent.

Elementary schools are paired. In each pair, one school houses 1st through 3rd or 4th grade and the other school 4th or 5th through 6th grade. Kindergarten pupils still walk to what used to be their neighborhood schools. As a result, all children go to a neighborhood school for three or four years of their first seven in school.

Boundary changes took care of Pontiac's two senior high schools, which were fairly well desegregated previously. The real crunch came at the junior high level. On each side of the city, the three junior highs which previously each enrolled grades 7 through 9 were made single-grade schools, meaning students would go to a different junior high 3 years in a row.

In fact, a child attending Pontiac schools for a full career of 13 years—kindergarten through the 12th grade—can now expect to go to at last six different schools. In the past, the normal was three schools.

For Lincoln, designated a 9th-grade school, it meant that two-thirds of its students were new to the school, and virtually all the newcomers resented not being able to graduate from their old schools after spending two years there. Many of the students had never been exposed to students of different races or class and economic groups.

Half of Lincoln's teachers were new also, many shifted there to effect racial balance of faculty ordered by the court. If that were not bad enough, the school also has had to operate on a 5-hour day instead of the former 6-hour day, with two instead of four counselors and with much less in the way of supplies and equipment, all because of the school district's multi-million dollar financial crisis.

But, as Donald DeVoe, the Lincoln principal said, "The straw that broke our back" was the anti-busing demonstrations that lasted intensely for two days and then the boycott by parents of up to 200 white students that went on for weeks. "We really haven't yet recovered from it all," DeVoe said.

Confronted with a host of not strictly educational problems, Lincoln has been groping its way trying to deal with its new educational problems of race and class mixture.

In most classrooms, students reflect the school's racial percentages. Ability grouping is used for mathematics classes only. Special programs deal with the reading deficiencies of old and new students at the schools.

Both students and teachers say the higher achieving students, most of whom went formerly to the well-integrated Washington Junior High, suffer the most. It's like a review of the 8th grade," said one student who says he cannot get the type of advanced course at Lincoln that Washington offered to 9th grade students last year.

Another cause for concern is that some elective subjects have heavy concentrations of white or black students. Whites, for example, favor foreign languages, drafting or band and blacks tend to concentrate in physical education or metal shop.

As Pontiac's Whitmer summed up the situation:

"Teachers are facing a disparity of educational needs in their classrooms now that requires almost a superhuman task. They have to learn to deal with that, but parents on the other hand are saying, 'We don't want you to learn now to teach at my child's expense.' What the effect will be on quality education; whether we can really meet the needs of all children; whether we can pull it off under these circumstances, I really don't know. It's too early to tell."

That public hearing last week in Pasadena at which the school board decided to keep the Lincoln Elementary School open underscored two of the most significant problems tied to school desegregation and busing: White flight from the cities and the horrendous financial plight of urban school systems.

White flight has become the new watchword of desegregation. In a sense, it's a misnomer for middle-class flight, since both middle-class blacks and whites have been leaving the cities to lower income blacks and whites.

Although the phenomenon of white flight has been accelerated with increased desegregation and busing, the exodus began long before courts started dismantling segregated school systems.

In Pasadena, for example, whites (known as "Anglo-Caucasians" in a community that also; has Chicanos, Orientals, American Indians and other groups) were leaving the school system at about a 2 percent rate or 1,000 students a year before U.S. District Judge Manuel L. Real ordered complete desegregation beginning in September 1970.

The rate, however, did zoom to nearly 5 percent or more than 2,200 students just before desegregating and cross-busing of whites and blacks began. Last year, it leveled off to just less than 3 percent or 1,800 students.

In 1966, Pasadena schools were 65.6 percent white. Last October, when the last racial count was taken, they were just 50.3 percent white. Over-all, Pasadena now has 27,547 students—4,400 fewer than five years ago—but it has 7,100 fewer whites, 2,100 more blacks, 800 more "Spanish-surname" students, a few more American Indians, about 200 fewer Orientals and fewer "other nonwhites."

Since large-scale busing began two years ago, about 4,000 white students have left the school system for private schools or public schools in the white suburban ring around Pasadena.

In Pontiac, now 57.7 percent white and 37.3 percent black, white flight has been equally dramatic. Just two years ago, there were about 7 percent or 3,600 more whites.

White flight is raising havoc with Pasadena's desegregation plan, which attempts to maintain a racial balance in every school. The overchanging racial percentage means children probably will be switched back and forth between schools. That instability factor worries school officials tremendously, because they know that even parents who are accepting integration worry about what constant change may do to their children.

When Judge Real found Pasadena guilty of deliberate school segregation two years ago, he did not order a specific racial balance. He did decree, however, that no school should have a majority of any minority group. In other words, whites must be the majority group in each school, although a combination of blacks and Chicanos, for example—could outnumber the whites.

The Pasadena school board decided not to fight the court as the Pontiac school board did. Instead, the Pasadena board directed Hornback and his staff to develop the "Pasadena Plan" for complete racial desegregation.

About 12,500 of the school system's 27,547 students are bused this year, compared to only a few thousand before desegregation. Bus trips average about 20 minutes one-way, with the longest 35 minutes. The cost is more than $1 million a year for a contracted service, but the state picks up all but $348,487 of the cost.

Schools have opening and closing times that results in staggered scheduling for a family with children of different age levels. High schools begin at 7:45 a.m., kindergarten to 3rd grade at 8:30 a.m., the 4th to 6th grades at 9 a.m. and the junior highs at 9:30 a.m.

With the white and non-white racial balance in Pasadena at just about 50–50, school officials are having a devilish time trying to hew to court guidelines. Currently, two elementary schools have black majorities—not in line with Real's decree—and in only six of the 27 elementary schools do whites make up 50 percent or more of the enrollments.

Lincoln Elementary is one of those schools now unbalanced racially. Blacks are the dominant group with 44 percent of the enrollment.

To Henry Marcheschi, the one-man minority on the Pasadena school board consistently opposed to busing, white flight is the crucial issue. Marcheschi, who failed two years ago in an effort to oust pro-busing board members in a recall election and failed just last week to expand the board to seven members, deftly uses integrationist arguments against the integrationists.

He points out that Dr. James S. Coleman of Johns Hopkins University, principal author of the massive "Equality of Educational Opportunity" survey in 1966 has pointed to 40 percent as a magic number determining the success or failure of integration.

If a student body is more than 40 percent lower-income students—which in many school districts like Pasadena means nonwhite students—statistics show that the minority students no longer make academic gains. The reason, Coleman says, is that there are not enough middle-class students to influence the goals and aspirations of the school as a whole. Likewise, Coleman adds, middle class students in a school which is more than 40 percent lower-income may suffer academically.

Marcheschi contends that Pasadena has already reached the point of diminishing educational return from desegregation and busing, since most of its schools are more than 40 percent non-middle-class.

(In Pontiac, Mrs. Irene McCabe, the Joan of Arc of the anti-busing movement who leads N.A.G. (National Action Group) from a storefront across from the Pontiac Motor Division, takes the same stance. "If the trend continues," she said last week in an interview, "Pontiac's going to go all black.")

Pasadena Supt. Hornbeck also acknowledges that white flight is a crucial problem that can be arrested only by convincing people that the school district is delivering quality education with the superior staff it still attracts.

He feels that white flight is nearly under control—although enrollment figures belie such optimism—but, he is also worried that the financial bind of the school district may make it impossible to hold back the floodgates.

In Pontiac, Supt. Whitmer, who must convince voters on April 24 to tax themselves more to support the system-wide busing, takes a grimmer view of white flight. He thinks that only the merging of Pontiac with the largely white communities around it will stem the tide. In Detroit, a federal judge is expected to rule soon on a plan to merge city schools with suburban schools, much in the same way Richmond, Va., schools have been ordered combined with suburbs, a decision now under appeal.

Pasadena's Hornbeck does not favor merger now with his all-white suburbs, like San Marino, the homeground of the John Birch Society. He is still convinced that persuasion will win out as evidenced by a new Pasadena Chamber of Commerce leaflet being circulated to new residents.

The leaflet cover reads, "Why Your Children Should Attend Pasadena Schools." Inside, it lists some "unique programs," including individual instruction, career education, fewer grade levels and programs for the gifted. One section, headed "All This and More," talks of "sound eudcation in an integrated setting," adding:

"Parents, leave the driving to us. Mothers needn't run a taxi service here. Free transportation is provided for students who live beyond reasonable walking distances."

Pontiac postscript—In the early 1950s, blacks contended in an unsuccessful lawsuit that the Mary McCloud Bethune Elementary School, near the housing projects in the southwest section, was built to contain them on the wrong side of the railroad tracks. Nearly 20 years later, a federal judge agreed that the black community had been right. Bethune School, which had two whites and 379 blacks last year, is now 60 percent white.

The portraits of Ralph Bunche, Booker T. Washington and other black figures that used to hang in the hallways have been put away. The statuette of "Mr. Proud," a symbol last year of black racial consciousness, is now in the white principal's office.

"But this is good," says Mrs. Willie-Mae Harris, a black parent who works as a volunteer at the school. "We didn't want to make the white children feel unwanted."

Pasadena postscript—At Pasadena High School, the largest secondary school in California with 4,000-plus students, some seniors were sitting in a grassy quadrangle last week from which you could see the rugged San Gabriel Mountains since the northeast wind cleared the smog.

"It's apartheid here or peaceful coexistence," said Gary Kohler. "Look at the cafeteria. It's them there and we here. I used to say see that tall guy in the red sweater, but I now say see that black guy. I don't know, maybe it's too late for us. I hope it isn't for the younger kids."

When you walk away, Gary says after you, "Have a happy day."

A few miles away at Willard Elementary School—virtually all white two years ago and now more than 50 percent black and Chicano—Helen Bennett, a 5th grade teacher and 14-year teaching veteran, has written a school song for those younger kids Gary Kohler mentioned. The lyrics are to be sung to the tune of McNamara's Band:

"We come by bus; we come by car; we even walk along
To Willard School, the very best; the place that we belong.
Now that we're here, let's give a cheer; it's Willard all the way.
The school belongs to all of us, so you will hear us say:
Hip-hip-hooray. Hip-hip-hooray.
Willard is the school for us; it's Willard all the way."

[From the Government Executive, October, 1971]

THE UN-NEIGHBORHOOD SCHOOL

In New York City, a family struggled for years, clawing its way up out of the Harlem ghetto, finally scratched together enough equity to buy a nice home in Greenwich Village. Then, in compliance with Federal laws on integration, New York educators in charge of such things decided their daughter should be bused to school—back in Harlem.

In Newport News, Va., a black welder at the Newport News shipyard, father of three school children, got a promotion, enabling him to buy a $30,000 home in a pleasant residential neighborhood. He became a leader in the neighborhood education system, active in the Parent-Teachers Association. Then, in the name of integration, Health, Education & Welfare pressure on local officials resulted, in effect, in his three school-age children being bused 22 miles to the far edge of the city to school. He no longer shows any interest in the local school system.

And, of course, there's the well-publicized case of the Birmingham, Ala., high school girl whose mother had to appeal all the way to the White House before she could get her daughter off a 44-mile round trip busing ride and back into the high school just three miles from home. Mother's point: in order to catch the bus, daughter would have to drop out of the high school band, give up an important part of her musical ambition.

These are just bits and pieces in a mounting pile of evidence that school busing, as defined by the Supreme Court, is at best a gross and often grotesque tool for achieving racial integration. And while people in high places indulge in simplistic, high flown rhetoric over the merits of racial busing, it is children and not adults who are paying the real and quite probably horrendous price of it. And the real sarcasm of it is that in addition to fouling up maturing youth's impressionistic years, the whole exercise seems to be having little effect on how well people of one skin color do or do not like people of another.

We think it is all probably the best example walking around of the thesis, to paraphrase Thomas Jefferson, that Government governs best which governs locally. As Housing and Urban Development Assistant Secretary Floyd H. Hyde contended recently:

"The purpose of Government is to serve and to be responsive to the changing needs of the people. But, let me ask, is our system of Government really responding and functioning as it should? I contend it is not."

In pointing out that "For the past 40 years, there has been an ever-increasing centralization of power in Washington, away from state and local government—and away from the people," he leveled his key indictment:

"Federal legislation and administrative policies have frequently undercut the role and authority of the mayor and locally elected officials and made it almost impossible for them to act effectively."

Though Hyde was emphasizing, when he spoke, the basic problems of urban decay and the merits of no-strings revenue sharing as proposed by President Nixon, he could just as easily, in a human societal sense, have been talking about racial busing and what giant strides it is taking toward creation of the un-neighborhood school.

It doesn't take much of a sociological education to figure out that, where the building blocks of this Nation's greatness were once its rural communities, they are today—or ought to be—that increasingly vast collection of contiguous urban neighborhoods. Thus, a logical game plan says, any government program justified as responsive to the needs of the people (and, basically what other justification is there?) ought first and foremost to impact on the needs of the neighborhood community. To the extent that government officials, especially those high up the bureaucratic ladder, fail to heed that truism, they become, in effect, their own worst enemies; because callous, insensitive government behavior simply provokes the kind of thing government can ill afford: angry public opposition.

C. W. BORKLUND.

A SALUTE TO THE STAMFORD COMMISSION ON AGING

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. McKINNEY. Mr. Speaker, it was my privilege to participate this past Monday in the Stamford Commission on Aging's "Report to the Fourth Congressional District on the 1971 White House Conference on Aging." This was a sell-out affair, indicative of the prominent role the Stamford Commission on Aging plays in the lives of the senior citizens of my district.

It is with great pleasure that I bring to the attention of my colleagues the outstanding work of the Stamford Commission on Aging. Along with cooperating senior citizen clubs, the commission gives purpose and meaning to the lives of Stamford area senior residents.

You name it and Stamford area senior citizens have it: meals-on-wheels, dial-a-ride service, low-cost lunch programs, visiting nurses, sessions to discuss the physical and emotional problems of the elderly. Classes are held at the Quintard Center, Stamford's full-time facility for senior citizens, in almost every possible area of interest ranging from beginning Spanish to bowling, physical fitness, bridge, movies, and dancing. In addition, informative and education talks are provided on topics of interest and concern: consumer protection, medicare, diseases, and current events, to name but a few.

As you can see, Stamford takes care of its older citizens and makes their old age a time of pride and fulfillment, not one of isolation and withdrawal.

I salute the Stamford Commission on Aging, its chairman, Dr. Bernard Friedman; its director, Mrs. Dolores Russell; and the other commission members: Rev. Cyril Peters, Mrs. Freda Brown, Mrs. Effie Massie, Mr. Andrew Robustelli, Dr. Neil Klein, Rev. Paul DuBois and Mrs. Alex McDonald.

I would also like to take this opportunity to commend the other area organizations which help give meaning to the lives of our senior citizens and which assisted in making Monday's meeting such a great success: Members of Quintard Center and its able staff; Friendly Circle, Glenbrook Senior Club, Meals-on-Wheels Volunteers of Stamford-Darien, Older Bolsters, Senior Information and Referral Service, and American Association of Retired Persons.

So that my colleagues may receive an overview of the structure, work and activities of the Stamford Commission on Aging, I hereby submit to the RECORD their first annual report:

THE STAMFORD COMMISSION ON AGING, ANNUAL REPORT 1970–71

THE BEGINNING

The Stamford Commission on Aging, an official arm of the city government, is a nine-man group of citizens appointed by the mayor to be concerned with the special problems of the city's 10,000 older citizens . . . to meet the needs of active and able retirees who seek meaningful activity in their leisure

. . . to ease the burdens of those who are ill, lonely, or in need . . . and to bring the talents and experience of older persons back into the mainstream of community life.

To cope with these diverse problems, the commission set up an office in February, 1970, staffed with professionals who, with the cooperation of the city's government and social agencies, business, civic, and religious groups, plan for solutions through new community services.

1970-71: THE FIRST FULL YEAR

The past year, the first full year of operation for the Commission on Aging, has been one of satisfying achievement, as the hopes and plans of the Commission's early months grew into the first concrete programs specifically aimed to serve the city's older population.

With a minimum budget and staff to work with, the Commission has successfully sought outside aid and cooperation to make possible several major steps forward in meeting the needs of the elderly. These included the establishment of a multipurpose center for older persons, a food delivery service for the homebound, a new transportation service, and a low-cost lunch program operating in Cloonan Junior High School.

QUINTARD CENTER

The most significant single development this year was the opening in November of 1970 of Quintard Center, the city's first full time facility planned exclusively for the older citizen. Funded through a $24,000 grant from the Connecticut Department on Aging and the Federal Administration on Aging under the Older Americans Act, Quintard is providing a free regular program of education, recreation, health and guidance services which have attracted some 400 enrolled members in only seven months of operation. Scores of others have participated in individual activities, with an estimated 1,500 persons having been served by one or more Center programs this year. The Center is located on the main floor of Quintard Manor, a low-income residence for the elderly operated by the Stamford Housing Authority.

Under the capable guidance of Director Hilda Ross, Quintard offers a wide choice of activities specially geared to the interests and abilities of the elderly. There have been classes in painting, sewing, crafts, decoupage, leatherwork, ceramics, handcrafts and stitchery, as well as an exercise and bowling group, and instruction in folk, square, and social dancing. Discussion groups have met to learn about local politics. A Readers Circle was formed to talk about current books and articles. Even more variety will be possible in the Center program when the renovation of a woodworking and a crafts room is completed by the city, allowing for concurrent activities.

Social functions have included parties, films, cards and bingo, an International Day featuring foods and costumes supplied by the Center's foreign-born members of 14 nationalities, bus trips to nearby points of interest, and summer pastimes such as beach outings and weekly fishing trips on the Sound.

NEW KINDS OF AID

The vital areas of health and nutrition have received ample attention at Quintard. Brian Langdon of Family & Children's Services has conducted three sessions of group discussions on the emotional problems of aging, which have been well attended and have served as a kind of group therapy for many of the participants. This innovative project will receive national publicity in a forthcoming copy of "Aging", the publication of the Administration on Aging.

Another successful series on health care was titled "Talking it Over With the Doctor". It included talks by local specialists on the physical changes that come with aging, and on care of teeth, skin, eyes and feet in the later years. Each session was open to questions from the audience.

In addition, a representative from the Visiting Nurse Association was at the Center every second Tuesday for free individual consultation on simple medical problems or questions on home care.

How to cook economically for one or two persons and how to be sure of getting the proper diet necessary for good health were topics covered in a cooking potpourri which ranged from demonstration of how to prepare low-cost nutritious meals to aid in planning menus for diabetics.

A hot lunch program also developed at Quintard on Tuesdays and Thursdays, with members themselves preparing and serving a light luncheon which was sold at cost for 35 cents. Attendance has averaged 35 to 40 for each lunch day.

Other services instituted were Information and referral to direct members to the proper source of aid for their problems, a monthly visit from the Social Security Administration to offer individual aid on questions concerning pensions or Medicare, and counseling by a Center volunteer, a retired lawyer who made himself available by appointment for free advice on wills or other legal matters.

SUPPORT FROM OTHER AGENCIES

Many other city agencies have participated in and contributed to the Center program. The Stamford Housing Authority generously allowed the use of its premises without payment for rent or utilities, and has been continuously helpful in Center operations. Four classes were provided by the Department of Continuing Education. Films, talks, and a regular Bookmobile visit were set up by the Ferguson Library. The city Health Department furnished nurses and vaccine to give free flu shots to members.

Private companies have also sponsored special events, such as a home decoration series done by the Harvey Furniture Company, cooking demonstrations conducted by HELCO, a makeup clinic held by Clairol, and participation by the medical staff of Olin. Private groups such as the Stamford Garden Club, the Junior Woman's Club and the League of Women Voters have also given their time to hold special programs at the Center.

In addition, Quintard has enjoyed financial support in the donations of a stove by HELCO, crafts equipment by the Courtland Gardens Nursing Home, and cash donations from Pitney-Bowes and the Stamford Home for the Aged. There were other gifts from the Stamford Junior Woman's Club, the National Association of Negro and Professional Women, and four area churches: Bethel A. M. E., Union Baptist, Faith Tabernacle Baptist, and Greater Faith Tabernacle Baptist. Individuals have helped, too, with 69 volunteers, young and old, currently working at the Center as teachers, hostesses, office assistants and program planners.

All of this support has made Quintard Center truly a community project, and has made possible a variety of programs that could never have been achieved otherwise.

DIAL-A-RIDE

Perhaps the most meaningful donation of all was the purchase of the "Dial-A-Ride" mini-bus by the Soroptimist Club. With the cost of a driver and gasoline covered through the Quintard grant, and with a year of free service donated by Riverbank Motors, the Commission has been able to furnish free transportation to anyone who wished to attend Quintard Center or the Cloonan School Lunch program for Senior Citizens. The bus also provides a monthly grocery shopping service for tenants at Stamford Manor and the Edward Czescik Homes, and offers a limited amount of door-to-door private transportation for medical appointments and other important private needs at a minimal cost of 25 cents each way. The mini-bus is currently averaging 100 passengers weekly.

Quintard Center has formed its own Board of Directors, and, under the continued supervision of the Commission on Aging will work toward becoming an independent body able to raise funds to supplement the city budget after the current grant expires in September, 1973.

OTHER PROGRAMS

The Commission has engaged in several other major programs this year, each an example of how the creation of a city office devoted to the elderly has served as a catalyst to coordinate efforts of other groups to make new services possible.

MEALS-ON-WHEELS

Meals-On-Wheels, a home food delivery service for incapacitated persons, has served more than 4,000 meals since its beginning last September. With the offer of food preparation for this project by the Courtland Gardens Nursing Home, the Commission was able to obtain a grant of $3,000 from the Stamford Home for the Aged which made possible the hiring of Mrs. Catherine Munn, a trained dietitian, as a part-time director of Meals-On-Wheels. Then, by contacting every church and synagogue in the area, volunteer drivers were secured to deliver the meals to those who need them. Ten religious groups of all denominations are currently participating, with the American Association of University Women serving as emergency substitutes.

Each recipient receives a hot luncheon and a cold supper brought to his door at noontime. The original charge was set at $3, but later in the year when Courtland Gardens found that their costs were running less than had been anticipated, the price was lowered to $2.25. The Nursing Home also very generously donated $1,000 to be used as a Friendship Fund to aid those who could not otherwise afford this service.

Many welfare cases are also benefiting from Meals-On-Wheels, with the State Welfare Department covering their costs.

This important community service has enabled many to come home from the hospital earlier than would have been possible otherwise, freeing needed hospital beds.

The relief of the burden of food preparation has also enabled many to continue to live independently in their own homes through a temporary illness rather than being forced to the expense of a nursing home. And certainly not least, it is a significant indication of interest and concern by the community for an ill elderly person. For many who are sick and lonely, the smile and friendly words of the Meals-On-Wheels volunteer may be just as important as the food she brings.

Meals-On-Wheels has already set up its own Board of Directors and a medical advisory Board. By the end of the coming year it should be functioning as a totally independent body, operating with no more than moral support from the Commission.

CLOONAN LUNCH PROGRAM

Another example of coordination between organizations was the establishment of a hot lunch program for the elderly at Cloonan Junior High School. At the request of the Commission on Aging, the Board of Education agreed to a trial of this new idea, priced at 55 cents, the same fee paid by students. Attendance at Cloonan varied from 25 down to 5 or 6, depending greatly on the weather. Cloonan's location is not within easy walking distance for many elderly persons, and participation fell sharply during the cold months. Though the Dial-A-Ride bus was available, the number who called this service just to eat a meal and return home was small. If the Board of Education agrees to continue this program next year, the Commission will attempt to add some more social aspect to make the meals more appealing than the fast and somewhat impersonal cafeteria lunch offered this year.

MAYOR'S CONFERENCE ON AGING

Upon the suggestion of Mayor Julius Wilensky, the Commission organized and conducted Mayor's Conference on Aging which drew more than 300 people, young and old. It was held at the First Presbyterian Church on May 5, 1971 and was an all-day program where they learned much about the local problems of the elderly and had the opportunity to express themselves on the issues which will be discussed at the White House Conference on Aging next November. This Conference produced a list of recommendations for local action which will become the focus of the Commission's activity in the near future.

HELP WITH BEACH STICKERS, TAX EXEMPTIONS, BUS DISCOUNTS

Once again this year the Commission has worked with the Park Department to distribute free beach stickers to residents over age 65. This activity was moved from the Commission office to Quintard, where parking is easily available and there are no steps to climb. This proved a most fortunate choice as it also introduced the Center to many new people and resulted in a number of new members.

Help was also given in the Commission office to older persons wishing to fill out forms for bus discounts or real estate tax exemptions. Both forms were on hand, and assistance was readily available for those who did not fully understand the related regulations.

PUBLIC INFORMATION

A prime aim of the Commission on Aging is to inform the public of the problems confronting its elderly neighbors, and to make the city aware of the new services now available through the Commission.

To accomplish this, a newsletter was sent out regularly to a mailing list of 1,000 persons, including a calendar of Quintard Center activities. Special literature was also mailed to all area physicians and churches to enlist their aid in spreading the word to older persons about Quintard, Dial-A-Ride, Meals-On-Wheels and Cloonan lunches.

A steady stream of radio and newspaper publicity has come from the Commission office, and personal talks have been given to all Senior groups as well as to other community organizations.

Special talks were given to student nurse groups on the needs of the older patients who will be in their care.

AID TO OTHER COMMUNITIES

It has been most gratifying to our relatively new Commission to find ourselves being called upon by other communities as a model of successful operation. Representatives from Norwalk and from Princeton, New Jersey, have asked to tour our various facilities, and we have been contacted by a number of state bodies, including CDAP, for advice on financing and organization of a mini-bus service and a school lunch program. The Commission proposal for the Quintard Center grant will be used by the State Department on Aging as a sample for other communities applying for financial aid.

MUCH ACCOMPLISHED—MUCH TO BE DONE

Though the Mayor's Conference recommendations show that much remains to be done in the coming year, the achievements of the past year point to an auspicious future for the Commission on Aging as a permanent and valuable arm of the city, representing the interests of its growing older population.

The providing of services for the elderly have made Stamford a better place to live for the Senior Citizens today . . . and for those who will be the elderly of tomorrow.

ABORTION AND THE UNWANTED CHILD

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. HOGAN. Mr. Speaker, I insert the second article in a series written on abortion by Mary Kay Williams for the N.C. News Service.

The article, "Abortion and the Unwanted Child," states,

> One cannot permit abortion in order to solve another pressing problem that is less than the demand for someone's life.

That statement, to me, is the foundation of the anti-abortion struggle—that a woman's convenience should not rule over the child's right to live.

The article follows:

II. ABORTION AND THE UNWANTED CHILD

(By Mary Kay Williams)

It's a universal experience. Every one of us at some time in our life has felt unwanted, unloved by someone. It's a lonely feeling even for adults who may have a healthy ego and a resilient spirit. And so when one hears of unwanted children, somehow that situation seems worse still.

No one wants to see a child suffer either physically or emotionally. Because of this natural sympathy to protect children, sincere people may be misled by the pro-abortion argument: "Wouldn't it be better if the child was never born?" This question is likely to take on a humanitarian posture which conveniently serves as a smokescreen to the real issue.

Who is the unwanted child? Is he the unplanned child? Is she the defective child—the one who will be born handicapped? Let's consider all these children.

Abortion promoters say that an unplanned child will be an unwanted child, and an unwanted child will be a battered child. Their logic is depressingly faulty.

Although it's difficult to define "unwanted," many social scientists have been studying the pregnant mother and her attitudes towards her unborn child. They overwhelmingly agree that one cannot predict the mother's attitudes after birth. What can be predicted, however, is the experience of some depression at some point during a pregnancy. This is considered very normal—not a sign of pregnancy rejection, nor a sign of mental illness.

A widely used textbook on obstetrics describes this phenomenon: "It is not unusual for women who will become good mothers . . . to react initially to the diagnosis of pregnancy with resentment, frustration, and depression, only to express strong, genuine, positive feelings of acceptance as the pregnancy advances and fetal movements appear."

This is all the more reason for women to receive good medical counseling to help them understand these normal feelings that they may have during pregnancy. They should be helped to understand that whether or not the child is planned or unplanned, there will probably be some depression and anxiety during pregnancy.

In the case of the unmarried pregnant mother, her stress may be even greater—especially when her pregnancy is strongly rejected by the father of the child, her family and friends, and societal attitudes. What is needed in this situation are more service programs such as Birthright, now in 60 American cities, offering multiple supports in the form of counseling, adoption referrals, financial aid, employment, medical care, day care, and friendship.

The second point that the pro-abortion group makes is that the unwanted child will be a battered child. Again, latest scientific evidence does not support their argument.

After analyzing 13,000 child-beating cases in all 50 states, the most extensive research ever conducted on child abuse in the United States reached some very surprising conclusions. Dr. David G. Gil of Brandeis University found that child abuse could be traced to the widespread acceptance in America of the use of physical force in child-rearing and discipline. In many instances, their own parents used corporal punishment on them, and this is what they remember.

It is not that the parents are mentally disturbed, or that the child is unwanted or unloved. It is much more a question of what society considers acceptable discipline, and the measure of self-control that one has over one's violent tendencies.

The remedy for child abuse has nothing to do with abortion. What is demanded is a radical change in the underlying value system that permits abusive striking of children, as well as laws against corporal punishment in homes, schools, juvenile courts, and child-care facilities.

This brings us to our last consideration—the handicapped child. The pro-abortion argument says that life is tough enough without being born crippled or mentally retarded. They argue that if a woman knows in advance that there is a good possibility her child will be born defective, then she should be allowed an abortion.

Some significant research on the handicapped person has recently been made public. A team of psychologists headed by Dr. Paul Cameron, University of Louisville, and Dr. D. Van Hoeck, Wayne State University, reported that there was no difference between malformed and normal persons in their life satisfaction or vulnerability to frustrations. The handicapped were found to be as happy as others. Life may be more difficult for them, but these difficulties did not make life less tolerable.

However, one must acknowledge the strain on families who care for their handicapped children. In some cases, the handicapped child will be a financial and emotional burden. While this is a legitimate argument for immediate and sustained public and private support to these families, it should not take precedence over the right to be born. One cannot permit abortion in order to solve another pressing problem that is less than the demand for someone's life.

For Christian parents of handicapped or retarded children, the mystery of the resurrection of the body should have great meaning and encouragement. Enlightened by faith, these parents can rejoice in the expectations of the glory which their sons or daughters—regardless of their physical or mental limitations now—will carry in their bodies through all eternity. The child with the greatest deformity—the lowest I.Q.—can be, because of the promise of the resurrection, perfect in his humanity in mind and body forever.

THE STRUGGLE TO SURVIVE

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. NELSEN. Mr. Speaker, Mrs. Jerome L. Johnson of rural Eagle Lake, Minn., is extremely concerned by the effort of Ralph Nader and assorted others who presume to speak for consumers to roll back the Federal support price of milk. She has provided me with a copy of a recent letter she sent to Mr. Nader in which she provides a vivid, detailed account of her family's struggle to survive, a struggle shared by the overwhelming majority of hard-working farmers today.

I believe there is merit in including her letter in the CONGRESSIONAL RECORD, in the hope that it will be read by those who have no direct farm experience. It is an honest eye opener. I include Mrs. Johnson's letter at this point in my remarks:

EAGLE LAKE, MINN.

DEAR MR. NADER: I read with great interest the article in the January 25, 1972 edition of the *Mankato Free Press* (Mankato, Minn.), telling about a consumer coalition led by you to overturn an increase in the government's support price of milk, because the Congressmen and Nixon administration yielded to political pressure when they approved the milk support rise from $4.66 to $4.93 per hundredweight.

First of all, why single out the dairy farmer? What about all the other interests and organizations, such as labor unions, that lobby with far more pressure and with far greater amounts of money.

All our costs keep rising. Why shouldn't we have a raise? We have to become four per cent more efficient just to break even, say nothing of having more money to invest in our business or to have something left over to have a better life for our families. You talk about poverty and poor housing in the big cities; there are many farmchildren who do not have decent food or clothing and who have a cold house to sleep in. Poverty in rural America is a very real thing.

In this letter I'd like to give you an explanation of some of the problems we farmers face and a picture of what life on a farm is really like. I would like you to understand that any raise on the price of milk or a raise on any farm product is much needed or the nation may find itself with a diminishing food supply and then prices will rise because of dire necessity. The USDA reports a drop of two per cent or 45,000 less farms for the past year. The present number of farms in the Northwest States is the same as 60 to 100 years ago. For the U.S. as a whole, farm numbers have now dropped to approximately where they were in 1872, a century ago, when many western states were just being settled, and the Homestead Law was hardly ten years old. But, what has happened to the population of the United States?

We live in South Central Minnesota and are what you might call diversified farmers, raising corn, soybeans, oats, and hay. Most of these crops are harvested to feed our herd of about 40 milk cows, our replacement heifers, some calves, some feeder steers, and some fat cattle.

Do you realize what a farmer has invested? We consider ourselves small farmers, paying for 140 acres of land valued at about $450 an acre. Why don't you figure $63,000 at 8% interest? We are fortunate and don't pay that much, but there are farmers who do and some who pay even more. Then we rent about 50 acres more. Rent runs from $30 to $40 an acre in this area. We also buy hay by the bale if necessary. It doesn't take a cow long to eat a bale of hay which usually costs about 50 cents.

Then of course, we must have buildings and equipment. We have a barn with thirty stalls, calf pens, milkhouse, silo, and an attached shed for young stock. With the equipment which includes an ornery barn cleaner, a bulk tank, a vacuum pump, a broken silo unloader, wash tank, water heater, and drinking cups, I estimate we have $40,000 invested. Many farmers have much more than that invested. We have no pipeline or transfer system. My husband and I carry, on the average, over a thousand pounds of milk a day from the barn to the milkhouse. Many farmers have expensive milking parlors and wash systems to save themselves time and labor. My uncles in Wisconsin recently installed a pipeline system which cost around $4,500. Some have elaborate and expensive automatic feeding systems and loafing barns to save themselves that time and labor so that they can have a greater volume in order to show a profit.

We also must have machinery to plant, take care of, and harvest the food for our cattle. We have invested, with my father, in tractors, combine, two broken down balers, two broken down field choppers, a worn-out silo blower, wagons, bale racks, corn planter, grain drill, manure loader, haybine, hay rake, digger, drag, cultivators, sprayer, grinder-mixer, manure spreaders, and numerous other pieces. I would say the value of this small farmer's line of machinery is $50,000. A farmer could easily invest $200 thousand. Tractors and combines are selling now for 25 to 30 thousand dollars. And we have to keep replacing and repairing our machinery or we don't stay in business. Don't forget the investment in our cattle—a good milk cow costs at least $400.

A big investment of a farm is a well. Cattle do drink lots of water you know and we use a lot of it for washing milkers and bulk tank. We had some well trouble recently and asked the repairman how much a new well would cost. We know we are taxing our present water system with so many cattle. He estimated the cost to be between two and three thousand dollars. And of course there are several repair calls each year. Then there is the electric bill for pumping all that water. So the farmers get their water free, don't they?

A farmer has a little more than a dinner pail invested. There is a saying, "The farmer is the only man who is in debt all his life and still leaves an estate." And I might add—his son might inherit that estate, make some improvements and some investments and be in debt for the rest of his life too.

Also, I believe a farmer is entitled to a higher wage because of all the hard work and long hours that he, his wife, and their children put in. It takes, on the average, four hours a day for one of us just to do the milking. That is not including feeding, cleaning, bedding, or taking any time for problems that might arise. For example, the other morning when it was 30 degrees below zero, my husband, at six in the morning, discovered a cow that had gotten herself hung up in the stall. He woke up our neighbor, got some equipment from the veterinarian and it took them three hours to get her out, and she's still not coming along very well. There's always pipes to thaw, equipment, machinery, and buildings to repair, say nothing of field work from dawn to after dark during the field season.

Have you ever loosened a barn cleaner or manure spreader or spread manure when its been 20 to 30 below zero? My husband's face and hands have been frostbitten many times and that metal likes to break when it gets that cold. Just the opposite—There's been many an early summer evening when I've milked when it's 80 to 90 degrees and the sweat runs down my face.

It's winter now so my husband doesn't get up until nearly six to milk. I get our boy on the school bus about 7:30 and then I go out to help with the feeding of the cows and calves and do the washing up. Sometimes I help with the barn cleaning and it's after ten when I get in. Then at four, when our boy gets home from school, he helps us with the evening chores. We usually don't eat supper until 7, but then we are done for the evening, except for my husband who shuts off the drinking cups at 10:30. You'd shut them off too if you've ever cleaned a gutter with 300 gallons of water in it. That is our winter schedule.

For the planting, growing, and harvesting season, my husband rises at 5 a.m., I go out to help at 6, then we hurry to eat breakfast so we can get to the field. On days when I work in the field, I come home at 5 to do the milking and feed the kids some supper. I never know when the rest eat, so usually have something going in the oven. There are many nights that it is ten p.m. before my husband and the neighbors quit unloading bales in the barn. We have that extra hour of daylight so that the hay doesn't dry till later in the day and then we can work later at night. If you want to protest something, Mr. Nader, why don't you protest daylight saving time? There's many a time when my neighbor lady has jokingly complained that my husband's feed grinding keeps her awake at night.

Most farmers and especially dairy farmers have little time off. We are on the job seven days a week. The longest time we are ever away from home is overnight and we only do this once or twice a year. And we wouldn't do this at all if my husband's folks didn't live in Iowa and if my sister and her husband wouldn't do our milking. We've never taken our children more than 160 miles from home—to their grandparents in Iowa, or to my relatives in Eau Claire, Wisconsin. My grandmother is in a rest home in Fall Creek, Wisconsin and I haven't seen her for a year and a half. That is called "keeping your nose to the grindstone". Our biggest event in a long time was our annual dinner and meeting of Associated Milk Producers Inc. last Friday. We were gone from home from 11:30 a.m. to 4 p.m. The meeting was poorly attended; it was such a cold day and I suppose many of the farmers just couldn't get their work done.

Mr. Nader, if you're helping the consumer, just who do you think the consumer is? As I understand it, the farmer is the biggest consumer of steel in his machinery, cars, trucks, and machine repairs. We are great consumers of clothing. My husband, son, and I wear out stacks of jeans, gloves, coveralls, boots, rubbers, and jackets each year. We buy groceries like we were running a small hotel. If you load 700 bales of hay in an afternoon, you need more than a hot dog for lunch. I fix the men three and four big meals a day, because if they are going to work, they've got to eat. We buy concentrate for feed, fertilizer, liquid nitrogen, gas, oil and other petroleum products, lumber, paint, shingles and other building supplies, machine repairs, veterinarian supplies, soaps, cleaning aids, etc. The list is endless.

A few years ago I had a restaurant operator tell me that she could always tell on her volume of business when the farmers had too much rain or it was too dry. I remarked that Mankato was a college town and that I thought her business came from the students. "Oh, no", she replied, "We need the farmers."

So, I feel, Mr. Nader, that when you picked on the dairy farmer or any farmer for that matter, you've picked on the wrong guy. You may think the farmer isn't important—He only produces your food (a human's first need) and he also buys your products.

Who pays the taxes? What are real estate taxes? They are taxes on the land a farmer must pay for the privilege of breaking his back producing food. Then there's the sales tax. How much is the 4% tax on a small, $12,000 combine? Farmers pay more than their share of taxes because they are the owners of the land and because they are big consumers also.

I feel that if the farmer's prices do not rise in accordance with his expenses that many will be forced off the land and you'll go without food—a steak and a cold glass of milk still tastes better than a pill. If large corporate farms result, you'll pay much more for food because those managers and workers won't tolerate such hard work, long hours, and low pay. Their wives and children won't be working either. The owners too are going to want a fair return on their investment. Many experts still feel the family farm is the most efficient. But *Hoard's Dairyman* reports in its January 25 issue that "Though milk prices continue to set records, prices paid by farmers go up faster. Real estate taxes are up 8 per cent; all production costs 5 per cent. Milk parity was down to 77 in September, but is up to 79 now. It is still 4 points under a year ago."

I thank you for your time Mr. Nader and hope this has helped you to understand more fully what farming is really all about. Unless you've held that fork in your hand and worked every day with it, it is hard to realize the plight of the farmer. I would like to suggest, Mr. Nader, that before going ahead with this suit, that you invite many farmers to talk with you and better yet, visit many different kinds of farms all over the United States so that you can step right in and help a few farmers clean those barns and throw those hay bales. See for yourself what this business of farming is.

I would appreciate a reply to signify that you received this letter. Thank you again.

Sincerely,

Mrs. Jerome L. Johnson.

POSTAL EXPERTISE COUNTING AGAIN AS SIGNALS SWITCH

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. DULSKI. Mr. Speaker, I was interested to read an item in Joseph Young's "Federal Spotlight" column telling of a switch in direction by the U.S. Postal Service.

I want to congratulate Postmaster General Klassen for taking a fresh look at the practicalities of postal service in the United States.

Mr. Klassen and the Postal Service are reaping the self-imposed woes that result from his predecessor's conscientious effort to eliminate experienced and knowledgeable postal people from the organization. They were forced to take early retirement, with the only sop being an expensive bonus.

I am not criticizing the dedicated former employes who accepted the lone option they were given. The great loss was to the Postal Service in losing top-level postal expertise that was gained through practical experience in an operation that is like no other business anywhere.

In the light of the mounting postal service problems and in the face of widespread complaints, the switch of direction by Mr. Klassen is very much in order.

The tragedy of the situation is the loss of continuity and momentum which resulted from the wholesale shakeup—and shakeout—of the very people who have some practical understanding of how to move the mails.

Mr. Speaker, as part of my remarks, I include the text of the item from the March 7. 1972 "Federal Spotlight" column by Joseph Young in the Washington (D.C.) Evening Star:

Second Thoughts

The U.S. Postal Service has quietly set up a special group to study the postal system to find out what's wrong with it and what should be done.

What makes this especially newsworthy is that some of the group's members are former postal career officials who were pressured into retirement last year when the new regime took over.

The Postal Service is finding out that expertise and experience do count, and that just because a man was successful in the private sector doesn't necessarily mean he will be a whiz-bang in the Postal Service.

THE BEST KIND OF INSURANCE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. CRANE. Mr. Speaker, recently, W. Clement Stone, chairman and chief executive officer of Combined Insurance Co. of America and the president of several other important insurance companies, saw a film of the Russian Navy in training which fell into the hands of the U.S. Navy.

He noted in an article in Success Unlimited of which he is editor and publisher:

> The film was amazing—it was startling and—it developed a deep reaction of concern in me and those who were fortunate enough to view it.

Expressing the view that all Americans should have the opportunity to see this film and to understand the method by which the Soviet Union is rapidly becoming the most powerful nation on earth, Mr. Stone pointed out that:

> If what America sought was a generation of peace, then the best way to achieve this was not through weakness.

He wrote:

> If we seek to avert a war in this generation we must keep our military strength so strong that the Soviet Union or any other potential adversary would be discouraged to start a war with us.

He noted that:

> History has taught us that it's imperative that we must now negotiate from strength to clear away the difficulties and shut out the possibility that the undesirable could happen.

Mr. Stone stated:

> Peace has never been achieved through appeasement and vacillation. The best kind of insurance for the American people is "prevention." Remaining stronger than any potential aggressor provides that necessary prevention.

He concludes by stating that:

> Remember: it's cheaper to prevent a war than fight a war and win.

I wish to share Mr. Stone's article with my colleagues, and insert it into the Record at this time:

The Best Kind of Insurance—Just Try It . . . You'll Like It

(By W. Clement Stone)

I'm a salesman. And I'm going to try to sell you something you need even though you may not now want it. But if you will just try it . . . you'll like it.

On a Monday morning a short time ago, I as Chairman and Chief Executive Officer of Combined Insurance Company of America and its subsidiaries held an enthusiatic sales meeting with a select group of our star Texas sales representatives at Dallas.

One of the top salesmen had sold 200 new policies, the previous week . . . an outstanding sales record. In relating his experiences, he said, "There were persons who refused to buy our Little Giant Accident Policy. But . . . many of them changed their noes to 'All right . . . go ahead' when I finally said 'Just try it . . . you'll like it.' "

The following Wednesday morning I was attending a meeting in New York City at which time Capt. Robert Delaney of the U.S. Naval War College, Newport, Rhode Island, showed an official confidential naval training film of the Russians which fell into the hands of the U.S. Navy. It was amazing . . . it was startling and . . . it developed a deep reaction of concern in me and those who were fortunate enough to view it.

Every American boy, girl, man or woman would also be fortunate to see this film. It's possible that you and your associates could have this privilege should you write to Capt. Delaney; however . . . the following thought flashed into my mind as I viewed the film: "America, keep your eyes closed. But if you do . . . your grandchildren may go to everlasting sleep." I have an aversion to using the words "died" or "death" and have never before used them in my writings. Instead I have used the softer terms "went to everlasting sleep" or "passed away" in referring to one who was deceased.

I try to operate by formula; specifically: determine the principles that bring success and failure . . . reduce each to formulas and then . . . apply the one and eliminate the other. And that's how I developed a sales system for my companies whereby it's impossible for a salesman or sales manager in my organization to fail if . . . he learns and applies the success formulas in their entirety. The same procedure is used by me regarding achieving success or avoiding failure to achieve desirable goals in every human activity regardless of the individual or organization.

While flying from New York to Chicago late that Wednesday afternoon, I thought about the film and meditated on the possible solutions to the problems that brought concern to me. One thought lead to another. A solution became crystal clear as to The Best Kind of Insurance for you, me and those whom we wish to help including all of us in the organization that binds us together . . . America for whom too infrequently many of us fail through lack of action to express our love and loyalty.

THE BEST KIND OF INSURANCE

The Best Kind of Insurance for you, me and every other American can be expressed in one word . . . *Prevention*.

This type of insurance, unlike a commercial insurance policy that reimburses for financial loss, can avert and ward off potential personal unhappiness, physical and mental illness, accidents, failures, poverty, catastrophes and that which you do not want to happen to yourself or others.

And that's why Success unlimited magazine, in its efforts to try to make the world a better world for this and future generations, endeavors to motivate you and all of our readers to motivate themselves to: recognize, relate, assimilate and use desirable universal principles . . . develop PMA (a Positive Mental Attitude) and eliminate NMA (a Negative Mental Attitude) . . . learn to motivate one's self at will and to motivate others to desirable goals . . . avoid physical and mental illness . . . develop character . . . become effective good parents and leaders . . . acquire wealth and . . find the true riches of life. For you to motivate yourself to achieve any one of these, it's necessary to engage in study, thinking and planning time with regularity and then follow through with . . . action.

Now *the Best Kind of Insurance . . . Prevention* is also applicable to our nation in each of its activities wherein our leaders strive to reach all desirable national goals on a priority basis.

We want a generation of peace. And *The Best Kind of Insurance* is to avert, ward off and prevent the likelihood of a war in this generation and perhaps in the future with a nation which is said to have built the greatest *modern military machine* in the world (one of many examples is the building of the second largest navy in the world in a short period of 15 years and one that is expanding rapidly) is to keep our military strength so strong that she or any other nation would be discouraged to start a war with us. History has taught us that it's imperative that we must now negotiate from strength to clear away the difficulties and shut out the possibility that the undesirable could happen.

Principles learned from history are universal. We have learned that war is almost a certainty when ambitious and warlike leaders of good people become intoxicated with power and have the military strength to conquer weaker nations. Their statements and actions have proved that conquest was their objective be they barbarians . . . madmen like Adolph Hitler . . . intelligent, scheming rulers like King Philip of Macedon who prepared his nation for war and motivated his son Alexander the Great to strive to conquer the world or . . . any of the great deceivers of modern times who have enslaved their own people and those of other nations.

George Washington and each of the framers of the Constitution tried to originate the best kind of insurance . . . prevention. They endeavored to anticipate law to avoid internal and foreign conflicts.

Our senators, congressmen and national leaders will listen to the voice of the people if they speak up. Priorities are all important. At the moment the American public must become so *Prevention conscious* that all of us use the power we have as citizens to urge members of congress and national leaders to give priority to the preventive measures that will safeguard the nation and the lives of our posterity in the future. It's time to speak up!

We should buy *The Best Kind of Insurance . . . Prevention.* In the long run, it's the cheapest and most effective. Remember: it's cheaper to prevent a war than fight a war and win. Also: in your personal life, in helping others and protecting your posterity, buy *The Best Kind of Insurance . . . Prevention!* Just try it . . . you'll like it.

HON. WAYNE L. HAYS HONORED BY ITALY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. RODINO. Mr. Speaker, our colleague, the Honorable Wayne L. Hays, was recently honored by the Republic of Italy. His work as a member of the Committee on Foreign Affairs, his contributions as the chairman of the House of Representatives delegations to the North Atlantic Assembly, the parliamentary arm of NATO, and his role as the president of that conference in particular, have earned him a citation as a friend of Italy.

In a ceremony at the Italian Embassy, Italy's Ambassador Egidio Ortona presented Congressman Hays with the decoration of Commander in the Order of Merit of the Republic of Italy. As a recipient myself of this award, I am proud to be joined by the company of my colleague.

It is not unusual that individual achievement is recognized first by those outside the home community. I especially wish, therefore, to bring this achievement to the attention of the Congress and to express to Wayne my warm personal commendation and congratulations.

The promotion of cooperation and understanding in the international arena has become a vital part of our Nation's business. Wayne's dedicated work and contributions in this area deserve much credit. I am pleased that they have been recognized by the Republic of Italy in this manner for the receipt of this award is both an individual honor and a positive reflection on the United States.

THAT THE TRUTH MAY PREVAIL ABOUT GEORGE WASHINGTON

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. RARICK. Mr. Speaker, one of the surest ways to destroy patriotism and love of country is to destroy the credibility of the Nation's heroes in the malleable minds and tender hearts of the children.

During the past two decades, the United Nations Educational, Social, and Cultural Organizaton (UNESCO), educational materials have been forced upon America's schoolchildren with the purpose of breaking down the walls of nationalism and promoting one-world government.

In booklet 5 of a nine-volume series entitled "Toward World Understanding," the teachers are told:

> Before the child enters school, his mind has already been profoundly marked . . . by earlier influences. The earlier years may be indispensable to the education of children for world citizenship. The kindergarten and infant school . . . can prepare the child for membership in a world society. . . . As long as the child breathes the poisoned air of nationalism, education in world mindedness can produce only precarious results.

Assisting the UNESCO effort to destroy the eminent stature and outstanding reputation of the greatest of our national heroes, George Washington, is a book entitled "George Washington's Expense Account" by Marvin Kitman. I mention the title and author so that our colleagues may know of this book which through distortions and falsehoods attempts to degrade President Washington and so that educators may be forewarned against its use. I have received reports that American children are already being brainwashed with the false contents of the book.

I insert in the Record at this point an excellent article which points out many of the book's errors. The article was written by Brig. Gen. William H. Wilbur—U.S. Army, retired—well known as a soldier, educator, historian, diplomat, author, and world traveler. The article, entitled "That the Truth May Prevail" and written expressly for the SAR magazine of the National Society, Sons of the American Revolution, 2412 Massachusetts Avenue NW., Washington, D.C. 20008, follows:

That the Truth May Prevail

(By William H. Wilbur)

For almost two hundred years, George Washington's glorious example of total integrity has inspired Americans to be more courageous, more honest, more patriotic and more industrious. Yet individuals have appeared who have tried to destroy the Washington image. We have derived some consolation from the fact that, in every case, thorough examination has proven that the charges had no basis whatever, in honest fact.

Now, a new attack has appeared: a book which is both an assault on George Washington's character and an affront to all our honored standards of honesty and rectitude.

The author of this travesty achieves the appearance of veracity by printing in the first part of the book a facsimile of Washington's expenditures during the Revolution. Many pages later, he has concocted a supposed detailed analysis of the account. In doing this, the author has brazenly changed most of Washington's entries to others which are as much as eight times as large as the figures which Washington submitted.

Although it seems unbelievable, many readers have been misled into thinking that Washington padded his expense account. This is perhaps natural, for the average reader does not suspect inaccuracy, so does not check the correctness of the author's figure on any given page against Washington's figure sixty pages earlier. When we make such a check, we find that the author has made a host of unsupportable statements, and that Washington made none.

When the reputation of a person of great integrity is attacked by an unknown author, our first reaction is to decide to ignore the attack. We say we will not dignify such totally incorrect statements and insinuations. We tell each other that if we preserve a disdainful silence, the book will achieve its own destruction. Wishfully, we hope that the book will attain the oblivion which it so completely merits. Unfortunately, this kind of wishful thinking does not neutralize the misleading impression which the book continues to spread.

No, the book must be answered. Faithful, honest, true-blue Americans must not be left to wonder if there is perhaps some truth in the accusations. If those who know the truth remain silent, such doubts grow to beliefs.

The perceptive reader of the book will find a large number of errors. He will also find cleverly contrived inferences and innuendos as well as attempts to prove guilt by association through recounting the dishonest or dishonorable actions of others who may have had no more contact with Washington than the fact that they lived during the early period of our history.

On the first page of the book, we find Washington's statement that he would serve without pay, would only ask that the government reimburse him for his expenses. The record is clear that by this refusal Washington gave up a salary of $500 a month. For the eight years of the war, this would have reached a total of $48,000.

It is worth while to determine just how much of a sacrifice, if any, Washington made. This can be done by selecting out from Washington's expenditures the items which can be properly charged as personal. If we do this, we find that they reach a total of less than $15,000. Thus, the author's statement that Washington made money by refusing a salary of $48,000 for eight years is seen to be completely false. The truth is the government made a very advantageous deal; its profit was something over $33,000.

The most bizarre fabrication in the book is the statement which reads: "For the eight years of the war General Washington turned in an expense account of $449,261.51."

The correct figure, clearly stated by Washington at the end of his accounting, was 16,311 Pennsylvania Pounds. Expressed in dollars, this amounted to $54,370.00, a far cry from the erroneous figure given in the book.

Many reviewers, we regret to say, have accepted the book's figures and have printed favorable reviews. One such review was headed "A Cool Half Million". Thus it seems clear that the most damaging misstatement in the book is the monumental exaggeration, the brazen substitution of nearly a half a million dollars for the actual, correct figure of less than 55 thousand dollars.

"But," someone will promptly, and correctly, say, "55 thousand dollars is a lot of money for a personal expense account!" We would agree, but in the same breath invite attention to the fact that the expenditures included in the accounting which Washington submitted covered much more than his *personal* expenses. They embraced:

1. All the disbursements for the very successful secret intelligence system which Washington maintained for eight years. As a result, Washington was always ahead of the British, never fell into any of the many traps they set for him.

2. Expenses incident to official travel by officers of his staff.

3. The necessary expenses involved in sending out groups to reconnoiter the enemy or the terrain.

4. The expenses incurred in feeding visitors at headquarters, including members of Congress, representatives of foreign governments, and a constant stream of American commanders visiting headquarters.

5. The account even includes other very proper expenditures which Washington made, such as those to win the help, or sometimes the neutrality, of Indians.

If we turn to the individual items on which the author bases his completely incorrect total of nearly a half a million dollars, we find that each one has been blown up to a figure far beyond the amount stated in Washington's accounting. This becomes very evident when we look at some of the specific items.

In the original accounting, we find, entered in George Washington's own handwriting, a record of the expenditure, on June 22, 1775, of 55 Pennsylvania Pounds for the purchase of "a light phaeton bought of Dr. Renaudet". (We would call it a light carriage.)

This same item is included in the author's analysis. But there we find it entered as, "To a light phaeton bought of Dr. Renaudet, $1,430.00."

Under his formula for changing pounds to dollars, the author has multiplied the pounds by 26. The correct conversion figure should have been based on the fact that one pound equalled three and one-third dollars. Based on such a correct ratio, we find that 55 pounds equalled $183.15.

Thus we see that the padding cannot be charged to Washington.

The author's analysis goes on through some 170 repetitive pages. It takes up, in succession, each one of the two hundred and ninety-one entries which Washington submitted. In every case, the figure has been changed from that submitted by Washington.

The author was not content to exaggerate merely the figures that Washington submitted. For example, he has the unbelievable effrontery to tell the reader, "In terms of today's dollars, the Renaudet phaeton is the equivalent of roughly twelve Cadillac broughams." The truth is just the reverse, for one second-hand Cadillac costs twice as much as twelve phaetons would have cost. The author may have thought that this ridiculous exaggeration was a devastatingly funny remark, but most of us will not be able to find the humor.

The book also contains many deliberate attempts to twist Washington's motives, and to belittle him. For example, very early in the account, we find items of expense for secret intelligence. Thus, on July 15, 1775, we find a charge of "333-⅓ dollars given to . . . to induce him to go into the town of Boston to establish a secret correspondence for the purpose of conveying intelligence of the enemy's movements and designs." (This item, the author has calmly blown up from 333-⅓ dollars to $2,600.)

Washington was careful to add a footnote which explained the reason why the name of the spy was omitted. It reads: "The names of persons who are employed (in spying) within the enemy lines and who may fall within their power cannot be inserted."

Washington's effort to protect the identity of the spy would seem to have been an intelligent and proper thing to do; for, once discovered, such informers were classed as spies and executed.

The author uses the nameless entry as an excuse to find fault with Washington. His soggy humor consists of scolding Washington for selfishly refusing to identify the spies, thus depriving these courageous patriots of the credit which is rightly due them.

Another measure of the book's Americanism may be found in the fact that, on several occasions, it refers to Washington's valiant soldiers as "Hippies".

Lastly, let us look at the book's major deception. In it, the author has first engaged in a lengthy, complicated discussion of the conversion of depreciated currencies to hard coin, or as he states, into "terms of today's dollars". This discussion of currencies is very successful in concealing the fact that he has *multiplied* Washington's paper currency figures by some figure (frequently 26) instead of *dividing* as he, of course, should have done. The result in each case is an enormous and totally incorrect figure which has no basis in fact or logic.

This explains how the author was, for example, able to achieve the hocus-pocus of changing Washington's figure of 333-⅓ dollars for intelligence services to $2,600.00.

Similarly, as we have seen, the modest item of 55 Pennsylvania Pounds (which Washington recorded as the amount paid to Dr. Renaudet for his phaeton) has been blown up to the ridulous figure of $1,430.00.

When the author added up all the grossly enlarged single items, he obtained the incredible total of $449,261.51. This, as we have seen, is the amount which the author then claimed that Washington had received from the U.S. Treasury at the end of the War for Independence. The truth is that the total is just as inaccurate as all its single components are.

Rather than accusing Washington of improper accounting, the author could have better spent his time in a factual statement of the very considerable financial contribution which General Washington made to the patriot cause. This included:

1. The $33,000 already mentioned as the profit which accrued to the government as a result of his generous conduct in serving without pay.

2. A very considerable sum which Washington spent to purchase U.S. Loan Office Certificates (The Liberty Loan Bonds of the day) during 1778, '79, '80, perhaps the darkest days of the war. The value of these certificates depreciated tremendously. This depreciation was so great that Washington suffered a loss of well over $50,000.

3. During the war, Washington's farms operated in the red, year after year. A conservative estimate of the loss in this category would be $40,000.

A. Loss of pay	$33,000
B. Depreciation of U.S. Loan Certificates	50,000
C. Losses on farm	40,000
Total	123,000

The total of these three items is impressive:

As John C. Fitzgerald so correctly states, "if any other American backed the forlorn hope of independence with heart, mind, hand and purse, as did George Washington, he is yet to be discovered."

But to get back to the distressing book which is the subject of this effort, may we add one more comment:

The intelligent reader will find it even more bizarre than any of the author's sleight of hand performances, to learn that not a single one of the reviewers of this regrettable book reported any of the many examples of flagrant deception.

The disturbing consequence of the publication of this book is the fact that many readers, especially the young, may acquire, and forever retain, an incorrect picture of the Father of our Country. Let us therefore make it certain that the truth shall prevail; let us spread the correct facts far and wide so that Americans of today, and Americans of the future, can always stand up proudly, and say with complete conviction, "No, you are wrong! George Washington never padded his expense account—not one single penny!"

THE 60TH ANNIVERSARY OF THE GIRL SCOUTS OF AMERICA

HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. GALIFIANAKIS. Mr. Speaker, sometimes the truly good and therefore highly praised endeavors of our country have been so often written about, and commended, that additional praise that sounds fresh and reflects genuine feelings of pride is hard to come by.

Girl Scouts of America is a truly good and highly praised organization. And yet, can too much be said about the accomplishments and potential of this organization that unites our young women as sisters and instills in them a love of each other, of country, and of God. Can we speak too often of the challenges which Girl Scouts asks its members to rise to that are character-building preparation for the challenges they must face as young adults?

I admire this organization and its leaders deeply, and as a reflection of that admiration I am delighted to join my colleagues in commemorating the 60th anniversary of the Girl Scouts of America.

FULBRIGHT RECALLS MUGGERIDGE THEORY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. DERWINSKI. Mr. Speaker, yesterday, I addressed the House emphasizing the unfortunate and totally negative attitude of the junior Senator from Arkansas toward Radio Free Europe and Radio Liberty.

A very effective commentary on this subject was carried in the Aurora, Ill. Beacon News, of February 29 in a column by the highly esteemed international correspondent of the Copley Press, Dumitru Danielopol, which I insert in the RECORD:

FULBRIGHT RECALLS MUGGERIDGE THEORY

(By Dumitru Danielopol)

WASHINGTON.—Senator J. William Fulbright's stubborn determination to dismantle Radio Free Europe and Radio Liberty brings to mind Malcolum Muggeridge's theory of "the great liberal death wish."

The well-known British newsman, writer, TV and radio commentator sees the Free World threatened not so much by communism, but by the "death wish" of the left wing enunciated by liberal politicians, commentators and authors who find "our enemies are always right and our friends are always wrong."

Much of the comment on that people's paradise called Red China follows this line.

Radio Free Europe and Radio Liberty, two organizations created in the early 50s to beam true information into eastern Europe and the Soviet Union are obvious targets. They are American, therefore, they must be bad, or at least ineffectual.

Never mind the fact that their existence and American backing has been a great inspiration to people behind the Iron Curtain. Never mind that they are a daily proof that the people of America have not forgotten those snared into a Communist net. And never mind that they help dispel erroneous information about the United States from Communist propaganda machines.

Fulbright says that they are useless and must go. The financing of the two stations for years was handled mostly by CIA. Now is it to be public. The House is in favor of continuing the operations. In the Senate the decision rests with the Foreign Relations Committee, chaired by Sen. Fulbright, D-Ark.

He is adamant. The stations are an "anachronism" he says. "They are cold war relics." They will continue only over his "dead body." The cold war is over and we just aren't smart enough to know it.

I have often been a critic of RFE operations. I say now that on every count Fulbright is wrong. The cold war is not over. It goes on more furiously than ever.

If the cold war was over, why do the Soviets make every kind of propaganda to disband NATO, to promote a phony European Security conference, to bring about the dismemberment of Yugoslavia? Use every means to push the United States from Europe, the Mediterranean and North Africa? Why do they support every kind of subversive, anticapitalist group in the Free World?

Moscow and other Communist capitals in Eastern Europe have been ranting for years against RFE and Radio Liberty. They even threatened not to send teams to the Olympic Games in Munich in 1972 unless the stations there were silenced.

Now the blow comes from Washington. The silencing of these two voices would—in the opinion of this correspondent—be the greatest cold war victory that the Communists ever won. It would tell their subjugated people that Soviet rule was inevitable—endless.

The prestige of our country behind the Iron Curtain and among exiles and refugees in Western Europe would sink from sight.

It is ironical to find that Fulbright wants to strike such a blow at a moment when Red China is bidding for the support of the captive peoples and the ethnics abroad to form a common front against Russia.

The Senator may say his own "mea culpas," but he has no right to chant them for people who want to live.

CHICAGO TODAY SURVEY ON AMNESTY

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. PUCINSKI. Mr. Speaker, recently, Chicago Today ran a survey concerning amnesty for draft evaders. Their survey brought a response of 68 percent readers against amnesty, or more than two out of every three.

Because this subject is very controversial and generating a lot of interest, I include in the RECORD today an editorial written by Mr. Peter Reich of Chicago Today concerning their survey and his views on this matter:

A NEWSMAN SOUNDS OFF—HE WOULD BAN AMNESTY FOR "CRAVEN BUMS"

(By Peter Reich)

It restores my faith in mankind to see that two of every three Chicago Today readers responding to a poll on amnesty for draft evaders and deserters voted "No!"

To me, it is the height of effrontery for some craven, selfish bum who flees the country and lets someone else do the bleeding and dying for him to come back whining for "amnesty."

As I see it, these cowardly misfits have forfeited forever the right to be called Americans.

So the little darlings questioned the wisdom of our fight in Southeast Asia, did they? So did many of the 45,000 American men who laid down their lives there.

But we must have compassion for the idealistic youth who left their country because they didn't want to kill, you say?

Tell it to the young Chicagoan in Hines Hospital who was too compassionate to carry a gun. He became a medic, to devote himself to saving lives—and was paralyzed for the rest of his life by a Viet Cong hand grenade hurled at him while he was binding up a buddy's wounds.

But we had no business getting into the Viet Nam conflict, some people argue. The Communists "aren't really bad, like the Nazis were."

That may be so. Yet I remember what a 28-year-old Navy pilot, Lt. Dieter Dengler, who managed to escape from his Communist captors after being shot down, told me at Loyola University:

"First, they beat me until I lost consciousness. When I woke up, I was hanging by my heels from a tree, my head barely touching the ground.

"Then the Communists smeared honey on my face and pushed it into an anthill. There were thousands of ants. I must have screamed for about a minute before I passed out."

Don't we have business opposing that kind of evil? I think we do.

As a matter of fact, I think the Viet Nam war may be one of the worst unselfish wars any country ever has fought. We've paid a terrible price, in blood and wealth, knowing all along we had nothing to gain for ourselves. All we've ever sought to accomplish is to keep the North Vietnamese and the Viet Cong from taking over South Viet Nam.

And as President Nixon's latest offer should make clear to any but the most misguided, the United States has bent over backwards to end the conflict.

In sum, the crocodile-tear pleas of the draft-dodgers and deserters that they ought to be allowed to return scot-free to "the country we love" turn me off.

PLASTICS RESIDUES FOUND IN BLOODSTREAMS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. DINGELL. Mr. Speaker, the Washington Post of January 18, 1972, carried an article under the heading "Plastics Residues Found in Bloodstreams" which again points out the need for strong legislation to control the introduction of such substances into commerce. I include the text of the article at this point in the RECORD:

PLASTICS RESIDUES FOUND IN BLOODSTREAMS

(By Victor Cohn)

Humans are just a little plastic now.

A National Heart and Lung Institute chemist has found chemicals from plastics in the bloodstreams of 86 out of 100 laboratory workers and patients. In his opinion, this is "a fairly typical population group."

He knows of no immediate danger. But like many other scientists and government environmental officials, he is seriously worried about what they call "the completely unknown long-range health effects" of some of the chemicals in the millions of tons of plastics all around us—and by now inside us.

"I know this is going to be a significant future issue," said Warren Muir of the White House's Council on Environmental Quality. "It's potentially our next bad one."

In a broadcast sponsored by the American Chemical Society last month, narrator Norman Metzger, cited "hard evidence" that plasticizers, the softening agents in many plastics and plastic films, "have indeed become a considerable environmental contaminant that enters the body."

The current lack of testing of these chemicals for long-range effects is one reason why Council and Environmental Protection Agency officials are pushing for passage of a Toxic Substances Control Act that got bogged down last year in Congress.

It is one reason why Senate environmentalists, led on this issue by Sen. William B. Spong Jr. (D.-Va.) are proposing an even tougher version that calls for federal approval of every new chemical in any product.

The chemicals found in the 86 human bloodstreams by Dr. George W. A. Milne at the National Heart Institute at Bethesda are plasticizers known as phthalate esters.

They are mainly used in polyvinyl chloride, a common plastic often 30 to 60 percent plasticizer. Polyvinyl chloride is used to make water bottles, car seat upholstery, floor coverings and hospital and blood bank blood-storage bags and tubing.

The same plasticizers are used in lesser amounts in some other plastics, including some food wraps. They are used in some insect repellants and pesticides.

The plasticizers in such products are apparently dissolved out by materials like blood, milk and fats. They also escape into the air.

Much of the sticky film found on the inside of auto windshields is plasticizer that has escaped from vinyl car upholstery. Some film comes from cigarette smoke, some from air pollution.) The same plasticizers are inhaled by anyone in the car.

"The darned things are everywhere!" says Dr. Richard Schoettger, director of the U.S. Fish Pesticides Laboratory at Columbia, Mo.

The amounts found by Dr. Milne in his subjects' bloodstreams are from 10 to 30 parts per million of blood serum. That may not sound like much to the ordinary person, but it is far from a tiny number to a biochemist. It is far larger than the five or so parts of DDT per million that are now part of human beings, to scientists' discomfort.

In recent months, moreover:

Phthalate plasticizers have been found in the heart muscle of cattle, dogs, rabbits and rats by Dr. Darius Nazir and colleagues at Sinai Hospital, Baltimore. With Barbara Bierl and Dr. Morton Beroza of the Agriculture Department Research Station at Beltsville, they found phthalates in association with mitochondrina, the parts of every cell that supply it with energy. This raises the possibility that the plastic contaminants could interfere with cells.

Phthalates have killed embryonic chicken heart cells in culture in tests by Dr. Robert L. DeHaan of the Carnegie Institution in collaboration with Dr. Robert J. Rubin at the Johns Hopkins School of Public Health. Rubin earlier found that such plasticizers were not only extracted by blood from hospital containers but were also slowly metabolized in the liver.

The same chemicals have been found in "significant" amounts—up to 5.5 parts per million—in Mississippi, Alabama and other southern commercial catfish ponds. There is no evidence of harm to the fish or their consumers, but the Columbia, Mo., fish pesticide lab has exposed tiny lake creatures—microcrustaceans called Daphnia magna—to phthalate concentrations as low as three parts per billion. Even these inhibited the creatures' growth and reproduction by 60 percent.

The same creatures, it was also learned, can concentrate phthalate traces in lake water by up to 13,000 times—and tiny fish commonly feed on such creatures.

In other Missouri tests, food containing high phthalate levels produced abortions in guppies and caused "large mortalities" in zebra fish. The zebra offspring usually died in a crescent shape, indicating disturbed calcium metabolism.

High levels of phthalate also produced dead fetuses and birth deformities in rats in tests by Dr. John Autian, director of the University of Tennessee's material science toxicology laboratory and one of the nation's leading authorities on plasticizer pollution.

"I'm not worried about pregnant women being exposed to plasticizers," Autian said last week.

"I am concerned that if these things are seeping into our bodies, it may have some effect over long periods on our cellular constituents. If we're breathing these things in or getting them through food wrappings or other sources, in 10 or 20 or 30 years will there be a biological effect?

"Phthalates are very oily solutions. Our cell membranes are very oil-like. Consequently phthalates could get into the membranes and maybe in some way alter them. They might put the cell under added stress, or make its components adhesive so they might not pass through the capillary beds of the lung. This may be a lead to a condition called 'shock lung' (a sometimes fatal lung disease).

"All I am saying is that perhaps these substances are indeed innocuous, as everyone has believed. But there is not enough research on them. And financial support in this area is practically zero."

Both chemical firms and the Food and Drug Administration agree that no toxic effects have been demonstrated in human beings.

The FDA does have some coordinators and special groups assigned to watch the problem. The FDA and other agencies have increased their research somewhat, and more is under discussion, though Autian said: "Every now and then I get a call from FDA or NIH about doing more research. Then I hear nothing.

Plastics makers are seeking ways of chemically bonding other chemicals to plasticizers, so the latter could not possibly migrate. But this goal has not been achieved even in the laboratory for the polyvinyl chloride or PVC plastics, the largest plasticizer-users.

The basic problem, says Dr. Milne, is that up to now most chemicals have been considered innocent unless proved harmful.

Now, he said, "I think one should worry about anything that is absorbed from the outside, because that is by definition a pollutant. It may be that some are quite harmless, but I would assume that none is harmless unless proved otherwise."

ROVING UNDERSEA THRUST—WITH LOS ANGELES IN ITS SIGHTS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. BOB WILSON. Mr. Speaker, the continued expansion of the Soviet Navy, and particularly its submarine fleet, is a matter of critical concern in the maintenance of our Nation's defenses. I read with special interest the following article in the Los Angeles Herald-Examiner by staff writer, Al Stump, concerning the Navy's antisubmarine warfare activities and commend this article to my colleagues' careful review:

[From Los Angeles Herald-Examiner, Feb. 13, 1972]

ROVING UNDERSEA THRUST—WITH LOS ANGELES IN ITS SIGHTS

(By Al Stump)

PEARL HARBOR, HAWAII.—Airborne electronic "eyes" flashed word here from northwest of Honolulu last April that a near 400-foot-long Russian submarine had surfaced amidst one of the most highly-guarded ocean areas on earth.

Swooping over, Navy tracker planes identified her as a Yankee-class ship carrying 16 ballistic missiles—the equal of our Polaris nuclear subs.

"We were sort of taken aback," says Deputy Commander, Capt. Edward E. Williams of Anti-Submarine Warfare Forces, Pacific. "We knew of a heavy Russian subsea presence in the eastern Pacific. But this was the first confirmation of a 'Y' class big boy so far from home base."

Modified Soviet prowlers of this type are believed capable of lofting nuclear missiles from Hawaii to California, and beyond—some 3000 miles.

Pressure of an undeclared global undersea war is pushing subs of the USSR Pacific Fleet closer and closer to California waters.

The move is regarded here as critical.

"They're within range of Los Angeles City Hall," say strategists under Vice Admiral Evan P. Aurand, the top submarine boss in these parts. "And close enough to hit Vandenberg Missile Base, ICBM sites at Chico and elsewhere and military bases at San Diego, Riverside and elsewhere."

Aurand and U.S. First Fleet Commander Vice Adm. Raymond E Peet liken it to "having a many-chambered gun pointed at your head in your own back yard."

Invasion of sea space which the Navy cannot afford to yield is a relatively new move by the Soviets.

And it's been a quiet, methodical, growing one.

An unknown number of Russia's estimated 92 nuclear-powered subs of both the cruise-missile and attack type now move in regularly from home bases at Vladivostok and the Kamchatka Peninsula to study eastern Pacific approaches and—reportedly—sow it with factfinding electronic "bugs."

While most attention has been on the Mediterranean, the Atlantic and Cuba, a buildup threatening to West Coast cities and installations has developed. "Every inch of California coast, and more, is vulnerable," say Hawaiian experts.

Nowadays the Russians are estimated to have 20 times more undersea boats in their Pacific detachment than Hitler had at the outset of World War II.

Word at Ford Island is that one USSR submarine yard, alone—Sverdovnsk on the White Sea—has a greater building capacity than all U.S. sub yards combined.

"Kremlin cigars" are a big part of the fastest naval boom in history. Last January, President Nixon advised the Defense Department to prepare a $15 billion sub and anti-sub system as a key deterrent against nuclear attack through the 1980s. The total USSR submarine strength is 355, compared to 142 for the United States.

Outmatched in numbers, we also lack guided (cruise) missile submarines, of which Russia has a reported 65. These vessels can stand off 300 to 400 miles and hit surface ships beyond their range of retaliation.

Big, $1-billion-each carriers such as the Eisenhower, Nimitz and Kennedy continue to roll down our shipways, but the sub program lags.

This discomfits commanders here and adds to the difficulty of their job—that of setting up defenses.

Visitors here quickly learn how intently the threat to the Pacific Coast is being met.

More than 12,000 men and the most advanced of electronic inventions are employed between the First Fleet out of San Diego, Long Beach and Hawaii and the Seventh Fleet, based at Yokosuka, Japan. Hawaii is a strategic point as the Russ show more and more curiousity about our off-continental defenses.

The first thing one notices at Pearl Harbor is a captured, two-man Japanese sub—a "human torpedo"—which was used to attack Pearl in the raid of December 1941. The attacking force sneaked at least a dozen of these into the harbor as a prelude to the aerial bombardment.

The displayed, 54-foot-long object is there as a reminder that in any future, electronized war, submarines will play the vital role.

Basic to everything going on today in the Pacific is ASW—the core of which is the ability to peer into the practically opaque, sound-crammed ocean and detect the presence of an invading ship. "Detection is everything," points out Adm. Aurand. "You may produce the best ASW weapon in the world, but until we find the enemy sub it's useless."

When our undersea patrols leave here or San Diego, they carry a fantastic device called the magnetic anomaly detector. This device spies out obstructions or anomalies in the earth's magnetic field precisely enough to say whether it's a whale, a mass of plankton—or a nuclear or conventional submarine. "It can even tell us by comparing a signal against a known sub's magnetic profile what class of sub it is," says the ASW command. "It can go further—predict the next contact of the ship, its course and speed."

The U.S. now is fitting the advanced, 3000-mile-range Poisedon nuclear missile into 31 of our 41 ballistic subs. Protecting the West Coast from Mexico to Canada are 23 "Flotilla One" subs—10 of them nuke-powered attack vessels. They can stay underwater indefinitely, using rotating "Blue" and "Gold" crews. Their target accuracy is 99 percent.

Included in off-California service is the $85 million USS Dolphin, the world's deepest-diving sub and unique in the Navy. Last Jan. 8 the keel was laid for the USS Los Angeles, which is designed to be the quietest-running nuke sub the world has known. She'll be in duty by early 1973.

"Poisedon missiles will be our important new deterrent weapon," explains Capt. Ed Williams. "They'll be outfitted with multiple warheads, each of which can be separately targeted." This is the "ultimate weapon"—MIRV (Multiple Independently Targetable Reentry Vehicles). Once fired, MIRV splits off into a number of missiles—each with an objective and flying too fast to be shot down."

"Assuming the Russians have MIRV capability, too." ASW chiefs remind you, "it's our job to be able to destroy any undersea attack before it can be triggered."

Unspoken but a terrible fact is that a multi-megaton missile launched underwater from a submarine is next to impossible to stop. Intercontinental Ballistic Missiles must travel many miles. From a sub, it's only a pop-shot to land.

Only five months ago, a Soviet convoy of seven warships insolently steamed into off-limits Hawaiian waters, passing between Maui and the Big Island of Hawaii. Included were two subs of the attack type. In refueling 20 miles off Diamond Head, the prowlers discharged oil into the sea.

"We had a big hue and cry about pollution," says Adm. Peet's office. "As far as we were concerned, this wasn't the point. The point was that subs, destroyers and supply ships of their Navy could function this far from base and even loiter for several days on the local scene. They showed us great range."

How effective is our detection? "We knew all about them five weeks before they got here," goes on the report. "We'd tracked them closely from off the Siberian coast and never lost contact."

On the other hand, the admirals claim that Soviet antisubmarine forces have never yet detected an American missile sub on patrol.

Operating from California bases and Hawaii is another system of locating invaders far from the West Coast. Soviet subs enter the Pacific from the Indian Ocean through the Strait of Malaca between the Malay Peninsula and Sumatra and through the Japanese Strait between Korea and Japan—which is rated deadly. These are the subhunter tracker-killer aircraft, chiefly the Grumman S–2 Tracker and the Lockheed P3-C Orion.

"For example, let's say that in wartime an enemy sub is operating in the upper eastern Pacific," says Capt. Williams. "How do we pin him down and wipe him out?"

The current answer is a combination of speedy little S-2's equipped with sonobuoy launchers and a flying data-processor plane which carries more electronic gear than any aircraft in the world. These, along with helicopters.

Initially, the trackers send sound buoys plunging deep into the sea, weaving a wide pattern from which a sub, no matter how evasive, cannot escape. Computers absorb the findings of the sonobuoys, indicating the point of attack.

Comes next either the 400-knot PC–3, equipped with another 52 launchers for sonobuoys, a MAD (magnetic anomaly detector) system digital target computors and a variety of weapons—air-to-surface missiles, depth bombs, torpedoes, rockets and mines.

"The PC-3 is the most highly computerized submarine killer in the air today," states Adm. Bernard Cleary, commander-in-chief Pacific Fleet. Her internal systems can handle four million bits of data per minute.

Helicopters, too, are being widely used off the decks of warships. They carry homing devices on torpedoes which are drawn directly to the hull of a ship.

Just last week a new S–3A jet tracker was test-flown out of Burbank airport. Attached to the Pacific Fleet's Naval Air Force squadrons at North Island, this new craft has the range to sweep the waters from Los Angeles to Hawaii.

Pearl and San Diego are proof that the Navy continues to believe strongly in the giant, nuke-powered aircraft carrier—despite the fact that the Soviet Union has yet to build its first nuclear surface warship. The USSR has no major operational aircraft carriers. But operating from Hawaii and California are units of the 15 carriers of our fleet.

Under a new concept the big CV carriers haul a mixture of fixed-wing, strike planes and rotary-wing and vertical-lift aircraft—the whole bag of defensive-offensive air warfare.

Another aspect of ASW, which the Navy keeps under tight wraps, is the matter of oceanographic espionage.

This is the highly-secret "spies in the sea" game which the USSR and U.S.A. are playing in the Pacific, as elsewhere.

At Pearl Harbor, officials will say only that fixed undersea listening devices are used—including areas off Los Angeles and San Francisco. How broadly the Continental Shelf off Southern California is "bugged" against invaders isn't known. But it has been revealed that two networks of sonor cables called Caeser and Sosus are operational.

Evidence that the Soviets are building subs with power plants producing very little noise is said to be behind the "bugging" program.

For Californians, sitting atop a huge military complex, what is happening in ASW is of growing importance. The periscopes are growing closer.

But the countermeasures—seen from here—appear to be as highly effective as men and science and money can make them.

THE SCOUTING PROGRAM IN CONNECTICUT

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. MONAGAN. Mr. Speaker, the phrase "America's Manpower Begins With Boypower" has been coined by the Boy Scouts of America to emphasize its ambitious and commendable goal to involve one-third of all Scout-age boys in Scouting by 1976, the 200th anniversary of our Nation. In implementing this goal the Boy Scouts of America has developed several innovative programs, such as Project SOAR—Save Our American Resources, Operation Reach—a nationwide fight against drug abuse, and providing for the admission of young women into the exploring program. These timely changes have acted to enhance the success of Scouting in Connecticut and throughout the country. I commend the Boy Scouts of America on these innovations and Boypower 1976.

At this time I include the following correspondence from Alden Barber, chief Scout executive, concerning the Scouting program in Connecticut:

February 3, 1972.

Hon. John S. Monagan,
Congressman from Connecticut.

Dear Mr. Monagan: At the National Governors' Conference in Puerto Rico last fall, Gov. Daniel Evans of Washington made a formal presentation on behalf of the Boy Scouts of America. Coinciding with Governor Evans' statement, separate reports were prepared for each Governor describing the progress of Scouting in his State. At this time of our anniversary celebration, we are pleased to share with you the report for your State.

You will no doubt be interested in knowing that we are proceeding with deliberate speed with our long-range plan BOYPOWER '76, whose goal is to deeply involve in Scouting a representative one-third of all Scout-age boys by the 200th anniversary of the Nation.

Scouting is proud of its accomplishments. But even now with Operation Reach, our nationwide fight against drug abuse, and Project SOAR (Save Our American Resources), our national Conservation Good Turn which is extending into its second year, it is clear that the complete record has yet to be written.

Sincerely,

Alden G. Barber.

Connecticut and Scouting

The State of Connecticut and the Boy Scouts of America have long worked together on matters of mutual interest and concern such as camping, problems of pollution, and problems of drug abuse. Connecticut and Scouting each give to the other, making contributions in many ways. The State gives to Scouting through its people, cooperation, and locale. Scouting in turn gives to the State through a program of benefit to all the State residents, in particular the young.

PEOPLE

A number of men from Connecticut serve the Boy Scouts of America in major positions of leadership. Donald M. Kendall of Greenwich, chairman and chief executive officer of PepsiCo, Inc., has been a member of the BSA Executive Board since 1968. Regional vice-chairmen of Region 1 included Donald N. Clark and Atwood C. Ely. Mr. Clark from Orange is an executive of the Asgrow Seed Co. Mr. Ely from Mystic is the senior vice-president of the Hartford National Bank and Trust Co.

Last year Harold S. Barrett of Manchester was presented with one of Scouting's highest awards, the Silver Antelope, for his distinguished service to boyhood in the region.

PLACES

The first National Camping School in Region 1 in 15 years was held last year at the Lake of Isles Camp in Connecticut. The camp school was visited by members of the regional executive committee. The school included a police academy and an aquatic camp.

The police academy included discussion of personal protection, emergency equipment, public safety, and law enforcement. The aquatic camp included such activities as swimming, boating, canoeing, a trip to Mystic seaport, and camping on an island.

Certainly the State of Connecticut has made through its people and its resources many contributions to the Boy Scouts of America.

PROJECT SOAR

Project SOAR is Scouting's contribution in the fight to preserve our enviroment. The program is a good example of the benefits Scouting can provide to the State. Project SOAR—a program to Save Our American Resources—is a year-round ecological effort. But citing the results of a single day's effort can show the overall success of Project SOAR. In Connecticut, on Scouting Keep America Beautiful Day—June 5 of this year—1,800 adult volunteer Scouters and 8,000 Scouts and Explorers, in cooperation with Government agencies, cleaned up more than 1,000 miles of State highways, rivers, and coastline and collected approximately 700 tons of trash and litter and spruced up more than 1,800 acres of empty lots and parkland. These June 5 activities are a small portion of the entire Project SOAR program that, incidentally, has been so successful that the BSA Executive Board has renewed it for at least 1 more year.

OPERATION REACH

Drug abuse is another problem area in which Scouting is attempting to have as much impact as it has had in Project SOAR. Our new approach to this major problem area is called Operation Reach. The Boy Scouts of America pioneered this program in a few special pilot projects in the past year and is now extending it throughout Connecticut and the rest of the country.

CAMPING

Camping is an activity important both to the Boy Scouts of America and to Connecticut. There are 17 Scout camps operated by the 14 Scout councils in Connecticut. Last year more than 12,000 Scouts and Explorers stayed in these camps with their 605 troops and posts for long-term camping. In addition, 276 disadvantaged boys, who were not then Scouts, spent a week or more camping in these camps as the guests of Scouting.

From all parts of the country, Scouts are also invited to use 19 camping facilities in Connecticut that are part of the BSA National Campways tour program.

CONNECTICUT SCOUTING FACTS

Connecticut's 14 Scout councils serve a total boy membership of around 77,000. Included in this figure, as of the first of this year, are 3,000 young adults in 236 Explorer posts, 32,000 Scouts in 955 troops, and 42,000 Cub Scouts in 865 packs. Working with these youth on a volunteer basis are 26,000 adults. A professional staff of 67 aids these 102,000 citizens of Connecticut who are actively engaged in Scouting.

But all is not statistics with Connecticut Scouting. The 1970 Spencer Award for program excellence was given to three Connecticut Scout councils. They are the Central Connecticut Council, headquartered in Meriden; the Nathan Hale Council, headquartered in New Britain; and the Eastern Connecticut Council, headquartered in Norwich.

All in all, Connecticut has proved to be an important contributor to the Scout movement; just as Scouting has proved to be an important contributor to the State of Connecticut.

HOUSE OF REPRESENTATIVES—*Thursday, March 9, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Lead me, O Lord, in Thy righteousness: Make Thy way straight before my face.—Psalm 5: 8.

O Lord, our God, who art the source of light and life, and the fountain of flowing love, may Thy spirit arise within us as we wait upon Thee in this moment of meditation. Open our hearts to receive the good news of Thy word and let Thy spirit guide us in the paths of truth and love.

Grant that our leaders and all those to whom our people have given authority may be filled with Thy spirit, the spirit of wisdom, understanding, and good will. May Thy presence abide in the heart of our free institutions that our country may remain forever the fortress of freedom and our people enjoy the life of liberty in the land of liberty.

We pray that peace may come to our world and with peace the fruits of righteousness and good will. Be with us this day and all days and keep us walking in the ways of the Master. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries, who also informed the House that on March 6, 1972, the President approved and signed bills of the House of the following titles:

H.R. 2828. An act for the relief of Mrs. Rose Scanio;

H.R. 3093. An act for the relief of Mrs. Crescencia Lyra Serna and her minor children, Maria Minde Fe Serna, Sally Garoza Serna, Gonzalo Garoza Serna, and James Garoza Serna;

H.R. 4319. An act for the relief of Josephine Dumpit;

H.R. 5179. An act for the relief of Soo Yong Kwak;

H.R. 6506. An act for the relief of Mrs. Hind Nicholas Chaber, Georgette Hanna Chaber, Jeanette Hanna Chaber, and Violette Hanna Chaber;

H.R. 6912. An act for the relief of William Lucas (also known as Vasilios Loukatis); and

H.R. 8540. An act for the relief of Eleonora G. Mpolakis.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 10834. An act authorizing the State of Alaska to operate passenger vessel of foreign registry between ports in Alaska, and between ports in Alaska and ports in the State of Washington, for a limited period of time.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 10390. An act to extend the life of the Indian Claims Commission, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 602) entitled "An act to provide for the disposition of judgments, when appropriated, recovered by the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont., in paragraphs 7 and 10, docket No. 50233, U.S. Court of Claims, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 671) entitled "An act to provide for division and for the disposition of the funds appropriated to pay a judgment in favor of the Blackfeet Tribe of the Blackfeet Indian Reservation, Mont., and the Gros Ventre Tribe of the Fort Belknap Reservation, Mont., in Indian Claims Commission docket No. 279–A, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 860. An act relating to the Trust Territory of the Pacific Islands; and

S. 996. An act relating to the transportation of mail by the U.S. Postal Service.

The message also announced that the Vice President, pursuant to section 123 (a) of Public Law 91–605, appointed Mr. STAFFORD as a member of the Commission on Highway Beautification in lieu of Mr. WEICKER, excused.

URGENT SUPPLEMENTAL APPROPRIATION, 1972

Mr. MAHON, from the Committee on Appropriations, reported the joint resolution (H.J. Res. 1097) making certain urgent supplemental appropriations for the fiscal year 1972, and for other purposes (Rept. No. 92–909), which was read and, together with the accompanying papers, referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

Mr. DU PONT. Mr. Speaker, may I inquire, in the absence of the gentleman from Ohio (Mr. Bow), whether he is aware of the filing of this report?

Mr. MAHON. Yes. The joint resolution was reported unanimously from the Committee on Appropriations today.

Mr. DU PONT reserved all points of order on the joint resolution.

NEW LEGISLATIVE PROPOSALS: A MAJOR BUDGET CONTINGENCY

(Mr. MAHON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MAHON. Mr. Speaker, the President's fiscal year 1973 budget, like all budgets, rests on a number of major assumptions and contingencies. In addition to the appropriation bills, actions—or inactions—by the legislative committees can have a significant impact on the budget.

For example, about $47.5 billion of the new appropriations requested for 1973 relate to various ongoing programs for which further authorization is required. In addition, there are several new legislative proposals in the budget which must also first be considered by the legislative committees.

In the 1973 budget these new legislative proposals—that is, those involving new or expanded legislative initiatives—total about $14 billion—$4 billion with respect to fiscal year 1972 and $10 billion with respect to fiscal year 1973. They relate to general and special revenue sharing; the social security program; and so on. Some involve reductions in appropriations rather than increases.

By far the biggest single item in the President's package of new legislative proposals is general revenue sharing. The proposition not only would authorize revenue sharing, but would also make the actual appropriation, automatically each year, without further congressional action. The budget for general revenue sharing involves $2.5 billion for the current fiscal year 1972 and $5.3 billion for fiscal year 1973. It involves a total of $33.8 billion for the 6-year period, fiscal years 1972–77.

Of course, we have no revenues to share. But the point I wish to emphasize here is that a multibillion, automatic appropriation will further complicate the problem in the years ahead, both in the executive branch and in the Congress, of undertaking to annually reorder and fix spending priorities to meet changing conditions and needs.

Under leave, I am inserting in the Extensions of Remarks section of today's RECORD a more extensive statement on these new legislative proposals.

FEEDING THE HUNGRY IN SEATTLE

(Mr. ADAMS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ADAMS. Mr. Speaker, I am today calling upon public-spirited Americans from all across the country to assist in a voluntary food collection program designed to feed the hungry in Seattle and other areas of the State of Washington. This food collection program, labeled the "We Care" food drive, has been organized by employees of United Air Lines and members of the International Association of Machinists. It leads to the voluntary collection of food at various collection points in major airports throughout the country, transportation of food items to Seattle by United Air Lines, and distribution throughout the State of Washington at volunteer-manned food banks.

Unemployment in the Seattle area continues at a rate in excess of 11 percent. Statewide, unemployment in Washington is at least 10 percent. Traditional programs, such as the food stamp program, are totally inadequate to assist an economic and human crisis of this magnitude. Many persons are ineligible for food stamps. Many others have totally exhausted their unemployment benefits. Thousands of persons—80,000 in Seattle alone, during the month of February—depend upon the free food distribution program, which the "We Care" drive is currently assisting.

I commend the employees of United and the members of the Airline Employees District 141, International Association of Machinists, for organizing this food drive. I hope that many others from more fortunate areas will realize the great need for help for the needy in the State of Washington and will assist in this effort.

Further, it is especially appropriate that this food drive is helping the hungry at this particular time. During the winter months, when the need for donated food is the greatest, the supply from the agricultural sections of the Pacific Northwest is the least available. In the month of February 1972, for instance, over 103,000 persons were assisted by the 78 food banks which presently operate in 15 Washington counties.

EXTENSION OF THE WEST FRONT OF THE CAPITOL SHOULD BE BLOCKED

(Mr. STRATTON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, I am as reluctant to take on the establishment of the Congress as any other Member of this body, but I do so today, because the action of the so-called Commission on the Extension of the Capitol on yesterday hit a new low.

About 3 years ago this House, after hearing for years from Mr. Stewart that the Capitol was about to collapse, commissioned a $250,000 study by a firm of top New York City engineers to see whether that charge was true. They reported in January 1971 that it was false, that the Capitol was not going to collapse, and that for $15 million it could be properly restored, instead of the $45 or $60 million price tag attached to the elaborate extension project.

And yet yesterday the Commission went ahead anyway and authorized that extension. They did so on the simple ground that maybe it would cost a little bit more than the $15 million the Praeger report has estimated.

Well, that was 3 years ago that the $15 million figure was mentioned.

Yet, now we are going to spend $60 million or perhaps even $70 million for the extension project simply because the cost of a much simpler restoration might have been $16 or $17 million.

I think this is a sad commentary on our fiscal responsibility here in Congress. I am going to fight this extension. I hope other Members will join me. I intend to put in the RECORD and to circulate letters to my colleagues giving fuller details of this Praeger report. I think it will make interesting reading to every Member of this House, especially since its findings—now being so utterly ignored—cost the taxpayers almost a quarter of a million dollars.

FIFTH ANNUAL REPORT OF THE UNITED STATES-JAPAN COOPERATIVE MEDICAL SCIENCE PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–189)

The SPEAKER laid before the House the following message from the President of the United States which was read, and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

To the Congress of the United States:

I am pleased to send to the Congress the Fifth Annual Report of the United States-Japan Cooperative Medical Science Program.

This joint research effort in the medical sciences, undertaken in 1965 following a meeting between the Prime Minister of Japan and the President of the United States, continues its sharp focus upon widespread diseases of great importance in Asian nations: cholera, leprosy, malnutrition, the parasitic diseases filariasis and schistosomiasis, tuberculosis and certain viral diseases.

During 1971 several reports were published marking this program's first 5 years of research progress. Following careful planning and a review of objectives, it has been decided to expand the program scope to include research concerned with pollutant induced cancer, birth defects and related abnormalities.

This effort remains directed primarily toward diseases in Asia, however, the research results are clearly relevant to a much broader human spectrum. I am particularly heartened by the mutuality of this joint activity which has been undertaken so successfully by biomedical scientists in Japan and the United States. We can find few satisfactions greater than working effectively together with other nations for the ultimate benefit of all mankind.

RICHARD NIXON.

THE WHITE HOUSE, *March 9, 1972.*

PROVIDING FOR CONSIDERATION OF H.R. 10420, MARINE MAMMAL PROTECTION ACT

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 878 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 878

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 10420) to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and all points of order against section 104 of said substitute for failure to comply with the provisions of clause 4, rule XXI are hereby waived. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Missouri is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, there is one unusual aspect of this rule which provides for a waiver of points of order against section 104 of the substitute which is made in order for failure to comply with the provisions of clause 4, rule XXI, which deals with the question of appropriation in a legislative bill.

This is necessitated by what I believe to be a noncontroversial section of the bill providing for a method of encouraging people to cooperate in finding guilty parties.

That is the only unusual aspect of the rule. I know of no opposition to the rule, and I therefore reserve the remainder of my time.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I agree with the statement just made by my friend and colleague on the Rules Committee and state that I support this rule and the bill.

The purpose of H.R. 10420 is to prohibit the harassing, catching and killing of marine mammals by U.S. citizens or within the jurisdiction of the United States, unless taken under the authority of a permit issued by an agency of the executive branch. The bill would also create an independent three-member Commission to review the operations of the program and to recommend ways in which it might be improved.

Both the Department of Commerce and the Department of the Interior will participate in the administration of this program which follows the present division of authority. The Commerce Department's involvement in marine mammals is derived from its subordinate agency, the National Marine Fisheries Service, which has some responsibilities for research and some management of cetaceans—whales, porpoises, and dolphins—and seals. This bill continues the same jurisdiction. The other animals covered by this bill such as walruses, sea otters, polar bears and manatees will continue to be under the authority of the Department of the Interior.

The Committee on Interstate and Foreign Commerce retained the status quo largely on the hope and expectation that a Department of Natural Resources would be shortly forthcoming, at which point the two programs would be merged into one.

The cost of the bill would be $15,300,000 over a 5-year period in order to carry out research and management responsibilities assigned to the administrative agencies and $5,000,000 over a 5-year period for the Marine Mammal Commission.

The report of the Committee on Interstate and Foreign Commerce includes departmental letters from the Civil Service Commission, the Department of Commerce, the General Services Administration, the Department of the Interior, the Department of State, the Department of Justice, the National Science Foundation, the Small Business Administration, the Smithsonian Institute, and the Department of the Treasury. While these letters recommend some revisions in specific language, none oppose the bill. Many of these suggested revisions are incorporated in the bill finally reported by the committee.

I might say, under the rules of the House, there is not any other way we can take care of this payment, other than by waiving the rule. That is the purpose for waiving the rule in this case.

Mr. Speaker, I have no further requests for time, and yield back the remainder of my time.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. BROOKS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 69]

Abzug
Anderson, Tenn.
Archer
Ashbrook
Badillo
Baring
Bell
Bingham
Blatnik
Bow
Brasco
Brown, Mich.
Buchanan
Burke, Fla.
Camp
Carey, N.Y.
Casey, Tex.
Celler
Chisholm
Clark
Clay
Collins, Ill.
Dellums
Devine
Diggs
Dulski
Edmondson
Edwards, La.
Eilberg
Erlenborn
Flowers
Forsythe
Fraser
Fulton
Fuqua
Galifianakis
Gallagher
Gaydos
Harvey
Hébert
Heinz
Hull
Jones, Tenn.
Lloyd
Long, La.
Macdonald, Mass.
Madden
Metcalfe
Mikva
Miller, Calif.
Murphy, Ill.
Murphy, N.Y.
Passman
Patten
Pepper
Powell
Pryor, Ark.
Pucinski
Rees
Riegle
Rousselot
Scheuer
Stanton, J. William
Stubblefield
Symington
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
White
Young, Fla.

The SPEAKER. On this rollcall 360 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS TO FILE REPORT ON H.R. 11896, FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972, UNTIL MIDNIGHT, MARCH 11

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent that the Committee on Public Works may have until midnight Saturday, March 11, 1972, to file a report on H.R. 11896, the Federal Water Pollution Control Act Amendments of 1972.

The SPEAKER. Is there objection to the request of the gentleman from Alabama

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 8589, HEALING ARTS PRACTICE ACT, DISTRICT OF COLUMBIA

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8589) to amend the Healing Arts Practice Act, District of Columbia, 1928, to revise the composition of the Commission on Licensure To Practice the Healing Art, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina? The Chair hears none, and appoints the following conferees: Messrs. STUCKEY, JACOBS, MIKVA, NELSEN, and BROYHILL of Virginia.

MARINE MAMMAL PROTECTION ACT OF 1971

Mr. DINGELL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10420) to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10420, with Mr. BROOKS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Michigan (Mr. DINGELL) will be recognized for 30 minutes, and the gentleman from Washington (Mr. PELLY) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, the bill before the House, H.R. 10420, is a strong and responsible measure. It should be enacted.

As the Members, my colleagues, are

aware, this same bill was before the House last December on the Suspension Calendar. The bill had a strong majority in favor of passage but did not achieve the necessary two-thirds required, and the motion failed.

Mr. Chairman, at this time I yield 3 minutes to my distinguished friend, the gentleman from Maryland, the chairman of the full committee.

Mr. GARMATZ. Mr. Chairman, I rise in strong and enthusiastic support of H.R. 10420, the Marine Mammal Protection Act.

This legislation is designed to do exactly what its title implies—provide badly needed protection to marine mammals.

That protection might have been much closer to reality today, and this Chamber would not be engaged in this debate today, if this bill had passed the House when it was voted upon in the last session of this Congress on November 30, 1971.

Actually, this bill received a majority of favorable votes on that day—the official vote was 199 for, and 150 against; in essence the legislation was defeated because it failed to receive the required two-thirds vote to suspend the rules.

Mr. Chairman, very few bills survive the legislative process without being attacked from one quarter or another, and normal and rational opposition is always expected on controversial matters; indeed, opposition is an important and healthy part of the legislative process, because it provides a catalyst for hammering out more realistic legislation during committee consideration.

Unfortunately, the opposition to our committee's ocean mammal bill was neither normal nor rational, and it certainly was not healthy. It was destructive, because it embodied an unrealistic, "all or nothing" approach, and it was dictated by emotion, rather than by reason.

The primary opponents to this bill are not really conservationists—they are more properly referred to as "protectionists"—and their basic position seems to be that man should leave all animals alone. They blindly oppose all forms of wildlife management, disregarding the cold reality that the balance of nature has already been disrupted, and, that nature therefore, must be managed and helped by the guiding hand of man; these protectionists, in their emotional approach, refuse to see that leaving the animals alone may be more damaging to the animals themselves—as well as to the natural ecosystems upon which these animals depend.

Unfortunately, the opposition from this small group of protectionists—whom I personally regard as irresponsible—was very vocal and effective, because they succeeded in arousing and deliberately misleading the public by appealing to human emotions and by deliberately distorting and misrepresenting the facts.

Even more tragic than this irrational approach was the fact that the success of this irresponsible group was made possible because of the extensive coverage devoted to their views by the nation's press. It is astonishing that this small group was able to gain access to several leading newspapers—which presented to the public a distorted picture of the complex ocean mammal problem—almost to the exclusion of the more reasonable and practical views of the more responsible conservation groups and experts.

Despite the fact that the preponderance of the established, recognized and prestigious conservation groups did, in fact, support our committee bill—even though they did not completely agree with all facets of that bill—the press in general failed to present that side of the story. Instead, some highly respected papers continued to act like a parrot by repeating the one-sided line of argument advanced by the protectionists.

The Washington Post was one of the papers guilty of this; as a matter of fact, that paper failed to use a letter of rebuttal written by the president of the Rachel Carson Trust for the Living Environments, Inc.—one of the most widely respected of all the ecology-oriented groups.

The Baltimore Sun was also guilty of a distorted and one-sided presentation of the ocean mammal problem; it chose to provide that kind of coverage, even though its reporter was warned that the views being presented were the views of an irresponsible group that is determined to kill any bill other than the one it supports. I also am personally aware that several letters of rebuttal, sent to the Sun by the various conservation groups that protested such slanted and inaccurate reporting, never appeared in print. I am astonished and ashamed that the Sun—a Baltimore paper—apparently made a deliberate decision to not give its readers the opposite and more true picture of the complex ocean mammal problem. Other normally responsible papers, such as the New York Times, are also guilty of similar slanted articles.

This irresponsible press coverage has had a definite and damaging impact upon the public. I have personally received many hateful and vitriolic letters from citizens who have been aroused and even infuriated because they have been convinced—by shoddy journalism—that the Congress and this committee is trying to railroad a piece of bad legislation.

Mr. Chairman, in referring to our committee's consideration of this legislation, I want to emphasize that this bill was not given perfunctory treatment. The committee held extensive hearings on this involved and controversial subject; because this subject was so complex and important, the committee members worked long and hard. And, because so many groups and individuals wanted to testify, it required 4 full days of hearings—consuming both the morning and afternoon of those 4 days—to receive all the pertinent testimony necessary for the evolution of a practical bill. This testimony was received from ecology groups from independent scientists—and also from the so-called protectionists.

The committee also held 7 days of grueling executive sessions, from which finally emerged the bill being considered here today by the House. It is a good bill.

Mr. Chairman, I am not here to appeal to emotions; I am here to appeal to my colleagues to act today on the basis of reason and good sense; I urgently appeal to them to vote for passage of this legislation, so that we can get on with the work of providing some immediate and practical protection for the oceans' mammals.

Mr. DINGELL. Mr. Chairman, the bill before the House, H.R. 10420, is a strong and responsible measure. It should be enacted.

As the Members are aware, this same bill was before the House last December on the Suspension Calendar. While we had a majority in favor of passage, we did not have the necessary two-thirds, and the motion failed. There were and are some disagreements between various people on the best way to provide protection to the marine mammals, but there was no disagreement over the fact that they need more attention and enlightened protection than they have received in the past.

Essentially two alternative approaches were urged upon our committee. One, which might be described as that of the protectionists, would impose an absolute ban upon the taking or importing of all marine mammals. The other proposal, which was reported to the House as H.R. 10420, would respond to the problem by authorizing an extensive and intensive program of management of species and stocks of marine mammals.

The controlling issue in the controversy between these two views must necessarily be what is best for the animals themselves and for the ecosystems upon which they, and possibly we, depend. Under this criterion, the committee concluded that enlightened, effective management of marine mammals is the better course of action to pursue at this time.

Critics of management programs point to failures of other management programs, such as the International Whaling Commission, as evidence that the concept itself is unworkable. While it is undeniable that some programs—including the IWC—have been inadequate, it is no more rational to conclude from this that the management concept should be abandoned than it would be to throw out our system of criminal justice because miscarriages of justice have occurred in the past. The answer, it seems to me, is to improve the system, and not to scrap it altogether. H.R. 10420 attempts to do just this—to see that management systems are devised—in ways, I might add, that have never been tried before—which will be responsive to the needs of society and of the animals themselves.

A notable, and I believe, basic defect in the proposal of the protectionists lies in its complete lack of a research program designed to improve our knowledge of these animals. You have already heard evidence of the almost nonexistent research efforts that have been developed by the Federal Government in the past—with the exception of the Alaska fur seal program, which must surely stand as an outstanding example of what can happen under a sound management program.

The significance of an adequate research program becomes apparent when one considers the fact that the species and stocks of animals described in this legislation are almost without exception migratory and/or international—or at the very least live in waters that may go beyond the territorial limits of U.S. jurisdiction. What this means, of course, is that these animals may be, and often are, considered "fair game" by citizens of other countries: citizens for whom a self-imposed U.S. ban would mean only that there would be more animals for them to take. While we can understand the temptation to adopt a moralistic posture, banning all killing of marine mammals by U.S. citizens, and to urge all other nations to follow our lead, I think that we must recognize the cold reality that they will not do so today.

A case in point might be the recently negotiated treaty to regulate the catching of Antarctic seals. We were very clearly told by the other 11 nations at the London conference in February that they were not at all interested in creating an Antarctic preserve for seals. Faced with scientific statements that there may be as many as 50 million seals in the waters off Antarctica, the decision was made by all the countries present to permit limited and controlled taking of Antarctic seals, with that taking heavily weighted toward conservative limits, pending the development of more and better information to tell us how these resources can be best used without sustaining serious damage.

Few other nations of the world consider themselves as highly favored as we are today, having adequate supplies of protein and other raw materials. For the less favored countries, marine mammals are not a luxury, but are rather a potential source of food or cash. I doubt if any Member likes the idea, but it does no good to pretend that it is not the case.

I believe that such nations can be reached, however, by being shown that marine mammals are resources which can be depleted by overuse, and that this will result in long-term losses for all concerned. The fable of the goose and the golden eggs is told in many other languages than English.

This is in fact the argument that finally seems to be prevailing with respect to the great whales, although even here it appears that there is no lack of opportunists who may be quite willing to destroy resources for all time for the sake of a quick return.

For this reason, and since we know that the pressure for exploitation of these and other resources is on the increase, it becomes imperative that we develop a sound, broadly based research program to define accurately the limits of what can safely be done without endangering the resources themselves.

I do not think that it would be a responsible act for this Congress to adopt legislation which imposes a flat ban on our taking of marine mammals without providing a sound research program to help us plot a course for the future. I say this not because I am unsympathetic with the motives and concerns of the protectionists, but because I am convinced that their proposal just will not work. And that therefore it is not responsible to the best interests of the animals themselves.

The criticism of the protectionists, if I may call them that, turns on the discretion which the Congress vests in the Secretaries. Their criticism can be met quite easily, I think. If we assume, as we must, that these groups are sincere in their declarations of concern for the marine mammals, we provide to them every opportunity to review the discretionary acts of the Secretaries, and to see that they measure up to the very strict standards of the bill. Before issuing any permit for the taking of a marine mammal, the Secretary must first have it proven to his satisfaction that any taking is consistent with the purposes and policies of the act—that is to say, that taking will not be to the disadvantage of the animals concerned. If he cannot make that finding, he cannot issue a permit. It is that simple.

Further, he must announce to the public what actions he proposes to take, and must detail the evidence upon which he proposes to act. He must hold public hearings on his proposed actions; he must publish recommendations of agencies which may be critical of his actions—in all of these he has no discretion whatever.

Once he establishes these limitations, he must thereupon go through another public review process in order to grant permits for the taking of marine mammals. At this point, public hearings are discretionary, although the committee is strongly of the opinion that this discretion should continue to be exercised in the direction of full disclosure and open hearings in controversial cases. If the interested public is of the opinion that his discretion has been abused at any point in the process, it is given the right and opportunity to appeal under the Administrative Procedures Act.

Still further safeguards are built into title II of the bill, which authorizes the establishment of an independent Marine Mammal Commission, charged with responsibility for reviewing the entire program, and for considering and recommending ways in which that program may be improved. The commission is given further powers, which I have never seen in any other legislation enacted by Congress: Recommendations which it makes to Federal agencies must be considered carefully by them, and recommendations which are not followed must be returned to the commission with a detailed explanation of the reasons that they were not followed.

The bill goes even further, and requires the creation of an independent scientific review panel, to which the commission may, and indeed must refer for advice on scientific questions relating to the mammals in question. This committee is given similar powers to make recommendations, in the form of formal recommendations from the committee or in the form of recommendations from any member.

I simply do not believe that any administrator, forced to operate in that kind of goldfish bowl, can abuse the discretion that the committee has given him. The concern expressed by the protectionists just does not take account of these extensive safeguards.

It is an important element of the package which we have brought to the House today that the burden of proof in every case rests upon those who propose to capture or take a marine mammal. In order to obtain a permit, they must show that the proposed taking is consistent with the act and is not to the disadvantage of the animals concerned. If they cannot show this, they get no permit.

Opponents of any legislation claim that it is essentially meaningless to attempt to deal with these problems on less than a global basis; and it is undeniable that many of these animals are found in areas not within the jurisdiction of the United States, and are hence open to taking by nationals of other countries. It is certainly our hope that the enactment of strong legislation by this country will serve as a strong example to other countries—just as it is our hope that the ocean dumping legislation, which earlier was acted upon by this body, will serve as such an example. More basically, however, it seems to the committee that a start must be made on the question, and that this, at least, is one thing that we can do. And, I might add, should do.

The committee did not rest here. We included strong language in the report to require the Secretaries to cooperate with the Secretary of State to develop more effective and broader treaties for the protection of marine mammals on a worldwide basis. We also incorporated specific dates by which action had to be taken. I think that I can safely assure this body that we will be watching the development of these activities with great interest.

Contrary to what the opponents of this legislation may say, it is not true that the principal support for this legislation comes from the exploiters. Instead, it comes from those who have a sincere and long-term interest in the welfare of the animals involved. I think I am safe in assuring this body that without this kind of support it would never have been possible to have developed the strong bill which is here before you today.

I am aware that this bill has been criticized as being a weak bill. In all candor, I must say that those who have criticized it in this way have not fully grasped the nature of the protection which we have provided. While it is not a simple bill, it is a strong bill, related not to an emotional attitude that cannot accept the thought of an animal suffering, but rather to a positive attitude that man must change his relationship to animals, and must take positive steps to see that they do not suffer unreasonably at his hands.

It is not at all a weak bill. It is indeed a strong bill, providing extensive and ample protection for marine mammals. I recommend its approval.

Mr. PELLY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 10420, introduced by the gentleman from California (Mr. ANDERSON) and cosponsored by myself, which would provide for protection and conservation of marine mammals, establish an independent Marine Mammal Commission, and for other purposes.

As I explained during my remarks on the House floor on December 6, when H.R. 10420 was considered under suspension of the rules, I know of no one single legislative area in this session of Congress which has drawn more attention from a great many of my colleagues, and from the general public at large, than measures pertaining to the protection and conservation of marine mammals. Your committee considered approximately 38 different legislative concepts embodied in bills introduced by more than 100 Members of this body. Such concepts ranged from a simplistic approach of a complete ban or "moratorium" on the taking of marine mammals, to measures providing for the convening of international treaty meetings or to authorization of large research programs.

Your committee, since the first day of hearings on this legislative area in September 1971, has carefully, studiously, and impartially evaluated and digested the pros and cons of all approaches, received and considered expert helpful testimony from just about every major environmental and conservation organization, conducted a detailed investigation as to the type, extent, and success of current and planned marine mammal programs administered by the Departments of Interior and Commerce, fully evaluated the extent of protection and conservation measures on an international scale, and have established an impressive scientific and technical record as to the current and anticipated status of each of the marine mammal species. These efforts have culminated in the measure pending before you now, H.R. 10420, which initially formed the basis for the committee's deliberations and has been expanded considerably as a result of your committee's efforts. Excellent assistance was provided by the administration in assisting this committee in its work during the last 3 months. To the extent that the recommendations of the administration have been consistent with your committee's objectives, these comments and legislative suggestions have been embodied within the conceptual framework of the bill, H.R. 10420.

As a result of these hearings, your committee has concluded that the range of animals to be included in the legislation should include all marine mammal species known to man; that is, porpoises, whales, seals, walruses, sea otters, polar bears, and sea cows. All of these mammals are found on the high seas, in territorial waters, and on U.S. lands with existing protection and conservation mechanisms varying from jurisdiction to jurisdiction and from species to species. We concluded that existing levels and emphasis on research funding are fragmented and in need of revision and expansion. We concluded that, due to the national and international importance of these mammals moving in interstate and foreign commerce, action by the Federal Government was warranted and necessary. We concluded that the moratorium or complete ban on the taking of marine mammals should be just one of the many protection and conservation devices which should be utilized, and that a properly balanced species management approach would give the regulatory agencies the flexibility to insure the protection of each species in light of specific environmental factors affecting such species. In short, your committee concluded that it was imperative that the proper legislative and regulatory framework be established now—not at a time in the future when many or most of these species have joined the "endangered" or "extinct" list. In this case, the old adage that "an ounce of prevention is worth a pound of cure" is quite applicable, for in the absence of this comprehensive legislative approach and regulatory scheme on an international, national, and State level—these species will go the way others have, due to the past inability of man to accept the environmental and historical concept that the living natural resources of this planet are irreplaceable and should be protected and conserved for the benefit of future generations and the delicate balance of our fragile marine and ocean ecosystem.

Consequently, in the legislation pending before you, your committee has provided that it shall be unlawful to take any marine mammal except pursuant to a permit. Prior to the granting of a permit, the Secretary of the Interior and the Secretary of Commerce, within their specific areas of species responsibility, must establish specific limitations on the taking of mammals in that species on the basis of sound scientific evidence, and only after evaluating and establishing the impact which such a proposed level of taking would have on the marine ecosystem, the marine mammal species itself from the standpoint of population dynamics, on other natural resources of the oceans such as fish, and the economic and technological feasibility of actual implementation of such taking level.

Violations of the act are punishable by a civil penalty of $10,000 or a criminal penalty of $20,000 and/or 1 year's imprisonment. Vessel forfeiture is also provided. Enforcement is provided by both Federal and State officials. Recognizing the fact that complete and total protection and conservation must be provided worldwide if the U.S. program is to have any impact, the legislation requires the Secretary of State to seek an international convention on the subject of marine mammal protection in addition to other bilateral or multilateral international treaties which are consistent with the purposes and policies of the act. Recognizing the fact that any such regulatory and conservation program must be based on sound scientific and technical data, the legislation authorizes the Secretaries to make research grants for research and/or program administration. Authorization level is $500,000 to the Secretary of the Interior and a like amount to the Secretary of Commerce.

An independent Marine Mammal Commission, appointed by the President, will provide an additional research capability and perform a valuable advisory function to both the Federal agencies and Congress. The required scientific expertise which the Commission needs is provided by a Committee on Scientific Advisors appointed by the Commission chairman. The Commission is provided a 5-year authorization of $1 million per year with the proviso that at least three-fourths of this annual amount must be spent on research. The Secretary of Interior is authorized $700,000 for the first year's administration of the program and $525,000 thereafter for each of the next 4 fiscal years. The Secretary of Commerce is authorized $1.5 million for the next 5 fiscal years for administration.

Mr. Chairman, in the case of many of these species, such as the porpoise, there is not a great deal known as to the world population levels, the current level of taking either in conjunction with the utilization of other marine resources or otherwise. Thus, the importance of the research provisions of the legislation cannot be overemphasized. Certainly, where there is a lack of scientific information as to whether or not a current level of taking is harmful to the species and the marine ecosystem, it would be advisable to approach the issuance of permits from a conservative standpoint.

However, this is not to say, and I believe it is not your committee's intention, that the Secretary of the Interior or Commerce should establish arbitrary low or high levels of permissible taking solely from a fear of the unknown expressed on the part of the regulatory agency or the general public.

The Secretary, in section 102 of the bill, must base his levels of limitations on sound scientific and technical evidence and consequently has the burden of proof of justifying his decision from all of the evidence presented and available. Then, once the general limitations for each species have been established, the burden of proof shifts to the person applying for a permit to take marine mammals, who must demonstrate that the perimeters of the permit are consistent with the purposes and policies of the act and the established limitations.

Mr. Chairman, this measure now pending before this body is landmark legislation, and I urge its overwhelming passage.

Mr. Chairman, the matter of clarification of certain language I think should be written into the record, and for that purpose, Mr. Chairman, I would like to direct a question to the distinguished gentleman from Michigan with regard to the meaning of section 103 regarding the authority of the Secretary to issue permits.

Was it the intent of the committee that in the case of the commercial fishing industry general permits would be issued to cover all of the participants in a particular fishery?

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Michigan.

Mr. DINGELL. The gentleman from Washington is entirely correct.

As is stated in the committee report—it is stated in the report that it appears to the committee that the tuna fleet would be an appropriate recipient of the general permits, under the authority of section 103(i) of title I, keyed not to specific numbers of porpoises which might be taken but to the techniques that should be used in fishing operations.

I would further point out to the gentleman that it is the intent of the committee to operate this program in such a fashion as it will protect the porpoises.

Mr. PELLY. I would like to say to the gentleman from Michigan that that was my interpretation of the matter.

Mr. WYATT. Mr. Chairman, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Oregon.

Mr. WYATT. I would like to commend the chairman of the subcommittee and the gentleman from Washington (Mr. PELLY) for the approach that has been taken in this bill which has been reported by the committee.

I am becoming increasingly distressed by the emotional atmosphere and approach taken to many of our conservation problems which are actually made in this body based purely upon emotion and not on the basis of facts.

The bill reported out by this committee would set up the machinery by which a reasonably intelligent decision could be made and, certainly, assures the preservation of mammals as described in the bill, and also assures the preservation of a major industry in the United States and that is the tuna industry which is a contributing factor to the economy of my State and particularly to both coasts of the United States.

I think these people are entitled to consideration. I do not feel that there is going to be any wiping out of the mammal population of the oceans as a result of the failure to enact an immediate moratorium on the taking of mammals, which would have disastrous effects.

Again I commend the committee.

Mr. PELLY. Mr. Chairman, I would like to thank the gentleman from Oregon (Mr. WYATT) and to say to the gentleman that I too feel that the chairman of our subcommittee, the gentleman from Michigan (Mr. DINGELL) has rendered a great service through his deep interest in conservation, and at the same time has come up with a very practical approach.

I would state further that I have never known of an occasion where a committee has considered more carefully all the various approaches and aspects as this committee has on this legislation, and I feel that it has come up with a reasonable bill which should have the support of the Members of the Congress.

Mr. WYATT. Mr. Chairman, if the gentleman would yield further, I would also like to say that I do not believe anyone with any reason or justification can question the sound conservation credentials of the chairman of the subcommittee, the gentleman from Michigan (Mr. DINGELL) and the gentleman in the well (Mr. PELLY). These have been established over the years, and anyone who attempts on a particular issue such as this to question the bases of those credentials is just as wrong as wrong can be because the conservationists in this country have no better friends than JOHN DINGELL and TOM PELLY.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding.

I would ask the gentleman whether there has been any change in this bill since it was defeated last December?

Mr. PELLY. This is the identical bill that failed to receive a two-thirds majority when it was considered under a suspension of the rules. I know many of the Members objected at that time on the way it was brought up because they could not amend the bill. I know that we are going to have some amendments to this bill. So I rather think there could be some changes from the original bill.

Mr. BEGICH. Mr. Chairman, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Alaska.

Mr. BEGICH. Mr. Chairman, I thank the gentleman for yielding.

I know that you, Mr. PELLY, as I, are concerned with the salmon fishing industry, and that you have been for many, many years, and I would like to ask you one question relative to the permit system proposed.

In considering the bill (H.R. 10420) as reported, and in considering the amendment proposed by the gentleman from Arizona (Mr. UDALL) a great many questions arise because so much of the impact of this legislation falls on Alaska. I will attempt to resolve these difficulties with the assistance of the gentlemen who have prepared both the basic legislation and the amendments.

My first area of concern relates to the permit process as a whole, and to its specific operation regarding permits for the taking of ocean mammals which become tangled in the fishing gear of commercial fishermen. I am aware that the basic problem in this area relates to the tuna industry and the problem caused by dolphins in tuna nets. A problem which is evidently of smaller magnitude exists in Alaska regarding the occasional destruction of fishing gear by seals, sea lions, and other marine mammals.

My concern regards the procedure contemplated for acquiring a permit for such purposes. Such an occurrence is both unpredictable and random in terms of when and where it will occur. The Alaska coast is over 3,000 miles long; it is fished by over 20,000 licensed fishermen, over half of which are residents of Alaska scattered all along the coast. Most of these men can expect that at some time during their fishing career, they will be confronted with a marine mammal tangled in their gear. My question is whether or not this permit requirement contemplates a system which will process this many applications each year.

I would hope that what is contemplated is the issuance of general permits, either to State fish and game agencies or to associations of fishermen or other groups of individuals. I would hope that such permits might be based on a series of well-considered standards which are relevant to the fishing operation and the marine mammal species involved. Thus, the standards for the conflict between tuna and dolphins may very well be different than those for the problems caused for salmon fishermen by seals or sea lions. In some cases, where the marine mammal species is particularly endangered, perhaps a standard would be appropriate which makes it clear that the gear is secondary to the mammal.

In any case, I would appreciate comments on this contemplated process, and urge that it include a system which will avoid the construction of an expensive, cumbersome, administrative structure, and will allow general anticipatory permits to responsible groups or government agencies based on sensitive standards. Perhaps you can put this in the context of the discussion you had earlier with the gentleman from Michigan (Mr. DINGELL).

Mr. PELLY. It is my understanding, and I think this is borne out by the colloquy that took place between the gentleman from Michigan (Mr. DINGELL) and myself, that a general permit would be issued to a fleet, in the case of a fishing fleet and, as it applies to the salmon runs, I am sure that it would cover the Bristol Bay run, or any other of the Alaskan runs, without having to have a special permit for any one fishing vessel.

Mr. BEGICH. I thank the gentleman.

Mr. DINGELL. Mr. Chairman, I yield 5 minutes to my good friend, the gentleman from California, the author of the bill, a very distinguished member of our committee, and an outstanding conservationist (Mr. ANDERSON).

Mr. ANDERSON of California. Mr. Chairman, I rise in support of H.R. 10420, the Marine Mammal Protection Act.

As Congressman PELLY has just stated, there has been no one single legislative area in this session of Congress which has drawn more attention from the public than measures pertaining to the protection and conservation of marine mammals.

The Merchant Marine and Fisheries Committee considered approximately 38 different legislative concepts embodied in bills introduced by more than 100 Members of this body.

Since the first day of hearings on this topic in September 1971, the committee has carefully, studiously, and impartially evaluated and digested the merits and demerits of the different approaches; we have received and considered expert testimony from major environmental and conservation organizations. Finally, we conducted a detailed investigation as to the type, extent, and success of current and planned marine mammal programs, both on a national and an international basis.

The bill before us now, H.R. 10420, is a result of these extended hearings and executive sessions. It represents what I believe to be a workable measure whereby marine mammals will be protected from exploitation by man.

PROHIBITIONS

Exactly how does the bill protect marine mammals?

First, except for approved scientific research, the bill absolutely prohibits the importation of any pregnant marine mammal, any marine mammal that is less than 8 months old, any specie of marine mammal which is depleted or endangered, or any marine mammal that was killed or captured in an inhumane manner.

To further explain this absolute prohibition: if a person imported a baby seal into this country, that person would be subject to a $10,000 fine for each violation. A second conviction could lead to a $20,000 fine and/or 1-year imprisonment.

If a person imported into this country a whale, or some other specie that is endangered, that person would be subject to a $10,000 fine for each violation.

If a person imported into this country any marine mammal which were caught in a manner determined to be injurious to marine mammals, then that person would be subject to a $10,000 fine for each violation.

MARINE MAMMAL COMMISSION

Second, this bill establishes an independent Marine Mammal Commission, charged with the responsibility for reviewing the entire marine mammal program. This three-member Commission shall be knowledgeable in the fields of marine ecology and resource management, and who are not in a position to profit from the taking of marine mammals.

In other words, this Commission shall be objective, and shall have no financial connection with any industry, such as the fur industry, which has an interest in the taking of marine mammals.

The recommendations of the Commission shall be thoroughly considered by the Secretary and, if those recommendations are rejected, the Secretary must explain in detail why they were not followed.

COMMITTEE OF SCIENTIFIC ADVISERS ON MARINE MAMMALS

In addition to the Commission, the bill establishes a nine-member Committee of Scientific Advisers on Marine Mammals. This committee shall be knowledgeable in marine ecology and marine mammal affairs, and their recommendations acknowledged by the Secretary. If the recommendations are not followed, the appropriate Federal agency must explain to Congress the reasons for not accepting such recommendations.

AUTHORIZED TAKING OF MARINE MAMMALS

In the event that a specie of marine mammals is found to overpopulate an area, and if a portion of that specie cannot be moved to a more favorable location, then the Secretary may issue, after public hearings, a permit allowing the killing of a selective number of such specie.

This permit system is authorized in order to meet the desires of those conservationists who feel that professional wildlife scientists should be permitted to manage and obtain the maximum number of a particular specie.

In order to obtain a permit to sell, import, capture, kill or hunt a marine mammal, a person must apply to the Secretary for such a permit.

Upon his receipt of the application, the Secretary is required to publish a notice in the Federal Register, and to invite interested parties to submit their views with respect to such application.

Those who seek the permit must show that taking a selective number of marine mammals will not work to the disadvantage of the stock of the mammal involved.

After considering the application, its effect on the existing levels of the stock, the divergent views, and the recommendations of the Marine Mammal Commission, the Secretary may issue a permit only if such a permit will not endanger the health and the stability of the marine ecosystem.

Mr. Chairman, the bill H.R. 10420 would put into practice that many of us have thought for a long time:—that the killing of a baby seal merely to place a coat on the back of some society matron is an obscenity and must be stopped.

This bill would prohibit the importation of any baby seal; it would prohibit the importation of any endangered specie, except, of course, for scientific research.

The bill has the support of many major conservation groups:

The Rachel Carson Trust for the Living Environment;

The National Audubon Society;

The Wilderness Society;

The Wildlife Management Institute;

The Society of Animal Protection Legislation;

The Izaak Walton League;

The National Wildlife Federation;

The Humane Society of the United States.

This is a good bill which deserves our support and I urge my colleagues to vote for its adoption.

Mr. PELLY. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, I rise in support of H.R. 10420, legislation designed to provide protection and conservation of marine mammals.

The importance of this legislation cannot be overemphasized, because the present state of many of the ocean's mammal species is precarious. There is almost a complete absence of scientific information on many of the threatened ocean mammals, and the existing protection and conservation programs in effect for them are considerably fragmented.

It is obvious there is a strong need for a concerted national effort to insure complete compatibility of program objectives and conservation measures. Failure to enact legislation such as that which is now pending before this body will have the deplorable effect of further depleting various marine mammal species and the role they play in assisting to maintain the delicate balance of our ocean environment.

In hearings conducted on this legislation, the question arose as how best to provide protection for these ocean mammals; that is, whether to institute a total species management protection program or one containing flexible elements that permit adjustments to particular ocean mammals circumstances.

On the total species management protection aspect, Dr. Lee Talbot of the Council on Environmental Quality submitted this view in presenting testimony on the legislation:

> Total protection is a necessary tool of management when the objective of management is, as we have described it, the broad maintenance of the balance, the stability of the environment, and the avoidance of the depletion or extinction of the species. There are a number of situations where total protection for a time, and in some cases perhaps relatively permanently, is required, but because environmental conditions are dynamic, it is frequently necessary to subsequently apply some other form of management in order to assure our original objective. We have a number of situations on land where total protection of some species, for example, of the deer, has resulted in what amounts to a population explosion of that species, which has adversely affected its own environment and that of many of the other organisms, plants, and animals, with the ultimate damage to the species we were trying to protect.

The bill before us embodies the species management concept, but it is important to note that there is built into the legislation certain tools for adjustment to an existing set of circumstances surrounding our ocean mammals. For instance, under this legislation, a total or partial ban on the taking of a particular marine mammal species is possible, providing scientific evidence demonstrates that either type of ban is justified.

The legislation has other merits. The research provisions are comprehensive, and the authorization levels are conservative, being based on a strong factual basis of need. The bill also contains elements that will serve to assist materially Federal, State, and local conservation efforts in a well-coordinated program of complementary research, adimnistration, and enforcement.

I strongly recommend passage of this legislation.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Chairman, I rise in support of the Marine Mammal Protection Act, H.R. 10420, designed to bring about meaningful conservation and preservation of seals, whales, dolphins, porpoises, sea otters, polar bears and other mammals of the sea.

The chairman and the members of the Committee on Merchant Marine and Fisheries are to be congratulated for acting with dispatch on this measure and reporting a more comprehensive bill than that which was originally offered. The Members of the House may now take pride in their wise decision to reject the original version of the bill, as presented under suspension of the rules.

Today we have the opportunity for better debate of the issues and we can incorporate strengthened amendments to provide truly responsible protection.

The Marine Mammal Protection Act has been partially shaped by the public outcry to stop inhumane acts, specifically the wasteful and senseless slaughter of marine mammals. The letters from my constituents on this subject state emphatically: "Stop the killing of baby seals." "Stop the senseless destructions of dolphins caught in fishing nets."

To enact this legislation as it is before us, without amendment, would not do justice to the public's interest in the welfare of these marine inhabitants. We will not pacify the reaction by taking token opposition to current practices. We have the opportunity to answer the public concern. We have the means to develop technology to benefit the marine mammal population without destruction of legitimate commercial interests.

In my judgment, we should today amend the Marine Mammal Protection Act to contain the following provisions:

Clarification of certain language of the bill with respect to the import ban on marine mammal products in order that the U.S. market is not the recipient of baby harp sealskins;

Clarification of the language to include the "declining" as well as "endangered" species;

Concentration of responsibility for protection of the marine mammal under the sole authority of the Secretary of the Interior;

Authority to individual States to establish regulations which may impose stricter standards of enforcement in this area;

Imposition of a deadline on the commercial fishing industry making the current netting process illegal, and development of research to devise alternative methods for this operation.

With the above provisions, we would have strong, effective legislation to protect the marine mammal. I urge the inclusion of these amendments as positive action toward eliminating the wasteful destruction of these creatures. Our action today would be a great beginning. Beyond today, we must take the responsibility for not just keeping the marine creatures alive, but also preserved in a healthy marine environment. Proper treatment of animals is not only humane, but is also in the best interests of man. We may not be able to afford to waste more links in nature's chain.

Mr. DINGELL. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Chairman, I rise in support of the committee bill, in general, but would like to offer a few criticisms of certain sections and ask a few clarifying questions.

Let me say first that under the leadership of the gentleman from Michigan (Mr. DINGELL) the committee has brought to the floor one of the most difficult proposals of this Congress. The need for ocean mammal protection has never been disputed by the committee. The question was the need to be fair to all Americans and still provide adequate safeguards for our ocean mammals. Compromise in this respect is a key element of the democratic process.

The bill provides for strong regulatory powers over the taking of ocean mammals. This is a first. It puts this country on record against the continued disregard for our ocean mammals and for international laws that will eventually ban their unnecessary killing.

However, the bill does not go far enough in certain areas, such as the incidental taking of porpoises and dolphins while catching tuna. Thousands of these ocean mammals are needlessly killed every year in the quest for tuna. This slaughter is a result of a switch by the industry from line fishing to the use of seine nets. The switch was necessary to keep the U.S. tuna industry competitive with foreign fishermen and thus save hundreds of American jobs.

The committee bill does not provide sufficient support and pressure for finding ways to catch tuna without killing porpoises and dolphins. I intend to introduce an amendment which will do just that, yet not force the tuna industry to shut down if no way is found in a given period of time.

Second, the bill divides the regulatory authority between the Departments of Interior and Commerce. Such a mammal protection measure rightly belongs in the Interior Department, which has demonstrated its commitment to protecting this Nation's natural resources. It certainly does not belong in a department that has publicly stated there is no need for such a measure.

Third, the bill does not deal with the question of imports. By banning imports of ocean mammals and their products, we can eliminate the market for them and thus reduce the killing. Like the whalebone used in corsets, the products from ocean mammals contribute little to the national welfare. They are used merely to statisfy the egotistical whims of women whose let-them-eat-cake attitude exceeds even that of Marie Antoinette. Banning of all imports would not be economically harmful and would help eliminate the market for ocean mammals products.

Fourth, the bill has no moratorium on the taking of ocean mammals to provide a period of time for depleted stocks to recover and to permit study of the ocean mammals situation so that decisions on permits can be adequately rendered. Experts in the fields have rightly determined that 10 years are necessary.

I and others will offer amendments to strengthen the bill in these areas and I hope we will enjoy the support of a majority of our colleagues.

Mr. Chairman, before I conclude my remarks, I would like to ask the distinguished gentleman from Michigan (Mr. DINGELL) to clarify various points in this bill.

In the definition of "depletion" it would appear that the committee bill only recognizes species and stocks which have declined and are declining in numbers as being depleted. Would it consider as depleted species such as the gray whales or the sea otters which have historically declined in numbers to near extinction, but are now making a recovery?

Mr. DINGELL. Mr. Chairman, if the gentleman will yield, the answer to that question is generally "yes." I must point out most of the whales are on the endangered species list and so are not subject to taking at this time, including all the commercially used whales at this particular time. As the gentleman has pointed out, the bill deals not only with the whale population but also with the population, and subdivisions of any species. Until the population stocks are built up to the optimum in the bill, they will not be subject to taking.

Mr. BIAGGI. Mr. Chairman, the committee bill requires the Secretary in setting limitations to take into consideration the "conservation, development, and utilization of fishery resources" and "the economic and technological feasibility of implementation." Is not this the same as saying if the abalone fishing industry, for example, was allegedly being threated by the sea otters, the Federal Government could order a selective killing of the otters to protect the fishing industry?

Mr. DINGELL. No. The answer to that is the basic consideration to be kept in mind by the Secretary under 102(a) is that the taking must not be to the disadvantage of the species of marine mammals. The protection of fish and shellfish is secondary. As a point of fact, the sea otter is not preying on the abalone; it is turning out that the real killer of the abalone is mankind.

Mr. BIAGGI. On the question of public hearings on permits, the committee bill does not provide for mandatory hearings. I have found in the past that if such hearings are not mandatory, they are usually not held. Does the gentleman not feel that mandatory hearings in this respect are necessary to protect the public interest?

Mr. DINGELL. I would respond to the gentleman from New York by pointing out that section 102(d), which deals with the fixing of limitations, requires public hearings on the critical issue: the setting of limitations.

Mr. BIAGGI. But they are not mandatory?

Mr. DINGELL. No; the answer is they are mandatory.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DINGELL. Mr. Chairman, I yield the gentleman from New York 1 additional minute.

Mr. BIAGGI. The bill provides that Federal law shall preempt all State laws. This bothers me, since Florida has a stricter law protecting the manatee in the Everglades and California has a tough law protecting the sea otter in its coastal areas. Will not the committee bill weaken and perhaps destroy these strong State efforts?

Similarly, if a State wanted to pass a stricter law protecting ocean mammals in its area, the committee bill would make this impossible.

I would be interested in knowing the gentleman's reasoning on this question. How does this in any way provide the protection we all want for ocean mammals?

Mr. DINGELL. On page 43, section 109 (b) of the bill says:

> The Secretary is authorized and directed to enter into cooperative arrangements with the appropriate officials of any State for the

protection and management of marine mammals.

It is the intention of the committee that they should keep in effect, through a cooperative agreement, the laws of States like Florida, which do have forward looking laws for the protection of species of mammals.

Mr. BIAGGI. I know the gentleman from Michigan has some specific views on the question of banning imports. I would appreciate knowing why the gentleman feels that a ban is not necessary and what protections, if any, are in the bill?

We have seen a great public outcry against the killing of baby harp seals in Canada. Should we not do everything possible to help eliminate a market for the products of these seals?

Mr. DINGELL. The gentleman raises an important point. A lot of people have been pushing for more imports who have not taken the trouble to read the bill. I would point out that baby harp seals, under the bill as drafted, without any amendment whatsoever, cannot be imported. If it appears that additional measures must be taken to further restrict the importation of marine mammals, our committee can and will consider the matter in further hearings.

Mr. PELLY. Mr. Chairman, I yield myself 1 minute, and I yield to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of H.R. 10420, the Marine Mammal Protection Act. I think this is basically a sound and necessary piece of legislation for which the Committee on Merchant Marine and Fisheries is to be commended. However, I do intend to support certain amendments which I feel will further improve this legislation, specifically, those being offered by the gentleman from Arizona (Mr. UDALL) and the gentleman from Arkansas (Mr. PRYOR). Last year I joined with the gentleman from Arkansas in cosponsoring H.R. 7861, a much stricter marine mammal protection bill.

Mr. Chairman, I do not think there is any disagreement as to the need for strong marine mammal protective legislation, for there is no question that such species as seals, sea lions, whales, porpoises, dolphins, sea otters, manatees, walruses, and polar bears have dangerously declined in population in recent years and some are even on the brink of extinction. The bill before us today takes a number of steps designed to preserve these species, and I think that along with the amendment which I intend to support for a limited 5-year moratorium on the taking of these animals, offers a reasonable compromise between the opposing approaches of wildlife protection versus wildlife management. The idea of a limited moratorium clearly recognizes that unless we take this protective action, there will soon be nothing left to manage. As the Washington Post pointed out in a March 8 editorial:

> The old argument centered on how to "manage" these creatures, but we have seen what this leads to; the Blue Whale, the hump back whale and polar bears were once included in wildlife management programs, and now they are nearly extinct. Clearly, something else is needed in the oceans—protection, not management.

Mr. Chairman, for these reasons I intend to support the Udall-Pryor amendments for a 5-year moratorium on the taking of these mammals. I think that it will strengthen this legislation in such a way as to insure the preservation of these valuable species for generations to follow.

Mr. DINGELL. Mr. Chairman, I yield 3 minutes to my distinguished friend from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Chairman, this is important legislation. My colleagues will recall last December, when we had an unfortunate clash of proposals on this subject. There was a vote in December on the committee bill, which represented a great deal of work, effort, and thought. Some of us voted against suspension of the rules, because we favored the proposal offered by the gentleman from Arkansas (Mr. PRYOR) cosponsored by Senator HARRIS, of Oklahoma.

There has always been a good deal of good will and compromising spirit on this committee, and there is always evidence that men of good will can work things out.

I am proud to say that my colleague from Arkansas (Mr. PRYOR) working with the members of the committee and particularly the great gentleman from Michigan, the chairman of the subcommittee, has prepared an amendment which I believe would strengthen this bill and which would make it acceptable to all the major conservation organizations, who felt that previously the bill was not strong enough.

So at the proper time, Mr. Chairman, I will offer on behalf of myself and Representative PRYOR this amendment drafted by the gentleman from Arkansas. I think and believe and hope it will be acceptable to the committee and to the House. In this way we can resolve a very difficult situation.

Essentially what my amendment would do, Mr. Chairman, would be to provide the one ingredient that I believe this bill as reported by the committee does not have, and that is a moratorium. Talk has been had about a 10-year moratorium, about a 20-year moratorium, about a permanent moratorium. The amendment prepared by the gentleman from Arkansas, which I will offer, would provide for a 5-year moratorium, during which time this new independent commission would give us some of the answers we do not have about these wonderful sea mammals.

During that time we will be able to look into this policy and we will be able to make final decisions in this field.

There will be four very carefully and limited exemptions to that total 5-year moratorium some people wanted. I will discuss these exemptions at the proper time, when the amendment is offered. They are limited. They are for special purposes. I believe they will be satisfactory to the committee.

Mr. DINGELL. Mr. Chairman, will my good friend yield?

Mr. UDALL. I yield to the gentleman from Michigan.

Mr. DINGELL. I have reviewed the amendment, and it is acceptable, and I will so state at the appropriate time.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Washington.

Mr. PELLY. I would like to say that I, too, have had the opportunity to study the gentleman's amendment. I believe I should tell him there is one point on which I disagree, and that is that in the gentleman's amendment the authority to issue permits is given to a commission or a committee of scientific advisers. I believe that properly such authority should be vested in the Department of the Interior with advice of this commission, and therefore I will simply offer an amendment to change that one thing.

Mr. UDALL. Mr. Chairman, I suspect that the gentleman's amendment to my amendment will be acceptable to me. I see some merit in the argument and in the point that he makes.

(Mr. PRYOR of Arkansas (on request of Mr. UDALL) was granted permission to extend his remarks at this point in the RECORD).

Mr. PRYOR of Arkansas. Mr. Chairman, my good friend and esteemed colleague, the gentleman from Arizona (Mr. UDALL) and I are today introducing amendments to H.R. 10420, the Marine Mammal Protection Act of 1971.

The distinguished chairman of the Merchant Marine and Fisheries Committee (Mr. GARMATZ), and the distinguished chairman of the subcommittee (Mr. DINGELL), and their committee members have labored long and hard on this bill. They are to be commended for the product of their efforts. They have provided an elaborate system for the management of marine mammals. Our concern is that this system does not go far enough and is not strong enough with regard to providing restraints against unchecked commercial killing of such animals as seals, porpoises, whales, polar bears, and other animals that are in a very real sense threatened by man.

The issue of protection of ocean animals has been a very emotional one for many groups and individuals who oppose and who support legislation in this area.

We believe that the amendments that we are proposing here today serve as an equitable arrangement among the concerned but opposing extreme positions as held on this matter.

Some people who like stronger legislation; some even desire no legislation. But how can anyone oppose the legislative intent of eliminating the senseless slaughter of ocean mammals which are outside the jurisdiction of any State. And this is our intent, ours and many of our colleagues, to begin within the councils of our own government, and hopefully internationally, a halt to the spiral of brutality which is too much with us throughout the world today.

We believe that these amendments make H.R. 10420 a good and adequate piece of legislation.

The enactment of the bill with these amendments is a start in the most serious race to preserve the ecological balance that is dangerously tottering today.

We must all look beyond this bill and concern ourselves not only with marine mammals, which desperately need our help; but we must worry and labor over the entire environmental spectrum and our role in the preservation and conservation of all of our elements—both animal and otherwise—that are endangered by waste, mismanagement, and lack of planning.

H.R. 10420 and these amendments are a start.

Their enactment today is a beginning. It is something that can be done this session—now.

And we must do more.

But let us do today what can be done today; and let us work together for what can be done tomorrow.

Mr. DINGELL. Mr. Chairman, I yield 2 minutes to my good friend the gentleman from Maine (Mr. KYROS), a member of the committee.

Mr. KYROS. Mr. Chairman, I simply rise to state that I wish to associate myself with the remarks made by the gentleman from Arizona (Mr. UDALL) who very eloquently stated the reasons for the modifications he wishes to make to this very important legislation.

I want to take this opportunity, also, to rise and commend the chairman of the subcommittee, the gentleman from Michigan, my own chairman (Mr. DINGELL) who has been painstakingly careful in attempting to listen to all views on this very complex matter and assure that an opportunity was afforded to all groups to be heard before the subcommittee. This will not only strengthen this legislation but will provide legislation here that will be helpful for us in the future in order to attempt to resolve this very complicated problem.

Mr. Chairman, I was a member of the interparliamentary group that visited Canada recently. In discussions with the Canadians on the matter of fur seals and harp seals particularly, it seems to me more than ever before that our country should take the lead, whether it is a moratorium or an effort to preserve these animals, in drafting careful legislation designed to protect all of the animals whose value to this world we do not yet understand.

It seems to me others in other nations will be willing to follow our lead if we do so, and that is why I think it is so important to draft legislation here that will enhance and protect and preserve marine mammals throughout the world.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Alaska (Mr. BEGICH).

Mr. BEGICH. Mr. Chairman, in H.R. 10420, I find many areas of concern for myself, for the State of Alaska, and for its people. It is my intention to say more about specific areas of concern at various times during this debate, but at this time, I arise to seek information and confirmation of certain aspects of this legislation. In several areas, I believe the bill and the report suggest certain standards but fail to delineate with any precision the full implications of the law. If I may, I will set out the understanding I have of these several areas, and ask that the gentleman from Michigan (Mr. DINGELL) whose subcommittee prepared this bill, respond as he sees fit to my statements.

My first concern is the effect that H.R. 10420 is intended to have on the Interior Convention on Conservation of North Pacific Fur Seals. Although it is my own reading of the bill that this convention and its full implementation remain unaffected by the terms of H.R. 10420, I have been informed that contrary interpretations may be possible.

My reading on this bill is that section 101(a)(2) and section 112 operate together to provide that this legislation in no way affects the provisions of existing international treaty or convention obligations or the administrative systems established to carry them out. In specific terms related to the fur seal convention, this would insure that the administration of the Pribilof Islands seal harvest each year would be carried out strictly according to the terms of the convention, and the administrative decisions based thereon.

Aside from the language in the bill which supports this conclusion, the facts relevant to this situation would seem to leave no other alternative. First, the fur seal convention itself is cited as one of the most outstanding examples of international environmental cooperation, and to suggest interference with that treaty, even if legally possible, seems ill-advised.

In addition, any alternative interpretation which might limit the terms of the treaty or its administration would immediately jeopardize the economy of the Native population of the Pribilof Islands, without even providing a replacement economy, should any be possible which would not be a welfare economy in disguise.

Finally, I might add that it is my understand that the Fish and Wildlife Subcommittee of the Merchant Marine and Fisheries Committee which prepared this bill has information on hand which would support the immediate issuance of a permit under section 103, even if the Fur Seal Convention were not excluded from the bill by the sections mentioned earlier.

In the event that the gentleman from Michigan (Mr. DINGELL) or the committee does not share my legal judgment that the bill does not affect either the treaty or its administration, then I am hopeful that agreement will be reached regarding both the need and the justification for the issuance of an immediate permit under the provisions of the act for the fur seal harvest carried out pursuant to the fur seal convention.

As structured in H.R. 10420, the permit process is complex and time consuming. According to the best positions I can gain from the Department of Commerce, the procedure for permits will require an average of 18 months. The notice, hearing, and statement of opinion requirements of the permit process, and the rights of interested parties under the process, all operate to guarantee both full consideration and great delays in the issuance of permits.

Such a delay will have several detrimental effects, and possibly some tragic effects. First, the convention itself may be endangered by virtue of the United States being unable to carry out its obligations under the convention related to the harvest. This could result in a return to the open sea seal slaughter that was the reason the convention was undertaken. Second, no harvest at all might be undertaken which, contrary to the idealism of the uninformed, may be the worst that can happen, since the harvest is a delicate management tool designed to keep the seal hard at its peak productive level. Without a rational harvest, the fur seal herd may suffer a serious decline.

Finally, such a delay will simply remove the entire economy of over 600 residents of the Pribilof Islands without any alternative proposed. Between direct participation in the harvest, support activities and related services, the residents of the Pribilofs are totally dependent on the operation of the treaty. To deprive them of their livelihood when facts exist to support continuation of the harvest would be congressional insensitivity of a high order.

I believe that the committee, and all those who drafted this bill are aware of the existence of facts which would support the immediate issuance of a permit for the continuation of the fur seal harvest pursuant to the fur seal convention. I believe those who drafted this act are aware that the fur seal harvest under the terms of the convention has been a valid and crucial management tool.

I further believe that the legislative intent of this act must be that the issuance of an immediate permit for the fur seal harvest is authorized, is justified, and is in keeping with the spirit of the act. This is to say that, unlike other areas of ocean mammal concern, sufficient facts are already on hand in the case of the fur seal harvest to justify the immediate issuance of a permit to allow the purpose of the Convention to be carried on. I believe the authorities who will issue such a permit should be instructed to take such immediate action.

My own interpretation of this legislation would obviate the need for a congressional instruction for such immediate permit consideration, since I believe sections 101 and 112 to be clear in leaving the Convention and its administration unaffected. Still, I believe, that at the minimum, the drafters of the bill will join me in authorizing the immediate issuance of a permit absent the time-consuming aspects of the normal permit process.

My second concern regarding interpretation of H.R. 10420 is in two parts. Both relate to what I consider to be an essential feature of this legislation, and without which the bill would be totally unacceptable. This is section 107, which provides special exceptions from the requirements of the act for Native subsistence practices.

If I may be frank, this provision is at once both sensitive and patronizing. It is sensitive in that it does recognize the very real need of certain Indians, Eskimos, and Aleuts, almost all in Alaska, to rely on ocean mammals for a part or all of their subsistence. Still, in even suggesting that the Congress, in its kindness, will allow the survival of Alaska Natives to continue in much the manner it has for centuries, this section borders on the absurd. To do otherwise simply creates hunger, creates cultural loss, and ignores human values to an extent that no Member of this body can possibly intend.

My specific concerns extend to two of the lesser provisions within section 107. The first is section 107(a)(1) which provides that all subsistence hunting must be done in accordance with traditional customs. Because I am aware that those who prepared this legislation have made a serious study of this entire question, I am certain that they understand that the core of such customs is the simple desire to survive in a difficult environment.

I am certain that the committee leadership, in utilizing this language, intended that "traditional custom" should be read to mean that method which is most commonly used in subsistence hunting. This, of course, means the use of a rifle, and has meant this for many years. I am certain that the committee does not mandate that Natives must take a step backward into history, and risk their lives to gain food for themselves and their families by requiring the use of ancient, although traditional hunting methods.

Just as certainly as this provision is interpreted in this way, it is certain that such hunting must be in conformity with State fish and game laws. The point is, of course, that the standard of "subsistence hunting" is an inclusive one, which describes a need, a method, and a timeless standard.

My second concern is related very closely to this point. In section 107(a)(3), it is provided that the subsistence taking shall not be for "direct or indirect commercial sale." Again, this provision does not seem to take into account what is meant by subsistence, since any animal either is or is not taken for this purpose. The reason for this subsection is not clear to me for this reason, but I want to confirm the only reading which appears reasonable.

The committee report makes it clear that this provision does not prevent even the commercial sale of byproducts from animals taken primarily for subsistence purposes. An individual example is given relating to the use of walrus tusks from an animal taken for subsistence.

Again, because the committee has done such extensive study in preparing this legislation, I am certain that they are aware that a central value of the Alaska Native subsistence practices is the total utilization of the animal which is taken. Some is eaten, some provides fuel and clothing, and some is used for tools. None is wasted.

In the absence of other conflicting cultures, there would be no commercial sale at all. With the addition of non-Native culture, and its all-encompassing economy, that statement of use would read as follows: Some is eaten, some provides clothing, and some is sold to get money to buy fuel oil and pay taxes.

This fact has been recognized in the single most authoritative work ever done on this subject. This is in "Alaska—Natives and the Land," the exhaustive report of the Federal Field Committee for Development Planning in Alaska—October 1968. In discussing the village economy, the following statement was made along with dozens of similar findings:

> Villagers also gather local resources in order to obtain the cash so much needed for imported products they are increasing dependent upon. Furs may be sold raw, or they may be processed and used in *making boots or garments* for sale. Walrus ivory and whale baleen usually become *art or craft objects* before their sale, but raw ivory finds buyers among carvers who are not walrus hunters. *Grasses and roots are woven into exquisitely fashioned baskets and trays, bones* and animal hooves are worked into craft items, and wood is made into a variety of useful items or decorative forms for sale."

These are my immediate concerns, but they are but the tip of the iceberg, gentlemen. In conveying my interpretations to you on these sections, and soliciting your comments and confirmation, I am dealing with the basic elements of this bill which relate to the survival of the Native people of Alaska. Having these answers in hand, I intend to address myself to this legislation in a broader sense later. For now I am hopeful that you will comment on these points, or by your silence confirm the interpretations I have set forward.

Mr. DINGELL. If the gentleman will yield, I will be very happy to make a categorical statement at this point in response to the gentleman.

Mr. BEGICH. I yield to the gentleman.

Mr. DINGELL. One, the legislation does not itself affect, alter, or impair or amend the terms of the Convention for the Protection of the North Pacific Fur Seal. Two, the committee views on current levels of knowledge with regard to the Alaska fur seal as sufficient to allow the Secretary to take the necessary actions to establish a workable permit system immediately, without extensive delays. With regard to the second area raised by the gentleman, dealing with the extent to which commercial activity can take place without a permit, I would say that the principal determinant is the purpose for which the Natives take the animals. If, for example, a native kills one, two or three walruses for subsistence purposes, and not for purposes of sale, that Native can keep the ivory tusks, and carve them and sell them without requiring a permit or running afoul of the law.

If, on the other hand, a Native goes out and kills several walruses for their ivory, and discards all but the head—a practice which I understand is far from uncommon—he cannot do so without a permit from the Secretary of the Interior. I reconize that it will not always be easy for an enforcement agent to determine the precise purpose for which an animal was taken, but to our way of thinking, the distinction is sufficiently clear to provide the natives with the possibility of continuing their subsistence hunting activities without at the same time opening up the potentialities of widescale commercial depredations upon the animal populations involved.

Mr. LEGGETT. Mr. Chairman, aquatic mammals are among the most marvelous creatures in existence. They include the largest animal in the world, the blue whale, which is larger than even the largest dinosaur. They include the smartest animal in the world, the porpoise, which according to many standards of measurement is as intelligent as man and perhaps even more so. They include seals, sea otters, and sea lions: friendly, playful animals which add to our enjoyment of the world.

For centuries, man has hunted and killed these creatures with complete irresponsibility.

We have killed whales for their oil to the point that a number of species, including the huge blue whale, may have passed the point of no return on the way to extinction. Whaling companies admit that whaling is a dying industry. But in the absence of regulation they would continue to hunt for a few more years to amortize their equipment; by then it will be too late for many species.

Our tuna fishermen have killed hundreds of thousands of porpoises each year. They have not done this intentionally, and porpoises are not in danger of extinction, but it seems a crime to kill such intelligent creatures.

We have killed seals for their furs. This practice has included the clubbing and skinning of infant seals which has horrified the entire world.

This bill will deal effectively with all of these problems. It protects the whales by prohibiting the importation, except for research purposes, of any marine mammal product taken from a species which the Secretary declares to be endangered. There is no doubt that nearly all species of whales will fall into this category.

I favor taking this provision even further in the manner of the Pryor-Udall amendment. This amendment requires a flat 5-year moratorium on the taking and importing of any marine mammal, wtih a very few exceptions for plentiful species. In this way, depleted species will have the best chance to replenish themselves.

The bill absolutely eliminates the products of the disgraceful bay seal slaughter. It prohibits the taking of mammals who are nursing, less than 8 weeks old, or taken in a manner deemed inhumane by the Secretary. The baby seals fall into all three categories.

Finally, the bill protects the porpoises by prohibiting the importation of fish taken in a manner deemed by the Secretary to be injurious to marine mammals. This cannot apply, of course, if the technology for tuna-catching without trapping porpoises is not available, but testimony from the tuna industry indicates that it can be deployed within a year or so.

I am confident that, working under the bill, the Secretary will be able to protect both the porpoises and the fishermen.

Finally, the bill provides exemptions for Indians, Aleuts, and Eskimos who depend on marine mammal hunting for their living, but who do not kill on a dangerously large scale.

I hope this bill will pass unanimously. It deserves to do so.

Mr. BURKE of Florida. Mr. Chairman, I rise in support of the amendments being offered to H.R. 10420, the Marine Mammal Protection Act of 1971. I am the sponsor of a bill, H.R. 8526, to protect ocean mammals from being pursued, harassed, or killed. My bill was to create a prohibition against the taking or importing of marine mammals, with a few minor exceptions. This measure has been opposed by the executive branch as too restrictive and unworkable on the basis that marine mammals know no national boundaries and move about extensively in international waters. Therefore, the Merchant Marine and Fisheries Committee has reported out an alternative proposal designed to give the Department of the Interior more flexible authority to permit the taking of marine mammals under circumstances which might be more closely controlled, and subject to public review, and independent oversight by an independent Marine Mammal Commission.

However, I feel that this measure, in its present form, will do about as much good as a band-aid on a cancer. Man's impact upon marine mammals has ranged from what might be termed malign neglect to virtual genocide. These animals representing four orders of the class Mammalia: Cetacea, the whales, dolphins and porpoises; Carnivora, the sea otter; Pinnipedia, the seals, sea lions and walruses; and Sirenia, the dugongs and manatees; have only rarely benefited from man's interest. They have been shot, blown up, clubbed to death, run down by boats, poisoned, and exposed to a multitude of indignities, all in the interests of profit or recreation, with little or no consideration of the potential impact of these activities on the animal populations involved. All in all, the committee-approved bill is about what the commercial fishing industry and the hunters wanted. It provides a framework for protection of endangered animals, but it is full of loopholes, and leaves us right where we started.

I recognize that the principal significance of these animals lies in their usefulness to men, and by inference, that any use by man is therefore justifiable. I also recognize that man has already tipped the balance of nature toward the extinction of many species of marine mammals, and that this action, if left unchecked, will work against the long-term best interests of man.

The alternatives before us are not simply whether to ban outright the killing of any marine mammal under the jurisdiction of the United States, or, whether the Government should continue to allow supervised and restricted taking of certain mammals, but rather, what action must be taken to insure that no species of marine mammals become extinct from the wanton actions of man.

I advocate a combination of: First, management and second, total protection. This could be achieved by the addition of the aforementioned amendments to this bill. They would include:

First. A 10-year moratorium on the killing of marine mammals. The committee bill contains a 60-day moratorium. However, this time is insufficient for recovery of many ocean species now dangerously depleted or to permit study of life cycles and population numbers of existing marine mammal species necessary to set limitations on permits for the taking of such animals. Gestation periods of marine mammals are such that any period less than 10 years could not provide a generation turnover sufficient to promote recovery.

Second. A restriction on imports. The committee bill does not ban imports. The reason for this was that such a ban would be in violation of treaty obligations. However, it is astonishingly hypocritical to restrict U.S. citizens from killing marine mammals while permitting U.S. commercial interests to subsidize such activities on the part of foreign nationals.

Third. Assignment of jurisdiction to the Department of Interior. The committee divides responsibility between the Department of the Interior and the Department of Commerce. However, I feel that the authority, responsibilities and duties under this bill should be invested entirely in the Department of the Interior. Marine mammals are of small commercial importance but of very great scientific and humane concern.

Fourth. A deadline to eliminate the killing of dolphins and porpoises incidental to tuna fishing. I have received many letters from concerned constituents protesting the purse seine net method of tuna fishing which, when all goes well, captures every fish in the school, as well as any dolphins that may be swimming with the tuna. Smithsonian scientists have estimated that presently from 100,000 to 900,000 dolphins and porpoises are killed annually by tuna fishing methods. The proposed amendment provides for a definite cutoff date but permits extensions of up to 5 years. Thus, if the tuna industry is unable to comply, it will not be forced out of business, but it will have to explain its noncompliance.

Management programs can be effective. In the early days of this century the sea otter population was reduced by exploitation to scattered remnants on a number of different islands. Under a policy of complete protection beginning in 1911, the population spread, and, is, today, in a phase of rapid growth. Studies by the U.S. Fish and Wildlife Service in the 1950's and early 1960's showed an increase of about 40 or 50 thousand animals. The rate of population growth in uncrowded areas is at least 10 percent per year. Management of the sea otter, at present, is under State jurisdiction, except where the otters occur on land within a Federal refuge, or, where the otters occur on high seas outside the three mile limit.

At the end of the 19th century, the walrus population, too, had been greatly reduced. This reduction was due to whalers, who, after reducing the northern whale populations, turned to walrus hunting. When the population of walrus became greatly reduced, commercial hunting ceased. The harvest of walrus today consists of those taken by natives for food and ivory, and those taken by trophy hunters. Management consists of two measures: the only major hauling ground regularly used by walruses in Alaska, Round Island of the Walrus Islands, has been designated as a refuge and complete protection is provided there, and second, the annual harvest of walrus is controlled by regulations favoring the taking of adult males. Since the walrus is polygamous, taking of adult males, within limits, is not detrimental to the population. The Pacific walrus population occurs in international waters and to some degree is out of U.S. control.

Other cetaceans such as the dolphins, porpoises, killer whales, and belugas appear to be at about the optimum population size. Aside from the porpoises killed incidental to tuna fishing small numbers are taken mainly for live display in aquariums, such as Marineland in St. Augustine, Seaquarium in Miami, and Ocean World in Fort Lauderdale. These aquariums do an outstanding job in providing education about the sea and its creatures to schoolchildren and the public at large. The mammals and sea creatures kept by these institutions are carefully watched by veterinarians and other experts on the sea, with respect to the water environment and food. This kind of activity is not disruptive to the balance of nature.

Total protection is necessary where management fails. It is not the answer to the problem, but it is an interim measure that aids endangered mammals until such time as a balance of nature can be restored.

Managemnet implies control which in reality is difficult to establish because marine mammals don't recognize or conform to national boundaries. Unless sanctions can be enforced against offenders, any and all laws are useless. Our various State laws are effective within the limits of their jurisdiction. However, the presently recognized 3-mile limit to territorial waters and the coastal movement of various marine mammals prevent one State from singly achieving complete and effective management. At the national level we have a similar problem, we can control what the States do, but not other countries. By enacting this bill today we will have taken a giant step toward management of marine mammals by controlling our citizens' actions that are detrimental to them, but we will still need international cooperation before effective management can be instituted.

The mantee or sea cow found in Florida waters requires total protection and as a recognized endangered species by both Federal and State governments is given complete protection within the limits of U.S. jurisdiction.

Estimates of the population size of the commercially utilized species of whales indicate that the populations are low and that they are being taken at near or over the maximum sustainable level, by countries other than the United States which has forbidden this type of activity. There are presently approximately 1,000 bowhead whales, 2,000 right whales, 4,000 humpback whales, 8,000 blue whales, 10,000 killer whales, 11,000 gray whales and reduced populations of fin, sie, and sperm whales. Here, too, international cooperation is necessary to establish effective management, and until this is achieved we must try to save these whales from extinction by total protection from our citizens, and from those hunting in our waters.

In summary, I urge the passage of H.R. 10420 with amendments as the first step toward effective management of the world's marine mammals.

Mr. HEINZ. Mr. Chairman, I rise in support of the strengthening amendment to the Marine Mammal Protection Act. I am proud to state that I joined with 149 of my colleagues in defeating this measure when it was considered on December 6, 1972. I took this action with the realization that simply rubber stamping the committee bill without the benefit of amendments could seriously jeopardize the ecological balance of our marine life. In my opinion, we coud not possibly reverse the damaging trends of the past to save many species of marine mammals from extinction without placing a moratorium on the killing of these mammals. The moratorium will give the mammals the protection which they so desperately need in order to prevent their extinction.

Mr. BOLAND. Mr. Chairman, I want to express my support for this legislation. The worldwide population of marine mammals has been thinning at an alarming rate, plummeting by the hundreds of thousands within the past decade alone. Some animals—a few species of whale, most notably—have been all but decimated. Many stretches of open sea and coastal waters, once teeming with mammalian life, are now barren of it. Without congressional action, some species of marine mammals may be driven to the brink of extinction. The survival of eight groups of animals is at stake here—whales, porpoises, dolphins, seals, walruses, sea otters, polar bears, manatees.

The bill now before us would give them meaningful new protection, directing the Secretaries of Commerce and Interior to draw up limitations on their capture, killing or harassment. The limitations would take into account these factors: the population of the species, the marine ecosystem in which it exists, the conservation of fishery resources, the economic and technological feasibility of implementation. Once the new standards are made final, the Commerce and Interior Departments may grant permits for taking marine mammals only if the means of taking them are wholly consistent with the standards. Anyone seeking a permit, for example, must demonstrate plainly and unequivocally that his actions would not threaten the species involved. Even when an applicant cites overpopulation as justification for a permit, the Interior or Commerce Department must first consider transferring animals to another site.

All applications for permits, moreover, must be published in the Federal Register—giving protesters ample opportunity to seek judicial review.

The penalties for violating this bill's provisions would be stiff: up to $10,000 in fines for a civil violation, up to $20,000 in fines or up to a year in prison for a criminal violation.

To further discourage violations—the provisions of H.R. 10420, like those of most conservation laws, are not easily enforced—the bill would place an outright ban on the importation of any ocean mammal that meets any of the following criteria: pregnant when taken, nursing or less than 8 months old, taken from a depleted or endangered species, taken in a way considered inhumane.

Even further, the bill would establish a Marine Mammal Commission to keep abreast of the problem and would make research grants available for its study.

Mr. BROOMFIELD. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Arizona (Mr. UDALL).

It is a good amendment—one which is necessary if we really wish to protect ocean mammals. However, I would prefer a moratorium of 10 years rather than 5 years on the killing of ocean mammals.

Senator HARRISON WILLIAMS has introduced a bill providing for a 10-year moratorium. During the course of the Senate hearings, most of the marine experts who appeared before that committee expressed support of the bill embodying the 10-year moratorium. This included Victor B. Scheffer, author of the "Year of the Whale," and Dr. Roger Payne who recorded the record, "Songs of the Humpback Whale."

A number of very convincing arguments were made by these witnesses as to the necessity of a period in which random killing and interference with the animals should be prohibited; and that this period should be certainly no less than a minimum of 10 years.

There is now evidence of a dramatic deterioration of the marine environment. Quantities of residual pesticides and other toxic chemicals have been released into the marine environment, and are making their way into the complex marine food webs.

There is evidence that the reproductive and behavioral interference resulting from pesticide poisoning which has depleted the U.S. population of brown pelicans, falcons, and other birds, may now be affecting marine mammals. A causal connection is now well established between endemic abortion among California sea lions on certain channel island rookeries, and extremely high levels of DDT and PCB's. The afflicted population winters in the area of a Montrose chemical plant where insecticides are manufactured, and where agricultural runoff is high. Similar reproductive interference is suspected in stellar sea lions.

Many species of seals and whales are showing very high levels both of pesticide residues and of heavy metals such as mercury, cadmium, and chromium.

Vast amounts of these poisons are present in estuaries and coastal areas from previous as well as current discharges. They tend to work gradually through the food webs and concentrate in high-level consumers. It is feared that this process is only beginning. If all further release of poisons were to be halted tomorrow, the situation would get far worse before it got better.

Furthermore, given the present lack of knowledge and considering that the effects of poisoning may not peak for several decades, it is absurd to consider 5 years as an adequate period for gaining needed information. It requires from 6 to 10 years for most of the mammals being considered here to reach minimum reproductive age.

Mr. Chairman, I am doubtful that there is any rational basis for asserting that knowledge now exists to manage most marine mammal populations. Simple analogies based on wildlife management cannot be taken seriously. If we are going to "manage" these animals, we had better know what we are doing, and obviously we do not.

The great whales have been virtually exterminated while being "managed," and the slaughter is continuing at the hands of the Russians and Japanese. It is especially important for the sake of these magnificent mammals that we set a strong example for foreign governments. A 10-year period would be consistent with the resolution this House has already passed, calling upon the international community to impose a 10-year moratorium on the killing of whales, to permit the gravely endangered and depleted stocks of whales to recover.

If the 10-year estimate is in error, it errs in being too conservative. A great deal is at stake here. What we do may have a great deal to do with whether a number of species of magnificently adapted, large brained mammals will be able to withstand the trials of this time. It may have a good deal to do, by the precedent it sets, in determining whether the marine environment remains viable.

In closing, Mr. Chairman, I would like to say this. Marine mammals are in difficulty not because we have failed to manage them properly, but because we have not managed ourselves properly. If we cannot halt our unrestrained population growth, and curb our aggressiveness, the oceans will not remain viable and the creatures being discussed here will not survive. Neither, very possibly, will we.

I believe the outcome may be dependent, finally, not on the development of scientific knowledge, however important this is, but upon the adoption of a standard of reverence for all life.

Mr. KYROS. Mr. Chairman, I rise in support of H.R. 10420, the Marine Mammal Protection Act of 1972. This is the second attempt by the House of Representatives to approve this much-needed legislation, and I am pleased that the bill has been considerably strengthened this time by the adoption of an amendment to establish a 5-year moratorium, during which no commercial killing or importing of marine mammals is permitted.

This amendment also contains a provision which will do much to assist the tuna industry in its search for a method of taking tuna that does not harm dolphins and porpoises at the same time. As we all know, some 200,000 of these delightful creatures have been accidentally drowned each year in the course of commercial tuna fishing.

The Marine Mammal Protection Act is a sound beginning to this country's efforts to preserve our endangered marine species. It has been estimated that ocean life has decreased by 40 percent in the past 20 years, and we now realize that steps must be taken to preserve our rapidly diminishing marine mammal population. Animals have not been placed on this earth solely for man's use. The interrelationships of living things are so complex that we do not possibly realize their extent.

I am pleased with the prudent and responsible action of the House of Representatives in approving this measure, which will attempt to restore marine mammal stocks to full biological productivity.

Mr. DON H. CLAUSEN. Mr. Chairman, I want to take this opportunity to reiterate my strong support for H.R. 10420, the Marine Mammal Protection Act, of which I am a coauthor.

When the bill narrowly missed receiving the requisite two-thirds vote when it was on the Suspension Calendar late in the last Congress, I indicated the importance of this measure's dual approach to the problem of endangered marine mammals. This proposal combines protection of the mammals with a greatly enlarged program of research to improve our ability to preserve these species.

Because time is of the essence in this situation, I hope that there will be no further delay in the enactment of this legislation and that the strong provisions of the bill as drafted and as approved by the Merchant Marine and Fisheries Committee will be retained.

In addition to the features of this bill as I outlined them to the House last December, let me point out the great value of the Marine Mammal Protection Act as a precedent for the protection and preservation of other animal species.

By combining protective conservation techniques with research programs, we are setting the stage for extending this concept to many other animal species whose numbers may not be as severely threatened as marine mammals but whose populations could benefit from additional protection and increased understanding.

While I regret the delay in approval of this legislation occasioned by the necessity to reconsider under the regular, more lengthy procedures of the House, I am confident that its passage today will urge the Senate to prompt action. We need this protection at the earliest possible date.

I would also like to take this opportunity to point out the efforts of thousands of concerned citizens throughout the country whose stanch support for this concept has prodded the Congress to act. An enlightened understanding of environmental issues on the part of a growing number of Americans is insuring the enactment of purposeful, effective legislation to protect and improve our natural resources.

I, for one, very much want to encourage this kind of citizen involvement.

Mr. RYAN. Mr. Chairman, there is significant need for the Congress to enact strong legislation to protect ocean mammals. Unfortunately, the legislation before us today—H.R. 10420—falls short of living up to its name, "The Marine Mammal Protection Act." For while the committee-reported bill does provide an elaborate mechanism for the development of a permit system for the management of marine mammals, it does not go nearly far enough in providing restraints against unchecked commercial killing of such mammals as seals, porpoises, whales, polar bears, and other animals which are severely threatened by the rapacious nature of man.

It is my firm belief that, if the continued existence of these ocean mammals is to be protected, this legislation must be strengthened to include at least four essential features, and I will fully support any amendments to do so.

First, there should be a 10-year moratorium on the killing of marine mammals, with the possible exception only of the take of Probilof fur seals, which is presently regulated by international treaty, and taking for native subsistence and scientific study. As Tom Garrett, wildlife conservation director of the Friends of the Earth, recently pointed out:

> A hiatus of ten years in killing by U.S. citizens of marine mammals will help permit endangered and depleted populations to recover. It will set an example for foreign governments. It will allow a period of careful study, to monitor the effects of environmental pollution, and to develop some understanding of the behavior and population dynamics of the animals.

Second, I believe that there should be a ban on imports of the products of marine mammals. It is clear that the United States and its citizens do not bear the sole blame for the devastation of ocean mammals. For instance, Japan and the Soviet Union account for most of the world's whaling. Although it is not within this Nation's exclusive control to halt the slaughter of whales, polar bears, walruses, and other species, our actions can have an enormously powerful trickle-down effect. For example, while we engage in little whaling, we do account for about one-third of the consumption of whale products. If we close our doors to the importation of ocean mammal products, therefore, we inevitably must decrease the profitability of their destruction, and in turn, we increase the likelihood of cessation of that destruction.

Thus, we must ban the import of all ocean mammal products.

Third, there should be a 1-year deadline in which to eliminate the killing of dolphins and porpoises incidental to tuna fishing operations. It is estimated that each year some 250,000 dolphins are killed in purse sein nets by U.S. fisherman in the eastern Pacific alone. This is a tragic example of the effects of ruthless and unrestrained international competition for marine resources. This murderous undertaking must be ended.

And fourth, the act should be administered by a single agency—the Department of the Interior.

Perhaps the most graphic explanation of why such stringent legislation is imperative is the description of the slaughter which this country and others have perpetrated against the whale.

The whales are among creation's most intelligent creatures. They communicate with each other, using numerous sounds in their language. They demonstrate an intense loyalty to each other, so that a school of whales will beach itself and thereby commit mass self-destruction in its efforts to come to the aid of a captured or beached brother. Certainly, man's hunting down these creatures cannot be condoned. It does not involve the extermination of a vicious, disease-carrying animal such as the rat, but rather the slaughter of a complex, intelligent and harmless animal of the highest order.

What has man succeeded in doing? In December 1968, the Committee on Rare and Endangered Wildlife Species of the Department of Interior's Bureau of Sport Fisheries and Wildlife compiled a list of "Rare and Endangered Fish and Wildlife of the United States." This compilation listed six large whale species of just American waters which are in jeopardy. Of the gray whale, 8,000 were estimated to be left in the California herd, as of 1965. The compilation listed "perhaps a few hundreds in the Atlantic" as remaining of the blue whale, and less than 1,500 in the Pacific herd. Less than 5,000 humpback whales remained in the North Pacific. As for the Atlantic right whale, the compilation stated that "possibly only a few hundreds persist." The same dire situation existed for the Pacific right whale. As for the bowhead whale, there were an estimated 1,000 in the Bering-Chukchi-Beaufort Sea population, with lesser numbers elsewhere.

The fate of the blue whale is a tragic object lesson of the pillage which has been committed. The blue whale is the largest creature ever to inhabit the earth. An adult blue whale measures up to 98 feet long and weighs perhaps as much as 160 tons. Even its newborn young are larger than a full-grown elephant and are reputed to consume more than one-half ton of milk daily.

At the beginning of this century, the blue whale population was over 100,000. Today, only a few hundred blue whales, perhaps as many as 3,000 according to some estimates, populate our entire planet. As Lewis Regenstein has written, in a recent article entitled, "The Vanishing Whales: Long Odds Against Survival," which appeared in the August 22 edition of the Washington Post:

> There is serious doubt that enough males and females will be able to find each other over the great expanse of the ocean to enable the species to breed and perpetuate itself.

James Fisher, Noel Simon, and Jack Vincent have starkly identified the cause of the blue whale's demise in "Wildlife in Danger," at page 60:

> The demise of the dinosaurs remains veiled in mystery and surmise, but there is no need to speculate on the reasons for the disappearance of the Blue Whale; the rapaciousness of man is wholly responsible. Seas and oceans comprise 70 per cent of the earth's surface, and one would have thought this ample habitat allowed more than enough space for the whale's survival, but pursuit of the whale has been so persistent that nowhere on the face of the sea or in its uttermost depths, however remote or vast or forbidding, is there any longer a true sanctuary beyond the reach of man's ruthless exploitation.

It may well be too late for the blue whale. The Asiatic gray whale population has apparently disappeared. The largest known colony of nominally protected southern right whales was wiped out in 1962.

Threatened with imminent extinction are the humpback, the sei, the finback, the bowhead, the sperm, the gray, and the right whales. The frightening pace at which extinction is coming upon these species is indicated just by examining the figures for the estimated average population size of the fin whale, published by the International Whaling Commission:

1955–56	110, 000
1956–57	101, 700
1957–58	89, 000
1958–59	88, 600
1959–60	65, 700
1960–61	59, 700
1961–62	45, 300
1962–63	40, 000
1963–64	32, 400

This need not be. Whales do not threaten man. There is no need of self-defense to kill them. They do not endanger our crops, crowd our territory. The commercial products which are derived from them are not unique: whale meat, used for dog and cat food and on mink farms, can easily be replaced by other meats; whale oil can easily be replaced by other products.

In simple terms, then, we are embarked on destruction—pure and simple.

Nor are whales by any means the sole victims of our rapaciousness. To document this we need only look at the fate of the polar bear.

The male polar bear averages about 900 pounds, although specimens twice as heavy have been recorded. It stands about 5 feet at the shoulders and is 7 to 8 feet or more long. The polar bear is found in the Arctic, distributed around the Pole. For much of the year, it lives on the pack ice of the Arctic Ocean. A magnificent animal—and again an animal which in no way threatens man—the polar bear, like the whales, is endangered. The largest and most flourishing white bear population is found in the Canadian Arctic where only 6,000 or 7,000 exist—possibly more than half the world's total. The bear population of Greenland, once high, has severely declined as a result of excessive hunting. Similar over-hunting has reduced the population in the Soviet sector of the bear's range.

Thus, we see a magnificent creature declining. He does not threaten man. He offers no commercially essential products. He is, however, a handsome trophy, and so he is sacrificed to those who mark their accomplishments by the number of heads mounted over their mantle.

Such wanton disregard for nature and the environment cannot be countenanced.

The Congress has an obligation to protect ocean mammals from the possibility of extinction. I urge my colleagues to support those amendments which would strengthen the bill before us in order to truly make it a "Marine Mammal Protection Act."

Mr. VANIK. Mr. Chairman, during the past 35 years, 45 species of animals have been placed on the list of extinction. These animals have been lost from the face of the earth because of man's negligence. Accompanying this tragic number of extinct animals is a list of 233 species of animals on the "endangered" list.

In New York City alone there are more tigers than in all of India; but, the disillusioning point is that they are used for throw rugs.

Not only have our land animals been threatened, but also sea mammals.

H.R. 10420, the Ocean Mammal Protection Act, is not strong enough to protect our ocean mammals from man's abuse and possible extinction. I am hopeful that the Congress can enact stronger legislation.

This bill, which limits the importation of the products and byproducts of an endangered species will certainly help control the demand in the American market for such products, but it fails to take any step toward international agreements and understanding which would protect these animals. For example, the Japanese, Soviets, and a number of other nations are the principal nations involved in the hunting of many species of whales and seals, and their harvesting practices are largely at fault for endangering the continuation of these species.

Man is the only animal that kills more than he needs to survive.

I believe that it is time to develop strong legal protection to stop the needless killing of ocean mammals and other animals.

MAMMAL PROTECTION

Part of the act will be administered by the Department of Commerce, an agency of the Government which has always been dedicated to the development and exploitation of a resource—never its conservation. I will support any effort to place the administration of this bill solely with the Department of the Interior.

H.R. 10420 does not have any provision to protect dolphins. Today dolphins are being killed by man at a rate that soon will push three species of ocean mammals to the edge of extinction. The United States alone is responsible for the death of a quarter of a million dolphins a year. No one hunts the creatures for their flesh or their oil or their hides. The slaughter is the byproduct of the yellowfin tuna catch. The dolphins are threatened with extinction because of their natural affinity for the tuna and a recent product of man's inventive genius, the purse seine. This ingenious device can encircle an entire school of tuna. It also fences in schools of dolphins that travel with the fish. As the seine draws tighter the dolphins are caught, held under water and drowned. Because of this needless slaughter I will support the amendment that includes a moratorium on the killing of dolphins and porpoises.

An absolute moratorium on the killing of ocean mammals for at least 5 years and an import restriction on their hides is a needed amendment to make H.R. 10420 aceptable.

I will support any efforts to strengthen this legislation. Throughout the bill, more emphasis appears to be given to the "harvesting" of animals on a "sustained yield basis" than to the actual proper place of these animals within our environment.

Although this legislation does not provide all of the safeguards I feel are necessary—with several strong amendments added I feel it is a step in the right direction.

Mr. DINGELL. Mr. Chairman, I have no further requests for time and reserve the balance of my time.

Mr. PELLY. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Pursuant to the rule, the Clerk will read the committee amendment in the nature of a substitute printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Marine Mammal Protection Act of 1971".

FINDINGS AND DECLARATION OF POLICY

SEC. 2. The Congress finds that—

(1) certain species and population stocks of marine mammals are, or may be, in danger of disappearance or depletion as a result of man's activities;

(2) such species and population stocks should not be permitted to diminish beyond the point at which they contribute effectively to the health and stability of the ecosystem of which they are a part, and, consistent with this major objective, they should not be permitted to diminish beyond the point at which they can maintain that equilibrium at which they may be managed on an optimum sustained yield basis. Further, measures should be immediately taken to replenish any species or population stock which has already diminished beyond that point;

(3) there is inadequate knowledge of the population dynamics of such marine mammals and of the factors which bear upon their ability to reproduce themselves successfully;

(4) negotiations should be undertaken, as soon as possible, to encourage the development of international arrangements for research on, and conservation of, all marine mammals;

(5) marine mammals and marine mammal products either—

(A) move in interstate commerce, or

(B) affect the balance of marine ecosystems in a manner which is important to other animals and animal products which move in interstate commerce,

and that the protection and management of marine mammals is therefore necessary to insure the continuing availability of those products which move in interstate commerce; and

(6) marine mammals have proven themselves to be resources of great international significance, esthetic and recreational as well as economic, and it is the sense of Congress that they should be protected and encouraged to develop to the greatest possible extent commensurate with sound policies of resource management and that the primary objective of their management should be to maintain the health and stability of the marine ecosystem. Whenever consistent with this primary objective, a secondary objective should be to maintain an optimum sustained yield.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) The term "depletion" or "depleted" means any case in which the number of individuals within a species or population stock has declined to a significant degree over

a period of years and, if that decline were to continue, would result in that species or population stock being threatened with extinction and therefore subject to the provisions of the Endangered Species Conservation Act of 1969.

(2) The term "district court of the United States" includes the District Court of Guam, District Court of the Virgin Islands, District Court of Puerto Rico, District Court of the Canal Zone, and in the case of American Samoa and the Trust Territory of the Pacific Islands, the District Court of the United States for the District of Hawaii.

(3) The term "humane" in the context of the taking of a marine mammal means that method of taking which involves the least possible degree of pain and suffering practicable to the animal involved.

(4) The term "marine mammal" means any mammal which (A) is morphologically adapted to the marine environment (including sea otters and members of the orders Sirenia, Pinnipedia, and Cetacea), or (B) primarily inhabits the marine environment (such as the polar bear); and, for the purposes of this Act, includes any part of any such marine mammal, including its raw, dressed, or dyed fur or skin.

(5) The term "marine mammal product" means any item of merchandise which consists, or is composed in whole or in part, of any marine mammal.

(6) The term "optimum sustained yield" means the sustained yield that results in a population of an optimum number of animals, keeping in mind the health of the ecosystem of which they form a constituent element.

(7) The term "person" includes (A) any private person or entity, and (B) any officer, employee, agent, department, or instrumentality of the Federal Government, of any State or political subdivision thereof, or of any foreign government.

(8) The term "population stock" or "stock" means a group of interbreeding marine mammals of the same species or smaller taxa in a common spatial arrangement.

(9) The term "Secretary" means—

(A) the Secretary of Commerce as to all responsibility, authority, and duties under this Act with respect to members of the order Cetacea and members, other than walruses, of the order Pinnipedia, and

(B) the Secretary of the Interior as to all responsibility, authority, and duties under this Act with respect to all other marine mammals covered by the Act.

(10) The term "sustained yield" means a harvest equaling the net population growth of a species or stock at any selected population level.

(11) The term "take" means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal.

(12) The term "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, the possesisons of the United States, and the Trust Territory of the Pacific Islands.

(13) The terms "waters under the jurisdiction of the United States" means—

(A) the territorial sea of the United States, and

(B) the fisheries zone established pursuant to the Act of October 14, 1966 (80 Stat. 908, 16 U.S.C. 1091–1094).

TITLE I—CONSERVATION AND PROTECTION OF MARINE MAMMALS

PROHIBITIONS

SEC. 101. (a) Except as provided in sections 103 and 107 of this title, it is unlawful—

(1) for any person subject to the jurisdiction of the United States or any vessel or other conveyance subject to the jurisdiction of the United States to take any marine mammal on the high seas;

(2) for any person or vessel or other conveyance to take any marine mammal in waters or on lands under the jurisdiction of the United States except as expressly provided for by an international agreement to which the United States is a party and which was entered into before the effective date of this title;

(3) for any person to use any port, harbor, or other place under the jurisdiction of the United States for any purpose in any way connected with acts prohibited under paragraphs (1) and (2) of this subsection; and

(4) for any person, with respect to any marine mammal taken in violation of this title—

(A) to possess any such mammal; or

(B) to transport, sell, or offer for sale any such mammal or any marine mammal product made from any such mammal.

(b) Except pursuant to a permit for scientific research issued under section 103(c), it is unlawful to import into the United States any marine mammal if such mammal was—

(1) pregnant at the time of taking;

(2) nursing at the time of taking, or less than eight months old, whichever occurs later;

(3) taken from a species or population stock which the Secretary has, by regulation published in the Federal Register, designated as a depleted or endangered species or stock; or

(4) taken in a manner deemed inhumane by the Secretary.

(c) It is unlawful to import into the United States any of the following:

(1) Any marine mammal which was—

(A) taken in violation of this title; or

(B) taken in another country in violation of the law of that country.

(2) Any marine mammal product if—

(A) the importation into the United States of the marine mammal from which such product is made is unlawful under paragraph (1) of this subsection; or

(B) the sale in commerce of such product in the country of origin of the product is illegal.

(3) Any fish, whether fresh, frozen, or otherwise prepared, if such fish was caught in a manner determined by the Secretary to be injurious to marine mammals, whether or not any mammals were in fact taken incident to the catching of the fish.

(d) Subsections (b) and (c) of this section shall not apply—

(1) with respect to any article imported into the United States before the effective date of this title;

(2) in the case of articles to which subsection (b)(3) of this section applies, to articles imported into the United States before the date on which the Secretary publishes notice in the Federal Register of his proposed rulemaking with respect to the designation of the species or stock concerned as depleted or endangered; or

(3) in the case of articles to which subsection (c)(1)(B) or (c)(2)(B) of this section applies, to articles imported into the United States before the effective date of the foreign law making the taking or sale, as the case may be, of such articles unlawful.

LIMITATIONS ON TAKING OF MARINE MAMMALS

SEC. 102. (a) The Secretary, on the basis of scientific evidence demonstrating the need for limitations, shall prescribe such limitations with respect to the taking of animals from each species of marine mammal (including within population stocks) as he deems necessary and appropriate to insure that such taking will not be to the disadvantage of those species or population stocks and will be consistent with the purposes and policies set forth in section 2 of this Act.

(b) In prescribing such limitations, the Secretary shall give full consideration to all factors which may affect the extent to which such animals may be taken, including but not limited to the effect of such limitations on—

(1) existing and future levels of marine mammal species and population stocks;

(2) existing international treaty and agreement obligations of the United States;

(3) the marine ecosystem and related environmental considerations;

(4) the conservation, development, and utilization of fishery resources; and

(5) the economic and technological feasibility of implementation.

(c) The limitations prescribed under subsection (a) of this section for any species or population stock of marine mammal may include, but are not limited to, restrictions with respect to—

(1) the number of animals which may be taken in any calendar year pursuant to permits issued under section 103;

(2) the age, size, or sex (or any combination of the foregoing) of animals which may be taken, whether or not a quota prescribed under paragraph (1) of this subsection applies with respect to such animals;

(3) the season or other period of time within which animals may be taken; and

(4) the manner and locations in which animals may be taken.

(d) Limitations prescribed to carry out this section must be made on the record after opportunity for agency hearing, except that, in addition to any other requirements imposed by law with respect to agency rulemaking, the Secretary shall publish and make available to the public either before or concurrent with the publication of notice in the Federal Register of his intention to prescribe limitations under this section—

(1) a statement of the existing levels of the species and population stocks of the marine mammal concerned;

(2) a statement of the expected impact of the proposed limitations on such species or population stock;

(3) a statement describing the evidence before the Secretary upon which he proposes to base such limitations; and

(4) any studies or recommendations made by, or for, the Secretary or the Marine Mammal Commission which relate to the establishment of such limitations.

(e) Any limitation prescribed pursuant to this section shall be periodically reviewed, and may be modified from time to time in such manner as the Secretary deems necessary to carry out the purposes of this Act.

PERMITS

SEC. 103. (a) The Secretary may issue permits which authorize the taking of any marine mammal.

(b) Any permit issued under this section shall—

(1) be consistent with any applicable limitation established by the Secertary under section 102, and

(2) specify—

(A) the number and kind of animals which are authorized to be taken,

(B) the location and manner (which manner must be determined by the Secretary to be humane) in which they may be taken,

(C) the period during which the permit is valid, and

(D) any other terms or conditions which the Secretary deems appropriate.

In any case in which an application for a permit cites as a reason for the proposed taking the overpopulation of a particular species or population stock, the Secretary shall first consider whether or not it would be more desirable to transfer a number of animals (but not to exceed the number requested for taking in the application) of that species or stock to a location not then inhabited by such species or stock but previously inhabited by such species or stock.

(c) Any permit issued by the Secretary

which authorizes the taking of a marine mammal for purposes of display or scientific research shall specify, in addition to the conditions required by subsection (b) of this section, the methods of capture, supervision, care, and transportation which must be observed pursuant to and after such taking. Any person authorized to take a marine mammal for purposes of display or scientific research shall furnish to the Secretary a report on all activities carried out by him pursuant to that authority.

(d) (1) The Secretary shall prescribe such procedures as are necessary to carry out this section, including the form and manner in which application for permits may be made.

(2) The Secretary shall publish notice in the Federal Register of each application made for a permit under this section. Such notice shall invite the submission from interested parties, within 30 days after the date of the notice, of written data, views, or arguments with respect to the taking proposed in such application.

(3) The applicant for any permit under this section must demonstrate to the Secretary that the taking of any marine mammal under such permit will be consistent with the purposes of this Act and the applicable limitations established under section 102.

(4) Upon written request of any interested party, if such request is filed within thirty days after the date of publication of notice pursuant to paragraph (2), the Secretary may grant a hearing of record with respect to the application. If granted, such hearing shall be conducted on an expeditious basis.

(5) As soon as practicable (but not later than thirty days) after the close of the hearing or, if no hearing is held, after the last day on which data, views, and arguments may be submitted pursuant to paragraph (2), the Secretary shall (A) issue a permit containing such terms and conditions as he deems appropriate, or (B) shall deny issuance of a permit. Notice of the decision of the Secretary to issue or to deny any permit under this paragraph must be published in the Federal Register within ten days after the date of issuance or denial.

(6) Any applicant or party opposed to the permit may obtain judicial review of the terms and conditions of any permit issued by the Secretary under this section, or his refusal to issue such a permit. Such review, which shall be pursuant to chapter 7 of title 5, United States Code, may be initiated by filing a petition for review in the United States district court for the district wherein the plaintiff resides, or has his principal place of business, or in the United States District Court for the District of Columbia, within sixty days after the date on which such permit is issued or denied.

(e) (1) The Secretary may modify, suspend, or revoke in whole or part any permit issued by him under this section—

(A) in order to make any such permit consistent with any change made after the date of issuance of such permit with respect to any applicable limitation prescribed under section 102, or

(B) in any case in which a violation of the terms and conditions of the permit is found.

(2) Any modification, suspension, or revocation of a permit under this subsection shall take effect at the time notice thereof is given to the permittee. The permittee shall then be granted opportunity for expeditious hearing by the Secretary with respect to such modification, suspension, or revocation. Any action taken by the Secretary after such a hearing is subject to judicial review on the same basis as is any action taken by him with respect to a permit application under paragraph (5).

(3) Notice of the modification, suspension, or revocation of any permit by the Secretary shall be published in the Federal Register within ten days from the date of the Secretary's decision.

(f) Any permit issued under this section must be in the possession of the person to whom it is issued (or an agent of such person) during—

(1) the time of the authorized taking;

(2) the period of any transit of such person or agent which is incident to such taking; and

(3) any other time while any marine mammal taken under such permit is in the possession of such person or agent.

A duplicate copy of the issued permit must be physically attached to the container, package, enclosure, or other means of containment, in which the marine mammal is placed for purposes of storage, transit, supervision, or care.

(g) No permit shall be issued pursuant to this section for the taking of any marine mammal during the sixty-day period commencing on the effective date of the initial limitations prescribed pursuant to section 102 with respect to the species or population stock concerned.

(h) The Secretary shall establish and charge a reasonable fee for permits issued under this section.

(i) Consistent with the limitations prescribed pursuant to section 102 and to the requirements of this section, the Secretary may issue general permits for the taking of marine mammals, together with regulations to cover the use of such general permits.

PENALTIES

SEC. 104. (a) Any person who violates any provision of this title or of any permit or regulation issued thereunder may be assessed a civil penalty by the Secretary of not more than $10,000 for each such violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. Each violation shall be a separate offense. Any such civil penalty may be remitted or mitigated by the Secretary for good cause shown. Upon any failure to pay a penalty assessed under this subsection, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found, resides, or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action.

(b) Any person who knowingly violates any provision of this title or of any permit or regulation issued thereunder shall, upon conviction, be fined not more than $20,000, or imprisoned for not more than one year, or both. The Secretary of the Treasury shall pay to any person who furnishes information which leads to a conviction for violation of this subsection an amount equal to one-half of the fine incurred, but not to exceed $2,500 for each violation.

VESSEL FORFEITURE

SEC. 105. Any vessel or other conveyance subject to the jurisdiction of the United States that is employed in any manner in the unlawful taking of any marine mammal shall be subject to seizure and forfeiture. All provisions of law relating to the seizure, judicial forfeiture, and condemnation of a vessel for violation of the customs laws, the disposition of such vessel, and the proceeds from the sale thereof, and the remission or mitigation of any such forfeiture, shall apply with respect to any vessel or other conveyance seized in connection with the unlawful taking of a marine mammal insofar as such provisions of law are applicable and not inconsistent with the provisions of this title. For the purposes of this section, the term "vessel" includes its tackle, apparel, furniture, appurtenances, cargo, and stores.

ENFORCEMENT

SEC. 106. (a) Except as otherwise provided in this title, the Secretary shall enforce the provisions of this title. The Secretary may utilize, by agreement, the personnel, services, and facilities of any other Federal agency for purposes of enforcing this title.

(b) The Secretary may also designate officers and employees of any State or of any possession of the United States to enforce the provisions of this title. When so designated, such officers and employees are authorized to function as Federal law enforcement agents for these purposes, but they shall not be held and considered as employees of the United States for the purposes of any laws administered by the Civil Service Commission.

(c) The judges of the United States district courts and the United States magistrates may, within their respective jurisdictions, upon proper oath or affirmation, showing probable cause, issue such warrants or other process, including warrants or other process issued in admiralty proceedings in United States district courts, as may be required for enforcement of this title and any regulations issued thereunder.

(d) Any person authorized by the Secretary to enforce this title may execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this title. Such person so authorized may, in addition to any other authority conferred by law—

(1) with or without warrant or other process, arrest any person committing in his presence or view a violation of this title or the regulations issued thereunder;

(2) with a warrant or other process or without a warrant, if he has reasonable cause to believe that a vessel or other conveyance subject to the jurisdiction of the United States or any person on board is in violation of any provision of this title or the regulations issued thereunder, to search such vessel or conveyance and to arrest such person;

(3) seize any vessel or other conveyance subject to the jurisdiction of the United States, together with its tackle, apparel, furniture, appurtenances, cargo, and stores, used or employed contrary to the provisions of this title or the regulations issued hereunder or which reasonably appears to have been so used or employed; and

(4) seize, whenever and wherever found, all marine mammals and marine mammal products taken or retained in violation of this title or the regulations issued thereunder and shall dispose of them in accordance with regulations prescribed by the Secretary.

(e) (1) Whenever any marine mammal or marine mammal product is seized pursuant to this section, the Secretary shall expedite any proceedings commenced under section 104 (a) or (b). All marine mammals or marine mammal products so seized shall be held by any person authorized by the Secretary pending disposition of such proceedings. The owner or consignee of any such marine mammal or marine mammal product so seized shall, as soon as practicable following such seizure, be notified of that fact in accordance with regulations established by the Secretary.

(2) The Secretary may, with respect to any proceeding under section 104 (a) or (b), in lieu of holding any marine mammal or marine mammal product, permit the person concerned to post bond or other surety satisfactory to the Secretary pending the disposition of such proceeding.

(3) (A) Upon the assessment of a penalty pursuant to section 104(a), all marine mammals and marine mammal products seized in connection therewith may be proceeded against in any court of competent jurisdiction and forfeited to the Secretary for disposition by him in such manner as he deems appropriate.

(B) Upon conviction for violation of section 104(b), all marine mammals and marine mammal products seized in connection therewith shall be forfeited to the Secretary for disposition by him in such manner as he deems appropriate. Any other property or item so seized may, in the discretion of the court, be forfeited to the United States or otherwise disposed of.

(4) If with respect to any marine mammal or marine mammal product so seized—

(A) a civil penalty is assessed under section 104(a) and no judicial action is commenced to obtain the forfeiture of such mammal or product within 30 days after such assessment, such marine mammal or marine mammal product shall be immediately returned to the owner or the consignee; or

(B) no conviction results from an alleged violation of section 104(b), such marine mammal or marine mammal product shall immediately be returned to the owner or consignee if the Secretary does not, within 30 days after the final disposition of the case involving such alleged violation, commence proceedings for the assessment of a civil penalty under section 104(a).

EXCEPTIONS FOR CERTAIN NATIVES

SEC. 107. (a) The provisions of this title shall not apply with respect to the taking of any marine mammal (other than a marine mammal classified as one belonging to an endangered species pursuant to the Endangered Species Conservation Act of 1969) by any Indian, Aleut, or Eskimo who dwells on the coast of the North Pacific Ocean or the Arctic Ocean if such taking—

(1) is for subsistence purposes and in accordance with traditional customs,

(2) is not accomplished in a wasteful manner, and

(3) is not done for purposes of direct or indirect commercial sale.

(b) Notwithstanding the provisions of this section, when the Secretary determines it to be in the interests of any species or stock of marine mammal, he may prescribe limitations upon the taking of such marine mammals by any Indian, Aleut, or Eskimo described in subsection (a) of this section. Such limitations may be established with reference to species or stocks, geographical description of area included, season for taking, or any other basis related to the reason for establishing such limitations and consistent with the purposes of this Act. Such limitations shall be removed as soon as the need for their imposition has disappeared.

INTERNATIONAL PROGRAM

SEC. 108. The Secretary, through the Secretary of State, shall—

(1) encourage the entering into of bilateral or multilateral agreements with other nations for the protection of specific ocean and land regions which are of special significance to the health and stability of marine mammals;

(2) encourage the amendment of any existing international treaty for the protection of any species of marine mammal to which the United States is a party in order to make such treaty consistent with the purposes and policies of this title;

(3) seek the convening of an international ministerial meeting on marine mammals before July 1, 1973, and included in the business of that meeting shall be (A) the signing of a binding international convention for the protection and management of marine mammals, and (B) the implementation of paragraph (2) of this section; and

(4) provide to the Congress by not later than one year after the date of the enactment of this Act a full report on the results of his efforts under this section.

FEDERAL PREEMPTION; COOPERATION WITH STATES

SEC. 109. (a) Except as provided in subsection (b), no State may adopt any law or regulation relating to the taking of marine mammals or attempt to enforce any State law or regulation relating to such taking.

(b) The Secretary is authorized and directed to enter into cooperative arrangements with the appropriate officials of any State for the protection and management of marine mammals; except that any such arrangements must be consistent with the purposes and policies of this title.

MARINE MAMMAL RESEARCH GRANTS

SEC. 110. (a) The Secretary is authorized to make grants, or to provide financial assistance in such other form as he deems appropriate, to any Federal or State agency, public or private institution, or other person for the purpose of assisting such agency, institution, or person to undertake research in subjects which are relevant to the protection and management of marine mammals.

(b) The Secretary is authorized to make grants or provide other financial assistance to any State agency to enable such agency to develop and implement a State program for the protection and management of marine mammals which is consistent with the purposes and policies of this title.

(c) Any grant or other financial assistance provided by the Secretary pursuant to this section shall be subject to such terms and conditions as the Secretary deems necessary to protect the interests of the United States.

(d) There are authorized to be appropriated for the fiscal year in which this section takes effect and for the next four fiscal years such sums as may be necessary to carry out this section, but the sums appropriated for any such year shall not exceed $1,000,000, one-half of such sums to be available to each Secretary.

REGULATIONS AND ADMINISTRATION

SEC. 111. (a) The Secretary, in consultation with any other Federal agency to the extent that such agency may be affected, shall prescribe such regulations as are necessary and appropriate to carry out the purposes of this title.

(b) Each Federal agency in authorized and directed to cooperate with the Secretary, in such manner as may be mutually agreeable, in carrying out the purposes of this title.

(c) The Secretary may enter into such contracts, leases, cooperative agreements, or other transactions as may be necessary to carry out the purposes of this title and on such terms as he deems appropriate with any Federal or State agency, public or private institution, or other person.

(d) The Secretary shall review annually the operation of each program in which the United States participates involving the taking of marine mammals on land. If at any time the Secretary finds that any such program cannot be administered on lands owned by the United States or in which the United States has an interest and in a manner consistent with the purposes and policies of this Act, he shall suspend the operation of that program and shall forthwith submit to Congress his reasons for such suspension, together with recommendations for such legislation as he deems necessary and appropriate to resolve the problem.

APPLICATION TO OTHER TREATIES AND CONVENTIONS; REPEAL

SEC. 112. (a) The provisions of this title shall be deemed to be in addition to and not in contravention of the provisions of any existing international treaty or convention which may otherwise apply to the taking of marine mammals.

(b) The proviso to the Act entitled "An Act to repeal certain laws providing for the protection of sea lions in Alaska waters", approved June 16, 1934 (16 U.S.C. 659), is repealed.

AUTHORIZATIONS

SEC. 113. (a) There are authorized to be appropriated the sum of $1,500,000 for each of the five fiscal years following the date of enactment of this Act to enable the Department of Commerce to carry out such functions and responsibilities as it may have been given under this title.

(b) There are authorized to be appropriated the sum of $700,000 for the first fiscal year following the date of enactment of this Act and the sum of $525,000 for each of the next four fiscal years thereafter to enable the Department of the Interior to carry out such functions and responsibilities as it may have been given under this title.

Mr. DINGELL (during the reading). Mr. Chairman, I ask unanimous consent that title I of the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

AMENDMENTS OFFERED BY MR. UDALL

Mr. UDALL. Mr. Chairman, I offer two amendments and ask unanimous consent that they be considered en bloc, the second being technical and conforming.

The CHAIRMAN. Are they both to title I?

Mr. UDALL. Yes, they are to title I, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

Mr. GROSS. Mr. Chairman, I reserve the right to object and do so in order to ask that the amendments be read before granting this request.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. UDALL: Page 35, between lines 15 and 16 insert the following:

(g) (1) For the purposes of this subsection, the term "moratorium" means the 5-year period commencing on the date of the enactment of this Act.

(2) Notwithstanding any other provision of this title, during the moratorium no permit may be issued for the taking of any marine mammal and no marine mammal or marine mammal products may be imported into the United States except in the following cases:

(A) Permits may be issued, and importations may be made, for purposes of display or scientific research if—

(i) the taking proposed in the application for any such permit, or

(ii) the importation proposed to be made, is first reviewed and approved by the Marine Mammal Commission and the Committee of Scientific Advisors on Marine Mammals established under title II of this Act. The Commission and Committee shall approve any proposed taking or importation which will not be to the disadvantage of the species or population stock concerned and will be consistent with the purposes and policies of section 2 of this Act. If the Commission and Committee approve any proposed importation, the Secretary shall issue to the importer concerned a certificate to that effect which shall be in such form as the Secretary of the Treasury prescribes and such importation may be made upon presentation of the certification to the customs officer concerned.

(B) Permits may be issued which authorize such taking of marine mammals as may incidentally occur in the course of commercial fishing operations, but each such permit shall be subject to such conditions and regulations as the Secretary shall impose to insure that the permittee uses those techniques and that equipment which will produce the least practicable hazard to marine mammals.

(C) Permits may be issued for the taking of fur seals pursuant to the Interim Convention on the Conservation of North Pacific Fur Seals and the Fur Seal Act of 1966. The Secretary is urged to take such action as may be necessary to obtain the agreement of the parties to the Convention to stop or reduce the taking of fur seals under the Convention during the moratorium.

(D) Skins of weaned seals may be imported into the United States solely for processing. Any seal skins so imported may be admitted ino the United States only under bond requiring the exportation of such skins within 2 years after the date of importation. The bond required under this paragraph shall be in an amount equal to five times the domestic value of the unprocessed seal skins covered by the bond.

(3) Except for scientific research purposes as provided for in paragraph (2)(A) of this subsection, during the moratorium no permit may be issued for the taking of any marine mammal which is classified as belonging to an endangered species pursuant to the Endangered Species Conservation Act of 1969 and no importation may be made of any such mammal.

And redesignate the succeeding subsections of section 103 accordingly.

Page 41, line 7, after the word "title" place a comma and include the following: "including section 103(g),"

Mr. UDALL. Mr. Chairman, I ask unanimous consent that the two amendfents be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona (Mr. UDALL)?

There was no objection.

Mr. UDALL. Mr. Chairman, I rise at the request of the gentleman from Arkansas (Mr. PRYOR) to offer an amendment which he drafted and supports. Many of my colleagues are aware of the long, tireless, and sometimes lonesome fight that DAVID PRYOR has made to save the marine mammal, and if we succeed today in passing a strong protective bill it will in no small measure be a tribute to the strength and tenacity of this gifted public servant.

It will also be a tribute to the gentleman from Michigan (Mr. DINGELL) whose work on animal life conservation is well known and applauded throughout the country, and the members of the Merchant Marine and Fisheries Committee who have dedicated much time and effort to this difficult piece of legislation.

Mr. PRYOR believes, and I concur in his judgment, that the committee has delivered a basically sound, progressive bill, but one that must be improved in one important respect. It must include, with some exceptions, a moratorium on the killing of ocean mammals.

If the excellent and extensive hearings of the Subcommittee on Fisheries and Wildlife uncovered one fact of more significance than any other it is this: We know next to nothing about the marine mammals of the world. We are not now in a position to turn over to the Federal Departments the task of conserving and managing these precious species any more than we could insist that the Census Bureau project a population increase for the inhabitants of Mars. The knowledge and expertise are simply not at hand.

Thus in the amendment he drafted, the gentleman from Arkansas calls for a 5-year moratorium for mammal life before Federal departments begin the selective issuance of permits authorized by this act. It would also shut off for 5 years the importation of mammals or products made from them. More importantly the moratorium would allow us a minimal period during which we could get to really know these strange and fascinating aquatic neighbors and head off the irreparable tragedy of extinction—a tragedy some believe would be the inevitable result of present policies.

In the spirit of true compromise, and in order to win broad support this year for the moratorium, Mr. PRYOR has allowed for four limited and supportable exemptions.

The first would permit the taking or importing of marine mammals for purposes of display and scientific research. This would permit legitimate scientists and institutions such as zoos to continue to study these mammals—subject, of course, to review and approval by the independent Marine Mammal Commission and Committee of Scientific Advisors established under title II. The criteria for review and approval are identical with those established in the original act: There may be no taking or importations which would be to the disadvantage of the species or stocks or not otherwise consistent with the purposes and policies of the act. The amendment goes further to establish procedures for the issuance of certificates to expedite customs clearance of such animals and products.

The second deals with the protection of porpoises and dolphins taken in the process of commercial tuna fleet operations. In hearings this issue was much discussed and I will not dwell upon it at length. It is a concession to the committee and the tuna industry which argue—persuasively to many—that the moratorium could drive them under a foreign flag or out of business altogether. I frankly discount those claims, but there are many in this Chamber who accept them and know a good deal more about the tuna business than I.

I must say that the effect of this exception to my amendment would leave the tuna industry in much the same position that it would have been under the bill as reported and that is progress. The committee bill requires tuna fleets to obtain permits which can be issued only after they have convinced the appropriate Federal agencies that their activities will minimize to the greatest extent possible hazards to marine mammals.

The third allows the continuance of the existing program for the management of north Pacific fur seals. An existing treaty signed by the United States, Japan, the Soviet Union, and Canada prohibits the taking of fur seals in the water, providing instead for a method of allocating the annual catch among the signators. It is persuasively argued that diplomacy rather than unilateral termination of the treaty might bring more satisfactory results. I would hope and expect that through diplomatic channels, the other signator nations could be urged to halt the killing of fur seals in the north Pacific.

A final, limited exemption would be granted the industry which processes the skins of juvenile South African seals. The argument is made that the Foake Fur Co. of South Carolina, which employs more than 200 people, would be driven out of business absent limited relief from the provisions of this amendment. The amendment would immediately close down the company's domestic market which accounts, I am told, for a substantial portion of its sales. Further, it would forbid the company from processing the skins of any mammal which is found now or in the future to be endangered. The one exception made is to allow the company to continue processing foreign skins on the condition that they are immediately exported from this country.

This final exemption is one for which Mr. PRYOR has relatively little enthusiasm, but one which he has reluctantly come to regard as necessary to the ultimate passage of this legislation.

There are two additional points I would like to make. First, this amendment does not in any way extinguish existing Alaskan Native rights, nor does it change the treatment accorded this special group by the committee bill. Second, it has never been Mr. PRYOR's intention in this legislative effort to set a precedent for Federal infringement on the rights of States to manage their own resident wildlife. The situation with respect to the marine mammal clearly called for extreme measures unquestionably requiring Federal action; I am told he would oppose such intervention in the case of the more common and well-understood animal life protected by State management programs.

Mr. Chairman, if Mr. PRYOR had his way—and if I had mine—a blanket moratorium would be placed on the killing of ocean mammals. That goal is not achievable this year; the House is not prepared to take that step in the face of strong and not unreasonable criticism from groups having a legitimate stake in this issue. I do hope and believe, however, that my colleagues recognize the need to approve the first protections Mr. PRYOR advocates. It is the minimum, and we can afford to do no less.

So, Mr. Chairman, I hope that my amendments will be adopted, and that we will be enabled to pass this important legislation today in this fashion.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, the gentleman from Arizona has been discussing the amendments on which the gentleman and I have had extensive discussions, and I am happy to say that I am willing to support these amendments. I believe they are desirable. The membership of the committee have been queried and have no objection to the amendments, except for one reservation by my good friend, the gentleman from Washington (Mr. PELLY) to the acceptance of the amendments. And I think, subject to the one point raised by the gentleman from Washington (Mr. PELLY) that the amendments are entirely satisfactory.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Washington.

Mr. PELLY. Mr. Chairman, I would like to ask for permission of the gentleman from Arizona to ask a question of the gentleman from Michigan in order to clarify certain language that is in the amendment, and that I know the gentleman has studied.

My question has to do with the permit which would be issued for the taking of marine mammals such as may incidentally occur in the course of commercial fishing operations.

I would ask the gentleman from Michigan (Mr. DINGELL) if it is his understanding that a general permit could be issued to the tuna industry rather than requiring each individual participant to apply for a permit.

Mr. DINGELL. If the gentleman will yield, the answer to that question, as in our previous colloquy, is "yes."

Mr. PELLY. I thank the gentleman.

Mr. UDALL. Mr. Chairman, I might say, as the author of the amendment, for purposes of the legislative history, that I would agree that some general action could be taken rather than requiring a great deal of specific paperwork, for each vessel or fishing expedition and a great number of specific permits being issued, just so long as we have the policy followed as it is set forth in the amendments.

Mr. DINGELL. If the gentleman would yield further, I would say to my friend that the policy is quite clear.

AMENDMENT OFFERED BY MR. PELLY TO THE AMENDMENTS OFFERED BY MR. UDALL

Mr. PELLY. Mr. Chairman, I offer an amendment to the amendments.

The Clerk read as follows:

Amendment offered by Mr. PELLY to the amendments offered by Mr. UDALL: In subsection (g)(2)(A) of the proposed amendment:

After the phrase "is first received" delete the phrase "and approved".

After the phrase "The Commission and Committee shall delete the word "approve" add insert in lieu thereof the word "recommend".

In the last sentence, delete the phrase "If the Commission and Committee approve any proposed limitation," change "the" to "The" and insert after the phrase "The Secretary shall" the phrase ", if approval for importation is granted by the Secretary,"

Mr. PELLY. Mr. Chairman, I offer this amendment to correct what I feel is a very basic defect of the concept embodied in this portion of the amendment offered by the gentleman from Arizona (Mr. UDALL).

Under the Udall amendment, authority to issue permits for scientific research would be taken away from the Secretary of the Interior and the Secretary of Commerce—as provided for in H.R. 10420 as reported out of the committee—and vested in two independent advisory bodies: the Marine Mammal Commission and the Committee on Scientific Advisers.

As the language is presently worded, prior approval of both of these advisory bodies must be obtained before a permit can be issued. Thus, the sole authority of the Departments of the Interior and Commerce would be simply to prepare the certification.

Section 202 of H.R. 10420 already provides that the Commission shall have the duty of conducting a continuing review of all applications made pursuant to section 103 of the bill for permits for scientific research and to make such recommendations as the Commission sees fit to the Department, of the Interior and Commerce on the merits of such applications. Nowhere in the body of H.R. 10420 nor the committee report is it indicated that the Commission or Scientific Advisers Committee would have any function or capacity other than an advisory one. This portion of the Udall amendment would completely vest issuance authority in an organization which is independent and completely nonaccountable to any administrative department of the Federal Government. Thus these two bodies would have the actual ability to completely thwart or expand any type of scientific research on a particular mammal species if it so desired with no accountability for its actions.

This concept violates every basic principle of governmental organization structure and represents a significant departure from the traditional role of advisory committees and commissions. I submit that the apparent purpose of the amendment is amply provided for by provisions in H.R. 10420, which requires that the recommendations of the Commission and committee be responded to by the Federal agencies within a short period of time indicating the reasons for the nonacceptance of such recommendations on the part of the agency.

Thus, through this mechanism, Congress and the public will be in a position to observe whether or not these scientific research permits are being used for the purpose for which they were designed—to gain more information upon which to improve the various marine mammal species—and not for purposes of commercial exploitation under the guise of scientific research. This provision in the Udall amendment would be flatly opposed by the administration and, if accepted by this body, may well raise possible difficulties in actual enactment of the legislation.

Acceptance of this portion of the Udall amendment would result in costly duplication of issuance authority procedures, staff, and processes; would hamper the efforts of the Departments of the Interior and Commerce, agencies charged with the specific and overall authority to administer H.R. 10420, in regulating, managing, and controlling marine mammal species on a comprehensive basis; and would materially hamper the activities of the Federal agencies and the Commission itself in obtaining sufficient information upon which to base limitations on the taking of marine mammals.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. PELLY. I yield to the gentleman.

Mr. DINGELL. Mr. Chairman, I think the suggestions made by the gentleman from Washington are wholesome and I think the gentleman from Arizona will probably be pleased to accept the amendment.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. PELLY. I yield to the gentleman.

Mr. UDALL. Mr. Chairman, I think the procedure provided by that portion of my amendment to which your amendment is directed is cumbersome and is illogical to a large degree for the reasons the gentleman just outlined.

Mr. Chairman, I accept the amendment.

Mr. PELLY. I thank the gentleman.

Mr. Chairman, I yield back the balance of my time.

Mr. ANDERSON of California. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, as the author of H.R. 10420, I rise in support of the amendment by the gentleman from Arizona and I would like to explain how it affects the committee bill. When the committee considered this amendment, I supported it; however, we were defeated.

First, like the committee bill, the amendment allows permits to be issued for the taking of a marine mammal for scientific research.

Second, like the committee bill, the amendment allows permits to be issued to commercial fishermen for the taking of marine mammals as may occur in the course of fishing operations provided that the fisherman uses those techniques which will produce the least practicable hazard to marine mammals.

Third, like the committee bill, the amendment allows permits to be issued for the taking of fur seals pursuant to the Interim Convention on the Conservation of North Pacific Fur Seals.

Fourth, like the committee bill, the amendment allows the importation of the skins of older seals for processing. Unlike the committee bill, the amendment does not allow the sale of such skins in this country. Thus, I support this prohibition.

Fifth, like the committee bill, the amendment does not allow the killing of any endangered specie.

Mr. Chairman, this amendment may clarify, but it does not alter the committee bill. Therefore, I support it and urge my colleagues to adopt it.

Mr. BROOMFIELD. Mr. Chairman, I rise in support of the Udall amendment as amended.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. BROOMFIELD. I would merely like to register my support for the Udall amendment. However, I would like to see the tenure of the moratorium extended, but to many members of the committee it seems like a 5-year moratorium is the extent to which they will agree.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. PELLY) to the amendments offered by the gentleman from Arizona (Mr. UDALL).

The amendment to the amendments was agreed to.

AMENDMENT OFFERED BY MR. BEGICH TO THE AMENDMENTS OFFERED BY MR. UDALL

Mr. BEGICH. Mr. Chairman, I offer an amendment to the amendments offered by the gentleman from Arizona (Mr. UDALL).

The Clerk read as follows:

Amendment offered by Mr. BEGICH to the amendments offered by Mr. UDALL: At the end of subsection 3 of the amendment add a new section E to read as follows:

"Permits may be issued which authorize the taking of marine mammals by Indians, Aleuts or Eskimos for use in the production of traditional Native arts and crafts intended for commercial sale. Permits must be issued in accordance with the permit procedures of the Act, must avoid wasteful use, and must be subject to findings of endangered status as provided in section 107(b). Permits for this purpose may be issued to protect traditional and existing patterns of the Native arts and crafts industry, but not to promote commercial growth of this industry."

Mr. BEGICH. Mr. Chairman, yesterday, I circulated a letter to all my colleagues in this body, and it said very well what I want to say now. It read as follows:

MARCH 8, 1972.

DEAR COLLEAGUE: In the immediate future, the House will be considering H.R. 10420, the Marine Mammal Protection Act of 1971. Because the effects of this legislation, and more specifically some proposed amendments to it, will fall so heavily on the State of Alaska and its people, I am compelled to make some of my own feelings known in advance of the debate. This letter is addressed only to the most crucial of my concerns.

As reported from the Committee, H.R. 10420 makes findings on the status of ocean mammals, establishes a system of prohibitions relating to their taking, and establishes an elaborate permit system which will result in limited taking of certain mammals after specific findings of fact are made. Also, certain subsistence rights of Native Americans are protected. Finally, the bill establishes a Marine Mammal Commission authorized to undertake a comprehensive study of ocean mammals to provide the sort of information needed to make wise decisions for the future of this important resource.

Although I must say I have both general and specific differences with H.R. 10420, I believe it is basically sound legislation resulting from reasoned study and deliberation by the subcommittee and full committee. The bill avoids the unreasoned emotionalism which has at times removed this entire issue from our mutual ability to act responsibly.

Now, I have learned of various amendments which are intended. I strongly urge all Members to support the bill as prepared under the leadership of Congressman John Dingell, and resist efforts to add amendments which will take an unreasonable human toll to provide excessive additional prohibitions which were rejected by the committee as unnecessary to a sound bill.

The most harmful of these amendments would cut across all the terms of the bill to impose an absolute five, ten or twenty year moratorium on the taking of all ocean mammals, and make the fact-finding and permit process essentially meaningless.

Although I have not seen all proposed amendments, the best of them provide exceptions only for Native subsistence hunting and possibly for the terms of the North Pacific Fur Seal Convention, where permits may be given. I say bluntly that any amendment which does not *at least* do this much commits cultural genocide on Alaska's Natives and should be rejected. I repeat that it is my understanding that the most responsible amendments will avoid this approach.

Even with these exceptions, a moratorium creates a situation of cultural loss and economic hardship which I do not believe any Member can support. In effect, such a moratorium says to the Natives of Alaska that, *without exception and without any chance for a permit based on rational fact-finding,* the large portion of the Native economy based on arts and crafts made from ocean mammals is simply terminated for five, ten or twenty years.

Consider these factors. The need for this small culturally-centered commercial activity is based on the cash economy brought upon the Natives, which has displaced large parts of the subsistence economy. Although it cannot be demonstrated that this activity makes any significant impact on the ocean mammals, it is a large and crucial part of the livelihood of a great many Alaska Natives.

In any case, these considerations of the merits are irrelevant under the moratoriums proposed. Even if these facts are found to be true, and a full investigation of all aspects of the problem supports a limited and controlled taking of some ocean mammals, the moratorium is absolute and controlling over the permit process wisely recommended by the Committee. It might also be worth noting that the insensitivity of the moratorium goes slightly further, in that during the five to twenty years that this Native enterprise is stopped, no alternatives for the economic or psychological welfare of these Native people is proposed.

In conclusion, I can only urge again that you support the bill as reported with its permit process. On December 18, 1971, the Alaska Native Land Claims Act became law. The central policy of that Act, in my view, was to provide a settlement which would encourage and permit continuation of Alaska Native culture to the maximum possible extent. Repudiations of that policy can come in many forms, and I submit that an insensitive moratorium is one of them.

Sincerely,

NICK BEGICH.

At this time, I am submitting an amendment to the amendment of Mr. PRYOR and Mr. UDALL which is designed to protect a crucial part of the economy of Alaska's Native people. Those of you who have seen the "Dear colleague" letter I submitted this morning will understand that my feelings run quite deeply regarding the issues of Native subsistence, the Pribilof seal harvest, and the Native arts and crafts economy.

I am hopeful that the issues of subsistence and the fur seals have been resolved as they should have been. Still remaining is the matter of the traditional arts and crafts Native industry. I do not have time to elaborate here, but my submitted statement will detail both the nature of this small industry and its crucial role in the economy and the culture of Alaska's Native people.

My amendment simply gives Alaska Native craftsmen or groups craftsmen, the right to gain a permit for ocean mammal taking under certain circumstances. They are:

To support Native arts and crafts production for sale.

The taking must be by Natives.

The arts and crafts must be traditional.

The taking may not be wasteful.

The taking of endangered species is forbidden.

The intent is to support traditional and existing arts and crafts enterprises, rather than promote commercial expansion.

Only this morning, I have learned that this amendment is acceptable to the environmental organization, Friends of the Earth. I now bring their letter of support to your attention, and express my appreciation.

FRIENDS OF THE EARTH,
Washington, D.C., March 9, 1972.

Hon. NICK BEGICH,
House Office Building,
Washington, D.C.

DEAR MR. BEGICH: Friends of the Earth would favor an amendment to permit the taking of marine mammals for use in traditional arts and crafts of Alaskan Natives, so long as the amendment prevents any expansion of this usage into large-scale commercial operations.

Such a provision would complement the provisions already in the bill, insuring that Native subsistence uses will continue, which we have supported from the outset.

Together, these provisions will reemphasize the principle that Alaskan Native cultures be protected and fostered. This is a principle that Friends of the Earth strongly supports, as our book *Earth and the Great Weather: the Brooks Range* intended to show.

Sincerely,

GEORGE ALDERSON,
Legislative Director.

In conclusion, let me say that I believe my amendment affords you the opportunity to balance human and environmental considerations in sensitive measure. Can anyone believe they are really separate?

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. BEGICH. I am happy to yield to the gentleman from Arizona.

Mr. UDALL. Under the committee bill and under my pending amendment, the Indians, Aleuts, and Eskimos of Alaska could continue to take these ocean mammals for subsistence purposes as they have traditionally done.

The further question was raised by the very able gentleman from Alaska about the limited use by the Natives of these ocean mammals for the continuance of their arts and crafts program, which has been a big element in their cash economy. One of the organizations most interested in this legislation, the Friends of the Earth, was opposed earlier to this kind of amendment, but they have given me a copy of a letter which they have addressed to the gentleman from Alaska today in which they accept this amendment. They find it acceptable, with the understanding that the amendment will not enlarge or permit large scale commercial exploitation of these ocean mammals by the Natives there. Is that correct?

Mr. BEGICH. That is correct.

Mr. UDALL. With that understanding, I would accept the amendment to my amendment offered by the gentleman from Alaska.

Mr. DINGELL. Mr. Chairman, I rise in opposition to the amendment, and I point out to my colleagues on the committee that, first of all, this amendment has just been presented today. The committee has not seen it. We have not had an opportunity to review what it is or what it does. The bill does very carefully provide that Natives may continue to take marine mammals for subsistence purposes. In so doing, this committee has gone rather more broadly than the gentleman from Alaska went in the Native claims legislation, and I would point out that this amendment is unacceptable because this sets up a situation that the committee considered very carefully and found objectionable, and that is, commercial harvesting by the Alaskan Natives.

Now, lest there be any feeling that this committee is not considering the rights or the interests of the Alaskan Natives, it should be pointed out for the benefit of the gentleman from Alaska that the Alaska Native claims bill provided that all hunting rights and all Native rights of the Alaskan Natives were released. We gave the Alaskan Natives $1 billion. We gave them 140 million acres of land on the assumption that they were not going to need to have these subsistence rights any longer. But we in this committee have not said, "No, you shall not be able to continue your ancient ways by engaging in subsistence hunting, subsistence use of marine mammals."

I do not believe, in view of what the Alaskans have given up and what they have gotten—$1 billion and 140 million acres of land—that we need to shower further largesse on the Natives. Let them take advantage of the refuges they have there. Let them take advantage of the oil they have gotten under the refuges. Let them take advantage of the $1 billion they have gotten. Let them take advantage of the 140 million acres of land.

Mr. Chairman, I think the amendment is a bad one. I shall not accept it.

Mr. BEGICH. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Alaska.

Mr. BEGICH. Mr. Chairman, I am sorry that the amendment did not come to the direct attention of the gentleman from Michigan (Mr. DINGELL). As an amendment to the Udall-Pryor amendment, it was with those gentlemen and their staffs that I did substantial work, finally winning their approval.

Let me respond only briefly here to some of the earlier points made, however, First, this amendment is designed to make workable the results of the land claims rather than provide additional compensation. As I have stated, the theory of the claims bill was to confirm Native title to enough land to at least possibly allow, if not promote, the continued existence of Native culture under trying modern circumstances.

I submit this amendment today because the policy of that bill is defeated when the use of such land is restricted so as to make ownership of it meaningless. I do not use the word "give" in discussing the settlement, because I believe that it was "confirmed," and we should not act now to make it meaningless.

I would also make clear my own feeling that the settlement of the land claims bill does not operate as a price paid to eliminate other responsibilities to Natives in Alaska. It does not excuse us from providing education, health care, transportation, economic assistance and other help where it is needed just as it would by any person in an area of rural poverty and hostile environment.

Most important, the land claims settlement was not the starting point for the abandonment of culture, and the authorization for Congress to promote such abandonment. This amendment is designed to address itself to an activity which is integral to Alaska Native culture. If you remember anything I say in this debate, remember this: The arts and crafts industry of Alaska's Natives, modest in size and in environmental impact, is the best and most appropriate cultural response to the cash economy brought to them courtesy of the white man. It is a link, a bridge, a connection with the past. It is that part of subsistence hunting that must now be done in order to pay taxes to buy fuel oil, and to pay rents. To call it "commercial" in the harsh sense fails to understand. I believe it should be protected by my amendment.

Mr. DINGELL. I will say to my friend, the gentleman from Alaska, that we have provided for their subsistence needs. We have tried to consider their cash needs by giving them $1 billion. I do not have before me at this particular minute how much we gave them in terms of land and how much in terms of cash, but with the oil royalties and everything else we gave them, we have many instant millionaires in Alaska now, and I think perhaps they can give up the wholesale carving of walrus tusks. I think we have given them enough.

I oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alaska (Mr. BEGICH) to the amendments offered by the gentleman from Arizona (Mr. UDALL).

The amendment to the amendments was rejected.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Arizona (Mr. UDALL) as amended.

The amendments, as amended, were agreed to.

AMENDMENT OFFERED BY MR. BIAGGI

Mr. BIAGGI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BIAGGI: Page 25, on line 1, strike out the dash and all that follows thereafter down through line 8 and insert the following: "the Secretary of the Interior".

Page 45, line 12, after "other" insert "laws".

Page 45, between lines 22 and 23 insert the following:

"(c) On and after the date of the enactment of this Act, and notwithstanding any other provision of law or executive order, the Secretary shall have responsibility for the management and control of all marine mammals within the jurisdiction of the United States."

Page 49, line 11, strike out "of the Interior".

Mr. BIAGGI. Mr. Chairman, this amendment would transfer all authority from the Department of Commerce to the Department of the Interior. It is clear that if we are going to have protection of our ocean mammals, we must have the executive authority exercised by a Department that has a commitment to such protection. That Department is Interior.

The Deputy Administrator of the National Oceanic and Atmospheric Administration, Howard Pollock, testified before a Senate subcommittee that he does not see a real need for this bill. He feels that the only animals that need protection are those threatened with extinction or those likely to be threatened with extinction in the near future. This means no protection for the porpoises, dolphins, or seals.

Moreover, the Department of Commerce is charged with promoting fisheries interests. It will be most difficult for the Department on the one hand to encourage the tunafish industry, for example, while it must pressure the tunafish industry to stop taking porpoises and dolphins.

The Department of the Interior is clearly the logical place for regulatory authority under this bill. They have enforced the Endangered Species Act with vigor. They were responsible for getting whales on the endangered species list and forcing Commerce to withdraw permits for whaling in the United States. As a result of their efforts there are no imports of whales into the United States.

Additionally they have just concluded preparation of a major case against illegal polar bear hunters and are in fact anxious to ban the killing of all polar bears.

The Department of Justice has just obtained indictments against poachers of alligators—an animal on the endangered species list. This was the result of extensive investigative efforts by the Department of Interior.

Most importantly, the Department placed the so-called eight species of spotted cats on the endangered species list. This means no more imports of leopards, tigers, and other such animals. With the end of the lucrative U.S. market, it is expected that killing of these animals will decline to near the zero point.

Mr. Chairman, I think this amendment is fair. It is logical. It should be passed.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I yield to the gentleman from Michigan.

Mr. DINGELL. I should like to commend my dear friend from New York for a very fine statement and for a very carefully, well-drafted, well-thought-out amendment.

I must say that this matter was considered in the committee, and in spite of the fact that I am in entire agreement with my good friend from New York the committee felt that the responsibility should be split between the Department of Commerce and the Department of the Interior.

I must make very clear to my good friend from New York I personally am in entire agreement with him. This matter should be handled by the Department of the Interior. I do not believe the Department of Commerce is any place where an important judgment like the preservation of major marine mammal species should be decided.

I believe that the public would be much better served by having the Department of the Interior make that decision, but I must say I must regretfully oppose the amendment so ably offered by my friend from New York.

Mr. BIAGGI. I want to thank the gentleman from Michigan, who has distinguished himself as a conservationist and whose reputation in that area in this House is without peer. Therefore, his personal support of this amendemnt is sufficient testimony to me that it is adequate, it is necessary, and it is sound.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I am delighted to yield to the gentleman from Iowa.

Mr. KYL. I should like to direct a question to the gentleman in the well and to the chairman of the subcommittee. Would these two eminent gentleman also think, then, that all this kind of legislation henceforth should go to the Committee on Interior and Insular Affairs of the House rather than to the Committee on Merchant Marine and Fisheries?

Mr. BIAGGI. Excuse me, but I could not hear the gentleman. Would he please repeat that?

Mr. KYL. I was wondering if the gentleman also thought henceforth all legislation of this kind should also go to the Committee on Interior and Insular Affairs rather than the Committee on Merchant Marine and Fisheries?

Mr. BIAGGI. I would rather not get into the area of that type of speculation in connection with any future legislation. What I am thinking in terms of is the legislation at hand, and comparative attitudes.

The Secretary of Commerce finds himself in a rather difficult position. The issue is so critical that I believe the ambivalance certainly should be removed. The Department of the Interior has clearly demonstrated its interest, its vigor, and certainly its sincerity in this direction.

Mr. KYL. If the gentleman will yield for one further comment, I merely ask this because the Congress is always willing to talk about reorganization of the executive branch to accomplish certain efficiency and other improvement, but we have always lagged behind in trying to do the kind of reorganization we need here.

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent, Mr. BIAGGI was allowed to proceed for 1 additional minute.)

Mr. KYROS. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I yield to the gentleman from Maine.

Mr. KYROS. I wish to associate myself with the remarks of the gentleman from New York, and I would suggest to the gentleman that since this legislation originated in the Committee on Merchant Marine and Fisheries I doubt that the Committee on Merchant Marine and Fisheries would lose jurisdiction if his amendment were adopted; namely, vesting the authority in the Department of the Interior.

I was very pleased to see again the insight that the chairman of our subcommittee had on this matter where he personally indicates he believes the Department of the Interior would be the place to unify all of our efforts in preserving and protecting marine mammals.

So I commend the gentleman from New York and associate myself with his amendment.

Mr. LENNON. Mr. Chairman, I rise in opposition to the pending amendment. Reorganization Plan No. 4 of 1970 which created the National Oceanic and Atmospheric Administration transferred to that agency the various marine mammal programs which had heretofore been in the Bureau of Commercial Fisheries; to wit, jurisdiction in regard to the Whaling Convention Act of 1949, the Fish Seal Act of 1966, and the Northwest Atlantic Fisheries Act of 1950—which by its terminology applies to Hood and Harp seals.

Under its various authorities as to marine mammals, the National Oceanic and Atmospheric Administration is funded in fiscal year 1972 at approximately $3,100,000 for personnel support, and approximately $450,000 for marine mammal research funding. At the same time, the Department of the Interior, which retains jurisdiction over other marine mammals—sea otters and polar bears—has a total funding for its marine mammal programs for fiscal year 1972 of approximately $130,000, including funding for personnel. Thus, the proposed amendment, purportedly reflecting the desirability for combining all marine mammal management in one agency, proposes to transfer their responsibilities of NOAA—with a $3½ million funding level—to merge into the Department of the Interior program, at a present funding level of just over $100,000.

Your attention is invited to the departmental reports in the hearing record of the Department of Justice—page 44, the Department of the Interior—page 39, and the Department of Commerce—page 27, all of which stated that the allocation of authority over marine mammals should remain as reflected in Reorganization Plan No. 4 and that the present division should not be disturbed until such time as the Congress may take action to create a Department of Natural Resources. The same position was supported by the Honorable Russell E. Train, chairman, Council on Environmental Quality, whose testimony was presented to the subcommittee by Dr. Lee Talbot on September 13, 1971.

This matter of management responsibility was carefully considered by the Subcommittee on Fish and Wildlife Conservation and during the subcommittee consideration a proposal similar to the present amendment was specifically rejected. An explanation of the committee position appears on page 13 of House Report 92–707. As a matter of fact, if an amalgamation of these programs under the responsibility of one agency is really desirable, it is my opinion that it should be amalgamated under the National Oceanic and Atmospheric Administration, with its lead agency responsibilities in ocean matters rather than under the land-oriented Department of the Interior.

I urge the rejection of the amendment.

Now, does it not make more sense—does it not make more sense—that the agency which is funded and created by Congress to regulate the affairs relating to the oceans should have jurisdiction over matters which are in the oceans? Why should it be transferred to the Department of the Interior, along with the polar bears primarily.

Mr. Chairman, I urge the defeat of this amendment which was overwhelmingly defeated in the subcommittee and was not even brought to the attention of the full committee when the subcommittee reported this bill to the full committee.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. LENNON. I yield to the gentleman from Washington.

Mr. PELLY. Mr. Chairman, I wish to associate myself with the views of the gentleman in the well. I do not think this is the time or the place or the way to transfer jurisdictional authority in the executive branch. The committee carefully considered this matter which is covered by the amendment.

Mr. Chairman, the net effect of this amendment would be to vest all jurisdictional administrative authority for the protection and conservation of marine mammals in the Department of Interior.

Under present statutory authority, jurisdiction over marine mammals is shared jointly by the Department of Commerce, in the case of seals, sea lions, whales, porpoises, and dolphins, and the Department of Interior, as to all other marine mammals, such as walruses, sea otters, polar bears, and manatees.

Under H.R. 10420, as reported by the committee, this present split of administrative authority is maintained. The rationale of the committee can be found on page 13 of the report.

Currently, the National Oceanic and Atmospheric Administration of the Department of Commerce is charged with a variety of responsibilities relating to the marine environment and the utilization and conservation of living marine resources pursuant to Reorganization Plan No. 4, October 3, 1970 (84 Stat. 2090), approved by this body on September 28, 1970. It was the feeling of the committee that the allocation of authority over marine mammals embodied in this plan should be maintained until such time as the proposal of the administration for the creation of the Department of Natural Resources has been acted upon. At that time, the administration of the marine mammal program would be merged into one. This feeling of the committee was supported even by witnesses from the Department of Interior, as indicated on page 180 of the committee's printed hearings, 92–10. The Department of Interior indicated that it was their position that the status quo, insofar as jurisdictional responsibilities are concerned over marine mammals, should be maintained with the eventual merging of the two areas once the Department of Natural Resources is formed. Thus, the very Department in which the amendment proposes to vest total authority over marine mammals does not want that authority and would prefer that things stay the way they are.

The official position of the administration pertaining to jurisdictional responsibilities for administration of the provisions of this act is contained in the Federal agency report of the Department of Commerce, cleared by OMB, on page 33 of the committee report, and the Federal agency report of the Department of Interior, cleared by OMB, on page 43 of the committee report.

Both agencies recommended that the current status quo jurisdiction split between the Department of Interior and the Department of Commerce be maintained pending the creation of the Department of Natural Resources—a measure which is currently pending in this Congress.

The theory behind the proposed amendment is that the Department of Interior would be more conservation and protection oriented. That theory is wrong. The administration of the Pribilof Island seal rookeries has been lauded by conservationists worldwide as being a key factor in the saving of these seals and increasing their numbers substantially—by the utilization of scientific management and control techniques and appropriate population dynamic approaches—all done by NOAA. In the area of mammals taken incidental to commercial fishing operations, the National Marine Fisheries Service, under NOAA, has made recent significant strides in reducing this level of incidental taking by the implementation of various techniques of fishing and new equipment and gear through a joint industry-Government program. This new technique has lowered porpoise mortality by 75 percent. Transfer of this regulatory function would present the administrative nightmare of diluting expertise in the commercial fishing area between two agencies regulating one industry—duplication of personnel, staffing, regulations, et cetera, in such areas as fishing seasons, gear and net restrictions, and other innovative techniques developed by both agencies—if this amendment is adopted.

I submit to this body that adoption of this amendment will only serve to further dilute the strong conservation effort which this committee favors in insuring that our marine mammals are provided with the appropriate environmental and governmental climate to propagate and multiply.

I urge its defeat.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BIAGGI).

The question was taken; and on a division (demanded by Mr. LENNON) there were—ayes 20, noes 35.

Mr. BIAGGI. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. REID

Mr. REID. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REID: On Page 36, after line 2, insert the following:

"(j) Notwithstanding any other provision of this section, after the expiration of one year beginning on the date of the enactment of this Act, it shall be unlawful to use, on or in connection with any commercial fishing vessel subject to the jurisdictions of the United States, any means or methods of fishing whereby any ocean mammal could be injured or killed in the course of or incidental to commercial fishing operations."

Mr. REID. Mr. Chairman, as I indicated in a letter to my colleagues, this amendment will establish a 1-year cutoff date after which time no dolphin or porpoise can be killed incidental to the capture of tuna which is carried on by the fishing industry.

Mr. Chairman, there is much evidence that these friendly and intelligent mammals are being decimated because of commercial fishing practices, particularly in the eastern intertropical Pacific area.

The problem, as many Members know, is that commercial fishermen now use highly efficient purse seines with 4-inch holes to catch schools of tuna, which swim behind and underneath the porpoise schools, perhaps to take advantage of the porpoise's ability to locate bait fish by natural sonar. These seines are four to five times more efficient than using long lines and bait, but they encircle porpoises as well, and too many die before they can be released.

I have been informed by Dr. Carlton Ray of the Smithsonian Institution that well over 200,000 common dolphins, and spotted porpoises die each year in the purse seines of the United States, and there is considerable evidence that porpoise schools are becoming smaller than are normal to the mammals. According to Dr. Allen Longhurst, perhaps one of the world's principal authorities, for reasons we do not understand porpoises that are caught in purse seines do not jump out of the nets. The danger arises when the tuna boats back down to draw in their nets. The porpoises navigate by natural sonar, and the proximity of the encircling nets apparently confuses them. Once encircled, porpoises swim around wildly, and then gather together in a group, and sound to the bottom of the net, where many of them get their snouts enmeshed in the 4-inch holes in the nets, and ultimately drown. Others become so frightened that they go into shock and rigor, and also drown.

These mammals become highly distressed when one of their fellows becomes injured, and will not leave it, which is possibly an explanation as to why some porpoises will not leap out of the nets while others are still trapped.

The National Marine Fisheries Agency, NOAA, has recognized the severity of this situation, and has been spending much time and energy in trying to solve the problem. A net has been devised and made available consisting of 2-inch holes instead of 4-inch holes, making a tighter net so that the snouts of the porpoises cannot become enmeshed.

However, NOAA does not presently have the authority to mandate that private tuna fleets use these new nets, and their usage would not solve the problem to any acceptable degree since it is projected that they would cut tuna mortality by only a little more than 50 percent.

Under the committee bill, it is my understanding that the Secretary could mandate as part of the permit process the use of these improved nets, but it is clear that the nets must be protected with other safety features such as an escape hatch, or an acoustic device in the net to emulate a killer whale's call. The killer whales are their natural enemies, and many scientists, including Dr. Longhurst, feel that the device imitating killer whale calls along the leadlines of the purse seines would stimulate porpoises to avoid the nets.

The purpose, therefore, of this amendment, is to allow the permit system, and improvements thereon, to function and to work for 1 year, but thereafter there would be a flat ban on the killing of porpoises or dolphins incident to the fishing industry's endeavors.

I am very conscious of the hard work of the committee, and particularly the chairman, the gentleman from Michigan (Mr. DINGELL) in this area. However, I feel that the choice we have before us today is whether we are going to insist that the incidental killing of 200,000 to 400,000 porpoises per year is halted by a flat ban, or whether we are to condone the decimation of porpoises by perhaps less than modern fishing practices and procedures. By choosing the former, we would be insisting that fishing technology come up with appropriate devices, acoustics, and nets to insure that this incidental slaughter is halted.

The question here is whether we are going to do something to prevent porpoises and dolphins from ultimately sharing the fate of the blue whale and the humpback whale. Further, it is imperative that the Department of State do all that it can internationally to insure the cooperation of the tuna industries in other countries, such as Japan, in saving the porpoise and dolphin from possible extinction.

I believe my amendment gives an appropriate period of time for the creation of a workable new system. But it then says that after that time is up there should not and must not be any further killing of porpoises or dolphins.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. PELLY. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from New York (Mr. REID).

This amendment would have the net effect of completely destroying this country's commercial fishing industry. The incidental taking of just one porpoise in just one net of one boat would be prohibited 1 year after enactment. Operation of an industry under this requirement is hopeless.

I fully understand the emotionalism surrounding many of the issues presented by this complex bill. However, I, and I am sure, a majority of the Members of the House, have no intention of abdicating their responsibility by reacting, without prior thought and analysis, to the concept embodied in this amendment.

Let us look at the facts. The replacement value of this tuna fleet of 140 vessels is conservatively estimated at $160 to $165 million. In 1971, the ex-vessel value of all tuna and tuna-like fish landed in the United States by the U.S. tuna fleet of all sizes was approximately $100 million. In 1970, the wholesale value of the canned tuna and tuna-like pack and other processed tuna products was about $383 million. The retail value of the canned tuna packed in 1970 was slightly over $500 million. The wholesale value in 1970 of tuna and mackerel meal and tuna and mackerel oil, nonfood products, was about $3.9 million. In 1970, the wholesale value of animal food products derived from fish, of which tuna is a significant source, was about $105.2 million.

The biological fact that the proposed amendment cannot escape is that it is not possible for a law to separate tuna from porpoise. The adoption of this amendment would result in the demise of a domestic tuna fleet which provides over 40 percent of the tuna annually processed for the U.S. market. This amendment suggests that the United States give up its competitive advantage, in the utilization of purse seine techniques, and expect U.S. moral leadership to persuade foreign industries to do the same. Such a suggestion is totally unrealistic as well as inequitable. The amendment will not prevent the Japanese from taking tuna utilizing the porpoise and purse seine technique, nor will it prevent any other foreign country, for that matter.

The amendment suggests that the protection of ocean mammals is given greater priority than the harvest of ocean food fish. Such a conflict has been caused by the biological fact that tunas are associated with porpoises, and by the technological fact that porpoises must be captured in order to capture tunas.

The proposed amendment asks the U.S. tuna fleet and its vessel captains to risk their livelihood and investment of a lifetime due to the outlawing of the purse-seine method of fishing for tuna.

The goal of the amendment is desirable. I and every member of the committee also feel that the Department of Commerce and the commercial fishing industry should do everything which is technologically feasible to reduce the level of incidental taking to the lowest possible. Significant strides have been made recently in substantially reducing the porpoise mortality rate by the use of new innovative fishing techniques, smaller mesh sizes of nets, and transmitting the sound of the killer whale in the water around the tuna nets—the killer whale is a natural enemy of the porpoise.

In January 1972, then Secretary of Commerce Stans announced that the utilization of these new techniques has lowered the mortality rate by 75 percent in tests conducted jointly by the U.S. tuna fleet, National Marine Fisheries Service of NOAA, and the U.S. Navy.

The real question which must be asked is whether the goal is practicable? The answer is "No." In establishing such an objective within too short a time span, you are creating too great a risk of investment for U.S.-flag tuna vesselowners.

Financial hardship and difficulties in establishing the needed lines of credit will become unavoidable. Even with a further extension of the time period provided for in the amendment, it will be technologically impossible to develop new techniques of purse seining which will insure that not one single porpoise is killed inadvertently.

In short, the net effect of this amendment, if adopted, will be to drive one of the most viable and strongest fishing industries of the United States to begin operation in such foreign countries as Mexico, thus resulting in a tremendous loss of employment within the tuna industry and allied support industries, further increasing our balance-of-payment problem due to the resultant increase of importation of tuna products from vessels operating under foreign flags, and subjecting the United States to possible price increases for tuna on a wholesale and retail level due to an inability on the part of the United States to affect the competitive price of tuna.

In addition, adoption of the amendment would completely nullify the vast number of public laws now on the statute books which have been passed by this Congress and others in the past, and which were designed to build and maintain a competitive commercial fishing industry in the United States.

In short, unilateral action on the part of the United States, in the adoption of this proposed amendment, will not remove the biological fact that porpoises are associated with tunas, and that a law cannot create a technology to eliminate completely the accidental capturing of porpoises in order to capture tunas. Under the Tuna Convention Act of 1950, this country has a firm international commitment and duty to regulate the tuna industry in order to properly protect and conserve this valuable natural resource. Adoption of this amendment would destroy my and this country's firm belief that Government action with respect to the problems associated between porpoises and tunas be complementary to an existing regime of management concerning both species.

I urge my colleagues to join me in opposition to this amendment and thus legislate by commonsense and rational analysis.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. PELLY. I yield to the gentleman.

Mr. DINGELL. Mr. Chairman, I think the gentleman from New York has offered this amendment in good faith. I am satisfied he is trying to do what is good.

I would say that the committee considered very carefully the point raised by our friend in his amendment and it was our determination that the way best to handle the problem to which the gentleman from Washington addresses himself now is through the permit device to require that the Secretary issue permits requiring the most modern technology in terms of providing for the maximum amount in porpoise escapement. That is the direction in which the committee bill is aimed. It is our purpose to minimize to the greatest degree possible the porpoise kill.

But it is also our intention to not, as the amendment offered by our good friend, the gentleman from New York, would do, export the American tuna industry. Because if you stop Americans from fishing with the kind of tools and the kind of equipment that they are using or would use under the bill to the most modern technology, you are going to send the American tuna fleet to Japan and South America where there is great pressure at this time to put them.

It is our hope that the gentleman from New York and the House and our colleagues will support the attempt of the committee to require the use of new equipment which is now in being and which will reduce to a small percent, maybe 3 or 4 percent, the kill now going on in terms of porpoises and dolphins killed in connection with the tunafishing activities and to take such steps as to utilize that equipment and utilize it in the best possible fashion. That is the purpose of the permit program.

Mr. Chairman, I commend and thank our good friend, the gentleman from Washington for his very helpful comments.

Mr. PELLY. I should first like to respond to the gentleman from Michigan and then I shall be happy to yield to others. The members of this committee should recognize that everything is being done in order to minimize the taking of porpoises when they are caught in nets.

Mr. DINGELL. The gentleman is correct.

The CHAIRMAN. The time of the gentleman from Washington has expired.

(By unanimous consent, Mr. PELLY was allowed to proceed for 1 additional minute.)

Mr. PELLY. This is a great industry that employs a great many Americans in factories where tuna is canned, and, with the employment condition of the country at the present time, I do not think this is any time for us to deal them a death blow.

Mr. REID. Mr. Chairman, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from New York.

Mr. REID. I thank the gentleman for yielding. I know he speaks with great authority on the subject of the tuna industry. It is my understanding, however, that it would be possible to develop alternative methods. Scientists believe there are some modifications in the purse seine that would be feasible. I would say that the present loss of about 200,000 porpoises and dolphins a year is too high. The best solution is the simplest. Set a cutoff date. The industry would then have to alter its purse-seine operations to meet the legal reality or find some other way of catching tuna.

I thank the gentleman for yielding.

Mr. PELLY. I just want to say in response to the remarks of the gentleman from New York that there is no documentation as to the number of porpoises that are taken incidentally in these nets, but I do know a great deal of care is being given to reduce the number, and I am sure, when you consider the number of Americans who would lose their jobs, it would be very ill advised to take the kind of action proposed right now.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Iowa.

Mr. KYL. Is it not true that those engaged in the tuna industry themselves are most concerned about the conservation of porpoises because they actually use them to find schools of fish?

Mr. PELLY. I would say to the gentleman that the fishing industry has done everything they can to try to conserve the actual number of dolphins accidentally taken.

Mr. KEITH. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. KEITH. It would seem to me, Mr. Chairman, the kind of amendment that is before us now can best be considered on an international basis through the use of the Law of the Sea Conference that is coming up in 1973. There are many nations of the world fishing without great concern for conservation practices. Just this morning I heard on the radio a report of a fleet of 74 Soviet vessels off the shore of Canada doing what they have done off the shore of Cape Cod in the recent past—sweeping the world's oceans clean of millions and millions of pounds of fish, utterly in disregard of good international conservation methods.

As the Delegate from the House to the Law of the Sea Conference, along with my colleague from Minnesota (Mr. FRASER), I intend to bring the point that has been made by my colleague from New York to the attention of that Conference in an effort to further encourage them to adopt on an international basis sound conservation practices that we need so much if we are going to stop the trend, of complete depletion of fish by resources not only for the sake of the fishery resource itself, but for the sake of mankind for all time.

Mr. REID. Mr. Chairman, will the gentleman yield?

Mr. KEITH. I am glad to yield to the gentleman from New York.

Mr. REID. I thank the gentleman for his comments. I very much appreciate the initiative he has taken in the past and if he can be the instrument to encourage not only the Department of State but other nations really to zero in on appropriate procedures of seizure which would stop the killing of porpoises and dolphins, I think it would be a great step forward.

As has been pointed out, one of the principal countries to which this is a practice is Japan, where they purposely kill porpoises and dolphin for watch oil. So I welcome very much the statement of the gentleman.

Mr. KEITH. I thank the gentleman. I think there is a parallel that can be seen. Unilateral disarmament has not worked. Unilateral action of this sort, while setting a fine example, would probably not in the long run be as effective as what we hope we can follow with the Law of the Sea Conference.

Mr. ANDERSON of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment which, in effect, would put our domestic tuna fisherman out of business.

First, this amendment would not stop the killing of porpoises; rather, it would result in a greater number drowning in the nets of foreign fishing vessels which do not have regulations such as those established in the bill H.R. 10420.

Second, if this amendment were adopted, it would drive our larger tuna vessels to foreign shores, where they would register and hire a foreign crew. The smaller operators would be forced to go out of business.

Third, if this amendment were adopted, it would further increase our adverse balance of trade on fishery products. Last year, we had an adverse balance of trade of frozen fishery products of approximately three-fourths of a billion dollars. Roughly $100 million of this is in the importation of frozen tuna.

Finally, Mr. Chairman, let me assure the House of Representatives that the tuna fisherman is concerned about the killing of porpoises which are accidentally caught in their nets. They are moving rapidly to prevent the inadvertent killing of porpoises.

The bill before us today would require that each vessel use those techniques which would produce the least practicable hazard to the porpoise. Those techniques and future research will greatly reduce the number of porpoises that are killed by the tuna fisherman.

Mr. Chairman, rather than drive the fleet to foreign countries where they are not regulated, let us establish a law which would, first, protect the porpoise and, second, allow our domestic tuna fleet to continue operations.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. REID).

The question was taken; and on a division (demanded by Mr. REID) there were—ayes 17, noes 47.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. BIAGGI

Mr. BIAGGI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BIAGGI: Page 28, between lines 22 and 23, insert the following:

"(d)(1) Notwithstanding any other provision of this Act, after the expiration of two years from the effective date of this title, unless otherwise determined by the Secretary under paragraph (2) of this subsection, no method of commercial fishing shall be employed which results in the injury or killing of porpoises or dolphins incident to the capture of the fish. Upon the effective date of this title no method of commercial fishing shall be employed which is not certified by the Secretary as being consistent with the goal of eliminating such injury and killing. The Secretary shall promulgate and regularly update regulations implementing this subsection, and shall, in cooperation with other Federal agencies, undertake to assist in the development of new technological means of capturing fish in such a way as to eliminate injury or death to porpoises and dolphins. Federal inspectors shall be appointed to periodically accompany vessels engaged in commercial fishing operations before and after the expiration of the two-year period to assure compliance with the provisions of this subsection and the regulations issued pursuant thereto. Separate funds shall be set aside sufficient for the study, under the supervision of the Marine Mammal Commission, established pursuant to title II of this Act, of alternative commercial fishing methods in order to aid in steadily reducing such injury and killing and in achieving complete reduction by the expiration of the two-year period.

(2) After the expiration of the two year deadline referred to in paragraph 1 of this subsection the Secretary may extend such deadlines for one year periods, up to and including three such periods, after notice and public hearings in each instance, if he finds that:

(a) There has been discovered or proposed no economically competitive alternative technology or fishing method which would eliminate the injury or killing of porpoises and dolphins incident to the capture of the fish. For the purposes of this section "economically competitive" refers to any technology which would not be economically ruinous to the fishing industry in question, and does not imply that such technology or method must confer on such industry an economic advantage.

(b) Every effort has and is being made by the fishing industry in question to eliminate totally the injury and killing of porpoises and dolphins incident to the capture of the fish. Only those vessels may continue to operate during a one year extension period which employ the existing economically competitive technology or fishing method which is most effective in reducing such injury and killing.

Mr. BIAGGI. Mr. Chairman, this amendment meets all the objections of both sides on this issue and is fair to everyone—the public, the tuna fisherman and, most importantly, the ocean mammals.

The conservation groups have argued that a 1-year deadline is essential to end the killing of porpoises and dolphins incidental to catching tuna fish. The industry has argued that to do so would force them into an uncompetitive position in world fishing markets. They would have to close their doors or conduct operations in another country.

To me, 1 year is perhaps too rigid. Thus my amendment would set a 2-year deadline. At the end of this period the industry can ask for a 1-year extension after public hearings. It can then ask for two additional 1-year extensions—again after public hearings.

This gives the industry up to 5 years to find a better way of catching tuna without killing the estimated 250,000 porpoises and dolphins every year. At the end of that period if no solution is found, the industry can come back to Congress for a further extension when the whole act is up for renewal.

The public is protected at each step along the way since it prevents the tuna industry from sitting back and waiting for someone to hand them the solution. They must actively seek an answer since it is now in their best interests to do so.

The hearings procedure will permit full airing of the issue before the public eye.

This amendment is fair and just to all parties concerned. It is a unique compromise that assures the public that proper steps will be taken to end the killing of porpoises and dolphins incidental to taking of tuna fish.

Mr. DINGELL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman from New York (Mr. BIAGGI) is a most valued Member of this body and a very fine member of the subcommittee, and I have great affection and respect for him. I must, however, point out this is a most complicated amendment, as its length and the time the Clerk has taken to read it would indicate to the membership of the body.

I believe it is a good faith attempt to improve the bill, but I would point out to the Members that the committee has never seen it. We have never had an opportunity to review the complexities and all the intricacies of the amendment. I believe it would be very bad for us to adopt, on the floor, an amendment which has not been carefully considered.

As pointed out earlier, the bill provides an adequate mechanism for the protection of marine mammals. As I and other colleagues have pointed out, it is our intention, and the bill so provides, that the number of dolphins taken incident to commercial fishing operations should be held to the lowest level possible.

So, for that reason, it is my hope our colleagues will reject the amendment offered by our friend from New York.

Mr. PELLY. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from New York (Mr. BIAGGI).

This amendment would have the net effect of completely destroying this country's commercial tuna fishing industry. The incidental taking of just one porpoise in just one net of one boat would be prohibited. Operation of an industry under this requirement is hopeless.

I fully understand the emotionalism surrounding many of the issues presented by this complex bill. However, I, and I am sure a majority of the Members of of the House, have no intention of abdicating their legislative responsibiilty by reacting, without prior thought and analysis, to the concepts embodied in this amendment.

Let us look at the facts. The replacement value of this tuna fleet of 140 vessels is conservatively estimated at $160 to $165 million. In 1971, the ex-vessel value of all tuna and tuna-like fish landed in the United States by the U.S. tuna fleet of all sizes was approximately $100 million. In 1970, the wholesale value of the canned tuna and tuna-like pack and other processed tuna products was about $383 million. The retail value of the canned tuna packed in 1970 was slightly over $500 million. The wholesale value in 1970 of tuna and mackerel meal and tuna and mackerel oil, nonfood products, was about $3.9 million. In 1970, the wholesale value of animal food products derived from fish, of which tuna is a significant source, was about $105.2 million.

The biological fact that the proposed amendment cannot escape is that it is not possible for a law to separate tuna from porpoise. The adoption of this amendment would result in the demise of tuna purse seiners which provide over 40 percent of the tuna annually processed for the U.S. market. This amendment suggested that the United States give up its competitive advantage, in the utilization of purse seine techniques, and expect U.S. moral leadership to persuade foreign industries to do the same. Such a suggestion is totally unrealistic as well as inequitable. The amendment will not prevent the Japanese from taking tuna utilizing the porpoise and purse seine technique, nor will it prevent any other foreign country, for that matter.

The amendment suggests that the protection of ocean mammals is given greater priority over the harvest of ocean food fish. Such a conflict has been caused by the biological fact that tunas are associated with porpoises, and by the technological fact that porpoise must be captured in order to capture tunas.

The proposed amendment asks the U.S. tuna fleet and its vessel captains to risk their livelihood and investment of a lifetime on the judgment of a Secretary as to whether the purse seine method of fishing for tuna is consistent with the goal of eliminating the injury or death of porpoise.

The goal of the amendment is desirable. I and every member of the committee also felt that the Department of Commerce and the commercial fishing industry should do everythilng which is technologically feasible to reduce the level of incidental taking to the lowest level possible. Significant strides have been made recently in substantially reducing the porpoise mortality rate by the use of new innovative fishing techniques, smaller mesh sizes of nets, and transmitting the sound of the killer whale in the water around the tuna nets—the killer whale is a natural enemy of the porpoise.

In January 1972, the then Secretary of Commerce Stans announced that the utilization of these new techniques has lowered the mortality rate by 75 percent in tests conducted jointly by the U.S. tuna fleet, National Marine Fisheries Service of NOAA, and the U.S. Navy.

The real question which must be asked whether the goal is practicable? The answer is "No." In establishing such an objective within too short a time span, you are creating too great a risk of investment for U.S.-flag tuna vessel owners. Financial hardship and difficulties in establishing the needed lines of credit will become unavoidable. Even with a further extension of the 2-year and 5-year periods provided for in the amendment, it will be technologically impossible to develop new techniques of purse seining which will insure that not one single porpoise is killed inadvertently.

The remainder of the amendment duplicates what is already provided for under H.R. 10420. H.R. 10420 gives the Secretary authority to promulgate regulations in this area. H.R. 10420 permits the Secretary to utilize the technique of on-board Federal inspectors. The set-aside provision of the amendment for funds, controlled by the Marine Mammal Commission, to research alternative fishing techniques is within the inherent authority of the Secretary of Commerce and the Commission under section 110, marine mammal research grants, and section 207, title II pertaining to the funding authorizations for the Commission.

In short, unilateral action on the part of the United States, in the adoption of this proposed amendment, will not remove the biological fact that porpoises are associated with tunas, and that a law cannot create a technology to eliminate completely the accidental capturing of porpoises in order to capture tuna. Under the Tuna Convention Act of 1950, this country has a firm international commitment and duty to regulate the tuna industry in order to properly protect and conserve this valuable natural resource. Adoption of this amendment would destroy my and this country's firm belief that government action with respect to the problems associated with porpoises and tunas be complementary to an existing regime of management concerning both species.

I urge my colleagues to join me in opposition to this amendment and thus legislate by commonsense and rational analysis instead of emotional zeal.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BIAGGI).

The amendment was rejected.

AMENDMENTS OFFERED BY MR. ECKHARDT

Mr. ECKHARDT. Mr. Chairman, I offer two amendments and ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. ECKHARDT of Texas: On page 37, strike out lines 1 through 16, and on page 39 strike out lines 1 through 7.

Mr. ECKHARDT. Mr. Chairman, it is with great reluctance that I come here with an amendment at this time, knowing the excellent competency of this committee in this general field. However, with respect to the question of administrative fines and forfeitures, considerations other than those of conservation and marine control are involved.

Let me point out to the Members the penalties provided under this act, are, first, penalties provided for any violation, whether intentional or not, which may be imposed administratively by the Secretary—in most instances, the Secretary of the Interior—up to a maximum of $10,000. The Secretary may remit or mitigate the fine, and then he may seek enforcement of the fine in court. He brings his action in court if the person who has been fined does not pay up.

Now let us suppose that the person who is alleged to have engaged in a violation—perhaps accused of having cruelly taken a seal in violation of the act—claims that he did not violate the act and that he acted perfectly lawfully. He says, "I want to go to court, and I am not going to pay the fine unless it is proved in court that I violated the act." All right. All the Secretary has to do is invoke the forfeiture provisions of section 105 which provide:

> Any vessel or other conveyance subject to the jurisdiction of the United States that is employed in any manner in the unlawful taking of any marine mammal shall be subject to seizure and forfeiture. *

Then he is given authority on page 39 to send out his agent, and not the court's agent, and seize the vessel and take it out of operation, out of the fishing trade for instance, and hold the vessel in port.

Now, who is going to contest a $10,000 fine if he has a half a million dollar vessel under arrest and stands to loose it as the price for litigating his case? There is no due process there. The Secretary has the effective final say. He has a gun to the back of the person who is alleged to have violated the act.

Why do we need forfeiture in this act? We have a $10,000 fine for even an unintential violation. We have a provision for a $20,000 fine for a knowing violation.

It seems to me that the additional penalty of forfeiture is unnecessary and extreme.

Now, I assume that if a person does not pay the $10,000 or the $20,000 fine, the ship would be subject to seizure as surety for the payment of the fine even if no specific provision to that effect were contained in the bill.

In other words, you could arrest the ship to secure the obligation which has been incurred by the ship, but this is something quite different from forfeiture.

The thing I object to is forfeiture as a lever to force a person accused of this offense to relinquish his right to due process.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. Yes, I yield to the gentleman from New York.

Mr. CELLER. I also notice that under the provisions for penalties we have the following language:

> Any such civil penalty may be remitted or mitigated by the Secretary for good cause shown. Upon any failure to pay a penalty assessed under this subsection, the Secretary—

I take it the Secretary of Commerce—

> may request the Attorney General to institute a civil action in a district court.

However, there is no proceeding established to protect the interest of the litigant, but when it comes to the vessel forfeiture, we do not have anything in there that provides for judicial process, nothing that would indicate the right of the defendant to call witnesses or the right of the defendant to give any evidence as to the ownership, as to the purpose for which he was navigating the ship. There seems to be quite an inconsistency there between sections 104 and 105.

I wonder whether or not the authors of the blil, although they might have "right" on their side, were aware of that fact?

Mr. DINGELL. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I rise in opposition to the amendment which has been offered by my good friend, the gentleman from Texas (Mr. Eckhardt).

Mr. Chairman, I would point out that the language that is the subject of the two amendments offered by my good friend from Texas is practically standard boiler plate language. It has been adopted by the House and the Senate in connection with the endangered species law, which law was taken directly from the admiralty laws of the United States. It is a matter with which my good friend of the Judiciary Committee is familiar, because he has similar provisions in many of the statutes under the jurisdiction of his committee.

I would point out the fact that it is different from the narcotics seizure provision in that the seizure does not take place until such time as there has been a conviction. The forfeiture is not final until that time. Under admiralty law bond may be posted and so forth so that title to the vessel is not taken and so the vessel may continue to be used, subject to the wishes of the court and subject to the appropriate understandings with the Secretary.

It is not our purpose to have an unduly harsh law, but it is my view that if we are going to have legislation designed to protect marine mammals, we necessarily must make it very plain that we intend to have strong enforcement measures available for their protection. Therefore, for that reason the provision for seizure and forfeiture is included in the bill.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. Yes, I yield to the gentleman from Texas.

Mr. ECKHARDT. The gentleman has said this is not intended to be applied until after conviction, is that correct?

Mr. DINGELL. That is my understanding. This is in conformity with standard admiralty law.

Mr. ECKHARDT. The gentleman will note on page 39 it says that the agent of the Secretary may seize any vessel——

Mr. DINGELL. That is right.

Mr. ECKHARDT. There is this further language:

> (3) seize any vessel or other conveyance subject to the jurisdiction of the United States, together with its tackle, apparel, furniture, appurtenances, cargo, and stores, used or employed contrary to the provisions of this title or the regulations issued hereunder or which reasonably appears to have been so used or employed;

Mr. DINGELL. That is right; but the title to the vessel does not pass until after conviction.

Mr. ECKHARDT. But you seize the vessel even if it reasonably appears that a violation occurred—not just after a violation has been shown to have occurred.

Mr. DINGELL. That, I point out to the gentleman, is standard admiralty legislation.

Mr. ECKHARDT. If that is standard admiralty legislation, that is also star chamber proceedings in my book.

Mr. DINGELL. I thank the gentleman. I would point out that this legislation and these provisions have been in the bill since the time that it was introduced, and there has never been any question raised about these provisions by any person in any portion of the proceedings before the committee.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Texas (Mr. Eckhardt).

The question was taken; and on a division (demanded by Mr. Dingell) there were—ayes 15, noes 37.

So the amendments were rejected.

Mr. RONCALIO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I shall not use the full 5 minutes, but in the presence of the ranking minority member of the Committee on the Judiciary (Mr. Poff) and the eminent chairman (Mr. Celler) and my good friend Mr. John Dngell, chairman of this committee, I think it is appropriate that I take a minute to recognize what I think is a dangerous pattern developing in this legislation.

Several months ago in passing the law on the preservation of endangered species inland, we passed a law raising the penalty against a sheep owner from 6 months and a $500 fine for killing an eagle to a mandatory 2 years in jail and a mandatory $5,000 fine, $2,500 of which shall be presented to the neighbor who snitches on him.

We are paying informers to do the job that livestock inspectors ought to do, and other Federal officials charged with the protection of livestock.

Now we have a bill before us, my fellow lawmakers, which pays again half of the fine up to $2,500 to a neighboring fisherman who will snitch on his neighbor if he finds him killing a mammal of an endangered species.

I think this is a dangerous precedent. I think it is against due process. I hope that the members of the Committee on the Judiciary and the rest of my colleagues will serve notice now that this ought not be the pattern of legislation in this free country of ours.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. RONCALIO. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Chairman, I wish to compliment the distinguished gentleman from Wyoming and I join in the views of my colleague. I think I am one who has a 90 percent voting record favorable to conservation groups, but I do not mind lowering that record if the balance is the balance between due process and conservation.

Again I compliment my colleague for his position on this subject.

Mr. RONCALIO. I thank the gentleman from Texas.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. RONCALIO. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, I too join the distinguished gentleman in the well, and the distinguished gentleman from Texas, on this subject. I too yield to no one in my record as a conservationist, but when we get to the point where we are seizing private property without due process it seems to me we have gone too far, and I will vote to oppose any such excessive use of power.

Mr. RONCALIO. Mr. Chairman, I thank my good friend, the gentleman from Ohio (Mr. Seiberling). The gentleman expresses the opinion of many of the ranchers in the State of Wyoming who feel that when they cannot protect their private property—that their private property is being confiscated for the supposed public good without due process.

I thank both the gentlemen for their statements.

The CHAIRMAN. There being no further amendments to Title I, the Clerk will read.

The Clerk read as follows:

TITLE II—MARINE MAMMAL COMMISSION

ESTABLISHMENT OF COMMISSION

SEC. 201. (a) There is hereby established the Marine Mammal Commission (hereafter referred to in this title as the "Commission").

(b) (1) The Commission shall be composed of three members who shall be appointed by the President. The President shall make his selection from a list, submitted to him by the Chairman of the Council on Environmental Quality, of individuals knowledgeable in the fields of marine ecology and resource management and who are not in a position to profit from the taking of marine mammals. No member of the Commission may, during his period of service on the Commission, hold any other position as an officer or employee of the United States, except as a retired officer or retired civilian employee of the United States.

(2) The term of office for each member shall be three years; except that of the members initially appointed to the Commission, the term of one member shall be for one year, the term of one member shall be for two years, and the term of one member shall be for three years. No member is eligible for reappointment; except that any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed (A) shall be appointed for the remainder of such term, and (B) is eligible for reappointment for one full term. A member may serve after the expiration of his term until his successor has taken office.

(c) The President shall designate a Chairman of the Commission (hereafter referred to in this title as the "Chairman") from among its members.

(d) Members of the Commission shall each be compensated at a rate equal to the daily equivalent of the rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code, for each day such member is engaged in the actual performance of duties vested in the Commission. Each member shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(e) The Commission shall have an Executive Director, who shall be appointed (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service) by the Chairman with the approval of the Commission and shall be paid at a rate not in excess of the rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code. The Executive Director shall have such duties as the Chairman may assign.

DUTIES OF COMMISSION

SEC. 202. (a) The Commission shall—

(1) undertake a review and study of the activities of the United States pursuant to existing laws and international conventions relating to marine mammals, including, but not limited to, the International Convention for the Regulation of Whaling, the Whaling Convention Act of 1949, the International Convention on the Conservation of North Pacific Fur Seals, and the Fur Seal Act of 1966;

(2) conduct a continuing review of the condition of the stocks of marine mammals, of methods for their management, of humane means of taking marine mammals, of research programs conducted or proposed to be conducted under the authority of this Act, and of all applications made pursuant to section 103 of this Act for permits for scientific research;

(3) undertake or cause to be undertaken such studies as it deems necessary or desirable in connection with the protection and management of marine mammals;

(4) recommend to the Secretary and to other Federal officials such steps as it deems necessary or desirable for the protection and management of marine mammals;

(5) recommend to the Secretary of State appropriate policies regarding existing international arrangements for the conservation and management of marine mammals, and suggest appropriate international arrangements for the conservation and management of marine mammals;

(6) recommend to the Secretary of the Interior such revisions of the Endangered Species List, authorized by the Endangered Species Conservation Act of 1969, as may be appropriate with regard to marine mammals; and

(7) recommend to the Secretary, other appropriate Federal officials, and Congress such additional measures as it deems necessary or desirable to further the policies of this Act, including provisions for the protection of the Indians, Eskimos, and Aleuts whose livelihood may be adversely affected by actions taken pursuant to this Act.

(b) The Commission shall consult with the Secretary at such intervals as it or he may deem desirable, and shall furnish its reports and recommendations to him, before publication, for his comment.

(c) The reports and recommendations which the Commission makes shall be matters of public record and shall be available to the public at all reasonable times. All other activities of the Commission shall be matters of public record and available to the public in accordance with the provisions of section 552 of title 5, United States Code.

(d) Any recommendations made by the Commission to the Secretary and other Federal officials shall be responded to by those individuals within one hundred and twenty days after receipt thereof. Any recommendations which are not followed or adopted shall be rereferred to the Commission together with a detailed explanation of the reasons why those recommendations were not followed or adopted.

COMMITTEE OF SCIENTIFIC ADVISERS ON MARINE MAMMALS

SEC. 203. (a) The Commission shall establish, within ninety days after its establishment, a Committee of Scientific Advisors on Marine Mammals (hereafter referred to in this title as the "Committee"). Such Committee shall consist of nine scientists knowledgeable in marine ecology and marine mammal affairs appointed by the Chairman with the advice of the Director of the National Science Foundation, the Chairman of the National Academy of Sciences, and the Secretary of the Smithsonian Institution.

(b) Members of the Committee shall each be compensated at a rate equal to the daily equivalent of the rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code, for each day such member is engaged in the actual performance of duties vested in the Committee. Each member shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(c) The Commission shall consult with the Committee on all studies and recommendations which it may propose to make or has made, on research programs conducted or proposed to be conducted under the authority of this Act, and on all applications made pursuant to section 103 of this Act for permits for scientific research. Any recommendations made by the Committee or any of its members which are not adopted by the Commission shall be transmitted by the Commission to the appropriate Federal agency and to the appropriate committees of Congress with a detailed explanation of the Commission's reasons for not accepting such recommendations.

COMMISSION REPORTS

SEC. 204. The Commission shall transmit to Congress, by January 31 of each year, a report which shall include—

(1) a description of the activities and accomplishments of the Commission during the immediately preceding year; and

(2) all the findings and recommendations made by and to the Commission pursuant to section 202, together with the responses made to these recommendations.

COORDINATION WITH OTHER FEDERAL AGENCIES

SEC. 205. The Commission shall have access to all studies and data compiled by Federal agencies regarding marine mammals. With the consent of the appropriate Secretary or Agency head, the Commission may also utilize the facilities or services of any Federal agency and shall take every feasible step to avoid duplication of research and to carry out the purposes of this Act.

ADMINISTRATION OF COMMISSION

SEC. 206. The Commission, in carrying out its responsibilities under this title, may—

(1) employ and fix the compensation of such personnel;

(2) acquire, furnish, and equip such office space;

(3) enter into such contracts or agreements with other organizations, both public and private;

(4) procure the services of such experts or consultants or an organization thereof as is authorized under section 3109 of title 5, United States Code (but at rates for individuals not to exceed $100 per diem); and

(5) incur such necessary expenses and exercise such other powers,

as are consistent with and reasonably required to perform its functions under this title. Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the General Services Administration, for which payment shall be made in advance, or by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman and the Administrator of the General Services Administration.

AUTHORIZATIONS

SEC. 207. There are authorized to be appropriated for the fiscal year in which this title is enacted and for the next four fiscal years thereafter such sums as may be necessary to carry out this title, but the sums appropriated for any such year shall not exceed $1,000,000. Not less than three-fourths of the total amount of the sums appropriated pursuant to this section for any such year shall be expended on research and studies conducted under the authority of section 202(a) (2) and (3).

Mr. DINGELL (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 46, strike out line 10 and all thereafter down to and including line 21 on page 53.

Mr. GROSS. Mr. Chairman, I will try not to take the 5 minutes because I know the members of the House T and T club, out on Thursday, back on Tuesday, are anxious to get the club on the road, this being Thursday afternoon.

Earlier this afternoon there were references to concern and emotion. I am becoming increasingly concerned about the lack of emotion in behalf of the taxpayers of this country.

This bill, and I have not heard the figures mentioned even once this entire afternoon, carries a spending tag of some $20½ million. I think that figure is right, and I stand to be corrected if it is not accurate.

So this is not a small spending bill. The worst feature of it is the creation of a commission on whales and an advisory committee on whales at a cost of $5 million over the life of this legislation.

It seems to me that with all of the commissions and advisory committees of one description and another that we have in this Government; with the Department of Interior and the Department of Commerce already in this field, and with the hundreds of millions of dollars to be spent upon environment and ecology, that we ought to effect some kind of saving around here in programs of this kind.

My amendment will simply strike out the commission and the advisory committee and save the taxpayers over the life of this bill $5 million.

That is all it will do, simply strike out title II, which is the provision providing for these setups.

I hope some day there will be the recognition in this House that we are in dire financial circumstances in this country. I understand the gentleman from Arkansas (Mr. MILLS) will call up on Monday, for final action, the bill to increase the debt ceiling. I assume the House will approve the increase to $450 billion and then in June or July of this year you will be confronted with still another increase due to this and other profligate spending.

Now somewhere along the line, someone is going to have to practice a little economy in this Government and pay off something on that debt. There is only one way in the world that you are ever going to do anything about decreasing the debt ceiling, and that is to pay something on it. There is only one way you are going to stop the spending of $22 billion a year in interest on the Federal debt, and that is to pay something on the debt; to reduce it. That is the only way.

In the name of fiscal responsibility I urge the adoption of my amendment to effect a minor saving in this bill.

Mr. DINGELL. Mr. Chairman, in order to save the time of the committee, I rise in opposition to the amendment offered by my good friend, the gentleman from Iowa.

The matter that the gentleman raised was considered with care in the committee. Title II is an essential part of the whole bill. It is necessary to make the whole bill work. It provides three quarters of the funds the gentleman complains about go to research on marine mammals and on to the humane methods of taking them, how to keep the population stocks up, and what the level of taking is going to be for maintaining the optimum population levels.

The bill actually provides in terms of total expenditures on marine mammals a most modest increase over the present level of expenditures.

Mr. Chairman, I hope that the committee will reject the amendment.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. Yes, I yield to the gentleman from Iowa.

Mr. GROSS. Is not research presently being carried on?

Mr. DINGELL. That is correct. This part of the bill reallocates the way the bulk of the resources are being expended for research in tihs area.

Mr. GROSS. I will say to the gentleman that I am not opposed to the preservation of whales or any other mammals, but I am opposed to creating more and more bureaucracy in this Government. We are overrun with it now.

Mr. DINGELL. I share the gentleman's concern. We have sought to channel this money almost entirely into research, and virtually none into the creation of a bureaucracy. If the gentleman will read the language he is trying to strike, he will see that is what we have sought to do.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. GROSS).

The question was taken; and on a division (demanded by Mr. GROSS) there were—ayes 13, noes 39.

So the amendment was rejected.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mr. BEGICH. Mr. Chairman, it is with the utmost reluctance that I rise in final opposition to H.R. 10420. I intend to vote against it, and I must confess that I take no pleasure in doing so. If the Members will indulge me, I would like to set out in detail my reasons for opposition, and the reasons why it gives me no pleasure.

It gives me no pleasure, Mr. Chairman, because I support wholeheartedly the intent and objectives of this legislation, and have done so from the very beginning. I recognize that the ocean mammals are a valuable resource threatened by a broad range of dangers. I believe that both immediate protection and long range study of this entire area of concern are essential components of a sound legislative solution. Moreover, I believe the committee has done a thorough and professional job in the hearings, in the report and in drafting. I might note that my support of the committee's work was indicated when H.R. 10420 came on the Suspension Calendar. I supported it fully at that time, as reported by the committee.

As reported from the committee, H.R. 10420 makes findings on the status of ocean mammals, establishes a system of prohibitions relating to their taking, and establishes an elaborate permit system which will result in limited taking of certain mammals after specific findings of fact are made. Also, certain subsistence rights of Native Americans are protected. Finally, the bill establishes a Marine Mammal Commission authorized to undertake a comprehensive study of ocean mammals to provide the sort of information needed to make wise decisions for the future of this important resource.

Although I must say I have both general and specific differences with H.R. 10420, I believe it is basically sound legislation resulting from reasoned study and deliberation by the subcommittee and full committee. The bill avoids the unreasoned emotionalism which has at times removed this entire issue from our mutual ability to act responsibly.

In addition to all of this, it is my own State, and its people and resources, where the impact of this legislation will fall most heavily. That impact, should it have contained the virtues which I had hoped, would have been welcome. For many years in the Alaska State Senate, I worked to accomplish the objectives stated here today. In that period, and since then, I felt that I gained special knowledge and interests regarding marine mammals. I wanted to vote for this bill today.

I intend to set out my reasons for being unable to do so, but first I must say that there were some important points won for Alaska today, in spite of determinative defeats and omissions.

First, the subsistence rights of Native Alaskans were protected. Second, the Pribilof Islander's harvest of fur seals under the North Pacific Fur Seal Convention was protected. Third, certain agreements with regard to the manner of subsistence hunting were established. Fourth, the right of Natives to sell arts, crafts, and products made from the byproducts of animals taken for subsistence purposes was broadened and specified. Fifth, the fisherman of Alaska gained tremendously from understandings reached here today on the matter of permits to take ocean mammals that become tangled in commercial fishing gear.

Some of these things were already in the bill, others were agreed upon only yesterday, and others had to be done today on the floor. I am pleased that at least these things could be accomplished for the people of Alaska. They do credit to the bill and its sensitivity.

I am pleased that this was done, but what was left undone leaves me no alternative but to vote against the bill. I could not do otherwise and answer the many Alaskans who will suffer hardships under the bill. I have no choice but to vote against the bill as it has been amended, and now awaits the final vote. Because I have said so much in all my arguments in dissent today, I will say less now than I could and perhaps should.

Of overriding importance in forcing my vote against this bill was the adoption of the moratorium feature added as an amendment here today. Nearly all of my objections relate to this central moratorium measure.

I must simply say that the moratorium proposal does in no way improve this bill, but rather limits it, narrows it, and creates an inability to act which does no credit to basic precepts of environmental thought.

The permit process contained in the committee bill stopped the killing of ocean mammals and placed the burden of proof on those who wanted to resume any killing or any harvest to prove that such taking was in accordance with the objectives of this act. To gain such a permit, a thorough process was established. I would not have opposed measures to improve the permit process. The point is that where rational, thorough study by responsible people and agencies resulted in the conclusion that some limited taking of ocean mammals was in conformity with the goals and policies of this legislation, then a permit could be granted.

Under a moratorium, the same finding could be made, proving beyond a doubt that limited taking was desirable, and a permit could not be granted because the moratorium was absolute.

Considerations of the merits are irrelevant under the moratorium. Even if the facts are found to be true, and a full investigation of all aspects of the problem supports a limited and controlled taking of some ocean mammals, the moratorium is absolute and controlling over the permit process wisely recommended by the committee.

To ease the tragic effects of the moratorium, some exceptions were provided. Those provided were so obvious as to foreclose any alternative but inclusion. In a letter to my colleagues yesterday, I disclosed my feelings on these more obvious points in saying:

> I have learned of various amendments which are intended. I strongly urge all Members to support the bill as prepared under the leadership of Congressman John Dingell, and resist efforts to add amendments which will take an unreasonable human toll to provide excessive additional prohibitions which were rejected by the committee as unnecessary to a sound bill.
>
> The most harmful of these amendments would cut across all the terms of the bill to impose an absolute five, ten or twenty year moratorium on the taking of all ocean mammals, and make the factfinding and permit process essentially meaningless.
>
> Although I have not seen all proposed amendments, the best of them provide exceptions only for Native subsistence hunting and possibly for the terms of the North Pacific Fur Seal Convention, where permits may be given. I say bluntly that any amendment which does not *at least* do this much commits cultural genocide on Alaska's Natives and should be rejected.

I am glad that some exceptions were made, but they do not eliminate the absolute nature, the blindness, of a moratorium. The most serious omission will simply mean human hardship for Native Alaskans. That omission was the failure of the moratorium to make an exception allowing a permit for the taking of ocean mammals for traditional arts and crafts sold commercially.

Without such an exception, the moratorium says to the Natives of Alaska that, without exception and without any chance for a permit based on rational factfinding, the large portion of the Native economy based on arts and crafts made from ocean mammals is simply terminated for 5 years.

Consider these factors: The need for this small culturally centered commercial activity is based on the cash economy brought upon the Natives, which has displaced large parts of the subsistence economy. Although it cannot be demonstrated that this activity makes any significant impact on the ocean mammals, it is a large and crucial part and crucial part of the livelihood of a great many Alaska Natives. I am unwilling to tell the many Natives in Alaska who must discover immediately a new source of income, and incidentally a new cultural plan, that I voted for the legislation that stopped them from continuing their traditional crafts.

I am also deeply concerned that one of the exceptions to the moratorium is so paradoxical in its language that it may create still another hardship for Alaskan Natives. This is the exception allowing permits for the fur seal harvest under the North Pacific Fur Seal Convention.

This Fur Seal Convention has been often cited as one of the best examples of international cooperation for resource conservation. My own information indicates that this convention is responsible for the recovery and health of the fur seal herd which was nearly decimated by high seas hunting earlier in this century. The harvest is also the sole economy for over 600 residents, mostly Natives, of the remote Pribilof Islands. I am well aware that the committee which prepared this bill is aware of the merits of this convention and the harvest, and I command this exception.

Still, in the second sentence of the exception, its purpose and meaning is threatened when the Secretary is urged to follow only a policy of reduced harvest or no harvest at all—a mandate that the only acceptable management tool is reduction or stoppage of the harvest. Although the sentence only "urges" the Seretary to act, and thus has only limited authority, I am concerned that its inclusion serves to defeat rather than enhance the legislation, since most environmentalists know that modern-day management often requires a selective harvest, sometimes of some magnitude, to ultimately benefit an animal population. This is the case specifically with the fur seal herd, where the harvest has ranged between 30,000 and 85,000 over 10 years, and the herd has increased each year and been maintained at optimum size.

I certainly share the view that in a natural state, natural selection is the best policy. However, we all know that in the modern world, this is no longer a luxury we can always afford. Specifically in the case of the fur seals, a growing high seas herring fishery which is beyond the control of the United States threatens the food source for the fur seals. Where food for only 300,000 fur seals is available for a herd of 400,000, the feeding process is not so selective as to insure that only 100,000 will perish. In such a case, a selective, and perhaps even increased harvested is necessary in some years. Yet the language in the amendment operates against this tool when it is necessary.

I was also prepared to offer an amendment to create an exception for sport-hunting permits. To be honest, I did not do so because it would have lost badly; I was told it would lose badly; and the gesture was secondary to the real need for change. The amendment read as follows:

> Permits may be issued for the taking of marine mammals by the method of sport hunting, as controlled by the law of specific states, where specific findings are made in the permit consideration procedure under this Act that selective and limited harvesting is in accordance with the findings and policy of this Act, and that such harvesting can be reasonably accomplished by properly limited sport hunting.

This amendment was directed to the attention of every Member who allowed sport hunting for any species of any animal or bird in his state, including deer, rabbits, ducks, geese, or other animals. Each one should understand that the basic premise of such hunting is that it is a management tool to control animal populations at the best level for the health and growth of that population.

To not adopt such an amendment as an exception to the moratorium means that sport hunting is being rejected absolutely as an alternative for management purposes in the case of all ocean mammals, no matter what the facts show, or the needs are, for the next 5 years. This is the heart of the problem with the moratorium amendment, as it forbids action for 5 years even on reasoned findings.

My amendment was simple and straight forward. It did not provide an automatic permit; it did not attempt to soften the permit or factfinding process; it did not in any way resolve the extent to which sport-hunting permits might be allowed for any species. What it did do was say that where all the evidence indicates that such a permit serves the purposes and objectives of H.R. 10420, then it can be issued, rather than being blocked by a blind and absolute moratorium.

I simply cannot believe that a permit should be impossible to get where rational consideration indicates it is advisable. The permit process proposed in the bill as reported is a complete and worthy one. Why should it be ignored by a nearly absolute moratorium which does no sensitive justice to the cause it attempts to serve?

I believe that to reject this amendment, and to deny even the chance for a sport hunting permit where the facts support it, a profound statement is made in favor of such a moratorium on hunting, without exception, in other States. Would you be willing to invoke an absolute 5-year moratorium on hunting all of the species in your own area, even where sound management indicates otherwise? That such an amendment would have been badly beaten, as it would have been, is wrong. Quite frankly, my own objections to the amended bill could continue on for some time, and I regret it is so. I believe the bill fails to distinguish adequately between species and adopts a generalized approach which is inconsistent with its purpose. I believe it repudiates, to a large extent, the policy of the Alaska Native land claims settlement. I believe the bill is insensitive to rational State-Federal relationships, paying them only a nod in section 109. Few State powers could be so clear as that to regulate the fish and game within a State.

Still, in the final analysis, I regret having to oppose the bill because I believe in its objectives. It is its methods which compel me to vote "No." These methods are devoid of human values in far too many cases, and too generalized to avoid substantial hardship for many Alaskans.

Some of those Alaskans have tried to tell me of the hardships, and in the end, this is the reason I am voting "No." I make their statements available to you here as the best argument I could make.

I include the following:

Anchorage, Alaska,
March 9, 1972.

Representative Nick Begich,
House of Representatives,
Washington, D.C.:

We of the village of Point Hope are against any part of bill 10420 that will not permit us to continue our culture and livelihood. Please respect our desires to continue living in our traditional ways.

John Oktollik,
Mayor, Point Hope, Alaska.

Anchorage, Alaska,
March 9, 1972.

Representative Nick Begich,
Washington, D.C.:

This copy sent to representatives Pryor and Udall: Re marine mammal bill 10420 the Alaskan Natives have lived in harmony with nature for over ten thousand years. Please allow the continued use of marine mammals in our culture and economy. In many areas there are no viable alternatives our harvest is small but its importance is great.

Henry Tiffany,
Alaska Native Arts and Crafts Coop.
Juneau, Alaska.

Gambell, Alaska,
March 6, 1972.

Representative Nick Begich,
House of Representatives
Washington, D.C.:

We in this area are still on subsistence living. The sale of seal skins, walrus ivory and articles made from these raw materials are our only source of income. We the people of Gambell strongly protest the passing of the bill banning the hunting of sea mammals for the next ten years. The bill is outrageously unfair.

John Apangalook,
President, Gambell Village Council.

Juneau, Alaska,
March 8, 1972.

Hon. Nick Begich,
U.S. House of Representatives, Longworth House Office Building, Washington, D.C.:

The Alaska Department of Environmental Conservation is deeply disturbed by the attempts to remove section 107, H.R. 10420, which permits subsistance hunting, from the sea mammals bill. Unless it is assumed that natives and native culture are not a part of the environment, the removal of this section of the bill must be considered, from the overall, as an anti-environmental approach since it would be the death knell of the Eskimo culture.

The Eskimo culture is based on hunting. The old chiefs were the best hunters in the villages, their stories and their dances glorify the hunt, the youngsters respected and wanted to grow up to be great hunters and when the hunting was poor the people died. The Eskimos were and are a sea people hunting sea mammals. If this bill passes without permitting subsistance hunting, it will emasculate the Eskimos' manhood and for what other than a sop to Western mans environmental guilt feelings.

From other environmental considerations, the annual catch of bowhead whales by the villages of Point Hope, Wainwright, and Barrow, the only villages with one exception in the last 20 years taking whales, has ranged from one or two to nineteen. The average is about nine or ten. The bowheads appear to be increasing in numbers and they and the Eskimos are certainly in equilibrium with their environment in the northern seas.

The situation with polar bears is similar, the Native catch has ranged from a few to a high of about 75 in 1969 per year probably averaging about 20. It is the harvest of several hundred per year by non-natives using airplanes that has placed the pressure on the bear population. The walrus situation is a bit more of a problem and perhaps authorization to limit the catch is needed. Elimination of a catch, however, would destroy the Eskimo culture on St. Lawrence Island. Any prohibition against the Eskimo, Aleut, or coastal Indians catch of hair seals is environmentally uncalled for as the hair seals, the butter of the north, and the natives have co-existed in equilibrium and still do with their environment for centuries.

I recommend using extreme efforts to retain the subsistance hunting in the sea mammals bill. To do otherwise will be a blow to conservation and will destroy a culture as we have destroyed so many before.

Max C. Brewer,
Commissioner, Department of Environmental Conservation.

Anchorage, Alaska,
March 9, 1972.

Representative Nick Begich,
House of Representatives,
Washington, D.C.:

Copy sent to Pryor, Udall and Speaker of the House Carl Albert.

We are urging you to reconsider your House bill number 10420 effecting the hunting of sea mammals that will drastically effect thousands of Eskimos who depend on the sea mammals for their livelihood. We believe your bill may have been influenced by some earlier TV documentaries that do not pertain to the way the Eskimo hunts. The natives have been taking the mammals for hundreds of years and according to the Fish and Game Department they are actually increasing. Perhaps you should direct your bill toward international views where we believe each spring the Soviet and Japanese come into the Bering Sea with their ships vs. our skin boats.

Peter Seganna,
President, King Island Village Council.

Anchorage, Alaska,
March 9, 1972.

Representative Nick Begich,
House of Representatives,
Washington, D.C.:

Copy sent to Pryor and Udall.

Natives of Alaska live off the land and sea animals. We hunt these animals for subsistence food only and with this bill 10420 you are completey cutting off our daily food. If this bill is to be passed a similar bill should be introduced to ban all commercial fishing in the United States waters. Remember our people have to eat and natives live 100 percent on our own food. We hunt under adverse weather conditions in order to survive.

IRA Council of Shismaref,
Bill Barr,
President.
Clifford Weyiouanna,
Vice President.
Herbert Nayakpuk,
Member.

Anchorage, Alaska,
March 8, 1972.

Representative Nick Begich,
Washington, D.C.:

AFN resolution whereas the Alaskan native people are dependent upon wild life resources in Alaska for subsistance and whereas native utilization of renewable resources for subsistance purposes necessitates commercial production and sales to accommodate a forced cash economy and whereas any restrictions imposed against subsistance utilizations of Alaskas renewable resources by Alaskan natives will cause great human suffering and elimination of our cultural and artistic activities now therefore be it resolved that the board of directors of the Alaska Federation of Natives Incorporated duly assembled on this 8th day of March 1972 expresses violent opposition to any and all sea mammal bills under consideration by the United States Congress which would restrict Alaskan native activities in the utilization of Alaskas renewable resources.

Donald R. Wright,
President, Alaska Federation of Natives.

Anchorage, Alaska, *March 9, 1972.*

Representative Nick Begich,
Washington, D.C.

As president of the Alaska Historical Society, a private statewide organization, I urge you consider carefully the provisions of the marine mammal bill H10420 which would preclude our Native peoples from taking marine and ocean mammals which has been their traditional practice. Our reasons for this request are: (1) their taking of such mammals forms a significant part of the coastal economy of this State, (2) in many coastal communities there is no viable economic alternative, (3) their traditional use of such animals forms an extremely important link in their cultural heritage that includes their folk art forms such as ivory carving, baleen work, skin sewing, etc., (4) in the overall picture their littoral harvest of such mammals is insignificant to the extensive pelagic harvest by non-natives (mostly commercial hunters from other countries). Alaska Representative Nick Begich can furnish additional details.

Richard W. Montague,
President, Alaska Historical Society.

Nome, Alaska,
March 9, 1972.

Hon. Nick Begich,
Congressman for Alaska, Longworth Office Building, Washington, D.C.:

Following is the text of my telegram sent to Congressman Dingell from Michigan, Congressman Pryor from Arkansas, and Congressman Udall from Arizona. Please work toward scheduling hearings at a date convenient to allow Alaskans sufficient time to testify; the end result being that those provisions which are harmful to Alaskans will be removed from the legislation introduced by these men.

"Regarding your pending legislation relating to the hunting of sea mammals; request that hearings be scheduled at a date convenient to allow Alaskans sufficient time in which to testify.

Passage of this legislation would be detrimental to the livelihood of many Alaskans, particularly the Natives in the rural areas where the subsistence economy is still prevalent and will remain so for some time to come. Our people are dependent on the sale of byproducts such as hides, ivory, native made garments, tools, etc. to provide the very basic necessities for their families. Loss of this income through passage of this legislation will have the direct effect of creating a welfare State. The side effects will further harm the economy of the entire State of Alaska. Many shops sell exclusively Alaskan Native art, jewelry, clothing, etc., all of which are made from sea mammal byproducts. Loss of these items will reduce tourism. The overall economic effect will be extremely harmful.

Finally, consider this; cultural genocide is every bit as condemning as systematic extermination. Legislation such as this will be destroying a way of life."

Jim Bell,
Director, Inupiak Development Corp.

ANCHORAGE, ALASKA,
March 9, 1972.

Re Marine mammals bill, House Bill 10420.
Representative NICK BEGICH,
House of Representatives,
Washington, D.C.:

The people living on the coast of Alaska that will be most effected by this legislation, have survived from the food and products of these mamals for centuries. The walrus and seal and oogruks of Alaska are not yet near extinction at this time to be so protected. Instead of interrupting a culture in transition, lets begin to manage the animals in such a way as to increase their number, rather than to decrease. Lets begin to manage these animals in such a way as to not give these people any more problems.

LYNN CHAMBERS,
Director of Arts, Department of Economic Development of Alaska.

NOME, ALASKA,
March 3, 1972.

Re Marine mammal bills proposed.
Representative NICK BEGICH,
House of Representatives,
Washington, D.C.:

We, the Arctic Native Brotherhood, request the hearing date for March 7th be postponed until such time as a hearing could be held in our area, to discuss the impact of this bill which will affect our subsistence, our livelihood, and our cultural way of life.

JEROME TRIGG,
President, Arctic Native Brotherhood.

BERING STRAITS NATIVE ASSOCIATION,
Nome, Alaska, March 3, 1972.

Re Marine mammals bills proposed.
Representative NICK BEGICH,
House of Representatives,
Washington, D.C.:

We, the Bering Straits Native Association consisting of 18 villages located on the Bering Sea coast, request your consideration in our behalf. The passage of these bills would greatly limit our only source of income and livelihood, and for some people the sole source of our livelihood. We are totally against the passage of this bill without due consideration of the Bering Straits Native people. We request a hearing in our area and will be pleased to testify on our behalf.

JEROME TRIGG,
President.
MARTIN L. OLSON,
Vice President.

ANCHORAGE, ALASKA,
March 8, 1972.

Representative NICK BEGICH,
Washington, D.C.:

Cook Inlet Chapter, Alaska Conservation Society, supports legislation protecting sea mammals from commercial and sports hunting at this time. Management of species can not be accomplished if threatened or overutilized. We oppose ban on subsistance hunting which must be allowed on closely regulated basis to protect livelihood of few Alaskans who depend on sea mammals to live.

ROLLIN DAL PIAZ,
President.

ST. PAUL ISLAND, ALASKA,
October 8, 1971.

Hon. Senator MIKE GRAVEL,
U.S. Senator for Alaska,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GRAVEL: This letter is to request your assistance in dealing with a serious problem that has arisen on the Pribilof Islands. Since it involves a threat to Congress' stated policy as to the Islands' future, I am sure that you will share my concern.

As you are well aware, the Fur Seal Act of 1966 mandated that self-determination be the goal of the people, and that there was to be cooperation by all federal agencies. The language and clear intent of the Act called for a reduction of the federal presence on the Islands, the building of a viable municipal government capable of taking over many municipal services now run by the National Marine Fisheries Service, and for the creation of a strong and independant community. The history of the Act made it clear that Congress had decided that the years of domination by the NMFS (and its predecessor, the Bureau of Commercial Fisheries) was to be replaced by a government selected by the Islanders themselves. In keeping with this goal, the residents of St. Paul Island decided in an election on June 21, 1971, to incorporate under Alaska law as a fourth class city: the City of the Aleut Community of St. Paul Island.

After that election, at which a five man city council was selected, it was clear that the new city would require assistance in planning and implementing its take over of municipal services and other city functions. At the request of the city council and on the advice of Robert Robertson, head of the National Council on Indian Opportunity of the Office of the Vice President. I discussed the need for technical assistance with the consulting firm of Marshall Kaplan, Gans & Kahn in San Francisco. At the city's request, the firm prepared a contract for technical assistance and one of its staff members returned with me to St. Paul Island in mid-September. The city council met, discussed the consulting contract, and then unanimously approved a resolution authorizing the city council president to sign the contract, which he did.

During the folowing week, and at the request of the council, the consultant drafted a Code of City Ordinances for the new city government, began a feasibility study of the proposed city take over of municipal services, and began to assist the council in preparing its testimony on the various fur seal bills now pending in Congress. Members of the council recognized the need for this and other assistance, and suggested a number of areas in which help would be required in coming months.

Despite the clear need of the St. Paul city council for outside assistance of this type, the consulting contract was strongly opposed by several employees of NMFS who were on St. Paul at that time. At a public meeting called to consider the draft Code of Ordinances, Hal Drinkall and Helen Saale, both on the staff of the NMFS Regional Office in Seattle, opposed the consulting agreement which the council had approved. Mr. Drinkall also stated that it was foolish of the people on the council "to pay for what it could get free," i.e., free technical assistance from federal agency representatives. Although it was pointed out that the need for true independence and self-determination required that the city have access to independent legal and planning advice, Mr. Drinkall continued to attack the council's approval of the contract.

At a meeting of the city council a few days later, Mr. Drinkall stated, without any foundation, that the council had "illegally" approved the contract and that instead of hiring consultants, the council should rely on him and other federal officials for advice. Mr. Drinkall also made veiled threats to the city council president that if his advice were not taken, the transfer of land and buildings from NMFS to the city—a transfer required by the Fur Seal Act—would be "jeopardized." This certainly is a clear and obvious indication that NMFS really wants to continue their paternalistic attitude with the total operations of the Islands. This certainly is not in tune with section 206 of the Fur Seal Act which strongly calls for greater self-sufficiency and self-determination of the people.

I am sure that you share my outrage at these acts. They violate both the spirit and the letter of the Congressional mandate contained in the Fur Seal Act. They indicate that federal policy decisions are being thwarted by federal employees in the field. But, most important, they reveal a callous indifference to the need of St. Paul residents to build a local government that truly reflects their own goals. It appears to be a deliberate attempt to perpetuate the dependency that has been imposed on the residents of the Pribilofs for generations. Whatever the stated objectives of the National Marine Fisheries Service, it seems clear that many NMFS employees regard the Pribilof Islands as their own private fiefdom, in which they intend to oppose any steps which the Islanders may take toward meaningful self-sufficiency.

You have, on many occasions, shown the depth of your interest and concern in helping the residents of the Pribilof Islands gain meaningful independence. At this critical period for the Islands, we need assistance from many sources, both public and private. I hope you will be able to help guarantee that we can make those choices freely, without pressure or threats from NMFS staff. Any assistance you could give to the residents of St. Paul in this regard would be deeply appreciated.

Sincerely yours,
PATRICK PLETNIKOFF.

ALASKA HISTORICAL SOCIETY,
Anchorage, Alaska, March 3, 1972.

U.S. Representative NICK BEGICH,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN BEGICH: For your information, I'm enclosing the text of a telegram which I sent Senator Hollings yesterday.

Our Society is concerned about the possible exclusion of our Native peoples from their traditional use of ocean and marine mammals as a result of pending legislation in Senator Holling's subcommittee on oceans and the atmosphere.

The use by Natives of such mammals as part of their folk culture should, we feel, be preserved, as this use constitutes an important cultural link with their heritage.

The Society is encouraging Senator Hollings to hold additional hearings, in Washington, but ideally also in Alaska, so that various groups certainly including the Native peoples may furnish additional testimony.

On behalf of the executive board of the Society, I request your consideration of this matter and an appropriate follow up with Senator Hollings. We appreciate your efforts on this score.

Sincerely,
RICHARD W. MONTAGUE,
President, Alaska Historical Society.

ANCHORAGE, ALASKA.

Senator ERNEST HOLLINGS,
Subcommittee on the Oceans and Atmosphere, Senate Office Building, Washington, D.C.:

As president of the Alaska Historical Society, a statewide group, I urge you to give consideration to holding additional hearings on the group of bills now in your subcommittee relating to ocean and marine mammals. Our Society is concerned lest legislation lead to the exclusion of our Native peoples, Eskimos, Aleuts and Indians, from their traditional use of such mammals, which would include their folk art forms such as ivory carving, baleen work, skin sewing, etc. This use is a strong link for these peoples with their cultural past. Their use of such mammals is insignificant in the overall picture but most important to them as people. I would urge you obtain more Alaska Native input on this question.

RICHARD W. MONTAGUE,
President, Alaska Historical Society.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BROOKS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 10420) to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes, pursuant to House Resolution 878, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted in the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ANNUNZIO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 362, nays 10, not voting 59, as follows:

[Roll No. 70]

YEAS—362

Abbitt
Abourezk
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews
Annunzio
Arends
Ashley
Aspin
Aspinall
Baker
Barrett
Belcher
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Carey, N.Y.
Carney
Carter
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Dickinson
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Duncan
du Pont
Dwyer
Eckhardt
Edwards, Ala.
Edwards, Calif.
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Gallagher
Garmatz
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Hagan
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Link
Long, La.
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCormack
McCulloch
McDade
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Mahon
Mallary
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Patman
Patten
Pelly
Perkins
Pettis
Pickle
Pike
Pirnie
Poage
Podell
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rees
Reid
Reuss
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Tex.
Zablocki
Zion
Zwach

NAYS—10

Abernethy
Begich
Gross
Hall
Michel
Montgomery
Passman
Rarick
Runnels
Schmitz

NOT VOTING—59

Abzug
Anderson, Tenn.
Archer
Ashbrook
Badillo
Baring
Bell
Bingham
Bow
Brasco
Burke, Fla.
Camp
Casey, Tex.
Chisholm
Collins, Ill.
Curlin
Devine
Diggs
Dowdy
Dulski
Edmondson
Edwards, La.
Eilberg
Erlenborn
Flood
Flowers
Fraser
Fulton
Fuqua
Galifianakis
Gaydos
Hawkins
Hull
Jones, Ala.
Jones, Tenn.
Kluczynski
Lloyd
McDonald, Mich.
Macdonald, Mass.
Madden
Mikva
Miller, Calif.
Mizell
Mollohan
Murphy, Ill.
Pepper
Peyser
Powell
Pryor, Ark.
Pucinski
Riegle
Rousselot
Ruth
Scheuer
Stanton, J. William
Stubblefield
Terry
White
Young, Fla.

So the bill was passed.

The Clerk announced the following pairs:

Mr. Mikva with Mr. Ashbrook.

Mr. Kluczynski with Mr. Burke of Florida.

Mr. Casey of Texas with Mr. Terry.

Mr. Dulski with Mr. Peyser.

Mr. Eilberg with Mr. McDonald of Michigan.

Mr. Fulton with Mr. Bell.

Mr. Flood with Mr. Bow.

Mr. Jones of Tennessee with Mr. Camp.

Mr. Macdonald of Massachusetts with Mr. Devine.

Mr. Miller of California with Mr. Rousselot.

Mr. Jones of Alabama with Mr. Mizell.

Mr. Stubblefield with Mr. Lloyd.

Mr. Murphy of Illinois with Mr. Erlenborn.

Mr. Madden with Mr. J. William Stanton.

Mr. Mollohan with Mr. Ruth.

Mr. Anderson of Tennessee with Mr. Archer.

Mr. Pepper with Mr. Powell.

Mr. Fraser with Mr. Riegle.

Mr. Fuqua with Mr. Young of Florida.

Mr. Bingham with Mr. Dowdy.

Mrs. Chisholm with Mr. Baring.

Mrs. Abzug with Mr. Pucinski.

Mr. Diggs with Mr. Galifianakis.

Mr. Brasco with Mr. Hull.

Mr. Hawkins with Mr. Scheuer.

Mr. White with Mr. Badillo.

Mr. Collins of Illinois with Mr. Curlin.

Mr. Edmondson with Mr. Gaydos.

Mr. Flowers with Mr. Pryor of Arkansas.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PELLY. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may revise and extend their remarks on the bill H.R. 10420.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

CONFERENCE REPORT ON H.R. 12910, TEMPORARY INCREASE IN PUBLIC DEBT LIMIT

Mr. MILLS of Arkansas submitted the following conference report and statement on the bill (H.R. 12010) to provide for a temporary increase in the public debt limit:

CONFERENCE REPORT (H. REPT. No. 92-910)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12910) to provide for a temporary increase in the public debt limit, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

WILBUR D. MILLS,
AL ULLMAN,
JAMES A. BURKE,
Mrs. GRIFFITHS,
JOHN W. BYRNES,
JACKSON E. BETTS,
H. T. SCHNEEBELI,
Managers on the Part of the House.
RUSSELL B. LONG,
CLINTON P. ANDERSON,
HERMAN TALMADGE,
WALLACE F. BENNETT,
CARL CURTIS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12910) to provide for a temporary increase in the public debt limit, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment added a new section 2 to the bill providing that expenditures and net lending during the fiscal year ending June 30, 1973, under the Budget of the United States Government were not to exceed $246,300,000,000.

The new section 2 also contained provisions for the President to propose reservations from expenditure and net lending during such year whenever he determines that this limit may be exceeded. After a 30-day period, unless the Congress has rescinded appropriations or other obligational authority during such period in an amount at least equal to the proposed reservations, the President may make the reservations set forth in his proposal.

The Senate amendment also added a new section 3 to the bill providing for modifying the limitation of $246,300,000,000 (1) by reason of Congressional action or inaction on Presidential requests for appropriations and other budgetary proposals, (2) by reason of other Congressional action which affects budget outlays, (3) by reason of budget outlays for 4 specified items appearing in the 1973 Budget (the items designated "Social insurance trust fund", "National service life insurance trust fund", "Interest", and "Farm price supports") which exceed the amount budgeted therefor, and (4) by reason of amounts by which receipts from 2 specified items (the sale of certain financial assets and the lease of lands on the Outer Continental Shelf) were less than the budget estimates therefor.

The Senate recedes.

WILBUR D. MILLS,
AL ULLMAN,
JAMES A. BURKE,
MRS. GRIFFITHS,
JOHN W. BYRNES,
JACKSON E. BETTS,
H. T. SCHNEEBELI,
Managers on the Part of the House.
RUSSELL B. LONG,
CLINTON P. ANDERSON,
HERMAN TALMADGE,
WALLACE F. BENNETT,
CARL CURTIS,
Managers on the Part of the Senate.

BILL TO INCREASE PUBLIC DEBT LIMIT

(Mr. MILLS of Arkansas asked and was given permission to address the House for 1 minute.)

Mr. MILLS of Arkansas. Mr. Speaker, the conference report that we have just presented for printing under the rules has to do with the increase in the national debt ceiling.

The conference report is identical in all respects with the bill that passed the House recently to supply additional borrowing authority until June 30th next.

Under the rules of the House, unless I could obtain unanimous consent, as all Members know, we would not be permitted to call up the conference report until next Wednesday.

It will be my intention to ask unanimous consent sometime during the course of business on Monday to consider the conference report in spite of the rule requiring the 3-day layover, since it is identical with the House-passed bill and since there is an emergency existing.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the rest of the week, if any, and the schedule for next week.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. In response to the inquiry of the distinguished minority leader, we have completed the legislative program for this week, and I will ask that we go over to Monday.

The program for next week is as follows: The chairman of the Ways and Means Committee has just announced that he will seek unanimous consent for consideration of the debt ceiling conference report on Monday.

In addition, Monday is District Day. We have scheduled four bills:

H.R. 13533, reimbursements to utilities of relocation costs;

H.R. 9802, District of Columbia share of reservoir costs;

H.R. 11773, prohibit release of policemen's addresses and telephones; and

H.R. 12410, evidentiary use of prior inconsistent statements by witnesses.

On Tuesday, we have scheduled the urgent supplemental appropriations bill for fiscal year 1972. I am told that that includes four or five items, including unemployment compensation.

On Wednesday we have scheduled H.R. 11417, the National Railway Passenger Corporation review—that is Amtrak—subject to a rule being granted.

On Thursday and the balance of the week, H.R. 9615, additional immigrant visas, under an open rule, with 1 hour of debate.

Mr. GERALD R. FORD. Would the distinguished majority leader answer this question if he can: Next week is the third Friday. Under our agreement, on the first and third Fridays we can anticipate legislative business. In light of this schedule, would the gentleman feel the prospect for a Friday session is good or bad?

Mr. BOGGS. In response to the gentleman, in the light of this schedule which the gentleman has just looked at, it would be my judgment that there would certainly not be a session next Friday.

Mr. GERALD R. FORD. I thank the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, will the gentleman yield further?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. The gentleman will recollect that it was our statement, in which the gentleman concurred, that Friday sessions would be held if there were legislation to be scheduled and that if legislative business were not available, we would not have a session. That, in fact, is the situation at this time.

Mr. GERALD R. FORD. In this instance. I mention that so that Members will not get in the habit of thinking that on Fridays 1 and 3 we will not have sessions.

Mr. BOGGS. The gentleman is entirely correct. This is no precedent. It depends entirely on the availability of legislation.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Iowa.

Mr. GROSS. I suppose it is entirely fitting to consider the debt ceiling bill on Monday which will put it ahead of the so-called urgent supplemental appropriation bill. Yes, I suppose it is fitting and proper to see that the debt ceiling is raised substantially before the spending of more millions is approved through the Supplemental Appropriation bill.

I do note that the bill to further devalue the dollar has been pulled from next week's program. First, it is proposed that on Monday the House will consider and approve the Ways and Means Committee bill to raise the debt limit to $350 billion, and then the appropriation spending bill will come right along and absorb all the elbow room that was provided by raising the ceiling. Then, in the near future, Congress will devalue the dollar some more. The procedures that we go through here are quite interesting.

Mr. BOGGS. Is the gentleman addressing his observation to me or to the gentleman from Michigan?

ADJOURNMENT OVER TO MONDAY, MARCH 13, 1972

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today that it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that Calendar Wednesday business scheduled for Wednesday next be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

CHALLENGE FOR BIPARTISAN HELP FOR FOOD PRODUCERS AND CONSUMERS

(Mr. MELCHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, in this election year agriculture, Congress, and politics are woven together on the Washington scene and are of vital interest to our country.

And it is in this context that now that the dock strike is over, and I voted to end it, I hope Secretary of Agriculture Earl Butz will quit using the strike as a screen to deny any responsibility for our lousy low-grain prices. In speech after speech, the Butz line has been to blame the strike and to use it as a whipping boy, veering off, I suspect, on a political tangent.

When the Secretary used the figure of a billion dollars to measure the loss of agricultural sales during the strike, I must take his calculation with a grain of salt. Now he has retreated down to $700 million. Other administration officials refer to $200 million in sales and others mention $600 million referring, we must assume, not only to exports but to imports of food products.

But trade on agricultural products is a two-way street and the Butz statements have not mentioned that imports of foreign agricultural products were cut off during the period of the strike also. He has not mentioned the drop off in imports for foreign meats, which total annually more than $1 billion; the loss of the portion of $100 million in foreign dairy product imports; the temporary stoppage of importing fruits and vegetables, sugar, and other food products all of which have total annual cost paid to foreign producers of billions of dollars.

There is no question that we would like to sell more export grain to ease our surpluses but—and this is a big but—we want to sell it at a decent price, not at the cut-rate market prices which grain farmers face now.

The job at hand now is to correct the basic fault of the low grain markets first of all by establishing decent price floors through an increase in loan rates on wheat, corn and other feed grains by 25 percent just as my amendment does which passed the House last December.

What we need now is bipartisan cooperation, not politics, not divisiveness, not agriculture against labor and not producer against consumer. That, after all, would be the worst disservice to agriculture.

Leadership demands presentation of solid facts, Mr. Speaker, and I challenge Secretary Butz to aline himself for the best interest of agriculture to support our legislation to increase loan rates for grain.

It took cooperation from Democrats and Republicans to gain House approval of this amendment which would add $1.5 billion a year to farm income and which would stimulate the sluggish economy. However, we had to almost claw our way over the opposition of the Department of Agriculture. They fought us all the way, and Dr. Butz was able to get the bill shelved for the present in the Senate Agriculture Committee.

But we have not given up the fight because it is just too important. Our Senators are going to make another try at the 25 percent increase in loans bill, stripped of the Strategic Reserve feature and moved up from the 1971–72 crops to the 1972–73 crop years.

We are hopeful that the prospect of continuing tragically low grain prices will persuade both the Senate and the Secretary of Agriculture that floor prices for grains should be increased by raising the loan rates and that the bill is approved. Certainly we are going to have to move with determination to keep grain farmers solvent.

But unfortunately every move the Agriculture Department has made recently is clumsy and freezes or depresses farm prices rather than improving them. Two separate Department of Agriculture functions illustrate this currently:

First, their handling of grain buying and selling is a case in point. The much publicized corn purchase program was halted in mid-February before it even got going. The Department actually sold more grain sorghum into the market than the amount of corn it bought out of the market. Termination of the purchase program, small as it was, means that farmers will have to sell their grain at very low prices when they have to clear out storage space this summer for the next crop. Reseal barley has been called out of Government storage, supposedly to meet the Department's commitment to two big grain companies to provide them with oats and barley at about half price so they will ship some U.S. corn to Russia. This will prevent the Russian sale from strengthening the commercial oats and barley market. Similar dealing in the wheat market could result if millions of bushels of Government-owned wheat from Montana and the Dakotas which were recently positioned at Portland and the Gulf are dumped in cut rate export sales.

A second case in point deals with meat import quotas and the lack of adequate inspection and supervision by the Department of Agriculture of meat sent to the United States from foreign meat packing plants cited to Congress in February by the Comptroller General. Instead of heeding the General Accounting Office report which documented the lack of sanitation and questioned the wholesomeness of millions of pounds of imported meat products, the Department is preparing to increase the volume of meat imports and to depress cattle, sheep, and hog prices.

I believe the first step that the Department should be taking at this time is to clean up the inspection of imported meats and make sure that every pound of it is wholesome, sanitary, and with no harmful chemical residues. However, right at the time the GAO report was being reviewed, Dr. Clayton Yeutter, in charge of meat inspection as Administrator of the Consumer and Marketing Service, was shifted from that position to become director for agriculture of the Committee To Reelect the President. Dr. Yeutter was just getting a start in his efforts to clean up meat inspection but was sidetracked last December in order to permit him to rev up the political engines to round up the farm vote for the President in this election year.

His departure from the Department comes as the GAO report submitted to Congress shows that meat still has come into the country from foreign plants which were found unfit to ship to the United States after a determination of fitness had been made.

This was like a bad dream to me because early in 1970 I cited the glaring shortcomings of the inspection of foreign meats. The system now is sort of a diplomatic immunity from the strictly enforced U.S. requirement.

I urge Secretary Butz and his staff in the Agriculture Department to be constructive and completely honest with both consumers and producers.

Bipartisan cooperation is needed to protect both the interest of consumers and producers. No one wants to continue relaxation of consumer protection for wholesomeness and sanitation such as on meats, and consumers are not benefitting from low farm prices such as the drastically low grain prices. Despite the 20 to 30 percent drop in grain prices, food is no cheaper. It is a paradox where the farmers are hurt but the consumers do not benefit.

All these things point up the need for cooperation in an effort to work toward common goals for the betterment of food production. I hope Secretary Butz will accept the challenge of these great tasks. Getting behind our legislation to increase the loan rates for grains which would improve grain producers' income in the marketplace would be a significant and meaningful first step toward that goal.

INTERNATIONAL NARCOTICS TRADE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 10 minutes.

Mr. HALPERN. Mr. Speaker, we have witnessed this past year an amazing increase in public awareness of the death and human misery caused by the plague of narcotic abuse. Each day we read in the papers of an unprecedented narcotic haul made by ever-more sophisticated drug enforcement agents, and we are assured by one Government agency or another that domestic and military addiction are on the wane.

Unfortunately, there is little evidence that this is the case. I wish to insert in the RECORD a study which updates my report of last October, to the House Foreign Affairs Committee, entitled "The International Narcotics Trade and Its Relation to the United States." This supplemental study reveals new facts concerning the extent of narcotic addiction among our civilian population, as well as among GI's returning from Vietnam, and outlines the most significant programs relating to the international scene, which have been established since the publication of my original report.

Mr. Speaker, I trust that the contents of this study will prove helpful in remedying the lethal narcotics scourge.

The report follows:

WASHINGTON, D.C.,
March 7, 1972.

HON. THOMAS E. MORGAN,
Chairman, House Foreign Affairs Committee,
Washington, D.C.

DEAR MR. CHAIRMAN: I am attaching herewith a supplemental report to the study I submitted on October 24, 1971 entitled *The International Narcotics Trade and Its Relation to the United States*. This report updates figures and statistics on the domestic and military situations, and reveals new information of direct concern to the Committee's efforts, on the legislative front, at controlling the lethal spread of drug addiction.

This supplemental report also contains an update presentation of the State Department's attempts to amend the Single Convention on Narcotic Drugs—the major international narcotics pact—in such a way as to tighten existing controls on the illicit drug traffic. Finally, this study covers steps anticipated by the United Nations Division of Narcotic Drugs, as well as a number of sorely-needed drug suppression programs instituted by the United States Government since the time my earlier report to the Committee was published.

I trust that this material will be of use to this committee in its continuing search for answers to the complex narcotics problem.

Sincerely,

SEYMOUR HALPERN,
Member of Congress.

SUPPLEMENTAL REPORT ON THE INTERNATIONAL NARCOTICS TRADE AND ITS RELATION TO THE UNITED STATES

INTRODUCTION

The plague of narcotics abuse continues to spread through our country with relentless speed. America has thus far failed to muster the limitless energies residing in its public and private sectors to mount an all-out campaign against drug addiction.

It was thought at one time that the flurry of legislative and executive activity in the area of narcotics control during 1970 and 1971 would prove adequate to the problem. It is not difficult to see how inaccurate that estimate has proven to be.

Since the time of my report last October to the Foreign Affairs Committee, entitled: *The International Narcotics Trade and Its Relation to the United States*, many developments have taken place in the domestic, military and international aspects of the drug abuse problem. The following supplemental report updates developments in all three of these areas.

DOMESTIC

Over the past several months, I have been compiling a new inventory of the extent of the addiction problem as it exists in the United States today. Despite the fact that $920,000,000 worth of narcotics were confiscated by government authorities in 1971—three times the amount ($302,700,000) seized during the previous year—there has been no let-up whatsoever in the quantity or quality of the heroin supply in this country, the annual consumption here being 5–6 tons.

The purity of heroin has recently decreased in New York and other big cities; however, it is interesting to note that the purity level has increased in the smaller cities and towns—perhaps a calculated attempt by traffickers to hook more victims and quickly open new markets. This steady supply in the face of rising seizure totals can only be explained by large stockpiles of heroin currently existing in the United States, and by the ever-increasing quantities pouring in from new transshipment points, particularly from Latin America.

Even more unsettling is the fact that the total number of narcotics addicts in the United States has grown considerably in the last year, despite increased law enforcement and addict rehabilitation efforts. The latest official estimate soon to be released by the Bureau of Narcotics and Dangerous Drugs will reveal that there are presently over 400,000 addicts in the United States. The figure was reached through computerized, scientifically conducted methods, and has already been determined. The total represents quite a substantial increase over last year's H.E.W. estimate of 250,000 addicts and the BNDD figure of 330,000. This is further proof that the United States has the largest addict population in the world although not a single ounce of opium poppy—the source of heroin—grows in the U.S.

According to confidential sources, a rough estimate of the new official total can be determined in the following way—the BNDD's own network of agents and researchers keep an exact tally of the month-by-month number of officially reported addicts on a nation-wide basis. The figure for December 1971 was 82,294. BNDD standard procedure is to multiply the officially reported number by five to get the estimated total, since they have found through past research experience that there are three to five unreported addicts for every one reported. If, then, by taking the average, there are four addicts for each of the 82,294 reported in December, then it can be assumed that there are approximately 411,470 drug addicts in the nation today.

The addict population in New York City alone is estimated today as being at least 150,000 and possibly as high as 200,000—a figure corroborated by the city's Addiction Services Agency. 27,000 addicts are currently undergoing treatment in public and private facilities, compared with 18,000 under treatment as recently as last August. Another startling fact is that there are approximately 32,000 narcotics addicts presently on the New York City welfare rolls.

MILITARY

In addition to this rise in the overall addict population, I have compiled new evidence that there are approximately 60,000 addicted Vietnam veterans who have returned to our communities—a figure which first appeared in my above-mentioned narcotics report. As of this past November, after the Veterans Administration had established 32 drug treatment centers—an increase of 27 over the previous year—V.A. medical personnel had treated 9,542 addicted ex-GI's. Of this number, 6,014 were Vietnam vets. It is safe to assume that only one out of ten has come forward for such treatment, which would even be a conservative estimate. Thus, if that ratio applied, the true number of addicts who have returned from the Armed Forces would surpass the staggering estimate of 60,000 and the total number of G.I.'s could well be over 90,000—based on the over 9,500 who have been treated by the V.A. alone in the past year.

Experts contend that these 60,000 to 90,000 ex-GI addicts could 'turn-on' as many as 3,000,000 others in the next five years. American society today. The implications are even more frightening, however, when it is realized that a great number of these addicts will be females of child-bearing age. One out of four of the nation's addict population are females. This can only aggravate the rapidly growing problem of heroin-addict babies being born, in ever-increasing numbers, to females who maintain their habit during pregnancy.

Babies born of heroin-addicted mothers are themselves addicted to heroin, and begin withdrawal within the first fifteen hours after birth. The number of such heroin-addicted babies born in New York City alone has risen from 200 in 1966 to 550 in 1971. Detoxification, as with adults, takes ten to twenty days. In more than a few instances, the babies must remain in the hospital for as long as forty days due to complications, even after withdrawal, and usually at public expense.

Thus, the latest victims of the tragic spread of narcotics addiction in America today are innocents who have not yet even been born. Now that even our unborn children are liable to fall prey to this horrible plague, perhaps we will resolve to attack the drug abuse crisis on every front.

INTERNATIONAL

Whereas little progress has been made in remedying the lethal spread of drug abuse among our domestic population and among our servicemen stationed abroad, there have recently been several hopeful signs on the international scene.

At the time of my study mission and subsequent report entitled *The International Narcotics Trade and Its Relation to the United States*. I found that the United Nations had failed miserably in its responsibilities to combat the ever-mounting crisis in international narcotics traffic.

The U.N. has had the machinery to control the production, processing and exporting of narcotics, but it has not used the tools it has to do the job. Its role has been ineffective and virtually meaningless.

I was horrified by the failure of the U.N. Commission on Narcotic Drugs, the U.N. Division on Narcotics, and the International Narcotics Control Board to keep pace with, and to cope with the illegal cultivation and illicit flow of narcotics throughout the world.

The International Narcotics Control Board—the executive arm of the U.N. drug control operation, has not been keeping pace with developments on the international drug scene and seems prone to maintain a policy of "live and let live" rather than offending member States by pointing a finger at any failure to adhere to treaty requirements. Had such groups as the INCB been utilizing the tools they have, for example, countless tons of Turkish-produced opium would never have reached our shores, for over a decade now, in the form of heroin.

Two developments in the field of international drug control have been revealed to me, since the publication of my report, by U.S. State Department and U.N. officials. These initiatives are aimed at bringing about an improvement in the overall international picture.

First, the U.N. Economic and Social Council has scheduled, at United States request, a plenipotentiary council for March of this year to act on a number of amendments which our government will offer in order to make a viable instrument of the 1961 Single Convention on Narcotic Drugs, which my mission found sorely lacking in authority and enforcement power.

The Convention, agreed to by over 80 nations 11 years ago, is the basic international treaty governing activity in narcotic drugs, and was intended to limit drug production and processing to legitimate scientific and medical purposes through national control systems and through the harmonization of legal supply and demand in international drug trade. Under the current provisions of the Single Convention, the International Narcotics Control Board is empowered to do little more than make recommendations. Such a weak arrangement is ill-suited to the problems being caused today by black market agents and syndicates dealing in the production, processing and transshipment of hard narcotics—especially heroin. The limited authority granted the INCB 11 years ago is grossly insufficient to stem the international flow of illicit narcotics today.

Back in 1961, we sought to protect, by common action, those not yet affected by the addiction to which only a relative few had fallen victim. In 1972, the picture is quite different. Today we are confronted by a spreading contagion against which no country has been able to pose a defense.

The United States delegates to the plenipotentiary session this month will attempt to put teeth into the Single Convention by means of a series of amendments:

(1) Articles 19 and 20 will be amended to require member States to submit estimates of their intended poppy cultivation and opium production, and then, accurate reports on what actually occurred. Under the present agreement, statistical returns on the past year's poppy cultivation are available to the Board only on a voluntary basis. The Board has been hampered in recent years by a lack of adequate access to these production figures.

(2) Article 14 will be amended to allow the Board to conduct an investigation within a member State whenever there is need to ascertain a matter of fact relating to traffic in narcotics.

(3) Article 14 will be further amended to permit the Board to act on information which it has gathered (and thoroughly evaluated), from sources other than the interested State or a U.N. organ—as at present. These sources might include other States, university scholars, expert individuals and organizations in the drug field.

(4) Articles 12, 19, 24 will be amended, and a new Article 21 proposed, to ensure that States have adequate supplies of narcotic drugs for medical and scientific purposes, but that strict licensing and controls be invoked and enforced to prevent any drugs in excess of this level from becoming available to the illicit market. These provisions would empower the Board to confirm or modify State estimates on poppy cultivation, opium production or other drug activity, and would commit States to adhere to the Board's estimates.

This would be the first time that all drug activities would be effectively monitored by an expert, centralized body.

(5) Article 14 is further amended to expand the Board's present authority which is now limited merely to recommending a partial or total drug embargo on any State found to be in violation of the Convention. The proposal mandates the imposition of such an embargo.

(6) Article 36 of the Convention will be amended to facilitate extradition for drug offenses enumerated in that Article.

These proposals, although late in coming, are commendable and deserve the full support of the American people. Hopefully they will be approved at this month's plenipotentiary session. If the 1961 Single Convention on Narcotic Drugs is to remain ridden with loopholes, and if the International Narcotics Control Board is left to its dilatory and cautious ways, then not only the United States, but all societies of the world will continue to be threatened at their very roots by the scourge of narcotics addiction.

A second new and promising development on the international narcotics scene is the response being made by the United Nations itself, which may study mission report severely criticized for not having exercised greater controls on the continually worsening international narcotics situation.

The U.N. is at last taking steps to make the special Fund for Drug Abuse Control an effective weapon in the fight against narcotics.

I was notified this week by C.W.A. Schurmann, Personal Representative of the Secretary-General, United Nations Fund for Drug Abuse Control, of sweeping new initiatives which will be implemented beginning next month. The U.N. spokesman revealed to me the specifics of a new world-wide comprehensive plan for concerted action against drug abuse which has just been developed by the Division of Narcotic Drugs of the U.N. Secretariat.

This plan is composed of two parts—one containing the principles and guidelines for the campaign against drug addiction, the other consisting of a list of 160 projects envisaged under the plan at a cost of $95 million.

The plan has been analyzed and has just been approved by the Specialized Agencies of the United Nations and other international organizations, and by the U.N. Commission on Narcotic Drugs. The Fund lacks sufficient finances to put all the projects included in the plan into action, but an initial program of operations—comprising 59 projects at a cost of $1,783,000—is under way for immediate implementation.

An important project in the program attempts to institute drug abuse control operations in Thailand. Just this past December, a U.N. mission visited Bangkok and was able to conclude an agreement with the Thai Government calling for measures in the areas of a) opium cultivation replacement; b) drug addict treatment, rehabilitation and social integration; c) law enforcement; d) drug education and information.

The total cost of this phase of the program is estimated at $2,084,000, of which $693,780 has been set aside for this first year. The counterpart expenditure by the Thai Government was fixed at $5,163,200, of which $1,552,680 was appropriated for the first year. Operations under this program are already under way. It has been coordinated with the program the United States is carrying out in Thailand.

For the U.N. drug fund projects to be successful, there must be more contributions than have so far been forthcoming. The total number of pledges and payments of contributions to the Fund to date amounts to only $2,822,034. $2,000,000 of this amount represents the United States contribution, half of which has already been paid.

United States representatives at the United Nations must take every opportunity to promote such coordinated attacks on the ever-growing, international trade in hard narcotics.

The above information relates to activities being conducted through United Nations channels. During the time since the publishing of my report on the international drug trade, there have been a great number of improvements in the United States' own efforts to stem the flow of drugs which make their way into this country from foreign lands. Several of these initiatives are listed below:

(1) the creation, by the President, of a Cabinet Committee for International Narcotics Control. The Committee includes the Secretaries of Defense, Agriculture, the Treasury, the Director of the CIA, the Attorney-General, the U.S. Ambassador to the United Nations, and is chaired by the Secretary of State.

(2) the appointment of Narcotics Control Coordinators to those U.S. Embassies in countries which are affected by the drug problem—whether they are producing, processing, or transiting nations.

(3) a step-up in law enforcement activities which has brought about a doubling, over a two-year period, of the narcotics seizures made by the Customs Bureau; also, there is a new enforcement officer career field within the Bureau of Narcotics and Dangerous Drugs to specialize in curbing the illicit diversion of legitimate drugs.

(4) an increase in the Customs Bureau staff from 9,200 in 1968 to 14,000 in 1971, in addition to a rise in special agents from 300 to 1,000.

(5) the development by the Customs Bureau of a program designed to interdict narcotics smuggling by the use of aircraft equipped with sophisticated sensor devices and supported by tactical ground operations.

In addition to these innovative programs, I recently became aware of a most promising development in our policy concerning the operations of the international financial institutions. The appended letter from Nelson Gross, who was appointed by President Nixon as Senior Advisor and Coordinator for International Narcotics Matters at the State Department, reports that recommendations 58–60 of my report on the *International Narcotics Trade and Its Relation to the United States* were referred to the National Advisory Council for possible action.

These recommendations read as follows:

"(58) The United States should instruct its Governor at the Asian Development Bank to propose that agricultural programs designed to eliminate poppy cultivation be given high consideration. The U.S. Governor could ask that a guideline memorandum be sent to the officers of the bank regarding loan preference for programs so designed, consistent with the Articles of Agreement of the Bank.

"(59) The United States should seek through the multi-lateral auspices of the World Bank a series of guidelines which would provide incentives, in the form of favorable loan arrangements, to nations which are recognized for taking effective measures against the cultivators and processors of opium, hashish, or cocaine. The United States should stand ready to assist all international programs for crop substitution, retraining and resettlement.

"(60) The United States should consider the establishment of special funds under the Asian Bank and the Inter-American Bank to provide positive incentives in the form of available funds for nations seeking technological and economic assistance to eliminate the sources of narcotic traffic."

The National Advisory Council then established a special inter-agency working group to discuss ways of implementing these three proposals. This informal task force includes representatives from the Departments of Agriculture, State, Treasury (Customs Bureau) and Justice (Bureau of Narcotics and Dangerous Drugs). The group has held three working sessions and soon expects to submit to the Council a report on its own findings and recommendations for action.

The discussion of this working group centered around the drug control potential of the multi-nationally owned Asian Development Bank and Inter-American Development Bank, as well as the three U.N.-connected organs of the World Bank: the International Development Association, the International Bank for Reconstruction and Development and the International Finance Corporation.

The agency representatives have been specifically debating various economic alternatives to poppy production and ways of inducing target countries to participate in such programs. One alternative discussed has been the granting of loans for crop substitution programs which might include technical assistance in switching to alternative crops, and road construction in order to facilitate the marketing of new crops produced in mountainous regions. A second project for which loans may be offered involves the installation of telecommunications systems in those rural areas which have traditionally produced opium or cocaine. Such a communications network would greatly enhance present efforts both at education and enforcement.

Another interesting proposal suggested by the State Department would instruct the Agency for International Development to assist countries involved in the production, processing or transshipment of narcotics with the development of anti-drug projects for loan application purposes. Under this plan, AID would finance such feasibility studies on a cost-free basis.

Finally, thought has been given to backing a policy of refusing development bank funds to any country which fails to cooperate in current international narcotics control efforts. It should be emphasized here that all of these proposals are policy options—none of which has yet been accepted by the interagency working group.

As I stated in my report on international narcotics trade, there are a number of approaches in the struggle against drug abuse which the United States and the world community have heretofore overlooked. The economic incentives at the disposal of the international financial institutions are a prime example. I am truly hopeful that the National Security Council will see fit to recommend constructive changes, in our policy toward the World Bank, Inter-American Bank and Asian Bank—changes which will result in tighter controls over a flourishing illicit market in hard narcotics.

Such efforts as these are promising signs that our society has become acutely aware of the danger in its midst, but a handful of program improvements is no cause for complacency. There is much yet to be done, both by the United States in unilateral and bilateral initiatives, and by all the nations of the world through multi-lateral, U.N. cooperation. We can only hope that a strengthened Single Convention, a flourishing U.N. Fund for Drug Abuse Control, and innovative programs sponsored by our own government will succeed in stemming the relentless spread of narcotics addiction throughout the world.

DEPARTMENT OF STATE,
Washington, February 3, 1972.

Hon. SEYMOUR HALPERN,
U.S. House of Representatives.

DEAR CONGRESSMAN HALPERN: I read with interest recommendations 58–60 in the report of your Special Study Mission on the International Narcotics Trade.

I brought these recommendations, which raised the possibility of the involvement of the international financial institutions in the narcotics control effort, to the attention of the National Advisory Council which has established a special inter-agency working group to consider the feasibility of your recommendations. The group has had three meetings and will be rendering a report to the Council.

We shall inform you of the conclusions reached.

Sincerely yours,

NELSON GROSS,
Senior Adviser and Coordinator for International Narcotics Matters.

CAPITOL BUILDING EXTENSION APPROVED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. SCHWENGEL) is recognized for 30 minutes.

Mr. SCHWENGEL. Mr. Speaker, yesterday, March 8, 1972, is already a memorable and historic day in the life of this beloved Capitol Building and a day which we will all remember throughout the history of the country, because the day signaled the final approval of the plan to proceed with the extension of the west central front of the Capitol, the extension we debated in this Chamber and approved some years ago.

This day is comparable in history to August 15, 1958, when, after great debates, voting, and a barrage of publicity, a similar extension of the east central front was finally approved. Today, when we and the millions of visitors look at the beauty, dignity, and stability of the east front, we wonder what the discord in the 1950's was all about.

Mr. Speaker, the Commission for Extension of the U.S. Capitol should be commended. This represents the leadership of the Congress, from both sides of the aisle, and from both the House and Senate. Their decision has put into motion the long considered and very necessary project. This is a sparkling example in the life of the Congress where statesmanship and good judgment have triumphed over partisanship and weak-kneed decisions. So I salute our esteemed Speaker, the Honorable CARL ALBERT, chairman of the Commission; the Honorable HALE BOGGS, the majority leader; the Honorable GERALD R. FORD, the minority leader; the Honorable SPIRO T. AGNEW, President of the Senate; the Honorable MIKE MANSFIELD, majority leader of the Senate; the Honorable HUGH SCOTT, the minority leader of the Senate; and the Honorable George White, the Architect of the Capitol.

It should be noted, Mr. Speaker, that this was no decision made by absentee or proxy voters. Every member of the Commission was present and every member voted in favor of proceeding with the final planning of the project. This unanimous vote, and what that vote represents among the representatives of the American people, cannot be overlooked by those who might be inclined to oppose the west extension.

I would also commend the Appropriations Committees for providing the funds and establishing the procedures in the Legislative Branch Appropriation Act, 1970, which made possible this decision to proceed. It is sad that our late colleague, the Honorable George Andrews, who handled the bill on the floor, is not here today to enjoy this moment with us and the numerous other Members of the House who championed this cause.

Some of my colleagues will recall that after the extension project was authorized in 1955, I was then one of those who felt strongly that extension of the historic east and west fronts was a mistake, but I did not just sit back and criticize. I put on a pair of coveralls and climbed all through the building, both exterior and interior. For the first time, I could see the deterioration and defacement of the once proud architecture of the original small Capitol as envisioned by Washington and Jefferson. I could see also where previous annexes had been constructed. The Chamber in which we stand today is one of those annexes. Then I began an extensive study and research of the history of the building. My eyes began to open and I was forced to reverse my previous position and become one of the champions of extension of the old central section. Frankly, I was amazed to find how many changes had occurred in what might properly be called the evolution of the Capitol. Still, the changes have never hurt the building; they have enhanced it. If that were not so, why do our citizens and visitors from abroad so respect and admire the building and why does the building so effectively symbolize the greatest deliberative institution in the world today—the representative of the people of America—the Congress of the United States?

We who are privileged to serve here now often think of the Capitol as it is today. I wish each of you would go down to the Office of the Architect of the Capitol and see the small, take-apart model he has there showing the growth of the Capitol from its beginning in 1793 to the present time. I think you would be awed by these changes and how all of them have served the Congress and the people of this country, and how they were made over a period of more than 160 years with such good taste.

I will highlight these changes.

First. Original north wing: Begun 1793—completed 1800; Senate occupied from 1800–59; House occupied 1800–01; 1804–07; Supreme Court occupied 1801–1935; Library of Congress occupied 1800–24.

Second. Two-story Senate Chamber converted to separate stories with Supreme Court occupying lower Chamber from 1810–60.

Third. Temporary structure at location of Statuary Hall occupied by House from 1801–04.

Fourth. South wing completed in 1807—Occupied by House 1807–57.

Fifth. Both north and south wings, and 1-story wooden connecting passageway, burned in 1814 and reconstruction was completed in 1819.

Sixth. Central section begun in 1818 and completed in 1829: Library of Congress occupied two stories of west central front 1824–97; altered to provide office spaces after 1897.

Seventh. Present Senate and House wings begun in 1851 and completed in 1859.

Eighth. Old low dome replaced from 1856–65.

Ninth. West central section reconstructed following a fire in 1851.

Tenth. Terraces on north, south, and west added 1884–92.

Eleventh. Gas explosion in old north wing required reconstruction in 1898.

Twelfth. Replacement of original wood roof over the Statuary Hall wing and the Old Supreme Court wing with steel and concrete in 1902.

Thirteenth. Complete remodeling of Senate and House Chambers, 1949–51, substantially as they appear today.

Fourteenth. East front extension constructed 1958–62.

Fifteenth. Interior alterations and changes 1958–72.

Now, to get to the specifics, why should the west front be extended rather than patched-up in place? The answers are really rather simple: the extension is the best way to preserve that old deteriorating section; it is the best way to complete the building architecturally; it is the best way to provide additional space for the Congress near the chambers, which will insure for many years the continued use of this building for legislative purposes; and it is the best way to provide needed facilities for the public.

We in the Congress rely heavily in the day to day operations on precedent. For the west extension, we have a valid and most appropriate precedent. We have only to look at the east extension. The House would be in a dismal condition today with respect to the operations near the chamber if the Congress had not proceeded with the east extension in 1958.

Mr. Speaker, I have nothing but praise for the Commission who has had the foresight and courage to proceed with the west extension. I applaud them for their unanimous discussions and express the hope that they will have the support of the great majority of the House membership as they proceed with this expansion in the interest of the people of this great country which we have the honor and responsibility to serve.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

Charles Goodyear of the United States revolutionized the world of transportation and industry with the development of vulcanized rubber in 1844.

MEAT IMPORT QUOTAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. HANSEN) is recognized for 5 minutes.

Mr. HANSEN of Idaho. Mr. Speaker, I was surprised and disappointed this morning by the announcement that the Department of Agriculture will raise the quotas on meat imports for 1972, to an amount over 6 percent above the voluntary restraint level of 1971. This decision obviously was prompted by recent increases in meat prices and is obviously in response to consumer complaints. However, I find the decision shocking because it is not responsive to all of the facts underlying recent price increases. Last week I received a letter from the Secretary of Agriculture in which he enclosed certain information which he stated:

> . . . shows that farmers are producing an adequate supply of wholesome food with a modest increase in the returns to farmers.

The information he enclosed clearly demonstrates that the beef prices reached in January served only to help farmers catch up for the great lag suffered during the last 20 years. Although live cattle prices are just now back up to 1951 levels, farm food prices increased only 7 percent during that 20-year period. And during the same period, money paid the wage earners increased 340 percent, business and professional income advanced 200 percent and dividends went up 300 percent.

As Secretary Butz stated:

> While farm prices have finally climbed back to levels of twenty years ago, those are much cheaper dollars. Meantime, farmers are paying 2.3 times higher wages for help; farm machinery prices are nearly twice as high; production expenditures doubled; and farmers' debts have increased five times over levels of twenty years ago.

With these facts in mind, we can appreciate that, compared to the rise in the cost of living generally, beef is a real bargain. And I must regretfully conclude that the Department's action today will result in a flood of meat imports and depressed prices paid to producers. It will clog up the domestic market for the benefit of importers and foreign producers to the detriment of the American consumer and cattle industry.

Mr. Speaker, our beef producers are entitled to fair treatment, and it is obvious that they cannot expect such treatment if the Department shows favoritism toward the foreign meat producers by allowing this new flood of imported produce.

It is doubly difficult for me to understand the Department's action only 3 weeks after the Comptroller General of the United States released a report concerning the current standards for inspecting imported meat. I commend this report to the attention of my colleagues, and wish to point out very briefly the conclusions of the GAO concerning the need for better inspection and improved methods of administration for foreign meat imports. Briefly, the GAO concluded that the Consumer and Marketing Service of the Department of Agriculture has not:

First, established adequate sampling plans and criteria for inspecting some products;

Second, monitored adequately or coordinated import inspection activities to insure maximum uniformity; and

Third, established an adequate program for training inspectors.

These are precisely the deficiencies which I pointed out last year when I introduced H.R. 5843 to provide for a more effective inspection standard for imported meat and meat products. At that time I pointed out that the confidence of the American consumer in the purity of imported meat is simply not justified. As an example, to inspect the 11,000 foreign plants which are certified to import meat into the United States, the U.S. Department of Agriculture has only 15 veterinarians who serve as foreign review officers.

At hearings by the House Agriculture Committee in 1970, sufficient evidence was presented to show that protective measures to insure wholesome standards for imported meat are lacking and that the American consumer is not assured of an acceptable standard of wholesomeness. Unfortunately, at the hearings, the Department of Agriculture adamantly insisted that its standards were sufficient, and that no corrective legislation was needed. Yet 1 year later, in its reply to the GAO report, the Administrator of the Consumer and Marketing Service, in effect, concurred in the GAO's assessment of the deficiencies of the program, and promised that the administration of the program would improve considerably in the near future.

The weaknesses which the GAO noted are basically the same which my bill was designed to correct. One additional plus of my bill, however, is the fact that to insure complete fairness for the American producer, the full cost of strengthening our inspection standards abroad would be borne by the foreign nations and producers who stand to gain so much by the Secretary's action today.

At the time of the introduction of my bill I was pleased to include 29 of my colleagues as cosponsors. In view of the facts I have just noted, I personally find the Department's promises to the GAO report to be quite hollow and, in view of the grossly preferential treatment being afforded to the foreign producers by the Secretary of Agriculture today, I believe it timely to again focus attention on my bill and I solicit the support of all of the Members of the House who feel as I do, that the American cattleman and consumer are being shortchanged by the Department of Agriculture's action today.

THE TELEPHONE PRIVACY ACT—I

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, on February 21 I introduced in the House the Telephone Privacy Act, which would allow individuals to place a "no solicitors" sign on their telephones.

This bill would give to individuals the right to indicate to the telephone company if they do not wish to be commercially solicited over the telephone. Commercial firms wanting to solicit business over the phone would then be required to obtain from the phone company a list of customers who opted for the commercial prohibition. The FCC would also be given the option to require the phone company, instead of supplying a list, to put an asterisk by the names of those individuals in the phonebook who have chosen to invoke the commercial solicitation ban.

Those not covered by the legislation would be charities and other nonprofit groups, political candidates and organizations and opinion poll takers. Also not covered would be debt collection agencies or any other individuals or companies with whom the individual has an existing contract or debt.

Passage of the Telephone Privacy Act will significantly reduce the use of the telephone as a tool for invading an individual's privacy. In recent years there has been a dramatic rise in the use of the telephone as a personal and inexpensive advertising medium. Magazines, newspapers, laundries, undertakers, and many other businesses have increasingly turned to the telephone to call long lists of potential customers, often taken right out of the telephone book.

The telephone privacy bill is quite practical, easily enforceable, would serve to increase the privacy of tens of millions of Americans, and would involve no cost to the Government. The bill rests on one important assumption: that an individual has the right to privacy in his home. In other words, he has the right to place a "no solicitors" signs on his telephone, just as he has the right to place one on his door.

Even though both the AP and UPI reports on this legislation were quite small, I have received an enormous amount of correspondence from all over the country from individuals who are justifiably tired of being constantly solicited over the telephone. Many of these letters describe far better than I could the importance of passing the Telephone Privacy Act. Starting Monday, and continuing for the next few days, I will include in the Record five or six of these letters. I trust that my colleagues will find them informative.

Today, I would like to include in the Record two things: an editorial on the bill from the Cleveland Plain Dealer, a most distinguished newspaper; and the text of the Telephone Privacy Act itself.

Those two items follow:

[From the Plain Dealer, Feb. 23, 1972]

No Solicitors

We are in accord with the beliefs of a Wisconsin congressman who feels that individuals should be able to exercise some control over who is allowed to phone them.

U.S. Rep. Les Aspin, D-Wis., has introduced a bill in Congress to regulate telephone soliciting, a nuisance that has annoyed just about every telephone owner at one time or another.

Aspin's Telephone Privacy Act would permit persons to tell the telephone company they do not want to be bothered by commercial telephone soliciting. Firms doing business this way would be required to use a list of agreeable potential customers supplied by the telephone company.

Charities, polls and other nonprofit organizations, as well as individuals or companies with whom an individual has an existing contract or debt, would be exempt.

If more than 10 complaints were received against a company, its officers would be liable to criminal prosecution.

Aspin said of his bill: "Just as an individual has the right to control who enters his home, he would equally have the right to control what kinds of telephone calls he receives . . ."

Aspin's bill will undoubtedly get squawks from business lobbies but there are many persons who would welcome the opportunity to put a "no solicitors" sign on their telephones.

H.R. —

A bill to amend the Communications Act of 1934 to prohibit making unsolicited commercial telephone calls to persons who have indicated they do not wish to receive such calls.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Telephone Privacy Act".

Sec. 2. Title II of the Communications Act of 1934 is amended by adding at the end thereof the following new section:

"Prohibition of Certain Unsolicited Telephone Calls

"Sec. 224. (a) (1) No person may make any unsolicited commercial telephone call to any telephone if the person who is the subscriber for such telephone has given notice, in accordance with subsection (b), that he does not wish to receive unsolicited commercial telephone calls.

"(2) No person may employ, or contract for, any other person to make any telephone call in violation of paragraph (1).

"(b) (1) Any person who is a telephone subscriber and who wishes not to receive unsolicited commercial telephone calls may notify the telephone company which provides telephone exchange service for such telephone that he does not wish to receive such calls. The Commission shall prescribe regulations—

"(A) specifying the manner in which such notification shall be given.

"(B) specifying the manner in which telephone companies shall make available to persons making unsolicited commercial telephone calls the names and telephone numbers of persons who do not wish to receive such calls, and

"(C) specifying the times at which and manner in which a subscriber may give or revoke such notification. Regulations under subparagraph (C) shall require that a subscriber be given the opportunity to give such notification whenever a telephone is installed, and not less frequently than annually thereafter.

"(2) No telephone company may make any charge to a subscriber for the service of listing him as not wishing to receive unsolicited commercial telephone calls.

"(c) (1) Any person who violates subsection (a) of this section shall be fined not more than $1,000, or imprisoned not more than 30 days, or both. For purposes of this paragraph, each telephone call in violation of subsection (a) shall constitute a separate offense, but no person may be imprisoned for more than 6 months for any related series of violations.

"(2) No person may be prosecuted under paragraph (1) for a violation of subsection (a), unless (A) during the calendar year during which such violation occurred, the United States attorney for the judicial district in which such prosecution is brought has received at least ten written complaints of violations of such subsection by such person and (B) each of such ten complaints is made within fourteen days after the violation complained of.

"(d) For purposes of this section:

"(1) The term 'unsolicited commercial telephone call' means a commercial telephone call other than a call made—

"(A) in response to an express request of the person called, or

"(B) primarily in connection with a debt payment of which, or a contract performance of which, has not been completed at the time of such call.

"(2) The term 'commercial telephone call' means (under regulations of the Commission) any call made for business purposes by or on behalf of any business enterprise, other than a call made by an organization described in paragraph (3), (4), or (5) of section 501(c) of the Internal Revenue Code of 1954 on its own behalf, by a political organization, or by a public opinion polling organization.

"(3) The term 'telephone company' means any carrier (whether or not engaged in interstate or foreign communication) which provides telephone exchange service."

Sec. 3. (a) Section 2(a) of such Act is amended by striking out "The provisions" and inserting in lieu thereof "Subject to section 224, the provisions".

(b) Section 2(b) of such Act is amended by striking out "section 301" and inserting in lieu thereof "sections 224 and 301".

Sec. 4. The amendments made by this Act shall take effect on such date or dates (not later than 18 months after the date of enactment of this Act) as the Federal Communications Commission shall prescribe by regulation.

HUD CIRCULAR DESIGNED TO LIMIT POOR IN PUBLIC HOUSING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. Mitchell) is recognized for 5 minutes.

Mr. MITCHELL. Mr. Speaker, as a result of a complaint, I recently requested from the Department of Housing and Urban Development its current policy regarding admissions critera for public housing. One of the current trends, it seems, is to admit first those persons with the highest incomes in order to shore up "revenues."

Although HUD's official response has not yet reached me, I have been provided with the following editorial by the National Tenants Information Service, which elucidates the dangerous implications of the widespread adoption of such a policy. Not only would public housing help most those who needed it least, but the tendency to judge all of the poorest among us as the troublemakers rather than on their individual merit is a shocking affront to individual civil liberties in this country.

I submit the editorial in its entirety:

On HM 7465.12—The HUD Circular Designed To Limit Poor in Public Housing

(Editor's notation: These notes are the consensus of our editorial staff with special assistance from Samuel Abbot, formerly a Washington, D.C. legal service attorney, now residing in New Haven, Connecticut.)

The U.S. Department of Housing and Urban Development has issued a circular (which has the force of law) HM 7465.12 (see August 1971 *Outlook*) which restricts the poorest of the poor from public housing. HM 7465.12 will force or keep out the very poor and in some cases replace them with moderate income people.

HUD has in effect mandated that local housing authorities should choose two-parent family applicants over one-parent family applicants, and should favor over-income families.

The U.S. Department of Housing and Urban Development (HUD) circular 7465.12, Housing a Cross Section of Low-Income families in Low-Rent Public Housing—we believe that this circular is unlawful. It rests on two premises: (1) that vandalism and crime are more likely to be committed by the poorest families in public housing Cor. in the community, in general), and (2), that financial problems of housing authorities should be solved, at least in part, by admitting tenants who can pay higher rents at the expense of those who can't, thus leading to an increase in public housing revenues, and an increase of people who can't afford to be housed, even in public housing.

From the beginning of the concept of a national public housing system, back when the 1937 Housing Act was being debated, the principle that public housing is for the poorest of the poor was established. Strong floor statements were made in the Congress to that effect. The lowest income group, the neediest, were to be given priority. This is reflected in Section 2(2). In 1949 Section 10 (g)2 was added to the Act. This section requires that priority for public housing be established for displaced families, with consideration of urgency of need, housing condition and source of income. This certainly reaffirms the neediest first policy of the Act. Public housing is the primary relocation resource for urban renewal displacement. The two programs are yoked together. A rent range requirement in public housing might jeopardize the urban renewal program by eliminating relocation resources for the poorest of the poor.

The special subsidies in Section 10, provided in 1961, 1964 and 1968, reflect congressional action to remedy what was viewed as a problem that significant portions of the eligible population were too poor to afford public housing. Congress, in seeking to remedy this, sought to preserve the program for the neediest. The *Brooke Amendment,* from the Senator Edward Brooke's (R-Mass.) floor statement in introducing its original form in the U.S. Senate, reflected as much concern for people who could not afford to get into public housing as for tenants already in who were faced with rent increases. The Brooke Amendment (1969) and the 1970 Modification, and the Sparkman Amendment (for Senator Sparkman, Dem-Ala), taken together provide financial relief for housing authorities to solve their fiscal problems.

The HUD rationale is clearly a refusal to spend federal money that Congress has specifically authorized to be spent (except where a local housing authority's annual contribution is at the statutory maximum). Another vulnerable point of the Circular is constitutional. Cases like *Thomas* v. *Housing Authority of Little Rock* would seem to bar, as a matter of substantive due process, the automatic exclusion of certain classes of tenants or applicants, i.e. those with incomes below a minimum who cannot, under Brooke, be made to pay more than 25% of income and this amount is less than the operating expenses attributable to their unit. The Circular's attempt to get around the 12–17–68 Circular is unpersuasive and conveniently overlooks the fact that the Circular simply stated constitutional requirements. Once the fiscal justification is removed, the ugly reason remains: poor people, painted with a gross statistical brush, cause more crime and vandalism. This is, if anything, even more objectionable. Under *Thomas* an applicant should be judged as an individual family and not as a member of a statistical group. Similarly a tenant should be evicted for his anti-social conduct and not that imputed to his income group.

A close examination of the Circular reveals that something even more nefarious than applying rent ranges for admissions priorities is contemplated: Paragraph 3(c)(2) reads with Paragraph 4—and the sudden shift to occupancy standards as opposed to admission standards, suggest that HUD is trying to persuade local authorities to adopt minimum incomes for continued occupancy and evict tenants who do not meet them.

"ACCELERATED PUBLIC WORKS": EMPLOYMENT A LA WPA?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. McFALL) is recognized for 10 minutes.

Mr. McFALL. Mr. Speaker, 2 years ago during the 91st Congress, I announced here on the floor my growing concern for the rising rate of unemployment in many parts of our country. At that time the previous year's—1969—rate was only 3.5 percent. However, many factors signaled adverse changes in this unemployment climate.

At that time, I introduced legislation calling for an "Accelerated Public Works" program to create employment in hard-hit communities by providing Federal funds in these areas to build much needed permanent facilities. This proposal would have provided jobs in those communities for the unemployed brick-and-mortar people—the carpenters, the brick layers, the electricians, the laborers, the engineers, and so forth. The suggested plan, designed to head off high unemployment rates, would make these areas more attractive to industry and aid in cleaning up our rivers. Sewer systems and water purification plants have traditionally received high priority in this type of program.

Many of my colleagues joined me in cosponsoring this legislation, including Congressman George Fallon who was serving as chairman of the House Public Works Committee; ranking member JOHN BLATNIK; and many other members of this great committee that has produced some of the great legislation of our time. It is with a sense of pride that I recall my service with these gentlemen on this committee.

Senator JENNINGS RANDOLPH, chairman of the Senate Public Works Committee, cosponsored the proposal in the Senate. Unfortunately, my legislative proposal did not receive a hearing during 1970.

Last year, here on this floor, I again brought to the attention of my colleagues my concern and again offered my "Accelerated Public Works" proposal, recalling that the previous year's unemployment rate—1970—of 4.9 percent. I was later joined by over 150 Members of the House and Senate in cosponsoring this legislation. These Members included Chairman BLATNIK and others serving on the House Public Works Committee, as well as Chairman RANDOLPH, of the Senate Public Works Committee, and many of his colleagues.

Chairman BLATNIK and his committee took our APW proposal and improved upon it by expanding the benefits to more communities and increasing the authorization to $2 billion.

The committee-reported bill passed the House by a vote of 320 to 67, passed the Senate by a substantial margin, only to be vetoed at the White House.

Today, I am joined by approximately 100 of my colleagues in reintroducing H.R. 13300 which was first introduced on February 2 of this year. Again, I wish to call attention to the rising rate of unemployment during 1971. With eight of the 12 months in 1971 recorded as 6 percent or higher—whether one uses the new math, the old math, seasonally adjusted, unadjusted, or an abacus from Peking—the 1971 unemployment average will come out at least 6 percent—not even counting those who have quit looking for work.

Last week the news media chronicled the optimistic report that unemployment had dropped two-tenths of 1 percent—5.7 percent—in February. However, close examination of this report reveals that total employment did not increase. Total unemployment decreased. The answer to this was supplied by AFL–CIO spokesmen who related what many of us already knew. They noted that many of the Nation's unemployed had become discouraged after remaining on the unemployment rolls for so many months and have not found it fruitful to reregister for jobs. Last week's press left much of the public under the impression that we have "turned the corner" and are, indeed, on the road to full employment. Time Magazine last week notes that the administration has considered moving the goal posts and no longer considers a 4-percent unemployment rate as full employment, and suggests that a 5-percent rate would be more credible.

I recall the Bureau of Labor Statistics of July 1971 that reflected a June unemployment rate of 5.6 percent and I recall, too, the optimistic administration comments that followed. Later, this report was adjusted upward to a 5.8-percent rate. The Bureau of Labor Statistics has long been made up of a group of dedicated professionals making every effort to reflect accurate data to the American people. I wish to announce to my colleagues that this highly respected Bureau celebrated an anniversary this month. Yes, it was 1 year ago this month that the Bureau held its last monthly press conference to announce the unemployment situation. The administration called a halt to this monthly conference which was designed to "tell it like it is." It was determined the administration spokesmen could better interpret the data for the American public. Too bad. However, as always, the American public does get "the word"—eventually—good or bad.

The legislation my cosponsors and I introduced today will increase financial assistance to the highest unemployment areas designated as "special impact areas" to $475 million. Expansion of authorizations contained in Public Law 92–65 will provide immediate useful work in hard-hit communities.

Public Works Committee Chairman BLATNIK, who also serves as chairman of the Special Subcommittee on Economic Development, is currently holding hearings designed to update portions of the Public Works and Economic Development Act of 1965. As this is the basis of Public Law 92–65, I believe I can speak for all 100 of my cosponsors in requesting the chairman and his distinguished committee to hear and consider the proposal we introduced today.

Mr. Speaker, there are those who might say we have adequate authorization and only need an administration request for funds to be followed by adequate appropriations. Well, my cosponsors and I do not wish to sit idly by awaiting something to happen. With the cooperation of the Public Works Committee, things will happen leading to progressive action toward curbing unemployment through "Accelerated Public Works."

RETIREMENT OF THE HONORABLE THOMAS G. ABERNETHY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. GRIFFIN) is recognized for 10 minutes.

Mr. GRIFFIN. Mr. Speaker, it was with mixed emotions that I learned our colleague, TOM ABERNETHY, of Mississippi's First District, today announced that he would not seek reelection.

I am saddened by the fact that TOM's extraordinary talents for service to his State and Nation in this body will not be available much longer. His integrity, candor, wit, and dedication over a period of 30 years are deeply appreciated by we who have served with him. That enviable record is permanently stamped in the history of the U.S. House of Representatives.

On the other hand, Mr. Speaker, I can well understand the gentleman from Mississippi's desire to spend some leisurely time with his charming wife Alice, his three wonderful children, and his six spirited grandchildren. He has given four decades of his life to public service and now deserves less demanding responsibilities. He has truly earned the right to partake more fully of life's pleasantries in an environment of relaxation and contentment.

TOM ABERNETHY should be secure in the knowledge that he has faithfully served his people.

Mr. Speaker, I insert at this point the gentleman's announcement of his retirement in the RECORD:

WASHINGTON, D.C.,
March 9, 1972.

DEAR FRIENDS OF THE FIRST CONGRESSIONAL DISTRICT OF MISSISSIPPI: I will not be a candidate for re-election to the United States Congress. When the current session adjourns, Mrs. Abernethy and I are going home—to stay! While we have enjoyed our service in Washington and will depart with some regret and sadness, we happily look forward to daily living in Mississippi.

My decision not to seek re-election was actually made early in December and confided to my family and a very few close friends. In the interest of my District I determined that my intentions should not be made public until Congressional Redistricting had been concluded.

For almost 37 consecutive years now I have been daily identified with public service in behalf of the people of our State—7 years as a District Attorney and 30 years as a Member of the United States Congress.

In 17 successive Democratic Primary elections I have had the good fortune to win each time—in 9 of such primaries without opposition. I have encountered opposition only 4 times in 17 successive general elections. To have my candidacy endorsed so often, and frequently so overwhelmingly, and in three Districts of widely different alignments, is something for which I am humbly grateful.

The United States Congress offers a tremendous opportunity for public service; but, believe me, the assignment is not easy. To successfully serve here requires something more than desire. The competition is keen. The hours are long. The work is tedious and heavy. The job is year-round. Nothing is accomplished by a Member of Congress simply because he is a Member. He has to move out and fight for it! Otherwise his name will soon appear on the usual long biennial list of political casualties.

A Congressman is associated daily with able Members from all sections of the country. They are of diverse views, philosophies and interests. To succeed here one must gain their attention, cooperation and respect. In gaining such, I have lived and worked by the Golden Rule. My word has been my bond. I have never misled or deceived one of my colleagues. I feel, in fact, I know I have had their respect and they have had mine.

On all issues I have, with courteous respect for the views of others, unswervingly applied my deeply conservative philosophy. I have made some mistakes; but none were deliberate. While the quality of my record is for the people to judge, I shall leave behind a service record of which I am deeply proud.

In a few weeks I will reach my 69th birthday. Mrs. Abernethy, my faithful partner in life who has seen me through many trying experiences and who has inspired me to battle all the way, and I are fortunate to be enjoying exceedingly good health. We have some good years ahead. Our desire is to live them out in Mississippi; and we intend to remain active.

We have three children of whom we are very proud. Because of our service here they were necessarily required to spend almost all of their young lives and obtain their elementary and high school education in the Washington area. They never caught "Potomac Fever." They eagerly returned to Mississippi for their college education. They married Mississippians and all now reside happily with their respective families in Jackson. We yearn to see them and our six little grandchildren more often.

I am grateful for the privilege of serving so long in this high position and trust I have measured up to the expectations of thousands of Mississippians who have honored me over these many years.

Sincerely and gratefully yours,
THOMAS G. ABERNETHY.

THE STATE OF THE ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 5 minutes.

Mr. ST GERMAIN. Mr. Speaker, make no mistake about it; the economy of this country is still in deep trouble.

A look at the record for the past year gives pause for thought. The balance-of-payments deficit was the largest in history, the Federal budget deficit for 1972 broke all records since World War II, this country had its first trade deficit since 1888, the dollar was devalued for the first time since 1934, the President sent the Congress the largest request for an increase in the national debt since 1943—$50 billion, and unemployment reached a 10 year high.

The hopeful words that continue to flow out of the White House no matter what the indices say are no guarantee that a rosy economy is just around the corner.

Far from it. If past predictions from the administration are any indication, we have little cause to ready ourselves for rejoicing. A year ago, Mr. Nixon and his advisers predicted a growth in the real GNP of 4½ to 5 percent. It turned out to be 2.7 percent; Federal tax income revenue was $20 billion less than projected. Even with the price freeze there was 4.3 percent inflation in 1971.

The President predicted an $11.6 billion budget deficit and a reduction in unemployment to 4.5 percent by mid-1972. The budget deficit turned out to be $39 billion and it looks as if unemployment will be no longer that 5.5 percent by mid-1972.

Continuing unemployment is of foremost concern to me. The official unemployment rate of 5.7 percent does not tell the whole story. In addition to these 5 million individuals who have no jobs and are actually seeking work, there were 780,000 so-called discouraged workers—people who want a job but have given up looking because they feel no jobs are available for them. The true story is that the unemployment rate is 6.6 percent.

There is still another important group—people who want full-time work but are only working part time. According to official Bureau of Labor Statistics estimates there are 2,676,000 such individuals. If these men and women are added to the first two categories, the real unemployment rate is close to 10 percent.

The state of unemployment is the 12th largest state in the United States.

Five million men and women in this country are seeking work. That is more people than the entire population of Connecticut. In fact, only 11 of of our States have populations larger than 5 million people.

The unemployment line would stretch from Washington, D.C., to Salt Lake City, Utah. If those 5 million people were standing in line—giving each person a 2-foot space—that line would extend for 2,000 miles. That is a greater distance than from Bangor, Maine, to Miami, Fla.

It is sad to think of the millions of jobless Americans seeking work but excluded from a place in our economy. No leadership is being given by the administration in a concerted effort to put these people back to work. This country should be able to guarantee a job to everyone who wants to work. Yet the administration has no action plan to reach a 4-percent unemployment figure. That should be the firm goal by the end of this year.

But even for working Americans the picture is not rosy.

In 1970, the Bureau of Labor Statistics issued estimates on living costs for a family of four. The intermediate budget cost—including taxes—was $10,664 a year. The lower budget was estimated at $6,960 a year. At that time the average American worker was earning $6,250 a year, not even up to the standard of the low budget estimate of what a family needs.

This year BLS is not giving out any figures. It looks as though the Government does not want to recognize the discrepancy that exists between what it costs a family to live in a modest self-respecting way and what Americans are actually taking home in their paycheck. A leading consumer specialist, Sidney Margolius makes the judgment that inflation has now pushed the intermediate budget up to $11,300 and the lower budget to $7,500. There is no need to point out that most American families fall far short of being able to live at the intermediate budget level. The average production worker makes $6,750 a year. That falls well below the lower budget figures.

The policies for the last several years to reduce unemployment, halt inflation, and build economic health, have met with dismal failure. One mark of the economy's sickness is the ever larger budget deficit.

The national debt has increased approximately $30 billion a year for the past 4 years. About one-fourth of our total national debt has accumulated in that period. During the coming year, $21 billion of the taxpayer's money will go for interest payments on the national debt. That means that more than one-tenth of the tax money we raise will be spent to pay interest.

As a result of our depressed economic situation, Federal tax collections fell greatly from the estimates of last year. At the same time, because of the economic recession, outlays for unemployment compensation, welfare, and medicaid increased rapidly—$6.4 billion according to some estimates.

On the one hand, many of our taxpayers are heavily overburdened; at the same time, our budget deficit for fiscal year 1972 is estimated at $38.8 billion. What is the solution? Perhaps some Federal spending can be cut back, especially in the area of military spending, but that will not solve the problem. We need more tax revenues, and they could be raised.

The solution is not to increase the tax rate. It is not to institute the so-called value-added tax, which is really a giant sales tax under another name. A value-added tax would be a knockout blow to the consumer.

Instead, what is needed is a thorough going tax reform. The tax law is riddled with loopholes. The big investor is already well provided for, but justice to the workingman demands an urgent and thorough reform.

According to two outstanding economists, Joseph Pechman and Benjamin Okner, if a variety of tax loopholes were eliminated, tax revenues would increase by $77 billion. That would be enough to cover the projected budget deficit and at the same time to give some significant tax relief to low- and middle-income wage earners. The figure is large enough in fact to also provide funds for some new programs such as revenue sharing. For 2 years President Nixon has advocated a $5 billion general revenue sharing program. The fiscal situation alone made that impossible. It would have been reckless for Congress to pass that legislation last year and add $5 billion more to an already disastrous budget deficit.

A wide-ranging tax reform is an absolute must to be fair to the low- and middle-income taxpayer. In 1970 there were 112 people with incomes over $200,000 who paid no Federal income tax. Obviously there are still some gaping loopholes in the income tax law.

A long list of tax reform proposals could be suggested such as reducing the oil depletion allowance and tightening up the minimum tax for wealthy individuals by shutting off some of the exemptions and exclusions. A reform movement would not lack proposals. What is lacking is support from the administration.

A crash program to cut unemployment and a crash program to rework the tax law deserve top priority attention from the Congress and from the administration. Without this type of action the Nation's economic illness could prove fatal.

THE PENNSYLVANIA COLLEGE OF OPTOMETRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ROONEY) is recognized for 5 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, on Sunday, March 5, Representative WILLIAM J. GREEN addressed students and faculty members at the Pennsylvania College of Optometry to kick off their observance of National Save Your Vision Week. This group is actively involved in saving vision and in reforming the health professions.

Mr. Victor Hoffman, the student body president, Mr. Mark Barth, coordinator of the National Save Your Vision Week program, Dr. Fisher, the Assistant Dean, and several hundred students, faculty members and wives attended.

Because I hold Congressman GREEN in high regard, both as a personal friend and as one I consider to be an outstanding Member of this House, I feel privileged to call the attention of my colleagues to his address on that occasion.

Congressman GREEN has a long record of demonstrated concern and active endeavor to improve the quality of health care in America. For those reasons, his remarks to the students and faculty of the Pennsylvania College of Optometry are particularly significant and I ask that they be printed in the RECORD.

Mr. GREEN'S remarks follow:

First, I want to thank all of you for inviting me to be with you tonight to help you officially begin observance of National Save Your Vision Week.

It is an added pleasure for me to visit your fine college because it is in my Congressional District.

I profit from speaking to groups like this because I learn a lot in the process of deciding what to talk about.

For example, this week I learned the difference between an optometrist and an optomologist. It occurred to me that a good number of people don't know that difference. Probably a good number of people don't know how to care for and best use their vision either. This group is to be congratulated, therefore, for having well-publicized activities during "Save Your Vision Week" and, hopefully, making more people conscious of vision problems.

I now know that there are over 20 thousand licensed optometrists in the United States located in over 5,000 cities and towns, and that they provide over 70% of all vision care in the United States. That makes optometry the third largest independently prescribing health profession.

Without knowing any of this, I have been interested in health care generally for some time. Last year, I co-sponsored H.R. 22, a national health insurance bill which establishes a broad based national health insurance program covering all ages. The bill would, as I'm sure you know, include optometric vision care services under the program. I support this inclusion just as I supported a similar inclusion in the Medicare provisions of the Social Security Act.

I think these inclusions are very important. When one considers that a child's ability to learn is dependent upon his ability to read and that, in turn, his ability to read is dependent upon adequate vision, the importance of adequate care is undeniable.

The fact that there are 21 million Americans aged 65 or over, 99% of whom undergo a chemical change which causes vision problems, adds to this importance for our whole society.

There is great need for vision care, and it should be included in Federal Health Programs.

The need is, as I said, undeniable. But there is a shortage of vision care services, as evidenced by the 1 million blind people in the United States and the untold million whose lives are diminished by hampered vision, frequently without their knowing.

It is evidenced by the 4,000 blind in Philadelphia and by the fact that only 300 optometrists serve a population of 2 million in our city.

It is evidenced by the fact that our most densely populated areas, our inner cities, suffer from the greatest lack of available service—or the means to afford adequate care.

We in Washington have approved legislation—the Emergency Health Personnel Act of 1970—which permits the Secretary of Health, Education and Welfare to identify locations experiencing shortages in health care personnel, including optometrists, and to assign members of the Public Health Service Commissioner Corps to duty in those areas. In exchange for this three years service in the scarcity area, the recently graduated health professional may seek up to 85% forgiveness of outstanding student loans.

We are also attempting to create new systems of health care delivery. One of the suggestions is the establishment of local health maintenance organizations, better known as HMO's. This would entail the organization of a co-ordinated delivery system, in a specified locale, to provide record keeping, billing, and other operational systems for both individual and multi-disciplined, group practices. I am hopeful that, when it reaches fruition, this legislation will encourage full participation by optometrists, physicians, podiatrists, general family practitioners, and all other specialties in a comprehensive system geared to preventive health care. Hearings on this are expected soon.

Others are also trying to fill the vacuum. New forms of group practice are being tried out all across the country in an attempt to answer the need for care at reasonable prices. There is no reason why the optometry profession should not be a part of such experimental practices.

Regional and neighborhood health groups have been formed, and a movement to expand community health centers has developed. Nationally, more free clinics, like the optometric clinics at Broad and Olney and Broad and Spring Garden, are opening.

Optometric and medical students have been in the vanguard of this movement to change the focus of health professions. They are developing new methods of serving, and they are trying to change their profession. The health crisis in America today demands this kind of action by established, as well as prospective, health professionals.

I feel a kinship with those who seek change. I know how difficult it is to change an established profession. I've tried in my own profession of politics.

I can't come here tonight and tell you that our Congress will perceive the need. It rarely does in time. And I, as one of so many, can't commit the Congress to action. I can, and do pledge that I shall try.

I have just one more thing to say. I have talked about physical vision and the challenge we both face in regard to it. There is a broader challenge to which we should open our eyes. It is the challenge of reordering our priorities, examining our national conscience and direction, and cleansing our political system.

It is not simply a question of money. It is a question of spirit—an issue of our intentions and motivation as human beings and as Americans.

It is one thing to demand that money being spent on Vietnam be redirected to our domestic needs.

And it is quite another to ask ourselves what machinery of policy, what process of thought, what blindness, if you will, got us there in the first place.

And it is still another to make up our national mind that we will never make the same mistake again.

Likewise, it is one thing to demand the Congress be more responsive to the people. But we must also ask what it is that makes our government seem so unresponsive.

It is not because of the nature of our institutions. Rather, it is because those institutions have been misused and abused. All too often in this country, the democratic process has been subverted to serve the demands of a few politicians and special interests.

The simple fact is that life will not get better in this nation or this city until government gets better.

And government won't get better until politics gets better. And that won't happen until you demand it. And we as a people or as individuals rarely demand it.

Tonight I ask you, as we begin Vision Week, to look to the future, to become a fuller member of this society, and to personally engage in political life.

There is all around us an apathy approaching blindness, a single-minded concern for ourselves. I challenge you to be as political as you are professional.

As this week continues, let us remember that unless each of us is part of the solution, we are part of the problem, whether it's war, racism, or bossism. The work is not yours to finish but neither are you free to take no part in it.

As Robert Kennedy said in the closing lines of his book, "To Seek a Newer World," "Our future may lie beyond our vision, but it is not completely beyond our control."

Thank you.

MISUSE OF POWER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. BOGGS) is recognized for 5 minutes.

Mr. BOGGS. Mr. Speaker, I bring to the attention of our colleagues an editorial from the Locust Valley Leader, an outstanding weekly newspaper circulated on Long Island, N.Y.:

MISUSE OF POWER

If New York Republicans have their way they will gerrymander Congressman Lester Wolff out of office—punishing him and the people he serves for taking such a firm and successful stand against the proposed Bayville to Rye bridge that the bridge is washed up. For it was Lester Wolff who devised the plan under which the town of Oyster Bay has given 5000 acres of priceless wetlands to the Interior Department. Because this is federal land the state cannot condemn it. The gift has closed the shore from Centre Island to Glen Cove making it impossible for the bridge to take off across the Sound anywhere along that shore.

From the start Wolff fought the bridge in the face of heavy political pressures from unions and other lobby groups. His stand won him the Guv's ire. Worse than that Wolff is an independent Democrat. As much as anything this was the prime factor in his ability to win the bridge battle because he did not have to knuckle under to GOP pressure to keep the congressional seat he has filled with such distinction.

When Lester Wolff took office it was the first time that all of us on the north shore had the kind of intelligent, fearless, uncommitted representation we should have been having all along. Wolff is a congressman first, a Democrat second. Rarely has he performed along partisan lines. He even runs his own campaigns which have been almost entirely free of local Democratic meddling. But he is a Democrat and he did oppose the bridge. And so, say the Republicans, he must go. The only way the Republicans can accomplish this is to gerrymander him out of office. Even though he is one of the finest men serving in congress, the Republicans are prepared to take this cynical political act with total disregard for Wolff and those he has served so well and so long.

A TRIBUTE TO THE SOUTH BEND TRIBUNE AND FRANKLIN D. SCHURZ, SR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BRADEMAS) is recognized for 5 minutes.

Mr. BRADEMAS. Mr. Speaker, today, March 9, 1972, is an historic date in South Bend, Ind. It marks the 100th year of service to South Bend and the surrounding areas of northern Indiana and southern Michigan of the South Bend Tribune.

This same date also marks the retirement of Franklin D. Schurz as editor and publisher of the Tribune, thus ending a distinguished newspaper career spanning almost 50 years.

Under the leadership of Mr. Schurz, Mr. Speaker, the South Bend Tribune has achieved international renown for pioneering in typographical and mechanical innovations in the newspaper industry. This was acknowledged in 1969 when Mr. Schurz received a citation from the American Newspaper Publishers Association, which read:

> With the highest esteem and gratitude for outstanding services to newspapers as first president of the ANPA Research Institute and for dedicated and constant support of newspaper research and new technology.

But, Mr. Speaker, Franklin D. Schurz and the South Bend Tribune stand for much more than technological pioneering. In these 100 years, a span of time which has seen the demise of thousands of newspapers all over the country, the South Bend Tribune has never missed a single day of publication.

More importantly, Mr. Speaker, this newspaper has both held firm to the highest standards of newspaper tradition and has shown dedication to the betterment, growth, and advancement of the whole Michiana area.

And Franklin Schurz has set a personal example of this concern for civic welfare by his willingness to give of himself in positions of high community leadership. In these past 35 years, hardly an activity involving civic and community affairs has been carried on without his encouragement, interest, and active participation.

On a personal note, Mr. Speaker, I well remember the occasions after the closing of the Studebaker plant in South Bend in 1963 when Mr. Schurz, accompanied by another great South Bend civic leader, Paul D. Gilbert, came to Washington to join me in many meetings with Federal officials to help our community overcome this crucial economic crisis.

Second only to his love of South Bend and the Tribune, has been his dedication to the whole field of newspapers. It is significant, Mr. Speaker, that, at the Tribune's centennial banquet in South Bend on Monday, March 6, at the head table were Wes Gallagher, general manager of the Associated Press; Mims Thomason, president and general manager of United Press International; and Stanford Smith, president of the American Newspaper Publishers Association.

Also at the head table was Rev. Theodore M. Hesburgh, C.S.C., president of the University of Notre Dame and Chairman of the U.S. Civil Rights Commission, who took the occasion to announce that Notre Dame will confer an honorary doctor of laws degree on Mr. Schurz at this year's commencement exercises.

It also is significant that one of Mr. Schurz' last acts as editor and publisher of the Tribune was to announce the setting up of 30 annual scholarships for Tribune carriers planning to attend college.

Mr. Speaker, I consider it a privilege and honor to add my voice to the chorus of congratulations on the South Bend Tribune's 100th birthday and to wish Franklin D. Schurz, Sr., health and happiness in his well-earned years of retirement and to express to him my warm, personal regards.

THE LATE HONORABLE GEORGE W. ANDREWS OF ALABAMA

(Mr. MAHON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MAHON. Mr. Speaker, by direction of the Committee on Appropriations, I include at this point a copy of the resolution adopted by the committee on February 22, 1972, in memory of the late Honorable and beloved George W. Andrews of Alabama:

RESOLUTION

Whereas, on Christmas Day, 1971, the Honorable George W. Andrews, full of honors and in his 28th consecutive year as a Member of the United States House of Representatives, answered the last roll call and joined the Congress of the Hereafter; and

Whereas, Mr. Andrews was one of the most dedicated, respected, and beloved Members ever to serve in the Halls of the House of Representatives; and

Whereas, Mr. Andrews was an outstanding public servant whose strong convictions about the public issues of the day were combined with a great compassion for his fellow man; and

Whereas, Mr. Andrews, throughout his 26 years of service on the Committee on Appropriations—through service on a number of Subcommittees, and otherwise—demonstrated his outstanding ability and his dedication to the Nation's best interests; and

Whereas, Mr. Andrews, throughout his 17 years of service on the Subcommittee on Defense Appropriations, vigorously supported and persuasively contributed to the maintenance of a strong defense system for the Nation; and

Whereas, throughout his 15 years of service on the Subcommittee on Legislative Branch Appropriations, including 7 years as Chairman, Mr. Andrews displayed great skill as a leader and demonstrated his devotion to the timeless virtues of fiscal discipline and restraint; and

Whereas, as a member of the Subcommittee on Public Works–AEC Appropriations, Mr. Andrews strongly supported the development of the Nation's energy and water resources; Now, therefore, be it

Resolved, That we, the Members of the Committee on Appropriations, sharing the universal feeling of grief at the loss of this truly great American and legislator who has passed from our midst, extend our deepest sympathy to Mrs. Andrews and others of his family, to his relatives, and others of that wide circle of admiration and universal respect; and be it further

Resolved, That these resolutions be entered in the Journal of the Committee, a copy sent to Mrs. Andrews, and that arrangements be made to include a copy in the appropriate ceremonial proceedings of the House of Representatives.

NATURAL RESOURCES AND PUBLIC INTEREST

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASPINALL. Mr. Speaker, again I call to the attention of my colleagues yet another point of view in the continuing examination of that very broad subject, environment. We are all interested in how to live in this world and still keep it livable. In the opinion of too many prophets of doom in recent years the choice was depicted as being between almost complete economic regression and the total despoilation of our environment—even to the extinction of life itself.

All of this completely ignores the adaptability of mankind. When smoke filled the abode of the caveman, he neither choked to death nor did he give up his fire. Man has always been able to adapt and to find a balance and that is as much within his ability today as it ever has been.

The wise use and the protection of our natural resources are not incompatible and this is articulated so well in a recent address given by the executive vice president of the Society of American Foresters, H. R. Glascock, Jr., and I commend its message to my colleagues:

NATURAL RESOURCES MANAGEMENT: WHERE THE PUBLIC INTEREST LIES[1]

(By H. R. Glascock, Jr.)

As the nation approaches its 200th year, it is inevitable and much to be desired that Americans once again turn to the forest. Not as an enemy this time, or even for fuel or shelter as our forefathers did. But as relief from the concrete canyons and the strains of city living; for outdoor recreation using newfound leisure, affluence and mobility. It seems that man's appreciation of nature increases as the development of civilization removes him from contact with nature and places him in an increasingly hostile, unnatural environment. With severe overcrowding and befouling of his city habitat, man's age of environmental concern has arrived, his war on pollution has been declared, and public concern for natural resources management has set in to stay.

INSULATION FROM LAND

Thus by our 200th year as a nation, the largely rural economy, which made early America great, has changed to an urban economy. Migration to the cities has progressed to the point that some 80 per cent of the people—and voters—live on 2 per cent of the land. More than 60 per cent of New England's old hilly farms have been abandoned and become woods again; and the early, high-ground homesteads in the Northwest have largely been reclaimed by the forest.

Insulated from the land—the farm and forest—the city dweller may conceptualize the forest as the last remaining island of peace and quiet in a raging storm of industrialization. Even if he never intends to visit the forest, the city man would like it somehow to remain forever just as he has come to conceive of it through romantic impressions from books, movies and television. He is not apt to view the forest as the dynamic, ever-changing community of plants and animals which it is, and as the reliable source of replenishable raw materials which his living standard demands. Having no evidence to the contrary, the city dweller can easily be convinced that commodity uses of the forest, which he himself makes necessary, destroy aesthetic values, which may now seem more important to him.

This is a generalized account of changes in America which are having a profound impact upon the nation's natural resources and the professionals who manage them. As Yale Professor of Silviculture David Smith writes in the February Journal of Forestry: ". . . We aim to manage the forests of a continent which has natural conditions as diverse as those of all temperate Eurasia to meet social demands that seem to become more bewilderingly varied with each passing year . . ."

PUBLIC INTEREST THROUGH LAW

One of the biggest problems foresters have today is determining where the public interest really lies in natural resources use and management. How can forest land be managed to meet all of the valid demands upon it? This determination has never been easy or precise, especially in deciding between preservation and use. But mounting and varied social demands, together with the new wave of eco-politics and eco-journalism, have made the task even more difficult—not only for foresters, but for the public itself and especially its elected representatives.

Presumably the laws of the land are in the public interest; so that is a good place to start in determining what the public wants and needs. Federal legislation such as the Multiple Use and Sustained Yield Act of 1960, the Wilderness Act of 1964 and the National Environmental Policy Act of 1969, for example, presumably represent the will of the American people. Yet the interpretations of the intent of Congress by federal land agencies are being challenged increasingly in the press and in the courts, by preservation groups and their political representatives. Definitions, provisions and performance under these acts are being twisted and bandied about as though no legislative history existed and the legislation were up for grabs through interpretation. And "anti" journalism will surely be countered with "pro" journalism; the lawsuits, with countersuits. Confusing? Yes. Conducive to determination of the public interest in resources management? No.

A prime example of this tailor-made confusion surrounds the Wilderness Act, which was painstakingly hammered out by Congress through difficult compromises over the better part of a decade. In the long deliberations, there was no question that certain lands should be zoned for roadless wilderness as contrasted to roadside wilderness. But zoning for one use in the public interest cannot be done in a vacuum. So the real question always was: *how much* land of what kind, where located and how administered, should be legislatively zoned for roadless wilderness in denial of other uses? All the plethora of verbiage concerning the Wilderness Act not addressed to this central question was and is, in my mind, so much sound and fury. But now we are told that the National Wilderness Preservation System was meant to include national forest roadless areas over 5,000 acres in addition to the "Wilderness," "Wild" and "Canoe" areas and the expandable "Primitive" areas specified in the Act. These other roadless areas, which Congress did not see fit to include in the System, are dubbed "*de facto* wilderness" by spokesmen of the Sierra Club and The Wilderness Society.

A GRAND DESIGN TO MAXIMIZE WILDERNESS

And, in what appears to be a grand design to stretch the Wilderness System—and the intent of Congress—to maximize the acreage in the System even at the expense of quality and certainly at the expense of other public needs, these and other preservation organizations have heaped scorn, insult and abuse on the U.S. Forest Service, which, though not perfect, is a model agency of public land management. The preservation groups have successfully motivated skillful, sensation-prone writers in such prominent periodicals as the *New York Times, Des Moines Register, Field and Stream, Atlantic* and *Reader's Digest* to join in the fun. Close reading reveals a formula which is repeated in articles and editorials often enough to be identified as a trade mark: a brand of hit-and-run journalism studded with misinformation and erroneous conclusions or implications. Such journalism, which appears to violate the Canons of Journalism adopted by both the American Society of Newspaper Editors and Sigma Delta Chi in the mid 1920's, is a disservice to the American public and should not be excused because those professional journalistic organizations admittedly lack the authority to enforce their Canons.

The U.S. Forest Service is excoriated in the press for high offenses against nature as illustrated by the most glaring misapplications or non-applications of forest practices which can be found on 187 million acres of national forest land. These misapplications are held to be typical and are not. Usually it is terracing and oversize clearcuts on the Bitterroot (Montana), alleged overcutting on the Shoshone (Wyoming), oversize clearcuts on the Monongahela (West Virginia), a fallacious interpretation of soil nutrient losses in a herbicide-treated, experimental clearcut at Hubbard Brook on the White Mountain (New Hampshire), the infamous lag of 5 million acres in reforestation on the national forests, and the erroneous equating of clearcutting with overcutting.

Seldom is it pointed out that the Forest Service has long ago admitted and discontinued its isolated misapplications of clearcutting and terracing; that the reason those 5 million acres haven't been reforested is that Congress hasn't appropriated the money to do the job; that the Administration's severe manpower ceilings and failure to spend what Congress has appropriated have prevented the badly-needed buildup of trained personnel to supervise properly the huge management responsibility of the national forests; that clearcutting, properly applied, maintains tree species intolerant of shade, is not excessive cutting, does not cause floods or accelerate erosion, but does improve wildlife habitat, and can improve the quantity and timing of water yield.

ABUSIVE CRITICISM

To further illustrate my point, you will be told at this meeting today:

"The performance of the Forest Service under these statutes . . . (the Multiple Use and Wilderness Acts) has been so dismal as to lead a growing number of people to the conclusion that the Forest Service is a wholly-owned subsidiary of the timber industry. . . .The Forest Service has paid only lip service to the very real pressures . . . recreational use creates. . . . If the Service's disregard for the principles of multiple use is conspicuous, its indifference toward the Wilderness Act has been notorious. . . . Although the Forest Service established wilderness areas back in the thirties, it has continually reduced the size of these areas to let the loggers in. . . ."

You may not buy this ungrateful, untrue and abusive criticism, but your Sierra Club guest speaker here today has scooped this meeting (held February 24th) by making his paper available for insertion into the *Congressional Record* of February 9th. The end is apparently thought to justify the means. Those of us who are devoting our working lives to the science, technology, education and practice of professional forestry certainly cannot accept such unfounded statements. But will members of Congress?

Will Congressmen know that, in addition to timber to meet national wood demands, the national forests provide more public recreation use, measured in man-days and greater variety, than any other of the federal lands?

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[1] Keynote address presented at Winter Meeting, New York Section, Society of American Foresters, Syracuse, New York, February 24, 1972.

That the Forest Service not only invented and set aside vast primitive areas in the 1920's and 1930's, decades before Congress acted, but protected them from commercial development until Congress did act? Will they know that 9.9 of the 10.2 million acres in the National Wilderness Preservation System today are in the national forests? Will they know that specially dedicated areas set aside in the national forests as restricted from commercial development constitute 23,400 square miles in aggregate, an expanse larger than the states of Vermont, New Hampshire and Massachusetts combined? And will they know that the Forest Service is the only federal agency on schedule in wilderness reviews under the Wilderness Act and that it will meet the 1974 deadline?

I trust that Congress will recognize these truths and others. The question of how much roadless wilderness is enough was answered by Congress in the hard-fought Act of 1964. Let us hope that Congress, in the absence of demonstrated public need, will stand strong against alterations or misinterpretations of this public policy, which is based on consideration of all uses. Let us also hope that Congress will not buy current proposals to include "recycled" wilderness in the Wilderness System, a renewable form of wilderness which thrives under less restrictive management. And Congressmen may well recall the wisdom of the Greek philosopher Epicurus that "nothing is enough for the man to whom enough is too little."

SEEING BEYOND THE SPECIAL INTERESTS

I have used the Wilderness Act as only one example of how the public interest as expressed in law may become confused. There are many more examples, including the National Park Act of 1916 and the Multiple Use and Sustained Yield Act of 1960. The public interest can be obscured by special interests, all of which claim to represent the public interest. Foresters must be alert in seeking out and understanding the real and changing needs of people. The squeaky wheel may not always be the most in need of grease.

Can we not say, in general, that as of today the American people demand, expect and need from the forested third of the nation a gamut of uses which is expanding, which is emphasizing amenity uses as never before, and which necessitates a sophisticated application of the multiple-use concept not so far achieved? The American people are looking to foresters and other resource professionals to make multiple use work.

Don't we also know that people now want clean air, and water, and landscapes—enough to afford the cost? That people want, and don't always get, inexpensive housing and paper products; clean and dependable water; quality fishing and hunting; accessible skiing; places for snowmobiles, dune buggies, trail bikes and motor boats; roadside wilderness; hiking trails and "pure' wilderness; picnic spots; campsites, trailer and camper sites, and all the rest? Actually, these uses can all be fitted in—up to a point—in our fixed land base. But it is the land manager's responsibility to know and announce when demands are excessive in terms of sustaining a balance of uses.

THE PUBLIC'S NEED FOR BIOLOGICAL FACTS

These are exciting, difficult times for the forestry profession. The very weakness of the profession's identity, it seems, has prompted attacks upon it and attempts to label it with employer orientation. Of course, such attacks are also symptomatic of our times. The danger is that refutable charges may blind the profession to its real shortcomings: its need for more effective dissemination and application of research, for a comprehensive program of continuous education, for communicative skills.

The growing public interest in natural resources management offers an unprecedented opportunity for service. In my view, if forestry professionals will deliberately make known to the public the biological facts and capabilities of forest lands under alternate management programs, the public can be counted on to set clear and realistic policies in its overall interest, which foresters can then carry out.

RUCKELSHAUS ON FORESTERS

Today's challenge to the profession was never better stated than by William D. Ruckelshaus, Administrator of the Environmental Protection Agency, in keynoting SAF's 1971 National Convention.

It will be up to foresters to help find ways to limit the damage from these rampant forces of population growth, urbanization and changing styles in leisure. The job is not going to get easier; the public will not lower its demands. Foresters are in the national spotlight and the glare is getting stronger. That means controversy, but it also means great opportunity for professional service . . .

In the evolution of modern forestry, SAF members lead the movement away from custodialism to the more sophisticated concept of multiple use. If there is truth to the claim that forests are too important to be left solely to the foresters, then it is equally true that there can be no progress without their expert knowledge. Professional foresters are called upon by society to provide a complex of management skills in a time of great ferment, abrasive demands, and protean shifts of values on behalf of policies that will more and more often be determined by public law.

"This fact does not diminish their calling, but rather enhances it. Indeed, the critical role of the foresters will be to evaluate alternate goals and recommend optimum approaches to reach objectives once they have been decided upon in the public forum. There can be no greater challenge for any profession, no more sobering responsibility.

"If we are to make the most of our forests, this nation will need strong leadership. Together with other servants of the earth—in a partnership of concern and commitment—foresters can ensure that man's return to nature will be economically profitable and spiritually fulfilling."

THE UNITED STATES HAS A RESPONSIBILITY TO TRY TO BRING PEACE TO THE ISLAND OF IRELAND

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, all of us, I am sure, are deeply saddened over the tourmoil, the violence, and the killing that have been going on for the past few years in Northern Ireland, most recently with increasing fury.

Some people, Mr. Speaker, have claimed that the United States ought not to interfere in any way in current developments in Northern Ireland. The State Department in particular has opposed any such action, and has even opposed the adoption by this House of any resolution relating to the conflict.

Mr. Speaker, let me say that I for one do not agree with the idea that what is happening in Northern Ireland is none of our affair.

Surely, if the President of the United States can go half way around the world to try to settle the conflict between mainland China and Taiwan, then we Americans ought to be clever enough to make some helpful suggestions that might bring an end to the violence in a country with such close ties to America and whose people have made such great contributions to our heritage.

I feel strongly that the administration ought to take a much more active role in moving both parties toward bringing the present terrorism to an end and working out a peaceful solution than they have been willing to take up to now.

How can we do this? Well, I believe that the real key to settling the current violence in Northern Ireland lies in ending the long-standing social and economic discrimination against Catholics that has prevailed in the Ulster area, and in opening direct talks between the Irish and British Governments looking toward a formula for the eventual reunification of all of Ireland.

This would be the first step, in my judgment, that ought to be taken, and I believe we ought as a nation to use our good offices to get such immediate discussions going between Prime Minister Jack Lynch, of Ireland, and Prime Minister Edward Heath, of Great Britain, to develop some specific formula for the eventual reunification of all of Ireland.

The remaining points of my own 4-point program for establishing peace and stability in Northern Ireland are as follows:

Second. Establishment of a joint Irish-British border patrol force along the boundary between the Irish Republic and Northern Ireland to help bring an end to logistics support of the guerrilla terrorist operations in Northern Ireland.

Third. A gradual lowering of the British military profile in Northern Ireland as the violence subsides.

Fourth. Immediate and decisive action by the British Government to end all social, political, and economic discrimination against Catholics living in Northern Ireland.

In connection with point No. 3, Mr. Speaker, let me just say that, contrary to some recommendations that have been made on this matter, I believe it is unrealistic to call for the immediate withdrawal of all British troops from Ulster. What is going on there is guerrilla warfare and without some peacekeeping force it could lead to an even bloodier civil war. I am glad to see that Prime Minister Jack Lynch agrees with me on this point.

But, as I have already said, the key to the problem is in ending the discrimination and in moving eventually to reunite what is clearly one country in accordance with the freely expressed wishes of the people themselves. Once a genuine effort is made in that direction, with the participation of the established leaders of Ireland and England, there would no longer be any reason for the continuation of either the terrorism or the harsh internment.

I believe our Government ought to do what it can to see that action along these lines is undertaken by all of the parties and governments concerned.

TESTIMONIAL DINNER GIVEN JOHN F. NAVE

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, fortunately, every community throughout our great Nation is endowed with certain citizens blessed with great leadership qualities. Fortunately for our society the initiative and dedication of those in that category contribute so greatly to our American way of life.

Today, I singled out one person from my home community who meets the description I have offered, and I single him out in association with a most deserving testimonial recently held in his honor. I refer to John F. Nave, my fellow Syracusan, who enjoys the distinction of serving as the youngest national commander of a national veterans organization, the Italian American War Veterans of the United States. In addition to his untiring efforts in behalf of the veterans community, he has also involved himself in other noble causes far too numerous to mention.

A fitting tribute was paid John in the form of a testimonial dinner on the evening of February 26, 1972, at LeMoyne Manor, Liverpool, N.Y.—on the outskirts of the city of Syracuse. I was privileged to participate as speaker on that occasion. I believe the purpose of the testimonial was best summarized in the plaque citation award presented Mr. Nave jointly by Past National Commander Vincent Loparco and Past Department of New York Commander Frank J. Albanese in behalf of the John Venditti Post No. 1, Italian American War Veterans. In speaking of that post it is interesting to note that under Commander Nave's leadership for the past 6½ years its achievements have proven so meaningful.

Despite the very inclement weather that prevailed that evening about 300 persons were in attendance.

The plaque citation award read as follows:

JOHN VENDITTI POST NO. 1 ITALIAN AMERICAN WAR VETERANS OF THE UNITED STATES, INC.

Presents this tribute to John F. Nave, Past National Commander, Leader of men, whose untiring efforts has brought this post to its highest pinnacle of success and achievements; who made a dream come through by spearheading the drive to obtain a post home; who has gained community recognition for the post through its philanthropic grants; who has shared his dynamic energies and time with the church, fraternal orders, labor and to the needs of his fellow veteran; and for all this, he has obtained the respect and admiration of his associates and friends.

We are proud to claim John as one of our own.

SYRACUSE, N.Y.,
February 26, 1972.

The guest of honor's remarks that evening, though brief, were so meaningful. I commend them to you:

Reverend Father Louis Pisano, Pastor St. Peter's Church, The Honorable James M. Hanley, Member of Congress from New York, Distinguished Guests, Friends, and Associates.

Tonight I'm deeply impressed by the honor of your presence in paying me this tribute. Seeing you all here makes me feel both proud and humble. Proud that you saw fit to give me this testimonial; Humble because you are actually here in numbers that I did not anticipate.

If I have made a small contribution in bettering mankind, I owe much of it to my friends and associates who worked with me, and also to my family which stood by and assisted me with moral and other support.

Tonight, you have heard a summary of my life. In general it has been a good life with few regrets. I have enjoyed a good education, a wonderful family and many exciting and interesting moments. Rarely have I known a dull and boring day. In fact, every day living has been more or less a life of excitement, enjoyment, and accomplishment with few set backs.

For this I have to thank my many associates and friends, especially in the fields of veterans work, employment, union activities, civic enterprises, church endeavors, and fraternal gatherings.

In closing, I wish to thank the John Venditti Post and its Ladies Auxiliary for sponsoring this affair in my behalf, and especially the committee which worked so diligently and hard in making it a succses. And again, special thanks to all of you for making Saturday, February 26, 1972 a great and memorable day in my life.

May the Good Lord Bless You All.

THE MARSELLUS CASKET CO. IN SYRACUSE, N.Y.

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, few American industries, or for that matter, I believe few industries in the world, can account for 100 years of continuous operation, and I think perhaps that even fewer industries which have accomplished a century of continuity can boast of present administration under the direction of descendants of the originator.

In my home community, Syracuse, N.Y., which incidentally we like to refer to as the "Hub of the Empire State" is such an industry. In 1872 an ambitious, industrious man who bore the name John Marsellus, at the age of 26, founded the Marsellus Casket Co., which eventually gained the reputation as the leading manufacturer of fine hardwood caskets. Its outstanding record through these 100 years attests to the very significant contribution it makes, both within its own industry and the community during its century of growth. For that matter its activities contributed measurably to our national economy.

Marsellus Casket Co. has been a model of enlightened free enterprise. I would call your attention, Mr. Speaker, to the fact that there has not been a layoff or shutdown at the company in over 50 years. Many Marsellus employees have never worked for any other firm. Sons, daughters, and other relatives of present and former employees have joined the company. Likewise, Marsellus is serving the third and fourth generations of several of its funeral directors and customers.

When John Marsellus, in 1872 started in business, the casket industry as we know it today did not exist. Caskets, like much of the furniture then in use, were the product of the village cabinetmaker or carpenter shop. John Marsellus, as an enterprising young man, laboriously traveling through the countryside selling supplies peculiar to the craft, envisioned the opportunity to establish a casket factory in the area where the Erie Canal and the Oswego Canal joined together creating a distributing center which was destined to become a great commercial community. John Marsellus chose Syracuse because, as he stated, "Syracuse had a bustling atmosphere about it."

Like most manufacturing businesses, changes in materials, designs and finishes are constantly taking place, and Marsellus is one of the leaders in this respect.

The first president of the company was John Marsellus, who died in 1941 at the age of 95. His son, John C., who died in 1959 at the age of 80, was made general manager in 1917, president in 1925, and chairman of the board in 1948. Since 1948, John F. Marsellus, grandson of the founder, has been president, having first become associated with the firm in 1935. John D. Marsellus, representing the fourth generation, is now executive vice-president.

Four generations of the Marsellus family have served the funeral profession for 100 years. This century of service indicates a notable past and a bright tomorrow with each generation weaving into the next the determination to make the finest hardwood caskets in the world.

With personal knowledge of the operation of this fine company, I can say with full appreciation that the opportunity for meaningful involvement within a community, within an industry, has been met and will continue to be met by the Marsellus Casket Co.

On behalf of the people of central New York community and the 35th Congressional District I extend best wishes for the next 100 years.

THE FAA DICTATES—PART IV

(Mr. KARTH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KARTH. Mr. Speaker, my dialog with the FAA Administrator, Mr. John H. Shaffer, went beyond the point of disagreement over policy and his interference in a local issue when the Administrator went back on his pledge to remain neutral on the question of a second airport in the Minneapolis-St. Paul area. I believed this pledge of neutrality from the Administrator and felt that it was essential so that the properly constituted authorities in the Twin Cities could make their decision from facts rather than on intimidation from a Federal bureaucrat.

That is why when I was advised of the Administrator's violation of his neutrality that I asked him for a clarification. It was essential that I have this clarification for, as our colleagues know, Congressmen must seek information from Federal officials in order to answer inquiries from constituents. After Mr. Shaffer violated his neutrality—expressed to me both in writing and verbally—by criticizing local official's veto of the Ham Lake Airport site, I found myself facing a potential credibility gap. For any Congressman to retain the trust of the people of his district, he must supply them with factual information. The Administrator's published remarks put me in an unenviable position.

The point here is not that I disagreed with the opinion expressed by the Administrator, but that I was put in the position of telling the people of my district one thing based upon the Administrator's personal assurances to me, while he was telling them another thing entirely through the press.

As I said in my report yesterday—which was one in a series of reports concerning the dangers in dealing with the FAA's Administrator—I also forwarded a copy of a letter from a constituent. That letter was critical of the Administrator's role and raised what seemed to me to be several extremely valid points concerning the airport controversy. As a courtesy to Mr. Shaffer and a service to my constituent, I sent the letter to the Administrator.

The Administrator's response was surprising. In his letter he demonstrated a lack of concern for the social, economic, and environmental matters involved, a selective perception that allowed him to accept only studies that supported his particular dictates, and an attempt to question my motives in the situation.

For the benefit of our colleagues, this is a portion of Mr. Shaffer's reply along with several comments.

His letter began—

> Courtesy dictates that I accept the criticism contained in your 22 December 1970 letter, even though they are completely unwarranted . . .

I might point out, Mr. Speaker, that criticism does indeed seem to be warranted when the Administrator of a public agency threatens a local community, uses questionable language and publicly breaks his word.

To continue with the letter:

> . . . but nothing suggests that I simply turn the other cheek. I will also give you the benefit of all doubt and assume that the criticisms stem from your concern *for your* constituency's best interests. (Emphasis by Mr. Shaffer.)
>
> I am similarly dedicated to protecting the National best interests which are inclusive, not exclusive, in that the National interest encompasses those of your constituents in most instances as is certainly the case in this specific situation.
>
> When informed of the Metropolitan Council's decision to veto the Ham Lake site for a second time, I was naturally disappointed because what is "essentially a state and local matter" is symptomatic of perhaps a bigger national problem which threatens the rational development of the sorely-needed, improved national aviation system; understandably the Ham Lake veto was the straw which burst the dam.
>
> Airport development is being hindered in many locations through emotional but organized waving of the environmental flag without regard to applicability. Just three days earlier (before the MAC decision) I had discussed the Ham Lake situation with Secretary Volpe and advised him that, for the first time, it appeared that a local government was examining potential airport sites in a calm and systematic manner with due consideration of the environmental impact. I cited the findings of the environmental report presented to the Council which concluded, with respect to Ham Lake—and I quote:
>
> "A major airport can be developed at either site in a manner that is environmentally and ecologically sound.
>
> "The Ham-Lake-Carlos Avery-Lino Lakes area offers an excellent opportunity for developing a system that will optimize the human and ecological values of the entire region. It can be expected that successful development of such a system will establish a new concept in airport development that will have national implications."
>
> With such advice in hand, the Council's out-of-hand rejection of the site on environmental grounds is beyond understanding although admittedly typical of the emotionally laden judgments being made elsewhere which are collectively slowing America's continuing development. In my book, the public's best interests dictate that "airport-versus-the environment" decisions must be made by a rational method which fairly and factually considers *all* of the factors involved. I had hoped Minneapolis-St. Paul was going to be capable of making that distinction, armed as it was with solid expert advice.

Mr. Speaker, this is a perfect example of Mr. Shaffer's inability to perceive "expert advice" that differs from his own bias. I point out also that his gratuitous remarks about "waving the environmental flag" are a slap in the face of those who are seriously concerned with both the environment and orderly development.

Additionally, Mr. Shaffer's remarks demonstrated the inability to evaluate the study he cites. The fact is that man can accomplish just about anything he sets his mind to if he is given unlimited funds. In other words the wildlife refuge abutting the Ham Lake airport site could easily be preserved if we built a dome over the 23,000 acre area.

The St. Paul Pioneer Press pointed this out from their own analysis and from a computerized study. Their conclusion was, and I quote from an editorial from the November 12, 1970, edition of that paper:

> Preliminary interpretation of the data by this newspaper indicates that the costs involved in saving the environment at Ham Lake would be fantastic and that a much more limited expenditure would be required for such (environmental) controls at Rosemont (the other site under consideration).

The Pioneer Press noted that the computerized study had, for some reason, not been given to the Metropolitan Airports Commission members prior to an obviously ill-advised vote that approved the Ham Lake site—fortunately their decision was advisory to the Metropolitan Council to which they report. But in words that could have been as easily directed toward Mr. Shaffer, they said it probably would not have made any difference anyway—

> The Metropolitan Airports Commission has given us reason enough to believe that it doesn't want to be confused by facts. . . .

In making the error of focusing on only the study that supported his view, Mr. Shaffer in effect, ignored the numerous other studies that had been conducted—studies with a total cost of nearly $500,000.

If Mr. Shaffer had been willing to consider studies that came to conclusions different from his own, he too might have come to the same overall conclusion that the St. Paul Dispatch came to on November 16, 1970.

That paper said on that date:

> There are, we believe, sufficient facts—related to the environment—upon which the Metropolitan Council can justify rejection of the proposed Ham Lake airport site. Many of these facts are included in a study recently completed for the Metro Council. The Metropolitan Airports Commission, itself, which already has voted for Ham Lake, has a study prepared by an independent consultant who states that development at Ham Lake will result in more environmental damage than would development of an airport to the south of the Twin Cities.

The Administrator also ignored the equally damaging report from the St. Paul Board of Water Commissioners who said that the source of St. Paul's water supply, the Mississippi River and the Rice Creek chain of lakes, would be polluted by runoff from an airport at Ham Lake due to geological features. As the Pioneer Press said on November 11, 1970, in reference to a possible court injunction:

> The court could well rule that the health of St. Paul's citizens takes precedence, especially since another potential airport site exists south of the Twin Cities.

Mr. Speaker, this indicates the tone and substance of Mr. Shaffer's response. In my next report I will discuss additional issues the Administrator raised that caused me to say in my response:

> Frankly, in my 12 years as a Congressman, I have never previously had my motives questioned nor my legitimate concern for my district disparaged.

THE CORRECTIONAL MANPOWER AND EMPLOYMENT ACT OF 1972

(Mr. DANIELS of New Jersey asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, the recent riots and disturbances at Attica, Soledad, and other correctional institutions stand as vivid testimony to the failure of America's prison system. Soaring crime rates contribute further evidence. Many believe that recidivism constitutes the hard core of this country's crime problem. An estimated 40 to 75 percent of our supposedly rehabilitated offenders commit additional and often more serious crimes upon their release. Four out of five felonies are committed by alumni of our correctional institutions. Many of our prisons are not correctional at all but rather colleges of crime that graduate men and women more deviant, disturbed, and expert in criminal methods than when they were first admitted.

Although rehabilitation has been the espoused goal of prisons for over a century, more attention has been given to punishment than positive action. We have paid sorely for this negligence—with the lives of prisoners, of correctional officers, and of ordinary citizens who are increasingly the victims of a growing crime rate.

Today I am introducing a bill designed to close the gap between the reality and the rhetoric of true reform. I am pleased to announce that the gentleman from Michigan (Mr. ESCH), the ranking minority member of the Select Subcommittee on Labor, is a cosponsor. Only with bipartisan support can we expect to combat effectively the grave problems facing penal institutions. This is not another research or study effort. The Correctional Manpower and Employment Act of 1972 is an action proposal with a twofold purpose: To create training and employment programs for offenders in order to increase their chances of getting and keeping a constructive job upon release, and to improve the effectiveness of correctional staff through better programs of recruitment, training, and personnel management.

The goal of our correctional process should be to prepare an offender to reenter the community prepared to lead a productive and crime-free life. Employment is absolutely essential. Studies have shown conclusively that the ability of a released offender to stay out of trouble is tied directly to his ability to get and hold a job. Teaching offenders skills and enabling them to find decent jobs ought to be the most important aim of the correctional process.

But the unemployment rate for ex-offenders is three times the national average. Why? Surprisingly, the ex-offender's prison record is not the greatest barrier to his employment; it is his lack of marketable vocational skills. Fewer than 85 percent of all Federal prisoners have marketable job skills, and prisoners leaving our State institutions are even less prepared to face the job market of today.

Prison training programs are limited in range and content and bear little relevance to outside employment needs. They are not geared to the inmate's interests or capabilities but rather to the institution's needs. For example, prisoners in New York State institutions are trained to become barbers, only to find upon release that the State of New York refuses to grant barbers' licenses to ex-offenders. As Chief Justice Burger so aptly put it:

> It is no help to prisoners to learn to be pants pressers if pants pressers are a glut in the labor market or bricklayers or plumbers if they will not be admitted into a union . . .

The thrust of my bill is to link job training with existing opportunities for employment. It authorizes the Secretary of Labor to make grants to correctional agencies and to public or private agencies for the training and employment of offenders, giving priority to programs where public or private employers actually find jobs for participants.

The bill aims at creating job training and employment opportunities for offenders during all stages of the criminal justice system—before trial, during and after incarceration. For example, financial assistance will be given to pretrial or other intervention programs offering an opportunity to participate to offenders prior to consideration of their cases. Following the program a recommendation is made to the court on the behavior of the individual charged. If his performance is favorable, charges will be dropped. Such a program not only reduces court congestion and long delays between arrest and trial, but also prevents stigmatization of young first offenders.

To help offenders during the time of their incarceration, my bill provides grants to prisons, jails and other agencies to expand their job training and employment opportunities. Let me briefly describe a few of the programs included. First, it is important to know the offender's skills, aptitudes and interests before selecting his rehabilitative program. So diagnostic tests and interviews are available.

Another hindrance facing offenders is simply their ignorance of the process of finding a job. We must instruct them in job interviewing and proper work habits.

In addition, we need to make prison work more relevant to outside job vacancies. My bill would upgrade work in correctional institutions so that skills developed by offenders, such as institutional cooking or laundering could be applied effectively to outside employment opportunities.

In cooperation with various labor unions, my bill supports apprentice training programs in skills that will be in demand upon release. Training time spent within the correctional institution would be counted toward the required union apprenticeship period.

The bill also provides grants to public or private agencies to establish training and employment programs for offenders after their release. It supports work-release programs that allow the offender to gain realistic on-the-job training in a community. The participant could learn not only vocational skills, but also how to adjust to work-a-day community living.

Another program eligible for funding is a training program for important figures in the offenders' lives—their families, parole officers, and other appropriate citizens—to sensitize them to the special employment problems of ex-offenders and their key role in the rehabilitative process.

The Correctional Manpower and Employment Act also focuses on those programs that already have been proven effective in combatting recidivism in various communities. They are suggestions not requirements. No applicant desiring to receive financial assistance must implement them. They serve as important guidelines since they are based on years of experience. But each applicant should decide what programs are best suited to his particular needs and would have the greatest probability of success.

A role is given to both the public and private sectors. The cooperation of the private sector in particular is paramount to the success of our job-oriented rehabilitation efforts. Unless the offender can feel part of the larger community again—as demonstrated by his ability to obtain a job—he cannot be expected to commit himself to a law-abiding life within it. A tax credit is given to employers of ex-offenders after he has worked for 1 year and will be kept on for another year.

Another section of the bill authorizes the Secretary of Labor to conduct various types of model programs specifically designed to increase the employment opportunities of offenders. The Federal Government must support innovative programs that could have possible nationwide application and bring insight into new correctional techniques.

One such program is a probation subsidy experiment. The Secretary would make grants to certain States that agreed not to incarcerate certain offenders and would keep him in the community, using the funds that would have been spent on incarceration instead for vocational training, counseling and other supportive services.

Another model program provided is an ex-offender-oriented employment service. Special units would be established in State agencies of the U.S. Employment Service, composed of specialized personnel responsible for the placement activities. They shall interview prisoners in the institutions and followup on their ability to find jobs upon release.

Federal, State, and local laws pose another significant barrier to an ex-offender's employment, since they often deny him access to certain positions because of his past record. In some States ex-offenders cannot obtain drivers licenses, work in establishments handling alcoholic beverages, or serve as beauty operators. I fail to see the necessity or value of such laws. They harm the offender's chances for rehabilitation and threaten the community by increasing the likelihood that the offender will be forced back into crime. My bill authorizes a study of State laws that are statutory impediments to employment, so that we can best determine how to change them.

In order to bring about the reform so desperately needed in our corrections system, we need not only the right programs but also the right people to administer them. Without this key ingredient, it will be difficult if not impossible to implement our proposals.

The second purpose of this measure is to improve the effectiveness of correctional personnel. We need more agressive programs of recruitment, training, and personnel management to fulfill a vital need in the overall correctional process.

Many correctional personnel are older than most inmates and have other differences that act as barriers to understanding and communication. Recruitment of correctional staff workers is further hampered by restrictive physical requirements which are unrelated to any work that must be performed, and result in turning away many otherwise qualified applicants.

Neither at Attica nor elsewhere are guards well trained for their demanding, difficult, and dangerous jobs. Most have qualified for jobs by simply passing a civil service exam and a physical. Most have a low level of general education—16 percent have not even completed high school. Yet, inservice training programs for correctional staff are extremely limited.

A national survey of correctional personnel conducted by the Joint Commission on Correctional Manpower and

Training found that inservice training programs were available to only 7 percent of all administrators, 9 percent of all supervisors, 10 percent of all functional specialists and 14 percent of institutional line workers.

My bill attempts to overcome this deficit by giving funds to correctional agencies to expand their recruitment and training programs. Emphasis is on opening up the correctional field to a greater number of young people, women, and minority group workers. Grants are also available to recruit volunteers and legal, medical, and other professional and paraprofessional personnel to assist in corrections. Priority will be given to those programs that contribute to the elimination of artificial barriers to employment and advancement of correctional personnel so that tightly scheduled written examinations or unrelated physical requirements are not necessary for a correctional career.

Training programs will be extended to present correctional personnel as well as to the new recruits, including seminars, courses and sabbatical leaves for educational purposes. Funds are also available for the development of courses and curricula in cooperation with institutions of higher education to raise the general level of education of corrections staff and to inform them of new ideas in their field. Financial assistance will also be available for persons attending school to advance in a corrections career.

The Correctional Manpower and Employment Act also creates a National Corrections Manpower Center under the supervision of the Director of the Federal Bureau of Prisons that will focus on a long-term manpower development plan to meet the overall needs of the correctional system. The Center will also arrange regional training programs as well as technical assistance to correctional institutions.

I am making available to the Members of the House a section-by-section analysis of the bill:

Section-by-Section Analysis of the Correctional Manpower and Employment Act of 1972

Section 2. Statement of Purpose.—This section declares it to be the policy of the United States to improve the correctional process by providing comprehensive manpower training and employment programs for offenders, and by improving the effectiveness of correctional personnel through better programs of recruitment, training, and personnel management.

Section 101. Grants to Correctional Agencies for the Training and Employment of Offenders and the Improvement of Correctional Personnel.—Authorizes the Secretary of Labor to make grants to any correctional agency for programs to improve training and employment opportunities of offenders and to improve the effectiveness of correctional personnel.

Manpower programs for offenders, eligible for assistance, include—training and employment programs in correctional institutions (including on-site and off-site work experience projects); research programs, training and employment programs in model community training and employment centers for juvenile offenders; diagnostic tests and interviews of offenders; training for offenders in finding employment; pre-release furloughs for offenders seeking employment; halfway houses for work-releases; and, methods of upgrading work in correctional institutions.

Programs to improve correctional personnel include recruiting and training programs, with priority given to those programs that help eliminate artificial barriers to employment and occupational advancement. These programs include attracting paraprofessionals through in-service training which would provide upward mobility into a corrections career; attracting young people, women, minority group members, volunteers, and legal, medical, and other professionals to assist in the area of corrections. Training programs eligible for assistance provide for use of private industry's resources; programs to retrain present corrections personnel; provision of sabbatical leaves; development of courses and curricula in cooperation with institutions of higher education; and, financial assistance to persons attending educational institutions to advance in a corrections career.

Provision is also made for flexible work schedules, improved working conditions, promotional opportunities and health insurance for correctional personnel.

Section 201. Grants to Public or Private Agencies for the Training and Employment of Offenders and Ex-Offenders.—Authorizes the Secretary of Labor to make grants to any public or non-profit private department, agency, or organization to establish training and employment programs for offenders and ex-offenders, and programs to improve the effectiveness of correctional personnel. Provides that the Secretary may also make contracts with any profit-making organization for the employment of offenders, including related training programs and supportive services.

These programs include pretrial and other intervention programs which provide an opportunity to individuals who have been charged with an offense to participate in training and employment programs, prior to final disposition of their cases; programs offering a full-range of public employment and advancement opportunities; training programs, established by Joint Apprenticeship Committees, with priority given for programs in which training time spent within the correctional institution is counted toward period of apprenticeship of offenders completing training; work-release programs, including programs in the area of environmental protection; professional and paraprofessional training programs; training programs for ex-offenders in the process of finding employment; and, training programs for prospective employers, parole officers, family members of ex-offenders, and others to sensitize them to the ex-offender's special employment problems.

Section 301. Federal Programs for the Training and Employment of Offenders and Ex-Offenders and the Improvement of Correctional Personnel.—Authorizes the Secretary of Labor to conduct model or demonstration programs designed to facilitate the training and employment of offenders and their reintegration into the community, and to improve the effectiveness of correctional personnel.

Requires the Secretary to establish these programs on the basis of their potential effectiveness, and in areas having the most need.

These programs include a Probation Services project, under which the Secretary shall make grants to selected States of one-half the amount it costs to incarcerate an offender, if the States agree to keep certain offenders in the community and use an amount equal to the cost of their incarceration to provide them with intensive probation services, emphasizing vocational training and employment; a State Employment Service project, which establishes in State agencies of the U.S. Employment Service special units composed of specialized personnel responsible for the job placement of ex-offenders; Ex-Offender Placement project, to assist in the placing of qualified ex-offenders who are denied employment for reasons other than their ability to perform, including difficulty in securing bonding; and, a project providing for the employment of offenders in Federal assistance programs.

Section 401. Conditions for Assistance for All Applicants.—Requires any correctional agency or public or private agency desiring financial assistance to submit an application to the Secretary of Labor. Each application shall include assurances that the applicant will make use of the best available resources in developing their programs; appropriate evidence of community understanding and cooperation in the development or operation of offender training and employment programs in the community; provision for the involvement of industry, labor and employment personnel from the private sector of the economy, as well as educational and vocational education personnel; provision for utilization of trained professionals and paraprofessionals; and, provisions meeting other administrative requirements.

Section 402. Conditions for Assistance for Correctional Agencies.—Provides that each application submitted by a correctional agency shall include certain additional provisions, including assurances that offenders participating in training and employment programs are selected on an objective basis; assurances that supportive services are provided along with training and employment; provision for the maximum utilization of work-release and the use of up-to-date training equipment; and, assurances that prior arrangements have been made for release of participants upon satisfactory completion of training.

Section 403. Conditions for Assistance for Public or Private Agencies.—Provides that each application submitted by a public or private agency shall include certain additional provisions, including evidence of cooperation from the appropriate State department of corrections or correctional agency; and, in the case of a profit-making agency, assurances that employment will be provided for each offender who participates in a training program.

Section 411. Allocation of Funds—Equitable Distribution.—Requires the Secretary to establish criteria assuring equitable distribution of assistance, by State, taking into account, among other factors, the ratio of the number of prisoners under 25 in each State to the total number in the country; the ratio of the number of prisoners in each State to the total population of the State; the ratio of the number of persons in the care of correctional agencies within each State to the total number in the country; the needs of the correctional agencies within each State in proportion to the needs in the Nation as a whole.

The aggregate assistance to the agencies and entities within any one State shall not exceed 15% of the funds appropriated.

Section 412. Allocation of Funds—Priority in Funding.—Provides priority in funding for programs assisted under this Act to be given to those most likely to be effective in meeting their goals. With respect to training and employment programs for offenders, priority shall be given to those in which arrangements are made with public or private employers for the employment of individuals participating in these programs.

Section 413. Allocation of Funds—Priority in Refunding.—Provides priority in continuing funding for programs assisted under this Act to be given to those applicants who show a high placement rate, taking into account either the relation of their placement rate to the gross national placement rate for all offenders or to the national rate for offenders having similar placement problems.

Section 414. Allocation of Funds—Installment Payments.—This section permits the Secretary of Labor to make installment payments to any grantees under this Act.

Section 421. Coordination and Program Linkages—Agencies Involved.— Requires the Secretary of Labor, the Attorney General, the Secretary of Health, Education and Welfare, the Secretary of Housing and Urban Development, and the Director of the Office of Economic Opportunity to enter into agreements to avoid program duplication and to assure the combining of resources, maximum coordination, and joint planning between programs conducted under this Act and other programs administered by these officers.

Section 422. Coordination and Program Linkages—Education for Offenders and Correctional Personnel.—Requires the Secretary of Labor and the Secretary of Health, Education and Welfare to enter into agreements pursuant to which the Secretary of Health, Education and Welfare will provide education for offenders and ex-offenders and correctional personnel participating in programs under this Act, and will establish linkages between programs under this Act and education, vocational rehabilitation, and other similar programs.

Section 423. Coordination and Program Linkages—Volunteer Recruitment.—Authorizes the Secretary of Labor to make arrangements with the Director of ACTION for the use of volunteers recruited by the Director to assist in the operation of programs under this Act.

Section 424. Coordination and Program Linkages within each State.— Authorizes the Secretary of Labor to enter into such arrangements as are necessary to ensure maximum coordination and joint planning between programs conducted under this Act within each State.

Section 431. Definitions.—This section defines the terms "correctional agency", "offender", and "State".

"Correctional Agency" means, in addition to any Federal, State, or local jail or prison, any Federal, State, or local correctional department or agency, any community-based correctional facilities, such as half way houses, prerelease and postadjudicatory referral centers, juvenile homes and detention facilities, and other appropriate facilities.

"Offender" means any person charged with or convicted of an offense, including juveniles against whom proceedings have been brought.

"State" means any State of the United States, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

Section 501. Additional Incentive for Employment of Offenders and Ex-Offenders.— This section provides for a tax credit for employers who place offenders or ex-offenders, certified by the Secretary as having successfully completed training under this Act, in employment or on-the-job training. Such employers may claim an income tax credit equal to 20% of the wages paid such employees in the first 12 months of employment, in the same manner and to the same extent as in the case of work incentive program expenses. (The amount of the tax credit for any one employer is limited to no more than the greater of $25,000 or 50% of his total tax liability in any taxable year, but amounts in excess of these limits may be applied to other taxable years under carryback and carryover provisions. Tax credits would be recaptured if the employer discharges the employee during the first 12 months of employment or within a year after the first 12 months of employment unless the employee leaves voluntarily or because of disability or is discharged for misconduct. The employee must be paid wages comparable to those paid to other employees of such employer who perform comparable services.)

Section 601. National Corrections Manpower Center.—This section establishes a National Corrections Manpower Center under the supervision of the Director of the Federal Bureau of Prisons. The purpose of the Center is to develop a long-term manpower development plan and program to meet the overall needs of the correctional system; provide technical assistance to correctional institutions in the development of correctional manpower; develop and provide both training programs and experts for the improvement of corrections personnel; and, arrange regional training programs.

Section 701. Studies and Reports—Program Effectiveness.—Requires the Secretary of Labor, in consultation with the Attorney General and the Secretary of Health, Education and Welfare, to conduct a continuing evaluation of programs under this Act to measure their effectiveness, particularly with respect to participants' recidivism rates. The Secretary is also required to submit to the President and Congress annually a detailed report of his findings.

Section 702. Studies and Reports—Statutory Impediments to Offender Employment.— Requires the Secretary of Labor to conduct a nationwide study of State laws resulting in statutory impediments to employment of offenders, in order to measure their effect upon the ability of ex-offenders to find jobs, and their resultant effect or recidivism rates. Requires the Secretary of Labor, through the Bureau of Labor Statistics, to compile other relevant information regarding offender employment opportunities, and to publish the results.

Section 703. Studies and Reports—Civil Service Commission.—Requires the Chairman of the U.S. Civil Service Commission, in consultation with the Secretary of Labor, to report to the President and Congress, no later than one year from the date of enactment of this Act, on the extent to which employment opportunities for offenders may be increased in the Federal service.

Section 801. Appropriations.—This section authorizes appropriations of $150 million for fiscal year 1973, $200 million for fiscal year 1974, and such sums as may be necessary for each of the next three fiscal years.

IMPROVEMENTS TO THE CAPITOL

(Mr. GUDE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, the news that the Commission for the Extension of the Capitol has approved an extension of the west front rather than trying to preserve the present wall—the only original wall of the Capitol remaining—has turned everyone's eyes to the exterior of the Capitol. I would hope that some of this attention will be directed toward a major eyesore—the East Capitol Plaza.

My colleague from Massachusetts, Michael Harrington, and I have asked to present another proposal for beautification of the Capitol to the Commission in time for the bicentennial on behalf of ourselves and 23 of our colleagues: Fred Schwengel, F. Bradford Morse, Tom Bevill, Charles Whalen, James R. Mann, John E. Moss, Howard W. Robison, Benjamin Rosenthal, G. William Whitehurst, Thomas M. Rees, Romano L. Mazzoli, Seymour Halpern, William D. Hathaway, John F. Seiberling, Ben B. Blackburn, Augustus F. Hawkins, Lawrence J. Hogan, Sam Gibbons, Frank Horton, John G. Dow, Lucien N. Nedzi, John S. Monagan, and Orval Hansen.

Our proposal is not intended to conflict with plans for the west front, but is intended to restore some degree of dignity, beauty, and tranquility to the East Capitol Plaza, which has degenerated into an unsightly and somewhat hazardous parking lot. We are convinced that a carefully planned diversion of vehicular traffic and parking from the area would make the Capitol better serve visitors and legislators alike.

In 1956, the Commission authorized the Architect of the Capitol to make a study of such a project. The results of that study came in 1957 and have been referred to as the campus plan. Essentially, this plan called for a garage under the East Plaza complete with access ramps and lanes for the pickup and discharge of visitors.

Further, it entailed the tunneling of Independence and Constitution Avenues and the closing of First Street East, thereby creating a pleasant, open plaza, free from vehicular traffic. The Commission accepted this plan and it was endorsed by the American Institute of Architects and other interested organizations. Regrettably, no further action was taken on the plan at that time.

We propose that a fresh look be given to adoption of a modified version of that campus plan. In the interest of economy, we would propose that the plan could be developed and executed in four steps.

The first and most important step would be to eliminate once and for all the unsightly parking lot on the East Plaza, the dangerous dodging of automobiles, and the undignified use of the Plaza for trash and delivery trucks. This could be accomplished by construction of an underground garage parallel to the Capitol Building. Special underground lanes for private and commercial vehicles would be included in this project. The Plaza's surface could be tiled or paved in an attractive manner and would be used by automobiles only on ceremonial occasions, such as the Presidential inauguration.

Subsequent stages of development would provide for additional parking underground as necessary and feasible, tunneling of Independence and Constitution Avenues, and the closing of First Street.

We believe, in consideration of the upcoming bicentennial, that the time for taking a fresh look at this proposal is particularly ripe. Should the plan prove economically feasible, the completion of step 1 by 1976 would be most desirable as it would go a long way toward restoring to our Capitol the dignity and grandeur it has long lacked, but always deserved.

ADDRESS OF CONGRESSMAN CONTE AT TESTIMONIAL DINNER FOR SCHENECTADY MAYOR FRANK J. DUCI

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, last Saturday our beloved and very able colleague, the gentleman from Massachusetts (Mr. CONTE), was in my district and my former hometown of Schenectady, N.Y., as the principal speaker at a testimonial dinner honoring the newly elected mayor of Schenectady, Frank J. Duci, the first Italo-American to be elected to that office in our city's history.

Congressman CONTE'S address was such a fine one, and included such a clear-cut appreciation of the great contributions that Americans of Italian descent have made to our great country, I believe my colleagues will find his address of great interest, and under leave to extend my remarks, I include the excellent address.

The address follows:

SPEECH BY THE HONORABLE SILVIO O. CONTE

Coming to Schenectady, is for me, much like coming home to my own hometown of Pittsfield, Massachusetts. In addition to the fact that only a range of mountains separates us, our two cities are very much alike. Yours is a city proud of its heritage, and so is Pittsfield. It's a working man's city, so is Pittsfield. It's a city comprised of many active ethnic groups, so is Pittsfield. And it's a city where a company called General Electric has some impact on the economy, and so is Pittsfield.

So, rather than feeling like a visitor from another state tonight, I feel like I'm spending a good night at home with friends.

All this is a rather elaborate way of saying that I am glad to be here, and I am most grateful to all the many friends of Mayor Frank J. Duci for inviting me to share this night with you.

If you catch me tilting my head a bit toward the mayor tonight, don't be surprised. I understand one of his hobbies is making sketches, and I want to make sure he gets a good profile of my best side.

It was a real pleasure meeting State Senator John Marchi here tonight. John, of course, is the fellow who made so many Republicans happy by helping to drive John Lindsay to the Democratic Party.

And, since this is not a strictly partisan affair tonight, I want to say how happy I am to visit Congressman Sam Stratton's district. Although we sit on opposite sides of the aisle in the Congress, I know and admire the hard work he puts in and the good job he does in the House of Representatives.

At the outset, I will make one promise that should meet with your approval. That is that I will be brief. I believe that, as Thomas Jefferson said, "speeches measured by the hour, die by the hour." And I would prefer that any dying I might have to do up here would be by the minute, not the hour.

Usually when I am invited to speak for some public official outside of my own district it is for a candidate for election who faces a pretty stiff challenge. If he loses despite all my rhetorical efforts, then it looks as though I helped defeat him.

So it's a lot more fun to come here tonight and speak for someone who has already won.

Instead of urging you to go out and vote for Frank Duci, I can simply congratulate you all on your good judgment. Because from what I know of the mayor, you have elected yourselves a man who has earned the right to head this great city, and a man who will lead it in a way that will make all of its citizens proud.

Schenectady is a city of "firsts"—the first nonsectarian college, the first railroad train, the first television. Now it has another "first"—its first Italian-American mayor.

The son of Italian immigrants, Frank Duci wasn't born the natural heir to high public office. He had to work and sacrifice to make his way to the position he now holds. When he was growing up here, there was no such thing as worrying about getting the luxuries of life. It was the necessities of life you had to scrape for.

I know the story very well, for I went through the same thing. That is one of the reasons I was so quick to accept the invitation to come here tonight. Both of my parents came over from tIaly. They didn't bring over much in their satchels. But what they did bring with them was the very best of a very old country—a deep respect for God and man, an appreciation of beauty, a yearning for freedom, and a love of family.

In time they became thoroughly and happily American—and so did all the children. And as we grew we developed a fierce desire to contribute something of value to this great nation. This desire is what fuels the fire of men such as Frank Duci. And his contribution has been, and will continue to be, top grade public service to the people of his community.

The story has been the same not only for Italian-Americans, but for descendants of all the waves of immigrants who have come to America. And nowhere is the story better illustrated than here in Schenectady.

Before coming over here tonight, I took some time to read about, and familiarize myself with, your city.

I read of the Indian land purchased and settled by the Dutch more than 300 years ago. I read of the early hard times, the struggles and the tragedies. The influence of the French and the English. The immigrations of the Italians, Germans, Poles, Irish, Jews and others. The tremendous growth that accompanied industrialization. The flourishing of the civic and cultural life of the community. And the upward mobility of the immigrants and their families as they moved to positions of influence through hard work and determination.

And as I read, I was struck by the fact that the history of your city is truly a capsule version of the history of this country.

The daring adventure, the adversity, the triumph, the growth—it has all been played out here just as it has for the country at large. And the participants in this great drama were the peoples of many nations who came here seeking, and finding, a better life.

Herman Melville, one of this nation's greatest authors and a favorite of mine since he wrote his classic "Moby Dick" in my hometown, understood this and stated it best when he said about America:

"Settled by the people of all nations, all nations may claim her for their own. You cannot spill a drop of American blood without spilling the blood of the world . . . We are not a narrow tribe of men . . . No, our blood is as the flood of the Amazon, made up of a thousand noble currents all pouring into one. We are not a nation so much as a world."

The man who wrote those words would have loved your city. For Melville would have found your city uniquely American. The tough and knotty problems our country is facing in its effort to forge a more perfect and just union, I am sure are reflected in Schenectady. But so too are the considerable talents and strengths of America. And those gifts, so long as we do not lose confidence, provide us with the tools both to deal with the problems we face and, ultimately, to overcome them.

We have done this in the past and, I believe, we can do it again. But the job is getting tougher all the time because the problems are getting tougher all the time. And the tougher the problems, the tougher the job of the public official who has to deal with them.

So it is not enough tonight merely to honor Frank Duci, merely to celebrate his success. Just as he needed your help to get elected to this post, so too will he need it if he is to lead this city effectively.

It has been said, and I believe wisely, that the job of Mayor is one of the most demanding and difficult in this country today. For here are all our nation's problems in microcosm. The mayor is in the first trench on the front line. To his office comes the complaint about the trash pickup and the tax rate; potholes in the street and racial tensions; snow removal and drug abuse; unemployment, pollution, school needs and countless others.

We are all adept at discovering problems, at finding inequities that should be corrected. We are much weaker when it comes to devising swift and workable solutions.

The difficulty, to a large degree, is that our problems are so severe these days, so complex and interrelated, that the simple solution of yesteryear just does not do the job.

Some people, however, still believe that for every problem there is a simple cure-all. Such thinking was labeled by John Gardner as the "vending machine concept of social change."

"Put a coin in the machine," he said, "and out comes a piece of candy. If there is a social problem, pass a law and out comes a solution. When the nation fails to solve one of its problems, people who hold such a simplified view naturally assume that someone in power was stupid or misguided or both."

The frustration that results from such a view leads many people to simply damn all public officials—in effect, they "drop out." Because they can't get overnight results, they simply give up and claim it can't be done."

Such pessimism reminds me of the story about the man who was watching Robert Fulton build the first steamboat. "It'll never start," the man said, "it'll never start". Then Fulton got into the *Clermont*, started the engine, steamed up the river, and the man yelled after him. "It'll never stop. It'll never stop."

I suppose there will always be people like that who would rather stay on the sidelines than get involved; people who would rather complain and predict defeat than roll up their sleeves and tackle a problem. Their attitude rejects the very things that made this country great.

When we were a much younger nation, our best people viewed our problems and our failings not as reasons to drop out, but rather as blemishes to be erased, challenges to be overcome.

Our forefathers worked manfully to meet their challenges. They did not create a perfect society, but they did better than anyone before them had ever done.

It is this legacy of unselfish service that must be continued if we are to see this nation through what is perhaps the most trying period in its history.

Fortunately for the citizens of Schenectady, Frank Duci will provide that service to this city. Throughout 12 years in county government, as supervisor and representative, he has proved that he is willing to pay the price of long hours, hard work, frequent setbacks and occasional ingratitude that go with meeting the challenge of public service.

Men such as your mayor reflect, by their daily toil, their confidence that they will succeed.

All of you here tonight, his friends, know the mayor better than I. So I am not going to run down the shopping list of all the things he has accomplished for this city and this country during his public career.

Certain things, however, seem to me to illustrate such a strong concern for the well-being of the community that they must be mentioned.

For example, while others worry about the communication gap between the old and the young, Frank Duci went out and did something about it. He initiated the "County

Government for A Day" program that lets kids take over the government and find out first hand what it is all about.

His commitment to education is nowhere better shown than in his strenuous and successful efforts for a new county public library and the creation of the Schenectady Community College.

Through his position on the Building Committee, he was instrumental in construction of the new county office building, renovation of the courthouse and construction of an addition to the Glendale Home for the elderly.

These, then, are a few of the tangible monuments to the concern and the effectiveness of your mayor.

But I am sure that everyone here tonight has a special story of his own to tell which describes the type of public servant Frank Duci has been for his city.

He is the type of public official who is always accessible to the people; always willing to give up his own time to help others; never too busy to study a problem first hand; never short of the enthusiasm, patience, and stamina it takes to be an effective public servant.

Frank Duci's vision of government is a clear one. And that is that the government is "of the people, by the people and for the people." With him there is no privileged few who deserve special breaks; nor is there anyone who deserve less than a fair break.

It is a great formula for public service, and he has followed it scrupulously. The people of Schenectady have been the benefactors, just as they will continue to benefit over the next four years of his term as mayor.

I join all of you tonight in celebrating the success of this good man. I urge you to carry your enthusiasm of this night over the difficult months and years ahead. And I thank you all for the opportunity to come here and help honor Mayor Duci.

Thank you.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Rousselot (at the request of Mr. Gerald R. Ford), for today, on account of official committee business at the direction of the chairman of the Committee on Post Office and Civil Service.

Mr. Foley, for Monday, March 13, 1972, on account of official business.

Mr. Burke of Florida (at the request of Mr. Gerald R. Ford), for today, on account of official business.

Mr. Pepper (at the request of Mr. Colmer), for Thursday, March 9, 1972, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. du Pont) to revise and extend their remarks and include extraneous material:)

Mr. Halpern, for 10 minutes, today.

Mr. Schwengel, for 30 minutes, today.

Mr. Miller, for 5 minutes, today.

Mr. Broomfield, for 5 minutes, today.

Mr. Hansen of Idaho, for 5 minutes, today.

(The following Members (at the request of Mr. Bergland) to revise and extend their remarks and include extraneous material:)

Mr. Aspin, for 10 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Mitchell, for 5 minutes, today.

Mr. McFall, for 10 minutes, today.

Mr. Griffin, for 10 minutes, today.

Mr. St Germain, for 5 minutes, today.

Mr. Rooney of Pennsylvania, for 5 minutes, today.

Mr. Boggs, for 5 minutes, today.

Mr. Brademas, for 5 minutes, today.

Mr. Ichord, for 60 minutes, March 13.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Mahon in the body of the Record and to include resolutions with reference to the late George W. Andrews of Alabama.

Mr. Mahon and to include certain tables and tabulations.

Mr. Gross and to include pertinent material.

Mr. Begich, to revise and extend his remarks on H.R. 10420 immediately prior to the Committee's rising.

(The following Members (at the request of Mr. du Pont) and to include extraneous material:)

Mr. Schwengel.

Mr. Steele in four instances.

Mr. Halpern in two instances.

Mr. Gude.

Mr. Conte.

Mr. Bell.

Mr. Wyman in two instances.

Mr. Quie in two instances.

Mr. Hunt in two instances.

Mr. Archer.

Mr. Zwach.

Mr. Carter in three instances.

Mr. Hosmer in two instances.

Mr. Morse in two instances.

Mr. Cleveland in two instances.

Mr. Chamberlain in two instances.

Mr. Steiger of Wisconsin.

Mr. Heinz.

Mr. Schmitz.

(The following Members (at the request of Mr. Bergland) and to include extraneous material:)

Mr. Gonzalez in two instances.

Mr. Rarick in three instances.

Mr. Rogers in five instances.

Mr. Hagan in three instances.

Mr. Sarbanes in five instances.

Mr. Carney in two instances.

Mr. Hamilton in three instances.

Mr. Evins of Tennessee.

Mr. Scheuer in two instances.

Mr. Donohue in two instances.

Mr. Holifield.

Mr. Wolff in two instances.

Mr. Badillo in three instances.

Mr. Gallagher.

Mr. Stokes.

Mr. Hébert in two instances.

Mr. Celler in two instances.

Mr. Abbitt.

Mr. Diggs.

Mr. Tiernan.

Mr. Harrington.

Mr. Dorn in two instances.

Mr. Roy.

Mr. Moorhead in five instances.

Mr. McKay.

Mr. Montgomery.

Mr. Waldie in three instances.

Mr. Zablocki in two instances.

Mr. Edwards of California in three instances.

Mr. Ryan in three instances.

Mr. Kyros.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 10834. An act authorizing the State of Alaska to operate a passenger vessel of foreign registry between ports in Alaska, and between ports in Alaska and ports in the State of Washington, for a limited period of time.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 602. An act to provide for the disposition of judgments, when appropriated, recovered by the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont., in paragraphs 7 and 10, docket No. 52033, U.S. Court of Claims, and for other purposes;

S. 671. An act to provide for division and for the disposition of the funds appropriated to pay a judgment in favor of the Blackfeet Tribe of the Blackfeet Indian Reservation, Mont., and the Gros Ventre Tribe of the Fort Belknap Reservation, Mont., in Indian Claims Commission docket No. 279–A, and for other purposes;

S. 860. An act relating to the Trust Territory of the Pacific Islands;

S. 996. An act relating to the transportation of mail by the U.S. Postal Service;

S. 1163. An act to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal projects, nutrition training and education projects, opportunity for social contacts, and for other purposes;

S. 2423. An act to amend the Federal Aviation Act of 1958 to provide for the suspension and rejection of rates and practices of air carriers and foreign air carriers in foreign air transportation, and for other purposes; and

S. 3244. An act to amend the Military Construction Authorization Act, 1970, to authorize additional funds for the conduct of an international aeronautical exposition.

ADJOURNMENT

Mr. BERGLAND. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 44 minutes p.m.), under its previous order, the House adjourned until Monday, March 13, 1972, at 12 o'clock noon.

CONTRACTUAL ACTIONS, CALENDAR YEAR 1970, TO FACILITATE NATIONAL DEFENSE

The Clerk of the House of Representatives submits the following report for printing in the Congressional Record pursuant to section 4(b) of Public Law 85–804:

U.S. Atomic Energy Commission,
Washington, D.C., March 8, 1972.

Hon. Carl Albert,
Speaker of the House of Representatives.

Dear Mr. Speaker: The following information is submitted pursuant to the provisions of Public Law 85–804, approved August 28, 1958, and to the implementing instructions as contained in Federal Procurement Regulations 1–17.000 which establishes regulations for entering into and amending or modifying contracts to facilitate the national defense under the extraordinary emergency authority granted by this Act.

The Act provides that each agency shall, by March 15 of each year, submit to the Congress a report of all actions taken under the authority of the Act during the preceding calendar year. For the calendar year ending December 31, 1971, the Atomic Energy Commission reports the following actions approved under the subject Act.

1. "Residual Powers": Determinations (for drilling work) dated March 10, April 20, and October 1, 1971, and Determinations (for all other construction work) dated April 20, and July 1, 1971, were issued for the Nevada Test Site (NTS), including Nuclear Rocket Development Station (NRDS) Nevada, and Tonopah Test Range (TTR). The Determinations provide that contractors and subcontractors, subject to the Davis-Bacon Act at the aforementioned locations, shall adhere to money provisions and certain other conditions of labor agreements between Reynolds Electrical and Engineering Co., Inc., and Catalytic Inc., and various construction crafts in the Nevada area. These Determinations are deemed necessary to promote labor stability, efficiency and economy in the performance of contracts and subcontracts at the sites which directly affect the national defense and security.

2. Formalization of Informal Commitments and "Residual Powers":

Amount requested	$10,714.34
Amount paid	9,916.29

3. Other Contractual Adjustments:

Amount requested	4,825.00
Amount approved	4,825.00
Amount requested	712.00
Amount approved	712.00
Amount requested	39,600.00
Amount approved	13,200.00
Amount requested	760.00
Amount paid	90.91

Sincerely,

John V. Vinciguerra,
For General Manager.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1717. A letter from the Chief Scout Executive, Boy Scouts of America, transmitting the 1971 Annual Report of the Boy Scouts of America (H. Doc. No. 92–263); to the Committee on Education and Labor and ordered to be printed with illustrations.

1718. A letter from the Assistant Secretary of Agriculture, transmitting the first annual report of the National Advisory Council on Child Nutrition, pursuant to Public Law 91–248; to the Committee on Education and Labor.

1719. A letter from the Assistant Secretary of the Interior, transmitting the fiscal year 1971 Annual Report of the Bonneville Power Administration, together with the consolidated financial statement for the Federal Columbia River Power System, pursuant to Public Law 89–448; to the Committee on Interior and Insular Affairs.

1720. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting the Annual Report of the Immigration and Naturalization Service for fiscal year 1971; to the Committee on the Judiciary.

1721. A letter from the General Manager, Atomic Energy Commission, transmitting a report of Commission activities during 1971 in entering into and amending or modifying contracts to facilitate the national defense under the extraordinary emergency authority granted by Public Law 85–804; to the Committee on the Judiciary.

1722. A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation to provide equitable wage adjustments for certain prevailing rate employees of the Government; to the Committee on Post Office and Civil Service.

1723. A letter from the Chairman, Atomic Energy Commission, transmitting a draft of proposed legislation to amend the Atomic Energy Act of 1954, as amended, to require applicants for licenses to construct and operate utilization or production facilities to obtain a construction permit from the Atomic Energy Commission prior to commencement of construction, and for other purposes; to the Joint Committee on Atomic Energy.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MAHON: Committee on Appropriations. House Joint Resolution 1097. Joint resolution making certain urgent supplemental appropriations for the fiscal year 1972, and for other purposes (Rept. No. 92–909). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee of conference. Conference report on H.R. 12910 (Rept. No. 92–910). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DANIELS of New Jersey (for himself, and Mr. Esch):

H.R. 13690 a bill to provide for the comprehensive development of correctional manpower training and employment, and for other purposes; to the Committee on Education and Labor.

By Mr. ABBITT:

H.R. 13691. A bill to extend the survivor annuity provisions of section 8341(b) (1) and (3) of title 5, United States Code, to spouses, widows, and widowers of certain retired employees, and for other purposes; to the Commitee on Post Office and Civil Service.

By Mr. ASHLEY:

H.R. 13692. A bill to provide that in determining the amount of retired pay, retirement pay, or retainer pay payable to any enlisted man, all service shall be counted which would have been counted for the same purposes if he were a commissioned officer; to the Committee on Armed Services.

By Mr. BRAY:

H.R. 13693. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. CELLER:

H.R. 13694. A bill to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended; to the Committee on the Judiciary.

By Mr. DUNCAN (for himself, Mr. Addabbo, Mr. Alexander, Mr. Bevill, Mr. Blanton, Mr. Derwinski, Mr. Garmatz, Mr. Gray, Mr. Hogan, Mr. Hunt, Mr. Kuykendall, Mr. Melcher, Mr. Nichols, Mr. Perkins, Mr. Quillen, and Mr. Yatron):

H.R. 13695. A bill to amend section 120 of title 23, United States Code, to provide that the Federal share payable for Interstate System projects shall be 100 percent, and for other purposes; to the Committee on Public Works.

By Mr. EDWARDS of Alabama:

H.R. 13696. A bill to make the use of a firearm to commit certain felonies a Federal crime where that use violates State law, and for other purposes; to the Committee on the Judiciary.

By Mr. GARMATZ (for himself, Mr. Clark, Mr. Pelly and Mr. Keith):

H.R. 13697. A bill to amend the provisions of title 14, United States Code, relating to the flag officer structure of the Coast Guard, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. GARMATZ:

H.R. 13698. A bill to provide for the establishment of a national cemetery within a 50-mile radius of Baltimore, State of Maryland; to provide for the care and maintenance of said cemetery; and to authorize a burial plot allowance for the benefit of certain deceased veterans; to the Committee on Veterans' Affairs.

H.R. 13699. A bill to extend until September 30, 1975, the suspension of duty on certain dyeing and tanning products and to include logwood among such products; to the Committee on Ways and Means.

By Mr. McFALL (for himself, Mr. Patman, Mr. Staggers, Mr. Sikes, Mr. Rodino, Mr. Pucinski, Mr. Price of Illinois, Mr. Thompson of New Jersey, Mr. Dingell, Mr. Brademas, Mr. O'Neill, Mr. Don H. Clausen, Mr. Boland, Mr. Annunzio, Mr. Madden, Mr. Garmatz, Mr. Flood, Mr. Dulski, Mr. Sisk, Mr. Begich, Mr. Kluczynski, Mr. Clark, Mr. Leggett, and Mr. Hays):

H.R. 13700. A bill to amend the Public Works and Economic Development Act of 1965 in order to increase the authorization of appropriations for the fiscal year ending June 30, 1973, for public works and development facilities grants, and to require that a larger percentage of such appropriations be expended in certain redevelopment areas; to the Committee on Public Works.

By Mr. McFALL (for himself, Mr. Adams, Mr. Alexander, Mr. Anderson of California, Mr. Bergland, Mr. Burke of Massachusetts, Mr. Burton, Mr. Byrne of Pennsylvania, Mr. Casey of Texas, Mr. Conte, Mr. Corman, Mr. Cotter, Mr. Danielson, Mr. Davis of Georgia, Mr. Dellenback, Mr. Dellums, Mr. Dent, Mr. Diggs, and Mr. Dow):

H.R. 13701. A bill to amend the Public Works and Economic Development Act of 1965 in order to increase the authorization of appropriations for the fiscal year ending June 30, 1973, for public works and development facilities grants, and to require that a larger percentage of such appropriations be expended in certain redevelopment areas; to the Committee on Public Works.

By Mr. McFALL (for himself, Mr. McKay, Mr. Meeds, Mr. Mikva, Mr. Minish, Mrs. Mink, Mr. Mollohan, Mr. Monagan Mr. Morse, Mr. Moss, Mr. O'Konski, Mr. Pelly, Mr. Pepper, Mr. Pirnie, Mr. Pryor of Arkansas, Mr. Rees, Mr. Roybal, Mr. St Germain, and Mr. Sarbanes):

H.R. 13702. A bill to amend the Public Works and Economic Development Act of 1965 in order to increase the authorization of appropriations for the fiscal year ending

June 30, 1973, for public works and development facilities grants, and to require that a larger percentage of such appropriations be expended in certain redevelopment areas; to the Committee on Public Works.

By Mr. McFALL (for himself, Mr. Edwards of California, Mr. Evans of Colorado, Mr. Foley, Mr. William D. Ford, Mr. Fraser, Mr. Fulton, Mr. Fuqua, Mr. Gonzalez, Mrs. Grasso, Mrs. Hansen of Washington, Mr. Hathaway, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Hicks of Washington, Mr. Hosmer, Mr. Howard, Mr. Hull, Mr. Kee, and Mr. McCormack):

H.R. 13703. A bill to amend the Public Works and Economic Development Act of 1965 in order to increase the authorization of appropriations for the fiscal year ending June 30, 1973, for public works and development facilities grants, and to require that a larger percentage of such appropriations be expended in certain redevelopment areas; to the Committee on Public Works.

By Mr. McFALL (for himself, Mr. Slack, Mr. James V. Stanton, Mr. Stokes, Mr. Stubblefield, Mrs. Sullivan, Mr. Talcott, Mr. Thomson of Wisconsin, Mr. Tiernan, Mr. Ullman, Mr. Van Deerlin, Mr. Vander Jagt, Mr. Vanik, Mr. Waldie, Mr. Drinan, and Mr. Brooks):

H.R. 13704. A bill to amend the Public Works and Economic Development Act of 1965 in order to increase the authorization of appropriations for the fiscal year ending June 30, 1973, for public works and development facilities grants, and to require that a larger percentage of such appropriations be expended in certain redevelopment areas; to the Committee on Public Works.

By Mr. HALPERN:

H.R. 13705. A bill to amend the Drug Abuse Education Act of 1970 to broaden the scope of its programs to include programs involving correctional institutions and facilities and the personnel of such institutions and facilities; to the Committee on Education and Labor.

H.R. 13706. A bill to subject the Federal, State, and local governments to the provisions of the Age Discrimination in Employment Act of 1967; to the Committee on Education and Labor.

By Mr. HALPERN (for himself and Mr. Hays):

H.R. 13707. A bill to authorize the Secretary of State to furnish assistance for the resettlement of Soviet Jewish refugees in Israel; to the Committee on Foreign Affairs.

By Mr. HALPERN:

H.R. 13708. A bill to amend part E of the Omnibus Crime Control and Safe Streets Act of 1968 to require applications for grants for correctional institutions and facilities to include provisions for drug addiction and rehabilitation programs and to direct the Attorney General to prescribe standards for the administration of drug rehabilitation programs in correctional institutions and facilities; to the Committee on the Judiciary.

By Mr. HALPERN (for himself, Mr. Duncan, Mr. Minshall, and Mr. Kemp):

H.R. 13709. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence; to the Committee on Ways and Means.

By Mr. HAWKINS:

H.R. 13710. A bill to provide public service employment opportunities for unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes; to the Committee on Education and Labor.

By Mr. HAYS:

H.R. 13711. A bill to amend title 44 of the United States Code to revise the provisions relating to the disbursement function of the Government Printing Office and to provide accountability and relief for certifying officers of such Office, and for other purposes; to the Committee on House Administration.

By Mr. HELSTOSKI:

H.R. 13712. A bill to provide for the issuance of a commemorative postage stamp in commemoration of the 500th anniversary of the birth of Nicolaus Corpernicus, the founder of modern astronomy; to the Committee on Post Office and Civil Service.

By Mr. McMILLAN (by request) (for himself, Mrs. Green of Oregon, Mr. Diggs, Mr. Fraser, Mr. Cabell, Mr. Blanton, Mr. Stuckey, Mr. Mikva, Mr. Link, Mr. Dellums, Mr. Nelsen, Mr. Springer, Mr. O'Konski, Mr. Harsha, Mr. Broyhill of Virginia, Mr. Gude, Mr. Landgrebe, Mr. McKinney, and Mr. Fauntroy):

H.R. 13713. A bill to extend for 3 years the District of Columbia Medical and Dental Manpower Act of 1970; to the Committee on District of Columbia.

By Mr. REID:

H.R. 13714. A bill to amend the Bank Holding Company Act Amendments of 1970 to authorize grants to Eisenhower College, Seneca Falls, N.Y.; to the Committee on Banking and Currency.

By Mr. ROGERS (for himself, Mr. Satterfield, Mr. Kyros, Mr. Preyer of North Carolina, Mr. Symington, Mr. Roy, Mr. Nelsen, Mr. Carter, and Mr. Hastings):

H.R. 13715. A bill to amend the Public Health Service Act to enlarge the authority of the National Heart and Lung Institute in order to advance the national attack against diseases of the heart and blood vessels, the lungs, and blood; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHEUER:

H.R. 13716. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on the Judiciary.

By Mr. SKUBITZ:

H.R. 13717. A bill to enable wheat producers, processors, and end-product manufacturers of wheat foods to work together to establish, finance, and administer a coordinated program of research, education, and promotion to maintain and expand markets for wheat and wheat products for use as human foods within the United States; to the Committee on Agriculture.

H.R. 13718. A bill to amend the Occupational Safety and Health Act of 1970, and for other purposes; to the Committee on Education and Labor.

By Mr. TEAGUE of Texas (for himself, Mr. Montgomery, Mrs. Hicks of Massachusetts, Mr. Danielson, and Mr. Winn) (by request):

H.R. 13719. A bill to amend title 38, United States Code, to authorize an extension of the contract with the Veterans Memorial Hospital at Manila, under the modified agreement between the United States and the Republic of the Philippines respecting hospitals and medical care for Commonwealth Army veterans and new Philippine Scouts, and to extend the appropriation authority for sums to be used in making research and teaching grants to such hospital; to the Committee on Veterans' Affairs.

By Mr. ULLMAN (for himself, Mr. Corman, Mr. Betts, Mr. Schneebeli, and Mr. Conable):

H.R. 13720. A bill to amend the Internal Revenue Code of 1954 with respect to lobbying by certain types of exempt organizations; to the Committee on Ways and Means.

By Mr. WHALLEY:

H.R. 13721. A bill to amend section 120 of title 23, United States Code, to provide that the Federal share payable for Interstate System projects shall be 100 percent, and for other purposes; to the Committee on Public Works.

By Mr. WIGGINS:

H.R. 13722. A bill to amend section 2254 of title 28, United States Code, with respect to Federal habeas corpus; to the Committee on the Judiciary.

By Mr. WYMAN (for himself, Mr. Horton, Mr. Helstoski, Mr. Hungate, Mr. Derwinski, Mr. Mallary, Mr. Mayne, Mr. Kemp, Mr. Hunt, Mr. Collier, Mr. Halpern, Mr. Mazzoli, Mr. Gallagher, Mr. Moss, Mr. Addabbo, and Mr. Whitehurst):

H.R. 13723. A bill to protect collectors of antique glassware against the manufacture in the United States or the importation of imitations of such glassware; to the Committee on Interstate and Foreign Commerce.

By Mr. FISH:

H.R. 13724. A bill to amend the Federal Water Pollution Control Act; to the Committee on Public Works.

By Mr. HELSTOSKI:

H.R. 13725. A bill to amend title 38, United States Code, to liberalize certain Veterans' Administration benefit payments to Philippine veterans and their dependents; to the Committee on Veterans' Affairs.

H.R. 13726. A bill to amend section 1502 of title 38, United States Code, to provide that eligibility requirements for Vietnam era veterans shall conform with those afforded World War II and Korean conflict veterans; to the Committee on Veterans' Affairs.

H.R. 13727. A bill to amend title 38, United States Code, to authorize the Administrator to reimburse employers for unusual costs incurred in providing on-job training for certain veterans; to the Committee on Veterans' Affairs.

By Mr. LEGGETT (for himself, Mr. Moss, Mr. Waldie, Mr. Miller of California, Mr. Rees, Mr. McCloskey, Mr. Pettis, Mr. Edwards of California, Mr. Danielson, Mr. Dellums, Mr. Corman, Mr. Dingell, Mr. Udall, Mrs. Hansen of Washington, Mr. Dennis, and Mr. Ryan):

H.R. 13728. A bill to designate certain lands in the State of California as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. LENT:

H.R. 13729. A bill to establish a contiguous fishery zone (200-mile limit) beyond the territorial sea of the United States; to the Committee on Merchant Marine and Fisheries.

By Mrs. MINK:

H.R. 13730. A bill to amend title 13, United States Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purpose of administering a voter registration program through the mail; to the Committee on House Administration.

By Mr. PRICE of Illinois (for himself, Mr. Holifield, Mr. Hosmer, Mr. Aspinall, and Mr. Hansen of Idaho) (by request):

H.R. 13731. A bill to amend the Atomic Energy Act of 1954, as amended, to require applicants for licenses to construct and operate utilization or production facilities to obtain a commencement of construction, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. HOSMER (for himself and Mr. Hansen of Idaho) (by request):

H.R. 13732. A bill to amend the Atomic Energy Act of 1954, as amended, to authorize the Commission to issue temporary operating authorizations for production and utilization facilities under certain circumstances, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. PURCELL:

H.R. 13733. A bill to amend the National Environmental Policy Act of 1969 to provide a program for honoring industry and other private efforts to contribute to the maintenance and enhancement of environmental quality; to the Committee on Merchant Marine and Fisheries.

By Mr. RYAN:

H.R. 13734. A bill to amend the Social Security Act to establish for aged, blind, and disabled persons a new program of assistance which will assure to such persons a basic minimum level of income, with such assistance being paid and administered in combination with benefits under the old-age, survivors, and disability insurance program; to the Committee on Ways and Means.

By Mr. ST GERMAIN:

H.R. 13735. A bill to amend the Internal Revenue Code of 1954 to provide that blood donations shall be considered as charitable contributions deductible from gross income; to the Committee on Ways and Means.

By Mr. THONE (for himself, Mr. HARVEY, and Mr. MIZELL):

H.R. 13736. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light presidential construction industry; to the Committee on Education and Labor.

By Mr. WALDIE:

H.R. 13737. A bill to restore to Federal civilian employees their rights to participate, as private citizens, in the political life of the Nation, to protect Federal civilian employees from improper political solicitations, and for other purposes; to the Committee on House Administration.

By Mr. MAHON:

H.J. Res. 1097. Joint resolution making certain urgent supplemental appropriations for the fiscal year 1972, and for other purposes.

By Mr. HAWKINS:

H.J. Res. 1098. Joint resolution to authorize the President to issue annually a proclamation designating the calendar week during which the 3d Wednesday of March occurs as "Community Total Health Week"; to the Committee on the Judiciary.

By Mr. McKEVITT:

H.J. Res. 1099. Joint resolution to authorize the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month"; to the Committee on the Judiciary.

By Mr. MINSHALL:

H.J. Res. 1100. Joint resolution to authorize the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month"; to the Committee on the Judiciary.

By Mr. SHRIVER:

H.J. Res. 1101. Joint resolution to create a select joint committee to conduct an investigation and study into methods of significantly simplifying Federal income tax return forms; to the Committee on Rules.

By Mr. FLOOD (for himself, Mr. COLLIER, Mr. CRANE, Mr. VIGORITO, Mr. RARICK, Mr. BYRNE of Pennsylvania, Mr. THONE, Mr. STRATTON, Mr. KEMP, Mr. BIAGGI, Mr. TERRY, Mr. MINSHALL, Mr. DERWINSKI, Mr. EILBERG, Mr. WYDLER, Mr. DELANEY, Mr. CLARK, Mr. GARMATZ, Mr. GALLAGHER, Mr. HELSTOSKI, Mr. WAGGONNER, Mr. BRASCO, Mr. MELCHER, Mrs. HICKS of Massachusetts, and Mr. McCLORY):

H. Con. Res. 555. Concurrent resolution to seek the resurrection of the Ukrainian Orthodox and Catholic Churches in Ukraine; to the Committee on Foreign Affairs.

By Mr. FLOOD (for himself, Mr. BUCHANAN, Mr. McDADE, Mr. DANIELSON, Mr. ANNUNZIO, Mr. MOORHEAD, Mr. ST GERMAIN, Mr. COLLINS of Illinois, and Mr. BELL):

H. Con. Res. 556. Concurrent resolution to seek the resurrection of the Ukrainian Orthodox and Catholic Churches in Ukraine; to the Committee on Foreign Affairs.

By Mr. BLATNIK:

H. Res. 888. Resolution authorizing the printing of additional copies of a House report; to the Committee on House Administration.

By Mr. BOLLING:

H. Res. 889. Resolution providing for the consideration of the bill (H.R. 7130) to amend the Fair Labor Standards Act of 1938 to increase the minimum wage under that act, to extend its coverage, to establish procedures to relieve domestic industries and workers injured by increased imports from low-wage areas, and for other purposes; to the Committee on Rules.

By Mr. UDALL:

H. Res. 890. Resolution authorizing payment of compensation for certain officers of the House of Representatives; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ABBITT:

H.R. 13738. A bill for the relief of Mrs. Wilson Springston; to the Committee on the Judiciary.

By Mr. FREY:

H.R. 13739. A bill for the relief of Janet Lillian Emond; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

198. The SPEAKER presented a petition of the Congress of Micronesia, Saipan, Mariana Islands, Trust Territory of the Pacific Islands, relative to the appropriation of funds for the payment of Micronesian war and post secure damage claims; to the Committee on Appropriations.

SENATE—*Thursday, March 9, 1972*

The Senate met at 12 o'clock meridian and was called to order by Hon. LLOYD BENTSEN, a Senator from the State of Texas.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, as we undertake the duties of this new day, may we who labor in this Chamber meet its demands with a majesty which bears unmistakable testimony to Thy supreme rulership and our devotion to Thy law. When tasks become tedious and duties irksome, inspire us with a fresh vision of what it means to serve rather than be served, to minister and not be ministered unto, to find life by losing it for others. Keep us as faithful and true in the private unobserved times as we are in the publicly observed periods. Inspire those whose labor supports the Members of this body, with the inner knowledge that they, too, serve the Nation and honor Thy name. Fill us all with such passion for justice and righteousness as shall advance the welfare of our beloved country in its quest for a higher way of life.

We pray in the Redeemer's name. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter.

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 9, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. LLOYD BENTSEN, a Senator from the State of Texas, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. BENTSEN thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT OF THE UNITED STATES-JAPAN COOPERATIVE MEDICAL SCIENCE PROGRAM—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 92-189)

The ACTING PRESIDENT pro tempore (Mr. BENTSEN) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

I am pleased to send to the Congress the Fifth Annual Report of the United States-Japan Cooperative Medical Science Program.

This joint research effort in the medical sciences, undertaken in 1965 following a meeting between the Prime Minister of Japan and the President of the United States, continues its sharp focus upon widespread diseases of great importance in Asian nations: cholera, leprosy, malnutrition, the parasitic diseases filariasis and schistosomiasis, tuberculosis and certain viral diseases.

During 1971 several reports were published marking this program's first 5 years of research progress. Following careful planning and a review of objectives, it has been decided to expand the program scope to include research concerned with pollutant induced cancer, birth defects and related abnormalities.

This effort remains directed primarily toward diseases in Asia, however, the research results are clearly relevant to a much broader human spectrum. I am particularly heartened by the mutuality of this joint activity which has been undertaken so successfully by biomedical scientists in Japan and the United States. We can find few satisfactions greater than working effectively together with other nations for the ultimate benefit of all mankind.

RICHARD NIXON.

THE WHITE HOUSE, *March 9, 1972*.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 3244) to amend the Military Construction Authorization Act, 1970, to authorize additional funds for the conduct of an international aeronautical exposition.

The message also announced that the House had disagreed to the amendment of the Senate to the amendment of the House to the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act—creating a National Foundation for Postsecondary Education and a National Institute of Education—the Elementary and Secondary Education Act of 1965, Public Law 874, 81st Congress, and related acts, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PERKINS, Mrs. GREEN of Oregon, Mr. THOMPSON of New Jersey, Mr. DENT, Mr. PUCINSKI, Mr. DANIELS of New Jersey, Mr. BRADEMAS, Mr. HAWKINS, Mr. SCHEUER, Mr. MEEDS, Mr. BURTON, Mr. MAZZOLI, Mr. QUIE, Mr. BELL, Mr. REID, Mr. ERLENBORN, Mr. DELLENBACK, Mr. ESCH, Mr. STEIGER of Wisconsin, and Mr. HANSEN of Idaho were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 12910) to provide for a temporary increase in the public debt limit; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MILLS of Arkansas, Mr. ULLMAN, Mr. BURKE of Massachusetts, Mrs. GRIFFITHS, Mr. BYRNES of Wisconsin, Mr. BETTS, and Mr. SCHNEEBELI were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1746) to further promote equal employment opportunities for American workers.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 554) to provide for a correction in the enrollment of the bill H.R. 1746, in which it requested the concurrence of the Senate.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled joint resolution (S.J. Res. 190) to provide for an extension of the term of the Commission on the Bankruptcy Laws of the United States, and for other purposes.

The enrolled joint resolution was subsequently signed by the Acting President pro tempore (Mr. BENTSEN).

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, March 8, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations placed on the Secretary's desk.

There being no objection, the Senate proceeded to the consideration of executive, business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar, under nominations placed on the Secretary's desk, will be stated.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AND IN THE COAST GUARD

The second assistant legislative clerk proceeded to read sundry nominations in the National Oceanic and Atmospheric Administration and in the Coast Guard, which had been placed on the Secretary's desk.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

CHANGE IN POLICY BY U.S. COMMAND IN VIETNAM

Mr. MANSFIELD. Mr. President, in yestreday's UPI story, dateline Saigon, a change in the policy by the U.S. command was reported—the refusal to disclose to the public the number of planes participating in "protective reaction" strikes over North Vietnam. I believe that this is an unfortunate change in policy, because this specific information is vital to the public.

In this regard, I think a related matter was reported and commented on in the Boston Globe in January of this year with respect to requests to obtain information on bomb tonnage being dropped by our planes in Southeast Asia. This Nation is still involved in the tragic conflict in Southeast Asia; killing is still occurring and those facts are not changed and will not change by limiting the information that the public receives.

I ask unanimous consent that the UPI story and the articles and comment by the Boston Globe be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE POLITICS OF BOMBING—GIVE THE PUBLIC THE FACTS, MR. PRESIDENT

The hapless Indochinese cannot know precisely how many tons of American bombs are raining down on them these days, but they must have a much better idea than the American people who are paying, willy-nilly, for the bombs and their delivery.

It seems that countless billions of defense appropriations have not given the Pentagon the capability of producing bombing tonnage figures for the enlightenment of the public on a week by week basis.

Or so, at any rate, the Pentagon would have the public believe.

When The Globe's Washington reporter Thomas Oliphant asked for such figures the other day, a Pentagon information officer responded, "Oh, my God, why in hell should we be taxed to do such a thing?"

A short, nasty response is why in hell should the American people be denied the truth about what may be the bloodiest bombing attacks in Indochina since President Johnson ordered a bombing halt there three years ago?

The bombing tonnage figures are desperately important, unless one happens to believe that those who are dying and suffering under our bombs in North Vietnam, South Vietnam, Laos and Cambodia are not real people but only "gooks."

Is the Nixon Administration actually following the Strangelovian policies finally abandoned by its predecessor—escalating the bombing so as to achieve "peace?"

If so, God help us all. If not, the tonnage statistics will help to dispel suspicion.

The position in all this of Air Force Secretary Robert C. Seamans Jr. is curious. At a press conference last Dec. 16, 12 days before the military unleashed a massive bombing assault against North Vietnam, Seamans displayed a series of charts to show that the trend of the air war "is definitely downward." At that point he seemed an expert on the subject of bombing.

But now, it appears, he isn't even told when or where the bombs are going to be delivered.

"I'm not in the operational chain of command," he told the Washington Post's

George C. Wilson the other day. "I'm not authorizing any bombing. My job is one of men and materials." The first he knew of the post-Christmas air assault was "when I heard it on the Today Show," Seamans said.

"My overall objective is to phase our Air Force down," he continued. "I want to minimize our involvement out there, but we need the flexibility of air power."

Seamans and Gen. Creighton Abrams, US field commander in Vietnam, holds this view. Abrams believes that "the one military force he has over there is air power. He wants and should use air power in a very flexible way."

Flexible and flexibility are words which can cover a multitude of sins, including, one must suppose, the sin of escalation. If escalation is in fact going on, we have the interesting phenomenon of an Air Force role which is growing at the same time the Air Force secretary pursues an "overall objective . . . to phase our Air Force down." President Nixon, Defense Secretary Laird, National Security Adviser Kissinger, and all others who share responsibility for the bombing ought not to be permitted to take refuge behind Pentagon public relations men. Theirs is the responsibility to stop the bombing double-talk and double-think, and tell the American public what is going on—now.

There is a solemn responsibility, too, on Congressional leaders who purport to be for immediate and total withdrawal of American forces from Vietnam. They should demand that there be full disclosure of the bombing tonnage figures on at least a weekly basis henceforth.

Few Americans are dying in the Indochina ground war at this time—although the death of a single one is a tragedy that could have been prevented by the Nixon Administration long before this. But even if our ground troops were withdrawn and all our airborne troops could by some magic be protected against enemy fire, the moral dilemma of the war would not be at an end.

The dilemma is to paraphrase Donne, that no man is an island, entire of itself and any man's death diminishes us because we are involved in mankind. Those who are dying under our bombs are flesh and blood. It will not do to designate them as Communists or puppets or some other non-human species. They are dying, and it is America that is doing the killing.

It should stop.

MEANWHILE . . . BOMBS AWAY

(By Thomas Oliphant)

WASHINGTON.—There he stood on the South Lawn of the White House, and as all the little kiddies waved on cue, he quoted from the plaque left on the Moon by the first group of American litterbugs:

"We came in peace for all mankind."

And then he got into his military chopper and flew off to his military jet, which in turn flew to a military base in Hawaii, and is scheduled to arrive at a military base on Guam today.

Tomorrow, he begins the task of trying to interest the Chinese, as he has tried to interest the Russians, in abandoning all this silly ideological baloney and getting down to the serious business of carving up the world, not so much to bring peace as to insure stability and order.

Meanwhile, other military jets keep taking off from other military bases to drop bombs on Indochina. In case you've forgotten, there's a war going on over there, and these days bombing is America's chief contribution to the continuing slaughter.

You kind of get the impression, though, that the Nixon Administration would rather not focus very much public attention on the air war, presumably so that keeping it going will be easier.

Obviously, when the level of air activity increases sharply, as it has since Christmas, that general fact gets reported fairly prominently, but how many people really have any firm measure of the scope of what this country is doing?

Sooner or later, you have to have some kind of number to get that firm measure, and the best number involves tonnage—the amount of tons of bombs US planes have dropped.

Clearly, if you can get regular tonnage totals for each of the four nations America is currently bombing you can have a pretty good idea of what's happening and what the latest trends are.

It should therefore come as no surprise that there are no regular figures made available to press or public by the government. All there is, is one number that makes it into the Pentagon's "information" bureaucracy once a month.

In the first place, that number comes very late, usually about 45 days after the month which it covers has ended. Thus, the tonnage total for December, stale as can be, is only just available.

And what a meaningless figure it is. It covers all the four nations in the region and, believe it or not, no one will break it down, country by country. Imagine that! The American people may not know what we did to Cambodia, etc. from the air in a given month!

Moreover, there is this matter of the monthly figure. In essence, it tells you nothing, except over a very long period of time. The only way sharp changes in the bombing level or early shifts in the overall trend can be clearly spotted is with weekly figures for each of the four countries.

At this point, the Pentagon complains that even its own and the White House's information needs don't require such up-to-date numbers, and that it would take a great deal of work to perform such a task.

Clearly the latter excuse flows from the former, so let's deal with it. There are two points to be made.

First, there is something wrong with a government that cares more to learn how many US and allied troops were killed and wounded each week than it cares to know both in physical and in human terms, as well as just as frequently, what is being done to Indochina and its people from the air.

Secondly, it must be remembered that we are talking about the government that gave the world that grotesque, if not rather fictitious, statistic called the body count. Again, there is something wrong with a government that cares more about measuring success with dead bodies than it does about reporting regularly on what is now, on our side, the major cause of these deaths.

Anyway, here is the freshest news available on the bomb tonnage in Indochina. All that can be reported at the moment is that in December, the United States dropped 61,838 tons of what the Pentagon calls "air-delivered munitions" on the region, up more than 20 percent from the 50,644 tons dropped in November.

Adding insult to this intentionally lean product, the Pentagon doesn't even bother to put it out monthly as a formal statement. If you don't remember to call to get it, you'll have no information at all, and the impression grows that the Nixon folks wouldn't mind that at all.

ON VIET BOMB TONNAGE—A RUNAROUND

(By Thomas Oliphant)

WASHINGTON.—According to the Pentagon, there is no one in the executive structure of the defense establishment who knows, week to week, how many tons of bombs American planes are dropping on Indochina.

Moreover, there is apparently no desire on the part of the leadership in the Defense Department to obtain such information.

Asked the other day why the government can't give the public weekly information on bomb tonnage, one harried information officer snapped:

"Oh, my God, why in hell should we be taxed to do such a thing?"

The question, and the somewhat irritated initial response, says quite a bit about the changing nature of the Indochina war.

Three and four years ago, when American soldiers were getting killed on the ground at the rate of 100 and 200 a week, not very many people paid much attention to the bomb tonnage figures, even though they were quite a bit higher in those days.

Now, however, with the US ground combat role in the war inching toward "residual force" status, the bombing tonnage is acquiring a much greater degree of significance, and this was made dramatically evident after North Vietnam was hit by heavy air strikes for five straight days last month.

In answer to the question—why can't the public know on a week-to-week basis how many tons of bombs have been dropped by the United States on Indochina the same way it knows roughly how many soldiers are on the casualty lists—the Pentagon's response is not publicly based on security or on policy grounds, as it is when someone asks how much the war costs American taxpayers each year.

Instead, the official reason has to do mostly with convenience and cost.

It is claimed, for instance, that there is no requirement for weekly tonnage totals anywhere in what is called "the system."

"If we were to do it, it would be a press requirement only," said one Pentagon man, implying that this isn't enough.

(The biggest bomb used in Southeast Asia is the 15,000-pound "Daisy Cutter," of which perhaps 150 have been dropped since the weapon went into service in mid-1970. Dropped by parachute from the back door of a C–130 turboprop aircraft, from an altitude of 7000 feet or so, the Daisy Cutter reportedly destroys everything in a two-acre circle and kills most animals in an area of some 760 acres.

(Daisy Cutters are used to create helicopter landing pads in remote areas, cause landslides to block Ho Chi Minh trail routes and also to attack Vietnamese Communist bunkers that are armored against the 500 and 750-pound bombs dropped from B52s. Daisy Cutter's existence was not revealed until late 1971, when a Cornell University study referred to it, in and in addition two scientists showed Defense Department films in Philadelphia.)

One Pentagon man conceded that the individual services may get tonnage figures more frequently than once a month in order to know what their resupply needs are going to be. However, he stressed that a considerably beefed up staff here would be required to get out some kind of Indochina-wide total each week, even if the figure was somewhat dated.

As things stand now, tonnage figures for South Vietnam, Laos, Cambodia and North Vietnam, as well as for Indochina as a whole, are only given out on a monthly basis, and the totals generally are released 30 to 45 days after the fact.

Thus, as of the moment the latest available tonnage figures cover the month of November. The total for December will be available sometime before Feb. 15, the one for this month sometime before March 15, and so on.

Furthermore, the information is released by the Pentagon. Reporters on the scene, even in Saigon, get nothing, though Saigon is the source of the weekly casualty figures.

Instead, reporters in the field are restricted to reporting occasionally (but by no means regularly) that on a certain day, a given number of planes flew so many sorties (or missions by a single plane against one target) somewhere and dropped approximately so many tons of bombs.

One of the problems is that the bombing takes place from so many different bases, located not just in South Vietnam but also in Thailand and on Seventh Fleet carriers in the South China Sea. Tonnage information, in other words, pours into the Pentagon, often squadron-by-squadron, from so many different locations that putting it all together is said to be no easy task.

Moreover, as Vietnamization occurs, the US tonnage totals, primarily in South Vietnam, don't tell anywhere near the whole story, now that more and more South Vietnamese are in the skies.

Obviously, some form of weekly figure on bomb tonnage is within the capability of the sprawling defense information apparatus. However, there is not apt to be one unless charges start filling the air that the Pentagon is trying to deflect attention from one aspect of the war in which the United States continues to be most intimately involved.

One man, who used to be right in the middle of the Indochina information flow and is now on the outside trying to help end the war, is not surprised about the current state of affairs.

He is Morton Halperin, a veteran both of the highest echelons of the International Security Agency in the Pentagon and the National Security Council staff under Henry Kissinger. He played an important role in the former job in the preparation of the Pentagon papers.

"In the bureaucracy," he says, "you don't collect a number unless you're prepared to see it leak out, and if there were a number in this area there's no question it would leak."

Halperin also says it is "very likely" that the subject of whether to collect and report a weekly tonnage figure has come up within the Nixon Administration, given the increasing general interest in the subject of bombing.

"The fact that no number is available certainly tells you something," he added, implying that information is consciously not being collected as a means of preventing anti-bombing opinion from forming around something as stark as a weekly tonnage total.

INDOCHINA

SAIGON.—American fighter-bombers attacked a North Vietnamese antiaircraft site 20 miles north of the DMZ Tuesday and eight-engine B52s resumed bombing in South Vietnam, ending a three-day layoff.

The U.S. Command said Tuesday's "protective reaction" strike marked the seventh straight day such raids have been conducted. It was the 87th such strike so far this year—more than were flown in 1969 and 1970.

Following a policy announced Monday, the Command refused to say how many planes participated in the strike on grounds the information could help the Communists prepare a counter-attack.

The spokesman said no American aircraft were damaged and the results of the strike were not known.

The B52s flew 10 missions against suspected Communist base camps below the DMZ. The raids marked a renewal of the American air offensive, which has been steadily increasing despite the pullout of American ground troops.

U.S. ground troops found and destroyed a company-sized North Vietnamese base camp 11 miles southwest of Da Nang and South Vietnamese soldiers discovered a Communist weapons cache near Saigon.

PEACE TALKS

PARIS.—The Vietnam peace talks, which have seen only 17 minutes of negotiation in the past month, were postponed for the second consecutive week Tuesday by the U.S. and South Vietnamese delegations.

A joint statement said Thursday's session will be postponed until March 16 because of the walkout staged by the Communist delegations at the last session Feb. 24 and "recent official announcements from Hanoi."

PRESIDENT NIXON'S RECENT TRIP TO CHINA

Mr. SCOTT. Mr. President, a careful objective appraisal of the President's recent trip to Peking appeared in the Sunday Philadelphia Bulletin, February 27. I would like to share it with my colleagues in the Senate, and ask, therefore, that the editorial entitled, "The Peking Summit," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE PEKING "SUMMIT"

Any meaningful assessment of President Nixon's visit to China will have to be based on more than a formal communique by the two sides. The world will not fully know for some time all that has been accomplished.

So far there has been a great deal of natural speculation about the content of the "summit" talks, centering mainly on cultural and tourist exchanges, the beginning of real trade and agreement on reciprocal and unrestricted news coverage by the press of each nation.

What may be more important than the talks themselves, as far as substantive developments are concerned, is the apparent spirit of cordiality that has surrounded them. This, plus the lavish hospitality shown the American visitors seems to indicate a sincere desire on Peking's part for improved relations with the United States. For years, after all, Mainland China looked upon the United States as its chief international enemy.

At the very least this historic visit has breached the wall of ignorance and suspicion that has separated the two nations for more than twenty years. The reasons for that wall are clear. The impediments to its eventual removal, as President Nixon noted in his banquet toast to Premier Chou En-lai, remain and will not fall easily.

As the epochal visit nears its end, the excitement and sense of drama that have characterized it will give way to a more realistic appraisal of the results and of the massive problems that still remain. Among them the most critical is Taiwan. The United States, in effect, created the island nation and has been its generous patron and strong protector.

It is apparent, even at this early point, that this extraordinary exchange of views will have some beneficial effects on relations between the world's most powerful nation and its most populous.

It is a tribute to the leaders of both nations that they should seek some common ground despite the existence of the vast differences between them. That these leaders of nations which do not recognize one another officially met and talked at length shows that both sides feel strongly that each has something to gain from bettered communications.

Criticism has been voiced, especially by some of the newsmen who accompanied Mr. Nixon, over the secrecy surrounding the top-level talks. It is difficult to see, however, how it could have been in any other fashion. Realism must be the real keynote in any discussions between these two nations and this requires caution. After all, the best that can be expected for some time is a new atmosphere of understanding.

What the two nations want now, in the current balance of power maneuvering, is some kind of a stable working relationship. Nothing more should be expected. A dialogue has been started and there will have to be many more hours and days of lower-level talks before anyone dares speak of a "spirit of Peking."

"We began our talks recognizing that we have great differences. But we are determined that those differences not prevent us from living together in peace," President Nixon told Premier Chou.

That expresses well the dominant theme and hopes of the Peking "summit." It also serves as a caution against unwarranted expectations.

ORDER FOR RECOGNITION OF SENATORS KENNEDY AND CRANSTON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on tomorrow, immediately following the remarks of the distinguished Senator from Connecticut (Mr. WEICKER), the distinguished Senator from Massachusetts (Mr. KENNEDY) be recognized for not to exceed 15 minutes, and that he be followed by the distinguished Senator from California (Mr. CRANSTON) for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CORRECTION IN THE ENROLLMENT OF H.R. 1746

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Concurrent Resolution 554.

The ACTING PRESIDENT pro tempore laid before the Senate House Concurrent Resolution 554, which was read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 1746) to further promote equal employment opportunities for American workers, is authorized and directed to make the following change: In paragraph (a) of section 4, strike out "SEC. 705." and insert in lieu thereof "SEC. 706.".

Mr. MANSFIELD. Mr. President, I ask unanimous consent for the immediate consideration of the concurrent resolution.

The ACTING PRESIDENT pro tempore. Is there objection?

There being no objection, the concurrent resolution (H. Con. Res. 554) was considered and agreed to.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for a period of time not to exceed 30 minutes with each Senator being limited to 3 minutes.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SPONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNITY CONCERN OVER CONTINUED EXPANSION OF NATIONAL AIRPORT

Mr. SPONG. Mr. President, National and Dulles Airports are the only two federally owned and operated civil airports in this country, and as such, are the only airports in which the affected local communities have absolutely no voice in what goes on.

Nevertheless, being Federal facilities, one might hope to find management a model for dealing with community concerns over problems of airport noise, pollution, safety, and congestion. Unfortunately, this is not the case. These airports are operated first and foremost with the convenience and desires of the air carriers and their customers in mind.

Now, this is not an unimportant consideration, but, it seems to me the convenience and well-being of those who live and work in the National Capital area, inescapably within the long shadow of National Airport's flight paths, are owed consideration as well.

Mr. President, as an example of the kind of community concern that exists over the continued expansion of National Airport and also as an example of the regard paid those concerns by the FAA, I ask unanimous consent that there be printed in the RECORD, at this point, a letter addressed to FAA Administrator John Shaffer by the chairman of the Arlington County Board of Supervisors and the FAA's reply to that letter.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

ARLINGTON COUNTY, VA.,
OFFICE OF THE COUNTY BOARD,
Arlington, Va., February 11, 1972.

Mr. JOHN H. SHAFFER,
Administrator, Federal Aviation Administration, U.S. Department of Transportation, Washington, D.C.

DEAR MR. SHAFFER: The Arlington County Board is tremendously concerned about the present operations and the future of the Washington National Airport. This concern is widely shared among residents of Arlington.

Many Arlingtonians believe that a commercial airport located in the midst of a metropolitan area, as is National Airport, is an anachronism. Many of those who express this belief are frequent airline passengers who personally benefit from the convenience of National Airport.

It is important that you realize the depth of the concern in Arlington, since we fear this is not appreciated in the places where decisions are made about airports and air traffic. We have had too many placating statements that are belied by what we can all see—and, more especially, hear.

An indication of the depth of the concern is the lawsuit brought against you and Secretary Volpe, among others, for Dulles and others. The ultimate relief sought in that case is the phasing out of jet operations at National Airport.

Present levels of operation, to say nothing of expansion, are generating air pollution and an excessive noise level over significant sections of Arlington. The frequency of flights over a densely populated area clearly presents a danger to public safety, in our judgment.

We in Arlington are suffering these ill effects without ever having had the opportunity to be heard on the question of what should be done at National Airport. Those administering the airport have made the decisions—to permit the use of jet aircraft at National, not to restrict their use to flights to and from relatively nearby cities, to permit the use of so-called stretch 727's—without consulting the residents immediately affected. And they have done these things that have aggravated our noise problem while assuring us that our interests would be fully safeguarded.

A couple of years ago Mr. Saunders, then Director of the National Capital Airports, made a presentation to a Senate committee. He said then that, "Washington National Airport is the only airport in the Washington, D.C. area that can satisfactorily meet the public demand for short-haul, commuter air travel," that "we plan to preserve National's role" (presumably as a short-haul commuter airport) but that "we have no intention of expanding that role to handle more aircraft, and we fully intend to continue the restrictions on its use."

But this policy has not been honored.

We believe that the time for remedial action to afford relief to Arlington is long overdue. Therefore, we respectfully request your prompt consideration of the following proposals:

1. That you make a clear statement now that the introduction of bigger; noisier planes will not be permitted at National Airport. Arlingtonians cannot help remembering the insinuation of the stretch version of the Boeing 727 into National.

2. That existing curfew restrictions be tightened and strictly enforced so as to insure that at least after 10 p.m. those under the flight path may have some peace and quiet.

3. That the number of flights during non-curfew periods be reduced by the imposition of limitations on the distance of flights that would make of National Airport something like the commuter airport it is meant to be.

4. That the carriers be made to use the least noisy and least polluting equipment available in serving National Airport and to adhere rigidly to flight patterns that, we assume, are intended to minimize noise and safety problems.

May we have your response at your earliest convenience. We would be pleased to discuss this matter with you.

Yours,

JOSEPH S. WHOLEY,
Chairman, Arlington County Board.

DEPARTMENT OF TRANSPORTATION,
FEDERAL AVIATION ADMINISTRATION,
Washington, D.C.

Mr. JOSEPH S. WHOLEY,
Chairman, Arlington County Board, Court House, Arlington, Va.

DEAR MR. WHOLEY: Administrator John H. Shaffer has asked me to respond to your letter of 11 February 1972, regarding the concern of the Arlington County Board relative to operations from and the future of Washington National Airport.

At the outset we feel compelled to say that the matter of aviation safety is the primary responsibility of the Federal Aviation Administration. In every action we take, in everything we do or plan to do, safety is our first consideration. This includes the safety of people on the ground as related to the flight of aircraft. Our air traffic controllers are highly and constantly trained. They work with the best electronic aids available. Our procedures and aircraft separation standards have been refined to the fullest extent possible under existing technology. Every aircraft that arrives and departs the airport is under positive radar control. Further, all pilots and especially those of the scheduled airlines meet rigid physical and proficiency standards on a continuing basis. The aircraft are maintained by FAA certificated personnel on strict schedules.

In short, everything possible is being done to advance safety in aviation. We believe the safety record of the airlines attests to the combined efforts of the Government and the various segments of the aviation industry. We do not believe that the mere fact of aircraft flying over populated areas here, or any part of the country or the world, in itself constitutes a danger to public safety.

We in FAA, at all levels, share your concern regarding air pollution and aircraft noise. Significant advances already have been made in reducing pollution caused by aircraft. This has been accompanied by the airlines, which have retrofitted 70 percent of the approximately 3,300 engines in the total airline inventory to make them smokeless. Work is proceeding on the remaining 30 percent of the jet engines in the airline fleet.

With regard to noise, the FAA has two contracts with the Boeing Company for the feasibility, design, testing and airworthiness of retrofitting the JT8D jet engines to make them more quiet. This engine is used on virtually all air carrier turbojet aircraft now flying into and out of Washington National.

As you know, most operations to and from Washington National are from Runway 18–36, our main instrument North-South runway. Operations to and from 18–36 follow the Potomac North and South depending on wind conditions. Under certain weather and traffic conditions, however, it is necessary for traffic to pass over some parts of Arlington on both arrivals and departures. While this is unfortunate in our opinion, it is necessary.

With respect to that portion of your letter regarding Washington National as a short-haul facility and statements attributed to Mr. Saunders, we would like to point out that the role of the airport has not changed. It was then and still is a short-haul airport. The introduction of the 727–200 did not change that role. The aircraft is only 20 feet longer than its sister 727–100, it uses virtually the same engines and is just as quiet and equally compatible for use on our runways.

During the period from 1966, when air carrier jet aircraft were first introduced at National, the same restrictions have been in effect as to frequency of flights. The 40 flights per hour then on a voluntary basis, are exactly the same today by regulation. Extra sections were permitted then as they are at the present.

The so-called curfew is being rigidly adhered to by the airlines. As you know, it was altered in the spring of 1970 to permit airlines to complete flights actually scheduled in or out prior to 10 p.m. This, we believe, was in the public interest and as well was based on a survey of the on-time record by the airlines. We had many complaints of people on aircraft diverted to either Dulles or Friendship after 11 p.m. while their transportation was waiting at Washington National.

In closing, please be assured that we are doing all within our power, without abrogating safety, to lessen the noise, reduce pollution and to make National as good a neighbor as is humanly possible while still providing a convenient place from which to travel.

My staff and I would be most happy to meet with you personally or with members of the County Board should you wish to discuss this matter further. However, we cannot be a party to any discussion bearing on the litigation now in progress.

Sincerely,

C. R. MELUGIN, Jr.,
Acting Manager, National Capital Airports.

Mr. SPONG. Mr. President, I can second the Board's concern over the impact of 727–200, the so-called stretch jets, at National.

In 1971—the first full year of operation for the larger jets—National Airport enjoyed an increase of 550,000 domestic air carrier passengers, its biggest gain since 1968.

Over the same year, Dulles Airport lost 20,000 domestic airline passengers and Friendship more than 200,000.

There is not a question in the world that use of the bigger jets at National is reversing the pattern of aeronautical activity in this area.

The FAA has resorted to every evasion and outright misrepresentation of fact to pretend this would not be the case, but it cannot escape the clear meaning of these figures.

Mr. President, the FAA also suggested, last year, that in exchange for bringing larger jets into National, the number of operations could be cut back.

Again, the facts catch up with the propaganda for, rather than decline, air carrier operations at National increased last year by 5 percent. In the same period, operations at Dulles declined by 2 percent and at Friendship by 10 percent.

Mr. President, two and a half years ago I introduced legislation to remove these airports from FAA control and to turn them over to some local, regional or state organization which would operate them more efficiently and with greater regard for the complaints of affected local communities. The President has announced his intent to sell these airports, but thus far the Department of Transportation has not sent legislation to the Hill. I think it is essential that this transfer of ownership take place at the earliest possible time, for it's clear that under continued FAA management, National Airport will continue to expand without effective limit and without heed to community objections.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. BENTSEN) laid before the Senate the following letters, which were referred as indicated:

REPORT OF NATIONAL ADVISORY COUNCIL ON CHILD NUTRITION

A letter from the Assistant Secretary of Agriculture, transmitting, pursuant to law, a report of the National Advisory Council on Child Nutrition, for the year 1971 (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT OF BONNEVILLE POWER ADMINISTRATION

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a report of the Bonneville Power Administration, for the fiscal year 1971 (with an accompanying report); to the Committee on Interior and Insular Affairs.

REPORT OF IMMIGRATION AND NATURALIZATION SERVICE

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a report of that Service, for the fiscal year 1971 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF BOY SCOUTS OF AMERICA

A letter from the Chief Scout Executive Boy Scouts of America, North Brunswick, N.J., transmitting, pursuant to law, a report of that organization, for the year 1971 (with an accompanying report); to the Committee on Labor and Public Welfare.

PROPOSED PREVAILING RATE EQUALIZATION ADJUSTMENT ACT OF 1972

A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation to provide equitable wage adjustments for certain prevailing rate employees of the Government (with accompanying papers); to the Committee on Post Office and Civil Service.

PROPOSED AMENDMENT OF ATOMIC ENERGY ACT OF 1954

A letter from the Chairman, U.S. Atomic Energy Commission, transmitting a draft of proposed legislation to amend the Atomic Energy Act of 1954, as amended, to require applicants for licenses to construct and operate utilization or production facilities to obtain a construction permit from the Atomic Energy Commission prior to commencement of construction, and for other purposes (with accompanying papers); to the Joint Committee on Atomic Energy.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. BENTSEN):

A joint resolution of the Congress of Micronesia; to the Committee on Appropriations:

"HOUSE JOINT RESOLUTION NO. 59

"A House joint resolution respectfully requesting the U.S. Congress to appropriate funds for the payment of Micronesian war and post secure damage claims and respectfully requesting the Secretary of the Interior to expedite funding for the payment of Micronesian war and post secure damage claims

"Whereas, the President of the United States of America recently signed into law an act which contained an authorization for appropriation by the United States Congress in settlement of Micronesian war and post secure damage claims; and

"Whereas, the authorization contained in the said act has still not been funded by the United States Congress; and

"Whereas, the Congress of Micronesia has, on numerous occasions in the past, expressed its great desire for a speedy settlement of all war and post secure damage claims, so that the people of the Trust Territory could receive some compensation for the loss and destruction suffered by them during and after World War II; and

"Whereas, the people of the Trust Territory remain anxious to see their claims settled; and

"Whereas, it has been some twenty-five years since most of the islands of Micronesia were under military occupation, and as yet no war and post secure damage claims have been settled; and

"Whereas, it is the sense of the Congress of Micronesia that it would be in the best interests of both the United States of America and of the people of the Trust Territory to have these claims settled as quickly as possible; now, therefore, be it

Resolved by the House of Representatives of the Fourth Congress of Micronesia, Second Regular Session, 1972, the Senate concurring, That the United States Congress is hereby respectfully requested to appropriate funds for the payment of Micronesian war and post secure damage claims; and be it further

"*Resolved,* That the Secretary of the Interior be and he hereby is respectfully urged and requested to use his good offices to urge and expedite the appropriation authorized for the payment of Micronesian war and post secure damage claims, so that money will be available for the settlement of such claims as soon as possible; and be it further

"*Resolved,* That certified copies of this Joint Resolution be transmitted to the President of the United States; the President of the Senate and the Speaker of the House of Representatives of the United States Congress; the Chairmen of the House of Representatives and Senate Committees on Appropriations of the United States Congress; the Secretary of the Interior; and the High Commissioner.

"Adopted: February 10, 1972."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LONG, from the Committee on Finance, without amendment:

H.R. 8293. An act to continue until the close of September 30, 1973, the International Coffee Agreement Act of 1968 (Rept. No. 92–685).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. SPONG:

S. 3317. A bill to exempt from taxation certain property in the District of Columbia owned by the Salvation Army, Inc. Referred to the Committee on the District of Columbia.

By Mr. BENTSEN:

S. 3318. A bill to subject the Federal, State, and local governments to the provisions of the Age Discrimination in Employment Act of 1967. Referred to the Committee on Labor and Public Welfare.

By Mr. FONG (for himself and Mr. MCGEE):

S. 3319. A bill to provide equitable wage adjustments for certain prevailing rate employees of the Government. Referred to the Committee on Post Office and Civil Service.

By Mr. PEARSON:

S. 3320. A bill to establish a congressional commission to determine the best means of providing all American children with a quality education. Referred to the Committee on Labor and Public Welfare.

By Mr. FULBRIGHT (by request):

S. 3321. A bill to strengthen and improve the organization of the Department of State, and for other purposes. Referred to the Committee on Foreign Relations.

By Mr. HARTKE:

S. 3322. A bill to amend the Internal Revenue Code of 1954 to encourage State and local governments to decrease their reliance on real property taxes as the principal means of funding expenditures for education by allowing a credit against Federal income tax for State and local income taxes imposed to fund such expenditures. Referred to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. Williams, Mr. Magnuson, Mr. Javits, Mr. Schweiker, Mr. Beall, Mr. Cranston, Mr. Eagleton, Mr. Hughes, Mr. Mondale, Mr. Nelson, Mr. Pell, Mr. Percy, Mr. Randolph, Mr. Stafford, and Mr. Taft):

S. 3323. A bill to amend the Public Health Service Act to enlarge the authority of the National Heart and Lung Institute in order to advance the national attack against diseases of the heart and blood vessels, the lungs, and blood, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. DOMINICK:

S. 3324. A bill to authorize appropriations for activities of the National Science Foundation, and other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. INOUYE:

S. 3325. A bill for the relief of Mrs. Amefil Agbayani Cahill. Referred to the Committee on the Judiciary.

By Mr. COOPER (for himself, Mr. Randolph, Mr. Spong, and Mr. Cook):

S. 3326. A bill for the relief of the Appalachian Regional Hospitals, Inc. Referred to the Committee on the Judiciary.

By Mrs. SMITH:

S.J. Res. 214. A joint resolution proposing an amendment to the Constitution of the United States providing for nomination of candidates for President and Vice President, and for election of such candidates by popular vote. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPONG:

S. 3317. A bill to exempt from taxation certain property in the District of Columbia owned by the Salvation Army, Inc. Referred to the Committee on the District of Columbia.

Mr. SPONG. Mr. President, I am today introducing a bill to exempt from taxation certain properties in the District of Columbia owned by the Salvation Army, Inc.

The property in question is the Army's Evangeline Residence at 1330 L Street NW., Washington, D.C.

For 50 years, the Salvation Army has operated this service facility on a self-supporting, nonprofit basis, providing accommodations for young women who come to the Nation's Capital to work for Government or embassies.

The Evangeline Residence in the District is one of 15 such Salvation Army facilities in the country and the only one which does not enjoy exemption from real estate taxes. All the others are tax exempt, the Cleveland, Ohio, residence being the latest granted this relief in 1952.

Mr. President, I am advised by officials of the Salvation Army that this residence can no longer be operated unless some financial relief is found. I can understand the reluctance of the District government to have any property removed from its tax rolls, but the fact is the Evangeline Residence will be lost to the District as a tax source in any event unless this relief is granted. I might say, too, that numerous other organizations within the District of Columbia do enjoy such tax exemption.

Mr. President, I believe the Salvation Army provides a valuable service throughout this country and there is a particular need for the facilities in the District of Columbia. I would hope that the Congress will act promptly on this proposed legislation.

By Mr. BENTSEN:

S. 3318. A bill to subject the Federal, State, and local governments to the provisions of the Age Discrimination in Employment Act of 1967. Referred to the Committee on Labor and Public Welfare.

Mr. BENTSEN. Mr. President, I introduce for appropriate reference a bill to extend coverage of the Age Discrimination in Employment Act to Federal, State, and local employees.

The recent report of the White House Conference on Aging contains the following statement:

> Our long established goal in employment and retirement policy is to create a climate of free choice between continuing in employment as long as one wishes and is able, or retiring on adequate income with opportunities for meaningful activities.

The Conference report then recommends:

> The Age Discrimination Act of 1967 should be expanded to cover all employees in both private and public sectors.

Mr. President, there is mounting evidence that employees of Federal, State, and local governments are being denied that free choice between productive work or adequate retirement income. In fact, there are strong indications that the hiring and firing practices of governmental units discriminate against the elderly, frequently pressuring them into retiring before their productive days are over.

Pressure, Mr. President, can take many forms. It may be subtle, as it frequently is in the case of Federal employees who are ignored or harassed by their superiors or who are subject to special memos directed to "aging employees." It can be overt, as it is in those jurisdictions which have specific laws and regulations prohibiting the hiring of anyone over an arbitrary age, such as 45.

But, whatever the form, the pressures directed against older Government employees constitute flagrant examples of age discrimination in employment, and as such, they should be outlawed.

Mr. President, the Congress in 1967 passed legislation which would empower the Secretary of Labor to move against age discrimination practices in the private sector, but it specifically exempted employees of Federal, State, and local governments. In my view, that exemption is unsupportable.

Government is the Nation's largest employer with over 10 million employees in State and local government and millions more at the Federal level. Moreover, Government has the greatest growth rate of any other sector of our society and is the source for much of the growth of private industry. I believe that Federal, State, and local governments should be model employers. And I do not believe that these units of Government are justified in asking private employers to do what Government would not do for itself.

The legislation I introduce today is intended to close the loophole in present law and to bring Government employees within the jurisdiction of the age discrimination law.

Mr. President, recent articles in the Wall Street Journal, the Washington Post, and the Washington Star, as well as case studies collected by the National Federation of Federal Employees, reveal that age discrimination practices are occurring at the Federal level. Letters from my own State have revealed that State and local governments have also been guilty of discrimination toward older employees.

The discrimination practiced can relate either to forced retirement, promotions, or the age beyond which employees cannot be hired to fill specific positions. In any case, these practices constitute a waste of valuable manpower and an arbitrary blow falling on capable men and women who frequently do not have the legal or financial means to defend themselves.

Of course, Mr. President, I recognize that there are instances in which age is a legitimate factor in determining whether an individual should be hired or encouraged to retire. The act of 1967 says very plainly that it is not unlawful for an employer to take any actions otherwise prohibited "where age is a bona fide occupational qualification reasonably necessary to the normal operation of the particular business," or "to observe the terms of a bona fide seniority system or any bona fide employee benefit plan—which is not a subterfuge to evade the purposes of this act."

I am not concerned with situations that fall within these categories, but I am concerned about documented instances in which Government employees have been flatly told or indirectly pressured to retire solely because of their age.

Elliot Carlson, writing in the Wall Street Journal on January 20, quotes a number of elderly Federal employees who have been subject to pressures as the result of recent "reduction in force" orders issued by Federal agencies. The employees may be transferred repeatedly, be denied their right to "bump" employees with less experience, or be subject to veiled hints that their usefulness is at an end.

President Nixon has ordered a 5-percent cut in Federal manpower by July of this year, and indications are that older workers are being asked to bear the brunt of the burden. Mike Causey, writing in the Washington Post on February 11, notes that the Pentagon is alerting older and long-service workers to volunteer for "involuntary separation" that would qualify them for immediate pensions. Joseph Young, in a recent article in the Washington Star, notes that—

> In seeking initial appointments, transfers and promotions, older applicants and employees find that regardless of their ability, experience and qualifications, their age is an insurmountable barrier.

And the Carlson article, which appeared in the Wall Street Journal on January 20, notes that HUD and the Interior Department are subjecting some older employees to extensive grilling about their jobs and engaging in a series of subtle or direct pressures encouraging them to retire.

Mr. President, age discrimination practices, whether they relate to the age of hiring, restrictions on promotion, or direct and indirect "encouragements" to retire, are not to be condoned. Many of our citizens are productive at 60 as they were at 25, and measures taken to remove them from the work force are both callous and unrealistic.

A recent report of the Senate Special Committee on Aging declares:

> If we are really concerned about some of the long-term and institutionalized forces of inflation, why aren't we making every effort to maintain a high level of labor force participation of "older workers"?

The report goes on to say:

> The price the Nation pays for failure to maximize employment opportunities for older workers is increased dependency. We do not see an increase in dependency as a good tool with which to fight inflation. We all have much more to gain through a national effort to raise our productive capacity and simultaneously provide meaningful job opportunities for older people.

Mr. President, enforced retirement or the setting of arbitrary age limits on promotion or hiring can lead to what one commentator has called a "human tragedy." Quite apart from any economic arguments, the central issue is whether we want to give older workers a feeling that they can still contribute, that their age is no bar to a productive life. If we fail to give our older citizens an equal chance in employment opportunities, we may add to the feeling of uselessness which is so prevalent among older Americans today. That, I submit, would be an unconscionable retreat from responsibilty.

Mr. President, with longevity steadily increasing and medical science on the verge of unlocking the secrets of aging, it makes little sense to concentrate on lowering the retirement age or to ease older workers out of the labor force. Our efforts, rather, should be directed at improving employment opportunities beyond the age of 60 so that our older citizens can have maximum opportunities to remain productive as long as they have the ability and the desire to work.

The measure I introduce today is an attempt to make the present law more comprehensive in its coverage. I should note, however, that efforts will also have to be made to encourage the Labor Department to enforce that portion of the law which already exists. Despite the passage of the law in 1967, only a very few cases have been prosecuted. Moreover, the Labor Department has a professional staff of only four persons in Washington to oversee the activities under the act, and a field staff which has been less than diligent in pursuing the problem of age discrimination.

I will join the Senator from West Virginia (Mr. Randolph) in seeking to earmark more funds for enforcement of the law to insure that this problem receives the attention it deserves.

At this point, Mr. President, I ask unanimous consent to have the text of my bill printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3318

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the second sentence of section 11(b) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 630) is amended to read as follows: "The term also means (1) an agent of a person who is an employer within the meaning of the preceding sentence, and (2) the United States (or a corporation wholly owned by the Government of the United States), a State or political subdivision thereof, and any agency or instrumentality of the foregoing."

(b) Section 11(c) of such Act is amended by striking out "but shall not include an agency of the United States, or an agency of a State or political subdivision of a State, except that such term shall include" and inserting in lieu thereof "and such term shall include an agency of the United States, a State, or a political subdivision of a State which regularly undertakes to procure employees for an employer, including".

(c) The amendments made by subsections (a) and (b) shall become effective on the 60th day after the date of the enactment of this Act.

By Mr. FONG (for himself and Mr. McGee):

S. 3319. A bill to provide equitable wage adjustments for certain prevailing rate employees of the Government. Referred to the Committee on Post Office and Civil Service.

Mr. FONG. Mr. President, the purpose of this bill is to provide by law for the equalization of wage adjustments for certain prevailing rate employees of the Government.

Wage adjustments for Federal prevailing rate employees are made from time to time as nearly as is consistent with the public interest in accordance with prevailing rates under the authority of sections 5341 and 5342 of title 5, United States Code. Prevailing rates are determined on the basis of locality wage surveys ordered by appropriate wage-fixing authorities and effective dates of increases in basic pay granted pursuant to a wage survey are established as required by section 5343 of title 5, United States Code.

Executive Order 11615, issued on August 15, 1971, suspended all wage increases which were due to be placed in effect from August 16, 1971, through November 13, 1971. As another action to stabilize wages and prices, wage surveys for Federal prevailing rate employees were to be deferred for a period of 6 months beginning with surveys scheduled to be ordered on or after September 1, 1971. As a result of these actions wage increases were frozen in 35 local wage areas under the Coordinated Federal Wage System—CFWS—until November 14, 1971. Many other surveys under agency jurisdiction were similarly delayed. Wage surveys were not ordered in 43 other CFWS wage areas until January 13, 1972.

On December 22, 1971, the Economic Stabilization Act Amendments of 1971 was signed into law. Section 3 of this act had the effect of rescinding the 6-month deferment of salary increases for General Schedule employees of the Government. Similarly, on January 11, 1972, the President authorized the cancellation of the 6-month deferment of wage adjustments for Federal prevailing rate employees. Wage surveys were ordered on or after January 13, 1972, in wage areas in which wage surveys were previously deferred. Although these wage surveys were conducted on an expedited basis, any increases resulting from the surveys were required by law to be fixed prospectively. The provisions of section 5343 of title 5, United States Code, become operative after wage surveys are ordered to be made. The net effect of these actions is that wage increases are delayed in some wage areas for up to 12 weeks. The increases cannot be made effective retroactively to the normal effective date unless specifically provided for by law.

On February 23, 1972, the Comptroller General of the United States ruled in decision B-173976 that wage increases resulting from wage surveys ordered prior to August 15, 1971, were required by law to be retroactive to the normal effective date determined under the provisions of section 5343, title 5, United States Code. Since wage surveys were ordered for all but eight of the 35 wage areas prior to August 15, 1971, most of these wage increases will be made retroactive to the normal effective date. Specific legislation is required to make the wage increases for the remaining eight wage areas retroactively effective to the normal effective date.

The draft bill specifies that wage schedule adjustments for wage areas in which the survey order was given after August 15, 1971, and for wage areas where the survey order was deferred between September 1, 1971, and January 13, 1972, shall be made effective on the date which would have resulted from the operation of section 5343 of title 5, United States Code, under the normal schedule for wage surveys during fiscal year 1972. Enactment of this bill into law would equalize wage adjustments among prevailing rate employees of the Government. It is estimated that implementation of the law would require the additional expenditure of approximately $12 million on a one-time basis.

By Mr. PEARSON:

S. 3320. A bill to establish a congressional commission to determine the best means of providing all American children with a quality education. Referred to the Committee on Labor and Public Welfare.

Mr. PEARSON. Mr. President, few issues under consideration in the Congress so immediately and directly affect the lives of the people of the United States as those relating to the education of our children. It is not difficult to understand why debates involving education and school desegregation are prolonged and passionate.

Unfortunately, the debate over busing has directed our energies and attention to the wrong issue. We have been discussing busing when we should be searching for ways to provide each child in our Nation with a quality education. Quality education rather than an artificial racial balance in the classroom must be our goal.

The legislation I propose today would provide a means for the Congress to consider ways and means to provide each child with such an education. It would suggest broad goals for our educational systems and recommend ways to provide the human and financial resources to reach those goals.

This task is not an easy one. But it is incumbent upon the Congress to develop its own information, evaluations and recommendations so that it may give the education of our youth the knowledgeable and careful attention it deserves. The Congress cannot rely solely on information and plans developed by the executive branch. It can and it must undertake independent evaluations of this most important issue.

To provide a rational criteria upon which to base its inquiry, the first task of the commission would be to determine what constitutes a quality education for children who will live during the end of this century and the beginning of the next.

Having established a direction for its inquiry, the commission must immediately consider a very basic proposition: That each child in this Nation—of all races, whether he is rich or poor, whether he lives in a city or in rural America—every child must have access to a quality education. Nothing less than the social unity and economic stability of our Nation is dependent upon the provision of quality education for all children. Unless our society is built upon a firm foundation of good education for all, we cannot hope to heal our divisions of race and economic status. If we fail, our children shall inherit a future flawed by deep divisions and injustices.

The commission, throughout its deliberations, should keep that fundamental goal in mind.

Inequality of educational opportunity is not the only injustice plaguing our educational systems. The tyranny of inadequate finance compounded with inequitable distribution of the tax burden will thwart the best-laid educational plans. Our archaic system of financing the cost of schools in this Nation has created much of the inequality of educational opportunity present today. Because the majority of funds for public school budgets come from property taxes, it is difficult for schools in areas with low property values to meet the educational needs of children as well as those in wealthier areas. In addition to contributing to unequal educational opportunity, reliance on the property tax has placed unfair tax burdens on middle-income and elderly homeowners. These Americans have been so burdened with property taxes that they are now forced to vote against bond issues to pay for education.

It is clear, therefore, that the commission must consider ways to finance public education in this Nation. While State and local officials will have primary responsibility for administering and funding public schools, the time has come to increase Federal aid to education. The objective of this increased Federal aid should be to provide the educational opportunity defined by the commission, and to reduce property taxes. The property tax has been successfully challenged in the courts; the Congress and the States must act to replace it as the primary means of educational finance before we are burdened with a maze of court orders to do so.

This commission would, then, provide the Congress with information and recommendations for educational goals, and a means to provide the resources to achieve those goals. Without such information, the Congress cannot meet this great challenge responsibly and imaginatively.

The members of this commission should be broadly representative and should include the members and staff knowledgeable in the educational administration, finance, and, of course, instruction. The Congress can have nothing less than the best available information. The commission can draw upon the data developed by its less broadly defined counterparts in the executive branch such as the President's Commission on School Finance which recently issued its report.

The information and recommendations developed by this commission will not resolve all of the differences we have in this country about our educational system and how to finance it. But it will move the debate to a higher plane of discussion. The Congress will be able to more clearly evaluate the choices open to it.

By Mr. FULBRIGHT (by request):

S. 3321. A bill to strengthen and improve the organization of the Department of State, and for other purposes. Referred to the Committee on Foreign Relations.

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to strengthen and improve the organization of the Department of State, and for other purposes.

The bill has been requested by the Acting Secretary of State and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the Record at this point, together with the letter from the Acting Secretary of State dated February 25, 1972, and the section analysis, to the Vice President.

There being no objection, the bill analysis, and letter were ordered to be printed in the Record, as follows:

S. 3321

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of May 26, 1949, as amended, (22 USC 2652) is, hereby amended to read as follows: "There shall be in the Department of State in addition to the Secretary of State a Deputy Secretary of State, an Under Secretary of State for Political Affairs, an Under Secretary of State for Economic Affairs, an Under Secretary of State for Management, eleven Assistant Secretaries of State and an Administrator for Consular Affairs with rank equivalent to an Assistant Secretary of State."

Sec. 2. (a) Upon the date of enactment of this Act the incumbent Under Secretary of State may assume the duties of the Deputy Secretary of State; an incumbent Deputy Under Secretary of State may assume the duties of the Under Secretary of State for Economic Affairs; and the incumbent Administrator, Bureau of Security and Consular Affairs may assume the duties of the Administrator for Consular Affairs and such officers shall not be required to be reappointed by reason of the enactment of this Act.

(b) The Office of the Deputy Under Secretary of State for Management shall continue during the tenure in office of the present incumbent, notwithstanding the provisions of section 1 of this Act which establish the Office of the Under Secretary of State for Management and the provisions of section 3 relating to the compensation of that office.

(c) Upon the date of enactment of this Act, any reference in any law to powers, duties or functions of the Bureau of Security and Consular Affairs or of any office or official therein shall be deemed to be a reference to powers, duties or functions of the Secretary of State.

Sec. 3. Chapter 53 of title 5, United States Code, is amended as follows:

(a) Section 5313(2) is amended to read "Deputy Secretary of State."

(b) Section 5314(9) is amended to read "Under Secretary of State for Political Affairs."

(c) Section 5314 is further amended by adding the following at the end thereof:

"(58) Under Secretary of State for Economic Affairs.

"(59) Under Secretary of State for Management."

(d) Section 5315(1) is amended to read "Administrator for Consular Affairs, Department of State."

(e) Section 5315 is further amended by adding the following at the end thereof:

"(95) Director General of the Foreign Service, Department of State.

"(96) Director, Bureau of International Scientific and Technological Affairs, Department of State.

"(97) Director, Bureau of Politico-Military Affairs, Department of State."

(f) Section 5316(109) is amended to read "Director of Foreign Service Institute, Department of State."

Sec. 4. The following statutes are hereby repealed:

(a) Section 104(b), (c), (d), (e), and (f) of the Immigration and Nationality Act, as amended (8 U.S.C. 1104(b), (c), (d), (e), (f);

(b) Section 2(b) of the Act of May 26, 1949, as amended (22 U.S.C. 2653(b);

(c) Section 5315(10) of title 5 of the United States Code, except that the annual rate of basic pay for one Deputy Under Secretary of State shall continue during the tenure in office of the present incumbent.

SEC. 5. (a) Section 8331 of Title 5, United States Code, is amended by adding a new subparagraph (J) to paragraph (1), as follows:

"(J) an alien (1) who was previously employed by the Government, (2) who is employed full time by a foreign government for the purpose of protecting or furthering the interests of the United States during an interruption of diplomatic or consular relations, and (3) for whose services reimbursement is made to the foreign government by the United States."

(b) Subsection (a) above shall become effective on the first day of the second month which begins after its enactment.

(c) The amendment made by subsection (a) above shall not apply in the cases of persons retired or otherwise separated prior to the effective date established under subsection (b), and the rights of such persons and their survivors shall continue in the same manner and to the same extent as if this amendment had not been enacted.

SEC. 6. (a) Section 3(b)(1) of the Military Personnel and Civilian Employees' Claims Act of 1964, as amended (78 Stat. 767 as amended by 79 Stat. 789), is amended by striking out "$6,500" and inserting in lieu thereof "$10,000."

(b) Subsection (a) above is effective August 31, 1964, for the purpose of reconsideration of settled claims as provided in this subsection. Notwithstanding section 4 of the Military Personnel and Civilian Employees Claims Act of 1964, or any other provision of law, a claim heretofore settled in the amount of $6,500 solely by reason of the maximum limitation established by section 3(b) of the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, may, upon written request of the claimant made within one year from the date of enactment of this Act, be reconsidered and settled under the amendment contained in subsection (a) of this section.

SEC. 7. (a) Sections 631 and 632 and the headings thereto of the Foreign Service Act of 1946, as amended (22 USC 1001 and 1002) are amended to read as follows:

"FOREIGN SERVICE OFFICERS WHO ARE CAREER AMBASSADORS

"SEC. 631. Any Foreign Service officer who is a career ambassador, other than one occupying a position as chief of mission or any other position to which he had been appointed by the President, by and with the advice and consent of the Senate, shall be retired from the Service at the end of the month in which he reaches age sixty-five and receive retirement benefits in accordance with the provisions of section 821, but whenever the Secretary shall determine it to be in the public interest, he may extend such an officer's service for a period not to exceed five years. Any such officer who hereafter completes a period of authorized service after he reaches age sixty-five shall be retired at the end of the month in which he completes such service.

"PARTICIPANTS IN THE FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM WHO ARE CAREER AMBASSADORS

"SEC. 632. Any participant in the Foreign Service Retirement and Disability System, other than one occupying a position as chief of mission or any other position to which he has been appointed by the President, by and with the advice and consent of the Senate, who is not a career ambassador shall be retired from the Service at the end of the month in which he reaches age sixty and receive retirement benefits in accordance with the provisions of section 821, but whenever the Secretary shall determine it to be in the public interest, he may extend such participant's service for a period not to exceed five years. Any such officer who hereafter completes a period of authorized service after he reaches age sixty shall be retired at the end of the month in which he completes such service."

(b) The amendments made by subsection (a) shall be effective upon enactment, except that any Foreign Service officer who is or becomes a career minister and who is not occupying a position to which he has been appointed by the President, by and with the advice and consent of the Senate, shall be mandatorily retired for age in accordance with the schedule below and receive benefits under section 821 of the Foreign Service Act of 1946, as amended, unless the Secretary determines it to be in the public interest to extend his service for a period not to exceed five years.

Retirement Schedule

(1) Any career minister who reaches age sixty-five during the month of enactment of this Act shall be retired at the end of such month;

(2) Other career ministers who are age 60 or over as of the date of enactment of this Act shall be retired at the end of the month which contains the mid-point between the last day of the month of enactment of this Act and the last day of the month during which the officer would reach age sixty-five, counting thirty days to the month; and

(3) On the last day of the thirtieth month which ends after the date of enactment of this Act, all other career ministers who are age 60 or over shall be retired, and thereafter the amendment made by subsection (a) shall be applicable in all cases.

(4) Any career minister who completes a period of authorized service after he reaches mandatory retirement age as provided in the above schedule shall be retired at the end of the month in which he completes such service.

DEPARTMENT OF STATE,
Washington, D.C., February 25, 1972.
Hon. SPIRO T. AGNEW,
President of the Senate.

DEAR MR. PRESIDENT: Enclosed is a draft bill for the consideration of the Congress "to strengthen and improve the organization of the Department of State, and for other purposes."

The first four sections of the bill would achieve internal changes in the organization of the Department and change the titles and salary levels of certain offices. This is a part of the comprehensive program of reform to strengthen the Department's capability to assist the President in developing and executing foreign policy and in coordinating the foreign affairs activities of the United States Government.

Section 5 would provide retirement credit for certain alien employees of the Foreign Service abroad during breaks in diplomatic and consular relations. Section 6 would amend the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, to raise the maximum limitation on the payment of employee claims for civilian agencies to the level authorized for military and civilian personnel of defense agencies. Section 7 would amend the Foreign Service Act of 1946, as amended, to lower the mandatory retirement age of certain career ministers.

There is enclosed with the draft bill a section by section analysis and a detailed justification for these proposals.

The Department has been informed by the Office of Management and Budget that there is no objection to the presentation of this proposed legislation to the Congress for its consideration.

Sincerely yours,

JOHN N. IRWIN II,
Acting Secretary.

SECTION ANALYSIS

Section 1 amends section 1 of the Act of May 26, 1949, as amended, (22 U.S.C. 2652) by changing the title of "Under Secretary of State" to "Deputy Secretary of State", and the titles of "two Deputy Under Secretaries of State" to "an Under Secretary of State for Economic Affairs and an Under Secretary of State for Management". It also provides for an "Administrator for Consular Affairs" with rank equivalent to an Assistant Secretary of State. This position will be in lieu of the position authorized by section 104(b) of the Immigration and Nationality Act which is being repealed.

Section 2(a) authorizes the incumbents of the offices of Under Secretary of State, Deputy Under Secretary of State for Economic Affairs, and Administrator, Bureau of Security and Consular Affairs, to assume the duties of their offices under the new titles upon enactment without reappointment.

Section 2(b) provides that the title and level of the Office of Under Secretary of State for Management will become effective after departure of the present incumbent. The present incumbent of the Office of Deputy Under Secretary for Management personally requested this provision be included, inasmuch as the reorganization of the Department's leadership structure contemplated under this bill was developed under the management reform program inaugurated by him in January 1970. Upon relinquishment of the Office of Deputy Under Secretary for Management by the present incumbent, this subsection will become obsolete and the successor appointee will be appointed in accordance with section 1.

Section 2(c) provides that any reference in any law to powers, duties or functions of the Bureau of Security and Consular Affairs or of any office or official therein shall be a reference to powers, duties or functions of the Secretary. This change is necessary because of the repeal by section 4(a) of this bill of sections 104(b) through (f) of the Immigration and Nationality Act, as amended, which authorized the establishment of the Bureau of Security and Consular Affairs and subordinate units.

Section 3 amends chapter 53 of title 5, United States Code, to include (1) the changes in titles authorized in section 1 of the draft bill, and (2) the changes and additions proposed in the Department's Executive Level positions.

Section 4(a) repeals certain sections of the Immigration and Nationality Act that are being superseded by provisions of this bill.

Section 4(b) deletes section 2(b) of the Act of May 26, 1949, as amended. This is the existing authority for an Under Secretary of State who may be designated as Under Secretary of State for Political Affairs or as Under Secretary of State for Economic Affairs. Said section 2(b) will be made unnecessary by the changes in section 1 of this bill.

Section 4(c) repeals section 5315(10) of title 5 of the United States Code, which provided for two Deputy Under Secretaries of State, but provides for the continuance of salary at the current Executive Salary Level rate during the tenure in office of one present incumbent as provided for in section 2(b).

Section 5 would add a new subparagraph (J) to paragraph (1) of section 8331 of title 5, United States Code, to authorize Civil Service retirement credit for certain alien employees of the United States abroad who work for a protecting power (foreign government) on United States interests during an interruption of diplomatic or consular relations. Such credit would be authorized only when the United States reimburses the protecting power for the services performed by the aliens.

Section 6 would amend the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, to (1) increase the present authority for the settlement of claims for personnel of agencies, other than the Department of Defense, the military departments and Coast Guard, for personal property losses incident to their service, from $6,500 to $10,000, and (2) permit reconsideration, retroactive to August 31, 1964, of any claim heretofore settled and paid in the amount of $6,500 solely because that was the maximum amount authorized under existing law.

Section 7 would amend sections 631 and 632 of the Foreign Service Act of 1946, as amended, to lower the mandatory retirement age for career ministers from age 65 to 60. Such officers would continue to be exempt from mandatory retirement for age while serving in positions to which they have been appointed by the President, by and with the advice and consent of the Senate. The amendment would continue the Secretary's authority to extend the service of any officer for up to five years beyond mandatory retirement. This would insure that the lowered retirement age would not work to the detriment of the public interest. The amendment would also provide for a gradual implementation of the change in order that affected officers would have time to make necessary adjustments. For officers age 60 or over at the time of enactment, the effective date would be set mid-way between the date of enactment and the date the officers would reach age 65.

For example, the retirement date under the proposed legislation for an officer 64 years old at the time of enactment whose 65th birthday is ten months hence would be five months after the date of enactment. A 62 year old officer whose 65th birthday was to be 30 months hence would be subject to retirement 15 months after the date of enactment. An officer whose 60th birthday coincided with the date of enactment would be subject 30 months hence. This 30-month date would be the outerlimit, and the end of that month would be the effective date of the legislation for all career ministers reaching 60 after the date of enactment. Thus after two and a half years following the date of enactment, all career ministers would be mandatorily retired on reaching the age of 60, unless they were serving at that time in positions to which they were appointed by the President with Senate confirmation, or unless they were extended by the Secretary.

JUSTIFICATION

It is the general purpose of sections 1 through 4 of the bill to clarify the relative responsibilities and relationships of the principal officers of the Department. In addition, it also provides for changes and additions in the Department's Executive Schedule offices and positions. A justification for each of the changes follows:

1. Deputy Secretary—Executive level II

First, it is proposed that the title of the second ranking office in the Department be changed from "Under Secretary of State" to "Deputy Secretary of State." The office will remain in Level II of the Executive Salary Schedule. The recent reorganization of the executive level of the Department reemphasizes the Under Secretary's role not only as the Secretary's alter ego but also as his principal deputy in all matters. The Secretary relies on the Deputy Secretary for insuring coordination of foreign affairs activities, including guidance to the Department and to other agencies on allocation of resources. The Deputy Secretary will be responsible for the management of the Department's planning, evaluation and resources allocation processes.

The Secretary's responsibilities have greatly expanded since the establishment of the position of Under Secretary. In addition to directing the activities of the Department proper, which are headed by the various Assistant Secretaries, he is also responsible for directing two semiautonomous agencies—A.I.D. and ACDA. The involvement of the Department in the activities of numerous international organizations and the coordination of U.S. policy through the U.S. Representatives to these organizations have further complicated the responsibilities of the Secretary and Under Secretary.

2. Under Secretary for Economic Affairs—Executive Level III proposed

It is proposed to change the title of the "Deputy Under Secretary for Economic Affairs" to "Under Secretary for Economic Affairs." This proposal recognizes the increased importance and complexity of economic policies and programs in foreign affairs. The position will have responsibility for (a) coordination within the Department of foreign economic policies and programs; (b) representing the Department (in the Secretary's absence) on the Board of the International Development Institute and the International Development Corporation (if established), and (c) chairing the Operations Group of the Council on International Economic Policy. In addition, he will exercise the present responsibilities of the Deputy Under Secretary for Economic Affairs.

This office should rank with that of the Under Secretary for Political Affairs. For many years the third office in the Department was that of Under Secretary for Economic Affairs, held by C. Douglas Dillon before he was made Under Secretary. Recognizing his competence in economic affairs, and that he would continue to give attention to this area, the legal authority governing the number three office in the Department was changed in 1958 to permit the President to designate it as either Under Secretary for Political Affairs or Under Secretary for Economic Affairs. The intention was that if the second ranking officer specialized in economic affairs, the third ranking officer would concentrate on political affairs and vice versa. Since the second ranking officer in the Department serves as a full deputy to the Secretary, the responsibilities of the ranking officers in the Department who are concerned with economic affairs and political affairs, respectively, should be recognized as being of equal rank and importance, and both should be compensated at level III of the Executive Salary Schedule. The Under Secretary for Political Affairs is now compensated at level III.

3. Under Secretary for Management—Level III proposed

It is proposed to change the title of Deputy Under Secretary for Management to Under Secretary for Management. The responsibilities of this office are of comparable importance to those at the Under Secretary level or proposed for elevation to that level. It carries world-wide responsibilities for the day-to-day management of the Department of State at home and abroad, including personnel, budget and fiscal, organization and management, and the Foreign Service Institute. In addition, the Under Secretary for Management will provide day-to-day guidance to the Inspector General relating to the latter's responsibility for conducting inspections and audits of all Department of State programs and activities.

The Under Secretary for Management will be responsible for the operation of the new Policy Analysis and Resource Allocation (PARA) System. This system which is to be applied Department-wide is intended to link policy analysis and resource requirements and to provide a more systematic process for raising policy issues, with particular emphasis to the longer-range problems.

It is appropriate that action be taken at this time to elevate this Under Secretary to Level III of the Executive Salary Schedule. However, the legislation specifies that the change in level and title would not become effective until after the departure of the present Deputy Under Secretary for Management.

4. Administrator for Consular Affairs—Executive Level IV proposed

This position is being established in lieu of that of Administrator, Bureau of Security and Consular Affairs, which ranks equally with that of an Assistant Secretary and is presently in Executive Level IV. The latter position was established pursuant to section 104(b) of Public Law 414 (82nd Cong.), as amended.

This proposed change is (1) to further increase the effectiveness of the Administrator's responsibility for passport, visa, and other consular functions by reporting directly to the Under Secretary (Deputy Secretary proposed) and the Secretary rather than to the Deputy Under Secretary for Management and (2) to recognize the transfer of the Office of Security as a separate organizational entity which was effected several years ago. More fundamentally, this change will place statutory authority for the subject functions in the Secretary, subject to his delegation. This action is needed to provide the Secretary with authority commensurate with his responsibility, and further to apply the principle, strongly recommended by the Commission on Organization of the Executive Branch of the Government, of clarifying the lines of responsibility and authority within the executive branch.

The basic and primary functions of this position involving passport, visa and other consular affairs remain unchanged. These are:

a. Administers and enforces the provisions of the Immigration and Nationality Act and all other immigration and nationality laws relating to the powers, duties, and functions of diplomatic and consular officers of the United States, except those powers, duties, and functions conferred by law directly upon consular officers.

b. Develops, establishes, revises, promulgates, and directs policies, rules, procedures, and regulations relating to the issuance of passport and related services, issuance of visas and related services, immigration, protection and welfare of American citizens and interests abroad, third-country representations of interests of foreign government, and the determinations of nationality of persons not in the United States.

c. Maintains direct and continuous liaison with the appropriate committees of Congress, the Commissioner of Immigration and Naturalization, the Directors of the Federal Bureau of Investigation and the Central Intelligence Agency, and with other internal security officers of the Government, as required.

d. Maintains liaison with and coordinates United States activities relating to the American Red Cross, the International Committee of the Red Cross, and the League of Red Cross Societies.

The position of Administrator for Consular Affairs retains its equivalent rank of an Assistant Secretary and is further strengthened by its direct reporting relationship to the Under Secretary and the Secretary. Its retention in Executive Level IV is fully justified.

5. Director General of the Foreign Service—Executive Level IV Proposed

The Director General of the Foreign Service is responsible for advising and assisting the Deputy Under Secretary for Management in the general administration of the Foreign Service, including the classification of chief of mission positions; the opening, closing or changing of status of Foreign Service posts and ambassadorial nominations, in addition to the development of policy recommendations and the direction of all personnel programs of the Department of State.

In recent years the Director General's position has been enlarged in scope and importance both in respect to the Department's personnel programs and in the field of State, A.I.D. and USIA personnel relationships. With regard to the latter, he must ensure compatible interagency personnel policies, standards, and criteria to the maximum extent feasible. Also, in addition to his responsibility for directing the Foreign Service personnel system, he is responsible for administering all other personnel systems governing employees of the Department.

In this capacity, he directs the execution of personnel policies and programs and provides continuing instruction and guidance to operating officials, supervisors, and employees in the Department and abroad with respect to personnel policies, programs, and operations. More specifically, his duties and responsibilities are:

a. Advising and assisting in formulation of policies and directing the implementation of these policies which govern the administration of the Foreign Service and other personnel systems of the Department.

b. Serving as Executive Director of the Board of the Foreign Service, whose principal role is the development of Foreign Service personnel policy recommendations to the Secretary of State and the Director of USIA and ensuring the compatibility of personnel policies among the foreign affairs agencies.

c. Serving as Chairman of the Board of Examiners for the Foreign Service, which is responsible for the development and approval of examinations for appointment to the Foreign Service and for the approval of all candidates nominated for appointment as Foreign Service officers and Foreign Service Information officers.

d. Developing and maintaining world-wide programs for recruitment, selection (including lateral entry), career planning (including training), performance evaluation, promotion, position classification, tours of duty, health, conduct, discipline, suitability, retirement and selection-out.

e. Administering a joint recruitment and examination program for junior career officers for the Department and USIA.

f. Supervising the assignment of a centrally managed body of qualified personnel, assuring the effective use of such employees.

g. Assuring an adequate number of competent officers and other employees with skills responsive to the needs of the Department.

h. Monitoring the assignment programming of Foreign Service officers, Foreign Service Reserve officers and Foreign Service Staff officers for the development of a balance between organizational needs for skills and the rational development and utilization of manpower.

i. Administering the system of selection boards which are responsible for evaluating and recommending for promotion or selection-out, where applicable, of all Foreign Service personnel of the Department of State.

j. Recommending candidates for Chiefs of Mission positions. Developing a comprehensive briefing and guidance program for Chiefs of Mission with respect to their responsibilities and authority.

k. Administering the Foreign Service retirement system, which includes employees of State and USIA.

The Director General with rank equal to that of an Assistant Secretary reports to the Deputy Under Secretary for Management. There is strong justification to place this position at Executive Level IV.

6. Director, Bureau of International Scientific and Technological Affairs—Executive Level IV proposed

Scientific and technological advances are having a marked and increasing impact on national and international affairs. In a recent statement the Secretary of State said: "We have made but a bare beginning in developing the institutions, standards of behavior and rules of the road which will be required for the international management and use of the revolutionary technologies in energy, resource development, communications, transportation, electronics and space—all of which are with us now." He pointed out that many of the scientific and technological problems are inherently global in character and solutions can be sought only on the basis of international cooperation. He emphasized that these tasks have already assumed major importance in world affairs and that we are constantly expanding our agreements for scientific cooperation with other countries.

In other words, science and technology have become a distinct part of foreign relations and are increasingly interwoven in important international problems and their solution.

The Director, Bureau of International Scientific and Technological Affairs, formulates and implements policies and proposals for U.S. international science and technology programs; advises the Secretary of State in the consideration of scientific and technological factors in the formulation of foreign policy; represents the Department in international negotiations in the area of science and technology; provides policy guidance to the U.S. scientific community on activities affecting international relations; and directs the Scientific Attache program.

The Director develops and directs the carrying out of policy recommendations relative to peaceful uses of atomic energy, including participation in the International Atomic Energy Agency; international cooperation and relationships in space, atmospheric and environmental sciences; and U.S. international science policy and cooperative programs in science and technology.

The program area has already been given a very high priority in the Department and must be given an even higher priority in the future. To keep pace with its growing importance the program has been given Bureau status with its Director receiving administrative rank equivalent to that of an Assistant Secretary. Full recognition as a Bureau requires that the Director's position be raised from Executive Level V to the Executive Level IV.

7. Director, Bureau of Politico-Military Affairs—Executive Level IV Proposed

It is generally acknowledged that the broader foreign policy questions and military considerations must be closely intertwined. To assure that this is accomplished in the most efficient and effective manner, the Bureau of Politico-Military Affairs has been established to keep pace with the increasing need to continually strengthen and expand working relations between Defense and State. The former Office of Deputy Assistant Secretary for Politico-Military Affairs was abolished and its functions and staff transferred to the new Bureau. The Director of the new Bureau has been given administrative rank equivalent to that of an Assistant Secretary.

The significant role of this Bureau in reaching conclusions on major foreign policy and international security questions, involving consideration of both the geographic and functional approaches at once, justifies the placing of its top position at the same level of Assistant Secretaries, Executive Level IV.

8. Director, Foreign Service Institute—Executive Level V Proposed

On behalf of the Secretary of State the Director of the Foreign Service Institute, reporting to the Deputy Under Secretary for Management, is responsible for carrying out the purpose of Congress, as expressed in the Foreign Service Act of 1946, as amended—to create and maintain an educational program for the Foreign Service equivalent in quality and status to that of the war colleges.

In carrying out this mandate he is responsible for developing and administering an extensive in-service graduate level training program for officers and employees of the Department and other agencies of the Government, and members of their families, for whom training and instruction in the field of foreign relations is necessary.

Current programs range from orientation courses to the Senior Seminar in Foreign Policy and include: short intensive courses on the problems of modernizing societies beset by active insurgencies; area and country studies; short-term management and executive development courses; an intensive 5½ month course in economics; as well as courses in commercial and labor activities.

The Institute's Language School—a pioneer in the development of new teaching methods, techniques and materials—provides intensive language training in some 60 languages both here and at three overseas language training centers.

The Institute also provides a variety of specialized instruction through extension and correspondence courses. Institute sponsored courses are provided at colleges and universities, at armed forces colleges and at other Federal agencies.

During FY 1971, course enrollments totaled over 14,000 for approximately 12,500 individual students. Approximately 60% of the enrollments were for officers and employees of the Department and members of their families, while the remaining 40% were from officers and employees and family members from thirty-one other departments and agencies.

The Department strongly recommends that this position be placed in Executive Level V.

COST ESTIMATE

The total annual cost for full implementation of the Executive level changes proposed in this bill would be $10,000.

Section 5—Retirement Credit for Certain Alien Employees Abroad

Alien (local) employees of the Foreign Service working in a United States embassy or consular post are separated from Federal Service when diplomatic or consular relations with the country exercising jurisdiction in the area involved are broken and American employees of the embassy or consular post are evacuated. Arrangements normally are made at such times to have a third nation protect United States interests on a reimbursable basis. In such cases the third country usually hires key Foreign Service local employees who have been technically separated to carry on the work involved in handling United States interests, such as travel of American citizens, and shipping and commercial matters; the local employees are thereafter usually rehired by the Foreign Service upon resumption of relations.

Service under such circumstances has not been creditable for Civil Service Retirement purposes. This has been a problem since World War II during which several hundred Foreign Service local employees transferred to "American Interests Sections" of Swiss embassies and consulates in order to continue to serve United States interests in enemy and occupied countries. After the war, most returned to Foreign Service rolls and about 100 are still so employed. In addition, about 50 others are now performing such service in Cuba and the Near East helping to protect United States interests.

Employees with such service, and those around them, recognize that although they have served the United States for many years, they are denied retirement credit for those years when, perhaps at some personal risk, they continued to serve the United States despite the absence of their American employers. This unfortunate situation casts the United States in the role of an unfair and ungrateful employer. This appearance is detrimental to the United States in its foreign relations.

This bill would authorize Civil Service retirement credit for such service for employees whose direct employment with the United States is interrupted in this unique way.

The situation of Foreign Service local employees temporarily employed by a protecting power is comparable to the situation of other Federal employees who resign from their Federal positions to accept appointments on the staffs of international organizations. In this latter situation, employees are permitted to continue their Civil Service retirement coverage under certain conditions by specific provisions of the Federal Employees International Organization Service Act (5 U.S.C. 3582). This privilege is provided to encourage qualified Federal employees to accept positions in international organizations since this is in the national interest. It is also clearly in the national interest that Foreign Service local employees transfer to a protecting power in order to continue to serve United States interests during wartime and other periods while diplomatic or consular relations are interrupted.

The amendment in section 5(a) defines qualifying service as full-time service performed by an alien (1) previously employed by the United States Government, (2) for a foreign government for the purpose of protecting or furthering United States interests during an interruption of diplomatic or consular relations and (3) for which reimbursement is made by the United States to the foreign government. The section amends 5 U.S.C. 8331 to include an alien performing such service as an "employee" for purposes of Civil Service retirement coverage.

If such an employee was a participant in the Civil Service retirement system on his most recent separation as a Foreign Service local employee, normally he would continue under the Civil Service retirement system during his employment by the protecting power. If such employee was not a participant in the Civil Service retirement system on his most recent separation as a Foreign Service local employee, he normally would not become a participant in Civil Service retirement system during employment by the protecting power. In the latter case, if upon subsequent employment by the United States Government he received a type of appointment entitling him to Civil Service retirement coverage, the prior service for the protecting power would count, under this amendment, as creditable service in the same manner as other prior nondeposit Federal service. In the case of an alien who continued under the Civil Service retirement system while employed by a protecting power, the amendment would require that both employee and employer retirement contributions continue to be deposited in the Civil Service retirement fund.

Section 5(b) makes the amendment effective on the first day of the second month which begins after its enactment. Section 5(c) provides that the amendment not apply to persons retired or separated on the effective date. The amendment would apply to all those employed by a protecting power who meet the criteria stated in this bill on the effective date and to all so employed thereafter. All service creditable by this amendment performed by eligible persons prior to the effective date will be creditable.

Cost Estimate

It is estimated that the current annual payroll for eligible employees now working for protecting powers is $200,000. Under this bill, this payroll would be added to the payroll on which the Department makes a 7 percent retirement contribution to the Civil Service retirement fund. This would cost $14,000 annually. Also, enactment of this bill would result in an increase of approximately $300,000 in the unfunded liability of the Civil Service retirement system because of past service performed by employees for protecting powers.

Section 6—Increase in claims settlement authority to $10,000

History

Although the legislative history of payment of employee claims dates back to April 9, 1816, with enactment of the Military Personnel Claims Act, the Department of Defense, the military departments and the Coast Guard were the only agencies with authority to pay personnel claims prior to 1964. The Military Personnel and Civilian Employees' Claims Act of 1964 extended the coverage of claims statutes to civilian officers and employees of all Government agencies, subject to the same $6,500 limitation previously in existence for the military agencies.

The 1965 amendment to the Military Personnel and Civilian Employees' Claims Act of 1964 (79 Stat. 789) increased the claims settlement authority of the Department of Defense, the military departments and the Coast Guard to $10,000 but retained the $6,500 limitation for the civilian agencies. The increase in authority for the military departments and not the civilian agencies was due to the short history of the exercise of the claims authority by the civilian agencies and it was felt that any question of increase of existing authority should be deferred until the various agencies had developed procedures and had a longer period of experience in administration of this claims settling authority (H. Rept. 382, S. Rept. 655, 89th Congress, 1st Session).

In the 91st Congress, the House of Representatives passed H.R. 13696 which increased the limitation applicable to the civilian agencies to $10,000 (without the retroactive section). This action was based on the fact that the civilian agencies had developed procedures and gained experience in administering the claims settlement authority. The Senate failed to act on the House passed bill prior to adjournment of the 91st Congress.

Justification

The justification submitted in support of the 1965 amendment is equally applicable to Government agencies other than the military departments and the Coast Guard. The monetary limitation of $6,500 is unrealistic and unduly restrictive in terms of the present cost of household goods and personal effects reasonably in an employee's possession. It imposes a great hardship on certain claimants who are victims of catastrophic losses, and leads to an increase of private relief legislation.

The civilian agencies have now had claims settlement authority for seven years. The Department of State administers the program jointly with the Agency for International Development (AID) and the United States Information Agency (USIA). The joint regulations promulgated by State, AID and USIA are in accordance with the statements made in House Report No. 460 of the 88th Congress that the experience of the military departments would serve to establish guidelines and standards. The provisions of these regulations are similar to those of the military departments; the uniform depreciation allowance list developed by the military departments as a guide to adjudicating claims is used by the Department; and the policy set by the military departments as to maximum amounts allowable on categories of items such as photographic equipment, paintings, silverware and major appliances has also been adopted by the Department.

Although most claims are settled for less than $1,000, often for only a few hundred dollars, a small percentage of claimants have not received full reimbursement for their losses since they exceeded the $6,500 limitation. Thirty-five claims have been determined to be payable in excess of $6,500 but for the statutory monetary limitation.

Personnel of civilian agencies with claims prior to 1964 could obtain recovery by requesting the Congress to enact private relief legislation. The same has been true for claims after 1964 for amounts in excess of $6,500. The authority granted by Congress through enactment of the Military Personnel and Civilian Employees' Claims Act of 1964 relieved the Congress of much of the burden associated with processing private relief legislation. The proposed limitation of $10,000 with the retroactive provision, would provide further relief from processing private relief bills. It would also permit more expeditious settlement in those cases where a total loss occurs and the employee is faced with circumstances of extreme hardship. The increase in the ceiling to $10,000 was made retroactively effective to August 31, 1964 for the military agencies by the 1965 amendment. The proposed legislation would permit application of the $10,000 ceiling retroactively to this same date for the civilian agencies. The retroactive feature of the predecessor bill, H.R. 13696, was struck out by the House because "it would relate to a relatively small number of cases" (H. Rept. 91–534). Additional cases have now arisen. The Department believes as a matter of equity to the individuals involved that they should be reimbursed for losses of personal property up to $10,000 in the same manner as if they had been employed in a military department. Accordingly, the Department is again recommending that the Congress give favorable consideration to this retroactive provision.

Losses in excess of $6,500 have resulted primarily from catastrophes involving total loss or damage to employees' personal effects. Most have resulted from hostile activities or abandonment resulting from emergency evacuations. A few of these total losses occurred as a result of vessel wreckage or other severe transportation hazard. Most claims stem from losses incurred in overseas areas or in conjunction with the movement or storage of personal effects authorized at Government expense for service-directed assignments to, from or between overseas posts of duty.

The purpose of the Military Personnel and Civilian Employees' Claims Act of 1964 was to extend to other agencies of the Government the authority possessed by the military departments to settle employee claims for loss or damage of personal property when the loss or damage is incident to their Government service. The need for such legislation was clearly justified and recognized. The proposed legislation seeks to restore uniformity of claims settlement authority among Government agencies.

Cost Estimate

Our experience has been similar to that of the military services in that only a small percentage of claims have exceeded the $6,500 limitation. Of the 35 claims settled or pending since 1964 for the Department of State, Agency for International Development and United States Information Agency payable in excess of $6,500 but for the existing limitation, the proposed legislation would involve a maximum expenditure of $60,000 if enacted; a cost which the Government would also incur if Congress were to consider favorably a request to enact private relief legislation for these same claimants.

The additional cost to the Government for the next five years cannot be accurately determined because of the unpredictability of incidents that cause substantial losses. Based on past experience, the cost is estimated to be $7,000 per year.

Section 7—Career minister retirement

The majority of Foreign Service officers who attain the rank of career minister serve, during their remaining careers, in chief of mission positions or in other positions to which they are appointed by the President. When it has been determined that an officer past age 60 who has been promoted to the rank of career minister will no longer serve as a chief of mission or fill a position requiring appointment by the President, he should be mandatorily retired as in the case of all other Foreign Service officers of classes 1 and below. This change will serve to accelerate retirement of career ministers who are not assigned or appointed to positions of the type for which career ministers are needed.

A number of officers are promoted to career minister in their middle forties and early fifties. Under present law they have from 15 to 20 years before mandatory retirement. As long as we are able to utilize career ministers in appropriate positions there are no problems. But when we are no longer able to do so, we have problems both for the officers concerned and for the Department. The proposed amendment will provide a better means of coordinating plans for the utilization of senior officers of the career Service with decisions of the Secretary and the President in filling the types of positions in which career ministers are normally expected to serve.

The amendment contains a provision for the gradual implementation of the change that takes into account both the career expectations of present officers and the needs of the Service for an early effective date. The implementation formula is explained in the sectional analysis of this section.

The proposed legislation also includes a technical change to permit all participants in the Foreign Service retirement system to work and earn retirement credit until the end of the month in which they reach mandatory retirement age or complete a period of authorized service past such age. Present wording in the law prevents most officers from earning retirement credit past the birthday on which they reach mandatory retirement age. Since Foreign Service annuities do not begin before the first of the month following retirement, the change would be both equitable to participants and simplify administration for the Department.

This amendment is similar to one contained in S. 3691, which was considered and passed by the Senate in June 1970.

Cost Estimate

This amendment would have only negligible impact on the cost of the Foreign Service retirement system.

By Mr. HARTKE:

S. 3322. A bill to amend the Internal Revenue Code of 1954 to encourage State and local governments to decrease their reliance on real property taxes as the principal means of funding expenditures for education by allowing a credit against Federal income tax for State and local income taxes imposed to fund such expenditures. Referred to the Committee on Finance.

A SUBSTITUTE FOR THE REAL PROPERTY TAX

Mr. HARTKE. Mr. President, there was a time in the history of this Nation that the real property tax served a useful purpose. Local government services had to be financed, and the property tax was the best means to accomplish this goal. That time has long since passed.

Once, property holdings were a good indication of wealth; but, today, wealth consists only incidentally of property holdings. Substantial income is derived from investments and businesses. Nevertheless, many people with modern incomes buy expensive homes because the housing and mortgage markets are so tight. It is these people together with the aged who live on fixed incomes who have suffered so much when property taxes have been raised.

A family with an income of $5,000, for example, pays an average of 2.5 percent of its income for property taxes, while a family with an income of more than $15,000 spends less than 1.5 percent of its income for the same purpose. In States such as New York, the contrast is even more drastic. There, a family with an income of $10,000 pays 4 percent of its income in property taxes, while the comparable figure for a family with an income of $70,000 is only 1.4 percent.

Between 1960 and 1968, the median local residential property tax for a nonfarm homeowner rose from 2.7 percent to an estimated 4.0 percent, and the number of homeowners paying more than 10 percent of income for property taxes rose from 1.6 million to an estimated 3.1 million.

According to a study conducted last year by the Congressional Research Service, the regressive nature of the property tax is probably as damaging to rural areas as it is to urban areas.

Mr. President, the property tax is destroying our communities. Because most property-tax structures place low taxes on agricultural and unimproved land, this tax discourages the orderly transference of land use from farm to suburb while it encourages speculation in land on the fringes of metropolitan areas. It is a tax administered by local subdivisions of government without much thought to regional concerns and needs.

Of paramount importance, however, is the fact the spiraling costs for public education have caused local governments to raise property taxes to ever-higher levels and to seek high revenue-producing land uses while resisting those uses which would not produce significant property-tax revenue. In such an environment, both education and the community suffer. Communities throughout the Nation are rejecting proposed school budgets as part of a taxpayers' revolt against increasing property taxes. In many areas, high property taxes discourage the building of new homes and apartments, thus denying the housing needed to supply manpower for the local economy.

In the face of inequities and inefficiencies of the property tax, many school districts have been forced to adopt austerity budgets. Still others have found it necessary to close their doors during part of the school year because they did not have the money to pay salaries. The existence of a democratic society depends upon a sound educational system; yet, education in the United States is endangered by a chronic shortage of funds.

To meet this need, I am introducing legislation today which will encourage State and local governments to abandon the property tax as a major source of revenue for public education. In essence, it provides a 50-percent Federal tax credit for those State and local government taxes imposed specifically to finance public education. In jurisdictions where such educational-opportunity taxes are imposed, the Federal Government will provide a 50-percent rebate to every individual taxpayer in the form of absolute reduction in Federal tax liability.

Before discussing the details of my proposal, it is important to understand the advantages which the tax-credit approach has over the other alternatives. In an effort to solve the financial crisis in education, one possible solution would be to provide drastic increases in Federal aid. Although I remain committed to existing programs of Federal aid and to the need to increase the funding of those programs, I do not believe that massive Federal grants provide an answer to the educational crisis facing our Nation.

The history of Federal grant-in-aid programs is a history of a burgeoning bureaucracy. Taxpayers have a right to a detailed accounting of the expenditure of public funds. In providing that accounting, mounds of rules, regulations, procedures, and paperwork have been created. While this bureaucratic redtape is useful in some areas, it is harmful to the education process because it forces local communities to adapt their programs to Federal requirements, rather than encouraging the Federal Government to adapt their programs to local needs. In making these comments, I do not pass judgment on existing Federal programs to aid education; rather, I am suggesting that the expansion of those programs to replace a substantial portion of the funds now contributed through local-government taxation would be a tragic mistake.

In rejecting the Federal grant-in-aid approach, I am also concerned about the continuing trend of looking to Washington to solve the problems of our communities. That trend is fostered by the inescapable fact that the Federal Government has the best means to raise large amounts of revenue, but—as I demonstrated when I introduced S. 1162 early during the last session—State and local governments are not making efficient use of their present taxing powers.

The continuing reliance on Washington has eroded the feeling of responsibility which each community has for its own needs. I regard the existing web of Federal grant programs to be dangerous to the extent that they encourage people to believe that not only the money but also the concern and the solution will come from Washington and that local concern can be reduced in proportion to the amount of Federal aid. In the field of public education, this trend could have a disastrous impact. The cry of students and parents these past few years has been to make education relevant to community needs. No Federal grant-in-aid program can be as effective in accomplishing this goal as a local program. At the same time, local governments do not have the money needed to be innovative. The tax credit proposal I am introducing today enables the Federal Government to assist financially, while keeping the primary responsibility for innovation, administration and public accountability at the State and local levels.

In recent months, there has been a blossoming discussion about the value-added tax, or VAT. In its simplest terms, this amounts to a new method of levying a retail sales tax. The tax is computed on the value added at each stage of the economic chain. For example, a manufacturer applies the VAT tax to its sales and then subtracts the VAT tax it has paid on its purchases. The net is payable to the government. The manufacturer bills its wholesalers for the VAT tax, just as it was earlier billed for that tax by its suppliers. The wholesaler in turn pays the Government the VAT tax on its sales, less the taxes the company has previously paid on its purchases, and then bills the VAT tax to its customers. The process is repeated again at the retail stage, with the retailer charging its customers for the VAT tax.

Clearly this is a retail sales tax because all businesses involved in the economic chain can pass the tax along to the next link in that chain. The consumer, however, can do no such thing. He pays the VAT tax when he buys the product from the retailer. And with equal clarity, it can be seen that the VAT tax is a regressive tax. Those with income less than $10,000 account for more than 80 percent of all consumer expenditures. It is the low- and middle-income consumer who will bear the major burden of any VAT tax, and it is our economy which would be forced to bear the burden of renewed inflation which the VAT tax would almost certainly instigate.

Because of the weaknesses of these two approaches, my proposal is based on a third alternative—that of tax credits. Any taxpayer in a jurisdiction which has adopted an educational tax would be eligible for a 50 percent credit against his Federal income tax. If, for example, his State government imposed an educational tax which required him to pay $100 more in State taxes, he would get a tax credit of $50 on his Federal tax return. Carrying this example one step further, if the same taxpayer's Federal tax liability was $150, the deduction of the $50 credit would give him a Federal tax liability of only $100.

The tax credit I have proposed applies both to State and local educational income taxes. Only those income taxes imposed by a State or a political subdivision of a State whose proceeds are used only for educational purposes, or that specified portion of a State or local income tax which may be used only for education purposes would be eligible for the 50 percent Federal tax credit. There is a further requirement that qualified State and local educational taxes would have to be certified by the Secretary of Health, Education, and Welfare to meet the following standards:

First, the per-pupil expenditures for educational purposes made by the State or political subdivision imposing the tax during the most recent fiscal year for which statistics are available must not be less than the per-pupil expenditures for educational purposes made by that State or political subdivision during its fiscal year ending in 1971; and

Second, the portion of the total expenditures for educational purposes made by the State or political subdivision imposing the tax during such most recent fiscal year which was attributable to revenue from taxes on real property must be less than the portion of the total expenditures for educational purposes made by that State or political subdivision during its fiscal year ending in 1971 which was attributable to revenue from taxes on real property.

By placing these certification requirements on qualified educational taxes, my proposal seeks to assure that Government units which adopt such a plan will not reduce per-pupil expenditures and that those governmental units which seek to take advantage of the Federal tax credit provided in my bill adopt a plan of income taxation which results in a proportionate lowering of the proportion of real estate tax revenues used to finance public education.

The maximum total credit allowed for State and local educational taxes would be 24 percent of the taxpayer's Federal income tax liability. The bill does not determine the proportion of total tax credit that will be available to the State or to localities within a State. In other words, any combination of credits that added to 24 percent of the taxpayer's Federal tax liability would be acceptable under this bill.

The pressure from recent court decisions seems to be in the direction of greater State financing of education. The bill remains flexible on this still unsettled issue. It also would permit local initiative in the absence of State action. A municipality could move immediately to an educational income tax and claim the full 24-percent credit although other taxing districts and the State delayed any action.

A table appearing at the conclusion of my remarks, indicates that the tax credit concept has great potential for relief if the States and localities are only willing to place increased reliance upon the individual income tax as a revenue-raising device. Because current data on local income tax collections are not available, the table focuses on the possible State gain exclusively. Column 4 of the table shows that the potential benefit to the States is in excess of $31 billion. These new funds could be used to improve schools and lower property taxes concurrently.

Mr. President, I am proposing legislation that encourages local responsibility and control, that promises greater tax equity and that can pave the way for more equal education for all our citizens. I ask unanimous consent that the text of the bill and the table to which I have referred to be printed in the RECORD immediately following my remarks.

There being no objection, the bill and table were ordered to be printed in the RECORD, as follows:

S. 3322

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by renumbering section 42 as 43, and by inserting after section 41 the following new section:

"SEC. 42. STATE AND LOCAL EDUCATIONAL INCOME TAXES

"(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed, as a credit against the tax imposed by this chapter, an amount equal to 50 percent of the qualified State and local educational income taxes imposed on such individual and paid by him during the taxable year.

"(b) LIMITATIONS.—

"(1) STATE AND LOCAL INCOME TAXES.—The total credit under subsection (a) for any taxable year attributable to qualified State and local educational income taxes paid during the taxable year shall not exceed an amount equal to 24 percent of the tax imposed on the taxpayer by this chapter for the taxable year.

"(2) APPLICATION WITH SECTION 164.—The credit under subsection (a) for any taxable year, when added to the taxpayer's State and local educational income tax deduction benefit for the taxable year, shall not exceed the amount of qualified State and local educational income taxes imposed on the taxpayer and paid by him during the taxable year. For purposes of this subsection, a taxpayer's State and local educational income tax deduction benefit for the taxable year is the amount by which (A) the tax imposed by this chapter on the taxpayer for the taxable year is less than (B) the tax which would be so imposed if the qualified State and local educational income taxes were not allowable as a deduction under section 164.

"(c) DEFINITIONS.—For purposes of this section—

"(1) STATE AND LOCAL EDUCATIONAL INCOME TAXES.—The terms 'State educational income tax' and 'local educational income tax' mean (A) an income tax imposed by a State or a political subdivision of a State, as the case may be, the proceeds of which may be used only for educational purposes or (B) a specified portion or percentage of an income tax imposed by a State or a political subdivision of a State, as the case may be, which portion or percentage may be used only for educational purposes.

"(2) QUALIFIED STATE AND LOCAL EDUCATIONAL INCOME TAXES.—The terms 'qualified State educational income tax' and 'qualified local educational income tax' mean, with respect to taxes imposed during a fiscal year of a State or political subdivision, a State educational income tax or local educational income tax, as the case may be, with respect to which the Secretry of Health, Education, and Welfare has certified to the Secretary or his delegate that—

"(A) the per-pupil expenditures for educational purposes made by the State or political subdivision imposing the tax during the most recent fiscal year for which statistics are available were not less than the per-pupil expenditures for educational purposes made by that State or political subdivision during its fiscal year ending in 1971, and

"(B) the portion of the total expenditures for educational purposes made by the State or political subdivision imposing the tax during such most recent fiscal year which was attributable to revenues from taxes on real property is less than the portion of the total expenditures for educational purposes made by that State or political subdivision during its fiscal year ending in 1971 which was attributable to revenues from taxes on real property.

"(3) EDUCATIONAL PURPOSES.—The term 'educational purposes' includes the acquisition of land and the construction and acquisition of facilities to be used for educational purposes and the payment of interest on, and retirement of principal of, indebtedness incurred for such purposes.

"(d) SPECIAL RULES.—For purposes of this section—

"(1) TAXES ON PARTNERSHIPS.—Qualified State or local educational income taxes imposed on and paid by a partnership shall be treated as imposed on and paid by each partner in an amount equal to his distributive share of such taxes.

"(2) TAXES ON SUBCHAPTER'S CORPORATION.—Qualified State or local educational income taxes imposed on and paid by an electing small business corporation (as defined in section 1371) shall be treated as imposed on and paid by, pro rata, the persons who are shareholders of such corporation on the last day of its taxable year.

"(3) Tax imposed by this chapter.—The tax imposed by this chapter for any taxable year does not include the tax imposed by section 56 (relating to minimum tax for tax preferences).

"(e) Adjustment for Refunds.—

"(1) In general.—The amount of qualified State and local educational income taxes imposed on and paid by an individual during any taxable year shall be reduced by the amount of any refund of such taxes, whether or not received during the taxable year.

"(2) Interest.—In the case of underpayment of the tax imposed by this chapter for a taxable year resulting from the application of paragraph (1), no interest shall be assessed or collected on such underpayment if the amount thereof is paid within 60 days after the taxpayer receives the refund of qualified State or local educational income taxes which caused such underpayment.

"(f) Regulations.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section."

Sec. 2. (a) The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 is amended by striking out the item relating to section 42 and inserting in lieu thereof the following:

"Sec. 42. State and local educational income taxes.

"Sec. 43. Overpayments of tax."

(b) Section 37(a) of such Code (relating to retirement income) is amended by striking out "and section 35 (relating to partially tax-exempt interest)" and inserting in lieu thereof "section 35 (relating to partially tax-exempt interest), and section 42 (relating to State and local educational income taxes)".

(c) Section 41(b) of such Code (relating to contributions to candidates for public office) is amended by striking out "and section 38 (relating to investment in certain depreciable property)" and inserting in lieu thereof "section 38 (relating to investment in certain depreciable property), and section 42 (relating to State and local educational income taxes".

(b) Section 46(3) of such Code (relating to liability for tax) is amended—

(1) by striking out "and" at the end of subparagraph (B);

(2) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof ", and"; and

(3) by inserting after subparagraph (C) the following new subparagraph:

"(D) section 42 (relating to State and local educational income taxes)."

(e) Section 50A(a)(3) (relating to liability for tax) is amended—

(1) by striking out "and" at the end of subparagraph (D);

(2) by striking out the period at the end of subparagraph (E) and inserting in lieu thereof ", and"; and

(3) by inserting after subparagraph (E) the following new subparagraph:

"(F) section 42 (relating to State and local educational income taxes)".

Sec. 3. The amendments made by this Act shall apply to taxable years beginning after December 31, 1971.

THE IMPACT ON STATE AND LOCAL GOVERNMENTS OF INCOME TAX CREDITS[1]

States	Estimated Federal individual income tax liability; calendar year 1971[2]	State collected individual income tax 1971[3]	State and local income tax under 50 percent credit proposal[4]	Gain to States under 50 percent tax credit proposal[5]
Alabama	$853,549	$92,094	$424,816.32	$332,722
Alaska	122,667	41,833	75,861.12	34,028
Arizona	633,499	73,710	300,983.04	227,273
Arkansas	438,210	44,243	211,219.68	116,976
California	9,434,493	1,266,556	4,606,410.24	3,339,844
Colorado	851,441	143,461	400,704.96	257,243
Connecticut	2,130,568	10,331	1,101,597.40	1,091,266
Delaware	272,448	79,444	145,390.08	65,946
District of Columbia	351,549	10,755	186,854.40	76,099
Florida	2,906,022	(X)	1,282,505.76	1,282,505
Georgia	1,405,578	184,954	736,042.56	551,088
Hawaii	348,517	116,233	171,227.04	54,994
Idaho	201,127	56,278	91,587.84	35,309
Illinois	6,270,292	773,610	2,994,714.72	2,221,104
Indiana	2,120,799	218,467	1,309,691.04	821,224
Iowa	995,037	115,344	467,754.24	352,410
Kansas	834,170	82,156	350,088.48	267,932
Kentucky	840,236	132,669	435,545.28	302,876
Louisiana	1,023,247	81,867	499,996.32	418,129
Maine	331,556	23,878	145,733.76	121,855
Maryland	2,099,087	413,976	1,002,252.00	588,276
Massachusetts	2,921,553	568,574	1,364,593.92	796,019
Michigan	3,946,210	475,938	2,132,628.48	1,656,690
Minnesota	1,349,636	370,702	681,292.80	310,590
Mississippi	416,949	46,003	189,913.92	143,910
Missouri	1,795,417	140,540	886,609.44	740,069
Montana	$176,183	$42,381	$111,088.64	$68,707
Nebraska	487,410	53,888	250,296.00	196,408
Nevada	306,176	(X)	148,913.28	148,913
New Hampshire	295,206	5,238	132,889.44	276,564
New Jersey	3,992,783	19,570	1,918,484.16	1,898,914
New Mexico	279,486	35,815	137,017.92	101,202
New York	10,704,081	2,530,207	4,820,790.24	2,290,583
North Carolina	1,498,247	301,756	698,964.00	397,208
North Dakota	130,604	16,877	71,382.24	54,505
Ohio	4,948,710	(X)	2,394,776.64	2,394,776
Oklahoma	781,367	63,648	383,439.36	319,791
Oregon	791,099	226,245	391,488.96	165,243
Pennsylvania	5,094,214	135,067	2,463,684.00	2,328,617
Rhode Island	406,366	37,625	182,994.24	145,369
South Carolina	653,023	108,429	304,778.88	196,349
South Dakota	156,360	(X)	75,230.40	75,230
Tennessee	1,235,344	12,383	577,283.04	564,900
Texas	4,361,088	(X)	2,002,801.44	2,002,801
Utah	318,884	61,884	142,039.68	80,155
Vermont	176,419	42,848	69,648.00	26,800
Virginia	1,738,262	312,984	869,818.56	556,834
Washington	1,537,580	(X)	750,075.84	750,075
West Virginia	508,138	59,102	245,528.64	186,426
Wisconsin	1,707,296	507,146	805,993.44	298,847
Wyoming	113,117	(X)	56,123.04	56,123

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[1] Under the proposal there would be a credit against the Federal individual income tax equal to 50 percent of State and local income taxes paid but not to exceed a combined total of 24 percent of individual Federal income tax liability. The credit, when added to the taxpayer's State and local individual income tax deduction benefit would not exceed the amount of State and local individual income taxes paid.

[2] Estimated by the staff of the Joint Committee on Internal Revenue Taxation. The State by State data on which these estimates are based on data compiled from Federal individual income tax returns by the Internal Revenue Service (Statistics of Income) and reflect taxpayer State of residence except for those cases in which the taxpayer filed his return in the wrong place. The reasons why returns are filed in districts or regions other than those in which the taxpayer resides are as follows: (1) filing with former district office or regional service center after moving to a new area; (2) filing from place of business rather than place of residence; (3) filing from tax lawyer's or accountant's place of business in another State; (4) filing with a place other than residence because of misunderstandings of instructions on where to file.

[3] State tax collections in 1971. GF-71 No. 1 Bureau of the Census.

[4] 48 percent of the estimated Federal individual income tax in column (1). This is the minimum State (or combined State and local) tax that would bring into play the maximum allowable credit under the proposal of 24 percent of the Federal individual income tax. Under this proposal, which combines the deduction for income tax paid with a 50 percent credit, there would be a strong incentive for States (and localities) to shift from a property tax to an income tax basis for school financing. It would also provide considerable stimulus for States and localities to impose an income tax in excess of the proposed credit if more funds are needed.

[5] Column (3) minus column (2). These figures represent the minimum additional State income tax over the fiscal year 1971 tax which would take full advantage of the 14 percent of Federal income tax limitation. Under the proposal, the incentive would be strong for States, in need of additional revenues, to exceed these additions.

By Mr. KENNEDY (for himself, Mr. Williams, Mr. Magnuson, Mr. Javits, Mr. Schweiker, Mr. Beall, Mr. Cranston, Mr. Eagleton, Mr. Hughes, Mr. Mondale, Mr. Nelson, Mr. Pell, Mr. Percy, Mr. Randolph, Mr. Stafford, and Mr. Taft):

S. 3323. A bill to amend the Public Health Service Act to enlarge the authority of the National Heart and Lung Institute in order to advance the national attack against diseases of the heart and blood vessels, the lungs, and blood, and for other purposes. Referred to the Committee on Labor and Public Welfare.

NATIONAL HEART, BLOOD VESSEL, LUNG AND BLOOD ACT OF 1972

Mr. KENNEDY. Mr. President, I, along with the distinguished ranking minority member of the Senate Labor Committee, Senator Javits, and the chairman of the HEW Appropriations Subcommittee; the distinguished Senator from Washington, Mr. Magnuson, are introducing the National Heart, Blood Vessel, Lung and Blood Act of 1972, which responds to the need for immediate action against diseases of the heart and blood vessels, the lungs and blood. Cosponsoring this important bill with us are Senators Beall, Cranston, Eagleton, Hughes, Mondale, Nelson, Pell, Percy, Randolph, Schweiker, Stafford, Taft, and Williams. This bill enlarges the authorities of the National Heart and Lung Institute in the National Institutes of Health in order to advance the national attack upon these major killer diseases. Their toll on human life has reached epidemic proportions.

Diseases of the heart and blood vessels collectively cause half of all deaths each year in the United States. Cardiovascular diseases do not discriminate. They strike young and old alike. These diseases cause half of the deaths among Americans in their productive years of

35–64 and two-thirds of all deaths among Americans over 65. Even when not fatal, these diseases are extremely disabling, and the combined impact of the mortality and morbidity is having a major social and economic impact on our country.

Chronic lung diseases are also killing and disabling more Americans than ever before. Emphysema alone is the fastest rising cause of death in the country. Together, chronic respiratory diseases, chronic bronchitis, asthma, and emphysema are debilitating and disabling approximately 20 million Americans. In addition to adding to the tragedy of human suffering, these diseases also have a hard economic impact. They are responsible for annual social security payments of $90 million to persons disabled by these diseases.

Mr. President, the list of anguishing and now preventable killer diseases goes on.

Thrombosis, the formation of blood clots in the vessels, causes 80 percent of the 200,000 annual strokes in the United States. This malady of the blood, by itself and in combination with other problems, causes an enormous amount of presently avoidable death and disability.

The legislation introduced today responds to the need for a concerted national attack upon this preventable pain, suffering, and dealth.

The bill also recognizes the importance of blood in saving human lives. Blood is an essential, precious human resource. Its value in saving lives and guaranteeing good health has no price tag. Yet, as a nation, we have not made full use of this invaluable resource; we have not realized the full benefits of the blood available to us.

Mr. President, the National Heart, Blood Vessel, Lung, and Blood Act of 1972 declares that human suffering from diseases of the heart and blood vessels, the lungs and blood cannot go on. Action must be taken—and taken now—to act responsibly, to reduce the death and disability resulting from these diseases. At the same time, it must be emphasized that instant cures are not produced merely through some new legislation or some new Federal program. Progress against human disease and suffering is a painfully slow and uncertain process. That is a fact we must constantly remember.

The National Heart and Lung Institute of the National Institutes of Health is the Federal agency most concerned with preventing and treating heart disease. Due to its research since its establishment in 1948, we now know more than ever before about the causes, treatment, and prevention of heart disease.

For example, we now know that approximately 80 percent of the death and disability from cardiovascular disease occurs in those persons having one or more of three specific risk factors—high blood pressure, cigarette smoking, and elevated levels of blood lipids.

We also know more than ever before about the treatment of cardiovascular diseases because of the work of the National Heart and Lung Institute. It has been largely responsible for the development of the heart-lung machine, permitting widespread use of open-heart surgery. It has also been developing, evaluating, and testing drugs to treat cardiovascular diseases.

Again, the National Heart and Lung Institute has been largely responsible for the prevention of death and the reduction of disability due to these diseases. The Institute has been developing the means of preventing and treating the underlying causes of arteriosclerosis especially as it is manifested in heart attacks.

Important clinical trials have been started to test the effects of lowering elevated blood lipids on the rate of heart attack and stroke, and of intervening to treat high blood pressure to lower the rate of acute disease.

Clearly, the National Heart and Lung Institute stands as a leader in the research, treatment, and prevention of cardiovascular disease. The expanded knowledge we now have, and the broad treatment and prevention programs we now possess, stem largely from the efforts of the National Heart and Lung Institute. However, we have just begun. The mortality figures compel us to go much further, to continue the investigation and research needed to control and prevent cardiovascular disease.

Chronic lung diseases also demand our expanded efforts. Recent developments in research fields such as genetics, lung biochemistry, and immunology, have set the stage for an all-out attack to reduce the mortality and morbidity of lung diseases through better therapeutic intervention and new disease prevention efforts.

The National Heart and Lung Institute is deeply involved with the problems of chronic lung disease. Its lung program is the largest and most extensive in the country in terms of research approaches. The lung program supports a variety of important training and research programs in the pulmonary field through its pulmonary specialized centers of research grants and respiratory disease contracts.

The National Heart and Lung Institute is also working on the problems of blood and management of this country's blood resources. It recently evaluated promising clot-dissolving drugs to treat pulmonary embolism. It is presently prepared to test the usefulness of these drugs in treating other problems involving thrombosis. It is supporting major research efforts against sickle cell disease, which will build upon the comprehensive sickle cell amenia bill which passed the Senate last year. The Institute has also aided the development of improved technology concerning blood acquisition, processing, storage, and distribution.

Mr. President, the National Heart and Lung Institute clearly possesses the organizational capacity, the staff and the past experience necessary to carry out the mandate of this legislation. This bill adapts the recommendations of the Institute's Task Force on Arteriosclerosis for a major national attack against heart disease and adds further authority for a broader attack against lung and blood diseases as well.

The bill authorizes appropriations of $1.29 billion over the next 3 years, through June 30, 1975. In this coming fiscal year beginning July 1, the bill authorizes $370 million. That is $137,832,000 more than was appropriated in fiscal 1972, and—most importantly—that is $115,584,000 above what the President is requesting in this coming fiscal year.

The additional funds would be used for an expanded, intensified, and better coordinated program of activities by the National Heart and Lung Institute. The bill provides money to establish necessary heart, blood vessel, lung and blood disease control programs. It provides money to improve our support of existing clinical research and demonstration centers for heart and lung disease and to develop 30 new centers. There are some 34 of these centers now, including 13 for arteriosclerosis, 11 for lung diseases, 5 for high blood pressure, and 5 for thrombosis.

The key provision of the bill is the requirement that the Director of the National Heart and Lung Institute, with the advice of the National Heart and Lung Advisory Council, develop a plan for an eight-point national heart, blood vessel, lung and blood disease program. The plan is to include recommendations for necessary appropriations and staffing requirements and is to be transmitted to Congress so that we can monitor the progress of the program and spot troublesome areas.

These are the things the plan is to provide for:

First, investigation into the epidemiology, etiology and prevention of all forms and aspects of cardiovascular and lung disease, including the social, environmental, behavioral, nutritional, biological, and genetic determinants and influences involved.

Second, studies and research into the basic biological processes and mechanisms involved in the underlying cardiovascular and pulmonary and blood phenomena—both normal and abnormal.

Third, research into the development, trial, and evaluation of techniques, drugs, devices and other approaches to diagnosis, treatment and prevention of cardiovascular and pulmonary diseases and rehabilitation of patients suffering from such diseases.

Fourth, establishment of programs and centers of the conduct and direction of field studies, large-scale testing and evaluation and the demonstration of preventive diagnostic, therapeutic and rehabilitative approaches to cardiovascular and pulmonary disease.

Fifth, studies and research into blood, blood diseases—such as sickle-cell anemia and hemophilia—the use of blood for clinical purposes and the management of the national blood resources, including the collection, preservation, fractionation, and distribution of blood and blood products.

Sixth, the education and training of scientists and clinicians in fields and specialties requisite to the conduct of programs in the cardiovascular, pulmonary, and blood areas.

Seventh, public and professional education relating to all aspects of cardiovascular and lung disease, diagnosis, treatment, prevention and the use of blood and the management of blood resources.

Eighth, establishment of programs and centers for the study and research into the cardiovascular, pulmonary, and blood diseases of children, including cystic fibrosis, hyaline membrane disease, hemolytic and hemophilic diseases, and the development and demonstration of diagnostic treatment and preventive approaches to these problems.

In addition to the development of the national heart, blood vessel, lung, and blood disease program, the bill contains a number of other provisions designed to improve the coordination of our national effort against these diseases and to simplify some of the bureaucratic processes involved.

The bill requires the Health, Education, and Welfare Secretary to establish an interagency technical committee on heart, blood vessel, lung and blood diseases and blood resources. This committee will coordinate those aspects of all Federal health programs and activities relating to heart, blood vessel, lung and blood diseases and to blood resources. The Director of the National Heart and Lung Institute is to serve as chairman of the committee. Its members will be drawn from each Federal department or agency whose programs involve health functions or responsibilities.

The bill also simplified the review procedure for routine training and research grants of less than $35,000 by authorizing their approval by the Director of the National Heart and Lung Institute after scientific review, without also requiring review by the National Heart and Lung Advisory Council.

Finally, Mr. President, the bill broadens some of the administrative authority available to the Director of the National Heart and Lung Institute in carrying out the national heart, blood vessel, lung and blood disease program, and replaces the present National Advisory Heart Council with a new National Heart and Lung Advisory Council. The new Council includes 18 members to be appointed by the HEW Secretary, with equal representation from the scientific and medical community and the general public. In addition, two of the public members are to be selected from among full-time students enrolled in health professions schools.

So that members of the general public and other members of this body can more easily familiarize themselves with the provisions of the National Heart, Blood Vessel, Lung and Blood Act of 1972, I ask unanimous consent that the complete text of the bill and a section-by-section analysis of it be printed in the RECORD at this point, together with a statement prepared by Senator MAGNUSON.

There being no objection, the bill, and statement analysis, were ordered to be printed in the RECORD, as follows:

S. 3323

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "National Heart, Blood Vessel, Lung, and Blood Act of 1972".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) Congress finds and declares that—

(1) diseases of the heart and blood vessels collectively cause more than half of all the deaths each year in the United States and the combined effect of the disabilities and deaths from such diseases is having a major social and economic impact on the Nation;

(2) elimination of such cardiovascular diseases as significant causes of disability and death could increase the average American's life expectancy by about eleven years and could provide for annual savings to the economy in lost wages, productivity, and costs of medical care of more than $30,000,000,000 per year;

(3) chronic lung diseases have been gaining steadily in recent years as important causes of disability and death, with emphysema alone being the fastest rising cause of death in the United States;

(4) chronic respiratory diseases affect an estimated ten million Americans, emphysema an estimated one million, chronic bronchitis an estimated four million, and asthma an estimated five million.

(5) thrombosis (the formation of blood clots in the vessels) may cause, directly or in combination with other problems, many deaths and disabilities from heart disease and stroke which can now be prevented;

(6) blood and blood products are essential human resources whose value in saving life and promoting health cannot be assessed in terms of dollars; and

(7) the greatest potential for advancement against diseases of the heart and blood vessels, the lungs, and blood lies in the National Heart and Lung Institute of the National Institutes of Health whose research institutes have brought into being the most productive scientific community centered upon health and disease that the world has ever known.

(b) It is the purpose of this Act to enlarge the authority of the National Heart and Lung Institute in order to advance the national attack upon the diseases of the heart and blood vessels, the lungs, and blood.

HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASES PROGRAMS

SEC. 3. Part B of title IV of the Public Health Service Act is amended (1) by redesignating section 413 as section 419A, (2) by redesignating section 414 as section 418, and (3) by adding after section 412 the following new sections:

"NATIONAL HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASE PROGRAM

"SEC. 413. (a) The Director of the Institute, with the advice of the Council, shall within one hundred and eighty days after the effective date of this section, develop a plan for a heart, blood vessel, lung, and blood disease program (hereafter in this part referred to as the 'program') to expand, intensify, and coordinate the activities of the Institute respecting such diseases (including its activities under section 412). The program shall provide for—

"(1) investigation into the epidemiology, etiology, and prevention of all forms and aspects of cardiovascular, lung, and blood diseases, including investigations into the social, environmental, behavioral, nutritional, biological, and genetic determinants and influences involved in the epidemiology, etiology, and prevention of such diseases;

"(2) studies and research into the basic biological processes and mechanisms involved in the underlying normal and abnormal, cardiovascular, pulmonary, and blood phenomena;

"(3) research into the development, trial, and evaluation of techniques, drugs, and devices used in, and approaches to, the diagnosis, treatment, and prevention of cardiovascular and pulmonary diseases and the rehabilitation of patients suffering from such diseases;

"(4) establishment of programs and centers for the conduct and direction of field studies, large-scale testing and evaluation, and demonstration of preventive, diagnostic, therapeutic, and rehabilitative approaches to cardiovascular and pulmonary diseases;

"(5) studies and research into blood diseases (such as sickle cell anemia and hemophilia) and blood, its uses for clinical purposes and all aspects of the management of its resources in this country, including the collection, preservation, fractionalization, and distribution of it and its products;

"(6) the education and training of scientists and clinicians in fields and specialties requisite to the conduct of programs respecting cardiovascular, pulmonary, and blood diseases;

"(7) public and professional education relating to all aspects of cardiovascular, pulmonary, and blood diseases and the use of blood and blood products and the management of blood resources; and

"(8) establishment of programs and centers for study and research into cardiovascular, pulmonary, and blood diseases of children (including cystic fibrosis, hyaline membrane, and hemolytic and hemophilic diseases) and for the development and demonstration of diagnostic, treatment, and preventive approaches to these diseases.

"(b)(1) The plan required by subsection (a) of this section shall be transmitted to the Congress and shall set out the Institute's staff requirements to carry out the program and recommendations for appropriations for the program.

"(2) The Director of the Institute shall, as soon as practicable after the end of each calendar year, prepare in consultation with the Council and submit to the President for transmittal to the Congress a report on the activities, progress, and accomplishments under the program during the preceding calendar year and a plan for the program during the next five years.

"(c) In carrying out the program, the Director of the Institute, after consultation with the Council and without regard to any other provisions of this Act, may—

"(1) if authorized by the Council, obtain (in accordance with section 3109 of title 5, United States Code, but without regard to the limitation in such section on the number of days or the period of such service) the services of not more than fifty experts or consultants who have scientific or professional qualifications;

"(2) acquire, construct, improve, repair, operate, and maintain cardiovascular and pulmonary disease centers, laboratories, research, and other necessary facilities and equipment, and related accommodations as may be necessary, and such other real or personal property (including patents) as the Director deems necessary; and acquire, without regard to the Act of March 3, 1877 (40 U.S.C. 34), by lease or otherwise through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the Institute for a period not to exceed ten years; and

"(3) enter into such contracts, leases, cooperative agreements, or other transactions, without regard to sections 3648 and 3709 of the Revised Statutes of the United States (31 U.S.C. 529, 41 U.S.C. 5), as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution.

"HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASE CONTROL PROGRAMS

"SEC. 414. (a) The Director of the Institute, under policies established by the Director of the National Institutes of Health and after consultation with the Council, shall establish programs as necessary for cooperation with other Federal health agencies, State, local, and regional public health agencies, and nonprofit private health agencies in the diagnosis, prevention, and treatment of heart, blood vessel, lung, and blood diseases.

"(b) There are authorized to be appropriated to carry out this section $20,000,000 for the fiscal year ending June 30, 1973, $30,000,000 for the fiscal year ending June 30, 1974, and $40,000,000 for the fiscal year ending June 30, 1975.

"NATIONAL CLINICAL RESEARCH AND DEMONSTRATION CENTERS FOR CARDIOVASCULAR AND PULMONARY DISEASES

"SEC. 415. (a) The Director of the Institute may provide for the development of—

"(1) fifteen new centers for clinical research into, training in, and demonstration of, advanced diagnostic and treatment methods for cardiovascular diseases; and

"(2) fifteen new centers for clinical research into, training in, and demonstration of advanced diagnostic and treatment methods for chronic pulmonary diseases (including bronchitis, emphysema, asthma, and cystic fibrosis and other pulmonary diseases of children).

Centers developed under this subsection may be supported under subsection (b) or under any other applicable provision of law.

"(b) The Director of the Institute, under policies established by the Director of the National Institutes of Health and after consultation with the Council, may enter into cooperative agreements with public or nonprofit private agencies or institutions to pay all or part of the cost of planning, establishing, or strengthening, and providing basic operating support for, existing new centers (including centers established under subsection (a)) for clinical research into, training in, and demonstration of advanced diagnostic and treatment methods for cardiovascular and chronic pulmonary diseases. Funds paid to centers under cooperative agreements under this subsection may be used for—

"(1) construction, notwithstanding section 405,

"(2) staffing and other basic operating costs, including such patient care costs as are required for research,

"(3) training, including training for allied health professions personnel, and

"(4) demonstration purposes.

The aggregate of payments (other than payments for construction) made to any center under such an agreement may not exceed $5,000,000 in any year. Support of a center under this subsection may be for a period of not to exceed five years and may be extended by the Director of the Institute for additional periods of not more than five years each, after review of the operations of such center by an appropriate scientific review group established by the Director.

"INTERAGENCY TECHNICAL COMMITTEE

"SEC. 416. (a) The Secretary shall establish an Interagency Technical Committee on Heart, Blood Vessel, Lung, and Blood Diseases and Blood Resources which shall be responsible for coordinating those aspects of all Federal health programs and activities relating to diseases of the heart, blood vessels, the lung, and blood and to blood resources to assure the adequacy and technical soundness of such programs and activities and to provide for the full communication and exchange of information necessary to maintain adequate coordination of such programs and activities.

"(b) The Director of the Institute shall serve as Chairman of the Committee and the Committee shall include representation from all Federal departments and agencies whose programs involve health functions or responsibilities as determined by the Secretary.

"NATIONAL HEART AND LUNG ADVISORY COUNCIL

"SEC. 417. (a) There is established in the Institute a National Heart and Lung Advisory Council to be composed of twenty-two members as follows:

"(1) The Secretary, the Director of the National Institutes of Health, the chief medical officer of the Veterans' Administration (or his designee), and a medical officer designated by the Secretary of Defense shall be ex officio members of the Council.

"(2) Eighteen members appointed by the Secretary.

Each of the required members of the Council shall be leaders in the fields of fundamental sciences, medical sciences, or public affairs. Nine of the appointed members shall be selected from among the leading medical or scientific authorities who are skilled in the sciences relating to diseases of the heart, blood vessels, lungs, and blood; two of the appointed members shall be selected from full-time students enrolled in health professions schools; and seven of the appointed members shall be selected from the general public.

"(b)(1) Each appointed member of the Council shall be appointed for a term of four years, except that—

"(A) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and

"(B) of the members first appointed after the effective date of this section, five shall be appointed for a term of four years, five shall be appointed for a term of three years, five shall be appointed for a term of two years, and three shall be appointed for a term of one year, as designated by the Secretary at the time of appointment.

Appointed members may serve after the expiration of their terms until their successors have taken office.

"(2) A vacancy in the Council shall not affect its activities, and twelve members of the Council shall constitute a quorum.

"(3) The Council shall supersede the existing National Advisory Heart Council appointed under section 217, and the appointed members of the National Advisory Heart Council serving on the effective date of this section shall serve as additional members of the National Heart and Lung Advisory Council for the duration of their terms then existing, or for such shorter time as the Secretary may prescribe.

"(4) Members of the Council who are not officers or employees of the United States shall receive for each day they are engaged in the performance of the functions of the Council compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS–18 of the General Schedule, including traveltime; and all members, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by section 5703, title 5, United States Code, for persons in the Government service employed intermittently.

"(c) The Chairman of the Council shall be appointed by the Secretary from among the members of the Council and shall serve as Chairman for a term of two years.

"(d) The Director of the Institute shall (1) designate a member of the staff of the Institute to act as executive secretary of the Council, and (2) make available to the Council such staff, information, and other assistance as it may require to carry out its functions.

"(e) The Council shall meet at the call of the Director of the Institute or of the Chairman, but not less often than four times a year."

AUTHORIZATION OF APPROPRIATIONS FOR PART B OF TITLE IV OF THE PUBLIC HEALTH SERVICE ACT

SEC. 4. Part B of title IV of the Public Health Service Act is amended by adding at the end thereof the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 419B. For the purpose of carrying out this part (other than section 414), there are authorized to be appropriated $350,000,000 for the fiscal year ending June 30, 1973, $400,000,000 for the fiscal year ending June 30, 1974, and $450,000,000 for the fiscal year ending June 30, 1975."

DIRECTOR'S AUTHORITY TO APPROVE GRANTS

SEC. 5. Section 419A of the Public Health Service Act (as so redesignated by section 3 of this Act) is amended—

(1) by striking out "grants-in-aid" in subsection (a) and inserting in lieu thereof "except as provided in subsection (c), grants-in-aid"; and

(2) by adding after subsection (b) the following new subsection:

"(c) Under procedures approved by the Director of the National Institutes of Health, the Director of the National Heart and Lung Institute may approve grants under this Act for research and training in heart, blood vessel, lung, and blood diseases—

"(1) in amounts not to exceed $35,000 after appropriate review for scientific merit but without review and recommendation by the Council, and

"(2) in amounts exceeding $35,000 after appropriate review for scientific merit and recommendation for approval by the Council."

CONFORMING AMENDMENTS TO PART B OF TITLE IV OF THE PUBLIC HEALTH SERVICE ACT

SEC. 6. (a) Section 411 of the Public Health Service Act is amended by striking out National Heart Institute" and inserting in lieu thereof "National Heart and Lung Institute".

(b) Section 412 of such Act is amended—

(1) by striking out "heart" each place it occurs (except in the headings) and inserting in lieu thereof "heart, blood vessel, lung, and blood";

(2) by striking out "Surgeon General" and inserting in lieu thereof "Secretary";

(3) by striking out "National Advisory Heart Council" and inserting in lieu thereof "National Heart and Lung Advisory Council";

(4) by redesignating paragraphs (a), (b), (c), (d), (e), (f), and (g) as paragraphs (1), (2), (3), (4), (5), (6), and (7), respectively; and

(5) by amending the section heading to read as follows:

"RESEARCH AND TRAINING IN DISEASES OF THE HEART, BLOOD VESSELS, LUNG, AND BLOOD"

(c) Section 418 of such Act (as so redesignated by section 3 of this Act) is amended—

(1) by inserting "(a)" immediately after "SEC. 418." and by adding at the end thereof the following new subsection:

"(b)(1) The Council shall advise and assist the Director of the Institute with respect to the program established under section 413. The Council may hold such hearings, take such testimony, and sit and act at such times and places, as the Council deems advisable to investigate programs and activities of the program.

"(2) The Council shall submit a report to the President for transmittal to the

Congress not later than January 31 of each year on the progress of the program toward the accomplishment of its objectives."

(2) by striking out "Surgeon General" each place it occurs (except paragraph (f) and inserting in lieu thereof "Secretary";

(3) by striking out "heart" each place it occurs and inserting in lieu thereof "heart, blood vessel, lung, and blood";

(4) by striking out "Surgeon General" in paragraph (f) and inserting in lieu thereof "Secretary, the Director of the National Institutes of Health, and the Director of the National Heart and Lung Institute"; and

(5) by redesignating paragraphs (a), (b), (c), (d), (e), and (f) as paragraphs (1), (2), (3), (4), (5), and (6), respectively.

(d) Section 419A of such Act (as so redesignated by section 3 of this Act) is amended—

(1) in subsection (a), by (A) striking out "Surgeon General" and inserting in lieu thereof "Secretary", and (B) striking out "heart" and inserting in lieu thereof "heart, blood vessel, lung, and blood"; and

(2) in subsection (b), by (A) striking out "The Surgeon General shall recommend to the Secretary acceptance of conditional gifts, pursuant to section 501," and inserting in lieu thereof "The Secretary may, in accordance with section 501, accept conditional gifts", and (B) striking out "heart" and inserting in lieu thereof "heart, blood vessel, lung, and blood".

(e) The heading for part B of such Act is amended to read as follows:

"PART B—NATIONAL HEART AND LUNG INSTITUTE"

CONFORMING AMENDMENTS TO OTHER PROVISIONS OF THE PUBLIC HEALTH SERVICE ACT

SEC. 7. (a) Section 217 of such Act is amended—

(1) by striking out "the National Advisory Heart Council," each place it occurs in subsection (a);

(2) by striking out "heart diseases," in subsection (a) and by striking out "heart," in subsection (b).

(b) Sections 301(d) and 301(i) of such Act are each amended by striking out "National Advisory Heart Council" and inserting in lieu thereof "National Heart and Lung Advisory Council".

REPORT TO CONGRESS

SEC. 8. The Secretary of Health, Education, and Welfare shall carry out a review of all administrative processes under which the national heart, blood vessel, lung, and blood disease program, established under Part B of title IV of the Public Health Service Act, will operate, including the processes of advisory council and peer group reviews, in order to assure the most expeditious accomplishment of the objectives of the program. Within one year of the date of enactment of this Act, the Secretary shall submit a report to the Congress of the findings of such review and the actions taken to facilitate the conduct of the program, together with recommendations for any needed legislative changes.

EFFECTIVE DATE

SEC. 9. This Act and the amendments made by this Act shall take effect sixty days after the date of enactment of this Act or on such prior date after the date of enactment of this Act as the President shall prescribe and publish in the Federal Register.

SECTION-BY-SECTION ANALYSIS OF THE NATIONAL HEART, BLOOD VESSEL, LUNG AND BLOOD ACT OF 1972

SHORT TITLE

Section 1. Provides that the Act may be cited as the National Heart, Blood Vessel, Lung and Blood Act of 1972.

FINDINGS AND DECLARATION OF PURPOSE

Section 2. Describes seven major findings that justify the need for legislation and declares that it is the purpose of the Act to enlarge the authorities of the National Heart and Lung Institute of the National Institutes of Health in order to advance the national attack upon diseases of the heart and blood vessels, the lungs and blood.

NATIONAL HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASE PROGRAMS

Section 3. Amends part B of title IV of the Public Health Service Act (relating to the National Heart and Lung Institute) by redesignating sections 413 and 414 as sections 419A and 418 respectively and by inserting a number of new sections:

Section 413. (a) Requires the Director of the National Heart and Lung Institute, with the advice of the National Heart and Lung Advisory Council, to develop a plan for an eight-point National Heart, Blood Vessel, Lung, and Blood Disease Program to expand, intensify and coordinate the activities of the National Heart and Lung Institute with respect to such diseases.

Section 413. (b) Requires the plan, including recommendations for necessary appropriations and staffing requirements, to be transmitted to Congress; and further requires that the Director of the National Heart and Lung Institute annually report to Congress on the progress of the Program and its projected activities for the next five years.

Section 413. (c) Provides certain broader administrative authority for the Director of the National Heart and Lung Institute in carrying out the National Heart, Blood Vessel, Lung, and Blood Disease Program.

Section 414. (a) Requires the Director of the National Heart and Lung Institute, under policies established by the Director of the National Institutes of Health and after consultation with the National Heart and Lung Advisory Council, to establish necessary heart, blood vessel, lung, and bood disease control programs.

Section 414. (b) To carry out control programs authorizes appropriations of $20,000,000 in fiscal 1973; $30,000,000 in fiscal 1974; and $40,000,000 in fiscal 1975.

Section 415. (a) Authorizes the Director of the National Heart and Lung Institute to provide for the development of 15 new clinical research and demonstration centers for cardiovascular diseases and 15 new clinical research and demonstration centers for chronic pulmonary diseases.

Section 415. (b) Specifies purposes for which federal support of new or existing centers may be provided and limits the level of federal support to $5,000,000 per center per year.

Section 416. (a) Requires the HEW Secretary to establish an Interagency Technical Committee on Heart, Blood Vessel, Lung and Blood Diseases and Blood Resources to coordinate those aspects of all federal health programs and activities relating to heart, blood vessel, lung and blood diseases and to blood resources.

Section 416. (b) Specifies that the Committee is to be comprised of representatives from all federal departments and agencies whose programs involve health functions or responsibilities, with the Director of the National Heart and Lung Institute serving as chairman.

Section 417. Replaces the National Advisory Heart Council with the National Heart and Lung Advisory Council, comprised of the HEW Secretary, the Director of the National Institutes of Health, a representative each from the Veterans Administration and the Defense Department, and 18 members appointed by the HEW Secretary, including nine scientific and medical experts and nine representatives of the general public of which two shall be full-time students enrolled in health professions schools. Provides for the Chairman of the Council to be appointed from among the members by the HEW Secretary and specifies other administrative provisions relating to the Council.

AUTHORIZATION OF APPROPRIATIONS

Section 4. Adds a new section 419B to part B of title IV of the Public Health Service Act that authorizes appropriation of the following amounts to carry out the programs and activities (other than those authorized in section 414) of the National Heart and Lung Institute: $350,000,000 for fiscal 1973; $400,000,000 for fiscal 1974; and $450,000,000 for fiscal 1975.

DIRECTOR'S AUTHORITY TO APPROVE CERTAIN GRANTS

Section 5. Simplifies the review procedure for routine training and research grants of less than $35,000 by authorizing their approval by the Director of the National Heart and Lung Institute after scientific review and without review by the National Heart and Lung Advisory Council.

CONFORMING AMENDMENTS TO PART B OF TITLE IV OF THE PUBLIC HEALTH SERVICE ACT

Section 6. Provides for a number of conforming amendments to various provisions of part B of title IV of the Public Health Service Act to bring the wording of those provisions in line with the National Heart, Blood Vessel, Lung and Blood Act of 1972.

CONFORMING AMENDMENTS TO OTHER PROVISIONS OF THE PUBLIC HEALTH SERVICE ACT

Section 7. Provides for a number of conforming amendments to various provisions of the Public Health Service Act to bring the wording of those provisions in line with part B of title IV of the Act as amended by the National Heart, Blood Vessel, Lung and Blood Act of 1972.

REPORT TO CONGRESS

Section 8. Requires the HEW Secretary to review the administrative processes under which the National Heart, Blood Vessel, Lung, and Blood Disease Program will operate in order to assure the most expeditious accomplishment of the objectives of the Program and to report to Congress within a year his findings and recommendations for any needed legislative changes.

EFFECTIVE DATE

Section 9. Provides that the National Heart, Blood Vessel, Lung and Blood Act of 1972 is to take effect 60 days after enactment, or sooner if the President prescribes.

STATEMENT BY SENATOR MAGNUSON

Mr. President, I am pleased to join in cosponsoring the National Heart, Blood Vessel, Lung and Blood Act of 1972 which the distinguished Chairman of the Health Subcommittee (Mr. KENNEDY) is introducing today. As Chairman of the Health Appropriations Subcommittee, I fully share Senator Kennedy's deep commitment to improving the health of all Americans and I want to heartily commend him for his continued efforts toward that end.

Mr. President, this legislation presents the broad outlines of an expanded and intensified attack by the National Heart and Lung Institute on cardiovascular and pulmonary diseases. While the details of that attack can be worked out only after thorough Committee hearings and with careful attention to the fiscal requirements of all of the nation's health objectives, there can be no doubt that the time for this concerted effort has arrived.

Since assuming the Chairmanship of the Labor-HEW Appropriations Subcommittee, I have grown increasingly concerned over the terrible toll which heart and lung diseases take in this country every year. This is a concern which other members of the Subcommittee share as well and, consequently, we have consistently recommended increased appropriations for the National Heart and Lung Institute.

In fiscal years 1970–1972, our Subcommittee recommended—and the Senate approved—a total of $637.9 million for the National Heart and Lung Institute. That is

$110.3 million more than the Administration requested; $87.4 million more than the House recommended and $41.2 million more than was ultimately appropriated by the Congress.

Mr. President, I can assure the Senate that our Subcommittee will continue to recommend increased appropriations for the activities of the National Heart and Lung Institute. I make this statement for, as we wrote in our Report on the FY 1972 Labor-HEW Appropriations Bill:

". . . it is just as much in the public interest to conquer cardiovascular disease as to conquer cancer. Heart disease is the leading cause of death in the United States claiming over one million victims each year. Disability due to cardiovascular ailments result in an economic loss to the country of $30 billion a year due to lost earning power and the cost of medical care.

"Heart disease is clearly a major national health problem to which the country must make a major response. The opportunities for an effective response, in terms of the success of research in developing more successful treatment and preventive measures, are at least as promising as for cancer—probably more so. It seems to the Committee, on the basis of expert testimony, that the major factors leading to heart disease are much better understood than the causes of cancer and that significant improvements in mortality and morbidity rates can be expected much sooner. In fact, deaths directly attributable to high blood pressure have been reduced by 50 percent during the past decade and there have been many dramatic developments in surgical and other therapeutic techniques for a wide range of heart conditions and other cardiovascular diseases. Heart-transplant operations are still in the experimental stage and the risk is high but 13 of 170 patients have survived for more than two years and several have been well enough to return to work. This achievement is as impressive scientifically, as a landing on the moon and potentially of much greater direct benefit to man. The development of an artificial heart—both as an exterior assistance device and as an implantable unit—is also still in its early stages but holds out equal promise of ultimate success.

"There is ample justification from a medical point of view and ample reason as a matter of public policy to expand research on all aspects of cardiovascular diseases. . . ."

Mr. JAVITS. Mr. President, having introduced on June 9, 1947, H.R. 3762, which first focused attention on the need for the establishment of a heart institute within NIH—I am sometimes considered the father of the National Heart Institute—and joined by then Senator now Representative PEPPER of Florida—and I am, therefore, particularly pleased to join with Senator KENNEDY in the introduction of the "National Heart, Blood Vessel, Lung and Blood Act of 1972."

When I testified in support of this legislation before the Committee on Labor and Public Welfare on April 8, 1948, I cited a statistic which regrettably is as true now as it was then about heart disease: "It was the No. 1 killer." Since then I have actively been concerned with the role of the National Heart Institute and I believe that with the expanded authorization that this bill provides, the Institute could become an even more effective means of combating the No. 1 killer—heart disease. The elimination of many of these cardiovascular diseases could increase the American life expectancy by about 11 years. Also, it would provide the economy with significant annual savings: In lost wages, productivity and costs of medical care, all adding up to more than $30 billion per year. The number of those disabled by chronic lung disease has also been growing in this country. Emphysema is now the fastest rising cause of death.

Mr. President, when heart attacks alone are responsible for the death of more than 600,000 Americans and an estimated 27 million Americans are inflicted with some form of cardiovascular disease, and 54.1 percent of all deaths in the United States are due to cardiovascular disease, I am convinced there is a pressing need for increased research, funding, and demonstration programs in this area. In other words, there is a desperate need for substantially increased funding for heart, lung, blood vessels, and blood diseases.

The bill requires the Director of the Heart Institute, with an expanded advisory council—similar to the panel of consultants contemplated by the President—to develop within 6 months an action plan for expanded heart, blood vessel, lungs, and blood disease programs, all of which follows closely upon the concept developed by the President in his state of the Union message.

These programs would include research, treatment, and training, and the Director and the Advisory Committee would then submit a plan to the Congress with their recommendations for appropriations.

The time has come when we must recognize the serious proportion of cardiovasuclar and pulmonary diseases, and their threatening effects on the health and well-being of the American people. It has, therefore, become imperative that we broaden the scope of the present National Heart Institute created by this legislation to include the related diseases of the heart, blood vessels, lungs, and blood, envisioned within the National Heart and Lung Institute.

In closing, I would like to quote from my 1948 testimony that is sadly so applicable today:

> At a time when we are considering the national security of the nation, we certainly should consider this one great disease which saps so much in the way of human resources from us and should feel that, if on no other grounds, it can be justified as a national security investment.

The great accomplishments of the National Heart Institute—and what it may portend for the future—were in great measure seen in the press reports about the first atomic-powered heart engine. I ask unanimous consent that the full text of the HEW press summary describing the atomic-powered engines that can be utilized with heart-assist systems be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

The first atomic powered engines that can be utilized with heart-assist systems were announced today by Dr. Theodore Cooper, Director of the National Heart and Lung Institute of DHEW's National Institutes of Health. Dr. Lowell T. Harmison, Acting Chief, Medical Devices Applications Branch, NHLI, and project manager, reviewed the impact of this advance on the progress toward development of an artificial heart.

The first atomic powered heart engine has been developed. A heart-assist system with the nuclear engine was implanted in a calf on February 14, 1972 to confirm procedures and acquire short-term data, thus initiating the evaluation in the living animal of a nuclear engine for powering the artificial heart or heart-assist.

The first total replacement artificial heart to be totally implanted has been developed and has undergone short-term animal tests. This implant is powered electrically, but may also be powered by a small implantable nuclear engine. The complete system is now ready for long-term animal trials.

Both the artificial heart and the heart-assist system are performing up to design specifications and yielding vital information for analysis by the scientists and engineers of the development team.

These developments have been achieved by the National Heart and Lung Institute of the NIH and its contractors. The research and development team, headed by Dr. Lowell T. Harmison of the National Heart and Lung Institute, included the following principal scientists and institutions; Drs. Fred Huffman and Walter Bornhorst, Thermo Electron Corporation (TECO), Waltham, Massachusetts; Dr. William Martini, Donald W. Douglas Laboratories (DWDL), Richland Washington; Mr. Mark Rudnicki, Aerojet General Corp., Sacramento, California; Dr. David Purdy, Atlantic Richfield Co. (ARCO), Leechburg, Pennsylvania; Dr. John C. Norman, Harvard Medical School, Boston, Massachusetts; Mr. Peter Newgard, Stanford Research Institute (SRI), Menlo Park, California; Mr. Jack Chambers, Statham Instruments, Inc., Oxnard, California; and Dr. Fred Galysh, Travenol Laboratories, Morton Grove, Illinois.

The two events follow 4 years of research and development on the nuclear engine for powering both kinds of artificial heart devices and 2 years of research and development on the total replacement artificial heart. With the development of the major components (pump, control and engine), the totally implantable total heart replacement can now be further studied for adaptation to human heart patients. These achievements, and the opportunities they afford for studying the biological and engineering problems involved in replacing the heart, may lead to a decision for developing the clinical systems for humans within a period of three and one half to four years.

HEART ASSIST AND TOTAL ARTIFICIAL HEART SYSTEMS DESCRIBED

The nuclear-powered heart-assist system implanted in a calf last week consists of two major units; one in the chest, and the other in the abdomen.

In the abdomen is a six-pound, 3 by 8 inch cylinder containing a miniature thermal engine with a nuclear heat source. Hydraulic pressure generated by this enngine is conveyed via tube to the blood pump and its control unit located within the chest.

The 50-watt heat-energy source is about 100 grams of plutonium-238 (Pu-238) in a 3-layer metal capsule (developed by DWDL) designed and proven to withstand corrosion, high impact and crush pressures, and cremation, as well as the maximum credible accident temperature of 2400° F. Pu-238 is primarily an emitter of alpha particles, which have high energy but very low penetrating power (they can be stopped by a thin piece of paper). The source also emits more penetrating gamma and neutron radiation, which capsule and engine design reduce to acceptable levels.

The heat from the isotope capsule is stored and released as required to power the thermal engine. Storage is achieved through the melting of a lithium salt material that has a high heat capacity and melts between 930 and 1200°F. The hot capsule and heat storage material are surrounded by an insulation jacket that directs the heat through the engine to produce useful power for operating the implanted blood pump.

Two nuclear thermal engines have been

tested. One is a vapor cycle steam engine, the other a modified Stirling cycle engine. These engines have undergone bench testing with the isotope and have entered animal testing phases.

The vapor cycle steam engine develops hydraulic pressure to operate the blood pump in synchrony with the irregular beating of the sick natural heart on a beat by beat basis. In this engine, in a closed system wherein the water alternates many times each second between the vapor and liquid phases, the steam generated from a single drop of water is enough to run the system. The engine operates at a peak temperature of approximately 900°F and develops fluid pressures of over 150 pounds per square inch (psi) to activate the blood pump. The system also generates electric power through a miniature thermoelectric unit, for control of the engine and the blood pump.

The modified Stirling engine converts the heat from the isotope to pressurized gas by heating and cooling the working media in a closed cycle. The gas (helium) is expanded when hot and compressed when cold and work is extracted since the expansion work exceeds the compression work. The high pressure pneumatic energy is converted to hydraulic fluid energy to drive the blood pump. The engine embodies a large surface area regenerative heat exchanger that maintains a uniform temperature gradient of approximately 1000°F, which maintains the thermodynamic cycle within the engine system.

The nuclear engines provide adequate power in a controlled form for operating either the assist or the total replacement heart implanted wholly within the chest. The hydraulically operated heart-assist pump is directly integrated with the system for more efficient responsiveness. It is the most recent version of a direct acting heart-assist pump in a series of pumps that extends back to externally actuated pneumatic units. It is based upon the total heart designed by Dr. Harmison. The double valved pump connects the apex of the heart's main pumping chamber (left ventricle) to the descending portion of the body's main artery (the aorta); as originally defined and performed by Dr. William Bernhard of Children's Hospital, Boston. The alternate withdrawal and reentry of hydraulic fluid into the pump's outer actuating chambers activates the controller unit to compress the pumping chamber, causing the blood to flow into the aorta at normal physiologic pressures. It spares the left ventricle most of the effort required to pump the blood throughout the body. Further control logic mechanisms built into the unit enable the system to adjust and modify blood flow output, on a beat by beat basis, to conform to changing circulatory demands of the body.

The new pump also features a blood cooled heat exchanger that dissipates 70% or more of the excess heat from the engine, and a lining of flocked Dacron fibers to promote the growth of a blood compatible layer of living tissue on all blood contacting surfaces.

TOTALLY IMPLANTABLE ARTIFICIAL HEART

A totally implantable artificial heart, complete with power and controls, has been developed. This is the first complete unit to totally replace the heart and be self-contained within the body.

The artificial heart is similar to the natural heart; i.e., it contains four pumping chambers—two atria and two ventricles. The energy unit is nested between the blood pumping chambers of the heart. The system consists of the pumping chambers, the energy converter, the heart controlled computer and implanted energy storage and receiving units.

The complete heart has been designed to adapt to different types of internal power control systems, i.e., electrical, nuclear or pneumatic. The current totally implanted system is electrically powered with a tiny electromagnetic brushless motor within the blood pump. It is designed to be run by the nuclear powered thermal system; in fact, the previously described thermal engines are being integrated with the total heart.

The heart is attached to the stumps of the major blood vessels that remain after the natural heart has been removed. The total heart responds immediately to the changes and physiological needs by altering heart rate and stroke volume. The efficiency of the total heart is in the range of 30 to 40%, at least as high as the natural heart. The system has no internal heat dissipation problems.

The first totally implanted system brings together all of the components of the total system where they can be carefully assessed to determine the potential clinical role of the totally implanted artificial heart in conjunction with other forms of treatment. The feasibility of the complete system has been demonstrated in the engineering and acute animal phases of study; it is now entering the phase of long-term evaluation in animals.

BACKGROUND: NATIONAL HEART AND LUNG INSTITUTE'S MEDICAL DEVICES APPLICATIONS PROGRAM

The Artificial Heart Program of the National Heart and Lung Institute was changed July 29, 1970 to the Medical Devices Applications Program (MDAP) and its mission was broadened. The mission is now to reduce death and disability from both circulatory and respiratory diseases through the development of materials, instrumentation and devices for prevention, diagnosis, monitoring and treatment of these diseases.

To achieve this, the MDAP is active in the following research and development areas:

Biomaterials that are compatible with body tissues and fluids, especially for use in implanted artificial organs.

Artificial heart devices to assist the diseased heart or to replace the irreparably damaged heart.

Artificial lung devices for emergency, temporary and permanent pulmonary assistance.

Bio-Instrumentation for improved monitoring of patients and for earlier and more effective diagnosis of their disease and its complications.

Medical Devices Application: testing and evaluation to ensure safe and expedient transition of new medical devices from laboratory and experimental stages to patients and the health care community.

Special programs, such as analytical and experimental studies of auxiliary devices, and including meetings and communications events to encourage full partnership of the community in the development and use of artificial cardiovascular and pulmonary organs.

The MDAP does not employ the usual step-by-step time-sequence approach to the development of a system. Instead, a modified systems development approach is used, in which all subsystems for a system such as a prosthetic organ are considered concurrently; and their design, development and assembly into the finished, working prosthesis are achieved by the coordinated efforts of diverse industries, individuals and institutions each concentrating on problems within a specific area of expertise. The MDAP outlines an overall plan for attaining the desired goals, identified major problems in the way of these goals, and supports work to solve the problems in a timely way.

Thus, by bringing together the talents, skills and resources of biological, medical, engineering and physical scientists in universities and hospitals with those in chemical, engineering and actuarial firms and other group from private industry—and by coordinating the efforts of all of these—the MDAP may produce the best possible types of circulatory and respiratory assist and replacement devices at the least possible cost in time and money. A basic MDAP philosophy is that such devices may proceed directly into preliminary clinical study by the MDAP-sponsored developers adhering to DHEW Guidelines for research involving human subjects.

Mr. CRANSTON. Mr. President. I am pleased to join in cosponsoring S. 3323, the proposed National Heart, Blood Vessel, Lung, and Blood Act of 1972, introduced by the chairman of the Health Subcommittee (Mr. KENNEDY).

The introduction of this bill to expand, improve, and provide greater focus to the programs of the National Heart and Lung Institute is a logical sequence to the passage of the National Cancer Act of 1971. Indeed, at the time we were considering that legislation, I introduced along with the distinguished Senator from Wisconsin (Mr. NELSON), Senate Resolution 126 to authorize a study of the Nation's efforts to fight heart disease and other cardiovascular diseases.

It was my feeling that while a massive attack on cancer was fully justified, we could not conscientiously ignore the No. 1 cause of death in this country, heart and cardiovascular diseases. So it is particularly gratifying to me today to note that so many others now share my concern that a major program be mounted to concentrate an all-out effort against these diseases.

This bill will provide the Nation's medical community with the means to mount a comprehensive attack on three areas of physical disability which constitute the greatest threats to life and create the greatest number of disabilities of any group of related diseases.

These are heart disease, lung disease, and diseases of the blood. Many may react to this listing as a grouping of diseases affecting basically the aged. Although these diseases are the No. 1 killer of older persons, they also afflict many younger persons.

The estimated mortality in 1972 from cardiovascular diseases in the United States is almost 1.1 million—1,098,000—out of a total U.S. projected mortality figure of 2,041,000. Of this projected figure, approximately 160,000 will be under the age of 65. Cardiovascular diseases cause 14 percent of the deaths between the ages of 25 and 34, 30 percent between the ages of 35 and 44, 42 percent between the ages of 45 and 54, and 51 per cent between the ages of 55 and 64.

The estimated prevalence of cardiovascular disease among our population is 27 million cases.

A look at the statistics on chronic respiratory conditions reveals both a staggering total of deaths of older persons as well as an even greater proportion of incidence among the younger age groups.

There are approximately 10 million individuals affected by chronic respiratory conditions. These 10 million break down by disease and age group as follows:

	Total	Under 65 years	Over 65
Emphysema	923, 000	548, 000	375, 000
Bronchitis	4, 177, 000	3, 534, 000	643, 000
Asthma	5, 830, 000	5, 185, 000	645, 000

Some 36,000 people die each year from chronic respiratory conditions apart from cancer of the lung or respiratory infections such as pneumonia or tuberculosis. More than 13,000 of these are under 65 years of age. These 36,000 deaths are in addition to the 20,000 infants who die each year with respiratory distress syndrome or hyaline membrane disease.

Diseases of the blood take their toll also. Thrombosis is a substantial factor in heart attacks and, of course, in stroke. Recently the Senate unanimously passed the National Sickle Cell Anemia Act, giving recognition to the statistic that 50,000 Americans may suffer from this horrible selective disease, with 2.5 million having the trait. And this bill places further emphasis on research into this disease. Hemophilia while affecting only approximately 15,000 individuals makes substantial demands upon the supply of blood available for the Nation's hospital patients.

To provide a systematic approach to wiping out these dire statistics, S. —— would require the development of a 5-year program to combat diseases of the heart, blood vessels, lungs, and blood. This program would include basic biomedical research, studies in epidemiology, etiology, and prevention, research into new drugs, devices, treatment and diagnosis, and rehabilitation as well as large-scale testing and evaluation and demonstration projects in prevention, diagnosis, treatment, and rehabilitation. The program would also include emphasis on the education and training of scientists and professionals in these fields, and on the establishment of programs and centers for study and research in these diseases. A public information and education program would be a strong part of this plan.

The bill also authorizes the establishment of 15 new centers for clinical research into cardiovascular diseases and 15 new centers for clinical research into chronic pulmonary diseases. Each of these centers would provide the scientific and academic environment necessary to train new health personnel, and to demonstrate advanced diagnostic and treatment methods for cardiovascular and pulmonary diseases, respectively.

These centers would be jointly funded by public or nonprofit private agencies or institutions, including the voluntary organizations.

Under the bill, the existing advisory council for the Heart and Lung Institute would be expanded to 18 members and would include nine members who are leading medical or scientific authorities skilled in the diseases which are the special concern of the institute, two students enrolled in health professions schools, and seven members from the general public.

The National Heart and Lung Institute would, for the first time, have its own separate authorization of appropriations.

I believe all of these provisions will enable the National Heart and Lung Institute to wage the strong fight that is needed against heart and lung disease and diseases of the blood. The ravaging statistics I cited earlier are telling evidence of the need to mobilize the full weight of our biomedical community's resources in a direct assault on these diseases.

I have also joined this week in cosponsoring S. 3046, the proposed National Heart, Lung, and Blood Act of 1972, introduced by my good friend and colleague from Minnesota (Mr. MONDALE). This bill also approaches the prevention and treatment of these diseases in a manner similar to S. ——, and I understand that both bills will be considered in hearings on this subject. S. 3046 contains provisions which I feel complement S. ——, and I look forward to hearing them discussed fully in committee hearings.

One concept incorporated in S. 3046 is that of separate appropriations authorizations each for heart disease, lung disease, blood disease, and information and public education programs as well as professional training programs. I feel this individual budgetary item mechanism should be thoroughly explored. It seems to me to have the advantage of assuring that each of these important components of the institute's programs would receive the priority consideration it deserved without being diminished by considerations given another component.

Mr. President, I believe the greatest tragedy which surrounds these diseases is that much of their incidence could be avoided through appropriate preventive measures. And many of these measures can be taken by the individual in making changes in his everyday patterns of living. I admit it is not easy to change one's way of living, but all evidence points to the fact that, with special information and efforts, the individual can dramatically prolong his chances of a healthy life free from disabilities. This can be accomplished through developing the habits of adequate rest and exercise, and a good diet, and losing or avoiding the habit of cigarette smoking. Each of these preventive measures can be enhanced and encouraged through strong educational and information campaigns. This, I believe, justifies and, indeed, requires the mounting of a comprehensive informational campaign by the National Heart and Lung Institute.

A third factor in the preventive treatment of heart disease is the control of high blood pressure—hypertension—through medication and diet. Many victims of hypertension develop the disease during their thirties. Regular medical supervision is a practice every family should follow. The family doctor can detect early signs of hypertension and treat it through drugs or through diet, thereby avoiding the risk of heart failure, kidney failure, heart attacks, and strokes developing from hypertension.

Another preventive mechanism which can prevent serious disability or death resulting from heart attack is adequate treatment and care at the time of the attack.

An extremely important benefit to be realized from a concerted effort against these diseases is emphasis on emergency treatment of victims of heart attacks. The statistics on sudden cardiac death are high and needlessly so—some 80,000 deaths each year, among heart attack victims under the age of 65. Half of the victims of heart attacks die before reaching the hospital. To reduce the incidence of death from heart attacks, research is necessary to develop means of getting emergency care to the victim quickly, to devise treatment methods which can alleviate immediately the potential damage to the heart and its pumping mechanism, and, of course, to educate the public in proper precautions and procedures to follow in the event of a sudden attack.

One area of great potential, I have long been convinced, is the utilization of helicopters for such emergency treatment, especially in rural areas where distance alone can prevent a patient from receiving needed treatment within an acceptable period of time. Helicopters are widely used in Sweden today to save many who would otherwise not survive. Some steps have already been taken in parts of our country to convert helicopters into ambulances with trained personnel, equipment, and supplies readily available to provide immediate treatment to victims. But this is far too little and too uncoordinated an effort. The history of helicopter utilization in Vietnam has shown the great adaptability and applicability of these vehicles for such treatment procedures.

I am hopeful that additional demonstrations and then large-scale funding of the utilization of helicopters, as well as mobile coronary care units, will be undertaken. I will introduce amendments to this legislation to stress this program.

Another area where preventive treatment can reap great benefits lies in promising research currently underway to provide a means of dissolving blood clots and to prevent their formation through maintenance drugs. If successful, thrombosis can be prevented, and the tragic disabilities resulting from strokes and heart attacks caused by thrombosis can be avoided.

Of course, prevention in chronic respiratory diseases to a great extent will depend on our ability to clean up the environment. Again cigarette smoking is heavily implicated as causative agent.

The other side of the coin of prevention is treatment and rehabilitation. The disclosure just the other day of the development of an artificial heart by NIH-supported research promises great hope for the future, particularly if the costs can be reduced.

Recent years have shown impressive gains in open-heart surgery and in therapeutic techniques for the treatment of heart disease.

At the same time, we need to place greater emphasis on diseases of the lungs. Because of the discovery of the successful treatment for tuberculosis 20 years ago, a career in lung research has seemed less challenging to many young physicians than other research fields. As a result, there has been a serious shortage of scientists and researchers in recent years in the diseases of the lung and respiratory tract. A major effort must be made to recruit more young professionals into this area.

In the field of blood itself, promising advances have been made in developing methods of lengthening the shelf life of blood used for transfusions. Currently blood can be maintained for only 21 days. There are periodic shortages of blood, and systems need to be devised to fractionalize it so that factors necessary for certain diseases, such as hemophila can be removed, and the remainder of the blood utilized for other purposes. This would provide a higher curative output from every pint of blood.

Mr. President, the future holds great hope for the reduction of the mortalities and disabilities from diseases of the heart and lung. I believe S. —— will give us the tools to accomplish this life saving and sustaining sooner. Every year gained represents a potential of well over a million lives prolonged and countless disabilities lessened. This legislation and appropriate high funding offers assurance that these diseases will no longer present the tragic threat to our Nation that they have in the past.

By Mr. DOMINICK:

S. 3324. A bill to authorize appropriations for activities of the National Science Foundation, and other purposes. Referred to the Committee on Labor and Public Welfare.

NATIONAL SCIENCE FOUNDATION AUTHORIZATIONS ACT OF 1973

Mr. **DOMINICK**. Mr. President, the authorization bill which I am introducing for the National Science Foundation is a reflection of the President's commitment to marshal science and technology as contained in his state of the Union message to Congress on January 20, 1972:

> As we work to build a more productive, more competitive, more prosperous America, we will do well to remember the keys to our progress in the past. There have been many, including the competitive nature of our free enterprise system; the energy of our working men and women; and the abundant gifts of nature. One other quality which has always been a key to progress is our special bent for technology, our singular ability to harness the discoveries of science in the service of man. . . . I have felt for some time, however, that we should also be doing more to apply our scientific and technological genius directly to domestic opportunity. Toward this end, I have already increased our civilian research and development budget by more than 40 percent since 1969 and have directed the National Science Foundation to give more attention to this area. . . . Science and technology represent an enormous power in our life—and a unique opportunity. It is now for us to decide whether we will waste these magnificent energies—or whether we will use them to create a better world for ourselves and for our children.

This bill authorizes $646 million for the National Science Foundation's activities and an additional $7 million for expenses incurred outside of the United States.

Mr. President, the activities of the NSF touch virtually all of the sciences in the areas of research and development and technology application in addition to its activities in the academic community.

I am confident that the Congress will recognize the wisdom of the President's commitment to science and technology and give expeditious consideration to this bill, for there are few investments which pay any greater dividends.

Almost a year ago to the day, the late Senator Prouty spoke with his usual wisdom and insight in introducing last year's authorization:

> Basic research increases the score of knowledge we have about the world we live in. Such knowledge does not become obsolete; on the contrary, its value improves with use and with our expanding horizons of comprehension. But scientific knowledge is useful only in the hands of men and women who are familiar with its dimensions, who are experienced in working with it, interpreting it, and relating it to the major needs and interests of our society. This capability is required in order not only to produce new knowledge, but also to be ready for its exploitation. Maintaining this capability can only be guaranteed through actively supporting research in essentially all areas of science.

Mr. President, this bill presents that guarantee to America. I ask unanimous consent that the bill and a sectional analysis of this legislation be printed in the RECORD.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 3324

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Science Foundation for the fiscal year ending June 30, 1973 to enable it to carry out its powers and duties under the National Science Foundation Act of 1950, as amended, and under title IX of the National Defense Education Act of 1958, out of any money in the treasury not otherwise appropriated, $646,000,000.

SEC. 2. Appropriations made pursuant to authority provided in sections 1 and 4 shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

SEC. 3. Appropriations made pursuant to this Act may be used, but not to exceed $5,000, for official consultation, representation, or other extraordinary expenses upon the approval or authority of the Director of the National Science Foundation, and his determination shall be final and conclusive upon the accounting officers of the Government.

SEC. 4. In addition to such sums as are authorized by section 1, not to exceed $7,000,000 is authorized to be appropriated for fiscal year ending June 30, 1973, for expenses of the National Science Foundation incurred outside the United States to be paid for in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

SEC. 5. (a) If any institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of this Act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (b).

(b) The programs referred to in subsection (a) are as follows:

(1) The programs authorized by the National Science Foundation Act of 1950; and

(2) The programs authorized under title IX of the National Defense Education Act of 1958 relating to establishing the Science Information Service.

(c)(1) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

(c)(2) Nothing in this section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

SEC. 6. This Act may be cited as the "National Science Foundation Authorization Act of 1973."

SECTIONAL ANALYSIS

SEC. 1. This section authorizes appropriations to the National Science Foundation for fiscal year 1973 in the amount of $646,000,000.

SEC. 2. This section provides that appropriations made pursuant to sections 1 and 4 shall remain available for obligation and expenditure for such period, or periods, of time as may be specified in appropriation acts.

SEC. 3. This section authorizes an allowance of up to $5,000 for official consultation, representation, and other extraordinary expenses to be expended at the discretion of the Director.

SEC. 4. This section authorizes, in addition to the funds appropriated by section 1, an appropriation for fiscal year 1973 not to exceed $7,000,000 for expenses of the National Science Foundation incurred outside of the United States to be financed from foreign currencies which are determined by the Treasury Department to be in excess of the normal requirements of the United States.

SEC. 5. This section outlines certain conditions under which institutions of higher education are to deny or withdraw assistance, for a period of two years under specified programs, from individuals involved in acts which constitute substantial disruptions to such institutions.

SEC. 6. This section permits the citation of the Act as the "National Science Foundation Authorization Act of 1973."

By Mrs. SMITH:

S.J. Res. 214. A joint resolution proposing an amendment to the Constitution of the United States providing for nomination of candidates for President and Vice President, and for election of such candidates by popular vote. Referred to the Committee on the Judiciary.

Mrs. **SMITH**. Mr. President, for more than a decade I have been introducing a constitutional amendment not only to abolish the electoral college and replace it with direct election of the President and Vice President, but as well to abolish nomination by conventions and replacement with nomination by direct primary. For years my proposal was known as Senate Joint Resolution 1.

But I have had no success whatsoever on this proposal although I have appeared before the Senate Judiciary Committee to urge approval of it. At that time—March 2, 1966—my proposal had lost the No. 1 designation to Senator BAYH's proposal to abolish only the electoral college and not touch the system of nomination by convention—and dropped in number to Senate Joint Resolution 4. I ask unanimous consent that my statement to the Committee on the Judiciary be placed in the RECORD at the conclusion of my remarks.

The **PRESIDING OFFICER** (Mr. BUCKLEY). Without objection, it is so ordered.

(See exhibit 1.)

Mrs. **SMITH**. Mr. President, with the recent pronouncement of the majority leader. I have taken new hope and so today I have reintroduced my constitutional amendment to not only elect but as well nominate the Presidency and Vice-Presidency by direct election.

My more-than-a-decade-old proposal would, among other things:

First. Abolish the electoral college system of electing the President and Vice President;

Second. Provide for election of the President and Vice President by direct popular vote;

Third. Abolish the national convention system of nominating the presidential and vice-presidential candidates of political parties;

Fourth. Provide for the nomination of presidential and vice-presidential candidates of political parties by direct primaries—first Tuesday after first Monday in August;

Fifth. Provide for runoff elections in both the general election and the primary in the event that no candidate received a majority of the total number of votes cast—to be held 28 days later;

Sixth. Require that in order to qualify as a candidate in the direct primary, a person must file a petition signed by at least 1 percent of the total vote cast in the last presidential general election—this would require 700,000 signers for the 1968 primary—to be filed not before January 1 and not later later than 2 months prior to the primary election; and

Seventh. Require that a political party have a registered membership of more than 5 percent of the total registered voters in the United States in order to qualify to get on the ballot.

It is my sincere belief that this proposal is responsive to what the overwhelming majority of the citizens of the United States desire. National public opinion polls have clearly demonstrated that an overwhelming majority not only wants the electoral college system abolished but wants it replaced by a direct popular vote system.

It is my belief that the selection of the party candidates should be made by the people themselves in a direct primary rather than by national convention—and that in order to obtain a clear-cut majority preference, if necessary, runoff elections both in the primary and the general election should be held.

I believe that candidates should openly declare their candidacies and make themselves available to recorded expression of the voters directly rather than refraining from a presidential primary and instead relying on power plays in the back smoke-filled rooms at national conventions where a handful of people can make the choice of the nominees.

I believe that the position of Vice President has become so important that it should not be relegated to the status of consolation prize nor should it be decided by the vote of one person—the presidential nominee—to the exclusion of the votes of tens of millions of Americans.

My proposal would incidentally attain an objective now desired by candidates and the public alike—to shorten the general election campaign at least 1 month with the primary being set for early August.

EXHIBIT 1

DETAILED STATEMENT OF SENATOR MARGARET CHASE SMITH IN SUPPORT OF SENATE JOINT RESOLUTION 4

From the long term aspect, the Electoral College is doomed to be replaced by the direct popular election system. It is only a matter of time. Its years are numbered. For the American people will ultimately assert themselves and demand that the will of the majority prevail—and the American people will prevail over the powers-that-be who cling to perpetuation of the status quo.

It may take another razor-thin Kennedy-Nixon type election or an Adams-Jackson, Hayes-Tilden or Harrison-Cleveland type election—where the popular vote winner loses—to arouse the people to successful revolt against the Electoral College. Whatever sets off the time fuse, the Electoral College is ultimately doomed.

The foremost objection to the popular election vote proposal is that under it the small population states like my own State of Maine would lose proportional power to the large population states.

My answer to that argument is that it is the will of the people—the will of a majority of the voters—rather than the proportional power of any state that is important and that should prevail—the people should not be secondary and subservient to the states.

A good starting point for the elaboration of these fundamental points is to ask why the current intense interest in changing the Electoral College system of electing Presidents? Hasn't this ever occurred to anyone before? Why the sudden interest?

Obviously, much of the current interest stems from the closeness of such elections as the 1960 Presidential Election in which Mr. Kennedy edged Mr. Nixon by only sixteen one-hundredths of one per cent of the total vote—by only 112,881 votes out of the sixty-eight and a half million votes cast.

Mr. Kennedy received 49.48 per cent of the vote to 49.32 per cent for Mr. Nixon—thereby making Mr. Kennedy a minority President since he received less than fifty per cent of the total votes cast.

Yet, in the Electoral College he received 303 to Mr. Nixon's 219 and 15 for Senator Byrd—or Mr. Kennedy received 56.6 per cent of the Electoral College vote but only 49.48 of the popular vote.

In short, we had a President elected by the Electoral College even though he was close to trailing in the popular vote. In addition to that we had some Members of the Electoral College who defied the voters of their states and voted for someone other than whom the voters of their own states had voted for.

This has disturbed and aroused many people as the dangers and weaknesses of the Electoral College, which can be used to thwart the will of the majority in our country. Many aroused people want to remove such a danger.

But this is nothing new. There have been many times in the history of our country when we have had a minority President. There have been times when the candidate getting the greatest number of votes in the direct popular vote was defeated in the Electoral College.

Our minority Presidents have been Adams in 1824, Polk in 1844, Taylor in 1848, Buchanan in 1856, Lincoln in 1860, Hayes in 1878, Garfield in 1880, Cleveland in 1884 and in 1892, Harrison in 1888, Wilson in 1912 and 1916, Truman in 1948 and Kennedy in 1960. In most of these instances, they were minority Presidents because there were more than two nominees for President.

Even more striking were the elections of 1824, 1876, and 1888 in which the direct popular vote winner lost in the Electoral College. In 1824 Andrew Jackson beat John Quincy Adams 4 to 3 in the direct popular vote as Jackson received 43.13 per cent of the vote while Adams received only 30.54 per cent of the vote—with Clay and Crawfor each getting 13 per cent of the vote.

In 1876 Samuel J. Tilden beat Rutherford B. Hayes 51 per cent to 48 per cent in direct popular votes but lost the election under the Electoral College system. In 1888 Grover Cleveland beat Benjamin Harrison 49 per cent to 48 per cent in direct popular votes but under the Electoral College system lost to Harrison.

These results—and the repeated possibilities—have worried Americans often in the past and they have tried to do something about changing the Electoral College system which would permit such unfair results. In fact, more than 200 amendments have been introduced in the past 71 years.

It seems as though the Smiths have gotten into the act very conspicuously. The attempts to make changes, first, started back in 1797 when Congressman William L. Smith of South Carolina introduced the first amendment.

Because times does not permit a complete historical review of the attempts to change or abolish the Electoral College. For the most part, I will confine my mention of the attempts to the time during which I have served in the United States Senate—that is since 1949.

In 1950 the late Senator Langer proposed an amendment to abolish the Electoral College and replace it with nomination and election by direct popular vote. The Langer Amendment was defeated by a 60 to 31 vote. I voted for it. Republicans voted nearly evenly with a 21 to 20 vote against it. Democrats voted nearly four to one against it by 39 to 11.

Three other amendments offered that day were defeated by even more lop-sided votes than the Langer Amendment. But the Lodge Proportional Amendment did pass by a 64 to 27 vote and I voted for it. It also had a provision to require at least forty per cent of the electoral vote for anyone to get elected President.

But the Lodge Amendment passed by the Senate died in the House because the House Rules Committee bottled it up in Committee and refused to let it get out for a vote by the House.

The next attempt was in 1956. This time Senator Langer again offered his direct popular vote nomination and election proposal. But this time it was defeated 69 to 13—twice as great a defeat as six years before. This was because of a great shift on the Republican side.

While the Republicans voted 20 to 21 on the Langer Amendment in 1950, they voted 41 to 2 against it in 1956. Senator Langer and I were pretty lonely that day as we were the only two Republicans to vote for it.

Whereas Senator Lehman had voted against the Langer Amendment in 1950, six years later in 1956 he offered half of the original Langer proposal by the Lehman Amendment which would continue nomination by convention but would have abolished the Electoral College and provided election by direct popular vote. But his amendment was defeated 66 to 17.

Senator Case of New Jersey offered an amendment to provide for the proportional system with a bonus for states with high voting participation and penalty for states with low voting participation. The Case Amendment was defeated 66 to 20.

A majority of the Senate by a 48 to 37 vote did vote for the Daniel Compromise Amendment which would give each state a choice between the proportional plan or the district plan—but the Daniel Amendment failed because it fell short of the required two-thirds majority.

Nothing has happened since that vote—except the several proposals that have been introduced. Before turning to these proposals for discussion, I want to touch upon what appears to be the sentiment of the American people for a change in the Electoral College system of electing Presidents.

In 1948 the Gallup Poll showed that the American people favored a change by a better than 2 to 1 margin—57 percent for to 22 percent against. On November 17, 1960, the Gallup Poll showed the sentiment to be down a bit but still about 2 to 1 for a change with the percentages being 50 percent for and

28 percent against. Later such polls have had similar results.

And before getting into a discussion of the current proposed changes, let us take a look at the arguments pro and con on the present Electoral College system of electing Presidents.

Those who defend the Electoral College point to the fact that it is still with us after 174 years and that, on the whole, it has produced able Presidents.

They say that only rarely has a popular vote loser won in the Electoral College. They point out that even the minority Presidents would probably have won had there been run-off elections such as I propose.

They say that the system gives protection to the smaller states—that it provides some protection against tyranny by a majority.

They contend that the unit rule system of the Electoral College whereby the winner in a state takes all the electoral votes—that such "Winner Take All" Unit Rule helps prevent the growth of splinter parties such as plague France with its political instability prior to DeGaulle.

They contend that it gives desirable balance between urban and rural areas and their respective powers on influencing the final outcome of a Presidential election.

And they finally conclude that in the event of a very close and bitter election, the Electoral College tends to give the impression that the country is behind the winner because he has won a greater percentage in the Electoral College than in the direct popular vote.

Of all the arguments made by the defenders of the Electoral College system I find this to be the most fatuous and guilty of sheer sophistry.

I think the arguments against the Electoral College system as it is now constituted are far more logical and impressive. One of the greatest arguments against it is the result of past elections. As I have pointed out, it has produced three Presidents—Adams, Hayes, and Harrison—who lost the popular vote to their opponents.

And it simply is not right for the wishes of the majority to be thwarted. That is certainly not the democracy that we give so much lip service to. To paraphrase a national columnist-commentator, it does not "Make Democracy Live."

Those who oppose the Electoral College contend that our founding fathers never intended that there be en bloc "Winner Take All" voting by each of the states. Its unfairness is obvious.

A very incisive argument against the system is that it makes it practically impossible for anyone from a small Electoral Bloc State to be nominated but instead tends to limit the possibilities to persons from large states like New York, California, Pennsylvania or Ohio.

And in such large states, if the division between parties tends to be razor thin, then certain pressure groups gain a disproportionate and unfair bargaining power under the unit system of the Electoral College. It gives tremendous power to small highly-disciplined, well-organized pressure groups in large pivotal states.

Critics of the Electoral College contend that its Unit System not only invites vote frauds by juggling a few votes in the large pivotal states where the vote may be close—but that it also discourages maximum voting participation.

Critics further point out that if one candidate fails to get 269 electoral votes, under the present Electoral College system the voting is then thrown into the House where each state, voting under the unit system, has only a single vote regardless of the size of its population.

The one point of criticism on which there is the greatest agreement is that there is nothing binding legally upon an elector to vote for a candidate to whom he pledged himself prior to election or on whose ticket he ran. For example, in 1960 a Nixon elector voted for Senator Byrd.

One thing is sure on this subject—that most people are dissatisfied with the Electoral College and want to change the system of electing Presidents. The trouble is that they can't get together and agree on the changes to make—and their division among themselves is why no change has been made and why it will be difficult to get any change.

The stand-patters—the perpetuators of the status quo—the defenders of the Electoral College system without change—have the great advantage of being united and having one, simple goal—merely to resist any and all proposals for change.

As to how many proposals for change there are, I am reminded of what the President of France said to me in 1954 when I asked him why France didn't drop its multi-party political system and adopt a two-party system like the United States to obtain greater stability in the French Government.

Very patiently he smiled at me and said softly, "Because, my dear Senator, in France there are fifty million Frenchmen and that means that there are fifty million political parties."

Yet, we can group the major proposed changes into three basic proposals—the district plan—the proportional method—and the direct vote for President. Let us examine each of these and the arguments for and against them.

The district plan is just like its name sounds. Under it, electors would be elected just like Congressmen and Senators. They would be elected by Congressional Districts—with the Presidential candidate, who received the plurality vote, getting the vote of the one elector of that particular Congressional District—and with the Presidential candidate with a plurality statewide getting the two electoral votes equal to its two Senators.

In the early days of our Federal Government the district plan was easily the most popular reform proposal. It has come the nearest of any of the proposed changes to being adopted.

The proposed changes have less difficulty in getting by the Senate than in the House. While the Senate has several times passed proposed changes, such changes have died in the House. In other words, the House is the bottleneck or barrier against change.

The closest to ever breaking the House barrier was in 1820 when the House voted for a district plan proposed change by a 92 to 54 vote. But this wasn't enough for the required constitutional two-thirds majority.

In other words, it was within six votes of passage—for had six Congressmen voted for it instead of against it, then the states would probably have ratified the proposed change—and today and for the past one hundred and forty years we would have the District Plan of electing Presidents.

One can speculate dramatically what changes there would have been in our history had the District Plan been in effect for Abraham Lincoln and Woodrow Wilson might never have been President—and certainly John Quincy Adams and Benjamin Harrison would never have been President.

The basic District Plan would keep the electors but have them chosen at the polls in the same way that Senators and Representatives are chosen—with the further provision that if no candidate received a majority of the electoral votes, the election would be thrown into a joint meeting of the Senate and the House—not just the House as under the present system—at which meeting the Senators and Representatives in the new Congress would vote and as individuals rather than be block under the Unit Rule—choosing between the top three candidates. The candidate getting a plurality on the first ballot would be the winner.

There are a half a dozen or more major arguments advanced in support of the District Plan. Historical persuasion is attempted in the argument that the District Plan is what our founding fathers, in their wisdom, contemplated in actual practice in the system they did set up.

It would be a return to the system they really intended. For in the early years of the Electoral College, electors were chosen from the most distinguished leaders of each state and they voted as individuals in electing Presidents.

But that was short lived for politics moved in fast and political parties started to dominate the selection of electors. So that the intent of our founding fathers was subverted in actual practice as electors became merely representatives of political parties—and with this development came the death of independent voting by electors.

Among those who supported the District Plan in the early days were John Quincy Adams, Hamilton, Jackson, Jefferson, Madison, Van Buren, and Webster. But the political bosses moved in and when they did so the unit rule and the District Plan in practice was completely eliminated by 1836.

A second major argument for the District Plan is that it is more representative of the actual popular vote than the present system in that the District Plan eliminates the state wide unit rule "Winner take all" operation.

A third argument for the District Plan is that it would make political parties give small population states consideration on the selection of the Presidential candidates—just as much as is given to the large states under the present system that tends to penalize any Presidential aspirant from a small state.

A fourth argument is that it would make the President more responsive and sensitive to the same political pressures as those felt by Congressmen and Senators because all of them would be elected by the same constituencies.

A fifth argument for the District Plan is that on the one hand it would not encourage splinter parties because they would have little chance of winning electoral districts—but on the other hand it would tend to build a stronger two party system by giving courage and incentive to the minority party in what are considered to be one party states.

Other arguments advanced in support of the District Plan are that it would take control of selections away from political bosses and from State Legislatures—that it would prevent vote frauds, local bad weather or other accidential circumstances from tipping the scales of the entire electoral vote of a state—that it would provide fair balance of population representation for both urban and rural areas, both predominantly Democratic and predominantly Republican districts—and that it would minimize claimed inordinate influences of minorities in population centers of large states.

The principal arguments against the District Plan center around the possibilities of inordinate minority influence. It is argued that under this plan it would still be possible for a minority President to be elected because of the two electoral votes given each state on the basis of two Senators for each state.

It is pointed out that under the District Plan, splinter parties could still concentrate on swinging electoral districts to provide the balance in a close national election. The danger of gerrymandering districts by State Legislatures is raised.

And some minority groups contend that the District Plan would penalize them because it could isolate—and thus devaluate—the influence of minority groups in individual districts.

A final argument against the District Plan is that while it eliminates the application of the "winner take all" unit rule on a statewide basis, it is at best only an improvement or change in degree on the unit rule since the unit rule would be applied at the district level even if removed from the state level.

They contend that such a compromise falls far too short of the goal of maximum control by the individual voter—the goal to make the individual voter's vote controlling nationally instead of controlling just by state or just by district.

The second basic proposal of change in the present Electoral College system of electing Presidents is the Proportional Method. Oversimplified this proposal is to divide the electoral vote of a state according to the percentage of the total vote in the state that each candidate receives.

For example, Maine has five electoral votes. If the Republican nominee received forty per cent of the total vote in Maine and the Demorcatic nominee received sixty per cent, the electoral vote would be divided 3 for the Democrat and 2 for the Republican instead of all 5 electoral votes going to the Democrat.

It was first proposed eighty-four years ago by Congressman Levi Maish of Pennsylvania—and a similar proposal was made in the same year by Congressman Jordan Cravens of Arkansas. The difference in their proposals was that Maish proposed that the proportional division by in whole numbers while Cravens proposed that the division be carried out to the third decimal place.

In 1950 the Senate by a 64 to 27 vote passed the Lodge-Gossett Amendment, which was practically identical to the Cravens Plan. But it died in the House—and because of a group about which you have been reading much this year—the House Rules Committee.

It died in the House because the House Rules Committee bottled it up in Committee and would not clear it for being voted up by the full House.

Six years later in 1956 a majority of the Senate voted 48 to 37 in favor of the proportional method but the amendment was defeated because it failed to obtain the required two-thirds majority vote.

Perhaps the most effective argument and support for the proportional method resolutions now before Congress is that they would abolish the office of elector and thus remove the potential abuses it encourages.

This is only a part of the general argument that under the proportional method the voters would have a more direct voice than under the present system in electing Presidents—yet in the compromise nature of the proposal, the federal principle of the two extra electoral votes for each state would be retained.

It would provide a method by which state legislatures could not tamper with the system as they can—and sometimes do—now. It would make less likely accidents and frauds frustrating the will of the people since no longer would a few questionable votes be able to swing the entire electoral vote of a state.

It is contended that the Proportional method would be fairer with respect to minority groups—both in giving them fair representation and in preventing them from obtaining inordinate influence. Votes of the minority parties would be counted as they are under the Unit system now in effect and under the District Plan—but their bargaining power would be cut down to size because it would be measured by their actual numbers rather than their relatively few votes providing the thin margin for a "Winner Take All" result under the present Unit system.

The Proportional method is attractive to many of the minority in one-party states as their votes would really count in the total national result rather than being cancelled out under the "Winner Take All" Unit system with all electoral votes going to one candidate regardless of how close the vote in a state.

And the basic argument for the Proportional method is that it would provide a far more accurate division of popular strength between the candidates than does the present system.

Against these arguments for the Proportional method are the arguments that can be expected against any compromise plan. Just as its compromise character provides it with strength, that compromise character creates weaknesses.

It would not protect against the possibility that a candidate losing the popular vote contest could still win the election with the electoral votes. Had it been in effect in the past in 1880 James Garfield would have been defeated under the Proportional method although winning the popular vote—and in 1896 William Jennings Bryan would have defeated McKinley.

There is some resistance to it in Congress because it is viewed as the opening wedge of a threat to extend proportional representation to Congress—in other words, instead of electing representatives by congressional districts, to elect them statewide. The threat this poses is that of the Multi-Party system that made the government of France so unstable for so long.

The third basic proposal of change is the Direct Election Plan of electing Presidents. It was first considered in 1787 at the Constitutional Convention. It was rejected by the states by a vote of 9 to 2 against—Delaware and Pennsylvania being the only two states to vote for it.

The arguments used to defeat it at that time were not very flattering to the American people when judged by our present day concepts. The arguments reflected on the intelligence and tolerance of the American people and imputed regional prejudice to them.

Most effective argument was that the American people just didn't know enough to be able to vote intelligently—didn't know enough about the qualifications and character of the candidates.

Southerners fought direct election because of its Negro slaves who were not permitted to vote—and because consequently there was greater voting participation in the North. There was the additional fear of regional favoritism leading to favorite son candidacies and resulting inability of states to agree on one candidate sufficiently to give him a clear majority.

The first attempt to amend the Constitution to provide for the Direct Election Plan was made by Representative William McManus of New York in 1826. Since that time there have been approximately ninety amendments embodying the Direct Election Plan proposed in Congress. I have already alluded to the unsuccessful efforts in 1950 and 1956 by Senator Langer.

Principal argument against the Direct Election Plan is that it would be at the expense of minorities and would provide no protection against what has been called the "Tyranny of the Majority". It is contended in this respect that it violates the Republic concept of our Government—the limited Democracy that places some restraints upon the majority for the protection of the minority.

Specifically, it is pointed out that this would penalize a small state like my State of Maine and would reward a large state like California or New York—in that it would remove the slight advantage of the two extra electoral votes given each State, regardless of size of population.

The States' Rights issue is raised against the direct election plan because it tends to national laws regulating voting for President—such as minimum voting age—whether 18 or 21—poll taxes, education and other criteria—which might extend to all other offices.

A further detailed argument on the States' Rights issue is that the direct election plan would give relative weight by the actual number voting rather than by the population of a state. Consequently, states with small voter participation—such as Mississippi—feel the heavy voter participation states would gain too much advantage under the direct election plan.

Finally, this very type of opposition is given as a practical reason for opposing the direct election plan—that with small states and southern states opposing it, a direct election amendment would never be ratified by the necessary three-fourths or thirty-eight of the fifty states.

Answers to these anti arguments are quick. The direct election plan for President is no more a threat of "tyranny of the majority" and impairment of our Republic form of Democracy than is the direct election system that practically all of our states have for all elective offices.

As to the penalty it would place on a small state like my own Maine by removing the slight advantage of the two electoral votes given to each state regardless of population size, I say that it is the individual citizen who is more important than the state and that the will of the individual must not be subservient to that of the state as in totalitarian nations.

As to States' Rights—as to the fostering of national uniform laws on elections—and election results being made by those who voted instead of just by state population and thereby indirectly to some extent to those who don't vote—I say that there are actually the very objective to be sought rather than opposed.

As to the argument that Congress should not pass the direct election plan because the small states and southern states would probably refuse to ratify it—I say this is a defeatist attitude—it is the standpat, perpetuation of the status quo attitude—and "faint heart never won fair lady".

In my opinion, not only do these observations answer such arguments against the direct election plan but the arguments for it are unanswerable. Under it the vote of every citizen would count equally. It would remove the feeling of frustration on the part of many voters in one party states. It would stimulate the two party system.

It would abolish all the potential abuses under the present system. It would prevent the possibility of electors disobeying instructions from the voters. It would prevent state legislatures from tampering with the election of Presidents.

It would remove the unfair advantages of small population states over big population states and vice versa. It would prevent the possibility that the popular vote winner would not be elected President by the quirks of the Electoral College with its unit rule system. It would insure that the President would be elected by the people.

The arguments advanced against the direct election plan are accentuated with even greater emphasis against the Smith plan than against other plans because the Smith plan goes further and would extend to primaries and would abolish the National Convention System of nominating Presidents.

Naturally I am prejudiced for the Smith plan or I would never have introduced it. My position is very, very simple. I think the party nominees for President should be chosen by the voters at direct primaries instead of by party delegates at National Conventions.

I believe this for the very same reasons as those advanced for electing Presidents under the direct election plan. What is good enough for electing Presidents should be good enough for nominating party candidates for President.

It is only the logical end of putting the power in the hands of the people—for they should be able to choose among all possible candidates and not just in the final round at the general election.

In addition to abolishing the Electoral College and electing the President by direct popular vote, my plan would provide the following changes. It would abolish the nominations by National Conventions and replace this system with direct primaries on the first Tuesday after the first Monday in August.

In the event that no one candidate received a clear majority or more than fifty per cent of the total vote cast, a run-off election would be held between the two highest candidates twenty-eight days later. This run-off system would apply both in the primary and in the general election.

In order to qualify as a candidate in the direct primary, a Presidential aspirant would have to file a petition signed by at least one per cent of the total vote cast in the last Presidential general election—this would require 700,000 for a 1968 primary.

A political party would have to have a registered membership of more than five per cent of the total registered voters in the United States in order to qualify to get on the ballot.

There is one other significant point in my proposal for direct primaries. It is significant in that under this arrangement it would be the people themselves—millions of Americans making the choice for Vice President—instead of that privilege being limited to two men—the Democratic nominee for President and the Republican nominee for President who choose their own running mates—instead of the choice for voters being limited to between only two persons, each handpicked by one person.

Now having considered these various proposals for reform of the system of electing Presidents, let us apply them to the 1960 election and see what would have been the result in view of the closeness in the popular vote—as contrasted to Mr. Kennedy's very substantial margin in the Electoral College vote.

There is one complication in applying the various proposals to the 1960 election results. That is the vote in Alabama where six of the Presidential electors elected were Independents who ran as unpledged delegates and five ran as Kennedy delegates.

Strictly speaking, this would mean that while it could not be said, without fear of contradiction, that more than half of Alabama's Democratic vote was *against both* Kennedy and Nixon, by the same token it could not be said that it was *for either* of them.

The only valid conclusion that could be made would be that more than half of Alabama's vote was for neither Kennedy nor Nixon—and therefore would have to be withheld from the total given to Mr. Kennedy or Mr. Nixon in computations under the various proposals.

And this is a very important point, because it points up the uncertainty and the conjecture under the present Electoral College system—an uncertainty and conjecture that would be removed completely under the direct election plan and only partially under either the district plan or the proportional method.

When this factor is properly applied, it withholds at least 160,000 votes from Kennedy in the National total otherwise generally accorded to him on the basis of giving him the unpledged votes in Alabama. This would drop his National total to about 50,000 less than that of Mr. Nixon.

With this in mind, under the district plan or the unit role applied by Congressional Districts instead of Statewide—Mr. Nixon would have garnered more Electoral votes than the combination of Mr. Kennedy, the unpledged electors and the splinter candidates—and would have been elected by a clear majority in the Electoral College.

With this in mind, under the proportional method plan, Mr. Nixon would have received a razor edge victory over Mr. Kennedy—but less than a clear majority because of the unpledged electors and percentage for splinter candidates.

Yet, were the Proportional method plan in effect Mr. Nixon would have been elected because the Proportional method does not require a candidate to get a clear majority but only to be the highest man and to get at least forty per cent of the Electoral votes.

With this in mind, Mr. Nixon would have won by the 1956 Humphrey Compromise Plan of giving the two Statewide Electoral votes to the winner in the State but dividing the rest of the Electoral votes in the State by the proportional method.

In fact, if any of these plans were applied to the 1960 election, Mr. Kennedy would not have been elected—but instead Mr. Nixon would have been elected. The *only major* plan existing or advocated, by which it can be said unequivocally Mr. Kennedy would definitely have won the election is the present Electoral College System.

On the other hand, the *only major* proposed reform (other than abolishing electors as such) under which it can be said unequivocally that Mr. Nixon *might not* have won is the Smith plan. This is not to say that Mr. Nixon would have been defeated. Nor is it to say that Mr. Kennedy would have been defeated.

For under the Smith Plan neither Mr. Kennedy nor Mr. Nixon would have been elected on November 8, 1960, for the simple reason that neither received a clear majority of the total vote cast.

Under the Smith Plan, the decision of the people would not have been made until December 6, 1960, when a required run-off election would have been held between the two of them—and in which one of them would have received a clear majority of the vote of the people and would have been an unquestioned majority President instead of a minority President.

With a final difference of only sixteen hundredths of one per cent between Mr. Kennedy and Mr. Nixon in the November 8, 1960, election, who can say which would have won in a run-off election such as would have been required under my plan.

I have given you analyses of the various proposals for changing our way of electing Presidents. Naturally I am prejudiced and think my plan is the best—and I believe that its strongest logic is in the hindsight application of the various reform proposals to the 1960 election results.

The best prospect for change is to abolish the independence of electors and to restrict them to be only messenger agents of the voters to cast the vote as directed by the voters.

Generally speaking, the district plan, with its unit rule system, is sponsored by the conservative coalition in the Congress—and the conservative coalition is the strongest in the Congress. This would enhance the prospects for the district plan although the Conservatives are somewhat on the wane.

Generally speaking, the proportional method is sponsored by the middle-of-the-road group in Congress—and while this group is not as adhesively strong as the conservative coalition its strength, instead of being on the wane, is gradually increasing.

Generally speaking, the direct election plan is backed by the rank and file Liberals—although I consider myself to be more of a moderate than a Liberal—and the Liberal strength in Congress simply does not have the determined adhesion and leadership that the conservative coalition has.

This means that from the short term stand-point—the near future—prospects are dimmest for the direct election plan. Why then you ask me do I espouse a cause on which the odds seem to be against me?

In the first place, I seem to have developed a mania for espousing causes on which the odds seem to be against me. I did it on the Declaration of Conscience. But I kept plugging year after year on the Declaration of Conscience theme when I was a pretty lonely voice in the Senate. Yet, ultimately the spirit of the Declaration of Conscience finally prevailed in the Senate.

Present odds are against me on the Smith Plan for electing Presidents. But from the long term view, I am confident that the odds are with the proposal. I will probably be long gone from this earth before it is adopted.

But I am confident that ultimately it will be adopted because I think it is inevitable that the will of the majority cannot be forever denied. It is only a matter of time until that will of the majority is made sufficiently articulate and sufficiently brought to bear on the Congress and the States to so amend the Constitution.

The public will and the power are there. It is only a question of how soon the Liberal and Moderate supporters of not only direct election but direct nomination will be able to organize and crystallize this overwhelming sentiment of the American people.

And that is the key to what I am doing in the introduction of Senate Joint Resolution Four. To give to the people of our Country an opportunity—a medium—through which they can express their will.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 855

At the request of Mr. COTTON, the Senator from Colorado (Mr. ALLOTT) was added as a cosponsor of S. 855, a bill to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement.

S. 1552

At the request of Mr. HOLLINGS, the Senator from Georgia (Mr. GAMBRELL) was added as a cosponsor of S. 1552, a bill to provide for the expansion of Cowpens National Battleground Site.

S. 2161

At the request of Mr. HARTKE, the Senator from New Hampshire (Mr. MCINTYRE) was added as a cosponsor of S. 2161, a bill to amend chapters 31, 34, and 35 of title 38, United States Code, to increase the vocation rehabilitation subsistences allowances, the educational assistance allowances, and the special training allowances paid to eligible veterans and persons under such chapters.

S. 2219

At the request of Mr. CRANSTON, the Senator from New Hampshire (Mr. MCINTYRE) was added as a cosponsor of S. 2219, the Veterans' Administration Health Manpower Training Act of 1971.

S. 2541

At the request of Mr. HARTKE, the Senator from New Hampshire (Mr. MCINTYRE) was added as a cosponsor of S. 2541, a bill to amend title 38, United States Code, to provide that all income of a spouse be disregarded in determining the annual income of a veteran for pension purposes.

S. 2621

At the request of Mr. HARTKE, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 2621, a bill to promote the peaceful resolution of international conflict.

S. 2689

At the request of Mr. CHURCH, the Senator from Indiana (Mr. BAYH) and the Senator from Oregon (Mr. HATFIELD) were added as cosponsors of S. 2689, a bill to promote development and expansion of community schools throughout the United States.

S. 2828

At the request of Mr. NELSON, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 2828, the Family Farm Act of 1972.

S. 2834

At the request of Mr. CURTIS, the Senator from Nebraska (Mr. HRUSKA) was added as a cosponsor of S. 2834, a bill to designate November 11 of each year as Veterans' Day and to make such day a legal public holiday.

S. 3083

At the request of Mr. HARTKE, the Senator from Alaska (Mr. GRAVEL), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Oklahoma (Mr. HARRIS) were added as cosponsors of S. 3083, the Truth in Food Labeling Act.

S. 3142

At the request of Mr. CRANSTON for Mr. MUSKIE, the Senator from Delaware (Mr. BOGGS), the Senator from Washington (Mr. MAGNUSON), and the Senator from Colorado (Mr. ALLOTT) were added as cosponsors of S. 3142, a bill to provide $85 million for assistance to Soviet Jewish refugees in Israel.

S. 3187

At the request of Mr. JAVITS, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 3187, the "National Venereal Disease Prevention and Control Act."

S. 3262

At the request of Mr. CURTIS, the Senator from Colorado (Mr. DOMINICK) was added as a cosponsor of S. 3262, a bill to amend the Occupational Safety and Health Act of 1970.

S. 3300

At the request of Mr. GRIFFIN, the Senator from Kentucky (Mr. COOPER) was added as a cosponsor of S. 3300, a bill to amend the Communications Act of 1934 to provide that renewal licenses for the operating of a broadcasting station may be issued for a term of 5 years and to establish certain standards for the consideration of applications for renewal of broadcasting licenses.

S. 3308

At the request of Mr. PEARSON, the Senator from Colorado (Mr. DOMINICK) was added as a cosponsor of S. 3308, a bill to provide that the Peace Corps may use foreign currencies during fiscal year 1972 for its expenses in foreign countries.

SENATE JOINT RESOLUTION 156

At the request of Mr. HARTKE, the Senator from California (Mr. TUNNEY) was added as a cosponsor of Senate Joint Resolution 156, a joint resolution to designate the month of April 1972 as National Check-Your-Vehicle Emissions Month.

SENATE JOINT RESOLUTION 213

At his own request, Mr. GRIFFIN was added as a cosponsor of Senate Joint Resolution 213, a joint resolution to authorize and request the President to issue a proclamation designating October 6, 1972, as "National Coaches Day."

ADDITIONAL COSPONSOR OF CONCURRENT RESOLUTIONS

SENATE CONCURRENT RESOLUTION 55

At the request of Mr. HOLLINGS, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of Senate Concurrent Resolution 55, expressing the sense of the Congress that the President should immediately recognize Bangladesh as an independent foreign country and recognize the government of that country.

SENATE CONCURRENT RESOLUTION 66

At the request of Mr. PEARSON, the Senator from New Jersey (Mr. CASE), the Senator from Arizona (Mr. GOLDWATER), the Senator from Idaho (Mr. CHURCH), the Senator from Iowa (Mr. HUGHES), the Senator from Massachusetts, (Mr. KENNEDY), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Rhode Island (Mr. PELL), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Ohio (Mr. TAFT) and the Senator from California (Mr. TUNNEY) were added as cosponsors of Senate Concurrent Resolution 66, expressing the sense of Congress that the United States should negotiate for the use of foreign currencies to pay Peace Corps expenses to countries where these currencies are held.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 275

At the request of Mr. STEVENS, the Senator from Tennessee (Mr. BROCK) was added as a cosponsor of Senate Resolution 275, authorizing Senators to hire interns.

NATIONAL REGISTRATION ACT—AMENDMENTS

AMENDMENTS NOS. 1020 THROUGH 1024

(Ordered to be printed and to lie on the table.)

Mr. ERVIN submitted five amendments intended to be proposed by him to the bill (S. 2574) to amend title 13, United States Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purpose of administering a voter registration program through the mail.

AMENDMENTS NOS. 1025 THROUGH 1029

(Ordered to be printed and to lie on the table.)

Mr. DOMINICK submitted five amendments intended to be proposed by him to the bill (S. 2574), supra.

SOCIAL SECURITY AMENDMENTS OF 1972—AMENDMENTS

AMENDMENTS NOS. 1030 THROUGH 1040

(Ordered to be printed and referred to the Committee on Finance.)

ADULT WELFARE AMENDMENTS

Mr. TUNNEY. Mr. President, I am submitting today a series of amendments to H.R. 1 which insure that no older American, no disabled person, and no blind person would have to live in poverty.

They would also:

Considerably liberalize the amount of income which these people can earn without suffering any loss in benefits and increase the amount of resources which may be retained without disqualification, and in particular they would enable recipients to maintain a higher level of provision for their survivors in the form of insurance policies.

Provide emergency assistance for meeting nonrecurring needs without automatic penalties in the form of reduced benefit checks in the weeks to follow.

Preserve and protect existing payments where they are higher than this minimum program for the national abolition of poverty among the elderly would provide and insure that the rights and privileges of recipients are protected adequately in the proceedings for hearings and review.

Require studies to insure that the many thousands of people who depend on both social security and assistance payments would have to deal with only one administrating body, file only one application, go through a single interview, and once qualified, receive a single check.

There are now more than 3 million aged, blind, or permanently disabled people in America who are forced to depend on welfare payments for their basic needs. It is a national disgrace that even with these payments, even with the guaranteed income floor proposed in H.R. 1, many hundreds of thousands of these people will still be required to exist in poverty. The time has long since come when this affluent society of ours has had the resources to make it possible that none of our older people should be required to lead a life of poverty. It has had the resources to prevent great numbers from falling into poverty for the first time when they withdraw from a lifetime of useful activity which has contributed to the well-being of all. It is insufferable that so many people who have supported themselves and their families all their lives, have paid their way and paid their taxes, should be forced to enter the ranks of the impoverished when they retire or when their life's partner dies.

There is a fundamental hypocrisy in the way a society with such great resources as ours classifies people as poor, declares that they must be helped when they need help, and yet ultimately issues a check which simply insures that they will have to live below a poverty line which is itself drawn in very frugal terms indeed.

The elderly and the handicapped who are poor are poor for reasons beyond their control. They may have worked in jobs not covered by social security.

They have relied on private pension plans and been robbed of their expectations and their rights by the many deficiencies in that area. Or they may have contributed to social security, only to find that after retirement the basic level of their entitlement, even with cost-of-living adjustments, has been left far behind by the rapid increase in the real value of earnings.

Others, for one reason or another, have not been full members of the regular work force for long enough or consistently enough to lay the foundation for an independent retirement.

But, whatever the cause of their problems, they are in need, often in truly pathetic financial difficulties. Some of their difficulties can be resolved or alleviated by measures dealing with the source of their problems—improving areas of the social security system, for example. But for the vast majority, such corrections simply close the stable door after the horse has bolted. It is no use reforming private pension plans when someone has retired. It is no use extending the coverage of social security when someone has already left the work force. These people need straight-out help, and they need enough of it to guarantee at least a decent standard of modest living.

My proposal provides that every old person, every disabled or blind person, who is in need should be provided with the means to reach at least the basic poverty index. This would immediately give to a single person with no other sources of income a basic allowance of approximately $167 a month. An eligible couple would get slightly more than $215 a month. But my proposal is expressed not so much in dollar terms as in terms of poverty levels, and it provides that these levels should escalate automatically at least as quickly as the cost of living.

It is impossible to regard this basic poverty index as a realistic measure of the basic needs for modest living in our society. But it is a recognized point of reference and it would entail significantly higher payments. And my amendments would require the Secretary of Health, Education, and Welfare to generate a more realistic and more adequate measure of needs region by region so that eventually these proposals would guarantee beyond doubt that no older American would have to spend his days in poverty.

To help those who have access to other income—from employment, from social security, from private pensions—the amendments allow them to retain without loss of benefits payments to at least 75 percent of the poverty level, and 50 cents in the dollar for anything above that. People who have to depend on these adult welfare payments need and deserve every assistance in expanding their own income. For them a job means more than extra dollars, however pressing their need might be for extra money. It spells self-respect, dignity, independence, an outside interest in a life which has become circumscribed by the handicaps of age, disability or blindness. As with my other proposals, these earnings disregards would escalate automatically with the cost of living.

Furthermore, the present law is unnecessarily and unrealistically restrictive in its definition of allowable resources. I propose that recipients should be allowed to have countable resources of an amount at least equal to the poverty level prevailing at any time, but in particular that the treatment of insurance policies should be altered. The value of an insurance policy as a usable resource is measured not by its face value, but by its cash value. I propose that all determinations be phrased in terms of cash value. The present limitation on holdings of insurance policies can be particularly severe in the case of the blind and disabled with dependants.

It is shortsighted to demand that a person who is in difficulties, but who has managed to provide for the partial security of his dependents in the future should be so rigorously required to suffer the considerable financial loss involved in cashing in his insurance policies before he is eligible for assistance. For if he dies, he leaves dependents who are afforded a much reduced financial capacity in the form of insurance benefits, dependants are thus all the more likely to be in financial straits themselves and have to rely all the more heavily on government assistance.

As a number of States are already providing the aged, disabled, and blind at levels above the national floor which I seek to institute, it is necessary to insure that present recipients do not suffer as a result of welfare reform.

My amendments approach this in two ways. They require States to maintain the level of payments of at least existing levels by supplementing the Federal assistance payments, including the cash-out for the bonus value of food stamps. They require these levels to be raised in pace with increases of general prices, so that the real value of total payments is preserved.

On the other hand, they require that no individual should suffer because of changes in the welfare provisions. To maintain equity, it is also required that no person who enters the rolls after the implementation of welfare reform should receive less in assistance than a person already on the rolls who is in a similar financial position.

Both in the adult welfare provisions and in those for family assistance plan and opportunities for families programs, provision is made for affording emergency assistance to applicants on the basis of urgent current needs. Unfortunately this is to be provided in the form of an advance on subsequent payments.

This is unrealistic in view of the fragile economic situation of the people involved. If a person is in a situation of emergency nonrecurring need, he should be helped to the extent necessary, to relieve that need. If this aid is discounted against subsequent payments, the net effect is all too likely to be that the lack of payments will force the recipient into a further personal financial crisis.

If he needs the money, he should be given it to meet the emergency. Unless he can genuinely bear the subsequent reduction, it should not be automatically subtracted from his normal entitlement.

I am in full support of the proposal to place the adult welfare categories under the administration of the Social Security Administration. Many people are in the unfortunate situation where their social security entitlements are simply inadequate to meet their basic living needs. To provide for themselves, they must also have recourse to assistance payments.

In the interests of dignity, convenience and efficiency my amendment requires that the security of HEW should report on the feasibility of applicants who receive payments both from social security and from Federal welfare filing one application, being interviewed by one official and receiving a single check for the total amount of their entitlement.

Finally, I propose that the rights and privileges of welfare recipients and applicants should be protected adequately. There may be widespread public concern at the suspected extent of welfare cheating. There may be feelings that there are recipients who are in some way unworthy of assistance. But whatever the feelings and whatever the facts to substantiate or demolish them it is essential that they should not be allowed to impair basic rights to proper procedure for appeals and review. This is all the more important in view of the very limited personal resources on which these people can call in seeking fair and just treatment.

The provisions which I am introducing today afford people in the adult welfare categories protection of the same character as would be afforded to those in the opportunities for families and the family assistance programs by the amendments of the distinguished Senator from Connecticut (Senator RIBICOFF).

Mr. President, it is possible for us to guarantee now that no aged, disabled or blind person should have to live in poverty. I believe that these amendments would establish this as an enduring principle in the provision of Federal aid to those in need.

AMENDMENT NO. 1041

(Ordered to be printed and referred to the Committee on Finance.)

Mr. HOLLINGS. Mr. President, shortly we will begin consideration of H.R. 1, which contains broad changes in the present social security law. Under the present law, a parent who is dependent upon his child for support may receive social security benefits to which the child is entitled should the child predecease the parent. Also, the most commonly known change is to increase widow's benefits at age 65 to 100 percent of earners. However, a brother or sister who is dependent for support upon a sibling is not eligible for the benefits of that sibling should the brother or sister predecease him. I feel this presents quite an unfair situation, particularly since there is no apparent reason for making such a distinction between a dependent parent and a dependent sibling.

At a time when we are becoming so aware of the problems facing the elderly in this country, particularly those who are dependent on others for support, it would appear appropriate to make a change. Accordingly, I am introducing an amendment to H.R. 1 which would entitle a dependent brother or sister to receive social security benefits to which a predeceased sibling would have been entitled.

I ask unanimous consent that the amendment be printed in its entirety in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1041

On page 134, between lines 15 and 16, insert the following new section:

BROTHER'S AND SISTER'S INSURANCE BENEFITS

SEC. 144. (a) Section 202 of the Social Security Act is amended by adding after subsection (w) (as added by section 106(a) of this Act) the following new subsection:

"BROTHER'S AND SISTER'S INSURANCE BENEFITS

"(x) (1) Every brother and sister (as defined in this subsection) of an individual who died a fully insured individual if such brother or sister—

"(A) has attained age 62,

"(B) (i) was receiving at least one-half of his support from such individual at the time of such individual's death or, if such individual had a period of disability which did not end prior to the month in which he died, at the time such period began or at the time of such death, and (ii) filed proof of such support within two years after the date of such death, or, if such individual had such a period of disability, within two years after the month in which such individual filed application with respect to such period of disability or two years after the date of such death, as the case may be,

"(C) has not married since such individual's death,

"(D) is not entitled to old-age insurance benefits, or is entitled to old-age insurance benefits each of which is less than 82½ percent of the primary insurance amount of such deceased individual if the amount of the brother's or sister's insurance benefit for such month is determinable under paragraph (2) (A) (or 75 percent of such primary insurance amount in any other case), and

"(E) has filed application for brother's or sister's insurance benefits.

shall be entitled to a brother's or sister's insurance benefit for each month beginning with the first month after August 1972 in which such brother or sister becomes so entitled to such brother's or sister's insurance benefits and ending with the month preceding the first month in which any of the following occurs: such brother or sister dies, marries, or becomes entitled to an old-age insurance benefit equal to or exceeding 82½ percent of the primary insurance amount of such deceased individual if the amount of the brother's or sister's insurance benefit for such month is determinable under paragraph (2) (A) (or 75 percent of such primary insurance amount in any other case).

"(2) (A) Except as provided in subparagraphs (B) and (C), such brother's and sister's insurance benefit for each month shall be equal to 82½ percent of the primary insurance amount of such deceased individual.

"(B) For any month for which more than one brother or sister is entitled to brother's and sister's insurance benefits on the basis of such deceased individual's wages and self-employment income, such benefit for each such brother or sister for such month shall (except as provided in subparagraph (C)) be equal to 75 percent of the primary insurance amount of such deceased individual.

"(C) In any case in which—

"(i) any brother or sister is entitled to a brother's and sister's insurance benefit for a month on the basis of a deceased individual's wages and self-employment income, and

"(ii) another brother or sister of such deceased individual is entitled to a brother's and sister's insurance benefit for such month on the basis of such wages and self-employment income, and on the basis of an application filed after such month and after the month in which the application for the brother's and sister's benefits referred to in clause (i) was filed,

the amount of the brother's and sister's insurance benefit of the brother or sister referred to in clause (i) for the month referred to in such clause shall be determined under subparagraph (A) instead of subparagraph (B) and the amount of the brother's and sister's insurance benefit of a brother or sister referred to in clause (ii) for such month shall be equal to 150 percent of the primary insurance amount of the deceased individual minus the amount (before the application of section 203(a)) of the benefit for such month of the brother or sister referred to in clause (i).

"(3) As used in this subsection, the term 'brother' or 'sister' includes a stepbrother or stepsister, or a brother or sister by adoption.

"(4) In the case of a brother or sister who marries—

"(A) an individual entitled to benefits under this subsection or subsection (b), (e), (f), (g), or (h), or

"(B) an individual who has attained the age of 18 and is entitled to benefits under subsection (d), such brother's or sister's entitlement to benefits under this subsection shall, notwithstanding the provisions of paragraph (1) but subject to subsection (s), not be terminated by reason of such marriage; except that in the case of such a marriage to a male individual entitled to benefits under subsection (d), the preceding provisions of this paragraph shall not apply with respect to benefits for months after the last month for which such individual is entitled to such benefits under subsection (d) unless he ceases to be so entitled by reason of his death."

(b) (1) Section 202 (b) (3) (A) of such Act is amended by striking out "or (h)" and inserting in lieu thereof ", (h), or (x)".

(2) Section 202 (c) (2) (A) of such Act is amended by striking out "or (h)" and inserting in lieu thereof "(h)", or (x)".

(3) Section 202 (e) (3) (A) of such Act is amended by striking out "or (h)" and inserting in lieu thereof "(h)", or (x)".

(4) Section 202 (f) (4) (A) of such Act is amended by striking out "or (h)" and inserting in lieu thereof "(h)", or (x)".

(5) Section 202 (g) (3) (A) of such Act is amended by striking out "or (h)" and inserting in lieu thereof "(h)", or (x)".

(6) Section 202 (h) (4) (A) of such Act is amended by striking out "or (h)" and inserting in lieu thereof "(h)", or (x)".

(7) Section 202 (j) (1) of such Act is amended by striking out "or (h)" and inserting in lieu thereof "(h), or (x)".

(8) Section 202 (o) of such Act is amended by striking out "or (h)" each place that it appears and inserting in lieu thereof "(h), or (x)".

(9) Section 216 (b) (3) (A) of such Act is amended by striking out "or (h)" and inserting in lieu thereof "(h)", or (x)".

(10) Section 216 (c) (6) A) of such Act is amended by striking out "or (h)" and inserting in lieu thereof "(h)", or (x)".

(11) Section 216 (f) (3) (A) of such Act is amended by striking out "or (h)" and inserting in lieu thereof "(h)", or (x)".

(12) Section 216 (g) (6) (A) of such Act is amended by striking out "or (h)" and inserting in lieu thereof "(h)", or (x)".

(c) The amendments made by this section shall apply only with respect to monthly insurance benefits which are payable under title II of the Social Security Act for months after August 1972 on the basis of applications filed on or after the date on which this Act is enacted.

(d) The requirement in section 202 (x) (1) (B) of the Social Security Act that proof of support be filed within two years after a specified date in order to establish eligibility for brother's or sister's insurance benefits shall not be applicable if such proof of support is filed within two years after the date of the enactment of this Act.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 998

At the request of Mr. CHURCH, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 998, intended to be proposed to the bill (H.R. 1), to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

AMENDMENT NO. 999

At the request of Mr. CHURCH, the Senator from Massachusetts (Mr. KENNEDY) and the Senator from California (Mr. TUNNEY) were added as cosponsors of amendment No. 999, intended to be proposed to the bill (H.R. 1), supra.

NOTICE OF HEARINGS ON VOLUNTEER ARMED FORCES

Mr. BENTSEN. Mr. President, the Subcommittee on the Volunteer Armed Force and Selective Service of the Armed Services Committee is conducting hearings on Friday, March 10, and Monday, March 13, 1972.

The purpose of these hearings is to examine how well the Selective Service Administration is administering the draft bill which Congress passed last year and also to take a hard look at the progress made by the services in establishing an all-volunteer armed force.

Dr. Curtis Tarr, Director of Selective Service Administration, and a number of other witnesses will discuss for the subcommittee problems that have arisen under the 1971 act. They will also comment on preparations by the SSA for the time in 1973 when, hopefully, we will no longer need the draft to meet our manpower needs.

On Monday we will hear a full review of the military's effort to achieve an all-volunteer armed force. Our witnesses will include Assistant Secretary of Defense for Manpower Roger T. Kelley, who is responsible for manpower policy decisions at the Department of Defense level, and Sgt. Homer O. Justice, who is a drill instructor at Fort Dix, N.J., responsible for training recruits in an all-volunteer unit.

As chairman of the subcommittee, I

hope that we will gather sufficient evidence and provide the necessary congressional monitoring to insure that the draft is equitably administered and the all-volunteer force is a success.

Following is a complete list of witnesses to appear and the dates they will be present:

LIST OF WITNESSES

WITNESSES: MARCH 10, 1972

Dr. Curtis Tarr, Director of Selective Service.

Mr. John Schulz, Editor-in-Chief, Selective Service Law Reporter.

Mrs. Betty Vetter, Executive Director, Scientific Manpower Commission.

Dr. Hector Garcia, Texas State Chairman of the G.I. Forum.

Representative of the American Civil Liberties Union.

WITNESSES: MARCH 13, 1972

Honorable Roger T. Kelley, Assistant Secretary of Defense, Manpower and Reserve Affairs.

Honorable Richard S. Wilbur, Assistant Secretary of Defense, Health and Environment.

Lieutenant General George I. Forsythe, U.S. Army, Special Assistant for the Modern Volunteer Army.

Major General Orwin C. Talbott, Commanding General, U.S. Army Infantry Center, Fort Benning.

Captain Howard K. Fisher, Jr., Commanding Officer, Company B, 1st Battalion, 2nd Basic Combat Training Brigade, Fort Dix.

Platoon Sergeant Homer O. Justice, Senior Drill Sergeant, Company B, 1st Battalion, 2nd Basic Combat Training Brigade, Fort Dix.

Rear Admiral John G. Finneran, Assistant Chief of Navy Personnel—Plans and Programs.

Brigadier General Harvey E. Spielman, Assistant Director of Personnel, U.S. Marine Corps.

Major General John W. Roberts, Deputy for Personnel Policy, U.S. Air Force.

Colonel John T. Carlton, U.S. Army (Ret.), Executive Director, Reserve Officers Association.

Colonel James B. Derrin, U.S. Army (Ret.), Executive Vice President, National Guard Association.

NOTICE OF HEARINGS ON VARIOUS INDIAN MEASURES

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished Senator from Washington (Mr. JACKSON), I ask unanimous consent to have printed in the RECORD a statement by him concerning open hearings scheduled before the Subcommittee on Indian Affairs on March 28 and 29 to consider various Indian measures.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR JACKSON

I wish to announce for the information of the Senate that open public hearings have been scheduled before the Subcommittee on Indian Affairs on March 28 and 29 to consider various Indian measures.

On March 28 the Subcommittee will consider S. 1140, to authorize the sale of certain lands of the Southern Ute Indian Tribe, and for other purposes; S. 953, to amend section 1 of the act of August 9, 1955, relating to the leasing of Indian lands; S. 538, to declare that certain federally owned lands are held by the United States in trust for the Indians of the Pueblo of Cochiti; and two similar bills relating to the Osage judgment award, S. 1456 and S. 3234.

On March 29 the Subcommittee will consider H.R. 9019, to provide for the disposition of funds appropriated to pay a judgment in favor of the Jicarilla Apache Tribe in Indian Claims Commission docket No. 22–A, and for other purposes; S. 2284, to provide for the disposition of funds appropriated to pay a judgment in favor of the Yavapai Apache Tribe in Indian Claims Commission dockets Nos. 22–E and 22–F, and for other purposes; S. 3230, to provide for the disposition of funds appropriated to pay a judgment in favor of the Assiniboine Tribes of Indians in Indian Claims Commission docket number 279–A, and for other purposes; S. 2287, to provide for the disposition of funds appropriated to pay judgments in favor of the Miami Tribe of Oklahoma and the Miami Indians of Indiana in Indian Claims Commission dockets Nos. 255 and 124–C, docket Nos. 256 and 125–D, E, and F, and dockets Nos. 131 and 253, and of funds appropriated to pay a judgment in favor of the Miami Tribe of Oklahoma in the Commission's docket No. 251–A, and for other purposes; and S. 2527, to provide for the disposition of funds appropriated to pay a judgment in favor of the Pueblo de Acoma in Indian Claims Commission docket No. 266, and for other purposes.

Tribal and Federal officials will be invited to testify on the pending measures. Hearings on both days will commence at 9:30 a.m., in Room 3110, New Senate Office Building.

ADDITIONAL STATEMENTS

CHANCELLOR WILLY BRANDT'S OVERTURES TO EASTERN EUROPE

Mr. BUCKLEY. Mr. President, I invite the attention of Senators to an interesting article published in yesterday's Washington Post indicating that there are growing doubts in West Germany as to the wisdom of Chancellor Willy Brandt's overtures to Eastern Europe, as exemplified by the recent treaties which he has negotiated with the Soviet Union and Poland. The first two paragraphs of the article read as follows:

> In a sudden shift of informed political opinion, this capital is being swept by fresh doubts about Chancellor Willy Brandt's ability to win parliamentary approval for his policy of improved relations with Eastern Europe.
>
> During the past few days, there has been mounting speculation that Brandt does not have the votes in parliament necessary to ratify his treaties of understanding with the Soviet Union and Poland.

I ask unanimous consent that the article be printed in the RECORD in its entirety at the conclusion of my remarks.

Because of the implications of these treaties for the future security of Western Europe, and therefore for that of the United States, I believe it is important that the members of Congress be fully acquainted with the issues which are involved in these proposed agreements as reflected in recent debates in the German Bundestag.

Contrary to initial expectations, the treaty with Russia would not in fact constitute a renunciation of the use of force by Moscow. On the other hand, the two treaties could have the effect of diminishing the ability of West Germany to participate fully in the political, economic, and military activities of other Western European nations. It must be emphasized that the Moscow agreement does not require the Soviet Union to surrender its right to interfere militarily or otherwise in West Germany affairs, a right which is granted to the victors of World War II by articles 53 and 107 of the U.N. Charter. Moreover, the treaties would tend to solidify the permanent division of Germany into Communist and non-Communist zones.

Perhaps the most damaging aspect of the Moscow and Warsaw treaties, however, is the potential damage they may inflict on what is being termed, in the Bundestag debates, as the "quality of peace" in West Germany. The treaties will contribute to the political environment already nurtured by the quadripartite agreement on Berlin, in which future West Germany Governments would find it increasingly difficult to contribute to West European defense because of the pressures which would exist to make their foreign policy harmonize with the interests of the Warsaw Pact and the Soviet Union. If these treaties are ratified, it would become much more difficult for a West German Government to adopt a foreign policy—even in a NATO context—which would be considered hostile by the Soviet Union.

One of the early results of the atmosphere created by the quadripartite agreement and the Warsaw and Moscow treaties has been to reduce West Germany's freedom of action such that its relations with Eastern Europe must be cleared by the Soviet Union. What increasing numbers of Germans fear is that these treaties will set the stage for the "Finlandization" of West Germany, analogous to the case of Finland which must clear its political relationships with Western countries with the Soviet Union before initiating them.

There is a fear, in other words, that West Germany will find itself maneuvered into a position where it could not carry out a policy, such as establishing trade relations in Eastern Europe, without Soviet approval. The import of such a chain of events for the rest of Western Europe and for the United States is that the NATO alliance may be irretrievably weakened as a consequence of these agreements.

For over 25 years, the United States has maintained a very large troop commitment in West Germany as part of the NATO superstructure. The rationale for this troop commitment has been to strengthen the ability of the West German Government to resist the political pressure placed on it by the Soviet bloc of nations. This commitment has been made at heavy financial and military cost to the United States. The Senate has supported a continuation of this troop commitment because of its belief that the West German Government will continue to resist such pressure, and thereby contribute to the defense of the West. The ratification of the Warsaw and Moscow treaties, however, could drastically alter the situation, and trigger a reassessment of the continued commitment of U.S. forces to Europe.

The implications of such a development for the "quality of peace" not only in West Germany but in all of Europe is serious. If it should result in the withdrawal of U.S. forces, it could signal the de facto disassembling of the NATO alliance, and increase the vulnerability of all of the countries of Western Europe to Soviet political, military, and economic pressure. I therefore urge Members of Congress and all other American citizens to study the events now taking place in the Bundestag with the greatest of care.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

APPROVAL OF BRANDT OSTPOLITIK IN DOUBT

(By John M. Goshko)

BONN, March 7.—In a sudden shift of informed political opinion, this capital is being swept by fresh doubts about Chancellor Willy Brandt's ability to win parliamentary approval for his policy of improved relations with Eastern Europe.

During the past few days, there has been mounting speculation that Brandt does not have the votes in parliament necessary to ratify his treaties of understanding with the Soviet Union and Poland.

If that proves to be the case when the treaties face their final test in June, the result would be the abrupt derailing of Brandt's Ostpolitik, with all its attendant consequences for East-West detente in Europe.

It would also mean the downfall of the Brandt government and probable plunge by West Germany into the uncertainties of new national elections this summer—more than a year ahead of schedule.

Not everyone agrees with the current spate of predictions that this is what lies ahead. Much of the pessimism about the chances for ratification of the treaties is based more on atmospherics than in hard evidence, and one can hear almost as many opinions about what will happen as there are politicians in Bonn.

Still, there is no question that the conventional wisdom of a few days ago—namely that in the crunch the treaties would win by a narrow margin—has been substantially eroded. Now, even the most optimistic neutral observers seem to regard the ratification struggle as a tossup that could go either way.

Hand in hand with this shift have come the predictable side effects: the press labeling the situation a "crisis" and the opposition Christian Democrats mounting an outcry for Brandt's resignation.

Since the weekend, this talk of "crisis" has escalated so dramatically that many political sources who originally didn't think the matter all that serious are now warning that there is a danger of it becoming a self-fulfilling prophecy.

ABSOLUTE MAJORITY

Basically, the problem involves the workings of the West German parliamentary system. Although several things theoretically could happen to the treaties in parliament, the likely expectation is that in the end Brandt will be able to win ratification only by mustering an absolute majority of 249 votes in lower house, the Bundestag.

Since all 245 Christian Democrats are expected to vote in opposition, the chancellor must rely on the solidarity of the government benches—a coalition of his own Social Democrats and the tiny Free Democratic Party.

Until a few days ago, the coalition's strength numbered 251 deputies, and the government claimed that 250 of them could be counted on to support the treaties. Then, last week, this claim started to come unstuck.

First, one Social Democratic deputy, Herbert Hupka, announced he was quitting the party and going over to the Christian Democrats. His defection cut the government's slender Bundestag majority from six to four, but since Hupka was a known opponent of treaties the government had long ago written off his vote.

Then, one of the 27 Free Democrat deputies, Knut von Kuehlmann-Stumm, revealed that he had doubts about the treaties. Although he said his mind was not yet made up, he also left little doubt that the government will not be able to overcome his misgivings sufficiently for him to support ratification.

The loss of Kuehlmann-Stumm's vote would remove the government's last margin of safety in terms of its ability to muster an absolute majority. One more defection from the government ranks—or even the failure of a deputy to be present at the crucial vote—would put it below the requisite figure and prevent ratification.

Moreover, the attitude of Kuehlmann-Stumm, an influential figure among Free Democrat conservatives, touched off fears that other back benchers with reservations about the treaties might now be emboldened to follow his lead.

SWITCHES FORECAST

Over the weekend, rumors began to surface about Christian Democratic efforts to exploit the situation. According to reliable sources, the waverers were being induced to vote against the treaties or to make an outright switch that would give the Christian Democrats a parliamentary majority enabling their leader, Rainer Barzel, to replace Brandt as chancellor.

On Monday, the controversial news magazine, Der Spiegel, published a story claiming that four government deputies—one Social Democrat and three Free Democrats—had engaged in secret conversations with the Christian Democrats about switching.

Three of those named immediately denied the Spiegel story and insisted that they support the treaties. However, the fourth, the Free Democrat Wilhelm Helms, confirmed that he would follow Kuehlmann-Stumm's lead and await the unfolding of the ratification debate before deciding how he would vote.

Some usually well-informed sources insist that there are indeed doubtfuls within the Free Democrats ranks and that the odds favor at least one or two of them breaking with the government. These sources say that the present outlook is for the treaties to be defeated.

Others, however, contend that the government's position is not as bleak as it seems. They seem confident that the rest of the Free Democrats can be held in line and that even Helms will eventually bow to the majority sentiment within his party.

As for Kuehlmann-Stumm, he has indicated that if the situation comes to an absolute-majority vote he would resign his Bundestag seat in advance of the vote. The man who would replace him from the party's substitute list, W. Alexander Menne, is also a conservative, but the current indications are that he would support ratification.

OUTSIDE CHANCE

There is an outside chance that Brandt will not have to pin his hopes on winning an absolute majority. This rests on the possibility, admittedly slight, that the coalition parties can take control of Baden-Wuertemberg from the Christian Democrats when that state holds elections on April 23.

That would swing the state's vote in the upper house of parliament, the Bundesrat, to the government and give it a majority there. Control of the Bundesrat would relieve the coalition of having to muster an absolute majority in the lower house, since that is required only to override the Bundesrat.

The chancellor and the key members of his government continue to insist that they have the necessary votes to adopt the treaties under any circumstances. Brandt can also be cheered by the knowledge that he has a trump card to play even if he loses the ratification vote.

Such a result would almost certainly mean new elections. Moreover, they would be elections fought over the Eastern policy to the virtual exclusion of any other issue. And while his government is highly vulnerable to voter discontent in other areas, the indications are that on this issue he has the majority of the German public behind him.

FOREIGN AID FOREVER

Mr. CHURCH. Mr. President, Mr. John Finney, of the New York Times, has written a review of the present state of foreign aid on Capitol Hill in light of efforts in the Senate to end the bilateral program. As Mr. Finney wryly observes:

> The program's resuscitation demonstrated again the political axiom that it is next to impossible to kill any existing Federal program . . . For what essentially saved the legislation were the vested Congressional interests that have developed.

I ask unanimous consent that the astute article, entitled "Foreign Aid Alive But Not Well," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, March 4, 1972]

FOREIGN AID ALIVE BUT NOT WELL

(By John W. Finney)

WASHINGTON, March 3.—In defiance of its premature death notices, the foreign aid program has risen to live at least until July, largely because Congress, for all its criticism, finds the program politically convenient.

Eight months after the start of the fiscal year, a foreign aid appropriations bill that has run a tortuous course through Congress was finally approved by the Senate yesterday. The bill fell short of Administration requests. It provides $3.1 billion in various forms of foreign aid, some of it through such international organizations as the World Bank, but most of it in the form of direct grants and loans. The total is $1.1-billion less than requested by the Administration with the heaviest cut, $900-million, coming in economic and military assistance to individual countries, which is still the heart of the program.

For the Administration, which was thrown into a state of shocked disbelief when the Senate rejected a foreign aid authorization bill last September, it was a case of better something than nothing. But the question remained whether the program, conceived 25 years ago at the start of the cold war, could long survive in its present form.

What finally emerged was a stop-gap measure that resolved few if any of the political and policy questions bedeviling the program. Nor was there any indication that either the White House or Congress was ready to settle down and reshape a program that both sides agree is in urgent need of reform.

AXIOM DEMONSTRATES ANEW

To many observers, the program's resuscitation demonstrated again the political axiom that it is next to impossible to kill any existing Federal program. However, it disproved the commonly expressed opinion that foreign aid has no political constituency on Capitol Hill. For what essentially saved the legislation were the vested Congressional interests that have developed.

The program was rescued more by these interests than by any lobbying by the White House, which only belatedly realized the legislation was in trouble.

The lobbying was left primarily to the Agency for International Development, which has never commanded much political respect in Congress. The agency undertook a sales campaign that emphasized that 95 per cent of assistance funds were spent in the United States, an argument that prompted Senator J. W. Fulbright to observe that it seemed foreign aid was being sold as a way to provide jobs at home rather than to promote economic development abroad.

Still, it was an appealing argument in Congress, where various individuals and committees have found that the program can be the basis for power and prestige as well as for political favors.

The House Foreign Affairs Committee, for example, was unwilling to let the foreign aid program die. Without it, there would have been virtually no legislative chores for the panel to perform.

CAN PLEASE CONSTITUENTS

Members of the two appropriations committees, as well as the House Foreign Affairs and Senate Foreign Relations committees, have also discovered that the foreign aid bill can be a convenient vehicle for pleasing constituents by items ranging from large military credits to Israel to small grants to American-supported schools and hospitals in foreign countries.

For example, Representative John J. Rooney, Democrat of Brooklyn, who has a large Roman Catholic population in his district, the 14th, arranged for the inclusion of $300,000 in the House bill for plans for an American hospital in Rome that would be managed by the Mother Cabrini Sisters, who also run the Columbus Hospital on East 19th Street in Manhattan.

The grant was deleted in conference, but the final bill contains $20-million for schools and hospital abroad, particularly in Israel.

Such political uses of the program have contributed to a dissillusionment voiced by Senator Mike Mansfield, who said that the program had been turned into "a grab bag of goodies." Senator Frank Church complained it had been "twisted into a parody and farce" designed "primarily to serve private business interests at the expense of the American people."

REVISIONS WERE PROPOSED

In the Senate and the Administration there seems to be a consensus that the program needs an overhaul. But nobody seems very enthusiastic about taking on the task.

Last April, the Administration did propose major revisions: separating military and economic aid, establishing a new corporation and institute to dispense development loans and assistance, and channeling more and more aid through international institutions.

The Administration proposals were in line with criticism of the Senate Foreign Relations Committee, whose members, however, have shown no interest in pressing the reforms.

The Administration, except for a passing reference in the President's foreign affairs message, has not pushed for consideration of its proposals, which are now regarded as dead letters on Capitol Hill.

In large measure, the Administration proposals died because of opposition in the House. There, neither the Foreign Affairs Committee nor the Appropriations Committee is willing to separate economic and military aid, because they feel they need military aid to gain acceptance of the unpopular economic aid by the House.

In a legislative quirk illustrating the House preoccupation with military aid, the compromise bill passed yesterday provides a $185-million more than was approved by either the House or Senate largely in military aid, at the insistence of House conferees.

As for channeling aid through international institutions, both committees are opposed because they would lose some of their control over a country-by-country program.

WHITE HOUSE DILEMMA

For the administration, this resistance increasingly presents a dilemma and a limitation as it tries to reshape foreign policy.

To carry out the Nixon doctrine, the Administration needs more military assistance to help allies defend themselves. But that runs into the objection from the Senate that the Administration is reverting to the "arsenal diplomacy" that led to such entanglements as Vietnam.

Meanwhile, as the Administration makes overtures to Peking and Moscow, it becomes increasingly difficult to use the anti-Communist pitch of the past to get a foreign aid program through Congress.

The foreign aid program appears to be in a state of transition as foreign policy changes. And that explains in large measure why the program encountered so much difficulty in a Senate that in its own manner is reappraising postwar relationships.

To many of the critics in Congress, the reform of the present program rather than the creation of a new one will follow the reshaping of foreign policy.

In the meantime, the Administration must go through the agonies of pushing still another traditional foreign aid bill through Congress for the next fiscal year beginning July 1.

ENVIRONMENTAL IMPROVEMENT IN RURAL AMERICA

Mr. BENTSEN. Mr. President, I speak today as a cosponsor of S. 2981, a bill introduced by the Senator from Georgia (Mr. Talmadge), and the Senator from Vermont (Mr. Aiken) to provide for environmental improvement in rural America.

The proposed legislation was formulated by the House Agriculture Committee under the direction of Representative Robert Poage, the distinguished chairman of the House Agriculture Committee. His distinguished career as chairman of the House Agriculture Committee has been characterized by innovative and progressive legislation dealing with the American agriculture industry and rural America.

The bill bears Mr. Poage's usual stamp of being in the best interest of all Americans, both those who live in rural and urban communities. At this date there are currently 67 Senators in cosponsorship of this bill. Seldom has any piece of legislation in the Senate ever received such overwhelming endorsement.

The bill provides amendments to the Hope-Aiken Watershed Protection and Flood Prevention Act, Public Law 566, and also amendments to the Bankhead-Jones Farm Tenant Act. Its intent is to give added flexibility to our small watershed and resource conservation and development programs, providing Federal assistance in such projects as municipal and industrial water supply, water quality management, pollution abatement and control, and other purposes directly related to rural development.

I am especially pleased, Mr. President, to be a cosponsor of the bill because this legislation confronts two of the problems that are of the utmost importance to me as a United States Senator: pollution control and rural development. Few people are aware that one of the worst sources of pollution in our streams and rivers comes from the very natural process of soil runoff. This erosion process pollutes rivers and waterways at their source and spreads this damaging effect as the river flows its natural course. This legislation would encourage cooperation between the Federal Government and State and local agencies in controlling this pollution and in providing strong maintenance control procedures. It would give new economic muscle to the Soil Conservation Service, and permit the SCS to share costs in creating municipal and industrial water supplies, in protecting our environment from soil and water pollution and in assisting rural areas to deal with the problems of solid waste disposal and fire protection.

Mr. President, this program will further assist in the development of rural America. We must turn our sights to the rural areas. There must be a conscious effort to revitalize our countryside and stop the mass exodus of people who are leaving their farms for our already overcrowded cities. One of the ways to stop this sprawling, congested, and unmanageable urbanization of our country is to offer programs which will encourage people to remain in the rural area, and encourage light industry to take advantage of the work ability of people who want work in these areas. The Federal Government can and should provide leadership in the formulation of these programs. This legislation is a step in that direction.

I ask unanimous consent that a statement on the subject be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT

TITLE I—AMENDMENTS TO THE WATERSHED PROTECTION AND FLOOD PREVENTION ACT

This title makes the following changes in the Small Watershed Program:

1. *Restoring, Improving, and Maintaining Environmental Quality*—This amendment would provide for added purposes to the Watershed Protection and Flood Prevention Act (Public Law 83–566), as amended. The proposed amendment would provide an effective means to plan and install in cooperation with public agencies and local organizations desirable measures and works that would restore, improve, and maintain the quality of the environment within the watersheds involved. It would provide a specific and purposeful response in the watershed program to the objectives and requirements of the National Environmental Policy Act of 1969. The specific purposes are described as follows:

a. *Water Quality Management*—This amendment would authorize the Secretary of Agriculture to share the cost of providing storage in watershed projects for water quality control.

This legislation is needed to encourage the reduction and control of pollutants and their adverse effects on the environment in small watershed areas. With this amendment it will be possible to provide maintenance of water quality at the farthest upstream points where pollution may occur.

Federal cost-sharing for water quality management is authorized for mainstream development under other federal programs but is not provided for under Public Law 83–566. The proposed amendment would remove this inconsistency and would permit the reduction and control of pollutants in waterways of authorized watershed projects and make possible feasible contributions to downstream water quality management.

b. *Land Utilization*—Agricultural land is being used increasingly for community livestock feedlots, grain storage facilities, livestock sales pavilions, landfills for disposal of various solid waste materials, sewage lagoons, and other uses. If well designed and properly built on suitable soils, they can be a definite asset and a desirable addition to a water disposal and land utilization system within a watershed project. Attention must also be given to possible pollution of ground water, proper drainage, and preservation of scenic values must be afforded. Financial assistance with PL-566 funds would help to assure the proper installation of these facilities.

c. *Agricultural Waste Management*—Agricultural wastes and odors often contribute to pollution of the overall environment through contamination of water supplies, streams, and land areas. Such enterprises can be detrimental to proposed development of watershed projects. Local interests may not be financially able to comply with water quality standards, if applied, and might otherwise have to go out of business. To provide for continued operation of these facilities to the benefit of the community, and not preclude development of the watershed project, PL-566 funds are needed to help finance relocation, modification, or to help with construction of sewage lagoons or other treatment facilities to take care of feedlot, barnyard, and other forms of agricultural wastes.

2. *Municipal and Industrial Water Supply*—This amendment would authorize the Secretary of Agriculture to bear up to one-half the cost of the storage of water for present use, for municipal and industrial water that may be provided in any reservoir structure constructed or modified under the provisions of Public Law 83-566.

Often the chief bottleneck to economic growth in rural communities is the lack of adequate water supply. Broadening the authority of Public Law 83-566 to provide federal cost-sharing for water supply to rural communities can have a major impact in producing economic growth, providing jobs, and developing a more comfortable and a better way of life in many town and country areas. In addition, improvement of the economy of these areas should help to reduce the migration of rural residents to already overcrowded urban areas.

Cost-sharing for municipal and industrial water in town and country areas would do more in contributing to community development than any other amendment.

3. *Use of Available Federal Funds*—Currently, Public Law 83-566 only permits the use of federal funds for acquiring land rights needed for works of improvement for public recreation or public fish and wildlife developments. Current restrictions are causing local sponsors to forfeit grants assistance under other programs for which they may be qualified to receive. The proposed amendment would permit the use of federal funds available to them under other programs that grams.

This would permit local sponsoring organizations to utilize any funds that may be available to them under other programs that might be used in the purchase of land rights.

4. *Long-Term Contracting in Watersheds*—This amendment would authorize the Secretary of Agriculture to enter into agreements for periods of not to exceed ten years with landowners and operators to share the cost of carrying out conservation plans within watershed projects. It would result in accelerated and intensified application of practices and measures to conserve and develop the soil and water resources of farms, ranches, and other lands in project areas. It would assist in bringing about orderly community and resource development.

Cost-sharing contracts between landowners and the Department of Agriculture would assure application of planned measures on a time schedule. This arrangement would accelerate establishment of needed land treatment and speed up scheduling of structural works of improvement. Similar cost-sharing agreements have already proved their effectiveness in the Great Plains Conservation Program.

TITLE II—AMENDMENTS TO THE BANKHEAD-JONES FARM TENANT ACT

Section 601 amends Section 32(e) of Title III of the Bankhead-Jones Farm Tenant Act pursuant to which the Resource Conservation and Development Program is carried out by the Secretary of Agriculture by cooperation with public agencies or local nonprofit organizations in developing and carrying out plans for land conservation and land utilization.

This amendment authorizes the Secretary of Agriculture to promote rural community development by furnishing technical and cost-sharing assistance to such public agencies and organizations in carrying out plans for rural community water supply, water quality management, the control and abatement of agriculture-related pollution, the disposal of solid wastes in rural areas, and the storage of water for rural fire protection.

The Secretary, in cooperation with such agencies, is authorized to provide for reservoir storage of water to include present and future water supply needs for rural communities.

The public agency shall pay not less than 50 percent of the cost of water storage to meet present needs and all of the cost of storage for anticipated future demands. Cost of water storage to meet future demands may not exceed 30 percent of the total cost of a reservoir structure. Such agencies and organizations must give reasonable assurance and present evidence that the water so stored will be used within a period of time that would permit repayment of its cost within the life of the structure. An interest-free period may extend up to ten years if the water stored for future use is not used during that period. Repayment with interest will begin as soon as the water is first used. Interest will begin to accrue after the 10-year period has elapsed even if the water supply is not used by that time. Full repayment must be made within the life of the structure but not to exceed 50 years from the time of initial use. The need for improving the economy and living environment of many rural communities relates directly to an abundant supply of high quality water. Scarce water storage sites used for other purposes with federal assistance can be more fully utilized in multiple-purpose resource conservation and development project plans by providing federal assistance for rural water supply storage.

This Section further authorizes the Secretary of Agriculture to provide technical and other assistance, and cost-sharing assistance for installing project measures and facilities in rural areas for:

(1) storage of water in reservoirs for water quality management;

(2) control and abatement of agriculture-related pollution; and

(3) the disposal of solid waste materials.

These project measures and facilities will improve fish and aquatic habitat, reduce biodegradation, and lessen water user costs during low stream flow periods; prevent contamination of water supplies, streams, and land areas by relocation, modification, or construction of lagoons, holding ponds, recycling irrigation systems, etc.; and provide for properly locating suitable lands for and constructing sanitary landfills to avoid groundwater pollution and health hazards to rural people.

The Section also authorizes the Secretary to furnish technical and other assistance, and to provide cost-sharing assistance for the storage of water and withdrawal appurtenances in reservoirs, farm ponds, and other impoundments for rural fire protection purposes. Such water storage facilities would provide protection for rural dwellings and buildings and natural resources including forest and rangeland. Withdrawal appurtenances would include outlet works, pumping facilities, and pipelines to convey water from reservoirs, ponds or impoundments to the nearest practicable point for delivery to fire fighting equipment.

Section 602 directs the Secretary of Agriculture to carry out a land inventory and monitoring program and to prepare a report at not less than five year intervals reflecting current soil, water and related resource conditions. The program will include surveys of erosion and sediment pollution damages, land use changes and trends, and degradations of the environment resulting from improper use of soil, water, and related resources. Such data may be used at all levels of government in land use policy planning, balancing rural-urban growth, and to assure the Nation of an adequate food and fiber supply by identifying the prime agriculture producing lands.

PENSION REFORM LEGISLATION AT TAKEOFF POINT

Mr. JAVITS. Mr. President, on February 28, 1972, the Senate Subcommittee on Labor issued its interim report on its study of the private pension plan system, which substantially endorsed all the major reforms provided in pension reform bill, S. 2, which I had introduced.

Senator WILLIAMS, chairman of the subcommittee, and I issued a joint press release that day, describing the interim report, and the press coverage and editorial support of the report has been most substantial and encouraging.

Accordingly, I ask unanimous consent that the text of the joint press release be printed in the RECORD.

I ask unanimous consent that there be printed in the RECORD at this point an editorial from Newsday, dated February 29, 1972, entitled "Just Expectations"; an editorial from the Machinist dated March 9, 1972, entitled "Your Pension"; a story from the New York Times of February 28, 1972, written by John W. Finney, entitled "Leaders of Senate Labor Panel Pledge to Press Pension Reform Bill This Year"; a story from the New York Times of February 27, 1972 written by Michael C. Jensen entitled "Reforming Pension Plans"; a column from the Journal of Commerce of February 28, 1972, written by Tom Connors, entitled "Campaign Launched for Pension Reform"; and a story from the Wall Street Journal of March 7, 1972, written by Michael K. Drapkin, entitled "False Security—Union Men, Workers Worry About Safety of their Pension Funds."

There being no objection, the items were ordered to be printed in the RECORD, as follows:

WILLIAMS AND JAVITS RELEASE PENSION STUDY; RECOMMEND SIX MAJOR REFORMS

WASHINGTON, Feb. 28.—Sen. Harrison A. Williams, Jr. (D-NJ), chairman of the Senate Committee on Labor and Public Welfare, and Sen. Jacob K. Javits (R-NY), the ranking minority member, today made public the Report of a year-long study by the Labor Subcommittee into private pension plan abuses.

Senators Williams and Javits said the Report signals the start of the legislative drive to enact private pension plans reforms in 1972. The two Senators declared:

"The Subcommittee findings demonstrate beyond reasonable doubt that the just expectations at retirement of many American workers have failed to materialize, and they are left with financial insecurity at that twilight stage of their lives. The interests of these neglected American workers and the need for their protection has never before been recognized as they are today. It is for their interests, and for those younger workers who will follow in their footsteps, that the Congress in 1972 must enact remedial and fair legislation which will protect workers through vesting, funding and reinsurance requirements. With the findings made in this study, we have reached a point where the Congress knows what is necessary to bring about reform in the private pension system of the United States."

The Report reviews the extensive and investigative efforts made by both Williams and Javits to ascertain the deficiencies and inequities of private pensions. The Report contains an exhaustive account of the private pension movement in the United States, including its historical and legal developments and the deficiencies which have plagued the workers covered by the system.

The basic findings and recommendations of the Subcommittee study are contained in a detailed 163-page document released by the Subcommittee.

Based on its findings, the Report recommends:

1. A federal law establishing minimum standards of vesting.
2. A federal law establishing systematic requirements for funding of pension plans, accompanied by a program of plan termination insurance to cover unfunded vested benefits.
3. A uniform federal standard of fiduciary responsibility.
4. A federal law requiring improved disclosure and communication of plan provisions to workers to be accomplished in part by the revision of existing disclosure requirements to more effectively secure this objective.
5. The institution under federal guidelines of a program to develop portability reciprocity among private pension plans.
6. The centralization in one agency of all existing as well as prospective regulation of private pension plans, to the maximum extent feasible.

Summary of Report of the Senate Subcommittee on Labor, Relative To Study of Private Pension and Welfare Plans

The Subcommittee on Labor has been engaged in an intensive study of the private pension plan system in the United States. This Report, implementing the Senate mandate to the Subcommittee under S. Res. 35, Sec. 4, to place "special emphasis on the need for protection of employees covered," details the Subcommittee's examination of the role and purpose of private pensions and assesses their effectiveness in assisting American workers to realize financial security upon retirement.

The 163-page document delves deeply into the aspects of private pensions. Contained in this report are accounts of the Subcommittee's studies and investigations, research into the history, philosophy, and legal background of private pension plans and scrutiny of the aspects of private pension plans which had been previously unexamined by Congressional committees. The Subcommittee believed this analytical approach to be necessary, for, as is outlined in the Report, Congress has a long history of interest in pension plan regulation, but has had little success in legislating meaningful controls. The only law which deals specifically with regulation of private pension plans is the Welfare and Pension Plans Disclosure Act of 1959, as amended in 1962, an attempt at requiring public disclosure of plan activities which was ultimately inadequate to live up to the good intentions of its supporters.

Today, nearly 100 years after the founding of the first American private pension plan, the Subcommittee finds that:

"Private pension plans and programs in the United States are an integral part of the fabric of the working lives of American men and women and are intrinsically woven into our economic and social structure. The plans represent the largest fund of virtually unregulated assets in the United States today. From available data, minimum estimates indicate that approximately $136 billion in assets are involved and that this vast reservoir of monies is accumulating at an increase of over $10 billion annually. Further, no less than 30 million workers in the United States are estimated to be participants in the private pension plan system, involving at least 34,000 private pension plans."

In order to apprise the Senate of the true dimensions of the problems of private pension plans, the Subcommittee, at hearings in July 1971, brought into the public forum the testimony of working men and women who have suffered irreparable damage to their lives because they did not receive the pension benefits to which they had believed themselves entitled. The shattered lives of these people bore testimony to the plight of retired people, who find themselves at the mercy of inadequate, unfair, and harsh pension plans. The financial security which had been promised to them became a myth.

Following these witnesses, who had never before been given a public forum for their views, were employers and plan administrators at hearings in October 1971. These witnesses covered a geographical and industrial spectrum and included some of the largest employers in our country. These hearings afforded corporate officials and plan administrators an opportunity to give their perspectives on the problems which the workers had related in the July hearings. Some employers admitted unhesitatingly that there were areas in pension plans in which the Federal Government should undertake an active regulatory role to achieve correction. Representatives of a major bank, for example, said, "Our pension plan was in need of improvement. Our management was very receptive to that need. In fact, it was a mandate from our management that we do so."

The hearings also raised the issue of communication between employer and employee as to the rights and responsibilities of plan participants. The Report details the Subcommittee's attempts to relieve this communication gap. Staff members conferred with Department of Labor personnel to explore the possibility of the Secretary using his powers under the WPPDA to rule that employers must take the initiative in communicating such details to employees, and not, as had been the practice, merely to make plan information available to them on request. Just before this Report went to press, the Secretary of Labor announced that such regulations had been promulgated.

A major result of the Subcommittee inquiry to date has been the confirmation through research of the total fragmentation of federal responsibility for private pension plans. This Report contains an analysis of the nature and extent of every department or agency whose work in some way touches on private pension plans. While the major department having influence is Labor, under the authority of at least seven major laws, there are eight other executive agencies with peripheral authority. And yet, true federal regulation of private plans, except in the event of criminal action, is confined mainly to supervision of the reporting requirements of the WPPDA and tax qualifications of plans under the Internal Revenue Code.

The problems of the private pension system can be summed up as hardships visited upon working people as the result of the lack of adequate regulatory controls over the operations of the system. The Subcommittee finds that these hardships are caused by:

Inadequate or nonexistent vesting.

Inadequate or nonexistent funding.

Impossibility of transferring earned credits from one job to another.

Lack of reinsurance in the event of plan termination.

Lack of federal fiduciary standards.

Lack of consolidated and efficient enforcement.

The Subcommittee's findings present a fresh mandate to Congress. While pension rights and obligations historically have been basically matters of contractual liability, the Report suggests that Congress must not ignore the need to find solutions to the problems which surfaced during the study. The Report notes that for those in need, only Congress can help.

Based on these findings are recommendations for legislative action and recommendations for further study. The Subcommittee recognizes that many of the problems with private pension plans are sufficiently well defined for legislative action now.

The Report recommends prompt enactment of a federal law establishing minimum standards of vesting, funding and reinsurance, a uniform federal standard of fiduciary responsibility, and a federal law covering communication of plan provisions to workers. It also recommends federal guidelines for a program to develop portability and reciprocity among private pension plans, and the centralization in one agency of all existing as well as prospective regulation of private pension plans.

Further study is needed, the Subcommittee finds, in the areas of costs and administration, and in assessing the effects of certain types of plan terminations. Also, the wealth of material in the Subcommittee's survey and analysis of 1431 private pension plans remains to be fully tapped, and this fund of previously uncollected information will continue to be developed as a valuable source for in-depth study.

The major thrust of this Report remains the concern for the quality of life of retired working people. In the words of the report:

"There can be no compromise with the obligation that working men and women have a right to live their retirement years, not only with human dignity, but with freedom from financial insecurity. American labor must have the knowledge that it will be free from economic uncertainties in retirement years if it is to be capable of optimum productivity to assure our industrial capacity. Similarly, industry must be assured of a flexible and mobile labor force, which results when employees have no uncertainty about retirement income. If, however, the viability of these two goals becomes frustrated, government has no choice but to compel reform to serve both ends."

[From Newsday, Feb. 29, 1972]

Just Expectations

Despite attempts to characterize the later years of life as a "golden age" and persons over 65 as "senior citizens," old people in this country face difficult problems that will not be dismissed by any amount of sloganeering.

The problems are sufficient enough, in fact, to have drawn the attention of Ralph Nader, the consumer advocate who is moving into broader areas of social concern.

Nader is forming an action group composed of retired professionals to seek "constructive social changes" and concentrate on the troubles confronting Americans of advanced age. Not only will the group work for solutions to problems in housing, medical care and nursing home quality, but it also will tap the resources of elderly citizens who might otherwise have been forgotten in this youth-oriented society.

Among the targets on Nader's list is the matter of pensions. And, to be sure, much improvement is necessary in this area so vital to the peace of mind and physical well-being of retired persons.

A Senate subcommittee has produced concrete evidence of the major flaw in most private pension plans: The workers rarely get the money. One sampling by the subcommittee showed that of 36 plans covering 2,900,000 workers, only eight per cent of the employees have received benefits since 1950.

Evidence showed, the subcommittee said, "that the just expectations at retirement of many American workers have failed to materialize and they are left with financial insecurity at that twilight state of their lives."

A primary reason for the low collection ratio is that America's work force is extraordinarily mobile and employees often leave one job for another before collecting pension benefits. Or, in many other cases, workers simply retire before they are eligible for pension payments.

Now Democratic and Republican leaders in the Senate—particularly Sen. Jacob Javits (R-N.Y.) and Harrison Williams (D-N.J.)—are working for pension reform legislation, not only to safeguard workers, but the pension funds themselves. The subcommittee report noted that pension money represents "the largest fund of virtually unregulated assets in the United States today." It has been estimated that private pension plans have assets of approximately $135 billion.

Central to any pension legislation would be establishment of vesting rights—that is, the right of a worker to obtain a portion of his pension when leaving a job—and a "portability" provision that would allow an employee to transfer his vested pension funds from job to job. Also recommended by the subcommittee is creation of federal standards of fiduciary responsibility to guard against misuse of pension funds.

Last year, Javits introduced legislation incorporating many of these ideas. Now the subcommittee, in essence, has endorsed the senator's proposal. Congress must act to pass the Javits bill in this session and protect millions of Americans from what may be the real curse of old age in this country—the threat of poverty.

[From the Machinist, Mar. 9, 1972]

Your Pension

Hats off to Senate Subcommittee on Labor for a useful study of private pension plans. Like most trade unions, the IAM has struggled for years to negotiate sounder, more reliable pension programs for union members.

Progress has been slow and, at best, spotty. We are proud of the IAM Labor-Management Pension Plan. It is soundly funded. Those working under the plan have vested rights to their pension after 10 years and it is more portable than almost any other pension plan anywhere.

As the Senators discovered, unless guarantees are written into union agreements, pension plans can be fraudulent deceptions. Even some union-negotiated plans leave much to be desired.

The Senate study—made public by Sen. Harrison Williams of New Jersey and Sen. Jacob Javits of New York—showed that union members have long known that many employees never get a cent from private pension plans. To qualify under most plans you have to work for the same employer for 15 years, sometimes longer, and you have to be working for that employer when you reach retirement age.

If the Senate study is accurate, under some plans only about 3% of the employees covered will ever see a pension check. The Senators found that under these plans about 70% will forfeit their pension rights because they will change jobs, on the average, every six or seven years. Still others lose out on their pensions because their plants are closed or sold or their plants go broke through mismanagement or misfortune.

So far, the only law specifically regulating private pension plans is the Welfare and Pension Disclosure Act of 1959, amended once in 1962. It was supposed to require each pension plan to make public disclosure of its activities. Part of the pension problem is that many workers have difficulty finding out the terms and conditions of their own pension plan.

PROPOSED SAFEGUARDS

The Senators' solution to pension problems is "adequate regulatory controls." They propose new laws to permit one government agency to regulate private plans in these areas:

VESTING

By establishing minimum standards giving employees permanent pension credits after 10 or 15 years of service with one employer or under one plan.

FUNDING

By establishing minimum standards for financing pension plans, requiring each employer to put aside regularly enough money which, if properly invested, will be enough to pay the pension.

FIDUCIARY RESPONSIBILITY

By establishing federal standards for the sound investment of pension funds.

INSURANCE

By requiring insurance of pension funds just as bank accounts and security transactions are now insured.

PORTABILITY

By developing guidelines for portability and reciprocity so that an employee can carry his pension credits with him when he moves to another job.

What the Senators propose will raise pension costs all around. They justify the added costs on two grounds:

Working men and women have a right to financial security in their old age. Only when they know they will be free from want after they retire can they give the maximum effort on the job that is expected.

Industry needs a mobile workforce that is possible only when employees can move around without losing their pensions.

Unless both of these goals are achievable, the Senators concluded, "government has no choice but to compel reform to serve both ends."

[From the New York Times, Feb. 28, 1972]

Leaders of Senate Labor Panel Pledge To Press Pension Reform

(By John W. Finney)

Washington, February 27.—The Democratic leaders of the Senate Committee on Labor and Public Welfare committed themselves today to enactment this year of pension reform legislation designed to guarantee and broaden retirement benefits for workers.

One of the principal and potentially most far-reaching features of the proposed legislation would be to guarantee certain pension rights to a worker even if he left a concern before reaching the age of retirement.

In a joint statement, Senator Harrison A. Williams Jr., Democrat of New Jersey, and Senator Jacob K. Javits of New York, the chairman and ranking Republican of the committee, said it had become evident that private pension plans were subject to financial abuses and were failing in many cases to fulfill the retirement expectations of employes.

They issued their statement in making public a report by the labor subcommittee on a year-long study of the private pension system that has expanded since World War II into a multi-billion-dollar program covering more than 30 million workers.

PROBLEM OF INSECURITY

The subcommittee findings, they said, "demonstrate beyond reasonable doubt that that the just expectations at retirement of many American workers have failed to materialize and they are left with financial insecurity at that twilight stage of their lives."

As a result, they said, it has become apparent that Congress "must enact remedial and fair legislation that will protect workers."

Their statement signaled the start of a major effort by the Senate committee to enact pension reform legislation during this session of the Congress.

In effect, the committee will be bypassing the Administration, which arranged for its own pension reform bill to be referred to the House Ways and Means Committee and the Senate Finance Committee, neither of which has any intention of considering the legislation this year.

The chances of enacting a major pension reform bill this year were described by Senator Javits as "fairly good."

With the bipartisan support of the Senate Committee on Labor and Public Welfare, such legislation is likely to be enacted by the Senate this session.

The difficulties will probably develop in the House, where a labor subcommittee is divided, with Representative John H. Dent of Pennsylvania, the subcommittee chairman, favoring legislation, and Representative John N. Erlenborn of Illinois, the ranking Republican, opposed.

As analyzed by Senate advocates of pension reform, the active support and lobby of organized labor may prove crucial in pushing the legislation through the house.

The American Federation of Labor and Congress of Industrial Organizations has endorsed pension reform in principle but is somewhat divided over the legislation.

The traditional craft unions, such as in the building trades, have raised objections to Federal regulations of the pension plans they have established with groups of employers, while the industrial unions, such as in steel, automobile and textiles, strongly support the legislation that is emerging from the Senate committee.

In the statement, Senator Williams—for the first time—endorsed the major objective of a pension reform bill that Senator Javits introduced last year.

The expectation is that Senator Williams will introduce his own bill next month which Senator Javits will probably then cosponsor, thus assuring that the legislation will be approved by the committee and sent to the Senate floor for action.

In emphasizing the need for Federal reform in regulation of the pension system, the subcommittee report said that private pension plans had become "an integral part of the fabric of the working lives of American men and women and are intrinsically woven into our economic and social structure." In addition, it noted, pensions represent "the largest fund of virtually unregulated assets in the United States today."

The subcommittee estimated that private pension plans have approximately $135-billion in assets and investments and that this amount is growing by $10-billion annually. At least 30 million workers were said to be participating in some 34,000 private pension plans, most of them financed solely by contributions from employers.

DRAWBACK IS CITED

One of the drawbacks of the present system, the subcommittee found, is that only a small percentage of the workers covered by pension plans ever receive benefits because they leave an employer or are discharged before reaching retirement age.

Out of a sampling of 36 pension plans covering 2.9 million workers, for example, the subcommittee found that, since 1950, 8 per cent of the workers eventually received pension benefits.

To meet the problem, which it noted is directly related to the mobility of the work force, the subcommittee recommended legislation requiring what are known as vesting rights in pension plans.

Under vesting, a worker, after a certain number of years of service, obtains a right to some percentage of the pension even if he leaves an employer—and thus his pension plan—before reaching retirement age.

Vesting has generally been opposed by employer groups on the grounds that it would greatly increase the cost of pension plans and reduce their flexibility and attractiveness.

[From the New York Times, Feb. 27, 1972]

REFORMING PENSION PLANS

(By Michael C. Jensen)

The Senate Labor subcommittee is expected to call tomorrow for widespread and dramatic legislative reform of the nation's private pension system.

In a 163-page report on private pensions, the subcommittee is expected to recommend a Federal law setting strict requirements for adequate funding of private pension systems. It also will ask for a plan of termination insurance designed to protect employes from losing future pension benefits.

Funding refers to the accumulation of sufficient assets in a pension plan to assure payment of benefits due.

The recommendations of the subcommittee, chaired by Senator Harrison A. Williams Jr., Democrat of New Jersey, go far beyond the proposals of the Nixon Administration. Last December the President urged Congress to adopt a form of vesting, that is guaranteeing a future right to pension benefits, but stopped short of asking for funding standards and termination insurance.

Funding and insurance legislation have been resisted by many of the corporations, actuaries and consultants who comprise the private pension fund industry, party because of high costs.

A series of Congressional hearings conducted last year revealed, however, that in some instances workers were being denied pensions because the plans run by their employers were inadequately funded or were terminated in midstream.

In addition to the recommendations on funding and insurance, the subcommittee, which is a unit of the Senate Committee on Labor and Public Welfare, is expected to urge laws establishing minimum standards of vesting, a uniform standard of fiduciary responsibility and a Federal law requiring improved disclosure and communication of private pension plan provisions.

It also is expected to ask for centralization in one agency of all regulation of private pension plans and the creation of a program to develop portability and reciprocity among private pension plans.

There is little controversy over plans for increased disclosure or fiduciary standards, but a major fight is expected over the funding and insurance proposals.

About $135-billion in assets are controlled by private pension plans, with an estimated 30 million Americans presently covered. About 75 per cent of the 34,000 existing plans are funded entirely by employers. In many cases workers accept pension contributions instead of pay increases and consider them a right rather than a privilege.

A number of typical problems have recently been identified by the subcommittee, which cites the following examples:

A large steel mill maintains a pension plan with assets of $19.5-million, but with accrued vested liabilities of more than $66-million. If the plan was terminated, less than one-third of accrued vested benefits could be paid with available assets.

A nationwide department store has a pension plan that contains no early vesting provision for its employes. Under the terms of the plan, any of the company's thousands of workers who ended their employment before they reached the age of 50 would forfeit all pension benefits, regardless of how many years they had worked for the concern.

Pension reformers concede that cases like these are becoming increasingly rare and that voluntary improvements are being made, but they contend, nonetheless, that there are enough exceptions to justify legislation.

Ten bills are pending in Congress, some covering only two or three minor aspects of pension reform and others of an omnibus nature. One of the most comprehensive and best publicized is a bill proposed by Senator Jacob K. Javits, Republican of New York, who serves with Senator Williams on the Labor subcommittee.

The report scheduled to be issued tomorrow is a major new bipartisan step forward, however, and combines many of the strict measures previously proposed.

The subcommittee also is expected to report tomorrow a number of conclusions that it reached after conducting a series of statistical studies and hearings last year.

For example, it has concluded that some of the major deficiencies in the present private pension system are:

Inadequate accumulation of assets in pension funds to meet obligations and payments to employes.

Inadequate or nonexisting vesting provisions, which in some cases result in denial of retirement benefits to employes who have worked many years for their employer before being terminated.

Cases where employers must terminate their pension plan through circumstances beyond their control, but are not able to pay benefits because the plan is not fully funded.

Abuses and unsound practices by fiduciaries and employers in the administration and operation of the funds that jeopardize the security of the assets.

Some pension experts, like Jean M. Linberg, senior vice president of the Chase Manhattan Bank, feel the legislative road for pension reform is slightly dimmer now than it was several months ago following the rash of publicity attending Congressional hearings.

Mr. Linberg said it seemed unlikely that any pension legislation would pass before summer, but said some regulations governing vesting and fiduciary responsibility could pass by fall. Reformers, however, said the upcoming subcommittee report and new legislation by Senator Williams should rekindle interest.

Like many other bankers, consultants and actuaries, Mr. Linberg said he did not favor legislation requiring insurance, but approved of some sort of vesting plan. One form of vesting he finds acceptable is the Administration's proposed "Rule of 50," which guarantees pension benefits to any employe whose age and years of service add up to 50.

William A. Dreher, a consulting actuary with his own firm of William A. Dreher & Associates, Inc., thought prospects for passage this year of legislation requiring fiduciary standards and vesting, but probably not insurance and funding, were fairly good.

"Health care is still very explosive," he said, "and there isn't a consensus on it, so if something is needed in the social area for political reasons, it just might be pension reform."

Mr. Dreher asserted, however, that he thought more attention should be paid to a combination of pensions, profit sharing and thrift plans, rather than simplicity to pension reform.

In addition to recommending pension legislation, the subcommittee is also expected to ask for further study of the cost factors affecting employers under its legislative proposals. It also is concerned over the degree to which its recommendations might inflict excessive administrative burdens on particular plans and industries.

The recommendations in the subcommittee report are expected to be included in legislation to be submitted by Senator Williams next month.

[From the Journal of Commerce, Feb. 28, 1972]

REPORT PUBLISHED: CAMPAIGN LAUNCHED FOR PENSION REFORM

(By Tom Connors)

WASHINGTON, February 27.—The chairman and the senior Senate Labor Committee Republican today formally signalled the start of their campaign for pension reform this year with the publication of a study report outlining basic legislative proposals.

The proposals include vesting, funding and reinsurance requirements and other reforms for private pensions supported by Chairman Harrison Williams, D-N.J., and Sen. Jacob Javits, R-N.Y.

They will serve as the basis for a Williams bill, which is very likely to carry the cosponsorship of Sen. Javits, and probably that of a substantial number of other Labor Committee members.

NO DISSENTING VIEWS

There were no dissenting views in the report released today by the labor subcommittee which undertook the study of the pension picture last year. The additional statements by individual members generally were very favorable to the idea of reform legislation this year, and to the specific reforms proposed.

Committee aides said the chairman's bill would be ready for hearings in March or April and they were very hopeful about the chances for Senate passage.

Final action by Congress this year will also hinge on the administration and the House, where both similar and different reforms are under consideration, and on the amount of time available in this election-year session.

In releasing the study report, Sens. Williams and Javits, who also head the labor subcommittee, declared jointly that the report's findings "demonstrate beyond reasonable doubt that the just expectations at retirement of many American workers have failed to materialize, and they are left with financial insecurity at that twilight stage of their lives."

REMEDIAL LEGISLATION

For this reason, "Congress in 1972 must enact remedial and fair legislation which will protect workers through vesting, funding and reinsurance requirements.

"With the findings made in this study, we have reached a point where the Congress knows what is necessary to bring about reform in the private pension system of the U.S." the two senators said.

RECOMMENDED REFORMS

The report makes the following legislative recommendations for reform of the private pension plan system in the U.S. which it estimates now covers 30 million workers under at least 35,000 private plans with assets of $135 billion that are growing by $10 billion a year:

1. Minimum federal vesting standards.
2. Systematic federal requirements for funding of pension plans, accompanied by a program of plan termination insurance to cover unfunded vested benefits.
3. A uniform federal standard of fiduciary responsibility.
4. Federal requirements for improved disclosure and communication of plan provisions to works to be accomplished in part by the revision of existing disclosure requirements.
5. Institution under federal guidelines of a program to develop portability and reciprocity among private pension plans.
6. As much centralization as possible, in a single federal agency, of all existing as well as prospective regulation of private plans.

The report while offering such prescriptions for the hardships it sees arising vesting, funding and other shortcomings of existing plans, says these recommendations are "no panacea for all the ills that currently beset private pension plans."

To address other problems and also to help this year's legislative effort, the report accordingly proposes further study of:

1. Cost factors affecting employers and others, under the recommendations above.
2. The degrees to which the recommendations might "inflict excessive administrative or other burdens" on particular plans or industries.
3. The extent and impact of plan terminations, and particularly the impact upon employes, to parallel the administration study in this area.

[From the Wall Street Journal, Mar. 7, 1972]

FALSE SECURITY: UNION MEN, WORKERS WORRY ABOUT SAFETY OF THEIR PENSION FUNDS—CRITICS ASSERT SOME FIRMS RISK EMPLOYES' BENEFITS FOR THEIR CORPORATE USE: PROPOSALS FROM SENATOR JAVITS

(By Michael K. Drapkin)

Item: A financially ailing company tries to borrow $1.25 million from a subsidiary's pension pool for use as operating capital.

Item: Another company has a policy of investing more than half its pension fund's assets in the company's own common stock and in the real estate of a company subsidiary.

Item: Yet another firm routinely dips into its pension funds for cash to make acquisitions.

Item: A retailer uses its profit-sharing fund as a "bank" to make mortgage loans to companies in which the retailer's top officers hold interests.

Does *your* company put its own interests ahead of the interests of its pension-fund beneficiaries, sometimes at considerable risk to these beneficiaries? Probably not. Observers say many, if not most, corporate pension funds are carefully managed and conservatively invested. Nevertheless, the question of pension safety is currently nagging numerous union officials, congressional investigators and government experts.

"It's not a question of illegal acts," says Gilbert Feldman, an attorney for the United Steelworkers in Chicago. Mr. Feldman, who has recently been involved in one tangled pension case, adds: "It's a question of the sly manipulation of trust money by those who have the investment authority."

Such alleged manipulation, critics contend, points up the lack of real controls over the investment of pension-fund money. Certainly, a sizable amount of money is involved: The nation's private pension plans currently control an estimated $130 billion of assets, and it's estimated that this total will swell to $214 billion by 1980.

MINIMUM STANDARDS

In order to institute further controls over the investment of pension-fund money, Sen. Jacob Javits (R., N.Y.) has introduced a bill to set certain minimum standards for the funding of pensions and the vesting of benefits. The Javits bill, which would require that a sufficient amount of money be set aside to cover promised benefits, would also set up a federal program to insure pensions; it would further establish machinery to provide workers with "portable" pensions that couldn't be negated in the case of a job switch.

The portability of pensions under the Javits bill would depend on whether enough employers voluntarily agreed to such a program. On a nonvoluntary basis, however, the bill would set rules of conduct pertaining to "fiduciary responsibility" for those officials who administer the funds. Such rules would sharply restrict pension trustees' freedom to involve fund money in transactions related to the parent company.

Sen. Javits' proposed legislation is pending in the Senate Labor Subcommittee, and its fate is uncertain. The Senator, meanwhile, argues that the absence of pension controls permits money meant for retirement benefits to find its way into sometimes-risky situations or into uses that primarily further corporate aims.

PROBLEM OF UNDERFUNDING

Besides risky investments, a major problem of pension-fund administration is underfunding. Many companies have huge unfunded pension liabilities—millions of dollars worth of pension credits accrued by employes for which little or no money has been set aside.

Among such concerns is Western Union Telegraph Co. (principal subsidiary of Western Union Corp.), which has $365 million in unfunded liabilities covered by only $50 million in fund assets. The company, however, says this disparity would present a problem only in the event of termination of the pension plan, such as might occur if Western Union went out of business.

According to Gerald P. Kent, Western Union Telegraph's vice president-employe relations, the gradual covering of the company's unfunded liabilities over a 40-year period (as has been suggested to Sen. Javits by the accounting profession) would cost Western Union $3.8 million a year. Mr. Kent adds that the company's current practice is to set aside a sufficient amount of money to cover annual pension costs and to pay into the fund an amount of interest equal to the amount the unfunded liabilities would have earned. Western Union management, Mr. Kent says, can better use $3.8 million annually to "strengthen the company"—and thereby to prevent its termination—rather than to lighten its liability load.

TEMPTING POOLS OF MONEY

Fully funded or not, pension funds can be tempting pools of money for companies strapped for cash. A recent case in point involved the $15 million pension fund of Kokomo, Ind.'s Continental Steel Corp., which came under the control of Penn-Dixie Cement Corp. in early 1969.

About a year after it acquired control of Continental Steel, Penn-Dixie came under severe financial pressure. Earnings in 1970 had plunged 89% from a year earlier, and a half-million-dollar loss loomed in the 1971 first quarter. Cash dividends had been suspended for nearly a year. More than $7 million in short-term bank debt was coming due in September.

In January 1971, Continental Steel asked Continental Illinois National Bank & Trust Co., the trustee of Continental Steel's pension fund, to consider a short-term working capital loan, amounting to $1.25 million, to Penn-Dixie from the fund. The request was denied. Less than a month later, the Continental Steel Investment Council, whose members were Jerome Castle, chairman and president of Penn-Dixie, and two associates, directed the bank to make the loan. The bank refused.

But Penn-Dixie was persistent. It then proposed to amend the trust agreement between the steel company and the bank to provide that three individuals could be named fund trustees—thereby abrogating the requirement that only a bank or trust-company employe could be appointed. The proposed amendment, which required Continental Bank approval, further stated that trustees "are authorized from time to time to invest and reinvest the fund in any property of any kind without regard for any law prescribing or limiting the investment powers of fiduciaries."

Continental Bank balked. And two months later, the bank was notified by Continental Steel of its removal as trustee. Meanwhile, the United Steelworkers union got wind of the steel company's proposals and filed suit in a Cook County's circuit court to block the switch and the loan.

Officials of both Penn-Dixie and Continental refuse to discuss their various negotiations. However, testimony last year at a court hearing on the union's suit showed that Penn-Dixie needed the fund's money. At the time of the loan request, Penn-Dixie was in technical default on some of its loans, and bank officials doubted that the company could internally generate sufficient cash to meet its debt-service requirements. John I. Finnerty, the bank's trust officer, said he sought a guarantee from Penn-Dixie's Mr. Castle (who is also chairman of Continental Steel) that Penn-Dixie would seek outside financing before the bank would consider a loan to the fund. According to Mr. Finnerty's testimony, Mr. Castle couldn't give such a guarantee.

"He (Mr. Castle) said that certainly, or words to that effect, that if he could not obtain the money from outside sources, that he could use various pension funds as a source for that money," Mr. Finnerty testified.

Matters still aren't completely settled. On Sept. 1, the Steelworkers union at Continental Steel began a strike that was largely the result of the pension dispute. The walkout, which lasted 44 days, ended with an agreement that the trustee of the pension had to be a bank or savings institution with assets of more than $300 million and that no investment transactions involving the fund could be made with any company in which Mr. Castle or Penn-Dixie held an interest. Amalgamated Savings & Trust Co. of Chicago currently holds the funds. (Penn-Dixie paid off its bank debts by extensively mortgaging much of its property and by selling one of its plants; the working capital loan that had been requested from the Continental Fund was obtained from Allis-Chalmers Corp., and Penn-Dixie said this loan has been repaid in full.)

AN SEC SUIT

In another suit involving the use of pension funds, the Securities and Exchange Commission has charged three related companies and certain of their officials with violations of the Securities Exchange Act of 1934. The defendants are Sharon Steel Corp.; NVF Corp., which took over Sharon in 1969; Victor Posner, chairman of both companies; Bernard Krakower, an associate of Mr. Posner; and Wilbur T. Blair, a former Sharon official.

According to the SEC suit, the exchange act was violated in that the defendants used money from two Sharon pension funds to buy securities in other ventures in which Mr. Posner had an interest and that the fund money was used to meet corporate obligations of companies in which Mr. Posner held an interest (specifically the takeover of Sharon Steel by NVF). The SEC further said that its regulations were violated in that the defendants failed to report in a proper manner their use of the funds.

The defendants deny any impropriety. Mr. Krakower, for example, says every move was above board. Although the SEC has charged that Mr. Posner in April 1969 removed the Sharon Steel pension funds from the trusteeship of Union National Bank of Pittsburgh because that bank declined to take investment directions to buy NVF and DWG securities, Mr. Krakower says the bank was dropped because Sharon was dissatisfied with its performance as trustee. Furthermore, he adds that investments from Sharon's funds in the "affiliated companies" amounted to "probably under 10% of all fund transactions" and earned about 9.6% on an annual basis.

The SEC suit involving the Sharon fund is still pending, but discussions are currently under way toward a settlement in which Mr. Posner and his associates would relinquish control of the Sharon pension money. No criminal charges are involved.

The vulnerability of fund money, is of course, a major concern of Sen. Javits and those backing his bill. Of particular concern is the fact that pension funds are often invested by a company in the company itself or in its subsidiaries—thereby directly tying the fund to the fortunes of the corporation.

A case in point involves Genesco Inc., the Nashville-based shoe and clothing concern. Of Genesco's $80 million in retirement-fund assets, $15 million is invested in Genesco common stock, and another $32 million is invested in the real estate of a Genesco subsidiary.

As far as retirement benefits are concerned, Sen. Javits says, pension-fund investments such as those of Genesco "put the employee at the hazard of the solvency or insolvency of the employer." Genesco, however, defends its investments—particularly a 1964 investment in the real estate of H. R. Kress & Co., then a Genesco subsidiary. The Kress investment was "as fine an asset as anyone could get his hands on," says J. G. De Lacey, vice president and secretary of Genesco. Genesco's pension fund, Mr. De Lacey adds, profited handsomely on the transaction.

SUBSTANTIAL PROFITS

Even critics of current pension systems don't argue that funds can't earn substantial profits from intracorporate investments. They do contend, however, that the principal efforts of fund trustees should be directed entirely toward protecting the future welfare of intended beneficiaries—rather than the current enrichment of a corporation or its officers.

Such critics are particularly concerned by a recent situation involving an employes' profit-sharing fund administered by Winn-Dixie Inc., a Jacksonville, Fla., retail food chain. Winn-Dixie operates the fund in lieu of a fixed-benefit retirement system; under its system, the amount of employer contributions is determined by company profits. But Senate investigators say the company was involved in a conflict of interests when it allowed the fund to provide mortgage financing to real estate companies that were owned wholly or in part by four of Winn-Dixie's top executives.

"All of it was quite legal and quite proper," says a staff lawyer for the Labor Subcommittee. "But the fund can be said to have benefited others than for whom it was primarily intended."

The Winn-Dixie situation began in the early 1960s and involved the leasing to the company of retail stores bearing the Winn-Dixie name but owned by separate real estate companies. At the time the mortgage loans were made, a half-dozen Winn-Dixie executives or directors were the sole owners or part owners of the real estate concerns. The real estate companies built stores; they then obtained mortgaged financing from the profit-sharing fund, which earns interest on the money it lent.

The mortgages will be paid off by rentals from Winn-Dixie to the real estate companies. However, the committee maintains that the major beneficiaries are the real estate companies, since, at the end of the mortgage period, these companies—rather than the profit-sharing funds—will own the stores and can sell them for a capital gain.

Winn-Dixie defends its actions. James Cameron, fund vice chairman, says such financing is a valid means of obtaining "a balanced portfolio" of its total investments. (About $960,000, or 1.4% of the fund's assets, are in the real estate mortgages.) "We can't see any conflict of interest," Mr. Cameron says, adding that the mortgages were "commercially acceptable" and would have been taken on by any lending institution.

Senate staffers don't dispute the fact that the fund profited by the investments, but an attorney on the Labor Subcommittee staff argues that such use of fund money "violates the general concept of trust," and points up the "weakness of legislation" regulating fund investments. He adds: "Just because corporate people know about (the availability) of pension funds doesn't mean they should be able to use them to their advantage—even though the fund benefits—when a suitable investment opportunity arises."

STUDENTS SEE GOVERNMENT IN ACTION

Mr. CHURCH. Mr. President, much is said about the need to make young people feel a part of their government, but often nothing is done to aid them in understanding the legislative and political process. This morning I should like to acknowledge the efforts of two young history teachers, Mr. Leon Busche and Mr. Gary Clarke, of Thomas Pyle Junior High School in Bethesda, Md. They have put much of their personal time and energy into making arrangements for these field trips to the Capitol.

Their students will, in 2 or 3 years, vote and begin to take an active role in self-government. Here today they are attending committee hearings, visiting Senators' offices, observing both the Senate and the House in session, touring the Capitol and interviewing Members of Congress. While on Capitol Hill they will also visit the Supreme Court and the Library of Congress.

These two teachers should be highly commended for the initiative they have shown in giving their students an opportunity to see Congress in action.

THIS GOOD LAND

Mr. HANSEN. Mr. President, our country is just now beginning what will be a yearlong celebration of the anniversary of our great national park system.

Yellowstone National Park, the first and perhaps the best known, national park—in my State of Wyoming—marks its 100th year this summer. The U.S. Department of Interior held its national parks centennial banquet last week on March 1 at the Shoreham Hotel here in Washington, D.C.

It was my privilege to be a part of this fine banquet which attracted more than 1,200 people from throughout the United States. I had the pleasure of introducing the Secretary of Interior, Rogers C. B. Morton, at the banquet.

Mr. President, to my mind, one of the highlights of that fine evening—which honored all of our national parks but in general gave real distinction to the State of Wyoming's Yellowstone National Park in particular—was the invocation offered by the Reverend Edward L. R. Elson, S.T.D., Chaplain of the U.S. Senate.

So, as we begin the celebration of the centennial of our fine national parks system and we focus worldwide attention on the vitality and this excellence of this recreational system, I am pleased to have this means to call Reverend Elson's invocation to the attention of my colleagues.

Mr. President, I ask unanimous consent that the invocation be printed in the Record.

There being no objection, the invocation was ordered to be printed in the Record, as follows:

INVOCATION

(Centennial Banquet, 100th Anniversary, Yellowstone Park, the first National Park, National Park Servcie, U.S. Department of the Interior, Shoreham Hotel, Washington, March 1, 1972).

God of our fathers and our God who has made and preserved us a nation, we thank Thee for this good land which Thou hast given us for our heritage. We thank Thee especially for the beauty, the wonder and the mystery of the natural world Thou hast granted us for our home. From the pine-clad hills of New England to the palm-lined roads of Florida, from the sun-kissed groves of California to the timbered ridges of the Northwest, and from sea to shining sea, we thank Thee.

For majestic mountains, lush meadows, rolling hills, cool springs, torrid deserts, for swift flowing rivers and cascading streams, we thank Thee. For the music of nature—the lyric notes of the birds, the lament of animals, the rustle of bushes, the sighing song of bending trees—the ripple of the rill—for the glory of springtime and the pastel patterns of the fall—for the pure white of winter—for this our abode we give Thee thanks. Help us now to cherish Thy gift and preserve it in its purity for all posterity.

Give us souls to sing from the depths:

"I love Thy rocks and rills
Thy woods and templed hills
My heart with rapture thrills
Like that above."

Give wisdom and strength to all whose service is to preserve and tend Thy good gift of nature. Amen.

FEDERAL IMPACT AID PROGRAMS

Mr. CRANSTON. Mr. President, on January 28 I asked the Office of Education to prepare tables comparing fiscal 1972 expenditures for Federal impact aid programs, under Public Law 874, with estimated allotments, under the President's budget, for fiscal 1973. This material was transmitted to the Congress and received in my office on March 8.

I believe we should give this information very careful consideration. The memorandum accompanying these tables admits a reduction of $177.5 million for Public Law 874 nationally. This cut in a key Federal formula program for aid to America's schools comes at a time when no school can afford a reduction in Federal financial assistance.

For the benefit of Senators, I ask unanimous consent that the Office of Education's memorandum on the substance and rationale for these cuts be printed in the Record. I also ask that the district-by-district tables for my own State of California be printed.

There being no objection, the items were ordered to be printed in the Record, as follows:

OFFICE OF EDUCATION

The President's budget for 1973 proposes a revised method of distributing Impacted Area Aid funds under existing legislation. The budget requests $415 million for 1973 compared with $592.6 million appropriated in 1972. While this is a reduction of $177.6 million, the distribution planned would return this program to the original intent of the legislation.

Initially this program was created to provide financial assistance to school districts heavily impacted by children associated with Federal government operations, primarily military. Gradually, over the past twenty years, the concept of providing funds to offset the loss of tax revenue in districts heavily impacted by the military has eroded and has developed into a situation where heavily impacted school districts constitute less than half of the districts receiving aid under the program. Moreover, increasing amounts of money are being provided for the children of Federal employees who reside in the "impacted" school districts and who contribute to the financing of the school systems through the local taxing system, just as do their neighbors who do not work for the Federal government.

The 1973 budget proposal attempts to return the program to its original emphasis and will provide 100 percent of entitlement for military dependents and Indian children whose parents work or reside on Federal property. The budget also provides a hardship provision to ensure that no impacted district in 1973 receives less than 95 percent of their 1972 total school budget as a result of the reduction in impacted area aid.

Actual data on the number, composition (military, Indian, civilian), and per pupil expenditures for the 1973 school year will not be available until after the 1973 school year is completed. Information on 1972 is now being collected from applications submitted by each impacted school district. Therefore, it is not possible at this time to develop a reliable estimate of each school district's payment for 1972 or 1973.

However, to illustrate how the budget will affect each school district, the Office of Education compiled actual data for 1971 and then applied to this data the method of payment currently in effect for 1972 and the proposed method of payment for 1973. This is essentially the information contained in the attached report. The 1971 data on which both payment plans are based were obtained from the local school districts' applications in 1971 and from additional information on children of Uniformed Services personnel for each school district supplied to the Office of Education from State departments of education. Reports were received from all jurisdictions except Massachusetts, Puerto Rico and the Virgin Islands.

In the attached report, no attempt has been made to project the 1971 actual data to 1972 or 1973 for each school district. Such projections are dependent on specific conditions in each district relating to changes in pupil enrollment, per pupil costs, and total school expenditures.

For the purposes of compiling the attached report, 1971 data have been used to compute payments under the funding arrangement provided in the 1972 appropriation and as proposed in the 1973 budget. Each column contained in the report is explained as follows:

"A Payment, 1972 Appropriation": A entitlement at 90% if A children comprise less than 25% of total children in the school district or A entitlement at 100% if A children comprise 25% or more of total children.

"A payment, 1973 proposal": A entitlement at 100%. Includes any B(1) Indian children as A children.

"B payment, 1972 Appropriation": B entitlement at 73%.

"B payment, 1973 proposal": Entitlement for military dependent B children at 100%.

"5% of TCE": 5% of 1970–71 total current expenditures as estimated by school districts on 1971 applications.

"Hardship": Amount of difference between 1973 and 1972 payments that exceeds 5% of total current expenditures.

SAFA SURVEY REPORT—BY CONGRESSIONAL DISTRICT

State, Appl. No. and school district name	(A) payment 1972 appro.	(A) payment 1973 prop.	(B) payment 1972 appro.	(B) payment 1973 prop.	5 percent TCE	Hardship	Total (A)+(B) 1972 appro.	Total (A)+(B) hard 1973
CALIFORNIA (001)								
1615 Point Arena U.H.S.D	6,714	15,544	4,085	0	12,087	0	10,799	15,544
1701 Novato Unif. Sch. Dist	692,114	769,016	175,084	87,462	440,132	0	867,198	856,478
1606 Napa Comm. Col. Dist	0	0	37,579	1,313	106,799	0	37,579	1,313
1702 Napa Valley Unif. S.D	0	0	488,835	76,607	595,599	0	488,835	76,607
1423 Round Valley Unif. S.D	9,393	21,291	14,476	0	23,954	0	23,869	21,291
437 Petaluma City H.S.D	5,036	5,596	68,084	21,451	228,415	0	73,120	27,047
435 Two Rock U.S.D	32,789	32,789	394	540	4,759	0	33,183	33,329
523 St. Helena Unif. S.D	3,005	3,339	11,428	0	61,551	0	14,433	3,339
841 Arena U.S.D	19,781	25,943	5,260	0	11,589	0	25,041	25,943
804 Old Adobe U.S.D	0	0	33,536	13,692	45,334	0	33,536	13,692
868 Klamath Trinity Unif. S.D	105,958	169,500	63,694	1,252	67,279	0	169,652	170,752
1119 Cinnabar S.D	0	0	3,024	360	8,438	0	3,024	360
1129 Sonoma Valley Unif. S.D	31,562	35,069	39,314	8,558	150,147	0	70,876	43,627
906 Cotati S.D	0	0	23,146	11,710	56,264	0	23,146	11,710
905 Reservation S.D	2,161	5,765	1,315	0	1,405	0	3,476	5,765
913 Ferndale S.D	9,404	10,449	131	180	12,563	0	9,535	10,629
1219 Wilmar U.S.D	0	0	3,682	180	13,543	0	3,682	180
1720 Del Norte Co Unif. S.D	27,053	32,564	34,437	10,019	168,095	0	61,490	42,583
2015 Orick S.D	0	0	2,498	0	5,238	0	2,498	0
1919 City of Santa Rosa S.D	0	0	17,623	10,989	177,150	0	17,623	10,989
164 Tamalpais U.H.S.D	9,513	10,570	39,489	5,285	414,453	0	49,002	15,855
258 Petaluma City S.D	0	0	45,899	18,196	114,369	0	45,899	18,196
Cong. Dist. total (22)	954,483	1,137,435	1,113,013	267,794	2,719,163	0	2,067,496	1,405,229
CALIFORNIA (002)								
169 Mariposa Co. Unified S.D	101,825	113,139	26,057	3,339	64,309	0	127,882	116,478
294 Trinity Co. Jt. U.H.S.D	8,953	9,948	15,205	310	39,722	0	24,158	10,258
404 Long Valley S.D	0	0	6,707	0	3,157	3,550	6,707	3,550
403 Janesville U.S.D	648	720	14,072	180	7,398	6,422	14,720	7,322
301 Placer Jt. U.H.S.D	0	0	69,446	4,352	137,998	0	69,446	4,352
248 Eureka U.S.D	0	0	14,203	1,981	20,977	0	14,203	1,981
205 Penryn S.D	0	0	4,471	540	10,119	0	4,471	540
220 Loomis U.S.D	0	0	21,963	0	42,908	0	21,963	0
286 Rocklin S.D	0	0	13,546	4,684	22,510	0	13,546	4,684
275 Roseville City S.D	0	0	47,346	16,935	103,232	0	47,346	16,935
218 Auburn U.S.D	0	0	13,546	1,981	68,020	0	13,546	1,981
236 Weaverville Elem. S.D	3,890	4,323	9,995	0	20,748	0	13,885	4,323
281 Roseville Jt. U.H.S.D	114,717	127,464	81,701	19,275	114,929	0	196,418	146,739
2106 Wasuma Union School District	0	0	2,630	0	4,171	0	2,630	0
1802 Yreka U.S.D	0	0	18,280	17,655	38,939	0	18,280	17,655
1816 Lone Pine Unif. S.D	3,381	3,757	6,552	208	29,216	0	9,933	3,965
1911 Lake Sch. Dist	0	0	1,578	0	685	893	1,578	893
1916 Modoc Tule Lake Jt. Unif. Dist	15,780	17,534	22,095	0	84,544	0	37,875	17,534
1717 Montague S.D	0	0	2,630	2,702	7,598	0	2,630	2,702
1818 Western Placer Unif. S.D	0	0	41,904	9,393	76,322	0	41,904	9,393
1722 Mad River Jt. S.D	3,242	3,603	6,444	0	4,578	1,505	9,686	5,108
2012 Fort Jones Union E.S.D	972	1,080	2,104	0	3,977	0	3,076	1,080
2011 Tahoe Truckee Unified S.D	7,890	8,767	7,009	0	107,685	0	14,899	8,767
2010 Benton E.S.D.D	0	0	2,630	0	889	1,741	2,630	1,741
2009 Bridgeport S.D	2,593	2,882	2,235	0	4,726	0	4,828	2,882
2008 Lee Vining U.E.S.D	6,161	6,846	7,233	0	7,022	0	13,394	6,846
1845 Georgetown Divide U.S.D	1,620	1,801	3,419	0	12,673	0	5,039	1,801
1921 Burnt Ranch S.D	972	1,080	1,183	0	1,875	0	2,155	1,080
2005 Sierra Plumas Joint Unif S.D	3,381	3,757	3,809	417	37,010	0	7,190	4,174
2004 Oakhurst U.S.D	0	0	3,550	0	13,924	0	3,550	0
2002 Yreka U.H.S.D	0	0	13,616	7,772	52,535	0	13,616	7,772
1813 Lassen Jr. Col. Dist	5,200	5,778	11,695	0	42,239	0	16,895	5,778
1922 Hayfork Valley Union S.D	3,566	3,963	12,625	0	16,015	0	16,191	3,963
1725 Surprise Valley Jt. Unif. S.D	7,514	8,349	4,266	0	12,699	0	11,780	8,349
1925 Owens Valley Unif. S.D. Ed. D	0	0	2,438	0	19,380	0	2,438	0
2204 Big Valley Joint Unif. S.D	1,878	2,504	4,419	0	17,002	0	6,297	2,501
2206 Igo-Ono-Platina U.S.D	2,593	2,882	789	0	3,966	0	3,382	2,884
1044 Gold Oak U.S.D	0	0	2,104	0	10,301	0	2,104	0
1115 Buckeye School District	0	0	5,129	0	13,124	0	5,129	0
1116 Pleasant Ridge U.S.D	0	0	3,682	1,801	11,379	0	3,682	1,800
1216 Buckeye U.S.D	0	0	10,258	5,044	26,138	0	10,258	5,040
1020 Mother Lode Union S.D	0	0	4,866	180	26,565	0	4,866	182
1026 Placerville U.S.D	0	0	14,466	720	41,517	0	14,466	724
930 Antelope U.S.D	1,944	2,161	1,446	0	4,948	0	3,390	2,161
1008 Foresthill Union S.D	2,917	3,242	6,575	0	8,916	0	9,492	3,242

SAFA SURVEY REPORT—BY CONGRESSIONAL DISTRICT—Continued

State, Appl. No. and school district name	(A) payment 1972 appro.	(A) payment 1973 prop.	(B) payment 1972 appro.	(B) payment 1973 prop.	5 percent TCE	Hardship	Total (A)+(B) 1972 appro.	Total (A)+(B) hard 1973
CALIFORNIA (002)								
1206 Hyampon School District	0	0	1,446	0	2,441	0	1,446	3
1027 Rescue U.S.D	0	0	6,049	0	14,384	0	6,049	4
1117 Nevada City S.D	648	720	10,126	720	25,242	0	10,774	1,440
1140 Pioneer U.S.D	0	0	1,578	360	6,097	0	1,578	361
1139 Gold Trail U.S.D	0	0	1,709	180	8,667	0	1,709	180
1137 Camino U.S.D	972	1,080	3,550	0	11,733	0	4,522	1,080
925 Sierra Jr. Col. Dist	1,890	2,101	35,279	0	146,461	0	37,169	2,100
1128 Ophir E.S.D	0	0	2,104	0	3,393	0	2,104	0
1131 Death Valley Unif. S.D	12,774	14,194	1,219	0	11,842	0	13,993	14,190
1121 Ready Springs U.S.D	0	0	4,866	1,981	6,675	0	4,866	1,981
98 Lassen U.H.S.D	86,178	95,754	36,085	0	50,389	0	122,263	95,750
156 Mannoth E.S.D	13,943	15,493	5,129	0	13,692	0	19,072	15,494
707 Newcastle E.S.D	0	0	1,841	0	6,225	0	1,841	1
626 Nevada U.H.S.D	558	621	19,744	2,798	69,895	0	20,302	3,414
526 El Dorado U.H.S.D	0	0	41,758	3,419	111,999	0	41,758	3,413
524 Pollock Pines S.D	2,593	2,882	12,888	1,441	20,762	0	15,481	4,320
706 Dry Creek Jt. E.S.D	0	0	4,208	0	5,361	0	4,208	9
829 Lewiston E.S.D	5,044	5,044	789	0	3,194	0	5,833	5,049
827 Coffee Creek S.D	4,684	4,684	657	0	1,217	0	5,341	4,680
708 Placer Hill Us.S.D	0	0	10,652	1,621	26,095	0	10,652	1,624
824 Bishop U.H.S.D	17,347	50,364	28,368	0	40,345	0	45,715	50,364
818 Bishop U.S.D	26,591	71,703	29,459	180	61,399	0	56,050	71,883
816 Round Valley S.D	0	0	10,915	0	8,261	2,654	10,915	2,654
715 Shasta Lake U.S.D	648	720	9,995	1,621	49,942	0	10,643	2,341
625 Grass Valley S.D	0	0	13,546	3,423	11,810	0	13,546	3,423
2230 Lake Tahoe Unified School District	2,253	2,504	16,914	3,548	172,840	0	19,167	6,052
1336 Twain Harte Long Barn U.S.D	0	0	4,340	1,080	15,068	0	4,340	1,080
1335 Big Oak Flat Groveland U.S.D	3,566	3,963	1,446	0	9,664	0	5,012	3,963
1403 Mineral S.D	7,566	7,566	0	0	1,376	0	7,566	7,566
1414 Summerville S.D	3,890	5,765	2,761	0	11,676	0	6,651	5,765
1511 Alpine Co Unif S.D	10,896	12,107	2,133	0	12,179	0	13,029	12,107
1422 French Gulch Whiskeytown U.S.D	0	0	0	0	2,024	0	0	0
1602 Johnstonville S.D	0	0	2,104	0	2,686	0	2,104	0
1601 Shaffer Union S.D	0	0	1,446	0	5,319	0	1,446	0
1507 Mono Co H.S.D	15,668	17,409	7,489	0	25,766	0	23,157	17,409
1524 Fall River Jt Unif S.D	13,150	14,612	20,266	0	86,154	0	33,416	14,612
1613 Belleview S.D	0	0	2,104	0	1,324	780	2,104	780
1332 Susanville S.D	972	5,044	28,539	1,981	37,203	0	29,511	7,025
1407 Cox Bar S.D	4,323	4,323	1,446	0	1,535	0	5,769	4,323
1523 Macdoel Elementary School District	0	0	1,972	0	4,617	0	1,972	0
31 Herlong S.D	50,084	50,084	24,988	180	10,375	14,433	75,072	64,697
1306 Ackerman Elem S.D	0	0	1,709	180	5,861	0	1,709	180
Congressional District Total (87)	587,875	724,317	985,534	124,182	2,521,773	31,978	1,573,409	880,477
CALIFORNIA (003)								
1220 San Juan Unif S.D	22,544	25,049	1,166,775	346,508	1,986,762	0	1,189,319	371,557
36 Grant Jt U.H.S.D	20,704	23,005	589,388	136,791	531,905	0	610,092	159,796
24 Rio Linda U.S.D	40,536	45,040	669,025	437,968	374,262	0	709,561	483,008
26 Del Paso Heights S.D	0	0	57,867	13,331	77,783	0	57,867	13,331
11 Elverta Jt S.D	0	0	17,360	5,404	13,473	0	17,360	5,404
14 N Sacramento S.D	0	0	122,310	35,671	191,139	0	122,310	35,671
15 Robla S.D	0	0	30,117	7,566	47,567	0	30,117	7,566
710 Center Jt S.D	290,778	290,778	27,092	23,781	48,952	0	317,870	314,559
124 Sacramento City Unif S.D	1,126	1,252	792,224	245,269	2,000,000	0	793,350	246,521
1705 Los Rios Jr. Col Dist	12,292	13,658	221,645	20,224	988,156	0	233,937	33,882
Congressional District Total (10)	387,980	398,782	3,693,803	1,272,513	6,259,999	0	4,081,783	1,671,295
CALIFORNIA (004)								
1714 Winters Jt. unif. S.D	3,756	4,174	10,818	4,383	46,705	0	14,574	8,557
1003 Dixon unif. S.D	4,884	5,427	21,180	9,184	87,529	0	26,064	14,611
1124 Elk Grove Unif. S.D	0	0	120,685	25,048	349,004	0	120,685	25,048
929 Washington Unif. S.D	0	0	49,218	7,932	210,889	0	49,218	7,932
2203 Camptonville U.S.D	0	0	1,446	0	2,051	0	1,446	0
2102 Pleasant Grove Jt. U.S.D	0	0	2,761	720	5,397	0	2,761	720
2001 Farifield Suisun Unif. S.D	1,502	1,669	778,715	593,239	392,533	0	780,317	594,098
1927 Stony Creek Jt. Unif. S.D	12,023	13,359	3,809	0	12,232	0	15,832	13,359
Congressional District total	22,165	24,629	988,732	640,506	1,106,340	0	1,010,897	665,135
1924 Mt. Baldy S.D	972	1,080	4,340	180	1,945	2,107	5,312	3,367
Congressional District Total (1)	972	1,080	4,340	180	1,945	2,107	5,312	3,367
CALIFORNIA (005)								
1831 Solando Co. Jr. Col. Dist	23,166	25,740	96,058	18,648	141,066	0	119,224	44,388
1902 Willows Unif. Sch. Dist	2,253	2,504	15,085	0	68,614	0	17,338	2,504
1833 Vacaville Unif. S.D	1,502	1,669	349,712	265,726	210,004	0	351,214	267,395
1805 Marysville Jt. Unif. S.D	4,132	4,592	225,522	232,953	310,127	0	229,654	237,545
1913 Galt Jt. Union H.S.D	0	0	8,170	1,243	48,117	0	8,170	1,243
1804 Yuba City Unif. S.D	0	0	74,971	82,243	244,869	0	74,971	82,243
189 Wheatland S.D	952,686	952,686	30,248	33,329	98,468	0	982,934	986,015
190 Wheatland U.H.S.D	406,644	406,644	25,872	24,249	48,222	0	432,516	43,089
5 Folsom Cordova Jt. Unif. S.D	651,534	723,927	501,787	333,984	465,988	0	1,153,321	1,057,911
75 Bencia Unif. S.D	0	0	61,256	13,985	96,165	0	61,256	13,985
27 Vallejo City Unif. S.D	450,889	500,988	736,605	159,268	684,784	0	1,187,494	660,256
1401 Travis Unif. S.D	1,693,339	1,693,339	13,104	16,281	167,554	0	1,706,443	1,709,620
1520 East Nicolaus Jt. U.H.S.D	0	0	4,992	1,243	12,223	0	4,992	1,243
1405 Galt Jt. U.S.D	0	0	5,260	540	35,203	0	5,260	540
1132 Arcohe U.S.D	0	0	3,813	540	8,271	0	3,813	540
1204 Yuba Co. Jr. Col	33,093	36,771	25,500	2,889	151,427	0	58,593	39,660
Congressional District Total (16)	4,219,238	4,348,860	2,177,955	1,187,121	2,791,142	0	6,397,193	5,535,981
CALIFORNIA (006)								
222 Marin Jr. Col. Dist	15,128	16,809	36,237	7,091	233,712	0	51,365	23,900
53 Sausalito S.D	21,402	23,781	2,630	720	55,389	0	24,032	24,501
260 Fairfax S.D	0	0	2,498	540	45,534	0	2,498	540
261 Larkspur S.D	0	0	10,915	900	76,509	0	10,915	900
176 San Rafael S.D	0	0	21,042	9,188	224,472	0	21,042	9,188
178 San Rafael H.S.D	558	621	55,375	18,653	236,619	0	55,933	19,274
701 Dixie S.D	0	0	53,395	27,384	191,325	0	53,395	27,384

State, Appl. No. and school district name	(A) payment 1972 appro.	(A) payment 1973 prop.	(B) payment 1972 appro.	(B) payment 1973 prop.	5 percent TCE	Hardship	Total (A)+(B) 1972 appro.	Total (A)+(B) hard 1973
719 Reed U.S.D	0	0	11,573	4,143	94,187	0	11,573	4,143
115 Mill Valley S.D	3,242	3,603	14,072	1,621	149,779	0	17,314	5,224
Congressional District total (9)	40,330	44,814	207,737	70,240	1,307,526	0	248,067	115,054
CALIFORNIA (007)								
121 Berkeley Unif. S.D	0	0	154,056	12,733	1,255,348	0	154,056	12,733
1923 Emery Unified S.D	0	0	4,114	834	70,864	0	4,114	834
34 Albany Unif. S.D	0	0	22,857	0	132,736	0	22,857	0
Congressional District total (3)	0	0	181,027	13,567	1,458,948	0	181,027	13,567
CALIFORNIA (008)								
35 Alameda Unif. S.D	942,357	1,047,064	275,655	168,453	541,509	0	1,218,012	1,215,512
1341 S. Co. Jt. Jr. Colg. Dist	0	0	60,971	8,142	319,261	0	60,971	8,142
1510 San Lorenzo Unif. S.D	0	0	178,132	33,815	606,645	0	178,132	33,817
203 Amador Valley Jt. U.H.S.D	12,311	13,679	99,177	12,435	159,282	0	111,488	26,115
1830 Livermore Valley Jt. U.S.D	4,508	5,009	700,339	41,121	503,295	155,422	704,847	201,554
1607 Peralta Jr. Col. Dist	18,438	20,487	165,850	7,091	994,920	0	184,288	27,578
1719 Castro Valley Unif. S.D	0	0	85,637	20,874	424,945	0	85,637	20,874
95 San Leandro Unif. S.D	0	0	84,875	28,388	558,192	0	84,875	28,388
Congressional District total (8)	977,614	1,086,239	1,650,636	320,319	4,108,049	155,422	2,628,250	1,561,980
CALIFORNIA (009)								
427 Jefferson U.H.S.D	0	0	118,013	12,435	438,149	0	118,013	12,435
135 Pleasanton Jt. S.D	10,701	11,890	91,798	11,169	149,158	0	102,499	23,059
1716 New Haven Unif. S.D	0	0	56,533	24,422	266,553	0	56,533	24,422
1712 Evergreen S.D	0	0	21,174	12,971	138,290	0	21,174	12,971
1614 Fremont Unif S.D	0	0	313,141	72,850	1,178,295	0	313,141	72,850
1611 Newark Unif. S.D	0	0	77,866	22,752	352,246	0	77,866	22,752
1844 Fremont Newark Jr. Col. Dist	0	0	17,639	2,363	110,154	0	17,639	2,363
2104 Milpitas S.D	0	0	112,151	93,306	365,239	0	112,151	93,306
1415 Mt. Pleasant E.S.D	0	0	15,124	9,008	116,434	0	15,124	9,008
1509 Hayward Unif.S.D	0	0	305,369	108,962	1,055,464	0	305,369	108,962
1330 Alum Rock U.S.D	0	0	62,733	38,374	557,555	0	62,733	38,374
1522 Berryessa U.S.D	0	0	39,981	24,141	196,456	0	39,981	24,141
1221 Murray S.D	0	0	59,445	26,303	161,805	0	59,445	26,303
Congressional District Total (13)	10,701	11,890	1,290,967	459,056	5,085,798	0	1,311,668	470,946
CALIFORNIA (010)								
1211 Campbell U.H.S.D	0	0	98,496	16,788	610,575	0	98,496	16,788
1215 Campbell U.S.D	0	0	44,847	10,809	436,345	0	44,847	10,809
56 Mountain View Los Altos U.H.S.D	35,813	39,793	51,290	7,150	338,808	0	87,103	46,943
296 Mountain View S.D	32,428	36,032	30,117	4,504	188,048	0	62,545	40,536
1835 Santa Clara Unif. S.D	0	0	181,637	69,092	1,003,407	0	181,637	69,092
267 Palo Alto Unif. S.D	0	0	105,599	9,602	1,086,383	0	105,599	9,602
1604 Franklin McKinley S.D	0	0	25,119	16,394	213,304	0	25,119	16,394
139 Whisman S.D	151,442	168,269	15,124	8,467	150,505	0	166,566	176,736
148 Fremont U.H.S.D	0	0	198,354	33,265	768,031	0	198,354	33,265
125 Los Altos S.D	0	0	30,117	2,161	230,190	0	30,117	2,161
1111 Loma Prieta Jt.U.S.D	14,268	15,854	1,052	180	18,415	0	15,320	16,034
907 Moreland S.D	972	1,080	50,765	14,953	321,314	0	51,737	16,033
918 Cupertina U.S.D	0	0	170,840	54,048	904,019	0	170,840	54,048
92 Sunnyvale S.D	0	0	128,491	91,341	422,408	0	128,491	91,341
Congressional District Total (14)	234,923	261,028	1,131,848	338,754	6,691,752	0	1,366,771	599,782
CALIFORNIA (011)								
71 Brisbane S.D	0	0	5,655	900	44,394	0	5,655	900
510 San Mateo U.H.S.D	558	621	84,652	8,394	848,520	0	85,210	9,015
425 Raveswood City S.D	2,593	2,882	49,713	5,044	218,805	0	52,306	7,926
428 San Mateo S.D	0	0	48,266	15,854	590,265	0	48,266	15,854
100 S. San Francisco Unif. S.D	0	0	100,570	12,106	612,158	0	100,570	12,106
103 Bayshore S.D	0	0	21,963	24,321	22,144	0	21,963	24,321
271 San Bruno Park S.D	324	360	22,094	3,062	237,359	0	22,418	3,422
245 Laguna Salada U.S.D	0	0	62,207	13,331	395,909	0	62,207	13,331
323 Jefferson S.D	0	0	74,306	17,295	393,661	0	74,306	17,295
Congressional District Total (9)	3,475	3,863	469,426	100,307	3,263,215	0	472,901	104,170
CALIFORNIA (012)								
423 Cambria U.S.D	12,970	14,412	1,578	900	10,213	0	14,548	15,312
412 Cayucos S.D	0	0	3,419	3,603	8,216	0	3,419	3,603
268 Washington U.S.D	0	0	14,466	7,927	17,822	0	14,466	7,927
1834 Monterey Peninsula Unif. S.D	2,183,890	2,183,890	723,044	491,582	778,500	0	2,906,934	2,675,472
1817 Atascadero U.S.D	1,502	1,669	19,504	2,504	114,532	0	21,006	4,173
1832 Lucia Mar Unif. S.D	0	0	49,828	7,932	248,456	0	49,828	7,932
1703 Pioneer Union Elem. S.D	0	0	4,471	4,143	6,913	0	4,471	4,143
117 San Miguel Jt. U.E.S.D	0	0	3,024	3,062	7,349	0	3,024	3,062
433 San Antonio U.S.D	4,863	5,404	3,024	0	3,350	0	7,887	5,404
448 Coast Jt. U.H.S.D	2,797	3,108	3,631	3,108	17,650	0	6,428	6,216
85 Carmel, Unif. S.D	12,023	13,359	55,923	25,257	181,549	0	67,946	38,616
922 North Monterey Co. U.S.D	0	0	25,777	11,350	101,889	0	25,777	11,350
931 Central U.S.D	666,231	666,231	7,101	0	85,360	0	673,332	666,231
902 Salinas U.H.S.D	0	0	69,446	27,358	473,587	0	69,446	27,358
1113 Hanford E.S.D	0	0	55,237	43,959	120,776	0	55,237	43,959
1106 Lemore U.H.S.D	155,568	172,854	59,914	42,281	79,070	0	215,482	215,135
1110 Lemore U.S.D	0	0	78,910	78,189	38,565	0	78,910	78,189
1108 Templeton Unif. S.D	0	0	3,199	2,504	15,220	0	3,199	2,504
54 Pacific Grove Unif. S.D	750	834	102,247	41,330	153,988	0	102,997	42,164
45 Paso Robles U.S.D	0	0	13,151	11,169	50,147	0	13,151	11,169
50 Paso Robles Jt. U.H.S.D	0	0	14,978	8,394	36,809	0	14,978	8,394
815 Salinas City S.D	0	0	52,343	27,924	243,296	0	52,343	27,924
862 Alisal S.D	0	0	8,285	5,224	61,958	0	8,285	5,224
1207 Hanford Jt. U.H.S.D	0	0	34,042	17,409	111,906	0	34,042	17,409
1122 Island U.S.D	0	0	6,575	4,143	6,989	0	6,575	4,143
1203 Reef Sunset U.S.D	0	0	6,444	5,945	40,638	0	6,444	5,945
1310 Monterey Peninsula Jr. Col. Dist	13,709	15,233	46,208	14,708	165,896	0	59,917	29,941
1224 Armona U.E.S.D	0	0	10,389	1,621	17,548	0	10,389	1,621
Congressional District total (28)	3,054,303	3,076,994	1,476,158	893,526	3,198,192	0	4,530,461	3,970,520
CALIFORNIA (013)								
1218 Lompoc Unif. S.D	1,685,824	1,685,824	695,158	251,531	545,919	0	2,380,982	1,937,355
1212 Valley Oaks U.S.D	0	0	31,169	3,963	227,709	0	31,169	3,963
1318 Allan Hancock Jt. Jr. Col. Dist	31,203	34,670	78,419	8,404	166,126	0	109,622	43,074
9 Santa Maria S.D	0	0	118,891	23,060	230,974	0	118,891	23,060
51 Oxnard U.H.S.D	181,870	202,078	533,104	113,474	679,332	0	714,974	315,552
2 Hueneme S.D	211,435	234,928	245,410	130,976	233,927	0	456,845	365,904
28 Oxnard S.D	0	0	222,000	76,027	338,033	0	222,000	76,027

SAFA SURVEY REPORT—BY CONGRESSIONAL DISTRICT—Continued

State, Appl. No. and school district name	(A) payment 1972 appro.	(A) payment 1973 prop.	(B) payment 1972 appro.	(B) payment 1973 prop.	5 percent TCE	Hardship	Total (A)+(B) 1972 appro.	Total (A)+(B) hard 1973
CALIFORNIA (013)—Continued								
1406 Blochman U.S.D	972	1,080	2,761	900	9,122	0	3,733	1,980
1420 Ventura Co. Jr. Col. Dist	8,509	9,455	65,764	5,253	461,608	0	74,273	14,708
1016 Guadalupe U.S.D	0	0	3.813	720	24,023	0	3,813	/20
873 Los Alamos S.D	0	0	2,761	0	5,040	0	2,761	0
928 Santa Maria Jt. U.H.S.D	0	0	218,779	15,544	214,093	0	218,779	15,544
1002 Buellton U.S.D	0	0	4,734	0	14,483	0	4,734	0
514 Santa Paula U.H.S.D	0	0	20,198	310	71,005	0	20,198	310
612 Simi Valley Unif. S.D	0	0	113,370	25,048	718,495	0	113,370	25,048
605 Somis U.S.D	0	0	4,997	0	11,160	0	4,997	0
161 Rio S.D	0	0	33,799	5,224	78,841	0	33,799	5,224
129 Santa Paula S.D	0	0	22,489	2,342	116,809	0	22,489	2,342
120 Orcutt U.S.D	0	0	175,443	13,151	137,665	24,627	175,443	37,778
145 Ocean View S.D	243,576	243,576	49,713	33,689	59,009	0	293,289	277,265
1819 Ojai Unif. S.D	0	0	32,152	3,757	138,420	0	32,152	3,757
1815 Ventura Unif. S.D	1,502	1,669	226,589	24,422	666,852	0	228,091	26,091
1820 Co. Superintendent of Schs., Ventura	4,328	4,809	6,018	2,404	48,000	0	10,346	7,213
1904 Fillmore Unif. S.D	3,381	3,757	14,780	2,713	112,977	0	18,161	6,470
232 Pleasant Valley S.D	116,418	129,354	150,455	20,898	206,071	0	266,873	150,252
226 Moorpark Memorial U.H.S.D	0	0	5,219	0	24,665	0	5,219	0
227 Timber S.D	0	0	31,169	2,702	194,680	0	31,169	2,702
238 Moorpark U.S.D	0	0	9,732	540	35,976	0	9,732	540
2216 Cuyama Joint Union School District	0	0	2,498	0	13,098	0	2,498	0
325 College S.D	10,701	13,692	15,387	0	20,500	0	26,088	13,692
314 Mesa U.S.D	0	0	4,340	1,080	19,028	0	4,340	1,080
327 Solvang S.D	0	0	5,786	180	17,389	0	5,786	180
326 Santa Ynez Valley U.H.S.D	2,797	6,217	25,191	0	43,620	0	27,988	6,217
Congressional district total (33)	2,502,516	2,571,109	3,172,088	768,312	5,884,649	24,627	5,674,604	3,364,048
CALIFORNIA (014)								
332 Walnut Creek S.D	0	0	28,144	5,945	199,711	0	28,144	5,945
330 Liberty U.H.S.D	0	0	7,262	0	61,951	0	7,262	0
2007 Oakley U.S.D	0	0	3,945	3,242	45,021	0	3,945	3,242
239 Lafayette S.D	0	0	21,831	4,323	189,256	0	21,831	4,323
1963 Antioch Unif. S.D	0	0	36,114	11,689	346,991	0	36,114	11,689
1812 Brentwood U.S.D	0	0	3,682	1,441	45,779	0	3,682	1,441
1603 Byron U.S.D	0	0	3,024	720	10,771	0	3,024	720
1709 Richmond Unif. S.D	9,393	10,437	442,664	77,442	2,007,180	0	452,057	87,879
1713 San Ramon Valley Unif. S.D	0	0	86,551	16,699	88,791	0	86,551	16,699
1723 John Swett Unif. S.D	0	0	16,761	4,174	115,535	0	16,761	4,174
630 Orinda U.S.D	0	0	15,518	3,423	151,109	0	15,518	3,423
924 Moraga Sch. Dist	0	0	10,915	5,044	100,481	0	10,915	5,044
1512 Martinez Unif. S.D	0	0	26,361	7,723	252,157	0	26,361	7,723
38 Mt. Diablo Unif. S.D	86,796	96,440	495,692	118,773	1,997,900	0	582,488	215,213
33 Pittsburg Unif. S.D	0	0	42,514	17,116	309,576	0	42,514	17,116
55 Contra Costa Jr. College Dist	0	0	71,708	6,303	701,767	0	71,708	6,303
703 Acalanes U.H.S.D	0	0	78,524	7,150	389,195	0	78,524	7,150
Congressional District Total (17)	96,189	106,877	1,391,210	291,207	7,013,171	0	1,487,399	398,084
CALIFORNIA (015)								
1338 Lammersville S.D	0	0	3,287	0	5,935	0	3,287	0
1123 Lincoln Unif. S.D	0	0	35,961	12,941	176,275	0	35,961	12,941
517 Modesto H.S.D	0	0	56,056	8,704	379,541	0	56,056	8,704
518 Oakdale Jt. U.H.S.D	0	0	15,886	0	86,607	0	15,886	0
613 Winton S.D	0	0	49,450	66,479	32,504	0	49,450	66,479
516 Modesto City S.D	0	0	53,921	14,773	456,027	0	53,921	14,773
131 Atwater S.D	355,275	355,275	155,715	211,688	132,239	0	510,990	566,963
1810 Newman Gustine Jt. Unif. S.D	0	0	11,733	10,019	92,698	0	11,733	10,019
1841 Empire U.E.S.D	0	0	3,550	0	21,768	0	3,550	0
1825 Manteca Unif. S.D	18,035	20,039	166,856	17,951	273,984	0	184,891	37,990
213 Tracy S.D	0	0	70,361	5,224	104,514	0	70,361	5,224
244 Tracy Jt. U.H.S.D	0	0	81,247	6,217	118,234	0	81,247	6,217
1912 Lodi Unif. S.D	0	0	43,275	12,733	418,173	0	43,275	12,733
1918 Escalon Unif. S.D	0	0	19,047	2,713	77,263	0	19,047	2,713
1917 San Joaquin Delta Jr. College	472	525	62,121	3,939	392,205	0	62,593	4,464
1907 Ceres Unif. S.D	0	0	20,266	6,262	150,152	0	20,266	6,262
2103 Ripon Unif. School District	0	0	10,209	1,461	40,304	0	10,209	1,461
1908 Oakdale U.E.S.D	0	0	8,680	2,342	53,749	0	8,680	2,342
1909 Sylvan U.S.D	0	0	13,677	4,504	102,074	0	13,677	4,504
311 Stockton Unif. S.D	12,774	14,194	314,665	48,636	1,243,081	0	327,439	62,830
443 Riverbank E.S.D	0	0	10,652	2,522	8,537	0	10,652	2,522
Congressional District Total (21)	386,556	390,033	1,206,615	439,108	4,365,864	0	1,593,171	829,141
CALIFORNIA (016)								
303 Merced U.H.S.D	111,920	124,356	172,027	183,735	249,917	0	283,947	308,091
2214 Sierra Union School District	5,512	6,125	1,841	0	14,444	0	7,353	6,125
1926 Laton Unif. S.D	0	0	3,504	4,801	30,950	0	3,504	4,801
2213 Auberry Union Elementary School District	0	0	3,156	540	15,682	0	3,156	540
2014 North Fork U.S.D	5,836	6,485	14,203	0	17,229	0	20,039	6,485
2212 Chawanakee E.S.D	17,295	17,295	0	0	4,797	0	17,295	17,295
2101 Sierra Jt. U.H.S.D	47,006	52,229	19,971	0	72,038	0	66,977	52,229
1803 Riverdale Jt. U.H.S.D	0	0	8,397	7,150	30,225	0	8,397	7,150
1721 Los Banos Unif. S.D	0	0	24,228	3,757	124,674	0	24,228	3,757
1715 West Hills Junior College Dist	5,672	6,303	7,477	1,838	73,680	0	13,149	8,141
111 Merced City, S.D	0	0	153,480	192,771	219,719	0	153,480	192,771
927 McSwain U.S.D	0	0	7,101	7,206	13,345	0	7,101	7,206
908 Livingston U.S.D	0	0	5,392	5,404	34,497	0	5,392	5,404
1012 Weaver U.S.D	0	0	8,548	10,629	24,944	0	8,548	10,629
1324 Riverside Jt. U.S.D	0	0	19,727	21,979	25,465	0	19,727	21,979
1501 Merced Jr Col Dist	9,455	10,506	30,869	19,173	110,628	0	40,324	29,679
631 Union Hill E.S.D	0	0	1,841	0	5,025	0	1,841	0
Congressional District Total (17)	202,696	223,299	481,762	458,983	1,067,259	0	684,458	682,282
CALIFORNIA (017)								
181 Lawndale S.D	0	0	29,065	7,386	191,991	0	29,065	7,386
171 Torrance Unif. S.D	0	0	243,198	76,607	1,489,205	0	243,198	76,607
Congressional District Total (2)	0	0	272,263	83,993	1,681,196	0	272,263	83,993
CALIFORNIA (018)								
2225 Porterville S.D	31,455	41,436	8,022	5,044	133,619	0	39,477	46,480
2221 Visalia Unif. S.D	0	0	12,799	13,568	484,861	0	12,799	13,568
2220 Tulare City Elementary School District	0	0	3,813	5,044	150,504	0	3,813	5,044
2205 Bakersfield City S.D	0	0	20,385	27,924	732,101	0	20,385	27,924
2219 Cutler-Orosi Unfied School District	7,138	7,932	0	0	122,186	0	7,138	7,932
243 Kernville U.S.D	6,809	7,566	1,183	360	21,566	0	7,992	7,926

State, Appl. No. and school district name	(A) payment 1972 appro.	(A) payment 1973 prop.	(B) payment 1972 appro.	(B) payment 1973 prop.	5 percent TCE	Hardship	Total (A)+(B) 1972 appro.	Total (A)+(B) hard 1973
602 Woodlake U.H.S.D	12, 870	14, 300	3, 404	0	31, 855	0	16, 274	14, 300
505 Muroc Unif S.D	1, 349, 327	1, 349, 327	33, 980	1, 252	177, 474	0	1, 383, 307	1, 350, 579
529 Three Rivers U.S.D	12, 646	14, 052	1, 578	0	7, 345	0	14, 224	14, 052
102 Kern Co Jt U.H.S.D	473, 982	526, 647	104, 623	4, 041	932, 396	0	578, 605	530, 688
1814 Co Supt of Schs of Kern Co	10, 512	11, 680	6, 018	2, 061	75, 746	0	16, 530	13, 741
83 Indian Wells Valley Jt U.S.D	324	360	108, 632	4, 684	59, 550	44, 362	108, 956	49, 406
806 South Fork U.S.D	0	0	4, 077	0	4, 196	0	4, 077	0
1428 Hot Springs Elem S.D	972	1, 080	1, 183	0	5, 768	0	2, 155	1, 080
1304 Kern Jt Jr Col Dist	75, 644	84, 049	20, 707	1, 050	368. 947	0	96, 351	85, 099
Congressional District Total (15)	1, 981, 679	2, 058, 429	330, 404	65, 028	3, 307, 664	44, 362	2, 312, 083	2, 167, 819
CALIFORNIA (019)								
1711 ABC Unif S.D	0	0	116, 418	45, 922	644, 652	0	116, 418	45, 922
1843 Norwalk La Mirada Unif. S.D	0	0	90, 513	25, 048	1, 249, 397	0	90, 513	25, 048
Congressional District Total (2)	0	0	206, 931	70, 970	1, 914, 049	0	206, 931	70, 970
CALIFORNIA (020)								
2105 Pasadena Unif. S.D	0	0	143, 389	18, 369	1, 848, 440	0	143, 389	18, 269
1710 Burbank Unif. S.D	0	0	61, 866	9, 810	720, 298	0	61, 866	9, 810
1331 La Canada Unif. S.D	10, 144	11, 272	88, 532	1, 252	221, 406	0	98, 676	12, 524
Congressional District Total (3)	10, 144	11, 272	293, 787	29, 431	2, 790, 144	0	303, 931	40, 703
CALIFORNIA (023)								
826 Bellflower Unif. S.D	0	0	83, 047	22, 335	501, 296	0	83, 047	22, 335
1312 Downey Unit. S.D	0	0	67, 656	0	794, 461	0	67, 656	0
504 Paramount Unit. S.D	0	0	54, 399	29, 014	385, 580	0	54, 399	29, 014
Congressional District Total (3)	0	0	205, 102	51, 349	168, 337	0	205, 102	51, 349
CALIFORNIA (024)								
512 Claremont Unif. S.D	0	0	66, 133	7, 514	292, 995	0	66, 133	7, 514
606 Pomona Unif. S.D	0	0	170, 208	32, 980	838, 880	0	170, 208	32, 980
1017 Bonita Unif. S.D	0	0	41, 142	0	290, 619	0	41, 142	0
Congressional District Total (3)	0	0	277, 483	40, 494	1, 422, 494	0	277, 483	40, 494
CALIFORNIA (025)								
183 Valle Lindo S.D	0	0	0	0	48, 282	0	0	0
2233 Walnut Unif. S.D	0	0	16, 152	3, 757	217, 328	0	16, 152	3, 757
1024 Los Angeles City Jr. Col. Dist	3, 309	3, 677	85, 513	10, 243	2, 542, 700	0	88, 822	13, 920
1325 Glendora Unif. S.D	0	0	48, 761	10, 019	352, 407	0	48, 761	10, 019
Congressional District Total (4)	3, 309	3, 677	150, 426	24, 019	3, 160, 717	0	153, 735	27, 696
CALIFORNIA (027)								
860 Wilsona E.S.D	0	0	2, 104	0	7, 683	0	2, 104	0
1421 Southern Kern Unif. S.D	0	0	49, 675	3, 548	45, 622	505	49, 675	4, 053
1425 Antelope Valley Jt. Jr. Col. Dist	0	0	75, 735	2, 363	110, 573	0	75, 735	2, 363
43 China Lake Jt. D.S	928, 904	928, 904	2, 235	0	121, 462	0	931, 139	928, 904
1043 Sulphur Springs, U.S.D	16, 538	18, 376	11, 836	1, 261	78. 028	0	28, 374	19, 637
1340 Wm S. Hart U.H.S.D	6, 155	6, 839	26, 326	4, 974	292, 498	0	32, 481	11, 813
1910 Saugus Union S.D	972	1, 080	21, 831	1, 441	143, 410	0	22, 803	2, 521
501 Mojave Unif S.D	0	0	26, 361	2, 296	92, 311	0	26, 361	2, 296
291 Eastside U.S.D	0	0	17, 491	900	24, 050	0	17, 491	900
151 Antelope Valley U.H.S.D	0	0	444, 821	13, 990	357, 118	73, 713	444, 821	87, 703
224 Westside U.S.D	0	0	32, 616	3, 423	78, 846	0	32, 616	3, 423
106 Palmdale S.D	0	0	106, 397	5, 044	139, 156	0	106, 397	5, 044
175 Keppel U.S.D	3, 242	3, 603	18, 017	1, 981	48, 431	0	21, 259	5, 584
113 Lancaster S.D	0	0	288, 284	12, 611	236, 260	39, 413	288, 284	52, 024
Congressional district total (14)	955, 811	958, 802	1, 123, 729	53, 832	1, 775, 448	113, 631	2, 079, 540	1, 126, 625
CALIFORNIA (028)								
174 El Segundo Unif. S.D	0	0	16, 457	2, 713	196, 562	0	16, 457	2, 713
184 South Bay U.H.S.D	0	0	51, 517	6, 528	392, 263	0	51, 517	6, 528
137 Manhattan Beach City S.D	0	0	20, 253	5, 044	190, 666	0	20, 253	5, 044
304 Hermosa Beach City S.D	0	0	6, 049	360	81, 584	0	6, 049	360
266 Redondo Beach City S.D	0	0	49, 450	15, 313	382, 130	0	49, 450	15, 313
1337 Palos Verdes Penninsula Unif. S.D	2, 629	2, 922	114, 437	42, 582	745, 677	0	117, 066	45, 504
Congressional district total (6)	2, 629	2, 922	258, 163	72, 540	1, 989, 242	0	260, 792	75, 462
CALIFORNIA (031)								
290 Hawthorne S.D	0	0	22, 489	6, 305	217, 173	0	22, 489	6, 305
172 Centinela Valley U.H.S.D	0	0	44, 482	10, 259	405, 355	0	44, 482	10, 259
Congressional District Total (2)	0	0	66, 971	16, 564	622, 528	0	66, 971	16, 564
CALIFORNIA (032)								
155 Long Beach Unif. S.D	702, 635	780, 706	712, 027	329, 809	2, 034, 285	0	1, 414, 707	1, 110, 515
2207 Long Beach City Comm College District	1, 417	1, 575	51, 384	6, 828	533. 417	0	52, 801	8, 403
Congressional District Total (2)	704, 052	782, 281	763, 456	336, 637	3, 567, 702	0	1, 467, 508	1, 118, 918
CALIFORNIA (033)								
2228 Rim of the World Unif. S.D	3, 381	3, 757	17, 066	3, 966	114, 512	0	20, 447	7, 723
270 Wrightwood Jt. S.D	2, 269	2, 522	5, 918	180	5, 565	0	8, 187	2, 702
509 Ontario, S.D	0	0	110, 605	32, 428	575, 019	0	110, 605	32, 428
414 Upland, S.D	0	0	43, 926	5, 765	189, 329	0	43, 926	5, 765
1827 Needles Unif. S.D	19, 538	26, 719	11, 733	1, 043	87, 988	0	31, 271	27, 762
1837 San Bernardino Co. Supt. of Schs	21, 024	23, 361	12, 037	7, 214	70, 788	0	33, 061	30, 575
133 Victor Valley Jt. U.H.S.D	200, 897	223, 219	99, 177	127, 775	267, 907	0	300, 074	350, 994
1518 Yucaipa Jt. Unif. S.D	2, 253	2, 504	35, 199	15, 446	156, 130	0	37, 452	17, 950
1517 Redlands Unif, S.D	0	0	239, 389	163, 860	484, 944	0	239, 389	163, 860
1612 Rialto Unif. S.D	1, 126	1, 252	254, 322	232, 118	451, 698	0	255, 448	233, 370
1610 San Bernardino City Unif. S.D	8, 641	9, 602	912, 452	815, 338	1, 505, 795	1	921, 093	824, 940
1821 Barstow Unif, S.D	251, 746	279, 718	522, 968	69, 927	467, 211	0	774, 714	349, 645
1019 Morongo Unif. S.D	309, 986	344, 846	110, 932	85, 583	167, 560	0	420, 918	430, 429
97 Adelanto S.D	650, 377	650, 377	33, 931	38, 013	66, 909	0	684, 308	688, 390
86 Victor S.D	0	0	80, 751	86, 476	77, 885	0	80, 751	86, 476
1327 San Bernardino Valley JCD	472	525	62, 505	21, 274	364, 790	0	62, 977	21, 799
1317 Victor Valley Jt. Jr. Col. Dist	7, 091	7, 879	11, 887	3, 151	66, 278	0	18, 978	11, 030
1133 Hesperia S.D	0	0	16, 571	12, 250	30, 081	0	16, 571	12, 250
1326 Chaffey Union Jr. Col. Dist	1, 417	575	26, 075	1, 838	241, 016	0	27, 492	3, 413

SAFA SURVEY REPORT—BY CONGRESSIONAL DISTRICT—Continued

State, Appl. No. and school district name	(A) payment 1972 appro.	(A) payment 1973 prop.	(B) payment 1972 appro.	(B) payment 1973 prop.	5 percent TCE	Hardship	Total (A)+(B) 1972 appro.	Total (A)+(B) hard 1973
1313 Barstow Jr. Col. Dist	0	0	16, 680	0	50, 313	0	16, 680	0
1311 Alta Loma S.D	0	0	11, 704	720	47, 750	0	11, 704	720
867 Fontana Unif. S.D	0	0	51, 961	31, 311	527, 510	0	51, 961	31, 311
857 Apple Valley S.D	1, 296	1, 441	23, 673	16, 574	45, 098	0	24, 969	18, 015
627 Central S.D	0	0	3, 156	2, 522	50, 964	0	3, 156	2, 522
616 Chaffey, U.H.S. D	0	0	105, 531	9, 326	549, 300	0	105, 531	9, 326
615 Chino Unif. S.D	0	0	44, 495	7, 305	328, 507	0	44, 495	7, 305
Congressional District Total (26)	1, 481, 514	1, 579, 297	2, 864, 644	1, 791, 403	6, 990, 847	0	4, 346, 158	3, 370, 700
CALIFORNIA (034)								
911 Huntington Beach U.H.S. D	1, 678	1, 865	167, 942	57, 825	716, 696	0	169, 620	59, 690
909 Cypress S.D	0	0	84, 959	32, 068	237, 689	0	84, 959	32, 068
629 Buena Park S.D	0	0	17, 623	3, 062	188, 019	0	17, 623	3, 062
832 Ocean View S.D	0	0	97, 322	49, 544	396, 813	0	97, 322	49, 544
714 Centralia S.D	0	0	42, 216	19, 277	266, 889	0	42, 216	19, 277
632 Magnolia S.D	0	0	27, 355	0	191, 290	0	27, 355	0
13 Seal Beach S.D	3, 566	3, 963	8, 417	3, 242	52, 688	0	11, 983	7, 205
1031 Savanna S.D	0	0	20, 516	7, 206	93, 572	0	20, 516	7, 206
1408 Fountain Valley S.D	0	0	142, 432	39, 635	317, 409	0	142, 432	39, 635
1305 Santa Ana Unif. S.D	0	0	254, 932	260, 298	1, 068, 649	0	254, 932	260, 298
1030 Huntington Beach City S.D	0	0	33, 142	21, 439	251, 973	0	33, 142	21, 439
522 Westminster S.D	0	0	118, 496	68, 100	375, 269	0	118, 496	68, 100
1707 Garden Grove Unif. S.D	0	0	350, 626	212, 079	1, 779, 155	0	350, 626	212, 079
502 Los Alamitos S.D	124, 201	138, 002	58, 261	38, 554	164, 584	0	182, 462	176, 556
Cong. dist. total (14)	129, 445	143, 830	1, 424, 239	812, 329	6, 100, 695	0	1, 553, 684	956, 159
CALIFORNIA (035)								
2006 Saddleback Junior College Dist	945	1, 050	13, 613	12, 081	85, 053	0	14, 558	13, 131
422 Ramona Unif. S.D	3, 005	3, 339	18, 438	16, 281	62, 061	0	21, 443	19, 620
410 Anaheim City S.D	0	0	49, 055	23, 060	507, 178	0	49, 055	23, 060
409 Tustin U.H.S.D	68, 830	76, 478	84, 879	77, 100	263, 674	0	153, 709	153, 578
280 San Joaquin S.D	312, 937	347, 708	75, 227	78, 549	363, 076	0	388, 164	426, 257
503 Mountain Empire Unif. S.D	21, 792	27, 136	23, 466	17, 951	40, 753	0	45, 258	45, 087
274 Tustin S.D	1, 620	1, 801	74, 306	72, 604	306, 461	0	75, 926	74, 405
401 Bonsall U.S.D	4, 539	5, 765	4, 603	2, 882	17, 404	0	9, 142	8, 647
254 Del Mar U.S.D	0	0	8, 022	7, 566	29, 427	0	8, 022	7, 566
1706 Capistrano Unif. S.D	1, 502	1, 669	71, 313	67, 214	339, 902	0	72, 815	68, 883
211 Valley Center U.S.D	3, 890	9, 728	6, 181	3, 062	22, 297	0	10, 071	12, 790
65 Grossmont U.H.S.D	0	14, 300	447, 771	211, 094	1, 023, 158	0	447, 771	225, 394
64 Cardiff S.D	0	0	9, 074	8, 647	26, 332	0	9, 074	8, 647
68 Escondido U.S.D	0	0	99, 821	96, 385	324, 103	0	99, 821	96, 385
62 Encinitas U.S.D	0	0	12, 888	8, 107	45, 982	0	12, 888	8, 107
61 San Dieguito U.H.S.D	0	0	29, 276	13, 368	193, 778	0	29, 276	13, 368
63 Alpine U.S.D	9, 079	13, 331	8, 285	5, 044	29, 565	0	17, 364	18, 375
73 Rich Mar U.S.D	0	0	23, 936	18, 736	57, 417	0	23, 936	18, 736
72 Solana Beach S.D	0	0	6, 707	5, 404	29, 732	0	6, 707	5, 404
70 Escondido U.H.S.D	5, 036	8, 704	81, 247	54, 716	228, 219	0	86, 283	63, 420
1339 Julian U.S.D	324	720	2, 235	1, 621	13, 128	0	2, 559	2, 341
1307 Oceanside Carlsbad Jr. Col. Dist	8, 509	9, 455	40, 839	16, 021	72, 370	0	49, 348	25, 476
1502 Poway Unif. S.D	0	0	212, 417	226, 065	256, 637	0	212, 417	226, 065
32 Fallbrook U.H.S.D	64, 353	75, 857	56, 964	35, 130	84, 013	0	121, 317	110, 987
40 Oceanside Carlsbad U.H.S.D	146, 615	162, 906	232, 850	188, 710	183, 693	0	379, 465	351, 616
42 Oceanside U.S.D	568, 152	631, 280	325, 635	338, 700	337, 682	0	893, 787	969, 980
7 Carlsbad U.S.D	0	0	62, 865	61, 614	127, 374	0	62, 865	61, 614
8 Vista Unif. S.D	0	0	415, 083	413, 931	331, 174	0	415, 083	413, 931
39 Fallbrook U.S.D	189, 708	210, 787	75, 622	63, 056	109, 053	0	265, 330	273, 843
844 Anaheim U.H.S.D	20, 704	23, 005	183, 829	70, 572	1, 623, 076	0	204, 533	93, 577
836 Julian U.H.S.D	3, 916	11, 813	4, 992	310	2, 015	0	8, 908	12, 123
856 Warner U.S.D	3, 890	11, 890	5, 523	0	7, 091	0	9, 413	11, 890
617 Palomar Jr. Col. Dist	1, 890	2, 101	39, 113	1, 313	147, 229	0	41, 003	3, 414
811 Jamul Las Flores U.S.D	0	0	6, 970	7, 386	16, 804	0	6, 970	7, 386
716 Orange Unif. S.D	0	0	89, 904	76, 398	1, 017, 363	0	89, 904	76, 398
Cong. dist. total (35)	1, 441, 236	1, 650, 823	2, 902, 949	2, 300, 678	8, 324, 274	0	4, 344, 185	3, 951, 501
CALIFORNIA (036)								
16 Coronado Unif. S.D	293, 726	326, 363	206, 698	210, 788	136, 039	0	500, 424	537, 151
1328 Grossmont Jr. College Dist	0	0	51, 001	9, 980	326, 310	0	51, 001	9, 980
60 Santee S.D	0	0	137, 040	140, 344	242, 156	0	137, 040	140, 344
78 Lakeside U.S.D	2, 593	8, 647	44, 715	33, 329	110, 421	0	47, 308	41, 976
66 Cajon Valley S.D	0	0	170, 971	132, 597	455, 650	0	170, 971	132, 597
Cong. Dist. Total (5)	296, 319	335, 010	610, 425	527, 038	1, 270, 576	0	906, 744	862, 048
CALIFORNIA (037)								
255 San Ysidro S.D	0	0	4, 208	3, 062	55, 038	0	4, 208	3, 062
87 La Mesa Spring Valley S.D	0	0	272, 502	229, 884	570, 825	0	272, 502	229, 884
58 Chula Vista City S.D	0	0	966, 911	983, 673	563, 836	0	966, 911	983, 673
82 Lemon Grove S.D	3, 242	3, 603	101, 530	51, 345	146, 763	0	104, 772	54, 948
59 National S.D	0	0	211, 742	198, 176	217, 061	0	211, 742	198, 176
74 S. Bay U.S.D	1, 296	1, 441	537, 246	580, 295	248, 328	0	538, 542	581, 736
81 Sweetwater U.H.S.D	2, 797	3, 108	779, 799	519, 497	924, 670	0	782, 596	522, 605
1329 Sweetwater Jr. Col. Dist	3, 309	3, 677	92, 224	40, 710	208, 971	0	95, 533	44, 387
Cong. dist. total (8)	10, 644	11, 829	2, 966, 162	2, 606, 642	2, 935, 492	0	2, 976, 806	2, 618, 471
CALIFORNIA (038)								
1419 Moreno Valley Unif. S.D	475, 687	528, 542	383, 693	454, 844	235, 674	0	859, 380	983, 383
839 El Centro S.D	0	0	42, 742	17, 835	154, 888	0	42, 742	17, 836
1007 San Pasqual Valley Unif. S.D	91, 847	127, 751	20, 723	208	24, 675	0	112, 570	127, 955
849 Temecula U.S.D	2, 917	3, 242	657	0	8, 373	0	3, 574	3, 249
917 Ctr U.H.S.D	22, 383	24, 871	24, 964	4, 352	97, 903	0	47, 347	29, 222
848 San Jacinto Unif. S.D	10, 896	28, 389	7, 923	2, 713	62, 619	0	18, 819	31, 102
847 Beaumont Unif. S.D	0	0	6, 247	2, 713	80, 623	0	6, 247	2, 713
89 Seeley U.S.D	83, 233	83, 233	4, 340	1, 981	19, 680	0	87, 573	85, 214
610 Elsinore U.H.S.D	0	0	6, 354	2, 176	47, 305	0	6, 354	2, 176
230 Elsinore U.S.D	1, 944	2, 161	9, 995	8, 467	50, 248	0	11, 939	10, 628
217 Perris U.H.S.D	0	0	6, 127	4, 041	77, 563	0	6, 127	4, 041
201 Perris S.D	0	0	15, 913	6, 305	32, 829	0	15, 913	6, 305
1516 Riverside Unif. S.D	9, 768	10, 854	420, 874	339, 222	1, 039, 856	0	430, 642	360, 076
1822 Colton Jt. Unif. S.D	0	0	104, 837	63, 039	468, 587	0	104, 837	630, 039
1515 Jurupa Unif S.D	0	0	68, 266	62, 622	296, 780	0	68, 266	62, 622
1514 Banning Unif. S.D	14, 277	31, 729	25, 599	6, 262	112, 482	0	39, 876	37, 991

State, Appl. No. and school district name	(A) payment 1972 appro.	(A) payment 1973 prop.	(B) payment 1972 appro.	(B) payment 1973 prop.	5 percent TCE	Hardship	Total (A)+(B) 1972 appro.	Total (A)+(B) hard 1973
441 Palm Springs Unif. S.D	28, 179	31, 311	90, 209	24, 840	328, 503	0	118, 388	56, 151
507 Alvord Unif. S.D	0	0	90, 209	63, 248	288, 727	0	90, 209	63, 248
300 Corona Unif. S.D	0	49, 681	86, 856	31, 728	457, 929	0	86, 856	81, 409
407 Riverside Jr. Col. Dist	7, 563	8, 404	48, 892	22, 062	254, 633	0	56, 455	30, 466
1914 Coachella Val. Jt. Jr. College Dist	2, 363	5, 778	36, 429	4, 202	122, 101	0	38, 792	9, 980
Cong. dist. total (21)	751, 057	935, 946	1, 501, 849	1, 132, 860	4, 261, 977	9	2, 252, 906	2, 068, 806
CALIFORNIA (105)								
2232 Compton Unif S.D	0	0	207, 389	68, 675	1, 637, 077	0	207, 389	68, 675
Cong. dist. total (1)	0	0	207, 389	68, 675	1, 637, 077	0	207, 389	68, 675
CALIFORNIA (118)								
2215 San Diego Comm. College Dist	12, 292	13, 658	140, 733	44, 650	857, 276	0	153, 025	58, 308
1807 San Diego Co. Supt. of Schs	5, 564	6, 183	14, 545	15, 459	49, 443	0	20, 109	21, 642
Cong. dist. total (2)	17, 856	19, 841	155, 278	60, 109	906, 719	0	173, 134	79, 950
CALIFORNIA (120)								
1718 Los Angeles Unif. S.D	458, 403	509, 337	3, 359, 069	966, 466	27, 522, 595	0	3, 817, 472	1, 475, 803
Cong. dist. total (1)	458, 403	509, 337	3, 359, 069	966, 466	27, 522, 595	0	3, 817, 472	1, 475, 803
CALIFORNIA (129)								
1811 Ballico Cressey Unif. S.D	0	0	1, 446	1, 441	10, 304	0	1, 446	1, 441
Cong. dist total (1)	0	0	1, 446	1, 441	10, 304	0	1, 446	1, 441
CALIFORNIA (139)								
2202 San Francisco Comm. College District	4, 727	5, 253	57, 328	6, 303	686, 140	0	62, 055	11, 556
128 San Francisco Unif. S.D	935, 595	1, 039, 550	803, 196	130, 045	5, 233, 177	0	1, 738, 791	1, 169, 595
Cong. dist total (2)	940, 322	1, 044, 803	860, 524	136, 348	5, 919, 317	0	1, 800, 846	1, 181, 151
CALIFORNIA (142)								
105 San Diego Unif. S.D	2, 195, 454	2, 439, 394	3, 773, 695	2, 964, 108	4, 923, 984	0	5, 969, 149	5, 403, 502
Cong dist. total (1)	2, 195, 454	2, 439, 394	3, 773, 695	2, 964, 108	4, 923, 984	0	5, 969, 149	5, 403, 502
CALIFORNIA (154)								
430 Oakland Unif. S.D	55, 985	62, 206	1, 047, 004	170, 540	3, 012, 236	0	1, 102, 989	232, 746
Cong dist. total (1)	55, 985	62, 206	1, 047, 004	170, 540	3, 012, 236	0	1, 102, 989	232, 746
State total (490)	25, 117, 875	26, 960, 948	47, 246, 239	22, 029, 169	156, 573, 399	372, 127	72, 364, 114	49, 362, 244

SERVICE PERSONNEL TRAVEL REGULATIONS

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished Senator from Washington (Mr. Jackson), I ask unanimous consent to have printed in the Record a statement by him relative to service personnel travel regulations.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Jackson

I invite the attention of the Senate to a proposed change which I hope will be of benefit to traveling servicemen and servicewomen in all branches of the military.

At my request United Air Lines has made a filing with the Civil Aeronautics Board which will allow any member of the military, who is traveling at his own expense and on his own time, to do so while out of military uniform. No orders, no authorizations, no uniform will be necessary.

This problem was brought to my attention by members of the Walter Reed Army Institute of Nursing Program. Although these young people are regular enlisted members of the Army, with identification cards, they are not permitted to travel at reduced rates, on a leave status, because no uniform is authorized them by the Department of Defense.

The new regulation would permit them to have the privileges now extended to those in uniform; it would also permit individuals, who for security reasons do not wear uniforms, to travel at reduced fares. I should also point out that, as a matter of convenience, those who have uniforms would not be required to wear them upon presentation of proper identification.

This proposal will make traveling an easier and more pleasant experience for our servicemen. I am most pleased that Edward E. Carlson, President of United Air Lines, has acted to correct this problem.

On March 3 United Air Lines requested a change in the uniform requirement. The proposal will become effective on April 17, subject, of course, to CAB approval.

I am most pleased to announce that action is being taken to enhance this part of the service experience of our young people, and all service personnel.

SENATOR METCALF ON FORESTRY

Mr. CHURCH. Mr. President, the distinguished junior Senator from Montana (Mr. Metcalf) came to Congress 20 years ago and immediately established a reputation in the conservation field, years before it was fashionable to be a conservationist.

Recently, the American Forestry Institute interviewed my friend, Senator Metcalf, about problems in the forests. I believe that his remarks may be instructive.

I ask unanimous consent that the interview, recorded for broadcasts on campuses to our students, be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

American Forest Institute Program on Campus: October 1971—Forestry Legislation

Guest: Senator Lee Metcalf, Montana.

Moderator: Phyllis Rock, AFI.

Rock. This is the American Forest Institute Program on Campus, and I am Phyllis Rock. This series on trees and how they affect environment is bound to come sooner or later to questions of how 205 million Americans want their forests used. How should they be managed, and for what purposes? These issues are drawing reaction in the halls of Congress, where several proposals have been put before the House and Senate.

A key figure here is Senator Lee Metcalf of Montana, and we are very pleased to have him today as our guest.

Senator Metcalf, Montana is a state of great forests, national parks, national forests, privately owned forests, supporting a timber industry and a recreation industry. What do you see as the major problem areas of forestry that may call for legislative remedy?

Metcalf. Phyllis, I am delighted to be with you again, and have you back as a colleague here in the Senate, instead of wandering around the country doing broadcasts. I think that this is a very appropriate and significant area for us to discuss. I'm the author of one of the bills, one of the major bills, to provide for management of the nation's forests because I believe that we should go into this program of more intensive management, more intensive regulation, and more concentration on the environment aspects of the forest, as well as the productive capacity of our forests. And I think your description of Montana as an area of, of—

Rock. You have a little bit of everything there in forestry.

Metcalf. Beautiful forests, and lakes and streams and recreation and so forth, points up the need for the kind of regulation that I would like to have. Not only sustained yield programs so that I hope forever we'll have a significant and stable forestry industry as far as the cutting of the logs and the harvesting of timber and so forth is concerned. But also, recreational opportunities, preservation of the environment, and this all-important protection of the watershed. A watershed that goes from the Columbia River down in your old country of Oregon, down in—and also the Mississippi-Missouri system that will affect the people as far as New Orleans.

Rock. Forest land owned by the federal government, of course, is controlled by Congress. What about privately owned forest land which in terms of the whole nation is the bulk of it? Do you see need for legislative remedies on privately owned land, too?

Metcalf. Yes, I do. I feel that we should have legislative remedies for both, and I hope before we're through, we'll be able to talk about the federal forest land. But the private forests make the greatest contribution nationally to our forest. Some of the private forests, of course, are largely just cropland for pulpwood and things of that sort. Other private forests contribute significantly to the housing industry and to the building industry, and so forth.

One of the problems that I have seen as a result of some of the hearings that were conducted in the South is the elimination of those wonderful hardwood forests in the South, and the substitution of quick cropping, fast-growing pines that are used for pulpwood and so forth. It seems to me to be tragic that we haven't provided for a sustained yield in a longer logging operation for those forests. Now, some people suggest that maybe we should have just an incentive program. I doubt that just an incentive program would—would be enough.

Rock. Senator, what are the main provisions of your bill?

Metcalf. Well, my bill provides for both environment protection and regulation. And a wonderful thing about this is that protection of environment really provides for more timber to be cut over a longer period and does provide stabilization of our forest products. I provide for regulation of all the forests. There are other people who suggest that we just regulate the timber-producing forests. But I think we need to be broader, for all these trees that are useful for recreation. All these trees that cover the high mountain areas, and protect our watershed. All these trees are so beautiful, as we drive through the country. I was especially interested in this because in Montana we are concerned with—with forestry operations. And many of my constituents wrote to me about clearcutting. And I asked the most expert people I know, the men in the forestry department of the University of Montana, to do a survey, and it was just gratuitous on their part. But that was the origin of the so-called Bolle report, named after Dean Bolle, dean of the Forestry School in Montana, which pointed up many of the abuses by the federal Forest Service and by individual forestry operations on private land, on lands in Montana, especially clearcutting.

Rock. Does your bill actually prohibit clearcutting?

Metcalf. No, it does not. It provides for a system of study of alternatives, so that we have a commission looking into clearcutting operations. But it does not say that clearcutting will be prohibited. Now, Senator McGee of Wyoming, does have a bill that would have a moratorium on clearcutting. But my bill just says we'd look at the effect of clearcutting on the resource values and the other resource values of the environment, and the compatibility of it as to the species concerned and reforestation activities after clearcutting. And I think that we'll continue to have clearcutting. We must have it as one of the techniques, and one of the technologies of forest-timber production. But it's—in my opinion, it's just been used without consideration of some of the other environmental protection and has been abused in the sense that they've had clearcutting on 160, 250 acres, instead of in smaller plots that wouldn't be so unsightly and subject to erosion in the high mountain areas.

Rock. Do you think it's a fair conclusion at this point in history to feel that there is going to be a much greater public interest taken and expressed in how these decisions are made?

Metcalf. I absolutely do. More and more people are traveling through the western states of America, through these forested areas. And more and more people from New Jersey and New York and Pennsylvania, and so forth, are looking up at those mountain slopes, and saying: Well, what on earth happened to that scar on the mountains? And more and more people are going to say, why did we have to clearcut in that way? And they're going to be concerned about that watershed, and the erosion of that soil that fills up the Big Muddy; you know: "Too thin to plow, and too thick to drink!"

Rock. Prof. Curry from the University of Montana raised this question about nutrients, loss of nutrients and soil erosion under some logging practices. What is your reaction to that?

Metcalf. Well that—he raised that at a hearing presided over by Senator Church just on general forestry practices, not directed at any one law. And he startled every member of the Senate Interior Committee. That was the most significant testimony that was presented. He told us about analysis of clear, pure mountain water, flowing off the clearcut areas. It was so full of nitrogen that fish couldn't live in it. So full of the nutrients that are needed to grow the next crop of trees that they were all flowing off the land, and they weren't remaining on the land. And it's still, as I say, it looked like just a clear mountain spring. And so, Prof. Curry's findings have been widely disputed. All of us are anxious to have a special grant for research to find out what happens in a mountain area, such as Montana, or what happens on a clearcut on a costal area, such as Washington and Oregon. And those studies, too, would have to bring out, and either justify Dr. Curry's suggestions, or show that they have to be modified in other areas.

Rock. What provisions does your bill have specifically for accomplishing these regulations and these inputs of public interest into how the forests are managed?

Metcalf. My bill is a regulatory measure. It provides for substantial regulation as far as the Secretary of Agriculture for the national forests or the Secretary of the Interior as far as the Interior forests are concerned, to provide that the multiple use programs will be always in effect; that not only shall we produce timber for logging operations, but we should produce timber for recreation, for watershed management, and these other multiple uses. And so, there has to be more regulation rather than just putting it up to the discretion of the various secretaries.

Rock. Let me ask you one question that maybe is a slight divergence from this, but seems one of growing importance. When—what happens in a situation where you have a privately owned piece of land that has trees on it; ah—encroachments from urban sprawl begin to approach that piece of forest; the taxes on it are going to go up just because of the use of the land around it; and eventually that land owner, if it's me, probably, or most people, is going to have to put that land to a more lucrative use, and the chances are he'll cut his trees, perhaps, and make a shopping center out of it.

How do you deal with a situation like that?

Metcalf. Well, Phyllis, it's almost impossible to deal with many of those situations as suburban areas gradually come into private forested areas. I tried to deal with some of it by providing that those areas that are immediately adjacent to Wilderness Areas shall be held in abeyance and be explored as to whether they should be included and have a buffer strip in and around Wilderness Areas, and we have a provision in my bill for 2,800 acres or more to be studied and surveyed as wilderness before they can be cut and harvested. We have more problems than that. You know, once they log it off, then they sell it for—for cabinsites or something, and we have maybe a stream with no sewerage and you have the destruction of a fishing stream, a pleasant recreation area or beautiful site. That's all a problem that I've tried to take care of in some of the small, cooperative forest management programs that are set up in my legislation and take care of in this idea of surveying some of the sites for wilderness. But this won't completely take care of the problem.

Rock. We're really getting into the whole question of land use, and——

Metcalf. That's right.

Rock. And there is legislation that would deal with the national land use policy, as well, isn't there?

Metcalf. Yes, and the Public Land Law Review Commission, as you know, has come up with some proposed legislation which in my opinion needs very careful examination and study. But at least is a beginning to study a national land use policy instead of just a policy that has evolved from exploitation and state ownership and local ownership.

Rock. Senator, are you optimistic or are you pessimistic about the state of the nation's forests, say, now and for succeeding generations?

Metcalf. No, I'm optimistic. I think we have started in time to take care of our western forests. You remember when Khrushchev was here, and he was out in that farm in—where? in the Middle West——

Rock. Iowa?

Metcalf. Yes, he said what this country needs is more trees. And they had that whole sea of trees out there when the pioneers came, and they just logged it off. But we saved our western forests, our national forest policy, and policies of the first President Roosevelt, and Gifford Pinchot, and so forth, went into effect. We have a conservation and environmental conscious people. People know the meaning of the word ecology that never—wouldn't even put it in their crossword puzzle a few years ago! And so I'm very optimistic that we've started in time.

Rock. Thank you very much. We've been listening to Senator Lee Metcalf of Montana.

Metcalf. Thank you.

ANNOUNCEMENT OF POSITION ON VOTES

Mr. STEVENSON. Mr. President, I was necessarily absent from the Senate on March 7, 1972. During the time the Senate was in session, it held four record votes on which I was not previously positioned. If present and voting, I would have voted "yea" on Senator Spong's amendment to the Roth amendment, "yea" on Senator Roth's amendment as amended by Senator Spong's amendment, and "yea" on each of Senator Long's two amendments.

THE EFFECT OF THE EQUAL RIGHTS AMENDMENT ON LAWS WHICH APPLY TO ONLY ONE SEX

Mr. BAYH. Mr. President, those of us who support the equal rights amendment are often asked whether the amendment, if ratified, would invalidate all State and Federal laws which apply only to one sex. The answer to this question is: definitely not. Laws which apply only to one sex would generally be unconstitutional—excluding those laws based on the unique physical characteristics of one sex, or on the constitutional right to privacy, of course. But the fact that a law is declared in conflict with the equal rights amendment does not necessarily mean that the law must be struck down entirely. For the courts have the power and the duty to cure the legal infirmity—called, technically, "underinclusion"—by declaring the law to include both sexes, where that remedy is appropriate.

The late Mr. Justice Harlan stated succinctly the legal principle which will be applied to laws which may be found to conflict with the equal rights amendment. He said in his concurrence in *Welsh* v. *United States*, 398 U.S. 333, 361 (1970):

> Where a statute is defective because of underinclusion there exist two remedial alternatives: a court may either declare it a nullity and order that its benefits not extend to the class that legislature intended to benefit, or it may extend the coverage of the statute to include those who are aggrieved by exclusion.

How will this principle be applied in practice to laws found to conflict with the Equal Rights Amendment? It is expected that those laws which confer a real benefit to the sex within their provisions, like laws requiring rest periods at work or a minimum wage, will be expanded so as to include both sexes. On the other hand, laws which are restrictive or burdensome, like those prohibiting one sex from certain sorts of lawful employment permitted to the other sex, will, it is expected, be stricken entirely. Indeed, this is the course the courts have taken in dealing with laws or employer practices prohibited by title VII of the Civil Rights Act of 1964.

The staff of the Subcommittee on Constitutional Amendments, which I am privileged to serve as chairman, has prepared a memorandum on the question whether legislation found unconstitutional under the Equal Rights Amendment would be nullified, or expanded to include the exempted sex. That memorandum provides some of the legal groundwork for the observations I have made today, and I ask unanimous consent that it be printed in the Record. I also ask unanimous consent that two other documents, each of which supports my position on this question, be printed in the Record: first, a portion of the report of the Committee on Civil Rights and the Special Committee on Sex and Law of the Association of the Bar of the City of New York; and second, excerpts from the statement of Prof. Norman Dorsen before the Judiciary Committee.

There being no objection, the items were ordered to be printed in the Record, as follows:

Would Legislation Found Unconstitutional Under the Equal Rights Amendment Be Nullified or Expanded To Include the Exempted Sex?

U.S. Senate,
Committee on the Judiciary,
Washington, D.C., January 20, 1972.

One question often raised concerning the Equal Rights Amendment* is whether it would abrogate all State and Federal legislation applicable only to one sex—particularly the so-called "protective" labor laws. The simplest answer is this: a number of laws which apply only to one sex would be unconstitutional if the Equal Rights Amendment were ratified; and depending on a court's assessment of the purpose of the law, the law would either be expanded to include the exempted sex or nullified entirely.

Preliminarily, it should be noted that this memorandum deals only with the role courts would play in altering laws in conflict with the Equal Rights Amendment. The judicial role, however, will plainly be secondary to the legislative role. It may be expected that after ratification of the Amendment, each legislature will review its laws to determine which ones must be changed to conform to the Constitution; and each legislature will then decide whether to expand or repeal the laws affected. Indeed, the purpose of delaying the effective date of the Amendment for two years after ratification is to allow legislatures an opportunity to act. Moreover, even after a court expands or nullifies a law because of the Equal Rights Amendment, a legislature has the power to change the result by statute if it wishes, so long as the final result is nondiscriminatory.

There can be little serious question that the courts, upon holding a statute unconstitutional, can expand the scope of the statute to cure its legal infirmity. As Mr. Justice Harlan said, concurring in *Welsh* v. *United States*, 398 U.S. 333, 361 (1970) (footnote omitted):

> Where a statute is defective because of underinclusion there exist two remedial alternatives: a court may either declare it a nullity and order that its benefits not extend to the class that the legislature intended to benefit, or it may extend the coverage of the statute to include those who are aggrieved by exclusion.

See *Skinner* v. *Oklahoma ex. rel. Williamson*, 316 U.S. 535, 543 (1942); *Iowa Des Moines Nat'l Bank* v. *Bennett*, 284 U.S. 239, 247 (1931); *Developments In The Law—Equal Protection*, 82 Harv. L. Rev. 1065 1136–37 (1969).

The Supreme Court has applied this principle in many cases. In 1880, for example, the Court extended a State statute limiting jury service to "electors" to include blacks enfranchised by the 14th and 15th Amendments rather than striking the law down. *Neal* v. *Delaware*, 103 U.S. 370 (1880). In *Sweat* v. *Painter*, 339 U.S. 629 (1950), and *McLaurin* v. *Oklahoma State Regents*, 339 U.S. 637 (1950) the Court held that State laws restricting access to State institutions of higher education on the basis of race were unconstitutional; it expanded the law so that black students had equal access. And in *Levy* v. *Louisiana*, 391 U.S. 68 (1968), the Court extended to illegitimate children the right, restricted by a State statute to legitimate children, to recover wrongful death benefits. See generally Dorsen, *The Necessity of a Constitutional Amendment in Equal Rights for Women: A Symposium on the Proposed Constitutional Amendment*, 6 Harv. Civ. Rts.-Civ. Lib. L. Rev. 216 (1971).

When a court is faced with the choice of expanding on nullifying a statute because it conflicts with the Constitution, it will attempt to determine which course would best serve the law's purpose or, put another way, the legislative intent. See, *e.g.*, *Guinn* v. *United States*, 238 U.S. 347, 366–67 (1915); *Dorchy* v. *Kansas*, 264 U.S. 286, 289–90 (1924); *National Life Ins. Co.* v. *United States*, 277 U.S. 508, 522 (1928); *Welsh* v. *United States*, *supra* 398 U.S. at 363–67 (Harlan, J., concurring).

The court will use a number of guides to determine legislative intent, including the public importance of the subject with which the legislation deals the practical impact of expanding the law compared to the effect of nullification, and whether the statute involved is criminal in nature and must therefore be strictly construed. *See* Brown, Emerson, Falk and Freedman, *The Equal Rights Amendment: A Constitutional Basis for Equal Rights for Women*, 80 Yale L.J. 871, 913–920 (1971), and cases cited.

The courts should have no difficulty applying these principles to cases which arise under the Equal Rights Amendment, if called upon to do so. It may be expected that where the State law at issue extends a real benefit to the sex within its provisions, and where extension will cause no serious industrial disruption, a court would extend the law to both men and women.

In such a case—a minimum wage law which applies only to one sex may be an example—the excluded sex (often men) is denied a meaningful protection. But where the State law is discriminatory in the guise of protection, and where the result of expansion would be disruptive, the law would probably be struck down entirely. An obvious example is a law barring women from a certain occupation—not only is it discriminatory, but also expansion would mean no person could engage in that trade.

It is worth noting in this regard that the courts have had a great deal of experience in dealing with laws which discriminate on the basis of sex, for Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e to 2000e–15 (1970) prohibits employment discrimination on the basis of sex unless sex is a "bona fide occupational qualification." Under that Federal statute a State overtime wage law was extended to include men, *Potlatch Forests, Inc. v. Hays*, 318 F. Supp. 1368 (E.D. Ark. 1970) as were weight-lifting limitations, *Bowe v. Colgate-Palmolive Co.*, 416 F 2d 711 (7th Cir. 1969).

But, on the other hand, State laws banning women from an occupation have been struck down, *McCrimmon v. Daley*, 2 FEP Cases 971 (N.D., Ill. March 31, 1970), *on remand from* 418 F. 2nd 366 (7th Cir. 1969). See generally *Developments In The Law—Employment Discrimination and Title VII of the Civil Rights Act of 1964*, 84 Har. L. Rev. 1109, 1188–1190, 1194–1195. Indeed, the entire question of "protective" labor legislation may already have been resolved by Title VII, for, in addition to the courts, the Equal Employment Opportunity Commission and the Attorneys General of at least 13 States have declared certain "protective" laws invalid because they conflict with the Federal law.

Excerpts From the Report of the Committee on Civil Rights and the Special Committee on Sex and Law of the Association of the Bar of the City of New York

1. LABOR LAWS

It has been suggested that the Equal Rights Amendment will adversely affect protective labor legislation which puts women in a special category. Such "special" legislation was, as previously shown, the subject of *Muller* v. *Oregon*. Basically, these labor laws may be grouped into three general types 1) those conferring supposed benefits such as rest periods; 2) those excluding women from certain jobs such as bartending or mining, or from employment before and after childbirth; 3) those restricting the conditions of employment, such as working at night or overtime.

However, it has become increasingly clear in recent years that these laws for women provide little genuine protection, and that in fact their impact has been to place women at a severe disadvantage in the labor market, in lower paying jobs, or out of the labor force altogether. Moreover, any sex-based law necessarily has a discriminatory effect, because a large number of women do not fit the stereotypes on which the law is premised. And, to the extent that any of these provisions embody actual protections, men are discriminatorily denied benefits.

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* S.J. Res. 8, 92nd Cong., 1st Sess. (1971), the operative section of which provides: "Equality of rights under law shall not be denied or abridged by the United States or by any State on account of sex."

As to the first category above, laws such as those requiring a rest period have discriminated against women in that they have provided a justification for paying women less and limiting them to certain positions. They have also operated unfairly in depriving men of such rest periods. Most of such laws may be extended to both sexes without burden or disruption.

As to the second category, laws excluding women from certain occupations impose a burden on some women without aiding others. Women who do not want to be bartenders would presumably not apply for such jobs, while those who wish to work in the cited occupations (some of which are very lucrative) are excluded solely because of their sex.

Compulsory maternity leave regulations, which require pregnant employees to go on leave for a specified period without providing job security or retention of accrued benefits, are similarly exclusionary. A sex neutral rule, permitting any temporarily disabled worker and his or her doctor to determine the commencement and duration of leave, would provide a nondiscriminatory and rational regulation.

The third category above particularly demonstrates the inappropriateness of using sex as a criterion in labor legislation. Night work is often better paid and more convenient for some women who go to school in the daytime, or whose husbands could care for children at night. On the other hand some employees, both women and men, would prefer exemption from night assignments. Overtime is also well-paid and desirable for many male and female workers; a sex-neutral rule would forbid employers to fire those who refuse over-time, but would permit over-time for those who wish it.

Thus, the effect of the Equal Rights Amendment on labor legislation would be to provide an incentive to the states to enact statutes which would genuinely protect workers of both sexes.

STATEMENT OF PROF. NORMAN DORSEN BEFORE THE SENATE JUDICIARY COMMITTEE ABOUT THE EFFECTS OF THE EQUAL RIGHTS AMENDMENT ON LABOR LEGISLATION

I would like to turn now to the problem most frequently stressed by those opposing the Amendment—the alleged impact on labor laws that protect women but not men. The fact is that the effect of the Amendment on protective labor legislation provides no sound basis for opposing it.

There are three interrelated points here. First, the crazy quilt of existing state protective laws reveal graphically that there is no consensus on what is needed protection for either men or women, and that much of the legislation, instead of providing solutions to the real problems of women workers, actually "protect" them out of jobs they are perfectly capable of fulfilling. Second, under Title VII of the Civil Rights Act of 1964 much state legislation of this type is being invalidated and will be of no long term importance. Third, such laws that confer genuine benefits can and should be extended to men under the Equal Rights Amendment.

First. The pattern across the country of state laws shows that there is no coherent system of protection provided for women. For instance, while women are allowed chairs for rest periods in 45 states, they are given job security for maternity leaves of absence in *no* state and maternity benefits under temporary disability insurance laws in only two states. Women are even excluded from temporary disability benefits for pregnancy leaves in these two states.

Furthermore, in the benefit areas most people would consider most important—a minimum wage and a day of rest—men do receive substantial protection already. Only seven states have minimum wage laws for women only, but twenty-nine states, plus the District of Columbia and Puerto Rico, cover both men and women. More important, the federal minimum wage law covers both men and women at *higher* rates than all state laws except one (Alaska).

In contrast, maximum hour laws are a major area where men are not covered. Thirty-eight states cover women only, and three states cover men and women. Since the Supreme Court has upheld the validity of maximum hour legislation for both sexes since 1941, one can only suspect that unions have not pushed for maximum hour legislation, given their success in obtaining nationwide minimum wage laws for both sexes. This analysis would give credence to the EEOC and federal court decisions which have concluded that hour laws have been used as an excuse to keep women out of better-paying jobs.

Opponents of the Equal Rights Amendment often neglect to note the twenty-six states which altogether prohibit women from performing certain jobs. When forty states allow women to be barmaids, but ten bar them from this employment, can anyone seriously propose that women are thereby protected in those ten states? If anyone is protected, it would appear to be male bartenders.

Similar explanations suggest themselves regarding the eighteen states proscribing night work, and the six states prohibiting work for periods before and after childbirth. Women have not campaigned to obtain these "protections." This is for a very good reason.

Women in fact do night work all the time. Nurses, telephone operators, airline reservationists, and scrub women have not been protected from night work. Pregnant women, too, often choose to work right up to the birth date. Who ever heard of a housewife being allowed time off from her housework and small children just because she was pregnant, or of a state law which prohibited her from working.

Weight laws also are of doubtful protection for women. There are only four states with weight limits applicable to all jobs, and these limits are set so low that, if literally applied, they would prohibit women from doing any serious labor, including carrying an unborn child. In the remaining few states with weight limits, they apply only to certain industries. In New York, for instance, women are "protected" from lifting weights only in the foundries. The theory, apparently, is that some mystical essence in foundry weight lifting will injure women, while lifting the same weight in other industries will not. Possibly it is the male workers in foundries who are being protected—from job competition.

Thus, when all of the state laws applying only to women are examined closely, it becomes clear that they do not provide a coherent system of meaningful protection. Nor do they deal with the real problem for women—exploitation by being underpaid and funneled into the lowest-paying, most menial jobs of our society. State labor laws have never dealt with this problem. Furthermore, the premise that real protection can be based on legislating by sex is falacious.

Sex is an insufficient criterion to predict with accuracy who needs what protection. If injury due to lifting weights is a problem to answer is to forbid employees to fire individuals—both men and women—who refuse to lift weights above a safe limit. If some men and some women don't want to work overtime, laws should be passed forbidding employers to fire those who refuse overtime; both men and women who do want overtime pay should not be penalized.

In short, analysis of state laws that apply exclusively to women does not establish that they protect women in any important way. In fact, these laws do not protect women in the one area clearly applicable to women only—maternity benefits and job security; they are ineffective in dealing with the exploitation of women through lower pay than men; and they are used to discriminate against women in job, promotion, and higher-pay opportunities. They do not furnish a reliable basis for opposition to the Equal Rights Amendment.

Second. In light of the above it is not surprising that the Equal Employment Opportunity Commission, the federal agency charged with interpreting and administering Title VII, has concluded that state "protective" laws were superseded by Title VII and could not lawfully be enforced. The Commission stated that:

"Such State laws and regulations, although originally promulgated for the purpose of protecting females, have ceased to be relevant to our technology or the expanding role of the female worker in our economy. The Commission has found that such laws and regulatitons do not take into account the capacities, preferences, and abilities of individual females and tend to discriminate rather than protect." 29 C.F.R. § 1604.1(b).

The federal courts are apparently moving in the same direction. These federal district courts—including one within the last month—have now squarely held that Title VII supersedes such restrictive state laws. In addition, both the Fifth and Seventh Circuits have held that company-imposed restriction paralleling state laws—that is, placing private weight limits on women's jobs—also violate Title VII. For instance, in *Weeks v. Southern Bell Telephone & Telegraph Co.*, 408 F. 2d 288 (5th Cir. 1969), the court set a stringent standard for establishing a "bona fide occupational qualification" exception to Title VII. This is the exception under which employers have argued that state laws allow them to discriminate against women workers. The *Weeks* courts held that:

The employer has the burden of proving that he has reasonable cause to believe, that is a factual basis for believing, that all or substantially all women would be unable to perform safely and efficiently the duties of the job involved.

Some states have also taken action under Title VII. Delaware has repealed all its labor laws for women only. So far, there has been no outraged cry from women workers. Five states have repealed their hours laws; in six states and the District of Columbia, the Attorneys General have ruled that state laws are superseded by Title VII or state fair Labor Standards Act are exempted from the state laws; in two states, there are no prosecutions under state laws; in two states, there are exemptions from laws if the employee voluntarily agrees; and in one, the weight lifting regulation has been extended to men. In other words, twenty-two states and the District of Columbia have already repealed or greatly weakened the effect of the state labor laws on women.

Given this action of the EEOC, of the Federal courts, and of the States, can we really say that the impact of the proposed amendment on State labor laws furnishes any basis for opposition to it? We must recognize that these laws are already invalidated or being invalidated. It appears that opponents of the amendment are trying to erect bridges which were crossed five years ago, when Title VII went into effect.

Third and finally with respect to State labor legislation. There is abundant evidence that if the amendment is ratified it would result in the general extension of certain benefits to men that are now available only to women rather than invalidating them altogether. I recognize that this issue has been the subject of some controversy before the Committee. Nevertheless, I suggest there is ample precedent already on the books to substantiate the conclusion that the fears of wholesale elimination of benefits for women are unwarranted.

In the first place, until Title VII the EEOC has consistently held that laws giving women benefits—such as a lunch break—must be extended to men. The Seventh Circuit has indicated it would be the same, when it held in *Bowe* v. *Colgate-Palmolive Co.*, 416 F. 2d 711 (7th Cir. 1969), that the company-imposed weight limit could be validly extended to men under Title VII, provided the company allowed members of either sex to show he or she could perform the job in question. And Georgia took a similar approach to its weight-lifting regulation, which was extended to men and rephrased to prohibit "strain or undue fatigue" rather than a set weight limit.

In other areas of the law, courts have also indicated a willingness to extend benefits to a class of people unconstitutionally excluded from the benefit, rather than voiding the law under which the class was improperly excluded. As long ago as 1880, the Court ruled that a state constitution giving whites only the vote was not void under the Fifteenth Amendment, but rather that the right to vote must be extended to blacks. Likewise, in *Levy* v. *Louisiana*, 391 U.S. 68 (1968), when a Louisiana statute denied illegitimate children the right to recover for their mother's wrongful death, the Supreme Court held that the Fourteenth Amendment required the extension of protection to them rather than voiding the legitimate children's right to recover.

Clearly, if the courts have authority to extend benefits to an excluded class under the Fourteenth and Fifteenth Amendments, they will have the same authority to extend benefits under the proposed Equal Rights Amendment. Moreover, courts have a general obligation to interpret instruments reasonably. If this means granting a day of rest to men, rather than destroying this right for women, the courts should and presumably will follow that path, especially in view of the very ample expression of opinion by members of the Congress and witnesses that some protective laws should be extended to both sexes rather than voided.

Finally, with respect to this problem, we should not lose sight of the fact that the Congress and state legislatures will have the opportunity to enforce the Amendment and fashion its general command to specific situations in a comprehensive and reasonable manner.

ADMINISTRATION'S PROPOSAL TO ELIMINATE MEDICARE PREMIUM CHARGE: WILL IT BENEFIT THE ELDERLY?

Mr. CHURCH. Mr. President, in his recent health message, the President called for the elimination of the monthly premium charge under part B of medicare.

As chairman of the Committee on Aging, I have long advocated removing this payment for the elderly. For persons living on fixed incomes, the $5.60 monthly premium charge—which is scheduled to rise to $5.80 this July—can be a burden. On an annual basis, this now costs an elderly couple $134.40. When the new rate goes into effect, it will rise to $139.20.

Several leading authorities—including the 1971 Social Security Advisory Council—have urged that the elderly should be exempted from this payment. The reasons for taking this action, I strongly believe, are compelling. I am hopeful that the Senate will adopt such an amendment to H.R. 1.

However, I have very serious reservations concerning the administration's proposal for implementing this much needed change in the medicare law. As things now stand, the elderly are likely to discover that there is no real benefit under the administration's recommendation. In fact, they may find that they are paying a far greater price—in terms of being denied badly needed social security increases or further cutbacks in medicare coverage.

A recent letter sent to me by Nelson Cruikshank, president of the National Council of Senior Citizens, described several of the pitfalls in the administration's proposal. This letter should be of concern to all Members of this body because the Senate will soon consider H.R. 1.

Mr. President, I ask unanimous consent that the letter sent to me by Nelson Cruikshank be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

National Council of
Senior Citizens, Inc.,
Washington, D.C., March 6, 1972.

Hon. Frank Church,
Chairman, Special Committee on Aging,
U.S. Senate,
Washington, D.C.

Dear Senator Church: This is in reference to one of the proposals in the President's special message on health sent to the Congress on March 2 which is of special concern to older people.

In this message the President said:

"H.R. 1 as it now stands, however, would still require monthly premium payments to cover the costs of Part B. I have recommended that the Congress eliminate this $5.80 monthly premium payment and finance Medicare coverage of physician services through the social security payroll tax. This can be done within the Medicare tax rate now included in H.R. 1. If enacted, this change would save $1.5 billion annually for older Americans and would be equivalent to a 5 percent increase in social security cash benefits."

The National Council of Senior Citizens has long supported the combining of Parts A and B of the Medicare Program and the elimination of the soon-to-be $5.80 monthly premium paid by individual beneficiaries. However, an analysis of the method by which the President proposes to do this reveals that his plan would not in fact benefit the elderly in the way he claims.

First and most important it is clear from the above-quoted section of the message—and this is supported by an examination of the President's Budget—that he proposes to eliminate the support of the Medicare Part B program that now derives from matching the premium payments by funds appropriated from the general revenues of the government.

Benefits payments and administrative costs of this part of the Medicare program for fiscal '72 are running at an annual rate of $2.5 billion. Premiums and government contributions total about $2.6 billion leaving a very slight surplus to add to the already skimpy reserves.

The obvious conclusion is that if matching funds from general revenues are to be abandoned the loss must be made up either by raiding one or more of the other trust funds, or by increasing the payroll tax.

It is not possible to transfer monies from any of the other three trust funds without jeopardizing the solvency of the programs or foregoing much needed increases in benefits.

Combining Medicare Parts A and B and eliminating the direct premium payments in the way proposed in the President's Health message would be of no real benefit to the elderly. They would still be paying the cost—either through loss of important cash benefits, reduction of hospital benefits or through additional taxes borne by younger members of their family who are still working. All of these alternatives are completely unacceptable to the members of the National Council of Senior Citizens and we believe to most Americans if the issue were to be presented stripped of the rhetoric and false promises.

Your assistance in clarifying this issue is much appreciated.

Sincerely yours,
Nelson H. Cruikshank,
President.

RECORD OF UNIVERSITY OF MARYLAND BASKETBALL TEAM

Mr. MATHIAS. Mr. President, this past Saturday the University of Maryland basketball team completed the best regular season in the history of the university, with a record of 21 wins and four losses. The Terrapins are nationally ranked by the wire services and have aroused the emotions and spirits of everyone in the State of Maryland. Coach Charles "Lefty" Driesell and his fine assistants have brought along a team which is younger and less experienced than many top-ranked collegiate basketball teams. Now, Maryland has a chance to add to this regular season performance with victories at the Atlantic Coast Conference tournament at Greensboro, N.C., starting today.

I take this opportunity to congratulate "Lefty" Driesell and the outstanding University of Maryland basketball team for their best season ever and offer my best wishes for continued success in their postseason endeavors.

Mr. President, I ask unanimous consent to have printed in the Record several articles from the Washington Post, written by Paul Attner and Kenneth Denlinger.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Maryland Looks to the "In Crowd"

(By Paul Attner and Kenneth Denlinger)

The Maryland Basketball Fan, like his team, is not yet dominating the Atlantic Coast Conference. He may some year, and probably should because he has more throat-power than anyone in the league. Presently, though, he lacks experience and consistency and would rate no higher than fourth against his Southern competition.

In judging crowds, most coaches abide by the Goldwater Principle that moderation in pursuit of justice—and victories—is no virtue. The louder the better, bring on the whistles, chants, horns, bells and signs. Let's have those guys quaking in their sneakers.

The seven ACC teams average four victories for every loss at home, with the crowds at Duke, North Carolina State and North Carolina generally regarded the noisiest.

North Carolina's Carmichael Auditorium is known as "Blue Heaven" by everyone but the opposition. But its 8,800 screamers performed the most imaginative act of the season with its reception of Maryland's Tom McMillen.

McMillen, committed to North Carolina before changing his mind, was expecting a nasty reception in his first appearance in Chapel Hill, but instead received a standing ovation.

The week before North Carolina, Maryland used taped crowd noises, from a sound-effects record, during practice to prepare for "Blue Heaven." The Tar Heels need no such gimmicks before coming to Maryland, despite the fact Cole Field House seats 6,500 more lungs.

"I think it's gotten better since I've been here," Maryland coach Lety Driesell said. "But part of the problem is acoustics. The noise seems to rise.

"Like, have you ever heard the noise at North Carolina or Duke? That's what I call noisy. We haven't caught up to them yet."

Driesell, the Arthur Fiedler of coaches, often appears to spend as much time directing the crowd as he does instructing his team during games.

Before his arrival three years ago, Cole Field House was a rather dreary place. If the safety patrol kids had not attended faithfully, it rarely would have been more than half filled.

Unlike North Carolina, N.C. State and Duke, Maryland has no solid tradition of winning big, no spirit-lifting fight songs or cheers. There are signs of sophistication in Maryland fans, because a soft touch on the schedule now brings the ho-hum attitude it deserves.

Virginia coach Bill Gibson and Driesell are the only ACC coaches who make "entrances" at home games, Driesell to the "Hallelujah Chorus," Gibson to "Hoot, Hoot, Hoot."

Fans at North Carolina State's 12,400-seat Reynolds Coliseum can measure their voice power through a contraption above the scoreboard at midcourt. It is a thermometer-like series of white lights that react to noise and keeps coach Norm Sloan content when burning brightly at the top.

State's fans are agitating the lights—and the opposition—as long as 20 minutes before most games. But the crowds at Duke probably generate the most noise, when they are "up" for a game. Duke's Cameron Indoor Stadium is the only place in the ACC where the player benches are part of the stands.

Duke students will hold an unofficial vote shortly on whether coach Bucky Waters should be retained, although "Let's Support Bucky and the Boys" signs have recently appeared in the 8,800-seat gym.

Wake Forest and Clemson supporters have little to cheer about. But Clemson offers genuine tiger growls over the public address system before each game.

Virginia's distinctive fan antic is the whistle, first offered by one man near courtside and now a regular feature of each call against the home team.

Neutral witnesses attended Virginia games against North Carolina and Duke this season in Charlottesville and saw officials hit with crumpled paper cups each time.

The ACC has no monopoly on fan fever, and as a whole may be more tame than the Southeastern Conference. The SEC's first black, Perry Wallace of Vanderbilt, was lining up a free throw once at Alabama, heard something land near his legs, looked down and saw a knife sticking in the floor.

The Palestra in Philadelphia generally is regarded as the all-time "snake pit" for visiting teams, although some basketball devotees consider it their Mecca. After an upset of St. Joseph's a few years ago, Temple enthusiastists pounded an oversized drum for more than an hour at courtside and outside the dressing room.

Most crowd flair is provided by students. In the ACC, their fling ends with the final regular season buzzer, even though the postseason tournament is the most meaningful part of league action. But the tournament is reserved for the fat-cat supporters, the heavy contributors. Very few students are allowed to attend.

Driesell Packs for Tourney Victory

(By Paul Attner)

Just as he has for the past two years, Lefty Driesell has instructed his wife to pack his suitcase for a four-night stand at the Atlantic Coast Conference tournament. Only this time he is serious.

Driesell admitted yesterday that this is the first season he could "look my players in the eyes" when he talked about winning the tournament.

"This is a great opportunity for us," he said. "There is no one in the league we haven't beaten. The players know they can take it if they want it bad enough. We can win it."

Despite the imposing presence of second ranked favorite North Carolina, Maryland has the best opportunity of capturing the tournament, which begins Thursday, since 1958, the only time the school has won the event.

In fact, no Maryland team has advanced to the second round since 1965 and only the 1958 team has made it into the final. Driesell's first two squads, despite his predictions that "they will go all the way," were easy first-round victims.

Driesell will take perhaps Maryland's best-ever basketball team to Greensboro, N.C. Its accomplishments are impressive: best regular-season record of 21-4, highest ACC finish since 1965, undefeated at home in 14 games for the first time.

But the Terrapins are still perplexing. They have managed to play poorly against weak teams while looking splendid against national powers. This pattern has bothered Driesell, who took the unusual action of making two changes in his starting lineup 25 games into the season in hopes of obtaining more consistency.

This revised lineup is one of three keys to Maryland's tournament hopes. For the Terrapins to win, the starters must jell immediately, Tom McMillen must continue to carry much of the scoring load and the team must overcome the slowdown, a season-long nemesis, probably twice more.

Driesell indicated that he will open in the first round against Clemson with the same lineup that began the season's finale against Virginia. This means he will again use 6-foot-6 Darrell Brown and 6-4 Bob Bodell along with the 6-11 McMillen, 6-9 Len Elmore and 6-1 Howard White.

Although neither has started much. Brown and Bodell, both juniors, have been among their team's most consisent, and best players all year and their presence gives Maryland its strongest possible lineup.

"Darrell could determine if we win the tournament," said Driesell. "He has really come along. If he can continue to play as well, we have to be contenders."

Bodell is Maryland's best defender and has the team's best shooting percentage, hitting 61 per cent of his field-goal attempts. He gives the Terrapins added quickness "and a spark we sometimes lack," said Driesell.

Second-leading scorer Jim O'Brien, who was benched in the lineup shuffle, "hasn't played up to his potential," said the coach. "He realizes it and is concerned about it. Maybe sitting on the bench will help him. He did have a good practice on Monday."

O'Brien is averaging 12 points but his shooting has fallen off in the last third of the season. "He needed something to wake him up," said Driesell. "I don't like to break up a winning combination but I thought I had to this time."

McMillen, who is the school's all-time single-season sophomore scorer, has provided one-third of Maryland's points over the last 12 games. He holds his team's season highs in all but one offensive category, making 55 per cent of his field goals and a remarkable 82 per cent of his foul shots.

"A lot of our offensive success will depend on how well Elmore and McMillen work together inside," said Driesell. "Tom has to be the best forward in the country."

"I think Maryland will probably go as far as McMillen takes them," said Duke coach Bucky Waters.

The Terrapins know Clemson will employ a deliberate offense against them and they expect a more normal outing only if they reach the final, presumably against North Carolina.

The abundance of slowdown opponents has made it difficult for Driesell to evaluate if his club has peaked for the tournament as well as he had hoped.

"I've been pointing for the tournament all along but we haven't played a normal game in weeks so it's difficult to tell how good we are," he said.

"The only way to combat the slowdown is to destroy it right away. We didn't do that and everyone has tried it against us. Maybe our time will come in the tournament."

Maryland Assured of Bid To Play in NIT

Maryland, which begins play Thursday in the Atlantic Coast Conference tournament, already has been assured a spot in the National Invitation Tournament.

According to a member of the NIT selection committee, unless the Terrapins win the ACC and advance to the NCAA Eastern Regionals, they will most likely play in the nationally televised NIT game Sunday, March 19.

THE EQUAL RIGHTS AMENDMENT AND SEX DISCRIMINATION IN STATE PENAL LAWS

Mr. BAYH. Mr. President, the equal rights amendment will declare the national policy and supreme law of the land to be that sex discrimination by any level of government is wrong. Only that kind of declaration in the Constitution can eliminate the legal sex discrimination which now is far too common in our country.

The Citizen's Advisory Council of the Status of Women has recently prepared a memorandum on one aspect of sex discrimination—different penal sentences for men and women who commit the same crimes. As the memorandum shows, some courts continue to find that such sex discrimination is constitutional. Thus a woman in New Jersey recently received a longer sentence than she could have if she had been a man. And a man in Maine recently received a longer sentence than he could have if he had been a woman. Surely there is no justification for this sort of sex discrimination. But it exists, and it may continue to exist until the equal rights amendment is ratified.

I ask unanimous consent that the Citizen's Advisory Council on the Status of Women's "Memorandum on Prison Sentence Discrimination Because of Sex" be printed in the Record.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

Only Equal Rights Amendment Will Promptly End Prison Sentence Discrimination Because of Sex

Laws providing longer prison sentences for women than men (and vice versa) are very persuasive examples of the urgent need for an equal rights amendment that permits no distinctions based on sex. While relatively few women are affected by discrimination in the criminal law, the nature of the attitudes toward women underlying all forms of discrimination are exposed in these cases. Since women's organizations have not had the resources to research systematically all State laws, we are unable to compile a complete list of all instances of such discriminations.

The most recent examples of cases coming to our attention are New Jersey and Maine cases, in which the courts *failed* to find unconstitutional laws providing disparate sentencing for men and women convicted of the same offense. *State* v. *Costello*, 59 N.J. 334, 282 A. 2d 748 (1971); *Wark* v. *State*, — Me. —, 266 A. 2d 62 (1970), cert. denied 400 U.S. 952, 27 L. Ed. 2d 259 (1970).

Mary A. Costello, the defendant in the New Jersey case, pled guilty to bookmaking, the keeping of a gambling resort, and possession of paper, documents, slips or memoranda pertaining to the business of lottery or lottery policy.

Judge Hall of the New Jersey Supreme Court summed up the differences in treatment in the following excerpt from the opinion:

"Defendant *could* be held on the bookmaking conviction for as long as five years (although it is most unlikely that she would be). A first offender male, convicted of the same crime, would likely receive a state prison sentence of not less than one nor more than two years. He could not be confined for more than two years, less good behavior and work credits, and, assuming maximum such credits, would be eligible for parole, and, considering the nature of the offense, quite likely paroled in 4 months and 28 days."

Judge Hall was unwilling to declare the New Jersey law unconstitutional on its face, as the Pennsylvania Supreme Court and the Federal District Court in Connecticut had done with respect to similar laws in these States, and commented further that:

> . . . there are decisions in other jurisdictions concluding that disparate legislative sentencing schemes based upon sex are not constitutionally invalid *State* v. *Heitman*, 105 Kan. 139, 181 P. 630 (1919), 8 A.L.R. 848; *Platt* v. *Commonwealth*, 256 Mass. 539, 152 N.E. 914 (1926); *Ex parte Brady*, 116 Ohio St. 512, 157 N.E. 69 (1927); *Ex parte Gosselin*, 141 Me. 412, 44 A. 2d 882 (1945), appeal dismissed 328 U.S. 817, 90 L.Ed. 1599 (1946). Cf. *Wark* v. *State*, — Me. —, 226 A. 2d 62 (1970), cert. denied, 400 U.S. 952, 27 L.Ed. 2d 259 (1970). These cases, generally speaking, reasoned that the legislature could legitimately conclude that female criminals were basically different from male criminals, that they were more amenable and responsive to rehabilitation and reform—which might, however, require a longer period of confinement in a different type of institution—and that therefore the legislature could validly differentiate between sexes with respect to the length of incarceration and the method of the determination thereof.

The following excerpt from Judge Hall's opinion further indicates his reluctance to find the law invalid under the 14th amendment:

"However, at oral argument her counsel further stated that defendant was now ready and willing to cooperate with the prosecuting authorities by disclosing information as to those at a higher level with whom she was connected. We understand this offer had not previously been made. *Ivan* (33 N.J. at 199, 203) intimates that, where such information is furnished by a convicted gambling operator at a lower level which is full, truthful and of value in assisting the pursuit of "higher-ups" in organized crime by law enforcement authorities, this fact should be taken into account by a sentencing judge in determining the nature of the punishment. In such a situation the judge might properly decide that a custodial sentence should not be imposed on a first offender.

"Although such an offer would not ordinarily be considered if first made at the appellate stage, we are of the view, since the case is being remanded for another reason, that defendant should have the right to make a motion to the trial court, within 20 days from the date of this opinion, R. 3:21–10, for reconsideration of the sentence on this ground. If the motion and disclosure are made, the prosecutor should promptly report the nature and result of the disclosure to the trial court, after which the sentence may be reconsidered in the light thereof under the cited rule. We should add that if such reconsideration results in a new sentence other than commitment to the Correctional Institution for Women, the issue of the constitutionality of the statutory female sentencing scheme will thereby become moot and the determination of that question need not be further pursued."

Mrs. Costello has been resentenced under a different statute to a term in the county jail, making this case moot. Her lawyers contend that the new sentence is improper and have filed another appeal in the Appellate Division.

In the Maine case Mr. Wark had been sentenced to an additional term of from six to twelve years for escaping from a Maine prison farm, whereas a woman convicted of escaping from the women's reformatory would have been subject to a maximum sentence of no more than eleven months.

The Supreme Court of Maine concluded "that a classification based on sex under these circumstances is neither arbitrary nor unreasonable but is a proper exercise of legislative discretion which in no way violates the constitutional right to equal protection of the law." The U.S. Supreme Court refused certiorari (citation on p. 1). For a discussion of the Maine court's convoluted reasoning see "Sex Discrimination by Law: A Study in Judicial Perspective" by Johnson and Knapp, 46 N.Y.U.L. Rev. 675, 729 (Oct. 1971).

Several instances of sex discrimination in laws relating to juveniles have come to our attention recently. Discrimination under New York's juvenile laws are discussed in a *New York Law Forum* article "Equal Protection for Juvenile Girls in Need of Supervision in New York State" by Sarah Gold, 17 N.Y.L.F. 570 (1971).

Lamb v. *Brown*, pending in the 10th circuit court of appeals, challenges the application of the Oklahoma juvenile law to young men until age 16 while covering young women until age 18. No. 71–1355, U.S. Court of Appeals, 10th Circuit; also see *Lamb* v. *State*, 475 P. 2d 829 (1971).

The Council was established by Executive Order 11126 in 1963 on the recommendation of the President's Commission on the Status of Women. Council members are appointed by the President and serve without compensation for an indeterminate period. One of the Council's primary purposes is to suggest, to arouse public awareness and understanding, and to stimulate action with private and public institutions, organizations and individuals working for improvement of conditions of special concern to women.

The views expressed by the Council cannot be attributed to any Federal agency.

PESTICIDE CONTROL

Mr. HART. Mr. President, the distinguished Senator from Wisconsin (Mr. Nelson) and I have introduced a series of amendments to the pesticide control bill approved earlier by the House of Representatives, H.R. 10729. The bill now is being considered by the Committee on Agriculture and Forestry.

The Senator from Wisconsin has a long and active record in seeking legislation to provide for the wise and rational use of chemical poisons. His interest is based on the well-documented thesis that the irresponsible use of pesticides, particularly the massive use of broad-spectrum chemicals, has resulted in an environmental crisis and a threat to the farm economy.

Senator Nelson's foresight in pest control has been commendable. His bill, S. 1794, to accelerate research and establish pilot field projects in the techniques of integrated pest control is strongly supported by environmentalists, the scientific community and by several of the country's most important farm organizations. This bill, which has passed the Senate unanimously, would provide an important step toward the implementation of sound farming practices without the rigid reliance on pesticides.

On March 7, Senator Nelson testified before the Subcommittee on Agricultural Research and General Legislation, chaired by the distinguished Senator from Alabama (Mr. Allen), on the amendments we both feel are critically necessary to improve H.R. 10729.

I ask unanimous consent that the testimony be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT BY SENATOR GAYLORD NELSON

Mr. Chairman, thank you for extending to me this opportunity to appear as a witness before your Committee this morning.

Over the past 12 months this Committee has spent a great deal of time studying the whole question of the impact of pesticides on the environment, or wildlife, on human health and on the farm economy. The hearing records on the Federal Environmental Pesticide Control Act and Pest Control Research are among the best documents available today on the subject of pesticides.

These records provide a sound basis for the thesis that with the single strategy of chemical pest control we not only have saturated the environment with deadly poisons that endanger a wide spectrum of living organisms, including man himself, but that we have begun to disrupt seriously the economic stability of the farming community.

The environmental damage and health hazards posed by persistent pesticides contamination is quite clear. Ample documentation of this is provided in the hearing record on the Federal Environmental Pesticide Control Act that was compiled by this Committee last March.

At issue now is whether the legislation passed by the House of Representatives, H.R. 10729, will provide an adequate legal basis to protect the environment and the public from the very serious consequences of the improper use of those chemical poisons.

It is my hope that this is all with which we have to concern ourselves.

There was some discussion in the public media recently about a strategy developed within the Administration to attain passage of the pesticide control legislation passed by the House. I have with me a copy of a memo that was distributed on January 12 of this year to each of the regional administrators of the Environmental Protection Agency.

The outrageous and shocking aspects of this memo are that the strategy is based almost solely on partisan political expediency and not on the need for a rational necessary program to protect the environment and human health from the serious dangers posed by pesticides.

The underlying theme of this memo is that the White House "can live with" House bill and that EPA should be very careful in publicly discussing necessary amendments so that, one, the White House will not be put on the spot in the farm states and, two, so that the bill will not be jeopardized and thus preclude a needed "legislative victory" for the Administration.

At another point, the memo says that if the Democrats attack the bill in the Senate the Administration can charge that they either are anti-farmer or they are putting their own political interest ahead of the Environment. The rationale behind that second charge would be that the House will not and so that any change in this legislation will effectively kill chances for the enactment.

I am one Democrat who believes the House bill has several basic weaknesses and, incidentally, I am not anti-farmer.

You recall, Mr. Chairman, that last year I introduced S. 1794, a bill to establish pilot programs in integrated pest control and to accelerate research in this alternative to pesticides to control insect pests. This legislation, which, thanks to you and this Committee, has passed the Senate unanimously, was strongly supported by scientists, environmentalists and by some of the country's most important agricultural groups. The farmers of the country said the need for alternatives to pesticides is critical. The only opposition to this bill came from the Administration.

It disturbs me greatly that anyone in the Administration saw the need to develop partisan political strategy on this terribly important matter. I hope that the witness for the Environmental Protection Agency will publicly disavow this memo and assure everyone here that the strategy outlined in the document has been abandoned in favor of seeking the best possible legislation regardless of political expediency.

H.R. 10729 proposes changes in the Federal Insecticide, Fungicide and Rodenticide Act to cover the manufacture and the use of all pesticides in addition to registration and labeling. There also are some changes in the registration and labeling requirements.

This Committee will hear representatives from several environmental groups and others on the need for improvements in this bill. I have reviewed the amendments, and I concur that the maximum protection of the environment and public health from pesticides will be attained if these changes are adopted.

However, the amendments that were introduced by Senator Hart and myself represent, I think, the very high priority amendments. And I urge that these amendments be included in the bill that is reported to the full Senate.

The first amendment deals with criteria for registration.

It adds a new definition on the unreasonable adverse effects on the environment. This term, when applied to the registration procedure, provides that the social costs and social benefits of the pesticide, including its short and long-term effects on man and the environment, will be considered. Also, the availability of alternative methods of pest control—such as integrated control—will be considered before the chemical is registered.

This point on alternatives is important. By adopting the language of this amendment, consideration will be given to how the job of pest control can best be accomplished. In the registration process, then, the Administrator must give attention to whether a pesticide proposed for use is essential for the job of pest control.

Unfortunately, the House bill states specifically that the Administrator *shall not* consider whether the pesticide that is proposed for use is needed. The second part of the amendment offered here would strike this provision from the House bill.

The second amendment deals with the disclosure of information.

The first part of this amendment provides that it shall be mandatory, not discretionary, for the Administrator to receive from every registrant a full description of tests and results on the chemical being considered.

The second part of this amendment requires that material submitted in support of **the registration of a pesticide shall be made available for public scrutiny before a pesticide is actually registered.** Under the House bill, this information, which cannot be presumed to be unbiased, will not be made available to the public until 30 days after a pesticide is registered—and I see no reason for excluding the public from participating in the important registration process. Certainly, the best decision on the registration of a pesticide can be made when all those affected by the outcome of the decision can play a part in the decision-making process.

The third part of this amendment provides that the public may have access to all information provided by a pesticide manufacturer, with the exception of trade secrets ond other privileged information.

The fourth part of this amendment provides that privileged information may be disclosed only (1) to other government officials, (2) to duly authorized committees of Congress, (3) in any judicial proceedings if ordered by the court, (4) if relevant in any proceeding under this Act to carry out the purposes of this Act, and (5) to the public if necessary to protect their health and safety.

The third amendment deals with efficiency and barriers to entry.

This amendment provides that the Administrator, in considering an application for the registration of a pesticide, may refer to any available test data on the chemical compound or formula submitted by an applicant. Under the House bill, the applicant would be given the authority to prohibit the consideration of his test data to compare with the data submitted by another applicant. There could be a great number of situations where data of similar compounds could be utilized by the Administrator in determining the adequacy of test results by different applicants.

This amendment would make it possible for the Administrator to avoid immense duplication of cost and effort in re-testing data submitted by an applicant when the necessary work already has been accomplished on similar data submitted previously by someone else.

The fourth amendment deals with criteria for general and restrictive use.

The House will provides that if a pesticide, when use as directed, will not cause a substantial adverse effect on the environment, it will be classified for general use. Those pesticides that must be applied with extreme care to avoid substantial adverse effects will be classified for restricted use only, requiring that licensed applicators only may administer the chemical.

There is a major problem here. There is no provision for the Administrator to consider whether a pesticide is likely to be used in a manner other than prescribed by the label. Thus, we could have many situations where the decision on whether a pesticide will be classified for general use or restricted use will depend on the language of the label only. Quite frankly, it is difficult to imagine that many pesticides would be classified for restricted use under the House bill.

This amendment provides that if a pesticide is likely to be used in a manner other than prescribed by the label and these other uses could result in a substantial adverse effect on the environment, the pesticide will be classified for restricted use only. This part of the amendment would attempt to cover instances when the pesticide will not be used as directed.

The fifth amendment deals with the structure of hearings on cancellation or suspension of a pesticide.

The essential provision in the first part of this amendment is to give interested parties the right to intervene in hearings on cancellation or suspension of a pesticide provided that the party can show proper legal standing. Also, this amendment grants certain discretionary authority to the Administrator in the conduct of the hearings. For example, there may be a situation where an issue can be resolved without the necessity of formal hearings, and this amendment would allow that the formal hearings may be dispensed with in such a circumstance.

The sixth amendment deals with the advisory committee of the National Academy of Sciences which may be called upon to help scientific matters of controversy in a suspension or cancellation hearing.

The first part strikes the provision that referral of questions to the committee must be made when requested by any party participating in the hearing. In the interest of assuring that referrals to the review committee will not be abused to the point of becoming a dilatory factor in the hearing process, the amendment provides that referrals will be discretionary with the hearing examiner.

The second part of the amendment provides that the NAS committee will consist of essentially equal numbers of scientists representing industry, environmental or consumer groups and the general scientific community. This provision will go further than the House bill in assuring the objective report.

The third part of this amendment merely provides that the report by the independent review committee will be advisory to, rather than binding upon, the Administrator.

The seventh amendment provides only that the penalty for violation of provisions of the Act shall not exceed $10,000. The House bill would assess a penalty of up to $1,000, but this amount is not sufficiently high to deter a large corporation, for example, from risking a violation.

The eighth amendment would strike the entire section dealing with indemnity payments for suspended pesticides.

This provision in the House bill would be a dangerous precedent. As the House bill now reads, the manufacturers of pesticides are assured that they will never suffer financial loss if they are selling and promoting the use of a chemical that poses an imminent hazard to human health, and the environment. The suspension of a pesticide is the same as a recall by the government of other products deemed to be hazardous to the health and welfare of the public. In other recalls, such as automobiles or cyclamates or soups, there has never been any obligation for the government to indemnify the manufacturer for the product that has been recalled.

The section that would be struck by this amendment also provides that a suspended pesticide may be used or otherwise disposed of over a "reasonable" period of time. This provision says in, effect, that a product that has been determined to be an imminent hazard still can be used. There is no reason why the Federal government should get into the business of sanctioning the use of dangerous products affecting the general health and welfare of the country.

The ninth amendment deals with judicial review.

The first part of this amendment provides that anyone adversely affected either by an order issued by the Administrator *or* the denial by the Administrator of any petition for an order or rule, may have legal standing to obtain a judicial review of the administrative proceedings. The House bill is too restrictive in its allowance for judicial review.

The second part of the amendment provides that where there is a controversy regarding an order issued by the Administrator, a stay in the order may be granted only if a substantial case is made that the order may be invalidated, or if there is a showing of irreparable harm.

The tenth amendment provides that citizens may participate in the enforcement of the Act. It is fair to assume that the Administrator, through the Environmental

Protection Agency simply will not have the manpower to effectively enforce the Act. In this time of increasing interest by the public in social policies that directly affect every member of the public, I believe it is necessary and important to allow citizens to participate in the enforcement of laws that have an impact on their lives.

It is important to note that a citizen acting under this provision stands to claim nothing in damages. Rather, the citizen suit would be for injunctive relief only.

The eleventh amendment deals with exports.

The House bill exempts pesticides produced solely for export from requirements of the Act.

This amendment provides that while such pesticides need not comply with the standards imposed on domestic products, appropriate test data would have to be submitted to the Administrator prior to export. Furthermore, the Administrator would be required to furnish such test data to foreign governments so that they would be aware of the dangers involved. This amendment provides further that the Administrator will ban the export of pesticides which could adversely affect the environment of this country.

In closing, Mr. Chairman, I wish to add only that the tremendous interest in the need for improved pesticide-control laws is something that came about because of increased understanding of just how dangerous chemical pesticides can be if used improperly. I believe that by adopting these amendments, the pesticide-control bill under consideration today will be greatly improved and thereby greatly improve the protection of the environment and the public health from the serious consequences of pesticide contamination.

Thank you very much.

ENVIRONMENTAL AND CONSUMER ADVOCACY

Mr. SAXBE. Mr. President, I invite your attention to an important lead editorial published recently in the Washington Post. Entitled "Nuclear Power: Questions That Need Answers," the thought-provoking editorial addresses itself to the very difficult questions raised by the ever-increasing attacks being made by environmental advocates against much needed powerplant projects.

It concludes that the public must have more of a say in answering these questions, because "too much is at stake in terms of the environment and the industrial potential of the country for them to be left solely to the experts or litigants."

I find this suggestion commendable, as I do the majority of the editorial.

My one concern lies in the inference that environmental advocates should balance the social interests involved before attacking a proposal that, in their opinion, might be detrimental to the environment in some way. It is time, the editorial suggests, "for the environmental groups to realize that a balancing process has to be developed between the need for electricity and the need for protecting our surroundings."

As a former State attorney general, I can tell you that it is not the proper role of an advocate to balance, or even consider in any but an adversarial way, interests other than those he represents. The job of the advocate is to win for his interests and to protect them from harm no matter how slight. He should use all of his resources, wisdom and guile to achieve this purpose. It is the job of the forum, be it a court or administrative agency, to balance conflicting interests.

It is true that there are problems arising out of the attacks by environmental advocates. I have heard many of my colleagues complain that they cannot get a road built or a powerplant sited in their States because of challenges by environmentalists.

But this should not be blamed upon the environmental advocates who are doing a zealous and commendable job. Nor should these advocates be given the responsibility to alter their own course in the larger interest of the public. Congress gave them this power, primarily through the Environmental Policy Act of 1970, and if it is creating an imbalance to the detriment of the larger public, Congress should alter that power.

We are faced with a similar problem in a subcommittee on which I serve. We are considering the proposed Consumer Protection Organization Act of 1971, S. 1177, and its House-passed counterpart, H.R. 10835.

Both of these bills would create an independent Consumer Protection Agency with broad consumer advocacy powers to challenge the actions of other Federal agencies. Far greater powers would be bestowed on this agency than the environmental advocates now enjoy. Whether such broad powers to advocate one important special interest might create an imbalance in Federal efforts for the entire public's good is a tough question and one we shall have to study closely in light of the environmental experience.

Last Saturday I met with a group of Ohio environmental scientists in Ohio. They were dedicated and knowledgeable people. But in the colloquy that followed my address, it was quite apparent that none of those present, including myself, had satisfactory answers to most of the major questions of ecology. Balancing the social interests should be an important part of any attack on our serious environmental problems. Failure to do so will result in the infringement of individual rights and, I believe, delay in enacting effective legislation.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 24, 1972]

NUCLEAR POWER: QUESTIONS THAT NEED ANSWERS

The atomic age has been around for more than a quarter of a century now but the vision it has always held out of providing cheap, plentiful, and clean energy has yet to be fulfilled. Nuclear power plants are only beginning to be an important part of the nation's electricity generating complex, and disputes about them seem to be growing as they become more common. These disputes, you might say, themselves generate more heat than light. Yet, some crucial decisions are in the process of being made now which will have great implications for the future so far as this nation's use of its energy resources is concerned.

A few days ago, for example, the State of Pennsylvania asked the Atomic Energy Commission to bar construction of a nuclear plant on an island in the Delaware River 11 miles from Philadelphia. Its complaint is that such a plant would impose too much danger on too many people by being located in so densely settled an area. This complaint, it seems to us, creates questions just as difficult as the one it asks the AEC to resolve. If the plant is too dangerous to be located near Philadelphia, where would it not be dangerous? Is it fair for an area, like Philadelphia, which will be the ultimate consumer of the electricity to insist that the risks involved in its production be placed in another area because fewer people live there? Two quite different and very difficult issues are thus raised by Pennsylvania's action. One involves the amount of danger inherent in nuclear power plants. The other involves the location of any kind of generating plant—because all of them, regardless of the kind of fuel they use, have some harmful effects on the nearby environment.

Everybody, it seems, wants the electricity that generating plants produce but nobody wants the plants. Southern California Edison has had a terrible time finding building sites because of the protest of environmental or community groups each time one is selected. Yet, if it doesn't get the plants built, it won't be able to supply as much electricity as the residents of Southern California want. One answer, seriously proposed in some circles, is to hold down the rate at which individuals and industries increase their use of electricity. In recent years, that rate of increase has been almost 10 per cent a year. Some of this electricity does go to power things of marginal value, but most of it goes into equipment designed to improve the quality of life (like air conditioning) or to power industry.

As a matter of fact certain of those changes in daily life now being urged to help clean up the air would require even more electricity. Washington's Metro system, for example, will require most of the capacity of one plant. A switch to electric cars, while reducing air pollution sharply, would require much more electricity. What is needed then is a long-range program of allocating sites for power plants on an area basis. Fortunately, Congress is looking into this problem, and the power companies have begun to realize that this process of picking sites must be done in such a way as to balance their own desires against overall community needs. It is also time for the environmental groups to realize that a balancing process has to be developed between the need for electricity and the need for protecting our surroundings.

The safety question raised by Pennsylvania's action is even more difficult to grapple with, but the need to do so has been underlined by two other recent actions. One is the AEC's announcement of plans to build the first large fast breeder reactor somewhere in the Tennessee Valley Authority's generating system. This kind of reactor is inherently more dangerous than those now in use but its potential in terms of providing the electrical power the atomic age has always promised is far greater. While the AEC is convinced the danger can be made negligible, some scientists disagree. Related directly to this is a law suit filed by several environmental groups in an effort to split the AEC—organizationally—in two. They contend that this Commission cannot constitutionally be given the task of both promoting the use of atomic energy and setting the safety standards under which it is to be used. Underlying this case is the fear that the AEC will not set adequate safety standards if such standards would interfere with expanding the use of atomic power.

We don't purport to have answers to these questions, but we do believe they ought to be settled only on the basis of a wide and intelligent public discussion of them. Much of the current distrust of the AEC, the power industry and atomic energy itself has arisen because questions such as these have been thought either too sensitive or too difficult for public debate. Since the whole atmosphere of the AEC has changed considerably in the last few months, we look forward to having these hard questions aired and argued in public—not settled in quiet courtrooms or hearing rooms. Too much is at stake in terms of the environment and the industrial potential of the country for them to be left solely to the experts or litigants.

MEDIHC PROGRAM

Mr. STEVENSON. Mr. President, approximately 25,000 men and women with allied health training and experience leave the armed services each year. These individuals perform emergency health care, give routine physical examinations, draw blood, and generally serve as physicians' assistants, freeing nurses and doctors to perform other medical duties.

Although there is a great need for physicians' assistants in our understaffed civilian medical institutions, many of these veterans are given little if any counseling and leave the health care field simply because they are unaware of the programs available to them.

A joint venture of the Department of Health, Education, and Welfare and the Department of Defense was started in March of 1970 called Medical Experience Directed Into Health Careers—MEDIHC—to help alleviate this situation. Operation MEDIHC conducts no educational or training programs itself but serves merely as a referral service to match the skills and interests of the medics with schools or employers offering new opportunities. Operation MEDIHC seeks to triple the number of medically trained veterans in health occupations education or training programs by 1972 and to increase the number actually employed in civilian institutions by 5 percent a year for the next 5 years.

Presently, there are 51 statewide programs operating throughout the country with an overall placement rate of 35.8 percent of those who actually seek assistance from operation MEDIHC counselors.

I am pleased that in my own State of Illinois the success rate surpasses the national level. Illinois has one of the 15 most active programs: The first year showed an overall placement rate of 43.5 percent and a fourth quarter rate of 49 percent.

Mr. President, I ask unanimous consent that an annual report for the Illinois operation MEDIHC program which appeared in the October 1971 issue of the Health Careers Council of Illinois' newsletter be printed at this point in the RECORD.

There being no objection, the newsletter was ordered to be printed in the RECORD, as follows:

MEDIHC PROGRAM REPORTS 49 PERCENT PLACEMENT SUCCESS

Steady improvement of placements of medical corpsmen referred to Health Careers Council of Illinois' Operation MEDIHC program were chalked up in the first year of official operation with forty out of 82 servicemen referred in the quarter ending September 30, 1971, being placed, for a placement percentage of 49%.

Overall, the first year's experience showed thirty-five percent of the corpsmen referred placed in educational programs or employment. Total number of referrals for the period was 285, with 99 of the corpsmen placed.

These statistics become even more interesting with a glance at the types of positions for which corpsmen have been hired. Many provide significant responsibility, often in the state's major health care institutions. A sampling: EKG supervisor, pharmacist, central supply supervisor, assistant administrator, county health department sanitarian, medical laboratory technologist, pharmaceutical research assistant, operating room unit manager and as coordinators for local, areawide and regional Trauma System centers throughout the state.

In the case of the Trauma System Coordinators, Health Careers Council played a leading role in developing the job concept as part of the total system for treating the critically injured, in cooperation with David R. Boyd, M.D., chief of the program. We are particularly proud of this accomplishment since the result was jobs paying $12,000 to $16,000 per year which utilize fully the skills and experience of the men involved.

In addition, corpsmen have found jobs as inhalation therapy, medical laboratory, operating room and physical therapy technicians, prison medical technicians, admitting case workers, mental health workers and ambulance drivers to name a few others. And corpsmen have been placed in educational programs for the training of LPN's, RN's, radiologic technologists, pharmacy assistants and on and on.

Since the Council formally began its employer referral service, 50 requests have been received from organizations looking for medically-trained corpsmen. Included in this 50 are nine hospitals and six other health care agencies, three doctors in private practice and 10 companies—including a pharmaceutical firm, a blood plasma center, a steel foundry (looking for a first aid man), several ambulance companies and a medical and dental products manufacturing firm. Several of the hospitals have requested corpsmen to fill several types of job vacancies and one hospital has filed openings in 11 separate areas. Many of the opportunities are far above entry level, calling for supervisors, specialists, managers, a training program coordinator, a child care worker and such health professionals as an inhalation therapist and a medical laboratory technologist. In addition, employers are asking for technicians in almost every clinical area as well as other lower level health care workers.

The placement figures and quality of employment opportunities—as well as informal comments made to us by employers, many of whom have employed corpsmen and found them valuable additions to their staffs—indicate to us that October 1971 is indeed very different from October 1970. Attitudes have generally changed greatly. We don't often hear—as we did many months ago—such comments as that written to us by one personnel director: "We don't like dealing with them (corpsmen). They want the same responsibilities they had in the armed forces." The complications in hiring corpsmen have been reduced by a number of publications which seek to equate military to civilian training and experience. And, health professionals are learning through direct experience that medical corpsmen do have a great deal to offer as members of their health care team, *if* they are willing to think creatively of ways of utilizing these skills.

In reference to the 12-month period just ending, Joseph J. Foley, Illinois MEDIHC Coordinator and Health Careers Council's Assistant Director, stated, "We are very encouraged by the success achieved during our initial year as Illinois' Operation MEDIHC agency. The Council's work with potential employers and development of what we feel are sound placement procedures has hopefully prepared us to be of even greater help to corpsmen and employers in the future."

Mr. STEVENSON. Further, Mr. President, I invite the attention of Senators to one specific program of the Health Careers Council of Illinois. Illinois has borrowed from the military model of providing on-the-spot emergency medical treatment so successful in Vietnam by creating regional "trauma units" around the State. Thus far, eight such units have been established with a projected total of 40. These units are centered in existing hospitals but provide care only for individuals in life-threatening situations.

Operation MEDIHC has been working closely with the creators of the trauma unit program and the pattern has now been established to place a former medic in the chief administrative capacity of each new trauma unit. Numerous other personnel working in each unit are also former military medical personnel.

Mr. President, I am most interested in this program and pleased with the accomplishments of the program's coordinators. This innovation is a good step in the direction of alleviating unemployment among returning veterans while at the same time improving medical services. I believe that we can look to the Illinois program—the first in the Nation to establish a statewide network of trauma clinics—as a model for a national network.

I ask unanimous consent that an article which appeared in Newsweek magazine and another article from the Health Careers Council newsletter dealing with the operation of the trauma units and the employment of former medics in such units be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE TRAUMA TREATMENT

Guided by headlights from police cars, a Bell Ranger helicopter put down on a makeshift landing pad near the Rushville, Ill., Memorial Hospital one morning not long ago. Moving with efficiency and dispatch, white-coated attendants carried 20-year-old Billy E. Black aboard. The youth was near death from a serious chest injury received some hours before, when he swerved to avoid hitting a deer and lost control of his car. Physicians at Rushville, realizing that they were not equipped for the delicate heart surgery they judged necessary to save Billy's life, had radioed to Springfield, 70 miles away, for the helicopter. In a matter of minutes, Billy was on an operating table at Springfield's St. John's Hospital where a cardiovascular team went quickly into action. A week later, he was ready to go back home.

Billy Black is one of 3,000 persons in Illinois who may owe their lives to a unique statewide system for the speedy treatment of serious accidental injuries that went into effect in July. The system first proved itself in Vietnam.Thanks to the rapid helicopter evacuation of wounded men from battlefields to fully equipped hospitals and hospital ships, the death rate among the wounded in Southeast Asia is less than half of what it was twenty years ago, during the Korean War. But despite its effectiveness, the military system of dealing with trauma has never found its way into civilian medicine—until now. For the most part, notes Dr. David Boyd, chief of the Illinois State Emergency Medical

Services, "care for traumatized Americans remains tragically poor."

Killer: The statistics bear out Boyd's contention that trauma is one of the nation's most serious diseases. There are some 105,000 accidental deaths among civilians in the U.S. each year, 47,000 of them caused by auto accidents alone. Trauma is the leading cause of death among persons under 40 and ranks only behind heart disease and cancer as a killer of older Americans.

Hospital emergency rooms, says Boyd often are woefully understaffed and too poorly equipped to deal with anything more serious than minor fractures and superficial cuts. Ambulance attendants and police officers, he adds, seldom have the expertise to render effective first aid at the accident scene. Finally, Boyd contends, the medical profession itself has been slow to recognize trauma as a major disease problem worthy of its most concerted efforts. Unfortunately, he notes, "trauma is medically unglamorous."

To bring the military concept of evacuation, early resuscitation (diagnosis and treatment to civilian medicine, Boyd collaborated with Dr. Bruce A. Flashner, deputy director of health services for Gov. Richard B. Ogilvie, and devised the Illinois plan. The governor, it turned out, had personal as well as political reasons for immediately and enthusiastically endorsing the idea. Ogilvie had been seriously wounded by a shell fragment in Germany in World War II and is frank to attribute his recovery to fast treatment at an Army aid station.

Lifesaving: At the core of the system are eight equipped regional trauma units at major teaching hospitals in Chicago, Carbondale, Peoria, Champaign, Rockford and Springfield. The model center at Chicago's Cook County Hospital consists of 21 beds devoted exclusively to the treatment of critically injured persons referred immediately from the hospital's emergency room. On admission to the unit, patients undergo lifesaving procedures such as the administration of heart stimulants and blood, and surgery to tie off broken blood vessels. Those in shock receive round-the-clock physiological monitoring. Before and after surgery, patients are placed in intensive care for 24-hour observation until ready to be released to less specialized wards in the hospital. The care of all patients is supervised by a trauma-unit director who can call on the talents of physicians and surgeons representing every specialty, from brain surgery to the repair of severed tendons.

By the end of the year, when the system is fully operational, there will be five additional area-wide trauma centers similar to the regional ones, as well as 26 local centers in small hospitals. At the local units, manned by a physician and a nurse, accident victims will be given preliminary resuscitation prior to being airlifted to a larger trauma center. The local centers are crucial, Boyd notes, since 70 per cent of the nation's traffic fatalities occur in rural areas and towns of less than 2,500 population.

Essential to the system is an elaborate communications setup called HEAR (Hospital Emergency Area Radio) sponsored by the Illinois Hospital Association. HEAR links the trauma centers to police cars and helicopters by radio and, through a phone patch coupler, permits an officer at the accident scene to talk both to the hospital and to a physician at his home or office.

Policemen and ambulance attendants carry "critical injury index" cards that list ten key anatomical systems to be checked on each victim at the scene. The officer checks the victim's respiratory system as "abnormal" if it is partially obstructed, and severely abnormal" if completely closed; his mental state as abnormal if he is drunk, severely abnormal if he is in a coma, and so on down the list for fractures, bleeding, pulse and other functions. When completed, the check list is radioed to doctors at the nearest trauma center who then decide whether the patient can be adequately cared for at the nearest local hospital or should be flown to a trauma center.

As yet, there are no firm statistics to show how effective the trauma network has been in saving lives. But traffic fatalities in Illinois in July, August and September, the heaviest accident period, were down appreciably—and officials are hopeful that the downward trend will continue.

HCCI Participates in Trauma System Recruitment

Former medical corpsmen will soon be using their military casualty experience to help fight the life and death struggles of Illinois' critically injured. They will serve as "trauma coordinators" in the administration of the state-wide trauma system recently announced by Governor Ogilvie.

Based on the idea that the extensive information gained from the processing of battle casualties in Viet Nam has not yet been utilized in dealing with civilian injuries, the program when fully established is envisioned to employ some 40 former corpsmen as coordinators for the trauma care centers to be located throughout the state.

HCCI, as the Operation MEDIHC (Military Experience Directed Into Health Careers) agency for Illinois, is serving as the manpower arm in the recruitment of trauma coordinators. Having worked in job placement of corpsmen for many years even before the more intensive MEDIHC work began in October, the Council is in a natural position to recommend servicemen for the administrative positions. Illinois MEDIHC Coordinator and HCCI Assistant Director Joseph Foley, who is working closely on staffing with David R. Boyd, M.D.C.M., Chief of the Illinois Department of Public Health's newly created Division of Emergency Medical Services and Traffic Safety, states that to date three of the corpsmen registered with Operation MEDIHC have been hired as coordinators. He anticipates placement of several more in the near future.

The continued availability of individuals with the necessary skills does not appear to be a problem. In the past six months, HCCI has screened and counseled more than 120 corpsmen interested in returning to civilian health careers in Illinois. Of these, approximately 10 have been identified as having the potential and desire to become trauma center coordinators. Given this ratio, about ten more candidates are expected to become available by October 1971 and in the same ratio, on into the next year. There is no question that out-of-state candidates can be obtained if necessary.

The trauma coordinators will work as part of a team which includes a trauma surgeon and a trauma nurse specialist (the major treatment personnel). Duties of the coordinator consist primarily of data collection: gathering, monitoring and communicating medical data and records; training of staff; personally assuming some training responsibilities, coordinating more specialized educational programs with local medical/educational institutions, as well as working with local health educators who desire to use the center's facilities for clinical training of medical and paramedical students; communications and transportation coordination; making use of information systems, radio, ambulance and helicopter services to link the center with the statewide trauma system; and biomedical equipment utilization: using and maintaining biomedical equipment.

The coordinator positions offer an appealing combination of rewarding and challenging work and excellent salaries. They are regarded as nothing short of breakthroughs by several of the men under consideration who, after much job hunting, found themselves faced with limited prospects: minor supervisory or limited nursing positions, often only a rung above the orderly-type slot—or more lucrative but less satisfying jobs in non-health industries. Through the program, Foley states, "We can offer men with casualty experience and high leadership potential work opportunities and salaries commensurate with their past military training, experience and skills."

Additional supportive personnel will also be needed to work with the trauma team, according to Dr. Boyd. We are hopeful that medical corpsmen will also be recruited to serve in many of these positions.

The trauma system, specifically aimed at dealing with the "critically injured" patient or one who has sustained a life-endangering injury, is planned to include units in approximately 40 hospitals or medical centers to be designated as local trauma centers, nine areawide trauma centers which will provide more extensive medical care and five even more specialized regional trauma units to be based in medical school hospitals. Each center will have a radio communications system, ambulance service and 24-hour medical treatment. Helicopter service will be provided to transport individuals in need of specialized attention from local or areawide centers to the nearest regional unit. Local centers will be located not more than 50 miles from the nearest areawide center. Hospitals participating in the plan have not yet been named.

Integral to the system is utilization of the computerized trauma registry developed at the Cook County Hospital and Research Resources Laboratory of the University of Illinois as a result of a National Institutes of Health grant. The first of its kind in the country, the registry will collect data from all trauma centers which can be used in evaluating the effectiveness of the state-wide system and more importantly, in formulating solutions to medical and related administrative problems.

The plan is expected to become operational on a limited basis as of July 1, when regional centers will be opened in Chicago and Springfield. "Within a year, it is hoped that the regional and areawide centers will be in operation," Dr. Boyd stated. Local units will be established at a later date.

The trauma system provides a regional approach to the problem of care for the critically injured. As stated in "The Critically Injured Patient: A Plan for the Organization of a Statewide System of Trauma Facilities," an article by Bruce A. Flashner, M.D., Assistant to the Coordinator of Health Services, Office of the Governor, State of Illinois and Dr. Boyd in the March 1971 issue of the Illinois Medical Journal (recommends for a good, detailed look at the system): "The basic concept of this plan is to coordinate the existing hospital facilities in conjunction with the available manpower and add essential equipment as necessary." It will help Illinois hospitals by improving the quality of professional services available in every area of the state for the treatment of the critically injured.

IN SUPPORT OF COMPREHENSIVE NUCLEAR TEST BAN

Mr. HART. Mr. President, an open letter has been addressed to the Senator from Maryland (Mr. Mathias) and me endorsing our resolution (S. Res. 273) calling for negotiation of a comprehensive Nuclear Test Ban Treaty. The letter is signed by the members of the Task Force for the Nuclear Test Ban and representatives of 47 national citizens organizations. It is a significant demonstration of citizen support for this measure.

Since its formation in April of 1971,

the Task Force for the Nuclear Test Ban has argued forcefully, and I think very persuasively, for a halt of all nuclear testing. Task Force Cochairman Josephine Pomerance was successful in her effort to urge the Foreign Relations Subcommittee on Arms Control, International Law, and Organizations to hold hearings on an underground test ban. That subcommittee's staff report of last November came to the conclusion that the time is auspicious for a hard look at the continuing need for on-site inspections.

The task force, a group of leading scientists and arms control experts, has been joined in its endeavors by the coalition on national priorities and military policy. Chaired by the Honorable Joseph S. Clark, a distinguished former colleague, the coalition is a highly diverse association of prominent national citizen groups bound together by a common belief in the need to reorder national priorities through reductions in military spending, arms control, and economic conversion. Continued efforts by the task force and the coalition on national priorities have resulted in this letter of support.

Mr. President, I ask unanimous consent that the letter and the attached list of signatories be printed in the RECORD.

There being no objection, the items were ordered to be put in the RECORD, as follows:

MARCH 2, 1972.

DEAR SENATORS HART AND MATHIAS: We enthusiastically endorse your Senate Resolution that advocates the prompt negotiation of an agreement between the United States and the Soviet Union to ban all nuclear weapons tests. As individuals with varied experience in science, disarmament and public affairs, we believe that a comprehensive nuclear test ban agreement would be a significant step towards ending the nuclear arms race.

The extensive underground testing of nuclear weapons in the past eight years, since the signing of the Limited Test Ban Treaty, has not brought us greater national security. In fact, continued nuclear weapons development increases the threat of the unimaginable destruction of a nuclear disaster. In addition, it is possible that underground nuclear testing could be a dangerous hazard to the environment through venting of radioactive materials, contamination of underground waters, and the triggering of earthquakes.

The development of seismic and other national means of verification makes an enforceable treaty possible without the need for on-site inspections, an issue that has been the primary obstacle to U.S. and Soviet agreement.

Continued nuclear weapons tests also seriously hinder the effort to halt the spread of nuclear weapons to other nations through the Nuclear Non-Proliferation Treaty. Many potential nuclear powers are unwilling to sign this Treaty and forgo nuclear weapons development while the two nuclear superpowers proceed with their testing programs.

The economic savings that could result from a test ban are significant. The considerable resources spent on nuclear underground tests could be redirected into constructive peacetime uses.

We are encouraged by the fact that this is a bipartisan resolution because the importance of the issue should override political partisanship. We are also encouraged by reports that the negotiation of a comprehensive test ban treaty is being reviewed by the Administration.

We believe the time has come for our government to take this initiative. We believe the majority of our own people and the peoples around the world will find in this action renewed hope that nuclear weapons will never be instruments of destruction and that we have taken another step toward true national security in a peaceful world.

SIGNING FOR THE TASK FORCE FOR THE NUCLEAR TEST BAN

Mrs. JOSEPHINE POMERANCE,
Co-Chairman.

Rev. HARRY APPLEWHITE,
Director for International Relations, United Church of Christ.

Dr. BETTY GOETZ LALL,
Co-Chairman.

Dr. HARRISON BROWN,
Professor of Science and Government, California Institute of Technology.

Dr. Mary Bunting, President, Radcliff College.

Norman Cousins, Editor, World Review.

Dr. Richard A. Falk, Milbank Professor of International Law, Princeton University.

Dr. Bernard Feld, Massachusetts Institute of Technology.

Hon. Adrian Fisher, Dean, Georgetown University.

Mr. David R. Inglis, Physicist, Argonne National Laboratory.

Dr. Marvin Kalkstein, State University of New York, Stony Brook.

Dr. George Kistiakowsky, Department of Chemistry, Harvard University.

Dr. Polykarp Kusch, Prefessor of Physics, Columbia University.

Dr. Arthur Larson, Director, Rule of Law Research Center, Duke University.

Mr. Oscar de Lima, Vice Chairman, UNA/USA.

Dr. Franklin A. Long, Director of the Program on Science, Technology and Society, Cornell University.

Mr. Allard Lowenstein, National Chairman, Americans for Democratic Action.

Rev. Pat McDermott, Director, Center for the Study of Power and Peace.

Dr. Allan Parrent, Director of Washington Program, Department of International Affairs, National Council of Churches.

Mrs. Mildred Persinger, Chairman, Council of Organizations, UNA/USA, YWCA.

Mr. Victor G. Reuther, Director, International Affairs Department, (UAW) International Union, United Automobile, Aerospace & Agricultural Implement, Workers of America.

Dr. Herbert Scoville, Jr., Federation of American Scientists.

Hon. James J. Wadsworth, Formerly Permanent Representative to the U.N.

Dr. George Wald, Professor of Biology, Harvard University.

Dr. Herman Will, Jr., Associate General Secretary, Division of World Peace, Board of Christian Social Concerns of the United Methodist Church.

Dr. Herbert York, Department of Physics, University of California, San Diego.

SIGNING FOR NATIONAL CITIZENS ORGANIZATIONS

Josiah Beeman, Director, Washington Office, United Presbyterian Church, USA.

David Brower, President, Friends of the Earth.

Rev. George Chauncey, Director, Office of Church and Society, Presbyterian Church in the U.S.

Hon. Joseph S. Clark, Chairman, Coalition on National Priorities and Military Policy.

G. Michael Conlee, Administrative Staff, Student Advisory Committee on International Affairs.

Edward Damato, New York Co-ordinator, Vietnam Veterans Against the War.

Rabbi Maurice M. Eisendrath, President, Union of American Hebrew Congregations.

Dr. Robert A. Fangmeier, Director of International Affairs, Department of Church in Society, Christian Church (Disciples of Christ).

Rev. Lamar Gibble, Peace and International Affairs Consultant, Church of the Brethern.

Sanford Gottlieb, Executive Director, SANE.

Ernest Gross, Esq., Vice Chairman and General Counsel UNA/USA.

Thomas A. Halsted, Executive Director, Arms Control Association.

Marii Hasegawa, President, U.S. Section, Women's International League for Peace and Freedom.

Dorothy I. Height, National President, National Council of Negro Women.

Walter Hubbard, Director, National Catholic Conference for Interracial Justice.

James R. Jennings, Associate Director, Division of World Justice and Peace, United States Catholic Conference.

Robert E. Jones, Director, Joint Washington Office for Social Concern, Unitarian Universalist Association.

Steven Jacobs, President, American Ethical Union.

Lloyd Morain, President, American Humanist Association.

Susan King, Washington Director, National Committee for an Effective Congress.

(Mrs. David M.) Norma Levitt, President, National Federation of Temple Sisterhoods.

Marvin L. Madeson, National Chairman, New Democratic Coalition.

Ms. Shirely Margolin, Legislative Chairman Women Strike for Peace.

Mrs. Earl Marvin, National President, National Council for Jewish Women.

William Meyers, Chairman, Committee for New Priorities in America.

Rev. Elizabeth J. Miller, Executive Director, Division of Christian Social Concern, American Baptist Convention.

Henry E. Niles, Chairman, Business Executives Move for Vietnam Peace and New National Priorities.

Layton Olson, Executive Director, National Student Lobby.

Douglas A. Richardson, National Staff Director, National Vista Alliance.

Walter L. Smart, Executive Director, National Federation of Settlements.

Edward F. Snyder, Executive Director, Friends Committee on National Legislation.

Marge Tabankin, President, National Student Association.

Mary Temple, Executive Director, World Federalists, U.S.A.

Johnnie Tillmon, Associate Executive Director, National Welfare Rights Organization.

Sr. Margaret Traxler, Chairman, National Coalition of American Nuns.

Lloyd Tupling, Washington Representative, Sierra Club.

Foy Valentine, Executive Secretary, The Christian Life Commission, The Southern Baptist Convention.

Jerry Wurf, President, American Federation of State, County, and Municipal Employees.

VETERANS' REFERRAL SWITCHBOARD

Mr. HARTKE. Mr. President, the 5 million veterans of the Vietnam war have come home with their own unique brand of problems. In many ways they are vastly less fortunate than veterans of earlier wars, not only in the number and kinds of problems they have, but in the compensation available to them.

Moreover, the veterans of "Nam" feel rejected and misunderstood. They were in service during the time of an unpopular war.

Back home, these young veterans view the "establishment" with suspicion. They do not know where to turn for help in solving their problems or who to ask for directions on where to turn.

All this explains why James Tuman thought up the idea of Veterans Referral Switchboard. Mr. Tuman, a former staff employee of the Senate, worked on a program for the Army called "Operation Homecoming." Struck by the problems of the modern veteran, he started the referral switchboard. Since Tuman was then working for the Mount Sinai Medical Center in Milwaukee, he obtained support from that hospital.

Shortly thereafter, Elmer L. Winter, president of Manpower, Inc., became impressed with the job being done in Milwaukee by the referral switchboard. Shortly after its establishment, it was handling 300 calls a week—20 percent drug related and 60 percent of all calls from Vietnam veterans.

Now, under Mr. Winter's gentle patronage, the Veterans Referral Switchboard has "gone national." By March 1, they will be operated in 14 cities, including the pilot in Milwaukee and one in Washington, D.C. Thereafter, manpower will open them at the rate of five a month for the rest of this year.

Mr. President, I ask unanimous consent that the text of a newspaper article and an explanation of the program be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 10, 1972]

DISTRICT OF COLUMBIA VETERANS TO GET JOB REFERRAL HELP

(By Leon Dash)

Military service veterans in the Washington area will be able to get detailed information on where to look for jobs when a new veteran-run referral service opens here.

Called the Veterans Referral Switchboard, the new service will start on Feb. 25, the area coordinator J. Jay Volkert said in a press conference yesterday.

Volkert said the purpose of the new service is to give detailed information to veterans about where to go to apply for employment, drug addiction treatment or even such simple matters as how to replace lost separation papers.

The referral service will be manned by veterans on a voluntary basis. Any veteran seeking answer to specific problems after Feb. 25 can call 393-8484 between noon and 8 p.m. Monday to Saturday. There will also be a 24-hour answering service, seven days a week, Volkert said.

Similar operations in 12 other cities nationwide will all be working before March 1, according to Elmer L. Winter, president of Manpower, Inc.

Winter, whose firm contracts workers out to private industry, said the funds to run the services will come out of his company's Manpower Foundation, Inc., a nonprofit organization. He estimates the cost of such an operation to be $5,000 a year.

By the end of this year, Winter said, he hopes to have 50 such services operating in the country.

The idea grew out of a successful pilot program in Milwaukee last year, Winter said. The Milwaukee operation handled more than 300 calls a week, he said.

Approximately 60 per cent of the calls to the Milwaukee operation have been from Vietnam-era veterans, 30 per cent from veterans of previous wars and 10 per cent from widows, dependents or relatives of veterans, Winter said.

Most of the calls have been from veterans seeking information on job training, employment counseling and unemployment benefits. Some 20 per cent of the callers have had drug problems, and another 20 per cent medical or dental problems.

In the Washington metropolitan area, there are more than 3,100 unemployed Vietnam-era veterans, employment insurance officials said yesterday. Most of them have been released from the service within the past year, they said.

Of 404,000 area veterans, 71,000 are Vietnam-era veterans, according to A. Leon Anderson, director of the District's veterans affairs administration.

VETERANS' REFERRAL SWITCHBOARD

WHY A NEW VETERANS' PROGRAM

In ever increasing numbers American soldiers are coming home from war again. More than five million men and women have been discharged from the Armed Forces in the last six years. The one-in-five of their generation called to fight an unpopular and poorly understood war, these veterans are often confused and occasionally bitter.

Like veterans of past conflicts they face readjustment problems. But unlike previous veterans they come from Armed Forces torn by atrocity charges, racial hatred, and drug abuse. Returning home, they often feel that society is indifferent, even hostile to their presence.

Furthermore, they have been isolated for two or more years from a rapidly changing economy that for many has bypassed their previous civilian skills. Eighty percent have acquired a military skill convertible to civilian life, but most are forced to file for unemployment compensation. If unable to find meaningful employment or job training, they lose confidence in themselves and in society.

Veterans of other wars have many problems resulting not from readjustment but from advancing age, disability, or recent social and economic turmoil. Many rights and benefits they accrued by virtue of their service have not been lost, but they have often been forgotten. Complicating the situation of many of these older veterans are the loss of discharge papers, medical records, and other important documents.

Many agencies and organizations exist that have produced significant results in alleviating many veteran problems. However, the number of these organizations, the scope of their services, and the lack of adequate staff and money to carry out information and education programs has caused confusion rather than transition among veterans poorly counseled at discharge. The problem, then, for Milwaukee was one of communication—to provide a central information point for dissemination of the roles and services of agencies and organizations throughout the community to all veterans young and old. This central information point was provided in Milwaukee by the creation of the Veterans' Referral Switchboard.

HOW DID THE PROGRAM COME INTO EXISTENCE?

The Veterans' Referral Switchboard was the brainchild of James Tuman, now Director of Development for Milwaukee's Mount Sinai Medical Center, but formerly founder and director of Operation Homecoming, a business-sponsored association that provided job information and counseling to servicemen all over the world. Having talked to hundreds of young men recently returned to civilian life, Tuman noted time after time the broad scope of their readjustment problems, their disillusionment, their confusion about where to turn. He began to think about a central telephone referral service, widely publicized, that could serve as a communication focus for and to veterans of all conflicts.

Shortly after coming to Milwaukee in mid-1971, Tuman contacted several Vietnam era veterans, who quickly became enthusiastic about the idea and who volunteered to staff the switchboard. A board of directors consisting of six veterans, two psychologists, and a doctor, was formed and a small amount of money was raised to begin operation.

Next the board of directors arranged a meeting with representatives of all agencies and organizations dealing with veteran problems to explain the Veterans' Referral Switchboard and to enlist their support. The representatives, recognizing a possible solution to a problem that had hampered their efforts in the past, offered to provide detailed information about their roles and services to the Switchboard and also offered to train the volunteers. After several weeks of preparation, the service began operation.

The Switchboard, widely publicized through the cooperation of the local media, was immediately flooded with calls, handling over 300 completed calls per week on one telephone line. Soon its expert referral of a wide range of veteran problems earned the plaudits of veterans' organizations and civic officials.

WHAT KINDS OF CALLS HAVE BEEN HANDLED?

Approximately 60% of the calls have been from Vietnam era veterans, 30% from veterans of previous conflicts, and 10% from widows, dependents, or relatives of veterans.

The majority of the calls from young veterans concern employment problems—where to get information on job training, employment counseling, and unemployment benefits. Many of those seeking employment also have pressing financial, legal, or psychological problems. Approximately 20% of the callers have drug problems, another 20% medical or dental problems, and 15% seek information about educational counseling benefits. Other problems frequently mentioned are disability claims, procedures for review of discharges, mental problems in the family, housing and business loans, and insurance.

The veterans of previous wars call most often about medical problems, old age homes, and disability or pension rights. Some of these callers are indigent and have few or no records of their service. Other less frequent problems are housing and business loans, employment counseling, and education benefits.

Widows, dependents, and relatives of veterans are mainly concerned with survivor benefits, burial benefits, and medical problems. Sometimes they seek information on psychological counseling and legal aid for veterans having readjustment problems but too proud to seek help.

Concerned citizens have also called the Switchboard offering information on programs for veterans that are not widely known or offering jobs to qualified veterans.

WHERE IS IT GOING?

The veterans were encouraged with their success in Milwaukee, but were seriously hampered by a shortage of funds. Seeking support for continued operation of the Switchboard, they came to Elmer L. Winter, president of Manpower, Inc., the nation's largest temporary help firm and a company noted for its interest and efforts in solving community problems.[1] Mr. Winter, immediately recognizing the value of the program, agreed to sponsor the program not only in Milwaukee, but also in cities all over the country. By March 1, Veterans' Referral Switchboards will be operating in 13 cities, and will be initiated in five additional cities per month after that.

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[1] Manpower has also sponsored Youthpower, Inc., a non-profit summer job placement for 16 to 21 year olds that has operated in many U.S. cities for eight summers, and the Summer Action program, which has encouraged several hundred young people all over the country by providing cash scholarships for the most outstanding public service.

MANPOWER, INC., STARTS NEW VETERANS' SERVICE; FREE TELEPHONE REFERRAL PROGRAM TO BEGIN IN WASHINGTON, OTHER MAJOR U.S. CITIES

Washington—A free nationwide program for veterans, designed to provide one-stop referral services for all veterans' problems, was announced today by Elmer L. Winter, president of Manpower, Inc. The program will be sponsored by Manpower Foundation, Inc., the charitable organization of Manpower, Inc.

Known as the Veterans' Referral Switchboard, this program will provide a well-publicized telephone number, with phones manned by trained veterans serving as volunteers, in 13 U.S. cities, including Washington, by March 1. A pilot program is already in operation in Milwaukee, Wisconsin. Some 50 cities will be covered by the end of this year.

Former servicemen with questions or problems in any area including employment, veterans' benefits, or drug counseling will be given complete information on the specific agency or organization that can help them.

"The return of vast numbers of Vietnam era servicemen (over 5,000,000 since 1965) has produced serious readjustment problems both for the veterans and for society," Mr. Winter remarked. "Numerous agencies and organizations offer significant assistance in alleviating many of these problems, but many veterans are confused about or ignorant of the benefits due them and the help available."

"The Veterans' Referral Switchboard," said Winter, "will provide a central, well-publicized information source for all veterans. We hope it will help in clearing up the confusion that has hampered veteran service organizations as well as the veterans."

James Tuman, Director of Development for Milwaukee's Mount Sinai Medical Center and originator of the pilot program, described the Switchboard's success in Milwaukee.

"Since its inception, the Switchboard has averaged more than 300 calls per week," he said. "Many of the callers have complex problems that require more than one referral, and all veterans are called back to be sure they found the help they needed."

According to Tuman, thirty percent of the calls have been from veterans of conflicts other than Vietnam, many of whom were previously unaware that they retained many veteran rights and benefits. Twenty percent of the calls involve drug problems.

Rick Church, an American Indian and a Marine Corps veterans who has been active in the Milwaukee program, explained why the program has met with such a response from young veterans.

"Many Vietnam veterans have bitter memories of their tour of duty, and are further turned off by what they feel is indifference on the part of many people when they return to civilian life," he said. "They are extremely suspicious of large agencies and organizations that they think will only bring empty promises and miles of red tape.

"However, when they call the Switchboard, they talk to another veteran their own age who can often restore their confidence and convince them to seek the help which is available."

The program will begin operation in the following cities by March 1: Boston, Mass., Buffalo, N.Y., Cincinnati, Ohio, Dallas, Tex., Louisville, Ky., Newark, N.J., New Orleans, La., Oklahoma City, Okla., Philadelphia, Pa., Pittsburgh, Pa., St. Louis, Mo., Seattle, Wash., and Washington, D.C.

Manpower Foundation will provide the funds for the operation in each city, but the program will be operated by a board of directors in each city, consisting of veterans and representatives of veteran service organizations and agencies.

It is expected that the program will expand at a rate of five cities a month for the remainder of the year.

STATEMENT OF ELMER L. WINTER, PRESIDENT, MANPOWER, INC.

We are particularly pleased to be able to make the announcement for which we have asked you here today. It relates to something which has been on our mind for a long time—an effort on the part of Manpower, Inc., through its Manpower Foundation, to provide some public service help to the veterans who return home only to face so many serious problems.

Our concern for these veterans is really an extension of the concern which we have long felt for the young people of America. Since 1964, our company has been involved in the sponsorship of a public service program to help provide summer jobs for young people in some twenty cities. This program, called Youthpower, has used the volunteer efforts of young people to operate clearing houses for summer job opportunities. Manpower has provided the space, the equipment, the supplies, the telephones, and the services of a college student to act as the local coordinator for the program. Young people themselves have volunteered time to staff the program.

The results of this Youthpower program have been, frankly, surprising even to us. To date, Youthpower has placed young people between 16 and 21 in more than 70,000 summer jobs. There has been no charge to anyone for Youthpower's service.

A couple of years ago, we became concerned about the attitudes young people were developing toward business and the private sector. "The establishment," as they call it, did not seem to provide the outlet young people were seeking for involvement in the problems of their community.

We decided that in addition to our Youthpower program, we would begin the sponsorship of another public service effort which we hoped would help to bridge the communications gap between young people and the business community. We called our effort Manpower's Summer Action Program. Through it, we offered $10,000 in cash awards to those young people who created and conducted the most beneficial community betterment project during their spare summer hours. The response was as exciting as we had hoped it would be. Literally thousands of young people became involved in projects which were submitted to the Summer Action program's panel of judges.

Just as in the case of Youthpower, the young people seemed delighted at the encouragement we gave them to get involved. We were very pleased at their response and have continued the Summer Action program as an annual competition.

During the past months, we have observed another group of American young people which is facing some serious problems. This group is the veterans, whom we are grateful to see returning in increasing numbers.

For some time, we have been actively seeking a way in which Manpower could involve itself in providing some type of needed free service to former servicemen. A survey of the managers in our U.S. offices indicated almost unanimous support for some sort of effort for veterans.

In seeking a means whereby we could make a contribution, I have met and corresponded with people like Frank McKernan, director of the Defense Department's Transitional Manpower programs, and Jim Oates, chairman of the National Jobs for Veterans campaign. These men, and others, felt that the nationwide office structure of Manpower, Inc., and our experience in the employment field, combined with our background in public service efforts, such as Youthpower and our Summer Action program, would provide an ideal foundation for a veterans' program.

Recently, we had the good fortune to meet Jim Tuman, Rick Church and several other veterans, who had organized a unique program known as the Veterans' Referral Switchboard. This organization provides a central, well-publicized telephone number, manned by veterans, serving as volunteers. By calling the Veterans' Referral Switchboard, former servicemen obtain information about the services available to them in the community. They are told how to contact the right person, at the organization which can best solve their problem.

The young men who began this effort in Milwaukee came to us because of the concern we had shown for young people through Youthpower and the Summer Action program. They needed some additional support for their Milwaukee effort.

We were, of course, able to give them the support which they needed in Milwaukee. More than that, we began talking with them immediately about the possibility of expanding this much-needed service to veterans in major cities throughout the country. The idea of sponsoring the Veterans' Referral Switchboard in other cities excited these young men as much as it pleased us to be able to do so.

We selected 13 cities as immediate targets for expansion. They are: Boston, Massachusetts; Buffalo, New York; Cincinnati, Ohio; Dallas, Texas; Louisville, Kentucky; Newark, New Jersey; New Orleans, Louisiana; Oklahoma City, Oklahoma; Philadelphia, Pennsylvania; Pittsburgh, Pennsylvania; St. Louis, Missouri; Seattle, Washington; and Washington, D.C.

We will be expanding the program to five additional cities each month until we have a network of Manpower's Veterans' Referral Switchboards in at least 50 key cities. In each city, Manpower, Inc. will provide the space, the supplies, the telephone service, the promotional assistance and any other support needed. While the Manpower Foundation and Manpower, Inc. will sponsor this effort, control of the program in each city will be in the hands of an advisory board made up of veterans and representatives of veterans' service organizations.

The telephones will be manned by young veteran volunteers, just as they have been in Milwaukee. We feel this is very important, since it is often only with the encouragement of a peer that a veteran will seek the help available through an agency. Being able to talk with another veteran has in many cases helped a returning serviceman to overcome his reluctance to deal with "the establishment."

Our experience with Youthpower and Manpower's Summer Action program have taught us the importance of peer confidence on the part of young people.

The Veterans Administration and many other public and private organizations do an excellent job of alleviating many problems of returning servicemen. By expanding Manpower's Veterans' Referral Switchboard to nationwide service, we hope to convince the veterans who served us so well, that their communities stand ready to serve them in turn.

By our company's sponsorship of this program, we hope to encourage other businesses and other individuals to invest their time and effort in solving the problems of returning servicemen. Any investment in these fine, young men, who represent one of our country's most valuable resources, cannot fail to bring long lasting returns.

HIGHER EDUCATION AND STUDENT AID

Mr. PELL. Mr. President, soon the conferees on S. 659 will be deciding two very basic questions pertaining to higher education in this country. One is the type of student aid which should be made available; while the second is the type of institutional aid and whether it should be tied to student aid.

The Senate bill would establish a basic educational opportunity grant of $1,400 a year, minus the amount the student or his family can reasonably be expected to contribute to his education, to any student accepted at an accredited school. Each youngster receiving that grant would carry to the school an institutional grant. The House bill, while having no basic grant provision, does have a massive program of institutional aid based on a simple head count at institutions.

Representatives of the higher education community favor the House approach. However, individual schools are studying the Senate bill and find it has much to offer. Mr. Alfred B. Fitt, the special adviser to the president of Yale University, has written an interesting paper entitled "A Proposal for Rationalizing the Financing of Undergraduate Education." Mr. Fitt, while now in the academic world, is no stranger to Washington. From 1967 to 1969 he was Assistant Secretary for Manpower, and for 3 years prior to that was General Counsel of the Army. The Fitt paper makes many cogent comments on the Federal role in education, which touch directly upon the issues we will be discussing in conference.

Mr. President, I ask unanimous consent that Mr. Fitt's paper be printed in the Record.

There being no objection, the paper was ordered to be printed in the Record, as follows:

A Proposal for Rationalizing the Financing of Undergraduate Education

(By Alfred B. Fitt)

The paper which follows is an attempt to describe an appropriate federal role in financing the American system of post-secondary education through the level of the baccalaureate degree. The purposes and problems in graduate and professional education, and the funding thereof, vary in significant ways from those of undergraduate education and will be dealt with in a separate memorandum.

This paper is in six sections:

I. Why the system is financially pinched.
II. Flaws in the system's performance.
III. Desirable characteristics of a federal program.
IV. General federal aid to institutions is error.
V. A specific proposal for student aid.
VI. Logical corollary changes.

I

There is a relative financial depression in our system of higher education.

More and more young people are graduating from high school—1.9 million in 1960, 3 million in 1970. More of the graduates are going on to college—51% in 1963, 58% in 1968. The population of the college age group went up 53% between 1959 and 1969, but the number actually enrolled rose by 116%.

Since higher education over time has not been able to achieve any measurable increase in productivity, the consequence of rising enrollments is a steadily increasing share of GNP devoted to higher education—1.4% in 1960, 2.3% in 1966 and more than 3% projected for 1976.

The struggle for a larger share of GNP is creating excruciating stresses. Tuition payments by students and their families cover only 17% of expenditures on student education at public institutions and 64% at private institutions. Thus, taxpayers and non-public donors have had to bear most of the rising share of GNP allocated to higher education. But other claimants against GNP—the war, medical care, anti-pollution, etc.—have been pressing harder and harder since the mid-1960's, and in consequence for the last several years the sum of educational expenditures has risen faster than the sum of institutional income. Even those colleges with stable enrollments are caught, for higher education is labor intensive, and wages and salaries per student have risen disproportionately to revenue per student.

The result has been looming or actual operating deficits for private institutions and curtailment of programs and decline of quality at public institutions (which usually cannot technically overspend their income).

Hardest hit are research universities committed to expensive long term programs for which federal aid is declining, private institutions in direct geographic competition with low tuition public institutions, and small colleges everywhere—but the entire system is financially ailing to some degree. It needs more money, and educators are turning with growing insistence and desperation to the federal government as the logical, the only source for the needed support.

II

The American system of higher education is one of the ornaments of western civilization, but even so its performance in some respects is disappointing and in others is illogical. If the federal government is to come to the rescue of the system, and certainly it should, the remedy must be shaped to cure (at best) or not exacerbate (at worst) the following deficiencies:

(a) A student's family background, rather than his own ability, is still too decisive in determining who enters college.

About 40% of the college age population is now actually enrolled in college, but it is not the ablest 40%. Of all the high school graduates in the upper 40% of achievement, nine out of ten from families in the highest quarter of the social heap go on to college, but only four out of ten from the lowest quarter do so. Children of equally high aptitude have grossly unequal opportunity to enter the world of American higher education.

(b) The education of young people from upper income families is heavily and needlessly subsidized, while at the same time most families cannot afford to pay college costs from current income.

According to a College Scholarship Service study, the parents of freshmen in public 4-year colleges could reasonably have paid $273 million more than they did in 1966. If there had been a general $500 tuition increase, it would have financed scholarships for all those unable to pay it and still left an extra $177 million in tuition income from the freshman class alone.

Yet while undercharging upper income families, the system still asks more money than most families can afford to pay. Average expenses for students in residence at public institutions now total about $2000 and at private institutions about $3500, both figures beyond the reach of the more than half of American families whose 1970 incomes were below $10,000.

(c) Private institutions face ruin or absorption by the public sector.

The low tuition policy at public institutions not only confers unneeded subsidiaries on upper income families, it also has the unintended but inevitable effect of driving private institutions out of existence.

If only mediocre, inefficient private colleges were being ruined, that would be a defensible result, but while ritually trumpeting the virtues of diversity, we have created conditions forcing uniformity: all the private colleges, excellent, good, bad or indifferent, will eventually go under unless, in one way or another, government comes to their rescue.

In 1950 25% of California's students were educated in private colleges. Last year it was only 6%.

Private colleges in New York City have had a 5% enrollment decline in the last three years, while enrollments at public institutions have risen by 101%.

Private colleges ought not to be done away with, but if the contrary is decided, the decision should be a conscious one. It should not be an accidental by-product of the effort, thus far unsuccessful, to put a college education within reach of all who can qualify on merit.

(d) 50% of all who enter college never graduate. The statistics are uncertain, but apparently academic failures and financial reasons account for only about a third of the dropouts. The rest lack motivation or simply cannot find a satisfying experience in college. The collective waste of students' time and society's resources involved in starting but not finishing college is appalling. If there is to be coherent federal intervention in the financing of higher education, it should be calculated to discourage the ill-motivated from matriculating and to encourage the managers of the system to provide a more satisfactory environment for the transmission of knowledge.

III

In approaching the task of defining a coherent federal role in the financing of higher education, Congress should make a number of preliminary decisions.

(a) It is futile and foolish to strive for "universal higher education." Not everybody graduates from high school, and of those who do, not all will ever wish to continue their formal education. Nor should they be pressured to do so, if only for the reasons that a college education is neither provably essential to happiness nor thought (by the Bureau of Labor Statistics) to be a requirement for more than about 20% of the jobs in our society. Truly universal attendance in higher education could be achieved only if it were made compulsory, a concept so at war with personal freedom and common sense as not to require discussion.

(b) No one should be barred from post secondary education by a lack of funds. Those who are motivated to carry on beyond high school should have to meet only one standard, that of aptitude.

(c) If financial need is not to be a bar, then the entitlement to financial assistance:

Must be steadily predictable. The 9th grader must know that he can enter the 13th grade on merit alone.

Must be extended proportionately to the children of most families, not just to those in lower income categories. Nearly 78% of U.S. Families had 1970 incomes below $15,000.

(d) The financial aid entitlement should be usable at the discretion of the student for any form of post secondary education, subject only to general standards of legitimacy for the enterprise.

(e) Congress should shape the federal role in a fashion which minimizes both the need to make difficult legislative decisions and the temptation to prescribe how higher education should be conducted. The government should shrink from trying to determine who will be admitted to college, what courses must be offered or pursued, whether a college is being managed efficiently, or which institutions deserve support and which do not.

(f) In general, federal educational subsidies to individuals should be based solely on financial need. Neither GI Bill nor Social Security payments depend on the actual need of the recipient, but the first is a form of deferred compensation and the second is a form of insurance proceeds. If one is neither a veteran nor an orphan, he should have to prove his need. Money awards for superior academic promise or performance are part of the American tradition, but the federal government should not give its money to students who do not need it so long as there are any young people barred by poverty alone from entering college.

(g) Reasonable student self-help efforts should be a condition of qualifying for federal educational subsidies. Self-help means a willingness to pay part of the cost through savings, summer or term-time earnings or by borrowing. Sometimes students cannot find jobs, and sometimes jobs are incompatible with academic progress. Due allowance can be made in such cases, but if, for example, a student chooses to vacation in Europe instead of working during the summer, he should still be required to pay—through borrowing if necessary—an appropriate portion of his college costs.

IV

The paradox which must be solved is that the price of going to college is at once too low and too high in relation to its cost.

Most of the problems already described in this article could be solved or ameliorated if the consumer of higher education, the student, were required to pay more—much more—for the services he receives. The challenge is to find a fair way to make it possible for the student to pay more.

For years it has been an article of faith that higher education should be available at low or no cost to the student. The reasoning has been (1) that no worthy youth should be denied the opportunity to develop his talents (and thus move up the social ladder) and (2) that since society as a whole benefits from having an educated populace, society should pay some—in practice most—of the cost of educating that small minority of society which graduates from college.

However, neither reason leads logically to the conclusion it is intended to support. We already know that low tuition for everybody in attendance has not meant effective access to college for all who are qualified, and it is time to develop a different technique to gain what all agree is a laudable goal.

The other reason—that it is unfair to charge individuals for benefits accruing to the whole society—was advanced many years ago to explain why all the taxpayers should contribute to the college support of a relative handful, mainly from the upper classes. Even if the explanation was at one time persuasive, it is no longer. The fact that a system which confers private benefits on individual consumers may also provide general benefits to society does not compel the conclusion that the consumers should be excused from payment. Their ability to pay, or lack of it, and not whether there is a general benefit, should decide the question.

Defenders of the low or no tuition policy at the college level sometimes liken it to the policy of free public elementary and secondary schooling. But comparing the compelled attendance of small children to the voluntary attendance of people old enough to vote is not apt. A more logical comparison is with the nation's highway network and postal system, which in their own ways are at least as essential as higher education to the advance of American civilization. The users of the highways and the mails pay all or almost all of the costs of those systems, while the users of the college system pay only a fraction. It is argued that they pay later on in the form of income taxes on their earnings, which are higher than those of people who do not go to college, but this argument is valid, if at all, only when the college graduate pays a higher tax than that exacted from someone in the same income bracket who did not go to college—and that is not now the case.

Despite the passion with which the low tuition principle is defended, average tuition charges (in constant 1969–70 dollars) have been driven up by inexorable pressures, 23% for public institutions during the 1960's and 47% at private institutions. Furthermore, the number of borrowers under the National Defense Student Loan program increased from 115,000 to 560,000 during the last decade, and those in the Guaranteed Student Loan Program (which began in 1966) from 48,000 to over 1 million in 1970–71. So the process of making the price of a college education closer to its cost, and of shifting more of that cost to the student, is already under way, albeit slowly and not as a result of articulated federal policy.

The logic of the process is not widely accepted. Instead of searching for more and better ways to increase student ability to pay, almost all spokesmen for American higher education have been importuning Congress to provide general federal aid to institutions, usually on an enrollment count formula. A variant would measure the institution's subsidy by the number of federally aided students in attendance, or by the amount of federal assistance going to those students. While the variant is vastly superior to a simple head count formula, both depend on an assumption which is plainly incorrect, namely, that there is a general national interest in supporting all institutions of higher education, no matter their specific financial condition nor however wretched their programs, however limited their ability to attract students and however foolishly they are managed.

There is no such national interest. Rather, the general national interest lies in rationalizing the public subsidies already devoted to higher education, increasing the educational purchasing power of students and their families, insuring that access to college depends only on motivation and aptitude and not on wealth, and encouraging the social acceptability of postsecondary alternatives to college.

Federal grants to institutions rather than to students are justified only in the context of an identified national interest ill served by market forces, e.g. high energy physics programs, innovative academic approaches with a potential for wide application if successful, medical schools, basic research and the like. The federal government must not embark on the folly of giving money to educational institutions simply because they enroll students.

The main federal program for rationalizing the financing of American undergraduate education should take the form of a package of grants and loans to students.

In constructing any aid formula, it is important to state at the outset what it is that is to be financed and, since resources are finite, to fix appropriate ceilings.

The obvious package to be financed in any given case is the sum of actual charges for tuition, room and board plus an allowance for incidental expenses.

Different defensible ceilings can be constructed, but one which seems fair and logical is the sum of average institutional expenditures for undergraduate student education, average charges for room and board,[1] and a standard personal allowance. In 1969–70 the averages were $2025, $404 and $572 respectively, for a total of $2991, and a reasonable standard allowance is $650, producing a $3641 ceiling on the aid package. For 1972–73 the same approach would perhaps produce a ceiling of $3800.

The ceiling is also the goal, that is, to make sure that any qualified student is at least enabled to attend any institution in the country where the charges are no greater than the average national cost to educate him. He may choose an institution with higher than average costs and therefore higher than average charges, presumably because he expects greater personal benefits, but there is no apparent reason why the federal government should finance that extra personal margin.

In addition to having a ceiling on the package, it seems appropriate to have a ceiling on the loan component of the package. How much debt any student should be asked to assume is a question which has no obvious answer. In the formula described below no student need borrow more than $1500—or $6000 while an undergraduate—to reach the $3800 package ceiling, though he may borrow more if he chooses to attend a higher cost college, or less if he prefers to work instead of borrow.

The first component of the formula is the sum of the expected family contribution and the student's summer earnings. A reasonable minimum expectation for the latter is $400.

The second component is a combination of term-time earnings and a federal or federally backed loan totalling $1000, or one third the cost of attendance, whichever is less.

The third component is a grant up to $1900, not to exceed one half the cost of attendance, with half the grant from federal funds and the remainder a matching amount from state or other non-federal sources. In order to avoid subsidizing upper income families simply because their children may have chosen high cost colleges, a grant will be given only for the excess of $3800 over the sum of the first two components.

The fourth component is an additional loan up to $1500.

The results of the formula for representative cases are shown in the following table:

FAMILY INCOME

Annual cost of attendance		Under $6,800	$8,000	$11,000	$15,000	$18,000
$1,200	F & S	$400	$800	+$1,200	+$1,200	+$1,200
	TTE&L	400	400	0	0	0
	Grant	400	0	0	0	0
$1,800	F & S	400	800	1,360	+1,800	+1,800
	TTE&L	600	600	440	0	0
	Grant	800	400	0	0	0
$2,400	F & S	400	800	1,360	2,130	+2,400
	TTE&L	800	800	800	270	0
	Grant	1,200	800	240	0	0
$3,200	F & S	400	800	1,360	2,130	2,880
	TTE&L	1,000	1,000	1,000	1,000	320
	Grant	$1,600	$1,400	$840	$70	0
	Loan	200	0	0	0	0
$3,800	F & S	400	800	1,360	2,130	$2,880
	TTE&L	1,000	1,000	1,000	1,000	920
	Grant	1,900	1,900	1,440	670	0
	Loan	500	100	0	0	0
$4,800	F & S	400	800	1,360	2,130	2,880
	TTE&L	1,000	1,000	1,000	1,000	1,000
	Grant	1,900	1,900	14140	670	0
	Loan	1,500	1,100	1,000	1,000	920

Annual cost of attendance=tuition, room, and board charges plus $650.

F & S=expected fam ily contribution plus $400 summer earnings. The family share is taken from the college scholarship service 1971 table for uncomplicated cases with 3 dependent children.

TTE&L=Any combination fo term-time earnings and loan.

In practice, grants or loans below some minimum figure—say $100—would not be made.

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[1] Which usually are intended to equal expenditures.

No institution would be bound to apply the proposed formula to any of its students. Thus it could use a table for expected family contributions different from that which must inevitably be prescribed by Congress or the U.S. Commissioner of Education acting for Congress; it need not require any student earnings contribution (or a greater one); and it may provide a more generous grant. However, the federal funds payable in grant form under the proposed standard formula should in general be payable only if the sum of the family contribution and the student's payments (from savings, earnings or borrowings) is in fact at least equal to the sum called for by the national formula. Exceptions to the general rule, e.g. extraordinary family circumstances making the national table unreasonably demanding, impossibility of obtaining summer employment, etc., can be administered at the institutional level subject to federal guidelines.

The student and his family would also have a choice in determining the application of the formula. We know that some families make a higher than expected contribution, and we know that students vary in their attitudes about the assumption of debt and the desirability of summer or term-time employment. Since the object of the formula is not to force the student to work or to borrow, but rather simply to require a reasonable degree of self-help before becoming entitled to a federal subsidy, the exact means by which the family or the student get up a fair share should not be prescribed by the government. The lending component of the formula is only to make sure that the student, if he cannot raise his fair share in other ways, will be enabled to borrow it.

There are three kinds of fair shares involved and two kinds of costs to be shared fairly.

The fair shares are those of the family, of the student and of the society at large. Society's share is further divided among federal, state, local and non-public payers. The costs to be shared are first, the *charges* to the student and second, the expenditures by the institution.

Conceivably one could start by trying to compute society's fair share and then assigning the balance to the student and his family. But since we embrace the principle that ability to pay is relevant in calculating the fair shares of family and student, it follows that their portion must be calculated first and then society at large pays the rest.

There exists reasonable agreement about a family's fair share of charges. It is a function of family size, income, expenditures and assets. For any given family it is a constant, and it may range from 0% to 100% (or more) of charges.

There is no similarly objective process for defining the student's fair share of charges. The conclusion is affected by student characteristics and by family and institutional determinations. One student may be a single 19 year old, while another may be a 23 year old married veteran with children. One father may insist that his student son contribute, the next may not. When the family fair share does not equal charges, some colleges forgive the entire difference, some require student payment (by work or borrowing) of only part of the difference, and some treat one student one way and the next student a different way, often depending on his academic performance or promise.

It follows that no formula can settle for all cases what a student's fair share should be. But in those cases where the family can contribute nothing, the financial aid formula proposed in this paper suggests that a student ultimately pay half the charges at institutions whose charges approach the national average expenditure per student, and that he pay a larger share relatively—but less absolutely—if the institution charges less.

As for computing a fair share of the second kind of costs—expenditures rather than charges—the practice over the years has mainly been not to make the attempt. The result has been the fortuitous subsidies for upper income families already described, wildly varying levels of subsidy, and rising difficulty in obtaining the money necessary for adequate educational programs. The proposed formula seeks to eliminate these defects by encouraging the fixing of charges more nearly equal to expenditures.

But whether the student's fair share is of charges or of expenditures, why should it be half rather than some other fraction? The answer is that it might well be something other than half; that is a matter for Congress to decide.

However, the suggestion in this paper that it be half is not arbitrary. It is the consequence of asserting that:

(1) $400 is a reasonable minimum summer earnings expectation.

(2) A student should not be compelled to take term-time employment; he should have the alternative of borrowing.

(3) $1500 a year is as much as a penniless student should have to borrow in order to obtain a college education of average quality.

(4) $650 is a reasonable average allowance for books and incidental living expenses during the academic year.

(5) $3150 is the probable 1972–73 average total of institutional expenditures for student education and room and board.

The effect of items (1), (2) and (3) is to fix the penniless student's normal maximum contribution at $1900. The effect of items (4) and (5) is to say that the annual cost (ignoring foregone earnings) of providing an education of average quality is $3800. It follows that the student's fair share is half. A different result would obtain if the five assertions were changed, but only (2) and (3) require signficant value judgments; the others are more or less matters of fact.

There remains the question of how society's half should be divided. The suggested formula allots half to the federal government and the remainder to the traditional payers of society's share, states, local government and non-public donors. This division is arbitrary, but it is a working division. If informed calculation of its impact on the federal budget produces outlandish results, then more appropriate divisions will suggest themselves.

VI

There is of course more to the federal role than prescribing a rational formula for measuring and providing aid to undergraduates. The likely consequence of the suggested formula is more student borrowers and higher average borrowings. Thus the question of repayment terms and methods of collection needs even more scrutiny than that already given existing lending programs. Those programs for the most part have a maximum 10-year repayment term and are administered by the lending institution.

It is overwhelmingly obvious that the repayment term should be—at the borrower's option—much, much longer. It is equally obvious that the Internal Revenue Service is a more efficient and economical mechanism for obtaining and processing repayments than is one which is made up of thousands of lending agencies, each one dealing with borrowers spread all over the country.

Both points just stated lead inevitably to a third: the desirability of relating the borrower's annual repayment to his annual income. The concept is so appealing and so sensible as to make its ultimate adoption inevitable. The exact form it takes will depend on conclusions Congress draws from observing such experimental contingent repayment plans as that now in effect at Yale University and on legislative judgments concerning whether and to what extent the plan or some of the borrowers thereunder should be subsidized, but in one form or another it seems sure to be enacted.

The Congress will also certainly wish to continue or improve special programs for "developing institutions", for compensatory education, for perfecting and subsidizing the capital borrowing process and the like. Furthermore, the under-representation in college of high aptitude children from low income families is more than just a money problem, it is apparently a cultural problem as well. So special programs aimed at such youngsters must not be abandoned simply because a general federal student aid program is enacted.

Nevertheless, the keystone change which must be made is to increase the ability of college students at large to pay more of the costs of the education they choose.

The important point is not to preserve the particular formula suggested in this paper; rather, it is to preserve the concept that the federal government does have a responsibility to rationalize the financing of undergraduate higher education (because no one else can); it does have the responsibility to ensure that no qualified student is barred by poverty from access to higher education (because no one else can); and it does have the responsibility to limit educational subsidies to those who need them and on a basis of equal treatment of like people in like circumstances, wherever they live and wherever they pursue post-secondary education (because no one else can).

U.S. NAVAL ACADEMY

Mr. FANNIN. Mr. President, recently a group of distinguished Arizonans toured the U.S. Naval Academy at Annapolis, Md.

In the group were several newspapermen who wrote interesting and enlightening stories about their experiences at the Academy.

One of the articles was written by Tucson Daily Citizen Editor Paul A. McKalip and was published in the Citizen of February 24, 1972, edition. The other article, written by Arizona Daily Star Reporter James Kise, appeared on February 28, 1972.

Mr. President, I ask unanimous consent that the two articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Tucson Daily Citizen, Feb. 24, 1972]

AND FOR A VERY GOOD REASON: U.S. NAVAL ACADEMY MUST REMAIN A NO-WOMAN'S LAND

(By Paul A. McKalip)

It might be logical to assume that 4,200 midshipmen at the U.S. Naval Academy would welcome the prospect of having the first feminine middies in history become members of the academy's elite, all-male brigade.

Whatever the logic, the assumption is about 100 per cent wrong. I was in a position to explore the subject of women in the middie ranks last week during a visit to the academy in Annapolis with 40 Tucson area school administrators, coaches and counselors.

The threat, and that's what it was considered, of having two young women come aboard next fall by congressional appointment had created quite a stir at the academy.

When it was announced at midshipmen's

mess that Secretary of the Navy John Chafee had declared a final "no" to the two appointments, the brigade had greeted the announcement with a standing ovation.

NOT MALE CHAUVINISTS

The middies are not anti-feminist or male chauvinists. They look forward to weekend dances and periodic dress balls, when hundreds of girls are invited on campus as dancing partners. But they also look realistically at the rigors and restrictions of midshipman life 24 hours a day and say flatly, "It's no place for a girl."

Capt. Robert E. Brady, USN, director of the candidate guidance office, expressed it this way for the Tucson educators: "Being very practical, young women would be out of the mainstream of interaction here, and might as well go to St. John's College across the street.

"It is the interaction of the corps which makes the difference between life at the academy and at other institutions of higher education."

Cmdr. Donald F. Strand, USNR, of Tucson, who escorted the Annapolis tour under the auspices of the Navy, offered further pertinent comments:

"As Sec. Chafee said, the mission of the academy is to train line officers who can take command at sea under any and all kinds of circumstances. Toward that end, young women could neither pass the stiff physical aptitude standards nor adapt to the rigors of academy life.

RIGOROUS LIFE

"The transition from civilian to military life is a stark, rude awakening even for young men."

In the course of our own tour of visitation, we all became quite aware of what Cmdr. Strand was talking about. It is a rigorous, demanding existence.

The fact that midshipmen are provided with 4,600 calories a day in their three big meals in the mess hall, yet do not put on an ounce of excess weight, is testimony enough to the physical and mental energies they are called upon to expend.

When Dean William Shields, director of admissions, was briefing our Tucson group on requirements, he started off with the light remark: "Candidates do have to be young men. We've known that for 100 years but it's just been made official."

The academy suffers none from this restriction of sex. Last year there were 23,000 hopeful young men who sought nominations for academy appointments through their congressmen and other channels. Of that number 7,300 actually were nominated for the final process of selecting 1,200 appointees to this year's plebe class.

Nevertheless, even though each beginning class is screened thus carefully, there already has been a 10 per cent attrition in the ranks of this year's plebe class. By graduation time, nearly four years from now, the class will have lost approximately one third of its initial complement.

FULL REWARDS

If that is the dim side, the bright side is that those young men at Annapolis from all the 50 states who understand and accept the heavy demands upon them and who prove up to their full potential of performance and leadership find life at the academy fully rewarding.

It was inspiring to us visitors to see such young men all around us in our tour around the acadamey's grounds and facilities. One could feel a sense of the tradition which abounds there and which provides so much inspiration to go along with the demands for excellence.

What were the opinions of some of the Tucson group about the idea of coeds at the academy?

Soleng Tom, president of the Tucson District 1 school board, offered a representative point of view:

"I can't see it at all. The Naval Academy is intended to produce fighting men, and it is not a place for women. If this were a peaceful world, we wouldn't need a fighting Navy, but it's not a peaceful world and we need a highly-trained, fighting navy."

WAVES FOR WOMEN

Two other members of the Tucson school board, Mrs. Bruce Dusenberry and Mrs. Walter Hafley, were along. They were likewise negative on the question.

"I'm not a woman's libber, and I don't think they belong here," Mrs. Dusenberry said. "Women can be anything they aspire to be without making a fuss about. If they want to become officers in the Navy, let them become WAVES (the name for women in the service)."

Mrs. Hafley offered a similar kind of alternative.

"If they want a woman's naval academy to train WAVES, fine. But I'm for tradition and the U.S. Naval Academy should remain an all-male institution. There are situations where there should be independence between the sexes."

Two women counselors in Tucson schools shared a different view for the future. They were Carolyn Kremmeries of Rincon High School, and Sherry Weiss of Sunnyside High School.

Both agreed that "it's impractical now, but the opportunity should be open to women. The problem of facilities might be overcome by establishing a small dorm off campus."

"IT'S COMING

"Tradition dictates no, but I think it's coming," commented Kenneth J. Miles, dean of boys at Catalina High School.

But Dave Fithian, assistant principal of Catalina High, said it is "not feasible to fit women into the existing academy facilities and system of operations. There are many opportunities for women in the Navy without involving the academy."

By the time we visitors had observed the brigade's operations across the entire spectrum of academic, athletic and military activities, our consensus undoubtedly agreed with the middies themselves who said "this is no place for a girl."

It occurred to me that before another congressman seeks political advantage and headlines by appointing a woman, he too should go there and see for himself that the Naval Academy is legitimately a no-woman's land.

[From the Arizona Daily Star, Feb. 28, 1972]

NAVAL ACADEMY SEEKING BALANCE BETWEEN MILITARY AND CULTURAL LIFE—OFFICIALS PRAISE NEW CURRICULUM

(By James Kiser)

ANNAPOLIS, MD.—Officials at the 126-year-old U.S. Naval Academy here call up the past when they speak of the future, and cite the need for "a balance between Athens and Sparta."

The balance, between the militarism associated with the ancient Greek city-state of Sparta and the life of culture associated with the city-state of Athens, is a delicate one between two opposing forces, officials admit.

But they believe that if they can find the equilibrium—and recent indications have convinced them they can—then they will provide an education that will be increasingly recognized as a model which many schools could follow.

So far, however, the sailing has not been smooth.

In 1968, according to Vice Adm. James Calvert, superintendent of the academy, officials became aware of serious deficiencies in professional training. An effort to upgrade the content and quality of the academic curriculum, promoted by the post-Sputnik concern over academic excellence, had caused professional training to be ignored, Calvert said in Naval Institute Proceedings in 1970.

In addition, the academic upgrading was not realistic, for it produced a situation where at least a third of the members of each class found it difficult to understand what their teachers were talking about, Calvert reported.

Adding to the problem was a growing wave of anti-military feeling within society, which had caused a steady downward trend in nominations to the academy. On top of that, more and more midshipmen were voluntarily resigning, he said.

Sweeping changes were made in order to get more nominations and to get better qualified students. Physical hazing of the plebes (freshmen) was abolished. First classmen (seniors) were given the responsibility for controlling the 4,000-man Bancroft Hall dormitory. The academic curriculum was broadened to give midshipmen a choice of majors. And the professional curriculum, which Calvert believes develops "a sense of personal accountability," was intensified.

Officials were quick to note gains. In the 1970 report, Calvert said all of the preliminary indications were favorable.

"Academic performance is up sharply, the percentage of high grades is up, academic discharges are down significantly, and informal reaction among both faculty and midshipmen is excellent," he said.

Last week, officials told 40 Arizona educators who visited the academy that improvements are continuing.

Dr. William S. Shields, dean of admissions, said there is a strong demand among young men to get into the academy. In 1971, 7,297 men were nominated for the 1,300 open slots in the plebe class. That was 200 more than in 1970 and almost 1,800 more than in 1968, he said.

Dr. John F. Kelley, assistant academic dean, insisted that now academic graduates are both good officers and good students who have "academic integrity."

Even with these pronouncements of success, though, nobody claims that all is well.

A serious problem, according to Kelly, is that even though the Navy needs technically trained persons, like engineers, several of the midshipmen want to go into less analytical and less technical fields. In fact, officials next year are planning to limit the number of people who can go into different fields, he said.

Currently, of the midshipmen who have picked majors, 20 per cent have chosen management, 23 per cent have chosen engineering, 33 per cent have chosen science and math, and about 20 per cent have chosen literature and history, Kelley said. The management percentage is "way high" and the engineering enrollment is "a little low," he added. Officials hope next year that 70 per cent of the midshipmen will be majoring in engineering, math and science.

Officials who claim the academy is providing training that is relevant to modern life received support last week from First Classman James M. Sluder III, 21, son of Mr. and Mrs. James M. Sluder Jr., of 4002 E. Calle Chico.

Sluder said he thought he saw young people becoming more sober as they turned from drugs and "good times" to a concern with their health and responsibilities. Military life fits this growing mood because it provides both a sense of purpose and work that is satisfying, he said.

Plebe Mark A. Hanshaw, 18, son of Mr.

and Mrs. A. Alan Hanshaw, of 802 N. Corinth, gave another reason for military life which academy officials undoubtedly will find reassuring as they seek a balance between professionalism and academics, or Sparta and Athens, as Calvert put it.

"It's the challenge of trying to make it in the Navy," Hanshaw said.

FORCED BUSING

Mr. TOWER. Mr. President, last week the Senate debated at length the problem of forced busing and its effects on the education of American school students. There was a great deal of concern expressed at that time from all quarters that busing might prove detrimental to education, for, among other things, it strained the limited financial resources of school districts. On Tuesday, March 7, the Fourth Circuit Court of Appeals sitting in Richmond, brought this point graphically to the forefront.

In considering a busing order in the Norfolk, Va., public schools, which has no school buses and whose public transportation system is going out of business in August, the court ordered the school system to institute its own busing system. It ordered that 17,000 of the school district's students must be bused even though it has no funds to do so. The court acknowledged that its order would weaken the educational program of the Norfolk schools, but passed this consequence off as simply being "regrettable."

Mr. President, when courts order busing simply for busing's sake with full knowledge that the education of the students involved will be adversely affected, then it is way past time to prevent such obviously antieducation orders. We must concern ourselves with quality education for all students, not busing as the courts are doing.

I have favored and will continue to favor any approach to this problem which will stop massive, forced busing. I personally believe that a constitutional amendment is the only certain way to stop busing. To that end, I have cosponsored such an amendment and will continue to do all that I can to see that it is passed. Surely, even those who had doubts about how far the courts will go if allowed to remain unchecked will agree that when it knowingly lowers educational standards for the sake of busing, it has gone too far. This practice must be terminated as soon as possible.

FOREIGN FISHING FLEETS TECHNIQUES

Mr. STEVENS. Mr. President, foreign fishing fleets, using techniques not consistent with the conservation standards set by the United States, have depleted the protein resources of the world's oceans to a critical level.

Many of the salmon streams of the New England coast, once so cherished by sports fishermen, are now empty, victims of foreign fleets which indiscriminately swept the Atlantic clean in swaths as much as 20 miles wide.

In 1970 more than 4 billion pounds of bottom fish were taken from Alaskan continental shelf waters by foreign fishing fleets.

Last week, I informed this body that 106 Russian vessels and 16 Japanese were fishing in the area of Nunivak Island. There is good evidence today that this fleet is headed southward, to the waters off the States of Washington and Oregon in their search for herring.

Unfortunately, 158 Russian and 78 Japanese vessels remain near Alaskan shores. Eighty-eight Russians and 60 Japanese are fishing for groundfish between St. George Island in the Pribilofs and Nuimak Island.

Seventeen Russian trawlers are after shrimp in the area between Semedi and Chirikof Island.

Fifty Russian fish for groundfish on both sides of the international dateline just off Nunivak Island.

Three Japanese and three Russians are fishing for black cod and perch in this same area.

In waters east of Middleton Island, along the coast to Cape Spencer, four Japanese vessels are fishing for black cod and perch.

Eleven Japanese are fishing for black cod and perch between Dixon Entrance and Cape Spencer.

And so the depletion of our great marine resources continues—not merely in Alaska where our salmon fishermen face a bleak harvest this year, but along the entire continental shelf of the Nation.

The answer is clear: these alien vessels must be forced to meet at least the same standards of conservation that are met by our own fishermen.

H.R. 1 AND RHODE ISLAND

Mr. PELL. Mr. President, I wish to express my concern for the importance of the work that the Committee on Finance is undertaking in its markup of H.R. 1.

According to my rough calculations H.R. 1 will directly affect the health and economic status of more than 21 percent of the population in my State.

Approximately 100,000 senior citizens in the State of Rhode Island now receive social security benefits and medicare; and according to the House Ways and Means Committee an estimated 104,000 Rhode Islanders would be eligible for welfare benefits if H.R. 1 is passed as is.

The steps taken by the Finance Committee this month and the votes that are expected in the Senate on the provisions of H.R. 1 approved by the committee will be watched closely by more than 200,000 persons in my own State.

I would urge the Finance Committee to give its most humane consideration to the large numbers of children and senior citizens, whose incomes are below the poverty level, who will be affected by this bill. I believe increased benefits should go to them.

While there are many persons who would like to make welfare recipients the political scapegoats for our country's weak economic situation, let us not forget who the people are on welfare.

Almost 74 percent of those persons on welfare in my own State are children, disabled persons, blind persons, and poor aged citizens. And more than 70 percent of the mothers on welfare have children under 6 years of age. One out of four persons over 65 years of age lives in poverty.

If we are going to talk about welfare, we must ask ourselves whether we can find jobs for children, blind persons, disabled persons, aged persons, and mothers with infant children when more than 7 percent of the able-bodied work force is now unable to find jobs in Rhode Island.

Work regulations are necessary. But the excessively complicated ones now being considered may serve as an insult to the dignity of our fellow citizens and may not result in more welfare recipients obtaining jobs.

The large number of unfortunate persons who must turn to the State for income assistance is providing an ever-increasing burden on those remaining citizens who still have jobs and must pay taxes.

I would urge the committee in its deliberations to allot a larger proportion of our Federal tax dollars to the human sector and return it to the States in the form of relief to taxpayers who are carrying the burden of State welfare costs. H.R. 1 as presently constructed, provides little relief to the State. I would hope a provision would be added to allow for a gradual Federal takeover of welfare costs.

Mr. President, the suggestions I put forth today are not only my own concerns. I receive a massive amount of mail from senior citizens who are asking relief from the scourge of inflation, the cruelest tax of all. I have received the recommendations of the Rhode Island Ecumenical Committee on Basic Human Needs which has held some grassroots hearings on the problems associated with H.R. 1 as passed by the House.

The Ecumenical Committee has undertaken a very thorough analysis of the welfare portions of H.R. 1 and has found the bill inadequate and regressive from the viewpoint of Rhode Islanders.

As the result of their hearings and analysis, the Rhode Island Ecumenical Committee has provided a well-thought-out position paper which I would commend to the attention of my colleagues. I ask unanimous consent that the paper be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

THE RHODE ISLAND ECUMENICAL COMMITTEE ON BASIC HUMAN NEEDS—POSITION PAPER ON NATIONAL WELFARE REFORM

On June 22, 1971, the United States House of Representatives passed and sent to the Senate, H.R. 1, the Nixon/Mills proposal to make sweeping changes in the present welfare system by amending the Social Security Act. Because H.R. 1 marks the first major revision of the categorical public assistance programs since their inception in 1936, and because H.R. 1, if enacted, will directly and significantly affect the lives of millions of Americans, the Ecumenical Committee on Basic Human Needs decided to sponsor public hearings on H.R. 1, within the broader context of "welfare reform."

As a result of the two-day hearings, held in Providence, Rhode Island, on the evenings of November 29 and 30, 1971, the Ecumenical Committee on Basic Human Needs has come to the conclusion that H.R. 1 does not represent welfare reform and that its adoption at this time would prove a totally regressive step that no amount of tinkering with the bill could rectify including the Ribicoff amendments. Consequently, the Ecumenical Committee on Basic Human Needs feels that no further effort should be devoted to amending H.R. 1, or supporting variations thereon, and that the twin objectives of providing immediate fiscal relief to the states—to permit them to restore cutbacks to the January, 1970 level and to keep abreast of rising welfare rolls—and of instituting a graduated program to fully federalize the welfare system by 1976, are the goals to which all efforts should be directed in the present session of Congress. Such a program would shore up the present, desperately inadequate, welfare system by alleviating, to some extent, the states' fiscal crisis and would gain needed time to draw up a new bill, embodying genuine welfare reform, to be presented to the Congress at a more propitious moment.

The hearings on H.R. 1 were moderated by Father Edward McGovern, Coordinator for Catholic Charities and Chairman of the Governor's Task Force on Special Circumstance Items, and were presided over by a panel comprised of Peter G. Fradley, editorial writer for the Providence Journal-Bulletin, John M. Roney, Staff Attorney with Rhode Island Legal Services, Inc., Ida Wheeler, Director of the Food Lift Information Program and former welfare recipient, Frederick C. Williamson, Director of the State Department of Community Affairs, and Kevin McKenna, Legislative Aide to Senator Claiborne Pell. It is the consensus of these panelists and of the members of the Ecumenical Committee on Basic Human Needs together with the persons who testified at the hearings, that the few positive aspects of H.R. 1, such as the inclusion of the working poor for the first time, are more than offset by the mandatory work requirement (since embodied in the Talmadge amendment, H.R. 10604, passed by Congress before the Christmas recess), the lack of procedural safeguards, the absurdly low benefit levels, and the failure to provide the states with fiscal relief. While the Ribicoff amendments to H.R. 1 would correct many of the serious flaws in the bill, such as exclusion of single individuals and childless couples and the lack of mandatory state supplementation, only S. 2747, the bill sponsored by Senator Fred Harris, approaches anything that could be called true "welfare reform".

Genuine reform of the present welfare system would have to embody, as the Harris and McGovern bills do the principle of providing needy people with an adequate income, one that would permit a measure of dignity, with standards not less than the Department of Labor's lower living standard, rather than one which legislatively condemns such people to permanent poverty as H.R. 1 would do. The McGovern Bill approaches welfare reform, but has little chance of passage. True reform of the present welfare system would provide for a fully federalized system, annual cost-of-living adjustments, eligibility based on need rather than on categorical distinctions, provisions to prevent services and benefits in kind from reducing assistance levels, full protection of legal and constitutional rights, fair labor standards, ample and enriching care for children of working mothers, and an end to discrimination against women in assigning job priorities and other benefits and services. Ultimately, true welfare reform must embrace efforts to do away with the underlying conditions making a welfare system necessary.

The need for welfare reform has been amply documented. Inequities in the present system result in a widespread discrepancy in average welfare payments, ranging from a low of $60 per month for a family of four with no other income in Mississippi to a high of $375 a month for a similar family in Alaska. The system itself helps to perpetuate the misery of living in poverty for families in all but four states, even then welfare benefits are below the federal government's own poverty level of $3,972 for a family of four in all but these four states.

State services to welfare beneficiaries vary as widely as state benefit levels, and in both cases the services and benefits provided often do not meet even the state's own standards. It is obvious that greater liberality and greater uniformity are both requisites for welfare reform.

The need for fiscal relief to the states is equally apparent. Persistent unemployment coupled with rising inflation has contributed to a swelling of the welfare rolls in almost every area. Better organization and heightend awareness of their legal rights on the part of welfare recipients have also resulted in adding to the rolls and increasing demands. No state is in a position to cope with ever-increasing welfare costs, and there is now an emerging tendency for states to react to pending fiscal crisis by cutting benefits and restricting eligibility. Unless the federal government steps in to assume a greater share of the welfare burden, misery will become disaster. As Mr. John Affleck, Director of the Rhode Island Department of Social and Rehabilitative Services, testified at the hearings, "State fiscal relief is imperative even now while the debate on welfare reform continues; otherwise, there may be nothing to reform".

That the situation in Rhode Island is relatively good but rapidly deteriorating was made clear by other experts who testified. "Rhode Island has one of the best systems in the nation", said a case worker from Providence, "but H.R. 1 will set it back 20 years." "Rhode Island standards are high but falling behind because of constantly rising food prices", said the Chief Nutritionist for the Rhode Island Department of Health, and a mental health clinic administrator added that the situation will worsen in January, when the legislature recovenes: "the mood of the legislature is to punish the poor".

Some of the welfare recipients who testified at the hearings thought they were already being punished. A man with back injuries, a deaf wife and an epileptic son said, "We can't survive on what we get now. . . ." A mother said, "We are living in misery. There are people in Rhode Island starving now." Another woman said, "I've got to sleep on the floor." And a mother of seven added, "I want to take care of my children. . . . I'm always behind in my rent." Indeed, according to HEW, most welfare recipients want to take care of their children and know that welfare isn't the way to do it. "Welfare families are embarrassed by and discontented with welfare. Most want to move off the welfare rolls, but it takes the average family about two years to overcome its problems."

Clearly, then, there is a pressing need for change in the present welfare system. But as became apparent at the hearings, the changes that H.R. 1 proposes are designed to save money for the states at the expense of those persons least able to cope with their problems.

In Rhode Island, 48% of the people on welfare are children, and another 19.7% are the parents who must care for these children. It is these children and their parents who would be most harmed by H.R. 1.

Nixon first proposed to make welfare reform this nation's chief priority in a speech in August, 1969. H.R. 1's forerunner provided $1,600 plus food stamps for a family of four, and was essentially a work program to get people off welfare and into low-paying jobs. It provided day care and other inducements to work, including mandatory state supplementation of federal benefits with some fiscal relief to the states, and was to be federally administered. This package was introduced in October 1969 and finally emerged from the House Ways and Means Committee in March 1970, after having been rewritten, though essentially unchanged, by Wilbur Mills. It was passed by the House and went to the Senate, where, after numerous revisions were made by the Administration to appease the Senate Finance Committee, it was allowed to die without coming to a vote.

In 1971 a new bill, H.R. 1, containing many of the same provisions as the previous bill but adding new and even more objectionable features, was passed by the House and sent to the Senate. It rests now in the Senate Finance Committee, whose chairman, Russell Long, has promised to hold hearings on it early in 1972. H.R. 1 offers a basic payment of $2,400 for a family of four, and the same amount to an aged couple. It eliminates food stamps, excludes single individuals and childless couples, and contains no mandatory state supplementation of benefits. The work requirements are stringent (and are now largely in effect owing to H.R. 10604, the Talmadge amendment), applying to all employable persons, including, by 1974, mothers with children over 3. The first priority for jobs goes to mothers and pregnant women under 19. Eligibility for benefits is not based on current need but on earnings in the previous three calendar quarters. Resources are limited to $1,500 a family, and emergency assistance is limited to $100 at the time of initial application, and deducted from the first payment. Payments are to be made every three months. Initial registration is lengthy and complicated, and investigations are required, with quarterly reports from the recipients and complete reregistration every two years. Failure to reregister or to make the quarterly report results in termination of benefits. Penalties for failure to accept work and/or training are severe, yet work incentives are minimal, day care provisions are inadequate, and safeguarding of due process rights is treated lightly. The HEW Secretary may prescribe standards for lay advocates at fair hearings, sure to be used as a device to curb the power of welfare rights organizations. Mothers who are heads of families receive no benefits if they attempt to educate themselves at the college level—rather, they can be forced to work at three quarters of the minimum wage (i.e. $1.20 at present). And finally, H.R. 1 creates a new federal crime—crossing state lines to avoid support of one's family.

The Ribicoff amendments attempt to soften the harshest provisions of H.R. 1, such as forcing mothers of children as young as 4 or 5 to register for work and to accept jobs paying less than the minimum wage. Senator Ribicoff would limit the work requirement to mothers of children over 6, provided adequate day care is available, and would exempt mothers in households where an adult male relative is registered. Assistance would be extended to qualified single individuals and childless couples who comply with the work requirement and no one could be forced to work for less than the federal minimum wage. Under these amendments, earned income disregards would be liberalized, state supplementation made mandatory, annual increments would be provided, and due process would be explicitly assured in all controversies.

Since, however, the Ribicoff amendments are predicated on raising benefits to the "poverty level" by 1976, and maintaining them at that level thereafter, the net effect is tantamount to decreeing that a substantial segment of American society must live forever in poverty. Furthermore, although liberalized, the basic work requirement remains unchanged by the Ribicoff amendments and still falls heavily on mothers of young children who might prefer to raise their children themselves.

Both these objections are met to some extent by the provisions of the bill introduced by Senator Harris. S. 2747 would provide benefits equal, by 1976, to the BLS lower living standard and would maintain them there in subsequent years. The work requirement would be further liberalized to exempt caretaker relatives, of either sex, of children under 18 in addition to those who are in school, incapacitated or needed to care for others. The income disregard is raised by the Harris bill to permit retention of 40% of all income. Because it guarantees adequate income, safeguards the rights of recipients and supplies fiscal relief to the states, the Harris bill approaches true "welfare reform" but the chances of passage within the present mood of Congress are nil.

It is clear, then, that H.R. 1 can by no stretch of the imagination be deemed "welfare reform". It is less apparent but no less true that the bill would by no means relieve the states of their immediate and intolerable burden of welfare costs. Mr. Affleck stated during the course of his testimony that, contrary to the figures put out by the House Ways and Means Committee, the estimated fiscal relief for Rhode Island under H.R. 1 would amount to only $2.7 million to $3.2 million.

Though the reaction of the panelists to H.R. 1 ranged from faint praise for inclusion of the working poor to complete opposition for the defects previously mentioned, all of the panelists agreed that the criticisms of H.R. 1 presented at the hearings were valid. John Roney viewed pragmatically the possibilities of passing the Harris bill and concluded that considerable pressure would have to be brought to bear on Senators Pell and Pastore to persuade them to support the Harris bill. Roney urged defeat of H.R. 1, a position shared by his co-panelist, Ida Wheeler. Mrs. Wheeler, who speaks from personal experience as a former welfare recipient, said, "It is a horrible bill and is worse than the present welfare system.... People would lose their pride as human beings and become second class citizens. They would probably have to beg to survive.... First of all, food stamps should not be stopped. Poor people need them to survive and to feed their families nutritious and proper well balanced meals. The bill is so bad that I keep thinking of myself in this type of situation and it makes me madder and madder."

Perhaps the worst aspects of H.R. 1 in the final analysis are its fraudulent attempt to masquerade as welfare reform, while failing even to provide the states with adequate fiscal relief, and the attitude that it reveals toward the poor. In reflecting a desire to closely regulate people's lives, the bill betrays a repressive attitude that represents this country at its worst. Thus, it is not surprising that not one of the attorneys, educators, social workers, officials and other experts who testified at the hearings was able to support H.R. 1. Indeed, the only person the Ecumenical Committee on Basic Human Needs was able to find who would speak in favor of H.R. 1, Mr. Millard Nute, the Welfare Reform Planning Director for the Northeast Region, HEW, cancelled his appearance on the morning of November 29th and did not send a replacement. Although the hearings were open to the public and diligent efforts were made to present both sides, none of the more than 3,000 individuals and groups that received invitations to attend the hearings and express their views, went on record in favor of H.R. 1. Governor Licht and the entire Rhode Island Legislature were invited, as were Senators Pell and Pastore. Congressmen Mills, Abzug, Tiernan and St Germain were also invited, along with top HEW officials and Senators Harris and Ribicoff. Only Senator Pell accepted the invitation and sent a legislative assistant, who did not take a position, to represent him.

In light of all the testimony that was presented at the hearings and after a careful study of H.R. 1 and its alternatives, the Ecumenical Committee on Basic Human Needs has reached the conclusion that the present welfare system, with all its defects, is preferable to H.R. 1 and that, until a genuine reform bill can be proposed with a reasonable chance of passage, current energies should be devoted to achieving a fiscal relief for the states, to the federalization of the system as a whole, and to the defeat of H.R. 1 and to defeat any compromise version approaching H.R. 1.

For information contact: Ecumenical Committee on Basic Human Needs, 2 Stimson Avenue, Providence, Rhode Island 02906, Telephone (401) 861-1700.

Organizations belonging to the Ecumenical Committee on Basic Human Needs are:

Episcopal Diocese
Catholic Diocese
Community Relations Council of Jewish Federation of Rhode Island
Rhode Island National Association of Social Workers
Urban Ministry Division, Rhode Island State Council of Churches
Rhode Island State Council of Churches
The Urban League
Diocesan Human Relations Commission
The Urban Coalition
Sisters for Urban Improvement
Urban Priests
Providence Human Relations Commission
The Providence Corporation
Women's Intergroup Council
League of Women Voters
Rhode Island Council of Community Services
Rhode Island Conference of Social Work
P.A.C.E.
Rhode Island Fair Welfare
Rhode Island Legal Services
O.I.C.
Providence Health Centers
Rhode Island Senior Citizens Action Group
Hillel House

ADDRESS BY SENATOR MOSS TO SALT LAKE AD CLUB

Mr. KENNEDY. Mr. President, no Senator has more deeply committed himself to the study of advertising than the Senator from Utah (Mr. Moss), the chairman of the Consumer Subcommittee. Senator Moss has studied the advertising industry from a number of different perspectives, and he has recommended two legislative proposals now before the Senate to supplement the activities of the Federal Trade Commission. He has proposed a Truth in Advertising Act and the creation of a National Institute of Advertising, Marketing, and Society. Each of these bills is designed to enhance the role of the FTC in regulating deceptive and misleading advertising practices.

The truth-in-advertising measure, S. 1461, would give to the general public the right to obtain documentation for claims of safety, performance, or efficacy found in many advertisements today. It would make available the additional information that is so often necessary to make an intelligent judgment of a product or service after viewing a 20- or 30-second television commercial or reading a quarter-page advertisement.

The national institute measure, S. 1753, on the other hand, would establish a research organization to provide Government regulators and advertising executives with important information on the impact of advertising. Far too often today, neither advertisers nor regulators have this necessary information available in developing their campaigns or regulatory practices.

Senator Moss has compiled a distinguished record of achievement and public service in this area as an effective voice for the consumer. Recently, he developed a number of his ideas in an important address he delivered to the Salt Lake Ad Club on February 16, 1972. I believe that his remarks will be of interest to all of us concerned with these issues. I ask unanimous consent that his address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF SENATOR FRANK E. MOSS

As members of the Salt Lake Ad Club, I am sure you have become somewhat familiar with a recurring outcry heard on the consumer front. It's truth in advertising. We have had truth in packaging, truth in lending, and now we are talking about truth in advertising.

Ironically, truth in advertising is one of the earliest consumer protection efforts undertaken by Government. In part, the Federal Trade Commission owes its origins to the advertising for things like Dr. Williams Snake Oil and Magic Wizard's hair tonic, guaranteed to grow hair on your head, cure dandruff, eliminate gray hair, strengthen curls and a variety of other personal problems.

In the days when the barker pulled up his horse-drawn wagon or Model T, stood on the back and hawked his wares, the public was, to some degree, an equal with the seller. If someone down in the audience asked whether the product would restore youth, the seller might just claim it would. He had no proof. He just took advantage of the gullible buyer.

But today we don't hawk from the back of a truck. Today companies pay $65,000 for a full color page in Life magazine to tell their story, or they spend $100,000 to sell a razor or car in 60 seconds during the super bowl game or world series. And the techniques of advertising have been refined and developed into a $21 billion business.

So we have come full circle. Early Government efforts in truth in advertising, the earliest protection efforts, are now giving way to new demands and methods of handling the problem.

In theory, the Federal Trade Commission, through the FTC Act, has jurisdiction over truth in advertising.

The Commission has the power to issue, cease and desist orders for deceptive or unfair acts in restraint of trade. This power has occasionally been used for the most flagrant violations of honesty. But the mechanism which governs the Commission's operations, and the right of due process which is applicable to Commission decisions, have resulted in the Commission's inadequacy to police advertising adequately.

Now let's look at the current state of activity in the area of truth in advertising. A year ago Ralph Nader and an associate, Mrs. Aileen Cowman Adams, conducted a study of advertising claims of performance, safety, and efficacy. They wrote to 56 companies concerning 68 different claims for which they wanted substantiation. Although the advertising industry self-regulatory codes have long supported the principle of truth in advertising, the response to these requests was shocking.

Only three responded with any data supporting their claims. Four included cursory descriptions of company tests, rather than detailed scientific data which would have been required to substantiate the claims.

Sixteen companies did not even have the courtesy to reply. Seven replied by declining to substantiate their claims. And fifteen sent further information intended to clarify misunderstanding and vague assertions in the advertisements.

In no way could these be considered substantiation for the claims.

So Mr. Nader and Mrs. Adams, joined by the Federation of Homemakers, filed a petition in December 1970 with the Federal Trade Commission to require that advertisers place their documentation on file with the Federal Trade Commission before actually advertising.

Subsequently, I introduced legislation which goes a bit further in protecting the consumer. Since documentation of advertising claims would enable the individual to evaluate the advertisement in a broader light before making a purchase, having the documentation on file with the Federal Trade Commission will do us no good when we need the substantiating information to decide on which product to buy.

Let's look at the Truth in Advertising Act. This bill would simply require advertisers to make available, for public inspection, complete documentation to substantiate the claims advertised for their products or services. That's it. Plain and simple. You send your quarter or half-dollar, the advertiser sends back the complete documentation.

All the information would then be in the public's hands, and consumers would be able to make more intelligent decisions in selecting products or services.

There should be no burden in fulfilling these requirements. I assume that an advertiser has the documentation on hand before he puts out his ad. Thus, the Truth in Advertising Act would give greater credence to advertising.

And the scrutiny of the free press would stand as a watchdog over the maintenance of advertised claims.

The benefits of this type of procedure are two-fold. First, the consumer would have confidence in the goods and services which he obtains.

Knowing that the claims are subject to close scrutiny, many individuals will assume that the claims are valid and will have newfound faith in the merchandise he purchases. Additionally, the consumer would be given the right to take direct action to protect himself—that is, he would not purchase those items which he feels do not live up to their advertised claims, or for which the substantiation is not sufficient to convince him of the products' merits.

The legislation flows from the conservative principle of supporting your statements with basic facts. In the vernacular, it's a case of "put up or shut up".

And business will benefit too. Honesty is one of the keystones in the operation of the free enterprise system.

Those advertisers who are careful and make responsible claims would no longer be placed at a competitive disadvantage with irresponsible and unscrupulous merchants who hold the public trust in callous disregard.

Meanwhile, back at the Federal Trade Commission, after long deliberations, the commission announced in June that it was embarking on a new advertising substantiation program.

This was the commission's response to the Nader-Adams petition I previously mentioned. The commission proposed to seek substantiating data from advertisers on an industry by industry basis, and it promised to make that information available to the public. The first product category was the automobile, and in July the commission asked seven automobile manufacturers for substantiation for a variety of claims in automobile advertisements.

So the plot thickens. We have the FTC, with its industry by industry approach on the one hand, and your senator, with a truth in advertising bill on the other hand. Clearly, a showdown was necessary.

On October 4, I summoned the chairman of the Federal Trade Commission to appear before the Senate Commerce Committee for hearings on my bill.

Much to my surprise, the FTC had decided that legislation giving the consumer direct action should await an evaluation of the Commission's own program. I told the Chairman that I supported the initiative undertaken by the FTC, but that its method was clearly insufficient.

After all, here it was October, the 1972 model cars were now on the market with advertisements all over the place, and the public had not yet received the information substantiating the claims for the 1971 automobiles. And I also pointed out that information on the second industry to be surveyed, air conditioners, had not yet been released.

When would this be forthcoming? In January? Under the circumstances, you might well sell ice boxes to Eskimos and central heating to aborigines.

But, I tried to be fair. I told them they had to report back in six months with the results of their program. I knew that it would be difficult or impossible to move the bill without their support.

And while I am discussing advertising I would like to bring to your attention another concern which I see in this regard.

We have, since the creation of the Federal Trade Commission, sought to regulate the economic impact of advertising, which is what we are doing in effect with the proposed Truth-in-Advertising Act. But we have never sought on a systematic basis to seek an accounting of the social cost of marketing and advertising. We are beset with profound and unsettling questions concerning the social role of advertising.

The aggressive marketing of consumer goods, and the repetitive pattern in much advertising promising instant gratification through the acquisition of things, had led critics to lay at advertising's door blame for the erosion of our traditional democratic value system based upon the intrinsic rewards of efforts, discipline, and responsibility.

At a time when we are becoming increasingly concerned over the debasement of our environment, there is growing concern that the mindless promotion of consumption, and the glorification of the exploitation of resources has subverted our traditional, wise concern for the conservation of resources.

There exists a substantial body of knowledge concerning the behavior of individuals subjected to advertising. Market research in this country is a refined art, if not a science. There has been some behavioral research on the impact of advertising performed in the universities, but much of the work is being done in isolation and a great proportion of the work is funded by business, interested naturally in a fairly narrow range of information. Of course, the significance of much of the body of knowledge which does exist is obscured by the economic self-interest of the sponsor of the research.

I believe that there is a clear need for an institution, above all independent of the distortions of economic self-interest, with adequate resources to draw upon the full range of disciplines and competencies in the social sciences necessary to bring us to the point where we can begin to make rational judgments on the need for limiting, curtailing or rechanneling marketing activities away from socially destructive paths.

I have introduced a bill to create a national institute of advertising, marketing and society within the National Science Foundation. The institute, whose general policy will be determined by an advisory council composed of business, consumer, labor and academic representatives, will be charged with conducting research along the lines suggested here. Additionally, the enabling legislation will contain a congressional mandate for three specific studies. These are:

1. A study of the relationship between advertising themes and techniques and drug abuse;

2. A study of the relationship between marketing techniques and alienation among the young;

3. A study of the relationship between advertising and the attitudes, knowledge and perception of the young child.

So when we combine the increasing concern over the partially hidden and imperfectly understood psychological and social costs of mass marketing with the critical problem of honesty in advertised claims, we see that there is much that can and should be done in the area of advertising.

I am very pleased that the Truth-in-Advertising Act has been editorially endorsed by *Advertising Age*. I have also been tremendously impressed with the sincere interest and support which has been expressed by the academic and business communities for the National Institute of Advertising, Marketing, and Society proposal.

The passage of the truth-in-advertising legislation will have an immediate impact on consumers in this country. And the passage of the institute proposal will provide that important long range insight necessary to maintain advertising on a socially constructive path rather than deviating from this route as may currently be the case.

MEMORIES OF SMOOT-HAWLEY

Mr. HANSEN. Mr. President, as a member of the Finance Subcommittee on International Trade, I have received a rather liberal education during the past year on U.S. trade problems.

During extensive hearings by that committee, a very full and comprehensive record of testimony has been developed and I believe the members of not only the subcommittee, but the full committee are now more fully informed and in a better position to evaluate any proposed trade legislation that may now come before the committee.

I have in the past favored and supported various import quota proposals and am still of the opinion that we must take a more realistic look at our world trade position and some of the factors that resulted in a serious trade imbalance last year.

The President's actions in his new economic plan of last August including his new trade policies were certainly in the right direction. Continuing negotiations with our various trading partners and some of the President's legislative proposals are, in my opinion, producing results. I am hopeful that the President will pursue these policies in the interest of achieving fair trade agreements that will correct some of the imbalance that has resulted from so-called free trade that, in too many cases, was free for our trading partners but most expensive to us.

Such fair trade policies can be achieved, I am convinced, without such drastic action as proposed by legislation such as the Hartke-Burke bill now pending in both Houses.

Mr. President, the New York Times and I are often in disagreement on various matters, but in the case of the bill introduced by the distinguished Senator from Indiana (Mr. HARTKE), I must agree with their appraisal in a recent editorial.

Mr. President, I ask unanimous consent that the editorial entitled "Memories of Smoot-Hawley" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MEMORIES OF SMOOT-HAWLEY

With the strong support of the A.F.L.-C.I.O. Senator Vance Hartke, Democratic Presidential candidate from Indiana, and Representative James A. Burke, Democrat of Massachusetts, have introduced a bill supposed to protect the jobs of American workers by curbing foreign imports and imposing heavy penalties on foreign investment by American firms. But the bill, if passed, would be a disaster to the American economy, to labor and the consumer alike.

The proposal would establish import quotas on virtually every category of goods produced abroad; in 1972, each category would be limited to the average annual quantity imported into this country during the years 1965–69. This could mean an over-all slash of as much as 40 per cent in American imports. Proponents of the bill neglect to point out that this would almost certainly bring a concomitant slash in American exports, as foreign governments retaliated.

Indeed, since the legislation seems certain to trigger a trade war if through dreadful mischance it should be adopted, there is no way of knowing what the ultimate blow to American exports—and jobs—would be. When the last comparable piece of protectionist legislation, the Smoot-Hawley Act, was passed in 1930, the drop in U.S. exports was calamitous as trade barriers mounted abroad. It is impossible to separate the damage to American exports caused by retaliatory trade barriers from that caused by the spread of the world depression in the 1930's; but it is clear that Smoot-Hawley, far from saving jobs in industry or agriculture, worsened the unemployment problem both abroad and here at home.

The Hartke-Burke bill proposes to stop the "export of American jobs" by providing powerful disincentives to foreign investment. It would repeal the tax credit now granted to corporations for taxes they pay abroad and would thus impose double taxation on foreign earnings. This and other penalties in the bill would force many American companies to cede foreign markets to other nations—or convert themselves into foreign corporations.

Hartke-Burke reminiscent of merchantilist legislation of the eighteenth century in trying to prevent Americans from licensing the use of technology abroad; under it, companies licensing prohibited technologies overseas could lose their domestic patent protection. This would be an open invitation to bootlegging, pirating or espionage—as were such laws in the early Industrial Revolution.

The bills' effort to hamstring multinational corporations is founded on no evidence that American investment and operations abroad are hurting United States employment or income. A survey of 74 American multinational corporations by the Emergency Committee for American Trade finds, on the contrary, that from 1960 to 1970, those companies increased their domestic payrolls from 2.4 million to 3.3 million. At the same time they tripled their exports from the United States from $4.3 billion to $12.2 billion and increased the net balance-of-payments inflow—including dividends, repatriated earnings, interest, royalties and fees—from $500 million to $2.4 billion.

The Hartke-Burke bill would be inflationary, since it would not only bar low-cost imports but would reduce or eliminate competition and weaken incentives for increasing productivity and innovation.

The odds appear to be against Hartke-Burke passing, at least in its present form—but if unemployment continues high and foreign competition remains strong—as the latest trade figures suggest—there is a good chance that some of the bill's principal clauses will be attached to other pieces of popular legislation and may be enacted.

Friends of liberal trade face a tough Congressional session in this election year. Their greatest help would come from a stronger domestic recovery—and a more direct and vigorous Administration attack on the unemployment problem.

FOREIGN FISHING

Mr. PACKWOOD. Mr. President, the annual influx of foreign fishing vessels off the coasts of our Pacific Northwest States is about to begin again. The presence of foreign ships in this area presents a tremendous threat to the American commercial fishing industry. Action must be taken immediately if we are to avoid the permanent destruction of a vital part of our marine environment.

In response to this threat, I have cosponsored S. 3299, introduced by the distinguished Senator from Alaska (Mr. STEVENS), which would require that all fish aboard any foreign vessel found fishing in American territorial waters must be forfeited. The current law only requires the confiscation of those fish actually caught within our territorial waters.

The enactment of this legislation is essential if we are to halt the intolerable invasion of our fishing zone by foreign fishing fleets.

This is not the first effort which Senator STEVENS and I have made to solve this problem. Nor will it be the last. In 1970, for example, we sponsored legislation to strengthen the penalty for foreign fishing in a territorial water in the contiguous fishery zone of the United States. This legislation, which eventually passed Congress and was signed by the President, increased the maximum fine for illegal fishing from $10,000 to $50,000.

In the summer of 1970, our attention turned toward the salmon fishing by South Koreans in the Eastern Bering Sea. Despite the solemn assurances of South Korea officials that their ships would not engage in salmon fishing within the limits of 175 degrees west longitude, Coast Guard cutters observed South Korean vessels fishing for salmon within the agreed limit.

In order to express to the South Korean Government the magnitude of our concern, I cosponsored with Senator STEVENS an amendment to the Military Sales Act. This amendment prohibited economic assistance to the Republic of Korea unless the President of the United States determined that no citizens of the Republic of Korea were fishing salmon east of the line 175 degrees west longitude. Admittedly, this measure represented harsh action. It was taken only as a last resort. I firmly believe, however, that severe action must be taken if we are to avoid the inexcusable incursions by foreign vessels into our waters of the North Pacific.

Mr. President, these proposals represent a major step toward achieving a solution to our foreign fishing problems. Recent events have made it clear, however, that existing laws do not provide a sufficient deterrent to many foreign fishermen who look to American fishery resources as a potential source of food or cash. We are all well acquainted with the capture just last January of two Soviet fishing vessels, seized only 9.4 miles from St. Matthew Island in the Eastern Bering Sea.

Mr. President, American fishermen can no longer be expected to tolerate such blatant violations of United States and international law.

Since I became a Member of the Senate in 1969, I have periodically been in contact with various officials in the State Department concerning complaints from Oregonians who report foreign vessels off the Oregon coast. The response which I have received has been totally inadequate. I do not believe that Oregon's fishermen are getting a fair shake.

It is deplorable that few efforts are being made at the Federal level to give the vital interests of our commercial fishing industry the high priority they deserve. The Federal Government has consistently done too little too late to protect our fishing industry. This is indeed unfortunate, because thousands of domestic fishermen in this Nation must depend on the coasts as their primary fishing grounds.

It is apparent that Congress must provide the leadership to insure that foreign fishing will not be allowed to continue off the Oregon coast. I intend to make certain that the U.S. Senate does not ignore its responsibility to protect our commercial fishing industry.

It is time for us to recognize the fishing industry as a vital part of our national economy. The U.S. commercial fishing industry remains the third largest in the world, based on the total value of all harvested fishing products. Commercial fishing is of particular importance to citizens in our coastal areas who look to the sea for a primary source of their livelihood.

A further indication of the importance of this industry is provided by the dynamic picture of American consumption of U.S. fishery products. During the decade of the 1960's, the utilization of fishery products has dramatically increased from 46.1 to 67.8 pounds per capita. The United States, with less than

1 percent of the population, currently consumes 7.9 percent of all fishery resources harvested in the world. By the year 2000, the demand in the United States for fishery resources is expected to increase by 33 percent. It is also predicted that within the next 5 to 10 years the demand throughout the world for certain species—crabs, lobsters, shrimp, menhaden, herring, and sea scallops—will result in overfishing and a significant depletion of this vital natural resource.

It becomes clear, then, that the fishery resources traditionally harvested by both United States and foreign fishing vessels are at the crossroads between overexploitation and rational fisheries management. Our oceans contain valuable natural resources which are currently being harvested at an unacceptable rate. Unless that rate is soon checked, there will no longer be any natural resources left to be preserved. The continued acceptance of foreign fishing in our territorial waters will not only make it impossible for our fishermen to meet the projected American demand, but it may also destroy this fast diminishing part of our marine environment.

The legislation which I am cosponsoring today provides a reasonable alternative. The most effective means of halting foreign fishing within our territorial waters is to make the economic risk of capture so hazardous that foreign fishermen will be forced to look elsewhere. The threat of forfeiting several thousand dollars worth of fish will provide a powerful deterrent to foreign fishermen who might wish to ignore our territorial integrity.

Mr. President, I ask unanimous consent that the text of S. 3299 be included at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3299

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 2 of the Act entitled "An Act to prohibit fishing in the territorial waters of the United States and in certain other areas by vessels other than vessels of the United States and by persons in charge of such vessels", approved May 20, 1964, as amended (16 U.S.C. 1082(b)), is amended by striking out all of such subsection following "subject to forfeiture and all fish" and inserting in lieu thereof "aboard such vessel or the monetary value thereof shall be forfeited."

URBAN CORRIDORS INVESTMENT NEEDED NOW

Mr. PELL. Mr. President, there is much rhetoric in this country about the need for a balanced transportation policy. Soon the Senate will have an opportunity to match its rhetoric with a commitment to improve transportation services in our urban corridors.

Many people, including spokesmen for the administration, say that one of the best methods of implementing a balanced transportation policy is to provide encouragement to travelers to use rail service rather than air and highways.

Notwithstanding arguments about comfort, air pollution, and safety, our citizens are not going to be attracted to rail passenger service in substantial numbers unless the speed of existing rail service is improved.

Patronage is a direct function of time; and time for rail passenger service is a direct function of the condition of roadbeds.

Technology for fast rail service exists now. It is the roadbed which is lacking. In New England we have a turbo train capable of running at 160 miles per hour, but it is only allowed to move at an average of 60 miles per hour.

The only reasonably fast service now available is New York to Washington where the average speed is 80 miles per hour and where the revenues far exceed the costs.

The point is very simple. Rail passenger service will not be able to exist without subsidies unless the Congress provides a means for the investment in the roadbed that is needed to provide the fast service that will attract the passengers.

There is no need for further study of issue. The course of action is obvious. According to the Department of Transportation's Northeast Corridor Study:

> The impetus must come from the Federal Government. Because the project is expected to be profitable, an outright grant is unnecessary. Federal support could take the form of a direct loan, guaranteed bonds or some similar arrangement.

Mr. President, I have introduced an amendment with 13 other Senators to make that recommendation a reality. My amendment to S. 2760 would allow the Secretary of Transportation through Amtrak or another appropriate authority to make loans and loan guarantees for roadbed improvements in those urban corridors where the loans have the likelihood of being repaid.

While there are some who doubt the likelihood of loans for roadbed improvements being repaid, I should like to draw their attention to the initial work of the Northeast Corridor study, which stated that an investment of $36 million in roadbed in New England would result in a time saving of 37 minutes between Boston and New York and would be repaid from additional revenues within 10 years.

Mr. President, the Committee on Commerce has demonstrated a deep and commendable recognition of the Nation's needs for a balanced transportation system, and of the particular needs and opportunities that exist in our urban corridors. I am therefore delighted that the committee will soon be giving consideration to my amendment.

Recently I received from the National Association of Railroad Passengers a letter endorsing and supporting my proposal. Statistics cited by the NARP indictate that the greatest profit being made by urban corridor trains are by those trains in the Northeast corridor traveling at a speed of 80 miles an hour between New York and Washington. Roadbed improvements, I believe, would result in average speeds in all corridors approaching 120 miles per hour, and in profitable operation in all corridors.

Mr. President, I ask unanimous consent that the letter from the National Association of Railroad Passengers be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
March 8, 1972.

Hon. CLAIBORNE PELL,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR PELL: The National Association of Railroad Passengers fully supports your proposed amendment to the Amtrak funding legislation, S2760, which would provide $500,000,000 in government loans and $1,000,000,000 in loan guarantees for capital improvements for railroad and other high speed ground transportation in urban corridors.

We agree with your thesis that Amtrak's major thrust, in terms of frequency of service, capital improvement expenditures, and research and development, should be in the short-to-medium distance corridors in densely populated areas. That is where the potential exists for speeeding up trains to the point where they can attract large numbers of passengers away from other modes, thus relieving the pressure for environmentally destructive expansion of highways and airports.

Enclosed with this letter is a table of Amtrak financial results for its first six months of operation in all corridors of under 500 miles in which 2 or more trains are operated in each direction. In addition to the financial data, I have included the mileage, the scheduled time of the fastest train on the run, and the average speed of trains.

In my view, this limited experience of Amtrak underscores the need for major capital expenditures for faster speeds. Fifty miles an hour is *not* good enough to compete with jets and/or interstate highways. Where fast service is provided, as between New York, Philadelphia, and Washington, people will gladly ride the trains. Amtrak results to date tend to confirm conclusions reached in the Northeast Corridor report of 1969 about the importance of providing fast service. British Railways has a formula by which they can accurately predict the amount of increased ridership they will get on any given line if running time is reduced by given amounts.

While we believe that Amtrak should continue to operate a limited number of long distance trains, primarily for tourists and vacationers, we concur with your position that urban corridor service should be separately funded and administered. High speed rail service does not come cheap, but the cost of providing it will be quite moderate compared to the total cost of exclusive reliance on other modes.

Sincerely,

ANTHONY HASWELL,
Chairman.

FINANCIAL RESULTS OF PRINCIPAL AMTRAK CORRIDORS, MAY THROUGH OCTOBER 1971

	Miles	Fastest time	Average speed	Revenues (thousands)	Expenses (thousands)	Revenue, percent of expenses
New York to Washington	227	2:50	80			
May to June				$4,411	$3,348	131
July to August				5,490	4,054	135
September to October				5,685	4,364	130
New York to Philadelphia	91	1:15	73			
May to June				1,311	1,472	89
July to August				1,266	1,365	93
September to October				1,312	1,429	92
New York to Boston	232	3:45	62			
May to June				502	1,007	50
July to August				568	1,032	55
September to October				508	1,015	50
Chicago to St. Louis	284	5:20	53			
May to June				229	642	36
July August				223	615	36
September to October				214	726	30
New York to Buffalo	435	8:10	54			
May to June				586	2,074	29
July to August				$931	$2,110	44
September to October				742	2,043	36
Chicago to Detroit	283	5:45	50			
May to June				106	369	29
July to August				160	377	42
September to October				104	365	29
Seattle to Portland	186	3:45	50			
May to June				90	361	25
July to August				136	433	31
September to October				106	449	24
Chicago to Milwaukee	85	1:30	57			
May to June				80	366	22
July to August				101	291	35
September to October				89	283	31
San Diego to Los Angeles	128	2:45	47			
May to June				92	649	14
July to August				121	418	29
September to October				83	603	14

RAIL IMPROVEMENTS STUDY

EXAMPLE OF ALTERNATIVE INVESTMENT POLICIES

Policy

(1) Maximum improvements on existing roadbed rail system HSR(A)—150 mi/hr top speed fare policy of $1.50 fixed + 7.5c/mi VTOL competition:

[In millions]

Total cost	$1,600
Land	214
Fixed plant	1,300
Rolling stock	61
Annual revenue	166
Annual cost	225
Annual subsidy	59

Approximate elapsed time—Washington to Boston, 4 hours.

(2) Parity of rail revenue and cost present system improved to 128 mi/hr top speed:

[In millions]

Total cost	$900
Land	92
Fixed plant	$741
Rolling stock	64
Annual cost	153
Annual subsidy	0

Approximate elapsed time—Washington to Boston, 4 hours, 23 minutes.

INCREMENTAL RAIL IMPROVEMENTS

Study procedure

Define improved high speed rail (HSR) systems from Washington to Boston.

Detail work projects required on Penn-Central to achieve HSR system.

Determine costs and running time reductions for each project.

Calculate people-minutes saved by each project.

Rank projects by people-minutes saved per investment dollar.

Select upper level of investment at which marginal benefits and costs are equal.

Make investment decisions based on profit/subsidy, induced patronage, passenger-hour savings, or other criteria.

NEAR TERM COURSES OF ACTION, RAIL PASSENGER SERVICE IN THE NEC, 1969

ROADBED IMPROVEMENTS

	Expenditures[1]	Running time[2]	Time to complete, months	Present value[2]	Change in revenues[3]
New York to Boston:					
	[5] 10.3	19.0	6	30.0	19.7
	21.1	27.8	9	49.9	9.1
	36.2	36.8	10	66.3	1.3
	52.8	46.3	12	77.9	−5.0
	78.2	53.4	12	86.1	−17.2
Washington, D.C. to New York:					
	16.0	9.9	9	37.5	21.5
	33.3	17.8	10	67.3	12.5
	78.7	28.5	12	107.9	−4.8

[1] Cumulative, in millions of dollars.

[2] Reductions, minutes (cumulative).

[3] In millions of dollars of added gross revenues, over 10 years at 10 percent discount.

[4] Less change in expenditures, in millions of dollars.

[5] Maximum available under HSGT Act; no other statutory authorization exists.

Note: Reductions in running times are calculated from demonstration schedules in effect during June 1969.

ADDRESS BY SENATOR THURMOND BEFORE VFW MEETING

Mr. HANSEN. Mr. President, one of the highlights of the annual conference of national officers and department commanders of the Veterans of Foreign Wars of the United States was the appearance of the Senator from South Carolina (Mr. THURMOND), who was a featured speaker at the legislative meeting on Sunday, March 5, 1972, at the Sheraton Park Hotel. Our most knowledgeable colleague, the ranking minority leader of the Senate Veterans' Affairs Committee, reassured the Veterans of Foreign Wars delegates to the conference that—

> The VA hospital and medical facilities are the best in the world, and we want and we will keep the system.

The Senator, who is also a senior member of the Armed Services Committee, warned the delegates that the Soviet Union is outstripping the United States in missile development and ship construction.

The high esteem in which the Senator is held is well expressed, I believe, in the presentation of the Senator to the conference by the commander in chief of the Veterans of Foreign Wars of the United States, Joseph L. Vicites, of Pennsylvania, who is leading this great veterans' organization to record levels of success in all of its programs. I include Commander in Chief Vicites' remarks concerning our distinguished colleague, which were as follows:

> It is a great honor to have the privilege of representing an outstanding and distinguished member of the United States Senate to the Washington Conference.
>
> You will recall that the Veterans of Foreign Wars led the fight for 25 years for the Senate to establish a Standing Veterans' Affairs Committee. This was done in the previous Congress.
>
> Even more pleasing to Veterans of Foreign Wars members was the election by his colleagues as the minority leader of this Committee, which has jurisdiction over practically all veterans rights and benefits.
>
> He is, however, much more than that. He is a senior member of the Armed Services Committee with its responsibility over all of the programs of our Armed Forces.
>
> In addition, he is one of the outstanding leaders in the Congress today.
>
> He is held in highest esteem by all his colleagues—regardless of their political views.
>
> He is a man of integrity.
>
> When he speaks his colleagues listen.
>
> He is a man who speaks in language which the Veterans of Foreign Wars understand.
>
> Both in Committee and on the Senate floor he speaks up for what the Veterans of Foreign Wars stands for.
>
> We are indeed fortunate to have this great American who has done so much for this nation, both as a soldier and as a civilian, to be with us today.
>
> It is with much honor and pride that I present to you the distinguished senior Senator from South Carolina, the Honorable Strom Thurmond.

Mr. President, it is a privilege for me to serve with the distinguished Senator from South Carolina on the Committee on Veterans' Affairs, I ask unanimous consent that his remarks to the legislative meeting Sunday be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR STROM THURMOND

Master of Ceremonies, Commander-in-Chief Vicites, Past Commander-in-Chief Roudebush, Jimmie Van Zandt, and others, Distinguished Guests and Fellow Comrades:

It is certainly a pleasure to be here today. The Veterans of Foreign Wars of the United

States is one of the most effective and respected organizations of its kind. Each member has fought overseas to preserve the security and defend the honor of his country. Because of its great prestige, the VFW has been one of the prime movers behind our present high quality veterans benefits system. As a member of this fine organization, I greatly appreciate and support their efforts in this area. I wish to assure the VFW of the willingness of the Veterans Affairs Committee of the Senate to cooperate wholeheartedly with their program.

When I was asked to speak to you today, it occurred to me that there were two general subjects that might be of great interest to you: Veterans Affairs and our National Security.

I. VETERANS AFFAIRS

1. General

There are many measures of the greatness of the United States: Its military strength, its economic productivity, its technological advances in space exploration, and many others. All of these are real reasons for Americans to be proud of their country. But the truest and most basic strength of America is the relationship between the nation as a whole and its individual citizens. Nothing emphasizes this more than our veterans benefits program. America has shown high regard for those who have rallied to the defense of their country in war time.

During the 91st Congress a new landmark of America's concern for its veterans was reached in the establishment of a Committee on Veterans Affairs in the Senate of the United States. When this Committee was organized, I was pleased and honored to be assigned as its ranking minority member. I assure you that I consider this to be one of my *most* important responsibilities.

The need for a veterans affairs committee lies less in the size of the veterans benefits program than its breadth. America's system of veterans benefits is made up of a variety of programs designed to serve in as balanced a way as possible the widely varying needs of all our veterans. Keeping this system in balance, meeting changing needs, and improving the level and effectiveness of the benefits provided are tasks which require constant attention.

The scope of the job of keeping our veterans benefits system up to date can best be illustrated by reviewing briefly some of the committee's activities and plans.

2. Plans for this session

During this session of the 92nd Congress, we anticipate action in the areas of compensation, education, employment, hospital and medicine, and cemeteries. Most of the hospital hearings have been completed and we will soon be able to report a comprehensive program. The first of our cemetery hearings was held recently, and we appreciate the assistance the VFW rendered to our investigation. Education hearings are scheduled for the middle of this month and compensation hearings will be held toward the end of March. The basic components of the veterans benefits system remain essentially the same; however, they are constantly being examined, refined and improved. The changing needs of our veterans along with economic and societal changes, must always be taken into account. In the terms of a single Congress you can see that the entire range of veterans benefits will be reviewed.

Congress provides the necessary scrutiny our VA system must have. Our function is to carefully examine the system as a whole in an "overview" capacity. It can sometimes be very difficult for those actually administering a program to maintain the desired balance. This is because they are too close to the problem. The Veterans Affairs Committee, on the other hand, is able to look from a different perspective. We view the system as a whole and free from the distortions which can arise from day-to-day administration. Thus the Committee is able to spot and focus attention on areas in which the system has gotten out of balance, and reduce the chances of idle resources or overenthusiastic emphasis on economy.

3. Compensation and pension payments

One area which needs constant Congressional action is Compensation and Pension payments. Benefit levels established one year very quickly becomes obsolete because of increases in the cost-of-living and changes in economic conditions. Accordingly, at the end of the first session of the 92d Congress, cost-of-living increases in the program of dependency and indemnity compensation were provided for the survivors of veterans who die from service-connected causes. The pension program for aged and disabled veterans was increased, and survivors of veterans who die from non-service connected causes were also provided for. Mortgage protection life insurance for service-connected disabled veterans was established for those veterans who have received grants for specially adapted housing. The Administrator of the VA was authorized to sell direct loans made to veterans. The direct loan program is one of the most important pieces of legislation that has been passed for some time. In addition to providing benefit increases, the Congress made a number of refinements and improvements in the indemnity and pension programs. For example, the programs were completely restructured in the light of evidence showing that its former provisions had resulted in unintended and inequitable treatment of veterans and widows. Lastly, the authority of the Administrator of the AV was extended for the establishment and carrying out of a program of exchange of medical information between medical schools and the VA.

4. Hospitals and medical facilities

Over the years Congress has established a system of hospitals and other medical facilities for veterans, which has no equal anywhere in the world. We want and will keep the VA hospital system in this condition for our veterans population. The doctors, dentists, nurses and other medical personnel who staff and administer these facilities are highly skilled and thoroughly dedicated to providing the very best care. But they also are concerned with the need to see that full value is received from the money which goes to support VA medical care. Those who run VA hospitals and clinics are torn between maintaining an economically tight program while providing a high level of medical care. This is one of the areas where the "overview" function of the Veterans Affairs Committee comes into play. I would like to confidentially affirm for the VFW that Congress will not tolerate haphazard administration but will provide an independent review in a cooperative attempt to help the Veterans Administration with its job.

5. Educational assistance

In addition to refining and updating current benefits and overseeing the administration of benefits, there are a wide variety of other issues concerning veterans which Congress must deal with in the coming year. One of the most serious problems we face is that of getting the large numbers of new veterans returning from service back into our society in a way which satisfies and benefits both them and our nation. One of the major programs aimed at this objective is, of course, the educational assistance provided these returning veterans. This has certainly helped in the readjustment of a large number of veterans. 1971 figures from Veterans Administration show that one million and a half veterans of the post Korean and Vietnam eras have taken advantage of this to further their training and education. Revision of present G.I. bill benefits is certainly needed, and a substantial increase should be forthcoming this session.

6. Cemeteries

Another issue concerning the veterans nationally is the matter of our National Cemeteries. As stated, we are holding hearings on this and expect that some changes will be made. Recommendations have been submitted to establish a National Cemetery System probably within the Veterans Administration. This will be a unified system which will be charged not only with operating existing cemeteries, but also with developing such new cemeteries as may be required to meet the needs of the veteran.

7. Court of Veterans Appeals

It has also been suggested that we establish an independent court of Veterans Appeals, rather than continuing the present system whereby the VA is the final arbitrator of their own decisions.

8. Conclusion

The term Veterans Affairs, encompasses a wide range of topics involving many different subjects, large amounts of money, and a host of pressing and complex issues. Clearly the Veterans Affairs Committee of the Senate has its work cut out for it in the year to come. I am pleased to serve on such a vital committee, which is striving to meet the changing needs of our veterans.

II. NATIONAL SECURITY

1. General

My friends, as veterans of our foreign wars, I recognize your great interest in the national security of this nation. Certainly the preservation of a viable military deterrent is necessary for not only the safety and well being of our people, but as a force to insure that other freedom-loving nations can also exist.

As you know, the Vietnam War and other factors have created a serious anti-military attitude in the country as well as a reawakening of the isolationist tendencies which left us so ill-prepared prior to World War II and the Korean War.

To counter this trend each of us, as an American citizen, must take an active interest in national security. As veterans we have a particular obligation. For these reasons I wish to include in my remarks the latest information I have received from my Armed Services Committee work.

In presenting this material I believe it could be best understood by covering the following areas of interest. The Threat; Defense Priorities; Present U.S. Posture; Reserve and Guard; and An Action Program.

2. The threat

First, it is a tragedy considering the high state of our society that men cannot exist on the same planet without having to spend billions on national defense and periodically killing tens of thousands of people in wars.

Nevertheless, until man can live at peace we must remain prepared because today we are faced with a military threat unparalleled in our history.

While we have been expending our resources in a no-win war in Vietnam the Soviets have engaged in a fantastic arms buildup. The Soviet Intercontinental Ballistic Missile force has now exceeded ours by approximately 1,550 to 1,054.

As a part of this force the Soviets have the huge SS–9 missiles which are over 10 stories high and can carry a 20 megaton warhead. There is no weapon in the U.S. arsenal anywhere near this size.

To give you an idea of the power in 20 megatons you will recall that the Hiroshima bomb was 20 kilotons. There are 1,000 kilotons in 1 megaton. Thus, in a 20 megaton warhead you have a force 1,000 times greater than that which hit Hiroshima.

Actually, the extent and effect of a nuclear blast does not increase directly in proportion to an increase in the warhead. But 20 megatons is still beyond comprehension because a bomb of only 1 megaton, properly placed at the center of the target, would effectively destroy any of our larger cities, such as New York.

The increasing Soviet threat may also be seen in sub-launched missiles. In this area we have always had a clear superiority with our Polaris submarines but by next year the Soviets will match us in the number of missile firing subs.

These types of comparisons can go on and on. In megatonnage, the amount of explosive power contained in warheads, the Soviets have a 2 to 1 advantage over us. In attack submarines, they outnumber us more than 2 to 1 and the newer Soviet subs are the fastest in the world.

The U.S. does have a slight advantage in major surface ships and, of course, there are 17 attack and helicopter aircraft carriers in our Navy compared to two Soviet helicopter carriers.

In air defense the U.S. is way behind. The Soviets have a working anti-ballistic missile system whereas the U.S. is still building its Safeguard ABM system. Further, the Soviets have 10,000 surface-to-air missiles compared to 850 in the U.S. arsenal. They also have some 3,000 fighter-interceptor aircraft compared to 593 in the U.S. Air Force.

These figures clearly demonstrate the U.S. is faced with a serious threat. When all elements of national defense are considered I think we are still slightly ahead, but we will not remain ahead if the present trend continues.

3. Defense priorities

Next, I would like to speak for just a minute about defense priorities. In the Senate, the anti-military bloc keeps talking about reversing priorities from defense to domestic needs. If they would do some checking it would be clear such a reversal of priorities has already taken place.

For instance, defense outlays of $78 billion at the peak of the Vietnam War in Fiscal Year 1968 represented 42.5% of the Federal budget and 9.4% of the Gross National Product. In contrast, current outlays of $76.5 billion projected for Fiscal Year 1973 make up only 30% of the national budget and only 6.4% of the Gross National Product.

It should also be noted that all public spending (Federal, State and local) in social and economic programs, such as welfare and education has risen from $103.3 billion in Fiscal Year 1964 to a projected $275.6 billion in Fiscal Year 1973, an increase of 167%.

In the welfare, health and labor area alone public spending at the three levels of government has gone from $92.8 billion in 1969 to an estimated $179.7 billion in 1973. This clearly shows a change in public spending during the past few years which the anti-defense element refuses to talk about.

The budget deficits of recent years are closely related to non-essential spending since defense costs have remained fairly constant while outlays for welfare and social programs have spiraled. Further, the Congress last year cut the President's defense requests by some $3 billion and plowed most of this money into various social and economic programs.

It is apparent, then, that the sharp increases in welfare and other social service spending have far outpaced defense programs. If priorities are to be re-ordered, then to do it properly would require control of the non-defense portion of the budget.

4. Present U.S. posture

Today, steps are being taken by the Administration which will strengthen our national defense.

The President has kept his word and withdrawn American forces from Vietnam as fast as possible, consistent with safety. By May 1, U.S. forces in Vietnam will number no more than 69,000.

Our men are no longer engaged in combat except when attacked. The South Vietnamese are flying 80% of the air missions against the enemy. Vietnamization has worked to the extent that our allies there will have a fighting chance when our remaining men are withdrawn.

In Europe, the NATO alliance remains strong although Congress is threatening to cut the 185,000 U.S. Army force in that theater. I favor reducing our commitment in NATO but believe we should do this through negotiations with the Warsaw Pact nations and thus achieve a mutual troop reduction with the Eastern Bloc nations.

After this brief summary of our overseas commitments I would like to say that we must keep our forces modern and powerful if we are to survive in the 1970's and beyond.

The Nixon Doctrine calls for us to reduce our troop commitments abroad and reduce our regular forces while at the same time beefing up the Guard and Reserve. This can only be done if we provide our military personnel with the best weapon systems available.

In this regard, we must go forward with ULMS, the new Undersea Longrange Missile System, which will replace our present Polaris and Poseidon missile boats.

The Navy must also have a new attack aircraft carrier as our pullback from overseas areas means fewer air bases abroad. The Air Force needs the new B–1 bomber and the F–15 fighter. The Army is asking for a new tank and an advanced helicopter gunship.

All of these weapon systems cost money. However, they are vital to our national survival in the decades ahead.

5. Reserve and Guard

Finally, I would like to comment about the need to support the Reserve and Guard forces if these components are to adequately back up the regulars.

Presently, Guard and Reserve strength is 45,000 below minimum strength levels. As draft calls have dropped, Reserve enlistments have gone down. The reason is many of the young men who were formerly joining the Guard and Reserve were draft induced, meaning they chose this means to serve rather than active military duty.

One way to keep our Reserve forces strong is to provide better incentives and programs. Better pay will also help but higher salaries are worthless unless strong leadership is available to provide training that challenges these men.

We must remember that forty-five percent of our 90-Day Mobilization force will be Reservists and Guardsmen. Thus, it is essential we support these units in every way possible.

6. An action program

This leads me to my last point in national defense. At present only about 50% of the high schools in the nation allow armed services recruiters to come to the schools. This is a sad state of affairs, but it appears typical of the mood of the nation today.

Anti-military feelings are widespread in the country. Isolationism continues to rise. As American citizens we must counter this trend.

America is free and strong today because we went overseas to fight when it was necessary. In so doing we protected our homeland from the ravages of war.

As you all know an all-out war between the major powers in the 1970's would result in a nuclear wasteland. The only sure way to prevent it is to stay militarily strong.

Further, while I endorse President Nixon's trips to Peking and Moscow, I know that only our continued military strength will give any meaning to whatever agreements have been or may be reached. Communism continues to have as its goal the extension of its system throughout the world; and only in an atmosphere of assured security can we face the future with confidence.

As a program of action I suggest that you tell your elected leaders where you stand on the question of national defense. Talk to your school principals if they have a closed door policy for recruiters. Tell the story of how the man in uniform has made all of our freedoms possible.

In my judgment your voice will be a powerful one—perhaps it will have more influence on the Administration and the Congress than the counsel of our military leaders. Several years ago that might not have been the case, but in the present climate of U.S. opinion, I think that the voice of our veterans, who are concerned about our security, will be influential indeed.

In recognition of the outstanding service rendered by the VFW and as evidence of the high esteem in which I hold this great organization, I introduced legislation last Thursday to facilitate its great work overseas. This legislation would permit the Armed Services to provide VFW overseas posts with support. The support will include office space, transportation, and other services similar to those now given to the Red Cross, USO, and the United Seamans Service. It is my hope that this legislation will enable the VFW to continue its fine service and support to our servicemen overseas.

SENATOR EDMUND MUSKIE: A FORCEFUL AND EFFECTIVE ADVOCATE FOR OLDER AMERICANS

Mr. CHURCH. Mr. President, 1972 can be a banner year in terms of legislative achievements for older Americans.

A White House Conference on Aging has already provided momentum for far reaching action on several key fronts, including:

A $100 million funding level for the Older Americans Act, the largest appropriation in its history; and

Approval of legislation to establish a national hot meals program for the elderly.

And now there is also new impetus in other major areas. For example, the Senate recently approved overwhelmingly the 1972 Housing Act, which would continue and expand the popular section 202 housing for the elderly program. Additionally, this measure would establish an Assistant Secretary for Housing for the Elderly to provide a high level spokesman for the aged at HUD.

In the very near future, the Senate will act on the social security-welfare reform measure, H.R. 1. Several amendments—including a number which I have sponsored—have been introduced to perfect this much-needed measure.

There are also other key measures which call for early and favorable action, including:

Legislation to establish a national senior service corps for persons 55 and older;

The Middle-Aged and Older Workers Employment Act which would authorize training, counseling and special supportive services for unemployed or underemployed persons 45 and older; and

My action on Aging Act which would establish a new and effective advocate to represent the elderly in the highest councils of Government.

In practically every case, the present

administration has either resisted, blocked or opposed the passage of this urgently-needed legislation. Only because of congressional insistence has any progress been made in advancing the provisions in these bills.

One of the leading advocates for the Nation's aged and aging population is the Chairman of the Committee on Aging's Subcommittee on Health of the Elderly, the Senator from Maine (Mr. Muskie). As chairman of the full committee, I have had an opportunity to observe in a very personal way his deep and unstinting concern for older Americans.

When he became a member of the Committee in 1961, he said:

> Our democracy may well be judged on the contributions it makes to those who have given so much during their active life in building the strength of our communities, States, and Nation.

Today that conviction is as firm as when he made those memorable remarks over a decade ago.

But even more important is Senator Muskie's strong and forceful leadership to make the later years a time for fulfillment, instead of despair. As a legislator he has been in the forefront on many key issues of direct concern to older Americans. He has, for example, sponsored legislation to eliminate poverty once and for all for the elderly. He is now calling for a 20 percent increase in social security benefits to provide greater economic security for the Nation's aged.

Equally important, Senator Muskie is a man who can get things done. His legislative achievements for the elderly can only be described as outstanding. He has sponsored proposals which helped pave the way for a 15-percent increase in social security benefits in 1970 and a 10-percent raise in 1971. The administration, on the other hand, was first willing to settle for a 7-percent increase in 1970 and then a 5-percent raise for 1971. But because of men like Ed Muskie, social security recipients now receive $4 billion more in benefits than if the administration had its way. And about 1 million fewer older Americans are on the poverty rolls than would be the case if the administration had prevailed.

Additionally, numerous provisions in H.R. 1 are either identical or similar to proposals he has advanced, including:

Substantial increases in minimum monthly benefits for persons with long periods of covered employment;

Cost-of-living adjustments to make social security benefits inflation proof for the aged;

One hundred percent benefits for widows, instead of only 82½ percent as under present law;

Liberalization of the retirement test;

An age-62 computation point for men to provide higher benefits for early retirees as well as their dependents; and

Coverage of the disabled under social security.

These are just a few of the concrete legislative achievements of Ed Muskie. But they provide solid evidence of his magnificent record for older Americans.

Mr. President, for these reasons I wish to pay special tribute to Senator Muskie for his lengthy and impressive accomplishments for the elderly and as a Member of the Committee on Aging.

TRIBUTE TO SENATOR ELLENDER

Mr. METCALF. Mr. President, as many of you know, Senator Ellender joined with the late Senator Wagner of New York and the late Senator Taft of Ohio in 1945 in sponsoring a housing bill which eventually became the famous, history-making Housing Act of 1949. Senator Ellender is known by many as the "middle man" since the bill was first known as the Wagner-Ellender-Taft bill and later, in 1949, when the Republicans won control of the Senate, it became known as the Taft-Ellender-Wagner bill.

This bill provided the original authority for Federal assistance for the elimination of slums and blight in the Nation's cities and for the financing of a broad program of public housing for the Nation's low-income families.

Most important, however, is its statement of national housing policy by which the Congress declared a goal of a decent home and suitable living environment for every American family.

I ask unanimous consent that a tribute, paid to the senior Senator from Louisiana (Mr. Ellender) at the 41st annual convention of the National Housing Conference, held in Washington on Monday, March 6, 1972, be inserted in the Record.

There being no objection, the tribute was ordered to be printed in the Record, as follows:

> In Recognition of Senator
> Allen J. Ellender
>
> (By resolution of the membership of the National Housing Conference)
>
> The National Housing Conference honors Senator Allen J. Ellender of Louisiana for his 35 years of dedicated service in the United States Senate and for his long-term unswerving support for the cause of decent housing for all Americans.
>
> In 1945, Senator Ellender joined with the late Senator Robert Wagner and the late Senator Robert Taft in sponsoring the Wagner-Ellender-Taft Bill. After many vicissitudes this pioneering legislation emerged as the Housing Act of 1949, still the magna charta of the movement for good housing and community development and notable for its first enunciation of the national goal of a decent home in a suitable living environment for every American family.
>
> During the ensuing years, Senator Ellender has maintained his support for this goal. In his present role as President pro-tempore of the United States Senate and Chairman of the Senate Committee on Appropriations, Senator Ellender will be a powerful voice in support of our objectives.
>
> The National Housing Conference applauds his distinguished career and looks forward to his continued leadership.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

NATIONAL VOTER REGISTRATION ACT

The ACTING PRESIDENT pro tempore. Pursuant to the previous order the Chair lays before the Senate the unfinished business, S. 2574, which the clerk will state.

The assistant legislative clerk read as follows:

> A bill (S. 2574) to amend title 13, United States Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purpose of administering a voter registration program through the mail.

The Senate resumed the consideration of the bill.

Mr. GRIFFIN. Mr. President, what is the pending question?

The ACTING PRESIDENT pro tempore. The pending question is on agreeing to the motion of the Senator from North Carolina (Mr. Ervin) to refer the bill to the Committee on the Judiciary.

Mr. GRIFFIN. I thank the Chair.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RELIEF OF DAVID J. CRUMB

Mr. MANSFIELD. Mr. President, notwithstanding the rule of germaneness, I ask unanimous consent that the Chair lay before the Senate a message from the House of Representatives on S. 888.

The ACTING PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 888) for the relief of David J. Crumb, which was, on page 2, lines 3 and 4, strike out "in excess of 10 per centum thereof".

Mr. MANSFIELD. Mr. President, would the clerk read the amendment of the House?

The ACTING PRESIDENT pro tempore. The clerk will read the amendment of the House.

The assistant legislative clerk read the amendment, as follows:

> On page 2, lines 3 and 4, strike out "in excess of 10 per centum thereof".

Mr. MANSFIELD. Mr. President, this is a corrective amendment.

I move that the Senator concur in the amendment of the House.

The motion was agreed to.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. McGEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NATIONAL VOTER REGISTRATION ACT

The Senate continued with the consideration of the bill (S. 2574) to amend title 13, United States Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purpose of administering a voter registration program through the mail.

Mr. MANSFIELD. Mr. President, will the Senator from Wyoming yield?

Mr. McGEE. I am happy to yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, in an attempt to bring the pending amendment to a head and, if possible, to get on with our business concerning the pending legislation, I wish to announce that it is my intention, at approximately 4 p.m. today, to move to table the pending motion of the distinguished Senator from North Carolina (Mr. ERVIN).

I thank the Senator from Wyoming for yielding to me.

Mr. McGEE. Mr. President, I yield the floor.

Mr. GRIFFIN. Mr. President, I want to indicate that, insofar as I know, there is agreement on our side to vote, there is a willingness to vote on the motion to table, or even on the pending motion itself, which is the motion to refer this matter to the Committee on the Judiciary.

I know of no speakers at the moment, at least on our side.

Mr. FONG. Mr. President, we have nothing more to say on the amendment. We are ready to proceed on our side on the question, either up or down, or on tabling. We would prefer that the distinguished majority leader would make his motion now so that we can have a vote. We do not have any more people to speak on the motion.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. MANSFIELD. Mr. President, if no one is waiting to speak, I move that the Senate stand in recess, subject to the call of the Chair, but no later than 3 p.m. today.

The motion was agreed to; and at 1:05 p.m. the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 2:57 p.m. when called to order by the Presiding Officer (Mr. BUCKLEY).

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

S. 602. An act to provide for the disposition of judgments, when appropriated, recovered by the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, in paragraphs 7 and 10, docket numbered 50233, United States Court of Claims, and for other purposes;

S. 671. An act to provide for division and for the disposition of the funds appropriated to pay a judgment in favor of the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana, in Indian Claims Commission docket numbered 279–A, and for other purposes;

S. 996. An act relating to the transportation of mail by the United States Postal Service;

S. 1163. An act to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal projects, nutrition training and education projects, opportunity for social contacts, and for other purposes;

S. 2423. An act to amend the Federal Aviation Act of 1958 to provide for the suspension and rejection of rates and practices of air carriers and foreign air carriers in foreign air transportation, and for other purposes;

S. 3244. An act to amend the Military Construction Authorization Act, 1970, to authorize additional funds for the conduct of an international aeronautical exposition; and

H.R. 10834. An act authorizing the State of Alaska to operate a passenger vessel of foreign registry between ports in Alaska, and between ports in Alaska and ports in the State of Washington, for a limited period of time.

The PRESIDENT pro tempore subsequently signed the enrolled bills.

NATIONAL VOTER REGISTRATION ACT

The Senate continued with the consideration of the bill (S. 2574) to amend title 13, United States Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purpose of administering a voter registration program through the mail.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time between now and 4 o'clock be equally divided between the manager of the bill, the distinguished Senator from Wyoming (Mr. McGEE), and the distinguished Senator from North Carolina (Mr. ERVIN).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time to be taken out of both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McGEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. Mr. President, I want to address myself for just a moment to the question that is pending here at this time. While a bill on voter registration has been introduced, the pending matter is a proposal by the senior Senator from North Carolina to have the measure referred to the Judiciary Committee. The suggestion has been made, from time to time, that a matter such as this, involving voter registration, properly belongs in the Judiciary Committee.

I would hasten to point out, under the rules of the Senate, such is not the case; those matters generally are reserved, by definition under the rules, to the Committee on Rules and Administration; that only in cases in the past that have involved civil rights, for example, have related issues like this been referred to the Committee on the Judiciary under unanimous consent.

The question then arises about the present lodging of the bill in the Committee on Post Office and Civil Service. The Parliamentarian assigned the bill to the Committee on Post Office and Civil Service in large measure because the mechanism under the bill rested with the Bureau of the Census. Apparently the judgment was, this was not a matter of extending the right to vote to another class of citizens, or to a minority group or under circumstances of that type. It changed nothing in the determination of rights in the very broadest sense of that term. This was a recommendation for a simple procedure centered in the Bureau of the Census. Apparently for this reason, it was referred to the Post Office and Civil Service Committee, which has jurisdiction over affairs of the Bureau of the Census.

In all good faith, the Post Office and Civil Service Committee proceeded then to consider the bill, and we had several days of hearings, and many more days of close colloquy and advice-seeking and judgments to try to update the procedure.

Thus we have submitted to the Senate Chamber this measure, S. 2574, and the consequence is that we have a measure here about which there is an honest and genuine disagreement. However, it was appropriately and officially referred to the committee. The committee has acted. The vote in the committee was 6 to 3, a genuinely divided vote for deeply held reasons.

Thus, in my judgment, it would be a mistaken move in this body to refer the bill additionally to the Judiciary Committee, which did not have the original jurisdiction of the bill in the first place. Rather, we ought to let the Senate itself judge this matter. It is a very clear-cut matter on voter registration. Let the Senate work its will.

For that reason, it is obviously my position to support the majority leader of this body, the Senator from Montana (Mr. MANSFIELD), who, as we have been advised, will be moving at 4 o'clock to table the pending Ervin motion on the measure.

If the motion to table prevails, then the Senate will be voting directly on the measure itself, and the bill will then be open to amendment. At that point I am perfectly willing to go to an up and down vote. However, I would suspect that there are those in this body, including my colleague on the Committee on Post Office and Civil Service, the ranking minority member, who would have deep reservations at least to its present form and would have amendments to offer. But the point is we snould move ahead to the point where we are trying to improve the measure and trying to upgrade it still further, if the collective judgment of the Senate will permit us to do so.

Therefore, the issue, in effect, is a

procedural one on this vote, and the tabling motion applies not to the registration proposal, but to the pending proposal of the senior Senator from North Carolina to refer the measure additionally to the Judiciary Committee.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. McGEE. On my time.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McGEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FONG. As I understand, Mr. President, the time on the majority side has been used up.

The PRESIDING OFFICER. It has expired.

Mr. FONG. If that is so, I am willing to give the Senator from Wyoming some of my time. How much time does he need?

Mr. McGEE. I do not need any, but we are waiting for 4 o'clock, when the rollcall has been ordered, and the majority leader would like 10 minutes, if he might have it.

Mr. MANSFIELD. Any time now.

Mr. McGEE. I just checked with the Senator from North Carolina, and he wants no special time. I have tried to touch all the bases.

Mr. FONG. I yield the majority leader whatever time he may require.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the motion to table which will be made.

The PRESIDING OFFICER. It would require unanimous consent to order the yeas and nays at this time.

Mr. MANSFIELD. I ask unanimous consent that it be in order to order the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, the pending motion does not deal with the merits of the legislation which is before us, but it does deal with the rules and regulations and the procedures of the Senate, and the authority and responsibility of the committees of this body.

Rule 25 of the Standing Rules of the Senate provides as follows:

> Standing Committees
>
> 1. The following standing Committees shall be appointed at the commencement of each Congress, with leave to report by bill or otherwise:
>
> * * * * *
>
> (N) Committee on Post Office and Civil Service, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
>
> 3. The postal service generally. . . .
>
> 5. The Census and the collection of statistics generally.

Mr. President, for some time now the Senate, as an institution, has referred all bills containing the concept of voter registration by mail through the Bureau of the Census to the Senate Committee on Post Office and Civil Service.

On August 13, 1970, in the 91st Congress, S. 4238, introduced by Mr. INOUYE and others, was referred to the Post Office Committee. The title of that bill reads as follows:

> Amending title 13 of the United States Code by authorizing the Secretary of Commerce through the Bureau of the Census to undertake a quadrennial enrollment of those persons to vote in elections of the President and Vice President that meet the qualifications of the various States other than residency.

On March 11, 1971—a year ago—S. 1199, was introduced and referred to the Committee on Post Office and Civil Service. The title of that bill reads as follows:

> Amending title 13 of the United States Code by authorizing the Secretary of Commerce through the Bureau of the Census to undertake a quadrennial enrollment of those persons to vote in elections of the President and Vice President that meet the qualifications of the various States other than residency. This Act is to be known as the Universal Enrollment Act of 1971.

On August 5, 1971, more than 6 months ago, S. 2445, was introduced and referred to the Committee on Post Office and Civil Service. The title to that bill reads as follows:

> To provide for the nationwide registration of voters for Federal elections.

On August 5, 1971, S. 2457 was also introduced and referred to the Committee on Post Office and Civil Service. The title to that bill reads as follows:

> To establish a system of universal voter registration for Federal elections, and for other purposes.

And finally, on September 24, 1971, S. 2574, the pending measure, was introduced and referred to the Committee on Post Office and Civil Service. The title to this bill reads as follows:

> To amend title 13, United States Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purpose of administering a voter registration program through the mail.

Mr. President, all of these measures fall within the exclusive jurisdiction of the Committee on Post Office and Civil Service. All were considered by that Committee. Hearings were held. And, in time, one of the bills was reported back to the Senate—S. 2574, the pending business.

It is true that there have been past occasions when the subject of voter registration was considered by the Committee on the Judiciary and, indeed, the Committee on Rules and other Committees. It is my understanding, however, that these references were made simply because they involved other aspects; such as the question of civil liberties. At no time did the issue involve "the establishment of a Voter Registration Administration within the Bureau of the Census for the purpose of administering a voter registration program through the mail." That is what the pending issue is all about. And that is precisely what the pending proposal seeks to do. There is no question where the jurisdiction lies; the Senate Rule provides emphatically that matters affecting the "Census Bureau, and the collection of statistics generally" and matters affecting "the mail" shall be referred to the Committee on Post Office and Civil Service.

Indeed, the question of jurisdiction is whether or not the citizens of this Nation should be encouraged to participate in the election process. The real issue is whether or not a sensible registration procedure can be established.

Those are questions the Senate is quite capable of handling and deciding here on the floor. On these questions, the recommendations of a standing Committee of the Senate are now before us. I would hope the Senate would consider those recommendations on their merits. I therefore move to table the pending motion to refer.

The PRESIDING OFFICER. Has all time been yielded back?

Mr. MANSFIELD. I think we said approximately 4 o'clock.

Mr. FONG. I yield back my time.

The PRESIDING OFFICER. The pending question is on agreeing to the motion to table the motion of the Senator from North Carolina (Mr. ERVIN), to refer S. 2574 to the Committee on the Judiciary. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Arkansas (Mr. McCLELLAN), the Senator from South Dakota (Mr. McGOVERN), the Senator from New Hampshire (Mr. McINTYRE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Missouri (Mr. SYMINGTON), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Montana (Mr. METCALF), and the Senator from Virginia (Mr. SPONG) are necessarily absent.

I further announce that the Senator from Connecticut (Mr. RIBICOFF) is absent because of illness in the family.

On this vote, the Senator from Missouri (Mr. SYMINGTON) is paired with the Senator from Ohio (Mr. TAFT).

If present and voting, the Senator from Missouri would vote "yea" and the Senator from Ohio would vote "nay."

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Washington (Mr. JACKSON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Kansas (Mr. DOLE), the Senator from Illinois (Mr. PERCY), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

On this vote, the Senator from Ohio (Mr. TAFT) is paired with the Senator from Missouri (Mr. SYMINGTON). If present and voting, the Senator from Ohio would vote "nay" and the Senator from Missouri would vote "yea."

The result was announced—yeas 37, nays 44, as follows:

[No. 95 Leg.]

YEAS—37

Anderson
Bayh
Bellmon
Bentsen
Bible
Brooke
Burdick
Byrd, W. Va.
Case
Chiles
Church
Cranston
Eagleton
Ellender
Fulbright
Hart
Hartke
Hollings
Hughes
Inouye
Javits
Kennedy
Long
Magnuson
Mansfield
McGee
Mondale
Moss
Nelson
Pastore
Pell
Proxmire
Randolph
Schweiker
Stevenson
Tunney
Young

NAYS—44

Aiken
Allen
Allott
Baker
Beall
Bennett
Boggs
Brock
Buckley
Byrd, Va.
Cook
Cooper
Cotton
Curtis
Dominick
Eastland
Ervin
Fannin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hatfield
Hruska
Jordan, N.C.
Jordan, Idaho
Mathias
Miller
Packwood
Pearson
Roth
Saxbe
Scott
Smith
Sparkman
Stafford
Stennis
Stevens
Talmadge
Thurmond
Tower
Weicker

NOT VOTING—19

Cannon
Dole
Gravel
Harris
Humphrey
Jackson
McClellan
McGovern
McIntyre
Metcalf
Montoya
Mundt
Muskie
Percy
Ribicoff
Spong
Symington
Taft
Williams

So the motion to table the motion of the Senator from North Carolina (Mr. ERVIN) was rejected.

Several Senators addressed the Chair.

Mr. ERVIN. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. COOK. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ERVIN. Mr. President, I ask for the yeas and nays on my motion.

The yeas and nays were ordered.

Mr. McGEE. Mr. President, as I understand it now, in the light of the defeat of the tabling motion, the pending business is the motion of the Senator from North Carolina that this measure be referred to the Committee on the Judiciary. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. McGEE. Mr. President, now that we have more Senators present, I think we ought to make clear again, as the majority leader just very eloquently made the case before the vote, that this matter was assigned by the Parliamentarian to this committee for proper reasons. This was done under the proper circumstances, with the proper jurisdiction, and that this committee held its prescribed hearings and marked up to the best of its talents the legislative matter now pending before the Senate as a substantive matter. The Committee on Post Office and Civil Service voted this bill out 6 to 3.

What we are seeking is an opportunity for the Senate to work its will on this procedure.

Therefore, in light of these circumstances, we would like to discuss at some considerable length this afternoon the implications of the pending motion of the Senator from North Carolina which would send this measure to the Judiciary Committee.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. McGEE. I yield to the distinguished Senator from Montana.

Mr. MANSFIELD. Mr. President, what the chairman of the committee has just said is true. What the Senate has done is not to vote on the substance of the legislation which is the pending business, but on the responsibility and the authority of a standing committee of the Senate.

May I point out that what has happened this afternoon to the Committee on Post Office and Civil Service could, under similar circumstances, happen to any other standing committee. I would hope that at least the chairman of the committee and the ranking Republican members would understand what this means on the basis of the proposal which is now pending.

The Senate has not had the opportunity to work its will in any respect on this particular matter, but have done so with respect to the institution and the committees which make the institution function—and the committees are incidentally the handmaidens of the institution.

I would hope that we would all think seriously about the procedural change which is in the offing and recognize that what happens to one standing committee can happen to any of the standing committees under the appropriate circumstances.

I thank the distinguished Senator for yielding.

Mr. McGEE. Mr. President, as we now turn to the development of the issues in this question, I am prepared to speak at whatever necessary length the circumstances would require. And I am not prepared to yield the floor permanently on this question. I can yield for a question or can yield if it appears that the leadership finds some way to work out some kind of procedure. Otherwise, Mr. President, the Members here who believe that there be some merit in this, or those who have amendments that they would like to offer as perfecting amendments, might desire to proceed in that way.

I would envisage no particular up or down vote on this matter this afternoon, unless there is some wisdom collected here that I have not observed at this point.

Mr. ERVIN. Mr. President, will the Senator yield for a statement, with the understanding that he not lose his right to the floor?

Mr. McGEE. Yes, I am glad to yield to the distinguished Senator from North Carolina with the understanding that I not yield the floor.

Mr. ERVIN. Mr. President, the only reason why this bill was referred to the Committee on Post Office and Civil Service was that the bill provided that the administration should be housed in the Bureau of the Census. The bill could have provided as easily that they should be housed in the Department of Commerce or the Department of Labor. If the former course had been taken, it could have been referred to the Committee on Commerce; and if the latter course had been taken, the bill would have been referred to the Committee on Labor and Public Welfare. On the same strange theory the bill could have provided that the administration should be housed in the Department of the Treasury, and the bill could have been referred to the Committee on Finance. None of these committees have any jurisdiction under Senate Rules of bills relating to Federal elections.

This bill is nothing but an election proposal. It centralizes the registration of voters in Federal elections in the Federal Government. In the almost 18 years that I have been a Member of the Senate, every legislative proposal relating to elections has been sent either to the Committee on the Judiciary, which has express jurisdiction of proposals which would revise and improve the laws, on to the Committee on Rules and Administration, which has jurisdiction over matters relating to Federal elections.

This bill would revise all of the registration laws of all the States in the country. As I say, every comparable proposal has been sent either to the Committee on the Judiciary or to the Committee on Rules and Administration ever since I became a Member of the Senate.

The Committee on Rules and Administration has express jurisdiction of bills regulating Federal elections and bills relating to the election of presidential electors and other Federal officers.

Under Senate rules, bills of this kind go either to the Committee on the Judiciary or the Committee on Rules and Administration, and this bill should go to one of those committees, preferably the Judiciary Committee which is experienced in this field.

I have studied this bill. This bill affords very little protection against election frauds. It has virtually no provisions expressly preserving the power of the States to pass on the qualifications of voters in all elections, including Federal elections. That is where this power has always resided, and where it should continue to reside.

The bill has no provision recognizing the power of State election officials to take evidence to determine the qualification of voters. And there is grave danger that if this bill is enacted in its present form the courts will hold that it preempts this whole field and deprives the States of the powers they have always exercised in this field. It concentrates power in three bureaucrats housed in the Bureau of the Census on the banks of the Potomac River. These bureaucrats have no relation to the States, or even to the Bureau of the Census except for the fact that they happen to have offices in the Bureau of the Census.

That is virtually all the jurisdiction the Bureau of the Census has over this matter. This is a bill that ought to be sent to the Judiciary Committee where there would be an adequate opportunity to consider amendments that ought to be placed in the bill to insure that the States retain the power to pass on the question of whether people applying for registration possess the qualifications for voting, as has always been the case, and to make certain all the State laws enacted prior to this bill now before the Senate still remain in full force and effect and can be used to prevent fraud and corruption in elections throughout the United States.

This bill would cover registration procedures for Federal elections in 184,000 separate precincts in the 50 States and place jurisdiction over such procedures, in three officials elected by nobody, responsible to nobody, who merely have offices in the Bureau of the Census.

I respectfully submit that the bill should go to the Committee on the Judiciary, which has had much experience with election laws, and which has much expertise in matters of this kind. If this is done, the Committee on the Judiciary could devise amendments which would make it certain that all laws which prevent fraud or punish fraud are still in effect and that the jurisdiction of the States to pass on the qualifications of voters still reside in the States.

This bill contemplates that a State or local official will merely receive a postal card purporting to come from an individual seeking to register. The bill does not even provide that the State or local official has the right to make inquiry as to whether there is any man on earth having the name signed on the postal card or whether the signature on the postal card is a forgery, or whether the facts recited on the postal card are true or false.

Mr. President, we should tighten up this bill in the Committee on the Judiciary which has had vast experience in this field, and which can make it clear that the doctrine of preexemption does not apply and that all civil and criminal laws applying to fraud remain in effect.

Mr McGEE. Mr. President, I yield to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I hope the Senate realizes the backward step it is taking today. By refusing to table the motion that has been made to send this measure back to the Committee on the Judiciary, in effect, we are attempting to kill this legislation.

Let us make no bones about it. All one has to do is to look over the period of the last 7 years, whether it be the Civil Rights Act of 1964, the Voting Rights Act of 1965, the Voting Rights Amendments of 1970, the 18-year-old vote, the poll tax legislation, or the congressional redistricting legislation. On each and every one of those measures, the Committee on the Judiciary, of which I am a member, attempted to prevent any kind of progressive action by the Senate.

By failing to table the motion, that is what the Senate is attempting to do today. There is not a Member of the Senate who does not realize and understand that, and the American people will also understand it.

What we are trying to do in this legislation, and what the Senator from Wyoming is trying to do, is to open up the area of voter registration to allow real participation by the people.

We talk about all the measures being sent to the Committee on the Judiciary, so that some supposed constitutional issues can be discussed. But when we had the 18-year-old vote legislation before the Senate in 1970, which was much more complex in terms of constitutionality, which the Supreme Court did not rule on two times overwhelmingly, as they have on registration, we did not send it to the Committee on the Judiciary We voted on it here on the floor of the Senate.

I hope the American people understand what is being done by those who are trying to send the matter to the Committee on the Judiciary. It is always interesting, as a younger Member, to see how the seniority system works. It is worked by senior Members who want to bottle up a measure, and it is being done on the floor of the Senate this afternoon.

We can talk about jurisdiction in other areas as well. I saw my good friend, the chairman of the Committee on Finance here. We know there have been hearings on the issue of health care, in connection with that committee's deliberations on H.R. 1. They are considering reforms in the organization and delivery of health care in medicare and medicaid. The Labor Committee also has an interest in that issue. We have a Subcommittee on Health. Do you think the Finance Committee wants to share those matters with the Labor Committee? Absolutely not. The precedent we are setting today raises a similar specter for every other committee, which may see its jurisdiction challenged some day on the Senate floor because of some supposed overlap.

The rules are very clear on this matter. The bill has been sent to the Post Office and Civil Service Committee, by the clear and unequivocal decision of the Parliamentarian. Senator MCGEE held exhaustive hearings. They had an overwhelming vote in the committee to report this bill to the Senate. The result in the committee makes his case strong and compelling.

Why can we not vote on this measure? Why should the matter be sent to the Committee on the Judiciary? I support the position taken by the Senator from Wyoming. His committee held exhaustive hearings—they heard witnesses pro and con. The record has been made. Now, those who oppose this legislation want to send it to a committee notorious for its hostility to voting measures. They hope to use a parliamentary maneuver to kill the bill, so they will not have to vote against it or the merits.

I hope the Senate will come to its good sense and accept the position of the Senator from Wyoming. I think it is fair and right. I think it is time that we faced up to our responsibility, to decide whether we are really interested in good government and in improving our democracy.

Those who are most often concerned about what happens in the streets with respect to riots and demonstrations should realize that by refusing to open up the system, by refusing to permit people to participate in the system, they are doing to disservice to the Nation—a disservice to the basic freedoms on which this country was founded.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. McGEE. I had promised to yield next to the ranking minority member, the Senator from Hawaii.

Mr. COOK. Mr. President, will the Senator yield to me for one moment so I may respond to the Senator from Massachusetts?

Mr. McGEE. I yield to the Senator from Kentucky for 1 minute without losing my right to the floor?

Mr. COOK. Mr. President, I would like to set the record straight relative to the constitutional amendment on 18-, 19-, and 20-year-olds. That was here before our Committee on Constitutional Amendments.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. COOK. May I finish first? I waited for the Senator from Massachusetts to complete his remarks.

The statutory route we took, that the Senator from Montana (Mr. MANSFIELD), the Senator from Indiana (Mr. BAYH), and others and I were on the floor relative to, the record that had been obtained by reason of hearings before the Subcommittee on Constitutional Amendments was used as the basis for the statutory authority we secured on the floor of the Senate.

So having been a strong advocate of that, and a very strong advocate, because I come from a State that has extended that authority to 18-, 19-, and 20-year-olds since 1954, I only want to put the record straight when it is said that that difficult amendment was not sent before the Committee on the Judiciary. That is where it came from.

Mr. KENNEDY. Mr. President, will the Senator yield for 1 minute for a response?

The PRESIDING OFFICER. The Senator from Wyoming has the floor.

Mr. McGEE. Mr. President, if the Senator from Hawaii will yield momentarily, I yield to the Senator from Massachusetts so that he may respond to the Senator from Kentucky.

Mr. KENNEDY. Mr. President, the Senator from Kentucky is wrong on this matter. The 18-year-old vote constitutional amendment was before the Judiciary Subcommittee on Constitutional Amendments, but the statute lowering the voting age to 18 was not. The constitutional amendment was originally introduced by the Senator from West Virginia. He had been fighting for this amendment ever since he came to the Senate. But it was always bottled up by the committee. It was not until we offered a Senate floor amendment to lower the voting age by statute that we could get the issue to a vote.

I would suggest that the record already made in terms of this voter registration measure, no matter how one looks at it, is much more clear cut than the complicated legal questions raised by the 18-year-old vote statute. I know of no substantial constitutional objection to S. 2574, and there is no merit whatever in the motion to refer it to the Judiciary Committee.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. McGEE. Mr. President, I yield the floor to the Senator from Hawaii with the understanding that I do not lose my right to the floor.

Mr. FONG. I thank the distinguished Senator from Wyoming for yielding to me.

Mr. President, I think the Senate made a very wise decision when it voted down the motion to table the motion to refer the bill to the Judiciary Committee. This bill should really go to the Judiciary Committee. The only reason it was sent to the Post Office and Civil Service Committee was that they wanted to tie the bill to the census. It was only because they wanted to give to the Census Bureau the broad power to establish within the Bureau a National Voter Registration Administration that it was sent to that committee. Actually, the substance of the bill goes far beyond just the jurisdiction of the Census Bureau. We have many, many problems in this bill which the Judiciary Committee has jurisdiction over, and to which the Judiciary Committee should apply its expertise and wisdom so we can refine the bill.

Many constitutional questions are involved. In the bill we have a definition of what is a Federal election. I should like to read what the bill says as far as a Federal election is concerned. A Federal election goes far beyond anything we have intended heretofore. It embraces the election of the President, the Vice President, Members of Congress—that is, the Senate and the House of Representatives—and it goes further than that. It says as follows:

> "(4) 'Federal election' means any primary, special, general, or other election held for the purpose of nominating or electing candidates for any Federal office, including any election held for the purpose of expressing voter preference for the nomination of individuals for election to the Office of President and Vice President and any election held for the purpose of selecting delegates to a national political party nominating convention or to a caucus held for the purpose of selecting delegates to such a convention;

In re Green, it was held that the elections of presidential electors are actually the elections of State officials, and now in this bill we are going to change that. We are going to make them Federal officials so we can bring them under the purview of this act. This is a constitutional question. The Judiciary Committee should look at it.

Another question the Judiciary Committee should look into is the impact of this law on the State laws on registration. The question of registration has always been the province of local jurisdiction. A State has always taken care of the question of registration. Now we are going to inject the Federal system into local registration and we are going to tell the State, "We will pay you the cost of processing registration forms. Then if you establish registration by mail as provided in this bill, we will pay up to 15 percent of the costs of processing registration forms, and if you implement certain things and if you establish a residency requirement of no more than 30 days, we will give you an additional amount, 30 percent of the amount we paid you for processing registration forms." This is a matter which deals with the impact of this proposed Federal law on local law, and I think the Judiciary Committee should take a real look at it.

We have to recognize that the voting rights bill of 1970 and the voting rights bill of 1965 and, in fact, all the voting rights bills since the time I have been here, which is since 1959, have been referred to the Judiciary Committee, and to no other committee. This is the committee that has jurisdiction over that matter and that has taken precedence over that matter, and I believe the Judiciary Committee should take a look at this voting rights bill.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 8589) to amend the Healing Arts Practice Act, District of Columbia, 1928, to revise the composition of the Commission on Licensure to Practice the Healing Art, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STUCKEY, Mr. JACOBS, Mr. MIKVA, Mr. NELSEN, and Mr. BROYHILL of Virginia were appointed managers on the part of the House at the conference.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 860) relating to the Trust Territory of the Pacific Islands.

The bill (S. 860) was subsequently signed by the Acting President pro tempore (Mr. BENTSEN).

SENATOR McINTYRE IS DOING WELL

Mr. MANSFIELD. Mr. President, will the Senator yield so that I make an announcement?

Mr. FONG. I yield.

Mr. MANSFIELD. Mr. President, there used to be a radio commentator by the name of Gabriel Heater, whose opening remark was, "There's good news tonight."

Well, Mr. President, I have received a communication from the distinguished chairman of the Armed Services Committee (Mr. STENNIS), and I have also heard on the wire from the hospital, and I have also been informed by the distinguished Senator from New Hampshire (Mr. COTTON), and I would like to read, for the benefit of the Senate, the good news which the distinguished Senator from Mississippi handed to me.

> U.S. Senator Thomas J. McIntyre is reported "doing extremely well" in Johns Hopkins Hospital after surgeons today removed a moderate aneurism from his abdominal aorta and replaced that part of the artery with a plastic graft.
>
> "The operation proceeded without incident," attending surgeon Dr. Vincent Gott said. "Senator McIntyre tolerated the surgery very well, and there were no complications or negative after-effects. There is excellent circulation through the plastic graft."
>
> Senator McIntyre entered the hospital Monday night after a routine physical examination had revealed the aneurism.

Mr. FONG. Mr. President, may I say, from this side of the aisle, we are very happy to hear the good news, and we all hope that Senator MCINTYRE will recover very shortly and rejoin us in the Senate.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. FONG. I yield.

Mr. COTTON. As his friend and colleague from New Hampshire, I want to express my happiness over the good news just received from Baltimore. No man could ask for a finer colleague.

His many friends in New Hampshire will be reassured and happy to learn that the operation was entirely successful and we can look forward to his complete restoration to health.

NATIONAL VOTER REGISTRATION ACT

The Senate continued with the consideration of the bill (S. 2574) to amend title 13, United States Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purpose of administering a voter registration program through the mail.

Mr. FONG. Mr. President, I have already spoken on the constitutional questions involved and why this bill should really go the Judiciary Committee because of the impact of this bill on State laws on registration and the fact that we have precedents referring voting rights bills which have come before the Senate to the Judiciary Committee.

Now I want to say that we have the question of criminal penalties in this bill, which are very, very severe. There is a criminal penalty of $10,000 fine and 5 years in jail, or both. Anyone who "knowingly or willfully gives false information as to his name, address, residence, age, or other information for the purposes of establishing his eligibility to register or vote under this chapter, or conspires with another individual for the purpose of encouraging his false registration to vote or illegal voting, or pays or offers to pay or accepts or offers to accept payment either for registration to vote or for voting shall be fined not more than $10,000, or imprisoned not more than 5 years, or both."

Criminal penalties come within the juridiction of the Judiciary Committee. We want to know whether these criminal penalties are in conformity with the other penalties we have imposed for violations of other laws, and whether this is the right penalty or whether it is the wrong penalty to impose.

We have another penalty here under section 408(b), as follows:

> (b) Any person who deprives, or attempts to deprive, any other person of any right under this chapter shall be fined not more than $5,000, or imprisoned not more than five years, or both.

Here is another case in which criminal penalties are involved, and I think the Judiciary Committee should look into it to see whether this is too heavy, whether it conforms with other penalties we have, or whether we should come in with any other alternative to the penalties that are provided here.

Under subsection (c):

> (c) The provisions of section 1001 of title 18, United States Code, are applicable to the registration form prepared under section 405 of this chapter.

Now, the question here is, if you receive this post card from the Census Bureau and you falsify it, if for example you put someone else's name on it, whether it is a Federal document or a local document. If it is a Federal document, it comes under the penalty provisions of this bill. If it is not a Federal document but a local or State document, it does not come within the penalties of this bill.

So here we have, Mr. President, many questions, questions dealing with constitutional law, questions dealing with the impact of State laws, questions dealing with voter registration bills which have preceded this measure to the Judiciary Committee, and the question of criminal penalties.

All of these tend to show that the Committee on the Judiciary really should be the primary committee for the referral of this bill, and I think the Senate, in voting today not to lay on the table the motion to refer it to that committee, made a very wise decision.

Mr. COOK. Mr. President, will the Senator yield?

Mr. FONG. Yes.

The PRESIDING OFFICER. The Senator from Wyoming has the floor. Does the Senator yield to the Senator from Kentucky?

Mr. McGEE. Has the Senator from Hawaii finished?

Mr. FONG. I have finished, yes.

Mr. McGEE. Mr. President, I have agreed to yield to the Senator from California. I have put him off three times. If I may, I yield first to him, and then I shall be happy to yield to the distinguished Senator from Kentucky.

Mr. COOK. I thank the Senator.

Mr. McGEE. I yield to the Senator from California, without yielding my right to the floor.

Mr. CRANSTON. Mr. President, apart from the issue of jurisdiction over this bill—and that issue, I think, has been dealt with with great force and clarity by the distinguished chairman of the committee, who is handling the bill, the distinguished majority leader, the Senator from Montana, and the distinguished Senator from Massachusetts (Mr. KENNEDY)—apart from that issue, I think there are four main issues relating to the substance, leaving behind this jurisdictional issue. I should like very briefly to ask the chairman of the committee to state what he believes is the best answer to these four key questions that have been asked. I have not had an opportunity to hear the Senator state succinctly and briefly the reasons that convince him that there are positive answers to these questions, and I think it would benefit other Senators to have that briefly made a part of the RECORD at this point.

The first issue is the issue of cost. There are those who fear that this bill with a post card Federal registration system, would cost a good deal more to the people of our country than the present system. What is the Senator's answer to that question?

Mr. McGEE. The first answer, may I say to my colleague from California, and the best estimate we could make, was the estimate we received from the Census Bureau, which was that the cost would approach $20 million. But I would add that that ought to be set against what we are talking about here. We are talking about 47 million people who did not vote the last time. How you equate the cost of that in reverse is the figure we do not have available. How do you place a cost figure on a person who is not voting, does not vote, and could not vote because he was not registered? But the cost figure given us by the Bureau of the Census was that it would cost $20 million. Further, they suggested that they could get this ready and administer it under their own scheme, and that they could make it work; that it would be a problem for them administratively, but that is to be expected.

But the figure is not out of the ball park, considering what is going into elections these days.

Mr. CRANSTON. Is there not now a Federal register for presidential elections, already kept?

Mr. McGEE. Yes. That, of course, was suggested. They said, "Look, if you have only the right to vote in Federal elections involved in this, you have another set of registers."

The answer is, we have two sets now, because under the Voting Rights Act of 1970, it prescribes that for the election of President and Vice President, all citizens who met the requirements at that time, without a residence requirement, were entitled to vote for President and Vice President. That list already exists; all this measure does is add to that list the remaining Federal officers, the Members of the Senate and the House of Representatives, and this would seem to me to be in order, and to follow the logic and the wisdom already cumulatively exercised by this body.

For that reason, we think this is simply a procedural matter that is moving into the next stage of doing what this body has already enacted into the law of the land under the Voting Rights Act of 1970.

Mr. CRANSTON. Are there provisions in the bill for assisting States in the costs incurred under the circumstances, and if so, how does that work?

Mr. McGEE. Yes. As a matter of fact, the bill has been very carefully drawn to make sure of one thing, and that is that the jurisdiction of States, the role of the State in keeping the control of its own electoral rolls, is not called into question nor is it challenged. The process under the Census Bureau simply provides for mailing this out, through the Secretary of Commerce. They return their registration card to the State election authorities, and that is the only place the lists are kept. There is no Federal register, as it were, separately maintained by any central authority or by three men here on the banks of the Potomac. Once more, we are simply making it possible for more people who are otherwise entitled to vote to cast their ballots, or at least not have the excuse that they did not vote because of registration procedures.

Mr. CRANSTON. I thank the Senator.

The second major question that has been provoked in some minds by this legislation relates to the fear of fraud. What are the protections in this bill against fraud, under its provisions?

Mr. McGEE. Well, in the first place, the protection against fraud in this bill is present in every State in the Union. Every State is cognizant of the issue of fraud, and is the policeman of the practices within its borders. This measure introduces nothing into the procedure of voting at elections that the States are not already in command of, in terms of trying to control fraud.

None of us wants fraud, but you cannot legislate total perfection. Someone is always going to exploit it; they still do. We heard here on this floor yesterday from the distinguished Senator from North Carolina of frauds that have occurred in the past. They did not occur through post card registration, but under the present procedures. We are not going to eliminate that, but we certainly can minimize it.

The greatest fraud of all generally is not touched upon by the critics. That greatest fraud is that 47 million people in this country did not vote in the last election. They did not vote, although they were eligible to otherwise. That is the fraud that ought to concern every man and woman in this country.

It is not without point that some other countries like our own, that is, the western democracies with the representative governments, the French, the British, the German, the Scandinavian, have a much higher percentage of voter participation in their elections than we have, and yet we are the ones who hold out our system to the rest of the world and say, "Look at us; do as we do; we believe in free elections."

Well, our elections so far have invited only a 60-percent average participation, when the percentage in the other countries is 70 percent, 80 percent, or 90 percent.

I think we are entitled to ask whether it is the fear of fraud that prevents other Americans from voting. If we have an obsession in that direction, then we are denying a participation that other countries not only have found work but also have lived with very successfully in comparative terms to our own disadvantage.

I would say to the Senator from California that the fraud question, while an understandable one to raise, because it is so often associated with politics in our country's history, is something that we constantly work at, all of us, at every level, to contain and to eliminate, and we are indeed sophisticating our approaches on those matters.

But fraud is not one of the issues that lays at the root of this proposal of postcard registration. The bill provides that, if any State believes it to have got out of hand, it can ask the National Voter Registration Administration, under this legislation, for assistance to investigate and prosecute fraudulent practices. Until now, even with the Voting Rights Act of 1970, the States have been able to stay in command and keep under control the question of fraudulent practices.

So this is a red herring—if I may characterize it in those terms—in terms of its approach to trying to expand the base of the electorate.

Mr. CRANSTON. I understand that the Senator's committee has gained some knowledge about a system that presently is permitted to operate in Texas, where there is what amounts to a postcard registration. What occurs there, as I understand it, is that in newspapers they print a registration form, and one can clip it out and mail it in and thus become a registered voter. Have the committee's studies indicated that that has led to any fraud in the State of Texas, beyond what they already have, if any?

Mr. McGEE. Texas has a great many problems, as I have been reading in the papers, but it is not due to the fact that they register by newspaper coupon; and there has been no fraud traced there, to my knowledge, that derived from the coupon registration. That does not even have the dignity, if I may say so, of a postcard registration, in which a Government agency, the Census Bureau, mails it out and it is returned to the election official. They have had no complications on that.

We have some States, like North Dakota, where the only registration is at the time one votes. That is a rural area, and I think some of us rightfully have misgivings about the simultaneous registration and voting applying in some of the great urban sprawling areas in this country.

But this system permits the local authorities—in fact, it requires of them—that their voting lists be validated in exactly the same way they have been doing all these years, to the best ability that the State can do it.

Mr. CRANSTON. A third major issue that has given concern to some Members of this body over the proposed legislation relates to the role of the U.S. Government vis-a-vis the role of the States in conducting elections. I think it would be very helpful if the Senator would respond to that question, which has been asked by many people.

Mr. McGEE. We have been very careful to make clear in the drafting of the pending legislation that there be no seizing of the jurisdiction from the States. We simply followed the pattern already laid down by this body, that in Federal elections there should be no State barriers to the voting of individual citizens simply because they did not meet the local registration requrement for that State, the local residence requirement for that State, whatever it may be.

Thus, it is all the same as it was before under the States, except that we require that the elections for the Senate and the House of Representatives be added to those of the President of the United States and the Vice President, because they are Federal positions and should not be restricted and restrained by the variables that exist among the 50 States.

Mr. CRANSTON. A final issue that is deeply involved in all this relates to participation in the electoral process, the decisionmaking process, of our country. As I understand it—though I am not clear on this point—there was no registration in this country until when—1876?

Mr. McGEE. The late 1870's.

Mr. CRANSTON. What was the experience in terms of the number of people who voted prior to the time we had registration?

Mr. McGEE. Before registration was required in the 1870's, if I recall my history correctly, the participation of the eligible voters was approximately 80 percent. Once registration was required, which began in the latter part of the 19th century, the percentage of voter participation measurably declined—declined enough that in the last Presidential election, 1968, more people failed to vote than actually voted for the President of the United States, Mr. Nixon. I think he received approximately 43 million votes. Forty-seven million people did not vote. We never can be sure why all of them did not vote. Some people never will vote. They may be the ones who will not vote and who make the most speeches. They do not care to vote or they are professional bellyachers—whatever it may be. We cannot legislate human behavior.

But there are many millions of cases—as we know as a result of the hearings of the committee—of individuals who said that they went to register not once, not twice, but three times. As one woman said publicly, the third time she finally made it—that is, somebody was there who could register her. Thus, she was on the rolls. That was in Massachusetts. But she then raised the question which ought to bother the conscience of every Member of this body. She said:

> I'm not sure how many would be as patient as I, how many would be willing to go back two or three time to finally register, to succeed in registering.

Everybody ought to register. Everybody ought to vote. That is what representative democracy is all about. But some do not vote.

We are simply saying here, "Let us not give them an excuse not to vote because they were not registered." That is all this measure seeks to do. It is to broaden the base of voter participation. How we get the rest of them to vote is another matter. I do not know how we are going to do that. But there surely cannot be that much difference between the voters in Germany or the voters in France or the voters in Great Britain or the voters in Scandinavia from the American people. Are our people so bad that they cannot rise to the responsibility? Are our people so indifferent that they do not care? Are our people so doubtful that they do not believe? I do not think that is the case.

I think the answer will be found in the fact that in all those other areas there are not as many obstacles or variables to voting—that is, to registering to vote—as we have permitted to arise in our country because of the history of the emergence of the 50 semisovereign States. This is the complication.

We are simply trying to establish that this ought to be made a universal operation for Federal office; that is all. We try to help a State absorb whatever new costs might come in this. We provide that as the State prepares the new rolls with the addition of the postcard registrants, in addition to the newspaper coupons they have in Texas, and so forth, if the State requests it, they can receive Federal assistance to the tune of 15 percent of the additional cost that this may have loaded on them. We think those costs will be minimal, in any case; but this is an attempt to try to help them through the first time, because of the possibility that it might increase some of the burdens, but they are burdens of mechanism, rather than burdens of principle.

We would likewise offer the additional incentive, as this bill does, that for any State that makes the decision to go over to this system of registration for State offices as well and accepts the minimal limitations of residence and the registration requirement, the inducement will be a Federal sharing of 30 percent of the cost of the State's shifing over into that sphere. But this is not imposed by the Federal Government. This is simply available, should any State desire to go that route. Some of the States, incidentally, have manifested an interest in having a look at that possibility. So those are the elementary factors present in the questions that the Senator has raised and I appreciate his bringing them to the fore.

Mr. CRANSTON. Mr. President, I have seen some of these statistics on participation and nonparticipation as it relates to registration and I want to ask the Senator from Wyoming if the following are roughly accurate figures, that while nine out of 10 Americans are registered to vote, only six out of 10 Americans of voting age actually vote.

Mr. McGEE. That is correct. If the person is registered, nearly all of them manage to get to the polls—nearly 90 percent. But if they are not registered, that figure drops perceptibly. That is the gap we are trying to close somewhat.

Mr. CRANSTON. It seems to me that the Senator's answers are very convincing and have been based on solid research and knowledge of the subject. It is clear to the people of this country and to these Members of the Senate who look at the logic and the facts behind the responses of the Senator to the major questions asked by this legislation that the outcome will be the Senate will vote for it.

Mr. McGEE. I want to thank my colleague from California for his comments and his questions, but I will add that I would be the first one to admit there are a great many things and other approaches and many other ways to get at these questions, but no one has done it. We have tried to bring forth the best that men working together can produce. We are only asking here, and would ask again, for the privilege of letting the Senate work its will through the amending process, because I am certain that our colleagues will have constructive suggestions to make that will be helpful in turning out a wise bill. We have no fixation on this. We are not in any ruts on it. We want the best bill because that is the one that will stand the test of history. I would apologize in a sense, I guess, for the implied suggestion that the Post Office and Civil Service Committee is not very competent in doing this.

We think we acquired some real expertise, because we invited in the best brains that we could. I suspect that the Members of this body collectively have a great deal of expertise, too, that they could share and should have a chance to share in the development of this measure. I look to our colleagues and friends on the Judiciary Committee with the highest of respect. We all do the best we can. I always look to the distinguished Senator from North Carolina (Mr. Ervin) for his great reservoir of knowledge and judgment in the field of constitutional law and history, for example. He is in a class by himself in that regard.

But here the issue is almost a procedural one, in the mechanism of broadening the base for voter participation in a way that will make it more meaningful than it is at the present time.

How many voters this will add to the rolls, we do not know until we try it, but if we add only 1 million out of the 47 million, or only 5 million out of the 47 million, then, it seems to me, we will have served the cause of our country well, as we seek to work to close this gap.

Mr. ERVIN. Mr. President, I should like to ask the Senator from Wyoming one question. The Senator has pointed out that registration as we now know it did not come into vogue until some time in the 1870's. I would like to ask the Senator if it is not true, that prior to that time, virtually every State had a law requiring the payment of a poll tax as a condition precedent to voting, that the individual who undertook to vote had to present his poll tax receipt to the election official and thus show that he had paid his poll tax before he could vote.

Mr. McGEE. I do not want to be absolute in this generalization, in response to the Senator's question, but my recollection of that interval of history, by reading about it, is that the poll tax was a device that was perfected in the immediate post-Civil War days. It was very often designed to keep people from voting, not validating voters in the attempt to broaden the base of the voting population or voter participation, but for other restrictive reasons. It is true, there was a lot of that.

Mr. ERVIN. My recollection of the history of that period is that the early laws required a man not only to pay his poll tax in order to vote but also to pay his property tax.

Mr. McGEE. The property tax preceded the poll tax concept, yes.

Mr. ERVIN. The poll tax was levied on men throughout the history of the country in practically every State. It was a tax levied to raise revenue and also as a prerequisite to voting. In those days, people had to exhibit poll tax receipts showing they had paid their poll taxes in the district in which they sought to vote before they were permitted to vote.

Mr. McGEE. I believe that history will further show the limitations on the basic requirement for voting started with the property tax and that was the beginning of the concept of Greek democracy, if I remember my political theory correctly; that is, that the landed gentlemen were those people entitled to vote. We started that way. The poll tax became more and more an ingredient to keep the black man from voting—and probably others; but it also had the other contributing factor of including income.

We have come a long, long way since the property tax was the basic requirement for voting, when no women were permitted to vote at all at the beginning of this Republic.

We have passed through the poll tax period for whatever purposes it was aimed at serving. We are now down to where we are seeking solutions to the question of why 47 million people—more than either candidate for President received himself in 1968—did not vote. We are convinced that a great many of those 47 million people did not vote because of the variance over registration.

Mr. ERVIN. It only takes about half an hour or so for a person to register. That should be no impediment to voting, if a person really wants to vote.

Mr. McGEE. That is very true. I wish all people were motivated like the Senator from North Carolina and the Senator from Wyoming and the Senator from Michigan. We think that the right to vote is perhaps the most sacred right and responsibility that our people have. We wish that more would rise to it. Many do not, for their own reasons. But we do believe that many do not because there are impediments placed in their way, and that, therefore, this is simply one small way to remove that kind of barrier. There will be other ways—education, and the like—to raise the awareness of this Government to a much higher level. That is long range, of course, but it was obvious that this body naturally could seek out what progressive steps it has taken over the past 15 years, to try to make more meaningful the participatory democracy voter registration in the system of government that we still hold up in the world as the ideal for others to look toward.

With that in mind, Mr. President, I am prepared to yield the floor, unless other matters are pending here. A unanimous-consent request has already been agreed to in terms of the reconvening of the Senate.

QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR McINTYRE UNDERGOES SUCCESSFUL OPERATION

Mr. BYRD of West Virginia. Mr. President, I wish to share with my distinguished majority leader the pleasure and satisfaction that comes from a message which was read into the Record a little while ago by the majority leader stating that the distinguished junior Senator from New Hampshire (Mr. McIntyre) had undergone a successful operation earlier today, that he is resting comfortably, and that the prognosis is very good.

May I say that Tom McIntyre is my friend. He is well liked and highly respected by all of his colleagues on both sides of the aisle. We all recognize the diligence and the conscientious purpose with which Tom McIntyre approaches his multifarious duties here in the Senate. He has done a very outstanding job in the Committee on Armed Services, and the chairman of that committee, the distinguished Senator from Mississippi (Mr. Stennis), turns over to Senator McIntyre many difficult assignments.

It has been with admiration that the rest of his colleagues have witnessed Tom McIntyre's sincerity and his determination to do his job with respect to any assignments, no matter how tedious or how hard. He performs a great service to the people of his State and to the people of our country.

So, I join my majority leader in saying that Tom McIntyre must not be concerned about his absence from this body, an absence which is justified. Of course, while he will be missed, the rest of us will carry on, knowing he is going to be back with us soon. As soon as his condition will permit, we look forward to seeing him return to this body, but we do not want him to return until the doctors say he is fully recovered from the operation. Meanwhile, he has our good wishes and prayers for a prompt and good recovery.

Mr. President, I yield the floor.

Mr. FANNIN. Mr. President. I wish to join my distinguished colleague, the Senator from West Virginia, in wishing our friend from New Hampshire the very best and I join in the commendations of the work of the Senator from New Hampshire which have been mentioned. I hope that he will be back with us soon.

Mr. BYRD of West Virginia. I thank the distinguished senior Senator from Arizona.

WATCHDOG JACK ANDERSON IS BARKING UP THE WRONG TREE

Mr. FANNIN. Mr. President, there are thousands of journalists reporting on what happens in our Government. For the most part these are hardworking, dedicated, and honest newsmen and newswomen who seek to inform the public and act as watchdogs for our citizens.

It is inevitable, I suppose, that when there is a great number of journalists—or watchdogs—at least one of them will be vicious and detrimental rather than beneficial to the public good.

A watchdog that barks continually, that barks at shadows when no one is there—such a watchdog is useless. It can protect nothing, because it lacks the intelligence or good sense to yelp only when there is something to yelp about.

One such "watchdog" is Jack Anderson.

His columns of trivia, innuendo and, many times, simple misstatement of fact, are carried by a number of newspapers.

Unfortunately, many people believe that Anderson is a reliable reporter who gives the real story on what is happening in Washington.

Those of us involved in the Congress know better. We know that he simply is what is known as a gossip columnist. His specialty is exploiting a meaningless foible or a figment of somebody's imagination for sensationalism. Anything to gain attention and sell another column.

I would expect that every person in this Senate has personal knowledge of instances in which Anderson has used distortion or untruth to make a headline.

Merry-go-rounds belong in carnivals, not in the U.S. Senate. I suggest it is time that we get off Mr. Anderson's merry-go-round and focus our attention on important business.

I think that we should stop giving Mr. Anderson a forum for his brand of yellow journalism.

It is quite evident that Richard Kleindienst has done nothing wrong in connection with the ITT settlement. We should act on the confirmation of Mr. Kleindienst as Attorney General of the United States.

The hearings we have been holding have wandered far from the original point. They are taking on the aspect of a witch hunt.

Mr. President, freedom of the press is a precious thing. Like all of our rights, it must be protected. But with rights come responsibilities. We have a free press because the vast majority of our journalists are responsible people who honestly seek to provide the truth. I applaud them.

Then there are a few others, with Mr. Anderson as the most notable example, who undermine confidence in the press, both among public officials and the public itself. This is a sad blemish on our press corps.

Mr. President, I wanted to make this statement today to bring this episode into perspective. Watchdog Anderson is running very true to form and is once again barking up the wrong tree. I do not see why we should join him in such canine behavior.

ORDER FOR ADJOURNMENT TO MONDAY, MARCH 13, 1972

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS KENNEDY, CRANSTON, BEALL ON MONDAY NEXT; AND ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS AND LAYING THE UNFINISHED BUSINESS BEFORE THE SENATE ON MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, March 13, 1972, after the two leaders have been recognized under the standing order, the distinguished Senator from Massachusetts, Mr. KENNEDY) be recognized for not to exceed 15 minutes; that he be followed by the distinguished Senator from California (Mr. CRANSTON) for not to exceed 15 minutes; that he be followed by the distinguished Senator from Maryland (Mr. BEALL) for not to exceed 15 minutes; and that at the conclusion of the remarks of the Senator from Maryland (Mr. BEALL) there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes; at the conclusion of which the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR COOPER ON TUESDAY, MARCH 14, 1972

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Tuesday next, immediately following the remarks of the two leaders under the standing order, the distinguished Senator from Kentucky (Mr. COOPER) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BAKER ON TUESDAY, MARCH 14, 1972

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Tuesday next, following the remarks of the distinguished Senator from Kentucky (Mr. COOPER), the distinguished Senator from Tennessee (Mr. BAKER) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the Senate will not be in session tomorrow. On Monday, the Senate will convene at 12 o'clock noon. After the two leaders have been recognized under the standing order, the distinguished Senator from Massachusetts (Mr. KENNEDY) will be recognized for not to exceed 15 minutes. He will be followed by the distinguished Senator from California (Mr. CRANSTON) for not to exceed 15 minutes.

He will be followed by the distinguished Senator from Maryland (Mr. BEALL) for not to exceed 15 minutes.

The Senate then will proceed to the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Chair will lay before the Senate the unfinished business, S. 2574, a bill to establish a voter registration program through the mail. The leadership cannot state at this point whether or not there will be rollcall votes on Monday, but as Senators know, such votes can occur on tabling motions, conference reports, and so forth.

ADJOURNMENT TO MONDAY, MARCH 13, 1972

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon on Monday next.

The motion was agreed to; and at 5:29 p.m. the Senate adjourned until Monday, March 13, 1972, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 9, 1972:

IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The nominations beginning Robert A. Ganse, to be commander, and ending William A. Pagano, to be ensign, which nominations were received by the Senate and appeared in the Congressional Record on March 7, 1972.

IN THE COAST GUARD

The nominations beginning William M. Alexander, to be commander, and ending Albert D. Wittman, to be commander, which nominations were received by the Senate and appeared in the Congressional Record on March 7, 1972.

EXTENSIONS OF REMARKS

U.S. ROLE IN THE WESTERN PACIFIC

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, March 9, 1972

Mr. BYRD of Virginia. Mr. President, on February 11, the Senator from New York (Mr. BUCKLEY) delivered a thoughtful and important address concerning the U.S. role in the Western Pacific.

Senator BUCKLEY had just returned from visiting many of the Asian countries with which the United States has mutual security agreements. Besides this, Senator BUCKLEY, before coming to the Senate, had a wide knowledge of Asia as a businessman with an interest in that area.

The New York Times on Tuesday, February 29, published excerpts from the Buckley speech on its editorial page with the caption "Must We Abandon Our Friends?"

I ask unanimous consent to have printed in the Extensions of Remarks the excerpts from Senator BUCKLEY's speech as published in the Times.

Senator BUCKLEY has made a strong impression on the Senate. He is a man of ability, courage, and dedication. His election as a Senator from New York on the Conservative Party ticket is a tribute both to him and the people of his State.

I, as an Independent Democrat from Virginia, am pleased to have the opportunity to work closely with the Conservative-Republican from New York.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

MUST WE ABANDON OUR FRIENDS?

(By JAMES L. BUCKLEY)

WASHINGTON.—While there may be arguments as to the extent and details of our involvement in the problems of Asia, no one in a position of responsibility suggests that we can turn our backs on them. We are a Pacific power just as we are an Atlantic power. The control of Asia and its vast manpower and mineral resources by a power hostile to the United States would be as intolerable a threat to our security as would be the control by a hostile power of the human and industrial resources of Western Europe. If the rimland of eastern Asia were to fall in hostile hands, the threat against the island republics extending from Indonesia around through Japan would be palpable, and our own continued access to vital waterways and resources would be placed in jeopardy. Moreover, the geographic and political isolation which would follow would dangerously reduce the alternatives which would be available to us in planning for our own defense. This is why very American President for over one hundred years has understood the need to maintain an American military presence in the Western Pacific.

At one time or another since V-J Day, each of the peoples of eastern Asia, with the exception of Japan, has felt the impact of that driving, disciplined, fanatic force which is Communism. It is a force which now controls the Chinese mainland and the northern halves of Korea and Vietnam. It is a force which has launched direct attacks on South Korea and South Vietnam, and on Laos and Cambodia; a force which has organized and sustained guerrilla operations in Thailand, Burma, Malaysia, Indonesia and the Philippines. It is a force, I might add, which as yet has shown no signs of exhausting its incredible energy and determination.

Almost without exception, our friends in Asia are faced with clear and present threats to their security. The Thais must cope with increasingly active bands of Communist-trained insurgents; large areas of Laos, Cambodia and South Vietnam are presently occupied by Communist invaders; and South Korea and Nationalist China must continue to live in the shadows of well-armed, hostile neighbors who have vowed to overwhelm them. Our friends are prepared to do what they can to defend themselves, but they require the military hardware with which to match the increasingly sophisticated weapons with which their enemies are being so freely supplied. In too many cases, however, we are failing to deliver the arms and the support implicit in the Nixon doctrine.

This failure on our part to follow through is giving rise to agonizing doubts as to the ability or willingness of the United States to sustain its role of leadership in the Western Pacific.

We can and must, in our own self-interest, restore the badly shaken morale of our friends in Asia. We can do this most effectively, in my judgment, by implementing the Nixon doctrine, and by making it clear in our actions abroad, and in our debates at home, that America will continue to give effective support to its Pacific alliances for as long as may be required to safeguard our mutual interests.

We must remember that if we are to maintain effective alliances, we must decide as a people that ours is a long-term commitment, and we must restore confidence in our capacity as a nation to sustain our role of leadership. If we should appear to falter, to grow weary of that role; if we appear unable to match the tenacity of the Communists, then the framework for regional security which we have constructed at so great a cost will surely fall apart.

And we must also be able to demonstrate that we will not fall victim to our own good nature. Because we have no aggressive designs on others, we find it hard to understand that others have a driving compulsion to dominate. Because we seek peace, we assume that others seek it with an equal intensity. Because we negotiate in good faith, we are too often tempted to place a dangerous reliance on the good faith of others. It is this streak of innocence embedded in the American nature which may raise the greatest question as to our ultimate capacity to meet the responsibilities which have been thrust upon us. I believe that we may now be entering a point in history, both in Asia and elsewhere, which will test whether or not Leo Durocher stated a rule of universal application when he said, "Nice guys finish last."

VOLUNTEERS CAN TEACH READING

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. QUIE. Mr. Speaker, voluntarism has long been a great tradition of the American people. It is now time for volunteers to step forward to meet a current and pervasive problem in American society.

A recent survey conducted for the National Reading Center by Louis Harris & Associates confirmed that 21 million Americans, a full 15 percent of the adult public 16 years of age and over, lack some or all of the basic functional reading skills to deal successfuly with even the most simple everyday experiences of modern life.

In trying to find solutions to this problem, the National Reading Center has devised a plan to train volunteer tutors who will help improve reading skills. The director of the Center, Dr. Donald G. Emery, has outlined the proposal in the guest editorial appearing in the March 1972 issue of the School Administrator, published by the American Association of School Administrators.

I insert this editorial at this point in my remarks:

NATIONAL READING CENTER—AT YOUR SERVICE

One of seven American adults cannot read well enough to understand newspaper want ads or questions on standard application forms. Up to 40 percent of the pupils in some big-city school districts are well below expected reading performance levels. Up to one quarter of the school enrollment needs more help in reading. We do, in fact, have a substantial reading problem in this nation, and it is time we got together to solve it. Yet we still do not have a usable performance definition of reading proficiency. This is no time to berate the schools for failing to solve the problem. Nor do we need lengthy explanations of how things got this way. This is the time to get on with some fairly obvious and some more difficult corrective measures.

First, let us teach all teachers how to teach reading skills, preferably before they begin teaching, but on the job if necessary. Let us see that classrooms and libraries, public places and homes have generous supplies of reading materials so children and adults can enlarge their reading skills. If parents by intuitive motivation teach very young children our oral language code by leaning heavily on attention, repetition and personal instruction, we should be able to achieve universal success with the printed code, too.

Learning to read proceeds best with direct personal instruction. But we don't have the teacher time or salary dollars to provide the amount of contact time that every child needs and deserves. A really trained volunteer reading tutor working under the supervision of the teacher can create the needed additional time for each child. The same principle holds for adults learning to read.

But volunteerism, while a great American tradition, has a bad name in some schools. The disenchantment often results from gratification of the volunteer's ego, lack of teacher orientation in how to use volunteers, and especially lack of volunteer training, which leaves the teacher with another problem rather than more help. At this moment, the preparation and use of trained volunteers is one of the few areas in which rapid improvement is possible.

The National Reading Council (NRC) has charged the Center to aid states in generating pools of trained volunteer reading tutors to help in schools where they are wanted. The National Reading Center is now involved in developing tutor training programs to produce 10,000 trained tutors in each of 20 states. Next year a similar program will be conducted in the remaining states. The volunteers are trained to provide supplementary services to the school's reading program. A handbook has been prepared to guide teachers in the effective use of volunteers trained by the Reading Center. The Center's program and materials have been developed by professionals and have been tested on the state level in Iowa, Ohio and Washington, D.C. A cooperative effort among voluntary organizations, the Center, local communities and school districts can produce a new human resource to help change the current reading scene. All responsible volunteer tutor programs should be encouraged. Partly through the trained tutor technique the Right To Read can become a reality in this decade.

The reading needs of adults require a massive effort, too. The Center is overseeing the development of new tutor programs directed to helping the adult worker, the dropout, the migrant worker, the Spanish-speaking American, the prison inmate and others.

Superintendents will be asked to assist in local recruitment of volunteers and in planning for their productive utilization. The Center recommends that local planning committees include school administrators, the PTA and local voluntary service organizations. For further information about how a single district can become part of a state's program working with NRC, write to Volunteers, National Reading Center, 1776 Massachusetts Avenue, N.W., Washington, D. C. 20036.

The school administrator is the key person to stimulate his community to recognize and fulfill the right of every adult and child to learn to read. The measure of his leadership will be whether he imaginatively marshals community cooperation and resources—including trained volunteer reading tutors—to confront both the in-school and out-of-school facets of the problem.

JUDICIAL RESTRAINT NEEDED ON CAPITAL PUNISHMENT

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. WYMAN. Mr. Speaker, the American people are entitled to the deterrent of capital punishment in the discretion of their several separate State legislatures. They are also entitled to judicial decisions that do not rewrite either State or Federal constitutions to indulge individual judicial prejudices against the concept of capital punishment.

It is categorically impossible to establish that the prospect of death for certain deliberate killing is not a deterrent. It is, perhaps, equally difficult to establish that it is a deterrent either.

However, the Federal and most State constitutions expressly recognize capital punishment by use of the phrase "in capital cases," and it is a palpable abuse of the power of judicial decision to extend to a constitutional prohibition of capital punishment in general, the additional constitutional enjoinder that a punishment may not be cruel or unusual.

In this connection the following column by Smith Hempstone of the Washington Star is significant:

CALIFORNIA'S CRUEL AND UNUSUAL DECISION

(By Smith Hempstone)

By a 6–1 vote, the Supreme Court of California has declared the death penalty to be unconstitutional in that state. The immediate effect of the decision is to give (literally) a new lease on life to 107 death row inmates, including such luminaries as Sirhan B. Sirhan, the assassin of Robert F. Kennedy, and mass murderer Charles Manson.

A side effect has been the release on bail of Angela Davis, who is charged with murder, kidnaping and conspiracy in connection with the Marin County Civic Center shoot-out in which four people lost their lives. It is earnestly to be hope that the authorities lay eyes on Miss Davis again.

The death penalty is still permissible in 40 states, although the U.S. Supreme Court is expected to rule soon whether executions violate the Constitution's 8th Amendment prohibition against "cruel and unusual punishment." There have been no executions in the United States since June 1967 and 588 men and 2 women convicted of capital offenses await the decision of the high court.

However, the U.S. Supreme Court may rule, the California verdict will stand in that state barring an amendment to the California Constitution. The state court's ruling was in contravention of the frequently expressed will of the elected representatives of the people of California, who on several occasions in recent years have defeated in the state legislature bills which would have abolished capital punishment.

The California court's ruling was based on a clause in the State Constitution virtually identical to the federal charter's 8th Amendment. Chief Justice Donald R. Wright, speaking for the majority, partially based his finding that execution is "cruel" on the long time-lag between conviction and implementation. The obvious reply to that is that the appeal process ought to be speeded up.

Judge Wright held that the death penalty is "unusual" largely because of the declining number of executions in the United States (down from a high of 199 in 1935 to 2 in 1967) and the fact that there is a trend toward abolition throughout the world. To which one might reply that the *imposition* of the death penalty in this country has remained relatively stable (averaging about 100 annually for the past decade) and that the problems of Britain (for example) are not those of the United States.

Stanford University law professor Anthony G. Amsterdam argued the case for abolition before both the U.S. Supreme Court and the California Supreme Court. One of his arguments was that the only people who suffer the death penalty are "the poor, black, personally ugly and socially unacceptable."

All right. Forget Sirhan and Manson; their cases may be so emotive that it is impossible for any of us to render a balanced judgment. Take instead the case of Ernest J. Aikens Jr. whom Amsterdam represented before the national and state high courts.

Does anybody really believe that Aikens was sentenced to death because he was "poor, black, personally ugly and socially unacceptable?" I do not know (or care) whether he was black or white, but I rather imagine that the severity of his sentence had something to do with the fact that he beat, raped and stabbed to death two women, one of them five months pregnant, and shot to death the driver of a car who gave him a lift.

In his opinion, Wright stated that the California court's decision was "not grounded in sympathy for those who would commit crimes of violence but in concern for the society that diminishes itself whenever it takes the life of one of its members." A noble sentiment. But would the society of San Quentin, let alone that of the United States as a whole, truly be diminished by the execution of Ernest J. Aikens Jr.? More importantly, can society afford to turn men like Aikens free after they have served 8 to 10 years, which is what a life sentence frequently amounts to.

There's the rub. What is the alternative? To keep them caged for the remainder of their natural lives? In Wright's eyes would that not, perhaps, correctly, constitute "cruel and unusual punishment?"

Abolitionists like to claim that those who favor the retention of the death penalty do so largely out of an atavistic thirst for vengeance. There may be something in that but not much. What law-abiding people want—and have a right to expect from their government—is that men like Sirhan and Manson and Aikens should never walk the street again.

The U.S. Supreme Court's decision may not echo that of the California court. But if it does, Congress and the state legislature are going to have to frame legislation which provides decent folk with the protection to which they are entitled in an imperfect society which has its share of depraved psychopaths.

TEN COMMANDMENTS FOR WIVES

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. CARTER. Mr. Speaker, recently I read a lucid dissertation from Mrs. Lucy Albright's letter to the Glasgow Republican. Although it was written by a woman and for women, the "Ten Commandments for Wives" is intriguing. I trust that all wives will enshrine all these commandments in the innermost chambers of their hearts and will obey them in word and in spirit. I submit this article for the RECORD:

ADAM'S RIB

Written by a woman and for women—"Ten Commandments For Wives."

Defile not thy body neither with excessive foods, tobacco, nor alcohol, that thy days may be long in the house which thy husband provideth for thee.

Put thy husband before thy mother, thy father, thy daughter and thy son for he is thy lifelong companion.

Thou shalt not nag.

Permit no one to tell thee that thou art having a hard time of it; neither thy mother, thy sister, nor thy neighbor, for the judge will not hold her guiltless who letteth another disparage her husband.

Thou shalt not withhold affection from thy husband for every man loveth to be loved.

Forget not the virtue of cleanliness and modest attire.

Forgive with grace for who among us does not need forgiveness?

Remember that the frank approval of thy husband is worth more to thee than the admiring glances of a hundred strangers.

Keep thy home in good order, for out of it cometh the joys of old age.

Honor the Lord thy God all the days of thy life, and thy children will rise up and call thee blessed.

MORE FARMERS GET BIG PAYMENTS

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. FINDLEY. Mr. Speaker, since I first offered my amendment on June 6, 1963, to limit direct Government payments to farmers, support for this idea has been growing steadily.

On August 5, 1970, the House approved the Agricultural Act of 1970 which was the first general farm program to contain a limit on direct government payments. The limit was set at $55,000 per commodity per person. I would have preferred a much lower limit, but recognized that even with the higher figure, considerable progress had been made in the 8 years since my first effort in this direction.

Farmers have completed their first year under the $55,000 limit and are now enrolling for the 1972 crop year. Because of farm reconstitution and a little known clause in the cotton section of the 1970 Agricultural Act, there will be virtually no savings to the U.S. Treasury because of the payment limit last year.

In July of 1970, the U.S. Department of Agriculture responded to an inquiry of mine by forecasting that "the amount of payment reduction" under the $55,000 limit plan, then being considered by the House Agriculture Committee, would be $58.2 million. During debate on the farm program in August of that year, I expressed fear that the limitation as written by the committee would permit wholesale evasion and save little. The $2.1 million saved represents less than 4 percent of what the saving should have been.

History of direct payments shows that more farmers are getting big payments each years.

In 1968, a total of 5,914 farmers in the Nation received payments in excess of $20,000. These farmers were paid a total of $273,333,643.

The number of farmers receiving payments in excess of $20,000 increased in 1969 to 7,795. These farmers collected a total of $366,779,995.

Both these figures grew again in 1970 when 10,371 farmers received payments in excess of $20,000, collecting a total of $414,500,000.

Now the 1971 payments have been completed and the totals have once again grown. Last year the number of farmers receiving $20,000 or more from the Federal Treasury was 13,751. These farmers were paid a total of $486,339,509. That is an average of $35,367.57 per farmer in this select listing of agricultural giants.

Farmers in my home State of Illinois clearly understand the problems connected with Government payments. For several years, farmers in my district have indicated overwhelming support for a limit on payments at $20,000 per farmer each year. A recent poll taken by Prairie Farmer magazine, one of the most respected farm publications in the Nation, indicates most Illinois farmers agree on the question of program payments.

In the Prairie Farmer poll, nearly 79 percent of the farmers interviewed said they favor reducing or eliminating commodity payments. Of this group, 40 percent favor a limit on payments at the $20,000 level. An additional 23.5 percent favor setting the limit at $10,000 or less and 14.6 percent want the payments eliminated completely.

The $55,000 payment limit provided in the Agricultural Act of 1970 has not been effective. It was drafted by people who do not believe in a payment limit, and who accepted one only as a way out of a deadlocked situation.

Our current farm program is in effect for this year and next. A year from now the House Committee on Agriculture will seek the best program to succeed the 1970 act. That will be an opportune time to change the payment limit provision. Two changes are needed: a lower level—I propose $20,000—an elimination of loopholes.

In order that we may have an ongoing record of farm program payments made in excess of $20,000 in each of the recent years, I am placing in the RECORD today the names of the Nation's farmers who received payments in that category in 1971. The listing is by State and counties within those States so each Member of the House can easily determine the number of farmers in his district receiving these large payments.

This information has special importance because of the changing character of these payments. With each passing year, they represent proportionately less resource adjustment—the retirement of productive cropland—and more direct support of farm family income.

Cotton, wheat, and feed grains farmers can plant eight different crops on their set-aside land. This year, in addition to these crops, feed grains farmers can plant any crop, including soybeans, on one-half of their set-aside acreage. The practice of permitting livestock grazing on such acres for 7 months during the year also continues.

The use of acres set aside under the Agricultural Act of 1970 for the production of food and feed—grazing, soybeans, and so forth—tends to weaken the resource adjustment goal of the programs. It amounts to an ever growing leak in cropland adjustment. I am not criticizing these exceptions. Rather, I say they should be recognized for their crop production effect.

In signing up under the act, to a great degree farmers are simply agreeing to shift land use, rather than idle land. Taxpayers can no longer justify big payments on the theory that they get value received in the idling of cropland.

Therefore, it makes more sense than ever for the Congress to establish a reasonable and effective limit on the total amount of direct payments a farmer may get under the various programs.

The following table prepared from information supplied by the U.S. Department of Agriculture shows the extent to which payments for set-aside vary from one State to another. In several States taxpayers are making payments for set-aside which each year are larger than the market value of the land itself. In effect, the taxpayers buy the land over and over without ever getting title to it.

The table follows:

SET-ASIDE COSTS IN 1971

	Per acre set-aside payments	Acres set aside per 1,000 (acres)	Value of cropland per acre		Payments as percent of cropland value	
			Irrigated	Dry	Irrigated	Dry
Arizona	$501.76	1.99	$890	$185	56.4	271.2
California	361.65	2.77	1,000	540	36.2	67.0
Louisiana	312.83	3.20	375		83.4	
Arkansas	303.69	3.29	310		98.0	
Mississippi	297.38	3.36	280		106.2	
Nevada	151.88	6.58	515	130	29.5	116.8
South Carolina	136.82	7.31	250		54.7	
Alabama	129.56	7.72	235		55.1	
Tennessee	125.24	7.98	305		41.1	
Texas	98.93	10.11	358	223	27.6	[1] 44.4
Georgia	93.33	10.71	280		33.3	
New Mexico	86.92	11.50	625	85	13.9	102.3
North Carolina	80.79	12.38	395		20.5	
Idaho	78.48	12.74	485	240	16.2	32.7
Iowa	76.20	13.12	475		16.0	
Illinois	74.96	13.34	555		13.5	
Indiana	71.64	13.96	450		15.9	
Missouri	70.39	14.21	295		23.9	
Wisconsin	68.71	14.55	280		24.5	
Washington	68.09	14.69	1,205	280	5.7	24.3
New York	62.36	16.04	190		32.8	
Maryland	62.35	16.04	595		10.5	
Ohio	62.21	16.07	445		14.0	
Minnesota	59.84	16.71	280		21.4	
Michigan	58.66	17.05	290		20.2	
Virginia	58.31	17.15	310		18.8	
Kentucky	57.40	17.42	330		17.4	
Nebraska	56.50	17.70	(2)		----	
Pennsylvania	56.49	17.70	390		14.5	
New Jersey	55.67	17.96	920		6.1	
Oregon	54.95	18.20	690	445	8.0	12.3
Delaware	54.76	18.26	490		11.2	
Massachusetts	52.75	18.96	380		13.9	
Utah	49.61	20.16	580	180	8.6	27.6
Oklahoma	49.06	20.38	265		18.5	
Montana	47.06	21.25	280	100	16.8	47.1
Florida	46.62	21.45	(2)		----	
Connecticut	44.72	22.36	840		5.3	
New Hampshire	44.39	22.53	275		16.1	
North Dakota	44.32	22.56	120		36.9	
West Virginia	41.74	23.96	170		24.6	
Wyoming	41.37	24.17	275	70	15.0	59.1
Kansas	38.97	25.66	210		18.6	
Vermont	38.88	25.72	235		16.5	

Footnotes at end of table.

SET-ASIDE COSTS IN 1971—Continued

	Per acre set-aside payments	Acres set aside per 1,000 (acres)	Value of cropland per acre		Payments as percent of cropland value	
			Irrigated	Dry	Irrigated	Dry
Maine	$38.23	26.16	$150		25.5	
South Dakota	36.01	27.77	130		27.7	
Colorado	31.72	31.53	390	$90	8.1	35.2
Rhode Island	31.25	32.00	(2)		----	
Average	72.30	13.83	(2)		----	

[1] Based on prices in 10 of 11 crop reporting districts.

[2] Not available.

The tabulation by States of the big payment recipients follows:

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Alabama

[Amounts in dollars]

AUTAUGA COUNTY

Carroll H. Rhyne	67,878
O. H. Jones	58,895
Malcolm D. Smith	58,233
Percy D. Roy	57,155
James T. Murfee	55,189
Wilson Johnson	52,943
M. S. Murfee	52,517
Dismukes Farms	49,733
Autauga Farming Co	44,001
J. A. Rainwater	42,284
C. W. Johnson and Son	33,303
O. C. Bruner	31,297
Bob Condra	31,249
Wadsworth Brothers	29,508
W. P. Jones	25,810
B. R. Wood	24,456
D. L. Yarbrough Estate	24,154
James A. Adams	23,283
D. D. Whetstone	21,800
Total payees in county (19)	783,688

BARBOUR COUNTY

W. L. Corcoran	58,522
Total payees in county (1)	58,522

BIBB COUNTY

Young Brothers	49,445
James Brothers	46,935
J. C. Goodson	35,606
McArthur Tidwell	31,339
M. C. Murphy	24,391
Total payees in county (5)	187,716

BLOUNT COUNTY

Dean Pruett	53,807
Dixie Farms Inc	52,938
Durwood Gilliland	35,259
Boyd Murphree	21,107
Total payees in county (4)	163,111

1971 ASCS and Great Plains program payments of $20,0000 or more—Excluding loans—Alabama

BULLOCK COUNTY

Rutland Bro	39,996
J. P. Tompkins, Jr	22,339
Total payees in county (2)	62,335

BUTLER COUNTY

Harry Poole	57,377
William Poole	28,189
J. N. Poole, Jr	25,965
Thomas C. Simmons	25,531
Total payees in county (4)	137,062

CALHOUN COUNTY

Sorrell Bruce Wesson	28,337
Earl Truitt	24,251
Louis Hammonds	21,440
Total payees in county (3)	74,028

CHEROKEE COUNTY

Jeff D. Jordan & Co	53,135
W. A. Ellis, Jr	47,174
James E. Ellis	46,974
Jess Willard Lecroy	40,388
Sewell Brothers	38,189
Millard Lecroy & Son	33,720
Lowe Brothers c/o B. Lowe	33,303
W. T. Williams & Sons	29,995
Howell C. Tucker	29,903
Robert Emory Chesnut	28,431
Ray Allen Lindsey	28,240
Sanford L. Flynt	27,200
Woodrow W. Rains	26,732
Robert E. Black	25,973
Orval Ray Singleton	24,525
Thomas Marrion Sewell	23,446
Ray Brothers	20,707
Total payees in county (17)	558,035

CHILTON COUNTY

J. Robert Cox	57,401
C. R. Childress	46,532
Charles F. Culp	38,872
J. T. Franklin	36,152
Louise Kelley	25,447
Total payees in county (5)	204,404

CHOCTAW COUNTY

W. H. Sparrow	25,041
Total payees in county (1)	25,041

COLBERT COUNTY

R. Gordon Preuit	51,559
Daniel Counts	50,628
William Elbert Reid	49,448
Billy Pullen	49,210
Price Counts, Jr	47,783
Willie Posey	47,455
W. Carter Reid	45,539
Eugene V. Blythe	45,428
Ben Fennel, Jr	43,337
Hubert R. Stanley	40,631
J. J. Johnson	39,880
Gordon Ray Price	39,450
J. W. Jeffreys	37,042
Howard Keeton	36,625
Herbert C. Harris, Jr	35,331
Hollis Isbell	32,841
James M. Underwood	29,115
Donnie T. Brumley	28,521
Paul Reid	28,469
Bobbie O. Wright	28,167
Aaron Patterson	26,896
David N. Reid	26,022
Kenneth Uhlman	25,830
Paul Minor	25,061
Charles Keeton	24,968
John Louis Croom	23,627
James Franklin Minor	21,070
Total payees in county (27)	979,933

CONECUH COUNTY

J. T. Ward	27,736
Total payees in county (1)	27,736

COVINGTON COUNTY

W. G. Foshee, Jr	52,341
Total payees in county (1)	52,341

CULLMAN COUNTY

T. J. Pate	53,849
W. F. Blackwood	47,242
Billy Fletcher	32,866
Forrest Ingram	23,423
Noble Vest	21,759
Total payees in county (5)	179,139

DALE COUNTY

Borland Bros	31,570
Total payee in county (1)	31,570

DALLAS COUNTY

Carl Henderson	72,682
J. W. Suttle	59,575
B. F. Jr. and G. R. Beers, III	58,238
Thomas J. Pope	55,000
James A. Minter, Jr	53,026
J. C. Sheehan	51,993
W. H. Watts & Son	50,873
James A. Minter, III	45,956
Thomas E. McHugh	42,555
R. Furniss Ellis	38,274
Nelson Norris	36,173
Jewell Farms	35,517
Sommers and Rountree	34,542
Robert Lee Sanford, Jr	34,328
James Hopson Sanford	34,327
Tyler G. Moore	33,713
Beers Brothers	33,262
Robert Culpepper	31,648
Otto E. Godwin	30,243
Cedar Creek Farms	28,916
George Wood	28,343
Robert Smith	27,907
W. J. Neighbors	26,878
R. W. Zimmerman	25,284
Edwin R. Moore	24,334
J. C. Gresham	23,493
Billy Hardy	22,783
Givhan Land CNA Cattle Co	20,347
Total payees in county (28)	1,060,210

DEKALB COUNTY

Hoyt Rains	22,782
Stiles Norman Waldrop	20,015
Total payees in county (2)	42,797

ELMORE COUNTY

Sherrill J. Woodfin	49,013
Henry Owen Harper	48,966
George Douglas McCartha, Jr	44,138
Lewis O. Rich	39,384
Garnand and Thornton	38,487
James Melvin Taylor, Jr	37,517
J. Melvin Taylor	37,428
John T. Taylor	36,227
Wood T. Dozier	36,006
State of Ala. Bd. Corr	31,888
James T. Brown	31,421
Robert W. Terry	28,787
James T. Brown, Jr	28,442
Riley Mask, Jr	25,297
Fred L. Oliver	24,423
J. C. Collum	22,532
Total payees in county (16)	559,956

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Alabama—Continued

ESCAMBIA COUNTY

George Prestwood	50,010
Board of Corrections	38,641
Total payees in county (2)	88,651

ETOWAH COUNTY

Emory Johnson	57,393

FAYETTE COUNTY

J. C. Randolph	49,573

FRANKLIN COUNTY

Vernia Ganes Masterson	22,300

GREENE COUNTY

N. G. Garth	35,386
Elam Smith	32,443
Bigbee Farm	29,066
William M. Steele, Jr	26,449
H. E. Carpenter	25,753
Curtis I. Eatman	23,584
Bayne Ethridge	23,581
Velma Farm	23,096
Charles S. King	22,745
J. F. Cameron, Jr	22,633
Curtis R. Taylor	22,295
Total payees in county (11)	287,031

HALE COUNTY

Marvin D. Johnson	33,539
Waller E. Wedgworth III	29,145
Johnnie Bedsole	29,043
Turpin Vise	26,956
Thomas C. Lewis	26,506
Henry A. Bailey	23,094
Francis O. Clary	21,858
John D. Bolling, Jr	21,834
Spencer C. Langford, Jr	21,206
Total payees in county (9)	233,181

JACKSON COUNTY

C. E. Cornelison	43,171
Winston T. Smith, Jr	36,258
Dewayne Medlock	26,279
Bob Mantooth	25,100
Lloyd Meeks	23,270
John H. Neal	21,300
Total payees in county (6)	175,378

JEFFERSON COUNTY

Jacob V. Pate	26,813

LAMAR COUNTY

W. A. Austin	28,333
Total payees in county (1)	28,333

LAUDERDALE COUNTY

Andrew C. Walker	52,290
Roe B. Woodis	35,052
Theo Scott	31,258
Robert L. Winters	29,959
Ray McIntyre	29,327
Alfred J. Buffler	28,165
Hugh L. Rice, Jr	27,214
Harvell J. Walker	26,799
Jeff Winters	26,004
Buster L. Thornton	25,878
James E. Hale	25,725
Howard T. Walker	25,460
Bonnie Burgess, Jr	23,313
Rufus W. Bratcher	23,281
Ray Smith	23,007
James Walker	22,718
Billy D. Rhodes	22,003
Homer E. Liles	21,615
G. E. Barringer	20,185
Total payees in county (19)	519,253

LAWRENCE COUNTY

Albemarle Corporation	58,871
James Blythe, Jr	58,239
Dan Claborn	55,301
Samuel R. Letson	55,152
G. T. Hamilton	55,051
Benjamin A. Rose	54,919
E. F. Mauldin	54,502
W. J. Lee and Son	52,961
D. L. Martin, Jr	49,353
W. W. Hamilton	47,710
Wheeler Farms, Inc	46,520
Armstrong Farms	46,362
Hugh J. Posey	44,263
J. C. Claborn	44,166
Jack C. Davis	42,240
Waylon Cross	41,771
George Collins	36,585
Grady B. Rose	35,341
Guy Parker	33,604
Wayne Hamilton	33,419
Daniel Gilchrist IV	33,081
Hood Harris, Jr	31,938
Harold Green	29,532
Hubert Coffey	29,380
O. D. Brackin	27,408
Richard Brackin	27,408
E. H. Dewberry	27,258
V. Dewees Crockett	26,390
Lynn Cross	25,664
J. R. Knouff	25,227
Grady Windle Parker	25,049
W. C. Aday	24,351
Daniel Gilchrist	24,238
James Blythe	23,315
O. C. Lansford	23,170
J. O. Weeks	22,816
Oneal Rose	22,791
Thomas A. Bowles	22,725
Jack Wells Kidd	22,370
Neal Williams	22,173
Anthony Dewberry	22,134
Jerry Dewberry	22,134
Willis Manley	21,473
Roland Cross	21,051
Larry Parker	20,185
Claude Dyar	20,096
Paul Henry Kirby	20,011
Total payees in county (47)	1,609,698

LEE COUNTY

Robert E. Gullatte	29,899
T. W. Collier	26,757
Leary Whatley	25,804
W. O. Baker	24,785
Nelson Hillyer	24,537
Auburn University	23,876
Collier & Littrell	23,726
Total payees in county (7)	179,384

LIMESTONE COUNTY

Thomas H. Vann	58,628
Walter B. Shaw	58,175
Joe R. Murphy	56,646
R. W. Anderson & Sons	55,842
Fred William Hays	53,735
John D. Anderson	52,968
Rowe B. Sanderson	50,080
Henry Charles Baucom	49,333
Ned Johnson	48,472
Luke Pryor	48,037
Eugene Grant Lowery	45,170
Glennes V. Moore	45,056
Gene Thomas Burgreen	44,949
Pettus Menefee	44,284
Dan Atkinson	43,992
Fred Atkinson	43,965
L. V. Moore	42,260
Robert Horace Marks	41,693
Greenbrier Farms	40,133
Grover C. Lawson, Jr	39,029
Darden Bridgeforth	38,941
William Henry Stewart, Jr	37,525
Ernest P. Hargrave	36,868
Robert Hargrave	36,867
James P. Grooms	36,406
Thomas C. Downs	36,345
J. Howard Hobbs, Jr	36,024
H. E. Hargrave	35,368
Withers G. Peebles	34,972
Kenneth Carter	34,849
Anderson Farms, Inc	34,677
Winfred Barron	34,619
Glenn Black	34,329
C. D. Downs	33,778
James T. Sanderson	33,004
Lucille F. Bowles	32,774
Stanley H. Menefee	31,236
John David Lecroix	30,901
James Edward Power	29,560
Horace L. Devaney	29,318
James Morris Black	27,242
Edmond P. Garrett, Jr	26,466
James H. Garrett	26,466
Jackie W. Leonard	26,305
Vester M. Leonard	25,958
Leo Hargrave	25,161
Chesley H. Moore	24,568
Paul Black	24,379
Wesley Marks	24,261
Gilbert Johnson	24,007
Cecil Devaney	23,331
Joe D. Anderson	22,867
Donal L. Peek	22,483
James U. Devaney	22,376
M. W. Haney & Sons	22,360
Charles R. McCormack	20,222
Total payees in county (56)	2,039,260

LOWNDES COUNTY

George Marlow Reese, Jr	57,552
O. P. Woodruff	55,630
G. T. Meadows, Jr	55,232
Elizabeth C. Meadows	55,232
B. C. Rhyne	45,937
Harrell Hammonds	39,828
E. R. Meadows	31,087
Howard Payne Meadows	28,811
Fred W. Holladay	27,494
Charles Schreiner, Jr	26,024
Caswell G. McCurdy	24,659
David M. Lyon	20,855
Total payees in county (12)	468,341

MACON COUNTY

A. L. Lazenby, Jr	54,258
Mrs. H. A. Torbert & Sons	47,655
Bobby Mooring	43,134
Segrest Bros	36,919
Robert F. Walters, Jr	36,718
F. C. Thompson	32,198
Ben W. Walker	26,681
Ray Magee	24,649
S. T. Sego, Jr	23,495
James L. Kirby	23,230
John C. Carter, Jr	21,145
George P. Holt	20,924
E. E. Story	20,672
J. M. Walker	20,080
Total payees in county (14)	431,758

MADISON COUNTY

John W. McCrary	56,431
Ray Vandiver	55,406
James E. Patterson, Jr	55,000
Wilburn B. Douglass	54,885
W. Homer Tate	54,308
Carl A. Williams	53,120
John W. Vandiver	52,296
Erle P. Douglass	52,293
John W. League	46,936
Robert L. Pickens	45,994
Tyler Denton	45,913
Tom E. Lowery	44,314
Dock Murphy	42,611
Homer Hunter	42,349
Everett Jones	42,295
George B. St. Clair	41,119
Albert Hunter	40,952
Willard Hunter	40,952
Carlton Ikard	37,088
Samuel J. Darwin III	36,499
Hubert Yell	35,989

Don Martin	35,587
W. R. Spears	34,117
William A. Brockway	33,722
M. E. Moore	32,331
Donald Spencer	32,191
Grady Abernathy	30,868
William H. Gray	30,772
Monte V. Davis	30,650
Glancye Gray	30,297
Wesley Thomas	30,163
Donald Sublett	30,082
Claude N. Buchannan	29,885
Robert L. Taylor	29,816
C. Q. Lowery	29,677
Glenn Murphy	28,636
Lila S. Moore	27,922
Jack T. Clift	27,808
Orville H. Esslinger	27,549
Glenn Campbell	27,460
Wayne M. Thorson	27,011
Allen Bragg	26,905
N. L. Reynolds	26,260
Ronald Vaughn	25,564
Millard L. Sanderson	25,342
Wade A. Hubert	24,863
Kenneth Pike	24,842
Robert M. Davis	24,729
Edmund Payne	23,992
J. A. Pettus	23,905
Edward Alexander	23,598
Buford Parvin	23,232
John Hays	23,133
Milton Carter	22,731
Arthur Medley	22,656
Dennis O. Bragg	22,612
William R. Rodman	22,532
A. D. Whitworth	21,937
Wallwood Farm	21,736
Sam Harris, Jr	21,489
Elon Balch	21,463
Lonnie Miller	21,027
O. C. Moon	20,549
Austin Smith	20,452
W. L. Sanderson, Jr	20,363
Sandra G. Vallely	20,198
E. H. Martin	20,006
Total payees in county (67)	2,179,410

MARENGO COUNTY

James W. Glass	51,350
Allan Ramsey	38,329
Ed Bobbitt	35,787
Hunter N. Brown	28,985
William G. Rentz	25,906
Gen. Agri Inc. c/o L. E. Gilmore	24,217
Abner Dunn, Jr	23,849
Steward D. McKnight	20,619
Total payees in county (8)	249,042

MARION COUNTY

B. W. Rollins	28,245
Total payees in county (1)	28,245

MARSHALL COUNTY

Jimmy B. Miller	32,551
Robert L. Haynes	29,643
Harold Burnett	27,755
Total payees in county (3)	89,949

MONROE COUNTY

Maston & Bibb Mims	31,262
Carson House, Jr	25,045
Total payees in county (2)	56,307

MONTGOMERY COUNTY

W. H. McLemore	58,671
T. D. McLemore	40,178
A. J. McLemore, Jr	29,616
G. N. Handey, Jr	23,056
T. W. Oliver	21,369
Total payees in county (5)	172,920

MORGAN COUNTY

Gorman M. Braswell	43,645
Curtis Stroup	39,267
Milton Jean	36,552
Percy Sharp	26,610
W. C. Brady	25,872
Howard Millsap	24,066
John B. Sewell	21,946
Total payees in county (7)	217,958

PERRY COUNTY

J. C. Moore Mercantile Co	55,064
T. J. Jones	38,311
Total payees in county (2)	93,375

PICKENS COUNTY

J. A. Hanson	47,788
Jimmie C. Hood	43,294
Abrams & Garriss	36,065
W. B. Peebles Jr	29,097
Roy Goodwin	24,610
Jamie M. Summerville	24,449
Thomas Parker	23,251
Glenn Brothers	20,215
Total payees in county (8)	248,769

RUSSELL COUNTY

Ben F. Bowden	58,675
George M. Adams	26,677
J. Wayne Mott	25,144
John T. Ingram	21,275
Total payees in county (4)	131,771

SHELBY COUNTY

D. E. Morris	37,930
John M. Thompson	37,349
L. B. L. Ranch	35,093
John D. Kidd	27,566
Total payees in county (4)	137,938

ST. CLAIR COUNTY

Norris K. Waites	26,409
Total payees in county (1)	26,409

SUMTER COUNTY

General Agriculture, Inc	30,395
George N. Aust	29,642
Loyd Glen	22,075
Total payees in county (3)	82,112

TALLADEGA COUNTY

Robert M. Gambrell	40,101
French Junior Pruitt	37,917
Clyde A. Walker	32,405
Henry T. Jinks	29,880
James D. Robinson	27,291
Glenn M. Hawkins	25,512
S. F. Tanner	20,661
Total payees in county (7)	213,767

TALLAPOOSA COUNTY

William M. Wisener	46,509
James E. Davis	31,336
L. A. Wisener	23,251
O. W. Bradshaw	20,321
Total payees in county (4)	121,417

TUSCALOOSA COUNTY

J. L. Harper	52,669
Joe Rice, Jr	48,580
W. B. Chandler	43,999
W. J. Chandler	40,885
W. O. Chandler	40,847
Darden D. Barton	39,300
Spiller Farms	24,829
Ala. Dept. of Mental Health	21,960
Fletcher Barnes	21,473
Floyd Hughes, Jr	20,547
J. D. Jobson	20,517
Total payees in county (11)	375,606

WASHINGTON COUNTY

Nelson Bedsole Moseley	46,280
Edward Garris	31,919
Total payees in county (2)	78,199

WILCOX COUNTY

Raymond Pharr	30,618
H. H. Wilkinson & Son	27,774
Charles R. Reaves	24,018
Total payees in county (3)	82,410
(472) *Total payees in State*	15,989,575

1971 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Alaska

[Amounts in dollars]

HOMER COUNTY

Aleutian Livestk Corp	34,891
Total payees in county (1)	34,891
Total payees in State (1)	34,891

1971 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Arizona

[Amounts in dollars]

COCHISE COUNTY

Wicks Ranches	78,482
Alf B. Claridge	75,296
Bill Hilburn	68,337
Ernest L. White, Jr	68,032
Floyd Robbs	62,149
Edward Barnes	61,855
Charles Wade	60,858
Frank C. Hale	56,592
Montierth Farms	56,360
W. R. Shumaker	56,114
H. J. Campbell, Jr	55,261
Alvin E. Ratliff	52,270
Roy Lee Young	49,104
Delbert Motes	48,879
M. K. Sellers	47,688
Kinard Bros	46,215
Miller G. Aker	45,688
J. C. Dunagan	45,453
Roger A. Hale	38,335
C. E. Hilburn	38,231
Marvin Lamar Barnes	37,040
E. V. Hart	36,826
Leroy Pierce	36,725
V. C. Smith	36,692
Thomas W. Cooke, Jr	36,678
Edward E. Rivers	35,924
M. D. Morgan	34,157
Gus Arzberger	33,657
William Kambitch	32,689
Buckner & Kidd	30,685
W. R. Grimes	30,326
ACPC Invest Co	29,132
Jack Robinson & Sons	27,745
Roy E. Mathews	25,549
J. F. Schmelzla	24,569
Western Harvestors Inc	23,507
Louis Cooper	22,113
B. B. Rumfield	21,479
Lewis Grizzle	20,976
Ray Yamasaki	20,698
Gerald P. Schoenfelder	20,221
Darrell Lee	20,084
Total payees in county (42)	1,748,671

COCONINO COUNTY

Red Hill Sheep Co	39,368
Sitgreaves Sheep Co	20,404
Total payees in county (2)	59,772

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Arizona—Continued

GRAHAM COUNTY

Angel Escobedo	41,860
Melvin R. Bryce	38,867
Daley Brothers	29,504
Arden J. Palmer	27,314
Alder Bros	26,088
Allred Brothers	24,133
Zenos Howard	23,839
Glen Layton	22,848
Verdell Howard	20,739
Verle Palmer	20,390
Total payees in county (10)	275,582

GREENLEE COUNTY

Adrian Richins	30,706

MARICOPA COUNTY

Spreckels Sugar Co	86,812
The NW Mut Ins. Co	85,023
Goodyear Farms	81,522
F. C. Layton	81,044
Chatham Farms, Inc	78,970
Earl S. Dobson	72,144
J. L. Golightly, Jr	68,296
Alan B. Melton	67,373
Carl Weiler	67,371
Baskett Farms, Inc	66,060
Joe A. Sheely	65,239
Chas. F. Youngker	65,058
Southmountain Farms, Inc	64,497
F. M. Gorrell	64,211
Ben F. Youngker, Jr	63,780
Donald Wiechens	62,803
Davis Ranch Co	61,777
Abel Bros	61,046
Ray Schnepf	60,904
Hugh Bennett	60,890
Dougherty Ranch	60,172
Kenna V. Jordan	58,497
John M. Williams, Jr	58,189
Paul E. Perry	58,144
J. L. Hodges Farming Co	57,752
Leyton Woolf	57,728
B. F. Youngker, Sr	57,595
William Hardison	57,348
Joe Bickman	57,243
William K. Richey	57,228
L. T. Malone Co	57,223
Harris Cattle Co	57,101
Holly Ranch	56,987
A. F. Walden	56,960
Allen F. Belluzzi	56,786
Marcia L. Wheat	56,656
James P. Trimble	56,653
John J. Graham	56,285
W. Bruce Heiden	56,112
J. L. Golightly, Sr	56,071
S & P Farms, Inc	55,930
John Huges	55,831
Travis H. Jones	55,756
Paul R. Smith	55,694
L. M. Pace	55,511
A. Ann Arena Liefgreen	55,484
John R. Arena	55,484
Waddell Ranch Co	55,483
Jack Barnes	55,367
J. V. Pace	55,350
David Parker	55,159
Keith Jorde	55,159
Growers Exchange, Inc	55,105
J. R. Lanford	55,000
Jack Rayner, Jr	54,969
Marvin R. Morrison	54,842
Kenneth C. Morrison	54,842
CCG Farms, Inc	54,817
Gladden Farms	54,571
Tom Waddell	54,511
H. W. Porterfield	54,275
Laveen Cotton Co	54,246
Frank Garcia, Sr	54,200
Frank Garcia, Jr	54,200
Jacob Stephens III	54,062
Stuart L. Anderson	54,049
Michael J. Moore	53,968
Richard S. Walden	53,714
E. Garth Lamb	53,681
A Tumbling T Ranch	53,556
Woodrow Lewis	53,450
Jacob S. Stephens	53,199
Ted R. Pierce	53,097
Ted A. Pierce	53,097
G.B.L. Farms, Inc	53,061
Delmar John	53,058
Erwin John	53,058
Layton Farms	52,374
Jewell Turner Farms	52,298
J. R. Tucker	52,268
D. L. Hadley	52,026
R. G. Eastman	51,642
Jeffrey T. Jones	51,579
Ed Ambrose	51,519
Ben Riggs	50,632
Gertrude Conway	50,569
Phil Ladra	50,559
C. L. Whitehill	50,197
F. D. Layton	50,069
Deon Layton	50,069
Thomas E. Walden	50,027
West Farms, Inc	49,731
Reed J. Kerby	49,717
Sossaman Farms	49,673
Jack Rayner, Sr	49,669
Reed Riggs	49,142
Jerome Thompson	48,948
Wayne King	48,708
Lyle King	48,708
Carl G. Stevenson	48,283
Sam Cambron	48,050
Robert L. Cook	47,823
W. H. Jarnagin	47,689
Jon A. Tucker	47,395
Bob L. Phillips	47,340
George Knapple	47,294
E. & L. Walden	46,968
D. Roscoe Est	46,925
J. E. Roscoe	46,812
Johnson Enos	46,812
Merlin Schurz	46,812
Jimmy Love	46,812
Billman Hayes, Jr	46,812
Martin Garcia	46,608
Candelario Garcia	46,608
Keith Walden	46,504
J. G. Boswell Co	46,450
Tommy Wheelis	46,241
Mack Hastings	46,155
David E. Pinkham	45,892
Wm. G. Brandon	45,753
Robert L. Layton	45,304
R. & J. Hayden	45,170
W. Thelander & J. Eidal	45,145
Wallace Bales	45,104
Wayne Vandsdell	44,716
Ray Vandsdell	44,716
Turner Ranches	44,703
Luther J. McLain	44,687
H. C. Douglas	44,687
Lonnie A. Page	44,364
Willie C. Page	44,364
Myrtle N. Riggs	44,327
Hudson Farms, Inc	44,319
Duane D. Schnepf	44,308
Daniel E. Jarrell	43,900
Amos A. Jarrell	43,887
Arnold D. Jarrell	43,887
Maricopa Stake Lds	43,876
Jamcs R. Davis	43,493
Barbra C. Walden	43,190
Eugene Schwertner	43,173
Gerald W. Mecham	43,048
Newell A. Barney	43,048
M. & P. Getzwiller	42,682
Kenly Farms	42,411
Henry F. Backer	42,178
Robert M. Rayner	41,055
Earle E. Rayner, Jr	41,043
Ronald Rayner	41,043
Earl C. Recker, Co	40,902
Ellsworth Farms	40,734
Joe Bob Neely	40,416
Allen Ranches	40,368
Kempton Snedigar	40,232
Ted Hazen	40,226
Chet John & Sons	40,086
Buckeye Farms, Ltd	40,022
John T. Bales	39,992
Steve Bales	39,992
W. A. Heiden	39,618
Germain H. Ball	39,498
The Taylor Co	39,458
William W. Sutton	39,457
Cal A. Sutton	39,457
S. J. Jennings	39,287
Kathleen Scholtz	39,287
S. C. Jennings	39,287
Moore & Taylor	39,145
C. W. Neely	39,046
L. M. Conner	38,848
Lehi Palmer	38,543
Richard Evans	38,426
Hayden Farms, Inc	38,250
Bill R. Moore	38,063
M. & L. Farms, Inc	38,029
Espil Sheep Co	37,891
W. P. Haggard & Son	37,663
Jack Palmer	37,479
H. L. Anderson	37,440
Mil For Farms, Inc	37,368
Aja Sheep Co	37,015
G. Keith Sasser	36,779
Rudolph Johnson	36,720
Cheatham Dairy, Inc	36,147
Sheep Spring Sheep Co	35,486
Leo C. Smith Farms	35,234
Ohaco Sheep Co	35,223
D. K. Sasser	35,147
R. B. Coplen	35,098
J. S. Hoopes	35,049
Bill Luke Ranches, Inc	34,884
Gorden Cameron Estate	34,375
R. M. Hume	34,140
John Tolmachoff	33,730
Sanders Farms	33,699
L. D. Hardesty	33,652
L. L. Hardesty	33,652
Bruce Hardesty	33,652
Charles W. Burns	33,652
George W. Hardesty	33,652
Basilio Aja	33,428
Howard Lydic	33,351
Robert D. Ryan	33,038
James Marioneaux	32,872
Robert W. Edwards	32,506
Norman Knox	32,332
Laveen Farming Co	31,861
R. L. Saylor	31,818
C. E. Sanders	31,381
J. H. Evans, Jr	30,907
Ocotillo Fms	30,588
Carl Mumme	30,473
Robert E. Robertson	30,225
Reed W. King	30,102
Rainbow Ranches	30,059
Youngker Farms	29,919
C. Dale Willis	29,917
Wayne Weiler	29,771
R. R. Wood	29,682
Byron Patterson	29,526
G. Turner & Son	29,203
Hugh L. Gieszl	28,816
Verl Peterson	28,719
H. & R. Henry Farms	28,693
Rala Singh	28,664
William Wade	28,487
John D. Vance	28,485
Eldon W. Cooley	28,485
R. W. Cheatham	28,065
John Fornes	27,910
Fisher Miller Hay & Dev. Co	27,902
Philco Carter	27,464
Rich & Rich	27,455
Versluis Ranches	27,109
Jean Arriaga	26,783
John D. Hamilton	26,756
Lloyd Martin	26,632
Phillip Echeverria Estate	26,092
Otto B. Neely	25,968
Ivan Rex	25,936
D. M. Brown	25,892
Dwayne E. Dobson	25,891
Nichols Farms	25,654
James M. Accomazzo	25,575
J. B. Hill	25,563
O. E. McGinty	25,348

Chris Peterson	25,113
Bruce B. Hardesty	25,102
Bruce Brooks	25,042
Delbert Beyer	25,041
Jesus Lapaglia	24,957
Edward Martori	24,908
Anthony Martori	24,908
Frank V. Condello	24,903
Joseph F. Martori	24,903
Vidal L. Gomez	24,879
Vidal Gomez, Jr	24,871
Henry Duran	24,871
Paradise Sheep Co	24,743
Emory J. Hurley est	24,262
Russell Badley	24,103
Long Tome Sheep Co	23,983
J. L. Woolf	23,954
G. R. Rogers	23,851
Raymond Cook	23,836
Geo. & Myrtle Veit	23,801
Bob Stump	23,534
R. D. Beebe & Sons	23,452
W. T. Jarnagin, Sr	23,380
J. A. Wood Co	23,242
E. G. Rhodes	23,236
E. W. Hudson, Jr	22,758
Kubelsky Est	22,735
H. C. McGarity	22,714
G. Ray Mayhugh	22,677
Circle One Livestock	22,655
Alex & John Conovaloff	22,614
Arthur E. Price	22,531
Fremon Coker, Jr	22,060
J. C. Wilson	21,874
James M. Shahan	21,776
Gene E. Narramore	21,697
Bartlett Heard Co	21,469
Auza Sheep Co	21,451
Rhodell Farms, Inc	21,236
W. H. Miller	21,130
L. D. Henry	20,875
Wayne A. Enloe	20,740
Roach & Baker	20,643
Donald L. Bissinger	20,640
W. H. Haggard, Jr	20,603
Kenneth Burnett	20,526
Jerry Lewis	20,521
F. A. Wilden	20,217
Tamara S. Anderson	20,054
Total payees in county (296)	12,326,246

MOHAVE COUNTY

Eldon K. Parish	54,355
Hanc Enterprise	53,596
John Vanderslice	22,480
Total payees in county (3)	130,431

PIMA COUNTY

Farmers Investment Co	115,018
Growers Finance Gin	68,128
Herbert Kai	59,090
Ralph Wong	56,934
Bing K. Wong, Sr	56,870
Bing K. Wong, Jr	55,534
Jimmy Bowden	55,324
Warren E. Culbertson	55,324
David Wong	55,097
Pat Tucker, Jr	52,645
Frances Chan	51,920
R. G. Buckelew	48,024
John Kai, Jr	46,899
Wallis Farms, Inc	46,642
Buck Sam Chu	44,469
J. Boyd White	41,991
Woodrow Jarvis	41,124
James B. White, Jr	40,280
Evco Farms, Inc., Synd	32,771
Henry A. Worthey	31,524
John H. Payne	31,044
David Anway	29,907
James Kuen Wong	28,738
Gladden Farms A Part	28,485
John E. Payne	27,739
Mamie Kai	27,581
John Kai	27,581
Imogene Brittian Gladden	26,182
E. C. Barnett	25,901
H. W. Brittain	24,340
Bench S. Cattle Co	23,583
Edward Anway	22,829
Gary L. Watson	22,223
C. E. Watson	22,223
Glenn Harbour	22,194
R. F. Hopkins	22,188
B. Harbour	22,188
Flying E Bar Cattle Co	22,138
Iola Cady	21,609
Total payees in county (39)	1,534,281

PINAL COUNTY

Gila River Farms	367,096
Ak Chin Farms	313,974
Bogle Farms, Inc	87,979
C. & V. Growers, Inc	70,260
Eileen M. Nutt	69,512
Kirby Hughes	67,097
Norman C. Nupen	67,012
Frances D. Nutt	67,012
Reynaldo Q. Montijo	67,012
Arizona Farming Co	66,683
Shumway Enterprises	64,319
Fred Enke	61,878
Peter J. Robertson	61,269
Marathon Farms	61,116
Rodney Kleck	61,088
Robert D. Bechtel	60,161
Tolby & Boulais	60,129
Rex Neely Trst	59,679
Milton P. Smith, Jr	59,375
Margie L. Hanna	59,328
C. Ray Robinson	59,164
Robert Allen Taylor	59,126
C. J. & L. Farms	58,884
Marcus Vanderslice	58,726
C. P. Honeycutt	58,704
Roger Goff	58,489
Greater Ariz. Rch., Inc	58,178
Otice Self	58,030
Guy H. McMurry Rec	58,024
Desert Growers, Inc	57,820
Charles A. Peircey	57,820
Wm. A. Stanfield	57,820
R. E. Schlittenhart	57,820
Thos. A. McCarville	57,819
Robt. E. Hamilton	57,819
Jack Nichols Est	57,780
Noel Martin	57,650
R. W. Neely	57,561
Bob A. Anderson	57,555
George Anderson	57,555
K. E. Shollenbarger	57,538
John Smith	57,493
W. & J. Farms	57,375
Producers Cotton Oil	57,359
T. & C. Cattle Co	57,267
El Dorado Rnch., Inc	56,973
Picacho Land & Cattle Co	56,901
Martin Talla	56,857
Patrick Talla	56,670
D. & W. Farms, Inc	56,567
John W. Quaid	56,497
John Dermer	56,469
John W. Dale	56,460
Daley & Bogle	56,459
Philip C. Hanson	56,417
Dan C. Palmer	56,369
W. F. Dunn	56,109
W. A. Dunn	56,109
Santa Cruz, Ent., Inc	55,053
L. 4 Ranches, Inc	55,896
C. B. Clark Rec	55,759
Joe Ingram	55,690
John D. Singh	55,690
P. S. Thompson	55,480
Leonard Anderson	55,413
J. D. Hughes	55,377
Lucid Franco	55,377
Ronnie Hughes	55,377
Juan Valdez	55,377
Rudy Espinoza	55,377
Roy Rice	55,377
F. Baldenegro	55,377
W. Baldenegro	55,377
Donald Wainscott	55,377
Dennis Nowlin	55,362
Frank Herrera	55,294
Bill Lewis	55,294
Albert Clayton	55,294
David Campos	55,294
Raymondo Montiel	55,294
Walter Isom	55,265
William Isom	55,265
James F. Brady	55,177
Paul Ollerton	55,124
Carlos Elias	54,993
Tom Clayton	54,912
Raymond Clayton	54,912
Ernest F. Brady	54,817
Bill McSwain	54,807
Tom Gaddis	54,800
Paul Duran	54,588
Rod Zigoures	54,567
Leon Zigoures	54,567
J. O. Burns	54,306
Clyde Lane	54,274
Independent Gin Co	53,332
Jack L. Finley	53,125
Wm. E. Foster	52,573
J. H. Farms	52,388
Dick Turnbull	52,178
V. M. Glenn	52,178
Howard Arp	52,178
Gary Turnbull	52,136
Richard W. Arp	52,136
W. M. Glenn	52,136
Joseph A. Turner	52,024
Snshn. Vly. Rnh	52,023
Reed D. Shute, Jr	52,008
R. J. Dillard	52,008
P. W. Vensel	51,972
Frank W. Shedd, Jr	51,832
Mills Pace	51,811
Ernest McFarland	51,592
Cross Mtn. Sheep Co	51,390
Eleana R. Smith	51,012
Robert W. Brooks	50,878
Wilbur Wuertz	50,872
C. S. C. Farms, Inc	50,544
Sunset Rnchs., Inc	50,458
Harold L. Early, Sr	50,456
Harvey Davison	50,269
Empire Farms	49,527
Koenig Aviation, Inc	49,502
S. C. McFarland	49,101
Buford Gladden	49,031
Charles Hill	48,960
Manterola Trust	48,912
J. M. Self, Jr	48,886
Howard Holland	48,755
H. D. Conner	48,665
Paul Pearce	48,509
James Dean Brady	48,499
Clifford Hess	48,392
David Pretzer	47,920
Richard Cruz	47,877
J. A. Roberts	47,689
Diwan Ranches, Inc	47,600
John S. Elliott	47,542
Warren E. Cox	47,481
T. M. Coury, Sr	47,171
T. M. Coury, Jr	47,157
Albert M. Coury	47,157
Tom J. Finley	47,053
Margaret Finley	47,046
J. R. & Velma Urton	46,862
T. O. Gardner	46,047
Leo Ellsworth	46,047
Jerry Skousen	46,028
Era Mae Barnes	46,017
Harold F. Self	45,919
Picacho Buttes Farms	45,739
Mickey A. Clark	45,592
R. P. Anderson	45,567
W. D. Storie	45,459
Glenn Lane	45,377
R. B. Elsberry	45,266
Norval C. McNatt	44,773
Jack Ralston	44,535
Dr. P. F. Hartman	44,467
Jim Pate	44,383
Avra Plantations, Inc	44,024
Jackson Bogle	43,742
Max Nichols Farms	43,683
Marty Zwillinger	43,220

1971 ASCS and Great Plains program payments of ***$20,000*** *or more—Excluding loans—Arizona*—Continued

Floyd Pearson	43,220
Talla Farms, Inc	43,156
Duane Ellsworth	43,104
Isabel Singh	42,992
Howell Wadsworth	42,698
Lonnie R. Schnepf	42,679
Florence Farms, Inc	42,369
Jack Kortsen	42,175
Ben N. Kortsen	42,175
James K. Henness	42,112
Emory Shahan	41,950
G. Robt. Ralston	41,872
B. M. Cabanillas	41,728
Carlos Cabanillos	41,728
J. A. Kellison	41,643
Riftin Curtis	41,643
Fred R. North	41,493
Gary L. Ralston	41,441
Ralcot Ranches Inc	41,175
Carlton Farms Inc	41,143
H. L. Holland	41,043
Frank Abate	40,913
Eldon Smith	40,856
W. R. Skousen	40,780
Bartlett Farms Inc	40,604
Woodman Moore	40,519
Norman Pretzer	40,225
Alex Pretzer	40,225
Howard Arthur Wuertz	40,084
C. W. England	39,854
Leon M. Nowell	39,831
W. A. Ladd	39,479
Grant E. Peterson	39,461
W. L. Crouch	39,111
Cecil Crouch	39,111
Tracy Hutchins	39,021
Delbert Lewis	38,949
Arnold Hill	38,420
James K. Pew Farms	38,356
H. L. Kendrick	38,060
Barbara Erwin	37,670
A. C. T. Ranches Inc	37,602
Pat Abate	37,374
Edward Y. Hooper	37,288
Nellie Rogers	37,042
Darvin Rogers	37,042
E. M. Layton	36,593
Stanley Ellis	36,204
Inland Farms	35,493
Robert M. Davis	35,445
Sheba I. Macey	35,388
Agnes K. Beggs	35,135
Fred Diwan	34,928
Echeverria Feeding Co	34,910
Thomas Stephens	34,746
Bill Warren	34,334
Duncan Butler	34,171
Norman Hagen	34,166
Merlin Hamilton	34,165
Elaine Farms Company	34,083
R. W. Tripp	33,635
Luis Flores	33,613
Wayne Ray	33,529
Edward C. Pratt	33,448
Libb Mosby	32,888
G. Buster Brown	32,861
F. D. Barnes	32,179
K. K. Skousen	32,016
Vera C. McChesney	31,928
Larry R. Scott	31,928
Clarence Skousen	31,639
Thomas N. Caywood	31,431
Robert Ellsworth	31,405
Thayer A. White	31,370
Charles W. Rhodes	30,922
Donald Ellsworth	30,919
Irene McCown Waugh	30,538
West Coast Land & Cattle Co	30,189
Cameron Sides	30,023
Clifton C. Sides	30,023
Lloyd White	29,943
Janie Poonian	29,664
Phil C. Hogue	29,512
Raymond Ford	29,452
Chanan Singh Est	29,158
Marie White	29,018
M. H. Montgomery TST	28,992
Debb Stephens	28,191
Carl Tomkinson	28,093
Wales Ranches Inc	28,063
Wales Farms Inc	28,063
Wayne Wuertz	27,903
Franklin Pratt	27,602
Dwayne B. Self	27,481
M. R. Nafziger	27,464
Charles E. Wright	27,921
Ronald Miller	27,105
M. C. Montgomery	26,960
Frank Graham	26,836
M & W Farms Inc	26,721
G. Gilbert Farms, Inc	26,662
Dalton H. Cole, Jr	26,649
R. C. Goree	26,229
James F. Shedd	25,912
Thomas M. Carlton	25,565
Wesley D. Hood	25,565
Chester Ethington	25,487
Herman Diwan	25,163
Christopher Lane	25,158
Harlan Russell	25,025
Dalton H. Cole	24,796
Louis L. Johnson	24,698
Vnb Linda & L., Jr., Johnson	24,698
C. G. Cotton Fin Co	24,604
Emmett Jobe	24,419
Eddie J. Farrell	24,304
Duane Daley	23,952
Richard M. Daley	23,882
Claude H. Evans	23,677
W. C. Pate	23,644
Walter Gantzel	23,524
Don Stephens	23,339
Carl Myers	23,207
Earl E. Chandler	23,180
Storey Rnchs. Inc	23,075
Alvin T. Ethington	22,816
Joel England	22,656
J. H. England	22,656
J. E. Robinette	22,635
Elias M. Romley	22,348
R. & R. Lvstk	22,152
Edward Nevitt	22,011
Paul J. Prechel	21,955
Savage Frms., Inc	21,740
Willis Combs	21,727
Jim Wheelis	21,621
Herman Myers	21,420
M. V. Orme Jesup	21,404
E. I. Jones	21,391
J. E. Jones	21,391
M. Dillon	20,848
James F. Duke	20,848
Oliver C. Anderson	20,848
O. V. Anderson Trst	20,848
C. B. Shiflet	20,780
Arthur J. Faul	20,492
Paul Deconinck	20,424
Virgil Chandler	20,226
H. H. Hanna	20,167
Total payees in county (313)	14,118,471

YUMA COUNTY

Freshpict Foods Inc	106,752
Barkley Co. of Ariz	74,507
William La Follette	73,054
Charles B. Sherrill	73,054
Oral Hunter	72,496
Don Andersen	70,243
Don B Co	65.716
Kemper Brown	65,067
Benny Simmons	65,016
Ben Simmons	65,016
Chrismer Farms	61,654
Robert Cockrill	58,764
David Carroll	58,502
Arthur Blohm	57,546
L. E. Mauldin	56,872
F. E. Mauldin	56,872
J. F. Barkley	56,308
Thom Blohm	56,267
Maricopa Dust Spray	56,135
Winston Farms	56,011
C. R. Kriminger	55,673
Thomas H. McNamara	55,000
F. C. Braden	55,000
M and V Farms	55,000
Edward H. Taylor	55,000
Arizona Western Ranches Inc	55,000
Bankhead Enterprises	55,000
Woods Co	54,991
Fred Nussbaumer	54,724
W. J. Scott	54,692
M. E. Lee	54,562
Geraldine Scott	54,532
Diamond S. Farms	54,147
A. C. Cockrill	54,108
L. P. Barkley	53,671
Ben Matthews	53,363
Kelly Hughes	51,935
Keller Farms	50,886
Clyde Curry	49,690
Hoffman Enterprises	49,328
J. W. Ferguson	47,780
F. M. Ferguson, Jr	47,780
Tom Howell	47,639
Wm. M. Harrison	47,189
Henry Leivas	46,860
Earl Hughes	46,777
Charles D. Phillips	45,838
Mcelhaney Farms	44,789
C. L. Stephens	42,646
Double Bar Ranch, Inc	42,606
Jon Nickerson	41,822
W. L. Moore	41,768
Oscar Walls	41,687
Archie Mellon	41,317
W. Y. Murphey	41,204
J. D. McCain	41,204
W. M. Wootton	40,732
Marcus Moore	40,587
John and Jud Ott	40,186
Cuming Farms, Inc	38,940
Edward C. Cuming	38,892
James W. Cuming	38,892
Mary Cumings	38,892
T. W. Williams	38,702
Wide River Farms	38,552
Weeks and Son	38,510
Curtis Woodman Roach	38,230
Dunn Farms	38,084
Riverbottom Farms	37,910
Lee Consaul Co	37,200
Allen Marlatt	35,096
Glen Holt	34,360
Louie Kehl	34,345
Wenden Farming Co	33,987
Charles Urrea and Sons	33.483
Joe Holt	33,156
William Holt	33,156
Danny Earl Holt	33,156
Ralph Clayton	32,995
Lorraine Claypool	32,995
Cibola Land & Cattle	32,405
D. S. Phillips	32,388
George Silva	31,503
Wm. Floyd Dunn	30,855
Robert Lee Dunn	30,855
Wm. Thacker	30,368
David R. Gipe	29,696
Star Ranch, Inc	28,955
Gunther & Shirley	28,253
Circle Bar Farms, Inc	28,128
Moenk Fletcher	28,078
Larry Wisby	28,073
Phil and H. D. Sibley	28,006
Manuel Romo	27,805
Clarence Phillips	27,118
Jim Naquin	27,103
Royce R. Richardson	26,862
Robert Mountjoy	26,862
John Peach	26,193
Floyd Embree	26,033
Joe Hernandez	25,768
Robert Woodhouse	25,563
Marion Griffin	25,502
Pete Pasquinelli	24,556
Glen Sturges	24,258
L. W. Simmons	24,157
Burnis Williams	24,010
Gila Ranch, Inc	23,785
Mike Martinez, Jr	23,717
Dillard Engler	23,286
S. E. Musgrove	22,309
Rail X Ranch, Inc	22,130
Bill Alcaida	21,983

Clyde Gaines	21,723
David M. Williams	21,211
Damel Farms	21,011
Anne S. Babcock	20,413
E. W. Grover	20,095
Total payees in county (118)	4,963,115
Total payees in State (824)	35,187,275

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Arkansas

[Amounts in dollars]

ARKANSAS COUNTY

Robbie G. Dabbs	21,753

ASHLEY COUNTY

William B. Deyampert	56,511
Gus Pugh Sons, Inc	54,489
Billy E. Scroggins	53,445
CRC Lynn, Inc	52,794
Fisher Farms, Inc	52,500
Kenneth Rice Farms, Inc	51,590
Earl Pamplin Farms, Inc	50,028
Victor Edwards	46,995
Bobby Foster	46,870
Jack Edwards, Inc	45,634
W. W. Cochran	45,097
Earl Cochran	45,097
R. E. Lee	44,940
James Baugh	41,690
Edith Robinson & Martha Rye	40,943
Jim Young Farms, Inc	39,371
Gay Farms, Inc	38,606
William L. Johnson	37,549
Guy Botsford, Inc	37,357
E. D. Gregory Co	36,620
Ray Maglothin	35,774
John B. Currie	34,460
William P. Holland	33,284
R. D. Selby	32,364
C. E. Bridewell Farms, Inc	32,356
William G. Norsworthy	31,470
Austin Bordeaux	31,298
Jerry Tumlinson	29,590
John H. Ralph	28,406
Henry W. Burns	28,404
Bill Gibbs	28,384
Frances D. Wilson	27,039
Henry S. Morschheimer	25,806
John B. Currie, Jr	24,725
B. & I. Co	24.138
Frances Shackelford	24,026
Robert D. & Joel W. Pugh, Inc	24,005
Felix Pugh Interests	22,309
Pugh Brothers & Co	21,949
McCombs Farm	21,361
Louis C. Morschheimer Jr. ex	20,703
Annette M. Gregory	20,697
W. T. Files	20,598
M. M. Oneal Farm	20,254
Total payees in county (44)	1,561,526

CHICOT COUNTY

Multiponics Inc	58,553
Jimmy R. Pylate	54,828
James W. Winters	53,630
Don Pylate	50,056
T. P. Borgognoni	49,808
Oscar L. Crowe	49,224
Robert E. Dunavant	47,578
Nettie Handley	47,578
J and V Pieroni	45,925
Burchfield Farms Inc	42,793
W. R. Smith	42,481
Carpenter Brothers	41,904
Tom Rayder	38,217
Yellow Bayou Plt., Inc	35,539
W. T. Dixon	34,584
William G. Rayder	33,106
Alvin Ford, Sr	30,696
Woodson B. Hays	30,244
A. G. Rocconi	30,185
A. S. Rocconi	29,115
Billy Hunter	28,763
W. J. Allums	28,573
Ray Black	28,365
Harvey T. Hunter	28,312
Charles W. Strecker	27,848
Fred Woodall	25,834
Sam Epstein est	24,347
Jerry Ford	23,962
A. C. Mazzanti	23,304
Dawson Brothers	23,237
J. H. Hall Farms, Inc	22,136
Harper Bros	21,809
Donald H. Major	21,676
Charles D. Crawford	21,519
T. V. Tucker	21,450
Olan Mencer	20,750
Ed. Lawler	20,293
L. M. Breedlove and Sons	20,086
Total payees in county (38)	1,278,308

CLARK COUNTY

Vernie D. Langley, Jr	22,561
Sewel Daniell	22,325
Total payees in county (2)	44,886

CRAIGHEAD COUNTY

Gary Gipson	36,026
Wayne Baker	35,229
Paul Owens	32,521
Herbert Wood	29,810
T. W. Norwood	25,867
Geo. C. Robertson, Jr	24,601
Bill Stone	23,638
Ray Dooley	22,556
C. & C. Farms, Inc	22,249
Virgil Booth	21,721
William A. Starnes	21,383
Robert Box	20,915
H. H. Blalock	20,377
Larry Burns	20,266
Total payees in county (14)	357,159

CRITTENDEN COUNTY

Bruins Plng. Co	63,224
John M. Swepston	56,819
Allen B. Helms	56,733
Julian L. Hardin	56,647
James W. Young, Jr	56,131
Sulcer Planting Company, Inc	55,915
Charles S. Riggan	55,791
Jack W. Ray	55,684
Middle Place, Inc	55,173
Paco, Inc	54,970
Nugenco, Inc	54,905
Allen B. Helms, Jr	54,612
Wapanocca Planting Co	53,145
F. H. Griffin	51,612
William B. Rhodes Co	51,257
James L. Garrott	50,176
N. S. Garrott, Jr	50,176
O'Neal & Son, Inc	49,995
Paul Pirani	47,997
Dino Pirani	47,997
Adolph Pirani	47,665
Milton Lubin	46,634
Baylus B. Quackenboss	46,339
Cy Bond, Jr	46,338
Rowena B. Stuckey	46,338
D. W. Rogers	46,175
Joe Rogers	45,154
Sammy Hatley	43,157
Billy Jack Looney	43,127
Joe E. Looney	43,124
Dan Springfield, Jr	43,069
Roy A. Bloodworth	42,521
Joe Dale Bloodworth	42,521
Robert Eugene English	42,521
Johnny Shelton	41,625
Alpe Farms, Inc	40,740
H. P. Sisk	40,213
Walter J. Carlson	38,920
Ralph C. Carlson	38,908
William A. Carlson	38.908
Earl White	38,635
Beuford J. Wallace	36,141
David S. Wallace	36,131
James R. Stockley	35,597
S. & W. Farms, Inc	35,428
Don Bell	35,246
Charles L. Williams	34,150
Hester Parker	33,263
W. Neely Mallory	33,251
C. T. Rodgers	33,184
E. J. Barham, Jr	33,094
Lowell W. Taylor, Jr	32,620
Sadie Beck Taylor	32,620
Alton Grant Farms	31,587
H. M. Brinkley Est	30,845
Vernon Felker	30,843
Armond Angelletti	29,750
John Angelletti	29,747
Ragland Plant, Inc	29,130
W. H. Greene	28,995
B. P. Kelley	28,958
W. T. Oliver	28,593
A. Cecil Oliver, Jr	28,593
L. C. Smith	28,424
Johnnie Marotti	28,366
Daniel Marotti	28,366
C. B. Britton	28,155
Thomas M. Holmes	27,974
L. G. Byford	27,901
J. F. Rieves, Jr	27,539
Frank Handley	27,525
Marybeth K. Rieves	27,461
Carl E. Morrison, Jr	27,002
William P. Morrison	26,449
S. M. Nickey, Jr	26,106
J. L. Currie	25,566
E. J. Baker, Jr	25,046
Katherine W. Clarke	24,904
E. H. Clarke, Jr	24,897
William W. Clarke	24,897
E. M. Ott	24,844
Helen T. Thomas Trust	24,403
Julia T. Kirkpatrick Trust	24,403
Marilee T. Stratford Trust	24,403
John F. Twist Trust	24,403
Reginald B. Twist Trust	24,403
Joe Baratti	24,381
Olga S. McNeely	24.353
Howard Atkins	24.347
Aldo Marconi	24,147
Joe Currie	23,354
Lonnie Webster	22,239
Herbert Allen	21,803
Frank G. Fogleman	20,957
J. F. Fogleman	20,957
Freddie N. Bollinger	20,601
R. K. Bollinger	20,601
Julia B. Goodwin	20,351
Total payees in county (98)	3,560,885

CROSS COUNTY

John H. Johnston	54,976
W. M. Smith and Sons	49,052
Ruston Farms	41,333
L. T. Beene	39,031
Gene Thompson	38,545
Abner Clements	38,281
Leslie Nix	37,876
Richard Twis	36,467
Cherry Farms	34,534
Paul McCutchen	29,852
Ed Bond	29,470
Ira F. Twist	29,291
R. W. Byrd	28,273
Dennis McKnight	28,203
Donald McKnight	28,203
S. A. Atkison	27,283
Gordon Morris	27,256
Hugh B. Proctor, Jr	25,935
Wallace Martin, Inc	25,212
Twist Parkin Co	22,444
E. D. McKnight Est	22,385
Robert Twist	22,380
John A. Brenner	20,997
John G. Twist	20,864
Bill Rucker	20,391
Total payees in county (25)	778,534

DESHA COUNTY

R. B. Stimson & Co	56,724
Reedville Farms	42,175
Frank Trotter	40,332
P. W. Teeter & Sons Co	39,765
R. A. Pickens	37,319
Baxter Land Co	32,973

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Arkansas—Continued

Bickham Bros	32,737
Johnson Bros Gin, Inc	29,621
Mallard Flats, Inc	28,106
Gary Michael Roberts	27,443
Clay Cross	27,039
Jimmie Miles	26,955
C. B. Stevens Farms, Inc	26,317
Holt Holt & Roddy	25,257
New & Lick	25,253
L. L. Boyette	23,523
H. G. Leek, Jr	23,506
Clifton L. Meador	23,256
Charles Raymond Day	22,555
David Brooks Griffin Tr	22,318
Grover Jones	22,007
Howard Newton	20,878
Martin Wood	20,793
M. L. Walt	20,606
Carmack Don McCurry	20,438
J. L. Britt	20,307
Cecil Tucker	20,014
Total payees in county (27)	758,217

DREW COUNTY

Carl Pamplin	55,452
William Bulloch	45,175
Bilgischer and Sponer	43,389
R. C. Greenway & V. Greenway	39,149
John Mack Arnn	36,493
John W. Arnn	36,481
C. R. Russell & Son	33,560
E. R. Lambert, Jr	31,088
Chester Tate	29,152
Donald M. Bulloch	28,546
Charles S. Holloway	26,478
Rogers Trust No. 2	25,387
Tillar Livestock Co	24,548
Curtis Lagrone	22,456
Miles Whitaker Lowe	21,375
Total payees in county (15)	498,729

GREENE COUNTY

Heulon Barron	20,713

JACKSON COUNTY

R. D. Wilmans, Jr	55,946
Andy Doyle	45,361
Burton Merc. & Gin Co	35,110
Ira Wheeler	26,718
Bell & Carson	24,724
Mack Bros., Inc	23,969
J. D. Nicholson	23,805
Rock Island Planting Co	23,629
Tony Walton Farm, Inc	23,033
Jim Bailey	21,848
Village Creek Planting Co	21,317
Total payees in county (11)	325,460

JEFFERSON COUNTY

AR State Penal Farm	107,846
E. Hudgens Jeter Est	55,319
B. J. Altheimer Foundation	55,000
B. J. Altheimer Tstmtry Trustee	55,000
Lake Dick Plantation, Inc	54,947
Pipkin Farm	51,795
D. Stratton, Inc	49,999
Allen Jacobs	48,674
Peek Planting Co	48,625
S. R. Baugh	47,887
W. W. West Co	47,712
Jimmy Blair	47,026
Delton Edward Stratton	46,582
Leon Callaham	44,649
Earle T. Phillips	44,330
Lyons Planting Co., Inc	43,426
James Terkeurst	41,351
R. L. Bruton	38,546
R. S. Barnett, Jr	36,652
Frank H. Lyons, Jr	35,828
R. E. Watkins, Jr	34,994
R. E. Watkins	34,994
Swan Lake Plantation, Inc	34,758
A. C. Hunter	34,500
John N. Stern Trust	34,250
Clarence Dutton & Son	33,897
Ben J. Altheimer, Jr	33,632
John Briggs, Jr	33,573
Earl Chadick & Sons	33,480
William C. Maloney, Jr	32,440
Lester Carter	31,914
Stone Planting Co, Inc	31,868
L. L. Dutton & Son	30,235
Brewer and Bryant	30,227
Sam Luckie	29,282
Adams Enterprise, Inc	29,025
E. E. Henderson	28,937
Fish Lake Farms Inc	28,840
Collins A. Andrews, Jr	27,687
L. J. Rogers, Inc	27,619
West & Orton	27,427
A. C. Freeman, Jr	27,008
J. L. Burgess, III	26,569
Flat Bayou Farms, Inc	26,487
James Adams	26,481
Thomas O. Murchison, Jr	25,874
Chambliss Farms	25,018
Noble Lk. Pltg. Co. Inc	24,803
Coy Earnest Scott	24,605
Jesse Page Walt	24,090
William Shelby Jeter	23,905
Larone Lowe, Jr	23,150
W. B. Albright	23,065
Henderson Bros. Inc	22,832
Thomas D. Dial	22,690
Benny J. Fratesi	22,648
Marshall Benjamin Garrett	22,545
Georgiatown Farms	22,411
Rita B. Freeman	22,087
Walter Will Bryant	22,064
Larry Ross Hillis	22,050
William M. Redfield Trust	21,946
Morris Allred	21,692
L. W. Francis	21,650
Joe Newton, Jr	21,294
Rob Roy Plantation, Inc	21,099
Paul Blackwell	21,025
Gray Farms, Inc	20,905
M. A. Rose and Sons, Inc	20,499
Marvin Edgerton Burgess	20,030
Paul Stone	20,023
Total payees in county (71)	2,355,318

LAFAYETTE COUNTY

Lawrence E. Taylor	54,055
Troyce E. Endsley	48,243
Carl Adams, Jr	47,768
Andrew Whisenhunt	47,617
William L. Goza	38,383
Moore Properties, Inc	33,248
J. G. Allen, Jr	30,811
Horace M. Burks	28,471
James R. Murphy	27,697
Tom Brackman	22,702
Willie H. Harrist	22,150
Henry T. Williams	20,966
Total payees in county (12)	422,111

LEE COUNTY

Dick Ed Thomas	51,888
W. E. Stiles	51,512
G. R. Brent	49,255
Dan Felton & Co	47,857
Barker Farms, Inc	47,571
Robert May	44,290
Miller Farms, Inc	43,408
McGinnis Bros. Farms, Inc	42,984
H. T. Dillahunty	41,692
Stiles & Manley	39,086
Elmwood Plantation, Inc	38,701
C. M. Cooke	37,879
Vance & Bentley	37,514
Eldon Reed	36,352
Lindsey Farms, Inc	34,825
Mann Farms, Inc	34,825
Ellis Evans	34,791
C. E. Yancey & Sons	34,432
Willie E. Jones	32,735
George L. Ballard	30,746
Whitehead Farms, Inc	30,566
Jerry P. Hicky	30,423
Sisk Farms, Inc	29,947
Parten Farms, Inc	29,479
Lawson Hughes	28,649
Thomas Gist, Jr	27,221
Flowers Brothers	25,514
E. W. Reynolds	24,609
J. E. Ivy	23,576
Raymond W. Stanfield	22,110
W. H. Gerrard	21,202
Webb Sweet	20,374
Lockhart Sweet	20,374
Jones Farms, Inc	20,245
Total payees in county (34)	1,166,632

LINCOLN COUNTY

H. R. Wood & Son, Inc	52,837
C. H. Clowers & Co	46,098
Marion F. Baugh	46,014
N. M. Ryall & Sons, Inc	41,947
Bruce Norton	31,851
Knight Brothers	30,976
Richard Jones	29,046
Frizzell Farms, Inc	28,118
Wood Brothers	26,978
A. O. French, Jr	26,532
Robert Edward Dreher, Jr	25,537
Roy Baugh	25,267
Boscoe Blagg	24,394
W. H. Venable	23,177
J. L. McEntire & Sons, Inc	22,658
Morris H. Dreher	22,498
Knox W. Bitely	22,423
Robert Edward Dreher	22,172
B. F. McGraw	21,923
Robert Venable	20,614
Total payees in county (20)	591,560

LITTLE RIVER COUNTY

E. C. Lavoice & Sons	29,462
McGraw Brothers	25,836
W. L. Matteson III	23,771
S. D. Matteson	21,145
Total payees in county (4)	100,214

LONOKE COUNTY

Herman Jeans	54,992
Floyd H. Turner	54,860
Sam McNeil	53,091
Jimmie H. Boggess	51,850
Charles Capps	51,264
Basel Henderson	48,351
Bobby Jones	43,138
Triangle Farms	40,663
James W. Phillips	40,554
James C. Rollins	40,315
Bobby Gene Wright	37,122
H O J H D N Nipps	35,787
Odes Perry	35,757
Robert L. Dortch, Jr	32,282
R. W. Morris	30,031
Elmer E. Willman	29,852
Waylon B. Sims	29,778
Turner C. Johnson	29,117
Wm. J. Bevis	28,788
Connie Glenn Jordan	28,783
Anthony W. Dickinson	28,738
Thomas H. Jordan	27,563
Joy Leon Hill	26,192
Albert E. Yarbrough	25,898
James Workman	25,145
Johnnie Wallace	24,918
Morris F. Hallum	24,064
Hervey L. Patterson	23,741
Sam Stewart	22,985
Luchen Walls	22,908
Cobb Brothers & Co	22,714
Luid Jones	22,265
Richard Bransford	21,449
Loranzy George Crouthers	21,090
Paul Junior Capps	20,705
Arnold Oneal	20,203
Total payees in county (36)	1,176,953

MILLER COUNTY

Price Plantation Inc	46, 778
R. E. Ransdell	45, 630
Doyle Stevens	35, 166
Rufus F. Eaton	20, 711
Total payees in county (4)	148, 285

MISSISSIPPI COUNTY

Wesson Farms Inc	98, 328
Armorel Planting Co	62, 846
Lee Wilson & Co	62,262
Clide Barnett	61, 664
John A. Edrington	61, 547
Langston Gin Co	59, 017
Bobby Senter	58, 177
W. T. Metzger Jr	56, 640
Larry J. Woodard	56, 602
Midway Farms Inc	55, 588
Lowrance Bros & Co	55, 346
Crosthwait Gin & Merc Inc	55, 000
Magnolia Farms	55, 000
W. J. Denton Est	54, 942
Charles W. Bowles	53, 561
R. D. Hughes Gin Co	52, 559
C. B. Robinson	51, 896
Rel Wilson Trust Luxora	51, 865
R. J. Gillespie	50, 905
Harold Senter	50, 766
Ira G. Ashley	50, 717
Charles Nick & Richard Rose	50, 509
M. J. Koehler	49, 739
C. S. Standifer, Jr	48, 209
Thomas Tate	47, 560
Reven Creecy	47, 560
B. C. Land Co	47, 499
Larry Woodard Farms, Inc	45, 956
Keiser Planting Co	45, 071
Clifford Gillespie	44, 908
Marie Planting Co	43, 702
McDaniel Farms	42, 652
John E. Crain, Jr	42, 443
Virgil Stewart	42, 118
Clarence Crosskno	42, 096
A. E. Teaford	42, 069
John M. Stevens, Jr	41, 699
Rel Wilson Trust Wilson	41, 519
Bob Jackson	39, 733
Amon Eugene Holt	39, 615
Dan & Chester Caldwell	39, 579
John M. Speck	39, 388
Wayne Taylor	37, 291
Bill Taylor	37, 291
C. J. Lowrance III	37, 163
Speck Bros	36, 713
C. L. Denton, Jr	36, 612
Nancy M. Trimue	36, 334
Chiles Planting Co	36, 037
Joe Dilldine	35, 123
Leon Brothers & Son	35, 098
Collie D. Lowrance	34, 706
Wilbur F. Johns Farms	34, 105
Glenn A. Cook	33, 948
Earl H. Wildy	33, 846
John W. West	33, 532
Leonard Ellison	33, 450
W. S. Cockerham, Jr	33, 373
Arthur Tusing	33, 291
Charles R. Moore	32, 991
Jack Hale	32, 967
Gold Lake Farms	32, 663
Ray Harrison	32, 638
Wilbur Wildy	32, 563
W. M. Taylor, Jr	32, 527
K. D. Main	32, 332
Kenneth Shannon	32, 301
L. T. Dillard	31, 632
James Terry	31, 463
Doug G. Bennett	31, 461
E. H. Riley	31, 222
E. T. Gurley	30, 943
Henry Battle	30, 817
Trice Battle	30, 817
Charles J. Ryals	30, 715
A. A. Banks	30, 490
H. T. Bonds, Sons, Inc	30, 394
Mary Ann Gill	30, 373
Alvin S. Bennett	30, 146
McGuire & Son, Inc	29, 970
Ralph Bros	29, 616
Alex Goble, Jr	29, 407
Clyde Whistle	29, 071
Charles E. Crigger III	29, 004
J. L. Gurley	28, 946
Charles Wildy	28, 812
Elliott Farms	28, 651
Moreland B. White	28, 283
Allen Metheny	28, 279
Paul Long	27, 976
J. E. Crain, est	27, 680
Willis Stutts	27, 654
Vaughn L. Shownes	27, 642
Albert Williams	27, 397
F. N. Craig	26, 773
John B. Wilson	26, 759
Hays T. Sullivan	26, 755
James P. Sullivan	26, 755
P. D. Johnson	26, 572
Oliver Coppedge, Jr	26, 552
W. J. Smith	26, 478
Robert Gammill & Son	26, 385
Buford Jarrett	26, 342
Bryce Grant	26, 265
E. A. Stacy	26, 043
M. G. Smith	25, 343
Lyman Henson	25, 282
E. E. Wallace	25, 220
R. C. Branch, Sr. Estate	24, 877
Billy Gann	24, 864
John E. Gann	24, 332
Gerald Costner	24, 247
V. S. Johnson	24, 225
Ted Parnell	24, 212
William H. Wyatt	23, 958
Otto S. Gordon	23, 894
Jimmy Baugher	23, 547
Edra S. Girdley	23, 477
Jimmie Davis	23, 414
James H. Woodard	23, 230
Morris & Hart	23, 125
Charles D. & Donald L. Baker	23, 082
Murray Richardson, Jr	22, 956
C. C. Councille	22, 920
Gus Morris	22, 892
Blythe Clark	22, 672
Florenden Plantation	22, 419
D. B. Brannon, Jr	22, 264
Eric Waddell	22, 243
Herbert H. Ellis	22, 175
Donald Felts	22, 137
Joe W. Felts	22, 137
D. R. McDaniel	22, 121
Eddie Thomas	22, 019
Lester B. Gill Trust	21, 649
J. H. Smart	21, 644
W. A. Jones Farm	21, 568
Evadale Planting Co	21, 381
J. R. Whistle	21, 243
Nancy O. Fairley Trust	21. 165
J. Lynn Tranum	21, 085
Joe Gurley	21, 074
Wrenacres, Inc	20. 999
Russell Simpson	20 706
Langston Enterprises, Inc	20. 702
Dunkin Farms	20, 586
Nick Patterson, Jr	20, 564
Larry Joe Bell	20, 540
Ed. Hardin	20. 509
R. B. Holthouse	20, 337
Thomas H. Callis	20. 300
John Ellis	20. 027
Total payees in county (152)	5. 143. 650

MONROE COUNTY

Amos Everett	44. 169
Ray Fuller	43. 580
Donald R. Dearing	38. 463
Lily Peter	33. 590
Parker E. Johnson, Jr	30, 023
Carter Clifton Company	29, 363
Hyett E. Harrod, Jr	28, 284
Jay Calloway and Son	26, 564
Bruce Crow	26. 517
Rudolph Calloway	26, 427
Homer Lawless	25, 898
Hurley McKoy	24, 833
Robert H. Mayo	20, 639
A. B. Walls	20, 008
Total payees in county (14)	418, 358

OUACHITA COUNTY

Benton Taylor	41, 677
W. K. Henry	28, 094
Total payees in county (2)	69, 771

PHILLIPS COUNTY

Highland Lake Farm	55, 267
Hill Farms, Inc	55, 000
G. & P. Land Co	54, 948
J. A. Hill	53, 592
R. J. & W D. Suddath	52, 708
B. D. Alexander	52, 127
Frances Jo Blackburn	51, 951
Brooks Griffin	51, 686
E. T. Wells, Inc	49, 697
James H. Wood	48, 961
Hiram Alexander	48, 153
Elizabeth A. May	48, 142
Milton Alexander	48, 142
Curtis Clark	47, 976
Elizabeth H. Strang	47, 614
O. D. Howe Est	47, 445
Riverside Farm	46, 280
David Hill	45, 957
Thomas E. Young	44, 451
Dave Inebnit	43, 625
Solomon Bros., Inc	43, 034
King Wells Farm	42, 358
Ray Dawson	41, 478
Harry Stephens	40, 974
Delta Plantation, Inc	40, 350
Roy Sanderlin	38, 437
G. J. Short	37, 668
James E. Yancey	37, 477
Winston Foster	37, 378
Wooten Bros	37, 244
Otis W. Howe Est	36, 162
J. E. Storey	35, 225
Joe Pillow	35, 039
J. O. Wheeler	34, 485
Buron Griffin	34, 444
A. F. Gregory, Jr	31, 865
Deputy Place	31, 753
W. C. Brandon	31, 737
J. D. Rohrscheib	31, 689
T. W. Keesee	31, 470
Catron Plantation	31, 059
R. J. Young	31, 037
Buford Culp. Inc	30, 977
R. M. Hornor	29, 919
Chip Franklin, Jr	29, 777
Charles Loeschner	29, 776
Wooten Epes Company	29. 326
Tunney Stinnett	28, 867
Oneida Planting Company	28, 443
H. W. Rohrscheib	28, 358
Robert F. Howe	27, 912
M. M. Crisp	27. 875
F. O. Griffin, Jr	27, 613
Loveless Farms, Inc	27, 211
James H. Crisp	27, 063
William Robert Moore	27, 058
David Brooks Griffin Trust	26, 974
E. H. Harmon	26, 354
Jake Crow	25, 308
Wise Brothers	24, 856
Sam J. Howe	24, 786
Dean Roach	24, 716
N. R. Hosey	24, 650
Harry Lynn, Jr	23, 505
J. E. Meador	23, 391
Caraway Bonner	23, 128
Ralph Bunch	22, 088
Danny Baxley	21, 834
S. W. Cooke, Jr	21, 469
Claude Warren	20, 858
Woodrow Reed	20, 826
Grauman Farms	20, 579
Lily Peter	20, 095
Lester Crawford	20, 078
C. C. Simmons	20, 026

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Arkansas—Continued

Total payees in county (75)	2,621,781

POINSETT COUNTY

E. Ritter and Company	55,728
Cecil H. Justus, Jr	52,319
D. V. Cravens	51,742
S. C. Chapin	51,647
Frank Dean	50,536
Clifford Clover	49,794
Fairview Farms Company	48,492
Benjamin Rowan Hyneman	47,469
Guy L. Prince	45,528
H. C. Bradford, Jr	43,081
Dan F. Portis	43,053
Moreland Barton	41,714
C. D. Walker	39,547
Bill L. Hannah	38,023
Moon & Cash, Inc	35,558
Donald Valentine	35,178
James H. Moon	35,076
Edward F. Ball	34,498
Morris P. Lansdale	34,240
Stuckey Bros, Inc	34,077
W. H. Cross, Jr	33,956
Walter H. Provost	33,908
Tommy Goldsby	33,268
Paul Earnhart	30,857
R. H. Taylor & J. C. Stuckey	30,501
Creodora Thompson	29,804
A. M. Weona Fms., Inc	29,439
Wallace George Willoughby	29,304
Herbert S. Bingham	27,232
John B. Pritchett, Jr	26,831
J. D. Fletcher	26,498
Lloyd Shelton	26,415
Citizens Gin Co., Inc	25,151
J. P. Gooch	25,095
Worthy Neal	24,686
James O. Campbell	24,041
J. W., J. F., and Jimmy Harbison	23,963
Emrich Bros. & Sisters	23,809
Chickasaw Oil Mill, Inc	23,146
W. G. Craig	23,057
Dayton E. Bream	22,982
John R. Young	22,669
John E. McDermott, Jr	22,382
Charley G. Swindle	22,293
Robert L. Hughes, Jr	21,957
J. Melvin Young	21,724
Robert Walker	21,635
B. L. Boyd	21,258
Tecota Farms	20,970
W. R. & Zula D. Payne, Est	20,627
J. J. & J. Inc	20,618
Harry Juergens	20,305
Guy C. Henderson	20,084
Total payees in county (53)	1,697,765

PRAIRIE COUNTY

John D. Naill, Jr	27,513
George & Moore Farms	26,758
Total payees in county (2)	54,271

PULASKI COUNTY

W. A. Ratcliffe, Jr	39,061
Walter Isgrig	37,539
Sammy McGhee	35,564
Reber McGhee	35,564
R. S. Bredlow, Jr	28,727
Walderns Bros	27,870
Walter C. Estes	27,584
Craig Planting Co	26,367
Robert Earl James	25,572
Donald Chapman	24,384
Emmett Chapman	24,375
Odis Chapman	24,374
J. B. Morgan	22,860
Gene Adams	22,485
Henry Lanehart	21,320
A. T. Henry	21,068
W. George Alexander	20,817
Bob Dorsey	20,025
Total payees in county (18)	485,556

ST. FRANCIS COUNTY

Shannon Bros. Entp	66,094
W. E. Biggs	62,188
W. W. Draper, Jr	60,284
Miller Lumber Co	58,459
Sycamore Bend Plantation	51,739
Robert Brewington	48,930
Luke E. Burch, Jr., Inc	48,204
Chappell & Moore	47,842
C. J. Beasley and Son	47,193
Glindail Co., Inc	45,704
Davis Biggs	44,461
Lindsey Brothers	43,246
Red Gum Plantation	42,379
Belle Meade Plantation	41,415
B. and L. Farms, Inc	41,376
Paul H. Finch	41,055
Wheatley Mill & Gin Co., Farm	40,267
E. L. Cupp	40,176
Oscie Hardy	39,139
Sweet Brothers	38,008
Joe Oswalt	37,829
Earl Dean Williams	36,755
Charles T. Adams, Jr	36,177
Higgins Brothers, Inc	34,882
John C. Lindsey, Sr	34,662
Thomas McDaniel	33,982
Hammons Farms, Inc	33,558
S. C. Rose, Jr	33,525
Larry Reed	32,939
B. McCollum, Jr	32,874
McCain Farms, Inc	32,447
A. B. Malkin, Jr	30,566
Joe Burch	30,536
C. D. Brown & Sons, Inc	30,038
R. T. Landrum	28,660
Ernest Stough	27,580
J. C. Rice	27,580
Betty M. Stoddard	26,649
Claud Buford	26,114
Sam Ashworth	26,004
Ida Mae Norsworthy	25,216
Carl H. Morris	24,846
O. J. Gandy, Jr	24,437
Bob K. McKenzie	24,207
Victor Beene	23,855
Floyd Martin	23,540
Wayne Campbell	22,515
Jimmy Wright	21,747
B. E. Beene	21,649
J. B. West	21,244
Jack Vaughn, Jr	20,818
Rod Bryan, Jr	20,296
Freeman E. Nichols, Jr	20,007
Total payees in county (53)	1,875,893

WOODRUFF COUNTY

Gerald L. Morris, Jr	55,086
Gregory Farm, Inc	45,907
Bruce Tarkington	37,029
Gum Ridge Corp	29,743
McAdams & Stovall Farms	26,492
W. P. Galloway	26,240
L. L. Cole & Son, Inc	24,201
Jennings and McAlexander	23,843
W. Peyton Daniel	23,660
Total payees in county (9)	292,201

YELL COUNTY

W. H. McClure Trust	24,294
Billie Vaughn	21,773
Total payees in county (2)	46,067
Total payees in State (837)	27,872,556

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—California

[Amounts in dollars]

BUTTE COUNTY

Parrott Inv. Co	35,635
Wright Lands, Inc	25,185
H. E. Nichols, Jr	20,668
Total payees in county (3)	81,488

COLUSA COUNTY

Wm. D. Struckmeyer	32,884
Strain Ranches, Inc	30,758
Myers Bros	29,483
Wallace Bros	28,900
H. & A. Andreotti	26,851
Davis Ranches	25,893
Plank & Maupin	22,068
Chas Yerxa	21,350
Total payees in county (8)	218,187

CONTRA COSTA COUNTY

Vaquero Farms, Inc	28,906

FRESNO COUNTY

Vista Del Llano Farms	273,518
Giffen, Inc	160,912
Pacific Farms Co	114,114
Mouren Farming Co	110,798
Comfort Farm, Inc	106,143
Frank J. Coelho	97,460
Sumner Peck Ranch, Inc	96,569
Redfern Ranches, Inc	92,657
Pilibos Bros., Inc	91,685
Gragnani Bros	88,950
Rabb Bros	88,021
Sam & D. M. Biancucci	83,072
Goodman Traction Ranch	78,572
Deavenport Ranches, Inc	76,244
William E. Glotz	72,523
Schramm Ranches, Inc	71,391
W. J. Deal	71,212
Price Giffen Ranch	70,372
Edward R. Lewis	70,032
Airway Farms, Inc	69,644
J. & J. Ranch	67,249
Wayne Sniffin	66,976
Coit Ranch, Inc	65,740
Almer Comfort, Jr	64,842
Anthony Lo Bue	64,262
Harold O. Banion	64,007
Martin E. Mason	63,442
V. C. Britton Co	60,906
Kriesant Operating Co., Inc	59,808
Don Gragnani	59,368
Victor Gragnani	59,368
Hanson & Fortune	58,643
Giusti Farms, Inc	58,138
Robert Cardwell	57,751
Michael Giffen Ranch, Inc	57,689
Melcombs Ranch, Inc	57,352
Irby Abercrombie	57,343
Sierra Dawn Farms	57,314
Reuben Crosno	57,215
Enrico Farms, Inc	56,609
Half Mn. Fruit & Prod	56,432
J. C. Conn, Inc	56,047
Linneman Ranches, Inc	55,946
Clarence Matheson	55,848
S & S Ranch, Inc	55,750
Clayton Brown	55,740
Teresa Harris	55,690
Wm. H. Noble	55,600
Hogue Produce Co	55,500
H. B. Fries	55,226
John C. Harris	55,187
John A. Kochergen	55,130
Fred Rau	55,128
Davis Drier & Elevator, Inc	55,093
Pucheu Ranch	55,065
Edwin R. O. Neill	55,000
Ronald S. Allen	55,000
M. J. Allen	55,000
Lawrence J. Wolfsen	55,000
Edward Azhderian	55,000
Pappas & Co., Inc	55,000
Rusconi Farms	55,000
Raymond Thomas, Inc	55,000
E. & G. Farms	55,000
Far West Farming, Inc	55,000
Weeth Ranches, Inc	54,993
David A. Britz	54,993
Bob Wood	54,991
Leslie B. Hulse	54,991
J. E. O'Neill, Inc	54,990

O'Neill Livestock Co	54,990
Carl Ross	54,976
Marvin Wood	54,975
Paul Wood	54,975
Darrell Silveira	54,950
Richard K. Griffin	54,941
R. G. Griffin	54,929
Harry John Marchini	54,911
Five Points Ranch, Inc	54,908
Bruno J. Marchini	54,895
Peter S. Marchini	54,895
Pacific Produce Dist	54,874
Francis A. Orff	54,817
Frank Chounet Ranch	54,745
Arthur J. Cuelho	54,722
Michael J. Ryan, Jr	54,693
Mayo Ryan	54,693
Eloise Arcelus	54,667
M. R. Lowrance	54,666
Sommerville Farms, Inc	54,652
Robert M. Lee	54,527
James C. Anderson	54,511
Billie Jo Mouren	54,511
Alex Kochergen	54,461
Crosno Farms	54,412
Patrick Peck	54,340
Kathleen Peck	54,324
Michael Peck	54,324
Richard E. Guenther	54,298
Willson Farms, Inc	54,157
Jarrott Ranch	54,088
Frank C. Diener Ranch, Inc	53,864
Ryan Farm Trust	53,864
Edward F. Diener Farm Trust	53,864
Simonich Farm Trust	53,864
De Mera Farm Trust	53,864
Joe C. Machado	53,607
E. Weeth & Son	53,360
Vernon Swearingen	53,316
John F. Price	53,083
Rodney H. Parichan	53,082
Donald E. Schramm	53,068
O. Banion Ranches	52,894
Cardella & Johnston Inc	52,578
Telles Ranch Inc	52,569
Peter Lo Bue	51,869
Renton & Terry	51,837
Bill & Ed Koda	51,576
D. J. Rowland	51,547
Nichols & Wood	51,486
Richard J. Yraceburu	51,273
Leroy Hardy	51,087
John L. Errecart	50,976
Fernando Machado	50,974
Dodd Family Living Trust	50,609
Bidegaray & Sagardia Bros	50,377
Levon Azhderian	50,352
B. T. V. Farms	50,251
Michael F. Matheson	50,248
Roger C. Matheson	50,248
Davis & Huey Inc	49,598
C. L. Anderson	49,501
Gerawan & Penner Ranches Inc	49,437
Earl Brinkley	49,370
Viola Matheson	49,346
A & H Farms	49,291
Starkey & Erwin	49,249
John Teixeira	49,219
Poso Dairy Farms Inc	48,861
Robert Mueller	48,629
George Butts	48,629
Henry A. Wolfsen	48,629
Warren L. Wolfsen	48,629
Donald C. Skinner	48,629
Turner Island Farms	48,629
Gerald K. Hoyt	48,629
Matt J. Gaab	48,438
Rogers Ranches Inc	48,220
J. C. Andersen	47,992
Leavelle Bros	47,809
F. Silveira & J. Peterson	47,686
Erskine Ranch	47,272
Luther Bratton	47,164
Markarian Farms	47,113
Burnett Bros	46,928
Motte Ranches	46,908
Drew Farms Inc	46,680
Pucheu Bros	46,603
Raven Land Co	46,414
Donald Bellando	45,953
Frankie E. Lopes	45,640
Melvin Coelho	45,625
Vierhus Farms	45,219
Walter Willms	44,187
Diamond R Farms Inc	43,910
Tai Hing & Co	43,714
Del Testa Farms	43,690
C. H. & G. Farms Inc	43,674
Mauz Childrens Tr	43,498
Henry B. Wolfsen	43,393
Geo. & Jn. & Walt. Orlando	43,245
Mike Etcheberry	42,601
Hale Bros	42,135
Marshall Baker	42,110
Sidney E. Gordon	42,085
Vernon L. Gordon	42,082
H. L. Davidson	41,985
Pete A. Kochergen	41,935
Ernest Carvalho	41,932
Wm. Erickson	41,857
Albert Bufkin	41,440
Mary Fortney	41,401
Frank R. Telles	41,388
Jess P. Telles III	41,338
Jess P. Telles III	41,338
John G. Telles	41,388
James W. Telles	41,388
Frances Telles	41,388
Martin Costales	41,339
Roy Howard	40,595
W. F. McFarlane	40,385
Jack Cardwell	40,170
Carl Swearingen	39,715
Frank Trammell	39,617
Ru Ann Dairy	39,163
Alfred Coelho & Sons	38,988
Richard Eggleston	38,411
Kenneth Peelman	38,036
Perez Bros	37,314
Otis Horn	37,209
James W. Wilson	37,122
Louis Gragnani, Jr	37,057
John A. Gentry Est	36,838
Re Al Farms, Inc	36,711
Barbara J. Deal	36,676
Leonard E. Deal	36,665
Wm. J. Deal, Jr	36,665
Milo Erwin	36,201
Jack Perry	36,191
Jack Bray	36,191
Des Jardins Bros	36,179
Irwin R. Efird	35,835
Joseph L. Silva	35,795
Gramis Bros	35,794
William Mouren	35,760
Howard Mouren	35,760
Tony Coelho	35,342
Maria Coelho	35,342
Joe Coelho	35,342
Coelho Farms	35,342
Frank J. Mendes, Jr	34,438
Frank Freitas	34,268
Joseph E. Yraceburu	34,182
Don L. Yraceburu	34,182
Ernest Fordin	34,038
Richard S. Burford	33,920
C. R. Wilkins	33,113
L. H. & G. W. Hanneman	32,975
Britz Fertilizer	32,813
E. J. Giovannetti	32,584
John B. Giovannetti	32,584
Ronald Giovannetti	32,584
Donald Giovannetti	32,584
Frank Ayerza	32,543
Eugene Nord	32,499
Nino Groppetti & Sons	32,338
Three D Farms	32,194
Getty Oil Company	31,333
Harnish Five Points, Inc	31,309
C. E. & R. B. Klepper	31,163
Walter E. Lambrecht	31,100
Ben Rusconi	30,899
Alex Maul	30,863
Jura Farms, Inc	30,756
Jaurena Bros	30,712
Wayne M. Hardy Est	30,613
Richard Swearingen	30,467
D. T. Locke	30,366
Andre & E. R. Leroy	30,299
Triangle Ranch	29,790
Linda Vista Farms	29,743
John A. Speakes	29,519
Paul W. Speakes	29,519
McKean Bros	29,335
J. Teore & G. Tavares	29,267
Jack Howard Ranch	29,102
United Packing Co	28,915
Miriam M. Silveira	28,855
G. H. Berry	28,569
Edward **Wagenleitner**	28,546
Carvalho Farms, Inc	28,097
Roy Green	28,070
Toro De Oro Farms, Inc	27,843
Carl C. Gunlund	27,583
John Wm. Kinnunen	27,457
A. J. Lombardini	27,243
John Goulart & Sons	27,077
Metzler & Metzler	26,932
Fairless Bros	26,816
Jack D. Jones	26,790
David Martin	26,762
Davis Bros	26,135
Jack C. Woods	25,941
Rod Cardella	25,753
Alfred Russell	25,735
S. R. Botelho	25,423
Bernard Etchegoin	25,221
Del Ko Farms	24,789
Philip Erro	24,713
D. E. Drew	24,704
Paul Crevolin	24,478
J. C. Andresen, Jr	24,452
D. E. Robison	24,428
Clarence de Freitas	24,262
G., Jr., and D. Ketscher	24,202
Britz Chemical Co	24,110
Echeveste & Elizalde	24,055
Indart, Inc	23,973
Hans P. Gunlund	23,929
Norman Fries	23,883
Thomas J. Lovelace	23,824
Joe M. Lovelace	23,824
Mt. Whitney Farms	23,637
Joe & J. F. Zumthurn	23,603
Hedman Ranches	23,434
Pierre Harguindeguy	23,229
Milo Jacobsen	23,209
Jack Harris, Inc	23,185
Harold D Weis	23,155
Wm. R. Bettencourt	22,896
Arthur Hector Pifferini	22,714
Paul B. Fairless	22,714
Nicolini & Maitia	22,568
P. R. Farms, Inc	22,539
John Nobile	22,246
E. G. Rank, Jr	22,213
Armas Bros	22,166
John & Jim Diedrich	22,099
B. Parachou Est	21,830
Myrna Wolfsen	21,697
Giacone Ranch	21,451
A. & D. Koligian	21,376
Hyde Ranch	20,938
Joe Yribarren	20,611
Garvin White	20,604
Thomas Couto	20,454
Stanley Willis	20,407
Dillon Bros	20,391
John Narbaitz & Sons	20,278
Locket Bros	20,260
Herman & Otto Walls	20,258
Total payees in county (321)	14,607.106

GLENN COUNTY

C. M. French	52,236
Baber Gibson Livestock	35,957
Shintaffer Farms	35,623
Total payees in county (3)	123,816

IMPERIAL COUNTY

Adamek & Dessert	123,914
Jack Bros. & McBurney, Inc	108,274
Irvine Co	105,588
Stephen H. Elmore	102,922
Maraccini, Inc	99,022
Jack Elmore	93,630
Neil Fifield Co	91,167
Fifield Land Co	87,896
Stafford Hannon	86,091
Hugh Hudson Ranches	85,480

*1971 ASCS and Great Plains program payments of **$20,000** or more—Excluding loans—California*—Continued

Donald H. Cox	85,134
John R. Benson	84,832
Edwin Chew	81,542
Fritz Kuhn, Jr	80,762
Robert H. Meyer	80,066
Dwaine J. Little	79,946
Three D Cattle Co	79,502
Hausmann & House Ranches	77,257
H. B. Murphy Co	75,405
Kenneth Reynolds	74,684
Lerno Bros	71,295
Newside Farms, Inc	70,010
C. D. Meredith	68,956
John V. Merten	68,632
C. T. Dearborn	68,212
John V. Borchard	68,007
Abatti Bros	67,672
J. N. Osterkamp Rches	67,507
Darwin Cohee	66,715
Michael D. Ayala	66,655
Davis Beauchamp	63,125
Don Cannon	62,548
Hetty E. Jordon	61,985
R. B. Wilson Co	61,531
Fad Farms, Inc	61,431
J. C. Reeves	60,631
J. Emanuelli & Sons	60,471
Bonanza Farms	60,026
D. Arrigo Bros. Co	59,584
Charles K. Corfman	59,407
Sweetwater Feeders	58,091
J. M. Bryant	57,477
Ed Wiest	57,364
Hawk & Sperber	56,937
Alvaro Deen	56,813
W. E. Young, Sr	56,623
W. E. Young, Jr	56,623
Charles Vonderahe	56,328
River Ranch, Inc	56,166
Donald K. Donley	56,065
Fleming & Jack	55,712
Correll Farms, Inc	55,417
Mohinder K. Samra	55,000
Beulah E. Garrett	55,000
Milas G. Russell	55,000
Harry Schmidt Farms	55,000
A. W. Schunk	54,997
Alice Denman	54,997
Aaron E. Quick	54,958
Carl J. Williams	54,958
Green Valley Farms	54,899
Jack Hannon	54,773
J. R. & B. R. Smith	54,440
R. A. Lyerly	53,779
Miriam Harthill	53,510
Strahm & Sons	53,061
F. L. Johnson	52,497
Edward M. Wavers	52,168
E. E. Otto	51,887
Lee M. Whittle	51,574
Roland Wilson	51,559
William Whittle	51,559
Homer Slater	50,146
John Fifield	50,068
Imperial farms	49,601
Lloyd Bascom Winter	49,239
H. E. Kelley, Sr	48,072
H. E. Kelley, Jr	48,058
Malcolm Kelley	48,058
Delmar A. Brady	47,970
Thomas P. Gargiulo	47,889
William C. Sterling	47,529
R. E. Roesling	47,529
E. K. Greer	47,529
Talfourd T. Wynne	47,529
Preciado Bros	45,957
George A. Mallory	45,263
George B. Willoughby	45,239
George B. Willoughby II	45,229
Berryman Farms	44,911
Fernando S. Sanga	44,854
George Clarke	44,424
James A. Taylor	43,831
Dearborn Farms, Inc	43,604
Rodney Reynolds	43,579
V. C. Anderson	43,237
Rex Wayne Farms	43,212
Raymond Lee O'Connell	42,990
Raymond R. O'Connell	42,990
R. S. Reese	42,870
C. & C. Farms	42,866
Charles C. Bowles	42,505
J. R. & Chas. & Chas., Jr., Kershaw	42,346
C. Alex Abatti	42,284
Andrew Andreotti	42,252
W. E. Young & W. E. Young, Jr	41,323
Dessert Seed Co. Inc	40,507
W. S. Zimmer	40,242
Haskell Jacobs	40,230
John P. Menvielle	40,230
Francis Griset	39,319
Ray Griset	39,319
Deol & Sunghera	38,778
W. M. Watkins	38,144
Martin Farms	38,004
Allen B. Griffin	37,809
Robert C. Brown	37,767
Earl W. Ashurst	36,743
Williams & Quick	35,649
Dixie Ranches	35,419
San Pasqual L & C Co	35,369
Russell Farms	35,191
R. E. Bedwell	34,369
Nilson Bros	34,289
Harold Orff	34,263
William C. Moore	34,043
Loma Farms	33,970
Robert Harp	33,607
Jackson Produce Co	33,587
House & Haskell	33,269
Vessey & Co	32,719
Perez & Morrell	32,656
John H. Borchard	32,593
Nelson Correll	32,574
Leroy Edwards	32,116
Holly Sugar Co	32,084
Harold Brockman	31,824
C. W. Sanders	30,932
V. Borchard Land & Cattle	30,874
Kakoo & Rose Singh	30,838
Stanley Gorman	30,543
Sam Etchegaray	30,492
C. S. Sandhu	30,472
M. Huffman & L. Allen	30,309
Jean Layaye	30,199
Charles W. Thomas Jr	30,139
Stephen H. Sturges	30,139
R. and G Ranch	30,018
J. W. Sanborn	29,371
Bill Wiest	28,492
Elijah Bros	28,200
Brandt Bros	27,933
Claverie Bros	27,922
Antonio Rodriguez	27,303
Robert C. Richter	26,950
J. Michael Cook	26,838
Jack Rutherford	26,706
Lee Rutledge	26,608
George Oyama	26,608
Julian Castillo	26,582
Russell Bros., Rches., Inc	26,380
Hoxie Smith	26,269
L. L. Lyerly	25,930
F. W. Schoneman	25,660
Baljeet S. Thind	24,929
Luckey & Hellis	24,876
Albert Studer, Jr	24,722
Charles E. Johnson	24,180
Roy A. Johnson	24,180
M. J. Labrucherie Rch	23,281
Frank Augusta	23,172
Harry Schmidt	22,917
Adolph Weinberg	22,851
Frederick M. Young	22,578
F. E. Burnett	22,470
Walter R. Sager, Jr	22,237
Marlin E. Medearis	21,860
Sam H. Robinson	21,799
Denman & Schunk	21,145
M. W. Coley	20,906
Inter Harvest, Inc	20,828
L. O. Power	20,744
Niaz Mohamed	20,687
Don W. Brock	20,480
Lloyd Heger	20,165
J. P. McKim	20,084
Harold L. Wright	20,012
Total payees in county (187)	8,764,302

KERN COUNTY

Blackwell Land Co	176,659
Joe Mendiburu	139,263
G. M. Bowles	119,213
El Tejon Cattle Co	113,630
A. C. Engel	110,000
B. V. Farms	110,000
Tejon Ranch Co	88,566
Michel & P Etcheverry	88,418
S. A. Camp Farms Co	84,709
Coberly West Co	72,883
Grey Gammon Corp	72,201
Santiaga Ranch	72,140
Kirschenmann Farms	71,250
I. & M. Sheep Co	70,008
Belridge Land Co	68,607
Sill Properties Inc	65,435
Triple J Fms Inc	63,632
E. O. Mitchell Inc	62,471
Porter Land Co	62,105
K. McClanahan & Sons	60,746
James O. Payne	59,609
Mervyn Voth	59,194
Milham Farms	57,826
R. E. Ballengee	57,284
Mark Ballangee	57,284
Jack Williams	57,140
McKittrick Ranch Inc	57,118
Tony Iafrati	56 ,766
D. Moore	56,762
C. J. Vignolo	56,746
Voth Farms	56,299
H. M. Bowles	56,249
Mason Snow	56,049
Cotton Associates	55,974
Thomas F. Walsh	55,776
Frank McKenna	55,775
J. S. Antongiovanni	55,774
A. H. Karpe	55,691
Merkel & Neufeld	55,558
J. B. Freidrich	55,543
M. Lane	55,442
Ray Jarrard	55,385
John Antongiovanni	55,385
O. D. Portwood	55,341
Schroeder & Holtermann	55,313
F. Palla	55,210
A. F. Little	55,185
H. A. Hanes	55,185
W. D. Henry	55,176
Jack G. Thomson	55,139
D. M. Steele & Son, Inc	55,136
Frank Garone	55,060
Maple Leaf Farms	55,058
J. L. Frederickson	55,000
Otis T. Page	55,000
A. W. Adams	55,000
E. L. Armstrong	55,000
E. J. Selvidge	55,000
J. R. Tracy	55,000
J. C. Erreca	55,000
Dean A. Gay	55,000
A. Vincent	55,000
Robert Del Papa	55,000
Eugene Fanucchi	55,000
Angelo Fanucchi	55,000
Paul Pilgrim	55,000
F. A. Wegis	55,000
Thomas Belluomini	55,000
Philip J. Cerro	55,000
Howard Frick	55,000
Victor Cerro	55,000
R. A. Belluomini	55,000
C. F. Tracy	55,000
Wm. L. Gammon	55,000
R. W. Tracy	55,000
W. Selvidge	55,000
L. W. Frey	55,000
W. Alan Harrison	55,000
Jack L. Gammon	55,000
S. J. Balfour	55,000
Elmo Belluomini	55,000
A. C. Belluomini	55,000
Jack M. Frey	55,000
G. Belluomini	55,000
Kenneth Wegis	55,000
R. J. Vignolo	55,000
Robert D. Watson	55,000

Theodore R. Page	55,000
Rainbow Ranch, Inc	55,000
L. A. Robertson Fms, Inc	55,000
A. Neufeld Fms	55,000
Kern Valley Farms	55,000
Desert Farms	55,000
Directors Enterprises, Inc	55,000
Westside Almond Ranch 4	55,000
Carl Taffera	54,999
D. S. Harris	54,982
D. L. Harris	54,982
D. M. Gregory, Jr	54,977
H. T. Fulton	54,977
Richard B. Brooke	54,977
P. D. Costigan	54,977
H. W. Budge	54,977
Buckling M	54,977
Geo. E. Hale	54,977
D. Beatty	54,977
E. Conner Granite Lnd. Co	54,977
M. L. Cummins, Jr	54,977
D. Bloemhof, Jr	54,976
Henry Bloemhof	54,976
Ted Bloemhof	54,976
Dave Bloemhof	54,976
S. K. FMS	54,967
H. S. Jewett	54,897
F. & E. Mosley	54,888
R. Torigiani	54,887
G. Torigiani	54,871
M. Torigiani	54,871
J. I. Freidrich	54,771
Nathaniel D. Barling	54,758
Sam Barling	54,758
C. A. Henson	54,755
John Landers	54,755
Ludy Bros	54,652
L. C. Kreim	54,642
Guido Romanini	54,512
John C. Moore	54,480
C. Mettler	54,451
Okey W. Houchin, Jr	54,310
Francis L. Houchin	54,294
Clarence A. Houchin	54,294
Allen Bottorff	54,215
Baroncini Bros	54,205
EM. H. Mettler & Sons	54,067
Reynold M. Mettler	54,060
Jim Garone	54,060
T. Barnard	54,004
D. K. Barnard	53,990
Howard S. Chase	53,954
Dwight R. Harmon	53,952
Alfred Palla, Jr	53,923
Louis Ricci	53,852
Wm. H. Rogers	53,835
N. S. Camp	53,534
H. F. Schuetz	53,534
J. Y. Camp	53,534
H. Jones	53,534
K. Mebane, Inc	53,534
M. L. Thomas	53,534
B. R. Howard	53,534
F. Carisle, Jr	53,534
D. M. Hart	53,534
J. J. Murray	53,534
Jeffries & Lachenmaier	53,404
Elk Grove Ranch	53,363
Joseph J. Trino	53,329
J. Romanini	53,322
E. L. Goodspeed	53,296
Fred J. Goodspeed	53,296
B. J. Mettler	53,290
Michael R. Mettler	53,290
V. Roberts	53,239
T. J. Mazzie	53,239
E. C. Mazzie	53,239
L. B. Mazzie	53,239
Geo. K. Antoine	53,197
Opal Fry	53,113
Joe Garone	53,111
Loren H. Voth	53,071
C. Reese, Jr	52,977
P. M Robertson	52,977
D. D. Doyle	52,977
W. A. Swinerton	52,977
J. L. Sharp	52,977
J. L. Farley	52,977
W. P. De Martini	52,977
Spencer Grant, Jr	52,977
Otto H. Teller	52,977
Jay G Harris	52,977
M. G. Farms	52,845
Jack Fry	52,836
George Fry	52,821
O. Torigiani Farm	52,779
Glen Turner	52,768
A. Palla	52,712
L. B. Groezinger	52,650
Gal Co. Farms	52,632
T. A. Griffinger	52,592
L. M. Press	52,592
A. S. Guerard	52,592
Peter Morrison	52,592
Wm. D. Evers	52,592
J. M. Bryan Fmly. Tr	52,592
R. Johnson	52,592
R. H. Downey, Jr	52,592
Wm. T. Jeffress	52,592
B. B. Roe	52,592
O. A. Bolstad	52,473
Harold R. Jewett	52,473
Bill T. Lewis	52,472
W. B. Camp, Sr	52,472
J. E. Sanders	52,468
Onie Sanders	52,468
C. Nowatzki	52,436
C. L. Herrington	52,436
Don M. Camp	52,436
Lynn Rhodes	52,095
D. Derington	52,095
J. A. Bidart, Sr	52,082
Emily Bidart	52,082
B. A. Bidart, Tr	52,082
J. A. Bidart, Jr. Tr	52,082
P. J. Bidart Tr	52,082
Bill L. Gibson	51,965
Wm. H. Gibson	51,965
F. De Mareo, Jr	51,935
Winston F. Foster	51,878
H. Beral	51,878
E. W. Overstreet	51,878
Alexander Wilson	51,878
G. H. Meek	51,878
J. B. Meek, Jr	51,878
S. C. Chillingworth	51,878
R. M. Olsen	51,878
Sandrini Bros	51,710
F. B. Frick	51,660
Dante Baggiani	51,614
Gino Chicca	51,564
Frank del Papa	51,536
Mike Hankins	51,150
Joseph E. Kurtz	51,078
Romanini Bros	51,019
Carl Johns & Sons	50,890
Weidenbach Bros	50,890
Loren S. Grant	50,570
Sterling W. Grant	50,560
Patterson & Hale	50,555
Frank Brazeel	50,506
H. D. Butts	50,380
Elmer Andreotti	50,260
James Tazioli	50,216
Joe Tazioli	50,216
W. C. Walker	50,103
T. J. Parrott	50,103
Doyle Ryan	50,103
W. E. Tank	50,103
Rodger C. Cole	50,103
Dr. R. W. Sheldon	50,103
H. M. Bartlow	50,103
A. E. Wells	50,103
Paul Arnold	50,103
Lorenzo Iturriria	49,972
G. Mendiburu	49,972
Robert Leppek	49,972
K. Malofy & Son	49,642
Wm. B. Buerkle	49,596
C. W. Buerkle	49,596
Louis E. Borel & Sons	49,209
M. B. McFarland & Sons	48,742
E. Ghilarducci	48,574
A. J. Torrigiani	48,381
F. Torrigiani	48,371
H & H Farms, Inc	48,052
Livio Palla	48,049
R. H. Garlow Farms	47,573
Geo. Lewis Mahoney	47,529
Jimmie Icardo	47,386
Keno Farms	47,385
Crettol Farms	47,110
Palm Farms, Inc	47,072
G. H. Baumgardt	46,982
Pete Romanini Fms	46,692
B. S. Baldwin & Sons, Inc	46,604
Vernon Blackburn	46,547
J. Pavlina	46,481
P. Spolsdoff	46,305
Kenneth Twisselman	46,269
Fred Banducci	46,063
Valpredo Farming Co	45,987
H. P. Wilson Fms	45,839
W. P. Romero	45,665
Giovannetti Farms	45,101
Freeborn Bros	45,071
Destefani Farms, Inc	44,689
A. Haddad & Sons Fm., Inc	44,219
Zane J. Smith	44,207
Stoller Bros., Inc	44,135
John Chicca	44,007
Louis Chicca	44,007
Dale Snell	43,782
Tollie Barton & Sons	43,760
W. E. & G. Delfino	43,365
Melvin McConnell Fms	43,327
R. Williams	43,263
Haddad Bros. Fms	43,012
E. W. Suorez	42,919
Jack H. Reed	42,868
W. B. Reed	42,868
J. G. Garrison	42,718
J. Parsons	42,699
R. E. Blair Parsons Ranch	42,686
Charles Parsons	42,686
Larry R. Wedel	42,456
Kenneth L. Wedel	42,456
Ervin Baublitz	42,412
Victor J. Krause	42,348
L. W. Bergman	42,325
J. Kroeker Sons	42,319
Mary Nickel James	42,278
Sally N. Mein	42,278
G. W. Nickel, Jr	42,278
Johnston Farms	42,118
Table Top	41,939
Lucky Tree	41,845
Double L Farms	41,758
Bob Cauzza	41,603
Waldrip Farms	41,515
Walker O. Fry	41,159
Kleen Seed Delinting Co., Inc	40,984
Willis Snow and Son	40,737
Precie Farms	40,687
R. A. Jacobsen Est	40,636
Roland M. Vallicella	40,486
Stanley Voth	40,386
Dennis Giannini	40,132
Deno Fanucchi	40,075
Sil Lect Farms	39,907
Shafter Wasco Invest. Co	39,810
Hollis Ragsdale	39,713
Charles Fanucchi	39,596
Frank M. Fanucchi	39,596
Joe P. Fanucchi	39,596
Joe G. Fanucchi	39,580
C. B. Dickey	39,462
W. C. Mecham	39,462
Edward Kraft	39,242
Five Star Ctn. Co	39,233
K. Frick c/o B of A Tr	39,111
Bruno Cauzza	39,072
E. Neuman	39,048
E. A. Yaksitch	38,925
Lowrimore & Wood	38,608
Merz Farms, Inc	38,558
Woods Stone	38,554
John Hernstedt	38,431
Arnold T. Cattani	38,337
A. T. Cattani, Jr	38,337
Elo & Vido Fabbri	37,627
Jack L. Billington	37,206
Joseph Banducci	37,088
Roy Henson	37,058
Joe Henson	37,047
Charles E. Cawley	37,047
J. G. Giumarra	36,903
Larren C. Cole	36,866
Richard Romanini	36,762
B. W. Duncan	36,637
N. L. Ritchey	36,531
Eugene Palla	36,382
H. Visser	36,303
Columbus Rice	36,180
Joe A. Costamagna	36,179

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—California—Continued

D. Galleano	36,179
The West Ranch	35,689
Frank Franceschi	35,680
Gary Franceschi	35,680
Neil W. Purvis	35,555
G. Pizzo	35,120
Miles H. Thomas	34,831
L. K. Olsen	34,802
Shafter Wasco Ginn, Co	34,735
Bernard J. Bone	34,690
James Frick	34,440
Rene Fallot Est	33,726
M. Parker	33,726
Buford L. Fox	33,713
M. Ferini & D. Ardantz	33,680
Stoller Bros	33,402
Saldubehere Bros	33,299
Roger Jessup Fms	33,297
M. B. Molica	33,258
C. M. Molica	33,258
Geo. Noroian	33,125
K. & P. Farms, Inc	32,590
J. B. 2 H Ranch	32,518
Ryan Jeffries	32,500
C. J. Shepherd & Sons	32,400
Meadow Gold Farms	32,329
B. Baggiani	32,255
Lido Isola	32,255
W. S. Kimmel	31,989
Paul Pierucci	31,888
Clare Rexroth	31,875
James Kalpakoff	31,845
Kendrick B. King	31,761
Derby Farms	31,710
A. & R. Farms	31,637
Banducci Farms	31,483
Carlo Scarrone	31,406
Lawrence Scarrone	31,406
Roy F. Fast	31,343
D. C. Bartel	31,343
W. T. Romero	31,317
Teddy B. Olsen	31,314
Harry Banducci	31,128
B. Moore	31,122
Joe Freitas, Jr	30,714
Louis Banducci	30,617
Bell Farms	30,515
A. Ghilarducci	30,420
R. Palla	30,309
Mario Buoni, Jr	30,301
Rose Ranch	29,999
R. Forrest	29,989
Leonard Gaede	29,877
W. C. Handel & Sons, Inc	29,675
Vista Farms	29,270
Louise Fox	29,205
Emry Crawford	29,166
J. R. Mozingo	29,158
D. C. Crawford	29,158
Ansolabehere Bros	29,050
Maple Ranch	29,030
J. T. Sanders	28,795
S. E. Willis	28,656
John L. Willis	28,647
W. B. Camp & Sons	28,474
Twin Farms	28,430
F. L. Starrh	28,424
Frank C. Bury	28,377
Gano Torigiani	28,354
Cowan Farms	28,261
Milne Stearns	27,953
Tom Toretta	27,952
D. Toretta	27,952
Micheal C. Lane	27,833
Gene K. Holland	27,805
C. Valpredo	27,685
R. Frantz	27,671
Dan Frantz	27,671
Buttonwillow Gin Co	27,620
Bill Menta	27,573
Melvin Rossi	27,500
Elmer Rossi	27,500
C. D. Ross	27,362
Robert Banducci	27.129
G. Banducci	27,129
Eugene Black	26,863
Neffs Ranch	26,733
Delis Farms	26,669
Valley Irr. & Supply Co	26,657
Furman & Wilson	26,562
Morris Bros. Farms	26,422
Bermuda Ranch	26,408
Coombs & Renfro Fms	26,388
A. M. Willis	26,344
J. A. & Adrien Eyraud & Sons	26,103
Jim Hronis	26,025
Heloise Pfierffer	25,989
Vergil Reed	25,901
Joe C. Eyraud	25,768
Richard Elrich	25,753
F. W. Handel Farm Co	25,695
Schulte Farms	25,443
E. & A. Sheep Co	25,391
Orlando Torigiani	25,375
Bonanza Farms	25,333
F. E. Andrews	25,143
R. S. Andrews	25,138
D. S. Andrews	25,137
Tex. Cal. Land Inc	25,050
M. & I. Farms	25,035
Pandol & Sons	24,887
Elo Fabbri	24,632
Btw. Ld. & Cattle Co	24,617
John Camp Farms	24,472
R. Limi Tr	24,407
R. Fanucchi Tr	24,407
R. Mettler	24,359
Beck & Sons	24,344
Noriega Sheep Co	24,200
S. P. Land Co	23,942
Kermeth Anderson	23,834
Wm. R. Foy	23,653
R. Pascoe Ranches	23,446
H. H. Costerisan	23,370
Double M Sheep Co	23,368
R. R. Costerisan	23,363
L. L. Costerisan	23,363
Allen E. Neufeld	23,136
James Banducci	23,032
Doris Walker	23,032
F. Garone, Jr	22,979
Coleman Farms	22,858
Stenderup Farms	22,746
Gino Romanini	22,619
Albert Angus	22,597
Lee Herring	22,488
A. S. Ediger	22,339
Joe Ghilarducci	22,308
J. E. Wiens	22,294
John B. Cauzza, Jr	22,244
H. H. and J. C. Lewis	22,202
Dan Tudor & Sons	22,195
D. Corsaro	22,142
Arthur Icardo	22,002
Mitchell Brothers Co	21,958
E. A. Neufeld	21,897
Poznoff Farms	21,846
Jeff Reyes	21,835
Lloyd Bowman	21,822
Eugene Johnson	21,681
G. Emerson Fms., Inc	21,644
Lloyd Unruh	21,576
Clara P. Rexroth	21,529
Mickey Hair	21,433
Curtis Hair	21,426
Hardy Hair	21,426
Wilbur Kruger	21,423
Leroy Barnett	21,391
Wedel Farms	21,370
Otto Handel	21,339
Piramo Luchetti	21,327
Wayne Kirschenmann	21,104
Mary May Enterprises	20,947
Alvie Snow	20,900
David Cerrina	20,795
Secondo Viarengo	20,795
M. L. Rockwell	20,610
Bergman & Isaac	20,558
Martin Farms	20,434
Al Pistoresi	20,334
Donald Molatore	20,325
D. Antongiovanni	20,233
E. Antongiovanni	20,233
Vincent Antongiovanni	20,233
U. Antongiovanni	20,233
J. R. Almklov	20,150
Total payees in county (538)	23,658,694

KINGS COUNTY

Westlake Farms	91,292
Gilkey Farms, Inc	88,751
G. W. Nickel, Jr	70,313
Wedderburn Bros	68,669
Salyer Land Co	66,492
R. A. Rowan & Co	66,085
James & Paul Avila	62,335
J. G. Stone Land Co	59,084
Standard Oil Co	57,467
South Fork Ranch, Inc	56,545
Ross Borba, Jr	56,304
Darril Borba	56,304
Ross Borba, Sr	56,299
Boyett Farming	56,031
L. E. Culp DBA Culp Ranches	55,963
Wesley Hansen	55,843
C. R. Shannon	55,403
Aram Kinosian, Jr	55,402
Clifford S. Lupercio	55,402
Jack Shannon	55,402
Norman R. Gabor	55,402
Elbow Enterprises, Inc	55,402
Hogle Ford	55,402
James G. Shannon	55,402
Leroy E. Hutsell	55,402
Ronald S. Upton	55,402
R. S. Barlow	55,136
Gregory Stanton	55,000
W. H. Rowe	54,999
Oscar Ray Green	54,999
Leon L. Hall	54,980
Charles E. Rose	54,980
Nancy Nickel	54,919
James L. Nickel	54,919
Cynthia Selfridge	54,919
Joan S. Selfridge	54,919
L. A. Hansen	54,906
Philip D. Duvall	54,880
Robert E. Murphy	54,880
Philip P. Marskey	54,880
Daniel A. Newton	54,875
Thomas A. Newton	54,875
Patrick W. Newton	54,875
Daniel F. Newton	54,875
Louis T. Robinson	54,745
Harp Bros, Inc	54,729
Harriet Hansen Trustee	54,729
Ralph Gilkey	54,514
Hazel R. Mitchell	54,307
Robert W. Anderson	53,077
Craig Anderson	53,077
Inco Farms, Inc	52,991
C. Elmer Spafford	52,964
Couture Farms	52,836
Murray Farms, Inc	52,570
William E. Thornton	51,312
Malcolm P. Powers	51,167
Chas. Schwartz	50,947
Vernon L. Thomas, Inc	50,917
Floyd Wisecarver	50,781
G. E. Brewster Est	50,614
B. Gonsales	50,614
Shaen Magan	49,398
W. W. Boswell, Jr	49,060
John Hild	47,756
John Lawrence Stone	45,979
H. L. Thayer	45,979
William T. Stone	45,956
Lawrence M. Stone	45,956
Westfarmers A. Pts	44,985
L. W. Newton	44,115
Glenn A. Gramps	43,917
Richard A. Newton	43,904
M. G. Pickett	43,748
D. E. Hildebrand	43,725
Fabry Farms, Inc	43,108
J. B. Long	41,400
Leroy Avila	40,761
Paul Couture	40,649
Suzanne Couture	40,636
Stephen Couture	40,636
John A. Avila	39,285
Clarence Avila	39,273
Murray Bros. Farming	38,254
Verburg Bros., Inc	36,790
Costa & Quintel, Inc	36,516
Donald J. Gilkey	35,574
Don Riddle	35,574
Kenyon De Vaney	35,574
Double O Ranch	34,888
Franna Farms	34,861

Alvin Odle	34,712
Richard M. Stuhaan	34,612
P. Hansen Ranch	34,267
Ralph Marshall	34,024
Earle A. Howe	33,542
L. & R. Giacomazzi	33,244
L. E. Hansen Farms, Inc	31,270
Dunlop Farms	31,255
Charles W. Yocum	31,031
H. L. Yocum	31,031
Kile Yocum	31,031
Robert Yocum	31,031
Nunes & Pires	30,754
George Sego	29,925
James B. Hansen	28,963
Jess V. Hansen	28,963
Duty Farms	27,304
Wesley Stanton	27,188
Barcellos & Wolfsen	27,100
Hugh V. Johns	27,026
Manuel Vieira, Jr	26,449
Larry Davis	26,329
R. L. Squire & Sons	26,100
Tony A. Bettencourt	25,890
Uselton Ranch	25,238
M. S. Simas Est	25,147
Tommy R. Avila	25,073
Broder Fabry	24,576
Kenneth G. Walker	24,309
B. J. M. Farms, Inc	24,254
Fleming Bettencourt	24,165
Leslie B. Logan	24,121
South Lake Farms	24,111
John Verboon	23,760
J. E. Squire & Sons	23,723
M. J. & Ralph Whitmore	23,589
John Teixeira	23,464
Silva Brothers	23,207
William G. Squire	23,207
Grant W. Squire	23,207
Bettencourt Bros	22,968
Simas Bros	22,832
Albert Martin	22,301
Dufur & Castadio	22,201
Circle L Farms	22,155
Rowena Mae Salyer	22,126
Mussel Slough Farms	21,824
M. E. Taylor	21,706
H. K. Richards	21,520
Pete Ysusi	21,519
A. C. Cardoza	20,938
Fagundes Bros	20,873
Marcy J. Silva	20,809
Myron & Theron Dutra	20,726
Tos Brothers	20,062
Total payees in county (146)	6,154,514

LASSEN COUNTY

Fred Weisenburger	21,142

LOS ANGELES COUNTY

John Fuson	88,010
Swift & Co	78,245
Godde & Ritter	61,641
Monrovia Nursery Co	25,000
2d Morehart Trust	25,000
Total payees in county (5)	277,896

MADERA COUNTY

Forrest Clayton	58,551
J. A. & T. R. Hawkins	57,054
Burkhart Farms	56,658
Dave Mendrin & Sons	56,397
Bill G. Clay	56,039
B. A. Watson	55.282
Robert Hansen	55,203
Gary Brooks	54,994
Logoluso Farms	53,807
Baker & Hansen	52,571
Elmer Schuh	51,216
Jacob Schuh, Jr	51,200
Sam M. Schuh	51,200
George Andrew	50,486
George E. Ross	48,018
James L. Sniffin	48,004
Triangle T Ranch	47,438
John M. Lasgoity	46,069
Larry Chapman	45,738
R. W. Hopper	44,908
Howard Glantz	43,831
Fred Toschi	43,230
A. K. Baker	41,459
El Peco Ranch	41,260
Donald Mercer	41,123
Ardell Hooper	40,331
Otha Hooper	40,331
Norman Kuhr	40,119
Ben Curutchet	39,116
H. M. Farming Co	38,716
Johnny Deniz	37,708
Dan Branco	37,633
Richard Johnson	37,057
R. C. Weaver	36,556
Dale Maddalena	35,241
David Baker	33,518
Willard Haynes	32,915
Fred Van Tassel	32,675
S. A. Upton	32,130
Morgan Johnson	30,650
Red Top Cotton Grws	30,474
Floyd Williams	29,981
Sam Mariani	29,897
Kenneth B. Seibert	29,567
Wesson Farms	29,556
Leonard Frazier	29,138
Peter Maddalena	28,442
Clarence Ylarregui	28,332
S. E. Roberts	28,219
J. Frank Martin & Sons	27,929
John Galleano	27,206
Wm. Correia	26,733
Wm. E. Roberts	25,564
L. D. McRee	24,662
Guy Houk	24,536
L. B. Beshears	23,840
Averill Ranch	23,796
Alvin Gomes	23,770
Larry L. Jantzen	23,514
Edward Pistoresi	23,402
Milas Hart	22,363
Paul Toschi, Sr	21,923
Robert Da Silva	21,434
John Farmer	21,357
G. J. Schuh	21,357
Arvid Allen	20,760
Charles D. Mays	20,636
C. F. Andresen	20,501
Total payees in county (68)	2,505,321

Wolfsen Land and Cattle	101,843
Dean Barrett	67,636
Vernon Porter	66,339
Sorg Bros	59,207
Lewis Maiorino	58,851
Lindemann Farms, Inc	57,180
Santa Rita Ranch Co	57,166
Findley M. Upton	55,574
Timco Div	55,294
Sam Hamburg Farms	54,363
Upton Bros	54,035
Nina B. Nickel	53,365
John C. Nickel	53,365
Ray Buie	51,401
Chas. E. Andrews	50,097
Eagle Loma Farms, Inc	49,704
Woo Bros	48,625
Carl Bryant	44,620
Carl Sumpter	43,881
Joe G. Machado, Jr	39,701
Danco Farms	38,240
Talbott Sheep Co	37,214
Clay Farms, Inc	36,721
Delta Farms	35,043
Bob Porter	33,804
Joe H. Santos	33,601
Brights Nursery, Inc	31,536
James Maiorino, Jr	31,001
Striblings Nurseries	30,519
Henry Sorg	29,146
Kenneth Porter	28,721
Favier Cattle Co	27,618
Pedretti Ranches	26,141
Etcheverry Bros	25,696
R. Palazzo and Co., Inc	25,186
Ardans Bros	23,025
Ollie McDonald	22,464
Marvin Wooten	22,347
W. F. Sturgeon Farms	20,877
Herman Willis	20,753
Arambarri and Izoco	20,022
Total payees in county (41)	1,721,922

MONTEREY COUNTY

Bruce Church, Inc	84,295
Frank Taylor	46,541
Martinus & Martinus	39,007
Inter Harvest, Inc	30,333
William D. Crinklaw	28,258
William Whitney	27,100
Violini Sisters	25,162
Huntington Farms, Inc	21,309
Harless Bros	20,989
Total payees in county (9)	322,994

ORANGE COUNTY

Rancho Santa Ana	24,999

PLACER COUNTY

Evans Bros	23,995
Frank & Ross Riolo	23,654
Total payees in county (2)	47,649

RIVERSIDE COUNTY

J. R. Norton Co	63,313
Fisher Ranch	58,979
Pi Land & Cattle Co	56,440
Sunrise Farms	55,793
Gary A. Bryce	55,771
Albert P. Keck Co	55,590
D. L. Mudd, Inc	55,135
E. G. Nowell	55,000
Donald T. Williams	55,000
Larry Augusta	55,000
James Stafford	55,000
Robert M. Morton	55,000
Thomas Robinson	55,000
Ellsworth Epperson	55,000
Charles Robinson	55,000
G. T. Scott Ranches, Inc	55,000
Leon Kennedy	54,737
Mark Kennedy	54,737
Don Riley	54,718
Henry W. Warne	53,687
Clarence Robinson	51,635
Harold Levin	51,108
Desert Ginning Co	50,875
Rummonds Bros. Ranches, Inc	50,830
Verne Wuertz	47,163
C. P. Richins & Sons	47,106
Travis Farms	47,106
John Pavao	45,798
Lawrence Chaffin	44,750
Dale Hull	42,593
BKM Ranchers	41,632
E. C. Apodac Est	40,824
George Arakelian Farms, Inc	39,447
W. K. Kenworthy	38,332
Henry Schindler	36,441
Louis Schindler	36,441
Suzy Bel Farms	35,266
Marshburn Bros	35,118
Duane E. Berger	33,300
Motte & Sons	32,879
Bud Antle, Inc	28,773
Harboe Ensley	27,958
Johnson Bros	27,506
Frank Guitron	27,160
Rheingans Bros	27,017
Amronland & Cattle	24,016
Bert Lauda	23,928
Clyde E. Smith	22,542
John B. Mainvil	22,367
J & R Enterprises	22,089
Nish Noroian Farms	21,921
Peter Rabbit Farms	21,575
Sam Keoseyan	21,310
Ramon F. Burrell	20,640
Rancho del Juan	20,160
Total payees in county (55)	2,321,506

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—California—Continued

SACRAMENTO COUNTY

Amistad Ranches	30, 200
Lum Bunn & Sons	25, 015
Silva Farms	20, 921
George D. Wilson	20, 287
Total payees in county (4)	**96, 423**

SAN BENITO COUNTY

Thomas Castle Farms	23, 264

SAN JOAQUIN COUNTY

M. and T., Inc	72, 712
John B. Meek	57, 217
Jean Cubiburu	56, 120
Reclaimed Island Lands	38, 524
Tanaka Farms	27, 970
A. & M. Farms	26, 318
River Investment Co	25, 869
Joe Sabbatini	24, 404
Watanabe Bros	23, 118
Jack Klein Estate	22, 458
Moresco Bros. Farms	22, 386
Frank Arburua	22, 216
Kaiser and Lindeman	20, 632
Augusta Bixler Farms	20, 498
Salyer Victoria, Inc	20, 457
Total payees in county (15)	480, 899

SAN LUIS OBISPO COUNTY

Jackson & Reinert	47, 135
Miller Brothers	41, 780
Frank Galainena.	33, 876
Kent Hansen	28, 278
Van Horn Bros	28, 263
Camatta Ranch	27, 802
Grayson Owen Co	24, 685
Ernest A. Hahl	24, 500
William P. Wreden	23, 881
Armendaris Ld. Dev. Cp	20, 058
Nels Beck & Sons	20, 047
Total payees in county (11)	320, 305

SANTA BARBARA COUNTY

Owen T. Rice & Son, Inc	42, 964
R. L. Calhoun	41, 533
Andrew T. Petersen	34, 947
Sinton & Brown, Co	28, 200
Del Mar Packing Co	24, 999
Total payees in county (5)	172, 643

SOLANO COUNTY

Chew Bros	104, 754
Gnos Brothers	41, 405
C. Bruce Mace Ranch, Inc	39, 491
H. H. & J	37, 896
Peter Cook, Jr	35, 719
Anderson Brothers	30, 671
Holdener & Wiegand	30, 462
Giannoni Farms, Inc	27, 518
Albert Carrington	26, 502
Steve Shubin	24, 996
Bulkley Ranch	23, 736
Tom Abel	23, 395
George M. Struve, Jr	22, 772
Fred H. Rehrman & Son	21, 649
Belli & Fahn	21, 421
Solano Farms, Inc	20, 649
Brann Bros	20, 530
Hastings Farms	20, 470
Edgar Everett & Son Farms	20, 429
Robert C. Schulze	20, 402
W. L. Davey	20, 384
Mayhood Ranches	20, 372
Total payees in county (22)	655, 623

STANISLAUS COUNTY

Patterson Land Co	25, 000
Thorkelson Ranches	22, 876
Total payees in county (2)	47, 876

SUTTER COUNTY

Newhall Land and Frmg	178, 562
Hamatani Farms, Inc	34, 956
Oji Bros. Farm, Inc	31, 354
E. E. McPherrin & Son	29, 406
Lamb Bros	25, 984
Sutter Basin Corp	25, 711
H. L. Sanborn and Sons	21, 909
James H. Akin	20, 818
Total payees in county (8)	368, 700

TEHAMA COUNTY

The Pacific Farms	37, 207
Sutfin Bros	30, 135
USP Corporation	27, 500
Kaiser Aetna	27, 500
O. M. C. Orchards	27, 499
Associated Almond Orchards	27, 499
Robert E. Mills	26, 800
D. L. Williams & Son	23, 538
Anchordoguy & Co	21, 664
Total payees in county (9)	249, 342

TULARE COUNTY

Southdown McCarthy Farms	155, 414
Roberts Farms, Inc	109, 408
Nichols Farms	83, 173
Marion Haris	75, 733
C. J. Ritchie	63, 957
M. Curti & Sons	63, 222
W. M. & D. L. Colson	61, 582
Marko Zaninovich, Inc	60, 335
John Valov	58, 921
Fisher Bros	57, 741
George A. Efseaff	57, 419
Mitchellinda Ranches	57, 129
L. Raviscioni Farms	56, 952
Andy Wheat	55, 861
R. A. Hildebrand	55, 104
Richard M. Shannon	55, 000
Patrick T. Shannon	55, 000
Kelly Ann Shannon Tr	55, 000
G. L. Bennetts	54, 903
Shuklian Bros., Inc	54. 769
Bill Beshears	54, 762
Watte Brothers	54, 589
James G. Schott	54, 573
Michael A. Schott	54, 557
Glenn J. Schott	54, 557
Clyde Quillin, Jr	54, 554
Sherman Land & Cattle Co	54, 517
Leroy Sunderland	53, 354
Gene McClure, Inc	53, 354
A. E. Panetta Farms	53, 224
G. E. Paxton	53, 097
Charlie Minoletti	52, 706
Richard McCarthy	52, 631
Donald McCarthy	52, 615
Leland McCarthy	52, 615
Baker Bros	52, 170
Doyle Ritchie	51, 757
Roy Kent	51, 747
Atilio Belezzuoli	51, 715
Guthrie Farming Co	51, 123
Sam & Bill Valov	51, 008
John Torrez, Jr	50, 941
Paul Shannon	50, 935
Carl Shannon	50, 935
Bill White	50, 819
Clarklind Farms	50, 454
Geo. C. Rising	50, 219
Earl Royer	49, 735
Dane Stuhaan	49, 617
George Bassett, Jr	48, 745
Edward L. Irwin	48, 540
L. W. Turk	48, 514
Wilbur Ranch	47, 963
Hochuli Bros	47, 393
Stuhaan Farms	47, 052
Onel C. Jackson	45, 691
S. K. Warkentin	45, 506
A. E. Quatacker	44, 512
Benson Brothers	43, 455
James Rodari	43, 305
Louie F. Morris	43, 197
Harriet L. Merritt	43, 185
Richard W. Merritt	43, 185
Mello & Martin Farming Co	42, 616
Thad Dresser	42, 543
Ronald W. Harris	42, 502
J. X. Bettencourt	42, 238
Sam Perry	41, 308
H. P. Anderson III	40, 313
H. P. Anderson Jr	40, 313
Robert F. Bowman	40, 221
Anthony V. Cardoza	39, 926
S. & S. Ranches	39, 810
Mary O. Cardoza	39, 426
Glenn L. Cooper	39, 378
Anthony Rodrigues	39, 343
Delmart Farms	39, 257
Vernon Hutsell	38, 526
Darrell Taylor	38, 306
Theodore Eberlein	37, 683
E. D. Batsch	37, 559
Brian Batsch	37, 552
Gerald Lang	37, 547
Hash Nursery	37, 466
Theodore Smith	37, 426
Alvin Correia	36, 917
Joseph Correia	36, 909
Don Jackson	36, 849
Galbraith Brothers	36, 829
Val Verde Farms Inc	36, 727
Los Feliz Inv. Co	36, 493
Kirby Wyllie	36, 454
Sam W. Bell	36, 360
A. M. Falconer	35, 872
Donald R. Falconer	35, 872
Harry L. Falconer	35, 872
A. M. Falconer Jr	35, 872
James E. Kagler	35, 774
Lawrence Taylor	35, 629
Don MacMillan	35, 283
Wesley W. Smith	34, 835
Lesley W. Smith	34, 824
Roscoe E. Smith	34, 824
Ernest Ritchie	34, 767
Richard Berry & Sons	34, 758
Donald Thiesen	34, 499
Vernon Thiesen	34, 499
Roy D Murray	34, 382
Nagatani Farms	34, 224
Andrea B. Henninger	34, 195
Reynold Bisconer Estate	34, 195
David Bisconer	34, 195
Raymond Bisconer	34, 195
Hillman Corportaion	34, 130
J. C. Ribeiro & Sons	33, 941
Manuel Martin Jr	33, 745
Chas. Neufeld	33, 722
Raymond Donaldson	33, 371
W. K. Jackson Jr	32, 899
A. T. & J. R. Villard	32, 720
Clark Bros	32, 508
Lapadula Farms	32, 401
Howard Trimble & Son	32, 280
Gobel Brothers	32, 251
Schlitz & Twiford Farms	32, 197
Uchita Bros	32, 156
Robert Taggart	32, 017
Hercal Corporation	31, 422
R. Wayne Lessley	31, 387
Joe W. Ramos	31, 225
Harvey Lauritzen	31, 045
Ernest Menezes	30, 595
Joe Menezes	30, 595
T. I. Hampton	30, 466
Overholt Brothers	30, 459
Florence M. Doe	30, 346
Manuel Picanso	30, 308
Pete Lawrence	30, 277
Lynn McCallister	30, 139
Nickell Farms	30, 098
Dub & Barbara Lusk	29, 963
Russell M. Doe	29, 955
Chas. E. Slaughter Farms	29, 767
Jack C. Harris	29, 578
Wm. R. White	29, 546
J. H. & R. J. Cowart	29, 452
Gary G. Pratt	29, 257
Toomey Brothers	29, 109
Serpa & Co	28, 527
Donald Bergantz	28, 283
Ira Thompson	28, 084
Don G. Dollinger	27, 945
J. L. Pires & Co	27, 578
Don Eisner	27, 412
C. Paul Johnson	27, 222

Manuel Silveira	27,196
E. W. Merritt Farms	27,023
H. A. Vossler & Sons	27,006
Manuel I. Rocha & Co	26,557
Ralph Bissell	26,430
R. G. Burns	26,419
C. D. Speer	26,110
Robert Hutcherson	26,028
Henry Finck	25,965
Sam White	25,846
Nichols Living Tr	25,662
Edgar Schieler & Sons	25,646
R. W. & G. Stadden, Jr	25,559
Harold Bontrager	25,266
Lowell Loftis	25,114
Wm. L. Goins	25,087
W. A. Schwartz	25,007
Bowen & Jones	24,935
T. & R. Ranches, Inc	24,670
Roy Langston	24,496
R. L. Westbrook	24,462
John E. Sola	24,403
E. L. Beaver	24,381
L. J. Chroman	24,114
Louis J. Goeman	23,892
Rollis Friend	23,885
Richard Stuhaan	23,597
Gist Farms	23,525
Correia Brothers	23,448
Sam Lessley	23,230
Garth Cobbs	23,178
Allan Jones	23,149
Francis & Paul Johnson	22,780
R. J. Catron	22,637
George P. Orisio	22,539
Johnson & Johnson	22,455
Nielsen Farms	22,430
Coy M. Daffern	22,415
Tony Santos	22,318
Abe Wiens	22,205
Bill Faria	22,137
J. G. Fossett, Jr	22,096
Charles Wolsey	22,061
Donald Marshall	21,982
Guido Lombardi	21,975
Bill Westbrook	21,973
Spencer A. Gilbert	21,599
Wm. & Jeff Hahesy	21,588
Julia De Campos	21,517
E. W. Gunther	21,490
Ritchie & Ritchie	21,459
Frank L. Day	21,457
Ronald J. Castro	21,455
Chas. Westbrook	21,392
Ed Hanni	21,382
S. Trigueiro, Jr	21,303
Melvin Miller	20,959
Tag Farms	20,509
L. & W. Ellis	20,507
Melvin Santry & Son	20,480
Pradera Del Lago	20,245
Frank Schott & Son	20,174
Anton Caratan	20,155
Nika Caratan	20,155
Robert B. Engle	20,017
Total payees in county (220)	8,170,619

VENTURA COUNTY

Rancho Ventura	52,188

YOLA COUNTY

Heidrick Farms, Inc	143.972
G. A. Hanks & Sons	66,224
L. Wallace Ex. E. Wallace Est	58,457
Lloyd Eveland	46,098
E. A. and B., Inc	44,298
E. L. Wallace & Sons	41,933
Meek and Lemaitre	41,309
River Garden Farms	32,196
Nishimura Bros	30,582
Vernon Eriksen	28,488
Edgar Jang	26,159
Layton Knaggs	26,074
Hatanaka Bros	24,953
Vernon A. Mast and Sons	24,240
Shimada Bros	24,070
Howard Correa	22,306
Scott Yamamoto	21,822
L. C. Ulrich	21,586
W. C. Payne	20,945
Joe Gnoss, Jr	20,611
Joe Lopes, Jr	20,426
Total payees in county (21)	786,749
Total payees in State (1,708)	72,305,073

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Colorado

ADAMS COUNTY

[Amounts in dollars]

Kalcevic Farms, Inc	54,002
Monaghan Farms, Inc	53,796
Danford & Champlin, Ltd	48,674
Box Elder Farms, Co	39,515
Ray M. Schmidt	27,330
Total payees in county (5)	223,317

ARAPAHOE COUNTY

Robert E. Carlson	23,254
Alfred Linnebur	21,988
Total payees in county (2)	45,242

BACA COUNTY

R. R. Rutherford	42,279
William Greathouse	39,147
C. V. Cogburn	33,194
Bernard Neill	32,309
F. M. Swanson	30,134
Samuel Thompson	25,674
T. F. Arbuthnot	24,047
Brownie Farms	23,726
Lewis Robbins	22,574
Wayne Orebaugh	2,155
Homsher Farms and Ranches	21,569
Russell Loflin	20,831
John W. Moore	20,028
Total payees in county (13)	357,667

BENT COUNTY

George C. Camilli	32,686
Spady Brothers	29,160
Jake Broyles	28,257
G. Swift Est	23,769
Total payees in county (4)	113,872

BOULDER COUNTY

Dom Echeverria	29,494

CHEYENNE COUNTY

John Kriss	53,060
Dale Mitchek	45,398
Knudson Ranch	26,817
Harold Rother	24,278
Archie M. Lowe & Sons	24,219
A. D. Reed	24,192
White Woman Creek Inc	23,831
Marvin Lowe	23,529
Gail Woodard	22,348
Dannie McCormick	22,268
M. K. White	21,188
Andrew Schaefer	21,090
Total payees in county (12)	332,218

CROWLEY COUNTY

Crowley Land & Dev. Co	94,888
Harold N. Hobart Jr	56,128
Total payees in county (2)	151,016

DELTA COUNTY

McIntyre Livestock Corp	28,552
Hotchkiss Ranches Inc	22,854
Total payees in county (2)	51,406

ELBERT COUNTY

Butler Purdy Land and Cattle	21,856

GARFIELD COUNTY

Bair Ranches	22,001

JEFFERSON COUNTY

Wilson and Co. Inc	72,854

KIOWA COUNTY

Wayne E. Tallman	49,319
Gene Schwerdfeger	43,420
Stum & Schuler	42,006
Harold Wyckoff	32,569
Bill Marx	28,762
M. E. Templer	27,199
W. Harold Tuttle	26,354
Jaem, Inc	24,946
Eddie C. Templer	24,039
Aubrey Shotton	23,710
Edwin Negley	23,689
B. A. Brixey	21,248
William J. Weber	21,198
Wayne E. Tallman Farms Co	21,093
James S. Garvey	20,892
John A. Stavely	20,753
Jake Boehs	20,725
Arthur C. Wilks	20,352
Total payees in county (18)	492,274

KIT CARSON COUNTY

Delmer Zweygardt	85,174
Hinkhouse Bros	77,993
Penny Ranch	54,411
Dannie Weaver	50,893
Anschutz Farms, Inc	50,146
Raymond Schulte	46,318
Don Scheierman	38,822
Paul Gergen	34,313
Britt Bell	33,937
Russell Scott	33,255
G F Bollwinkel	33,197
Dale D Hanna	31,074
Leonard Feldhousen	30,257
Leon Silkman	29,241
Three Rivers Ranch Inc	29,187
Iron Mueller Inc	27,437
Q G Demmitt	26,565
Byron G Jarnagin	24,511
C E McCartney	23,918
Schutte Farms	23,356
Raymond Thomas Downey	22,821
Pickard Farms Inc	22,624
Lohnnie Wall	22,402
Warren Hodge	22,345
Jim Newcomb	21,595
George Andrews	21,593
Mae Belle Crouse	21,501
Marvin Grusing	21,304
John R Zurcher	21,262
Plautz Corporation	21,001
W T Pottorff	20,436
Neal Dorsch	20,356
Russell Davis	20,138
Kenneth Scheierman	20,112
Total payees in county (34)	1,083,495

LARIMER COUNTY

L Vernon French	21,710

LINCOLN COUNTY

Orval F. Parker, Inc	30,745
Harold Kuckartz	21,147

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Colorado—Continued

C D Farms Inc	20, 147
Total payees in county (3)	20, 147

LOGAN COUNTY

Geo. Henderson Co	29, 598
Yaw Farms, Inc	24, 730
Wood Land Co	21, 823
Total payees in county (3)	76, 151

MESA COUNTY

Irving C. Beard	38, 809
J. Perry Olson	33, 619
Colorado Utah Livestock	25, 969
Louis Arrayet	20, 093
Total payees in county (4)	118, 490

MOFFAT COUNTY

Smith Rancho, Inc	58, 848
Cross Mountain, Inc	54, 411
Two Bar Ranch Company	34, 647
Visintainer Sheep Company	28, 470
H. G. Culverwell	25, 922
Papoulas Livestock Company	23, 699
Gordon C. Winn Sheep Co., Inc	21, 130
L. C. Winder Company	20, 011
Total payees in county (8)	267, 138

MONTROSE COUNTY

Chuchuru Bros	25, 152
Paxton Family	20, 245
Total payees in county (2)	45, 397

MORGAN COUNTY

Raymond H. Roark	28, 018
Andrew Blake	25, 849
Total payees in county (2)	53, 867

OTERO COUNTY

Highline Canal Co	42, 940

PHILLIPS COUNTY

Deden, Inc	27, 611
Schneller Farms, Inc	26, 747
Robert L. Gerk	26, 226
Total payees in county (3)	80, 584

PROWERS COUNTY

C. H. Fletcher	49, 787
X. Y. Ranch Co	44, 819
Heath & Son & Turpin, Inc	42, 966
C. E. Willhite	39, 493
L. W. Bailey	38, 644
Howard A. Ragsdale	38, 318
C. A. & Robert Barth	37, 464
Reyher Farms	36, 178
Jack Herrin	30, 717
J. Marvin Willhite	29, 805
C. Hart Farms, Inc	29, 696
Frank Duvall	29, 570
J. Willhite and Son	29, 497
Curtis Duvall	28, 787
Sun Vue, Inc	27, 434
Eugene Rundell	24, 306
J. G. Preisser	23, 300
Dorenkamp Farms, Inc	23, 077
George E. Holmes	21, 019
Creamer Ranch	20, 712
William & Sam Grasmick	20, 181
Total payees in county (21)	665, 770

PUEBLO COUNTY

R. Lewis Fillmore	27, 772

RIO BLANCO COUNTY

Etchart Bros	24, 912
Nick Theos	20, 463
Total Payees in County (2)	45, 375

ROUTT COUNTY

Maneotis Sheep Co	37, 262

SAGUACHE COUNTY

McMahon Bullington	22, 555

SAN MIGUEL COUNTY

Hughes Bros., Inc	33, 624

SEDGWICK COUNTY

Wm. Stretesky, Inc	30, 981
Ricker Farms, Inc	21, 006
Hodges & Sons	20, 352
Total payees in county (3)	72, 339

WASHINGTON COUNTY

Alfred Ward and Son	75, 017
Floyd Starlin	29, 708
Total payees in county (2)	104, 725

WELD COUNTY

J. Burton Tuttle	107, 167
Monfort Packing Company	78, 178
Larry Rule	47, 128
Buckeye Land & Livestock	44, 247
Box Elder Sheep Co	35, 679
Lyle V. Cooksey	24, 730
Jean Eichheim	22, 780
E. E. Foster & Sons, Inc	20, 257
Albert Allison	20, 112
Walter John Peters	20, 004
Total payees in county (10)	420, 282

YUMA COUNTY

Leonard L. R. Dutton	40, 686
Thomas Brophy	34, 622
Loren Dickson & Sons, Inc	32, 036
Chester Whomble	28, 825
Ralph & Jack Bowman	28, 017
Robert Poitz	23, 560
Henry Wiltfang	22, 724
George W. Wingfield	21, 606
Ray Max Wiley	21, 557
Edward Trautman	20, 065
Total payees in county (10)	273, 698
Total payees in State (175)	5, 478, 430

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Florida

ALACHUA COUNTY

A. E. & R. E. Summers	20, 304

GLADES COUNTY

Arbank Farms, Inc	58, 458
John Tiedtke	49, 846
Click Farms, Inc	46, 321
Lykes Bros., Inc	30, 866
Hicpochee Farms	27, 924
J. E. Frierson	27, 071
R. D. Yoder	22, 015
Moore Farms	20, 176
Total payees in county (8)	282, 677

HENDRY COUNTY

US Sugar Corp	1, 267, 401
OV Land Co	81, 325
A. F. Saunders, Inc	66, 557
M. L. Bishop	26, 589
Peace Cattle Corp	24, 755
Three Rs Inc	23, 682
Ewell Farms	21, 135
Total payees in county (7)	1,511, 444

JACKSON COUNTY

J. G. Williams	21, 163

PALM BEACH COUNTY

Gulf & Western Food Prod. Co	698, 801
Talisman Sugar Corp	421, 249
Florida Sugar Corp	221, 664
S. N. Knight Sons, Inc	163, 805
Closter Farms, Inc	163, 407
A. Duda Sons, Inc	153, 347
New Hope Sugar Co	124, 104
715 Farms Ltd	107, 796
Billy Rogers Farms	86, 965
Wedgworth Farms Inc	84, 587
Double D Ranch Inc	80, 689
Seminole Sugar Corp	79, 822
Fla AT Land Corp	79, 446
C. A. Thomas	74, 568
Sam Senter Farms Inc	73, 082
Hatton Brothers Inc	72, 155
Trucane Sugar Corp	70, 962
Eastgate Farms Inc	69, 989
South Bay Growers Inc	68, 207
Vandergrift WLMS FMS Inc	61, 178
J. T. Boynton Farms Inc	54, 273
Vinegar Bend Farms Inc	44, 894
Okeechobee Farms Co	40, 540
F. W. Farms Inc	39, 702
Hayes Quackenbush Inc	38, 371
Harley Watson Farms	33, 902
Flava Farms Inc	33, 701
Stein Sugar Farms Inc	30, 520
Camayen Farms	28, 381
Miami Sod Co	28, 325
Chase Company	28, 240
Manatee Plantations Inc	27, 869
Brown Sugar Corp	25, 283
R. W. Bishop	24, 584
Valentine Farms Inc	22, 925
Robert C. Hatton Inc	21, 754
W. H. Vann Inc	21, 680
Hooker Jones Co	21, 317
E. L. Parker	20, 446
Total payees in county (39)	3, 542, 530

SANTA ROSA COUNTY

J. E. Golden	52, 196
J. W. Bauldree	50, 922
Lem Strickland	48, 380
Wayne Godwin	36, 693
James Thomas, Jr	28, 696
Paul S. Golden	28, 070
Lewie F. Smith	27, 442
N. L. Golden	26, 071
W. T. Stewart	25, 278
Willie H. Jones	24, 339
Luke Golden	23, 386
Adone J. Lloyd, Jr	21, 604
Woodrow John Cooley	21, 102
Total payees in county (13)	414, 179
Total payees in State (69)	5, 792, 297

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Georgia

BAKER COUNTY

Newberry Angus Farms, Inc	21, 160

BALDWIN COUNTY

Albert L. Tanner	26, 107

BARROW COUNTY

P. R. Smith	20, 596

BARTOW COUNTY

W. P. Lanier	45, 151
H. E. Harris	44, 256
Robert Dabbs	34, 718
Ivan Evans	33, 589
Noble Maxwell	33, 327
J. C. Evans	32, 439
Smith Gin Company	27, 595
J. M. Maxwell/W. Smith	25, 567
Neal C. Dabbs	24, 074
George Cagle	23, 845
Bobby Maxwell	23, 837
Glenn Nelson	23, 394
William Carl Maxwell	23, 026
Howell L. Smith	21, 716
Joe G. Brandon, Jr	20, 948
Total payees in county (15)	437, 482

BEN HILL COUNTY

J. H. Dorminy, Jr	23, 741
Royce Williams	21, 382
Total payees in county (2)	45, 123

BLECKLEY COUNTY

Carlton Lawson	38, 751
Four County Farming Co	34, 188
W. H. Hill	31, 439
Theo. Williams	27, 279
J. W. and W. A. Meadows	25, 997
Jerry Dykes	24, 551
Allentown Warehouse Company	23, 944
Charles Williams	23, 760
Marvin Trice	21, 227
Total payees in county (9)	251, 136

BROOKS COUNTY

H. R. Crosby	38, 079

BURKE COUNTY

B. G. Collins	60, 634
Eliz. O. Barefield	58, 275
James Beall	57, 307
J. H. Rowland	51, 189
Ray Delaigle	50, 639
Kitchen and Land	50, 375
R. L. Webster	49, 254
T. R. Rowland	45, 779
Frank C. Griffin	41, 939
A. H. Sandeford	39, 476
H. W. Mobley	37, 663
Q. U. Lively	37, 539
Quinton Rodgers	35, 553
W. T. McBride	35, 412
J. B. Walden	34, 084
R. L. Quick	34, 057
W. R. Chance	33, 639
Porter W. Carswell	32, 034
Paul Shivers	31, 965
Alvin Roberson	31, 906
Farris L. Wren	30, 441
Jimmie R. Robinson	28, 878
Julian H. Johnson	28, 835
Irvin Reeves	28, 530
G. F. Agerton, Jr	27, 781
Lamar Prescott	26, 975
Joe C. Lewis, Jr	24, 505
B. K. Anderson	23, 341
Marvin Roberson	23, 127
Caroyln Dixon	23, 780
George F. Williams	22, 137
Hammond Blanchard	22, 055
J. O. Cates	21, 578
Roy R. Dixon	21, 318
David M. Hill	21, 129
M. H. Sikes	20, 776
Total payees in county (36)	1, 242, 905

CALHOUN COUNTY

Chauncy Taylor	43, 233
David Bruner	41, 715
J. S. Coward Jr	30, 228
Ralph M. Jordan Jr	24, 117
J. R. Brooks	21, 741
Total payees in county (5)	161, 034

CARROLL COUNTY

J. R. Walker	26, 392

CLAY COUNTY

Jack Hattaway	29, 000
J. D. Thursby	26, 707
Coy Isler & Sons	21, 134
Total payees in county (3)	76, 841

COLQUITT COUNTY

Samuel F. Brewer	34, 584
Donald Parker	31, 487
Jacob Summerlin	31, 436
Jimmy Strickland	30, 508
Horace Parker	30, 448
L. L. Tucker	29, 382
R. C. Moss	26, 337
Joe Parker	24, 709
Donald Simmons	23, 922
William L. Whitfield	21, 820
R. L. Carr	21, 349
Homer C. Lewis	21, 025
J. H. Ivey	20, 582
Total payees in county (13)	347, 589

COWETA COUNTY

W. J. Estes	43, 245
Frank Wilkinson, Jr	21, 773
Total payees in county (2)	65, 018

CRISP COUNTY

Noel Williams	65, 262
Farrow Baker	55, 503
Owen Bagwell	52, 188
W. H. Williams	49, 062
H. E. Bridges, Jr	43, 670
L. E. Williams, Jr	40, 768
Malcolm Lilly	37, 650
W. H. Barry	36, 868
J. R. Barry, Jr	36, 804
G. E. McCay	36, 300
H. W. McKinney	32, 255
Charles Bagwell	31, 766
C. W. Williams	30, 472
John F. Haynie	28, 727
J. R. Barry, Sr	28, 066
L. M. Smith	27, 468
Harold Jackson	25, 987
W. T. & L. C. Greene	25, 513
B. C. & M. C. McKinney	24, 801
J. R. Dowdy, Jr	23, 640
Harold Collins	21, 721
R. M. McKinney	20, 030
Total payees in county (22)	774, 521

DODGE COUNTY

James J. Mullis	65, 782
Norman Hardy	38, 012
Wilton Woodard	28, 455
S. C. Cadwell	26, 672
Candler Farms	26, 475
Doyle Yawn	25, 864
Watson Hardy	21, 306
Stuckey Timberland, Inc	20, 958
Total payees in county (8)	253, 524

DOOLY COUNTY

Asbury Wright	64, 476
Ralph Bowen	61, 742
Richard Doster	61, 249
Madison B. Coley, Jr	61, 046
William Lloyd Horne, Jr	59, 132
RHA McCleskey, Jr	58, 896
Eugene McCleskey	58, 245
Alton Draughon	58, 068
J. D. Lockerman, Jr	57, 771
Clint Shugart	56, 948
W. C. Griggs	56, 338
Herbert E. Roney	55, 550
Van Peavy	55, 112
Ben T. Ambrose	54, 989
Anderson Reed	53, 917
Ike Everett	52, 629
F. H. Sparrow	52, 583
R. L. Calhoun	52, 559
Warren Taylor	52, 258
Leon Broome	50, 873
Tippett Peavy	50, 254
Millard Peavy	47, 220
J. W. Sanders	46, 754
W. G. Smith	46, 149
J. P. West	45, 852
Ossie T. Spradley, Jr	45, 061
Ellis H. Davis	44, 447
Carl Bowen	44, 056
Rudolph Royal	43, 161
Clarence R. Bodrey	42, 876
W. R. Jackson, Jr	40, 973
Herbert Saliba	39, 919
W. G. Joiner	38, 675
Carl F. Williams	38, 288
J. W. Sparrow	37, 920
Raymond Davis	35, 339
William Harvey Cross, Sr	35, 102
C. V. Cross	35, 100
Ronnie Evridge	34, 362
Marcus Evridge	34, 362
Horace West	33, 672
Bamon L. Hill	33, 241
Mercer Porter	32, 877
Danny West	32, 669
Marvin Capus Jones	32, 382
Roy Noble Co	32, 312
Otha Peavy	32, 188
Marion A. Thompson	31, 777
Lee Bailey, Jr	31, 133
Marshall Davis	30, 691
Ronney Ledford	30, 363
Olen J. Burton	30, 363
Clinton B. Thompson	29, 198
Dewitt Clewis	28, 560
Marion A. Thompson, Jr	28, 192
W. J. Evridge	27, 812
John S. Williams	27, 652
W. R. Groves	27, 243
R. L. Bowen	27, 063
L. M. Joiner	27, 005
J. P. Deloach	25, 924
Lamar Smith	24, 723
Gary Peavy	24, 545
Cliff West, Jr	24, 174
James Kinard	24, 160
J. O. Cross, Jr	23, 669
Raymond E. Nutt	23, 042
Claude Bowen	23, 029
James M. Moore	23, 002
William Andrew Sparrow	22, 986
J. B. Ryner	22, 967
P. E. Thompson	22, 721
Walter Franklin Cason	21, 875
D. W. Smith	21, 402
J. D. Williford	21, 182
T. H. Robertson	21, 052
Ernest L. Taylor	21, 008
Charles Bowen	20, 976
L. L. Minor, Sr	20, 838
G. M. Ellis	20, 551
Donald W. Peavy	20, 400
Total payees in county (81)	3, 040, 870

EARLY COUNTY

Singletary Farms	50, 695
J. E. Tabb	36, 333
Everson Farms	31, 451
G. S. Pickle	27, 519
Leonard White	27, 160
H. L. Martin	25, 776
Total payees in county (6)	198, 934

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Georgia—Continued

ELBERT COUNTY

Ralph King	34,090
S. N. Brown	31,196
Calvin Hill	29,402
R. A. Eavenson	25,281
H. L. Addison	20,197
Total payees in county (5)	140,166

EMANUEL COUNTY

John E. Whetsell	24,774
Billy Walden	24,230
H. L. Wimberly	21,790
Total payees in county (3)	70,794

FLOYD COUNTY

Jerry Looney	34,292
Lovell Bros	25,602
A. A. Looney	25,351
L. G. Evans	25,047
Total payees in county (4)	110,292

FRANKLIN COUNTY

Thomas H. Cheek	50,050

GLASCOCK COUNTY

John Everett Hadden	25,757
Murray Hadden	23,090
Total payees in county (2)	48,847

GORDON COUNTY

Dwight B. Greeson	22,554

GRADY COUNTY

E. E. Nixon	23,124

HANCOCK COUNTY

L. S. McDonald	26,690

HART COUNTY

Hubert Cheek, Jr	57,210
L. M. York	46,523
Kenneth York	24,442
Hugh D. McLane	21,097
Charles Cheek	21,031
Total payees in county (5)	170,303

HOUSTON COUNTY

Clinton M. Heath	56,897
Robert C. Richards	38,005
W. V. Brannen	35,716
Charlie T. Kersey	33,412
Gunn Farms	32,074
C. T. Kersey, Jr	31,192
Wendell J. Kersey	20,328
Total payees in county (7)	247,624

IRWIN COUNTY

Othello Hudson	22,693

JEFF DAVIS COUNTY

Vernon Williams	20,347

JEFFERSON COUNTY

Bryants Incorporated	57,814
G. C. and Johnny McGahee	48,746
Julian Streeter	41,900
Judson McNair	39,240
R. J. Jones	35,881
Harry and A. P. Jones	31,464
Lewis Alford	30,009
T. B. Kelly Estate	28,955
Paul and Larry Cobb	27,433
Jimmie Hancock	26,879
W. P. Smith and Sons	26,700
P. A. Rheney	26,501
Luie Godowns	24,780
A. H. Braswell	24,519
R. M. Samples, Jr	22,913
William J. Lamb	21,136
S. W. McNair	21,096
Total payees in county (17)	535,966

JENKINS COUNTY

Charles W. Lanier	36,743
Buck Brinson	27,248
T. L. Black	24,852
W. R. Roberts	21,309
Virgil H. Black	21,090
Total payees in county (5)	131,242

JOHNSON COUNTY

Tarver Price	44,949
W. R. & J. L. Jackson	33,047
E. L. Price, Jr	23,858
John H. Powell	20,419
Total payees in county (4)	122,273

LAURENS COUNTY

W. A. Rountree	65,331
W. H. Lovett	52,429
Ed Roche	34,471
Marshall R. Lord	31,033
Jack Cook	30,183
Estate of E. B. Claxton Dec	27,137
Herman L. Hall	27,052
William Slade	26,929
B. Moorman and B. F. Watson	23,751
Thomas J. and Ray Walker	23,285
Ervin Lovett	22,606
H. L. Harper	21,627
Total payees in county (12)	385,834

LEE COUNTY

Plez Hardin	48,357
Geise Usry	23,972
Wilmar Timber Corp	20,422
Total payees in county (3)	92,751

MACON COUNTY

Ralph Raper	41,631
S. H. Bryan, Jr	31,924
Don Hunsicker	31,501
B. B. Murph Estate	28,096
Malatchie Farm	27,216
Hixon Guest	26,573
Felton Riddle	26,547
F. A. Ricks Estate	25,177
Harp Farms	25,098
C. J. Harp, Jr	23,762
Mack Ham	23,509
Buck Creek Farms	22,357
F. W. Smith	21,101
Walter Forsling	20,726
Gordon Sutton	20,289
Total payees in county (15)	395,507

MADISON COUNTY

Whitehead Farms	53,244

MARION COUNTY

Thomas Miller	41,863

M'DUFFIE COUNTY

George Reeves	26,700
James E. Harrison	22,854
Total payees in county (2)	49,554

MERIWETHER COUNTY

A. G. Estes, Inc	51,676
Gay and Keith	47,903
W. R. Arnall	35,497
Total payees in county (3)	135,076

MILLER COUNTY

Lonnie Wesley Tabb	30,214
Curtis Williams	21,939
Total payees in county (2)	52,153

MITCHELL COUNTY

Ronald Thompson	30,660
H. G. McGahee	21,811
Norman L. Cox	20,838
Total payees in county (3)	73,309

MORGAN COUNTY

Barnett H. Malcom	59,241
Bonny Shepherd	52,326
E. A. Hanson	39,375
Eugene & Marvin Ruark	37,535
Bennie Malcom	32,892
Bonnie Hawk	31,346
Brown & Wells	29,691
Joe Whitlock	28,467
H. D. Thomas	20,144
Total payees in county (9)	331,017

NEWTON COUNTY

Garland Kilgore	36,879
J. H. Anderson	32,547
Total payees in county (2)	69,426

OCONEE COUNTY

F. F. Dickens, Jr	48,440
Joe D. Murrow	34,749
Fred W. Dickens	25,768
Total payees in county (3)	108,957

OGLETHORPE COUNTY

Carl C. Culbertson	51,863

PEACH COUNTY

Marion Maddox	33,339
M. A. Burnett & Son	25,111
Bateman Co., Inc	20,258
Total payees in county (3)	78,708

PIKE COUNTY

R. D. Crawford	29,434
Floyd Turner	21,033
Cochran Caldwell	20,579
Total payees in county (3)	71,046

POLK COUNTY

Geston Womack	27,203

PULASKI COUNTY

John W. Dawson	75,401
B. E. Dunaway	44,393
W. S. Dunaway	42,460
R. F. Dunaway	42,459
C. L. Mays	35,548
J. H. Anderson	27,348
L. V. Peavy, Sr	26,523
J. T. Sparrow	25,839
H. E. Dunaway	25,426
Lorin S. Williams	23,183
George P. Anderson	22,643
A. L. Dunaway	21,667
Donald Gregory	20,817
Total payees in county (13)	433,707

QUITMAN COUNTY

Sunny View Farms	22,970

RANDOLPH COUNTY

Grubbs Bros	36,867
E. E. Morris	34,982
James Riley Curry, Jr	27,097
Melvin H. Peavy	21,552
Reid Andrews	20,223
Total payees in county (5)	140,721

RICHMOND COUNTY

R. A. McElmurray, Jr	30,733
R. S. Auldridge	22,450
Wayne Rhodes	20,375
Total payees in county (3)	73,558

SCREVEN COUNTY

Paul K. Newton	32,916
Melbourne Godbee	30,577
Millhaven Co	29,385
G. L. Rouse	24,909
T. V. Parker	24,672
R. E. Oliver, Jr	23,127
W. P. Sanders	20,207
Total payees in county (7)	185,793

SEMINOLE COUNTY

Raymond Odom	48,649

STEWART COUNTY

W. C. Bradley, Co	80,482
M. J. Lane	37,256
Johnnie F. Giles	21,308
Total payees in county (3)	139,046

SUMTER COUNTY

J. C. Jones	39,826
Floyd J. Frazier	39,202
Newcomb Farm	39,120
John G. Frazier	34,315
Pittman Turner Farm	26,356
Hixon Guest	25,799
W. C. Cornwell	24,801
T. E. Stephens, Jr	22,079
George E. Daniel	21,119
Roy F. Daniel	21,119
Neill Hodges	20,400
Total payees in county (11)	314,136

TAYLOR COUNTY

D. W. Payne, Jr	39,934
Ed Richardson	38,626
R. C. Barrow	38,222
E. H. Swearingen	34,338
E. B. Swearingen	34,338
Willard Brunson	25,999
T. W. Taunton	24,493
Total payees in county (7)	235,950

TERRELL COUNTY

Wilbur Gamble	67,489
W. K. Jones	60,647
Wylie McLendon, Jr	51,404
Huson Brim	33,236
Ray Christie	32,897
Alston Brothers	31,717
W. H. McLendon	31,159
Featherfield Farms Inc	29,339
Chickasawhatchee Farm	27,051
Daniel Brothers	24,751
B. C. Arthur	23,958
R. T. Brim	23,572
W. J. Martin	22,582
Lavonne Speir	21,331
Don Bridges	21,248
Isaac Morris Chambless	20,210
Total payees in county (16)	522,591

THOMAS COUNTY

Griffin Farms Inc	40,620
S. R. Bryant	36,386
C. M. Anderson	22,895
Julius Chastain	22,515
Total payees in county (4)	122,416

TOOMBS COUNTY

J. P. Gordy	20,287

TREUTLEN COUNTY

Manning Mimbs	33,327

TURNER COUNTY

Kenneth Smith	32,460
Pirkle Farms	21,537
J. F. Gibbs	20,899
Total payees in county (3)	74,896

TWIGGS COUNTY

Sam Floyd Sr	34,286
Charlie Faulk	25,647
M. S. Faulk	21,904
Alton V. White, Jr	21,050
Total payees in county (4)	102,887

WALTON COUNTY

Alex Harden	53,962
T. J. Chandler	45,716
T. H. Adcock	38,353
Robert B. Chandler	37,319
Carl Lemonds	34,859
M. W. Farmer	32,981
Robert M. Hawk	30,164
Byron Mitchem	26,121
Robbie Adcock	25,079
John Everett	24,967
Juanita Johnson	24,318
H. A. Malcom	24,259
Garyel D. Malcom	24,248
C. R. Brown	23,704
Bennie R. Anderson	20,904
Total payees in county (15)	466,954

WARREN COUNTY

Guy H. Shivers, Jr	51,912
Donald F. Palmer	51,593
Quality Crops, Inc	40,572
Harrison Farms	27,878
Total payees in county (4)	171,955

WASHINGTON COUNTY

E. B. Price	61,139
L. A. Garrett	43,796
Washington Ginning Co	38,956
Gilmore Bros	36,692
Olen Price	32,035
Arthur Hartley and Son	24,744
Jewell Bridges	22,219
Ernest C. Smith	21,579
C. W. Harrison	21,497
B. W. Lord	20,759
Total payees in county (10)	323,416

WEBSTER COUNTY

G. W. Jones	26,655

WHEELER COUNTY

J. M. Johnson	23,677

WILCOX COUNTY

Cecil L. Bagwell	39,087
William Worley	34,116
D. F. Veal	28,145
Marcus Reeves	24,048
Whelchel & Whelchel	23,907
Total payees in county (5)	149,303

WORTH COUNTY

C. R. Cross	25,427
Cecil L. James	24,429
Isaac Hall	21,448
Lenwood Sutton	20,650
J. T. Carlton	20,190
Total payees in county (5)	112,144
Total payees in State (450)	14,532,825

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Hawaii

HAWAII COUNTY

Hawaiian Com. & Sugar Co	1,277,725
Oahu Sugar Co. Ltd	826,333
Hutchinson Sugar Co. Ltd	555,863
Pioneer Mill Co., Ltd	465,171
Kahuku Plantation Co	458,271
Lihue Plantation Co. Ltd	454,140
Kekaha Sugar Co., Ltd	428,194
Mauna Kea Sugar Co. Inc	407,204
Kohala Sugar Co	378,251
Honokaa Sugar Co	365,742
Hawaiian Agricultural Co	365,265
Pepeekeo Sugar Co	364,377
Laupahoehoe Sugar Co	338,917
Grove Farm Co. Inc	330,444
Hamakua Mill Co	320,427
Olokele Sugar Co	408,881
Wailuku Sugar Co	296,999
McBryde Sugar Co. Ltd	293,908
Puna Sugar Co. Ltd	245,448
Paauhau Sugar Co. Ltd	213,583
Kilauea Sugar Co. Ltd	201,274
Gay and Robinson	176,527
Robert M. Yamada	31,325
K. Mizuno and Sons Inc	20,880
Total payees in county (24)	9,125,149
Total payees in State (24)	9,125,149

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Idaho

ADA COUNTY

Carl E. Nicholson and Sons	42,960

BANNOCK COUNTY

Dale Koester	27,113
Hugh E. McGuire	25,425
E. L. Christensen	22,723
Total payees in county (3)	75,261

BEAR LAKE COUNTY

Demar Romrell	20,217

BENEWAH COUNTY

George B. Mills, Jr	27,233

BINGHAM COUNTY

J. Walt Vanderford	61,946
D. & D. Parks Ptrshp	55,477
Lloyd Stolworthy, Inc	39,460
Pahl Ruff Ptrshp	38,447
Lenard Schritter	37,707
Matsuura Bros. Co., Inc	37,634
Rsiing River Ranches	29,957
Cooks Heglar Ranch	27,461
J. Stolworthy & Son	26,172
Simplot Industries	24,584
Stroschein Ranches	24,482
Wallace W. Driscoll	23,444
Vincent R. Benson	22,933
Chester Wahlen	22,581
C. Leslie Williams	22,511
Welland A. Hansen	21,239
Total payees in county (16)	516,035

BLAINE COUNTY

Campbell Land & Livestock Co	37,704

BONNEVILLE COUNTY

Jess Croft & Son	56,050
E. Bud Johnson	54,746
Snake River Equipment Co	44,701
Karl Brown & Merle Brown	35,300
Weeks Brothers & Sons	34,376
Clements & Jackson	34,100
Thompson Sheep Co	32,986
J. R. Hays & Son, Inc	28,620
Elmer N. Jensen	28,094
Ernest Martin	27,274
Schwieder Brothers	25,889

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Idaho—Continued

George Lovell	25, 730
L. B. Holden Farm Co	25, 297
Jack Thomas	24, 529
Lynn Brown	20, 717
Total payees in county (15)	498, 409

BOUNDARY COUNTY

Tucker Farms Inc	26, 732

CANYON COUNTY

Farm Development Corp	98, 646
Walter C. Russell	40, 550
Elmer H. Tiegs	29, 805
Glenn Allen and David Allen	28, 245
Nampa International, Inc	27, 617
Kondo Farms, Inc	27, 576
Arlo Smith	25, 801
Kenneth Tiegs and Sons, Inc	24, 766
Allen T. Noble	24, 486
Lawrance V. Gray	24, 341
Skogsberg Sky Ranch	23, 203
Allen I. Noble Farms, Inc	22, 781
Pintler and Son	21, 695
Basil Aldecoa	21, 423
David C. Spencer	20, 578
Total payees in county (15)	461, 513

CARIBOU COUNTY

Dette, Inc	45, 885
Don C. Rigby Family Ptn	38, 408
Frank Jouglard	22, 830
King Creek Grazing Assn	20, 178
Don C. Loosle	20, 166
Total payees in county (5)	147, 467

CASSIA COUNTY

R. C. Rich Sheep Co	62, 202
Heglar Ranch, Inc	54, 029
Parr Bros., Inc	48, 919
Riviera Farms, Inc	44, 284
Pickett Ranch and Sheep Co	38, 039
Anderson Bros	34, 551
Raymond H. Johnson	34, 152
Cold Springs Farm	31, 397
Vernon Rehn	28, 467
Gorringe Bros	26, 237
Rex Taylor	24, 569
Grant Glorfield	21, 321
Critchfield Land & Lvstk	21, 313
John Basterrechea	20, 664
Total payees in county (14)	490, 144

CLARK COUNTY

D. V. Hagenbarth Est	31, 186
Idaho Ag Experiment Station	25, 766
Laird and Jones, Inc	24, 122
Cockeye Land and Lvst	23, 103
Blaine Grover	20, 142
Total payees in county (5)	124, 319

ELMORE COUNTY

Simplot Livestock Co., Inc	91, 471
Eugene Swenson	41, 130
Hammett Livestock Co	39, 521
Bill Smith	28, 142
Robert Blanksma	27, 462
Wayne M. Hodson	25, 896
F. W. Bennett and Son, Inc	25, 055
Flying H. Farms	24, 941
M. L. Investment Co	23, 630
Total payees in county (9)	327, 248

FRANKLIN COUNTY

Evan O. Koller	23, 661

FREMONT COUNTY

Siddoway Sheep Co., Inc	34, 890
Max D. Parkinson and Son, Inc	28, 913
Farrel Black Ranches, Inc	25, 499
Total payees in county (3)	89, 302

GEM COUNTY

Highland Lvstk & Land Co	33, 248

GOODING COUNTY

Ralph Faulkner Land, Inc	56, 449
Idaho Hereford Ranch	47, 300
Arkoosh & Zidan, Inc	39, 671
Jones/Sandy Livestock Co	26, 592
Josephine Astorquia	20, 869
Total payees in county (5)	190, 881

IDAHO COUNTY

George E. Wilson	34, 719
James Green	33, 704
Roy Green, Jr	33, 704
John McBoyle	21, 609
Hauger Ranches, Inc	21, 092
Norman Dean	20, 824
Cornelius Baune	20, 443
T. E. Robinson	20, 002
Total payees in county (8)	206, 097

JEFFERSON COUNTY

Brownings, Inc	35, 906
Wm. A. Munnell	31, 587
Walker & Gneiting	27, 580
Ball Bros	26, 846
Orie W. Robison	20, 425
Total payees in county (5)	142, 344

KOOTENAI COUNTY

Drechsel Bros	26, 043

LATAH COUNTY

Gary Morris	25, 313
Jensen Bros	21, 811
Total payees in county (2)	47, 124

LEWIS COUNTY

Joe Lux	33, 273
Joe Wagner	29, 857
Aubrey Pratt	22, 762
W. W. Riggers & Sons	22, 070
Richard Renner	21, 356
Total payees in county (5)	129, 318

LINCOLN COUNTY

Oneidas, Inc	29, 963

MADISON COUNTY

Parkinson Farms, Inc	34, 797
Howard and Robinson	30, 589
Jensen Brothers	28, 580
O. J. Neeley Ranch, Inc	27, 487
Summers Bros	27, 144
Webster Deep Well Farm, Inc	25, 878
Ed S. Covington	21, 711
Val Schwendiman	20, 458
Ricks Bros	20, 125
Total payees in county (9)	234, 769

MINIDOKA COUNTY

Flat Top Sheep Co	55, 044
James V. Haley	38, 958
Rosemary H. Clinton	38, 958
Richard D. Blincoe	34, 641
G. L. Dean and Sons, Inc	33, 256
Garro Sheep Co., Inc	31, 950
Gerald Morgan	30, 665
W. H. Shillington	30, 665
Morgan Shillington Farms Co	28, 011
Wilbert H. Moller	23, 925
Warren W. Heins	22, 220
Jean P. Etcheverry	22, 170
Mack Neibaur	21, 558
Total payees in county (13)	412, 021

NEZ PERCE COUNTY

Meacham Land and Cattle Co	55, 438
Stanton Becker Farms	39, 766
Tom Wagner	39, 193
Herndon Farms	35, 270
Happy Ridge Land Co	28,250
Winston Mader	28, 141
McGregor Farms Inc	27, 510
Van Sullivan	27, 261
George Brammer	26, 442
Edward Bozarth Estate	26, 255
Richard Wagner	24, 452
Dwaine McIntosh	23, 807
Kenneth W McIntosh	23, 807
June I. McIntosh	23, 806
Wittman Farms	23, 303
Gary Schwank	22, 944
Loren Crow	22, 654
Claude Webb	21, 774
E. J. McCann	20, 880
Total payees in county (19)	540, 953

ONEIDA COUNTY

Jones Sheep Company	41, 736
L. C. Alder & Sons Inc	25, 628
W. L. Baker Company	25, 091
J. F. Fredrickson Co	21, 542
Total payees in county (4)	113, 997

OWYHEE COUNTY

Spring Valley Livestock Co	33, 334

PAYETTE COUNTY

American Fine Foods	32, 997

POWER COUNTY

Melvin R. Funk	47, 151
Jay H. Hulet	47, 138
John B. McNabb	44, 235
Rex Hayter	40, 836
Zimmerman Brothers	37, 616
Fred G. Mayer & Sons	29, 681
Dean Meadows	27, 519
Lynn Thompson	26, 732
Wallace Hayes	25, 659
Ralphs Brothers	25, 107
Neibaur & West Farms	24, 494
Vern Duffin	22, 686
Garth Thompson	21, 635
Ferdinand Gehring	21, 592
Cecil Weisenburger	20, 569
Wayne Kendell	20, 360
Total payees in county (16)	483, 010

TETON COUNTY

Shayne Linderman	31, 674
Rammell Brothers	23, 642
J. Clint Hoopes	21, 908
Demar Bott	21, 908
Earl N. Hoopes	20, 316
Total payees in county (5)	119, 348

TWIN FALLS COUNTY

Delbert Clampitt	59, 420
W. B. Savage Ranches	33, 074
NOH Sheep Co	27, 755
W. T. Williams Inc	25, 501
Guerry Inc	24, 785
Glen Dale Farms Inc	21, 015
Total payees in county (6)	191, 550

WASHINGTON COUNTY

Soulen Livestock Co	65, 934
Snake River Sheep Co	26, 810

J. B. Barker	23,537
Charles F. Kindall	20,980
Total payees in county (4)	137,261
Total payees in State (197)	6,012,463

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Illinois

ADAMS COUNTY

Adwell Corp	46,492
Richard Wittler	24,110
Total payees in county (2)	70,602

ALEXANDER COUNTY

Elott Raffety Farms, Inc	43,272
E. J. Showmaker	24,370
Total payees in county (2)	67,642

CHRISTIAN COUNTY

Donald Linton	23,006
Donald L. Kuhle	21,287
Total payees in county (2)	44,293

DE KALB COUNTY

O. M. Johnson	27,776

DE WITT COUNTY

C. H. Moore Trust Est	89,563
Thorp Seed Co	22,337
Total payees in county (2)	111,900

FORD COUNTY

John P. Gallahue	21,190

FULTON COUNTY

Meadowlk Fms C/O I. H. Reiss	85,977
Truax Traer Coal Co	28,456
United Elec. Coal Co	24,095
Total payees in county (3)	138,528

GALLATIN COUNTY

Pat Scates, Sr	34,078

GREENE COUNTY

Henry Longmerey	28,058
Hartwell Ranch	24,312
Total Payees in County (2)	52,370

GRUNDY COUNTY

Scully Trust	39,451

HENDERSON COUNTY

Shelby H. Romine	20,046

HENRY COUNTY

C. D. Ford & Sons, Inc	21,029

IROQUOIS COUNTY

Edward C. Sumner, Jr	37,017

KANE COUNTY

Arthur Hagemann	27,509

KANKAKEE COUNTY

Cote Farms Inc	54,379
Tallmadge Ranch Inc	43,288
Total payees in county (2)	97,667

KNOX COUNTY

Midland Coal Co	23,365

LAWRENCE COUNTY

Earl Minderman	25,054

LEE COUNTY

A. H. Nichols	20,909

LOGAN COUNTY

John L. White	22,338
Elizabeth K. Drake	20,869
Total payees in county (2)	43,207

M'HENRY COUNTY

Meyer & Schuring	29,828
L. O. Napier	23,870
Getz Farms	22,019
Earlroy Farms	21,693
Total payees in county (4)	97,410

M'LEAN COUNTY

Theo. Funk Tr	22,385

MENARD COUNTY

Duane Cullinan Trust	21,353

MONTGOMERY COUNTY

W. D. Kilton, Est	35,184

PERRY COUNTY

Southwestern Coal Co	31,271

PIKE COUNTY

Bob Richter	21,336

POPE COUNTY

Dixon Springs	39,996

PULASKI COUNTY

Richard Pike	25,316

RANDOLPH COUNTY

Peabody Coal, Co	34,992
Behnken & Behnken	25,443
Total payees in county (2)	60,435

SANGAMON COUNTY

Dowson Bros A Ptrp	26,555

WAYNE COUNTY

Wm. L. O'Daniel	20,116

WHITESIDE COUNTY

Wilder Farms Inc	22,464

WINNEBAGO COUNTY

Harold E. Nelson	21,377

WOODFORD COUNTY

Martin Bros. Implement Co	23,676
Total payees in State (46)	1,392,507

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Indiana

BENTON COUNTY

Watland Farms Inc	32,239
Herschbach C/O Doane AG	24,865
Total payees in county (2)	57,104

DAVIESS COUNTY

Graham Farms Inc	30,289
Caphart Farms	21,076
Total payees in county (2)	51,365

GIBSON COUNTY

Princeton Mining Co	28,914
Emge Packing Co	28,104
Total payees in county (2)	57,018

JASPER COUNTY

James D. Green Tr	24,623
Fred Moore	24,193
Total payees in county (2)	48,816

KNOX COUNTY

Schenk Farms Inc	39,310
Thompson Farms Inc	32,758
Robert Carnahan	20,763
William R. Huey	20,531
Total payees in county (4)	113,362

KOSCIUSKO COUNTY

Creighton Bros	30,599

NEWTON COUNTY

Merlin Karlock	45,189
Robert A. Churchill	27,029
Total payees in county (2)	72,218

PARKE COUNTY

Adams Farm Company, Inc	21,432

POSEY COUNTY

New Harmony Realty	26,125
Edward C. Culley	24,710
Total payees in county (2)	50,835

PULASKI COUNTY

Overmyer Farms	57,111
Arthur P. Gumz	40,126
Total payees in county (2)	97,237

STARKE COUNTY

Richard Gumz	53,056

SULLIVAN COUNTY

John Gray Kelly	52,812
Mann Seed Farms	20,192
Total payees in county (2)	73,004

VANDERBURGH COUNTY

Donald E. Kolb	33,115

VIGO COUNTY

James Harlan	25,485
Burch Harlan	22,695
Total payees in county (2)	48,180

WHITE COUNTY

Leroy Keesling	32,094
Richard W. North	20,931
Total payees in county (2)	53,025
Total payees in State (28)	860,366

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Iowa

AUDUBON COUNTY

Garst Co	33,409
Melville Farms	21,014
Total payees in county (2)	54,423

BUCHANAN COUNTY

Charles Hoffman	22,206

CALHOUN COUNTY

F. W. Miller	20,257

CARROLL COUNTY

Collison Bros	21,776

DES MOINES COUNTY

Robert L. Gabeline	29,605

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Iowa

FLOYD COUNTY

Beverly Land Co	28,156
Julius Huxsol	20,982
Total payees in county (2)	49,138

FRANKLIN COUNTY

Lawrence W. Hamilton	27,869

FREMONT COUNTY

Payne Valley Farms, Inc	53,490
Reeves Farms	21,717
Total payees in county (2)	75,207

HANCOCK COUNTY

Fraser Farms, Inc	26,679

IOWA COUNTY

Amana Society	55,000

LEE COUNTY

William J. Pieper	22,447

LINN COUNTY

Witwer Grocer Co	36,990

LYON COUNTY

Ralph L. Kooiker	22,793

MONONA COUNTY

Charles Lakin	72,722
Franklin D. Seitzinger	24,849
Total payees in county (2)	97,571

SAC COUNTY

Shinrone, Inc	47,016

TAYLOR COUNTY

H. Dean Beemer	22,724

WEBSTER COUNTY

Litchfield Realty Co	29,810
Total payees in State (21)	661,511

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Kansas

ALLEN COUNTY

Harold Whitaker	28,365

BARBER COUNTY

Fred Schupbach, Jr	27,760
Riedel Co., Inc	25,900
Z Bar Cattle Co	22,224
Schrock, Inc	20,478
Total payees in county (4)	96,362

BARTON COUNTY

Richard C. Brining	24,277
Schartz Bros	23,673
Total payees in county (2)	47,950

BUTLER COUNTY

Robert F. Lowrey	21,146

CHEROKEE COUNTY

P. & M. Coal Mng. Co	29,032

CHEYENNE COUNTY

Lloyd M. Kontny Est	44,530

COFFEY COUNTY

Evans & Nee Ptr	20,365

COMANCHE COUNTY

Darrol W. Miller	20,366

DICKINSON COUNTY

Roy Clemence	26,149
Laurence Clemence	23,442
Total payees in county (2)	49,591

EDWARDS COUNTY

David Britton	25,571
McLean Bros	23,772
Total payees in county (2)	49,343

ELLIS COUNTY

Leo J. Dreiling	20,389

FINNEY COUNTY

Garden Cy Company	90,755
Andrew E. Larson	51,724
Leland L. Crist	42,669
Roger Ramsey	32,587
George L. Potter	30,940
Emanuel Doll	28,558
Brookover Feed Yard, Inc	27,227
Thomas W. Linville	25,244
Lawrence Miller	25,217
Raymond Crist	25,089
Raymond G. Morris	24,842
John Miller	24,327
Eugene F. Ware	23,985
G. R. Byrd	23,609
Leigh Warner	22,864
Marion L. Russell	22,431
Clarence Gigot	22,006
Frank McClure	21,941
Leroy F Cooley	21,877
Cyril Schiffelbein	21,573
W D Daniels	20,450
Max Engler Jr	20,284
Ralph A Greathouse	20,233
Total payees in county (23)	670,432

FORD COUNTY

Dwight E. Winger	34,271
Dale R. Steele	31,676
George Herrmann	28,251
Everett Steele	24,277
Eleanor O. Rost	23,879
Total payees in county (5)	142,354

GOVE COUNTY

R. S. Coberly	26,634
A. L. Swart	23,567
Total payees in county (2)	50,201

GRAHAM COUNTY

Lindenman Bros	20,478

GRANT COUNTY

Tuttle & Tuttle & Mawhirter	45,921
Arthur B. Williams	31,311
J. Davis Sullivan	28,726
Higgs Farms & Carl Higgs	28,106
Howard L. Miller	27,650
Herman Cockreham	27,441
C. E. Battin	27,178
Lysle Davidson	22,932
John F. Boylan	22,668
Alexander Bros	20,754
Wendell Cheek	20,149
Total payees in county (11)	302,836

GRAY COUNTY

Sidney Warner	40,114
Cecil Obrate	35,682
James R. Adams	25,984
W. D. Brady	25,060
George Loewen	24,918
Ingalls Feed Yard, Inc	23,944
Stephen Irsik	22,466
Lester Clark	22,439
Melvin L. Shrauner	20,150
Total payees in county (9)	240,757

GREELEY COUNTY

Smith Ranch Company	48,709
L & M Steele Farms	47,896
Kleymann Brothers	47,638
Myron E. Sell	29,767
Floyd Tuttle & Son	29,475
Ervin Schneider	28,895
Jay A. Hoffman	24,806
L. & M. Farm & Cattle Co	24,490
J. V. Kuttler	24,079
John & Edwin Floyd	22,814
Dick Holland	22,240
H. C. Wear	21,773
George Nickelson	21,364
Garfield Ochsner	20,479
Duane F. Schneider	20,350
Total payees in county (15)	434,775

HAMILTON COUNTY

Young & Cooper Cattle Co	31,018
Herbert E. Ramsey, Jr	25,200
Richard Plunkett	23,104
Total payees in county (3)	79,322

HARPER COUNTY

Loy Frank	20,525

HASKELL COUNTY

Haskell Land Co	67,939
Kirby B. Clawson	63,478
Paul J. Brown	49,672
Ed Hall	45,903
Forrest Cox	32,530
Schulz and Meier Part	30,196
Randall Bird	29,229
Lawrence Withers	26,173
W. E. Orth	23,607
John W. Kelman	22,596
Lewis & Decker Cattle Co	21,706
Stonestreet Farms	21,570
Howard Redd	20,446
Total payees in county (13)	455,045

JEWELL COUNTY

Neil Durham	25,544
Laura Spiegel and Sons	20,781
Total payees in county (2)	46,325

KEARNEY COUNTY

Ethel M. Martin	40,766
Raymond Dienst, Sr	36,512
Gordon W. Crone	31,814
Vernon G. Kropp Est	28,110
Ray Rohlman	25,468
Max R. Miller	24,801
W. D. Foster	24,439
Charles Eskelund	23,543
B. E. Miles	22,739
Harold Stevenson	21,569
Edward E. Wiatt	20,830
Bob L. Landon	20,556
Total payees in county (12)	321,147

KIOWA COUNTY

Pleasant Valley Farm & Ranch	26,868

LANE COUNTY

Sharp Bros. C/O Gail Sharp	38,781
Larry Huck	23,739
Eston Schwartz	21,098
Edwin A. Borell & Sons	20,932
Total payees in county (4)	104,550

LOGAN COUNTY

Keller Bros	58,766
V. A. & John W. James Est	41,463
J. Ernest Bertrand	40,769
Charles Bertrand Tr	37,652
Delton W. Hubert	25,834
Louis Bertrand Jr	23,002
Leon K. Stoppel	20,931
Total payees in county (7)	248,417

MARION COUNTY

Vestring Bros	23,311

M'PHERSON COUNTY

Jim Stroble	20,653

MEADE COUNTY

W. R. Cottrell	42,467
Maud Collingwood Est	37,530
John E. Frazier	25,971
Holmes C. Bender	25,793
G. H. Tschudy	20,363
Total payees in county (5)	152,124

MITCHELL COUNTY

Paul Mears	34,986
Neil Fuller & Sons	24,101
Miles E. File	23,447
Ogden A. Kadel & Sons	20,711
Total payees in county (4)	103,245

MORTON COUNTY

W. J. Light	32,116
Ralph Breeding	23,504
Otis L. Daniels	21,959
Leon Jackson	21,710
J. E. Light	21,544
John Baughman Tr	21,501
Harold Anderson	21,110
Charles Breeding	20,552
Total payees in county (8)	183,996

NEOSHO COUNTY

Wesley Kroeker	44,546

NESS COUNTY

Frank G. Davison	22,027
R. T. McCreight	20,887
Total payees in county (2)	42,914

OSBORNE COUNTY

Adrian Schweitzer	22,336

OTTAWA COUNTY

H. Francis Meiller	24,570
Dick Diedrick	20,354
Total payees in county (2)	44,924

PAWNEE COUNTY

Milford Zook	21,502
Melvin Bryant	20,366
Total payees in county (2)	41,868

PHILLIPS COUNTY

John B. Wyrill, Jr	38,857
Cox Farms, Inc	23,242
John B. Wyrill, Sr	21,485
Total payees in county (3)	83,584

POTAWATOME COUNTY

Peddicord Bros	24,882

PRATT COUNTY

Don Fincham	25,028
Ronald Hoener	21,774
Fred H. Kerr	20,537
Total payees in county (3)	67,339

RICE COUNTY

Arthur Dobrinski	23,237

ROOKS COUNTY

Earl Sutor	20,348

SCOTT COUNTY

J. Ely Est	53,025
Delmar L. Wesseler	35,583
Floyd M. Krebs	30,708
Hattendorf Bros	27,237
Felt Farms	26,778
Bernard I. Rose	25,646
Marion Hutchins	25,603
Albert Savolt	22,959
Keith Janzen	22,959
Luke & Son	22,586
Jack Corn	21,890
Farm Lease, Inc	21,839
Glenn Novak	20,225
Loren Janzen	20,037
Total payees in county (14)	377,075

SEDGWICK COUNTY

Albert Gruenbacher & Sons	25,764

SEWARD COUNTY

Martin Bros	37,118
Hitch Lnd. Cttl. Co	29,666
Robert L. Hatcher	27,231
Donald Kane	24,279
Circle Bar Ranch	23,286
Jack R. Massoni	21,303
Leroy Stapleton	20,025
Total payees in county (7)	182,908

SHERIDAN COUNTY

E. A. Baalman & Sons	62,628
John A. Hill	33,981
Baalman and Struckhoff	31,763
Total payees in county (3)	128,372

SHERMAN COUNTY

Vernon Irvin	45,558
S. Everett Dennis	37,919
B. E. Gannon	36,796
Golden Wheat Ranch	36,114
Donald Deeds	36,032
Robert Irvin	35,853
Kenneth House	35,503
Harold L. Bair	34,593
C. Wilber White	31,999
Keith Cook	30,923
Arnold Schields	30,173
J. H. Philbrick	30,065
Harlan B. House	28,639
Fred H. Schield	27,578
Eugene L. Hall	25,482
Robert J. Hayden	24,685
Charles L. Silkman	24,428
Wm. A. Davis and Sons	24,393
Joe D. Gutsch	24,049
John J. Stroyek	23,888
John T. Nelson	23,746
Edward Danills	23,199
Hugh B. Armstrong	23,183
D. M. Daily	23,086
Iron H. Mueller	22,845
Glenn O. Burk	22,693
Schmidt Farm	22,159
Kenneth Armstrong	22,025
Briney Farms, Inc	21,428
Dale Stephens	21,267
John H. Golden	21,146
Everett L. Craft	21,127
Marvin R. Matthews	20,804
Fred Darnauer	20,358
Total payees in county (34)	933,736

SMITH COUNTY

Ferguson Bros	28,792

STAFFORD COUNTY

Carl McCune Sons	23,453
Meryle R. Heyen	20,033
Total payees in county (2)	43,486

STANTON COUNTY

Clarence Winger & Sons	77,079
G. H. J. Farms, Ltd	55,972
Theodore J. Julian	39,389
Kans. Univ. Endow. Assoc	38,237
Lester Canny	37,762
Kendrick Farms	37,554
Edna E. Collingwood	36,369
Gary Baker	31,555
Charles Lucas	30,753
Robert Seger	29,951
Max Hume	29,825
J. A. Ramsay and Sons	29,740
John Lewis	28,451
Paul E. Plummer, Jr	27,372
Guy Rorick	26,886
Herbert Shironaka	26,744
F. G. Collingwood	26,263
John Shore	25,903
David M. Roach	25,713
Walter Herrick	25,432
Stanley A. Julian	24,365
Milt Graber	23,741
Plummer Hall Farm	23,150
Hernandez and Sons	21,728
Roger Hurst	21,534
Irvin Pauls	21,092
Plummer Irrigation Co	20,700
G. D. Troutman Est	20,603
Sam Ashida	20,517
D. E. Cockrum	20,211
Total payees in county (30)	904,596

STEVENS COUNTY

Carl N. Brollier	51,155
Warren Spikes	38,528
Fred Walkemeyer & Son	33,616
Vincent Youngren	29,973
A. E. Kramer Agt. Pelajo Prop	29,737
Lawrence J. Lightcap	29,368
Gerald L. Schmidt	27,455
Harry Leonard	22,736
Thurow Miller Ptnr	21,342
Charles Dudley	20,879
J. I. Cullison	20,259
Total payees in county (11)	325,048

SUMNER COUNTY

Stewart Farm Account	42,335
John L. Larsen	23,377
Robert Casner	22,881
Ralph E. Miller	20,075
Total payees in county (4)	108,668

THOMAS COUNTY

Marshall Farms	35,258
B. A. Hutton	28,289
Rex Cranston	22,574
Dumler Farms	22,161
Carl B. Stephens	21,888
Medford Farms, Inc	21,883
Sam Medford	21,555
H. & H. Farms, Inc	21,506
Total payees in county (8)	195,114

WALLACE COUNTY

Orvile Walker	47,725
Robert McKinney	35,026
Edward M. Waugh	27,417
Bernard S. Gradwohl	27,274
Wm. H. Akers	25,044
R. D. Walker, Inc	24,084
Gareth J. McFadden	23,346
Russell I. Unruh	22,677
Vernon L. Popp, Agt	21,138
Frasier Farms	20,673

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Kansas—Continued

N. D. Sexson	20,579
Harold E. Shuman	20,503
Total payees in county (12)	315,486

WASHINGTON COUNTY

Herman Bott	41,441

WICHITA COUNTY

Jaeger Farms	57,865
Glee S. Smith	41,496
J. W. Zellner	28,778
Eugene Berning	26,458
Leonard F. Harper	23,587
Gerald Smith	23,347
Total payees in county (6)	201,531

WILSON COUNTY

Harold Pierpoint	21,158
Total payees in State (297)	8,323,953

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Kentucky

FULTON COUNTY

James E. White	42,328
Sanger Farms, Inc	26,449
Morrow Bros	25,747
Joe Lattus	20,824
Total payees in county (4)	115,348

HENDERSON COUNTY

Reynolds Metals Co	33,479

HICKMAN COUNTY

Larkins Bros	23,814

TRIGG COUNTY

S. D. Broadbent, Jr	28,515
Cundiff Farms	22,227
Total payees in county (2)	50,742

UNION COUNTY

W. A. Anderson	21,864
Total payees in State (9)	245,247

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Louisiana

ACADIA PARISH

Isaac I. Richard	30,741
Ashton S. Petitjean	28,420
Henry Cormier	23,457
Clarence L. Richard	20,101
Total payees in parish (4)	102,719

ASCENSION PARISH

Lemann & Thibault, Inc	27,241
Peytavin FM Co. & Minnie, Inc	24,896
Palo Alto, Inc	23,009
Sunshine Pltn. Co	21,584
Total payees in parish (4)	96,730

ASSUMPTION PARISH

The Southcoast Corp	316,217
Churchill & Thibaut	74,539
Savoie Industries	51,990
Tex Emma, Inc	48,950
Est E. G. Robichaux	48,193
Dugas & Leblanc, Ltd	46,511
B. & D. Thibaut	33,358
Harang Farms, Inc	29,104
Lillie Belle Arcement	27,880
Total payees in parish (9)	676,742

AVOYELLES PARISH

Hass Inv. Co., Inc	43,650
John V. Coco	31,546
Darrell Lemoine	25,227
Orney Dauzat	22,835
Marion Goudeau	22,617
J. B. Luke	21,908
Marion B. Townsend	21,890
C. W. Tebow	21,375
Lloyd & Burton Newton	20,707
E. A. Townsend & F. C. Townsend	20,068
Total payees in parish (10)	251,823

BOSSIER PARISH

R. J. Viola	54,392
Joe Clark	51,139
Milton Pittman	42,180
W. F. Nicholson	38,117
Curtis Planting Co	36,932
E. D. Barnett	30,277
I. W. Whittington, Jr	28,583
Henry L. Cox	27,397
J. N. Averett	25,355
Scopena Plantation	24,712
Elmer L. Spears	24,448
Franklin D. Roemer	23,552
C. H. Lyons III	23,552
Randal H. Lefler	23,552
C. E. Roemer III	23,552
T. C. Pearson, Jr	23,128
R. T. Stinson	23,084
B. H. Snyder	22,441
Marvin McCalman	22,297
Tim White	21,698
Atkins and Sonnier	21,497
Total payees in parish (21)	611,885

CADDO PARISH

Dalton R. Pittman	58,831
L. R. Kirby, Jr	57,399
Stinson Brothers	57,333
Sam W. Smith, Jr	55,499
Robinson Co	54,969
A. C. Dominick, Jr	52,916
Dan P. Logan	52,034
C. N. Frierson	50,190
G. A. Frierson	50,190
Dan P. Logan, Jr	45,906
L. S. Frierson, Jr	45,457
G. W. Van Hoose, Jr	43,556
G. W. Van Hoose, Sr	42,405
Carroll W. & Malcolm W. Feist	41,049
Bryan Connell	38,885
C. M. Hutchinson, Jr	38,409
A. L. Sentell	35,802
Bruce Lynn	35,537
T. A. Tinsley	35,113
E. R. Cupples	33,880
Jack F. Shaw	33,589
Margaret L. Ingram	33,579
Underwood Farms Inc	33,579
R. L. Nance, Jr	33,140
Yearwood Bros	31,425
W. L. Sibley	31,101
Paul Dominick	30,078
Paul Dominick, Jr	30,059
Chris Dominick	30,023
Jasper Lynn	29,800
Floyd E. & Ray Volentine	29,706
Tom P. Moore, Jr	28,607
J. W. Glassell	28,147
J. L. Teer	26,880
W. M. Yarbrough	26,741
J. H. Gardner	26,121
Malcolm Dutton	24,557
Clifton Dodson	23,490
W. A. Shaw	23,218
M. A. Robertson	22,840
Doles Farms	22,798
Wayland Carlisle	22,655
R. R. McKinney	22,471
Leo Ducote	22,243
Irene Bruce Lynn	21,295
W. J. James	21,294
M. P. Connell	20,544
Total payees in parish (47)	1,654,340

CALDWELL PARISH

Lelon Kenney	48,027
Rowland Bros	47,683
Olan L. Rucker	31,501
Jack Keahey	28,960
Mann and Jackson	28,238
R. B. McClanahan	24,958
Chester Ellis	22,580
U. M. Youngblood	21,932
Total payees in parish (8)	253,879

CATAHOULA PARISH

Jimmy Goode	55,268
R. M. Hammons	54,904
Gregory C. West	54,616
Harry Goode	54,466
William A. Yarbrough	53,256
George Yarbrough	52,251
Eugene Yarbrough	26,377
Wayne Crawford	23,594
Smithland Pltg. Co	21,606
J. C. Thompson	20,768
Total payees in parish (10)	417,106

CLAIBORNE PARISH

B. G. Sanders	21,012

CONCORDIA PAIRSH

Kenneth L. Isbell	56,545
Panola Land Dev. Co	51,678
Harriss and Sons	49,224
B. U. Miller	38,569
R. S. Rife, Jr	26,063
D. A. Biglane	25,079
Rota Quinta Pltn	24,287
Lucerna Planting Co	24,129
Sam Calvert Sons Inc	23,552
Burley and Schiele	23,191
Tommy F. Dennig	22,077
Max Huff	21,522
P. L. Rountree, Jr	20,812
Martha J. Rabb	20,585
Total payees in parish (14)	427,313

DE SOTO PARISH

James E. McMullen	43,498

EAST CARROLL PARISH

Hollybrook Land Co., Inc	58,759
Jack S. Hamilton, Inc	54,806
Gilfoil Farms, Inc	53,874
H. D. Harvey	53,830
Houston Condrey	53,425
Keener Howard	49,298
W. T. Presley	47,231
F. H. Schneider, III	43,541
Pearson Farming Corp	43,008
Doris Pltn	42,679
H. H. Howington, Jr	42,029
J. P. Brown	41,649
Wendell Downen	40,955
Rodney Fortenberry	39,479
W. H. Bullock	39,466
Blair Pltn, Inc	38,809
Philip Brown	37,220
Edward Burgess	36,302
J. B. McPherson, Sr	35,610
W. H. Crews	35,384
Thomas H. Shields, Jr	34,541
James Shepherd	33,454
Bernard Rosenzweig	32,603
Troyce B. Dukes	30,400
Mack L. Howington	27,766
James E. Howington	27,755
Elaine C. Fortenberry	27,101
David Harvey	26,605
Wallace N. Oliver	26,472
L. W. Baker	26,472
Ted J. Oliver	26,468
C. B. Thompson, Jr	26,241
George R. Wise	24,887
Howell Pippin	24,863
Roy Burgess, Jr	24,426
A. J. Hawsey	23,845
John Hankins	23,808

Richard Howard	23, 187
Clinton Fortenberry	22, 283
R. W. Fletcher	22, 226
Reese Coleman	21, 623
Reynold Minsky	21, 468
J. E. Brown	21, 297
Jack Brown	21, 291
Michael Brown	21, 291
Quitman Fortenberry	20, 701
Earl Stanley	20, 689
Total payees in parish (47)	1, 571, 117

EVANGELINE PARISH

Albert Campbell	23, 217

FRANKLIN PARISH

Earl Carroll	55, 808
Carroll Jordan	55, 306
Gerald Sadler	54, 800
Larry T. Sadler	54, 128
William D. Batey	53, 081
Riley M. Graham	52, 782
Carl D. Batey	51, 536
Gilbert M. Hammons	35, 175
L. Aubrey Kincaid	34, 476
C. J. Grayson	32, 683
J. B. Eley Farms	29, 039
Charlie W. Stephens	25, 928
Clovis C. Bringol	25, 501
B. C. Kimble, Jr	24, 631
M. R. Young	24, 143
G. A. Price	22, 944
W. M. Snyder, Jr	22, 298
King Swazer, Jr	22, 073
J. W. Ballance	21, 196
O. D. Johnson	21, 033
Lucille F. Braswell	20, 805
James M. Valentine	20, 799
T. J. Martin, Jr	20, 799
H. B. Wallace	20, 686
Charles C. Feltus	20, 449
Lanzt Womack	20, 089
James H. Stephens	20, 054
Donnie McMurry	20, 016
Total payees in parish (28)	882, 202

GRANT PARISH

Ceres Devp., Inc	45, 492
Gordon Randolph	44, 662
Wallace E. Summerford	30, 572
Total payees in parish (3)	120, 726

IBERIA PARISH

Duhe Bros. Pltg. Co	38, 429
M. A. Patout & Son, Ltd	31, 516
W. C. Lanie & Sons, Inc	26, 461
Clarence Lemaire	23, 508
J. Paulin Duhe, Inc	22, 679
East Linden Farms	21, 605
Total payees in parish (6)	164, 198

IBERVILLE PARISH

A. Wilberts Sons L/S Co	61, 259
J. Supples Sons Pltg. Co. Ltd	28, 869
Wm. T. Burton Inds., Inc	26, 313
E. J. Gay P/M Co., Ltd	23, 887
J. G. Rivet/Sons, Inc	21, 913
Total payees in parish (5)	162, 241

ALFAYETTE PARISH

Youngs Industries, Inc	28, 694
Eugene Rosinski	26, 374
Rodney Trahan	20, 885
Total payees in parish (3)	75, 953

LAFOURCHE PARISH

Valentine Sugars, Inc	50, 457
J. B. Levert Land Co	35, 370
Wilson Melancon	26, 403
Webre Farms	22, 219
Laurel Valley Pltn., Inc	20, 454
Arabie S. Farm	20, 137
Total payees in parish (6)	175, 040

MADISON PARISH

Deltic Farm & Timber Co., Inc	59, 883
Dudley Pillow, Jr	55, 977
Dudley Pillow, Sr	55, 340
Elton Fortenberry	50, 398
E. C. Woodyear	45, 318
M. C. Sevier	38, 478
Evanco, Inc	33, 185
Maxwell Plantation	31, 665
Albert H. Paxton	31, 001
Howard Sevier	27, 924
Killarney Plantation	27, 239
C. E. Jobe	26, 805
Robert Graves	26, 240
Bobby Joe Lee	24, 676
L. F. McClain	22, 883
J. M. Gilfoil	22, 544
Richland Foster, Inc	21, 618
Waymon Coody	20, 902
Harry Barrett	20, 371
Total payees in parish (19)	642, 447

MOREHOUSE PARISH

F. Earl Hogan	56, 172
Davenport Bros	55, 267
Duke Shackelford	55, 090
Erle M. Barham	52, 793
Barham, Inc	52, 571
Wesley Bunch	50, 960
James U. Yeldell, Jr	50, 545
Conrad Stallings	48, 925
James A. Brown	45, 660
B. B. Hunt, Jr	44, 845
J. D. McAdams	44, 770
Joe Monroe Mott	39, 395
King Mott	38, 304
Don Sims	37, 693
Ivan Morris, Jr	37, 575
David Doles, Jr	37, 292
Bob Erle Clark	36, 670
Neil W. Mott, Jr	36, 557
Bolin Farms	36, 078
C. L. Clark, Jr	35, 414
John M. Yeldell	33, 396
J. B. Holley	32, 565
W. C. Norsworthy	32, 048
C. E. Shepard	31, 988
Kelly Bros	30, 538
W. T. Blackwell, Jr	29, 846
J. B. Newman	29, 216
Wayne J. McDonald, Jr	29, 103
W. H. Parker	27, 621
Luther Allen Day, Jr	27, 424
Henry Ferrell, Jr	27, 195
Joe S. Carter, Jr	26, 650
Thomas West Barham	26, 234
Erle Edwards Barham	26, 234
Jeff L. McCain	25, 712
G. L. Shepard	25, 016
James O. Pearson	24, 934
John Knox Nunn	24, 924
Herbert Johnson	24, 634
Carl N. Wright	24, 469
Rudie Mardis	24, 054
N. W. Mott	23, 995
Norman McDuffie	23, 255
Warren White	21, 854
James McKoin	21, 641
David Pipes	21, 545
Sherrod T. McKoin, Jr	21, 542
H. A. Pipes, Jr	21, 380
Zelma P. Milliken	21, 380
Caleb Pipes	21, 377
Johnie T. Kovac	21, 180
Thomas H. B. Rankin	21, 004
Cecil Harp	20, 504
Total payees in parish (53)	1, 737,034

NATCHITOCHES PARISH

Murry Lambre	55, 367
J. Alton Lambre	55, 223
J. H. Williams	55, 021
Ralph C. Ingram, Jr	54, 868
Russell M. Cook	53, 757
R. B. Dalme	45, 678
Bayou Camitte Plantation	44, 155
O. R. Miller, Jr	41, 694
Starlight Plantation	41, 227
James R. Stacy	39, 651
Est. of H. Cohen & Sons	38, 930
Richard L. Williamson	37, 950
Est. Sarah J. Hertzog	37, 796
U. V. Durr	36, 678
Mack James	35, 509
Est. of J. C. Carnahan	32, 322
Kenneth Prudhomme	32, 214
J. Alphonse Prudhomme, Jr	32, 214
Deloy Blewer	29, 867
G. C. Messenger	28, 780
Lewis E. Jones, Jr	28, 177
John T. Batten, Jr	28, 097
Desiree C. Prudhomme	28, 097
Paul E. Messenger	27, 850
Herman Taylor, Jr	27, 293
Henry Lemoine	26, 678
Sam H. Hill & Son	25, 248
T. H. McNeely III	24, 343
Worster Anderson	20, 277
Total payees in parish (29)	1, 064, 961

OUCHITA PARISH

W. A. & T. A. Calloway	59, 703
J. B. Johnston, Jr	57, 330
J. A. Moore	49, 315
Travis Howard	46, 138
A. C. Ransom & Son	45, 391
Fred W. Huenefeldt	41, 972
C. M. McMullen	37, 692
T. A. Calloway	33, 103
George P. Smelser	32, 686
J. M. Pratt, Sr	30, 223
Bruce F. Gregg	29, 054
Glen Crossley	28, 837
Emmit Lee	27, 871
Frank Mardis	27, 754
Shelby B. Lenard	27, 599
John H. Filhiol	27, 068
R. Z. Johnson	26, 766
J. T. Lee	23, 944
Wm. King Stubbs	22, 705
M. L. Mason	21, 562
Tom Pete Godwin	21, 562
R. T. Faulk	21, 417
J. W. Perry	20, 790
Robert W. Willis	20, 190
Total payees in parish (24)	780, 672

POINTE COUPEE PARISH

Walter P. Hobgood	34, 408
Alma Plantation Ltd	32, 653
Total payees in parish (2)	67, 061

RAPIDES PARISH

Frank J. Dautremont	46, 297
Inglewood Ld. & Dev. Co	46, 002
Henry C. Boone, Jr	32, 121
Weil Company, Inc	30, 495
Edward W. Lyles	29, 219
Louis A. Marien	29, 211
John H. Robert	28, 397
Greenwood Plantation	27, 747
Woodrow Dewitt	25, 932
Lucian A. Branch, Jr	25, 818
Carpenter and Jackson	25, 647
Charles F. Gaiennie	24, 743
R. M. C. Duncan	24, 474
Woodrow W. Carter	23, 849
Odom Farms	23, 818

*1971 ASCS and Great Plains program payments of **$20,000** or more—Excluding loans—Louisiana*—Continued

Ferdinand Vandevelde, Jr	22, 317
Roy A. James	21, 088
Witchwod Plantation	21, 005
Nutwood Plantation	20, 965
Gregory Mathews	20, 443
Total payees in parish (20)	549, 588

RED RIVER PARISH

Saline Lake Farms Inc	48, 817
J. T. Bierden, Jr	44, 062
R. C. Legrand	40, 743
F. I. Waltman	36, 467
Larry Bundrick	27, 990
Ed F. Lester	25, 914
Paul Bundrick	25, 564
Creighton Webb	21, 440
Burnell Webb	20, 281
Total payees in parish (9)	291, 278

RICHLAND PARISH

C. W. Pardue Estate	55, 000
K. E. McDonald, Jr	44, 415
Robertine R. Cobb	43, 506
Goldmine Plant	42, 419
Jane R. Oliver	39, 938
O. G. Morris	39, 554
Dallas Thomason	38, 422
W. E. Finley, Jr	35, 820
Edward E. Holley	34, 361
Hulen Allen	34, 145
Estate of C. M. Noble, Inc	33, 733
Charles D. Ware	33, 374
Pennzoil Producing, Inc	33, 253
C. L. Morris	33, 125
J. E. Tarver	31, 438
Riverbend Farms, Inc	29, 944
Claude Morgan	29, 551
Francis V. Jordan	29, 362
C. W. Earle Estate	28, 062
J. B. Ratcliff	27, 441
W. C. Cooper	27, 160
W. H. Hubbard	26, 407
Geo. B. Franklin & Son, Inc	26, 012
Ralph Powell	25, 658
Winston Hill	24, 704
Guy C. Pardue	24, 373
James F. Parrish	24, 074
R. L. Bell & Sons	23, 257
Roy Weston	21, 602
Donald Chapman	21, 277
Fred L. Cheek	21, 159
J. U. Douciere	21, 115
G. C. Hill Jr	21, 093
Stark Properties	20, 867
Pat H. Earle	20, 412
N. E. Thames	20, 286
Earl Patrick	20, 168
Total payees in parish (37)	1, 106,487

ST. CHARLES PARISH

Douglas J. Arabie	22, 165

ST. JAMES PARISH

Graugnard Farms	50, 779
Uncle Sam Pltg Co	22, 050
Schexnayder Farms	21, 269
Clarence & Carol Hymel	21, 043
Charles & O. J. Gravois	20, 584
Total payees in parish (5)	135, 725

ST. JOHN THE BAPTIST PARISH

Caire & Graugnard	56, 948
T. Lanaux Son	31, 305
Terre Haute Pltn Inc	24, 421
Goldmine Plantation Inc	20, 637
Total payees in parish (4)	133, 311

ST. LANDRY PARISH

J. A. Pickett	53, 442
Nick D. Dubuisson	38, 527
Hudspeth Bros	38, 189
Delano Plantation Inc	37, 224
Stanley Doucet	28, 029
Joe J. Artall	27, 857
Sam Yander	27, 487
John W. Bertrand	25, 959
K. H. and R. L. Gordon Plant, Inc	24, 055
Richard Sanders	23, 179
Louis Burleigh	22, 770
Melvin Soileau	22, 701
George Bourgeois	22, 571
Marion V. Goudeau	20, 629
Furdy Lafleur	20, 519
Total payees in parish (15)	433, 138

ST. MARTIN PARISH

Levert St. John, Inc	59, 762
Willis Brothers	28, 246
Regis Lagrange	23, 821
Total payees in parish (3)	111, 829

ST. MARY PARISH

Sterling Sugar, Inc	135, 096
harry L. Laws & Co., Inc	62, 172
Patout Roane, Inc	41, 117
Katy Plantation	35, 366
A. V. Allain & Sons, Inc	31, 467
Cyremort Farms, Inc	30, 231
Shadyside Co., Ltd	27, 460
Sunrise Planting Corp	26, 906
The Maryland Co., Inc	23, 047
P. J. DeGravelles, Inc	22, 706
Frank Martin Farms, Inc	22, 179
Clay Terry	20, 863
Total payees in parish (12)	478, 610

TENSAS COUNTY

Panola Co	65, 412
E. S. Moberley	59, 455
E. R. McDonald, Sr	57, 263
Frank Burnside	51, 977
G. C. Goldman	45, 606
Wade Vinson, Jr	42, 322
Cypress Grove Pltn	39, 557
Lake Bruin Development Corp	36, 625
Jim Huff	33, 186
Russell Ratcliff	29, 973
E. R. McDonald, Jr	28, 632
W. B. McDonald	28, 632
H. C. Miller III	28, 574
J. C. Crigler	27, 933
R. E. Lancaster, Jr	26, 598
Virginia Wilkerson	26, 327
Osceola Pltn	25, 157
J. R. Coor	25, 061
Jack Day	24, 212
Lakeplace Pltn	23, 433
Monticello Plt. Co	23, 363
Mid Delta Land Co	23, 179
George Bagley	22, 551
Total payees in parish (23)	795, 028

TERREBONNE PARISH

Southdown Lands Inc	184, 093
Prentice Oil & Gas Co	28, 592
Total payees in parish (2)	212, 685

UNION PARISH

E. R. Rogers	30, 235

WEST BATON ROUGE PARISH

Milliken & Farwell Inc	75, 241
Poplar Grove Pltg./Ref. Co	42, 673
Margaret Pltn	30, 538
Devall Co. Inc	22, 056
Allendale Pltn	20, 338
Total payees in parish (5)	190, 846

WEST CAROLL PARISH

Larry Crowe	56, 448
Murray C. Crowe	55, 000
Eugene A. Harper	38, 282
Claude M. Crowe	27, 517
Total payees in parish (4)	117, 247

WEST FELICANA PARISH

Louisiana State Penitentiary	88, 553

WEBSTER PARISH

Williams & Hicks Co	20, 739
Total payees in State (498)	16, 801, 380

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Maryland

KENT COUNTY

Edwin C. Fry	21, 659

TALBOT COUNTY

I. R. Swann	25, 743
Total payees in State (2)	47, 402

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Michigan

CASS COUNTY

Donald McKenzie	20, 540

INGHAM COUNTY

Diehl Fields	29, 758

LENAWEE COUNTY

Leland Bush & Sons	39, 779
Richard Walters	24, 633
William Goetz	23, 794
Total payees in county (3)	88, 206

MONROE COUNTY

Albert Heath	25, 603

SAGINAW COUNTY

Walter Walat	24, 878
Melvin Price	22, 975
Mistequay Creek Farms	20, 040
Total payees in county (3)	67, 893

SANILAC COUNTY

Grabitz Bros	21, 596
Total payees in State (10)	253, 596

1971 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Minnesota

BIG STONE COUNTY

Lismore Stock Farm	20, 303

CLAY COUNTY

Paul Horn Farms, Inc	29, 843
Valan Seed Farm, Inc	21, 912
Benedict Farms, Inc	21, 704
Total payees in county (3)	73, 459

DODGE COUNTY

Owatonna Farms Co	28, 194

FARIBAULT COUNTY

Pirsig Bros	49, 720
Henry C. Wessels	20, 773
Everett C. Wessels	20, 611
Total payees in county (3)	91, 104

FREEBORN COUNTY

R. Peter Louters	22, 466

KITTSON COUNTY

Prairie Farms	27, 288
Miller Brothers Farm	23, 692
John Bogestad	21, 301
Total payees in county (3)	72, 281

MARSHALL COUNTY

Vernon J. McFarland	33, 079
Art Howard	21, 749
Harry Howard	21, 186
Kuznia Farms, Inc	20, 780
Earl Hvidsten	20, 155
Total payees in county (5)	116, 949

MARTIN COUNTY

Merwin Moore & Sons, Ptrnshp	21, 033

NORMAN COUNTY

C. H. Underlee and Sons, a part	27, 367

REDWOOD COUNTY

John H. Reque	31, 522
Leonard K. Wittwer	23, 330
John Clair Larson	21, 207
Total payees in county (3)	76, 059

RENVILLE COUNTY

Frank Farms, Inc	35, 930
Frank O. Johnson	20, 681
David L. Johnson	20, 585
Parks Dahlgren	20, 364
Totay payees in county (4)	97, 560

SWIFT COUNTY

Minn Farms Co	24, 546
Sheldon Reippel	21, 335
J. Burton Johnson	20, 304
Total payees in county (3)	66, 185

WATONWAN COUNTY

Tilney Farms	39, 337

WEST POLK COUNTY

Keith & Raymond Driscoll	40, 581
Useldinger Brothers	27, 178
Vernon Hagen	24, 687
Anderson Farms	24, 612
Armin Ross and Son	24, 326
James and Joe Fanfulik	22, 243
Leonard Driscoll & Son	22, 018
Francis Deboer	20, 155
Total payees in county (8)	205, 800

WILKIN COUNTY

James J. Walton	32, 211
Ivan Miller	30, 586
David Miller	22, 841
Total payees in county (3)	85, 638
Total payees in State (41)	1, 043, 735

1971 ASCS and Great Plains Program payments of $20,000 or more—Excluding loans—Mississippi

ADAMS COUNTY

Joseph W. Parker, Jr	55, 299
T. J. Isbell	36, 750
Total payees in county (2)	92, 049

ALCORN COUNTY

J. E. Marsh	23, 769

ATTALA COUNTY

Arnold C. Lowe	36, 903
Charles Donald	34, 975
James L. Stewart	32, 614
Hugh B. England, Jr	29, 954
Horace G. McMillan	28, 976
Gideon W. Atwood	26, 288
Willie B. McCrory	26, 169
W. B. Wade	24, 635
H. S. Smithson, Jr	23, 766
H. S. Smithson, Sr	23, 220
H. E. Jenkins	21, 407
Maurice Crowder	20, 009
Total payees in county (12)	328, 916

BENTON COUNTY

Leak Brothers	29, 043
C. F. Bryan	26, 676
Wyatt Thomas	21, 465
Total payees in county (3)	77, 184

BOLIVAR COUNTY

Allen Gray Estate	91, 003
Delta and Pine Land Co	65, 509
Charles A. Russell	58, 364
J. A. Howarth, Jr	58, 227
Denton Mfg. Co., Inc	57. 592
Zumbro Planting Co	56, 443
W. J. Sumrall	56, 411
R. C. Malone	56, 154
Maryland Plantation, Inc	56, 003
James B. McGowan	55, 744
Charles J. Wilson	55, 596
Joe R. Ross	55, 042
Ralph W. Ray	55, 000
Charles Speakes	54, 738
Carr Planting Co	54, 607
Allendale Planting Co	54, 558
James House	54, 544
T. E. Pemble Farms, Inc	54, 438
A & B Farms, Inc	54, 197
Huddleston Farms, Inc	53, 815
G. P. Short	53, 582
Dossett Plantation, Inc	53, 320
McMurchy Farms	53, 172
Rex Morgan	53, 126
Bostick Brothers	52, 680
H. B. Hood	52, 546
Charles Evans	52, 392
Duke Morgan	52, 005
Noel Morgan	52, 004
Shelby Farms	51, 794
Rogers Hall	50, 942
Gerald D. Denton	50, 820
Jones Brothers Farms, Inc	50, 772
Don Robertson	50, 347
Milton E. Jefcoat	50, 289
Carolyn Jefcoat Martin	50, 280
Jerry C. Jefcoat	50, 268
B. E. McDearman, Jr	49, 839
Andrew R. Carr Trustee	48, 947
E. M. Walton	48, 504
Riverland Plantation, Inc	48, 119
George B. Noland	48, 034
W. E. Pentecost, Jr	48, 020
W. F. and W. H. Hardin	46, 885
Rainbow Plantation, Inc	46, 757
L. & R. Plantation, Inc	46, 196
E. F. Findley	46, 071
Clear Lake Farms, Inc	45, 848
A. D. Murphree, Jr	45, 467
Lewis Barksdale, Jr	45, 342
J. E. Williams	45, 159
D. A. Williams	45, 159
F. H. Nance	44, 746
M. A. Bell	44, 696
S. D. Long	44, 604
Myles Looney	44, 364
James L. Maxwell	44, 229
B. H. Bass, Jr	43, 391
J. K. Walker	42, 517
J. R. Parkinson	42, 201
Max Dilworth	42, 068
Elm Farms, Inc	41, 209
J. P. Skelton	40, 933
C. Milton Smith	40, 738
J. B. Lowe	40, 651
H. R. Wilson	40, 506
Tony Antici	40, 341
H. H. Lawler	40, 122
Dossett Planting Co., Inc	39, 691
Austin Hester	39, 637
Harry Featherston	39, 547
Bizzell Farms	39, 504
M. J. Dattel	38, 913
Albert Day	38, 635
R. P. Herbison	37, 682
Clarence R. Smith	36, 687
C. T. Stanford	36, 658
Alfred Butler	36, 580
Elmer Prewitt	36, 465
H. H. Harrison	36, 398
Jimmie Pierce	36, 006
Pleasant and Co	35, 726
James House, Jr	35, 626
Alex Belenchia	35, 482
L. E. Murphy	35, 111
E. J. Conn	34, 985
Parks Place, Inc	34, 850
Charles Hicks	34, 743
H. R. Childress	34, 585
Guy F. Warfield	33, 603
Allen E. Warfield	33, 593
Scott Warfield	33, 593
J. W. Reynolds	33, 372
W. L. McCool	33, 272
Game Inc	33, 198
C. D. Long	33, 044
M & D Planting Co., Inc	32, 916
Norman Brown	32, 884
W. H. Frederick	32, 714
W. C. Brown	32, 537
A. J. Cowart	32, 266
H. A. Wellman	32, 228
Perry L. McCool	32, 212
Terry D. Russell	32, 180
W. S. Adams	32, 138
J. A. Harris	31, 997
Rudolph Massey	31, 928
H. E. McCaslin	31, 684
Cedar Ridge Dairy	31, 565
Draion Franks	31, 468
Hubert Gant	31, 325
F. R. Armstrong	31, 013
W. H. Howarth	30, 852
The Wolfe Co	30. 511
W. T. Tullos III	29, 861
Bolivar Farms	29, 613
Triumph Farms	29. 214
G. A. Hood	29, 145
J. H. Avritt, Jr	29, 117
W. F. Ervin	29, 111
Leroy McKee	28, 842
Gee Ferretti	28, 777
G. W. Litton	28, 738
J. R. Taylor	28, 727
L. V. Dickerson	28, 709
Will Gourlay	28, 563
Pete Bramuchi	28, 385
Dalton Taylor	27, 926
John G. Gourlay, Jr	27, 813
Helen P. Gourlay	27, 813
Virgie P. Hiter	27, 514
Henry P. Hiter	27, 514
Kenneth Hood	26, 970
A. D. Murphree, Sr	26, 804
Hugh Swindoll	26, 377
William Peacock	26. 358
John F. Watts	26, 353
F. B. Aylward	25, 970
W. M. Payne	25, 905
M. L. Payne	25, 901
M. L. Turpin, Jr	25, 863
Garnett K. Scott	25, 843
Delbert Farmer	25, 761
W. A. Welshans	25, 218
A. C. Wiggins	25, 013
Charles W. Jones	24, 968
Paul Jones	24, 731
J. R. Turner	24, 193
John W. Comfort	24, 020
James Walker	23, 910
I. C. Rayner Jr	23, 551
Lawrence Gibson	23, 051

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Mississippi—Continued

Clayton Holder	22,860
J. E. Deford	22,[illegible]47
Lyle Dilworth Farms	22,732
H. L. Dilworth	22,639
H. A. Hood	22,392
J. L. and J. V. Newman	22,144
C. E. Williams	21,965
Lamar Stanford	21,897
Melio Sandroni	21,468
Sue Rayner Trust	21,237
Murphree Farms, Inc	21,225
Carlis Lyons	21,221
E. F. Abel	21,190
C. R. Ingram	21,138
J. R. Dodson	21,123
Raymond Sandroni	21,118
Victor J. Aguzzi	20,948
Joe Aguzzi	20,948
J. T. Reed	20,946
Hard Scramble Plantation	20,925
John Glorioso	20,879
Dr. D. Tuminello	20,879
W. P. Skelton	20,870
Ruth W. Bobo	20,810
Mary Adele Walters	20,804
Eleanor B. Walters	20,804
Alden Bell	20,574
Bryn Bright	20,422
Carolyn Rayner Trust	20,050
Total payees in county (181)	6,642,788

CALHOUN COUNTY

Grady Easley	46,806
Harold Hamilton	40,400
H. L. Hardin	24,870
John Swilley	24,595
W. A. Jennings	21,166
Total payees in county (5)	157,837

CARROLL COUNTY

Russell Hoop	55,224
Oklahoma Farms	53,472
J. E. Hobgood	45,691
Ralph Redditt	34,771
Hugh Ferguson	32,555
W. E. Taylor	31,954
R. C. Colvin	29,693
John C. Calhoun	28,169
H. F. Williams	24,274
Roy Meeks	23,638
Wilton L. Nash, trustee	23,413
M. B. Whitten	22,693
Total payees in county (12)	405,547

CHICKASAW COUNTY

W. J. Linn	55,398
Kenneth Coleman	54,994
R. W. Coleman	54,994
J. Q. Demoville	38,397
J. T. Brand	24,168
Larry Carter	22,307
Total payees in county (6)	250,258

CHOCTAW COUNTY

Rex Swindle	31,991
Oren Swindle	26,729
James L. Green	20,453
Total payees in county (3)	79,173

CLAIBORNE COUNTY

James Beesley	45,695
Wiley Hatcher	26,916
Barland Brothers	25,491
Jim S. Middleton	20,917
E. A. Porter	20,361
Total payees in county (5)	139,380

CLAY COUNTY

J. T. Brand	31,835
J. S. Brand	22,088
Total payees in county (2)	53,923

COAHOMA COUNTY

Connell & Company	58,270
Oakhurst Company	57,958
J. F. Humber, Jr	57,835
Carr Mascot Pltn. Inc	57,797
J. B. McKee Estate	57,262
Leon C. Bramlett	57,252
F. B. McKee Estate	56,869
McKee Farms Inc	56,371
Sigmon Planting Company	56,300
Margaret McKee	56,265
John B. McKee, Jr	56,265
Taylor Flowers	56,107
E. E. Lacy	55,921
R. W. Jones & Sons, Inc	55,855
Omega Planting Co	55,820
Pauline K. Sacks Est	55,769
Bobbette Kline	55,769
Reva K. Marcus	55,769
John W. Nance, Jr	55,698
J. B. Laney Farms, Inc	55,649
Fant Brothers	55,580
W. L. McKee	55,414
Roy Flowers	55,324
Oscar Connell	55,266
Eaglenest Pltg. Co	55,200
T. M. Luster	55,136
J. T. Massey, Jr	55,000
Alcorn Russell, Sr	54,677
Preston P. Bennett	54,659
Kirk Haynes	54,413
C. E. Presley, Jr	53,984
King & Anderson, Inc	53,840
J. T. Longino, Jr	53,699
R. R. Count	53,615
R. L. Perryman	52,955
Young Farms, Inc	52,698
Robert A. Boyce	52,535
W. E. Meredith	52,457
William P. Howell	52,122
James Spaggiari	51,872
King & Anderson Ent	51,754
J. L. Stribling, Jr	51,420
B. B. Smith	51,322
J. W. Henderson	51,282
James W. Henderson, Jr	51,282
Dulaney Farms, Inc	50,933
David B. Mullens	50,677
H. M. Haney Estate	50,443
Harry Flowers	50,211
R. B. Flowers	50,204
Graydon Flowers, Jr	50,204
Roundaway Planting Company	50,132
Levingston & Sack, Inc	50,117
Nordel, Inc	50,117
Ellendale Planting Co	49,467
Carr Childrens Trust	49,459
C. M. Allen	49,343
Jennie W. Haynes	48,905
Lea & Stone, Inc	48,326
R. N. McWilliams	48,107
Weeks Plantation, Inc	48,023
Rives & Brewer	47,595
John T. Hays & Son	47,184
G. L. McWilliams, Sr	47,082
E. F. Massey Corp	46,957
W. K. Anderson, Jr	46,915
John P. Pelegrin	45,975
Allen Farms, Inc	45,492
Edwin J. Mullens	45,482
Wilbur Welch	45,366
Weakley Brahan	45,197
H. H. Twiford	44,862
Allen C. Evans	44,477
Parolli Farms, Inc	44,012
Mattie B. Boone	43,898
Rocco G. Morris	43,602
C. B. D., Inc	43,442
Noel D. Ogley	43,307
Robert G. Johnson	42,439
M. J. Commer	42,198
Joe Garrison Farms	41,837
W. T. Salmon	41,290
M. C. Stovall, Inc	41,231
Louise M. Heaton	41,167
R. B. Lyon	41,116
W. C. Luckett Farms	41,008
Morris Eason	41,002
R. M. Aust	40,069
J. T. Longino III	39,772
W. S. Heaton, Jr	39,532
Belmont, Inc	39,165
Champion Farms, Inc	39,031
Marlon Farms	38,371
Graham Bramlett	38,010
Dan Crumpton, Jr	37,578
Michael W. Curtis	37,398
Massey Farms, Inc	37,390
J. H. Pruett	37,388
Sammie D. Hamblin	37,388
Floy J. Haney	37,380
L. B. Shipp	37,143
Elizabeth Garrett	37,033
W. H. Garrett, Jr	37,033
Eva Mae Crumpton	36,928
Andrew J. Conelson	36,697
Waterloo Planting Co	36,478
J. H. Sherard, Inc	36,126
Beverly S. Pettey	36,115
Harry L. Black	35,887
Joe & Richard Noe	35,731
Richard Russell	35,570
H. A. Greene	35,125
Carson Pelegrin	35,031
Reno Borgognoni	34,812
James A. Russell, Jr	34,301
L. S. Powell Estate, Inc	34,230
Heaton Pltg. Company	34,095
L. T. Payne	34,092
W. H. Maynard, Jr	33,995
W. L. McKee III	33,859
Charles Monty, Jr	33,446
Malavassi Farms	32,415
H. D. R. Corporation	32,182
W. W. Cooper Est	32,167
Lake Roberson, Jr	31,820
Travis H. Taylor, Jr	31,551
E. V. Catoe, Jr	31,548
Van Meek, Jr	31,292
F. R. Ashley	30,529
John J. Mohead	29,857
William H. Mohead	29,848
James E. Mohead	29,848
Lent A. Ross III	29,794
Billy Campbell	29,759
H. J. McMillian	29,733
Adams Farms	29,494
T. O. Fulton	29,257
Phillip Tavoleti	29,231
Dominic Tavoleti	29,231
Anthony Tavoleti	29,231
Johnny Tavoleti	29,231
Mary Tavoleti	29,231
Monty Planting Co., Inc	28,894
Tony Morris	28,831
Montgomery Farms	28,776
Ruck Jose	28,156
Bobby Goss	27,878
John F. Rodgers	27,791
Fyfe Brothers	27,496
Harry S. Anderson	27,238
H. B. Heidelberg	27,215
Eugene C. Allen	27,215
Horace Ritch	27,103
Butler Planting Co., Inc	27,102
Berryhill Farms, Inc	27,005
Graydon Flowers	26,876
W. H. Rainey	26,761
Howard Smith	26,727
Kent Haney	26,593
Mike Antici	25,981
Wheeler Graham	25,872
T. R. Rodgers	25,764
T. S. Hays	25,535
Vito Sbravati	25,499
Elizabeth Bramlett	24,979
River Bend Pltn., Inc	24,883
Harold Mosby	24,451
Henry Cobb, Jr	23,777
John H. Garmon, Jr	23,646
Manker Pltg Co., Inc	23,600
Allan B. Adams	23,557

Nell Smith	23,114
Frank Aderholdt	22,756
Lawrence Malone	22,709
Paul Clark, Inc	22,431
C. V. Wiltshire, Jr	22,220
Robert Louis Demilio	22,048
Jim Smith	21,650
Lucille & C. W. Fyfe, Jr	21,497
Raymond Francis	21,412
Panther Lake Pltn., Inc	21,209
W. W. Vaught & Son	21,091
Jimmie Hardin	21,082
J. W. Gray, Jr	20,818
Malcolm Mabry Farms, Inc	20,402
Total payees in county (186)	7,383,287

COPIAH COUNTY

W. S. Reed	42,246
C. E. Strong	28,570
James West	28,201
Allen Hood	25,993
Total payees in county (4)	125,010

DESOTO COUNTY

R. S. Jarratt	58,277
M. W. Jefcoat Estate	58,084
Tract O Land Pltn	57,845
Warren W. Sullivan	57,397
S. M. Blythe	50,334
Herman Koehler	48,437
Carthel Todd	47,033
Howard Plantation	46,697
Swindoll Farms, Inc	45,999
Richard Leatherman, Jr	42,322
E. M. Upchurch	42,122
John Graves	42,085
Minor B. Lewis	40,880
William Gerber	40,880
Dudley Bridgforth	38,791
J. S. Dollahite	38,605
Penton Planting Company	37,421
Readus Hudson	36,241
A. A. Whitten	35,043
Milton W. Jones	33,014
Pat Jack Farms	32,238
Clarence Sparks	29,899
C. E. Clifton	29,621
J. H. Miller	28,772
R. M. Treadway	26,679
George B. Banks	26,608
J. R. Summers	25,654
R. M. Treadway & Sons	24,760
D. F. Wilson	21,525
M. J. Sparks	21,055
Lewis B. Marrow	20,385
Minor M .Leblanc	20,385
Walton Scott	20,191
Total payees in county (33)	1,225,279

GRENADA COUNTY

W. J. Hobgood	39,360
T. E. Guest	34,303
Paul L. Gray	26,185
Hiram E. Davis	24,392
John M. Little	23,127
B. A. Little	22,384
R. E. White	22,042
Alex Smith	21,326
Reginald E. Forrest	21,103
Bobby E. Gillon	20,061
Total payees in county (10)	254,283

HANCOCK COUNTY

Palmer C. Boothby	27,304
Chandler Ladner	20,574
Total payees in county (2)	47,873

HINDS COUNTY

Gaddis Farms Inc	67,268
Gilkens Farms Inc	59,900
B. H. Virden, Jr	56,264
J. A. Tucker, Sr. Est. & J. A., Jr	50,763
John Gill	49,787
C. C. Floyd	45,222
J. S., Sr., J. S., Jr. & R. C. Mellon	41,673
Gaddis & McLaurin Inc	39,587
R. & B. Land Co	32,765
Ward Carraway	29,649
Tom Virden	28,984
C. D. Noble	28,242
Robert Mashburn	27,693
Jimmy R. Mason	24,851
Harold Simmons	24,527
J. P. Stubbs	24,520
Ray R. Cannada	22,707
J. B. White	22,489
J. C. Logan	21,727
O. R. Harris	21,614
Charles G. Floyd	21,073
Jack W. Lilley	20,575
R. E. Floyd	20,386
Total payees in county (23)	782,266

HOLMES COUNTY

W. J. Waits	58,590
E. W. Hooker	57,206
Paul Wilson	56,171
J. T. Thomas, III	55,447
J. P. Love	55,000
Byron B. Sharpe	55,000
J. E. Cunningham	55,000
Wayne Watkins	55,000
Jimmy Love	55,000
Pluto Planting Company	55,000
Stonewall Planting Company	55,000
H. L. Nichols, Jr	54,996
Louie B. Nichols	54,996
S. J. Foose, Jr	54,883
J. T. Thomas, Sr	54,805
Bardin Reddett	52,612
Donald Parrish	52,024
R. T. Hardeman	51,454
J. E. Mathias	50,941
J. E. Hays	50,380
Thomas Farms, Inc	50,229
R. L. Peaster Company	49,505
A. B. Archer, Jr	47,404
J. A. Killebrew	47,322
Charley Wade	44,656
Bonanza Plantation	43,880
E. E. O'Reilly	41,055
Gum Grove Planting Co	39,422
H. F. Flemming	39,203
Shotwell Plantation, Inc	39,107
J. A. Barrett	34,380
J. E. Cunningham, Jr	33,614
H. H. Howard	33,552
George D. Wynn	33,448
W. G. Gwin	33,442
James Killebrew	32,475
Paul F. McCain	30,473
Eden Farms Corp	29,284
D. C. Conn	28,984
E. I. Harris	28,891
B. W. Humphrey, Jr	28,861
Harris C. Humphrey	28,609
Posey Wideman	28,601
Frank Gwin, Jr	28,444
James F. Jacks	28,287
D. S. Shuttleworth	28,256
C. R. Logan, Jr	26,151
Frank A. Jones	25,972
J. R. Peaster, III	25,306
Margaret Peaster	25,298
Thomas G. Peaster	25,298
H. M. Brock	24,522
C. V. Maxwell and Son	24,056
T. C. Watkins	23,877
Glenn M. Brock	22,801
E. J. Hines & Son	21,944
R. K. Oreilly	21,689
Kenneth Parrish	21,562
N. B. Parrish	21,416
D. C. Scott	21,146
T. R. Barrett	20,138
Total payees in county (61)	2,372,065

HUMPHREYS COUNTY

Spencer H. Barret	58,848
A. B. Jones, Jr	58,553
O. B. Nerren	56,771
R. D. Hines	56,655
B. A. Holaday Company	56,356
O. J. Turner, III	56,123
S. U. Smith	55,683
B. W. Smith, Jr	55,683
Wm. L. Dillard	55,651
B. A. Planting Co	55,325
Cotton Delta, Inc	55,272
B. W. Smith Planting Co	55,236
C. B. Aycock, Jr	55,110
R. D. Bearden	55,089
E. L. Parker	54,532
E. L. Nerren	54,307
B. J. Barrier III	54,291
T. M. Simmons, Jr	53,684
Jones Planting Co	53,252
B. A. Seward	52,654
Curtis F. Johnson	52,460
D. W. King	44,598
Homer Martin, Jr	44,149
T. N. Turner Farms, Inc	43,864
Gladstone B. Mortimer	42,489
Jack Reed	41,012
Auvergne Williams	40,011
R. P. Hairston	39,432
R. R. Roberts Est	38,590
G. H. Hairston, Jr	38,326
Powell Farms	38,227
Byrdie J. Faulkner	37,745
Richard D. Bearden, Jr	37,363
J. M. Bearden	37,363
Irby Turner	37,359
O. M. Parker, Jr	36,807
S. R. Pinson	36,558
James R. Walker, Jr	36,427
D. G. Rutledge	35,130
T. J. Corley	34,680
R. Y. Wright	34,473
Blue Sack Pltn., Inc	34,244
Robert Millwood	33,925
T. E. Fouche	33,493
W. Denon Braswell	32,406
Hollowell Bros	32,240
M. D. Rodgers	32,043
Bill H. Rodgers	32,043
James S. Reed	31,666
J. D. Upshaw	31,632
S. W. Gardner	31,069
W. T. Turner	30,792
Randolph Martin	30,515
James G. Outlaw	30,462
Lone Star Pltn., Inc	29,620
L. G. Shelton	39,001
W. A. Pearson	28,885
Stoner Farms	27,766
Carolyn R. Stevens	27,181
Wesley W. Hester	26,611
Tom Hill & Sons	26,047
Bill Sears	25,461
John H. Daniels, Jr	25,443
Fred Champion	24,943
Del P. Lott, Jr	24,743
W. A. McMorrough	24,532
Bill Parks	24,175
J. A. Bridges, Jr	23,931
R. P. Ellis	23,753
Nettie B. Williams	23,639
Maurice T. Reed, Jr	23,477
Mildred H. Reed	23,477
Agnes D. Reed	23,477
T. L. Reed III	23,477
Calvin Crawford	23,075
Hilton Crawford	23,075
Dave Bobbitt	22,681
Bob Bearden	22,066
W. H. Allen Estate	20,063
Total payees in county (39)	2,973,267

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Mississippi—Continued

ISSAQUENA COUNTY

W. T. Touchberry	56,853
Glenn Poole	55,124
Harper R. Myres	54,684
H. Marshall Herman, Jr	54,684
O. J. Sharpe	50,316
W. W. Heigle & Son	49,913
James T. Mabus, Jr	49,689
James T. Mabus	49,689
Ferrel Heigle	47,032
W. C. Woodruff	40,176
W. I. Robertson	38,637
Rudy Plt	35,061
W. E. Fleeman, Jr	28,217
Charles Leon Delaney	27,382
Esperenza Plt	26,233
Harold D. Heigle	24,404
L. T. Wade	22,825
Florence A. Fleming	22,261
Total payees in county (18)	733,180

ITAWAMBA COUNTY

Jimmy Pearce	22,593

LAFAYETTE COUNTY

J. T. Smith	35,521
James S. Downs	27,375
D. H. Surrette	26,309
Donald A. Waller	23,707
Walker E. Downs	20,611
Total payees in county (5)	133,523

LAMAR COUNTY

Bass Pecan Co	35,397

LEAKE COUNTY

Glen Allen	46,864
Joseph W. Langford	45,542
John H. Evans	27,872
Jimmie D. Arthur	21,223
Total payees in county (4)	141,501

LEE COUNTY

H. R. Morgan	30,304
Earl N. Loftin	26,957
Wayne Griffin	23,538
Joe Bucy	20,920
Rex Harris	20,100
Total payees in county (5)	121,819

LEFLORE COUNTY

Race Track Plantation	58,166
Ed Hunter Steele	57,461
Ray Tribble	57,098
Jeff L. Cole	56,859
Whittington Planting Co., Inc	56,515
Sturdivant & Bishop	56,472
L. W. Wade Farms, Inc	56,386
W. P. Brown, Jr	56,247
J. Wayne Bush	56,170
W. P. Brown III	56,125
D. E. Reynolds, Jr	55,915
W. J. Roberson	55,833
Joe Pugh	55,593
Hobson Gary	55,513
M. C. Tillman	55,446
Miller Bush	55,187
Equen Planting Co., Inc	54,999
Jack Shaw Farms, Inc	54,854
Rufus Wier Farms, Inc	54,854
R. C. Shaw	54,764
John D. Ashcraft, Jr	54,764
J. P. Cole, Jr	54,760
C. R. Benz	54,599
Donald W. McShan	54,599
Aven Whittington	53,895
W. M. Whittington	53,883
Dale Barham Bratton	53,305
Lake Henry Plantation	52,709
I. T. McIntyre III	52,565
F. J. Poindexter	51,480
B. G. McGeary	51,439
Elizabeth N. Barham	50,767
W. L. Craig	50,239
L and H Farms, Inc	50,089
Albert R. King	48,442
Joseph S. King	48,442
Mallory C. Davis, Sr	48,205
Shoe String Plantation, Inc	47,335
Julius E. Howard	47,132
Wilford R. Webb	47,064
C. L. Patridge	46,809
W. D. Simmons	45,593
MBG Farms, Inc	44,544
W. D. Bradford	44,459
Wingfield B. Jones	43,653
Caralisa B. Pollard	43,649
W. G. Somerville	43,284
Kathryn B. Pond	43,283
Ed Jones Bledsoe	43,283
W. H. Morgan	42,786
W. H. Morgan, Jr	42,786
Robert L. Pillow	42,351
Hayward Jacks	42,221
James Morgan, Jr	41,944
Hugh A. Warren III	41,379
T. J. Carter	41,354
Lock Eleven	41,329
Mary W. Davenport	40,809
Sam Balkin Trust Estate	40,224
Walter Pillow III	40,148
Hunter Chitton and Co., Inc	39,809
E. D. Strain, Jr	39,143
Derwood Strain	38,575
Lakeview Plantation	38,405
Fort Loring Plantation	38,186
F. R. Morgan, Jr	38,075
BCS Corporation	37,606
R. T. Wade	37,176
F. T. Leavell	36,584
A. V. Leavell	36,573
F. L. Whittington	36,573
Fred R. Metcalfe	34,968
Carrie P. Avent & Jones	34,964
Walter Walt	34,308
L. W. Wade Planting Co	34,057
Leo Murphree	32,743
D. C. Branham, Jr	32,705
H. B. Hawkins	32,299
Frank H. Coleman	31,419
Loyce Makamson	31,167
Lamar Makamson	31,018
John Ellis Williams, Jr	31,012
Est of J. M McIntyre	30,998
C. G. Nichols, Jr., est	30,998
Kenneth Creswell	30,877
L. E. Rowland	30,287
H. C. Pleasants	30,217
James R. Kent	30,166
Kimble Makamson	30,022
James Stowers	29,980
E. B. Smith, Jr	29,908
T. U. Black, Jr	28,858
Mickey E. Black	28,858
Timothy Thimmes	28,856
Kathryn Ryan	28,856
W. P. Kimbrough, Jr	28,735
J. E. Gwin, Jr	28,029
Jesse Stockton	27,933
W. R. Gee	27,933
James D. Green	27,871
H. Y. Fraiser, Jr	27,695
Betty Hughes Gwin	27,499
Lenora M. Fraiser	27,393
Lakeland Farms, Inc	27,107
August Lape	26,394
Tom J. Gary	26,221
Jane G. Coleman	26,208
Memrie G. Wells	26,208
Margaret S. Gary	26,208
Rebecca Gary	26,208
N. W. Carver, Jr	26,206
Watson Pillow	25,970
Harold Coleman	25,530
R. C. Colvin	25,482
Clifton Bishop	25,176
J. J. Walker	25,108
L. L. Walker, Jr	25,108
Elizabeth G. Saunders	24,972
Cecil M. Boland	24,841
W. C. Haynes	24,233
W. H. Gillon, Jr	23,580
Don Corley	23,500
Rex Makamson	23,425
A. J. Wilson	23,425
P. M. Kimbrough	22,920
Morris Johnson	22,813
Reese Makamson	22,686
Jack Massey	22,544
E. L. Gilliland	22,210
Robert M. Morton	21,541
Robert W. Powell	21,536
John Bariola	21,481
C. J. Hammond	21,468
Melza Wilson	21,033
John F. Bratton	20,898
Cottonland Pltn., Inc	20,598
Edgar B. Cannon	20,466
David R. Gillon	20,374
Rufus P. Stainback	20,374
Homer T. Vining	20,369
T. R. Hodges	20,366
James H. Simpson	20,361
Lem D. Mahoney	20,092
Total payees in county (143)	5,325,932

LINCOLN COUNTY

C. C. Clark	37,002

LOWNDES COUNTY

James C. Richards	37,298
Gilmer Plantation	34,470
Leon Kesler	30,861
Saunders B. Carson	29,955
Virgil Hanson	26,216
Gene D. Holliman	26,128
E. L. Robinson	24,653
Tommy Spruill	20,762
B. E. Aldridge	20,537
Total payees in county (9)	250,880

MADISON COUNTY

P. W. Boseman	59,299
Sim C. Dulaney	56,664
Dudley R. Bozeman	56,423
Ben H. Stribling	55,864
Billy McMullen	53,247
M. S. Cox, Jr	52,238
J. D. Rankin	51,509
Mona G. Wells	51,199
E. D. Mansell	48,837
James Stewart	46,284
Charlie Williams	43,433
E. K. Bardin	41,652
Thomas L. James	41,356
James A. Cook	41,016
A. B. & W. Mansell	38,837
J. S. Harris, Jr	35,762
Julius Edgar	35,377
J. R. Tate	35,152
A. W., Sr., Jr. & M. W. Hardy	34,850
W. S. Patrick	34,508
Henry M. Waldrop	34,115
Roy E. Tate	33,284
Billy Ray Stribling	28,825
Donald J. Powell	28,191
L. A. Millsaps, Jr	26,811
New Paragon Gin Co	25,546
G. H. Moore, Jr	23,861
Ruby H. Moore	23,860
William L. Moore	23,859
Carl P. Murphy	21,407
Robert Endris	20,128
Total payees in county (31)	1,203,394

MARSHALL COUNTY

Johnny Taylor	50,293
L. E. Devore	49,327
J. M. Ash	44,331
Byron Hurdle	42,725
Jack McClatchy	41,217
Charles McClatchy	41,202
John L. Loftin	38,307
C. B. Robinson	33,773
Chester Hurdle	33,300
William S. Payne	32,285

Hugh McClatchy	32, 179
Russell G. Houston	30, 875
C. S. Hurdle	30, 868
Everett Edlin	30, 491
J. W. Cocke	30, 136
Raymond Patrick	28, 934
Jobe Whaley	28, 411
Tom C. Lacey	27, 728
Artie Edlin	24, 903
Edgar Lee Bolden	24, 870
John R. McDermott	24, 581
Walter Allen	24, 268
Hargis Hurdle	23, 258
Janie C. Hurdle	22, 163
Wayne Hurdle	21, 824
Marvin StJohn	21, 257
Guy K. Shaw	21, 081
Tommy Woods	21, 049
Lester Graham	20, 629
Egbert Jones	20, 016
Total payees in county (30)	916, 281

MONROE COUNTY

Sid T. Sanders	51, 369
Frank R. Millender	42, 066
Fred Bell	36, 381
Richard S. Cole	35, 994
Thomas E. Millender	33, 490
Dennis R. Self	33, 421
Delmer Holloway	31, 856
Fay Nevins	30, 105
Carlos A. Thompson	22, 633
Riley Dabbs	21, 945
Lee H. Harrington	21, 097
W. B. Watkins	21, 035
Preston Tubb	20, 506
M. V. Burks	20, 206
Total payees in county (14)	422, 104

MONTGOMERY COUNTY

James W. Latham	28, 649
Sidney Branch	28, 411
Melvin W. Kirk	23, 060
Total payees in county (3)	80, 120

NOXUBEE COUNTY

Harrison Evans	65, 517
A. T. Evans	65, 517
Ralph Spurgeon, Jr	49, 956
Valley Farm	42, 948
Circle M Ranch, Inc	42, 251
A. B. Stevens, Jr	34, 105
Joseph D. Pugh	33, 595
The Deerbrook Co	30, 871
Paula M. Roberston Estate	24, 343
Total payees in county (9)	398, 103

PANOLA COUNTY

W. S. Taylor, Jr	57, 313
Derryal Glen Gates	55, 525
F. F. Lunceford Farms, Inc	55, 214
Robert McMillan	54, 376
Hays Bros. & Hall	53, 584
Crenshaw Bros, Inc	43, 695
Donald Bartlett	41, 299
Whitworth Farms, Inc	37, 616
M. H. Sumner or C. N. Sumner	36, 688
W. P. Lemaster	35, 782
Lent E. Thomas, Jr	35, 209
Alton Milam	33, 046
Estate of Fred Taylor, Sr	31, 857
Raymond Birdsong	31, 359
Short Brothers	31, 027
Maury R. Harris & Sons, Inc	30, 650
Evander Smith	30, 483
David Ross Craig	29, 451
A. C. Atkinson	27, 795
James Montieth	27, 512
Hosey White	27, 000
Joe Reid	26, 773
Dave Pointer	26, 365
James W. Sorrells	25, 604
Curtis McNemar	25, 175
H. G. Short	23, 913
Taylor Bros	23, 652
Emily J. Pointer	23, 231
Leon Crigler	23, 057
E. C. Darby	21, 328
Sanford McNemar	21, 305
Otis Jenkins	20, 796
G. W. Hudson	20, 635
Total payees in county (33)	1, 088, 315

PERL RIVER COUNTY

Louis Carmadelle	38, 000
William A. Powe	27, 700
A. J. Jones	27, 499
J. O. Ladner	26, 780
La Row Investment Co	22, 501
Total payees in county (5)	142, 480

PONTOTOC COUNTY

W. G. Hodges	32, 848

PRENTISS COUNTY

A. B. & B. C. Arnold	23, 050

QUITMAN COUNTY

L. J. Barksdale	55, 979
B. O. Tedford	55, 330
E. Q. Vance, Jr	55, 299
Ben E. Pittman	55, 000
C. W. Denton	52, 473
Joe E. Benson	51, 246
David Ford	50, 439
John B. Ford	50, 439
H. T. Pittman	50, 377
A. L. King, Jr	49, 429
Arthur Fulmer	49, 254
Fletcher S. Haynes	47, 582
Thomas B. Barnes	46, 274
T. C. Potts	46, 216
W. K. Self	44, 778
Mrs. Marjorie Self Crabil	44, 778
Mrs. Evelyn S. Holcomb	44, 778
Henry C. Self	44, 778
Mrs. Miriam S. Blalock	44, 778
Mrs. Mary T. Burroughs	43, 918
Clifford Cobb, Jr	41, 769
Richard Shellman	41, 611
E. H. Anderson	40, 702
Cotton Dixie, Inc	40, 433
B. W. Wadlington, Jr	39, 907
Ben S. Yandell	39, 752
W. M. Yandell, Jr	39, 752
Noel Wilborn	38, 937
Clifton Planting Co	38, 360
Shannon Planting Co	37, 747
F. Raynor Starr	37, 176
Thomas A. Harris	37, 155
James A. Tedford	36, 963
Michael G. Harris	36, 907
T. C. Haley	36, 573
F. R. Wright, Jr	36, 464
Miss. Penitentiary Board	35, 853
R. A. Carson	33, 439
James D. Peterson, Jr	33, 037
W. W. Hughes, Jr	32, 280
John M. Moyer	32, 153
C. B. Sigler	31, 258
Gerald W. Tedford	30, 804
Perry Bailey	30, 617
Longstreet Pltg. Co	30, 276
B. H. Cobb	30, 003
Crenshaw Planting Co., Inc	29, 797
James A. Jackson	29, 701
Hubert Haynes	29, 472
Cuatro Corporation	28, 671
H. W. Howze, Jr	28, 529
Smith Planting Company	28, 217
Paul Malatesta	28, 165
S. P. Henry	27, 684
Ottis F. Meredith	27, 588
F. R. Trainor	27, 013
Mrs. Linda V. Henry	26, 890
J. E. Furr, Jr	26, 558
I. L. Henry	26, 355
Gordon Farms	25, 845
Ed Benson	25, 620
Herbert R. Wilson	25, 534
E. B. Smith	25, 360
Hubert L. Respes	25, 135
F. R. Starr	24, 717
Mrs. Lillian G. Carson	23, 004
Norris W. Faust	22, 486
T. S. Hale, Jr	22, 188
V. A. Furr, Jr	21, 933
O. A. Davis, Jr	21, 353
Victor Bailey	21, 100
L. J. Kerr, Jr	20, 999
N. H. Sutton	20, 790
Mark N. Ham	20, 694
Mrs. Josie Starr	20, 136
James G. Harris	20, 134
J. K. Pearson, Jr	20, 052
Total payees in county (77)	2, 694, 793

RANKIN COUNTY

J. W. Patrick, Jr	32, 993
J. B. Williamson	32, 780
Paul Cross	32, 441
F. C. Lawrence	31, 255
John R. Chaffin	30, 195
Ray Gordon	20, 417
J. D. McKay	20, 315
Total payees in county (7)	200, 396

SCOTT COUNTY

Dan R. Boyce	53, 188

SHARKEY COUNTY

Powers Company, Inc	60, 557
Fields Planting Corporation	59, 303
Evanna Plantation, Inc	58, 622
Helena Pltn., Inc	58, 007
Lynndale Planting Co., Inc	57, 726
Murphy Jones	57, 233
G. C. Cortright	56, 665
Baconia Plantation, Inc	56, 570
James A. Boykin	55, 788
Thomas Bruton	55, 711
Reality Plantation, Inc	55, 554
Hagan Farms, Inc	55, 440
B. H. McGee	54, 217
Burrell McGee	54, 217
June F. Grundfest	53, 084
Norris E. Hill	52, 405
J. H. Hill, Jr	52, 405
Hiram W. Hill	52, 405
J. H. Hill, Sr	52, 405
Estate of Capitola M. Dean	49, 152
Greer, Incorporated	48, 740
Keyho, Inc	46, 670
W. W. Moore	45, 362
J. H. Moore	45, 362
Council Bend, Inc	45, 320
Darden Company, Inc	43, 659
W. R. Rodgers	42, 027
Ben Lamensdorf	38, 255
Jones Plantation, Inc	37, 592
W. E. Patterson, Jr	36, 894
Charles Kline	36, 703
Patton Planting Co	35, 996
W. H. Hoonett	35, 736
M. J. J., Inc	35, 663
H. W. Hubbard	35, 643
James Hand, Jr	35, 093
Rives C. Carter	35, 092
Mary V. Watson	35, 093
Jere B. Nash, Jr	35, 093
Jere B. Nash	35, 093
James Hand III	35, 093
Robert H. Moses	33, 166
W. A. Chase	32, 199
Raymond Brown	32, 078
J. M. Brown	32, 078
A. B. Williams, Jr	31, 918
Grosvenor Farms, Inc	31, 707
Geraldine R. Dean	31, 277
Pat R. Dunaway	31, 089
Mabel D. Whitfield	30, 415
T. W. Harris	29, 277
Capitola D. Edmondson	28, 685
Miriam D. Heard	28, 685
McKinney and Son	28, 562
Clinkscales Bros	28, 334
Martin Planting Co. Inc	28, 230
James R. Carter	27, 827
Laurence W. Carter	27, 819

***1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Mississippi*—Continued**

Wallace Carter, Jr	27, 819
S. W. Bennett	27, 402
Catherine O. West	26, 809
Carol D. Sterling Estate	26, 809
A. B. Williams	26, 771
M. C. Ewing, Jr	25, 861
W. T. Ewing	25, 852
Benard O. Lovorn	25, 371
Carl Dunaway, Inc	25, 330
James Charles Askew	23, 762
Sojamax, Inc	23, 527
G. M. Baggett	23, 228
Charles Huff	20, 120
Total payees in county (71)	2, 769, 653

STONE COUNTY

H. H. Batson	24, 395
O. B. Brown	20, 802
Total payees in county (2)	45, 197

SUNFLOWER COUNTY

Parchman Farms	75, 221
Duncan Farms, Inc	63, 932
H. T. Bonds	57, 296
A. K. Maxwell	56, 837
Dick Barrett	56, 515
William M. Pitts	56, 336
T. A. Murtagh	56, 257
Kansas Plantation, Inc	56, 187
Garrard Est	56, 067
Allen & Brashier Pltg. Co	55, 794
Kelly R. Mahan	55, 719
Joseph A. Oglesby, Jr	55, 677
N. H. McMath	55, 644
W. T. Skelton	55, 250
W. E. Austin	55, 184
Frank T. Brumfield	55, 144
Bruce Brumfield	55, 143
Edwin L. Parker III	55, 143
J. C. Allen, Jr	55, 000
Rodgers Brashier	55, 000
Thomas J. Mahan	54, 997
C. W. Barrett	54, 993
Pauline V. Adair	54, 991
George J. Rice	54, 966
Millard P. Austin	54, 962
George A. Rice	54, 919
Harris Russell	54, 847
P. H. B., Inc	54, 846
H. M. Arant	54, 790
Leslie R. Fletcher	54, 772
W. B. Fletcher, Jr	54, 772
J. B. Failing	54, 646
Brewer Morgan	54, 508
F. L. Tindall	54, 402
Maury McIntyre, Jr	54, 388
Lipe Farms, Inc	54, 284
Philip Fratesi	54, 145
J. H. Hall	53, 876
H. T. Miller, Pltg. Co., Inc	53, 674
David Keith	53, 566
Parker Planting Co	53, 266
Richard Cummins	53, 206
F. T. Clark	52, 475
F. E. Mitchell	51, 675
B. R. Ammons	51, 511
George C. Scroggins	51, 451
Calvin W. Montgomery	51, 426
J. M. Montgomery, Jr	51, 426
H. P. Watson	51, 348
W. H. Baird	51, 103
Doddsville Farms, Inc	50, 846
Douglas Mallette	50, 594
S. B. Johnson	50, 529
John J. Hall, Jr	50, 504
J. G. Prichard	50, 144
W. L. Prichard	50, 144
Billy Brewer	49, 307
Jessie Russell	49, 299
Hugh G. Fisher	49. 205
Will Green Poindexter	49, 095
Scott Poindexter	49, 095
Jim Muzzi	48, 849
J. P. Fisher, S	48, 720
J. C. Robertson	48. 707
W. T. Robertson	48, 707
Leroy Anthony	48, 526
Black Bayou Pltn, Inc	47, 878
Max A. Hodges	47, 868
J. A. Ely, Jr	47, 683
George L. Evans	47, 230
Ted J. Stingley	46, 707
Dyche Plantation, Inc	46, 246
Lucy B. Hill	46, 042
Blue Lake, Inc	45, 907
John Brewer Reed	45, 629
W. O. Shurden, Inc	45, 405
L. K. Johnson	45, 068
W. A. Price, Jr	44, 087
Sidney Shurden	43, 630
John Dodd	43, 529
W. C. Lester	43, 086
M. Pickett Myers III	42, 962
W. E. Jefcoat	42, 871
J. S. Parker, Jr	42, 825
C. H. McClatchy	42, 644
J. B. Baird	42, 433
Ethel Lyon	42, 229
R. M. McClatchy	42, 131
Carl T. Harkins	41, 820
E. E. Shurden	41, 677
Charles E. Clark	41, 676
Thomas J. Baird	41, 583
H. W. King	41, 570
George E. Baird, Jr	41, 563
Sidney Levingston	41, 504
Herman Guest	41, 457
Sylvia L. Sklar	41, 434
Alfred A. Levingston	41, 425
L. A. Davidson	40, 298
R. K. Clark	39, 503
Noel Barrett	39, 408
Jack Griffith	39, 108
J. D. Pennebaker	38, 971
James O. Eastland	38, 646
W. D. Marlow III & Son	38, 292
L. E. Braswell	38, 138
Ophelia Braswell	38, 127
W. T. Timbs, Jr	38, 080
Alleta B. Sanders	37, 927
G. C. Billups, Jr	37, 927
Grace R. Billups	37, 927
Irene Billups	37, 927
C. A. McGregor	37, 916
Maxwell Murtagh Farms Inc	37, 876
Fletcher Clark	37, 676
J. W. Stowers & Co	36, 991
Hugh Medders	36, 891
B & L Farm Inc	36, 838
Dar Bayou Pltg. Co	36, 260
V. E. Lester	36, 052
C. F. McGraw	35, 963
W. E. Coleman and Son	35, 829
L. D. McCoy, Jr	35, 780
Lakewood Inc	35, 693
Robert Doty Mallette	35, 651
Louis Millen	35, 596
J. T. McGregor	35, 483
James Bradshaw	35, 320
G. B. Hitt	35, 050
Roberts Brothers	34, 758
W. D. Patterson	34, 718
W. D. Patterson, Jr	34, 708
E. Leonard Patterson	34, 708
J. R. Dockery	34, 679
Goose Hollow Pltg. Co	34, 558
Berryhill Bros. Pltg. Co., Inc	34, 433
L. D. Booth	34, 380
McWilliams & Pyron	34, 113
Bobby Clark	34, 000
J. C. Haney	33, 762
Ciro Nobile	33, 585
Lake O. Lindsey	33, 429
Glenn McCoy	33, 364
A. E. Schuyler	33, 086
L. A. Safley	32, 577
David S. Allen, Jr	32, 478
R. J. Allen, Jr	32, 478
U. D. Parker, Jr	31, 865
Roy Manning, Jr	31, 697
Sterling Dugger	31, 692
C. T. Ellis	31, 692
Ruth B. Jefcoat	30, 948
Topanga Farms, Inc	30, 948
George W. Bowles	30, 939
Allen Fox	30, 902
R. L. Shurden	30, 835
C. R. Skelton	30, 760
J. F. Barbour II	30, 560
Gorden Dement	30, 443
Powell Poe	30, 331
H. C. Eastland	30, 130
A. W. Shurden	29, 654
Howard L. Grittman, Jr	29, 329
James E. Reed	29, 314
James L. Beckham	29, 198
P. C. Nichols	28, 782
Spann Robertson	28, 782
M. A. Tanksley, Jr	28, 736
W. J. Toler	28, 708
Fred V. Jones	28, 688
W. E. Wright	28, 611
W. B. Lovett	28, 374
Carl M. Prewitt	28, 219
M. G. Walker	27, 975
W. E. Lamastus, Jr	27, 814
Nannie S. Parks est	27, 623
Ted Borodofsky	27, 492
Edward M. Lyon	27, 413
A. C. Tidmore, Sr	27, 293
W. D. Baird	27, 180
Thomas B. Givens	26, 327
J. W. Baker	25, 982
David Woods	25, 840
J. R. Martin	25, 460
David E. Roberts	25, 232
C. B. Fisackerly	25, 130
Norman Pentecost	25, 116
D. R. Mallette	24, 779
J. B. Lee	24, 750
A. E. B. Britt	24, 494
R. J. Vanlandingham	24, 403
B. N. Marlow est	24, 252
Hubert Robertson	24, 115
Virgil E. Redd	23, 918
T. E. Cooper	23, 716
B. L. Kirk	23, 608
Buckshot Pltn. Co., Inc	23, 254
E. A. Stansel, Jr	23, 179
V. A. Johnson	22, 941
Charles E. Boyer, Jr	22, 051
W. C. Hendon	22, 023
J. B. Sykes, Jr	21, 964
Sheffield Farms	21, 940
H. I. Clark	21, 907
Eldon Crow	21, 905
J. O. & H. C. Eastland, Inc	21, 465
Stacy & Baughman	21, 196
Albert R. Holeman	21, 195
Earl W. Pittman	21, 187
James Simpson	21, 057
William L. Ervin	20, 988
A. E. Moody	20, 811
Odell Mustain	20, 798
Ellwood S. Bright	20, 620
W. J. Jones	20, 611
Robert C. Pratt	20, 521
Susan E. Terney	20, 292
Tommy Ellis	20, 234
John Burrell	20, 216
Roy Boone	20, 178
J. R. Stinson	20, 040
Total payees in county (221)	8, 915, 227

TALLAHATCHIE COUNTY

Mike P. Sturdivant Pltn., Inc	59, 587
Martha B. Lowe	58, 273
S. M. Fewell & Co	57, 722
Benford Brown	56, 334
Triple M Planting Co	56, 038
E. D. Graham	55, 810
A. A. Mabus	55, 511
R. W. Mabry	55, 452
Murphey & Hardy, Inc	55, 272
Friendship Road, Inc	55, 000
Mitchener Farms, Inc	54, 996
M. T. Hardy	54, 992
Twilight Plt. Co	54, 936
Billy G. Flautt	54, 652
Jack G. Flautt	54, 652
Frierson, Inc	54, 568
Frances, Inc	54, 153
Marjorie, Inc	54, 117

G. B. Williams	53,693
Billy Joe Waldrup	53,011
T. B. Abbey Jr. & Co	52,950
R. Jones Fedric	52,769
E. C. Fedric	52,769
Phil Thornton, Jr	52,323
Phil Thornton III	52,323
J. C. Wilbourn	51,880
J. B. Baker, Jr	51,680
Dry Bayou Planting Co	51,415
Elizabeth Falls Munro	50,603
Joann F. Schmeisser	50,603
Elizabeth G. Falls	50,603
William A. Falls	50,603
Frank & Dorothy Sturdivant	50,103
Gene T. Fleming	49,830
Shoestrong, Inc	49,410
Richard E. Magee	49,393
James E. Magee	49,393
Hubert H. Magee	49,393
J. H. Magee	49,393
Boggy, Inc	49,110
T. C. Buford	48,111
Mike Fortenberry	46,863
Bill James	46,503
M. S. Dale	45,695
Melton Brothers	44,874
W. D. Newton	44,835
Marion S. Dunn	44,663
W. W. Pearson	44,663
Ralph T, Hand, Jr	43,956
John W. Sherman	43,791
J. L. Hill, Jr	43,561
M. L. McMillan	43,209
D. A. Tubbs	42,234
Greenfield Pltg. Co	41,030
Murphey Plantation	40,434
Paul Melton	38,105
William Tribble	37,848
C. S. Rankin	37,748
Glendora, Inc	37,493
B. & S. Planting Co., Inc	37,299
Wesley Wolfe	36,646
B. A. Marley	36,505
J. C. Hardy	36,378
Herbert Rice	35,266
Steve Worley	34,232
W. A. Worsham	34,103
R. E. Seawright	33,754
J. J. Webb, Jr	33,604
Billy Heath	33,080
Bailey Brake Farm	33,043
Ray Roberson Farm, Inc	32,407
Casburn Brothers	32,125
Don Allison	31,698
Margaret M. Norman	30,758
Sunset, Inc	30,322
Bilbo Pennington	29,379
Joe T. Wolfe	28,107
Turner Brothers	26,803
G. C. Trout	26,398
Frank Sayle	26,052
Mikoma Farms, Inc	25,942
J. A. Townes	25,786
Jim Pennington	25,691
David B. Sayle	25,452
Davis Bros	24,602
W. C. Vinson	24,436
Bend Plantation	24,412
Webb and Webb	23,903
Jerry James	23,896
William Cox	23,745
J. W. Fennell	23,260
Frank B. Swearengen	22,864
Maggie W. McLellan	22,845
Mikoma Grain, Inc	22,324
Ernest Brasher, Jr	21,856
J. L. Hill III	21,781
Linda P. Hill	21,781
Ellett Sandifer Farms	21,593
William H. Morrow	21,382
Tom Rice	21,263
James H. Morrow	20,652
A. O. Chatham	20,230
Strider Bros	20,028
Total payees in county (103)	4,148,614

TATE COUNTY

A. L. Brady	57,017
Jim Presley	49,273
M. P. Moore	46,165
J. C. Sides, Sr	43,359
Harry B. House	41,713
E. E. Moore	41,507
J. V. Moore	32,340
Tom Wilson	28,602
R. G. Rosenborough, Sr., Est	28,320
T. P. Veazey III	27,838
Thomas E. Smith, Jr	27,088
James C. Rhodes	25,060
David B. Tyer	23,248
H. S. Mabry	21,678
William R. Moore	21,392
Robert P. Thompson	21,243
Louise M. McKellar	20,998
I. F. Hyde	20,625
Cecil Howell	20,299
Total payees in county (19)	597,765

TIPPAH COUNTY

Marlin Childs	24,205
Hines Graves	24,029
Bonnie Mauney	22,577
Total payees in county (3)	70,811

TISHOMINGO COUNTY

Scottie E. Dean	24,691
Charles Hammock	21,794
Total payees in county (2)	46,485

TUNICA COUNTY

Arnold Farms, Inc	64,683
S. A. Arnold, Jr	62,152
D. C. Parker	62,067
Indian Creek Planting Co	61,811
McClintock Farms, Inc	59,783
Sterling W. Owen III	59,556
Will W. Owen	59,554
John W. Owen	59,537
Oaklawn Plantation, Inc	59,471
S. C. Wilson & Son	58,121
C. H. Block & Co	56,876
Bibb Inc	56,436
M. L. Earnheart Co., Inc	56,222
Abbay and Leatherman, Inc	55,865
Irwin Company Inc	55,411
Hood Farms Inc	55,225
Robinsonville Seed Co., Inc	55,210
Farmers & Pl. Gin Co., Inc	55,210
Mhoon, Inc	55,210
Hollywood Farms, Inc	55,000
T. O. Earnheart Co., Inc	53,079
Austin Brothers	50,373
James Byrd	50,146
B. R. Smith	49,427
Jerry Estopy	47,853
A. S. Perry & Sons, Inc	46,539
Richard Hussey	46,400
Richard Watson	46,147
Youngblood Company	45,034
Whiteoak Farms, Inc	44,020
Clinton P. Owen	43,496
S. R. Leatherman, Sr	43,207
W. A. Leatherman	43,207
Pbl. Co., Inc	43,026
Lloyd E. Ryals	42,867
C. Buck Graves	42,819
C. P. Owen, Jr	42,771
Anthony Ray May	42,003
Harvey Richard Watson	39,571
R. I. Abbay	39,569
Alterra Planting Company	38,774
Clyde J. Perry	37,777
John Canon	37,130
Bonnie Blue Plant, Inc	37,029
Johnson & Frank	35,157
James D. Boyd	34,703
Francis C. Boyd	34,703
M. H. Harris	33,073
A. C. Caperton	31,903
Jack W. Perry & Co., Inc	31,896
Carl C. May	30,999
William Godbold	30,725
Wayne McDonald	28,985
A. T. Earnheart	28,714
Mary S. Leatherman	28,375
S. W. Seabrook	28,375
Hansom A. Myers	28,156
Milton Boyd	27,245
Ram Farms, Inc	26,853
James Pegram	26,610
B. M. Martin, Jr	26,168
Thomas E. Swindoll	26,076
R. C. Smith	25,719
E. J. Lake, Inc	24,333
Edgar Hood, III	24,232
A. M. Dye	23,573
W. D. Garrett, Jr	23,555
Iles Company	23,430
D. R. Houpt	22,915
Roger Johnson	22,764
J. E. Sides & Son, Inc	22,311
Norfleet Land Corp	22,233
Joe Watson	22,160
W. C. Bynum	21,861
Pea Patch Plantation, Inc	21,559
Two Sisters Plant	20,685
Walter D. Wills, Jr	20,452
Billy Pegram	20,289
W. H. Houston, Jr	20,278
Total payees in county (79)	3,136,729

UNION COUNTY

Hugh Stephens	31,078
Carl Stephens	27,894
Edgar J. Stephens, Jr	27,264
Est. T. F. McAlister	22,320
B. W. Long	22,084
L. H. Pannell	20,333
Paul D. Kitchens	20,107
Total payees in county (7)	171,080

WARREN COUNTY

Martin Lombard Burns	56,584
W. H. Johnson	54,394
Bernard Aden	54,254
Louis Aden	54,254
Jeryl T. Johnson	53,828
B. N. Simrall and Son, Inc	43,917
H. A. Downey, Jr	42,350
Ferris Farms, Inc	26,699
Newell Simrall III	26,214
Crosby S. Simmons	24,822
E. R. McKnight	23,365
Total payees in county (11)	460,681

WASHINGTON COUNTY

H. K. Hammett and Sons	60,998
Emmett T. Potter, Jr	60,494
Neff Farms, Inc	58,139
Torrey Wood and Son	57,625
Edward Shackleford	56,729
Walker Farms, Inc	56,184
M. H. Rich, Jr	56,062
Trail Lake Planting Co	55,980
Klondike Plant Co	55,844
Glen Crowe	55,617
F. R. Owns, Jr	55,495
John C. and Donny Hendon	55,490
William A. Percy II	55,476
F. C. Crowe	55,463
Gordon Crowe	55,463
Donald Crowe	55,463
John Hendon	55,388
Harry M. Key	55,350
Ben Walker, Jr	55,231
J. Pete Fisher, Jr	55,133
Edward P. Vieh	55,093
Arcola Plantation, Inc	55,011
Barton Ingram	55,000
R. A. Ingram	55,000
Stevens Brothers	55,000
Leota Farms, Inc	54,957
Cope and Neff	54,917

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Mississippi—Continued

Oak Grove Farms, Inc	54, 912
Jimmy L. Marquis	54, 790
Robert Word	54, 790
F. L. Gredes, Jr	54, 499
Randolph Smythe	54, 328
Dan L. Smythe	54, 058
Don O. Baker	53, 787
E. J. Ganier	53, 711
Reggie C. Kellems	53, 361
Frank Rochelle	52, 806
Alex Curtis	52, 607
Dennis K. Potter	52, 149
Jack A. Potter, Est	52, 149
Julian F. Potter	52, 149
V. L. & L. A. Nunnery	51, 689
James E. Mosley	51, 451
Robert F. Percy	51, 448
Leroy P. Percy, Jr	51, 442
E. A. Currey, Jr	51, 218
B. J. Sykes	51, 023
Joseph Maurice Brown	50, 717
J. P. Wilkerson	50, 484
E. E. Cooper	50, 473
Wright Planting Co., Inc	50, 472
Raymond Clark	50, 118
Cameron Dean	50, 065
Edward Blowers	49, 868
William Johnston	49, 868
Steve Brown	49, 868
E. A. Lafoe, Jr	49, 520
W. E. Taylor	49, 501
C. A. Tate, Jr	49, 332
James A. Petty	49, 074
Rex Livingston	49, 030
Ray F. Beckham	48, 602
David B. Flanagan	48, 498
A. G. Mahalitc	47, 216
Chester Kellems	46, 791
D. K. Morrow	46, 701
Keith Mitchell	46, 634
C. D. Verner	45, 422
John M. Dean	44, 902
Elmo Gerald	44, 863
Robbie Reed	44, 559
John T. Dillard	44, 559
Ross Underwood	44, 464
Eli James Ganier, Jr	44, 386
G. B. Ganier	44, 386
J. C. Reed	44, 267
T. W. Hays	43, 942
John W. Potter	43, 804
Randy Journeay	43, 454
Rodney D. Reed	43, 454
Henry A. Reed	43, 454
Gus Pieralisi	43, 009
Refuge Pltn	42, 072
O. R. Horton	41, 903
Deer Creek Frms	40, 520
C. O. Dean, Jr	39, 700
Four C Land Co. Gordon Crowe	39, 666
T. R. Pittman	39, 623
D. and W. Jones Inc	39, 532
D. and S. Plant Co. Inc	39, 048
Harvey C. Watson	38, 977
Henry Paris	38, 977
W. G. Trotter and Son	38, 891
W. W. Trotter	38, 891
Southern Ornage & Const. Co	38, 785
Thomas A. Hollingsworth	38, 722
Hampton Collier	38, 580
David T. Cochran	38, 408
H. T. Cochran	38, 408
Richard W. Kellems	37, 637
Stylon Proctor	37, 628
Floyd Wayne Reed	37, 345
Delta Experiment Station	37, 255
Leo F. Williams, Sr	37, 211
Leo F. Williams, Jr	37, 199
Jane W. Simmons	37, 199
James Middleton	37, 155
Winston Walker	36, 658
Deerfield Farms Co	36, 422
Murry M. Alexander	36, 355
Leo E. Frankel	36, 209
Fredrick J. Smythe	36, 029
Max Phillips	35, 594
Peggy Baker Cannada	35, 238
Tony and Larry Fratesi	35, 204
E. W. Stone	34, 889
W. B. Andrews	34, 859
A. L. Andrews	34, 803
Percy L. Bell	34, 594
Andrew W. Bell	34, 594
J. R. Shaw	34, 573
Hollywood Pltn	34, 485
William J. Ireland	34, 437
R. D. Fisher	33, 448
George W. Stone	33, 164
Henry Hemphill	32, 755
Guido Palasini	32, 143
Louis F. Fratesi	31, 693
Fred Ballard	31, 647
R. M. Pritchett	31, 477
Edward Trotter	31, 181
Laverne Hyer	30, 432
William E. Avis	30, 348
Kirk Pltn	30, 262
R. A. Montgomery	30, 135
Homer Jones	29, 776
V. L. Sandifer	29, 741
C. Allen Spragins	29, 545
E. W. Nerren	29, 230
G. G. & G. W. McCool	28, 678
J. E. Bratton	28, 657
Marlowe R. Park	28, 505
Jessie McDonald	28, 493
James Cornelius	28, 327
John Stephens	27, 891
Don R. Baker	27, 591
Camille M. Baker	27, 591
George F. Stock	27, 444
Harley Metcalfe, Jr	26, 949
W. T. Weathers	26, 949
W. O. Hester	26, 752
Perrin Grissom	26, 390
W. C. Skates, Sr	25, 434
W. C. Skates, Jr	25, 434
Howard New	25, 348
Clyde V. Gault	25, 074
Foch Barnes	24, 783
Marvin Jennings	24, 729
H. W. Branton	24, 652
Dan T. Branton	24, 652
W. A. Dunaway	24, 159
Lawrence W. Dunnaway	24, 159
R. N. Aldridge, Jr	24, 009
John Adam Aldridge	24, 009
Marguerite Aldridge	24, 009
Collier Pltn	23, 898
Chester P. Smith	23, 862
James W. Kiker	23, 811
Jerry B. Miller	23, 731
Est. Mrs. Eloise W. Kretschmar	23, 701
E. E. Griffith	23, 547
Elizabeth Jeffreys	23, 187
Cecil Wingfield	22, 803
Bob Dennis	22, 684
B. R. Harris	22, 487
J. A. Harris	22, 487
Malvina Pltn Inc	22, 317
Chalmers E. Hobart	22, 308
Gene Clements	22, 181
Marcus Treadway	22, 071
Lando and Charlie E. Fratesi	21, 664
J. A. Oglesby	21, 516
Mike W. McLaurin	21, 185
Joseph L. McLaurin	21, 185
Mrs. R. S. Doolittle and Sons	21, 080
Jack Middleton	20, 996
Charlie L. Fratesi	20, 798
John Allen Collier	20, 700
Total payees in county (188)	7, 442, 850

WEBSTER COUNTY

Carter K. Edmondson	39, 400
C. C. Hemphill	33, 120
Y. B. Gore	25, 901
W. R. O'Neal	23, 463
Harold Finnell Dorroh	22, 892
Total payees in county (5)	144, 776

WINSTON COUNTY

James T. Estes	21, 713

YALOBUSHA COUNTY

J. R. Magee	47, 014
S. C. & E. Corporation	45, 741
John N. Covington, Jr	43, 279
W. C. Hall	39, 814
Joe N. Bailey, Jr	38, 706
H. H. White	37, 593
A. R. Ingram	22, 950
Edward F. Wooten	22, 698
Robert Hatchet Williams	21, 126
Charlie M. Shaw	20, 535
Total payees in county (10)	339, 456

YAZOO COUNTY

H. S. Swayze	58, 485
Kinkead Plantation	56, 749
E. T. Schaefer	55, 772
D. H. Dew, Sr	55, 177
Sam E. Dixon, Jr	54, 993
Bulford Atkinson	54, 857
John J. Peaster	54, 654
R. E. Coker	54, 291
W. T. Clark, Jr	53, 904
James E. Coleman, Inc	53, 533
Eldorado Planting Co	52, 116
R. B. Harris	52, 003
J. J. Erickson, Jr	50, 778
David C. Erickson	50, 778
Jerry B. Barrier	49, 338
D. H. Dew, Jr	46, 976
John S. Howie	45, 039
Barrier Farms, Inc	42, 211
Morrison Farms, Inc	41, 251
L. M. Phillips	39, 752
H. T. Barrier, Jr	39, 720
Clayton Swayze II	39, 715
S. C. Coleman	39, 103
Delta Company	38, 411
Quiet Shades Plantation, Inc	37, 786
R. E. Coleman	37, 768
D. H. Shipp	37, 216
J. N. Hart	36, 841
H. T. Barrier	36, 726
William Barbour	35, 806
J. V. Whitaker	34, 612
Johnson Farms, Inc	34, 164
E. R. Seward	33, 579
A. S. Nichols	33, 443
Thomas R. Stricklin	32, 003
T. R. Coleman	31, 883
W. T. Hegman, Jr	31, 568
Cedar Grove Plantation	31, 489
Norway Plantation, Inc	31, 292
Ruby Walker	30, 557
Sam S. Fisher, Jr	30, 031
E. E. Ables	29, 729
Burdette Boyd	29, 267
Mary Russell Seward	29, 014
B. R. Seward	29, 008
Martin Farms, Inc	28, 640
James L. Dixon	28, 593
F. W. Sharbrough	28, 288
Hogue & Hogue	28, 185
Leon W. Rice	27, 569
H. R. Crowder, Jr	27, 316
Jack F. Phillips	27, 142
R. M. Bridgforth & Sons	26, 921
Robert H. Cato	26, 480
W. R. Coleman	26, 180
R. D. Herren	26, 097
Ray Scroggins	25, 697
W. F. Cresswell	25, 619
Barney Ray Scroggins	25, 220
John Raymond Scroggins	25, 220
H. D. Hicks	25, 035
B. A. Jordan	24, 778
E. T. Jordan, Jr	24, 778
Charles A. Jordan	24, 778
E. T. Jordan, Sr	24, 778
John W. Jordan	24, 778
Hamel Farms, Inc	24, 048
Travis Fouche	24, 030
E. E. Nixon, Jr	23, 548

H. E. Watson	23,072
C. H. Vaughan	21,859
C. Q. Clark	21,647
H. C. Stricklin	21,612
James H. Moore	21,205
Louise B. Dixon	21,138
J. L. Dixon	20,962
Frank Carter	20,944
Charles Ables	20,546
Sam E. Dixon	20,504
H. R. Crowder, Sr	20,363
Nolan H. O'Reilly	20,249
M. E. Kelly	20,196
Kirkland, Inc	20,161
Roy L. Plunkett, Jr	20,034
Total payees in county (84)	2,811,688
Total payees in State (1,835)	68,584,783

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Missouri

ATCHISON COUNTY

Donald Wolf or Orville Wolf	27,981
Charles C. Martin	23,526
Scamman and Co	20,533
Total payees in county (3)	72,040

BOONE COUNTY

Dorsey M. Bass	23,098

BUCHANAN COUNTY

Sonnenmoser Bros	22,088

BUTLER COUNTY

Roy Nail	21,620

CARROLL COUNTY

Famuliner Brothers	28,408
D. N. M. Grain Co	26,287
R. E. Wiese Farms, Inc	23,602
Total payees in county (3)	78,297

CHARITON COUNTY

Quinn Bros	60,654

DUNKLIN COUNTY

M. C. Collins	32,599
Harris Farms, Inc	30,784
J. F. Baker	28,657
Albert Hall	28,056
V. M. Jones, Sr	27,853
Bond Rouse	24,666
H. W. Droke	23,821
Hart Gin Co	23,297
F. L. Bynum	22,532
Audie Grisham	22,427
Matthews Agency Account	22,141
Loyd Robertson	21,769
Charles Pelts	21,573
Thomas Wilkins	20,354
Total payees in county (14)	350,529

HOLT COUNTY

Patterson Farms, Inc	55,000
Donald E. Morris	36,471
Welton Ideker	22,987
Jack Windle	22,230
Total payees in county (4)	136,688

HOWARD COUNTY

Roy J. Davis	30,569

JACKSON COUNTY

RLDS Church	50,148
Effertz Bros., Inc	24,513
Total payees in county (2)	74,661

KNOX COUNTY

Frances McSorley	21,082

LEWIS COUNTY

Ben Casebier, Jr	26,067

LINN COUNTY

Roy B. Quinn	21,131

MISSISSIPPI COUNTY

Marshall Lands, Inc	61,513
Dearmont Oliver	53,545
Wolf Island Farms	43,769
Bryant Farms, Inc	42,555
Burke Bros. & Giltz, Inc	41,803
H. & D. Duenne Farms	38,251
Big Oak Farms	37,787
Choate Farms, Inc	30,473
Sam G. Jones	26,439
Carl Simpkins	25,214
Babb & Deline	23,167
Moxley Farms	22,085
Stallings Bros	21,480
Rolwing Bros	21,031
Thurmond Farms, Inc	20,354
Sam E. Story	20,249
Viverette Lee	20,167
James C. Moreton	20,015
Total payees in county (18)	569,897

NEW MADRID COUNTY

E. B. Gee, Jr	61,468
Charles Pikey & Son	59,119
Byars Orton	49,013
F. S. Hunter	44,482
Aubra Wrather	44,351
Ernest Carpenter	43,576
A. C. Riley	38,693
Collis Maltbia	37,535
Raymond Ashley	35,119
Nesselroot and Campbell	34,763
David Barton	32,781
Lorwood Plantation	32,294
Bert Latham	31,135
B & C Harvesting Co	29,536
Barry Richardson	28,285
Max Holloman	28,134
James B. Crouthers	27,060
Donald Underwood	26,987
Fletchers Gin Inc	26,748
Coy Fowler	26,469
Charles Barnett	25,150
Doyle Hicks	24,963
Clyde H. Swiney	24,359
Billy G. Swiney	24,344
James Overton Swiney	24,334
Paul Bradley	24,153
Oren Ross	23,900
Walter O. Swiney	23,594
W. V. Riley	23,440
Nolley Farms Inc	22,725
Tommy Branum	22,469
Lavalle Farms	22,382
Joe Robertson	22,306
James L. Doster	22,035
Robert McCoy	21,980
Reno Ashley	21,734
Russell Estes	21,447
R. A. Nesselroot	21,296
J. J. Bloomfield	20,970
C. J. Stancil	20,739
N. J. Nowell	20,633
Carmel Lacewell	20,352
Total payees in county (42)	1,236,853

PEMISCOT COUNTY

R. O. Pierce	59,666
O. H. Acom Farms Inc	58,870
Howard Fike	44,232
James S. Bruton	42,044
Mehrle Farms	38,817
Dolphin Land Company	37,859
Coy Wilson	37,781
Watkins Farms Inc	35,148
Cleo Brents	34,746
Sherley Lovins	32,243
James O. Taylor	31,506
Orton and Toton	31,188
Billy C. Palmer	31,017
Ansel Underwood	29,377
Gene Wingfield	29,347
Donald Rone	28,493
J. E. Ward	27,776
Lloyd Massey	27,367
T. R. Cole & Sons	26,915
S. Crews Reynolds	26,892
Lee Dorroh	26,639
John R. Franklin	25,973
L. A. Riddick	25,884
Gary Bruton	25,844
Ruby B. Monan	25,382
James T. Streete	24,171
Boyd McCrary	23,900
Sides Bros	23,628
Kneibert Stillman	22,996
Stillman and Bean Fr	22,458
George T. Killion	22,291
Talmadge Burgess	22,129
W. W. Burlison	22,038
W. E. Smith, Jr	21,691
Lawrence W. Barnes	21,609
Clarence Gurley	21,338
Haggard Farms	21,205
John L. Atwill	21,044
Jeff Wade, Jr	20,680
Don Medlin	20,494
Herbert Rone	20,367
Witt Smith	20,303
Royal Sanders	20,256
J. D. Long	20,223
Total payees in county (44)	1,253,827

PERRY COUNTY

O. F. Gremaud	42,867
N. H. Bruckerhoff	32,363
Total payees in county (2)	75,230

PIKE COUNTY

Pike Grain Co	25,675

RAY COUNTY

Green Top Farms, Inc	36,587

SALINE COUNTY

Eugene Elson	52,640
Jim Franklin	31,712
Total payees in county (2)	84,352

SCOTT COUNTY

E. P. Coleman, Jr	54,084
Wm. B. Moore Farm	32,241
J. Handy Moore	24,323
Wm. H. Deane III	24,111
Taylor Farms	20,618
United Ridge Co	20,048
Total payees in county (6)	175,425

ST. CHARLES COUNTY

Saale Bros. Farm & Grain Co	35,918

STE. GENEVIEVE COUNTY

Bartels Farms, Inc	31,300
Loida Bros	25,442
Alan W. Schaefer	22,800
Total payees in county (3)	79,542

STODDARD COUNTY

W. P. Hunter	85,783
Mahan & Radcliffe	65,308
Samuel Alberson	47,603
Taylor Brothers	43,871
H. A. Recker	39,653
Claude Keasler	33,149
Gary Crump	32,192
Lane Brothers	23,535
Total payees in county (8)	371,094
Total payees in State (162)	4,882,924

1971 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Montana

BEAVERHEAD COUNTY	
Matador Cattle Co	29, 511
Jones Ranches Inc	27, 760
Beaverdell Ranch, Inc	24, 436
Chaffin Livestock	23, 114
Total payees in county (4)	104, 821
BIG HORN COUNTY	
Campbell Farming	56, 346
Pryor Land Company	52, 388
Floyd Warren, Inc	39, 489
Robert Formanack	33, 203
Torske Farm, Inc	21, 130
Total payees in county (5)	202, 556
BLAINE COUNTY	
Rasmussen Farming Corp	32, 566
James R. Billmayer	23, 769
Total payees in county (2)	56, 335
BROADWATER COUNTY	
V. R. Cazier & Sons	42, 235
Fred Kamp	21, 755
Hunsaker Bros., Inc	20, 562
Total payees in county (3)	84, 552
CARTER COUNTY	
Adolph Fix	25, 653
Ralph Bruski	25, 169
Total payees in county (2)	50, 822
CASCADE COUNTY	
R. & C. Farming Co	55, 000
R. S. Oday	49, 885
Walter Gruel & Sons, Inc	34, 027
Donald Bowman	32, 569
Zoller Farms	27, 685
Malvin Merja	25, 318
J. Edwin Lassila	25, 282
Everett Bumgarner	23, 883
Andersen & Hovland	23, 567
L. Johnson, Inc	23, 266
Clayton Sweeney	22, 294
Carl J. Kantorowicz	21, 598
McKamey Ranch	21, 431
Total payees in county (13)	385, 805
CHOUTEAU COUNTY	
Onstad Grain Co	53, 536
Robertson Ranch Co	41, 451
Judeman Grain Co	37, 567
Melvin Batchelor	37, 477
Phil F. Schafer	37, 449
J. G. Robertson, Corp	36, 943
R 5 Ranch	36, 672
Fred A. Booth	35, 352
Oscar A. Kalgaard	34, 217
Ronald M. Upham	31, 189
Killion Farms	31, 099
Wyley P. Good	29, 960
Witt Ranch	29, 698
Raymond Romain	28, 554
Morris B. Stewart	28, 508
Loran A. Perry	28, 480
Forrest Charlson	27, 830
Wharram Ranch Co., Inc	27, 521
Wishman Brothers	26, 476
MacDonald Farms, Inc	26, 295
Birkeland & Son, Inc	26, 271
Donald S. Gray	26, 264
Paul Onstad	26, 180
Royce Applegate	25, 314
Andrew Trunk	24, 423
Helland Land Co	24, 417
Rossmiller Farms	24, 324
Molinario Farms	23, 824
Deeper Land Co	23, 663
Abn Ranch Inc	23, 190
Rettig Farms	22, 918
Jack E. Lang	22, 534
Harold & Charles Knudson	22, 110
Lawrence Romain	21, 963
Herman F. Mauer	20, 624
Charles Banreuther	20, 531
George A. Stevens	20, 333
M. & K. Farm, Inc	20, 214
Total payees in county (38)	1, 085, 371
CUSTER COUNTY	
W. M. Nefsy	31, 570
L. J. Green & Sons, Inc	25, 792
N. N. Land & Livestock	21, 636
Total payees in county (3)	78, 998
DANIELS COUNTY	
State of Montana	620, 800
Frederick Brothers	26, 810
Hellickson Brothers	23, 524
Chas. L. J. & N. L. Fouhy	23, 394
Dewayne Linder	22, 464
Carl Jagiello	22, 122
Oglesby Farms, Inc	20, 202
Stanton Danelson	20, 158
Total payees in county (8)	779, 474
DAWSON COUNTY	
Kenneth Edwards	40, 744
Wolff and Sons, Inc	34, 955
Frank Klempel	22, 376
Marvin L. Spencer	22, 019
D. W.-R. D. Tague	21, 014
Total payees in county (5)	141, 108
FALLON COUNTY	
Darrell Johnson	24, 001
Sikorski & Sons, Inc	21, 842
Mobile Pellet Co	21, 452
Schweigert Ranch	21, 072
Total payees in county (4)	88, 367
FERGUS COUNTY	
Robert-Gerald Barber	25, 054
Ralph Lee	28, 057
Deerfield Ranch Col	22, 257
Total payees in county (3)	70, 368
FLATHEAD COUNTY	
Grosswiler Dairy, Inc	30, 822
GALLATIIN COUNTY	
Henry Dehaan	27, 386
Wilbur Dyk Ranches, Inc	21, 170
Total payees in county (2)	48, 556
GARFIELD COUNTY	
Gerald Gibbs	31, 713
Red Butte Ranch	20, 257
Total payees in county (2)	51, 970
GLACIER COUNTY	
Warren Swenson	27, 625
J. W. & Bob Smith	22, 658
Glendale Colony	22, 078
William McAlpine	20, 917
E. O. Peterson	20, 385
Total payees in county (5)	113, 663
HILL COUNTY	
Leo M. Kraft	43, 047
Spicher Brothers	38, 451
Ray W. Headrick	36, 942
Bernard E. Hardy	34, 718
Lineweaver Farms	34, 101
Miller Brothers	31, 580
Marlin Spicher & Sons	30, 062
Leif W. Kapperud	29, 745
Kraft & Martin	27, 386
Dees Brothers	27, 279
Hilldale Colony	26, 166
Jack Swinney	25, 194
D. O. Koefod, Agent	24, 767
Borlaug Brothers	23, 413
Dow Brothers	23, 241
Kenneth G. Axvig	23, 014
John McIntosh	22, 486
Nick A. Rettinger	22, 043
Lloyd W. Kaercher	21, 482
Harold R. Wanke	21, 251
Rodney Spicher & Sons	21, 128
Herbert G. Bitz	20, 881
Martin Schuster	20, 519
Arvin Aageson	20, 374
Total payees in county (24)	649, 270
JUDITH JASIN COUNTY	
Roger Petersen	21, 694
Robert Wigen	21, 546
Total payees in county (2)	43, 240
LEWIS AND CLARK COUNTY	
Milford Colony, Inc	32, 257
Diehl Ranch Co	28, 679
Total payees in county (2)	60, 936
LIBERTY COUNTY	
Allen C. Kolstad	52, 003
Clarence Romain	41, 319
Bill W. Fraser	35, 548
A. C. Kammerzell	35, 138
O. M. Skari & Sons, Inc	34, 919
John Wanken	34, 195
Galen Kolstad	29, 709
Carl Brown	27, 994
Brown & Brown, Inc	27, 549
Leo Jensen	27, 325
Oliver C. Morkrid	27, 160
Skierka Brothers	26, 220
Hi Line Farms	25, 928
Violett Farms, Inc	25, 064
Meissner Ranches, Inc	24, 812
Gordon or John Kammerzell	24,234
Leonard Staudacher, Jr	23, 909
Clark Diemert	23, 731
Ole Jensen	23, 144
Semenza Farm	22, 743
Raymond Fritz	22, 341
William H. Earl, Jr	22, 295
Dayton Kolstad	21, 649
McClellan Farms, Inc	21, 331
Bert W. Alley	21, 146
William H. Skinner	21, 042
Total payees in county (26)	722, 448
MADISON COUNTY	
Gilbert Lvstk Co	30, 015
R. C. Rice	29, 562
Heart L Ranch	28, 336
Total payees in county (3)	87, 913
M'CONE COUNTY	
Otis S. Waters	35, 838
Haglund Ranch Inc	23, 609
Dreyer Bros Inc	22, 652
Wayne Pawlowski	22, 576
Harley C. Berry	22, 549
Kudrna & Witte, Inc	22, 291
Melvin P. Johnson	21, 376
Bodray Hagestad	20, 455
Total payees in county (8)	191, 346
MEAGHER COUNTY	
Springdale Colony	33, 871
Wellington D. Rankin estate	32, 637
Russell Manger	23, 400
Total payees in county (3)	89, 908

PHILLIPS COUNTY

Matador Ranch, Inc	29,983
Roger Simonson	22,107
Stanford Boothe	20,681
Total payees in county (3)	72,771

PONDERA COUNTY

John Keil & Sons, Inc	48,237
Loren Warwick	44,925
Tom McCracken	35,087
New Miami Colony	32,642
Ralph Bouma	28,560
Birch Creek Colony	28,085
John Wood	24,560
Thomas W. Boucher	24,383
Russell Wikstrom	23,029
Anderson Lahr land and cattle	22,797
S. T. McFarland	21,756
Eliz Seifert	21,620
Keil Ranch, Inc	20,645
Bjelland & Robinson	20,260
Total payees in county (14)	396,586

RICHLAND COUNTY

J D Farms	35,829
Allen Verschoot	26,331
Floyd Williams	20,627
Henry Nollymeyer	20,451
Waldo Pust	20,086
Total payees in county (5)	123,324

ROOSEVELT COUNTY

Schnitzler Corp	43,867
Moe Farm Corporation	31,720
Wm. Harmon Farms	27,462
Willie P. Lockman	22,715
Swank & Son	22,571
A A Werner Est	22,281
Louis Toavs	21,115
Total payees in county (7)	191,731

ROSEBUD COUNTY

Cherry Creek Sheep Co Inc	45,884
Cliff Wright Ranch Inc	23,764
Dahlman Ranch Inc	20,508
Total payees in county (3)	90,156

SHERIDAN COUNTY

Nash Brothers	54,944
Richard McCarty	29,711
Total payees in county (2)	84,655

STILLWATER COUNTY

Yellowstone Grain Co	25,435
M E Davey	21,272
Total payees in county (2)	46,707

SWEET GRASS COUNTY

Donna J. Cremer	25,513
Leo J. Cremer, Jr	22,956
Huidekoper Vet Res. Sta	21,737
Total payees in county (3)	70,206

TETON COUNTY

Van Horn Ranch Co	31,447
Miller Colony, Inc	25,261
Robert Stephens	25,146
New Rockport Colony	23,768
Habel Bros	23,624
Rockport Colony	22,623
Eugene W. Johnson	20,836
Christman Ranch	20,643
James Stephens	20,440
Nels Hemstad	20,027
Total payees in county (10)	233,815

TOOLE COUNTY

S. A. Adaskavich	55,000
Bill McCarter	55,000
Kenneth Leck	34,699
Hellinger Bros	27,469
Westermark Bros	26,120
David Ratzburg	25,925
Robert Sisk, Jr	24,796
Dale Kinyon	24,500
Wigen Bros	24,484
John McCarter	24,014
Miles Burd	23,344
Boxwell Farms	22,138
Lloyd McLean	21,877
Gary Aklestad	21,658
Charles Wiegand, Jr	21,197
Leo Flesch	21,062
Woodrow McCracken	20,524
Munson Bros	20,479
Doris Iverson	20,381
Total payees in county (19)	514,667

TREASURE COUNTY

Ted Kallen	25,129
Harold Zent	23,201
Total payees in county (2)	48,330

VALLEY COUNTY

Robert Westland	31,108
Morgan Ranch, Inc	22,664
S. Enkerud Pres. Witt Gr. Assn	22,506
Francis Tarum	21,660
F. L. Bailey	20,799
Total payees in county (5)	118,737

WHEATLAND COUNTY

Stone Gaugler Ranch Co	23,744
Martinsdale Colony	20,808
Total payees in county (2)	44,552

YELLOWSTONE COUNTY

Pearlie Lee & Co	27,133
Orville or Edith Lane	24,349
Lazy K T Ranch	22,729
Vale Creek Ranch	22,600
Total payees in county (4)	96,811
Total payees in State (249)	7,351,697

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Nebraska

ADAMS COUNTY

Ruth Hunt	41,238
Mary Lanning Hosp TR	26,739
Total payees in county (2)	67,977

BOONE COUNTY

Dobson Brothers C/O R Dobson	21,055
Choat & Sons Inc	20,205
Total payees in county (2)	41,260

BOX BUTTE COUNTY

Lawrence R. Grabher	28,785
Harry Cullan	26,637
Robert R. Elliott	26,201
Garland Fisher	22,799
Total payees in county (4)	104,422

BURT COUNTY

Hundahl Farms	62,902
John Tobin & Sons	29,600
Mariane Tobin	23,755
Tobin Ranch	20,441
Total payees in county (4)	136,698

BUTLER COUNTY

Grass VA Farms Inc	20,595

CHASE COUNTY

Leslie E. Smith & Sons Inc	51,552
Harold D. Hughes	27,540
Bernard Oneil	25,440
Edwin Fuehrer	20,418
Hughes Farms Inc	20,194
Total payees in county (5)	145,144

CHEYENNE COUNTY

Raymond Jessen	31,246

CLAY COUNTY

Woods Bros. & Ells	27,078
Ray Phelps	25,372
HJY Bros. Co.—A Hajny	23,345
Kiss, F. D. Lts.—R. Kissinger, A. G	21,186
Total payees in county (4)	96,981

COLFAX COUNTY

F. J. Higgins Farm Inc	67,893

CUMING COUNTY

Albers Dehy Co	38,069

DAKOTA COUNTY

Leo C. Andersen	32,279
Beermann Farms, Inc	22,392
Total payees in county (2)	54,671

DAWES COUNTY

Harold C. Bowen	25,636
Eugene Stewart	21,660
Donald Gorr	21,150
Pepper Creek Ranch, Inc	20,857

DAWSON COUNTY

Total payees in county (4)	89,303
Dawson County Feed Prod. Inc	21,377
W. M. Rickertsen	20,645
Central Alfalfa, Inc	20,528
Total payees in county (3)	62,550

DEUEL COUNTY

W. H. Palser Farms, Inc	40,709
Grace Land and Cattle Co	38,206
Kjeldgaard Farm, Inc	28,131
Bailey Partnership	26,495
Total payees in county (4)	133,541

DODGE COUNTY

Harland S. Milligan	37,144
Donald Flamme	20,093
Total payees in county (2)	57,237

FILLMORE COUNTY

Biegert Brothers	32,079
Alf's Imp. & Well Drlg. Co	25,178
Schelkopf Enterprise	23,965
William K. Brinkman	22,928
Robert D. Lovegrove	22,546
Robert Bettger	21,801
Bruce Nedrow	21,793
Keith Burt	21,191
Total payees in county (8)	191,481

FRANKLIN COUNTY

W. J. Bach	26,258
Wayne Ziebarth	24,889
John Gardels	21,387
Total payees in county (3)	72,534

FRONTIER COUNTY

Kenneth Bellamy	22,152

FURNAS COUNTY

Johnson Bros. & Jones	41,199
Ten Bensel & Sons	26,456
Lueking Farm & Ranch Corp	20,600
Total payees in county (3)	88,255

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Nebraska—Continued

GAGE COUNTY

Flo Wal Farms, Inc	28,118
John Krause & Sons	21,370
Total payees in county (2)	49,488

GARDEN COUNTY

Leo Jessen	42,009

GREELEY COUNTY

James H. Dugan	24,892

HALL COUNTY

Leo F. Thelen	21,618
Ralph Mettenbrink	21,590
Dobesh Farms Inc	20,283
Total payees in county (3)	63,491

HAMILTON COUNTY

Kreutz Bros., Inc	45,331
Farm, Inc., W. Wilcynski, president	25,400
Archie Roberts	22,512
Harold Vogt	20,912
Total payees in county (4)	114,155

HARLAN COUNTY

Bernard Lueking	29,481

HAYES COUNTY

Earl Smith	24,202

HOLT COUNTY

Fred Horne, Jr	50,429
Wm. A. Curry	29,772
Total payees in county (2)	80,201

JEFFERSON COUNTY

A. L. Rosener & Sons	46,431
Stanley A. Snyder	21,474
Total payees in county (2)	67,905

KEARNEY COUNTY

Kermit Felzien	25,505

KEITH COUNTY

McGinley Schilz Co	55,478
Milford Krajewski	24,648
Palser & Palser	23,216
Rankin Prochaska Inc	21 .750
Walter Armstrong	21,696
Lester O. Rhodes	21,307
Total payees in county (6)	168,095

KIMBALL COUNTY

Wayne Kennedy	24,013

LINCOLN COUNTY

Miron Moore	31,561
Walter Hasenauer	22,226
Stewart H. Evans	21,436
Kenneth Brosius	20,976
Total payees in county (4)	96,199

MERRICK COUNTY

Dinsdale Bros., Inc	32,061
Lloyd Wagner	20,675
Total payees in county (2)	52,736

MORRILL COUNTY

Edward Jelinek	37,770
Jessen Farms, Inc	21,865
Abel Investment Co	21,783
Total payees in county (3)	81,418

NEMAHA COUNTY

A. B. Ritchie, Jr	25,125

OTOE COUNTY

James Partnership	21,078

PERKINS COUNTY

Svoboda & Hannah	51,509
Gerald Krajewski	31,297
Box 436	27,363
Total payees in county (3)	110,169

PHELPS COUNTY

Roy W. Pearson	25,052
Sam T. Schrock, Jr	24,521
Total payees in county (2)	49,573

POLK COUNTY

K. D. Strong	21,386

RED WILLOW COUNTY

Myers Bros	26,111
Friehe Farms, Inc	24,430
Driftwood Farms, Inc	21,449
Total payees in county (3)	71,990

RICHARDSON COUNTY

Stalder Cattle Co	31,500
Nemaha Realty Co., Inc	21,527
Total payees in county (2)	53,027

SALINE COUNTY

Mahloch Farms, Inc	32,914

SAUNDERS COUNTY

Consolidated Blenders	44,706
Walter E. Adams	32,256
Foxley & Co	25,324
Centennial Farms, Inc	21,089
Total payees in county (4)	123,375

THAYER COUNTY

Ted Currey	23,484
Verland Tietjen	20,708
Total payees in county (2)	44,192

THURSTON COUNTY

Willis Leinart	21,060

WASHINGTON COUNTY

Tyson Farms, Inc	33,863

WEBSTER COUNTY

Delbert Lewis	29,229

YORK COUNTY

Broadwell, Inc	30,445
Harrington Farms Co	27,681
Wm. H. Otto	21,445
Otto Farms, Inc	21,001
Total payees in county (4)	100,572
Total payees in State (116)	3,203,353

1971 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Nevada

HUMBOLDT COUNTY

Orovada, Inc	36,070

NYE COUNTY

Mizpah Ranch	54,300
Tim Hafen Ranches, Inc	51,072
Gordon Mason	21,388
Glenn C. Brady	20,976
Total payees in county (4)	147,736

PERSHING COUNTY

Herman Dennler	59,333
Brinkerhoff Ranch, Inc	56,715
Improved Beef Feeders	26,725
Total payees in county (3)	142,773
Total payees in State (8)	326,579

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—New Mexico

CATRON COUNTY

Frank A. Hubbell Co	44,156

CHAVES COUNTY

Hal Bogle	59,868
Flying H Ranch	53,111
H. C. Berry	45,656
J. P. White, Jr	43,402
Lincoln County **Livestock** Co	42,541
Willard Watson	35,848
Bill Bogle	34,713
Jack Patterson	34,349
Bonham Farms, Inc	34,090
Melvin Pearson	33,286
James Norris	32,974
Clardy Farms, Inc	31,398
James Grassie	31,041
Rosendo Casarez	30,120
Fletcher Brothers	30,050
Herbert M. Corn	29,322
Jimmy Pack	28,107
Barney E. Green, Jr	27,967
Jennings and Jennings	27,321
A. W. Langenegger	26,574
Inez F. Bogle	26,488
Kap D. Kelley	26,413
Delbert M. Robinson	25,599
James G. Langenegger	24,813
Ross R. Langenegger	24,813
Marley & Whitney	24,774
Malone Farms, Inc	24,361
Poe W. Corn	24,049
O. F. Crawford	22,642
H. H. McGee	22,331
R. and B. Co., c/o Bronson **Corn**	21,778
Penasco River Ranch	21,698
Fred Corn and Sons	21,541
George Kimble Hibbard	21,346
Berry F. Heine, Jr	20,887
Noling and Noling	20,851
Max Wiggins	20,658
B. F. Crawford	20,142
Total payees in county (38)	1,126,922

COLFAX COUNTY

Roy M. Wood	20,729

CURRY COUNTY

John Garrett, Jr	88,892
Lockmiller and Son	76,977
Malcolm Garrett	74,623
Garrett Corporation	74,418
George Hammond	68,808
John H. Spearman	67,773
Michael Garrett	65,254
Lee Ross Hammond	61,351
James E. Garrett	60,861
C. Elton Green	56,626
O. H. Pattison	54,993
Dale Elliott	43,509
Leon Marks	41,260
Esther L. Van Soelen	40,966
The Hecht Company	40,241
Crest Agro, Inc., c/o D. Turner	40,069
Sid Pipkin	39,830
C. E. Cristian	39,321
Leslie Pattison	38,746
Virgle Harrison	38,174

L. R. Talley, Est	36,833
R. Wayne Leonard	36,479
M. M. Snell, Est	36,431
John W. Gunter, Jr	35,378
John C. White	35,288
Frank Blackburn	35,234
J. L. Wall	35,084
Eldon Blackburn Farms, Inc	33,709
Marlon Inman	33,629
Harold House	33,408
Archie Baker	33,160
J. W. Graham	32,889
D. D. Myrick	32,850
Haney Tate	32,550
J. R. Shumate, Jr	31,869
Fern Castor	31,312
Frank Wicks	31,205
Elbert Mitchell	30,917
Eldon Blackburn	30,399
Francis L. Decker	30,047
Calvin Stout	29,537
Russell Downey	29,123
Edgar Campbell	28,065
Waymon Mitchell	27,956
Vernon S. Andrus	27,672
Jack D. Garrett	27,438
W. W. Bomar	27,331
Paul P. Harrison	27,182
Willie O. Wall	27,043
Bobby Wilhite	27,000
Hershel L. Hughes	26,818
J. G. Palmateer	26,567
Ronnie Mitchell	26,336
Max L. Kelso	26,148
Dudley Bailey	25,460
L. E. Davis	25,419
Oscar Fryar	24,633
W. R. Cloud	24,338
E. C. Fish	24,127
Otha Lockmiller	24,009
Fred Northcutt	23,966
Lester Merrill	23,782
Gibbs Rucker	23,747
A. Lloyd Grau	23,739
Wayne Burford	23,609
B. P. Davis	23,603
George H. Trimble	23,345
Edith A. Lewis	23,217
Richard Lee Miller	23,216
James C. Woods	23,027
E. L. Smith	22,786
N. E. Thompkins	22,657
Robert K. Goar	22,633
Ray E. Castleberry	22,525
Mark M. Liethen	22,503
Joe Byron Burford	22,466
John W. McIntosh	22,346
Joe Sealey	22,247
E. C. Murrell	22,068
Ronald Minyen	21,883
Gorman Hand	21,822
Gilbert Smith	21,667
John Fury	21,536
Frank R. Meier	21,313
Joe Paul Cobb	21,283
Phillip Tate	21,022
Clinton C. Burnett	20,912
Eldon Jones	20,894
J. C. Eshleman	20,721
Billy Meeks	20,633
Wayne Martin, Jr	20,479
John Reid	20,194
L. Conrad Pippin	20,165
Jimmy J. Wallace	20,157
Total payees in county (95)	3,085,826

DE BACA COUNTY

Ramon Perez Ranch, Inc	31,318

DONA ANA COUNTY

O. L. Hilburn	55,000
John R. Tomlin	35,608
Ralph R. Hackey	34,802
J. K. Nakayama & Sons	32,004
Chelten Farms Op. Co. Inc	30,185
Robert S. Hayner Est	28,505
Enrique Acosta	25,802
Clyde Simpson	25,092
Will Holt	24,875
John L. Sykes	24,641
P. R. Kuykendall	24,536
C. C. Woodward	24,512
Manuel Morales	23,183
W. E. Esslinger	22,912
J. F. Apodaca Farms Co., Inc	22,864
William F. Hayner	22,788
Tony Salopek	22,596
Carl Wiley	21,695
Thomas S. White	21,550
Juan V. Navarette	20,922
Fred L. Franzoy & Sons	20,597
Brady B. Porter	20,548
Ernest Harris	20,337
Total payees in county (23)	605,554

EDDY COUNTY

Ray Howard	56,805
Bob Morgan	44,818
Roy Ingram Co., Inc	44,253
Draper Brantley	38,364
W. I. Johnson	33,237
Carter Farms	31,337
S. G. Karr	31,119
W. D. Bounds & Son	30,725
Tom E. Vandiver	29,894
J. O. Bratcher	28,113
Bowman & Son	23,950
Henry H. Grandi	23,581
Frank Runyan	23,537
Quentin Rogers	23,322
James Thigpen	23,247
B. C. Aaron	22,796
Menefee Bros	22,261
Floyd Howard	22,172
J. S. Waldrip	20,915
James C. Ogden	20,435
Total payees in county (20)	594,881

GUADALUPE COUNTY

Eugenio Perez Ranch	26,960

HIDALGO COUNTY

Bill Veck	59,260
Harry Turner	49,192
Richins Brothers, Inc	43,429
Leo J. Ruzicka	40,338
R. H. Wamel	29,674
A. G. Ramos	24,016
Massey Farms	23,598
Sidney O. Wright	23,250
Total payees in county(8)	292,730

LEA COUNTY

Emma Lawrence	78,371
Elvis Jones	56,632
J. V. Burdett	47,225
Hawthorne Bros	36,701
Brady Lowe	36,262
John Richardson	33,604
Yarbros, Inc	33,073
Taylor & Heidel, Inc	31,126
Norman Thetford	27,883
W. G. Turnipseed	27,473
Joe C. McKown	25,197
McClish Farms	24,522
C. E. Alexander & Sons	22,234
G. Bradford Feed Pens	21,779
Berry Lee Hobbs	21,721
J. W. Spears	20,808
Total payees in county(16)	544,611

LINCOLN COUNTY

X Bar Ranch, Inc	40,327
Block Dot Sheep Company	22,867
George Clements	21,912
W. R. Lovelace Livestock Co	21,842
Total payees in county (4)	106,948

LUNA COUNTY

Jerry Lynn Hilburn	109,804
L. G. Guaderrama	65,898
Edward Ray Hooper	54,030
William B. Green	53,294
H. S. Jackson	49,097
Jerry Zachek	35,550
Keeler Bros	34,360
Leo W. Koenig	31,218
Teddy Zachek	29,872
Hal B. Keeler	26,842
W. R. Johnson & Son	24,595
G. X. McSherry	23,852
James W. Donaldson	20,333
Total payees in county (13)	558,745

OTERO COUNTY

Valon W. Roach	20,712

QUAY COUNTY

Odus Rush	42,977
Gunn & Sons, Inc	39,523
Charles Roy Best	39,071
D. F. McCasland	34,601
Ivan Rush	32,283
J. V. Curtis	30,045
Akin & Akin Corp	26,161
Jennings Bros	26,109
H. J. Lee & Sons, Inc	22,634
O. L. Yocom	21,364
Edward O. Sumrall	20,788
Bruce A. Runyan	20,535
Total payees in county (12)	356,091

RIO ARRIBA COUNTY

Clyde Cheek	21,463

ROOSEVELT COUNTY

J. D. Terral	43,789
Howard Powers	33,944
Harvey L. and Ava L. Balko	30,369
Brown and Brown	27,067
Hadley H. Kern	26,156
Allen Chapman	25,220
C. H. Wall	24,795
Claudie W. Reeves	23,566
Glenn W. Thompson	22,800
Johnnie B. Gammill	20,649
Total payees in county (10)	278,355

SIERRA COUNTY

Price Black Farms, Inc	26,426

SOCORRO COUNTY

Brawley Bros	29,262

UNION COUNTY

Arthur Jernigan	22,670
Total payees in State (248)	7,794,359

1971 ASCS and Great Plains program payments of $20,000 or More—Excluding Loans—New York

GENESEE COUNTY

My T Acres	26,762

MONROE COUNTY

John Halpin Sons	22,095

NIAGARA COUNTY

Holman O. Connor	22,246
Total payees in State (3)	71,103

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—North Carolina

ANSON COUNTY

Edwin J. Wall	30, 399
Norwood E. Teal	28, 734
G. Manley Thomas	25, 435
George P. Capel	23, 683
John Robinson	22, 180
Total payees in county (5)	130, 431

BEAUFORT COUNTY

J. B. Bell, est	27, 601

CLEVELAND COUNTY

Morgan & Co., Inc	56, 897
A. M. Boggs & Sons	42, 903
Edwin Y. Harrill, Jr	36, 261
Roy Cochran	32, 038
Billy Wilson	31, 834
Robert R. Hamrick	26, 585
James A. Blalock	25, 346
Glenn Sperling	25, 208
Earl P. Eaker	21, 134
Oras Biggerstaff	21, 064
Total payees in county (10)	319, 270

CURRITUCK COUNTY

James H. Ferebee and Son	22, 153

EDGECOMBE COUNTY

M. C. Braswell Farms	33, 611
R. R. Brake, Jr	29, 517
W. S. Clark & Sons, Inc	28, 609
W. J. Eason, Jr	24, 271
Wiley Bulluck	21, 234
Total payees in county (5)	137, 242

HALIFAX COUNTY

Carolina Peanut Company	43, 138
L. H. Kitchin	29, 957
Benjamin B. Everett, Jr	29, 557
Betty S. Whitehead	22, 387
Bill Pickette	21, 676
Cecil Moone	20, 694
Jack Fleming	20, 665
Charles H. Smith, Jr	20, 539
Edison Smith	20, 230
Charles L. Tillery	20, 081
Total payees in county (10)	248, 924

HARNETT COUNTY

R. A. McLamb	26, 066

HOKE COUNTY

J. G. Balfour	35, 665
John M. McLean	32, 365
R. L. Gibson	26, 713
Dundarrach Trading Co	24, 339
James D. McGougan	23, 372
Earl Hendrix	23, 227
J. K. McNeill Farms	23, 141
John E. McGougan	21, 614
Edward Hayes	21, 451
Agnes U. Johnson	20, 469
Alfred K. Leach	20, 401
W. S. Thomas	20, 338
Total payees in county (12)	293, 095

LEE COUNTY

Jesse Thomas	30, 575
R. W. Norman	30, 162
Total payees in county (2)	60, 737

LINCOLN COUNTY

Joe Kiser	35, 373

MONTGOMERY COUNTY

Robert Chappell	39, 093
Mack Chappell	20, 773
Total payees in county (2)	59, 866

NORTHAMPTON COUNTY

John G. Burgwyn	42, 736
Reuben Turner	42, 579
M. C. Dunlow	31, 079
William R. Johnston	24, 787
J. C. Edwards, Jr	24, 369
Total payees in county (5)	165, 550

RICHMOND COUNTY

Cecil Sikes	29, 167
Myers Waddell	28, 607
Total payees in county (2)	57, 774

ROBESON COUNTY

Wakulla Farms, Inc	72, 463
Midway Farms, Inc	66, 768
Waccamaw Bank and Trust Co	61, 129
Allen M. Shook	60, 287
Maxton Supply Co	59, 320
D. D. McColl	50, 320
William A. Davis	49, 098
Neil Watson	40, 593
Arthur Norman Emanuel	39, 073
Bassil Gentry	36, 828
Tom McRimmon	35, 954
B. E. Simpson	30, 457
J. H. McArthur, Jr	29, 789
K. M. Biggs, Inc	28, 601
Bill Herndon	26, 611
Sinclair Corp	26, 461
Thompson Brokerage Co	25, 100
D. M. Lytch	23, 843
W. H. McIntyre	22, 966
B. C. McIntyre	22, 966
Lewis R. McNeill & Davis	22, 124
W. B. Townsend Farms	20, 883
David Dunn, Jr	20, 444
Pates Supply Co., Inc	20, 220
Total payees in county (24)	892, 298

SAMPSON COUNTY

Bank of NCNA	35, 126

SCOTLAND COUNTY

Baker Enterprise, Inc	67, 638
A. R. McMillan, Jr	59, 349
J. T. John Co., Inc	56, 585
John Carmichael	48, 967
James R. McKenzie	48, 924
Evans Brothers	45, 857
J. N. Gibson, Jr	45, 134
Edwin Snead	39, 462
Z. V. Pate, Inc	38, 921
R. M. Adams	37, 347
William P. Carmichael	37, 226
Willis T. Hancock	33, 306
Harvey Z. Edge	32, 585
McNair Farms	30, 434
Alice J. McLeod	29, 848
John M. McLaurin	29, 348
Jesse Snead	29, 248
Hansford Gentry	25, 632
Blue Investment Co	25, 357
P. B. and J. M. McGregor	22, 719
Richard Tatum	22, 225
Donald Morgan	22, 122
Haynes Stone	21, 707
Westwood Farm	21, 408
Myrtle S. Snead	20, 926
Sam R. McCormick	20, 920
Total payees in county (26)	913, 195

UNION COUNTY

D. L. Kimbrell	21, 929
Wade H. Howey, Jr	20, 915
Total payees in county (2)	42, 844
Total payees in State (110)	3, 467, 545

1971 ASCS and Great Plains Program Payments of $20,000 or More—Excluding Loans—North Dakota

ADAMS COUNTY

Harold Arndorfer	22, 576
Darrell Papka	22, 082
Total payees in county (2)	44, 658

BARNES COUNTY

Paul Bjornson	25, 155

BENSON COUNTY

Leo Studness	24, 302

BOTTINEAU COUNTY

Ballantyne Brothers	43, 611
The Wittenman Company	30, 960
Willis Glinz	25, 350
Norman Glinz	24, 660
Pearson Bros	20, 047
Total payees in county (5)	144, 628

BOWMAN COUNTY

Melvin Miller	26, 847
Joe Bagley	21, 104
Total payees in county (2)	47, 951

BURKE COUNTY

Earl Schwartz	20, 631

BURLEIGH COUNTY

Casey EST	22, 116

CASS COUNTY

Wm. & Geo. Sinner/E. Breshnahan	37, 092
Geo. C. Howe, Jr	26, 494
Orten Brodshaug	23, 367
Total payees in county (3)	86, 953

DIVIDE COUNTY

Lawrence Hagen	29, 663
David Jensen	24, 744
Total payees in county (2)	54, 407

FOSTER COUNTY

Louis S. Reimers	30, 274

GOLDEN VALLEY COUNTY

Lloyd Weinreis	27, 200
Donald Kittelson	26, 166
Floyd Bosserman	22, 884
Total payees in county (3)	76, 250

GRAND FORKS COUNTY

Ryan Farms	32, 053
Elk Valley Farms	31, 729
J. A. Cronquist	31, 173
Art Greenberg	30, 536
John W. Scott	23, 552
Don & Nordis Lindholm	20, 281
Drees Farming Association	20, 197
Jack A. Halverson	20, 050
Total payees in county (8)	209, 571

HETTINGER COUNTY

Clyde L. Swindler	62, 409
Benjamin Schaible	48, 410
John F. Swindler	45, 109

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—North Dakota

Milton Hertz	42,690
Marion Swindler	36,501
August C. Kirschemann	33,978
Richard Swindler	28,425
Fred J. Hoherz	22,917
Arthur Schaible	22,720
Larry Stang	22,657
Jos. P. Grundhauser	21,762
Raymond K. Bieber	20,131
Total payees in county (12)	407,709

KIDDER COUNTY

Ward Whitman	35,360

M'KENZIE COUNTY

Harold Dahl	51,328
Peter A. Nygaard	29,796
Lester Wisness	26,217
Joe Gudbranson	26,097
Roger L. Sanders	20,898
Total payees in county (5)	154,336

M'LEAN COUNTY

C. H. Stock Farm	21,822

MORTON COUNTY

Wachter Ranch	31,741

MOUNTRAIL COUNTY

Otto Engen	55,193
Abrahamson Bros	20,566
Total payees in county (2)	75,759

PEMBINA COUNTY

J. G. Hall and Sons	35,090
Bert Johnson	29,066
Morrison Bros	28,583
Schulz Moquist Illing	26,160
Bert Olson and Sons	25,959
F. Kent Vosper	23,361
Warner Bros	23,103
Hector Wallighem	22,977
Tucker & Green	22,926
Leonard Schwartz	22,074
Gunderson Bros	20,500
Total payees in county (11)	279,799

RAMSEY COUNTY

Herman Dimmler	26,362

SARGENT COUNTY

Kenneth E. Nepstad	20,139

SIOUX COUNTY

Peter Sittner	27,396

SLOPE COUNTY

Frank Dilse	55,142
Maurice O'Connell	31,340
Harold Brooks & Sons	26,157
Stuber Ranch	25,668
Thomas G. Powell	23,680
Neil Krinke	22,490
Leroy Sadler	20,501
Teddy Dale Dilse	20,422
Total payees in county (8)	225,400

STARK COUNTY

Ray Reich	21,027

STUTSMAN COUNTY

Eddy Farms	42,386
Hoggarth Brothers	41,314
Arvel Glinz	40,887
David Glinz	39,614
Freddie Mutschler	31,372
Kropp Farms	22,220
Carl Frey	21,360
Total payees in county (7)	239,153

TOWNER COUNTY

W. A. Schmidt	28,666

TRAILL COUNTY

John S. Dalrymple, Jr	38,503

WALSH COUNTY

L. E. Tibert Co	38,661
Boone Farms	29,644
Dolan Bros	28,402
Harley Kingsbury Co	25,849
John D. Miller	25,602
Total payees in county (5)	148,158

WARD COUNTY

Earl Schwartz Co	32,130
C. Morris Anderson	30,049
Henry Neshem, Jr	23,297
Total payees in county (3)	85,476

WELLS COUNTY

Weckerly Bros	27,687

WILLIAMS COUNTY

Earl Bauste	25,028
George & Thomas Layon	23,786
Total payees in county (2)	48,814
Total payees in State (95)	2,733,203

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Ohio

CLINTON COUNTY

Midwest Farms John Goings	22,450

FRANKLIN COUNTY

Darby Dan Farm Co	23,718

GREENE COUNTY

Trelawny South	20,822

HARDIN COUNTY

Donnel L. Dangler	22,038

LICKING COUNTY

Lobdell Drainage Assn	29,056

LUCAS COUNTY

Wolf Farms	34,308
Schaller Farms	23,435
Total payees in county (2)	57,743

MADISON COUNTY

Orleton Farms Co	44,889
AG Lands C. E. Finney	37,423
Sawyer F. M. c/o Orelton F. M	36,786
Total payees in county (3)	119,098

MARION COUNTY

Ward Walton and Asso. Inc	59,766
Dekalb Agri Research Inc	46,677
W. S. Guthery & Sons Inc	27,326
Total payees in county (3)	133,769

PICKAWAY COUNTY

William J. Richards	23,298
Jean Clow Crites	20,682
Total payees in county (2)	43,980

PREBLE COUNTY

Artie Cain	20,812
Total payees in State (16)	493,486

1971 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Oklahoma

BECKHAM COUNTY

A. W. Phillips	25,614
Bobby Ray Reeves	23,756
K. B. Stowers	21,979
Lee D. White	20,733
R. E. Jones	20,061
Total payees in county (5)	112,143

BRYAN COUNTY

G. E. Kelly	25,837
Alvie Grossman, Jr	23,324
Total payees in county (2)	49,161

CADDO COUNTY

S. G. Stevens	30,953
Jewell Propps	30,503
O. M. Ulery	25,085
Forest Dolan	20,509
Louis W. Briscoe	20,081
Total payees in county (5)	127,131

CANADIAN COUNTY

Margaret Petree	36,470
Nelson A. Davison	29,179
Everett Feddersen	24,046
Doyal Selvidge	20,658
Total payees in county (4)	110,353

CIMARRON COUNTY

L. J. and Clovis Stafford	45,763
Billy R. Gowdy	37,099
Dayle M. Oyler	22,512
Clifford Hinds	21,144
H. E. Hammond	20,634
John D. Burrow	20,264
Total payees in county (6)	167,416

COTTON COUNTY

Hertis Baber	31,170
C. B. Bowles	21,788
Howard Gover	21,217
Total payees in county (3)	74,175

CUSTER COUNTY

J. G. Stratton, Sr	49,243
George Fransen	36,063
J. R. Martin	35,870
Isaac Fransen	28,132
Lorenz Farms	23,708
Roy Shepherd	23,411
Strong Trust	22,817
Bob Carpenter	21,324
Gary Donley	20,439
Donald Carpenter	20,140
Total payees in county (10)	281,147

DEWEY COUNTY

H. L. Christensen, Jr	22,564

GARFIELD COUNTY

Ediger Farms	40,835
Eddie Zaloudek	34,619
H. C. Groendyke	22,443
Louis Zaloudek	22,353
F. W. Zaloudek	20,147
Total payees in county (5)	140,397

GRADY COUNTY

Barnes Farms, Inc	35,612
Virgil Voigt	32,270
Harold Barrington	30,064
Earl Campbell	29,162
Ralph Jacobs	24,686
Total payees in county (5)	151,794

GRANT COUNTY

C. W. Leforce and Son	40,295

GREER COUNTY

Clinton Nesmith	35,095
State of Okla	30,305
Milton Vaughan	29,170

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Oklahoma—Continued

Frankie Johnson	26, 267
Leo Fite	23, 125
Jimmie Heatly	22, 366
Total payees in county (6)	166, 328

HARMON COUNTY

F. E. Motley	45, 776
Paul & Chas. Horton	45, 257
Shelby & Kirby	35, 188
Elmo Jones	34, 161
David Rath	30, 755
Harold Nichols	28, 199
Carrick Brothers	28, 165
G. D. Payne	25, 320
Paul Lee	25, 127
Regie Lewis	25, 041
Beanland & Sons	24, 432
Clay Whorton	23, 551
Lee Roy Crawford	22, 487
Arlis Motley	21, 263
W. D. Stewart, Jr	20, 971
G. W. Strawn	20, 912
Total payees in county (16)	456, 555

HARPER COUNTY

R. A. Lotspeich	21, 215

HASKELL COUNTY

John L. Horn	21, 229

JACKSON COUNTY

Robert Robbins	54, 677
Murray R. Williams	51, 949
Harold Worrell	49, 713
Glenn Southall	42, 988
Monroe B. Karcher	42, 284
Brewer Bros	40, 161
William C. Southall	39, 217
Chris Columbus	37, 152
Carthal F. Mock & Son	35, 651
Wayne Q. Winsett	35, 074
Gordon Thomas	34, 743
Roy A. Holsey	31, 572
Gary W. Winsett	29, 787
Ann Winsett Hawkins	29, 787
Travis Walls	29, 528
Clayton Tinney	29, 052
Rodney Hughes	28, 102
Harvey R. Petzold	27, 880
Samuel C. Schultz	27, 449
Mock Brothers	26, 326
Pill Hulett	25, 192
Joseph C. Talbot	24, 817
Earl E. Abernathy	24, 312
Laverne A. Fessenden	23, 862
John McLeod	23, 828
Hopson E. Pickett	23, 787
J. M. Bailey	23, 660
Charles D. Felty	23, 535
Sam & Harold Vinyard	23, 363
E. E. & J. P. Weber	23, 268
Thurman Gregg	22, 200
Harlan Tabb	21, 694
B. L. Dean & Son PTR	21, 304
Robert M. Kerr	20, 704
Total payees in county (33)	1, 011, 466

KAY COUNTY

Jack Lane	36, 433
Bill Carmichael	23, 207
Total payees in county (2)	59, 640

KINGFISHER COUNTY

B. A. Conley	24, 969
Frank Schulte	20, 130
Total payees in county (2)	45, 099

KIOWA COUNTY

Glenn and Sam Pfenning Ptnrs	35, 786
Charles & Gayl Portwood Ptrs	32, 300
W. C. Pfenning	29, 307
E. F. Bunch	28, 934
J. C. Hill	28, 005
Paul Edge	26, 291
Darrell Allard	21, 154
Truman Jones, Jr	20, 600
Total payees in county (8)	222, 377

M'CLAIN COUNTY

Freeny Hopkins	24, 915
Harry S. Phillips	23, 185
Billy P. Adkins	21, 766
Total payees in county (3)	69, 866

M'CURTAIN COUNTY

Mike Columbus	35, 748
Barney Ward, Jr	29, 467
Cloverdale Planting Co	24, 300
Total payees in county (4)	126, 667

MUSKOGEE COUNTY

Charles R. Sheffield	45, 497
Pearson Bros	42, 290
Total payees in county (2)	87, 787

NOBLE COUNTY

Burdette Garvie	22, 538

SEQUOYAH COUNTY

Sloan Farms	41, 989

TEXAS COUNTY

H. C. Hitch, Jr	95, 371
Irvin Clark	47, 930
Long Brothers	42, 954
Worth Jeffus	41, 572
Gustav Dencker	37, 062
R. Lee, Jr. & R. Lee, Sr	32, 358
G. G. Freeman	29, 571
Dillon Caddell	26, 735
Walter Anderson Estate	26, 720
Fred R. Sweet	26, 459
Fischer Brothers	26, 300
Jimmie L. Draper	22, 303
C. F. Webb	21, 603
Joyce H. Gray	20, 611
Roy Mitchell	20, 346
Total payees in county (15)	517, 895

TILLMAN COUNTY

Dewayne Stout	58, 726
John Wade Kent	44, 420
Harvey Farm and Ranch	43, 433
H. W. Campbell	37, 661
Galen P. Briggs	36, 597
John M. Kinder	35, 317
Charles Hill	33, 250
Kenneth Kimmel	33, 055
Lester Dickey	32, 054
H. L. Akin	29, 419
Bill Eddleman	27, 525
Clarence Adams	26, 821
R. L. Lindsey	26, 743
T. G. Jennings, Jr	25, 815
Bruce Burke	24, 398
Archie W. Gottschall	24, 300
Roy N. Laney	23, 948
Rodney Fillmore	22, 633
Ralph Keith	22, 388
W. W. Purdy	22, 128
Smith Land Co	21, 542
J. W. Dysart	21, 536
Max L. Waldrop	21, 410
William Perry Spraggins	21, 264
Johnny R. McElroy	21, 242
Edwin Slack	21, 137
Leonard Stout	21, 065
Leroy D. Lett	20, 632
Edd Kinder	20, 370
Total payees in county (29)	820, 829

WAGONER COUNTY

Fred Metzger	21, 732
Francis M. Chesbro	21, 483
Total payees in county (2)	43, 215
Ridling Brothers	39, 036
Othal L. Bond	28, 546

WASHITA COUNTY

J. L. Celsor	23, 979
Total payees in county (3)	91, 561

WOODS COUNTY

Bouziden Brothers	59, 522
Total payees in State (177)	5, 162, 354

1971 ASCS and Great Plains Program Payments of $20,000 or more—Excluding loans—Oregon

GILLIAM COUNTY

Floyd Anderson	29, 462
Sidney Seale, Jr	28, 161
R. W. Potter & Sons Est	24, 670
Vernon Mikkalo	23, 186
Chester W. Dyer	22, 459
Roy Philippi, Jr	22, 182
Anderson Farms, Inc	21, 457
Harrison M. Weatherford	21, 139
Total payees in county (8)	192, 716

JEFFERSON COUNTY

Haycreek Range and Cattle	40, 521
Kenneth Binder	24, 035
Total payees in county (2)	64, 556

KLAMATH COUNTY

O'Connor Livestock Co	51, 142

MALHEUR COUNTY

Hyline Farms Co	50, 743
Fine Sheep Co	50, 570
Skyline Farms	34, 619
Murakami Farms, Inc	21, 666
Total payees in county (4)	157, 598

MORROW COUNTY

Ralph S. Crum	40, 125
Shirley Rugg	35, 148
Frank Anderson	34, 308
Krebs Bros., Inc	33, 655
Jack Sumner	33, 426
Marquardt Ranch	27, 862
Harvey Smith	25, 239
Amanda S. Duvall	24, 943
Porter Peringer, Inc	22, 094
Patrick Cutsforth	21, 993
Fairview Ranch, Inc	21, 343
Nelson & Tucker	20, 495
Total payees in county (12)	340, 631

POLK COUNTY

R. L. Walker Farms, Inc	24, 496

SHERMAN COUNTY

Powell Goodin Farms	27, 928
W. F. Wallace	25, 311
F. L. Watkins	21, 657
Richelderfer Ranch	20, 498
Total payees in county (4)	95, 394

UMATILLA COUNTY

Cunningham Sheep Co	62,862
B. L. Davis Ranch, Inc	56,152
Robert G. Bafus	55,237
Hill Ranches, Inc	40,940
Johns Smith & Beamer	40,877
Glenn Thorne	40,668
Barnett Rugg, Inc	33,429
McCormmach Bros	33,414
Hawkins Co., Inc	30,333
Martin H. Buchanan	30,068
Joe P. Doherty Sheep Ranch, Inc	29,384
Coppinger & Son Ranches	28,156
H. T. Rea, Inc	26,758
Don A. Woodward Farms, Inc	26,233
O. L. Straughan & Sons	25,689
Hoeft Ranches, Inc	24,313
T. M. Campbell	24,063
Raymond & Son, Inc	23,728
Purchase Ranches	23,472
David Casper Ranch	23,310
John P. Weidert	22,611
Engdahl Ranches	22,488
R. & T. Ranches	22,484
V. R. Ranch	22,296
Harold G. Kleinbach	22,005
Richard Hampton	21,856
Price & Ledbetter	21,649
S. E. Brogoitti	21,495
Lieuallen Ranch Inc	21,459
Tubbs Ranch	21,269
G. M. Ransier	20,632
Robert Rothrock	20,200
Faye Mann	20,051
Total payees in county (33)	959,581

UNION COUNTY

Sylvan Rasmussen	22,533
Acala Storage Co	20,381
Stanley Weishaar	20,087
Total payees in county (3)	63,001

WASCO COUNTY

The Miller Ranch Co	36,758
Underhill Ranch	24,566
Total payees in county (2)	61,324
Total payees in State (70)	2,010,439

1971 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Pennsylvania

LEHIGH COUNTY

James DeLong	32,832

NORTHAMPTON COUNTY

Schoeneck Farms, Inc.	41,807
Howard Seiple	32,166
Total payees in county (2)	73,973
Total payees in State (3)	106,805

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—South Carolina

ABBEVILLE COUNTY

S. F. Sherard, Sr	30,447
Howard Powell	21,112
Total payees in county (2)	51,559

AIKEN COUNTY

Milton Stack	41,167
H. C. Coward & Son	34,724
Robert E. Scott	32,227
M. R. Warner & Son, Inc	31,573
McElmurray Farm, Inc	29,158
K. L. Flanders	26,265
Garvin Brothers	24,998
Mackey Scott & Sons	24,298
John Anderson	23,482
Carl E. Brown	22,233
Mackey Scott, Jr	22,049
W. J. Dunbar	21,722
Weeks Farm, Inc	21,401
Fred W. Plunkett	20,300
Total payees in county (14)	375,597

ALLENDALE COUNTY

J. E. Kirkland, Jr	50,589
W. M. Terry	54,839
J. V. Spigener	33,408
W. R. Johns, Jr	32,514
Cecil L. Dunbar	29,473
J. S. McMillan	26,485
J. D. Rouse	24,771
W. Ben Oswald	23,333
N. B. Loadholt	22,930
G. L. Rouse	22,538
John S. Oswald	21,451
B. H. Loadholdt	21,332
C. O. Handberry	21,135
H. A. Kearse	20,657
Total payees in county (14)	414,455

ANDERSON COUNTY

Lee Dobbins	62,716
W M. Bolt	28,368
Total payees in county (2)	91,084

BAMBERG COUNTY

H. W. Herndon	58,075
H. D. Free	49,471
George Cogburn	44,373
Henry F. Bamberg III	44,020
H. L. Free	30,767
Francis M. Kearse	25,948
Otto Boltin	23,809
Total payees in county (7)	276,463

BARNWELL COUNTY

Harold R. Lott	51,771
J. B. Weeks, Jr	36,553
J. David Bodiford	34,957
W. H. Hutto, Jr	31,880
Birt and Keel	29,434
Ted W. Craig	25,031
Hagood and Richardson	21,028
Bruce O. Bates	20,650
Thomas E. Greene	20,650
M. N. Bates	20,338
Joe J. Bates	20,180
H. D. Still, Jr	20,122
Total payees in county (12)	332,594

BERKELEY COUNTY

Robert F. Marion	33,291
R. M. and R. C. Dennis, Ex	27,875
Total payees in county (2)	61,166

CALHOUN COUNTY

W. W. Wannamaker Seed Farms	54,975
Wiles Farm	53,497
Ralph Troutman	49,680
Felkel and Hungerpiller	48,593
F. M. Wannamaker, Jr	39,818
F. M. Wannamaker, Sr	39,818
W. Wesley Stabler	38,576
Blackwoods Farm	37,754
Raymond B. Ayers	37,305
L. B. Wannamaker Seed Co	36,476
D. S. Davis	35,794
John C. Bickley	34,878
J. Hubert Robinson	34,669
G. C. Bull	33,155
James D. Rast, Jr	31,897
Edward M. Rast	31,897
Lang Syne Farm	26,985
Haigler Bros	26,207
J. L. Wannamaker	25,640
A. F. Brown, Jr	24,637
J. P. Felkel	21,649
Moss H. Perrow	20,520
W. J. Houck	20,346
Total payees in county (23)	804,766

CHEROKEE COUNTY

Robert G. Scruggs	35,334

CHESTER COUNTY

H. H. Robinson	55,203
John H. Neely, Jr	36,940
J. H. Chappell	28,947
Robert W. Lee	25,134
John H. Neely	20,826
James C. Wilson	20,392
Total payees in county (6)	187,442

CHESTERFIELD COUNTY

Benjamin L. Norwood	52,987
King Farms, Inc	42,990
Burr Farms	41,851
James C. Phillips	26,245
J. Calvin Rivers Farms, Inc	25,729
Frank E. Ousley	23,964
Vonelm Crawford	23,172
James Chappell Hurst	22,586
J. Calvin Rivers, Jr., partner	22,411
Hector R. McLeod	21,434
Thomas R. King	21,389
Hazel Z. Mills	21,300
G. E. King, Jr	20,368
Total payees in county (13)	366,426

CLARENDON COUNTY

H. Fox Tindal	62,873
Samuel E. Durant	59,464
James B. Tidwell	51,299
Tarheel Coals, Inc	46,592
Charles N. Plowden	43,833
Durant Brothers	43,330
D. Leslie Tindal	41,710
Paul Burke	38,638
D. C. Elliott	37,127
Ralph Bell, Jr	32,926
Jack Witherspoon Farms, Inc	32,608
R. V. Elliott	31,157
Felder Farms, Inc	30,796
Rickenbaker and Sconyers	30,348
J. R. Briggs	28,891
R. N. Johnson	28,648
C. D. Smith, Jr	26,912
John K. Brogdon	26,195
W. D. Harrington	25,970
Bob Finney	25,738
G. H. Hardy	25,182
E. A. Lewis	24,983
Rickenbaker Gin, Inc	22,503
M. E. Dubose	22,469
R. L. Gayle	22,329
S. Bethea Floyd	21,760
W. J. Rawlinson	20,935
W. W. Rowe	20,667
L. E. Elmore	20,591
W. J. Jackson, Jr	20,513
Total payees in county (30)	966,987

DARLINGTON COUNTY

Cokers Ped Seed Co	64,671
William Howard, Jr	56,025
Gary E. Byrd, Jr	53,732
Rollins Culpepper	50,223
A. R. Mims	37,699
Laurie C. Lawson	34,438
Posey D. Kelley	33,845
Olin B. Kirven, Sr. & Jr	33,808
Raymond Amerson	33,600
J. T. Ross	26,352
G. Graham Segars	25,029
Henry Grady	23,507

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—South Carolina—Continued

L. L. Gandy	22,925
A. F. Woodard, Jr	22,573
Dewitt Farms, Inc	21,473
J. O. Huggins	21,422
Winston L. Cooley	21,118
Milton H. Anderson, Jr	20,339
Total payees in county (18)	602,779
R. L. McLaurin & Sons	58,017
Brown & Marion R. McCallum	53,147
L. S. McColl, Jr	51,614
Henry C. Quick, Jr	46,099
H. F. Price & Sons	35,896
Neil D. McLaurin	34,550
Bruce Price	33,506
Pee Dee Growers Inc	32,097
D. L. Coleman & Sons	31,339
Lloyd Page & Sons	30,677
DILLON COUNTY	
A. M. McDonald	25,603
Myrtle G. Howell	25,156
Neil J. McCrimmon	23,776
Grady Jones	20,543
Total payees in county (14)	502,020
DORCHESTER COUNTY	
W. S. and J. D. Canaday	28,721
EDGEFIELD COUNTY	
Cecil Yonce, Jr	43,144
Bennie H. Willing	28,660
J. M. Smith, Jr	27,080
C. L. Clark	25,243
R. W. & Rembert C. Dubose	23,220
G. C. Holmes & Sons	22,457
Total payees in county (6)	169,804
FLORENCE COUNTY	
E. S. Willis, Jr	67,376
Billy E. Graham	56,196
Roger D. Prince	54,919
C. Allan Young, Jr	44,960
Harlee Brothers	25,122
Total payees in county (5)	248,573
GREENVILLE COUNTY	
Allen M. Knight	22,727
GREENWOOD COUNTY	
Calvin W. Kinard	39,600
L. B. Adams	21,898
Total payees in county (2)	61,498
HAMPTON COUNTY	
Hugh T. Lightsey	61,118
C. P. Barnes	44,602
Corrin Bowers	41,905
Jimmie McMillan	30,873
David McKenzie	23,091
Corol Dobson	21,273
E. H. Hanna, Jr	20,032
Total payees in county (7)	242,894
KERSHAW COUNTY	
Lugoff Farms, Inc	58,983
Robert M. Marsh	33,158
Total payees in county (2)	92,141
LAURENS COUNTY	
Billy Deshields	46,796
J. T. Hollingsworth	35,554
John M. Simmons	23,381
Total payees in county (3)	105,731
LEE COUNTY	
W. A. Berry	61,527
R. V. Segars, Sr	59,341
C. B. Player, Jr	58,226
Marion J. Barnes	58,204
Mayesville Farms, Inc	58,165
C. E. Atkinson	57,874
James T. Smith III	56,970
B. J. Barnett	56,832
Richard and Julia Hearon	56,259
E. Brad McCutchen	56,192
McCutchen, F. M., Trading Co., Inc	56,065
Clyburn Bros. & Son	56,064
Lee County Farms	56,012
E. B. McCutchen	55,815
John Wesley Woodham, Jr	54,994
H. B. Turner	53,651
Jack Woodham	51,509
M. N. White	50,045
James Thomas Woodham	48,003
S. McBride Rhodes, Jr	47,238
J. E. Atkinson	45,404
Manning Richardson	44,974
H. W. Shaw & Son	43,690
James W. Scott, Jr	41,927
Don R. McDaniel	40,969
Willis Woodham	39,503
H. W. Shaw, Sr	39,004
W. A. Dabbs	38,755
B. K. Phillips	37,845
Calvin Joyner	37,591
Annette C. Tiller	36,608
Hamilton Corbett	35,538
L. M. Chewning	35,111
Katherine P. Stokes	31,521
Wyman O. McDaniel	29,212
E. Henry Goza	28,336
Mason R. Mathis	27,882
D. D. Grant & Son	26,606
Don D. Grant	25,288
James K. Alexander	23,805
R. V. Segars, Jr	23,277
Dale W. Player	21,780
H. L. Johnson	21,165
C. F. Reames	20,844
D. L. Reames	20,844
Wallace Deschamps	20,663
H. R. Colclough	20,141
Total payees in county (47)	1,967,269
John H. Dowd	30,024
LEXINGTON COUNTY	
Don. W. Jeffcoat	29,319
Fogle Bros	27,352
Total payees in county (3)	86,695
MARION COUNTY	
E. J. Wiggins, Jr., Estate	31,887
MARLBORO COUNTY	
Claude P. Polston, Jr	64,075
J. Frank McLaurin, Jr	60,544
Hubbard W. McDonald	57,639
Pence, Inc	55,629
Lawrence E. Pence	54,870
Jackie M. Polston	54,417
Ernest C. McInnis Estate	53,146
Brooks Odom	52,649
E. M. O'Tuel	52,414
Thomas A. O'Neal, Jr	51,217
David K. Lynch	47,011
Charles E. Lynch	47,011
A. L. Calhoun, Jr., Co	44,968
Maxie H. Kinard	44,740
Marlboro Farms, Inc	44,036
B. Gilbert Floyd	42,628
Charles A. O'Neal	41,747
Marion F. Wright	41,239
D. H. McQuage, Jr	39,175
Frank B. Rogers, Jr	39,015
Frank R. Quick	38,766
John W. Liles	37,148
John F. Everett	36,600
J. G. Hubbard	36,448
Hugh Driggers	35,011
Noah A. Usher, Jr	34,356
Leon Driggers	34,249
George B. Kerr, Inc	34,238
W. Alex Hinson	33,629
F. M. Hinson	32,566
William P. Wallace	32,400
Jimmie C. Baker	31,722
Julian M. Drake	30,305
William C. Covington	29,989
Ralph Usher	28,242
Jimmy P. Wallace	27,501
D. M. Cottingham, Jr	25,791
Robert Stillwell	25,078
Jimmy B. Hinson, Jr	24,866
W. Lee Carabo	24,542
E. Roy Newton	24,492
Dorris W. Floyd	24,029
Lawrence S. Norton	23,167
John McInnis	22,779
Joseph P. Hodges	22,689
Leroy M. Stanton	22,419
Angus G. Newton	22,416
Clemon Kimrey	20,537
Total payees in county (48)	1,804,145
M'CORMICK COUNTY	
James Tate	24,059
OCONEE COUNTY	
Fred E. Anderson	20,214
ORANGEBURG COUNTY	
J. W. Williamson Co	48,064
Vallentines	46,867
John David Clark	46,823
J. M. Russell, Jr	46,806
Rowesville Farmers Gin Inc	41,637
Thomas B. Jackson, Jr	39,507
C. & S. Farms Inc	39,433
E. S. Bonnett, Jr	36,424
Woodford Gin Co., Inc	35,820
W. B. Bookhart	35,759
Magnolia Lane Farm	34,162
Mattie Mae P. Gasque	31,475
E. E. Gasque, Jr	31,475
Julian C. Crum	30,322
T. J. Wiggins & Son	29,933
W. G. & F. H. Irick	28,623
J. Walter Whisenhunt	28,057
Earl J. Smoak	28,339
Norman V. Hughes	26,948
M. L. McIver	25,692
Robert L. Polin	24,536
Jimmie Ott	24,422
Vance Farm Center	24,332
R. L. Zeigler, Jr	23,720
W. D. Culler	23,244
Harvey M. Bates	23,002
Robert B. Shuler	22,296
Fred Lawton Irick	22,295
Hugo L. Felkel	21,618
Kenneth W. Bickley	21,229
L. M. Ott	20,479
Johnny Fogle	20,469
Garrick Bros., A Part	20,336
Total payees in county (33)	1,004,594
RICHLAND COUNTY	
R. A. Page	50,671
Willis M. Clarkson	37,099
Robert Lee Scarborough	26,437
Total payees in county (3)	114,207
SALUDA COUNTY	
Harold E. Frick	35,416
R. M. Watsons Sons	35,192
O. T. Price, Jr	30,812
Total payees in county (3)	101,420

SPARTANBURG COUNTY

James W. Cox	50, 848
Edward Antley	28, 278
Gary Brockman	23, 142
Donald L. Dillard	20, 560
Total payees in county (4)	122, 828

SUMTER COUNTY

J. F. Bland, Jr	61, 136
Scape Ore Farms, Inc	60, 028
J. E. Mayes	59, 353
William Rhodes Mayes, Jr	59, 317
W. R. Mayes	59, 317
James F. Bland III	55, 000
T. D. Keels	45, 922
Marvell W. Goza	44, 472
B. J. Barnett, Inc	43, 452
Booth Farms, Inc	40, 944
H. D. Barnett Etal	37, 345
J. M. Edens and Son	33, 626
Charles A. Segars	33, 603
J. M. Edens	32, 488
H. C. & H. C. Edens, Jr	30, 840
Sammie L. Yarborough, Jr	29, 843
Riverdale Farms, Inc	26, 816
Clayton Lowder	25, 948
John M. Shiver	24, 331
Frances I. Davis	24, 016
J. H. Montgomery, Jr	23, 763
E. S. Godbold	23, 500
Ralph W. Bleasedale	22, 663
S. A. Harvin	21, 954
E. L. Evans	20, 835
Total payees in county (25)	940, 512

WILLIAMSBURG COUNTY

S. Wayne Gamble	55, 697
Roy J. McFadden	48, 073
Joe Daves	36, 792
Gene Daves	29, 645
D. Dean Boyd	24, 417
Ronald L. Boyd	23, 963
Eva P. Chappell	21, 856
Total payees in county(7)	184, 746
Total payees in State (361)	12, 499, 034

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—South Dakota

BENNETT COUNTY

Elkhorn Farm	37, 945
John Hippen	23, 417
John F. Knecht	20, 280
Total payees in county (3)	81, 642

BROWN COUNTY

Clark Bros. Inc	40, 997

BUFFALO COUNTY

James S. Brown	20, 366

BUTTE COUNTY

McLeod Smith Ranches & Farms	54, 478
Goeringer Farm	27, 081
Earl W. Clarkson Co., Inc	25, 932
Total payees in county (3)	107, 491

CORSON COUNTY

Young Inc	20, 779

DAY COUNTY

Hansmeier & Son, Inc	30, 094
Peterson, Inc	20, 926
Total payees in county (2)	51, 020

DEWEY COUNTY

Almond D. Hunt	25, 801

EDMUNDS COUNTY

Plainview Hutterian Assn	26, 274
Petersen Farms, Inc	22, 597
Total payees in county (2)	48, 871

FAULK COUNTY

State of S. Dak	26, 814
Lloyd Harmon	22, 375
Fred G. Boysen	21, 074
Total payees in county (3)	70, 263

HAAKON COUNTY

W. R. Lee	28, 868
J. Tipps Hamilton	25, 309
W. A. Hickman	24, 317
Total payees in county (3)	78, 494

HUGHES COUNTY

Leon Crain	37, 592
Clyde Colson	26, 700
Guy F. Barnes, Inc	23, 529
A. L. Jones	20, 475
Total payees in county (4)	108, 296

JONES COUNTY

Daum Brothers	28, 833

LYMAN COUNTY

Leo J. Terca	24, 686
Alfred Ehlers	24, 660
Rex C. Brown	23, 117
Gary Halvorson	20, 415
Total payees in county (4)	92, 878

MARSHALL COUNTY

Ray S. Jarrett	37, 331
Dalton Docter	21, 049
Total payees in county (2)	58, 380

MEADE COUNTY

William Simons	28, 853

PENNINGTON COUNTY

Leonel M. Jensen	21, 194

PERKINS COUNTY

O. Theo Beckman	26, 621
Christman Bros	24, 362
Ham Bros., Inc	21, 850
Total payees in county (3)	72, 833

POTTER COUNTY

James L. Taylor	28, 090
Eldon Smith	25, 735
Don Kunstle	24, 043
Dakota Cattle Co	23, 868
Sherman Neal Jesse Rausch P	22, 413
Daniel Cronin	22, 311
Robert Houck	21, 950
Total payees in county (7)	168, 410

SANBORN COUNTY

Vernon Amick	30, 368

SHANNON COUNTY

Orville Schwarting	27, 184
R. W. Will	23, 346
Total payees in county (2)	50, 530

SPINK COUNTY

Glendale Colony	41, 080
Hammer Bros	23, 823
Hudson Farms	22, 121
Total payees in county (3)	87, 024

STANLEY COUNTY

E. Vernon Sivage	26, 371

SULLY COUNTY

W. J. Asmussen	68, 784
C. A. Cannon III	53, 154
Kinkler Farms, Inc	47, 995
Dean Nelson	47 857
D. L. Anderson Corp	46 749
Stanley Asmussen	46, 662
Jerome J. Weinheimer	38, 080
Ken R. Huse	36, 741
Minder Brothers	29, 835
Elton Eller	28, 876
Robert E. Duncan	24, 226
John W. McSpadden	24, 136
Lyle W. Ebert	20, 998
Total payees in county (13)	514, 093

TRIPP COUNTY

Bartley Mills	26, 902
Van Collins	21, 386
Total payees in county (2)	48, 288

TURNER COUNTY

Bones Hereford Ranch, Inc	26, 676
Total payees in State (66)	1, 908, 781

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Tennessee

CARROLL COUNTY

John A. Shoaf	32, 295
Larry D. Townsend	26, 393
Total payees in county (2)	58, 688

CHESTER COUNTY

Talley & Talley	28, 081

CROCKETT COUNTY

James F. Jordan	56, 074
Steve Harper	55, 536
C. D. Cooke	52, 923
Donny Cooke	50, 629
John East	42, 200
H. H. & F. W. Raines	32, 385
Donald Prescott	31, 557
Joe H. Carter	26, 955
J. M. Cherry	24, 392
Billy D. Brown	22, 725
Eli Young	22, 086
Max Cates	21, 363
J. B. Beaird	20, 620
Billy Spence	20, 411
Farrow Knox	20, 275
Total payees in county (15)	500, 131

DYER COUNTY

Charles & Elvin Miller	27, 914
Carlos Johns	20, 933
Total payees in county (2)	48, 847
Jerry Skelton	55, 958
Cowan Bros	51, 150
Fowler Moore Moore Fowler	42, 355

FAYETTE COUNTY

Ames Plantation	40, 065
B. L. Davis	37, 209
L. J. & J. A. Williams	36, 804
H. H. Farley	35, 767
Gordon Tomlin	35, 259
Allien M. Dunn	32, 573
Jimmy Kilby, Jr	31, 610
J. W. Owen	30, 453
J. M. Caudle	25, 722
Davis Bros	24, 892
Howard Carpenter	24, 469
Rhea V. Taylor, Jr	23, 648
Cooper Skelton	23, 550

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Tennessee—Continued

William B. Cowan, Jr	22, 975
C. F. Redfearn	21, 497
William M. Tomlin	21, 254
Thomas H. McNeill	21, 017
J. M. Sullivan, Jr	20, 838
Longtown Supply Co., Inc	20, 200
Total payees in county (22)	679, 265

FRANKLIN COUNTY

Emmett Owens	56, 516
David R. Owens	56, 422
O. R. Collins, Jr	41, 081
Total payees in county (3)	154, 019

GIBSON COUNTY

Bobby Harper	45, 095
Kermit Cates	32, 645
Billy Woods	30, 377
James T. Graves	22, 542
Will Jere Pillow	21, 540
Willie T. Crocker	20, 830
H. L. Tracy	20, 519
Total payees in county (7)	193, 548

GILES COUNTY

White & Witt	25, 718

HARDEMAN COUNTY

J. L. Chambers	58, 469
Jimmie Ervin	27, 257
J. W. Bishop	27, 097
G. B. Ervin	25, 719
Harlan Wooten	25, 676
O. E. Harris, Jr	25, 119
Total payees in county (6)	189, 337

HARDIN COUNTY

T. J. White	26, 670

HAYWOOD COUNTY

Tommy B. Willis	40, 901
Charles Haynes	39, 511
Glenn Lonon	37, 737
Billy Frank Morris	35, 234
Caudell Coburn	33, 515
James Coffman	32, 693
M. Carter, Jr	24, 954
C. A. Porch	22, 698
John W. Moses III	22, 324
Allen King	22, 084
Robert A. Mann, Jr	21, 631
Floyd Qualls	21, 064
Billy Solomon	20, 867
Foncie Morris	20, 309
Total payees in county (14)	395, 522

LAKE COUNTY

W. T. Jamison, Jr	67, 851
Tipton Bros. and Sullivan	41, 544
Bruce D. Wyatt	41, 047
William E. Lindamood	40, 594
Charles R. Patterson	38, 798
W. E. & Bruce Dunlap	36, 044
George Dial	34, 738
Leonard Fisher	33, 750
Nard Shull	28, 535
Joe Dale Barker	26, 338
Frank T. Markham	26, 061
Margaret Jackson	24, 488
Wm. E. Paschall	23, 705
John W. Paschall	23, 406
Lymon Barker	22, 568
Joe Schenk	21, 445
Fred A. Wortman	20, 984
G. F. Parker	20, 753
Jack Haynes	20, 699
Jack Fields	20, 461
Wade Lannom	20, 142
Total payees in county (21)	633, 951

LAUDERDALE COUNTY

George Lawson Elder	58, 615
Ft. Pillow State Farm	45, 070
William H. Moore	38, 938
Jimmy Fullen	34, 711
Stephen M. Pullen	34, 711
Tendel Farms	34, 621
Clyde Younger	27, 899
Dunrovin Farms	26, 423
Fullen Farm Inc	25, 293
Albert Leland Jennings	24, 197
Robert J. Reviere	22, 872
Jammie P. Elder	21, 222
Henderson Bros	20, 655
Total payees in county (13)	415, 227

LAWRENCE COUNTY

Gordon Barksdale	56, 081
Olan Brazier	22, 932
Clyde Gillespie	20, 737
Total payees in county (3)	99, 750

LINCOLN COUNTY

M. M. Delap and Sons	41, 768
James R. Turman	23, 464
Gilbert Bradley	22, 064
Total payees in county (3)	87, 296

MADISON COUNTY

Jessie Collins	44, 811
Neely Robley	40, 643
James Shellabarger	26, 638
James Sharp	23, 315
P. J. Haynes	22, 227
Roy Haynes, Jr	20, 627
Total payees in county (6)	178, 261

M'NAIRY COUNTY

James E. Smith	29, 493
A. J. Mitchell	20, 387
Total payees in county (2)	49, 880

OBION COUNTY

Floyd Yarbro	23, 307

RUTHERFORD COUNTY

James R. Donnell	25, 440

SHELBY COUNTY

Belz Investment Co., Inc	58, 727
Horne Bros	54, 029
Douglas L. Walker	53, 274
H. S. Mitchell	53, 245
John O. Moore	45, 611
Robert January	41, 846
Thurman Chapman	37, 611
Cedar Hill Farms	31, 597
T. A. Densford, Sr	29, 536
T. A. Densford, Jr	29, 536
J. H. Densford	29, 534
James L. Mann	29, 110
James E. Cowles	28, 590
Hardy Johnson	28, 513
Aubrey Howell	28, 153
Paw Paw Block Farm	27, 889
Harold Ticer	26, 664
William K. Bolton	25, 589
D. Herbert Sigler	23, 239
E. F. Crenshaw	22, 365
Total payees in county (20)	704, 658

TIPTON COUNTY

Charles L. Walker	51, 775
Horace E. Moore & Sons	50, 414
R. W. Anderson	48, 895
John A. McIntyre	38, 719
Bill Trantham	38, 514
Marvin Johnson	38, 314
William D. Ray	35, 551
Johnson Brothers	35, 514
John C. Balton	30, 850
Marcless Sneed	29, 345
Herbert Parr	27, 751
L. E. W. F. & M. B. Davis	25, 852
Austin E. Anderson	25, 648
Hugh Wilbur Hill	24, 501
Dewey Pinner	24, 044
Sammy Smith	22, 770
J. M. McCalla, Jr	22, 356
Troy E. Hopkins	20, 824
Joe Christmas	20, 497
Total payees in county (19)	612, 134
Total payees in State (163)	5, 129, 730

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans— Texas

ANDREWS COUNTY

Gene Irin	56, 310
D. G. Chiles	54, 630
C. C. Shortes	44, 952
W. H. Vanlandingham	42, 211
T. A. Wartes	38, 272
Marvin Hays	36, 783
C. W. Callaway	34, 931
R. D. Russell	26, 240
70 Ranch	24, 549
Leslie Emfinger	21, 236
Flying N Ranch	20, 119
Total payees in county (11)	400, 233

ARKANSAS COUNTY

B. E. S. Co	24, 504

ARMSTRONG COUNTY

Delmar Durrett	61, 890
Parker Cattle Co	28, 062
James Bible	25, 928
Total payees in county (3)	115, 880

AUSTIN COUNTY

Max J. Zapalac	24, 812

BAILEY COUNTY

J. Bert Williams	74, 384
Carl Bamert	70, 201
Horace Hutton	64, 497
W. T. Millen	56, 032
Randy Johnson	55, 431
J. G: Arnn	52, 290
James Adolph Greener	47, 552
B. J. Gable	44, 522
John R. Young	42, 932
W. B. Little	40, 799
Homer Richardson	37, 981
O. A. Jones	37, 167
Buffalo Farms, Inc	36, 513
Charles L. Lucy	36, 176
J. F. Furgeson	35, 856
J. L. Thomas	35, 671
T. D. Davis	35, 500
Jim Claunch	35, 394
J. P. Tarlton	35, 093
W. M. Pool	34, 943
Jesse Carter	33, 825
Jack Schuster	31, 870
Wilbert Kalbas	29, 941
Finis Verley Kimbrough	29, 383
Bernard Phelps	28, 972
Lester Howard	28, 764
C. J. Feagley	28, 033
Elmer L. Hargrove	27, 898
A. R. McGuire	27, 787
C. K. Corbell	27, 120
John W. Gunter	27, 057
Weldon Avery	26, 232
Jim Pat Claunch	26, 155
Lewis Brothers	25, 865
Marvin May	25, 378
Bennie Claunch	25, 368
J. R. Austin, Jr	25, 059
D. E. Benham	24, 804
W. Lewis Scoggin	24, 766

Freddie Parkman	**24,534**
James Gore	23,869
Ben Roming	23,514
Jim Johnson	23,235
Snider Farms, Inc	23,174
Jimmy Harris	23,152
Don Lowe	23,100
Johnnie Prater	22,995
Robert Claunch	22,821
Joe L. Smallwood	22,805
Ed Pete Caswell Trst	22,456
Richard E. Black	22,244
C. L. Saylor	22,006
Robert Nunnally	21,990
Billie Marlow	21,821
Howard J. Hale	21,803
A. P. Fred	21,549
Byron Gwyn	21,450
Billy D. Bell	21,369
Aubrey Heathington	21,264
Lewis Wayne Shafer	21,070
W. T. Watson	20,810
W. L. Welch	20,713
Austin Bros	20,686
Doyce Turner	20,521
W. D. Lackey	20,484
W. E. Latimer	20,446
Leldon Phillips	20,439
Gene Bartley	20,390
Van Rogers	20,159
Total payees in county (69)	2,090,080

BAYLOR COUNTY

Bobby G. Brock	37,458
Megargel Drilling Co	24,211
Emitt Golden & Co	23,303
Total payees in county (3)	84,972

BEE COUNTY

Beasley Farms Inc	38,365
Amko Farming Inc	24,152
Total payees in county (2)	62,517

BELL COUNTY

C. B. Hodge	42,474
William A. Hudgens	42,021
Lewis Farms	35,672
Gary Hudgens	28,533
Zed C. Lancaster, Jr	26,297
Total payees in county (5)	174,997

RORDEN COUNTY

John Springer Stephens	62,339
H. D. & Kent Holmes	35,373
John S. Stephens, Jr	33,794
Harold William Ludecke	28,574
C. C. Nunnally	25,643
J. E. Nance, Jr	24,332
Pat N. Hensley	23,931
Harold Wade	23,387
Harlin D. Williams	23,152
Kenneth D. Williams	22,363
Kenneth Wayne Smith	22,224
Hubert W. Walker	21,028
Garland Doyle	20,659
Robert C. Daugherty	20,198
Jackie Dean Wolf	20,105
Total payees in county (15)	407,102

BOWIE COUNTY

Mary Ann Wilson	64,448
James R. Killion	64,168
H. L. Vance	63,543
Elwood Elkins	59,824
George H. Vance	54,960
Eddie Blackmon, Jr	52,559
D. P. T. Farris, Inc	47,314
William H. Farris	42,961
Bentley Johnson Farms, Inc	38,815
Guy W. Farris	33,456
Norman Moser	24,495
Gordon Martin	20,667
Total payees in county (12)	568,210

BRAZOS COUNTY

Tom J. Moore	93,668
Harry H. Moore	70,047
Robert T. Moore	65,142
L. C. Frede	57,082
Sam Morello	56,230
Tony Varisco, Jr	53,139
J. P. Terrell Est	42,180
W. J. Terrell	41,452
Don Angonia	40,749
Vince Court	25,613
Joseph Cecil McCoury	25,327
Martin Merdian	22,136
Total payees in county (12)	592,765

BREWSTER COUNTY

McMullan and Sims	37,144
G. A. Morris	23,746
Jack Shely	23,307
Total payees in county (3)	84,197

BRISCOE COUNTY

L. O. Weaks	52,459
Joe B. Mercer	48,791
Fred W. Mercer	43,292
G. W. Lee	41,041
Alva C. Jasper	32,865
Clyde Mercer	31,313
P. R. Sissney	29,254
J. D. McGavock	28,825
Harold Storie	25,808
Roy Montague	25,803
Ray Teeple	25,073
Cook & Cook	24,506
Allen Kellum	23,246
Gordon Montague	22,823
George Long	22,700
Theron Culwell	21,836
L. D. Griffin	20,590
Total payees in county (17)	520,225

BROOKS COUNTY

Robert Allen May	31,436

BROWN COUNTY

Lillie E. Stevens	21,379

BURLESON COUNTY

Est. Geo. C. Chance	69,399
Holland Porter	63,646
Pete J. Scamardo	49,846
Marion J. Malazzo	49,210
Luke Restivo	45,991
Mitt A. Bush	41,888
Marvin M. Porter Est	40,950
H. H. and Edgar Baker	38,813
Phil Scamardo	36,432
Steve A. Scarmardo	34,561
Sandyr Scarmardo	34,466
G. R. Hutson	33,519
A. C. Sebesta and Sons	30,521
John W. Giesenschlag	24,062
Joe S. Campise	23,578
Henry Wagner	21,982
Total payees in county (16)	638,864

CALDWELL COUNTY

Terrell T. McGee	32,706
William H. Schroeder, Sr	22,728
C. Fleetwood Richards, Jr	22,620
Terrell E. Clark	21,515
Total payees in county (4)	99,569

CALHOUN COUNTY

Roy Smith	79,041
A. R. Vincik	35,959
Sanders Farms, Inc	21,616
Alvin A. Hahn	20,986
Total payees in county (4)	157,602

CAMERON COUNTY

Billie Joe Simpson	59,952
Marel H. Wilson	59,419
James A. McCarthy	58,733
Carl Otsuki	57,613
Rio Grande Equip. Co	56,848
John A. Abbott	56,500
Milton E. Wentz Jr	55,706
Milton E. Wentz	55,701
Herbert W. Bode	52,514
Editha Bode	52,512
Oba D. L. Smith Farms	50,770
James D. Russell	50,193
Henry V. Macomb	50,185
Russell Farms	50,179
Joe S. Wolf	48,830
Martha M. Russell	48,679
Robert F. Ashley	48,482
Hollie C. Lewis	48,296
Robert L. Shuckman	48,119
Ocsar Mayfield	47,911
Tommy Mayfield	47,909
Charles Mayfield	47,906
George Nixon	47,650
S. M. & W. M. Halbert	45,529
Bigham & Duncan	44,518
Island Farms, Inc	44,418
Douglas S. Cantwell	43,230
L. R. Cherrington	43,191
Bauer Brothers	42,985
Melvin R. Davis	42,579
Rodolfo B. Samano	42,205
Herman Lynch	42,197
J. L. & Bill Gray	41,758
Ashley D. Youngblood	41,524
Oval A. Martin	41,415
Lewis A. Oakes	40,099
G. D. Morrow	40,054
Harvey L. Johnson	40,046
Est. J. Kelly Cain	39,768
Joe T. Maurin	39,006
E. Harvey Adams	38,595
James P. Labar	38,544
Howard B. Girault	37,355
Rex L. McGarr	37,192
Elward M. Smith	35,836
S. R. & C. D. Stone Trs	35,731
McHayden Dillard	35,347
Lamon & Lamon	34,912
Est. William J. Bryan	34,700
Thomas Schmitt	33,883
Dennis Schmitt	33,874
M. D. Bush	38,508
Charles J. Buchen	33,465
F. H. Cherrington	33,366
Elvin P. Pederson, Sr., Est	32,382
Taylor Grain Co., Inc	32,163
Charles L. Shofner	31,623
George L. Labar, Sr	31,507
Joe W. Lane	31,361
J. G. Wreden	31,334
Ramona J. Wolf	31,323
Robert B. Ballenger	30,764
Charles E. Cherrington	30,611
Clifford L. Smith	30,470
W. B. Mack	30,288
Adolph Thomae, Jr	30,207
Lester Nixon	29,414
Elijah B. Adams	28,781
Bob F. Morrow	28,748
Elliott Roberts Rch, Inc	28,431
Hygeia Dairy Co	28,382
Edward E. Billings	28,364
Robert Mathers	28,098
Charles Eubanks	27,841
James H. Eubanks	27,829
Oscar Eubanks	27,828
J. E. Bruce	27,732
Dean Cole	27,490
Lloyd G. Payne, Jr	27,025
Eugene A. Eubanks	26,923
Quinton S. Kincannon et. ux	26,794
Martha D. Mercer, Jr	26,307
Johnny J. Canville	26,231
Jerry Tanamachi	25,330
Sams Porter Corp	25,292
Crowe & Crowe	25,060
Harry H. Shimotsu	25,057
Ross D. Waters	24,841
Crockett Groves, Inc	24,684
Loop Farms	24,574
Kenneth Shimotsu	24,455

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Texas—**Continued**

Pilar Cabrera	24,387
Joe E. McCain	24,253
Premier Farms, Inc	24,236
George & Sam Taylor	24,229
Reynaldo Ramirez	24,193
Kitamura Brothers	24,132
Edwin W. Caughfield	24,017
Lois C. Bourne	23,806
Billy N. Cantwell	23,304
Harry J. Garrett	23,280
Clement T. Cholick	23,245
Joe G. Ballenger	23,074
Walter L. Clore	22,909
Jackson Est & D. E. Jackson, Jr	22,841
James S. Norris	22,825
777 Ranch	22,638
Roy W. Renfrow	22,610
W. H. Thompson	22,491
Francis L. Phillipp	22,110
John P. Cholick	22,108
Leonard P. Simmons, Jr	21,881
Garvin B. Macomb	21,632
Peters Brothers	21,624
Ronald E. Waters	21,456
Dba Taubert Bros	21,418
Jan H. Heaton	21,331
George L. Labar, Jr	21,214
Jack N. Sutter	20,884
Lawrence J. Phillipp	20,639
Graham B. Smith, Jr	20,561
Horace Wells	20,251
Lloyd G. Brotzman	20,219
Carl L. Bauer	20,190
Walt O. Waters	20,176
Jess and Warren Willard	20,121
Dos Lagunas, Inc	20,031
Total payees in county (127)	4,257,297

CARSON COUNTY

Texas Tech Research Farm	57,384
Frank Robinson	55,033
Roman J. Friemel	46,186
Sam Kotara	33,569
John D. Kelly, Jr	32,745
Clinton Williams	30,345
J. B. McCray	27,534
Raymond Blodgett	26,277
A. L. Stovall	25,535
Albert Weinheimer	24,438
G. A. Mahler, Jr	24,261
E. T. Ross	24,081
H. L. Beddingfield	22,660
Leonard Olson	22,630
B. F. Urbanczyk	22,478
R. J. Kuehler	22,336
Frank Simms	21,410
John Kotara, Jr	21,067
Jack Martin	21,064
Fowler Bros. Ptn	20,144
Total payees in county (20)	581,177

CASTRO COUNTY

Jerry Cluck	95,465
Hill Farms	92,947
Homer Hill	90,466
Carl Bruegel	87,616
G. L. Willis, Jr	79,632
George Gabel	64,972
J. F. Martin	59,187
David Smith	57,307
Clements Corp	53,360
Bill Rich	50,390
Kenneth Heard	49,559
Bob Dulaney	49,283
Frank Wise	48,694
Floyd Cole	47,788
Donald J. Wright	47,536
Geo. & Kenneth Frye	46,918
Dan J. Heard	45,600
Tom Miller	45,563
Chas. E. Armstrong	44,499
Jay Lee Touchstone	43,781
Homer A. Hill	43,609
Chas. Heck, Jr	43,497
B. L. Moore	42,014
Gilbreath Farm Co	41,623
Shirley L. Garrison	41,114
Jack Miller	40,827
J. M. Young	40,177
Clint B. McFarland	39,770
Truman Touchstone	39,475
Fred Bruegel, Jr	39,196
Milburn and Eddie Haydon	39,155
Melvin Barton	38,515
George C. Heard	38,069
J. M. Wright	37,488
Loyd Farris	37,305
Lorenzo Lee	37,151
Allan Webb	37,006
Margaret Ware Est	35,743
Truvis Campbell	35,566
George Sides	35,291
W. W. Lemons	35,084
Ray Robertson	34,884
Dick Ellis	33,399
E. L. Howard	33,337
H. C. Nelson	33,033
Glenn Odom	32,980
Woodrow Nelson & Sons	32,775
Henry W. Golden	32,437
Earl Harkins	32,365
Paul T. Brooks	32,292
Rodney Smith	31,798
Lamar Found	31,250
Kent Gabel	30,726
Harlan L. Barber	30,597
Carl L. Kemp	29,851
L. L. Shultz	29,345
S. A. Hodges, Jr	29,183
Ivan L. Block	28,375
W. B. Hammonds	28,305
H. M. Boozer	28,298
R. E. McDaniel	28,219
Don Carpenter	28,137
Lonnie Bell	28,006
Carl King	27,994
H. D. Smith	27,601
Jess Willard	27,528
E. Herring, Est	27,515
Jack George	27,410
Pat Robbins	27,378
Charles Rickerd	27,328
Odus Hastings	27,260
Harvey C. Davis & Sons	26,890
James Bradford	26,851
Roger E. Haberer	26,781
Tommy Stanton	25,920
Clayton Graef	25,806
Kenneth Christie Farm, Inc	25,572
James H. Bradley	25,511
M. L. McFarland	25,360
Clyde H. Damron	25,290
Charles T. Noland	25,081
Otto Steinberg	24,826
Charles Nutt	24,268
Jim Elder	24,133
Joe Nelson	24,128
H. J. Clark	24,011
George Heck	23,767
Andy Nelson	23,576
Walter H. Schilling	23,263
J. M. Snyder	23,146
Calvin Petty	22,970
Kenneth P. Hamilton	22,705
Luke McGuire	22,178
Paul W. Armstrong, Jr	22,152
R. R. Rule	21,634
Roland Stevens	21,604
Dale Winders	21,582
Clyde Hancock	21,335
J. D. Myrick	21,218
Cleo I. Connell	21,200
J. R. Matthews	21,172
Ed Wilson	21,138
T. G. McKinney	21,011
Rayphard Smithson	20,951
E. W. Foster	20,852
Jerry Watts	20,805
Geo. Ed Bennett	20,798
David Nelson	20,765
D. L. Thomason	20,734
Ray Joe Riley	20,657
Bob Kay	20,559
Tom Lewis	20,451
George Bennett II	20,413
Frye Associates	20,389
Floyd Copeland	20,013
Total payees in county (115)	3,921,310

CHILDRESS COUNTY

Luther C. Hill	44,334
Walter I. Lambert	38,821
Vera Renfro	32,869
Clinton B. Halford	32,758
B. P. Henderson	31,600
Derrill Nippert	26,485
Arthur Kane	26,436
Carroll Seal	25,638
L. H. Felton	24,773
Dean Decker	24,509
Delbert Seal	24,240
Douglas Seal	24,220
Troy Boykin	23,698
Ralph Sides	21,820
Lilburn F. Cox	21,101
Leeman Weir	20,980
Fletcher Carter	20,396
Total payees in county (17)	464,678

CLAY COUNTY

Herman Scheer	25,391
P. P. Langford, Jr	24,737
Parker & Mayo, Inc	20,793
Total payees in county (3)	70,921

COCHRAN COUNTY

F. O. Masten	79,809
J. K. Griffith	77,752
E. L. Polvado	62,177
J. E. Polvado	61,063
Mrs. Dona Doughty	60,795
Jimmy Millar	58,922
Bobby Smith	57,518
J. G. Millar	55,761
R. L. Polvado	55,167
T. K. Williamson	54,032
Ronald Coleman	50,165
H. B. Barker	48,111
Slaughter Hill Co	47,569
J. & M. Farm, Inc	45,623
Jim David and Sue Ratliff	45,616
W. B. Merritt	44,392
Clayton Stokes	44,352
R. Hugh McKelvy	42,783
Anella S. Bauer	40,351
E. E. Silhan	38,818
Dan Valentine	34,966
J. D. Merritt	33,841
J. M. Silhan	31,139
Ike Williams	30,722
Leonard O. Coleman	28,945
B. H. Tucker	28,029
C. E. Ratliff & Sons	26,823
Leo P. Cunningham	26,675
Emmett E. Thomas	25,852
Hub Baggett	25,285
Ernest Trull	24,174
J. L. Schooler	24,149
Dalton Redman	23,682
C. C. Harvey	23,176
W. L. Foust	22,976
Lewis Sims	22,553
Hub Cadenhead	22,513
Danny Key	22,496
Joe H. Bowers	22,485
H. A. Lamb, Jr	22,404
Jack French	22,399
Larry Edwin Baldwin	22,014
Tom Silhan	21,979
George G. Williams	21,888
Raymon Hall	21,748
Gaylon Baldwin	21,201
Ira Brown	21,162
Ken Wesley	21,131

Charles Cumpton	21,090
W. D. Christian	20,997
Robert Yeary	20,695
Felix Silhan	20,567
Roy B. Davis	20,329
J. B. Nicewarner	20,322
A. R. Lamb	20,265
Owen Egger	20,100
Total payees in county (56)	1,931,548

COKE COUNTY

J. O. Rudd	27,695
Gladys Clark	22,049
Total payees in county (2)	49,744

COLLINGSWORTH COUNTY

Carthel G. Lewis	34,227
James Doneghy	26,968
Louis E. Allred	25,517
J. B. Killian	25,224
Wood & Wood	24,586
William R. Ward	24,467
John E. Forbis	23,054
Tommy Lewis	22,816
P. P. Fielding	22,030
Fred Covey	21,825
Olan Farris	21,707
Earl L. Bartlett	21,568
Bill Janes	20,867
Drury C. Lacy	20,841
Total payees in county (14)	335,697

COLLIN COUNTY

Glynn Dodson	61,784
Welborn & Welborn	38,087
Eugene W. Settle	27,215
Warren H. Rousey	25,850
Edward R. Donihoo	24,023
Billy Joe Donihoo	22,702
Dwight D. Crigger	21,306
Charles E. Bell	21,251
Total payees in county (8)	242,218

COLORADO COUNTY

T. Cattle Co	43,711
Kenneth Mahalitc	23,226
Total payees in county (2)	66,937

CONCHO COUNTY

Jess Stephens Son	50,248
Arlie E. Davis & Son	38,359
Adrian L. Fiveash	36,094
Walter L. Pfluger	29,770
Monroe P. Dierschke	25,377
Emmett Pfluger	24,495
Jack V. Williams	21,173
Norman W. Krieg	20,895
Canning Wales	20,200
Total payees in county (9)	266,611

CORYELL COUNTY

Bobby Latham	34,606
Robert J. Hunt	28,492
Total payees in county (2)	63,098

COTTLE COUNTY

Donald D. Love	32,292
R. D. Wall, Jr	31,165
Jack Tippen	28,294
Welton Fields	26,091
Don Brothers	26,087
Maggie B. and Irless Brooks	25,075
Loyd Mayes	24,012
Lester Moss	23,535
J. T. Martin	23,028
H. W. Matney	22,183
R. C. Martin	21,788
James Sweeney	20,977
Woodrow D. Tucker	20,476
Suttle W. Majors	20,123
Total payees in county (14)	345,126

CROCKETT COUNTY

7U Ranch Co	48,256
W. W. West	43,481
John W. Childress	28,962
Joe Bean	26,441
Victor I. Pierce	25,976
Joe Tom Davidson	23,369
A. Millspaugh	23,233
Mrs. Bill Hoover and Sons	21,837
Total payees in county (8)	241,555

CROSBY COUNTY

John A. Wheeler	90,245
Donald Aycock	63,271
Delton Caddell	61,059
Bob Kimbrough	57,764
Lynn E. Campbell	55,803
Cleve Cypert	52,382
H. N. Watson, Jr	51,894
W. O. Lockwood	51,531
G. J. Parkhill, Jr	47,797
Luis Garcia/Sons, Inc	47,361
Jesse L. Reese	45,582
Clyde Crausbay	44,293
D. J. Moses	44,255
Marvin O. Greer	42,888
J. P. Beck	42,255
W. T. Leon	41,751
Compton Cornelius	40,669
Lynn T. Smith	39,684
Elvis O. Martin	38,282
Darrell J. Dunn	38,050
C. L. Cowley, Jr	37,839
Gene Fullingim	37,392
Marvin T. Heinrich	37,330
Bill N. Gilbreath	37,284
Elton Ellison	36,821
Kenneth Summerford	36,542
Tom F. Oats	36,123
David Prewitt	35,610
Robert Fullingim	35,578
R. H. Farris, Jr	34,941
Clyde Crump	34,749
O. D. Moore	34,342
Rex Wheeler	34,172
Harold Hodges	34,131
L. Don Anderson	33,526
Carroll Himmel	33,371
Max Johnson	33,339
Wilson & Gray, Inc	32,893
I. B. Davis	32,768
Mack Harmon	32,758
Claude Adams	32,486
J. B. Prewitt	32,292
Harvey Hancock	32,072
Craig McDonald	31,756
Jimmie W. Thornton	31,537
R. P. Kirkendall	31,529
John L. Haynes	31,420
James Caddell	30,907
Wright L. Carlisle	30,085
Lloyd Gambrel	29,739
Kenneth Gray	29,688
A. W. Marshall	29,620
Ray Marsh	29,310
Buster E. Smith	28,993
Joe Appling	28,704
Billy Crump	28,302
W. Clayton Sellers	28,250
George Cunningham	27,903
James K. Edinburgh	27,759
J. J. Griffin	27,438
J. W. Jackson	27,074
L. M. Powell	26,893
Anthony Latta	26,855
Dick Snodgrass	26,475
Jack E. Robertson	26,344
Roy Lee Ellis	26,297
Mitco, Inc	26,201
Will D. Griffin	26,147
Ernest L. Harris	25,583
James W. Sales	25,522
Charles B. Gray	25,468
Alvin C. Morrison	25,426
Amon W. Proctor	25,270
Earl Edwards, Jr	25,229
Thomas A. Poulson	25,040
Bobby H. Kendrick	24,959
T. W. Stockton, Jr	24,927
Loyd B. Parkhill	24,889
John H. Moore	24,871
Curtis M. Wheeler	24,540
James A. Boydstun	24,450
John R. Green	24,084
SAE Inc	24,014
J. R. Terrell	23,918
Billy Kirk	23,593
Donald Wooten	23,488
Nelton Chote	23,389
Dewey E. Wells, Jr	23,363
F. Eugene Woodard	23,331
Wayne J. Parker	23,299
Harold Verett	23,246
Roy J. Warren	23,142
Byron E. Powell	23,130
Roy Schluter	22,963
Arnold Ratheal	22,813
Arnold Hodges	22,720
Arvis E. Moore	22,704
Howell L. Martin	22,591
Herschel A. Roye	22,558
Donnie Powell	22,219
Arvil L. Campbell	22,076
James M. Chote	22,069
Jimmy R. Fullingim	21,973
Vernon D. Wheeless	21,824
Robert H. Perkins	21,511
Edmond C. Crump	21,491
George W. Poulson	21,375
Julius Blair	21,167
C. L. Martin	20,899
Harold Moore	20,705
Robin L. Anderson	20,635
Howard Harris	20,534
W. C. McDuff	20,518
Noble Hunsucker, Jr	20,481
Harold Trull	20,434
Billy Joe Boyd	20,283
Boney Winkler	20,268
Charles E. Sanders	20,182
Eldred L. Mize	20,168
Total payees in county (119)	3,675,733

CULBERTSON COUNTY

Wildhorse Valley Farms, Inc	45,509
D. H. Brewster	45,168
Lee Talley	40,260
J. J. Taber	39,699
Dick Guest	27,692
Total payees in county (6)	225,651

DALLAM COUNTY

Elmer Heiskell	59,343
James E. Crabtree	49,959
Alex Stafford	46,810
Hugh L. Gordon	43,976
Kerrick Land & Cattle Corp	34,564
George H. Noble	33,056
Charles Grice	31,237
Horace D. Estes	30,660
H. F. Beyer	30,397
Leo H. Moore	29,880
Raman L. Chandler	29,786
Oscar O. Przilas	29,152
John Hancock Life Ins	28,946
Billy Chestnut	28,767
Jimmie O. Brewster	28,290
Tim E. Field	27,069
J. T. McAdams	26,677
Winrock Farms	26,259
Melvin Przilas	26,226
Summerour Brothers Ptnp	25,938
Shelby L. Baker	25,662
William W. Allen	25,379
Curtis G. Chisum	24,675
James M. Higgins	24,517
Ell Dee Field	24,249

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Texas—Continued

David P. McBryde	24,009
Tommy Lovett	22,399
Roy Nall	22,151
Raymond Garner	21,767
Frank C. McDaniel	21,364
Billy G. Moore	20,913
Kenneth Knight	20,539
Total payees in county (32)	944,616

DALLAS COUNTY

Billy C. Beach	41,269
Roddy Brothers	36,589
Max Daniel	34,525
Olin B. Curry	23,329
R. V. Luther	22,158
Total payees in county (5)	157,870

DAWSON COUNTY

Weaver Farming Corp	60,220
E. Bar Cattle Co	58,296
Bill Weaver	58,092
Marshall F. Cohorn	57,904
E. E. Sumrow	57,876
Sam Jenkins	57,775
Charles Warren	56,949
Bill Treadaway	56,926
Bobby Warren	55,606
C. R. Taylor	55,068
Woodward Farms, Inc	54,500
Landon Peters, Jr	51,966
Robert F. Hardberger	51,958
Billy Miers	51,448
Eiland Crawley Palmore	51,111
David Hughes	51,104
Raymond G. Roberts	50,400
B. L. Middleton	50,235
W. L. Gilliam	50,206
Don H. Peterson	49,370
E. D. Adcock	49,024
V. W. McGee	48,745
R. M. Middleton	47,534
Fred Henderson	45,701
Bob Henderson	45,701
J. E. Airhart	44,952
George Eiland	44,496
Carson Echols	44,211
James H. Addison	44,087
Lyndall Sharp	43,815
Donald Airhart	43,274
John D. Banta	43,154
Floyd Oliver	41,906
Lowell T. Warren	41,746
Arthur Nolen	41,064
Layton Oliver	40,507
Lloyd Cline Farms, Inc	39,890
Arthur J. Cohorn	39,678
Donald Wayne Merrill	39,462
Okyleen Addison	39,100
Jeff D. Raney	38,629
Doyle Terry	38,375
Frank Doyle Deatherage	38,310
W. G. White	37,900
Troy Howard	37,675
C. M. Pearce	37,580
Norman Wayne Brown	37,463
Billy J. Lambright	36,700
Henry F. Vogler	36,401
Ela Morris	36,400
Jones Farms	36,145
Donovan V. Phipps	36,018
Carroll Bennett	35,395
Adcock Farming Co., Inc	34,976
L. E. Griffin	34,557
Robert C. Koger	34,337
V. D. Barron	33,904
L. D. Freeman, Jr	32,884
Louie Drennan	32,828
David Franklin	32,537
Arlis Cline	32,369
Ben Gilliam	32,351
W. R. Cox	32,317
Bill R. Hambrick	31,985
Ewell K. Scott	31,708
E. L. Hendon	31,494
Edwin Rinewalt	31,443
F. and E. Farms, Inc	31,405
Sharecropper, Inc	31,400
Bill Meares	31,364
Joe O'Brien	31,231
N. B. Leatherwood	31,129
Richard Orson	30,850
Cecil O'Brien	30,644
Alvin Harris	30,314
Blaine Middleton	30,124
Donald Holt	30,097
Gonzell Hogg	29,674
Don Archer	29,528
Leroy Holladay	29,515
N. B. Shaw	29,470
J. F. Ferguson	29,430
Dennis Lamphere	29,332
D. O. Huddleston	29,327
John Middleton, Jr	29,163
Willard H. Free	29,151
R. C. Anderson	29,026
Jack Warren	28,820
Jimmy Napper	28,563
J. T. O'Brien	28,530
Leland Harold Bartlett	28,459
L. D. Echols	28,402
Roy D. Cooper	28,354
Norris Barron	28,327
W. H. McCulloch	28,298
Edwin Thomas	28,272
J. D. Bennett	28,264
Bob Archer	27,880
Moody Neeley	27,754
J. E. Neeley, Jr	27,754
Boyd Echols	27,615
C. W. Henderson	27,435
W. T. Pomroy	27,205
W. W. Miers	27,149
Conley Esmond	27,108
Carl Barrow	26,694
Ramon V. Hernandez	26,655
Ronald Raney	26,623
Wilton Bartlett	26,616
Alton Barkowsky	26,569
Earl Fancher	26,503
Eddie Carpenter	25,606
Leroy Chapman	25,468
G. C. Clifft, Jr	25,464
Roy E. Bearden	25,226
Kent Youngblood	25,161
Snmm Farm Corp	25,150
W. C. Taylor	25,104
Harvie L. Kemper	24,748
H. R. Jeter	24,642
Kenneth Miers	24,389
Thomas H. Horton	24,385
Alvin G. Limmer	24,344
[illegible] C. Hodges	24,297
Homer Etheredge	24,261
Ray Allen Noret	24,235
Olen Norris	24,033
Gus Burkett	24,026
Beachy Barron	23,988
Fred W. Bell	23,867
Ted Turner	23,812
Clyde L. Qualls	23,622
Billy D. Roberts	23,507
Jack R. Felts	23,441
Jerry Napper	23,328
Frank Harris	23,148
James David McGrew	23,131
Jack Wolford	23,091
Richard Woodward	22,878
Darus Sumrow	22,747
Allen Vandivere	22,720
R. D. Kilgore	22,642
Broyles Lamesa Farms, Inc	22,641
Jack McCown	22,412
R. D. Gibson	22,315
Harvey Hanson	22,188
Oscar Vogler	22,181
Miers Farms, Inc	22,173
J. P. Senter	22,110
Dan Harp	22,075
K. F. Campbell Est	21,832
Gus Junis	21,656
John Middleton	21,463
J. L. Billingsley	21,443
Floyd Davis	21,405
Jerry Kelley	21,401
Bill Barnes	21,321
Rex Zant	21,299
Freddie J. Vogler	21,281
Larry Turner	21,237
A. E. Hale	21,191
Vernon Berdell Bratcher	21,153
Ray Campbell	21,047
Vernon Miller	20,961
Carl Garrett	20,955
Hershell Edwin Raines	20,921
Lum J. Holder	20,906
E. E. Rodgers	20,892
E. C. T. Farms	20,864
Dopson Farms	20,775
Gordon V. Waldrop	20,764
Herbert Green	20,736
O. H. Preston, Jr	20,710
Lloyd Mears	20,688
Jerry Adams	20,681
Shoestring Cattle Co., Inc	20,635
Ira Jeter Jr	20,410
L. O. Deatherage	20,372
V. H. Matthews	20,275
D. C. Rodgers	20,262
Jesse E. Stephens	20,244
Garland Maxwell	20,133
Jack Grigg	20,044
Total payees in county (183)	5,778,278

DEAF SMITH COUNTY

Taft McGee	117,012
Virgil F. Marsh	68,981
J. R. Durrett Trusts	58,734
John & Ray Brorman	58,498
B. T. Spear	58,427
Hosea Foster Est	52,279
W. H. Gentry	51,152
Carl S. Perrin	47,528
Billy Wayne Sisson	47,188
A. R. Dillard	46,967
Herbert Friemel	46,610
Vernon Denson	46,186
West AC Farms, Inc	45,698
Wm. J. Schulte	45,656
Lester B. Godwin	44,499
Brorman Bros., Inc	44,118
Reinauer Bros	43,719
O. D. Bingham Est	43,532
Forrester Ranch, Inc.	42,456
Clarence D. Carnahan	41,827
Anthony Paschel	40,202
McCathern & Heck Farms	39,281
Harry Brorman	38,640
Sherman Nelson	38,573
O. E. Williamson	37,813
Morris W. Blankenship	37,213
Donald Kimball	35,619
W. F. Ponder	35,531
Richardson Seed Farm	35,382
Solomon Bros	35,046
Marvin May	34,625
Billy J. Cleavinger	34,419
Montgomery Farms	34,408
D. T. Reed	34,336
Oneway Farms	33,426
D. Neumayer	33,328
R. K. Brooks	33,126
A. C. Hays Jr	33,009
Edwin Axe Farms Inc	32,732
Higgins & London	32,552
Joe Lyons & Lyons	32,551
Robert Lloyd	32,240
L. J. Jones, Jr	31,724
James A. Bullard	31,518
James Fangman	31,311
B. C. Hodges	30,833
John A. & Raymond Smith	30,476
H. L. Fitzgerald	30,185
Schlabs Farms, Inc	29,865
Gary McQuigg	29,797
El B Ranch	29,524
E. C. R. Corporation	29,348
Bernard Hartman	29,327
Jim Monroe	28,748
Jimmy Brown	28,633
Hickman Farms, Inc	28,559
Norman Hodges	28,389
Jimmy Brown, Inc	28,133

A. G. Flippin	28, 107
J. D. White	27, 507
J. M. White	27, 073
James Gentry	26, 781
Pitman Easley Industries	26, 757
Herbert E. Bippus	26, 260
Jimmy Brown	26, 206
Mrs. N. A. Brown & Sons	26, 206
Beetex Supply Co	25, 720
R. M. Mason	25, 622
J. E. Warrick	25, 584
Samie West Est	25, 521
Bertran Jack	25, 225
A. L. Hollingsworth	24, 888
Iverson Leake	24, 874
Douglas Nix	24, 745
Johnny Jesko	24, 454
Donald Hicks	24, 443
Carnahan Bros	24, 379
W. A. Carter	24, 214
Josef C. Grotegut	23, 945
Dave H. Perrin	23, 764
Martha Ollie Freeman	23, 764
Maurice D. Dorward	23, 714
Bruce W. Burney	23, 482
Carl Kleuskens	23, 311
Robert R. Lindsey	23, 273
Edward Allison	23, 164
Luther Ellis	23, 020
Tom Robinson	22, 765
Ernest Walden, Jr	23, 653
S. A. Fangman	22, 607
Norton, Inc	22, 425
Royce Cretsinger	22, 394
Don Brooks	22, 375
Curtis Deason	21, 959
Paul Wilson	21, 879
Glenn B. Allred	21, 726
Bridwell Ranch West	21, 423
Joseph A. Meyer	21, 061
Harris & Thrush Sales Co	20, 941
R. A. Crist	20, 800
O. D. Jackson	20, 761
George L. Olson	20, 735
Joseph J. Friemel	20, 486
Gerald McCathern	20, 396
George Turrentine	20, 198
Total payees in county (105)	3, 415, 076

DENTON COUNTY

Donald Shifflett	25, 949
Bobby George	22, 316
Elmo Chesney	20, 017
Total payees in county (3)	68, 282

DICKENS COUNTY

Paul Dale Hagins	66, 320
Raymon Harris	33, 429
D. W. Edinburgh	31, 080
Raymond Eldredge	29, 132
Felix Ramirez	29, 123
G. H. Ragland	27, 981
Rex Carlisle	27, 481
David Y. Hughes	25, 522
Larry Morris	24, 708
W. E. Robertson	24, 184
Earl Van Meter	22, 958
G. B. Morris	22, 207
Dumont Bridge	21, 566
John L. Green	20, 970
Total payees in county (15)	432, 577

DIMMIT COUNTY

Reynolds & Wilson Farms	36, 209

DONLEY COUNTY

Wm. O. Mooring	28, 248
Hall S. Hardin	25, 022
Warren Hardin	23, 478
Total payees in county (3)	76, 748

EDWARDS COUNTY

Alvin L. Connell	81, 142
Loyd Mitchell, Jr	35, 390
Carson Bros	30, 954
Charles R. Pfluger	23, 354
James Leo Greer, Jr	22, 996
W. B. McMillan	21, 086
Ned Dunbar	20, 042
Total payees in county (7)	234, 964

EL PASO COUNTY

R. T. Hoover Farms	80, 205
Lee Moor Farms	60, 856
Lee & Beulah Moor Chs Home	47, 120
H. D. Hilley	45, 222
Mike Marcs	44, 270
George B. Spence	37, 360
Ralphs Farms, Inc	35, 801
Jerry Rogers	35, 218
Brandes Ramsey, Inc	31, 595
Deerman Farms, Inc	30, 993
Bills & Ellis Farms	30, 472
Hiram Whitaker	30, 440
C P. Brown	28, 833
K. W. Rushing	27, 687
James Strachan	26, 346
Schuster Farms, Inc	23, 180
Jim Surratt Farms	23, 094
Jack H. Stallings	22, 916
Gulbant S. Gil & Sons, Inc	22, 637
George Eads	22, 432
Kriegel & Kriegel	21, 744
Mary Segulia Trust	21, 422
L. R. Jacobs	20, 578
W. T. Henderson Est	20, 370
Total payees in county (24)	790, 791

ELLIS COUNTY

Jack B. Eastham	52, 262
Phillip N. Jeffers	51, 540
J. B. & Jas. Underwood	48, 774
H. R. Burden	45, 107
Ramon Armstrong	44, 863
B. D. Wakeland	40, 305
Ted Almand	40, 118
Nash Bros	36, 583
Feedland Farm, Inc	27, 929
C. C. Witherspoon	26, 960
H. L. Southard	26, 203
F. M. Roberts	24, 087
G. W. James	23, 813
Marvin Borders	23, 713
Jerry R. Glaspy	23, 542
Leland Calvert	22, 347
T. M. Harper	22, 253
John F. Davis	22, 194
C. H. Shrader, Jr	22, 113
Bozek Farm	20, 759
Ocie Ray Gerron	20, 673
Bob Crittenden	20, 581
Roger Harper	20, 575
Carey Hitt	20, 137
Total payees in county (24)	727, 731

ERATH COUNTY

Otey Shadden c/o J. A. Shadden	20, 100

FALLS COUNTY

Basil Abate	58, 589
Falsone Brothers	35, 132
Tony Abate	31, 153
Morris Scamardo	29, 629
Jack Falco	28, 845
H. H. Perkins	25, 149
Werner Fuchs	23, 351
Billy Pat Bostick	21, 458
H. G. Barganier	20, 934
Total payees in county (9)	274, 240

FANNIN COUNTY

Riverby Plan	53, 678
B. W. Mathews	21, 028
Ralph Howell	20, 495
Robert Shelton, Jr	20, 138
Total payees in county (4)	115, 339

FAYETTE COUNTY

John E. Morgan	22, 922
Milton Joost	22, 006
Total payees in county (2)	44, 928

FISHER COUNTY

J. E. McCoy, Jr	45, 401
John D. Ferguson	39, 137
Kermit L. Terry	32, 701
Dono Terry	31, 531
Max Carriker	30, 548
Willingham Land Cattle	28, 009
Ben Martinez	27, 110
R. E. McKimmey	26, 968
Afra Eugene Hudnall	25, 786
Allan Eugene Terry	25, 699
Odell Rains	25, 315
Vernon Terry	25, 227
Bennie C. Kidd	24, 074
J. P. Moore	23, 831
Lewis Johnson	23, 651
Richard Stuart	23, 166
Bryant Farm, Inc	22, 958
Mike Terry	22, 883
Thurman Terry	22, 306
B. S. Wright	22, 256
Max O. Stuart	22, 221
Stanley Nowlin	21, 043
Preston Morrow	21, 011
Jack Morton	20, 801
V. C. Murphree	20, 611
Total payees in county (25)	654, 244

FLOYD COUNTY

Dorris Jones	75, 140
Malvin A. Jarboe	54, 255
Watson Jones	52, 886
Craig Silverthorne	51, 496
J. S. Hale, Jr	50, 873
Don Marble	50, 582
Chester Carthel	50, 151
John C. Alford	49, 397
Fred L. Marble	47, 229
P. Keith Marble	47, 229
Walter E. Bloys	43, 580
H. B. Robertson	40, 878
C.C. Whittle	40, 154
J. E. Franklin	39, 804
Bill Sherman	38, 871
L. N. Johnson	37, 953
R. I. Bennett	37, 115
J. A. Miller	36, 846
Wayne Bramlet	36, 556
Marvin Shurbet	36, 139
Floyd J. Ellison	35, 909
Ralph Johnston	35, 641
H. L. Porter, Jr	35, 049
Kinder Farris	34, 499
Lane Decker	34, 180
Johnney West	33, 686
Kenneth Bean	33, 660
Louis Pyle	32, 717
R. G. Dunlap	32, 602
Reed Lawson	32, 426
Weldon Hammonds	31, 604
Harold Woodson	31, 234
Adrain Helms	30, 919
J. A. Welch	30, 498
Lewis Reddy	30, 365
Travis Jones	30, 060
Fred Zimmerman, Jr	29, 894
Robert L. Smith	29, 839
J. R. Belt	29, 015
Keith Reeves	28, 469
Roy H. Tinsley	28, 286
C. L. Henderson	28, 170
Everett Miller	27, 887
K. E. Probasco	27, 844
Dejuan Strickland	27, 795
W. R. Ware	27, 687
Lon Davis, Jr	27, 024
Luther B. Brandes	26, 582
Fred Jackson	26, 336
Austin B. Meriwether	26, 251
J. R. Turner	26, 212

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Texas—Continued

Bundy Hal Campbell	26,211
Barney Manning	25,970
R. Fred Brown	25,793
Boyce Mosley	25,530
Billy Don Bigham	25,435
Eldon Fortenberry	25,409
Mack Hickerson	25,397
Elmer M. Jackson	25,238
Leighton Teeple	25,213
Louis Lloyd	24,994
Thomas H. Chatham	24,924
Early P. Pritchett	24,519
Hubert E. Frizzel	24,169
John A. Dorman	24,097
Kent Covington	23,779
W. M. Staniforth	23,752
Tate Jones	23,689
J. W. Day, Jr	23,555
Connie Bearden	23,515
B. J. Terrell	23,302
Doyle Moore	23,128
Harry Reeves	23,047
Loyd Widener	23,016
Walter W. Taack	22,952
Bruce W. Davis	22,948
Mary Beth Kropp	22,667
Edward J. Foster, Jr	22,608
Eugene Gilly	22,485
Wilfred H. Stoerner	22,338
Donal Akin	22,144
E. J. Kinslow	22,063
William F. Bertrand	22,022
Delmas McCormack	21,995
Billy W. Fulton	21,843
Milton Harrison	21,787
Buren C. and Lucy Cates	21,779
Frank D. Brown	21,698
Bobby McCormick	21,697
Loyse A. Bradshaw	21,649
Richard F. Stovall	21,559
Kay Crabtree	21,549
Larry Jarrett	21,438
Frank A. Weigel	21,285
J. W. Taylor, Est., Ptnsp	21,240
Dan Hagood	21,175
R. C. Mitchell	21,127
Carl W. Turner	21,109
Charlie Boedeker	21,085
Ray Lloyd	21,020
Travis Young	20,929
George D. Probasco	20,928
Roger Dawdy	20,882
Johnnie Cates	20,869
L. L. Rhodes	20,768
Gail Wilson	20,617
L. D. Smith, Jr	20,554
Jakey Younger	20,467
A. V. Bethel	20,374
S. C. Burleson	20,317
Olen C. Harris	20,267
Oscar Golden	20,177
L. T. Wood	20,119
Klyce Ooley	20,113
Total payees in county (114)	3,277,799

FOARD COUNTY

James G. Johnson	25,894
Jesse Whitfield	21,976
Total payees in county (2)	47,870

FORT BEND COUNTY

Tx. Dept. of Corr	391,380
Julius M. Ruffeno	42,323
Arno G. Schultz, Sr. & Sons	34,353
Otto H. Schulz	30,120
John J. Kramr	28,644
Joe S. Kramr	28,542
Sugarland Ind., Inc	24,201
Tilford G. Sulak	22,843
Total payees in county (8)	602,406

FRIO COUNTY

Bennett Bros., Inc	46,556
Clyde Cox	41,118
Tony Mann	36,771
Eulan Cox	36,060
John Barkley Farming Co., Inc	32,778
A. E. Schletze Farms	32,351
H. & B. Farms	24,738
Total payees in county (7)	250,372

GAINES COUNTY

W. E. Berry, Jr	76,284
Verlon Hilburn	67,774
Shamrock Farms	67,729
C. E. Hilburn	67,222
Norman Hicks	65,795
J. A. Grammer	64,461
Jennie Lee Lands	63,858
Roy W. Wicker, Jr	62,835
Frank Ratliff, Jr	62,538
Herbert Hicks	62,492
H. L. Hill	62,344
Troy Martin	61,997
Delmon Ellison	61,660
A. P. McGuire	61,329
Paul J. Condit	61,256
Roadrunner Farms	60,745
Keith Young	60,722
Joe Tarbet	60,695
M. H. Nance	60,462
Vester Smith	60,452
Howard Huddle	58,983
L. D. Smith	58,466
Mesa Farms, Inc	57,876
Kenneth Bass	57,572
Dean Faulkenberry	57,503
G. D. Boldin	57,201
Oliver Bros., Corp	57,132
Alvin Keith Forbis	57,109
Paul Morgan	56,838
Thomas Michael Jenkins	56,682
Darrell Miller	56,604
R. L. Crowder	56,604
Ray Anderson	56,603
Dale Wiley	56,566
W. D. Wilson	56,565
A. Earl Jones	56,565
E. M. Weddle	56,364
W. H. Rhoades	56,113
Sam Teague	56,113
J. D. Nix	55,976
Melvin H. McKinney	55,877
E Bar S Ranch	55,669
Robert Scott	55,449
Bill Ellyson	55,419
Glynn Batson	55,345
Wayne Greaves	55,291
Douglas Floyd	55,122
Marcus Crow	55,116
M. & G. Farms	55,095
Bob Moffatt	54,847
Thearl Creech	54,754
Lewis D. Terry	54,618
Tony Greaves	53,869
R. I. Oliver	53,778
D. D. McClatchey	53,595
Earnest Hunt	53,595
Roy L. Strong	53,595
L. D. Jones, Jr	53,563
Ferguson and Schneider	53,519
J. W. Archer	53,352
Kent Denson	53,258
J. A. Benthall	53,037
Floyd McGee	52,970
Don Sanders	52,465
Tommy Lacy	52,198
Joe B. Pate, Jr	51,766
J. T. Carlile, Jr	51,590
Finley Moore	51,314
Ronnie W. Huddle	50,973
Bob Harlan	49,900
Vahlsing, Inc	48,838
Leon Foote	48,531
Alton Faulkenberry	47,736
S. M. Hanson, Jr	46,844
M. J. Farms	46,039
Four J Farms, Inc	44,959
William Charlie Faulkenberry	44,957
Robert Jameson	43,577
Brownfield Tractor Co., Inc	43,405
M. T. McIlwain	43,324
George D. Vaughon	42,918
E. J. Kelly	42,228
Donald Floyd	42,225
Lyle Dugan	42,122
Robert Sneed	41,823
Robert L. Fleming	41,441
Travis Crossland	41,290
Rinehard Vogler	41,271
Newson Gins, Inc	41,247
Earnest Spradlin	41,083
Charles Gay	40,915
Royce Harvey	40,912
D. L. Tate	40,725
N. M. Saunders	40,721
Henry Cheuvront	40,651
P. L. Childress	40,257
B. R. Truitt	40,101
Harry A. Childers	39,348
Jesse L. Smith	39,166
Clyde Haynes	38,481
Kay Teaff	38,381
Vernon Goodwin	37,819
C. E. Farms, Inc	37,818
Farrell Herring	37,424
John Henry Jones	37,391
E. C. Harvey	36,973
Ray Garrett	36,956
J. A. Smith	36,855
Kenneth Young	36,813
William Alfred Condit	36,501
A. W. Byrd	36,432
Noah Lemley	36,036
Charles Medlin	35,470
Morgan Farms	35,397
J. C. Chaffin	34,993
Billy J. Evans	34,760
Roy Apple	34,587
Eddie Jameson	34,488
W. G. and G R. White	34,404
Henry Patton	34,347
Daniel Walter Davis	34,337
Weyland R. Mullins	34,240
Alvin Ray Riley	34,151
Jerry Harris	34,000
T. E. Gafford	33,265
Karl Cayton	33,165
Newell Bowen	32,599
James Troy Green	32,028
Roy D. Spradlin	31,824
Kenneth Hancock	31,450
W. V. Lasiter	31,287
L. E. Williams	31,230
Rex Sumrow	31,147
Thomas W. McKinzie	31,105
Raymond William Orson	30,994
Jeff and Ronald Raney	30,824
K. K. Whitaker Estate	30,769
D. J. Forbis	30,683
Bill G. Spears	30,494
Glenn Hillman	30,034
Allen Strickland	29,778
T. J. Redman, Jr	29,196
Donald Ward	29,011
E. F. Foshee	28,981
Glen Fleming	28,440
Raymond Anderson	28,068
D. D. Darby	27,808
W. D. Mills	27,159
Norris Sneed	27,029
Lubbock Production Credit	26,977
Leonard H. Kelley	26,955
J. A. Pebsworth	26,906
O. T. Barron	26,788
David C. Jones	26,732
D. Ross and Perry L. Jones	26,663
J. P. Bingham	26,497
Basil Smith	26,358
C. T. Thames	26,344
B. J. Smith	26,320
Alvin Ward	26,229
Jay Fikes	25,994
J. D. Head	25,994
Nelson Cayton	25,994
Glynn Chandler	25,895
Nix and Norman	25,808
Hanson & Moseley	25,639
Hilburn Briscoe	25,541
Earl Layman	25,294
Harmon Mills	25,031
Jack Welch	24,869
James Laverne Jones	24,806
Joe Faulkenberry	24,765

Ratliff Farms, Inc	24, 389
Earl D. Owens	24, 334
Alvin Herron	24, 275
Larry A. Parker	24, 166
J. T. Tucker	23, 691
A. A. Wuensche	23, 621
W. A. Freeman, Sr	23, 566
Dennis Nix	23, 390
Tom Hunt	23, 338
Jerry Hill	23, 313
Graham Addison	23, 250
H. Dale Cope	23, 086
William James Cox	23, 039
H. C. Thomas	22, 983
David Oates	22, 968
R. T. Bedwell, Jr	22, 899
James R. Dunn	22, 883
E. N. Thomason	22, 835
W. D. Fortenberry	22, 675
Charles H. Gibson	22, 547
E. D. Marion	22, 530
Trice Lee	22, 173
Robert Luther Kirk	22, 070
Boles Brothers	22, 052
Luther Lee	22, 047
J. C. Futch, Jr	21, 944
D. N. Todd	21, 930
Richard Jones	21, 930
Joe W. Crawford	21, 916
Stanley Ancinec	21, 916
Hoyt McCullough	21, 836
J. H. Flippo	21, 710
N. B. Fields	21, 618
Mrs. Dell Small Howard	21, 597
Ross Goodwin	21, 456
Maurice Hearne	21, 275
Marvin H. Williams	21, 206
A. Ray Russell	20, 991
Eagle Land and Cattle Co	20, 849
H. E. Hancock	20, 770
Benny Nichols	20, 725
Johnny Gooding	20, 519
A. K. Hancock	20, 380
N. F. McCullough	20, 178
Lonnie Dean Clark	20, 160
Kenneth Freeman	20, 116
H. R. Cope	20, 030
M. R. Newman	20, 012
Total payees in county (220)	8, 580, 713

GARZA COUNTY

H. V. Wheeler	51, 903
Avery Moore, Jr	37. 578
James W. Stone	28, 814
Clarence E. Basinger	26, 951
S. C. Storie, Sr., EST	24, 940
Double T Farms	24, 541
Weldon R. McGehee	23, 288
S. C. Storie, Jr	22, 980
Jim Bob Porterfield	22, 006
U Lazy S Farms	21, 687
Total payees in county (10)	284, 688

GLASSCOCK COUNTY

Bednar Bros	39, 984
August M. Frysak	39, 245
Edwards and Edwards	36, 316
Eugene E. Hirt	32, 354
Daniel A. Hirt	31, 854
Lawrence A. Jost	31, 378
Alfred E. Perry	29, 183
Charlie A. Smith	26, 623
Ralph A. Halfmann	26, 311
Walter H. Halfmann	26, 289
Sidney F. Hirt	25, 852
Hall Bar H Ranch	25, 308
Delbert R. Halfmann	24, 093
Clifford W. Hoelscher	23, 896
Leon A. Halfmann	23, 754
Fred J. Hoelscher	23, 009
Arthur Hoelscher	22, 953
Joseph C. Schwartz	22, 031
Schraeder & Sons	21, 901
James C. Johnson	20, 266
Arnold D. Lange	20, 191
Total payees in county (21)	572, 791

GRAY COUNTY

Ray G. Burger E Son	23, 274
Moody Farms	21, 694
Total payees in county (2)	44, 968

GRAYSON COUNTY

Bob Light	26, 772
Leland Strawn	24, 580
Total payees in county (2)	51, 352

GUADALUPE COUNTY

Frank P. Watson, Jr	26, 315
Clarence Krackau	20, 837
Total payees in county (2)	47, 152

HALE COUNTY

J. C. Mills	91, 729
E. A. Houston	69, 563
Grady Shepard	69, 482
Frank Moore	68, 784
Ercell Givens	67, 815
Fred D. Bradshaw	65, 457
James Cannon	62, 960
Doug Ellison	61, 443
Joe B. Lovelace	58, 995
Warren Mathis	58, 259
Jason H. Allen	56, 885
Irvin F. Lee	54, 477
Lonnie Cannon	53, 879
Leo Mathis	51, 564
Winston T. Jones	51, 329
A. R. Meador, Jr	49, 241
Jerry Givens	48, 668
Horne Brothers	48, 663
C. P. Smith	48, 425
W. D. Scarborough, Jr	47, 894
A. W. Hardin	45, 806
O. A. Stout, Jr	44, 700
J. H. Kirby and Sons	44, 186
Joe Sherrod	43, 677
T. R. Joines	43, 100
Elmo Stephens	42, 469
Swann Pettit	42, 334
C. E. Carter and Son	41, 549
Ralph E. Davis	41, 444
Lee C. O'Neil	39, 679
John C. Carter	39, 640
Clayton Terrell	37, 415
Charles Noel	37, 126
Dennis Zachary	36, 898
O. D. Rhodes	36, 748
W. C. Harper	36, 667
Frank Stanton, Jr	36, 151
John A. Bell	36, 081
E. J. Pope, Jr	36, 078
Stephen Smith	35, 746
J. L. Browning	35, 632
J. D. James	35, 482
Jones Masters Farms, Inc	35, 447
Jimmy McLaughlin	35, 422
Joe Barton	35, 259
Bob Riley	35, 243
Leon Griffin	34, 874
Henry C. Griffin	34, 873
John Joe Kirchoff	34, 716
Joe H. McWilliams	34, 617
S. J. Young	34, 473
T. C. Clanton	34, 308
G. O. King	34, 275
Wallace Cannon	34, 221
R. Bruce Walker	33, 393
James E. Laney	33, 242
O. A. & C. E. Webb	33, 211
Larry F. Walter	33, 071
R. G. Russ, Jr	32, 872
A. E. Lewellen	32, 860
Carl Phillips	32, 696
Arthur W. Sorelle	32, 677
Marcus Breland	32, 596
Burgess Farm Account	32, 588
Harold W. Thomas	32, 535
Dee W. Martin	32, 480
Howard Hurt	32, 353
C. R. Kay	32, 330
Donald Lee Terrell	32, 285
J. W. Davis	32, 223
C. T. Minchew and Miller Trust	32, 115
Weldon Ferguson	32, 022
S. R. Heard	31, 776
Bill Riley	31, 321
Mary Megna	31, 170
Ralph Wheeler	30, 933
Irvan Rhodes	30, 788
Gene Boyd	30, 786
Davis Cannon	30, 573
D. T. Graham	30, 373
Ross and Thompson	30, 164
Owen E. Jones	30, 129
Harold V. Davis	30, 111
Heath Brothers	30, 043
Steve Lee	30, 040
Walter Gilliam	29, 781
A. J. Givens	29, 498
Loren J. West	29, 458
Benson Farms, Inc	29, 399
Delbert Howell	29, 171
Harvey Lutrick	29, 072
Alton Leach	28, 825
Jim Bob Curry	28. 805
Jake Q. Finney	28, 756
Mac Houston	28, 685
Max Sageser	28, 595
Raymond Akin	28, 551
L. D. Ballard	28. 450
Millard J. Hancock	28, 297
Austin O'Neil, Jr	27, 779
Don Cannon	27, 329
Royce Carthel	27, 321
John Trimmier, Jr	27, 235
The Waters Trust	26, 856
R. L. Tullis	26, 819
Luke M. Miller	26, 699
Herschel Blankenship	26. 634
Joe Oswalt	26, 578
James K. Sageser	26, 563
Daniel J. Fondy	26, 555
L. K. Gregory	26, 536
J. E. Helm	26, 490
Charles L. King	26, 350
Jack Gonzales	26, 267
Jack Robertson	26, 261
Earl M. James	26, 068
J. T. Terrell	26, 056
L. L. Ray	25, 983
Donald C. Ebeling	25, 964
Doug G. Sopher	25, 941
Jerry W. Shadden	25, 781
Kenneth R. Wiese	25, 737
Elmer Koenning	25, 690
Dempsey D. Skipper	25, 588
Joe Sharp	25, 501
Robert Schoppa	25, 406
Willie V. Dunn	25, 312
Jerry K. Oswalt	25, 259
Jerrell Cate	25, 197
W. E. Terrell	24, 681
Weldon Reed	24, 574
Quetin Redinger	24, 549
John M. Norfleet	24, 540
Ershel W. Johnson	24, 520
William H. Finkner	24, 510
J. D. Bass, Jr	24, 468
Gordon H. Branham	24, 341
Herman S. Tennell	24, 273
Richard L. Howard	24, 187
Welkin Farms No. 2	24, 155
Neal and W. E. Burnett	24, 109
Warren Thomas	24, 067
Wesley A. Schumacher	24, 064
Laura Faye McDougal	23, 843
Rex Jordan	23, 796
B. R. Bennett	23, 767
Rae Groce	23, 732
Witten Farms	23, 557
J. E. Sullivan	23, 262
Billy F. Sylvester	23, 262

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Texas—Continued

Ralph Miller	23,260
Thomas Johnston	23,251
B. L. Griffith	23,144
J. Weldon Blount	23,124
C. W. Spann	23,034
J. L. Miller, Jr	22,966
Floyd Terrell	22,737
Robert E. Wilson	22,733
Jerry V. Young	22,541
W. E. McPherson	22,537
Alex Reeves	22,497
Wesley Davis	22,483
Don McCullouch	22,471
Alfred Garibay	22,407
J. B. Holland	22,346
James McDaniel	22,273
M. D. Evans	22,254
U. D. Hobgood	22,142
Clyde Benn	22,110
Paul Robertson	22,107
Paul Stukey	21,987
Royce Hillman	21,967
Mrs. J. S. McBeth	21,926
Lewis Lutrick	21,811
Owen Benn	21,732
C. E. Hobgood Est	21,675
Clyde W. Harrell	21,623
Elmer Lee Criswell, Jr	21,477
Elbert Harp	21,418
Earl C. McClain	21,363
Wayne Bankston	21,284
H. D. Hays	21,238
Willis James	21,101
A. L. Stone, Jr	21,071
Ronnie McBeth	20,982
Henry Ahrens	20,958
R. J. Harrell	20,925
True H. Rosser, Jr	20,913
Orval Boyd	20,860
Kenneth W. Ashby	20,846
Ernest Lancaster	20,798
Don McKenzie	20,764
Paul Toliver	20,764
Virgal Pierson	20,677
Horace N. Wardlow	20,675
Carl J. Marshall	20,627
Herman Gregg	20,527
Lafont Farms	20,521
J. W. Pope	20,462
S. M. True, Jr	20,447
Jack K. Stephens	20,426
Gaylord Groce	20,363
Walker Bros. Produce	20,351
Ray R. Copeland	20,317
Rupert L. Allen	20,263
W. W. McCoy & Son	20,217
Robert Pope	20,176
E. J. McAnalley	20,108
R. D. Barrett	20,104
Oliver Harmel	20,085
Lester B. Cox	20,030
Total payees in county (211)	6,465,235

HALL COUNTY

Mack D. Richards	36,581
Billy J. Rothwell	35,971
W. H. Reed	33,275
Allen L. Monzingo	33,207
J. A. McAnear	32,840
Carroll Fowler	32,489
Henry S. Foster	31,617
Jim Hutchins	29,741
Mel Roy Cofer	29,671
Lonnie F. Widener	29,117
Jack Montgomery	28,539
Joe C. Montgomery	27,176
Frank Hedrick	26,955
Loyd J. Becker	26,810
Rayford E. Hutcherson	25,659
Clark Bros	23,718
Turner Farms	23,556
F. G. Monzingo	23,429
J. Robert Hanvey, Jr	23,231
R. S. Wansley, Jr	22,885
James Alvin McAnear, Jr	22,792
Robert R. Hutcherson	22,737
Ted Bruce	22,682
Hawkins & Lane	22,353
C. L. Benson	22,077
M. P. Smith	22,074
Eudy Farms	21,899
James S. Guest	20,916
Harold Burk	20,647
S. D. Posey & Son	20,242
John C. Johnson	20,041
Total payees in county (31)	814,927

HANSFORD COUNTY

Collier Bros., Inc	72,738
C. H. Clawson	66,506
Jack Hart	56,617
R. E. and Rue Sanders	48,117
Don Hart	46,625
Roy Roper	42,091
Gus O. Birdwell	41,317
Donnie Thoreson	40,027
Lynn & Jon Hart	39,051
D. C. Dilley Est	37,516
Willard McCloy	37,500
Lloyd Buzzard	36,493
J. L. Whitaker	33,395
Eva Holt	32,564
Carl Archer	32,364
Fletcher Bros., Inc	31,258
J. P. Armes	30,458
A. R. Bort	29,084
Dan E. Archer	28,371
Ward V. Nolder	27,903
Bill Logsdon	26,926
Archie Nelson	26,646
John C. Harris	26,574
Hez M. Frazier	26,516
Charles R. Ball	26,411
Jack Henson	26,406
Robert H. Novak	26,357
L. H. Gruver	26,262
T. C. Harvey, Jr	25,506
Pittman & Sons, Inc	25,302
Glen O. Hiller	24,965
Wm. F. D. Etling	24,893
Ernest Wilmeth	24,755
Clarence Zabel	24,462
R. C. Porter	24.416
M. D. McLaughlin	24,383
W. R. Murrell	24,321
Joel D. Stavlo	23,962
Taylor & Gee	23,580
Henry Grotegut	23,553
C. Ralph Blodgett	22,895
F. W. Thomas	22,702
Vance B. Morris	22,369
Wesley Garnett	22,164
E. David Knutson	21,669
Total payees in county (45)	1,427,985

HARDEMAN COUNTY

M. E. Watson, Jr	50,908
Robert Nippert	49,313
Edward L. Turner	36,431
Roy Hines	32,981
W. L. Wilson	31,027
1st Natl. Bk. Trus. C. G. Conley	30,834
James W. Tabor	30,411
Carl Vestal	28,568
Nuckles & Gerald	28,424
Quentin Wilson	26,514
Weldon Tabor	25,652
Harry C. Becknell	23,105
Aron W. Phillips	22,785
Billy R. Nowell	21,349
Jack Hurst	21,123
Total payees in county (15)	459,425

HARTLEY COUNTY

Carl J. Kuper	89,251
Harold H. Hogue	87,337
Framack Farms	57,304
Bookout & Son	48,620
Frantz & Frantz	40,234
Green Farms	36,193
Hartley Moore Farms	35,537
Chain C. Inc	35,138
Verlin D. Lasley	34,592
Herring Cattle Co	30,386
McCleskey Cattle Co., Inc	30,117
Joe D. Keast	24,366
Wilbur L. Bryant	23,284
Gary K. George	23,187
Alfred R. Ford	22,928
J. Y. McAdams	22,927
Exum Ranch	22,275
Edward J. Wieck	22,124
G. Malcolm Bryant	21,679
Paul G. Daniel & Son	21,152
G. Ivory Edlin	20,399
Total payees in county (21)	749,030

HASKELL COUNTY

Johnny D. Reid	49,741
Burson and Burson	43,194
John L. Grindstaff, Jr	42,439
Melvin C. Josselet	34,141
Arlos W. Weaver	34,141
Wallace L. Dudensing	32,664
Ray Carter	32,500
Jalea R. Glover	32,087
Willard L. Mullins	31,349
Amos D. May	29,122
Robert G. Walton	28,298
E. H. Tankersley, Jr	28,298
Ellis L. Tankersley	27,736
William G. Ellis	25,825
R. W. Raynes	24,173
L. Weldon Norman	24,111
Thomas J. Bevel	24,011
Albert R. Hannsz	22,980
Sammy L. Grindstaff	22,929
Robert W. Herren	22,662
Joel Bevel	22,485
Donald Griffis	22,188
George A. Mullino	21,961
Allen Strickland	21,700
Thurmond Bynum	21,441
Virgil E. Sonnamaker	21,137
Henry and Melvin Vojkufka	21,098
Willie Z. Bettis Est	20,540
Pace Bros	20,512
William M. Reid	20,220
Vernon P. Terrell	20,156
Total payees in county (31)	847,053

HIDALGO COUNTY

Valley Acres	75,572
Engleman Farms	67,512
J. W. Wallace & Sons	62,307
Geo. T. Helle	62,132
M. W. Nelson	59,831
Edgar R. Smith	58,520
Bill Burns	58,175
Frank Schuster	56,469
Las Palmas Farms	56,152
Samuel R. Sparks	55,998
Robert Gandy	55,549
Rio Farms, Inc	55,000
Albert M. Brinkley	54,269
Holcomb & Black	54,087
Therman Eoff	53,777
Luther E. Bradford	53,777
J. R. Stump	53,485
C. B. Shields, Jr	53,369
C. B. Shields, Sr	52,862
Ben Estes Bearden	52,098
M. D. & N. J. Moore, Jr	50,761
J. R. Russell	49,183
George R. Beridon	47,182
Wm. E. May	46,186
Jack Harbison	45,493
Bobby McDaniel	43,853
J. B. Pollock	43,564
Fuller Farms	42,753
Ardean McDaniel	42,574
M. F. Frost	42,252
Bert Forthuber	41,834
Mrs. Fred Krenmueller	41,821
M. Krenmueller	41,821

Clarence Johnstone	41,806
Shary Farms, Inc	41,374
Carl Schuster	40,715
N. H. Kitayama	40,687
Evergreen Farms, Inc	40,617
Turberville Farms	39,928
Bryan Hanks	39,226
John B. Hardwicke, Sr	38,429
James Dyer	37,602
El Ramon Development Co., Inc	36,440
Geo. V. Harren	36,339
American Farm, Inc	35,930
Kirk Schwarz	35,642
L. J. Krska	35.615
Anthony Keller	35,164
Franklin Dusek	35,079
Tom Sekula	34,558
J. R. Wade Farms, Inc	34,475
Everett Bell	34,398
W. G. Bell	34,173
Conly Bell	34,173
Lloyd Schwarz	33,524
Edith Tyner	33,432
Wyatt & Ware	33,255
Dan Bearden	33,242
W. A. Odom, Jr	33,217
Marvin A. Schwarz	32,938
Dudley Farms	32,574
D. J. Schwarz	31,462
F. E. Knapp	30,612
J. A. Knapp	30,612
E. J. Blake	30,502
L. H. Freeman	30,181
Steven Bearden	30,114
Boyce Farms, Inc	30,058
Kenneth Hood	29,622
Paul D. Moore, Jr	29,127
R. C. Jones	29,125
Victor Russell	28,762
Dudley J. Stetzer	28,565
J. S. & Quinn McManus	28,511
Utah Dickerson	28,347
Woody Cellum	27,839
Barr Ewing	27,787
Wm. T. Dudley	27,486
Tommy Richards	27,380
Verner Gustafson	27,371
Jack & Roy W. Barnes	27,303
Holmes Farms, Inc	27,212
C. E. Duncan Farms No. 2	26,929
Ostrowski & Son	26,596
Leon McDaniel	25,906
Wilburn Malm	25,781
H. M. Pitts	25,762
Stacy S. Malone	25,565
Ray C. Jones, Jr	25,500
E. L. Tyner	25,228
Mervin Headley	25,115
Mitsuru Sakai	24,935
Deck Produce Co	23,991
Jack Drawe	23,425
Clifford Bros	23,082
Mike & Joe Chapa	22,871
Billy H. Drawe	22,450
B. W. Carlson	21,939
Juan Villanueva, Sr	21,889
Edward Willis	21,693
Theser Bros	21,561
Billy P. Green	21,548
M. A. Drewry	21,187
Weldon Blackwell	21,138
Arthur E. Schwarz	20,894
Greg Pinkston	20,860
Billy Pemelton	20,599
Lewis Fry	20,537
Earl F. Cohrs	20,383
E. O. Houts	20,352
Florence M. Anderson	20,119
E. M. Frerking	20,014
Total payees in county (112)	4,040,582

HILL COUNTY

Daniel Pustejovsky	43,890
Gerik Bros., Ptnrs	35,900
Ellison Bros	35,201
G. Ray Sawyer	30,593
Cecil & Delmer Sullins, Ptnrs	30,494
Wallace Lavender	27,835
Seth Orr	27,514
Claud D. Watson	24,039
Clyde F. Nowlin	22,189
Alton Cordell	20,866
Girault and Son	20,755
Raymond Allen	20,184
Edmund Marek	20,166
Total payees in county (13)	359,626

HOCKLEY COUNTY

White Face Farms	76,207
Spade Ranch, Inc	70,657
Marvin E. Green	64,560
Erlan D. Gresham	63,013
Neal Caswell	62,021
Lockett Seed Co	60,716
W. N. Halliburton	60,512
Don Brazil	60,127
Loyd Hood	58,456
W. L. Harris	56,945
A. B. Enloe, Jr	55,904
J. Walter Hobgood	55,773
L. E. Mitchell	55,561
William M. Cain	52,032
William E. Carr, Jr	51,705
Billy Ray McInroe	50,846
Preston L. Lyda	50,361
Palmer & Dowell	48,097
Selmer H. Schoenrock	47,838
Joe W. Cook, Jr	46,658
Paul W. Christian	46,356
Whitharral Gin	44,931
Jack Sherrod	44,690
Marjorie Post	44,377
James T. Rackler	43,434
Joe Conatser	43,334
Gordon McMillan	42,474
Bobbie F. Veretto	41,663
Calvin W. Neal	41,348
Fred G. Owens	40,254
Nelson L. Reinsch	40,071
Raymond Gunn	39,722
Cecil B. Helms	39,341
H. Joe Schwartz	39,163
Pat A. Dunavant	38,252
Mallet Ranch	37,204
Bill Graf	36,718
Billy Arnwine	36,067
Bill Gerik	36,027
Chester Borders	35,891
Howard Venable	34,604
Hub Butler	33,838
Troy M. Overman	33,730
Harley Stanley	33,464
Buck Gossett	33,280
Louie Ray Carter	32,811
Douglas Kauffman	32,240
Elbert C. White, Jr	32,022
Melvin L. Hale	31,935
R. M. Marrow	31,865
George Wade, Jr	31,669
Carl E. Ratliff	31,629
Donald Ray Gresham	31,374
William Clements	31,239
Walter S. Carter	31,224
Carl & Everette Butler	30,837
Ronnie Ayers	30,608
James Buford Chambers	30,416
J. J. Rister	30,346
L. E. Mitchell, Jr	30,333
Sam Hoover	30,122
Don Reding	30,103
Sam S. Rush	30,093
Elwood Patterson	29,982
Ronnie M. Brown	29,832
Donald E. Caddell	29,618
Chesley G. Hobgood	28,165
Dale Newsom	28,079
Jim J. Hobgood	28,029
Earl D. Lewis	28,000
Jack McMillan	27,914
Larry R. Chaney	27,911
Gordon Crouch	27,614
Glenn Thrash	27,318
Roger K. White	27,308
Murl M. Orman	27,283
Buddy L. Miller	27,151
J. E. Wisdom	26,955
Kenneth Spradley	26,754
Roy Johnson	26,540
Raymond H. Belew	26,535
H. J. Steinfath	26,240
Tom Burrus	26,186
Catharine C. Whittenburg	26,018
Melvin R. Glenn	25,913
Van E. Alderson	25,906
Aubrey L. Lockett	25,650
B. W. Grant	25,440
Earl D. Patterson	25,376
Donal Hamill	25,308
Martin Lawson	25,252
M. G. Moore	25,168
Cecil C. Cookston	24,642
L. L. Alderson	24,553
Acuff Farms	24,488
H. E. Mowry	24,407
Jewel D. Melton	24,348
Carroll E. Bradshaw	24,300
Henry J. Schmidly	24,263
Robert & Jeff Kauffman	24,254
L. C. Vance	24,225
H. T. Crenshaw	24,202
Harold K. Alderson	24,086
J. B. Hoskins, Jr	24,055
George T. Forbus	24,000
J. E. Wade	23,915
Ford A. Carter	23,900
James Lee Waldrop	23,869
Ben M. McWhorter	23,810
D. C. Reed Est	23,737
Billy Thetford	23,712
E. W. Sanford Est	23,599
Glenn R. Price	23,403
George R. Martin	23,383
James G. Marrow, Jr	23,281
Jerry Biffle	23,277
Walter Schmalstieg	23,265
Wallace D. Thrash	23,252
Harvey Demel	23.230
Frank Karvas, Jr	23,201
Clarence E. Myatt	23,116
James Blackwell	23,113
Danny Grant	23,109
Joe Bowman	23,024
Bobby D. Jackson	22,896
Robert E. Avery	22,786
Ray Anderson	22,736
Edward Pinkert	22,479
Richard Lawson	22,400
Everette Simpson	22,381
Leila Mathers	22,186
Owens Farms, Inc	22,061
Dene R. Headstream	21,837
Ralph F. Wade	21,826
Joab Alexander	21,824
Roy N. Whittenburg	21,651
Jerry W. Myatt	21,507
Bill Price	21,431
Ray Gerik	21,202
Hollis F. Borland	21,188
Ervin Gilliam	21,173
Ed R. Reynolds	21,125
S. J. Clevenger	21,080
Tommie E. Stracener	21,078
H. R. Phillips	21,066
C. A. Jackson	21,040
James Stroope	21,037
J. T. Hall, Jr	20,870
Ernest T. Price	20,747
Marvin W. Menzel	20,730
Kenneth Montgomery	20,560
W. J. Shockley	20,523
Rayford Bynum	20,336
Bobby Buchanan	20,325
Jack Ballow	20,275
B. D. Whitley	20,225
Jack Ayers	20,211
Norvel V. Fred	20,157
Albert M. Storey	20,147
Maple Wilson c/o L N B Build	20,137
E. B. Burelsmith	20,130
W. D. Terry	20,066
H. Dan Johnston	20,059
Total payees in county (163)	5,059,040

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Texas—Continued

HOUSTON COUNTY

Dawn Rials	40, 230
George Murray	30, 917
Wade Minter, Sr	28, 082
J & B Farm	25, 348
Wade Minter, Jr	21, 992
Arnold Cotton Co	20, 900
Total payees in county (6)	167, 469

HOWARD COUNTY

Edgar Phillips	48, 008
Paul Adams	44, 409
Delbert Stanley	42, 912
James C. Barr	42, 805
Robert V. Fryar	41, 848
G. C. Broughton, Jr	40, 723
Broughton/Sackett Farms, Inc	39, 894
Robert Nichols	37, 229
Horace E. Tubb	34, 938
Robert E. Beall	31, 124
Robert C. Wegner, Jr	30, 917
Roy Phillips	30, 436
Jack E. Hopper	28, 440
Shirley W. Fryar	28, 164
David Barr	27, 508
Elbert Long	27, 347
S. M. Haney	26, 961
Martin Fryar	26, 849
Harvey L. Adams	26, 723
Rodney & Stella Brooks	26, 612
Oliver Nichols	26, 364
Melvin Smith	26, 310
Harvey Fryar	26, 209
Johnny R. Stanley	25, 447
Leslie R. Walker	25, 369
Jerry Iden	25, 337
E. W. Lomax	24, 989
J. W. Shive	23, 960
Melvin Gibbs	23, 318
J. W. Fryar	22, 417
Morris Patterson	22, 018
Aubrey Lankford	21, 635
Marion Clyde Denton	21, 600
William C. Fryar	21, 314
Bigony Farms	21, 261
Lawrence G. Adkins	21, 081
Neil Fryar	20, 946
Arnold J. Lloyd	20, 330
Calvin Hughes	20, 255
Landon Burchell	20, 148
Johnie Walker	20, 041
Total payees in county (41)	1, 164, 196

HUDSPETH COUNTY

Kay Maynard, Inc	47, 613
Michael Lynch	27, 397
J. Lynch	26, 418
Dell View Farms	25, 341
C. L. Machinery	23, 483
Condido Holguin	22, 303
Robert L. Chambers	21, 257
O. A. Thorp	20, 257
Total payees in county (8)	214, 069

HUNT COUNTY

William E. Myre	59, 040
David Dodson	36, 999
Marion F. Dodson	35, 178
Harold W. Burt	34, 778
Harold W. Anderson	33, 739
Bobby D. Williams	27, 047
Maurice M. Clack	23, 569
Guy W. Ray	21, 353
Total payees in county (8)	271, 703

HUTCHINSON COUNTY

Claude Higley	64, 837
Noble Watson	37, 096
Coble Cattle Corp	35, 219
Henderson & Parks	34, 610
Jack Johnson, Jr	23, 454
O. O. Smith	23, 087
F. B. Early	22, 835
R. E. Womble	22, 158
Ray Moore	21, 971
Raymond Jarvis	21, 645
Charles Johnson	21, 324
Gene Taylor	20, 931
Carson McCloy	20, 759
Wilson McCloy	20, 759
Thane McCloy	20, 647
Total payees in county (15)	411, 332

JACK COUNTY

T. L. C. Livestock Co	54, 232
Henderson & Durham	27, 268
Total payees in county (2)	81, 500

JACKSON COUNTY

Emil Bures, Jr	33, 055
Reuben Kramer	21, 028
Total payees in county (2)	54, 083

JEFF DAVIS COUNTY

James P. Espy	33, 768
E. & E. Livestock Co., Inc	27, 822
Olen Lane	21, 857
McElroy and McElroy	21, 056
Total payees in county (4)	104, 503

JIM WELLS COUNTY

R. W. Miller	40, 518
Leon Eschberger	32, 551
Frank J. Hoelscher	28, 462
Don Boggan	27, 786
Ernest L. Hoelscher	25, 024
H. H. Presnall	24, 769
J. M. Dellinger, Jr	24, 558
Max Richter	22, 996
W. M. Laughlin	21, 135
Total payees in county (9)	247, 799

JOHNSON COUNTY

James E. Kemp	31, 250
Jack Davis	25, 731
Roy L. & M. L. Plunkett P/S	23, 210
Albert Anthony	21, 032
Total payees in county (4)	101, 223

JONES COUNTY

Hoke Propst	71, 348
W. C. Matchett	67, 236
Herman A. Propst	50, 457
Bill Pritchard	45, 205
Chas M. Herndon	36, 776
Vernon Lovvorn	34, 439
Willie L. Byrd	34, 113
James D. Lovvorn	32, 810
Clinton C. Moss	31, 643
Herman T. Steel	31, 088
Hollis W. Madden	31, 053
H. L. Ford	30, 206
Frank Vasek	29, 143
William W. Cook	28, 505
Thomas G. Nix	27, 414
Pied Piper Farms	26, 952
Raymond Scifres	26, 689
Weldon F. Walker	26, 095
Elbert D. Apperson	25, 658
Schoonmaker Bros	25, 530
Stenholm Farms	25, 310
Oddie Jones	24, 625
Oran Brigham	24, 513
W. D. Smith	24, 137
Herman B. Propst	23, 796
C. O. Richards	23, 318
Eva T. Amerson	23, 082
H. H. McLeod	22, 781
F. A. Lollar	22, 358
B. J. Wilson	22, 042
John E. Scarborough	20, 733
John A. Carnes	20, 462
Total payees in county (32)	989, 517

KAUFMAN COUNTY

Monty Clayton	36, 809
Robert J. Wortham	35, 971
J. L. Helm	34, 185
Jerry R. Maloney	33, 703
Jack Glenn	21, 785
Trinity Valley Ranch	20, 859
Total payees in county (6)	183, 312

KENT COUNTY

Garth Gregory	23, 437

KERR COUNTY

Y. O. Ranch	61, 174
J. M. Auld	29, 745
Total payees in county (2)	90, 919

KING COUNTY

C. M. Sossaman	43, 036
Ruth Starr Blake Trust	22, 822
J. P. Ratliff Jr	22, 774
T. C. Havins	22, 658
Raymond King	21, 806
Total payees in county (5)	133, 096

KINNEY COUNTY

Clay Hunt	62, 449
Myrtle H. Hunt	31, 057
Silver Lake Ranches Co. Inc	30, 440
George W. Herndon	29, 731
George Bunger	27, 302
P. H. Coates III	25, 435
West Pinto Ranch Co	23, 420
Abb Rose	21, 222
Total payees in county (8)	251, 056

KLEBERG COUNTY

Huff Uros	36, 149
Clarence E. May	28, 358
Clarence C. May	21, 929
Total payees in county (3)	86, 436

KNOX COUNTY

William J. Goode	40, 968
League Ranch	39, 066
Eugene L. Thompson	38, 832
Elvis Blake	35, 788
James Albus	32, 302
Donald Johnson	31, 778
Wilfred Bellinghausen	29, 713
B. M. Farmer	28, 432
Vernal Zeissel	27, 400
Marvin Zeissel	26, 838
Floyd L. Reed	26, 079
J. C. Elliott	25, 239
Philip F. Homer	24, 400
Sam E. Clonts	23, 923
Lonnie D. Offutt	22, 941
Chalmer E. Hobert	22, 311
Herbert Bellinghausen	22, 195
J. C. Moorhouse	22, 134
George L. Floyd	21, 800
C. B. Ray	21, 123
J. G. Hawkins	20, 883
B. M. Brown	20, 424
Gerald A. Brown	20, 424
C. H. Cornett	20, 125
U. J. Bellinghausen	20, 011
Total payees in county (25)	665, 129

LAMAR COUNTY

Hicks Graves	60, 320
Billy Mashburn	42, 049
Creed Bros. Ptrs	24, 388
Johnie W. Musgrove	23, 361
John L. Coplin	23, 179
J. D. Campbell	21, 519
Ben Laird	21, 427

Joe D. Mashburn	20, 316
Joe Donald Mashburn	20, 307
Total payees in county (9)	256, 866

LAMB COUNTY

Lonnie R. Smith	59, 842
Billy W. Clayton	54, 375
M. P. Thedford	53, 356
D. R. Hopkins	50, 805
J. D. Smith	50, 571
Reginal Stephens	49, 886
L. C. Hewitt	47, 061
Gene Templeton	46, 879
B. G. Free	45, 969
V. O. Busby	45, 226
Thomas Harris	44, 152
Barry Armes	42, 734
T. A. King, Jr	42, 624
Ross Lumsden	40, 995
L. J. Welch	40, 640
Parish Farms	40, 046
H. M. Sheats	39, 617
Royce Collins	39, 007
F. M. Smith	37, 773
T. V. Murrell	36, 933
James H. Busby	36, 708
Gordon B. Timms	35, 845
Eddie Wallace	35, 788
Ray Wood	35, 628
Wesley Neinast	35, 606
J. B./Jearl James	35, 294
John Bridges	34, 752
Barton Bros	34, 648
Donnie Cowart	34, 382
H. M. Gable	33, 611
Charles W. Wiseman	33, 484
D. W. Bawcom	33, 385
Royce McFadden	33, 145
Donald Street	32, 716
Fred Welch	32, 523
Calvin Wood	30, 979
B. D. Nelson	30, 370
J. T. Gibson	29, 653
Elmer Lewis	28, 960
R. L. Masten	28, 880
Donald J. Bryant	28, 705
Leo V. Smith	28, 535
L. B. Montgomery	28, 210
Kenneth Hinson	27, 892
Dan Wood	27, 840
Royce Turner	27, 785
J. L. Snider	27, 584
Philip Haberer	27, 130
W. C. Stout Est	26, 341
Harley D. Jones	26, 145
Joe F. Miller	26, 006
Dan Quigley	25, 868
Johhny Hodges	25, 722
Glenn E. Robertson	25, 710
George E. Brown, Jr	25, 703
Matt Nix, Jr	25, 628
J. M. Farmer	25, 436
W. B. Jones	25, 283
Neil Wood	25, 234
Harvey Patterson	25, 233
Larry Lockwood	25, 103
E. O. Feagley	25, 064
Jack Allcorn	24, 683
W. W. Thompson	24, 666
S. K. Flatt	24, 260
Edd Haley	24, 143
Elmer McGill	24, 020
Dewitt Tiller	23, 866
Ernest E. Jones	23, 822
L. H. Carson	23, 769
Don Joyner	23, 763
Emert J. Rose	23, 609
A. B. Roberts	23, 594
R. D. Nix	23, 211
Bennie Harmon	22, 856
L. G. Watson	22, 839
Raymond Durham	22, 537
Wallace O. Jones	22, 324
Robert E. Coen	22, 235
Benny Dickson	22, 054
Daniel B. Heard	22, 188
W. D. Bell	22, 031
Melvin Bock	21, 726
W. B. Boyles	21, 718
L. C. Grissom	21, 657
James C. Graham	21, 646
Harley Bussanmas	21, 640
James A. Littleton, Jr	21, 583
Travis Bundick	21, 575
James Sanderson	21, 411
R. V. Allcorn	21, 396
Kenneth Wiseman	21, 321
F. D. Clayton	21, 242
James E. Steffey	21, 199
Athol C. Light, Jr	21, 174
N. W. Emfinger	21, 138
Willie Steffey	21, 051
U. L. Gunter	20, 911
James L. Withrow	20, 892
Fred A. Smith	20, 687
Duane Gray	20, 633
Randall Roper	20, 626
Jimmy Nix	20, 616
O. D. Chester	20, 430
Jack Angeley	20, 383
Frank Wuerflein	20, 313
Glenn Vining	20, 127
Devern Mandrell	20, 044
M. R. Matthews	20, 010
Total payees in county (109)	3, 190, 624

LASALLE COUNTY

Gerald Mann	23, 917

LEON COUNTY

Oscar O. Brown	34, 971
Troy J. Brown	24, 523
Harrell Dean Brown	23, 103
Total payees in county (3)	82, 597

LIMESTONE COUNTY

Walter B. Honeycutt Jr	29, 793

LIPSCOMB COUNTY

Vernon G. Schultz	21, 227

LIVE OAK COUNTY

Fred Thoms	47, 424

LLANO COUNTY

Roddie Bros	22, 999

LUBBOCK COUNTY

William E. Armstrong	69, 515
Standefer & Gray	65, 572
The Dunlap Co	62, 175
Wendell D. Vardeman	59, 958
L. L. Lawson	56, 388
Howard L. Alford	53, 307
Medlock Farms, Inc	52, 880
R. E. Jones	52, 584
Don Veretto	52, 534
Coyne E. Killian	48, 959
Fred E. McNabb	47, 289
James F. Davis, Jr	46, 852
Olan K. Dorsett, Jr	45, 208
Luther Lawson	44, 828
J. Carter Caldwell	44, 332
Kirby Hobgood	43, 033
Jay Stanton	42, 460
Smith Brothers	42, 001
Elijah M. Debusk	41, 686
Kenneth Davies	41, 671
Earl Foerster	41, 645
George Oliver Jackson	41, 113
Leroy Grawunder	39, 461
A. L. Cone	38, 834
Roy C. Clark	38, 460
San Augustine Ranch	37, 669
Greenlee Farms	37, 502
Glen B. Payne	36, 721
W. R. Sage	36, 324
J. W. Furgeson	35, 732
Morris S. Smith	35, 683
Graham C. Holmes	35, 387
George H. Harlan	33, 929
Brodie A. Darby	33, 380
Edward S. Smith, Jr	33, 226
Billy Meyers	33, 021
Ferman R. Priddy	32, 990
J. W. Shadden	32, 876
Sam A. Durham	32, 770
Ward W. Carroll	32, 765
Debusk Enterprises, Inc	32, 745
Max Barnett	32, 622
Frank W. Hancock	32, 202
Weldon M. Boyd	32, 152
Robert Melcher	31, 957
Glenn Brown Blackmon	31, 928
Wienke Bros	31, 695
J. H. Kurklin	31, 664
Excell W. McFarling	31, 659
Harold E. Voigt	31, 167
David S. Enger	30, 865
E. C. Moseley, Inc	30, 556
B. B. Hobgood	30, 528
O. B. Chesshir	30, 317
Delphine J. Hlavaty	30, 258
Newman Lusk	30, 144
C. W. Teal	29, 937
Alton L. Lawson	29, 911
Clayton E. Enger	29, 713
Clifford Hamilton	29, 569
J. C. Heinrich	29, 519
Herbert Pinkert	29, 341
L. T. Foster	29, 286
Ray D. Langford	29, 222
Farm Enterprises, Inc	28, 892
Billy J. Robbins	28, 710
Willie C. Neel	28, 538
Boyce Middlebrook	28, 521
Walter O. Heinrich	28, 518
D. D. Qualls	28, 304
Billy Bryan Boyd	28, 178
O. W. Smith	27, 780
C. O. McNabb	27, 732
D. J. May	27, 681
W. A. Bill Alspaugh	27, 672
Lowery M. James	27, 605
Randal L. Rieger	27, 549
Johnnie Joiner	27, 451
Zack Payton	27, 424
Medlock Inv. Co., Inc	27, 318
J. P. Thompson	26, 946
Jack Don Dulaney	26, 880
Leon L. Lincecum	26, 833
James Attebury	26, 722
Melvin H. Jack Phipps	26, 488
George H. Johnson	26, 421
Smith Keller	26, 363
William H. McKelvy	26, 335
John T. Paterson	26, 268
Hugh V. Newton	26, 221
Charles W. Wood	26, 019
Roy Allen Forkner	25, 862
George A. Taylor, Jr	25, 826
Paul Cates	25, 650
Earl Reasoner	25, 640
Jack Adamson	25, 532
Ronnie Joe Darby	25, 427
M. J. Williams	25, 380
Bennie L. James	25, 182
Joe W. Felty	25, 011
Paul D. Kitchens	24, 816
Buddy Hettler	24, 740
Harold Campbell	24, 715
I. Arnold Chauncey	24, 615
James T. McMenamy	24, 611
Walter E. Morgan	24, 200
Tom Ed Reynolds	24, 196
Joe McCollum	24, 069
Chester B. Gilmore	24, 014
Albert C. Henderson	23, 904
Charles R. Hedges	23, 839
Milton Kirksey	23, 639
William V. Halford	23, 512
Franklin Heinrich	23, 506
Jack Louden	23, 281
A. C. McCallon	23, 276
Robert H. Park	23, 230
Leroy Zieschang	23, 132
L. D. Stanford	23, 054
Robert Fehleison	23, 044
O. D. Sanders	23, 020
Bruce Isom	22, 888
Lester W. Caraway	22, 820
Clifford Hilbers	22, 801
Bobby Joe Harlan	22, 772
A. L. Rose, Jr	22, 533
William B. Criswell	22, 521
Omer D. Lindsey	22, 515
James Riney	22, 438

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Texas—Continued

Bruce Gentry, Sr	22,381
F. D. Drachenberg	22,316
O. Ford Bell	22,314
Raymond R. Marshall	22,256
John B. Lamb	22,235
Doyle Curry	22,166
Kenneth G. Wright	22,087
Paul E. Crosnoe, Jr	22,051
Gene Reid	21,985
Jerry F. Melcher	21,961
Tommy D. Adams	21,923
Clinton Powell Adams	21,787
Berlin Haught	21,533
Dick Park	21,492
Joe Leaverton, Inc	21,419
L. D. Phillips, Jr	21,338
R. B. Stanton	21,306
Horace L. Turnbow	21,160
Kenneth Granger	21,136
May Lewis Stewart	21,107
Walter H. Luker	21,075
Robert C. Baxter	21,068
L. E. Bartlett	20,933
Donald E. Adrian	20,818
Wesley W. Ferguson	20,817
Donnie Shafer	20,764
Billy H. Piercy	20,627
Durward D. Mahon	20,552
Melvin Tischler	20,494
Ralph B. Mabry	20,427
Don Freeman	20,402
Carl D. Jones	20,383
W. M. Brazell	20,369
Melba N. Thompson, Jr	20,293
L. C. Childers, Jr	20,231
E. Donald Bledsoe	20,157
Total payees in county (165)	4,887,620

LYNN COUNTY

Guy Bennett	60,006
W. C. Huffaker, Jr	59,926
Cecil Dorman	59,412
J. T. Forbes	58,884
W. A. Russ	57,087
Natt Park	56,418
R. L. Dulin	56,329
J. W. Gardenhire	55,478
John A. Crutcher	54,401
A. G. Crutcher	53,965
Eva Colleen Geren	52,903
Cass Edwards, II	52,900
L. C. Unfred	52,809
C. R. Phifer, Jr	51,851
Wm. G. Lumsden	47,958
Jerry McKibben	47,214
W. T. Kidwell	47,212
Draper Brothers	46,546
Jim Bob Smith	45,253
Wayne Huffaker	44,437
H. T. Barrett	44,176
Carl Sanders	43,139
Sam Singleton	42,978
R. L. Thomas	42,563
C. A. Moore	42,388
Othell Meeks	42,095
J. A. Evans	41,816
Harold Payne	41,533
James H. Sanders	40,845
Don D. Balch	40,757
L. H. Nettles	40,639
Jack Webb	38,769
Mack Forbes	38,603
C. E. Roper	37,674
Wayne Clayton	37,133
Billy G. Gardenhire	37,006
Dallas Vaughn	36,824
Jerry Brown	36,295
Ray Cook	36,174
Clarence Church	35,658
Woodrow Brewer	35,535
Edward Bartley	35,034
Felix H. Macha	34,416
Pat Childress	34,398
Theodore B. Franklin	33,838
J. Weldon Martin	33,811
R. L. Warren	33,639
C. L. Mason	33,408
J. Robert Fillingim	33,300
Glen B. Brewer	32,850
Bryan Wright	32,227
Larry Hagood	32,218
Charles Schniers	32,187
Bennie W. Edwards	31,812
David L. Hill	31,536
A. P. Edwards	31,389
Wayland F. Taylor	31,385
G. W. Jones	31,090
C. T. Louder	29,987
Harold Brumit	29,808
Eldon Gattis	29,696
Buel Draper	29,520
Dick Franklin	29,462
Bonnie Brown	29,355
Oscar Lowrey	29,350
Howard Moore	29,213
Olen Renfro	29,204
O. C. Sikes	29,120
H. G. Franklin	29,074
A. C. Fillingim, Jr	28,935
Lynn West Est	28,305
Leland White	28,267
Wayne Carroll	27,797
Ray Adams	27,778
Boyd Pebsworth	27,568
J. W. Pirtle	27,300
Lester Adams	26,765
Gene Cantwell	26,481
D. W. Hancock	26,453
W. J. Kahl	26,345
Leroy Snider	26,232
N. B. Hancock	25,754
C. E. Thetford	25,733
Raymond H. Lawrence	25,684
James F. Roberts	25,294
Jearld Barton	25,261
Willie A. Nieman	25,202
W. W. Hagood	25,165
Glynn Moore	24,994
Charles A. Smith	24,974
D. R. Adamson	24,961
E. L. Short	24,834
Mickey Pearce	24,825
Walton Terry	24,760
Clayton Carter	24,531
D. J. Bessire	24,187
Weldon Bailey	23,833
T. B. and Chas. Mason Ptnrshp	23,804
Buster Phipps	23,759
Bill M. Clayton	23,735
Aubrey Smith	23,282
Elmer Schoppa	23,093
Milton Piwonka	23,091
Clayton Lawrence	23,010
Royce Steven Greer	22,968
C. W. Armes	22,967
W. P. Scott	22,962
Luther Foerster	22,892
R. T. Brewer	22,890
W. C. Wharton	22,841
Willis Pennington	22,829
W. H. Cook	22,815
Maurice J. Huffaker	22,000
G. W. Turner, Jr	22,285
Willie Mae Edwards	22,236
C. L. Littlepage	22,222
Miriam Collins Green	22,178
W. A. Caveness	22,176
Wendell B. Morrow	22,127
Elton Childress	22,040
E. R. Blakney	21,984
Horace Strickland	21,902
J. T. Middleton, Jr	21,808
Frank Timmons	21,793
Lit H. Moore, Jr	21,761
Joe D. Unfred	21,650
B. R. McDonald	21,443
Ralph M. Beach	21,258
V. O. Caswell	21,200
R. M. Thomas	21,174
V. P. Haley	21,169
Glen Akin	20,994
Joe Brewer	20,993
D. W. Gaignat	20,934
L. D. Halford	20,931
G. G. Norman	20,927
Robert Edwards	20,837
J. T. Miller	20,697
C. T. or Gene Ingle	20,635
R. A. Taylor	20,577
J. B. Rackler	20,381
J. Martin Basinger	20,226
R. W. Overstreet	20,150
Delmar Wilke	20,027
Total payees in county (144)	4,534,387

MARTIN COUNTY

A. C. Woodward	57,270
Larry Zane Shaw	53,499
Glen Cox	52,361
Ralph Wesley Williams	52,353
Melvin Harris	49,961
Eula Preston Madison	48,559
Jack Hershell Kuhlman	47,242
James G. Sawyer	46,505
Clarence Fryar	46,118
Buster Haggard	44,436
Dean Russell Fleming	43,511
Romine Bros	43,441
Erma Blagrave	43,082
Odie Harris	43,015
Thomas E. Fuller	42,815
James Ernest Franklin	42,711
Eddie C. Cook	41,151
Charlie A. Nichols	40,346
Billy Fryar	40,131
Glen Morrison	39,020
James Newman Biggs	37,666
Earl Vernon Hightower	37,557
Floyd Martin	36,947
Malcolm Tunnell	36,591
Hill Top Farms, Inc	36,340
Derwood Blagrave	36,257
Earl Vernon Holcomb	34,421
Darrell Froman	33,952
Jimmy Eugene Freeman	33,535
Don Dwayne Holcomb	33,498
Quinton Airhart	33,448
John Morgan Hale	32,774
Feaster & Hale	32,504
E. & E. Farms, Inc	31,795
John Wallace Kelly	31,635
Dolphus Edward Richards	31,466
Newell Wayne Tate	30,437
Edmond Tom Ranch, Inc	30,314
Moncue McKaskle	29,444
H. D. Howard	29,166
Guadalupe Morales	29,044
Jerry Hall	28,980
Cliffton Carlton Grigg	28,826
Juil Reid	28,709
Ronnie Deatherage	28,041
Elmer Cecil Dyer	27,089
J. Alex Haggard	27,072
Sam B. Parham	26,384
James Edward Pollock	25,905
Richard L. Linney	25,631
Michael E. Hale	25,180
Myrtle Romine	24,964
D. W. Dickenson	24,774
Chloice Shofner	23,968
Edward Lee Richards	23,568
R. H. Sample	23,332
Charles King	23,114
Vestal Norman Phillips	23,102
John Calvin Jones	22,944
Robert Joe Deatherage	22,640
W. H. Woody	22,538
Wayne D. Stroud	22,532
John Woodward	22,515
Tommy R. Newman	22,125
Gale Batson	22,118
Gleen Lovless Holloway	21,998
Raymond A. Pribyla	21,994
Norwood Eugene Holloway	21,802
Teddie Dewitt Barnhill	21,775
Marvin L. Standefer	21,437
Claud Glaspie, Jr	21,325
C. W. Gilmore	21,212
J. N. Woody, Jr	21,034
Thomas Edward Smith	20,982
Leonard Clifton Hazlewood, Jr	20,802
Glen Petree	20,661

Wesley Weems Williams, Jr	20, 611
Billie Joe Gill	20, 255
Elvis Dean Holcomb	20, 232
C. M. Holcomb	20, 232
Bob Hill	20, 196
Wayne Cook	20, 091
Robert R. Hunt	20, 077
Total payees in county (83)	2, 589, 085

MATAGORDA COUNTY

Vernon Hunt	28, 645
Carl M. Hansen, Jr	27, 330
Total payees in county (2)	55, 975

MAVERICK COUNTY

Jack Keisling	38, 225

M'CULLOCH COUNTY

G. R. White Est	20, 441

M'LENNAN COUNTY

Lankart Seed Farms Ltd	42, 843
J. B. Vandiver	42, 082
James M. Warner	42, 076
J. Weldon Youngblood	40, 841
Walter Rush	34, 771
Jim Radle	25, 798
Total payees in county (6)	228, 411

MEDINA COUNTY

Ed Wanjura	30, 204

MIDLAND COUNTY

Alan Spinks	45, 039
Jerome Hoelscher	39, 413
Robert Morgan	33, 952
R. V. Robinson	28, 432
Louie Koonce	26, 969
Bob Evans	25, 948
Carlos Dusek	24, 246
Eugene F. Jones	23, 618
Forest G. Eggemeyer	23, 215
A. C. Teinert	23, 084
Bobby Howard	23, 074
Roy D. Jones Est	21, 549
Roy Graham	20, 621
Russel E. Jones	20, 005
Total payees in county (14)	379, 165

MILAM COUNTY

Wilburn E. Beckhusen	40, 787
Daniel D. McDaniel	40, 197
Calvin Cobb	37, 182
Derwood Cobb	35, 776
Darrel Cobb	31, 845
Walter Pyle	29, 839
Slavik Bros	26, 275
John J. Fagan	24, 049
Kenneth G. Willy	20, 172
Donny R. Heine	20, 164
Total payees in county (10)	306, 286

MILLS COUNTY

Charley McLean	20, 443

MITCHELL COUNTY

D. M. Pieper	46, 836
J. E. Brown	43, 397
W. H. Narrell	43, 266
Travis P. Turner	40, 612
D. M. Smith	40, 219
Raymond Watlington	38, 627
Wayne Oliver	36, 500
Kenneth Dockrey	33, 392
Hammond and Son	32, 385
Mack G. Ritchey	32, 024
A. K. McCarley, Jr	31, 436
Warren Anderson	30, 989
Curt Shaw	30, 204
Chas. N. Stubblefield	28, 648
Linden Solomon	28, 442
Foy Webb	25, 407
Mary V. Barber	25, 011
James K. Butler	24, 617
Jack Long	24, 170
J. R. Erwin	23, 743
James Cox	22, 764
J. C. Barkley	21, 163
Manuel Munoz	21, 105
Jim Maddox	20, 998
Joe L. Blackard	20, 411
Dewey A Turner	20, 107
Total payees in county (26)	786, 473

MONTAGUE COUNTY

Glen Lynch	21, 242

MOORE COUNTY

Gossetts, Inc	62, 012
M. & S. Agri. & Livestock Co., Inc	60, 689
Marshall Cator	58, 391
Rex Hall, Jr	52, 752
Schuman Farms, Inc	52, 325
Gordon Taylor	52, 305
Hunt Farms, Inc	48, 621
Stringer Farms, Inc	44, 625
McMurry Farms, Inc	41, 881
D. Rex Langley	40, 691
Linda & Howard Moore	39, 459
Jack H. Mills	39, 318
Durward N. Gamblin	36, 783
Harold N. Keisling	35, 448
John A. McMurry, Jr	34, 553
Gladwin Gillispie	34, 146
Verdie & Lloyd Beauchamp	33, 968
Cleve & Frederick Rousser	33, 757
Carl Beauchamp	32, 699
Paulus Schroeter	32, 677
Arthur B. Stavlo	31, 189
H. D. Lewis	31, 095
J. W. Huff	30, 911
Arvel A. Perky	29, 653
Coleman Agrietrprises, Inc	29, 175
Thurman E. Fisher	28, 253
Joe Cox	28, 204
Thomas E. Harbert	27, 065
Wells Agricultural Corp	26, 605
Brent & Sons Ptrshp	26, 442
James Tatum, Jr	26, 357
Edward L. Stallwitz	25, 307
Earl B. Byrd	25, 280
Triple T. Farms, Inc	25, 171
Jimmy C. Stokes	25, 145
Edward M. Stallwitz	25, 027
A. J. Harris	24, 848
Joe Schuman	24, 560
Jessie Glynn Burnett	24, 138
H. D. Meil	23, 897
James W. Medford	23, 387
Nelson E. Burton	23, 322
Johnny Lynn Harris	23, 011
Arie K. Smith	22, 765
101 Ranch Farm Acct	22, 511
J. W. Brian	22, 467
Claude Johnson & Son	22, 155
P. F. Younger	21, 880
M. D. Jack Bain	21, 824
Johnson Trust	21, 765
Roy Clark & Sons, Inc	20, 927
Jimmy Wells	20, 690
E. C. Britain, Jr	20, 579
Chester Rigdon	20, 226
John H. Goodwin	20, 048
Total payees in county (55)	1, 732, 979

MOTLEY COUNTY

Alfred Kenneth Barton	35, 590
Allan L. Thomas	21, 869
George B. Bowles	20, 929
Total payees in county (3)	78, 388

NAVARRO COUNTY

Drew Gillen	36, 822
Robert L. Colquitt	31, 098
Jarvis Paris Murphy Co., Inc	28, 828
Jimmy Hooser	27, 935
Delma Ray Spence	26, 886
James Fortson	26, 233
Webb Armstrong	25, 989
Emil Moucka	25, 989
Laura Johnston	25, 972
Joe B. Fortson, Jr	25, 788
W. M. Lowe	24, 531
Charles T. Pullins	24, 463
B. B. Bennett	24, 063
J. L. Aven	23, 143
J. F. McLain	22, 622
Charles Martin	20, 948
Donal Butler	20, 574
James W. Brown	20, 220
Total payees in county (18)	462, 104

NOLAN COUNTY

D. S. Riggs	71, 021
Herbert L. Williams	62, 410
Max Wright	57, 371
R. B. Pieper	52, 846
George E. Parrott	50, 836
Ray Hendricks	50, 816
Clyde H. Ater	44, 886
Jerland F. Freeman	42, 301
Joe G. Williams	38, 882
Ronda H. Whorton	37, 358
Philip V. Haynes	37, 146
T. D. Young	36, 835
Melvin D. Daily	33, 301
R. R. Ranch	31, 137
Wendell Kent	30, 691
Raymond E. Althof	29, 993
James E. Reed	28, 642
Clifford C. Etheredge	28, 640
Dean D. Alexander	28, 061
J. B. Cooper, Jr	26, 583
Jesse Faust	25, 267
Curtis Riggs	25, 159
Harold C. Althof	25, 068
Mancle T. Pointer	24, 775
John M. Boston	23, 585
Alfred F. Henrichs	22, 979
Wilbert H. Althof	22, 871
Donald A. Menn	22, 830
L. L. Medlock, Jr. & Son	21, 200
Veltie E. Turner	20, 892
Cecil McIntire	20, 521
Robert T. Dunlap	20, 515
Arlon W. Orman	20, 185
Ronald E. Williams	20, 170
Total payees in county (34)	1, 135, 773

NUECES COUNTY

Hale & Hale	64, 061
Harper Farms	62, 823
Berta C. Cunningham, Est	44, 533
C. A. Lowman	42, 115
Roger Whitmire	39, 976
W. W. Walton	39, 359
Randy Farenthold	38, 453
W. A. Whitmire	37, 315
Barkley Farms, Inc	35, 203
C. L. Lehman	34, 572
Santa Cruz Farms	34, 177
W. M. Bevly	33, 558
Driscoll Foundation	31, 254
Paschal Farms	30, 207
Myrtle E. Cardwell	29, 512
Frank Moravek, Jr	29, 241
Mack B. Norris	28, 823
Alvin McNair	28, 281
Clifton E. Frazier	28, 021
E. M. & Cornie Wilson, Est	27, 294
C. C. Albrecht	27, 149
J. D. Weaver	26, 108
J. C. Mayo	25, 577
W. M. Bevly, Jr	25, 187
Leon Bernsen	24, 946
J. W. Callaway	24, 580
Lynn Dugger	24, 545
Perry & Company	24, 099
Bar D River Ranch	23, 486
J. N. Gillis & Son	23, 461
Wright Bros. Farm	23, 336
Howze Partnership	22, 857
Perry Foundation	22, 006
H. L. Gillespie	21, 927
E. H. Kirkpatrick	21, 883

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Texas—Continued

F. W. Hoepfner	21, 652
B. I. Barnes	21, 380
Eugene Hellmann	21, 158
Alton H. Koenning	20, 890
Doyle London	20, 776
A. F. Bartosch	20, 748
R. L. Garrett	20, 659
Robert Callaway	20, 514
Melvin McNair	20, 215
George Rogge	20, 117
Lloyd Morris	20, 073
Henrietta C. Crook	20, 056
Total payees in county (47)	1, 348, 163

OCHILTREE COUNTY

Bob Urban	40, 080
Frank Buzzard	32, 915
Jewell Pearson	31, 315
James Lair	28, 465
Dunnihoo Timmons, Inc	27, 854
Gerald C. Betty	27, 795
Earl Leslie	26, 634
Charles Morton Share Trust	26, 522
R. H. Holland & Son	25, 777
Philo Butler and Son	25, 232
H. C. Brillhart & Son	24, 281
Burger and Burger	24, 035
Alma O. Schaefer	21, 709
Davis Co	21, 310
Thomason Farm	21, 159
John Meinders	20, 483
Total payees in county (10)	425, 566

OLDHAM COUNTY

George B. Doshier	52, 497
Herman Grusing	41, 572
Taylor Brothers	25, 613
Vega Land Cattle Co., Inc	24, 864
Charles B. Short	24, 349
E. Duane Allred	23, 635
Total payees in county (6)	192, 530

PARMER COUNTY

Clarence Martin	81, 652
Dave M. Thompson	65, 537
Fangman Farms, Inc	62, 087
Bruce Parr	59, 517
J. T. Ford	59, 044
Sloan Osborn	51, 235
James W. Barnett	45, 916
J. C. Mills	42, 602
Ranza Boggess	42, 456
Verney Towns	42, 272
Walter R. Nabry	41, 270
Glenn Phillips	41, 074
Fred Burch	40, 355
Billy L. Marshall	40, 320
Ralph W. Shelton	39, 672
Roscoe Q. Silverthorne	39, 665
J. D. Kirkpatrick	39, 367
Tom Caldwell	37, 433
Edward D. Chitwood, Jr	37, 003
Herman D. Geries	36, 817
Thomas N. Browning	35, 802
W. O. Chadwick	35, 641
Marston G. Mars	34, 635
Arlin L. Hartzog	34, 407
James W. Dixon	33, 882
Dean McCallum	33, 787
Floyd T. Dyer	33, 569
Leroy Johnson	33, 556
Thomas D. Ware	33, 231
Vernon C. Willard	33, 038
Gene Smith	32, 646
John Renner	32, 439
R. J. Renner, Jr	32, 318
Thomas L. Whaley	32, 278
David Grimsley	31, 712
C. L. Mercer & Sons	31, 462
Clawson Bldg., c/o C. Clark	31, 454
Richard & Jerry London	31, 341
Royce G. Welch	31, 338
Philip C. Weatherly	31, 140
Leonard L. Grissom	31, 134
Billy E. Bourlon	30, 761
John L. Ray	30, 571
J. A. Rushing	30, 366
Bill St. Clair	30, 331
Wyle M. Bullock	30, 040
C. V. Potts	29, 558
J. G. McFarland	29, 483
Walter Kaltwasser	29, 097
James M. Proctor	29, 073
Daniel L. Carmichael	29, 016
Van E. Nichols	28, 887
Edwinston Clark	28, 495
Louis L. Welch	28, 418
Henry Haseloff	27, 847
Melborn C. Jones	27, 746
M. A. Black	27, 276
J. B. Sudderth	27, 259
Jack Moseley	27, 201
Lawrence Jamerson	26, 857
Ellis W. Tatum	26, 738
Voges & Reisiger	26, 718
Billy J. Thorn	26, 285
Durward K. Bell	25, 909
Howard N. Hayes	25, 764
Donald Christian	25, 582
J. E. Knight	25, 371
Raymond K. Schueler	25, 307
Ball W. Carthel	25, 022
John W. Hand	24, 569
Troy Christian	24, 430
W. M. Sherley	24, 254
Jerry Fancher	24, 119
John R. Hays	24, 091
Robert G. Sparks	24, 039
Eddie W. Nickels	23, 834
Glyn Hamilton	23, 744
A. L. Black	23, 637
Edwin L. Lide	23, 444
Don Williams	23, 440
Woodrow W. Whitaker	23, 384
A. A. Allen	23, 372
Joe F. Blair	23, 238
Charles Myers, Jr	23, 197
Dalton K. Caffey	23, 115
Alphonse L. Reznik	22, 976
Stephen L. Struve	22, 896
Clarence A. Johnson	22, 740
Adolf H. Haseloff	22, 723
Max Steinbock	22, 704
Virgil Young	22, 585
Jim R. Daniel	22, 526
Grady W. Sorley	22, 468
A. Dargin Kirk	22, 441
Fred W. Foster	22, 375
Monty Barrett	22, 255
Cole Bros	22, 232
David H. Carson	22, 226
Norman R. Taylor	22, 009
William S. Ingram	21, 877
Don B. Sudderth	21, 862
J. H. Dunbar	21, 845
Curtis W. Murphree	21, 793
Oakley D. Stevenson	21, 660
Stan Barrett	21, 620
Floyd L. Rector	21, 437
Joe A. Schilling	21, 430
Keith Garner	21, 229
Gilbert A. Kaltwasser	21, 190
Walter R. Riethmayer	21, 035
Melvin Southward	21, 030
Herbert I. Howell	21, 002
R. H. Schueler Est	20, 958
Bill Brown	20, 839
Jimmie Heard	20, 491
Henry L. Ivy	20, 482
Jack Smith	20, 439
Melvin G. Sachs	20, 426
R. W. Jones	20, 412
Thomas W. Beauchamp	20, 389
J. T. Mayfield	20, 251
Norman C. Sulser	20, 187
James Ensor	20, 129
Total payees in county (123)	3, 616, 158

PECOS COUNTY

Ralph C. Dickson	60, 674
W. H. Riley II	58, 514
Trans Pecos Farms, Inc	58, 077
C. and C. Farms	57, 156
Mike A. Burkholder	55, 153
A. B. Foster	54, 800
Harrell and Harrell	44, 746
David C. McAteer	44, 451
Lakeside Farms	41, 678
Bennie J. Emerson	39, 591
W. L. Kington	38, 830
Luther C. Holladay	38, 708
Glen J. Ellis	36, 243
Marshall G. Nevill	32, 691
Albert J. Hoelscher	32, 080
Clark Bros., Inc	29, 629
Allison Ranch Co	26, 404
Larry E. Kington	26, 145
Clarence A. Stephan	23, 025
Harrall and Marable	22, 615
Andrew J. Sitton, Jr	22, 581
Carpenter Farms, Inc	22, 394
Clint Ellis Owens	21, 898
Richardson Farms	21, 613
Rose Ranch Co	21, 443
Total payees in county (25)	931, 139

POTTER COUNTY

C. B. Emeny	34, 098
E. B. Fite	20, 440
Total payees in county (2)	54, 538

PRESIDIO COUNTY

Valley Farms Co	37, 277
Charles Spencer	36, 495
Total payees in county (2)	73, 772

RANDALL COUNTY

Eldon Durrett Trusts	43, 528
Earnest L. Barnett	33, 774
Jack R. C. Vincent	31, 001
Simon G. Elliott	29, 452
W. T. Smot, Jr	27, 985
Pete E. Fischbacher	27, 298
John A. Williams	27, 294
Robert C. Sims & Sons	26, 699
Elliott Bros	25, 933
Gilbert Irlbeck	25, 865
Johnny Sluder	24, 843
Fred Fegel	24, 567
Paul Schniederjan	24, 299
Clinton Glenn	22, 522
D. L. Allison	22, 349
Howard Fuqua	21, 888
Northrup Farms	20, 992
Total payees in county (17)	460, 289

REAGAN COUNTY

Alfred J. Schwartz	33, 663
John Gregory Powell	24, 610
Total payees in ccunty (2)	58, 273

RED RIVER COUNTY

First American Farm, Inc	43, 811
John M. Ward	41, 704
Kenneth M. Allen	24, 134
Doug Alsobrook	20, 680
Total payees in county (4)	130, 329

REEVES COUNTY

L. G. Worsham	109, 445
Dingler Farms, Inc	79, 609
W. A. Sullivan	66, 472
Jack Duke	64, 305
Loy Kilgore	62, 660
Joe Lee McMahon	61, 672
Kenneth Lindemann	59, 605
W. W. Hill	59, 398
Ray Kesey	58, 252
Ted Lindemann	56, 996
T. J. Wilson	56, 914
Coy Fraley	56, 423
Charles A. Weinacht	56, 419
William R. Ramsey	56, 382
G. G. Passmore	56, 370

C. J. Kesey	56,147
Frank Bounds	55,698
Bobby Rogers	55,341
R. E. Roberts	55,182
J. R. Clark	55,182
Rachec, Inc	54,915
Robert G. Worsham	54,714
Reetex Farms, Inc	54,174
Pecos P and C Co., Inc	52,875
West Texas P. C. A	51,827
Red Bird Farms	51,794
Jack O. Nutter	43,614
L. M. Jones	43,614
Dale Toone	43,350
W. W. Clem	42,487
Hoefs Farms, Inc	41,995
Don Weinacht	41,058
W. T. Lattner, Jr	40,421
Peppy McKinney	39,716
Christelle Mills	39,659
Paul C. Davidson	39,384
A. J. Broyles	36,199
J. T. McKinney	35,973
B. V. Shaw	34,861
H. R. Hudson, Jr	34,550
David D. Davis	33,964
Jerry Jenkins	33,448
West Texas Farm Co	33,291
Cherry Draw Co	33,155
C. S. Hess and Son	32,836
Cherry Creek Farm	31,778
Chocolate Flats Farm Co	31,251
Raymond Beauchamp	30,980
Charles Spence	30,737
Garland Derword Rowe	30,457
Evans Butler	30,346
Clem Crowley	30,084
R. V. Turnbough	30,025
Broyles Pecos Farm	28,649
Jack Davis	27,601
James L. Sears	27,329
A. J. Carpenter	27,281
Ennis B. Tudor	25,552
W. B. Evans	25,402
Robert M. Owen	25,354
L. M. Collier	24,481
Tom Passmore	24,348
J. S. Wofford	24,241
Hermosa Farms, Inc	24,090
Robert R. Butler	24,090
Charlie Taylor	23,529
Louis D. McNeil	22,665
Herbert H. Toone	22,134
Roy Blahosky	21,394
B. C. Kesey	20,975
Herman Bippes	20,261
Coy Nichols	20,155
Total payees in county (72)	2,987,535

REFUGIO COUNTY

Voges and Boenig	35,248
G. H. Frazier	28,572
Hartmann Farms	25,500
Roger Williams	23,823
David Zabel	23,338
R. L. Shaw	21,460
W. F. Abney	21,135
J. C. Ermis	20,984
T. G. and R. L. Jackson	20,951
Virginia H. Tatton	20,768
Charles J. Schindler	20,716
Total payees in county (11)	262,495

ROBERTS COUNTY

W. R. Holland	25,063

ROBERTSON COUNTY

Goodlands Farms, Inc	62,737
Vence Corpora	60,077
John C. Reistino	58,939
Sam Degelia Sr	56,807
James H. Jones	56,741
Pauline Doremus	54,464
Ned Fachorn	54,133
John W. Nigliazzo, Jr	53,560
John W. Nigliazzo	53,546
Sam Destefano	52,114
Gathan Reistino	51,471
Fred J. Ferrara	51,293
Ross Cash	50,542
Joe Reistino Estate	46,999
T. D. Wilson	45,718
Joe Scarpinato	40,079
Michael Muse	36,106
Leon Anthony Denena	34,044
Frank Sam Loria	31,946
Anthony L. Scamardo	30,610
Frank B. Seale Estate	30,387
3 D Farm & Ranch	30,248
Pete L. Scamardo	27,891
Luke Scamardo	27,818
Ben Perrone	26,444
Louise Muse	25,271
Joe Cotropia	25,135
Joe & Matt Salvaggio	24,879
Joe L. Collette	24,184
Frank Destefano	23,270
A. R. Albrecht	22,831
Total payees in county (31)	1,270,284

ROCKWALL COUNTY

A. R. Seabolt, Jr	30,247
Henry Zollner	26,747
Carlton D. Clinard	23,330
Charles W. Holt	21,070
Marvin Goodwin	20,125
Total payees in county (5)	121,519

RUNNELS COUNTY

Bennie W. Wilde	33,890
Melvin R. Williams	23,840
L. P. Schwertner	23,782
Harvey E. Gully	23,697
Dalton C. Lacy	23,106
Newman E. Smith	22,229
Walter B. Adami	22,137
Total payees in county (7)	172,681

RUSK COUNTY

Otho Morris	31,400

SAN PATRICIO COUNTY

Heirs of Jos. F. Green	75,923
Vahlsing Christina Corp	54,996
Donald B. Horne	50,269
H. G. Ritchie, Jr	50,219
Williams & Burkhardt	49,719
R. E. Hart	42,093
Floyd Webb, Jr	39,972
H. G. Ritchie, Est	38,130
Adams Brothers	37,184
Thomas Touchstone	36 ,234
J. D. Patrick, Jr	36,055
W. O. Hart	34,744
George J. Ermis	34,497
Daniel P. Moore	32,964
Martin Schneider	32,588
Jackson & Stripling	32,175
Charles H. Mayo	31,462
Stanley Webb, III	31,346
Thomas Ardel Setliff	30,497
O. L. Gorbet	28,983
R. C. Dillon	28,464
Chester B. Brittain	28,337
Homer C. Easterwood	28,155
T. D. Threadgill, Jr	28,038
K. G. McKamey Est	27,706
W. L. Shelburne, Jr	27,694
Cecil Hart	27,425
Q. M. Priday, Jr	26,338
Mercer I. Ivey	26,070
Floerke Bros	25,927
John H. Schmalstieg	25,445
Ray Troup	25,444
C. L. Mayo	25,176
J. M. Edmondson	24,771
Roots and Roots	24,616
Beyer Bros	24,232
David Bevly	23,807
W. C. McDaniel	23,713
W. D. Miller Farm	23,098
Howard H. Webb	22.850
Irvin Hart	22,653
Dehnisch Bros	22,599
Taft Morrow	22,591
Albert Kastner	22,161
Edwin Schneider	21,816
Clyde C. Mayo	21,685
Woodrow Hart	21,421
Arlen Glen Jostes	21,277
D. Randolph Rachal	20,878
Charlie F. Spiekerman	20,370
Hattie Bell Ferguson	20,334
Glenn Dorris	20,171
U. E. Ray	20,103
Stanley Webb, Jr	20,073
Loree Svadlenak	20,001
Total payees in county (55)	1,635,489

SAN SABA COUNTY

Owen Brothers Cattle Co	41,517

SCHLEICHER COUNTY

James L. Powell	31,687
Virginia Bruton	23,643
Total payees in county (2)	55,330

SCURRY COUNTY

C. A. Daugherty	60,230
Billy Huddleston	52,326
Don Wills	42,473
Granville E. Chorn	40,431
J. B. Autry	37,994
Clements Bros	37,333
Jerry Gannaway	32,862
Mozell Roggenstein	32,601
Wayne Key	32,069
G. L. Wall	31,020
Terry Nachlinger	30,171
Max Von Roeder	29,572
Ray Herring	28,980
Forest Hess	27,399
Glenn Foster	26,350
Ernest Schattel	25,092
J. H. Stansell & Son	24,876
R. J. Kubena	24,024
Henry G. Gafford	23,813
Billy J. Voss	23,378
Jackie D. Nachlinger	22,677
Emil Schattel Est	22.156
R. L. Drum	21,534
Horace Shifflett	20,617
Doyle Wemken	20,194
J. W. Byrd	20,049
Dee Pylant	20,047
Total payees in county (27)	810,268

SHACKELFORD COUNTY

Robert L. Reves, Sr	22,804
Kenneth Hansen	22,031
Total payees in county (2)	44,835

SHERMAN COUNTY

Jimmy Cluck	116,362
R. M. Buckles Est	46,815
Wood B. Craig	38,323
Jack Heil	37,423
Monroe Bros	35,549
Jesse C. Cooper	35,345
Elmo Fortenberry	35,326
McClellan & McClellan	35,050
Ezra F. Fisk	34,016
Stratford Feed Yards, Inc	33,224
Dietrich & Gurley	33,080
Dean G. Cluck	31,269
Dick Diehl	31,160
Wallace N. Bridwell	30,524
Wallace Corse	30,498
Orland Lasley	30,410
Halle Bros	29,937
Sam R. Cluck	29,262
Helen Buckles Est	29,241
Wendell Stacy	28,451
Everett Bros	28,238
Leroy Robison	28,028
Huber R. Tillery	27,571
Pat Holt	26,817

*1971 ASCS and Great Plains program payments of **$20,000** or more—Excluding loans—Texas*—Continued

Arthur E. Judd	26,131
Cartrite Bros	25,843
Walter Lasley & Sons, Inc	25,294
Bill Reed	25,271
Ronald F. Engelbrecht	25,054
William R. Murrell	24,850
Luther Browder	24,390
Schafer & Schafer	24,345
Arnold B. Morris	24,131
Frank Berry, Jr	23,607
R. J. Cluck	23,252
Bill & Glenn Reed	22,159
Bert Steffens	21,909
S. S. Land & Cattle Co	21,885
Bob Donald Evans	21,831
Spurlock Bros	21,820
Olen Branham	21,779
Paul Chesmer	21,725
John Bain	21,567
Mrs. Latimer Murfee	21,064
Total payees in county (44)	1,329,826

STARR COUNTY

James L. Sheerin	58,414
Valley Onions, Inc	57,983
Charles Roos III	56,660
H. L. Conger	32,221
R. S. Margo	22,537
John A. Shuford	20,760
Robert M. Sheerin	20,643
Total payees in county (7)	269,218

STERLING COUNTY

W. N. and L. R. Reed	32,332
Flavy E. Davis	23,766
Smith Brothers	23,563
Claude Collins, Jr	23,515
Total payees in county (4)	203,176

STONEWALL COUNTY

Jim Rowland, Jr	34,348

SUTTON COUNTY

Sonora Research St	128,891
W. L. Morriss	42,135
Mayer Rousselot	33,695
Fred T. Earwood Est	24,063
Thomas A. Morriss Sons	23,668
Headquarters Ranch	21,504
Duke Wilson	21,011
W. L. Miers	20,031
Total payees in county (8)	314,998

SWISHER COUNTY

Warner Reid	105,683
B. Raymond Evans	74,326
Jack D. Loring	63,896
Tyline N. Perry	60,112
S. A. Barrett	51,523
Paul Hays	51,362
J. L. Francis	50,261
Lloyd M. Hale	49,744
John N. Simpson, Jr	48,504
Corliss H. Currie	46,455
Fowler E. McDaniel	41,737
L. G. Mahagan	40,850
Daryl R. Dixon	39,161
H. O. Thompson	39,077
Nelson Borchardt	37,079
T. C. Measles	36,066
Hoyet Burnam	35,835
James Cruce	35,064
W. E. Thurman	33,096
J. Larry Nelson	31,317
Buck Garrett	31,090
J. D. Herndon	30,891
Warren Lee Bell	30,092
Otis Harman	30,023
James W. Cox	29,997
Donald Thompson	29,726
Andrew Price	29,672
Koy V. Benefield	29,477
Ray Reiss	28,635
Morgan Sturgess	28,533
Tulia Feed Lot, Inc	27,994
Lloyd C. Miller	27,914
Claude F. Harris	27,846
Jack G. Foster	27,759
Glenn Terrell	27,382
Felix J. Boston	26,976
Curtis Latham	26,581
D. E. McEachern	26,539
Lloyd Glenn	26,227
Paul D. Miller	26,222
James B. Cox	26,168
Dr. Wm. B. Childress	25,749
Melvin Young	25,659
Verlon Watson	25,290
Jack Thompson	25,092
B. J. Holland	24,982
A. Emmet Pittman	24,374
R. W. McClure	24,258
Lonnie G. Todd	24,187
Jim Doan	24,182
L. L. Armor	23,980
August C. Falkenberg	23,440
Victor Martin	23,031
Jake Jones	22,902
Wylie A. Byrd	22,817
Eugene Searsy	22,786
Leo W. Foster	22,766
Bobby Sisemore	22,608
A. D. Lee	22,588
Don A. Nelson	22,532
Glenn Jolly	21,940
John Hays	21,828
H. T. Copeland	21,823
Albert M. Steinfath	21,770
L. G. George	21,593
Frank Kiker	21,232
Estle Haught	21,116
Allen Glenn	21,042
William P. Hinton	21,006
Henry Hinton	20,959
Cone W. Johnson	20,951
Newt Redmon	20,916
Hugh R. Poage	20,[illegible]03
Dayle Culwell	20,688
Earl Hillman	20,614
Foster Parker	20,546
Joe L. Byrd	20,255
James Vineyard	20,158
John Spilman	20,120
Total payees in county (79)	2,419,575

TAYLOR COUNTY

Lawlis Y. Sipe	42,346
Ted McAninch	35,409
Total payees in county (2)	77,755

TERRELL COUNTY

Jack and Roy Deaton	45,072
Herbert Brown	34,358
Bell & Kenney	25,324
Harrison Bros	23,302
R. S. L. & C. Inc	23,090
Jack Riggs	20,847
Roger Rose	20,444
Total payees in county (7)	192,437

TERRY COUNTY

Muldrow Farms	62,987
Bonard Stice	62,783
T. B. Benson	61,856
Howard Hurd	61,114
Graham Swain	60,229
Foster Gin FM	59,536
Charlie Caswell	59,203
Robert Baumgardner	57,181
Harry Stice	55,252
Norman Caswell	54,376
Charles Ray Smith	54,029
Olane Caswell	53,739
Tommy Winn	53,629
W. A. Fulford	52,694
L. L. Banta	52,364
Pat Ramseur	50,815
M. H. Wagner	49,971
D. A. Kelly	48,484
Robert E. Smith	48,431
David Auburg	48,286
H. J. & S., Inc	48,140
J. W. Hawkins	47,811
John Shirley et al	46,769
M. E. Hinson	45,729
Keith Vandivere	45,069
Dan A. Day	44,514
W. C. Cabe	43,858
Don C. Day	43,067
Doyle Moss	42,891
H. L. King	42,872
James F. Turner	42,845
Robert Beasley	42,670
Davis Beasley	42,386
Leon Clark	41,291
S. M. Dill	40,414
Troy Phillips	39,612
Doyle Hargrove	39,487
W. M. Hunter	39,217
Rufus Dill	38,934
Milton Addison	38,415
Melton Briscoe, **Jr**	37,323
Loyd W. Yowell	36,975
D. S. Carroll	36,452
N. R. Marchbanks, Jr	36,217
Kenneth Purtell	35,197
George Weiss	34,720
Forrest D. Spencer	34,644
G. I. Simms	34,029
Rex Wilkes	33,848
Mack Wilmeth	33,687
Donald Hancock	33,587
J. Frank Jones	33,387
Carter Farms, Inc	33,159
Joe Joplin	32,930
Dell Jordan	32,598
J. C. Chambers	32,071
W. Wayne Lewis	31,846
Herman Wheatley, Jr	31,646
C. A. Winn	31,430
J. V. Riley	31,285
Jess McWherter	31,088
J. W. Christesson	30,920
Billy McCallister	30,789
G. W. Henson, Jr	30,736
Billy R. Jones	30,599
Bill W. Blackstock	30,470
C. R. Farrar	30,470
Odell L. Lowe	30,468
Art W. Adair	30,263
Tom Adams	30,182
Travis Farms, Inc	29,752
Val Garner	29,414
Carl Hogue	29,119
Cletus Floyd	28,814
James J. Martin	28,739
M. H. Ratliff	28,677
Harold Foster	28,648
Hubert Henson	28,432
Doyle Neighbors	28,315
Ray Gober	28,299
T. J. Christesson	28,066
Thomas J. Webb	27,991
Dale Andrews	27,809
James G. Davis	27,749
David Turnbough	27,544
R. R. McNiel	27,450
Homer Causseaux	27,383
Robert E. Liles	27,065
Clarence Faught	26,844
L. R. Gober	26,401
Truman Hayes	25,902
Billy Timmons	25,693
G. M. Newsom	25,585
J. A. Webb	25,551
G. W. Dill	25,304
Joe W. Grimes	25,217
Jacky G. Bench	25,154
Tatum Farms	25,040
C. S. Carroll	24,996
R. L. Burnett	24,742
C. J. Fails, Jr	24,444
Larry D. Sims	24,434
W. L. Stephens	24,391
Homer C. Barron	24,311
D. L. Adcock	24,208
Melvin Carroll	24,039
L. M. Williams	23,963

Kermitt Shults	23, 877
Geo. L. Sullivan, Jr	23, 871
R. O. Webb	23, 822
L. P. Joplin	23, 643
R. D. Jones, Jr	23, 604
Burton F. Foshee	23, 600
Brown Farms	23, 585
Edward L. Jordan	23, 532
Graves Nelson	23, 300
Merlin Speed	22, 943
G. C. Cattle Co., Inc	22, 865
Tommy Brashears	22, 668
L. T. Rettmann	22, 421
Donald Currie	22, 271
M. W. Baccus	22, 201
Edward L. McCutcheon	22, 002
Gene Newsom	21, 990
James E. Thurman	21, 948
J. D. Oliver	21, 785
Bill Keesee	21, 706
Truett Flache	21, 657
Ralph Spain	21, 483
J. W. Lasiter	21, 265
R. H. Clements	21, 256
Raymond Vardeman	21, 137
Hugh Clark	20, 995
Fred H. Turner	20, 905
J. V. Gilliam	20, 768
Leroy Jeter	20, 712
Don Martin	20, 613
Earl Caswell	20, 608
J. O. Farrar	20, 562
Billy Yeatts	20, 544
Jimmy Pendergrass	20, 509
R. G. Nutt, Jr	20, 480
Gary McCallister	20, 442
M. R. Paddack	20, 416
Victor Watts	20, 401
Cecil Cowan	20, 353
Dennis Givens, Jr	20, 316
J. W. Cooper	20, 161
Monroe Rowden	20, 025
Total payees in county (149)	4, 844, 733

TOM GREEN COUNTY

B. R. Weatherford	44, 966
Dewey Parmer, Jr	33, 578
Edwin J. Wilde	32, 274
C. M. Arrott	30, 467
Fenton A. Wilde	30, 021
Bill Pfluger	29, 685
Ripple Brothers Part	27, 522
A. Phinney, Jr	27, 024
Richard Book	26, 889
Leon Kiesling	25, 946
Lewis R. Runion	23, 871
Dorval D. Lee	23, 396
Robert Lee Vidler	23, 105
Jimmy Brenek	22, 066
Edwin A. Book	21, 406
Otto W. Dierschke	20, 500
Total payees in county (16)	442, 716

TRAVIS COUNTY

Wilburn Burklund	36, 724
Clyde Lundgren	27, 743
Fred Lundgren, Jr	20, 047
Total payees in county (3)	84, 514

UPTON COUNTY

E. F. Noelke Ranch Co	26, 145
Robert Latzel	24, 801
Ray R. Barrett, Jr	23, 879
Total payees in county (3)	74, 825

UVALDE COUNTY

Dolph Briscoe, Jr	52, 544
Elizabeth Raney	32, 402
Jesse Raney	23, 367
Harvey Gulley & Son	22, 752
Ed Young	22, 048
Burger Bros	21, 346
Total payees in county (6)	174, 459

VAL VERDE COUNTY

W. H. Wardlaw	56, 175
Hutto Brothers	45, 387
Kelly Ranch	37, 419
Davenport Brothers	31, 566
Double R Ranches	29, 965
Charlie F. Hinds	24, 197
Jim Bob Altizer	22, 274
Continental Ranch Co	20, 915
Total payees in county (8)	267, 898

VAN ZANDT COUNTY

Thurman J. Miles	30, 849

VICTORIA COUNTY

William B. Bayer	32, 503

WALKER COUNTY

Texas Dept. of Corr	150, 236

WARD COUNTY

Bluford A. Thornton	23, 714
W. I. Winter	22, 759
Total payees in county (2)	46, 473

WHARTON COUNTY

Wendel, Inc	41, 588
W. D. McMillan	37, 386
Mahalitc Bros	31, 106
Nilson Farms	28, 537
Lawrence Petersen	28, 504
R. D. Williams	26, 778
Lawrence Nilson	25, 400
Ralph Petersen	25, 178
Heyne Brothers	24, 073
Curtis H. Jensen	23, 403
Total payees in county (10)	291, 953

WHEELER COUNTY

J. M. Tindall	29, 568
Raymond Moore	21, 451
A. W. Burrell	21, 329
W. W. Aaron	20, 315
Total payees in county (4)	92, 663

WICHITA COUNTY

Montgomery & Crumpler	34, 347
H. C. Preston Est	24, 530
Rayford Young	22, 859
Total payees in county (3)	81, 736

WILBARGER COUNTY

W. T. Waggoner Trust Est	72, 830
John H. Turner	38, 474
Roy W. Judd	33, 736
Robert H. Belew	29, 856
J. C. Riggins	29, 104
Robert H. Belew, Jr	28, 895
J. W. Overton	22, 732
Curtis A. Graf	21, 535
Jack Lee McMichael	21, 313
Marshall K. Berry	21, 156
Sam Judd, Jr	20, 432
Lorene and H. B. Dockery	20, 318
Total payees in county (12)	360, 381

WILLACY COUNTY

D. E. Morrow	67, 300
B. W. Kirsch	67, 037
Sebastian Cotton & Grain	65, 272
Adele M. Schmidt	62, 311
K. L. Morrow	61, 490
S & S Seed	60, 240
Funk Farms, Inc	54, 996
Jerry Funk	54, 157
Tommy Funk	54, 156
Wayne Labar	52, 631
Alden Johnson	52, 515
James Whitfield	45, 197
Chester A. Johnson	44, 187
Yturria Farms	42, 775
Vassberg Bros	42, 380
Lagerstam Farms, Inc	40, 565
Willamar Farms, Inc	38, 944
W. Don Stone	36, 894
A. C. Durivage	36, 487
Curtis L. Roberts	35, 866
D. C. & Ted Parham, Ptns	34, 713
Weldon Haynes	33, 134
J & L Properties	32, 700
Swanberg Twins	30, 915
John Wreden	30, 111
A. J. Shewmaker	30, 035
Virgil D. Oakes	29, 962
G. M. & C. Ring	26, 768
G. F. McGee & Sons	26, 163
Lloyd M. Funk	25, 367
Monty Stewart	24, 545
D. V. & J. T. Mayo Ptns	24, 002
James M. Lucas	23, 530
Fred Klostermann	23, 068
Brite Hart	22, 791
J. A. Pennington	22, 467
Paul Meers	22, 402
Cooley Farms	22, 357
Chas. Wetegrove Co	22, 024
Hoot Farms	21, 463
Thomas J. Rains	21, 343
D. B. MacAllister	21, 311
D. Seltzer	20, 731
Clarence R. Anderson	20, 658
Chester Hart	20, 448
Leland Harris	20, 440
M. B. Bourne, Jr	20, 295
Donald Florence	20, 048
Total payees in county (48)	1, 709, 191

WILLIAMSON COUNTY

Stiles Farm Foundation	42, 337
Ed Carlson, Jr	25, 223
Telander Bros	23, 193
Billy Turner	22, 300
Total payees in county (4)	113, 053

YOAKUM COUNTY

Wheeler Robertson	66, 535
Alton Billings	65, 335
Grady Warren	63, 229
Bill Moore	62, 232
Tommy Billings	59, 739
Darwin Hobbs	59, 672
T. A. Hicks	59, 395
Olen Edwards	57, 339
Phil Addison	54, 815
John Avara	50, 403
Thurman Skains	45, 566
Truett F. Jones	44, 133
E. B. Hicks	43, 087
Tom Warren, Jr	42, 408
Bob Loe	41, 994
Tekell Farms & Gaylon Tekell	41, 311
Don Thrash	40, 659
R. G. Hartman	38, 011
I. W. Bailey	37, 836
Mont Hamm	35, 395
James W. Warren	34, 504
Louis Eubanks	33, 001
Bobby Bailey	32, 660
Robert A. Long	32, 485
W. R. Nelson	30, 828
C. O. Head	30, 580
Wendell Norman	29, 434
Billy J. Smith	28, 776
C. Loran Gayle	28, 692
L. D. Hamm, Jr	28, 446
Robert Hamm	27, 970
Raymond Crain	26, 845
W. M. Nelson	26, 552
Yoakum Farm Co	26, 104
Dallas Brewer	25, 928
T. A. Elmore	25, 747
T. D. Roberts	25, 702
Donald Ray Lackey	24, 987
Earl Kiser	24, 854
Rayford E. Bearden	23, 646
Dan Beck	23, 115
J. L. Hyde	22, 699
E. O. Winkles	22, 113
Don Williams	22, 084
Morris Lowe	21, 840
Alvin Joiner	21, 627

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Texas—Continued

Billy Winn	21, 237
Homer T. Sudderth	21, 131
W. C. Wilmeth	20, 549
A. O. Bearden	20, 532
C. C. Perkins	20, 464
C. R. Tucker	20, 361
Total payees in county (52)	1, 834, 587

YOUNG COUNTY

F. Dwight Hamilton, Jr	30, 306

ZAVALA COUNTY

Norment Foley	72, 606
Mayfair Minerals	35, 421
Malcolm A. Maedgen, Jr	34, 854
Batesville Farming	30, 230
Leslie H. Laffere	29, 046
R. C. Campbell	23, 062
Two L Farms, Inc	21, 748
Total payees in county (7)	249, 967
Total payees in State (3,989)	127, 217, 633

1971 ASCS and Great Plains Program payments of $20,000 or more—Excluding loans—Utah

BOX ELDER COUNTY

Selman & Goring	32, 885
Curlew L&L	32, 345
Delbert Holmgren	31, 507
Oleen Garn & Sons	30, 343
Wayne & Dallas Sandall	29, 210
Norman Grover	27, 245
Laurence G. Whitney	25, 093
Dennis Petersen	23, 648
Young Brothers	22, 245
Ray Adams	20, 871
Nick Chournos	20, 678
Total payees in county (11)	296, 070

CACHE COUNTY

Lee & Leona Pritchett	22, 472

JUAB COUNTY

Wilson Brothers	20, 904

MILLARD COUNTY

Triple C. Farms	20, 798

MORGAN COUNTY

Charles R. Kippen	26, 916

SALT LAKE COUNTY

Desert Lvst. Co. Inc	99, 374
Thousand Peaks Lvstk. Co	53, 043
Thayne Acord	34, 702
Jones Brothers	23, 687
J. R. & R. R. Fitzgerald	22, 507
Alonzo H. Freeman	20, 670
Leo M. Bertagnole	20, 642
Total payees in county (7)	274, 625

UINTAH COUNTY

Meagher Sheep Co	123, 427

UTAH COUNTY

Richard Greenhalgh	49, 527
Garn Holbrook	29, 306
Elberta Farms, Inc	20, 983
Ralph Davis	20, 789
Maurine D. Childs	20, 212
Total payees in county (5)	140, 817

WASATCH COUNTY

Smith Lamb Producers	25, 189
Bert T. Coleman	23, 497
Robert F. Clyde	20, 229
Total payees in county (3)	68, 915

WASHINGTON COUNTY

E. J. Graff	42, 353

WEBER COUNTY

Wilson Beef and Lamb Co	61, 471
Lloyd Keller Corp	34, 601
Clarence M. Keller	27, 722
Total payees in county (3)	123, 794
Total payees in State (35)	1, 161, 091

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Virginia

CHESAPEAKE COUNTY

V. L. Whedbee	22, 735

VIRGINIA BEACH COUNTY

Frank T. Williams	24, 998
Total payees in State (2)	47, 733

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Washington

ADAMS COUNTY

Columbia Producers, Inc	58, 097
Donald Damon Est	56, 102
D. E. Phillips	55, 833
Hutterian Brethren, Inc	55, 420
Robert V. Phillips	55, 337
Ralph Gering & Sons	50, 809
Robert A. Franz	46, 341
Richard L. Kagele	38, 720
Gilbert Brothers	36, 804
J. Boyd Phillips	35, 951
Johnson Agriprises, Inc	34, 320
John G. Schlomer	33 134
Henry J. Franz	33, 034
Murlen Jensen	32, 658
Walter E. Franz	30, 292
D. E. Phillips Ranch, Inc	29, 474
Rex T. Lyle	28, 395
Elwyn Lyle	28, 395
Gene Kagele	28, 296
Godfrey Meilke	27, 943
Blankenship Farms, Inc	26, 928
Baumann Farm, Inc	25, 963
Clarence Strohmaier	25, 387
Bruce Farms	24, 475
Elmer Schoesler and Sons	24, 364
Victor R. Franz	23, 888
Williams and Williams	23, 611
Homer Evans	23, 092
M. C. Hollenback	23, 001
Albert Sackmann	22, 906
James Kagele	22, 698
Ed McKay	22, 273
Wayne F. Klindworth	22, 175
Leonard H. Franz	22, 023
David A. Davis	21, 365
Kummer Bros	21, 039
Nick C. Seivers	20, 597
Walter Jantz	20, 444
Total payees in county (38)	1, 211, 584

ASOTIN COUNTY

Morley D. Grothe	21, 909
Houser & Sons, Inc	21, 708
Total payees in county (2)	43, 617

BENTON COUNTY

Bi-County Farms	49, 570
Mercer Ranches, Inc	47, 177
Vollmer-Bayne	43, 521
Bateman Bros	38, 422
Gould Brothers	35, 129
Horrigan Inv. Co	31, 221
Wirth Brothers	30, 475
Horrigan Farms	30, 151
Bafus White, Inc	26, 218
Emerson L. Eby	24, 459
Kenneth Lee Smith	23, 782
Allen C. Deffenbaugh	23, 222
Carl L. Smith	21, 934
Earl Walker	21, 908
R. P. Nicoson Ranch	21, 341
Harry G. Owens Ranch, Inc	20, 900
Van Klinken Brothers	20, 771
John Wiley	20, 365
Total payees in county (18)	530, 565

COLUMBIA COUNTY

Conrad E. Tucker	44, 094
Mead Ranch	33, 173
Richard Archer	32, 372
Eslick Farms	27, 949
Dallas W. Long	26, 711
Donohue Farms, Inc	24, 518
David Archer	24, 292
R. F. Young	24, 269
Ellsworth Conover	23, 656
Thorn, Inc	21, 566
Robert Patton	20, 512
Total payees in county (11)	303, 112

DOUGLAS COUNTY

State of Washington	205, 602
Russell Hunt	29, 129
Nelson Brothers	29, 117
Josh Barnes & Son	24, 872
Dezellem Farms, Inc	23, 797
Howard Jorgensen	21, 506
D. G. Davis	21, 262
E. John Isaak	20, 654
Howard N. Long	20, 358
Total payees in county (9)	396,297

FRANKLIN COUNTY

Wm. Geo. Harder	43, 826
Herron Bros	40, 122
William V. Casper	34, 162
Maynard Bailie	30, 058
Melvin Moore and Sons	28, 949
Kenneth Owsley	27, 643
Lyle W. Neff, Inc	27, 129
J. H. Klundt & Sons	26, 480
Jimmie McCary	22, 751
Wilbur Dent, Jr	22, 382
Bauermeister Brothers	22, 159
Lloyd K. Cochrane	21, 647
L. V. Dougherty	20, 996
Cook Brothers	20, 957
John V. Fisher	20, 951
Francis Havlina	20, 946
Richard Hart	20, 149
Total payees in county (7)	451, 307

GARFIELD COUNTY

Klaveano Ranches, Inc	32, 816
John E. Elsensohn	29, 676
Wayne Beale	24, 449
A. E. Blachly	22, 295
Pearl Gwinn	20, 604
Total payees in county (5)	129, 840

GRANT COUNTY

David Stevens	38, 060
Kelley Brothers	37, 146
Lourence Dormaier	35, 169
Donald Frick	35, 046
Higginbotham Brothers	32, 171
Bob Zimmerman	31, 250
Willard D. Lange	30, 149
V. P. Hoersch	25, 444
Art Schorzman	24, 782
Ruth Barbre	24, 752
S and C Ranching	24, 743
Pete Perez, Sr	23, 481
Howard Morgan	23, 091

Heer Brothers	22,980
Phillip Villegas	22,683
H. N. Boger	22,240
Dick Edwards	22,163
S. E. Flanagan	21,768
Agatha Keener	21,401
David W. Frick	21,190
C. C. Claassen	20,861
Walter Spies	20,018
Total payees in county (22)	580,588

KITTITAS COUNTY

Cone Livestock Co	66,936

KLICKITAT COUNTY

Robert Andrews	28,933
Robert Imrie	28,417
Total payees in county (2)	57,350

LINCOLN COUNTY

Tanke Farms, Inc	30,943
George H. Ellis	30,526
Homberg Farms, Inc	30,039
Rockdale Farms /P/	29,440
A. Bodeau and Sons	28,797
Lewis Kagele	28,140
L. Sheffels & Son, Inc	27,926
Wilbur Security Co	26,650
Pfeifer Brothers /P/	26,555
E. and D. Phillips, Inc	26,339
The Sheffels Co., Inc	24,937
Edna Deptuch	24,588
Hardung, Inc	24,417
Lyka Corporation	23,803
Attie L. Turner	23,281
Robert A. Kramer	23,117
Carl E. & George W. Mielke /P/	22,592
Robert Rieth	22,074
Gary W. Geib	21,882
Dewane S. Buddrius	21,855
Alvin D. Fink	21,532
Peyton Tr	21,303
Don and Wallace Weishaar	20,488
Don B. Piper	20,311
Richard Dreger	20,280
Total payees in county (25)	621,815

SPOKANE COUNTY

Osborne Belsby	43,926
Miller Bros	25,758
Cornwall Farms	21,834
Bell & Bell, Inc	20,605
Total payees in county (4)	112,123

WALLA WALLA COUNTY

K2H Farms, Inc	122,185
Kent Land Co., Inc	54,015
Grote Farms, Inc	51,478
Kenneth Smith	51,175
John H. Rea	44,377
Robison L. and L. Co	42,851
Lonneker Farms, Inc	39,026
Erwin Bros	35,148
Twain Boomer	34,849
Matt Lyons	33,754
Schwerin Farms, Inc	33,434
Phillip Anderson	32,987
Foundation Farm, Inc	31,552
Martin Farms, Inc	31,463
John E. Hair	31,400
Allen D. Struthers	29,308
Tompkins & Sons	28,959
Tucker Farms, Inc	28,748
Harold V. Gorham	28,180
Fred Sherry	27,251
Dwelley Jones	26,364
Emeral Duncan	26,257
Fred J. Kimball	26,128
Mervin Deruwe	25,646
Henry V. Zuger	25,035
Frank Hart	24,606
Peterson Bros	24,548
Robert D. Frazier	24,262
Ernest Gluck	24,090
Marvin Tucker	23,299
Charles M. Walsh	23,263
S. Earl Cochran	23,122
Cecil R. Anderson	22,665
Casey Farms, Inc	22,478
Universal Land, SN, RI	22,472
Eugene Valaer	22,423
K & R Walters	22,372
Wallace Evans	22,369
Albert F. Kibler and Son	22,123
Hofer Bros	22,116
Don Thomas	21,974
A. Fred Zuger	21,671
H. Vincent and W. Johnson	21,356
Blacklaw Bros	21,321
Van I. Walkley	20,711
Gar Ran, Inc	20,504
John S. Anderson	20,474
Total payees in county (47)	1,435,789

WHITMAN COUNTY

McGregor Land & Livestk Co	94,044
Pffaf Bros., Inc	53,673
Glen Miller	47,205
Gordon Miller	46,975
Clinton Miller	46,975
Harold Boyd	42,347
Hinderer Bros	40,351
Richard E. Despain	38,216
Urgel Bell	37,544
Bennett Lnd. Co	33,836
Maley Land & Livestock	33,725
Boyd & Sons	30,912
Clark Farms % Asa Clark	30,686
Glorfield Bros., Jack & Benny	30,363
Carl Boyd	30,234
Davis Farms, Inc	29,969
Joe Myers	28,781
Ira Scott	28,527
Virgil Klaveano	27,905
R. Paul Cocking	27,892
Dan Hood	26,044
Robert Whitmore	24,467
Filan Brothers	23,431
James Knott	23,395
Jackson W. Smith, Inc	23,185
Earl Crowe	22,990
Roy Smith Est	22,957
Herbert Camp & Sons	22,933
Lehn Brothers	22,865
Harold H. Smick	22,792
Maley Farms, Inc	22,759
Crow Farms, Inc	22,641
Sodorff Farms, Inc	22,216
Henry Fisher	21,531
Harp Brothers	21,429
Gary Cochran	21,169
Nelson Bros	20,891
Pioneer Stk & Grain Farm, Inc	20,653
David Gfeller	80,626
William H. Evans	20,301
Edgar L. Smith	20,110
Total payees in county (41)	1,249,545

YAKIMA COUNTY

Simon Martinez	34,330
Harlan Shinn	27,616
Harold R. Clayton	23,517
F. T. Gamble	23,240
Hislop Sheep Company	22,217
Ralph Mains	21,639
William S. Parrish	21,287
Total payees in county (7)	173,846
Total payees in State (249)	7,364,315

1971 ASCS and great plains program payments of $20,000 or more—Excluding loans—Wisconsin

COLUMBIA COUNTY

L. J. Kaasa	20,341

DANE COUNTY

Stoughton Farms, Inc	37,837
William F. Renk and Sons, Inc	28,410
Total payees in county (2)	66,247

RACINE COUNTY

Charles H. Kuiper	28,409

ROCK COUNTY

Stuart Rahberg	20,273
Total payees in State (5)	135,270

1971 ASCS and great plains program payments of $20,000 or more—Excluding loans—Wyoming

BIG HORN COUNTY

C. A. Lewis Estate	66,718
Harry Grabbert	35,075
Total payees in county (2)	101,793

CAMPBELL COUNTY

Wagon Hammer L. & L	58,057
Taylor Ranch	30,775
Total payees in county (2)	88,832

CARBON COUNTY

Rochelle Livestock Co	65,473
Anderson Farms Inc	46,378
Palm Livestock Co	46,044
Buzzard Ranch	41,078
Four Mile Sheep Co	32,200
P. H. Livestock Co	28,696
Louis Larsen Sheep Co. Inc	26,516
Swanson & Johnson	26,407
Elmer G. Peterson	25,639
Stratton Sheep Co	25,147
Sandstone Sheep Co	25,024
Chace Bros	23,085
Miller Estate Co	21,975
Cronberg Bros. Inc	20,692
Stanley Jolley	20,149
Total payees in county (15)	474,503

CONVERSE COUNTY

Morton S. Inc	88,407
The Dilts Co	29,220
George Lebar	27,110
Smith Sheep Co	27,006
Ogalalla Ranch Co	25,117
Total payees in county (5)	196,860

CROOK COUNTY

W. R. Gibson	29,486

FREMONT COUNTY

Mazet & Sons, Inc	27,471
Crofts Sheep Co., Inc	24,766
Total payees in county (2)	52,237

GOSHEN COUNTY

Red Cloud Cattle Co	25,772

JOHNSON COUNTY

Harriet Brothers	56,175
Marton Brothers	38,245
Esponda Ranch	34,200
Iberlin Brothers	34,122
Van Irvine	29,101
Sussex Ditch Co	26,437
Moore Ranch Co	26,427
Peter Meike & Sons	23,006
Smith Brothers	22,203
Miller Livestock	22,197
Total payees in county (10)	312,113

LARAMIE COUNTY

Ardic Inv	34,354
Leroy Goertz	31,102
Warren Livestock	30,927
Henry Jessen	23,377
Total payees in county (4)	119,760

1971 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Washington—Continued

LINCOLN COUNTY	
Thompson Land & Livestock Co	86, 105
Bagley Livestock Co	29, 366
Doyle Child	27, 131
Etcheverry Sheep Co	26, 427
Nelson Sheep Company	25, 084
Total payees in county (5)	194, 113
NATRONA COUNTY	
Diamond Ring Ranch	60, 469
Coffman Ranch Co	47, 399
Irvine Bros	44, 172
Rochelle Sheep Co	43, 476
Herman Werner	41, 095
Willow Creek Co	37, 898
Cole Creek Sheep Co	29, 358
R. E. Creager	28, 510
Burke Sheep Co	25, 756
Mark J. Davis	25, 045
Werner, Inc	23, 134
William Irvine	21, 962
Total payees in county (12)	428, 274
NIOBRARA COUNTY	
Boner Brothers	28, 830
PARK COUNTY	
Hunt Oil Company	20, 023
SHERIDAN COUNTY	
Seven Up Ranches, Inc	45, 008
W. F. Peters	22, 722
Total payees in county (2)	67, 730
SWEETWATER COUNTY	
Green River Ls. Co	52, 313
Midland Livestock Co	50, 745
G. & E. Livestock, Inc	43, 441
Magagna Brothers	35, 889
Mau Livestock Co., Inc	35, 481
Bar X Sheep Co	34, 393
Rife Ranch	29, 786
Isaac N. Brooks	27, 807
Total payees in county (8)	309, 855
UNITA COUNTY	
Arthur M. Larson	28, 069
Painter & Company	25, 825
Cook Sheep Company	25, 761
Victor Powers	24, 076
J. Grant & D. A. Broadbent	20, 865
Total payees in county (5)	124, 596
WASHAKIE COUNTY	
Coutis Land & Livestock Co	59, 984
L.U. Sheep Co	37, 214
Frank B. Clark	28, 344
Monier Sheep Co	26, 717
Total payees in county (4)	152, 259
Total payees in State (80)	2, 727, 036

ANNOUNCEMENT OF HEARINGS ON H.R. 13315, TO PROVIDE FOR THE DISSEMINATION AND USE OF CRIMINAL ARREST RECORDS IN A MANNER THAT INSURES THEIR SECURITY AND PRIVACY

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. EDWARDS of California. Mr. Speaker, I would like to announce that Subcommittee No. 4 of the House Committee on the Judiciary will hold a series of public hearings on H.R. 13315, to amend title 28 of the United States Code to provide for the dissemination and use of criminal arrest records in a manner that insures their security and privacy. These hearings will commence with testimony from Hon. Nicholas Katzenbach, vice president and general counsel, IBM Corp., Thursday, March 16, 1972 at 9:00 a.m., Room 2237 Rayburn House Office Building. Additional witnesses will be scheduled to testify at later dates.

Those wishing to testify or to submit statements for the record should address their requests to the Committee on the Judiciary, U.S. House of Representatives, Room 2137 Rayburn House Office Building, Washington, D.C 20515.

MATTERS MARINE—PILOT COURSE IN OCEANIC STUDIES A HUGE SUCCESS

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. HÉBERT. Mr. Speaker, I want to insert in the RECORD a column written by Capt. Thomas L. Lewis, U.S. Navy, retired, about a pilot course in oceanic studies.

Captain Lewis writes a regular column for the Times-Picayune entitled, "Matters Marine."

I think this column about this important program will be of interest.

The column follows:

PILOT COURSE IN OCEAN STUDIES A HUGE SUCCESS

SCHOOL TO OFFER CLASS ON REGULAR BASIS

(By Capt. Thomas L. Lewis, U.S. Navy, retired)

A report from the University of Virginia says its president, Dr. Edgar F. Shannon Jr., has announced because of the success of its pilot course in oceanic studies, "Humanities of the sea"—the first of its kind in the United States . . . it will be offered on a regular basis in Northern Virginia beginning next month and expanded for the future.

The course is the first "credit course" of its kind in the country. It has been conducted on an experimental basis in recent months by the University's School of General Studies through its Center for Continuing Education at Falls Church, Va.

Co-sponsored by the Oceanic Educational Foundation, the report notes that the lecturers have included the leading experts in maritime and oceanic studies in the United States.

Included among the lecturers for the semester beginning Feb. 9 (for the course taught at George Mason College in Fairfax) will be George E. Lowe, coordinator of environmental education for the U.S. Office of Education; Rep. William R. Anderson, D-Tenn., who became the first undersea explorer of the North Pole when he commanded the submarine USS Nautilus.

Also, Helen Delich Bentley, chairman of the Federal Maritime Commission; Robert E. Able, director of the National Sea Grant Program; and other scholars in the field.

The pilot course which ends this month was developed, the UV report says, to introduce the new discipline of economic education to the American educational system.

Dr. Shannon said, "It immediately became oversubscribed, reflecting the mounting interest in oceanic study. The reaction of students and lecturers makes it evident that there is an increasing need for a number of courses to provide intellectual insight into the world's oceans and man's increasing dependence upon the environment of the sea." Already approved for this fall semester is a companion course, "The Science of the Seas."

"THE WORLD OCEAN"

The university will also organize a credit course for independent study. Dr. Shannon said it is called "The World Ocean" and is in its School of General Studies, the university's state-wide division that offers continuing higher education programs.

Also, a course for public schools called "Teaching the World Ocean," is being developed by the School of Education for its summer session this year at Charlottesville, Va.

According to UV's report, the university already offers masters and doctoral degrees in marine science through its department of marine science in association with the Virginia Institute of Marine Science at Glouster Point.

The president of the Oceanic Educational Foundation, Palen Flagler of New York, looking to the future, remarked, "Based on the outstanding results of this pioneering program and the future plans developed by President Shannon, I hope that long-range developments would include degrees in humanistic oceanic education and studies to complement science-resource-research studies in oceanography.

"In the long term I foresee creation of a center of oceanic advancement on the grounds of the university which would bring scholars together in a multi-disciplinary pursuit of the potential of the oceans toward the betterment of mankind. Certainly there is a need for a maritime industrial park that could very well be established in the State of Virginia."

OCEANIC SCHOLARS

Dr. Shannon suggested that a major step in developing a comprehensive program in the humanities of the sea would be the establishment of a professorship at the university and that this chair would enable the university to bring oceanic scholars to Charlottesville to teach at all levels.

"It is increasingly apparent that all levels of teaching must afford expanded opportunities for students to gain knowledge of the oceans. Here in Virginia, manifestly a maritime state, we recognize our unique responsibility," he said.

He noted that persons who enrolled in the weekly classes of the first semester of the pilot course included educators, representatives from industry and government (including the Congress) and also private citizens. He said some were in it because of their recreational interests in the oceans.

Lecturers for the course, the report notes, are Gilven M. Slonim, course coordinator and vice president of the Oceanic Educational Foundation; Dr. Vincent Davis, director of the Patterson School of Diplomacy and International Commerce at the University of Kentucky;

Wayne A. Wallace, associate professor of environmental sciences at the University of Virginia; Raymond J. McHugh, Washington bureau chief of the Copley News Service; Dr. John R. Thomas, project director of Soviet studies for the Research Analysis Corporation; Dr. Sheldon W. Simon, a political scientist at the University of Kentucky;

Dr. H. Douglass Sessums, chairman, curriculum in recreation administration at the University of North Carolina, and Dr. Horace M. Kallen, professor emeritus of philosophy at the New School of Social Research.

In addition, Sen. Claiborne Pell, D-R.I., a congressional leader in the field of oceanic programs, will hold a seminar in May.

NEW LEGISLATIVE PROPOSALS: A MAJOR BUDGET CONTINGENCY

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. MAHON. Mr. Speaker, like all budgets, the President's fiscal 1973 budget comprises a package of plans, proposals, and projections. The budget totals—the reestimated fiscal 1972 totals and the tentative fiscal 1973 totals—include dollar amounts based on such plans, proposals, and projections, both as to new appropriations proposed—technically called new budget authority—and as to projected budget expenditures—technically called budget outlays.

One part of the budget package is the new legislative proposals recommended—the items that generally first require consideration by various legislative committees—and subsequently the House and Senate—prior to the materialization of specific budget requests for funds to be considered by the Committees on Appropriations. How Congress reacts to these proposals—or its failure to act—obviously impacts on the budget and the final budget results for the fiscal year or years involved.

I refer only to new legislative proposals. There are many annual authorization bills for ongoing programs under existing law that must also be processed. Those are not dealt with here.

I am inserting for the information of Members and others a tabulation of all such new legislative proposals as identified in the 1973 budget submitted on January 24. They involve both the current fiscal year 1972 budget totals and those for the forthcoming fiscal year 1973 which begins July 1 next.

For fiscal 1972 these budget proposals for new legislation involved—

New budget authority in fiscal year 1972 of $4,026,017,000; and

Estimated budget outlays in fiscal year 1972 of $2,661,248,000.

For fiscal 1973, they involve—

New budget authority in fiscal year 1973 of $10,041,155,000; and

Estimated budget outlays in fiscal year 1973 of $10,456,473,000.

As the tabulation discloses, they involve a wide range of programs—general and special revenue sharing; reform of the military retirement system; emergency school assistance; the social security program; and others. Some involve large amounts, others do not.

A handful of the legislative proposals involve reductions rather than increases, and those reductions are cranked into the overall budget totals. In the fiscal year 1973 totals, they are about $1.3 billion in budget authority and about $1.5 billion in outlays. Failure of Congress to accept such proposals would have the effect of increasing the budget.

GENERAL REVENUE SHARING

The largest single dollar amount in these budget proposals for new legislation relates to general revenue sharing—about half of the 1973 totals and considerably more than half of the revised 1972 totals. More significantly, Mr. Speaker, the general revenue sharing proposal contemplates a bill that would not only authorize the program but would also actually make the appropriation, automatically, each year without the requirement for any further appropriation action by the Congress.

Enactment of any such revenue sharing proposal would further increase the so-called relatively uncontrollable expenditures in the budget—already accounting for about 71 percent of budget outlays—and thus further erode, as a very practical matter, the flexibility of the Congress to annually adjust and fix priorities to meet changing conditions and needs.

For the 6-year period, fiscal 1972–77, the budget estimates a total of $33,800,000,000 for general revenue sharing, beginning with $2.5 billion in fiscal 1972 and escalating to some $7.5 billion in fiscal 1977.

SIX-YEAR COST PROJECTION, NEW LEGISLATION

A complete list of 6-year projected costs of legislative proposals for major new and expanded programs in the 1973 budget is in table 16, at pages 540–542, of the 1973 budget.

The Director of the Office of Management and Budget, George Shultz, told the Committee on Appropriations on January 24:

> For all practical purposes, the Government is very much on the spot. We must face more squarely the longer-range implications of decisions. We can no longer accept proposals because "they do not cost much in the first year." Whenever a new program is proposed, that program must be important enough to warrant taking something else out of the budget or important enough to warrant a tax increase.

I include a tabulation of the proposals:

1973 BUDGET, ITEMS PROPOSED FOR LATER TRANSMITTAL UNDER PROPOSED LEGISLATION

[In thousands of dollars]

	Fiscal year 1972		Fiscal year 1973	
	Budget authority	Outlays	Budget authority	Outlays
Executive Office of the President: Council on International Economic Policy	1,130	980	1,341	1,316
Funds appropriated to the President:[1] International financial institutions	380,000	10,000	910,000	103,000
Department of Agriculture:				
Federal Crop Insurance Corporation:				
Administrative and operating expenses			−1,000	−1,053
FCIC fund				1,452
Farmers Home Administration:				
Direct loan account		−20,158		3,977
Agricultural credit insurance fund	−163,094	20,158	−136,503	−593,816
Total, Agriculture	−163,094		−137,503	−589,440
Department of Commerce: Maritime Administration: Operating-differential subsidies	15,000	15,000		
Department of Defense:				
All-volunteer Armed Force			400,000	390,000
Military retirement systems reform			296,000	290,000
Total, Defense			696,000	680,000
Department of Health, Education, and Welfare:				
Food and Drug Administration:				
Food, drug, and product safety			38,845	29,743
Health Services and Mental Health Administration:				
Health services planning and development	57,000	9,000	60,000	36,000
Office of Education:				
Education revenue sharing			223,911	110,000
Emergency school assistance	500,000	80,665	1,000,000	381,000
Higher education	259,500		−288,000	−28,500
National Foundation for Higher Education	3,000	1,000	100,000	30,000
National Institute of Education	3,000	2,500	125,000	50,000
Social and Rehabilitation Service:				
Grants to States for public assistance			−859,220	−859,220
Social and rehabilitation services			10,000	2,348
Social Security Administration:				
Payments to social security trust funds			175,000	175,000
Social security trust funds: Benefit increases, and tax base and rate changes	200,000	15,000	1,303,000	4,020,000
Welfare Reform			450,000	350,000
Total, HEW	1,022,500	108,165	2,338,536	4,296,371
Department of Housing and Urban Development: Urban community development revenue sharing			490,000	490,000
Department of the Interior: Bureau of Land Management: Management of land and resources			20,000	10,000
Bureau of Indian Affairs:				
Resources management			4,000	4,000
Revolving fund for loans	5,000	1,000	5,000	1,000
Territorial Affairs: Trust territory of the Pacific Islands	1,000		1,000	1,000
Geological Survey: Surveys, investigations, and research			5,000	4,000
Bureau of Mines: Conservation and development of mineral resources			7,000	7,000
Total, Interior	6,000	1,000	42,000	27,000
Department of State: International Boundary and Water Commission: Construction	12,881	503		4,345
Department of Transportation: Federal Railroad Administration: Federal grants to the National Railroad Passenger Corporation	170,000	105,000		65,000
Department of the Treasury: General revenue sharing	2,500,000	2,250,000	5,300,000	5,000,000
Environmental Protection Agency: Operations, research, and facilities			35,000	22,000

Footnotes at end of table.

Footnotes at end of article.

1973 BUDGET, ITEMS PROPOSED FOR LATER TRANSMITTAL UNDER PROPOSED LEGISLATION—Continued

[In thousands of dollars]

	Fiscal year 1972		Fiscal year 1973	
	Budget authority	Outlays	Budget authority	Outlays
Veterans' Administration:				
Compensation and pensions	25,000	25,000	151,700	151,700
Readjustment benefits	54,100	143,100	163,300	167,300
Medical care			15,945	15,945
Medical administration and miscellaneous operating expenses			155	155
General operating expenses			−1,000	−1,000
Grants for construction of State extended care facilities			2,700	
Total, VA	79,100	168,100	332,800	334,100
Other Independent Agencies:				
Federal payment to the District of Columbia	1,000	1,000	22,000	12,000
Federal contribution to the Washington Metropolitan Area Transit Authority			8,481	8,481
Payment to the John F. Kennedy Center for the Performing Arts	1,500	1,500	1,500	1,500
Water Resources Council			1,000	800
Total, other independent	2,500	2,500	32,981	22,781
Total, items proposed for later transmittal under proposed legislation	4,026,017	2,661,248	10,041,155	10,456,473

[1] The budget proposes for "Expansion of defense production," legislation which provides for the termination of interest payments and the cancellation of remaining borrowing authority. The proposal is not included in the above list, since it does not affect budget authority or net budget outlays. For further details, see p. 107 of the Appendix to the Budget.

Source of table: Office of Management and Budget, January 1972.

TO WALK THE STREETS SAFELY

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. SCHEUER. Mr. Speaker, in 1969, I authored a book, "To Walk the Streets Safely," about modern techniques for dealing with predatory crime. This book was the result of the very great impact that crime and the fear of crime were having upon the lives and the emotions of my constituents. The effect was so great that I spent several years investigating the ways in which modern technology could be applied to help in the fight against crime, and the book was a product of those investigations.

Now, some 3 years later, I find that from my constituents' point of view, the situation has not changed very much. The crime statistics still demonstrate an intolerable increase in the number of crimes against the person, and in my own district during the past 60 days alone, I attended the funerals of a woman killed in her apartment, a businessman killed in his shop, and a police officer killed in the streets.

We in the Congress have attempted to deal with the problem through legislation. We have enacted several bills over the years designed to deal with crime and the havoc it is creating.

Of these legislative measures, great hope was expressed for the Omnibus Crime Control and Safe Streets Act of 1968. This act established the Law Enforcement Assistance Administration which was designed to provide funds to the States to help them improve their law enforcement effort. LEAA was slow in starting, and money—some would say a great deal—has been wasted. But, LEAA has in fact funded a number of important and significant projects.

One such project involved the grant of $185,000 to Cedar Rapids, Iowa, for the development and free distribution of silent alarm systems to small businesses.

In 1969, I suggested that inexpensive silent alarm systems could serve as tools to detect intruders and to arouse the police. The installation of effective systems of this type in business establishments and the lobbies of apartment buildings, I contended, could serve as effective crime deterrent devices.

The LEAA grant to Cedar Rapids has demonstrated that this is indeed the case. The installation of silent alarm systems in 350 small businesses at a cost of $185.60 per system has increased the capture of night-time prowl thieves by more than 300 percent. And another dividend of the system is that while the alarms are watching for burglars in nearly 400 places, the night-shift patrolmen are free to cover more ground, making conventional patrols in high-crime areas.

Another project which is now enthusiastically supported by LEAA, involves the use of high-intensity street lighting as a tool to decrease night-time crime. Again, in 1969, I suggested that better street lighting could serve as one of the more effective deterrents to crime, as well as an aid to detection, since it makes the criminal and his potential target more exposed to observation. A recent experiment in the District of Columbia seems to demonstrate the truth of this proposition.

The District recently installed 3,000 high-intensity sodium vapor street lights in four areas of the city. These lights, which provide nearly two and one-half times the light normally used, have resulted in a decrease in night-crime of 32 percent in an area equivalent to 120 city blocks with a population of 30,000 at a time when all crime decreased in the District by only 14 percent.

A third technique which has also been supported by LEAA and which, like the alarms and high-intensity lights, appears to have a significant effect upon crime, involves the saturation patrolling of a particular area with large numbers of patrolmen. Thus, the New York City Rand Institute recently studied an experiment which involved increasing the number of patrolmen in the 20th police precinct, located on the West Side of Manhattan, by an average of 40 percent—from 200 to approximately 300. On the whole, the institute found, total felonies, including such crimes as manslaughter, rape, murder, and robbery, decreased by approximately 14 percent.

All three of these methods—alarm systems, high-intensity lighting, and saturation of an area with patrolmen—have one significant drawback. Used separately, each may cause a mere displacement of crime—that is a movement by criminals from areas where they are employed to other areas where they are not.

However, there is no reason why these devices cannot be used in conjunction with each other. For example, the use of alarm systems in one area may reduce the number of patrolmen required in that area. The patrolmen thus released could be used for the saturation patrolling of another area.

In any event, the effectiveness of these devices, particularly the alarm systems and high-intensity lighting, appear to have been demonstrated beyond question.

It is time to move from the demonstration stage to widespread usage. I am, therefore, today introducing legislation to amend the Omnibus Crime Control and Safe Streets Act of 1968 to direct LEAA to give special emphasis to funding State programs for the distribution of alarm systems to small businesses, for high-intensity lighting, and for saturation patrolling.

Of course, the funds contained in the amendments will not do the job completely. Even at $185.60 per alarm system, for example, the total cost of providing each of the 8 million small businesses identified by the Small Business Administration with alarm systems would cost over $8 billion. But, at least the funds will provide a start. Further delay is unnecessary and intolerable.

ECONOMIC STABILIZATION II: THE ADMINISTRATION'S FAILURE TO POLICE ITS RENT INCREASE GUIDLINES

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. HELSTOSKI. Mr. Speaker, a little-publicized development in the area of economic controls calls into serious question this administration's stated devotion to "law and order." I refer to the abject failure of the President's Cost of Living Council, the Justice Department and the Internal Revenue Service to enforce the Price Commission guidelines for rent increases.

Since phase II began last November, I have received numerous complaints from citizens of the Ninth Congressional District of New Jersey about landlords who were exacting illegal rent increases. In cases where the landlord was adamant, it was necessary for me to refer the constituents' complaints to the local branch of the Internal Revenue Service. After weeks of delay, the IRS generally met with the landlord and persuaded him to lower the rent to an amount within the guidelines. No criminal action was taken against these landlords, even in two cases where they had gone so far as to file eviction papers against tenants who were merely exercising rights conferred on them explicitly by the Price Commission's December 30 guidelines. Nor did the IRS evidently examine the landlord's books to determine if illegal increases were being demanded of tenants in other units in the same complex. At the most, the landlords were administered a slap on the wrist and told to lower the rent about which a specific complaint had been made.

After I had followed several such cases closely, it became clear to me that the policing mechanism of the so-called New Economic Policy was hopelessly ineffective. Landlords have nothing to fear by demanding an increase in excess of the guidelines. If a tenant should be so brave as to risk eviction by reporting an illegal increase to the IRS, chances are that he will see no action taken. If the IRS does act, the landlord at most has to roll back the rent of the complaining tenant. Thus, by violating the guidelines he has thousands of dollars to gain and nothing to lose.

On February 18, I wrote to Mr. Donald Rumsfeld, director of the Cost of Living Council, urging that the administration seek criminal penalties against landlords who have violated the guidelines. I am including that letter and the response I received from Mr. Rumsfeld's office in the RECORD at the conclusion of my remarks. As the letter from Mr. Abrahams of the Cost of Living Council indicates:

> The Justice Department has filed five court actions for alleged violations of rent increase regulations.

In only one of these however, did the Department seek criminal penalties. One criminal prosecution during the 4 months of Phase II.

In commenting on this single action, Mr. Rumsfeld in a March 3 press release stated:

> This decision should serve as an indication of the determination to see that the Economic Stabilization Act is fully and fairly enforced.

I can only ask Mr. Rumsfeld where he and the other economic policemen have been for the past 4 months. And, one has to be extremely naive to believe his assertion that a single criminal action at this late date will have any deterrent effect.

Mr. Speaker, the administration's failure to police its rent regulations is just one example of the inequity and ineffectiveness of the President's so-called New Economic Policy. A muddled bureaucracy has seen to it that price controls are no more effective. And, of course, stock market profits and numerous other sources of income for the rich are subject to no regulation at all. The workingman must be content with a 5-percent raise, however. What we are witnessing is a redistribution of income from the poor and middle-income citizen to the wealthy and to the corporations. That alone is the net effect of the New Economic Policy.

In conclusion, Mr. Speaker, I am including at this point in the RECORD, the referred-to correspondence with the Cost of Living Council as well as a timely article on rent guidelines enforcement by Mr. Philip Shabecoff of the New York Times:

FEBRUARY 18, 1972.

Hon. DONALD RUMSFELD,
Director, Cost of Living Council,
Washington, D.C.

DEAR MR. RUMSFELD: Since the various rent increases guidelines were adopted by the Price Commission in late 1971, I have received numerous complaints from constituents about illegal rent increases. In most instances, I have been able to supply the constituent with a summary of the rent increase regulations and negotiations with the landlord resulted in a downward adjustment of the requested rent increase.

However, in a number of cases it has been necessary for either the aggrieved constituent or myself to contact the local Internal Revenue Service to request an investigation of the rent increase. In most cases the landlord has been found to be demanding an increase in excess of the guidelines and under IRS pressure has reduced the amount. In two of the cases I have worked on, the landlord was actually in the process of evicting the complaining tenant at the time of the IRS intervention.

It is evident to me, just from the complaints I receive (and I am sure that I see only the tip of the iceberg) that numerous landlords are flagrantly defying the Price Commission rent guidelines. Yet, I am not aware of any action by the IRS, the Justice Department or any other agency to exact criminal penalties from violators. At most, the landlord is simply required to adjust the rent increase to meet the guidelines.

There is no excuse for most landlords, nearly two months after publication of the final guidelines, to be violating these regulations. On the contrary, most of the cases I have dealt with involved corporate landlords, well supplied with competent legal counsel who could easily interpret the complex regulations.

Nevertheless, violations of the letter of the regulations continue. I am convinced that this is due chiefly to the fact that the price control bureaucracy has given the image of a paper tiger, at least insofar as rent controls are concerned. Unscrupulous landlords have apparently gotten the message that they can violate the guidelines with little or not fear of prosecution. This obviously undermines the effectiveness of the "New Economic Policy" and confirms many citizens' views that the President's economic restraints are chiefly beneficial to the wealthy and powerful. I am sure that the President would be highly dismayed were he to learn that the special interests were profiting from his economic policies. The President's great concern for the problems of the common man is well known.

In light of all this, I would appreciate knowing what the Cost of Living Council's policy is with respect to violations of the rent restraints. Specifically, could you advise me as to whether any criminal sanctions have been sought by the government and whether any sanctions will be sought in the future.

Thank you for your attention.

Sincerely,

HENRY HELSTOSKI,
Member of Congress.

EXECUTIVE OFFICE OF THE PRESIDENT,
COST OF LIVING COUNCIL,
Washington, D.C., March 3, 1972.

Hon. HENRY HELSTOSKI,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HELSTOSKI: Director Rumsfeld has asked me to thank you for your inquiry concerning rent increases under the Economic Stabilization Program.

As of this date, the Department of Justice has filed five court actions for alleged violation of rent increase regulations. These cases have involved rentals of apartments, houses and trailers in Florida, Delaware, Massachusetts, New Mexico and Arkansas.

In one case, U.S. vs. Futura Inc. and Charles F. Tunnecliff, the landlord was convicted of violating regulations in increasing the rent on two houses. A date for sentencing has not yet been set. In three of the cases the courts granted temporary restraining orders preventing evictions of tenants or implementation of allegedly unlawful increases. One case was settled when the landlord voluntarily agreed not to implement a planned increase.

Please be assured that the program is monitoring and investigating rent increases and that it will continue to seek court action where appropriate. The program does, however, rely heavily upon voluntary compliance and citizen participation and we appreciate learning of the efforts of you and your constituents in this regard.

If my office can be of further assistance, please let me know.

Sincerely,

ALBERT E. ABRAHAMS,
Assistant Director for Congressional and Public Affairs.

COMPLAINTS ON RENT RULES INCREASING

(By Philip Shabecoff)

WASHINGTON.—The Price Commission's complex rent regulations, one of the biggest headaches of the economic stabilization program virtually from the outset, are coming under increasing criticism in Washington and throughout the country.

Despite the announcement yesterday that a landlord in Florida had been convicted of violating the rent regulations—the first criminal conviction under the stabilization program—consumers, Congressmen, tenants organizations and individual tenants have been expressing concern that the rent rules are not being enforced.

There are increasing complaints about landlords harassing tenants who report violations of rent rules.

There is even some concern within the Nixon Administration about whether the rules themselves are workable.

Although more than half the complaints that come into the field offices of the Internal Revenue Service about violations of controls are about rents, fewer than a dozen cases on rents have been taken to court.

MORE EVICTIONS FEARED

Reports are starting to flow in from watchdog units of the American Federation of Labor and Congress of Industrial Organizations and other sources of landlords retaliating against tenants who complain by evicting them.

In fact, the labor federation's price monitors in Denver decided this week to drop all investigations of rent violations because they did not want to be responsible for the eviction of tenants.

A spokesman for the National Tenants Organization charged that landlords were using the flexibility of the rules to raise rents by amounts far in excess of the 2.5 per cent blanket increase for costs allowed by the Price Commission.

The spokesman for the tenant organization said that evidence was coming in indicating that many landlords were using the rent regulations to raise rents when no increase would normally have been due. She also said there was wide violation of the rules requiring formal notification of rent increases coupled with a statement of the tenant's right to appeal.

Leo Perlis, who heads the A.F.L.-C.I.O. national price watch operation, charged that "the Price Commission's guidelines are no more than a blueprint for profits for landlords."

Landlords, meanwhile, are complaining that the complexity of the regulations makes them difficult to understand and to follow. Landlords are also contending that the controls are causing trouble with tenants who believe that rents are frozen by Price Commission regulations.

MUCH CONFUSION FOUND

In a speech earlier this week, the chairman of the Price Commission, C. Jackson Grayson Jr., conceded that the regulations issued on rents on Dec. 29 were fair but "were so detailed that they often confused landlords and tenants alike."

Mr. Grayson disclosed in his speech that the commission was now involved in simplifying rent regulations. Earlier, the commission had asked the Internal Revenue Service for a survey of compliance with rent rules in 10 to 15 major cities.

Meanwhile, there is evidence to indicate that some landlords are taking advantage of the confusing rules to evade compliance with controls.

In Denver, Mrs. Vi Waggoner, who heads the local price watch program, reports, "We've found landlords here slapping on a coat of paint and using that as an excuse to raise rents by $25 a month."

Among other cases investigated by the Denver price watchdogs was a landlord who placed coin boxes on washing machines previously supplied free to tenants after price controls were announced.

Now, however, the Denver watchdogs have stopped investigating rent complaints. "We found," explained Mrs. Waggoner, "that after we'd file a complaint with the I.R.S. the tenant involved would often be evicted on some other excuse such as making too much noise. We then felt responsible for finding the tenant new housing and that was too much of a responsibility."

NO RECOURSE SEEN

Mrs. Waggoner reported that revenue service officials in Denver told her that there was nothing they could do about landlords who evicted tenants in retaliation for complaints about rent increases even though that was against the law. The landlords always come up with other reasons, Mrs. Waggoner said she had been told.

The Government need not travel to Denver to find questionable applications of rent rules. Here in Washington, only six blocks from the offices of the Price Commission, a young couple are being evicted from their apartment after complaining to the Internal Revenue Service about an illegal rent increase.

The couple, whose name is not given because of pending legal action, filed the protest after the landlord raised the rent on the apartment, which was rented on a monthly basis, from $215 to $235, a 9.5 percent increase.

The couple complained that the rent should be raised by no more than 2.5 per cent under the commission's rules. After a meeting with the apartment manager during which they said they could not pay the higher rent, they received an eviction order.

The Internal Revenue Service has not yet acted on the complaint. But when called directly, the apartment manager conceded that a mistake had been made and that the rent should be increased by no more than 2.5 per cent, or about $5. He said a correction would be made.

However, the manager then said that the eviction notice still stood. The couple was being evicted for another reason, he said. He would not say what the reason was.

An I.R.S. official said today that the service had gone to court on several occasions to prevent a landlord from evicting tenants in retaliation for complaining about illegal rent increases.

However, the official conceded that local eviction laws often made it difficult to stop a landlord from throwing tenants out on pretexts having nothing to do with rent controls.

Donald Rumsfeld, director of the Cost of Living Council, said in a statement that yesterday's rent conviction in Florida "should serve as an indication of the determination to see that the Economic Stabilization Act is fully and fairly enforced." Mr. Rumsfeld also warned that action would be taken against landlords who "harass" tenants who complain of rent violations.

RAILROAD BRANCH LINE ABANDONMENTS

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. ZWACH. Mr. Speaker, one of the latest handicaps being placed in the path of progress in rural America is the abandonment of railroad branch lines which serve thousands of our inland towns and are the only dependable means of mass transportation. Because of load restrictions on the highways in the spring of the year, truck transportation becomes slower and more costly.

Recently a group of some 90 concerned citizens from Minnesota came to Washington seeking ways to stop this abandonment of our branch line railroads.

An account of their efforts recently appeared in the Sanborn Sentinel, in our Minnesota Sixth Congressional District, which, with your permission, and for the information of my colleagues, I would like to insert into the CONGRESSIONAL RECORD.

The article follows:

BERT BELLIG COMMENTS ON R.R. PLANS OF LINE ABANDONMENTS

SANBORN, MINN.,
February 14, 1972.

Bert Bellig of Sanborn, who set out on his own on July 23, 1971, to stop railroad abandonments and started organizing the railroad fly-in, soon got help from Russell Schaandt of Sanforn, Harold Larsen of Springfield, and many other people interested. He has now written a joint letter to Mr. Ihan Ingraham, Federal Railroad Administrator in the Department of Transportation in Washington, D.C., and Mrs. Kenneth Tuggle of the Department of Interstate Commerce in Washington, D.C., following through on a promise he made them in Washington, D.C.

This is what he wrote:

DEAR SIRS: I am enclosing a copy of what I wrote and passed out on the plane on the way to Washington. I hope you will read it. I retired three years ago hoping to do a little hunting and fishing while I am in shape to do so. But when I read in the papers what the railroad companies were planning to do to 20 communities in the area where I have lived all my life, and where we have some of the best farm land in the United States, and knowing what the railroads mean to the people that live here. I made up my mind that I was going back to work and do everything possible to stop their plans for abandonment. We cannot get along without the railroads.

I would like to tell you a little about what took place at the hearings in St. Paul in 1968, concerning the railroads. Our branch line from Wanda to Sanborn, was up for abandonment. During recess time, Stuart F. Gassner, the Chicago Northwest Railroad Attorney, as much as told us in no uncertain terms, that they did not give a damn about their railroads. He talked about the other industries that they were in when he told our group from Wanda that last year they made more off of farm chemicals than they did off their entire railroad system. And knowing how they run their railroads, I can believe this. I can get sworn affadavits from our group that was there as to what I have just said if it is necessary. They have made it quite obvious that they want to get out of the business of railroading! I feel it is time for our Government to help them out by nationalizing the railroads. I can see and understand that they are keeping pretty busy elsewhere. I understand that they are in business in over thirty other industries; they have changed their name to Chicago Northwest Industries.

The new ICC guidelines requiring 34 carloads of shipment per mile of branch line per year is completely unrealistic. This is just another way of eliminating railroad service. It will snowball, by picking off the one at the end of the line. Then the next one is in trouble and will be up for elimination and so on. This is just another way for them to get out of the business of railroading in a few years.

In closing, I want to say that I hope you will not make the mistake of letting our railroads be curtailed.

Yours truly,

BERT B. BELLIG.

P.S. We are now organized and the next time we come to Washington it will take more than one plane. In the meantime, the boys are really going to dig up the fact to be presented, and I hope we will have more time to present them.

AMERICANS, WAKE UP!

(By Bert B. Bellig)

Abandonment of the railroads must stop!! It is about time that the people in this country and our Government wake up to the facts as to what is happening to our railroad transportation system. The railroads, with the help of our Government, really pioneered the development of this Great Nation. Let's keep it that way by seeing to it that the railroads stay in business. We are supposed to be the most prosperous and highly industrialized nation in the world. But when it comes to our railroad transportation system we should hang our heads in shame.

Our Government is now spending billions of dollars in foreign aid to other countries to help them improve conditions within their boundaries. I think it is high time we start using money to keep things in shape within our own country. The restoration of rail service for the farmer and the small towns would be a good place to start. Labor should be no problem, according to the unemployment report put out by our Government. Instead of all these hand-outs, our Government should start by putting men back to work again. The fixing up of these railroad beds should have high priority on the list. The railroads mean a lot to rural America's economy. Farmers have always had a bad time trying to get a price for their production. They certainly do not need the additional problem of getting their production to the market. I have lived on a farm by Sanborn all of my life. This area is one of the most agriculturally productive in the United States. I know for a fact that there is not one businessman or farmer who could survive if he did not take better care of his business than some of the railroad companies are taking care of theirs. To let the railroad pull out would be the biggest mistake our Government could ever make. I feel that anyone who is for letting them do so is not even a good citizen. There are a few that say that they would hate to see the Government take over the railroads—that our Government can not even do a good job of running the postal department. Well, I would hate to see the railroad boys run it, if they would run it like they do their railroads. Some of us would not get any mail for weeks and even months.

Maybe our Government should nationalize the railroad beds. Then it could charge the railroad companies for using them on the basis of what the truckers pay for using our highways. This way the railroad tracks would be kept in good shape. If we are to subsidize the railroad companies, then we must put a watch dog on their heels to see that every penny is spent on fixing up the railroad beds. Our local, state, and federal governments are spending billions of dollars to up-grade our roads and highways to meet the traffic they must bear. And when we check the casualty list of our nation's highways, one wonders if we are doing enough. The upkeep on our roads and the roads that will have to be built for all these additional semis will cost more than fixing up these railroad beds. I am sure that there is no one who drives an automobile who would like to see the railroads pull out and have all the additional semis and trucks that would be necessary to replace them added to our already congested highways.

Under our free private enterprise system, I have always felt that competition was the lifeblood of progress. To let the railroad companies discontinue their service would eliminate competition in our now competitive transportation system. With the antitrust laws we have in this country, the legality of this should be challenged. Our Government had better stop the trucking industry from getting a monopoly. I am sure they will all be organized by the Teamsters Union. In our democracy, are the majority of the people and their elected Government officials running the show, or a few of the railroad companies? I am not against organized labor. I know that well-employed and well-paid laborers are the best consumers of our farm products. But I am sure that if the railroads pull out and the trucking is left to take over, freight rates will go up. These higher freight rates will be passed on to the consumers. With all the recent concern about air pollution, I think our Government should have an investigation to find out which causes the most pollution per ton hauled—the railroad engine or the truck. One train engine will move fifty box cars of grain. It takes 125 diesel semis to move this amount.

If we are going to revitalize the development of our rural areas in this country and stop the migration of country people to the cities (where they have problems enough already), something must be done. We must improve our railroad transportation system to help accomplish this. Branch lines can not be curtailed. These railroad abandonments are not just a local or state problem, but a national one. The problem should be settled in the Congress of the United States once and for all. We must retain our railroads if we are going to remain a strong, prosperous nation.

THE SHIFTING STRATEGIC BALANCE

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. HUNT. Mr. Speaker, I would like to call attention to the position paper adopted by the Executive Council of the National Guard Association of the United States on the subject of "The Shifting Strategic Balance."

It is no secret that the entire Military Establishment has come into disrepute in some quarters in recent years, and I believe it is an understatement to say that many elected public officials have seized upon the public disenchantment with the war to gain support for policies and legislation that will accelerate the erosion of our position of militarily strategic superiority. The purported, but illusive, payoff is the promise that the billions of dollars that would be cut from defense spending would automatically be made available for more enlightened social welfare programs. When one recognizes economic realities and the persistence of Federal deficit financing, whether by fate or design, it is only a short step further to realize that a saving in any one program merely reduces the size of the deficit and does not go into some magical reservoir of great wealth to be distributed at will.

The position paper recites the President's observation as to the perils of military inferiority, and the point made bears special emphasis here:

> There is an absolute point beyond which our security forces must never be allowed to go. That is the level of sufficiency. Above or at that level, our defense forces protect National security adequately. Below that level is one vast undifferentiated area of no security at all. For it serves no purpose in conflicts between nations to have been *almost* strong enough.

I commend the position paper to your attention:

THE SHIFTING STRATEGIC BALANCE

History offers ample evidence that it is military weakness, not strength, that most often leads to armed conflict between nations. That is one of the realities of World power relationships which great nations ignore only at terrible risk.

There is a growing body of evidence that, despite the harsh lessons of history, the United States is permitting World strategic superiority to shift to its chief adversary, the Soviet Union. Members of a Blue Ribbon Defense Panel which exhaustively studied the U.S. defense posture cited an unmistakable trend in that direction in supplementary statement to the Panel Report, and declared that "if these observable trends continue, the United States will become a second-rate power incapable of assuring the future security and freedom of its people."

The Soviet Union is the most powerful nation in the Communist system and is still expanding its great military strength. It already has overtaken the United States in a number of areas and has surpassed it in such critical measures of strategic power as long-range missiles and nuclear megatonnage. It is moving steadily toward the first-strike capability that U.S. leaders often have said we cannot permit. Moreover, it has never swerved from its avowed determination to create a world dominated by the Communist system.

The United States for a quarter of a century has been the most serious obstacle to Communist attainment of their objective of global hegemony. Other nations large and small look to us as their shield against aggression and subjugation. Yet today, Americans are witnessing with apparent unconcern the most rapid contraction of their Military Establishment since World War II, along with a reduction of our relative strategic power vis-a-vis the major Communist powers.

The Nixon Doctrine of strength through international partnership and our National security policy of realistic deterrence are sound, but they are viable only so long as we maintain enough projectable military power and strength of purpose to make the deterrence both real, and credible to others.

There are many indications that we are rapidly approaching the point where both our military strength and our National will can be questioned. The strategic balance is being altered to our disadvantage and many Americans, including some in positions of national influence and power, not only are accepting this dangerous trend but are actively advocating further reductions in our armed might.

President Nixon very clearly outlined the perils of military inferiority when he said:

"There is an absolute point beyond which our security forces must never be allowed to go. That is the level of sufficiency. Above or at that level, our defense forces protect National security adequately. Below that level is one vast undifferentiated area of no security at all. For it serves no purpose in conflicts between nations to have been *almost* strong enough."

We are confident that when Americans fully understand the perils of strategic inferiority, they will insist that National security again be given the highest priority among the many difficult tasks confronting our society.

We endorse the Nixon Doctrine and the policy of realistic deterrence, but strongly believe that the present trend toward an unfavorable strategic balance must be reversed.

We are deeply concerned over the drastic reductions in the strength of the Active military forces. The Army, for example, must drop to a strength of little more than 850,000 by 30 June 1972 if it is to meet the manday ceiling imposed by Congress, and we believe that such a ground force is woefully inadequate under today's circumstances.

We support the Total Force concept on which Secretary of Defense Laird has laid such great stress, and agree that it must be implemented rapidly and fully so that the Nation's Reserve Components may play the more important defense role of which they are capable.

We pledge our best efforts to achievement of a zero Draft as rapidly as possible. We offer the reminder, however, that the National Guard and Reserves in all probability will not be able to maintain their authorized strengths in the absence of Draft pressures unless new membership incentives are forthcoming. Motivated, qualified manpower is the most vital ingredient of military readiness, for the Reserve Components as well as for the Active Forces. The drastic reductions in the Active Forces mean that the United States no longer possesses the military strength to honor its international defense commitments with the Active Forces alone. Additional responsibilities, therefore, have been assigned to the National Guard and Reserves.

If such concepts as self-determination, democratic rule and individual freedom are to survive in this dangerous and imperfect World, it will be because this Nation maintained the strength and the will to continue acting as their chief guarantor. Without that guarantee, backed by adequate defense forces, freedom will not survive and America will be in jeopardy.

RURAL DEVELOPMENT ACT

HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. ROY. Mr. Speaker, in my traditionally rural State of Kansas, 41 percent of the population now lives in just four urban counties. Of the 105 counties in Kansas, 75 lost population during the 1960's.

Behind these simple statistics are thousands of people who were forced to make a decision they did not want to make. These people left their farms or their small towns—not because they wanted to, but because they had no choice.

America's rural areas, once the promised land for millions of city dwellers, are now a land where economic opportunities are few and the standard of living is below average. As a result, millions of persons have left rural America and are now contributors to and victims of the massive problems faced by our cities.

To cope with this worsening situation, the House of Representatives recently passed the Rural Development Act of 1972.

In the words of the Agriculture Committee report, this measure is designed—

> To provide an effective program to enable rural America to offer living conditions and employment opportunities adequate to impede the steady flow of rural Americans to our nation's large population centers.
>
> Once this outmigration is checked, this legislation proposes to make it desirable for Americans to actually return to our rural areas, thereby lessening the burdens and problems of the modern big city.

The bill, which authorizes an increased expenditure of $580 million annually, amends the Consolidated Farmers Home Administration Act of 1961, and the Watershed Protection and Flood Prevention Act, among others, in providing new loan and grant authority for the Farmers Home Administration and the Soil Conservation Service.

Specific aspects of the Rural Development Act include the following:

An increase in water and sewer facility grants from $100 to $500 million annually;

An increase in the agricultural credit insurance fund from $100 to $500 million;

An increase in the size of farm operating loans from $35,000 to $50,000;

Removal of the $4 million ceiling on community water and waste disposal loans;

Authorization for the Secretary of Agriculture to share the cost of providing storage in watershed projects;

The sum of $50 million annually in new grants for industrial planning and community development;

The sum of $75 million annually in new grants for pollution abatement and control; and

A directive to the Secretary to carry out a land inventory and monitoring program and report at not less than 5-year intervals on soil, water, and related resource conditions.

This is, in sum, a far-ranging bill. It must be so, to meet the wide scope of problems which face our farms and our communities of under 5,500 population.

In my State, there are 600 such communities, containing almost one-half million Kansans. There are fewer of them than there were a decade ago; there will be fewer a decade hence unless we act boldly to reverse recent trends.

I met a short time ago with the mayor and city council of one of the small communities in my district. A town of about 1,000, it looked fairly prosperous. As with many such communities, it happens to be at the limit of its bonded indebtedness due to recent street work and other improvements.

Until recently, it felt secure in regard to its water situation. Then a few months ago its reservoir started dropping. It kept dropping until the water level fell below the intake pipes which fed the town. That reservoir is now useless, and the city fathers are unsure as to whether they will ever be able to utilize it again.

For the time being, they are taking water directly from a nearby creek. It is a very limited and uncertain source of water. With summer approaching, they are worried. Without a dependable water supply, they are worried about the very existence of their town. My advice: Put the town on the waiting lists. In 8 or 10 years, assistance might be forthcoming.

Mr. Speaker, it is obvious that that little town—and thousands of others like her across this Nation—does not have 8 or 10 years to wait. She cannot afford to wait those years for water, for a sewer system, or community services, for the home loans which are dependent on adequate water and sewer facilities.

Our little towns, our farms, are dying. They cry out for assistance, and we must answer them before it is too late.

Rural development should not be a partisan matter. Republicans and Democrats joined in passing the Rural Development Act. It is a fact, nevertheless, that existing programs of rural development and environmental assistance have not fared well at the hands of the present administration.

Last year Congress appropriated $100 million in water and sewer grants; the Office of Management and Budget released only $44 million.

This policy must change. An endeavor as important as rural development demands bipartisan cooperation in Congress and active administration by the executive branch, regardless of the party in power.

I strongly support the Rural Development Act, though I realize it is far from the final answer. Every section of the wide-ranging bill will not operate perfectly; changes will undoubtedly have to be made in the years ahead. But it is far better to act, even if mistakes are made, than to sit and wait for the perfect program to present itself.

As a final point, it must be noted that the Rural Development Act will not act directly to solve the No. 1 problem of rural America—low farm income. Other action is demanded in that regard.

This bill does meet the other principal challenge facing rural America, that of providing attractive living conditions for rural residents. And this bill also takes action in another part of the economic sector by encouraging industrial development in rural areas.

Marching in step with sound programs to boost farm income, this bill has the potential to slow and then reverse the decline of rural America. We hear much talk about national priorities these days. As far as I am concerned, we have no higher priority than such a reversal in the fortunes of rural America. We must dedicate ourselves and our resources accordingly.

U.S. RELATIONS WITH NORTH AFRICA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. HAMILTON. Mr. Speaker, David D. Newsom, Assistant Secretary of State for African Affairs, delivered a very good speech on our relations with the countries of North Africa to a conference at Princeton University last fall. Under the subtitle "Lessons From the Past and Future Directions," Mr. Newsom examines our evolving relations with Algeria, Morocco, Tunisia, and Libya. Although our relations with these four Mediterranean littorals are significant, we read and hear little about them. I insert into the RECORD at this time Mr. Newsom's perceptive comments for the benefit of the Members.

His speech follows:

THE UNITED STATES AND NORTH AFRICA: LESSONS FROM THE PAST AND FUTURE DIRECTIONS

(By Assistant Secretary David D. Newsom)

For the past several weeks in the Congress of the United States, a crucial debate has been raging. That debate has concerned some of the fundamentals of our foreign policy over the last three decades, including, the question of foreign aid.

In this debate, three charges have been leveled against the foreign aid program and our policies in the developing world: that we looked at the world solely in Cold War terms; that we have sought to support only certain kinds of regimes; and that we have not kept up with changing circumstances in the world around us.

I should like tonight to challenge these assertions, using North Africa as an example.

North Africa is, in many ways, a microcosm of the developing world. Among the four nations of this area: Morocco, Algeria, Tunisia, and Libya, we find characteristics, problems, reactions and issues common to most of the "Third World."

The history of our relationship to this area over the past two decades suggests to me that our policies have moved and are moving with the changing tides. They are policies which accept change and accept nations as they are.

These states have many characteristics in common: a strong sense of national pride, an underlying belief that the West has obligations to make up for earlier exploitation, and a keen sensitivity to outside interference. At the same time, they are diverse in their national characteristics, their forms of government, and their resources.

Let us go back 20 years—to 1951. Only Libya was moving toward independence, but its prospects for viability were poor. It's first annual budget was only $6,000,000—and few knew where that would be found.

In the other three countries, France played a dominant role, largely to the exclusion of other outside influences. Americans in both government and the private sector, nevertheless, were beginning to learn about North Africa. They were beginning to be aware of its peoples and their quest for freedom. We realized earlier than most that independence was coming and coming rapidly.

But these were, at that time, side issues. Our concern as a nation then was the relationship of this area to the emerging position of the Soviet Union and to its containment. Before missiles and long-legged bombers, our Strategic Air Command bases in Morocco were considered vital for our national security. In 1951, also, we made the decision to seek to retain, in Libya, an important training base for our Air Forces in Europe. We ultimately reached agreement and committed ourselves initially to pay Libya $4,000,000 per year in economic assistance.

Ten years later, the situation had changed dramatically, and we had changed with it. Morocco and Tunisia were independent. De Gaulle had stood in Algiers and had spoken one of history's great ambiguities, "Je vous ai compris." Libya had begun to realize that its deserts covered vast resources of oil.

In these ten years, U.S. policies had moved, too. President Eisenhower had agreed to the evacuation of our air bases in Morocco. Our earlier interest and confidence in Tunisia was followed by a pledge of long term development aid—without conditions or demands for facilities. In 1964, we agreed in principle with the Government of Libya to the evacuation of our military facilities whenever they were not wanted. We were preparing to help independent Algeria with substantial food and technical aid.

Each of these countries, as they become independent, looked to us in a special way. They sought alternatives to full dependence upon the former metropole. It was not yet fashionable to turn massively to the Soviets or the Chinese.

Morocco, because of early links with the United States, encouragement by individual Americans and the presence of our bases, expected special help.

Algeria, despite a resentment harbored because of our support for the French, looked to use as an early sympathizer and benefactor.

Tunisia, under the leadership of Habib Bourguiba, remembered earlier help and encouragement and looked to us.

Libya saw in us and the British the primary sources of critical financial help. The King felt both an indebtedness to us for our support at the UN for Libyan independence and territorial unity despite Soviet opposition, and a dependence upon us.

Ten years ago, we were deeply involved. These nations had expectations of us. We expected to find friends and support, particularly against growing inroads of Soviet influence. We did tend to judge nations in those days by their attitudes toward the Soviets and the Chinese. We, perhaps, underestimated their ability even then to stand up against external influences—from all directions.

Today, this has changed. We and they have adjusted to radically new circumstances.

Each of the four countries is now fully independent.

Each has, further, demonstrated its independence in policies toward the former metropoles and toward other countries. Each country has diversified its relationships. None is any longer dependent predominantly upon a single power, politically or economically. Each in its particular way has sought to qualify as "non-aligned."

The area has seen major political upheavals which have changed the leadership and, in the case of Libya, the basic reorientation of the country.

There has been a dramatic discovery and development of resources, primarily oil and gas, in the last ten years. The direct importance of the area economically to Europe has expanded.

All of this has brought a very basic change in the relationship between North Africa and the United States.

Except for the use of communications facilities at one Moroccan base, we no longer have any military facilities in North Africa.

The proportion of economic assistance provided by the United States has steadily declined as European countries have assumed a larger share.

US grant military assistance and military involvement has declined substantially.

Our relationship with the leadership is changing. The generation has passed or is passing which recall our initial help to the newly independent countries. This change happened early in Algeria where the original leaders of the FLN whom we had known were replaced by those we did not know. In Libya, those who recognized and welcomed our help to that country in its early years have been replaced; both the present prosperity and the changed circumstances have obliterated recollections of that earlier relationship.

Where there has been an abrupt change in a country in which we had close relations with the previous regime, we have had the added element of suspicions regarding our intentions on the part of the new leaders. Only time can overcome such feelings.

The last decade, further, has seen climactic events in the Near East which have affected our own relationships. Algeria broke diplomatic relations with us; relations with the other three became difficult in the months immediately following the 1967 war. The belief that we had helped Israel to win the Six Day War died hard. While these nations may not have been directly involved in the fighting, they were committed as Arabs and shared the feelings of humiliation and bitterness over these events. The Near Eastern issues remain a serious, but not insurmountable problem in our relations with North African countries.

In 1971, we have new interests and requirements. For the first time in our peace time history, we face shortages of significant resources. One of them is natural gas. In Washington, D.C., only a week ago, the local gas utility announced it could take no more new commercial customers; there was simply not enough gas. North Africa—and particularly Algeria—has large gas reserves.

Our approach to North Africa in these circumstances is based on certain clear assumptions:

First, North Africa remains important to us as an area. We have a keen interest in the freedom of the Mediterranean and in the continued access for all to that sea and to the nations around it. The establishment of dominant foreign influences adversely affecting these interests on the southern shore of the Mediterranean would be a matter of grave concern to us.

Secondly, the orderly development of these nations and their resources is important to them, to Europe, and to us. While there are, and will continue to be differing views on what constitutes a reasonable basis for access to these resources, there is agreement that such access is important to all.

Thirdly, we shall remain an important source of the capital and technology required for the development of this area. The nature of arrangements may change, but the U.S. private role is likely to continue.

Fourthly, the nations of North Africa, despite policies shaped by different histories and influences, will all stoutly resist domination by any outside power. They will defy simple catagorization in any East-West lineup.

Finally, events in North Africa, as in many other parts of the world, will move today with far less concern over the role of the United States and reference to us than in years past. If we have interests there, it is our task to preserve them, whether it be in investment, in trade, or in security. We cannot assume that others will do it for us.

Against the background of these assumptions, what is our approach to these nations today?

We regard them, first, not as pawns in an international game, but as independent, sovereign nations. We seek relations with them based on mutual interest, independent of their relations with others. We recognize and respect the variety among the nations. The Cold War is over—unless others choose to continue it. As the President said in his report to the Congress on Foreign Policy in February of last year, one of our two major concerns in Africa is "that the continent be free of great power rivalry or conflict in any form. This is even more in Africa's interest than ours."

We have had particularly close ties with Morocco and Tunisia.

Despite withdrawal of military facilities from Morocco, our economic and strategic interests there remain substantial. We retain important Voice of America facilities. We have growing trade and investment in that country. We value the presence of this friend at the southern side of the gateway to the Mediterranean.

Morocco has, since independence, faced severe economic problems. We have helped in the development of its agriculture and in meeting problems of employment.

King Hassan, thrust suddenly into power in 1961, has led Morocco skillfully through critical years and critical problems. We have both benefitted from cooperation. Our relationship with Morocco, however, has given us neither the right nor the capability to determine the course of Moroccan political or economic life, even if we had desired to do so.

In foreign policy, too, King Hassan has followed an independent course. He has, over the years, improved his relations with Europe and has established friendly relations with the Soviet Union. He has taken an active role in Arab affairs and has frequently used his relationship with us to bring to our attention Arab concerns.

We do not in Morocco—no more than in any other developing country—seek to further or support any particular system or foreign policy. We feel that both are the responsibility of the peoples of the country.

We have established a mutually beneficial relationship with Morocco, despite the different nature of our systems of government. We find a common interest in continuing Moroccan economic growth and the continued absence in Morocco of influences hostile to our basic concerns. In the area of economic development, we have no magic formulae to guarantee either ourselves or the Moroccans growth. Only the Moroccans, themselves, can assure their own progress, political, economic, and social. We believe, however, that our assistance has improved their ability to make such progress.

Tunisia exemplifies a smaller country, ably governed by responsible leadership possessing influence beyond its borders, but endowed with modest natural resources.

The U.S. has enjoyed 15 years of very close relations with Tunisia and has contributed a very significant amount of economic assistance—well over $600 million since 1956. We have no alliance with Tunisia, no bases there, and no real strategic interest in that country. U.S. investment is minimal. Yet U.S. policy over the years has been marked by strong support for Tunisia's economic and political independence.

The U.S. was one of the first governments to recognize Tunisia in 1956. Our assistance followed the 1961 decision that Tunisia should be one of the countries to receive a long-term commitment since it possessed the infrastructure, sufficient economic potential, and political will to serve as a model for other developing countries.

Despite this commitment and interest in Tunisia's success, we did not attempt to determine the path Tunisia chose for development. It is difficult to conceive of a leader of President Bourguiba's character permitting such interference if it had been tried. Tunisian successes and errors are their own. There were misgivings within the U.S. Government in 1966–1969 during the period of accelerated expansion of agricultural cooperatives and increased state control over the Tunisian economy. It was agreed, however, that the Tunisian experiment was worthy of our continued support. Tunisia's ensuing decision in 1969 to reverse the course of its economic policy to give greater emphasis to private enterprise and free market forces was entirely a Tunisian determination.

As a result of the farsighted reforms of President Bourguiba, Tunisia is, in social terms, still the most advanced of the Arab states. Its human resources are its greatest wealth and we will continue to be interested in its development and well-being.

Tunisia has always had an independent foreign policy. It continues to do so. As its leadership passes into other hands, we look for a continuation of our close relationship, one based essentially on a common interest in Tunisia development.

In both Morocco and Tunisia, however, the basic US role has changed in the past ten years. Economic assistance is flowing to both countries from more sources and the over-all US share has declined. Tunisia has been one of the models of the multilateral approach in which a Consultative Group, under the aegis of the World Bank has, for a number of years, coordinated the international effort.

French aid to Tunisia has held steady in real terms and aid to Morocco has increased in both real and proportionate terms. US aid has declined absolutely and proportionately in both countries.

Between 1960 and 1964, the U.S. provided two-thirds of all non-Communist economic aid each to Morocco and Tunisia. Between 1965 and 1969, this proportion declined to 42 percent of the aid flowing to each. In 1970, the US share dropped still further as other donors have increased their share. Our decreasing share is a reflection of the progress these countries are making and of the widening responsibility being assumed by other nations, a trend entirely consistent with overall AID policy.

Our relations with independent Algeria have been quite different from those with Morocco and Tunisia.

If we go back to 1962, US expectations about the potential benefits of bilateral relations with Algeria were probably higher than with most other newly independent countries. They were probably unrealistic then given our inexperience in dealing with each other. President Kennedy had felt a special interest in Algeria dating from his 1957 speech urging the independence of Algeria. Ben Bella had flown back to North Africa following his release by the French in a US Air Force plane. His first foreign visit as President was to the UN and Washington where he was received by President Kennedy. The fact that Ben Bella chose to proceed directly from Washington to Cuba was perhaps an omen of what was to come.

The Algerians for their part always held a strong ideological bias against the U.S. They identified the US with France through NATO. Conversely, they felt a deep bond of sympathy with those states which had endorsed and supported the long bitter Algerian war of independence against France: North Vietnam, the UAR, the People's Republic of China, and Cuba, all countries with which in varying degrees, the US was at odds. In this environment of suspicion and hostility, and given the instability and rivalries of the Ben Bella period, it is not difficult to understand the lack of rapport. Even the fact that the US supplied some $165 million of PL–480 foodstuffs between 1962 and 1967 was regarded by the Algerians as a minor recompense for the devastation suffered during their independence struggle.

The overthrow of Ben Bella on June 19, 1965 by Minister of Defense Houari Boumediene revived briefly US hopes that satisfactory relations might be possible. Boumediene's serious approach and his announced intention to concentrate on his country's problems seemed to augur well for such a development.

With the six-day war, however, Algeria broke diplomatic relations and all US aid to Algeria ceased by law. At the same time, Algeria seized almost all US firms operating there, principally oil companies.

In retrospect, the break in relations proved to have had some benefits. For one thing it cleared the air. The romantic view of the prospects for US-Algerian relations vanished overnight. We recognized that mutual confidence would not be based solely on aid programs, however well-intentioned, nor on public gestures of support—however sincere.

The subsequent upturn in US-Algerian relations has been marked by several turning points. One was the emergence of President Boumediene as the undisputed leader of Algeria. He focused his government's efforts on domestic economic development, and in the pursuit of rapid industrialization, the Algerians found they wanted the expertise and technology that private American enterprise could supply. Many US firms responded to the indication that they would be welcome.

Another major turning point was the October 1969 agreement between SONATRACH and the El Paso Natural Gas Company for the sale of one billion cubic feet per day of natural gas in liquefied form for importation to the East Coast of the US. This project and others like it represent a natural fit between the US, with its estimated annual shortfall in gas supply of 35 trillion cubic feet by 1980, and Algeria with the fourth largest proven, and largely uncommitted, gas reserves in the world—130 trillion cubic feet.

But given the past history of U.S.-Algerian relations, and Algeria's treatment of U.S. petroleum companies, the huge amounts of capital needed, and the respective government authorizations required, it was clear even in 1969 that to bring these projects to fruition would be no easy task. If they could be implemented, however—and I am optimistic that they will be—they would create the most significant long-term economic links between the U.S. and North Africa in history. They would make a substantial contribution to Algeria's economic development and reduce Algeria's dependence on foreign governments for development financing.

During the past two years both governments have, in a spirit of businesslike cooperation, taken actions to enhance the possibilities for an early realization of these Liquified Natural Gas projects. Algeria has upgraded and strengthened its diplomatic representation in Washington—still under the flag of Guinea—and we have done likewise in Algiers under the Swiss flag. Algeria has resolved all but one of its expropriation disputes with U.S. companies. The Eximbank has informed SONATRACH that it is prepared to consider favorably—the financing of several hundred million dollars of U.S. exports for the construction of the necessary facilities in Algeria for this project. The American companies will make no investment in Algeria, but they will finance the LNG tankers. The final authorization by the Federal Power Commission—which will set important precedents for the LNG industry—is the one remaining requirement.

Turning now to Libya, U.S. relations with Libya over the past 20 years have gone through the same radical transformations as the country itself. In the pre-oil, pre-military coup period, Libya was considered one of the most disinherited of the developing countries and showed little promise of economic viability. In the early 1950s, Libya was dependent on U.S., U.K., and other foreign aid for its economic development and military assistance. Libya concluded a defense agreement with the U.K., and agreed to the establishment of Wheelus Air Force Base outside Tripoli and a British air base near Tobruk. Wheelus became, because of its ideal climatic conditions, the principal training base for U.S. fighter aircraft stationed in Western Europe.

This close relationship, which was clearly one of Libyan economic dependence on the US and the UK, was obviously headed for change when in December 1957, Esso became the first oil company to announce it had struck oil. By 1968, Libya had become one of the world's leading oil producers and the per capita GNP of its 1.6 million inhabitants had increased from about $100 at independence to $1,640. Reflecting this transformation, our assistance program was ended in 1965.

In Libya, the United States faced in a very special way the problem of identification with a regime. We had provided substantial financial support in the early days of the Kingdom. We enjoyed the benefits of military facilities. There was a widespread—but unfounded—belief that the British and American Ambassadors dictated policies to Libyan Governments.

There was much less awareness of the growing concern of American representatives in Libya at the increasing detachment of the King from events in the country, the influence of some of those around the King on policies and, what was particularly serious, the disenchantment of many of the best young men in the country with the lack of progress in the building of modern institutions.

It is tempting, but perhaps idle, to speculate on whether the United States could have had a significant influence on the course of events in this country. It is always easier to say what should have been done when one knows how the story turned out. Our aid had helped launch the country. The King and many of its leaders felt an indebtedness to us. Yet, it was clear to all of us in Libya during those years that the course of events was in Libyan hands and would be determined by Libyans. Neither an earlier withdrawal of our facilities from Libya nor the exercise of any extraordinary influence in that country would, in my view, have changed the basic direction of events.

It was, particularly regrettable, but not at all surprising, that the leaders of the coup of September 1969, under Lieutenant (now Colonel) Qadhafi took power with deep suspicions of the United States and with serious expectations that we would try to oppose their coup. The matter was further complicated by the fact that the new regime, deeply influenced by the frustration of the young

Arab military officers over the course of the six-day war made the Arab struggle against Israel a principal tenet of its foreign policy. Their belief in our unqualified support for Israel remains today the chief obstacle to better relations. Other suspicions have, I believe, been modified.

We adapted quickly to the change in Libya. It was never our intention to do otherwise. We agreed to the evacuation of our air base near Tripoli and our Coast Guard navigation station in the Gulf of Sirte. We modified the nature of our relationship to meet the new situation.

In Libya today, the greatest US interests are, in a sense, beyond the government domain. The investment and activities of private American companies in the development and production of Libya's vast oil reserves are essentially matters between the companies and Libya. Our role—when we have a role—is to seek to explain wider aspects of international relations which may bear on oil policy. In the negotiations last year, for example, our official effort was confined to explaining our primary concerns as a government over the consequences for the consuming nations of any breakdown in negotiations, and to explaining actions taken by the US Government in permitting the companies to concert on negotiations.

Today the OPEC countries are in a strong position as a result of the world energy outlook. Demand for oil and gas by the developed world is expanding by leaps and bounds. The OPEC countries have that oil and gas, far in excess of their own needs. A great amount of creative diplomacy by governments and business alike is going to be required if the demands of the producing countries for increasing revenues and for control of the companies are to be met without disrupting the industry, the consumers and the economies of the producing countries themselves. Libya will be a major driving force among the OPEC countries.

One can ask, in retrospect, what were the benefits we gained from our substantial assistance to Libya in its early days?

First, we must recall the strong efforts made by the Soviet Union in those days to have established a Soviet trusteeship over the former Italian colony of Tripolitania. Our help to Libya enabled it to emerge and survive as an independent nation. It gave us advantages in access and the utilization of key facilities during critical years following World War II. It provided a base on which the Libyans and private American firms could build the important petroleum industry that exists in that country today.

Events have moved. Circumstances have changed. We have changed with them. We should not regret what has gone before for that was important to where we are today. And today's Libya has a leadership with which we still have problems, but it is an independent leadership providing no more of an opportunity to other non-Arab forces than it provides to us.

North Africa is a significant area of the world, at the hub where Europe, Africa, and the Middle East meet. It lies on our route of access to southern Europe and the Eastern Mediterranean. It is a significant source of energy for Europe and will increasingly become so for us. It is an example of the trends and problems of the developing world generally.

We have, without forgetting our friends, adapted to change in North Africa. We see its nations as individual entities, each with unique characteristics, determining its own future and its own policies. We see our relations with them as important to our own interests. We can preserve those interests so long as we are prepared to continue an active role in the area and to find foundations for our relationships built genuinely on common interests.

GI BILL EDUCATION BENEFITS FOR VIETNAM VETERANS

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. DORN. Mr. Speaker, Vietnam era veterans will receive greatly increased GI bill education and training benefits under our bill that passed the House by unanimous vote on Monday. It was a very special honor for me to cosponsor this bill, H.R. 12828, and support its passage in our House Veterans' Committee.

Education is the answer to many of the problems today. Unemployment and underemployment of our returning Vietnam veterans is one of our most critical problems. It is tragic for men who have fought in the mud, mire, and filth of South Vietnam to return home and find no job available. The least we can do today is to provide increased education and training benefits, and thus encourage every returning GI to take advantage of the GI educational programs.

It is right for a grateful Nation to provide for educational benefits for those men and women whose education was interrupted by service in the Armed Forces. Every dollar we spend on the education of the Vietnam veteran will come back tenfold. It is an investment in tomorrow. It is an investment which will provide better housing, provide job opportunities, and is insurance against dissatisfaction, divisiveness, bitterness, and unemployment. Education is the greatest investment that this Congress can provide.

The GI education program for World War II veterans cost the Nation $19 billion—$19 billion to educate 10 million men and women. These 10 million veterans have already paid into the Federal Treasury an estimated $100 billion more than they would have paid had they not been educated and thus provided with increased earning power. This does not take into consideration local taxes, State taxes, philanthropies, homeownership, and a better environment for these men and women.

Mr. Speaker, this is the greatest investment in the history of the world. It will pay the American people dividends in the years to come. It has been the opposite of Federal control of education and socialistic regulation of our people. The GI education program provided more freedom, dignity, and self-respect among our people. We should do no less for the Vietnam veteran today. Like the GI education program for World War II and the Korean veterans, this bill will provide further opportunity and justice for the Vietnam veteran.

Mr. Speaker, this bill will provide for an increase from $175 a month for a single veteran student to $200 a month. Proportionate increases are provided to student-veterans who have dependents and who are in part-time training programs. The bill also extends additional benefits to widows and children under the War Orphans Act, and to disabled veterans in training and rehabilitation programs. It liberalizes the standards of the farm training programs for veterans. This is wise and sound legislation which will enable veterans to learn modern farming techniques and to progress in our rural areas, thus curbing the population flow to our already overcrowded urban areas. This bill provides the mechanics by which our veterans can receive their educational benefits in a timely manner and not place a burden on their families or cause mental anguish to themselves. This prepayment plan will do much to insure that the veteran will receive his benefits without unnecessary delay and with a minimum of paperwork. There are several other commendable features of this bill which will assist the veterans as they continue in their academic careers.

Mr. Speaker, I commend our dynamic and able chairman, the Honorable OLIN E. "TIGER" TEAGUE, for his splendid efforts in passing this legislation. I also wish to commend my associates on the committee for their successful sponsorship of this timely legislation, which will open further the door of opportunity for our veterans who have served with honor and distinction.

HATCH ACT STATEMENT

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. WALDIE. Mr. Speaker, I introduced today a bill which would restore to Federal civil employees their rights to participate, as private citizens, in the political life of the Nation and would protect Federal civilian employees from improper political solicitations.

Mr. Speaker, on Tuesday, February 29, 1972, I testified before the Subcommittee on Elections of the Committee on House Administration at the invitation of the chairman. At that time I expressed my strong support for legislation to remove the unjust and overprotective restrictions on Federal civilian employees imposed by the Hatch Act. In particular, I addressed myself to the act as it relates and is interpreted in my own State of California.

The bill which I have introduced today is designed to remove these unnecessary and unreasonable restrictions, while maintaining the protection and integrity of the federal system of employment from unnecessary implication with the private political activity of its employees on the job.

It is deeply disturbing to me that such modifications have not been instituted long before this.

Public employment should not forcibly deprive a person of his rights to constitutional protection. The Federal Government should not be allowed to condition admission to and pursuit of public employment upon any terms which it may choose to selectively impose—especially when not all Federal employees are subject to the same restrictions. Such a double standard seems to me both arbitrary and quite unnecessary.

The notion that a public employee is a servant, and less equal than any other civilian employee whereby he must sacrifice his personal rights merely to engage in earning a living, should be labeled as false from the beginning. Yet the Hatch Act imposes just such a restrictive distinction upon these employees. Such restrictions can only force many fine Americans, who find it against their good conscience to be deprived of their most basic constitutional rights, out of a high calling toward Government service. It is ironic to me that through such laws we force the exclusion of those who hold these basic human rights so dear. As our Federal employment rolls swell each year, more and more Americans are being forced to make such a choice. It is disturbing to me that the "privilege" of Federal employment is based on such an unconstitutional requirement.

Because the Hatch Act is so broad and general, many varying interpretations of it are found. In some instances, it has been used as a lever to coerce employees to remain silent by throwing an unjustifiable fear into them of expulsion or prosecution. In other cases employees are denied the right to speak out or work against injustices of their political system, as private citizens.

But one of the most disturbing provisions of this act, with its broad and general language, is the flexibility that it allows for very subjective and selective interpretation and enforcement of the act. This is the most potentially dangerous provision because it allows the Federal Government, or segments thereof, to single out and remove or persecute any person of any given belief for actual or alleged political activity on his own time. The line between partisan and nonpartisan activity is hazy at best, and no assistance is given in outlining guidelines or criteria which are objective. I find this to be a most serious flaw.

Clearly, such interpretation is not the intent of Congress now nor was it the intent of Congress when the act was passed. Yet, this is just how the law can be distorted. The legislation which I propose today would tighten up the meaning of the act and loosen up the unnecessary and unfair restrictions. Not to do so is a discredit to both the lawmakers and all public employees who happen to come under its jurisdiction.

Mr. Speaker, in my own State of California, the State supreme court, in deciding Hatch Act cases of its own, has held that:

> Only a "compelling" public interest can justify the imposition of restraints upon the political activities of public employees and that it must appear that the restrictions * * * are not broader than are required to preserve the efficiency and integrity of the public service.

Mr. Speaker, I fully realize the need for the Federal Government, when circumstances absolutely compel to impose certain personal political restrictions upon particular employees when they are at work. But the practice of blindly restricting all Federal employees, all the time, from taking a most important part in the mainstream of the Nation, its political process, is both unreasonable and unjust. My bill provides for the necessary restraint of private political activity while on duty or in uniform as a protection for the Federal institution. In addition, the bill also contains provisions to continue to protect the employee from being approached through his job for political solicitations. But these restrictions can and should be lifted from the employee once he leaves the office and returns home. He should be as free as the next man to set examples for his children and participate in the political process in any way he sees fit or chooses.

California Supreme Court Justice Tobriner stated that:

> The expansion of Government enterprise with its ever-increasing number of employees marks this area of the law a crucial one. As the number of persons employed by the Government and governmentally assisted institutions continues to grow, the necessity of preserving for them the maximum practicable right to participate in the political life of the republic grows with it. Restrictions on public employees which, in some or all of their applications, advance no compelling public interest commensurate with the waiver of constitutional rights which they require imperil the continued operation of our institutions of representative government.

Mr. Speaker, I insert the entire text of Justice Tobriner's opinion in the RECORD at this point:

> In the present case we consider once again the constitutionality of restraints imposed upon the political activities of a public employee. We once again review the factors which circumscribe the power of the government to exact as a condition of public employment a waiver of constitutional rights.
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> [1, 2] We have recently held that only a "compelling" public interest can justify the imposition of restraints upon the political activities of public employees and that, "It must appear that the restrictions * * * are not broader than are required to preserve the efficiency and integrity of the public service." (Fort v. Civil Service Commission (1964) 61 Cal.2d 331, 337–338, 38 Cal.Rptr. 625, 629, 392, P.2d 385, 389.) Similarly, in the present case, we hold that a governmental agency which would require a waiver of constitutional rights as a condition of public employment must demonstrate: (1) that the political restraints rationally relate to the enhancement of the public service, (2) that the benefits which the public gains by the restraints outweigh the resulting impairment of constitutional rights, and (3) that no alternatives less subversive of constitutional rights are available.
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> According to defendants, the particular restraints involved here may be sustained because they do no more than prohibit the public employee from campaigning against his own superior, an inhibition which has been upheld in *Fort*. We shall explain, however, that these restraints cover a far wider field of political participation than the campaign against one's superior. To the extent that the restraints operate beyond the sphere of the proffered justification they advance no compelling public interest and exact the waiver of constitutional rights without compensating public benefit. Such restraints cannot stand; a dismissal predicated upon them must be reversed.
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> In April 1960 the defendant hospital district hired plaintiff as a nurse's aide. In this capacity plaintiff performed such tasks as bathing patients, changing beds, and taking temperatures. The record shows that plaintiff consistently performed her assigned duties to the complete satisfaction of her superiors.
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> Late in 1963 a number of citizens became dissatisfied with the policies of the defendant district and commenced a campaign to recall from office certain of its directors. Plaintiff participated in the activities of this group by attending some of its meetings, circulating recall petitions and distributing literature. The record indicates that plaintiff confined her activities on behalf of the recall campaign to her off-duty hours and that in seeking to influence interested citizens to vote for the recall she did not advise them of her employment by the district.
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> On February 7, 1964, the hospital administrator issued to all hospital personnel a memorandum entitled "Political Activities of Public Employees." The memorandum stated: "Notice is hereby given that the Board of Directors of the Washington Township Hospital District [has] instructed the Administrator to place all employees on notice that employee participation in any political activity for or against any candidate or ballot measure pertaining to the * * * District is unlawful and will not be acceptable conduct for an employee of this hospital and shall constitute grounds for disciplinary action and/or dismissal." The memorandum proceeded to state that the employees were "further advised" of certain sections of the Government Code relating to the political activities of public employees. The memorandum quoted in full the language of Government Code section 3205 which provides: "No officer or employee whose position is not exempt from the operation of a civil service personnel or merit system of a local agency shall take an active part in any campaign for or against any candidate, except himself, for an office of such local agency, or for or against any ballot measure relating to the recall of any elected official of the local agency."
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> Plaintiff thereupon sought to enjoin the district from representing to its employees that participation in the recall campaign was unlawful and from threatening or instituting reprisals against any employee for participating in that campaign.
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> While plaintiff's suit for an injunction was pending, the assistant hospital administrator called plaintiff into his office and demanded her assurance that she had withdrawn from participation in the recall movement and that she intended "to obey the letter and spirit of the directive of the Board of Directors." He also stated that plaintiff's failure to give such assurance would result in her prompt dismissal "on the ground that active participation in recall activities by any employee while remaining an employee of the hospital district causes a disruption of employee relations by creating dissension and unrest among employees, which in turn disrupts and impairs the service to the patient and the public." Plaintiff indicated that she intended to continue her participation in the recall movement. Her employment was thereupon terminated. Plaintiff has since amended her complaint to seek reinstatement, back wages and punitive damages.
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> In urging us to affirm the action of the trial court in sustaining a demurrer to plaintiff's complaint, defendant district notes that it maintains no civil service or merit system for its employees and that section 32121, subdivision (h), of the Health and Safety Code declares that employees of local hospital districts hold their positions "at the pleasure" of the hospital board. Since no provision of constitutional or statutory law purports to give plaintiff a right to secure or retain employment by the board, defendant urges that its right to terminate her employment knows no legal limit.
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> [3, 4]. Despite the antiquity of this argument, its reasoning today stands utterly discredited. Although an individual can claim no constitutional right to obtain public employment or to receive any other publicly-

conferred benefit, the government cannot condition admission to such employment or receipt of such benefits upon any terms that it may choose to impose. As Professor Thomas Reed Powell long ago observed, "Logically a thing which may be absolutely excluded is not the same as a thing which may be subjected to burdens of a different kind, even though such burdens would be regarded by all as less onerous than the burden of absolute exclusion. The 'power of absolute exclusion' is a term not identical with the 'power of relative exclusion' or the 'power to impose any burdens whatsoever.'" (Powell, The Right to Work for the State (1961) 16 Colum. L. Rev. 99, 111.)[1] Today courts and commentators alike recognize without question that the power of government, federal or state, to withhold benefits from its citizens does not encompass a supposed "lesser" power to grant such benefits upon an arbitrary deprivation of constitutional right.[2]

The faulty logic inherent in defendant's proffered syllogism was rejected by this court in Danskin v. San Diego Unified Sch. Dist. (1946) 18 Cal. 2d 536, 171 P. 2d 885. That case involved a school district which had undertaken to confine the use of its buildings to organizations whose members gave a satisfactory account of their views. In the course of that opinion we declared: "The state is under no duty to make school buildings available for public meetings [citations]. If it elects to do so, however, it cannot arbitrarily prevent any members of the public from holding such meetings. [Citations.] Nor can it make the privilege of holding them dependent on conditions that would deprive any members of the public of their constitutional rights. A state is without power to impose an unconstitutional requirement as a condition for granting a privilege even though the privilege is the use of state property [citations] * * *. It is true that the state need not open the doors of a school building as a forum and may at any time choose to close them. Once it opens the doors, however, it cannot demand tickets of admission in the form of convictions and affiliations that it deems acceptable." (Danskin v. San Diego Unified Sch. Dist., supra, 28 Cal. 2d at pp. 545–547, 171 P. 2d at pp. 891–892.)

Similarly, in Syrek v. California Unemployment Insurance Appeals Board (1960) 54 Cal. 2d 519, 532, 7 Cal. Rptr. 97, 354, P. 2d 625, 632, this court stated that, "[A]lthough the state need not legally have provided unemployment benefits for anyone, once it has done so it cannot withhold them from one who has good cause for declining a proffered employment."

[5] On the other hand, we cannot accept the apparent suggestion of some few cases that government may *never* condition the receipt of benefits or privileges upon the non-assertion of constitutional rights. (See, e.g., Frost & Frost Trucking Co. v. Railroad Com. (1926) 271 U.S. 583, 593–594, 46 S.Ct. 605, 70 L.Ed. 1101; Terral v. Burke Constr. Co. (1922) 257 U.S. 529, 532–533, 42 S.Ct. 188, 66 L.Ed. 352.) The government employee should no more enjoy the right to wrap himself in the flag of constitutional protection against every condition of employment imposed by the government than the government should enjoy an absolute right to strip him of every constitutional protection. Just as we have rejected the fallacious argument that the power of government to impose such conditions knows no limits, so must we acknowledge that government may, when circumstances inexorably so require, impose conditions upon the enjoyment of publicly-conferred benefits despite a resulting qualification of constitutional rights.[3]

[6] In doing so, however, government bears a heavy burden of demonstrating the practical necessity for the limitation. At the very least it must establish that the imposed conditions relate to the purposes of the legislation which confers the benefit or privilege.[4] In the words of Mr. Justice Frankfurter, "Congress may withhold all sorts of facilities for a better life but if it affords them it cannot make them available in an obviously arbitrary way or exact surrender of freedoms unrelated to the purpose of the facilities." (American Communications Ass'n, CIO v. Douds (1950) 339 U.S. 382, 417, 70 S.Ct. 674, 693, 94 L.Ed. 925, Frankfurter, J., concurring and dissenting.)[5] Thus in Housing Authority of City of Los Angeles v. Cordova, supra, 130 Cal.App.2d Supp. 884, 889, 279 P.2d 215, 218, the court denied the power of the City of Los Angeles to exclude from public housing persons who decline to sign certificates of nonmembership in subversive groups, noting its doubts that "the laudable purpose of combating the efforts of subversives is advanced by compelling them to live in slums or substandard housing accommodations."[6]

[7] Not only must the conditions annexed to the enjoyment of a publicly-conferred benefit reasonably tend to further the purposes sought by conferment of that benefit but also the utility of imposing the conditions must manifestly outweigh any resulting impairment of constitutional rights.[7] Further, in imposing conditions upon the enjoyment of publicly-conferred benefits, as in the restriction of constitutional rights by more direct means, the state must establish the unavailability of less offensive alternatives and demonstrate that the conditions are drawn with narrow specificity, restricting the exercise of constitutional rights only to the extent necessary to maintain the integrity of the program which confers the benefits.[8]

[8] The public employee surely enjoys the status of a person protected by constitutional right. Public employment does not deprive him of constitutional protection. In the absence of an imperative necessity to protect the public from irresponsible activity of so seious a nature that it would disrupt the public welfare, such protections are not subject to destruction by a public employer's insistence that they be waived by contract.

We recognized and applied these principles in our recent decision in Fort v. Civil Service Commission, supra, 61 Cal. 2d 331, 38 Cal. Rptr. 625, 392 P.2d 385, holding that only "compelling" public interests can justify a governmental entity in demanding a waiver of constitutional rights as a condition of public employment. "Although * * * one employed in public service does not have a constitutional right to such employment [citation] it is settled that a person cannot properly be barred or removed from public employment arbitrarily or in disregard of his constitutional rights." (61 Cal.2d 331, 334, 38 Cal.Rptr. 625, 627, 392 P.2d 385, 387.)[9] We further noted in *Fort*, "The principles set forth in the recent decisions do not admit of wholesale restrictions on political activities merely because the persons affected are public employees, particularly when it is considered that there are millions of such persons. It must appear that restrictions imposed by a governmental entity are *not broader than are required to preserve the efficiency and integrity of its public service.*" (61 Cal. 2d at pp. 337–338, 38 Cal.Rptr. at p. 629, 392 P.2d at p. 389 (italics added); see also Kinnear v. City etc. of San Francisco (1964) 61 Cal.2d 341, 343, 38 Cal.Rptr. 631, 392 P.2d 391.)

The restrictions imposed upon plaintiff's political activities by Government Code section 3205 and the board's directive are not, as *Fort* insists that they must be, "required to preserve the efficiency and integrity of [the] public service." The sweeping prohibitions of the statute and the directive are not necessary to the successful functioning of the civil service system. Indeed, the defendant district has not even attempted to demonstrate that such political restrictions even relate to the general purposes of the civil service legislation.

[9] The single ground upon which the defendant would sustain these restrictions is that it may constitutionally prohibit a public employee from running or campaigning against his own superior officer. Defendant rests upon the declaration in *Fort* that "A strong case, we think, can * * * be made for the view that permitting a public employee to run or campaign against his own superior has so disruptive an effect on the public service as to warrant restriction. It is, of course, possible to draw a restrictive provision narrowly in order to deal specifically with such abuses." (61 Cal.2d 331, 338, 38 Cal.Rptr. 625, 629, 392, P.2d 385, 389.) Since the instant limitations were not narrowly drawn to deal with this specific abuse, however, they cannot rest upon this circumscribed ground.

[10] We have recognized that administrative disruption may ensue from the participation of a public employee in a campaign for or against his own superior and that the state may meet such danger by specific restriction. Here, however, we do not reach that question; we need not determine whether the working relationship between plaintiff and the board was so immediate that the board might be considered her "own superior." We shall point out that the present restrictions attempt too wide a prohibition. "Where the statute is attacked on First Amendment grounds the court is not limited in its examination to the application of the statute involved in the particular case, but may consider other possible applications of the statute." (Canon v. Justice Court, supra, 61 Cal.2d 446, 450 39 Cal.Rptr. 228, 230, 393, P.2d 428, 430; see also Fort v. Civil Service Commission, supra, 61 Cal.2d 331, 338–340, 38 Cal.Rptr. 625, 392 P.2d 385; NAACP v. Button, supra, 371 U.S. 415, 432–433, 83 S.Ct. 328; Talley v. State of California (1960) 362 U.S. 60, 63–64, 80 S.Ct. 536, 4 L.Ed.2d 559; Thornhill v. State of Alabama (1940) 310 U.S. 88, 96–99, 60 S.Ct. 736, 84 L.Ed. 1093; Note, Inseparability in Application of Statutes Impairing Civil Liberties (1948) 61 Harv.L.Rev. 1208). Accordingly, we need not determine whether the conduct of plaintiff disclosed by the present record so closely imperiled compelling public interests as to be properly subject to regulation by a more narrowly drawn statute.

Both Government Code section 3205 and the board's directive would prohibit conduct that does not fall within the statement in *Fort* that the state may constitutionally restrict the freedom of a public employee to run or campaign against "his own superior."

The directive proscribes participation in "any political activity for or against any candidate or ballot measure pertaining to the district." By extending its ban to "any ballot measure pertaining to the district" the directive embraces matters other than campaigns against an employee's "own superior." Indeed, in its present form, the directive, like the restriction struck down in *Fort*, would include "even * * * measures which would directly and personally affect the employee such as one relating to his own salary or working conditions." (61 Cal.2d 331, 335, 38 Cal.Rptr. 625, 628, 392 P.2d 385, 388.)

[11] The overbreadth of the statute lies in the wide swath of its prohibition of employee participation in a number and variety of elections. Subject to an exception for persons "exempt" from civil service, the statute provides that no employee of a "local agency" may participate in "any campaign for or against any candidate, except himself, for an office of such local agency." Since Government Code section 3201 defines "local agency" as "a county, city, city and county, political subdivision, district, or municipal corpora-

tion," the ban of section 3205 would, for example, prevent an employee of a city from participating in the campaign of any officer of his city, and perhaps even his county, however remote might be the working relationship between such employee and such officer. So broad a rule cannot find justification in our dictum that a public employee may constitutionally be prevented from opposing the reelection of "his own superior."

We turn, finally, to the suggestion that the statute does not apply to a public employee, such as plaintiff, who does not enjoy the benefit of a civil service or merit system. The statutory ban here expressly extends only to public employees who are "not exempt from the operation of a civil service personnel or merit system." Accordingly, the argument runs, the employees of a government agency which, like the present defendant, has instituted no civil service or merit system for its employees are thereby rendered "exempt from" the operation of such a system within the meaning of the statute.

If there were no other guide to the meaning of this phrase, we might well conclude that the statutory ban applies only to persons who enjoy the protection of a civil service or merit system and that the Legislature intended to preserve intact the political freedom of all other public employees as a surrogate for the job security which they lack. We note, however, that article XXIV, section 4, of our Constitution sets forth an extensive list of "Offices and Employments Exempt From Civil Service." For the most part, these positions are elective or high appointive offices whose holders could not reasonably be expected to refrain from political activities without profoundly affecting the workings of our representative institutions. Since the Constitution has made explicit by definition the officers who are "exempt from civil service," we cannot at will vastly expand that category.

[12] The purpose of the Legislature in confining the ban of Government Code section 3205 to persons "not exempt from" a civil service or merit system was to exclude only persons affirmatively exempted from the operation of such a system by its own terms or by the terms of statutory or constitutional law. Thus the failure of the defendant district to institute a civil service or merit system for its employees does not excuse them from compliance with Government Code section 3205, if that provision were otherwise valid.

In summary we note that the expansion of government enterprise with its ever-increasing number of employees marks this area of the law a crucial one. As the number of persons employed by government and governmentally-assisted institutions continues to grow the necessity of preserving for them the maximum practicable right to participate in the political life of the republic grows with it. Restrictions on public employees which, in some or all of their applications, advance no compelling public interest commensurate with the waiver of constitutional rights which they require imperil the continued operation of our institutions of representative government.

This court has recognized the right of governmental agencies to preserve their harmonious operation by restricting such political activities as directly threaten administrative disruption or a loss of integrity. When, however, the sweep of the restrictions imposed extends beyond the area of permissible limitation, we are obliged to strike down such strictures and any official act predicated upon them.

We reverse the judgment of dismissal entered by the trial court pursuant to its order sustaining defendants' demurrer and remand the cause for further proceedings consistent with this opinion.

FOOTNOTES

[1] See also Comment, Unconstitutional Conditions: An Analysis (1961) 50 Geo.L.J. 234, 236–239; O'Neil, Unconstitutional Conditions: Welfare Benefits with Strings Attached (1966) 54 Cal.L.Rev. 443, 460–462.

[2] Sherbert v. Verner (1962), 374 U.S. 398, 404–406, 83 S.Ct. 1790, 10 L.Ed.2d 965; Speiser v. Randall (1958) 357 U.S. 513, 518–519, 78 S.Ct. 1332, 2 L.Ed.2d 1460; Hannegan v. Esquire, Inc. (1946) 327 U.S. 146, 156, 66 S.Ct. 456, 90 L.Ed. 586; State of Missouri ex rel. Gaines v. Canada (1938) 305 U.S. 337, 349, 59 S.Ct. 232, 83 L.Ed. 208; United States ex rel. Milwaukee, etc., Pub. Co. v. Burleson (1921) 255 U.S. 407, 430–431, 41 S.Ct. 352, 65 L.Ed. 704 [dissent of Brandeis, J.]; Steinberg v. United States (1958) 163 F.Supp. 590, 592, 143 Ct.Cl 1; Fort v. Civil Service Commission, supra, 61 Cal.2d 331, 334, 38 Cal. Rptr. 625, 392 P.2d 385; Housing Authority of City of Los Angeles v. Cordova (1955) 130 Cal. App.2d Supp. 883, 884–886, 279 P.2d 215; Lawson v. Housing Authority (1955) 270 Wis. 269, 275–278, 70 N.W.2d 605; O'Neil, Unconstitutional Conditions: Welfare Benefits with Strings Attached, supra, 54 Cal.L.Rev. 443, 456–460; Linde, Constitutional Rights in the Public Sector (1965) 40 Wash.L.Rev. 10; Note, Unconstitutional Conditions (1960) 73 Harv. L.Rev. 1595; Willcox, Invasions of the First Amendment Through Conditioned Public Spending (1955) 41 Cornell L.Q. 12; Hale, Unconstitutional Conditions and Constitutional Rights (1935) 35 Colum.L.Rev. 321.

[3] "[F]ew if any forms of government benefit are so essential or of such a high order that they cannot constitutionally be conditioned in any way." (O'Neil, Unconstitutional Conditions: Welfare Benefits with Strings Attached, supra, 54 Cal. L.Rev. 443,445.)

[4] Alternatively, perhaps, the state might meet the test of relevance by demonstrating that enjoyment of the benefit by the class which the condition excludes would affirmatively harm compelling public interests. In the Danskin case, for example, we stated: "One must inquire why the measure in question seeks to prohibit 'subversive elements' from holding meetings in a school building, when presumably they can hold them elsewhere without arousing fears of baneful consequences. Is it reasonable to suppose that meetings that would be harmless elsewhere would take on a sinister quality in a school building?" (Danskin v. San Diego Unified Sch. Dist., supra, 28 Cal. 2d 536, 545, 171 P.2d 885, 891; see also, Note, Unconstitutional Conditions, supra, 73 Harv.L.Rev. 1595, 1600; O'Neil, Unconstitutional Conditions: Welfare Benefits with Strings Attached, supra, 54 Cal. L.Rev. 443, 467–468.)

[5] See also Bates v. City of Little Rock (1960) 361 U.S. 516, 525, 80 S.Ct. 412, 4 L.Ed. 2d 480; Schware v. Board of Bar Examiners (1957) 353 U.S. 232, 239, 77 S.Ct. 752, 1 L.Ed. 2d 796; Syrek v. California Unemployment Insurance Appeals Board, supra, 54 Cal.2d 519, 529–530, 7 Cal.Rptr. 97, 354 P.2d 625; Note, Unconstitutional Conditions, supra, 73 Harv.L.Rev. 1595, 1600; Wilcox, Invasions of the First Amendment Through Conditioned Public Spending, supra, 41 Cornell L.Q. 12; cf. McLaughlin v. State of Florida (1964) 379 U.S. 184, 190–191, 85 S.Ct. 283, 13 L.Ed.2d 222; Morey v. Doud (1957) 354 U.S. 457, 465, 77 S.Ct. 1344, 1 L.Ed.2d 1485; Toomer v. Witsell (1948) 334 U.S. 385, 403, 68 S.Ct. 1156, 92 L.Ed. 1460; Smith v. Cahoon (1931) 283 U.S. 553, 566–567, 51 S.Ct. 582.

[6] See also Chicago Housing Auth. v. Blackman (1954) 4 Ill. 2d 319, 326, 122 N.E. 2d 522; Lawson v. Housing Authority, supra, 270 Wis. 269, 284, 70 N.W. 2d 605.

[7] Sherbert v. Verner, supra, 374 U.S. 308, 406–409, 83 S.Ct. 1790; Bates v. City of Little Rock, supra, 361 U.S. 516, 524, 80 S.Ct. 412; NAACP v. State of Alabama (1958) 357 U.S. 449, 463–466, 78 S.Ct. 1163, 2 L.Ed.2d 1488; American Communications Ass'n v. Douds, supra, 339 U.S. 382, 405, 70 S.Ct. 674; Garner v. Board of Public Works (1951) 341 U.S. 716, 720–721, 71 S.Ct. 909, 95 L.Ed. 1317; Shelton v. Tucker (1960) 364 U.S. 479, 490, 81 S.Ct. 247, 5 L.Ed.2d 231; cf. Stevens v. Marks (1966) 383 U.S. 234, 243–244, 86 S.Ct. 788, 15 L.Ed.2d 724; Marsh v. State of Alabama (1946) 326 U.S. 501, 509, 66 S.Ct. 276, 90 L.Ed. 265; People v. Woody (1964) 61 Cal.2d 716, 727, 40 Cal.Rptr. 69, 394 P.2d 813; Comment, Unconstitutional Conditions: An Analysis, supra, 50 Geo.L.J. 234, 247–248.

[8] Sherbert v. Verner, supra, 374 U.S. 398, 407, 83 S.Ct. 1790; NAACP v. Button (1963) 371 U.S. 415, 432–433, 83 S.Ct. 328, 9 L.Ed.2d 405; Braunfeld v. Brown (1961) 366 U.S. 599, 607, 81 S.Ct. 1144, 6 L.Ed.2d 563; Shelton v. Tucker, supra, 364 U.S. 479, 487–490, 81 S.Ct. 247; Dean Milk Co. v. City of Madison (1951) 340 U.S. 349, 354, 71 S.Ct. 295, 95 L.Ed. 329; Cantwell v. State of Connecticut (1940) 310 U.S. 296, 304, 311, 60 S.Ct. 900, 84 L.Ed. 1213; Canon v. Justice Court (1964) 61 Cal.2d 446, 459, 39 Cal. Rptr. 228, 393 P.2d 428; Wollam v. City of Palm Springs (1963) 59 Cal.2d 276, 286–288, 29 Cal.Rptr. 1, 379 P.2d 481; O'Neil, Unconstitutional Conditions: Welfare Benefits with Strings Attached, supra, 54 Cal.L. Rev. 443, 469–470.

[9] See also Cramp v. Board of Public Instruction, Orange County, Fla. (1961) 368 U.S. 278, 288, 82 S.Ct. 275, 7 L.Ed.2d 285; Torcaso v. Watkins (1961) 367 U.S. 488, 495–496, 81 S.Ct. 1680, 6 L.Ed.2d 982; Slochower v. Board of Higher Education (1956) 350 U.S. 551, 555, 76 S.Ct. 637, 100 L.Ed. 692; Wieman v. Updegraff (1952) 344 U.S. 183, 191–192, 73 S.Ct. 215, 97 L.Ed. 216.

SIXTY YEARS OF OUTSTANDING SERVICE

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 1972

Mr. BUCHANAN. Mr. Speaker, Sunday marks the 60th anniversary of an organization which has meant much to this Nation throughout the years—the Girl Scouts of America.

Like many parents, my wife and I know from personal experience something of the value of the Girl Scout program. Our daughter, Liz, is a former member of the Girl Scouts and our other daughter, Lynn, is now a Brownie. Hence, I can appreciate the fine work this organization has done in developing character and skills in the young women of our great country.

I have also had the opportunity to view firsthand the fine work of the many Scouts and volunteers of the Girl Scouts Cahaba Council in the Birmingham, Ala. area, which it is my privilege to represent in the Congress.

The nearly 10,000 girls and 2,500 volunteers participating in the Cahaba Council Scouting program have repeatedly reinforced the outstanding reputation which Scouting has earned over the years through such programs as the Helping Hands Drive to collect clothing for the Salvation Army, gathering gifts for the Juliette Low World Friendship Fund, helping put programs together for the Alabama Education Association plus numerous other civic activities.

The myriad of programs offered by the Girl Scouts will prepare the girls of our Nation for the roles they will play as adults in our society and permit them to become active now in providing solutions to some of our current problems.

Their work in the environmental field is well known and gives these girls insight into the problems we face in protecting our environment while giving them guidance in helping to clean it up.

It is an organization of girls of all races and creeds, promoting understanding in a world where the lack of understanding has given rise to so many conflicts.

Scouting stimulates initiative and provides training in six broad areas—the meaning of the Scouting promise and laws, service to others, troops management by the girls themselves, which provides a lesson in self-government, citizenship, international friendship, health, and safety.

The reports of Girl Scouts helping others are countless, and reflect the character which these girls have developed.

But it is not just the Girl Scout organization which must be saluted on this, its 60th anniversary, it is the Scout leaders throughout the Nation who have given so many hours of their time and so much of their energies unselfishly to encourage the development of this Nation's youth.

There can be no question but that this Nation is richer for the contributions which the Girl Scouts of America have made over the past 60 years and that this wealth will grow for future generations.

NIXON'S CHINA TRIP BREACHED THE WALL

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. CHAMBERLAIN. Mr. Speaker, President Nixon's historic journey to mainland China will undoubtedly be remembered as one of the foremost achievements of his administration. It will be months and probably years before a full assessment of its impact on the course of history can be made. Nonetheless, the importance of this first step is clear. The Jackson Citizen Patriot of Jackson, Mich., in its lead editorial on February 29, the day after the President returned, provided its readers with a thoughtful discussion of some of the possible ramifications of this trip and I commend it to the attention of my colleagues:

NIXON'S CHINA TRIP BREACHED THE WALL

President Nixon and his considerable entourage are back in the familiar surroundings of the Capitol today as the first American President ever to visit China while in office.

The one-week sojourn in that still somewhat ancient kingdom brought no startling announcements of friendship or diplomatic relations. It did help to thaw considerably the iceberg that has separated the two countries during the past two decades.

Much of the ice is still there as evidenced by the joint communique issued by the President and Chou En-lai shortly before the President departed on his return trip.

The communique spelled out areas of disagreement in very general terms but ended with a message of hope that the two big nations would continue to pursue the relationship begun by the President's trip.

Without doubt, the most significant statement made by the President was that this nation would remove its military collar from the islands of Taiwan at some future date as tensions in that area lessen.

Perhaps this is an exercise in futility.

Any reduction in American military forces on or near Taiwan is likely to make the Nationalists edgy and contribute to increased tension in the area, not less.

However, that is a problem the President and his advisors apparently will not have to face in the immediate future.

Few expected any startling agreement with regard to the other situations in Indochina and none was forthcoming.

Chou En-lai, long a supporter of the Viet Cong and North Vietnamese, did nothing to jeopardize his relationship with these two groups.

Vying as it is with the Russians for the No. 1 position in the hearts of the North Vietnamese, China could not afford any concessions that would appear to be a softening of its well-known position vis-a-vis the United States.

There was hardly any diplomatic movement on either side in regard to the other vexing questions in Indochina.

The Chinese Communists are again looking warily at a prospering Japanese nation. They know that history often repeats itself and no one in power wants a repeat of the exploits of the Japanese Empire of the Thirties at Chinese expense.

They know that a prosperous nation often seeks to improve its commercial stature with military expansion.

When Japan could no longer find enough raw material to support its burgeoning industrial empire in the Thirties, it went looking for that raw material in China's backyard.

That doesn't seem possible today because China is a much more powerful nation today than it was 40 years ago. But the Chinese don't forget easily and they are uneasy over Japan's new-found industrial might.

Chinese leaders quite naturally reason that what happened in the Thirties and Forties could happen again in the Seventies.

With Russia on the north growing more hostile, Japan on the east and the Nationalists on the south, the Chinese communists have every reason to be wary about their position in Southeast Asia.

That is why they are looking to the possibility of, if not a friendship with the United States, at least a neutralization of a previously unfriendly relationship.

Because of that, this nation can probably expect new overtures from the Chinese with emphasis on cultural and journalistic exchanges, without fully recognized diplomatic relations. We have similar exchanges now with other Communist countries without an exchange of ambassadors.

The President's visit to China is recognition of the role that nation plays in world diplomacy and the actual power it holds as one of the world's leading powers.

In order to deal with the problems that power engenders, the President first had to make some formal recognizance of it. That has been done now. The groundwork for further discussions and diplomatic debate has been laid.

And Taiwan cannot possibly feel that it is the only nation affected by this big power meeting. Japan, and certainly many of the other nations of Southeast Asia, must be wondering how their national interests were treated by the President and Chou En-lai.

Other than some never-before revelations about life in China, the press coverage of the President's trip provided few insights into what the two leaders discussed.

We shouldn't have expected more than that; even the President cautioned against expecting too much in terms of breakthrough agreements.

Just getting beyond that invisible China wall proved refreshing. How long will the euphoria last? We don't know. But a breath of fresh air often does wonders for lagging spirits.

HON. HUGH CAREY CALLS FOR A UNITED IRELAND

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. TIERNAN. Mr. Speaker, many of us are deeply concerned over the tragedy of the situation in Northen Ireland, but few have been as persistent and vocal as my friend and colleague from New York, HUGH CAREY. Congressman CAREY has spoken out against the injustices being perpetrated against the Catholics in Ulster on numerous occasions, and is the chief House sponsor of the Kennedy-Carey resolution calling for, among other things, a united Ireland.

The February 27 issue of the Sunday Press carried an interview with Congressman CAREY on the Irish situation. I urge each of my colleagues to take a few moments to read this very fine article.

[From the Sunday Press, Feb. 27, 1972]

FROM THE IRISH EMBASSY—NOTHING

Tomorrow, in the august House of Representatives in Washington, a two-page resolution, bearing the number H. Res. 702, will be dealt with by the European Affairs Sub-Committee.

There will be public witnesses called to show why the motion which, summarized, calls for peace in Northern Ireland and the establishment of a United Ireland, should be the subject of a debate in the 92nd Congress—the Joint Assembly of 435 U.S. Congressmen and 100 Senators.

The resolution has been tabled by Congressman Hugh Carey of New York, and backed by Mr. Daniels of New Jersey, Mr. Garmatz, Mr. Rodino, Mr. Hawkins and Mrs. Green, of Oregon, and Mr. Eilberg.

Senator Kennedy and Senator Ribicoff are co-sponsors of the resolution.

H. Res. 702, a four-page pamphlet, requests the United States Government, at the highest level to urge the immediate implementation of the following actions.

1. Termination of the current policy of internment and simultaneous release of all persons detained thereunder.

2. Full respect for the civil rights of all the people of Northern Ireland and the termination of all political, social, economic and religious discrimination.

3. Implementation of the reforms promised by the United Kingdom since 1968, including those reforms in the fields of law enforcement, housing, employment and voting rights.

4. Dissolution of the Parliament of Northern Ireland.

5. Withdrawal of all British Forces from Northern Ireland and the institution of law enforcement criminal justice under local control acceptable to all parties.

6. Convening of all interested parties for the purpose of accomplishing the unification of Ireland.

The European Affairs Sub-Committee will

hear evidence from witnesses representing all shades of opinion in America on the Irish question. The committee can decide to have the matter discussed in Congress, if it goes to a vote, and the resolution is passed, it will mean that the world's most powerful voice will be urging Britain to act.

Michael Hand Talks to the Man Behind Monday's Vital Resolution on the North

Hugh Carey is very well informed about Ireland's problems. He has been to the North on a fact-finding mission and met with Opposition M.P.s and Stormont Ministers. He has also had talks with Ministers in Dublin, and with U.S. Embassy officials in London.

After Derry, and the subsequent propaganda machinery of the British Information Service, he was bitterly disappointed that there was no flow of information from the Irish Embassy in Washington.

He told me: "When I was in Dublin, I stressed the importance of getting the Irish side of the stories across via the Embassy here. I was promised that this would be available.

"I haven't received a single scrap of news. I don't blame the Ambassador, he's done everything he could. But the flow hasn't been coming from Dublin. It's a great pity.

"The British were very quick off the mark. Newspapermen and television people used the Heath argument blatantly. Some of the news stuff was just pure hand-out material. One columnist described the Northern minority as a "White" Panther group.

"I would like the Irish Embassy here to feed us—and the media—with informative excerpts of the latest happenings from the minority point of view. As of now, they haven't been particularly effective.

"I'd welcome news from all sources—even Stormont. I'm a fair-minded person. My wife Helen is of Scottish Protestant stock, but she seeks the same justice as I do."

Hugh Carey claims he didn't see fair administration of justice on his visit to the North. Nor did subsequent conversations with two Stormont ministers convince me that there was even intent.

He told me: "I talked with Mr. Baillie, the Commerce Minister, and Mr. Fitzsimmons, the Minister for Health. The former told me that he would welcome someone like John Hume into the Cabinet perhaps as his assistant.

"He said that the two of them could go on a sort of goodwill tour of the world in a bid to get industries for the North. I asked Mr. Baillie would there be a guarantee of fair job allocation, and pointed out that the shipyards employed 8,700 Protestants and 300 Catholics.

There couldn't be a repetition of this. I added.

"I couldn't get this guarantee and I was of the opinion then that the Stormont government were going soft on the promised reforms.

"In a talk with Fitzsimmons, he told me that the real problem with Catholics in Northern Ireland was one of education. He offered the excuse that as Catholics produced too many children and sent them to inferior schools, they weren't fit for key jobs.

"With an attitude like that, how could any reasonably thinking man have faith in such a Government?"

Mr. Carey is against violence in any shape or form. "The British troops were sent there as a peace-keeping force. But soldiers like these don't act as policemen. They are the assailants; they are trained to kill.

"Violence only begets violence. I am against the sniping at British soldiers. The use of arms with intent to kill or maim is never justifiable. But I am realistic enough to know that the policy of internment, the failure for many to secure a living wage, tends to drive people to band together and they look to the I.R.A. as a protection."

"And after Derry, when that man McKeague said on the Frost show, which was seen throughout America, that his people called Bloody Sunday, Good Sunday, many who had accepted the British line were shocked.

Mr. Carey is a firm supporter of the civil disobedience campaign. "The withdrawal of Opposition M.P.s from parliament was justified," he said.

"There is no alternative to this when laws are unjust and seen to be so. Senator Kennedy and I predicted that something like Derry would happen. We hope there is no repetition.

"The most amazing reaction to our stand on Ireland has been the bitter condemnation by British leaders of our actions. They talked about interfering in the affairs of a foreign power.

"It's funny, you know, on what the British class as interference. They didn't say we were meddling when we fought against the Germans. I stood side by side with British soldiers in that war in a common cause.

"They didn't cry stop when the U.S. have bailed their pound on occasions. Or when we stepped in to save Rolls Royce. Or when we backed their sanctions against Rhodesia—another foreign power.

"The British, rightly, have spoken out against Vietnam.

"Are we to stay silent on the apartheid policy of South Africa? I wonder where the demarcation line lies in so-called 'interference.' If appears to us that it is only when we speak out on Ireland that they lay down the law.

"The Americans and the British are cousins—in blood and tradition. A President is honoured in Runnymede and we've always had the highest regard for their sense of fair play. The United States is in a position to call for justice to friends and foes and see an end to war.

"This resolution should be seen as an offer to conciliate. Gradually, we are getting more backing from the House of Representatives and the Senate. Senators Muskie, Brooke and Buckley, while not agreeing with all our proposals, are, in principle, with our proposals."

Hugh Carey, whose grandparents emigrated from Tyrone to know the truth. Tomorrow, Washington and the nation, will be listening to the beginning of the story.

DISABLED AMERICAN VETERANS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. WOLFF. Mr. Speaker, on May 26, 1971, Mr. Henry Schuman, commander of the United Veterans Service Council of Queens County, N.Y., spoke before the House Veterans' Affairs Committee. Mr. Schuman's fine organization represents more than 1 dozen county council units. Because the Disabled American Veterans were inadvertently omitted from the listing of participating county council units which appeared in the printed record of the hearing, I have taken this opportunity to correct the record. The Disabled American Veterans group is one which deserves not only mention, but special recognition, because its members have made such tremendous sacrifices in their service to our Nation. Their being represented at the hearing last May, therefore, was especially important and meaningful to myself and my colleagues on the committee.

"LET'S FREEZE GOVERNMENT TOO"

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. HUNT. Mr. Speaker, a timely message has come across my desk, and I am sure many of you have received it, entitled "Let's Freeze Government Too: A Message Addressed to the President and Members of Congress."

A commentary on the administration of the Economic Stabilization Program, the gist of the message is contained in this one paragraph:

> It is unfair to control the economic decisions of people—while letting federal spending run rampant. Government must do its part—it, too, must show self-discipline.

Indicative of this "self-discipline," and I say that facetiously, you will recall the actions in the Senate earlier this week in connection with the House-passed bill to increase the national debt limit to the phenominal level of $450 billion. By a rather substantial margin, one amendment was adopted to impose a firm ceiling of $246.3 billion on Federal spending for the current fiscal year ending June 30, 1973. Ironically, however, the Senate then turned around 180 degrees and approved an amendment providing that if the Senate votes more in any appropriations bill than requested in the President's budget, the ceiling figure is automatically raised by a corresponding amount. Furthermore, another amendment would exempt from the ceiling any increased outlays for farm price supports, the social security and national service life insurance trust funds, and for interest on the national debt.

Mr. Speaker, this kind of financial wizardry is a hoax and it is about time the Congress lives by the rules it purports to approve as applied to the private sectors of the economy. "Let's Freeze Government Too" is a message that we should all take to heart and I include its text at this point in my remarks:

Let's Freeze Government Too—A Message Addressed to the President and Members of the Congress

Under the current program of controls and freezes, you are:

Asking working men and women to make sacrifices in holding down prices.

Asking businessmen to make sacrifices in holding down prices.

What sacrifices will government make? Government surely doesn't want to ask others to make sacrifices it isn't prepared to make itself. If your program to control inflation is to succeed, government must do two things:

1. Cut federal spending.
2. Restrain the creation of money through the Federal Reserve System.

It is unfair to control the economic decisions of people—while letting federal spending run rampant. Government must do its part—it, too, must show self-discipline.

To halt inflation, federal government spending must be frozen—better yet—CUT, and the money supply restrained. Economic controls deal with the results of inflation. Frozen or reduced spending is one sure way to reduce inflationary pressures. As wage and price increases are deferred, so too should spending for new federal programs be deferred.

It is also time for Congress and all agencies of government to evaluate existing programs by their measurable results and get rid of the deadwood programs that have a proven record of ineffectiveness. Congress too seldom reviews the need for legislation previously enacted.

Will you, Mr. President and members of Congress, face up to these needs?

Only you have the authority to investigate, hold hearings, ask questions and sit in judgment of these spending questions.

If you don't know where and how to stop spending, then you should set up the proper mechanism to find the answers.

If the citizens of the United States must struggle under economic controls then government should, in all equity, restrain its own actions, with emphasis on reduced spending and a restrained money supply.

It is time for government to cooperate with the American taxpayer in this fight against inflation.

Mr. President and members of Congress, the responsibility is yours.

CALIFORNIA CRUDE OIL PRICES FROZEN UNREALISTICALLY LOW

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. HOSMER. Mr. Speaker, while the Congress, the Executive and a host of other organizations and institutions wrestle with the impending energy crisis in this country, I would like to point out a situation which is unreasonably hampering our best efforts to expand domestic oil reserves.

California crude oil prices have been frozen at unrealistically low levels, in comparison with other comparable regions. This, of course, keeps a lid on available capital for increased exploration and generally leads to the depression of the California oil industry.

In using the Wilmington area of California as a comparison with the Upper Gulf Coast of Texas, the difference in oil price by gravity between the two areas becomes apparent. The accompanying table briefly illustrates the differences:

Gravity	Wilmington, Calif.	Upper Gulf Coast, Texas	Differences in price
30°	$3.38	$3.70	$0.32
26°	3.17	3.62	.45
22°	2.89	3.54	.65
18°	2.61	3.48	.87

The discrepancy in the posted price between the two comparable areas is caused largely by an imbalance in the oil gravity differential. For example, Texas crude declines in price 2 cents per gravity degree while California crude declines in price 5 to 7 cents per gravity degree. This results in a progressively unrealistic lower price for California crudes.

This injustice existed prior to the initiation of price controls. The solution can be accomplished by adjusting California crude oil prices to a point of parity with other comparable producing areas; that is, the upper gulf coast of Texas. The gravity differential should reflect no more than 2 cents per degree to be in conformity.

The reason this price differential exists is that until a few years ago refineries were tooled to produce a high percentage of fuel oil. This product often became a drug on the market which depressed the value of lower gravity crude oil since this type of oil, when refined by methods then used, produced a much higher percentage of fuel oil than high gravity oil—the lower the gravity the more fuel oil. The obvious economic result was that lower gravity crudes were simply worth less in proportion to higher gravities.

With the displacement of the burning of fuel oil by natural gas because of air pollution, refineries were forced to retool. Through the use of hydrocracking procedures, low gravity oil can now be refined—or cracked—into a very high percentage of high quality gasoline as well as other products much more valuable than fuel oil. The actual value difference between a barrel of low gravity oil as compared to high gravity crude is therefore minimal with current methods of refining. Yet, the large differential in price between gravities has persisted.

Prior to the price freeze, independent associations had been making some progress toward a proper price readjustment. The major purchasers recognize that the marked differential in values no longer exist but they can do nothing about it because of the price controls.

That California crudes have greater value is indicated by the fact independent refineries were offering a bonus above posted prices before the price freeze.

Evidence of the underpricing and increased demand for California crude oil was shown on November 8, 9, and 10 of 1971, when independent refiners competitively bid 15 to 21 cents per barrel bonus over the posted price for 12,000 barrels per day of 20 gravity oil from the State's share of production from the Long Beach unit of the Wilmington Field. This sale of crude oil was for a 3-year period commencing April 30, 1972, and had previously on October 14, 1971, been declared valid by the Office of Emergency Preparedness.

Importantly, an upward adjustment in the prices of California crude oil will result in a much needed renewal of exploration in prospective areas of the State. During 1970, according to the annual report of the Reserves Committee of the American Petroleum Institute, there were no new oil field discoveries in California and the proved oil reserves had a net decline of 259 million barrels from 4.24 billion barrels to 3.98 billion barrels. This was the largest decline in 1970 for any oil-producing State. In addition, preliminary reports indicate the consumption of oil in California has been far in excess of new reserves discovered during 1971. The grim reality of energy shortages no matter how it may have been caused was previewed recently in England.

The increased revenue thus generated for independent oil producers will provide the necessary additional capital to explore for new reserves of both oil and gas. Independent operators have historically done more exploration onshore and consequently have discovered far more oil than any other segment of the oil industry. The proper incentive is all that is needed to assure their continued leadership.

The discovery of new gas reserves is essential to keeping many industries operating in California and a consequent high level of employment. Utilities are sorely pressed to keep many of their current industrial users on stream. Gas reserves in the State of California are insufficient to even meet the increased demands during the winter months merely as a supplement to imported gas from other States and Canada. The reluctance on the part of Canada to permit new contracts for export to the United States together with the unavailability of gas from other States because of unrealistic price controls at the wellhead by the Federal Power Commission for interstate use has precluded the possibility of the importation of new supplies into California. Any new gas supply which can be found within this State should help alleviate the problem and to keep industries humming, thus avoiding a rise in unemployment.

The shutting down of major industries all over the State would obviously be a catastrophe. This is the grim reality California is facing in the not too distant future if some immediate steps cannot be taken to alleviate the problem. Other economic benefits would inure to the State and local governments in the form of additioinal tax revenue as well as increased royalties from offshore production to the Federal Government.

In short, there is an unrealistic difference in the price of crude oil as compared with other oil producing areas within the country having similar marketing and refining facilities. The injustice of lower crude prices for California producers primarily because of an imbalance in the gravity differential which existed prior to the time price controls went into effect, should be rectified. This would enable the California producers to attain parity with the end result of a more healthy California oil industry, greater assurance of a continuing supply of energy to keep all industries functioning with a high rate of employment, and a general strengthening of the national security.

WAR POWERS LEGISLATION

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. ZABLOCKI. Mr. Speaker, not long before the end of the first session of the 92d Congress, the Senate Committee on Foreign Relations approved a bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress.

That bill, S. 2956, is expected to come to the floor of the Senate for debate and vote early in this session. Senate consideration of the proposal is likely to spark renewed controversy on the nature of the war powers of Congress and the President.

It is a subject on which the House already has taken legislative action through the passage of House Joint Resolution 1 on August 2, 1971. In my view the House-passed measure is a preferable way of dealing with the war powers issue than S. 2956.

It is my sincere hope that the Senate will amend House Joint Resolution 1 and ask for a conference in order that differences may be expeditiously resolved.

Should S. 2956 be referred to the House it is very unlikely that war powers legislation will be taken up again. The House, it should be underscored, has passed the powers legislation in both the 91st Congress and 92d Congress.

Therefore, unless a war powers bill goes to conference, it is doubtful that any legislation on war powers will be approved before the end of the 92d Congress.

The Senate bill presents a number of constitutional and practical difficulties which make its passage undesirable.

In a recent article in the New York Times, Dr. Arthur Schlesinger, Jr., Schweitzer professor of humanities at City University of New York and a former Presidential assistant, expressed his strong misgivings about the Senate committee proposal in an article entitled, "Fallacies of the War-Powers Bill."

In his article Dr. Schlesinger explains the fallacious reasoning which underlies the legislation. He also endorses the idea of written Presidential reports about the status and prospects of hostilities the Chief Executive may have initiated, which is the basis of House Joint Resolution 1.

Because of the pertinency of this article, I am inserting it in the RECORD and urge the attention of my colleagues to it.

The article follows:

THE PRESIDENCY UNDER CLASS II—FALLACIES OF THE WAR-POWERS BILL

(By Arthur Schlesinger, Jr.)

The Indochina war has set in motion a wholesome and belated critique of the American Presidency. A direct product of this war is the proposed "War Powers Act of 1971," a bill designed to restrain the power of Presidents to carry the nation into undeclared hostilities. The bill's two particular architects are Senators Javits and Stennis. These two able men are not usually encountered as brothers in arms; and the collaboration of this odd couple suggests the range and weight of senatorial opinion behind the measure. The Senate Foreign Relations Committee, after intensive hearings, has endorsed the bill. So, indeed, has The New York Times.

Nearly everyone agrees that Congressional control over the war power has faded dangerously in recent years. The war-powers bill realistically understands that emergencies may arise when Presidents must order military action without waiting for Congressional approval. But it would limit the authority of the President to act withou a declaration of war to four specific categories of emergency. And it would stipulate that military action cannot continue for more than thirty days without express Congressional consent.

The bill's first fallacy is that it is possible to provide in advance for all foreseeable contingencies. By restricting the Presidential power to act without a declaration of war to four static categories, the Senators are trying today, as George Ball has put it, "to do what the Founding Fathers felt they were not wise enough to do." The result may well be to tie a future President's hands when some unforeseen crisis arises.

The 30-day authorization period raises equally difficult problems. The best way to illustrate these problems is to consider what would have happened if the War Powers Act of 1971 had been in force during other times of emergency in our recent history. Specifically, would it have prevented President Roosevelt from conducting the North Atlantic intervention in 1941 and would it have prevented President Johnson from increasing the Vietnam intervention in 1965?

The short answer to these questions is that the war-powers bill probably would have prevented President Roosevelt from protecting the British lifeline against Nazi submarines—and that it probably would not have prevented President Johnson from escalating the war in Vietnam. If all this is so, then the bill will serve neither the purpose for which it was drafted nor the national interest.

In 1941 Britain, fighting alone in the west against Hitler, depended on American aid for survival. The Roosevelt Administration felt that British collapse and Nazi victory would jeopardize the security of the United States. Accordingly, Secretary of the Navy Frank Knox announced in September that the Navy had been "ordered to capture or destroy by every means at its disposal Axis-controlled submarines or surface raiders" in the western Atlantic. Now it is not at all clear that this action falls within the four categories of initiative permitted to Presidents by the war-powers bill. In any case, it is certainly not clear that Congress would have sustained the "shot on sight" policy after thirty days. In August, 1941, the House of Representatives, confronted by a bill to extend the draft, passed this relatively innocuous measure by only a single vote.

As for the Vietnam war, President Johnson could unquestionably have got all the Congressional blessing he wanted at any point up to 1968, and perhaps even then. And this suggests the second fallacy of the bill: that it forgets the overwhelming short-run ability of Presidents—especially in times when, unlike 1939–41, opposition has not been aroused by a great national debate—to define emergencies and compel support. During the shock of crisis the President is the dominant source of information. Naturally he gives Congress the facts that seem to justify his action, as during the Tonkin Gulf affair, and naturally the country rallies to him.

It generally takes longer than thirty days for other facts to emerge and for serious debate to begin. By that time the war-powers bill will have locked Congress into the war policy. If we had had that bill in 1965, Congress, far from controlling American intervention in Vietnam, would have implicated itself far more deeply through the simple process of renewing the Presidential mandate month after month.

The war-powers bill does contain some valuable ideas. One provision requires the President to send Congress periodic written reports about the status and prospects of hostilities he may have initiated. Another enables Congress to terminate such hostilities by statute or joint resolution and provides that one-third of the members of either house can bring such proposals to the floor within 24 hours. These provisions deserve enactment on their own very considerable merits. They would go far by themselves to achieve the goal of restoring Congressional authority over the making of wars.

But in general this problem will not yield to neat structural solutions. It is more fundamental that that. It requires different states of mind—a new will to seek participation on the part of the executive, a new will to accept responsibility on the part of Congress. It requires much more systematic Congressional skepticism about information and forecasts handed them by the executive. It requires an end to the idea that foreign policy is too sacred for secular debate. Without these things the thirty-day authorization will only play into the hands of forceful Presidents. With them it will not be necessary.

CHANGES PROPOSED IN OCCUPATIONAL SAFETY AND HEALTH RULES

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. STEIGER of Wisconsin. Mr. Speaker, for the information of my colleagues, I am inserting in the RECORD a recent announcement by the Department of Labor outlining upcoming revisions in standards under the Occupational Safety and Health Act. Forty-six changes in standards will be made by the midpoint of fiscal year 1973. The material follows:

George C. Guenther, Assistant Secretary of Labor for Occupational Safety and Health, said "OSHA's job safety and health standards are the keystone of the Williams-Steiger Occupational Safety and Health Act of 1970. They must be dynamic in order to fairly provide for maximum protection in the rapidly changing workplace environment."

The timetable calls for changes in 31 standards by the end of 1972 fiscal year (June 30, 1972) and an additional 15 by the midpoint of fiscal 1973 (December 31, 1972). Two more were announced last month.

Guenther said the changes are key parts of a three-phase program of standards development by the OSHA Office of Standards under Acting Director Gerald F. Scannell.

The first phase involves correction of typographical errors and similar nonsubstantive items found in the initial standards published in 1971.

The second phase clarifies adopted national consensus standards and revoked some provisions because of their discriminatory nature or because they conflict with other parts of the standards.

The third phase involves adopting new standards, developed either by national consensus standards organizations or by the Department under procedures presented by the Williams-Steiger Act.

Guenther said "We are announcing the schedule for these proposed changes so as to inform interested parties of OSHA's intentions. Due to the complex technical nature of many of the standards, the timetable cannot be considered absolute, but reflects our best estimate of what can be accomplished during the balance of 1972."

Among the proposed changes and target dates for completion are the following:

MARCH

Revoking the ban on steering knobs on industrial trucks.

Modifying the grounding requirement for woodworking machinery to permit the use of double insulated tools, and for switch controls on portable power tools.

Amending the construction section for rollover protective structures for vehicles.

APRIL

Bringing standards for explosives into line with those of the Department of Transportation (DOT) and the Internal Review Service (IRS) to provide a single uniform set of regulations.

Modifying flammable liquid container specifications to reflect DOT regulations.

Revoking requirements for women's retiring rooms and on the height of toilet partitions.

Modifying requirements on drinking water and ice, on the need for split toilet seats, and others.

Revoking a section on color code marking of physical hazards and on size requirements for signs.

Rectifying conflicts on railings, exit signs and color coding.

Making technical changes, largely to assure language conformity, in sections involving machinery and machine guarding, hazardous materials, fire protection, materials handling and storage, welding, cutting and brazing, and such special industries as pulp, paper and paperboard mills, textiles, bakery equipment, laundry machinery and operations, pulpwood logging and agricultural operations.

MAY

Making technical changes and corrections in sections affecting powered platforms, manlifts and vehicle-mounted platforms, and compressed gas and compressed air equipment.

Adding new sections on protective helmets for electrical workers, slings, uniform traffic control devices, exits, sprinklers, foam, mechanical power transmission guarding, bakery equipment and floating cranes and derricks.

JUNE

Adding new sections on woodworking machinery, oil burning equipment, ovens and furnaces and installation of gas appliances.

Adopting the 1971 Threshold Limit Values of the American Congress of Governmental Industrial Hygienists on toxic substances and noise, replacing 1968 and 1970 levels.

Promulgating an asbestos standard to replace the emergency standard issued December 7, 1971.

Amending the construction standards to correct conflicts, duplications and technical errors, including those on catch platforms and scaffold heights.

Completing a section on electrical transmission and distribution lines and equipment, including a specific standard for the electrical utility industry.

Bringing sections of the general industry standards and the construction standards into conformity.

JULY

Adding a section on installation of gas piping and gas equipment on industrial premises.

Bringing maritime standards into conformity with other standards where like hazards are covered.

AUGUST

Adding sections on longshoring on the docks, diving operations and workmen's hoists.

Revoking the ban on pump-jack scaffolding.

Adding amendments on tunneling to the construction standards.

Resolving differences on scaffold requirements.

SEPTEMBER

Adopting a new standard on bis (chloromethyl) ether.

OCTOBER

Adding parts of a new consensus standard on machine guarding for woodworking machinery, and on work in confined spaces.

DECEMBER

Adding new sections on dredging and local exhaust systems.

Promulgating, in coordination with the National Institute for Occupational Safety and Health, standards on two of the OSHA Target Health Hazards: carbon monoxide and silica.

THE CASE AGAINST "GO METRIC"

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. GROSS. Mr. Speaker, the empire builders among the bureaucracy are urging the Congress to hurl this Nation headlong into the metric system. They seek a crash program without the slightest idea of what it will cost in dollars, in lost trade, or in massive inconvenience and confusion. The cost is probably the last thing on their minds.

Mr. George C. Lovell, an industrial engineer and consultant, spent a year and a half as a member of the U.S. Metric Study Group at the National Bureau of Standards. This group has recommended that the United States "go metric."

Mr. Lovell, however, has not been lulled by the siren song of the metric advocates and he has made an excellent case against a nationwide conversion to the metric system and for the retention of our present system of measurement.

I hope that Members of the House will take the time to read the remarks of Mr. Lovell, which I include for insertion in the RECORD at this point:

A METRIC AMERICA—A DECISION WHOSE TIME HAS NOT COME

(By George C. Lovell)

Passage of any legislation to convert this country to the metric system of measurement at this time in our history could well prove to be a classic case of economic hara-kiri. Most Congressmen, as with most businessmen and other citizens, are too preoccupied with immediate pressing national issues to be aware of what "going metric" really entails. The price-tag could reach $100 billion[1] if we add to the direct costs the large bureaucratic apparatus necessary to carry out any "coordinated national program" and the massive assistance which will be necessary to enable the many small businesses to adjust to the new system, if indeed they manage to survive the dual impact of competitive disadvantage relative to the larger concerns and the flood of imports which such a national program would trigger (not to mention the million or more jobs lost to labor in the process!)

The metric system is a far superior system for the scientist and the chemist which explains why engineering and chemical sciences are taught in metric and why those industries closely aligned to scientific endeavor such as chemical, photographic, and pharmaceutical are on a metric base. But the metric system proves impractical for other sectors of our society when consideration is given to 1) the complete embodiment of the customary (inch, pound, gallon) system in our way of life, in our language and in our communication with one another; 2) the difficulty of converting a highly technical manufacturing society, with its interlocking structure of inch-based standard fabricated materials and components; 3) the virtual impossibility of divesting ourselves of the multitude of customary designed products woven into the fabric of our day-to-day lives, with the result that a dual system of non-interchangeable parts or components may be with us for 50 to 100 years or more, in turn requiring a bilingual measurement language during this entire period; 4) the possibility that 1 and 3 may lead to an outraged and resentful populace, necessitating forced abandonment of any "coordinated" government program midstream (with further disastrous economic consequence); 5) the uncertainty and unproven sginificant or tangible benefits which might accrue to any specific segment of society (with the except of some multi-national concerns); and not least, 6) the spectre of a foreign trade deficit which would easily exceed $10 billion per year upon completion of the conversion program.

These conclusions are the result of nearly three years intensive investigation of the pros and cons. "Let's Go Metric" is akin to the "grass is greener" syndrome which, one discovers as one wanders into it has potholes and deceptive patches of quicksand. The degree of support for converting this country to the metric system varies inversely to the degree to which the ramifications attendant to such a change are fully thought out. When initially confronted with the hypothesis, nearly everyone agrees it would be a good thing for the country. However, if the question leads to discussion, some doubts and reservations surface as to the practical difficulties of accomplishing such an undertaking. Then, if in-depth investigations are undertaken, a complete reversal in opinion occurs, not so much from the massiveness of the undertaking, but rather by bringing into focus the basic points noted above.

FOREIGN TRADE

Congress had one overriding concern in authorizing the Department of Commerce to conduct a three-year study and that was an economic one; "Would a metric America pave the way for continued dominance in technology and total worldwide trade?" It is true that a one measurement based world would facilitate international trade by creating a worldwide interchangeability of parts and components. The question then arises "For whose benefit and at whose expense?" Before Congress opts for a metric America, it had better realize that the United States would lose heavily to other technological nations in the scramble for export markets, which, incidentally, includes a very nice slice of our own trillion dollar economy. The notion that "going metric" will provide a panacea for our future economy is a delusion which must be countered with reality.

We need but look to our neighbor Canada[2] for a textbook illustration. Both countries produce to the same inch-based standards which, of course, facilitates foreign trade for those manufactured products which require precision interchangeability of parts and components. In 1964, the U.S. enjoyed a $700 million favorable balance of trade, $4.9 billion exported to Canada compared to $4.2 billion in imports. By 1969 the figures had expanded to $9.1 billion in export and $10.4 billion imports for a favorable Canadian trade balance of $1.3 billion. (In 1970, the Canadian advantage was even greater, over $3 billion.) The increased trade was in MSS[3] manufactured products, for the most part aircraft and automobiles. I fail to follow the logic which argues that if both countries were metric, the favorable balance of trade would revert to the United States. Yet, this fiction has continued unchallenged.

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[1] A preliminary draft of the U.S. metric study report estimated over $60 billion in direct costs. This was deleted in the final version.

[2] Canada has issued a white paper avowing intent to go metric. The final decision is predicated on whatever the U.S. does. As one statesman remarked, "When a mouse sleeps next to an elephant, it keeps one eye open to move at the same time as the elephant." In a one metric world, Canada would gain by being able to compete in worldwide metric markets while retaining its favorable export trade with the U.S.

[3] MSS means "measurement standard sensitive." If the measurement standard is changed, the size or contour of the part or component is altered which, in turn, requires modification in design throughout the entire manufacturing chain of those products requiring assembly and interchangeability of parts. (Screw thread standards for nuts and bolts are the most obvious

During the Senate Commerce Committee hearings relating to metric conversion held in 1967, on page 54 of the November 15 report, for example, we read the following: "A recent study estimated that the United States is losing between $10 and $20 billion in foreign trade every year because she is not on the metric system."!! and the statement continues, "This export market would accrue to us as soon as we went metric!" This surely is a wild statement for if there is 10 or 20 billion dollars of business lying around—where is that shrewd Yankee ingenuity and sharpness which could small a buck a mile away? Well, a little detective work would have revealed that Yankee ingenuity had been at work, Yankee shrewdness had been on the trail, and Yankee know-how had presevered to the tune of almost 10 times that amount. And this was accomplished without a metric shot being fired! (although, unfortunately, this production did not accrue to our export account). I am referring, of course, to the multi-national company phenomena.

MORE PROFITABLE

In 1958, while with the Business and Defense Services Administration (now Bureau of Domestic Commerce) I wrote a proposed position paper titled "Is the United States Pricing Itself Out of World Markets?" The gist of this paper presented the argument that instead of engaging in export trade it was more profitable in many cases to establish overseas manufacturing plants and capture that market on-site and at the same time export to other parts of the world (including the United States) from that location. Higher U.S. production costs made this possible and, I reasoned, if that trend continued, it would create a serious deficit in our foreign trade markets. (The paper was quietly buried as too touchy a political issue.) I claim no prescience for I never dreamed the extent to which this trend would mushroom some 12 years later.

Within the past three years, the multi-national phenomena has completely changed the world trade scenario and as a by-product scotches once-and-for-all the chestnut that if the United States converts to the metric system it will increase our export thereby enabling us to maintain a high favorable balance of trade. Consider the following: 1) The U.S. multi-national companies in the years 1969 through 1971 have more than doubled their overseas investment in foreign plant so that it now exceeds $100 billion; 2) The Texture of that investment has changed, currently exceeding 50% in manufacturing plant compared to one-third in 1957; 3) The product of these overseas affiliates now exceeds $220 billion, of which half, (or over $100 billion, represents MSS products). Most MSS products are produced to inch-based standards and due to the vagaries of history now provide insurance from calamitous inroads to our economy from metric standard based products. To convert this capability to metric standards would destroy whatever technological superiority and economic advantage we enjoy.

To supply the overseas facilities over $1 billion a year of inch-based standard parts and components are exported from the U.S. Added to this is nearly $2 billion in basic production machinery and equipment for new plant. In an all metric world, most of this export would disappear for it would be cheaper to purchase from on-site sources already tooled up and producing to metric standards.

DEFICIT INCREASE

This same result holds for any MSS product whether or not produced by a multi-national. For example, the interim metric study report titled *International Trade* noted (P. 62), "If the U.S. adopts ISO (metric) standards for (industrial) fasteners, it trade deficit will grow sharply because the competitive advantage will swing further to foreign producers who will have had production experience with most of these standards, whereas U.S. producers would have to acquire it." Illustrations of this nature are ignored and swept aside by those who, having but one objective, to "Let's Go Metric," do not want to be confused by the facts.

It is no problem to develop a rationale and draw charts to show that our foreign trade deficit would grow to $10 billion yearly following any 10 year transition period. In making projections, only MSS products need to be considered.

Assume that by 1985 Congress has given the green light and the 10 year conversion period has been completed. According to the *International Trade* interim metric report MSS product export in the 5 year period 1965 through 1969 increased from $9.5 billion to $13.9 billion. Using that rate of growth, by 1985 a straight line projection shows that the increase would be about $14 billion for a total of about $28 billion per year. If half of this increase is lost because of loss of competitive technological advantage, we are out $7 billion a year. Added to this would be loss of a portion of the current $14 billion. If we lost half of this (which includes the current $3 billion to multinationals) we have another $7 billion for a total of $14 billion!

On the import side, a similar projection can be made. Using the same time frame 1965–1969, import of MSS product increased by $3.4 billion from $2.6 billion to $6.0 billion. At this rate, imports would grow to $16 billion by 1985. The extent to which this import would be greater due to loss of technological superiority on the domestic front and overseas lower cost is anybody's guess. It could amount to another $8 billion a year. This total added to the $14 billion in reduced export indicates a swing of $22 billion a year by the time this country has completed its "coordinated" conversion program! These data are shown in the following table:

FIGURE 1.—MSS PRODUCT

[Dollars in billions]

	1965	1969	Status-quo 1985	All metric 1985
Export	9.5	13.9	28	14
Import	2.6	6.0	16	24
E/I balance	+6.9	+7.9	+12	−10

Instead of a favorable U.S. trade balance of $12 billion in MSS product there would be a $10 billion deficit, the swing of $22 billion noted above.

I know that these projections can be attacked as unscientifically developed. Economists are always disagreeing with one another on specifics even when they agree on generalities. There is no question, however, that the *direction* of the import/export gyrations pursued here is correct. The assumptions and rationale leading to a potential $22 billion loss in foreign trade are on firmer ground than those used in the U.S. metric study to show that there would be a net *gain* of $1 billion a year in export trade and no increase in imports as a result of metrication.

These were based on off-the-cuff opinion of those surveyed. What all this proves is the desperate need, if Congress still has leanings to pursue the metric siren, to first authorize an in-depth study by a prestigious economist who could look impassionately and objectively at the issue and not bias the results for some self-serving objective. Unquestionably, he would employ highly qualified economists and industrial technicians to assist him to come up with conclusions and recommendations which could bear close scrutiny. Unfortunately, however, based on past history, that would not quell the debate. That can only be accomplished by shedding light on other complexities of the metric maze, mostly of a social nature, and debunking a number of metric myths which have been widely circulated.

SMALL BUSINESS IMPACT

The Manufacturing Sector.—For many manufactured products, the hardware[3] change would not be a factor; only the measurement language which describes it needs to be changed; e.g., screw drivers, novelties, furniture, and even complicated mechanisms produced solely for domestic use. Yet, at some point in time, as standard parts and materials are predominantly manufactured to metric standards every manufacturer who incorporates standard parts in his product will be faced with the hardware conversion. This would result from customer specification, higher cost of nonmetric standard parts, and the scarcity of sources producing customary standard materials or components.

Any U.S. industry (inch based) that now has a worldwide competitive advantage (or domestic for that matter) because of technological superiority (thereby making it difficult or impractical to compete on a metric base) would find its competitive advantage scuttled if that industry had to convert. An example would be the U.S. oilfield equipment manufacturers who enjoy a viable worldwide market produced to inch-based standards. The software change which would occur as metric measurement language became universal would not affect their markets—it is inconceivable that they would voluntarily make the hardware conversion to metric-based standards. Yet, as conventional sources of customary standard produced materials and components dried up, they would be forced to make the hardware change thereby opening the door to direct worldwide foreign competition.

Domestically, the technical aspects of hardware conversion alone would create practical difficulties notwithstanding import implications. For some small businesses, this would be catastrophic, for some severe, and others moderate or trivial.

Commerce Secretary Stans in his report to the Congress recommended that any changesides it's easier" just won't go over. The small manufacturer finding himself at a competitive disadvantage with the larger manufacturer may not agree with this recommendation, particularly since from his point of view, he is being forced to convert at no ostensible economic advantage to him.

THE LITTLE MAN

Consider a small manufacturer of, say, less than 10 employees having one special production machine, or one each of several types of equipment. As metric production increases, he will be receiving more and more inquiries or orders to produce to metric specifications, at the same time, his inquiries or orders based on customary standards will be declining. How can he produce to both standards on the same machine? If he employs dual dimensions or dual read-out mechanisms on the equipment, what potential errors or reduced production capability would accrue by the necessity of his employees being forced to work under a bilingual measurement language? (The larger concern can separate his employees into two

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example.) The altering of the part to accommodate the new standard is referred to as a "hardware" change. Merely designating the original item in metric terms instead of inch terms is referred to as a "software" change. A speedometer showing kilometers per hour instead of miles per hour is an example of a software change.

groups, those working solely in metric, those solely in inch.)

In the December 1970 issue of *Professional Engineer* in an article titled "What To Do When Metric Comes," I described how products could be produced to both customary and metric standards in the same plant.— But this capability envisioned two assembly lines, one using the older inch-based equipment to produce the product to customary standards and dimensions, the other line using new metric designed or existing machines modified to produce to metric standards. The small concern has neither the flexibility, the facilities, nor the capital to do this. More significantly, some of the equipment may not lend itself to inexpensive adaptation to produce in both measurement languages.

The alternatives are not efficient solutions and this places the small operator at a competitive disadvantage. The use of conversion charts opens the door to confusion, error, lost production time, and unhappy customers as those who have tried it well know. Dual dimensioning of shop drawings are expensive and time consuming and he cannot expect the customers to furnish them. They also open the door to confusion and error, for such drawings have proved to be cluttered and difficult to read. The customer is more apt to turn to a supplier who can produce directly to metric standards or specifications. While this may create opportunities for larger concerns or entrepreneurs, it is no consolation to the small concern suffering from loss of business. These observations point up the necessity of a large scale government assistance program in any government conversion plan.

The Non-Manufacturing Sectors.—While the manufacturing community would be faced with the greatest financial burden of any conversion program, there are several non-manufacturing sectors that would be faced with practical difficulties of varying degree of impact with the greatest impact falling on the smallest businesses. This, and the possibility of serious repercussions with political implications if a premature metric conversion is attempted at the retail/consumer level, provide the basis for my contention that such a program should be delayed for as long as 10 or 20 years after the manufacturing industry has metricated.

With respect to the practical difficulties, consider the small delicatessen or independent grocer. How does he convert his weighing devices concurrently with the large chain stores and what costs are there? Will the supplier of the replacement dials or drums on the scales have such replacements on hand on time? What scales need to be replaced or discarded because of the impracticability of converting or calibrating to the new units of gram or liter? What about pricing his stock which may be in pounds and quarts but which he now must sell by the kilo or liter—or conversely, the new stock in kilos or liters comingled with pound/quart stock? The large concerns can phase these in or out at his central supply areas, but the small operator does not have such flexibility. All these problems need to be fully investigated and some form of assistance is indicated, particularly since the change stems from government dictate rather than by freedom of choice.

Service Industries.—There are two more categories of small businesses which face serious problems in any national metric conversion plan: 1. Repair services; and 2. Parts suppliers.

1. For the small service or repair shop with limited resources, the problem of stocking a minimum number of popular parts in both metric and inch-based sizes would become intolerable, not only with respect to financing, but with respect to space. Then too, there is the problem of communicating with the consumer. When a housewife calls up and says "my washing machine stopped" and the repairman determines it is a certain part—does he take a metric or inch-based part for the service call? How does he communicate with the housewife to get the proper identifying model number to resolve the question?

ESTIMATE

Questions similar to the above are reviewed by Henry N. Osteberg of Sears, Roebuck and Co., in the interim U.S. metric study report titled "*The Consumer.*" After looking at the magnitude of the problem, he estimated that the cost in additional metric tools alone for his company could represent an outlay of $2 million not to mention the cost of revising service manuals and other required educational materials. He then looks at the problems connected with repair parts inventory, internal company education and consumer education and concludes that even 20 years is not an unrealistic conversion period to permit an orderly control of repair parts inventory. He considers the external problem of communicating with the customer "a problem of far greater magnitude" for "there is no economic incentive for the customer to learn a new measurement language" he further anticipates "attitudes of apathy and even resentment" and concludes that "Above all, let's not be stampeded by a 'now is the time—let's go!' attitude."

Now Sears is a large organization and if they anticipate such problems with all their capabilities of organization and control to segment the difficulties, what about the small businessman who has no such flexibility? Consider, a small garage mechanic; in addition to duplicate sets of wrenches, taps and dies, and so on, what about the aggravation and cost resulting from stripped threads, rounded nuts, broken keys and similar failures stemming from the incompatibility of the two fastener systems and the ease with which the wrong type can be selected in making a repair, not to mention the added inventory and difficulty of keeping that inventory from being comingled?

2. This latter observation leads us to the parts supplier most of whom are small businesses. Anyone who has had occasion to visit a parts supplier is aware of the multitude and variety of items in stock, not to mention the investment such stock represents. Now compound this situation with a duplicate counterpart of many of the items to metric specifications. Does he have the space? Can he afford it? What about inventory control and communicating with his clientele? This is really pertinent today with the increasing irresponsibility of hired help in delivering the correct size or model to the customer causing still further delay and costs, not to mention frayed tempers of all concerned; the repairman, the supplier, and the customer.

THE SOCIAL CHANGE

While the manufacturing sector of society would bear the brunt of the burden in cost, delay, and loss of business, the social change attendant to metric conversion will be much more difficult to bring about. This fact is well understood by those who would be on the firing line but is blithely played down by those deliberately attempting to give out the impression that there is public clamor to "go metric."

The element of *divesting* is the key. This principle is overlooked by those who have been abroad and laud the metric system for its simplicity when they return. They are correct in their conclusion based on their experience for they were in an environment completely oriented to metric language and products. There were no inch-based measurement phenomena all about them to block the mental adjustment to metric. The analogy to learning a foreign language is "a propos" here for it is universally recognized that one has to be immersed in the language environment in order to really "learn" it and "think" in it. Their enthusiasm and urging to "go metric" would be in order if we could get rid of the inch-based ambience in which we live.

Illustrations are endless. The water meters are in gallons and gas meters are in cubic feet. I agree that the solution to just not change them is the correct one but why embark on metric conversion in the first place if we intend to keep the old units anyway? More awkward situations exist in many other routine facets of our lives. The thermostatic controls in the millions of homes—new or replacement thermostats would have Celsius readings instead of Fahrenheit. It may take 50 years or more before the Fahrenheit style controls disappeared and all the while people will be forced to accommodate to and use two systems of temperature readings instead of one. (There is also the practical problem of the necessity for half-degrees in the metric scale for one degree Celsius is nearly 2 degrees in Fahrenheit, 1.8 to be exact. At 70° Fahrenheit a one degree change in setting may be just right for the comfort desired, whereas a one degree Celsius might be too much.) The 9x12 rug, now 2.7x3.6 (meters) would still be there, as would the 8 foot high ceiling, a quart of milk would be .946 liters, a pound of butter 454 grams, and 176 miles between 2 cities would be 283 kilometers. When one went to buy an 8 foot board, it would be a different length under metric standards. What size do you order? And of course, there is always the nuts and bolts. Just what style or type do you buy so that the replacement will mesh with the old?

The point is that none of these will just be discarded and their customary designation must be retained for many years. The pro-metric enthusiasts shrug off these truths as mere temporary annoyances. They *know* the public will take them in stride. Well, they are not temporary and I'm not so sure the public will take them in stride. Inevitably, citizens will ask the questions, "What am I gaining from all this?" "What's in it for me?" The flippant answers, "It's good for you" and "it's good for the country" and "besides it's easier" just won't go over. The latter "it's easier" would be infuriating to anyone not familiar with metric units. Nothing is easier when it's new and strange.

DELUSION

The ease with which England converted to decimal currency from its awkward pound, shilling, pence system is frequently cited as evidence that metric switch-over would be a cinch. This conclusion is a delusion, because the principle of divesting was operable. It was a simple matter to take one's coins and bills to a bank on a certain day, get rid of it, and receive decimal currency in exchange. Since everyone else did the same thing, everyone was immediately in a decimal currency environment and within a day or so, everyone stopped grumbling about the new fangled money and began saying "Why didn't we do this years ago?" The same euphoria would not result in a metric change, for the 9x12 rugs, the electrical outlets, the cooking utensils and the myriad of inch-based products would still be there.

This presence of inch-based objects explains also why children exposed to metric units in the schools year after year never learn to "think" metric. As noted on page 34 of the metric study interim report "*Education*" "the children come to think of the mertic system as the one to use when they are doing science and the (inch) system as the one to use for all their other activities." For this reason, any premature massive educational effort to eliminate all inch-based references (and even fractions as one educator stated!) would not be successful. Not until the inch-based units can be dropped from our everyday transactions, can a truly metric oriented educational program succeed.

Another area of misunderstanding relates to the practicality of measurement units. The inch based customary system developed along practical lines. As certain units become obsolete, they were dropped. Mr. Blanton C. Wiggin, President of Advanced Instruments, Inc., has noted [4] that "Perches, pottles, poles, puncheons, peppercorns, palms, packs, pokes, and pennyweights have passed from the scene." To denigrate our system as full of 'barleycorn' is ridiculous. (Note: An inch at one time was defined as the length of "three barleycorns round and dry when laid together.") An inch is defined by law as exactly 2.54 centimeters and either can be made as accurate as instruments will allow. While the scientist in the laboratory may be ecstatic at the constancy of his dimensions, there being 9,192,631,770 cycles duration of Cesium 133 in one second, I think the run-of-the-mill citizen, the man or woman in the street, is satisfied that there are 60 seconds in one minute, 60 minutes to the hour, and so on.

OVERLOOKED

What is overlooked is the concept of measurement units as a set of tools, just as the mechanic has a variety of tools for specific purposes. The same is true for measurement units. When I drive 220 miles to New York City, I do not correlate the miles to its inch counterpart of $13.9\text{x}10^6$ inches, I think of it as miles. I think of my dining room rug as 9x12 (feet) and am satisfied. Here again, illustrations are endless. To get rid of these tools for the sole reason that the new set has a decimal relationship doesn't add up, for the new set won't be used in normal living because of that relationship. Where a decimal relationship is desired in our current system, it is used. The decimalized inch is used in shop drawings and, as every housewife knows, the weighing scales at the market show the decimalized pound on the meat she purchases.

On the other hand, the metric units have their flaws too. While the centimeter would certainly prove to be a useful day-to-day measurement tool in the home, there is no handy metric counterpart to the foot. The 30 centimeter ruler is within a quarter inch, and I suppose it would be given some easy name. The same problem exists for our gallon, there is no close metric unit of volume.

What this whole section boils down to is this: Will the man or woman in the street go along with the change? I believe that when the housewife, mechanic, trades people, service people, i.e., over 98% of the citizens, realize what the metric switch will mean to their routine way of life in the kitchen, the grocery store, department store, service shop, and the rest—a slow burn will develop which will grow in intensity when they realize they will be stuck with two systems of measurement for years upon years, and, more infuriating, it has been thrust upon them by a bureaucracy which seems to be insensitive to their feelings. After all, from their point of view, there is no apparent advantage and many obvious disadvantages—and the system is being forced on them. They haven't objected to the inch-pound system, they see nothing wrong with it, they have no objection to manufacturers using metric but why bother them with the change?

I would not want to be a politician facing millions of citizens with their hackles up clamoring for a reversal of any decision to metricate particularly if industry was well down the road to conversion. Nor would I want to face the unions representing the million or so laborers who realize that their jobs have disappeared through the massive flood of imports as a result of the "coordinated national program."

THE U.S. METRIC STUDY

Following the submittal of the final metric study report and at the urging of my friends, I undertook to write a critique of that study, but I soon dropped that project for I concluded the study was too contrived. Now that the horses are at the starting gate and the signal to stampede is about to be given, I must speak out.

I agree with Mr. Hannigan, Director of Research and Development of the International Brotherhood of Electrical Workers that the study was unable "to identify any major advantages . . . and the glaring lack of information regarding its impact on a trillion dollar economy." [4] I have tried to fill in a few thoughts on that score. He also found the study "too narrow," I agree. "It is blatantly biased in favor of the conversion." This was no surprise, human nature being as it is. The NBS position was known when the study was placed there! "The recommendation to let the costs of conversion 'lie where they fall' will impose extreme hardship on those individual firms and organizations least able to afford them." True. Even before I had read his comments, I had submitted a paper to the House Small Business Committee describing this problem in some detail.

The best written part of the entire metric study was by A. G. McNish on pages ix through xxiv, Preface of the interim report "*The Manufacturing Study*" titled "Critique on Metrication Cost Estimates in Manufacturing." The critique is illuminating, thorough, and to the point. What is more illuminating is that the critique was necessary to begin with. In effect it is saying, "The cost study data are no good and should be discounted." I regret that my prediction that this would happen came true when higher authority changed the groundrules midstream, but I am amazed that a Government agency would go on public record in this fashion!

The charts on pages 100–101 of the final report will undoubtedly become a landmark in deception and the rationale behind them a classic in obfuscation. They are strictly gossamer—lines based on unsubstantiated facts drawn to support a predetermined conclusion. Mr. William D. Rinehart of the American Newspaper Publishers Association Research Institute must have sensed this when he stated.[4] "The National Bureau of Standards has conducted a series of surveys to arrive at the statistics that are now being bantered about in an attempt to convince people that forced metric adoption is inevitable" and "The National Bureau of Standards chooses to ignore the facts in order to draw graphs to convince Congress that the American public, labor, and business are clamoring for forced metric." He really hit the mark with that shot!

The notion that going metric is "inevitable" as a reason for doing so needs to be examined. This prediction has been made for 200 years now, and it is as true (or untrue) now as it has been all along. I do not hold we should take the lead by following everybody else unless it is to our advantage to do so. Since it is not to our advantage, we should let nature take its course. After all, we became the world's mightiest technological nation and will continue to be if we stick with a winner. Even if it could be proven that going metric was inevitable, it would not justify the large bureaucratic empire which a "coordinated national program" would necessitate. (I am convinced that is really what is behind this whole maneuver.) After all, death is inevitable and that certainly does not justify a "coordinated national program of genocide."

I remember one metric enthusiast who argued that we should at least try metric conversion, and if it didn't work, we could always go back to the old system. This is the type of bureaucratic elitist who would be in charge of tampering with the most complex and sensitive technological society the world has ever known—willing to play Russian Roulette with our economy! The business community better wake up and take a good look at what is going on here before it is too late.

The decision to commit the NBS to the three year metric study has proved to be a great disservice to that prestigious organization. The NBS is the world's peer in matters relating to weights and measures and standards and has a most talented cadre of physicists and scientists dedicated to that end. It is regrettable that the NBS charted courses into fields for which it was ill equipped and by employing questionable tactics may have sullied its worldwide reputation. The metric problem is primarily an economic and social one with the standards question but one, albeit important, part of the total picture.

A METRIC AMERICA?

For over a decade the NBS and responsible industrial elements have been urging the Government to support U.S. participating in international standard making activities. This is something which should have been done long ago and the current Congressional bill to do so should be passed forthwith. The NBS interim report on *International Standards* and its companion *Engineering Standards* provide excellent and detailed material on this vital but complex subject. The problem is not a metric matter but one of national self-interest. We need to participate for the selfish reason of encouraging continued use and further worldwide acceptance of those inch-based standards which are internationally recognized as the best in the world; the unified inch thread for one and many others.

Conclusion #3, p. 2 of the *International Standards* report notes:

"If the U.S. wishes to see the maximum amount of its engineering practices and standards included in the coming international standards, it must, without delay, take steps for adequate and effective participation in international standards negotiations."

This conclusion ties in with my observation that the multi-national movement with its overseas inch-based plant is the best insurance we have to keep a lead in technology and in world markets. I believe that the thread in conclusion #3 should have been pursued for this reason. This would have been consistent, also, with one of the mandates of the original act "to study the feasibility of retaining and promoting by international use of dimensional and other engineering standards based on the customary measurement units of the United States." Congress should get on with it.

So far as the texture of our society is concerned (in the measurement sense) the situation for many years will be about as it is now—with a slow evolutionary increase in metric measurement use. The analogy of a bilingual language to illustrate this is in order. Technological societies all over the world have come to recognize the English language as vital to them. Accordingly, English is taught in the schools in Japan, Germany, and the rest. This does not mean that the German language nor the Japanese language is discarded. Nor does it mean that all Germans or all Japanese speak or even understand English. They have been exposed to it and, if in their livelihood the use of English is necessary, they have a ready foundation to quickly build on and succeed in their endeavor. That segment of population is truly bilingual. Yet when they return to their homes or shop, they have no obstruction in thinking and communicating in their native tongue.

The same is true in the U.S. with respect to metrics. Metric measures are taught in the elementary schools which is as it should be. (Where it is not taught, it should be instituted at once.) This provides a foundation for building a metric facility if it is necessary in connection with one's livelihood—the chemist, scientist, and technicians in those industries working with metric units. (These incidentally, represent less than 10% of most working forces in those industries.) All of them have a facility and expertise in "thinking" metric on the job which poses no problem once the initial period of adjustment is made. In the measurement context, they are billingual. It is understandable that they are enthusiastic about the metric system, it is so much easier and useful so far as their livelihood is concerned. These same scientists, immersed in metric all day, have absolutely no block in stopping at the store on the way home to buy a pound of meat, a quart of milk, or perhaps several yards of cloth. The facility of metric usage on the job is not a persuasive enough justification to justify the trauma which would ensue if an attempt to force it on society in the home and in the market place.

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[4] Congressional Digest, December 1971, "Should the United States Adopt the Metric System?—Pro and Con."

If, despite all the arguments brought to bear against it, Congress should decide to take the plunge, it should place any responsibility for carrying out its mandate in a separate entity—whether it be a Commission, Agency, or whatever—and that entity would draw upon the recognized and established Government arms—Department of Defense for military, NBS for standards, and so forth—for whatever is needed to accomplish its mission. However, as for the basic question "A Metric America?" when the facts are in and evaluated, there can be but one conclusion, "This is a decision whose time has *not* come!"

THE EDUCATOR OF THE YEAR—DR. WILLIAM LEE SMITH

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. STOKES. Mr. Speaker, on March 15, 1972, Dr. William Lee Smith will be honored by the Phi Delta Kappa Chapter of Case Western Reserve University in Cleveland, Ohio. The occasion will be a dinner to present the Educator of the Year Award. Following the dinner, the gathering will hear statements by Dr. Louis A. Toepfer, president of the university; Dr. Paul W. Briggs, superintendent of the Cleveland Public Schools; and Prof. Dean F. Berkley of Indiana University.

I cannot think of anyone who deserves this important recognition and tribute more than Dr. Smith.

A former Clevelander, he has served as Associate Commissioner of Education in the Department of Health, Education, and Welfare since March 1971.

As Associate Commissioner of Education, Dr. Smith has had to formulate national policy in the field of educational personnel development. He is also responsible for programs to improve the quality of teaching in this country and to broaden training and retraining programs for teachers.

Dr. Smith was born in Boston. One of his earliest educational experiences was as a social group worker in a settlement house. He later became a social studies teacher and vocational placement counselor in a technical high school. Following that, he served as principal of the largest junior high school in Cleveland, Ohio. He then became the executive director of the PACE Association, an organization designed to encourage innovative techniques in the Cleveland Public Schools. In 1969, he joined the U.S. Office of Education here in Washington, D.C., where he has been ever since.

Dr. Smith is an energetic and extremely capable man who, during the time of his residence in Cleveland, made a substantial contribution to the city. He has always been tirelessly devoted to improving the lives of urban residents. Among the capacities in which he served in his spare time, he was chairman of the education subcommittee of the Mayor's Council on Youth Opportunities; a member of the advisory committee on consortia for the Greater Cleveland Commission on Higher Education; member of the Cleveland executive board of the Boy Scouts of America; chairman of the curriculum review and evaluation committee of the Cleveland public schools; a member of the board of trustees of the Urban Community School; a member of the mental retardation committee of the Welfare Federation of Cleveland; and member of the NAACP and the Urban League. He also served as president-elect of the Greater Cleveland Schoolmaster's Club.

Bill Smith is, without question, the educator of the year. I urge my colleagues to join me today in congratulating and thanking a man who has given of his time and energy to insure that all American children receive the finest educations possible.

THANK YOU, KENNETH CHARD—YOU RESTORETH THE FAITH

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. CLEVELAND. Mr. Speaker, the following is an article which appeared in the Keene Evening Sentinel of Keene, N.H., on February 29, 1972. I have always felt that the good in the younger generation far outweighs the bad, but good deeds are frequently done with modesty and little publicity. It is indeed heartwarming to see at least one good deed recognized.

The article follows:

FAITH RESTORED

This is a story about how one man learned that, images to the contrary, there are quite a few good young people in this world.

Hartford Times columnist Bill Ryan and his family were attempting passage on Route 12 between Keene and Troy during the great snow of two Saturdays ago.

When one of his snowtires developed a bubble that threatened to burst and strand the Ryans in drifting snow, he pulled into a tiny filling station.

The one attendant was a young man who seemed to have more than he could handle among the several motorists seeking aid and refuge.

Ryan, not wishing to add to the attendant's chores, hesitated to ask if he could change the tire. Perhaps it would hold up. But probably it wouldn't, so he asked, and the young man said, "Oh, sure."

"Between the other emergencies, he changed the tire," Ryan wrote last week in his column. "You could hardly see him while he was doing it because he was covered with snow and the snow was drifting all over the car."

The attendant finished his task and in the process suggested that he make reservations for the Ryans at a nearby motel where they could wait out the storm. This he did, then filled Ryan's gas tank. The bill was $5.20.

"How about the tire?" Ryan asked.

"Oh, that's all right," the attendant said. "Everybody should do some good deeds once in a while."

Two long, long miles later, the Ryans reached their motel.

"When we got there I started to think," Ryan wrote later. "The kid had said he was a sophomore at Keene State College, and that he only worked weekends at the gas station, from six in the morning to ten at night. I called New Hampshire when I got back to Hartford and got his name, something I had forgotten in the rather hectic day of Saturday.

"His name is Kenneth Chard. Thank you, Kenneth Chard. You restoreth the faith."

WILLIAM B. PAPE

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mrs. GRASSO. Mr. Speaker, the people of Connecticut have lost a great journalistic crusader. Indeed, we have lost a man of complete integrity and towering stature—our beloved friend, William B. Pape, the publisher of the Waterbury Republican and the Waterbury American, who passed away on March 4.

Bill Pape, who continued the family tradition of publishing excellence handed down by his father, was a dedicated and devoted servant of the people, as well as a diligent and effective proponent of accurate, honest news reporting.

The coverage of his newspapers extends far and wide. They are widely read and well respected throughout my sixth district, as well as in the Waterbury area.

A man of many interests and countless friends and admirers, Bill will long be remembered and sorely missed. For the interest of my colleagues, both an editorial and article about this remarkable man which appeared in the March 4 issue of the Waterbury Republican follows:

WILLIAM B. PAPE

If it is possible to sum up the life of William B. Pape, publisher and editor of these newspapers, in a single sentence, it would have to be: He had complete integrity.

He rarely used the word in connection with the operation of the newspapers, but his every suggestion, his every deed was governed with that in mind. He wanted his newspapers to present the news as honestly and fairly as possible.

Mr. Pape published a family newspaper and he wanted everyone on the staff to keep that in mind at all times. No newspaper can avoid publication of material that some will consider offensive at some time, but he did not want sensationalism to be the justification for a news judgment.

He refused to publish many types of advertising that can be seen in newspapers of great prominence daily, either because he did not feel they were in good taste or because they were misleading. Even though his introduction into the newspaper field came during a time when personal invective was common place on editorial pages, he preferred critical comment which avoided the sharp personal attack.

Mr. Pape ardently followed the policy established by his father, the late William J. Pape, in fighting for good government. He vigorously backed the Waterbury Taxpayers Association which served as a watchdog on city government and was most unhappy when it was absorbed by the Greater Waterbury Chamber of Commerce. Only recently as the Chamber has become more vigilant in working for efficient local government did he relent in his opinion.

He insisted that every man should have an opportunity to have news items published. He felt that the extremist would eventually lose public support because of exposure.

Throughout his lifetime he fought secrecy in government. He felt the federal government overclassified documents with no justification for so doing. On the local level, he urged court action if all else failed in revealing to the public the business of government. He felt secrecy was used to hide wrongdoing or would, if permitted unabated, encourage wrong-doing.

He did not restrict his governmental concern to writing editorials or having them written. He personally attended meetings and voiced his opinion on the need for improvements.

Editorial objections to some governmental actions on occasions brought criticism that the paper was un-American. With great pride he would write the critic that he was a graduate of the U.S. Naval Academy. But he never let his pride in his country be a veil to cover up improper actions by officials.

During the past few years when he devoted almost all of his time to the newspapers and less to some of his other business interests, he took particular delight in sitting in on the daily editorial conferences at which policy was established. Only the most urgent of outside business would get him to skip these meetings.

One of his rigid policies was that every column and letter on the editorial pages had to be signed. No pseudonyms were permitted. The only exception involved the editorials. He opposed legislation which would require that editorials be signed with the explanation that they are the opinion of the publishers and not any individual editorial writer. A statement to that effect is carried at the top of this editorial page daily.

Aside from honesty and efficiency in government, one of his favorite topics involved the railroads. He deplored the decline in rail service. While he acknowledged the inefficiencies in newspaper production in the old railroad station because of the design of the building, he never regretted its purchase and the salvation of the structure, including its tower, as a landmark.

Mr. Pape never sought the limelight. He suggested that others pose for pictures and stepped aside as frequently as possible. He insisted that the Pape family be given no special consideration.

He was always concerned with accuracy. He went far beyond the obvious—the headlines and major news stories—to the two and three-line "filler" items which set forth statistics he felt could not possibly be accurate. He was never one to hide an error. If it was made, he wanted the correction prominently labelled.

Mr. Pape was distressed when the newspapers were late in being printed and insisted on detailed explanations of the cause. The failure of papers to be delivered also caused him concern.

His memory was uncanny. He could recall persons, places and events, particularly in Waterbury history, that amazed everyone. Staff writers would often question him if they were unable to find the necessary background in the files. It was rare when he could not produce the information needed.

Most of all, Mr. Pape was a gentleman. His dealings with everyone—employe, customer, salesman, friend, even political foe—were always conducted with the utmost of propriety.

The Pape family, his wide circle of friends, this city, and especially these newspapers will miss the gentlemanly example of integrity and humility which he set.

WILLIAM B. PAPE DIES; WATERBURY PUBLISHER

(By Clark Johnston)

William Bolton Pape, 72, publisher of The Republican and The American, died shortly after midnight at Yale New Haven Hospital after a brief illness.

A quiet and kindly man, he was a forceful and outspoken publisher.

In recent months he had not been feeling well and stopped coming to work on Feb. 3. He entered Waterbury Hospital Feb. 22 and was transferred to Yale New Haven Hospital on Feb. 28.

Although hospitalized, Mr. Pape kept in touch with affairs of the newspapers and even drafted an agenda for the annual meeting of Eastern Color Printing Co. of which he was board chairman and assistant treasurer.

In June, 1968 Mr. Pape became seriously ill. The ailment was diagnosed as Rocky Mountain spotted fever, but he recovered and resumed his activities with undiminished vigor.

Mr. Pape became publisher following the death of his father, William J. Pape in 1961 and continued the tradition of crusading journalism which had been a hallmark of the paper.

A citation in memory of William J. Pape made by the New England Professional Chapter of Sigma Delta Chi journalism society said Mr. Pape "held that the public doesn't demand that a newspaper be right all the time, but it does expect that the newspaper will have guts."

EDITORIAL GUIDE

The son concurred with the philosophy of the father and kept it as the editorial guide of The Republican and The American.

Mr. Pape's presence was felt in local and state legislative councils where he appeared both as a newspaperman and a private citizen to support causes he believed were in the best interests of the people and to oppose vociferously those he felt were harmful to the public.

He battled at board meetings and in the courts to protect the right of the people to be fully informed on the public's business.

Frequently he initiated or staunchly supported investigative reporting designed to keep public officials on the "straight and narrow."

A broad-gauged individual intellectually, Mr. Pape did not confine his activities to publishing and civic affairs but had wide personal interests.

He was an avid and competent target shooter and had an interest in watches and clocks, wine, old railroads, and the history of Waterbury and the state.

Undoubtedly because of his long affection for and attachment to the Navy, he had an abiding interest, as a civilian, in ships of all kinds, particularly those of the older variety such as paddle and side wheelers and old steam launches.

He took what was to have been one of the last trips up the Mississippi on the Delta Queen before she was to be forced out of service a few years ago because of an inability to meet new safety regulations. However the ship got a reprieve from the government and still plies the waterways.

Mr. Pape was also interested in covered bridges and would try, on his infrequent vacations to zero in on an area that had many of them. He was also a collector of old prints, particularly maps, and had a house full of them including some stacked in the attic because there was no more available wall space for them in his home.

Although he relinquished some of his responsibilities at the newspapers and at The Eastern Color Printing Co. in the late 1960s, he did not slow down, but took on the title of editor of both papers and became even more intimately involved in the daily editorial production.

Mr. Pape was born July 21, 1899, in Passaic, N.J., son of the late Julia Bolton and William Jamieson Pape, who came from Passaic in 1901 as co-purchaser of The Republican.

It was the first step in the long career which saw the eventual purchase of The American and The Waterbury Democrat and the founding of The Eastern Color Printing Co., a firm which printed the first modern comic books.

ANNAPOLIS GRADUATE

Mr. Page was graduated from Crosby High School in 1918 and the U.S. Naval Academy at Annapolis, Md., in 1922. He was commissioned an ensign and served at sea for five years when he resigned.

He joined the Naval Reserve in 1929 and was recalled to active service in 1941. When released from active duty he remained in the reserve and at the time of his death held the reseve rank of lieutenant-commander retired.

One minor but nagging aggravation during his active naval career irritated him each time he thought of it for the rest of his life—he was traded for a banjo player.

It wasn't that he was anti-banjo players per se, it was just the circumstances under which the swap was made because it stymied his carefully laid plans to win back for the United States a Navy trophy cup won by a challenge team of Argentinians in the country to pick up a warship and sail it home.

When the Argentine Navy personnel arrived here to take possession of their ship, they immediately challenged the Navy to a shooting match. Surprised, the good sports in the Navy accepted but didn't have time to round up a team of their crack shots and so they lost to the South American "ringers."

Mr. Pape, at the time, was serving on a battleship which was ferrying Gen. John J. (Blackjack) Pershing on a good will tour of South America.

Feeling the United States ought to try to win back the trophy on the same terms the Argentinians had won it, Mr. Pape pulled a few strings with the Navy's Bureau of Navigation and soon top Navy marksmen were suddenly assigned to sea duty on one specific battleship.

However, he didn't count on the chaplain on the battleship shooting him down with a claim he needed a banjo player for the ship's musical aggregation. The requisition was dutifully, and promptly, put through and as the man with the banjo—a classmate—was piped aboard, Mr. Pape was transferred to a destroyer so that the ship's complement would be evened out.

His crackerjack crew of marksmen "ringers" were bereft of a leader and the anticipated challenge in Argentina never came off.

During World War II Mr. Pape traveled five days a week to Selective Service Headquarters in Hartford where he was in charge of the industrial deferment section, deciding who was needed on the home front for the war effort and who could be spared for active service.

Nightly after his return from Hartford, Mr. Page would go to the color plant and review the day's activities and he also spent Sundays there. It was recalled that he never missed a day.

The color firm, which began informally in the basement of the newspaper plant on Leavenworth St. in 1922, initially concentrated on printing newspaper supplements. The color plant was incorporated in 1928 and finally moved to its own building in 1939.

Mr. Pape and George Janosik, who was then head of the company's New York office, conceived the idea of collecting newspaper comics in booklet form and printing them in color.

They attempted vainly to sell the idea to Dell Publications which rejected the notion because there didn't appear to be much future in comic books, particularly as far as advertising was concerned.

START OF TREND

However, the two persisted and finally decided to try the scheme in Waterbury at Eastern Color, thus starting the modern comic book down the road to success and into history. The first was "Famous Funnies."

In 1931 Mr. Pape became a member of the headquarters staff of the Connecticut Naval Militia. A crack rifle shot, he often served as a member of the naval militia team representing Connecticut in many rifle matches.

He also served as coach of the Crosby High School rifle team from 1928 to 1941, leading that group to state championships.

In 1965 Mr. Pape received a 35-year medal of the Governor's Foot Guard at special ceremonies at Camp Dempsey, Niantic. He had been on the staff of the Second Co., Governor's Foot Guard and served as a rifle team captain. He had been in charge of rifle training among the Foot Guardsmen.

He held his Naval reserve commission for 43 years, 14 of which were on active duty. He was a member of Cpl. Coyle Post, American Legion continuously for over 40 years and was a member of the Military Order of World Wars, New Haven chapter, and of the Naval Order of the United States, New York Commandery, both for over a quarter of a century.

He was for six years naval aide on the staff of Gov. Raymond E. Baldwin and a member for 45 years of the Second Company, Governor's Foot Guard. He had also held a commission in the Connecticut Naval Militia and was a life member of the Retired Officers Association.

Over the years he was a familiar figure at the National Matches at Camp Perry in Ohio and he participated in many matches at the Regiment Armory in New York.

His deep involvement in shooting on the unpaid amateur but professionally skilled level was reflected in an editorial position defending the right of the people to bear arms and his opposition to legislation which he felt unduly intruded on the public's constitutional guarantees in this area.

RETURNS TO CITY

After his active military service in the 1920s, Mr. Pape returned to Waterbury and to The Republican and The American.

Following an apprenticeship in all departments in the newsrooms of the papers, Mr. Pape became an administrative head of The Eastern Color Printing Co. to which he devoted much of his time for many years.

However, during the late 1930s he temporarily moved back into the news field, actively participating as a reporter and strategist in his father's investigations of the Democratic regime in City Hall headed by the late Mayor T. Frank Hayes.

His knowledge of mathematics in general, and financial operations in particular, was invaluable in the probe as he personally checked municipal books and ledgers for discrepancies which would be immediately apparent only to someone who knew what to look for.

He also understood things to which people could relate. Complex stories about the theft of millions didn't seem to stir the public much, but once in examining municipal ledgers he came across an item he felt would excite public interest.

The comptroller had charged cigars and mineral water for political affairs to the city and the taxpayers were paying the bill for the comptroler's openhanded largesse. The public was decidely not amused and began paying more attention to the newspapers' expose.

At times over the years of investigation which eventually led to the municipal conspiracy trial, other news executives despaired of finding the key which would unlock the closet of illegalities at City Hall.

But they were spurred on by Mr. Pape, who kept himself and others at the tiresome task of digging deep into the city's books.

Eventually the investigations resulted in the trial and conviction of the leaders of the conspiracy.

A by-product for The Republican and The American was the Pulitzer Prize, the coveted journalism award for responsible public service to the community. It was the first and only one awarded a Connecticut newspaper.

WAY WITH FIGURES

His way with figures showed up annually on election night. For years office clerks operating speedily on adding machines to bring forth as quickly as possible the election returns.

Mr. Pape accepted the machines but he didn't give them his unreserved trust. Every figure from every voting district for every candidate in a city, state or national election was personally checked by the publisher before it went into the newspapers.

He was concerned not only with the mechanical aspect of adding one plus one, since he also checked the cards from the polling stations to make sure the vote was logical.

If a vote for one or two candidates seemed lopsided, he had the reports rechecked to make sure there weren't errors in transposing figures in the count.

One year computers were brought into play but Mr. Pape used them only as a backstop. They were beaten in reporting the results by both the adding machines and by Mr. Pape, who still went over every result to make sure it was right.

The depths to which an unchecked and irresponsible government can sink were deeply impressed on Mr. Pape's consciousness.

He always, even with modern city and state government officials, kept in the back of his mind a bit of reserve which acknowledged the frailty of a man in high positions.

His knowledge of municipal affairs was specific and detailed. More than one reporter, innocent of what happened 20 or 30 years before, got a briefing on the ramifications, not apparent on the surface, which might lead to unpleasant possibilities.

NO INTERFERENCE

Reporters, always concerned that the boss upstairs may interfere with unfavorable items concerning friends of the publisher, never had a worry where Mr. Pape was concerned. The rule was: If it happens, report it regardless of whether the "boss" looks good or not.

A standing rule was that if a member of the Pape family ever got involved with the law, it should be printed.

The "Boss" was a victim of his own rule and followed through.

Once, while driving, he hit a parked car. There was no one around so he (1) left a note identifying himself as the culprit; (2) notified the police of the accident and (3) called the newspaper to make sure the story appeared in the paper.

It was not a grandstand play, for the rule applied always to himself and to any member of his family.

He frequently appeared at city board meetings, especially the sessions of the Board of Aldermen, most often while he lived in Waterbury on Farmington Ave. but also occasionally after he moved to Woodbury.

Normally, he identified himself as "W. B. Pape, printer," or when he lived here as "voter", and after he moved to Woodbury, as "taxpayer."

The aldermen didn't need a clue to the fact he ran the city's papers, but neither did he feel it necessary to try to impress them with his position.

"LIKE IT IS"

He said his piece. If someone argued with him, attacked him or tried to make his position uncomfortable, the reporter heard it and printed it "like it is."

Mr. Pape, as a news subject, never told a reporter how to write the story. Regardless of whether the story made him look good or embarrassed him, the report was to be factual and every reporter knew that if he tried to soften a criticism he would hear about it.

Some of Mr. Pape's political enemies knew the prime way to get their point of view across was to try to link him with the opposition. They knew an attack on him would be printed.

On one occasion, Mr. Pape, some days after a story appeared, remarked ruefully to the reporter who wrote it that his wife had seriously recommended he temper his remarks in the future and get home a little earlier. There was no hint there should be any curbs on reporting and there was none.

In 1962, Mr. Pape, the guiding light of the Waterbury Taxpayers Association and the man who made editorial policy, concluded that Waterbury ought to have civil service. The battle was on and it was bitter.

CLASHES WITH BERGIN

The late Mayor Edward D. Bergin, an articulate opponent of civil service, was in office. The relationship between Mr. Pape and Mr. Bergin was anomalous. They respected each other but were unable to agree on almost anything.

Both dedicated, one a complete politician who believed the political way is the only practical way to run a government; the other, remembering the turbulent days of the 1930s, had a natural suspicion of politicians.

It was inevitable that the two strong-minded men would clash—and this they did time and again.

While Mr. Pape, charged into the battle supporting civil service, Mr. Bergin fought it with equal vigor. Mr. Pape made it plain that his opponent was to have his say fully and fairly.

One reporter was assigned to report in extensive detail Mr. Bergin's objections to civil service, primarily the attacks on the papers and Mr. Pape. The order was that the assaults would be reported in full so that the readers would have every opportunity to digest the arguments of both sides.

Neither Mr. Pape nor Mr. Bergin lost his perspective during the running fight. An ambitious campaign button printer sent to Mr. Pape a sample button which could be worn advocating civil service—or anything else for that matter.

It was a round yellow button with the word "yes" on it. To prove his impartiality, the manufacturer also sent the publisher an equal number of round yellow buttons with the word "no" on them.

GIVES BERGIN BUTTONS

Mr. Pape declined the commercial, chuckled and distributed the "yes" buttons to his backers. He then sent Mr. Bergin the same number of "no" buttons so the then mayor would have "equal time" on people's lapels. Mr. Bergin cheerfully and openly acknowledged his opponent's gesture.

Civil service as a governmental way of life won. Mr. Bergin was defeated but the relationship continued. It was an uneasy truce between two men who liked each other, found themselves on opposite sides of a philosophical fence and never could discover a way to establish a working entente cordiale.

Each felt he had the measure of the other, each was sure he knew what made the other tick, but they never melted their information into a working relationship.

This was not unique. Time and again well meaning state legislators, local aldermen, police commissioners, members of the Board of Public Works and the City Plan Commission faced formidable opposition from the publisher.

Mr. Pape had several things going for him when he met a hostile audience, particularly of legislators. He had collected his facts and he was usually imperturbable.

Those trying to throw him off stride had difficulty because he could overlook the cutting remark designed to demolish him; he was convinced he was standing on principle and thus couldn't be shaken in that direction and, finally, he was hard of hearing and missed the thrust of some of the rebuttals.

RESPECTED BY REPORTERS

Reporters had a deep respect and affection for him because he always refused to disown a story that might embarrass his friends. A specific reporter, or the staff in general, might get a note that things weren't going right and that a more careful assessment was in order. But he would never publicly downgrade a story or a reporter.

Mr. Pape was always willing to defend the public even when the public itself wasn't aware its rights were in jeopardy and needed defending.

Any time public officials tried to conceal their activities, hide the minutes of their meetings, or close records to reporters, Mr. Pape was willing to go to court.

The newspapers went to court to pry open the minutes of the Torrington Board of Education in 1950; to force disclosures from the Thomaston Sewer Commission in 1968; to defend the right of a student reporter to look at the police blotter in Waterbury and to demand, through Eastern Color, a revaluation of the city which the politicians had ducked for years.

Whether the actions were taken in the corporate name of the newspapers or on behalf of The Eastern Color Printing Co., Mr. Pape was the man who ordered the litigation and assumed responsibility for the results.

His presence was felt both physically and through the editorial columns of the paper. He was a familiar figure on the downtown streets.

If it was possible to walk to a destination, Mr. Pape did, and this habit made him available to anyone who wanted to stop him on the streets with a complaint, a compliment or a news item.

Mr. Pape was nothing if not meticulous in the operation of both the newspapers and the printing plant and he checked almost everything from workmen's compensation reports and telephone bills to the massive complex presses which spewed the millions of pages of color supplements, comic books, catalogues and other materials.

UNDERSTOOD MACHINERY

It was widely felt at Eastern Color that although he was not trained in the field, his understanding of the machinery was as detailed as that of the experts whom he hired to keep the presses running smoothly.

One who watched him over the years said he was "clever in searching out mechanical problems" and finding solutions.

Although it was his father who initiated a pension system for employees, it was Mr. Pape who worked his way through the complex insurance structure involved to produce the package eventually adopted in 1943 for employees.

In the 1950s when William J. Pape reduced his working schedule at The Republican and The American, William B. Pape began spending more time at the papers and less at the color printing company.

Long assistant publisher of the two newspapers, Mr. Pape formally became publisher following his father's death. Later his son, William J. Pape, II, became active in the papers' business affairs and was elected assistant publisher.

The elder Pape relinquished the presidency of the Eastern Color Printing Co. in February, 1968, to his son, Richard J. Pape. Mr. Pape then became chairman of the board and assistant treasurer of the company.

He was putting younger members of the family into positions of responsibility which he had held for many years.

BOUGHT RAILROAD STATION

Acquisition of the Railroad Station on Meadow Street as a plant for the newspapers was a source of pride and satisfaction to him. He and his father were in complete agreement that the Waterbury landmark ought to be preserved.

When the then New Haven Railroad announced it was going to sell the station the Papes feared a buyer might deface, downgrade or destroy the station and its famous tower, and they immediately stepped in to purchase it.

The failure of the tower clock to work properly annoyed him and the silence of the bell caused him further distress. He had the clock faces, hand mechanism and bell striker replaced in 1963 and went further to have the tower illuminated so it can be seen from many points in the city. It is clearly visible on the darkest night from the highway interchange.

A complete railroad buff, Mr. Pape participated in special railroad events, invited fellow fans to climb the tower and possessed a collection of old railroad schedules that would make any aficionado envious.

He was one of the founders of the Waterbury Taxpayers Association and remained its secretary from 1947 until it was absorbed into the Greater Waterbury Chamber of Commerce.

The association served as a watchdog on state and municipal government with a full-time professional director knowledgeable in governmental finance who attended board meetings, criticized city and state actions and made recommendations to the association for improvements in government.

Basically, it was an outgrowth of the scandals of the 1930s and it showed the concern Mr. Pape and other civic leaders had in municipal affairs.

WIDE INTERESTS

There were few areas of the way of life of Waterburians where Mr. Pape failed to make his presence known from the Republican Party to the Young Men's Christian Association and the Eastern States Exposition.

He was a member of the Waterbury Hospital Corp., a trustee and director of the YMCA and former chairman of the "Y" board and served on various committees, acting as chairman of the insurance, executive and finance committees.

The Community Workshop, Inc., was of concern to him and at the time of his death he was its secretary. He served as trustee of the Eastern States Exposition, director of the Waterbury National Bank, Waterbury Savings Bank, the Greater Waterbury Industrial Development Corp. and was a member of the Industrial Development Committee of the Chamber. He was a life member of the National Rifle Association.

Education was a special interest. He served as a member of the board of managers of Waterbury Higher Education, Inc., and the mayor's Educational Advisory Committee and trustee of Post Junior College.

His journalistic professional activities included the secretaryship of the Audit Committee of The Associated Press and membership on the Traffic Committee of the American Newspaper Publishers Association.

He was also a member of the Connecticut Chapter of Sigma Delta Chi, a journalism society.

He was a familiar figure at conventions of professional newspaper associations and meetings of the Associated Press and United Press International in Connecticut, the region and nationally.

Corporate responsibilities included the presidency of American-Republican, Inc., chairman of the board of Eastern Color Printing Co., vice-president of Paper Delivery, Inc., and Waterbury Motor Lease, Inc.

As a youth he had a newspaper route, but one winter he transferred it to his two younger brothers to take over a furnace route from the owner who wanted to take a Florida vacation. In those days, when furnaces were coal-fired, it was the custom to have someone come in daily to keep them properly stoked.

He was one of the founders of The Chase Building, Inc., the firm which bought the structure across Grand St. from City Hall from the Chase Brass & Copper Co. when the latter moved its executive offices to Cleveland, Ohio.

SOLD STRUCTURE

The firm rented space commercially and eventually sold the structure to the city to serve as an annex to City Hall. The mayor's office and others were moved to the annex to make room for the expanding Circuit Court in the old City Hall.

Survivors include his widow, the former Helen Cronan, daughter of the late Mr. and Mrs. Patrick J. Cronan; three children, Mrs. Charles E. Poindexter, the former Brenda Pape; two sons, William J. Pape II, who is married to the former Patricia Moran, and Richard J. Pape, who is married to the former Cherie Moran; a brother, Brig. Gen. Robin B. Pape, USA (ret), Silver Spring, Md.; a sister, Mrs. Wilder J. Greeley, the former Benita Pape, and five grandchildren.

A third son, Roger, died in a boating accident in 1960 near the family's summer cottage in Madison.

A TRIBUTE TO YOUTH FOR UNDERSTANDING

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. BELL. Mr. Speaker, because I was out of the city during the early part of last month, I was unable at that time to join with my many colleagues in a special tribute to the international teenage student exchange program, Youth for Understanding—the largest and fastest growing organization of this kind. YFU is also one of the three teenage exchange programs officially recognized by the State Department.

This program was instituted by Mrs. Rachel Andresen in 1951 on a very limited scale between the United States and Germany since, as Mrs. Andresen very wisely and accurately surmised, the German youth of the post-Hitler era needed a new perspective which could be meaningfully and effectively enhanced by a stay of approximately 1 year with an American family.

Since those early years, students now enjoy these broad cultural and sociological experiences in exchange with 44 countries from Argentina to Yugoslavia. There are currently 3,500 foreign students and 2,500 American students involved each year in these countries. Summer programs are also in operation, extending the opportunity to a substantial number of young people for a shorter period of time.

The personal contact and close association provided by these exchanges play an extremely important role in furthering international understanding and goodwill. For this reason and because of the additional positive results this program is capable of yielding, I believe YFU deserves the commendation and continued support of both the Congress and the American people.

ECONOMIC STABILIZATION I: THE INEQUITIES OF THE PHASE II RENT GUIDELINES

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. HELSTOSKI. Mr. Speaker, since phase II began in mid-November 1971, a confused Price Commission has issued at least three sets of guidelines for rent increases. Each of these was imperfectly drawn, but the final guidelines issued on December 30, 1971, contain a glaring loophole which makes a mockery of any claims to equity and effectiveness by the economic stabilization bureaucracy.

Specifically, the December 30 guidelines permit landlords, when leases are being signed or renewed, to raise rents by a percentage equal to rent increases imposed just before the wage/price freeze of August 15, 1971, was announced. Thus, if a landlord increased a single tenant's rent by 30 percent on August 1, he is perfectly free to raise all others by that amount as their leases come up for renewal. The impact of the rent guidelines then, is to reward landlords who imposed inflationary rent increases last summer, while subjecting thousands who rent their homes or apartments to rent hikes of 20, 30, 40 or more percent.

The Price Commission, which takes care that applications for price increases by huge corporations are expeditiously handled and approved, has made no move to remedy the gross inequities of its rent guidelines. The legitimate needs of thousands of individual American wage earners are shunted aside so that the stabilization bureaucracy may make phase II as smooth as possible for big business.

Last week, a number of us in the House sent a letter to the Chairman of the Price Commission, protesting the glaring loopholes in the rent regulations and urging a totally new set of guidelines. We believe that no rent raises except those "occasioned by real estate tax increases" be allowed and that "this ban should be retroactive to November 15." I urge those of my colleagues who did not join in signing this letter to add their voices to the call for immediate reform of the Price Commission's rent guidelines.

Finally, I include at this point in the RECORD, the press release containing the full text of our letter to Chairman Grayson of the Price Commission:

CONGRESSMEN URGE PHASE II BAN ON RENT INCREASES

WASHINGTON, D.C., March 3, 1972.—A bipartisan group of Congressmen representing different sections of the nation have called upon the Price Commission to ban all rent increases retroactively to November 15 with the exception of those made necessary by real estate tax increases.

In a letter to Price Commission Chairman C. Jackson Grayson, the Congressmen said that they are opposed to the "glaring and unjustified loophole in the Price Commission's regulations on rents which allow a landlord to increase rents by 20, 30, or even 40 percent." The Congressmen charged that the regulations perpetuate inflationary rent increases that were taking place before the Phase I freeze on wages and prices.

The following is the text of the letter:

DEAR CHAIRMAN GRAYSON: We are writing to express our concern over what we consider to be a glaring and unjustified loophole in the Price Commission's regulations on rents which allow a landload to increase rents by 20, 30, or even 40 per cent.

The "average transaction" rule promulgated by the Commission allows a landlord to use, as a basis for computing rent increases, the average rent increase transacted by him during the base period in 1971, the 30 day period immediately prior to the Phase I freeze on wages and prices. No matter how high or exhorbitant this average increase may have been, the landload is free to pass it on to his tenants under Phase II regulations. Beyond this. the regulations permit him to tack on an additional two and one-half per cent increase.

The fundamental problem with the "average transaction" rule is that it uses as a base period the time when inflation in this country was at its greatest. Rather than attempting to curb these high rates of rent increases, the regulations of the Price Commission have codified and institutionalized them. Certainly one of the most essential elements in determining the cost of living is what people have to pay to keep a roof over their heads. By allowing landlords to charge the same overage increases under Phase II as they did when there were no controls at all, the Price Commission is perpetuating inflation.

We propose that no rent increases be allowed under Phase II except those occasioned by real estate tax increases. This ban should be retroactive to Novemer 15 to remedy the many inequitable rent increases that took place after the Phase I freeze and under the existing controls.

This Phase II ban would not only help to curb inflation, but it would also make administration of enforcement of the controls considerably easier.

Sincerely,

JOHN G. DOW,
Member of Congress.

COSIGNERS

Bella S. Abzug of New York.
Herman Badillo of New York.
James A. Byrne of Pennsylvania.
Edward P. Boland of Massachusetts.
Shirley Chisholm of New York.
John Conyers, Jr., of Michigan.
Ronald V. Dellums of California.
Sam Gibbons of Florida.
Seymour Halpern of New York.
William D. Hathaway of Maine.
Henry Helstoski of New Jersey.
Edward I. Koch of New York.
Norman F. Lent of New York.
Harold D. Donohue of Massachusetts.
Mike McCormack of Washington.
William Moorhead of Pennsylvania.
John Murphy of New York.
Charles Rangel of New York.
Thomas Rees of California.
Benjamin S. Rosenthal of New York.
William Ryan of New York.
James H. Scheuer of New York.
G. William Whitehurst of Virginia.
Lester L. Wolff of New York.
Jim Wright of Texas.
Jonathan Bingham of New York.
Dominick V. Daniels of New Jersey.

Those signing identical letters were:

Joshua Eilberg of Pennsylvania.
Jonathan Bingham of New York.
Bertram Podell of New York.
Harold Donohue of Massachusetts.
Arthur Link of North Dakota.
Dominick Daniels of New Jersey.
Charles Diggs of Michigan.

OPEN COURT—READING ACCOUNTABILITY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. CRANE. Mr. Speaker, a problem which has plagued our public schools, and particularly the public schools in large urban areas, is the fact that children are not learning such fundamentals as reading, writing, history, and arithmetic.

In many instances, children are promoted from one grade to another regardless of their performance, a situation which has led to the call for "open universities," meaning universities in which those applying for admission are admitted regardless of their ability and training.

One plan which has had dramatic results in teaching children to read is that of the open court accountability plan. The first of its kind in the Nation, it will be extended to include the second grade beginning in September 1972. The guarantee coming with this plan is that schools using the open court program would be refunded 10 percent of the price of the program for each month below grade level at which the class was rated at the end of the school year.

Mr. Blouke Carus, president and publisher of open court, said:

> We believe accountability is fundamentally sound; schools deserve to receive full value for funds spent on curriculum material.

Discussing this plan, Hope Justus of the Chicago Tribune noted that:

> The program uses an intensive phonics approach to reading. Students first learn 43 sounds. They build these into words, then sentences, and on to paragraphs and little stories. The textural materials are not hardcover readers, but colorful combination reader-work-booklets based on children's classics, folk tales, and poetry.

"One of the major differences," said Jerry Lebo, head of teacher training for the company, "is our method in which everything a child does he sees, he says, he hears, and he writes." Open court calls its offering a correlated language arts program, instead of just calling it a reading program.

Miss Justus notes that:

> I found a surprising degree and unanimity of enthusiasm among teachers at all types of schools. Principals consistently reported generally rising if not spectacularly improved test scores.

A school system in which the teacher receives the same wages and advancement regardless of whether or not children learn is one which provides no incentive for achievement. This program may be part of the answer to the failing educational standards in our inner cities.

I wish to share Miss Justus' article, which appeared in the Chicago Tribune of December 17, 1971 with my colleagues, and insert it into the RECORD at this time:

[From the Chicago Tribune, Dec. 17, 1971]

ONE READING PROGRAM FOR ALL

(By Hope Justus)

If the people at Open Court Publishing Company in La Salle, Ill., have produced what they believe they have and are beginning to document, "Open Court" may soon become a household word among teachers and school board members.

Open Court has developed a reading program that works—with Spanish-speaking children, in inner city schools with high pupil turnover, in the schools of affluent suburbia, and in city schools with suburban settings.

Skeptical?

So was I. I am well aware of the cardinal saying of in-vogue reading thinking: No one approach to teaching reading is successful with every type of child.

THEY'RE TALKING NOW

But that is the kind of thinking which has led the Chicago public schools to employ nearly 50 different reading programs. That approach hasn't seemed wildly successful either, so I swallowed some of my skepticism and went to an Open Court briefing for the Chicago press and local educators.

"We didn't want to make a lot of noise until we felt sure about what we had," M. Blouke Carus, the company's publisher, said.

But after five years of development and four more years of evaluation, company officials are starting to trumpet.

The program uses an intensive phonics approach to reading. Students first learn 43 sounds. They build these into words, then sentences, and on to paragraphs and little stories. The textual materials are not hardcover readers, but colorful combination reader-work-booklets based on children's classics, folk tales, and poetry.

So what's so different? Perhaps not all that much so far.

"But one of the major differences," said Jerry Lebo, head of teacher training for the company, "is our method in which everything a child does he sees, he says, he hears, and he writes."

Most programs, Lebo maintained, either teach these skills separately or postpone one—usually writing—for later development. This is why Open Court labels its offering a "correlated language arts program," instead of just calling it a reading program.

By introducing writing early, the program turns much of the child's own work into "text" materials. For example, what a child writes working independently may become his spelling and penmanship lesson for the day.

A PROGRAM FOR PLANNING

Another difference from many programs is that Open Court trains teachers to use the program before beginning in any school, provides additional training and discussion time after it has started, and sends its own consultants to observe classes and give follow through help.

The company has grown confident enough to offer a written guarantee of success with 1st and 2d grade materials. At the end of the school year, the company will refund 10 per cent of the program costs for each month below grade level at which a class using the materials is rated.

The school selects one of several nationally standardized tests evaluation before and after the course.

It was here that my skepticism shot up again. In what kind of schools were they operating? Under what conditions? A common fault with fancy performance contract arrangements is that they don't approximate the classroom realities under which the average teacher must work. They may, for example, specify attendance levels which must be maintained or exclude from the contract guarantee students who enter the program late.

But Open Court was different in this respect, too. Operating in all 50 states and several foreign countries, Open Court can cite several studies to document success in classrooms where English is a second language for many students—both in inner city and affluent schools.

What about pupil mobility? Would they make the guarantee to a school with, for example, 50 per cent pupil turnover in a year? "Yes, we are willing to absorb that," a company official said, unblinking.

NO REFUNDS YET

The company began offering the 1st grade guarantee in 1969 and so far has not given any refunds.

I went away impressed enough to want to do some checking with Chicago public schools using Open Court.

I found a surprising degree and unanimity of enthusiasm among teachers at all types of schools. Principals consistently reported generally rising if not spectacularly improved test scores.

When the customers sound as much like the company's public relations team as was the case here, something is happening that is worth watching.

PAROLE BOARD A STARTING PLACE FOR PRISON REFORM: COSPONSORS NEW LEGISLATION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. CONYERS. Mr. Speaker, the prisons of America offer a spectacle of complete despotism. In fact, our entire system of justice, from the police, through the courts, to prison and eventually parole, is testimony to our failure to render and mete out justice according to our own standards. Somewhere midst this enigma called the penal system, a beginning must be made to reform and restructure present institutions. The Federal Board of Parole, that puzzling anachronism, is as good as any place to start. Long ignored because of public ignorance and bureaucratic boredom, the Board of Parole has moved in mysterious ways while hiding under the cloak of secrecy and obscurity. As presently structured, eight men, with the assistance of a small group of examiners, are charged with deciding some 20,000 separate applications for parole each year. In the absence of specific guidelines, decisions are made arbitrarily and are absolute. Results are not published, and hearings are brief. Inmates must appear before the Board unrepresented by counsel and without the protective guard of the public eye. In short, the Board is the inmate's judge and jury.

The immense discretionary powers of the Board frequently permit it to overstep the boundaries of parole cases and to enter the political arena. Though in fact a part of the judicial procedure, the Board can also be viewed as exercising the kind of power which causes it to be considered a part of the executive branch. A flagrant example of its political behavior occurred when for a while parole was uniformly denied to war resisters. Because of the administration's hostility to the resisters, the Board denied them parole while routinely granting it to others guilty of serious crimes of violence. This is the Board's real power and its potential danger to justice.

Though long concealed in the shadowy recess of the Federal bureaucracy, the workings of the Board recently came to light when 20 inmates instituted a class action suit demanding certain due process measures in the parole procedure. Congress itself has begun to take interest in the issue of penal reform. A House Judiciary Subcommittee is presently hearing testimony on the arbitrary and unconstitutional practices of the Board. The bill presently before it, H.R. 13118, which was introduced by the subcommittee chairman ROBERT KASTENMEIER of Wisconsin and cosponsored by myself and Representatives RYAN and MIKVA, would correct many of these unfair practices. It would establish an independent Board of Parole, separate from the Justice Department. It would provide for fair and equitable Federal parole procedures. The burden for a prisoner's release would be shifted from his shoulders to the Parole Board which would be required to release him on finding in favor of parole. Present law permits denial of parole even after a favorable decision. The bill also sets out factors which the Board must consider in determining whether to release a prisoner; present law has no such comparable provision. If parole is denied, the Board will have to give good and particular reasons for doing so.

Other previously omitted procedural requirements are written into the bill: a time schedule is set for hearings, the right to counsel is guaranteed, and materials used by the Board must be made available. Finally, the bill would establish a National Parole Institute, and provide assistance to the States for the operation of fair and adequately staffed parole systems. While such legislation is certainly a beginning, it is only a small, first step on the path to comprehensive penal reform.

Beyond the level of administrative procedure, the fundamental obstacles of class and race compound what is already a very complex problem—rehabilitating convicted felons. The present system has shown little success in reducing the rate of recidivism. Sweeping reforms must be instituted to synchronize the workings of corrections and parole, making their goal—rehabilitation of inmates—take on real meaning. Too often rehabilitation is a meaningless term regarded cynically by those who are supposed to bring about rehabilitation.

More direct routes must be found for involving the community as well as parole officers in prisoner rehabilitation and return to society. Use of extensive counseling services, half-way houses, and former inmate self-help organizations could substantially reduce the frustrations and sense of alienation which former convicts experience after leaving prison.

The House hearings on parole have brought home the stark realization that penal reform must be coupled with reforms of the broader society in which we live. Race, class, and poverty must be fought along with prison problems, for they are the conditions which create crippling environments and pave the path to prison.

ROGERS INTRODUCES HEART, LUNG, BLOOD BILL

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. ROGERS. Mr. Speaker, I am today introducing legislation to increase and coordinate our national resources in an accelerated effort to attack the Nation's No. 1 killer—heart disease.

This legislation also puts a priority on solving the problems related to lung and blood and their related diseases and I am confident that this legislation will bring about a significant reduction in death and illness from these diseases.

I am pleased to note that eight members of the House Subcommittee on Public Health and Environment have joined with me and that Senator KENNEDY has 13 of his colleagues supporting a similar bill in the Senate. Joining with me are Mr. SATTERFIELD of Virginia; Mr. KYROS of Maine; Mr. PREYER of North Carolina; Mr. SYMINGTON of Missouri; Mr. ROY of Kansas; Mr. NELSEN of Minnesota; Mr. CARTER of Kentucky; and Mr. HASTINGS of New York.

Unlike cancer, we can predict and prevent heart attacks and strokes in many cases. If this legislation is fully implemented, I feel confident that we can substantially reduce heart disease as the Nation's No. 1 killer within the decade and great progress can be made in the 5 to 7 years after its implementation.

I will not go so far as to predict a cure for cardiovascular disease, for we are not that far. But I am extremely heartened by the progress that has been made in this area by the National Heart and Lung Institute.

More than 1.2 million Americans suffer heart attacks each year, of which more than 500,000 die. And more than 200,000 Americans die of stroke each year.

The work which we have already done in the area of predictability and prevention indicates that if the provisions of the bill are established, we can reduce these statistics by as much as 30 percent within 5 to 7 years and by the end of the decade, some experts forecast reductions anywhere from 30 to 80 percent.

Taking even the most conservative estimate, you can see that this would have a tremendous effect on one of our greatest health problems.

The greatest fault thus far has been a lack of funding, manpower and priority. I think this legislation will remedy all three of these deficiencies.

The bill provides for increased funding from the present level of $232 million for this year, to $1.2 billion over the next 3 years. At a minimum, an increase in manpower of more than 100 is vitally needed to boost the manpower National Heart and Lung Institute to 700.

The manpower situation in the lung and blood division is appalling. Emphysema is the fasting growing killer in the land. Yet the lung division had only one senior doctor before January of this year. Now there are only three. Most divisions should be staffed by about 40 people. And in the blood division we have only one senior staffer and only four other employees.

We have about $21 million for lung and $30 million for blood, but, because of the almost total lack of in-house capabilities, these funds are going to grant and contract awards.

Lung problems contributed or directly caused almost 90,000 deaths in 1970.

An estimated 10 million Americans suffer from chronic respiratory diseases, 1 million from emphysema, 4 million from chronic bronchitis, and 5 million from asthma. Social security payments to these people run in excess of $90 million annually.

MY RESPONSIBILITY TO FREEDOM

HON. WATKINS M. ABBITT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. ABBITT. Mr. Speaker, the Veterans of Foreign Wars recently conducted its nationwide "Voice of Democracy" oratorical contest in which more than 500,000 young men and women in over 7,000 of the Nation's high schools participated. The theme this year was "My Responsibility to Freedom." In Virginia, our statewide winner was Miss Phyllis McBee, of Hopewell, Va.

Not only am I proud of Miss McBee's achievement, because she was one of my constituents, but also because of the fine message which her speech conveys. We hear a great deal today in criticism of some of the activities of our youth, therefore, I feel that it is incumbent upon us to give credit where credit is due to those many outstanding young people who continue to hold forth the high ideals of democracy. She sets forth in clear terms, not only the privileges of citizenship, but also its responsibilities. I commend her speech to the reading of the Members of the House:

MY RESPONSIBILITY TO FREEDOM

America was formed as an independent nation, one built, not for glory, but for democracy. When our forefathers fought for their freedom, they risked their lives. Patrick Henry's rousing "Give me Liberty or give me Death!" was typical of the feelings of the gallant men who founded the United States of America.

The men who were the first Americans had the responsibility of fighting for their freedom. When they gained it, they had the responsibility of seeing that it worked. I also have the responsibility of making freedom work. I treasure my freedoms, use them, and sometimes even take them for granted. I try to remember that laws I may not like are necessary so that I can enjoy my own freedoms.

I am an independent individual, but being free isn't all fun and games. To be able to enjoy my own freedoms, I can't step on those of others. Having the right to protest and the right of free speech doesn't mean that I have the right to smash windows, create a riot, shout obscenities at my neighbors, or libel my chosen representative to the government. There is a wonderful idea in our Constitution which is that we can do almost anything that won't hurt anyone else. Riots and laws restricting freedom not only hurt me, they hurt many others. Freedoms, when abused, are freedoms no longer. My first responsibility to freedom, then, is to understand what freedom involves. People do not realize the price that was paid for freedom: Bloody feet wrapped in rags to keep out freezing cold, scant food to feed starving stomachs. Lives given for the cause of freedom. Have these sacrifices been made in vain? Do I, as a responsible citizen, have the right to think my country owes me anything? What indeed have I ever done to deserve all the freedoms and privileges I receive—just because I Am a citizen? Maybe we all should think about this once in a while and think deeply about President Kenedy's statement "It's not what your country can do for you, it's what you can do for your country." If everyone thought first of his country and the Golden Rule, we'd have taken a giant step toward true peace—we'd all be working toward a better America. I should also ask myself how I'd feel if my freedoms were taken away. Another responsibility, then, is to myself. That means that I must be reasonable and fair-minded in my actions as a citizen.

Mixed with my love for my country is a feeling of devotion and pride. Though sometimes my faith in the government is shaken, the necessity of freedom is always present. I am willing to lend a helping hand in preserving and protecting it. I was born with freedom as my heritage and I hope to die leaving the heritage of freedom to the people coming after me.

It has always taken blood and courage, war and faith to make a nation free. The purchase price of freedom is always high, but is never paid with regret. Our nation was forged in the fires of revolution, hammered by stern blows of Fate, shaped with hope, and tempered with despair. My responsibility as a free individual in a nation created for freedom, lies in maintaining that freedom. Whether it is making laws or obeying them, fighting for freedom or defending it, the work must be done and must be done by all. . . . Freedom is not free.

FREEDOM FOR LITHUANIA

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. DONOHUE. Mr. Speaker, it is a particular personal privilege and pleasure to join here with my colleagues in commemorating the origin of Lithuania's declaration of independence. This year we mark the 54th anniversary of that very special historical event.

Back on February 16, 1918, after more than a century of Czarist Russian occupation, the people of Lithuania declared their independence.

However and unfortunately, they were permitted to enjoy the rights and privileges of a free people for little more than two decades.

Lithuania was deprived of her hard-won, long-sought independence when the Russian Army illegally occupied Lithuania at the outset of World War II. Except for a very brief period of Nazi domination, the Soviet Union has continued to unjustly occupy Lithuania right up to this very day.

Throughout this long period, the people of Lithuania have bravely suffered almost inconceivable hardships and cruelties from Russian persecution, assassination and slavery.

Nevertheless, the valiant people of Lithuania have never given up their persevering struggle and desire to be free again.

Despite the inhuman treatment of their Russian captors, their stalwart ancestors have remained steadfast in their commitment to their faith, their culture, their language and their ideals.

In doing this they have become an inspiring example to the whole world in their unconquerable resistence to repression and tyranny.

Although, today, we express common grief that Lithuania is not free, we are bound to recognize and to applaud the heroic spirit which still burns within the Lithuanian people.

It is this undaunted spirit of a great nation that prompts us to speak out against their continued slavery.

We, as citizens in a nation "conceived in liberty", should not and cannot remain silent while the freedom loving people of Lithuania and other small nations remain the persecuted captives of Communist imperialism.

That is why both as a Representative in Congress and as a private citizen who knows the virtues of the Lithuanian people I believe we must continue to publicize in every way that we can the terrible cruelties being visited upon the Lithuanian people. We must continue to emphasize that the Russian occupation is illegal and unjust.

We must keep reminding ourselves, our fellow Americans, and all the citizens of the free world that the Lithuanian people are being held as slaves by a powerful nation that issues words of freedom but whose forceful actions make a mockery of those words.

If we ignore what we know to be the truth about Communist hypocrisy, we will be abandoning the principles of our own national birth and jeopardizing our own freedom.

Our common obligation is to stir the conscience of the world through our own Government and the United Nations to act against tyranny and to preserve hope in the minds and hearts of the valiant Lithuanian people.

This commemoration is helpful in our just cause. It serves to renew our own dedication for the achievement of liberty in Lithuania and to demonstrate to her people that they do not stand alone and forgotten.

Let us pledge ourselves to use every resource and influence that we possess to restore to Lithuania her rightful freedom.

I am sure that if we persevere in our united efforts the day must and will come when Lithuania will regain her liberty and again take her rightful place among the free nations of the world.

So, in spite of our sadness, on this 54th anniversary of Lithuania's independence let us look confidently to a brighter future because we all know that freedom cannot be forever denied to the courageous Lithuanian people who have ever remained immoveable in their allegiance to the heroic traditions of their country and the tremendous faith of their fathers.

DRUG FIGHT AIMING FOR THE WHOLESALERS

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. HALPERN. Mr. Speaker, the President's new initiative to fight drug abuse will go a long way to cure this scourge that is sweeping the country. We all know how vital Federal legislation and Federal law enforcement is if we are going to effectively deal with the narcotics problem. But all these programs will be meaningless unless we are able to attract highly talented and dedicated people to carry out the thrust of Federal efforts.

One such individual, U.S. attorney for the eastern district, Robert A. Morse has spent a good part of his professional life dealing with drug traffickers. His experience in law enforcement is most important because as U.S. attorney for Brooklyn, Queens, Nassau, and Suffolk Counties he will be the main thrust behind the new Office for Drug Abuse Law Enforcement.

As the youngest man ever to hold the job of U.S. attorney, Mr. Morse is a dynamic and thoughtful man who takes his responsibilities seriously.

Last Sunday, the Long Island Press, one of New York City's finest newspapers published a most interesting and informative article, which I believe captures the personality, dedication and forcefulness of Mr. Morse. The article outlines some of the ideas and innovations Mr. Morse has implemented since he accepted the position last summer. His accomplishments are most impressive considering the short time he has been in office.

At this time, I would like to insert that article in the RECORD so that my colleagues can get a glimpse of this most talented and energetic U.S. attorney.

The article follows:

DRUG FIGHT AIMING FOR THE WHOLESALERS

(By Seymour Marks)

The new nationwide crackdown on dangerous drugs, working through an independent agency created by the President a few weeks ago, will not throw its heaviest weight against the major international suppliers, nor the little street corner pushers.

It will cut its biggest swath right down the middle—the big wholesalers who are the transmission line between overseas sources and domestic little men who peddle "nickel" ($5) and "dime" ($10) bags.

So says the new U.S. Attorney for the Eastern District, Robert A. Morse of Brooklyn Heights, the youngest man (42) at his appointment last August ever to hold the job.

And he ought to know, because New York City will be one of nine headquarters cities for the new Office for Drug Abuse Law Enforcement, and much of its work will center in the metropolitan counties.

Morse, whose federal domain covers Brooklyn, Queens, Nassau, Suffolk and Staten Island, will play an important role in the battle, because his assistants will prosecute many of the cases originated by the national team.

We've been hearing about narcotics crackdowns for years—how does the new one differ?

"It's an infusion of manpower at the middle level," explained Morse. "The Department of Justice concentrates on the larger drug rings. The little pusher is for the locals. That leaves the middle-level big wholesalers.

"No sooner have we stopped one major international source, let's say by signing a treaty with Turkey, than a new source pops up in Asia. The middle-level transmission line remains the same. We expect the new teams to make a big dent at this level."

Morse, a moderately-short, chunky man with grayish hair that is short by the current vogue, but long by old "butch" haircut standards, has placed his faith in a staff of 47 mostly-young assistants.

Typical of some of his top hands are his executive assistant, Edward Thompson Jr., 32, of Huntington Station, son of a state Supreme Court justice; his criminal division chief, Edward Boyd V of Garden City, who is only 28; his civil division chief, James Porter, 33, of Brooklyn Heights, and appeals chief, David Trager, 34, of Brooklyn.

The young U.S. attorney and his young staff have some youthful ideas about priorities. No. 2 on his worksheet, after the narcotics push, is ecology—pollution of navigable waters.

He feels that spotting a polluter and hauling him to court is not enough. The idea is to get the polluter to give his own business priority to projects and expenditures that will end existing pollution and eliminate its threat for the future.

As chief assistant to his predecessor, Edward R. Neaher (now a federal judge) for two years, Morse had plenty of opportunity to work out ways of achieving those ends in the fight against pollution. Now, as the chief, he can draw on that experience.

"We will soon announce that a national corporation will be spending $7.5 million for rehabilitating a metropolitan oil terminal, and $2,250,000 of that amount will be for anti-pollution devices to prevent oil leaks from tanks into the water," he said.

The announcement probably won't come from Morse's Brooklyn offices, but from Washington. The Justice Department likes to take its own due credit.

"We get that sort of thing done without legal action—just discussion," said Morse. "We sat down with the corporation's lawyer, sitting right there where you are, and we said, 'Counselor, what are you going to do about it?' We kicked it back and forth, and then the plan was evolved."

Morse works closely with city and state agencies, especially in connection with the tons of raw sewage still being dumped into surrounding waters by municipalities.

"We coordinate our aims with the city people," he said, "and often get them to change priorities—like showing them that building a sewer this year instead of next year might solve a great pollution problem. We get some important things done that way, without public furor."

Morse's background of private practice and public service in state, city and federal jobs has given him considerable leverage in that sort of coordinated planning with local government spokesmen.

A native of Brooklyn and a product of its schools, he was graduated from Indiana University before earning his law degree at Cornell in 1952. Fresh out of law school, he clerked for a year in the office of State Attorney General Nathaniel Goldstein.

When Judge Walter Bruchhausen of Brooklyn was appointed by President Eisenhower to the Eastern District bench, young Morse was his first law clerk in 1953 and 1954.

Then he entered the Air Force for two years as a lieutenant in the Judge Advocate General's Office. He served his first hitch as an assistant in the Eastern District U.S. attorney's office from 1956 to 1959. From 1959 to 1970, he spent his time in a combination of public and private practice.

After the late James B. Donovan became vice president of the New York City Board of Education, young Morse, who had been associated with Donovan's law firm, became special counsel to the board for five years, directing a number of important investigations.

A lifelong Republican, Morse was Brooklyn treasurer for the Nixon-Agnew campaign in 1968. One of the President's first appointments in 1969 made Morse chief assistant to Neaher in the Eastern District.

He has been counsel to a number of human rights committees in Brooklyn, and a member of the Brooklyn Advisory Council of the New York State Commission on Human Rights.

He has served in various capacities the Brooklyn Institute of Arts and Sciences, the Municipal Art Commission, the Brooklyn Academy of Music, and other local agencies and committees.

Morse lives alone in a Brooklyn Heights apartment—bachelor quarters he has maintained since he and his wife of 16 years were divorced in 1966. Their 18-year-old daughter, Deborah, is studying English and psychology at Clark University, Worcester, Mass.

Morse is given to quick-snack lunches in his office and to staying later than most of his aides. The last light burning in the U.S. attorney's fifth-floor suite in the Brooklyn courthouse is often in the chief's office, where he may be boning up on a difficult question of law, catching up on neglected reading, or discussing a problem with a handful of assistants working on a particularly important case.

DAVID F. TOOMEY

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. CONTE. Mr. Speaker, I rise today to inform this body of the death of a man from my First District in Massachusetts whose life was dedicated to serving his country, State, and family.

David F. Toomey, who died last week, was a former State commander of the Veterans of Foreign Wars. Most of his adult life was dedicated to serving the needs of the men who have fought this Nation's wars. After attending local schools in Greenfield, and playing football at Boston College, he courageously fought for his Nation in World War II. At such time he was awarded two Purple Hearts for his participation in the Normandy invasion and the Battle of the Bulge.

In 1952–53 Mr. Toomey served as State commander of the Massachusetts Veterans of Foreign Wars and he continued in leadership activities in the VFW for a number of years. He was also commander of the Lexington VFW Post and a member of the Arlington Post, Disabled American Veterans, and the Bedford American Legion.

Having had the opportunity to work with Mr. Toomey many times on local projects, I will miss the wise counsel and knowledgeable direction that only a man with such outstanding service and wisdom can furnish.

His passing is a tragic loss to his family and many friends. It is also a loss to people everywhere who admire courage and determination in their fellow man.

At this time, Mr. Speaker, I submit for the RECORD the following article from the March 1 edition of the Greenfield, Mass., Recorder which details the life of this fine man:

FORMER MASSACHUSETTS VFW LEADER, TOOMEY DIES

David F. Toomey, 57, of 9 Spencer St., Lexington, formerly of Greenfield, died Monday in the Veterans Administration Hospital at Bedford after a long illness. He was a former state commander of the Mass. Veterans of Foreign Wars.

Toomey, remembered in Greenfield for his activity in athletics and who won all-state honors in football, was captain of the Greenfield High School team in the 1930's. He later played football for Cushing Academy and at Boston College, where his football career was cut short by injuries. He graduated from B.C. in 1938.

During World War II he served with the 35th Infantry, taking part in the Normandy invasion and the Battles of the Bulge. He was wounded at both battles and received the Purple Heart with two clusters. He was also awarded the Bronze Star, the Combat Infantryman's badge and a Presidential Citation.

In 1952–53 he served the Mass. Veterans of Foreign Wars as state commander. He was a past commander of the Lt. Joseph P. Kennedy, Jr., Post VFW, Boston. He was a longtime friend of former President John F. Kennedy, who had served that post as its first commander.

He was also a past commander of the Lexington VFW Post and a member of the Arlington Post, Disabled American Veterans, and the Bedford American Legion.

When he was state commander of the VFW he testified in Washington on the problems of former servicemen during a House Subcommittee hearing on Veteran's affairs at the request of U.S. Rep. Edith Nourse Rogers.

He was a charter member of the Lexington Lodge of Elks, a past grand knight of Lexington Council, Knights of Columbus; a fourth degree member of David I. Walsh Assembly, Knights of Columbus, Boston, and the Boston College Alumni Assn.

He had been employed as an insurance claims specialist with the Firemen's Fund-American Insurance Group.

Toomey was born in Greenfield on March 15, 1914, the son of David T. and Mary (O'Connor) Toomey. He was a graduate of local schools.

He leaves his widow, the former Anna Marcotte, formerly of West Chelmsford; four sons, David F. Toomey, Jr., of Dorchester, Kevin F., Brian A. and Sean J., all of Lexington; three sisters, Mrs. Margaret Moltenbrey and Mrs. Mary Kersavage, both of Greenfield, and Mrs. Anna Bonvie of Berkley; two brothers, Timothy J. and John J., both of Greenfield; three grandchildren and several nieces and nephews.

Funeral services will be Friday at 9 a.m. in Sacred Heart Church, Lexington.

Calling hours at the Louis J. Spencer Funeral Home at 52 Waltham St., Lexington Center, will be tonight from 7 to 9 and Thursday from 2 to 4 and 7 to 9 p.m. In lieu of flowers donations may be made to the American Heart Assn.

IN SUPPORT OF CHAIRMAN HÉBERT

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. MONTGOMERY. Mr. Speaker, in its March 6 issue, the Washington Post's "Letters to the Editor" column contained a letter from my very able colleague OTIS PIKE. For the benefit of my colleagues who might have missed Representative PIKE's comments on the joys and benefits of an "Ivy League" education, now considered in some circles to be vital to our national security, I am pleased to include Representative PIKE's letter as part of today's RECORD:

FEBRUARY 28, 1972.

EDITOR,
Washington Post,
Washington, D.C.

DEAR SIR: The thing I loved most about your editorial on the subject of "Representative Hébert's Vendetta" was that it made me feel young, and at my age this is an increasingly rare delight. You feel that Congressman Hébert is being a cad and a bounder for discouraging the military from sending men to study at that handful of ivy-covered colleges which have kicked the military out of the colleges.

As a graduate of two of the universities included (inaccurately, by the way—one now has the Good Housekeeping seal of approval) in the prescribed list I remember all too well the thinking implicit, and even explicit, in your blast. It was exactly the way I thought when I graduated from college and law school.

Without the glories of an education at one of the 16 universities named I could not possibly have had the "best education available." By eliminating those 16 from the 2500 colleges and universities in America of course my choice would have been "severely limited" and of course I would have had "less than the best." Oh, the joyous youthful snobbery of it all!

Oh, but that was long ago and far away. Before I lost my first case to a lawyer with a "less than the best" education. Before I watched the happy possessors of "the best education available" sit on both sides of the table and approve the C5A contract which managed at the same time to rape the taxpayers and bankrupt the corporation.

For, oh so long, people who worship the natural and hereditary intellectual supremacy of the Ivy League have insisted that we should send all our majors and colonels to the Harvard Business School. We have done so for decades. The glorious result of this enlightened approach has been a new breed of elite officers, singing "Fair Harvard" and "Boola Boola", wearing their chickens on their shoulders and their degrees on their sleeves, while leading us into soaring cost overruns and sinking efficiency. But, by God, they can all play squash!

As long as the club insists on penetrating the fiction that "the military officers and the country as a whole" will suffer if our military leaders can't go to Harvard, doesn't a decent respect for the underprivileged 99 per cent of our people require that at least the editorial be written in good Ivy League Latin? Congressman Hebert would still get the message. Wrong college—right church!

Cordially,

OTIS G. PIKE,
Princeton '43, Columbia '48, Vinson College '61.

THE COMMUNICATION BETWEEN VOTERS AND REPRESENTATIVES

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. ARCHER. Mr. Speaker, in response to my most recent newsletter, I have received a reply from Mr. Charles A. Costello, Sr., one of my constituents. His letter comments on the value of communication between the voters and their representatives in Government. For the benefit of my colleagues, I ask that Mr. Costello's letter be inserted below:

DEAR CONGRESSMAN ARCHER: I appreciate very much the House of Representatives calendar which you recently sent to me. I also would like to take this opportunity to express my thoughts about your most recent capitol report newsletter sent to your constituents, which I received several weeks ago.

I have always attempted to maintain close correspondence with my Congressmen, and there are certain rewards from doing so. Unfortunately, this is not the case with most Americans—of course, it's kind of like the saying that what you put into something largely determines what you will get out of it.

While it is needless to say that we need more communication from the people to their representatives, we also need more of the type of communication from national legislators to the people such as that so superbly exemplified by your recent capitol report.

Quite naturally, proper attitudes of teamwork, proper senses of responsibility, and common motivational goals must be present at each end of communication in order to accomplish desirable, meaningful, and effective results. People must feel a sense of duty to the well-being of themselves and their fellow Americans and pride in achievement for liberty, freedom, and democracy. On the other hand, their representative must also feel the same motivations and have the same attitudes to properly function within the purpose for which their positions were established and currently exist. Like most anything else, the key to success lies within the efforts each group of communicators makes within these given attitudes and motivations.

Sure, every Congressman and Senator publicizes periodic reports for the folks back home. However, two things usually go wrong: the Congressman or Senator usually gathers together a batch of factual data from a given period, deleting personal communicative comment and avoiding real issues and their truths, all of this not necessarily due to their intent to do so.

Secondly, individual "folk back home" either doesn't care or feels he doesn't have the time to read "this stuff anyway" and communications never take place as the message usually finds its place at the bottom of the waste basket.

However, I know from personal experience that caring and taking an active role can pay off, as in the case where I have taken the time to read, absorb, and react to what you have taken the time to prepare and inform me of concerning your representation of me and many others. When all of the elements are present and working, our governmental process works beautifully—it just takes "two to tango," and the two ingredients must be a representative and a citizen, each with appropriate attitudes, purposes, and motivations.

As a citizen of Texas and our nation, I would like for the other hundreds of representatives and their millions of constituents to either be reassured or learn firsthand by my experiences that our system can work and does work when properly approached and utilized.

I suppose my message basically comes down to what I said earlier about what is gotten out of something, because quite simply if we are to maintain those things which make America the greatest place to live, we can't simply sit back and feel secure—we have to work at it to keep it. And that's not just in government—we must all work at making a contribution to greatness in our everyday lives and realize that what we do every day does indeed have a bearing on what our country is and represents.

You may also wish to publish this letter in your next capitol report; it may help in stimulating more thoughtful communication from our district. Thank you once again for giving attention to my thoughts. Best wishes in your continuing efforts in representing the people of our district in our national government.

Warmest personal regards.

CHARLES A. COSTELLO, Sr.

STRATEGIC CONCEPTS AND SOVIET POLICY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. HAMILTON. Mr. Speaker, the close relationship between strategic nuclear power and the domestic policy-making process in the Soviet Union is little discussed by Western analysts, as David Holloway points out in an article appearing in the November 1971, issue of Survival magazine.

In discussing the SALT talks, Mr. Holloway notes that:

> To hope . . . for a dampening of the arms race on the basis of a common understanding of strategic concepts and theory seems unrealistic, in view of the complicated relationship that exists between concepts and policy. . . . For policy is the outcome, not of debates about concepts, but of immensely complex political and bureaucratic processes, of which those debates are only a part.

This relationship between concepts and policy is the subject of Mr. Holloway's article, which I recommend to my colleagues. The author is lecturer in politics at the University of Edinburgh. Survival is published by the widely respected International Institute for Strategic Studies in London.

The article follows:

STRATEGIC CONCEPTS AND SOVIET POLICY

(By David Holloway)

It has been suggested by some commentators that one of the major benefits to be expected from the Strategic Arms Limitation Talks (SALT) is the institutionalization of the strategic dialogue on a firmer footing than hitherto. While a comprehensive strategic arms treaty is generally regarded as the outcome most to be desired, considerable claims are often made for a firmly-grounded strategic dialogue. It is argued that the strategic dialogue between the United States and the Soviet Union at SALT could lead eventually to a dampening of the strategic arms race through unilateral restraint flowing from increased understanding. Less conservative assumptions, it is argued, could be used in planning; the introduction of new weapons could be slowed down; and threats to the other side's deterrent forces could be avoided in the procurement of new weapons.[1]

Such a dialogue might be expected to include the exchange of information about strategic programmes, policies and perceptions. And there can be little doubt that, where this is coupled with the interpretation of specific programmes and their implications on strategic armaments. But it has also been suggested that the discussion of fundamental issues of strategy and arms control would contribute to a mutual understanding on the basis of which specific agreements could more easily be reached. Among the issues which might be discussed are the following: what are the purposes of strategic nuclear forces? What constitutes a 'sufficient' strategic posture? How stable is the present strategic balance? What are the principles and objectives of arms control? It is apparent that complete common understanding on these points is not a necessary condition for the achievement of a specific agreement on arms for which each side might have its own reasons. But it is widely assumed that common understanding would facilitate a specific agreement, and that it might have a beneficial effect beyond the letter of the agreement. This assumption appears to be made both for the case in which there is mutual understanding and agreement on these purposes and premises, and for the case in which there is both understanding and disagreement.

This line of argument raises a number of basic questions about the relationship between strategic concepts and the development of military power. For, in its simplest forms, it assumes that the development of strategic power is guided by strategic doctrine. This assumption is highly problematical and could not be made *tout court* on on the analysis of Western defence policies. But it is often made in the analysis of Soviet policy, with a consequent failure to take into account the domestic policy-making process, the role of different institutions and the functions of different kinds of internal debate. All this greatly diminishes the value of such analysis. In this paper I shall look at Soviet military-strategic thinking in the light of the fundamental issues mentioned above. Besides looking at Soviet strategic concepts I shall consider briefly their role in Soviet policy-making, with particular reference to the Soviet decision to take part in SALT. The problem of defining the relationship between concepts and policy is of course an extremely difficult one, and I shall be able to do no more than touch on some of its aspects.

THE PURPOSES OF STRATEGIC FORCES

In the Soviet Union much of the argument about this extremely complex issue has centered on the specific proposition, associated with Clausewitz and endorsed by Lenin, that war is the continuation of politics (policy) by other, violent means. Soviet theory has adhered in general to this position. But in the nuclear age considerable difficulties arise in maintaining such a view: in what sense can missile-nuclear war be regarded as a continuation of politics? More generally, how can strategic nuclear capabilities be translated into political power and influence?

Under Khrushchev the general and mutually destructive nature of nuclear war was stressed; since Khrushchev's fall greater emphasis has been put on the capacity of the Soviet Union to survive and win such a war. The earlier view went hand in hand with a rejection of the idea that nuclear war could be regarded as a continuation of policy; the more recent emphasis has been accompanied by a reassertion of the validity of this conception in the nuclear age. The reaffirmation of this position does not prove, as some commentators have appeared to as-

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sume, that the Soviet Union has been aiming for some sort of first-strike capability. Soviet writers have been careful to distinguish two questions: that of the essence of war, and that of its expediency.

The new emphasis in Soviet military writing does not appear to signal a substantive change in policy. But it amounts, nonetheless, to more than mere casuistry, for it reflects several important features in Soviet military thinking. The first of these is the fear that undue and exclusive insistence on the destructive nature of nuclear war will lead to demoralization or complacency in the armed forces. It is one of the main purposes of the Soviet military press to help maintain the morale, fighting spirit and combat readiness of the Soviet armed forces, and any analysis of military writings must bear this in mind. The second feature is the emphasis of the war-waging, as well as the war-deterring, elements in military strategy. This emphasis seems to arise out of a genuine conviction that nuclear war with the United States is a real possibility, and it is this possibility that forms the central focus of Soviet strategic thinking. The renewed stress on the Clausewitzian view of war can be seen as part of an attempt by Soviet military writers to discredit the assumptions which underlay Khrushchev's policy of minimum deterrence.

The emphasis on the possibility of nuclear war in Soviet strategic thinking has clear implications for Soviet understanding of the purposes of strategic nuclear forces. Their object is to deter war, and wage it if deterrence fails. Nuclear war would be a catastrophe for both sides, but damage could be limited, and to speak of victory is not necessarily meaningless. This emphasis affects also the relationship between offence and defence at the strategic level: an anti-ballistic missile (ABM) system could, *in principle,* play an important role in limiting damage in a nuclear war. The focus on nuclear war affects also the roles and missions assigned to the different branches of the military establishment. More abstractly, it makes the point that deterrence is not viewed in the Soviet Union as an eternal principle of Soviet-American strategic relations. Mutual deterrence is not regarded as an exclusive mechanism for regulating the balance of strategic power, since deterrence is not viewed as the sole purpose of strategic capabilities; nor is mutual deterrence seen as a reliable device for preventing nuclear war—hence the need to prepare to wage such a war.

The political uses of strategic nuclear power are even more complicated than its military exploitation. Khrushchev espoused a highly personal style of managing military power in the pursuit of his political goals. He sought to exploit a nuclear posture which he defined, almost at will, as superiority or parity *vis-à-vis* the United States, without being prepared to pay for more than a minimum deterrent. His deterrent and counter-deterrent threats suffered a continuous decline in credibility. His successors have eschewed his vociferous manner, and have adopted a policy of greater restraint, though perhaps also of greater pertinacity, towards the United States. It has evidently been a prime concern of the new leadership to restore credibility to the political uses of their military power. This they have sought to do by building up their strategic capabilities and also by increasing the flexibility of their military power.

The feeling that numerical strategic inferiority was politically disadvantageous certainly seems to have been an important element in the Sovit decision to overcome that inferiority. Some observers have seen the attainment of strategic parity as a large contributory factor in the self-confidence which Soviet policy has displayed in the last two to three years. But the difficulty of isolating and evaluating this factor among others is apparent from the use of such vague, though perhaps expressive, terms as 'superpoweritis', 'expansionist mood', and the assertion of 'seignorial super-power rights' to characterize current Soviet policy. How long this mood will last, and how far it might be conducive to an adventurous, and potentially dangerous, policy is not clear.

THE DEFINITION OF SUFFICIENCY

There is in Soviet strategic theory no obvious criterion of nuclear sufficiency. There is a principle of military superiority which is extremely vague and impossible to quantify. It sometimes means little more than that standards of excellence should be pursued in all aspects of the military effort. Nevertheless it is no doubt extremely important inasmuch as it reflects a firm belief that the Soviet Union, as the leading socialist state, must have a superior military capability of some kind; and this superiority will tend to be expressed at the very least in terms of numbers. Whatever the motives behind the Soviet strategic build-up, and whatever the steps by which it was decided upon, the Soviet planners have been faced with the problem of how far to carry deployment. In spite of the almost ritualistic Soviet insistence on the need for superiority, the notion of sufficiency is not totally alien to Soviet thinking.

Khrushchev had declared Soviet defense to be 'wholly adequate' in 1960, but this assessment was based more on his faith in his own ability to exploit Soviet military power for political ends than on any military strategic criterion. Soviet strategic doctrine does not have a criterion of sufficiency such as is supplied by the notion of assured destruction. Indeed that notion is derived essentially from the concept of mutual deterrence, and the quantification of assured destruction may be seen as the deification of deterrence.

The Soviet build-up in strategic armaments has gone well beyond the point of attaining an assured destruction capability. The motives for the build-up are not wholly ascertainable, but it must presumably make sense in terms of the purposes of strategic nuclear forces—in a war-waging and damage-limitation context, and for the political gains to be extracted from it. Some commentators have suggested that, while inferiority was unsatisfactory, the achievement of parity has been accompanied by a realization of the diminishing political utility of vast strategic power. It has been argued also that Soviet planners are becoming increasingly aware that more armaments do not necessarily bring greater security. Soviet planners are faced, therefore, with the problem of deciding how much is enough.

THE STABILITY OF THE STRATEGIC BALANCE

Soviet military theorists do not deny that there may exist at a given time a situation in which either the Soviet Union or the United States could inflict enormous damage on the other in a retaliatory strike. But what they seek to do, with their distinction between the essence of war and its expediency, is to prevent any acceptance of mutual deterrence as a normal state of affairs.

In this they are doubtless helped by the connotations of the two Russian words for deterrence—*sderzhivaniye* (literally restraining or checking) and *ustrasheniye* (literally terrorization); the former is generally used to describe the effect of Soviet military power on the United States, and the latter is commonly used to describe what the United States tries to do to the Soviet Union. Thus, apart even from the possibility of destabilizing developments in weapons technology, there seems to be in Soviet thinking a consciousness of change and flux, and an unwillingness to accept mutual deterrence as in any way sacrosanct. This might be called a dialectical view of the strategic balance.

Allied to this issue is the Soviet concept of the arms race. It is only in the last three to four years that the elements of action and reaction have gained any prominence in Soviet commentary on the arms race. Before that it was seen as something imposed on the Soviet Union by the aggressive United States. Recent Soviet analysis has pointed to the complexity of the policy-making process in the United States, though with due emphasis on the activities of the military-industrial complex. There seems to be a much greater awareness of the degree to which Soviet and American policies interact, and of the degree to which one side will attempt to offset increments in the other's military capabilities.

The attainment of parity seems to have contributed greatly to this awareness. To a government seeking to overcome a position of numerical strategic inferiority any mention by the other side of an action-reaction process will seem like a threat to maintain the existing strategic relationship. Once a situation has been reached in which both sides acknowledge parity, such a threat can more reasonably be made by both sides. In any event, the earlier Soviet insistence that ballistic missile defense (BMD) could not be considered destabilizing because it was purely defensive has now been replaced by an attitude which is more sensitive to its arms-race implications. But the problems of interpretation are exemplified here. We cannot tell whether such statements are purely declaratory or whether they represent a real change in Soviet attitude. The defensive nature of BMD was proclaimed when Soviet deployment was taking place; the destabilizing implications have been found since the U.S. decision to deploy the Safeguard system. But Soviet policy does seem to have become somewhat less introspective in the last three years. There has been an evident desire to understand American policy better. The very active Institute of U.S. Studies, which has been set up in the U.S.S.R. Academy of Sciences, has a central role to play in the interpretation of U.S. policy.

THE PRINCIPLES AND OBJECTIVES OF ARMS CONTROL

The Soviet Union remained for a long time suspicious of US arms-control proposals (e.g. the Johnson freeze) which might have served to legitimize American strategic superiority. By the summer of 1968 the Soviet leadership had decided to enter SALT at what *Pravda* described as "one of those rare moments in history . . . when both sides are ready to admit equality in the broadest sense and to view this as an initial position for reaching agreement concerning the freezing and the subsequent reduction of arms." [2]

They have insisted, as a basic principle, that no side should gain unilateral advantage from the talks.

The SALT talks seem to presuppose: recognition of the existence of strategic parity between the super-powers; acceptance of mutual deterrence as the basis for an agreement to limit arms; and an acknowledgement that if no limitation, tacit or explicit, is agreed upon, the arms race will enter another spiral because each side will seek to offset the other's potential and realized increases in strategic power. There is no criterion or guideline in Soviet strategic doctrine to suggest that agreement on the basis of these assumptions would be satisfactory. And it seems to have been precisely on this point that there has been controversy in the Soviet Union over the decision to take part in SALT. The decision seems to have been taken by the Soviet leadership on the basis of political calculation rather than military-strategic reasoning. As one Western commentator has put it:

"The question for the Soviet Union is not merely whether the present military balance

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is satisfactory, but whether it is more satisfactory than a situation resulting from a continuation of the arms race."[3]

And another:

"The Russians would like to possess a numerical superiority over the US at the highest level which would not spark off another major round of the strategic arms race. For, while nothing that the Soviet leaders have so far authorized in weapons policy has imposed an *intolerable* strain on the Soviet economy, another major round could; moreover, the Russians could not guarantee that such a round would not leave them relatively worse off than they are now."[4]

This is to pose the Soviet leadership a particularly fine problem of political judgment, especially when the policy-making machines on both sides appear to be so cumbersome, and the mechanism of the arms race so poorly understood. And it seems likely that there is in the Soviet Union disagreement about how far deployment can go without sparking off another round of the arms race. Part of this disagreement seems to focus on the interpretation of the arms race. For example, the American decision to go ahead with the deployment of multiple independently-targetable re-entry vehicles (MIRVs) raised doubts in some Soviet quarters about the genuineness of US adherence to a conception of stable mutual deterrence, and about the seriousness of its participation in SALT. The United States, it is maintained, will fabricate a Soviet 'threat' to enable it to pursue whatever policy it chooses, irrespective of the real nature of Soviet policy. Thus the interpretation of US policy becomes a delicate issue, and one of real importance, in Soviet politics.

It appears that the major aims of Soviet Strategic policy at SALT are: to stabilize the strategic relationship at parity; to prevent another spiral of the arms race, which would be extremely costly, and might diminish security rather than increase it; to establish more clearly its own strategic arms policy by probing US policy. Besides, participation in SALT is an outward and visible sign of super-power status. If this interpretation is correct, and the Soviet approach to SALT is serious, as it seems to be, then it appears that Soviet policy is based on the acceptance of assumptions and principles which run counter to dominant elements in Soviet military-strategic thinking.

CONCLUSIONS

I am aware that this argument has simplified enormously complex issues to the point of distortion. Soviet strategic thinking contains diverse elements: different institutional interests and different styles of argument are involved.

There is, for example, a disjunction between the emphasis on the need to prepare to wage war, to be found in military writings, and the stress to be found in Foreign Ministry statements on the political implications of strategic programmes. This difference in emphasis can be explained in part by saying that the military press serves to maintain the morale of the armed forces and to rationalize their combat training and political education. But this does not render the difference in emphasis irrelevant to our understanding of how Soviet policy is made. For if the morale and combat readiness of the armed forces have to be kept up by the propagation of a doctrine which is at odds with Soviet policy, the High Command and the Main Political Administration will press for at least some correspondence between Soviet policy and strategic doctrine, unless we assume the conscious dissemination among the armed forces of a doctrine which bears little relation to Soviet policy.

Another instance of diversity is to be found in Soviet strategic analysis. The military philosophers, who are based mainly on the Lenin Military Political Academy which is subordinate to the Main Political Administration, use in their arguments the potent mixture of appeals to ideological orthodoxy and military conservatism. But newer kinds of analysis, based on economic modes of thinking and new forecasting techniques, are gaining ground in the military academies and the central administration.

These appear to be closely linked to the new emphasis on the elements of action and reaction in the arms race, and to the search for a definition of sufficiency. They flow from the attainment of parity—or rather, from the acceptance by the super-powers that parity does exit. For parity is an imprecise concept, whose precise definition in terms of armaments seems to matter less than the psychological effects of acknowledging its existence. The new modes of thinking are based on the belief that a plateau, or point of equilibrium, has been reached in the strategic balance. Hence the divergence between strategic policy and strategic concepts in the Soviet decision to take part in SALT may be no more than the symptom of a transitional period in Soviet strategic thinking.

If anything like a comprehensive agreement to limit strategic armaments were to emerge from SALT it would perhaps be accompanied by changes in strategic doctrine which rationalized the outcome and explained why it was satisfactory. But even if new methods of analysis, and new strategic concepts, were to gain greater influence in the Soviet Union, this would not necessarily destroy the 'Russian style' in policy, for the psychological basis of such concepts as deterrence and sufficiency would lead to their being made operational in a 'Russian way'.

The complexity of the relationship between concepts and policy makes it imperative to take account of institutional arrangements when analysing Soviet policy. By this I have in mind not so much the question of disagreements in the Politburo—the search for these is often a futile exercise—but rather the relationships between the various institutions involved in the making of strategic policy: the Ministry of Defence, the General Staff, the Main Political Administration, the Ministry of Foreign Affairs, the Central Committee Departments, the Council of Ministers, the Military Academies, the Institute of US Studies and so on. For all the minute study of the Soviet press which has taken place, the institutional arrangements for the formation and executive of strategic policy have been largely neglected. Yet the internal debates in the Soviet Union can scarcely be properly understood without reference to the political and bureaucratic context within which they take place.

This discussion is relevant to our understanding of the strategic dialogue. Soviet participation in SALT seems to point to a less introspective approach to policy and to changes in strategic thinking. And for those who have seen Soviet strategic thinking as an obstacle to arms control, either because it lacked sophistication, or because it reflected aggressive designs, these changes will seem hopeful. But the process of change is complex, and present Soviet policy seems to be the result of a compromise reached in 1968 to adopt a businesslike approach at SALT, and at the same time to continue to deploy strategic armaments.

Indeed, both sides have been so intent on providing themselves with bargaining counters that SALT may have had the effect of speeding up the arms race rather than slowing it down. To hope, therefore, for a dampening of the arms race on the basis of a common understanding of strategic concepts and theory seems unrealistic, in view of the complicated relationship that exists between concepts and policy. I am not casting doubt on the value of the dialogue at SALT, which will be bound up in the discussion of strategic programmes. But the study of Soviet policy on the basis of open materials, if it is to contribute to our understanding of how Soviet policy is made and of how the arms race works, must go beyond the analysis of concepts. For policy is the outcome, not of debates about concepts, but of immensely complex political and bureaucratic processes, of which those debates are only a part.

FOOTNOTES

[1] For an interesting discussion of SALT and the strategic dialogue, see Jerome H. Kahan, "Strategies for SALT" in *World Politics*, January 1971.

[2] *Pravda*, 7 July 1968. Quoted in R. Kolkowicz *et al.*, *The Soviet Union and Arms Control: A Superpower Dilemma*, Johns Hopkins Press, 1970, p. 59.

[3] M. Gallagher in R. Kolkowicz, *op. cit.*, p. 4.

[4] M. Mackintosh, "Soviet Strategic Policy," in *The World Today*, July 1970, p. 273.

STAR EDITORIAL SAYS GOP-ITT MESS SHOULD BE CLEANED UP

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. EVINS of Tennessee. Mr. Speaker, the Washington Evening Star in an editorial on yesterday emphasized the importance of clarifying the mystery surrounding a gift by the International Telephone & Telegraph Corp. to the Republican National Convention.

The editorial emphasizes the importance of pursuing this matter "to the end, however bitter," to avoid shaking public faith in our system of government.

Because of the interest of my colleagues and the American people in this most important matter, I place the editorial in the RECORD herewith:

THE ITT MESS

It is all too clear that the Senate Judiciary Committee must pursue the International Telephone and Telegraph $400,000 mystery to the end, however bitter. More, much more, is at stake here than Richard G. Kleindienst's confirmation as attorney general.

For all we know, any connection between ITT's anti-trust settlement and the company's underwriting of Republican convention expenses may have had nothing to do with Kleindienst. As he and other administration spokesmen stoutly insist, there may have been no such connection.

But too many questions have been raised as to who did what, to and for whom, in this tangled affair. If they are left unanswered, public faith in our system of government will take a beating that the country cannot afford.

For these are not small questions. If in fact ITT's contribution was a payoff for Justice Department favors—if it was, indeed, a deal—then we confront a scandal of historic proportions that could involve highest administration officials.

There are indications that the G.O.P. now is preparing to renounce ITT's proferred largesse, and it would seem highly advisable for it to do just that. Such a move would involve no concession that this backing was tendered as a *quid pro quo* for settlement of the industrial conglomerate's merger problems. That agreement, between the Sheraton Corporation (an ITT subsidiary) and the City of San Diego (the Republican convention site) was a dubious proposition from the start.

Corporations, of course, are forbidden by law to contribute to political campaigns. It is doubtful that this prohibition covers gifts to a city for convention expenses. Yet the Republicans were critical when, in 1964, the

Democrats extracted $15,000 a page from corporations for their convention program. Whether ITT's commitment is for $400,000 or something less—the precise figure is part of the mystery—it is said to be by far the largest such donation in the history of convention financing. On the face of things, it is a bit much, even without the questions subsequently raised.

To forego ITT's generosity at this late date poses a tough problem for the Republicans. The citizens of San Diego seem strongly disinclined to grab for the check. But this mess has got to be cleaned up, one way or another. A good place to start is to say to ITT, however belatedly, what all concerned must fervently wish they had said in the first place: "Thanks, but no thanks."

ENVIRONMENTALISM AND SOCIAL RESPONSIBILITY

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. HOLIFIELD. Mr. Speaker, it is becoming increasingly obvious that concern for the environment can be carried to ridiculous extremes. In their zeal to return this land to its pristine state, the followers of the new religion of environmentalism seem to have forgotten that 208 million Americans must also live on this land. They must use resources for heat, housing, clothing, and food. If Americans are to have a standard of living above the starvation level, they must also use resources for energy.

I have noted, with some satisfaction, increasing differences of opinion between knowledgeable conservationists whose opinions have earned respect, and the new environmental zealots. The latter groups, composed of economically comfortable persons who profit from executive positions, article writing, and the lecture circuit, must receive continuous publicity or disappear. Unfortunately, these zealots have unquestioning followers who are eager to repeat their demands for instant solutions in complete disregard for the consequences in human suffering or economic damage.

An example of the selfish attitudes expressed by the environmental demagog is this quotation of a leader in the field which was carried in the Fresno Bee on February 23, 1972.

> We need to halt the growth of affluent, white, middle class America. The affluent, white American child uses 50 times the resources of a ghetto child.

If this is true, Mr. Speaker, what are its implications? I believe that the speaker's intention is clear. If he has his way, the ghetto child is to be denied the economic means to improve his standard of living. He means to call a moratorium on technical and economic progress, and thereby trap the poor in their existing situation.

Fortunately, Mr. Speaker, there are voices of reason and moderation. One of these is my friend, John F. Henning, executive secretary-treasurer, of the California Labor Federation, AFL–CIO. In a recent speech he most ably stressed the stake of labor and the unemployed in environmental issues. I will insert a report of his speech, as carried in the California AFL–CIO News, into the RECORD at this point, and commend it to my colleagues as excellent reading:

[From the California AFL–CIO News, Feb. 25, 1972]

CALIFORNIA LABOR STRESSES STAKE OF JOBLESS IN ECOLOGIC ISSUES

Organized labor will not "remain silent in the face of assaults by environmentalists who would provoke more unemployment in a state already suffering from more than half a million jobless workers and in a nation where high unemployment has become part of economic planning by Washington."

So declared John F. Henning, executive secretary-treasurer of the California Labor Federation, AFL–CIO, in an address in Los Angeles Wednesday in which he championed organized labor's position on environmental issues and challenged environmentalists "to make their proposals an integral part of economic and social advance."

The California AFL–CIO official stressed that organized labor does not intend to lend "the name and honor of labor to those who have through the years not only fought the working people but all environmental change."

Too often, Henning suggested, the conservationists' position "would mean additional limits on economic growth in a country already suffering from the restrictive monetary and fiscal policies which have added 2.5 million workers to the unemployment rolls since January of 1969."

In his address to a dinner meeting of the Los Angeles chapter of the Industrial Relations Research Association at the Wilshire Hyatt House in Los Angeles, Henning pointed out that:

Economic growth is imperative if we would have the more than two and a half million new jobs a year required to replace those removed by our average annual productivity increase of three percent. Economic growth is imperative if we would provide jobs for the approximate 1.5 million young workers who each year enter the labor force."

But, he charged, too many environmentalists "wish to throttle industrial expansion regardless of the distress thereby inflicted upon working people."

As an example, he cited the zoning debates that developed last year over San Francisco waterfront development which found "the wealthy and conservative voicing for the first time an interest in life along the Embarcadero.

"There is no record of these people over expressing resentment of the wretched housing that so long scarred the waterfront area; no record of resentment of the dangerous working conditions existing in the antiquated dock facilities; no record of resentment of the life seamen and longshoremen were once obliged to accept in this richest of nations. . . .

"The same environmentalists who will bleed over the sight of dead fish in oil polluted waters will never lift their voice in Sacramento or Washington in the name of jobless workers. These are the so-called moralists who like to lecture unions about narrow job interests. These are the so-called liberal intellectuals who take very good care of their own economic situation but who are outraged over protests by unemployed workers denied jobs by conservationists' schemes," he said.

Henning also cited the six-story height limitation placed on the ballot in San Francisco last fall and said that if it had been adopted there would have been no new high-rise offices or commercial construction.

"Such a limitation would not only have strangled San Francisco's commercial future but aborted thousands of jobs in the construction, service and maintenance fields," he said.

Another example of what he termed the "limited vision" of many environmentalists is the demand for immediate prohibition of leaded gasoline.

"Abolition must ultimately come," he said, "but the immediate banning would prove a major economic blow to millions of workers. It would mean the choice of buying a new auto or converting a present car. The affluent would hardly notice."

But, he said, "the low-income family would be crippled by the choice.

"Is it, then, socially responsible merely to demand that only unleaded gasoline be sold as of this day? There must be a program of measured change; there must be a consideration of worker needs," he asserted.

Recalling that historically industrial decisions were made with little regard for social or environmental consequences, the State AFL–CIO official observed:

"The origins of our polluted nation rest in the still strong tradition of unregulated capitalism. Labor understands this and labor realizes that environmental reformers will be maligned and misrepresented by most of the U.S. business establishment.

"Labor also realizes that the environmental movement of the past decade was not only inevitable but essential if America would know something more than a civilization of waste, refuse and pollution," he said.

Henning emphasized, however, that there should be a natural alliance between labor and environmentalists and said that it's really ironic that labor finds itself "more and more in tragic combat with ecological reformers and their organizations."

But, he said, that conflict is not yet beyond control.

"It is the obligation of labor and environmentalists to search for areas of accord if they would both serve a common, liberal commitment," he said.

A number of such areas exist, Henning said, pointing to the Bay Area Rapid Transit System which has had the support of both environmentalists and labor since its inception. This project, he pointed out, will significantly reduce air and noise pollution and traffic congestion and improve the economic and physical environment of the area served.

At its peak, he noted, construction employment totaled 8,000 and an equal number of jobs were created in related industries. Thus BART met both environmental and economic needs.

Another area where conservationists and labor could find fairly easy accord, Henning said, is in the need to clean bays and rivers by installing new or revamped sewage disposal systems—programs that will create jobs and reduce pollution.

Henning emphasized that the AFL–CIO "remains willing to unite with socially responsible environmentalists."

He pointed out that last year the California AFL–CIO worked closely with the Sierra Club in Sacramento and Washington to maintain the 160-acre limitation of federal reclamation law and to seek to amend it to provide for federal purchase and resale or lease of excess lands to provide funds for recreational, conservational and educational development.

In conclusion, he reminded environmentalists "that the building of a decent society begins with the recognition of workers and their survival needs. Our dialogue should begin here," he said.

PAUL BABSON—A MAN WHO NEVER FAILED

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mrs. HECKLER of Massachusetts. Mr. Speaker, "A man who never failed."

These words epitomize Paul Babson and what he meant to his community of Wellesley, Mass., his State, and to the American financial world. He was many things to many persons—a sage and prophet as well as financial wizard to the business community; a generous and thoughtful philanthropist to the residents of New England; and a personable and delightful gentleman to his many friends and associates.

Paul Babson will be greatly missed in Massachusetts by all of us who loved and admired him and respected his wisdom. The many living monuments which stand to his memory will be all the more cherished as time touches them, and the lasting effect of his optimism will continue to inspire young lives to strive and to excel.

Mr. Speaker, I should like to share with my colleagues a beautiful testament to the diversity of Paul Babson's achievements as summarized by the Wellesley Townsman on February 17, 1972.

PAUL BABSON DIES AT FLORIDA HOSPITAL IN HIS 77TH YEAR

Memorial services will be held Friday afternoon at 4 o'clock in the Church of the Covenant in Boston for Paul Talbot Babson, 77, prominent Boston businessman who lived on Kenilworth road for many years and was one of the community's most prominent citizens. Mr. Babson died Sunday in Memorial Hospital in Sarasota, Fla.

The man who would become known as one of New England's foremost philanthropists came to Wellesley as a young man and lived here during the many years in which he was among other important activities—a member of the Board of Directors of the Wellesley National Bank (now the South Shore National) from 1924 to 1966. He was its president from 1941 through 1947.

He would go on to become known as a man who never failed, and the story was told that when Standard and Poor's—the financial reporting firm—was in serious financial and management straits, he invested both cash and management shrewdness to save it and bring it roundly into the black.

Mr. Babson's philanthropies probably were not widely known. His most recent of interest to Wellesley involved new dormitory buildings at Babson College. His very substantial gift launched the project and it is now well on its way toward completion.

Babson was a director of McGraw-Hill, Inc., president and a director of the Gulf and Bay Corp. of Sarasota and a trustee of 330 Beacon St. Trust of Boston.

He was former chairman of the board of Standard & Poor's Corp. of New York and of the Boston-Worcester Corp. He also was an early associate of the late W. M. Kiplinger in the Kiplinger Washington News Letter.

A native of Seward, Neb. Babson was graduated from the University of Nebraska in 1917 with a degree in business administration. He served during World War I as a pilot in the Army Air Corps.

From 1924 to 1961 he was president and a director of United Business Services Co., a Boston-based investment adviser and publisher. He was author of a weekly column entitled "The Back Yard" which he wrote under the name of "Paul Talbot."

Babson was a trustee of Babson College, Springfield College and Newton Wellesley Hospital.

In a 60-year affiliation with the "Y" he was president and director of the Boston organization; a member of the National Council of YMCAs; a member and former vice-president of the National Board, and chairman of its International Committee of the United States and Canada during its worldwide "Buildings for Brotherhood" campaign.

For eight years, he served on the executive committee of the YMCA World Alliance, in Geneva and was awarded the YMCAs highest honor, the Distinguished Service Award.

In 1956, he was given the Washington Pilgrimage Citation as the nation's "Lay Churchman of the Year."

The University of Nebraska presented him with its Distinguished Service Award in 1941 and with an honorary doctor of laws in 1970. He also held honorary degrees from Boston University and Springfield College.

He was a member of the American Economics Society, the Boston Economics Club, Alpha Kappa Psi, the American Orchid Society, the Gulf and Bay Club, the Wellesley Club, the Wellesley County Club and the Algonquin Club.

He leaves his wife, Edith; a son, Donald P. of Wellesley Hills, and a brother, George L. of Syracuse, N.Y.

COMMUNITY IMPROVEMENT PROGRAM

HON. K. GUNN McKAY

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. McKAY. Mr. Speaker, a city in Utah's First Congressional District recently won a top national beautification award and in so doing set an example of what can be done to help improve the environment in which we live.

The community of Roy, Utah, was judged to have the most comprehensive community improvement program in the United States and received the National Clean-up Congress TRIGG Trophy for beautification excellence.

There were some 180 separate civic beautification projects involved in Roy's citywide improvement program and it was the total involvement of the community that not only won the national award, but also made Roy a much better community in which to live.

It is my pleasure today to pay tribute to the citizens of Roy, Utah, for their total involvement in community beautification. Such involvement is a result of not only cleaning up the physical facilities, but also involves the changing of attitudes. It is nice to know there are people such as those in Roy who have taken the initiative to improve their city and their lives.

I should also note that the city's youth were included in the project and often led the way with their enthusiasm. This will build a solid foundation for the years ahead and certainly makes for the "city with a future."

The Ogden Standard Examiner, one of northern Utah's major daily newspapers offered an editorial salute to Roy and I insert this in the RECORD for your consideration:

PRIDE, CHALLENGE IN ROY'S BEAUTY PRIZE

There was a justifiable sense of pride—and an underlying current of challenge—in the ceremonies Tuesday that recognized Roy as the nation's reigning beautification champion.

There's no question about Roy's right to display the three-foot-high gold-plated Trigg trophy, topped by a statue of Winged Victory, that symbolizes the community's triumph.

The story of how thousands of Roy citizens of all ages joined in the victorious campaign to make their city cleaner and more beautiful was told graphically in the big scrapbook that graced a table in the center of the Roy High Gymnasium.

Preparing that book meant a lot of work. But that preparation was only a fraction of the municipality's total effort that gave it first prize in the 1971 Clean-Up, Paint-Up, Fix-Up competition.

No other Utah city has won the Trigg trophy before.

But what about 1972?

That's the challenge!

Jeff Lasater, 15-year-old, 6-foot-3, student body president at Sandridge Junior High, recognized this in the soul-searching remarks he made, rapidly because of his nervousness at facing the audience of "VIPs."

"We will have to work harder to keep our environment beautiful . . . as more people come to our earth," the handsome youth declared.

Councilman Joseph Dawson picked up the challenge, asserting that Roy's "total community involvement" to civic beautification "is built on a firm foundation."

Chairman George T. Frost of the Weber County Commission, expressing the entire county's pride in Roy's recognition, urged the championship city's neighbors to exhibit the same "sense of concern" and "strong motivation" for improvement.

Rep. K. Gunn McKay pointed out that "you can't be something you're not." Gov. Calvin L. Rampton said he hoped the achievements in Roy would serve as a model for the entire state, in keeping "with the great sense of pride in our homes and communities . . . that Utahns have shown for 125 years."

Roy Councilman Dennis Chugg, quarterback of the community's beautification team, acknowledged that winning of the 1971 national title had established standards that would take continued all-out effort to maintain. He said he believed the pace could be continued.

We think it can—if the spirit shown in the Roy High gymnasium this week is a true sample of the dedication to beautification throughout "The City With a Future."

The real key to meeting the challenge was illustrated, beautifully, in words and music by the Roy High concert band and chorale. They opened the meeting with "Your Land Is My Land" and closed it with "America the Beautiful."

That's what the beautification campaigns are really all about.

ENERGY SHORTAGES—1972

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. McCLURE. Mr. Speaker, during the past 10 months that the House Republican Task Force on Energy and Resources has been investigating the energy supply/demand situation, we have been told repeatedly of impending shortages involving two basic energy sources—natural gas supplies and electric power generating plants.

Within the past few days, additional energy supply problems have been reported, together with projections of more shortages for the coming summer. The local natural gas utility, Washington Gas Light Co., has announced that, effective March 1, 1972, no new customers will be added to their system. This new policy means that any building, old or new, residential or otherwise, cannot be connected to gas supply lines if a new line extension is required.

In western Pennsylvania, Columbia Gas has announced a similar ban on all new sales, including residential. This ban is also for an indefinite period. And, in Ohio, two Columbus-based gas companies have requested permission to impose a freeze on sales to new homeowners, a request presently being considered by the Public Utilities Commission of Ohio.

In this instance, the president of the two companies said that it would be impossible to serve existing customers if new customers were contracted for. He also said that it will be mid-1973 at the soonest before the companies will be able to start supplying residential customers again. And, for nonresidential customers, it will be 1977 before all restrictions can be lifted.

One of the logical alternatives for natural gas is electricity. If the new homeowner or apartment construction firm can not get gas, then they can install electric heat, electric ranges, electric hot water heaters, and so forth. Or, can they?

On the same day that natural gas cutbacks were announced, the Federal Power Commission announced that summer electric power shortages are likely this year in Chicago and Miami. In both cities, the projected shortage is due in part to delays in starting up new power plants."

On a nationwide scale, the picture for electric power supply is summarized in a report by the National Electric Reliability Council of Princeton, N.J., published last month. In the interests of economy, I will not present the entire report, even though I recommend it for your review and consideration, but will present portions dealing with the reliability of our electric power supply.

The report is entitled, "Impact of a 12-Month Delay of New Nuclear and Fossil-Fired Steam Generating Units on the Adequacy of Electric Power Supply in the United States", and was prepared by the interregional review subcommittee of the technical advisory committee of NERC. The nine reliability regions comprising NERC are:

ECAR—East Central Area Reliability Coordination Agreement.

ERCOT—Electric Reliability Council of Texas.

MAAC—Mid-Atlantic Area Coordination Group.

MAIN—Mid-America Interpool Network.

MARCA—Mid-Continent Area Reliability Coordination Agreement.

NPCC—Northeast Power Coordinating Council.

SERC—Southeastern Electric Reliability Council.

SPP—Southwest Power Pool.

WSCC—Western Systems Coordinating Council.

As the report indicates:

> Generation reserves are a vital and necessary component of generating capability to cover, most importantly, equipment failures, malfunctions, and essential maintenance. Reserves are not surplus capacity.

As the report also shows:

> Any reduction in reserves from the required level is not a linear function when related to the reliability of power supply.

This nonlinear relationship between percent reserves and the ability to carry load can best be shown by an example from the report.

> If reserves are cut in half—from 20% to 10%—the probability of insufficient capacity to carry the load increases sixty-fold. In other words, if a 20% reserve level results in only once in ten years when generating capability might be insufficient to carry the load, a reduction to a 10% reserve level will result in six occasions per year when load curtailment could be expected.

And, finally, the report deals with the question of interregional transfer of power into a shortage area, by showing that:

> The widespread impact of delays in the in-service dates of new generation and the contiguity of the regions affected reduce to insignificance the ability of one region to assist another region. This eliminates interregional assistance as a remedy for coping with such delays. Here again, the problem is one of insufficient installed generation and not one to be met by transmission of power from other regions.

During the coming months, the task force will continue its study of the energy supply problem in the United States. The availability and costs of natural gas and electricity, together with oil and coal, are critical questions affecting all segments of our society.

At this point, Mr. Speaker, I would like to present, as chairman of the House Republican Task Force on Energy and Resources, portions of the NERC report, presenting the relationship between new electric generating capacity and electric power reliability in the United States:

REPORT OF THE NATIONAL ELECTRIC RELIABILITY COUNCIL

FOREWORD

Recent US District Court decisions involving the issuance of a partial operating license for the Quad-Cities nuclear plant and the issuance of cooling water discharge permits by the Corps of Engineers raise the specter of serious delays in bringing into service new electric generating plants. These court decisions held that the regulations of the Atomic Energy Commission and the Corps of Engineers in implementing the National Environmental Policy Act are invalid and ordered that environmental impact statements must first be prepared by these agencies before granting the necessary power plant authorizations.

The National Electric Reliability Council (NERC) has directed the Interregional Review Subcommittee of the Technical Advisory Committee (TAC) to determine the impact of these court decisions on the adequacy of electric power supply on the basis that all nuclear and fossil-fired steam generating plants now under construction would be delayed by twelve months. This report evaluates the effect of such delays in each of the nine reliability regions comprising NERC.

SUMMARY AND CONCLUSIONS

This report presents the results of an assessment of the impact on the adequacy of electric bulk power supply of potential delays of twelve months in the operation of all new nuclear and fossil-fired steam generating plants. The basis for this assumption is predicated on the possible effects of the two recent US District Court decisions referred to in the Foreword. The impact of such delays is analyzed for each of the nine regions of the National Electric Reliability Council (NERC), encompassing the entire bulk power supply in the US and parts of Canada. The study is directed to an evaluation of the adequacy of region reserves for the peak-load periods of summer 1972, winter 1972–73, and summer 1973.

Based on a twelve-month delay in the operation of new nuclear and fossil-fired steam generating capacity an aggregate of 25,000 Mw, or one third of the scheduled generation reserves in NERC, would be unavailable during the summer 1972 peak-load period. In the winter 1972–73 peak-load period, 32,000 Mw or about 30% of the scheduled generation reserves would not be available. In the summer 1973 peak-load period, there would be a reduction in scheduled generation reserves of about 29,000 Mw, or 35% of these reserves. (See Tables 1, 2, and 3).

The impact of such delays would be considerably more severe in some regions than in others. In five of the nine regions—ECAR, ERCOT, MAIN, MARCA, and SERC—generation reserves would drop to 10% or less in the summer of 1972, reaching levels so low that periodic load curtailment would be expected. Reserves in the MAIN region would fall to less than 5%, and in SERC to 6.3%, values which are extremely low for any semblance of reliability.

Reserves during the winter 1972–73 peak-load period, while somewhat higher generally than during the previous summer, would still be critically low at 12% in the SERC region and 10.3% in the Rocky Mountain Power Pool area of the WSCC region. Furthermore, if essential maintenance requirements during the winter period are taken into account, the ECAR and MAIN regions, as well as the New York—New England subregion, would drop to marginal and submarginal reserve levels.

In the summer of 1973, five regions—ECAR, MAAC, MARCA, SERC and SPP—would fall again to 11% or less, with reserves in the MARCA region actually dropping to 4.6%. In addition, the MAIN region and the New York-New England subregion may well be critical in view of the fact that a substantial part of the generating capacity subject to a twelve-month delay would then be scheduled for service just prior to or during the summer of 1973. Should difficulties arise in start-up and this capacity become unavailable, reserves would drop in MAIN and New York-New England to 10.4 and 10.7%, respectively, a level which is critical.

On an overall NERC basis the aggregate delays in fossil-fired steam generating units during the period under consideration are in the order of twice the megawatt capacity of the nuclear units. This indicates the magnitude of escalation of the problem of inadequate power supply confronting the nation as compared with the already serious situation outlined in the NERC report of November 1971.[1] This latter report assessed the potential impact of nuclear plant delay as a consequence of the so-called "Calvert Cliffs" case.

As pointed out in the earlier report,[2] the impact of possible power plant delays as a result of recent court decisions, must be examined not merely in terms of such delays alone but also in the context of: (a) the industry's present reserve situation, which in some instances is already below desirable levels because of delays already experienced; (b) construction problems as a result of labor difficulties and delays in material and equipment deliveries; (c) less-than-acceptable performance of new generating units in their initial stage of operation; (d) increasing environmental restrictions in the operation of existing plants; and (e) fossil fuel shortages and a dislocation of supply.

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[1] Assessment of the Impact of Nuclear Delays on Adequacy of Electric Power Supply of the North American Bulk Power Systems.

[2] Ibid—Chapter I, pages 4–5.

Reference to Exhibits 3 and 5 herein shows the widespread impact of a twelve-month delay in completion of new generating capacity on the adequacy of power supply during the critical summer periods of 1972 and 1973. Past industry experience has repeatedly demonstrated the value of interconnected operation in allowing individual power system, to secure assistance for short-term emergencies from other power systems, areas, and regions. However, the dimensions of the problem confronted here are so vast and widespread, both in terms of geographical impact and time duration, as to substantially eliminate interregional assistance as an ameliorating measure. Such delays would, during summer 1972, critically affect an area encompassing 40% of the US and 55% of the total electrical load of the nation. An additional 20% of the aggregate load would be exposed to below-normal reserves. During summer 1973, these values would increase to nearly 50% of the area of the US and encompass 80% of the total load. An additional 7% of the aggregate load would experience below-normal reserves.

Based on the above, the consequences of a twelve-month delay in the operation of all new nuclear and fossil-fired generating plants could only be considered disastrous in terms of adequacy of bulk power supply. In economic terms, the cost to the nation would be far-reaching.

This assessment has not considered the possible effects of the two court decisions on the operation of existing generating plants. Presumably, such plants could be subject to the same judicial action. If this were the case, the nation's electric power supply would be shut down.

TABLE 1.—SUMMARY OF CAPABILITY (PEAKLOAD) RESERVE DUE TO POTENTIAL DELAYS OF 12 MONTHS IN THE OPERATION OF NEW NUCLEAR AND FOSSIL STEAM GENERATING UNITS

SUMMER 1972

	ECAR	ERCOT	MAAC	MAIN	MARCA	NPCC	SERC	SPP	WSCC	NERC
Net capability as scheduled [1]	58,761	25,716	34,860	34,567	14,764	54,028	73,543	33,723	74,879	404,841
Peakload	49,550	20,938	28,870	27,845	13,031	41,090	63,997	28,106	57,316	330,743
Reserves as scheduled:										
Megawatts	9,211	4,778	5,900	6,797	1,733	12,938	9,546	5,617	17,563	74,127
Percent	18.6	22.8	20.8	24.4	13.3	31.5	14.9	20.0	30.7	22.4
Delayed capacity: Megawatts	−4,215	−2,720	−1,555	−5,439	−719	−3,029	−5,543	−713	−848	−24,781
Reserves after delays:										
Megawatts	4,996	2,058	4,435	1,358	1,014	9,909	4,003	4,904	16,715	49,392
Percent	10.1	9.8	15.3	4.9	7.8	24.1	6.3	17.5	29.3	14.9

[1] Including net of purchases/sales, and without maintenance.

TABLE 2.—SUMMARY OF CAPABILITY (PEAKLOAD) RESERVE DUE TO POTENTIAL DELAYS OF 12 MONTHS IN THE OPERATION OF NEW NUCLEAR AND FOSSIL STEAM GENERATING UNITS

WINTER 1972–73

	ECAR	ERCOT	MAAC	MAIN	MARCA	NPCC	SERC	SPP	WSCC	NERC
Net capability as scheduled [1]	61,482	26,288	25,844	35,345	14,604	58,553	80,535	31,240	76,970	420,861
Net capability after maintenance	56,482	[2] 19,022	32,798	31,845	14,156	57,098	78,935	28,640	74,990	394,066
Peakload	48,692	13,545	24,933	23,902	11,959	44,815	65,252	19,210	61,131	313,439
Reserves after maintenance:										
Megawatts	7,790	5,477	7,865	8,018	2,297	12,283	13,683	9,430	13,859	80,702
Percent	16.0	40.5	31.5	33.5	19.4	27.4	21.0	49.2	22.7	25.8
Delayed capacity: megawatts	−4,865	−3,295	−1,555	−5,105	−729	−4,886	−8,032	−713	−2,283	−31,463
Reserves after delays:										
Megawatts	2,925	2,182	6,310	2,913	1,568	7,397	5,651	8,717	11,776	49,239
Percent	6.0	16.1	25.3	12.2	13.1	16.5	8.7	46.4	19.0	15.7

[1] Including net of purchasing/sales, and before maintenance.

[2] Reflects equipment unavailable as well as maintenance.

TABLE 3.—SUMMARY OF CAPABILITY (PEAK LOAD) RESERVE DUE TO POTENTIAL DELAYS OF 12 MONTHS IN THE OPERATION OF NEW NUCLEAR AND FOSSIL STEAM GENERATING UNITS

SUMMER 1973

	ECAR	ERCOT	MAAC	MAIN	MARCA	NPCC	SERC	SPP	WSCC	NERC
Net capability as scheduled [1]	63,107	26,719	37,572	37,314	16,262	59,569	84,115	36,311	81,009	441,978
Peakload	54,161	23,011	31,470	30,114	14,269	43,970	70,994	30,772	61,065	359,826
Reserves as scheduled:										
Megawatts	8,946	3,708	6,120	7,275	1,993	15,599	13,121	5,539	19,944	82,227
Percent	16.5	16.1	19.4	24.2	14.0	35.4	18.5	18.0	32.8	22.8
Delayed capacity: Megawatts	−4,034	−575	−3,315	−2,209	−1,335	−3,920	−7,744	−2,144	−3,389	−28,665
Reserves after delays:										
Megawatts	4,912	3,133	2,787	5,066	658	11,679	5,377	3,395	16,555	53,562
Percent	9.1	13.6	8.9	16.8	4.6	26.6	7.6	11.0	27.2	14.9

[1] Including net of purchases/sales, and without maintenance.

PLANE TESTING TOTALLY INADEQUATE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. ASPIN. Mr. Speaker, the General Accounting Office recently reported on testing programs conduced on components of our new jet aircraft.

That report reveals that much of our testing program today is outmoded and deceptive.

Some equipment for the planes is 500 percent less dependable than predicted by tests and required by minimal military standards. Presently each individual component is tested separately and once breakdown rates are equal to or greater than required military standards the particular component is approved for installation on an aircraft. Once the sophisticated equipment is actually put together on a plane that flies, it breaks down much more often than expected.

Despite this obvious problem, the military continues to use the same old testing system that gives misleading and often meaningless results.

For example, tests of computers for the reconnaissance version of the F–4 phantom jet predicted a breakdown every 320 hours. That was above the required military standards. But once the plane was put in actual operation the system broke down on the average every 40 hours. This computer is eight times more likely to malfunction than predicted by original tests and required by minimal military standards.

The result of this inadequate and often deceptive testing program is a lot of broken down equipment that takes a great deal of time and money to repair.

Testing should be completed on prototype aircrafts rather than on individual components. The only way to test an aircraft is to build a complete prototype and find out if it works or not.

Instead, today, the military's piecemeal testing program produce useless and even deceptive testing results. The General Accounting Office's report which is a letter to Secretary Laird, follows:

U.S. GENERAL ACCOUNTING OFFICE,
Washington, D.C., January 19, 1972.

DEAR MR. SECRETARY: The General Accounting Office (GAO) has looked at the procedure used by the Air Force to achieve reliability in aviation equipment. Aware that a low level of reliability was being experienced on some equipment, GAO wanted to know why.

We examined the performance records of selected subsystems and compared these with reliability test requirements incorporated in the procurement contracts. Our work was performed at the Ogden, Oklahoma City, Warner Robins, and San Antonio Air Materiel Areas; the Air Force Logistics Command; and the Air Force Systems Command.

The Air Force buys and accepts subsystems from contractors on the basis of reliability demonstrated in tests. There is little, or no, direct correlation, however, between the reliability achieved in tests and that experienced during actual operations. When installed in aircraft, these subsystems are usually much less reliable.

The quality of maintenance performed in the field, the type of missions the equipment is used on, the skill with which it is used and how the equipment interfaces with other subsystems all affect its reliability. For these reasons, it is understandable that reliability in actual use will be somewhat less than in test conditions. However, because such extensive differences are being experienced by the Air Force, we believe there are weaknesses in the testing methods or criteria being used.

TEST RESULTS COMPARED WITH OPERATIONAL EXPERIENCE

One measure of reliability of equipment is the length of time that it will perform satisfactorily without failing. This interval of time is called "mean time between failures" (MTBF). The Air Force and the Naval Air Systems Command contracts specify a minimum acceptable interval that must be achieved in reliability testing.

Comparisons were made of actual operating performances of subsystems with the minimums used in the testing programs, and wide differences were noted. The bomb navigation system of the A-7D attack aircraft illustrates this.

The bomb navigation system integrates various avionic subsystems which provide (1) navigation to the target, (2) a computerized run on the targest, (3) weapon release, and (4) return navigation from the target. The failure of any one of the major subsystems detrimentally affects the accuracy of the system. The following table shows the minimum acceptable reliability, which was met during test, and the actual mean time between failures experienced. Additional comparisons for F-4 aircraft systems are shown in an attachment.

MEAN TIME BETWEEN FAILURES

[In hours]

Major subsystems of the bomb navigation system	Minimum acceptable demonstrated by test	Experienced during actual operations
Forward looking radar[1]	125	20
Weapon delivery computer	650	95
Air data computer	500	175
Doppler radar	250	48
Head up display	350	88
Inertial measurement	325	77

[1] At the time of our review the forward looking radar had not passed the minimum acceptable reliability qualification test

NEED FOR BETTER TESTING

Reliability is a system performance characteristic which must be considered when the effectiveness of a weapon system is being determined. The characteristic, therefore, is as important in designing new weapon systems as other performance parameters such as range, speed, or payload weight. The decisionmaker must decide whether more time and money should be spent for additional research, or to accept equipment with the possibility of incurring additional costs for subsequent modifications and logistic support. However, the reliability information available—on which decisions are based—does not permit realistic prediction of reliability. We believe that better testing will provide a more realistic prediction of reliability.

A Military Standard (781B) has been issued to facilitate the development of factors for realistic correlation of test and operational levels of reliability. According to an Air Force Systems Command official, there is no correlation between test and operational MTBF's primarily because tests do not simulate environmental conditions and do not assure that the components are compatible with other equipment. Also, important test requirements are sometimes waived. It is the opinion of Air Force Logistics Command personnel that tests, if properly planned and administered, will show a correlation between test and operational levels of reliability. Operational levels of reliability averaged over a large number of units could be within 20 to 30 percent of the reliability specified in tests. To support their opinion, they referred to a study by Air Research, Incorporated, on the Navy's P-3C aircraft program, which showed that in the majority of cases the minimum acceptable level of reliability was achieved in operations when good test plans were implemented and enforced.

Conclusions and recommendations

Acceptance of subsystems after they have demonstrated reliability not only in laboratory tests but also in actual use would be the preferred method of acquiring subsystems. Until that type of procurement becomes a reality it appears that better testing will limit the deviations between test results and actual use. We believe that better testing will provide subsystems which will perform closer to acceptable limits.

We recommend that the Air Force adopt procedures to (1) assure a correlation of test and operations MTBF's and (2) assure that the predictions of operational reliabilities are within known confidence limits.

The above recommendations are subject to the provisions of Section 236 of the Legislative Reorganization Act of 1970. We will appreciate receiving copies of the statements you furnish the specified committees in accordance with these provisions.

If you desire, we will be glad to discuss these matters in greater detail with you or with your staff.

Sincerely yours,

R. W. TUTMANN,
Acting Director.

MEAN TIME BETWEEN FAILURES

[In hours]

Major subsystems of the F-4 aircraft	Minimum acceptable required by test	Experienced during actual operations
Radio navigation system:		
Navigation computer set (RF-4C)	320	40
Navigation computer set (F-4E)	320	87
Inertial navigation system (RF-4C)	175	38
Inertial navigation system (F-4E)	180	62
Loran (RF-4C)	50	25
Integrated electronic central (F-4C)	50	17
Integrated electronic central (F-4E)	50	32
Radar navigation system:		
Radar altimeter (RF-4C)	400	26
Radar mapping system:		
Forward looking radar (RF-4C)	90	15
Side looking radar (RF-4C)	56	12
Bombing navigation system:		
Attitude reference bomb computer set (F-4D)	173	93
Computer system (F-4D)	250	246
Fire control system:		
Radar set (F-4E)	9	12
Tuning drive (F-4E)	[1] 600	632
Lead computing sight (F-4E)	300	430

[1] Specifications were not available, therefore, Air Force officials estimated the minimum acceptable figure.

DAIRY PRICE SUPPORT

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. QUIE. Mr. Speaker, in view of the rising production costs faced by milk producers, I have been urging Secretary of Agriculture Earl Butz to increase the support level for manufacturing milk.

Last year it was set at $4.93 per hundredweight, or 85 percent of parity.

Because of rising costs the parity figure changes during the year. A $4.93 price today equals something less than 80 percent of parity. This is an average price based on a national average milk fat test of 3.67 percent.

Knowing dairy farmers so well, it was with real regret that I learned of Secretary Butz' decision to maintain the support price at its present level for the marketing year starting April 1. I include at the close of my remarks an Agriculture Department news release announcing that action.

The National Milk Producers Federation, one of the major associations representing dairy producers, had shown restraint, I felt, in asking that the support price be increased to reflect 85 percent of parity at today's figure. This would have been an increase of about 35 cents per hundredweight, to $5.28.

Rather than improving the income position of dairy farmers, this modest increase would have placed them back where they were a year ago. Instead, they are being asked to absorb that added cost.

In order that my colleagues may gain further understanding of the producer's side of this question, I include a news release issued today by the National Milk Producers Federation, followed by a letter written to USDA by NMPF Secretary Patrick B. Healy.

In order that they might know in a little more detail some reasons for the USDA's decision, I include a report to the Agricultural Stabilization and Conservation Service—ASCS—from a study by USDA's Economic Research Service on "Impacts of Alternative Dairy Price Support Levels."

This will give each Member a chance to look at the economic arguments.

The material follows:

[U.S. Department of Agriculture news release]

USDA ANNOUNCES DAIRY SUPPORT PROGRAM FOR 1972–73

WASHINGTON, March 9.—Secretary of Agriculture Earl L. Butz today announced that the support level for manufacturing milk will be continued at $4.93 per hundredweight for the marketing year beginning April 1, 1972. The support rate for manufacturing milk is for milk of national average milk fat test of 3.67 percent. This is equivalent to $4.79 per hundredweight for milk of 3.5 percent test.

The law requires that milk be supported at such level between 75 and 90 percent of parity as the Secretary determines necessary to assure an adequate supply. The Secretary has determined that the support rate of $4.93 will assure an adequate supply. This level of support should provide assurance against the resumption of a downward trend in milk production and provide a supply of milk adequate for our commercial needs and an increase in the quantity of dairy products, over the approximately 7 billion pounds of milk equivalent acquired by CCC this year, which will be available for domestic food assistance and other programs.

The announced prices to be paid for butter, nonfat dry milk and cheese to carry out the support level will remain unchanged for the 1972–73 marketing year. These prices follow:

[Cents per pound]

Butter, U.S. grade A or higher:[1]	
New York, N.Y., and Jersey City, Newark and Secaucus, N.J.	68.75
Seattle, Wash., Washington, San Francisco, Calif., California, Alaska, Hawaii, Oregon, Arizona, New Mexico, Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, and South Carolina	67.75
U.S. grade B: 2 cents per pound less than for U.S. grade A.	
Cheddar cheese, U.S. grade A or higher, standard moisture basis	54.75
Nonfat dry milk (spray) U.S. extra grade (but not more than 3.5 percent moisture): 50-pound bags, with sealed closures	31.7

[1] The price of butter located at any other point will be the price at a designated market, either New York, Seattle, or San Francisco, less 80 percent of the lowest published domestic railroad freight rate per pound gross weight for a 60,000 pound carlot, in effect at the beginning of this marketing year, from such other point to the designated market names by the seller.

NATIONAL MILK PRODUCERS FEDERATION NEWS RELEASE

WASHINGTON, D.C., March 9.—Secretary of Agriculture Earl L. Butz today announced that dairy price support levels would be continued unchanged during the 1972–73 marketing year.

Secretary Butz took this action in spite of recommendations of the National Milk Producers Federation and its member dairy cooperatives which presented a sound economic case for an adjustment in the price support level to 85 percent of parity.

"Announcement by the Department of Agriculture that prices paid dairy farmers for milk after April 1 would be supported at last year's level is severe and unwarranted," commented Patrick B. Healy, Secretary, National Milk Producers Federation. "It is astounding that the Administration, in reaching such decision, completely overlooked the economic necessity of adjusting prices paid dairy farmers, so that they could keep pace with increased production costs," he continued.

The present price support level of $4.93 per hundredweight was 85 percent of parity when made effective a year ago. Increases in production costs were such that it would be necessary to increase the price to $5.28 to maintain the 85 percent of parity position. Even this would mark no improvement in the income position of farmers.

Farmers support efforts to bring inflation under control but cannot absorb increases in costs unless they are compensated with higher prices. Adjustments in prices to dairy farmers are as essential to the economy as adjustments in wage rates which have been built into the wage and price control program.

Dairy farmers cannot be expected to carry the whole burden for holding the line on prices paid by consumers for food.

"We are now looking to the Congress to rectify this injustice to dairymen," stated Healy. "We are asking the Congress to establish a support price paid farmers for milk at 85 percent of parity for the marketing year ending March 31, 1973. To that end, we are calling on all members of the Senate and House of Representatives to enact the necessary legislation without delay."

NATIONAL MILK PRODUCERS FEDERATION,
Washington, D.C., February 15, 1972.

Re Notice in Federal Register (Vol. 37, No. 1) January 4, 1972, Requesting Data, Views, and Recommendations Relative to Terms and Conditions of Price Support Program for Milk for Marketing Year Beginning, April 1, 1972.

Mr. REUBEN R. JONES,
Director, Livestock and Dairy Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C.

DEAR MR. JONES: This is in response to the notice in the Federal Register, January 4, 1972, requesting data, views, and recommendations relative to terms and conditions of price support for milk for the marketing year beginning April 1, 1972.

The views of the National Milk Producers Federation are the nationwide expression of dairy farmers and of their cooperative marketing associations. The Federation membership consists of cooperative associations doing business throughout the 50 states of the Union, and represents the great majority of all milk produced and marketed in the United States.

The Federation membership, at its 55th Annual Convention held November 29–December 1, 1971, carefully considered the need for adjusting price support levels, and purchase prices of commodities, for the 1972–73 marketing year. Since that time, the Federation membership has given the matter further consideration in light of the latest data. The views expressed herein are those of the Federation's Executive Committee at its meeting on February 15, 1972.

The Executive Committee consists of 21 cooperative leaders throughout the United States. Its actions are reflective of the member cooperative associations and their dairy farmer members.

The National Milk Producers Federation staunchly supports the Price Support Program, as authorized by the Agricultural Act of 1949, as a major bulwark of legislation enacted to stabilize the dairy industry, improve incomes to dairy farmers throughout the nation, and to assure adequate supplies of milk and its products for consumers.

The Congress, in enacting agricultural legislation consistently has declared parity prices to farmers as its goal. In efforts to adjust farm prices toward this goal as rapidly as possible, it has enacted specific legislation pertaining to the dairy industry. Among those are the Agricultural Act of 1949, authority for the Price Support Program; the Agricultural Marketing Agreement Act of 1937, authority for the milk marketing order program; and other enactments which amend and supplement these two major laws.

The National Milk Producers Federation and its member cooperative associations of dairy farmers believe that attainment of parity prices to farmers is essential, if they are to participate in the economy on a basis that is equitable with other segments of the population.

The cooperative associations of dairy farmers are making every effort to achieve parity prices, and realize the necessity of Government assistance such as the Price Support Program.

It will be necessary for the Secretary of Agriculture to announce for the marketing year beginning April 1, 1972, a level of price support to dairy farmers for milk, and prices at which the Commodity Credit Corporation will purchase dairy products to achieve the announced price support level.

On March 25, 1971, the Secretary of Agriculture announced a price level of $4.93 per hundredweight for milk of average butterfat content for the marketing year beginning April 1, 1971, and ending March 31, 1972. On March 26, 1971, he announced prices at which the Commodity Credit Corporation would purchase butter, nonfat dry milk, and cheese as a means of assuring dairy farmers the support level of $4.93 per hundredweight for their milk during the year.

With respect to such announcements:

1. The $4.93 per hundredweight represented a price at 85 percent of parity based on the latest parity data available at the time of such announcement. It is estimated that 85 percent of parity in March 1972 will be $5.25 or higher. Thus 85 percent of parity will be at least 33 cents per hundredweight above the 1971–72 price support level.

2. Dairy farmers received less than the announced level of $4.93 per hundredweight in 8 of the first 10 months of the current marketing year, by amounts ranging from 4 to 13 cents per hundredweight. See Table 1.

TABLE 1.—COMPARISON OF MONTHLY DATA, SHOWING PARITY EQUIVALENT PRICES FOR MANUFACTURING MILK, THE ANNOUNCED SUPPORT PRICE, PERCENT THE ANNOUNCED SUPPORT PRICE WAS OF THE PARITY EQUIVALENT PRICE, PRICES RECEIVED BY FARMERS FOR MANUFACTURING MILK, PERCENT THAT SUCH PRICES WERE OF THE PARITY EQUIVALENT PRICE AND THE AMOUNT BY WHICH THE PRICE RECEIVED BY FARMERS VARIED FROM THE ANNOUNCED SUPPORT PRICE, APRIL 1971–JANUARY 1972

[All prices for milk of average annual butterfat content—3.67 percent]

	Announced support level			Received by farmers		
Month	Parity equivalent prices	Price	Percent of parity equivalent price	Price	Percent of parity equivalent price	Variation from support price
April 1971	$5.85	$4.93	[1] 85.0	$4.84	82.7	−$0.09
May 1971	5.89	4.93	83.7	4.82	81.8	−.11
June 1971	5.92	4.93	83.3	4.81	81.2	−.12
July 1971	5.89	4.93	83.7	4.81	81.7	−.12
August 1971	5.96	4.93	82.7	4.80	80.5	−.13
September 1971	$5.97	$4.93	82.6	$4.82	80.7	−$0.11
October 1971	5.98	4.93	82.4	4.85	81.1	−.08
November 1971	6.00	4.93	82.2	4.89	81.5	−.04
December 1971	6.01	4.93	82.0	4.97	82.7	+.04
January 1972	6.16	4.93	80.0	4.97	80.7	+.04

[1] As per announcement, during the course of the 1971–72 marketing year, the dairy farmers' production and living costs increased substantially. This is demonstrated by the index of prices paid by farmers for commodities and services, interest, taxes and wage rates. See table 2.

TABLE 2.—*Index of prices, paid by farmers for commodities and services, interest, taxes, and wage rates, April 1971–January 1972*

[Index—1910–14=100]

April 1971	407
May 1971	410
June 1971	412
July 1971	410
August 1971	412
September 1971	413
October 1971	414
November 1971	415
December 1971	416
January 1972	420

* * * * *

TABLE 4.—PURCHASES OF DAIRY PRODUCTS BY THE COMMODITY CREDIT CORPORATION, 1970–71 AND 1971–72

	1970–71	[1] 1971–72
Butter (pounds)	305,000,000	285,000,000
Cheese (pounds)	57,000,000	95,000,000
Nonfat dry milk (pounds)	452,000,000	425,000,000
Evaporated milk (pounds)	79,000,000	80,000,000
Government cost of price support program	$410,000,000	$350,000,000

[1] Partially estimated.

Milk production increased during the 1971–72 marketing year by only about one percent over the previous year. Furthermore, on a per capita basis, production held at or was very close to the 1970–71 level.

Marketings by farmers showed a moderate increase in 1971–72, but commercial market sales also increased. These increases are partially explained by the additional day due to leap year.

During the 1971–72 marketing year, CCC purchases of butter and nonfat dry milk will be lower than for the previous marketing year.

Cheese purchases thus far have been higher. Most cheese purchases, however, were made on a bid basis for the School Lunch Program.

The closing Government inventories will be low March 31, 1972. On January 31, 1972, USDA had stocks of only 37 million pounds of butter, 2 million pounds of cheese and a million pounds of nonfat dry milk. These included supplies being packaged for specific program uses.

The purchases by CCC during the 1971–72 marketing year represented a needed source of dairy products for Government programs, a great quantity of which would have been needed even without the Price Support Program, such as cheese for the School Lunch Program.

The number of children in schools and the number of persons participating in Government programs will be substantially higher in the next marketing year, thus indicating need for more dairy products, particularly cheese and nonfat dry milk.

It should be noted that the net Government cost of the Price Support Program for 1971–72 will be substantially less than for the 1970–71 marketing year. This is reflective of the reduction in purchases of butter and nonfat dry milk, but is in large measure due to export sales of butter which amounted to about 140 million pounds. The opportunity for selling butter overseas resulted from a change in milk supplies relative to requirements in Western Europe and England, accompanied by drouth conditions in New Zealand and Australia. Also, tighter supply situation is in evidence in Canada.

Although conditions which prevailed outside the United States may not be the same during the 1972–73 marketing year, it reasonably can be estimated that some 100 million pounds of butter will be needed for the export market. Such exports will relieve the United States of excess butterfat, which necessarily will be produced if the domestic market is to have a sufficient supply of milk solids-not-fat for all uses. Furthermore, such sales will favorably affect the U.S. balance of payments.

A review of CCC purchases over the past several marketing years demonstrates that Government purchases of milk solids-not-fat reached their peak of 13.3 percent of total marketings in 1961–62. Since that time, they have receded gradually, and will approximate only 4.5 percent in 1971–72.

In view of the needs for dairy products containing milk solids-not-fat for Government programs, the present purchase levels are approaching, if not already past, a practical minimum. Milk and dairy products, both commercially and through Government programs, are essential to the nutritional well-being of the U.S. population. Furthermore, their use has been of great value in up-grading diets in under-developed areas.

The need for milk and dairy products in the diet has been repeatedly recognized by the Congress in enacting legislation and in providing funds for the National School Lunch Program, the Special Milk Program for Children, supplemental feeding programs for the armed forces, Veterans' Administration hospitals and for other feeding programs, domestic and foreign.

It is essential that milk production be encouraged to meet the requirements of the U.S. population, which is increasing at a rate of some 2.5 million persons per year.

Prices paid dairy farmers, like other prices, have been increasing in recent years, but such increases have been insufficient to stem the downward trend in milk production. During the period 1960–71, prices paid dairy farmers for milk increased nearly 40 percent, but all prices were increasing at the same time. When increases in prices paid farmers for milk are deflated to represent its purchasing power in terms of goods and services, the price paid dairy farmers in 1971 was only 2 percent above 1960.

During this same span of years, per capita disposable income for wage earners rose over 85 percent, and when deflated on the same basis, still amounted to more than 35 percent. Thus, off-farm employment opportunities have drawn great numbers out of dairy farming.

U.S. milk production reached its peak of 127 billion pounds in 1964. Since that time, it has declined. In 1971 total milk production was about 118.6 billion pounds, only slightly above 1970, and represented no increase when expressed on a per capita basis.

The number of farms maintaining dairy herds has been diminishing for 25 years. In 1945, milk or cream was being marketed from about 2.3 million farms. At present, the number is something less than 400,000 farms. Likewise, the number of milk cows has declined, being 12.3 billion head as of January 1, 1972, the lowest number on record.

These trends are reflective of the low returns from dairy farming relative to costs of production and to other opportunities available to farm operators.

In striving to maintain or improve net incomes, dairy farmers have made significant increases in productivity. This is expressed in larger herd sizes, increased milk production per cow, and increased milk production per unit of labor. These gains have required greatly increased investments by dairy farmers, and greater cash outlays.

Dairy farmers have been exerting tremendous efforts to improve their own income, relative to their costs. These include herd improvement through artificial insemination, selective breeding, record keeping, improved feeding practices, in mechanization to reduce labor and other costs per unit; and by strengthening their cooperative marketing associations.

Increases in productivity, particularly milk production per cow, cannot be sustained at rates which have prevailed in recent years. It will be necessary to arrest the decline in cow numbers, if there is to be an adequate supply of milk.

Gains which farmers have made by increasing productivity have been more than offset by the continuing rise in production and living costs, which are beyond their control.

While prices received by dairy farmers for milk increased 2.6 percent from 1970 to 1971, prices, wages, taxes, and interest rates paid by farmers for production and living expenses rose approximately 5.1 percent. Thus dairy farmers lost ground in 1971. These trends indicating higher costs are continuing. This is shown by the parity index of prices, taxes, interest and wages paid by farmers, which rose from 400 in January 1971 to 420 in January 1972, or 5 percent.

Dairy farmers commend the efforts of the Government to bring the inflationary spiral to a halt. It is obvious, however, that despite Herculean efforts, costs to dairy farmers will continue upward during the 1972–73 marketing year.

The inflation control program contemplates a general increase in the U.S. price level of some 3 percent during the year and likely it will be more. It contemplates wage rate increases of 5 percent which also must be considered as the minimum.

The Federal budget indicates substantially higher governmental expenditures which will exert upward pressures on costs to dairy farmers.

If the 1972–73 price support level for manufacturing milk were established at 85 percent of the parity equivalent price at the beginning of the marketing year—which is the minimum we believe should be considered by the Secretary—it would only reflect cost increases to dairy farmers which have occurred during the past marketing year. It would, in no way, compensate them for prospective cost increases which will occur during the 1972–73 marketing year. Thus, if incomes to dairy farmers are to be maintained, it will be necessary in establishing the price support level for the 1972–73 marketing year to consider prospective cost increases during the year.

In viewing the cost of the Price Support Program, consideration should be given to the fact that most, if not all, of the dairy product purchases have served Government nutrition needs and that the cost of maintaining the price support to dairy farmers has consistently been low relative to the contribution of the dairy industry, to total agricultural income, and low relative to the total Government cost for supporting agriculture.

Furthermore, Government costs for maintaining prices paid farmers for milk have been relatively stable during a period within which the total expenditures by Government for all services has more than doubled.

The prices at which CCC will purchase dairy products during the 1972–73 marketing year should be set at levels which will assure that the intended support to farmers for milk will be fully accomplished.

If the support level to farmers were established at 85 percent of parity, we would recommend no change in the purchase price of butter, but that the upward adjustment be made in the price of nonfat dry milk and cheese. If, however, the price support level is established higher than 85 percent of parity, then we would recommend some upward adjustment in the price of butter as well as the other two products.

In establishing the level of price support to farmers, it should be kept in mind that the goal of agricultural legislation, including the price support authority, is achievement of parity prices to farmers.

In the attainment of this goal, we urge the Department of Agriculture to utilize all of its available authority, including the Price Support Program, the marketing order program, the full use of section 32 funds, the supplementing of price support purchases by use of Section 709 of the Food and Agriculture Act of 1965, the curtailment of imports under Section 22 of the Agricultural Adjustment Act, the maximum use of milk and dairy products through the Special Milk Program for Children, the School Lunch Program and other feeding programs, both domestic and foreign.

If these authorities are utilized to their full potential, farmers can eventually obtain parity prices in the marketplace. As an important step toward this goal, the level of price support for the 1972–73 marketing year should be established at not less than 85 percent of parity.

Sincerely,

PATRICK B. HEALY,
Secretary.

IMPACTS OF ALTERNATIVE DAIRY PRICE SUPPORT LEVELS

(A report to the Agricultural Stabilization and Conservation Service by the Economic Research Service U.S. Department of Agriculture, February 1972)

INTRODUCTION

The decision on the price support level for milk in the 1972–73 marketing year will have impacts on production, sales, Government costs, dairy farm income, and consumer costs for dairy products. These effects will extend over a number of years. In order to provide estimates of the probable effects of various support levels, ASCS entered into an agreement with ERS on October 18, 1971, to conduct an economic analysis of the production and consumption of milk and dairy products under various assumptions as to support levels in the marketing year 1972–73.

This analysis is designed to show the differential effects of five alternative support programs for 1972–73. In comparing the effects of these different programs, all other economic variables have been held at the same level for each alternative in any given year. In order to isolate the effects of the 1972–73 price support level, it is assumed that there will be no increases in support prices in subsequent years. Thus, this analysis is not a prediction of the course of events in the dairy industry in the next 5 years. It is a projection of the effects of alternative price support levels, if those price levels are maintained through 1976–77. It is the comparison of the long-term effects of these alternative price support programs which is unique. The results of this analysis may not afford meaningful comparisons with the results of other analyses made under different assumptions.

THE DAIRY INDUSTRY IN THE SIXTIES

Milk prices were fairly steady through the first half of the sixties, while production rose to a peak in 1964 and then began a fairly rapid decline. Support prices were raised from 75 to 89.5 percent of parity in 1966. A rise in market prices had preceded the increase in the support level. Since then, prices have generally risen. Production reached a low point in 1969 and increased slightly in 1970 and again in 1971.

The consumption of milk and dairy products combined has declined both in total and per capita since 1960. Significant increases have occurred for lowfat fluid milk products, hard cheese and cottage cheese. The most significant declines in consumption have been in fluid whole milk, fluid cream, butter, evaporated milk and condensed milk. Per capita sales of nonfat dry milk declined moderately between 1960 and 1971, although year-to-year changes were erratic.

Commodity Credit Corporation net removals of butter, American cheese, and nonfat dry milk under price support programs declined from a 1961–62 peak to a low point in 1966–67. Removals moved upward the following year and then downward through the 1969–70 marketing year. In 1969–70, for the first time since 1953–54, CCC purchases of fat solids as a percent of total fat solids marketed were greater than the percent removals of solids-not-fat.

ALTERNATIVE PROGRAMS ANALYZED

The effects of three different dairy support programs were analyzed:

The 1971–72 support level of $4.93 per hundredweight.

Support level at $5.20—85 percent of estimated parity as of April 1, 1972.

Support level at $5.50—90 percent of estimated parity as of April 1, 1972.

The analyses of the programs at $5.20 and $5.50 (85 and 90 percent of parity) were conducted under two sets of alternatives as to purchase prices for butter, cheese, and nonfat dry milk. For the first set, butter prices were held at 1971–72 levels and cheese and nonfat dry milk were raised to yield the specified support price levels. For the second set, the prices of butter, cheese, and nonfat dry milk were maintained in the same relationship as in 1971–72. The purchase prices used are shown in table 1.

TABLE 1.—SUPPORT PURCHASE PRICES UNDER ALTERNATIVE PROGRAMS

Alternative and description	Support level of manufacturing milk Dol./cwt.	Support purchase prices: Butter Ct./lb.	Support purchase prices: Cheese Ct./lb.	Support purchase prices: Nonfat dry milk Ct./lb.	Purchase price evaporated milk Ct./lb.
I. Current level	4.93	67.8	54.75	31.7	16.13
II. 85 percent of parity[1]	5.20				
(a) Butter price constant		67.8	58.50	36.3	17.23
(b) Current ratio		72.1	58.50	33.9	17.23
III. 90 percent of parity[1]	5.50				
(a) Butter price constant		67.8	61.50	39.9	18.12
(b) Current ratio		75.8	61.50	35.5	18.12

[1] Estimated parity as of Apr. 1, 1972.

For this analysis, most variables not crucial to the analysis were assumed unchanged at their levels in recent years. These include the relationship of average prices for all milk to support price levels, imports, exports, farm-retail price spreads, military consumption, and Government purchases of evaporated milk and dry whole milk. The assumptions as to general economic conditions were that per capita income will increase at 4 percent per year in current dollar, population will increase in line with Census projections, and that the unemployment rate will decline to 4 percent by 1976–77.

EFFECTS OF ALTERNATIVE PRICE SUPPORT PROGRAMS, 1972–73 TO 1976–77

Effects on milk production

The current income position of commercial dairy farmers is good and they are increasing production at a moderate rate in response to earlier price increases. Without further price increases, milk production can be expected to increase by about 1 billion pounds next year, nearly level off in 1973–74, and then decline at a rate of about 1 billion pounds per year for the next 3 years (table 2). Most of the adjustment to the higher prices and improved income position will be completed during 1972–73, with some slight carryover to 1973–74. During 1973–74, milk production will begin to decline as moderately increasing prices in the rest of the economy will cause the costs of milk production to rise and increase returns in alternative farm enterprises. Also, increased availability of nonfarm jobs will pull more farm operators and farm labor away from dairying. In areas where dairying competes with other livestock enterprises, favorable prices for hogs and beef will exert a pull toward those enterprises. The decline in production in the last 3 years (1974–75 to 1976–77) is due to a combination of these factors.

TABLE 2.—MILK PRODUCTION, SALES OF DAIRY PRODUCTS, AND USDA ACQUISITION COSTS FOR DAIRY PRODUCTS BOUGHT UNDER THE PRICE SUPPORT PROGRAM, ALTERNATIVE PRICE SUPPORT LEVELS, 1971–72 TO 1976–77

Item and alternative	Support price	Purchase prices raised[1]	1971–72	1972–73	1973–74	1974–75	1975–76	1976–77
Milk production (billion pounds milk equivalent):								
I	$4.93		118.9	119.9	120.0	119.0	118.0	117.0
II	5.20		118.9	120.3	120.7	121.0	120.3	119.4
III	5.50		118.9	120.7	121.2	121.6	121.8	121.0
Sales:[2]								
I	4.93		109.5	108.9	108.6	108.5	108.2	108.1
II(a)	5.20	NFDM, cheese all	109.5	108.1	107.8	107.6	107.4	107.2
II(b)	5.20	do	100.5	107.3	107.1	106.9	106.7	106.5
III(a)	5.50	do	109.5	107.2	106.9	106.8	106.5	106.3
III(b)	5.50	do	109.5	106.0	105.7	105.6	105.4	105.2

Footnotes at end of table.

Item and alternative	Support price	Purchase prices raised [1]	1971–72	1972–73	1973–74	1974–75	1975–76	1976–77
USDA acqusition costs [3] (million):								
I	4.93		$400	$465	$480	$429	$379	$321
II(a)	5.20	NFDM, cheese all	400	584	606	619	579	523
II(b)	5.20	do	400	606	630	645	605	550
III(a)	5.50	do	400	704	737	754	758	706
III(b)	5.50	do	400	739	774	795	800	750

[1] Products purchased under the price support program for which purchase prices were raised over 1971–72 levels.

[2] Domestic commercial sales plus exports and shipments from commercial stocks (1,000,000,000 pounds per year).

[3] Quantities of dairy products purchased valued at support purchase prices.

Note: See tables 8–16 for more detail.

With the support price at $5.20—85 percent of party as of April 1, 1972—production can be expected to rise somewhat more sharply in 1972–73 and continue to increase through 1974–75. In that year, production will peak at 121 billion pounds, declining thereafter at a somewhat slower rate than is projected for current price levels, since the pinch of rising costs will be felt less at higher price levels.

With the support level at $5.50—90 percent of parity as of April 1, 1972—production will increase even more rapidly and peak in 1975–76 at about 121.8 billion pounds. A decline in production would appear in 1976–77.

Impacts on demand

If prices are not increased, per capita consumption of most dairy products will decline moderately in the next 5 years. Even with population increases, total commercial disappearance of butter, fluid milk and cream, and evaporated milk will decline (Appendix tables 13 and 14). Total commercial disappearance of cheese, ice cream, and nonfat dry milk will increase. However, total dairy product sales (in terms of milk equivalent—fat solids basis) will decline at an average rate of about 0.2 billion pounds per year (table 2).

With support levels at 85 percent of parity ($5.20) and butter prices constant, sales of butter are not affected, but sales of most other products will decline somewhat more in 1972–73 because of the effects of higher prices. Total sales of dairy products (milk equivalent) will be approximately 0.8 billion pounds lower than they would be if prices were not raised (Alternative II(a)). In later years, sales of all products will decline at the same rates as under Alternative I.

Raising the support level to 90 percent of parity ($5.50) will decrease total dairy product sales by an additional 0.9 billion pounds per year (Alternative III(a)).

If support purchase prices for all products are raised to achieve 85 percent of parity (Alternative II(b)), dairy product sales (milk equivalent) will decline about 0.7 billion pounds per year from the level reached when butter prices are held constant. The drop would be 1.3 billion pounds per year at 90 percent of parity (Alternative III(b)). Sales of nonfat dry milk (which are not reflected in the milk equivalent figures) will not decline as much as under Alternatives II(a) and III(a).

Effects on Government purchases

If support prices are not raised, Government purchases of dairy products will rise for 2 years, peaking at 9.5 billion pounds milk equivalent in 1973–74, and then decline to 7.6 billion pounds in 1976–77 (table 2). Most of the increase will be in butter purchases, since purchases of nonfat dry milk will trend downward throughout the period with a fairly rapid decline in the last 3 years. USDA's cost of acquiring these purchases will rise from an estimated $400 million in 1971–72 to $465 million in 1972–73 and $480 million in 1973–74, and then decline to $321 million in 1976–77.

If support prices are raised to 85 percent of parity ($5.20) and butter purchase prices held constant, Government purchases will climb to 10.1 billion pounds milk equivalent in 1972–73 and continue rising for 2 more years as production declined. With this program, USDA acquisition costs will peak at $619 million in 1974–75, dropping to $523 million in 1976–77.

With the support level at 90 percent of parity ($5.50) and butter prices held constant, Government purchases will rise sharply from the estimated 7.1 billion pounds milk equivalent in 1971–72 to 11.4 billion in 1972–73. They will peak at 13.8 billion pounds in 1975–76 and decline slightly to 13.4 billion pounds in 1976–77. USDA acquisition costs will jump to $704 million in 1972–73 and $758 million in 1975–76, then drop back to $706 million in 1976–77.

If the prices of butter, nonfat dry milk and cheese are all increased, rather than putting all of the increase on cheese and nonfat dry milk, Government purchases and costs under the higher support levels will rise even more. With a support level of 85 percent of parity ($5.20), Government purchases will peak at 12.5 billion pounds milk equivalent in 1974–75 with acquisition costs of $645 million. The support level of 90 percent of parity ($5.50), will boost Government purchases to a high of 14.9 billion pounds in 1975–76 and acquisition costs to $800 million in that year.

Impacts on dairy farmers

Number and size of dairy farms

Major changes in the number and size distribution of farms with cows will occur under all three price support levels. By 1974, the number of dairy herds in this country will decline from 649,000 in 1969 to 396,000, if the support level remains unchanged (table 3). Declines will be less under the higher support levels. Under the $5.20 support level, U.S. dairy herds will number 403,000 in 1974 and with the $5.50 level they will total 405,000.

TABLE 3.—NUMBER AND SIZE OF FARMS WITH MILK COWS, BY REGISO N1,969 AND ESTIMATED FOR 1974 UNDER ALTERNATIVE PRICE-SUPPORT LEVELS

	Farms with dairy cows									
	1 to 19 cows		20 to 49 cows		50 to 99 cows		100-plus cows		Total farms	
Region	1969 actual	1974 estimate	1969 actual	1974 estimate	1969 actual	1974 estimate	1969 actual	1974 estimate	1969 actual	1974 estimate
$4.93 price-support alternative:										
Northeast	67,830	33,864	46,442	34,348	15,138	15,583	2,485	3,204	131,895	86,999
Corn Belt	101,877	48,370	37,365	28,039	7,029	7,867	813	1,178	147,084	85,454
Lake States	42,365	25,217	62,374	50,619	7,370	8,848	462	690	112,571	85,374
Southeast	28,213	9,802	2,196	1,559	1,861	1,717	1,223	1,441	33,493	14,519
South-central	93,355	37,631	9,179	6,504	6,341	5,623	2,362	2,677	111,237	52,435
Plains	44,965	23,027	11,339	10,298	1,926	2,297	282	447	58,512	36,609
Mountain	19,682	12,246	1,971	1,444	1,201	1,157	470	596	23,324	15,443
Southwest	4,351	2,884	860	534	905	578	2,665	2,391	8,781	5,987
Northwest	15,507	7,766	4,399	3,202	2,028	2,075	646	846	22,580	13,889
United States	418,145	200,407	176,125	136,547	43,799	45,745	11,408	13,470	649,477	396,169
$5.20 price-support alternative:										
Northeast		34,467		34,960		15,860		3,261		88,548
Corn Belt		49,232		28,538		8,007		,199		86,976
Lake States		25,666		51,520		9,006		702		86,894
Southeast		9,977		1,587		1,746		,467		14,777
South-central		38,301		6,621		5,722		,725		53,369
Plains		23,438		10,481		2,337		455		36,711
Mountain		12,464		1,471		1,176		607		15,718
Southwest		2,529		544		587		2,434		6,094
Northwest		7,904		3,259		2,112		861		14,136
United States		203,978		138,981		46,553		13,711		403,223
$5.50 price-support alternative:										
Northeast		34,638		35,133		15,939		3,277		88,987
Corn Belt		49,475		28,680		8,047		1,205		87,407
Lake States		25,793		51,777		9,049		706		87,325
Southeast		10,026		1,595		1,756		1,474		14,851
South-central		38,491		6,653		5,751		2,738		53,633
Plains		23,553		10,533		2,350		457		36,893
Mountain		12,526		1,478		1,182		610		15,796
Southwest		2,541		547		590		2,446		6,124
Northwest		7,943		3,275		2,123		865		14,206
United States		204,986		139,671		46,787		13,778		405,222

Note: Appendix figure 1 for States in each region.

Changes in herd numbers vary significantly among size groups. The number of herds with 1–19 cows and 20–49 cows declines substantially at all support levels. The larger herds (50–99 cows and 100+ cows) increase in numbers under all levels. Approximately half the producers with 1–19 cows will either quit dairy farming or expand into a larger herd-size category by 1974. About three-fourths of the 20–49 cow herds will remain in 1974; the others will expand, contract, or leave dairy farming. The number of producers with 50 or more cows will increase by 7 percent with no increase in the support level and by 9–10 percent at the higher support levels. Changes in the numbers of herds follow roughly the same pattern in all regions.

EFFECTS ON GROSS INCOME BY REGION AND HERD SIZE

Nearly all of the increase in gross income to dairy farmers at higher price support levels is due to the increase in price. Only 1–2 percent of the higher gross income is caused by the increase in production. In such a situation, the distribution of the increases in gross income brought about by higher price support levels is almost identical with the distribution of production among regions and herd-size groups. The distribution for 1974, approximately midway through the 5-year period, gives a good representation of the way benefits to farmers in terms of increases in gross income—and, to a considerable extent, in net income—would be distributed (table 4).

TABLE 4.—DISTRIBUTION OF FARMS AND MILK PRODUCTION, AND OF INCREASED CASH RECEIPTS FROM SALE OF MILK BROUGHT ABOUT BY HIGHER PRICE SUPPORT LEVELS, BY HERD SIZE AND REGION, 1974

Herd size	Northeast	Corn Belt	Lake States	Southeast	South Central	Plains	Mountain	Southwest	Northwest	United States
Production from farms with (percent of U.S. production):										
1 to 19 cows	1.5	2.0	2.1	0.1	0.8	0.8	0.2	0.1	0.3	7.8
20 to 49 cows	10.6	7.6	14.5	.4	1.8	2.5	.5	.1	1.0	39.0
50 to 99 cows	9.5	4.7	5.2	1.1	3.3	1.4	.7	.4	1.4	27.7
100 plus cows	4.3	1.5	.9	3.4	3.9	.6	1.2	8.1	1.5	25.5
All sizes	25.9	15.8	22.7	5.0	9.8	5.3	2.6	8.7	4.2	100.0
Farms with dairy herds (percent of U.S. dairy herds):										
1 to 19	8.6	12.2	6.4	2.5	9.5	5.8	3.1	.6	2.0	50.6
20 to 49	8.7	7.1	12.8	.4	1.6	2.6	.4	.1	.8	34.5
50 to 99	3.9	2.0	2.2	.4	1.4	.6	.3	.2	.5	11.6
100 plus	.8	.3	.2	.4	.7	.1	.2	.6	.2	3.4
All herds	22.0	21.6	21.6	3.7	13.2	9.1	3.9	1.5	3..	100.0

Since the benefits are generally distributed in relation to production, larger farmers would receive most of the benefits. The half of the farmers with fewer than 20 cows would receive about 8 percent of the benefits. Most of these farms are in the Northeast, Corn Belt, and Lake States. The largest single share of the benefits would go to farmers with 20–49 cows in the Lake States—14.5 percent. Farmers with 100 cows or more—concentrated in the Southwest, South Central, Southeast and Northeast—while only 3 percent of all farmers, would receive 25 percent of the increase in gross income.

NET INCOME POSITION OF DAIRY FARMERS

Published reports of farm business management projects were used to develop the relationships between production and income. Farms included in these records were generally above average. However, they supply the only data available which provide an adequate basis for analysis. Business analysis records for all regions of the United States are not available. Examples from four regions were obtained. These regions accounted for 70 percent of the dairy cows in the United States in 1970. Net cash incomes on comparable-sized farms did not differ a great deal between these regions.

Based on 1970 business summaries for dairy farms in these four regions, three types of income analyses were calculated. Net cash income was the basic income indicator. Type A results estimate net cash income with price/cost rates of the 1965–70 period. Type B calculations estimate the required blend price to maintain 1970 purchasing power, assuming that all price changes, except those for milk, follow those of the 1965–70 period. Type C calculations estimate net cash income at the three alternative support prices of $4.93, $5.20 and $5.50 per hundredweight, assuming all prices but milk change at the 1965–70 rates. Income variation within groups of sample farms was considerable and the analysis has all the limitations associated with using averages.

The records for 1970 show that increased returns are consistently associated with farm size. For farms of comparable size, returns to operator labor and management and family labor were similar among States and fell within the range of nonfarm hourly wage rates. Smaller farms have low returns compared to larger farms and industry (table 5).

TABLE 5.—FARM INCOME, 1970 AND ESTIMATED FOR 1974, AND BLEND PRICE ESTIMATES, 1970 AND ESTIMATED 1971, 1974, AND 1976, UNDER ALTERNATIVE PRICE SUPPORT LEVELS

Region and State	Herd size group	Average number of cows per herd	Net cash farm income in 1974 (1970 dollars)[1]							Blend price[2] (per hundredweight)				
			Actual for 1970	At $4.93		At $5.20		At $5.50		Actual for 1970	Estimated to maintain net cash income at 1970 purchasing power			Annual average change
				Income	Percent of 1970	Income	Percent of 1970	Income	Percent of 1970		1971	1974	1976	
HERDS WITH LESS THAN 50 COWS														
Northeast:														
Pennsylvania	20–29	26	$7,980	$7,310	92	$8,020	100	$8,830	110	$6.17	$6.30	$6.69	$6.96	$0.13
Do	30–39	35	10,940	9,880	90	10,890	100	12,060	110	6.16	6.30	6.71	6.99	.14
New York	40–54	46	15,700	13,950	89	15,220	97	16,780	107	6.02	6.17	6.62	6.92	.15
Corn Belt: Michigan	1–29	26	12,280	10,947	89	11,800	96	12,720	104	5.95	6.14	6.71	7.10	.18
Lake States:														
Southern Minnesota	1–24	20	5,980	5,780	97	6,220	104	6,700	112	4.52	4.61	4.87	5.05	.09
Do	25–34	30	12,960	12,420	96	13,220	102	14,080	109	4.86	4.96	5.29	5.51	.11
South Atlantic: North Carolina	1–49	40	14,720	12,900	88	14,060	96	15,310	104	7.21	7.38	7.89	8.24	.18
HERDS WITH 50–99 COWS														
Northeast:														
Pennsylvania	50–59	54	15,470	14,050	91	15,620	101	17,440	13	6.24	6.37	6.75	7.01	.13
Do	70–89	78	22,860	20,180	88	22,450	98	25,080	110	6.22	6.37	6.81	7.11	.15
New York	85–99	92	29,990	25,860	86	28,580	95	31,900	106	6.05	6.21	6.69	7.01	.16
Corn Belt: Michigan	50–74	61	20,440	17,360	85	19,400	95	21,590	106	5.94	6.12	6.67	7.05	.18
Lake States:														
Southern Minnesota	45–54	50	22,510	21,380	95	22,800	101	24,350	108	5.07	5.20	5.56	5.81	.12
Do	55+	76	31,950	29,890	94	32,129	100	34,570	108	5.13	5.26	5.66	5.93	.13
South Atlantic: North Carolina	50–80	60	22,040	19,400	88	21,140	96	23,020	104	7.12	7.29	7.78	8.29	.19
HERDS WITH 100 COWS OR MORE														
Northeast:														
Pennsylvania	110+	147	33,050	29,310	89	33,630	102	38,620	117	6.33	6.46	6.84	7.10	.13
New York	100+	129	37,250	31,400	84	35,120	94	39,640	106	6.23	6.40	6.90	7.24	.16
Corn Belt: Michigan	100+	141	34,320	26,780	78	31,310	91	36,200	105	5.94	6.13	6.72	7.13	.19
South Atlantic: North Carolina	81+	119	33,920	27,370	81	30,970	91	34,860	103	7.16	7.35	7.91	8.29	.19

[1] Type C analysis.
[2] Type B analysis.

Note: See appendix tables 19 to 52 for more detail on each group.

Type A Results.—Based on 1965–70 price trends, dairymen as represented by the sample farms show a 5–6 percent annual average increase in net cash income. Adjusted to 1970 purchasing power by the consumer price index, the annual increase would be about 2–3 percent.

Type B Results.—This procedure estimates the blend price required to maintain a net cash income with the purchasing power of that received in 1970. Annual milk price increases required to maintain the 1970 net cash income ranged from 9 to 19 cents per hundredweight (table 5).

Type C Results.—This series estimates the effects of the alternative levels of support prices upon farm receipts and farm expenditures (table 5). Analysis of net cash income in 1970 dollars shows the $4.93 price will maintain the 1970 level of income only through 1971 for most of the sample farms (table 6). The $5.20 price will support incomes at the 1970 level through 1973 for more than half the farms. For some of the larger farms, the $5.50 support price will not be adequate to maintain the 1970 level of income in 1974. In general, however, the $5.50 support price will maintain income at the level of 1970 purchasing power through the year 1975 for about one-half of the farm.

TABLE 6.—PERCENT OF DAIRY FARMS WITH REAL INCOMES EQUAL TO OR GREATER THAN 1970 UNDER ALTERNATIVE PRICE SUPPORT LEVELS.[1]

Year	Support price		
	$4.93	$5.20	$5.50
Percent of farms:			
1971	90	100	100
1972	10	100	100
1973	0	57	100
1974	0	20	90
1975	0	7	57
1976	0	0	40
1977	0	0	7

[1] Real income in 1970 dollars.

SUMMARY

At current price levels, the net incomes of commercial dairy farmers are good and farmers are increasing milk production. With no further increases in prices, they will increase production for the next two years. Commercial sales of dairy products are declining both per capita and in total and will continue to decrease. With increasing production and declining sales, surpluses will increase and USDA acquisition costs for price support purchases will rise from $400 million in the current marketing year to $480 million in 1973–74. Production, sales, and Government purchases will decline in the following years with USDA acquisition costs reaching $321 million in 1976–77.

Increases in the support price, following those of recent years, will further encourage milk production and discourage commercial sales. Peak production and surpluses with a $5.20 support price will occur in 1974–75 and with a $5.50 support price in 1975–76. USDA acquisition costs will reach an estimated level of $619 million at the $5.20 support level if butter prices are not raised and all of the price increase is put on nonfat dry milk and cheese. At the $5.50 support level, they would reach a level of $758 million.

If the prices of butter, nonfat dry milk, and cheese are all raised to achieve the desired support level, Government costs will be higher than they would be under programs where butter prices are not raised. USDA acquisition costs would reach peaks of $645 million at the $5.20 support level and $800 million at the $5.50 support level.

Whatever the support level, the shift toward fewer and larger dairy farms will continue. Small herds will disappear at a rapid rate at any of these price levels. Higher support levels have very little impact on the disappearance of smaller dairy herds (fewer than 50 cows). The number of larger dairy herds will rise in any case, but the rate will increase slightly at higher prices. These adjustments occur in all regions.

Whether or not support prices are increased, the share of milk production and gross farm income held by the Corn Belt, Lake States, South Central, and Plains regions will decline slightly.

If support prices are not raised and other prices continue to increase, producers with fewer than 50 cows will have net incomes in 1974 (in 1970 dollars) at about 90 percent of the 1970 level. Producers with 50–99 cows would generally have incomes of about 85–90 percent of the 1970 level. Producers with more than 100 cows would have net incomes of 80–85 percent of the 1970 level. While these income levels are lower than those currently existing, they are still very good by comparison with any other period. Net incomes on 50–99 cow farms would range from $14,000 to $30,000 per year, while those on farms with 100 plus cows would range from $26,000 to $31,000.

If support prices were raised to $5.20, net incomes on dairy farms with fewer than 100 cows would be at least 95 percent of the 1970 level and for larger herds at least 91 percent of the 1970 level in 1974.

With support prices of $5.50, 1974 net incomes would be higher than the 1970 level for all sizes of dairy farms in the areas studied.

Five-year-total effects

One useful way of summarizing the analysis of the long-run effects of alternative price support programs is in terms of 5-year totals. Between 1972-73 and 1976-77, production will total 7.8 billion pounds more with the price support level at $5.20 than at $4.93 and 12.4 billion pounds more at $5.50 (table 7). Considering for the moment only those alternatives which would not raise butter prices (Alternatives II(a) and II(b)), sales for consumption would be 4.2 billion pounds milk equivalent less with the support level of $5.20 and 8.6 billion pounds less at $5.50.

TABLE 7.—5-YEAR-TOTAL EFFECTS OF ALTERNATIVE PRICE SUPPORT LEVELS, 1972–73 TO 1976–77

[Dollar amounts in millions]

Alternative	Support price	Purchase prices raised [1]	Production (billion pounds)	Sales [2] (billion pounds)	USDA acquisition costs [3]	Consumer expenditures for major dairy products [5]		Added costs to the public [6]	Gross farm income from milk [4]	Added income less costs [7]
						Amount	Percent of disposable income			
I	$4.93		593.9	542.3	$2,074	$55,108	1.22		$34,391	
II(a)	5.20	NFDM, cheese, all	601.7	538.1	2,911	55,913	1.24		36,613	
II(b)	5.20	do	601.7	534.5	3,036	55,966	1.24		36,613	
III(a)	5.50	do	606.3	533.7	3,659	56,668	1.25		38,671	
III(b)	5.50	do	606.3	527.9	3,858	56,716	1.26		38,671	
Change from $4.93 support level										
II(a)	5.20	do	+7.8	−4.2	+837	+805	+.02	+$1,643	+2,222	+$580
II(b)	5.20	do	+7.8	−7.8	+962	+858	+.02	+1,812	+2,222	+410
III(a)	5.50	do	+12.4	−8.6	+1,585	+1,560	+.03	+3,145	+4,280	+1,135
III(b)	5.50	do	+12.4	−14.4	+1,784	+1,608	+.04	+3,392	+4,280	+888

[1] Products purchased under the price support program for which prices were raised over 1971–72 levels.

[2] Domestic commercial sales plus exports and shipments from commercial stocks in milk equivalent (fat solids basis .

[3] Quantities of dairy products purchased valued at support purchase prices.

[4] Cash receipts from sale of milk and cream by farmers.

[5] Consumer expenditures for fluid milk and cream, butter, American cheese, canned milk, ice cream, and nonfat milk valued at retail prices.

[6] Added costs over the current support level represented by USDA acquisition costs plus consumer expenditures for dairy products.

[7] Added gross farm income from milk less added costs to the public.

Gross farm income (cash receipts) from the sale of milk by farmers will be $2.2 billion higher with price supports at $5.20 than at $4.93 and $4.3 billion higher with price supports at $5.50. Nearly all of the increase in gross farm income would be reflected in net income, since 98–99 percent of the increase in gross farm income is due to the change in price and only 1–2 percent due to an increase in the quantity produced.

The added cost to the public of higher price support levels can be considered to be USDA acquisition costs plus the increase in consumer expenditures for milk and dairy products which is attributable to the price increase. With this assumption, the added costs to the public (with butter prices constant) would be $1.6 billion with the price support level at $5.20 and $3.1 billion at $5.50. These costs do not include any allowance for the value to consumers of the dairy products which they would have consumed had the prices not been raised. Also, Government costs do not include transportation, storage and other costs nor the proceeds from any sales out of CCC stocks.

The increase in gross farm income from the sale of milk is $580 million larger than the additional public costs of increasing the price support level to $5.20 over the next 5 years. Gross income to farmers from the sale of milk exceeds the added cost to the public by $1,135 billion with price supports at $5.50.

The alternatives which raised the price of butter as well as the prices of nonfat dry milk and cheese in order to achieve the higher support levels (Alternatives II(b) and III (b)) yield the same increases in gross farm income at a higher cost to the public.

Tables 8 through 17 follow:

TABLE 8.—MILK: PRODUCTION, SALES, AND GOVERNMENT PURCHASES, ALTERNATIVE I, MARKETING YEARS, 1971-72 TO 1976-77

ALTERNATIVE I: CURRENT SUPPORT PURCHASE PRICES

Item and unit	1971-72	1972-73	1973-74	1974-75	1975-76,	1976-77
Production (billions of pounds)	118.9	119.9	120.0	119.0	118.0	117.0
Supply [1] (billions of pounds)	116.6	117.8	118.1	117.4	116.5	115.7
Sales [2] (billions of pounds)	109.5	108.9	108.6	108.5	108.2	108.1
Government purchases:						
Milk equivalent (billions of pounds)	7.1	8.9	9.5	8.9	8.3	7.6
Butterfat (millions of pounds)	269	335	357	333	310	283
Percent of marketings	6.4	7.9	8.4	7.9	7.4	6.8
Nonfat solids (millions of pounds)	480	481	472	375	286	181
Percent of marketings	4.9	4.8	4.7	3.8	2.9	1.9
Butter (millions of pounds)	285	357	375	346	322	294
Cheese (millions of pounds)	90	120	140	140	130	120
Nonfat dry milk (millions of pounds)	450	450	425	325	235	130
Evaporated milk (millions of pounds)	90	90	90	90	90	90
Farm price of milk:						
Manufacturing grade (dollars per hundredweight)	4.87	4.87	4.87	4.87	4.87	4.87
All milk (dollars per hundredweight)	5.90	5.90	5.90	5.90	5.90	5.90
Farm cash receipts (millions of dollars)	6,848	6,920	6,938	6,896	6,842	6,795
USDA acquisition costs (millions of dollars)	400	465	480	429	379	321

[1] Includes production less farm use, plus/minus milk equivalent (fat solids basis) of commercial stock changes, plus imports.

[2] Includes exports and shipments from commercial stocks, estimated at 1,000,000,000 pounds milk equivalent (fat solids basis) annually.

TABLE 9.—MILK: PRODUCTION, SALES, AND GOVERNMENT PURCHASES, ALTERNATIVE II(A), MARKETING YEARS, 1971-72 TO 1976-77

ALTERNATIVE II(A): 85 PERCENT OF PARITY ($5.20) SUPPORT LEVEL; BUTTER PRICE HELD CONSTANT

Item and unit	1971-72	1972-73	1973-74	1974-75	1975-76	1976-77
Production (billions of pounds)	118.9	120.3	120.7	121.0	120.3	119.4
Supply [1] (billions of pounds)	116.6	118.2	118.8	119.4	118.8	118.1
Sales [2] (billions of pounds)	109.5	108.1	107.8	107.6	107.4	107.2
Government purchases:						
Milk equivalent (billions of pounds)	7.1	10.1	11.0	11.8	11.4	10.9
Butterfat (millions of pounds)	269	384	417	445	432	409
Percent of marketings	6.4	9.0	9.7	10.3	10.1	9.6
Nonfat solids (millions of pounds)	480	620	603	573	493	395
Percent of marketings	4.9	6.2	6.0	5.7	4.9	4.0
Butter (millions of pounds)	285	407	444	479	464	436
Cheese (millions of pounds)	90	140	150	150	150	150
Nonfat dry milk (millions of pounds)	450	579	557	526	443	341
Evaporated milk (millions of pounds)	90	90	90	90	90	90
Farm price of milk:						
Manufacturing grade (dollar per hundredweight)	4.87	5.20	5.20	5.20	5.20	5.20
All milk (dollars per hundredweight)	5.90	6.20	6.20	6.20	6.20	6.20
Farm cash receipts (millions of dollars)	6,848	7,294	7,331	7,369	7,331	7,288
USDA acquisition costs (millions of dollars)	400	584	606	619	579	523

[1] Includes production less farm use, plus/minus the milk equivalent (fat solids basis) of commercial stock changes, plus imports.

[2] Includes exports and shipments from commercial stocks, estimated at 1,000,000,000 pounds milk equivalent (fat solids basis) annually.

TABLE 10.—MILK: PRODUCTION, SALES, AND GOVERNMENT PURCHASES, ALTERNATIVE II(b), MARKETING YEARS, 1971-72 TO 1976-77

ALTERNATIVE II(b): 85 PERCENT OF PARITY ($5.20) SUPPORT LEVEL; BUTTER, AMERICAN CHEESE, AND NONFAT DRY MILK PRICES INCREASED

Item and Unit	1971-72	1972-73	1973-74	1974-75	1975-76	1976-77
Production (billions of pounds)	118.9	120.3	120.7	121.0	120.3	119.4
Supply [1] (billions of pounds)	116.1	118.2	118.8	119.4	118.8	118.1
Sales [2] (billions of pounds)	109.5	107.3	107.1	106.9	106.7	106.5
Government purchases:						
Milk equivalent (billions of pounds)	7.1	10.9	11.7	12.5	12.1	11.6
Butterfat (millions of pounds)	269	413	444	473	458	435
Percent of marketings (percent)	6.4	9.7	10.3	11.0	10.7	10.2
Nonfat solids (millions of pounds)	480	600	583	552	473	374
Percent of marketings (percent)	4.9	6.0	5.8	5.5	4.7	3.8
Butter (millions of pounds)	285	443	478	514	497	469
Cheese (millions of pounds)	90	140	150	150	150	150
Nonfat dry milk (millions of pounds)	450	558	536	504	422	319
Evaporated milk (millions of pounds)	90	90	90	90	90	90
Farm price of milk:						
Manufacturing grade (dollars per hundredweight)	4.87	5.20	5.20	5.20	5.20	5.20
All milk (dollars per hundredweight)	5.90	6.20	6.20	6.20	6.20	6.20
Farm cash receipts (millions of dollars)	6,848	7,294	7,331	7,369	7,331	7,288
USDA acquisition costs (millions of dollars)	400	606	630	645	605	550

[1] Includes production less farm use, plus/minus the milk equivalent (fat solids basis) of commercial stock changes, plus imports.

[2] Includes exports and shipments from commercial stocks, estimated at 1,000,000,000 pounds milk equivalent (fat solids basis) annually.

TABLE 11.—MILK: PRODUCTION, SALES, AND GOVERNMENT PURCHASES, ALTERNATIVE III(a), MARKETING YEARS, 1971-72 TO 1976-77

ALTERNATIVE III(a): 90 PERCENT OF PARITY ($5.50) SUPPORT LEVEL; BUTTER PRICE HELD CONSTANT

Item and unit	1971-72	1972-73	1973-74	1974-75	1975-76	1976-77
Production (billions of pounds)	118.9	120.7	121.2	121.6	121.8	121.0
Supply [1] (billions of pounds)	116.6	118.6	119.3	120.0	120.3	119.7
Sales [2] (billions of pounds)	109.5	107.2	106.9	106.8	106.5	106.3
Government purchases:						
Milk equivalent (billions of pounds)	7.1	11.4	12.4	13.2	13.8	13.4
Butterfat (millions of pounds)	269	432	470	501	524	507
Percent of marketings	6.4	10.1	10.9	11.6	12.1	11.7
Nonfat solids (millions of pounds)	479	750	750	729	690	600
Percent of marketings	4.9	7.5	7.4	7.2	6.8	5.9
Butter (millions of pounds)	285	461	509	548	577	556
Cheese (millions of pounds)	90	150	150	150	150	150
Nonfat dry milk (millions of pounds)	450	710	709	687	646	553
Evaporated milk (millions of pounds)	90	90	90	90	90	90
Farm price of milk:						
Manufacturing grade (dollars per hundredweight)	4.87	55.0	5.50	5.50	5.50	5.50
All milk (dollars per hundredweight)	5.90	6.50	6.50	6.50	6.50	6.50
Farm cash receipts (millions of dollars)	6,848	7,670	7,716	7,762	7,781	71742
USDA acquisition costs (millions of dollars)	400	704	737	754	758	706

[1] Includes production less farm use, plus/minus the milk equivalent (fat solids basis) of commercial stock changes, plus imports

[2] Includes exports and shipments from commercial stocks, estimated at 1,000,000,000 pounds milk equivalent (fat solids basis) annually

TABLE 12.—MILK: PRODUCTION, SALES, AND GOVERNMENT PURCHASES, ALTERNATIVE III(b), MARKETING YEARS, 1971–72 TO 1976–77

ALTERNATIVE III(b): 90 PERCENT OF PARITY ($5.50) SUPPORT LEVEL; BUTTER, AMERICAN CHEESE, AND NONFAT DRY MILK PRICES INCREASED

Item and unit	1971–72	1972–73	1973–74	1974–75	1975–76	1976–77
Production (billions of pounds)	118.9	120.7	121.2	121.6	121.8	121.0
Supply [1] (billions of pounds)	116.6	118.6	119.3	120.0	120.3	119.7
Sales [2] (billions of pounds)	109.5	106.0	105.7	105.6	105.4	105.2
Government purchases:						
Milk equivalent (billions of pounds)	7.1	12.6	13.6	14.4	14.9	14.5
Butterfat (millions of pounds)	269	477	515	545	566	548
Percent of marketings	6.4	11.1	11.9	12.6	13.0	12.7
Nonfat solids (millions of pounds)	480	713	712	691	651	561
Percent of marketings	4.9	7.1	7.1	6.8	6.4	5.6
Butter (millions of pounds)	285	518	565	603	529	607
Cheese (millions of pounds)	90	150	150	150	150	150
Nonfat dry milk (millions of pounds)	450	671	669	647	605	512
Evaporated milk (millions of pounds)	90	90	90	90	90	90
Farm price of milk:						
Manufacturing grade (dollars/per hundredweight)	4.87	5.50	5.50	5.50	5.50	5.50
All milk (dollars/per hundredweight)	5.90	6.50	6.50	6.50	6.50	6.50
Farm cash receipts (millions of dollars)	6,848	7,670	7,716	7,762	7,781	7,742
USDA acquisition costs (millions of dollars)	400	739	774	795	800	750

[1] Includes production less farm use, plus/minus the milk equivalent (fat solids basis) of commercial stock changes, plus imports.

[2] Includes exports and shipments from commercial stocks, estimated at 1,000,000,000 pounds milk equivalent (fat solids basis) annually.

TABLE 13.—BUTTER: PRODUCTION, SALES, AND GOVERNMENT PURCHASES UNDER SELECTED PROGRAM ALTERNATIVES, MARKETING YEARS, 1971 TO 1976–77

Alternatives [1]	Support purchase price (cents per pound)	Production 1971–72	1972–73	1973–74	1974–75	1975–76	1976–77
		Million pounds					
I	67.8	1,142	1,177	1,163	1,101	1,043	980
II(a)	67.8		1,227	1,232	1,234	1,185	1,122
II(b)	72.1		1,228	1,233	1,235	1,186	1,123
III(a)	67.8		1,281	1,297	1,303	1,298	1,242
III(b)	75.8		1,283	1,299	1,305	1,299	1,243
		Sales [2]					
I		859	822	790	757	723	688
II(a)			822	790	757	723	688
II(b)			787	757	723	691	656
III(a)			822	790	757	723	688
III(b)			767	736	704	672	638
		Government purchases [3]					
I		285	357	375	346	322	294
II(a)			407	444	479	464	436
II(b)			443	478	514	497	469
III(a)			461	509	548	577	556
III(b)			518	565	603	629	607

[1] Alternative I: Current support purchase pr ces. Alternative II(a): 85 percent of parity ($5.20) support level; butter price held constant. Alternative II(b): 85 percent of parity ($5.20) support level; butter, American cheese, and nonfat dry milk prices increased. Alternative III(a): 90 percent of parity ($5.50) support level; butter price held constant. Alternative III(b): 90 percent of parity ($5.50) support level; butter, American cheese, and nonfat dry milk prices increased.

[2] Including domestic civilian commercial disappearance, military purchases, and exports and shipments from commercial stocks.

[3] Assumes imports and those exports from commercial stocks to be constant.

TABLE 14.—AMERICAN CHEESE: PRODUCTION, SALES, AND GOVERNMENT PURCHASES UNDER SELECTED PROGRAM ALTERNATIVES, MARKETING YEARS, 1971–72 TO 1976–77

Alternatives [1]	Support purchase price (cents per pound)	Production 1971–72	1972–73	1973–74	1974–75	1975–76	1976–77
		Million pounds					
I	54.75	1,535	1,615	1,695	1,755	1,810	1,865
II(a)	58.50		1,620	1,689	1,747	1,810	1,874
II(b)	58.50		1,620	1,689	1,747	1,810	1,874
III(a)	61.50		1,611	1,668	1,728	1,788	1,850
III(b)	61.50		1,611	1,668	1,728	1,788	1,850
		Sales [2]					
I		1,453	1,510	1,571	1,631	1,696	1,761
II(a)			1,495	1,555	1,613	1,676	1,740
II(b)			1,495	1,555	1,613	1,676	1,740
III(a)			1,476	1,534	1,594	1,654	1,716
III(b)			1,476	1,534	1,594	1,654	1,716
		Government purchases [3]					
I		90	120	140	140	130	120
II(a)			140	150	150	150	150
II(b)			140	150	150	150	150
III(a)			150	150	150	150	150
III(b)			150	150	150	150	150

[1] Alternative I: Current support purchase prices. Alternative II(a): 85 percent of parity ($5.20) support level; butter price held constant. Alternative II(b): 85 percent of parity ($5.20) support level; butter, American cheese, and nonfat dry milk prices increased. Alternative III(a): 90 percent of parity ($5.50) support level; butter price held constant. Alternative III(b): 90 percent of parity ($5.50) support level; butter, American cheese, and nonfat dry milk prices increased.

[2] Includes domestic civilian commercial disappearance, military purchases, and exports and shipments from commercial stocks.

[3] Assumes imports and those exports from commercial stocks to be constant.

TABLE 15.—NONFAT DRY MILK: PRODUCTION, SALES, AND GOVERNMENT PURCHASES UNDER SELECTED PROGRAM ALTERNATIVES, MARKETING YEARS, 1971–72 TO 1976–77

Alternatives [1]	Support purchase price (cents per pound)	Production 1971–72	1972–73	1973–74	1974–75	1975–76	1976–77
		Million pounds					
I	31.7	1,490	1,525	1,510	1,420	1,340	1,250
II(a)	36.3		1,610	1,600	1,580	1,510	1,420
II(b)	33.9		1,610	1,600	1,580	1,510	1,420
III(a)	39.9		1,710	1,720	1,710	1,680	1,600
III(b)	35.5		1,710	1,720	1,710	1,680	1,600
		Sales [2]					
I		1,062	1,077	1,087	1,097	1,107	1,117
II(a)			1,033	1,045	1,056	1,069	1,081
II(b)			1,054	1,066	1,078	1,090	1,103
III(a)			1,002	1,013	1,025	1,036	1,049
III(b)			1,041	1,053	1,065	1,077	1,090
		Government purchases [3]					
I		450	450	425	325	235	130
II(a)			579	557	526	443	341
II(b)			558	536	504	422	319
III(a)			710	709	687	646	553
III(b)			671	669	647	605	512

[1] Alternative I: Current support purchase prices. Alternative II(a): 85 percent of parity ($5.20) support level; butter price held constant. Alternative II(b): 85 percent of parity ($5.20) support level; butter, American cheese, and nonfat dry milk prices increased. Alternative III(a): 90 percent of parity ($5.50) support level; butter price held constant. Alternative III(b): 90 percent of parity ($5.50) support level; butter, American cheese, and nonfat dry milk prices increased.

[2] Including domestic civilian commercial disappearance, military purchases, and exports and shipments from commercial stocks.

[3] Assumes imports and those exports from commercial stocks to be constant.

TABLE 16.—UTILIZATION OF MILK MARKETINGS UNDER SELECTED PROGRAM ALTERNATIVES, MARKETING YEARS, 1971-72 TO 1976-77

Alternatives [1]	1971-72	1972-73	1973-74	1974-75	1975-76	1976-77
	Milk production					
	Million pounds					
I	118, 900	119, 900	120, 000	119, 000	118, 000	117, 000
II (a and b)		120, 300	120, 700	121, 000	120, 300	119, 400
III (a and b)		120, 700	121, 200	121, 600	121, 800	121, 000
	Farm use					
I [2]	3, 800	3, 600	3, 350	3, 100	2, 950	2, 800
	Farm marketings					
I	115, 100	116, 300	116, 650	115, 900	115, 050	114, 200
II (a and b)		116, 700	117, 350	117, 900	117, 350	116, 600
III (a and b)		117, 700	117, 850	118, 500	118, 850	118, 200
	Use of marketings—Fluid products (milk equivalent) [3]					
I	51, 375	50, 875	50, 395	49, 875	49, 375	48, 875
II (a and b)		50, 446	49, 932	49, 455	48, 954	48, 471
III (a and b)		50, 031	49, 512	49, 031	48, 546	48, 057
	Manufactured products (milk equivalent) [4]					
I	63, 725	65, 425	66, 275	66, 025	65, 675	65, 325
II (a and b)		66, 254	67, 418	68, 445	68, 396	68, 129
III (a and b)		67, 069	68, 338	69, 469	70, 304	70, 143

[1] Alternative I: Current support purchase prices. Alternative II: 85 percent of parity ($5.20) support level. Alternative III: 90 percent of parity ($5.50) support level.

[2] Same under all alternatives.

[3] Includes fluid products processed for civilian and military use.

[4] Manufactured for use in all outlets.

TABLE 17—ESTIMATED SUPPORT PURCHASE PRICES UNDER ALTERNATIVE SUPPORT LEVELS

Alternative and support purchase price levels [1]	Support level of manufacturing milk (per hundredweight)	Cents per pound			
		Support purchase prices			Purchase price evaporated milk
		Butter	Cheese	Nonfat dry milk	
I. Current level	$4.85	67.8	54.75	31.7	16.13
II. 85 percent of parity [2]	5.20				
a. Change only snf		67.8	58.50	36.3	17.23
b. Current ratio		72.1	58.50	33.9	17.23
III. 90 percent of parity [2]	5.50				
a. Change only snf		67.8	61.50	39.9	18.12
b. Current ratio		75.8	61.50	35.5	18.12

[1] Alternative I: Current support purchase prices. Alternative II(a): 85 percent of parity ($5.20) support level; butter price held constant. Alternative II(b): 85 percent of parity (5.20) support level; butter. American cheese, and nonfat dry milk prices increased. Alternative III(a): 90 percent of parity ($5.50) support level; butter price held constant. Alternative III(b): 90 percent of parity ($5.50) support level; butter, American cheese, and nonfat dry milk prices increased.

[2] October estimates of parity for Apr. 1, 1972.

U.S. LEGAL OBLIGATIONS TO DISALLOW TAX CREDITS RESPECTING NAMIBIA

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. DIGGS. Mr. Speaker, today, 21 Congressmen and five Senators joined me in expressing our deep concern to the Secretary of the Treasury "about the failure of the Department to implement the U.S. position on the illegality of the South African administration of Namibia by disallowing tax credits for moneys paid to the illegal South African Administering Authority as taxes on income earned in the international territory of Namibia."

The Congressmen and Senators who joined me in expressing our deep concern were:

The Honorable BELLA S. ABZUG.
The Honorable HERMAN BADILLO.
The Honorable JONATHAN B. BINGHAM.
The Honorable SHIRLEY CHISHOLM.
The Honorable WILLIAM CLAY.
The Honorable GEORGE W. COLLINS.
The Honorable JOHN CONYERS, Jr.
The Honorable RONALD V. DELLUMS.
The Honorable ROBERT F. DRINAN.
The Honorable DON EDWARDS.
The Honorable WALTER E. FAUNTROY.
The Honorable DONALD M. FRASER.
The Honorable AUGUSTUS F. HAWKINS.
The Honorable RALPH H. METCALFE.
The Honorable ROBERT N. C. NIX.
The Honorable CHARLES B. RANGEL.
The Honorable OGDEN R. REID.
The Honorable BENJAMIN S. ROSENTHAL.
The Honorable WILLIAM F. RYAN.
The Honorable JAMES H. SCHEUER.
The Honorable LOUIS STOKES.
The Honorable EDWARD W. BROOKE.
The Honorable FRED R. HARRIS.
The Honorable JACOB K. JAVITS.
The Honorable GEORGE MCGOVERN.
The Honorable EDMUND S. MUSKIE.

On February 22, I reiterated to the Department of the Treasury the importance of furnishing to the Subcommittee on Africa "information on the dollar costs to the United States, that is, revenue loss from 1966 to the present, because of the allowance of tax credits against U.S. income tax for payments to the South African Government for income earned in Namibia . . . as expeditiously as possible."

Mr. Speaker, I insert in the RECORD the texts of both of these communications.

The material follows:

COMMITTEE ON FOREIGN AFFAIRS,
February 22, 1972.

Mr. JOHN M. HENNESSY,
Acting Assistant Secretary for International Affairs, Department of the Treasury, Washington, D.C.

DEAR MR. HENNESSY: I am aware that the Department is preparing the responses to the inquiries made by the Subcommittee during the Department's appearance before the Subcommittee on December 7. It is of special importance, however, that the information on the dollar costs to the United States, that is, revenue loss from 1966 to the present, because of the allowance of tax credits against U.S. income tax for payments to the South African Government for income earned in Namibia be furnished as expeditiously as possible.

I am therefore writing to request that the Department submit this information now without waiting for the final preparation of answers to the other questions raised during the hearing.

Your cooperation is appreciated.

Sincerely,

CHARLES C. DIGGS, Jr.,
Chairman, Subcommittee on Africa.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, D.C., March 8, 1972.

Hon. JOHN B. CONNALLY,
Secretary of the Treasury,
Washington, D.C.

DEAR MR. SECRETARY: We are writing to express our deep concern about the failure of the Department to implement the United States position on the illegality of the South African administration of Namibia by disallowing tax credits for moneys paid to the illegal South African Administering Authority as taxes on income earned in the international territory of Namibia.

We wish to emphasize the facts of this situation:

The illegality of the South African Administering Authority was determined in a resolution by the United Nations General Assembly, GA Res. 2145, supported by the United States and affirmed by the Security Council, terminating South Africa's mandate over the international territory;

The validity of these United Nations resolutions was reaffirmed in the Advisory Opinion of 21 June 1971 of the International Court of Justice on "The Legal Consequences for States of the Continued Presence of South Africa in Namibia, notwithstanding Security Council Resolution 276," and (1) that the South African Government is illegally occupying Namibia, and (2) that states have a duty to recognize the illegality of South Africa's presence in Namibia and the invalidity of its acts in behalf of and concerning Namibia;

The acceptance by the United States Government of the conclusions of the International Court of Justice;

U.S. international legal obligations "to refrain from any dealings with the Government of South Africa implying recognition of, the legality of, or lending support or assistance to, such presence and administration."

In sum, what is involved here is the allowance of credits against U.S. income tax obligations for monies paid to an administering authority formally adjudicated to be illegal by the highest international tribunal and accepted as such by the United States Government.

Clearly, the issues raised by this matter are *sui generis* and Internal Revenue Service policy in cases relating to credits for monies paid as income taxes to unrecognized authorities is not relevant. Nor would precedents involving taxes paid to de facto authorities or to enemy governments be pertinent since tax credits for payments to South Africa for income earned in Namibia involve payments to an authority formally adjudged to be illegal. Nor is the IRS practice of having tax matters independent of political or foreign policy considerations relevant; for in this case the legal—as distinguished from a foreign policy position regarding a non-recognized regime or a government with which we do not have diplomatic relations—is the crux of the matter.

Inasmuch as international law is the law of the land, credits against U.S. income taxes for monies paid to South Africa on income earned in Namibia should be disallowed.

We note that in his testimony before the Subcommittee on Africa on December 7, The Honorable John R. Petty, the former Assistant Secretary for International Affairs for the Department of the Treasury, said:

In view of the illegality of South African control of this territory under the 1966 Resolution of the United Nations, we believe there is a question as to whether taxes imposed and collected by the South African Government on income earned in South West Africa can properly be considered taxes under U.S. legislation for purposes of granting a foreign tax credit.

We call your attention to the "Message from the President of the United States transmitting His Third Annual Report on the State of United States Foreign Policy" of February 9, 1972, wherein President Nixon stated, inter alia:

In Namibia, South Africa continues to resist the efforts of the United Nations on behalf of self-determination. It rejects the 1971 holding of the International Court of Justice that South Africa is obliged to quit Namibia. We accept that holding and continue to discourage U.S. investment in Namibia. We seek to encourage peaceful ways of realizing and protecting the rights of the people of Namibia.

We further draw your attention to Security Council Resolution 283, which was supported by the United States, and which reads in pertinent part:

THE SECURITY COUNCIL

4. *Calls upon* all states to ensure that companies and other commercial and industrial enterprises owned by, or under direct control of the State, cease all dealings with respect to commercial or industrial enterprises or concessions in Namibia;

5. *Calls upon* all States to withhold from their nationals or companies of their nationality not under direct government control, government loans, credit guarantees and other forms of financial support that would be used to facilitate trade or commerce with Namibia;

6. *Calls upon* all States to ensure that companies and other commercial enterprises owned by the State or under direct control of the State cease all further investment activities including concessions in Namibia;

7. *Calls upon* all States to discourage their nationals or companies of their nationality not under direct governmental control from investing or obtaining concessions in Namibia, and to this end withhold protection of such investment against claims of a future lawful government of Namibia. . . .

We further note the statement of the United States Representative to the Security Council during the consideration of Security Council Resolution No. 301 of October 20, 1971:

The resolution takes note of the advisory opinion of the International Court of Justice, particularly its conclusions. For our part the United States accepts these conclusions which declare in paragraph 133 that South Africa is under obligation to withdraw its administration from Namibia immediately and thus put an end to its occupation of the territory and which further declare that member states are "under obligation to recognize the illegality of South Africa's presence in Namibia and the invalidity of its acts on behalf of or concerning Namibia, and to refrain from any dealings with the Government of South Africa implying recognition of the legality of, or lending support or assistance to, such presence and administration." In his speech 2 weeks ago in the General Assembly, Secretary of State William P. Rogers stated our acceptance of these conclusions and observed this was consistent with our support of practical and peaceful means to achieve self-determination and end racial discrimination.

Our acceptance also reflects the importance which my government attaches to the Court. We consider that this advisory opinion adds a significant and authoritative legal element to the effort of the international community to make possible for the people of the territory to enjoy their right to self-determination. Our acceptance, of course, does not necessarily imply approval of all the Court's reasoning. We note in this connection concerns about charter interpretation which had been mentioned by several Council members.

The resolution reaffirms Resolution 283, which urges member states to take a member of actions vis-a-vis Namibia. . . .

In closing, we wish to reiterate our deep concern that the Department is not disallowing income tax credits for monies paid to the illegal South African Administering Authority as taxes on income earned in the international territory of Namibia.

Sincerely,

CHARLES C. DIGGS, JR.,
Chairman, Subcommittee on Africa.

CHILD DEVELOPMENT ACT INTRODUCED

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. DELLENBACK. Mr. Speaker, I was pleased to be joined by my colleagues Congressman QUIE, Congressman STEIGER of Wisconsin, and Congressman HANSEN of Idaho in introducing the Child Development Act on March 8.

My colleagues and I have been longtime supporters of comprehensive early childhood education and child development legislation.

On February 9, 1970, along with members of the Republican Task Force on Education and Training which I chaired, I introduced the Comprehensive Headstart Child Development Act of 1970, H.R. 15776. Congressmen QUIE, STEIGER, and HANSEN were all members of the task force, each of them helped to develop H.R. 15776, and each joined in introducing it.

Shortly thereafter, in April of 1970, our task force issued a report analyzing the need for early childhood services in the United States which was entitled, "Report on Programs for Early Childhood." In both the 91st and 92d Congress, we all worked to try to come up with a sound child development bill which would satisfy all interested parties.

I remain convinced, as I was when I introduced H.R. 15776 over 2 years ago, that there is a real need to provide increased Federal support for early child development programs. The question my colleagues and I are concerned with is, how do we provide these funds within a workable administrative system. The reason I voted against the conference report on S. 2007 in December was that the child development provisions tacked on to that bill did not provide for such a system. I believe the bill we have introduced does provide the means for establishing a consolidated, coordinated approach that can be effectively and efficiently administered. Moreover, the bill could be implemented now.

CONSOLIDATION

In our 1970 "Report on Programs for Early Childhood," the task force found:

> There are more than 60 Federal programs which relate to early childhood either directly or indirectly. This diffusion of programs has resulted in confusion, lack of coordination, and ineffectiveness at Federal, State, and local levels.

We went on to recommend:

> A consolidation of those programs which provide directly for the operation of early childhood programs should be enacted at once.

Title I of the bill my colleagues and I have introduced provides for consolidation of child care and child development programs under a single Federal agency to be designated by the President.

It is our hope that as coordination efforts get underway, recipients of Federal moneys will not have to write individual applications going to five, 10 or even 15 individual agencies to receive funds. Instead there should be a simplified mechanism for apply for money as well as dispensing money.

PLANNING

As a result of the lack of coordination among Federal child care programs, our task force found in 1970 a "crazy quilt pattern" of overlapping and duplication that actually put some programs in the same areas funded under separate Federal authorities in competition for the same children. At the same time, other areas desperately in need of child care programs could not qualify for one or another of the specific Federal programs.

This situation has not been alleviated in the last 2 years. On January 26, 1972, a copy of a study made by the General Accounting Office to evaluate child-care activities in the District of Columbia was sent to every congressional office. This report shows clearly the overlapping and duplication of services that resulted from legitimate application of the laws passed by Congress. Although the study evaluated child-care activities in the District of Columbia, GAO indicated that the same charts could probably be drawn for every major city in the country. In an effort to comply with laws, Federal departments and agencies as well as local governments have established bureaucracies which have resulted in a bewildering duplication of agencies, efforts, and at best uneven services to children. Clearly what is needed in addition to consolidation and coordination as provided in title I of our bill is a mechanism for better planning to insure that some areas are not totally neglected while others end up with competing Federal programs.

The bill my colleagues and I have introduced gives an overall planning role to the States, and specifically directs States to develop comprehensive programs which assure that needs in all areas—urban and rural—are met.

Planning is essential to determine what services are needed for which children as well. There is no evidence right now to indicate that every single child in America needs exactly the kinds of services provided under Headstart or any other federally-funded program. We doubt that any one set formula will answer the needs of parents and children throughout the country. As States look at and evaluate their own needs, their findings will no doubt help give Congress sound information to help determine the direction of future child development legislation.

RESEARCH

In 1970 our task force found that, while the Federal Government had invested in research in the early child development field, much more research was needed. In addition, the research that had been done in the field was hampered by the same lack of coordination that characterized all Federal involvement in the child development field. Our task force recommended expanding Federal research efforts and providing better coordination of these efforts.

Two years after our task force's study, much of the Government's research efforts are still being conducted without a master plan. Although there has been some coordination achieved, it is our hope that the new agency designated in title III will be the focal point for coordinating all research activities and initiate new research whenever and wherever necessary to fill in any gaps which might exist. We hope that the research authorized under title III will help us gain more basic knowledge about the needs of individual children and how this knowledge can be translated into actual programs.

TRAINING

Another finding of our task force 2 years ago was, "One of the major obstacles blocking the rapid expansion of early childhood services is the lack of qualified, trained personnel." In our report we specifically endorsed steps to encourage more young people to undertake careers in early childhood development, and also advocated greater expenditures for training programs for both professional and paraprofessional personnel in the early childhood field.

We remain convinced 2 years later that a fundamental ingredient for success in any program for children is the personnel who are employed in it. Whether they are professionals with extensive college training or nonprofessionals who bring a basic life experience to the program, some additional concentrated focus must be provided so that they can better understand how and why children learn. The training of both professional and nonprofessional personnel in the area of child development to meet the needs of today's programs. Beyond this, we are aware that even if vast amounts of new Federal dollars were available to establish new child development programs, there simply are not enough trained professionals and nonprofessionals to do the job. Finally, if we are to expand the Federal role in this field, we must have trained individuals who are prepared to step in and implement new programs.

Title IV of the bill my colleagues and I have introduced authorizes Federal assistance for programs and projects to train both professional and nonprofessional personnel to enter the child development field, and also authorizes a program of inservice training for both professionals and nonprofessionals already in the field.

Once again I want to emphasize that my colleagues and I feel that much of the future quality of our Nation depends on how we enrich the lives of our children. Our bill is an attempt to answer many of the problems that arose during consideration of the child development provisions in S. 2007. I doubt that anyone needs to be reminded of the objections that were raised across the country to the Federal Government going into the business of raising children. Personally I do not believe these fears were based on a clear understanding of what those child development provisions sought to do. But the point is that, whether these fears were justified or not, they were indeed genuine and we should not ignore them.

For this reason, our bill under title II attempts to reassure those who had such fears by directing the States to provide structures which will bring about the maximum involvement of parents.

All in all, I believe the bill which Congressmen QUIE, STEIGER, and HANSEN have introduced with me provides a mechanism which can be realistically implemented within the near—not distant—future. It is sad to me that so many of the findings of our task force over 2 years ago still apply today. Obviously we need to learn our lessons from the past legislative history on child development and move ahead.

I insert the provisions of the Child Development Act, H.R. 13649, at this point:

H.R. 13649

(A bill to provide for the consolidation and and coordination of all Federal child care and child development programs and to insure that they will be effective to attain their intended objectives)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Child Development Act".

TITLE I—CONSOLIDATION AND COORDINATION OF PROGRAMS

SEC. 101. The President shall take such action as may be necessary to insure that within one year after the date of enactment of this Act all child care or child development programs carried on or assisted by the United States are, to the maximum extent feasible, administered by a single Federal agency which he shall designate. The head of the designated child development agency shall carry out his functions directly under the supervision of the President or of the Secretary of the executive department in which such agency is situated and shall not be responsible to any other officer of the United States. Any provision of law assigning functions related to child care or child development programs to Federal officers or agencies, other than to the designated child development agency and its head, are hereby made inapplicable to the extent necessary to permit the President to take the action required by the first sentence of this section.

SEC. 102. The designated child development agency shall be the principal agency of the Federal government for coordination of programs or activities related to child care and child development. Each Federal officer and agency which is carrying on a program which affects or is affected by child care and child development programs, but is not administered by the designated child development agency, shall consult with such agency with respect to such programs, shall coordinate such programs or activities with those carried on by such agency, and shall take such action (mutually agreed upon by the two agencies) as will assure that such programs are conducted in a manner consistent with the purpose of this Act.

SEC. 103. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

TITLE II.—PLANNING

SEC. 201. A State, through its Governor, may make application to the child development agency for assistance in developing plans for carrying out and coordinating child care programs within that State. The plans developed should be carried out on a Statewide basis and assure that all programs in both urban and rural areas of that State will be so coordinated as to insure that all needs within the State are met. Such plans will—

(1) provide for the identification of child care and child development needs,

(2) provide a comprehensive program for meeting such needs in a manner which recognizes priorities of need according to established criteria, and

(3) provide a structure which brings about the maximum involvement of parents in the development of their children.

SEC. 202. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

TITLE III—RESEARCH

SEC. 301. Programs of the Federal government for research in the field of child care and child development shall be considered child care and child development programs to which section 101 applies, so that the designated child development agency shall be the principal agency of the Federal government for coordinating research in the field of child care and child development.

SEC. 302. In addition to research carried out under authority of other laws the designated child development agency shall, to the extent such research is not being conducted by other agencies, either directly or by grant or contract, conduct research in the field of child care and child development. Such research shall give special emphasis to—

(1) determining the method of carrying out programs which will yield the greatest benefits,

(2) determining the content of programs which will be most beneficial in meeting the needs of children,

(3) devising means of evaluating programs which will permit determinations of the type referred to in paragraphs (1) and (2) on a basis which will permit the objective validation, and

(4) developing means to determine the needs of individual children in particular areas such as education, socialization, nutrition, and medical services, so as to permit modeling programs to fit the needs of particular children.

SEC. 303. In addition to its other research activities, the designated child development agency shall name a special study to establish national objectives in the field of child care and child development which are achievable through the application of existing knowledge in the field and in light of the number of trained and experienced personnel who are or will be available to participate in child care and child development programs. A report containing the results of such special study shall be submitted to the President and to the Congress on or before July 1, 1974.

SEC. 304. There are hereby authorized be appropriated such sums as may be necessary to carry out the purposes of this title.

TITLE IV—TRAINING OF CHILD CARE AND CHILD DEVELOPMENT PERSONNEL

SEC. 401. Section 532 of the Higher Education Act of 1965 is amended by adding at the end thereof the following sentence: "There is additionally authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, for programs and projects under this part to train or retrain professional personnel for child care and child development programs, and such sums as may be necessary for the fiscal year ending June 30, 1973, for programs and projects under this part to train or retrain nonprofessional personnel for child care and child development programs.

SEC. 402. The Secretary of Health, Education and Welfare is authorized to award grants to individuals employed in child care and child development programs for the purposes of meeting the costs of inservice training for professional and nonprofessional personnel to be conducted by an agency carrying on a child care or child development program, by a community or higher education institution, or by a combination thereof.

SEC. 403. There is authorized to be appropriated for the purposes of section 402 such sums as may be necessary for the fiscal year ending June 30, 1973, and for each succeeding fiscal year.

STATUS REPORT ON NASA INTERNATIONAL PROGRAMS IN SPACE COMMUNICATIONS

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. ZABLOCKI. Mr. Speaker, in 1969 and 1970, the Subcommittee on National Security Policy and Scientific Developments of the House Foreign Affairs Committee held extensive hearings into the subject of space communications and their international implications.

As a result of those hearings and a subsequent study mission to Latin America by subcommittee members, a provision was added to the Foreign Assistance Act calling on the United States to provide assistance internationally for "programs of peaceful communications."

Since that time the subcommittee has continued to monitor U.S. activities in this field by requesting periodic status reports from the U.S. executive agencies involved. Recently I received the 1972 status report in this area from the National Aeronautics and Space Administration.

The report describes ongoing programs in space communications now being conducted with India, Brazil and Canada.

In the belief that these projects will be of general interests in my colleagues in the House, I am including at this point in the RECORD the text of the report and the covering letter from NASA.

NATIONAL AERONAUTICS
AND SPACE ADMINISTRATION,
Washington, D.C., February 24, 1972.

Hon. CLEMENT J. ZABLOCKI,
Chairman, Subcommittee on National Security Policy and Scientific Developments, Committee on Foreign Affairs, House of Representatives, Washington, D.C.

DEAR MR. ZABLOCKI: In response to your recent request, I am pleased to send you the attached Status Report on NASA International Programs in Space Communications for the information of the Subcommittee on National Security Policy and Scientific Developments.

If I can be of any further assistance, please let me know.

Sincerely,

ARNOLD W. FRUTKIN,
Assistant Administrator for International Affairs.

STATUS REPORT ON NASA INTERNATIONAL PROGRAMS IN SPACE COMMUNICATIONS

There are at present two major NASA international cooperative experiments in space communications—one with India for a one-year Satellite Instructional Television Experiment (SITE) and the other with the Canadian Department of Communications (DOC) for the development, fabrication and launching of a Communications Technology Satellite (CTS). NASA is also cooperating with Brazil in a voice and data link experiment using the ATS–III satellite and is considering with Brazil a basis for experimental use the ATS–F spacecraft. In addition to these cooperative projects, NASA will launch two Canadian domestic operational communications satellites (ANIK) on a cost-reimbursable basis. Each of these efforts has been described to the Subcommittee in previous years' hearings; the following summarizes the current status of each project.

INDIA-UNITED STATES SATELLITE INSTRUCTIONAL TELEVISION EXPERIMENT (SITE)

The SITE experiment is made possible by the development of the ATS–F and G satellites, which will have considerably more power than earlier communications satellites. Terms of the cooperative project, which involves no export of US funds, are set forth in a September 1969 Memorandum of Understanding between NASA and the Indian Department of Atomic Energy. The experiment will commence approximately one year after the ATS–F satellite is launched and will last for one year. TV signals will be transmitted from an Indian ground station at Ahmedabad via the spacecraft directly to some 2,000 village receivers, each augmented by a small 7–10 foot ground antenna, a pre-amplifier and a frequency converter. An additional 3,000 villages will have conventional TV sets to receive the program via ground relay stations located at Delhi, Srinagar, Bombay and Madras.

India is responsible for the ground segment including the transmitting stations, the TV receivers, antennas, pre-amplifiers and frequency converters, and the TV program material. The Indian Space Research Organization (ISRO) is designing, developing, procuring and installing the hardward elements for the ground segment. All India Radio (AIR) of the Ministry of Information and Broadcasting is preparing the TV program material with the advice and assistance of the Ministeries of Agriculture, Education, Health and Family Planning.

Approximately one year after launching, NASA will move the satellite from its initial position in synchronous orbit at 94°W to 35°E where it will be in view of India. It will then be available to India for the SITE experiment from 4–6 hours a day. Other NASA communications, navigation, meteorological and scientific experiments will be conducted at other times.

During 1971, construction of the thermal-structural model of the spacecaft was completed by Fairchild Industries and vacuum testing of this unit was successfully completed. Structural tests will be run the first quarter of 1972. The engineering model for the SITE transponder (860MHz) was fabricated and is under test. The NASA tracking and data acquisition facility near Madrid was tentatively selected as the location for ground facilities to control the ATS–F spacecraft during the SITE experiment.

Indian engineers continued on-the-job training and project assignments at the NASA Goddard Space Flight Center. Specifications for the ground receivers and rediffusion terminals have been determined by ISRO. Selection has been made for the production of the solid state TV receivers using one of several competing indigenous Indian designs. Two low-cost community antennas built by India will be shipped to the U.S. during 1972 for testing and evaluation at the Goddard Space Flight Center. Design work continues on the front-end converters, and a batch production facility is planned for these converters at Ahmedabad. Expansion and upgrading of the ESCES up-link terminal at Ahmedabad began in August 1971. A back-up to this station, India is planning to construct an 85-foot-aperture terminal near New Delhi to be completed in 1974.

TV program production will be done primarily at the existing VHF TV station in Delhi and secondarily at stations planned for Srinagar, Bombay, Madras, Calcutta and Lucknow (to be commissioned 1972–74). In addition, special field production centers will be established in each village cluster for local programming.

From the Indian point of view, the SITE experiment will serve as a valuable precursor to their planned operational satellite telecommunications system, designated INSAT. Plans for this system were included in the Indian 10-year space plan approved by the Government of India during 1971. INSAT project planning has begun at ISRO's Space Science and Technology Center in Trivandrum. Three satellites are currently planned. Procurement of the first two operational satellites would be from contractors outside India, probably in the United States, with the third spacecraft to be built in India.

BRAZILIAN EDUCATIONAL TELEVISION PROPOSAL

Brazil's Project SACI (Advanced Satellite for Interdisciplinary Communications) contemplates three phases: Phase 1—a voice and data link experiment, already approved, which utilizes the ATS–III satellite for communications between the Brazilian Instituto de Pesquisas Espacias (INPE—formerly CNAE) and Stanford University; Phase 2—a proposed demonstration broadcast experiment via ground communication links and the ATS–F satellite to 500 elementary schools in the state of Rio Grande de Norte; Phase 3—a nationwide educational TV broadcast system via a Brazilian-owned and operated (educational and telecommunications) satellite.

For Phase 1, NASA is providing access to the ATS–III satellite VHF transponder for a cooperative experiment involving two-way voice and data transmissions between Stanford University and INPE for up to six hours a week for 3–6 months. The preliminary experiment checkout and preparation has been conducted and the planned program transmission is expected to begin with the Stanford spring semester.

With respect to Phase 2, NASA in 1970 determined that an INPE proposal to use the 860 MHz ATS–F transponder was technically viable and desirable as a possible cooperative project subject to the schedule requirements and priorities of other experiments planned while the satellite is in the Western Hemisphere.

As a result of the August 1971 World Administrative Radio Conference for Space Telecommunications (WARC–ST) frequency allocation decisions and the addition of an S-Band transponder to the ATS–F spacecraft, INPE has recently submitted a revised SACI proposal to use the S-Band for the experiment. This is currently under review.

As part of the pre-Phase 2 operations, INPE will begin in March an experimental transmission—via terrestrial means—of educational radio and TV programs into many of the Rio Grande de Norte schools which would participate in the proposed ATS–F experiment. Programs will be broadcast via a TV station recently installed at Natal and three radio stations (in Natal, Mossow, and Caico).

CANADA-UNITED STATES COMMUNICATIONS TECHNOLOGY SATELLITE (CTS) PROJECT

In this cooperative project with the Canadian Department of Communications (DOC), NASA will launch a Communications Technology Satellite (CTS) into a geostationary orbit in 1975 for experimentation directly with earth stations in Canada and the United States.

The overall objective of the CTS project is to advance the state of the art in spacecraft and related ground-based technologies relevant to communications and other satellite application systems. The satellite will permit broadcast and distribution experimentation at a frequency band between 11.7 to 12.2 GHz on the satellite-to-earth link in both the US and Canada. This band was allocated for the Broadcasting Satellite Service at the World Administrative Radio Conference in 1971. Under study for CTS experimentation is a broad spectrum of experiments to develop and test techniques for services to small villages, including community TV and audio broadcast, two-way voice communications, and data linking and distribution including facsimile, which will have potential future applications for the US in Alaska and for Canada in its outlying northern areas.

In addition to these communications experiments, the CTS spacecraft will include these technology experiments:

(1) a 200-watt superefficiency 12 GHz transmitter,

(2) unfurlable solar arrays with initial power capability larger than one kilowatt,

(3) liquid metal slip rings for power transfer across rotary joints,

(4) an electric propulsion system for spacecraft keeping; and

(5) an accurate stabilization system for a spacecraft with flexible extended solar arrays.

NASA responsibilities include provision of a Thor-Delta class launching, development and test of the superefficiency power tube and testing of the completed spacecraft. Canada will fund, develop, and construct all other experiments. Canada will also be responsible for the spacecraft design, fabrication, integration, and systems testing, as well as for tracking, data acquisition and command and control of the spacecraft after it achieves geostationary orbit.

US and Canadian experiments will be conducted on a 50/50 time-shared basis. All scientific and technical results will be shared and made generally available through publication in established channels. As in the case of other NASA cooperative projects, there will be no exchange of funds between the DOC and NASA. Since the conclusion of the agreement in April, 1971, the Steering Committee has appointed a Joint Weight Review and Control Board, which has established the baseline weight for the spacecraft within the capabilities of the launch vehicle. The Canadians have sent out Requests for Proposals (RFP's) for the subsystems under their responsibility and will begin letting contracts soon. NASA has issued RFP's on the traveling wave tube (TWT) and the associated power supply. Contractor selection is expected shortly.

CANADA UNITED STATES REIMBURSABLE LAUNCHING AGREEMENT

In May 1971, NASA concluded an agreement with TELESAT Canada (Canadian Corporation for Telecommunications by Satellite), a quasi-governmental corporation, for the lauching of two Canadian domestic communications satellites on a reimbursable basis. NASA will provide the Thor-Delta class launch vehicles, related launch services, and some tracking and computer support. The two satellites will be launched from the Eastern Test Range in the 1972–3 time period. The first satellite, ANIK–A, is scheduled for launch in October 1972.

THE RED CHINESE DOPE PUSHERS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. RARICK. Mr. Speaker, somewhat hidden by the administration's courtship of Communist China is the fact that the Red Chinese have become one of the major suppliers of dangerous drugs in the international drug market. There is evidence to indicate that "worldwide distribution of drugs has now far exceeded exportation of the quotations of Mao Tse-tung."

I insert an article by Ch'in Yung-fa, specialist in Chinese Communist Military Affairs, entitled "The Economic and Political Significance of Chinese Communist Production and Exportation of Dangerous Drugs," which appeared in the March 1972 issue of Issues and Studies, in the RECORD at this point.

THE ECONOMIC AND POLITICAL SIGNIFICANCE OF CHINESE COMMUNIST PRODUCTION AND EXPORTATION OF DANGEROUS DRUGS

(By Ch'in Yung-fa)

I. FOREWORD

The Chinese Communists' policy on the production of dangerous drugs was laid down in 1928 by Mao Tse-tung. Forced cultivation of poppy plants, which were processed into opium, morphine and heroin, was coordinated with Mao's strategy for Communist seizure of power by armed force. Production of these drugs was an important economic resource for the Chinese Communists in securing materials they needed during their initial rebellion against the National Government, and for their eventual seizure of power in mainland China. Since the establishment of the Peiping regime, exportation of dangerous drugs on a global scale has become one of the most important national policies of the Chinese Communists.

Today, mainland China has become one of the major supplies of dangerous drugs in the international drug market. Drugs and the "Mao Quotations" have served as the major Maoist instruments in corrupting both the health and minds of innocent people in many parts of the world. Moreover, worldwide distribution of drugs has now far exceeded exportation of the Quotations of Mao Tse-tung. The drugs are readily available on the international drug market, including those of the United States and the Soviet Union.

II. THE CHINESE COMMUNIST DRUG POLICY

1. Kiangsi (Chingkangshan) Period: 1828–1934.

In March 1928 when Mao Tse-tung and his Communist followers took refuge in Kiangsi and there established the so-called "soviet government," Communist cadres were ordered to cultivate opium in large quantities in an effort to secure needed materials, demoralize the "white area," save the crumbling "Red Army," and restore Communist armed force in order to continue their struggle. However, their effort was greatly hampered by the Government's five "encirclement and extermination" campaigns. Drug traffic was also curtailed because of blocking by the government troops. As a result, no significant exportation of drugs was achieved during this initial period.

2. Yenan Period: 1935–1949

In 1935 when the Communist troops occupied northern Shansi, Mao Tse-tung, in his effort to expand Communist armed rebellion, handed down an overall plan for producing and selling opium. At the beginning of the Sino-Japanese war in 1937, drugs were obtained from the Japanese-controlled areas such as Shansi and Suiyuan Provinces and resold on a retail basis. Later, orders were given to Wang Cheng, commander of the 359th brigade of the 120th Division under Ho Lung, (Wang was "Minister of Land Reclamation" before the Cultural Revolution) to intensify cultivation of opium in Nanniwan in the eastern and southern part of Yenan. To promote opium production, farmers in the Yenan area were told that poppy plants could be refined into oil, tobacco, and kitchen wood. They were thus persuaded that as long as they refrained from smoking opium, cultivation of poppy plants could be useful rather than harmful to them. Furthermore, specific areas were demarcated for cultivation of poppy plants and farmers were forced to deliver certain amounts of their products at specified dates. Around 1941 when the Communists occupied the border region of Shansi, Kansu, and Ninghsia, poppy plants were cultivated in many parts of these provinces except along the highway areas where they might be discovered. Major opium production regions include: in northern Shensi: Lu County, Tingpien, Chingpien, Yenchuan, and along the Yenchang area; in northern Shansi: Hsin County, Kolan, Paote, Hochü, and Pienkuan area; in eastern kansu: Hosui, Ch'ingyang areas, Tiensui and Huan County, Yenchih and other places along the border region in Shensi and Ninghsia. In 1942, according to preliminary estimates, more than 13,200 *mou* of land was used to cultivate poppy plants in the following counties in northern Shensi: Shunhua, Chuyi, Yichuin, Lu County, Kanchuan, Yenchang, Yenchuan, Anting Suite, Michih, Hsia County, Hengshan, and Chingpien; 7,000 *mou* in Chengning and Chingyang in eastern Kansu; more than 4000 *mou* in Hochu in western Shansi; and about 47,000 *mou* in Ling County, Hsin County, and Paote County in western Shansi. In 1946, 40 per cent of the arable land in Chingchien, Suite, Michih and Hsia County in northern Shensi was used for planting poppies. During the same period, cultivation of tobacco seeds in Kanchuan and Anting in northern Shensi had exceeded 39 *tan*.

In 1936 in northern Shensi, the Communists promulgated a regulation on the collection and distribution of opium between the farmers and the Communist authorities. The regulation stipulated among other things that two-thirds of the product would go to the Communist authorities and the other one-third to the farmers. The portion allotted to the farmers, however, had to be sold to Communist authorities and free selling of opium by the farmers was strictly prohibited. In 1942, new regulations on collection and distribution of poppy plants were announced in an effort to encourage intensive cultivation on the part of the farmers. The regulation included, among other things, the following items:

(1) Two-thirds of the poppy products would go to the Communist authorities and one-third to the individual landlords when production exceeded 60 *liang*. Total allocation to the individual landlords, however, must not exceed 1,000 *liang*. Sale of this portion in the Communist-controlled border area was strictly prohibited.

(2) Seventy *liang* would go to the individual landlords when production exceeded 700 *liang;* two-thirds of the remainder would go to the Communist authorities and one-third to the farmers. 80 *liang* would go to the individual landlords when production exceeded 800 *liang;* two-thirds of the remainder would go to the Communist authorities and one-third to the farmers.

(3) Fifteen out of each 100 *liang* would go to the individual landlords when production reached 1,000 to 5,000 *liang;* two-thirds of the remainder would go to the Communist authorities and one-third to the farmers.

Furthermore, in order to improve planting technique, experienced farmers were recruited in Hsia County and Wupao and sent to other regions as supervisors. Each of these specialized farmers received the handsome sum of 2,700 silver dollars monthly.

Opium collected by the Communist border authorities was delivered to "Yenan Local Products Company" where armed escorts were provided and the product was sold to merchants in the government-controlled areas. These opium traders were also instructed to buy materials out of the transactions they made and re-exchange these materials with opium upon their return to the Communist-controlled border areas. Around 1942, opium markets were set up in every opium-producing county. Six or ten opium markets were established in each county depending on the amount of arable land for cultivation. Each market had a special 'guest-house' to be used as a bartering place (opium bartered for materials) by opium-traders from the government-controlled areas. Special benefits were offered to those opium traders who managed to barter more goods. During this period, armed escorts for opium traders were provided by way of the following three major regions:

(1) Opium traders reached Communist-controlled northeastern China from Communist-controlled border regions by way of the Yellow River all the way eastward through Shansi, Hopei and Honan.

(2) Opium traders reached Suiyuan and Ninghsia Provinces from Communist-controlled border regions; they also reached the Government rear areas from Chengyuan, Kansu, by way of Pingchuan to Changwu, Hsingcheng to Pingliang, and from Taiping to Chingchuan and Lingtai. Each year during the barter season on May 5 to May 10, the opium traders also took the opportunity to dump large quantities of opium in many market places in many counties.

(3) Retail sales of opium were also made in Shensi and Kansu Province from the Communist-controlled regions.

During the Sino-Japanese war, the Communists took advantage of the situation in the Japanese-controlled rear area by establishing "local government" and cultivating opium in large quantities. For example, intensive cultivation of opium was made in such Communist-controlled areas as Weiyang, Taikang and Hsihwa. In Chingho Cheng, the "Huai-Tai-Hsi County" was established which was directly under the jurisdiction of the Hopei-Shantung-Honan Communist "border government." Intensive production of opium was also carried on in these regions. On July 9, 1945, the "Provisional Rules for Opium Taxation and Control in Huai-Tai-Hsi County" was promulgated (See Appendix 1). This regulation provides general information on Communist policy on production of opium in the so-called "liberated area."

In 1945 when the Communists began to expand their nation-wide armed rebellion, opium was used as reserved capital by banks for issuing paper money in the "liberated area." Farmers were also given the green light to cultivate poppy plants without much interference. Furthermore, in 1947 each militia was ordered to cultivate one *mou* of poppies in fertile and safe regions. In many areas, chemical factories were built for manufacturing morphine and heroin. Communist agents, disguising themselves as businessmen, bartered these products for munitions and materials in the government-controlled areas. Such practices greatly aided Communist military operations against the Government forces.

3. The Period Since the Establishment of the Communist Regime: 1950—to the present

(1) Organs in Charge of the Production and Sale of Dangerous Drugs

Around 1949, each local and regional military commander was held responsible for the production of opium. Profits from the sale of opium were to be used for paying and feeding soldiers. Later, however, production and management were brought under the control of the "Ministry of Finance" because of widespread corruption. As cultivation, production and transportation of drugs speedily increased, drug administration policy was assigned and coordinated among the following eleven departments:

A. "Ministry for Land Reclamation": Responsible for cultivation of drugs through immigration and reclamation in border region.

B. "Ministry of Agriculture": Responsible for cultivation of drugs and improvement of laboratory research in state operated farms.

C. "Ministry of Education": Responsible for improving production and laboratory research.

D. "Committee for Prevention of Waste": Responsible for supervision and increment of drug production.

E. "Ministry of Commerce": Responsible for collection and sale of drugs by each "Special Local Product Company."

F. "Bureau for Preservation of National Resources": Responsible for protection of drugs.

G. "Central Production Management Committee": Responsible for drug manufacture.

H. "Ministry of Public Security". Responsible for supervising and protecting drug production.

I. "Ministry of Finance": Responsible for supervising drug taxation.

J. "Ministry of Foreign Trade": Responsible for supervising all affiliated "Foreign Trade Companies" and for exporting drugs.

K. "Ministry of Foreign Affairs": Responsible for promoting drug exportations.

(2) Production and Sale of Drugs in Yunnan Province.

On February 1950 when the Communist troops led by Ch'en Keng and Sung Jench'ung entered Yunnan Province, they brought large quantities of drugs to Kunming for sale. Since very little profit was gained, opium was transported by men and animals to Burma. From there it was transported to Rangoon via Mandalay and then to northern Thailand for sale. This marked the beginning of Communist dumping of drugs in Southeast Asia by way of Yunnan Province.

During their early occupation of Yunnan Province, the Communists, stressing the unique topology there, prohibited opium smoking but allowed opium cultivation. Beginning in 1951, Loping, Kwangnan, Funing, Yensan Chiupei and Luhsi in northern Yunnan were designated as a "special zone" for opium cultivation. Products were procured at official prices by the "Special Products Management Committee" of the "people's government" in each county. These products were then exported by the "Yunnan Provincial Trading Company." In 1952, official prices for opium produced in Yunnan, Kweichow and Kwangsi were set as follows: Yunnan products—60,000 old *JMP* (10,000 old *JMP* equals one new *JMP*) for each *liang*.

Kweichow products—65,000 old *JMP* for each *liang*.

Kwangsi products—58,000 old *JMP* for each *liang*.

Beginning in 1953, all opium producing lands in Yunnan Province were "nationalized" and experienced farmers were hired to supervise production work. Ninety nine per cent of the product went to the Communist authorities and only one per cent was alloted to the farmers. Since 1953, more than 250,000 *liang* of opium have been exported each month by the "Yunnan Provincial Trading Company."

At the present time, the following counties have been designated by the Chinese Communists as major opium producing areas:

In eastern Yunnan: Loping, Kwangnan, Funing, Makuan, Wensan, Yensan, Chiupei and Luhsi.

In southern Yunnan: Ningerl, Shihfang, Chengyue, Lanchang, Changyuan, and Shuangchiang.

In western Yunnan: Kungsan, Lichiang, Huoching, Tali, Chingtung, Kenma, Chengkang, Lungling, Ruyli, and Lungchuan.

The total area of land used for cultivation of opium in these places was above one million *mou*. In September 1970, the Mengpang Village Revolutionary Committee in Mengla County organized a 500-man production team to cultivate poppy plants in the vicinity of Sula Village under the supervision of a company of Red soldiers. Most of the "state-operated farms" in Yunnan Province also engaged in opium cultivation. Morphine and heroin processing factories, including ten big pharmaceutical factories have been built in Yunnan Province. They include the "Special Materials Processing Factory of China Chemical Company" in Kunming, and the "Yunnan Chemical Factory" of the "China Pharmaceutical Company" in Tali. Opium imported from the Burmese border region was processed and re-exported.

III. CURRENT PRODUCTION WORK

1. Cultivation area

(1) Ordinary cultivation area—This includes an area of 5,830,000 *mou* in the mountain regions in 22 provinces. Cultivation is directed and supervised by the "people's government." Cultivators may apply, on a credit basis, for poppy seeds, fertilizers, and farming tools at the local "people's bank." Products, however, are to be procured by the Communist authorities at official rates or no the basis of advanced agreement. Unauthorized sales are strictly prohibited. In the region where the area of cultivation exceeds 500 *mou*, one or two agricultural department representatives are sent to supervise production and determine personnel records. Punishments are inflicted on those who fail to reach their production goal, while those who surpass their production goals are hailed as "production heroes" and "model workers" and given extra benefits.

(2) Special cultivation area—The special cultivation area or the so-called "state-operated" area, totals about four million *mou* (See Appendix III). Various agencies such as public clinics, the agricultural department, the border garrison and scientific research agencies were jointly involved in mapping

planting policy. For example, the "Chinese Academy of Sciences," Agricultural Science Institute, Anhwei School of Agriculture, Kweichow School of Agriculture, Hsipei School of Agriculture, Yuman University, Szechwan University and the Yunnan Advanced School of Agriculture were assigned to do research to improve poppy seeds. "Model farmers" were sent to various provinces to "exchange experience" with others, and propaganda teams were dispatched on a nation-wide campaign to explain various cultivation methods.

2. Annual Production

(1) It is estimated that the Chinese Communists process about 10,000 tons of narcotics a year. From 1952 to 1957 the annual production and sale totaled about 2,000 tons, but it increased to 8,000 tons a year between 1958 and 1964. From 1965 to the present the annual export has been 10,000 tons, earning a net profit of over US$800 million per year.

(2) In 1950 experts on narcotic production, including those from the Soviet Union, were assigned to about 30 "processing factories for special products" in Peiping, Tientsin, Darien, Mukden, Chingchow, Kuopeikuo, Yenchi, Shanghai, Hangchow, Hankuo, Chingking, Tihua, Lahasa, Kangting, Kunming and Canton. (See Appendices IV and V for the names of the factories and their products.)

IV. CURRENT EXPORT SITUATION

1. Exportation Methods

Peiping-produced narcotics are usually smuggled to various places by such organizations as "export companies for native products" in mainland China and "native products companies" overseas.

(1) Agencies in Hongkong and Macao—In 1951 a "station for exporting narcotics" was set up in Wanchi Village, Chungshan County, Kwangtung, bordering Macao. It instructed "native products companies" in Hongkong and Macao to sign contracts with local smugglers, who would then secretly enter the "safe area" to handle the "goods." "Yu Lien Company" in Macao operated by Li Shen-chih was the foreign headquarters for selling Peiping narcotics, with branches in Hanoi and Bangkok. Later the company was enlarged into the "Macao Yu Lien Company, Limited" financed by Ho Hsien-che, board chairman of the "Macao Chinese Chamber of Commerce" and a "Special reception Committee" member the "Chinese People's Political Consultative Conference." The person actually in charge was Tsui Te-ch'i, board vice chairman of the "Macao Chinese Chamber of Commerce" and member of the Kwangtung Provincial Committee of the "Chinese People's Political Consultative Conference," he was assisted by Huang Shen and Ch'en Man. After the United Nations warned against the Communist attempt to narcotize the world in 1952, the Maoists abolished the "station for exporting narcotics" in Chungshan County, Kwangtung and decided to label narcotics "special products." A trade company for "native special products" was established in Peiping under the joint supervision of the CCP Central Committee, the "Foreign Ministry" and the "Ministry of Foreign Trade." The commercial attaches of Peiping's foreign diplomatic missions were responsible for selling narcotics and for improving the smuggling method.

(2) Smuggling Activities in Hongkong—On October 15, 1970, the chief of the narcotic investigation division of the Hongkong Police revealed that large quantities of narcotics were seized in 1969 by the Hongkong police, including 10,500 lbs. of opium, 310 lbs. of heroin and 250 lbs. of morphine. All persons involved were punished according to regulations. However, the police official said that to avoid political issues, all Chinese Communists arrested had been released. Because of the increasing vigilance of the Hongkong police, drugs smuggled into the British colony from other places had recently decreased and Hongkong dealers had to turn to Singapore, Malaysia and Thailand for their narcotic supply. In the first half of 1969 opium was sold at 90 Hongkong dollars per ounce; in the latter half, the price fell to HK$60. Heroin was sold at HK$190 per ounce and morphine at HK$350. The "Hua Jen Company" in Hongkong, similar to the "Yu Lien Company" in Macao, is led by high-ranking members of the "Hongkong Chinese Chamber of Commerce" and members of the "Chinese People's Political Consultative Conference." It has branches in Bangkok "where the "999," "Camel" and "555" brands of heroin have been produced.

(3) Collaboration with the Burmese Communists—The Chinese Communists have long been using minority nationalities in the border area called "the zone outside of every jurisdiction" of Yunnan, Burma and Thailand to engaged in the smuggling of "special goods." The profits have been used to finance the rebellious activities of Kachins, Karens and Shans against the Burmese government on the one hand and to support the Burmese Communists on the other. Wang Ch'eng, trade representative of the PLA units in Yunnan, met P'eng Chia-sheng, leader of the Burmese Communists in April 1970, to discuss plans for setting up a processing factory near Kangnan. It was also agreed that Wang would send morphine processed in Kunming to P'eng, who then shipped opium produced in Burma to Kunming for processing. According to travelers who returned to Hongkong from Kunming in September 1970, the free market for narcotics in Kunming had gone underground and had attracted many dealers from Shanghai, Nanking and Chunking.

2. Smuggling routes

At present the exported narcotics are from mainland China through four main routes:

(1) East China route—Shanghai is the main center, Amoy the second export port, and Hongkong the transferring post. From Hongkong, the narcotics are delivered to the Middle East, Australia, Europe, America, Southeast Asia, and sometimes Taiwan.

(2) South China route—Canton is the main center, and Shenchuan, Shihchi, Humen, Nanton, Chungshan, Shehkou, Lachiwei, and Hainan are the export stations. Hongkong and Macao are the main destinations. Motor boats are used as the main transportation from Humen and Nantou to Hongkong and Macao. The narcotics are first delivered to Inner Lingting Island, and then to Macao or Tayushan, an off shore island of Hongkong. From Tayushan they are delivered to Kowloon or Hongkong by small speed boats. In Macao, Nankuang Hong (company) is the headquarters of narcotics transaction and the minimum quantity of purchase is 10,000 ounces. The delivery of goods is usually made on the high seas near Tankanshan, which is very close to Macao. In Hongkong, narcotics dealers are mostly influencial and well-financed corporations.

Another export station was set up on Lachiwei Island (near Hongkong and Macao) in November 1969 with docks and warehouses, which were completed in April 1970. Narcotics are transported from Canton by gunboats, packed in wooden cases with seals of "Ministry of Defense." Deliveries are made four to six times monthly. The docks are marked as forbidden areas until the narcotics are taken away by foreign ships through previous arrangements.

(3) West China route (also called the Southeast Asian route)—Chehli, Lungchuan, Tengchung, and Wanting are the main centers. Goods are transported via the border areas of Vietnam, Laos, and Burma to Burma, Cambodia, Laos, South Vietnam, Thailand, Malaysia and Singapore. They may also be transferred to Indonesia, Hongkong, Macao and other places. Some may be transported via North Vietnam to Cuba, Albania, and some of the African countries. According to the Hsingchou Daily and the Nanyang Daily, narcotics dealers consider the route from Yunnan via Thailand to Singapore and Malaysia as most profitable and call it the "golden throat." This route has therefore become the main line of the Chinese Communists' narcotics distribution to the free world.

(4) North China route—Tientsin is the center; Tsingtao, Weihaiwei, and Dairen are the export ports; and Japan and Korea are the main destinations. Transferring stations have been set up in Kyushu, Hokkaido, Kobe and Osaka, where the Japanese Communists are rather active. The goods may also be transported via North Korea to East Germany and then to European countries, or via North Korea to Cuba. Albania and certain African countries and then to other countries.

3. Smuggling methods

Various methods are used for smuggling:

(1) Seamen and pilots are used as carriers; secret places on board ship are designed to hide the goods.

(2) Small fishing boats are used for transportation at night; the goods are unloaded at quiet coastal spots, or left in water with floats waiting to be picked up by divers.

(3) Goods are parachuted from small airplanes at designated spots at night.

(4) Submarines are sometimes used to deliver the goods to their destination.

(5) Narcotics may be mixed with flour, spice, sugar or soap. After delivery, technicians dissolve the mixture and extract the drug.

(6) Cotton cloth is soaked in liquid morphine and then dried. The morphine can be extracted after delivery.

(7) Narcotics may be packed with other goods in tins, toothpaste tubes, plaster figures, or other commodities.

(8) Coffins, dead bodies and even open wounds are sometimes used as hiding places.

(9) The carrier may hide narcotics in his anus, in female private organs, or in a special layer fixed in suitcases.

(10) The opportunity of official visits made by diplomats, trade missions, goodwill delegations, cultural exchange groups, or tourists may be used.

(11) Bribery may be used, or sometimes tourists are made to carry narcotics without their knowledge.

(12) After delivery, the goods are stored in many different places. Direct contact between the responsible Communist cadres and the agents, between the agents and the distributors, and between distributors and retailers is always avoided. It is, therefore, difficult for the police to track down the whole network.

V. ECONOMIC SIGNIFICANCE

1. To earn foreign exchange

(1) In 1952 officials of the Chinese Communist "State Planning Commission," "Finance Ministry" and "Ministry of Foreign Trade" held a secret meeting in Peiping, attended by local cadres primarily from Southwest and South China; the purpose was to discuss how to use earnings from exporting narcotics to increase state revenues. After the meeting measures were taken to insure that narcotics would become one of the three major financial resources for the Communist regime, namely, "white goods" referring to rice, wheat and cotton, "yellow goods" referring to gold, silver, U.S. dollars and bonds, and "black goods" referring to opium. According to an article entitled "The Inside Story of the Chinese Communists' Sale of Narcotics" written by a former high-ranking CCP cadre and published in the *Hongkong Times* on December 12, 1950, the "white goods" were used to pay the salaries of military personnel, government employees and teachers, the "yellow goods" to finance construction and military projects and the "black goods" to pay for part of military

expenditures and secret service costs and to eliminate the deficit.

(2) Tsusai Sugawara, Chairman of Japan's National Commission for Control of Narcotics, has disclosed that the Chinese Communists make a profit of 60 billion *yen* (approximately US$ 170 million) from the sale of narcotics to Japan each year; however, the amount is less than one third of the total export.

(3) The director of the U.S. Federal Narcotics Investigation Bureau has pointed out that the Chinese Communists have been engaging in extensive opium planting as a means to earn large amounts of foreign exchange.

(4) In an article entitled "How the Maoists Smuggle Opium" published in No. 30 issue of the semi-monthly, *Intelligentsia*, B. Bulatov, a correspondent for the Soviet *Literaturnaya Gazeta*, estimated that the annual production of opium on the Chinese mainland is about 8,000 tons, an amount which could be converted into 500 tons of heroin. Calculated on the basis of US$20,000 per pound, the selling price in Japan, the United States and Western Europe, the 500 tons of heroin would earn Peiping over US$10 billion in foreign exchange. However, it is impossible for the Communists to refine all opium into heroin. Taking this fact into consideration and excluding the cost for transportation and bribing officials of various countries, experts estimated the annual gain of the Chinese Communists at US$800 million.

2. Exchange for strategic materials

(1) Narcotics are sold to Southeast Asian areas in return for rubber and petroleum.

(2) Narcotics are sold to Japan and Hongkong in return for steel, vehicles and industrial materials.

VI. POLITICAL SIGNIFICANCE

1. To demoralize the free people of the free world

In producing and selling narcotics to non-Communist countries, the Chinese Communists follow Lenin's advice that when normal weapons are not enough to deal with the enemy, dirty weapons may be used.

(1) The secretary-general of the Narcotics Control Committee of Thailand said in June 1966 that the Chinese Communists had attempted to weaken the anti-Communist force with drugs. He revealed at the same time that in 1965 the Thai authorities captured seven tons of opium and morphine smuggled into Thailand by the Chinese Communists.

(2) According to a dispatch filed by the Agence France Press from Budapest on March 29, 1969, the Chinese Communists earned US$800 million annually from exporting narcotics including heroin and opium; of that amount, US$170 million was sold to Japan. The Chinese Communist decision to poison mankind was made in 1952 and the smuggling route passed through Southwest China, Burma, Laos and Thailand with Hongkong as the center.

(3) Dr. Donald Loubie, professor of the Medical College at Cornell University and director of the Narcotics Prohibition Department in New York, estimated that of the 12,049 male prisoners in Hongkong, 10,487 were drug addicts.

(4) A study group set up by the Standing Committee of the Hongkong Narcotics Prohibition Committee made a survey in December 1969 which showed that 30,000 to 65,000 men in Hongkong were drug addicts; female addicts comprised about 3 per cent of the total female population in Hongkong.

(5) Statistics show the following breakdown of the annual Chinese Communist export of narcotics: 1,000 tons (about 1 billion doses) for Singapore and Malaysia, 3,000 tons for Japan, and 800 to 1,000 tons for Hongkong.

2. To demoralize American troops abroad

(1) An AP dispatch filed from London on October 24, 1971, (*China Post*, Taipei October 25, 1971) reported a conversation between Egypt's late President Nasser and Chou En-lai which took place in June 1965. In the conversation, reported in a political biography of Nasser by one of his closest advisers, Mohammed Heikal, Chou was quoted as claiming:

a. He wanted the United States to send more and more of its young men to Vietnam as "an insurance policy" against a nuclear attack on mainland China by the "American militarists."

b. Some American troops in Vietnam were trying opium and the Communists were helping them. "We are planting the best kinds of opium especially for the American soldiers in Vietnam."

c. Recalling that the West had sold opium to China, he said that the Chinese Communists intended to wage an opium war with the West so as to "treat a person in the same manner as it treated others."

(2) According to the English-language daily *Vanguard* published in Argentina. October 31, 1970, an investigation group made a report to the U.S. Senate on the use of narcotics by American troops in Vietnam to this effect:

a. The Chinese Communists were exporting large quantities of the cheapest but highest quality heroin to Vietnam in a plot to paralyze the American troops. The local price was only US$20 per ounce compared with US$4,000 per ounce in the United States while the quality of the heroin was 99 to 100 per cent refined.

b. In 1969 American deaths in Vietnam resulting from drug addiction averaged two persons a month; however, the figure rose to two per day from January to October 1970.

c. In the last six months the percentage of drug addicts among American troops in Vietnam had risen from 30 to 50 per cent. In some military units 70 to 80 per cent were reported. On October 31 a group of GIs was even trying morphine publicly before personnel of the CBS Television Network.

(3) According to a UPI dispatch reported by the Central News Agency (CNA) on December 3, 1970, all kinds of narcotics could be obtained at a low price in Thailand. Bangkok had become a major market in the Far East and American GIs were the main customers.

(4) It is reported that Leftist owners of restaurants and shops in Thailand have been selling specially made cigarettes with morphine to American military personnel.

3. To finance leftist organizations abroad

(1) After the Korean War, the Maoists established a "department for overseas work" under the Political Bureau of the CCP Central Committee. The department is engaged, among other things, in confiscating American banknotes and selling "special native products." In his book, *Supply of Narcotics and Spying Work*, published in 1955, Li Tung, former CCP cadre with the Department for Overseas Work, stated the following conclusions:

a. All experienced spies must be good at smuggling drugs, and all able drug smugglers ought to shoulder important responsibilities in intelligence work.

b. It would be easy and safe to turn smuggling organizations into front organs for the intelligence network.

c. It is necessary to strengthen the political knowledge of drug smugglers so that they can advance from the stage of "working for money" to that of "struggling for the revolutionary cause."

d. With the flow of narcotics into a place, many underground organizations are bound to spring up, and they are the best components of the intelligence network.

e. Bribed officials in various countries should be encouraged to encourage their friends to receive bribes.

(2) The chairman of the Labor and Immigration Committee of the Philippine Senate said on April 30, 1966, that the value of narcotics smuggled into his country from the Chinese mainland via Singapore and Honkong had reached 7,200,000 pesos. He also pointed out that the Hongkong-based Communist drug traffic intended to narcotize both the bodies and minds of the Philipinos and to damage the economic construction in the Philippines in order to create dissatisfaction and incite rebellion among the Philipinos.

(3) Soviet *Pravda* disclosed in September 1964 that some US$500 million, derived annually by Chinese Communist leaders from smuggling narcotics, had been used to support subversive activities around the world.

(4) The director of the Narcotics Investigation Section of the Hongkong Police revealed in August 1970 that the Maoists earned about 1.5 million Honkong dollars each month from selling narcotics and deposited all the money in the "Bank of China" in the British colony to pay for machinery imported from Europe and for secret service activities in the Far East.

(5) It is said that the Maoists are selling opium to chieftains in Laos, Burma and Thailand at half price as a means of winning local support. According to a Reuter dispatch from Bangkok on November 30, 1970 Communist guerrillas in northern Thailand have been using morphine-containing medicine to treat various diseases among the villagers.

(6) Various reports indicate that the border areas in Yunnan (China), Burma, Thailand and Laos have become the most important place for growing narcotics by the Chinese Communists. There are more than ten companies in Southeast Asian countries engaged in selling opium. The *Saturday Evening Post* attributed the continued existence of these companies to the fact that the authorities concerned in these countries "have been ordered not to intervene" because of the efforts made by Peiping's "Ministry of Foreign Trade." Such is the seriousness of the threat of the Maoist world-wide campaign to sell narcotics. While there are two aspects of this drive—economic and political, the latter is even more significant than the former.

APPENDIX I

PROVISIONAL RULES FOR OPIUM TAXATION AND CONTROL

In Huai-Tai-Hsi County

Promulgated on July 9, 1945

1. In order to strengthen economic struggle against the enemy and lessen the financial burden of the people, it is necessary to control the export of opium in exchange for daily necessities. These rules are formulated in accordance with the taxation principles of the Hopei-Shantung-Honan Border Region Government and in conformity with the practical needs of this county.

2. A general opium store shall be set up in the central market of this county to administer the opium stores and collect the opium tax.

a. Any firms engaging in the opium business shall register with the general opium store in order to pay the business tax, obtain the business license and operate under its supervision and control.

b. The general opium store may have branches or representatives in other towns or markets as needed for opium taxation and control.

c. The general opium store may set the number of such firms as needed in the opium sales. In the case of additional firms, they should apply to the County Government for approval, and the unapproved shall be listed as reserve firms.

d. The licensed opium stores of firms may collect—

(1) a 30 per cent commission from both the buyer and seller for each transaction they make;

(2) a 10 per cent commission on the tax payments they help collect.

e. The general opium store may check into the operations and performance of the firms for the purpose of reward and punishment. In case of a serious offense, it may withdraw the license from the offender and award it to a reserve firm.

3. Buyers and sellers shall see to it that the outstanding taxes are paid to the general opium store of the licensed firms before a purchase is allowed to be taken out.

a. A prospective buyer shall first apply to the general opium store or its branches and representatives for a permit when making a purchase.

b. Once the purchase is made, the handling firm shall collect the tax payment before delivery.

c. A direct opium export shall be allowed only when payment of the outstanding tax is made to an authorized tax-collecting agency.

4. Tax rates:

a. The opium tax shall now be 15 per cent of the selling price.

b. It shall be 5 per cent of the selling price if the deal is settled with silver dollars or gold surrendered to the general store or its assigned agencies.

5. Penalties for offenses:

a. In case of tax evasion by underdeclaring the value of a sale, the handling firm shall pay the unpaid tax plus a fine twice the amount of the tax payment.

b. In case a purchaser is caught smuggling his purchase, he shall pay the outstanding taxes plus a fine twice the amount of the tax payment. This provision shall apply to all cases of opium smuggling.

c. In case of an illegal deal made through the unlicensed firm, the seller shall pay a fine equal to 10 per cent of the selling price, and the buyer shall pay the outstanding tax plus a fine equal to 40 per cent of the selling price. The firm involved shall pay a fine of 5,000 to 20,000 dollars as the case may warrant.

d. In case of a private deal without going through the firms, the seller shall pay a fine equal to 10 per cent of the selling price, and the buyer shall pay the outstanding tax plus a fine equal to 50 per cent of the selling price.

6. Rewards:

a. Anti-smuggling agents and the unemployed shall be given a reward equal to 10 per cent of the fine for discovering tax evasion, illegal deals or other irregularities leading to payment in fines. But in each case, the reward shall not exceed 1,000 dollars for each person.

b. Employees of commercial firms shall have the right to report tax evasion, illegal deals or other irregularities known to them to the general opium store. There shall be a reward equal to 20 per cent of the fine for any report leading to a payment in fines.

c. The county government and/or the general opium store shall constitute the sole authority in exercising the right of punishment and reward. No other organizations or individuals shall have such a right.

7. These rules shall become effective after promulgation with approval by the Office of the Shui-Tung District.

Appendix II

LOCATIONS AND AREAS OF ORDINARY OPIUM PLANTATIONS

Location, Districts of Plantation, and Total Area (*mu*)

Northeast China: Counties on Sino-Korean border such as Yenchi, Hunch'un, Holung, Changpei, Fusung, Linkiang, Yian, Kuantien and Chingyu, 400,000.

Northwest China: Shensi—Luehyang, Changwu; Kansu—Liangtang, Chingchuan, Hoshui, Chingning, Chingyuan; Wuwei, Changyeh; Ninghsia—Chungswei; Sinkiang—Yiwu, Nanhu, Suilai, Chinghua, Changchi; Tsinghai—Tungjen, Yushu; and Shensi-Kansu border districts, 250,000.

Inner Mongolia: Jehol—Chaoyang, Chengteh, Chihfeng, 100,000.

East China: Kiangsu—Tunghai, Kuanyun, Lienshui, Liuho; Chekiang—Yuhang, Wukang, Anchi, 700,000.

Central China: Honan—Nanyang, Neihsiang, Chech'uan, Fangcheng; Hupeh—Anshih, Laifeng, Hofeng, Tungshan, Huangpeh; Kiangsi—Juichin, Huich'ang, Yuntu, Hsinfeng; Anhwei—Hsuancheng, Taiping, Hsiuning, Nanning; Hunan—Paoching, Sangchih, Yungshun, Chinyang, Huit'ung, Wukang, Hsinning, Ch'angteh, 1,700,000.

Szechwan Basin: Szechwan—T'ungkiang, Nankiang, Pachung, Chiangching, Weiyuan, 30,000.

Southwest: Kwangsi—Silung, Silin, Paise, Chenpien, Huichi; Yunnan—Loping, Kwangnan, Funing, Makuan, Wenshan, Yenshan, Chiupei, Lusi, Ningerh, Szemao, Chenyueh, Mengla, Lantsang, Tsangyuan, Shuangchiang, Kungshan, Lichiang, Hoch'ing, Tali, Chingtung, Kengma, Chenkang, Lungling, Juili, Lungch'uan; Kweichow—Pichieh, Chinglung, Hsingyi.

Sikang and Tibet: Sikang—Yaan, Sich'ang, Huili; Tibet—Langma, Tehch'ing.

Kwantung Mountain Area: Kwangtung—Ch'ingyuan, Tungwan, Yingteh, Juyuan, Yangshan, Lienhsien, Kwangning, Szehui, Yunfu, Yangkiang, Wuhua, Hsingning, Tzechin, Loch'ang, Yangchun, Fengch'uan, Kaoyao, Loting, Lufeng, Huahsien; and Hainan Island, 330,000.

Remarks: The Chinese Communists bought marijuana seeds from India and Brazil in 1968, and planted them in Hainan Island; however, the production is unknown.

Appendix III

LOCATIONS AND AREAS OF SPECIAL OPIUM FARMS

Organizations in Charge, Name of Farm, and Area (mu)

Water and Soil Conservancy Bureau, Ministry of Agriculture: Third Experimental Farm, Fifth Experimental Farm, 20,000; and 16,000.

Central Bureau of State Farms, Ministry of Agriculture: Model Farm directly under central authority, 12,000; Chinchow Farm, Liaoning, Frog Pool Farm, Liaoning, and Hsungyu Farm, Liaoning, 7,000; Princess Ridge Farm, Kirin, Chiuchan Farm, Kirin, Lingwu Farm, Ninghsia, Tarim Farm, Sinkiang, Kupeikou Farm, Hopei, Chihung Farm, Hopei, Huanghua Farm, Hopei, Yungnien Farm, Hopei, Kaoli Farm, Hopei, Paoting Farm, Hopei, Yellow River Valley Farm, Honan, Hulan Farm, Chekiang, and Nanhsung Farm, Kwangtung, 3,000.

Agricultural Products Bureau Ministry of Agriculture: Special Farm directly under central authority, and Chaoyang Farm directly under central authority, unknown.

Northwest Agricultural and Forest Bureau, Ministry of Agriculture: Second Farm, 2,000.

Chinese Academy of Sciences: Special Products Farm, Institute of Sciences, Experimental Farm for Narcotic Plant Seeds, Botany Institute, 800.

Sinkiang Military Region: August First Farm, 1,000.

Tibet Military Region: Chiangtze Farm, 700.

Inner Mongolia Military Region: Koerhsin Farm, and Taolin Farm, 1,500.

Ninghsia Hui Autonomous District: Yinchuan Farm, 500.

Heilungkiang People's Government, Chiamuszu POW Farm, 1,000.

Liaoning People's Government, Peipiao Herb Farm, 8,000.

Hopei People's Government, Huachuan Water Conservancy Farm, unknown.

Kiangsu People's Court, Huapei Hsinjen Village Reclamation District, 2,000.

Appendix IV

NARCOTICS REFINERIES

Area, Name of Factory, and Products

Northeast China—Dairen Pharmaceutical Works, opium morphine; Dairen: Dashuang Pharmaceutical Works, heroin; Shenyang (Mukden) Pharmaceutical Works, morphine; Mukden: China Company Nicotine Refinery, nicotine; Liaoning: Peipiao Pharmaceutical Works, opium; Liaoning: Chinchow Chemical and Pharmaceutical Works, morphine, opium; Fusung, Kirin: Northeast Chemical Pharmaceutical Works, morphine, ether; and Yenchi, Kirin: Special Product Refinery of Northeast Korean Nationality Autonomous District, opium.

North China—Peiping: Narcotic Laboratory affiliated with Medical Institute of Academy of Science (with four branches), morphine; Peiping: Narcotics Works under direct control of Pharmaceutical Bureau, Ministry of Health, opium; Peiping: Raw Materials Works, Narcotics Control Bureau, Ministry of Health, opium; Peiping: Narcotics Works of China Pharmaceutical Company (with three branches), opium, morphine; Peiping: Special Products Refinery, opium, heroin; Tientsin: Special Products Manufactory, heroin; Tientsin: Chinese Products Export Company Refinery, Ministry of Foreign Trade (with five branches), opium; Tientsin: Refinery under direct control of Monopoly Enterprise of Ministry of Commerce (with nine branches), opium; Chingwan, Hopei: Special Products Experimental Refinery, Ministry of Agriculture; opium; Kupeikou, Hopei: Native Products Refinery, opium, morphine; and Taiyuan, Shansi: Chemical and Pharmaceutical Works, morphine.

East China—Hangchow, Chekiang: Chekiang Pharmaceutical Works, opium, morphine; and Shanghai Pharmaceutical Works, opium, morphine.

South China—Paoan, Kwangtung: Paoan Pharmaceutical Works, morphine, heroin; and Canton: Kwangtung Chemical and Pharmaceutical Works, morphine.

Central China—Hankow: Special Products Refinery, Agricultural Products Purchase Bureau, opium.

Southwest China—Kunming, Yunnan: China Chemical Materials Company, Special Materials Refinery (with four branches), morphine, ether; and Tali, Yunnan: Yunnan Provincial Materials Works under direct control of China Pharmaceutical Company, opium.

Northwest China—Chengtu, Szechwan: Szechwan Pharmaceutical Works, the Third Branch, morphine; Chungking Opium Laboratory, morphine; Kangting, Sikang: Sikang Pharmaceutical Works, opium; and Chiang tze, Tibet: Tibet Refinery, the Second Branch, opium.

Appendix V

BRANDS OF NARCOTICS PRODUCED BY THE CHINESE COMMUNISTS

Type, Brand, and Grade

Opium—138, B; 139, A; Ginseng, C; Shunfeng, C; Lao-pei-kou, A; Ta-chen, A; Hengtiao, C; Kang-fu, A; Sung-pao, B; Hunghsing (Red Star), A; Chin-feng (Golden Phoenix), A; and, Fan-chuan (Sail Boat), B.

Morphine—Tsai-feng (Variegated Phoenix), B; Yin-lung (Silver Dragon), B; Lungtze (Dragon Son), A; Chin-ying (Gold-Silver), B; Hei-chi (Black Chicken), A; Lo-to (Camel), B; Huang-shang-huang (King of Kings), C; Hsung-chi (Cock), B; and, Hungshih (Red Lion), A.

Heroin—Pei-chi (North Pole), B; Hungchin (Red Gold), A; Yin-ting (Silver Tripod), A; Shih-chiu (Lion-Ball), A; Hsiangpin (Champion), A; Chin-yu (Gold Fish), B; and, Hsiang-nan, B.

SIDNEY HOLLANDER

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. HARRINGTON. Mr. Speaker, the death of Sidney Hollander at 90 years of age has deprived us of a great and vigorous presence. Mr. Hollander was one of the pioneers in this country in the fight for racial justice. Decades ago, when racial segregation was a generally accepted premise in this country, and black people were almost uniformly treated as inferiors, Mr. Hollander fought hard and effectively for equality. The comments of our colleague, Mr. Hollander's lifelong home city of Baltimore testifies to his far-sighted compassion. Mr. Mitchell said:

> Mr. Hollander was one of the few persons in the community who really was able to grasp the full dimension of racism and repression directed against black Americans.

I did not know Mr. Hollander personally, but I have friends who did. They testify not only to his vigor and to the force of his delightful personality, but to the fact that, unlike many reformers, his compassion and dedication to the less fortunate did not wane with advancing age. He was as devoted a fighter for justice at 90 as he had been in the early years of his life.

We have too few men of Sidney Hollander's moral fiber and I join those who knew him in deeply mourning his death.

At this time, I would like to insert a sampling of the newspaper comments on Mr. Hollander's life:

[From the Baltimore Morning Sun]

Sidney Hollander, 90, Dies

Sidney Hollander, a vigorous champion of society's dispossessed, died yesterday at Sinai Hospital. He was 90.

Mr. Hollander, whose lifelong intense opposition to discrimination, ignorance and injustice began before the turn of the century, had been in failing health. He entered the hospital Monday.

No funeral services have been scheduled. Mr. Hollander requested that his body be donated to the Anatomy Board of Maryland.

One of Baltimore's youngest men in spirit, he conveyed robust indignation when discussing inequality at a testimonial for his 90th birthday.

"I was always warned by my conservative friends that if you give Negroes one finger, they'll want the whole hand," Mr. Hollander told an interviewer.

"That's what I'm for," he declared. "If they get the whole hand, then they'll finally be equal."

"We've broken down a lot of the taboos and restrictions." Mr. Hollander said of the fight for black equality, "but we haven't broken down the emotions behind those taboos and restrictions."

CHALLENGED SEGREGATION

Mr. Hollander personally challenged the segregationist policies of the Peabody Conservatory concerts by escorting black guests with him.

He raised money to hire the city's first two black recreation leaders, was instrumental in bringing the first black performer. Marian Anderson, to the Lyric and led a campaign of 38 national organizations not to hold conventions in Baltimore until local hotels ended racial discrimination.

He is remembered as a man who worked unflinchingly in any activity he undertook. His battle for social justice included local as well as national arenas.

He picketed Ford's Theater for unequal racial practices, aided the foundation of the Urban League of Baltimore; was a former trustee of the Maryland Welfare Department, and a former vice president of both the National Conference of Social Work and the National Community Relations Advisory Council.

Born in Baltimore on December 29, 1881, he was the son of Edward and Fannie Hollander. His father was a struggling manufacturing druggist and Mr. Hollander had to assume responsibility for his father's business.

"I didn't want to go into business," he said. "I knew nothing about business or drugs. I wanted to go to Johns Hopkins."

Instead he attended City College and the Maryland College of Pharmacy, forerunner of the University of Maryland, where he earned a doctoral degree in pharmacy.

He characterized his education at City College as irrelevant, and it was he as editor of the year book, "Green Bay," which depicted faculty members as zoo animals, that caused the entire senior class of 1900 to be denied graduation exercises.

He and the other seven staff members of the publication received their diplomas in 1950.

With his brother, Walter Hollander, he transformed the sluggish Maryland Pharmaceutical Company into a lucrative corporation.

The firm created and promoted a cough remedy labeled REM into a national product. Mr. Hollander was president and chairman of the board of the company until it was sold in 1956.

With distinctive frankness he conceded in a 1970 interview that financial security delivers certain advantages in advocating unpopular social changes.

His first volunteer work was among newly arrived Jewish families, during which time he labored to bridge the split between German and Near Eastern Jews.

On the national level alone he served on boards or executive committees of the Family Service Association of America, Community Chests and Councils of America, American Jewish Congress, Child Welfare League of America, American Council of Race Relations, National Travelers Aid Association and Welfare Retirement Association among many others.

Survivors include his wife of 64 years, the former Clara Drey Lauer; two sons, Sidney Hollander Jr., of Baltimore, and Edward D. Hollander, of Washington; two daughters, Mrs. Frank Furstenberg and Mrs. Frederick Kunreuther, both of Scarsdale, N.Y., and 17 grandchildren.

[From the New York Times, Feb. 24, 1972]

Sidney Hollander Dead at 90; Long Active in Social Welfare

BALTIMORE, February 23.—Sidney Hollander, industrialist and for many years a national leader in social welfare, died today in Sinai Hospital. His 90th birthday was celebrated last Dec. 29.

Mr. Hollander was national president of the Council of Jewish Federations and Welfare Funds from 1939 to 1946. He was president of the National Social Welfare Assembly in 1955–56 after having served on its executive committee since 1945. He was also a founder of the national Americans for Democratic Action.

For many years Mr. Hollander served on the National Community Relations Advisory Council, the National Urban League, the American Jewish Committee and the Travelers Aid Association. He was a former head of the Baltimore American Jewish Congress.

Mr. Hollander, a graduate in pharmacy of the University of Maryland in 1902, entered the pharmaceutical manufacturing business. He was president of the Maryland Pharmaceutical Company and the REM Company from 1900 to 1956, when the family business was sold to the Block Drug Company.

After stepping down as head of the National Social Welfare Assembly, Mr. Hollander became head of the National Citizens Committee on Careers in Social Work in 1957. Noting an imminent shortage of persons with graduate training in the field, it undertook to raise funds to encourage more recruits.

Mr. Hollander's avocation was mountaineering. He had been president of the Trail Riders of the Canadian Rockies and the Trail Hikers of the Canadian Rockies as well as a member of the Alpine Club of Switzerland.

Surviving are his widow, the former Clara Lauer; 2 sons, Edward D. and Sidney Jr.; 2 daughters, Mrs. Edith Furstenberg and Mrs. Emily Kunreuther; a brother, Walter; 17 grandchildren and 8 great-grandchildren.

In view of the outpouring of tributes on Mr. Hollander's 90th birthday, there will be no memorial service.

[From the Washington Star, Feb. 24, 1972]

Sidney Hollander, Rights Activist, 90

Sidney Hollander, 90, a longtime activist in social welfare and civil rights matters, died in Baltimore yesterday.

Mr. Hollander, a Baltimore native, was a graduate in pharmacy from the University of Maryland in 1902. He was president of the Maryland Pharmaceutical Co. from 1900 until 1956 when the family firm was sold to another drug company.

An active worker in numerous Jewish, civil rights and social welfare organizations, Mr. Hollander had been president of the National Council of Jewish Federations and Welfare Funds from 1938 until 1946, a member of the executive committee of the National Social Welfare Assembly since 1945 and its president in 1955–56 and a member of the board of the National Urban League since 1945.

He leaves his wife, Clara D.; two sons, Edward D. and Sidney; two daughters, Mrs. Edith Fursterberg and Mrs. Emily Kunreuther and 17 grandchildren.

[From the Washington Post, Feb. 25, 1972]

Sidney Hollander, 90, Fought Racial Injustice Seven Decades

(By Michael Hodge)

Sidney Hollander, 90, a Baltimore civic leader who dedicated his life to fighting racial injustices and discrimination, died Wednesday at Baltimore's Sinai Hospital. He had been in failing health for some time.

He was remembered yesterday by Rep. Parren J. Mitchell (D-Md.) as ". . . one of the few persons in the community who really was able to grasp the full dimensions of racism and repression directed against black Americans.

"He was that kind of man who bore all the vilifications and insults from the larger white community and yet did not become bitter because he recognized the legitimacy and the morality of the black man's struggle for freedom," Mitchell said.

Mr. Hollander's opposition to racism began around the turn of the century. At one point he led a campaign to persuade 38 national organizations not to hold conventions in Baltimore until hotels there ended racial discrimination.

He also helped raise money to hire the city's first black recreation leaders; helped bring the first black performer, Marian Anderson, to the Lyric Theatre, and personally broke the color line at the Peabody Conservatory concert by escorting black guests.

He was once quoted as saying, "I was always warned by my conservative friends that if you give Negroes one finger, they'll want the whole hand. That's what I'm for," he said. "If they get the whole hand, then they'll finally be equal."

By profession Mr. Hollander was a pharmacist.

He attended Baltimore City College and the Maryland College of Pharmacy where he earned a doctoral degree in pharmacy.

He and his brother, Walter, took over his father's business, the Maryland Pharmaceutical Company around 1900. He was president of the firm until it was sold in 1956.

Mr. Hollander had been president of the National Council of Jewish Federations and Welfare Funds, was a member of the executive committee of the National Social Welfare Assembly, and a member of the board of the National Urban League since 1945.

He was also on boards or executive committees of the Family Service Association of America, Community Chests and Councils of America, American Council of Race Relations, Child Welfare League of America and the Welfare Retirement Association.

Mr. Hollander is survived by his wife, Clara, whom he married 64 years ago; two sons, Sidney Jr. of Baltimore and Edward D. of Washington; two daughters, Mrs. Frank Furstenberg and Mrs. Frederick Kunreuther, both of Scarsdale, N.Y., and 17 grandchildren.

[From the Baltimore Morning Sun,
Feb. 24, 1972]

Sidney Hollander's Personal Commitment

In an interview several years ago Sidney Hollander described his lifetime activism in the broad field of social justice as being "hit or miss, supported by indignation at unfair play." But in reality there was a consistency, strong and steady, that marked his concern for injustice from early manhood until his final, mercifully brief illness at the age of 90. The consistent factor was a personal commitment to do what he could to right wrongs, large or small, by putting himself on the side of justice in person or through financial contributions or through the influence he mustered in daily correspondence.

A burning indignation fired his life, but it was reduced to a comfortable room temperature in conversation by his ready humor and ability to laugh at himself and at colleagues. As often as he criticized institutions, organizations and programs, he was one of Baltimore's best loved as well as respected citizens with so many acts of kindness and friendship to his credit that he himself could not have begun to tally his gifts of love and goodwill. While often critical, he also often was right, as was evident on the occasion of his 90th birthday when his family published a small collection of his speeches. Viewpoints which he expressed 30 and 40 years ago still have a freshness and relevancy today in a society which is only now catching up with some of his early realizations of what is required to root out poverty and discrimination.

Mr. Hollander became a national mover and shaker in the fields of social welfare and civil rights, as news obituaries indicate. Here in his home city as well, he was an unwavering champion of good causes and spread his influence wide. While he himself is now gone, he inspired many others, including children and grandchildren, to share and carry forward his sense of fair play.

[From the Baltimore Evening Sun,
Feb. 24, 1972]

Sidney Hollander

Sidney Hollander's position as one of the outstanding Baltimoreans of his era was compounded of many loves and many labors, but none of them was for renown per se. His was, happily, a long era, nine whole decades down to his death yesterday, and he lived it one cause at a time—except when as so often happens public policy and mass attitudes had taken several simultaneous wrong turnings.

It was one of his special gifts not to be sour or despairing, no matter how widespread the indifference to injustice, and conversely not to be self-satisfied or lax in the occasional hour of advance. Sidney Hollander was splendidly lacking in the vanity that pretends to have all the answers to divine the future, to grasp every last detail. But he did have an uncanny ability to know right from wrong, as practiced in the city and the nation by majority against minority, by the strong and grasping against the voiceless and the powerless.

His example will long remain, to inspire later-comers in the struggles that are unendingly necessary, if this society is to provide justice for both individual and group, for blacks, for the poor, the old, the undereducated. Sidney Hollander was, as the phrase goes, with it all the long way, in marvelous contrast to those antagonists who never in a lifetime catch up to the world we live in.

Sidney Hollander Is Dead at 90, Long Champion of Social Justice

Sidney Hollander, 90, a life-long champion of social justice, died today at Sinai Hospital.

Mr. Hollander, whose vigorous opposition to discrimination, injustice and ignorance began before the turn of the century had been in failing health for some time. He entered the hospital Monday.

One of Baltimore's most venerable social welfare activists, he still conveyed a robust spirit of indignation when discussing inequality on the occasion of his 90th birthday, in December.

"ONE FINGER, WHOLE HAND"

"I was always warned by my conservative friends that if you give Negroes one finger, they'll want the whole hand," Mr. Hollander told an interviewer.

"That's what I'm for," he declared, without equivocation, "If they get the whole hand, then they'll finally be equal."

"We've broken down a lot of the taboos and restrictions," he said of his fight for equality for blacks. "But we haven't broken down the emotions behind those taboos."

RECREATION LEADERS

He personally broke the color line at Peabody Conservatory concerts by taking black guests with him.

He helped raise money to hire the city's first two black recreation leaders; he led a campaign to end racial discrimination at local hotels; he helped found Baltimore Neighborhoods and the Baltimore Fellowship House.

In his ninth decade he had no trouble identifying with youthful anti-war sentiments.

He recalled his own outrage at the Spanish-American War, which he still characterized as the "phony Hearst war."

Mr. Hollander took pride in the spread of his ideals among succeeding generations of his family.

FAMILY INFLUENCE

"Rebellion, race relations and social welfare are strong strains that run through the entire family," he said, with evident satisfaction.

"The dominant note is dissatisfaction with existing conditions and the determination

Born in Baltimore December 29, 1881, he was the son of Edward and Fannie Hollander. His father was a manufacturing druggist and Mr. Hollander bowed to parental pressure and went into the drug business.

He attended City College the College of Pharmacy and the University of Maryland, eventually earning a doctor of pharmacy degree.

His rebellious nature was evident at City College, where he was editor of a yearbook that caricatured faculty members as zoo animals and cost the Class of 1900 its graduation exercises.

With his brother Walter he founded the Maryland Pharmaceutical Company, which manufactured and promoted a cough syrup named Rem into a national moneymaker.

FIRM SOLD IN 1956

Mr. Hollander was president and chairman of the board of the company when it was sold in 1956.

With characteristic frankness, he conceded to a 1970 interviewer that being financially secure is a great advantage in championing unpopular causes.

The range of the causes he supported was detailed in a two-page addition to his biography in the *Sunpapers* library.

Among the national organizations in which he served as an executive or director of were the Family Service Association of America, National Conference of Social Work, Community Chests and Councils of America, American Jewish Congress, United Service for New Americans.

Also, National Conference of Christians and Jews, National Urban League, Child Welfare League of America, National Legal Aid Bureau, American Council on Race Relations, National Travelers Aid Association, Fair Employment Practices Committee and National Health and Welfare Retirement Association.

Survivors include his wife of 64 years, the former Clara Drey Lauer; 2 sons, Sidney, Jr., of Baltimore, and Edward D. Hollander, of Washington; 2 daughters, Mrs. Frank Furstenberg and Mrs. Frederick Kunreuther, of Scarsdale, N.Y., and 17 grandchildren.

There will be no funeral.

RAPE OR LOVE?

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. DORN. Mr. Speaker, the environmental disaster lobby and the apostles of doom are abroad in the land. Of course we must protect and improve the environment, but we can do nothing if we follow the advice of the disaster lobby. I commended to the attention of the Congress and all the American people the following perceptive article, entitled "Rape or Love?" by the well-known broadcast commentator Paul Harvey:

Rape or Love?

(By Paul Harvey)

When a great tree slides through the blades of a saw, professional ecologists cry, "Shame"! Professional lumbermen use the tree while professing devotion to the forest, concern for its future.

Is it "rape" or "love"?

The forest is a dynamic part of the ecosystem in which we live, supplying oxygen, watershed protection, wildlife habitat, recreation.

Environmentalists are urging us to lock up what's left, fence in the trees, fence out the man with the saw.

And since 1900 we have locked up 16 million acres of forestland. That's equivalent to the land area of Rhode Island, New Jersey, Massachusetts, Connecticut, and Delaware—preserved permanently as parks and wilderness areas.

Elsewhere, however, the lumberman continues to harvest the forest.

But before we indict him for rape—certainly before we convict him—let's check the numbers.

In the last 15 years he has cut down and used up 197 billion cubic feet of timber.

But during those same 15 years, he and we have grown 246 billion cubic feet of new wood.

Until 1925, man had planted a total of only 1.6 million acres of trees. We're now planting that many every year.

But, the protesters protest, new seedlings are not to be compared to the irreplaceable magnificence of virgin timber, rife with wildlife.

Well, let's see.

Any forester knows that the unmanaged forest is destined to self-destruct. It cuts off its own sunlight. It chokes to death leafy browse. There are 30% to 300% more deer in managed forests than in dense, uncut forests.

I'm not "making a case" for the man with the ax. I saw him abuse his prerogatives in the first half of this century. Unrestrained, he might indeed have ravaged our woodlands beyond resurrection.

But unwise restraint is equally shortsighted. We each need 560 pounds of paper per year now and we'll need 1,000 pounds each within 25 years. We will need 25 billion cubic feet of lumber; twice as much as now.

Our forests cannot afford to stagnate; they've got to be growing.

Now, about pollution.

You and I consume oxygen, exhale carbon dioxide.

Trees consume carbon dioxide, give off oxygen.

In this way more than in any other, we need each other.

But an old forest of overly mature trees consumes as much oxygen as it generates.

An average acre of vigorously growing young trees consumes five to six tons of carbon dioxide per year, gives off four tons of fresh oxygen—while producing four tons of new wood.

And it cools and humidifies the atmosphere.

The growing commercial forest is the most efficient antipollution "device" so far developed.

The forest has real enemies; careless people, disease, insects. The insect consumes one-fourth as much as the saw and produces nothing.

The man with the saw, planting more than he is cutting, is building us an ark.

UTILITY RATE INCREASE REQUESTS EXCEED $5 BILLION ACCORDING TO COMMISSION REPORTS TO MUSKIE SUBCOMMITTEE

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Thursday, March 9, 1972

Mr. METCALF. Mr. President, last fall Senator MUSKIE's Subcommittee on Intergovernmental Relations asked State regulatory commissions, the Federal Power Commission, and the Federal Communications Commission to report the amount of electric, gas, and telephone rate increase requests pending before them. The subcommittee has done this twice before, because this information is not otherwise assembled.

The previous reports from the commissions showed that, as of June 1, 1969, approximately $1 billion in rate increases were pending before the commissions, and that as of June 19, 1970, more than $2 billion was required.

The subcommittee compilation of rate increase requests pending as of November 5, 1971, has now been completed. It shows that they total more than $5 billion.

This includes $2,276,513,460 filed by telephone utilities, $1,582,860,643 by electric utilities, and $1,226,726,033 by gas utilities, the latter including $910,743,545 in natural gas pipelines requests before the FPC.

This is, of course, an all-time record high in rate increase requests. It is important that the magnitude of those requests be recognized. The Price Commission has not yet decided how to control them or if, indeed, it is going to control them.

In seven States the total of requests pending before the State commissions exceeds $200 million. Those States are as follows:

New York	$684, 635, 910
Ohio	325, 554, 054
Illinois	313, 610, 618
California	255, 327, 879
Pennsylvania	252, 327, 879
New Jersey	226, 649, 128
Michigan	204, 990, 528

Mr. President, I would point out that the $5 billion plus total reported to the subcommittee by commissions does not include all rate increase proposals. Texas has no utility regulatory commission. The Minnesota and South Dakota commissions do not regulate electric and gas utilities.

In addition, increases filed since the commissions reported to the subcommittee have probably added to the total.

For example, as of last November, $88,488,366 in rate increases were pending before the Florida commission. Subsequently, Tampa Electric, which had requested $13.9 million, was granted $11.5 million. Southern Bell Telephone, which had asked $48 million, was granted $47 million. Hearings are still in progress on Gulf Power's request for $6.7 million, and Florida Power Corp.'s request for $19.5 million. But, in addition, a week before Christmas, Florida Power & Light applied for $85 million a year in additional revenues.

In New Hampshire, the $9 million request for Public Service Co. of New Hampshire has, subsequent to that State commission's report to the subcommittee, been increased to $13 million.

I would point out that Tampa Electric, Gulf Power, and Public Service Co. of New Hampshire would all be exempt from the Price Commission's prenotification procedure, because their annual revenue is less than $100 million. Such exemption is equivalent to no Price Commission protection in this important area for the people in Tampa, Pensacola, or Manchester. The Price Commission should provide protection for customers of these moderately large monopolies. And it should note that these companies already enjoy above-average profits.

For example, in 1970 Tampa Electric earned a return of 15.6 percent on its common equity. Gulf Power earned 15.1 percent, Public Service Co. of New Hampshire 15.3 percent. The national average for electric utilities in 1970, according to the FPC, was 11.8 percent.

Mr. President, I ask unanimous consent to have printed in the RECORD the rate increase request data provided by the commissions to Senator MUSKIE.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RATE INCREASE REQUESTS PENDING BEFORE STATE UTILITY COMMISSIONS AS OF NOV. 5, 1971

Commission, name of utility, and category	Amount requested	Date filed	Status
Alabama Public Service Commission:			
Ardmore Telephone Co.: Telephone	$64, 343		
General Telephone Co.: Telephone	2, 500, 000		
Alaska Public Service Commission: Consolidated Utilities, Ltd.: Electric	186, 000	Sept. 28, 1971	Hearing to be held.
Arizona Corporation Commission:			
Arizona Public Service Co.: Electric/gas	25, 400, 000	Dec. 28, 1970	Under advisement.
Southern Union Gas Co.: Gas	275, 000	July 13, 1971	Do.
Sulphur Springs Valley Electric Cooperative, Inc.: Electric	397, 000	Feb. 2, 1968[1]	Do.
Arkansas Public Service Commission:			
Woodruff Electric Coop. Corp.: Electric	(2)	Feb. 30, 1970	Pending.
Arkansas Louisiana Gas Co.: Gas	(3)	Oct. 1, 1971	
Boone County Telephone Co.: Telephone	154, 000	Oct. 5, 1971	Hearing set for Dec. 3, 1971.
Mountain Home Telephone Co.: Telephone	231, 000	Oct. 14, 1917	Pending no hearing set.
California Public Utilities Commission:			
General Telephone Co.: Telephone	60, 000, 000	May 5, 1970	Submitted.
Western Union Tel. & Tel. Co.: Telegraph	3, 536, 000	Nov. 13, 1970	Do.
Southwest Gas Corp. (gas offset): Gas	167, 300	June 1, 1971	Do.
Southern California Gas Co.: Gas	64, 243, 000	June 18, 1971	Hearings in progress.
Pacific Telephone (offset): Telephone	77, 400, 000	Aug. 6, 1971	Do.
San Diego Gas & Electric Co.:			
Electric	35, 540, 000	Aug. 10, 1971	Do.
Gas	9, 980, 000	do	Do.
Continental Telephone Co.: Telephone	4, 900, 000	Sept. 13, 1971	Under investigation.

Footnotes at end of table.

RATE INCREASE REQUESTS PENDING BEFORE STATE UTILITY COMMISSIONS AS OF NOV. 5, 1971—Continued

Commission, name of utility, and category	Amount requested	Date filed	Status
Colorado Public Utilities Commission:			
Public Service Co. of Colorado:			
Gas	$1, 194, 241	Apr. 7, 1971	Commission allowed gas revenue increase of $493,807 and electric revenue increase of $6,894,662 Increases are subject to economic stabilization regulations. Rates not yet filed to obtain allowed increase.
Electric	10, 065, 582		
Kansas Nebraska Natural Gas Co. Inc.: Gas	343, 789	June 14, 1971 Aug. 20, 1971	Heard by Commission, decision pending.
Rock Mountain Natural Gas Co., Inc.: Gas	2, 738	Aug. 11, 1971	Heard by Commission, increase allowed subject to economic stabilization regulations.
The Midland Telephone Co. Telephone	7, 367	Oct. 28, 197	To be heard by Commission on Dec. 14, 1971.
Mountain States Telephone & Telegraph Co.: Telephone	349, 500	Sept. 1, 1970	A partial increase became effective Apr. 28, 1971. Protestants, petition for rehearing was granted; after rehearing, final Commission decision pending.
Connecticut Public Utilities Commission:			
Bozrah Light and Power Co.: Electric	49, 960	Oct. 8, 1971	Hearing set for Nov. 11, 1971.
Southern New England Telephone Co.: Telephone	55, 000, 000	Nov. 5, 1971	Hearing set for Jan. 11, 1972.
Delaware Public Utilities Commssion:			
Delmarva Power & Light Co.: Electric	10, 627, 804	Sept. 30, 1971	Pending hearings.
Lincoln & Ellendale Electric Co.: Electric	13, 800	Aug. 9. 1971	Approved.
District of Columbia Public Service Commission:			
The Chesapeake & Potomac Telephone Co.: Telephone	20, 857. 000	Aug. 31, 1971	Cross-examination to be held.
Potomac Electric & Power Co.: Electric	24, 757, 000	July 12, 1971	Company cross-examination complete. Staff and intervenors to be heard.
Washington Gas Light Co.: Gas	2, 539, 544	July 9, 1971	Company's testimony and exhibits filed Nov. 4, 1971.
Florida Public Service Commission:			
Tampa Electric Co.: Electric	13, 900, 000	Nov. 17, 1970	Awaiting decision.
Gulf Power Co.: Eectric	6, 730, 000	July 21, 1971	Further hearings scheduled.
Florida Power Corp.: Electric	19, 390, 000	Aug. 4, 1971	Do.
Southern Bell Telephone & Telegraph Co.: Telephone	48, 191, 000	June 28. 1971	Awaiting decision.
Southern Gas Co.: Gas	125, 360	Apr. 29, 1971	Do.
Central Florida Gas Co.: Gas	152, 006	Aug. 2, 1971	Do.
Georgia Public Service Commission:			
Georgia Power Co.: Electric	45, 000, 000	May 17, 1971	$25,888,764 granted.
Southern Bell Telephone & Telegraph Co.: Telephone	24, 400, 000	July 30, 1971	Pending.
Byron Telephone Co.: Telephone	264, 169	Oct 8, 1971	Do.
Hawaii Public Utilities Commission Hawaiian Electric Co.: Electric	7, 898, 000	Apr 27, 1971	Pending. Hearing set to January.
Idaho Public Utilities Commission:			
Utah Power & Light Co.: Electric	1, 861, 000	June 3, 1971	Hearings to continue.
Gem State Utilities: Telephone	18, 334	Aug. 9, 1971	Pending decision.
Wn. Water Power Co.: Gas	434, 000	Sept. 30, 1971	Granted Oct. 29, 1971.
Intermountain Gas Co : Gas	1, 505, 807	Aug. 31, 1971	Denied Nov. 1, 1971.
Illinois Commerce Commission:			
Union Electric Co.: Electric	4, 566, 500	Nov. 10, 1970	Order pending.
Commonwealth Edison Co.: Electric	95, 200, 000	Jan. 14, 1971	Do.
Illinois Power Co: Electric	21, 500, 000	June 18, 1971	In hearing.
Interstate Power Co.. Electric	236, 000	July 2, 197	Do.
Iowa-Illinois Gas & Electric Co.. Electric	3, 034, 000	Aug. 30, 1971	Do.
Illinois Gas Co.: Gas	178, 337	Mar. 23, 1971	Order pending.
Eastern Illinois Gas & Security Co.: Gas	168, 708	Mar. 23, 1971	Do.
North Shore Gas Co.: Gas	3, 000, 000	July 1. 1971	In hearing.
Kaskaskia Gas Co.: Gas	54, 500	Aug. 9, 1971	In hearing.
Iowa-Illinois Gas & Electric Co.: Gas	1, 356, 000	Aug. 30, 1971	Do.
Southwestern Bell Telephone Co.: Telephone	2, 214, 000	Dec. 18, 1970	Pending.
Morrison Telephone Co.: Telephone	57, 812	Feb. 8, 1971	In hearing.
Midland Telephone Co.: Telephone	34, 761	Aug. 16, 1971	Order pending.
Illinois Bell Telephone Co.: Telephone	182, 000, 000	Sept. 23, 1971	In hearing.
Indiana Public Service Commission:			
Indiana & Michigan Electric Co.: Electric	16, 000, 000	July 30, 1971	Awaiting order.
Northern Indiana Public Service Co.: Electric	19, 900, 000	Aug. 27, 1971	Do.
Public Service Co. of Indiana: Electric	18, 261, 272	Sept. 3, 1971	Awaiting hearing.
Bainbridge Gas Co.: Gas	20, 379	Feb. 11, 1971	Awaiting order.
Westfield Gas Corp.: Gas	12, 446	Apr. 30, 1971	Order Dec. 6 1972.
General Telephone Co.:			
Telephone	3, 765	Aug. 30, 1971	Awaiting order.
Do	4, 078	Sept. 29, 1971	Order Feb. 4, 1972.
Do	8, 261, 672	July 2, 1971	Order Jan. 28, 1972.
Illinois Bell Telephone Co.: Telephone	4, 763, 595	Apr. 1, 1971	Order Dec. 23, 1972
Iowa State Commerce Commission:			
Union Electric: Electric	878, 900	Nov. 6, 1969	Hearings completed.
Iowa Power & Light: Electric	5, 200, 000	Jan. 28, 1971	Hearings in progress.
United Telephone: Telephone	559, 693	Aug. 29, 1969	Do.
Iowa Public Service: Electric	5, 000, 000	Dec. 28, 1970	Do.
Iowa Telephone Co.: Telephone	267, 046	Apr. 29, 1967	Do.
Hawkeye Telephone Co.: Telephone	210, 004	Dec. 16, 1968	Hearings in spring, 1972.
Central Natural Gas: Gas	15, 000	May 7, 1971	Do.
Interstate Power Co.: Electric	1, 773, 000	June 1, 1971	Do.
Keokuk Gas Serv.: Gas	180, 790	July 1, 1971	Do.
Iowa Electric Light & Power: Electric	4, 352, 896	July 15, 1971	Do.
Northwestern Bell Telephone Co.: Telephone	15, 000, 000	July 21, 1971	Do.
Iowa-Illinois Gas & Electric: Electric and gas	7, 194, 000	Aug. 30, 1971	Do.
North Central Public Service: Gas	420, 000	Sept. 13, 1971	Do.
Kansas State Corporation Commission:			
Southwestern Bell Telephone Co.: Telephone	14, 783, 000	Oct. 8, 1971	Under investigation
Kansas Telephone Co.: Telephone	440, 914	Aug. 4, 1971	Hearing scheduled
Kansas Gas & Electric Co.: Electric	7, 200, 000	June 25, 1971	Under investigation.
Central Kansas Power Co.: Gas	85, 111	Nov. 13, 1970	Decision pending.
Kentucky Public Service Commission:			
Western Kentucky Gas Co.: Gas	2, 254, 967	June 29, 1971	Further hearing scheduled.
Wiser Oil Co.: Gas	32, 930	June 21, 1971	Hearing completed.
Johnson County Gas Co.: Gas	12, 999	July 21, 1971	Do.
Hazard Gas Co.: Gas	122, 104	Aug. 3, 1971	Further hearing may be required.
Mountain Investment, Inc.: Gas	16, 132	Sept. 30, 1971	Hearing completed.
Martin Gas Co.: Gas	42, 878	Aug. 30, 1971	Do.
Buck's Branch Gas Co.: Gas	5, 466	do	Do.
Peoples Gas Co.: Gas	105, 000	Nov. 1, 1971	Hearing scheduled Dec. 1, 1971.
Delta Natural Gas Co., Inc.: Gas	[4] 3, 386	do	Pending.
Louisville Gas & Electric Co.: Gas	[4] 444, 342	Aug. 20, 1971	Order entered Nov. 9, 1971—approved.
Louisiana Public Service Commisson:			
South Louisiana Electric Co.: Electric	5, 619, 000	Jan. 28. 1971	Pending freeze order.
Gulf States Utilities Co.: Electric	8, 100, 000	July 16, 1971	Hearing incomplete.
Maine Public Utilities Commission:			
Rangeley Power Co.: Electric	72, 000	May 15, 1971	Hearings concluded.
Central Maine Power Co.: Electric	11, 684, 050	Aug. 16, 1971	Staff investigation.
Bangor Hydro-Electric Co.: Electric	1, 600, 000	Sept. 22, 1971	Do.
New England Telephone & Telegraph Co.: Telephone	9, 975, 000	Oct. 15, 1971	Do.

See footnotes at end of table.

Commission, name of utility, and category	Amount requested	Date filed	Status
Maryland Public Service Commission:			
Potomac Edison Co.: Electric	$4,000,000	May 19, 1971	
Potomac Electric & Power Co.: Electric	18,500,000	July 12, 1971	
Southern Maryland Electric Cooperative: Electric	1,328,873	May 24, 1971	
Conowingo Power Co.: Electric	650,105	Nov. 1, 1971	
Chestertown Electric Light & Power Co.: Electric	78,686	May 3, 1971	
Accomack-Northampton Electric Cooperative: Electric	1,112	May 6, 1971	
Stockton Light & Power Co.: Electric	7,665	May 21, 1971	
Choptank Electric Cooperative: Electric	[5] 34,277	Mar. 1, 1971	
Somerset Rural Electric Cooperative: Electric	(6)	Aug. 10, 1971	
Hagerstown Municipal Electric Light Plant: Electric	(6)	July 7, 1971	
Columbia Gas of Maryland Inc.: Gas	1,126,000	May 10, 1971	
Emmitsburg Gas Co.: Gas	67,868	July 20, 1971	
Washington Gas Light Co.: Gas	6,248,645	July 9, 1971	
Cambridge Gas Co.: Gas	22,202	Nov. 11, 1971	
The Chesapeake & Potomac Telephone Co. of Maryland: Telephone	42,627,000	Apr. 23, 1971	
Massachusetts Department of Public Utilities:			
Brockton-Taunton Gas Co.: Gas	1,650,000	Apr. 16, 1971	Suspended until March 1972.
Fitchburg Gas & Electric Light Co.:			
Gas	270,000	Aug. 13, 1971	Suspended until July 1972.
Electric	480,000	Oct. 15, 1971	Suspended until September 1972.
New England Telephone & Telegraph Co.: Telephone	106,000,000	Oct. 1, 1971	Do.
Michigan Public Service Commission:			
Camden Rural Telephone Co.: Telephone	53,716	May 14, 1971	Granted $41,657, Nov. 22, 1971.
New Citizens Telephone Co.: Telephone	132,443	May 27, 1971	Granted full amount Nov. 22, 1971.
Cloverland Electric Corporative: Electric	164,707	July 15, 1971	Granted $130,073, Nov. 22, 1971.
Top O'Michigan Rural Electric Co.: Electric	312,000	July 29, 1971	Granted full amount Nov. 22, 1971.
Michigan Consolidated Gas Co.: Gas	10,591,534	June 21, 1971	Granted full amount Nov. 23, 1971.[7]
Michigan Gas Utilities Co.: Gas	3,849,019	Dec. 30, 1970	Granted $3,040,019, Nov. 24, 1971.[8]
Drenthe Telephone Co.: Telephone		June 7, 1971	Granted $649, Nov. 29, 1971.
Michigan Bell Telephone Co.: Telephone	59,663,000	Dec. 10, 1970	Granted $18,000,000, Dec. 1, 1971.[8]
Consumers Power Co.:			
Electric	28,500,000	Aug. 13, 1970	Granted $10,559,400, Dec. 14, 1971.
Gas	31,714,000	Apr. 30, 1971	Granted $6,500,000, Dec. 22, 1971.[8]
The Detroit Edison Co.: Electric	70,000,109	Do	In process.
Hickory Telephone Co.: Telephone		June 30, 1971	To be withdrawn.
Indiana & Michigan Electric Co.: Electric		July 30, 1971	Hearings to be scheduled.
Upper Peninsula Power Co.: Electric		Aug. 2, 1971	Hearings scheduled.
Minnesota Public Service Commission (does not regulate electric or gas utilities):			
N. W. Bell Telephone Co.: Telephone	38,000,000	June 17, 1971	Pending.
Central Telephone Co.: Telephone	1,515,000	July 30, 1971	Do.
Mid State Telephone Co.: Telephone	100,900	Sept. 20, 1971	Do.
Eckles Telephone Co.: Telephone	60,500	Aug. 19, 1971	Do.
Mississippi Public Service Commission:			
South Central Bell: Telephone	20,100,000	June 28, 1971	Order dated Nov. 30, 1971. Granted $12,900,000.
Mississippi Valley Gas Co.: Gas	2,394,451	Nov. 5, 1971	Order dated Nov. 12, 1971. Granted request.
Missouri Public Service Commission:			
St. Joseph Light & Power Co.: Electric	[9] 1,720,000	Jan. 29, 1970	Pending.
Missouri Power & Light Co.: Electric	2,883,683	Nov. 13, 1970	Do.
Missouri Utilities Co.: Electric	1,450,000	Dec. 30, 1970	Do.
Missouri Edision Co.: Electric	1,105,000	Apr. 1, 1971	Do.
Missouri Public Service Co.:			
Electric	2,715,000	July 12, 1971	Do.
Gas	380,294	July 12, 1971	Do.
Southwestern Bell Telephone Co.: Telephone	63,500,000	Oct. 1, 1971	Do.
Verona Telephone Co.: Telephone	18,900	Sept. 30, 1971	Do.
Montana Public Service Commission:			
Montana Power Co.:			
Electric	9,000,000	July 5, 1971	Further hearings scheduled.
Gas	8,000,000	July 5, 1971	Do.
Great Falls Gas Co.: Gas	1,500,000	Oct. 19, 1971	Hearings to be held.
Nebraska State Railway Commission (does not regulate electric and gas utilities):			
Southeast Nebraska Telephone Co.: Telephone	182,722	Apr. 24, 1970	Decision pending.
Northwestern Bell Telephone Co.: Telephone	13,464,000	June 11, 1971	Hearing pending.
Rock County Telephone Co.: Telephone	5,628	Oct. 18, 1971	Do.
Nevada Public Service Commission:[1]			
Southwest Cas Corp.:			
Gas	(4)	Mar. 12, 1971	Denied Dec 6, 1971.
Do	228,300	Oct. 7, 1971	Heard. Decision pending.
Sierra Pacific Power Co.:			
Gas	739,142	Mar. 24, 1971	Granted $4,657, Nov 15, 1971.
Do	182,442	Dec. 2, 1971	Suspended 150 days.
Electric	3,718,959	Mar. 24, 1971	Granted $2,817,099, Nov 15, 1971.
Do	427,743	Nov. 29, 1971	Susepnded 150 days.
Nevada Power Co.: Electric	4,558,577	June 16, 1971	Heard. Decision pending.
California-Pacific Utilities Co.:			
Electric	72,500	June 12, 1971	Granted $23,473, Dec 8, 1971.
Do	97,800	Sept 10, 1971	Heard. Decision pending.
New Hampshire Public Utilities Commission:			
New England Telephone Co.:			
Telephone	162,000	July 29, 1971	In hearing stage, but any implementation deferred pending clarification of wage/price freeze.
Do	9,950,000	Aug. 6, 1971	Do.
Public Service Co. of New Hampshire: Electric	9,123,426	July 8, 1971	Do.
Granite State Electric Co.: Electric	446,062	June 18, 1971	Do.
New Jersey Board of Public Utility Commissioners:			
Public Service Electric & Gas Co.: Electric	63,370,000	Mar 6, 1970	Authorized $36,400,000 by interim order, Oct 29, 1971. Final decision due.
Rockland Electric Co.: Electric	2,400,000	Mar. 17, 1971	Final decision due.
Atlantic City Electric Co.: Electric	13,000,000	Nov. 23, 1970	Do.
Jersey Central Power & Light Co.: Electric	42,471,618	Sept. 20, 1971	Hearing in progress.
New Jersey Power & Light Co.: Electric	16,413,454	Sept. 20, 1971	Do.
Public Service Electric & Gas Co.: Gas	8,591,000	Mar 6, 1970	Authorized $4,956,000 by interim order dated Oct. 29, 1970 Final decision due.
New Jersey Telephone Co.: Telephone	1,325,703	Apr. 19, 1971	Final decision due.
Warwick Valley Telephone Co.: Telephone	77,353	Nov. 16, 1970	Do.
New Jersey Bell Telephone Co.: Telephone	79,000,000	Sept. 16, 1970	Do.
New Mexico Public Service Commission:			
Public Service Co. of New Mexico: Electric	3,603,139	July 30, 1969	Pending in court.
Southern Union Gas: Gas	4,083,936	July 1, 1969	Do..

RATE INCREASE REQUESTS PENDING BEFORE STATE UTILITY COMMISSIONS AS OF NOV. 5, 1971—Continued

Commission, name of utility, and category	Amount requested	Date filed	Status
New York Public Service Commission:			
New York State Electric & Gas Corp.: Electric	$16,050,200	Apr. 30, 1971	Hearings completed. No opinion or decision issued.
Village of Freeport: Electric	512,194	Dec. 21, 1970	The initial request increased to the listed amount Nov. , 1971. Hearings in progress.
Orange & Rockland Utilities, Inc.: Electric	8,099,983	Feb. 2, 1971	Temporary increase of $3,400,000 granted July 14, 1971. Hearing examiner's report issued, Commission's decision on final rates pending.
Niagara Mohawk Power Corp.: Electric	55,798,000	Mar. 1, 1971	Temporary increase of $36,236,000 granted July 14, 1971. Hearing examiner's report issued, Commission's decision on final rates pending.
Long Island Lighting Co.: Electric	5,958,100	Oct. 1, 1971	Staff investigation.
Consolidated Edison Co. of New York, Inc.: Electric	142,763,237	Mar. 31, 1971	Temporary increase of $52,192,000 granted May 18, 1971. Hearings completed. No opinion or decision issued.
Central Hudson Gas & Electric Corp.: Electric	944,350	Oct. 15, 1971	Staff investigation.
Consolidated Edison Co. of New York, Inc.: Gas	20,000,000	Sept. 22, 1970	The initial request filed was for $12,490,000. $15,980,000 granted Aug. 27, 1971, subject to Federal stabilization regulations.
Columbia Gas of New York, Inc.: Gas	806,400	Nov. 17, 1970	$494,600 granted Oct. 31, 1971, subject to Federal stabilization regulations.
Iroquois Gas Corp.: Gas	20,943,457	Dec. 21, 1970	Temporary increase of $4,891,000 granted Jan. 26, 1971. Hearing examiner's report issued, Commission's decision on final rates pending.
Pavilion Natural Gas Co., The: Gas	96,600	Sept. 28, 1971	Staff investigation.
New York State Electric & Gas Corp.: Gas	3,375,600	Jan. 29, 1971	Hearing examiner's report issued, Commission's decision on final rates pending.
Brooklyn Union Gas Co., The: Gas	11,868,100	Feb. 26, 1971	Hearings completed. No opinion or decision issued.
St. Lawrence Gas. Co.: Gas	703,810	Apr. 29, 1971	Temporary increase of $331,900 granted July 28, 1971, subject to Federal stabilization regulations. Hearings completed. No opinion or decision issued.
Rochester Gas & Electric Corp.: Gas	5,230,000	May 14, 1971	Hearings completed. No opinion or decision issued.
Corning Natural Gas Corp.: Gas	236,600	July 9, 1971	Hearings ordered.
Producers Gas Co.: Gas	91,500	do	$91,500 granted Oct. 19, 1971, subject to Federal stabilization regulations.
Pennsylvania & Southern Gas Co.: Gas	25,800	May 15, 1971	$22,800 granted Sept. 9, 1971, subject to Federal stabilization regulations.
Chazy & Westport Telephone Corp.: Telephone	12,572	July 2, 1971	$12,572 granted Aug. 23, 1971, subject to Federal stabilization regulations.
Chautauqua & Erie Telephone Corp.: Telephone	95,000	May 21, 1970	$95,000 granted Oct. 6, 1971, subject to Federal stabilization regulations.
Middleburgh Telephone Co., The: Telephone	45,407	Aug. 2, 1971	Staff investigations.
New York Telephone Co.: Telephone	391,000,000	Feb. 16, 1971	Temporary increase of $190,000,000 granted July 9, 1971. Hearing examiner's report issued, Commission's decision on final rates pending.
North Carolina Utilities Commission:			
Carolina Power & Light Co.. Electric	30,624,718	May 3, 1971	Pending.
Roselle: Electric	28,598	Mar. 1, 1971	Do.
Domestic: Electric	27,589	May 13, 1971	Do.
Duke Power Co.: Electric	30,884,000	Apr. 28, 1971	Do.
Virginia Electric & Power: Electric	1,365,487	July 15, 1971	Do.
New River Power & Light Co.: Electric	75,887	Jan. 20, 1971	Do.
Piedmont: Gas	1,100,340	Aug. 5, 1971	Do.
N.C. Natural Gas: Gas	700,547	Oct. 1, 1971	Pending.
Do		Sept. 17, 1971	Do.
Public Service: Gas	1,079,282	July 23, 1971	Do.
Do		Sept. 13, 1971	Do.
N.C. Gas Service: Gas	118,850	Aug. 13, 1971	Do.
United Cities: Gas	95,483	July 7, 1971	Do.
Southern Bell: Telephone	29,650,000	Oct. 15, 1971	Do.
Central: Telephone	1,423,451	June 30, 1971	Do.
Lee: Telephone	139,115	do	Do.
North Carolina: Telephone	835,700	Oct. 28, 1971	Do.
General: Telephone	2,497,848	Nov. 5, 1971	Do.
United: Telephone	1,197,285	Jan. 27, 1971	Do.
Thermal Belt: Telephone	106,576	Feb. 24, 1971	Do.
First Colony: Telephone	8,679	Feb. 26, 1971	Do.
North Dakota Public Service Commission: Northwestern Bell Telephone Co.: Telephone	3,500,000	July 30, 1971	Pending.
Ohio Public Utilities Commission:			
Ohio Edison Co. (Industrial): Electric	6,267,375	Nov. 13, 1970	Investigation pending.
Col's & So. Ohio Electric Co.: Electric	5,360,100	Dec. 31, 1970	Do.
Toledo Edison Co.: Electric	7,663,000	Mar. 18, 1971	Investigation starting.
Ohio Eastern Co. (rural): Electric	7,751,354	Apr. 21, 1971	Do.
Ohio Power Co.: Electric	24,050,000	May 7, 1971	Do.
Cleveland Electric Illuminating Co.: Electric	53,538,000	Oct. 7, 1971	Investigation not started
Dayton Power & Light Co.: Electric	19,545,829	Nov. 16, 1971	Do.
Col's & So. Ohio Electric Co. (Col's): Electric	4,160,500	Dec. 21, 1970	Do.
Cincinnati Gas & Electric Co.:			
Electric	9,925,000	June 3, 1970	For Commission decision.
Gas	4,378,945	June 3, 1970	Investigation proceeding.
Columbia Gas Co., Inc.:			
Columbus: Gas	4,675,000	Nov. 12, 1970	Do
Franklin: Gas	1,310,903	Dec. 30, 1970	Investigation starting.
Middleburg: Gas	156,000	Mar. 11, 1971	Investigation proceeding.
Worthington: Gas	189,626	July 22, 1971	Investigation starting.
Groveport: Gas	50,099	July 27, 1971	Investigation proceeding.
Wellston: Gas	115,333	Nov. 17, 1971	Investigation not started.
Clinton Gas Co.: Gas	5,528	Dec. 10, 1970	Investigation proceeding.
Permian Oil & Gas: Gas	56,810	May 7, 1971	Investigation not started.
Ohio Valley Gas Co.:			
Coal Grove: Gas	30,000	Oct. 19, 1971	Do.
Southpoint: Gas	26,000	Sept. 11, 1970	For Commission decision.
West Ohio Gas Co.: Gas	486,374	Aug. 19, 1969	Do.
Do	115,761	Aug. 21, 1969	Do.
Lewisville Fuel & Supply Co.: Gas	4,080	Mar. 10, 1971	Awaiting hearing.
Waterville Gas & Oil Co.: Gas	7,537	Jan. 1, 1970	For Commission decision.
Ottoville Telephone Co.: Telephone	2,000	Aug. 7, 1969	Investigation proceeding.
Telephone Service Co.: Telephone	105,768	Sept. 8, 1970	Do.
Columbus Grove Telephone Co.: Telephone	30,953	July 28, 1970	Do.
Harlan Telephone Co.: Telephone	4,611	Oct. 23, 1970	Do.
Morenci Home Telephone Co.: Telephone	1,652	Mar. 15, 1971	Investigation not started.
Northern Ohio Telephone Co.: Telephone	3,470,567	July 13, 1971	Do.
Ohio Bell Telephone Co.: Telephone	165,042,000	Aug. 9, 1971	Investigation proceeding.
United Telephone Co.: Telephone	4,632,000	Nov. 4, 1971	Investigation not started.
Chillicothe Telephone Co.: Telephone	938,300	Dec. 2, 1971	Do.
Southeastern Telephone Co.: Telephone	320,561	Oct. 7, 1970	For Commission decision.
Lorain Telephone Co.: Telephone	1,136,488	May 11, 1971	Do.
Oklahoma Corporation Commission:			
General Telephone of the Southwest: Telephone	1,539,319	Sept. 15, 1969	Pending.
Oklahoma Natural Gas Co.: Gas	13,970,578	July 2, 1971	Do.

Footnotes at end of table.

Commission, name of utility and category	Amount requested	Date filed	Status
Oregon Public Utility Commission:			
California-Pacific Utilities:			
Gas	$317,900	Jan. 25, 1971	Suspended to Nov. 25, 1971.
Gas (tracking—El Paso)	339,026	Oct. 7, 1971	Suspended to Nov. 13, 1971.
Cascade Natural Gas:			
Gas	1,270,950	Oct. 13, 1971	Suspended.
Gas (tracking—El Paso)	339,732	Oct. 7, 1971	Suspended to Nov. 13, 1971.
Northwest Natural Gas: Gas (tracking—El Paso)	2,800,000	Oct. 7, 1971	Do.
Pacific Northwest Bell: Telephone	26,500,000	Feb. 18, 1971	Suspended to Dec. 19, 1971.
Pennsylvania Public Service Commission:			
The Peoples Natural Gas Co.: Gas	12,412,313	Jan. 29, 1971	Under investigation.
Pennsylvania Power & Light Co.: Electric	42,004,341	Mar. 15, 1971	Suspended to Feb. 14, 1972. Hearings in progress.
Duquesne Light Co.: Electric	16,021,306	Apr. 20, 1971	Suspended to Mar. 19, 1972. Hearings in progress.
Metropolitan Edison Co.: Electric	10,021,306	Apr. 30, 1971	Suspended to Mar. 30, 1972. Hearings in progress.
Philadelphia Electric Co.: Electric	98,199,000	Nov. 18, 1970	Has been adjudicated. $72,571,000 allowed. Order issued Nov. 9, 1971.
Bethel & Mount Aetna Tel. & Tel. Co.: Telephone	304,613	Nov. 10, 1971	Report in progress.
The Bell Telephone Co. of Pennsylvania: Telephone	73,365,000	Dec. 3, 1970	Has been adjudicated. $52,895,000 allowed. Order issued Dec. 14, 1971.
Rhode Island Department of Business Regulation:			
Narragansett Electric Co.: Electric	8,889,000	Nov. 30, 1970	Pending. Hearing completed.
Newport Electric Co.; Electric	491,000	June 21, 1971	Pending. Hearings not completed.
Providence Gas Co.: Gas	4,870,000	Dec. 11, 1970	Pending. Hearing completed.
Valley Gas Co.: Gas	899,000	Feb. 12, 1971	Pending. Hearings not completed.
South County Gas Co.: Gas	93,680	Apr. 15, 1971	Do.
New England Tel. & Tel. Co.: Telephone	14,800,000	Apr. 16, 1971	Do.
South Carolina Public Service Commission:			
Carolina Power & Light Co. Inc.: Electric	6,472,130	Oct. 29, 1971	Hearing set for Feb. 24, 1972.
S.C. Electric & Gas Co., Inc.: Electric, gas	5,312,090	Apr. 29, 1971	Granted Nov. 23, 1971.
	1,796,967	do	Granted $1,209,876, Nov. 23, 1971.
Bluffton Telephone Co. Inc.; Telephone	12,174	Aug. 30, 1971	Granted $10,719, Nov. 23, 1971.
Citizens Telephone Co., Inc.: Telephone	65,000	Nov. 1, 1971	Hearing date pending.
Farmers Telephone Cooperative, Inc.: Telephone	248,606	Sept. 6, 1971	Hearing held. Pending decision.
General Telephone Co., of Southwest, Inc.: Telephone	2,004,890	Aug. 23, 1971	Hearing date pending.
Inman Telephone Co., Inc.: Telephone	172,996		Application pending.
Jackson Telephone Co., Inc.: Telephone	16,537	Oct. 29, 1971	Hearing date pending.
Pond Branch Telephone Co., Inc.: Telephone	28,254	Oct. 5, 1971	Hearing set.
Ridge Telephone Co., Inc.: Telephone	35,227	May 24, 1971	Hearing held Jan. 18, 1972. Action pending.
Southern Bell Telephone & Telegraph Co., Inc.: Telephone	12,200,000	Aug. 10, 1971	Partial request approved Dec. 22, 1971.
United Telephone Co., of Southwest.: Telephone	672,324	Sept. 28, 1971	Hearing Jan. 4, 1972. Action pending.
South Dakota Public Utilities Commission (does not regulate electric and gas utilities)	None		
Tennessee Public Service Commission:			
Ardmore Telephone Co.: Telephone	25,239	Oct. 14, 1971	Staff investigation in progress.
Powell Telephone Co.: Telephone	27,459	Sept. 27, 1971	Do.
South Central Bell; Telephone	24,200,000	Sept. 13, 1971	Hearing scheduled.
General Telephone Co.: Telephone	780,380	June 25, 1971	Pending. Hearings completed.
Tennessee Telephone Co.: Telephone	362,700	Nov. 19, 1970	Do.
Nashville Gas Co.: Gas	2,491,134	Aug. 27, 1971	Hearing scheduled.
Texas Railroad Commission (does not regulate electric and gas utilities)			
Utah Pubic Service Commission:			
Mountain Fuel Supply Co.: Gas	$3,875,000	Mar. 30, 1971	Pending.
Utah Power & Light Co.: Electric	8,841,101	June 8, 1971	Do.
Vermont Public Service Board:			
Central Vermont Public Service Corp.: Electric	4,500,000	June 15, 1970	Hearing completed. Discusion pending.
Green Mountain Power Corp.: Electric	2,500,000	May 13, 1971	Do.
Vermont Electric Cooperative:[10] Electric	138,000	Sept. 10, 1970 Sept. 16, 1970 Jan. 19, 1970	Do.
Virginia State Corporation Commission:			
Chesapeake & Potomac Telephone Co. of Va.: Telephone	52,000,000	Apr. 15, 1971 July 1, 1971	Hearing held. $33,000,000 allowed.
Southern Telephone Co.: Telephone	171,000	July 14, 1971	Under advisement.
Virginia Telephone & Telegraph Co.: Telephone	3,456,000	do	Hearing scheduled.
Virginia Electric & Power Co.: Electric	55,000,000	Apr. 15, 1971	Do.
Washington Utilities and Transportation Commission:			
Cascade Natural Gas Corp.: Gas	5,518,356	June 2, 1971	Under suspension. Hearing being held.
Puget Sound Power & Light Co.: Electric	10,900,000	May 3, 1971	Do.
Pacific Northwest Bell Telephone Co.: Telephone	24,900,000	Jan. 29, 1971	Record closed. Order being drafted.
General Telephone Co. of Northwest, Inc.: Telephone	5,300,000	Apr. 28, 1971	Do.
Peninsula Telephone & Telegraph Co.: Telephone	9,570	Mar. 15, 1971	Under suspension. Being investigated.
Orting Telephone Co.: Telephone	21,134	July 23, 1971	Do.
West Virginia Public Service Commission:			
Chesapeake & Potomac Telephone Co. of West Virginia: Telephone	11,133,000	Oct. 22, 1969	In effect under bond as of Mar. 21, 1970. Heard and submitted Oct. 5, 1971.
General Telephone Co. of Southeast: Telephone	1,299,543	Jan. 25, 1971	In effect under bond as ot June 24, 1971. Heard and continued.
Short Line Telephone Co.: Telephone	51,839	June 22, 1971	Suspended to Nov. 18, 1971.
Consumer Gas Utility Co.—Hunington and Pennsboro: Gas	78,647	Sept. 22, 1971	Suspended to Feb. 21, 1972.
Independent Gas Co.: Gas	16,926	Sept. 24, 1971	Do.
Spenser Gas Co.: Gas	48,000	Oct. 12, 1971	Suspended to Mar. 13, 1972.
Ravencliff Fuel & Gas Supply Co.: Gas	29,825	Mar. 10, 1971	Heard and submitted Oct. 22, 1971.
Hope Natural Gas Co.: Gas	5,989,000	Oct. 16, 1970	In effect under bond as of Apr. 30, 1971. Heard and submitted Oct. 4, 1971.
Lumberport-Shinnston Gas Co.: Gas	145,294	Nov. 30, 1970	Do.
Spenser Gas Co.: Gas	9,739	Dec. 10, 1970	In effect Jan. 1, 1971 (30-B proceeding to pass on supplier's increase).
Standard Gas Co.: Gas	8,835	June 4, 1971	Suspended to Nov. 5, 1971.
Indian Creek Gas Co.: Gas	19,585	Sept. 2, 1971	Suspended to Jan. 30, 1972.
Virginia Electric & Power Co.: Electric	299,945	Oct. 2, 1970	In effect under bond as of Feb. 28, 1971. Heard and submitted Sept. 9, 1971.
Monongahela Power Co.: Electric	8,564,000	Nov. 4, 1970	In effect under bond as of Apr. 3, 1971.
Appalachian Power Co.: Electric	9,073,757	Feb. 22, 1971	In effect under bond as of July 29, 1971. Accounting audit.
Potomac Edison Co. of West Virginia: Electric	1,249,847	May 28, 1971	Suspended to Oct. 25, 1971. Under bond after freeze.
Wisconsin Public Service Commission:			
Wisconsin Public Service Corp.:			
Electric	5,028,000	Nov. 3, 1970	Hearings held Dec. 16, 1970 and June 8, 9, and 10, 1971. At adjourned hearings held on June 8, 9, and 10, 1971, cross examination of the company's presentation was completed and evidence and testimony by members of the Commission staff were introduced into the record. Awaiting Commission action.
Gas	1,931,000	do	Do.
Wisconsin Electric Power Co.: Electric	33,598,000	Nov. 6, 1970	Hearings held Dec. 18, 1970 and May 18, 19, 20, and 21, 1971. At adjourned hearings on May 18, 19, 20, and 21, 1971, cross examination of the company's presentation was completed and evidence and testimony by members of the Commission staff were introduced into the record. Awaiting Commission action.

RATE INCREASE REQUESTS PENDING BEFORE STATE UTILITY COMMISSIONS AS OF NOV. 5, 1971—Continued

Commission, name of utility, and category	Amount requested	Date filed	Status
Wisconsin Public Service Commission—Continued			
Lake Superior Dist. Power Co.:			
Electric	$739,351	Jan. 11, 1971	Hearings held Feb. 17, 1971 and May 26 and 27, 1971. At adjourned hearings held on May 26 and 27, 1971, cross examination of the company's presentation was completed and evidence and testimony by members of the Commission staff were introduced into the record. Hearing closed.
Gas	44,265	do	Do.
Wisconsin Natural Gas Co.: Gas	5,978,000	Feb. 1, 1971	Hearings held Mar. 16, 1971 and July 27, 28, and 29, 1971. At adjourned hearing held on July 27, 28, and 29, 1971, cross examination of the company's presentation was completed and evidence and testimony by members of the Commission staff were introduced into the record. Hearing closed.
La Valle Telephone Co-op, Inc.: Telephone	(11)	Mar. 15, 1971	Hearings held May 10, 1971. Hearing was adjourned and staff investigation completed. Hearing closed.
Spooner Municipal Utility: Electric	(11)	Mar. 23, 1971	Hearing May 6, 1971. Hearing closed.
Lodi Municipal Water & Electric Utility: Electric	4,851	May 11, 1971	Hearing June 15, 1971. Hearing closed.
Deerfield Municipal Water & Electric Utility: Electric	22,314	May 14, 1971	Hearing June 23, 1971. Hearing closed.
Manitowoc Public Utility Commission: Electric	(11)	do	Hearing June 28, 1971. Hearing adjourned.
Waterloo Water & Electric Commission: Electric	29,485	do	Hearing July 1, 1971. Hearing closed.
Algoma Municipal Water & Electric: Electric	(11)	May 13, 1971	Hearing June 16, 1971. Hearing closed.
Weyauwega Telephone Co.: Telephone	(11)	May 19, 1971	Hearing postponed until completion of present construction program and discontinuance of multiparty service.
Hartford Municipal Water & Electric: Electric	32,522	May 27, 1971	Hearing July 7, 1971. Hearing closed.
Northern States Power Co.: Electric	1,600,000	June 14, 1971	Hearings held July 20, 1971 and Oct. 26, 27, and 28, 1971. At adjourned hearings held on Oct. 26, 27, and 28, 1971 cross-examination of the company's presentation was completed and evidence and testimony by members of the Commission staff were introduced into the record. Further hearing scheduled for Dec. 6, 1971.
Whitehall Municipal Electric Utility: Electric	(11)	June 19, 1971	Hearing Aug. 27, 1971. Hearing closed.
Wisconsin Telephone Co.: Telephone	41,341,000	July 22, 1971	Hearing held Sept. 8, 9, and 10, 1971. Application includes request for interim relief of $10,500,000. Hearings for interim request held on Nov. 15 and 16, 1971. Staff presently engaged in investigation with respect to review of company's exhibits and records and preparation of staff exhibits and testimony if necessary.
Menasha Municipal Water & Electric Utility: Electric	(11)	July 23, 1971	Hearing Sept. 3, 1971 adjourned. Staff investigation in progress with respect to review of applicant's exhibits and records to result in preparation of staff exhibits and testimony if deemed necessary.
Kiel Municipal Utilities: Electric	33,200	Aug. 2, 1971	Hearing Sept. 16, 1971. Hearing closed.
Gleason Telephone Co.: Telephone	16,621	Aug. 12, 1971	Hearing Sept. 21, 1971 adjourned to time and place to be set.
Bloomer Municipal Water & Electric Utility: Electric	(11)	Aug. 19, 1971	Hearing Sept. 21, 1971. Hearing closed.
Stockbridge & Sherwood Telephone Co.: Telephone	86,600	Aug. 20, 1971	Hearing Oct. 7, 1971 adjourned. Staff investigation with respect to review of exhibits and books of the company in progress to result in preparation of staff exhibits and testimony if deemed necessary
Valders Telephone Co.: Telephone	(11)	do	Hearing scheduled for Nov. 16, 1971.
Fennimore Telephone Co.: Telephone	(11)	do	Hearing scheduled for Nov. 30, 1971.
Waunakee Telephone Co.: Telephone	(11)	Aug. 20, 1971	Hearing Nov. 3, 1971. Adjourned.
Mount Vernon Telephone Co.: Telephone	124,067	do	Hearing Oct. 29, 1971. Adjourned.
Cross Plains Electric Utility: Electric	(11)	Aug. 24, 1971	Hearing Sept. 30, 1971. Adjourned.
Mount Horeb Telephone Co.: Telephone	$20,953	Sept. 2, 1971	Hearing held Oct. 18, 1971. Staff investigation in progress with respect to reveiw of company's exhibits and records to result in preparation of staff testimony and exhibits if deemed necessary.
Cedarburg Light & Water Commission: Electric	86,814	Sept. 9, 1971	Hearing Oct. 19, 1971.
Bangor Municipal Utility: Electric	22,714	Sept. 20, 1971	Hearing Oct. 18, 1971.
New Holstein Public Utility: Electric	39,423	Oct. 8, 1971	Hearing Nov. 11, 1971.
Farmers & Merchants Telephone Co.: Telephone	(11)	Oct. 27, 1971	Hearing scheduled for Nov. 30, 1971.
Manawa Telephone Co.: Telephone	28,871	Oct. 29, 1971	Hearing scheduled for Dec. 2, 1971.
General Telephone Co. of Wisconsin: Telephone	14,857,000	July 22, 1971	Hearing held Oct. 12, 13, 14 1971.
Wyoming Public Service Commission:			
Mountain States Tel. & Tel. Co.: Telephone	4,296,000	Nov. 4, 1971	First public hearing to be held February or March.
United Telephone Co. of the West: Telephone	46,093	Sept. 10, 1971	Hearing set for Jan. 25, 1972.
Wyoming Industrial Gas Co.: Gas	18,097	Mar. 30, 1971	Additional studies required.
Northern Utilities, Inc.: Gas	229,538	Aug. 30, 1971	Public hearings held; now under consideration.
Mountain Fuel Supply Co.: Gas	1,197,000	Mar. 29, 1971	Do.
Frannie-Deaver Utilities: Gas	20,644	Feb. 6, 1971	Do.
Utah Power & Light Co.: Electric	175,346	June 4, 1971	Do.
Hot Springs County Rural Electric Association:			
Electric	6,867	June 2, 1971	Public notice. Now under consideration (to be allowed).
Do	[12] (17,534)	do	Do.
Subtotal, all states, all categories	3,714,189,884		
Federal Communications Commission:			
American Tel. & Tel. Co.:			
TELPAK	54,000,000	Mar. 25, 1968	Effective Sept. 1, 1968, subject to accounting order issued in docket No. 18128.
Do	64,000,000	Oct. 1, 1969	Effective Feb. 1, 1970, subject to accounting order issued in docket No. 18128.
Private line Teletypewriter equipment	13,400,000	Jan. 9, 1967	Effective Nov. 1, 1968, subject to accounting order issued in docket No. 18128.
Interstate Public Message Telephone Service	250,000,000	Nov. 20, 1970	Effective Jan. 26, 1971, subject to accounting order issued in docket No. 19129.
	(545,000,000 requested).	Jan. 26, 1971	Do.
Subtotal, FCC	381,400,000		
Boston Edison Co.: Electric	2,733,000	Mar. 30, 1970	Suspended; hearing in progress.
Georgia Power Co.: Electric	12,220,000	May 25. 1970	Do.
West Penn Power Co.: Electric	13,378	June 29, 1970	Suspended; hearing scheduled.
Monongahela Power Co.: Electric	405,644	do	Do.
Duke Power Co.: Electric	5,353,980	Aug. 19, 1970	Suspended; hearing in progress.
Union Electric Co.: Electric	818,889	Dec. 22, 1970	Suspended; awaiting Commission decision.
Carolina Power & Light Co.: Electric	8,823,971	Sept. 30, 1970	Suspended; hearing in progress.
Wisconsin Michigan Power Co.: Electric	294,207	Nov. 9, 1970	Suspended; hearing scheculed.
Delmarva Power & Light Co.: Electric	896,976	Sept. 18, 1970	Suspended; hearing in progress.
Mississippi Power & Light Co.: Electric	819,381	Dec. 22, 1970	Suspended; hearing scheduled
Commonwealth Edison Co.: Electric	454,570	Nov. 23, 1970	Do.
Union Electric Co.: Electric	1,299,081	Jan. 27, 1971	Suspended; awaiting Commission decision in companion case.
Missouri Power & Light Co.: Electric	338,453	Jan. 28, 1971	Do.
Narragansett Electric Co.: Electric	1,030,493	Dec. 14, 1970	Suspended; hearing scheduled.
New England Power Co.: Electric	16,160,897	Jan. 15, 1971	Do.
Central Telephone & Utilities Corp.: Electric	1,636,380	Apr. 19, 1971	$1,400,000 rejected; $200,000 suspended; hearing scheduled.
Southern California Edison Co.: Electric	3,840,126	Mar. 23, 1971	Suspended; hearing scheduled.

Footnotes at end of table.

Commission, name of utility, and category	Amount requested	Date filed	Status
Mississippi Power Co.: Electric	$1,059,228	Apr. 19, 1971	Pending.
Wisconsin Public Service Corp.: Electric	654,848	Apr. 27, 1971	Suspended, hearing scheduled.
Metropolitan Edison Co.: Electric	1,317,637	Apr. 30, 1971	Do.
Upper Peninsula Power Co.: Electric	40,416	June 4, 1971	Do.
Public Service Co. of Indiana: Electric	670	June 28, 1971	Pending.
Public Service Co. of Indiana: Electric	4,573,114	July 9, 1971	Suspended; hearing scheduled.
Orange and Rockland Utilities, Inc.: Electric	149,171	July 23, 1971	Pending.
Potomac Edison Co.: Electric	58,839	July 9, 1971	Suspended; hearing scheduled.
Cambridge Electric Light Co.: Electric	49,700	Aug. 19, 1971	Pending.
Rochester Gas & Electric Corp.: Electric	2,909,125	Nov. 1, 1971	Do.
Alabama Power Co.: Electric	3,367,050	do	Do.
Wisconsin Michigan Power Co.: Electric	31,000	June 26, 1964	Suspended; consolidated for hearing with another proposed rate increase.
Southern Indiana Gas and Electric Co.: Electric	132,274	Aug. 30, 1968	Suspended; customer is not currently buying power under the suspended rate schedule.
Central Vermont Public Service Corp.: Electric	1,026,348	Nov. 29, 1971	Suspended; hearing scheduled.
The Detroit Edison Co.: Electric	1,818,290	Nov. 24, 1971	Do.
Florida Power Corp.: Electric	4,155,522	Nov. 12, 1971	Do.
Gulf Power Co.: Electric	1,096,897	Dec. 1, 1971	Do.
Interstate Power Co.: Electric	29,286	Dec. 15, 1971	Pending.
Niagara Mohawk Power Corp.: Electric	157,766	Dec. 17, 1971	Do.
Sub subtotal, FPC, electric	79,766,707		
El Paso Natural Gas Co.: Gas	50,268,881	Oct. 13, 1969	Before Commission for final action.
Algonquin Gas Transmission Co.: Gas	12,320,454	Apr. 16, 1970	Do.
Florida Gas Transmission Co.: Gas	1,700,000	Aug. 16, 1965	Awaiting examiner's decision on rate of return; other matters before Commission for final action.
Alabama-Tennessee Natural Gas Co.: Gas	1,903,481	Sept. 1, 1970	Rate of return decided; other matters before Commission for final action.
Pacific Gas Transmission Co.: Gas	2,997,748	Apr. 1, 1971	Rate settlement approved by order issued January 4, 1972.
El Paso Natural Gas Co., South Div.: Gas	58,283,070	Sept. 30, 1970	Examiner decision issued January 11, 1972; matter awaiting filing of exceptions.
El Paso Natural Gas Co., N/W Div.: Gas	17,649,389		
Consolidated Gas Supply Corp.: Gas	30,248,118	Dec. 7, 1970	Awaiting examiner's decision on all issues.
Do	929,495	Nov. 16, 1971	Do.
Southern Natural Gas Co.: Gas	20,585,375	Dec. 16, 1971	Under staff analysis.
United Gas Pipe Line Co.: Gas	27,225,706	Nov. 30, 1971	Hearings scheduled for June 6, 1972.
Texas Gas Transmission Corp.: Gas	36,095,217	Oct. 1, 1971	Hearings scheduled for April 1, 1972.
Kansas-Nebraska Natural Gas Co.: Gas	3,573,496	Aug. 31, 1971	Hearings scheduled for March 23, 1972.
Trunkline Gas Co.: Gas	36,235,189	Aug. 17, 1971	Tentative settlement reached; formal agreement not yet filed.
Colorado Interstate Gas Co.: Gas	9,383,510	July 1, 1971	Tentative settlement reached; agreement filed January 10, 1972.
Do	109,650	Oct. 15, 1971	Do.
El Paso Natural Gas Co., N/W Div.: Gas	15,893,149	June 30, 1971	Hearings scheduled for March 6, 1972.
Natural Gas Pipeline Co. of America: Gas	58,782,877	May 28, 1971	Tentative settlement reached; agreement filed December 20, 1971.
Northern Natural Gas Co.: Gas	$18,323,823	Apr. 26, 1971	Phase II hearings now in progress; Phase I, priority of service has been settled pending Commission approval.
Cities Service Gas Co.: Gas	17,946,398	Apr. 22, 1971	Tentative settlement reached on all but one issue; agreement filed Nov. 9, 1971.
Great Lakes Gas Transmission Co.: Gas	9,647,370	Apr. 16, 1971	Tentative settlement reached; agreement filed Sept. 8, 1971.
United Gas Pipe Line Co.: Gas	56,079,803	Nov. 13, 1970	Tentative settlement reached on all but two issues; agreement filed Nov. 22, 1971.
The Manufacturers Light and Heat Co.: Gas	30,687,061	Oct. 1, 1970	Company has filed for Commission approval a Settlement Stipulation and Agreement; opposition has been filed.
Home Gas Co.: Gas	3,899,266	Oct. 1, 1970	Do.
Cumberland and Allegheny Gas Co.: Gas	740,461	Oct. 1, 1970	Do.
Ohio Fuel Gas Co.: Gas	33,333,000	Oct. 1, 1970	Do.
Kentucky Gas Transmission Corp.: Gas	12,287,000	Oct. 1, 1970	Do.
Atlantic Seaboard Corp.: Gas	27,550,000	Oct. 1, 1970	Do.
United Fuel Gas Co.: Gas	63,081,000	Oct. 1, 1970	Do.
Columbia Gulf Transmission Co.: Gas	42,654,000	Oct. 1, 1970	Do.
Midwestern Gas Transmission Co.: Gas	21,792,622	Sept. 30, 1970	Hearings to be scheduled.
East Tennessee Natural Gas Co.: Gas	7,250,133	Sept. 30, 1970	Do.
Tennessee Natural Gas Lines, Inc.: Gas	2,137,000	Sept. 16, 1970	Do.
Tennessee Gas Pipeline Co.: Gas	108,396,100	Sept. 1, 1970	Commission order issued 12-23-71, postponing consideration of motion to approve settlement agreement.
Southern Natural Gas Co.: Gas	16,293,437	June 16, 1970	Hearings scheduled for February 29, 1972. Company has filed for Commission approval of its Settlement Stipulation and Agreement.
	2,378,650	Nov. 14, 1969	
	37,830,641	Aug. 15, 1969	
Northern Natural Gas Co.: Gas	2,097,281	Dec. 27, 1971	Under Staff Analysis.
The Sylvania Corp.: Gas	5,908	Dec. 20, 1971	Do.
Algonquin Gas Transmission Co.: Gas	115,242	Dec. 23, 1971	Do.
Lawrenceburg Gas Transmission Corp.: Gas	16,293	Dec. 22, 1971	Do.
United Natural Gas Co.: Gas	113,204	Dec. 14, 1971	Do.
Arkansas Louisiana Gas Co.: Gas	67	Dec. 3, 1971	Do.
Southern Natural Gas Co.: Gas	508	Dec. 3, 1971	Do.
Consolidated Gas Supply Corp.: Gas	33,452	Nov. 29, 1971	Do.
Southwest Gas Corp.: Gas	217,721	Nov. 18, 1971	Do.
Baca Gas Gathering System, Inc.: Gas	18,258	Nov. 9, 1971	Do.
Western Transmission Corp.: Gas	69,930	Sept. 17, 1971	Awaiting Commission opinion.
Lawrenceburg Gas Transmission Corp.: Gas	208,986	Oct. 7, 1971	Hearings being scheduled.
	34,357	Apr. 28, 1971	Do.
	8,289	Feb. 18, 1971	Do.
	17,339	June 23, 1970	Do.
	60,329	Mar. 25, 1970	Do.
	238,600	Aug. 26, 1969	Do.
Florida Gas Transmission Co.: Gas	1,614,158	Oct. 15, 1970	Awaiting Commission opinion on prior rate cases.
	6,032,054	Mar. 16, 1970	Do.
	3,349,000	Aug. 1, 1968	Do.
Subtotal, FPC, Gas	910,743,535		
Subtotal, FPC, electric and gas	990,510,252		
Grand total, all categories, State and Federal	5,086,100,136		

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[1] Set in on interim basis Mar. 29, 1968; hearing held Oct. 27, 1971.

[2] Commercial and industrial rate schedule (no dollar amount).

[3] Rate schedules No. 4 and 5 suspended and industrial rate of 25 cents per MCF granted (no dollar amount).

[4] Purchased gas adjustment.

[5] Fuel adjustment based on 1970 costs.

[6] Filed new tariffs only.

[7] The request and grant was limited to the increased wholesale cost of gas to the gas utility resulting from federally approved gas pipeline increases. The order of the Commission provides that Michigan Consolidated will not receive another general rate increase at least until 1973. The only exception to the moratorium would be in the event the utility's wholesale cost of gas increases. Wholesale gas rates are under the jurisdiction of the Federal Power Commission. In the event the wholesale costs are later reduced and refunds are made by the suppliers, Michigan Consolidated must make corresponding refunds to its customers. Since the order the cost of pipeline gas to Michigan Consolidated has been reduced and the Commission is about to issue a rate reduction order in the amount of $5,300,000 and refunds to the ratepayers in the amount of approximately $750,000.

[8] Interim relief.

[9] As of Feb. 1, 1972.

[10] 3 cases combined of hearing purposes.

[11] Cases for which no amount of revenue requirement is indicated represent either small companies or instances where actual additional revenue requirements have not been indicated at the present stage of the proceeding. It is planned that in such proceedings the Commission staff will examine exhibits, working papers and underlying records to the extent deemed necessary for the purposes of providing cross examination of company witnesses or preparation of exhibits with respect to cost of service as may be necessary in the individual case.

[12] Decrease.

[13] FPC data indicate rate increase requests as of Dec. 31, 1971.

A HISTORY OF RECOMPUTATION

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. WALDIE. Mr. Speaker, I wish to comment on a subject in which this House, the other House, and all Presidents beginning with President Eisenhower, excepting John Kennedy, have been derelict. That subject is recomputation of military retired pay; namely, basing retired pay as a percentage of active duty pay, giving increases or decreases to the retirees as those are received by active duty personnel.

I have introduced several bills since coming to the Congress in 1966, on this subject, but have never been able to obtain action, with the explanation that righting the wrong done our retired uniformed personnel, officers, enlisted, and widows would be too expensive. This during a time when we have poured uncounted billions into a war which cannot be won, and domestic programs of known questionable value. A small portion of any of these funds would have more than paid for this obligation.

For the benefit of those Members who are not totally familiar with this problem, I should like to recount this historic situation.

Retirement for officers of the uniformed services began in 1870 and for enlisted personnel in 1885. Each time active duty pay was increased or decreased so was retired pay, always in direct relation to that active duty pay.

In 1922, President Harding, like his successor 36 years later, President Eisenhower, deprived officers alone of this recomputation.

In 1926, the Congress restored recomputation saying that the 1922 act had been a violation of "the basic law under which (they had) gained their retirement rights."

In 1930, the Secretary of War conceded that imputed contributions were made by retirees, while on active duty—active duty pay rates were depressed in contemplation of retirement benefits. This has been recognized in each congressional and executive study since including the second quadrennial review of military compensation submitted to the chairmen of the House and Senate Armed Services Committee on January 25, 1972, which states in volume 1, page 3:

> Regular Military Compensation is depressed by 7% to reflect on imputed contribution toward the member's retirement.

In 1933, when active duty pay was reduced, so was retired pay.

In 1948, the first serious recent study of uniformed retired pay was made, which recommended continuance of the imputed system as a convenience to the Government, rather than burden the United States with the cost of a contributory system.

In 1956, the Congress incorporated the recomputation system into title 10 United States Code so that recomputation thereafter was expressly required.

In 1958, without asking repeal of the recomputation statute, President Eisenhower attempted to deprive all retirees of any increase in retired pay. However, the Congress insisted that rights of retirees be recognized. Those on active duty were given a 6½-percent increase while retirees were given a 6-percent increase.

In 1961, this House passed recomputation legislation on which no action was taken by the other body.

In 1962, President Kennedy attempted to fulfill his promise and requested recomputation. The result of this request was, indeed, strange.

In 1963, the recomputation legislation—title 10—was repealed, and a cost-of-living increase for retirees was established, which has resulted in a staggering loss to each retiree, so that now there are 10 different scales for retirees, all of whom have the same obligation.

It is against this background which I asked this House to act on my bills, but to no avail.

While all this was taking place, in 1959, President Eisenhower was saying that recomputation "involves a sense of justice of the Government" and that the 1958 legislation was a "flaw."

In 1960, the Vice President called the situation unjust pay discrimination, unfair treatment, and an injustice.

In 1962, Vice President Humphrey noted the need to reestablish fairness and eliminate the penalties being applied to the oldest group of retirees and inequities of the present system.

In 1968, candidate Nixon promised if elected to urge Congress at the earliest possible time to pass legislation then pending and sponsored by Senator TOWER, to correct the unfair discrimination against the older retirees, the intolerable and unfair burden, and injustice.

To date, no action has been taken.

We continue to penalize these retirees whose only fault was to rely upon the word of the United States that if the retirees served their time, and made their contributions, they would receive the benefits promised them. We, the Congress and the President, have in effect passed a special tax assessed against the retirees.

I am pleased that a group of my constituents, the Retired Officers Association of Contra Costa County, has taken the lead against this background of frustration by both congressional and Presidential inaction. There is now pending an action in the court of claims to establish their legal rights, so that for those people on active duty prior to 1958, the United States will keep its word.

I hope that the courts will do what many of us have promised but have not been able to accomplish.

LATF RECEIVES STRONG LATIN AMERICAN SUPPORT

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. MORSE. Mr. Speaker, I have watched carefully during the past 3 years the development of the Latin American Teaching Fellowships—LATF—program of the Fletcher School of Law and Diplomacy. I have been pleased to serve as a member of the National Advisory Board of the LATF program, along with several of my distinguished colleagues from the Congress: Congressman MACDONALD, Congressman FASCELL, Congressman FRASER, Senator CHURCH and Senator JAVITS.

The LATF program is worthy of special note because of the dynamic expansion which it has maintained during the recent years. The program now has 60 young scholars and scientists teaching in universities in 12 Latin American countries. The program will have over 100 fellows in the field by the end of 1972. This represents a 1,000-percent increase in only 4 years.

The process and technique of LATF is nowhere better illustrated than in Venezuela. Mr. Stephen M. Johnson, director of the LATF program in Venezuela and Colombia, points out in his article "L.A. Teaching Fellowships—Reversing the Brain Drain," which appeared in the November-December issue of Business Venezuela, how the LATF program has developed in Venezuela. I am including Mr. Johnson's article in the RECORD since I feel certain that it will be of interest to all who are concerned with our relationships with Latin America.

I share the views of Representative DON FRASER, my colleague on the Foreign Affairs Committee, who said:

> And I believe this applies to all programs, governmental, private, and mixed—must interact with local institutions in a plan that has been defined by the local institution and which is implemented under their direction. This approach has been the hallmark of the innovative Tufts program.

More than 20 fellows will be teaching in Venezuela by the end of 1972 under the LATF program. I note with real interest that many of the LATF fellows in that country are associated with the Universidad Simon Bolivar, which is well on its way to a position of preeminence in scientific and technological studies in Latin America.

I have been very interested in the question of how the LATF program has managed to develop so rapidly. The key seems to be the active involvement of the program with local institutions, and LATF is responding to their clearly expressed needs and requirements.

In summary, here is an education program in Latin America that has demonstrated drive, innovation and imagination. LATF, particularly in Venezuela, has demonstrated a great capacity for growth. The reason is summed up in the comments of Dr. Ignacio Iribarren of the Universidad Simon Bolivar who said:

> I dare say, as a Venezuelan who dedicates his efforts to education, that L.A.T.F. is making an important contribution to our country. . . .

It is my firm view that this spirit and technique should characterize all of our development efforts in Latin America—not only because it is right—but especially, because it works. The experience of LATF and of its distinguished Representative in Latin America, Mr. Steve Johnson, indicates that this is so. Mr. Johnson's article follows:

TALENT RECRUITMENT: LA TEACHING FELLOWSHIPS—REVERSING THE BRAIN DRAIN

(By Stephen M. Johnson)

(NOTE.—Mr. Stephen M. Johnson is Director of the Latin American Teaching Fellowships in Venezuela and Colombia. A graduate of Northwestern University, he received his law degree from Tulane University and was admitted to the Illinois Bar. Before coming to Caracas, he served as an L.A.T.F. Fellow in Santiago, Chile, where he developed a course on Anglo-American Public Law at the Cathaolic University and worked as a legal intern for the Ford Motor Company.

"It is clear that the essential cause of underdevelopment is the scarcity of qualified people for industry, government, research and other important areas." Those are the words of a prominent university educator at Universidad Simón Bolivar, a university committed to eradicating this root cause of underdevelopment through a decided orientation towards technical and scientific fields offering degrees in such fields as Computer Science, Engineering and the Physical Sciences.

University authorities acknowledge that their main difficulty has been recruiting suitably qualified teachers in these areas.

One program is meeting demand for highly skilled professors and doing so in a unique way. The program is Latin American Teaching Fellowships, administered by means of the Fletcher School of Law and Diplomacy at Tufts University in Medford, Massachusetts.

What makes it unique?

The support of the business community, in particular the multinational corporation, within Venezuela and throughout nine other Latin American countries where the program is operting.

Started some six years ago with a grant from the Ford Foundation, Latin American Teaching Fellowships undertok to send PhD candidates to Central and South America to complete dissertation research while at the same time making a solid contribution through their active participation within the classroom of Latin American universities. In this fashion, L.A.T.F. Fellows have taught courses not heretofore offered within the normal curriculum and assisted full-time professors, imparting the benefit of their training in both the substance and the methodology of their subject.

The philosophy behind the program was best described by Profesor William S. Barnes, of the Fletcher School, founder and Chairman of the National Advisory Board of L.A.T.F.:

"We didn't want to send graduate students to Latin America who would be asking a lot of questions and not making a contribution. We didn't want our Fellows to be wandering minstrels."

From the outset, private industry has played a major role in the success and growth of this effort through its financial support, both in the form of donations and by associating L.A.T.F. Fellows with their firms as "interns".

UNIQUE FEATURES

The internship component of this program is its most unique feature. Under this arrangement, L.A.T.F. Fellows, specialists in such areas as economics, business, administration, law and, more recently, the physical sciences, work on a flexible part-time basis for periods of up to three years with private enterprise while simultaneously teaching at local universities.

Originally conceived as an alternate means of financing when the Ford Foundation made a major policy decision to divert resources previously allocated to Latin American programs to urban areas within the U.S., the internship component of L.A.T.F. has demonstrated advantages not present when the program was solely academic.

First, the multinational corporation receives a direct benefit as the intern works with them directly in their own operation. The intern comes to the company with real skills and a high degree of knowledge about the culture and the language of the country. He also serves as a direct link between the company and the university where he teaches.

One top executive of an important manufacturing concern in Venezuela has summed up that link:

"The student at our local university gains the profit from the intern's U.S. education and practical application from the intern's exposure to commerce in the student's country. We feel this dual effect important to the development of our student population. It gives them another viewpoint which is frequently ignored or unavailable from other types of teachers."

Second, the Latin American university receives a first-rate teacher for the two to three-year period that the Fellow serves as an intern. Because one is a much more effective teacher the second and third year, this time factor is significant. Also, because the living stipend of the Fellow is provided by the company, the university's frequently limited resources are not further diluted.

Third, the teaching intern, because of his novel experience, gains a much greater understanding of the people in the country where he works and, upon returning to the U.S. to work or teach, brings with him his understanding and awareness.

Participating companies, in exchange for the services of an intern, commonly cover the Fellow's roundtrip transportation and reasonable baggage allowance and provide his monthly stipend which averages between $550 and $650, payable directly to L.A.T.F. to avoid conflict with local labor law stipulations.

One banking firm active in Latin America has acknowledged the modest cost of contracting the services of an L.A.T.F. intern: the bank frequently pays as much as $32,000 to bring down one of its own trainees for a one year period.

The duration of the internship arrangement varies from two to three years and the firm maintains the right to cancel the association at any time.

FILL IMPORTANT GAPS

The experience of the multinational corporation in Venezuela with L.A.T.F. interns has revealed that these highly specialized people can fill important gaps in local planning, market research or legal projects.

An example is the case of a major chemical firm who put its economist intern to work devising alternate funding strategies for its bulk chemical facilities while also doing contingency planning for the company in the event Venezuela joins the Andean Common Market.

As automotive company made the decision to sponsor an L.A.T.F. lawyer on a permanent basis after its first intern became in effect the legal middleman between parent company counsel and the local firm of attorneys. The L.A.T.F. intern centralized company contracts and made possible a verification of attorney billings. Although not a Venezuelan lawyer, he was able to save the company time and money by researching basic points of law on his own. This experience led the automotive company to associate a second intern, also an attorney, with its Chilean subsidiary.

On the basis of such results, IBM asked for and received the services of an L.A.T.F. intern trained in law, bringing to four the number of Fellows associated with that company in as many Latin American countries.

A national program, Latin American Teaching Fellowships annually receives over 200 applications from top universities all over North America.

Although the majority of Fellows are U.S. citizens, that is not a pre-requisite to application. In fact, a reading of the roster reveals citizens of such countries as Germany, Switzerland, England, Mexico, Chile, Colombia, Brazil and Argentina. As a vehicle that enables and indeed encourages Latin Americans to return to their own or neighboring countries, the L.A.T.F. program is also seen as a means of reversing the so-called "brain drain".

During the current year, 34 Fellows were selected. As they join their colleagues already working and teaching in Latin America, they will bring the number of active Fellows to approximately 60 spread over 10 countries from Mexico to, quite literally, Tierra del Fuego where LATFer Eugene McCarthy has conducted seminars.

An intern with the Chilean National Oil Company for over a year and a half and a Chemistry professor at the Catholic University in Valparaiso, Chile, Gene McCarthy, whose British accent assures no relationship to the former Senator from Minnesota, is typical of the caliber of Fellow selected. A PhD in Organic Chemistry from the University of California, Berkeley, Gene has worked with two Nobel Prize Laureates: Melvin Calvin at Berkeley and Konrad Block of Harvard University while a post-doctoral research grant recipient.

ORIENTATION SESSION

Prior to departing for Latin America to assume their responsibilities, the group of selected candidates is brought to the Fletcher School for a week's orientation session. This fall the 34 Fellows and their wives joined executives from Gillette and Arthur D. Little to discuss the private sector in Latin America and the role of private foreign capital and the multinational corporation. Also on hand for a similar seminar was U.S. Congressman Donald Fraser, who serves, along with Representative H. Bradford Morse and Senator Jacob Javits, on the L.A.T.F. National Advisory Board.

From the group of selected candidates, five will be heading for Venezuela where they will be teaching at such institutions as Universidad de Oriente, Universidad Católica Andrés Bello and Universidad Simón Bolivar.

At a time which many feel is decisive to U.S.-Latin American relations, participating U.S. business can feel the same measure of pride as the L.A.T.F. Fellows themselves to hear comments like the one recently made by a university professor and administrator:

"I dare say, as a Venezuelan who dedicates his efforts to education, that L.A.T.F. is making an important contribution to our country . . ."

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

LETTER FROM AMERICAN COTTON SHIPPERS ASSOCIATION

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. ALEXANDER. Mr. Speaker, recently I submitted an article entitled, "A Knife at the Jugular," March 1, page 6403, CONGRESSIONAL RECORD, for the benefit of my colleagues.

Subsequently, I received a copy of a letter from Mr. Neal P. Gillen, vice president and general counsel of the American Cotton Shippers Association, who alleges plagiarism of material which appeared in a similar article. In order to set the record straight, a copy of a letter from Mr. Gillen to the editors of the American Cotton Grower is attached.

The letter follows:

AMERICAN COTTON SHIPPERS ASSOCIATION,
Memphis, Tenn., March 6, 1972.

GENTLEMEN: Plagiarism can be avoided when appropriate credit is given to the actual author of the cited material. The attached article printed in the Congressional Record by Representative William Alexander is replete with material that should have been credited to the American Cotton Shippers Association, or this writer.

For the benefit of your editorial staff, I enclose a copy of our testimony presented to the Subcommittee on Agricultural Exports of the Senate Committee on Agriculture and Forestry. The writer testified on November 5, 1971 when the Subcommittee called hearings to ascertain the effects of the dock strike on U.S. agriculture. If you compare the attached article and testimony, you will note many similarities.

Accuracy in quotation is probably the most important single rule in both print and broadcast journalism. I would respectfully point out that the quotation attributed to the U.S. Supreme Court, "neither party has any right in its relations with any other to engage in acts or practices which jeopardize public health, safety, or interest", was never uttered by that distinguished body. This language was taken from the preamble of the Labor Management Relations Act of 1947, the Taft-Hartley Act. A careful reading of the attached testimony by your editors will set the record straight.

Sincerely,

NEAL P. GILLEN,
Vice President and General Counsel.

THE VOICE OF DEMOCRACY 1972 NATIONAL WINNER

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mrs. MINK. Mr. Speaker, we in America often take for granted that we live in a democracy. That we have the freedom to do whatever we please, within the limits of the law, is our constitutional right. Yet, how many of us stop to think what freedom and democracy really mean and how fortunate we are to have these?

Mr. Evan Spangler of Fort Shafter, Hawaii, did and he expressed his thoughts in a very eloquent and sincere way. He expressed his thoughts through a speech entered in the Veterans of Foreign Wars' Voice of Democracy contest in December. He was this week declared the national winner of that contest.

We of Hawaii are especially proud of Evan's achievements. He is a junior at Radford High School in Honolulu and recently became an Eagle Scout.

I am proud to share with you today, Evan Spangler's winning Voice of Democracy speech:

MY RESPONSIBILITY TO FREEDOM

By Evan Spangler

Demographers tell us that some where in this world a baby is born every three seconds—that in the United States a new American is born every seven seconds.

Consider for a moment that man, with his great capacity to create and produce, has no choice over the time, place or ancestry of his birth. That I am an American is an accident. To be born free is an accident.

But to live free is a challenge.

In the divided city of Berlin in 1945, Peter Fechter was born and by accident in the Communist-controlled sector. Seventeen years later, Peter Fechter was working as an apprentice mason on the east side of the infamous Berlin wall.

As he looked at the wall, he clearly understood the challenge to live free. One day during his lunch break, Peter made his decision.

Without a second thought, he hurdled the barbed wire barricade, dashed across the sandy strip between the wire and the wall, and clawed his way to the top.

A volley of pistol fire cut him down. East Berliners watched terrified as his body fell. For an hour he lay bleeding, screaming for help, clutching at the sand. When his youthful body became quiet and cold, the Communist soldiers carried him away.

To be born free is an accident. To live free is a challenge. To die free is an obligation.

Because I was born free, I have a responsibility to freedom. It is an inescapable responsibility that was born at Valley Forge, nurtured at New Orleans, tempered at Shiloh and Gettysburg, and tested in the Belleau Wood.

My defense of freedom is not always by the sword. I defend freedom when I exercise my responsibilities as an American citizen through constitutional processes that have prevailed for nearly two centuries.

My freedom of speech is only as strong as the free speech enjoyed by my fellow citizens. If their voices are restrained, then my voice is hushed also. Voltaire recognized this responsibility when he said, "I disagree with what you say, but I will defend to the death your right to say it."

To be born free is an accident; to live free is a challenge.

I face up to this challenge when I express my views through letters to my representatives in government and through letters to the editors of newspapers. In another year, I will exercise my responsibility to freedom through the ballot box, recognizing that if I fail to vote I have weakened the legacy of my forefathers.

I must not abuse my freedom. To do so is to risk its loss. Any freedom that I enjoy at the expense of my fellow man is mockery. I strengthen my freedom when I champion the rights of others. We are a nation of laws and not a nation of men. Frederic Bastiat wrote: "Liberty does not exist because men have made laws. On the contrary, it is because freedom existed beforehand that caused men to make laws in the first place. The law exists only to protect freedom."

To be born free is an accident; to live free is a challenge; and to die free is an obligation.

The defense of freedom is my obligation for history documents that once a people lost their freedom, they never regained it. I accept my obligation knowing full well the price. I abhor war and the anguish it reaps. Yet I cannot ignore the alternative for as General Omar Bradley observed: "A soldier's pack is not so heavy as a prisoner's chains."

Another American said: "If we do not defend freedom we will lose it, and if we fail, I fear we will face telling our children what it was we found more precious than freedom."

Peter Fechter understood the consequence that day when he dashed to the top of the wall.

I understand it, too. I accept my responsibility because to be born free is an accident; to live free is my challenge; and to die free is my obligation.

EFFECTS OF UNEMPLOYMENT

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. DIGGS. Mr. Speaker, I am glad to support this bill which will help check skyrocketing unemployment in those communities which have the greatest need for federally assisted public works programs. Those areas which suffer most from the ravaging effects of unemployment; namely, our black communities—where unemployment rates are more than double those of the national average—are likely to be significantly assisted.

The national average of 6 percent unemployment represents a tragic waste of manpower. Manpower which, if the tremendous resources of this country were put behind an honest effort to achieve full employment, would make a vast contribution to the further human development of the United States.

In 1972, as in the past 2 years, we are faced with the specter of rising unemployment figures. More and more people want to enter the job market, only to find that there are fewer and fewer jobs available for them. They want to work, but the jobs are not there. This 6-percent figure, therefore, is wasteful and tragic.

If we turn our attention away from the national unemployment figure for a moment, and concentrate, as we must, on where the real problems of underemployment and unemployment rests, the picture is even more distressing.

We see areas containing millions of people where the unemployment figure is 12 percent. We see, in certain groups, such as men between the ages of 17 to 24 years old, 35 to 50 percent unemployment. We see minimal social services in areas whose density of population requires that social services be numerous and effective. We see a devastating lack of permanent public facilities. This bill, if enacted and signed by the President, will begin to alleviate some of these serious problems in our communities most seriously affected by unemployment.

In addition to the most important remedial aspects of this bill, I would suggest that it also draws the national attention to those areas which suffer from chronic unemployment or underemployment. It is important to remember the unforgivably bad conditions that are allowed to exist in so many of our black communities, despite the abundant wealth that America possesses. We have the capacity to develop these areas as we have developed other areas of our country and, in fact, other areas of the free world.

My own city, the city of Detroit, is illustrative of the reasons why H.R. 13300 should be supported fully by both Democrats and Republicans interested in reducing the rate of unemployment in this country.

For example, a recent national business publication, reported that while only 3.7 of the white males in metropolitan Detroit were unemployed, in the black community there was a 30-percent unemployment figure for the same age group. In late February of last year 1 out of 8 Detroiters were out of work. In the inner city, nearly 1 in 4 persons was unemployed.

Because of a dwindling tax base, Detroit, like most of our large cities, finds it increasingly difficult to maintain its social services; much less expand them to meet future needs.

H.R. 13300 would go a long way toward meeting the twin challenges of severe unemployment rates and the lack of public services in our Nation's most economically crippled communities. Last year I supported a similar bill to aid those areas of our Nation with extra high unemployment. The need has grown greater since then, and I support this bill which would raise to a more reasonable and effective level the authorization in section 105 of the Public Works and Economic Development Act of 1965. I will reiterate today what I said at that time:

> This bill is the kind of legislation with a national purpose, which will concentrate national energies toward economic recovery, which has proven effective in the early 1960s and which can prove itself effective again in the 1980's.

DAY CARE CENTERS—A WORTHY EXAMPLE

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. SCHWENGEL. Mr. Speaker, child care controversies have been debated repeatedly during the past year. Many Americans are trying to grapple with the unique problem of the working woman and her children. But while many debate, others have recognized the need and shown welcome initiative.

In 1969, the Church United Women of Grinnell, Iowa, started a day care center. Operating from the basement of the Presbyterian Church and charging only enough to meet utility costs, the center has now grown into an active, thriving communitywide effort. The center has become such a success it must move to larger quarters.

The center provides an excellent place for preschool children to learn, play, and grow. Under the guidance of an excellent professional staff, a forward-looking board of directors, and many volunteers, the day care center is continuing to grow.

Recently, Picture magazine of the Des Moines Register carried a story on this center and its achievements. The center provides a worthy example of what can, and is, being done to provide necessary child care facilities.

The magazine article follows:

HOW CIVIC EFFORT BUILT A DAY CARE CENTER

(By Jim George)

The Grinnel Community Day Care Center is a gratifying success story of local civic action to meet a specific need. At this lively, bustling center, young children of Grinnell working women have an excellent opportunity to learn while their mothers earn.

"We work toward total development of the child—intellectually, emotionally, physically, psychologically and socially," explains Mrs. Charles Seller, the director. Unlike ordinary babysitting, the non-profit Grinnell agency conducts an on-going program in which youngsters can learn how to get along with each other, learn about the world and learn how to do things for themselves. This is accomplished through a combination of play and educational experiences.

Church Women United of Grinnell started the Day Care Center ball rolling, and the project then developed into a communitywide effort. The Center opened in September, 1969, as a incorporated organization licensed by the State Department of Social Services. It is in the basement of the Presbyterian Church, which charges only enough rent to cover utilities. Larger quarters are now being sought.

APPRECIATIVE GRANDMOTHER SENT A $2 CONTRIBUTION

After a slow start the Center is a busy place now from 6:45 a.m. to 5:30 p.m., Monday through Friday. Twenty-five youngsters are enrolled, some part-time; about 70 children have participated since the agency opened and there is a waiting list now. Any child between the ages of 3 and 6 is eligible to attend. Low-income families have an equal opportunity, as rates range from $1 to $4.50 a day, based on a confidential statement of the family income and the number of persons in the family.

Children at the Center follow a loosely structured day. Mornings include breakfast, free play, group activities, occasional field trips, outdoor play when weather permits, snack time and additional free play. A hot noon meal is served and quiet play precedes stories and nap time. Most of the tots sleep about two hours, then it's snack time and additional play.

Grinnell's Day Care Center operates on an annual budget of about $12,000, fees being the major source of income. Other financial support comes from the United Fund and donations by civic clubs, businesses, and individuals such as the man who gave a check to cover the first year's rent and an appreciative grandmother who sent $2. Many organizations, including youth groups and the retired people at Mayflower Home, have given equipment and materials.

ONE ADULT ON HAND FOR EACH FIVE CHILDREN

On the regular staff are Mrs. Charles Seller, director; Mrs. Dennis Haas, head teacher, Mrs. Ted Mueller, teacher, and Miss Mary Ellen Brock and Philip Mears (a 1971 Grinnell College graduate), assistants. All have B.A. or M.A. degrees. Other members are Mrs. Leonard Thon, cook; Mrs. Mary Adkins, an assistant affectionately known as "grandma", and Ellen McDonald, high school student who is a Neighborhood Youth Corps worker.

About 30 volunteers—half Grinnell College students and half housewives—round out the crew needed to maintain the Center's ratio of one adult to five children. Most of the volunteers work one three-hour shift a week.

The Day-Care Center is administered by a board of directors representing a cross-section of the community. The directors are Mrs. Don Renaud, president; John Annin, vice-president; Mrs. Eunice Moberly, secretary; Roger Roland, treasurer; Father Michael Tan Creti, finance chairman; Avis Tone, Dr. Sara Ann Brown, Mrs. Don Larsen, James North, Mrs. Imogene Knowles, Dr. L. E. Phipps, Mrs. Ruth Campbell, Rick Bierman and Mrs. William Deminoff.

ABORTION AND MATERNAL HEALTH

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1972

Mr. HOGAN. Mr. Speaker, abortion is so often tossed off as "so simple," "relatively painless" and "foolproof," but startling statistics to the contrary have been exposed recently. The mortality rate is almost 100 percent for the child involved.

Not only are there often physical and psychological complications for the mother after an abortion, but the actual maternal mortality rate after abortion is shockingly high.

In the third of a series on abortion written for the North Carolina News Service, Mary Kay Williams considers the question of abortion and its relationship to maternal health, and I insert the article into the RECORD.

The article follows:

III. ABORTION AND MATERNAL HEALTH

(By Mary Kay Williams)

The picture that forms when a person mentions "back-street abortionists" is a chilling one. Immediately one thinks of the fear and the humiliation the woman may feel in seeking an illegal abortion. One cannot be cold to her situation. She is a woman in a critical period facing a society which, in the past, was largely unsympathetic and smugly self-righteous.

And so, when one hears the argument that abortion-on-demand will put an end to illegal abortionists and to maternal health hazards rising from them, the argument may seem on the surface highly convincing.

We look, first of all, to what has been the pattern in countries which have relaxed their abortion laws. Several doctors at the Mayo Clinic did research on this subject and their findings were startling. Their data from Japan, Britain, Yugoslavia, Hungary, Czechoslovakia, Switzerland, Bulgaria, Poland, the Soviet Union and the German Democratic Republic concluded that not one of these countries has seen a decrease in the criminal abortion rate as a result of liberal abortion laws.

While it is true and tragic that women have died from illegal abortions, one must not forget that the mortality rate for aborted fetuses is 100 percent. We must also keep in mind several other points:

1. American public policy has never before operated on the principle that a solution to an illegal or immoral act is to make that act legal and moral.

2. The above evidence that liberalized abortion in other countries has not altered the criminal abortion rate.

3. While the development of newer abortion techniques is making abortion safer for the mother, it is too early to know of long-range effects both physically and psychologically. But safety is not the issue anyway. Even if abortion did become as safe as brushing one's teeth, safety is still not the issue. Fetal life is the issue. (This is not to discount the importance of the mother's life. It has been the general public policy position in the U.S. to perform a therapeutic abortion to save the life of the mother. But these organic reasons—heart disease, epilepsy, diabetes etc.—have greatly diminished because of medical advancement.)

4. When we talk about the maternal death figure, we must not be confused about estimates. Pro-abortion sources will quote a figure of between 5,000 and 15,000 deaths from illegal abortions yearly in the United States. A somewhat flip but commonsense retort would be that nobody could hide that many bodies each year without clamorous public outrage. You don't keep that kind of thing secret for long. So where did the figures come from? Investigation reveals that this data originated in the pre-antibiotic era of the 1920's in which a highly unrepresentative group of patients was collected from a New York birth control clinic and from country physicians, and then general estimates were made from the data.

What about the victim of rape? The Kennedy Foundation-Harvard Divinity School Conference on Abortion estimated about 750 women become pregnant each year as a result of rape. The conference pointed out, however, that any woman can go to a hospital within five days or so after being raped and receive a D & C (This is a dilation and curretage, not an abortion).

But suppose a woman does not report the rape, for fear or other reasons, and she is pregnant? When sincere people fight *against* abortion-on-demand for this woman, they ought, at the same time, to be fighting for financial aid to cover her medical expenses, pregnancy leave, items such as maternity clothes and dietary concerns. And in addition, if this mother elects to keep her baby, she should be assured of some form of continued support.

Our final concern is with the mental health of the mother. Most abortions in the United States are performed under the category "to preserve the mental health of the mother."

Take a look at some percentage of abortions performed for psychiatric reasons: Oregon 97 percent; California 98 percent.

These percentages greatly disturb psychiatrists—not because they reveal so much mental illness among pregnant mothers but because they know these statistics to be a smokescreen.

You will find leading pro-abortion psychiatrists who readily admit that the mental health provision allowing abortion is not only abused but makes a mockery of their profession. The field of psychiatrics which can offer so much hope and healing to patients finds itself the comrade to the destruction of fetal life.

Consider the judgment of a group of pro-abortion psychiatrists called the Group for the Advancement of Psychiatry: "We discovered that most abortions now performed legally by licensed physicians were performed by stretching the concept of 'psychiatric grounds' to the breaking point."

Dr. Louis Hellman, assistant secretary of HEW's population affairs and an advocate of easy abortion, is even more direct. He recently called the laws that require a psychiatrist's permission to perform an abortion "a gross sham."

Other psychiatrics concur. While they will admit that it is very normal to have some depression and anxiety during pregnancy, they also maintain that the fetus has not been shown to be a direct cause of any emotional disorder.

Furthermore, pregnancy and birth does not adversely affect patients with cases of schizophrenia, manic depressive illness, or of any of the majority of psychoneuroses.

What has emerged in the light of this material is that maternal health, either mental or physical, is not the reason why most abortions are performed. Instead we must realize that most abortions are performed for social reasons, convenience, or economic concerns—reasons which may call for alleviation by other measures, but which are not grave enough to forfeit a child's life.